

**Assembly of States Parties**Distr.: General  
7 August 2012

Original: English

**Eleventh session**

The Hague, 14-22 November 2012

**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***Executive Summary*

The Trust Fund for Victims (TFV) fulfils two mandates for victims of crimes under jurisdiction of the International Criminal Court (ICC): administering reparations ordered by the ICC against a convicted person and providing assistance to victims and their families by the use of voluntary contributions from donors. The Fund continued its approach of mainstreaming gender throughout all of its programming processes, combining a victim-centred approach with an integrated community-based approach.

The reparation mandate may be activated very soon in relation to the first ever conviction by the ICC, on 14 March 2012, of Mr Thomas Lubanga for crimes related to the conscription and enlistment of child soldiers. On the same date, Trial Chamber I invited parties and participants of the case, including the Trust Fund for Victims, to make observations on reparations principles and procedure. In its submission to the Trial Chamber, the Fund advocated for a community based approach to collective reparations in the Lubanga case, serving to address the risk of further stigmatization of vulnerable victims (including victims of sexual violence related to the crimes) and, looking forward, being instrumental in paving the way for intra- and inter-communal reconciliation.

Under its assistance mandate, the Fund supported over 80,000 victims of crimes under the jurisdiction of the ICC through physical rehabilitation, psychological rehabilitation and material support at both the individual and community levels. The current programme consists of 28 active projects in northern Uganda and the DRC. The number of beneficiaries/victims has slightly increased compared to last year and the majority of them continue receiving a combination of integrated physical and psychological rehabilitation and/or material support. The target beneficiaries of the TFV interventions are victims defined according to the description of the Rome Statute. During this reporting time frame, the Fund reinforced its interventions in DRC, while in Northern Uganda the transition phase has been initiated. The international competitive tender procedure to launch the Fund's programme in the Central African Republic is in its final stages.

Scarcity of resources has limited the Fund's capacity to pursue high-profile visibility and awareness raising campaigns. Visibility of the Fund has however increased on the ground, including in Ituri (DRC). In the light of the Court's first reparations case, increased visibility may carry the risk of an unintended negative response from certain parts of local communities, hampering the Fund's activities on the ground.

The 9th annual meeting of the Board was held in The Hague, from 24 and 26 March 2012. In addition to discussing the Secretariat's Budgets of 2012 and 2013, the Board also adopted a procedure to regulate possible areas of conflict of interest for individual Members. Among the topics covered during the Board meeting, the prospect of a reparations decision in the Lubanga case was discussed at length. To facilitate fundraising efforts geared toward private donations, the Board approved the adoption of "TFV Guidelines for Private Contributions". The Board also approved the increase of the Fund's reparation reserve with € 200,000 to € 1.2 million, as well as programme extensions in DRC and northern Uganda, with a total amount of € 1,306,432.

In accordance with paragraph 11 of the annex to resolution ICC-ASP/1/Res.6, which states that all offered voluntary contributions, regardless of whether they were accepted or refused, should be reported annually to the Assembly, a list of voluntary contributions is contained in annex I to this report. The list includes, inter alia, the contributions received from States (€2,234,314.90); institutions and individuals (€9,900.61); in-kind and/or matching donations from implementing partner organizations (equivalent to €495,590 from the period of 1 July 2011 – 31 March 2011); and interest income to the Fund (€16,762.21). The Fund's Euro account showed a balance of €280,545.26; the US Dollar account had a balance of US\$19,897.66. In addition, the Fund currently has a savings account of €3,220,000 as per 30th June 2011.

The Board wishes to suggest, for the first time, to the Assembly of States Parties to allocate "contributions, other than assessed contributions" to the Fund, as envisaged in Regulations 21 (d), 35 and 36 of the Trust Fund for Victims. In the view of the Board, the allocation of such resources should be instrumental to further bolster the reserve maintained by the Fund for purpose of complementing Court-ordered reparations awards, since in most cases presently pending before the ICC, defendants have been declared indigent for the purpose of legal aid. The Board suggests that the ASP considers an additional allocation of up to €1 million for the purpose of strengthening the Fund's reserve for reparations. This would have a great significance in demonstrating the support of all States Parties to the pivotal role that the Fund shall play in contributing to the feasibility and credibility of Court-ordered reparations. In addition, such a contribution would relieve the burden on the Fund's comparatively modest revenue from voluntary contributions, thereby allowing the Fund's current assistance mandate activities to continue, and to expand to other ICC situation countries.

The total proposed Major Programme VI budget for 2013 is €1,659,300 and given that all Fund's staffing posts are to be filled by the beginning of 2013, the Board respectfully requests the ASP, in consideration of the comparatively modest size of MP VI, for exemption from the application of the vacancy rate.

## I. Introduction

1. In accordance with resolution ICC-ASP/1/Res.6 and regulation 76 of the Regulations of the Trust Fund for Victims ("the Fund")<sup>1</sup>, the Board of Directors ("the Board") submits the annual report to the Assembly of States Parties ("the Assembly"). The period covered by the report runs from 1 July 2011 until 30 June 2012. It gives a summary of the achievements made through the implementation of active projects in two countries under the jurisdiction of the International Criminal Court ("the Court"). The report provides an update of the financial situation as well as the prospective budget of the Secretariat for 2013.

<sup>1</sup> Regulation 76 of the Regulations of the Trust Fund for Victims 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".

## II. Activities and projects

2. The Fund fulfils two mandates: (1) administering reparations ordered by the International Criminal Court (“the Court”) against a convicted person,<sup>2</sup> and (2) providing multidimensional assistance for the benefit of victims subject to the provisions of article 79 of the Rome Statute by the use of other resources.<sup>3</sup> Both mandates are interrelated and provide support to victims of genocide, crimes against humanity and war crimes committed since 1 July 2002.<sup>4</sup> The Fund’s Performance Monitoring Plan (PMP) provides the programme framework for implementing the reparation and general assistance mandate. The PMP also links to the Rome Statute, key Court instruments, Regulations of the Fund, international human rights and humanitarian law, appropriate United Nations Resolutions, donor frameworks, and other applicable treaties, principles and transitional justice initiatives. The Fund continued its approach of mainstreaming gender throughout all of its programming processes. The Fund considers that empowering victims, especially women and children, remains a key step toward ending impunity for perpetrators, establishing durable peace and reconciliation in conflict settings and successfully implementing United Nations Security Council Resolutions 1325, 1820, 1888 and 1889. A victim-centred approach combined with an integrated community-based approach remains two guiding strategies of the Fund’s participatory programme planning process and the implementing partners. After almost five years of regular field presence in northern Uganda and DRC, the Fund will in the second semester 2012 manage its first comprehensive external programme evaluation, which should facilitate the design of more effective and efficient new programmes. The process for defining the new strategic plan for 2013-2016 in replacement of the current one is also ongoing.

### A. Reparations mandate

3. The Fund’s first mandate is related to a case. Resources are collected through fines or forfeiture and awards for reparations<sup>5</sup> and complemented with “other resources of the Trust Fund” if the Board of Directors so determines.<sup>6</sup> The Court may order that an award for reparations against a convicted person be deposited with the Fund where at the time of making the order it is impossible or impracticable to make individual awards directly to each victim. The Fund shall take receipt of resources collected through awards for reparations and shall separate such resources from the remaining resources of the Fund in accordance with Rule 98 of the Rules of Procedure and Evidence.

4. This mandate will be activated soon in relation to the first ever conviction by the ICC, on 14 March 2012 of Mr Thomas Lubanga for crimes related to the conscription and enlistment of child soldiers. On the same day, Trial Chamber I invited parties and participants of the case, including the Trust Fund for Victims, to make observations on reparations principles and procedure.

5. In its submission to the Trial Chamber, the Fund noted that considering the judicial nature of the Rome Statute’s reparations regime, the individual criminal responsibility of a convicted person is the lynchpin of Court-reparations. Therefore, irrespective of a possible complement by the Trust Fund to a reparations award in case a convicted person has insufficient funds, the Trust Fund considers that a convicted person’s contribution to a reparations award, financially or in kind, should first and foremost constitute its substantive and symbolic value to victims.

6. In regard of principles related to reparations proceedings, the Fund urged the Chamber to attach great value to ensuring accessibility, effectiveness and meaningfulness. This includes the desirability of victim involvement at all stages of the proceedings, including, if applicable, in the design of collective awards. The Court’s reparation principles should always aim for reparations awards to avoid having discriminatory or

<sup>2</sup> Rule 98 (2), (3), (4) of the Rules of Procedure and Evidence.

<sup>3</sup> Rule 98 (5) of the Rules of Procedure and Evidence. For more information on the Fund’s legal basis, please see <http://trustfundforvictims.org/legal-basis>.

<sup>4</sup> As defined in Articles 6, 7 and 8 of the Rome Statute.

<sup>5</sup> Regulations 43 to 46 of the Regulations of the Trust Fund for Victims.

<sup>6</sup> Regulation 56 of the Regulations of the Trust Fund for Victims.

stigmatizing effects, while ensuring effective access to awards for particularly vulnerable groups of victims, including children, women, victims of sexual and gender-based-crimes, the elderly and disabled or mutilated persons. The Court should ensure that any reparations award would have a gender dimension and thus be meaningful for women and girl victims. The Fund also pointed out the need for effective access for child victims to reparations and to ensure that the reparation proceedings promote their right to physical and psychological recovery and social reintegration.

7. The Fund advocated for a community based approach to collective reparations, serving to address the risk of further stigmatization of vulnerable victims, such as former child soldiers and also victims of sexual violence related to the crimes, and, looking forward, being instrumental in paving the way for intra- and inter-communal reconciliation. The Fund observed that such an approach would still allow for collective awards to yield both individual and collective benefits to victims, in recognition of the different forms of harm suffered.

8. The Board approved in March 2012 the increase of the Fund's reparation reserve with € 200,000 to € 1.2 million.

## B. General Assistance Mandate

9. Between 1 July 2011 and 30 June 2012, the Fund supported tens of thousands of victims of crimes under the jurisdiction of the International Criminal Court through physical rehabilitation, psychological rehabilitation and material support at both the individual and community levels. The types of services provided are:

(a) *Physical Rehabilitation* which includes reconstructive surgery, general surgery, bullet and bomb fragment removal, prosthetic and orthopaedic devices, referrals to services like fistula repair and HIV and AIDS screening, treatment, care and support;

(b) *Psychological Rehabilitation* which includes both, individual and group-based trauma counselling; music, dance and drama groups to promote social cohesion and healing; community sensitization workshops and radio broadcasts on victims' rights, information sessions and large-scale community meetings. Community awareness responses may include broad-based community education peace, justice, and reconciliation;

(c) *Material Support initiatives* may include livelihood activities, vocational training, or access to referral programmes that offer income generation and training opportunities to focus on longer-term economic empowerment. Material support may also include education grants for victim survivors and their children;

(d) *Implementing special initiatives for children born out of rape and children* who themselves have been victimized by sexual and gender-based crimes under the ICC's jurisdiction, including access to basic services, education, and nutrition support, and inter-generational responses and stigma reduction programs;

(e) *Building the capacity of implementing partners and victims* used as a strategy to reinforce the sustainability of the interventions; and

(f) *Engaging community dialogue and reconciliation* to foster peace within and between the communities that create a suitable environment for prevention of crimes.

10. The majority of beneficiaries/victims receive a combination of integrated physical and psychological rehabilitation and/or material support. The target beneficiaries of the TFV interventions are victims defined according to the description of the Rome Statute. In fact, all acts of violence described below occurred on or after 1 July, 2002 as described in Articles 6, 7, and 8 of the Rome Statute:

(a) *SGBV*: victims of sexual and gender-based violence, including rape, forced pregnancy, sexual slavery; also including girls abducted and/or recruited into armed groups and forcefully impregnated;

(b) *Widows/widowers*: those whose partners were killed;

(c) *Former child soldiers/abducted youth*: children and youth forced and/or recruited into armed groups under the age of 15 (regardless of their particular role(s) played during abduction or conscription);

(d) *Orphans and vulnerable children*: children whose parent(s) were killed or children otherwise made vulnerable by the violence;

(e) *Physical and mental trauma*: victims who suffered a physical injury and/or who were psychologically traumatised by violence; and

(f) *Family and other victims*: family members of victims (excepting widows, orphans) and others who do not fall in the above categories but affected by violence.

11. During this reporting time frame, the Fund reinforced its interventions in Democratic of Congo while in northern Uganda, the transition phase has been initiated. The Fund strengthened the capacity of the implementing partners, victims and their communities in order to promote well-being, increase of self-esteem, better reintegration, sustainable livelihood activities, reconciliation and social cohesion. In Central African Republic, the launch of the programme is moving to its final stage after the technical review of proposals submitted as part of a competitive tender procedure.

12. The current programme is about 28 active projects<sup>7</sup> in northern Uganda (16 projects covering the Lango, Teso, and Acholi sub-regions and Adjumani District) and the DRC. The Fund has supported interventions at individual and community levels. The current number of direct beneficiaries is approximately 83,400 victims in eastern DRC and northern Uganda. This figure includes both newly identified and existing beneficiaries. There is a slight increase compared to last year. The Fund is working with local grassroots organisations, victims' survivor groups, women's associations, faith-based organisations, village savings and loans associations, and international non-governmental organisations for administering the assistance mandate. During this reporting period, several monitoring visits were conducted by the Fund staff to oversee programme development, strengthen local capacities, and support project monitoring, evaluation, reporting and learning. All projects were subject to an administrative and technical review as part of this process.

## 1. Physical rehabilitation

13. Physical rehabilitation represents an essential component of the assistance provided to victims by implementing partners through the support of the Fund. Most of the physical rehabilitation activities are implemented in Northern Uganda. However, in DRC, the implementing partners built an effective and fruitful partnership with a network of volunteer international and national organizations which are complementing this missing aspect into the project activities. Thus, victims of torture, mutilation, disfigurement, amputation, burns, sexual violence and other crimes against civilians that have led to physical injuries are receiving assistance through combined efforts. In Uganda, a partnership dating from 2007 involved three organisations, Caritas, African Youth Initiative Network (AYINET) and Interplast Holland, allowing for reconstructive surgery for over 100 patients. AVSI Foundation and Watoto complemented these actions with orthopaedic workshops for the purposes of fabrication, fitting and maintaining prosthetic and orthotic devices, plastic surgery, providing physiotherapy, trauma counselling, as well as community sensitisation work. Since, 2008, AVSI estimates the number of direct beneficiaries of its assistance to date to be 1079 people. WATOTO have screened 473 people. In addition, 75 have received physical rehabilitation assistance with 29 victims reported during this period.

14. Providing physical rehabilitation to victims of such serious crimes is thus important not only for the physical well-being of victims, but also for the significant positive impact on the victims' self-esteem, mental and social well-being. Beneficiaries of TFV's physical rehabilitation assistance have in effect often reported major improvements in their well-being, resulting from a combination improved physical health, increased community acceptance and livelihood opportunities, and better mental well-being and self-esteem. For

<sup>7</sup> The TFV has a total of 34 approved projects for both the DRC and northern Uganda, however some projects have come to completion or awaiting the identification of new partners and others have transitioned to other donor initiatives.

victims who benefited from this specific assistance, significant changes appeared in their life. Fitted amputees and facial reconstructed victims were able to restart a new life in their communities. Thus, they were no more seen as a burden for the family and their community but now as people able to take care of their own basic needs and of their families.

## 2. Psychological rehabilitation

15. Dealing with the trauma resulting from the harms suffered by the victims and their communities is a component of the majority of the implemented projects. Providing qualitative psychological support to victims and their communities, particularly in areas where few qualified psychologists are available, remains a challenge. As psychosocial support for addressing victims' trauma survivors requires appropriate skills, the Center for Victims of Torture (CVT) has engaged in training local organisations in trauma-based counselling in Northern Uganda. CVT reported to date 203 practitioners coming from local and international NGOs (ACTV, Caritas Counseling Centre Training Institute - CCTI), TPO Uganda and the Center for Children in Vulnerable Situations (CCVS)) who took part to their training dealing with torture survivors, victims of war violence, victims of sexual torture/gender-based violence, child soldiers, ex-combatants and others. In Ituri, CCVS provides this same level of capacity-building to staff of local organizations. The training offered allowed the organizations to fill the gap of knowledge and consolidate their good practices. They also fostered the setting up of new track tools to better assess the progress made by each victim. AMAB, working with victims of sexual violence, received training on trauma-based counselling. Thus, AMAB is able to provide a combination of economic and psychological support, reaching out to 1143 victims-beneficiaries.

16. The Fund supports an integrated approach to psychological rehabilitation. Such initiatives include both individual and group-based counselling; music, dance and drama groups designed with therapeutic aims; community sensitisation workshops, radio broadcasts, information sessions and community meetings. The aim of the Fund is to provide appropriate psychological and social support to heal trauma, assist in recovery and reconciliation, and address stigma and discrimination among victims, families and affected communities. That is why the Fund supports affected communities victims through several peace-building projects that integrate support for psychological rehabilitation.

17. Réseau Hakina Amani addresses community dialogue and reconciliation in Ituri by working on the improvement of the confidence between the two communities and to enable them to improve peaceful cohabitation. Missionnaires d'Afrique targets teenagers. This implementing partner is instilling the culture of peace, forgiveness, and living-together among 14850 teenagers with a focus on vulnerable war orphans, former child soldiers, and adolescent mothers survivors of rape. The project contributes in this way to build a lasting culture of peace with a specific emphasis on breaking the inter-generational violence cycle. The Diocese of Northern Uganda is doing the same work through its "healing of memories" seminars and workshops. The victims (males and females) involved in the seminar have a safe space to tell their stories in an atmosphere of deep listening and mutual respect. Throughout this process, the former victims seeing themselves now as survivors feel ready to forgive what happen to them. They therefore take advantage of the opportunities they have to rebuild self-trust as well as the capital of confidence in their communities. COOPI and CARE in northern Uganda provide to large number of victims the same type of support to victims. Though the scars of the trauma cannot totally disappear, most of the victims were now able to create resilience mechanisms to cope with their situation and progressively overcome it. Looking forward to a better future remains an essential pace that victims themselves want to make.

## 3. Material support

18. The majority of the projects supported by the Fund includes some form of economic support for victims. Through this programmatic pillar, the aim of the Fund is to improve the livelihoods of victims and their families through education, training, economic empowerment and building the capacity of victim-beneficiaries to generate and manage their revenue. Thus, implementing partners and the victims were involved in the different trainings with those thematic topics: of entrepreneurship, marketing, management of

income generating activities. In northern Uganda, the Fund works through Village Savings and Loans Associations (VSLAs), in the DRC, through the System of Mutual Solidarity (MUSO), Savings and Internal Lending Communities (SILCs).

19. The group mechanisms of economic empowerment are more and more drawing the attention of the victims and their communities, because they play another important role which is building and strengthening the social ties. These systems respond to victims' material needs and allow victims to go about rebuilding their own and their families' lives. The Fund is aware about the challenges met in these post-conflict settings in terms of improving the daily economic situation of victims. Economic empowerment, in a distorted context which previously received an important humanitarian assistance, requires a tailored response.

### C. Visibility

20. Scarcity of resources prevents the Fund to pursue high-profile visibility and awareness raising campaigns. No dedicated communications capacity exists at the Secretariat. With limited means, the Fund produced a short video film of activities under the assistance mandate in northern Uganda and in eastern DRC. Local partners were trained by African journalists to shoot footage in remote areas. The Fund's programme staff strongly contributed to the final production. The video was shown at the annual ASP and Board meetings and also met with positive response in media and civil society. In the first half of 2012, Board members as well as Secretariat staff participated in high level events, including those organised on occasion of the 10 year commemoration of the Rome Statute.

21. Visibility of the Fund has increased on the ground, including in post-conflict Ituri, reflected by increased opportunities to engage with local leadership and media. The Fund's visibility may well benefit from international and media attention for a first ICC decision on reparations to victims (*Lubanga* case). Increased visibility around reparations may risk the unintended result of local acrimony in the Ituri region, hampering the implementation of activities under the Fund's assistance mandate.

### D. Ninth annual meeting of the Board of Directors

22. The ninth annual meeting of the Board was held in The Hague, from 24 and 26 March 2012. All members of the Board participated in the meeting. The Registrar also attended several sessions to provide additional information and respond to questions; and was represented by Registry staff in other sessions.

23. The Board adopted a procedure similar to the Court's Audit Committee, to regular possible areas of conflict of interest with individual Board members.

24. Regarding the Secretariat's Budget for 2012, the Board endorsed Secretariat's approach to mitigate the shortfall in the budget lines for staffing, by way of savings to be made in non-staffing budget lines, including those for consultants and contractual services. The Board furthermore encouraged the Secretariat and the ICC Registry to explore the possibility of mitigation of the shortfall by way of inter-Organ budget reconciliation, as per approval by the ASP. Regarding the Secretariat's budget for 2013, the Board endorsed the Secretariat outline for a budget proposal, pending review by the Board of the final draft. The Board also advised the Secretariat that the proposed Major Programme VI (Secretariat) budget for 2013 should clearly reflect the work load of the Secretariat and that an alternative budget proposal at the level of the 2012 budget should indicate the effects on the Fund's anticipated operations under both of its mandates.

25. The Board discussed the prospect of a reparations decision in the *Lubanga* case at length, addressing its own responsibilities as well as the responsibilities of governments of situation countries towards repairing the harm done to victims of serious crimes, which were deemed to continue to exist, undiminished by any action or decision by the Court or the Fund. The Fund's reparations "reserve", maintained separately from the Fund's programmatic resources, was raised with €200,000 to €1.2 million. The Board furthermore approved proposed programme extensions in DRC and northern Uganda, with a total amount of 1,306,432 Euros.

26. The Board approved the proposed “TFV Guidelines for Private Contributions”, which are required by TFV Regulation 24 and developed by the Secretariat in consultation with the ICC Registry. The Board noted the foreseeable administrative burden of soliciting and managing contributions from private sources.

27. The Board approved the proposal by the Secretariat to conduct an external evaluation of the Fund’s programme performance and also approved the proposal by the Secretariat to initiate the process to develop the TFV Strategic Plan for 2013-2016, which is to be proposed for TFV Board approval at the Annual TFV Board meeting in March 2013. The decisions of the Board meeting have been published on the Fund’s website.

#### **E. Assistance provided by the Registry**

28. In accordance with the annex to resolution ICC-ASP/1/Res.6 and with resolution ICC-ASP/3/Res.7, and mindful of the independence of the Board and the Secretariat, the Registrar provided such assistance as is necessary for the proper functioning of the Board and the Secretariat.

29. The assistance was provided, inter alia, by the Immediate Office of the Registrar, Budget and Finance, Legal Advisory Services, Public Information and Documentation, Court Interpretation and Translation, Field Operations, General Services, Human Resources, and the Information and Communication Technologies Section.

30. The report of the Committee on Budget and Finance (CBF) on its 17th session recommended that “assistance to the Trust Fund for Victims on financial matters be made a priority task for the P-5 Senior Executive Officer in the Immediate Office of the Registrar.” Consequently, the Registrar and the Fund agreed on high-end financial administrative advice to be provided by said Officer to the Fund for 1.5 days a week during 2012, regarding i.a. the development of Guidelines for private donations to the Fund, the implementation of a PayPal mechanism for the Fund to raise contributions from private individuals and the development of a delegation of administrative authority from the Registrar to the Fund’s Executive Director.

### **III. Financial Report**

#### **A. Status of voluntary contributions**

31. In accordance with paragraph 11 of the annex to resolution ICC-ASP/1/Res.6, which states that all offered voluntary contributions, regardless of whether they were accepted or refused, should be reported annually to the Assembly, a list of voluntary contributions is contained in annex I to this report. The list includes, inter alia, the contributions received from States (€2,234,314.90); institutions and individuals (€9,900.61); in-kind and/or matching donations from implementing partner organizations (equivalent to €495,590 from the period of 1 July 2011 – 31 March 2011); and interest income to the Fund (€16,762.21).

32. The Fund’s Euro account showed a balance of €280,545.26; the US Dollar account had a balance of US\$19,897.66. In addition, the Fund currently has a savings account of €3,220,000 as per 30th June 2011. In response to the request by the CBF to the Fund to consider allocating a percentage of voluntary contributions to project-related costs, the Board observed to the CBF in its 18th session that that “this would have a disproportionate negative effect on the availability of scarce resources for the actual benefit of victims. As a consequence, it would bear an unacceptable risk to the implementation of the Fund’s legal mandate to provide assistance to victims. It should be noted the use of voluntary contributions in this respect does already incorporate the operational costs of the Trust Fund’s implementing partners.”<sup>8</sup>

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<sup>8</sup> CBF-18-14-STFVreport-ENG, para. 9

33. The Secretariat controls the resources received by the Fund and reports on their use following the criteria described in the annex to resolution ICC-ASP/4/Res.3.<sup>9</sup> The Secretariat reports on earmarked contributions separately, as this information is required by some of the donors.

34. The introduction of the SAP Grants Management (GM) module in the Fund was effective on July 1. In line with recommendations of the ASP, the SAP GM module is intended to boost the quality, efficiency, transparency and accountability of the Fund's financial and administrative processes. The implementation of SAP GM involved the creation of a separate SAP company code for the management of the Fund's revenue originating from voluntary contributions and required intensive consultations and the support of a SAP consultant to calibrate financial administrative processes.

35. The members of the Board wish to express their gratitude for the contributions received during the period covered by the present report and urge States Parties to continue contributing to the Fund. Particular gratitude is extended to those States Parties which contributed for the first time to the Fund, and to those States Parties which decided to increase their contributions in line with the rising volume of assistance services to victims provided by the Fund during the reporting period.

## **B. Suggestion to allocate “contributions, other than assessed contributions” to the Fund**

36. The Board wishes to suggest to the Assembly of States Parties, for the first time, to allocate “contributions, other than assessed contributions” to the Fund, as envisaged in Regulations 21 (d), 35 and 36 of the Trust Fund for Victims. In the view of the Board, the allocation of such resources should be instrumental to further bolster the reserve maintained by the Fund for purpose of complementing Court-ordered reparations awards. In particular, in most cases presently pending before the ICC, defendants have been declared indigent for the purpose of legal aid. The Board esteems that this is unfortunately likely to be indicative of the prospect for tracing assets with a view to funding eventual Court-ordered reparations.

37. The Board suggest that the ASP considers an additional association of up to €1 million for the purpose of strengthening the Fund's reserve for reparations. This would have a great significance in demonstrating the support of all States Parties to the pivotal role that the Fund shall play in contributing to the feasibility and credibility of Court-ordered reparations. In addition, such a contribution would relieve the burden on the Fund's comparatively modest revenue from voluntary contributions, thereby allowing the Fund's assistance mandate to continue and expand to other ICC situation countries.

## **C. External Audit 2011**

38. The National Audit Office of the United Kingdom provides external audit services to the Fund. Accordingly, in June 2012, the NAO submitted to the Board the auditor's report containing the financial statements of the Fund for the period ending 31 December 2011. As indicated in this report, the audit examination revealed no weaknesses or errors, which are material to the accuracy, completeness and validity of the financial statements. As a result, the NAO issued an unqualified audit opinion on the 2011 financial statements of the Fund.

39. The report of the External Auditors contained the following recommendations:

*Recommendation 1: The Fund should work closely with the ICC IPSAS implementation team to develop specific and appropriate IPSAS accounting policies which are tailored to the situation and requirement of the Fund.*

*Recommendation 2: The Fund should clearly identify the objectives and anticipated benefits of the IPSAS project and develop a methodology to track and manage benefits realisation.*

<sup>9</sup> Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourth session, The Hague, 28 November to 3 December 2005 (International Criminal Court publication, ICC-ASP/4/32), part III.

The Board confirms that the Fund will work with the IPSAS ICC implementation team to achieve these objectives.

*Recommendation 3: The Fund's management should engage with the OIA to ensure that it receives sufficient assurance on the adequacy and effectiveness of the Fund's framework of governance, risk management and control.*

The Board confirms that the Fund will work with the ICC Office of the Internal Auditor (OIA) to assess and formally address risk management

40. In the Audit Completion report, the External Auditors included a significant observation on the preparation of financial statements in 2011, observing that “changes were made to the accounting policies during the financial year resulting in financial statements presented for audit that did not comply with the stated accounting policies or the adopted accounting standards. The financial statements were not fully reviewed by the Fund's management prior to being presented for audit.” In its management response, the Fund notes that it did carefully review the financial statement in close consultation with the Registry, based on agreed practice. The variance in accounting practice resulting from implementation of SAP Grants Management and a new SAP company code, mid-year in 2011, was noted by the External Auditor and brought to the attention of both the Fund and the ICC Registry. Accepting that this change in accounting practice should be discussed and agreed with the External Auditor, the Fund has engaged with the ICC Registry and External Auditor and found an appropriate solution for the 2011 Financial Statement. Further assessment of the Fund's accounting policy will also consider the implementation of IPSAS and will eventually be proposed to the external Auditor.

#### **IV. Proposed budget for 2013 (MP VI)**

41. In accordance with resolution ICC-ASP/4/Res.3, the Board of Directors prepared the 2011 budget proposal for the Secretariat established pursuant to resolution ICC-ASP/3/Res.7. The proposed budget is submitted annually to the Assembly for approval, following paragraph 6 of the annex to resolution ICC-ASP/1/Res.6.

42. The Board is fully aware of the budgetary constraints the Court continues to face. The Board also accepts the responsibility to ensure that Fund's Secretariat is able address the foreseeable increase in workload, considering the rise in the number of situations where the Fund will be active and, in particular, the activation of the Fund's mandate for the implementation of reparations. This Board is appreciative of the above-mentioned support in financial matters provided to the Fund by way of the Registry's Immediate Office, yet an urgent need continues to exist for capacity in the daily administration of the Fund's resources. This need has been repeatedly recognised by the External Auditors and will only increase with the need for proper management of new revenue from private donors, including via PayPal. Therefore, the Fund has in stead opted in 2012 to transform the Kenya GTA staff position into a HQ-based staff position, at inevitably higher cost.

43. The total proposed Major Programme VI budget for 2013 is €1,659,300, as compared to an approved budget for 2012 of €1,450,600 (and compared to the proposed 2012 budget of €1,755,800). As all the Fund's staffing positions posts are to be filled by the beginning of 2013, the Board respectfully requests that the ASP exempts the modest Major Programme VI from the application of the vacancy rate to both established and GTA positions.

## Annex I

### A. Voluntary contributions received by the Trust Fund for Victims

The Fund received the following voluntary contributions from States during the period from 1 July 2011 to 30 June 2012:

| <i>Contributions from States</i>   | <i>Euros (€)</i>    |
|------------------------------------|---------------------|
| Andorra                            | 19,956.00           |
| Austria                            | 10,000.00           |
| Australia                          | 100,000.00          |
| Colombia                           | 31,746.00           |
| Czech Republic                     | 6,988.12            |
| Finland                            | 235,000.00          |
| Germany                            | 300,000.00          |
| Ireland                            | 50,000.00           |
| Liechtenstein                      | 8,274.72            |
| Poland                             | 15,000.00           |
| Spain                              | 60,000.00           |
| Sweden                             | 1,107,350.06        |
| Switzerland                        | 40,000.00           |
| The Netherlands                    | 250,000.00          |
| <b>Total States' contributions</b> | <b>2,234,314.90</b> |

In addition to the above-mentioned contributions from States, the Fund received during the period from 1 July 2011 to 30 June 2012:

- (a) €10,225.72 in cash contributions from individuals and institutions;
- (b) €495,590 in-kind and/or matching donations from implementing partners from the period of 1 July 2011 – 31 March 2012 (details in annex II);
- (c) €16,762.21 interest income.

### B. List of voluntary contributions per bank accounts

#### 1. ABN AMRO (in €)

Bank Name: ABN AMRO  
 Account Holder: Trust Fund for Victims  
 Currency: Euro (€)  
 Account Number: 53.84.65.115  
 IBAN: NL54ABNA0538465115  
 Swift: ABNANL2A

#### **Bank details, including contributions received, from 1 July 2011 to 30 June 2012**

| <i>Details</i>                                  | <i>Euros (€)</i> |
|---|------------------|
| Opening balance                                 | 667,089.57       |
| Contributions from individuals and institutions | 10,225.72        |
| Contributions from States                       | 2,234,314.90     |
| Grant / project payments                        | (2,239,457.80)   |

| <i>Details</i>                            | <i>Euros (€)</i>  |
|---|-------------------|
| Transfer from checking to savings account | (800,000.00)      |
| Transfer from savings to checking account | 391,680.66        |
| Interest income                           | 16,762.21         |
| Bank charges                              | (70.00)           |
| <b>Balance as at 30 June 2012</b>         | <b>280,545.26</b> |

| <i>Contributions from individuals and institutions by month</i> | <i>Euros (€)</i> |
|---|------------------|
| July 2011   | 722.30           |
| August 2011   | 390.00           |
| September 2011  | 390.00           |
| October 2011  | 165.00           |
| November 2011   | 5,768.42         |
| December 2011   | 330.00           |
| January 2012  | 165.00           |
| February 2012   | 265.00           |
| March 2012  | 165              |
| April 2012  | 1,140.00         |
| May 2012  | 540.00           |
| June 2012   | 185.00           |
| <b>Total</b>  | <b>10,225.72</b> |

| <i>Contributions from States by month</i> | <i>Euros (€)</i>    |
|---|---------------------|
| July 2011                                 | 150,000.00          |
| August 2011                               | 200,000.00          |
| September 2011                            | 15,000.00           |
| October 2011                              | 534,978.00          |
| November 2011                             | 0.00                |
| December 2011                             | 1,221,084.18        |
| January 2012                              | 60,000.00           |
| February 2012                             | 0.00                |
| March 2012                                | 0.00                |
| April 2012                                | 10,000.00           |
| May 2012                                  | 8,274.72            |
| June 2012                                 | 34978.00            |
| <b>Total</b>                              | <b>2,234,314.90</b> |

**2. ABN AMRO (in €)**

Bank Name: ABN AMRO  
 Account Holder: Trust Fund for Victims Business Top Deposit Account  
 Currency: Euro (€)  
 Account Number: 40.62.65.615

**Bank details, including bank transfers from 1 July 2011 to 30 June 2012:**

| <i>Details</i>                            | <i>Euros (€)</i>    |
|---|---------------------|
| Opening balance                           | 2,770,000.00        |
| Transfer from checking to savings account | 800,000.00          |
| Transfer from savings to checking account | 350,000.00          |
| <b>Balance as at 30 June 2012</b>         | <b>3,220,000.00</b> |

**3. ABN AMRO (in US\$)**

Bank Name: ABN AMRO  
 Account Holder: Trust Fund for Victims  
 Currency: USD (US\$)  
 Account Number: 53.86.21.176  
 IBAN: NL87ABNA0538621176  
 Swift: ABNANL2A

**Bank details, including contributions received, from 1 July 2010 to 30 June 2011**

| <i>Details</i>                                  | <i>US\$</i>      |
|---|------------------|
| Opening balance                                 | 39,724.66        |
| Contributions from individuals and institutions | 2,707.58         |
| Contributions from States                       | 57,000.00        |
| Grant / project payments                        | (79,534.58)      |
| Refund unused project funds                     | 0.00             |
| Matured time deposit                            | 0.00             |
| Interest income                                 | 0.00             |
| Bank charges                                    | 0.00             |
| <b>Balance as at 30 June 2012</b>               | <b>19,897.66</b> |

| <i>Contributions from individuals and institutions by month</i> | <i>US Dollars (US\$)</i> |
|---|--------------------------|
| July 2011   | 0.00                     |
| August 2011   | 0.00                     |
| September 2011  | 0.00                     |
| October 2011  | 0.00                     |
| November 2011   | 0.00                     |
| December 2011   | 2,707.00                 |
| January 2012  | 0.00                     |
| February 2012   | 0.00                     |
| March 2012  | 0.00                     |
| April 2012  | 0.00                     |
| May 2012  | 0.00                     |
| June 2012   | 0.00                     |
| <b>Total</b>  | <b>2,707.00</b>          |

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| <i>Contributions from States by month</i> | <i>US Dollars (US\$)</i> |
|---|--------------------------|
| July 2011                                 | 0.00                     |
| August 2011                               | 0.00                     |
| September 2011                            | 0.00                     |
| October 2011                              | 0.00                     |
| November 2011                             | 0.00                     |
| December 2011                             | 57,000.00                |
| January 2012                              | 0.00                     |
| February 2012                             | 0.00                     |
| March 2012                                | 0.00                     |
| April 2012                                | 0.00                     |
| May 2012                                  | 0.00                     |
| June 2012                                 | 0.00                     |
| <b>Total</b>                              | <b>57,000.00</b>         |

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## Annex II

### Projects implemented during the period 1 July 2011 to 30 June 2012

#### Uganda (16 projects)

**Project(s):** TFV/UG/2007/R1/003, TFV/UG/2007/R1/005, TFV/UG/2007/R1/006, TFV/UG/2007/R1/016, TFV/UG/2007/R1/020, TFV/UG/2007/R1/025, TFV/UG/2007/R2/035

**Project title:** Harnessing opportunities to protect and end violence (HOPE)

**Budget:** €1,090,795 + €9,527 (matching funds by implementing partner)\*

**Duration:** December 2008 – December 2012

**Type of victim and intervention:** Physical rehabilitation, psychological rehabilitation and material support for victims, including former abductees and victim communities.

**Project(s):** TFV/UG/2007/R1/14(a) – **Project closed**

**Project title:** Reconstructive Surgery for War Victims in Northern Uganda

**Budget:** €45,475 (no matching funds reported during the period)

**Duration:** November 2008 – July 2011

**Type of victim and intervention:** Physical rehabilitation and psychological rehabilitation for mutilated victims.

**Project(s):** TFV/UG/2007/R1/14(b)

**Project title:** Victims of rebels in northern Uganda: physical rehabilitation programme

**Budget:** €96,562+ €3,010 (matching funds by implementing partner)\*

**Duration:** November 2007 – October 2010

**Type of victim and intervention:** Physical rehabilitation and psychological rehabilitation for mutilated victims.

**The same project has been taken over by a different organisation.**

**Budget:** €85,825 + €6,000 (matching funds by implementing partner)

**Duration:** January 2011 – January 2013

**Project(s):** TFV/UG/2007/R1/14(c)

**Project title:** Treating the Mental Health Needs of Ugandan Victims of War Crimes: A Service and Capacity Building Approach

**Budget:** €404,253 + €69,841 (matching funds by implementing partner)\*

**Duration:** October 2009 – October 2012

**Type of victim and intervention:** Material support for victimized communities.

**Project(s):** TFV/UG/2007/R1/018, TFV/UG/2007/R2/042

**Project title:** Capacity building, advocacy and medical rehabilitation for victims of war.

**Budget:** €339,575 + €24,244 (matching funds by implementing partner)\*

**Duration:** November 2008 – October 2012

**Type of victim and intervention:** Physical rehabilitation, psychological rehabilitation and material support for physically disabled victims of war.

|   |
|---|
| <b>Project(s):</b> TFV/UG/2007/R2/038   |
| <b>Project title:</b> Restoration of livelihoods for the war victims  |
| <b>Budget:</b> €280,809 + €15,168 (matching funds by implementing partner)*   |
| <b>Duration:</b> December 2008 – November 2012  |
| <b>Type of victim and intervention:</b> Psychological rehabilitation and material support for victims of war, including both ex-combatants and non ex-combatants.   |
| <b>Project(s):</b> TFV/UG/2007/R2/039, TFV/UG/2007/R2/041   |
| <b>Project title:</b> The Okweyo initiative   |
| <b>Budget:</b> €155,666 (no matching funds reported during the period)  |
| <b>Duration:</b> November 2008 – November 2012  |
| <b>Type of victim and intervention:</b> Physical rehabilitation, psychological rehabilitation and material support for wounded and/or traumatized victims and their families.   |
| <b>Project(s):</b> TFV/UG/2007/R2/040   |
| <b>Project title:</b> Awareness and response to sexual gender-based violence among the war-affected population of Oyam district, Uganda   |
| <b>Budget:</b> €300,000 + €88,017 (matching funds by implementing partner)*   |
| <b>Duration:</b> November 2008 – April 2013   |
| <b>Type of victim and intervention:</b> Psychological rehabilitation and material support for war-affected youth and women.   |
| Note: The budget stated in the above tables corresponds to the total amount approved for the whole project duration through the end of the current contract. The exchange rate for June 2012 (1 EUR= 0.805 USD and 2,484 UGX) was used to calculate the TFV outstanding obligations.  |
| * The matching funds cover only the period from 1 July 2011 to 31 March 2012. The exchange rate of June 2012 was used to convert the values.  |
| <b>Democratic Republic of the Congo (15 projects)</b>   |
| <b>Project(s):</b> TFV/DRC/2007/R1/001, TFV/DRC/2007/R2/036   |
| <b>Project title:</b> Empowering sexual violence survivors and their communities  |
| <b>Budget:</b> €338,360 + €18,964 (matching funds by implementing partner)*   |
| <b>Duration:</b> December 2009 – September 2012   |
| <b>Type of victim and intervention:</b> Psychological rehabilitation and material support for victims of SGBV.  |
| <b>Project(s):</b> TFV/DRC/2007/R1/004 – Project transferred  |
| <b>Project title:</b> <i>Projet d'appui et accompagnement psychosocial des déplacés, des retournés, des communautés d'accueil : victimes des crimes de guerre et crime contre l'humanité en territoire d'ARU</i> (Project supporting the psychosocial rehabilitation of displaced people and returnees - victims of war crimes and crimes against humanity - in the territory of Aru, Ituri District) |
| <b>Budget:</b> €56,437 + €5,928 (matching funds by implementing partner)*   |
| Note: Starting 1 May 2012, the project TFV/DRC/2007/R1/004 and its beneficiaries have been taken over by project TFV/DRC/2007/R2/027  |
| <b>Duration:</b> October 2009 – February 2011   |
| <b>Type of victim and intervention:</b> Psychological rehabilitation for communities victimized by war.   |

|  |
|--|
| <b>Project(s):</b> TFV/DRC/2007/R1/019   |
| <b>Project title:</b> <i>A l'école de la paix</i> (At the peace school)  |
| <b>Budget:</b> €274,835 + €15,375 (matching funds by implementing partner)*  |
| <b>Duration:</b> November 2008 – July 2012   |
| <b>Type of victim and intervention:</b> Psychological rehabilitation for children orphaned by war.   |
| <b>Project(s):</b> TFV/DRC/2007/R1/021   |
| <b>Project title:</b> Socio-economic reinsertion project for 300 victims of sexual violence due to wars and schooling for 600 of their children.   |
| <b>Budget:</b> €397,326 + €76,612 (matching funds by implementing partner)*  |
| <b>Duration:</b> November 2008 – June 2012   |
| <b>Type of victim and intervention:</b> Psychological rehabilitation and material support for victims of sexual violence and their children.   |
| <b>Project(s):</b> TFV/DRC/2007/R1/022   |
| <b>Project title:</b> Project for psychological and socio-professional rehabilitation of 200 victims of sexual violence in Bunia and its environs through micro-credits in-kind  |
| <b>Budget:</b> €262,904 + €10,039 (matching funds by implementing partner)*  |
| <b>Duration:</b> December 2008 – June 2012   |
| <b>Type of victim and intervention:</b> Psychological rehabilitation and material support for victims of sexual violence and their families.   |
| <b>Project(s):</b> <del>TFV/DRC/2007/R1/026, TFV/DRC/2007/R2/028</del> , TFV/DRC/2007/R2/031, TFV/DRC/2007/R2/033, TFV/DRC/2007/R2/043   |
| <b>Project title:</b> Physical rehabilitation, psychological and material support for 950 victims of war crimes and crimes against humanity in the provinces of North Kivu and Ituri   |
| <b>Budget:</b> €873,496 + €33,247 (matching funds by implementing partner)*  |
| Note: the projects TFV/DRC/2007/R1/026, TFV/DRC/2007/R2/028 and their beneficiaries have been taken over respectively by project TFV/DRC/2007/R2/030 and project TFV/DRC/2007/R2/029.  |
| <b>Duration:</b> November 2008 – August 2012   |
| <b>Type of victim and intervention:</b> Psychological rehabilitation and material support for SGVB victims.  |
| <b>Project(s):</b> TFV/DRC/2007/R1/004, TFV/DRC/2007/R1/027  |
| <b>Project title:</b> Peace caravan in Irumu, Djugu and part of Mahagi territories   |
| <b>Budget:</b> €630,189 + €22,460 (matching funds by implementing partner)*  |
| Note: Since 1 May 2012, project TFV/DRC/2007/R1/027 has incorporated the activities and beneficiaries previously covered by project TFV/DRC/2007/R1/004.   |
| <b>Duration:</b> November 2008 – April 2013  |
| <b>Type of victim and intervention:</b> Psychological rehabilitation and material support for victimized villages. The project is also supporting the psychosocial rehabilitation of displaced people and returnees - victims of war crimes and crimes against humanity - in the territory of Aru, Ituri District. |
| <b>Project(s):</b> TFV/DRC/2007/R2/028, TFV/DRC/2007/R2/029  |
| <b>Project title:</b> Psychological rehabilitation project for young mothers associated with the armed forces of the city of Bunia and its surrounding region.   |
| <b>Budget:</b> €701,833 + €83,489 (matching funds by implementing partner)*  |
| <b>Duration:</b> November 2008 – July 2012   |
| <b>Type of victim and intervention:</b> Psychological rehabilitation and material support for teenage mothers associated with armed forces and groups, former child soldiers and vulnerable children.  |

**Project(s):** TFV/DRC/2007/R1/026, TFV/DRC/2007/R2/030

**Project title:** Project for the socio-professional and economic reinsertion of 600 former children associated with armed groups in Mahagi territory

**Budget:** €521,727 + €11,250 (matching funds by implementing partner)\*

**Duration:** November 2008 – July 2011

**Type of victim and intervention:** Psychological rehabilitation and material support for children and youth formerly associated with armed groups, orphans, former child soldiers and vulnerable children.

**Project(s):** TFV/DRC/2007/R2/032

**Project title:** Psychological rehabilitation and material support programme for 80 victims of war crimes and crimes against humanity displaced in the city of Bukavu

**Budget:** €136,154 + €5,429 (matching funds by implementing partner)\*

**Duration:** November 2008 – June 2012

**Type of victim and intervention:** Psychological rehabilitation and material support for victims of war crimes and crimes against humanity.

Note: The budget stated in the above tables corresponds to the total amount approved for the whole project duration through the end of the current contract. The exchange rate for June 2012 (1 EUR= 0.805 USD and 2,484 UGX) was used to calculate the TFV outstanding obligations.

\*The matching funds cover only the period from 1 July 2011 to 31 March 2012. The exchange rate of June 2012 was used to convert the values.

## Annex III

### Organisational chart, Trust Fund for Victims

