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Report of the Bureau on victims and affected communities, Trust Fund for Victims and reparations

Note by the Secretariat

Pursuant to paragraph 19 of resolution ICC-ASP/12/Res.5 of 27 November 2013, the Bureau of the Assembly of States Parties hereby submits for consideration by the Assembly the report on victims and affected communities, Trust Fund for Victims and reparations. The present report reflects the outcome of the informal consultations held by The Hague Working Group of the Bureau with the Court and other stakeholders.

I. Introduction

1. At its ninth session, the Assembly of States Parties (“The Assembly”) to the Rome Statute “[requested] the Bureau to report on the developments in the victims-related issues”.¹ During its tenth and eleventh sessions, the Assembly invited the Bureau to report on reparations, victims’ participation and any appropriate measures.²

2. The Assembly, at its twelfth session, decided “to continue to monitor the implementation of the rights of victims under the Rome Statute” and keep on “discussions on this topic focusing, through its Bureau, on victims’ participation”.³ Pursuant to this mandate, in December 2013 the Bureau approved, via a silence procedure, to task The Hague Working Group (“the working group”) with the theme “Victims and affected communities and Trust Fund for Victims, including reparations”.⁴ In February 2014, the Bureau appointed Ambassador Mohamed Karim Ben Becher (Tunisia) and Ambassador Eduardo Pizarro Leongómez (Colombia) as co-facilitators of deliberations on this matter.⁵

II. Discussion

3. The proposed Work Plan, which intended to match the recommendations contained in the report “Evaluation and rationalization of the working methods of the subsidiary bodies of the Bureau”⁶, was introduced by co-facilitators on 1 April 2014. The suggested program was supported by States Parties, the Court and NGOs.

4. As it has been previously indicated by the Bureau⁷, one of the challenges encountered when discussing victims’ rights is that informal consultations have taken place in the context of an incomplete judicial cycle. Up to date the Court has issued three trial judgments under article 74 in the cases against Mr. Thomas Lubanga, Mr. Mathieu Ngudjolo Chui and Mr. Germain Katanga. Even though the conviction against Mr. Katanga is final, since both the Prosecution and the Defence decided to discontinue their appeals against the first instance ruling, the Court has emphasized that some victims issues may be defined authoritatively by the Appeals Chamber, for instance in the *Lubanga* case. Also, principles on reparations will continue to be applied via jurisprudence on a case-by-case basis and that “Principles established by one trial chamber do not create a *stare decisis* effect on future trial chambers.”⁸ This context element was underscored in the proposed Work Plan.

A. Consultation process

5. On 1 April, 6 May, 17 June, 25 September, 24 October and 6 November 2014 informal consultations took place. Eager to benefit from the views of different stakeholders, States Parties, the Court, the Trust Fund for Victims (TFV), observer States, as well as NGOs were invited to attend all meetings.

6. On 1 April 2014, co-facilitators introduced the Work Plan referred to above and the TFV made a general presentation of its Draft Strategic Plan for the period 2014-2017. During the second meeting, on 6 May, the working group considered the TFV Draft Strategic Plan further and in depth. The third meeting, held on 17 June 2014, focused on victims’ participation. On 30 September 2014, principles relating to reparations and the declaration of

¹ ICC-ASP/9/Res.3, OP49.

² ICC-ASP/10/Res.3, OP5; ICC-ASP/11/Res.7, OP6 ; ICC-ASP/11/Res.8, OP 58.

³ ICC-ASP/12/Res. 5, OP19 and OP20.

⁴International Criminal Court.Assembly of States Parties. Bureau of the Assembly of States Parties, *16 December 2013, Agenda and Decisions*.

⁵International Criminal Court.Assembly of States Parties. Bureau of the Assembly of States Parties, *18 February 2014, Agenda and Decisions*.

⁶International Criminal Court. Assembly of States Parties, *Report of the Bureau: Evaluation and rationalization of the working methods of the subsidiary bodies of the Bureau*, 20 November 2013, document ICC-ASP/12/59.

⁷International Criminal Court.Assembly of States Parties, *Report of the Bureau on victims and affected communities and the Trust Fund for Victims, including reparations and intermediaries*, 15 October 2013, document ICC-ASP/12/38.

⁸ International Criminal Court, *Informal Court Paper on the Question of Principles Relating to Reparations*, 15 May 2013, footnote 8.

indigence for the purpose of reparations were the agenda items. On 24 October 2014, the working group discussed the draft report and the draft resolution on victims, as well as some elements for the omnibus resolution. On 6 November, the working group continued debating these documents.

B. Conclusions

1. Draft strategic plan of the Trust Fund for Victims 2014-2017.

7. On 6 May, the documents that constituted the basis for discussion were the Draft Strategic Plan and Risk Management Framework. Prior to discussing these texts in-depth, the working group was addressed by high level representatives from the Court and the TFV.

8. The Presidency of the Court briefed the working group on the current status of reparations in the cases against Mr. Lubanga and Mr. Katanga. It was put forward that as both of them might be considered indigent for reparations purposes, the Court might order, in the *Lubanga* proceedings if convictions were confirmed on appeal, that the award for reparations be made through the TFV. The representative of the Presidency added that principles relating to reparations would continue to be defined via case-law, even though each case has its particularities. Security difficulties on the ground faced by the TFV in discharging its mandate were acknowledged and the commitment of the Presidency to the mandate of the TFV was highlighted. In this regard, while noting the need for proper management of the funds, the Presidency mentioned it was a strong supporter of the TFV and conveyed that the President had actively encouraged contributions to the Fund.

9. The Registry pointed out that it maintained and will keep, in the context of the *ReVision Project*, a strong collaborative relationship with the TFV. This relationship, it was explained, covered the identification, tracing and freezing or seizure of proceeds, property and assets. It also indicated that the TFV was a key component of the Rome Statute system since it incorporated reparative justice. The stage at which the Draft Strategic Plan was presented and the possibility of continuing the trend in terms of attracting contributions to ensure sustainability and facilitate planning was highlighted.

10. A member of the Board of Directors of the TFV, who was the previous Chair, noted that reparative justice was a cornerstone of the Rome Statute and, in this regard, expressed that providing enough resources was critical to meet victims' expectations. Likewise, the important role played by the TFV's implementing partners in delivering assistance to victims was emphasized.

11. The Executive Director of the Secretariat of the TFV introduced the draft Strategic Plan, whose objective was to communicate its goals and the actions needed to achieve them. The Draft Strategic Plan 2014-2017 is the basis for the TFV to continue implementing the Fund's assistance mandate in the form of physical rehabilitation, psychological rehabilitation and material support, and to implement, in conformity with the Court's awards and orders, its reparations mandate. The Plan builds, *inter alia*, on the Strategic Plan for the period 2009-2013, the findings and recommendations contained in the external evaluation carried out by the International Center for Research on Women, and a risk management framework developed with the assistance of Deloitte. It was also informed by internal discussions within the Fund as well as by consultations with the Court, States Parties, civil society, implementing partners and other external stakeholders.

12. The Draft Strategic Plan set out the TFV mission to respond to the harm resulting from crimes under the Court's jurisdiction and was structured in six sections: 1) Achievements, successes and analysis; 2) Regulatory framework and legal mandates; 3) TFV vision, mission statement, goals, cross-cutting themes and core values; 4) TFV Global Programme Strategies; 5) Business Plan; and 6) Risk Management.

13. Before the meeting, participants were invited to focus their interventions on the strategic goals and related programme strategies and the business plan. The Draft Strategic Plan was overwhelmingly praised and supported by States Parties. The need to ensure national ownership and engaging national authorities were remarked to ensure, on the one hand, that the TFV activities go along with States priorities and, on the other hand, that exit strategies are consistent with victims' rights. The interest of the Fund in peace-building

initiatives and its openness to alternative ideas of justice, such as reparative, restorative, transformative and transitional ones was welcomed as well. Some delegations called upon the TFV to focus its activities in situation countries and urged States to raise awareness on the TFV activities, to strengthen its efforts in the field of communication and outreach to manage expectations and to strictly stick to the Rome Statute. Some other delegations asked the TFV to explore the possibility of financing it through private donors and the Court's budget, to analyze the impact and feasibility of both individual and collective reparations awards and to study whether the assistance might be considered a form of reparation. Some delegations, while understanding that needs of sexual and gender-based violence (SGBV) victims should be tackled and constitute a cross-cutting issue, mentioned that any message that could be interpreted as the establishment of a hierarchy among victims should be avoided. Other delegations noted, however, that attention on survivors of SGBV does not detract from other victims of conflict, but is a recognition of the specific difficulties that they can face in accessing justice and services to help them rebuild their lives. One delegation also contended that to talk about full participation of victims overstates the facts and creates very high expectations. Finally, a delegation informed the working group on a new contribution to the TFV.

14. In reacting to the points raised by participants, the TFV replied that the TFV's mandates cannot be equated with the full range of transitional justice and should be viewed as contributing to the purposes of transitional justice. The TFV noted that the draft strategic plan highlights the importance of ensuring a transformative quality to the reparative justice function of its mandates. The TFV explained that references to SGBV and gender mainstreaming did not aim to establish a hierarchy among victims but respond to the fact that, given the widespread incidence of crimes of sexual violence in situation countries, these are cross-cutting topics in the TFV's strategic plan. In addition, the TFV argued that although it did not need authorization from national authorities it always coordinates with local authorities while working with locally based implementing partners. Besides, the TFV maintained that victims and affected communities should be consulted in the design of reparations awards, of which the final decision on scope (individual, collective or both) remains with the Court. The TFV recalled that a consultative approach is already used in its assistance mandate. The TFV concluded by saying that the strategic plan clearly indicates the ambition to diversify its fundraising to private institutional donors.

15. The NGOs representative welcomed the references to transformative justice, the importance given to SGBV and the rights of the child in the Draft Strategic Plan, stressed that States should be involved in raising awareness of the TFV activities and called upon them to cooperate with the Court and the Fund.

16. The TFV Strategic Plan 2014-2017 was approved by the TFV Board of Directors in August, 2014⁹.

2. Victims' participation.

17. The Bureau of the Assembly was tasked to focus its discussions during 2014 on victims' participation. Indeed, in the last resolution on victims the Assembly "[recalled] its concerns about the difficulty the Court has encountered, on some occasions, in processing applications from victims seeking to participate in proceedings" and "[reaffirmed] the need to review the system for victims to apply to participate in proceedings". As per this mandate, deliberations should take place considering "any necessary amendment to the legal framework" as regards the application to participate in proceedings, and "possible amendments to the legal framework for the participation [...] in the proceedings"¹⁰. In conformity with Article 68(3) of the Rome Statute and Rule 89 of the Rules of Procedure and Evidence, victims' participation is a judicial decision.

⁹ Trust Fund for Victims, *TFV Strategic Plan 2014-2017*, August 2014. Available on the website of the TFV: http://trustfundforvictims.org/sites/default/files/media_library/documents/pdf/TFV_Strategic_Plan_2014_2017__approved.pdf Accessed on 20 October 2014.

¹⁰ ICC-ASP/12/Res. 5, OP2, OP3 and OP4.

18. Further to these decisions, on 17 June 2014 the working group dealt with victims' participation and benefited from the Court's input and insights, the NGOs' perspectives¹¹ and, naturally, the comments made by States Parties. At this informal consultation, the Court briefed the working group on the different approaches adopted thus far in relation to victims' participation and on the challenges and opportunities each of these entailed.

19. The Victims Participation and Reparation Section of the Registry (VPRS) indicated that in most cases victims participated through their legal representatives while those who had themselves appeared before the Court had done so either to express their views and concerns or as witnesses. Participants were also informed that the number of potential victim participants in any given case depends on the crimes charged against the accused. In summary, the standard procedure established in the legal texts for victims to apply to participate in the proceedings, the representative of the VPRS said, is as follows: first, victims apply before the Registry using the Court's standard application form; second, the Registry transmits the applications to the parties and the relevant Chamber; third and finally, the Judges decide on the application and on participation modalities.

20. The VPRS added that variations had been introduced by different Chambers, following three main models: a) partly collective, whereby victims recorded their accounts in a group application and each also gave individual accounts of the harm suffered (case against Mr. Laurent Gbagbo, pre-trial stage); b) simplified application process, by which less information is collected from victims and there is more collective management and reporting (case against Mr. Bosco Ntaganda, pre-trial stage); c) a third model, by which a distinction is made between victims who will appear in person (who follow the standard procedure) and those who do not appear in person, who do not submit an application - but may choose to register with the Registry - and the Common Legal Representative must ensure that those whose views and concerns he conveys qualify as victims (Kenyan cases, trial stage).

21. Based on the experience gained in implementing the different approaches, the following are some of the lessons learned by the VPRS: a) it is not advisable to put pressure on victims to meet together in groups; b) Chambers require less information for their decisions on victims than originally thought; c) victims' applications can be managed and reported on by the Registry in a more collective and streamlined way if Chambers agree; d) it is important to give clear information to victims on reparation; e) more information on what victims think about how to organize participation is required (the University of Berkeley study will assist); f) decisions on victims participation must be taken as early as possible so their views and concerns can be ascertained and conveyed; and e) it is important to now harmonize the system to ensure predictability, efficiency and timely decision making, while being flexible enough to respond to all types of case.

22. The representative of the Presidency recalled that victims' rights were distinguishing features of the Rome Statute. As provisions on the matter are few and very broad, they are being developed via jurisprudence (as can be seen *supra*, para. 19). Whereas the system originally appears to point to an individual approach, this is clearly not sustainable when very large numbers of victims are involved. Changes in the legal characterization of the charges, even from pre-trial to trial, may bring about consequences and uncertainties for the victims. As more evidence on the impact of each system was needed before making decisions on amendments to the legal framework, participants were also informed that a lessons learned exercise within the Court was ongoing. It was also suggested that the issue of legal amendments should be handled in the context of the Study Group on Governance/Cluster I. The representative of the Presidency concluded by saying that the expectation was that next year there would be a solid basis for thinking about any necessary amendments. It was also mentioned that it would be very helpful to take into account in this process the study that the School of Law of the University of California, Berkeley, is carrying out.

23. States Parties thanked the Court for its presentations. One delegation requested more clarifications on the term "victim" and the impact of the Office of the Prosecutor's decisions on victims' participation and asked what might be the States Parties' role in the

¹¹ The Victims' Rights Working Group circulated the document "Making victim participation effective and meaningful".

harmonization of the different approaches on victims' participation. Some delegations, noting that the current system is unsustainable and that the Court's practice is moving towards a collective approach in victim participation in the proceedings, expressed its interest in continuing discussions with different stakeholders with a view to consider and adopt, if necessary, legal amendments. Another delegation regretted that the Court did not present concrete amendment proposals before the working group.

24. The VPRS stated that victims' participation depended on the charges and that before making decisions on the role to be played by States Parties to harmonize the system an internal discussion within the Court should be undertaken. In relation to the debate on the individual or collective approach there is a need for caution and first of all it should be understood what is meant by "collective".

25. At the end of the meeting, a survey conducted by the School of Law of the University of California, Berkeley, of 109 witnesses who had appeared before the Court was presented. Likewise, a representative from the Registry referred to the Revised Strategy of the Court in relation to victims¹², posited that it would be reviewed once the Court issued second instance verdicts and final rulings on reparations and stated that the Court was not in a position to provide new elements for debate in the near future.

26. Taking into account the context of an incomplete judicial cycle and in order not to predetermine, overlap or duplicate ongoing processes within the Court on victims' participation, co-facilitators deemed wise to build on the Court's inputs. Therefore, as it was conveyed to the working group on 14 August through a note dated 22 July, co-facilitators did not schedule further informal consultations for the remainder of the year. What is at stake is ensuring not only an effective and efficient victims' participation system but also, and above all, a meaningful one.

3. Reparations' issues.

27. On 30 September, the working group was addressed by representatives from the Registry and the Presidency, who presented the "Integrated report of the Court concerning victims and reparations".

28. The Registry made an update on the implementation of its strategy in relation to victims. It advanced that the review of this strategy, which should have been done in 2014, was postponed by one year because of different and unforeseen circumstances at the time of its adoption, such as the ongoing *ReVision Project*, the absence of a full judicial cycle and of a first final decision on reparations, and the evolving jurisprudence regarding victims' participation.

29. The Presidency touched upon principles relating to victims' reparations and on the criteria for determining disposable means relating to reparations, topics on which the Court should report back to the Assembly¹³. Despite the fact that the Assembly stressed that it was critical to establish coherent and consistent principles relating to reparations in conformity with Article 75 of the Rome Statute, which sets forth that "[t]he Court shall establish principles relating to reparations", the Presidency recalled that as a result of discussions amongst the Judges in two plenary sessions these matters are being developed via jurisprudence and finally unified, where contended in the proceedings, by the Appeals Chamber.¹⁴ However, and in reference to the decision on reparations in the case against Mr. Lubanga¹⁵, the Presidency asserted that international customary law already set out

¹²See International Criminal Court. Assembly of States Parties, *Court's Revised strategy in relation to victims*, 5 November 2012, document ICC-ASP/11/38; International Criminal Court. Assembly of States Parties, *Report of the Court on the Revised strategy in relation to victims: Past, present and future*, 5 November 2012, document ICC-ASP/11/40; and International Criminal Court. Assembly of States Parties, *Report of the Court on the implementation in 2013 of the revised strategy in relation to victims*, 11 October 2013, document ICC-ASP/12/41.

¹³ ICC-ASP/12/Res. 5, OP6 and OP11.

¹⁴See International Criminal Court. Assembly of States Parties, *Report of the Bureau on victims and affected communities and the Trust Fund for Victims, including reparations and intermediaries*, 15 October 2013, document ICC-ASP/12/38; and International Criminal Court. Assembly of States Parties, *Report of the Bureau on the Study Group on Governance*, 22 November 2011, document ICC-ASP/10/30.

¹⁵International Criminal Court. Trial Chamber I, *Situation in the Democratic Republic of the Congo in the case of the Prosecutor v. Thomas Lubanga Dyilo. Decision establishing the principles and procedures to be applied to reparations*, 7 August 2012, document ICC-01/04-01/06.

principles on reparations, so the Court would basically restate them to a large extent. The Presidency also reminded that the prerequisite of a reparations award was a conviction. And concerning the criteria for determining disposable means relating to reparations, the Presidency apprised that consultations are being held with both the Chambers and the Registry with a view to a set of criteria.

30. Some delegations and the TFV pointed out that the adoption of principles on reparations was of the utmost importance in terms of legal certainty and added that those principles should be based on the nature of the crimes and the harm suffered by victims. One delegation asked if the Court followed a roadmap to adopt principles on reparations and whether those principles would be principles *strictu sensu* or rules. Another delegation asked about the role that might be played by States Parties to move forward regarding principles on reparations and whether there was a time-line to consider the system of victims' participation, which might demand legal amendments.

31. The Presidency explained, as regards legal certainty, that the Court would follow the existing international customary law on reparations and that it would adopt principles because their structure, which was broader than the rules' one, left more room for interpretation and flexibility to apply to the specifics of each case. Both the Presidency and the Registry said that States Parties' continued interest on victims-related issues is very helpful. The Court expected to touch upon victims' participation next year and in the context of its lessons learnt initiative and ultimately the Study Group on Governance.

III. Recommendations

32. The Bureau submits the following recommendations for the consideration of the Assembly:

- a) To adopt the draft resolution in the annex, entitled "Victims and affected communities, Trust Fund for Victims and reparations";
- b) To continue to monitor the implementation of victims' rights under the Rome Statute through its Bureau.

Annex

Draft resolution on “Victims and affected communities, reparations and Trust Fund for Victims”

The Assembly of States Parties,

PP1 Recalling its resolutions ICC-ASP/1/Res.6, ICC-ASP/4/Res.3, RC/Res.2, ICC-ASP/10/Res.3, ICC-ASP/11/Res.7 and ICC-ASP/12/Res.5;

PP2 Determined to ensure the effective implementation of victims’ rights, which constitute a cornerstone of the Rome Statute system;

PP3 Reaffirming the importance of the Rome Statute to the victims and affected communities in its determination to hold to account the perpetrators of the crime of genocide, crimes against humanity and war crimes, thus contributing to their prevention;

PP4 Reiterating that victims’ equal rights to present their views and concerns in the proceedings where their personal interests are affected, under article 68 of the Rome Statute, and to expeditious and effective access to justice, protection and support, adequate and prompt reparation for harm suffered, and access to relevant information concerning violations and redress mechanisms are essential components of justice and, in this regard, *emphasizing* the importance of effective outreach to victims and affected communities in order to give effect to the unique mandate of the International Criminal Court towards victims;

PP5 Noting that the crimes within the jurisdiction *ratione materiae* of the Court may affect large numbers of victims, targeted either individually or collectively;

PP6 Noting that certain principles and procedures for reparations are set out by Trial Chamber I in its ‘Decision establishing the principles and procedures to be applied to reparations’ in the case against Thomas Lubanga Dyilo, dated 7 August 2012, and some are subject to an on-going appeal;

PP7 Aware that, pursuant to article 75, paragraph 2, of the Rome Statute, the Court may order, where appropriate, that the award for reparations be made through the Trust Fund for Victims, and *mindful* of the current financial situation of the Trust Fund;

PP8 Acknowledging that the Board of Directors of the Trust Fund for Victims, in accordance with its Regulation 56, shall determine whether to complement the resources collected through awards for reparations, and, noting the request of the Board to strengthen the Fund’s reserve for reparations;

1. *Welcomes* the ongoing and continuous work of the Court in implementing and monitoring its Revised Strategy in relation to victims and welcomes the Court’s intention to review such a strategy once the judicial cycle be finished, if necessary;

2. *Recalls* its concerns about the difficulty the Court has encountered, on some occasions, in processing applications from victims seeking to participate in proceedings, and *notes* the efforts of the Court to ensure that such a process impacts positively on the effective implementation and protection of the rights and interests of victims under the Rome Statute;

3. *Reaffirms* the need to review, in 2015, the system for victims to apply to participate in proceedings, in order to ensure the sustainability, effectiveness and efficiency of the system, including any necessary amendment to the legal framework, while preserving the rights of victims under the Rome Statute and, aiming at legal certainty and predictability for parties and participants and for the planning of the Court and the Trust Fund for Victims, *calls upon* the Court to explore ways to harmonize the application process for victims to participate in the proceedings before the Court, and in consultation with all relevant stakeholders;

4. *Takes note* with appreciation of all the efforts to enhance the efficiency and effectiveness of victim participation, and, *further noting* more collective approach, *invites* the Bureau to explore, through its Study Group on Governance and based on a report the

Court is requested to submit in 2015, the need for possible amendments to the legal framework for the participation of victims in the proceedings;

5. *Notes the importance*, when recruiting officers in charge of victims and witnesses affairs, of ensuring that they have the necessary expertise to take into account cultural traditions and sensitivities and the physical, psychological and social needs of victims and witnesses, particularly when they are required to be in The Hague or outside their country of origin to participate in proceedings before the Court;

6. *Reiterates the need for* the Court to continue to ensure that principles relating to reparations be established in accordance with article 75, paragraph 1, of the Rome Statute, *takes note* of the Court report on this matter, and *further requests* the Court to continue to establish such principles as a priority and report back to the Assembly at its fourteenth session;

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

8. *Recalls* its invitation to States Parties where crimes under the Court's jurisdiction have been committed to act in solidarity with victims by, inter alia, playing an active role in sensitizing communities on the rights of victims in accordance with the Rome Statute in general, and on victims of sexual and gender based violence as well as other vulnerable groups in particular; combating their marginalization and stigmatization; assisting them in their social reintegration process and in their participation in consultations; and promoting a culture of accountability for these crimes;

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

10. *Stresses* that, since the identification, tracing and freezing or seizure of any assets of the convicted person are indispensable for reparations, it is of paramount importance that all necessary measures are taken to that end, in order for relevant States and relevant entities to provide timely and effective assistance pursuant to articles 75, 93, paragraph 1(k), and 109 of the Rome Statute, and *calls upon* States Parties to enter into voluntary agreements, arrangements or any other means to this end with the Court;

11. *Reaffirms* that the declaration of indigence of the accused for the purpose of legal aid bears no relevance to the ability of the convicted person to provide reparations, *takes note* of the Court report on this matter, and *further recalls its* request to the Court to continue to develop a scheme in that regard and to report back to the Assembly on related substantial developments at its fourteenth session;

12. *Reasserts* that when deciding on the disposition or allocation of fines and forfeitures of property or assets of the convicted person, their use for the purpose of reparations shall be prioritized in accordance with the Rules of Procedure and Evidence;

13. *Renews* its appreciation to the Board of Directors and the Secretariat of the Trust Fund for Victims for their continuing commitment towards victims, and *encourages* the Board and the Secretariat to continue to strengthen its ongoing dialogue with the Court, States Parties and the wider international community, including donors as well as non-governmental organizations, who all contribute to the valuable work of the Trust Fund for Victims, so as to ensure increased strategic and operational visibility and to maximize its impact and ensure the continuity and sustainability of the Fund's interventions;

14. *Welcomes* the Strategic Plan of the Trust Fund for Victims for the period 2014-2017 and *encourages* States Parties, the Court and the Fund to coordinate their activities and

roles to ensure the proper implementation of the Plan and the accomplishment of the objectives contained therein;

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

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

17. *Invites* States Parties to consider making earmarked voluntary contributions to the Trust Fund, in accordance with their financial ability, for the purpose of strengthening its reparations reserve, in addition to any regular voluntary contributions to the Fund, and *expresses its appreciation* to those that have already done so;

18. *Requests* the Court and the Trust Fund for Victims to continue developing a strong collaborative partnership, mindful of each other's roles and responsibilities, to implement Court-ordered reparations;

19. *Decides* to continue to monitor the implementation of the rights of victims under the Rome Statute, with a view to ensuring that the exercise of these rights is fully realized and that the continued positive impact of the Rome Statute system on victims and affected communities is sustainable.

20. *Mandates* the Bureau to continue considering victims-related issues as necessary or as they arise, having recourse to any appropriate process or mechanism.
