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**Report to the Assembly of States Parties on the activities
and projects of the Board of Directors of the
Trust Fund for Victims 2003-2004**

The present report is submitted in accordance with paragraph 11 of the annex to resolution 6 (Resolution ICC-ASP/1/Res.6). This paragraph states that “the Board shall report annually to the Assembly of States Parties on the activities and projects of the Trust Fund and on all offered voluntary contributions, regardless of whether they were accepted or refused.”

I. Activities and projects of the Trust Fund

Following paragraph 4 of the annex to the resolution 6, the Board of Directors of the Trust Fund for Victims met for the first required annual meeting from the 20-22nd of April 2004, at the site of the Court in The Hague. At this meeting Madam Minister Simone Veil was elected as Chairperson by the Members of the Board.

During this meeting the Board worked on the preparation of the draft regulations for the management of the Trust Fund for Victims. Experts were consulted and their advice was taken into consideration. All Members of the Board of Directors of the Trust Fund approved the draft regulations and the Board will present them to the Assembly of States Parties for consideration and adoption in its forthcoming meeting in September 2004, in accordance with paragraph 3 of resolution 6. The draft regulations for the Trust Fund for Victims are found in Annex A.

Bearing in mind paragraph 6 of the annex of the resolution 6, it was also decided by the Board of Directors, after consulting with the Registrar, to recommend to the Assembly of States Parties that the capacity of the Board be extended through the establishment of a Secretariat which will provide further assistance to the functioning of the Fund. Related to this, the Board has prepared a budget proposal for the establishment of the Secretariat, will be submitted to the Assembly of States Parties for approval in accordance with paragraph 6 of the annex of the resolution 6. The budget proposal for the establishment of the Secretariat is found in Annex B.

Pursuant to paragraph 5 of the above mentioned resolution and to paragraph 91 of the Budget for the first financial period of the Court (ICC-ASP/1/3), and paragraphs 284, 290, and 292 of the Programme budget for 2004 (ICC-ASP/2/10), the Registrar, through the Victims Participation and Reparations Section, has provided assistance for the proper functioning of the Board of Directors of the Trust Fund.

II. Status of voluntary contributions

Two bank accounts were opened in USD and EUR. As at 15th July 2004 the balances of the accounts are USD 17,509.52 and EUR 5,500.53. The list of voluntary contributions for this first period is included as an attachment to this report headed Annex C.

The Board recognizes the importance of campaigning for voluntary contributions to allow the Trust Fund to effectively carry out activities and projects for the benefit of victims of crimes and their families, within the jurisdiction of the Court. Moreover, the Members of the Board encourage States to contribute to the Trust Fund as it is of crucial importance for the implementation of its mandate.

Annex A

Draft Regulations for the Trust Fund for Victims

FIRST MEETING OF THE BOARD OF DIRECTORS OF THE TRUST FUND FOR VICTIMS 20-22 April 2004, The Hague (The Netherlands)

Draft Regulations

INTRODUCTION

These Regulations develop the main provisions relating to the Trust Fund for Victims that appear in Article 79 of the Rome Statute; Rule 98 of the Rules of Procedure and Evidence; Resolution 6 of the Assembly of States Parties on the establishment of a Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and the families of such victims; and in Resolution 7 of the Assembly of States Parties on the procedure for the nomination and election of members of the Board of Directors of the Trust Fund for the benefit of victims.

These Regulations develop further criteria for the management of the Trust Fund, as established in Resolution 6, to be adopted by the Assembly of States Parties. Both versions of this document, in English and in French, are equally authentic.

REGULATIONS OF THE TRUST FUND FOR VICTIMS

PART I THE MANAGEMENT AND OVERSIGHT OF THE TRUST FUND

CHAPTER I THE BOARD OF DIRECTORS

Section I Election of a Chair of the Board of Directors

1. A Chair shall be elected by an absolute majority of the members of the Board of Directors. The Chair shall serve until the end of his/her respective term as Board Member. He/She shall be eligible for re-election as Chair once. If the Chair finds it necessary to be absent during a meeting or any part thereof, he/she may designate another Board Member to take his/her place. If the Chair is unable to perform his/her functions, a new Chair shall be elected for the un-expired term.
2. The Chair shall be responsible for co-ordinating the work of the Board of Directors.

Section II Meetings

3. The Board of Directors shall meet in regular session at least once a year at the seat of the Court.
4. The Board may hold special sessions when circumstances so require, and the Chair shall fix the date of commencement, the duration and the location of each such special session. Special sessions may be held in person, or by telephone, web or video conferencing.
5. The Chair shall determine the provisional agenda for the regular and special sessions of the Board. The Chair may receive suggestions for agenda items from other members of the Board, the Bureau of the Assembly of States Parties, the Registrar and/or the Trust Fund Secretariat (“the Secretariat”). Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents or by a draft decision. All materials shall be distributed to members of the Board sufficiently in advance and, where possible, at least one month in advance of the session. The provisional agenda for any session shall be submitted for consideration and adoption to the Board of Directors at the commencement of that session.
6. The Chair shall preside over each session.
7. The Registrar shall participate in sessions of the Board in an advisory capacity. Members of the Trust Fund Secretariat may attend sessions of the Board.
8. The Board of Directors may invite others with relevant expertise to participate, as appropriate, in specified sessions of the Board in accordance with Rule 42 of the Rules of Procedure of the Assembly of States Parties, and to make oral or written statements and provide information on any question under consideration.
9. As a general rule, sessions of the Board of Directors shall be held in private unless the Board decides otherwise. Decisions of the Board of Directors shall be made public, subject to confidentiality, and shall be communicated, to the extent possible, to beneficiaries, interested States and implementing

partners. At the close of a meeting of the Board of Directors, the Chair may issue a communiqué through its Secretariat or the Registry, as appropriate.

10. For the purposes of these Regulations, all participating Board Members shall be considered present during telephone, web or video conferences. Moreover, an electronic signature may be used to sign a document or agreement.

11. The working languages of the Board of Directors shall be English and French.

Section III

Decisions of the Board of Directors

12. Decisions of the Board of Directors shall be taken in regular or special sessions, in person as well as by telephone, web or video conferencing. Each Board Member shall have one vote. The presence of a majority of the members shall be required for any decision to be taken.

13. Every effort shall be made to reach decisions by consensus. If consensus cannot be reached, all decisions must be approved by a majority of the voting members representing a majority of the members of the Board.

14. If necessary, the Chair shall take provisional decisions between sessions in consultation with the Secretariat. Subsequently, the Chair shall submit the decision(s) to the Board for their approval in accordance with the procedures stipulated in Paragraph 13, above.

15. In accordance with Paragraph 3 of Resolution 6 of the Assembly of States Parties on the establishment of a Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and the families of such victims ("Resolution 6"), the Board of Directors may adopt such additional guidelines and procedures that are necessary to carry out its functions. These additional guidelines and procedures must be consistent with the 'further criteria' stipulated therein. Furthermore the Board of Directors may also suggest to the Assembly of States Parties amendments to these 'further criteria'.

Section IV

Costs of the Board of Directors

16. Members of the Board of Directors act in their personal capacity on a pro bono basis.

17. Expenses of the Board of Directors shall be paid from the funds of the Court.

CHAPTER II THE SECRETARIAT

Section I

Seat and establishment

18. A Trust Fund Secretariat shall be established at the seat of the Court. The Secretariat shall be responsible for the day-to-day administration of the Trust Fund and for providing such assistance as is necessary for the proper functioning of the Board in carrying out its tasks.

19. The Secretariat shall be established in accordance with Paragraph 6 of the Annex of the Resolution of the Assembly of States Parties relating to the establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, as defined in Rule 85, and where it concerns natural persons, their families.

Section II
Reporting of the Secretariat

20. The Secretariat shall provide periodic reports to the Board on its activities.
21. The Secretariat operates independently. However, it shall consult the Registrar on all administrative and legal matters for which it has received the assistance of the Registry.

Section III
Costs of the Secretariat

22. The base costs of the Secretariat shall be borne by the Court. If the Assembly of States Parties decides to create an expanded capacity, including the appointment of an Executive Director, the Assembly of States Parties may consider attributing the costs of this expansion to the voluntary contributions accruing to the Trust Fund.

PART II
RECEIPT OF FUNDS

CHAPTER I
PRIMARY CONSIDERATIONS

23. The Board of Directors shall ensure, through a variety of means, publicity regarding the Trust Fund and the plight of victims of crimes within the jurisdiction of the Court as defined in Rule 85 of the Rules of Procedure and Evidence, and where it concerns natural persons, their families.
24. The Trust Fund shall be funded by:
- (a) Voluntary contributions from governments, international organisations, individuals, corporations and other entities, in accordance with relevant criteria adopted by the Assembly of States Parties;
 - (b) Money and other property collected through fines or forfeiture transferred to the Trust Fund as ordered by the Court pursuant to Article 79, Paragraph 2, of the Rome Statute (“the Statute”);
 - (c) Resources collected through awards for reparations if ordered by the Court pursuant to Rule 98 of the Rules of Procedure and Evidence;
 - (d) Such resources, other than assessed contributions, as the Assembly of States Parties may decide to allocate to the Trust Fund.

CHAPTER II
VOLUNTARY CONTRIBUTIONS

25. The Board, as part of its annual report to the Assembly of States Parties on the activities and projects of the Trust Fund, shall present an annual appeal for voluntary contributions to the Trust Fund.
26. The Board, with the support of the Secretariat, shall establish contact with governments, international organisations, individuals, corporations and other entities to solicit voluntary contributions to the Trust Fund.
27. The Board shall adopt guidelines on how to solicit financial contributions from private institutions.
28. The Trust Fund shall take receipt of all voluntary contributions from sources stipulated in Resolution 6, Paragraph 2 (a), and shall note the sources and amounts received.

29. The Board shall establish mechanisms that will facilitate the verification of the sources of funds received by the Trust Fund.
30. The Trust Fund may refuse voluntary contributions which are deemed to be in any way inconsistent with the goals and activities of the Trust Fund.
31. Voluntary contributions may be partially earmarked by the donor so long as the allocation, as requested by the donor, benefits victims as defined in Rule 85 of the Rules of Procedure and Evidence, and where it concerns natural persons, their families.
32. In the event that a voluntary contribution is earmarked and the related situation or case is not brought before the Court, the Trust Fund shall allocate the contribution to its General Account with the agreement of the donor.
33. The Trust Fund shall regularly review the nature and level of voluntary contributions in order to ensure that no such allocation would result in a manifestly inequitable distribution of available funds and property among the different groups of victims. To accomplish this, the Board may adopt specific measures allowing for a more equitable distribution of funds among groups of victims.

CHAPTER III MONEY AND OTHER PROPERTY COLLECTED THROUGH FINES OR FORFEITURE

34. The Board of Directors shall, at the request of the Chamber pursuant to Rule 148 of the Rules of Procedure and Evidence, make written or oral observations on the transfer of fines or forfeitures to the Trust Fund.
35. The Trust Fund shall, at the request of the Presidency, submit written or oral observations on the disposition or allocation of property or assets in accordance with Rule 221 of the Rules of Procedure and Evidence.
36. The Trust Fund shall take receipt of all money and other property collected through fines or forfeiture that is transferred, by order of the Court, to the Trust Fund.

CHAPTER IV RESOURCES COLLECTED THROUGH AWARDS FOR REPARATIONS

37. The Trust Fund shall take receipt of resources collected through awards for reparations and shall separate such resources from the remaining resources of the Trust Fund in accordance with Rule 98 of the Rules of Procedure and Evidence. It shall note the sources and amounts received, together with any stipulations contained in the order of the Court as to the use of the funds.

CHAPTER V RESOURCES ALLOCATED BY THE ASSEMBLY OF STATES PARTIES

38. In its annual report to the Assembly, the Board of Directors may make suggestions of financial or other contributions, other than assessed contributions, that the Assembly of States Parties may allocate to the Trust Fund.
39. Where no such stipulation has been made by the Assembly of States Parties as to the uses of the financial or other contributions other than assessed contributions, the Trust Fund shall allocate these

contributions to its General Account for the benefit of victims as defined in Rule 85 of the Rules of Procedure and Evidence, and where it concerns natural persons, their families.

CHAPTER VI
OPERATIONAL ISSUES REGARDING THE
RECEIPT OF FUNDS

40. Bank account(s) of the Trust Fund shall be opened in conformity with Rule 108(1) of the Financial Regulations and Rules.

41. The accounting system of the Trust Fund shall allow for the separation of funds to facilitate the receipt of earmarked contributions, money and other property collected through fines or forfeiture transferred by the Court where the Court has stipulated particular usages, or resources collected through awards for reparations.

42. A computer tracking system shall be established to enable tracking of, inter alia:

- (a) The sources of funds received as stipulated in Resolution 6, Paragraph 2, including the name of the donor, the location, region, date and the amount of contribution;
- (b) All requests for earmarked contributions, including the nature of the request, and what was ultimately agreed upon and received;
- (c) All pledges received, the date and nature of the pledge, any follow up by the Court, and the date on which funds were actually received;
- (d) Separation of funds within the Trust Fund on the basis of categories of restrictions on use and on the basis of actual restrictions;
- (e) All resources that have been attributed by the Trust Fund, sorted by sources of funds, the nature of the attribution, and by beneficiary(ies);
- (f) Receipt by beneficiaries of all attributed resources, by the date of the award, the date of receipt by the beneficiary, where possible, or by the date of payment by the donor;
- (g) All resources that have been attributed by way of grants to organisations. A programme that is separate but linked to the main system will monitor by grantee: the beneficiary group, the object of the grant, the amount of grant, obligations under the grant contract, reporting deadlines, verification of completion and the accomplishment of results.

43. The Secretariat shall take receipt of resources that the Assembly of States Parties may decide to allocate to the Trust Fund. It shall note the sources and amounts received, together with any stipulations contained as to the use of the funds.

44. The Board of Directors shall advise the Court of any difficulties or delays in the receipt of funds.

PART III
THE ACTIVITIES AND PROJECTS OF THE TRUST FUND

CHAPTER I
USE OF FUNDS

Section I
Beneficiaries

45. The resources of the Trust Fund shall be for the benefit of victims of crimes within the jurisdiction of the Court, as defined in Rule 85 of the Rules of Procedure and Evidence, and where it concerns natural persons, their families.

Section II
Resources collected through fines or forfeiture
and awards for reparations

46. When resources collected through fines or forfeiture or awards for reparations are transferred to the Trust Fund pursuant to Article 75, Paragraph 2, or Article 79, Paragraph 2, of the Statute or Rule 98, sub-rules 2-4, of the Rules of Procedure and Evidence, the Board of Directors shall determine the uses of such resources in accordance with any stipulations or instructions contained in such orders, in particular, on the scope of beneficiaries and the nature and amount of the award(s).

47. Where no further stipulations or instructions accompany the orders, the Board of Directors may determine the uses of such resources in accordance with Rule 98 of the Rules of Procedure and Evidence, taking into account any relevant decisions issued by the Court on the case at issue, and in particular, decisions issued pursuant to Article 75, Paragraph 1, of the Statute and Rule 97 of the Rules of Procedure and Evidence.

48. The Board of Directors may seek further instructions from the relevant Chamber on the implementation of its orders.

49. Resources collected through awards for reparations may only benefit victims as defined in Rule 85 of the Rules of Procedure and Evidence, and where it concerns natural persons, their families, affected by the crimes committed by the convicted person.

Section III
Other resources of the Trust Fund

50. For the purpose of these regulations, “other resources of the Trust Fund” set out in Paragraph 5 of Rule 98 of the Rules of Procedure and Evidence refers to resources other than those collected from awards for reparations, fines and forfeitures.

51. Other resources of the Trust Fund shall be used to benefit victims of crimes as defined in Rule 85 of the Rules of Procedure and Evidence, and where it concerns natural persons, their families, who have suffered physical, psychological and/or material harm as a result of these crimes:

- (a) To complement resources collected through awards for reparations, where the Court has made an order directly against a convicted person in accordance with Article 75, Paragraph 2, of the Statute and Rule 98, sub-rules 1-4, of the Rules of Procedure and Evidence;
- (b) To provide for physical or psychological rehabilitation or material support where the Pre-Trial Chamber has authorised the commencement of an investigation in accordance with Article 15, Paragraph 3, and Article 53 of the Statute, or where a situation has been referred to the Prosecutor

by a State Party or the Security Council and the Prosecutor decides to initiate an investigation in accordance with Article 53 of the Statute. The Board of Directors will determine the applicability of this provision.

- (c) To provide for physical or psychological rehabilitation or material support, in exceptional circumstances, where the situation or the case is not being investigated or prosecuted by the Court because it is or has been investigated or prosecuted by a State which has jurisdiction over it in accordance with Article 17 of the Statute or when a situation or case is not being investigated or prosecuted for reasons described in Articles 53, Paragraph 1(c) or 2(c). The Board of Directors will make a request to the Pre-Trial Chamber to determine the applicability of this provision, taking into account the situation of victims and the existence [or lack] of national or international programmes for the benefit of victims and their family members.

CHAPTER II IMPLEMENTATION OF THE ACTIVITIES AND PROJECTS OF THE TRUST FUND

Section I General principles

52. The Board of Directors shall only undertake the actions set out in this Chapter once the Trust Fund is considered to be seized in accordance with Paragraph 53.

53. For the purposes of these regulations, the Trust Fund shall be considered to be seized:

(a) *By order of the Court*

When the Court makes an order for reparations against a convicted person and orders that the award be deposited with or made through the Trust Fund in accordance with Rule 98, sub-rules 2-4, of the Rules of Procedure and Evidence.

(b) *By the initiation of an investigation by the Prosecutor, authorised by the Pre-Trial Chamber, as appropriate*

When the Pre-Trial Chamber has authorised the commencement of an investigation in accordance with Article 15, Paragraph 3, and Article 53 of the Statute, or, where a situation has been referred to the Prosecutor by a State Party or the Security Council acting under Chapter VII of the Charter of the United Nations and the Prosecutor decides to initiate an investigation in accordance with Article 53 of the Statute. The Board of Directors will determine the applicability of this provision.

(c) *By decision of the Pre-Trial Chamber*

In exceptional circumstances, where the situation or case is not being investigated or prosecuted by the Court because it is or has been investigated or prosecuted by a State which has jurisdiction over it in accordance with Article 17 of the Statute or when a situation or case is not being investigated or prosecuted for reasons described in Articles 53, Paragraph 1(c) or 2(c), the Board of Directors will make a request to the Pre-Trial Chamber to determine the applicability of this provision, taking into account the situation of victims and existence [or lack] of national or international programmes for the benefit of victims and their family members.

*Section II
Outreach*

54. Once the Trust Fund has been seized in accordance with Paragraph 53, the Chair of the Board of Directors may issue a communiqué through its Secretariat or the Registry, as appropriate.

55. The communiqué may indicate the basis for its activities and projects in accordance with Paragraph 53 and may provide any additional information, as appropriate. A call for voluntary contributions may accompany the communiqué.

56. The Board of Directors may engage in any outreach and information campaigns it deems appropriate for the purpose of raising voluntary contributions. The Board of Directors may ask for the assistance of the Registrar in this matter.

*Section III
If the activities and projects of the Trust Fund are triggered by
a decision of the Court*

57. When the Court orders that an award for reparations against a convicted person be deposited with the Trust Fund or made through the Trust Fund in accordance with Rule 98, sub-rules 2-4, of the Rules of Procedure and Evidence, the Secretariat shall prepare a draft plan to implement the order of the Court, to be approved by the Board of Directors.

58. The Board of Directors may consult victims as defined in Rule 85 of the Rules of Procedure and Evidence, and where it concerns natural persons, their families, as well as their legal representatives, and may consult any competent expert or expert organisation in the preparation of the draft implementation plan.

59. Subject to the order of the Court, the Trust Fund shall take into account the following factors in determining the nature and/or size of awards, inter alia: the nature of the crimes, the particular injuries to the victims and the nature of the evidence to support such injuries, as well as the size and location of the beneficiary group.

60. The Board of Directors shall determine whether to complement the resources collected through awards for reparations with “other resources of the Trust Fund” and shall advise the Court accordingly.

61. The Trust Fund shall submit to the relevant Chamber, via the Registrar, the draft implementation plan for approval and shall consult the relevant Chamber, as appropriate, on any questions that arise in connection with the implementation of the award.

62. The Trust Fund shall provide updates to the relevant Chamber on progress in the implementation of the award, in accordance with the Chamber’s order. At the end of the implementation period, the Trust Fund shall submit a final narrative and financial report to the relevant Chamber.

*Section IV
If the activities and projects of the Trust Fund are triggered by the
initiation of an investigation, or by the decision
of the Pre-Trial Chamber*

63. The Board of Directors may use other resources of the Trust Fund to benefit victims as defined in Rule 85 of the Rules of Procedure and Evidence, and where it concerns natural persons, their families, from the moment that the activities and projects of the Trust Fund are triggered by the initiation of an investigation by the Prosecutor (authorised by the Pre-Trial Chamber as appropriate), or in exceptional circumstances by the decision of the Pre-Trial Chamber at the request of the Board of Directors.

64. The Board of Directors may consult victims, as defined in Rule 85 of the Rules of Procedure and Evidence, and where it concerns natural persons, their families, as well as their legal representatives, and may consult any competent expert or expert organisation on the situation of the potential beneficiaries that may be affected and on the practicalities of reaching and assisting them, as well as on any proposed plan of allocation.

65. The Board of Directors shall determine the priority activity and project areas, bearing in mind the available resources and taking into account that no allocation should result in a manifestly inequitable distribution of available funds and property among the different groups of victims. The Trust Fund may invite proposals from international or national organisations which are specifically geared to addressing the enumerated priority activity and project areas.

CHAPTER III INDIVIDUAL AWARDS TO VICTIMS PURSUANT TO RULE 98(2)

Section I

Cases where the Court identifies each beneficiary

66. Where the Court orders that an award for reparations against a convicted person be deposited with the Trust Fund in accordance with Rule 98, sub-rule 2, of the Rules of Procedure and Evidence, the draft implementation plan shall set out the names and locations of victims to whom the award applies, where known (and subject to confidentiality), any procedures that the Trust Fund intends to employ to collect missing details, and methods of disbursement.

Section II

Cases where the Court does not identify the beneficiaries

67. Where the names and/or locations of the victims are not known, or where the numbers of victims is such that it is impossible or impracticable for the Secretariat to determine these with precision, the Secretariat shall set out all relevant demographic/statistical data about the group of victims, as defined in the order of the Court, and shall list options for determining any missing details for approval by the Board of Directors.

68. Such options may include:

- (a) The use of demographic data to determine the members of the beneficiary group; and/or:
- (b) Targeted outreach to the beneficiary group to invite any potential members of the group who have not already been identified through the reparations process to identify themselves to the Trust Fund, and where appropriate, these actions may be undertaken in collaboration with interested States, intergovernmental organisations, as well as national or international non-governmental organisations. The Board of Directors may put in place reasonable deadlines for the receipt of communications, taking into account the situation and location of victims.
- (c) The Secretariat may consult victims or their legal representatives and the families of individual victims, as well as interested persons, interested States and any competent expert or expert organisation, in developing these options.

Section III *Verification*

69. The Secretariat shall verify that any persons who identify themselves to the Trust Fund are in fact members of the beneficiary group, in accordance with any principles set out in the order of the Court.

70. The Board of Directors shall determine the standard of proof for the verification exercise having regard to the prevailing circumstances of the beneficiary group and the available evidence, subject to any stipulations set out in the order of the Court.

71. A final list of beneficiaries shall be approved by the Board of Directors.

72. Taking into account the urgent situation of the beneficiaries, the Board of Directors may decide to institute phased or priority verification and disbursement procedures. In such cases, the Board of Directors may prioritise a certain sub-group of victims for verification and disbursement.

Section IV

Disbursement of reparations awards

73. The Trust Fund shall determine the modalities for the disbursement of reparations awards to beneficiaries taking into account their present circumstances and locations.

74. The Trust Fund may decide to use intermediaries to facilitate the disbursement of reparations awards, as necessary, where to do so would provide greater access to the beneficiary group and would not create any conflict of interest. Intermediaries may include interested States, intergovernmental organisations, as well as national or international non-governmental organisations working in close proximity with the beneficiary groups.

75. The Secretariat shall put in place procedures to verify that awards were received by beneficiaries, following the implementation of a disbursement programme. Beneficiaries shall be required to acknowledge receipt of the award in writing or by other means of identification, and these acknowledgments shall be stored by the Secretariat. Additional spot checks and monitoring of the receipt of awards should be implemented to avoid unforeseen difficulties or the potential for fraud or corruption.

CHAPTER IV

COLLECTIVE AWARDS TO VICTIMS PURSUANT TO RULE 98(3)

76. Where the Court orders that an award for reparations against a convicted person be made through the Trust Fund where the number of the victims and the scope, forms and modalities of reparations makes a collective award more appropriate, in accordance with Rule 98, sub-rule 3, of the Rules of Procedure and Evidence, the draft implementation plan shall set out the precise nature of the collective award(s), where not already specified by the Court, as well as the methods for its implementation. Determinations made in this regard should be approved by the Court.

77. The Board of Directors may consult victims as defined in Rule 85 of the Rules of Procedure and Evidence, and where it concerns natural persons, their families, as well as their legal representatives, and may consult any competent expert or expert organisation on the nature of the collective award(s) and the methods for their implementation.

78. The Trust Fund may identify intermediaries or partners, or invite proposals for the implementation of the award.

79. The Secretariat shall put in place procedures to monitor the implementation of a collective award.

CHAPTER V
AWARDS TO AN INTERGOVERNMENTAL, INTERNATIONAL OR
NATIONAL ORGANISATION, PURSUANT TO RULE 98(4)

80. Where the Court orders that an award for reparations against a convicted person be made through the Trust Fund to an intergovernmental, international or national organisation, in accordance with Rule 98, sub-rule 4, of the Rules of Procedure and Evidence, the draft implementation plan shall set out, where not already specified by the Court,

- (a) The concerned organisation(s) and a summary of their relevant expertise;
- (b) A list of the specific functions that the concerned organisation(s) is to undertake in fulfilment of the Court's order;
- (c) A memorandum of understanding and/or other contractual terms between the Board of Directors and the concerned organisation(s) setting out roles and responsibilities, monitoring and oversight.

81. The Secretariat shall oversee the work of the concerned organisation(s) in fulfilling the Court's orders, subject to the overall oversight of the Court.

82. The regulations that relate to individual awards to victims pursuant to Rule 98, sub-rule 2, and collective awards to victims in accordance with Rule 98, sub-rule 3, shall apply *mutatis mutandis* to the procedures of the Board in implementing Rule 98, sub-rule 4, as appropriate, depending on whether the Court has indicated that the award(s) shall be individual or collective.

CHAPTER VI
FINAL PROVISIONS

Section I
Amendments

83. These regulations may be amended by proposal of the Board taken by a decision that must be approved by a majority of the voting members representing a majority of the members of the Board. Decisions to propose an amendment shall be taken in regular or special sessions, in person as well as by telephone, web or video conferencing. A decision by the Board of Directors for amendment shall be provisionally binding until its approval or disapproval by the Assembly of States Parties.

Section II
Entry into Force

84. These regulations shall enter into force immediately after their approval by the Assembly of States Parties.

Annex B

Proposal for the establishment of a Secretariat of the Trust Fund for Victims

The Trust Fund for Victims was created on 9 September 2002, by Resolution 6 of the Assembly of States Parties (ICC-ASP/1/Res. 6) pursuant to Article 79 of the Rome Statute. The establishment of the Trust Fund is for the benefit of victims of crimes within the jurisdiction of the Court and their families. It operates in tandem with the Court's reparations function and, when the Court transfers resources collected through awards for reparations to it, the Trust Fund will play a vital role in the implementation of such awards.

With regard to the implementation of the awards of the Court pursuant to rules 98(2), 98(3) and 98(4), the Trust Fund shall report to the Court. For those functions related to the use of voluntary contributions pursuant to rule 98 (5), the Trust Fund will act on its own initiative and shall report directly to the Assembly of States Parties.

The main contributor to the Fund would be the Assembly of States Parties being its creator. However, under paragraph 2 of Resolution 6, the Trust Fund shall also be financed by:

- (a) Voluntary contributions from governments, international organizations, individuals, corporations and other entities;
- (b) Money and other property collected through fines or forfeiture transferred to the Trust Fund if ordered by the Court pursuant to article 79(2) of the Statute;
- (c) Resources collected through awards for reparations if ordered by the Court pursuant to rule 98 of the Rules of Procedure and Evidence; d) Such resources, other than assessed contributions, as the Assembly of States Parties may decide to allocate to the Trust Fund.

To manage the Trust Fund, a Board of Directors was elected by the Assembly of States Parties on 12 September 2003 during their second resumed session (in accordance with Resolution ICC-ASP/1/Res.7 of 9 September 2002). The Board is composed of Her Majesty Queen Rania Al-Abdullah (Jordan); Óscar Arias Sánchez, (Costa Rica); Tadeusz Mazowiecki (Poland); Archbishop Emeritus Desmond Tutu (South Africa); Simone Veil (France). Each member of the Board will serve for a three year term with the possibility of re-election once and will resume, at the seat of the Court, on a yearly basis.

In Resolution 6, paragraph 7, the Assembly of States Parties gave the Board of Directors the power to "...establish and direct the activities and projects of the Trust Fund and the allocation of the property and money available to it...". Moreover, according to paragraph 11, "The Board shall report annually to the Assembly of States Parties on the activities and projects of the Trust Fund and on all offered voluntary contributions, regardless of whether they were accepted or refused.", as well as according to paragraph 12, "The Committee on Budget and Finance shall examine the budget of the Trust Fund annually and submit to the Assembly of States Parties a report and recommendations for the best possible financial management of the Trust Fund."

In order to assist the Board of Directors in the day-to-day administration of the Trust Fund, it is proposed that a Secretariat for the Trust Fund be established.

Objectives

- Act as a vehicle through which reparations orders from the Court can be granted to victims;
- Collect voluntary contributions, fines and forfeitures;
- Use the resources to benefit victims of crimes within the jurisdiction of the Court and their families.

<i>Expected accomplishments</i>	<i>Indicators of achievement</i>
To manage the Trust Fund efficiently	<ul style="list-style-type: none"> • Implementation of procedures put in place by the Secretariat of the Trust Fund; • Implementation of a verification; mechanism with respect to the sources of the funds received; • Implementation of a system that will record incoming contributions.
Effective cooperation between the Trust Fund and the Court	<ul style="list-style-type: none"> • Avoiding duplication of the work of the Court; • Transparent communication; • Implementation of effective systems and procedures for cooperation with the Court; • Distribution of funds to the persons designated by the Court; • Development of agreements with intergovernmental, international or national organizations according to rule 98(4).
To collect sufficient funds to enable the Trust Fund to realize its mandate	<ul style="list-style-type: none"> • Effective publicity for the Trust Fund; • Number of contacts (E.g.: With governments, international organizations, individuals, corporations and other entities); • Number of voluntary contributions received.
To be able to operate as an independent office	<ul style="list-style-type: none"> • Effective management of the Fund without Registry office support; • Development of projects proposed by the Board of Directors to use resources for the benefit of victims under the jurisdiction of the Court according to rule 98(5).
Transparent management	<ul style="list-style-type: none"> • Periodic reports provided to the Board; • Degree of openness with respect to sources of funding; • Adoption of criteria to avoid manifestly inequitable distribution of funds among the different groups of victims.

Final outputs

- Professional support to the Board of Directors;
- Smooth running of all operations associated with the daily running of the Trust Fund;
- Effective publicity for the Trust Fund for Victims;
- Effective distribution of awards to victims.

Proposed budget 2005 for the Secretariat of the Trust Fund for Victims

Resource requirements

<i>Item</i>	<i>Post table 2004</i>	<i>Post table 2005</i>			<i>Proposed budget 2005 (Thousands of euros)</i>		
	<i>Total</i>	<i>Core</i>	<i>Conditional</i>	<i>Total</i>	<i>Core</i>	<i>Conditional</i>	<i>Total</i>
Professional staff	0	5	0	5	568.3		568.3
General Service staff	0	2	0	2	111.4		111.4
<i>Subtotal staff</i>	<i>0</i>	<i>7</i>	<i>0</i>	<i>7</i>	<i>679.7</i>		<i>679.7</i>
General temporary assistance					10		10
<i>Subtotal other staff</i>					<i>10</i>		<i>10</i>
Travel					92.65		92.65
Hospitality					3.29		3.29
Contractual services					27.598		27.598
General operating expenses					74.5		74.5
Supplies and materials					4		4
Furniture and equipment					412.035		412.035
Working capital fund					100		100
<i>Subtotal non-staff</i>					<i>714.073</i>		<i>714.073</i>
Total sub-programme					1,403.773		1,403.773

In order to ensure an effective oversight of the Trust Fund for Victims, the Secretariat needs to be adequately staffed with personnel whose competence and knowledge will be crucial in the day-to-day operations related to victims' reparations. In this regard, the workload of the Secretariat is expected to be quite high.

For 2005, it is envisaged that the Secretariat will provide support to the Board of Directors as appropriate, for the proper functioning of the Board in carrying out its tasks in accordance with ICC-ASP/1 Res. 6 Annex, para. 5, this includes:

- Establishing a working process that will ensure publicity for the Trust Fund and the plight of victims within the jurisdiction of the Court;
- Establishing contact with governments, international organizations, individuals, corporations and other entities to solicit voluntary contributions to the Trust Fund;
- Supervising all operational issues related to the receipt of funds;
- Establishing mechanisms that will facilitate the verification of the sources of funds received;
- Developing criteria for the refusal of voluntary contributions which are deemed to be inconsistent with the principles of the Court;
- Establishing a system of negative earmarking for voluntary contributions;
- Assisting the Board in reviewing the nature and level of voluntary contributions;

- Communicating on relevant matters with the Office of the Registrar, the VPRS, as well as other Organs of the Court, and other organizations and bodies;
- Assisting the Board in the submission of written or oral opinions on the disposition of property or assets pursuant to rules 148 and 221 of the Rules of Procedure and Evidence;

(i) Staff requirements

Core resources:

*Staff costs:**

Grade	Level
D-1	159,000 €
P-4	129,900 €
P-3	98,800€
P-2	81,800 €
G-6/5	55,700 €

* The figures for the professional level positions and for the general service positions are based on the standard salary cost for 2005.

One Executive Director (D-1)

With overall executive responsibilities, the incumbent will direct and coordinate the general and specialized policies, programmes and activities of the Trust Fund for Victims. In overseeing the operations of the Secretariat staff, will implement the overall objectives and requirements of the Fund, as dictated by the Board of Directors, in the medium and long term.

Responsibilities will include:

- Supervising and establishing guidelines for the provision of legal opinions or advise on issues relating to reparations issues and, the functions, structure and activities of the Trust Fund for Victims and its Secretariat;
- Providing guidelines for, and/or directing the formulation and execution of the Trust Fund's public information and outreach campaign, as well as the fund disbursement programmes;
- Providing and ensuring the highest standard of quality and cost-effectiveness in the Fund's programmes and activities;
- Providing advice and assistance in resolving procedural and substantive questions to the Board of Directors on all matters related to the management and oversight of the Fund, and representing the Fund Secretariat at legislative, interdisciplinary and inter-agency meetings;
- Directing and integrating the programmes and activities of the Fund, as appropriate, with the organs of the ICC;
- Undertaking consultations and participating in negotiations with high level representatives of State Parties or other organizations; Representing the organization in meetings of other organizations and bodies;
- Analyzing, coordinating, formulating, approving, submitting, negotiating and justifying budgetary and personnel proposals, and managing staff and contractual resources.

One Fundraising Officer (P-4)

The Fundraising Officer will identify and target new opportunities and builds on relationships with donors in order to optimize revenue. The responsibilities of the post include: determination of types of fundraising and develop programmes/campaigns to be implemented, preparing schedule for the fundraising, provision of advice on and directing of volunteer groups who are willing to help in fundraising, keep records funding and grant ideas and successful sources of funding. This position would work with a wide range of advocacy groups.

One Financial Management Specialist (P-3)

The Financial Management Specialist shall maintain financial records for the Trust Fund Secretariat and ensure that all internal control procedures are implemented within the Fund. The incumbent shall be responsible for ensuring the application of proper accounting systems, procedures and activities, as well as accounting controls. He or she shall manage the funds received by or transferred to the Trust Fund, including recording, disbursing and investing these funds. The incumbent shall create a system that allows for the separation of funds based upon their different sources, and shall be responsible for the tracking of all disbursed funds. He or she shall also arrange banking services. The incumbent shall be consulted on the economic viability of the projects developed by the Board of Directors.

One Liaison and Outreach Officer (P-3)

The candidate will serve as the principal liaison between the Trust Fund and victims, both at the Court and through field-based initiatives. The incumbent will be charged with setting up and implementing information programmes and outreach campaigns to promote better understanding of the goals and activities of the TFV and other stakeholders, particularly in areas that are the subject of an investigation by the Office of the Prosecutor. The incumbent will establish cooperative relations between the Secretariat and victims, their families, their representatives, local and regional authorities, civil society organizations and lawyers.

One Associate Legal Officer (P-2)

Under the supervision of the Executive Director, the incumbent will establish procedures to manage and facilitate the activities and programmes of the Trust Fund for Victims. He or she will provide support to the Chairperson of the Board of Directors. The post entails conducting substantive research on complex legal issues related to reparations and on matters related to the functions, structure and activities of the Trust Fund. It includes the production of background materials, such as studies, reports, legal opinions, as well as correspondence. The ALO will organize and prepare general meetings, seminars and working sessions relevant to the topic. The incumbent will assist victims and groups of victims, as well as victims' representatives where necessary. As a result of those duties, the incumbent will have frequent contact with victims, groups of victims, local associations, bar associations, NGOs and lawyers representing victims and their families.

One Computer Information Systems Specialist (G-6)

The post involves the planning, design, development, implementation and maintenance of computer information systems for the Secretariat. The incumbent will be responsible for preparing feasibility studies, analyzing and modifying existing applications, maintaining systems software, designing and writing computer programs, and databases. He or she will be in charge of updating and maintaining the organization and accessibility of the data. He or she will liaise with the Registry, particularly with the VPRS, regarding the data collected via the application forms on reparations. In addition, he or she will provide operational support to users and advise them on the most suitable hardware and software for the different tasks that the Secretariat will undertake. The incumbent will conduct training sessions and demonstrations of systems for users.

One Administrative Assistant (G-5)

Under the supervision of the Executive Director, the Administrative Assistant will provide administrative and secretarial support functions to the Secretariat. He or she will be in charge of tracking and monitoring of all allotments and expenditures relevant to the Secretariat; perform tasks relevant to the administration of the Secretariat in close relation with the relevant sections in the Registry; perform work relevant to the preparation of budget documents; brief staff in the Secretariat on general administrative matters; and check correspondence and documents for completeness and accuracy of style and grammar. Additional responsibilities will include coordinating the Executive Director's work schedule by arranging meetings/appointments with officials within and outside the Court; maintaining a filing system of working documents; and monitoring incoming correspondence.

General temporary assistance

Such assistance will be required for a period of three months for the purpose of organizing the annual meeting of the Board of Directors, the required staff will be in charge of the logistics and preparations relating to the meeting.

(ii) Non-staff requirements

Core resources:

Cost of setting up an office (General Service Requirements):

The costs associated with the furniture and equipment need to be budgeted in full. For seven people to work at the Secretariat the requirements will be as follows:

<i>Item(s)</i>	<i>Number of units</i>	<i>Unit cost (€)</i>	<i>Total cost per item (€)</i>
Office furniture			
Workstations	7	2, 850	25,650
Filing cabinet	8	440	3,520
Bookcases	5	165	825
Notice boards	4	55	220
Subtotal			30,215
Meeting place (one)			
Table	1	1, 190	1, 190
Chairs	10	190	1, 900
Hat stand	1	140	140
Subtotal			3, 230
Archive			
Table	1	1, 190	1, 190
Chairs	2	190	380
Storage cabinets (lockable, steel)	4	880	3 520
Shredder (medium-size)	1	2, 200	2, 200
Subtotal			7, 290

IT requirements

<i>Item(s)</i>	<i>Number of units</i>	<i>Unit cost (€)</i>	<i>Total cost per item (€)</i>
Computers ¹	9	1,700	15,300
Printer	5	500	2,500
Laptop	1	2,600	2,600
Software (anti-virus, MS Office)	9	500	4,500
Network Server	1	30,000	30,000
Personal devices	2	600	1,200
Integrated copier/scanner/fax	2	5,000	10,000
Mobiles phones and subscription	3	400	1,200
Switchboard and telephone sets	8	500	4,000
Link-up to ICC network		30,000	30,000
Additional maintenance contract for office automation		20,000	20,000
Database ²		250,000	250,000
Subtotal			371,300

Additional costs:

<i>Expenditure (estimated)</i>	<i>Requirements(€)</i>
Building costs	
Rental of office space (200 square meters)	25,000
General operating expenses (cleaning, insurance, etc.)	7,500
Communications	2,000
Office materials	4,000
Miscellaneous (Protocol, travel of staff, etc.)	40,000
Translation of documents/Secretariat 120 pages (At a normal rate of 45€ per page [=300 words])	5,400
Consultation with experts (2 consultations with three experts for which DSA, travel expenses and terminal costs have to be provided)	14,400
General Temporary Assistance (Conference organization) 3 months in total	10,000
Working capital fund³	100,000
Subtotal	208,300

¹ It is envisaged that two internship positions will be part of the Secretariat.

² It is planned that the database will be funded with donations, but alternative options are being explored. This figure is the minimum amount required to set up a data base.

³ Including all costs related to possible conference calls. Please see Addendum 1 for more information, option Conference call b) being the most reasonable.

Meeting of the Board of Directors

According to ICC-ASP/1/Res. 6, Annex, para 2, the members of the Board act in their personal capacity on a *pro bono* basis. However with regard to the costs associated with the first meeting of the Board of Directors of the Trust Fund for Victims held on 20, 21, 22 April 2004, provisions were made in the 2004 programme budget of the Court to support this first meeting.

For 2005, with the creation of the Secretariat for the Trust Fund for Victims, it is recommended that the relevant budgetary provisions be made with regard to the organization of such meetings, one of which must take place in The Hague⁴ where the Board of Directors could use the facilities of the Court. In this regard, below is a description of the relevant costs to take into consideration for one meeting of the Board in The Hague. Further to the organization of one meeting of the Board of Directors, the relevant budgetary provisions include travel to the field.

(i) Meeting of the Board of Directors in The Hague

The following costs must be taken into consideration:

- Transportation, business class:

	Approx. Price in Euros
Return flights to The Hague	
From Amman	1,750
From Cape Town	3,714
From San José	2,534
From Warsaw	831
From Paris	550
Subtotal	9,379

- Other costs

(a)

Accommodation	
Hotel 2 nights for 5 persons	2,968
Terminal expenses	600
Subtotal	3,568

(b)

Translation and interpretation services	
External conference interpretation for two days at 376€ per day per interpreter + travel (900€) English and French	6,608
Transcript: 220€ per hour	
English and French for two days of conference	7,040
Translation of documents Pre-session: 100 pages	8,550

⁴ Please note that, according to paragraph 4 of the Annex to the resolution 6 : « the Board shall meet at the seat of the Court at least once a year ».

In-session documentation: 15 pages	
Post – session documentation: 75 pages (At a normal rate of 45€ per page [=300 words])	
Subtotal	22,198

(c)

Hospitality	
Catering (for 2 days)	290
Dinner (for 15 persons, 1 day)	1,000
Lunch (for 15 persons, 2 days)	2,000
Subtotal	3,290
Total for 1 Meeting	38,435

ii) Travel to the field:

The following costs must be taken into consideration:

To Uganda: One time travel for 5 days for a group of seven people including 2 members of the Secretariat, 1 Interpreter, 2 Security Officers, 2 members of the Board	Approx. Price in Euros
Air ticket+additional tax+DSA+terminal expenses $3,000+99+(5 \times 172)+120 = 4,079 \times 7 =$	28,553
Car rental 100 euros per day x 5 =	500
Unforeseen expenses =	2,000
To the Democratic Republic of Congo: One time travel for 5 days for a group of seven people including 2 members of the Secretariat, 1 Interpreter, 2 Security Officers, 2 members of the Board + resources for one time local travel	
Air ticket+additional tax+DSA+terminal expenses $3,000+99+(5 \times 171)+120 = 4,074 \times 7 =$	28,510
Car rental 100 euros a day x 5	500
Local travel $(200 \times 7 = 1,400) + (120 \times 7 = 840) =$	2,240
Miscellaneous expenses including rental meeting room	3,000
Total travel to the field	65,303

Addendum 1
Proposals: conference call and video link

Conference call

(a) Rent equipment (service)

For one conference call only:

In this scenario, available analog lines would be patched and used.

A reference budget was made with the company that set up the Pre-Trial Courtroom (so it is based on the Pre-Trial Courtroom).

This amount also covers local support from the partner, which is highly recommended.

Rental, Proof-of-concept, Test, Support: € 2,000.00 (for 5 remote participants; local participants and interpreters would be located in the Pre-Trial Courtroom). The cost of the calls is not covered. The international calls for the conference cost € 1.39 per minute (€ 83.40 per hour).

International calls

Country	Price (Eurocents)
France	5
South Africa	29
Poland	15
Jordan	57
Costa Rica	33

Total: 2,083.40 per hour

(b) Purchase equipment (capital and service)

This is the recommended option for the long run, as this infrastructure will be used for other conferences (once the Secretariat is established, for example).

Hardware configuration would be slightly different and the Court would have to order different lines (ISDN).

Hardware (capital, per room): € 8,000.00

Setup hardware (service, per room): € 1,000.00

Setup lines (5 lines – one room - , one-time): € 540.00

Subscription costs (5 lines – one room - , yearly costs): € 1,560.00

Total cost for one room: € 11,100.00

(c) Fully outsource the conference infrastructure (service)

For one conference call only:

An outsourced company would take care of the infrastructure, which would be located outside ICC premises. All participants would be remote (would dial a number or receive a call). The company is in charge of connecting the participants with the virtual system.

The company offers the service with multi-language simultaneous interpretation on different channels.

Approximate budget: € 2,000.00

Outsourcing is the cheapest option (for one call only) as we would still have to pay for the calls if we rented the equipment (option “a”).

Approximate cost for a two hours call: 2,166.80

Video Conference

(a) Outsourced Video Conference

(Simultaneous interpretation is not covered)

Special studios would be rented and the participants would have to go to such studios. This makes the central organization from a 3rd party possible and minimum support from ICC would be needed. We would need to rent the studios in the main cities of the 6 countries:

Studio Rental 6 studios x € 500/ hour = € 3,000.00/ hour
(Paris, Warsaw, Johannesburg, San Jose, Amman, The Hague)

Video Conference Multipoint Control Unit 6 x € 45/ hour = € 270.00/ hour
(videoconference ports – one from each location)

Approximate Call Rates (for Video Conference, ISDN is used):

From Paris	€ 38, 77 / hour
From Warsaw	€ 166, 97 / hour
From Johannesburg	€ 336, 10 / hour
From San Jose	€ 372, 60 / hour
From Amman	€ 609, 55 / hour
From The Hague	€ 23, 71 / hour

Total: € 5023, 00/hour + € 1000
(regardless of event length, and includes costs of coordination and connection tests).

(b) Video Conference with simultaneous interpretation

For a video conference with simultaneous interpretation, we would have to combine both solutions (the option “d”, plus the option “c” of audio conferences with simultaneous interpretation).

Therefore, a 2-hour videoconference with simultaneous interpretation would cost:

$$[€ 5,023.00 \times 2 + € 1,000.00]^* + € 2,000.00^{**} = € 13,046.00$$

*The video part (d), ** The audio part (c)

Total: € 13,046.00

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