

**Assembly of States Parties**

Distr.: General

26 November 2025

Original: English

Eleventh session

The Hague, 01-06 December 2025

Report of the Bureau on the Trust Fund for Victims**I. Mandate on the Trust Fund for Victims**

1. The mandate on the Trust Fund for Victims (TFV) partly emanates from the work of the Independent Experts Review of the Court and the Rome Statute system,¹ which derives from Assembly resolution ICC-ASP/23/Res.4 titled “Review of the International Criminal Court and the Rome Statute system”. The Review Mechanism had assigned responsibility for the assessment of the 384 recommendations on the respective topics in the Independent Expert Review (IER) report to the relevant facilitators, the Court or the Assembly, as appropriate. At the conclusion of its work, the Review Mechanism requested the Bureau to determine the appropriate forum for on-going work on the TFV.² In this respect, the facilitation carries forward the work of the Review Mechanism in overseeing the implementation of IER recommendations regarding the TFV, specifically recommendations 355, 356 and 357 which were positively assessed.

2. The TFV mandate also originates from the omnibus resolution, annex I, adopted by the Assembly of States Parties at its twenty-third session, in December 2024. In para. 11(f) and (g) of ICC- ASP/23/Res.1, in regard to victims and affected communities, reparations and the TFV, the Assembly of States Parties requested the Bureau to (i) continue considering victims-related issues as necessary or as they arise, having recourse to any appropriate process or mechanism and (ii) facilitate consultations to be held in 2025 on the Fundraising Strategy of the Trust Fund with the view of ensuring transparency and involvement of relevant stakeholders and for the Board of Directors and the Bureau to report to the Assembly on this matter at its twenty-fourth session, respectively.

3. At its 15 January 2025 meeting, the Bureau allocated the mandate relating to the TFV to The Hague Working Group.³ On 25 February 2025, the Bureau appointed H.E. Vusimuzi Madonsela (South Africa) as the facilitator for the topic “Trust Fund for Victims”.⁴

4. During the reporting period, the TFV held 4 meetings, on 20 May, 12 September, 27 and 31 October, bringing together key constituencies for the Trust Fund: States Parties, the Court, civil society, and experts, as well as the Chair of the Board of Directors, the Executive Director, and staff of the Secretariat of the TFV.

¹ Resolution ICC-ASP/18/Res.7.

² See para.9 Requests the Bureau to determine the appropriate forum for overseeing the implementation of the recommendations on the topics for which the Review Mechanism took responsibility, in particular “Working culture”, “Relations with civil society and media”, “Implementation of a Tenure policy”, “Implementation of a moratorium on the recruitment of staff from non-States” and “Trust Fund for Victims”.

³ See Agenda and decisions of the second meeting of the Bureau, annex I: https://asp.icc-cpi.int/sites/default/files/asp_docs/2025-Bureau2-Agenda-Decisions.pdf

⁴ See Agenda and decisions of the fifth meeting of the Bureau, annex: https://asp.icc-cpi.int/sites/default/files/asp_docs/2025-Bureau5-Agenda-Decisions.pdf

II. Work Programme

5. At the first meeting held on 20 May 2025, the facilitator, Ambassador Madonsela, introduced the work plan which reflected the facilitator's intention to structure the years' work around the implementation of three specific recommendations from the IER namely R355,⁵ R356,⁶ and R357.⁷ These recommendations concerned key structural and strategic dimensions of the TFV's functioning. R355 called for the finalization and publication of a comprehensive Strategy Document aligned with the Court's broader strategic framework and with clearly defined performance indicators. R356 addressed the development of a comprehensive and effective fundraising strategy, while R357 invited the Assembly to consider the appropriate level of oversight it wishes the Board of Directors to provide to the TFV, including the resources necessary to support such oversight. The facilitator explained that the work plan allocated time for a focused discussion on each pillar of the fundraising strategy and that the meetings would provide an opportunity to hear updates from the TFV Secretariat.

III. Trust Fund for Victims new Strategic Plan - IER R335

6. At its first meeting held on 20 May 2025, the TFV presented its strategic and programmatic framework in connection with recommendation R355. The Chair of the Board of Directors and the Executive Director of the TFV gave a detailed overview of the past and recent efforts toward clearly aligning the TFV's strategic planning and performance framework with that of the Court, which started first by aligning the cycles to those of the Court, then by integrating TFV-owned KPIs into the Court's plan, while maintaining a separate TFV plan, and ultimately now with a full integration of the TFV into the Court's plan.

7. The Court's new strategic plan for 2026-2029, under consideration by the Study Group for Governance, reflects a renewed, collective, and forward-looking vision aimed at enhancing the effectiveness, coherence, and unity of purpose across all components of the Court, including Court- wide goals and objectives, and organ-and TFV-specific objectives.

8. A challenge for the TFV remains as it operates in two environments: (1) the judicial work of the Court; and (2) the programmatic activities it implements. Separate terminology, specialised theories of change, and donor-suitable indicators are necessary for these environments. In this regard, the TFV, on the basis of the Court's Strategic Plan, is in the process of developing a lower level document to outline its programme framework, management plan and situation-specific strategies, tailored to the operational context in each country where the TFV operates. While for the Strategic Plan of the Court, the TFV will generate KPIs, for its programme framework it will be based on an outcomes-based structure to measure impact. To enhance outcome-oriented reporting to its donors, the TFV is ensuring that its monitoring and evaluation tools are strengthened.

9. In terms of measurement methodology, the TFV has adopted a layered approach that included participatory surveys to capture victims' experiences, and independent evaluations. These methods have allowed the TFV to assess the effectiveness of programmes and ensure that victims' perspectives informed planning and improvement. The first outcome report is expected to accompany the 2024 Annual Report of the TFV.

10. Between 2019 and 2024, the TFV had implemented assistance programmes in seven situations (Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Georgia, Kenya, Mali, and Uganda), benefiting more than 77,000 individuals. In addition, the TFV completed one reparation programme (Katanga case), and has three additional

⁵ The TFV should promptly finalise and publish a Strategy Document, aligned with the Court's and with relevant KPIs.

⁶ The TFV should develop as soon as possible a comprehensive and effective fundraising strategy that includes as targets private donors (e.g. large foundations and nongovernmental organisations). The strategy should further anticipate engagement with civil society organisations, aiming to benefit from their position as multipliers for the purpose of obtaining additional funds for the TFV.

⁷ The ASP should also review the level of involvement and oversight it wishes the Board of Directors to provide the TFV, and resource it accordingly.

programmes under implementation (Al Mahdi, Lubanga, and Ntaganda). As of today, over 3,800 victims had received or have been enrolled in reparations programmes, representing 63% of those deemed eligible.

11. Delegations expressed appreciation for the TFV's achievements to date and requested further elaboration on how lessons learned from past experiences, such as in the Katanga case, were being incorporated into current and future programming. Others asked how the TFV was adapting to the current financial and geopolitical environment, including the impact of sanctions and budgetary constraints. There was a shared concern about how external factors could undermine the TFV's capacity to deliver assistance and reparations, especially in contexts where field operations were becoming more difficult.

12. Delegations also inquired how States could support the TFV's efforts more effectively, particularly in terms of fundraising and political backing. Some asked how the TFV coordinated with the Court, especially where the Registry was scaling down operations, and whether mechanisms existed to ensure continuity of services in affected situations. Delegations also raised questions concerning the balance between the TFV's assistance and reparations mandates and how strategic decisions were being made in light of limited resources.

13. The TFV leadership acknowledged the many operational and financial challenges and highlighted several strategies under development. It was noted that while voluntary contributions from States Parties increased in the last years, financial stability and predictability remained a pressing issue. The TFV has received no regular budget allocation from the Court to date, and its operations continue to depend on donor funding, which is often unpredictable. To address this, the TFV is working on a comprehensive fundraising strategy, in accordance with IER R356 and which was presented during the second meeting of the facilitation.

14. Contributions to the TFV qualify as Official Development Assistance (ODA) as its programme also contribute to the broader impact of the United Nations Sustainable Development Goals (SDGs). In this respect, the TFV is currently exploring this avenue as a potential lever for unlocking new funding sources. ODA funders are often unfamiliar with the TFV's legal and operational framework, and building awareness on its programmes, activities, and impact is essential. The TFV welcomed further dialogue with States Parties and encouraged greater involvement in fundraising discussions. The importance of long-term, stable funding is critical, as this would allow the TFV to plan more effectively and respond more rapidly to current and upcoming needs.

15. On lessons learned, the TFV reported that evaluations, such as that conducted in the Katanga case, had led to improvements in programme design and victim engagement, and have shown positive unexpected results such as stronger trust in institutions. The TFV has also developed feedback mechanisms to ensure that concerns from victims and affected communities are captured and addressed. Strengthening its risk management framework and exploring opportunities for collaboration with external partners and experts ultimately remains essential.

16. The TFV is anticipating new operational scenarios, including the possible implementation of reparations in situations where the Court no longer has a field presence. The example of the Darfur situation was mentioned as a future case where reparations may need to be implemented without in-country Court operations. The TFV maintains a lean field presence in other situations and is actively developing approaches to ensure lesser impact under constrained conditions.

IV. Comprehensive and Effective Fundraising Strategy - IER 356

(a) TFV Fundraising Strategy

17. At its 12 September 2025 meeting, the Executive Director of the TFV presented to States Parties the strategy mandated by the Assembly at its twenty-third session and in accordance with the recommendations made by the External Auditors and the Committee on Budget and Finance (CBF). The strategy has been developed based on the activities conducted by the Board of Directors and the Executive Director, engagements with key

internal and external stakeholders, and thorough desk review of past and planned strategies, informed by an analysis of the different funding streams as reflected in Resolution ICC-ASP/1/Res.6 on the Establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims. The actions which are related to fund mobilisation, are attached to the Court-wide Strategic Plan, specifically, Strategic Objective 4.5 to “Strengthen Court-wide collaboration and increase the resources available for reparations for the benefit of victims”.

18. Since its creation in 2004, the TFV has mobilised approximately €57 million, averaging around €2 million per year in voluntary contributions. In its early years, the TFV operated two assistance programmes with an annual budget of €2 to 3 million. Between 2019 and 2024, the TFV implemented assistance programmes across seven Court situations, in addition to four reparations programmes.

19. The Executive Director detailed how reparations activities had grown in scope and complexity. By 2024, the TFV had been implementing four reparations programmes and seven ongoing assistance programmes. From 2008 to date, these have benefitted 185,000 victims through Court-ordered reparations and rehabilitative programmes. Assistance programmes are not compensation schemes but rather forms of collective and individual support aimed at addressing physical and psychological harm, rebuilding social cohesion, and strengthening trust in institutions. Reparations programmes similarly emphasized recognition and restoration, rather than financial compensation.

20. The Executive Director underlined that, in 2024, the TFV raised €5.7 million, the highest amount raised since the TFV’s inception. Nonetheless, the projected annual investment required for TFV activities is approximately €17 million, a level necessary to ensure timely, optimal, sustained, and credible implementation of reparations orders and assistance mandates.

21. Predictability and sustainability are key to ensuring that resources are available in advance to implement reparations and programmes for the benefit of victims swiftly. The delayed or underfunded implementation of these programmes may bring reputational damage to both the Court and the broader Rome Statute system.

22. The TFV fundraising strategy is supported by four strategic pillars: (i) diversification of funding sources, to ensure deep understanding of the donor landscape and tailor outreach to a broad range of funding resources; (ii) value, impact, and policy relevance to ensure that all actions are geared toward the understanding of the relevance of TFV programmes, their impact and the connection of these activities with States’ policy priorities; (iii) donor relationships, to create strong, long-term connections with donors; and (iv) supportive mechanisms, to ensure that the TFV positively uses the existing structures, community, network of States Parties, and other stakeholders that support the attainment of the objectives of the Court and the Rome Statute system, for the benefit of victims.

23. The TFV’s fundraising success depends on partnership with States Parties, close coordination with Court organs, and transparent reporting on outcomes. To support this effort, the TFV has developed results frameworks and outcome reports to demonstrate the impact of its programmes and build trust with donors.

(b) TFV funds from reparations and fines and forfeitures (ICC-ASP Resolution 1/6 paragraphs 2(b) and 2(c))

24. The issue of deriving funds from reparations awards and money or property collected through fines or forfeitures was also discussed as part of the TFV fundraising strategy.⁸ The Executive Director stressed that, while these funds were intended to complement voluntary contributions, they depended on effective asset recovery and enforcement of judicial orders, which had been largely unsuccessful.

25. The Head of the Court’s Judicial Cooperation Unit explained the difficulties of locating, freezing, and recovering assets. Financial investigations are technically complex and in many case had to start from scratch. Offenders may conceal or rapidly move assets across jurisdictions, making identification and enforcement extremely challenging. The

⁸ Resolution ICC-ASP/1/Res.6.

Court relied heavily on State Parties' cooperation, but broad asset searches were often a challenge at the national level.

26. It was noted that, while Appeals Chamber jurisprudence allowed linking all assets associated with a convicted person, practical enforcement remained limited. The Court currently has six financial investigators for all cases, which underlined resource constraints. Starting financial investigations early was essential to improving prospects of recovery. Coordination between the Office of the Prosecutor, Registry, and national authorities was critical.

27. Regarding issues of indigence determinations for defendants, the Head of the Court's Judicial Cooperation Unit underscored the importance of verifying claims of indigence to prevent misuse of Court resources. While asset recovery was essential, in practice most defendants had been declared indigent, with recovered assets representing only symbolic amounts in comparison to the scale of reparations orders.

28. The TFV's External Affairs Coordinator emphasized that the Trust Fund has a role to play in making the plight of victims more visible, including by advocating for enhanced cooperation by States in asset recovery. Stronger synergies between the Court organs, national systems, and the TFV are needed to ensure that victims benefited meaningfully from asset recovery measures.

(c) Voluntary contributions from Governments and international organisations (ICC-ASP Resolution 1/6 paragraph 2(a))

29. The Executive Director and the External Affairs Coordinator outlined action lines aimed at strengthening engagement with governments to increase funding from voluntary contributions of States Parties and other public sources.

30. Key challenges were identified. There was no legal obligation for States to contribute. Many States had limited awareness of the TFV's work and some harboured doubts about the Fund's impact or effectiveness. To address these challenges, the TFV was pursuing an approach comprising of four strategic pillars: (i) informed diversification, by improving communication with States, including reporting on programme outcomes and financial transparency; (ii) position value, impact and policy relevance, by issuing detailed results-based reports demonstrating benefits to victims; (iii) development of relationships and partnerships, by deepening relationships with donor States and exploring collaboration with regional organizations; and (iv) establishing supportive mechanisms, by engaging with other Court organs and States at both capital and situation level to mobilise contributions.

31. It was also noted that there had been a shifting trend in contributions in 2025. While in 2024, 29 States Parties collectively donated €5.7 million, in 2025 only 10 States Parties had contributed €500,000 thus far, highlighting a significant decline in donation figures.

32. Roadblocks remained, including dependency on a small pool of donors and limitations in national budgetary classifications.

33. Nevertheless, the TFV highlighted positive examples, such as symbolic contributions by other donors, growing collaboration with the European Commission, and steady contributions from a core group of States.

34. Delegations welcomed the TFV's efforts, with many affirming their commitment to supporting its work. Some States highlighted the need for exploring synergies with development assistance frameworks, while others encouraged broader donor diversification, including non-ODA States Parties contributions and innovative partnerships. They also stressed the importance of visibility, success stories, and outreach at national and regional levels to secure sustainable support.

35. A number of States reaffirmed their commitments, citing the centrality of reparations to justice and peacebuilding. Some offered recent examples of earmarked contributions to specific reparations programmes, underscoring the symbolic and moral significance of such support. Civil society echoed the importance of expanding predictable State Party contributions while ensuring that private fundraising respected the TFV's mandate and principles.

(d) Voluntary contributions from individuals, corporations, and other entities⁹

36. At the 27 October 2025 meeting, discussions of the TFV's fund mobilisation strategy focused on contributions from additional streams of funding as identified under ICC-ASP/1/Res.6, para. 2(a), namely, voluntary contributions from individuals, corporations, and other entities, in accordance with relevant criteria adopted by the Assembly of States Parties. In respect of this source, the Executive Director of the Secretariat of the TFV highlighted that the TFV has identified four modalities of private funding: individual giving, major individual donors, foundations, and the corporate or for-profit sector – each entailing a different business model.

37. The Executive Director reported that since 2004, individual giving totalled approximately €270,000, mainly from ICC staff and elected officials via online platforms, payroll giving, and legacies, compared with roughly €57 million from States. Efforts from the TFV to expand individual giving have included, among others, endorsing the Office of the Public Counsel for Victims campaign, which has raised €25,000. The TFV work plan on private fundraising also considers new audiences such as visitors to the ICC, expatriates in the Netherlands, and faith-based organizations near situation countries. She stressed that growth in this field depends on building a clear public profile and a strong identity to be able to reach and adapt to more individual donor. This entails revamping and improving the TFV's website that communicates clearly the Trust Fund's mission, prioritising donor segments and creating tailored collection mechanisms.

38. Concerning major donations from individuals, the Executive Director emphasised the need for long-term relationship-building, outreach, and a clear institutional identity. Potential donors in this modality include philanthropists, artists, athletes from situation countries, or sports teams with athletes from situation countries. Currently, the TFV lacks the capacity and networks to reach them. In this regard, she invited States Parties to facilitate access to these groups, through their diplomatic or institutional channels.

39. Regarding foundations, previous contributions to the TFV have ranged between €50,000 and €200,000, though securing such support requires considerable effort and close alignment with each foundation's strategic priorities. Although the TFV has identified several promising leads in this area, certain challenges remain. For instance, some of the philanthropic foundations under consideration are based in the United States, and depending on the size of the potential grant, securing such funding would require significant effort and engagement. The Trust Fund is therefore working to enhance its visibility and deepen its understanding of the priorities of potential donors to strengthen partnerships and engage with them more effectively.

40. Finally, regarding the modality of private fundraising, engagement with for-profit companies aligning with corporate social responsibility (CSR) or environmental, social, and governance (ESG) principles revealed several avenues through which the TFV could benefit. These include corporate sponsorships (for events or campaigns), cause-related marketing initiatives, and in-kind contributions, such as the provision of services, technical expertise, or communication support. While such partnerships could offer valuable opportunities for visibility and resource mobilisation, they also present notable challenges that must be carefully assessed, including ICC-related political sensitivities, the absence of tax incentives, and potential reputational risks arising from association with specific corporate entities.

41. The Executive Director highlighted that the TFV has identified several key prerequisites for successful private fundraising, including enhanced visibility, sector-specific knowledge, a clear understanding of the relevant legal and operational frameworks, strategic access, target prioritisation, a specialised workforce, and a well-defined value proposition. To address these areas, the TFV presented a draft workplan for 2026-2029 designed to guide its private resource mobilisation efforts.

42. TFV representatives also stressed the value of non-financial support such as donor introductions, advice and outreach. States Parties could assist through diplomatic or institutional channels, even with small expertise inputs. On cooperation, the Executive Director observed that while agreements with the UN existed, competition for resources was

⁹ ICC-ASP/1/Res.6, para. 2(a)

high, and regional organisations outside the European Union could nevertheless enhance visibility. Work was also under way on an ethical funding policy.

43. The Executive Director explained that while the Trust Fund benefited from the ICC's institutional tax-exempt status, it could not grant tax-deductible status to private donors, as this depended on national laws and no international framework for cross-jurisdictional exemptions existed. She noted that some organisations addressed this through national committees or fiscal sponsorships, options the Trust Fund was reviewing with the Court.

(e) Such resources, other than assessed contributions, as the Assembly of States Parties may decide to allocate to the Trust Fund¹⁰

44. The third meeting also focused on paragraph 2(d) of resolution ICC-ASP/1/Res.6, which authorises the Assembly to allocate resources to the Trust Fund for Victims beyond assessed contributions, specifically for the implementation of its programmes. This stands in contrast to the regular budget, which finances the operational costs of the TFV Secretariat and Board. It was emphasised that, despite the central role of the TFV's reparations programmes, it remains the only core activity of the Court not supported through assessed contributions. As this provision has never been operationalised, the Chair invited the Executive Director to present the Fund's perspective.

45. The Executive Director stressed that, although the authority to allocate resources rests with the Assembly of States Parties, operationalising this provision could significantly enhance predictability, allow all States Parties to contribute through an Assembly-based mechanism, and strengthen the long-term sustainability of the reparations system. Such an approach would align with the Trust Fund's guiding fund mobilisation principles of volume, representativity, predictability, and proportionality.

46. The Executive Director further explained that the Trust Fund's Optimal Level of Programme Investment (OLPI) tool is designed to estimate annual resource needs based on programme size, implementation stage, and the number of eligible victims. For 2025, minimum requirements are projected at €5.5 million, increasing to €12 million for reparations in 2026 as programmes expand and pending cases generate additional demands. Assistance programmes alone require an additional €3 million annually. However, the currently available funding for investment in 2025 and 2026 stands at €4.4 million, highlighting a significant shortfall between available and required resources.

47. She recalled that at its forty-eighth session, the CBF noted the Trust Fund's growing activities and the gap between income and programmatic needs, and "encouraged further exploration" of the application of paragraph 2(d) "in strengthening the financial sustainability of the TFV's reparative mandate" given this mechanism's potential to "provide more predictable and structured funding".¹¹

48. The Executive Director highlighted that several questions would need to be addressed by States Parties to establish a clear mechanism for operationalising paragraph 2(d). She outlined possible modalities for consideration, including the use of budget surpluses, a mechanism similar to the contingency fund, or allocating an amount equivalent to a chosen percentage of the Court's assessed contributions. Such approaches would require transparent governance, robust accountability frameworks, and alignment with the Fund's multi-year programming cycle. She invited States Parties to engage in discussions on operationalising paragraph 2(d), emphasising that while the decision rests with the Assembly, doing so is essential for the long-term sustainability and credibility of the Court's reparations mandate.

(f) Other innovative fund mobilisation initiatives

49. The Chair invited open reflection on alternative means of generating resources to strengthen the TFV and enable it to deliver meaningful reparations and assistance to victims of crimes under the Court's jurisdiction.

50. The External Affairs Coordinator presented a range of innovative funding options inspired by practices from other institutions, highlighting the importance of evaluating their

¹⁰ ICC-ASP/1/Res.6, para. 2(d).

¹¹ CBF/48/5, para. 208.

feasibility, proportionality, and associated risks. Among the proposals were mechanisms for generating passive income through social-purpose financial instruments. Additional ideas included leveraging revenue from real estate or other assets designated for social use. Other categories encompassed merchandising and income-generating activities, such as re-selling products created by victims participating in projects in Uganda, the Democratic Republic of the Congo (DRC), and the Central African Republic (CAR).

51. Another proposal centred on promotional initiatives aimed at enhancing the Fund's visibility and public engagement. These included producing short videos featuring public figures endorsing the Trust Fund, coupled with charitable activities such as raffles or events offering opportunities to meet those personalities. The External Affairs Coordinator also introduced the emerging trend of repurposing confiscated assets from organised crime for social purposes, highlighting its potential relevance for the Trust Fund's resource mobilisation efforts.

52. Argentinian Federal Judge, Sebastián Casanella, was invited to the meeting to share experiences in this regard. He stressed that criminal justice should also restore legality, foster reconciliation, and rebuild institutional trust. The judge cited European and Latin American examples where assets seized from organised crime were redirected to social programmes, creating a "virtuous cycle" of prevention and community rebuilding. Such measures stripped criminals of illicit gains and converted the proceeds of wrongdoing into public benefits, such as community centres, health facilities or education projects. This reflected a broader reparations approach bridging sanction and restoration.

53. The judge noted Argentina's legislative efforts, inspired by Italy's anti-mafia model, to institutionalise the social use of confiscated assets from organised crime through a public oversight agency. Such measures were aligned with the Palermo Convention and could support international justice, including the ICC, by promoting legality, prevention, and human rights.

54. As part of these innovative initiatives, a leading NGO highlighted the work they have done regarding confiscated assets from Chelsea Football Club as a compelling example of how recovered or frozen assets linked to the commission of international crimes can be repurposed to support victims. Even a modest portion of such assets, they noted, could significantly expand the reach and impact of reparations programmes. Drawing on current debates surrounding asset repurposing in recent conflicts, the NGO representative urged States Parties to reinforce domestic frameworks for asset recovery and international cooperation. Where legal instruments are lacking, they stressed that political will and policy innovation—especially in coordination with the TFV—can still unlock meaningful pathways for justice.

55. It was stressed by delegates that asset recovery and the social use of confiscated assets warranted further discussion. A joint facilitation between the TFV and the Bureau's Cooperation facilitation, was suggested, noting the issue's cross-cutting relevance and sensitivity.

V. Governance of the Trust Fund for Victims

56. The facilitator started the meeting by providing a comprehensive background on the IER recommendations relating to the TFV, i.e. recommendations R354 to R360. He noted that while some recommendations, specifically R355, R356, and R357, had been positively assessed and considered implemented, others (R354 and R358) were negatively assessed. Although the Review Mechanism concluded that recommendations R354 and R358 were negatively assessed, the Review Mechanism indicated that governance and practical issues identified by the IER Experts nevertheless require further consideration.

57. The Executive Director of the TFV delivered a detailed presentation outlining the TFV's progress in implementing the IER's recommendations and related governance reforms. She stressed that effective governance was fundamental to ensuring accountability and the transparent management of resources, especially in an institution handling both reparations and assistance mandates. She recalled that, since 2019, the TFV had undergone significant reforms, in areas such as leadership and institutional structure, including the transition to a seven-year tenure policy for the post of Executive Director. She noted that the

TFV's governance framework was anchored in the Rome Statute, Assembly resolutions, and the TFV's own Regulations, which also ensured alignment with the Court's internal control systems.

58. The Executive Director highlighted that accountability to the Assembly was exercised through annual external audits, both of the TFV and of the Court, and through additional oversight mechanisms that could be initiated by the Board or mandated by the Assembly. She recalled that the TFV's working methods document, adopted by the Board in 2021 and submitted to the Assembly, had been instrumental in clarifying roles, responsibilities, and reporting lines within the organisation. In terms of progress, she underlined that, even prior to the IER report, the TFV had implemented several of the Independent Oversight Mechanism's (IOM) recommendations regarding governance and performance. The Board had, for instance, formalised its internal procedures, improved its engagement with the Secretariat, and enhanced communication with the Assembly and its subsidiary bodies.

59. She further noted that the TFV had strengthened its operations through improved coordination between the Secretariat, the Board, and the Court's Registry. One major reform was the increase in the frequency of Board meetings, from one annual session to six meetings per year (two in person and four virtual), which had significantly enhanced oversight and responsiveness. Turning to institutional coherence, the Executive Director acknowledged remaining challenges in delineating the respective roles of the TFV Board and the Secretariat, particularly in decision-making related to strategic direction and resource allocation. The absence of a clear framework defining these roles, she said, could generate ambiguity in accountability and implementation. She therefore proposed that the Board and the Secretariat identify and propose clarifications, possibly through a review of the TFV's regulations, to further strengthen governance.

60. Drawing comparisons with other international organisations such as UNICEF and UN Women, she observed that their boards, typically composed of State representatives or subject-matter experts, benefited from well-defined mandates and transparent reporting systems.

61. Delegations expressed broad appreciation for the TFV's progress and welcomed the Executive Director's comprehensive presentation. Representatives commended the Trust Fund's ongoing reforms and acknowledged the considerable efforts to enhance governance and efficiency. They emphasised the importance of maintaining clear accountability lines between the TFV Secretariat, the Board of Directors, and the Assembly.

62. It was suggested that the TFV establish more structured engagement with States Parties, including the possible establishment of a Group of Friends of the TFV to strengthen partnerships and facilitate dialogue, not only on fundraising but also on broader institutional matters. Delegations viewed this as a constructive way to ensure inclusiveness and ownership among donor and non-donor States alike. Others noted the value in comparing Boards such as those of UNICEF and the World Food Programme to inform potential future adjustments to the Board of TFV.

63. Some delegations sought clarification on the roles and responsibilities of the TFV Board of Directors, particularly regarding decision-making authority, oversight of the Secretariat, and accountability to the Assembly. They inquired whether the TFV planned to issue clearer guidance to delineate these functions. In response, the Executive Director reaffirmed that the responsibilities of the Board were defined in existing Assembly resolutions and TFV regulations, but that practical gaps persisted in how these instruments were operationalised. She explained that while the Board provided strategic oversight, the Secretariat retained administrative and operational responsibilities. However, she acknowledged that there was a need for more information to Board members prior to their nomination, especially concerning the Board's terms of service, conditions of work, and accountability mechanisms.

64. The Executive Director agreed with delegations on the need to establish more inclusive and regionally representative coordination mechanisms and welcomed proposals for informal consultative groups. On comparative analysis, she indicated that the ASP could commission research on the governance models in similar organisations to extract lessons learned and inform internal adjustments.

65. Finally, the Executive Director explained that recent developments in the TFV's relationship with the Court's Chambers had also contributed to clearer delineation of roles. She noted that earlier reparations orders had involved intense judicial engagement, but that recent practice had shifted toward a more structured relationship, in which Chambers focused on issuing judicial orders while the TFV was responsible for implementation. This, she argued, reflected a natural institutional evolution toward better defined boundaries and accountability.

66. The facilitator commended the TFV for its extensive progress and the constructive dialogue with States Parties. He observed that while progress had been made in governance and accountability, further work was needed to consolidate institutional maturity and ensure that the TFV's governance structures align with its growing operational responsibilities. He also noted that the discussion had clarified the complex interplay between the Assembly, the TFV Board, the Secretariat, and the Court, and that ongoing reflection would be necessary to continue strengthening the Fund's institutional resilience.

VI. Recommendations

The facilitation recommends the adoption of the following text of the omnibus resolution:

Annex I

Omnibus resolution text- ASP23- paras. 110-124

Victims and affected communities, reparations and Trust Fund for Victims

1. *Reaffirms* its resolution ICC-ASP/13/Res.4 on victims and affected communities, reparations and Trust Fund for Victims;
2. *Stresses* the central importance that the Rome Statute accords to the rights and needs of victims, as victims' right to present and have their views and concerns considered at stages of the proceedings determined to be appropriate by the Court where their personal interests are affected and to protection of their safety, physical and psychological well-being, dignity and privacy, under article 68 of the Rome Statute, as well as their right to claim reparations awarded and access to relevant information are essential components of justice and, in this regard, *emphasizes* the importance of effective outreach to victims and affected communities in order to give effect to the mandate of the Court;
3. *Recalls* article 75 of the Rome Statute and, in this regard, the reparative justice role of the Court and the Trust Fund, and *notes* that assistance and reparations to victims may promote reconciliation and contribute to peace-building;
4. *Acknowledges* the importance of protective measures for victims and witnesses, including considering the best interests, rights and well-being of children and maintaining the physical and psychological welfare of witnesses, particularly victims of sexual and gender-based crimes, for the execution of the Court's mandate, *stresses* the need for States to conclude agreements with the Court in order to facilitate expeditious international relocation of persons at risk, *urges* all States to consider concluding such relocation agreements and *encourages* all States to contribute to the Special Fund for Relocations;
5. *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, as required;

6. *Recalls* the Court's previous commitment to review its Revised Strategy in Relation to Victims once a judicial cycle is finished;¹²
7. *Renews its appreciation* to the Board of Directors and the Secretariat of the Trust Fund for Victims for their continuing commitment towards victims and affected communities and in this regard, *notes with appreciation* the latest report by the Board of Directors on the activities of the Trust Fund to the Assembly¹³ as well as the efforts of the Board of Directors to improve the governance, efficiency and effectiveness of the Trust Fund;
8. *Notes* the significant increase in the activities of the Trust Fund related to reparations; in particular, *also notes* that the Trust Fund is continuing to implement the *Lubanga* and *Ntaganda* reparations programmes in the Democratic Republic of the Congo and the *Al Mahdi* reparations programme in Mali, while progressing in the initiation of the *Ongwen* reparations programme;
9. *Further notes* that in the *Al Mahdi* case the Trust Fund has completed the delivery of financial compensation as part of the individual reparations awards to 1,687 eligible victims in November 2024 and that the collective reparations are set to conclude in December 2025;
10. *Welcomes* the final report of the Trust Fund on the implementation of the *Katanga* reparations programme submitted to the Court on 2 December 2024 and the external evaluation report which validates the impact of reparations on individuals and communities and contributes to strengthening the rule of law;
11. *Notes* that the Trust Fund is also implementing assistance programmes directly benefitting in 2024 18,226 individuals in seven situations under the jurisdiction of the Court and *also notes* that the Board of Directors of the Trust Fund has launched a funding appeal for initial consultations to determine the feasibility of starting assistance programmes in nine situations of the Court, where the Trust Fund is not currently active;
12. *Calls upon* States, international and inter-governmental organizations, individuals, corporations and other entities to make voluntary contributions, in accordance with their financial ability, to the Trust Fund in order to broaden its resource base, improve the predictability of funding and maintain responsiveness to harm suffered by victims as well as to the Court's judicial developments, and *renews its appreciation* to those that have done so;
13. *Invites* States Parties to respond to requests of the Trust Fund for earmarked contributions for the purposes of funding specific reparations awards, as well as replenishing and strengthening the Trust Fund's general reparations reserve, and *expresses its appreciation* to those that have already done so;
14. *Invites* States Parties to consider making earmarked voluntary contributions to the Trust Fund for the benefit of victims of sexual and gender-based violence, and *expresses its appreciation* to those that have already done so;
15. *Notes* the intention of the Trust Fund to raise voluntary contributions from public and private donations, in order to ensure the implementation of Court-ordered reparations and assistance activities for the benefit of victims in cases and situations before the Court, in particular €4.1 million for the reparations programme in the *Lubanga* and *Ntaganda* case, €5 million to start the reparations programme in the *Ongwen* case and €2 million for other assistance programmes;
16. *Welcomes* the Report of the Bureau on the Trust Fund for Victims;¹⁴
17. *Welcomes* the development by the Trust Fund for Victims of an integrated Strategic Plan with the Court;
18. *Takes note* of the comprehensive fundraising strategy of the Trust Fund for Victims, and its improved governance;

¹² ICC-ASP/13/Res.4, para. 1.

¹³ ICC-ASP/23/4.

¹⁴ ICC-ASP/24/....

Annex II – Mandates

With regard to **victims and affected communities, reparations and the Trust Fund for Victims,**

- (a) *requests* the Court to continue to establish principles relating to reparations in accordance with article 75, paragraph 1, of the Rome Statute as a priority in the context of its judicial proceedings;
- (b) *encourages* the Board of Directors and the Secretariat of the Trust Fund for Victims to continue to strengthen its on-going dialogue with the organs of 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;
- (c) *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;
- (d) *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;
- (e) *requests* the Court to ~~initiate consultations~~ **continue** for the development of an updated Revised Strategy in Relation to Victims, taking into account the ongoing consideration of the relevant Independent Expert Review recommendations, and to report to the Assembly at its twenty-third session;
- (f) *requests* the **Bureau to actively engage in discussions, including relevant stakeholders, with a view to identifying sustainable and increased funding sources for the Trust Fund for Victims, including those referenced in resolution ICC-ASP/1/Res.6, with particular focus on paragraph 2(d), and to report on progress to the Assembly at its next session;**
- (g) *requests* the Bureau to continue considering victims-related issues as necessary or as they arise, having recourse to any appropriate process or mechanism and to report to the Assembly at its twenty-fifth session;
- ~~(g) — also requests the Bureau to facilitate consultations to be held in 2025 on the Fundraising Strategy of the Trust Fund with the view of ensuring transparency and involvement of relevant stakeholders and for the Board of Directors and the Bureau to report to the Assembly on this matter at its twenty-fourth session; and~~
- (h) *requests* the Court to make available to the Assembly appropriate statistics in relation to victims admitted to participate in proceedings before the Court when these are publicly submitted to the respective Chambers in the context of the judicial proceedings; such statistics may include, as appropriate, information on gender, criminal offense and situation, among other pertinent criteria as determined by the relevant Chamber;