



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



Statement of Mr. Motoo Noguchi, Chair of the Board of Directors of the Trust Fund for Victims, to the 14<sup>th</sup> Session of the Assembly of States Parties

*The Hague, 18<sup>th</sup> November 2015*

Mr President, Your Excellencies, Your Honours, Ladies and Gentlemen,

The present term of the Board of Directors of the Trust Fund for Victims is coming to an end at the end of this month. The States Parties will elect new Board members for its 5<sup>th</sup> term. It is promising to be an eventful and challenging term.

This is my last report to the ASP in my present capacity as Chair of the Board. I would like to express my sincere gratitude to my fellow Board members, for their cooperation and personal engagement in exercising our duties over the past three years. I am proud that we have managed to operate as the strongly collegial and highly committed body.

Particular appreciation goes to two colleagues who are departing upon the completion of six years term: Ms Elisabeth Rehn, my predecessor as Chair of the Board, and Dr Vaira Vike-Freiberga. Their intellect, wide international experience and astute insights will be sorely missed. I thank my two other fellow Board members, Prof Sayeman Bula-Bula and Dr Denys Toscano-Amores, for their invaluable services.

I am also thankful to the Registrar, Mr Herman von Hebel, for his personal commitment as an advisor to the Board and for ensuring a wide range of administrative and other support services by the Registry, enabling the TFV to implement its mandates.

Mr President, Ladies and Gentlemen,

The year 2015 has been eventful for the TFV.

Of major significance was the Appeals Chamber Judgement and Amended Order for Reparations, issued in March in the case against Mr Lubanga who was convicted for the enlistment, conscription and use of child soldiers under the age of 15 in eastern DRC.

The Court's reparations order in the Lubanga case has unlocked the door to a defining phase of the reparative justice of the Rome Statute, which is without comparable precedent in the domain of international criminal justice. It has provided the TFV with the long-awaited opportunity to develop and submit to the Court its first draft implementation plan for reparations.

The TFV's submission dated 3<sup>rd</sup> November is published on the ICC website. Allow me to share with you some highlights of the plan and how it was developed:

- The TFV has obtained the advice of international experts and the support of the Registry. It has also carried out a thorough and intensive consultation process on site, targeting potentially eligible victims and affected communities. The Registry's Victims Participation and Reparations Section carried out a victims mapping study in Ituri on behalf of the TFV. These activities provided a solid and context-based foundation for the draft implementation plan.
- The TFV proposes an integrated approach for the implementation of the collective awards programme with a duration of 3 years. This approach presumes that psychological harm has affected all eligible victims. The TFV will ensure a screening process that will not only establish eligibility but will also guide eligible victims to those initiatives responding best to their individual harm, including medical support, education and training, and livelihood development. The plan also foresees the engagement of victims' families and their communities, to ensure successful social integration and possibilities for reconciliation and peace building.

- A key feature of the TFV's integrated approach is the careful consideration of the gender specific elements of the harm suffered by victims. Many former girl child soldiers have not gone through a formal demobilization process, not only losing its benefits but also disappearing in the cracks of their communities, suffering all the more from stigma and shame. Their harm requires a dedicated approach.
- While the number of former child soldiers potentially eligible for the programme is estimated at around 3,000, the eventual number of eligible victims and their precise scope of harm are unknown at this stage. The Board of Directors has proposed to provide a financial complement to the payment of reparations awards at an amount of 1 million euros, in order to sustain the implementation of the proposed draft implementation plan. This amount is based on the scope of the submitted plan as well as on the availability of resources and in consideration of other cases pending before the Court.

Some more details will be discussed at the side event co-hosted by the TFV and Japan in the coming Friday evening.

On this opportunity I express the Board's gratitude to the leadership and staff of the TFV Secretariat and the TFV's partners for their pioneering efforts to translate the Appeals Chamber's Judgment into a landmark plan offering a practical and feasible response to the right of victims to reparations.

This year the Board of Directors has met on two occasions and discussed with the Secretariat the implications, challenges and choices in appreciating and responding to the Court's first reparations order.

We look forward to further engaging with the Court on the implementation of the TFV's draft implementation plan for collective reparations in the Lubanga case.

In the meantime, the TFV has continued to implement its other mandate – to provide assistance in ICC situation countries to victims, without posing a question of who was the perpetrator.

As we have noted in detail in the Programme Progress Report published in September, the TFV has revitalized its assistance programme in northern Uganda with the initiation of six new projects focusing on psychological and physical rehabilitative care. In eastern DRC, the TFV is transitioning its original programme with several partnerships coming to an end and a renewed needs assessment to be conducted.

Due to the continuing security problems in the Central African Republic, the TFV has been unable to rekindle its programme. And due to the huge effort required to produce the first draft implementation plan, the TFV's ambition to expand its assistance mandate to other ICC situation countries could not be actively pursued this year.

However, it goes without saying that assistance mandate remains an indispensable vehicle of the redress for victims, even after the commencement of reparations programmes. The Board will need to exercise its wisdom in pursuing the two mandates simultaneously within the TFV's limited resources.

Mr President, Ladies and Gentlemen,

The past year was also significant for the TFV at the organizational level.

The TFV was subject of two audits – one by the Court's independent Office of the Internal Auditor and another by the External Auditor appointed by the States Parties. Both audits concluded positively about the internal control environment of the TFV, with recommendations to improve and strengthen operational and financial monitoring in view of the growing complexity of the TFV's operations; and to further clarify the delegation of administrative authority from the Registrar to the TFV's Executive Director.

Since 2013, we have explored options for the Secretariat's structure to keep up with the evolution of the TFV's mandates and workload. In January this year, the Board requested the Registrar to include the TFV in ReVision Project to

restructure the Secretariat, with the understanding that the Board will make a final decision. I thank the Registrar for his positive response and kind willingness to make available the ReVision team for this purpose.

Following the submission by the ReVision team of findings and recommendations in July, the Board decided in August on the new structure for the TFV Secretariat with a view to strengthening programme management capacity at the level of the field-based programme staff as well as to strengthen the overall financial and administrative management of the TFV's resources. Among other consequences, this has led to the abolition of the post of Senior Programme Officer in The Hague – and consequently the departure of Ms. Kristin Kalla towards the end of this year whose tremendous contributions to the TFV over the past eight years was a main driving force of the TFV's programmatic and thematic development.

Subsequent to its decision in August, the Board submitted a budget corrigendum to the CBF, and the CBF has supported the new structure only partially so far. Among the proposed changes, resources to strengthen the Secretariat's program management capacity in the field to increase responsiveness were not allocated while the accompanying proposal to abolish the post of the Senior Programme Officer was accepted. As a result, the Board is concerned that the recommended budget of the TFV for 2016 will weaken the organizational capacity and performance of the TFV Secretariat, rather than strengthen them.

Under the circumstances, the Board foresees that until the new structure as proposed by it is fully put in place through the classification process of all posts, which is expected to be completed in the 1<sup>st</sup> quarter of 2016, the TFV will be less responsive than desired to the exigencies of both mandates. In particular this is likely to hamper its ability to expand assistance activities to new situations.

Mr President, Ladies and Gentlemen,

The active support of the States Parties, either political, financial, or moral, is essential for the TFV to function effectively. I would like to express my deepest appreciation to the States Parties that made voluntary contributions to the TFV. Due largely to the challenging economic environments across the globe, the amount of voluntary contributions received by the TFV so far this year remains less compared to those of the last few years. I trust that the commitment of States Parties to the TFV's unique mandates remains solid to allow it to respond effectively to victims as the indispensable instrument to achieve the Rome Statute's vision of reparative justice.

In completing the term of the present Board, I would like to thank you for your support provide to this Board, and cordially request you to do the same to the new Board to be elected during this ASP.

Thank you.

Motoo Noguchi

Chair of the Board of Directors

Trust Fund for Victims

at the International Criminal Court

- Check against delivery -