


Nineteenth session

New York, 7-17 December 2020

**Financial statements of the Trust Fund for Victims
 for the year ended 31 December 2019**
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Letter of transmittal

09 June 2020

In accordance with Financial Regulation 11.1 the Registrar shall submit to the Auditor accounts for the financial period. I have the honour of submitting the financial statements of the Trust Fund for Victims for the financial period 1 January to 31 December 2019.

Peter Lewis
Registrar

Michel Camoin
External Audit Director
Cour des Comptes,
13 rue Cambon,
75100 Paris Cedex 01
France

Letter to the Registrar

09 June 2020

Dear Mr Registrar,

Pursuant to Regulation 77(b) of the Regulations of the Trust Fund for Victims, the Board of Directors must submit the accounts and the financial statements of the Trust Fund for Victims for review by the External Auditor.

I would be grateful if you would sign the Letter of Transmittal to the External Auditor.

Respectfully yours,

Mama Koité Doumbia,
Chair,
Board of Directors of
The Trust Fund for Victims

Certification of Financial Statements

09 June 2020

The financial statements and supporting notes are approved.

Mama Koité Doumbia,
Chair,
Board of Directors of
The Trust Fund for Victims

Independent auditor's opinion



The First President

Paris, 30 JUN 2020

To Mrs. Mama Koité Doumbia
Chair, Board of Directors
The Trust Fund for Victims

Addressed to Mr Pieter de Baan
Executive Director
Secretariat - The Trust Fund for Victims

AUDIT OPINION

Opinion

We have audited the Financial Statements of the Trust Fund for Victims (TFV), for the 12 months period ended 31 December 2019. These Financial Statements include a Statement of Financial Position as at 31 December 2019, a Statement of Financial Performance, a Statement of Changes in Net Assets, a Statement of Cash Flows, a Statement of Comparison of Budget and Actual Amounts and Notes including a summary of the accounting principles and other information.

Based on our audit, the financial statements give a fair view of the financial position of the Trust Fund for Victims as at 31 December 2019, as well as the financial performance, the changes in net assets, the cash flow and the comparison of budget and actual amounts for the 12 months period ending 31 December 2019 in conformity with the International Public Sector Accounting Standards (IPSAS).

Basis for Opinion

We have conducted our audit in accordance with the International Standards on Auditing (ISA). These Standards require us to comply with the ethical rules and to plan and perform our audit in order to obtain a reasonable assurance that the financial statements are free from material misstatements. As required by the Charter of ethics of the Cour des comptes, we guarantee the independence, the fairness, the neutrality, the integrity and the professional discretion of the auditors. Furthermore, we also fulfilled our other ethical obligations in compliance with the Code of Ethics of the International Organisation of Supreme Audit Institutions (INTOSAI). The responsibilities of the auditor are more extensively described in the section "Auditor's Responsibilities for the Audit of the Financial Statements".

We believe that the audit evidence collected is sufficient and appropriate to constitute a reasonable basis for our opinion.

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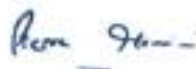
Management's Responsibilities for the Financial Statements

By virtue of Part IV, paragraph 77 of the Regulations of the Trust Fund for Victims, the Board of Directors is responsible for preparing and presenting the financial statements. These statements are in conformity with the International Public Sector Accounting Standards. This responsibility includes the design, implementation and monitoring of internal control procedures to ensure the preparation and the fair presentation of financial statements, free of significant misstatements, resulting either from frauds or errors. This responsibility also includes the determination of fair accounting estimates adapted to the circumstances.

Auditor's Responsibilities for the Audit of the Financial Statements

The goal of the audit is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

An audit therefore consists in implementing audit procedures in order to collect audit evidence regarding the amounts and the information presented in the financial statements. The External auditor takes into account the internal control in effect in the entity, relative to the establishment and preparation of financial statements, so as to define appropriate audit procedures in the circumstances, and not with the aim of expressing an opinion on the effectiveness of this control. The choice of the audit procedures is based on the External auditor's professional judgment, as is the case for the risk evaluation of the financial statements, for the assessment of the appropriateness of the accounting policies and of the accounting estimates, and for the overall presentation of the financial statements.



Pierre MOSCOVICI

Statement I

Trust Fund for Victims - Statement of financial position as at 31 December 2019 (in thousands of euros)

	<i>Note</i>	<i>2019</i>	<i>2018</i>
Assets			
<i>Current assets</i>			
Cash and cash equivalents	3	15,974	17,857
Investments	4	2,688	-
Prepayments	5	125	16
Receivables	6	804	597
<i>Total current assets</i>		<i>19,591</i>	<i>18,470</i>
<i>Non-current assets</i>			
Receivables	6	282	636
<i>Total non-current assets</i>		<i>282</i>	<i>636</i>
Total assets		19,873	19,106
Liabilities			
<i>Current liabilities</i>			
Accounts Payable	7	32	-
Provisions	8	2,414	961
Deferred revenue and accrued expenses	9	522	854
<i>Total current liabilities</i>		<i>2,968</i>	<i>1,815</i>
<i>Non-current liabilities</i>			
Provisions	8	3,272	5,055
<i>Total non-current liabilities</i>		<i>3,272</i>	<i>5,055</i>
Total liabilities		6,240	6,870
Net assets/equity	10	13,633	12,236
Total liabilities and net assets/equity		19,873	19,106

The accompanying notes form an integral part of these financial statements.

Statement II

Trust Fund for Victims - Statement of financial performance for the year ended 31 December 2019 (in thousands of euros)

	<i>Note</i>	<i>2019</i>	<i>2018</i>
Revenue			
Assessed contributions	11	3,130	2,542
Voluntary contributions	11	2,670	3,605
Financial revenue	11	50	18
Total revenue		5,850	6,165
Expenses			
Administrative expenses	12	2,874	1,982
Programme expenses	12	1,074	5,332
Total expenses		3,948	7,314
Surplus/(deficit) for the period		1,902	(1,149)

The accompanying notes form an integral part of these financial statements.

Statement III

Trust Fund for Victims - Statement of changes in net assets/equity for the year ended 31 December 2019 (in thousands of euros)

	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Secretariat of the Trust Fund</i>	<i>Total Net Assets/equity</i>
Opening balance as at 1 January 2018	3,797	9,082	981	13,860
Movement in net assets/equity in 2018				
Surplus/(deficit)	(3,465)	1,756	560	(1,149)
Credits to States Parties/donors	-	-	(476)	(476)
Transfer to reserve	1,500	(1,500)	-	-
<i>Total movements during the year</i>	<i>(1,965)</i>	<i>256</i>	<i>84</i>	<i>(1,625)</i>
Total net assets/equity as at 31 December 2018	1,832	9,339	1,065	12,236
Movement in net assets/equity in 2019				
Surplus/(deficit)	381	1,242	279	1,902
Credits to States Parties/donors	-	-	(505)	(505)
Transfer to reserve	-	-	-	-
<i>Total movements during the year</i>	<i>381</i>	<i>1,242</i>	<i>(226)</i>	<i>1,397</i>
Total net assets/equity as at 31 December 2019	2,213	10,581	839	13,633

Fund balance of assistance programme includes amounts pending allocation.

The accompanying notes form an integral part of these financial statements.

Statement IV

Trust Fund for Victims - Statement of cash flows for the year ended 31 December 2019 (in thousands of euros)

	2019	2018
Cash flows from operating activities		
Surplus/(deficit) for the period (Statement II)	1,902	(1,149)
Unrealized foreign exchange differences	(56)	(4)
(Increase)/decrease in time deposits	(2,688)	-
(Increase)/decrease in receivables	178	(199)
(Increase)/decrease in prepayments	(109)	140
Increase/(decrease) in accounts payable	32	-
Increase/(decrease) in deferred revenue and accrued expenses	(332)	650
Increase/(decrease) in provisions	(330)	4,241
Less: interest income	(50)	(6)
<i>Net cash flows from operating activities</i>	<i>(1,453)</i>	<i>3,673</i>
Cash flows from investing activities		
Plus: interest received	19	6
<i>Net cash flows from investing activities</i>	<i>19</i>	<i>6</i>
Cash flows from financing activities		
Credits to States Parties	(505)	(476)
<i>Net cash flows from financing activities</i>	<i>(505)</i>	<i>(476)</i>
Net increase/(decrease) in cash and cash equivalents	(1,939)	3,203
Unrealized foreign exchange gains/losses on cash and cash equivalents	56	4
Cash and cash equivalents at beginning of financial period	17,857	14,650
Cash and cash equivalents at 31 December (Statement I)	15,974	17,857

The accompanying notes form an integral part of these financial statements.

Statement V

Trust Fund for Victims - Statement of comparison of budget and actual amounts for the year ended 31 December 2019 (in thousands of euros)

<i>Object of expenditure*</i>	<i>Appropriation approved</i>	<i>Total expenditure</i>	<i>Total surplus</i>
Staff costs	1,067	947	120
General temporary assistance	1,418	1,269	148
<i>Sub-total staff costs</i>	<i>2,484</i>	<i>2,217</i>	<i>268</i>
Travel	353	367	(14)
Hospitality	1	0	1
Contractual services	252	206	46
Training	32	12	20
General operating expenses	5	1	4
Supplies and materials	3	2	1
Furniture & Equipment	-	-	-
<i>Sub-total non-staff costs</i>	<i>646</i>	<i>587</i>	<i>59</i>
Total	3,130	2,804	327

*The budget for the Secretariat is approved as Major Programme VI of the Court's budget. The accompanying notes form an integral part of these financial statements.

Notes to the financial statements

1. The Trust Fund for Victims and its objectives

1.1 *Reporting entity:*

The Trust Fund for Victims (“the Trust Fund”) was established by the Assembly of States Parties (“the Assembly”) in its resolution ICC-ASP/1/Res.6, for the benefit of victims of crimes within the jurisdiction of the International Criminal Court (“the Court”), and the families of such victims.

In the annex to the resolution ICC-ASP/1/Res.6, the Assembly established a Board of Directors (“the Board”), which is responsible for management of the Trust Fund.

The Secretariat of the Trust Fund (“the Secretariat”) administers the Trust Fund, offers administrative support to the Board and its meetings and operates under the full authority of the Board. For administrative purposes, the Secretariat and staff are attached to the Registry of the Court and are part of the staff of the Registry and, as such, of the Court, and enjoy the same rights, duties, privileges, immunities and benefits.

By resolution ICC-ASP/4/Res.3, the Assembly adopted the Regulations of the Trust Fund for Victims, which state that the Trust Fund is a separate reporting entity. The Trust Fund and the Secretariat are controlled by the Board and are considered to be a single economic entity for financial reporting purposes. The Trust Fund and the Secretariat are referred to together as the Trust Fund.

2. Summary of significant accounting and financial reporting policies

Basis of preparation

2.1 The financial statements of the Trust Fund are maintained in accordance with the Financial Regulations and Rules of the Court. The financial statements of the Trust Fund have been prepared on the accrual basis of accounting, in compliance with the International Public Sector Accounting Standards (IPSAS). These notes form an integral part of the Trust Fund’s financial statements. Figures in the statements and notes are rounded to thousand euros. Amounts may not add-up due to rounding difference.

2.2 *Financial period:* the financial period is one calendar year.

2.3 *Historical cost basis:* the financial statements are prepared on the historical cost basis of accounting.

Currency of accounts and treatment of exchange rate movements

2.4 The Trust Fund’s functional and presentation currency is the euro.

2.5 Foreign currency transactions are translated into the functional currency using the United Nations operational rates of exchange which approximate the exchange rates prevailing at the dates of the transactions. Foreign exchange gains and losses resulting from the settlement of such transactions and from the translation at year-end of exchange rates of monetary assets and liabilities denominated in foreign currencies are recognized in the Statement of financial performance.

2.6 Non-monetary assets and items that are measured in terms of historical cost in foreign currency are translated using the exchange rate at the date of the transaction and are not retranslated at the reporting date.

Use of estimates and judgements

2.7 The preparation of the financial statements in conformity with IPSAS requires management to make judgements, estimates and assumptions that affect the application of accounting policies and the reported amounts of assets, liabilities, revenue and expenses. The estimates and associated assumptions are based on past experience and various other factors that are believed to be reasonable under the circumstances, and information available at the date of preparation of the financial statements, the results of which form the basis of judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

2.8 The estimates and underlying assumptions are reviewed on an on-going basis. Revisions to accounting estimates are recognized in the period in which the estimate is revised and any future periods affected.

Cash and cash equivalents

2.9 Cash and cash equivalents are held at nominal value and comprise cash on hand, funds held in current accounts, interest-bearing bank accounts and time deposits with a maturity of less than three months.

Financial instruments

2.10 The Trust Fund classifies its financial instruments as loans and receivables and other financial liabilities. Financial assets consist mainly of short-term bank deposits and accounts receivable. Financial liabilities consist of accounts payable.

2.11 All financial instruments are initially recognized in the Statement of financial position at their fair values plus transaction costs. Subsequently, they are measured at amortized cost using the effective interest method. The historical cost-carrying amount of receivables and payables subject to normal trade credit terms approximates the fair value of the transaction.

Financial Risks

2.12 The Trust Fund has instituted prudent risk management policies and procedures in accordance with the Court's Financial Regulations and Rules. The Trust Fund makes short-term investments of moneys not needed for immediate requirements. In the normal course of business, the Trust Fund is exposed to financial risk, such as market risk (foreign currency exchange and interest rate), credit risk and liquidity risk.

2.13 *Currency risk*: the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates. The Trust Fund is exposed to currency risk through transactions in foreign currencies relating to the projects it funds.

2.14 *Interest rate risk*: the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The Trust Fund deposits its funds only in short-term fixed interest accounts, and therefore has no significant interest rate risk exposure.

2.15 *Credit risk*: the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge an obligation. The Trust Fund is exposed to credit risk through advances of funds to project implementing partners and deposits at banks. The Trust Fund has policies that limit exposure to risk from any one financial institution.

2.16 *Liquidity risk*: this risk arises from the general funding of the Trust Fund's activities. The operations of the Secretariat are funded from assessed contributions through the Court. Grants to implementing partners are made on the basis of voluntary contributions received.

Prepayments and Receivables

2.17 The Trust Fund advances funds to implementing partners on the basis of contractual provisions. The status of funds advanced is disclosed under Schedule 1.

2.18 Receivables and advances are recognized initially at nominal value. Allowances for estimated irrecoverable amounts are recognized for receivables and advances when there is objective evidence that the asset is impaired, the impairment losses being recognized in the statement of financial performance.

2.19 Receivables from the Court are recognized for the amount assessed for funding the activities of the Secretariat, net of expenses incurred against these assessments. In its resolution ICC-ASP/3/Res. 7, the Assembly decided that, pending further evaluation by the Assembly, the Secretariat would be funded by the regular budget. The Board submits a proposed budget for the Secretariat which is presented as a separate Major Programme VI in the Court's budget and is adopted by the Assembly. The Court assesses States Parties for the budget of the Secretariat. In substance, the Court collects assessed contributions as an agent of the Trust Fund and these assessments do not increase net assets or revenue of the Court, but are recognized as a receivable and revenue of the Trust Fund. The receivables are reduced as expenses are incurred by the Secretariat. Liabilities to vendors and the staff of the Secretariat are settled directly by the Court. The receivables are finally settled when the Court credits any cash surplus pertaining to Major Programme VI to States Parties, in accordance with the Financial Regulations and Rules of the Court.

Other current assets

2.20 Other current assets comprise interest accrued on bank accounts and deposits.

Accounts payable

2.21 Accounts payable are recognized initially at nominal value, which best estimates the amount required to settle the obligation at the reporting date.

Deferred revenue and accrued expenses

2.22 Deferred revenue includes pledged contributions with conditions and other revenue received but not yet earned.

2.23 Accrued expenses are recognized in respect of goods and services delivered during the reporting period for which invoices have not been received.

Related party disclosures

2.24 The Trust Fund will disclose related parties that have the ability to exercise control or significant influence over the Trust Fund by making financial and operational decisions, or will disclose if a related party and the Trust Fund are subject to common control. Transactions that are within a normal supplier or client/recipient relationship on terms and conditions not more or less favourable than those done at arm's length in the same circumstances between the Trust Fund and its related parties will not be considered as related party transactions and therefore will not be disclosed.

2.25 The key management personnel of the Trust Fund are the Board of Directors and the Executive Director, both of whom have authority and responsibility for planning, directing and controlling the activities of the Trust Fund and influencing its strategic direction. The remuneration and benefits of key management personnel are disclosed. In addition, the Trust Fund will disclose any specific transactions with key management personnel and their family members.

Provisions and contingent liabilities

2.26 *Provisions* are recognized when the Trust Fund has a present legal or constructive obligation as a result of past events, it is more likely than not that an outflow of resources will be required to settle that obligation, and the amount can be reliably estimated. The amount of the provision is the best estimate of the expenditure required to settle the present obligation at the reporting date. Provisions are released only for such expenses in respect of

which provisions are recognized at inception. If the outflow of economic benefits to settle the obligations is no longer probable, the provision is reversed.

2.27 *Contingent liability* is a possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the Trust Fund, or a present obligation which will probably not result in an outflow of economic resources/service potential or the amount of which cannot be measured with sufficient reliability. Contingent liabilities, if any, are disclosed in the notes to the financial statements.

Commitments

2.28 *Commitments* are non-cancellable obligations to provide funds in the future to organizations that are implementing projects based on a contract entered into with the Trust Fund. Commitments are recognized off-balance sheet and are disclosed in the financial statements until such time as funds are advanced or the implementing partner submits financial reports demonstrating that activities, for which the organization is entitled to receive funds, have been performed.

Non-exchange revenue

2.29 *Voluntary contributions*: revenue from voluntary contributions that include restrictions on their use is recognized upon signature of a binding agreement between the Trust Fund and the donor providing the contribution. Revenue from voluntary contributions that attach conditions to their use, including an obligation to return the funds to the contributing entity if such conditions are not met, is recognized as the conditions are satisfied. Until such conditions are met, the obligation is recognized as a liability. Voluntary contributions and other revenues which are not provided for by binding agreements are recognized as revenue when received.

2.30 *Goods-in-kind contributions* are recognized at their fair value and the corresponding revenue is recognized immediately if no condition is attached. If conditions are attached, a liability is recognized until such time as the conditions are met and the obligation is satisfied. Revenue is recognized at fair value, measured as of the date of acquisition of the donated assets.

2.31 *Services-in-kind*: revenue resulting from services-in-kind is not recognized. Major services-in-kind are disclosed in the financial statements, including their fair value, when it is practicable to determine it.

Exchange revenue

2.32 *Financial revenue* comprises interest revenue and net foreign exchange gains. Interest revenue is recognized in the Statement of financial performance as it accrues, taking into account the effective yield on the asset. At the end of the financial period, a net balance of the account for foreign exchange gains and losses, if positive, is recognized as revenue.

Expenses

2.33 *Financial expenses* comprise bank charges and net foreign exchange loss. At the end of the financial period, a net balance of the account for foreign exchange gains and losses, if negative, is recognized as an expense.

2.34 *Expenses arising from the purchase of goods and services* are recognized at the point that the supplier has performed its contractual obligations, which is when the goods and services are received and accepted by the Trust Fund.

2.35 *Expenses arising from transactions with implementing partners* are recognized when goods are delivered or services rendered by implementing partners, as confirmed by the receipt of certified expense reports, financial reports or project delivery reports, as applicable. If funds are advanced on the basis of contracts that do not include measurable performance conditions, expenditure is recognized when funds are disbursed.

Fund accounting and segment reporting

2.36 A segment is a distinguishable activity or group of activities for which it is appropriate to separately report financial information. Segment information is based on principal activities and sources of financing of the Trust Fund. To achieve its aims, the Trust Fund implements reparations awards ordered by the Court against a convicted person and it provides assistance to victims and their families through programmes of physical and psychological rehabilitation and material support.

2.37 Separate financial information is reported for three segments: reparations programme, assistance programme and Secretariat of the Trust Fund.

2.38 *Fund accounting*: the Trust Fund's accounts are maintained on a fund accounting basis to 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.

Net assets/equity

2.39 Net assets/equity comprises surpluses or deficits in the fund. Reserves may be created on the basis of a decision of the Board.

Budget comparison

2.40 A comparison of actual amounts with the amounts in the original and final annual programme budget is presented in Statement V. This comparison is made on the same modified cash basis of accounting as adopted for the annual programme budget.

2.41 A reconciliation of the actual amounts on a modified cash basis with actual amounts presented in the financial statements is included in note 13, considering that the full accrual accounting and modified cash basis budget differ.

3. Cash and cash equivalents

<i>In thousands of euros</i>	2019	2018
Cash at bank – current account	3,367	6,027
Cash at bank – savings account	12,607	11,830
Total	15,974	17,857

4. Investments

<i>In thousands of euros</i>	2019	2018
Term deposits with original maturity more than 3 months	2,688	-
Total	2,688	-

5. Prepayments

<i>In thousands of euros</i>	2019	2018
Advances to implementing partners	114	16
Advances to staff	11	-
Total	125	16

6. Receivables

<i>In thousands of euros</i>	2019	2018
Voluntary contributions receivable	132	88
Refunds due from implementing partners	-	-
Receivable from the Court 2017	-	505
Receivable from the Court 2018	636	636
Receivable from the Court 2019	282	-
Other receivables from the Court	-	1
Accrued interest	34	3
Other receivables	2	-
Total	1,086	1,233

6.1 For detailed information on receivables from the Court, refer to Note 2.19.

6.2 Voluntary contributions receivable represent amounts pledged to the Trust Fund in 2019 and not paid by the reporting date.

7. Accounts payable

<i>In thousands of euros</i>	2019	2018
Payable to the Court for the cash advanced for programmatic expenses	26	-
Other payables	6	-
Total	32	-

8. Provisions

<i>In thousands of euros</i>	2019	2018
Provision for ILOAT cases	76	76
Provision for Reparation awards	5,610	5,940
Total	5,686	6,016

Changes in Provisions

<i>In thousands of euros</i>	<i>Provision for ILOAT cases</i>	<i>Provision for reparation awards</i>
Provision as at 1 January 2019	76	5,940
Decrease due to payments	-	(350)
Revaluation of provision	-	20
Increase in provision	-	0
Provision as at 31 December 2019	76	5,610

8.1 Provision for reparation awards pertain to the complementary funding provided by the Trust Fund towards the payment of the reparations awards due to the indigence of the convicted persons. Pursuant to the Regulation 56 of the Trust Fund for Victims (ICC-ASP/4/Res.3) a decision to complement to reparations awards is a discretionary decision within the sole authority of the Board and is governed by the factors set out in the Regulation, such as ensuring a complement does not prejudice its assistance mandate activities and taking

particular account of ongoing legal proceedings that may give rise to other reparations awards that may require a complement.

8.2 Provision for ILOAT cases of €76 thousand corresponds to the case filed with the Administrative Tribunal of the International Labour Organization (ILOAT) by former staff member of the Secretariat.

9. Deferred revenue and accrued expenses

<i>In thousands of euros</i>	2019	2018
Deferred voluntary contributions	516	727
Accrued Expenses	6	127
Total	522	854

10. Net assets/equity

<i>In thousands of euros</i>	2019	2018
Reparations programme	2,213	1,832
Assistance programme	10,581	9,339
Secretariat of the Trust Fund	839	1,065
Total	13,633	12,236

11. Revenue

<i>In thousands of euros</i>	2019	2018
<i>Assessed contributions</i>	3,130	2,542
<i>Voluntary contributions</i>		
Earmarked contributions	863	1,570
Non-earmarked contributions	1,807	2,035
<i>Sub-total voluntary contributions</i>	2,670	3,605
<i>Financial revenue</i>		
Interest revenue	50	6
Net foreign exchange gain	-	12
<i>Sub-total financial revenue</i>	50	18
Total	5,850	6,165

Contributions in kind

11.1 The Court provides various services free of charge to the Trust Fund, including office space, equipment and administrative services.

12. Expenses

<i>In thousands of euros</i>	2019	2018
Administrative expenses	2,874	1,982
Reparations expenses	86	4,231
Sexual and gender-based violence project expenses	110	199
Other Assistance project expenses	878	902
Total	3,948	7,314

12.1 Repairs expenses consist of €66 thousand of various costs incurred by TFV in relation to implementation of the repairs mandate and €20 thousand revaluation of provision. In 2018 repairs expenses mostly represented provision for repair awards pertaining to the complimentary funding provided by the Trust Fund. No additional complimentary funding was provided by the Trust Fund towards the payment of the repair awards in 2019.

12.2 Expenses include €65 thousand related to administrative costs of implementing partners for Uganda Assistance Mandate.

13. Statement of comparison of budget and actual amounts

13.1 The Trust Fund's budget and accounts are prepared on different bases. The Statement of financial position, Statement of financial performance, Statement of changes in net assets/equity and Statement of cash flows are prepared on a full accrual basis, whereas the Statement of comparison of budget and actual amounts (Statement V) is prepared on a modified cash basis of accounting.

13.2 As required under IPSAS 24, where the financial statements and the budget are not prepared on a comparable basis, the actual amounts presented on a comparable basis to the budget are reconciled to the actual amounts presented in the financial statements, identifying separately any basis, timing and entity differences. There are also differences in formats and classification schemes adopted for the presentation of financial statements and the budget.

13.3 Differences in basis occur when the approved budget is prepared on a basis other than the accounting basis, as stated in paragraph 13.1 above.

13.4 Timing differences occur when the budget period differs from the reporting period reflected in the financial statements. There are no timing differences for the Trust Fund for the purposes of comparison of the budget and the actual amounts.

13.5 Entity differences occur when the budget omits programmes or entities that are part of the entity for which the financial statements are prepared. Entity differences include repairs and assistance funds that are reported in detail in the financial statements but are not included in the budgetary process.

13.6 Differences in presentation are due to differences in the format and classification schemes adopted for the presentation of the Statement of cash flows and Statement of comparison of budget and actual amounts.

13.7 Reconciliation between the actual amounts on a comparable basis in the Statement of comparison of budget and actual amounts (Statement V) and the actual amounts in the Statement of cash flows (Statement IV) for the period ended 31 December 2019 is presented below:

<i>In thousands of euros</i>	<i>Operating</i>	<i>Investing</i>	<i>Financing</i>	<i>Total</i>
Actual amount on comparable basis (Statement V)	327	-	-	327
Basis differences	202	-	-	202
Presentation differences	486	19	(505)	-
Entity differences	(2,467)	-	-	(2,467)
Actual amount in the Statement of cash flows (Statement IV)	(1,453)	19	(505)	(1,939)

13.8 Open commitments including open purchase orders versus accrued expenses and net cash flows from operating activities are presented as basis differences. The credits to States Parties that do not form part of the Statement of comparison of budget and actual amounts are reflected as presentation differences. Under entity differences, the activities funded from

voluntary contributions that are reported in the financial statements are included, as these are not included in the budgetary process.

13.9 An explanation of material differences between the budget and actual amounts is included in the Report on Activities and Programme Performance of the International Criminal Court for the year 2019.

14. Segment Reporting

Statement of financial position by segment as at 31 December 2019

<i>In thousands of euros</i>	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Secretariat of the Trust Fund</i>	<i>Total</i>
Assets				
<i>Current assets</i>				
Cash and cash equivalents	5,604	10,347	23	15,974
Investments	2,688	-	-	2,688
Prepayments	11	114	-	125
Receivables	36	132	636	804
<i>Total current assets</i>	<i>8,339</i>	<i>10,593</i>	<i>659</i>	<i>19,591</i>
<i>Non-current assets</i>				
Receivables	-	-	282	282
<i>Total non-current assets</i>	<i>-</i>	<i>-</i>	<i>282</i>	<i>282</i>
Total assets	8,339	10,593	941	19,873
Liabilities				
<i>Current liabilities</i>				
Accounts payable	-	6	26	32
Provisions	2,338	-	76	2,414
Deferred revenue and accrued expenses	516	6	0	522
<i>Total current liabilities</i>	<i>2,854</i>	<i>12</i>	<i>102</i>	<i>2,968</i>
<i>Non-current liabilities</i>				
Provision	3,272	-	-	3,272
<i>Total non-current liabilities</i>	<i>3,272</i>	<i>-</i>	<i>-</i>	<i>3,272</i>
Total liabilities	6,126	12	102	6,240
Net assets/equity	2,213	10,581	839	13,633
Total liabilities and net assets/equity	8,339	10,593	941	19,873

Statement of financial performance by segment for the year ended 31 December 2019

<i>In thousands of euros</i>	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Secretariat of the Trust Fund</i>	<i>Total</i>
Revenue				
Assessed contributions	-	-	3,130	3,130
Voluntary contributions	440	2,230	-	2,670
Financial revenue	50	-	-	50
Total revenue	490	2,230	3,130	5,850
Expenses				
Administrative expenses	23	-	2,851	2,874
Sexual and gender-based violence project expenses	-	110	-	110
Other assistance project expenses	-	878	-	878
Reparations expenses	86	-	-	86
Total expenses	109	988	2,851	3,948
Surplus/(deficit) for the period	381	1,242	279	1,902

Statement of financial position by segment as at 31 December 2018

<i>In thousands of euros</i>	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Secretariat of the Trust Fund</i>	<i>Total</i>
Assets				
<i>Current assets</i>				
Cash and cash equivalents	8,274	9,583	-	17,857
Prepayments	15	1	-	16
Receivables	-	92	505	597
Total current assets	8,289	9,676	505	18,470
<i>Non-current assets</i>				
Receivables	-	-	636	636
Total non-current assets	-	-	636	636
Total assets	8,289	9,676	1,141	19,106
Liabilities				
<i>Current liabilities</i>				
Provisions	885	-	76	961
Deferred revenue and accrued expenses	517	337	-	854
Total current liabilities	1,402	337	76	1,815
<i>Non-current liabilities</i>				
Provision	5,055	-	-	5,055
Total non-current liabilities	5,055	-	-	5,055
Total liabilities	6,457	337	76	6,870
Net assets/equity	1,832	9,339	1,065	12,236
Total liabilities and net assets/equity	8,289	9,676	1,141	19,106

Statement of financial performance by segment for the year ended 31 December 2018

<i>In thousands of euros</i>	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Secretariat of the Trust Fund</i>	<i>Total</i>
Revenue				
Assessed contributions	-	-	2,542	2,542
Voluntary contributions	766	2,839	-	3,605
Financial revenue	-	18	-	18
Total revenue	766	2,857	2,542	6,165
Expenses				
Administrative expenses	-	-	1,982	1,982
Sexual and gender-based violence project expenses	-	199	-	199
Other assistance project expenses	-	902	-	902
Reparations expenses	4,231	-	-	4,231
Total expenses	4,231	1,101	1,982	7,314
Surplus/(deficit) for the period	(3,465)	1,756	560	(1,149)

15. Related party disclosures

15.1 The expense recognized includes aggregate remuneration paid to key management personnel, including net salaries, post adjustment, entitlements, assignment and other grants, rental subsidy, employer contributions to the pension plan and current health insurance contributions. It also includes expense in respect of post-employment benefits and other long-term benefits.

15.2 The key management personnel of the Trust Fund are the Board of Directors and the Executive Director. The Board serves on a pro bono basis.

15.3 The expense recognized during the year and outstanding balances of receivables at year end are as follows:

<i>In thousands of euros</i>	<i>No. of individuals</i>	<i>Aggregate remuneration</i>	<i>Receivables</i>
Key management personnel	6	196	-

15.4 Key management personnel also qualify for post-employment benefits and other long-term benefits. At year end, accrued liabilities amounted to:

<i>In thousands of euros</i>	<i>Annual leave accrual</i>	<i>Other long-term benefits</i>	<i>Post-employment benefits</i>	<i>Total</i>
Key management personnel	34	1	187	222

15.5 In 2019, the Assembly approved an appropriation of €3,130 thousand for the Secretariat of the Trust Fund for Victims, which administers the Trust Fund and provides administrative support to the Board and its meetings. The amount of assessment net of expenses incurred by the Secretariat for the current and prior period in an amount of €918 thousand is recognized as a receivable from the Court.

15.6 The Court provides various services free of charge to the Trust Fund, including office space, equipment and administrative services.

16. Events after the reporting date

16.1 Trust Fund's reporting date is 31 December 2019. The COVID-19 pandemic occurred after the 2019 accounts were closed. This is a non-adjusting event for the 2019 Financial Statements, however, the global effects of this pandemic may have significant impacts on the Trust Fund's operations in 2020, the extent of which cannot be reliably estimated at this time.

Annex

Schedule 1

Status of projects as at 31 December 2019

	Project currency	Committed Funds	Outstanding advances/re funds due at 1 January 2019	Advances Paid	Expense recorded	Refunds collected	Outstanding advances at 31 December 2019	Expenses (including prior years)
Annual project								
CAR - Situational Assessment - 2018 (PO 4701286)	XAF	13,000,000	1,000,000	6,500,000	6,842,780	657,220	-	12,342,780
CAR - Situational Assessment 2019 (PO 4701355)	XAF	6,097,220	-	6,097,220	6,097,220	-	-	6,097,220
TFV/UG/2007/R2/038 - Integrated Physical and Psychological Rehabilitation Assistance to Victims (PO 5100135)	EUR	200,000	-	170,000	143,221	-	26,779	143,221
TFV/UG/2007/R1/018 - Integrated Physical and Psychological Rehabilitation Assistance for Victims in Northern Uganda (PO 5100136)	EUR	200,000	-	170,000	169,987	-	13	169,987
TFV/UG/2007/R1/005 - Integrated Physical and Psychological Rehabilitation Assistance for Victims in Northern Uganda (PO 5100138)	EUR	200,000	-	170,000	147,319	-	22,681	147,319
TFV/UG/2007/R1/020 - Treating the Mental Health Needs of Ugandan Victims of War Crimes: A Service and Capacity Building Approach (PO 5100139)	EUR	200,000	-	170,000	169,722	-	278	169,722
TFV/UG/2007/R1/014b - Integrated Physical and Psychological Rehabilitation Assistance for Victims in Northern Uganda (PO 5100140)	EUR	200,000	-	170,000	134,222	-	35,778	134,222
TFV/UG/2007/R2/041 - Provision of integrated Physical and Psychological Rehabilitation Assistance to War Victims in Northern Uganda (PO 5100141)	EUR	200,000	-	170,000	140,426	-	29,574	140,426
Communication project (PO 4701371)	USD	5,500	-	5,500	5,500	-	-	5,500
Victims follow-up, CAR (PO 4701327)	XAF	3,279,785	-	3,279,785	2,249,200	1,030,585	-	2,249,200
CAR - Situational Assessment 2019 (PO 5100142)	XAF	1,158,910	-	-	658,910	-	-	658,910
Kenya Assessment (PO 4701365)	KES	885,000	-	885,000	679,320	205,680	-	679,320
Communication project (4524406)	USD	6,700	-	-	6,700	-	-	6,700
Georgia situational assessment (PO 4903277)	EUR	26,129	-	-	20,929	-	-	20,929
Kenya Assessment - 2019 (PO 4903367)	EUR	21,186	-	-	21,186	-	-	21,186
Reparations Mandate								
Katanga case reparations - indiv. awards DRC (PO 4701199)	USD	74,321	-	-	69	-	-	74,319
Katanga Collective Awards (PO 4701273)	USD	58,560	7,196	30,445	16,773	20,868	7,196	42,287
Katanga Collective Awards (PO 4701344)	USD	248,783	-	248,767	248,782	-	1	248,782
Katanga Collective Awards (PO 4701358)	USD	15,226	-	15,000	3,695	-	11,305	3,695
Katanga Collective Awards (4701361)	USD	27,920	-	27,600	27,920	-	-	27,920
Katanga Collective Awards (4701274)	EUR	1,700	-	-	597	1,103	-	597
Katanga Collective Awards (XOF) (PO4701306)	XOF	17,241,400	-	17,231,400	11,189,000	6,042,400	-	11,189,000
Lubanga, pre awards implementation activities (PO 4524027)	USD	3,580	-	-	3,580	-	-	3,580
Lubanga, court-ordered activities - identification of victims (PO 4701332)	USD	33,685	-	30,820	27,456	3,365	-	27,456
Katanga Collective Awards (PO 4701369)	USD	112,000	-	112,000	111,943	57	-	111,943

Final audit report on the financial statements of the Trust Fund for Victims Financial year ended 31 December 2019

(Courtesy translation)

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I. Audit objectives, scope and approach

1. We have audited the financial statements of the Trust Fund for Victims (TFV). The audit was conducted in accordance with the International Standards on Auditing (ISA), the International Standards of Supreme Audit Institutions (ISSAI), Article 12 of the Financial Regulations and Rules (FRR) of the International Criminal Court (the “Court”), including the additional terms of reference governing the audit, and Article 77 of the Regulations of the TFV.
2. The overall objective of an audit of financial statements is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, thereby enabling the External Auditor to express an opinion on whether the financial statements are prepared, in all material respects, in accordance with the applicable financial framework.
3. The additional terms of reference governing the audit of the Court and all trust funds, including the Trust Fund for Victims, are disclosed in the annex 6.(c) to the Financial Regulations and Rules of the Court. They indicate that the External Auditor can consider matters that should be brought to the notice of the Assembly of States Parties (ASP), such as wasteful or improper expenditure of the Trust Fund for Victims’ money and other assets, and expenditure not in accordance with the intention of the ASP.
4. The audit mission consisted of two phases:
 - (a) an interim audit (from 2 to 13 December 2019) focusing on aspects relating to internal control, voluntary contributions and International Public Sector Accounting Standards (IPSAS);
 - (b) a final audit (from 4 May to 27 May 2020) focusing on the financial statements, the follow-up of previous recommendations and compliance with IPSAS disclosure requirements, as well as financial and governance controls. In the context of the COVID-19 pandemic and the limitations to travels and personal contacts settled by the Authorities in Netherlands, France and by the Court, the final audit was done remotely, using safe information technology (IT) channels of communication provided by the Court for videoconferences and supply of documentation.
5. A closing meeting with the Executive Director of the Trust Fund for Victims and his staff was held on 27 May 2020. This report has been prepared, taking into account the written comments sent by the Trust Fund for Victims on 17 June 2020.
6. We express **an unqualified opinion** on the financial statements of the Trust Fund for Victims for the financial year ended 31 December 2019.

II. Follow-up on previous recommendations

7. Eight recommendations were still pending in the last report of the External Auditor on the financial statements of the Trust Fund for Victims. The review of the implementation of recommendations enables to classify four of them as implemented, four remaining partially implemented.

1. Implemented recommendations

8. Recommendation TFV 2018-2 “Procedure for accruals”. It recommended implementing a procedure to identify all the accruals with a deadline in accordance with the preparation of the financial statements. The TFV provided relevant documentation establishing the materiality of instructions, guidance, exchanges and practices elaborated between TFV and FIN Section (Finance Section) of the Registry of the Court.
9. Recommendation TFV 2017-1 “Actions required to accurately substantiate all commitments related to the enforcement of the reparations awards”. After discussions with the Victims Participation and Reparations Section (VPRS) and internal reflections, the current methodology in use with VPRS (from the Registry) allows the TFV access to

information available in the Victims Application Management System (VAMS) on a case-by-case basis, deemed adequate and efficient by the Registry (VPRS) and the TFV.

10. Recommendation TFV-2015-3 “Strengthen financial control of operations”. The TFV has organized workshops in 2019 and 2020 and produced supporting tools with Implementing Partners (IPs) on financial reporting procedures and tools in Uganda and in Central African Republic. Upcoming on-site visits of IPs by Field Programme Officers (FPO) will include spot checks.

11. Recommendation TFV 2015-4 “Strengthening the field teams”. The TFV has given detailed information on the structures in place on the field following the increases in human resources in 2019, recruitments and posts, and considers that the reinforcement is in place and functioning.

2. Partially implemented recommendations

12. Recommendation TFV-2018-1. “Adaptation of the overall budgetary framework”. The TFV has started to review the budgeting process, not only for resources and for expenses that are part of the budget of the Court through the Major Programme VI “Secretariat of the TFV” but also for the operations funded by Voluntary contributions which refer to the competency of the Board of Directors. However, the implementation of this recommendation will require time.

13. Recommendation TFV-2016-2. “Monitoring of field partners audit reports». The TFV is in the process of launching an open tender for selection of the external auditing company that will perform centralized audit of all TFV partners and indicated the new programme cycles implemented in northern Uganda, Democratic Republic of the Congo, Ivory Coast, and Central African Republic. The TFV informed the External Auditor that services contracts in these countries were in the process of being finalised.

14. Recommendation TFV 2014-1 “Clarification of the roles and responsibilities between the Registrar and the Secretariat of the Trust Fund for Victims”. The Secretariat of the TFV and the Registry have agreed on the Cooperation and Assistance Framework (CAF). However, the recommendation is partially implemented, due to the absence of progress remaining on the issue of an arbitration procedure, linked to the agenda of the newly appointed Board of Directors in 2019. This document is now in place and may be a basis for clarification of the roles, in spite of its status not being fixed yet in the hierarchy of official documents involving the Court.

15. Recommendation TFV 2014-2 “Responsibility assignment chart”. In spite of the clarification of responsibilities inside the TFV undertaken in 2018 and 2019, the new responsibility matrix expected for 2019 will not be finalized before the fourth quarter of 2020. The achievement of the recommendation will then be checked when this document is available.

III. Summary of the financial position

16. The TFV’s statement of financial performance shows a surplus of € 1.902 million compared with a deficit of € 1.149 million in 2018. This change is mainly due to the decrease in programme expenses (€ 1.074 million compared to € 5.332 million in 2018), even if administrative expenses increased (€ 2.874 million compared to € 1.982 million in 2018). In the same way, resources have dropped but at a slower pace than expenses, although the assessed contributions have grown at a significant rate of 23 percent, reaching € 3.130 million. However, voluntary contributions have fallen by 26 percent, reaching € 2.670 million (compared to € 3.605 million in 2018). The TFV efforts to strengthen its resources to cover its future needs, which it estimates at around € 10 million per year in the future. Twenty-nine public donors are registered so far. The efforts of the TFV aim at finalizing further agreements with State Parties donors, such as multi years plans, or towards innovative means of funding. Voluntary contributions from the private sector amount to approximately € 25 thousand.

17. The statement of financial position improved overall, with total assets increasing from € 19.106 million in 2018 to € 19.873 million in 2019. The structure of the financial position is sound, with a net asset at a level of € 13.633 million, +11 percent growth from the previous year, and liabilities mostly composed of provisions. The global amount of provisions decreased to € 5.686 million from € 6.016 million in 2018, the major change being the change in the balance between current provisions (€ 2.414 million, compared to € 0.961 million in 2018) and non-current provisions (€ 3.272 million, compared to € 5.055 million in 2018). The TFV has no financial debts and an important part of its current liabilities consists of accruals and deferred revenues (€ 0.522 million), these being likely to become revenues in the future.

18. The statement of financial performance does display the amounts of reparation expenses approved by the Board of Directors through provisions, following an external audit recommendation. Annual reparation expenses presented in Note 8 to the financial statements appear then as a reduction of former provisions. The amount of annual expenses in 2019, € 0.350 million, appears at the present stage rather modest compare to the cumulated amount of provisions (€ 5.610 million).

19. A part of these provisions for reparations is classified in current liabilities (€ 2.338 million), meaning that it should be used during 2020, and the other part is in non-current liabilities (€ 3.272 million). Last year, € 0.885 million was classified in current liabilities, but only € 0.350 million had been paid in 2019. The TFV Secretariat should ensure to make the best estimation for this classification.

iv. Investments of available financial resources

20. The cash and cash equivalent account amounts to € 15.974 million, as at 31 December 2019. In 2019, the TFV has started to invest a significant share of this asset, € 5.2 million, in financial instruments in United States Dollar (USD). The outturn of this financial investment was € 46 thousand in interest. The TFV chose to invest the funds in the currency of the planned disbursements (USD) and guarantee that term deposits are allocated for a fixed term of three or six months and at the fixed interest rates of 1.87 percent and 2.27 percent, which is far more than the maximum of 0.3 percent of last year interest rate. As at 31 December 2019, two other bank accounts are holding € 5.0 million each, with an interest rate of 0.05 percent.

21. The funds invested coming from the TFV surpluses, including funds from Voluntary contributions; the External Auditor asked for clarification on the legal basis of these operations during the audit. The Trust Fund Regulations, in its article 37, only refer to article 108 of the Financial Regulations and Rules of the Court, while the possibility to proceed to investments (limited in time) in case of “money not needed during the investment period” is ruled by article 109. The TFV and the Registry answered that the Resolution ASP/1/6 states (in point 13 of its Annex): “*The FRR shall apply mutatis mutandis to the administration of the TFV, except as otherwise provided in the present resolution*”. This brings a legal basis for TFV operations.

v. Monitoring of conventions and agreements with donors

22. Voluntary contributions have decreased by 26 percent in 2019, reaching € 2.670 million (compared to € 3.605 million in 2018). An important part of voluntary contributions is supported by written agreements with donors, some of them earmarked.

23. It appeared during the audit works that part of these written agreements include conditional clauses. Otherwise, donors might claim the funds back. The financial statements record these funds as deferred revenues, according to IPSAS.

24. The External Auditor reiterates earlier warnings on the presence of reporting clauses in agreements with the donor that forecast specific audit works on the use of the Voluntary contribution. The writing of these clauses should be carefully monitored in order to distinguish these audits from the tasks assigned to the External Auditor nominated by the

ASP in accordance with Article 12 of the Financial Regulations and Rules (FRR) of the Court, including the additional terms of reference governing the audit, and Article 77 of the Regulations of the TFV. No separate agreement between the donor and the TFV can order extra audit works to the External Auditor, which only reports to the Assembly.

25. The programmes of the TFV, among which a large share is funded by Voluntary contributions settled in agreements with donors, are disclosed in Schedule 1, which is an addition to the financial statements. The great number of programmes and their diversity make this Schedule 1 difficult to read by the user of the financial statements. This difficulty increases with the usage of various currencies in the tables, such as euro, USD, West African CFA Franc (XOF) in Democratic Republic of the Congo (DRC), Central African CFA Franc (XAF) in Central African Republic (CAR), and Kenyan Shilling (KES) in Kenya. In line with the presentation principles of IPSAS Conceptual Framework chapter 8, the TFV should try, through a narrative paragraph added to the financial statements, to summarize the amounts of resources committed to assistance and reparation programmes and give an estimate of their global amount based on a rate of exchange.

VI. Acknowledgements

26. The External Auditor wishes to thank the Trust Fund for Victims Secretariat and the members of the Office of the Registrar of the International Criminal Court, for the cooperation and general support provided to the audit team during the audit.

End of audit observations.
