



Fonds au Profit des Victimes
The Trust Fund for Victims



**Report of the Board of Directors of the Trust Fund for Victims, delivered by the
Chair**

Twentieth session of the Assembly of States Parties
6 - 11 December 2021

Madam President, Your Excellencies, Ladies and Gentlemen,

On behalf of the Board of Directors of the Trust Fund for Victims, I warmly welcome all the delegates present here as well as those who cannot attend this session in person due to the COVID-19 restrictions.

I have the great honour of addressing you today, for the second time, before this esteemed Assembly of States Parties as the Chair of the Board of Directors, to inform you of the activities undertaken by the Trust Fund for Victims, and of our accomplishments to date, but also to tell you about the various challenges we will soon have to face.

This will also be the last time that I have this honour since the current Board of Directors is coming to the end of its term of office.

With this in mind, I would like to express once more my appreciation of my fellow Board members who elected me to this position, and who have not stopped actively contributing to our work with perseverance to achieve our shared mission for the Trust Fund for Victims.

I would also like to express my deepest gratitude to my colleagues Baroness Arminka Helić, Mr Sheikh Mohammed Belal, Ms Minou Tavárez Mirabal and Mr Gocha Lordkipanidze.

Finally, I would like to welcome Mr Andres Parmas, who was appointed to the Board of Directors in April of this year, taking over the responsibilities of Mr Gocha Lordkipanidze who is a newly elected judge at the International Criminal Court.

I would also like to thank the States Parties for nominating candidates for the new Board of Directors, which, I am convinced, will be able to perpetuate the successes of the important contributions achieved by the outgoing members.

Over recent years, we have done our utmost by providing significant innovations, through ideas, energy and expertise and, beyond this, self-giving through pro bono work, to enable the Trust Fund for Victims to achieve the best results and make its actions more visible. This work has contributed to providing hope for surviving victims, and their families and communities, and has led to increased confidence on the part of our Partners and donors. **From an initial 6 projects/programmes, we have now reached 28, following hard work and sacrifices by the Board and Secretariat as well as our staff in the field.**

Madam President, Your Excellencies, Ladies and Gentlemen,

The Trust Fund for Victims has increased its efforts to continue its work as efficiently as possible and thus ensure that reparations initiatives are provided for the victims in good time, despite the COVID-19 epidemic, which is still having a global impact. Although the victims are worse affected due to the harm they have suffered, the Trust Fund is continuing to assist them.

In this respect, it is important to highlight that, in addition to the implementation of reparations awards, the Trust Fund has also continued its efforts in the context of its numerous assistance programmes benefiting the thousands of surviving victims of atrocity crimes falling within the jurisdiction of the Court, in line with its dual mandate to provide assistance and reparations.

In effect, the Trust Fund for Victims has been courageously fighting for several years to achieve restorative justice for millions of victims. Even when the perpetrators of the crimes concerned are prosecuted at the International Criminal Court, the harm caused to the victims of these unmeasurable crimes cannot be forgotten and must be the subject of restorative actions that will have a profound and lasting effect, both at individual and community level.

Madam President, Your Excellencies, Ladies and Gentlemen,

The Trust Fund for Victims has faced many challenges over the last year. This was a year rich in activities and the Trust Fund is currently implementing reparation awards in respect of four cases. Three of these are taking place in the Eastern DRC, in the province of Ituri, and there is one case in Northern Mali, which unfortunately continues to be plagued by violent conflicts, alongside the complexities of the COVID-19 epidemic.

At the end of 2021, the Trust Fund would like to report on the following achievements:

Firstly, as part of the *Lubanga* case, I have the pleasure of informing you that the Trust Fund has begun implementing reparations through its implementation partner. The Trust Fund launched a collective reparations programme in March of this year, based on services benefiting former child soldiers and their families. It is important to underline, in this respect, that this is a programme without precedent in terms of complexity and volume, and which has a maximum value of USD 9.5 million over a term of 5 years.

The Trust Fund is also on the verge of implementing a symbolic reparations programme.

Secondly, in the *Ntaganda* case, the Trust Fund launched a programme, in November of this year, aimed at meeting the victims' most urgent needs.. Considerable progress has been achieved, while the implementation of reparations measures is continuing and accelerating, in spite of the numerous operational difficulties being encountered, particularly in Ituri.

At the time of addressing you, the Trust Fund is about to finalise the implementation plan for the reparation awards ordered by the Court in the *Katanga* case, which is closely linked to the reparations programme being implemented in the *Lubanga* case; the planning process is due to be completed in the very near future, on 17 December

Thirdly, in the *Katanga* case, the activities intended to assist the 297 beneficiary victims is very close to completion, in the sense that implementation of the housing support and psychological support which will be provided to the victims is imminent.

It must be noted that this work in Ituri has been made possible thanks to the combined efforts not only of the staff of the Trust Fund for Victims, in both Bunia and The Hague, but also of the legal representatives of the victims, with further significant support from the Registry of the Court, both in the field and in The Hague.

Fourthly, regarding the implementation of reparations awards in the *Al Mahdi* case, the identification of the individual beneficiaries is now finished and the Trust Fund has made significant progress concerning the payments of individual compensation, which was a priority action: compensation has been awarded to the 774 descendants of the saints associated with the destroyed mausoleums, of which 381 beneficiaries are women and 393 are men.

The Trust Fund will soon be implementing collective reparations awards aimed at benefitting the Timbuktu community via its implementation partners. This is

intended to address the pain and suffering and the economic harm caused to the Timbuktu community as a result of the crimes for which Al Mahdi was convicted.

As a further component of implementing this Court Order: a very important and high-profile step was celebrated by the Trust Fund with the organisation of the ceremony in Mali for the presentation of the symbolic reparations of one euro to the Malian people and to UNESCO, which I had the honour of co-organising with the President of Mali on 30 March 2021 in Bamako.

I was also very honoured on this occasion to be accompanied by the Prosecutor Fatou Bensouda at the ceremony in Bamako as well as during my visit to the City of the 333 Saints of Timbuktu – a visit which touched us deeply, and which allowed us to meet not only with the victims of the crimes for which Al Mahdi was sentenced but also with the affected communities.

Finally, as part of the *Ongwen* case, the procedure for implementation of reparations awards is still in the early stages: the Trust Fund will submit its observations on 6 December regarding the operational context of the future programme for implementing reparations awards, based on experience from their assistance programme and their network of partners and stakeholders in Uganda.

Madam President, Your Excellencies, Ladies and Gentlemen,

The experience of the Trust Fund for Victims in the implementation of reparations awards has shown that this is an activity that requires an enormous amount of work and constant adaptations to the operational circumstances which are continually evolving. The continued commitment to the victims and their legal representatives, a close collaboration with the Registry, both at external office level as well as with staff based in The Hague, and a combination of legal and operational expertise on the part of the Trust Fund and the Board of Directors is warmly welcomed.

On this subject, I would like to express my gratitude to the Secretariat, in particular to the staff in the field, for their continued commitment and perseverance.

Madam President, Your Excellencies, Ladies and Gentlemen,

I am delighted to confirm that the Trust Fund continues to deploy its assistance programmes, including in countries where the Office of the Prosecutor of the International Criminal Court has only recently initiated investigations.

The Board of Directors was very concerned to guide the implementation of 10 projects in the provinces of Ituri and North and South Kivu, in the Democratic Republic of Congo.

Furthermore, in the Central African Republic, the Trust Fund’s Bangui pilot project has been a great success and has enabled aid to be provided to 200 beneficiaries, from amongst the most vulnerable victims of sexual and gender-based crimes, who continue to receive our support.

The Trust Fund also has active assistance programmes in **Uganda and Ivory Coast.**

Finally, I have the pleasure of announcing that new programmes are planned in **Georgia, Kenya and Mali,** for which implementation partners have been selected, and financing has already been assured, thus allowing for a planned launch in the **first quarter of 2022.**

Madam President, Your Excellencies, Ladies and Gentlemen,

Implementing assistance programmes constitutes an essential part of the mandate of the Trust Fund for Victims.

This allows for a broader recognition of the harm suffered by victims, within a wider scope than that of the mandate for the reparations awards, thus complementing the judicial footprint of the Court in circumstances where unsuccessful prosecution would risk abandoning the victims, as in the Central African Republic, Ivory Coast and Kenya.

Furthermore, the Trust Fund actively seeks to cooperate with national reparations programmes in all countries in which the it maintains its assistance programmes; it does so by closely involving civil society and victims’ associations in the conception and implementation of its projects.

Madam President, Your Excellencies, Ladies and Gentlemen,

Throughout its three-year term, the outgoing Board of Directors dedicated unprecedented time and energy to reforming and enhancing the proper administration and performance of the Trust Fund.

My report on the activities of the past year demonstrates the significant transformation of the Trust Fund that has taken place in recent years.

The Board of Directors has worked more closely than ever with the Secretariat, offering its key guidance through virtual monthly or even bi-monthly meetings.

It has sought to reinforce its relations with the Court, and above all with the Registrar, who has been a wise and constant advisor to the Board, and has taken concrete

measures to support the transformation of the Trust Fund by accepting all of our numerous invitations.

We have also welcomed the progressive developments in the relations between the Trust Fund and the judicial organs of the Court, which have allowed for a better understanding of the mandate and the perspectives of each side.

Within the Board of Directors, we have addressed the matter of our proper internal administration by adopting, for the first time, a formal policy on the working methods of the Board of Directors of the Trust Fund, which also covers the relations with the Secretariat.

In order to build on this momentum, the Board has proposed modifications to the election process to ensure the rotation and transfer of knowledge between the different Board members and thus better consolidate achievements.

Other important policies and instruments, such as the new strategic plan and the management and investment policy of the Trust Fund, are being prepared and require the attention of the new Board of Directors.

Madam President, Your Excellencies, Ladies and Gentlemen,

Regarding the future outlook, the Board is acutely aware of the concerns regarding the proper administration and performance of the Trust Fund for Victims, as set out in the report produced by the Group of Independent Experts last year. We have taken into account the points of view and ideas of the experts, and we have worked hard with the States Parties, Registrar and Secretariat to deal with these issues, since significant challenges still lie ahead.

To this end, the integrity of our expertise and our financial, legal and operational skills must be maintained in order to fulfil our mandate to deliver restorative justice, as provided for in the Rome Statute and our Regulations.

The Trust Fund cannot achieve this on its own. We depend on the support and cooperation of States Parties to recognise the importance of our reparations mandate, the complexity of our operations and our financial needs.

The same applies in respect of our friends and colleagues at the Court. There should be no barrier between our minds and our actions.

And only a true spirit of collaboration between our Institutions will allow the victims to assert their rights and fulfil their needs, in order to overcome their suffering and recover their dignity.

Before I finish, allow me to express not only my sentiment but also my gratitude as I leave this place where I have received full support and the admiration of many of you.

I thank you all for your kindness and wish you all the best for the future.

I remain ready to continue to support victims in the context of international justice in the service of peace.

Thank you.