

Decisions taken by the Board of Directors of the Trust Fund for Victims

September to December 2020

Despite the constraints imposed across the globe due to the COVID- 19 pandemic, the Board of Directors (Board) of the Trust Fund for Victims (TFV) at the International Criminal Court (ICC) has continued its work to ensure appropriate and timely delivery of reparative justice measures, in the form of assistance programmes and implementation of reparation awards, for the benefit of victim-survivors of atrocity crimes within the jurisdiction of the ICC.

Using remote meeting modalities, in October and November, the TFV Board has convened in eight sessions in total. In this period, the Board took the following decisions:

Reparations-related Filings and Decisions

In pre-order reparations proceedings in the Ntaganda case, the Trust Fund submitted its concluding observations in December 2020.

Board Chair Mama Koité Doumbia (*Lubanga*) and Board member Gocha Lordkipanidze (*Al Mahdi*) acted as designated Board representatives to review and decide on the TFV's administrative eligibility decisions in relation to Court-ordered reparations awards. Throughout 2020, they issued over 1,000 confidential decisions on whether individual victims are eligible for reparations in the Lubanga and Al Mahdi specific reparations awards ordered by the Trial Chambers.

Assistance Programmes

On 10 November 2020, the TFV Secretariat presented to the Board its reports and recommendations on the feasibility of new assistance programmes in Georgia, Kenya, and Mali. The recommendations were based on harm-based and victims' centred approach assessments that were conducted in the three countries in 2019 and 2020.

Following a thorough review of the reports and discussion of the proposed options and recommendations, the Board approved new assistance programmes in Georgia, in Kenya and in Mali, as follows:

- The Board allocated EUR 600,000 to the assistance programme in Georgia for a period of 3 years.
- The Board allocated EUR 300,000 for a two-year assistance programme in Kenya which focuses on supporting survivors of sexual and gender-based violence.
- The Board has not allocated funds for the assistance programme in Mali. The implementation of the assistance programme, the goals and timeline of which was approved, is contingent upon its

financing through an earmarked contribution, which is pending final negotiation and agreement with a donor.

Incidental Programme Cost (IPC) provision

On 20 November 2020, the Board approved the use of Incidental Programme Cost (IPC) provision in the Funds' extra-budgetary resources, as well as its application rules, to invest in programme-related activities that are of key importance to the development and sustainability of the Trust Fund's programme portfolio.

Pending the issuance of the comprehensive TFV Fund Management and Investment Policy, the Board agreed to the Secretariat's proposed application of the following rules to apply for the use of the IPC provision in the extra-budgetary resources:

1. *No duplication of STFV budget:*
The provision cannot be used in a way that would erode the primary function of the TFV Secretariat's regular budget, which remains to ensure TFV core functions and capacities;
2. *Programme-related investment purpose:*
The provision must invest in activities that will develop or improve the ways in which victims will benefit from reparation awards and assistance activities;
3. *Investment is incidental or temporary:*
 - Incidental (one-off) activities / mechanisms to support increased performance and/or impact of programme implementation.
 - Temporary recourse (12 months, only exceptionally extendable) to human capital, with a view to (i) support critical work (procurement, legal, programmatic) or (ii) jump-start or boost essential functions of the TFV. The temporary nature of investments requires evaluating whether human capital will eventually need to be considered as 'core capacity' and be ensured in the STFV regular budget.
4. *Decision making:*
Allocations to and within the IPC provision are recommended by the Secretariat and approved by the Board of Directors.

In November 2020, the Board approved investment from the IPC provision, in particular for the purpose of boosting the fundraising and communication capacities of the Trust Fund, ensuring the necessary policy development, allowing for the procurement of a monitoring and evaluation tool, ensuring that reparation-related evaluations are conducted, and allowing for capacity development for gender inclusion and conflict sensitivity. The current value of the non-annual IPC provision amounts to a total of Euro 1.43 million (7.3% of total available resources), an increase of Euro 497.5 thousand.

TFV Management Brief

The Board took note of the TFV Management Briefs over the second half of 2020, reporting on the activities of the Trust Fund in relation to programme activities under the reparations and assistance mandates, fundraising and resource development, human resource development and management, and events and communication.

The Board agreed to make the quarterly TFV Management Briefs available in the public domain, with redaction of confidential information, in order to increase transparency and demonstrate accountability in relation to the activities of the Trust fund for Victims.

The TFV Management Briefs concerning the reporting period are accessible on the TFV website:

- [TFV Management Brief, Q3 2020](#)
- [TFV Management Brief, Q4 2020](#)