



Fonds au Profit des Victimes
The Trust Fund for Victims



Administrative Procedure

Working methods of the Board of Directors of the Trust Fund for Victims

Adopted by: Board of Directors of the Trust Fund for Victims

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1. Purpose and Scope

- 1.1. This Administrative Procedure has been issued by the Board of Directors of the Trust Fund for Victims bearing in mind the provisions of article 79, paragraphs 1 and 3, of the Rome Statute which provide for the establishment by the Assembly of States Parties of a Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, to be managed according to criteria to be determined by that Assembly.
- 1.2. This Administrative Procedure has been adopted pursuant to Regulation 15 and by reference to Regulations 1 to 14, 17 and 18 of the Regulations of the Trust Fund for Victims (ICC-ASP/4/Res.3, as amended) and taking into account these Regulations as a whole as well the Resolutions of the Assembly of States Parties ICC-ASP/1/Res.6 and ICC-ASP/3/Res.7 for the purpose of setting out the working methods of the Board of Directors of the Trust Fund for Victims in performing its functions and its relationship with the Secretariat of the Trust Fund for Victims.
- 1.3. This Administrative Procedure applies to the Trust Fund for Victims.

2. Use of terms

- 2.1. In the present document:
 - 2.1.1. **“ASP”** stands for Assembly of States Parties.
 - 2.1.2. **“Board”** stands for the Board of Directors of the Trust Fund for Victims.
 - 2.1.3. **“Board member”** stands for a member of the Board of Directors, including its Chair.
 - 2.1.4. **“CBF”** stands for the Committee of Budget and Finance.
 - 2.1.5. **“Chair”** refers to the Chair of the Board of Directors, elected pursuant to TFV Regulation 1.

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- 2.1.6. **“Court”** stands for the International Criminal Court as an international organization.
- 2.1.7. **“Executive Director”** stands for the Executive Director at the Secretariat of the Trust Fund for Victims.
- 2.1.8. **“Registrar”** stands for the Registrar of the Court.
- 2.1.9. **“Secretariat”** stands for the Secretariat of the Trust Fund for Victims.
- 2.1.10. **“TFV” or “Trust Fund”** stands for Trust Fund for Victims that consists of the Board of Directors and the Secretariat and that administers the resources set out in TFV Regulation 21, releases them for the purposes set out in TFV Regulation 50(a) and (b), and takes implementing measures, including through intermediaries or partners.
- 2.1.11. **“TFV Regulation”** refers to a regulation of the Trust Fund for Victims (Annex to Resolution ICC-ASP/4/Res. 3, as amended).

3. Key functions of the Board

- 3.1. Pursuant to the applicable legal framework, the Board has the following key functions, by which it steers the activities of the Trust Fund including through the allocation of resources set out in TFV Regulation 21:
- 3.1.1. fund management functions, including the allocation of funds to programmes, and donor relationship building:
- allocation of funds for assistance programmes;
 - allocation of funds to the Incidental Programme Cost provision; and review and approval of Secretariat recommendations for IPC investments;
 - complementing the payment of awards for reparations with “other resources of the Trust Fund” pursuant to TFV Regulation 56;
 - refusal of voluntary contributions pursuant to TFV Regulation 30;
 - matters set out in TFV Regulations 26, 27 and 28, including earmarking, as well as in TFV Regulations 43, 44;
- 3.1.2. fundraising and visibility functions, in particular
- through calls for contributions for assistance and reparation programmes;
 - through interaction with states, international organisations, and private actors, and, as appropriate, through stakeholder meetings;
 - through actively engaging in fundraising opportunities;
- 3.1.3. programme-related functions, in particular
- approval of the Trust Fund’s draft plan to implement a reparation order pursuant to TFV Regulation 54;
 - start of assistance programmes and subsequent notifications to the relevant Pre-Trial Chamber pursuant to TFV Regulation 50(a);
 - approval of lists of eligible beneficiaries identified by the Trust Fund for individual reparation awards and matters set out in TFV Regulations 63, 64 and 65, subject to the decision of the relevant Chamber;

- conclusion of a memorandum of understanding as set out in TFV Regulation 73(c);
- 3.1.4. policy-related functions, in particular
- approval of the three-year TFV Strategic Plan, that aligns with the Court's Strategic Plan, and of a related Fundraising Strategy;
 - adoption of administrative procedures (including policies) and any amendments thereto, pursuant to TFV Regulation 15;
 - adoption of guidelines and any amendments thereto, pursuant to TFV Regulation 24;
 - any other substantive matter relevant to the policies of the Trust Fund;
- 3.1.5. ASP-related functions, such as the submission of the Budget for the TFV to the ASP and the submission of the annual report to the ASP;
- 3.1.6. the recruitment and selection of the Executive Director and the assessment of his or her performance.
- 3.2. In carrying out its role, the Board is assisted by the Secretariat, which operates in accordance with the applicable legal framework and under the direction of the Executive Director.

4. Meetings of the Board

- 4.1. Under TFV Regulation 3, the Board shall meet in regular session at least once a year at the seat of the Court. Regular sessions shall also be held by web or video conferencing according to a schedule approved by the Board at the end of February of each calendar year, and kept updated by the Secretariat.
- 4.2. The schedule referred to in Section 4.1 shall contain precise dates of planned sessions, preferably on a monthly basis, main subjects for discussion, approval dates, main events and activities planned, documents to be submitted to the Board or required for the preparation of a session, as well as their date of submission. This schedule shall take into account that, insofar as possible, two sessions per calendar year shall be held in person, of which at least one at the seat of the Court; the Chair shall ultimately decide, resources permitting, on whether or not to hold more than one session per calendar year in person.
- 4.3. The Chair may decide, upon the request made by a Board member or *proprio motu*, when circumstances so require, to hold sessions by web or video conferencing as provided for in TFV Regulation 4. The Secretariat shall assist the Chair in setting the date of this special session.
- 4.4. The Secretariat shall prepare the provisional agenda to the Chair and, upon his or her approval within one week, to all Board members. Upon consultation with the Chair, the Secretariat shall, as appropriate, facilitate the inclusion in the provisional agenda of items suggested, pursuant to TFV Regulation 5, by other Board members, the Bureau of the ASP, the President of the Court, the Prosecutor or the Registrar.
- 4.5. The Secretariat shall also make available all preparatory documents for regular and special sessions sufficiently in advance of the session, as provided for in TFV Regulation 5. Documents for regular sessions shall be made available at the dates set out in the schedule referred to in Section 4.1, taking into account that the documents for video conferencing sessions should best

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be submitted at least seven (7) calendar days before the sessions, while documents for in-person sessions should best be submitted, insofar as possible and operationally reasonable in consideration of the specific agenda items, one month before the session. These preparation periods shall also apply to documents for special sessions, insofar as possible.

- 4.6. In preparation of each session, the Secretariat shall, *inter alia*:
 - 4.6.1. make the schedule referred to in Section 4.1 and the documents referred to in Section 4.4 available to the Registrar and the relevant staff of the Secretariat, if not otherwise determined by the Chair;
 - 4.6.2. ensure that other invited persons as referred to in TFV Regulation 8 are invited to the relevant session;
 - 4.6.3. arrange for the technical preparation of the meeting, including interpretation;
 - 4.6.4. ensure that draft translations of documents referred to in Section 4.4 into the other working language as referred to in TFV Regulation 11 are made available timely before the session, if required by at least one Board member.
- 4.7. At each regular session, as decided by the Chair, the Board shall meet only among Board members and with the support of interpreters, as required. The Chair shall ensure that all action points deriving from such meeting are communicated to the Secretariat, insofar as relevant and appropriate.

5. Vice-Chair and Board focal points

- 5.1. When the Board elects its Chair pursuant to TFV Regulation 1, the Board may decide to elect a **Vice-Chair** with the same majority required for the election of its Chair. The Vice-Chair shall serve until the end of his or her respective term as Board member.
- 5.2. In the event that the Chair is unavailable, the Vice-Chair shall carry out the functions of the Chair.
- 5.3. The Board may decide to install **focal points** for the following areas:
 - 5.3.1. institutional relationship management, in relation to the Assembly of States Parties and the Court;
 - 5.3.2. fundraising;
 - 5.3.3. financial and budgetary matters, such as the ASP budget (as per TFV Regulation 77), TFV's extra-budgetary resources (including programme investment decisions and Incidental Programme Cost provision), and donor-related fund management, as set out in Chapter II of the TFV Regulations (TFV Regulations 22 *et seq.*);
 - 5.3.4. Court ordered reparations awards and their implementation;
 - 5.3.5. assistance programmes;
 - 5.3.6. eligibility determinations pursuant to TFV Regulation 64 and/or any orders by a Chamber of the Court and/or approved implementation plans;
 - 5.3.7. strategic planning process;
 - 5.3.8. on gender and diversity issues, to pursue the Trust Fund's gender and diversity goals and advance the development of gender and diversity mainstreaming initiatives;

- 5.3.9. communication and advocacy;
- 5.3.10. any other matter that the Board considers relevant.
- 5.4. Board focal points shall advise the Chair and the Board, as appropriate, on all relevant matters, in particular if documents are submitted to the Board for approval or decision-making that fall within the area of a focal point.
- 5.5. Considering the diverse nature of the various focal point areas, the specific roles and responsibility of each focal point, including delegated decision-making powers, shall be determined in connection with the purposes pursued in the relevant area and in consultation with the Secretariat.
- 5.6. The Secretariat shall submit the materials relevant to eligibility determinations pursuant to TFV Regulation 64, and/or a orders by a Chamber of the Court, and/or approved implementation plans to all Board members. The focal point shall then approve the relevant documents on behalf of the Board.
- 5.7. The Secretariat shall closely liaise with the relevant Board focal points in relation to the areas of their responsibilities and may assign correspondent focal points for this purpose.
- 5.8. Meetings between the Board focal points and the corresponding Secretariat's focal point may be held at any time. Upon the request of the Board's focal point, the Secretariat's focal point may provide the Board with a summary note on the outcome of the meeting and, where applicable, on the actions or decisions taken or, as applicable, proposed for consideration by the Board.

6. Document management

- 6.1. The Secretariat shall make available electronically on a platform that is easily accessible for Board members the following documents:
 - 6.1.1. minutes and decisions of the Board of Directors by year and session;
 - 6.1.2. the schedule referred to in Section 4.1;
 - 6.1.3. documents referred to in Section 4.4;
 - 6.1.4. all relevant ASP documents;
 - 6.1.5. all other documents relevant to the work of the Board of Directors.
- 6.2. This platform shall also facilitate collaborative work on documents among the Board members and between the Board and the Secretariat.

7. Process of decision-making of the Board

- 7.1. Pursuant to TFV Regulations 12 and 13, decisions of the Board shall be taken by consensus, or, if consensus cannot be reached, by the absolute majority of the voting members.
- 7.2. The quorum for decisions taken during a regular or special session shall be three Board members.
- 7.3. Insofar as not delegated to a focal point pursuant to Section 5.3, documents for approval shall be circulated to all Board members and preferably be discussed at a session. Upon their

amendment, if any, the documents shall be circulated to all Board members for their final approval, including by way of silence procedure. In case of urgency due to deadlines set by the Court or the ASP and its bodies, the Chair or the Board focal point for a specific topic may provide final approval of an amended document.

- 7.4. Pursuant to TFV Regulation 14, the Chair has the authority to take provisional decisions of an administrative nature in consultation with the Secretariat and require approval of the Board.
- 7.5. Decisions taken orally or through silence procedure shall be circulated by the Secretariat to the Board as soon as possible, but latest before the next Board meeting.
- 7.6. Policies issued by the Board pursuant to TFV Regulation 15 may contain details on the decision-making processes relevant to the key functions of the Board set out in Section 3.
- 7.7. Decisions of the Board shall be published on the TFV website, at least twice a calendar year.

8. Reports to the ASP

- 8.1. The Secretariat shall prepare the yearly written report of the activities to be presented by the Board of Directors to the ASP, reports and any proposed budget for the Secretariat to the CBF and the accounts and financial statements of the Trust Fund to the External Auditor, as required by TFV Regulation 76, and submit it to the Board for approval.
- 8.2. Any speeches on behalf of the Board of Directors shall be delivered to the ASP by the Chair of the Board, or a Board member determined by the Chair.
- 8.3. The Chair and, as appropriate and only in coordination with the Chair, Board Members who are focal points pursuant to Section 5.3 shall entertain regular contact with the Bureau of the ASP and relevant ASP bodies in relation to any matters of importance to the Trust Fund.

9. Relationship between Board and Secretariat

- 9.1. Pursuant to TFV Regulation 17, the Secretariat shall provide such assistance as necessary for the proper functioning of the Board of Directors in carrying out its tasks. The Secretariat shall, in addition to organising and supporting meetings and decision-making processes and publishing press releases on behalf of the Board,
 - 9.1.1. ensure the adequate on-boarding, awareness raising and empowerment of the Board by organising, in coordination with the Court, adequate educational and informational meetings about the Rome Statute, the Court system and the mandate and activities of the TFV;
 - 9.1.2. facilitate that the Board makes informed decisions, organising in particular, in line with the TFV Regulations, the participation of experts and stakeholders in the meeting and providing information for the decision-making process of the Board, and organising, as appropriate, meetings with civil society or victims for consultation purposes; and
 - 9.1.3. enable the Board members to engage in advocacy and carry out fundraising work, including by organising agendas for external and organisational activities in accordance with the Trust Fund's fundraising strategy.

- 9.2. The Executive Director shall have, on behalf of the Board of Directors, the delegated¹ authority:
- 9.2.1. to plan, manage and coordinate the activities of the Trust Fund, including the financial management of the Trust Fund resources (fund management) in line with the ICC Financial Rules and Regulations, insofar as applicable;
 - 9.2.2. to enter into legal obligations on behalf of the Trust Fund and sign, in coordination with the Registry, contracts, memoranda of understanding, and agreements;
 - 9.2.3. to consult with victims, their families and their legal representatives as well as with experts, pursuant to TFV Regulations 49 and 70; and delegate these tasks within the Secretariat.
 - 9.2.4. to file observations before the Chambers or Presidency of the Court pursuant to TFV Regulations 31, 32, and 45.
- 9.3. The Executive Director shall have the authority, in accordance with the applicable legal framework and any administrative procedures and decisions adopted by the Board,
- 9.3.1. to ensure that the tasks of the Secretariat set out in the Regulations of the Trust Fund are carried out;
 - 9.3.2. to administer and manage the day-to-day activities of the Secretariat and its staff and issue standard operating procedures for this purpose;
 - 9.3.3. to recruit and manage the Secretariat's staff;
 - 9.3.4. to represent the Trust Fund, including within the Court and towards external stakeholders, including representatives of States, intergovernmental, international and national organizations;
 - 9.3.5. to file observations on behalf of the Trust Fund before a Chamber of the Court, insofar as not filed pursuant to Section 9.2.4.
- 9.4. The Executive Director may delegate the responsibility for or any of these activities to competent staff of the Trust Fund, as appropriate. The Legal Adviser of the Trust Fund is deputizing for the Executive Director.

10. Reporting by the Secretariat

- 10.1. In accordance with TFV Regulation 18, the Secretariat shall submit quarterly confidential reports ("Management Brief") to the Board of Directors. A public version shall be published on the TFV website.

¹ The Delegation of Authority by the Board of Directors to the Executive Director has been issued in 2011 and remains valid until the Board of Directors will decide on a new delegation of authority.