



Fonds au Profit des Victimes
The Trust Fund for Victims



Report of the Board of Directors of the Trust Fund for Victims

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Delivered by

Mr Motoo Noguchi

Chair of the Board of Directors

The Trust Fund for Victims

Good morning, Mr President, Your Excellencies, Distinguished Ladies and Gentlemen,

It is my great honour and pleasure to address you on behalf of the Board of Directors of the Trust Fund for Victims. I am honoured by the presence of the four other members of the Board, Baroness Arminka Helic, Ms Mama Koité Doumbia, Ms Alma Taso-Deljkovic and Mr Felipe Michelini. In the past year, the Board has been working together

actively to raise the profile of the TFV across the globe and to accompany the victims and their families in their communities.

We are very grateful for the support received from the Secretariat as well as from the Court's Principals and their staff members. We also thank you, Mr President, for your dedication to victims' justice and your leadership to promote it throughout your term as the President of the ASP.

Mr President,

In addition to the collective reparations order against Mr Lubanga, the Court issued this year collective and individual reparations orders in the Katanga case and the Al Mahdi case. Draft implementation plans submitted by the TFV was approved by the Chamber in the Lubanga case and the Katanga case, and the implementation of the reparations orders started in these two cases.

During the last few years, I kept telling this Assembly that the implementation of a reparations order was about to start, and now I can finally tell you that it has indeed started. For the first time in the history of the International Criminal Court on the eve of the 20th anniversary of the Rome Statute, reparations to victims, ordered by the Court and implemented by the Trust Fund for Victims, have now become a reality.

The TFV Board and Secretariat are extremely proud of this, and we are thankful to all those who were with us in this long and winding road. This is still a very small first step for many victims who have been waiting for so long, but this first step has proven that the promise of reparative justice made in Rome was not an idealistic ambition but is something that can be turned into a reality.

The modalities and content of reparations that best suit each case are heavily affected by who and where the victims are. For example, direct victims in the Lubanga case are former child soldiers whose number is roughly estimated at 3,000. The victims in the Katanga case are 297 individuals who lived in Bogoro village at the time of attack. The victims in the Al Mahdi case are the family owners of the destroyed mausoleums, related associations, all other inhabitants of Timbuktu, the people of Mali, and the international community which also benefited from the world heritage sites.

The Trust Fund for Victims will continue to work hard to assist the relevant Chambers in determining the most appropriate reparations to victims. Whether to select collective or individual reparations, or the combination of both, remains a key question. Collective reparations often have clear individual benefits for victims, such as housing, education, vocational training, medical support and trauma counselling, and it is not an opposing notion to individual reparations.

Victims' harm from mass crimes not only destroy the lives of individual victims but also severely affect their families and communities. This phenomenon of multiplied harm is observed across all ICC situation countries, most typically in sexual and gender based violence suffered by women and girls, men and boys, causing division and stigma in the victims' families and communities. For this reason, collective reparations which provide positive impact on victims' communities are often necessary to help victims to return to their family and community, to prevent further discrimination and stigmatization, and to contribute to reconciliation and non-recurrence.

Mr President,

I now turn to the activities under the assistance mandate. Subsequent to a successful completion of the first cycle of assistance programmes in northern Uganda and the DRC, the TFV has renewed its assistance programmes in these countries. It is also launching a new comprehensive assistance programme in Cote d'Ivoire this month, covering the entire territory of the country. In addition to programmatic assistance to victims, the TFV is discussing with Government authorities the possible modalities of TFV's technical assistance in relation to the delivery of national administrative reparations programmes. This is adding a new approach to the traditional modality of assistance through programmes, in recognition of the principle that States continue to bear

primary responsibility to address the harm suffered by their citizens on their territory.

The TFV is also thinking about new country programmes in a few more situation countries subject to permitting security situations. For example, in October, the TFV joined the Court's mission to Georgia to start initial discussions on the possibility of its future intervention.

One of this year's highlights was the TFV's high-level field visit to the DRC and Uganda in February, in which I and my colleague Madam Mama Koité Doumbia joined. We had an honor to invite Madam President Fernandez in the Uganda part. Her participation in our visit confirmed that the Court and the TFV are literally working together for the common goal of reparative justice. I reiterate my sincere thanks to Madam President for joining us in Uganda to listen to victims' voices directly and talk to them personally.

Mr President,

In 2018, we will continue to work hard for the development and implementation of the three reparations orders. We are also expecting a new order in the Bemba case and maybe more.

The volume and complexity of work related to reparations mandate are huge and almost overwhelming for the limited resource capacity of the

TFV. To name a few, this includes legal submissions to relevant Chambers; the development and adaptation of a draft implementation plan, requiring frequent missions to the field to consult directly with victims and relevant authorities; competitive bidding procedures to identify the most suitable local implementing partners; and in certain delivery modalities, the direct on-site involvement of the TFV staff. Moreover, the workload arising from the reparations mandate is completely out of control for the TFV and is largely unpredictable both in its volume and pace.

The Board has witnessed and appreciated the efforts of the Secretariat to forge ever-closer working relationships with the Court's Registry and Chambers, the field offices, victims' counsels and the local and national authorities of the States concerned. Despite these organizational accomplishments that we are proud of, the pace of expansion of the TFV's activities under both mandates continues to grow.

However, the TFV cannot afford to reserve all its human and financial capacity for the reparations mandate, ignoring hundreds of thousands of victims who are waiting for the TFV's intervention under the assistance mandate.

The significance of assistance mandate remains unchanged, because usually it takes years for the Court to get to the reparations stage, and the scope of victims who benefit from reparations is limited to those

whose sufferings were closely linked to the criminal charges. Since 2008, it was the assistance mandate which provided tangible assistance to over 400,000 victims in the absence of convictions and reparations orders by the Court. These gaps in time and scope will continue to exist, maintaining the significance of the assistance mandate.

The budget proposals to fully realize the TFV Secretariat's restructuring to cope with these changing environments has been partially approved and partially rejected. The TFV needs the minimum delivery capacity to respond to pressing needs under the both mandates, and this has to be supported through the regular budget of the Court.

Voluntary contributions from the States Parties remain the main source of income for the TFV to support assistance mandate. In addition, voluntary contributions are often also the single source to make reparations orders a reality in case of indigency of the convicted person. So far, the amount of reparations orders are: 1 million euros for the Lubanga case, 1 million US dollars for the Katanga case, and 2.7 million euros for the Al Mahdi case. In all these cases, the TFV Board was requested by the relevant Chamber to consider complementing the awards in view of the indigency of the convicted, and the Board already announced to do so for the Lubanga and Katanga cases.

The TFV's reparations reserve of 5.5 million euros is running out quickly if the TFV is expected to complement all these standing awards in their

entire amount. We expect in 2018 a reparations order for the Bemba case involving more than 5,000 victims. More cases will get to the reparations stage sooner or later.

The Board of Directors is extremely grateful to the States Parties who have made or pledged voluntary contributions. In terms of the total amount of contributions to this day, Sweden remains the top donor, followed by the United Kingdom, Germany, the Netherlands, Finland, Norway, France, Ireland, Australia, and Japan.

The Rome Statute's credibility in the eyes of the victims largely concerns the effective and meaningful delivery of reparative justice. A clear barometer of this is the ability of the TFV to keep the pace with the Court, in terms of jurisdictional development in situation countries and of reparations proceedings in individual cases. The TFV estimates – and this is a conservative estimate - that it needs to raise 30 million euros in the next four years to keep the pace with the Court and deliver reparative value to victims.

States Parties have recently received a letter from the TFV requesting donations earmarked for specific reparations awards - further to the example set by the Netherlands for the individual awards of symbolic compensation in the Katanga case - or for the replenishment of the TFV's general reparations reserve.

Mr President,

Twenty years after Rome, the promise of reparative justice is finding its way from the Court room in The Hague all the way to where the victims are. Making reparative justice a reality for victims requires joint determination, perseverance and commitment and synergy of all of the Rome Statute's institutions: the Court, the Trust Fund for Victims, and the Assembly of States Parties.

The Trust Fund for Victims firmly believes that States Parties are the ultimate owners of the Rome Statute's spirit of reparative justice. I trust that the States Parties will continue to support the TFV in its continuous work to deliver justice to victims.

Thank you for your attention.

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