



Fonds au Profit des Victimes
The Trust Fund for Victims



To the Ministers and Secretaries of Foreign Affairs
Africa Region

The Hague, 26 September 2013

You Excellency,

Last year, in the run-up to the elections for the Board of Directors of the Trust Fund for Victims at the International Criminal Court (ICC), my candidacy was supported by the States Parties of the Africa region. I would like to express to you my personal gratitude for this honourable opportunity to serve an institution that is the embodiment of hope and redress for victims of the most serious crimes.

Kindly allow me, by way of this letter based on a joint initiative of the members of the Fund's Board of Directors, to draw your attention to the urgent need to achieve the broadest possible support amongst all States Parties for the Trust Fund for Victims.

The Rome Statute's consideration of the plight of victims is more than a legal innovation. Decisions of the ICC on reparations will have a direct impact on victims and their communities, on a scale and intensity that is without precedent in international criminal law. The assistance services currently being provided by the Trust Fund for Victims are already reaching over 110,000 beneficiaries in northern Uganda and in the Democratic Republic of the Congo (DRC) aloneⁱ.

Voluntary contributions to the Trust Fund for Victims are of essential importance to fuel the Rome Statute's endeavour of reparative justice to victims. They make the Fund's assistance programmes possible. They also nurture the Fund's reparations reserve, to be used to complement Court-ordered awards in case a convicted person is declared indigent. Voluntary contributions to the Trust Fund for Victims may well be considered the lifeline for victims to directly experience justice.

The relevance of the Trust Fund for Victims is recognised internationally. Earlier this year, both the G8 Ministers and the United Nations Security Council have emphasized the Trust Fund for Victims to be a pre-eminent instrument to address the harm suffered by victims of sexual violence in conflict. Just this month, the United Nations General Assembly reiterated its encouragement to member states to contribute to the Trust Fundⁱⁱ.

I strongly believe that financially supporting the Trust Fund by way of voluntary contributions should be recognised to be of particular interest to States Parties in our region.

African States from the beginning have been at the core of the Rome Statute's signatory parties. Moreover, they have a direct interest in efforts to rebuild the lives and hopes of the African victims who have suffered immensely. I draw your attention to the fact that the partners of the Trust Fund, working on the ground to assist victims, their families and their communities, are for the most part African, locally based organisations. I firmly believe that the engagement of African States Parties with the Trust Fund and its partners will send a signal of hope and solidarity that will resonate strongly beyond the monetary value of any contribution.

The Board of Directors of the Trust Fund for Victims is highly appreciative of the voluntary contributions received from States Parties to date. In recent years, we have noted a trend towards an increased volume of income, resulting from larger contributions as well as from a larger number of States Parties coming to the support of the Trust Fund.

More resources are needed to expand activities under the Trust Fund's assistance mandate to other situation countries. As the Fund's assistance services are enabled by the existence of the Court's jurisdiction and not determined by a particular case, they allow the Fund to reach a far greater number of victims and without keeping victims waiting for the final sentence and reparation orders by the Court. They also bring to the Fund the local experience, networks and know-how in order to effectively engage on its mandate to implement Court-ordered reparations.

More resources are also indeed needed for the Trust Fund for Victims to build up its reparations reserve. This will help the Board to comply with its responsibility, bestowed upon by the States Parties in the TFV Regulations, to ensure adequate to complement payments for awardsⁱⁱⁱ.

A solid reparations reserve will enable TFV Board to provide a credible and substantive complement to Court-ordered reparations to victims. The completion of appellate proceedings in the reparation phase of the Lubanga case is being eagerly awaited. The Board shall also have to be mindful of the implications of future reparations proceedings before the ICC.

I would like to draw your attention to the possibility of earmarked contributions. As you will note from the attached overviews, a significant number of earmarked contributions have been received to assist victims of sexual and gender based violence (SGBV) and former child soldiers, who are amongst the most vulnerable groups of victims of crimes under international law. Starting in 2012, States Parties have earmarked contributions to strengthen the Fund's reparations reserve.

Next to voluntary contributions, the Trust Fund may receive donations from private sources. The Board shall appreciate any information provided by States Parties that may lead to engagement with potentially interested donors, whether individual or foundations and companies.

At the upcoming Assembly of States Parties, in November later this year, the Rome Statute's victims' provisions will strongly feature on the agenda.

At the TFV Board of Directors, we believe this represents an excellent opportunity for States Parties to reconfirm, or to announce for the first time, their engagement with the Trust Fund for Victims.

We realise that your contributions will result from considering both desire and ability to provide support. Please know that you will be sending a loud and clear message to victims and their communities that the Rome Statute will indeed be able to deliver on its promise of reparative justice.

I hope I can count on your support.

If you have any query, please do not hesitate to directly contact Mr Pieter de Baan, the Executive Director at the Trust Fund's Secretariat (pieter.debaan@icc-cpi.int).

Signed:



Prof. Sayeman Bula-Bula

Member of the Board of Directors, Trust Fund for Victims, representing African States



Motoo Noguchi

Chair of the Board of Directors, Trust Fund for Victims

Annex 1: Regional Groups contributing to Trust Fund for Victims

Annex 2: Breakdown of selected earmarked cash contributions to TFV

ⁱ ICC-ASP-12-14-ENG, Report to the Assembly of States Parties on the projects and the activities of the Board of Directors of the Trust Fund for Victims for the period 1 July 2012 to 30 June 2013 TFV Summer 2013 Programme Progress Report, Changing lives – Overcoming Stigma, Vulnerability and Discrimination, retrievable at www.trustfundforvictims.org (French translation is forthcoming)

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- ⁱⁱ G8 Ministers Declaration (11 April 2013): <https://www.gov.uk/government/publications/g8-declaration-on-preventing-sexual-violence-in-conflict>. UNSC Resolution 2106 on sexual violence in conflict (24 June 2013). UNGA Resolution A/67/L.76 on the Report of the International Criminal Court (13 August 2013)
- ⁱⁱⁱ Regulations of the Trust Fund for Victims (ICC-ASP/4/Res. 3), Regulation 56