

The Hague, 1 June 2015

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The Netherlands
Tel: +31.70.311.1080
Fax: +31.70.364.0259**Subject: the nomination of candidates to serve on the Board of Directors of the Trust Fund for Victims**

Your Excellency,

I am writing on behalf of the Coalition for the International Criminal Court (CICC) to urge your government to do the utmost to ensure that candidates of the highest caliber are nominated for the upcoming election of the Board of Directors of the Trust Fund for Victims at the International Criminal Court (ICC).

Serving in an individual capacity and on a *pro bono* basis, the five members of the Board are elected by the Assembly of States Parties (ASP) for a three-year term. The five seats are distributed according to the five major world regions. The next election of the members of the Board is scheduled to take place during the fourteenth session of the ASP in November 2015. **As the nomination period runs from 19 May 2015 to 11 August 2015, the Coalition urges States to begin national and ultimately regional processes to identify candidates fulfilling the criteria and desired competencies listed below.**

The Trust Fund for Victims is one of the most innovative aspects of the Rome Statute system. It seeks to recognize and to address the harm suffered by victims as a result of crimes within the jurisdiction of the ICC. To fulfill and give effect to this important paradigm of reparative justice, the TFV has two distinct mandates: 1) to implement reparations awards as ordered by the Court against convicted persons, and 2) to provide assistance to victims in ICC situation countries.¹

The Board is vital in providing leadership and guidance to the Trust Fund and in securing voluntary contributions and donations that enable and nurture the TFV's activities. As such, members of the Board are of pivotal importance to furthering the development of the TFV as a relevant and credible institution. This is especially true now, when for the first time the Trust Fund is tasked with implementing its reparations mandate following the first final reparations order issued in March of this year in the case against Mr. Thomas Lubanga. This makes Board membership not only a position of great honour but also of great responsibility.

CRITERIA FOR NOMINATING MEMBERS OF THE BOARD

ASP Resolutions ICC-ASP/1/Res.6 and 7 provide some important, albeit broad, indications as to the criteria that the Board's members should meet: "The members of the Board shall be of high moral character, impartiality and integrity and shall have competence in the assistance to victims of serious crimes." They should be elected on the basis of equitable geographical representation and gender balance. Drawing from the experience of the Fund's operations, the Coalition for the ICC is of the view that the criteria established in the resolution can be further developed and complemented in order to reflect more precisely the competencies, roles and responsibilities that the Board of Directors will have to fulfill in the coming years.

A range of different competencies should be individually and collectively possessed by the Board. In considering prospective candidates, the Coalition suggests that States Parties take into account the following criteria and elements. These are not presented in a particular order of importance, but seen as a set of qualifications needed for the optimal functioning of the Board.

FUNDRAISING AND COMMUNICATION

The members of the Board should have an understanding of fundraising for international institutions and ideally possess the experience and networks to reach out to public as well as private donors, in order to raise the substantial funds without which the Trust Fund will not have its desired impact. In this regard, candidates need to be excellent communicators, as they will be the "ambassadors" of the Trust Fund's mandates in regard of victims of the most serious crimes. A good network of contacts that members can utilise in raising funds on behalf of the Trust Fund would be of great benefit as would proven diplomatic skills and the ability to facilitate high-level negotiations with key actors.

SERVING VICTIMS' INTERESTS

Given the nature of the Trust Fund's mandates, compassion for and understanding the various types of harm suffered by victims, the rights of victims and the need and obligation for effective reparative measures while respecting victims' dignity is indispensable, as well as an understanding how this harm may be addressed within the Rome Statute's legal framework. A direct experience or knowledge of such type of harm could be a valuable personal asset of a TFV Board member. Having the

¹ The activities of the TFV are governed by the Regulations of the Trust Fund for Victims, adopted by the Assembly of States Parties in 2005 (ICC-ASP/4/Res.3).

experience of working with victims of mass crimes and the ability to appreciate the complex effects of their victimization both individually and communally are highly valued. Previous experience working on national reparations programmes for example, or working with an international claims body or a UN agency would be useful among Board members.

Nearly all activities benefiting victims are carried out in the situation countries of the Court. Field experience and the ability to travel where the Trust Fund's activities are being implemented would therefore be highly desirable. Considering that the vast majority of activities are to be implemented by locally based implementing partners, previous "hands-on" experience of working with non-governmental organisations should be considered an asset.

GENDER EXPERTISE

Widespread crimes of sexual and gender based violence are common to all situations currently under the Court's jurisdiction. It is therefore important that Board members possess an understanding of the gender dimensions of both the victimization of serious international crimes and of providing assistance and reparations to victims, their families and affected communities.

OVERSIGHT AND MANAGEMENT

Board members should have sound management skills and a good understanding of legal, financial and organizational issues in order to be in a position to exercise oversight over the Fund's activities and organizational development in line with the Strategic Plan. In this regard, previous experience in similar bodies would be valuable.

AVAILABILITY AND COMMITMENT

Serving as a member of the Board of Directors requires great commitment as well as availability. Members of the Board should be ready not only to attend the annual meetings of the Board, travel to visit projects on the ground, meet (potential) donors and attend meetings with States Parties such as the yearly ASP sessions, but also to discharge their functions throughout the year. That involves participation in occasional (telephone) meetings with other members of the Board and/or with the Trust Fund secretariat; availability to review and comment on documents and in general to follow the work of the overall action of the Fund in order to be able to exercise oversight. To fulfill these tasks smoothly, candidates should be fluent in at least one of the working languages of the ICC (English and French).

EQUITABLE REGIONAL REPRESENTATION AND GENDER BALANCE WITHIN THE BOARD

Members from different regions and with different cultural backgrounds bring to the Fund diverse cultural insights that prove invaluable for the purpose of identifying needs and appropriate forms of reparations or assistance to victims and their communities. Current communication techniques allow people based in different countries to work together despite space and time differences. Members of the Board should be dynamic people, ready to overcome such constraints and willing and able to work through telephone or video conferences, email and internet. Since regional diversity is required, we strongly encourage regions to coordinate within themselves with a view to finding the best suited candidates to represent the regions ahead of the final election.

While it is generally desirable from an institutional perspective to maintain a proper gender balance within the TFV Board of Directors, we note that the current two female members of the Board are reaching the end of their terms and are not eligible for re-election. The Coalition encourages States Parties to take this present circumstance into consideration when reviewing possible candidacies for the Board's upcoming term.

For more information on the Trust Fund for Victims and its Board of Directors, please visit <http://www.trustfundforvictims.org> and <http://www.coalitionfortheicc.org/?mod=trustfund>. We stand ready to have more consultations on the issue with states who would wish to discuss these matters further.

We are grateful for your consideration of this matter.

Highest Regards,



William R. Pace
Convenor
Coalition for the International Criminal Court