

Presentation to the Trust Fund for Victims Board of Directors  
18 March 2013

Excellencies,

On behalf of Mr. William Pace, the convenor of the Coalition for the International Criminal Court - who very much regrets not being able to participate today – I would like to thank you for the invitation extended to civil society to address the Board of Directors of the Trust Fund for Victims today. The opportunity we are granted on an annual basis to address you is one we greatly value and look forward to each year.

I am joined by three colleagues from the NGO community, who are an essential part of the Coalition's work on the Trust Fund for Victims:

- Ms. Stephanie Barbour from Amnesty International;
- Mr. Alpha Sesay from the Open Society Justice Initiative;
- Ms. Montserrat Carboni from the International Federation for Human Rights (FIDH)

My colleagues will address you on the activities of their respective organisations and their work in relation to the Trust Fund.

It is an honour for the Coalition and its members to be given this yearly opportunity to address such a distinguished and experienced panel and to engage in an open dialogue with you, united in your commitment to the Trust Fund and to victims of the worst crimes. The Coalition has followed the work of the Trust Fund with great interest, from its very beginnings in Rome in 1998 to its first projects in 2008 and onwards into the Court's second decade. The Coalition has watched with satisfaction as the Trust Fund's resources have continued to grow to over 8 million euros, and as the Trust Fund has commenced its first work on its reparations mandate. That the Trust Fund's resources and operations have developed so positively over the past number of years, is undoubtedly testament to your incredibly committed work as Directors on the Trust Fund Board but also to the leadership of Executive Director Pieter de Baan and the tireless work of his excellent team and staff.

It is fitting and proper that as the Trust Fund begins to undertake its reparations mandate, and as the Court's activities and situations continue to increase, that the Trust Fund has undertaken to redraft its Strategic Plan for 2014 -2017.

Last year, in our address to you, we looked forward to open consultations and engagement with civil society on the new strategic plan and we hoped that the plan would be reflective of many lessons learned from the past 10 years. We are very pleased that the drafting process of the strategic plan did indeed actively seek to include the views of civil society, and this is reflective of the unique consultative arrangements NGOs, many of whom have first-hand experience with those situations dealt with by the Trust Fund, have developed with the Trust Fund and its Board. This crucial relationship between the Trust Fund and civil society is based on a shared vision for the undeniable transformative role the Trust Fund can play in countries which have suffered at the hands of those committing the worst crimes, and a keen interest which many NGOs have in ensuring that the Trust Fund can reach its full reparative and restorative potential in the future. It is through the Trust Fund that verdicts of the Court can truly resonate and have the most meaningful effect on victims and affected communities.

The Coalition for the ICC has continued to grow over the past year to include well over 2500 NGO members in 150 countries all over the world. The Coalition's membership continues to bring together and benefit from large international NGO's as well as small grassroots organisations. This relationship which creates a forum for a crucial information exchange between those NGOs 'on the ground' - who have unique first hand experience of the Court and Trust Fund's work - and those larger international NGOs,

which may benefit from greater resources and ability to undertake large advocacy campaigns, has enabled the Coalition and its members to advance the rights of victims through the ICC and the Trust Fund. Moreover, in the countries where the Trust Fund implements its activities, National Coalitions for the ICC may provide a useful contact and communication channel for the Trust Fund. There are national coalitions in Uganda, the DRC and in the Central African Republic, to name a few, which may provide access to expertise, information and contacts that can facilitate your work.

In particular, the Victims Rights Working Group, comprising some 500 NGOs, created under the auspices of the Coalition and facilitated by REDRESS, has continued to work actively on many victims related issues throughout 2013, including particularly on victims representation and participation. Indeed largely due to the work of the Victims Rights Working Group, the Assembly of States Parties twelfth session included - for the first time - a stand alone plenary session on victims at the ICC. The Coalition's Team on the Trust Fund for Victims has also brought together NGOs to monitor and provide input on issues related to the effective functioning of the Trust Fund, and the team has continued to provide independent advice and advocacy in relation to key Trust Fund related issues at the sessions of the Assembly of States Parties and its subsidiary bodies in the Hague. Fruitful consultations here in The Hague also take place many times throughout the year between the Trust Fund Secretariat and NGOs in the framework of regular roundtable strategy meetings.

The Coalition also has other issue teams which work on other specific issues relating to the Court's work, which may also impact the Court's reparations mandate. For example, the Coalition's team on cooperation continues to advocate for greater cooperation relating to the seizure of assets for example, which may well affect the resources available to the Trust Fund following an order that money and other property collected from a convicted person, through fines or forfeiture, be transferred, by order of the Court, to the Trust Fund.

2014 will be yet another important year for the Trust Fund. It is expected that the Court will have completed its first full trial cycle, with the appeals decision in the *Lubanga* case due, and if the conviction is upheld it is widely expected that a reparations order will follow, which – as you know - will likely be implemented by the Trust Fund. It is therefore incredibly timely that we are able to discuss the Strategic Plan Today.

If I may I would like to highlight a few key issues arising from the draft strategy:

**Victims' 'Buy-in':** Following on from the very broad consultation process, we are particularly glad to see the emphasis within the strategic plan on ensuring that victim beneficiaries and communities remain at the heart of the Trust Fund's programme design and monitoring. In particular the ability of victims, their families, communities and implementing organisations to identify their needs and local solutions will be a very positive approach which will by its very nature increase the long-term benefits and results of the Trust Fund's activities. It is clear that a collective decision-making process with appropriate 'buy in' and participation will empower victims as well as improving the restorative impact that the Trust Fund's activities can have on a community.

**Gender related aspects:** We are particularly pleased to see the mainstreaming of gender issues throughout the strategy as a cross-cutting theme. It is now a widely recognised fact that gender justice must be at the heart of the Court's activities. This reflects that it is often women who are the most-affected in those situations which the Court deals with: often victims of sexual and gender-based violence, who suffer irreparable physical and psychological harm within communities from which they are then subsequently marginalised. The Coalition's Gender Justice Team and a number of its key members continue to work tirelessly on these issues. The Coalition will also continue to urge states parties to follow up on the G8 Ministerial Declaration in March 2013 that singled out the TFV as an initiative meriting support by the international community for addressing the harm resulting from sexualized violence in conflict, echoed by the UN Security Council Resolution 2106 on Women, Peace and Security adopted in June 2013. We thus very much welcome that the Trust Fund's 'structural transformative approach' will pay particular attention to women and girls who have suffered from sexual and gender-based violence.

**Children focussed activities:** The Coalition is also pleased with the Trust fund's tailored approach to child victims within its strategic plan. Children continue to be targeted, as well as being recruited as child soldiers, and they are among the most vulnerable within the ICC's situation countries. Indeed, reparative and restorative justice for those who will otherwise carry the trauma and harm suffered at the hands of perpetrators of international crimes through their lives, is crucial. The long-term effectiveness of the Court and Trust Fund's work will be greatly increased by tailoring a strategy and an approach to redress the harms suffered by child victims.

**Institutional Communications Capability:** The Trust Fund is indeed a powerful advocate for the rights of victims and their families in the global justice system. In this regard, we welcome the aim to make the Trust Fund a globally recognised brand name as it will likely lead to increased contributions to the Trust Fund, as well as highlighting the Trust Fund's work and purpose in furthering reparative and transformative justice. The Coalition would be honored to assist the Trust Fund in this endeavour and to share its experiences.

**Trust Fund Resources:** It is clear that the Trust Fund's ability to fulfil its mandate and potential and to continue its work depends on the Trust Fund Secretariat having adequate resources. This would improve not only the Trust Fund's capacity to increase and maintain its core mandated activities, but would also enable the Trust Fund to improve further its funding capacity as well as to undertake communication, possible outreach on the rights of victims following a conviction, and trainings to name but a few initiatives. The Coalition will continue to advocate with the Committee on Budget and Finance and States Parties to ensure that the Trust Fund Secretariat can have the resources it requires. Indeed we believe that hand-in-hand with its stewardship role with the Trust Fund, the Assembly of states must provide the secretariat with the organisational resources it requires to fulfil its strategic objectives and goals.

**Increasing Donations to the Trust Fund:** The Coalition will continue to advocate for stakeholders, particularly States Parties, to make regular donations to the Trust Fund. The Coalition systematically publicises when states parties make particularly sizeable contributions to the Trust Fund. This positive reinforcement in the public domain of states parties' support will hopefully lead to an increased number and frequency of donations to the Trust Fund not only from states parties, but also from other possible funding sources. The CICC is supporting the Trust Fund securing modalities to raise funds from individual supporters, including taking advantage of national laws such as those that provide tax deductions for charities. In this regard Coalition's Convenor has worked with and advised the TFV over the last several years and hopes these arrangements can be advanced by the Board. The CICC is very willing to continue to cooperate on these efforts.

Moving forward, above all the Coalition will continue to strongly remind states parties, the primary custodians of the Rome Statute system, of their commitment and responsibility to victims of crimes which fall under the Court's jurisdiction. The persistent difficult global financial climate has forced us all to find more creative ways to ensure the TFV has the necessary resources to undertake its mandates, however this situation must not be seen as a justification for a lower level of support to the Trust Fund and its secretariat. We will do all we can to maintain and increase the support, both financial and in other ways, to the Trust Fund.

In closing, we remain convinced that the Trust Fund remains one of the truly groundbreaking achievements and endeavours within the international justice spectrum. The Strategic Plan which we have been presented with shows that in the coming years the Trust Fund has great potential to anchor itself in a sustainable, programmatically - and financially- secure practice which will be enhanced not only by your leadership and guidance, but also by the unwavering support of the Coalition and civil society as a whole.

Excellencies, thank you again for this opportunity to address you. I look forward to a fruitful exchange both today and throughout the year.

Matthew Cannock  
Legal Officer, Coalition for the ICC

