



**26 August 2015**

Your Excellency,

The Coalition for the International Criminal Court Team on the Trust Fund for Victims writes to urge you to continue and enhance your support for the Trust Fund for Victims in meeting its new as well as ongoing challenges.

As you know, in accordance with the court decisions in the Lubanga case, the Trust Fund is engaged for the first time in the task of developing its plan for reparations. This is in addition to its ongoing assistance work in the Democratic Republic of the Congo (DRC) and Uganda, and its planned expansions of that work to the Central African Republic (CAR), Côte d'Ivoire and Kenya.

At the same time, with the upcoming election of new Board members and a restructuring process for its Secretariat, the Trust Fund is entering a transition period.

The Trust Fund has received important support from many States Parties through voluntary contributions, as well as crucial backing for its vital role within the Rome Statute system and for the Trust Fund's stated objectives and achievements. Many of the Trust Fund's significant achievements have been made possible because of its unique positioning as a subsidiary but independent body of the Assembly of States Parties. While the Trust Fund is bound to implement the Court's reparations orders, it has clear independence in respect of how it applies its voluntary resources and manages its operations. This is a fundamental aspect of its functioning which has been recognised in several court judgments, and one which we hope will continue to lead the Trust Fund to further successes.

**An independent Trust Fund able to deliver both assistance and reparation to victims**

States Parties created the Trust Fund to benefit victims of crimes within the jurisdiction of the Court. Linking the Fund's mandates for reparative justice to the work of the Court by way of the Rome Statute, States decided that the Fund itself should remain independent from the Court. The Assembly provided the Fund with a separate governing body in the form of a Board of Directors, elected by the States and accountable to the States for the oversight of the management of the Trust Fund and use of its resources. The TFV Board is supported by a Secretariat, which equally enjoys functional independence from the Court.

States Parties recognised that for many victims, reparation may come very late or that not all victims in a situation will be able to receive redress due to the particular scope of the ICC's investigations and subsequent judicial decisions. Cognizant of these limitations, States Parties endowed the Trust Fund with an assistance mandate allowing the Fund to provide physical, material and psychological support to the most vulnerable victims in ICC situation countries. Along with the States Parties who have provided the Trust Fund with significant voluntary contributions to sustain the efforts, we believe that the Trust Fund's assistance mandate continues to have an important intrinsic value for victims, next to any benefits that may result from the more restrictive Court orders for judicial reparations to case-related victims. The Trust Fund's assistance mandate is therefore of crucial importance to the Rome Statute's relevance and credibility amongst victims and their communities.

We appreciate that the Trust Fund's Strategic Plan for 2014-2017 is an ambitious and pertinent instrument to guide the Fund in meeting its challenges in the short to medium term. We endorse the initiative of the Board to review the Fund's operational structure to ensure the necessary capacity and ability, both at Headquarters and in the field offices, for scaling-up the assistance mandate of the Fund as well as to implement Court ordered reparations. This year, the TFV Board of Directors agreed with the Registrar to apply the ReVision process to the Trust Fund for Victims, with a view to restructuring the Secretariat in parallel to the efforts to restructure the Registry.

States Parties should appreciate that any efforts to restructure the TFV Secretariat should serve to strengthen the ability of the Trust Fund to scale-up its assistance mandate and implement Court-ordered reparations. They should also foster a more efficient administrative relationship between the Registry and the Fund, to further enable the Fund to successfully deliver, independently and in partnership with the Court, on both its mandates and to be ready for the next phase of its work.

We urge States Parties to continue their financial, political and moral support to the Trust Fund. This year's election of the Members of the Board of Directors of the Trust Fund is an excellent opportunity for the Assembly to demonstrate that the Fund enjoys the unmitigated support of the States Parties as well as to ensure the best quality of its leadership, reflecting global credibility as well as an authoritative voice for the benefit of victims of the most serious crimes.

Now that both mandates of the Trust Fund are activated, it is crucial that States Parties put the Trust Fund for Victims in the best position to deliver on reparative justice, responsive to the rights and needs of victims.

Highest Regards,

*The Coalition for the International Criminal Court Trust Fund for Victims Team*