

Presentation to the Trust Fund for Victims Board of Directors 20 March 2012

Excellencies,
Mr. Pieter de Baan,
Ms. Kristen Kalla,
Colleagues,

Let me start by conveying the regards of the Coalition Convenor, Mr. Bill Pace, who - with great regret - was unable to participate today, but let me also thank you for inviting the Coalition and its NGO Members to address you at the start of your 9th annual meeting. That we are doing so today and have done so since the Board's inaugural meeting in 2004 is indicative of the tri-partite relationship that has developed between the Victims Trust Fund of the ICC - States Parties and the NGO community, a relationship we have sought to utilise to the benefit of the Rome Statute system. The standing invitation is also indicative of the unique consultative arrangement NGOs have developed with the Trust Fund and its Board - a constructive relationship that has gained momentum under the leadership of its Executive Director, Mr. de Baan. It is also a reflection of the critical importance we as civil society organisations hold for this aspect of the Rome Statute system, as it is through the Trust Fund that verdicts of the court can truly resonate and take effect with victims and affected communities.

I am joined by my fellow colleagues from the NGO community, all of whom are an integral part of the Coalition's Team on the Trust Fund for Victims and whose expertise, I humbly concede, far outweighs my own.

Ms. Carla Ferstman of Redress;
Ms. Katharine Orlovsky of Womens' Initiatives for Gender Justice
Ms. Stephanie Barbour of Amnesty International;
Mr. Jean-Philippe Kott of Advocats Sans Frontieres; and
Mr. Alpha Sesay of the Open Society Justice Initiative

are also here to address you on the activities of their respective organisations and in relation to the Trust Fund.

It is perhaps fitting that we are meeting on this day - in this week, that follows the issuance of the Court's first verdict in the Lubanga case. This first conviction at the ICC is an important turning point, not just in the life of the Court, but also the Trust Fund for Victims. It is important that we use this opportunity to highlight the hugely important role it will play, with a view to garnering support and investment in its reparations mandate, but it is also an opportunity to remind all stakeholders and the wider public that this will not be the first occasion where the Trust Fund for Victims has sprung into action, rather that it has been seeking to play a part - with its implementing partners - in bettering the lives of those most affected - those most vulnerable - in the DRC and Uganda since 2008 and more recently in the Central African Republic through its assistance mandate. With respect to Uganda in fact I think it important that we recognise that while legal justice continues to elude the victims of crimes allegedly committed by Joseph Kony and others, the Rome Statute system through the Trust Fund for Victims at least has been impacting Ugandan lives for the better.

With the global financial crisis ceasing to abate, The Coalition is cognisant of the fiscal difficulties that await the Court this year, a constant source of discussion when we meet with States Parties. A well-funded Trust fund, not just in terms of voluntary contributions, but also in terms of its own resources is critical to ensuring that the Trust Fund is able to execute its dual mandate. Just as the work of the court increases necessitating an injection of capital, so too will the work of the Trust Fund. Rest assured the Coalition will continue to support the Trust Fund in securing the resources it requires, petitioning both the Committee on Budget and Finance and States Parties, as we did so last year with the funding of the legal adviser post in the Trust Fund Secretariat. However, with the financial crisis threatening to be an unwelcome guest for years to come and a handful of wealthier states less willing to increase funding of the Court, it is crucially important that the Board too when meeting with states parties ensures that they are fully appreciative of a well-financed ICC and Trust Fund for Victims and other offices in the Court that are integrated into the work of the Trust Fund and of the consequences should this funding not be forthcoming. It is particularly imperative that the Board push back against attempts to restrict the rights of victims afforded under the Rome Statute as a means in which to reduce costs.

While the wide-spread financial crisis is one of the critical challenges that faces the Court and the Trust Fund, we as NGOs will do all we can to ensure that they are financially secure. We will also endeavour to assist to the extent possible in making up any short fall in resources. Including by promoting the work of the Trust Fund through our various NGO and academic networks and encouraging voluntary contributions. The Coalition hopes that over time voluntary contributions will become a sustainable source of funding for both the Trust Fund's assistance mandate and its reparations mandate. However, we will also encourage better and more effective cooperation amongst States Parties with respect to the identification, seizing and freezing of assets so as to avoid overburdening the Trust fund's voluntary contributions. We will also work with the Court to understand and further develop its internal mechanisms and procedures in how it engages States in this regard as well as its own investigative techniques.

Towards these goals we will support and assist with the diversification of the Trust Fund's financial portfolio, seeking contributions from a variety of actors and look forward to further discussions on these important endeavours. In parallel, we would urge Your Excellencies to use this Board gathering to brainstorm on how to continue to raise the Trust Fund's profile, both through its outreach work with affected communities but also its information to the public, including potential donors, in the two working languages of the Court and in partnership with the Court's Public Information section.

Excellencies, I sincerely hope that our interaction this morning goes some way to contributing to your discussions over the coming days and to your endeavours in 2012.

I thank you again for this opportunity.

Sunil Pal

Head of the Legal Section, Coalition for the ICC