

# **The Team on the Trust Fund for Victims of the Coalition for the International Criminal Court (CICC)**

## **Recommendations to the Fifth Session of the Assembly of States Parties from 23 to 25 November and 27 November to 1 December 2006**

**27 November 2006**

### **PREFACE**

*While the work of the CICC Team on the Trust Fund reflects the positions of those Coalition members most active on particular issues and this paper has been prepared in consultation with other Coalition teams, this paper cannot be construed to represent the views of all organizations/members of the CICC. Since the Rome Diplomatic Conference, Coalition members have organized themselves into teams, one to follow each working group or theme of the intergovernmental process. Coalition teams now follow issues addressed by the Assembly of States Parties or its subsidiary mechanisms and by the International Criminal Court. Teams provide a forum within which interested members discuss issues, follow developments, elaborate relevant research and positions in response to developments, and elaborate and implement advocacy strategies in relation to those positions. All Coalition members are welcome to join any teams and all Coalition members are regularly apprised of the work of the teams.*

### **Second elections of members of the Board of Directors of the Trust Fund:**

- The CICC Team on the Trust Fund encourages initiatives that make the election process as transparent as possible. The team therefore welcomes the public note provided by the ASP Secretariat containing in its annex comprehensive CVs of the candidates nominated for the elections.
- The Coalition for the ICC does not take a position on specific candidates. However, the Coalition flags the criteria contained in the Resolution ICC-ASP/1/Res.7 of 9 September 2002. According to this resolution, candidates eligible for the Board of Directors shall be of **high moral character, impartiality, integrity and shall have competence in the assistance of victims of serious crimes.**
- **In addition to these important criteria,** the CICC team believes that commitment and preparedness to **dedicate sufficient time to guide the Secretariat of the Trust Fund in its (daily) work and to raise funds,** should also be considered as relevant factors in the election of Board members.
- Resolution ICC-ASP/1/Res.7 further requires that all Board members shall be elected on the basis of equitable geographical distribution taking into account the need to ensure equitable gender distribution. Bearing in mind that the nomination period had to be extended four times due to the lack of candidates from Asia, the CICC team hopes that States in future elections will be more proactive in the presentation of candidates.
- **The Team urges**
  - States to take immediate measures to identify candidates from the Asian region, in particular female candidates in order to ensure equitable gender balance. It is recommended that the candidates have gender expertise. Any state, even those not party to the Rome Statute can nominate a candidate.

### **Voluntary contributions:**

- States' contributions are vital to the Trust Fund for Victims. In the past, around 15 States, including both States Parties and non States Parties to the Rome Statute, have made voluntary contributions. In order to enable the Trust Fund to appropriately fulfill its mandate of assisting victims of crimes under the jurisdiction of the Court, many more States must make their own contributions.
- With the regulations of the Trust Fund have been adopted and that the Secretariat has become operational with the appointment of the Executive Director, the team strongly encourages States to make voluntary contributions.
- **The Team suggests that :**
  - **In order to give the Trust Fund a reliable basis to plan its projects and activities, States should also consider making regular rather than merely occasional contributions to the Trust Fund.**
  - **States encourage individual and other private donations to the Trust Fund by making donation tax exempt / deductible under national legislation.**

### **Recommendations of the CBF:**

- The team is concerned about two of the recommendations made by the Committee of Budget and Finance on its 7<sup>th</sup> session.
- The Committee recommended "that the Secretariat's annual budget should be fully incorporated into future proposed budgets for the Court and that a separate presentation of the activities of the Board of Directors of the Trust Fund for Victims should not appear in the report to the Assembly". This recommendation does not seem to appropriately take into account that the Trust Fund for Victims is an independent body under the primary responsibility of the Board of Directors and that Resolution ICC-ASP/1/Res.6 provides that "the Board shall report annually to the Assembly". The team therefore recommends the ASP to maintain the current approach of separate budgets and reports.
- The CBF recommended cuts in travel resources of the Secretariat. In the view of the Team, assessment of whether it is necessary to 'provide physical or psychological rehabilitation or material support' and consultation with victims will require the staff of the Secretariat conduct regular missions to the field.
- **The Team suggests that :**
  - **The Assembly of States Parties should not endorse the CBF recommendations. The Board of Directors and the secretariat should be given the full resources necessary to perform their work.**