

SPEECH Elisabeth REHN, Chair TFV Board of Directors,

ASP 10, New York

12 December 2011

Madam President,

Your Excellencies,

Distinguished Ladies and Gentlemen,

I wish to start with congratulating, on behalf of the Trust Fund's Board of Directors, Ambassador Intelmann with being elected the new President of the Assembly of States Parties. There is no doubt that you will be a strong and dedicated guiding force for all of us, in these challenging times ahead. I also wish to acknowledge the out-going President, Ambassador Wenaweser, for his excellent and most constructive leadership over the past years, and in particular for the strong interest that he has always taken in the Trust Fund for Victims. Surely our paths will continue to cross!

It is an honour for me to represent the Board of the Trust Fund for Victims in the coming ASP. I also wish to note that I am not alone: two other Board members are here as well: Ms. Betty Murungi and Dr Eduardo Pizarro Leongomez.

The International Criminal Court is steadily shaping up to its mandate to become an undeniable force of justice in the fight against impunity. Not a day passes by without the ICC featuring in the world press.

That is very good, but the global quest for accountability for the most serious international crimes takes place against the background of a painful reality that already exists: the local reality of the victims of these crimes.

Children are being forced to take up arms against their neighbours. Women, girls – and men, and boys – suffer rape and other forms of sexual violence, as part of barbarously conceived, wide-spread acts of cruelty. Villages are being burned and pillaged. Large numbers of people are being made to flee.

One of the Rome Statute's innovations of international criminal law is the victims' right to reparations, as ordered by the Court against a convicted person. Again: that sounds very good, but in practice, ICC reparations will have limitations. The Office of the Prosecutor can not investigate and prosecute *all* crimes that may fall within the jurisdiction of the Court. Choices have to be made. As a result, only a limited number of victims can be considered in reparations proceedings before the ICC.

Yet, in the Rome Statute system, other victims of similar crimes, in the same situation, *can* be recognized – and recognition is the key word here – to be in need of various forms of assistance that may alleviate their plight.

This is where the Trust Fund for Victims comes into play, next to the International Criminal Court.

The Assembly of States parties – in other words, you – have given the Trust Fund two mandates, reflecting both the notions of accountability and recognition. One is indeed to implement Court-ordered reparations. The other mandate is to provide assistance to victims within the jurisdiction of the Court - in the form of physical and psycho-social rehabilitation, and material support.

Over the past four years, the Trust Fund's victims assistance mandate has greatly matured – in spite of scarce resources. Programmes supported by the Trust Fund now reach out to over 80,000 victim-survivors in northern Uganda and in the DRC. The Trust Fund's programme in the Central African Republic, concentrating initially on victims of sexual violence, will take off early next year. On the horizon are the situations in Kenya and Cote d'Ivoire.

In giving assistance to victims of crimes within the jurisdiction of the Court, the Trust Fund has been able to provide two kinds of added value. First, obviously, we add value to the Court's mandate of retributive justice. Second, by tailoring our assistance to the very specific needs of victims within the jurisdiction of the Court, we are adding value to mainstream humanitarian and development programmes.

If you wish to learn in more detail about the Trust Fund's activities, I highly recommend you to read our latest progress report, which has been published today and is available in this room. If time permits, later today we will also show you the Trust Fund's newest video, produced in collaboration with our partners and beneficiaries. I can assure you that hearing the stories of victims in their own words will be a formidable experience.

Looking ahead: Court-ordered reparations are around the corner, if in fact cases before Court will result in a guilty verdict. That should be a first test for the ICC's reparations regime, which so far has only existed on paper - and in the expecting minds of victims. I can assure you that the Trust Fund's Board is fully aware of the challenges ahead. In the past year, we have spent a great deal of our time and energy, on preparing to assume our responsibility to guide the Trust Fund through the initial phase of its reparations mandate. Of

course, this will require close cooperation with the Court's Registry and Chambers.

The Board's responsibilities include the maintenance of a proper reserve of the Fund's resources, earmarked for reparations, in the case that a convicted person is declared indigent and the Board is called upon to decide on complementing a Court order for reparations. The current reserve for reparations amounts to one million Euros, which roughly translates into one third of the Fund's total resources.

This brings me to the subject of raising funds. Last year, the Trust Fund's total income from voluntary contributions amounted to 1.5 million Euros. A record amount – but in absolute terms, still a modest result. In 2011, we have already raised over 2 million Euros. This does not yet include a forthcoming very substantial contribution, which will be announced this evening at a reception co-hosted by the Swedish mission and the Trust Fund.

Without further mentioning specific countries, I should like to express our gratitude to all of our donors of this year, new and old, big and small, who - in the most difficult of times - have rallied to the cause of victims by graciously endowing the Fund with a growing amount of resources.

Apart from financial contributions, the Trust Fund relies on the support of other parties, inside and outside of the Court. I would like to acknowledge in particular the efforts of the Registrar to ensure that her Office provides the Trust Fund's Secretariat with the various necessary forms of financial and administrative support. I would also like to acknowledge the Registrar's legal advice to the Board. Outside of the Court, I wish to mention the very important support and partnership that the Trust Fund is enjoying from the

various UN agencies, including the Office of the High Commissioner for Human Rights, the UN Special Representative for Children and Armed Conflict, UN Women and – on the ground – from MONUSCO. Finally, I wish to acknowledge the courageous and hard work undertaken by our implementing partners in the field.

Today, the Trust Fund for Victims finds itself at the threshold of several great tests: the activation of its reparations mandate, the expansion of its victims assistance mandate to other situation countries, and the drive to further boost its revenue, including from private sources.

The Board wishes to bring to your attention that, in order to be able to take on and deliver on these challenges, the Trust Fund will require a robust Secretariat, incorporating a minimum of programmatic, financial and legal functions.

On behalf of the Board, I wish to note that we take pride in the efforts of the Secretariat to manage the Trust Fund's successful inception phase and – especially in the past year – to make improvements on the accountability and transparency of the Fund's operations. For example, the Secretariat introduced a competitive grant-making procedure and designed and implemented, with assistance from the Court's Registry, an industry-standard financial management system, resulting in a separate chart of accounts for the Trust Fund. I can assure you that the Board of Directors has been very much involved at the important decision making moments in these efforts.

Madam President, Your Excellencies, Ladies and Gentlemen,

President Song recently said, in a speech to the World Bank: “[...] the Fund acts as a conduit between the principle of individual criminal responsibility for the most serious crimes and the commitment of the international community to address the multi-dimensional challenges facing societies in post-conflict situations.”

The Board of Directors of the Trust Fund for Victims is acutely aware of the seriousness of this task, to which it is deeply committed. We are counting on your invaluable support to help us meet the rightful expectations of victims.