



**Fonds au Profit des Victimes**  
**The Trust Fund for Victims**



President O-Gon Kwon  
Assembly of States Parties

The Hague, 13 June 2018

Dear President Kwon,

The Trust Fund for Victims' Board of Directors ("Fund" and "Board") is honored to communicate to the Assembly of States Parties its unanimous decision, taken on 12 June 2018, to accelerate the launch of a programme under its assistance mandate for the benefit of victims and their families in the situation of the Central African Republic ("CAR I"). In doing so, the Board takes notice of the wealth of information related to the scope and types of harms suffered by victims in the context of the case of *The Prosecutor v. Jean-Pierre Bemba*, as well as of its own earlier harm assessments of the situation.

This communiqué includes a call for voluntary contributions in order to ensure that sufficient financial resources are available to meaningfully respond to the overwhelming and devastating harms suffered by victims and their families in the CAR I situation.

As set out in regulations 50 (a) (i), 51 and 52 of the Regulations of the Trust Fund for Victims ("TFV Regulations"), the Board "considers it necessary to provide physical or psychological or material support for the benefit of victims and their families" in the CAR I situation.

Activities undertaken under the Fund's assistance mandate are distinct from the judicial proceedings of the Court and do not require the conviction or even the identification of the perpetrator(s) of the harms suffered by victims. It is necessary that victims have suffered harms from crimes under the jurisdiction of the Court as defined by the "situation" under investigation by the Prosecutor. In taking its decision, the Board observed that, irrespective of the outcome of the judicial proceedings, victims who presented themselves to the Court in the context of the *Bemba* case are, by definition, victims of the "situation" in CAR I. The Board further recalled that interventions under its assistance mandate are for the purpose of providing physical rehabilitation, psychological rehabilitation, and material

support (meaning livelihood and income generating activities) for the benefit of victims and their families. The assistance mandate does not provide for compensation or restitution to victims.

The Board has previously approved the launch of an assistance mandate programme for the benefit of victims and their families in the CAR I situation and, in this context, conducted assessments in 2009 and 2014. These previous assessments identified victims of sexual and gender based violence as a particularly vulnerable and therefore priority group for assistance activities. Unfortunately, due to the security situation at the time, the Trust Fund was unable to begin assistance activities in CAR.

The Board has instructed the Fund's Secretariat to urgently undertake a victim harms and needs assessment for the purposes of launching an assistance mandate programme in CAR, which will be expedited by incorporating the previous assessment findings relevant to sexual and gender based violence and by taking account of the harms suffered by victims and their families in the *Bemba* case.

As such, the Board has instructed the Secretariat to consider, first, the harms suffered by victims in the *Bemba* case and, second, harms suffered from additional sexual and gender based violence arising out of the situation in CAR I. The Board has further directed the Secretariat to urgently engage in consultations with the competent CAR government authorities, based on the notion of reparative complementarity relevant to the Fund's assistance mandate, as well as with civil society, international actors, and the legal representative of victims in the *Bemba* case.

The Board further informs the Assembly of States Parties that, at its most recent meeting held in May 2018, the Board decided on allocations of financial resources from its reparations reserve to enable the implementation of reparations orders in current cases at the reparations phase. These decisions also included a provisional allocation of €1 million in case the Board were requested to complement the payment of reparations awards arising from a potential eventual reparations order in the *Bemba* case, pending the outcome of the appeals proceedings.

In light of the acquittal of Mr Bemba, the Board decided to return half of this €1 million to its reparations reserve and to re-allocate the remaining €500,000 to an assistance mandate programme in CAR. Mindful of the magnitude of harm suffered by victims and their families in the CAR I situation, the Board allocated an additional €500,000 from the Fund's assistance mandate reserve.

Together, these two allocation decisions result in a starting capital of €1 million for the Fund's assistance programme for the benefit of victims and their families in the CAR I situation, pending further decisions based on the outcome of the assessment, as well as the review by the relevant Pre-Trial Chamber pursuant to TFV Regulation 50 (a) (ii) and (iii).

The Board respectfully recalls to the Assembly of States Parties that, as decided by the Assembly, the Fund's assistance mandate activities are funded solely by voluntary contributions from States, as well as private institutional and individual donors. The Board calls on all States Parties to join it in supporting meaningful and much-needed reparative assistance by making a voluntary contribution for the benefit of victims and their families in the CAR I situation.

Mr President, the Board of Directors of the Trust Fund for Victims wishes to express its appreciation to the Assembly of States Parties for its consistent past support of the Fund's activities and looks forward to the continued support of States Parties in this important effort to respond to the needs of victims and their families in the CAR I situation.



Motoo Noguchi  
Chair, Board of Directors of the Trust Fund for Victims

**Copies:**

H.E. Mr Flavieu M'bata, Minister of Justice, Central African Republic

Judge Eboe-Osuji, President of the International Criminal Court

Fatou Bensouda, Prosecutor

Peter Lewis, Registrar

Honorable judges of Trial Chamber III

Marie-Edith Douzima Lawson, legal representative of victims in the *Bemba* case

Paolina Massidda, Principal Counsel for the Office of Public Counsel for Victims