

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-02/04**

Date: **19 December 2018**

**PRE-TRIAL CHAMBER II**

**Before:** Judge Antoine Kesia-Mbe Mindua, Presiding  
Judge Tomoko Akane  
Judge Rosario Salvatore Aitala

**SITUATION IN UGANDA**

**Public**

**With one confidential annex**

**Notification by the Board of Directors in accordance with Regulation 50(a) of the Regulations of the Trust Fund for Victims of its conclusion to undertake further activities in Uganda**

**Source:** The Trust Fund for Victims

**Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:**

**The Office of the Prosecutor**  
Ms Fatou Bensouda

**Counsel for the Defence**

**Legal Representative of Victims**

**The Office of Public Counsel for the Defence**  
Xavier-Jean Keita

**The Office of Public Counsel for Victims**  
Paolina Massidda

**States Representatives**

**REGISTRY**

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**Registrar**  
Mr Peter Lewis

**Counsel Support Section**

**Victims Participation and Reparations Section**  
Mr Phillip Ambach

**Detention Section**

**Other**

## I. BACKGROUND AND PROCEDURAL HISTORY

1. In accordance with Regulation 50 (a) of the Regulations of the Trust Fund for Victims (“TFV Regulations” and “Trust Fund”, respectively), the Board of Directors of the Trust Fund (“Board”) shall notify the relevant Chamber before undertaking specified activities it considers necessary to provide physical and psychological rehabilitation or material support for the benefit of victims and their families under its assistance mandate.
2. On 28 January 2008, the Board notified Pre-Trial Chamber II (“2008 Notification”) of its determination to undertake specified activities to assist victims in the territory of northern Uganda.<sup>1</sup>
3. On 19 March 2008, Pre-Trial Chamber II approved the proposed assistance activities.<sup>2</sup> For ten years, the Trust Fund has implemented the approved activities through partnerships with non-governmental organisations.
4. During its 16<sup>th</sup> meeting held on 16 to 18 May 2017, the Board concluded that there was a need for the assistance programme to continue to assist victims of crimes within the jurisdiction of the Court in northern Uganda.
5. On 8 February 2018, the Court’s Procurement Unit assisted the Trust Fund to launch the tender and solicitation process to continue implementing assistance activities.
6. On 23 October 2018, six of the nine ongoing projects expired and, on 29 and 30 November 2018 respectively, the last three projects expired. At present the Trust Fund is not implementing any victim assistance activities in northern Uganda.<sup>3</sup>
7. Accordingly, the technical evaluation of Request for Proposal 124415 (“RFP”) occurred in two stages: an Expression of Interest (“EOI”) and the Technical Evaluation of proposals. The EOI consists of evaluating each applicant organisation’s presentation of three elements: 1) legal registration (certificate of registration) in accordance with the requirements of the national non-

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<sup>1</sup> Notification under Regulation 50 of the Regulations of the Trust Fund for Victims, 28 January 2008, [ICC-02/04-114](#).

<sup>2</sup> Decision on Notification of the Trust Fund for Victims and on its Request for Leave to respond to OPCD’s Observations on the Notification, 19 March 2008, [ICC-02/04-126](#).

<sup>3</sup> See, for an explanation of the tender process, Notification by the Board of Directors in accordance with Regulation 50 a) of the Regulations of the Trust Fund for Victims to undertake activities in the Central African Republic, 11 October 2012, [ICC-01/05-39](#), paras 8-16.

governmental organisations' policy; 2) a minimum of two years of experience managing similar projects. Applicants must complete at least two past project performance forms for each relevant programmatic experience with a minimum value of EUR 50,000 or equivalent; and 3) a signed, complete copy of a recent financial audit report for their organisation, no more than four years old.

8. The EOI was launched on 8 February 2018 and remained open until 9 March 2018. The EOI was advertised on four occasions in two prominent national Ugandan newspapers, promoted on two prominent radio stations in northern Uganda, reported on at a widely attended VIP delegation press conference in Kampala, posted on the ICC website, and promoted among civil society networks. Even with this unprecedented degree of procurement promotion of the tender, only 25 organisations submitted an expression of interest to the Procurement Unit in response to the EOI.

9. The review of the EOI submissions was performed by the Trust Fund program management team in Uganda. The EOI applications were reviewed for compliance with the three selection criteria mentioned above. Of the 25 notifications received, only 12 organisations successfully completed an EOI application by submitting the three criteria materials. Thirteen applicant organisations failed to submit the requisite materials. A pass/fail criterion was used to identify organisations whose dossiers were complete – where “pass” corresponded to the submission of the required documents and “fail” corresponded to an inability to satisfy the specified requirements resulting in the organisation's exclusion from Stage 2 consideration.

10. The 12 successful organisations were invited by the Procurement Unit to submit a full proposal by 20 August 2018. A full proposal application consists of a project proposal narrative, project proposal budget, budget notes, logical framework, list of key personnel and CVs, cover letter, and a performance monitoring plan.

11. Stage 2 refers to the Technical Evaluation of the 12 applicant organisation proposals. Among the documents received by the organisations as a part of the RFP, the Scope of Work outlines the programmatic rationale of the Trust Fund's request for proposals, including the types of rehabilitation services sought, the geographic coverage of projects, funding parameters, and victim beneficiary objectives.

12. The three person technical evaluation committee reviewed and ranked the 12 proposal applications. In consideration of available programme resources allocated by decision of the Board, the Trust Fund selected the six highest scoring organisations from the technical evaluation for grant award recommendation.

13. On 4 October 2018, the technical evaluation report was communicated to the Procurement Unit. On 1 November 2018, the Procurement Review Committee (“PRC”) evaluated the results of the RFP procurement process and issued its approval of the process. The Registrar accepted the PRC recommendation and affixed his signature on 22 November 2018 to the PRC report.

## **II. NOTIFICATION OF PROPOSED SPECIFIED ACTIVITIES**

14. The six proposed specified activities are set out in Annex I to this filing. The Trust Fund notes that the newly selected projects and corresponding specified activities represent a continuation of the specified activities contained in the 2008 Notification.

## **III. NON DETERMINATION OF ANY ISSUES BEFORE THE COURT**

15. Regulation 50 (a) (ii) of the TFV Regulations establishes that the Trust Fund shall be considered to be seized when, following the notification by the Trust Fund, the relevant Chamber of the Court “has responded and has not, [...] informed the Board in writing that a specific activity or project [...] would pre-determine any issue to be determined by the Court, including the determination of the jurisdiction pursuant to article 19, admissibility pursuant to articles 17 and 18, or violate the presumption of innocence pursuant to article 66, or be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial”.

16. The Trust Fund respectfully submits to the Pre-Trial Chamber that the selected specified activities will not pre-determine any issue to be determined by the Court as provided for in regulation 50 (a) of the TFV Regulations. The specific activities will focus on injuries stemming from crimes committed in the situation of Uganda in general and are not related in any way to national or international proceedings or investigations.

**FOR THE FOREGOING REASONS**

Considering the necessity to provide physical and psychological rehabilitation and material support for the benefit of victims and their families in Uganda in the form of the specified activities set out in detail in Annex I, the Board of Directors respectfully submits this notification pursuant to Regulation 50 (a) of the Regulations of the Trust Fund for Victims.



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Pieter W.I. de Baan  
Executive Director, Trust Fund for Victims,  
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 19 December 2018

At The Hague, The Netherlands