



"The Victim in Focus: the Experience of the Trust Fund for Victims" | Africa and the ICC: Lessons Learned and Synergies Ahead

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Your Excellencies, Distinguished Ladies and Gentlemen, Dear Friends,

It is my great honour and pleasure to address you at this timely event that brought us all together in Johannesburg. I am deeply grateful to the organizers of this seminar, Africa Legal Aid in cooperation with International Commission of Jurists-Kenya (ICJ-Kenya) and the Center for Internationalisation at the University of Johannesburg.

This conference acknowledges the need for an intensified cooperation between the International Criminal Court and African States. We should greatly value the willingness of all participants and speakers whose commitment, contributions and recommendations will be no doubt of high quality and good practical use. Our gathering today enables us to discuss issues of common interest and concern through open and constructive dialogue. Surely, the plight and rights of victims of the most serious crimes must feature prominently.

The focus on victims is an extraordinary feature of the Rome Statute and its related legal framework. The Rome Statute preamble speaks of the plight of victims: "during this century millions of children, women and men have been Page: victims of unimaginable atrocities that

deeply shock the conscience of humanity". The focus on victims represents the truly human dimension of international criminal justice.

I have personally been strongly saddened by the news about new armed conflicts and violence that reach us every day through the media. Central African Republic, South Sudan, not to mention Syria, Palestine, Ukraine. All the UN-resolutions, efforts by African Union and EU, Geneva conventions, and most of all, the widely ratified convention of the Rights of the Child seem not to matter at all when there is a real need to follow them. The victims count in millions.

No form of justice is complete if the rights and needs of the victims are not fully taken into consideration. By ensuring victims' rights to participation and reparations, the ICC seeks to merge reparative and retributive forms of justice. Currently, African victims of war crimes and crimes against humanity are at the core of cases before the ICC. Therefore, it is of crucial importance that victims are highlighted at this conference on Africa and the ICC.

The ICC is the first international court to incorporate such broad provisions for victims' participation, reparations and assistance to victims. The Court's Statute provides measures to ensure to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. No less important, it specifically highlights the plight of victims of sexual and gender-based violence by acknowledging rape as an individual crime, a war crime and a crime against humanity.

The establishment of the Trust Fund for Victims by the States Parties is a strong, unprecedented expression of ambition on the part of the international community to address the harm suffered by victims of armed conflict. Pursuant to Article 79 of the Rome Statute, the Trust Fund is an independent and unique instrument of reparative justice.

The Trust Fund has two major mandates. First, to implement court ordered reparations awards as ordered by the Court against convicted individuals. Second, to provide assistance in the form of physical, psychological rehabilitation and material support to victims of crimes related to a situation before the Court. Through its assistance mandate, the Trust Fund supports victims and their families in rebuilding their lives and communities, including former child soldiers, survivors of sexual and gender-based violence, widows, amputees, disfigured and tortured persons and many more. These activities are implemented since the beginning of operations in 2008 by carefully selected local and international partners of the Trust Fund.

Currently, the Trust Fund supports over 110,000 victims in DRC and northern Uganda under the assistance mandate. In the Central African Republic, the deteriorating security situation has forced us to suspend our programme – just at the moment it was to start in early 2013. The Trust Fund is maintaining the funds set aside for this programme and remains ready to

intervene when circumstances will allow. Today especially women and women's organisations UN Women included have made strong efforts to reach the victims of violence in CAR. A Solidarity mission was made to the country, and the AU is planning more activities to take place. I personally hope that we in the Trust Fund will be able to begin our work. The projects we have prepared are focusing on the women who are victims of sexual violence.

The Trust Fund is considering to expand its activities to other ICC situation countries, based on the availability of resources and security permitting, and is planning to conduct assessment missions from 2015 onwards.

I will now address some of the lessons learned from the TFV's experience so far, as well as the outlook for the future.

The assistance projects of the Trust Fund adopt a victim-oriented perspective and emphasise victims' participation and ownership. Let me provide you with some examples of individual and collective assistance:

Both in northern Uganda and in eastern DRC, we pay special attention to victims of sexual and gender based violence in conflict. The large majority of these victims are women and girls, who often face further stigmatisation within their families and communities as a result of the harm that they suffered. But also men and boys are victimised, as sexual violence in conflict seeks to destroy both the self-esteem of individuals and the cohesion of their communities.

In northern Uganda, we have introduced plastic surgery programmes – which did not exist – and other forms of physical rehabilitation to victims who suffered mutilations and burns to their faces and bodies. These services were combined with counselling and livelihood assistance. We are currently providing trauma based counselling services to over 700 victims in Uganda. Beneficiaries include survivors of torture, excombatants and child soldiers, orphans and vulnerable children. Around 200 individuals participated in counselling sessions with psychotherapists and counsellors.

A youth-centered programme in eastern DRC aims to contribute to restoring a culture of peace through "education for peace" activities in primary and secondary schools. Over 18,000 students participated in games, peace-themed art, drama, poems, and songs, sharing of experiences, and discussion. Project staff reported reduced violence amongst students in schoolyards, improved retention at schools of former child soldiers and considerably improved academic performance.

Savings and loans groups for victims promote economic security through providing access to loans, in support of small business ventures and other income-generating activities. In

addition to the economic benefits to its members, these groups also foster a sense of solidarity and community dialogue.

A testimony from a beneficiary, who was formerly abducted in Uganda, may encapsulate the quintessential aspirations of the Trust Fund. "Before, each one lived for himself. The war destroyed everything, even relationships. Now, we can easily bring people and tribes together, but it took time for us to rebuild this unity."

I have been privileged myself to visit the Trust Fund's programmes. This was an excellent opportunity to learn first-hand from our beneficiaries about their needs and gain an appreciation of the services rendered to them by our locally based implementing partners. I retain the impression that the Trust Fund for Victims is making the right choices in providing an adequate reparative response to victims' harm. I am happy to note that this impression is echoed in the first-ever external evaluation of the Trust Fund's programmes that has been carried out over the past year. On behalf of the Board, I wish to acknowledge here the pioneering efforts in achieving these results of the Secretariat and our network of local partners.

Dear Friends,

The Trust Fund's strategic plan for the next four years communicates our vision in consideration of our legal mandates and our unique role alongside the ICC. The Trust Fund's mission is to "respond to the harm resulting from the crimes under the jurisdiction of the ICC by ensuring the rights of victims and their families through the provision of reparations and assistance".

The Trust Fund's main strategic goal is that "victims and their families overcome harm, lead a dignified life, and contribute towards reconciliation and peace-building within their communities as a result of support provided by the TFV through quality programmes that ensure strengthened local capacity through meaningful participation, strengthened systems, enhanced learning and innovation."

Our mission and goals apply both to the Trust Fund's assistance and reparations mandates. Within the foreseeable future, the Trust Fund may expect to be engaged on the Court's first reparations orders, upon completion of the Lubanga and Katanga cases. We should appreciate those decisions by the ICC as a milestone development in the Rome Statute system's ambition to recognize the plight, and the rights, of victims. Both the Lubanga and Katanga cases concern crimes which occurred in the Ituri district of eastern DRC, which for years has been plagued by violence. In one form or another, the entire population has suffered from a very complex conflict, resulting in socio-economic inequality and the erosion of governance.

It will be the first time the Rome Statute's victim-centered approach to reparations will be translated from a paper concept into a reality on the ground. It will also be the first time that the Trust Fund for Victims takes up the challenge of its mandate to implement Court-ordered reparations. And this challenge will be manifold. In the communities of Ituri, the question asked is not so much: "what is a victim?", as debated in Court as a legal question, but: "who is a victim?" The answer to that question most likely would indicate a much wider group than the comparatively limited number of victims that may be eligible for Court-ordered reparations.

While the Rome Statute may offer unprecedented options for justice to victims of the most serious crimes, it was always clear that this system has its inherent limitations. We should recall that the pursuit of international justice does not take away anything from the responsibilities of national authorities to address the harm suffered by their own citizens and communities. This is why the Trust Fund is actively seeking consultation and cooperation with national and local authorities, for instance with the Ministry of Health in Uganda and with local authorities in eastern DRC on educational matters.

The success of the TFV very much relies on the moral, political and financial support of States through voluntary contributions. In the past years, new donors have come on board. Even in difficult economic times, our donors have managed to continue and even deepen their engagement with the TFV. Even a modest contribution to the TFV will demonstrate a States Party's commitment to the cause of reparative justice that is one of the essential values enshrined in the Rome Statute.

The Trust Fund for Victims has noted the expressions of strong support from African States Parties expressed during last year's Assembly in The Hague. Any form of financial support to the TFV, especially coming from African States, will have tremendous symbolic and moral value in promoting the cause of international justice and – in the eyes of African victims – supporting their efforts to regain their dignity and to rebuild their lives and communities.

I would like to take this opportunity to stress that both the ICC and the Trust Fund are in great need of the support of the international community – not least from African States – to be able to make a real difference to the lives and hopes of African victims within the framework of international criminal justice. The Trust Fund's Board counts on continuing and expanding our dialogue with you in the years to come.

Today and tomorrow, we shall explore what it means and what is needed to keep victims at the centre of international justice. I greatly look forward to learn about your ideas and your concrete recommendations on how to manage expectations, on how to deliver on rightful expectations – and on how to boost cooperation between African States, the ICC and the Trust Fund for Victims to make reparative justice a tangible reality for victims. I sincerely hope

that our joint commitment finds echo within the Court, in African States and communities – and beyond.

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