

Speech by Ms. Simone Veil

**THIRD SESSION OF THE ASSEMBLY OF STATES PARTIES
TO THE ROME STATUTE OF THE
INTERNATIONAL CRIMINAL COURT**

The Hague, 6 September 2004

Mr. President, Your Excellencies,

It is a great honour for me to address you as a representative of the Trust Fund for Victims. This is a historic moment, a moment in which you, the States Parties, are in a position to endow the Fund that you created with the means to fulfil its important mandate, to ensure that the Fund does not remain an empty pledge, like so many other pledges made to victims, but becomes an institution that effectively serves victims' interests.

I am speaking today on behalf of the entire Board of Directors, which I represent as Chair, and I should like to thank the four other members of the Board, Her Majesty Queen Rania Al-Abdullah, Mr. Óscar Arias Sánchez, Mr. Tadeusz Mazowiecki and Archbishop Emeritus Desmond Tutu, for the confidence they have placed in me by asking me to present the results of our work to this Assembly.

It was this same Assembly that elected the Board of Directors in September 2003. Each member was elected for a three-year term on the basis of equitable geographical distribution and internationally recognized competence in the provision of assistance to victims of serious crimes. The members of the Board of Directors work for the Fund on a voluntary basis.

The Trust Fund for Victims forms part of the reparations function of the Court. For the first time, victims of the most heinous crimes known to humankind will be able to obtain reparations at the international level for the harm they have suffered.

I would ask you to bear in mind, as you scrutinize the figures and technical regulations that are part and parcel of the establishment of any such institution, that the Fund also has a human face – that of victims devastated by the horror of the crime of genocide, of crimes against humanity and of war crimes.

I shall now report on the activities of the Board of Directors since the election of its members in September 2003.

The Board of Directors met for the first time at the seat of the Court in The Hague from 20 to 22 April 2004. At that meeting, its members adopted a draft version of the Regulations of the Fund after hearing presentations by the Prosecutor, the Registrar and other members of the Registry, and the view of experts on the question of reparations or working for existing international funds.

Representatives of non-governmental organizations were also invited to outline their expectations from the Trust Fund for Victims.

The Board strongly emphasized the need to set up a Secretariat for the Fund as quickly as possible. The Trust Fund for Victims is an independent body, and it is important that it should operate independently from the Court. The members of the Board all have heavy commitments and cannot attend to the day-to-day management of the Fund. Moreover, a team of experts with extensive experience in the area of reparations will be best equipped to manage the Fund on a daily basis. Without a Secretariat, the Fund will be unable to fulfil its mandate.

During the closing ceremony organized for the public and the press after that meeting, two victims from Bosnia and Herzegovina and Rwanda described the suffering and despair experienced by those who are bereft of the resources they need to grieve and rebuild their lives. On behalf of the Board, His Eminence Archbishop Desmond Tutu described the hope that the Fund represented for victims, and stressed the importance that he attached to its work. A minute's silence was observed and homage was paid to victims of war crimes, crimes against humanity and genocide.

In June 2004, representatives of the Registry travelled to Paris to prepare the budget. As Chair of the Board of Directors, I adopted the final version of the budget for the Secretariat that is submitted to you today.

After further consultations with experts on 29 June, the members of the Board of Directors adopted the final version of the Regulations of the Fund.

You have before you an Annual Report on the activities and projects of the Board of Directors of the Trust Fund for Victims for the financial year 2003–2004. It contains three annexes: the first concerns the Regulations of the Fund and the second the budget for the Fund's Secretariat. The third contains a list of voluntary contributions to the Trust Fund for Victims from March 2003 to July 2004.

Proceeding therefore in logical order, I shall first introduce the Regulations of the Fund. Adopted by the five members of the Board of Directors, they reflect the Board's priorities: independence of the Fund; flexible management of the Fund; transparency and rigour in the receipt and use of funds; establishment of a Secretariat; and principles governing the projects and activities of the Fund. It consists of three main parts: 1. Management and oversight of the Fund; 2. The receipt of funds; 3. The activities and projects of the Fund. It is important that these Regulations should be adopted at this meeting of the Assembly of States Parties so that the Board can start work immediately.

I should next like to introduce the budget for the Secretariat of the Fund. The underlying concept is that the Secretariat should be immediately operational, that its size should be strictly proportionate to its needs, and that its staff should be highly qualified. The sum of €1.4 million is an estimate of the amount we would require to ensure that the Fund operates at full capacity.

To make clear what the Board of Directors is asking from the Assembly of States Parties today, I should point out that the budget for the Secretariat is made up of two separate components.

On the one hand, operating costs, which comprise expenses incurred to ensure the efficient running of the Board of Directors and which should be defrayed by the Assembly of States Parties in accordance with article 114 of the Rome Statute and the annex to resolution 6, and other expenses which may be paid, if the Assembly of States Parties so decides, from voluntary contributions paid to the Fund.

The other component of the budget consists of funds to be distributed to victims and their families. In this second case, the relevant provision is paragraph 2 of resolution 6 adopted by this Assembly at its first session. It sets out four separate sources of funds: voluntary contributions from States, individuals, profit-making or non profit-making organizations and other entities; the

proceeds of fines or forfeitures transferred to the Fund; the proceeds of reparations awarded by the Court; and any resources that the Assembly of States Parties may decide to allocate to the Fund.

We request the Assembly of States Parties to defray the costs of ensuring the efficient running of the Board of Directors as required by resolution 6. These costs must, at a minimum, cover the cost of convening the annual meeting of the Board of Directors. The costs involved are reflected in the budget submitted for your consideration. We are also seeking voluntary contributions from States Parties to meet other Secretariat costs so that the Fund can achieve its objectives. As any new institution, the Fund needs support in order to commence its activities.

At this stage of the Court's work, the Fund cannot draw on the proceeds of fines, forfeitures or reparations ordered by the Court.

Given the shortage of voluntary contributions due to the lack of an official fund-raising campaign, the Trust Fund for Victims is at present unable to use a portion of voluntary contributions to finance its operating costs. It should be noted that the amount of voluntary contributions received to date stands at €20,000.

The time for pledges has passed; it is now time to act. We must demonstrate both cogency and realism. Cogency because the Fund exists in the Rome Statute and you decided to establish it in 2002. And realism because without contributions from States the Fund will be unable to function.

The contributions will allow the Fund to commence its activities in September 2004, first and foremost in order to be operational as soon as the current investigations in Uganda and the Democratic Republic of the Congo have been completed. A collection strategy must also be developed to enable the Fund to be at least partly self-financing in the future.

Firm in the knowledge that the governments you represent attach great importance to progress in ensuring compensation for victims, I am confident that you will respond favourably to this appeal so that the commitments you have made may be honoured as soon as possible.

I should like to conclude by thanking the whole of the Registry and in particular the Registrar for the immense assistance they have provided since the establishment of the Board of Directors. Without their help we would have been unable to achieve anything to date.