

## **QUESTIONS AND ANSWERS ON THE VICTIMS TRUST FUND**

### **1. What is the VICTIMS TRUST FUND?**

The Victims Trust Fund is established as part of the International Criminal Court for the victims of genocide, crimes against humanity and war crimes and their families. This fund was established in recognition of the fact that justice is not only about punishing perpetrators, but is also about restoring dignity to victims.

The International Criminal Court is being established as an important mechanism to end impunity for the worst crimes known to humanity - genocide, crimes against humanity and war crimes. When it created the treaty that established the International Criminal Court - the Rome Statute - the International Community also recognized that the needs of millions of victims of these heinous crimes have been ignored. It therefore established the Victims Trust Fund to help ensure that the needs of victims are met to help them move forward with their lives.

### **2. Why is a VICTIMS TRUST FUND included in the Rome Statute?**

A Victims Trust Fund is included in the Rome Statute because it was widely recognized that justice before the International Criminal Court could not only be about the punishment of perpetrators; it must also help restore dignity to victims.

At the International Criminal Court, as part of the criminal case against the perpetrators, victims have the opportunity to claim reparation against the perpetrators – and victims may be awarded compensation or other forms of reparation. The Victims Trust Fund will help the Court distribute awards to victims. It will also step in to help the many victims who would otherwise not be able to receive reparation – because the persons who committed the horrific crimes have no money, or have evaded the reach of the Court altogether.

### **3. How is the VICTIMS TRUST FUND related to the International Criminal Court? To the UN?**

The Victims Trust Fund is created by the Rome Statute. It therefore has a clear connection to the Court and its work. There will be occasions when the Victims Trust Fund will collaborate closely with the Court. For example, the Court may make an order for reparations against a perpetrator, and the Victims Trust Fund will be tasked [by the Court] to ensure that the award reaches victims.

However, the Victims Trust Fund is not the same as the Court. It cannot rely on the regular budget of the Court for its work, and therefore will be largely dependent on voluntary contributions. It will have the capacity to determine how best to apply the funds it collects from voluntary contributions to victims and their families – to ensure maximum effect.

The Victims Trust Fund, like the International Criminal Court, will operate independently from the United Nations. The Rome Statute was adopted by countries around the world and has so far been ratified by over 80 states. Government representatives,

nongovernmental organizations and other members of civil society from the United States and elsewhere, actively contributed to the debates on the Court and played a major role in its creation.

#### **4. What precedent is the VICTIMS TRUST FUND based on?**

The Victims Trust Fund sets a new precedent. No other international criminal tribunal has such a fund.

There are many trust funds that provide humanitarian assistance to victims. For instance, the US government has established a trust fund for the victims of September 11 and the UN has established a trust fund to provide assistance to victims of torture. However, the Victims Trust Fund is one of the first trust funds to develop alongside a Court, and to make a lasting contribution to the process of justice initiated by that Court.

#### **5. Where does the money come from?**

The money will come mainly from voluntary contributions from individuals, organisations, corporations, governments and others. It may also come from other sources, including money and other property collected through fines or other orders imposed on perpetrators.

#### **6. Where does the money go?**

The money will go either directly to victims of genocide, crimes against humanity and war crimes and their families or may also be paid to international and non-governmental organizations and others to run projects - for example, rehabilitation projects - for the benefit of victims of these crimes and their families.

#### **7. How will the money help victims?**

There are a number of ways for the Victims Trust Fund to help victims. It can provide sums of money to individual victims; it can also provide for collective awards. It is important to note that the needs of victims will vary from situation to situation, therefore there is no strict formula for how the money will be used to help victims.

The Court and the experts that manage the Victims Trust Fund will need to decide in each case, in consultation with victims and their representatives, how the money can be used most effectively to help the victims. This could include funding projects such as building a memorial site, funding a psychosocial rehabilitation center, funding a project to identify the bodies of family members and to rebury them in accordance with culturally-sensitive practices, and creating educational institutions that will focus on ways to prevent such crimes from happening again, to name but a few.

#### **8. Who is eligible for awards from the Victims Trust Fund?**

The rules establishing the Victims Trust Fund provide that it is for the benefit of victims of crimes within the jurisdiction of the Court, and the families of such victims.

### **9. Who manages the Victims Trust Fund and where is it based?**

The Victims Trust Fund will operate under the management of the Board of Directors. The Board of Directors will be 5 women and men from all parts of the world, of high moral character, impartiality and integrity with a competence in the assistance to victims of serious crimes. They will manage the Victims Trust Fund in a voluntary capacity. The election of the Board of Directors will likely take place in April 2003.

The Victims Trust Fund and its staff that will be responsible for the day to day running of the Fund, will be based in the Hague, the Netherlands, the location of the International Criminal Court.

### **10. Who decides the recipients, scope and the nature of the awards of the Victims Trust Fund?**

One of the first tasks of its Board of Directors will be to develop criteria on how the Victims Trust Fund will take its decisions. These criteria will be approved by the Assembly of States Parties, the overall governing body of the International Criminal Court where all states parties to the Rome Statute have a representative.

### **11. When will the Victims Trust Fund start distributing funds?**

The Victims Trust Fund will start distributing funds after the Board of Directors is elected and the criteria on how the Trust Fund will take its decisions are approved.

### **12. Who is the Victims Trust Fund accountable to?**

The rules governing the Victims Trust Fund set out strict financial controls. The Victims Trust Fund is obliged to report every year to the Assembly of States Parties, the governing body of the International Criminal Court, on the activities and projects of the Trust Fund and on all offered voluntary contributions.

The Finance Committee of the Court is tasked with examining the budget of the Victims Trust Fund every year and making recommendations regarding the best possible financial management of the Fund.