

**NGO PAPER ON BEHALF OF MEMBERS OF THE VICTIMS WORKING GROUP AND
FINANCIAL REGULATIONS AND RULES TEAM**

Statement on the Victims Trust Fund

We support the Proposal of France on the sources of funding for the Trust Fund for Victims [regulation 6.8]. We also welcome its Annex on the management of the Trust Fund [DP.9] in that it recognises the importance of the Trust Fund for Victims, and acknowledges that it is essential for the Assembly of State Parties to meet its obligations under Article 79 of the Statute.

We note that at the 6th PrepCom the Bureau recognized that the PrepCom should develop recommendations on the Trust Fund for Victims to the Assembly of State Parties. We understand that the Working Group on Financial Regulations and Rules has had only limited time to address these issues. We further recognise that DP.9 introduces a number of issues which will have major implications for the establishment and operation of the Fund and the Court itself.

In particular, we are concerned with the assignment to the Registrar the entire responsibility for managing the Victims Trust Fund. Placing the Registrar, who is elected by the judges, in such a pivotal role in managing the Trust Fund will be difficult procedurally and substantively, in light of other responsibilities:

- The Registrar is already tasked with the administration of the Court, including the Victims and Witnesses Unit and assuring the rights of the defence. The Assembly of State Parties, which is specifically required by the Statute to create the Fund, should not assign this special and separate responsibility to the Registrar.
- The nature of the Trust Fund for Victims is particular. While it shares many of the objectives of the Court, its mandate is unique and goes beyond the traditional functions of the Registrar. Tying the Trust Fund for Victims to the Court through the Registrar in such a close way will affect not only the independence of the Fund, but the independence of the Court and its effectiveness and credibility.

It may be helpful for discussions on the management of the Trust Fund to reflect the core operations of the Fund. Some of these core issues such as the scope of beneficiaries, the criteria for eligibility and the types of assistance require further discussion by delegates.

For these reasons, we reiterate the importance of this issue as a major concern for victims and civil society, which will greatly impact on the independence and effectiveness of the Court.

WE THEREFORE URGE DELEGATES TO GIVE THIS ISSUE THE APPROPRIATE TIME AND CONSIDERATION.