

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, President
Judge Anita Ušacka
Judge Sylvia Steiner

Registrar: Mr Bruno Cathala

SITUATION DEMOCRATIC REPUBLIC OF THE CONGO

Public

**Notification of the Board of Directors of the Trust Fund for Victims in accordance
with Regulation 50 of the Regulations of the Trust Fund for Victims with
Confidential Annex**

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I. BACKGROUND

1. In accordance with regulation 50 of the Regulations of the Trust Fund for Victims¹ (the "Regulations") the Board of Directors of the Trust Fund (the "Board of Directors" or the "Board") shall notify the relevant Chamber before undertaking activities which imply the use of resources other than the ones to be used for implementing awards of reparations ordered by the Court against a convicted person.

2. In particular regulation 50 of the Regulations provides that:

"For the purposes of these regulations, the Trust Fund shall be considered to be seized when:

(a)"(i) the Board of Directors considers it necessary to provide physical or psychological rehabilitation or material support for the benefit of victims and their families; and

(ii) the Board has formally notified the Court of its conclusion to undertake specified activities under (i) and the relevant Chamber of the Court has responded and has not, within a period of 45 days of receiving such notification, informed the Board in writing that a specified activity or project, pursuant to rule 98, sub-rule 5 of the Rules of procedure and Evidence, would pre-determine any issue to be determine by the Court, including the determination of 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.

(iii) Should there be no respond from the Chamber or should additional time be needed by the Chamber, consultations may be held with the Board to agree on an extension. In

¹ The Regulations of the Trust Fund were approved by Resolution ICC-ASP/3/Res.7, ASP, 10th September 2004.

the absence of such an agreement, the extension shall be 30 days from the expiry of the period specified in sub-paragraph (a) (ii). After the expiry of the relevant time period, and unless the Chamber has given an indication to the contrary based on the criteria in sub-paragraph (a) (ii), the Board may proceed with the specified activities”.

3. The Board of Directors, having assessed and evaluated the needs for activities to be undertaken in the territory of the Democratic Republic of Congo (the “DRC”), hereby files the present notification to the relevant Chamber.

4. Being the first time that notification under regulation 50 of the Regulations is undertaken, the Board of Directors considers important to address in the present document, first, the establishment and mandate of the Trust Fund for Victims and, then, to explain the procedure for evaluation and assessment of the needs in the specific case of the Democratic Republic of the Congo, as well as the proposed activities on behalf of victims and their families.

II. ESTABLISHMENT AND MANDATE OF THE TRUST FUND FOR VICTIMS

5. As a result of the failures of the International Military Tribunals created after the Second World War and the International Criminal Tribunals for the former Yugoslavia and Rwanda to address the plight of victims within the context of international criminal justice, the Rome Statute established a system in which the elements of retributive and restorative justice would be reconciled.

6. The precedents in international criminal justice has, in fact, shown that merely prosecution does not suffice to address the needs of victims in a post-conflict society and that the desires of victims go well beyond the notions of retributive justice.²

² Roy S. Lee (ed), *The International Criminal Court, Elements of Crime and Rules of Procedure and Evidence*, Transnational Publishers, Inc., p. 427.

Bearing this in mind, the second paragraph of the Rome Statute refers to the importance of addressing victims in the system of international prosecution by stating that it is:

*"Mindful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity,"*³

7. Consequently, the Rome Statute established a Trust Fund "for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims."⁴

8. According to article 79-3 of the Rome Statute *"a Trust Fund shall be established by decision of the Assembly of States Parties for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims"*. The Assembly of States Parties (the "ASP") therefore created the Trust Fund for Victims (the "TFV" or the "Trust Fund") with Resolution ICC-ASP/1/Res.6, ASP, dated 9th September 2002.⁵

9. In accordance with rule 98 of the Rules of Procedure and Evidence (the "Rules"), the Trust Fund fulfils two main mandates:

- to implement awards for reparations ordered by the Court against the convicted person;⁶ and
- to use the others resources for the benefit of victims subject to the provisions of article 79 of the Rome Statute.⁷

³ Preamble of the Rome Statute of the International Criminal Court.

⁴ Article 79 (1) Rome Statute of the International Criminal Court.

⁵ Resolution ICC-ASP/1/Res.6, ASP, 9th September 2002, Establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, Assembly of States Parties to the Rome Statute of the International Criminal Court, First session New York, 3-10 September 2002.

⁶ Rule 98 (2), (3), (4) of the Rules of Procedure and Evidence.

⁷ Rule 98 (5) of the Rules of Procedure and Evidence.

10. The first mandate is linked to a case and resources are collected through fines or forfeiture and awards for reparations⁸ and complemented with “other resources of the Trust Fund” if the Board of Directors so determines.⁹

11. The second mandate is generic in nature. The resources referred to in rule 98-5 of the Rules are “*resources other than those collected from awards for reparations, fines and forfeitures*”, as defined in regulation 47 of the Regulations and shall be used, in accordance with regulation 48 of the Regulations, to benefit “*victims of crimes as defined in rule 85 of the Rules of Procedure and Evidence, and, where, natural persons are concerned, their families, who have suffered physical, psychological and/or material harm as result of these crimes*”.

12. The wording of rule 98 of the Rules implies a certain degree of discretion of the Trust Fund in identifying the best way to use “other resources” for the benefit of victims in a different framework than the procedures that may apply for reparation awards.

13. Irrespective of the fact that the ASP, not the Preparatory Commission, was to establish the Regulations governing the Trust Fund, upon drafting the Rules of Procedure and Evidence, delegations reiterated the fact that the use of “other resources” should be specifically stipulated.¹⁰ For this reason, rule 98-5 of the Rules states: “*Other resources of the Trust Fund may be used for the benefit of victims subject to the provisions of article 79.*”

14. The *rationale* behind the provision granting the Trust Fund to provide assistance to victims, other than the awarding for reparations, can be found in the

⁸ Regulations 43 to 46 of the Regulations of the Trust Fund for Victims.

⁹ Regulation 56 of the Regulations of the Trust Fund for Victims.

¹⁰ Roy S. Lee (ed.), *The International Criminal Court, Elements of Crime and Rules of Procedure and Evidence*, Transnational Publishers Inc., p.487-488.

Preparatory Works for the Regulations.¹¹ The Draft Regulations of the Trust Fund made a clear distinction between the resources to be used for reparations and the “other resources.” Resources to be used for reparations consist of “resources collected through fines or forfeiture or awards for reparations”¹², while other resources refer to “resources other than those collected from awards for reparations, fines and forfeitures.”¹³

15. The Draft Regulations contained various alternatives to describe the use of “other resources” which all refer to situations other than an order for reparation against a convicted person, connected to specific trial proceedings. In particular, the Draft mentioned:

“(b) To provide for physical or psychological rehabilitation or material support where the Pre-Trial Chamber has authorized the commencement of an investigation in accordance with article 15, paragraph 3, and article 53 of the Statute, or where a situation has been referred to the Prosecutor by a State Party or the Security Council and the Prosecutor decides to initiate an investigation in accordance with article 53 of the Statute. The Board of Directors will determine the applicability of this provision.”¹⁴

“(c) To provide for physical or psychological rehabilitation or material support, in exceptional circumstances, where the situation or the case is not being investigated or prosecuted by the Court because it is or has been investigated or prosecuted by a State which has jurisdiction over it in accordance with article 17 of the Statute or when a situation or case is not being investigated or prosecuted for reasons described in articles 53, paragraph 1(c) or 2(c).”¹⁵

16 It seems therefore clear that the drafters intended to create another mandate for the Trust Fund for Victims, besides the ones of administering reparations.

¹¹ ASP Fourth session, The Hague, 28 November to 3 December 2005, Report of the Bureau on the draft Regulations of the Trust Fund for Victims, ICC-ASP/4/29.

¹² Draft Regulation 46, Draft Regulations of the Trust Fund for Victims, ICC-ASP/4/29.

¹³ Draft Regulation 50, Draft Regulations of the Trust Fund for Victims, ICC-ASP/4/29.

¹⁴ Draft Regulation 51 (b), Draft Regulations of the Trust Fund for Victims, ICC-ASP/4/29.

¹⁵ Draft Regulation 51 (c), Draft Regulations of the Trust Fund for Victims, ICC-ASP/4/29.

Consequently, upon drafting the final text of the Regulations of the Trust Fund,¹⁶ when discussing the use of *"other resources"* any reference to the word *"reparations"* was abandoned.

17. Hence, the conclusion which can be drawn is that the drafters of the Regulations clearly provide for two different mandates of the Trust Fund, implementation of reparations awards and provision of assistance to victims in general through the use of *"other resources."* This interpretation is supported by the clear distinction between the use of *"resources collected through fines or forfeiture or awards for reparations"*¹⁷ and the use of *"other resources of the Trust Fund"* referred to as *"resources other than those collected from awards for reparations, fines and forfeitures"*¹⁸ to be used for assistance¹⁹ to victims and their families.

III. CRITERIA FOR ACTIVATING THE MANDATE OF THE TRUST FUND FOR VICTIMS UNDER REGULATION 50 OF THE REGULATIONS

18. During the Meeting held on 28 June 2007 and during its Fourth Annual Meeting held on 22 November 2007, the Board of Directors has reviewed and evaluated several projects and it has approved specified activities to respond to the needs of physical and/or psychosocial rehabilitation and/or material support of the victims of crimes within the jurisdiction of the Court.

19. This conclusion has been reached by the Board in respect of the situation of the Democratic Republic of Congo after the assessment of existing needs of rehabilitation and support, and the identification of projects of specified activities to respond to such needs.

¹⁶ Regulations of the Trust Fund, Resolution ICC-ASP/4/Res.3.

¹⁷ Regulation 43, Regulations of the Trust Fund, Resolution ICC-ASP/4/Res.3.

¹⁸ Regulation 47, Regulations of the Trust Fund, Resolution ICC-ASP/4/Res.3.

¹⁹ Pursuant to Regulation 48 and 50, Regulations of the Trust Fund, Resolution ICC-ASP/4/Res.3.

20. As previously submitted, the Trust Fund has the mandate to use the “*other resources*” to benefit victims of any crime within the jurisdiction of the Court, as defined in article 5 of the Rome Statute. The Court has already established its jurisdiction over the crimes committed in the territory of the Democratic Republic of the Congo since 1st July 2002²⁰.

21. Hence the Board of Directors has identified the need to use the “*other resources*” for the benefit of the victims of the crimes within the jurisdiction of the Court, as defined in article 5 of the Rome Statute in the Democratic Republic of the Congo.

The assessment of the needs for physical and/or psychosocial rehabilitation and/or material support in the DRC

22. The Board of Directors respectfully submits that it is entitled to undertake the necessary ‘livelihood’ assessments in the DRC to identify the needs of physical and/or psychological rehabilitation and/or material support for the victims of crimes within the jurisdiction of the Court prior to determining within its authority under rule 50(a) (i) of the Regulations whether it is necessary to assistance to victimized communities. This exercise is necessary for identifying the needs of victims and designing the subsequent and appropriate interventions to address the impact of victimization.

20 The Office of the Prosecutor received in March 2004 a referral from the Government of DRC. As written in the letter of the Prosecutor addressed to the presidency the 17 June 2004, “the Referral includes crimes within the jurisdiction of the Court committed within the territory of the DRC since 1 July 2002” (Cf. ICC-01/04-1 06/07/2004 , p.4) After analysis and additional information, the Prosecutor has determined that ‘there is a reasonable basis to initiate an investigation’. Following the reception of this letter, and on the basis of ‘the Prosecutor’s recommendation, under article 53 of the Statute and rule 104 of the Rules of Procedure and Evidence, that there is reasonable basis to initiate an investigation’, the 5 July 2004, the Presidency “decides that the situation in the Democratic Republic of Congo be assigned to the Pre-Trial Chamber I, with immediate effect” (Cf. ICC-01/04-1 06/07/2004 , p. 2,3). These decisions prove that the situation of DRC exists and that the Court has jurisdiction on the whole territory of DRC.

23. The idea of 'livelihood' as described above embodies three fundamental attributes: the possession of human capabilities (such as education, skills, health, psychological orientation); access to tangible and intangible assets; and the existence of economic activities. The interaction between these attributes defines how the Board of Directors prioritizes support so that victims can cope with and recover from the stress and shocks of victimization.

24. Regulation 49 of the Regulations states that "*the Board of Directors may consult victims as defined in rule 85 of the Rules of procedure and Evidence and, where natural persons are concerned, their families as well as their legal representatives and may consult any competent expert or any expert organization in conducting its activities and projects*".

25. This rule derives from best practice in the development and humanitarian field which underlines the need to consult with victims, experts, local and international NGOs, international community, and local authorities. Such consultations are participatory in nature and aim to provide for the active involvement of victims.

26. Through formal surveys, questionnaires, evaluation of existing assessments, and the simple methods used to collect information such as talking to people, walking through communities and observation, the Trust Fund has collected all information needed for being able to program how the "other resources" could be used for the benefit of victims of any crime within the jurisdiction of the Court.

27. On the issue of the commission of crimes under the jurisdiction of the Court in the territory of the DRC, the Trust Fund analysed decisions taken by the Pre-Trial Chamber I, as well as reports²¹ from local, international NGOs and international

²¹ States, international organizations and non-governmental organizations have reported thousands of deaths by mass murder and summary execution. The reports allege a pattern of rape, torture, forced displacement and the illegal use of child soldiers.

organizations which all concluded that mass crimes within the jurisdiction of the Court have been committed after the 1 July 2002²² on the territory of DRC.

28. The Board of Directors therefore has concluded that the needs and livelihood assessed in the field are directly linked to the situation of DRC as referred to the Court by the Congolese authorities. These needs have been defined as psychosocial, psychosocial or material support, and fall under the second mandate of the Trust Fund which habilitates the Board to address them through specified activities.

29. In this respect, the Board of Directors notes that its activities focus on the crimes committed in the situation of DRC and not on the crimes allegedly committed by identified persons.

30. This decision of the Board of Directors is in line with the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abused of Power which states that *"a person may be considered a victim regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted"*²³.

31. The consequence is that the conclusion of the Board to undertake specified activities to address the identified needs does not pre-determine any issue to be determined by the Court, including the determination of the admissibility, the jurisdiction, nor violate the presumption of innocence or cause prejudice to the rights of the accused and a fair and impartial trial.

32. In particular, the decision of the Board does not compromise any of the issues related to the participation of the victims in the situation. The specified activities aim to benefit *"victims of crimes as defined in rule 85 of the Rules of Procedure and Evidence,*

²² On the conflict, see, inter alia, the Rapport MONUC des Droits de l'Homme 2005, 16 May 2006; The Human Rights Situation in DRC (Jan-June, 2006), 26 July 2006; La situation des droits de l'homme en RDC, 27 July 2006. See also the monthly reports from MONUC, available on MONUC website.

²³ UN Declaration of Basic Principles of Justice for Victims of Crime and Abused of Power, General Assembly Resolution 40/34 of 29 November 1985, principle 2.

and where natural persons are concerned, their families, who have suffered physical, psychological and/or material harm”²⁴.

33. Rule 85 of the Rules defines victims as ‘*natural persons who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court*’ or ‘*organizations or institutions that have sustained direct harm to any of their property which is dedicated to religion, education, art or science or charitable purposes, and to their historic monuments, hospitals and other places and objects for humanitarian purposes.*’

34. In order to fulfil its mandate in such a way that the maximum number of persons could benefit of its assistance, the Board of Directors has decided that the specified activities should benefit groups of victims, and not individually identified victims.

35. The Trust Fund has clearly been established also to rehabilitate or support the victims of any crime within the jurisdiction of the Court. Within this task, the mandate of the Trust Fund has not been restricted to the victims who appear before the Court²⁵ or to the victims who participate in the proceedings²⁶. As a consequence all victims of the situation in the DRC could be provided with physical or/and psychosocial rehabilitation and/or material support by the Trust Fund.

36. As the referral to the Court of the situation concerns all the territory of the DRC, a victim rehabilitated or supported by the Trust Fund could be any victim who has suffered harm as a result of a crime of war, crime of humanity or crime of genocide committed on the territory of the DRC after the 1 July 2002. Those crimes have a mass character and victimized millions of persons as it has been underlined in the Preamble of the Rome Statute which states “*that during this century millions of children, women and men have been victims of unimaginable atrocities*”.

²⁴ Regulation 48 of the Regulations of the Trust Fund for Victims.

²⁵ As written in the article 43.6 of the Rome Statute.

²⁶ As permitted in the article 68.3 of the Rome Statute.

37. It results that the number of victims who fall within the mandate of the Trust Fund could not be counted. It would have been impossible for the Trust Fund to rehabilitate or to support if there was a need to identify individual victims due to the sheer numbers, the security concerns and the stigmatization that affects a great proportion of the victims the Trust Fund proposes to assist.

38. The Board of Directors notes that such approach is also envisaged in the case of awards for reparations. In particular, Regulation 60 of the Regulations foresees, in the circumstances of orders for "individual awards to victims", the "cases where the Court does not identify the beneficiaries". However, the fact that "*the names and/or the location of the victims are not known, or the number is such that it is impossible or impracticable for the Secretariat to determine these with precision*" does not preclude the Chamber from ordering individual awards pursuant to rule 98 (2) of the Rules. In such case, the "*Secretariat shall set out all relevant demographic/statistical data about the group of victims in the order of the Court*"²⁷.

39. In accordance with regulations 42 and 48 of the Regulations, the "other resources" of the Trust Fund shall be for the benefit of the victims as defined above, and of their families. This incorporation of the families of the victims into the beneficiaries of the activities of the Trust Fund clearly shows that the approach of the rehabilitation and support should be global to address the needs of a community or a group of victims rather than the ones of individual and identified victims.

40. Furthermore, the decision of the Board of Directors to rehabilitate or support groups of victims rather than individually identified victims is linked to the responsibility of the Court to protect the safety and the security of the victims.

²⁷ Regulation 60 of the Regulations of the Trust Fund, ICC-ASP/4/32.

41. Article 68-1 of the Rome Statute states that the Court “*shall take appropriate measures to protect the safety, physical and psychological well being, dignity and privacy of victims*”. As missions undertaken by the Trust Fund in the field have shown, the perceptions of the Court in the target areas are often characterized by endemic acts of violence and subsequently any person associated with the activities of the Court could be placed in danger. Whereas this second mandate of the Trust Fund is detached from the judiciary process, the distinction in mandates between the Court and the Trust Fund is not properly understood by the overall population in the DRC.

42. Despite the outreach missions in the DRC to explain the difference of its mandate *vis-à-vis* the Court, victims who will benefit from the specified activities of the Trust Fund would be endangered as seen as having contact with the Court. This insecure situation is increased since warrants of arrest have been issued and will probably become more dangerous with the beginning of the pre-trial of Germain Katanga and the trial of Thomas Lubanga.

43. On the issue of the security of victims, the Board of Directors recalls that the Pre-Trial Chamber I has several times reiterated that « [...] *the situation in the Democratic Republic of Congo still appears volatile* [...] »²⁸ and that, as a consequence, victims may encounter risks for their safety and well-being.

44. Therefore, to avoid that a victim who will benefit from the specified activities of the Trust Fund would be identified and considered as having contact with the Court through the Trust Fund, the Board of Directors has estimated necessary to rehabilitate groups of victims through programs implemented by intermediaries.

45. However, article 68-1 of the Rome Statute does not provide only for the safety of the victims but also for the need to preserve their well-being, dignity and privacy.

²⁸ Cf. « *Review of the "Decision on the Application for the Interim Release of Thomas Lubanga Dyilo"* », n° ICC-01/04-01/06-826, 14 February 2007, p. 6.

This means that the Court should take all necessary measures in order to avoid discriminating and stigmatising victims through the proceedings and/or during the implementation of non judiciary activities. This principle is found in the humanitarian good practices too, which underline the fact that the assistance programs should not harm the supported population.

46. Guided by this rule and principle, the Trust Fund shall avoid letting the beneficiaries be identified because of the physical and/or psychosocial rehabilitation and/or material support, i.e. the fact that a victim comes and visit a centre of psychosocial rehabilitation should not lead to his/her identification as a victim of the Trust Fund and to be connected with the Court. In case that happens, the given victim will be endangered as well as stigmatised, which is contrary of the aim of the rehabilitation.

47. When a project of the Trust Fund targets a group of victims rather than one identified, victims of crimes within the jurisdiction of the Court would be rehabilitated an/or supported in an anonymous way, which is respectful of their right of dignity, privacy and well being and so the article 68-1 of the Rome Statute.

48. Furthermore, the activities shall be carried on respecting the principle of non-discrimination in order to avoid new tensions between the population, the tribes, the religions which are contrary to the aim of the international justice and the rehabilitation and support project.

49. This methodology is compulsory to respond properly to need of physical and/or psychological and/or material support.

50. The fact that the Trust Fund is mandated to use the "*other resources*" to the benefit of the victims of the crimes within the jurisdiction of the Court; and the need to avoid endangering, stigmatising and discriminating victims, leads to the

conclusion that the victims who will benefit from the specified activities of the Trust Fund are different from the victims who request to participate in the proceedings or who request reparations. The victims who will benefit from the second mandate of the Trust Fund are groups of persons, which have collectively suffered from the consequences of the crimes within the jurisdiction of the Court; and who need, according to the assessments, physical and/or psychological rehabilitation and/or material support.

51. As it was underlined by Thordis Ingadottir, *"the Trust Fund and the Court pursue complementary, but profoundly different objectives. The interests and motivations of victims and their families using the Trust Fund are different from victims participating in criminal trials and eventual reparations proceedings. Moreover, because the Trust Fund does not have a judicial nature, the broader definition of its beneficiaries will not have any effect on the Court's work"*²⁹.

52. The decision of the Board of Directors to focus on groups of victims do not pre-determine any issue to be determined by the Court, including the determination of the status of victims who participate in the situation. Despite the specified activities, this determination remains the competence *proprio motu* of the relevant Chamber. To participate in the situation, a victim has to meet, individually, some criteria which are linked to the judiciary process. The fact that a victim, as part of a group, would benefit from the specified activities of the Trust Fund does not lead to the automatic conclusion that she/he is recognized as a victim who participates in the situation.

IV. PROPOSED SPECIFIED ACTIVITIES

²⁹ The International Criminal Court, *"The Trust Fund for victims"* (Article 79 of the Rome Statute), A discussion paper, by Thordis Ingadottir, ICC Discussion paper 3, PICT, February 2001, page 9.

53. After having reviewed and evaluated the needs, identified the groups of victims to be assisted and taking into account the humanitarian context, the Board of Directors has decided that it is necessary to propose specified activities.

54.. Bearing in mind its mandate, the protection of the victims, the rights of the suspects and a fair and impartial trial, and the issues which have to be determined by the Chamber, the specified activities – as detailed in the confidential annex - have been designed with the aim of addressing the identified needs of physical and/or psychosocial rehabilitation and/or material support.

55. The Board of Directors approved some proposals of projects which directly addressed the harm caused by the conflict in the DRC and the crimes within the jurisdiction of the Court. In particular, three categories of projects have been established:

- physical rehabilitation ;
- psychological rehabilitation ; and
- material support.

56. The specified activities have been designed taking into account the humanitarian principles and the guidelines provided for in the Regulations. The rehabilitation and support responses are moved to carry out humanitarian and development action by their most fundamental guiding principle, namely, the principle of humanity. This most basic insight of humanitarian action makes clear that preserving a person's dignity and integrity as a human being is as much a goal in rehabilitation and support work as ensuring their physical safety and providing for their material needs. The responses of the Trust Fund extend beyond physical, psychological and material assistance to rehabilitation and/or support but to the protection of a human being in their fullness. This means a concern for a person's safety, dignity and integrity as a human being. For this reason, each project has also been designed to incorporate a protection approach.

57. For the implementation of the projects, the Trust Fund relies upon the activities of intermediaries. Considering the fact that the Trust Fund does not have the capacity to implement directly the programs, the Board of Directors rather establishes relations with the competent organizations and experts (hereinafter, the intermediaries) in the field to carry out the specified activities. Therefore, considering the nature of the work of the Trust Fund and the humanitarian context it is working in, it considers the intermediaries as the direct implementers of the specified activities on its behalf.

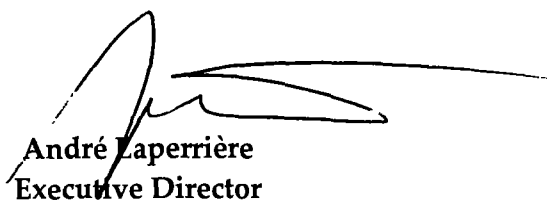
58. This method of implementation is chosen to also protect the victims who will benefit from the specified activities, decreasing the possible perception of a direct association between these victims and the Court. However, the Board of Directors notes that the fact that the specified activities will be implemented through intermediaries does not eliminate all security risks, as recently demonstrated through threats received by potential intermediaries and beneficiaries as a result of the perceived connection to the Court's judiciary process.

59. The intermediaries are chosen by the Board, in consideration of their specialization, experience, local presence and knowledge of local conditions, and their technical expertise. In order for the intermediaries to carry on the specified activities, a contract will be signed with them in order to ensure that the identified groups of victims will benefit from the delivering of physical and/or psychological rehabilitation and/or material support. Furthermore, the Board of Directors will ensure that follow-up monitoring visits will be organized to strengthen the capacities of the intermediaries and ensure the quality of the specified activities.

FOR THE FOREGOING REASONS

The Board of Directors having assessed the needs of rehabilitation and support of groups of victims in the territory of the Democratic Republic of the Congo hereby notifies the pre-Trial Chamber I of its conclusion to undertake the specified activities in the territory of the Democratic Republic of Congo, as listed in the confidential annex.

The Board of Directors through the Secretariat of the Trust Fund respectfully informs the Pre-Trial Chamber I of its willingness and availability to appear before the Chamber on any specific issue addressed in this notification and/or on any other issue the Chamber deems necessary.



André Laperrière
Executive Director

Secretariat of the Trust Fund for Victims

Dated this 24 January 2008

At The Hague, The Netherlands