



**The Trust Fund
for Victims**



Empowering victims and communities towards social change



**Programme Progress Report
Summer 2012**

www.TrustFundforVictims.org

ACKNOWLEDGEMENTS

This report is co-authored by Judicael Elidje, Monitoring & Evaluation Advisor; Katharina Peschke, Legal Advisor; Aude Le Goff and Scott Bartell, Regional Programme Officers; Bertin Bishikwabo and Richard Budju, Field Programme Assistants, Lisa Sulis and Johanna Huhtanen, Interns and Marita Nadalutti, Programme Assistant. We gratefully acknowledge all contributions made on behalf of the Trust Fund for Victims. Our successes and lessons learned would not be achieved without the hard work of the TFV implementing partners.

The information and photos presented in this report reflect the efforts of our partners and staff. All of the pictures are of actual TFV beneficiaries and activities.

We would also like to express our gratitude for the support provided by the TFV's Board of Directors and the ICC, especially Registry staff who support the TFV's administration and operations. Finally, none of this work would be possible without the contributions from our generous donors. Their support ensures that the victims of crimes under the jurisdiction of the ICC are recognized and supported by the Rome Statute System.

I. Executive Foreword	3
II. Programme Updates	4
(A) Overview of the rehabilitation mandate	4
(B) Country updates	6
DRC	
Northern Uganda	
CAR	
Netherlands	
(C) Earmarked funding	9
(D) Project updates	11
III. Empowering victims and communities	14
(A) Introduction	14
(B) Well-being and self-esteem	15
(C) Social support for victims and their reintegration	19
(D) Livelihood and material security	22
(E) Reconciliation	23
(F) Gender dimensions	25
(G) Conclusion	27
IV. Strengthening the restorative function of the rehabilitation mandate in DRC	28
V. Update on the transitioning phase in northern Uganda	32
VI. The Trust Fund's proposal for options to move forward with reparations in the Lubanga case	35
VII. Financial updates	42
VIII. Project annexes	44
IX. Overview of the TFV	48

I. EXECUTIVE FOREWORD

Avoid further stigmatisation and harm, and aim to achieve positive transformation of the lives of victims, their families and their communities. These are amongst the guiding principles that the Trust Fund for Victims (TFV), based on its experience of implementing its assistance mandate, has argued to be appropriate for Court-ordered reparations. In addition to providing redress of harm suffered, the International Criminal Court's (ICC) judicial reparations should also allow victims to regain their dignity, and to rebuild and improve on their living conditions.

While the assistance mandate of the Trust Fund does not qualify as "reparations" in the technical sense of the Rome Statute, it does have a clear reparative purpose. Activities under the Fund's assistance mandate, implemented for the benefit of victims within the jurisdiction of the ICC, are authorized by the Fund's independent Board of Directors. They are not decided in a Court room. Yet the type of activities prescribed for the TFV assistance mandate – physical and psychosocial rehabilitation, and material support – clearly reflect the dimensions of internationally accepted forms of reparations.

The great thing about the assistance mandate of the TFV is that it enables us to intervene on behalf of victims independently of the outcome of judicial proceedings, as long as we stay within ICC situation countries, and provided that the projects that we support do not pre-determine any issue to be determined by the Court. This way, we are currently able to reach out to over 80,000 victims in northern Uganda and the DRC. With the Court's first reparations decision still to be issued – very soon now in the *Lubanga* case – the past four years have allowed us to build up a wealth of operational experience, field-based knowledge and lessons learned, which in turn should be very useful in assisting the Court to ensure that reparations awards are indeed an appropriate response to the harm suffered by the victims concerned. At stake is the credibility of both the ICC and the TFV in their ambitions to recognize and address the plight of victims of the most serious crimes.

Empowering victims and their communities toward positive change in their lives is an inspirational journey. This report documents the results achieved in the past six months in projects supported by the TFV and its partners. In the past months, I have had numerous occasions to appreciate first-hand the dedication, professionalism and perseverance of our diverse group of implementing partners as well as of our staff, in the field and at headquarters.

This Summer 2012 TFV report illustrate the unique road travelled by the TFV and its partners towards articulating and achieving reparative justice for victims, whether or not in a context of resurgence of violence. It includes country-level assessments of the Fund's outlook in Uganda and DRC. You will also find a summary of the Fund's submission to Trial Chamber I on the principles and procedural issues to be addressed in a reparations phase in the *Lubanga* case – the first ever before the ICC.

Pieter de Baan
Executive Director, Trust Fund for Victims

II. PROGRAMME UPDATE

This issue of the Summer 2012 Programme Progress Report (PPR) is dealing with the empowerment facet of the work achieved by the Trust Fund for Victims in its dual mandate: the rehabilitation mandate and the upcoming court-ordered reparations. The report will mostly use the achievements made through the rehabilitation mandate to illustrate how the Fund operates to bring changes to the lives of thousands of victims, their families and the communities they belong to.

(A) Overview of the rehabilitation mandate

During this reporting period (January to June 2012¹), the Trust Fund consolidated and scaled up its interventions in the Democratic Republic of the Congo. In northern Uganda, the transition phase is ongoing. The TFV is moving to a next stage in the Central African Republic process. In terms of programme management, the staff conducted several monitoring field visits to oversee the implementation of projects. Moreover, they led the qualitative preparation of project extensions with the implementing partners. As part of this process, the Fund contributed to strengthening the capacity of the implementing partners to look for result-driven activities that can bring more impact in the lives of victims and their communities, such as: **promoting well-being, increase of self-esteem, better reintegration, sustainable livelihood activities, reconciliation and social cohesion.**

The TFV continues to support during this first semester, tens of thousands of victims of crimes under the International Criminal Court jurisdiction. The supported interventions are done at individual and community levels. The current number of direct beneficiaries is approximately 83,400 victims reached through the rehabilitation mandate. This figure includes both newly identified beneficiaries and beneficiaries from the previous years who are still benefiting the support of implementing partners in eastern DRC and northern Uganda. The active projects that are running through 2012 will mostly receive a one-year cost or no-cost extension for 2013 after the review of their strategies as well as the fulfilment of the compliance to requested programmatic adjustments. This approach is, therefore, consolidating the multi-year approach chosen for the assistance to victims.

The target beneficiaries of the TFV interventions are victims defined according to the description of the Rome Statute. In fact, all acts of violence described below occurred on or after 1 July, 2002 in the context(s) as described in Articles 6, 7, and 8 of the Rome Statute:

- **SGBV:** victims of sexual and gender-based violence, including rape, forced pregnancy, sexual slavery; also including girls abducted and/or recruited into armed groups and forcefully impregnated;
- **Widows/widowers:** whose partners were killed;
- **Former child soldiers/abducted youth:** children and youth forced and/or recruited

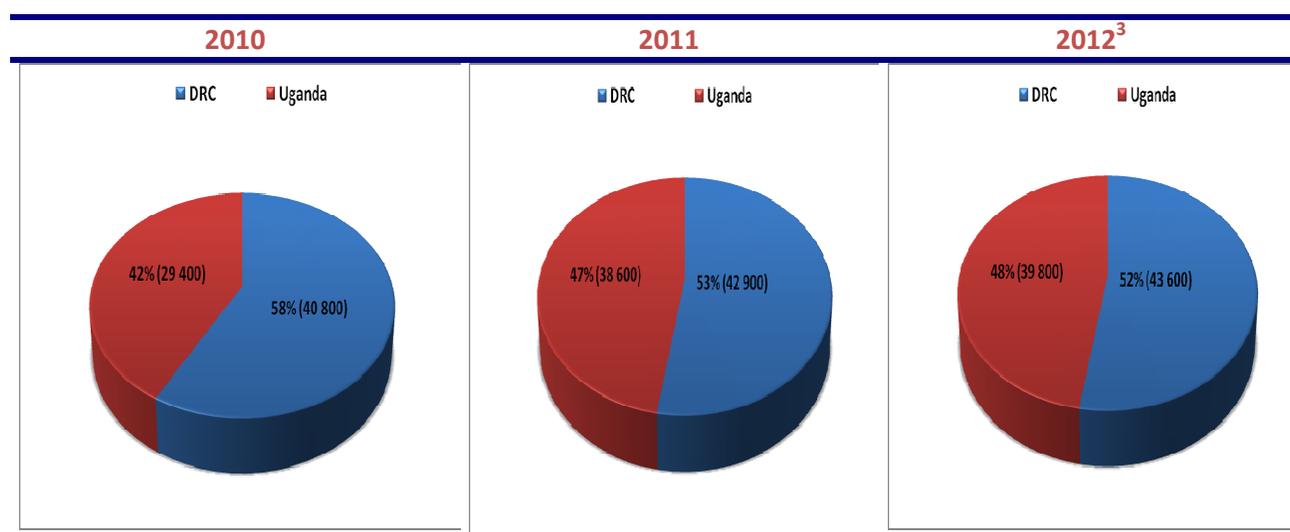
¹The reporting period (January to June 2012) is actually taking into account the figures of the reports from the first quarter 2012. However, for other activities considered, the period covers this first semester 2012.

into armed groups under the age of 15 (regardless of their particular role(s) played during abduction or conscription);

- **Orphans and vulnerable children:** children whose parent(s) were killed or children otherwise made vulnerable by the violence;
- **Physical and mental trauma:** victims who suffered a physical injury and/or who were psychologically traumatised by violence;
- **Family and other victims:** family members of victims (with the exception of widows and orphans) and others who do not fall in the above categories, but affected by violence.

The TFV utilises two types of outreach strategies to reach victims of crimes under the jurisdiction of the Court² at both the individual and community levels. Since the Winter 2011 PPR, there is a slight increase in the number of beneficiaries.

FIGURE 1: DIRECT BENEFICIARIES (INDIVIDUAL AND COMMUNITY), 2010 – 2012



The TFV provides three types of legally defined assistance to victim survivors: physical rehabilitation, psychological rehabilitation and material support. A victim-centred approach combined with an integrated community-based approach remains two guiding strategies for the implementing partners. The information about the type of assistance is described below:

- ❖ Provision of psychological support to victims through both long-term counselling and emergency clinics, addressing stigma and discrimination through community sensitization and information campaigns., This includes broad-based community education on sexual violence as a tactic of war and the links between peace, reconciliation and rehabilitation;

² Pursuant to Rule 85 of the Rules of Procedure and Evidence

³ Data for 2012, includes only an estimate of data provided by implementing partners for the 1st quarter 2012 combined with the cumulative figure of previous years

- ❖ Ensuring that victims receive referrals for medical assistance and materials, including plastic surgery, orthopaedic fitting, fistula repair, services for HIV and AIDS and other sexually transmitted infections (STIs), sanitary supplies and more;
- ❖ Providing material support for income generating activities and implementing training programs that help survivors sustain economic empowerment;
- ❖ Implementing special initiatives for children born out of rape and children who, themselves, have been victimized by sexual and gender-based crimes under the ICC’s jurisdiction, including access to basic services, education, and nutrition support, and inter-generational responses and stigma reduction programs;
- ❖ Building up the capacity of implementing partners and victims as a strategy to reinforce the sustainability of the interventions;
- ❖ Engaging community dialogue and reconciliation to foster peace within and between the communities that create a suitable environment for prevention of crimes.

(B) Country Updates

DEMOCRATIC REPUBLIC OF THE CONGO



The TFV is providing rehabilitation assistance to victims of crimes under the jurisdiction of the ICC in the situation of the Democratic Republic of the Congo since 2008. An estimated 43,600 victims are benefitting from TFV-funded material support and psychological rehabilitation.

The network of local and international partners based in the eastern part of the country are giving assistance to victims. The victims who have benefited from physical rehabilitation with healthcare content received this assistance in partnerships with other specialized organizations after a referral. With a channel of 99 primary and secondary schools reaching over 297 classrooms, the project “A l’Ecole de la Paix” implemented by Missionnaires d’Afrique (TFV/DRC/2007/R1/019) is instilling the culture of peace, forgiveness, and living-together among 14850 teenagers (10-17 years-old). The focus is on vulnerable war orphans, former child soldiers, and adolescent mothers who are survivors of rape. The project uses recreational activities as a means to highlight the messages. Targeted schools are recruited in collaboration with the involvement of national authorities among the formal education system schools. The project contributes in this way to build a lasting culture of peace with a specific emphasis on breaking the inter-generational violence. On the other hand, the project “La Caravane de la Paix” (Peace Caravan), targeting victims and their communities (RHA/TFV/DRC/2007/R2/027), is mobilizing communities throughout the Ituri District for fostering community dialogue.

The “System of Mutual Solidarity” or MUSO (Mutuelle de Solidarité) is a specific process providing village savings and loans. The interest for the MUSO is still growing as an implementation strategy to properly respond to the needs expressed by victims related to

their economic independence and their full participation in the life of their communities. It actually materialized with an increase in the number of existing MUSO. The implementing partners also focus their intervention through the MUSO as a way to rebuild social trust. The MUSO contributes to empower the victims, as it reinforces their economic power and facilitates their reintegration process.

NORTHERN UGANDA



The TFV continued providing assistance to victims of crimes under the jurisdiction of the ICC in the situation of northern Uganda. An estimated 38,900 victims in Uganda have benefitted from TFV-funded material support, psychological rehabilitation and/or physical rehabilitation since 2008.

No violence has been encountered in northern Uganda since 2006. People who have suffered harms and injuries have found in some extent coping mechanisms to survive and may no longer need assistance. That is why the TFV initiated its transition phase. The transition period allows the Fund to closely work with its implementing partners to capitalize on the achievements and what lessons have been learned. Thus, the current strategy of the implementing partners is building the bridge between their accomplishment and their exit strategy to ensure more impact and in the meantime, guarantee the sustainability of interventions.

Community peace building activities continue with social workers and intend to increase the success of the interventions within a suitable environment. COOPI was able to offer multidimensional assistance to survivors of gender-based violence to foster community awareness and reached over 100, 000 people. This large-scale outreach activity with traditional leaders, women's grassroots organisations and other community groups was designed to sensitise them about the rights of women and particularly the victim survivors of sexual and gender-based violence (SGBV). However, CARE with its seven local implementing partners was able to offer assistance to 5,900 beneficiaries under the objective areas of psychosocial support, physical rehabilitation, livelihood, economic empowerment support, peace building and reintegration.

CENTRAL AFRICAN REPUBLIC



The TFV launched a three-month Call for "Expressions of Interest" (EOIs) from May-August 2011 to mainly support the rehabilitation of victim survivors of sexual and gender-based violence in the Central African Republic.

The TFV received expressions of interest from a broad range of organisations. The process of reviewing the EOIs was completed in 2011. Out of 19 organizations, only 9 fulfilled the set of criteria. Those selected organizations were invited to an orientation workshop for the development of their proposals in February 2012. Among the potential implementing partners, there were both local and international

organizations with a very good local base. The workshop aimed at providing the 9 selected organisations with the appropriate information of the standard requirements, as well as the adequate tools for the development of qualitative proposals. Thus, the invited organizations were able to: i) have a common understanding of the role of the TFV vis-à-vis the ICC; ii) learn more about the TFV programmatic framework; iii) apply gender mainstreaming and survivor-centred approaches into their proposals.

Several topics were discussed during the work. The TFV team gave general information about the ICC and the TFV in terms of their respective mandate, their mode of functioning and the types of international crimes that draw the attention of the international community under the jurisdiction of the Court. Also discussed were the situation countries, and their roles in fighting against impunity. The government of CAR referred itself to the ICC in January, 2005.

With the consensus method, the mind mapping and the mapping of crimes committed as methodological tools, the invited organizations determined in one voice, the types of crimes committed, the main areas of atrocities and places where the interventions should focus. The organizations discussed the issues of responding, not only to the needs of victims, but also finding ways to bring a kind of restorative justice with regard to the harms suffered. They also cleverly created a community-based approach as a key outreach strategy to get the communities involved and, therefore, to ensure the buy-in of the possible interventions at early stage. The participants mostly welcomed the orientation workshop. They provided positive feedback. The TFV will possibly use this approach as a practice in future countries to foster the quality of the proposals which should be fully based on the realities faced by victims and their communities.



Presentation of the ICC and the TFV



Group work on crimes mapping

A procurement process followed the workshop. The 9 selected organizations submitted their proposals which were fully reviewed. The Board of Directors analyzed and approved the technical review committee propositions. The next stage of the procurement process will be to finalize the contractual requirements after the approval of the Procurement Review Committee. The launch of the projects is expected in the last quarter of 2012. Before the launch, a workshop to harmonize the approaches and also strengthen the coordination mechanism among implementing partners should take

place in the same period.

HEADQUARTERS' ACTIVITIES

During this first semester, staff from TFV Headquarters continued to technically support field activities. They were involved in facilitating financial and administrative issues for the implementing partners. The Senior Programme Officer took part in a World Feminist Conference in Istanbul shared the achievements made so far on gender and women's empowerment. Moreover, she highlighted the accomplishments done after four years in Ottawa, Canada at the invitation of the Parliament. The Chair of the TFV Board made a public pledge for an increase in voluntary contributions, while acknowledging the current global



The Executive Director on field visit near Bunia, DRC

financial turmoil. At the grassroots level, it remains essential to reinforce and diversify partnerships that support the TFV activities in order to increase the impact it has in the lives of victims. The Executive Director participated in different fora and conferences (Geneva, Oslo, London, 14th Symposium on Victimology in The Hague) where, he, once again, stressed the importance of complementing the legal role of the ICC by enabling a strong rehabilitation mandate with a restorative justice value.

(C) Earmarked funding

Since a call issued in 2008 for donations to support its rehabilitation programme, the TFV has raised € 2,272,800. The earmarked donations were used for survivors of sexual and/or gender-based violence (SGBV), children formerly associated with armed groups in the DRC, as well as direct capacity-building support and activities provided to the TFV Secretariat soldiers. The current report focuses on the funds raised from six countries to support six of the TFV's implementing partners (see figures 2 and 3).

FIGURE 2: EARMARKED DONATIONS TO SUPPORT SURVIVORS OF SEXUAL VIOLENCE, CHILD SOLDIERS AND CAPACITY-BUILDING (THOUSANDS OF € PER YEAR.)

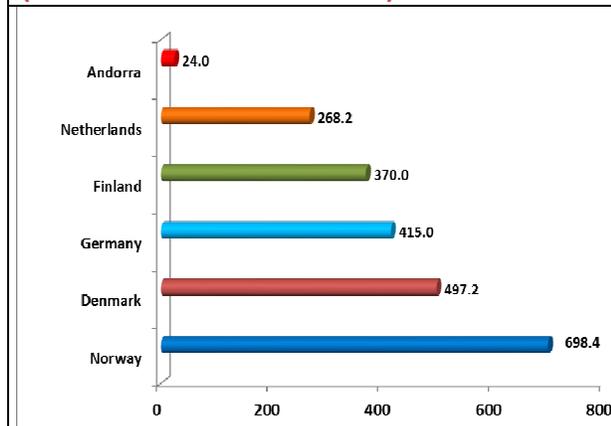
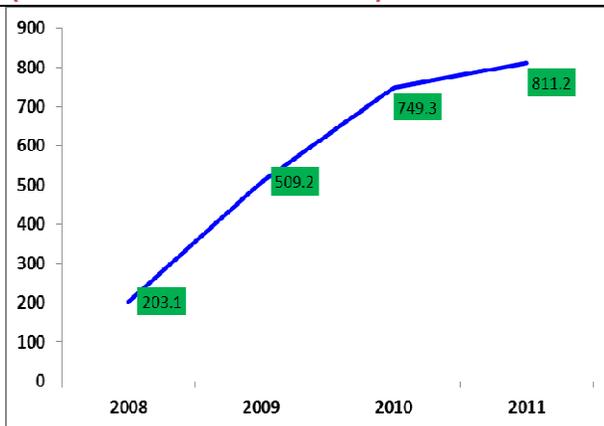


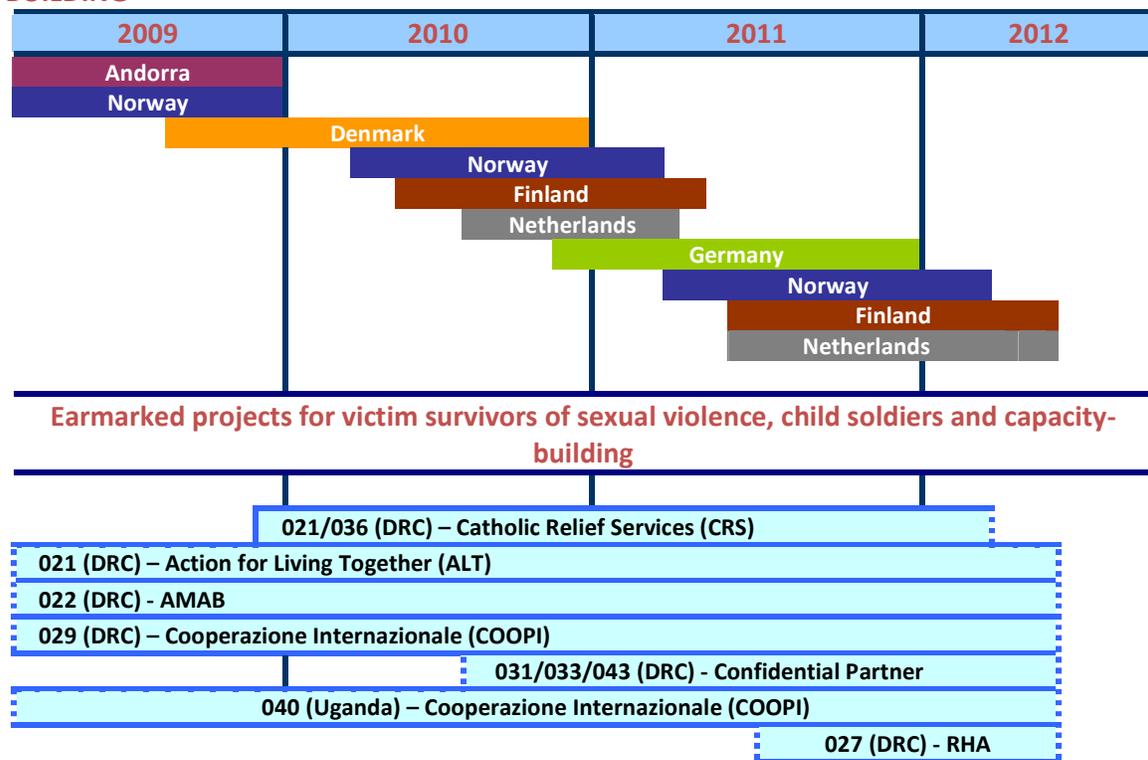
FIGURE 3: EARMARKED DONATIONS TO SUPPORT SURVIVORS OF SEXUAL VIOLENCE, CHILD SOLDIERS AND CAPACITY-BUILDING (THOUSANDS OF € PER YEAR.)



The report shows an increase in the earmarked donations year after year, despite the difficulties. This clearly shows the value given to the accomplishments of the Fund. This recognition from donors also speaks in favour of an increase in donor contributions to provide substantial support to victims of international crimes in other situation countries.

These victim survivors include almost 200 girls abducted and/or conscripted and sexually enslaved by armed groups in north-eastern DRC and 780 children of women victimized by campaigns of mass rape and displaced from their communities in the Kivus. The TFV has also reached almost 20,000 grassroots community leaders and peace builders in both the DRC and northern Uganda through sensitization and information campaigns designed to promote understanding and reconciliation.

FIGURE 4: EARMARKED DONATIONS AND PROJECTS FOR SGBV, CHILD SOLDIER, CAPACITY-BUILDING



(D) Project updates

DRC Project Number(s)	Partner(s)	Location	Project Duration	Obligated	Funded by	Description and Comments
TFV/DRC/2007/R1/001 TFV/DRC/2007/R2/036	Catholic Relief Services and sub-grantees	South Kivu	11 Dec 2009 – 10 Sep 2012	\$470,000	Denmark Germany Finland	<ul style="list-style-type: none"> 1,500 victims of SGBV receiving material support and psychological rehabilitation; 725 Community peace builders trained to promote victims' rights;
TFV/DRC/2007/R1/004	<i>Project closed</i>	Ituri	30 Oct 2009 – 28 Feb 2012	\$78,701	Common basket	<ul style="list-style-type: none"> 450 beneficiaries of counselling and community reconciliation;
TFV/DRC/2007/R1/019	Missionnaires D'Afrique	Ituri & North Kivu	1 Nov 2008 – 31 Jul 2012	\$452,863	Common basket	<ul style="list-style-type: none"> 1,900 children and youth associated with armed forces or made vulnerable by war reached through "School of Peace"; An estimated 15,000 other children and community members A new cost extension has been requested for additional 11 months and is pending approval
TFV/DRC/2007/R1/021	ALT	South Kivu	1 Nov 2008 – 30 Jun 2013	\$694,974	Denmark Finland Norway	<ul style="list-style-type: none"> 400 victims of SGBV receiving small grants and psychological rehabilitation; 800 of their children receiving education grants.
TFV/DRC/2007/R1/022	AMAB	Ituri	1 Dec 2008 – 30 Jun 2013	\$445,770	Finland Norway Germany	<ul style="list-style-type: none"> 300 victims of SGBV receiving material support and psychological rehabilitation.
TFV/DRC/2007/R1/004 TFV/DRC/2007/R2/027	Réseau Haki Na Amani	Ituri	1 Nov 2008 – 30 Apr 2013	\$847,865	Common basket & Netherlands	<ul style="list-style-type: none"> 800 beneficiaries of counselling; 10,500 victims benefitting from material support; 40,000 community members benefitting from community reconciliation activities.
TFV/DRC/2007/R2/028 TFV/DRC/2007/R2/029	Cooperazione Internazionale	Ituri	1 Nov 2008 – 31 Jul 2012	\$967,257	Denmark Finland Germany Norway	<ul style="list-style-type: none"> 187 girls associated w/ armed groups, and 183 of their babies, who have received or are receiving accelerated education and material support to rejoin Ituri school system; 150 children and youth formerly associated with armed groups; 50 children and youth made vulnerable by war (e.g. orphans); Extended to continue providing accelerated education and to incorporate former child soldiers and vulnerable children from project 028, which was closed in early 2010; A new 7-month cost extension has been requested and is pending approval.
TFV/DRC/2007/R2/030	ACIAR	Ituri	1 Nov 2008 – 31 Jul 2012	\$713,904	Common basket & Netherlands	<ul style="list-style-type: none"> 400 children and youth formerly associated with armed groups; 200 children and youth made vulnerable by war (e.g. orphans); 400 people from families caring for children orphaned by war; Extension incorporated former child soldiers and vulnerable children from project TFV/DRC/2007/R1/011, which was closed in late 2009 and project TFV/DRC/2007/R1/026, which was closed in early 2010; A new cost extension has been requested for additional 11 months and is pending

						approval.
TFV/DRC/2007/R2/032	KAF	South Kivu	1 Nov 2008 – 30 Jun 2013	\$251,647	Common basket	<ul style="list-style-type: none"> • Counselling and vocational training for 150 victims of torture and mutilation
TFV/DRC/2007/R2/031 TFV/DRC/2007/R2/033 TFV/DRC/2007/R2/043	International partner and sub-grantees	North Kivu, DRC	1 Nov 2008 – 31 Aug 2012	\$1,137,416 (\$650,000 earmarked)	Norway	<ul style="list-style-type: none"> • 550 victims of SGBV receiving material support and psychological rehabilitation; • Partner had been implementing projects 026 and 028, but these were closed and the beneficiaries transferred to projects 030 and 029, respectively.
TOTAL: 14 active projects (out of 16 approved)						43,600 direct beneficiaries (est.)

Uganda Project Number(s)	Partner(s)	Location	Project Duration	Obligated	Funded by	Comments
TFV/UG/2007/R1/003 TFV/UG/2007/R1/005 TFV/UG/2007/R1/006 TFV/UG/2007/R1/016 TFV/UG/2007/R1/020 TFV/UG/2007/R1/025 TFV/UG/2007/R2/035	International partner and sub-grantees	Northern Uganda	2 Dec 2008 – 1 Dec 2012	UGX 3,228,683,029	Common basket	<ul style="list-style-type: none"> 7 projects managed by one international implementing partner based in Uganda; Project reaching estimated 5,900 victims through integrated physical, psychological and material assistance.
TFV/UG/2007/R1/14a	Project closed	Northern Uganda	11 Nov 2009 – 10 Jul 2011	€28,310	Common basket	<ul style="list-style-type: none"> TFV has been working with Interplast Holland since 2008 to provide victims with reconstructive surgery for cut lips, cut ears and other facial mutilations. A last surgical camp was completed in June 2011.
TFV/UG/2007/R1/014b	Watoto	Northern Uganda	20 Jan 2011 – 19 Jan 2013	UGX 417,000,000	Common basket	<ul style="list-style-type: none"> WATOTO provide medical rehabilitation to victims identified through other TFV projects, whose needs were too severe to be met by current interventions.
TFV/UG/2007/R1/014c	Centre for Victims of Torture	Northern Uganda	30 Oct 2009 – 29 Oct 2012	UGX 1,338,924,518	Common basket	<ul style="list-style-type: none"> CVT has been providing capacity-building services for several of TFV's partners since 2009; Under current contract, CVT stationed psychological counsellor in Lira, Uganda to work directly with 14 counsellors from 7 Uganda organisations (4 of which are current TFV grantees or sub-grantees).
TFV/UG/2007/R1/018 TFV/UG/2007/R2/042	AVSI	Northern Uganda	1 Nov 2008 – 31 Oct 2012	€339,575	Common basket	<ul style="list-style-type: none"> Implementing two projects with the TFV since 2008, one identifying and mobilizing victims for physical rehabilitation (with TFV partner Interplast) and one providing victims with prosthetic limbs at GROW Centre in Gulu, Uganda.
TFV/UG/2007/R2/038	NECPA	Lira & Amuria Districts	1 Dec 2008 – 30 Nov 2012	UGX 865,544,000	Common basket	<ul style="list-style-type: none"> Supporting estimated 2,700 victims in the Lango and Teso Sub-Regions of northern Uganda through agricultural assistance.
TFV/UG/2007/R2/039 TFV/UG/2007/R2/041	DNU	Gulu & Amuru Districts	5 Nov 2008 – 4 Nov 2012	UGX 450,856,200	Common basket	<ul style="list-style-type: none"> DNU provides "healing of memories" sessions to several hundred victims, in which groups speak collectively of their experiences during the war; DNU also provides scholarships to children abducted or injured or whose parents were killed during the war.
TFV/UG/2007/R2/040	COOPI	Oyam & Pader Districts	28 Nov 2008 – 27 Apr 2013	€300,000	Norway Finland Netherlands	<ul style="list-style-type: none"> COOPI has provided several thousand women with medical and psychological care in response to SGBV; COOPI also conducts outreach sessions through northern Uganda to inform community leaders about the nature of SGBV and the rights of victims.
TOTAL: 15 active projects (out of 18 approved)						38,900 direct beneficiaries (est.)

III. EMPOWERING VICTIMS AND COMMUNITIES

By Judicael ELIDJE, Monitoring and Evaluation Advisor
Lisa Sulis and Johanna Huhtanen, Interns

(A) Introduction

The rehabilitation mandate of the Trust Fund for Victims is driven to first respond to survivor victims' needs. Then, this assistance mandate brings an answer to physical and psychological harms suffered by the victims as well as the material support to improve their living conditions. When the Fund designed its first programmatic framework for a 4-year period (2009-2012), the empowerment issues underlies the different types of intervention. In doing so, the Fund intends to create the conditions to restore dignity and bring hope to hopeless victims. Empowerment in the TFV vision does not stand alone. It is combined with a long-term perspective involving actions towards social changes and social transformation in the area of intervention. The Fund adopts a constructive three level approach to empowerment: individual, community and organizational/institutional levels⁴. The empowerment terminology shared by many disciplines (such as community development, psychology, education, economics, social sciences, organizational studies...) can take on several meanings. An attempt to circumscribe definitions that are in alignment with the Fund vision, mandate and programme required to go back to the Rome Statute⁵.

There is a common understanding about the multi-dimensional understanding of empowerment as a social process. This process fosters power in people or a group of people for the use in their own lives, their communities and their society by acting on issues that they consider as important⁶. Victim empowerment, in this specific context of dealing with the most serious crimes brought to the attention of the international community, can be considered as an approach to facilitating access to a range of services for all people who have individually or collectively suffered harm, trauma, material loss through violence, international crimes⁷. It implies the promotion of the resourcefulness of victims of crime by providing opportunities to access available services to them, as well as to use and build their own capacity and support networks and to act on their own choices. Thus, through the victim-centred approach, The TFV support aims at restoring a state, as close as possible, to the situation existing prior to the harms suffered, and ideally, to a condition where the victims are able to learn and grow. The empowerment of victims in the TFV approach would require a holistic approach to reduce secondary victimization and stigmatization.

At a community level, the Fund focuses its empowerment initiatives as a result of its engagement in the affected communities. Community empowerment can be seen as an

⁴ Approach in construction.

⁵ Preamble, Articles 75 and 79 of the Rome Statute

⁶ Chamberlin, J. (1997). A working definition of empowerment. *Psychiatric Rehabilitation Journal*, 20 (4): 43-46. Retrieved from <http://www.bu.edu/cpr/resources/articles/1997/chamberlin1997.pdf>

⁷ Adapted from National Policy Guidelines For Victim Empowerment. Social Development Department. South Africa. Retrieved from <http://www.info.gov.za/view/DownloadFileAction?id=111693>

outcome of a range of activities and processes which engage different groups enabling the communities to take their own initiatives and therefore actively participate in decision-making process⁸. The community empowerment in a post-conflict context where the Fund has its ongoing programme uses also a combination of approaches: rehabilitation and social approaches⁹.

Finally, involving intermediaries playing the role of implementing partners belonging to international and mostly to local organizations dealing with a specific issue of international crimes reflects the focus put on innovative approaches chosen by the Fund. The institutional /organizational empowerment gained from the support from the TFV includes the perception of implementing partners in their roles to accomplish meaningful services and influence decisions regarding them, the victims and their affected communities¹⁰.

Gaining power that allows victims, the communities and the service providers is enabling the making of appropriate decision for the good of victims. In this interactive process with a specific focus on women and girls, the Trust Fund pursues its empowerment activities through five thematic components: well-being and self-esteem, social support for victims and their reintegration, livelihood and material security, reconciliation and gender.

(B) Well-being and self-esteem

The past decade – the International Criminal Court’s first decade – has been witness to significant international crimes and human rights violations. The impact of these crimes and violations – rape and other forms of sexual and gender-based violence, torture and mutilation, murder, child soldiers and other crimes against civilians – has also been significant, felt by individuals and communities alike. The well-being of individuals – physical, mental and social – has been severely impacted by the atrocities, and people have been left to rebuild their sense of self – self-esteem – and their communities.

The impact of war and gross human rights violations on individuals varies, and is dependent on factors such as “the nature and extent of trauma, the age of the person and on the quality of the care and support available.”¹¹ Nonetheless, “the consequences of trauma are widespread and long term.”¹² Anxiety, fear and terror, manifested as a range of psychological, physical and psychosomatic symptoms, can persist for a long time after the trauma causing events.¹³ Trauma often alters an individual’s connection with others and the world, resulting in significant feelings of loss, grief and depression. It changes the way a person perceives not only themselves, but others and the world, “shattering assumptions of

⁸ Improvement and Development Agency. (2010). Business case tool for community empowerment: Background information and guidance. Retrieved from http://www.local.gov.uk/c/document_library/get_file?uuid=1f483b04-c08a-474c-b227-e702d138b75d&groupId=10171

⁹ Elisheva Sadan.(1997). Empowerment and Community Planning. Jerusalem, Hakibutz Hameuchad

¹⁰ YUKL, G.A. BECKER, W.S. (2006). Effective Empowerment in Organizations. Organization Management Journal, 3(3); 210-231. Retrieved from <http://www.asclcd.org/files/Becker%20ASCLD.pdf>

¹¹ Victorian Foundation for Survivors of Torture (1998), *Rebuilding Shattered Lives*, available at http://www.foundationhouse.org.au/resources/publications_and_resources.htm, last accessed on 24 June 2012, p.31

¹² Ibidem, p. 9

¹³ The below discussion of the ‘Trauma Reaction’ in the following two paragraphs is from Ibidem, Chapter 2, p.29-53

human existence.” Trust in the world and in oneself is often destroyed, resulting in a loss of trust and meaning in life for a person. The future thus becomes empty and meaningless, and notions of good and bad become meaningless or distorted – which is a particular concern with regard to young people and their moral development. Trauma can have a significant impact on a person’s identity. It can shatter one’s sense of self, and challenge self-regard and beliefs and values defining ‘who one is’. Such changes to core assumptions of human existence can have consequences that are passed on to future generations.

Macela is a 46 years old widow with five children. Her husband was killed by the rebels. Her source of income is peasant farming and other small scale business.

“It was on a Thursday at around 2pm in 2003 when she was travelling from Lira to Pader that the car she was travelling in entered a rebel ambush and it was shot at. She was then shot in the arm. The rebels then looted the content of the truck and burnt it. The UPDF then later came to rescue the survivors and they were taken to the hospital where she was treated and the broken hand amputated.”

The amputation left her disfigured and subjected her to stigma and discrimination by other people and even her own family members to the extent that “I can’t borrow anything from my neighbours because they say I am unable to pay it back”. She also became unable to do activities like digging, carrying and other house chores.

After the injury Macela had lost hope of ever having her physical appearance restored. When Watoto came across her she was excited about the opportunity, so she welcomed the support and accepted to be taken to the hospital for the fitting of her prosthetic hand.”

Now Macela is happy that her physical appearance has been restored and she looks normal and can now freely interact with other people and is no longer stigmatised. She is thankful for the support extended to her by TFV through Watoto and requests for more support.”

(Source: Watoto)

Victim-survivors of trauma often experience guilt and shame, which often leads to avoidance of contact with others. For example, rape is a form of torture that can lead to deep shame, and is often not disclosed for the fear of ostracism from family and community. Often family members have witnessed torture, including rape of family members, or been victims themselves. Such trauma experiences can “change the family system and quality of care giving, profoundly influencing relationships in the family.”¹⁴

Recovering from trauma begins with the provision of basic needs – including health and welfare – with the goal of restoring safety, enhancing control and reducing fear and anxiety.¹⁵

As traumatic stress often alters relationships – to oneself, to family, with community, with society, with God and the universe – “restoring attachment and connections and overcoming grief and loss” follows as an important recovery goal. To pursue living beyond mere existence also requires “restoring identity, meaning and purpose” in one’s life with the ultimate goal of “restoring dignity and value.”

Acknowledging that well-being is multidimensional – physical, mental and social – and is intrinsically connected to self-esteem or one’s sense of self, the Trust Fund for Victim’s provides rehabilitation assistance under three categories: physical rehabilitation, psychological rehabilitation and material support.

¹⁴ Ibidem, p.55-6

¹⁵ The below discussion of the ‘Recovery’ from Ibidem, p.71-96

The Trust Fund, under its physical rehabilitation category, assists victims of torture, mutilation, disfigurement, amputation, burns, sexual violence and other crimes against civilians that have led to physical injuries. The objective of the TFV's physical rehabilitation assistance is to provide care and rehabilitation to such victims, thus assisting them to resume their roles as productive and contributing members of society. Providing physical rehabilitation to victims of such serious crimes is thus important not only for the physical well-being of victims, but also for the significant positive impact on the victims' self-esteem, mental and social well-being. Beneficiaries of TFV's physical rehabilitation assistance have in effect often reported major improvements in their well-being, resulting from a combination improved physical health, increased community acceptance and livelihood opportunities, and better mental well-being and self-esteem.

Physical rehabilitation has been, in particular, at the core of the TFV's project portfolio in northern Uganda. Of the Fund's 15 projects in northern Uganda, four pertain to victims' medical rehabilitation through identification, patient mobilization, general surgery, reconstructive plastic surgery, prosthetic and orthotic devices, physiotherapy and counselling.

The Fund's first medical rehabilitation project was initiated in November 2007, as a pilot partnership of three organisations: Caritas, African Youth Initiative Network (AYINET), which mobilised victims for medical assistance and provided subsequent counselling, and Interplast Holland, which provided reconstructive surgery to 100 patients.

While the Interplast Holland partnership project was completed and closed at the end of 2011, two other partners – AVSI Foundation and Watoto – continue with specialised medical rehabilitation that includes surgery. AVSI, a partner of the TFV since 2008, organises regional orthopaedic workshops for the purposes of fabrication, fitting and maintaining prosthetic and orthotic devices. The organisation is involved in mobilising patients, performing plastic surgery, providing physiotherapy, trauma counselling, as well as community sensitisation work. AVSI estimates the reported number of direct beneficiaries of its assistance to date to be 1,079 people.

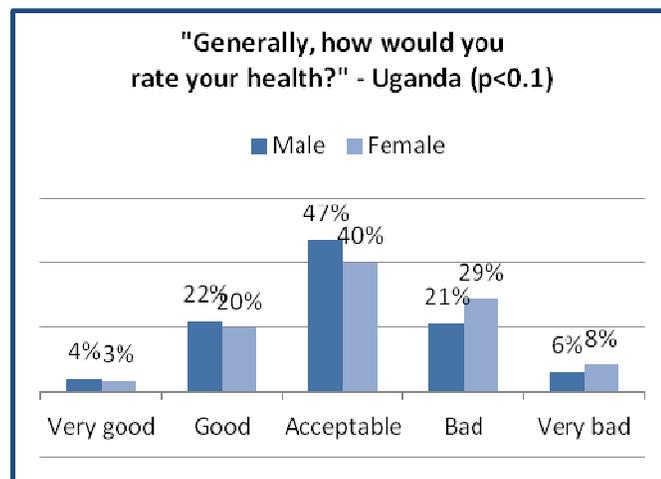
Watoto, a partner of the TFV since 2010, was chosen to become a partner organisation in order to provide medical rehabilitation assistance to victims, identified through other TFV projects, whose needs were so significant as to require more complex and intense assistance than what they were receiving. Watoto provides a comprehensive range of rehabilitation services, including orthopaedic surgery, complex bullet and shrapnel surgery, plastic surgery, physiotherapy, counselling.

For victims who benefited from this specific assistance, significant changes appeared in their lives. Fitted amputees and facial reconstructed victims were mostly able to start a new life in their communities. Thus, they were no more seen as a burden for the family and their community, but now as people able to contribute to their basic needs and in some cases for their families.

The Fund supports psychological rehabilitation initiatives that are comprehensive and integrated. Such initiatives include both individual and group-based counselling; music,

dance and drama groups designed with therapeutic aims; community sensitisation workshops, radio broadcasts, information sessions and community meetings on issues such as victims’ rights, sexual and gender-based violence, peace, justice, reconciliation and rehabilitation. The aim of the TFV, in this regard, is to provide appropriate psychological and social support to heal trauma, assist in recovery and reconciliation, and address stigma and discrimination among victims, families and affected communities.

Providing qualitative psychological support to victims and their communities, especially in areas where few psychologists are found, remains a challenge. Acknowledging that psycho-social support may not be adequate for addressing the significant trauma victim survivors have suffered, but being unable to provide the actual trauma counselling to such high numbers of people, the CVT has engaged in training local organisations in trauma counselling. In addition CVT reported 203 direct beneficiaries of their training dealing with –torture survivors, victims of war violence, victims of sexual torture/gender-based violence, child soldiers, ex-combatants and others. In Gulu, northern Uganda, the four local organisations, chosen for the trauma counselling training are ACTV, Caritas Counselling Centre Training Institute (CCTI), TPO Uganda and the Center for Children in Vulnerable Situations (CCVS). In Bunia, CCVS provides this same capacity-building support to staff of local organizations. By doing so, victims and implementing partners receive the required support to relieve their sufferings. Some victims, who underwent trauma in the aftermath of the conflict, were able to find a first answer to their trauma. Though the scars of the trauma cannot totally be erased, most of the victims were now able to create resilience mechanisms to cope with their situation and progressively overcome it. Not forgetting, but looking forward to a new life remains an essential point in the next step that victims wanted to reach. In the baseline survey carried out in 2010, most Ugandan and Congolese victims consider themselves to be in good or acceptable health¹⁶.



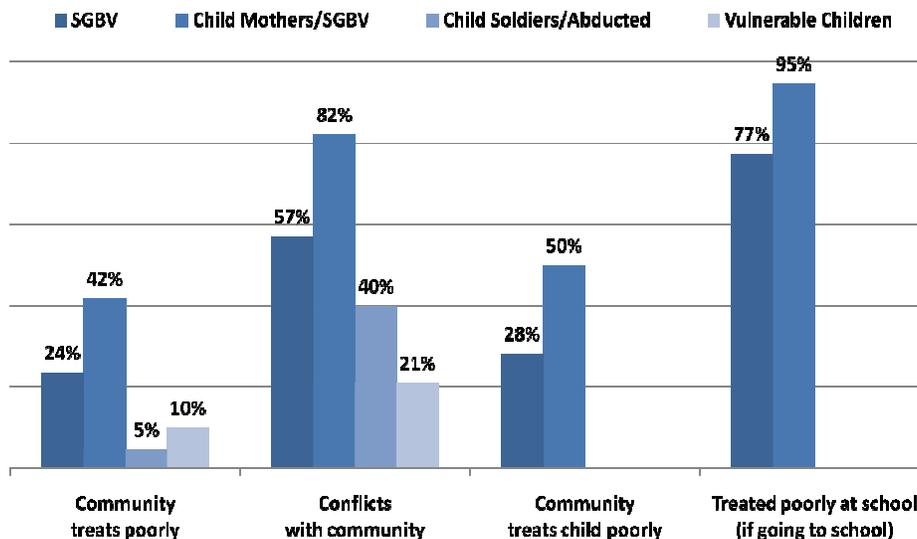
¹⁶ Graph retrieved from the results of the baseline survey

(C) Social support for victims and their reintegration

Victim survivors of crimes and mass atrocities in the DRC and in Uganda experience high levels of distress, which is exacerbated by the stigma and the discrimination faced in families and communities. Children made vulnerable by war (including children formerly associated with armed groups and child soldiers), victims of SGBV and child mothers, children born of rape, together with orphans and people living with HIV/AIDS and other sexually transmitted infections, sometimes face negative reactions from their families and communities and social isolation.

Children who were abducted and involved in militias are regarded as troublemakers, and in some cases, even casted out by their families¹⁷. The community shows difficulties in accepting the innocence of a child who was forced to kill, or who has children by a rebel father that in turn lead to stigmatization and rejection of the child¹⁸.

Sexual violence victims also run the risk of stigmatization and rejection by their partners, families and communities, who may feel deeply dishonoured and humiliated. In a society where a woman's value is closely related to virginity, marriage and child bearing, the victim's suffering is often subordinate to the dishonour inflicted upon the husband, the family and the whole community. The young mothers are often denied financial support by their husbands because of the other children they came back with from captivity. The victims then face the real risk of being expelled from their homes and ending up with no means of survival¹⁹. According to a research carried out in 2010, victims of SGBV were significantly more likely to report negative feelings and experiences vis-à-vis their families and communities²⁰.



¹⁷ Peace, Security and Development Network, "Connecting Community Security and DDR: Experiences from Eastern DRC", 2010

¹⁸ Grace Akello, Reintegration of former child soldiers in northern Uganda: coming to terms with children's agency and accountability, 2006

¹⁹ Bosmans, "Challenges in Aid to Rape Victims: the Case of the Democratic Republic of the Congo", Essex Human Rights Review, 2007

²⁰ Graph retrieved from the results of the baseline survey

Both victims of SGBV and girls forced into sexual slavery in an armed group, and in the majority of cases gave birth while in captivity, report significantly worse social stigma.

Only 11% of these girls report that their family is caring “a lot” of the time, versus 45% and 51% for former child soldiers and vulnerable children, respectively (and compared to 26% of all other victims of SGBV). Child mothers and victims of SGBV also report poor treatment from the community, poor treatment at school (if going to school) and poor treatment of their child (if they gave birth to a child because of conflict-related SGBV).

The TFV is addressing the needs of those victims in terms of rehabilitation and reintegration in the family and the community, providing several forms of social support integrated into its rehabilitation assistance mandate. The TFV and its partners have put into place interventions aiming at fostering social interaction, increasing participation in traditional cultural practices, improving treatment by the communities and reducing stigma, increasing family acceptance and deepening the bond between mother and child. They provide support for improving social interaction through cultural practices (music, dance, drama groups, community sensitization workshop and radio broadcasts on victims’ rights, information sessions), schooling/education and income improvement.

For instance, COOPI in the DRC is running its accelerated learning programme and day care centre for young women who were enrolled / abducted into fighting forces and who gave birth while in captivity. COOPI is also managing a day care centre where the young mothers can leave their babies while at school. This coordinated approach enables the young women to regain the education they lost while in captivity and develop a bond with their children in a safe space. Under the **“Psychological Rehabilitation and Reintegration of Young Victims of Armed Conflicts”** project taking place in Ituri, COOPI is providing psychological, physical rehabilitation and material support to 1,052 beneficiaries to date. The project helps child mothers to prepare to gain entry into the regular school system, supporting them in the payment of school fees, adjusting weekly meeting to monitor their progress in terms of homework and educational methods or setting up learning support classes. COOPI also delivers forms of medical support, encouraging child mothers and their parents to acquire health insurance and raising awareness about La Mutuelle de Santé Canaan (MUSACA) which aims at promoting access to health care services, especially to the poorest population. In this process, COOPI has involved the victims’ families and the personnel of the schools they attend into the project. The parents play a double role. Firstly, the families provide a social support to their children. Secondly, they have to run income generating activities to continue to pay the school fees which they hoped would provide a more stable income and allow its graduates to pay their school fees after all the hard work they put in to catch up when the project will end. Today, the “Cooperative UMOJA” has its own space in the central market of Bunia. “Umoja” means “unity” in Swahili, and the sign above the door highlights that this cooperative is run specifically by parents of child mothers. The school teachers give psychological support, as well as a social support to child mothers. They also contribute to reduce the stigma those children face with the full support they receive; Empowering the child mother and former children associated with armed forces.

On the other hand, to further develop its reintegration skills, ACIAR has been working with the TFV to build capacity in economic assistance. ACIAR partnered with COOPI to support its

reintegration work with EAFGA and vulnerable children. ACIAR and most of their implementing partners are participating in the MUSO. It has also been working with a consultant, acquired by the TFV, to build its skills in economic development and entrepreneurship. This has included sessions and workshops on how to make a sustainable business profitable, success factors in building small businesses (planning, organization, leadership and monitoring), and business management tools (cash boxes, databases, receipts, packing lists, etc.).

VICTIM TESTIMONY: THE POWER OF REINTEGRATION

In the aftermath of an armed attack in Kitchanga (North-Kivu), a child was deprived of his father and all its possessions were stolen by the rebels (clothes, shoes...). He was injured and insulted by his peers at school and on the street, facing increasing social exclusion and humiliation.

Thanks to his participation in the activities of A l'École de la Paix - Missionnaires d'Afrique, such as The Days of the Open Doors to Peace, he was gradually accepted by his classmates, who decided to collect money to buy him three shirts, two underpants and a pair of shoes as a sign of solidarity. Today he goes to school regularly and takes part to the activities undertaken by his community.

ACIAR, through its **“Project for the Socioprofessional and Economic Reinsertion of 150 Former Children associated with Armed Groups in Mahagi Territory”** (180 km away from Bunia), is providing material support to 524 child soldiers and former children associated with armed group, as well as to 4,716 indirect victims (members of the family who live with the victim). This project offers professional and socio-economic reintegration opportunities to the children via material support and particularly through exchanges enabling them to be of real use to their communities.

Moreover, the Diocese of Northern Uganda (DNU) has implemented the **Okweyo Project** in Amuru, Gulu and Nwoya districts in Northern Uganda, putting into place physical and psychological rehabilitation projects aiming at providing scholarships and vocational trainings to children abducted or injured or whose parents were killed during the war. The project has reached 835 direct beneficiaries to date, including orphans, landmine victims, torture victims, amputees,

child born in captivity, child mothers and people living with HIV/AIDS and other sexually transmitted infections. It also includes about 5200 indirect beneficiaries of medical assistance, village savings and loans associations, school fees and healing of memories initiatives. On March 2012, the beneficiaries and their parents gathered together to discuss the roles of parents in academic excellence of their children, morals, discipline in school and career guidance, in the attempt of promoting deeper connections between victims and their families.

(D) Livelihood and material security

The majority of the TFV's programming integrates some form of economic empowerment for victims. The objective of the TFV's material support assistance is to improve the livelihoods of victims and their families through education, training, economic empowerment and local capacity building. TFV's monitoring and evaluation has confirmed this type of assistance to be of high value, and positive for rehabilitation and reconciliation. A positive correlation exists, for instance, between participation in savings groups and different measurements of an improved social situation: trust of one's community, a sense of being able to improve one's life, a sense that the situation in one's community is improving, a feeling that others are speaking well of you, and having been lent something by someone²¹.

The Fund's material support initiatives have included accelerated education support and grants to victims of sexual and gender-based violence, their children, children formerly associated with armed groups and other children made vulnerable by the war. Small grants and loans to victims of sexual and gender-based violence have been offered to assist them to start income generating activities and re-establish homes for them and their children; as well as various micro-credit and village saving schemes. The Fund's material support initiatives have also included a considerable element of capacity building, for instance, economic, business and entrepreneurial skills development.

An example of the Fund's material support initiatives with a capacity building element MUSO and VSLA village saving and loans systems in the Democratic Republic of Congo (DRC) and northern Uganda respectively. In DRC, the TFV is working with organisations that have experience in MUSO in order to bring the system to local partners in Ituri district and the Kivus. TFV-funded organisations such as AMAB, ACIAR and COOPI in Ituri, and ALT and an anonymous organisation in the Kivus, are implementing such projects with TFV earmarked funding for sexual and gender-based violence victims and child victims. In northern Uganda, the TFV has been employing village savings and loans associations (VSLAs) successfully, such as the HOPE project.

FORMER CHILD SOLDIER IN A BUNIA VILLAGE, DRC



A former child associated to armed forces is running his small barber shop for several years. After the disarmament, demobilization, and reintegration process, he received the desired reintegration package from COOPI. He is renting a small place where he not only provides his service to men of this community but he also trains other former demobilized child soldiers interested to do like him. With the revenue gained from this activity, he is able to ensure at least the basic needs of his family such as: pay the school fees for his child; have access to basic health services for his family; provide shelter and clothes for his family members. He coupled his business with agriculture to guarantee food at home. He has hope in the future.

²¹ Fall 2010 Programme Progress Report

The village savings and loans systems work to respond to victims' immediate material needs, providing an important degree of economic security to allow victims to go about rebuilding their own and their families' lives. The village savings and loans systems, however, also have wider benefits, in that they aim also to build and strengthen social ties among the victims and between themselves and the communities. The material support that the TFV provides can, be considered to contribute to not only the basic material and physical needs and well-being, but also to the social well-being of individuals and communities, contributing to the rebuilding of victims' positive sense of self.

The Trust Fund is aware of the challenges in this post-conflict setting, to bring changes in the daily economic situation of victims. Economic empowerment, in a distorted context which previously received significant humanitarian assistance, requires more appropriate response as shown in the results of the baseline survey. People are more thinking in terms of structural work opportunities. That is why the programmatic approach to implementing livelihood activities particularly stress mechanisms for autonomy, as well as ensuring its sustainability. In that perspective, implementing partners promote group activities or cooperatives, such as VSLAs and MUSO, that have several functions. Those systems not only reinforce the self-determination of victims, but also participate in the "healing wounds" process with their social therapy aspect.

(E) Reconciliation

Reconciliation amid conflicts is a long-term process. Starting to rebuild community trust remains essential to pave the way for a better future for victims and their communities. The TFV fosters this peaceful reconstruction at three levels: individuals, family and community levels. To achieve that goal, the work done through the implementing partners takes different aspects such as community dialogue, healing of memory, education on peaceful behaviour and psychosocial care.

The project "Caravane de la Paix" is shaped to address community dialogue and reconciliation in Ituri. Through a range of community-based methodologies, Réseau Hakina Amani (a civil social network) works on the improvement of confidence between the two communities and to enable them to improve the aspects of the peaceful cohabitation. The "**community barza**" was a forum established to facilitate the expression of the communities on the difficult situations that they have undergone, to install the dialogs, to make fall bad perceptions on the others, and to help build confidence and trust between the communities. They are improving the frequency of contact between the communities. Apart from that, the **community meetings of safety** allow a better analysis of the problems faced by the communities, in order to detect where the responsibilities are. In addition, the **days of peace** were a process to engage the communities in a major reconciliation act. They ended up the community dialogue for reconciliation with the setting up of a Framework for Dialogue on Peace. It aims to promote discussions as the preferred way to raise the community concerns. Those forums include local authorities, community leaders, and security services. Addressing the issue of community reconciliation in this project

significantly contributes to alleviate negative perceptions between the communities and to reinforce confidence between them.

Not taking into consideration the ongoing tension in Ituri will undermine the judgement made on the empowerment of those targeted communities. However, it is possible to indicate that through this project, there is a beginning of community empowerment to self-determine how they are going to reframe their future by themselves. In fact, the expansion of the system is evidence of the rebuilding trust and confidence in those affected communities. The choice of forgiveness and not community amnesia were the driving forces to move towards a systematic approach in this empowerment process. The reconciled story aiming at fostering social healing and keeping alive the collective memory to avoid any similar situation in the future represents the step forward. It will follow four steps: historical truth, followed by social truth, psychological truth and reconciled truth will end up with the compilation of the stories.

Educating young people to the culture of peace, tolerance and living together again as new paradigms in the aftermath of the conflict is among the pursuit of the outreach support given through the TFV-funded projects.

“A l'école de la Paix” implemented by the Missionnaires d'Afrique is a good example of shifting the mindset of young people. Actually, formal and non-formal education remains a cornerstone for empowerment and behaviour change²². Through their activities outside and inside the formal education system, thousands of teenagers have received training dealing with everyday matters regarding peace, passive cohabitation, social cohesion, accepting differences and diversities²³. Transforming the culture of those young people could have a long term positive effect. In fact, all the 14, 850 teenagers play the role of “peaceful ambassadors” within their communities. This allows them to choose how they can decide to live in the future and is one of the empowering tools channelled through the sessions of the project.



Training session in a school in Bunia “A l'école de la Paix”

The Diocese of Northern Uganda is doing the same work through its “healing of memories” seminars and workshops. The victims (male and female) involved in the seminar have a safe place to tell their stories in an atmosphere of deep listening and mutual respect. The methodology includes respectful listening, emotional and spiritual healing, reconciliation, peace building, and restorative justice. The victim participants in this forum have a unique opportunity to see themselves through the lens of their communities. The seminar aims at exploring the emotional and psychological wounds resulting in oppression, violence,

²² Moulton, J. (1997). Formal and Nonformal Education and Empowered Behavior: A Review of the Research Literature. Support for Analysis and Research in Africa Project, USAID. Retrieved from http://pdf.usaid.gov/pdf_docs/pnacb230.pdf

²³ Mualuko, N. J. (2008). Empowering out of school youth through non-formal education in Kenya. Educational Research and Review, 3 (2): 56-60. Retrieved from <http://www.academicjournals.org/ERR3/PDF/Pdf%202008/Feb/Ndiku.pdf>

injustice and loss to families and individuals that were inflicted on them by the more than 25 years war in Northern Uganda. Breaking the destructive cycle of suffering, anger and violence that can disfigure societies is also part of the objective. Throughout this process, the former victims seeing themselves now as survivors feel ready to forgive what happened to them. They, therefore, take advantage of the opportunities they have to rebuild self-trust as well as the capital of confidence in their communities.

TESTIMONIES OF PARTICIPANTS IN THE DNU SEMINARS AND WORKSHOPS



A healing memory workshop in Northern Uganda

“What made an impact on me is that I realized I was not the only person who had suffered. That helped me to see myself not as a victim but as a survivor.”

- Workshop participant

“I realized that we cannot change the past but we can all work together to make our live better although disadvantaged by the war”

- Seminar participant

Moreover, the majority of the project currently implemented has a psychological component. The psychological care provided mostly through social workers intends to reduce the burden of the harms and injuries faced by the victims. In this long back and forth exercise, the service providers usually work in conjunction with the family members and the communities to create a safe space for the victim to foster the psychological rehabilitation with the social support and mediation mechanism. The victims who were able to pass the next stage become a strong support for other victims. Thus, it is not uncommon to see former victims in their new roles of advocates.

The scars of massive human rights violations will remain with the victim, despite the efforts made towards a safer and peaceful situation for living. However, engaging victims and their communities in a dialog to discuss what happened for healing process is essential for reconciliation. An important stage of the TFV work is to encourage victims, with the support of their families and communities, to leave their cocoon and to determine their own future. Regaining power and being able to decide for themselves is the result of an integrated programming approach promoted.

(F) Gender dimensions

Gender mainstreaming to address the impact of gender-based violence and other sexual violence of women, men, and children is among the cross-cutting issues, if the TFV programmatic framework²⁴. All the projects integrated a gender dimension in their design, implementation, monitoring and evaluation. The gender dimension of the empowerment approach mostly focused on women and girls, though some actions particularly target men and boys. It comprises their sense of self-worth; their right to have and to determine choices;

²⁴ TFV strategic plan 2009-2012

their right to have access to opportunities and resources; their right to have the power to control their own lives, both within and outside the home; and their ability to influence the direction of social change to create a more just social and economic order²⁵. More specifically, the model of intervention in eastern DRC and northern Uganda gave an idea about the key role the women and girls play in everyday life within their families and communities. Perceiving as such, it is important to reckon the different way each of them, the victims particularly, manage whatever the pace to take control of their lives.²⁶



Women victims of sexual violence are farming in their second community field (Bunia, DRC)



Women participating to a literacy course (Bunia, DRC)



A victim of sexual violence completing running a class of tailoring for new women (Bunia, DRC)



A VSLA committee gathered for a meeting (Uganda)

COOPI in DRC is working with child mothers and former children associated with armed forces to provide them with formal education and vocational trainings. AMAB is working with victims of sexual violence through several community-based activities. Women and girls received support for psychological care and material support according to their needs. In northern Uganda, CARE, with its sub-grantees, fosters the gender dimension of victims'

²⁵ United Nations Population Information Network. Guidelines on Women's Empowerment. Retrieved from <http://www.un.org/popin/unfpa/taskforce/guide/iatfwemp.gdl.html>

²⁶ Oxaal, Z. Baden, S. (1997). Gender and empowerment: definitions, approaches and implications for policy. Swedish International Development Cooperation Agency (Sida), Report 40. BRIDGE (development - gender), Institute of Development Studies, Brighton. Retrieved from <http://www.generoyambiente.org/arcangel2/documentos/377.pdf>

empowerment through its Harnessing Opportunities to Protect and End Violence (HOPE) project. The project continued to register a number of achievements under the objective areas of psychosocial support, physical rehabilitation, livelihood and economic empowerment support and Peace building and reintegration. Those examples are a few among the numerous accomplishments reported. All international and local organizations give a particular attention to the gender aspect of the TFV programme.

Women, conscious about their potentialities, are making groups and micro cooperatives (MUSO, SILC or VSLA). In this system, each woman works individually in her activity, but they gather on a regular basis, during the month with the objective to promote community activities such as farming, small business, and raising animals. They use the revenues of their common system for different purposes. They can help each other in case of joyful or sad events. They also favour taking loans among members to setup either common income-generating activity or increasing the capital of individual business. A key point during the work carried out with girls and women is the permanent recall about their participation in the decision-making process. Thus, they are no more considered as spectators of their own lives, but as actors trying to fully play their roles as such.

(G) Conclusion

The model of the Trust Fund for Victims for the empowerment of victims, their families and their communities is still under construction. Lessons learnt from five years of field interventions in Democratic Republic of Congo and northern Uganda, coupled with a baseline research, constitute the empirical basis to pursue the current empowerment work. The upcoming programme evaluation will significantly contribute to provide new inputs to improve this empowering approach of the rehabilitation mandate. A next stage will probably start very soon with the beginning of the reparation mandate. Once again, there is an opportunity to frame the reparation programme with an empowerment function. Beyond the empowerment, there is also the complex issue of social change, as an ultimate goal of the TFV programme which starts with the rehabilitation mandate, aiming first at responding to victims needs. Responding to those needs is an entry point to raise the issue of restorative and reparative value of the two-fold mandate. Despite the progress, there is much to do to deeply analyze the different facets of the empowerment function in terms of impact. Further research can be also carried out to answer some of the pending questions. That remains a challenge and the TFV will, in consultation with its partners, properly address it soon.

IV. STRENGTHENING THE RESTORATIVE FUNCTION OF THE REHABILITATION MANDATE IN DRC

By Aude Le Goff, Regional Programme Officer; Bertin Bishikwabo and Richard Budju,
Field Programme Assistants Trust Fund for Victims

Since 2008, Trust Fund for Victims is operational in the Democratic Republic of Congo through sixteen projects carried out by local and/or international organizations. Ituri, North and South Kivu theaters of serious atrocities and gross human rights violations related to conflicts. For many years, the eastern part of the DRC received a massive humanitarian presence. In that context, the projects funded through the TFV were perceived as humanitarian projects as well.

Thus, on the basis of the first evaluation, the Fund and its partners engaged in a reflection relating to the reparative and restorative value of the activities, as perceived by implementing partners and the beneficiaries. The Assemblies of State Parties conferred the Trust Fund for Victims with two mandates. Both mandates include implicitly a reparative justice aspect which aims at creating a true right to victims' reparation. An aim of the current assistance programme is to allow the victims of war crimes, crimes against humanity and/or crimes of genocide to have the feeling that a response has been brought to the harms they have undergone.

However, some projects were not clearly perceived by the beneficiaries as an answer to the crimes suffered. The projects were rather assimilated to those having a purely humanitarian objective because they were implemented in the same zones, in a context of generalized poverty where victims and non-victims face the same economic vulnerability. It became normal to receive assistance by the non-governmental organizations.

The expertise of humanitarian and development actors are required to facilitate the implementation of the supported projects. It was, however, important that the projects should not be seen as being (only) a humanitarian action or of development intervention, but rather like an answer to the rights of the victims to obtain a rehabilitation.

In September 2011, the Trust Fund had already gathered the whole of these implementing partners in Goma to begin to review the relationship between the projects and transitional justice. In May 2012, a new workshop was organized in Bunia in order to look further into this review and to find operational tracks. Thus, the discussions carried out during five days around five topics: Victims and Justice; Victims and Communities; Victims and Memory; Victims and Readjustment; Victims and TFV. The exchanges enabled a comprehensive and rich experience sharing. Lessons learnt by the Fund and its implementing partners on its rehabilitation mandate will trigger pragmatic programmatic approaches that will contribute to the implementation during the next project extension phase.

The first key element learned relates to the meaning given to the concept of rehabilitation. The implementing partners confirmed that the rehabilitation concepts can be understood through a multidisciplinary prism because of the various characters it can take on. The

rehabilitation process of a victim should intend to restore the person to at least his previous state or even in a better posture. Rehabilitation should, therefore, include these aspects:

- responding to the basic needs of the victims (food, health, education of the children...);
- fostering the victims to go beyond the trauma suffered;
- promoting a change in the perception of the family and the community towards the victim;
- developing the self-esteem of victims which goes hand in hand with the sense of being useful as victim to the community
- participating as victim in the community life.

It is thus obvious that a qualitative rehabilitation requires time, various expertise and interventions at different levels. It is also understood that it is normal that certain activities are perceived to be humanitarian actions. However, for the issue related to the reparative value of the rehabilitation process, the implementing partners acknowledge that it was not at first understood by the victims as such. That is why it was recommended to the partners to frame their activities and their outreach programmes to at least start the discussion with



Presentation of daily group work during the May 2012 workshop on victims and the reparative value of the mandate (Bunia, DRC)

the victims and the communities.

The second key element learned from this workshop is related to this reparative value, which should occur from the combination of several elements. Actually, the rehabilitation should be sustainable. Indeed, if one of the components of the rehabilitation is not present, there is an increasing risk of relapsing for the victim. An example was shared with regard to the case of a former child soldier associated with armed forces and groups who had benefited with a reintegration kit. He received the support of the implementing partners to help cultivate his herd and to maintain his animals in good health. He succeeded in reaching the number of ten heads of cattle and was very proud. However, the members of his family, in particular his uncles, did not cease to remind him about his participation in, for a time, an armed group and the violence and destruction caused by them.. This lack of family support and the constant attempt to minimize his current status contributed to seriously undermine his pride and success. This lowering of the child's self-esteem and the reference with the traumas of the enlistment was right of his success. He therefore, lost all of his livestock. The multidisciplinary and integrated approach should be perennial. The Fund thus,

over the next twelve months, began to reinforce the mechanisms of sustainability, such as the Mutual of Solidarity (MUSO) implemented in almost all the project with a livelihood and material support component.

Another point commonly shared by the participants was to create the conditions so that the victims should have the guarantee of non repetition of the crimes. The underlying issue in this regard implies, of course, security and peace. There is, indeed, ongoing conflict in some places in Ituri, North and South Kivu, resulting in insecurity which can undermine the efforts made so far to have the project succeed. Those security uncertainties are not in the best interest of many sexual violence survivors currently in an improved psychological state, because they increase the likelihood of relapsing into their old trauma. This was the case with Beni and Masisi. The insecurity due, in particular, to the resumption of hostilities in some places where the Trust Fund intervenes for victims, blocked the rehabilitation process. Many victims psychologically disturbed by new violence and the fear of being again victimized expressed their concerns about continuing to live in unstable places.

On the other hand, the notion of guarantee of non-repetition goes beyond only safety and peace. The victims require that long-term measures have to be taken to prevent similar crimes. Regarding the question of who should be in charge of bringing the security and peace into the community, the participants gave the information provided by the beneficiaries in the baseline survey. In fact, the beneficiaries pointed out some interesting facts. The government should be the first responsible, followed respectively, by the traditional chiefs, the religious leaders and the community. The beneficiaries also feel the duty and seem ready to take on this responsibility. Considering the fact that the victims can possibly bear a role in this process, there is a need to adopt appropriate mechanisms at community level. The implementing partners could thus work with the communities and the victims themselves to identify the measures to be taken to guarantee the non-repetition of the crimes.

However, to be able to work on the prevention of the crimes, it still is necessary that the communities perceive the criminal character of this violence. It may be that certain communities do not perceive the enlistment and the use of the children in the armed forces and groups like a crime. The same applies to the sexual violence often explained by men and even the women as something that the victim caused. The implementing partners of the TFV agreed that in the absence of criminalization of these crimes by the communities, it becomes more difficult to plan action to prevent them.

The implementing partners and Trust Fund for Victims were committed to consulting with the victims and communities to better understand the perception of the various acts having led to the victimization. It also implies the beginning of work on the historical memory of the past facts in each locality, district, and province. On the basis of achievements already made, the group examines whether it is necessary to work with the communities and victims on a social transformation process in order to get along on the criminal character of certain crimes while still recognizing the statute of victims and to take actions in order to prevent the repetition of the crimes.

The combination of these actions - qualitative and sustainable rehabilitation as well as mechanism to guarantee a non repetition of crimes - could help the victims to perceive to have a sense of justice which would correspond to the reparation given in response to their victimization. These actions will probably help them to leave the status of victims and move forward to find a place as citizen within their community. In addition to that, the TFV will work on a communication strategy in order to better relay the two mandates in an understandable manner. Explaining about the source of funding to the victims should probably contribute to increase feelings of justice. The TFV and its partners are conscientiously showing that the projects are the result of the commitment of the international community to provide answers to harms suffered as the result the crime.

V. UPDATE ON THE TRANSITIONING PHASE IN NORTHERN UGANDA

By Scott Bartell, Regional Programme Officer, Trust Fund for Victims

The circumstances in northern Uganda have greatly improved since the cessation of violence in 2006. Due to the improved conditions in northern Uganda the Trust Fund for Victims (Trust Fund or TFV) will be adjusting our programming priorities for 2012-2013 to emphasize physical and psychological rehabilitation projects and to phase out material support initiatives. The Uganda country strategy under development will elaborate further on the transition of the Uganda program. The Uganda transition plan was first examined at the Trust Fund partner's workshop in May 2011 which informed the development of 2011-2012 project cycle.

From 2012 onwards, due to an analysis of the Trust Fund for Victims assistance mandate in relation to the needs of victims and communities in northern Uganda, material support initiatives will be phased out. Since 2006, northern Uganda has experienced an absence of crimes within the jurisdiction of the ICC. The martial injuries inflicted on victims between 2002 and 2006 are no longer directly attributable to a victims material condition at present that may continue to auger for material support assistance from the TFV at present. 2012 is a year of transition for material support initiatives sponsored by the TFV.

The TFV will continue to sponsor physical rehabilitation and psychological rehabilitation assistance projects in northern Uganda, though at a reduced level of support. The causal link to a past criminal event that caused the physical or psychological injuries of a victim in northern Uganda may still account for the present condition and rehabilitation needs of victims. The causal link of past physical or psychological injuries resulting from crimes within the jurisdiction of the ICC is evident and ripe for continued assistance from the TFV in the 2012-2014 program cycles.

Since 1986, during the more than two-decades-long armed conflict between the Government of Uganda and the Lord Resistance Army (LRA), the civilian population in northern Uganda experienced a wide range of violence including mutilation, rape, murder, looting and village attacks. The abduction of children, women, and men was widespread, providing the LRA with fighters, porters and sexual slaves. At the height of the conflict in northern Uganda 1.8 million people were displaced from their homes and forced to reside in Internal Displaced Persons (IDP) camps, as much as 90 percent of the Acholi sub-region population was internally displaced by conflict with women and children often suffering the most. An estimated 75,000 people were abducted by the LRA. The IDPs have since returned to their home communities where reconstruction and reintegration are the priority.

The Trust Fund from October 2007 to present has advocated for and assisted the most vulnerable victims of crimes within the jurisdiction of the ICC by mobilizing people and funding opportunities for the benefit of victims and their families. Within this period the Trust Fund in Uganda has implemented projects across northern Uganda benefitting an estimated 39,800 victims from 18 administrative districts.

After the Ugandan government referred the situation to the ICC, the Prosecutor opened an investigation in July 2004. On 6 May 2005, the Pre-Trial Chamber issued arrest warrants against the top LRA commanders, Joseph Kony, Vincent Otti, Dominic Ongwen, Raska Lukwiya, and Okot Odhiambo, for alleged crimes against humanity and war crimes. The proceedings against Lukwiya were terminated on 11 July 2007 after the Court confirmed his death. The remaining four arrest warrants remain open, as the alleged deaths of Otti and Odhiambo remain unconfirmed. In January, 2008, the TFV sought judicial approval for 18 proposed projects in northern Uganda in accordance with regulation 50 of the Regulations of the TFV. The TFV received approval on 19 March 2008 from Pre-Trial Chamber II to implement physical and physiological rehabilitation as well as material support. The jurisdictional window of activity that the TFV may address is from 1 July 2002, concurring with the ICC's jurisdiction in Uganda.

The Trust Fund for Victims (TFV) mission is to support programs which address the harm resulting from crimes within the jurisdiction of the International Criminal Court (ICC) by assisting victims to return to a dignified and contributory life within their communities. The Trust Fund materialized the global commitment made under the Rome Statute to support the rehabilitation of victimized individuals and communities; and to restore dignity for survivors of genocide, war crimes, and crimes against humanity.

The survivors of genocide, war crimes, and crimes against humanity have unique vulnerability and are too often forgotten. Victims include adults and children alike that witnessed their loved ones killed, tortured, raped, abducted, and mutilated. Children have been forced into militias or military service. Other people have seen their property and livelihoods destroyed. Victims often feel stripped of their dignity and may be shunned by their communities. Conflict tears apart the social fabric of communities, disrupting family roles, gender relations, and other social structures. The psychological trauma of more than two decades of conflict endures.

This proposed investment intends to provide individuals and communities with livelihood resources and vocational training opportunities complemented by psychosocial initiatives to alleviate conflict related psychological trauma hindering individuals and communities from obtaining livelihood potential in northern Uganda.

The broad strategy of the Trust Fund in northern Uganda is a two pronged concept meant to firstly, improve organizational capacity to support victimized communities and individuals to engage in economic recovery activities, vocational training, and livelihood initiatives. Secondly, the strategy is complemented by psychological and physical rehabilitation initiatives designed to alleviate physical afflictions and improve self esteem and to form peer support groups within the community. The multifaceted intervention of psychosocial services and livelihood development recognizes the complexity of violence on individuals and communities as an approach successfully implemented by the Trust Fund.

The Trust Fund transition in Uganda will seek to solidify local organizational capacity development efforts designed to improve service provision and availability. Local institutional capacity development is the most effective and cost efficient method of ensuring the sustainability of service provision.

The Trust Fund's assistance programme in northern Uganda has reached a diverse spectrum of victims, survivor groups, and beneficiary communities. Of the TFV's 18 approved projects, five have provided physical rehabilitation through general surgery, reconstructive plastic surgery, prosthetic and orthotic devices and physiotherapy. An estimated 1,300 victims of torture, mutilation, disfigurement, amputation, burns and other crimes against civilians have been assisted through the combined efforts of these projects. The TFV has employed a collaborative partnership of specialist organizations, each contributing their talents to provide a holistic rehabilitation package to victims in partnership with AVSI Foundation and Watoto Childcare Ministries.

The TFV has also provided integrated victim support through vocational training, psychological rehabilitation, trauma counselling, and Village Saving and Loans Associations (VSLA). The main focus of these projects has been to help those victims rebuild their communities destroyed during the conflict. In cooperation with international organizations like COOPI, CVT and AVSI as well as local partners such as ADDA, NECPA, Diocese of Northern Uganda, NUCBACD, KSWVO, ACORD, FOKAPAWA, CPA, and GWED-G, the TFV has implemented counselling, psychosocial, livelihood and economic recovery projects across northern Uganda. The VSLA initiative is not only to provide financial planning and training, but also to create peer-support groups for victims where they may gain psychosocial support. Other projects have also sought to promote community reconciliation. The Diocese of Northern Uganda (DNU), for instance, has held "Healing and Memory" workshops in Gulu and Amuru district. These workshops have enabled victims to share their suffering with others harmed during the conflict and for physically injured and impaired persons to change attitudes in their community and urge reconciliation.

The TFV's partner organizations are working with transitional justice and reconciliation coalitions to strengthen local transitional justice capacities. The absence of violence in northern Uganda since 2006 has moved the situation from one of complex emergency assistance to post-conflict resettlement to development. Nearly 95 percent of the 1.8 million Internally Displaced Persons (IDPs) in northern Uganda have returned home.

The Trust Fund supports integrated community-based responses to those victimized by the conflict to move from victimhood to stability as survivors and thus becoming agents of peace and economically productive citizens in their communities. Conceptualizations of reconciliation in northern Uganda should include both communal and personal dimensions. Transitional justice and psychology share a common approach – that to break the cycle of violence and move forward in a productive manner, individuals and communities must reconcile with the past and deal with their trauma.

The challenge of rebuilding societies after conflict is much more complex and difficult than the task of putting an end to fighting. Communities must have the resources and tools necessary to obtain these objectives and reconcile with the past. This is where the Trust Fund for Victims places our support. If we do not get it right through rehabilitation and economic recovery we will not be able to secure peace and stability for future generations.

VI. THE TRUST FUND'S PROPOSAL FOR OPTIONS TO MOVE FORWARD WITH REPARATIONS IN THE LUBANGA CASE

By Katrina Peschke, Legal Advisor, Trust Fund for Victims

Some general considerations related to reparations

On 14 March 2012, the International Criminal Court issued its first ever verdict, convicting Thomas Lubanga of crimes related to the conscription and enlistment of child soldiers. This first judgment by the Court is important in many ways. In particular, it is a first step in bringing justice to the tens of thousands of children forced to fight in conflicts in the Democratic Republic of the Congo and elsewhere. The verdict signals that those who use child soldiers to fight conflicts for them can no longer count on impunity.

The legal framework created by the Rome Statute has not only created a framework for trial and punishment of individuals. In addition, Article 75 (2) of the Statute empowers the Court to make a reparations order against the convicted person to, or in respect of, victims.

At the same time as issuing the verdict, on 14 March 2012, the Lubanga Trial Chamber has asked parties and participants of the case, as well as the Trust Fund for Victims and the Registry, to make observations on reparations. Because these will be the first reparations proceedings the Court has taken a case-law approach to defining principles for reparations., This case will also be important in setting the framework in which reparation proceedings before the International Criminal Court will operate. It is important to note that the final word on the scope and form of reparations will be with this Trial Chamber. At the stage of writing this article for the PPR, no decision by the judges on reparations has yet been made public. Nonetheless, the Trust Fund regards it as important to share information on how it views reparations. Under the reparations mandate, the Trust Fund may be tasked with implementing Court-ordered reparations awards against the convicted person when directed by the Court to do so. Moreover, the Trust Fund is convinced that its experience with working with victims in the field under the assistance mandate can be a helpful source of information to guide the reparations process and the judges. In the following sections of this report, the Trust Fund will highlight some important points that are included in its observations delivered to the Lubanga Chamber in response to Chamber's request²⁷.

Principles related to reparations, foreseen in Article 75 of the Rome Statute, will be, as mentioned above, developed through a case-law approach. In the view of the Trust Fund, the first purpose of such principles will be to provide further clarity and guidance on the interpretation of the existing legal framework for all cases before the ICC. This will ensure consistency and a sufficient degree of legal certainty and fairness for the victims and the convicted person, making the right of victims to meaningful reparations a reality. Principles should also address underlying philosophical questions related to the right of victims of international crimes to reparations, such as addressing the relationship between reparations and reconciliation.

²⁷ The Trust Fund's filing can be found on the Court's website at <http://www.icc-cpi.int/NR/exeres/C1163EA7-F90F-4BBD-ACFE-7C99ED6B33B1.htm>

For the Trust Fund, it was important to note at the outset, that considering the judicial nature of the Rome Statute's reparations regime, the individual criminal responsibility of a convicted person is the lynchpin of Court-reparations. In cases where a convicted person has insufficient funds to compensate the victims, the Trust Fund may offer a complement to a reparations award. Irrespective of this possible intervention, the Court considers that a convicted person's contribution to a reparations award, financially or in kind, should first and foremost, constitute its substantive and symbolic value to victims.

In this context, it is worth noting that the reparations regime envisaged for the Court is characterized by the tension between the recognition of individual victimhood and the mass-victimization typical of war crimes, crimes against humanity and genocide. The judicial nature of reparations, based on the individual criminal responsibility of a convicted person, will affect the scope of eligibility for victims to benefit from reparations awards - whether these are of an individual or collective nature. These awards can only regard the harm suffered as a result of the particular crimes for which charges have been brought by the Office of the Prosecutor. The second limitation is that the perpetrator should pay from his or her own resources for the implementation of the award, which in practice will depend on the ability of the Court to trace, freeze and seize assets of that person. So far, we have seen that this ability has been severely constrained and is also highly dependent on the cooperation by States Parties. There is a back-up mechanism: The Trust Fund for Victims may decide to complement a reparations award from its own resources, originating from voluntary contributions.

Defining reparations principles

With regard to principles related to reparations proceedings, the Trust Fund urged the Chamber to attach great value to ensuring accessibility, effectiveness and meaningfulness. This includes the desirability of victim involvement at all stages of the proceedings, including, if applicable, in the design of collective awards. The Court's reparations principles should always aim for reparations awards to avoid having discriminatory or stigmatizing effects. At the same time it should ensure effective access to awards for particularly vulnerable groups of victims, including children, women, victims of sexual and gender-based-crimes, the elderly and disabled or mutilated persons. The Court should also ensure that any reparations award would have a gender dimension, and thus be meaningful for women and girl victims. Additionally, the Trust Fund pointed out the need for effective access for child victims to reparations and to ensure that the reparations proceedings promote their right to physical and psychological recovery and social reintegration.

Regarding the eligibility of victims to benefit from reparations awards, the Trust Fund reiterated in its submission, the desirability of a flexible evidentiary standard and to avoid cumulative benefits to victims. Timeliness, sustainability, proportionality and the need to ensure a secure environment for reparations are important elements to be considered in all judicial decisions related to reparations.

For the Trust Fund it was important to underline in its observations, that reparations awards ordered by the International Criminal Court will not take place in a void. The situations and

cases before the Court at present are indicative of the reality experienced by victims and their communities: a reality of mass violence, of mass victimization. A reality of large-scale and long-term destruction of institutions, societies and of individual lives. One important conclusion to be drawn from this consideration is the importance of considering, next to the scope and form of reparations awards, their potential impact. The Trust Fund noted that especially in post-conflict situations, reparations have the risk of becoming part of the dynamics of a conflict and may even fuel tensions. Therefore, the Court must strive to “do no harm” or to minimize the harm that may inadvertently result, simply from providing reparations to victims.

Another important aspect is reconciliation. The Preamble of the Rome Statute expresses the hope that the Statute should not only be the basis to end impunity for those responsible of the worst atrocities of mankind. In addition, it should also contribute to the prevention of future crimes as an ultimate goal. Such prevention will not only require punishing perpetrators. It will require sustainable peace, based on the healing of victims and the reconciliation of society. Reconciliation and addressing the underlying causes of conflict, as part of reparation activities, will be crucial in preventing future conflict and re-victimisation. Therefore, the Trust Fund urged the Court to include explicit language in the principles, stating that reparations ordered by the Court should aim at reconciliation.

The Trust Fund also advocated for including in the principles, the possibility to order transformative reparations, when appropriate. Transformative reparations may serve not only as a form of reparative justice, but also as an opportunity to overcome structural conditions of inequality and exclusion. In particular, in the aftermath of war crimes, crimes against humanity and genocide, it will often not be appropriate to restore the *status quo ante* that gave rise to such crimes. This is because the majority of victims of such crimes were likely to have been powerless and dispossessed at the time when the conflict erupted. The need for transformation may be particularly relevant in the context of addressing harm suffered by women and girls whose reality is often negatively shaped by structural inequalities.

Principles will have to address the question of proportionality in its different dimensions. In the Trust Fund’s view, the Chamber will firstly have to address the complex question of establishing some form of proportionality between the reparations award and the harm suffered. In addition, there will be a need for establishing a balance between the costs of the process adopted by the Court in its determination of the award and the costs of the award itself.

The final point that the Trust Fund made in its submission on reparations principles, was to underline the responsibility of States and other actors beyond the limitations of Court ordered reparations.

It asked the Chamber to stress that States Parties to the Rome Statute should act upon their obligations with regard to the implementation of awards, as well as cooperation on tracing, seizing and freezing of assets.

The Trust Fund also suggested that the reparations principles may address the wider dimension of the situation that gave rise to the violations experienced by victims, placing the Court's reparations regime in the national transitional justice context within the situation country. The impact of Court-ordered reparations will go beyond the scope of victims as defined by the case. In fact, ICC reparations could have a positive effect on strengthening victims' rights to remedies and reparations in a national context and be of guidance to national courts and transitional justice mechanisms. The Trust Fund, therefore, suggests that the principles should include clear and explicit language to remind States of their obligations toward victims under national and international human rights law, making reference to Article 25 and Article 75 (6) of the Statute. In particular, the Court should recognize explicitly in its decision, that all victims of genocide, crimes against humanity and war crimes (and not only those who have been associated with the case) have a right to reparation. This would include the right to an effective remedy before national courts. In addition, transitional justice cannot be achieved solely through State intervention. The Trust Fund's view is that a meaningful process has to rely on the combined efforts of the society as a whole, including civil society, traditional and religious leaders, affected communities, women's and children's human right advocates, victims' groups, and individuals. Therefore, the principles should call on all other stakeholders to play their part in bringing about transitional justice that repairs harm, mends the broken fabric of society, and transforms victims to become empowered citizens.

Procedural considerations regarding the case against Thomas Lubanga

The Chamber in its Scheduling Order of 14 March 2012 did not restrict itself to asking for comments related to reparations principles. In addition, it requested observations with respect to the procedure of reparations that would be most suitable in the case against Thomas Lubanga.

In responding to this aspect of the Chamber's questions, the Trust Fund proposed a community based approach towards collective reparations in the Lubanga case. This would be done in order to ensure that reparations are responsive to the post-conflict context in the Ituri province in Democratic Republic of the Congo. In particular, a community based approach to collective reparations would serve to address the risk of further stigmatization of vulnerable victims, such as former child soldiers and also victims of sexual violence related to the crimes. In looking forward, this approach may be instrumental in paving the way for intra- and inter-communal reconciliation. The Trust Fund observed that such an approach would still allow for collective awards to yield both individual and collective benefits to victims, in recognition of the different forms of harm suffered.

The Trust Fund argued that in the case against Thomas Lubanga, that identifying individual victims through an applications-based process or a verification exercise could theoretically be implemented, a number of important challenges would render such an approach unsuitable.

The identification of eligible individually identifiable victims – beyond the 85 victims who by April 2012 had applied for reparations – risks to be impeded by the lack of reliable documentation of possibly eligible (former) child soldiers in the Ituri region. An existing

national database including data on former child soldiers, compiled for the purpose of demobilization, is unfortunately, not trustworthy in detail. Therefore, it could only provide a starting point, but not the answer to identifying potential beneficiaries of a reparations award. For example, the national database fails to adequately taking into account self-mobilized child soldiers.

The Trust Fund noted that the problem of unreliability of the data contained in the national database is compounded by the fact that the Rome Statute and the national law do not use the same definition when defining who a child soldier is. In particular, under the national law of the Democratic Republic of the Congo, the use of soldiers under the age of 18 years is outlawed in line with the Optional Protocol on Child Soldiers to the United Nations Convention of the Right of the Child, to which the Democratic Republic of the Congo has participated in.. The Rome Statute, however, only makes recruitment and enlistment of children under 15 years of age a crime, thus providing for a more narrow scope of protection of minors.

The Trust Fund observed that locating former child soldiers for the purpose of awarding reparations would be another challenge to individual reparations. Many of the former child soldiers might not have returned to their original homes; many have not returned; and many of them are so traumatized that they continue to move around.

Logistically,, a mapping of where former child soldiers are located today, as well as the verification of individual victims, mandatorily required by the legal framework applicable to the Trust Fund, would be necessary to award reparations to individually identifiable former child solders. This, however, would be a resource-intensive process, to the extent that it may not stand in proportion to the outcome.

The Trust Fund also shared a number of substantive considerations arguing against the adoption of an individualized approach. In particular, it noted its concern for the risk, highlighted in the Paris Principles, of further stigmatization of former child soldiers and other eligible victims. This would apply also to the risk of further tension and even re-ignition of violence in and amongst the affected communities. In contrast, a community based approach would create space for a public discourse on the nature of the crimes of recruitment, enlistment and conscription of child soldiers. The Trust Fund expressed the hope that a community based approach may lead to the recognition that the crimes of the present case have resulted in harm beyond the group of direct victims, and across the boundaries of communities.

Accordingly, the Trust Fund advocated that the Court may wish to adopt a wide interpretation of the term “collective reparations”, a term not legally defined in international law, which gives due consideration to this “appropriateness.” The appropriateness of reparations should be assessed in line with the principles, as set out above, including in particular the principles of “do no/less harm.” Other considerations include the need for reconciliation as an underlying aim of reparations; the need for considering gender dimensions to the substance and process; and the need for reparations to be locally relevant and transformative. Moreover, the best interests of the victims eligible for reparations should be a decisive factor in determining what form of reparations the

Chamber may wish to order. The Trust Fund also noted that the crimes of recruitment, conscription and enlistment of child soldiers have affected not only the child soldiers as direct victims, but also their communities, thereby adding systemic harm to the individually experienced harm.

To underline its considerations, the Trust Fund shared some prior experiences with a community based approach, in the context of various reparations programmes across the world. Such experience contains useful insights which may help to strengthen the ICC reparations regime's ability of reconciling the individual criminal responsibility for crimes. Mass victimization is often, as in this case, the result of these crimes. In Sierra Leone the reparations commission, for example, felt that providing reparations for specific categories of people might create new or additional stigma. Reparations initiatives targeting a small, distinct class of victims for redress to the exclusion of the larger victimised community from which they originate, risk to destabilize the community and damage the very intent of such reparatory measures. On the other hand, "well-considered reparation initiatives, using the Trust Fund's voluntary contribution to complement a Court-order, could take into account the operational and programmatic context that may enhance community acceptance and improve the reparatory impact on victims."

The Trust Fund then presented observations on the development of an implementation plan in the case where the Chamber followed the Trust Fund's suggested approach and opted for a collective award. It outlined how a consultative approach will allow victims and communities to contribute to the assessment of harm, to a transparent determination of the reparation measures and to the selection of beneficiaries and localities. It proposed, for example, to use the 18 localities identified in the verdict of 14 March 2012 as a starting point for choosing localities and then considering opening up the process for other localities. A participatory process of consulting victims within the localities validated by the Chamber could then take place.

Because this consultative process is a very important issue, let us share a few more considerations . In fact, a community based reparations process could be considered an important and integral part of the process of collective awards for reparations, and to the eventual successful outcome and possessing reparative value in its own right.; Victims and victim survivor groups could participate in the design, and implementation of reparations programmes and will be critical in ensuring that reparations are meaningful, timely and have the desired impact. Of course, the participation process must be carefully designed due to heterogeneity of the victims, the need for inclusiveness, the frequent lack of resources and organisation, and the security risks and repression they may face. The programme should be dictated by the needs and expectations of victims. It must include adequate measures facilitating equal access for the most vulnerable. The Trust Fund noted that in the case against Thomas Lubanga, many direct victims may fall into the category of vulnerable victims, given the stigma and trauma attached to the experience of having been a child soldier, and their exposure to sexual violence.

The Trust Fund proposed that an "informative and outreach campaign could be launched, with the assistance of the Registry, in all validated localities to explain many of the issues around the judgment. These would include consulting with victims on how they would

define their reparation; working with the communities to identify the underlying causes of the recruitment, conscription, and enlistment of child soldiers; debate around the values of child protection and why the use of child soldiers is a criminal act making the former child soldiers victims; and identifying the mechanisms of child protection in the communities. Where appropriate, social service agencies, non-governmental organisations, victims and families, victims counsel, women's grassroots organisations, child rights advocates, victim survivors groups, community associations, traditional leaders and faith-based organisations operating in the communities may be consulted." An interdisciplinary team of experts (i.e. anthropologist, child protection specialist, psychoanalyst, social worker, public health specialist, conflict analyst, victims' counsel) could assess the harm suffered by the victims and their communities.

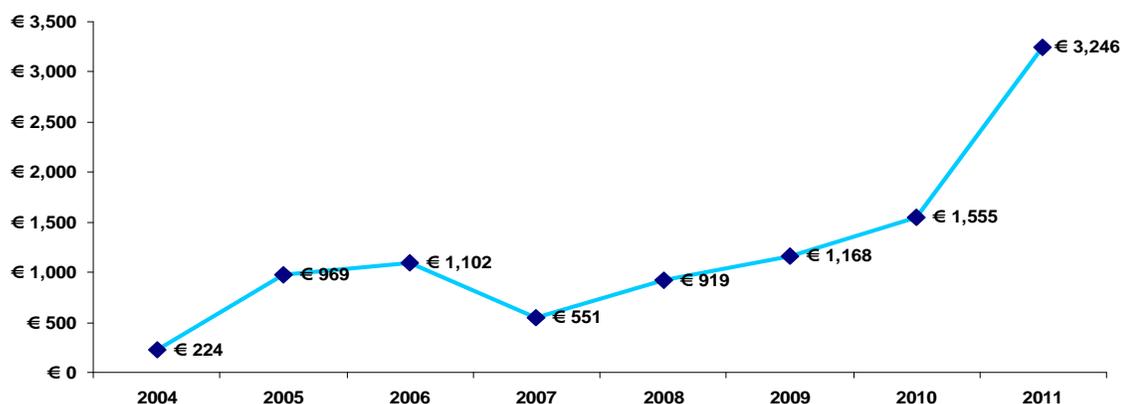
Conclusion: the importance of "getting it right"

The Chamber may decide, however, to move forward with reparations in the case against Thomas Lubanga, as the stakes are high. If the International Criminal Court's reparations system fails to deliver meaningful reparations to victims, this will have a serious effect on the rights of victims, even outside the case before it. If all goes well, however, the International Criminal Court's reparations system may serve as an inspiration and catalyst for reparations in a wider context at national level in countries in need of transitional justice.

VII. FINANCIAL UPDATES

Continuing its growth trend since 2009, the TFV recorded its highest level of cash contributions in 2011, with € 3,246,151 from 18 countries. During the first half of 2012 the TFV has received €252,252 of voluntary contributions from member states. In total, thirty countries have contributed to the TFV since 2004²⁸. The TFV's Euro account as of 30 June 2012 had a balance of €280,545.26; the US Dollar account had a balance of \$19,897.66, and the savings account had a balance of €3,220,000.

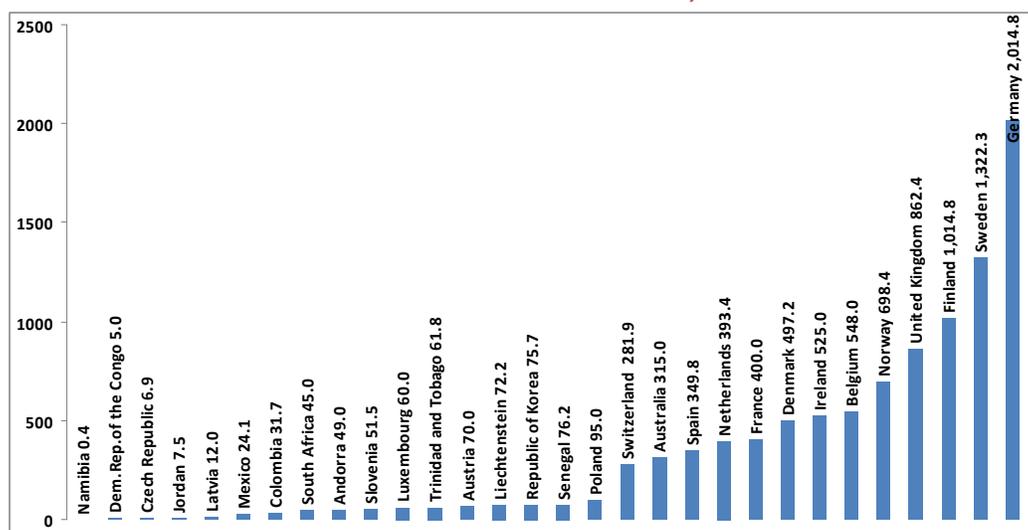
FIGURE 5: COUNTRY CONTRIBUTIONS IN THOUSANDS OF €



* TFV also receives private donations, which are not reflected in this figure.

The €3,246,151 raised from member states in 2011 represents the highest yearly amount in the TFV's history, at 32% of the total €9,986,900 raised from member states since 2004. Germany is still the TFV's largest single contributing country with € 2,014,794 contributed since 2006. In 2012, the United Kingdom pledged a £500,000 contribution at the commemoration of the 10th anniversary of the International Criminal Court.

FIGURE 6: COUNTRY CONTRIBUTIONS IN THOUSANDS OF €, 2004-2011



28 Andorra, Australia, Austria, Belgium, Dem. Rep. of the Congo, Denmark, Finland, France, Germany, Ireland, Jordan, Latvia, Liechtenstein, Luxembourg, Mexico, Namibia, Netherlands, Norway, Poland, Senegal, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Trinidad and Tobago, United Kingdom.

VIII. PROJECT ANNEXES

Assistance for victims of sexual and/or gender-based violence

Project(s)	TFV/DRC/2007/R1/001 and TFV/DRC/2007/R2/036 *EARMARKED*
Partner(s)	Catholic Relief Services (CRS) and sub-grantees
Amount	USD 470,000
Location(s)	South Kivu, DRC
Description	<ul style="list-style-type: none"> • 1,500 victims of SGBV receiving material support and psychological rehabilitation; • 725 Community peace builders trained to promote victims' rights;
Project(s)	TFV/DRC/2007/R1/021
Partner(s)	Action for Living Together (ALT)
Amount	USD 694,974
Location(s)	South Kivu, DRC
Description	<ul style="list-style-type: none"> • Safe shelter for victims of SGBV seen at Bukavu's Panzi Hospital • 400 victims of SGBV receiving small grants and psychological rehabilitation; • 800 of their children receiving education grants.
Project(s)	TFV/DRC/2007/R1/022
Partner(s)	AMAB
Amount	USD 445,770
Location(s)	Ituri, DRC
Description	<ul style="list-style-type: none"> • 300 victims of SGBV and vulnerable women receiving material support (through <i>Mutuelles de Solidarité – MUSO</i> and economic activities at the community level) and psychological rehabilitation.
Project(s)	TFV/DRC/2007/R2/029 *EARMARKED*
Partner(s)	Cooperazione Internazionale (COOPI)
Amount	USD 967,257
Location(s)	Ituri, DRC
Description	<ul style="list-style-type: none"> • 187 girls associated w/ armed groups, and 183 of their babies, who have received or are receiving accelerated education and material support to rejoin Ituri school system; • 150 children and youth formerly associated with armed groups; • 50 children and youth made vulnerable by war (e.g. orphans); • Extended to continue providing accelerated education and to incorporate former child soldiers and vulnerable children from project 028, which was closed in early 2010.
Project(s)	TFV/DRC/2007/R2/031, TFV/DRC/2007/R2/033 and TFV/DRC/2007/R2/043
Partner(s)	CONFIDENTIAL
Amount	USD 650,000
Location(s)	DRC
Description	<ul style="list-style-type: none"> • Counselling, vocational training, and vocational equipment for 550 victims of SGBV • Partner had been implementing projects 026 and 028, but these were closed and the beneficiaries transferred to projects 030 and 029, respectively.
Project(s)	TFV/UG/2007/R2/040 *EARMARKED*
Partner(s)	Cooperazione Internazionale (COOPI)
Amount	EUR 300,000
Location(s)	Oyam District, Lango Sub-Region, Uganda
Description	<ul style="list-style-type: none"> • COOPI has provided several thousand women with medical and psychological care in response to SGBV; • COOPI also conducts outreach sessions through northern Uganda to inform community leaders about the nature of SGBV and the rights of victims; • This project is now funded in its entirety by an earmarked contribution from the Government of The Netherlands. It was previously co-funded with Finland and Norway.

Assistance for children & youth

Project(s)	TFV/DRC/2007/R1/011 *CLOSED*
Partner(s)	CONFIDENTIAL
Amount	USD 70,573 (USD 59,987 were disbursed in total. Following an internal review and a monitoring report, the project was closed in December 2009)
Location(s)	DRC
Description	<ul style="list-style-type: none"> • Counselling, vocational training and reintegration kits for about 250 ex-child combatants, former abductees and/or children made vulnerable by war • Counselling and material support for about 400 family members caring for children who lost their parents during the war

Project(s)	TFV/DRC/2007/R1/019
Partner(s)	Missionnaires D'Afrique
Amount	USD 452,863
Location(s)	DRC
Description	<ul style="list-style-type: none"> • 1,900 children and youth associated with armed forces or made vulnerable by war reached through "School of Peace"; • An estimated 15,000 other children and community members

Project(s)	TFV/DRC/2007/R1/026 and TFV/DRC/2007/R2/028 *TRANSFERRED*
Partner(s)	CONFIDENTIAL
Amount	<i>Now integrated into TFV/DRC/2007/R2/030 and TFV/DRC/2007/R2/029, respectively</i>
Location(s)	DRC
Description	<i>Now integrated into TFV/DRC/2007/R2/030 and TFV/DRC/2007/R2/029, respectively</i>

Project(s)	TFV/DRC/2007/R2/030
Partner(s)	ACIAR
Amount	USD 713,904
Location(s)	DRC
Description	<ul style="list-style-type: none"> • 400 children and youth formerly associated with armed groups; • 200 children and youth made vulnerable by war (e.g. orphans); • 400 people from families caring for children orphaned by war; • Extended to incorporate former child soldiers and vulnerable children from project TFV/DRC/2007/R1/011, which was closed in late 2009 and project TFV/DRC/2007/R1/026, which was closed in early 2010.

Assistance for victims of torture and/or mutilation

Project(s)	TFV/DRC/2007/R2/032
Partner(s)	KAF
Amount	USD 251,647
Location(s)	DRC
Description	<ul style="list-style-type: none"> • Counselling and vocational training for 150 victims of torture and mutilation

Project(s)	TFV/UG/2007/R1/14(a) *CLOSED* and TFV/UG/2007/R1/14(b)
Partner(s)	Interplast *CLOSED* and Watoto
Amount	14(a): USD 28,310 14(b): UGX 417,400,000
Location(s)	northern Uganda
Description	<ul style="list-style-type: none"> • Victims of torture, mutilation and/or attack who are receiving or will receive medical care, including reconstructive surgery; • TFV has been working with Interplast Holland since 2008 to provide victims with

	<p>reconstructive surgery for cut lips, cut ears and other facial mutilations.</p> <ul style="list-style-type: none"> • Interplast completed last surgical camp in June 2011, as reduced number of victims in need of facial reconstruction is now far lower.
Project(s)	TFV/UG/2007/R1/14(c)
Partner(s)	Centre for Victims of Torture (CVT)
Amount	UGX 1,338,924,518
Location(s)	northern Uganda
Description	<ul style="list-style-type: none"> • Initiated in October 2009 to provide certified trauma-counselling training to TFV implementing partners;
Project(s)	TFV/UG/2007/R1/018 and TFV/UG/2007/R2/042
Partner(s)	The AVSI Foundation
Amount	EUR 339,575
Location(s)	northern Uganda
Description	<ul style="list-style-type: none"> • 563 victims of torture, mutilation and/or attack who are receiving or will receive medical care, including prosthetic limbs; • Integrated projects to identify, transport, care for and follow-up medical patients;
Project(s)	TFV/UG/2007/R2/039 and TFV/UG/2007/R2/041
Partner(s)	Anglican Diocese of northern Uganda
Amount	UGX 450,856,200
Location(s)	Gulu and Amuru Districts, northern Uganda
Description	<ul style="list-style-type: none"> • “Healing of Memory” sessions for about 100 victims of torture and mutilation to express their trauma in small groups and help each other reach a point of forgiveness and reconciliation • Vocational training and school fees for about 100 victims of torture or mutilation • Referrals to healthcare services for victims who are still in need of physical rehabilitation

Assistance to help victims rebuild their communities

Project(s)	TFV/DRC/2007/R1/004 * TRANSFERRED*
Partner(s)	Africa Initiative Programme (AIP)
Amount	<i>Now integrated into TFV/DRC/2007/R2/027</i>
Location(s)	Irumu, Djugu, Mahagi and Aru Territories, Ituri District, DRC
Description	<i>Now integrated into TFV/DRC/2007/R2/027</i>
Project(s)	TFV/DRC/2007/R2/027
Partner(s)	Réseau Haki na Amani (RHA)
Amount	USD 847,865
Location(s)	Irumu, Djugu, Mahagi and Aru Territories, Ituri District, DRC
Description	<ul style="list-style-type: none"> • 800 victims of war receiving psychological rehabilitation; • 10,500 victims benefitting from material support; • 40,000 persons will be mobilized around pacification and reconciliation issues through large scale “Peace Caravan”.
Project (s)	TFV/UG/2007/R1/003, TFV/UG/2007/R1/005, TFV/UG/2007/R1/006, TFV/UG/2007/R1/016, TFV/UG/2007/R1/020, TFV/UG/2007/R1/025 and TFV/UG/2007/R2/035
Partner(s)	International NGO overseeing seven small grants
Amount	UGX 3,228,683,029
Location(s)	northern Uganda
Description	<ul style="list-style-type: none"> • 5,900 victims of war receiving integrated support, including vocational training, medical care, village savings training and more;

	<ul style="list-style-type: none"> • This set of integrated projects is overseen by one international partner; • Additional UGX 51,000,000 obligated and disbursed in 2010 for 8 surgeries that were too expensive for the original budget;
Project(s)	TFV/UG/2007/R2/038
Partner(s)	Northeast Chilli Producers Association (NECPA)
Amount	UGX 865,544,000
Location(s)	Lira and Amuria Districts, Uganda
Description	<ul style="list-style-type: none"> • Counselling, training, seeds, animals, and farm tools for about 2,700 victims in the process of rebuilding their communities. • Victims work through farmers' collectives to sell their crops and establish durable sources of livelihood

IX. OVERVIEW OF THE TRUST FUND FOR VICTIMS

The Trust Fund for Victims is the first of its kind in the global movement to end impunity and promote justice. At the end of one of the bloodiest centuries in human history, the international community made a commitment to end impunity, help prevent the gravest crimes known to humanity and bring justice to victims with the adoption of the Rome Statute.

This treaty - voted for by 120 nations in 1998 - created the International Criminal Court to prosecute those responsible for genocide, crimes against humanity and war crimes. For the people who suffer most from these crimes, and who too often are forgotten, it set forth the mandates of the Trust Fund for Victims. In 2002, the Rome Statute came into force and the Assembly of States Parties established the TFV. The TFV works in partnership with national and international implementing partners to fulfil a global promise of justice, assisting victims and their families in rebuilding their lives and communities.

Civilians often bear the brunt of the crimes of war. Adults and children witness their loved ones being killed, tortured, and raped. Children are forced to join fighting forces. Women and girls, and sometimes men and boys, are victims of sexual violence. People see their property and livelihoods destroyed. Victims feel stripped of their dignity and may be shunned by their communities. Conflict tears apart the social and economic fabric of societies.

Marginalisation makes it harder for victims to be heard, to get help, and rebuild their lives. Those who are stigmatised and vulnerable even in times of peace, suffer more acutely in times of conflict. Widows returning to their villages, for example, have to struggle to get their homes back because women rarely hold title to the family property. Crimes may compound existing vulnerabilities, or may lead to victims being ostracised from their societies. Rape victims often refrain from mentioning their plight to avoid being shunned by their families. Victims of mutilation can be rejected by their communities. Often, people are victims of multiple crimes.

The TFV listens to the most vulnerable victims of genocide, crimes against humanity and war crimes, and amplifies their voices in the international arena. It raises public awareness and mobilizes people, ideas and resources. It funds innovative projects through intermediaries to relieve the suffering of the often forgotten survivors. The TFV works closely with NGOs, community groups, experts, governments, and UN agencies at local, national, and international levels.

The TFV aims to directly address and respond to victims' physical, psychological, or material needs. It develops its activities with the victims themselves as partners. The TFV does not dispense charity; it provides the tools for victims to help themselves regain their dignity, livelihoods, and rightful place within their families and communities. By focusing on local ownership and leadership, the TFV empowers victims as main stakeholders in the process of rebuilding their lives.

The basis for the Trust Fund for Victims is laid down in article 79 of the Rome Statute of the

International Criminal Court which provides for a “Trust Fund...for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims.”²⁹ The TFV supports activities which address the harm resulting from the crimes under the jurisdiction of the ICC by assisting victims to return to a dignified and contributory life within their communities.³⁰ The TFV develops its activities with victims themselves as partners, helping them rebuild their families and communities and regain their place as fully contributing members of their societies.

To do this, the TFV fulfils two mandates: (1) administering reparations ordered by the Court against a convicted person³¹, and (2) using other resources for the benefit of victims subject to the provisions of article 79 of the Rome Statute.³² Both mandates provide support to victims of genocide, crimes against humanity and war crimes committed since 1 July, 2002.³³

REPARATIONS MANDATE

The TFV’s first mandate is linked to a case. Resources are collected through fines or forfeiture and awards for reparations³⁴ and complemented with "other resources of the Trust Fund" if the Board of Directors so determines (see figure below).³⁵

Reparations to or in respect of victims can take many different forms, including restitution, compensation and rehabilitation. This broad mandate leaves room for the ICC to identify the most appropriate forms of reparation in light of the context of the situation and the wishes of the victims and their communities. Reparation is in no way limited to individual monetary compensation; it could instead include collective forms of reparation and symbolic or other measures that could promote reconciliation within divided communities.

The Court may order that an award for reparations against a convicted person be deposited with the TFV where, at the time of making the order, it is impossible or impracticable to make individual awards directly to each victim. The TFV shall take receipt of resources collected through awards for reparations and shall separate such resources from the remaining resources of the TFV in accordance with Rule 98 of the Rules of Procedure and Evidence.

REHABILITATION ASSISTANCE MANDATE

The dual mandate of the TFV envisions the possibility for victims and their families to receive assistance separate from, and prior to, a conviction by the Court, using resources the TFV has raised through voluntary contributions. While this support is distinct from awards for reparations, in that it is not linked to a conviction, it is paramount in helping repair the harm

²⁹ For more information on the TFV’s legal basis, please see <http://trustfundforvictims.org/legal-basis>.

³⁰ Victims are defined in Rule 85 of the Rules of Procedure and Evidence.

³¹ Rule 98 (2), (3), (4) of the Rules of Procedure and Evidence

³² Rule 98 (5) of the Rules of Procedure and Evidence.

³³ As defined in Articles 6, 7, and 8 of the Rome Statute.

³⁴ Regulations 43 to 46 of the Regulations of the Trust Fund for Victims

³⁵ Regulation 56 of the Regulations of the Trust Fund for Victims

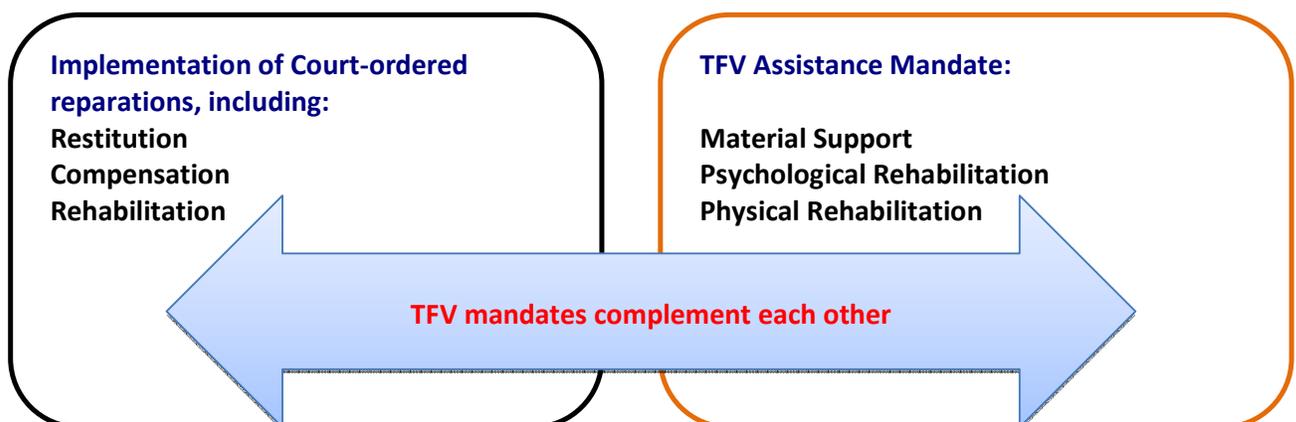
that victims have suffered. This can be accomplished in two ways. Firstly, the TFV can provide assistance to victims in a more timely manner than may be allowed by the judicial process. Secondly, assistance is targeted to victims of the broader situations before the ICC, regardless of whether the harm they suffered stems from particular crimes charged by the Prosecutor in a specific case.

The resources used for the TFV's second mandate are "resources other than those collected from awards for reparations, fines and forfeitures," as defined in Regulation 47 of the Regulations of the Trust Fund for Victims. They are used in accordance with Regulation 48, to benefit "victims of crimes as defined in Rule 85 of the Rules, and, where natural persons are concerned, their families, who have suffered physical, psychological and/or material harm as a result of these crimes."

Regulation 50 provides that "the TFV shall be considered to be seized" when the Board of Directors considers it necessary to provide physical or psychological rehabilitation and/or material support for the benefit of victims and their families, and has consulted with any relevant Chamber of the Court, in accordance with the procedure specified. The main objectives relating to TFV-issued reparations and assistance are to ensure that as many victims as possible are able to exercise their rights in relation to these provisions and to benefit from them as active stakeholders.

Under its non-Court ordered assistance, the TFV is presently employing two targeting strategies to ensure victims fall within the jurisdiction of the ICC: (1) assistance to specific categories of victims, including victims of sexual violence and children and youth associated with armed forces; and (2) assistance to affected communities, including villages victimized by pillage, massacre, and/or displacement. This category also includes community leaders reached through sensitization activities: or further support reconciliation and healing at the individual and community levels, the TFV supports projects that reduce the added stigma and discrimination often faced by victims of grave human rights abuses.

THE DUAL MANDATE OF THE TFV



MAKE A DONATION TO THE TRUST FUND FOR VICTIMS

The survivors of the gravest human rights crimes need your help. We welcome financial contributions from private individuals, foundations, corporations and other entities, and we will use these voluntary contributions to fund projects to the benefit of victims.

You can make a financial contribution through the following TFV accounts:

€ account

Bank Name: ABN AMRO
Account Holder: Trust Fund for Victims
Currency: Euro (€)
Account Number: 53.84.65.115
IBAN: NL54ABNA0538465115
Swift: ABNANL2A

US \$ account

Bank Name: ABN AMRO
Account Holder: Trust Fund for Victims
Currency: US dollar (US \$)
Account Number: 53.86.21.176
IBAN: NL87ABNA0538621176
Swift: ABNANL2A

Bank address:
Postbus 949
NL-3000 DD Rotterdam
Netherlands



For more information, please visit www.trustfundforvictims.org
or contact us at trust.fund@icc-cpi.int.