



**Fonds au Profit des Victimes**  
**The Trust Fund for Victims**



## **TFV Management Brief July - September 2020**

*Public Document*



## Headlines

Despite operational constraints from the COVID-19 pandemic, the Trust Fund for Victims (TFV) broadened and strengthened its operational footprint from 6 to 29 projects and from 1 to 5 active country programmes by the end of 2020.

By the end of 2020, the TFV will have almost finished the implementation of awards in Katanga and will start implementation of complex, multi-annual implementation awards in *Lubanga* and *Al Mahdi*.

In 2020, the TFV Board of Directors issued more than 1000 eligibility decisions with respect to individual victims.

With regard to assistance-programming, the TFV is implementing all planned interventions and is close to deciding on (potential) new activities.

In fund management, the TFV is able to proceed with all planned activities in the short to medium term but is, however facing a significant longer-term resource development challenge.

The Registry helped the TFV to clear obstacles in moving forward with activities. A need for separate TFV policies to simplify the process of partnering with organizations to implement activities has been detected.

Further to the IOM evaluation report, the TFV Board and Secretariat have made considerable progress in responding to the recommendations; the TFV Strategic Plan and Activity Tracker has put in place deadlines to achieve progress for crucial management improvements, such as developing the Fund Management and Investment Policy.

The TFV's full staffing structure at management level was completed in June 2020, consisting of Legal Adviser (and Deputy to ED) and three Programme Managers. Weekly managerial Coordination Meetings and regular Staff Meetings are in place.

The Secretariat improved the communication with the Board considerably despite work and meetings having to happen remotely. The TFV will begin publishing its quarterly Management Brief in October 2020.

## Table of Contents

|      |  |    |
|------|--|----|
| A.   | Introduction .....   | 4  |
| B.   | Impact of COVID-19 pandemic and security concerns on operations .....                                    | 5  |
| C.   | Implementation of reparations and assistance activities .....  | 6  |
| I.   | Reparations activities .....   | 6  |
| 1.   | Victim identification and verification in <i>Lubanga</i> and <i>Al Mahdi</i> .....                       | 6  |
| 2.   | Implementation of collective reparations ( <i>Lubanga</i> ) .....  | 6  |
| 3.   | Implementation of collective awards in <i>Katanga</i> .....  | 7  |
| 4.   | Implementation of collective reparation awards in <i>Al Mahdi</i> .....                                  | 7  |
| 5.   | <i>Ntaganda</i> reparations proceedings: in pre-order phase .....  | 7  |
| II.  | Assistance activities .....  | 7  |
| 1.   | Implementation of the assistance programme in northern Uganda .....                                      | 7  |
| 2.   | Implementation of the assistance programme in the Democratic Republic of the Congo ....                  | 8  |
| 3.   | Implementation of the assistance programme in Côte d’Ivoire .....  | 8  |
| 4.   | Strengthening cooperation with the Government of Côte d’Ivoire .....                                     | 8  |
| 5.   | Implementation of the assistance programmes in Central African Republic .....                            | 9  |
| III. | Selection of implementing partners for the implementation of reparations and assistance activities ..... | 9  |
| IV.  | Prospective assistance programmes Kenya, Georgia, and Mali .....   | 10 |
| D.   | Organisational matters .....   | 12 |
| I.   | Recruitment and mobilisation of staff .....  | 12 |
| II.  | Implementation of decisions taken by the Board of Directors in honour of Dr Michelini .....              | 13 |
| III. | Fundraising and Visibility .....   | 13 |
| IV.  | Monitoring & Evaluation .....  | 14 |
| V.   | Finance and internal control .....   | 14 |
| VI.  | Grant Management: internal sessions .....  | 14 |
| VII. | A new Independent Oversight Mechanism (IOM) evaluation: on victim engagement, Court-wide .....           | 15 |
| E.   | Proposed Programme Budget 2021 and Financial Overview .....  | 16 |
| I.   | CBF .....  | 16 |
| 1.   | General .....  | 16 |
| 2.   | Proposed budget 2021 .....   | 16 |
| 3.   | Policy issues .....  | 16 |
| II.  | Financial overview of extra-budgetary resources & 2020 budget performance .....                          | 17 |
| 1.   | Financial overview of extra-budgetary resources .....  | 17 |

|   |    |
|---|----|
| 2. STFV budget performance in 2020 .....  | 18 |
| F. Concluding management observations .....   | 19 |
| Annex 1: FILINGS and DECISIONS relevant to the TFV – July to 12 October 2020 (with links to Legal Tools)..... | 20 |

## A. Introduction

Despite a palpable effect of the pandemic on the operations of the Trust Fund for Victims (the “TFV” or “Trust Fund”) in the field, the Fund has continued its work since June 2020 (TFV Management Brief 1/2020) and achieved (outside the judicial/legal sphere) several **milestones** and conducted several events:

- July
  - 16<sup>th</sup> of July: Launch (remotely) of the Assistance Programme in DRC with 9 partners (one partner still in contracting phase);
  - Submission and publication of the TFV Board’s ASP Report;
- August:
  - TFV Board of Directors adoption of the Updated Strategic Plan;
  - 24 & 25 August: (physical) Workshop with implementing partners and civil society in CIV to ensure a broad ownership of TFV assistance program and harmonisation with the national reparative justice efforts;
- September:
  - 1<sup>st</sup> of September: Start of the Pilot Assistance Project in the Central African Republic which was made public by press release on 8 October 2020 and launched with the partner remotely on 12 October 2020;
  - Finalization of 2019 Annual Progress Report (to be published in October).

By end of the year, the TFV expects to have 29 implementing partners in [northern Uganda (5), the Democratic Republic of the Congo (11), Central African Republic (6), Côte d’Ivoire (3) and in Mali (4), while it had 6 implementing partners at the year’s beginning.

In July 2020, the TFV Board of Directors (the “Board”) welcomed Ms Minerva Tavárez Mirabal (Dominican Republic, Latin American and Caribbean States), as their colleague. Ms Tavárez Mirabal was elected to the Board by the Bureau of the Assembly on 9 July 2020 to replace Dr Michelini.

The Board decided, in consultation with the Registrar, to hold remote meetings on 25 June and 17 July 2020. The decisions of the Board taken in the first half of 2020 were published in September 2020 on the TFV website.

The Secretariat of the TFV (the “Secretariat” or “STFV”) is working closely together with the Chambers, the Legal Representatives and different Registry sections, including the Country Offices, on the implementation of reparations in three cases and is in the process of starting assistance programmes in Côte d’Ivoire and the Central African Republic. TFV staff engages heavily in coordinating and streamlining the administrative, legal and financial processes involved in those operations.

In support of the October 2020 meetings of the TFV Board, this Management Brief is a sequel to the previous version of June 2020 and serves to provide the Board with actualised information about the

Fund's main activities, developments and outlook. In its 9 October session, the Board agreed to publication of this Management Brief, with redaction of confidential information. Subsequent TFV Management Briefs will also be published.

Following the Report of the Independent Expert Review (IER) published on 30 September 2020, the TFV Board met on 6 October on an amended agenda to discuss the findings and recommendations of the IER Report. The Secretariat had prepared a Preliminary Assessment of the IER Report dated 2 October 2020 for perusal of the Board, acknowledging past challenges, welcoming many of the recommendations and expressing concern about some, and analysing in more depth a limited number of recommendations. A Board session took place on 9 October 2020, further discussing the IER Report and the Board's response.

At the request of the Board, this Management Brief has been further updated for the purposes of subsequent regular Board sessions in the final week of October and/or first week of November 2020.

## **B. Impact of COVID-19 pandemic and security concerns on operations**

From March 2020 onwards, working remotely has become the norm for staff in The Hague as well as in the country offices. Government travel restriction and preventative measures in situation countries not only affect TFV personnel but also affect the activities of our implementing partners and counterparts. This required the re-casting of the ongoing programmes in Uganda and the starting programmes in the DRC to adapt to the realities of COVID-19. While several staff were caught outside their duty station by the sudden and widespread imposition of travel restrictions and the collapse of international air travel, since September 2020 all Programme Managers and field staff have returned to their respective duty stations, ready to engage with local partners when necessary.

TFV staff members form part of different sub-committees of the Court's COVID-19 CMT (Crisis Management Team) designing how to continue working and travelling under new conditions. Until September, travelling from The Hague to the Country Office was excluded not least because e.g. for most of the situation a two-week quarantine would have had to be observed upon arrival. In addition, any in-country field missions have not been allowed in Uganda until September 2020. In Ituri (DRC), in-country field missions are very difficult because of the continuously worsening security situation.

This situation is expected to persist in the coming months. A potential easing of travel and office restrictions notwithstanding, it will be a gradual process, prone to be affected by ongoing fluctuations of COVID-19 manifestations.

As the Board was informed in April, the Secretariat is continuously anticipating and implementing measures to mitigate the impact of the pandemic on working methods and programme activities. The capacity of the TFV to work remotely is mainly due to (i) pre-existing remote working modalities at the Secretariat integrating functions of staff based in Headquarters and in situation countries; and (ii) the strong relations built over the years with communities, implementing partners and civil society. The impact of the COVID-19 pandemic has been taken into account in the action plan in relation to the IOM evaluation report and on the Fund's strategic plan.

Security remains an issue especially in DRC and in Mali. In Côte d'Ivoire the upcoming elections will most probably restrict the possibility of TFV staff to deploy in the field.

## C. Implementation of reparations and assistance activities

### I. Reparations activities

The public reporting on the reparation activities is very limited due to the confidentiality of the implementation processes.

#### 1. Victim identification and verification in *Lubanga* and *Al Mahdi*

In reparations work, the Trust Fund continued to focus on the identification and verification of victims to benefit from collective awards (*Lubanga*) and individual awards (*Al Mahdi*).

##### *Identification and collection (Al Mahdi):*

Since December 2019, the LRV and the Trust Fund jointly collected nearly 600 applications of potential beneficiaries in the *Al Mahdi* case. The bulk of the applications were collected by February, but due to COVID-19 related delays, the already collected forms were transmitted by the LRV to The Hague only in June 2020 for further processing.

Timbuktu was badly affected by the COVID-19 outbreak. Therefore the TFV jointly with the LRV agreed to suspend the further collection of applications. At the end of June, the collection resumed through intermediaries to allow, in particular applicants from one remaining Mausoleum to submit their reparation claims.

##### *Eligibility (Al Mahdi):*

The process regarding the eligibility decisions in *Al Mahdi* is currently confidential. Based on lessons learned from the screening process, amendments to the screening process have been put in place to further the expeditiousness of the process while making sure that procedural rights of all parties are respected and the Court's and Trust Fund's resources are wisely used.

##### *Implementing individual reparations (Al Mahdi):*

Upon completion of procurement, the Secretariat is in the process of concluding a contract with the selected implementing partner.

##### *Identification and verification (Lubanga)*

The identification process of victims in *Lubanga* is currently confidential.

##### *TFV Board administrative decision-making on victim eligibility*

The Secretariat is grateful for the engagement of Mama Koite Doumbia and Gocha Lordkipanidze, on behalf of the Board, in relation to the review and approval of the Fund's administrative eligibility decisions in these cases, which is a significant milestone on the evolution of the Fund's reparation mandate.

#### 2. Implementation of collective reparations (*Lubanga*)

Following working sessions with the selected bidder for the implementation of the collective service based reparations, the TFV will proceed to finalise the contract.

The Trust Fund will also continue the ongoing procurement process for the collective symbolic reparations.

### **3. Implementation of collective awards in *Katanga***

The implementation of collective awards in *Katanga* (remaining income-generating activities, housing assistance and psychological rehabilitation) has progressed over the past three months. The relevant processes are currently confidential.

The increased security risks in the Ituri region have a direct impact on the manner of implementation and require flexible arrangements and coordination with the Country Office's security staff.

### **4. Implementation of collective reparation awards in *Al Mahdi***

Early July, the TFV finalised the remaining three procurement processes in relation to the *Al Mahdi* collective reparations. Despite the current volatile situation in Mali, the TFV works closely with the selected implementing partners for the launching of their activities.

In addition, the Programme Manager, supported by the legal team, closely works with the affected communities to design a community based eligibility process to ensure that the relevant persons can access and benefit from the collective reparation awards.

### **5. *Ntaganda* reparations proceedings: in pre-order phase**

The Court's most recent reparation proceedings, in the *Ntaganda* case, are in the pre-reparations order phase. The Trust Fund has responded to requests by the Trial Chamber for observations on proceedings. On 28 February 2020 the Trust Fund submitted its main filing with observations relevant to reparations. Already in this phase, the pandemic and the fragile security situation in the 3 relevant provinces in the DRC are affecting proceedings. Nevertheless, prospective victim identification conducted by VPRS (after consultation with the TFV and LRV), and the conduct of a service market survey by the Trust Fund as well as the activities of the Court-appointed experts in this case go ahead, be it remotely. The Secretariat has provided information to the experts and met some of them.

It is noteworthy that the IER Report relies on the jurisprudence of the *Ntaganda* Chamber to stress the important role of VPRS in identifying new victims for reparations before a Reparation Order has been issued. The position of the TFV, expressed in its 28 February 2020 filing and in consultations with VPRS, has been a voice of caution. The TFV expressed that it matters to avoid raising expectations of victims that they would receive reparations while the scope of the reparation awards has not yet been determined.

The Secretariat has been invited by the Chamber to submit a next report on operational modalities, including the outcome of a market survey, by December. Further details on this process and the filing of December 2020 will be provided to the Board in due course.

## **II. Assistance activities**

### **1. Implementation of the assistance programme in northern Uganda**

The impact of the COVID-19 pandemic is not limited to the Trust Fund and its staff. Implementing partners in greater northern Uganda had had to adapt their interventions to comply with Covid-19 restrictions, such as counselling victims over the telephone and conducting follow-up consultations

by telephone. Activities, such as surgical interventions, have necessarily been placed on hold pending the easing of preventive measures instituted by government.

In July, the government announced the easing of some in-country travel restrictions which have enabled our partners to regain greater access to victims and communities while observing protective protocols (face masks, face shields, social distancing, and sanitation). Recognizing that certain preventative measures will remain in place well into 2021, the Trust Fund invited partners to amend their applicable proposal activities and targets and budget provisions through March 2021. The Trust Fund analysed and discussed the specific proposal adjustments and budget realignments caused by the COVID-19 pandemic and in early September 2020 the Trust Fund approved their proposal adjustments and budget realignments.

On 31 July the Trust Fund finalized a Mutual Termination agreement with ADDA to close the partnership engagement.

## **2. Implementation of the assistance programme in the Democratic Republic of the Congo**

The workshop for the launch of the assistance programme was held remotely on 16 July 2020 with 9 implementing partners. Several bilateral meetings with each partner were held virtually over a period of 2 weeks to ensure high quality program implementation despite current public health and security restrictions. The partners will be submitting their first quarterly report by the second week of October. Close monitoring is being carried out by the Programme Manager and staff based in Bunia, Ituri Province.

## **3. Implementation of the assistance programme in Côte d'Ivoire**

Following the finalisation of the procurement process for the selection of implementing partners, the TFV filed the Regulation 50 Notification to Pre-Trial Chamber II regarding the CIV assistance programme. On 8 September 2020, the Trial Chamber informed the Board of the Trust Fund that the proposed activities described in the corrected version of Annex I to the Notification do not appear *per se* to pre-determine any issue to be determined by the Court. The TFV worked with RLO to finalise the contracts. The contracts have been sent to the partners for signature on 9 October 2020. The TFV envisages launching the assistance programme shortly.

Considering the fragmentation of the Ivorian society and the increasing political tensions, the TFV put particular emphasis on collaborating with civil society, especially victims association and human rights organisations. In August, the Secretary organised a two day workshop with both future implementing partners, victims 'association and human right organisations to ensure the ownership of future TFV programmes, to align with national efforts of reparative justice, to allow a geographic, temporal and ethic balanced approach as well as facilitate the acceptance by communities and victims. A regular engagement has been agreed by all participants.

## **4. Strengthening cooperation with the Government of Côte d'Ivoire**

With a view to strengthening national reparation processes as part of the TFV's assistance mandate, early this year, the TFV conducted with the International Organization for Migration (IOM) and in cooperation with the Government a joint scanning of the capacities and performance of the national program of reparation. The confidential draft report on how to strengthen the Program has been finalised in July and shared with the Ministry of Solidarity. A request of hearing has been sent to the Ministry to further discuss the eight recommendations enclosed in the report.

## 5. Implementation of the assistance programmes in Central African Republic

The TFV's Associate Field Programme Officer returned to CAR in late July 2020 and has since prepared the start of the Pilot Project. The contract with the implementing partner entered into force on 1 September 2020. After meetings with the relevant government authorities were conducted, the programme was launched in September. A formal notification in a form of meetings with key government officials, and a Note Verbale has been sent at the end of September 2020, followed by a press release published on 8 October 2020. Four outreach sessions to inform of the launch of the Pilot Project took place on 7 and 8 October 2020. The official launch of the programme together with the partner took place on 12 October 2020.

In early September, upon the Board's decision to that effect, the TFV filed the Regulation 50 Notification to Pre-Trial Chamber II to start an assistance programme in CAR relevant to the harm suffered by victims in both situations, CAR I and CAR II. The Trial Chamber invited OPCV and OPCD and the OTP to make submissions and informed the TFV on 8 October 2020 that the programme does not predetermine any issue to be determined by the Court. Accordingly, TFV and RLO will prepare the contracts for the five implementing partners and the TFV Programme Officer will contact the implementing partners to prepare for the launch of the activities.

### III. Selection of implementing partners for the implementation of reparations and assistance activities

The Trust Fund's ambition to implement planned new activities, both in relation to reparation awards and assistance programmes, have come significantly closer to realisation.

In the past twelve months, the Secretariat invested significant effort and resources to conduct and complete the procurement processes of unprecedented volume and complexity, resulting in the presentation of eight major projects to the Court's Procurement Committee.

*Table: Procurements completed in 2020 (information insofar as not confidential)*

| Mandate     | Case / country | Activity                   | Contracts | Value (in thousands)* | Status                                 |
|-------------|----------------|----------------------------|-----------|-----------------------|--|
| Assistance  | CAR            | Pilot assistance programme | 1         | EUR 250               | Contract in force on 1 September 2020  |
| Assistance  | CAR            | Full assistance programme  | 5         | EUR 892 (Y1)          | Contracting (October/November)         |
| Assistance  | Côte d' Ivoire | Assistance programme       | 3         | EUR 300 (Y1)          | Contracts sent for signature (October) |
| Reparations | Lubanga        |                            | 1         |                       |  |
| Reparations | Al Mahdi       |                            | 1         |                       |  |
| Reparations | Al Mahdi       |                            | 1         |                       |  |
| Reparations | Al Mahdi       |                            | 1         |                       |  |
| Reparations | Al Mahdi       |                            | 1         |                       |  |

\* Y1: Year 1 of the multi-annual contract. Continuation of contract funding is subject to: (i) operational performance of the implementing partner; (ii) availability of resources; and (iii) Board decision on allocation of resources.

\*\* After the agreement of RLO/TFV on the contract, the implementing partners have time to comment on the contract. Once the contract is agreed (contracting phase is over), the signature process starts, taking a considerable amount of time (minimum 6 weeks). The TFV sought the approval of the Registrar in September 2020 for a pilot programme of electronic signatures that would speed up the signature process. The expectation is that this is in place before the end of the year.

The completion of the Trust Fund's above procurement activities was enabled by three factors, as already set out in the Management Brief 1/2020:

- i. A significant investment in capacity, time and quality control at the Secretariat, highlighted by:
  - a. The reinforcement of programme management capacity and the related anchoring of procurement responsibilities, from mid-2019 onwards;
  - b. The mobilisation of a dedicated Associate Procurement Officer in November 2019, working under the supervision of the Finance Officer, whose effectiveness is validating the importance of internal quality control and management;
  - c. The broad mobilisation of internal staff capacity to conduct evaluations of concurrent bids; and
  - d. The integration of legal, programme and administrative capacities to complete the Trust Fund's complex and sensitive procurement processes.

These include the development of detailed dossiers for requests for proposals, which in relation to certain reparation awards require intensive consultation with legal representatives of victims, as well as the on-site organisation of pre-bid meetings with shortlisted bidders serving to inform about the Trust Fund's internal control and monitoring requirements as well as to ensure the highest possible level of adequacy and quality of their proposals;

- ii. The provision of support and guidance by the Registry's Procurement Unit commensurate with the novelty and volume of the Trust Fund's procurement portfolio;
- iii. The Registrar's initiative for a joint task force, to improve capacity and analyse and solve the procurement blockages experienced in relation to the Secretariat's specific procurement needs, as well as to identify measures to adapt the Court's procurement processes to the specific and evolving business needs of the Fund.

The task force, consisting of a Senior Adviser to the Registrar and the Trust Fund's Legal Adviser (upon arrival in mid-June), has proven to be effective in creating conditions to expedite the completion of procurements.

In early September 2020, a report was submitted to the Registrar and Executive Director that advises by reference to the processes applicable for UN organisations, that the Court's standard procurement process should be primarily applicable only to commercial partners and may not be best suited and applicable to the selection of TFV implementing partners for reparations awards and assistance programmes. Following that, the Executive Director, supported by the Registrar, has requested the TFV Legal Adviser to explore in more detail an alternative or amended procedure for the TFV to select implementing partners. The TFV Legal Adviser is developing a project plan that ensures that consultations are held within the TFV, with the relevant Registry units and outside stakeholders.

#### **IV. Prospective assistance programmes Kenya, Georgia, and Mali**

The Secretariat has completed situation assessments for prospective assistance programming in both Kenya and Georgia. The reports have been reviewed and discussed within the Secretariat, taking into account their findings, as well as the different scenarios that can be considered in view of the Fund's financial situation and the Secretariat's organisational capacity to engage. The separate

report and recommendations of the Executive Director to the Board will feature on the agenda of the next regular meeting.

In relation to the prospect of assistance activities in Mali, next to the implementation of reparations awards in Al Mahdi, the Secretariat has been able, despite the outbreak of the COVID-19 pandemic, to conduct an initial assessment. Thanks to a strong collaboration with civil society actors, the Secretariat managed to consult with victims, their communities and their leadership. The draft internal report has been updated to reflect recent political events and further detail the opportunities for the TFV to engage in complementarity with the Malian State. Consultation of key governmental actors will take place in November, preferably during a mission to Mali.

Findings and recommendations with a view to starting an assistance programme in Mali will be presented at the next Board meeting. The initial funding of assistance activities in Mali is contingent on the prospect of an earmarked contribution by the Canadian Embassy in Bamako. Following an initial proposal submitted in March, the Secretariat submitted in August and September additional programme information to the Canadian Embassy to further detail the gender component of the proposal. A meeting took place on 9 October 2020 to discuss the gender mainstreaming aspects of the proposal. Adjustments are required to ensure the proposal not only envisions women to have access to the programme but to also empower women to act as decision-makers. The Secretariat will keep the Board informed of further developments.

## D. Organisational matters

### I. Recruitment and mobilisation of staff

Progress in the Secretariat's recruitment and mobilisation of new staff has been affected by constraints imposed by COVID-19 on the Court's recruitment process. The following recruitments are completed or in advanced stages:

The Secretariat notes that the Finance Officer is taking up a one-year temporary placement at another international organisation in The Hague, allowing for further development of professional skills, as of October 2020. The Secretariat is close to identifying a replacement to fill the Finance Officer position for this period

#### Established posts: 9 approved positions

All 9 approved positions are filled, with two in March and June 2020.

- Legal Adviser (P4): completed and mobilised on 15 June 2020;
- Programme Assistant (G5): completed and mobilised on 17 March 2020.

#### General Temporary Assistants (GTA) posts: 14 positions have been filled

The Secretariat finalised 6 additional recruitment of GTA positions between June and October 2020:

- Two Associate Legal Officers (P2): completed and mobilised in September / October;
- Associate Field Programme Officer (P2) for Mali: completed and mobilised in November;
- Associate Field Programme Officer (P2) for DRC: selection report sent to Registry's Human Resources Section in September;
- Associate Field Programme Officer (P2) originally placed in Uganda to be deployed to DRC to support reparations and assistance activities: selection report sent to Registry's Human Resources Section in September;
- Finance Assistant (GSOL): completed and mobilised in October.

#### Vacant GTA posts

- Field Programme Assistant DRC (G5): to be launched shortly.

#### Short-Term Appointments

Several STA positions were added this year to ensure business continuity pending the finalisation of recruitment processes or to address a surging need for legal and implementation capacity:

- Two Assistant Legal Officers (P1): new, completed and mobilised in September;
- Two Administrative Assistants (G5): new, completed and mobilised in June and August;
- Associate Field Programme Officer (P2) DRC: continued from the end of 2019, pending finalisation of recruitment of the same GTA position.
- Associate Field Programme Officer (P2) Mali: new, mobilised in March 2020, pending the finalisation of recruitment of the same GTA position.
- Associate Procurement Officer (P2): continued from the end of 2019.

## **II. Implementation of decisions taken by the Board of Directors in honour of Dr Michelini**

The Secretariat has contacted the Human Resources Section (HRS) of the ICC to discuss the possibility of integrating the Visiting Professional Programme in honour of Dr Michelini into the Court's Internship and Visiting Professional Programme. After internal consultation, the response of the Registry to the TFV was positive. The TFV and the Registry are in the process of discussing the details of this integration while ensuring that the distinct character of the programme in the name of Dr Michelini is preserved.

Registry and TFV have determined the conference room that will be named after Dr Michelini. Considering the COVID-19 measures, the TFV hopes to facilitate a ceremony at a next Board meeting hopefully taking place in person in The Hague. Should that not prove possible, the TFV will resort to a remote ceremony.

## **III. Fundraising and Visibility**

A separate and updated (first version in July 2020) document on Fundraising – past and planned activities – has been circulated to all Board members in preparation of the October Board meeting. A more comprehensive document that should become a TFV Fundraising Strategy will be established as a matter of priority in the coming months.

The Management Brief therefore only focuses on certain key areas.

First, the TFV has issued a number of press releases over the past months and has thereby increased its web and Twitter presence. A dedicated team under the leadership of the Fundraising and Visibility Officer is working to improve the internal coordination of communications activities within the Secretariat for a streamlined approach towards generating content and volume in support of the TFV's visibility in the public domain and with donors. An evaluation of the website is ongoing, website updates are being published regularly, a social media strategy is being developed, an increased number and frequency of tweets on Twitter include stories from programme activities and the establishment of additional social media presence of the TFV are in process. Additionally, content material for TFV information fact sheets and donor handouts is being developed so that the TFV has a pool of material and visuals ready to use as needed.

Second, the TFV management met with a number of States Parties in July, including in order to better determine how to approach them in relation to mobilizing resources. The TFV is currently preparing a series of prospectuses ("Cases for Support") for all running and upcoming assistance and reparations programmes to concretely address states for the purpose of fundraising.

Third, the TFV has received two new donors in 2020 from African States, Nigeria and Sierra Leone. The TFV highly appreciates voluntary contributions received recently from Belgium (€25,000), France (€50,000), Nigeria (€17,000), Republic of Korea (€36,000), Sierra Leone (€3,000), Spain (€40,000), and United Kingdom (€119,000). The TFV continuously engages with States Parties on the impact of Covid-19, and updates on TFV activities. A new partnership agreement has been concluded on 5 October with the Republic of Ireland for €200,000. The TFV has also ongoing multi-year agreements with Finland, the Netherlands, and Sweden. There are currently ongoing dialogues with several governments for voluntary contributions including specifically for Mali and SGBV.

Fourth, the TFV is planning fundraising events leading up to and during the ASP, if necessary remotely, and as a signature event the 15<sup>th</sup> anniversary of the UN Basic Principles on Reparations on

16 December 2020. Donor engagement platforms will be arranged remotely over the coming months in order to engage with donors by subject-matter.

Fifth, in September, the Fundraising and Visibility Officer and the Legal Adviser reached out to a prestigious organisation which has the capability to facilitate private donors (individual, foundations and corporate) to donate to the TFV while availing of a tax deduction. This is the primary incentive for donors to give and is essential for private sector fundraising. Consultations are ongoing.

#### **IV. Monitoring & Evaluation**

Apart from the ongoing work relevant to running projects in Uganda and DRC, the Monitoring and Evaluation Officer is currently focusing on an update of the Performance Monitoring Plan, which is the document that on the working level incorporates the Strategic Plan. In that regard, she needs to work closely with the Programme Managers. Furthermore, because of the launch of the steadily rising number of projects, capacity building workshops for new implementing partners in DRC, CIV and CAR have been and are in the process of being organised.

The Secretariat will carry out two victims' satisfaction surveys relevant to the reparations in the cases of Katanga and Lubanga and is currently in the planning and preparation phase.

Finally, a procurement process to hire an independent research institution to partner with the TFV to carry out evaluations for selected reparations and assistance programmes has been ongoing. It is expected that this process will be finalized in October.

#### **V. Finance and internal control**

In response to recommendations of the External Auditors, and building on the Fund's earlier practice and procedures, the Secretariat further developed tools and procedures in relation to the Fund's internal control environment, in particular in relation to the activities of implementing partners. They concern assessment of the management and administration procedures of the implementing partners and the regular verification of their project records by the Fund's programme management team. The related documentation has been submitted in May 2020 to the External Auditors for their review.

The External Auditors have provided an unqualified opinion on the Financial Statements 2019 of the Trust Fund for Victims. They did not make new recommendations. In regard of prior recommendations, the External Auditors were able to consider four (4) prior recommendations to be implemented. They concerned (i) the procedure for accruals; (ii) actions required to accurately substantiate all commitments related to the enforcement of reparations awards; (iii) strengthening financial controls of operations; and (iv) the strengthening of the field teams.

#### **VI. Grant Management: internal sessions**

The Secretariat has instituted a series of internal Grant Management video conference call sessions to discuss programming issues applicable to both assistance and reparations activities throughout the Secretariat. Due to COVID-19 travel restrictions and the inability to conduct the regular annual TFV staff retreat in The Hague, the Secretariat has developed a remote workshop alternative to train personnel, organize activities, and to provide managerial support to the launch of new programs. The sessions cover such topics as partner budgeting (direct and indirect expenditures, matching funds, realignments), quarterly reporting and schedules, victim data protection framework, victim definition and identification processes, contracting and project start dates, verification checks,

management assessments of partners, disbursement requests and processing, partner monitoring and evaluation plans, environmental impact assessments, project asset and equipment management and tracking, and communications and outreach. In all, the Secretariat has identified more than 30 discrete topic areas that will be addressed during the video conference session well into next year.

## **VII. A new Independent Oversight Mechanism (IOM) evaluation: on victim engagement, Court-wide**

In August and September, the IOM engaged in interviews with the Executive Director and relevant staff at the Secretariat, on the topic of interaction with victims in the context of reparations proceedings, including victim identification and verification, as well as of assistance programmes. In addition, a survey was filled in by all TFV staff with field experience.

The IOM informed the TFV in early October that it will share its interim findings by the end of October with the TFV and the sections that were consulted. It will publish its final report presumably in February 2021.

## **E. Proposed Programme Budget 2021 and Financial Overview**

### **I. CBF**

The Committee on Budget and Finance (CBF) reported on its thirty-fifth session, which was considering the Court's Proposed Programme Budget for 2021, on 8 October 2020. Highlights are:

#### **1. General**

Mindful of the length of reparations proceedings impacting the budget as well as victims expectations, the CBF welcomed strengthened working relationship between STFV and Registry in the Cooperation and Framework Agreement since 2019.

For the policy and framework on the reparations process, the CBF recognises on-going work and expresses its views – while respecting judicial independence – on equality of victims' rights and desirability of a unified procedure that may simplify the process and accelerate and make more effective the process of meting out reparations. The CBF is requesting a progress report for its 37<sup>th</sup> session in the fall of 2021.

#### **2. Proposed budget 2021**

For the proposed budget of 2021, the CBF recommends the STFV to increase its vacancy rate from 10% to 12% (same as Registry), resulting in a budget reduction of Euro 26,500. All GTA posts are recommended for continuation in the 2021 budget.

#### **3. Policy issues**

The CBF notes the closing of the recommendation by External Auditor on internal control. On administrative costs, the CBF requests to be informed about TFV external auditor engagement (for implementing partners) and a sample report by its 36<sup>th</sup> session (Spring 2021). On "financial self-sustainability" and the use of the Incidental Programme Cost (IPC) provision in the extra-budgetary resources, the CBF requests the Secretariat to provide an update on possible approaches to use IPC for its 36<sup>th</sup> session. On fundraising and visibility, the CBF welcomed the TFV's efforts "to identify cost-neutral ways of fundraising" and recommended that the TFV continues this practice "without any increases in budgetary resources" and asks for specific proposals on private fundraising at its 37<sup>th</sup> session.

## II. Financial overview of extra-budgetary resources & 2020 budget performance

### 1. Financial overview of extra-budgetary resources

The Summary Financial Overview below presents the state of affairs of the Trust Fund's extra-budgetary resources resulting from voluntary contributions, donations and revenue from Court-ordered fines and forfeitures. **The Summary's financial data are not yet audited and may be subject to adjustments.**

| <b>TFV - Summary Financial Overview</b>               |  |                   |                     |
|---|--|-------------------|---------------------|
| <b>7 October 2020 (ROE October 2020)</b>              |  |                   |                     |
| <b>Total available funds</b>                          |  |                   | <b>€18,010,507</b>  |
| <b>Total allocated funds</b>                          |  |                   |                     |
| <b>Reparations</b>                                    |  |                   |                     |
| <i>Board to cases</i>                                 |  | €4,952,000        |                     |
| <i>Board to reparations reserve</i>                   |  | €848,000          |                     |
|   |  | €5,800,000        |                     |
| <i>Donors earmarked to reparations awards</i>         |  | €1,134,400        |                     |
| <i>Donors earmarked to reparations reserve</i>        |  | €1,987,000        |                     |
| <i>Revenue from fines and forfeitures</i>             |  | €330,000          |                     |
|   |  | €3,451,400        |                     |
| <b>Sub-total reparations</b>                          |  | <b>€9,251,400</b> |                     |
| <b>Assistance</b>                                     |  |                   |                     |
| <i>Board to assistance programmes</i>                 |  | €6,524,981        |                     |
| <i>Board to assistance reserve</i>                    |  | €400,000          |                     |
| <i>Donors to assistance programmes</i>                |  | €250,000          |                     |
|   |  | €6,924,981        |                     |
| <b>Sub-total assistance</b>                           |  | <b>€7,174,981</b> |                     |
| <b>Incidental Programme Cost</b>                      |  | <b>€950,000</b>   |                     |
| <b>Total value</b>                                    |  |                   | <b>€ 17,376,381</b> |
| <b>Total Non-allocated funds</b>                      |  |                   | <b>€634,126</b>     |
| <b>Total disbursed funds</b>                          |  |                   | <b>€3,261,545</b>   |
| <b>Proposed additional allocations</b>                |  |                   |                     |
| <i>[to be determined]</i>                             |  |                   |                     |
| <b>Net value</b>                                      |  |                   | <b>€0</b>           |
| <b>Sub-Total funds available for Board allocation</b> |  |                   | <b>€3,895,672</b>   |
| <i>[Non-specific reparations reserve]</i>             |  | €848,000          |                     |
| <i>[Non-specific assistance reserve]</i>              |  | €400,000          |                     |
| <b>Total funds available for Board allocation</b>     |  |                   | <b>€ 5,143,672</b>  |

## Notes on the Summary

The Summary Financial Overview includes:

- Total available resources currently held by the TFV;
- Overview of Board-approved allocations to reparations and assistance activities, including specific allocations to awards and programmes as well as non-specific resources held in reserve for future activities. NB These allocations have been made in accordance with regulation 56 of the TFV Regulations;
- Revenue from fines and forfeitures;
- Reserve for Incidental Programme Cost;
- Total funds available for allocation, to be approved by the Board\*

\*IMPORTANT: the sum of “total funds available for allocation” should not be considered to be free from conditionality. The continuation of the portfolio of multi-annual reparations awards and assistance programmes will require the TFV to use currently available resources as well as continue to generate revenue to ensure the financial sustainability of activities. The current total estimation of multi-annual funding needs reparations awards and assistance programmes to amounts to Euro 31 million. This is a maximum value: the values of actual Board allocations to specific future activities may be informed by performance of implementing partners, availability of resources and other relevant policy parameters.

The Secretariat will submit separately to the Board the revised and updated detailed Financial Overview, along with a supporting document containing proposals relevant to meeting capacity needs in 2021.

## 2. STFV budget performance in 2020

The table below present the status and end-of-year forecast as of 15 October for the performance of the TFV Secretariat’s regular budget (Major Programme VI in the Court’s budget).

MP VI Secretariat of the Trust Fund for Victims

| Commitment Items                        | 2020<br>Appropriation<br>[a] | Expenditure to<br>date<br>[b] | 2020<br>Variance<br>against<br>Appropriation<br>[c]=[a]-[b] | Actual<br>Implementation<br>rate in %<br>[d]=[b]/[a]*100 | Updated<br>Forecast<br>[e]=[f]-[b] | Forecast as at<br>31 December<br>2020 [f] | End of Year<br>Forecasted<br>Implementation<br>rate in %<br>[g]=[f]/[a]*100 |
|---|------------------------------|-------------------------------|---|--|------------------------------------|---|---|
| 2000 Posts, Staff Costs                 | 1,113.7                      | 859.4                         | 254.3   | 77.2   | 308.3                              | 1,167.8                                   | 104.9   |
| <b>Total Staff Cost</b>                 | <b>1,113.7</b>               | <b>859.4</b>                  | <b>254.3</b>  | <b>77.2</b>  | <b>308.3</b>                       | <b>1,167.8</b>                            | <b>104.9</b>  |
| 3100 General temporary assistance       | 1,573.3                      | 1,100.2                       | 473.1   | 69.9   | 423.9                              | 1,524.1                                   | 96.9  |
| 3200 Temporary assistance for meetings  | -                            | -                             | -   | -  | -                                  | -   | -   |
| 3300 Overtime                           | -                            | -                             | -   | -  | -                                  | -   | -   |
| <b>Total other Staff Costs</b>          | <b>1,573.3</b>               | <b>1,100.2</b>                | <b>473.1</b>  | <b>69.9</b>  | <b>423.9</b>                       | <b>1,524.1</b>                            | <b>96.9</b>   |
| <b>Total Staff and other Staff Cost</b> | <b>2,687.0</b>               | <b>1,959.7</b>                | <b>727.3</b>  | <b>72.9</b>  | <b>732.2</b>                       | <b>2,691.8</b>                            | <b>100.2</b>  |
| 4100 Travel                             | 301.0                        | 64.1                          | 236.9   | 21.3   | 34.6                               | 98.7                                      | 32.8  |
| 4200 Hospitality                        | 1.0                          | -                             | 1.0   | -  | 1.0                                | 1.0                                       | 100.0   |
| 5100 Training                           | 32.2                         | 11.4                          | 20.8  | 35.3   | 18.3                               | 29.7                                      | 92.2  |
| 5250 Consultants                        | 51.9                         | 94.9                          | -43.0   | 182.8  | -42.8                              | 52.1                                      | 100.4   |
| 5000 Contractual Services               | 145.0                        | 101.2                         | 43.8  | 69.8   | 56.8                               | 158.0                                     | 109.0   |
| 6000 General operating expenses         | 5.0                          | 0.3                           | 4.7   | 5.6  | 3.7                                | 4.0                                       | 80.0  |
| 7000 Supplies and materials             | 3.0                          | 2.9                           | 0.1   | 95.4   | 0.1                                | 3.0                                       | 100.0   |
| 8000 Furniture and equipment            | -                            | -                             | -   | -  | -                                  | -   | -   |
| <b>Total Non-Staff Cost</b>             | <b>539.1</b>                 | <b>274.6</b>                  | <b>264.5</b>  | <b>50.9</b>  | <b>71.9</b>                        | <b>346.5</b>                              | <b>64.3</b>   |
| <b>Total Costs</b>                      | <b>3,226.1</b>               | <b>2,234.3</b>                | <b>991.8</b>  | <b>69.3</b>  | <b>804.0</b>                       | <b>3,038.3</b>                            | <b>94.2</b>   |

Budget expenditure on staff cost is forecasted to reach 100%, compared to 89.2% in 2019 and 78.1% in 2018. Budget expenditures on non-staff cost is currently forecasted to be 64.3%, mostly due to under-expenditure in travel. This compares to 90.9% in 2019 and 85.2% in 2018.

## F. Concluding management observations

The manifold operational challenges posed by the COVID-19 pandemic notwithstanding, it's even greater impact on vulnerable communities suffering harm, trauma and vulnerabilities from Rome Statute crimes is driving the Fund to reinforce efforts in delivering appropriate and meaningful reparative measures to victims. The significant growth in active implementing partners in 2020 from 6 to 29 organisations, including in operational theatres that are new for the TFV (Central African Republic, Cote d'Ivoire, Mali), is indicative of the developing maturity of the Fund's operations.

The COVID-19 pandemic and situational security threats are likely to continue to pose significant operational challenges to the Trust und's primary activity to design and implement appropriate and timely reparative measures for the benefit of victims of crimes within the jurisdiction of the Court.

As related in this Management Brief, the Trust Fund has made significant progress in 2020 to transition from planning and preparation to the effective expansion its operations under both the assistance and reparations mandates.

The strengthening of the Secretariat's management and coordination layer is increasingly felt and seen to lead to better organisational performance. This is also apparent from the increasing collaboration, integration and synergy with the Registry, both in The Hague and in the field offices, which together represent an essential support structure that is equally at risk of budget constraints.

As illustrated in the Secretariat's Preliminary Assessment of the report on the Independent Expert Review, TFV management is taking note of the report's findings and recommendations. As the assessment focused on the report's recommendations, the Secretariat will continue its review of the narrative parts of the report. The IER report reinforces the imperative need for the Trust Fund to invest in the frequency and quality of the Trust Fund's public information in relation to the progress and impact of its reparations and assistance activities, as well as the ongoing efforts to strengthen organisational performance.

Implementing partners are an integral and essential part of the delivery mechanism of the Trust Fund for Victims. Implementing partners do not directly feature in the Secretariat's regular budget, yet their successful operation requires solid expertise and strong management capabilities to be anchored in the Secretariat, which is in fact funded through the regular budget.

The success of the Rome Statute's reparative justice system will be defined by joint efforts of its key stakeholders (States, Court, Fund, civil society and victims) to improve systemic performance, over and beyond the fine-tuning of working level arrangements; and by adapting to budgetary conditions while remaining responsive to the rights and realities of victims.

Our aim is to build and maintain a smart, effective, financially sustainable and victim-centred reparative system, which is mindful of the rights, needs and dignity of victims, which sustains the complementary values of assistance and judicial reparations to victims, which invites the political and moral support of the international community – and which is an attractive investment proposition for public and private donors.

## Annex 1: FILINGS and DECISIONS relevant to the TFV – July to 12 October 2020 (with links to Legal Tools)

### CASES [all 24 documents are confidential]

*The Prosecutor v. Germain Katanga (ICC-01/04-01/07)*

*The Prosecutor v. Thomas Lubanga Dyilo (ICC-01/04-01/06)*

*The Prosecutor v. Ahmad Al Faqi Al Mahdi (ICC-01/12-01/15)*

### SITUATIONS

#### *CAR I (ICC-01/05)*

|        |   |              |   |
|--------|---|--------------|---|
| TFV    | Notification by the Board of Directors in accordance with regulation 50 (a) of the Regulations of the Trust Fund for Victims of its conclusion to undertake further specified activities in the Central African Republic  | 15 Sept 2020 | <a href="https://www.legal-tools.org/doc/7uq8nx/">101</a><br><a href="https://www.legal-tools.org/doc/7uq8nx/">https://www.legal-tools.org/doc/7uq8nx/</a> + Anx I<br><a href="https://www.legal-tools.org/doc/403y3t/">https://www.legal-tools.org/doc/403y3t/</a> |
| OPCV   | Observations on behalf of victims on the "Notification by the Board of Directors in accordance with regulation 50 (a) of the Regulations of the Trust Fund for Victims of its conclusion to undertake further specified activities in the Central African Republic"         | 2 Oct 2020   | <a href="https://www.legal-tools.org/doc/rqxdy7/">102</a><br><a href="https://www.legal-tools.org/doc/rqxdy7/">https://www.legal-tools.org/doc/rqxdy7/</a>  |
| OPCD   | OPCD Observations on the TFV Regulation 50 Notifications  | 2 Oct 2020   | <a href="https://www.legal-tools.org/doc/vdvsui/">103</a><br><a href="https://www.legal-tools.org/doc/vdvsui/">https://www.legal-tools.org/doc/vdvsui/</a>  |
| PTC II | Information to the Trust Fund for Victims on the 'Notification by the Board of Directors in accordance with regulation 50 (a) of the Regulations of the Trust Fund for Victims of its conclusion to undertake further specified activities in the Central African Republic' | 7 Oct 2020   | <a href="https://www.legal-tools.org/doc/0jrcrk/">104</a><br><a href="https://www.legal-tools.org/doc/0jrcrk/">https://www.legal-tools.org/doc/0jrcrk/</a>  |

**CAR II (ICC-01/14)**

|        |   |              |   |
|--------|---|--------------|---|
| TFV    | Notification by the Board of Directors in accordance with regulation 50 (a) of the Regulations of the Trust Fund for Victims of its conclusion to undertake further specified activities in the Central African Republic  | 15 Sept 2020 | <a href="https://www.legal-tools.org/doc/ck1qfk/">126</a><br><a href="https://www.legal-tools.org/doc/ck1qfk/">https://www.legal-tools.org/doc/ck1qfk/</a> + Anx 1<br><a href="https://www.legal-tools.org/doc/403y3t/">https://www.legal-tools.org/doc/403y3t/</a> |
| OPCV   | Observations on behalf of victims on the "Notification by the Board of Directors in accordance with regulation 50 (a) of the Regulations of the Trust Fund for Victims of its conclusion to undertake further specified activities in the Central African Republic"         | 2 Oct 2020   | <a href="https://www.legal-tools.org/doc/1mbsk2/">129</a><br><a href="https://www.legal-tools.org/doc/1mbsk2/">https://www.legal-tools.org/doc/1mbsk2/</a>  |
| OPCD   | OPCD Observations on the TFV Regulation 50 Notifications  | 2 Oct 2020   | <a href="https://www.legal-tools.org/doc/3xbizc/">130</a><br><a href="https://www.legal-tools.org/doc/3xbizc/">https://www.legal-tools.org/doc/3xbizc/</a>  |
| PTC II | Information to the Trust Fund for Victims on the 'Notification by the Board of Directors in accordance with regulation 50 (a) of the Regulations of the Trust Fund for Victims of its conclusion to undertake further specified activities in the Central African Republic' | 7 Oct 2020   | <a href="https://www.legal-tools.org/doc/pg4ux7/">131</a><br><a href="https://www.legal-tools.org/doc/pg4ux7/">https://www.legal-tools.org/doc/pg4ux7/</a>  |

**CIV (ICC-02/11)**

|     |  |             |   |
|-----|--|-------------|---|
| TFV | Notification par le Conseil de direction du Fonds au profit des victimes de sa conclusion en vue d'entreprendre des activités spécifiques en République de Côte d'Ivoire conformément à la règle 50 (a) du Règlement du Fonds au profit des victimes | 27 Jul 2020 | <a href="https://www.legal-tools.org/doc/438sal/">55</a><br><a href="https://www.legal-tools.org/doc/438sal/">https://www.legal-tools.org/doc/438sal/</a> + Anx I<br><a href="https://www.legal-tools.org/doc/fmdii/">https://www.legal-tools.org/doc/fmdii/</a> + Anx I<br><a href="#">Corr</a> (4 Sept) |
|-----|--|-------------|---|

|      |  |             |  |
|------|--|-------------|--|
| OPCD | OPCD Observations on the TFV Regulation 50 Notification  | 31 Aug 2020 | <a href="https://www.legal-tools.org/doc/4vmykc/">56</a> |
| OPCV | Observations au nom des victimes sur la Notification du Fonds au Profit des Victimes de sa conclusion en vue d'entreprendre des activités spécifiques en Côte d'Ivoire   | 4 Sept 2020 | <a href="https://www.legal-tools.org/doc/hlew7w/">57</a> |
| OPCV | Information à la Chambre suite au dépôt du Fonds au Profit des Victimes de son Corrigendum à l'Annexe de la Notification en vue d'entreprendre des activités spécifiques en Côte d'Ivoire  | 7 Sept 2020 | <a href="https://www.legal-tools.org/doc/4thqxq/">58</a> |
| TFV  | Information to the Trust Fund for Victims on the 'Notification par le Conseil de direction du Fonds au profit des victimes de sa conclusion en vue d'entreprendre des activités spécifiques en République de Côte d'Ivoire conformément à la règle 50(a) du Règlement du Fonds au profit des victimes' | 8 Sept 2020 | <a href="https://www.legal-tools.org/doc/i3nn13/">59</a> |