

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/09**
Date: **29 April 2022**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding
Judge Antoine Kesia-Mbe Mindua
Judge Tomoko Akane

SITUATION IN THE REPUBLIC OF KENYA

Public

With one public annex

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 Republic of Kenya

Source: The Trust Fund for Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor
Mr Karim A. A. Khan QC

Counsel for the Defence

Legal Representative of Victims

**The Office of Public Counsel for the
Defence**
Mr Xavier-Jean Keita

The Office of Public Counsel for Victims
Ms Paolina Massidda

REGISTRY

Registrar
Mr Peter Lewis

I. BACKGROUND AND PROCEDURAL HISTORY

1. In accordance with regulation 50 (a) of the Regulations of the Trust Fund for Victims (“TFV Regulations” and “Trust Fund”, respectively), the Board of Directors of the Trust Fund (“Board”) shall notify the relevant Chamber before undertaking specified activities it considers necessary to provide physical and psychological rehabilitation or material support for the benefit of victims and their families.

2. At its 29th Annual Meeting held in November 2020, the Board considered it necessary to provide physical and psychological rehabilitation as well as material support for the benefit of victims and their families in the situation in the Republic of Kenya pursuant to regulation 50 (a) of the Regulations of the Trust Fund.

3. From 26 January 2021 to 23 March 2022, with the support of the Court’s Procurement Unit, the Trust Fund conducted an international tender process pursuant to the Financial Regulations and Rules of the International Criminal Court, with a view to selecting partners to implement its assistance activities.

4. The bidding process was conducted in two phases, which were respectively initiated by a Call for Expressions of Interest and a Request for Proposal. At the end of this process, the TFV selected one project proposal from one organization.

5. A description of the specific activities constituting the project is appended to the present submission.

6. On 14 January 2022, the technical evaluation report was communicated to the Procurement Unit. On 17 February 2022, the Procurement Review Committee (“PRC”) evaluated the results of the procurement process. It issued its approval of the process on 23 March 2022. The Registrar accepted the PRC recommendation on 23 March 2022.

II. NOTIFICATION OF PROPOSED SPECIFIED ACTIVITIES

7. The proposed specified activities for the programme are set out in Annex I to this filing. It describes one project aiming to provide physical and psychological rehabilitation, as well as material support to the victims and their families in the Republic of Kenya.

III. NON DETERMINATION OF ANY ISSUES BEFORE THE COURT

8. Regulation 50 (a) (ii) of the TFV Regulations establishes that the Trust Fund shall be considered to be seized when, following the notification by the Trust Fund, the relevant Chamber of the Court “has responded and has not, [...] informed the Board in writing that a specific activity or project [...] would pre-determine any issue to be determined by the Court, including the determination of the jurisdiction pursuant to article 19, admissibility pursuant to articles 17 and 18, or violate the presumption of innocence pursuant to article 66, or be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial”.

9. The Trust Fund respectfully submits that the selected specified activities do not pre-determine any issue to be determined by the Court as provided for in regulation 50 (a) (ii) of the TFV Regulations. The specific activities focus on injuries stemming from crimes committed in the Republic of Kenya situation in general and are not designed to relate in any way to national or international proceedings or investigations.

FOR THE FOREGOING REASONS

Considering the necessity to provide physical and psychological rehabilitation and material support for the benefit of victims and their families in the Republic of Kenya in the form of the specified activities set out in detail in Annex I, the Board of Directors respectfully submits this notification pursuant to Regulation 50 (a) of the Regulations of the Trust Fund for Victims.



Pieter W.I. de Baan
Executive Director, Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 29 April 2022

At The Hague, The Netherlands