

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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Date: 23 December 2025

TRIAL CHAMBER I

Before: Judge Joanna Korner, Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou, Judge
Judge Althea Violet Alexis-Windsor, Judge

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF THE PROSECUTOR v. ALI MUHAMMAD ALI ABD-AL-
RAHMAN ('ALI KUSHAYB')**

Public Document

Request for leave to submit amicus curiae observations on reparations issues

**Source: The General Coordination Committee of the IDPs and Refugee Camps
in Sudan (GCC)**

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

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

☒ **Legal Representatives of the Victims**
Common Legal Representative of Victims

☐ **Legal Representatives of the Applicants**

☐ **Unrepresented Victims**

☐ **Unrepresented Applicants**
(Participation/Reparation)

☐ **The Office of Public Counsel for Victims**

☐ **The Office of Public Counsel for the Defence**

☐ **States' Representatives**

☒ **Amicus Curiae**
Adam Regal, Spokesperson for the GCC
Abdalbasit Mohamed & Mikel
Delagrangé, The Wayamo Foundation
☒ Trust Fund for Victims

REGISTRY

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☒ **Victims Participation and Reparations Section**

☐ **Other**

I. Introduction

1. The General Coordination Committee of the IDPs and Refugee Camps in Sudan (“GCC”), with the assistance of the Wayamo Foundation,¹ respectfully requests Trial Chamber I (“Chamber”) for leave to submit *amicus curiae* observations on reparations issues in The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’) (“Kushayb Case”) pursuant to Article 75 of the Rome Statute, Rule 103(1) of the Rules of Procedure and Evidence (“RPE”) and paragraph 6(d) of the Chamber’s 9 December 2025 Order for submissions on reparations (“9 December 2025 Order”).
2. The GCC was created in the wake of the United Nations Security Council (“UNSC”) resolution 1593 of 31 March 2005 to help facilitate direct dialogue between the international community, including the International Criminal Court (“the Court”) and United Nations relief agencies, and the survivors of the 2003-2004 war, then residing in 194 camps and informal settlements in Darfur and Eastern Chad. Direct dialogue with the outside world was deemed necessary given that one of the principal aims of the Government of Sudan (“GoS”) in the 2003-2004 war was to destroy the African population in Darfur, particularly the Fur people.²
3. The GCC members include Internally Displaced Persons (“IDPs”), camp administrators from each of the 156 IDP camps and informal settlements in Darfur as well as key intellectuals, community organizers and religious figures from the camp communities. The IDP camps in Darfur are politically autonomous structures built by survivors out of necessity in the aftermath of a total war campaign waged by the state against the civilian population. In the early years after the formal cessation of the conflict, the IDP camp administration served as the *de facto* state for millions of people living in these informal settlements. The IDP camp administration is responsible for *inter alia* facilitating access to humanitarian aid, rationing food stuffs and medical supplies as well as attempting to maintain some modicum of security within the confines of the camp walls. Insecurity from roving *Janjaweed* militias and their (then) GoS affiliates

¹ The Wayamo Foundation initiated its project in Sudan in 2022, adapting its activities following the outbreak of armed conflict in April 2023. Since 2025, it has been implementing the second phase of the project, which aims to strengthen the capacity of Sudanese civil society actors, including lawyers and human rights defenders, to ethically and professionally document international crimes. The project supports the development of robust documentation for accountability processes, including proceedings before the ICC, African Union and UN Fact-Finding Missions, as well as cases pursued under universal jurisdiction. Lawyers from the Wayamo Foundation have been working with the GCC leadership on accountability issues for more than five years.

² Kushayb Case, Trial Judgment, 6 October 2025, paras. 289; 933 - 939.

(now Rapid Support Forces (“RSF”) affiliates) has remained a constant since the cessation of the 2003-2004 war.

4. Given the common experience of insecurity, scarcity and impunity in the IDP communities across Darfur, coordination on humanitarian and accountability issues became a necessity. The original formation of the GCC took place in 2007 in Abu Shouk IDP camp near El Fashir and the leadership was appointed by consensus. However, with the GoS actively targeting GCC leadership in an effort to silence reporting on the ground, inhibit coordination with the UN and thwart cooperation with the Court, the GCC leadership decided to move to the more readily accessible Kalma Camp, near Nyala in South Darfur where it has remained ever since.
5. During the period from 2007 to 2016, coordination for the GCC was done through an IDP/Refugee board appointed from the largest camps in Darfur. Following a stepped-up campaign of terror and intimidation from the GoS against its leadership in 2016, the GCC decided to appoint a single public spokesperson to handle all outward communication for the committee. To this day, the GCC spokesperson continues to serve in this role, under the guidance of the general coordinator, and has been instrumental in facilitating dialogue between camp leaders and conveying the reality on the ground in Darfur to the outside world.³ The GCC leadership were also the facilitators of the meetings between both the former⁴ and current⁵ ICC Prosecutors during their respective visits to Darfur.

³ For security reasons, the General Coordinator and Public Spokesperson are the only two public facing roles of the GCC. These positions are occupied by Mr. Yagoub Abdalla Mohamad Foret and Mr. Adam Regal respectively. See e.g. *Sudan: Internet blackout stays in force despite court order to restore internet access* (Business & Human Rights Resource Centre, 15 November 2021) <https://www.business-humanrights.org/en/latest-news/sudan-internet-blackout-stays-in-force-despite-court-order-to-restore-internet-access/>; Elliott Brachet, *Au Soudan, la rue reste déterminée à faire tomber la junte militaire* Le Monde (26 November 2021) https://www.lemonde.fr/afrique/article/2021/11/26/au-soudan-la-rue-reste-determinee-a-faire-tomber-la-junte-militaire_6103700_3212.html; Nabeel Biajo, *Security situation uncertain after deadly violence in West Darfur* (VOA Africa, 15 March 2022) <https://www.voaafrica.com/a/security-situation-uncertain-after-deadly-violence-in-west-darfur/6486017.html>; *Besieged and bombed amid famine, hundreds of thousands of IDPs struggle to survive in Darfur* (People’s Dispatch, 18 December 2024) <https://peoplesdispatch.org/2024/12/18/besieged-and-bombed-amid-famine-hundreds-of-thousands-of-idps-struggle-to-survive-in-darfur/>; Ivana Kottasová, Vasco Cotovio, Nada Bashir and Gianluca Mezzofiore, *Sudan massacres: RSF rebels accused of atrocities in Darfur* (CNN, 30 October 2025) <https://edition.cnn.com/2025/10/30/world/sudan-massacres-rsf-rebels-darfur-intl>; Mohamed Osman, *Darfuris call for protection in vain* (ReliefWeb, 21 January 2021) <https://reliefweb.int/report/sudan/darfuris-call-protection-vain>; Mat Nashed, *Sudan August update* (Al Jazeera, 31 August 2025) <https://www.aljazeera.com/news/2025/8/31/sudan-august-update>, all accessed 19 December 2025.

⁴<https://www.dabangasudan.org/en/all-news/article/icc-prosecutor-bensouda-meets-with-the-displaced-during-her-visit-to-darfur>

⁵<http://dabangasudan.org/en/all-news/article/icc-chief-prosecutor-displaced-in-darfur-need-to-see-justice-done>

6. Following the ouster of the Bashir regime in 2019 and the brief inter-regnum period of democratic deliberations in Sudan, the GCC was able to formally register as a civil society organization in Nyala under the name “Wadi Saleh Multi-Purpose Association” and aspired to use the native administration under a new democratic Sudan to pursue longstanding land claims. Following the outbreak of the current civil war on 15 April 2023, all “state” accreditations and institutions in Darfur have lapsed. With the fall of El Fasher on 25 October 2025, the entirety of Darfur is now under the control of the RSF. Since 15 April 2023, coordination with refugee and IDP camps in Eastern Chad and Kordofan has become difficult and dangerous, forcing the GCC to narrow its focus to representing the justice and accountability concerns of the approximately 5.5 million inhabitants of the IDP camps within Darfur.⁶

II. Procedural History

7. On 6 October 2025, the Chamber issued its judgment pursuant to Article 74 of the Rome Statute convicting Ali Muhammad Ali Abd Al-Rahman (“Ali Kushayb”) of 27 counts of crimes against humanity and war crimes in Darfur, Sudan, between August 2003 and April 2004.
8. On 4 November 2025, the Registry filed its Victim Mapping Report (the ‘Mapping Report’).
9. On 9 December 2025 the Chamber sentenced Ali Kushayb to 20 years of imprisonment, on the same day the Chamber issued the 9 December 2025 Order, inviting *inter alia* any person or organization, particularly with local expertise, to request leave from the Chamber to make submissions.

III. Applicable Law

10. Article 75 (1) of the Rome Statute provides that “The Court shall establish principles relating to reparations to, or in respect of victims, including restitution, compensation and rehabilitation...”.

⁶ UN High Commissioner for Refugees (UNHCR), *Sudan Emergency: Critical Life-Saving Needs to Support Forcibly Displaced People in Darfur, Sudan and Relocate Refugees in Eastern Chad, July–December 2025* (5 August 2025), available at: <https://www.acnur.org/co/sites/default/files/2025-08/sudan-emergency-critical-life-saving-needs-darfur-chad-july-december-2025.pdf>, last accessed 18 December 2025 ; European Union Agency for Asylum (EUAA), *Conflict-induced displacement and return, in Sudan: Security Situation* (11 February 2025), available at: <https://www.euaa.europa.eu/coi/sudan/2025/security-situation/22-darfur/226-conflict-induced-displacement-and-return> last accessed 18 December 2025.

11. Rule 103(1) of the RPE provides that “(1) at any stage of the proceedings, a Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to submit, in writing orally, any observation on any issue the Chamber deems appropriate.”
12. The decision to invite or to receive an amicus intervention is a matter within the discretion of the Chamber.

IV. The Specific Issues to be Addressed in the Observations

13. Following the issuance of the Judgment in the *Kushayb* Proceedings on 6 October 2025, the GCC convened a delegation from Wadi Saleh, including relevant camp administration authorities, religious and community leaders, women and youth group leadership as well as the spokesperson and the general coordinator of the GCC.⁷ The assembled leadership provided their views and concerns over a two-day period on the various topics cited by the Chamber in the 9 December 2025 Order, including specifically:
 - a. Observations on the total number of direct and indirect eligible victims identified in the Registry’s Mapping Report;
 - b. Factors relevant to the identification of eligible victims;
 - c. Observations on the relevance of prioritization in the *Kushayb* Case;
 - d. Observations on the extent, type and evolution of the harm suffered by victims in the *Kushayb* Case;
 - e. Factors relevant to the issuance of presumptions in the *Kushayb* Case;
 - f. Observations on the most appropriate form, types and modalities of reparations for the victims of the crimes for which Ali Kushayb was convicted.
 - g. Estimates, where appropriate, on the costs associated with the most relevant types of reparations in the *Kushayb* Case;
 - h. Relevant information concerning any past receipt of payment for the crimes which Ali Kushayb was convicted;
 - i. Additional observations the Chamber may wish to consider when assessing Ali Kushayb’s liability for reparations;
 - j. A few additional points relevant to these proceedings for the Chamber’s consideration.

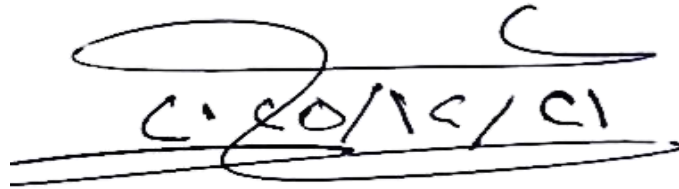
⁷ Given that this meeting took place in the context of an ongoing armed conflict, the names and titles of the participants and where they travelled from constitute extremely sensitive information. Should the Chamber require the participant list in an unredacted format, this could be supplied in an *ex-parte*, Chamber-only Annex to the main report (should leave be granted).

14. These views and concerns were recorded by lawyers from the Wayamo Foundation via a Starlink connection between Darfur, Sudan and Kampala Uganda and can be provided to the Chamber in due course by way of a draft filing should this leave request be granted.

V. Conclusion

15. The GCC delegation assembled to present their views and concerns included some of the most senior surviving leaders from the Fur community. The leadership is fully aware of the limitations of the Court and/or the Trust Fund for Victims with respect to both the resources available for reparations and the lack of access to Darfur, Sudan. The leadership is also fully aware of Ali Kushayb's inability to fully compensate the victims for the harm he caused. With these limitations in mind, the leadership provided realisable recommendations for the Chamber's consideration, including requests falling under the reparation form of *satisfaction*. These recommendations, plus other key considerations stemming from the GCC's unique local perspective, will be included in the draft submission should leave be granted.

16. For the reasons set forth above and pursuant to Rule 103(1) of the RPE, the GCC respectfully requests that they be granted leave to submit written observations on reparations issues identified in paragraph 13 above arising from the Chamber's 9 December 2025 Order in the *Kushayb* Case.

A handwritten signature in black ink, consisting of a large, stylized 'Y' followed by 'agoub Mohamed Abdalla Foret'.

[Yagoub Mohamed Abdalla Foret]

The General Coordinator of the IDPs and Refugee Camps in Sudan

Dated this 23 December 2025

At Kalma Camp, Sudan