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**International
Criminal
Court**

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Date: 16 March 2026

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

With Confidential Annex

**The General Coordination Committee of the IDPs in Sudan ("GCC") Amicus
Curiae Observations on Reparations**

Source: Wayamo Foundation on behalf of the General Coordination Committee of the IDPs 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
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☒ **States' Representatives**
Competent authorities of the Republic of
Sudan

☒ **Amicus Curiae**
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REGISTRY

☒ **Trust Fund for Victims**

Registrar
M. Zavala Giler, Osvaldo

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☒ **Victims Participation and
Reparations Section**

☐ **Other**

Introduction

1. Following the issuance of the “Decision on requests for leave to file *amicus curiae* submissions on reparations”¹ (“Amicus Decision”) by Trial Chamber I (“Chamber”) in the case of The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (“Ali Kushayb”) (the “Case”), the General Coordination Committee of the IDPs and Refugee Camps in Sudan (“GCC”), with the assistance of the Wayamo Foundation,² hereby submits its observations on the topic of reparations.
2. As noted in the GCC’s “Request for leave to submit *amicus curiae* observations on reparations issues” (“GCC’s Request”),³ following the issuance of the Trial Judgment on 6 October 2025, the GCC convened a delegation from Wadi Saleh, Central Darfur, 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. Collectively, the GCC are part of the last surviving leadership coalition of the Fur community in Sudan. Over a two-day period, the assembled leadership provided their observations on the various topics cited by the Chamber in the 9 December 2025 Order, including:
 - I. Evolution of the individual harm suffered since the war and the cost of repair
 - II. Collective harm against the Fur people
 - III. Observations on the relevance of prioritization in the Kushayb Case and issues concerning different victim groups;
 - IV. Factors relevant to the issuance of presumptions and observations concerning the Victim Participation and Reparations Section’s (“VPRS”) Mapping Report;
 - V. Observations on the most appropriate form, types and modalities of reparations for the victims of the crimes for which Ali Kushayb was convicted.
 - VI. Available forms of documentation to support victim identification processes and reparation claims
 - VII. Observations on the timing of reparations

¹ Amicus Decision, 11 February 2026, available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180dbbe03.pdf>.

² 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 domestic 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.

³ GCC’s Request, available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180d5158b.pdf>.

VIII. Arguments concerning liability

3. These observations were recorded by lawyers from the Wayamo Foundation via a Starlink connection between Darfur, Sudan and Kampala, Uganda and have been faithfully reproduced in the tone and spirit in which they were first communicated.

I. Evolution of the individual harm suffered since the war and the cost of repair

4. The GCC were asked a series of questions concerning the evolution of the harm and the cost of repair. Their responses are in italics below. How does the killing of civilians in Bindisi, Kodoom, Mukjar and Deleig in 2003/2004 continue to impact on the surviving victim population today?

The crimes continue to impact on the victims today. They resulted in psychological trauma, including children born without parents. It's a difficult experience that can't be forgotten. It's a continuous crime. It has left a legacy. Losing a father or brother in the Fur community fragments society. The family can't control the children. Orphans are left unadopted – they will then become a larger problem for society. The children are then left especially traumatized – from the crimes and also from the aftermath of growing up without fathers. There is an extended family system, but there is still a major impact – especially in the Fur community. Men are the breadwinners and without them, the family is thrown into economic turmoil. In Wadi Saleh, the entire Fur tribe has lost their pride and dignity. The main profession used to be farming the land and raising cattle.

5. Could you quantify the loss economically?

We cannot put a price on a life. Even if they give you \$20 million USD that would not wash away the psychological wounds created by this crime. It's impossible to quantify the harm – when your uncle dies from Wadi Saleh, that is the only person who links the family to the land, and since he was pillaged and his documents were burned, it cuts us and our families off from the land. Our only remaining ties are to other areas where surviving family members come from. With all the wealth of the world, you cannot replace the loss of our connection to our ancestors and the land.

This is nothing new for the African tribes in Sudan. This effect is pursuant to a plan from successive governments. This is what is meant by ethnic cleansing. They steal our pride so that we won't remain on our land.

6. How does the killing of community leaders in Mukjar and Deleig in 2003/2004 continue to impact on the civilian population today?

The community leaders and the intellectuals from the Fur community were the first to be targeted. It continues to this day. When a community wants to dominate another, they target

the leaders. If the world didn't intervene, there would be no more Fur. We as leaders have no value in our own land. They have taken our pride. When you live for 25 years on humanitarian assistance it has a deep effect on the psychology of the people. When you lose the land where your grandfathers are buried, it is impossible to quantify the psychological effect.

When you kill the leader, you are targeting the whole community. Trying to end the entire community's existence. When you slaughter the leaders, the wolf can finish off the rest of the flock – they are without protection. They killed our leaders and intellectuals because without them we would not be able to know how to maintain our land and our ancestral claims. That is why we formed the GCC in the first place, so the remaining intellectuals and leaders could come together and provide guidance for the survivors. Without leaders we cannot make our claims, we cannot pursue justice. The GCC helped us reconstitute leadership structures in each of the IDP camps. We have done this all alone, with no support from the GoS. When we have to decide anything, we all come together. We bring the elders who have experience. We come up with policies, and we apply and police them ourselves.

7. How does the pillage and destruction of property in Bindisi and Kodoom in 2003 continue to impact on the surviving victim population today?

Kodoom is a rich area. Kodoom is composed of four areas (Tena, Drlow, Rongatas and Jowre). Before 2003, there were 3600 families. There were four Sheikhs. The area is rich in agriculture and animal wealth. So many businessmen were doing this. Now there is no business or farming there. Everyone is in an IDP camp in Bindisi. Now the pastoralists are living in Kodoom. Even the fruit trees have been cut down. The same is true for Bindisi. In Bindisi, the attack was in August, and all of the grains were stored in warehouses – and thus they were easily stolen. The meaning of Kodoom means the grouping of wealth in once place.

Despite our marginalization, we were famous for our Koranic schools. To marry, you need to have three cows. It was part of the dowry. The main identity of the Fur is tied up with cattle ownership. Now men refuse to get married because they feel they don't have anything. They lost their heritage. They feel they need to restore it first before they can get married. In addition to that, the goats and sheep lost have affected us deeply. Many children born after the war were unable to access education because the Koranic schools were all burned down. They can't afford fees elsewhere because all of the wealth was stolen or destroyed. This was part of the policy of the GoS and Janjaweed. If you tried to get your cows back, you would be killed. Even the donkeys were stolen – we used them to fetch water that was far away.

8. Could you quantify the loss economically?

In Kodoom, the average family would have had: 10-15 cows (this is the minimum); 20-60 goats; 30 sacks of maize and produce. Everyone had donkeys (3). The average loss would be around \$10,000 per family. In Bindisi, it would be the same.

9. How does being forcibly displaced from Bindisi and Kodoom in 2003 continue to impact on the surviving victim population today?

This has multiple impacts. We have lost the main source of livelihood. This is also how they paid for the education of their children. You have lost the land of your ancestors – your own “Hakura”. We have lost the traditions that could only be practiced on the land. When you lose your land you lose your identity. You become just a beggar. The food you eat has no value – it is given, not produced. You can’t afford to buy meat. We have lost our autonomy. We have become meaningless people. People without dignity.

We are just waiting for charity now. Our children are uneducated and malnourished. Our people have curable diseases but cannot get them treated because the people have no money. This is all tied to the land because the land is the source of our wealth and autonomy. So many of our youth are drowning in the Mediterranean because there is no future here. Now the Fur are looked at like beggars - humbled and humiliated. Now our women are begging those who used to ask us for money. Last August, we buried six infants due to lack of nutrition, and many more women are now dying in childbirth.

After displacement, we are living in the periphery of cities. Living in IDP camps has changed our entire way of life. In these camps we are more susceptible to attacks. This situation has resulted in permanent melancholy. Very serious psychological disorders – both men and women – as a result from the loss of land.

10. Could you quantify the loss economically?

It’s impossible. The land cannot be replaced. In cities it’s easy to assess the value of land, but for our historical land, it is irreplaceable. Even if it was \$100,000 USD, where are we going to live after we get the money? Nowhere.

To return to the land, even if it was given back tomorrow, would still cost money to improve and restore it for agricultural use. We would need \$10,000 per person to get the land back to where it was before the war.

11. How does the torture of civilians in 2003/2004 in Mukjar and Deleig continue to impact on the surviving victim population today?

Torture has had a devastating impact on the victims that persists to this day. In Mukjar, the torture was very serious. Anyone who wore trousers was subjected to torture – forced to wear Jalabiya. Some men were tied from their testicles and hands. Men had to stay inside their homes for fear of being abducted and tortured – only the women could venture out. They would burn a plastic jerrycan and place it on our backs. They tortured our seniors and our intellectuals in front of us.

Some people have lost limbs from the torture, others lost the ability to procreate. Some are paralyzed. Some have become so traumatized that they cannot return to society. Others are stigmatized for their "loss of manhood" and not allowed back into society.

They exerted pressure to try and get information but these people were civilians with no links to the rebels. They were tortured because of their ethnicity. Some have lost eyes, hands, limbs, and psychological well-being.

12. Could you quantify the loss economically?

There is a continuous need for psychological support. They need access to services in the places where they live, including roads, potable water, education and hospitals. Return to the land and access to financial compensation will help to mitigate the humiliation and historical trauma. Income generating projects for those who are disabled would greatly assist them in regaining autonomy. Having the remaining suspects tried will have a major impact on our psychological well-being. We need a special mental hospital and psychiatrists to treat the widespread psychological harm. Rehabilitation is essential, then a symbolic award of \$15,000 for those who have been disabled and are unable to look after themselves.

13. How do the outrages upon human dignity in 2003/2004 in Bindisi, Mukjar and Deleig continue to impact on the surviving victim population today?

The impact on the loss of dignity is devastating. Some may be entitled to more compensation than others – those who lost limbs, or who are totally incapacitated, they may need more financial support. Rehabilitation is the priority – physical or psychological. Then a symbolic award would be welcome. Same for the torture.

14. How does the persecution of civilians (particularly the Fur and other African tribes) in 2003/2004 in Bindisi, Kodoom, Mukjar and Deleig continue to impact on the surviving victim population today?

The persecution was well planned and executed systematically. We were singled out and the Arabs were left alone. Their plan was to kill us all. Only the international community's intervention stopped them from succeeding. In Mukjar, they killed over 134 people in 30 minutes. Without the intervention of the UN and others, we wouldn't exist. This had a major impact on our tribe. To alleviate this harm, we need the remaining perpetrators brought to justice. Once we have justice, then we can have stability and peace. The victims need access to services in their areas of origin – not in IDP camps.

15. How does the rape of civilians in Bindisi in 2003 continue to impact on the surviving victim population today?

There is still an impact on the people. There were gang rapes. Women then contracted sexually transmitted diseases, from which they still suffer. There is also a psychological impact that

continues. They feel guilty for their victimization. The women feel as if they have no dignity – they have been pushed to the periphery of society. They have also become pregnant and had children because of the rape. They now have children who they can't provide for because they have been ostracised and can't even give the child the family name since it was born out of wedlock. Some victims still have the scars of lashes on their bodies – this marks them out for future sexual violence since they are known to already be "tarnished". Many women also lost the ability to procreate from the damage done during the gang rapes. One of the worst things is that the criminals who raped you are still around. They haven't been punished and they are still surrounding the community. It creates intense psychological pressure – and increases the stigma – especially when the rape resulted in the birth of a child.

16. Could you quantify the loss economically?

The first thing the women need is social support so they can overcome the stigma and ostracization that they currently face. The women also need economic support so that they can regain their autonomy. Income generating projects will reinsert these women into the life of the community (which they have been removed from). It can be two or three workshops, there needs to be centres in their communities to facilitate this reintegration into the community. They also need access to financial resources to provide for their children and access to psychological services. But there are things that should be given priority – and this is the trial of the direct perpetrators that continue to lurk around the communities. The rapes and threat of rapes will continue until these people are brought to justice. The Arabs are trying to change the color of the people in Darfur through rape. They tell us to stop eating millet and start eating sorghum – because sorghum is the feed grain for donkeys.

In addition, there should be a symbolic award that is sufficient for them to restore their lives. This should be around \$15,000. This is not a big amount, they lost more from their farming and business activities before the war. We also need to have specialized hospitals equipped to dealing with STDs and the psychological harm these women have suffered.

17. Concerning transgenerational harm, have these crimes had any impact on the children born in the aftermath of violence? Have there been any biological impacts? For example, children born with heightened anxiety, nervousness, fear, learning disabilities, etc.?

There have been biological impacts. Pregnant women didn't have access to the necessary treatment or nutrition, so children were born under these circumstances. Some children born with bigger heads or missing kidneys, for example. There are children who demonstrate the incapacity to learn – it may be due to a lack of access to food during pregnancy.

18. Have there been any social impacts? For example, stigma, loss of identity, loss of cultural practices, heritage, memory, lower birth rates, etc.?

Depression and psychological disorders have become a sort of normal inheritance for the children of the traumatized. This environment is not suitable for any child. Many grew up without fathers and without access to education. A whole generation of children. Children have lost a sense of their heritage – they only know that they were born in IDP camps to undignified and broken people. They never knew life before this – life that was proud and connected to the land. These children were born out of violence. They would hear that their fathers were killed by this or that group – they are filled with ideas of violence, vengeance or humiliation from the start. In the past, the Fur were non-violent because they feared God. We need education to restore these values among our people. This generation, and even the next generation, need a lot of work. Education and access to economic opportunities are key.

We need memorialization from our past lives to facilitate a connection to the land. We need to reconnect our youth to our past lives, culture and land. It is well known that violence can be inherited. We have all been affected psychologically. Children need to feel like they are developing. When they go to Khartoum, they see buildings and development and they will compare with their lives back in Darfur. They will continue to leave instead of staying behind to help develop the future. The children also need to be children – they need access to sports, clubs, etc.

Many parents currently complain that their children act strangely. That they don't act like kids used to when they were in Wadi Saleh. Now, children don't respect their elders. The elders don't have dignity, and the children see that. Those born of rape are seen to have the "perpetrator inside them".

19. Were children born from rape issued ID documents? What is their legal status?

Children born through rape, are not recognized and often can't live together with the family. The children face a social paralysis from birth. They ask why they must live in the periphery – and to tell them the truth is an early form of trauma. They start to ask around the age of seven – "where is my father?" – and this is when the next generation of harm sets in. They are not allowed to take the name of their father – any future settlement with the GoS must provide them access to ID documents – they will have to choose a name, perhaps the name of where they come from or the name of the extended family.

Sudanese law dictates that they need to find documents from uncles or grandfathers, which they often don't have – in order to get ID documents themselves. If you don't have these documents, you can't travel and are denied access to schooling and other services. We don't have a formal adoption system – so these children are left in limbo – this needs to be resolved.

II. Collective harm against the Fur people

20. What impact have these crimes had on the Fur community as a whole?

The same crimes that were committed in the Case were committed all over Fur areas in Darfur. It was a systemic plan to attack the Fur everywhere. Also, for the Fur who were not there but are from Wadi Saleh, they were impacted psychologically by these acts. Sometimes, it's worse because you feel disempowered to do anything to help your people. There is no Fur person who hasn't been affected by the commission of these crimes. General Burhan (in Nertiti) and Bashir were claiming to be the God of the Fur. These were crimes against our whole community – every Fur was impacted by them. Many who were not even there later committed suicide, or suffered trauma.

21. How have these crimes specifically impacted on men and boys from the Fur and other African communities?

The boys have been denied access to education and therefore lack economic opportunities. This results in an inability to marry, which results in social stigma. Many then flee and try to reach Europe by crossing the desert in Libya on their way to Europe. They often get kidnapped by human traffickers and are subjected to slavery and other unspeakable things. The families lose contact with these boys. Others manage to make it to Europe but then find unemployment because they have no skills to get a job. But at least they are in peace. Even after 15 years, they still don't get citizenship and because of their status, they can't return home to visit for fear they won't be able to return to Europe, so the families are broken up.

22. How have these crimes specifically impacted on women and girls from the Fur and other African communities?

Because of the collapse of the family, women are disproportionately impacted. They are the first to lose access to education (and other opportunities) when money is tight in the family. There is a "lack of concentration" due to the war and their new lives in IDP camps, traditional roles and responsibilities are no longer possible. Many remain unmarried since the men can't afford it. No job opportunities in IDP camps. Their jobs are mostly fetching water and wood (for cooking). This exposes women to new attacks from surrounding Janjaweed. These walks can be as far as 5km each way.

There is no equality in access to education in Sudan and certainly not in the camps. If a girl manages to do well enough to qualify for university – she needs to do marginal jobs to raise the money for herself. In these jobs there is further exploitation. There is no dignity in this process. In pursuing these opportunities, they find themselves subjected to sexual violence.

The people surrounding us look at us as inferior – and this has a psychological impact. Women have to make bricks for perpetrators to make money. Men are told that this person has killed your father, but you are unable to do anything about it. We are told we are slaves, animals. Not just in Darfur but also when we pursue opportunities in Khartoum. That is why so many are risking crossing the Mediterranean. That's why so many commit suicide.

The crimes primarily targeted men, most of their possessions were looted. The boys and girls want to get married but they can't afford the costs. Many are also orphaned, so they have no families to support them. Many who have black skins get the worst jobs, they are treated as slaves. That is why even poor people are spending money on skin whitening cream.

The men are prisoners in IDP camps. As soon as they leave the gates, they are targeted. To leave an IDP camp you need to have written permission otherwise you can't get through checkpoints. They will arrest and torture you.

III. Observations on the relevance of prioritization in the Kushayb Case and issues concerning victims outside of Sudan

23. Are there any categories of victims mentioned above that are in extreme need and thus should be prioritized above all others in terms of access to humanitarian assistance through the Trust Fund for Victims ("TFV")?

There is no one category of victim, rather within each category there are those who are "most vulnerable". There are several million Fur and we are one family – we do not compete over who will get what form of reparation. Those who are outside share everything they make with their families who then share with their communities.

24. Do the victims still in Sudan have different interests than those who are in Chad (or elsewhere in the diaspora, like in Europe or America?)

We have no objection to those living abroad receiving reparation. They are our children. They also still maintain connections with their families in Darfur. However, those who are strong and prosperous, shouldn't be treated the same as those who are disabled.

Those who are outside are likely not in as desperate condition as those in Sudan. They are not facing the same dire humanitarian conditions, so in theory, those in Sudan should be prioritized. But we don't want to deny any of our people's claims – no matter where they are.

Those who are in Europe or the US are living in a stable situation, this should be taken into consideration by the Court for the purposes of prioritization. There are currently 350,000 people in the IDP camps surrounding Wadi Saleh. The Court currently considers the victim population of the Case to be much smaller. It is very important that the Court fixes this number so there isn't internal conflict amongst the people. If they are going to split the community with this [reparation] process, better to cancel the entire thing – we have more important things we want the Court to work on - like holding Bashir accountable and the others from the current war.

IV. Factors relevant to the issuance of presumptions and observations concerning the VPRS Mapping Report

25. Members of the GCC helped facilitate and provide access for the VPRS to conduct its mapping report and therefore take no issue with the findings contained therein. However, the GCC urges the Chamber to consider employing presumptions when it comes to the persons who suffered harm in the Ali Kushayb Case. Specifically, it is the contention of the GCC that it would have been impossible for a Fur person to have been in Kodoom, Bindisi, Mukjar or Deleig at the relevant times and not have suffered direct or indirect harm – such was the nature of the violence that took place there. The discussion proceeded as follows:

26. Could there have been civilians in Bindisi or Kodoom on 15 and 16 August 2003 who did not suffer harm as a result of the attacks?

It is not possible for people to have been in Bindisi and Kodoom during the war and to not have suffered harm. Everyone had their property taken or destroyed, everyone witnessed the killings and violence. Even if you were not there but came from there, you suffered an indirect harm by having your family attacked and losing access to the land. All of the villages around Bindisi and Kodoom were evacuated – no one remains on the land. All former residents are in IDP camps or have left the region.

27. Considering the public nature (and duration) of the persecutory arrests and humiliation, torture and murder of Fur community leaders, men and boys at the Police Station in Mukjar in late February/ early March 2004, what impact did this have on the wider population of Mukjar?

These crimes affected everyone who was in Mukjar at the end of February / Early March. People were taken from within the communities, the torture was taking place in public in front of the police station – there isn't even a fence – everyone saw it and everyone was psychologically impacted by these crimes. It was not possible for you to be in Mukjar at the time and not know what was happening at the police station – up to 75% of the more than 40,000 witnessed it themselves – especially the arrests of the leaders – everyone else heard about it. Nobody was left unaffected. You could do nothing but hang your head in your hands and cry.

28. What impact did the events in Deleig in March 2004 have on the people of Deleig?

In the beginning of March, the Janjaweed laid siege to the entire village. If you tried to flee, you would be sent back. They went door to door looking for Fur men not from Deleig. In this process, in the questioning, they beat everyone, including the women and children. In some cases, women were raped during these door-to-door operations. There was no one in the village who was not impacted by this operation. There were other tribes in and around Deleig, but they were only interested in the Fur. If you even asked what was going on with your loved ones, you would also be taken. Some of the women sought refuge in the schools and they were found and

raped. The siege was effectuated by cars, camels and horses – the entire village was surrounded. The leaders were again arrested and held in the centre of the town for all to see.

29. Accordingly, the GCC respectfully requests that the Chamber issue a presumption that the mere presence in any of the four villages of the Case at the relevant time is enough to establish victim (or beneficiary) status for these reparation proceedings. In addition, as set out in the collective harm section above, the GCC contends that these crimes were directed at the Fur people as a whole. By destroying their leadership and undermining their claim to the land of their ancestors, all Fur have been indirectly harmed by the crimes of Ali Kushayb. As was done in the Al Mahdi Case, the GCC requests that a special recognition of this class of victims be made in the Reparations Order.⁴

V. Further observations on the most appropriate form, types and modalities of reparations for the victims of the crimes for which Ali Kushayb was convicted

30. In the section concerning harm above, the GCC placed a monetary value on the forms of harm they deemed appropriate to be repaired through compensation. These sums should be calculated against the number of victims present in the four villages at the time of the attacks in order to quantify the total compensatory liability of Ali Kushayb and his co-perpetrators within the Government of Sudan. Even if it is obvious that Ali Kushayb himself will be unable to satisfy the financial claims on his own, the GCC nevertheless respectfully requests that the total sum be calculated and assessed in the reparation order. The GCC also discussed the desirability of other forms and types of reparations and assistance below. Certain of these would obviously require peace and security on the ground before implementation.

31. What is the most important type of reparation for the victims?

Our utmost priority is to return to our land, farms, villages and forests. Everything else is of secondary importance, including financial compensation.

32. Apart from the land and financial compensation, what other forms of collective or symbolic reparation would be meaningful for you?

Infrastructure could be a form of reparations. For example, a road linking Zalengei to Wadi Saleh. This would benefit the entire victim community as it would facilitate access to produce markets for farmers in the villages. Building small dams on the streams enables farmers to have another harvest season (in the winter). If they are big enough, you could even have fisheries. This would assist all farmers in the community. There are streams in Wadi Saleh – mountain

⁴ Al Mahdi Reparations Order, paras. 51-56, available at : https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2017_05117.PDF.

streams and wadis – if you build dams, you help the people to have another season which contributes to food security.

Those who had their homes destroyed, should have their homes rebuilt. And this should include access to electricity. We should build back better than it was before. There could be a project that provided access to solar panels to victim communities so they could generate their own energy without having to pay for expensive fossil fuels. Surrounding communities (not persecuted) are using solar and generators. The occupying groups don't have access from the national grid, but we want our communities to have access to the national grid. We have never had this because they don't want us to stay.

We have never been included in the economic development narrative of this country. They don't recognize our claims to land, don't provide access to power, don't facilitate access to education.

33. Income Generation Programs

All programs need to be run and implemented by our people. We don't trust anyone in Sudan. Even the construction programs should be implemented by engineers from our community. We have been harmed by so many national NGOs and they only spend 5 to 10 percent on the actual implementation. We accept no one without prior consultation.

Centres for improving the skills of women. This is a rich agricultural area –(we welcome) skills to dry fruit, to dig water wells, to provide pumping sets to be used in farming during the summer.

Generally, what we need are income generating activities. There are many examples. Some women have expertise but need access to capital to start businesses – they can do many things with produce, like creating macaroni (pasta), but need some money to invest in the tools. They are also able to make a lot of home-made goods to sell in the markets. Access to funds to build income effects every woman equally. Access to sewing machines would empower women to create goods and sell them in the market as well as to support their own families clothing needs. They can also do jewellery making, shoes and handbags – all of these initiatives can help girls improve their economic situation. In Sudan, women can open bank accounts and own property in their own name. It only depends on whether or not they have an ID document.

34. Health Programs

We need specialized doctors and psychologists able to deal with trauma. In addition, access to prosthetics. Even referral systems – so those most in need can receive access to the care they need. Many in the IDP camps are suffering from psychological disorders. There needs to be centres that are accessible for IDPs to benefit. These disorders are on the rise – it's becoming an epidemic.

35. Education Programs

This is a very big issue and should be the responsibility of the state. If schools could be constructed, we have the volunteers to man them. We have been running our own school system since the first war, we just need the resources (buildings, materials). There should also be vocational training schools for those who have already missed their opportunity to go to school, so they can be equipped with skills that can benefit the larger community. Computer training centres would also be of value for the communities so we can develop skills that work with the modern economy. We need to come out of the darkness and into the light with education. We need access to libraries, both physical and digital as well as access to research centres.

36. Symbolic

The wording of the reparation order is important for us. We need the Court to recognize that we were wrongfully removed from our land by Ali Kushayb and the Government of Sudan. This has symbolic value and we will use it to pursue our claims when the war is over. Monuments also have symbolic value. Each village should have a monument to commemorate the loss of life and the crimes committed. These could be hospitals, schools or clinics that are named after people who were killed. There could be a plaque that explains who they were and what happened to them.

There are mass gravesites that should also be sites for monuments. There could also be a museum constructed that tells the story of our people and what happened to them. There could be a museum like they have in Rwanda to serve as a site where people can come and learn about what happened here.

37. Apologies

Ali Kushayb said he was a god, apologies should have been made before the ruling came out. Had he done so, it would have been accepted. Now, he should take his punishment. In Sudan, if someone does something wrong, and they apologize, it will be accepted. But Kushayb denied that he was the one to commit the crimes. He needed to be found guilty by the Court. Now it's too late, his apology will not be accepted by the Fur people. Had he shown mercy, we would show mercy. He personally committed terrible crimes, he never showed mercy, therefore he will be shown none by us. We fully believe in fate and destiny. He killed his own people. He is one of our own. He thinks he's an Arab but he has the same color skin as us. It's too late. If he wants to atone for his crimes, he should say who ordered him to commit the crimes and cooperate in their prosecution.

We also won't accept an apology from the GoS. They have pursued a policy of annihilating our people for over 20 years. When they were powerful, they didn't make an apology. Now we won't accept one. From whom would we accept an apology? Bashir said he was a god, Burhan danced on our ashes, Harun cheered our demise – who would we receive an apology from? They need

to answer for their crimes in Court. The GoS needs to hand over the suspects and then they can apologize.

VI. Available forms of documentation to support victim identification processes and reparation claims

38. Are there any documents surviving from the war in 2003/2004 that could serve to support victim identification or verification processes?

We have lost our ID documents – they were either left behind or destroyed. To get them you must travel to Nyala or Khartoum. Most elderly people have no access at all to ID documents. Most people in IDP camps were specifically denied access to these forms to deny their access to basic services. The GoS attacked Kalma camp in 2018 and over 100 people were killed. That same entity is not interested in recognizing any legal claims or rights of the IDPs. That's why when it comes to reparations or assistance, they must be administered through the local system – through our Sheiks and camp leaders – they are the ones who know the people and can ensure a fair distribution. Now even children don't have birth certificates. Having documentation is not an issue, we Fur are one family, we will ensure fair distribution.

UN Agencies distributing food issued cards through the leadership and then gave food to the individuals (heads of family) for distribution. Each card has a number which corresponds with the number of family members. It also has the name of the head of the family. There is a master list with everyone's name on it. This system was working well in Kalma. In Kalma there are more than 600 Sheiks and they were responsible for identifying names of household leaders and family members. WFP issued these cards. However, there was an attack on the camp and many fled and lost their cards. Others have since arrived who didn't get issued these cards. They were first issued in 2015 and then were reissued in 2018. They collected new information to issue the cards just before the war but were never distributed. Most of the cards still in existence are the ones from 2015. A similar system could be appropriate for the purposes of reparations or assistance.

39. Are there any documents surviving from the 2003/2004 war that could serve to verify reparation claims?

We don't have any documents that certify individual claims. But we do have customary land grants (Hawakeer⁵) – the land grant of 1925 made an exception for Fur lands.⁶ In 1916, when

⁵ The word Hakura is Arabic, and its plural is Hawakeer. In the Fur Language, the word is “ro” and its plural is “rota”. It comes from “Hakr” meaning that a man possesses and utilizes land without having absolute ownership rights.

⁶ The land tenure in rural areas, especially in the peripheral states, has been and is traditionally not framed by the law. The British colonization in the organization of land ownership was based on the frameworks of Traditional civil administration. Mohamed Omar Bashir, stated: "Land Settlement and Registration Act of 1925 stipulated that all unregistered land is owned by the government, and the Land Expropriation Act of 1930 empowered the Governor-General to seize any plot of land for public use. Land laws have not in fact affected the traditional rights of individuals, tribes and groups to acquire land.

the Sultan was killed by the British, the lands were incorporated into Sudan and recognized by the British as belonging to the Fur (Hakura).⁷ Those collective land rights have been recognized by the Government of Sudan in modern times as well.⁸ Most notably in the Doha Document for Peace in 2011⁹ and the Juba Peace Agreement (2020).¹⁰ The Rizeigat also have their own Hakura within Darfur and we accept that. Only Darfur states divide Hakura by ethnicity. A finding from the Chamber on the unlawfulness of our removal from the land would be greatly welcomed.

With respect to medical certificates, criminal complaints (Form 8), etc. are not available. The perpetrators intentionally destroyed the police and official records to make it difficult to make claims. After the war, they also denied us access to the police or court system to file claims on our own. Don't forget many of the killings took place at police stations! Were we supposed to register complaints at the murder site? Even the doctors who issued medical reports were chased out of Darfur. Those records are lost. Now, our people aren't even issued death certificates. If they are issued at all, they always state that the cause of death was "natural causes" even when the person was shot in the back of the head.

With respect to the cattle, we used to have records. We collected tax against the animal population. The Sheik of any village would do an animal census and report it to the government. In Kodoom, when the village was attacked, everyone ran with what they could grab. This didn't include records. Their homes were later looted and destroyed.

VII. Observations on the timing of reparations

40. Should the Court consider delaying the implementation of reparations until after the war is over?

They have been at war with us and with each other for 20 years. When is it going to be over? We have no idea. We may all be dead when it's over. Certain forms of reparations and assistance

The Abuja Agreement for The Peace of Darfur in 2005, confirmed," The state recognized the rights of collective land, i.e. tribal land (Hawakir) in accordance with customs and traditions."

<https://www.arcjournals.org/pdfs/ijhcs/v7-i1/1.pdf>, p7.

⁷ The British historian R. S. O'Fahey, a specialist in the history of Darfur, mentioned in his book *The State and Society in Dar Fur* that when the British subjugated Darfur in 1916 and removed Sultan Ali Dinar (1898–1916), they kept all his administrative and tax systems unchanged: the underlying structures, consisting mainly of *Shartaie* (provincial governors), remained (O'Fahey 2000). This constituted the administrative system in Darfur, which continued until the local government changes that took place during the era of President Jaafar Nimeiri in the early 1970s, see <https://fic.tufts.edu/wp-content/uploads/Zalingei-Final-Report-TaadoudII-2022-1-12.pdf>.

⁸ The 2005 Interim Constitution established an independent National Land Commission. Darfur peace Agreement 2006 also established the Darfur Land Commission (DLC), USAID. (2021). land tenure and property rights profile – Sudan available at <https://www.land-links.org/country-profile/sudan>; The Constitutional Charter of 2019 recognizes issues of tribal lands (hawakir), available at United Nations Human Settlements Programme (UN-Habitat) (2020). Darfur land administration assessment: analysis and recommendations. <https://landportal.org/library/resources/darfur-land-administration-report>.

⁹ The Doha Document for Peace in Darfur, 2011, para. 188, available at: https://unamid.unmissions.org/sites/default/files/ddpd_english.pdf.

¹⁰ The Juba Agreement for Peace in Sudan, Title II, Chapter 7, p. 43, available at: <https://peacemaker.un.org/sites/default/files/document/files/2024/05/juba20agreement20for20peace20in20sudan.pdf>.

could be done now, especially financial reparations (through bank transfers), educational and medical support (done through the camp apparatus). We have lost faith in all these false peace processes. They lead to even more devastating wars. When they speak of peace that means they are planning for war. We don't want to wait to press our claims against the State – this should happen now.

41. Should the Court consider investing funds that may be available for victims in Sudan so that they may be increased by the time the war is over?

No. If there is money, it should be distributed because it is greatly needed now. If we wait for the war to end, we may be waiting forever. The IDP community could provide certain assistance services to the people if they had the financial resources to do so. They have been doing this for over ten years. With their own professionals, they could reinstitute the medical, educational and other support services to the people (that they have been going without since the war started). Most national organizations (based out of Khartoum), take a large percentage for "administration". If we implemented these projects ourselves, together with the TFV, all the available resources would stay in the community. If the Court doesn't accept this, it's fine. The Kushayb judgement was already a major source of justice and reparations to us.

VIII. Arguments concerning liability

42. In the Judgment, the Chamber made at least 83 references to the Government of Sudan's co-perpetration of the crimes committed by Ali Kushayb.¹¹ The Government of Sudan and its officials are referred to in the Judgment and Sentencing Decision as "Government of Sudan", "GoS Forces", "GoS Officials", and "key figures of the Sudanese government". The GoS Forces are defined as being "the forces of the Government of Sudan, which included the Sudanese Armed Forces (SAF), the Popular Defence Forces (PDF), the Central Reserve Forces (CRF), the Popular Police Forces (PPF), and the National Police (Police)".¹² These forces are described as acting jointly with the Janjaweed and Ali Kushayb in the commission of crimes.¹³ To our knowledge, this is the first time that state forces have been found to be jointly liable for the commission of crimes at the International Criminal Court. Accordingly, these findings command special attention.
43. It seems clear that the Chamber, in its wisdom, did not intend to hold the Government of Sudan, as a state, jointly liable for the crimes committed by Ali Kushayb. Such a finding would seemingly fall afoul of the institutional limitations set out in Article

¹¹ Trial Judgment, para(s). 392, 447, 449, 455, 468, 493-494, 536, 544-546, 550-555, 570, 604, 628, 811, 815, 823, 825, 828-830, 834, 839, 873-881, 902-913, 920-927, 934-939, 943-959, 960-962, 974-985, and 987.

¹² Sentencing Decision, fn 376. *See also*, Trial Judgment, para. 278.

¹³ Sentencing Decision, para(s). 143, 146, 207, 221, 224, 225, 229, 230; Trial Judgment, para(s). 392, 447, 449, 455, 468, 493-494, 536, 544-546, 550-555, 570, 604, 628, 811, 815, 823, 825, 828-830, 834, 839, 873-881, 902-913, 920-927, 934-939, 943-959, 960-962, 974-985, and 987.

25(1) of the Rome Statute. Rather, it appears evident that the references to “GoS” and its various iterations refer to the charged and non-charged individuals who represented those entities at the time of the commission of crimes. Those individuals, referred to collectively as *inter alia* GoS, were found guilty of co-perpetration, jointly with Ali Kushayb, in the Trial Judgment.

44. It seems only natural to extend that same logic of co-perpetration to the Reparations Order. In the Ongwen Reparations Order, responsibility for reparations mirrored the criminal responsibility found in the Judgment.¹⁴ The Chamber held that Mr Ongwen shared liability with his fellow *charged and non-charged co-perpetrators*¹⁵ under a theory of joint liability to “repair the full extent of the harm caused to the victims.”¹⁶ The Chamber emphasized that this joint liability did not diminish Mr Ongwen’s liability but instead clarified that “Mr Ongwen and his co-perpetrators are jointly and severally liable to repair in full the harm suffered by the overlapping victims and all remain liable to reimburse the funds that the TFV may eventually use to complement the reparation awards for their shared victims.”¹⁷
45. The GCC respectfully requests that the Chamber uphold aspects of the Ongwen jurisprudence and make similar findings in the Kushayb Reparations Order. Specifically, the GCC would like the Chamber to find that Ali Kushayb and the GoS (understood as forces, *et.al.*) are jointly and severally liable to repair in full the harm suffered by the victims in the Case, including the right to return to their land.
46. The GCC respectfully requests a departure from the Ongwen jurisprudence with respect to the role of the Trust Fund for Victims. The GCC does not consider it the role of the Trust Fund to complement the totality of the Reparation Order in the Kushayb Case. Respectfully, the TFV is not well placed to involve itself in land reform measures in Sudan. In addition, it has struggled to solicit voluntary contributions to satisfy compensation claims emanating from reparation orders, especially the Ongwen award.¹⁸ Rather, the GCC would prefer that the Chamber order the TFV to focus on what it can do through proxies and with available resources, including immediately administering humanitarian type assistance projects to those most in need. The

¹⁴ Ongwen Reparations Order, ICC-02/04-01/15, para(s). 54-55.

¹⁵ Ongwen Conviction Judgment, ICC-02/04-01/15-1762-Red, para. 2874, concluding that Mr Ongwen committed these crimes “jointly with Vincent Otti, Raska Lukwiya, Okot Odhiambo, and other LRA commanders”; Ongwen Conviction Judgment, ICC-02/04-01/15-1762-Red, para. 2927, concluding that Mr Ongwen committed these crimes “jointly with Joseph Kony and other Sinia Brigade leaders”.

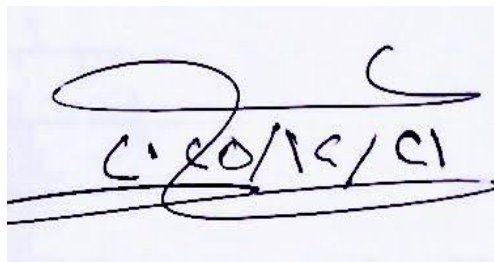
¹⁶ Ongwen Reparations Order, para. 667.

¹⁷ *Id.*

¹⁸ Trust Fund for Victims' First Update Report on the implementation of reparations in the Ongwen case, ICC-02/04-01/15-2109, para(s). 93-98.

responsibility for satisfying the Reparation Order should lie exclusively with the co-perpetrators.¹⁹

47. Establishing liability clearly in the Reparation Order would, in and of itself, constitute a form of satisfaction for the GCC. If the Reparation Order set out, for example, that the Fur were targeted based on their ethnicity - wrongfully removed from their land - and entitled to return - the Order would be the first of its kind in the long and sordid history of impunity in Darfur. If the Chamber follows these recommendations and clearly assesses the liability on the co-perpetrators in the Reparations Order, the Fur will have a strong and powerful legal precedent to bolster negotiations with the relevant belligerent parties.
48. The history of the Fur in Darfur since 2003 is a history of broken promises and betrayal. This Court has already delivered justice after a 22-year wait – a fact for which the GCC is eternally grateful. In the context of these reparation proceedings, the GCC asks that the Chamber give only what is in their power to give: *satisfaction*.



Yagoub Mohamed Abdalla Foret

The General Coordinator of the GCC

Dated this 16 March 2026

At Kalma Camp, Darfur, Sudan

¹⁹ Inviting the TFV to raise the money in the first instance with the co-perpetrators ultimately responsible for reimbursement will likely discourage any action on the part of the GoS (understood as forces) to take responsibility for the Order. If the TFV then fails to raise the resources required to satisfy the Order, which may be considerable in this Case, the victims will be left with no remedy. The GCC thus prefers to keep the lines of responsibility for satisfying the Order clear – Kushayb and the GoS.