

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: **ICC-02/05-01/20**

Date: **4 May 2026**

TRIAL CHAMBER I

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

SITUATION IN DARFUR, SUDAN

***IN THE CASE OF THE PROSECUTOR V. ALI MUHAMMAD ALI ABD-AL-RAHMAN
(‘ALI KUSHAYB’)***

PUBLIC

Amicus Curiae Observations on Reparations Issues

Source: i-ACT

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

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Counsel for the Defence

Legal Representatives of the Victims
Common Legal Representative of Victims

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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**Victims Participation and
Reparations Section**

Other

I. Introduction

*Is this the life that I have been created for? Where is the justice? Where is the equality?
Am I not human? I am supposed to be in my homeland.*

— *Refugee from Darfur, 2026*¹

1. The victims of the crimes in this case have suffered “immense”, multifaceted, lasting harm. Due in part to the ongoing conflict in Darfur, many of those who survived the crimes by fleeing their homes cannot return. They remain in refugee camps more than two decades after the crimes were committed. For many such survivors, the harm they suffered continues and has been passed down to their community’s children.
2. When interviewed by i-ACT team members, representatives of the Fur survivor community living in refugee camps in Chad expressed gratitude to the Court and its personnel for their work on this case. But they also expressed an urgent need for reparations so that those who fled can “catch the last corner of our lives”.
3. Survivors were very conscious of the ongoing conflict and reported atrocities in Darfur.² Several emphasised the need for peace and security in the region, so they can return to their homes decades after being expelled. They also suggested a need for rehabilitation measures to address the physical, moral, and material harms that the crimes had inflicted on victims, their children, and their community.
4. Reparations in this case can assist in addressing the immense harm to victims if they promptly address those harms and empower victims to play an active and meaningful role in the reparations process. i-ACT thus recommends that the Chamber order collective reparations with individualised components, including symbolic payments, declarations recognising material harms that victims have suffered, and rehabilitation measures to help give victims a fair opportunity to rebuild their lives. i-ACT further recommends that the Chamber direct the Trust Fund for Victims to work in partnership with victims to design and implement targeted rehabilitation programs.

¹ i-ACT team members participated in a focus group with members of the refugee community in March 2026. An i-ACT team member separately compiled responses to specific questions from other community members. i-ACT did not conduct formal interviews or take statements from refugees. References to statements from refugees are taken from team members’ notes of the conversations mentioned in this footnote.

² See [Transcript of 6.10.25](#), p.3 (“it should not be forgotten that since April of 2023, another as yet unresolved and under-reported armed conflict has visited yet further misery upon the innocent citizens of Sudan”).

II. Relevant Procedural History

5. On 6 October 2025, this Chamber convicted Mr. Abd-al-Rahman of 27 counts of war crimes and crimes against humanity committed during attacks on four villages in Darfur in 2003: Bindisi, Deleig, Kodoom, and Mukjar.³ The Chamber entered convictions for murder, rape, torture, persecution, and forcible displacement, among other crimes.⁴ On 9 December 2025, the Chamber sentenced Mr. Abd-al-Rahman to twenty years' imprisonment.⁵ Mr. Abd-al-Rahman's convictions and sentence are presently on appeal.
6. Also on 9 December 2025, the Chamber issued its order inviting submissions on reparations for the victims of crimes of conviction in this case.⁶
7. On 11 February 2026, the Chamber granted requests for leave to offer *amicus curiae* submissions on reparations which had been filed by several organisations, including i-ACT.⁷ The Chamber directed that all *amicus curiae* submissions should be filed by 4 May 2026.⁸
8. On 2 April 2026, the Chamber granted a request by the Common Legal Representative of Victims for an extension of time to file its submissions on reparations and scheduled a hearing on reparations issues to be held on 8 September 2026.⁹
9. On 16 April 2026, the Chamber granted a request by certain *amici curiae* for an extension of time to make their submissions on reparations.¹⁰

³ See [Trial Judgment](#), 6 October 2025.

⁴ *Id.*, pp.352-355.

⁵ [Sentencing Judgment](#), 9 December 2025, p.90.

⁶ [Order for submissions on reparations](#), 9 December 2025.

⁷ [Decision on requests for leave to file *amicus curiae* submissions on reparations](#), 11 February 2026, p.6.

⁸ *Id.*

⁹ [Public redacted version of the Decision on the CLRV request for extension of time and extension of page limit and scheduling a hearing before the Chamber](#), 2 April 2026, paras.15-16. i-ACT has filed a request to attend the 8 September hearing under separate cover. [Request to Attend Reparations Hearing](#), 1 May 2026.

¹⁰ [Public redacted version of the Decision on the request for extension of time limit to file *amicus curiae* observations](#), 16 April 2026.

III. Submissions on Reparations

10. Victims of crimes of conviction are eligible for reparations for harms they suffered which have a causal link to the crimes.¹¹ For instance, victims may receive reparations for harms that more likely than not would not have occurred but for the crimes, and were reasonably foreseeable to the convicted person at the time of the crimes.¹² Reparations should be “appropriate, adequate, and prompt”; effective; and in line with victims’ expectations.¹³ Which modalities of reparations are most appropriate is determined based on the “specific circumstances of the case at hand.”¹⁴ Victims should be empowered to play an active role in the reparations process.¹⁵
11. In principle, reparations should be “proportionate to the harm” that the victims suffered¹⁶ and “as far as possible, restore the victim to his or her circumstances before the crime was committed[.]”¹⁷
12. In practice, for the crimes this Court has jurisdiction over, it may “often be unachievable” to fully restore the victim to their prior circumstances¹⁸ or fully compensate them for the harm they have suffered, since “some forms of damage are essentially unquantifiable”.¹⁹
13. This is such a case. The Registry has estimated tens of thousands of people were victimised by the crimes Mr. Abd-al-Rahman was convicted of.²⁰ The crimes were very grave in nature and caused significant harm to their victims. The victims have been

¹¹ *Prosecutor v. Al Hassan*, Case No. ICC-01/12-01/18, [Reparations Order](#), 28 April 2026 (“Al Hassan Reparations Order”), para.20.

¹² *Prosecutor v. Ongwen*, Case No. ICC-02/04-01/15, [Reparations Order](#), 28 February 2024, paras.419-421 (“Ongwen Reparations Order”).

¹³ *Prosecutor v. Ntaganda*, Case No. ICC-01/04-02/06, [Reparations Order](#), 8 March 2021 (“Ntaganda Reparations Order”), paras.89-91. See also U.N. GAOR 60/147, [Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#), 16 December 2005, Principles 11(b), 15 (reparations should be “adequate, effective and prompt”).

¹⁴ [Al Hassan Reparations Order](#), para.199.

¹⁵ E.g. African Commission on Human and Peoples’ Rights, [General Comment No. 4 on the African Charter for Human and Peoples’ Rights: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment \(Article 5\)](#), 2017, para.18.

¹⁶ *Prosecutor v. Lubanga*, Case No. 01/04-01/06, [Order for Reparations \(Amended\)](#), Annex A to Judgment on the appeals against the “Decision establishing the principles and procedures to be applied to reparations”, 3 March 2015, para.45.

¹⁷ *Id.*, para.67(i).

¹⁸ *Id.*

¹⁹ *Id.*, para.40.

²⁰ [Public Redacted Version of “Corrected Version of ‘Registry Victim Mapping Report’, ICC-02/05-01/20-1256-Conf, 4 November 2025”, ICC-02/05-01/20-1256-Conf-Corr, 19 November 2025](#), filed on 21 November 2025 (“Mapping Report”), paras.130-139.

living with those harms for decades.²¹ That amount of harm is, indeed, unquantifiable—though it is also, as this Chamber has recognised, “immense.”²²

14. Article 75 of the Statute calls for reparations for victims even when it is difficult to calculate or implement those reparations because the harm to the victims is both immense and unquantifiable. In such situations, it is necessary to balance the scale of the harm suffered by victims with the need for “practically feasible”²³ measures the implementation of which is “at least probable”.²⁴ In this case, it may be useful to combine measures of compensation and rehabilitation, including symbolic payments, job training, support for income-generating activities, and declarations recognising harm that victims may use to secure individualised compensation in other appropriate fora.

15. To accomplish these goals, the reparations process in this case should be designed in a manner that recognises, *inter alia*:

- The collective harm suffered by the Fur community;²⁵
- The long-term harms that have been inflicted on many victims, including lasting displacement and the loss of their livelihoods;²⁶
- The inability of displaced victims to return home in the context of ongoing reports of crimes against civilians in Darfur;²⁷ and
- The particular harms to some victims, including child victims and victims of sexual and gender-based violence.²⁸

²¹ [Mapping Report](#), paras.130-139.

²² [Sentencing Judgment](#), para.132.

²³ [Decision on requests for leave to file *amicus curiae* submissions on reparations](#), 11 February 2026, para.12.

²⁴ [Ongwen Reparations Order](#), para.612.

²⁵ See para.48, *infra*.

²⁶ See paras.20-23, *infra*.

²⁷ See paras.19-20, *infra*.

²⁸ See paras.18, 20, 46-47, *infra*.

A. The type and extent of harm suffered by victims.

I have been forced to leave my country. I have lived as a refugee for 23 years. My properties have been looted. Some of my family have been killed... I lost everything—my whole future.

— *Refugee from Darfur, 2026*

16. This Chamber has recognised that “[T]he magnitude of the suffering inflicted upon the Fur community is immense”²⁹ and that for many victims, “the suffering they underwent at the time... still continues today.”³⁰

17. Previous ICC Chambers have found several types of harm are relevant to the reparations process, including:

- Physical harm, such as physical and bodily injury or impairment, illness, and pain;
- Moral harm, such as emotional distress, psychological pain or trauma, psychosocial harm, and loss of life plan;
- Material harm, such as the loss of property;
- Community harm suffered by victims in their capacity as members of a harmed group, family, or community, including harm to the collective identity, structure, or functioning of the community; and
- Transgenerational harm, such as harm that children experience that they would not have experienced but for their parents’ victimisation.³¹

18. Victims in this case suffered and continue to suffer each type of harm. Victims of, *inter alia*, rape, torture, and murder suffered physical harm.³² All victims suffered various types and degrees of moral harm.³³ Victims who fled left their jobs and property behind, causing significant material harm.³⁴ The Fur community was harmed by the loss of its traditional land, the killings of its leaders, and the deliberate destruction of its homes, schools,

²⁹ [Sentencing Judgment](#), para.132.

³⁰ See [Transcript of 6.10.25](#), p.3.

³¹ E.g. [Ongwen Reparations Order](#), para.168; [Al Hassan Reparations Order](#), paras.71-72. The *Al Hassan* Chamber found that transgenerational harm could be sufficiently addressed in that case by timely addressing harm to the present generation of victims. [Al Hassan Reparations Order](#), para.179. Here, the crimes were committed decades ago and harm is ongoing; for instance, children born of the rapes committed during the attacks on Bindisi and Kodoom will be at least twenty-two years old before a reparations order is issued. In such circumstances, it is submitted transgenerational harm should be considered independently, as in *Ongwen*.

³² See generally [Mapping Report](#).

³³ See generally *id.*

³⁴ See *id.*, paras.57, 66-70, 78-82.

mosques, and markets.³⁵ And children born to displaced parents have spent their entire lives being harmed by the crimes: they “lack access to education, birth registration, and cultural knowledge, facing risks of statelessness and exclusion.”³⁶

19. For instance, many victims fled Darfur and have spent years living in refugee camps in Chad.³⁷ Many of them have died in the camps.³⁸ The survivors have mostly stayed in Chad.³⁹ Those who stayed have not built full new lives in a new country; they simply lack the options to go anywhere else or the peace and safety to return home.

20. Victims who live as refugees in Chad, for instance, continue to suffer several types of harm:

- They themselves remain displaced. Aside from the practical consequences of their long-term expulsion, for many, the inability to return home is a moral harm.
- Conditions in the refugee camps are “very harsh”: while aid organisations provide some basic services, many refugees have only limited access to essential services like medicine.⁴⁰ Refugees are more likely to live in poverty than others in Chad.⁴¹
- Many have “profound and enduring” trauma from the crimes committed against them.⁴²
- Many lack meaningful economic opportunities or hope for their future.
- Those who lost family members to the crimes live with that loss every day.⁴³
- And children born into the camps are born with lesser opportunities for education, work, or a better life; in a country where their families reside only temporarily; and into a community whose fabric and institutions have been rent asunder.⁴⁴

³⁵ E.g. [Mapping Report](#), paras.91-93, 95-97, 103-105.

³⁶ *Id.*, para.107.

³⁷ The Registry has observed that “victims [are] primarily located in Central and South Darfur, as well as in refugee camps in Eastern Chad.” [Mapping Report](#), fn.8.

³⁸ E.g. [Trial Judgment](#), para.657.

³⁹ E.g. Anna Praz, [The Darfur Refugees’ Plight: Repatriation Challenges for Post-Doha Sudan](#), Graduate Institute EPaper (2014), p.38 (as of the author’s writing, more than a decade after the crimes, “no official case of voluntary return has been registered”). See also [Mapping Report](#), para.50.

⁴⁰ Compare [Sentencing Judgment](#), para.127 (referring to the continuing harm to victims of displacement crimes, including those living in “refugee and IDP camps under very harsh conditions”).

⁴¹ See generally Mohamed Coulibaly et al., [Responsibility Sharing and the Economic Participation of Refugees in Chad](#), World Bank Group Policy Research Working Paper, March 2024.

⁴² E.g. [Mapping Report](#), paras.61, 87, 103, 107.

⁴³ See [Sentencing Judgment](#), para.172. See also [Mapping Report](#), para.94.

⁴⁴ E.g. [Mapping Report](#), paras.107-108.

These harms are foreseeable effects of the victims' expulsion from their homes combined with their physical injuries; the destruction and looting of their properties; and the devastation of their community.⁴⁵

B. Issues Related to the Prioritisation of Victims or Groups of Victims

21. More than two decades after the crimes Mr. Abd-al-Rahman was convicted of, all the victims in this case have waited too long for reparations. But some are in particularly urgent need. Victims who are presently located in Darfur and in Chad are in "particularly vulnerable situation[s]" and are particularly likely to "require urgent assistance." And child victims are "particularly vulnerable" and have been gravely impacted by the crimes. Consequently, the distribution of reparations to these groups of victims (and other victims that the Trust Fund identifies as in urgent need) should be prioritised in the sequencing and implementation of the reparations programme in this case, even as all victims are treated equally in status and eligibility for reparations.⁴⁶
22. First, many victims remain in Darfur, where they are at risk of further victimisation due to the ongoing conflict there. Since the Chamber granted *amici* leave to file submissions on reparations, more civilians have been killed and civilian infrastructure damaged by the conflict.⁴⁷ NGOs have alleged the warring parties have engaged in large-scale sexual violence.⁴⁸ These ongoing risks justify prioritising victims who remain in Darfur.
23. Second, victims in refugee camps in Chad face "very harsh" conditions.⁴⁹ Recent reports suggest such victims are at risk of "extreme hunger" and 80,000 Sudanese families in Chad have no shelter.⁵⁰ Cuts to humanitarian assistance threaten to make their situation even more dire.⁵¹ Their urgent need and vulnerability justify prioritising victims in Chad.

⁴⁵ See [Ntaganda Reparations Order](#), para.134 (the causal nexus between a crime and the harm to a victim of that crime may be broken if the harm is caused by a subsequent event, but only if that event was not reasonably foreseeable to the perpetrator at the time of the crime).

⁴⁶ E.g. *id.*, para.92; [Ongwen Reparations Order](#), paras.655-658; *Prosecutor v. Mustafa*, Case No. KSC-BC-2020-05, [Corrected version of Public redacted version of Reparations order against Salih Mustafa](#), 6 April 2023, para.71.

⁴⁷ E.g. Fay Abuelgasim, [A Strike on a Hospital in Sudan Killed at least 64 People, WHO Says](#), Associated Press, 22 March 2026.

⁴⁸ E.g. Medecins Sans Frontieres, ["There is Something I want to Tell You..." Surviving the Sexual Violence Crisis in Darfur](#), March 2026.

⁴⁹ See paras 19-21, *supra*.

⁵⁰ E.g. Norwegian Refugee Council, [Sudan war refugees pushed into hunger as livelihoods collapse across the region](#), 9 April 2026; World Food Programme, [Funding shortfalls put lifelines at risk for Sudanese refugees in Chad](#), 9 April 2026.

⁵¹ E.g. Emma Farge, [Over 1 million Sudanese refugees in Chad face drastic aid cuts, UN says](#), Reuters, 9 April 2026; World Food Programme, *supra*.

24. Finally, several refugees suggested prioritising reparations for child victims. Refugees emphasising the needs of their community's children is consistent with i-ACT's experience, where Darfuri refugee communities have requested, co-created, and helped lead the establishment of pre-school and athletic programming for refugee children.⁵² It is also consistent with this Chamber's findings that children are among the most vulnerable members of the victim community and among those victims most gravely impacted by the crimes.⁵³ These factors justify prioritising child victims.

C. Issues Related to Factual Presumptions

25. A presumption that the victims of the crimes in this case were harmed by those crimes is appropriate. Previous Trial Chambers have presumed that the victims of crimes like those Mr. Abd-al-Rahman was convicted of suffered harm based on the nature of those crimes, finding "no need" for the victims to produce documentation of that harm.⁵⁴

26. This Chamber has already found that "the harm [suffered by victims of the crimes Mr. Abd-al-Rahman was convicted of] is inherent to the violent nature of the crimes".⁵⁵ By its plain language, this finding applies to all such crimes without artificially distinguishing between murder, rape, torture, or other aspects of the ethnic cleansing of the Fur community. Thus, presuming victims were harmed is consistent with this Chamber's findings, as well as the Court's previous jurisprudence.

27. For instance, the Chamber may wish to presume that:

- Fur residents of Kodoom and Bindisi were displaced in the context of the attacks on those villages;⁵⁶
- Victims of this displacement suffered moral harm, including emotional distress and interference with their life plans, as well as material harm from the looting and/or destruction of the property they left behind and various types of harm from the difficult conditions they encountered living as displaced persons;⁵⁷

⁵² E.g. Moving Minds Alliance, *Little Ripples: Community-based refugee-led preschool in Chad*, May 2019, p.2; i-ACT, [Our Programs](#); i-ACT, [Darfur United Soccer Academy in Refugee Camp Touloum](#).

⁵³ [Sentencing Judgment](#), para.132.

⁵⁴ E.g. [Ntaganda Reparations Order](#), paras.144-147; [Ongwen Reparations Order](#), para.556.

⁵⁵ Compare [Sentencing Judgment](#), para.131.

⁵⁶ See [Trial Judgment](#), paras.409, 426, 861-864.

⁵⁷ See [Sentencing Judgment](#), para.127; [Trial Judgment](#), paras.410-411 (looting and property destruction in Kodoom); 427-428 (Bindisi).

- Victims of murder, attempted murder, rape, torture, persecution through underlying acts of murder, rape, torture, and other violent crimes suffered moral and physical harm as a result of the crimes;⁵⁸
- Close family members of victims suffered moral harm as indirect victims;⁵⁹ and
- The Fur community suffered collective harm through displacement and the loss of its traditional land, language, and other practices.⁶⁰

28. One Chamber recently declined to utilise presumptions of harm for victims of certain violent crimes, reasoning that the harm suffered “is specific to each particular victim.”⁶¹ It is respectfully submitted that while the amount of harm victims of violent crimes suffer will vary, the fact of harm may appropriately be presumed, as other Chambers have done.⁶²

D. Types and Modalities of Reparations

29. In other cases with large victim communities, Chambers of this Court have awarded collective community-based reparations, often with individualised components.⁶³ A similar approach is appropriate here to recognise victims’ individual suffering while establishing a manageable process that can deliver what it promises.

30. For victims living with the continuing harm of the crimes at issue in this case, including those still living in Chad, measures of compensation and rehabilitation are particularly urgent.

1. Compensation

31. Compensation measures involve providing victims with financial relief to address all the various types of economic and non-economic harms they have suffered.⁶⁴ Other internationalised courts have awarded significant compensation to each victim⁶⁵ (though far less than a victim would receive if they prevailed in civil litigation in domestic court⁶⁶).

⁵⁸ See [Sentencing Judgment](#), paras.128 (torture), 199 (rape). Compare [Ongwen Reparations Order](#), paras.525-529.

⁵⁹ See [Sentencing Judgment](#), para.264. Compare [Ongwen Reparations Order](#), para.556(c).

⁶⁰ E.g. [Mapping Report](#), paras.104-105.

⁶¹ [Al Hassan Reparations Order](#), para.140.

⁶² E.g. [Ntaganda Reparations Order](#), paras.145-147; [Ongwen Reparations Order](#), para.556.

⁶³ E.g. [Al Hassan Reparations Order](#), paras.184-185; *Prosecutor v. Katanga*, Case No. ICC-01/04-01/07, [Order for Reparations Pursuant to Article 75 of the Statute](#), 24 March 2017, paras.285-286.

⁶⁴ E.g. [Ntaganda Reparations Order](#), paras.84-86.

⁶⁵ E.g. *Prosecutor v. Shala*, Case No. KSC-BC-2020-04, [Public Redacted Version of Reparations Order against Pjeter Shala](#), 29 November 2024, paras.195-197 (awarding €100,000 to a single victim of arbitrary detention and torture).

⁶⁶ E.g. *Colvin et al. v. Syrian Arab Republic*, Civil Action No. 16-1423 (D.D.C. 2019) (awarding approximately \$302.5 million U.S. to the family of a journalist who was targeted and killed during the conflict in Syria).

32. Here, however, the sheer scale of victimisation will likely make it impossible for the Court to implement an order with compensation that is truly “proportional to the harm” that the victims have suffered.⁶⁷ Consequently, i-ACT recommends a combination of symbolic payments similar to those awarded in the *Ongwen* case and declaratory relief acknowledging the harm to individual victims, to preserve their rights to be asserted in other appropriate fora.⁶⁸

a. Symbolic Payments

33. Symbolic financial payments have been awarded to victims in similar cases in the past, in part to enable them to address some of their own needs while waiting for rehabilitation measures to be implemented.⁶⁹ I-ACT recommends that such payments be awarded here for the same reasons.

34. For instance, the *Ongwen* Chamber awarded payments to provide recognition and immediate empowerment to victims, even though it acknowledged that there was no amount of money that can truly compensate the victims for the harm they have suffered.⁷⁰

35. Here, many victims—including those displaced in Chad—have already been living with the harm caused by these crimes for more than two decades. The need for prompt reparations is similarly pressing in this case as it was in *Ongwen*, given the similar passage of time and the “profound and enduring” nature of victims’ suffering, so symbolic payments may provide a similar stopgap until rehabilitation measures are fully operative.⁷¹

36. The *Ongwen* Chamber took a variety of financial considerations into account in deciding to award a 750 Euro symbolic payment to each victim, including the GDP and cost of living in Uganda at the time.⁷² This Chamber may choose to take similar factors into account in fashioning the amount of a symbolic payment. In doing so, it should consider that not all victims remain in Sudan, due in part to the continuing effect of the crimes against them.

⁶⁷ See paras.11-13, 16, *supra*.

⁶⁸ Such measures might be characterised as satisfaction rather than compensation. They are included in this section to reflect that they are intended to facilitate compensation.

⁶⁹ E.g. [Ongwen Reparations Order](#), para.624; *Prosecutor v. Katanga*, Case No. ICC-01/04-01/07, [Order for Reparations Pursuant to Article 75 of the Statute](#), 24 March 2017, para.300. But see [Al Hassan Reparations Order](#), para.215 (providing cash payments to facilitate economic activity as part of collective reparations rather than as a symbolic payment).

⁷⁰ [Ongwen Reparations Order](#), paras.624-625, 775.

⁷¹ See §III.E, *infra*.

⁷² [Ongwen Reparations Order](#), paras.626-630.

37. For instance, the *Ongwen* Chamber compared the GDP in Uganda at the time of its decision to the GDP in the Democratic Republic of the Congo at the time of the reparations decision in the *Katanga* case, and then used that data along with various other factors to help ensure the victims in both cases were treated similarly.⁷³ In this case, as noted above, many victims are located in Chad, not Sudan.⁷⁴ Consequently, economic conditions in Chad as well as Sudan should be considered as part of calculating a symbolic payment that would truly treat the victims in this case similarly to the victims in *Ongwen* and *Katanga*. As of 3 May 2026, the IMF estimates that the per capita GDP in Chad is somewhat higher than in Sudan, which would militate in favour of a somewhat higher symbolic payment.⁷⁵

b. Declaratory Relief for Material Harm

38. Beyond symbolic payments, the most direct and tangible form of reparation for the harms of victims' displacement would be to restore their lands and property in Darfur.⁷⁶ However, as noted above, victims cannot presently safely return home, due in part to the ongoing conflict and reported atrocities in Darfur. Two types of declaratory relief may nonetheless assist in empowering and compensating victims:

- a. Declarations recognising the material harm particular victims have suffered; and
- b. Declarations reminding Sudan; the U.N. Security Council, which referred this matter to the Court; and any other applicable States and international organisations of the victims' rights to compensation for lost property and calling upon such States and organizations to meet their various obligations to the victims.

39. These measures of declaratory relief can help preserve the victims' rights to recover their property, whether in another appropriate legal forum or at a time that it is safe for them to return and possible to rebuild. Other Chambers of this Court have recognised "issuing certificates that acknowledge the harm particular individuals experience" as a legitimate

⁷³ Id.

⁷⁴ [Mapping Report](#), para.11. Indeed, the Registry recently observed that many Sudanese refugees have fled to Chad in response to the ongoing conflict, so even victims who were not displaced to Chad by the crimes at issue in this case may have fled there more recently. Id., para.11 and fn.8.

⁷⁵ International Monetary Fund, [GDP per capita, current prices, 2026](#) (last checked 3 May 2026).

⁷⁶ This would be a measure of restitution rather than compensation. E.g. U.N. GAOR 60/147, [Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#), 16 December 2005, Principles 18-20.

part of the reparations process.⁷⁷ Similarly, the Trial Chamber in the *Ayyash* case at the Special Tribunal for Lebanon decided to identify in its Judgment “the victims who have suffered harm—from which they may later bring an action for compensation before a national court or other competent body,”⁷⁸ and then provided individualized findings of harm for a large number of victims.⁷⁹

40. Declarations regarding the harm suffered by victims in this case could recognise, *inter alia*:

- Individual harm from the loss of real property left behind when victims were displaced;
- Individual harm from the loss of personal property (including livestock) due to pillage or left behind when victims were displaced;
- Communal harm from the loss of community-owned land when victims were displaced; and
- Individual harm from the loss of a victim’s livelihood.

2. Rehabilitation

41. Rehabilitation is a “crucial” effort to address victims’ medical and psychosocial conditions⁸⁰ and restore their “full inclusion and participation in society.”⁸¹ Thus, previous Chambers adjudicating atrocity crime cases have ordered rehabilitation measures including medical and psychological care, but also assistance with housing, education, support for income-generating activities, vocational training, and other measures to ameliorate the ongoing harms to victims.⁸² While rehabilitation measures may be awarded collectively,

⁷⁷ E.g. *Prosecutor v. Lubanga*, Case No. 01/04-01/06, [Order for Reparations \(Amended\)](#), Annex A to Judgment n the appeals against the “Decision establishing the principles and procedures to be applied to reparations”, 3 March 2015, para.67(vi).

⁷⁸ *Prosecutor v. Ayyash et al.*, Case No. ST-/11-01/T/TC, [Judgment \(Trial\)](#), 18 August 2020, para.891. See also paras.892-898, 957; [Statute of the Special Tribunal for Lebanon](#), Art. 25.

⁷⁹ *Prosecutor v. Ayyash et al.*, Case No. ST-/11-01/T/TC, [Judgment \(Trial\)](#), 18 August 2020, paras.1450-1560.

⁸⁰ E.g. [Ntaganda Reparations Order](#), para.87.

⁸¹ E.g. African Commission on Human and Peoples’ Rights, [General Comment No. 4 on the African Charter for Human and Peoples’ Rights: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment \(Article 5\)](#), 2017, para.40.

⁸² E.g. *Prosecutor v. Katanga*, Case No. ICC-01/04-01/07, [Order for Reparations Pursuant to Article 75 of the Statute](#), 24 March 2017, para.304; [Ongwen Reparations Order](#), para.617 (giving examples of appropriate rehabilitation measures). See also *Prosecutor v. Shala*, Case No. KSC-BC-2020-04, [Public Redacted Version of Reparations Order against Pjeter Shala](#), 29 November 2024, para.78; African Commission on Human and Peoples’ Rights, [General Comment No. 4 on the African Charter for Human and Peoples’ Rights: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment \(Article 5\)](#), 2017, para.41.

many such measures are inevitably individualised in their implementation, to address the specific harm that a particular victim has suffered.⁸³

42. Rehabilitation measures are best designed in partnership with the victim community, as i-ACT's experience has confirmed. For instance, the most recent reparations order issued at this Court emphasised holding "participatory processes that involve the community... to determine which projects and initiatives are the most appropriate" and called on the Trust Fund for Victims, in crafting rehabilitation programs, to "ensure inclusivity" and "privilege the voices of victims."⁸⁴ The same approach is appropriate here, with particular attention to ensuring the active participation of victim communities in both Sudan and Chad. While the ultimate crafting of rehabilitation measures should depend on this process, i-ACT offers some observations on appropriate modalities of rehabilitation for the Court's consideration.
43. First, many victims live in very difficult situations, including many of those in Darfur and in Chad. Where victims have been driven into similar situations by the crimes against them, other ICC Chambers have included job training, support for income-generating activities, and support for education and housing in reparations orders as measures of rehabilitation along with medical and psychological care.⁸⁵
44. Second, each victim will have individualised needs related to their own medical and psychosocial condition. Nonetheless, some groups of victims will have common types of needs which are particularly urgent to address.
45. For instance, reparations programs should address the particular needs of victims who were children at the time of the crimes or born as a result of the crimes, including the impact of the crimes on their life plans. To do so, programs should facilitate the "development of the victims' personalities, talent, and abilities", assist them in accessing their various rights set forth in the Convention on the Rights of the Child.⁸⁶

⁸³ For instance, victims may be awarded rehabilitative medical care, but their individual care will be tailored to their personal injuries. E.g. [Al Hassan Reparations Order](#), para.202.

⁸⁴ E.g. [Al Hassan Reparations Order](#), para.204. See also [Ongwen Reparations Order](#), para.799.

⁸⁵ E.g. [Ongwen Reparations Order](#), para.617; [Ntaganda Reparations Order](#), para.203; *Prosecutor v. Katanga*, Case No. ICC-01/04-01/07, [Order for Reparations Pursuant to Article 75 of the Statute](#), 24 March 2017, para.304.

⁸⁶ *Id.*, paras.83, 86.

46. The crimes of conviction and ongoing displacement of victims in this case have significantly impacted child victims.⁸⁷ As a caregiver for Darfuri refugee children observed in April 2025, “Our children should be in school. We are losing the foundation of the next generation.” But targeted rehabilitative measures can help address the harms to children. For instance, teachers and caregivers have reported that early childhood educational and athletic programs have had benefits for Darfuri refugee children’s health, behaviour, and academic achievement.⁸⁸
47. Other victims will have other specific needs. One notable challenge is that direct victims of sexual and gender-based violence risk facing stigmatisation or ostracism in their own communities.⁸⁹ Rehabilitation measures should seek to combat this stigmatisation, as other Chambers have attempted to do.⁹⁰ Ensuring participation in the reparations programme does not harm victims may require allowing them to participate on a confidential basis.⁹¹
48. Rehabilitation measures may also address some of the collective harm that the Fur community has suffered. For instance, measures to preserve the Fur language and traditional crafts and restore Fur place names may address some of the communal harms noted in the Mapping Report, such as disruptions to the community’s structure, social fabric, and identity; the loss of cultural memory; and the increased difficulty conveying cultural identity to the community’s children.⁹² Such measures may also help address the risk that refugee children will be harmed by losing their Fur cultural identity.⁹³
49. Finally, victims may lack documentation establishing the harm they have suffered.⁹⁴ The Court should consider victims’ own evidence of harm sufficient if it is coherent and credible, and should refer to all other available evidence in assessing whether a victim has proven their status and harm on the balance of probabilities.⁹⁵ Beyond the Chamber’s determinations for this reparations process, assisting victims in obtaining missing

⁸⁷ See paras.18, 20, *supra*.

⁸⁸ E.g. Moving Minds Alliance, *Little Ripples: Community-based refugee-led preschool in Chad*, May 2019.

⁸⁹ [Mapping Report](#), paras.13, 87; [Sentencing Judgment](#), para.199.

⁹⁰ E.g. [Ongwen Reparations Order](#), para.637.

⁹¹ E.g. *id.*, para.64(ii).

⁹² [Mapping Report](#), paras.60, 104-108.

⁹³ *Id.*, paras.107-108.

⁹⁴ E.g. *id.*, paras.12-13. Refugees confirmed that many lack documentation of the harm they suffered in Darfur.

⁹⁵ E.g. [Ongwen Reparations Order](#), para.425; [Mapping Report](#), para.14.

documentation may constitute a measure of rehabilitation where it is feasible to do so.⁹⁶ The declaratory relief discussed above may thus also have rehabilitative value.⁹⁷

3. Satisfaction

50. Refugees emphasised concrete reparation measures to address their immediate needs. However, satisfaction measures such as memorials or apologies may in some cases be valuable for atrocity crime victims. Thus, while the most urgently-needed reparation measures address rehabilitation and compensation, some targeted satisfaction measures may also be appropriate as an additional type of reparation in this case.⁹⁸

E. Other relevant information

We need reparations so we can catch the last part of our lives... We need to know what the reparations are and when they will be given... We need the reparations earlier so that our children won't go to the Mediterranean.

— *Three refugees from Darfur, 2026*

51. Reparations should be “appropriate, adequate, and prompt.”⁹⁹ In this case, where no reparations could truly be adequate to address the harm to victims who have been suffering from the consequences of the crimes for more than two decades, it is particularly essential that the reparations be as prompt as possible at this point.¹⁰⁰ Several refugees emphasised the need for reparations to be administered promptly.

52. This Chamber has already made many of the findings necessary to a reparations order. As the Chamber has observed, “significant information relevant to... the reparations order is already available in the case record.”¹⁰¹ Moreover, the equitable need to conduct the reparations process “as efficiently and expeditiously as possible” is particularly acute here given the length of time since the crimes were committed.¹⁰²

⁹⁶ *Prosecutor v. Ongwen*, Case No. ICC-02/04-01/15-2106, [Decision on the Draft Implementation Plan](#), 18 February 2025, paras.32-34.

⁹⁷ See paras.38-40, *supra*.

⁹⁸ E.g. [Mapping Report](#), para.97 (noting that some focus group participants had called for memorialising murdered Fur community leaders).

⁹⁹ [Ntaganda Reparations Order](#), para.89.

¹⁰⁰ See *id.*

¹⁰¹ [Order for Submissions on Reparations](#), para.5.

¹⁰² *Id.*, para.5.

53. i-ACT respectfully recommends that the Chamber use its familiarity with the relevant information to deliberate on and adjudicate the reparations issues in this case as promptly as possible.

IV. Conclusion

54. For the reasons set forth above and pursuant to Article 75(1) of the Statute, i-ACT recommends that the Chamber maintain its recognition of the “immense” and long-lasting harm the crimes of conviction visited on their victims and the Fur community and issue a reparations order as promptly as possible. i-ACT recommends that the reparations in this case be designed in consultation with victim communities and include, *inter alia*, symbolic payments; various forms of psychosocial support; and declarations recognising the harm victims have suffered.



Arthur Traldi on behalf of i-ACT

Dated this 4th May 2026

At Easton, Pennsylvania USA