

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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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

Redacted version of Amicus Curiae Observations on Reparations

Source: REDRESS

Rights for Peace

Darfur Women Action Group Uganda

Darfur Network for Human Rights

Queen's University Belfast Human Rights Centre

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

☐ **Legal Representatives of the
Applicants**

☐ **Unrepresented Victims**

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

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

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☒ **Victims Participation and
Reparations Section**

☐ **Other**

I. INTRODUCTION, PROCEDURAL HISTORY, AND SUMMARY

1. REDRESS, Rights for Peace ('RfP'), Darfur Women Action Group Uganda, Darfur Network for Human Rights, and Queen's University Belfast Human Rights Centre (hereinafter, 'REDRESS *et al.*') submit these observations to Trial Chamber I ('Chamber') of the International Criminal Court ('Court'), pursuant to the "Decision on requests for leave to file amicus curiae submissions on reparations".¹ The observations draw closely on focus group discussions ('FGDs') facilitated by RfP with 121 victims ('Participating Victims')² of Ali Muhammad Ali Abd-Al-Rahman ('Kushayb') located in [REDACTED] ('Location 1'), [REDACTED] ('Location 2'), [REDACTED] ('Location 3'), [REDACTED] ('Location 4'), (v) [REDACTED] ('Location 5'), and [REDACTED] ('Location 6').³ In May 2026, RfP also interviewed the focal points responsible for co-facilitating the FGDs.
2. Executive summary: Section II describes the profound physical, moral, material, collective, and transgenerational harms suffered by the Participating Victims. Section III recommends appropriate presumptions of victimhood and harm. These include established presumptions in line with the Court's previous jurisprudence, as well as new presumptions of harm to address the large-scale, discriminatory, and public nature of the Crimes, the murder of Fur community leaders, and the prevalence of collective and transgenerational harm. Section IV addresses principles, types, and modalities of reparations. Sub-section A sets out four additional principles on reparations that the Chamber should consider adopting: (i) ordering comprehensive reparations and empowering the Trust Fund for Victims ('TFV') to sequence their delivery; (ii) ensuring co-creation of reparations, with particular attention to especially vulnerable victims and identifying suitable implementing partners; (iii) developing 'camouflaging' and other mitigation measures with victims to ensure safe reparations; and (iv) making a nimble reparations order ('Order'), allowing for future changes. Sub-section B recommends a combination of individual and collective reparation measures, or at least collective

¹ Trial Chamber I, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ('Abd-Al-Rahman Case'), Decision on requests for leave to file amicus curiae submissions on reparations, 11 February 2026, [ICC-02/05-01/20-1308](#). The Chamber subsequently granted REDRESS *et al.* a time extension of one month (to 4 June 2026) to file our observations (*Abd-Al-Rahman Case*, Decision on the request for extension of time limit to file amicus curiae observations, 16 April 2026, [ICC-02/05-01/20-1319](#)).

² This term is used to reference the 121 victims participating in RfP's victim engagement, rather than those registered to participate in the trial proceedings, represented by the Common Legal Representatives for Victims.

³ Annex 1 profiles RfP's mixed-methods methodology for victim engagement, combining quantitative and qualitative data. Annex 2 provides key victim data.

reparations with clearly demarcated individualised components that respond to the situation of the most vulnerable victims and victims with the most urgent needs. Sub-section C describes the priority reparation modalities identified by the Participating Victims, namely urgent physical and psychological rehabilitation, socio-economic support (including cash assistance and vocational training to build livelihoods), and educational support. Finally, Section V encourages the Chamber to: (i) facilitate a flexible approach to prioritisation; and (ii) consider granting the TFV additional time to submit its Draft Implementation Plan.

II. TYPE AND EXTENT OF HARMS SUFFERED BY THE VICTIMS

3. (i) Physical harm: 60% of Participating Victims across all Locations reported physical harm, including from torture, with a concerning number of limb amputations. In Location 1 alone, an estimated 30-40 amputees need urgent treatment in the form of prosthetic limbs.⁴ 88% of Participating Victims suffered the loss of one or more family members. One Participating Victim shared that Kushayb “killed my brothers and killed members of my family. If I were to count them, they would reach 20 or 25”.⁵ 34% of the Participating Victims, including one man, reported rape when asked by a female focal point. Lower rates were reported in other locations with a male facilitator. In contrast, 88% of all women surveyed reported having suffered torture, inhumane treatment or outrages on dignity, reflecting potentially much higher rates of sexual violence. In one consultation, a local leader explained that when reporting ‘outrages on personal dignity’, “the majority mean sexual violence, but can't say it”.⁶
4. (ii) Moral harm: 55% of Participating Victims self-reported psychological harm; yet in the mental health screening, 70% of Participating Victims scored in the range of moderate distress, with 22% showing high distress.⁷ A Participating Victim reported numerous victims developing “psychological conditions as a result of losing their families” and having to watch “fathers being killed in front of their children” or “women being raped in front of their [...] families”.⁸ Suicide and alcohol/substance abuse were also raised as concerns amongst Kushayb’s victims. Direct witnesses of harm have been severely traumatised, as explained by one Participating Victim who reported hiding with his 8-year-old brother when the *Janjaweed* found them, killed

⁴ Focal point interview, 19 May 2026.

⁵ Location 6 FGD, 13 April 2026.

⁶ Focal point interview, 19 May 2026.

⁷ See Annex 1 for a full description of the mental health screening and Annex 2 for a full breakdown of scores.

⁸ Location 4 FGD, 7 March 2026.

his brother, cut off his penis and put it in his mouth as he was dying, a situation the participant said he “cannot forget”.⁹ Participating Victims also suffered other moral harms, especially linked to stigma, loss of family members, Fur culture, language, and identity, and the anguish of displacement.¹⁰

5. (iii) Forced displacement and loss of property: Across the Locations, 99% of the Participating Victims were forcibly displaced, and 98% reported loss of property. An overwhelming demand of the Participating Victims is to safely return to their land, now occupied by new settlers. Forced displacement has destroyed families, communities, livelihoods, services, education, and cultural continuity, resulting in destitution, entrenched trauma and transgenerational harm. “Because Ali Kushayb swept through all the areas and all the villages, we lost everything [...] livestock and, in particular, land”.¹¹ The extent of this harm is clear: “the loss of fertile land which represented the secret of prosperity [...] all our money and sources of income came from the land we have lost”.¹² Malnutrition and starvation-related deaths are reported as a “tragedy” affecting the displaced.¹³
6. Persistent internal displacement “has broken down the social fabric”, leaving “many children without support” and family members “scattered”.¹⁴ Participating Victims who were children at the time recount losing their families while fleeing. One child, just five-years-old, was separated from his family during the journey and had to beg for water and food to survive: “severe swelling and blisters formed on my feet and then burst, turning into open wounds”, due to protracted walking without shoes.¹⁵
7. (iv) Collective and transgenerational harm: Killings, torture, rape, and forced displacement have all led to transgenerational harms that reverberate beyond the immediate victims,¹⁶ as expressed in the factual narrative of the Trial Judgment (which evidences the psychological and social harm impacting the Fur community’s

⁹ Location 2 FGD, 5 March 2026.

¹⁰ See Annex 4 on Local Compensation Benchmarks and Loss of Fur Language. Displacement has resulted in conditions of poverty, exposure to discrimination and insecurity, without prospects of return to their former peaceful and rich community lives (that included extended family bonds and structure, the ability to provide or receive education, and access medical facilities, land, livestock, and livelihoods).

¹¹ Location 3 FGD, 5 March 2026.

¹² Location 5 FGD, 13 March 2026.

¹³ [REDACTED]

¹⁴ Location 4 FGD, 7 March 2026.

¹⁵ Location 6 FGD, 13 April 2026.

¹⁶ See for e.g., focal point interview, 29 May 2026 (“displacement has contributed to the erosion of mother tongues, as individuals have been forced to integrate into communities where other languages, such as Arabic, are dominant. As a result, many children have lost their native language. This phenomenon is particularly evident in refugee and internally displaced persons camps.”). Also see Annex 4 on Loss of Fur Language.

children and descendants).¹⁷ The forcible transfer of populations has also had lasting psychological, social, and material impacts on the Fur community: “When a family loses its breadwinner, it suffers collapse in the social, educational and upbringing aspects. Illiteracy has spread among families as a result of the loss of fathers”.¹⁸

III. RECOURSE TO FACTUAL PRESUMPTIONS

8. (i) Presumptions of victimhood: The Chamber should presume that all Fur individuals who were either residents of Kodoom, Bindisi,¹⁹ Mukjar, or Deleig, or were present in these locations at the time of the relevant operations, are direct victims of the Crimes, and should include, at a minimum: (i) All locations – persecution on political, ethnic, and, in the case of Mukjar and Deleig, gender grounds; and (ii) Kodoom and Bindisi – the war crime of attack against a civilian population and forcible transfer of population as a crime against humanity.²⁰ Because of the dense population in these areas, the scale and public nature of Kushayb’s Crimes, and the fact that Kushayb targeted the Fur population and their property specifically, the Chamber should also presume that these individuals are at least indirect victims of, at a minimum: (i) All locations – murder (as a war crime and crime against humanity) and the war crime of outrages upon personal dignity; (ii) Kodoom and Bindisi – rape (as a war crime and crime against humanity), other inhumane acts as a crime against humanity, and the war crimes of pillaging and destroying the enemy’s property;²¹ and (iii) Mukjar and Deleig – torture and attempted murder (each as a war crime and crime against humanity).
9. (ii) Established presumptions of harm: The Chamber should adopt presumptions of harm in line with its previous jurisprudence, in particular: (i) moral harm, for all those who personally experienced attacks and are victims of Crimes against persons committed during and in the aftermath of the attacks,²² victims of pillaging or

¹⁷ *Abd-Al-Rahman* Case, Trial Judgment, 6 October 2025, [ICC-02/05-01/20-1240](#), which includes numerous examples of transgenerational harms affecting the targeted Fur population (see for e.g., paras. 409, 433-434, 456, 506, 836, 861, 894-895, 898, and 934).

¹⁸ Location 6 FGD, 13 April 2026.

¹⁹ For Kodoom and Bindisi, this should include the surrounding areas also affected by the same operation (*Abd-Al-Rahman* Case, Trial Judgment (n 17), paras. 368-441).

²⁰ For a similar presumption of victimhood adopted by the Court, see e.g., Trial Chamber IX, *The Prosecutor v. Dominic Ongwen* (‘Ongwen Case’), Reparations Order, 28 February 2024, [ICC-02/04-01/15-2074](#), paras. 163-165. In practice, *umdahs* and other local leaders are likely to be the most authoritative source of this information.

²¹ The FGDs indicate that practically all residents in Kodoom and Bindisi lost property due to the attacks, which may justify a presumption that they are all direct victims of pillaging or destroying the enemy’s property (see para. 5 above).

²² See for e.g., *Ongwen* Case, Reparations Order (n 20), paras. 524-525; Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda* (‘Ntaganda Case’), Reparations Order, 8 March 2021, [ICC-01/04-02/06-2659](#), para. 146.

destroying the enemy's property with significant impact on their daily life,²³ and close family of direct victims of crimes against persons committed within the context of the attacks;²⁴ (ii) physical harm, especially for victims of torture, SGBC (including children born out of these crimes), and attempted murder;²⁵ and (iii) material harm, particularly for those presumed to have suffered physical harm,²⁶ as well as victims of pillaging or destroying the enemy's property.²⁷

10. (iii) New presumptions of harm: The Chamber should also adopt new presumptions of harm tailored to victims' circumstances in *Abd-Al-Rahman*. Given the large-scale, discriminatory, and public nature of the attacks, the Chamber should consider a presumption of moral harm for all those who witnessed the attacks. Regarding the murder of Fur community leaders, this presumption should extend to the entire Fur community.²⁸ The Chamber should also consider a presumption of moral,²⁹ physical,³⁰ and material³¹ harm for all victims of forcible transfer of population, who were removed from their fertile, ancestral lands. Finally, the Chamber should consider a presumption of collective harm and transgenerational harm for all victims, but especially children born out of SGBC and children of the persecuted groups.³² The FGDs demonstrated that the systematic targeting of the Fur, through Kushayb's Crimes, has profoundly harmed the community at large, in ways that will take generations to repair. This is attributable to, amongst other things, the killings of community leaders, disruption of family structures, severance of connections to ancestral farming lands, livestock, and means of generating livelihoods, compounding effects of social stigma, and transmission of trauma and other psychological harms across generations.

²³ See for e.g., *Ongwen Case*, Reparations Order (n 20), paras. 537-538; *Ntaganda Case*, Reparations Order (n 22), para. 147.

²⁴ See for e.g., *Ongwen Case*, Reparations Order (n 20), paras. 540-541; *Ntaganda Case*, Reparations Order (n 22), para. 147.

²⁵ See for e.g., *Ongwen Case*, Reparations Order (n 20), paras. 527-529, 545-546; *Ntaganda Case*, Reparations Order (n 22), paras. 145-146.

²⁶ *Ongwen Case*, Reparations Order (n 20), para. 530.

²⁷ *Ongwen Case*, Reparations Order (n 20), paras. 534-536; Trial Chamber II, *The Prosecutor v. Germain Katanga* ('*Katanga Case*'), Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, [ICC-01/04-01/07-3728](#), paras. 90-93.

²⁸ The deliberate targeting of Fur figureheads, upon which the wider community and Fur cultural continuity depends, would have been highly traumatising to Fur individuals, whether present or not at the time.

²⁹ See for e.g., para. 6 above.

³⁰ *Ibid.*

³¹ As a Participating Victim told RfP, "events related to Kushayb have brought about a major shift for the people of Darfur, especially for those who moved from their original areas to areas of displacement. There has been a huge transformation in the life of a person who previously owned cattle cows, perhaps also camels or sheep who had a very large herd, as well as donkeys, and who might have had orchards and very fertile land that he farmed. Now, he has lost all of these things." (Location 2 FGD, 5 March 2026).

³² See for e.g., n 17.

IV. PRINCIPLES, TYPES, AND MODALITIES OF REPARATIONS

A. Principles of Reparations

11. To be effective, reparations in *Abd-Al-Rahman* must respond to the full range of harms suffered by victims, as outlined in Section II above. Given the number of eligible victims, their varied locations and circumstances, and the security situation of victims (particularly those in Sudan and certain neighbouring countries), the Chamber should consider adopting the following four additional principles on reparations: (i) comprehensive; (ii) co-created; (iii) safe; and (iv) nimble.³³
12. (i) Ordering comprehensive reparations and empowering the TFV to sequence their delivery: While the latest implementation landscape for victims located in Darfur is complex, it is also fluid. The appropriate response is not to dilute the Order, but for the Chamber to recognise the full extent of harm suffered by victims and order the appropriate reparation measures to address such harm; as well as to allow the TFV to sequence the delivery of reparation measures according to how the factual situation evolves. Otherwise, the Chamber risks making its Order based solely on what is considered feasible to implement now, thus falling short of ordering the reparations that victims are owed to comprehensively redress their harms.³⁴ In essence, having been victimised by Kushayb and his affiliates some 20 years ago, and having waited until now to receive some semblance of justice, victims' reparations in Darfur would be permanently curtailed because of their ongoing revictimisation as a result of Kushayb's Crimes. This would be a perverse outcome, highly likely to alienate victims and their communities.
13. Regarding the TFV's sequencing, reparations must be delivered to victims without undue delay,³⁵ responding to urgent needs, many of which have become aggravated in the decades since they were committed.³⁶ Participating Victims emphasised that many victims have already died or have grown old and are entering the final phase of their lives.³⁷ As such, the first tranche of measures may prioritise urgent actions that reach a large number of victims quickly, address victims' most urgent needs, and facilitate participation. Then, the TFV should have maximum flexibility to co-

³³ In addition to the reparations principles already adopted by the Court (particularly *Ongwen* Case, Reparations Order (n 20), paras. 57-58, 77-87; *Ntaganda* Case, Reparations Order (n 22), paras. 30-103).

³⁴ Reparations should also strive to be transformative in their design, implementation, and impact, and have a rectification effect (see for e.g., *Ntaganda* Case, Reparations Order (n 22), para. 94).

³⁵ See for e.g., *Ntaganda* Case, Reparations Order (n 22), para. 89.

³⁶ See Section II above.

³⁷ 15/121 (12.4%) of Participating Victims were 65 years-of-age or older.

create with victims more tailored actions across the medium-term, as the political and security situation evolves in Darfur and other areas where victims are located.³⁸

14. (ii) Co-creating reparations with victims, with particular attention to especially vulnerable victims and identifying suitable implementing partners: The Court should ensure an approach to the design, delivery, and evaluation of all reparation measures that is reparative and upholds victims' dignity, champions their agency, and addresses them as rightsholders. This requires the TFV to strive towards co-designing implementation directly with victims.³⁹ This will help ensure programming that is victim-centred and truly responsive to: (i) victims' realities; (ii) the length of time that has passed; (iii) the current context of recurring violence in Sudan; and (iv) challenges regarding access and resources.⁴⁰
15. Opportunities for co-design and leadership in implementation should be validated with victims. The TFV may consider a blend of: (i) direct contact with individual victims; (ii) community gatherings (with victim facilitators); (iii) working groups/validation committees with appointed victim representatives; and (iv) regular meetings with *umdahs* and other local leaders. There should be clear, accessible feedback loops to refine these working methods based on victims' experiences and changes in the situation.⁴¹ This should include a dedicated online portal (e.g., WhatsApp) for victims to raise implementation issues with the TFV.
16. It is imperative that the TFV provides equal opportunities for victims of all Crimes to be informed and participate in the implementation process, regardless of their circumstances, including victims outside Sudan. As an integral aspect of victims' right to reparation, the relevant Court organs should develop an ongoing outreach strategy so that all victims: (i) have clarity about their rights; (ii) are adequately informed about the scope and limitations of the ordered reparation measures and the implementation planning/process; and (iii) have the opportunity to shape how they will meaningfully participate, with the Court establishing enabling measures as

³⁸ As the underlying priority of many Participating Victims is to safely return to their ancestral lands, victims may gravitate towards medium-term programming that can: (i) safeguard their title to land and facilitate return; (ii) better equip them to re-establish their livelihoods once they return; and (iii) help to rebuild community and cultural structures upon return.

³⁹ The Court's jurisprudence confirms that co-creation is inherent in its existing legal framework (see for e.g., *Ntaganda* Case, Reparations Order (n 22), para. 45; *Ongwen* Case, Reparations Order (n 20), para. 799).

⁴⁰ This is a natural extension of the Court's 'victim-centred' approach to reparations (see for e.g., *Ntaganda* Case, Reparations Order (n 22), para. 45; below). Co-creation will also help to: (i) make the Court's organs more tangible and relevant to victims' lives; (ii) garner greater acceptance and legitimacy with victimised communities for the Court's activities; and (iii) ensure that victims know what to expect throughout the different stages of the Court's implementation process.

⁴¹ For an overarching framework on victim participation, see for e.g., INOVAS, "[Guidelines for Victim Participation in Justice Processes](#)", February 2025.

needed. Attention should be paid to victims in situations of special vulnerability. There should be dedicated safe spaces and methodologies to ensure inclusivity throughout implementation, e.g., small groups, accessible spaces for those living with disabilities, women-only spaces, and enabling spaces for male victims of SGBC. The Chamber should also allow targeted measures that promptly address victims' most immediate needs – including to facilitate their meaningful participation. For instance, the TFV may consider prioritising individualised mental health screenings and psychological rehabilitation to ensure that victims are able to participate in the implementation process from a position of psychological safety.⁴²

17. Participating Victims raised issues around trust and corruption. They recommended the blended delivery of reparations with both local and international organisations involved. The TFV should work with victims to jointly identify suitable implementing partners.⁴³ For programming delivered in Darfur, the TFV will also need to ensure that would-be service providers have a working relationship with the Rapid Support Forces ('RSF')-led 'Tasis' administration in Nyala, which is effectively a prerequisite to operating sustainably in RSF-controlled areas.⁴⁴
18. (iii) Developing 'camouflaging' and other mitigation measures with victims to ensure safe reparations: The Court should identify, monitor, and mitigate security risks relevant to different locations, upholding the principle of 'Do No Harm'.⁴⁵ For the Participating Victims, three observations are pertinent.
19. First, the Participating Victims regularly emphasised the risks that they are deemed to accept by existing as Fur, especially in Darfur and regardless of the Court's intervention. One put it this way: "On a daily basis, we face danger. Because of a mere telephone call or even ten pounds, we can be threatened and beaten. There is no 'impossibility' when it comes to attacks. Risks are widespread."⁴⁶ While compliance with the principle of 'Do No Harm' should be universal, the Court should operationalise it in a manner tailored to (and jointly decided with) victims.

⁴² As well as to ensure that they can access other reparation measures and to mitigate the risk of retraumatisation.

⁴³ As a starting point, the Participating Victims mentioned the following credible organisations with a history of operating in Darfur: The General Coordination Committee of the IDPs in Sudan ('GCC'), Emergency Response Rooms, Africa House Organisation, Beit al-Rahma, HOPE Sudan, ICRC, People to People, ABOUT, PMP, Triangle Génération Humanitaire, International Medical Corps, CARE, Catholic Relief Services, UNHCR, Oxfam, and the World Food Programme.

⁴⁴ The General Commission for the Displaced and Refugees is responsible for activities within Location 6 and other IDP camps. The RSF-led 'Tasis' administration in Nyala does not work inside the camps, but controls entry and exit points. The risk assessment will differ outside of Darfur. For instance, there will be significantly fewer barriers to implementing reparations for victims in the United Kingdom or the United States.

⁴⁵ *Ntaganda* Case, Reparations Order (n 22), paras. 52-52.

⁴⁶ Location 4 FGD, 7 March 2026.

20. Second, the RSF now control most of Darfur, including all areas where victims are based. They also have a presence in neighbouring countries where other victims are located.⁴⁷ Currently, citizens in Darfur must obtain permits to travel past its checkpoints. Beyond the RSF-controlled regions of Sudan, victims may face obstruction or revictimisation by the de facto Sudanese Armed Forces ('SAF')-led Government.⁴⁸ Both hostile authorities have wide-reaching surveillance and could take retaliation action against those engaged in activities associated with the Court.
21. While this risk is far from insurmountable, it will necessitate discretion and confidentiality in the delivery of any ordered reparation measures to be implemented within Sudan. Ahead of full implementation, the TFV or other relevant organs of the Court should, as a form of satisfaction and if safe to do so, inform victims of the Chamber's verdict acknowledging Kushayb's responsibility for the Crimes to victims, and inform them that they will receive reparations legally owed to them. Thereafter, the TFV should consult with victims to develop robust 'camouflaging' strategies,⁴⁹ as appropriate, to deliver reparations in high-risk areas, leveraging the expertise of local leaders and utilising implementation techniques that, for instance, are embedded within day-to-day activities or assistance projects that are accepted by the local authorities.⁵⁰ For instance, compensation⁵¹ may be made through: (i) an ordinary business that employs victims – so that money is camouflaged to the public and, if need be, their family, or (ii) traditional women's savings and support groups (commonly known as '*Sandug*' sessions).⁵² The Chamber's Order should avoid requiring public self-identification or interaction with hostile local authorities, and should allow the TFV to consider remote or cross-border modalities.

⁴⁷ Particularly parts of Chad and South Sudan.

⁴⁸ The de facto Government is actively shielding Omar al-Bashir, Ahmed Harun, and others subject to outstanding Court arrest warrants. Participating Victims regularly emphasised that seeing these individuals arrested and brought to trial would be a profound form of satisfaction for victims, as they also targeted the Fur. They repeatedly demanded justice and observed that the systemic impunity of military and security officials in Sudan is a root cause of the renewed atrocities.

⁴⁹ Camouflage in this context refers to implementing reparations measures "in an inconspicuous way in order to minimise stigma and secondary harm." See for e.g. Sunneva Gilmore, Julie Guillerot, and Clara Sandoval, "[Beyond Silence and Stigma: Crafting a Gender-Sensitive Approach for Victims of Sexual Violence in Domestic Reparations Programmes](#)", March 2020, pp. 33-34.

⁵⁰ For instance, the Refugee Law Project in Uganda has embedded SGBC screening and routine medical and psychological health treatment within aid provision to refugees, as a discrete way to identify and respond to their needs (Refugee Law Project, "[Psychological First Aid Provision for Urban Refugees in Uganda: Opportunities and Dilemmas](#)", 10 October 2016). Where the TFV integrates reparations programming within humanitarian assistance projects, it should take all necessary steps to avoid undermining humanitarian organisations' appearance of neutrality and independence.

⁵¹ Or symbolic monetary awards/cash assistance.

⁵² See for e.g., Gilmore, Guillerot, and Sandoval (n 49), p. 56. Camouflage may need to be layered to provide additional protection.

22. Third, Participating Victims have a strong preference for monetary compensation and socio-economic support. The Chamber should allow the TFV to implement creative measures to mitigate the risks of making cash payments, including as detailed in Sub-section C below. The RSF – Kushayb’s *Janjaweed* reconstituted – has continued to target the Fur during the ongoing armed conflict, revictimising many victims of Kushayb.⁵³ The state of law and order has also deteriorated significantly, especially in the Darfur States. Amongst other violations, members of the RSF and allied militia have been implicated in widespread theft, looting, and ransom.⁵⁴ Participating Victims in Location 1 identified similar concerns, particularly heightened risks of criminality and extortion.⁵⁵
23. (iv) Making a nimble Order, allowing for future changes: The situation in Sudan is fluid.⁵⁶ Novel opportunities may emerge to implement reparations within Sudan. Meanwhile, victims’ needs, life stages, and the risk landscape are all prone to change. The Chamber should use flexible wording in its Order and facilitate modular, adaptive reparations measures, allowing the TFV to reconfigure and re-prioritise. While implementation will be closely informed by what measures are feasible, this assessment is best made in real-time by the TFV and victims.

B. Types of Reparations

24. The Participating Victims overwhelmingly requested a combination of individual and collective reparation measures, both of which are seen as “extremely important”.⁵⁷ Such a blended approach is proportionate to the scope and gravity of harm experienced by victims of Kushayb. It would enable the Court to holistically address the breadth of individual and shared harms at issue and maximise the possibilities of redress for a large number of victims. While the Court’s recent jurisprudence has emphasised efficiency and cost, the Chamber should give appropriate weight to the views and needs voiced by victims, which the Court has previously emphasised as “paramount”.⁵⁸ By centring victims’ voices and enabling them to meaningfully influence the form their reparations take, the Chamber will

⁵³ See for e.g., OTP, “[Fortieth Report of the Prosecutor of the International Criminal Court to the United Nations Security Council pursuant to Resolution 1593 \(2005\)](#)”, 27 January 2025; UN Independent International Fact-Finding Mission for the Sudan (‘UN FFM’), “[Sudan: a war of atrocities](#)”, A/HRC/60/22, 22 September 2025; UN FFM, “[Sudan: Hallmarks of Genocide in El-Fasher](#)”, A/HRC/61/77, 17 February 2026.

⁵⁴ *Ibid.*

⁵⁵ Location 1 FGDs, 22-27 November 2025.

⁵⁶ The country is in a state of de facto partition between the SAF and RSF. Both are actively seeking political legitimacy, and ceasefire negotiations continue to take place periodically.

⁵⁷ Location 6 FGD, 13 April 2026. 75/89 (84.27%) of Participating Victims across the Locations stated that reparations should be both individual and collective.

⁵⁸ *Katanga* Case, Order for Reparations pursuant to Article 75 of the Statute (n 27), para. 266.

strengthen the legitimacy of the reparations process as a whole and ensure that their participation is empowering. See also paras. 14-17 above on co-created reparations.

25. In cases with comparable numbers of eligible victims, the Court has ordered only collective reparations, citing the importance of ordering reparation measures whose implementation are at least probable.⁵⁹ Should the Chamber decide similarly in *Abd-Al-Rahman*, it is imperative that any collective reparations order includes clearly demarcated individualised components that respond to the situation of the most vulnerable victims and victims with the most urgent needs, as described further in Sub-section C below. In the words of a Participating Victim: “People are not all in the same situation. There is a person with a disability who lost his limbs at the beginning of the war and, up to now, has nothing he can do for work. There is someone who has been suffering from a chronic illness until today, and his family has nothing. There are widows who have not remarried to this day, and orphans who have reached a certain level of education with no one to support them.”⁶⁰

C. Modalities of Reparations

1. Compensation and determining the minimum sum required to repair all harms
26. All Participating Victims called for individual monetary compensation more than any other reparation measure, asking for all victims to receive an “equal share” with “fair distribution”.⁶¹ Participating Victims expressed the sentiment that compensation and justice are “interconnected” and that “without compensation, there is no justice”.⁶² Some Participating Victims saw economic harms (particularly lost land, livestock, and earnings) as the key harms that might appropriately be measured and repaired in a monetary sense.
27. The Chamber will likely find it inappropriate to order individual compensation due to the difficulty of assessing individual economic loss. Given the large number of victims, limited documentation, and amount of time that has passed, it will be near impossible for the Court to deliver compensation that is truly proportionate to the harms that victims have suffered. If the Chamber declines to order individual monetary compensation, it should, if feasible, determine a minimum sum that would be required to repair victims’ harms.⁶³ Even an initial ‘global’ assessment in the

⁵⁹ See for e.g., *Ongwen* Case, Reparations Order (n 20), para. 612.

⁶⁰ Location 2 FGD, 5 March 2026.

⁶¹ Location 1 FGDs, 22-27 November 2025.

⁶² See for e.g., Location 5 FGD, 13 March 2026.

⁶³ On the quantification exercise, see for e.g., International Court of Justice (‘ICJ’), *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Reparations, [Judgment of 9 February 2022](#), ICJ Reports 2022, p. 13, paras. 132-384; *Chambre Africaine Extraordinaire d’Assises d’Appel, Ministère Public c. Hissène Habré (Appeal)*, 27 April 2017). Any such minimum sum would likely not be enforced against

Order would be a profound measure of satisfaction for victims and may assist them to assert their rights in the future before other for a,⁶⁴ and should take note of domestic law on compensation and *diya* (blood money).⁶⁵

2. Symbolic and satisfaction measures

28. (i) Symbolic monetary awards in combination with other measures: If the Chamber declines to order individual monetary compensation, its Order should allow the TFV to make symbolic monetary awards to victims as appropriate. The awards should respond to the urgency of victims' needs and their expectations to receive monetary awards; but should be clearly differentiated from restitution or compensation for the harms suffered.⁶⁶ Any symbolic monetary award should be appropriate and meaningful to victims. It should be no less than U.S. \$1,500, which is the smallest amount that any of the Participating Victims considered appropriate.⁶⁷ When asked about an illustrative amount of U.S. \$500 per victim, some Participating Victims remarked that this would be "very minimal",⁶⁸ "extremely meagre",⁶⁹ "not enough",⁷⁰ or "as if no compensation has been provided at all."⁷¹
29. The Chamber should allow the TFV to mitigate the security risks inherent in making cash transfers to victims in Darfur, without denying this option.⁷² It should grant the TFV maximum flexibility to provide cash transfers in combination with other actions,⁷³ in a manner that is tailored to the life stage, circumstances, and preferences of individual victims.⁷⁴ For instance, a 34-year-old in Location 4 might prefer to use

Kushayb for the reasons set out above (see also the Court's jurisprudence on proportionate reparations, e.g., *Ongwen* Case, Reparations Order (n 20), para. 78).

⁶⁴ For instance, in the context of peace negotiations, transitional justice processes, future national reparation programmes, or national legal proceedings. See for e.g., the (flawed) [Doha Peace Agreement](#) signed by the former Government of Sudan and the Justice and Equality Movement on 14 July 2011. Article 53 of the Doha Peace Agreement provided for the establishment of the Jabr Al Darar Compensation Fund to facilitate compensation for any loss or damage suffered by IDPs, refugees and any other victims of the conflict in Darfur. The initial amount allocated for settlement of this compensation was U.S. \$300 million. Victims were also to be provided with U.S. \$250 per family as part of a return package to help meet their immediate needs upon return.

⁶⁵ See Annex 4 on Local Compensation Benchmarks in Sudan and Loss of Fur Language.

⁶⁶ See for e.g., *Ongwen* Case, Reparations Order (n 20), para. 626.

⁶⁷ This figure was suggested in the Location 4 FGD, 7 March 2026.

⁶⁸ Location 5 FGD, 13 March 2026. Another Participating Victim used the same wording to describe an award equal to that ordered by the Court in the *Ongwen* Case (U.S. \$750; Location 2 FGD, 5 March 2026).

⁶⁹ Location 2 FGD, 5 March 2026.

⁷⁰ Location 4 FGD, 7 March 2026.

⁷¹ *Ibid.*

⁷² At a basic level, publicising the fact of a symbolic award for all victims of Kushayb may influence their treatment in Sudan. As one Participating Victim said, "if people learn that funds from abroad are coming to those affected persons, they may create obstacles for them." (Location 2 FGD, 5 March 2026).

⁷³ Especially socio-economic and educational support.

⁷⁴ See for e.g., Trial Chamber II, *The Prosecutor v. Thomas Lubanga Dyilo*, Correction to the redacted public version of the Decision granting the Trust Fund for Victims' request of 21 September 2020 and approving the implementation of collective reparations in the form of service provision, 5 March 2021, [ICC-01/04-01/06-3495-Red-Corr](#), para. 146 (in which the Court approved periodic payments to victims (a pension) who could not avail of income generating activities due to disability or being too elderly). Outreach will be essential to ensure that

a symbolic monetary award to start a business and ensure a livelihood – a key sentiment raised throughout the FGDs. The TFV could address this individual's needs through collective economic support and income-generating activities.⁷⁵ In contrast, a 79-year-old disabled person in Location 1 might not be able to use this support. For them, a discrete one-off symbolic award might be life changing, enabling them to support their household and improve their living conditions.⁷⁶ Flexibility for the TFV and tailoring to individual victims are paramount.⁷⁷ In this respect, the Court's approach in the *Al Hassan* Case reparations order may be instructive, showing that cash payments and some forms of financial support can be embedded within a collective reparations programme to address individual harm.⁷⁸

30. (ii) Other symbolic and satisfaction measures, including for future peace, transitional justice, and reparation processes: The Chamber should also include other community-based symbolic and satisfaction measures in its Order. Given the urgency of victims' reparations needs and the fluidity of the current situation, the Chamber should allow the TFV to co-design such measures with victims at the appropriate time. Participating Victims suggested a range of symbolic measures for the future, including establishing memorials with the names of those murdered, building community centres named after deceased victims, and creating a book in Arabic, Fur, and English archiving and celebrating Fur culture, which could be published both online and as a hardcopy to be distributed in victim communities.⁷⁹
31. The Chamber should also order other satisfaction measures that are meaningful to victims. During the FGDs, the Participating Victims consistently emphasised the profound, continuing harm caused by their forced displacement from their fertile

victims do not put themselves into debt in reliance on the promise of a future award being implemented, which has been an issue in other contexts.

⁷⁵ As one Participating Victim told RfP, "even if the TFV does not reach us in the form of individual payments, it could reach us as collective compensation in the form of services." (Location 4 FGD, 7 March 2026). Another Participating Victim (in Location 2) shared that this strategy may, for some victims, be "better than giving it directly to an individual because that often involves serious risks and, through it, people could be targeted." (Location 2 FGD, 5 March 2026). Relatedly, see paras. 12-13 above on comprehensive, sequenced reparations.

⁷⁶ For instance, initial implementation of the Yazidi Survivors' Law in Iraq has focused on monetary compensation in the form of monthly 'salaries'. Payments have had a transformative effect in the lives of many survivors and their families, including enabling a number of survivors to leave the camps and secure rental accommodation for them and their families, thus reducing their vulnerability (Luke Moffett and Christoph Sperfeldt, "External Evaluation of the Implementation of the Yazidi Survivors' Law: Review of the First Phase (2022-2024) for IOM Iraq", November 2024 (not yet public)).

⁷⁷ If an immediate symbolic payment or periodic payments are not possible due to security concerns, an individual trust bank account could be established for each relevant victim that can accrue interest (see para. 44 below).

⁷⁸ Trial Chamber X, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* ('*Al Hassan Case*'), Reparations Order, 28 April 2026, [ICC-01/12-01/18-2782](#), para. 209.

⁷⁹ Location 4 FGD, 7 March 2026; Location 6 FGD, 13 April 2026. 94% of Participating Victims in Locations 2-6 requested an apology; some query its possibility and conditions.

ancestral homelands, as well as the resulting loss of livelihoods and traditions tied to the land. [REDACTED]

[REDACTED] the vast majority of victims cannot return safely home for the time being. The Chamber should therefore consider satisfaction measures to preserve victims' rights to recover their land at a later stage. This should include acknowledging that the operations for which Kushayb has been convicted resulted in the unlawful removal of the victims from their land; and finding that Kushayb and his associates are jointly and severally liable to repair in full the harm suffered by the victims, including the right to return to their land.⁸⁰ On a practical level, beyond historic land grants, victims are unlikely to have documentation supporting their claims to land in Darfur under the *hawakeer* system. The Chamber should therefore order measures to support victims' future land restitution, e.g. through cooperating with the GCC, local *umdahs*, open-source intelligence organisations using satellite imagery, and other relevant actors to preserve and supplement evidence of victims' land entitlements.⁸¹ Ensuring victims receive copies of a formal documentation or book containing land entitlements of the displaced Fur could be a powerful symbolic measure.

32. The Chamber should order measures to support family tracing and the reunification of victimised families separated due to forced displacement. It should provide relief to victims by acknowledging exacerbated harm due to loss of or inability to obtain identity documents or certificates of death/disappearance. The Chamber should instruct the relevant Court organ(s) to facilitate an identification process co-created with victims that does not place undue burden on them.⁸²

⁸⁰ For more detail, see *Abd-Al-Rahman* Case, The General Coordination Committee of the IDPs in Sudan Amicus Curiae Observations on Reparations, 16 March 2026, [ICC-02/05-01/20-1315](#), paras. 42-45; *Ongwen* Case, Reparations Order (n 20), paras. 666-667. On the joint responsibility of Kushayb's associates (including in the former Government of Sudan), see *Abd-Al-Rahman* Case, Trial Judgment (n 17), paras. 663, 668, 674, and 997; *Abd-Al-Rahman* Case, Sentencing Judgment, 9 December 2025, [ICC-02/05-01/20-1281](#), para. 121.

⁸¹ Some organisations and universities may be able to conduct this work pro bono if a project is designed with local actors to develop a local cadastre (e.g., Open-Source Global Justice Investigations Lab Universiteit Utrecht, QUB Digital Investigation Lab, and UC Berkeley Human Rights Centre).

⁸² Identity documentation is a concern for children born out of SGBC whom, under Sudanese law, are unable to obtain identity documents without taking the name of an uncle or grandfather, which is sometimes infeasible (though in the present case, many victims will lack documentation, so an inclusive, non-stigmatising approach can be adopted).

3. Rehabilitation measures

33. Victims need rehabilitation measures that address their harms and facilitate their reintegration into society, namely; (i) physical rehabilitation; (ii) psychological rehabilitation; (iii) socio-economic support; and (iv) educational support.
34. (i) Urgent, individualised physical rehabilitation: Although decades have passed, many Participating Victims reported ongoing health conditions resulting from the Crimes. In the words of one Participating Victim: “Some victims have lost limbs – hands or legs; some have lost their hearing; others have lost their sight because of torture, hunger or trauma, and immune systems have been weakened because of hunger.”⁸³ As an initial priority, many victims will need individualised rehabilitation measures to address long-standing, often debilitating physical health conditions caused by the Crimes. This should involve a blend of medical screenings, one-time and long-term treatments, check-ups, surgeries, medicines, and medical aids/devices. As a starting point, the Participating Victims asked the TFV to ensure, for instance: (i) the provision of prosthetics and mobility aids for victims who lost limbs, as well as training on their use (and replacements as required); (ii) surgery for bullet and burn wounds, as well as other physical injuries; (iii) treatment for gynaecological and other health issues caused by SGBCs; and (iv) medications for treatable diseases and illnesses (including sexually transmitted infections caused by rape). Victims of some Crimes, such as torture and rape, will often need highly specialised, long-term health services, encompassing physical and psychological rehabilitation, as well as other measures. The Participating Victims also emphasised that many elderly victims require urgent referrals given their health conditions.
35. The Chamber should allow the TFV to arrange service provision in the IDP/refugee camps or close where victims are located, as well as facilitate services in and referrals to existing local or referral hospitals, such as Garsila, Zalingei, or Nyala Hospitals.⁸⁴ For instance, the focal points suggested that ICRC, which operates a prosthetics service in Kassala, could establish a mobile clinic within a hospital in Darfur (such as Garsila) to treat and visit victims in need of prosthetic limbs.
36. (ii) Blend of community-level and individualised psychological rehabilitation services: Rehabilitation measures must also address the widespread trauma experienced by both direct and indirect victims of Kushayb. When determining the appropriate measures, the Chamber should take note of the connection between

⁸³ Location 4 FGD, 7 March 2026.

⁸⁴ See Annex 3 on existing service provision across the Locations.

- victims' physical and mental health. For instance, a Participating Victim emphasised "impaired hearing and sight" as sometimes being linked to moral harm.⁸⁵
37. Community-level, small group psychological rehabilitation and wellbeing services may be the most appropriate and practical means of addressing the collective trauma experienced by victim communities who witnessed large-scale violence, lost loved ones, and were forcibly displaced. The TFV should consult with victims on how best to develop this, including measures to protect participants and mitigate any stigma or cultural sensitivities.⁸⁶ Victims who wish to participate should receive structured support, rather than just a single session.⁸⁷ In any event, it is crucial that the Chamber's Order also allows the TFV to implement individualised psychological rehabilitation measures for survivors who face acute or highly specialised needs.
 38. Psychological rehabilitation should be informed by specialised doctors and psychologists, following a trauma-informed and culturally sensitive approach. The TFV should partner with trusted local practitioners and organisations to provide psychological rehabilitation services that are accessible to victims.⁸⁸ It should utilise the expertise of individuals in Darfur, including the contingent of specialists who have been trained in delivering psychological support.⁸⁹ The focal points responsible indicated that it is already feasible to establish psychological support services in Locations, 3, 5, and 6.⁹⁰ The TFV should consider both: (i) service provision in locations where victims are already located; and (ii) referrals (e.g., where service provision *in situ* is infeasible, or for urgent or highly specialised cases).
 39. Any psychological rehabilitation programmes should seek to minimise long-term reliance on external service providers, in order to ensure sustainability and increased capacity of the victim population. The Chamber should therefore allow the TFV to implement training, including participation in remote training (if appropriate), and to develop and share resources on psychological rehabilitation, including psychological first aid, peer-to-peer support and resilience sessions, as well as how to support family members with the long-term management of mental health

⁸⁵ Location 5 FGD, 13 March 2026.

⁸⁶ This could include, for instance, embedding psychological rehabilitation programming in communal activities (e.g., religious gatherings, coffee mornings, craft workshops), and having specific sessions for victims of certain Crimes (e.g., rape) or demographics (e.g., the elderly).

⁸⁷ See for e.g., Focal point interview, 19 May 2026 ("It should be at least 4-5 sessions, not just one time").

⁸⁸ See Annex 3 on existing service provision across the Locations.

⁸⁹ For instance, some individuals have already been trained by UNICEF, Médecins Sans Frontières, or the UN Development Programme. The TFV should ensure that all providers are adequately trained to follow a trauma-informed approach, including facilitating tailored training as necessary.

⁹⁰ Focal point interview, 19 May 2026.

conditions.⁹¹ Some Participating Victims called for formal vocational training in healthcare services, both as a form of socio-economic support, as well as to bolster the resilience of their community (see further from para. 41 below).

40. Through its Order, the Chamber should address the stigma, social exclusion, discrimination, guilt, and loss of dignity resulting from certain Crimes, for instance for victims of SGBC and children born out of these crimes. The Chamber should allow the TFV to implement a blend of awareness, education, and community-cohesion projects that may facilitate their reintegration into society and maximise the transformative potential of psychological and other rehabilitation measures.
41. (iii) Cash assistance, vocational training, and other socio-economic support to build livelihoods: Alongside symbolic awards, collective economic support and income-generating activities will be crucial to rehabilitating victims and promoting self-sufficiency. Many Participating Victims have lived in dire conditions for decades due to losing their land, livestock, and possessions. The inability to return home and the precarious situations of many Participating Victims in IDP or refugee camps has further prevented them from rebuilding what they have lost as a result of the Crimes.
42. For many Participating Victims, the most meaningful socio-economic support measure would likely be direct cash assistance. This should be tailored to the life stage, circumstances, and preferences of individual victims, and may range from urgent one-off payments (including as a ‘stopgap’) to pension/subsidy arrangements.⁹² Direct cash assistance gives victims autonomy to allocate money how they see fit to meet their needs and was raised by the majority of Participating Victims. Many Participating Victims emphasised that they would use cash assistance as capital to start or grow small businesses.⁹³ Participating Victims also requested workshops on financial literacy, including how to manage and invest money. The Chamber should allow the TFV to agree with victims when and how to deliver cash assistance, especially in Darfur and Location 1.
43. Some Participating Victims particularly coalesced around solar energy initiatives, given the lack of electricity and other infrastructure across the Locations, as well as limited funds to purchase charcoal. For instance, Participating Victims called for

⁹¹ See for e.g., [WAVE Trauma Centre](#) and other organisations in Northern Ireland that provide a range of therapies to victims, as well as trauma training to make support more sustainable.

⁹² E.g., for the elderly, disabled, and children born out of SGBC (until the age of 18). The TFV should also be empowered to make smaller periodic cash payments to victims, as requested by victims, to mitigate security risks (see [¶ 74](#)).

⁹³ For instance, in Location 1, some victims make cookies to sell at the local market (Location 1 FGDs, 22-27 November 2025).

cash assistance and training on setting up solar stoves, solar powered water pumps, and solar panels, as well as support to start businesses selling these devices. The construction of water wells would also help meet victims' water needs in certain IDP and refugee camps and may enable victims to conduct small-scale subsistence farming. Financial assistance to purchase livestock and the distribution of seed kits and other agricultural supplies and tools would also be highly beneficial for those with access to land. The Chamber should allow the TFV to implement vocational training programmes tailored to victims' interests and opportunities, especially for victims who did not receive a formal education due to Kushayb's Crimes. Participating Victims suggested, by way of illustration, training in small business management, agriculture, animal husbandry, mechanics, and healthcare services.

44. Given the various implementation challenges, the Chamber may find it appropriate to allocate a portion of the Order to a community fund or to trusts in the names of individual victims, which could invest the proceeds until such time as it is possible to implement macro and micro projects to foster sustainable economic empowerment for victims.⁹⁴ Should the Chamber adopt this approach, any invested funds should be in addition to, not a substitute for, reparation measures that can be implemented now to address victims' urgent needs (see paras. 12-13 above). Appropriate medium-term projects should be co-designed with victims.⁹⁵ Participating Victims identified housing support as a potential priority area.⁹⁶
45. (iv) Supporting education for both adult and child victims, including local schooling, scholarships, and educational grants: The campaign of violence orchestrated by Kushayb has resulted in a complete loss of educational opportunities for most victims. One Participating Victim put it this way: "Our children have not gone to school. We have nothing with which to educate them. We are in need of assistance. The world today is based on education and knowledge, and a person who does not receive an education is of no use, and a person who has no money is of no use."⁹⁷
46. As a vital part of addressing transgenerational harms, the Chamber should allow the TFV to support education programming for both adult and child victims. Support should be co-designed with victims. At a basic level, education support should

⁹⁴ See for e.g., Al Hassan Case, Reparations Order (n 78), para. 208.

⁹⁵ The TFV should also explore opportunities for the victimised communities to be co-custodians of any such fund(s), if they desire.

⁹⁶ For instance, a group of Participating Victims suggested the creation of "model villages" near the areas where victims live (Location 5 FGD, 13 March 2026).

(Focal point interview, 18 May 2026).

⁹⁷ Location 6 FGD, 13 April 2026.

address traditional educational needs (e.g., literacy, numeracy, digital skills), vocational training (see paras. 43-43 above) and should integrate Fur culture and customs as appropriate.⁹⁸ Educational support will be most effective when provided alongside socio-economic support for victims, to mitigate families' reliance on children to enter the workforce.

47. The Chamber should also allow the TFV to fund scholarships and education grants for victims where local education is not feasible due to the security situation, discrimination, or lack of resources. There is a particular gap regarding education beyond primary school across the six Locations, especially higher education. The Chamber should also allow, depending on how the situation evolves, the TFV to support the reconstruction of destroyed or deteriorating school classrooms.

V. ADDITIONAL INFORMATION RELEVANT TO REPARATION THAT THE CHAMBER SHOULD TAKE INTO ACCOUNT

A. Flexible approach to prioritisation

48. As part of a sequenced approach, the Chamber may encourage the TFV to prioritise certain measures or groups of victims, adopting a flexible approach that allows the TFV to consult and adapt as victims' circumstances evolve. Between the different modalities, the TFV will, given the fluid situation, need to strike a balance between the urgency of victims' needs and the feasibility of implementation.
49. While all victims should be treated fairly and equally, the TFV should ensure that particularly vulnerable victim groups receive relief first.⁹⁹ This assessment should be made with victims. For instance, throughout the FGDs, Participating Victims identified the following groups as being in urgent need of support, amongst others: (i) victims with disabilities or debilitating physical or psychological conditions (who may be prioritised in healthcare referrals and treatment to prevent further compounding of their harms);¹⁰⁰ (ii) the elderly, widows, and orphans; and (iii) victims of SGBC, including children born out of these crimes.¹⁰¹

⁹⁸ See Annex 3 on existing education provision and cost across the Locations.

⁹⁹ *Ntaganda* Case, Reparations Order (n 22), para. 92; *Al Hassan* Case, Reparations Order (n 78), para. 245.

¹⁰⁰ The experience in other contexts is that disabled victims are often unable to work, face discrimination, require family carers to manage their health needs and daily activities, chronic pain, poor health and are the most impoverished. See for e.g., Paul Gallagher, "[New social movement theory and the reparations movement in Northern Ireland: The case of the WAVE Injured Group and its Campaign for Recognition](#)", QUB, July 2022.

¹⁰¹ These victims may be prevented from participating in their communities due to social stigma, and could be prioritised for physical and psychological rehabilitation, and socio-economic support to facilitate their reintegration into society.

B. Timings for the Draft Implementation Plan

50. The Chamber should ensure that the TFV has sufficient time in which to prepare and submit its Draft Implementation Plan. Given the complexity and fluidity of the implementation landscape, and the importance of the TFV co-designing its programming with victims, the Chamber should consider granting the TFV additional time, should it request this.



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Dated this 4 June 2026

At The Hague, The Netherlands