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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

PUBLIC REDACTED VERSION

**Amicus Curiae Observations on Reparations Issues
with Public Redacted Annexes I, II, and III**

Source: [REDACTED], with Global Legal Action Network

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I. INTRODUCTION

1. Pursuant to Trial Chamber I's 11 February 2026 'Decision on Requests for leave to file *amicus curiae* submissions on reparations',¹ as modified,² [REDACTED]³ and Global Legal Action Network⁴ ('GLAN') ('the *Amici Curiae*') hereby respectfully submit their Observations on Reparations in accordance with Article 75(3) of the Rome Statute and Rule 103(1) of the Rules of Procedure and Evidence in the situation in Darfur, Sudan in the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman*.
2. Sudan and its peoples cannot continue to be defined by bitter, predatory war, incalculable loss and the abject neglect of the international community. After 23 years, this reparations process constitutes an exceptional, and currently unique, opportunity for the International Criminal Court, its States Parties, and the wider international community to make a tangible intervention to alleviate the incomprehensible suffering and enduring horrors impacting the millions of victims of the crimes prompting the United Nations Security Council referral leading to the prosecution and eventual conviction of Mr Abd-Al-Rahman. His recent conviction sends a critical, powerful and welcome message to those affected.
3. Impactful reparation processes hold the potential to transform abstract concepts of justice into real repair to the lives and futures of those who continue to suffer the consequences of those crimes. Despite the significant, complex and dynamic obstacles posed by the ongoing conflict in Sudan, much can be achieved through efficient, targeted interventions to recalibrate and catalyse the economic environment of those impacted by Mr Abd-Al-Rahman's crimes, including by utilising existing structures. The Chamber, States Parties and wider international community must set - and meet – ambitious funding goals.
4. The *Amici Curiae* hereby and herein provide their observations on the evolution and extent of the harm suffered as a consequence of the crimes for which Abd-Al-Rahman

¹ *Decision on requests for leave to file amicus curiae submissions on reparations*, ICC-02/05-01/20-1308, 11 February 2026. See also: *Request for leave to submit amicus curiae observations on reparations issues*, ICC-02/05-01/20-1300-Conf, 26 January 2026.

² *Decision on the request for extension of time limit to file amicus curiae observations*, ICC-02/05-01/20-1319-Red, 16 April 2026.

³ [REDACTED] (now formally operating independently of [REDACTED], with no material change in activity or personnel) is a justice and human rights initiative that investigates, documents and preserves lived experiences of Sudanese communities affected by international human rights violations, conflicts, displacement and injustice. In seeking to ensure that oft-neglected female experiences are properly captured, [REDACTED] investigations centrally incorporate youth and female perspectives.

⁴ Global Legal Action Network is an independent non-profit organisation comprising expert lawyers and investigators. It supports local actors in their pursuit of legal action against individuals and other powerful actors involved in the commission of serious human rights violations.

was convicted, reparations priorities for women and girls impacted by the crimes, the individual and collective forms of reparations that are gender-just and context-sensitive, and ways in which to operationalise impactful and catalytic reparations programmes even in an environment of absent state fiscal resources, inadequate humanitarian provision, and precarious security.

5. The report on the findings of [REDACTED] Study on Women’s Reparations Priorities in [REDACTED] ([REDACTED] Report’) and its methodology are respectively annexed as Annexes I and II, confidentially to protect the security of those interviewed. The research was conducted to assist the Chamber in its reparations assessment by providing survivor-led, gender-sensitive qualitative evidence, capturing the multidimensional, intersectional, and intergenerational impacts of Mr Abd-Al-Rahman’s crimes. It is hoped that the [REDACTED] Report’s focus on women’s agency, lived experiences, and visions of justice, will ensure that their important – but often unheard – voices directly inform the Chamber’s reparations and victim participation processes.
6. Centrally contributing to these observations, the *Amici Curiae* annex hereto as Annex III the Report of Dr Matthew Sterling Benson-Strohmayer and Ms Tahany Maalla, ‘Expert Economic Evidence in Support of Amicus Curiae Submission’ (‘Economic Report’). Drawing on the broader tradition of Sudanese civic and analytic work, and the work of resistance committees, women-led emergency response groups, and Sudanese researchers including Muzan Alneel, Mayada Hassanain, and Raga Makawi,⁵ this was produced to assist the Chamber in determining the most effective use of limited funds such that genuine redress and repair can be achieved – without creating or exacerbating social division – for the highest number of those impacted by the criminality identified in the Trial Judgment.⁶

⁵ See, e.g., Muez Ali, Muzan Alneel, and Mayada Hassanain, *Conditionality Breeds Contempt: Donor and Multilateral Myopia in Sudan*, African Studies Review, 2025; Raga Makawi and Matthew Sterling Benson-Strohmayer, Sudan’s Civic Future: Mapping Medania, Resistance, and Democratic Aspirations (PeaceRep Policy Brief, University of Edinburgh, 2025); Sara Abbas, Nisrin Elamin, Rabab Elnaiem, and Abdelraouf Omer, *In Sudan, the People’s Revolution Versus the Elite’s Counterrevolution*, 2024; and UN Women, *Three Years of War: Sudanese Women on the Frontlines of Humanitarian and Local Peacebuilding Efforts* (Gender Alert No. 4), April 2026, pp. 8-9 (documenting the critical frontline role of women-led organisations and Emergency Response Rooms).

⁶ *Trial Judgment*, ICC-02/05-01/20-1240, 06 October 2025.

II. *AMICI CURIAE* OBSERVATIONS IN RELATION TO REPARATIONS

7. A cardinal observation is that any reparations framework must reflect how harm is lived and experienced today, not only how it was originally inflicted.⁷ It is also noted that as fiscal and economic harms fall disproportionately on women across all categories of harm identified herein, gender must function as a cross-cutting analytic dimension, not just a category.⁸
8. In their powerful report, Maalla and Benson-Strohmayer outline how ongoing conflict, longstanding and multifaceted drivers of persistent insecurity, restricted humanitarian access, and the use of rape and gender-based violence as a weapon of war impact today's reparations environment.⁹ They describe, for example, how the spread of weapons in a climate of eroding authority and shifting alliances generates dynamics that operate beyond the direct control of the belligerent parties, reflecting and contributing unresolved grievances and fragmentation that cannot be considered homogenous across Sudan's social arena.¹⁰ In line with the wider discourse surrounding these proceedings, they note that '[a]pplying a single, uniform reparations response in such a heterogenous context is unlikely to produce meaningful or lasting improvements in the lives of those affected.'¹¹
9. In seeking to operationalise reparations that are meaningful, equitable, and transformative for the many persons affected by the crimes identified in the Trial Judgment, the Chamber is empowered and encouraged to adopt an expansive interpretation of victimhood as defined in the Rome Statute in order to ensure that the true and ongoing extent of harms are acknowledged and optimal possible repair can be achieved. Maalla and Benson-Strohmayer suggest that the Chamber apply a 'presumption of victimhood' to all members of the displaced communities affected by the relevant crimes as a means of overcoming the inefficiencies and inequities associated with conventional eligibility processes, which have been identified by both the Trust Fund for Victims and the Registry as being unworkable in conditions in which displaced populations likely lack documentation, relevant civil authorities are unavailable, and survivors may be reluctant to disclose certain harms due to stigma or the risk of legal exclusion.¹² By adopting a wide

⁷ Annex III, para. 45.

⁸ Annex III, para. 19.

⁹ Matthew Sterling Benson-Strohmayer and Tahany Maalla, *Expert Economic Evidence in Support of Amicus Curiae Submission*, ('Annex III'), paras 12-19.

¹⁰ *Ibid.*, para. 16.

¹¹ *Ibid.*, para. 17.

¹² Annex III, para. 60, citing: *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Trust Fund for Victims' Observations on Reparations, ICC-01/12-01/18-2737, 16 June 2025, paras 51-54; *The*

interpretation of ‘victim’ and a presumption of victimhood, the Chamber would also mitigate risks of sowing division or those associated with diverting resources or ‘victim qualification’ decisions through intermediaries.¹³ This would not preclude formal eligibility verification processes for individual symbolic awards (discussed below).

10. We also argue that genuine redress and repair is achievable only through strategically designed and implemented reparations programmes that focus on catalytic economic interventions. Considerations around the implementation of reparations programmes must recognise the historic, current, and anticipated fiscal and social environments that have contributed to the conflict, impact the daily experiences of relevant communities, and in which any reparations programmes would operate.

The evolution of the harms suffered and their intergenerational impact

11. The testimony gathered for the purpose of these proceedings illustrates the ‘compounding, multi-generational economic harm’ evolving from the intentionally rapacious Janjaweed structures led by Mr Abd-Al-Rahman and continued today by the Rapid Support Forces.¹⁴ One woman who fled during the 2003 Bendisi attacks said:

*There was nothing. We left everything behind. You only take your children and leave. There was no time. Even the children, you carry them in your hands and leave. We thank God that at that time the sorghum crops were tall, so we hid among them. Otherwise, they would not have left anyone alive.*¹⁵

*Currently, we own nothing. Even the aid is not given to us. Sometimes we find work opportunities and sometimes we do not. [...] Our conditions are extremely difficult. There are no work opportunities. I have sick children, and when we go to work we are attacked on the road. We have no food and no shelter, and the rainy season is approaching.*¹⁶

12. The testimonies further emphasise the identified need for reparation programmes designed to overcome sustained deprivation, fiscal fragmentation and conflict-driven dispossession for dispersed populations under active threat.¹⁷ Maalla and Benson-Strohmayer note:

Crucially, the fiscal architecture of counter-insurgency was itself predatory. Unable to fund formal military operations, the central government compensated militia forces – including the Janjaweed – with the implicit licence to extract resources from the

Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’), Victim Mapping Report, ICC-02/05-01/20-1256-Corr-Red, 21 November 2025, paras 12, 25, 113.

¹³ Annex III, para. 60.

¹⁴ Annex III, paras 34-35. *See: The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Trust Fund for Victims’ Observations on Reparations, ICC-01/12-01/18-2737, 16 June 2025, paras 102-103.

¹⁵ Annex I, para. 19.

¹⁶ Annex I, para. 24.

¹⁷ Annex III, paras 34-35. *See: The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Trust Fund for Victims’ Observations on Reparations, ICC-01/12-01/18-2737, 16 June 2025, paras 102-103.

communities they targeted, rather than with payments from the national budget. The crimes for which Ali Kushayb has been convicted were thus embedded within, and partly financed through, a militarised fiscal system that left nothing in its wake for victims.¹⁸

13. [REDACTED] field research indicates that women who survived the violations in Bindisi and Mukjar for which Mr Abd-Al-Rahman was convicted do not view these as isolated and completed moments of violence; instead ‘they describe them as an ongoing experience that has reshaped their lives, the lives of their families, and their communities over more than two decades.’¹⁹ The research details how ‘the effects of violence did not end with the initial displacement, but continued through years of economic vulnerability, dependence on precarious labour or limited humanitarian assistance, deteriorating health and educational conditions, and ongoing security threats within and around the camps.’²⁰ The prolonged impact of the violations cannot be understood solely through counting victims or an isolated assessment of the crimes committed; they produced long-term transformations within family, social and economic structures that continue to govern the lives of all those haunted by the events of 2003.²¹
14. Displacement is experienced as an ongoing pattern of violence and desperate survival, often involving separation and loss, rather than simply movement from one place to another.²² Chronic hunger, malnutrition, lack of shelter, physical insecurity, social fragmentation, fear of renewed conflict, and the constant risk of rape plague every day. Displacement inherently involves structural economic harms including educational foreclosure, healthcare deprivation, documentation gaps and gendered consequences.²³
15. Severe restrictions to education mean many children have been excluded from any formal education opportunities due to poverty and insecurity, precluding economic independence in adulthood and ‘transmitting economic marginalisation across generations in a manner directly traceable to displacement caused by the crimes in question.’²⁴ Women also

¹⁸ Annex III, para. 24, citing Alex de Waal, ‘Counter-Insurgency on the Cheap’, *Review of African Political Economy*, 31(102), 2004, pp. 716–725.; see also Joshua Craze and Raga Makawi, *The Republic of Kadamol: A Portrait of the Rapid Support Forces at War*, Small Arms Survey, 2025.

¹⁹ Annex I, para. 10.

²⁰ Annex I, para. 11.

²¹ Annex I, para. 13.

²² Annex I, paras 19-21.

²³ Annex III, para. 35.

²⁴ Annex III, para. 28.

described behavioural problems associated with protracted or total interruptions to education, as well as frustration over the loss of an entire generation's future.²⁵

16. Those interviewed described the physical and psychological effects of the 2003-2004 attacks, including long-lasting injuries resulting from beatings, torture, and the killings. Maalla and Benson-Strohmayer note how 'physical harms inflicted during attacks are compounded over time by the collapse of healthcare access, converting acute trauma into chronic, unmanaged morbidity' and thus significantly reduce economic productivity, increase dependency, and generate care burdens that disproportionately fall on women.²⁶
17. One woman who was displaced as a child recounted how her father suddenly starts screaming 'the Janjaweed are coming!', apparently displaying symptoms of mental distress and impairment as a result of trauma, and clearly demonstrating how the affects of the 2003-2004 conflict reverberate through real lived experience to this day.²⁷ [REDACTED] notes that the testimonies also demonstrate that continued insecurity contributes to the constant reproduction of psychological trauma, such that fear becomes not only associated with memories of the past, but part of everyday life within camps and displacement settings.²⁸ The research emphasises that continuous exposure to threats, violence, and fear associated with movement and work create and contribute to long-term conditions of anxiety and psychological instability, particularly among women and children who have spent much of their lives in unsafe environments.
18. Families continue to search for family members missing since 2003-2004 without any knowledge of what happened to them.²⁹ The uncertainty and loss associated with unexplained disappearance creates further unbearable grief. In contexts such as in Darfur, where property rights and household economies are structured around male family members, widows and families of the missing risk legal and economic stasis associated with the inability to confirm death.³⁰ Where women remain without male family members, they endure additional burdens associated with lack of social status, protection and economic opportunities, while also often bearing caring responsibilities, and very precarious labour.³¹

²⁵ Annex I, para. 34.

²⁶ Annex III, para. 29.

²⁷ Annex I, para. 26.

²⁸ Annex I, para. 43.

²⁹ Annex I, para. 29.

³⁰ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Victim Mapping Report, ICC-02/05-01/20-1256-Corr-Red, 21 November 2025, fn. 96.

³¹ Annex I, para. 30.

19. The prevalence of sexual violence is stark. Women described rapes during flight or detention under the Janjaweed, and current vulnerability to attacks when compelled by economic need to pursue basic livelihood activities outside the camp. Highlighting how these economic and security dynamics devastatingly intersect with inadequate access to basic healthcare, one woman was working outside the camp when her thirteen year old daughter was raped, resulting in both pregnancy and infection with HIV, leading to her eventual death.³²
20. Children born as a result of sexual violence – sometimes seen as an extension of that violence – face social stigmatisation and abuse, compounding the isolation and dispossession already associated with displacement.³³ One woman described how mothers of these children are told ‘you have no value; you were raped by an Arab.’³⁴ Another woman described how some victims of sexual violence have abandoned their babies in remote locations.³⁵
21. Women interviewed emphasised that many of these children do not possess official documentation or birth certificates, creating additional barriers related to movement, education, and access to essential services.³⁶ Maalla and Benson-Strohmayer emphasise that lack of documentation is ‘not merely an administrative inconvenience but a structural economic harm’ denying children born of rape access to education, employment, healthcare systems, financial systems, or legal protections conferred by citizenship:

This population – one product of the specific crimes for which Mr Abd-Al-Rahman has been convicted – faces a lifetime of economic exclusion unless active measures are taken to address their documentation status. Participants noted that ongoing sexual violence continues to produce children in this situation: this is not a population defined only by events of 2003-04 but one being reproduced under current conditions.³⁷
22. The Sudan Child Act 2010 recognises the right to birth registration, including for those born out of wedlock and/or without parental acknowledgment.³⁸ However, practical and social impediments include issues related to lineage, access to civil registration procedures, stigma, fear of reporting or revealing sexual violence, and general exclusion from a functioning legal and administrative civic system.³⁹ Facilitating birth registrations,

³² Annex I, para. 23.

³³ Annex I, para. 49.

³⁴ Annex I, para. 43.

³⁵ Annex I, para. 45.

³⁶ Annex I, para. 38.

³⁷ Annex III, para. 32.

³⁸ Available in Arabic at: <https://redress.org/wp-content/uploads/2022/08/Child-Act-2010.pdf>

³⁹ Annex I, paras 47-48.

whether through international agencies or other empowered bodies, would constitute an important step towards overcoming the dispossession and marginalisation suffered by those currently excluded.

Reparations Priorities

23. Women interviewed for the [REDACTED] Report articulated differing understandings of ‘justice’ and ‘reparations’ that were often focused on daily needs, and demonstrated that discussions of such processes cannot be divorced from basic security concerns including access to food, healthcare, education, shelter, ‘and the ability to live with dignity after years of displacement and ongoing violence.’⁴⁰ Emerging from [REDACTED] research is a sense that those interviewed perceive ‘justice’ as necessarily engaging directly with the realities of need, survival, and memory.⁴¹ Reparations are thus seen as a process of re-empowerment rather than compensation for a historical event.⁴²
24. Priorities identified through this research centre on shifting the conditions of daily life to enable the restoration of the possibility of building livelihoods. The reparations programme is seen as being most effective as a structural and collective intervention that recognises that the true harm resulting from the crimes for which Mr Abd-Al-Rahman was convicted involved the destruction of an entire economic structure.⁴³
25. As noted by Maalla and Benson-Strohmayer, the ground research conducted by [REDACTED] is ‘strikingly consistent in identifying two reparations priorities that transcend individual claims and speak to the collective economic needs of the affected community’: education and access to healthcare.⁴⁴ Addressing these two essential needs would directly counter the patterns of long-term and intergenerational harm identified herein.
26. **Children and education:** All the harms documented herein and in the Reports affect children with particular severity. The Trial Judgment confirms that children were among the populations most directly harmed by the crimes for which Mr Abd-Al-Rahman has been convicted, and the Registry’s Victim Mapping Report explicitly dedicates specific analysis to the severe and compounding harms suffered by children born into

⁴⁰ Annex I, para. 14.

⁴¹ Annex I, para. 80.

⁴² Annex I, para. 60.

⁴³ Annex I, para. 61.

⁴⁴ Annex I *in toto*, and Annex III, para. 44.

displacement.⁴⁵ Maalla and Benson-Strohmayer explicate three distinct economic dimensions of child-specific harm:⁴⁶

- i. Harms experienced in childhood – particularly educational deprivation and untreated trauma – produce compounding lifetime economic effects that cannot be retrospectively repaired.⁴⁷
- ii. Children born after 2003-04 to displaced parents inherit the economic exclusion produced by the original crimes without having experienced those crimes directly, constituting a transgenerational reparations population.⁴⁸
- iii. Children are disproportionately dependent on the very service infrastructure – schools, clinics, identity registration – that the crimes have most thoroughly disrupted.⁴⁹

Reparations design must therefore treat the current child population as a category requiring specific allocation, particularly through the education and documentation modalities recommended in the Economic Report (see below).⁵⁰

27. Children born as a result of sexual violence featured prominently within women's reparations priorities. Testimonies emphasised the need to protect these children from stigma and guarantee their rights to education, care, and legal identity.⁵¹
28. Access to education programmes could be dramatically enhanced by a number of relatively cost-efficient interventions, including: fee support (or removal) for existing schooling, where safely accessible; through partnership with relevant agencies such as UNICEF; training programmes for teachers within the affected communities, which would have the added benefit of also increasing the human capital of adults.
29. **Health:** The testimonies indicate that the health impact of the events of 2003-2004 extended beyond direct injuries and took the form of chronic health deterioration associated with displacement, poverty, malnutrition, and the absence of continuous medical care.⁵² Women directly linked 'reparations' to the right to treatment and medical care, including secure access to medication for chronic illnesses and disabilities resulting from violence or displacement.⁵³

⁴⁵ Annex III, para. 33, citing *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*; Victim Mapping Report, ICC-02/05-01/20-1256-Corr-Red, 21 November 2025, paras 107-109.

⁴⁶ Annex III, para. 33.

⁴⁷ *The Prosecutor v. Dominic Ongwen*, Reparations Order, ICC-02/04-01/15-2074, 28 February 2024, para. 86.

⁴⁸ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Victim Mapping Report, paras 106-109.

⁴⁹ *Ibid.*, paras 76-77, 107.

⁵⁰ Annex III, para. 33, citing *The Prosecutor v. Dominic Ongwen*, Reparations Order, paras 82-83, 86.

⁵¹ Annex I.

⁵² Annex I, para. 42.

⁵³ Annex I, para. 57.

30. The testimonies also indicate how continued insecurity contributes to the constant reproduction of psychological trauma, such that fear is thoroughly entrenched in daily existence, leading to widespread, long-term conditions of anxiety and psychological instability.⁵⁴ Women identified psychosocial support as essential to addressing the ongoing trauma associated with loss, violence, and prolonged displacement, but also emphasised that security is a pre-requisite to prevent the recurrent trauma of persistent violence and threats.⁵⁵

Individual and collective forms of reparations

31. The Economic Report notes how research on post-conflict reconstruction and transitional justice reparations consistently shows that ‘where funds are severely constrained relative to the victim population, individual monetary disbursement is the least efficient vehicle for achieving durable impact’.⁵⁶ The three compounding reasons are: (i) cash transfers produce no sustainable change in economic circumstance and are rapidly absorbed into immediate consumption without lasting benefit; (ii) the transaction costs of identifying, verifying, and disbursing individual payments to dispersed, documentation-poor, and security-constrained populations in active conflict zones can consume a substantial share of the total fund;⁵⁷ and (iii) individual cash distributions in contexts of severe scarcity carry significant risk of generating or exacerbating intra-community conflict – precisely the division risk the Chamber has been asked to consider.⁵⁸
32. Maalla and Benson-Strohmayer therefore recommend that the Chamber consider an allocation framework weighted substantially toward collective and programmatic reparations, with a smaller component reserved for individual symbolic recognition.⁵⁹

Operationalising impactful and catalytic reparations programmes

33. As noted in the Economic Report, ‘any assessment of the utility of reparations funds must begin with an honest account of the fiscal environment in which they will operate.’⁶⁰ As Maalla and Benson-Strohmayer explain:

⁵⁴ Annex I, para. 59.

⁵⁵ Annex I, paras 58 and 74.

⁵⁶ Annex III, para. 41, See generally: Pablo de Greiff (ed.), *The Handbook of Reparations* (Oxford University Press, 2006).

⁵⁷ *The Prosecutor v. Dominic Ongwen*, Reparations Order, ICC-02/04-01/15-2074, 28 February 2024, paras 578-580.

⁵⁸ *The Prosecutor v. Dominic Ongwen*, *op. cit.*, para. 584.

⁵⁹ Annex III, para. 43. See also para. 85.

⁶⁰ Annex III, para. 20.

The counter-insurgency model that deployed the Janjaweed compensated militia violence with licence to extract rather than with budget payments – embedding predatory revenue-raising practices directly into the commission of the crimes.⁶¹ Reparations disbursed in this environment therefore carry peacebuilding significance beyond their compensatory function. By directing resources to civilian communities through channels that bypass the military-commercial networks that have historically extracted from those same communities, reparations can partially counteract the fiscal logic that has sustained decades of predatory governance.⁶² This is not a peripheral consideration : it is central to the case for prioritising durable collective investment over one-off individual transfers, and for the Chamber to frame its order as a structural intervention in the political economy of the conflict, not merely a remedial response to discrete criminal acts. In doing so, the Chamber’s order would establish a precedent for how reparations can be designed to interrupt, rather than reproduce, the predatory fiscal architectures that have sustained conflict in the Sudans and other comparable contexts.⁶³

34. Reparations allocations must factor that: (a) The Sudanese State cannot be expected to provide funding or fiscal substitutes for reparations; (b) the harms caused by the crimes for which Mr Abd-Al-Rahman has been convicted are ongoing and intergenerational; (c) specific populations most severely harmed – including women survivors of sexual violence, children born of rape, and families of the disappeared – face structural economic exclusions that compound over time and cannot be addressed by one-off individual payments; and (d) the security environment severely constrains which types of reparative intervention are practically deliverable.⁶⁴
35. Guiding principles for the design of reparations programmes as set out by Maalla and Benson-Strohmayer include:

Guarantees of non-repetition: Recognising both the peace-building significance of reparations and that current circumstances preclude guarantees of non-repetition, the Chamber can contribute to non-repetition through: (i) directing resources through channels that bypass the military-commercial networks that historically extracted from affected communities; (ii) funding processes that restore legal personhood and protect against future statelessness; and (iii) establishing community-led participatory

⁶¹ Alex de Waal, op. cit., p. 716; see also Joshua Craze and Raga Makawi, op. cit., p. 3 (noting that rather than paying militias, successive Sudanese governments encouraged them to pillage the villages of their opponents).

⁶² Matthew Sterling Benson-Strohmayer, *From War Economies to Predatory Peace: How Peace Settlements Legitimise Extraction*, op. cit.; Chatham House, *Understanding Sudan’s wartime political economy: Summary and policy recommendations* (Chatham House, 2024).

⁶³ Matthew Sterling Benson, ‘Predatory Peace’, op. cit., p. 5; see also Matthew Sterling Benson-Strohmayer, *From War Economies to Predatory Peace*, op. cit., pp. 1-2, 10 (documenting how peacebuilding frameworks in the Sudans and comparable contexts such as the Democratic Republic of Congo, Somalia, and Syria frequently stabilise elite coalitions by legitimising and reproducing predatory fiscal systems rather than dismantling them).

⁶⁴ Annex III, para. 36.

mechanisms that build civic capacity for engagement with future reconstruction processes.⁶⁵

Victim-led allocation process: Understanding how harm has accumulated, how it is shaped by present-day conditions, and how it differs across gender, age, geography, and livelihoods is essential to designing meaningful responses. Such understanding cannot be externally imposed; it must come from those directly affected. Evidence from community-based research by [REDACTED] and comparable civil society organisations shows that victims are able to articulate their needs and priorities clearly when given the space to do so.⁶⁶ Through community listening sessions and participatory approaches to setting priorities, these initiatives demonstrate that affected communities can define what justice and redress should look like in their own contexts.⁶⁷ Models developed by [REDACTED],⁶⁸ as well as similar efforts by civil society actors in contexts like Syria,⁶⁹ illustrate how locally grounded processes can identify priorities, balance competing needs, and build legitimacy around outcomes. Such approaches ensure that reparations both respond to lived realities and contribute to restoring agency and trust among communities that have long been excluded from decision-making.⁷⁰

Allocation mechanisms that minimise harm: crimes for which Mr Abd-Al-Rahman has been convicted were committed primarily against Fur communities in the Kodoom, Bindisi, Mukjar, and Deleig areas. The victim population in [REDACTED] reflects this – with Fur, Masalit, and Zaghawa communities represented alongside one another in a displacement context where pre-existing inter-communal relationships have been reshaped by shared victimhood, loss, and prolonged camp life.⁷¹ The risk of division arises not from the ethnic composition of the victim population per se, but from three specific mechanisms that reparations design must actively counteract : (i) community-level selectivity generates grievance ;⁷² (ii) elite capture – in which funds allocated to

⁶⁵ Jean-Benoît Falisse and Simeon Koroma, *Amicus Curiae Observations on Reparations*, ICC-01/12-01/18-2735, 16 June 2025, paras 16-17.

⁶⁶ [REDACTED] and Global Legal Action Network, *Request for Leave to Submit Amicus Curiae Observations*, ICC-02/05-01/20, 26 January 2026, paras 13-14.

⁶⁷ Annex III, para. 46, citing *The Prosecutor v. Dominic Ongwen*, Reparations Order, ICC-02/04-01/15-2074, 28 February 2024, para. 45.

⁶⁸ [REDACTED], *op. cit.*

⁶⁹ Rim Turkmani and Marika Theros, *A Process in its Own Right: The Syrian Civil Society Support Room* (Conflict Research Programme, London School of Economics and Political Science, 2019).

⁷⁰ Annex III, para. 47.

⁷¹ Annex III, para. 59, citing *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ('Ali Kushayb'), Victim Mapping Report, *op. cit.*, paras 12, 107; see also [REDACTED], *op. cit.*

⁷² Annex III, para. 61. See further: J-B. Falisse, S. Koroma, G. B. Nyembo, and D. A. Baba, *Evaluation of the Effects of the Reparations Ordered by the International Criminal Court and Implemented by the Trust Fund for*

community institutions or local structures are diverted to serve interests other than the intended beneficiaries;⁷³ and (iii) visible harm asymmetry – where specialised provision for specific harms is seen as preferential treatment or amplify stigma.⁷⁴

36. As regards the question of how reparations initiatives might complement, build on, or utilise existing programmes, Maalla and Benson-Strohmayer outline the extreme constraints faced by current UNHCR-associated and WFP humanitarian programming in [REDACTED] and surrounding RSF-controlled areas: funding shortfalls, access restrictions imposed by armed actors, ongoing conflict, and targeted violence against civilians attributable to both belligerent forces.⁷⁵ Maalla and Benson-Strohmayer encourage engagement with existing programming such that reparations allocations can be channelled through those actors already operating in Sudan, such as UNHCR.⁷⁶ This approach would be more cost-efficient than designing new modes of delivery, reduce the risk of diluting existing programmes by diverting resources, reduce the risk of capture, and reinforce rather than compete with the fragile humanitarian infrastructure in place. Similarly, and maintaining the same principles, reparations programming aimed at displaced populations outside Sudan, such as Chad, can utilise the structures and processes already established and operated by UNHCR.⁷⁷
37. Reparations delivery in conditions of active conflict and lack of accountable governance structures requires extreme caution, but remains essential and urgent. Deferral, however, risks suspending implementation indefinitely, with devastating effect for communities that already bear very heavy costs. Lessons from the Syrian Civil Society Support Room⁷⁸ show that meaningful, impactful engagement with affected populations is achievable in conditions of active conflict when processes are designed with local ownership, do-no-harm principles, and flexible delivery architecture. That process facilitated not only dialogue and consensus-building but concrete humanitarian outcomes including access

Victims in the Case of the Prosecutor against Germain Katanga (2024), pp. 27-30 (For the division risks associated with individual eligibility verification and the perceived bias of intermediaries); Muez Ali, Muzan Alneel, and Mayada Hassanain, *op. cit.*, p. 3; *The Prosecutor v. Dominic Ongwen, Reparations Order, ICC-02/04-01/15-2074, 28 February 2024, paras 489 and 548 (reparations should not create/exacerbate tensions)*.

⁷³ Annex III, para. 62.

⁷⁴ Annex III, para. 63.

⁷⁵ Annex III, para. 68.

⁷⁶ Annex III, para. 70.

⁷⁷ Annex III, para. 71.

⁷⁸ The Civil Society Support Room (CSSR) was established in January 2016 by the Office of the Special Envoy for Syria (OSE-Syria) as a mechanism to consult with a broad and diverse range of civil society actors. Through the CSSR civil society actors can meet, interact, and provide their insights and ideas to the OSE-Syria, relevant UN actors and international stakeholders. See: <https://cssrweb.org/en/>.

negotiations, temporary ceasefires, and coordinated evacuations – all during active hostilities.⁷⁹ Local community structures should be integrated into the reparations design process, engaging with the networks and trust already established by actors such as [REDACTED].

38. The institutional, operational and reputational risks associated with seeking to disburse reparations during active hostilities are well recognised. Maalla and Benson-Strohmayer argue that these can be minimised by deploying the recommended model set out in more detail in their Report: UNHCR-coordinated, supply-chain vetted, channelled through localised civic mechanisms with light administrative footprints, and accompanied by rotating beneficiary lists rather than fixed registers. They also argue, for the reasons set out above, that:

The institutional risk of carefully designed disbursement is materially lower than the institutional risk of indefinite deferral, which carries its own exposure: the appearance that the Court delivers accountability at the level of conviction but withholds material redress, with corresponding effects on the Court's legitimacy with conflict-affected communities globally. [...] on balance, the evidence supports proceeding with the carefully designed delivery model recommended here.⁸⁰

39. Further, maintaining the force of Mr Abd-Al-Rahman's conviction requires distinction and messaging to ensure that the symbolic power of reparations – themselves an acknowledgement of specific harms suffered and the long, hard road to accountability – is not absorbed into or conflated with humanitarian assistance.⁸¹ Aside from the intense humanitarian needs that stand to be addressed by strategic reparations programming, delays in implementation incur both economic and symbolic costs, and risk delegitimising the court process in victims' eyes.

40. These Observations cannot adequately reflect the depth of the Recommendations expounded in detail in the Economic Report,⁸² which are set out in summary here:

On allocation structure: The available funds are likely insufficient for meaningful individual monetary compensation at scale. The Chamber should weight allocations

⁷⁹ Annex III, paras 77-79, citing Rim Turkmani and Marika Theros, *op. cit.*, pp. 5, 10, 15.

⁸⁰ Matthew Sterling Benson, 'Predatory Peace', *op. cit.*, p. 5; see also Matthew Sterling Benson-Strohmayer, *From War Economies to Predatory Peace*, *op. cit.*, pp. 1-2, 10 (documenting how peacebuilding frameworks in the Sudans and comparable contexts such as the Democratic Republic of Congo, Somalia, and Syria frequently stabilise elite coalitions by legitimising and reproducing predatory fiscal systems rather than dismantling them).

⁸¹ Annex III, para. 72.

⁸² Annex III, para. 80.

substantially toward collective and programmatic reparations, with a smaller component directed toward individual symbolic recognition through non-monetary means.

On individual recognition and victim-led allocation: Immediate individual cash transfers should be disbursed as a first modality, serving a juridical and symbolic recognition function that collective programming cannot replicate. All allocation decisions should be grounded in victim-led participatory processes, including structured community consultations and representative committees that reflect the diversity of affected populations.

On priority sectors: Education – specifically fee subsidies and in-camp provision – and essential healthcare, particularly medicines and psychosocial support, represent the highest-priority sectors identified both by survivor testimony and by the economic evidence on long-term harm. Both should be designed to minimise recurrent cost obligations that the Sudanese fiscal system cannot reliably meet.

On division mitigation: Allocation mechanisms should be designed to ensure universal accessibility across relevant communities, should include direct beneficiary engagement including specific mechanisms for women’s participation, and should not be mediated solely through traditional authority structures. Specialised measures for SGBV survivors and undocumented children should be embedded within broader collective packages and accompanied by community communication processes.

On prioritisation: While reparations should aim for universal accessibility across the affected population, certain categories of victims face acute and time-sensitive needs that warrant earlier or more intensive intervention. These include: women survivors of sexual violence and children born of rape, who face structural exclusions that compound rapidly; families of the disappeared, whose economic suspension cannot be resolved without formal recognition⁸³; the elderly and chronically ill, for whom delays in healthcare provision produce irreversible harm; and children currently of school age, for whom each year of foreclosed education represents a lifetime cost.⁸⁴ Prioritisation should be

⁸³ *The Prosecutor v. Dominic Ongwen*, Reparations Order, ICC-02/04-01/15-2074, 28 February 2024, paras 269, 655-661.

⁸⁴ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (‘Ali Kushayb’), Victim Mapping Report, ICC-02/05-01/20-1256-Corr-Red, 21 November 2025, paras 107-108; see also *The Prosecutor v. Dominic Ongwen*, *op. cit.*, para. 86.

operationalised through sequencing of programme rollout rather than through differential allocations within sectors, in order to minimise division risks.⁸⁵

On documentation: Reparations funds directed toward civil documentation support for children born of rape represent a high-leverage, relatively low-cost intervention with substantial lifetime economic returns. This measure should be pursued in partnership with UNHCR and relevant civil registration bodies.

On delivery: Reparations funds should be channelled through or in close coordination with UNHCR and existing humanitarian actors in [REDACTED], rather than through new standalone delivery mechanisms. This approach minimises transaction costs, reduces capture risk, and reinforces rather than distorts the existing humanitarian infrastructure.

On the ongoing conflict context: All recommendations are conditioned on the recognition that Sudan is not a post-conflict environment. The RSF controls relevant areas, sexual violence continues, and formal law enforcement and judicial institutions are absent. Reparations design must account for these conditions at every stage. This means careful attention to the selection of intervention types, to delivery mechanisms, to security protocols for beneficiary engagement, and to communication with affected communities about the nature and limits of what the reparations process can achieve.

41. Drawing on precedents from other ICC reparations proceedings and the specific conditions of this case, the Economic Report sets out an order-of-magnitude estimated indication of what different funding levels could realistically achieve. The cost estimates are derived from: comparable ICC reparations programme costs (particularly Al Mahdi and the early stages of the Ongwen reparations implementation)⁸⁶; standard humanitarian programme cost ranges for the relevant intervention types in displacement contexts, drawn from UNHCR and WFP operational data; and the experts' own field experience with comparable programming in Sudan and South Sudan. The figures are presented as ranges to reflect the inherent uncertainty in cost projection for active-conflict environments, where security conditions, access constraints, and inflation can affect actual delivery costs significantly.⁸⁷

⁸⁵ *The Prosecutor v. Dominic Ongwen, op. cit.*, paras 632-633, 821-822.

⁸⁶ *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, Trust Fund for Victims' Observations on Reparations, op. cit.*, paras 113-114 (detailing Al Mahdi implementation costs); see also *The Prosecutor v. Dominic Ongwen, op. cit.*, paras 786-788.

⁸⁷ ACAPS Analysis Hub, *Sudan - Analysis of Humanitarian Access in the Darfur and Kordofan Regions, Briefing Note, 22 March 2026*, pp. 1-2, 6 (documenting how shifting conflict lines, bureaucratic impediments, and inflation severely disrupt and increase the operational costs of humanitarian delivery).

Total available funds	Implications for individual transfers	Collective programming scope	Overall assessment
€4 million	Individual symbolic transfers of ~€1-2 per victim across the estimated 3.5 million victim population ⁸⁸ would be economically indefensible as a primary modality.	Entire fund directed to collective programming; realistic scope limited to one intervention only. Given survivor testimony identifying education as the highest community priority, the most defensible single-sector allocation would be education fee subsidies and in-camp teacher support. Essential medicines procurement or documentation support represent viable alternatives depending on participatory prioritisation.	Cannot simultaneously sustain all three priority sectors identified by survivor testimony. At this level, a focused single-sector intervention can still deliver meaningful impact for the most acutely harmed populations, but the education deficit – identified by survivors as the most pressing long-term harm – would remain substantially unaddressed even with full allocation to that sector.
€10 million	Individual symbolic transfers at ~€2–5 per directly identified victim (the documented population), consistent with the recognition function of reparations.	All three priority collective sectors funded at meaningful scale over a two-year implementation period, alongside a participatory mechanism. Education receives priority allocation, reflecting survivor testimony: fee subsidies, in-camp provision, and teacher support. Healthcare (essential medicines, mobile provision, psychosocial support) and documentation support for children born of rape funded alongside.	Minimum threshold for a reparations programme that is both materially significant and symbolically credible. At this level, the education deficit identified as the primary harm by survivors can be meaningfully addressed without displacing healthcare and documentation priorities.
€30 million	Individual symbolic awards in line with the Ongwen precedent at €750 per directly identified victim. ⁸⁹	Sustained multi-year programming across all priority sectors. Education funded at transformative scale: secondary-level access, curriculum development, and structural fee elimination beyond the camp perimeter. Livelihood recovery, psychosocial support, and community-scale programming alongside. Begins to address intergenerational harm through cultural preservation and transgenerational educational investment.	At this level, reparations begin to address the broader and longer-term harms documented in Section I.IV, including the intergenerational educational foreclosure that survivors identify as the defining harm of two decades of displacement.

⁸⁸ [REDACTED] and Global Legal Action Network, *Request for Leave to Submit Amicus Curiae Observations*, *op. cit.*, para. 20.

⁸⁹ *The Prosecutor v. Dominic Ongwen*, *op. cit.*, para. 621.

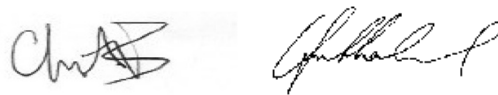
III. ATTENDANCE AT REPARATIONS HEARINGS

42. The *Amici Curiae* note the Chamber's Decision of 22 May 2026,⁹⁰ and confirm that they are grateful for leave to attend the reparations hearings scheduled for 08 September 2026.
43. The *Amici Curiae* respectfully submit that the hearings present a rare opportunity for organisations and experts with deep local expertise to expand upon and provide any necessary clarifications of their work to the Chamber, directly or through counsel, if so desired.

IV. CONCLUSION

44. All the victims of the crimes of 2003-2004 have lost so much, experienced unimaginable horrors, and seen too many possibilities foreclosed. The Chamber has the opportunity to change the direction of their future. An ambitious reparations order explicitly setting out the funding required to make a meaningful impact on their lives will be a powerful acknowledgement of the extent of the harms and a clarion call to the international community.
45. The *Amici Curiae* express their deep gratitude to the Chamber for permitting them to provide their Observations, which are hoped to be of assistance.

[REDACTED]



[REDACTED] , Charlotte Andrews Briscoe and Kirsty Sutherland
on behalf of
[REDACTED] and
Global Legal Action Network

Dated this 4th day of June 2026

At London, United Kingdom

⁹⁰ Decision on amici curiae's requests to attend the reparations hearing, ICC-02/05-01/20-1337, 22 May 2026.