

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 24 June 2026

TRIAL CHAMBER I

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

SITUATION IN DARFUR, SUDAN

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

Public

**Public redacted version of "Registry Observations on Reparations", 4 June 2026,
ICC-02/05-01/20-1343-Conf**

Source: Registry

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☒ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☒ Victims Participation and
Reparations Section

☒ Other
Trust Fund for Victims

I.	Introduction.....	5
II.	Procedural History	5
III.	Classification.....	6
IV.	Submissions	6
	Section I - Methodological framework	7
	Section II – Views on types and modalities of reparations.....	9
A.	Return to land and restoration/preservation of land rights	9
1)	Linkage with the harm suffered	10
2)	Significance of this claim to the survivors	11
3)	Measures sought.....	12
4)	Survivors’ additional considerations.....	15
B.	Compensation	17
1)	Linkage with the harm suffered	18
2)	Meaning of this claim to the survivors.....	18
3)	Measures sought.....	19
4)	Survivors’ additional considerations.....	22
5)	VPRS observations on the types of reparations	25
C.	Educational support.....	25
1)	Linkage with the harm suffered	26
2)	Significance of this claim to the survivors	27
3)	Measures sought.....	27
4)	Survivors’ additional considerations.....	28
D.	Medical and psychosocial support.....	29
1)	Linkage with the harm suffered	29
2)	Significance of this claim to the survivors	30
3)	Measures sought.....	31
4)	Survivors’ additional considerations.....	33
E.	Socio-economic support.....	34
1)	Linkage with the harm suffered	34
2)	Significance of this claim to the survivors	35
3)	Measures sought.....	36
4)	Survivors’ additional considerations.....	37
F.	Satisfaction and symbolic measures.....	38

1)	Linkage with the harm suffered	38
2)	Significance of this claim to the survivors	39
3)	Measures sought.....	40
4)	Survivors' additional considerations.....	42
Section III - Eligibility matters		43
A.	Eligible victims of reparations.....	43
1)	Bindisi and Kodoom Operations.....	44
2)	Mukjar Operation.....	44
3)	Deleig Operation	45
4)	Additional categories.....	46
B.	Standard of proof	49
A.	Presumptions	51
1)	Presumptions of victimhood	51
2)	Presumptions of harm	52
C.	Eligibility process.....	53
1)	Identification process.....	54
2)	Eligibility assessments	55
3)	Notification process	56
Section IV - Additional observations		56
A.	Prioritisation.....	56
B.	Prior compensation/reparations	58

Annex: Survivors' references related to compensation

I. Introduction

1. Pursuant to Trial Chamber I's "Order for submissions on reparations"¹ (respectively "Chamber" and "Order"), issued on 9 December 2025, the Registry hereby submits its observations on reparations in the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ('Ali Kushayb') ("Case").

II. Procedural History

2. On 9 July 2021, Pre-Trial Chamber II issued its decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb') ("Confirmation Decision").²

3. On 3 October 2022, the Chamber instructed the Registry's Victims Participation and Reparations Section ("VPRS") to conduct a mapping exercise during the trial proceedings and submit a report on it within four weeks of the notification of the Article 74 judgment ("Mapping Report").³

4. On 6 October 2025, the Chamber issued its judgment, convicting Ali Muhammad Ali Abd-Al-Rahman of 27 counts of crimes against humanity and war crimes, in Darfur, Sudan, between August 2003 and April 2004 ("Trial Judgment").⁴

5. On 4 November 2025, the VPRS filed its Mapping Report.⁵

6. On 9 December 2025, the Chamber issued the Order, instructing the Registry, by 4 May 2026, to provide observations on any or all of the issues listed in paragraph 6(a) of the Order.⁶

¹ Trial Chamber I, "Order for submissions on reparations", 09 December 2025, ICC-02/05-01/20-1282, para. 6, (a).

² Pre-Trial Chamber II, "Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')", 9 July 2021, ICC-02/05-01/20-433.

³ See footnote 1 *above*.

⁴ Trial Chamber I, "Trial Judgment", 6 October 2025, ICC-02/05-01/20-1240.

⁵ Registry Victim Mapping Report, ICC-02/05-01/20-1256-Conf. A corrected and public redacted version thereof were notified on 19 and 24 November 2025, respectively, ICC-02/05-01/20-1256-Conf-Corr and ICC-02/05-01/20-1256-Corr-Red.

⁶ In para. 6(a) of the Order, the Chamber listed the following issues for submissions: "(i) the estimated total number of eligible direct and indirect victims identified in the Mapping Report; (ii) any factual or

7. Upon request from the Common Legal Representative of Victims (“CLRV”),⁷ the Chamber extended the deadline and the page limit for submissions on reparations to 4 June 2026.⁸

III. Classification

8. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, the present submission and its annex are classified as confidential since they contain information on the Registry methodology and operations which could compromise victims’ and Registry interlocutors’ safety and security if issued publicly. The Registry will file a public redacted version of the present observations in due course.

IV. Submissions

9. The VPRS hereby presents its observations on the issues listed in paragraph 6(a) of the Order, to the extent of the Registry’s mandate and expertise. With regard to the estimated total number of potentially eligible victims under paragraph 6(a)(i) of the Order (“Potentially Eligible Victims”), the VPRS refers to its observations set out in the Mapping Report, in particular the section containing the results of the identification exercise conducted to date.⁹

legal issues relevant to the identification of eligible victims; (iii) any victims or groups of victims identified in the Mapping Report, or by the parties and participants, who may require prioritisation in the reparations process; (iv) observations on the specification of the types and extent of the harm suffered by the victims identified in the Mapping Report; (v) whether recourse to factual presumptions should be considered; (vi) types and modalities of reparations appropriate to address the harm suffered by the victims of the crimes of which Abd-Al-Rahman was convicted; (vii) estimates as to the costs of repairing the harm suffered by the victims in light of the appropriate modalities for repairing them; (viii) information as to whether the victims of the crimes of which Abd-Al-Rahman was convicted have received any form of compensation or reparations for the harm suffered as a result of these crimes; (ix) any considerations the Chamber should take into account when assessing Abd-Al-Rahman’s liability for reparations; and (x) any additional information relevant to reparations.”

⁷ CLRV, “CLRV Request for a limited extension of time to submit her Observations on Reparations and for a limited extension of pages”, 30 March 2026, ICC-02/05-01/20-1316-Conf.

⁸ Trial Chamber I, “Public redacted version of the ‘Decision on the CLRV request for extension of time and extension of page limit and scheduling a hearing before the Chamber’”, ICC-02/05-01/20-1317-Red, 2 April 2026.

⁹ See Mapping Report, section 4, paras 110 – 139.

10. The VPRS does not provide observations on the cost of reparations (paragraph 6(a)(vii) of the Order), nor on the assessment of the liability for reparations of the convicted person (paragraph 6(a)(ix) of the Order), as the parties (CLRv and Defence) and the Trust Fund for Victims (“TFV”) are best placed to address these issues.

Section I - Methodological framework

11. Between 2023 and 2026, the VPRS has been engaging continuously in activities with a large number of stakeholders, including victims’ communities, community leaders, intermediaries, and representatives of national and international organisations, which aimed at, *inter alia*, documenting the victims’ views on reparations. The activities entailed [REDACTED] meetings and discussions, during which the VPRS first provided participants with information on the reparations proceedings before the Court, thereby enabling them to formulate and express their views in an informed manner. The VPRS subsequently collected information on the harms suffered by victims, their current needs, their views on prioritisation, and their perspectives regarding the types and modalities of reparative measures.

12. In these activities, the VPRS brought together a diverse range of participants, including survivors who experienced different categories of harm identified in the Mapping Report, [REDACTED], community leaders and [REDACTED] and representatives of civil society organisations (“Affected Localities” and “CSOs”, respectively).

13. Prior to the issuance of the Order, the VPRS had already undertaken such activities in the context of its mapping exercise, including the identification of victims and documentation of harm.¹⁰ It conducted focus group discussions with survivors to complement previous data collection with in-depth qualitative insights into survivors’ lived experiences, their views on appropriate forms of reparation, their social and cultural relevance, and their longer-term implications for families and communities.

¹⁰ [REDACTED]

These discussions also highlighted challenges related to the design and implementation of reparations modalities in a context marked by ongoing conflict and significant population displacement.

14. Following the issuance of the Order, the VPRS continued to conduct consultation activities focused on the topic of reparations, [REDACTED]. During these consultations, the VPRS engaged with representatives from the communities in camps of internally displaced persons (“IDP”) in Darfur and refugee communities in eastern Chad, all related to the Affected Localities.¹¹

15. During the first quarter of 2026, the VPRS and the TFV agreed on a common consultation framework to guide subsequent activities, [REDACTED].

16. The VPRS and the TFV structured these consultations to be inclusive and aiming to capturing diverse victims’ views and experiences. The respective teams coordinated their activities, shared expertise on reparations, and conducted joint consultations where feasible in order to avoid duplicative engagement, minimise the burden on survivors, maximise resource and ensure a coherent and streamlined approach to information gathering.

17. [REDACTED], the VPRS and the TFV conducted separate and combined meetings with community leadership structures¹² and survivors,¹³ ensuring that both individual expectations and collective community perspectives were adequately sought and recorded.¹⁴ The consultations were conducted in complex and evolving contexts, including ongoing conflict, displacement, and limited physical access to certain areas. [REDACTED].

¹¹ [REDACTED]

¹² [REDACTED]

¹³ [REDACTED]

¹⁴ The consultations were conducted in complex and evolving contexts, including ongoing conflict, displacement, and limited physical access to certain areas. [REDACTED].

18. The VPRS respectfully presents the below observations, based primarily on the views and opinions collected from all persons who participated in all of the activities described above (“Participants”) in relation to reparations.

Section II – Views on types and modalities of reparations

19. Participants did not conceive reparations as reducible to a single form of redress. Rather, they envisaged a combination of individual and collective measures capable of responding to the scale and diversity of the harm suffered, encompassing: (i) direct recognition and support for persons who suffered acute personal harm; (ii) restoration of services and opportunities from which broad groups of victims should benefit; and (iii) repair of harms affecting the community as a whole, including land, identity, social cohesion, and collective memory.

20. Participants stressed the need for broad and inclusive redress, the restoration of systems and institutions, and the preservation of community cohesion, while also reflecting concerns regarding feasibility, fairness, and the uncertainty of available resources. Similarities, but also distinctions were noted between the views of [REDACTED] on this matter.

21. The VPRS turns below to the specific modalities of reparations emerging from the consultations, indicating for each suggested measure the type or combination of types of reparations to which the measure is most closely linked.

A. Return to land and restoration/preservation of land rights

22. Survivors consistently identified return to land and the restoration or preservation of land rights as a central component of reparations: “Everything the Fur want is to go back to their land”.¹⁵ While immediate needs were often framed in terms

¹⁵ As one participant explained, “for the Fur, the land is their identity, homeland, mother, and symbol of existence and life”; Consultations [REDACTED] 2023.

of survival—particularly financial compensation and access to services—return to ancestral land was repeatedly described as the primary long term objective, and as a condition for meaningful and durable redress.¹⁶

23. The VPRS considers that this modality is best characterised primarily as a form of community-based reparation, addressing structural harms to land, territorial belonging, identity, and social order, while also engaging collective dimensions related to future reconstruction and return.

1) Linkage with the harm suffered

24. The Mapping Report identifies forced displacement as a central harm suffered by victims, with consequences extending beyond initial flight from villages.¹⁷ These include the long-term loss of access to land and homes, the destruction of livelihoods,¹⁸ harms to their sense of identity, disruption of education and healthcare, and prolonged exposure to precarious living conditions. Participants consistently linked these harms to the loss of land-based systems of livelihood and social organisation, describing land loss as both a material and relational harm affecting the ability to live, produce, and organise collectively.

25. Participants further emphasised that the targeting and killing of traditional leaders (sheikhs and umdahs) compounded these effects. These leaders were described as custodians of customary land tenure knowledge (*Hawakir*), mediators of disputes, and key reference points for governance and social cohesion. Their removal weakened the institutional mechanisms through which land rights and social order were maintained, thereby aggravating the ongoing difficulty of asserting claims and organising return.

¹⁶ One participant stressed that: “no matter how much or how many material compensations are given, that would never replace the land”; Consultations [REDACTED] 2023.

¹⁷ See Mapping Report, paras 44-61.

¹⁸ One participant explained: “before the war, the Fur were rich with their belongings, but they now live in misery in an IDP camp”; Consultations [REDACTED] 2023.

26. Participants also described displacement as a continuing harm, sustained by changes in land control. They explained that land left behind has since often been occupied or reallocated, creating competing claims and altering land relations to its residents/occupiers. As a result, return remains impeded not only by insecurity, but also by these structural changes, which further entrench displacement over time.

2) Significance of this claim to the survivors

27. Participants articulated return as a multi-dimensional claim, combining material restitution with the restoration of institutional, social, and cultural frameworks. They linked land to community organisation, and described physical return as inseparable from rebuilding governance, security, and community structures. In this respect, return was also understood as enabling the resumption of sustainable livelihood systems intrinsically tied to land, including rainfed and wadi-based agriculture, livestock rearing, access to fertile soils, and the restoration of long-standing agricultural practices and tree-based resources. Participants emphasised that such activities are not only sources of income, but fundamental to self-sufficiency, social organisation, and the long-term viability of community life.¹⁹

28. Land tenure in Darfur has historically operated through a pluralistic system combining statutory and customary frameworks, within which customary tenure (*Hawakir*) has played a central role.²⁰ Within this framework, sheikhs, umdahs, and elders preserved knowledge of boundaries, lineage-based entitlements, and accepted land-use practices, effectively functioning as a living repository of community affiliation and land rights.²¹ In practical terms, these authorities constituted the

¹⁹ See Mapping Report, paras. 44-48 and 66-70.

²⁰ One participant explained: “The Fur community divided society land into Hawakir ruled over by the sultan with responsibility to protect land and spread peace” Consultations [REDACTED] 2023.

²¹ At the same time, the native administration exercised an operative authority over access to land: it authorised use, mediated competing claims, and adjudicated disputes relating to cultivation, grazing, and boundaries under the *Hawakir* system. See also UN Habitat, Darfur Land Administration Assessment: Analysis and Recommendations (2020); pp. 35–37, available at https://unhabitat.org/sites/default/files/2020/08/darfur_land_administration_report_final_30.07.2020.pdf (accessed on 1 June 2026).

principal mechanism through which Darfuris could establish, maintain, and enforce their customary rights of access.

29. Participants explained that the displacement of communities, destruction of records, and weakening, replacement or elimination of legitimate customary leaders have significantly increased vulnerability, particularly where competing claims have emerged. They further expressed concern that the interaction between statutory and customary systems has, in practice, facilitated the exclusion of displaced communities, especially where legitimate customary authorities capable of confirming entitlements and defending communal claims have been undermined or replaced.

30. In this context, participants linked the claim for return to the restoration of customary land governance systems. They understood this not as a formal institutional process, but as the re-establishment of the social and functional arrangements through which land rights were traditionally defined, allocated, and protected.²² This includes both (i) recognition of legitimate authority structures, and (ii) preservation and transmission of land-related knowledge and practices. Participants viewed these elements as essential to enabling return and to re-establishing stable and legitimate land relation.

3) Measures sought

31. Participants demonstrated a clear understanding of the limits of the Court's mandate, acknowledging that the ICC cannot directly restore land, impose security, or enforce restitution on the ground. Participants therefore proposed a sequenced approach, starting with recognition, documentation, and preservation of rights.

²² Participants reported that "the land is neither bought nor sold, but rather inherited from ancestors to descendants" and "it is a source of livelihood and a fundamental pillar of our lives". Consultations [REDACTED] 2024.

Recognition, documentation, and preservation of rights

32. Participants suggested that the Court formally recognise displacement, dispossession, and the right to return, thereby creating an authoritative record that may support future restitution processes. They stressed that “[the Fur] lost all [their] records, references, and archives related to the native administration”.²³

33. They further proposed documentation and mapping measures, including:

- community-led mapping of villages and boundaries; and
- preservation of land knowledge through elders and traditional leaders, and collection of historical evidence.²⁴

34. Participants viewed these measures as essential to preserving claims and preventing permanent loss of connection to ancestral land.²⁵ They expressed their preference for interim steps that preserve rights without triggering immediate confrontation, including documentation and mapping of villages and boundaries, international dissemination of such documentation, and deferral of any formal registration or large return-linked projects until a legitimate authority and minimum security conditions exist.²⁶

35. Participants thus framed return not as an immediate demand but as a long-term objective that must be pursued through phased measures consistent with feasibility and victim protection.

²³ Consultations [REDACTED] 2024.

²⁴ The VPRS notes that UN programming on land management for peaceful coexistence in Darfur shows that return-linked land action may include participatory boundary demarcation, and sketch mapping. See UN-Habitat, Government of Qatar & UN-Habitat Partnership Profile in Sudan: 5 States of Darfur, available at: https://unhabitat.org/sites/default/files/2020/04/3_brochure_land_project_qatar.pdf, (accessed on 1 June 2026).

²⁵ Participants explained: “The court has the capabilities and expertise, and we want the court to help by using experts to implement and document the maps of the Hawakir, in order to preserve the Hawakir”, “Regarding how to preserve the Fur heritage, culture, and language, the court could provide equipment and cameras to document the Hawakir, and we, with our experience and teachers, can assist the court in documentation”; [REDACTED] consultations 2026.

²⁶ One participant stressed that ““We cannot return unless criminals are prosecuted”; Consultations [REDACTED] 2024.

Sequencing of return-related measures

36. First, a formal recognition of displacement, dispossession, and the right to return would provide a durable judicial record of the displacement and dispossession, and may serve as an authoritative reference for future processes aimed at restitution and return.²⁷ As one of the Participants explained: “we want that the Court makes the decision, and sends it to the relevant authorities, addresses the Security Council, addresses the United Nations, addresses the important parties, and prepares the documents present in the areas we mentioned now. After that, based on this, there will be a clear statement [that] these people have the right in this area, and this right must return”.²⁸ Judicial findings are viewed by victims to serve as authoritative documentation that may later be operationalised by States and international bodies as part of political processes aimed at restoring security, facilitating voluntary return, and countering land capture and demographic engineering.²⁹

37. Second, the documentation and preservation measures would restore, to the extent possible, the evidentiary basis of land tenure and community memory. This includes community-led mapping of villages of origin, land boundaries, and key landmarks (including communal and religious sites), supported by the knowledge of elders and remaining traditional authorities, and cross-referenced where possible with

²⁷ This is in line with the theory that tenure insecurity may, in certain circumstances, serve a strategic purpose, in relation to secondary occupants. In other words, tenure insecurity can be used not to protect current conflict-generated occupation, but to prevent it from hardening into recognised entitlement before a lawful post-conflict settlement is established. See Musa Abdul-Jalil and Jon D Unruh, ‘Land Rights under Stress in Darfur: A Volatile Dynamic of the Conflict’ (2013) 32(2) War & Society 156, 156–181. available at: <https://csf-sudan.org/library/land-rights-under-stress-in-darfur-a-volatile-dynamic-of-the-conflict/> (accessed 8 May 2026)

²⁸ Consultations [REDACTED] 2025.

²⁹ One participant explained: “the Court itself, if it is able to draft a decision regarding the transfer of land back to the people, whether they were displaced or became refugees, must issue the decision, even if it is not currently enforceable, it can be implemented in the future. My estimation is that the land issue is very important, and if the International Criminal Court does not have the power to take an official decision, the matter should immediately be referred to the body that referred the Darfur case, namely the UN Security Council and the United Nations. The land issue should be viewed more broadly, and the decision should be strong and internationally and globally binding”; Consultations [REDACTED] 2025.

historical documentation. While such measures do not in themselves accomplish physical restitution, Participants believe that they respond directly to their concerns about intergenerational loss of knowledge and the risk that prolonged displacement will permanently erode the link between survivors (and especially the younger generations) and their ancestral territories.

38. Third, as a *deferred* but essential measure, meaningful collective reconstruction of infrastructure (schools, health centres, roads, markets, water systems) is viewed as legitimate and reparative mainly if implemented in the original areas of return, once conditions permit safe access.³⁰

Return, non-repetition, and durable peace

39. Finally, Participants framed the right to return and the restoration of access as a precondition for durable peace. As a participant put it, “the land is a matter of life or death.”³¹ In the victims’ view, the continued denial of return and persistence of unlawful occupation risk entrenching the original harm, perpetuating displacement and laying the ground for renewed conflict.³²

4) Survivors’ additional considerations

Return to place of origin

³⁰ The VPRS observes that this position is closely linked to the victims’ understanding of displacement as a temporary condition and the right of return as integral to redress: the construction of permanent infrastructure in camps was described as risking the normalisation of displacement and undermining return aspirations. The reparations design, therefore, should distinguish between (i) interim rehabilitation in camps (education and psychosocial support as reparative rehabilitation) and (ii) return-linked reconstruction in areas of origin when security and access conditions improve.

³¹ Consultations [REDACTED] 2024.

³² The VPRS notes that that such claim is consistent with the analysis that measures protecting land-related rights form part of a framework of guarantees of non-repetition, as it links secure tenure and HLP rights for returnees to peace, stabilization, and the prevention of renewed displacement-related insecurity. See UN-Habitat Darfur Land Administration Assessment, pp. 35–37, available at: https://unhabitat.org/sites/default/files/2020/08/darfur_land_administration_report_final_30.07.2020.pdf (accessed on 1 June 2026).

40. As one participant illustrated, for the Fur community, “true restitution begins with the return of the land and restoring lands to their original owners”.³³ Participants consistently distinguished between return as a durable solution and relocation/resettlement as an alternative: many explicitly rejected “alternative lands”, “replacement sites”, “model villages”, or resettlement away from their original villages, framing such proposals as incompatible with both the historical attachment to land and the broader meaning of the claim for return.

41. This position also shaped some of the views on reconstruction. Participants considered rebuilding schools, health centres, and infrastructure meaningful only if implemented in areas of origin, once conditions permit. By contrast, they viewed similar investments in displacement settings as reinforcing protracted displacement.

42. At the same time, where immediate return is not feasible, some Participants also prioritised collective, location-sensitive measures in the places where victims currently live, including education, health, water, roads and livelihood support. These near-term measures were not presented as alternatives to return, but as forms of present redress that should relieve suffering while preserving and preparing for future restitution and return.

Conflict sensitivity

43. Participants acknowledged that current conditions prevent their immediate return, citing insecurity, lack of rule of law, and ongoing violence.

44. They further explained that parties to the conflict have used land control strategically, including through intimidation, exclusion, and replacement of legitimate authorities.³⁴

³³ Consultations [REDACTED] 2024.

³⁴ The VPRS notes that environmental pressures and resource competition intensify disputes over land use, pasture, and water, see ACCORD, Environment, Conflict and Peacebuilding: Addressing the Root Causes of Conflict in Darfur (Conflict Trends 2022/1, 19 August 2022), available at: <https://www.acCORD.org.za/conflict-trends/environment-conflict-and-peacebuilding-addressing-the-root-causes-of-conflict-in-darfur/> (accessed on 2 June 2026).

45. In this context, Participants stressed that return must be approached as a conflict-sensitive process. They warned that premature interventions risk entrenching dispossession, provoking local tensions, or enabling capture by armed actors.

46. In their view, the order should emphasised the need for conflict-sensitive design, recognising that land reparations intervene in contested social and territorial relations.³⁵ In this regard, participants emphasised that the reparations process should require: (i) clear and transparent communication of the criteria governing any land-related measure; (ii) reliance on legitimate and credible community structures, including recognised customary authorities, in verification and implementation; and (iii) access to fair, independent, and non-violent dispute-resolution mechanisms capable of addressing competing claims. More broadly, Participants considered that, in the current context, land reparations should be framed in a manner that preserves and affirms victims' rights pending implementation, while avoiding measures that could legitimise unlawful occupation or aggravate existing tensions.

B. Compensation

47. Participants consistently identified financial compensation as another central component of potential reparation measures; they view it as both an urgent and essential component of reparations, closely linked to ongoing economic harm, while also recognising its symbolic role in acknowledging their suffering.

48. The VPRS considers that compensation may be best understood as an individualised component within a collective reparation framework, aimed at providing personal recognition and immediate relief, while complementing community-based and collective measures addressing structural harm.

³⁵ This concern is grounded in the literature on Darfur's land conflict, which warns that unresolved secondary occupation and the encroachment on land rights have been among the most difficult obstacles to peace. See Musa Abdul-Jalil and Jon D Unruh, 'Land Rights under Stress in Darfur: A Volatile Dynamic of the Conflict' (2013) 32(2) War & Society 156, 156–181.

1) Linkage with the harm suffered

49. The Mapping Report identifies harms extending beyond direct physical violence, including loss of property, destruction of livelihoods, forced displacement, increased dependency ratios, and long-term economic marginalisation.³⁶ These harms were consistently reflected in Participants' accounts, who linked compensation to the cumulative economic consequences of displacement, including the loss of land-based livelihoods, livestock, homes, and productive assets.

50. Participants further emphasised that the loss of household breadwinners, permanent injuries, and prolonged displacement have created structural conditions of poverty affecting entire families.³⁷ Widows, orphans, persons with disabilities, and elderly persons were repeatedly identified as among the most severely affected.

2) Meaning of this claim to the survivors

51. Participants understood compensation in both material and symbolic terms. Materially, it is expected to address urgent needs and support household survival: as one participant put it, "financial compensation is of top priority to help families".³⁸ It is seen as a symbolic form of acknowledgment of harm and responsibility, consistent with customary practices in Darfur, where compensation plays an important role in dispute resolution and restoration of social order:³⁹ "victims should be compensated so that they feel they are equal to everyone else".⁴⁰

52. Unlike land-related claims, which were framed as long-term objectives, compensation was consistently described as an immediate necessity – "we need

³⁶ See Mapping Report, paras 55 – 58, 78-79, 87, 97 and 103.

³⁷ As one participant explained: "The whole family becomes without a leadership. The family then loses many things. Losing the father means losing your future". Consultations [REDACTED] 2024.

³⁸ Consultations [REDACTED] 2024.

³⁹ See J. Tubiana, V. Tanner, and M. A. Abdul Jalil, Traditional Authorities' Peacemaking Role in Darfur, United States Institute of Peace, Peaceworks No. 83 (2012), pp.53-57. Within this framework, compensation is traditionally understood as taking several forms, including *diya* (for loss of life or bodily injury), *ta'wid* (for material or livestock losses), and *khasarat* (for costs incurred as a result of the harm, including medical and related expenses).

⁴⁰ Consultations [REDACTED] 2024.

treatment today, not tomorrow”,⁴¹ particularly in contexts of prolonged displacement and ongoing conflict. Participants emphasised that financial support is essential to meet basic needs, access healthcare, and restore a minimum level of dignity.

3) Measures sought

Preference for financial compensation

53. Representatives of refugee communities [REDACTED] emphasised that given refugees’ current circumstances of prolonged displacement, restricted mobility, and lack of access to land or productive resources, in-kind or project-based interventions—such as livestock or agricultural support—are largely unworkable in practice. “Livestock were looted, therefore it is better if the money is kept and given in small monthly payments”.⁴² They described financial compensation as the immediately viable form of support, capable of being used flexibly to meet essential needs and rebuild livelihoods at household level.

54. IDPs also viewed compensation as an important and feasible modality, but stressed that its implementation would require stronger safeguards. “Individuals who may receive funds can be subjected to assassinations at night”.⁴³ They favoured approaches combining confidentiality, transparent criteria, and inclusive phased distribution.

Amounts

55. Participants consistently emphasised that “no monetary amount can fully repair the harm [suffered]”,⁴⁴ particularly in relation to loss of life, trauma, and the destruction of family and community structures: “even if they pay us all the money in the world, that will not heal us or restore our dignity”.⁴⁵ At the same time, a range of

⁴¹ Consultations [REDACTED] 2025.

⁴² Consultations [REDACTED] 2024.

⁴³ *Ibid.*

⁴⁴ Consultations [REDACTED] 2025.

⁴⁵ Consultations [REDACTED] 2024.

views was expressed regarding appropriate levels of compensation,⁴⁶ reflecting both the gravity of the harm and the absence of a shared benchmark for its valuation.⁴⁷

56. Participants repeatedly emphasised that compensation should reflect differences in the severity and consequences of the harm – “compensation must not be equal for everyone”.⁴⁸ The consultations support differential treatment linked to harm and current situation of vulnerability, but do not support presenting a single fixed hierarchy of monetary awards as though it were uniformly agreed.

57. Participants proposed a differentiation in relation to traditional leaders (sheikhs and umdahs), whose loss was described as producing harm extending well beyond the immediate family.⁴⁹ In their view, these figures performed functions central to governance, land management, dispute resolution, and communal protection. As one of the Participants emphasised: “by killing our leaders we became meaningless”.⁵⁰ Higher compensation for their families was therefore framed not only as an economic response to the consequences of their deaths, but also as a form of symbolic recognition of the particular social role they occupied and the wider vacuum their killing created.

⁴⁶ See Annex.

⁴⁷ Some Participants proposed relatively high amounts, often linking them to the cumulative nature of harm and, in certain instances, to customary understandings of compensation. Others, particularly among community leaders, suggested more moderate amounts, framed as initial or “seed” support intended to enable households to stabilise their economic situation. These proposals were frequently associated with the expectation that compensation would be delivered through phased or instalment-based approaches.

⁴⁸ Consultations [REDACTED] 2024.

⁴⁹ The loss of these leaders was frequently framed as representing an attack on the social fabric of the Fur community itself, including its systems of authority, identity, and organisation. One participant explained: “a killed person who was responsible in the community, like Umdah Yahya and Umdah Issa Haroun Nour, as well as many other Umdahs, we compared a lot and found that the Diyah for the killed responsible person is greater than that for the ordinary killed person. So we decided that the Diyah for the non-responsible person in the community is \$30,000, equivalent to one hundred cows”. Another participant explained: “Regarding Diyah or compensation in cases of murder, whether the victim is a son, a local Umdah, or otherwise, prevailing customs in some areas, such as Bindisi or displacement camps, estimate the Diyah between 35 cows, and it can reach 50 cows in some cases. These are established conventions and customs among people, and they are largely agreed upon.”, Consultations [REDACTED] 2025.

⁵⁰ Consultations [REDACTED] 2023.

One participant assessed that “these compensations should be doubled, appropriate to the societal tasks they performed”.⁵¹

58. Participants drew particular attention to the situation of widows of martyrs, especially the widows of community leaders: “widows have become like prisoners as a result of losing the head of the family”. Participants indicated that these women are frequently left with diminished social protection and limited economic support, while continuing to carry the symbolic and practical consequences of their husband’s loss.⁵² In their view, widows should therefore be explicitly recognised and prioritised for support.

59. At the same time, Participants generally recognised that available resources for compensation may be limited and that any compensation scheme would therefore need to reconcile expectations with feasibility. In this regard, many indicated that smaller amounts could still be acceptable, provided they are delivered promptly, equitably, and transparently – “inclusivity in distribution, even if the amounts are small, prevents tensions”. Participants also frequently deferred to the Court’s discretion in determining appropriate levels of compensation, while emphasising that any award must remain sufficiently meaningful to reflect the seriousness of the harm suffered and the continuing vulnerability of those affected.⁵³

Currency

60. Participants did not express a uniform preference regarding the specific currency in which compensation should be delivered. Instead, they consistently

⁵¹ Consultations [REDACTED] 2024.

⁵² They explained that these women often face a distinct and aggravated form of vulnerability: in addition to the loss of livelihood and the burden of supporting dependants, many do not remarry because of prevailing cultural norms, the public status of their deceased husbands, and the altered social position attached to widowhood in such circumstances.

⁵³ One participant stressed that “monetary compensation is very important so that we can take care of our children. As for the amount of compensation, the court is the one that can determine the appropriate amount for the victims”. [REDACTED] consultations 2026.

approached compensation in practical terms, focusing on its ability to meet immediate needs and retain purchasing power over time.

61. In several consultations, Participants referred to foreign currencies or stable value benchmarks, reflecting concerns about inflation, volatility, or limited usability of certain local currencies in their current environments. This was particularly evident among refugee communities, who highlighted the need for compensation to be usable within the economic systems in which they currently reside.

62. Participants therefore placed less emphasis on the formal denomination of compensation and more on its effectiveness and adaptability. They stressed that compensation should:

- maintain value over time;
- be accessible and usable in displacement settings and
- allow households to respond flexibly to different needs.

63. In this respect, participants implicitly framed currency choice as a question of functional delivery rather than formal precision, emphasising that compensation will only be meaningful if it can be used safely and effectively in the economic conditions faced by victims.

4) Survivors' additional considerations

Feasibility and context

64. Participants demonstrated strong awareness of the practical constraints affecting compensation. They noted that insecurity, displacement, and limited access complicate implementation and require careful design to avoid unintended consequences. Refugee Participants in particular referred to secure financial channels and staged disbursement as potentially relevant means of reducing theft and insecurity. At the same time, they repeatedly emphasised the need for a reparations framework that remains realistic and responsive to present needs. In particular,

several stressed that, after more than twenty years, victims should not be required to wait many more years before receiving meaningful support, noting that some may no longer be alive if reparations are delayed indefinitely.⁵⁴

65. They highlighted risks of diversion, unequal access, and tension, particularly where distribution lacks transparency or consistency – “registering some and leaving others can create problems”.⁵⁵ Despite these risks, Participants clearly stated that such constraints do not diminish the importance of financial compensation.⁵⁶

66. Participants therefore stressed the need for transparent eligibility criteria (“there must be transparency in the exchange of information”⁵⁷), confidential distribution mechanisms, and meaningful community involvement in the design and implementation of compensation measures. Participants also recognised that compensation may generate tensions if implemented without adequate explanation or if limited to a small number of beneficiaries while others affected by the same crimes remain excluded. In this regard, they called for awareness-raising within local communities before implementation, in order to explain the legal framework of the case, the reasons why compensation may initially be limited to certain recognised victims, and the possibility that future proceedings may address additional victims. They further suggested that beneficiaries should receive practical guidance on how to manage and protect compensation securely.

⁵⁴ One participant explained: “as for my personal opinion, the period has indeed been long twenty years or twenty-three years. If compensations are available and can be obtained within a year or two, I see that they should be disbursed, whether to refugees or to the displaced, because it is not certain that the affected person we are talking about will receive the compensation after another twenty years. No one receives their compensation forty years after the war; most likely, they will no longer exist at all”. Consultations [REDACTED] 2025.

⁵⁵ Consultations [REDACTED] 2023.

⁵⁶ One participant stressed that: “Nevertheless, the importance of cash compensation cannot be ignored or diminished. Even if only some people benefit from it, or a limited number, it remains a legitimate right and may contribute to alleviating suffering, circulating within the community, and indirectly benefiting others.” Consultations [REDACTED] 2025.

⁵⁷ Consultations [REDACTED] 2023.

*Specific refugees and IDPs views*Refugees

67. [REDACTED] described compensation as both urgent and operationally feasible in the current context, given the severe constraints affecting livelihoods, access to healthcare, and rising living costs. They stressed the structural difficulties affecting them, including:

- the suspension of the payment assistance cards, leaving families without this previous form of support;
- the difficulties in farming due to long distances (150–300 kilometres) between the camps and agricultural areas;
- the suspension of travel for medical treatment outside the camps, combined with inadequate services in camp hospitals;
- the significant rise in the price of food and non-food items;
- the legal restrictions on work faced by families in Host States, and
- the prohibitively high tuition fees for students - in higher education or about to complete secondary school - given refugees' current economic situation.

IDPs⁵⁸

68. IDP community members inside Darfur also considered compensation as urgent and feasible. They expressed a strong concern that geographically differentiated prioritisation, if not carefully designed, could undermine perceptions of fairness and generate tensions. Differences in access, location, or feasibility should not translate into unequal treatment, particularly in a context where those remaining inside Darfur often face greater exposure to risk and fewer opportunities to benefit

⁵⁸ They highlighted a distinct set of structural vulnerabilities linked to ongoing insecurity, continued displacement, and limited access to basic services. In several discussions, participants noted that even where assistance is provided, its utilisation is constrained by insecurity and instability, including risks of diversion, looting, or unequal access.

from assistance. They therefore advocated for approaches that ensure inclusive initial distribution, even if modest, coupled with phased or differentiated support over time. This position reflects a broader concern for preserving social cohesion and trust in the reparation process, while acknowledging the need to adapt implementation to varying operational conditions.

5) VPRS observations on the types of reparations

69. According to the VPRS' understanding, Participants did not opt for a specific type of reparation regarding the financial compensation. Victims' views support a model in which any financial component is designed in a manner that combines broad recognition with some differentiation.

70. Resources providing, any financial component of reparations may at an initial stage provide all eligible victims or beneficiaries with a standardised amount, ensuring prompt and inclusive recognition of harm. This baseline approach may subsequently be complemented, where resources permit, by targeted top-ups or phased differentiation measures directed at individuals or groups with heightened vulnerability or more severe harm. Such a sequenced model would reconcile the need for timely delivery and broad-based acknowledgment with the principle of addressing differentiated harm, while avoiding the risks of exclusion, delay, or administrative burden inherent in fully individualised compensation schemes.

C. Educational support

71. Participants identified educational support as an essential pillar of reparations, addressing both immediate and long-term harm. They viewed education as essential for restoring opportunities, rebuilding individual and collective capacity, and ensuring intergenerational recovery ("we missed out on many educational

opportunities”⁵⁹). Many emphasised that any failure to address it now risks entrenching that harm further.

72. The VPRS considers that educational support may be best addressed as a collective reparative modality with individualised components and as a community-based reparation. This is particularly so where educational institutions were destroyed, access to learning was disrupted on a community-wide basis, and generations were deprived of formal education and the social structures associated with it. In such circumstances, educational support responds not only to individual need, but also to broader community-based harm affecting social continuity, cultural transmission, and future prospects.

1) Linkage with the harm suffered

73. The Mapping Report identifies both the destruction of educational infrastructure and the disruption of schooling as direct consequences of the attacks and conflict dynamics.⁶⁰ Participants consistently linked these harms to broader economic and social effects, including the loss of breadwinners, the collapse of household income, prolonged displacement, and the resulting inability of families to bear the costs of education.

74. Participants repeatedly described the emergence of “lost generations”, referring to children and youth who have grown up without stable access to education.⁶¹ They viewed this harm as both individual and collective: it deprived affected children of learning, opportunity, and development, while at the same time undermining the community’s future capacity, social continuity, and prospects for long-term recovery.

⁵⁹ Consultations [REDACTED] 2024.

⁶⁰ See Mapping Report, paras 57-58, 75-76, 79 and 107.

⁶¹ One participant explained: “We could not continue our education. We tried, but could not make it.” Consultations [REDACTED] 2024.

2) Significance of this claim to the survivors

75. The VPRS understands that educational support, as articulated by Participants, encompasses a broad set of measures, combining immediate access to learning with longer-term investment in the rehabilitation of educational systems, infrastructure, and community capacity-building.

76. At the individual level, educational support enables children and youth to resume interrupted learning and regain opportunities lost as a result of the conflict. At the collective level, it contributes to restoring community capacity, continuity, and resilience, and was frequently described as essential to ensuring that affected communities are able to sustain themselves over time.

77. In this regard, Participants did not view education solely as a service or material benefit, but as a mechanism for the transmission of knowledge, values, and social structures across generations – noting that “a lot of cultural manifestations disappeared after the war”.⁶² In several instances, this concern was expressed through references to the to the long-term impact of educational disruption on younger generations and the risk that, without meaningful educational support, the continuity and future viability of the Fur community itself would be placed at risk.

3) Measures sought

78. Participants stressed that educational support cannot be delayed until return becomes feasible, noting that prolonged disruption risks entrenching long-term harm. They therefore emphasised the need for immediate educational support in displacement settings, alongside longer-term reconstruction in areas of origin: “waiting has become unbearable”.⁶³

79. Participants identified a wide range of educational support requiring interventions across different time horizons, including:

⁶² Consultations [REDACTED] 2023.

⁶³ Consultations [REDACTED] 2024.

- immediate measures such as: the coverage of tuition fees and support for teachers' salaries, the provision of books, notebooks, pens, and other essential educational materials, and the supply of classroom furniture and equipment;
- medium-term measures, such as teacher training and vocational training; and
- long-term measures, such as rebuilding of schools in areas of return.

4) Survivors' additional considerations

80. Participants stressed that education should be accessible to all victims, while allowing additional support for those with specific vulnerabilities: "children become desperate, losing support and guidance".⁶⁴ They also emphasised that educational measures should not be conceived in isolation from the broader effects of trauma. In this regard, they repeatedly called for integrating psychosocial support within educational settings, both for students and for teachers, given the widespread psychological impact of the conflict.

81. In several consultations, Participants favoured collective delivery mechanisms, such as school-based support, considering that in conditions of insecurity they would be safer and more equitable than individualised assistance. They recommended implementation through trusted international organisations, and community-based organisations and structures, to ensure security, credibility and fairness in distribution.

82. Participants further emphasised that educational support must be adapted to different contexts and flexible in its delivery mechanisms - allowing support to respond to diverse needs across displacement contexts, rather than being implemented through a single uniform model.

83. In Bindisi, prior to the escalation of violence since 2023, a small number of schools operated in the northern and southern parts of the town, serving children from different communities, including both long-standing residents and newly settled

⁶⁴ Consultations [REDACTED] 2024.

populations, and employing Fur teachers. Participants emphasised the need for comprehensive rehabilitation of school infrastructure, combined with measures to remove financial barriers and ensure access to learning materials.

84. In [REDACTED] some basic educational capacity exists, including schools currently supported by recent initiatives from humanitarian actors and programmes aimed at strengthening teachers' capacities. Participants indicated that reparative measures should focus on reinforcing and expanding existing systems, including support to teachers, provision of materials, and gradual improvement of infrastructure, while ensuring that access to education is maintained in the present.

85. In [REDACTED], refugees emphasised constraints such as limited access to education within camps and the need to rely on external education systems, where access often depends on the ability to pay tuition fees, which were described as "prohibitively high". One participant explained: "victims do not have a nation, education, life, and basic necessities".⁶⁵ Given these conditions, they consistently identified financial support enabling access to education outside of camps as an immediate and effective form of assistance.

D. Medical and psychosocial support

86. Participants identified medical and psychosocial support as another essential component of reparations which is necessary to restore physical and mental integrity, to reduce ongoing suffering, and to enable victims to function within their families and communities.

87. The VPRS submits that medical and psychosocial support is best understood as a collective rehabilitative modality with individualised components, particularly where victims require specialised, urgent or longer-term care.

1) Linkage with the harm suffered

⁶⁵ Consultations [REDACTED] 2024.

88. The Mapping Report identifies physical and psychological harm as direct consequences of the crimes,⁶⁶ which include untreated injuries, long-term effects of violence and torture, trauma associated with killings, displacement and sexual violence, and the cumulative effects of prolonged insecurity⁶⁷.

89. Participants further explained that the destruction and deterioration of health infrastructure, combined with material loss and displacement, have significantly reduced access to care. As a result, many victims continue to suffer from untreated conditions, affecting their recovery and ability to work,⁶⁸ their economic independence, their role within the household and their participation in community life.

90. In this context, Participants linked the physical and psychological harm they suffered to the need for medical and psychosocial support as part of reparations, emphasizing: “we need treatment today, not tomorrow”.⁶⁹

2) Significance of this claim to the survivors

Medical support

91. Medical support was understood not only as treatment of past harm, but as a necessary measure to restore the ability of victims to function within their families and participate in economic and social life.

92. Participants highlighted the need for access to specialised care, including surgery, prosthetics, rehabilitation services, and treatment for conditions resulting from torture or sexual violence. They also noted that some victims require referral outside local areas, recognising that the severity of some injuries exceed available local

⁶⁶ See Mapping Report, paras 55-56, 61, 87, 94-95, 103, 104-105 and 107.

⁶⁷ One participant reported: “Some have fractures, some have grave injuries and are disabled, and some remain bedridden awaiting their fate.” Consultations [REDACTED] 2024.

⁶⁸ They explained that physical injury often prevents victims from working, moving independently, or fulfilling family roles, thereby affecting entire households: “many of them entered in a psychological suffering that they cannot leave their homes”. Consultations [REDACTED] 2024.

⁶⁹ Consultations [REDACTED] 2025.

capacity, and repeatedly stressed the urgency of providing such support since some victims require immediate intervention.

Psychological support

93. Participants consistently framed psychosocial support as necessary to restore both individual well-being and collective functioning. At the individual level, such support enables victims to cope with trauma and regain a sense of stability. At the collective level, it contributes to rebuilding social cohesion, trust, and the ability of communities to function collectively.

94. Participants expressed particular concern regarding children and youth, who were described as having been exposed to violence at formative stages of development. They noted that “children are lost and live in terrible psychological conditions”,⁷⁰ and emphasised that failure to address psychological harm risks long-term and intergenerational consequences, including marginalisation, loss of future opportunities, and social fragmentation. In addition, they highlighted that medical and psychosocial support must address both past harm and present vulnerability, reflecting the fact that many victims continue to live in unstable environments where trauma remains ongoing.

95. Lastly Participants explained that psychological harm affects victims’ ability to study, work, and maintain social relationships. In this sense, psychosocial support was understood as closely linked to other reparative measures, including education and socio-economic recovery.

3) Measures sought

96. Participants identified a range of medical and psychosocial measures, which together aim to address both immediate health needs and longer-term rehabilitation.

⁷⁰ Consultations [REDACTED] 2024.

Medical measures

97. In relation to medical support, participants referred to:

- access to primary and specialised medical treatment, including surgery and rehabilitation services;
- provision of medicines and essential medical equipment;
- access to prosthetics and assistive devices;⁷¹ and, where necessary,
- referral for treatment outside local facilities.

98. In addition to individual treatment, participants emphasised the importance of strengthening health infrastructure, including the rehabilitation or establishment of health centres and hospitals, in order to ensure sustainable access to care for affected communities.

Psychosocial measures

99. In relation to psychosocial support, participants identified the need for:

- individual counselling and trauma support services;
- specialised services for victims with acute needs, including survivors of conflict-related sexual violence (“CRSV”); and
- community-based psychosocial programmes.

100. In [REDACTED], Participants emphasised the need for integrated support within local services, including schools, noting that both students and teachers require psychological support to address the lasting effects of trauma.

101. Participants emphasised that psychosocial support should be delivered in a manner that is accessible and sensitive to stigma, including through proximity to communities and, where appropriate, confidential services for particularly vulnerable

⁷¹ One participant explained: “‘Regarding compensation and prosthetic limbs, they are expensive, ranging around 2000 Sudanese pounds, and we do not possess anything or money, so we walk with a stick. I see that it is good for the court to provide reparation by supplying limbs for the disabled’”. [REDACTED] consultations 2026.

groups, especially survivors of sexual violence – “support should be provided indirectly so that they are not exposed”.

4) Survivors’ additional considerations

102. Across consultations, Participants highlighted significant constraints affecting delivery, including limited infrastructure, lack of trained personnel, financial barriers, and ongoing insecurity. In particular in refugee settings, Participants noted additional constraints, including restricted mobility and limited access to specialised care. In IDP camps settings, they described current available services as inadequate and overstretched. One participant stressed that they “suffer due to the shortage of medicine and medical supplies”.⁷²

103. Participants therefore emphasised the need for context-sensitive and phased approaches, combining:

- immediate access to treatment and counselling;
- medium-term strengthening of local capacity; and
- longer-term reconstruction of health infrastructure as part of their return.

104. They further identified priority groups requiring targeted support, including:

- victims with serious physical injuries;
- survivors of sexual violence;
- persons with disabilities; and
- individuals experiencing severe psychological trauma.

105. At the same time, participants stressed that mental health support should be broadly accessible, reflecting its collective dimension and the widespread effects of trauma across communities, noting that “some victims became mentally unstable, as a result of what atrocities they witnessed”.

⁷² Consultations [REDACTED] 2024.

106. Participants favoured collective service provider mechanisms, such as health centres and community-based services, which they considered safer and more equitable in insecure settings.⁷³ They recommended delivery through trusted organisations and community structures, and emphasised the importance of integrating psychosocial support into schools and community institutions to maximise accessibility and reduce stigma.

E. Socio-economic support

107. Participants identified socio-economic support as an essential component of reparations, closely linked to the long-term consequences of displacement, loss of assets, and disruption of livelihoods. One participant stressed that “there are no opportunities, no sources of income that could help us live a somewhat decent life”.⁷⁴ While Participants described financial compensation as necessary for immediate relief, they consistently emphasised the need for accompanying measures that enable sustainable recovery and economic self-reliance.

108. The VPRS submits that socio-economic support is best characterised as a collective reparative modality with individualised and community wide components, designed to bridge immediate survival needs and longer-term economic recovery.

1) Linkage with the harm suffered

109. As highlighted in the Mapping Report, survivors have suffered extensive economic harm, including loss of land, livestock, and productive assets, destruction of homes and infrastructure, and disruption of agricultural, commercial, and artisanal

⁷³ One participant explained: “As for us as victims, regarding the psychological aspect, as you know, our primary request was the establishment of health centres as compensation, containing psychologists and doctors for both psychological and general therapeutic treatment, along with providing the necessary training for the existing staff, who are already present, so that they can be adequately qualified and trained to continue performing this mission. they only need qualification and training, in addition to the establishment of local centres here, because the citizen and the victim themselves suffer when moving from one area to another that may face problems.” [REDACTED] consultations 2026.

⁷⁴ Consultations [REDACTED] 2023.

activities.⁷⁵ Participants consistently linked these harms to long-term dependency and economic marginalisation, which continue to affect households and communities: “we were a productive society and now we live with this difficulty”.⁷⁶

110. Participants further explained that the loss of breadwinners, combined with injury, disability, and prolonged displacement, has significantly reduced households’ capacity to generate income. As a result, many families remain unable to meet basic needs and rely on precarious or informal activities. They therefore linked these harms directly to the need for socio-economic support as part of reparations.

2) Significance of this claim to the survivors

111. Participants framed socio-economic support as both a rehabilitative and enabling measure, aimed at restoring victims’ ability to generate income and sustain themselves. At the individual level, such support enables victims to regain economic autonomy and dignity. At the collective level, it contributes to restoring community economic systems, including markets, production networks, and mutual support structures, as well as the basic infrastructure necessary for economic activity, such as roads, water systems, and marketplaces.

112. Socio-economic support was therefore seen as a means of bridging immediate survival and long-term recovery, allowing victims to transition from dependency on assistance toward sustainable livelihoods.

113. Participants further emphasised that socio-economic recovery must respond to changing conditions in displacement, particularly for youth and graduates who face limited employment opportunities. In this context, they viewed skills development and vocational training as central components of this measure, enabling adaptation to new economic realities and reducing dependency.

⁷⁵ See Mapping Report, paras 55-58, 78-79, 87, 97 and 103.

⁷⁶ Consultations [REDACTED] 2023.

3) Measures sought

114. Participants identified a range of socio-economic measures, including:

- support for income-generating activities and small enterprises;
- provision of seed funding, tools, and productive inputs;
- vocational and skills-based training, particularly for youth, graduates, and those unable to resume formal education;
- creation of employment opportunities linked to local markets and economic conditions; and
- rehabilitation of basic economic infrastructure, including transport routes, and water points, necessary to support economic activities.

115. Participants emphasised that vocational training should be practically oriented and adapted to local contexts, including displacement settings where access to land and traditional livelihoods is limited. They highlighted the importance of aligning such programmes with existing market opportunities, in order to ensure sustainability. As one participant explained, “people rely on agriculture, trade, and small work”.⁷⁷ In several consultations, Participants referred to small-scale economic activities—including trade, agriculture, and production-based livelihoods⁷⁸—as key pathways to rebuilding household income.⁷⁹ They also highlighted the situation of unemployed youth and graduates, noting that lack of opportunities contributes to marginalisation and, in some cases, risky migration.

⁷⁷ Consultations [REDACTED] 2023.

⁷⁸ In [REDACTED] for instance, they referred to the need to establish small-scale economic activities, including soap production, perfume-making, trade, and agriculture, as a means of supporting families and rebuilding local economies.

⁷⁹ One participant emphasised: “Regarding projects, I can work in vegetable trade or oils or grains, and the court can support me with goods, and this is better than cash. And regarding security, this type of projects does not have danger to these projects from the Janjaweed, and it is more dangerous if it is cash”. [REDACTED] consultations 2026.

4) Survivors' additional considerations

116. Participants highlighted significant constraints affecting socio-economic recovery ("we cannot go to the farms because we are exposed to danger"⁸⁰) including limited access to land and resources, destruction of infrastructure, insecurity restricting movement, and lack of employment opportunities.⁸¹

117. In refugee settings in [REDACTED], Participants emphasised that legal restrictions on work and limited access to labour markets leave many households without stable income, making livelihood support particularly urgent. In internally displaced settings, they described similar constraints, including restricted access to land and reliance on informal and precarious informal activities, which do not provide sustainable livelihoods.

118. Participants emphasised that socio-economic support should be widely accessible, while also addressing specific vulnerabilities. They stressed that socio-economic programmes should avoid creating inequalities or tensions, and should therefore combine broad-based support with targeted assistance.

119. Participants proposed that socio-economic support should follow a phased and integrated approach, including:

- immediate support for income generation, such as small grants, tools, or inputs;
- medium-term investment in skills training and small enterprise development and restoration of local economic infrastructure; and
- longer-term support for economic reintegration linked to return and reconstruction.

⁸⁰ Consultations [REDACTED] 2023.

⁸¹ One participant explained: "As for the projects that could be part of collective compensation, we have experience in agriculture and in raising livestock, but this is not the time for it now, because we are currently far from our agricultural lands, and even if there were livestock, the Janjaweed would take them from us on the same day." [REDACTED] consultations 2026.

120. They further emphasised that socio-economic measures should be closely coordinated with other reparative modalities, including education, land access, and infrastructure development, in order to ensure coherence and sustainability.

121. Participants also stressed the importance of implementation through trusted and secure channels to reduce risks and ensure equitable access in contexts of insecurity; “people rely on community leaders to organise support”.⁸² In particular, [REDACTED] participants emphasised the role of sheikhs, umdahs, camp [REDACTED] leaders, intermediaries, and, where relevant, representative structures such as the General Coordination of Displaced Persons and Refugees, as essential partners for outreach, and community acceptance of socio-economic programmes.

F. Satisfaction and symbolic measures

122. Participants consistently expressed strong support for symbolic and satisfaction measures, including memorialisation, recognition of harm, preservation of identity, and formal acknowledgment of wrongdoing. They emphasised that material support alone cannot fully repair the consequences of the crimes, particularly in relation to loss of life, collective trauma, and disruption of community structures. As one participant summarised, “we suffered immensely as a community”.⁸³

123. The VPRS submits that symbolic and satisfaction measures are best characterised as community-based reparations, addressing harms to dignity, identity, collective memory, and social cohesion, while also contributing to acknowledgment and non-repetition.

1) Linkage with the harm suffered

⁸² Consultations [REDACTED] 2023.

⁸³ Consultations [REDACTED] 2025.

124. Participants described how the crimes affected not only individuals but also the social fabric, identity, and cultural life of the Fur community.⁸⁴ “We left everything, our villages, our land and our history”.⁸⁵ They identified harms including:

- the loss of connection to land and ancestral territories;
- the disruption and targeting of traditional authority structures;
- the destruction of cultural and social institutions, including schools, mosques, and community centres; and
- the fragmentation of communities across displacement settings.

125. Participants also emphasised that the violence, displacement, and renaming of villages have weakened the transmission of identity, knowledge, and historical memory across generations. They described these effects as undermining the continuity and visibility of the Fur community itself, explaining that “our children do not know these customs because they were born after the war”.⁸⁶

126. In this context, Participants linked these harms to the need for symbolic measures as part of reparations are necessary to address harm that cannot be repaired through material assistance alone.

2) Significance of this claim to the survivors

127. Participants described symbolic measures as a form of recognition and moral repair, aimed at acknowledging suffering and restoring dignity. They emphasised the importance of official acknowledgment that the crimes occurred and that victims were wronged, “so that they feel they are equal to everyone else”.⁸⁷

⁸⁴ See Mapping Report, paras 104,105 and 107-109.

⁸⁵ Consultations [REDACTED] 2024.

⁸⁶ Consultations [REDACTED] 2023.

⁸⁷ Consultations [REDACTED] 2024.

128. Participants consistently highlighted the collective dimension of recognition, indicating that acknowledgment should extend beyond individual victims to encompass the experience of the Fur community as a whole.

129. They linked further symbolic measures to the preservation and transmission of identity, including language, history, and cultural practices, and viewed such measures as essential to ensuring continuity across generations in the context of prolonged displacement.

130. Lastly, participants linked these measures to broader goals of non-repetition and durable peace, noting that acknowledgment and remembrance play an important role in preventing denial, distortion, and recurrence of violence. As one participant concluded “if justice is not achieved, the violations will continue”.⁸⁸

3) Measures sought

Acknowledgments

131. Participants expressed clear views regarding the forms of acknowledgment already achieved and those still required. Several participants indicated that they perceive the issuance of the Trial Judgment as an initial form of satisfaction, insofar as it constitutes formal recognition of the crimes and of their suffering. At the same time, they frequently described the sentence as insufficient in light of the gravity of the harm suffered and emphasised that justice remains incomplete without the prosecution and conviction of other individuals they consider responsible.⁸⁹ In this regard, they also stressed the importance of acknowledgment of all those responsible, including the Government of Sudan.

⁸⁸ Consultations [REDACTED] 2025.

⁸⁹ They stressed the need for the ICC to arrest and try also other senior leaders, especially Omar Al-Bashir, Abdel Rahim Mohamed Hussein, and Ahmed Haroun. One interlocutor underlined that “even though Ali Kushayb has been arrested by the Court, it’s not enough. The other criminals should also be arrested like Al-Bashir”. Consultations [REDACTED] 2023.

132. Participants expressed nuanced views regarding apologies from Mr Abd-Al-Rahman. While they recognised the importance of acknowledgment of wrongdoing, most indicated that apologies delivered at a significantly delayed stage lose their meaning: “apologies now do not change what happened”.⁹⁰ Several stressed that acknowledgment should have occurred earlier, including at the start of the proceedings.⁹¹

Memorials/commemorations

133. As one participant submitted, “we want people to remember what happened to us”.⁹² Participants identified a range of possible memorialisation measures, including:

- construction of memorials or commemorative sites to honour victims;
- organisation of commemoration ceremonies;⁹³
- establishment of public records or documentation of the crimes; and
- preservation of sites associated with the events.

134. Beyond commemoration, participants also proposed initiatives aimed at preserving heritage and collective memory, including the creation of museums, cultural centres, and community-based initiatives to document oral traditions, history, and cultural practices – “our history should not be forgotten”.⁹⁴

⁹⁰ Consultations [REDACTED] 2025.

⁹¹ In this respect, the VPRS understand that these views reflect broader customary understandings of reconciliation in Darfur, in which acknowledgment and accountability are essential elements of processes of forgiveness and restoration of social relations. See Jérôme Tubiana, Victor Tanner and Musa Adam Abdul-Jalil, *Traditional Authorities’ Peacemaking Role in Darfur* (United States Institute of Peace, *Peaceworks* No. 83, 2012), pp. 35–38 and 53–57, available at: <https://www.files.ethz.ch/isn/155469/PW83.pdf> (accessed 2 June 2026). Within these frameworks, forgiveness is not conceived as automatic, but as part of a structured process that depends on timely recognition, responsibility, and meaningful engagement. Reconciliation is thus understood not merely as a symbolic gesture, but as a process grounded in accountability, community recognition, and the restoration of dignity.

⁹² Consultations [REDACTED] 2024.

⁹³ In several consultations, participants emphasised the importance of commemorating those killed (“martyrs”), including through collective ceremonies and designated days of remembrance, as a means of ensuring continued recognition.

⁹⁴ Consultations [REDACTED] 2024. One participant proposed: “regarding the preservation of culture and heritage, the court could support the revival of heritage and folklore because there is currently a shortage in society. As the colleagues before me said, the traditional Fur clothing and the rituals and

Preservation of identity

135. In several consultations, including in [REDACTED] and [REDACTED], Participants highlighted the importance of restoring and maintaining community institutions, such as: i) traditional governance structures; ii) educational and religious institutions; and iii) spaces for social and cultural interaction.

136. One participant explained: “we want our children to know who they are”.⁹⁵ In this sense, symbolic reparations were understood not only as retrospective (commemorating the past), but also as forward-looking, ensuring that displaced communities are able to preserve and reproduce their cultural and social identity over time.

4) Survivors’ additional considerations

137. Participants recognised that the feasibility of implementing certain symbolic measures may depend on security conditions and access to areas of origin. However, they emphasised that many forms of symbolic recognition can be implemented both in displacement settings and in the future in areas of return. In particular, they indicated that commemoration and acknowledgment can take place in:

- displacement settings;
- diaspora communities; and
- in the future, areas of return.

138. They stressed that symbolic measures should be inclusive and collectively oriented, ensuring that they reflect the experiences of all affected groups and contribute to social cohesion: “everyone has suffered in one way or another”.⁹⁶

symbols that are woven into the clothing can be preserved through different related projects, such as weaving and tailoring projects, and schools and cultural training centers can also be established, along with courses on preserving and spreading heritage”. [REDACTED] consultations 2026.

⁹⁵ Consultations [REDACTED] 2024. One participant highlighted that “children believe that they are only Sudanese”, as opposed to the identification with their Fur tribe. Consultations [REDACTED] 2023.

⁹⁶ Consultations [REDACTED] 2025.

139. Participants also emphasised the importance of linking symbolic measures with awareness-raising efforts, particularly in relation to sensitive harms such as conflict-related sexual violence,⁹⁷ in order to reduce stigma and support reintegration of affected individuals and families (“society must understand what they went through”).⁹⁸

Section III - Eligibility matters

A. Eligible victims of reparations

140. In accordance with the Court’s jurisprudence at the reparations stage,⁹⁹ the direct and indirect victims of the crimes falling within the scope of the Trial Judgment may be considered as eligible victims.

141. In the Case, direct victims are the victims of the crimes for which Mr. Abd-Al-Rahman has been convicted per the Trial Judgment, in relation to (i) the attacks in Bindisi and Kodoom on 15 and 16 August 2003 (“Bindisi and Kodoom Operations” or the “Attacks”);¹⁰⁰ (ii) the events which unfolded in Mukjar between late February and early March 2004 (“Mukjar Operation”);¹⁰¹ and (iii) the events which unfolded in Deleig between 5 and 7 March 2004 (“Deleig Operation”).¹⁰²

142. The categories of indirect victims would include:

- the family members of the direct victims or those with a close relationship;

⁹⁷ One participant stressed that “it is very difficult for raped women to speak, because of shame. They wind up living in social isolation”. Consultations [REDACTED] 2024.

⁹⁸ Consultations [REDACTED] 2023.

⁹⁹ Trial Chamber I, Prosecutor v. Thomas Lubanga Dyilo, “Decision establishing the principles and procedures to be applied to reparations”, 7 August 2012, ICC-01/04-01/06; Trial Chamber II, Prosecutor v. Germain Katanga, “Order for Reparations pursuant to Article 75 of the Statute”, 24 March 2017, ICC-01/04-01/07-3728; Trial Chamber VI, Prosecutor v. Bosco Ntaganda, “Reparations Order”, 08 March 2021, ICC-01/04-02/06-2659; and Trial Chamber IX, Prosecutor v. Dominic Ongwen, “Reparation Order”, 28 February 2024, ICC-02/04-01/15.

¹⁰⁰ See Trial Judgment, 338-441.

¹⁰¹ See Trial Judgment, 442-574.

¹⁰² See Trial Judgment, 575-651.

- individuals who attempted to prevent the commission of one or more of the crimes under consideration;
- individuals who suffered harm when helping or intervening on behalf of the direct victims; and
- other persons who suffered personal harm as a result of these offences.¹⁰³

143. Based on the Chamber's findings in the Trial Judgment and the Mapping Report, the VPRS understands that the below categories of victims would be eligible for reparations:

1) Bindisi and Kodoom Operations

144. Eligible victims would include:

- i) Individuals residing in, or present in, Bindisi or Kodoom on 15 and 16 August 2003¹⁰⁴ who sustained personal harm, whether direct or indirect, as a result of those Attacks;¹⁰⁵ and
- ii) Organisations or institutions, within the meaning of Rule 85(b) of the Rules of Procedure and Evidence, which sustained direct harm to property in the course of the Attacks.

2) Mukjar Operation

145. Eligible victims would include:

¹⁰³ See also Trial Chamber I, Prosecutor v. Thomas Lubanga Dyilo, "Amended Order for Reparations (Annex A to the Judgment on the Appeals against the 'Decision establishing the principles and procedures to be applied to reparations' and the 'Order for Reparations'", ICC-01/04-01/06-3129-AnxA, para. 6(b); Trial Chamber VI, Prosecutor v. Bosco Ntaganda, "Decision on the First Report on Reparations", 15 December 2020, ICC-01/04-02/06-2630, paras 52–56; Trial Chamber VI, Prosecutor v. Bosco Ntaganda, "Reparations Order", ICC-01/04-02/06-2659, paras 124–128; and Trial Chamber IX, Prosecutor v. Dominic Ongwen, "Reparations Order", ICC-02/04-01/15-2082, para. 128.

¹⁰⁴ Whether they were Fur or from other tribe, noting the mixed composition of Bindisi at the time (See DAR-OTP-0145-0237 where the UNHCR reports that Bindisi north (Digina) was comprised of 750 households, including 60% Fur (p. 66) and Bindisi of 1800 households, including 98% Fur (p. 64))

¹⁰⁵ This include the individuals i) who were injured in the vicinity, on the roads and fields surrounding Bindisi and Kodoom, while fleeing these places and ii) those who witnessed atrocities during the Attacks.

- i) Individuals who were detained at the Mukjar police station as part of the Mukjar Operation;
- ii) Individuals taken to the execution sites outside of Mukjar as part of the Mukjar Operation, who were either killed or reported missing;
- iii) Individuals, who survived the executions carried out outside Mukjar as part of the Mukjar Operation;
- iv) Individuals who, during the Mukjar Operation (a) witnessed crimes committed against detainees, or (b) witnessed executions or saw the remains of community members at the Mukjar police station or external execution sites;
- v) Members of Fur communities formerly led by umdahs and sheikhs, who were executed during the Mukjar Operation; and
- vi) Any indirect victim who has suffered personal harm as a result of the harm inflicted upon a direct victim of the crimes listed in i) to iv).

3) Deleig Operation

146. Eligible victims would include:

- i) Individuals mistreated during the search and arrest operation conducted in Deleig during the Deleig Operation – including women, who were sexually assaulted;¹⁰⁶
- ii) individuals detained, mistreated, and/or tortured in the open area near or inside the Deleig police station during the Deleig Operation;
- iii) Individuals taken to the execution sites at locations outside Deleig during the Deleig Operation, who were either killed or reported missing;
- iv) Individuals carried out at locations outside Deleig during the Deleig Operation;

¹⁰⁶ See Mapping Report, para. 101. The VPRS considered that it was not in a position to determine conclusively whether harms allegedly inflicted on women during the house-to-house search operations fall within the scope of the conviction, and therefore respectfully deferred to the Chamber's guidance on this issue.

- v) Individuals who witnessed during the Deleig Operation: (a) the mistreatment of community members during the search and arrest operation; (b) the mistreatment of detainees in the open area near the Deleig police station or inside the police station; and (c) the executions or human remains of community members at external locations. Individuals who were detained at the Mukjar police station as part of the Mukjar Operation;
- vi) Members of Fur communities formerly led by umdahs and sheikhs executed during the Deleig Operation; and
- vii) Any other indirect victim who has suffered personal harm as a result of the harm inflicted upon a direct victim of the crimes listed in i) to v).

4) Additional categories

Individuals who suffered transgenerational harm

147. This category includes individuals who, although not victims at the time of the crimes, allege personal harm intrinsically linked to the enduring consequences of the crimes committed on their parents, families, or the Fur communities of the Affected Localities.

148. It may include, in particular, children born during or after displacement, as well as children and youth who grew up in conditions directly shaped by the crimes,¹⁰⁷ including the loss of parental support, prolonged displacement, disruption of

¹⁰⁷ In the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, Trial Chamber V held - for participation purposes -, that applications from individuals born after their parent's forced displacement may fall within the scope of the Case where the applicant demonstrates, on a prima facie basis: (i) that the parent was a direct victim of the crimes of forcible transfer, deportation or displacement charged in connection with the 5 December 2013 Attack; (ii) that the filial relationship between the child and the displaced parent is sufficiently established; (iii) that the child was born in displacement conditions directly resulting from the parent's flight (e.g. in refugee camps immediately after evacuation); and (iv) that the child alleges personal harm arising from those circumstances, causally linked to the same displacement events already recognised by the Chamber (see Trial Chamber V, Seventeenth Decision on Victims' Participation, 21 November 2022, ICC-01/14-01/18-1672-Red, paras 20–22; and Nineteenth Decision on Victims' Participation, 13 March 2023, ICC-01/14-01/18-1795, paras 9–12).

education, marginalisation, the weakening of family and community structures, or loss of connection to ancestral land and community identity.

Next of kin

149. [REDACTED].¹⁰⁸

150. Beyond the eligibility of indirect victims who suffered harm as a result of the murder or injury of a close relative, Chambers have also addressed the situation of deceased victims and their next of kin in reparations proceedings. For instance, in the Addendum to the Reparations Order in the *Ntaganda* case, Trial Chamber II held that the death of a beneficiary does not extinguish reparations rights, and that reparations may be transferred to designated family members upon satisfaction of specific conditions.¹⁰⁹

151. In light of this jurisprudence, the death of a victim should not bar consideration of their views, concerns, or reparation rights. The VPRS considers that the next of kin who can meet the above conditions should be eligible to resume the action and receive reparations on behalf of a deceased victim, irrespective of whether he/she was already assessed as a beneficiary at the time of death.

The entire Fur community

152. Participants consistently articulated the harm suffered in collective terms and emphasised that it affected the Fur community as a whole. In their view, the nature of

¹⁰⁸ [REDACTED].

¹⁰⁹ See Trial Chamber I, *The Prosecutor v. Bosco Ntaganda*, “Addendum to the Reparations Order”, which held that the death of a victim or beneficiary does not extinguish reparations rights, and that reparations may be transmitted to a designated family member once four conditions are met: (i) confirmation of the beneficiary status of the deceased victim (identity; status as direct or indirect victim; harm; causal link); (ii) proof of the death of the victim; (iii) proof of the successor’s family relationship with the victim; and (iv) evidence of the family’s appointment authorising the successor to act on the victim’s behalf. Where a victim has already been found eligible, only conditions (ii)–(iv) must be shown. These elements may be established through official or non-official documents, including statements of two credible witnesses or certification by a local authority (ICC-01/04-02/06-2858-Red, paras 137–139).

harm resulting from the crimes support the recognition of the Fur community itself as a victim in the Case.

153. Participants referred to the disintegration of community structures, the loss of cultural practices, the weakening of intergenerational transmission of identity, and the fragmentation of communities across displacement settings. The impact of the destruction of Bindisi and Kodoom, as well as the killing of community leaders—whose roles were influential in the Wadi Salih and Mukjar areas—extended far beyond the towns of Bindisi, Kodoom, Mukjar, and Deleig, reaching the social fabric and identity of the Fur community as a whole.

154. In light of these views, as well as the nature, scale and patterns of harm identified in the Trial Judgment¹¹⁰ and reflected in the Mapping Report and consultations, the Chamber may also consider recognising the Fur community as a whole as an eligible victim.

155. In the Case, the crimes for which Mr Abd-Al-Rahman was convicted have resulted in widespread and interconnected harm affecting the social, cultural, and organisational fabric of the Fur community across multiple dimensions, including displacement, loss of land and livelihoods, destruction of communal structures, erosion of traditional authority systems, and disruption of social and cultural continuity. These harms are not confined to isolated incidents but extend across families, villages, and broader community networks, with continuing consequences across generations.

156. In line with the Court's jurisprudence,¹¹¹ the VPRS submits that such harm may warrant consideration of the Fur community itself as a potential beneficiary of reparations.

157. The VPRS further observes that many of the reparative needs identified—particularly those relating to land, education, cultural preservation, and symbolic

¹¹⁰ See Trial Judgment, paras 286-289, 935-936.

¹¹¹ See Trial Chamber VIII, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, "Reparations Order", ICC-01/12-01/15-236, 17 August 2017, paras 51-54, 104 and 106-107.

measures—are inherently collective in nature and cannot be adequately addressed through individualised eligibility alone. Recognising the Fur community as a whole as eligible would therefore ensure that reparations respond to the full scope of harm established, including harm to identity, dignity, and social cohesion, while complementing, and not displacing, the eligibility of individually identified direct and indirect victims.

B. Standard of proof

158. The VPRS recommends that the Chamber apply in the present reparations proceedings the standard of proof recognised in established ICC case law as applicable at the reparation stage—namely the balance of probabilities.¹¹² Under this standard, an applicant must show that it is more likely than not that he or she suffered harm as a result of one or more of the crimes for which Mr Abd-Al-Rahman was convicted.

159. As for the availability of documentation proving victims’ individual accounts, the VPRS observes that the victims’ conditions in the Case and reflected in the Mapping Report are comparable to those recognised in prior ICC jurisprudence.¹¹³ In particular, participants and available records indicate that large numbers of victims experienced:

- the widespread destruction and looting of homes and villages, resulting in the loss of identity documents, land records, and personal archives;

¹¹² For example, Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, “Reparations Order”, 8 March 2021, ICC-01/04-02/06-2659, para. 136; Trial Chamber I, Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, “Amended Order for Reparations (Annex A)”, 3 March 2015, ICC-01/04-01/06-3129-AnxA, para. 65; Trial Chamber II, *The Prosecutor v. Germain Katanga* “Order for Reparations pursuant to Article 75 of the Statute”, 24 March 2017, ICC-01/04-01/07-3728-tENG, paras 49–51; Trial Chamber VIII, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, “Reparations Order”, 17 August 2017, ICC-01/12-01/15-236, para. 44; see also Appeals Chamber, *The Prosecutor v. Germain Katanga*, “Judgment on the Appeal against the Reparations Order”, 18 March 2020, ICC-01/04-01/07-3778-Red, para. 42

¹¹³ The Chamber recognised that victims of mass atrocities often face serious, structural barriers to producing formal documentation and noted that, in some instances, the events themselves caused the destruction of the documentation that could otherwise have supported their requests. See Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, “Reparations Order”, 28 February 2024, ICC-02/04-01/15-2074, para. 424.

- forced and often chaotic displacement, including flight under threat of violence, which prevented victims from gathering documentation;
- the collapse or inaccessibility of administrative and record-keeping structures, limiting the ability to obtain or reconstruct civil documentation;¹¹⁴
- prolonged displacement in both internal and cross-border settings, often under conditions where formal registration systems were incomplete or inconsistent; and
- disruption of family and community structures, further complicating the reconstruction of personal and documentary histories.

160. In light of these factors, the VPRS submits that the Chamber may, consistent with the *Ongwen* Reparations Order, accept that applicants can meet the standard of proof even in the absence of accompanying documentation, where their accounts are:

- credible;
- coherent and sufficiently detailed;
- consistent with other victims' accounts in relation to the facts alleged; and
- consistent with the established pattern of the crimes reflected in the Trial Judgment and supported by the information available on the record.¹¹⁵

161. In addition, the VPRS recommends that the Chamber may be minded to admit forms of identification and supporting evidence consistent with those already accepted at the pre-trial and trial stages.¹¹⁶ In particular, the VPRS considers that documents and attestations such as witness statements accompanied by available identity documentation, as well as letters or certifications issued by recognised community authorities—including sheikhs, umdahs, and camp or block leaders—

¹¹⁴ See Mapping Report, paras 12-13. The VPRS further notes that the outbreak of renewed conflict in Darfur in 2023 has significantly exacerbated these challenges, further weakening already fragile administrative systems, leading to additional displacement, and limiting access to documentation and verification mechanisms.

¹¹⁵ Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, "Reparations Order", 28 February 2024, ICC-02/04-01/15-2074, paras 425, 462.

¹¹⁶ See Pre-Trial Chamber II, "Decision establishing the principles applicable to victims' participation and representation during the confirmation hearing", 18 January 2021, ICC-02/05-01/20-259, para.19.

should be considered as valid forms of support documents for the purpose of establishing identity and eligibility.

162. In this regard, the VPRS further notes that identity documents commonly used in the affected communities, including those indicating names in Arabic, may contain elements that establish familial relationships, including paternity linkage through patronymic structures.¹¹⁷ Such information may therefore serve as relevant evidence in demonstrating kinship ties between applicants and direct victims, particularly in contexts where formal civil documentation is unavailable or incomplete.

A. Presumptions

163. In light of the findings of the Trial Judgment, the Mapping Report, and the consultation record, the VPRS respectfully submits that the Chamber may consider adopting certain limited presumptions of victimhood and harm in the Case.¹¹⁸

1) Presumptions of victimhood

164. In order to reflect the public, collective, and community-wide nature of the crimes committed during the Bindisi and Kodoom Attacks and the Mukjar and Deleig Operations., the VPRS submits that:

- persons who can demonstrate on a balance of probabilities that they were member of the Fur community residing in, or present in, Bindisi or Kodoom on 15 and 16 August 2003, should be presumed direct victim of the attack against the civilian population carried out in those localities; and

¹¹⁷ See Trial Chamber I email decision dated 22 December 2022 in “Annex 3 to the Fifth Registry Quarterly Report on Decisions issued by way of e-mail from November 2022 to January 2023”, 28 February 2023, ICC-02/05-01/20-886-Anx3-Red.

¹¹⁸ This also consistent with the Court’s jurisprudence. See Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, “Reparations Order”, 28 February 2024, ICC-02/04-01/15-2074, para 556; and Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, “Addendum to the Reparations Order”, ICC-01/04-02/06-2858-Red, paras 256,267 and Trial Chamber X, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, “Reparations Order”, 28 April 2026, ICC-01/12-01/18- 2782, paras 63.

- persons who can demonstrate on a balance of probabilities that they were members of the Fur community residing in, or present in, Mukjar or Deleig during the Mukjar Operation and the Deleig Operation, respectively, should be presumed to be direct victims of the arrest, detention, ill-treatment, and execution campaign carried out in those localities, at least in relation to the psychological and community-wide consequences of those crimes.

2) Presumptions of harm

165. Once an applicant has established, on a balance of probabilities, that they are a direct victim of crimes falling within the scope of the Conviction, the VPRS submits that the Chamber may presume the forms of harm that are intrinsic to each crime. This includes, for direct victims:

- moral harm for persons who personally experienced the attacks, forced displacement, rape, torture, other inhumane acts or outrage upon personal dignity discriminatory targeting;
- material harm for victims of pillaging, destruction of property as well as for victims of forced displacement, given that such crimes inherently entail economic loss and long-term dependency;
- physical harm for victims of direct victims of attempted murder, murder, rape torture, other inhumane acts or conditions associated with attacks and displacement, consistent with the Court's approach to crimes that, by their nature, result in bodily injury; and
- community harm for the Fur community of the Affected Localities extending to the entire Fur community. for the collective destruction of their social fabric, cultural identity, and traditional structures of authority and coexistence, including the disruption of kinship networks, the erosion of customary land tenure systems, the loss of shared livelihoods, and the enduring fragmentation of the community as a result of widespread violence, displacement, and the

inability of members to return to their places of origin or to reconstitute their communal life on the same footing as before.

166. In line with the *Ongwen* case framework,¹¹⁹ the VPRS further submits that:

- individuals who have established, on a balance of probabilities, that they are direct victims of conflict-related sexual violence may be presumed to have suffered physical, moral, and material harm inherent to such crimes, including children born as a result thereof; and
- close family members of persons killed, subjected to torture, or victims of conflict-related sexual violence may be presumed to have suffered psychological harm, and, where they assumed care for surviving dependants or experienced resulting socio-economic consequences, material harm as well.

167. Finally, the VPRS proposes that, in the context of widespread and prolonged displacement, children born during or after displacement may be recognised as having suffered harm linked to their circumstances of birth, including the effects of instability, marginalisation, and disruption of family and community structure.

C. Eligibility process

168. Irrespective of the modalities of reparations that the Chamber decides to adopt in its reparations order, the VPRS considers that its groundwork through the present mapping exercise and since the outset of the Case should inform the implementation of any eligibility process subsequently determined by the Chamber. The VPRS remains available, if so requested, to provide further information or observations on this matter.

¹¹⁹Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, “Reparations Order”, 28 February 2024, ICC-02/04-01/15-2074, paras 556 and 557

169. The VPRS sets out below proposals related to the eligibility process which could be implemented in the Case.

1) Identification process

170. The VPRS considers that the identification of Potentially Eligible Victims should build its substantial work already undertaken during the proceedings, including the victim application process, the mapping exercise, and subsequent consultations.

171. In particular, the mapping exercise conducted by the VPRS relied on structured data collection through digital tools, which enabled the registration of a significant number of victims and the documentation of harm suffered in connection with the events in Bindisi, Kodoom, Mukjar, and Deleig. [REDACTED].¹²⁰

172. The use of digital data collection tools, combined with the assessment of intermediaries involved in the process, proved significantly safer and more reliable than paper-based application. In particular, digital registration reduced risks associated with loss, destruction, or unauthorised access to sensitive information, which are of particular concern in contexts of insecurity and displacement.

173. Participants converged on the view that existing registration data and records should serve as a primary operational basis for identification and verification, while ensuring that mechanisms remain open to those who were not previously registered. As highlighted by Participants during the consultations carried out, the existing records should be complemented with targeted outreach and verification mechanisms, particularly to identify victims who were not previously identified or registered, including individuals affected by under-reported harms, including conflict-related sexual violence.

¹²⁰ The VPRS further recalls that it has collected information concerning the community leaders involved in the mapping exercise, whose participation supports the reliability of the data collected.

174. In this context, the VPRS emphasises the importance of building on existing data rather than initiating entirely new identification processes, in order to avoid duplication, reduce the burden on victims, and ensure continuity with previous engagement with the Court. It recommends that the Chamber order the continuation of the identification already carried out.

2) Eligibility assessments

175. At the outset, the VPRS notes that the precise scope and structure of the eligibility assessment will ultimately depend on the criteria and modalities set out by the Chamber in its future reparations order.

176. Without prejudice to the Chamber's determination in this regard, the VPRS submits that the information collected through its mapping exercise provides a substantial evidentiary basis for assessing eligibility. In particular, the completed mapping forms contain detailed information regarding i) the identity of victims,¹²¹ ii) their place of residence or presence at the relevant place and time, iii) the types of harm suffered, and iv) the circumstances linking such harm to the events within the scope of the Case.

177. In line with the standard of proof applicable at the reparations stage, the VPRS therefore submits that the structured nature of the data collected through the mapping forms would allow for an eligibility body to determine, on a balance of probabilities, whether an individual qualifies as eligible for reparations in the Case.¹²²

¹²¹ Through the mapping forms, victims are able to provide forms of identification. In the course of the mapping exercise. See, for instance, Mapping Report pp 26, 31 and 39.

¹²² The VPRS further notes that, consistent with the flexible evidentiary approach applicable in reparations proceedings, the absence of formal documentation should not preclude eligibility where the available information is credible, coherent, and consistent with the established patterns of harm reflected in the Trial Judgment and supporting materials.

The VPRS therefore considers that the existing dataset may serve as a primary basis for both the identification and the eligibility assessment of potential beneficiaries, to be complemented, where required, by additional information.¹²³

3) Notification process

178. The VPRS notes that in the *Ongwen* case, the reparations framework envisaged for recipients of monetary awards a sequential process whereby the Registry notifies individuals of the outcome of eligibility assessments, and is followed by a defined period during which the TFV would contact beneficiaries to initiate the implementation of reparations measures.

179. The VPRS considers that its application in the Case would present significant practical and operational challenges. In particular, consultations and operational experience in Darfur indicate that i) the large number of potential beneficiaries, ii) the ongoing displacement and insecurity, iii) the limited access to communication channels, and iv) the fluidity of victims' locations and circumstances would render a strict sequential notification and follow-up process difficult to implement in an efficient and timely manner, and runs the risk of ultimately slowing-down the reparations process.

180. The VPRS remains available to further develop operational modalities for such process, in coordination with the TFV, the Public Information and Outreach Section of the Registry, should the Chamber so request.⁹

Section IV - Additional observations

A. Prioritisation

181. Across consultations, Participants identified prioritisation as necessary to respond to differences in the severity and urgency of harm. In particular, they emphasised that certain victims—such as those suffering from serious injuries or

¹²³ Such as by document establishing kinship or identity.

chronic illnesses,¹²⁴ survivors of conflict-related sexual violence, children born as a result of CRSV,¹²⁵ widows,¹²⁶ orphans and persons with disabilities—should receive priority access to appropriate reparative measures, especially where needs are immediate or acute.

182. At the same time, Participants highlighted the importance of ensuring that prioritisation does not create divisions or tensions within communities. They cautioned against approaches that would restrict benefits to a limited number of victims, noting that such practices could undermine social cohesion and be perceived as unfair in contexts where harm is widespread.

183. Consultations further revealed nuanced differences in how prioritisation should be implemented in practice. Participants from refugee settings [REDACTED] tended to emphasise the importance of broad initial access to assistance, particularly financial support, in light of widespread hardship and limited livelihood opportunities. In this context, they favoured approaches whereby all victims receive some form of support at an early stage, with additional or enhanced support provided to particularly vulnerable groups.

184. By contrast, participants from Darfur, particularly IDPs, were more receptive to structured prioritisation from the outset, based on categories of harm and vulnerability, while similarly stressing that such prioritisation should not lead to the permanent exclusion of other victims. Participants also distinguished between prioritisation based on victims' circumstances and sequencing based on feasibility constraints. While acknowledging that insecurity and access limitations may affect the

¹²⁴ Participants stressed that patients still suffering war related illnesses or injuries (including those injured by gunfire, severe beatings, or CRSV, and those with chronic conditions) should receive the "first priority", given that they "need treatment today, not tomorrow"

¹²⁵ Participants highlighted that -CRSV survivors, including those whose harm is primarily psychological and social, should benefit from specialised psychosocial services, psychological and social counselling, and where possible targeted financial support, taking into account their limited ability to work and the stigma they face in their communities

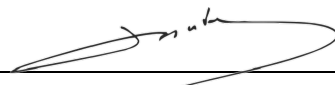
¹²⁶ Participants explained that widows of martyrs who have not remarried due to customary constraints and lack of family support, and who must raise children alone under difficult conditions, should be recognised as a very vulnerable group and given explicit priority

timing of implementation in different locations, they underscored that such factors should not determine eligibility or lead to structural inequalities in access to reparations. Instead, geographic considerations should inform the sequencing of delivery, ensuring that all victims benefit over time.

B. Prior compensation/reparations

185. Consultations indicate that the vast majority of victims have not received any form of compensation or reparations in relation to the events within the scope of the Case. While some participants referred to having received humanitarian assistance, such support was consistently described as limited, temporary, and not linked to the harm suffered as a result of the crimes.

186. Participants clearly distinguished between humanitarian aid and reparations, emphasising that the former does not constitute recognition of responsibility or redress for harm. No systematic or formal compensation mechanisms were identified during consultations. As a result, victims consistently expressed the view that their harm remains unaddressed and that reparations awarded by the Court would constitute the first meaningful form of redress.



 Marc Dubuisson, Director, Division of Judicial Services,
 on behalf of
 Osvaldo Zavala Giler, Registrar

Dated this 24 June 2026

At The Hague, the Netherlands