

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 3 July 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

Registry Response to Submissions on Reparations

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

1. Pursuant to Trial Chamber I's "Decision on the CLRV request for extension of time and extension of page limit and scheduling a hearing before the Chamber", issued on 2 April 2026 (respectively "Chamber" and "Decision"),¹ the Registry - through the Victims Participation and Reparations Section ("VPRS") - submits its response to the submissions on reparations in the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ('Ali Kushayb') ("Case").

II. Procedural History

2. On 3 October 2022, the Chamber instructed 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 ("Victim Mapping Report").²

3. 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").³

4. On 4 November 2025, the VPRS filed the Victim Mapping Report.⁴

5. On 9 December 2025, the Chamber issued the Decision, instructing the Registry, the CLRV and the Defence ("Parties"), the Prosecution, the Registry and the Trust Fund for Victims ("TFV"), to file submission on reparations.⁵

¹ 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.

² Trial Chamber I, "Second decision on the admission of victims to participate in trial proceedings", 3 October 2022, ICC-02/05-01/20-761, paras 16-18.

³ Trial Chamber I, "Trial Judgment", 6 October 2025, ICC-02/05-01/20-1240.

⁴ 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.

⁵ Trial Chamber I, "Order for submissions on reparations", 9 December 2025, ICC-02/05-01/20-1282.

6. On 11 February 2026, the Chamber issued its “Decision on requests for leave to file amicus curiae submissions on reparations”, granting leave to a number of applicants to submit observations.⁶
7. On 16 March 2026, the General Coordination Committee of the Internally Displaced Persons in Sudan (“IDPs” and “GCC”) submitted its observations.⁷
8. On 2 April 2026, the Chamber extended the deadline for submissions on reparations to 4 June 2026, and the deadline for responses to the submissions on reparations to 3 July 2026.⁸
9. On 4 May 2026, i-ACT submitted its observations.⁹
10. On 22 May 2026, the Defence submitted its observations.¹⁰
11. On 1 June 2026, the Chamber allowed the TFV to file its submissions on reparations by 3 July 2026.¹¹
12. On 4 June 2026, the Prosecution, the Registry, the Common Legal Representative of Victims (“CLRV”), an amicus curiae whose identity remained redacted together with Global Legal Action Network (“GLAN Amici Curiae”) and REDRESS *et al.* submitted their observations.¹²

⁶ Trial Chamber I, “Public redacted version of Decision on requests for leave to file amicus curiae submissions on reparations”, ICC-02/05-01/20-1308-Red, 11 February 2026. The Chamber granted leave to request observations to a) the General Coordination Committee of the IDPs and Refugee Camps in Sudan (“GCC”), b) an applicant whose identity was redacted from the public c) Rights for peace, REDRESS, Darfur Women Action Group Uganda, Darfur Network for Human Rights and Queen’s University Belfast Human Rights Centre (‘REDRESS *et al.*’) and d) i-ACT (together, “Amici Curiae”).

⁷ GCC, “The General Coordination Committee of the IDPs in Sudan (“GCC”) Amicus Curiae Observations on Reparations”, dated 16 March 2026 and notified on 17 March 2026, ICC-02/05-01/20-1315 (“GCC submissions”).

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’”, 2 April 2026, ICC-02/05-01/20-1317-Red.

⁹ i-ACT, “Amicus Curiae Observations on Reparations Issues”, 4 May 2026, ICC-02/05-01/20-1326 (“i-ACT submissions”).

¹⁰ Defence, “Public Redacted Version of Defence Submission on Reparations”, 22 May 2026, ICC-02/05-01/20-1338-Red.

¹¹ Trial Chamber I, “Decision on the TFV’s request on the filing of its observations on reparations”, 1 June 2026, ICC-02/05-01/20-1340.

¹² Office of the Prosecutor (“OTP”), “Prosecution’s Submissions on Reparations”, 4 June 2026, ICC-02/05-01/20-1342 (“OTP submissions”); CLRV, “CLRV Submissions on Reparations”, 4 June 2026, ICC-02/05-01/20-1344-Conf (“CLRV submissions”); Registry, “Registry Observations on Reparations”, 4 June 2026, ICC-02/05-01/20-1343-Conf (a public redacted version was file on 24 June 2026, see ICC-02/05-01/20-

III. Submissions

13. Having reviewed the submissions of the Parties, the Prosecution and the Amici Curiae, the VPRS does not consider it necessary to provide extensive further observations at this stage. The aforementioned submissions complement each other in relation to the extent and nature of the harm suffered by victims. They also converge on two matters relevant to the present proceedings: i) the significant challenges faced by victims in providing documentation to establish their identity or support their claims;¹³ and (ii) the absence of prior reparations or compensation for the harm suffered as a result of the crimes for which Mr Abd-Al-Rahman was convicted.¹⁴

14. With regard to the types and modalities of reparations appropriate in the present case, the VPRS considers that the victims' views and expectations should remain central to the reparations process, and observes that many of the positions advanced in the submissions appear to draw, at least in part, from information conveyed by victims and affected communities.¹⁵

15. The VPRS further notes that the TFV has not yet filed its observations. To the extent that new issues arise from those submissions, the VPRS remains available to provide further observations if and as directed by the Chamber.

16. In this light, the VPRS provides the following limited responses to the submissions made in relation to the Victim Mapping Report, as well as to the identification and eligibility matters in the Case.

1343-Red) ("Registry submissions"); Redress *et al.*, "Redacted version of Amicus Curiae Observations on Reparations", ICC-02/05-01/20-1346-Red, 4 June 2026 ("REDRESS *et al.* submissions") and GLAN Amici Curiae, "PUBLIC REDACTED VERSION Amicus Curiae Observations on Reparations Issues with Public Redacted Annexes I, II, and III", ICC-02/05-01/20-1345-Red, 4 June 2026 ("GLAN Amici Curiae submissions").

¹³ See GCC submissions, paras. 38 and 39; i-ACT submissions, para.49; GLAN Amici Curiae submissions, para.21; Prosecution submissions, para. 26; CLRV submissions, paras 78 and 79; Redress *et al.* submissions, paras 31 and 32; and Victim Mapping Report, paras. 12 and 13.

¹⁴ See CLRV submissions, paras 259-261; Defence submissions, para 24 and Registry submissions, paras. 185-186.

¹⁵ See the CLRV and the Amici Curiae submissions.

Clarification regarding the assessment of harm in the Victim Mapping Report

17. The VPRS notes the Prosecution's observation that the Victim Mapping Report did not refer to the harm associated with certain crimes, namely persecution, attacks against the civilian population and cruel treatment.¹⁶

18. In this respect, the VPRS submits that it outlined in the Victim Mapping Report that the harms resulting from the crimes of attack against the civilian population and persecution would be addressed through the harms resulting from their respective underlying acts.¹⁷ With regard to cruel treatment, the VPRS did not refer to this crime in the Victim Mapping Report. This reflected its understanding of the Trial Judgment that cumulative convictions for that charge were not permissible.¹⁸

Clarification regarding the figures provided in the Victim Mapping Report

19. The VPRS notes the CLRV's observations regarding the possibility of overlap in the figures presented in the Victim Mapping Report.¹⁹

20. In compliance with the Chamber's instructions,²⁰ the VPRS sought to provide a reliable and well-founded estimate of the number of victims, without seeking to necessarily establish a definitive overall number of eligible beneficiaries. The VPRS considers that a risk of overlap is inherent in large scale mapping exercises in situations of mass victimisation, particularly where the same individual may have suffered harm arising from multiple incidents, locations, or criminal acts. Through the Victim Mapping Report, the VPRS took this reality into account and provided figures based on information collected through various sources,²¹ while at the same time putting in

¹⁶ Prosecution submissions, para. 25.

¹⁷ See Victim Mapping Report, para. 43. The VPRS considered that the harms associated with these crimes were reflected in the harms resulting from the underlying acts constituting those crimes, (i.e. forced displacement, murder, rape, torture...)

¹⁸ Trial Judgment, para. 890.

¹⁹ CLRV submissions, para. 39.

²⁰ See footnote 2 above.

²¹ By way of example, for the Bindisi and Kodoom operations, VPRS combined population estimates with information derived from completed mapping forms and other available sources. See Mapping Report, section 4.1.

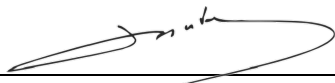
place measures to avoid/reduce duplication as much as possible.²² The data was therefore presented in a disaggregated and crime-specific manner in order to reflect the scale, patterns, and categories of harm associated with each crime.

21. Accordingly, any potential overlap in the figures provided does not, in the VPRS' view, call into question the reliability or utility of the estimates contained in the Victim Mapping Report. Rather, it suggests that in a subsequent eligibility process any issues of duplication, overlap, incomplete files, or victim information updates can be addressed as appropriate.

Identification and Eligibility Process

22. The VPRS notes the observations of the CLRV in relation to the identification and eligibility process, including the need to tailor that process to the contextual realities in which victims reside.²³

23. The VPRS agrees that any process adopted in the Case must take into account the scale of victimisation, displacement, insecurity, lack of documentation, and the central role of community structures in identifying and verifying victims. In this regard, the VPRS reiterates its position, as set out in its previous submissions,²⁴ that the information collected through the mapping exercise constitutes an appropriate basis for the purposes of identification and eligibility assessment, subject to the modalities of reparations ultimately ordered by the Chamber.



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

Dated this 3 July 2026

At The Hague, the Netherlands

²² See Victim Mapping, para. 32, fns. 28 and 29.

²³ See CLRV submissions, paras. 62-77

²⁴ Registry submissions, paras. 170-177.