

Public redacted version of ‘Confidential Annex to the Request for leave to submit amicus curiae observations on reparations issues’ as filed on 26 January 2026 as ICC-02/05-01/20-1300-Conf-Anx

Survivor-Led Feminist Study on Women’s Reparations Priorities in [REDACTED]

1. Purpose and Framing

This research aims to produce a survivor-led, feminist qualitative report for the ICC Reparations Office, documenting what women from ([REDACTED]) in [REDACTED] identify as priorities for reparations in relation to the crimes for which Ali Kushayb was recently convicted by the ICC in connection with the Darfur conflict.

The study centers women’s agency, experiences, and visions of justice, with the goal of ensuring that women’s voices directly inform reparations processes and victim participation mechanisms.

The research will explicitly highlight the gendered nature of harms and the intersectional impacts on women’s lives, emphasizing women’s material, psychosocial, and symbolic needs.

The study is grounded in key feminist commitments:

- Participation and agency of survivors.
- Care and non-retraumatization in research practice.
- Do no harm approach.
- Intersectionality across ethnicity, age, and disability.
- Recognition of both collective and individual remedies.

2. Research Questions

Research Question	Focus / Purpose	Notes on Analytical Approach
How do women (From [REDACTED] who have been affected by the crimes committed by Ali Kushayb) in [REDACTED] describe their experiences of the attacks and associated harms during Ali Kushayb’s period?	Document lived experiences and types of harm (physical, psychosocial, economic, sexual)	Thematic analysis; coded by type of harm, age cohort, and vulnerability
What are the gendered dimensions of the harms experienced by women and girls in the sample?	Identify how harms were experienced differently by gender	Feminist reframing; cross-cutting codes for SGBV, caregiving roles, and structural inequalities

How do women prioritize different forms of reparations (individual, collective, rehabilitation, restitution, symbolic, guarantees of non-repetition)?	Map women's visions onto ICC typology	Deductive coding (ICC categories) combined with inductive feminist codes
How do age, displacement status, ethnicity, and disability shape women's experiences of harm and reparations priorities?	Intersectional analysis	Cross-cutting themes and subgroup comparison
How do women define meaningful recognition, justice, and repair under current conflict conditions?	Understand realistic vs aspirational expectations	Analysis of current constraints ([REDACTED], displacement) and long-term aspirations
What barriers do women perceive to achieving reparations?	Identify constraints for practical implementation	Context-sensitive interpretation; documentation of obstacles and coping strategies
How do women envision the role of the community, authorities, and justice institutions in addressing past harms?	Explore collective vs institutional pathways for reparations	Feminist lens; focus on agency, recognition, and safety considerations
What are the long-term, intergenerational impacts of the crimes on women and their families?	Capture ongoing and second-generation harms	Thematic coding for descendants, social stigma, economic marginalization

3. Defining and Verifying “Victims”

The study adopts a practical, triangulated verification approach to determine who qualifies as a valid participant. Verification will not rely on a single proof but will combine several channels of confirmation:

- Membership in recognized [REDACTED], used as a primary gate for recruitment
- Event-history screening, using short questions about the time, location, and nature of the events experienced.
- Available documentation preferred such as hospital or NGO records or [REDACTED] registration data when accessible. ID cards of participants will be checked before the interviews but no need for them to be collected.

A verification log will be maintained for each participant, recording recruitment source, verification channels, and any documentary or community corroboration. This will support data integrity.

4. Sampling and Representation

4.1. Participant Profile:

- Adolescent girls (12–17 years in 2003–2004) — now approximately 34–39 years old.
These were minors at the time of the attacks, and ICC evidence and witness testimonies confirmed that some were subjected to rape, sexual slavery, and other forms of sexual violence during attacks on villages such as [REDACTED], and surrounding areas. Their inclusion will help capture the experiences of girls who endured sexual violence as children and the long-term psychological, physical, and social consequences of that trauma.
- Young women (18–30 years in 2003–2004) — now approximately 40–52 years old.
Many in this group were directly targeted by Ali Kushayb’s forces during attacks and in detention sites, where they experienced sexual violence, beatings, and humiliation, and witnessed the killing or disappearance of family members. Their testimonies will provide insight into both gendered violence and broader household and community-level harms.
- Older women (31–64 years in 2003–2004) — now approximately 53–86 years old.
These women were often responsible for children and dependents during the mass attacks and forced displacement campaigns led by Ali Kushayb’s militia and the Janjaweed. Many were subjected to forced displacement, looting, and destruction of property, and their testimonies can illuminate the social disintegration, economic loss, and survival strategies that followed.
- Elderly women (65+ years today) — survivors who experienced the attacks as mature adults or community elders.
While not always direct victims of sexual violence, many were humiliated, forcibly displaced, or witnessed atrocities, including the burning of villages, executions, and collective punishment. Their perspectives are critical to understanding community memory, patterns of violence, and intergenerational resilience.
- A limited number of younger participants (under 34 years old) will also be included to capture second-generation and intergenerational effects among descendants of survivors, including children born of rape or raised in displacement. Their insights can help document the ongoing impact of Kushayb’s crimes on social identity, stigma, and economic marginalization within camp life.

Additional focus will be given to:

- Survivors of sexual and gender-based violence (SGBV) directly linked to the attacks by Ali Kushayb in 2003-2004 in [REDACTED].
- Women with disabilities, including those whose disabilities resulted from the conflict; and
- Women from targeted ethnic groups within [REDACTED], particularly those historically targeted by the attacks (e.g. [REDACTED])

4.2. Timeframe Considerations for Sampling

As part of the sampling criteria, participants will be selected exclusively from women survivors of the crimes committed by Ali Kushayb, in ([REDACTED]) as documented in the ICC verdict. Selection will account for:

- Temporal context: Women who were affected by events occurring during 2003–2004.
- Location context: Women whose experiences stem from attacks in the western Darfur region of Sudan - including areas such as [REDACTED].
- Long-term impact: Survivors whose experiences reflect both the immediate effects of the crimes in those locations and the subsequent aftermath, including displacement, social disruption, property loss, sexual and gender-based violence, and other ongoing potential vulnerabilities.
- Relevance to research objectives: Ensuring participants' experiences provide insight into the impact of the crimes on women's lives - in those places and times - and their aspirations for reparations.

4.3. Proposed Sample Size and Distribution

Guiding Principles and Implementation Notes:

- Total interviews: 20-25 in [REDACTED].
- Participant selection: Prioritize age cohorts and direct victims of Ali Kushayb's crimes (as per ICC verdict).
- Diverse experiences: SGBV survivors, women with disabilities, and minority ethnic groups are included within the age cohorts rather than as separate categories. Ensure at least 1–2 participants per age cohort have each characteristic to capture diversity.
- Flexibility: Adjust recruitment within [REDACTED] as needed. If certain subgroups are hard to reach, slots can be reallocated to other subgroups to maintain the total number of participants.
- Verification: Keep logs per participant, including recruitment source, verification channels, and any documentary or community corroboration.
- Saturation: Monitor emerging themes and stop recruitment when no new insights arise, even if total numbers are not fully reached.

Sample Allocation (20-25 Interviews):

Age Cohort	Notes on Participant Profile	Interviews (n)
Adolescent girls (12–17 in 2003–2004)	Direct victims of Ali Kushayb’s crimes, including sexual violence; may also be SGBV survivors or have disabilities	8
Young women (18–30 in 2003–2004)	Direct victims of attacks, sexual violence, abduction; may overlap with minority groups or women with disabilities	7
Older women (31–64 in 2003–2004)	Heads of households, caretakers, victims of displacement, property loss; may also be survivors of SGBV or have disabilities	6
Elderly women (65+ today)	Survivors as mature adults or community elders; witnesses to atrocities; may also have experienced displacement or other harm	4
Total Interviews	Flexible to ensure 20–25 participants, covering all age cohorts and overlapping characteristics	20-25

5. Methods and Ethics

5.1. Analytical Approach

The analysis will proceed through a thematic framework that integrates the standard reparations typology used by the International Criminal Court (ICC) with a feminist-informed reframing. Drawing on feminist scholarship that conceives reparations not only as rights or compensation, but as processes of repair, recognition, and transformation, the analysis will aim to centre women’s own definitions of meaningful justice, while remaining sensitive to the current realities of the Sudanese conflict.

Women in the sample live in areas [REDACTED]. While not all forms of reparations may be immediately feasible in the current context (e.g., full restitution of land, formal institutional guarantees), it is still critical to document women’s visions of justice, including both what is realistic now and what is aspirational for the future. This dual focus ensures that the study captures both immediate priorities and long-term transformative goals.

5.2. Reparations Typology (ICC Reference)

- Individual compensation
- Collective reparations

- Rehabilitation
- Restitution
- Symbolic measures
- Guarantees of non-repetition

5.3. Feminist Reframing

Within each ICC reparations category, the analysis will interpret and categorize women's experiences and priorities through feminist-informed lenses, taking into account the current Darfur context and displacement under RSF control:

- Care and healing: Examine how women describe processes of emotional, psychosocial, and relational recovery. Focus on the meaning they attribute to care, support networks, and healing, without assuming external services are available.
- Community safety and protection: Analyze women's perceptions of safety and the threats they face, including gendered risks [REDACTED], and how these shape their priorities for reparations.
- Sexual violence redress: Explore how survivors of sexual and gender-based violence articulate justice, acknowledgment, and accountability. Pay attention to differences in experiences by age, displacement, and vulnerability, while documenting the forms of recognition they value.
- Economic autonomy for women: Investigate how women experience and define economic harms and autonomy in the context of displacement, conflict, and restricted access to resources. Identify patterns of economic dependency, marginalization, or agency, as expressed by participants.
- Access to land and livelihoods: Examine women's narratives around land, housing, and resource loss, and how these losses impact long-term well-being and community structures. Consider what women regard as meaningful restitution, even if it is currently unattainable.
- Symbolic recognition and acknowledgment of suffering: Analyze how women define acknowledgment, recognition, or memorialization of their experiences. Focus on the symbolic importance of recognition in shaping justice, dignity, and collective memory.

5.4. Feminist Reparations Insight

- Feminist literature emphasises that standard legal frameworks often focus on individual rights and compensation, while women's experiences of conflict and atrocity are shaped by gendered forms of harm, structural inequalities, and social relations.

- Reparations should be understood as processes, not only discrete awards, encompassing ongoing transformation in social relations, gender hierarchies, and community structures.
- To be “gender-just,” reparations must engage with structural gender inequalities, intersectional vulnerabilities (age, ethnicity, disability), and multiple layers of harm, including those compounded by current displacement and [REDACTED].

5.5. Analytical Strategy

- Coding of interviews and focus group data will begin with deductive codes derived from the ICC typology and be layered with inductive, feminist-informed codes such as care, agency, intergenerational harm, and structural constraints.
- For each reparations category (e.g., restitution), the analysis will explore:
 - How do women define restitution under current constraints?
 - What barriers exist specific to gender, ethnicity, age, or disability?
 - How do experiences differ for women who were minors versus adults during Ali Kushayb’s crimes?
- Cross-cutting themes will focus on intersectionality (e.g., gender × age × displacement × disability × ethnicity) and agency, documenting how women articulate their priorities and strategies for repair even under conflict conditions.
- Findings will highlight what women themselves identify as meaningful, just, and transformative reparations, both individually and collectively, noting which interventions are immediately feasible, which are aspirational, and which require post-conflict conditions.
- A methodological annex will document how feminist commitments, participation, non-retraumatisation, and care shaped the analysis, including code development, reflexivity, and attention to power dynamics between researcher and survivor, especially given the volatile security context.

6. Outputs and Dissemination

6.1. Submission Document for ICC

- Designed to support the ICC in understanding women’s priorities and experiences.