

PUBLIC REDACTED VERSION

Annex III

**Expert Economic Evidence in Support
of Amicus Curiae Submission**

EXPERT ECONOMIC EVIDENCE IN SUPPORT OF AMICUS CURIAE SUBMISSION

[REDACTED] with Global Legal Action Network

Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb'), ICC-02/05-01/20

SECTION 0: EXPERT QUALIFICATIONS AND SCOPE OF EVIDENCE

I. The Experts

1. This report is submitted jointly by Dr Matthew Sterling Benson-Strohmayer and Ms Tahany Maalla. Each brings distinct and complementary expertise in the political economy of conflict, fiscal governance, public sector reform, and displacement in Sudan and the Horn of Africa.
2. **Dr Matthew Sterling Benson-Strohmayer** (published in some works as Matthew Sterling Benson) is a Research Fellow and Sudans Research Director at the Conflict and Civiness Research Group, LSE IDEAS, London School of Economics and Political Science, and holds affiliate faculty status in the Department of Economic History at LSE. He holds a PhD in History from Durham University (2020), an MA in Social and Economic History (Research Methods) from Durham University, an MA in Governance and Development from the Institute of Development Studies, Sussex, and a BA in International Relations and Peace and Justice Studies from Tufts University. He has worked in and on Sudan and South Sudan for nearly twenty years, including fieldwork in Darfur in 2008, and his research programme focuses on the political economy of war, fiscal statebuilding, and predatory governance in the Sudans, drawing on approximately 1,000 research interviews conducted across both countries, 61 Sudanese budget speeches (1953-2019) assembled from the National Records Office in Khartoum, a collection of private rebel administrator papers, and analysis of 126 peace agreements across both Sudans from 1990 to the present. His sole-authored research has been published in *Comparative Studies in Society and History*¹ and the *Journal of Intervention and Statebuilding*², is forthcoming in *Development and Change*, and his monograph *Of Rule Not Revenue: Predation, State-Unbuilding, and Conflict in Sudan and South Sudan, 1821-2023* is forthcoming with Cambridge University Press (African Studies Series).³ He has provided advisory input to the UK Foreign, Commonwealth and Development Office, the World Bank, UN agencies, and other international bodies on conflict economies and fiscal systems in Sudan

¹ Matthew Sterling Benson, 'Of Rule not Revenue: South Sudan's Revenue Complex from Colonial, Rebel, to Independent Rule, 1899 to 2023', *Comparative Studies in Society and History*, 66(3), 2024, pp. 673–699.

² Matthew Sterling Benson, 'Predatory Peace: Fiscal Fragmentation and Coercive Statebuilding in South Sudan and Beyond', *Journal of Intervention and Statebuilding*, 19(5), 2025.

³ Matthew Sterling Benson-Strohmayer, *Of Rule Not Revenue: Predation, State-Unbuilding, and Conflict in Sudan and South Sudan, 1821–2023* (Cambridge University Press, African Studies Series, forthcoming).

and South Sudan⁴ and has previously served in operational humanitarian roles in South Sudan with Crown Agents and in Sudan with Médecins Sans Frontières.

3. **Ms Tahany Maalla** is a Sudanese policy and governance specialist, originally from Darfur, with expertise in political analysis, public sector reform, and digital government, focused on Sudan and the Horn of Africa. She holds a Master of Public Policy from the University of Nottingham and a Master of Public Administration from Harvard Kennedy School. Her published analysis includes work on the political economy of displacement in Sudan and the governance consequences of the ongoing conflict, and she has written on the structural conditions shaping capital, dispossession, and permanent displacement under the current war. As an analyst and researcher, Ms Maalla brings professional knowledge of the communities, governance structures, and patterns of dispossession that form the subject of this report.

II. Satisfaction of the Chamber's Expert Evidence Criteria

4. The Chamber has set out four criteria that must be satisfied for evidence to be introduced as expert evidence. This section addresses each in turn.
5. **Criterion (i): Specialised knowledge, skill or training.** Dr Benson-Strohmayr and Ms Maalla together possess specialised knowledge of the fiscal, economic, and governance conditions in conflict-affected Sudan, grounded in long-term empirical research, fieldwork, archival analysis, and policy engagement. Their combined expertise spans the historical trajectory of Sudanese fiscal fragmentation, the contemporary political economy of displacement and dispossession, and the principles of post-conflict reconstruction economics and public sector governance. The expert economic analysis presented in this report is designed to complement and contextualise the lived experiences documented by [REDACTED]'s research: where that research captures the human reality of harm as experienced by survivors, this report provides the structural fiscal and economic framework that situates those experiences within the broader conditions that produced them and that will shape what reparations can achieve. More specifically, the methodological tools developed through this research – fiscal political economy analysis, conflict-affected public expenditure mapping, and applied evaluation of post-conflict reconstruction economics – are directly applicable to the reparations design questions before the Chamber: how to allocate severely constrained funds for maximum durable impact, how to design delivery mechanisms that minimise capture risk in active-conflict environments, and how to anticipate the long-term economic effects of different reparations modalities on displaced

⁴ Matthew Sterling Benson-Strohmayr, *From War Economies to Predatory Peace: How Peace Settlements Legitimise Extraction* (PeaceRep Policy Brief, University of Edinburgh, 2026); Matthew Sterling Benson-Strohmayr, Raga Makawi, Willow Berridge, and Sarah Detzner, *Security, Fragmentation, and Civic Futures: Rethinking Reform in Sudan's Militarised Political Economy* (PeaceRep Policy Brief, University of Edinburgh, 2025).

populations. The expertise is therefore not adjacent to the Chamber's questions but directly responsive to them.

6. **Criterion (ii): Assistance to the Chamber.** The Chamber has been asked to determine the most effective use of severely limited reparations funds for a victim population estimated in the millions, in an active conflict environment where the Sudanese state exercises no effective fiscal authority and the Rapid Support Forces (RSF) controls surrounding areas.⁵ These are questions of applied development economics, fiscal governance, and post-conflict reconstruction that require specialist economic analysis. The expert evidence presented in this report directly addresses the Chamber's need to understand: why individual monetary compensation is economically inadequate at the available scale; which forms of collective reparation offer the highest return per dollar deployed; how allocation mechanisms can be designed to minimise the risk of community division or elite capture; and what delivery modalities are viable given the specific security conditions in and around [REDACTED]. This analysis is not available from other sources before the Chamber and will materially assist it in making a sound reparations determination.
7. **Criterion (iii): Evidence within the area of expertise.** The substance of this report falls squarely within the areas of expertise of both contributors. Dr Benson-Strohmayer's analysis of Sudan's fiscal history and the structural conditions of post-conflict resource allocation in the Sudans draws directly on his published and forthcoming research. Ms Maalla's analysis of governance, displacement, and delivery mechanisms draws on her expertise in public sector reform and her published analytical work on the political economy of the current Sudan war. Neither contributor offers evidence outside their respective areas of specialism.
8. **Criterion (iv): Expert evidence does not usurp the Chamber's functions.** This report does not address questions of legal culpability, the guilt or innocence of Mr Abd-Al-Rahman, or whether the elements of the crimes charged are satisfied – matters already determined by the Chamber in its Trial Judgment of 6 October 2025.⁶ It addresses exclusively the economic and governance questions relevant to the reparations phase: how available funds can be most effectively allocated to achieve meaningful redress for victims. All conclusions are offered in the spirit of neutrality and objectivity required of expert witnesses, and the Chamber remains the ultimate arbiter of the reparations determination.

⁵ [REDACTED] and Global Legal Action Network, *Request for Leave to Submit Amicus Curiae Observations*, ICC-02/05-01/20, 26 January 2026, para. 20.

⁶ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Trial Judgment, ICC-02/05-01/20-1240, 6 October 2025.

SECTION I: THE FISCAL AND ECONOMIC CONSEQUENCES OF CONFLICT IN DARFUR: STRUCTURAL HARM, LONG-TERM DEPRIVATION, AND THE MATERIAL CONDITIONS FOR REPARATIONS

I. Introduction and Scope of Expert Evidence

9. This expert report is submitted in support of the amicus curiae observations filed by [REDACTED] and the Global Legal Action Network in the reparations phase of *Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman*. It provides economic and fiscal analysis directed at assisting the Chamber in determining the most effective and equitable use of the limited funds available through the Trust Fund for Victims, in a manner that achieves meaningful redress for the estimated 3.5 million victims of the crimes forming the basis of the United Nations Security Council referral that led to this prosecution.⁷
10. The expert evidence presented in this section addresses two interconnected questions. First, what is the economic and fiscal context into which reparations funds will be deployed – that is, what structural conditions shape whether and how limited resources can produce durable benefit for victims? Second, what does the empirical evidence of harm, including testimony gathered from survivors currently residing in [REDACTED], tell us about the nature and intergenerational extent of economic deprivation, and how should this inform the allocation of reparations?
11. This evidence is offered within the limits appropriate to expert economic analysis. It does not address questions of legal culpability, nor does it seek to quantify individual losses attributable to specific criminal acts – matters that fall within the Chamber’s own functions. Nor does this report address the question of Mr Abd-Al-Rahman’s individual liability or assets, which falls within the Chamber’s own determination and the separate processes governing the assessment of the convicted person’s contribution to reparations awards. Rather, it provides the structural and empirical economic context within which the Chamber’s reparations principles must be applied and offers evidence-based recommendations on allocation that draw on established scholarship in post-conflict reconstruction economics, fiscal sociology, and transitional justice.

II. The Current Humanitarian and Security Context

Ongoing War and Persistent Insecurity

12. The situation in Sudan has evolved into the largest humanitarian and protection crisis globally, with children experiencing the most severe impacts. Intensifying violence and widespread breaches of international humanitarian and human

⁷ [REDACTED] and Global Legal Action Network, *Request for Leave to Submit Amicus Curiae Observations*, ICC-02/05-01/20, 26 January 2026, para. 20.

rights law have forced millions of children and their families to flee their homes – often repeatedly – both within Sudan and across its borders. Data from the International Organization for Migration’s Displacement Tracking Matrix indicates that around 9 million people were internally displaced as of March 2026.⁸ Serious violations, including killings and injuries, abductions, the recruitment and use of children by armed groups, family separation, and sexual violence, are occurring in a context characterised by impunity and the weakening of protection institutions.⁹

13. Armed violence continues across multiple fronts, and no credible or transformative peace process is currently underway. Cycles of violence and flawed peace agreements have systematically limited access to livelihoods, disrupted agricultural and pastoral economies, and blocked meaningful recovery.¹⁰ These livelihood disruptions are compounded by long-standing climate stress in Darfur – including drought, desertification, and contested access to water and pasture – which both predates the conflict and intensifies its consequences for the agricultural and pastoral economies on which displaced communities historically depended.¹¹ The prospect of durable peace in the near term remains remote, and reparations design must proceed on that basis rather than assume a post-conflict environment or improved security conditions that the evidence does not support anticipating in any foreseeable timeframe.

Restricted Humanitarian Access

14. Restrictions on humanitarian access have become an entrenched feature of Sudan’s protracted crisis, persisting as the conflict enters its fourth year. Evolving frontlines, a fractured political context, environmental and logistical difficulties, and institutional constraints have all combined to limit access. In Darfur and Kordofan, humanitarian actors continue to face heavy bureaucratic and administrative hurdles alongside insecurity that hampers their ability to operate effectively.¹² At the same time, intensifying hostilities and the expanded

⁸ International Organization for Migration (IOM), DTM Sudan Displacement and Return Snapshot 4, Displacement Tracking Matrix, 2026.

⁹ United Nations High Commissioner for Refugees, *Protection Brief: Child Protection - Sudan Situation*, March 2026, p. 4.

¹⁰ Joshua Craze and Kholood Khair, *The Remains of the JPA: The Unlearned Lessons of the Juba Peace Agreement* (Rift Valley Institute, 2023).

¹¹ See Hussein Sulieman and Helen Young, *Transforming Pastoralist Mobility in West Darfur: Understanding Continuity and Change* (Boston: Feinstein International Center, Tufts University, 2019); Helen Young, ‘No Way Back? Adaptation and Urbanization of IDP Livelihoods in the Darfur Region of Sudan,’ *Development and Change* (2013); see also Jean-Baptiste Gallopin, Edward Thomas, Sarah Detzner, and Alex de Waal, *Sudan’s Political Marketplace in 2021: Public and Political Finance, the Juba Agreement and Contests Over Resources* (London: Conflict Research Programme, LSE, 2021), p. 6 (*noting that pastoralist livelihoods are under severe pressure from climate change and conflict*); and Jay O’Brien, ‘Sudan: An Arab Breadbasket?’, *MERIP Reports*, September 1981, p. 24 (*documenting the historical advance of desertification and its disruption of pastoralist grazing lands*).

¹² ACAPS Analysis Hub, *Sudan - Analysis of Humanitarian Access in the Darfur and Kordofan Regions*, Briefing Note, 22 March 2026, pp. 1-2.

use of aerial drones have heightened risks for humanitarian personnel and assets. The indiscriminate targeting of civilians with drones is increasing threats to aid convoys, damaging essential infrastructure, and contributing to fluid and unpredictable front lines. While needs in frontline areas of Darfur and Kordofan remain extremely high, repeated attacks on humanitarian activities have slowed the scale-up of assistance, with operations often paused and movement further restricted.¹³

15. Mutual aid groups and community kitchens have emerged as decentralised, self-organised networks that often act as the first – and in many cases the only – responders to urgent humanitarian needs on the frontlines. Operating outside formal structures, these grassroots initiatives have mobilised quickly to provide food, basic emergency health support, and essential relief to affected populations. Their deeply embedded presence within local communities has enabled them to maintain access to people in need even in areas cut off by active fighting and deteriorating security conditions.¹⁴ This localised and community-driven character has made them both highly adaptive and responsive, allowing them to navigate shifting frontlines and reach those who are otherwise inaccessible to formal humanitarian actors. Their experience is directly relevant to reparations delivery design and is discussed further in Section II.VI below.

Differentiated Drivers of Insecurity

16. The conflict in Darfur cannot be understood solely through the lens of the confrontation between the Sudanese Armed Forces and the Rapid Support Forces. Beneath this national struggle lies a complex set of local drivers that continue to shape patterns of violence. Longstanding disputes over land and natural resources, tensions between pastoralist and farming communities, unresolved grievances from earlier conflicts, and the fragmentation of armed groups all play a role.¹⁵ These factors are closely linked to the broader war and have been intensified by it, as weapons spread, authority erodes, and alliances shift. At the same time, they generate their own distinct dynamics that operate beyond the direct control of either armed party.
17. The causes and character of insecurity are therefore not uniform across Darfur. They vary by geography, community, tribal affiliation, and livelihood systems, and even within a single locality or displacement camp, experiences of insecurity, access to services, and prospects for recovery can differ

¹³ *Ibid.*

¹⁴ Joshua Craze, Kholood Khair, and Raga Makawi, 'Sudan Starves', *The New York Review of Books*, 23 June 2024; see also UN Women, *Three Years of War: Sudanese Women on the Frontlines of Humanitarian and Local Peacebuilding Efforts*, 2026.

¹⁵ UN Security Council, *Final Report of the Panel of Experts on the Sudan*, S/2022/48, 24 January 2022, paras. 85-86; see also Joshua Craze and Raga Makawi, *The Republic of Kadamol: A Portrait of the Rapid Support Forces at War*, Small Arms Survey, 2025.

significantly.¹⁶ The conflict has also led to widespread disruption of livelihoods, the mass recruitment of children and young men by armed groups, and the collapse of critical public infrastructure, including telecommunications across much of the region.¹⁷ Applying a single, uniform reparations response in such a heterogeneous context is unlikely to produce meaningful or lasting improvements in the lives of those affected. The allocation framework recommended in Section II must therefore be responsive to this differentiation.

Sexual and Gender-Based Violence as a Weapon of War

18. The use of rape and other forms of sexual and gender-based violence has intensified since April 2023. Sexual violence is escalating across Sudan, with the number of women and girls in need of support after experiencing gender-based violence nearly doubling over the past two years and increasing fourfold since the war began, according to a Gender Alert published by UN Women. The report, based on evidence gathered from 85 women-led organisations working across the country including those operating on the frontlines in Darfur and Kordofan, found that two-thirds of frontline women responders observed a marked rise in sexual violence in 2025, while half reported a further increase in 2026.¹⁸
19. This is not incidental to the conflict – it is a deliberate instrument of it, as the Trial Chamber’s findings in this case confirm.¹⁹ The reparations framework must therefore give explicit recognition to survivors of sexual violence: recognition of their suffering, support for their recovery, and restoration of their capacity to sustain their lives and those of their families.²⁰ This is not one consideration among many – it must function as a structuring principle of reparations design.²¹ More broadly, the fiscal and economic harms documented in this report fall disproportionately on women across all the categories of harm identified. This pattern operates through four interlocking mechanisms: the gendered consequences of forced disappearance; the gendered burdens of unmanaged chronic illness within households; the gendered economic exclusions associated with stigma; and the structural exclusion of women from the traditional authority structures through which camp governance and resource distribution operate.²² Gender therefore functions throughout the

¹⁶ UN Security Council, *Final Report of the Panel of Experts on the Sudan*, S/2022/48, 24 January 2022, para. 6.

¹⁷ ACAPS Analysis Hub, *op. cit.*, p. 3; see also United Nations High Commissioner for Refugees, *Protection Brief: Child Protection - Sudan Situation*, March 2026, p. 1.

¹⁸ UN Women, *Three Years of War: Sudanese Women on the Frontlines of Humanitarian and Local Peacebuilding Efforts* (Gender Alert No. 4), April 2026, pp. 8-11.

¹⁹ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (‘Ali Kushayb’), Trial Judgment, ICC-02/05-01/20-1240, 6 October 2025; see also UN Women, *op. cit.*

²⁰ *The Prosecutor v. Dominic Ongwen*, Reparations Order, *op. cit.*, paras 60-62, 86.

²¹ Jean-Benoît Falisse and Simeon Koroma, *Amicus Curiae Observations on Reparations*, *op. cit.*, paras 25-27.

²² *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (‘Ali Kushayb’), Trial Judgment, paras 135, 276; see also Victim Mapping Report, *op. cit.*

analysis that follows as a cross-cutting analytical dimension, not merely as a category requiring specialised provision.²³

III. Sudan's Fiscal Architecture: Why State Resources Cannot Substitute for Reparations Funds

20. Any assessment of the utility of reparations funds must begin with an honest account of the fiscal environment in which they will operate. We operate on an assumption that the Trust Fund for Victims could hold between approximately €4 million and €30 million available for disbursement in this case, against a victim population estimated in the millions.²⁴ The lower end of this range would yield a sum so small as to demand a careful account of how Sudan's fiscal system has evolved. Specifically, why the communities in and around [REDACTED] cannot reasonably anticipate that state revenues will provide meaningful substitute provision.
21. Sudan's fiscal trajectory over the seven decades since independence has been characterised by the progressive dispersal of revenue authority. Authority has moved away from accountable public institutions and toward unaccountable military, paramilitary, and commercially embedded networks. This process – what this report terms fiscal fragmentation – was not the incidental result of institutional weakness but the product of deliberate elite strategies to insulate revenue from civilian oversight and democratic control. Drawing on analysis of 61 Sudanese budget speeches (1953-2019) assembled from the National Records Office in Khartoum, alongside 126 peace agreements and extensive field research, this report reconstructs the mechanisms through which successive regimes hollowed out public finance as a tool of collective governance.²⁵
22. At independence in 1956, Sudan's fiscal architecture retained a developmental orientation, though one structurally designed to exclude the country's peripheries from public investment. Approximately 40 per cent of revenue derived from non-tax sources, principally profits from government investments and fiscal monopolies, which entangled public finance with elite accumulation from the outset.²⁶ International financial institutions reinforced this exclusionary pattern by endorsing fiscal strategies that explicitly prioritised central capital investment over peripheral social provision. The International Bank for

²³ *The Prosecutor v. Dominic Ongwen*, *op. cit.*, para. 62; see also Jean-Benoît Falisse and Simeon Koroma, *Amicus Curiae Observations on Reparations*, *op. cit.*, para. 11.

²⁴ [REDACTED] and Global Legal Action Network, *Request for Leave to Submit Amicus Curiae Observations*, ICC-02/05-01/20, 26 January 2026, para. 20.

²⁵ Matthew Sterling Benson-Strohmayer, 'Revenue, Resistance, and Rule: Civic Fiscal Resistance and Statebuilding in Sudan, 1953–2023', *Development and Change* (forthcoming).

²⁶ Richard P.C. Brown, *Public Debt and Private Wealth: Debt, Capital Flight and the IMF in Sudan* (Macmillan, 1992), pp. 90-91.

Reconstruction and Development noted approvingly in 1958 the government's 'determination to resist pressures for greatly expanded outlays on social services' – a formulation that captures the logic of periphery-excluding fiscal governance that would persist across successive regimes.²⁷

23. This developmental model collapsed into a prolonged fiscal emergency through the 1970s and 1980s, as Sudan's rulers turned successively to foreign borrowing, International Monetary Fund (IMF)-backed structural adjustment, and eventually the outsourcing of state functions to commercial and security actors. By the mid-1980s, foreign debt had reached approximately USD 9 billion, while political and commercial elites simultaneously drained the economy through unrecorded capital flight estimated at USD 11 billion between 1978 and 1987.²⁸ The fiscal architecture that emerged from this period was one in which the formal budget performed legibility for international creditors while actual revenue flows were captured by coercive networks.²⁹
24. Critically for the present case, fiscal militarisation intensified precisely during the period in which the crimes for which Mr Abd-Al-Rahman has been convicted were committed. The military's commercial empire, consolidated under the Bashir regime through holding companies, banks, and charitable foundations, absorbed revenue streams that might otherwise have supported public provision in regions such as Darfur. Provincial budgets in conflict-affected regions were chronically underfunded throughout this period; governors who sought to mount security operations routinely requisitioned resources from donor-funded development projects, a dynamic documented in Darfur specifically from the mid-1980s onward.³⁰ Crucially, the fiscal architecture of counter-insurgency was itself predatory. Unable to fund formal military operations, the central government compensated militia forces – including the Janjaweed – with the implicit licence to extract resources from the communities they targeted, rather than with payments from the national budget. The crimes for which Ali Kushayb has been convicted were thus embedded within, and partly financed through, a militarised fiscal system that left nothing in its wake for victims.³¹
25. Successive peace agreements, including the 2005 Comprehensive Peace Agreement and the 2020 Juba Peace Agreement, addressed fiscal governance in formal terms that reproduced rather than dismantled this fragmentation. Of 126 peace agreements referencing Sudan between 1990 and 2023, only 25

²⁷ International Bank for Reconstruction and Development, *The Economy of the Sudan*, 25 February 1958, p. i.

²⁸ Richard P.C. Brown, *op. cit.*, pp. 213–215.

²⁹ Matthew Sterling Benson-Strohmayr, 'Revenue, Resistance, and Rule: Civic Fiscal Resistance and Statebuilding in Sudan, 1953–2023', *op. cit.*

³⁰ Alex de Waal, 'Counter-Insurgency on the Cheap', *Review of African Political Economy*, 31(102), 2004, pp. 716–725.

³¹ Alex de Waal, *op. cit.*; see also Joshua Craze and Raga Makawi, *op. cit.*

contained substantive fiscal provisions.³² None confronted the military's commercial holdings, brought security expenditure under civilian oversight, or secured the off-budget revenue flows through which coercive networks were sustained. This pattern – what this report terms fictive fiscal orders – constitutes official fiscal architectures that perform transparency for international audiences while actual revenue flows remain captured.³³ The Juba Peace Agreement, although signed after Sudan's 2019 democratic revolution, included wealth-sharing provisions for Darfur that left intact the financial autonomy of both the Sudan Armed Forces (SAF) and the Rapid Support Forces.³⁴

26. By the time of Sudan's renewed civil war in April 2023, the civilian cabinet controlled an estimated 18 per cent of official state revenues, with the remainder circulating through military and security channels entirely outside Ministry of Finance jurisdiction.³⁵ The International Monetary Fund had by this point suspended its debt-relief and debt-reform programming; international estimates of the cost of restoring Sudan's infrastructure run to hundreds of billions of US dollars.³⁶ Against this backdrop, the communities represented in [REDACTED]'s survivor testimony cannot anticipate fiscal compensation from the Sudanese state, whose revenue systems have been predatory toward those communities for decades. Reparations funds disbursed through the Trust Fund for Victims operate in an environment where the state is not a partner in reconstruction but an absent – and historically extractive – fiscal authority.

IV. Long-Term Economic Harm: Evidence from [REDACTED]

27. The structural analysis above provides the macro-level context. The survivor testimony gathered by [REDACTED] in [REDACTED] provides the ground-level evidence of how fiscal fragmentation and conflict-driven dispossession translate into the lived economic reality of victims more than two decades after the commission of the crimes for which Mr Abd-Al-Rahman has been convicted. The testimony is striking in its consistency and in the degree to which it documents ongoing, compounding, and intergenerational economic harm. This

³² Matthew Sterling Benson-Strohmayr, 'Revenue, Resistance, and Rule: Civic Fiscal Resistance and Statebuilding in Sudan, 1953–2023', *op. cit.*

³³ Matthew Sterling Benson-Strohmayr, 'Predatory Peace: Fiscal Fragmentation and Coercive Statebuilding in South Sudan and Beyond', *op. cit.*

³⁴ Matthew Sterling Benson-Strohmayr, 'Revenue, Resistance, and Rule: Civic Fiscal Resistance and Statebuilding in Sudan, 1953–2023', *op. cit.*

³⁵ Catherine Cartier, Eva Kahan, and Isaac Zukin, *Breaking the Bank: How Military Control of the Economy Obstructs Democracy in Sudan* (C4ADS, 2022).

³⁶ [REDACTED] and Global Legal Action Network, *Request for Leave to Submit Amicus Curiae Observations*, ICC-02/05-01/20, 26 January 2026, para. 20.

is precisely the kind of sustained deprivation that conventional individual compensation frameworks are poorly equipped to address.³⁷

Education deprivation and intergenerational foreclosure.

28. Multiple participants identified the absence of accessible formal education as the most pressing long-term harm affecting their communities. The evidence reveals that children in [REDACTED] have not received stable formal schooling, with access limited to traditional religious schools (*khalwas*). Where formal schooling exists outside the camp in nearby Nyala, participants reported that fees are prohibitively high and that movement outside the camp exposes families to direct physical threat: 'There is education, but the fees are high, so it's inaccessible to enroll, the fees are too high. If you go outside the camp to Nyala for example, they threaten you'.³⁸ From an economic perspective, the educational foreclosure documented here is not merely a welfare harm but a mechanism of intergenerational poverty reproduction. Children denied stable formal education are unable to acquire the human capital that would enable economic independence in adulthood, transmitting economic marginalisation across generations in a manner directly traceable to displacement caused by the crimes in question. Participants noted the secondary consequences of this educational exclusion: 'The children who aren't going to school, who are just staying at home, face many problems. They fight among each other, hurt each other, and it holds them back'.³⁹

Healthcare deprivation and the compounding of physical harm.

29. Participants reported a severe and sustained shortage of healthcare provision and medicines. One participant – a woman in her sixties – stated that she had not received medication for a chronic condition (high blood pressure) for nearly four months at the time of interview. This testimony illustrates a pattern documented more broadly across conflict-affected displacement contexts: the physical harms inflicted during attacks are compounded over time by the collapse of healthcare access, converting acute trauma into chronic, unmanaged morbidity.⁴⁰ The economic consequences of this compounding are significant. Untreated chronic illness reduces economic productivity, increases dependency within households, and generates long-term care burdens that fall disproportionately on women and other family members.

³⁷ The survivor testimony cited throughout this section was gathered by [REDACTED] under research protocols designed to protect participant confidentiality and minimise re-traumatisation, and direct quotations are reproduced here with the consent and oversight of [REDACTED]. Identifying details have been omitted or anonymised in accordance with those protocols.

³⁸ [REDACTED], *op. cit.*

³⁹ *Ibid.*

⁴⁰ [REDACTED], *op. cit.*

Forced disappearances and the suspension of economic life.

30. Multiple participants described family members who have been missing since 2003 and remain unaccounted for more than two decades later.⁴¹ The economic dimension of this harm, alongside its profound personal and psychological consequences, deserves specific attention. In contexts where property rights and household economic organisation are structured around male family members – as in much of Darfur – forced disappearance creates a state of legal and economic suspension. Widows and families of the missing may be unable to access land, inherit assets, or access financial services without official confirmation of death.⁴² As one participant stated: ‘As of today, we don’t know whether he is alive or dead, whether he was killed or injured, or if he actually died or not, we were never able to bring him justice’.⁴³ This testimony captures a condition of prolonged economic uncertainty that has no resolution absent formal accountability processes.

Sexual violence, stigma, and economic exclusion.

31. Participants described the ongoing economic consequences of sexual violence, including the pattern by which women survivors are blamed for assaults that occur when they leave the camp to attend to basic needs – gathering firewood, accessing water, conducting small trade.⁴⁴ The economic structure underlying this testimony is significant: women are compelled to leave the camp because no alternative provision exists within it for basic livelihood activities. The stigmatisation of survivors then compounds their economic vulnerability by reducing their access to social networks, marriage markets, and community support structures on which livelihoods in displacement depend.

Children born of rape: documentation, identity, and economic exclusion.

32. Participants identified a specific and acute economic harm affecting children born as a result of rape: the absence of official identity documents. As one participant explained, this documentation gap restricts both the children and their mothers from moving freely; when seeking to travel, they are asked for identity documents that these children do not possess.⁴⁵ This is not merely an administrative inconvenience but a structural economic harm. Without identity documentation, children born of rape cannot access formal education, formal employment, healthcare systems, financial services, or the legal protections that citizenship confers. This population – one product of the specific crimes for which Mr Abd-Al-Rahman has been convicted – faces a lifetime of economic exclusion unless active measures are taken to address their documentation status. Participants noted that ongoing sexual violence continues to produce

⁴¹ *Ibid.*

⁴² *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (‘Ali Kushayb’), Victim Mapping Report, ICC-02/05-01/20-1256-Corr-Red, 21 November 2025, fn. 96.

⁴³ [REDACTED], *op. cit.*

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

children in this situation: this is not a population defined only by events of 2003-04 but one being reproduced under current conditions.⁴⁶

33. The harms documented above affect children with particular severity and warrant treatment as a distinct category in reparations design. The Chamber's Trial Judgment confirms that children were among the populations most directly harmed by the crimes for which Mr Abd-Al-Rahman has been convicted, and the Registry's Victim Mapping Report explicitly reinforces this by dedicating specific analysis to the severe and compounding harms suffered by children born into displacement.⁴⁷ The economic dimensions of child-specific harm are distinctive in three ways. First, harms experienced in childhood – particularly educational deprivation and untreated trauma – produce compounding lifetime economic effects that cannot be retrospectively repaired.⁴⁸ Second, children born after 2003-04 to displaced parents inherit the economic exclusion produced by the original crimes without having experienced those crimes directly, constituting a transgenerational reparations population.⁴⁹ Third, children are disproportionately dependent on the very service infrastructure – schools, clinics, identity registration – that the crimes have most thoroughly disrupted.⁵⁰ Reparations design must therefore treat the child population not merely as beneficiaries of measures designed for adults but as a category requiring specific allocation, particularly through the education and documentation modalities recommended in Section II.⁵¹

V. The Economic Logic of Reparations in Conditions of Extreme Scarcity

34. The survivor testimony reviewed in Section I.IV, read against the structural analysis of Section I.III, establishes a picture of compounding, multi-generational economic harm occurring in an environment where state fiscal resources are absent, humanitarian provision is inadequate, and security conditions remain deeply precarious. The RSF – the successor formation to the Janjaweed structures that Ali Kushayb led – currently controls the areas surrounding [REDACTED]. Women report ongoing sexual violence when leaving the camp. Shells land in surrounding areas. Formal law enforcement and judicial institutions are absent; dispute resolution is managed by camp elders. This is not a post-conflict context in any conventional sense. It is a

⁴⁶ *Ibid.*

⁴⁷ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Victim Mapping Report, ICC-02/05-01/20-1256-Corr-Red, 21 November 2025, paras 107-109.

⁴⁸ *The Prosecutor v. Dominic Ongwen*, Reparations Order, ICC-02/04-01/15-2074, 28 February 2024, para. 86.

⁴⁹ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Victim Mapping Report, *op. cit.*, paras 106-109.

⁵⁰ *Ibid.*, paras 76-77, 107.

⁵¹ *The Prosecutor v. Dominic Ongwen*, *op. cit.*, paras 82-83, 86.

context of ongoing conflict, in which reparations must be designed not for a stable recovery environment but for a population under active threat.⁵²

35. **A note on geographic scope.** The analysis in this report focuses on [REDACTED] because the survivor testimony gathered by [REDACTED] centres on that community and because [REDACTED] provides a concentrated empirical illustration of broader patterns.⁵³ The principles set out – collective programming weighted over individual transfers, education and healthcare priority, victim-led allocation, United Nations High Commissioner for Refugees (UNHCR)-coordinated delivery – are not limited in their application to [REDACTED]. The Registry’s Victim Mapping Report documents substantial Darfuri populations displaced beyond their original communities, including across Sudan, in Chad, and in further diaspora.⁵⁴ Furthermore, the Trust Fund for Victims’ recent observations in the *Al Hassan* case provide a clear precedent for extending reparations design to include accessible delivery modalities for geographically dispersed populations.⁵⁵ This reflects the reality that the structural economic harms documented in this report – educational foreclosure, healthcare deprivation, documentation gaps, and the gendered consequences of displacement – apply across the displaced victim population irrespective of current geographic location.
36. This context has direct implications for the design of reparations allocations, which the following section addresses. What the evidence in Sections I.III and I.IV establishes, as a prior matter, is that: (a) the Sudanese state cannot be expected to provide fiscal substitutes for reparations; (b) the harms caused by the crimes for which Mr Abd-Al-Rahman has been convicted are ongoing and intergenerational, not bounded by the 2003-04 period; (c) the specific populations most severely harmed – women survivors of sexual violence, children born of rape, families of the disappeared – face structural economic exclusions that compound over time and cannot be addressed by one-off individual payments; and (d) the security environment severely constrains which types of reparative intervention are practically deliverable.
37. There is a further dimension to the economic logic of reparations in this case that distinguishes it from conventional post-conflict contexts. The fiscal architecture documented in Section I.III was not merely a background condition for the crimes for which Mr Abd-Al-Rahman has been convicted: it was a constitutive element of them. The counter-insurgency model that deployed the Janjaweed compensated militia violence with licence to extract rather than with budget payments – embedding predatory revenue-raising practices directly into

⁵² [REDACTED], *op. cit.*

⁵³ [REDACTED] and Global Legal Action Network, *Request for Leave to Submit Amicus Curiae Observations*, *op. cit.*, para. 16; see also [REDACTED], *op. cit.*

⁵⁴ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (‘*Ali Kushayb*’), Victim Mapping Report, *op. cit.*, fn. 8, paras 18-20.

⁵⁵ *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Trust Fund for Victims’ Observations on Reparations, *op. cit.*, paras 102-103.

the commission of the crimes.⁵⁶ Reparations disbursed in this environment therefore carry peacebuilding significance beyond their compensatory function. By directing resources to civilian communities through channels that bypass the military-commercial networks that have historically extracted from those same communities, reparations can partially counteract the fiscal logic that has sustained decades of predatory governance.⁵⁷ This is not a peripheral consideration: it is central to the case for prioritising durable collective investment over one-off individual transfers, and for the Chamber to frame its order as a structural intervention in the political economy of the conflict, not merely a remedial response to discrete criminal acts. In doing so, the Chamber's order would establish a precedent for how reparations can be designed to interrupt, rather than reproduce, the predatory fiscal architectures that have sustained conflict in the Sudans and other comparable contexts.⁵⁸

38. A note on restitution. ICC reparations jurisprudence recognises restitution as a distinct modality alongside compensation, rehabilitation, and guarantees of non-repetition.⁵⁹ In the Darfur context, however, restitution – particularly the restoration of land and property to displaced communities – is currently impracticable. Land vacated by Fur, Masalit, and Zaghawa communities during and after the 2003-04 attacks has in many cases been occupied by Arab settlers, often under the protection of armed groups including the successor structures to the Janjaweed.⁶⁰ Restitution in any meaningful sense would require the restoration of secure access to ancestral land, which the present security environment precludes. This report therefore treats restitution as a measure that may become possible in the future but cannot constitute the central modality of reparations in present conditions.⁶¹ It concentrates its recommendations on compensation, rehabilitation, and guarantees of non-repetition as the modalities currently available to the Chamber.

39. Guarantees of non-repetition. The peacebuilding significance of reparations identified above bears directly on the modality of guarantees of non-repetition, recognised in ICC reparations jurisprudence as a distinct form of redress

⁵⁶ Alex de Waal, *op. cit.*, p. 716; see also Joshua Craze and Raga Makawi, *op. cit.*, p. 3 (noting that rather than paying militias, successive Sudanese governments encouraged them to pillage the villages of their opponents).

⁵⁷ Matthew Sterling Benson-Strohmayer, *From War Economies to Predatory Peace: How Peace Settlements Legitimise Extraction*, *op. cit.*; Chatham House, *Understanding Sudan's wartime political economy: Summary and policy recommendations* (Chatham House, 2024).

⁵⁸ Matthew Sterling Benson, 'Predatory Peace', *op. cit.*, p. 5; see also Matthew Sterling Benson-Strohmayer, *From War Economies to Predatory Peace*, *op. cit.*, pp. 1-2, 10 (documenting how peacebuilding frameworks in the Sudans and comparable contexts such as the Democratic Republic of Congo, Somalia, and Syria frequently stabilise elite coalitions by legitimising and reproducing predatory fiscal systems rather than dismantling them).

⁵⁹ *The Prosecutor v. Dominic Ongwen*, Reparations Order, ICC-02/04-01/15-2074, 28 February 2024, para. 78; see also Rome Statute of the International Criminal Court, art. 75(1).

⁶⁰ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Victim Mapping Report, *op. cit.*, paras 50-51; see also United Nations Security Council, *Final report of the Panel of Experts on the Sudan*, S/2022/48, 24 January 2022, paras 18, 95.

⁶¹ [REDACTED], *op. cit.*

alongside compensation, restitution, and rehabilitation.⁶² In the present case, guarantees of non-repetition cannot be secured through the convicted person alone, nor through the Sudanese state, which remains a party to the ongoing conflict and has not exercised effective fiscal authority in the affected areas. The Chamber's reparations order can nonetheless contribute to non-repetition through three structural pathways. First, by directing resources through channels that bypass the military-commercial networks that have historically extracted from the affected communities. Second, by funding documentation processes that restore legal personhood and protect against future statelessness. Third, by establishing community-led participatory mechanisms that build civic capacity for engagement with future reconstruction processes. These constitute meaningful, if partial, guarantees of non-repetition that can be operationalised within the constraints of the present case.⁶³

SECTION II: PRINCIPLES AND RECOMMENDATIONS FOR THE EFFECTIVE ALLOCATION OF REPARATIONS FUNDS

I. The Fundamental Allocation Problem: Scale, Scarcity, and the Limits of Individual Compensation

40. Operating on an assumption that the Trust Fund for Victims may hold between approximately €4 million and €30 million available for disbursement in this case. The victim population attributable to the crimes for which Mr Abd-Al-Rahman has been convicted – and to the broader Janjaweed campaign in West Darfur of which those crimes formed part – is estimated in the millions.⁶⁴ At the lower end of this range, a straightforward per capita distribution of available funds would yield a sum of approximately €1-2 per victim: a figure so small as to constitute, in economic terms, no meaningful transfer of resources whatsoever, and one that risks producing symbolic harm rather than symbolic recognition if received as such by communities whose material needs are acute.

41. This arithmetic is not a reason for pessimism about what reparations can achieve. It is, rather, the starting point for any serious economic analysis of how limited funds can be deployed to maximum effect. The economic literature on post-conflict reconstruction and transitional justice reparations is consistent on this point: where funds are severely constrained relative to the victim population, individual monetary disbursement is the least efficient vehicle for achieving durable impact.⁶⁵ This is for three compounding reasons. First, at

⁶² *The Prosecutor v. Dominic Ongwen*, Reparations Order, ICC-02/04-01/15-2074, 28 February 2024, para. 78.

⁶³ Jean-Benoît Falisse and Simeon Koroma, *Amicus Curiae Observations on Reparations*, ICC-01/12-01/18-2735, 16 June 2025, paras 16-17.

⁶⁴ [REDACTED] and Global Legal Action Network, *Request for Leave to Submit Amicus Curiae Observations*, ICC-02/05-01/20, 26 January 2026, para. 20.

⁶⁵ See generally Pablo de Greiff (ed.), *The Handbook of Reparations* (Oxford University Press, 2006).

very small individual amounts, cash transfers produce no sustainable change in economic circumstance and are rapidly absorbed into immediate consumption without lasting benefit. Second, the transaction costs of identifying, verifying, and disbursing individual payments to dispersed, documentation-poor, and security-constrained populations in active conflict zones can consume a substantial share of the total fund.⁶⁶ Third, individual cash distributions in contexts of severe scarcity carry significant risk of generating or exacerbating intra-community conflict – precisely the division risk the Chamber has been asked to consider.⁶⁷

42. This does not mean individual compensation has no role. The survivor testimony gathered by [REDACTED] includes direct expressions of the desire for individual recognition and accountability, including one participant's call for criminal accountability for those proven to have committed rape, and another's priority framing of immediate humanitarian need: 'just let us eat'.⁶⁸ These expressions are legitimate and must be respected. But they point toward a distinction the economic analysis supports: between symbolic individual recognition – which can be achieved at relatively low per-capita cost through non-monetary means – and material individual compensation, which at the available scale cannot meaningfully address the structural economic harms documented in Section I.

43. The economic recommendation of this report is therefore that the Chamber consider an allocation framework weighted substantially toward collective and programmatic reparations, with a smaller component reserved for individual symbolic recognition. All allocations should be subject to the do-no-harm and division-mitigation principles set out below.

II. Collective Reparations: The Case for Education and Healthcare Infrastructure

44. The survivor testimony gathered in [REDACTED] is strikingly consistent in identifying two priorities for reparations that transcend individual claims and speak to the collective economic needs of the affected community: education for children and access to healthcare.⁶⁹ Both were identified by multiple participants across age cohorts as the most pressing unmet needs, and both map directly onto the patterns of long-term and intergenerational economic harm documented in Section I.

⁶⁶ *The Prosecutor v. Dominic Ongwen*, Reparations Order, ICC-02/04-01/15-2074, 28 February 2024, paras 578-580.

⁶⁷ *The Prosecutor v. Dominic Ongwen*, *op. cit.*, para. 584.

⁶⁸ [REDACTED], *op. cit.*

⁶⁹ *Ibid.*

Victim-Led Allocation Process.

45. The crimes for which Abd-Al-Rahman was convicted took place during a defined period, but their consequences have continued to evolve. Over the past two decades, initial harms have been compounded by ongoing displacement, loss of land and livelihoods, psychological trauma, and the breakdown of social structures.⁷⁰ These impacts have not diminished over time; in many cases they have deepened. Any reparations framework must therefore reflect how harm is lived and experienced today, not only how it was originally inflicted. This means addressing the current realities of victims, many of whom continue to face insecurity and conditions shaped by the same patterns of violence that marked the events of 2003 and 2004.
46. In this context, designing meaningful reparations requires a process that is led by victims themselves. Understanding how harm has accumulated, how it is shaped by present-day conditions, and how it differs across gender, age, geography, and livelihoods is essential to designing meaningful responses. Such understanding cannot be externally imposed; it must come from those directly affected. Evidence from community-based research by [REDACTED] and comparable civil society organisations shows that victims are able to clearly articulate their needs and priorities when given the space to do so.⁷¹ Through community listening sessions and participatory approaches to setting priorities, these initiatives demonstrate that affected communities can define what justice and redress should look like in their own contexts. Decisions on how reparations resources are allocated should therefore be grounded in these victim-led processes.⁷²
47. In practice, a participatory approach could involve structured community consultations, small-group dialogues, and representative committees that reflect the diversity of affected populations. Models developed by [REDACTED]⁷³, as well as similar efforts by civil society actors in contexts like Syria (see Section II.VI below on the Syrian Civil Society Support Room evidence)⁷⁴, illustrate how locally grounded processes can identify priorities, balance competing needs, and build legitimacy around outcomes. Such approaches not only ensure that reparations respond to lived realities but also

⁷⁰ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Victim Mapping Report, ICC-02/05-01/20-1256-Corr-Red, 21 November 2025, paras 104-108.

⁷¹ [REDACTED] and Global Legal Action Network, *Request for Leave to Submit Amicus Curiae Observations*, ICC-02/05-01/20, 26 January 2026, paras 13-14.

⁷² *The Prosecutor v. Dominic Ongwen*, Reparations Order, ICC-02/04-01/15-2074, 28 February 2024, para. 45.

⁷³ [REDACTED], *op. cit.*

⁷⁴ Rim Turkmani and Marika Theros, *A Process in its Own Right: The Syrian Civil Society Support Room* (Conflict Research Programme, London School of Economics and Political Science, 2019).

contribute to restoring agency and trust among communities that have long been excluded from decision-making.

Responsiveness and Flexibility Across Groups, Gender, and Livelihoods.

48. Given the highly differentiated nature of insecurity and needs across Darfur, as documented in Section I.II above, the allocation and use of reparations funds must be both flexible and context responsive. Rigid, pre-designed programming risks missing those most affected and failing to respond to rapidly shifting realities on the ground. The framework therefore needs to incorporate mechanisms that can adapt to changing humanitarian conditions, to the diverse needs of different communities, and to the specific vulnerabilities faced by groups such as women and survivors of sexual violence. This requires a design approach that recognises victims not as passive recipients but as active agents with authority over how reparations are defined and delivered.⁷⁵

49. This also calls for learning from Sudanese experiences of self-organisation, particularly the mutual aid groups and community kitchens described in Section I.II above. These initiatives have demonstrated a high degree of responsiveness, flexibility, and proximity to need, often reaching people in situations where formal systems cannot operate due to insecurity or collapsing infrastructure.⁷⁶ Their effectiveness in dire conditions shows the importance of decentralised, community-led structures embedded in local realities. A reparations framework that draws on these principles can better ensure that support is not only well-targeted but also capable of reaching those most affected in real time and under difficult conditions.

Education.

50. The economic case for prioritising educational provision in reparations allocations for conflict-affected IDP populations is well established in the development economics literature.⁷⁷ Education is the primary mechanism through which economic marginalisation is either reproduced or interrupted

⁷⁵ [REDACTED] and Global Legal Action Network, *Request for Leave to Submit Amicus Curiae Observations*, *op. cit.*, paras 17-18; see also *The Prosecutor v. Dominic Ongwen*, *op. cit.*, paras 634-637.

⁷⁶ Joshua Craze, Kholood Khair, and Raga Makawi, *op. cit.*; see also UN Women, *op. cit.*

⁷⁷ See, e.g., Paul Glewwe and Karthik Muralidharan, 'Improving Education Outcomes in Developing Countries: Evidence, Knowledge Gaps, and Policy Implications', in Eric A. Hanushek, Stephen Machin, and Ludger Woessmann (eds.), *Handbook of the Economics of Education*, Volume 5 (Elsevier, 2016), pp. 653-743 (synthesising the development economics evidence on education's role in interrupting intergenerational poverty); see also World Bank, *World Development Report 2018: Learning to Realize Education's Promise* (Washington, DC: World Bank, 2018), Chapter 2, Box 2.1 (on education in conflict and displacement contexts); Sarah Dryden-Peterson, 'Refugee Education: The Crossroads of Globalization', *Educational Researcher*, 45(9), 2016, pp. 473-482 (on the structural barriers to educational access for displaced populations and the long-term consequences of educational disruption).

across generations.⁷⁸ Where displacement causes sustained educational disruption – as the testimony from [REDACTED] documents comprehensively – the result is a cohort of children entering adulthood without the human capital to escape poverty, whose own children will face the same structural disadvantage. The [REDACTED] testimony makes the intergenerational character of this harm concrete: children denied formal schooling are not merely missing years of instruction; they are experiencing the social disintegration and behavioural consequences of unstructured displacement, with direct effects on community cohesion and safety. One participant described this pattern directly: ‘The children who aren’t going to school, who are just staying at home, face many problems. They fight among each other, hurt each other, and it holds them back’.⁷⁹

51. The economic recommendation is that reparations funds directed toward education prioritise: (a) fee subsidies or elimination rather than physical construction alone, given that participants specifically identified fee cost — not the absence of school buildings – as the primary barrier to access; (b) provision within or immediately adjacent to the camp perimeter, given that movement outside the camp exposes children and families to direct physical threat; and (c) teacher support and curriculum provision rather than infrastructure that requires ongoing state maintenance budgets that the Sudanese fiscal system cannot reliably supply.⁸⁰ On this last point the economic evidence is unambiguous: post-conflict infrastructure investment that creates recurrent cost obligations – teachers’ salaries, medical supplies, utility costs – without securing the funding stream for those recurrent costs produces abandoned facilities within years of construction. Reparations funds are more durably deployed to support ongoing provision than to build structures whose maintenance cannot be guaranteed.⁸¹

Healthcare.

52. The testimony from [REDACTED] documents both acute and chronic healthcare deprivation. The case of the participant who had gone without blood pressure medication for nearly four months illustrates a pattern common across

⁷⁸ World Bank, *World Development Report 2018*, *op. cit.*, p. 40; see also UNESCO, *Education for People and Planet: Creating Sustainable Futures for All*, *Global Education Monitoring Report* (2016), p. 40. This economic imperative is heavily corroborated in foundational transitional justice practice, which demonstrates that providing educational reparations to youth whose schooling was disrupted by conflict is critical to halting intergenerational marginalisation. See, e.g., Pablo de Greiff (ed.), *The Handbook of Reparations* (New York: Oxford University Press, 2006), pp. 743-744 (documenting the Chilean commission’s finding that political violence and poverty combined to exclude youth from formal education, requiring explicit reparative intervention).

⁷⁹ [REDACTED], *op. cit.*

⁸⁰ *Ibid.*

⁸¹ World Bank, *Sudan Public Expenditure Review: Synthesis Report*, Report No. 41840-SD (2007), p. 30 (noting that capital investment in school construction is insufficient without public financing for teacher remuneration and other recurrent costs); see also Richard P.C. Brown, *op. cit.*, pp. 111, 114 (documenting how capital-intensive projects in Sudan routinely become non-operational when the state fails to secure the resources necessary to finance their recurrent costs).

conflict-affected displacement contexts: the physical harms inflicted during attacks are compounded over time by the collapse of healthcare access, converting acute trauma into chronic, unmanaged morbidity. The economic consequences of sustained unmanaged illness in a population already living at subsistence level include reduced economic productivity, increased dependency ratios within households, and the absorption of scarce household resources into informal coping strategies. These strategies – purchasing medicines at black market prices, travelling to distant facilities at personal risk – leave families more economically vulnerable.⁸²

53. Reparations funds directed toward healthcare face the same recurrent cost challenge identified above. The recommendation here is for allocations directed toward: (a) essential medicines procurement and distribution within the camp, which addresses the most immediately documented need and does not create large structural maintenance obligations; (b) mobile or peripatetic health provision that does not depend on permanent infrastructure in an insecure environment; and (c) psychosocial support provision, given the significant body of testimony relating to mental health consequences of the crimes – including one participant’s account of a family member who lost her mental faculties as a result of the 2003 violence and has required care ever since, at direct economic cost to her family across two decades.⁸³

Recommended Modalities.

54. The modalities proposed below reflect a distinction between the recognition function and the material function of reparations. Individual cash transfers serve a juridical and symbolic purpose – direct acknowledgement by the international justice system that specific harms were committed against specific individuals – that collective programming cannot replicate, even where their material impact is constrained by the available scale of funds. Collective and programmatic reparations serve the material function, directing the bulk of available resources toward durable, community-wide benefit. Both are necessary; neither is sufficient alone.⁸⁴

Immediate Individual Cash Transfers.

55. Immediate individual cash transfers to victims serve a dual function. On one level, they provide urgent, tangible relief to individuals facing acute needs. On another, they represent a direct symbolic and material acknowledgement by the international justice system that specific harms were committed against specific individuals, that these acts were criminal in nature, and that they require

⁸² J-B. Falisse, S. Koroma, G. B. Nyembo, and D. A. Baba, *Evaluation of the Effects of the Reparations Ordered by the International Criminal Court and Implemented by the Trust Fund for Victims in the Case of the Prosecutor against Germain Katanga* (2024), p. 48.

⁸³ [REDACTED], *op. cit.*

⁸⁴ *The Prosecutor v. Dominic Ongwen*, Reparations Order, ICC-02/04-01/15-2074, 28 February 2024, paras 621-624.

redress. The timing of these transfers is therefore not merely logistical; it is integral to their meaning and their recognition function.⁸⁵

Ongoing Individual and Collective Cash Transfers Responsive to Humanitarian Need.

56. Beyond the initial transfers, a sustained mechanism of both individual and collective cash support should be established to respond to evolving and context-specific humanitarian needs. These transfers must be sufficiently flexible to reflect the diverse circumstances of victims across different geographic areas, social groups, and livelihood systems. They must also be designed to ensure safe, dignified, and accessible delivery for women and survivors of sexual violence, given the protection risks they face. This modality should be grounded in the participatory processes and victim mapping described above. Victim groups should engage directly in determining how collective funds intended for humanitarian relief are prioritised and used among their members. In addition, victims who remain in displacement – especially women – should be automatically eligible for sustained and unconditional cash transfers over a defined period. Existing Sudanese practices such as community emergency rooms, *takaya*, central kitchens in Darfur, and women-led emergency response groups demonstrate the feasibility and effectiveness of such localised, self-organised support mechanisms in conditions of extreme constraint.⁸⁶

Funding for Community-Identified Initiatives.

57. Collective reparations should also support initiatives identified directly by victims through participatory processes, drawing on models such as the community listening sessions implemented by [REDACTED] and other civil society organisations.⁸⁷ These initiatives should respond to three interconnected priorities: livelihood recovery, access to essential services, and processes of community and individual healing. The identification of priorities through victim-led engagement is not an add-on to this modality; it is its foundation. The legitimacy, relevance, and sustainability of collective reparations depend on the extent to which affected communities have shaped and owned the process through which they are defined.⁸⁸

III. Addressing the Division Risk: Allocation Mechanisms That Minimise Harm

58. The Chamber has specifically requested guidance on how reparations funds can be shared across affected populations in a manner that maximises fairness

⁸⁵ J-B. Falisse, S. Koroma, G. B. Nyembo, and D. A. Baba, *op. cit.*, pp. 34, 40-42.

⁸⁶ Joshua Craze, Kholood Khair, and Raga Makawi, *op. cit.*; see also UN Women, *op. cit.*

⁸⁷ [REDACTED] and Global Legal Action Network, *Request for Leave to Submit Amicus Curiae Observations*, *op. cit.*, para. 14.

⁸⁸ *The Prosecutor v. Dominic Ongwen*, *op. cit.*, paras 45-49.

and minimises the risk of creating or exacerbating division.⁸⁹ This is among the most practically consequential questions the economic analysis must address, and one where the specific political economy of West Darfur demands careful attention.

59. The crimes for which Mr Abd-Al-Rahman has been convicted were committed primarily against Fur communities in the Kodoom, Bindisi, Mukjar, and Deleig areas. The victim population in [REDACTED] reflects this – with Fur, Masalit, and Zaghawa communities represented alongside one another in a displacement context where pre-existing inter-communal relationships have been reshaped by shared victimhood, loss, and prolonged camp life.⁹⁰ The risk of division arises not from the ethnic composition of the victim population per se, but from three specific mechanisms that reparations design must actively counteract.
60. A related methodological question concerns eligibility. The Trial Chamber's findings, the scale of the affected population, and the documentary conditions in displacement together make individual eligibility verification both impractical and counterproductive. The Al Hassan TFCV submission and the Registry's Victim Mapping Report both note that conventional eligibility processes – requiring individual victims to demonstrate harm through documentary evidence – are unworkable in conditions where civil registries have been destroyed, displaced populations lack documentation, and survivors face stigma in disclosing certain harms.⁹¹ The Chamber should accordingly consider applying a presumption of victimhood to all members of the displaced communities affected by the crimes for which Mr Abd-Al-Rahman has been convicted, with formal eligibility verification reserved for any individual symbolic awards. This approach has the additional benefit of mitigating the division risks set out above: a presumption framework reduces the perception that some victims are recognised while others are not and limits the role of intermediaries in determining who qualifies.⁹²
61. First, **community-level selectivity** – where funds appear to benefit some sub-communities, villages of origin, or age cohorts over others – generates grievance regardless of the principled basis for any such targeting. The economic literature on post-conflict cash transfer programmes in Sudan

⁸⁹ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ('Ali Kushayb'), Order for Submissions on Reparations, ICC-02/05-01/20-1282; see also *The Prosecutor v. Dominic Ongwen*, *op. cit.*, para. 51.

⁹⁰ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ('Ali Kushayb'), Victim Mapping Report, *op. cit.*, paras 12, 107; see also [REDACTED], *op. cit.*

⁹¹ *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Trust Fund for Victims' Observations on Reparations, ICC-01/12-01/18-2737, 16 June 2025, paras 51-54; see also *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ('Ali Kushayb'), Victim Mapping Report, ICC-02/05-01/20-1256-Corr-Red, 21 November 2025, paras 12, 25, 113.

⁹² For the division risks associated with individual eligibility verification and the perceived bias of intermediaries, see J-B. Falisse, S. Koroma, G. B. Nyembo, and D. A. Baba, *Evaluation of the Effects of the Reparations Ordered by the International Criminal Court and Implemented by the Trust Fund for Victims in the Case of the Prosecutor against Germain Katanga* (2024), pp. 27-28.

explicitly documents this risk: targeted financial assistance frequently struggles with registration constraints and fails to reach the most vulnerable unless provided universally.⁹³ Furthermore, empirical evaluations of past ICC reparations demonstrate that even technically justified targeting (for example, categorising victims and allocating varying levels of support based on the severity of their harm) frequently produces perceptions of arbitrariness and unfairness that can create ‘fault lines’ within a community and damage cohesion more than modest across-the-board provision would.⁹⁴ Because the selection and prioritisation of beneficiaries are, by definition, exclusionary processes, they risk creating resentment and social divides if the rationale is not universally accepted. The recommendation is therefore that collective reparations be designed around services accessible to all displaced persons in [REDACTED] regardless of their community of origin, ethnic identity, or specific victimisation profile, in strict accordance with the Court’s mandate that reparations avoid creating ‘tensions, jealousy, or animosity’.⁹⁵ Specialised provision for identified sub-groups (discussed below) should only be adopted where it can be clearly justified and communicated.

62. Second, **elite capture** – where funds allocated to community institutions or local structures are diverted to serve the interests of camp leadership, traditional administration, or external intermediaries rather than the intended beneficiaries. The testimony from [REDACTED] notes that the only available authority for resolving disputes in the camp is traditional administration (camp elders). While this structure plays a legitimate and important role in camp governance, it is not a neutral or structurally accountable mechanism for fund distribution. Reparations funds channelled exclusively through traditional authority structures carry a significant risk of capture, and of reproducing existing hierarchies of power within the camp that may themselves reflect gender and age-based inequalities.⁹⁶ The recommendation is that any distribution mechanism include direct beneficiary engagement – including specific mechanisms for women’s participation – and is not mediated solely through traditional authority structures.

63. Third, **the visibility of harm asymmetry** – specifically, the risk that specialised provision for survivors of sexual violence or for children born of rape is perceived by the broader community as preferential treatment rather than as recognition of specific harm. This is a well-documented phenomenon in transitional justice reparations design: specialised measures for sexual and

⁹³ Muez Ali, Muzan Alneel, and Mayada Hassanain, *op. cit.*, p. 3.

⁹⁴ J-B. Falisse, S. Koroma, G. B. Nyembo, and D. A. Baba, *op. cit.*, pp. 27-30; see also *The Prosecutor v. Dominic Ongwen*, *op. cit.*, para. 584.

⁹⁵ *The Prosecutor v. Dominic Ongwen, Reparations Order*, ICC-02/04-01/15-2074, 28 February 2024, para. 489 (articulating the principle that reparations should not create tensions, jealousy, or animosity within affected communities).

⁹⁶ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’)*, *Victim Mapping Report*, *op. cit.*, paras 91-93; see also Jean-Benoît Falisse and Simeon Koroma, *Amicus Curiae Observations on Reparations*, *op. cit.*, para. 13.

gender-based violence (SGBV) survivors, while morally and legally necessary, can inadvertently amplify stigma if implemented without community-wide communication about the nature and rationale of the distinction.⁹⁷ The recommendation is that specialised measures for SGBV survivors and for undocumented children be accompanied by community-level communication processes. They should be embedded within broader collective reparations packages rather than presented as separate awards.

IV. Specialised Measures: Children Born of Rape and Documentation

64. The testimony gathered in [REDACTED] identifies one specific category of harm that requires targeted attention because it is both acute and directly addressable through a relatively low-cost intervention: the absence of official identity documentation for children born as a result of rape. As noted in Section I, this documentation gap creates a structural lifetime of economic exclusion – from formal education, formal employment, healthcare systems, financial services, and legal protections. It also restricts the freedom of movement of both the children and their mothers.⁹⁸
65. From an economic standpoint, documentation provision is among the highest-leverage interventions available within a constrained reparations budget. The cost of civil documentation processes is relatively low; the economic return – in terms of human capital accumulation, access to services, and the restoration of legal personhood – is substantial and compounds over a lifetime. Reparations funds directed toward supporting documentation processes for this population, in partnership with UNHCR and relevant civil registration authorities, would address one of the most specific and tractable economic harms attributable to the crimes in question.⁹⁹
66. The Chamber should note that this population is not historically bounded. Participants reported that ongoing sexual violence under RSF control continues to produce children in this situation. Reparations design must therefore consider not only the documentation needs of children born between 2003 and 2004 but the structural conditions that continue to produce this harm.¹⁰⁰

V. Complementarity with Existing Programmes

67. The Chamber has requested guidance on how reparations initiatives can complement or build upon existing local development programmes. This question requires an honest account of what those programmes currently amount to in the specific context of [REDACTED] and the surrounding area of South Darfur under RSF control.

⁹⁷ Jean-Benoît Falisse and Simeon Koroma, *Amicus Curiae Observations on Reparations*, op. cit., paras 15-16; see also *The Prosecutor v. Dominic Ongwen*, op. cit., para. 637.

⁹⁸ [REDACTED], op. cit.; see also *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ('Ali Kushayb'), Victim Mapping Report, op. cit., paras 107-108.

⁹⁹ *The Prosecutor v. Dominic Ongwen*, op. cit., paras 83, 609.

¹⁰⁰ [REDACTED], op. cit.; see also UN Women, op. cit.

68. Humanitarian provision in [REDACTED] is delivered primarily by UNHCR and associated NGO partners, with WFP providing food assistance. These programmes operate under severe constraint – funding shortfalls, access restrictions imposed by armed actors, and the general deterioration of the humanitarian operating environment in RSF-controlled Darfur since 2023.¹⁰¹ There is no meaningful development programming in the area from any Sudanese governmental source.¹⁰² This is not simply a capacity gap: both principal parties to the current conflict – the RSF and the Sudanese Armed Forces – have been documented as perpetrating violence against civilian populations in Darfur and restricting humanitarian access. Neither constitutes a legitimate or safe channel for reparations delivery. The IMF has suspended its Sudan debt-relief and reform programming.¹⁰³ The structural adjustment conditions that international financial institutions might ordinarily attach to reconstruction support are inapplicable in an active conflict environment where no accountable governmental authority exercises effective control.
69. In this context, the principle of complementarity with existing programmes should be understood not as building on a robust development architecture – which does not exist – but as ensuring that reparations interventions do not undermine or distort the humanitarian provision that does. The specific risks of distortion are: (a) that reparations funds create parallel service delivery structures that draw staff and capacity away from existing humanitarian operations; (b) that they generate expectations of provision that cannot be sustained beyond the reparations programme itself; and (c) that they are perceived by armed actors as resources to be taxed or captured, thereby increasing the security risk to beneficiaries and humanitarian workers alike.¹⁰⁴
70. The practical recommendation is that reparations allocations be channelled through or in coordination with existing humanitarian actors already operating in [REDACTED] – primarily UNHCR – rather than through new standalone delivery mechanisms. This minimises transaction costs, reduces capture risk, and ensures that reparations provision reinforces rather than competes with the existing humanitarian infrastructure on which the camp population depends for survival.¹⁰⁵

¹⁰¹ ACAPS Analysis Hub, *op. cit.*, pp. 1-2.; Joshua Craze, Kholood Khair, and Raga Makawi, 'Sudan Starves', *The New York Review of Books*, 2024; see also Sara Abbas, Nisrin Elamin, Rabab Elnaiem, and Abdelraouf Omer, 'In Sudan, the People's Revolution Versus the Elite's Counterrevolution', 2024.

¹⁰² Muez Ali, Muzan Alneel, and Mayada Hassanain, 'Conditionality Breeds Contempt: Donor and Multilateral Myopia in Sudan', *African Studies Review*, 2025; see also Joshua Craze and Raga Makawi, *The Republic of Kadamol: A Portrait of the Rapid Support Forces at War*, 2025.

¹⁰³ [REDACTED] and Global Legal Action Network, *Request for Leave to Submit Amicus Curiae Observations*, *op. cit.*, para. 20.

¹⁰⁴ Chatham House, *op. cit.*; see also Jean-Benoît Falisse and Simeon Koroma, *Amicus Curiae Observations on Reparations*, *op. cit.*, para. 52.

¹⁰⁵ Jean-Benoît Falisse and Simeon Koroma, *Amicus Curiae Observations on Reparations*, *op. cit.*, paras 52, 101.

71. **On cross-border delivery.** The principles set out above apply with equal force to Darfuri victim populations displaced beyond Sudan, including the substantial refugee population in eastern Chad.¹⁰⁶ UNHCR's existing operations in Chad provide an established delivery infrastructure through which reparations could reach these populations without requiring new standalone mechanisms. The Trust Fund for Victims' recent observations in the Al Hassan case provide a clear precedent for accessible delivery modalities reaching geographically dispersed victim populations.¹⁰⁷ Reparations design should accordingly include provision for cross-border delivery to Chad-based and other displaced populations, coordinated through UNHCR's existing refugee operations.
72. Although most victims are currently living in displacement and remain in urgent need of humanitarian assistance, any reparations process must ensure that even where resources partially overlap with immediate support needs, they are not conflated with humanitarian aid.¹⁰⁸ The ongoing humanitarian crisis experienced by many victims should not obscure or dilute the significance of the ICC ruling, nor what it represents after more than twenty years of sustained struggle for accountability. Reparations carry a distinct and specific meaning: they constitute an acknowledgement of particular crimes, of identified perpetrators, and of the dignity and rights of survivors who pursued justice over time. That meaning must be preserved in both the design and implementation of any reparations framework.
73. For this reason, reparations must be clearly differentiated from humanitarian assistance in their purpose, framing, communication, and delivery mechanisms. Even where they respond to urgent material needs, they should not be absorbed into general aid systems or treated as routine relief. Timely and efficient distribution of both individual and collective reparations is not merely an operational concern, but an integral element of the recognition function that reparations serve. Delay itself communicates a message about the value the Court places on victims' claims.¹⁰⁹ The economic and symbolic costs of further delay are therefore not trivial – they accumulate in proportion to the gap between the accountability the ruling represents and the material conditions victims continue to endure.

¹⁰⁶ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Victim Mapping Report, *op. cit.*, fn. 8, para. 11.

¹⁰⁷ *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Trust Fund for Victims' Observations on Reparations, *op. cit.*, para. 102.

¹⁰⁸ Jean-Benoît Falisse and Simeon Koroma, *Amicus Curiae Observations on Reparations*, *op. cit.*, para. 11.

¹⁰⁹ J-B. Falisse, S. Koroma, G. B. Nyembo, and D. A. Baba, *op. cit.*, pp. 38-39, 64; see also *The Prosecutor v. Dominic Ongwen*, *op. cit.*, para. 89.

VI. The Case for Reparations Disbursement During Active Conflict

74. The Chamber may be inclined toward caution about disbursing reparations funds while active conflict continues in and around the areas where victims reside. This report respectfully submits that such caution, while understandable, risks compounding rather than mitigating harm. The evidence from comparable civil society engagement processes in active conflict settings supports proceeding with carefully designed disbursement rather than deferring it.¹¹⁰
75. The central argument for deferral is that unstable conditions make delivery impossible, increase capture risk, and may expose beneficiaries to danger. These are legitimate concerns, addressed in part by the delivery recommendations set out in Section II.V above. But the argument for deferral rests on an implicit assumption that stability will arrive – and in the case of the communities represented in [REDACTED], that assumption has been falsified across more than two decades. The crimes for which Mr Abd-Al-Rahman has been convicted were committed in 2003-04. The displacement they caused has never been resolved. The RSF, successor formation to the Janjaweed structures he led, controls surrounding territory today. Waiting for post-conflict conditions before disbursing reparations in this case is not a temporary precaution: it is, in practice, indefinite deferral.
76. The economic cost of that deferral is not abstract. As Section I documents, the harms caused by the crimes in question are compounding over time, not stabilising. Children denied education in 2003 are now adults without human capital. Children born of rape without documentation are now entering adulthood unable to access formal employment, healthcare, or financial services – and new children are being born into the same condition.¹¹¹ The longer reparations are deferred, the larger the gap between what can be repaired and what has been permanently foreclosed.
77. The evidence from civil society engagement processes in comparable active conflict settings supports the viability of structured, community-grounded provision during ongoing conflict. The Conflict Research Programme at the London School of Economics has studied the Syrian Civil Society Support Room (CSSR) – a formal mechanism involving more than 500 civil society actors across conflict lines during the active Syrian war. Its research demonstrates that meaningful, impactful engagement with affected populations is achievable in conditions of active conflict when processes are designed with local ownership, do-no-harm principles, and flexible delivery architecture. That process facilitated not only dialogue and consensus-building but concrete

¹¹⁰ J-B. Falisse, S. Koroma, G. B. Nyembo, and D. A. Baba, *op. cit.*, p. 66.

¹¹¹ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Victim Mapping Report, *op. cit.*, paras 107-108.

humanitarian outcomes including access negotiations, temporary ceasefires, and coordinated evacuations – all during active hostilities.¹¹²

78. The lessons from that experience for reparations design in the present case are specific and practical. First, local ownership is not merely desirable but functionally necessary: processes perceived as externally imposed or top-down are less trusted, less used, and more vulnerable to capture. The CSSR evidence shows that civil society actors who felt genuine ownership of a process – including the ability to shape its design and agenda – were more proactive, more engaged, and more effective at reaching marginalised constituencies.¹¹³ For [REDACTED], this means reparations processes should be co-designed with camp community structures, including the women's networks and resistance committees that [REDACTED] has engaged, rather than delivered to them.
79. Second, the risks of armed actors manipulating or co-opting material reparations are severe but manageable through specific delivery designs. Traditional humanitarian supply chains in Sudan have been systematically captured by belligerents: the SAF instrumentalises the Humanitarian Aid Commission (HAC) to control access, while the RSF uses the Sudan Agency for Relief and Humanitarian Operations (SARHO) to exact checkpoint fees and force reliance on affiliated trucking companies.¹¹⁴ To circumvent this, contemporary policy analyses recommend rigorous supply-chain vetting, including the use of 'whitelists' to ensure logistical and procurement contracts do not inadvertently fund security-business networks. Using rotating rather than fixed beneficiary lists similarly reduces the ability of armed actors to identify and target distributions in advance. Furthermore, embedding delivery within decentralised, localised mechanisms minimises the visibility of the process as a centralised resource to be captured by armed actors. The grassroots Emergency Response Rooms (ERRs) currently operating in Sudan illustrate this approach, maintaining light administrative footprints to provide mutual aid and food kitchens within active conflict zones.¹¹⁵
80. The Chamber should also note that the delivery designs recommended above respond to institutional risk concerns alongside operational ones. Reparations disbursement that is captured by armed actors, diverted to fund atrocities, or used to entrench predatory networks would create serious legal and reputational exposure for the Court. Any reparations order in an active-conflict environment must take this exposure seriously.¹¹⁶ The recommended delivery model is designed to minimise it: UNHCR-coordinated, supply-chain vetted,

¹¹² Rim Turkmani and Marika Theros, *op. cit.*, pp. 5, 10, 15.

¹¹³ *Ibid.*, p. 6.

¹¹⁴ Chatham House, *op. cit.*, p. 8.

¹¹⁵ Joshua Craze, Kholood Khair, and Raga Makawi, *op. cit.*

¹¹⁶ J-B. Falisse, S. Koroma, G. B. Nyembo, and D. A. Baba, *op. cit.*, p. 67 (documenting the specific risks of implementing reparations during active wartime, including community fears that injecting resources could encourage or reward armed group formation).

channelled through localised civic mechanisms with light administrative footprints, and accompanied by rotating beneficiary lists rather than fixed registers.¹¹⁷ The institutional risk of carefully designed disbursement is materially lower than the institutional risk of indefinite deferral, which carries its own exposure: the appearance that the Court delivers accountability at the level of conviction but withholds material redress, with corresponding effects on the Court's legitimacy with conflict-affected communities globally.¹¹⁸ Both forms of risk warrant serious consideration; on balance, the evidence supports proceeding with the carefully designed delivery model recommended here.

81. The Chamber should also note that deferral itself carries a specific risk of community harm in this case: the symbolic message that justice has been delivered at the level of criminal accountability but withheld at the level of material reparation. Victims in [REDACTED] have been waiting for more than twenty years. The survivor testimony gathered by [REDACTED] includes the direct expression – 'just let us eat' – that captures the gap between legal process and lived reality as experienced by people in the camp.¹¹⁹ Deferring reparations further widens that gap and risks delegitimising the court's accountability processes in the eyes of the communities they are meant to serve.¹²⁰
82. This report therefore recommends that the Chamber proceed with reparations disbursement using the collective, service-based, UNHCR-coordinated model set out in Sections II.II through II.VIII, and that it do so without waiting for a stabilisation of security conditions that the evidence does not support expecting in any foreseeable timeframe. Deferral is not a safe default. It is a choice with costs – and those costs are borne by the victims.

¹¹⁷ Jean-Benoît Falisse and Simeon Koroma, *op. cit.*, paras 34, 52-53 (warning that in insecure environments controlled by armed actors, reparations must avoid requiring public self-identification and instead rely on discreet, flexible modalities to prevent surveillance, capture, or retaliation).

¹¹⁸ J-B. Falisse, S. Koroma, G. B. Nyembo, and D. A. Baba, *op. cit.*, p. 11; citing Pre-Trial Chamber I, The Prosecutor v. Thomas Lubanga Dyilo, ICC-01/04-01/06-8-Corr, 24 February 2006, para. 136 (acknowledging that the success of the Court is, to some extent, linked to the success of its reparation system).

¹¹⁹ [REDACTED], *op. cit.*

¹²⁰ J-B. Falisse, S. Koroma, G. B. Nyembo, and D. A. Baba, *op. cit.*, pp. 43-45.

VII. Summary of Recommendations

83. Drawing together the economic analysis presented in Sections I and II, this report offers the following summary recommendations for the Chamber's consideration in determining the most effective use of available reparations funds:
84. **On allocation structure:** The available funds are insufficient for meaningful individual monetary compensation at scale. The Chamber should weight allocations substantially toward collective and programmatic reparations, with a smaller component directed toward individual symbolic recognition through non-monetary means.
85. **On individual recognition and victim-led allocation:** Immediate individual cash transfers should be disbursed as a first modality, serving a juridical and symbolic recognition function that collective programming cannot replicate. All allocation decisions should be grounded in victim-led participatory processes, including structured community consultations and representative committees that reflect the diversity of affected populations.
86. **On priority sectors:** Education – specifically fee subsidies and in-camp provision – and essential healthcare, particularly medicines and psychosocial support, represent the highest-priority sectors identified both by survivor testimony and by the economic evidence on long-term harm. Both should be designed to minimise recurrent cost obligations that the Sudanese fiscal system cannot reliably meet.
87. **On division mitigation:** Allocation mechanisms should be designed to ensure universal accessibility across communities represented in [REDACTED], should include direct beneficiary engagement including specific mechanisms for women's participation, and should not be mediated solely through traditional authority structures. Specialised measures for SGBV survivors and undocumented children should be embedded within broader collective packages and accompanied by community communication processes.
88. **On prioritisation:** While reparations should aim for universal accessibility across the affected population (see paragraph 61 above), certain categories of victims face acute and time-sensitive needs that warrant earlier or more intensive intervention. These include: women survivors of sexual violence and children born of rape, who face structural exclusions that compound rapidly; families of the disappeared, whose economic suspension cannot be resolved without formal recognition¹²¹; the elderly and chronically ill, for whom delays in healthcare provision produce irreversible harm; and children currently of school

¹²¹ *The Prosecutor v. Dominic Ongwen*, Reparations Order, ICC-02/04-01/15-2074, 28 February 2024, paras 269, 655-661.

age, for whom each year of foreclosed education represents a lifetime cost.¹²² Prioritisation should be operationalised through sequencing of programme rollout rather than through differential allocations within sectors, in order to minimise the division risks identified in Section II.III.¹²³

89. **On documentation:** Reparations funds directed toward civil documentation support for children born of rape represent a high-leverage, relatively low-cost intervention with substantial lifetime economic returns. This measure should be pursued in partnership with UNHCR and relevant civil registration bodies.
90. **On delivery:** Reparations funds should be channelled through or in close coordination with UNHCR and existing humanitarian actors in [REDACTED], rather than through new standalone delivery mechanisms. This approach minimises transaction costs, reduces capture risk, and reinforces rather than distorts the existing humanitarian infrastructure.
91. **On the ongoing conflict context:** All recommendations are conditioned on the recognition that [REDACTED] is not a post-conflict environment. The RSF controls surrounding areas, sexual violence continues, and formal law enforcement and judicial institutions are absent. Reparations design must account for these conditions at every stage. This means careful attention to the selection of intervention types, to delivery mechanisms, to security protocols for beneficiary engagement, and to communication with affected communities about the nature and limits of what the reparations process can achieve.
92. This report has sought to assist the Chamber in its reparations determination by providing two forms of analysis: first, a structural account of the fiscal and economic conditions in which reparations funds will operate, demonstrating that the harms caused by the crimes in question are ongoing, compounding, and irremediable by state fiscal action; and second, evidence-based recommendations on how the available funds can be most effectively allocated to achieve durable benefit for the largest number of victims with the least risk of division or capture. In addition, this report submits that the framework set out here offers a model for reparations design in other contexts where conflict has been sustained by the capture of public finance by armed networks. The framework rests on three commitments: centring civic communities rather than belligerent structures, treating reparations as a structural intervention against predatory revenue logics, and operationalising delivery through localised civic mechanisms. These commitments are advanced with the recognition that civic structures themselves require accountability mechanisms and are not immune to capture. The experts remain available to provide any further assistance the Chamber may require. The experts gratefully acknowledge the foundational contribution of [REDACTED], whose survivor-led research methodology and

¹²² *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Victim Mapping Report, ICC-02/05-01/20-1256-Corr-Red, 21 November 2025, paras 107-108; see also *The Prosecutor v. Dominic Ongwen*, *op. cit.*, para. 86.

¹²³ *The Prosecutor v. Dominic Ongwen*, *op. cit.*, paras 632-633, 821-822.

direct work with displaced communities in [REDACTED] provide both the testimonial foundation and the participatory model on which much of this analysis rests. The framework set out in this report should be read as a translation, into the registers of expert economic evidence and ICC procedure, of analytical work that Sudanese civic organisations have been developing over many years.

VIII. Cost-Effectiveness Analysis and Funding Scenarios

93. The Chamber has sought guidance on how limited funds can be deployed to maximum effect. This section addresses that question directly by providing indicative cost-effectiveness comparisons at different funding levels, drawing on precedent from other ICC reparations proceedings and on the specific conditions of the present case.
94. **The Ongwen precedent.** The most recent completed ICC reparations assessment, in *Prosecutor v. Ongwen* (Uganda)¹²⁴, assessed the convicted person's liability at approximately €52.4 million for a victim population of 49,772.¹²⁵ This comprised €15 million directed toward collective community-based projects and approximately €37.4 million in individual symbolic awards of €750 per victim.¹²⁶ The Ongwen order provides a useful structural benchmark – the combination of collective programming with individual symbolic recognition reflects the framework this report recommends – though the Darfur context differs materially in two respects: the victim population in the present case is orders of magnitude larger, and the security conditions in Sudan preclude the kind of state-supported implementation infrastructure available in Uganda.
95. **A note on methodology.** The cost estimates that follow are derived from three sources: comparable ICC programme costs documented in the implementation plans for prior reparations cases (particularly Al Mahdi and the early stages of Ongwen implementation)¹²⁷; standard humanitarian programme cost ranges for the relevant intervention types in displacement contexts, drawn from UNHCR and WFP operational data; and the experts' own field experience with comparable programming in Sudan and South Sudan. The figures are presented as ranges to reflect the inherent uncertainty in cost projection for active-conflict environments, where security conditions, access constraints,

¹²⁴ The earlier ICC reparations proceedings in Lubanga and Katanga established the foundational framework for collective and individual reparations under the Rome Statute. The present report draws principally on the more recent Ongwen and Al Hassan proceedings on the basis that they reflect the consolidated framework most directly applicable to the conditions of large-scale victim populations in active or post-active conflict environments, and on the Katanga evaluation as the most rigorous available assessment of implementation outcomes.

¹²⁵ *The Prosecutor v. Dominic Ongwen*, Reparations Order, ICC-02/04-01/15-2074, 28 February 2024, paras 748, 795.

¹²⁶ *Ibid.*, paras 621, 795.

¹²⁷ *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Trust Fund for Victims' Observations on Reparations, *op. cit.*, paras 113-114 (detailing Al Mahdi implementation costs); see also *The Prosecutor v. Dominic Ongwen*, *op. cit.*, paras 786-788.

and inflation can affect actual delivery costs significantly.¹²⁸ Where specific comparable precedents exist (notably the Al Mahdi participatory mechanism), these are cited directly. The estimates are intended to give the Chamber an order-of-magnitude indication of what each funding level can realistically achieve rather than to serve as detailed budget projections, which would properly fall to the implementing entity at the design stage.¹²⁹ The analytical framework set out in this report also draws on a broader tradition of Sudanese civic and analytical work. Three commitments in particular reflect that tradition: the focus on civic-centred delivery, the critique of predatory fiscal architectures, and the priority placed on participatory allocation. These commitments build on the work of resistance committees, women-led emergency response groups, and Sudanese researchers including Muzan Alneel, Mayada Hassanain, Raga Makawi, and others whose work is cited throughout this report.¹³⁰

96. Minimum effective threshold. Based on the analysis in this report, this expert evidence identifies a minimum effective threshold of approximately €10 million as the floor below which collective reparations programming cannot achieve meaningful and durable impact at the scale required. This figure reflects: education fee subsidies and teacher support programming within [REDACTED], which survivor testimony identifies as the highest community priority (estimated at €2-3 million); essential medicines procurement and in-camp healthcare provision over a two-year period (estimated at €2-3 million)¹³¹; civil documentation support for children born of rape, in partnership with UNHCR (estimated at €500,000-1 million); the cost of establishing a participatory victim engagement mechanism (estimated at €1-1.5 million based on the Al Mahdi precedent)¹³²; and programme management, security protocols, and communications (estimated at 15-20% of direct costs).¹³³ Individual symbolic cash transfers at a modest per-victim rate would require additional funding above this threshold.

97. A note on administrative costs. The Chamber will need to consider how administrative and programme management costs are assessed against the available reparations award. The Trust Fund for Victims' practice in previous

¹²⁸ ACAPS Analysis Hub, *op. cit.*, pp. 1-2, 6 (documenting how shifting conflict lines, bureaucratic impediments, and inflation severely disrupt and increase the operational costs of humanitarian delivery).

¹²⁹ The Prosecutor v. Dominic Ongwen, *op. cit.*, paras 803-804 (affirming that the detailed design and specific budgeting of programmes appropriately fall to the TFV during the Draft Implementation Plan phase).

¹³⁰ See, e.g., Muez Ali, Muzan Alneel, and Mayada Hassanain, *op. cit.*; Raga Makawi and Matthew Sterling Benson-Strohmayr, Sudan's Civic Future: Mapping Medania, Resistance, and Democratic Aspirations (PeaceRep Policy Brief, University of Edinburgh, 2025); Sara Abbas, Nisrin Elamin, Rabab Elnaiem, and Abdelraouf Omer, *op. cit.*; and UN Women, *op. cit.*, pp. 8-9 (documenting the critical frontline role of women-led organisations and Emergency Response Rooms).

¹³¹ [REDACTED], *op. cit.*

¹³² The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, Trust Fund for Victims' Observations on Reparations, ICC-01/12-01/18-2737, 16 June 2025, para. 113.

¹³³ The Prosecutor v. Dominic Ongwen, *op. cit.*, para. 763; see also The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, *op. cit.*, para. 110.

cases distinguishes between direct beneficiary costs, programme delivery costs, and indirect overheads, with the latter typically running between 7 and 20 per cent of total programme costs depending on delivery modality.¹³⁴ The cost estimates in paragraph 96 above incorporate this convention. The Chamber should resist any framing that treats administrative costs as a deduction from the reparations available to victims; rather, these costs are a precondition of effective delivery and underfunding them produces poorly executed programming that fails the recognition function reparations are intended to serve. Where the Chamber's order specifies a total liability figure, the implementing entity should retain flexibility to allocate appropriately between direct and indirect costs subject to standard accountability requirements.

98. **Funding scenarios.** The table below illustrates what different funding levels can realistically achieve in the specific conditions of Otash IDP camp and the surrounding South Darfur context. The analysis reflects survivor testimony identifying education as the community's highest priority, with healthcare and documentation as co-priority sectors¹³⁵; the scenarios below show how the balance between these priorities shifts as available funding increases.

Total available funds	Implications for individual transfers	Collective programming scope	Overall assessment
€4 million	Individual symbolic transfers of ~€1-2 per victim across the estimated 3.5 million victim population ¹³⁶ would be economically indefensible as a primary modality.	Entire fund directed to collective programming; realistic scope limited to one intervention only. Given survivor testimony identifying education as the highest community priority, the most defensible single-sector allocation would be education fee subsidies and in-camp teacher support. Essential medicines procurement or documentation support represent viable alternatives depending on participatory prioritisation.	Cannot simultaneously sustain all three priority sectors identified by survivor testimony. At this level, a focused single-sector intervention can still deliver meaningful impact for the most acutely harmed populations, but the education deficit – identified by survivors as the most pressing long-term harm – would remain substantially unaddressed even

¹³⁴ *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Trust Fund for Victims' Observations on Reparations, *op. cit.*, para. 110.

¹³⁵ [REDACTED], *op. cit.*

¹³⁶ [REDACTED] and Global Legal Action Network, *Request for Leave to Submit Amicus Curiae Observations*, *op. cit.*, para. 20.

Total available funds	Implications for individual transfers	Collective programming scope	Overall assessment
			with full allocation to that sector.
€10 million	Individual symbolic transfers at ~€2–5 per directly identified victim (the documented population), consistent with the recognition function of reparations.	All three priority collective sectors funded at meaningful scale over a two-year implementation period, alongside a participatory mechanism. Education receives priority allocation, reflecting survivor testimony: fee subsidies, in-camp provision, and teacher support. Healthcare (essential medicines, mobile provision, psychosocial support) and documentation support for children born of rape funded alongside.	Minimum threshold for a reparations programme that is both materially significant and symbolically credible. At this level, the education deficit identified as the primary harm by survivors can be meaningfully addressed without displacing healthcare and documentation priorities.
€30 million	Individual symbolic awards in line with the Ongwen precedent at €750 per directly identified victim. ¹³⁷	Sustained multi-year programming across all priority sectors. Education funded at transformative scale: secondary-level access, curriculum development, and structural fee elimination beyond the camp perimeter. Livelihood recovery, psychosocial support, and community-scale programming alongside. Begins to address intergenerational harm through cultural preservation and transgenerational educational investment.	At this level, reparations begin to address the broader and longer-term harms documented in Section I.IV, including the intergenerational educational foreclosure that survivors identify as the defining harm of two decades of displacement.

¹³⁷ *The Prosecutor v. Dominic Ongwen*, op. cit., para. 621.

99. **The case for ambitious advocacy.** The gap between the current Trust Fund estimates and the minimum effective threshold is not a reason for resignation – it is a reason for the Chamber to use its reparations order as an instrument of advocacy as well as adjudication. A reparations order that explicitly sets out the funding required for meaningful impact and calls on States Parties and voluntary contributors to close the gap, places on the public record a concrete accountability standard against which future funding decisions can be measured. The ICC's reparations jurisprudence in *Al Mahdi* and *Ongwen* demonstrates that ambitious orders, even where initially underfunded, create institutional pressure that has resulted in additional voluntary contributions over time.¹³⁸ This report therefore recommends that the Chamber state in its order the full scope of funding it considers necessary for meaningful reparations in this case, separate from its assessment of the convicted person's individual liability, and that it issues a call to States Parties and the international community to contribute accordingly.¹³⁹

¹³⁸ *The Prosecutor v. Dominic Ongwen*, Reparations Order, ICC-02/04-01/15-2074, 28 February 2024, paras 819, 823.

¹³⁹ *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Trust Fund for Victims' Observations on Reparations, ICC-01/12-01/18-2737, 16 June 2025, para. 71; see also *The Prosecutor v. Dominic Ongwen*, *op. cit.*, para. 816.