

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **4 June 2026**

TRIAL CHAMBER I

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

SITUATION IN DARFUR, SUDAN

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

Public

Prosecution’s Submissions on Reparations

Source: Office of the Prosecutor

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A. INTRODUCTION

1. Following the Chamber's order of 9 December 2025, the Prosecution hereby provides observations to assist the Chamber in the reparations phase of the *Abd-Al-Rahman* proceedings.¹

2. First, the Chamber should adopt the principles established by the Appeals Chamber in *Lubanga*² and supplemented by the Trial Chamber in *Ntaganda*,³ adapting them to the characteristics of the *Abd-Al-Rahman* case to reflect the harm suffered by the victims of the crimes for which Mr Abd-Al-Rahman was convicted. Second, when determining the principle of prioritisation, the Chamber should take into account the harms suffered by: i) victims who are elderly; ii) victims with a condition which can be qualified as life-threatening in light of their individual situation; iii) victims of sexual violence and their children born out of rape; and iv) victims who were children at the time of the commission of the crimes. These victims are particularly vulnerable and may require priority access to reparations or urgent assistance. Third, the Prosecution considers that collective reparations, including but not limited to immediate symbolic and satisfaction measures, are appropriate in the present case. Rehabilitation measures for victims should follow when the security situation allows.

3. Concretely, the Prosecution provides its submissions on the issues listed in paragraph 6(a)(i), (ii), (iii), (iv), (v), (vi) and (x) of the Submissions Order. The Prosecution otherwise defers to the submissions of the Common Legal Representative for Victims ("CLRv"), the Trust Fund for Victims ("TFV") and the Registry, in respect of the issues listed in paragraph 6(a)(vii), (viii) and (ix) of the same order.

¹ In response to the invitation by the Chamber: [ICC-02/05-01/20-1282](#), Order for Submissions on Reparations, ("Submissions Order"), paras. 6(a) and (b). The original deadline to submit observations of 4 May 2026 was extended to 4 June 2026: [ICC-02/05-01/20-1317-Red](#), para. 16, and [ICC-02/05-01/20-1319-Red](#), para. 10.

² ICC-01/04-01/06-3129 ("[Lubanga Principles](#)").

³ ICC-01/04-02/06-2659 ("[Ntaganda Reparations Order](#)").

B. SUBMISSIONS

Preliminary issue: the Chamber should reject the principles proposed by the Defence

4. The Defence requests the Chamber to adopt two additional principles of reparations. First, the Defence requests the Chamber to recognise “the existence of an individual right of victims of international crimes to reparations in Customary International Law, that is not conditioned by the identification, prosecution, conviction or capacity of the offender to contribute to these”.⁴ Second, the Defence requests the Chamber to recognise “the existence of a positive obligation of Sudan to contribute to [...] reparations in favour of victims in the present case, notwithstanding the reparations provided by and/or through the [Trust Fund for Victims]”.⁵ Specifically, the Defence requests the Chamber to rule, pursuant to article 75(1) of the Statute, that “Sudan bears liability for and shall contribute to reparations to victims in this case.”⁶

5. The Chamber should reject both of the proposed principles. The issue of whether reparations can be ordered in the absence of a conviction has already been litigated in this case.⁷ The Appeals Chamber, whose determination is *res judicata*,⁸ has ruled that “the only ‘order’ that may be issued concerning reparations under article 75 of the Statute, entitled ‘Reparations to victims’, is the one mentioned in subparagraphs (2), (3), and (4), made ‘directly against a convicted person’.”⁹ This makes clear that the trial chamber may only make a reparations order after a person

⁴ ICC-02/05-01/20-1338-Red, (“[Defence Submission on Reparations](#)”), para. 32

⁵ [Defence Submission on Reparations](#), para. 32

⁶ [Defence Submission on Reparations](#), para. 41.

⁷ See [ICC-02/05-01/20-98](#), Requête et observations sur les reparations en vertu de l'Article 75-1; [ICC-02/05-01/20-102](#), Prosecution’s Response to “Requête et observations sur les réparations en vertu de l’Article 75-1” (ICC-02/05-01/20-98); [ICC-02/05-01/20-129](#), Demande d’autorisation d’interjeter appel de la « Decision on the Defence Request and Observations on Réparations pursuant to Article 75-1 of the Rome Statute » (ICC-02/05-01/20-117); [ICC-02/05-01/20-141](#), Decision on the Defence Request for Leave to Appeal the Decision pursuant to Article 75(1) of the Rome Statute; [ICC-02/05-01/20-147](#), Mémoire d’appel de la décision ICC-02/05-01/20-117; [ICC-02/05-01/20-161](#), Prosecution response to “Mémoire d’appel de la décision ICC-02/05-01/20-117” (ICC-02/05-01/20-147); [ICC-02/05-01/20-237](#) (“Reparations Judgment”).

⁸ See [ICC-02/17-218](#) (“Afghanistan Judgment on Resumption of Investigation”), para. 59, fn. 96 and citations therein.

⁹ [ICC-02/05-01/20-237](#) (“Reparations Judgment”), paras. 16-23.

is convicted, and only against a convicted person (and not against a State, as requested by the Defence).¹⁰ Further, the Chamber has already held, in relation to Defence submissions on reparations made at the sentencing phase, that “without a conviction, trial chambers cannot issue reparations orders.”¹¹

Issue (i): Estimated total number of eligible direct and indirect victims identified in the Victim Mapping Report (“Mapping Report”)

6. In its Mapping Report,¹² the Victims Participation and Reparations Section (“VPRS”) provided an approximate number of direct victims rather than a comprehensive total.¹³ The Prosecution notes that it is not a precondition to the issuance of the reparations order for the Chamber to determine the number of potential beneficiaries nor to identify them.¹⁴ Accordingly, the Chamber may either choose to identify in the reparations order the victims eligible to benefit from reparations, or more appropriately if the Chamber orders collective reparations,¹⁵ set out the criteria of eligibility for such victims and entrust the TFV to identify the beneficiaries at the implementation stage.¹⁶

7. Considering the characteristics of this case, in particular the large number of potential beneficiaries of reparations,¹⁷ and the difficulty in ensuring that all potential beneficiaries come forward within a reasonable time period, the Prosecution submits

¹⁰ [Defence Submission on Reparations](#), para. 141.

¹¹ ICC-02/05-01/20-1281-Red (“[Sentencing Judgment](#)”), para. 102.

¹² ICC-02/05-01/20-1256-Corr-Red, (“[Mapping Report](#)”).

¹³ [Mapping Report](#), paras. 130, 131 and 136.

¹⁴ ICC-01/04-02/06-2659 (“[Ntaganda Reparations Order](#)”), para. 231. *See also* [Submissions Order](#), para. 5: this Chamber considers that the reparations proceedings should advance as efficiently and expeditiously as possible, avoiding unnecessary delays.

¹⁵ In *Lubanga*, the Appeals Chamber found that the Trial Chamber was not required to rule on the individual applications for reparations because a collective award was made pursuant to rule 98(3): ICC-01/04-01/06-3129 (“[Lubanga First Reparations Order](#)”), paras. 148-157.

¹⁶ [Ntaganda Reparations Order](#), para. 105 and [Lubanga First Reparations Order](#), para. 205.

¹⁷ [Mapping Report](#), paras. 119-139.

that the Chamber should consider the approach¹⁸ that was applied in the *Lubanga*¹⁹ and *Ntaganda* cases²⁰ where the Chambers relied on estimates of the number of victims. This approach is also consistent with the right of the victims to prompt reparations.²¹

Issue (ii): Factual and legal issues relevant to the identification of eligible victims

8. The victims who wish to receive reparations should satisfy the definition of “victim” in accordance with rule 85 of the Rules of Procedure and Evidence. In this regard, the Prosecution submits that the victims already authorised to participate at trial (“Participating Victims”)²² are eligible for reparations without being required to complete a new application since they all fall within the scope of the Trial Judgment.²³

9. Consistent with the procedure followed in relation to the Participating Victims in this case,²⁴ individuals or entities yet to be identified who may also be eligible for reparations must provide: i) sufficient proof of identity; ii) a description of the harm suffered; and iii) the causal link between the crimes and their harm.²⁵

10. **Sufficient proof of identity:** Victims may use official or unofficial identification documents, or any other means of demonstrating their identities.²⁶ In the absence of acceptable documentation, a statement signed by two credible

¹⁸ When dealing with the large scope of the case in terms of the crimes for which the Accused persons were convicted, and the potentially large number of victims of such crimes eligible to receive reparations, the Chambers in *Lubanga* and *Ntaganda* were cognisant of the impossibility to reach accurate estimates as to the number of victims, as well as the cost to repair the harms they have suffered. These Chambers stated that victims eligible to receive reparations are not limited to the individuals who may have requested reparations or those allowed to participate in the trial proceedings. In addition, it was clear that there was still a significant number of as yet unidentified potentially eligible victims, for which no reliable figures were available. Therefore, these Chambers accepted that estimates vary greatly.

¹⁹ [Lubanga Second Reparations Order](#), paras. 232-235, 239-244.

²⁰ [Ntaganda Reparations Order](#), paras. 190, 245-246.

²¹ [Ntaganda Reparations Order](#), para. 5 and [Submissions Order](#), para. 5.

²² There are 1,592 victims who were authorized to participate in the trial proceedings: [ICC-02/05-01/20-1230](#).

²³ ICC-02/05-01/20-1240 (“[Trial Judgment](#)”), paras. 707-789, 843-939.

²⁴ [ICC-02/05-01/20-259](#), Decision establishing the principles applicable to victims’ and representation during the Confirmation Hearing.

²⁵ [Ongwen Reparations Order](#), para. 423.

²⁶ ICC-01/04-01/06-3129-AnxA A A2 A3 (“[Lubanga Amended Reparations Order](#)”), para. 6; [ICC-02/05-01/20-259](#), paras. 17-19.

witnesses establishing the identity of the victim and describing the relationship between the victim and any individual acting on their behalf is acceptable.²⁷

11. **The harm suffered:** The Chamber should clearly define the harm suffered by victims. The Trial Judgment, and in particular the Sentencing Judgment, provide guidance on the diverse, extensive and long-lasting harm resulting from the crimes for which Mr Abd-Al-Rahman was convicted.²⁸ In the below paragraph, the Prosecution will provide the Chamber with its detailed observations on the harms suffered by victims for each group of crimes in this case.²⁹

12. **Causal link:** Victims must show the causal link between the crimes for which Mr Abd-Al-Rahman was convicted and their harm. However, given the nature of reparations proceedings, as well as the volatile security environment and the ongoing conflict between the Sudanese Armed Forces (“SAF”) and the Rapid Support Forces (“RSF”) in Sudan,³⁰ the standard of proof applied must be “flexible” and “sufficient” for an applicant to meet the burden of proof. As noted by the Court’s jurisprudence, the “appropriate” standard will depend upon the circumstances of the specific case, including difficulties victims may face in obtaining evidence to support their claims, such as the destruction or unavailability of evidence.³¹ In the present case and consistent with the jurisprudence of this Court, the Prosecution observes that the “balance of probabilities” is the appropriate standard.³²

13. The standard of causation must likewise be assessed in light of the particular circumstances of a specific case. In this regard, the Chamber should consider the difficulties in linking the harm suffered to the crimes, considering the multi-layered

²⁷ [Lubanga Amended Reparations Order](#), para. 6.

²⁸ [Trial Judgment](#), paras. 707-789, 843-939; ICC-02/05-01/20-1281-Red (“[Sentencing Judgment](#)”), paras. 126-131.

²⁹ See below para. 21.

³⁰ [Mapping Report](#), paras. 9-13. See also [Sudan: Atrocities ‘repeated town by town’](#), ICC prosecutor tells UN Security Council; Security Council LIVE: [Sudan in focus amid genocide warnings in Darfur](#).

³¹ [Ntaganda Reparations Order](#), paras. 76-77; [Lubanga First Reparations AD](#), para. 81. See also paras. 32-35 below.

³² [Lubanga Amended Reparations Order](#), AnxA, para. 65; [ICC-01/12-01/18-2782](#) (“Al Hassan Reparations Order”), para. 20; [Lubanga First Reparations AD](#), paras. 83-84; ICC-01/04-01/07-3778-Red, para. 42 (“[Katanga Reparations AD](#)”).

nature of such harm, the fact that the harm may be compounded by other harms occurring both concurrently and consecutively, and the significant time which has elapsed since the commission of the crimes. The Chamber may also wish to adopt the “but/for” standard of causation as to the relationship between the crimes and the harm, requiring that the crimes for which a person was convicted were the “proximate cause” of the harm for which reparations are sought, as established in previous cases before the Court.³³

14. Regarding the crime of rape, the Prosecution emphasises the need to adopt a gender-inclusive and sensitive approach when applying the “balance of probabilities” standard. The victims of this crime often face difficulty in obtaining or producing evidence to demonstrate that they were victims.³⁴ The Chamber should accept that a coherent and credible account provided by an applicant is sufficient evidence to establish their eligibility as a victim on a balance of probabilities.³⁵

15. **Direct and indirect victims:** Victims eligible for reparations are those who have suffered harm as a result of the crimes for which Mr Abd-Al-Rahman was convicted. They can be direct victims (those who suffered harm as the result of the commission of the crimes) and indirect victims (those who suffered harm as a result of the harm suffered by direct victims,³⁶ those who attempted to prevent the commission of one or more of the crimes under consideration, those who suffered harm when helping or intervening on behalf of direct victims, and other persons who suffered personal harm as a result of these crimes).³⁷ They may include both natural and legal persons.³⁸

16. The categories of indirect victims set out in the *Lubanga* and *Ntaganda* cases appear applicable to this case.³⁹ In determining whether a person is a family member

³³ [Ntaganda Reparations Order](#), para. 132; [Lubanga First Reparations Order](#), para. 250 and ICC-02/04-01/15-2074 (“[Ongwen Reparations Order](#)”), para. 419.

³⁴ [Ntaganda Reparations Order](#), para. 139.

³⁵ [Ongwen Reparations Order](#), para. 425.

³⁶ [Lubanga Amended Reparations Order](#), para. 6. On the definition of direct and indirect victims, see [ICC-01/04-01/06-1813](#), para. 44.

³⁷ [Ongwen Reparations Order](#), para. 128.

³⁸ Rule 85(b); [Lubanga Amended Reparations Order](#), para. 8.

³⁹ [Lubanga Amended Reparations Order](#), para. 6(b); [ICC-01/04-02/06-2630](#) (“*Ntaganda* Decision on issues raised in the Registry’s First Report on Reparations”), para. 52. 52-56; [Ntaganda Reparations Order](#), paras. 124-128.

of a direct victim, the Chamber should consider the social and familial structures applicable in Darfur, bearing in mind that the concept of “family” may have many cultural variations.⁴⁰ Further, the Court’s jurisprudence confirms that it is not relevant whether the family member is close or distant to the direct victim in the abstract, as long as the indirect victim can demonstrate to have suffered personal harm as a result of the commission of a crime against a direct victim.⁴¹

17. In addition, collective reparations may also be awarded to a community, understood as a group of victims,⁴² as long as there is sufficient causal link between the harm suffered by members of that community and the crimes for which Mr Abd-Al-Rahman has been convicted.

18. The Trial Judgment and the Sentencing Judgment provide guidance to identify the collective victims of Mr Abd-Al-Rahman’s crimes. These judgments identify some of the victims⁴³ or groups of the victims⁴⁴ and describe the temporal and geographical parameters within which the crimes were committed.⁴⁵

Issue (iii): Any victims or groups of victims identified in the Mapping Report, or by the parties and participants, who may require prioritisation in the reparations process

19. While all victims should be treated equally and fairly,⁴⁶ prioritisation of reparations may be appropriate where certain individuals are particularly vulnerable or require urgent assistance, as outlined in the *Ntaganda*⁴⁷ case and adopted in the *Ongwen* case.⁴⁸ As a result, when determining prioritisation, in the *Ntaganda* case, Trial

⁴⁰ [Lubanga Amended Reparations Order](#), para. 7.

⁴¹ [Ntaganda Reparations Order](#), para. 125 and [Ongwen Reparations Order](#), paras. 132-133.

⁴² As defined in *Ongwen*, collective reparations refer to their nature (type of goods or services distributed or mode of their distribution) or their recipients (communities or groups): [Ongwen Reparations Order](#), para. 571.

⁴³ [Trial Judgment](#), paras. 408, 411-415, 424-425, 426-427, 429, 483, 489-490, 495, 503, 510, 523-524, 542-543, 548, 551-554, 559-560, 569, 574, 596, 599, 602, 611-612, 618, 629, 634, 636 and 642-644.

⁴⁴ [Trial Judgment](#), paras. 407-415, 417-418, 422-427, 430, 431-434, 450-451, 484, 491, 502, 505-506, 517, 546-547, 567, 591, 604-605, 628, 630-631 and 633; [Sentencing Judgment](#), paras. 145-146, 157, 203 and 206-207.

⁴⁵ [Trial Judgment](#), paras. 15-18.

⁴⁶ [Ntaganda Reparations Order](#), para. 92.

⁴⁷ [Ntaganda Reparations Order](#), paras. 92-93.

⁴⁸ [Ongwen Reparations Order](#), para. 655.

Chamber VI decided that “priority should be given to individuals who require immediate physical and/or psychological medical care, victims with disabilities and the elderly, victims of sexual or gender-based violence, victims who are homeless or experiencing financial hardship, as well as children born out of rape and sexual slavery and former child soldiers”.⁴⁹

20. However, due to the large number of potential beneficiaries, as submitted by the Registry,⁵⁰ applying such priorities, without any further refinement, would result in most thematic potential beneficiaries in this case falling within the categories of prioritised victims, which may amount to thousands of individuals.⁵¹ The Chamber should therefore establish specifically tailored prioritisation categories in this case, as Trial Chamber IX did in the *Ongwen* case.⁵² The Prosecution submits that in the present case, priority should be given to the most vulnerable victims who are in dire need of urgent assistance. In this regard, the Prosecution observes that the following categories of victims should be considered as priority groups in developing and implementing reparations programs: i) victims who are elderly; ii) victims with a condition which can be qualified as life-threatening in light of their individual situation; iii) victims of sexual violence and their children born out of rape; and iv) victims who were children at the time of the commission of the crimes.⁵³

⁴⁹ [Ntaganda Reparations Order](#), para. 214.

⁵⁰ [Mapping Report](#), paras. 119-137.

⁵¹ [Mapping Report](#), paras. 125-137. The Registry has identified 25,000 who are direct victims of the crime of forcible displacement from Bindisi and Kodoom. In addition, there are 25,000 victims of the crimes of pillaging and of property destruction in Bindisi and Kodoom. The Registry has also identified 40,000 residents at the time of the Mukjar Operation, and 60,000 residents at the time of the Deleig Operation. These 100,000 Fur residents have suffered harm as a result of the killing of their community leaders (*umdahs* and *sheikhs*). See also [Ongwen Reparations Order](#), paras. 656-657.

⁵² [Ongwen Reparations Order](#), paras. 659-662.

⁵³ [Ongwen Reparations Order](#), para. 659. In *Ongwen*, the Trial Chamber IX considered the first priority should be given to the victims’ need to receive immediate physical and/or psychological medical care, and/or support due to financial hardship that endangered the person’s life.

Issue (iv): Observations on the specification of the types and extent of the harm suffered by the victims identified in the Mapping Report

21. As the Appeals Chamber has noted, “harm” may be understood as “hurt”, “injury” or “damage”.⁵⁴ In its nature, harm may be material, physical, psychological,⁵⁵ it can be experienced directly or indirectly, and it is often transgenerational.⁵⁶ Necessarily, the harm must be “personal to the victim” whereby the victim is or was personally impacted by it.⁵⁷ When assessing the extent of harm suffered, Chambers must take into account the various permutations and combinations of the different layers of harm.⁵⁸

22. The Chamber should consider the Court’s jurisprudence on each type of harm suffered by victims. Physical harm encompasses physical and bodily injury, impairment of the body, pain, and illness.⁵⁹ Moral harm may include psychological harm or trauma, mental pain and anguish, emotional distress, psychosocial harm, and loss of life plan.⁶⁰ Material harm refers to loss of or damage to property, loss of earnings or opportunity to work, reduced standard of living and socio-economic opportunities, and loss of schooling and vocational training.⁶¹ Community harm is that suffered by persons as members of a group, family and/or community.⁶² Transgenerational harm relates to the phenomenon in which traumatised parents set in motion an intergenerational cycle of dysfunction, handing-down trauma to their children, who themselves did not directly experience the atrocities their parents

⁵⁴ [Ntaganda Reparations Order](#), para. 68; [Lubanga Amended Reparations Order](#), para. 10.

⁵⁵ [Ntaganda Reparations Order](#), para. 68; [Lubanga Amended Reparations Order](#), para. 10.

⁵⁶ [Ntaganda Reparations Order](#), paras. 73, 182 and 183.

⁵⁷ [Ntaganda Reparations Order](#), para. 75; [Lubanga Amended Reparations Order](#), para. 10.

⁵⁸ [Ntaganda Reparations Order](#), para. 71.

⁵⁹ [Ntaganda Reparations Addendum](#), [ICC-01/04-02/06-2858-Red](#), para. 254 cited in [Ongwen Reparations Order](#), para. 168.

⁶⁰ [Ntaganda Reparations Order](#), paras. 70, 72, 183(a)(iv) and (ix), 183(b)(iv) and (viii), 183(c), 183(d)(v) and Al Mahdi Reparations Order, [ICC-01/12-01/15-236](#), para. 85 cited in [Ongwen Reparations Order](#), para. 168.

⁶¹ [Ntaganda Reparations Order](#), paras. 183(a)(v-vi), 183(b)(v), 183(c), 183(d)(v) and Lubanga Reparations Decision, [ICC-01/04-01/06-2904](#), para. 230(c) cited in [Ongwen Reparations Order](#), para. 168.

⁶² [Ntaganda Reparations Order](#), paras. 71, 74, 75, 183(a)(x) cited in [Ongwen Reparations Order](#), para. 168.

endured, affecting their children's emotional behaviour, attachment, and well-being as a result.⁶³

23. In this context, the Prosecution concurs with the Registry's submissions on the harms caused by the crimes for which Mr Abd-Al-Rahman is convicted. The harms for each crime have been analysed separately in the Mapping Report and supported by testimonies of witnesses and victims throughout the trial:

- Victims of forced displacements⁶⁴ suffered serious physical harm inflicted during their escape from the attacks in Bindisi and Kodoom⁶⁵ and economic/material harm from having their livelihoods decimated and being forced into a reduced standard of living.⁶⁶ They also suffered psychological harm because their social and cultural norms, as well as their traditions, were affected by their new living environments.⁶⁷
- Victims of pillage and destruction of property⁶⁸ suffered economic/material harm as their homes were burned, commercial infrastructures destroyed, possessions (including livestock, agricultural, business assets, personal documents and portable wealth) were looted, and land confiscated.⁶⁹ The Prosecution also concurs with the Registry's assertion that the cumulative impact on the victims of these crimes had material, psychological, physical, social, and cultural dimensions.⁷⁰
- Victims of rape,⁷¹ including children born as a result of rape,⁷² suffered physical, sexual, reproductive, psychological, economic, family, social and

⁶³ [Ntaganda Reparations Order](#), paras. 73, 182, 183(d)(vi) cited in [Ongwen Reparations Order](#), para. 168.

⁶⁴ Count 10. See [Trial Judgment](#), paras. 731-739, 860-865.

⁶⁵ [Mapping Report](#), para. 55.

⁶⁶ [Mapping Report](#), paras. 57-58. See also P-0020: [T-041-Red3-ENG CT2 WT](#), p. 78, line 19-p. 79, line 2; P-0119: [T-038-Red-ENG CT WT](#), p. 27, lines 18-19; P-0878: [T-078-Red3-ENG CT3 WT](#), p. 77, lines 14-23, and [T-079-Red-ENG CT WT](#), p. 8, lines 4-24; P-0918: [T-077-Red-ENG CT2 WT](#), p. 8, lines 12-13; P-0955: [T-063](#), p. 29, lines 3-6. See [Trial Judgment](#), para. 653.

⁶⁷ [Mapping Report](#), paras. 59-61.

⁶⁸ Counts 4-5. See [Trial Judgment](#), paras. 716-722, 723-730, 848-852 and 853-859.

⁶⁹ [Mapping Report](#), paras. 62-80. See also P-0955: [T-063-Red2-ENG CT2 RCL WT](#), p. 29, lines 3-6; P-0720: [T-043-Red2-ENG CT3 RCL WT](#), p. 14, line 21-p. 15, line 20.

⁷⁰ [Mapping Report](#), para. 87.

⁷¹ Counts 8-9. See [Trial Judgment](#), paras. 740-744, 866-870.

⁷² [Mapping Report](#), para. 87.

community-wide harm.⁷³ The Prosecution agrees with the Registry regarding the harms suffered by the victims of this crime, and further observes that some victims were as young as 13 to 15 years old⁷⁴ and others were elderly.⁷⁵ Further, rapes were committed by *Janjaweed* members under Mr Abd-Al-Rahman's authority with "great brutality" on some occasions,⁷⁶ including victims who were raped multiple times,⁷⁷ gang-raped,⁷⁸ beaten and whipped,⁷⁹ verbally coerced, humiliated before raping,⁸⁰ and murdered after being raped.⁸¹ In addition to the harms identified by the Registry, the Prosecution observes that the victims of rape also suffer moral harm, including psychological disorders, depression, dissociative behaviours, mental pain and trauma, stigma and social exclusion.⁸²

- Victims of murder and attempted murder,⁸³ including in relation to the killing of community leaders, suffered economical, psychological, social, symbolic, cultural and material harm.⁸⁴ The Prosecution observes that the harm suffered by the victims of these crimes is multiplied because the murders were committed against particularly vulnerable and defenceless individuals and in

⁷³ [Mapping Report](#), para. 87.

⁷⁴ P-0015's Statement, DAR-OTP-0088-0187-R04, at 0195-0196, paras. 38, 41-42, referring to P-0015's Sketches, DAR-OTP-0088-0211-R01, DAR-OTP-0088-0216-R01; P-0015's Statement Corrections, DAR-OTP-00000427, at 000002, paras. 12-13, 16-17; P-0015: T-093, pp. 44-45.

⁷⁵ P-0011: [T-091-Red3-ENG CT2 RCL WT](#), p. 24.

⁷⁶ P-0015's Statement, DAR-OTP-0088-0187-R04, at 0197, para. 46; P-0011's Interview, DAR-OTP-00000367, at 000002.

⁷⁷ P-0011: [T-091-Red3-ENG CT2 RCL WT](#), p. 25; P-0011's Report, DAR-OTP-00000366; P-0015's Statement, DAR-OTP-0088-0187-R04, at 0196, para. 42; P-1074's Statement, DAR-OTP-0224-0441-R02, at 0448, para. 36, P-1073: [T-103-Red2-ENG CT RCL WT](#), pp. 15-16, 21.

⁷⁸ P-0011: [T-091-Red3-ENG CT2 RCL WT](#), pp. 24-25; P-0011's Report, DAR-OTP-00000366, at 000001-000002; P-0015's Statement, DAR-OTP-0088-0187-R04, at 0196, paras. 41-43, referring to P-0015's Sketches, DAR-OTP-0088-0211-R01, DAR-OTP-0088-0216-R01; P-0015's Statement Corrections, DAR-OTP-00000427, at 000002-000003, paras. 16-17; P-0015: T-093, pp. 44-45.

⁷⁹ P-0011: [T-091-Red3-ENG CT2 RCL WT](#), p. 25; P-0011's Report, DAR-OTP-00000366, at 000002.

⁸⁰ P-0011: [T-091-Red3-ENG CT2 RCL WT](#), pp. 24-25; P-0015's Statement, DAR-OTP-0088-0187-R04, at 0196, para. 43.

⁸¹ [Sentencing Judgment](#), paras. 198-199; [Trial Judgment](#), paras. 429-435 and 652.

⁸² P-1073: [T-103-Red2-ENG CT RCL WT](#), pp. 15-16, 21; P-1074's Statement, DAR-OTP-0224-0441-R02, at 0448-0449, paras. 35-39; P-0011's Anatomical Drawing, DAR-OTP-00000357; P-0011's Report, DAR-OTP-00000366, at 000004-000006; P-0011: T-091, pp. 25-26. *See also* V-0001: [T-120-Red2-ENG CT WT](#), p. 15, lines 9-20 and p. 26, lines 1-15; ICC-02/05-01/20-1206-Red ("Prosecution's Final Brief"), paras. 318-335.

⁸³ Counts 2-3, 17-20, 27-30. *See* [Trial Judgment](#), paras. 771-777 and 914-927.

⁸⁴ [Mapping Report](#), paras. 88-94 and 97.

a manner which went beyond the cruelty inherent in the crime of murder.⁸⁵ As this Chamber noted, some victims, before being killed, were humiliated, captured and/or restrained, and then beaten, while others were raped. Further, some victims were burned to death in their homes.⁸⁶ The Chamber also noted that the nature and the circumstances in which the murders were committed did not allow family members, friends and neighbours to properly mourn many of the victims who were killed.⁸⁷

- Victims of torture, other inhumane acts, and outrages upon personal dignity⁸⁸ suffered physical, psychological and economic harm.⁸⁹ Victims of these crimes have detailed how they were assaulted.⁹⁰ The Chamber highlighted specific factors in the present case which raise the gravity of these crimes.⁹¹ In addition, the Chamber found that many of the victims were particularly vulnerable and defenceless as they were under the control of the *Janjaweed* at the time of the commission of the crimes, or because of their age at that time (i.e. children or elderly people).⁹²

24. The Prosecution observes that women and children in general suffered specific forms of harm as a result of the crimes committed in this case.⁹³ Therefore, when assessing the extent of the harm suffered by the victims of these crimes, the Chamber should take into account the vulnerability of the victims and the particular cruelty of the crimes. These harms represent a fraction of the totality of the harm caused by Mr

⁸⁵ [Sentencing Judgment](#), para. 172.

⁸⁶ [Sentencing Judgment](#), para. 172.

⁸⁷ [Sentencing Judgment](#), para. 172. See also P-0955: T-064, p. 22, lines 5-15.

⁸⁸ Counts 6, 7, 12-13, 16, 20, 22-23. See [Trial Judgment](#), paras. 745-751, 752-758, 765-770, 871-881, 882-888 and 891-913.

⁸⁹ [Mapping Report](#), para. 103.

⁹⁰ [Mapping Report](#), paras. 98-102.

⁹¹ [Sentencing Judgment](#), paras. 187-192 and 234-235.

⁹² [Sentencing Judgment](#), paras. 192 and 235.

⁹³ [T-164-Red-ENG](#), pp. 3, 17-20. See also P-0584, [T-092-Red3-ENG CT2 WT](#), pp. 22-23, ICC-02/05-01/20-1258 (“[Prosecution’s submissions on sentence](#)”), paras. 4-5, 16-20, 40-41, 56, 58, 63-64, 89, 91, 107-109, 113 and [Sentencing Judgment](#), para. 139.

Abd-Al-Rahman's crimes to both direct and indirect victims, both natural and legal persons.

25. The Prosecution notes that the Mapping Report does not refer to the harms suffered by victims of the crimes of attack against a civilian population, cruel treatment and persecution. The Prosecution is uncertain as to whether these harms have been adequately captured and assessed elsewhere. The Prosecution submits that the reparations order should clearly define the harm suffered by all these groups.

Issue (v): Recourse to factual presumptions

26. The Prosecution supports recourse to factual presumptions in the present case, as has been done in other cases.⁹⁴ Victims in the present case face extreme difficulties when trying to obtain and produce additional documentary evidence in support of their claims, due to the time that has elapsed since the commission of the crimes, the displacement of victims, the lack of official records, and the insecurity caused by the ongoing conflict in Sudan.⁹⁵ Moreover, given the nature and impact of the types of harm and level of trauma experienced by the victims, the Chamber should be flexible in assessing relevant information at its disposal so as not to place the burden of proof on victims.

27. Considering the specific circumstances in the present case, the Prosecution proposes that three factual presumptions are applied: i) that all survivors who reported rapes in Bindisi and Kodoom as outlined by the Registry⁹⁶ are rape victims; ii) that all the children born as a result of rape are also direct victims of this crime;⁹⁷ and iii) that the victims of the attack against the civilian population, forced displacement, pillaging and destruction of property, comprise those included in the Registry's estimation of the population of Bindisi and Kodoom, as well as of the non-

⁹⁴ [Ntaganda Reparations Order](#), paras. 37, 141-147; [Lubanga Amended Reparations Order](#), para. 7 and [Ongwen Reparations Order](#), paras. 519-520.

⁹⁵ *See above* para. 10.

⁹⁶ [Mapping Report](#), paras. 85 and 127.

⁹⁷ [Mapping Report](#), paras. 87, point 6 and 127.

residents from surrounding areas present in Bindisi and Kodoom at the relevant time period.⁹⁸

Issue (vi): Types and modalities of reparations appropriate to address the harm suffered by the victims of the crimes of which Mr Abd-Al-Rahman was convicted

28. The Prosecution recalls the reparations principles related to the types and modalities of reparations as established by the practice of the Court.⁹⁹ In particular, reparations “must—to the extent achievable—relieve the suffering caused by the serious crimes committed [and] afford justice to the victims by alleviating the consequences of the wrongful acts”,¹⁰⁰ while avoiding replicating discriminatory practices or structures that predated the commission of the crimes and preventing “creating tensions, jealousy, or animosity among affected communities and between cohabiting groups”.¹⁰¹

29. Reparations awards may be granted to victims on an individualised basis under rule 98(2) of the Rules, a collective basis under rule 98(3), or both.¹⁰² The types of reparations which may be ordered under article 75 of the Statute include, but are not limited to, restitution, compensation and rehabilitation.¹⁰³ Further, symbolic reparations such as a sincere, meaningful apology by the convicted person, a wider dissemination and interpretation of the Trial Judgment and Sentencing Judgment, and/or other appropriate measures should also be considered in this case given the specific financial situation of Mr Abd-Al-Rahman.

30. When deciding on the types and modalities of reparations, the Chamber should consider the following specific factors of this case:

⁹⁸ [Mapping Report](#), paras. 119-124.

⁹⁹ [Ongwen Reparations Order](#), paras. 57(iii), 78, 569-575 and 612-638.

¹⁰⁰ [Lubanga Amended Reparations Order](#), para. 71.

¹⁰¹ [Ongwen Reparations Order](#), para. 157.

¹⁰² ICC-01/04-01/07-3728-tENG, (“[Katanga Reparations Order](#)”), para. 265; [Lubanga principles](#), para. 32.

¹⁰³ [Lubanga Amended Reparations Order](#), para. 34.

- a) the large number of victims already identified by the Chamber in the Trial Judgment¹⁰⁴ and Sentencing Judgment;¹⁰⁵
- b) the very large number of victims, in particular of the crimes of forced displacement, pillage and destruction of property¹⁰⁶ and killings of community leaders,¹⁰⁷ identified by the Registry in the Mapping Report;
- c) the large geographic scope of the current living locations of victims;¹⁰⁸
- d) the prevailing extreme poverty in the affected communities and internally displaced persons/refugees camps (“IDP camps”), including famine and food insecurity;¹⁰⁹
- e) the very long period that victims have been waiting for reparations, as acknowledged by Mr Abd-Al-Rahman;¹¹⁰ and
- f) the serious, multiple, long-lasting and diverse consequences of the harms inflicted upon the victims of sexual violence¹¹¹ and on child victims of the crimes.¹¹²

31. Considering the above factors, the Prosecution is of the view that a prompt and effective implementation of individual reparations is unlikely to be possible. Similarly, the implementation of collective reparations with individualised components (reparations that are collective in nature but result in individual benefits), as in *Ntaganda*,¹¹³ may also be difficult in this case. Moreover, the implementation of

¹⁰⁴ [Trial Judgment](#), paras. 407-415, 417-418, 422-427, 430, 431-434, 450-451, 484, 491, 502, 505-506, 517, 546-547, 567, 591, 604-605, 628, 630-631 and 633.

¹⁰⁵ [Sentencing Judgment](#), paras. 145-146, 157, 203 and 206-207.

¹⁰⁶ [Mapping Report](#), paras. 120-124.

¹⁰⁷ [Mapping Report](#), paras. 95-97, 132(ii), 133-135, 137(iii) and 138-139.

¹⁰⁸ [Mapping Report](#), paras. 15-20 and 36.

¹⁰⁹ [Mapping Report](#), paras. 10-11.

¹¹⁰ Closing Statements, [T-162-Red-ENG WT](#), pp. 62-64 and cited in the Defence Sentencing Submissions ([ICC-02/05-01/20-1259-Corr-Red](#)). Further, victims in the present case have been waiting for at least 23 years for reparations, in comparison to approximate 22 years in *Ongwen*, 20 years in *Ntaganda*, 14 years in *Lubanga*, *Katanga* and *Al Hassan*. The calculation is based on the time elapsed between the commission of the crimes and the issuance of the reparations orders.

¹¹¹ [Mapping Report](#), paras. 83-87 and 127.

¹¹² [Mapping Report](#), paras. 87, 90, 94 and 127.

¹¹³ [Ntaganda Reparations Order](#), paras. 41-44.

such reparations could cause tension between victims and suggest that there is a hierarchy of victimhood.¹¹⁴

32. Therefore, the Prosecution considers that the most appropriate way to address the harms suffered by the victims of the crimes for which Mr Abd-Al-Rahman was convicted in a concrete, effective, and timely manner is through collective community-based reparations focused on symbolic/satisfaction measures. In the longer term, rehabilitation programs for victims, in particular those who are residing in and around the IDP camps in Sudan and Chad, are also recommended.

33. As noted in *Ntaganda*, symbolic measures are intended to help contribute to the process of rehabilitation while satisfaction measures are aimed at acknowledging the violations and safeguarding the dignity and reputation of the victims.¹¹⁵ However, as experienced by the Court, the design of the rehabilitation measures could take years before the programmes may commence.¹¹⁶ The ongoing conflict between the SAF and the RSF¹¹⁷ may also delay any rehabilitation measures that the Chamber may decide. Considering the dire need for immediate support for the victims, the Prosecution submits that symbolic and satisfaction measures, including but not limited to a symbolic cash payment,¹¹⁸ be implemented as soon as possible. While satisfaction measures could include a public apology from Mr Abd-Al-Rahman, this would only be beneficial if any such apology was genuine, voluntary and accepted by the victims.¹¹⁹

34. Finally, the Prosecution notes that victims' needs, priorities and capacities differ according to their personal circumstances, their specific locality, gender, displacement status and other social vulnerabilities. Accordingly, reparations

¹¹⁴ [Ongwen Reparations Order](#), para. 584.

¹¹⁵ [Ntaganda Reparations Order](#), paras. 207-208.

¹¹⁶ [Ongwen Reparations Order](#), para. 624.

¹¹⁷ [Mapping Report](#), para. 11.

¹¹⁸ [Ongwen Reparations Order](#), paras. 626-630. See also [Katanga Reparations Order](#), paras. 298-300.

¹¹⁹ See [Ongwen Reparations Order](#), para. 635; [Al Hassan Reparations Order](#), para. 218. While the Defence argued that Mr Abd-Al-Rahman had expressed empathy for the victims during unsworn statements he made to the Court, the Chamber found his last unsworn statement to be "a calculated and insincere expression of empathy", and did not find that any of his unsworn statements provided any mitigation warranting a reduction of sentence: [Sentencing Judgment](#), paras. 104-110.

modalities should retain sufficient flexibility to accommodate the victims' particular needs. In this regard, the Registry and CLRV are uniquely positioned to assist the Chamber in identifying contextually appropriate and victim-responsive modalities of reparations.

Issue (x): Any additional information relevant to reparations

35. The Prosecution submits that victims in the present case have been living in a highly complex, insecure environment with heavy security and logistical constraints. The Chamber should take the below challenges into consideration when reviewing the victims' applications for reparations.

36. **Lack of available documentation:** As the Registry observes, there is a lack of contemporaneous official records regarding the extent of harm suffered by the Fur population in the locations of Darfur at the relevant time.¹²⁰ The destruction of the Darfurian administrative infrastructure, including local archives and civil registries, has made it impossible for the victims to obtain documents supporting their applications for reparations. The executions of Fur community leaders who were in charge of storing community-held records further contributed to the victims' challenges in obtaining relevant documentation.¹²¹ Notably, in the Trial Judgment, in the context of the Defence's requests for cooperation from the Government of Sudan, the Chamber also acknowledged the difficulty in obtaining administrative documentation in Sudan, due to the ongoing armed conflict and the lack of State cooperation.¹²²

37. **Civil war in Sudan:** Since the armed conflict in Darfur began in 2003, many in Darfur have continued to live in an insecure environment,¹²³ as demonstrated by the fighting between the SAF and the RSF which broke out in April 2023 and, as of May

¹²⁰ [Mapping Report](#), para. 12.

¹²¹ [Mapping Report](#), para. 13.

¹²² [Trial Judgment](#), paras. 85-86 and 99. *See also* ICC-02/05-01/20-1200-Conf-Anx.

¹²³ Global Conflict Tracker, "[Civil War in Sudan](#)", 8 May 2026, last accessed on 19 May 2026.

2026, is still ongoing.¹²⁴ Hundreds of thousands of people have reportedly been killed since April 2023 and more than thirty-three million Sudanese have endured the world's largest hunger crisis and await desperately-needed humanitarian assistance.¹²⁵ These hostilities have no doubt severely limited the ability of victims in the present case from providing the necessary documentation to support their applications for reparations due to, in particular, border restrictions, volatile security conditions, and heightened risks of criminality and extortion on the route from Sudan to Chad.¹²⁶

C. CONCLUSION

38. The Prosecution respectfully requests the Chamber to consider these observations.



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 4th day of June 2026

At The Hague, The Netherlands

¹²⁴ The Sudan Times, "[Nyala under fire as SAF drone strikes hit airport and civilian areas](#)", 17 May 2026, last accessed on 19 May 2026; Independent new from the heart of Sudan, "[RSF claims drone downed in South Darfur as attacks continue](#)", 14 May 2026, last accessed on 19 May 2026; Sudan Tribune, "[Sudanese defector commander vows to fight Rapid Support Forces in Kordofan and Darfur](#)", 16 May 2026, last accessed on 19 May 2026.

¹²⁵ Global Conflict Tracker, "[Civil War in Sudan](#)", 8 May 2026, last accessed on 19 May 2026.

¹²⁶ See UNHCR "Sudanese emergency- Protection situation of new arrivals, UNHCR, 05 March 2025, accessed online at <https://reliefweb.int/report/chad/project-21-chad-sudanese-emergency-protection-situation-new-arrivals-january-1-february-28-2025>", cited in [Mapping Report](#), para. 11.