

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-02/05-01/20**
Date: **17 September 2026**

TRIAL CHAMBER I

Before: Judge Joanna Korner, Presiding Judge
Judge Reine 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

Order requesting additional submissions

Order to be notified, in accordance with regulation 31 of the Regulations of the Court, to:

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

☒ **Legal Representatives of the Victims**
Common Legal Representatives of Victims

☐ **Legal Representatives of the Applicants**

☐ **Unrepresented Victims**

☐ **Unrepresented Applicants**
(Participation/Reparation)

☐ **The Office of Public Counsel for Victims**

☐ **The Office of Public Counsel for the Defence**

☐ **States' Representatives**

☒ **Amicus Curiae**

☒ **Trust Fund for Victims**

Registrar
Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☒ **Victims Participation and Reparations Section**

☐ **Other**

1. Upon the Chamber's request,¹ the parties and participants submitted their observations on reparations between 16 March 2026 and 6 July 2026.² The parties and the Registry filed their responses between 3 and 17 July 2026.³
2. On 8 September 2026, the Chamber held a hearing on reparations.⁴
3. The Chamber appreciates the oral submissions made by the parties and participants during the hearing on reparations, including the *amici curiae*. The Chamber notes that due to time limitations, it did not hear further submissions on certain issues that require judicial determination, in particular the amount of liability.⁵ Therefore, the Chamber instructs the Common Legal Representative for Victims (the 'CLRv') and the Trust Fund for Victims (the 'TFV') to file written observations on the amount of liability, including any calculations on the cost to repair the harm caused by the crimes of which Abd-Al-Rahman was convicted. Bearing in mind the proposed types and modalities of reparations, the observations should include a cost breakdown on that basis.
4. Additionally, the Chamber instructs the CLRv and the TFV to make observations on the possibility of setting different amounts for the types of harm and the Defence's proposal

¹ [Order for submissions on reparations](#), 9 December 2025, ICC-02/05-01/20-1282, pp. 5-6.

² [Defence Submission on Reparations](#), 22 May 2026, ICC-02/05-01/20-1338-Red (with confidential Annex 1, and public Annex 2) (confidential version notified on the same day); [CLRv Submissions on Reparations](#), 10 June 2026, ICC-02/05-01/20-1344-Red (with public Annexes 1, 2 (A and B), 4, 5, 6 (A to G), 7) (confidential version notified on 4 June 2026); [Prosecution's Submissions on Reparations](#), 4 June 2026, ICC-02/05-01/20-1342; [Registry Observations on Reparations](#), 25 June 2026, ICC-02/05-01/20-1343-Red (with confidential annex) (confidential version notified on 4 June 2026); [Trust Fund for Victims' Observations on Reparations](#), 3 August 2026, ICC-02/05-01/20-1357-Red (with public Annex A) (confidential version notified on 6 July 2026); [The General Coordination Committee of the IDPs in Sudan \("GCC"\) Amicus Curiae Observations on Reparations](#), 16 March 2026, ICC-02/05-01/20-1315; [Amicus Curiae Observations on Reparations Issues](#), 4 June 2026, ICC-02/05-01/20-1345-Red (with Confidential Annexes I, II, and III) (confidential version notified on the same day); [Amicus Curiae Observations on Reparations](#), 4 June 2026, ICC-02/05-01/20-1346-Red (with Confidential Annexes I and III, Confidential *Ex Parte* Annex II only to Trial Chamber I and Registry and Public Annex IV) (confidential version notified on the same day); [Amicus Curiae Observations on Reparations Issues](#), 4 May 2026, ICC-02/05-01/20-1326.

³ [CLRv Response to Observations on Reparations](#), 6 July 2026, ICC-02/05-01/20-1356-Red (with public Annexes 1, 3, 4 and public redacted Annex 2) (confidential version notified on 3 July 2026); Registry Response to Submissions on Reparations, 3 July 2026, ICC-02/05-01/20-1355; [Defence Consolidated Response on Reparations](#), 3 July 2026, ICC-02/05-01/20-1354 (with confidential Annex 1) (the 'Defence Response'); Defence Response to TFV Submissions on Reparations, 17 July 2026, ICC-02/05-01/20-1359-Red (confidential version notified on 16 July 2026).

⁴ See [Decision on the CLRv request for extension of time and extension of page limit and scheduling a hearing before the Chamber](#), 2 April 2026, ICC-02/05-01/20-1317-Red (confidential version notified on the same day), p. 6; [Order on the conduct of the hearing on reparations](#), 17 July 2026, ICC-02/05-01/20-1360; Chamber's email of 20 August 2026, at 17:28.

⁵ Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, [Judgment on the appeals against the "Decision establishing the principles and procedures to be applied to reparations" of 7 August 2012](#), 3 March 2015, ICC-01/04-01/06-3129 (with amended order for reparations (Annex A) and public annexes 1 and 2), para. 32.

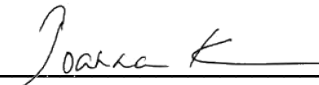
to establish ‘a schedule providing specific amounts of *pretium doloris* for the various types of harm’,⁶ and, in case of agreement, propose items and reasoned costs to be included therein. The submissions should also address the Defence’s request to appoint ‘an appropriate expert in the determination of *pretium doloris*, who could assist the Court in preparing a schedule’.⁷

FOR THESE REASONS, THE CHAMBER HEREBY

INSTRUCTS the CLRV and the TFV to present their additional observations, pursuant to paragraphs 3 and 4 above, in no more than 10 pages each, by 16 October 2026; and

INSTRUCTS the Defence to present a consolidated response of no more than 10 pages, by 30 October 2026.

Done in both English and French, the English version being authoritative.


 Judge Joanna Korner
 Presiding Judge


 Judge Reine Alapini-Gansou


 Judge Althea Violet Alexis-Windsor

Dated 17 September 2026

At The Hague, The Netherlands

⁶ [Defence Response](#), ICC-02/05-01/20-1354, para. 31.

⁷ [Defence Response](#), ICC-02/05-01/20-1354, para. 31.