

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 6 October 2026

TRIAL CHAMBER I

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

SITUATION IN DARFUR, SUDAN

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

Public

Registry Clarification Regarding its Oral Submissions at the Reparations Hearing

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☒ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

☒ Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☒ Victims Participation and
Reparations Section

☒ Other
Trust Fund for Victims

I. Introduction

1. Pursuant to regulation 24 bis of the Regulations of the Court, the Registry submits the present observations to clarify certain aspects of the victim mapping figures referred to during the reparations hearing held on 8 September 2026 in the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ('Ali Kushayb') ("Case" and "Reparations Hearing").¹

II. Procedural History

2. On 3 October 2022, Trial Chamber I ("Chamber") instructed the Registry to conduct a mapping exercise during the trial proceedings and submit a report on it within four weeks of the notification of the Article 74 judgment.²

3. On 6 October 2025, the Chamber issued its judgment, convicting Ali Muhammad Ali Abd-Al-Rahman of 27 counts of crimes against humanity and war crimes ("Trial Judgment").³

4. On 4 November 2025, the Registry filed its Victim Mapping Report.⁴

5. On 4 June 2026, upon the Chamber's request,⁵ the Registry submitted its observations on reparations.⁶

6. On 8 September 2026, the Chamber held the Reparations Hearing.⁷

¹ ICC-02/05-01/20-T-168-Red-ENG WT.

² Trial Chamber I, "Second decision on the admission of victims to participate in trial proceedings", ICC-02/05-01/20-761, paras 15-19.

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

⁴ Registry, "Registry Victim Mapping Report", ICC-02/05-01/20-1256-Conf. A corrected and public redacted version thereof were notified on 19 and 24 November 2025, respectively, ICC-02/05-01/20-1256-Conf-Corr and ICC-02/05-01/20-1256-Corr-Red.

⁵ Trial Chamber I, "Order for submissions on reparations", 9 December 2025, ICC-02/05-01/20-1282, para. 6, (a).

⁶ Registry, "Registry Observations on Reparations", 4 June 2026, ICC-02/05-01/20-1343-Conf (A public redacted version notified on 25 June 2026, see ICC-02/05-01/20-1343-Red).

⁷ See footnote 1 above.

III. Submissions

7. Upon review of the transcript of the Reparations Hearing, the Registry wishes to further clarify its references to the ethnic composition of victims identified through the victim mapping exercise in relation to the attacks on Bindisi and Kodoom on 15 and 16 August 2003 (“Bindisi and Kodoom Operations”).

8. During the hearing, the Registry reported that “When reviewing the forms, the Registry observed that roughly 99 per cent of the residents identified in Bindisi and Kodoom were Fur.”⁸ This triggered the Presiding Judge’s query as to the composition of victim communities in terms of different tribes, based on the mapping information collected by the Victims Participation and Reparation Section, and the Registry’s subsequent reference to the figure of approximately 99 per cent.⁹ In reference to this, the Trust Fund for Victims noted in its oral submissions that “there is the community of victims of the four case locations, made up of all the members - we have just heard 99 per cent Fur in these four case locations - of these communities”.¹⁰

9. The Registry wishes to clarify that the figure of approximately 99 per cent reported during the hearing reflected the ethnic composition of the individuals recorded in the completed victim mapping forms,¹¹ in relation to the Bindisi and Kodoom Operations.¹² It did, however, not purport to encompass the overall ethnic composition of the four case locations.

⁸ ICC-02/05-01/20-T-168-Red-ENG WT, p. 88, lines 22-23.

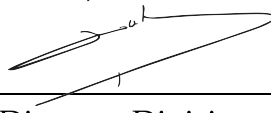
⁹ “PRESIDING JUDGE KORNER: [14:29:47] One last question, and this is not one we have put to you before, but it's just occurred to me, so if you can't answer it, you can always do it later. Are we talking about -- the numbers that you've identified, are they all Fur or do they include members of the other tribes in this case? MR AMBACH: [14:30:12] Madam President, we're looking at 99 per cent Fur -- PRESIDING JUDGE KORNER: [14:30:23] Right. MR AMBACH: [14:30:24] -- Fur ethnicity -- ethnicity. PRESIDING JUDGE KORNER: [14:30:26] Well, because we've also got the Masalit, and the Zaghawa were mentioned. So, it's 99 per cent Fur.”, *id.*, p. 92, lines 6-14.

¹⁰ *Ibid*, p. 95 lines 8-9.

¹¹ See Registry, “Corrected version of ‘Registry Victim Mapping Report’, ICC-02/05-01/20-1256-Conf, 4 November 2025” (“Registry Victim Mapping Report”), 19 November 2025, ICC-02/05-01/20-1256-Conf-Corr, paras 25-32.

¹² The remaining approximately 1 per cent identified through the victim mapping dataset comprised individuals from other ethnic groups, such as the Masalit.

10. The information available to the Registry indicates that Bindisi and Kodoom were predominantly inhabited by Fur communities.¹³ At the same time, it indicates the presence, to a small percentage, of other ethnic groups.¹⁴ However, the available information did not permit the Registry to quantify the number of persons belonging to those other ethnic groups who were present or affected, or the extent to which they were affected. The absence of a reliable basis for extrapolating estimates for those groups should not be understood as a conclusion that they were unaffected by the crimes.¹⁵



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

Dated this 6 October 2026

At The Hague, the Netherlands

¹³ See Trial Judgment, paras 372 and 376.

¹⁴ For instance, Daguina was reportedly of mixed ethnicity (see DAR-OTP-0145-0237, p. 66).

¹⁵ See Registry, “Registry Observations on Reparations”, 4 June 2026, ICC-02/05-01/20-1343-Conf, fn.104.