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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

Public Redacted Version of “Second Corrigendum to ‘Common Legal Representative of Victims’ Trial Brief’, 31 March 2023 (ICC-02/05-01/20-914-Conf-Exp)”, 5 April 2023 (ICC-02/05-01/20-914-Conf-Exp-Corr2)

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

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“The conflict in West Darfur impacted the Fur community economically, socially, culturally, even emotionally and psychologically. [...] [T]he Fur community lost all its resources. Even the fields and the agricultural lands were destroyed. The people had to leave their regions, and [...] they are still living in the IDPs camps, and sometimes in camps outside the country. [...] We will never be able to talk about their livelihoods. Their education institutions have been destroyed. Their businesses have been destroyed. It is the whole cycle of life that has been destroyed. They have nothing left.”¹

P-0020, member of the Fur community, [REDACTED]

“[T]he crimes that were committed are heinous, and that’s why the victims need to see justice. It is very important that we approach the victims and listen to them. We need to know their stories. We need to know what they say about who killed their family members, who displaced them, who took away their belongings, who seized their cattle. It’s a very serious crime that was committed and not a single person, not even a hundred people, can describe it enough. And that’s why I recommend that the world must prosecute the criminals and we have to tell the victims and show the victims that there is justice in this world. The world – the entire world needs to move to help those people restore their lives.”²

P-0877, Dual Status Victim-Witness, Mukjar detention survivor and long-term IDP

I. Introduction

1. The Common Legal Representative of Victims (“CLR”), on behalf of the 489 individuals presently admitted to participate as victims in the *Abd-Al-Rahman* proceedings, submits this trial brief in accordance with the Chamber’s directions.³
2. The purpose of this trial brief is to provide Trial Chamber I, the parties and the public an introduction to who these 489 participating victims are, and to their lives before and after the 2003-2005 conflict in Darfur. They represent only a drop in the ocean compared to the hundreds of thousands (if not millions) of individuals who are – to date – victims of this conflict,⁴ as well as the continuing

* Transcript hyperlinks connect to most updated version of a transcript. Should further updated versions be issued (for example a “CT” replacing an “ET”, or a “CT2” replacing a “CT”) a link will no longer function.

¹ [ICC-02/05-01/20-T-041-CONF-ENG CT](#), p. 77, lines 11-12, 16-17, p. 78, lines 19-20, p. 78, line 24 to p. 79, line 2.

² [ICC-02/05-01/20-T-054-CONF-ENG CT](#), p. 70, line 24 to p. 71, line 7.

³ Second Directions on the conduct of proceedings, 15 December 2022, [ICC-02/05-01/20-836](#), para. 15.

⁴ See [DAR-OTP-0220-1623](#), paras 145-147, 154-156 (discussing estimates of civilians whose deaths directly resulted from the 2003-2005 conflict, as well as the more than two million civilians displaced).

violence and instability that has transpired thereafter. However, and even though every single victim has to be seen, considered, and respected as an individual, the lives and experiences of these 489 participating victims are representative of those of their Darfuri family, friends and larger community, who were victims of the same or similar crimes allegedly committed against the primarily Fur population.

3. These criminal proceedings are centred on the alleged acts and conduct of the accused, Ali Mohammed Ali Abd-Al-Rahman, also allegedly known as “Ali Kushayb”, in respect of events which took place more than nineteen years ago in the Wadi Salih and Mukjar localities of West Darfur State, Sudan.
4. Pursuant to its mandate and the legal framework of the Court, the Trial Chamber shall ultimately determine in a written judgment⁵ whether the accused’s alleged culpability for each of the 31 confirmed charges⁶ of war crimes and crimes against humanity has been proven beyond a reasonable doubt.⁷ An essential component of this judicial process is the search for the truth.⁸
5. Under the Court’s legal framework,⁹ these proceedings also concern the impact of the events that are the subject of this case on the participating victims, who are overwhelmingly from the Fur community.¹⁰ The participating victims have the fundamental right to present their views and concerns, and have them duly considered by the Trial Chamber during these proceedings, in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.¹¹

⁵ Rome Statute, Art. 74.

⁶ Corrected version of ‘Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’)', 9 July 2021, ICC-02/05- 01/20-433, 23 November 2021 (original version dated 9 July 2021), [ICC-02/05-01/20-433-Corr](#).

⁷ Rome Statute, Art. 66(3).

⁸ Rome Statute, arts 54(1)(a), 69(3) (“The Court shall have the authority to request the submissions of all evidence that considers necessary for the determination of the truth.”).

⁹ Rome Statute, Art. 68(3).

¹⁰ To date, and based on the information available to the CLRV, two of the 489 participating Victims are from other non-Arab communities – namely, the Zaghawa and the Qamer.

¹¹ Rome Statute, Art. 68(3).

6. This trial brief – in combination with the CLRV’s questioning of witnesses during the Prosecution case, and the planned CLRV opening statement and calling of one witness and four participating victims – aims at assisting the Chamber’s understanding of the situation of the participating victims prior to, during, and in the many years following the events in question. In order for the Chamber to see how the events underlying the charged crimes impacted the participating victims, their families, and the wider Fur community, it is submitted that a fuller comprehension of who the participating victims were in 2003 and 2004, and who they are today, in 2023, is vitally important. Whatever the Trial Chamber’s ultimate determination on each of the charges, the CLRV respectfully submits that a judgment under Article 74 of the Statute should properly seek to assess and acknowledge in as full a manner as possible, the situation and circumstances of the participating victims.
7. It lies in the nature of the conflict, the current situation of the participating victims in Darfur, but also in refugee camps in other countries and in the wider diaspora, that communication and consultation with the victims is a difficult and challenging endeavour for the CLRV, sometimes leading to an unsatisfactory outcome. However, the CLRV strived to engage with and collect as many views and concerns of participating victims as possible in these circumstances, and to have those reflected in this Trial Brief and in the future presentation of the victims’ case. It is well understood that every effort can only be a small glimpse of the physical and mental reality of each and every individual who she represents, and can sometimes not be more than a truly well-intentioned interpretation.
8. Section III of the brief, drawing upon the evidence in the record and information from the participating victims, aims to provide an understanding of some of the core elements of life and society in the Fur community in the Wadi Salih and Mukjar localities prior to the outbreak of the conflict. Section IV provides a statistical overview of the 489 participating victims at the time of the events (for

example, ages, genders, home villages) and their present living situation. Section V focuses on the widespread or systematic attack against Fur villages and communities that took place during the period relevant to the charges, and the suspension of police and legal procedures during this time. These uncharged incidents are of particular importance to the participating victims of the Mukjar and Deleig charged events, who fled the destruction of their homes and communities only to be further targeted in their places of refuge. Sections VI, VII and VIII address the alleged crimes and the individual and collective harm arising from the charged incidents in and around the villages of Kodoom and Bindisi, and the towns of Mukjar and Deleig. Section IX presents a sampling of the views and concerns of the participating victims regarding their expectations and hopes for these proceedings. Section X provides a brief introduction to the anticipated views and concerns of the four participating victims who are scheduled to appear before the Chamber. The CLRV also provides, as **Annex A** hereto, summaries of these expected views and concerns, for the information and assistance of the Chamber and the parties. Similarly, Section XI provides a brief introduction to the expected testimony of the witness whom the Trial Chamber has authorised to appear during the CLRV case, with a summary of her anticipated testimony provided in **Annex B** hereto.

9. The CLRV further advises that one important goal of this brief is to facilitate the Trial Chamber, and indeed the public, hearing from the participating victims, as well as witnesses, in their own words, with minimum filtering by the CLRV. As such, this brief includes, to a significant extent, direct quotes from the evidence of witnesses and passages from the application forms of participating victims.
10. The CLRV emphasises, in line with the Court's legal framework and the Trial Chamber's directions, that the views and concerns of participating victims, and the content of their application forms (unless admitted into evidence), are not, and cannot be considered, as evidence in these proceedings. In taking this

approach, especially as concerns the inclusion of passages from application forms, the CLRV has also taken into account the particular circumstances of these proceedings, wherein the Defence for Mr Abd-Al-Rahman, in large measure, does not, broadly speaking, contest the core of the crime base allegations in these proceedings – namely, that armed attacks and associated acts took place in Kodoom and Bindisi on 15 and 16 August 2003, and that members of the Fur community were detained and mistreated in and around the Deleig police station, and in the Mukjar police station, from February to April 2004, some of whom were later executed.¹²

II. Classification and updating of Trial Brief

11. This trial brief is submitted on an *ex parte* basis as it contains the personally identifying information of participating victims, and one witness, which is not available to the parties. The CLRV will also file confidential and public redacted versions of the brief.
12. The CLRV undertakes to provide updated versions of this trial brief – limited to revising the number of participating victims, and the statistical analyses in Section IV – in the event the Chamber admits additional individuals to participate in these proceedings.

III. The Fur people – society and culture

13. Criminal proceedings are not generally a setting within which the nuanced, complex and multi-layered history and culture of a society can be explored and engaged with in any comprehensive fashion. Nonetheless, some understanding of

¹² See, for example, cross-examination of P-0918, [ICC-02/05-01/20-T-077-CONF-ENG ET](#), p. 39, lines 19-24 (challenging the witness' sightings of an individual he identified as Ali Kushayb at various locations, but not contesting the witness' evidence that an attack took place on Kodoom on 15 August 2003, during which houses were burned and property looted); cross examination of P-1073, [ICC-02/05-01/20-T-103-CONF-ENG CT](#), p. 23, line 21 to p. 24, line 4 (not contesting the witness' evidence that she and her sister were victims of rape during the attack on Bindisi on 15 August 2003); cross-examination of P-0907, [ICC-02/05-01/20-T-096-CONF-ENG ET](#), p. 45, line 25, to p. 26, line 9 (not contesting the witness' evidence that [REDACTED] Deleig detentions and executions); cross-examination of P-0919, [ICC-02/05-01/20-T-061-CONF-ENG CT](#), p. 30, lines 20-21 (not contesting the witness' evidence that [REDACTED] Mukjar detentions and executions).

the major societal and cultural features of a people or place are undoubtedly highly relevant to a proper assessment of the facts and circumstances underlying, and evidence presented during, criminal proceedings. Such understanding is also critical to a proper appreciation of the impact of events and charged crimes on the participating victims. This is particularly so in the types of cases that come before the ICC, and where the actors in the judicial process largely come from outside the Situation in question.

14. This section of the brief accordingly limits itself to identifying certain key aspects of life and society among the Fur communities of the Wadi Salih and Mukjar localities, prior to the outbreak of the conflict in Darfur in 2003. It is primarily informed by the evidence presented during the Prosecution's case and the information and views the CLRV has received from the participating victims.

A. The Sultanate of Dar Fur and the Fur people

15. As set out in the expert report of Professor Alex de Waal, the Darfur region of Sudan "takes its name from the former sultanate of Dar Fur", which "translates as 'land' or 'abode' of the Fur, referring to the Fur people who dominated the politics of the region in pre-colonial times".¹³ The term '*dar*' also referred to the land administratively allocated by land grant (or '*hakura*')¹⁴ to different ethnic groups or 'tribes' within the Sultanate of Darfur, both Arab and non-Arab.¹⁵ According to Professor de Waal, the areas comprising the Wadi Salih and Mukjar localities as they were at the time of the conflict were both part of historic '*dars*' of the Fur people.¹⁶ P-0651, for example, explained that: "According to the old tribal

¹³ [DAR-OTP-0220-1623](#), para. 5. While the rulers of the Dar Fur Sultanate "were drawn from the Fur people, [...] the subjects of the rulers were many different ethnicities and tribes, not just the Fur" ([ICC-02/05-01/20-T-027-ENG ET](#), p. 37, lines 10-12). "The boundaries of Darfur approximately represent the geographical limits of the authority of the last ruler of an independent Dar Fur" ([DAR-OTP-0220-1623](#), para. 5).

¹⁴ [ICC-02/05-01/20-T-028-ENG ET](#), p. 33, lines 14-16.

¹⁵ [ICC-02/05-01/20-T-028-ENG ET](#), p. 32, lines 5-20.

¹⁶ [ICC-02/05-01/20-T-028-ENG ET](#), p. 32, line 25, p. 33, lines, 10-20.

administrative division, Wadi Saleh consisted of four *Hakuras* with a Shartay who is the Fur tribal leader being in charge of each one.”¹⁷

16. In answer to a question from the CLRV, Professor de Waal characterised the core features of historic Fur society as follows:

The Fur -- what these groups have in common is the Fur language, a tradition of affection for the [...] set of values associated with the historic sultanate, a very strong attachment to the land, feeling that their identity is very closely tied in with their control over the land. It doesn't mean that they control -- that they wanted to exclude others from the land. They have a long tradition of welcoming [...] strangers who they would allow to settle, and those strangers would, over the generations, become part of the community and become Fur. And of course also welcoming nomads. So it is [...] a set of [...] values along with culture, language and affinity to a historical past.¹⁸

17. In respect to the historic Sultanate of Dar Fur, and its importance to the Fur people today, dual status victim-witness P-0907 (a/25134/21) recalled: “When I was young and used to go to the valley, [...] to take our cattle there, we used to meet the elderly people who used to tell us the stories of our history. They used to tell us that Ali Dinar [the last Sultan of Dar Fur] was killed here.”¹⁹ P-0671,²⁰ who was around seventeen years old at the start of the conflict, similarly related that his parents told him about Sultan Ali Dinar, however “we did not find the history of our ancestors in the textbooks” at school, which “[t]old us about [...] different history”.²¹ P-0119, in discussing the history of Darfur, explained that Ali Dinar “was considered a just man and all tribes were obedient to him”.²² [REDACTED] noted that [REDACTED] Forgo (to the east of Garsila) “was very well known as the burial ground of Sultan Ali Dinar”.²³

¹⁷ [DAR-OTP-0205-0015-R02](#), para. 14.

¹⁸ [ICC-02/05-01/20-T-028-ENG ET](#), p. 21, line 17, to p. 22, line 1.

¹⁹ [ICC-02/05-01/20-T-095-CONF-ENG CT](#), p. 7, lines 4-6.

²⁰ Subsequently granted the status of participating victim (a/10479/22).

²¹ [ICC-02/05-01/20-T-098-CONF-ENG CT](#), p. 80, lines 14-21.

²² [DAR-OTP-0124-0196-R03](#), para. 44.

²³ [REDACTED], para. 11.

18. A more recent example of the Fur tradition of welcoming outsiders, as mentioned by Professor de Waal, took place in 1982. P-0119, [REDACTED], recalled:

A big draught in 1982 brought a lot of herders from surrounding areas and adjacent countries; Mali, Chad, Central African Republic and Niger to the fertile areas of Garsila, Zallingei and Kass in Darfur. The people of Darfur have always been known for their hospitality and when many of these herders wanted to settle down in the area, the Fur Community leaders gave them a special kind of Hakura, a right to use the land for plantation and herding, but not actually owning it.²⁴

19. [REDACTED] provided perspective on how the conflict and its aftermath have influenced the younger Fur generation's perception of this welcoming tradition:

The Fur by nature are peaceful and they are the countrymen, the people of Darfur. Although [...] all the people there are the inhabitants of Darfur, [...] the Fur are known to be the main inhabitants [...], that Darfur is their own land. And these are good people, they are welcoming people and they can welcome any guest that would come to their land. This is how – they were good natured back then. But today of course we don't have the same nature, good nature. We don't have the same qualifications. The young generation does not have the same qualifications as their parents when it comes to welcoming others or accepting the others because they believe that this was a very big mistake by their elders to welcome everybody else, because at the end they sustained damages by the people that they had welcomed. So the new generation is totally different from the old generation.²⁵

20. The Fur people's affinity and connection to the land (as will be discussed further below), was apparent in the testimonies of numerous witnesses, who spoke of wanting to return to their ancestral places. P-0129,²⁶ from [REDACTED] (north of Mukjar), stated that "those who have been displaced since 2003, they have tried to return to their homeland", but have been prevented from doing so "and they have no more any lands to plough and to harvest".²⁷ Dual status victim-witness P-

²⁴ [DAR-OTP-0124-0196-R03](#), para. 48.

²⁵ [REDACTED], p. 59, line 14 to p. 60, line 4.

²⁶ Subsequently granted the status of participating victim (a/10237/22).

²⁷ [ICC-02/05-01/20-T-076-CONF-ENG CT](#), p. 10, lines 21-22, p. 11, lines 11-12.

0907 (a/25134/21), a displaced person originally from [REDACTED] village, expressed the wish that “the refugees would go back to their original towns, their mother town, [...] and to live their lives as they did before”.²⁸ [REDACTED],²⁹ [REDACTED], said that his family “had farms we inherited from our grandparents. That was our possession. So whenever I wanted, I could work in that”.³⁰

21. Professor de Waal further explained that, in his opinion, the Fur people of modern Darfur could properly be considered a cohesive society “at a social, political, community level”,³¹ within which “it would be so rare as to be almost unthinkable for the Fur tribe -- tribal chiefs to be in conflict with one another” over land or other issues.³²
22. The Fur people, like all of Darfur’s many ethnic groups, are primarily Muslim, without any significant differences in the practice of Islam within Darfur.³³ As indicated in the evidence of the Prosecution’s witnesses, patrilineal polygamy is a cultural and religious tradition common to the people of Darfur, and family sizes were often large.³⁴ Similarly, naming conventions among both the Fur community and Arab tribes in Darfur was patrilineal.³⁵ Among the participating victims, almost all consider and use Fur as their mother tongue, with fluency and understanding in the Arabic language varying widely.
23. The Fur participating victims in these proceedings, as well as their cultural brethren hailing from other parts of Darfur, are the heirs to, and descendants of, this rich history and set of traditions.

²⁸ [ICC-02/05-01/20-T-095-CONF-ENG CT](#), p. 13, line 25 to p. 14, line 1.

²⁹ [REDACTED].

³⁰ [REDACTED], p. 57, lines 22-23.

³¹ [ICC-02/05-01/20-T-028-ENG ET](#), p. 22, lines 2-7, p. 30, line 24 to p. 31, line 5.

³² [ICC-02/05-01/20-T-028-ENG ET](#), p. 31, lines 11-16 (contrasting the situation among the Fur with that of Arab tribes in Darfur).

³³ [DAR-OTP-0220-1623](#), para. 31.

³⁴ See also [DAR-OTP-0220-1623](#), para. 50 (“Darfurian society today is universally patrilineal and patriarchal. Darfurians trace descent and identity in the male line [...]. Islamic law is almost universal in civil cases. Personal morality is deeply conservative. Polygamy remains common.”).

³⁵ [ICC-02/05-01/20-T-028-ENG ET](#), p. 22, lines 8-19.

B. The general situation of the Fur people in Wadi Salih and Mukjar localities

24. The Sudanese administrative state is structured at three main levels – federal (headed by the President), state (headed by the *wali* or governor), and localities within each state (headed by a *mu'atamid* or commissioner); each locality was further sub-divided into administrative units.³⁶ In 2003, West Darfur State (as its boundaries existed at that time),³⁷ was composed of seven localities, including those of Wadi Salih and Mukjar.³⁸ According to Professor de Waal, the non-Arab communities in the Wadi Salih and Mukjar localities were “overwhelmingly Fur”,³⁹ with predominantly Fur villages constituting the majority of settlements in these localities in comparison with the “nomadic or semi-nomadic settlements” of the Salamat, Ta'aisha, and Beni Halba Arab tribes, as well as the seasonal presence of nomadic camel-herding tribes.⁴⁰
25. As starkly set out in Professor de Waal's report, at the time of the outbreak of conflict in 2003, the Darfur region as a whole was significantly underdeveloped and ill-resourced in comparison to other Sudanese regions across a host of indicators, including public infrastructure,⁴¹ healthcare, and educational facilities and attainment,⁴² “with Western Darfur consistently ranking the worst on all indicators”.⁴³ An assessment of the inequalities within Sudan in the areas of education and health in the period 1999-2000 revealed that in Darfur as a whole, primary school enrolment of children stood at 30.6%, and secondary school

³⁶ [REDACTED], [REDACTED], p. 13, line 6 to p. 14 line 4.

³⁷ In 2003, the Darfur region was divided into three states – Northern, Southern, and Western Darfur. Subsequently, the Darfur region was reorganized and divided into five states ([DAR-OTP-0220-1623](#), para. 20), and the Mukjar and Wadi Salih localities now fall within Central Darfur State (see [DAR-V47-00000001](#) (map of Central Darfur State)).

³⁸ See map [DAR-OTP-0194-2340](#) at 2341.

³⁹ [ICC-02/05-01/20-T-027-ENG ET](#), p. 46, lines 8-10.

⁴⁰ [ICC-02/05-01/20-T-027-ENG ET](#), p. 48, line 17, to p. 49, line 9.

⁴¹ [DAR-OTP-0220-1623](#), para. 16.

⁴² [DAR-OTP-0220-1623](#), paras 21-24.

⁴³ [DAR-OTP-0220-1623](#), para. 25.

enrolment at 11.3%; in respect of medical care: 24.7 hospital beds and only 1.9 doctors, per 100,000 persons, the lowest in all of Sudan.⁴⁴

26. P-0931,⁴⁵ from [REDACTED] village (south east of Deleig), for example, explained: “We didn’t have the basic services. [...] We didn’t have any hospitals. There were about seven villages that shared only one school.”⁴⁶ [REDACTED],⁴⁷ also from [REDACTED], confirms the same.⁴⁸ [REDACTED], stated that even prior to the outbreak of conflict in 2003, “the governmental clinic [REDACTED] always lacked equipment and medicine”,⁴⁹ and that “[i]n our entire region there was no big hospitals”.⁵⁰

27. This lack of infrastructure included access to the banking system. As stated by Professor de Waal in response to a question posed by the CLRV: “The banking system in Darfur was rudimentary, and so relatively few people in rural areas would keep their assets at the bank. Sometimes people would store bundles of bank notes under their mattresses or in these little [...] tin boxes.”⁵¹ P-0119, [REDACTED], further explained that: “In 2003, 2004, [...] their homes [...] were the only places where they could keep their money. There was only one bank available in Garsila. There were no banks anywhere else, or any other facilities where you can store your money. So the natural thing to do was to keep money at home.”⁵² P-0878⁵³ likewise confirmed that members of the Fur community with money, jewellery or gold would store these at home.⁵⁴

⁴⁴ [DAR-OTP-0220-1623](#), para. 23, Table 2, created based on data from: A1-Tom, A.O., Darfur, JEM and the Khalil Ibrahim Story (with a complete copy of The Black Book: Imbalance of Power and Wealth in Sudan), (Red Sea Press, Trenton NJ, 2011).

⁴⁵ Subsequently granted the status of participating victim (a/10051/22).

⁴⁶ [ICC-02/05-01/20-T-063-CONF-ENG CT](#), p. 33, lines 17-21.

⁴⁷ [REDACTED].

⁴⁸ [REDACTED], p. 33, lines 20-21.

⁴⁹ [REDACTED], p. 17, lines 17-18.

⁵⁰ [REDACTED], p. 17, line 21.

⁵¹ [ICC-02/05-01/20-T-028-ENG ET](#), p. 23, lines 16-19.

⁵² [ICC-02/05-01/20-T-038-CONF-ENG CT](#), p. 26, lines 12-16.

⁵³ Subsequently granted the status of participating victim (a/10297/22).

⁵⁴ [ICC-02/05-01/20-T-078-CONF-ENG CT](#), p. 76, lines 3-5.

C. Life and livelihoods of the Fur community in Wadi Salih & Mukjar localities

28. As reflected by the witnesses and participating victims in this case (see Section IV), Darfur, prior to the outbreak of conflict in 2003, was a place where the life of the people was based in the villages and rural areas, with only “about 18 percent of the population resident in a handful of major urban centres (Nyala, al-Fashir, al-Geneina, al-Da’ien and Zalingei)”.⁵⁵ For the Fur people, as touched on above,⁵⁶ their cultural and historic identity was very much tied to the land, with the tradition of farming forming an integral part of this. Professor de Waal’s report opined in this respect: “Fur farmers’ skill at growing a wide range of crops is widely acclaimed.”⁵⁷
29. For the vast majority of the participating victims, farming was a major, if not the primary component, of their or their family’s livelihood, with some also raising livestock, or carrying out commerce or small trades. According to P-0651, who was from [REDACTED] village, to the northeast of Deleig: “Wadi Saleh was considered an important area[] of land in Sudan as it was rich in minerals and fertile for farming.”⁵⁸ He further explained that for the Fur people in Wadi Salih “[f]arming was the main source of living, and then, [...] the cattle, and the third source was just traditional trading.”⁵⁹ P-0990, when describing the livelihoods of the primarily Fur people [REDACTED], stated: “[W]e worked in farming in the winter and in the summer. Those who are capable could engage in other businesses. The others just have to wait and have to live off their savings. We also had livestock that we herded. We also had plantations in the fall.”⁶⁰ [REDACTED], from a village in the region to the east of Garsila and southeast of

⁵⁵ [DAR-OTP-0220-1623](#), para. 25.

⁵⁶ See paras 16, 20 *supra*.

⁵⁷ [DAR-OTP-0220-1623](#), para. 38.

⁵⁸ [DAR-OTP-0205-0015-R02](#), para. 14.

⁵⁹ [ICC-02/05-01/20-T-034-CONF-ENG CT2](#), p. 40, lines 5-7.

⁶⁰ [ICC-02/05-01/20-T-040-CONF-ENG CT](#), p. 12, lines 18-21.

Deleig, recalled of his father: “He grew watermelon, tomatoes, millet and beans. He also traded goods such as sugar, tea and honey”.⁶¹

30. P-0012⁶² described the general situation in the villages between and surrounding Bindisi and Mukjar – such as Arada, Sigigir, Indri, Dimbo and Tendy / Tindi – as follows: “Prior to the attacks, these villages were safe and were productive. They were providing all nearby towns with crops and livestock. They were stable, they were filled with people, and they were prosperous. Life was prosperous. [...] After the events, it became nothing but rubble. All that was left was trees, and so forth, but there was no life left there. Everything got destroyed.”⁶³ Dual status victim-witness P-0877 (a/10032/22), from [REDACTED] (north of Mukjar), explained that the people of his village “used to cultivate [...] different crops”, “rear[ed] livestock”, and “also were working in trades”, such as “cultivating bees”.⁶⁴

31. [REDACTED]⁶⁵ described farming as the main livelihood of the Fur community in the area of Kodoom, [REDACTED] grains and crops of tomatoes, ‘Sudanese beans’, potatoes and okra.⁶⁶ [REDACTED] similarly relates: “People in Kodoom and the surrounding villages were farmers. In June, during the rainy season, the villagers used to cultivate crops on their farms and grow millet, okra and tomatoes.”⁶⁷ [REDACTED],⁶⁸ who was raised in the Bindisi area, explained that “[m]ost of the villagers were farmers or small scale traders”.⁶⁹ [REDACTED],⁷⁰ [REDACTED], said that the population “grew mango, guava, lime, banana and orange trees” and “also planted tomatoes, okra, ‘carcadyh’ and grains like

⁶¹ [REDACTED], para. 16.

⁶² Subsequently granted the status of participating victim (a/10048/22).

⁶³ [ICC-02/05-01/20-T-045-CONF-ENG CT](#), p. 33, lines 18-33.

⁶⁴ [ICC-02/05-01/20-T-054-CONF-ENG CT](#), p. 59, lines 2-4.

⁶⁵ [REDACTED].

⁶⁶ [REDACTED].

⁶⁷ [REDACTED], para. 23.

⁶⁸ [REDACTED].

⁶⁹ [REDACTED], para. 14.

⁷⁰ [REDACTED].

sorghum and millet”.⁷¹ [REDACTED]: “Our life was very simple. What we give a lot of attention to was working in the autumn. So we would plant the seeds in the autumn and, after that, we would harvest our crops [...]. We didn't have any other work. But there were some people who had side businesses, so these were the activities in our village.”⁷²

32. Farming, as well as caring for animals and livestock, was a family affair, with men, women and older children involved in this daily work.

33. Just as the planting and harvesting seasons – and the rainy season (running from approximately June to September in Darfur)⁷³ – were important markers on the yearly calendar for the Fur people of the Wadi Salih and Mukjar localities, market days were a central feature of the weekly calendar in villages and towns. P-0007, [REDACTED], explained that each village would have its own market day, [REDACTED]; farmers would also take their surplus crops to the market to sell them and buy goods that they needed, such as sugar.⁷⁴ [REDACTED] recalled growing crops like millet, tomatoes and onions with his father, on their farm, and travelling to the markets in Bindisi and Garsila to sell the produce.⁷⁵

34. However, as explained by P-0931,⁷⁶ not all villages had a market.⁷⁷ P-0955, living [REDACTED] (south east of Deleig), recalled that his mother would regularly travel from their home village to the market in Gaba: “All people from all villages would come to that market on Monday to shop and to buy their basic goods. There was no other market.”⁷⁸ [REDACTED] related that “there was no market in Kodoom. We used to go to the market in Bindisi.”⁷⁹

⁷¹ [REDACTED], para. 10.

⁷² [ICC-02/05-01/20-T-089-CONF-ENG CT](#), p. 13, lines 1-6.

⁷³ [DAR-OTP-0220-1623](#), para. 8 (further explaining that the season starts earlier and ends later in the wetter south-west of Darfur).

⁷⁴ [ICC-02/05-01/20-T-089-CONF-ENG CT](#), p. 13, lines 7-13.

⁷⁵ [REDACTED], para. 15.

⁷⁶ Subsequently granted the status of participating victim (a/10051/22).

⁷⁷ [ICC-02/05-01/20-T-063-CONF-ENG CT](#), p. 38, lines 19-21. ([REDACTED] (northeast of Deleig) did not have a market, but the neighbouring villages of [REDACTED] and [REDACTED] did).

⁷⁸ [ICC-02/05-01/20-T-064-CONF-ENG CT](#), p. 11, lines 13-17.

⁷⁹ [REDACTED], p. 23, lines 4-6.

35. In larger villages and towns, markets would generally be open throughout the week, distinguished by a 'big' market day once a week. The main market day in Bindisi was Thursday, when inhabitants from surrounding villages would come to the village.⁸⁰ P-0712 related that on the big market day in Deleig, people from all the surrounding regions would travel to the town.⁸¹ P-0651 explained that: "As young men, we went to the market to buy what we needed, and Sunday [in Deleig] was the big market day. So that is the day where everybody was there, so it was important to go to the market on that day."⁸² [REDACTED] described the market in Garsila, as follows: "[W]e're talking about a small area. You may run into someone twice or -- or more a day. There are only few shops in the market. It's impossible to go to the market and not see most people. I mean, in the market you could find, perhaps, three quarters of the population of the town."⁸³
36. While, as addressed above, the Fur communities of Wadi Salih and Mukjar localities were marked by a lack of governmental support and public services and infrastructure, the communities themselves were tight-knit and self-reliant, and surrounding villages interconnected by family, commerce, and social life. In answer to a query from the CLRV, Professor de Waal explained: "One of the features of all these societies, all these communities in Darfur is a tradition of [...] solidarity and mutual assistance within [...] the extended family,"⁸⁴ including support such as child care, and sharing of food, other resources and money.⁸⁵
37. Many witnesses related during their testimony how, after having to flee their home villages after attacks by Janjaweed and Government of Sudan forces, they found shelter with or received assistance not from the government, but extended family or members of the wider Fur community. P-0718,⁸⁶ who was a young person when the conflict broke out, explained that after his home village

⁸⁰ [REDACTED], para. 13.

⁸¹ [ICC-02/05-01/20-T-036-CONF-ENG ET](#), p. 31, line 23 to p. 32, line 2.

⁸² [ICC-02/05-01/20-T-034-CONF-ENG CT2](#), p. 72, lines 20-22.

⁸³ [REDACTED], p. 84, lines 11-14.

⁸⁴ [ICC-02/05-01/20-T-028-ENG ET](#), p. 22, lines 23-25.

⁸⁵ [ICC-02/05-01/20-T-028-ENG ET](#), p. 22, lines 8-11.

⁸⁶ Subsequently granted the status of participating victim (a/10484/22).

[REDACTED] (close to Deleig) was attacked by Janjaweed forces in late November of 2003,⁸⁷ his family fled to Deleig, and sheltered with extended family for the first few days, where they were given food and water.⁸⁸ After moving to the school in Deleig, which was overcrowded with displaced persons, P-0718 related: “[T]he community in Deleig helped us. They provided us food and provided medication to sick children.”⁸⁹ Dual status victim-witness P-0907 (a/25134/21) similarly recalls that upon his arrival as a displaced person in Deleig, in October 2003:

[T]he people of Deleig supported us greatly. Some of them gave us clothes. Some of them gave us food or corn. Some people brought us some home furniture. Some other people brought clothing for children because our children were naked, without any clothes. So honestly, we received great support from them. They cooperated with us and we will never forget this.⁹⁰

38. The experience of P-0726, who fled to Deleig following an attack on his home village, demonstrates that the Fur tradition of mutual support went beyond just material assistance:

After the village was burned and people went to have shelters, and -- we went -- we came back to Deleig. [...] We did not know where to go. So there was a tree in front of the house, [...] so we were sitting under the tree. So this woman, the owner of the house next to the tree said that there will be an attack and that the young men [...] should hide where it's possible for you -- if you want to come inside the house to have shelter. We were many young people. I also went into the house, among other people. I went to one room, and the other were in the different room. So the Janjaweed came and searched the houses, and the woman advised us to dress like women so that when the Janjaweed are entering they don't see us. So I tried to dress like a woman so that the Janjaweed would think that I am a woman. I tried to wear the *jubaba* (phon). [...] I was in the same room with her children,

⁸⁷ [DAR-OTP-0209-2004-R02](#), paras 16-21.

⁸⁸ [ICC-02/05-01/20-T-049-CONF-ENG CT](#), p. 60, lines 19-21.

⁸⁹ [ICC-02/05-01/20-T-049-CONF-ENG CT](#), p. 60, lines 23, to p. 61, line 1.

⁹⁰ [ICC-02/05-01/20-T-095-CONF-ENG CT](#), p. 8, lines 2-7.

with her and the children. The other people were in another room. The room where I was, [...] with the owner of the home. I dressed up like a woman. I was not arrested due to that. [...] The others who did not -- who refused to enter the house of that woman, they were arrested and they were detained.⁹¹

39. Professor de Waal also described the important institution or practice of “*nafir*” among the Fur people:

The *nafir* being a work party in which people will come together for the purposes of doing a collective work. So it could be building terraces, it could be digging irrigation ditches, it could be harvesting or threshing after the harvest, et cetera. So [...] being invited to be part of the *nafir* would reflect being included in the community.⁹²

P-0671,⁹³ from [REDACTED] village (south-east of Deleig), for instance, explained that there would be cooperation among his fellow Fur villagers during the farming season: “If there is an elderly woman, for example, who had no children to support her, we, the young people, would go and take care of her plantation and help her.”⁹⁴

40. P-0931,⁹⁵ from [REDACTED] (south-east of Deleig), recalls that: “Life was very beautiful in our village. We didn't have the basic services. However, we used to cultivate the land, we had herds. We used to be free. We used to love each other. We were loved. We loved those who were in the village surrounding us.” Dual status victim-witness P-0907 (a/25134/21), [REDACTED], similarly stated [REDACTED]: “[W]e all lived like one family and we did not have any problems.”⁹⁶ He further noted that the single primary school in the area shared by many villages helped tie the villages in the region together.⁹⁷ Dual Status victim-witness P-0584 (a/25038/21), from [REDACTED] (south-east of Deleig), was

⁹¹ [ICC-02/05-01/20-T-053-CONF-ENG CT2](#), p. 16, lines 8-25.

⁹² [ICC-02/05-01/20-T-028-ENG ET](#), p. 23, lines 3-7.

⁹³ Subsequently granted the status of participating victim (a/10479/22).

⁹⁴ [ICC-02/05-01/20-T-098-CONF-ENG CT](#), p. 80, lines 2-8.

⁹⁵ Subsequently granted the status of participating victim (a/10051/22).

⁹⁶ [ICC-02/05-01/20-T-095-CONF-ENG CT](#), p. 4, lines 20-21.

⁹⁷ [ICC-02/05-01/20-T-095-CONF-ENG CT](#), p. 4, line 23 to p. 5, line 4.

around 16 or 17 years old when the conflict started, and remembered of his village: “People used to gather in social events, and people married from the same community. And we all lived together as one family.”⁹⁸

41. P-0007,⁹⁹ [REDACTED], explained:

My relationship with my neighbours was good. Our life was simple. If someone was sick, we would go to visit and share their pain. If someone was seriously ill, we would take them to the hospital. If somebody passed away, we would gather together to bury that person. Our life was really beautiful. We cooperated with one another.¹⁰⁰

In contrast, as explained by P-0011,¹⁰¹ “[a]fter the conflict, we could not anymore practice or have the social activities in a clear way. If a person, for instance, died, we could not pay our tributes and present our condolences, and we could not communicate properly with his parents.”¹⁰²

42. P-1073,¹⁰³ [REDACTED] a teenager at the time, related that: “Before the war, our village was safe and the villagers lived in peace, harmony and security. Myself and my family lived happily and peaceably.”¹⁰⁴ P-1074,¹⁰⁵ also a young teenager at the time of the conflict, described her life [REDACTED] in the following terms: “Before the war, we had a happy and beautiful life and a peaceful life in our village. We did not have any problems. We only heard from far that some cattle were looted, for example, or they were stolen on the way to the market.”¹⁰⁶

43. Dual status victim-witness P-0585 (a/25217/21), hailing from the village of [REDACTED] (northwest of Garsila)¹⁰⁷, explained that relations between the residents in his village “was really good” and that they “also had a very good

⁹⁸ [ICC-02/05-01/20-T-092-CONF-ENG CT](#), p. 18, lines 19-20.

⁹⁹ Subsequently granted the status of participating victim (a/10482/22).

¹⁰⁰ [ICC-02/05-01/20-T-089-CONF-ENG ET](#), p. 13, lines 16-20.

¹⁰¹ Subsequently granted the status of participating victim (a/10301/22).

¹⁰² [ICC-02/05-01/20-T-091-CONF-ENG CT](#), p. 33, lines 3-6.

¹⁰³ Subsequently granted the status of participating victim (a/10480/22).

¹⁰⁴ [ICC-02/05-01/20-T-103-CONF-ENG CT](#), p. 18, line 25 to p. 19, line 1.

¹⁰⁵ Subsequently granted the status of participating victim (a/10486/22).

¹⁰⁶ [ICC-02/05-01/20-T-103-CONF-ENG CT](#), p. 43, lines 3-5.

¹⁰⁷ See Map [DAR-OTP-0220-4740](#).

relationship with the surrounding villages, including the Arab tribes”, as they were “partners in trading and in other matters. But, unfortunately, after the government started using the Arabs against us, things deteriorated.”¹⁰⁸

44. [REDACTED],¹⁰⁹ who was born in Kodoom in the mid-1970s, recalled:

Life in Kodoom was quiet and peaceful. We looked after our crops and the animals, what we could not get from farming we bought from the market. It was a normal peaceful life. The same life that has been lived by the Fur tribe in the location of Kodoom for generations.¹¹⁰

Dual status victim-witness P-0986 (a/25143/21), [REDACTED], remembered: “After the harvest, the villagers would have parties and celebrations.”¹¹¹ He further explained, in answer to a question from the CLRV:

We used to have parties in special occasions. So, for example, when a child gets circumcised or if somebody gets married, and we send invitations to everyone in the neighbouring villages, like the five or six villages around us. People used to come and we used to host them in different houses of our [...] village. And we used to dance and play the drums, and we had a special dance, traditional one called Firagebiya.¹¹²

45. The culture and tradition of mutual assistance and support among the Fur communities of Wadi Salih and Mukjar localities also took form through informal ‘associations’ of women and men. P-0007,¹¹³ [REDACTED], recalled that the women from the villages in the region “were well organized [...]. They had their Presidents, representatives and secretaries.”¹¹⁴ He further explained:

The life that we had included these associations, but these were not large associations, they were more to organise social affairs for women. Women organised themselves by themselves, and the president of the association would

¹⁰⁸ [ICC-02/05-01/20-T-100-CONF-ENG CT](#), p. 37, lines 8-12.

¹⁰⁹ [REDACTED].

¹¹⁰ [REDACTED], para. 17.

¹¹¹ [DAR-OTP-0222-0437-R01](#), para. 23.

¹¹² [ICC-02/05-01/20-T-065-CONF-ENG CT](#), p. 14, line 23 to p. 15, line 3.

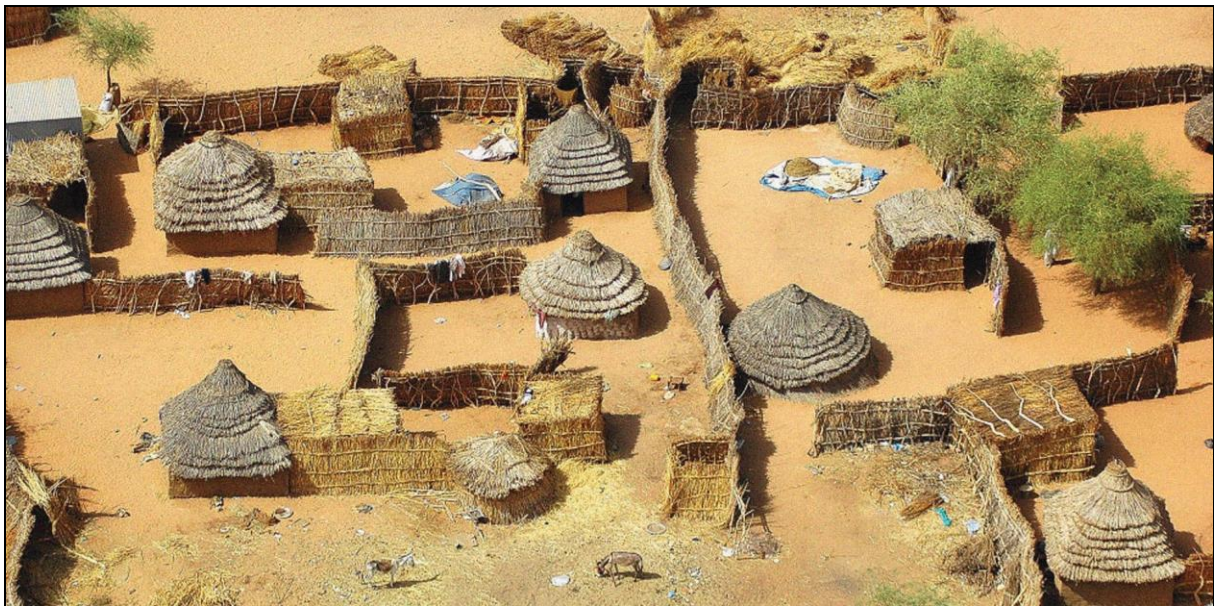
¹¹³ Subsequently granted the status of participating victim (a/10482/22).

¹¹⁴ [DAR-OTP-0088-0060-R02](#), para. 44.

bring some crops and offer them as presents to one another. And the men also did the same thing. We showed solidarity to one another. If one of us was sick, we would take care of the medical expenses. We contributed to treating that person outside the village if the treatment was not available in the village. We would also visit their children on a daily basis and take care of them when their parent was not available.¹¹⁵

46. P-0011¹¹⁶ related in respect of such women's associations: "There was no election in the commonly known sense. It was merely a gathering of female villagers to discuss the matters that were of interest to the women in the village. It was not things that can be reported to the *sheikh* or the *umdah*."¹¹⁷

D. Housing, storage of wealth, and education in the Fur community



View of rural village in Mukjar locality (2016) ¹¹⁸

¹¹⁵ [ICC-02/05-01/20-T-089-CONF-ENG ET](#), p. 14, lines 2-10.

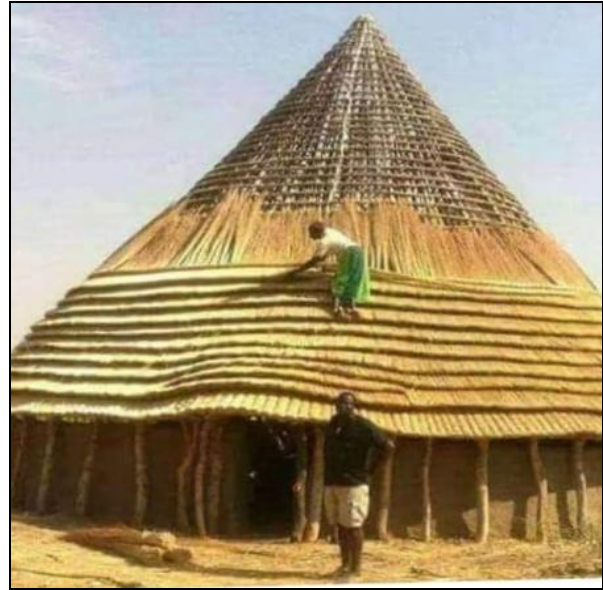
¹¹⁶ Subsequently granted the status of participating victim (a/10301/22).

¹¹⁷ [ICC-02/05-01/20-T-091-CONF-ENG CT](#), p. 35, lines 20-24.

¹¹⁸ Extracted from [DAR-V47-00000147](#), at p. 0000 (joint report of the World Food Programme and the Meteorological Office of the United Kingdom).



Single 'guttiya' or 'hut' ¹¹⁹



Larger structure ¹²⁰



Dwellings in Deleig (March 2023) ¹²¹

47. In the Fur villages of Wadi Salih and Mukjar localities at the time of the outbreak of the conflict, most houses were built from grasses, leaves, wood and earthen materials. Additionally, a 'house' often referred to a single room structure, so a family might have more than one 'house', perhaps clustered within a compound.

¹¹⁹ Extracted from [DAR-V47-00000199](#) (received from participating victim a/25040/21).

¹²⁰ Extracted from [DAR-V47-00000200](#) (received from participating victim a/25040/21).

¹²¹ Extracted from [DAR-V47-00000201](#) (received by CLRV field assistant from contact in Darfur).

48. P-0011, for example, describes [REDACTED] Bindisi, as “a house which had a fence made of *shargania* and hay [...]”, and referred to it as a “compound”. The other structures in the area [REDACTED] “were huts built from reeds, and some houses were built with bricks”.¹²² P-0011 similarly confirms that in Bindisi, which was a larger village, in addition to houses of straw, some were made of bricks.¹²³
49. Dual status victim-witness P-0877, from [REDACTED] (north of the town Mukjar), explained that “95 per cent of the houses” in his village were made of straw, with the remaining made of “red clay” for those families who were concerned about the risk of fires; “every family had one house or two”.¹²⁴ Dual Status victim-witness P-0584 (a/25038/21), from [REDACTED] (south-east of Deleig), explained that “our houses were built from straw, and we called them *guttiya* or hut”.¹²⁵
50. [REDACTED]¹²⁶ described the houses in the villages between Mukjar and Bindisi as follows:
- The houses of Darfur, most of them are built out of mud. It is usually a round house, around 1.5 metres of diameter. And you will have one layer of raw material used also with that, such as wood and some leaves of trees. And then they will build the house until the top and they will put some type of grass at the end.
51. [REDACTED] similarly described most of the housing in the villages in this area, including Kodoom, to be “made of hay, mud, tree leaves”.¹²⁷
52. Within the Fur community, and as noted above,¹²⁸ a family’s material well-being was very much tied to the land – the crops they could grow, and for some, the

¹²² [DAR-OTP-0088-0219-R02](#), para. 35.

¹²³ P-0011, [ICC-02/05-01/20-T-091-CONF-ENG CT](#), p. 34, lines 5-9.

¹²⁴ [ICC-02/05-01/20-T-054-CONF-ENG CT](#), p. 59, lines 11-14.

¹²⁵ [ICC-02/05-01/20-T-092-CONF-ENG CT](#), p. 19, lines 2-3.

¹²⁶ [REDACTED].

¹²⁷ [REDACTED].

¹²⁸ See paras 28-32 *supra*.

livestock, such as cattle, sheep, goats, and camels¹²⁹ that they may be able to raise and trade. Professor de Waal, in answer to a question from the CLRV, stated:

[T]he number one source of wealth and investment of wealth is the land [...]. And here, especially if we're talking about the [...] Zalingei, Wadi Salih, Mukjar area, almost all the land is small holder farms belonging to families. You don't have large commercial farms. So if you are a prosperous farmer, [...] -- you can perhaps acquire a bit more land, but [...] you cannot get wealthy [...] by farming alone. So a wealthier farmer – and of course everyone here is poor, but relative to others – would acquire livestock, would acquire cattle, [...] especially which would be a way of [...] having a greater store of wealth.¹³⁰

53. Dual status witness P-0584 noted that “Livestock in the Fur community meant richness. People used to assess how rich a person is by the amount of livestock they owned.”¹³¹ P-0029¹³² referred to livestock as “very valuable”.¹³³ The testimony of the Prosecution’s witnesses and the applications of the participating victims are replete with recollections that an almost uniform feature of the attacks on their home villages in 2003 and 2004 was the pillaging and taking away of livestock, representing significant amounts of family and community wealth.

54. It is important to differentiate, however, livestock as stores of wealth, from animals that would be used in the daily lives of the Fur communities of Wadi Salih and Mukjar localities. In answer to a question from the CLRV, dual status victim-witness P-0907 (a/25134/21) explained:

Livestock was very important for us, because we mainly relied on livestock and farming for our livelihood. We used donkeys for farming activities. We relied on

¹²⁹ See, e.g., P-0892, [ICC-02/05-01/20-T-048-CONF-ENG CT](#), p. 20, line 2-4 (explaining that the main livestock that people from his village would herd were “sheep, cows, cattle”); P-0986, [ICC-02/05-01/20-T-065-CONF-ENG CT](#), p. 22, line 22 to p. 23, line 2 (explaining that in addition to farming, some of the villagers [REDACTED] raised cows, camels, goats and sheep).

¹³⁰ [ICC-02/05-01/20-T-028-ENG ET](#), p. 23, line 22 to p. 24, line 5.

¹³¹ [ICC-02/05-01/20-T-092-CONF-ENG CT](#), p. 18, lines 15-16.

¹³² Subsequently granted the status of participating victim (a/10485/22).

¹³³ [ICC-02/05-01/20-T-029-CONF-ENG CT](#), p. 11, lines 13-14.

the daily products of our cattle, also to feed our children. And when we needed money, we sold one of our animals in order to get money in return.¹³⁴

55. More fungible wealth in the Fur community was stored in hard currency at home (as noted above, the banking system was not generally accessible to the population),¹³⁵ and in gold, silver and jewellery, which also held cultural importance. In this respect, Professor de Waal explained: “Women in particular would have wealth in the form of jewellery, which was very much treasured, treasured beyond the monetary value that it might have”,¹³⁶ “the value that is ascribed [...] to gold and silver artefacts goes beyond [...] their monetary value.”¹³⁷

56. P-0878¹³⁸ related that “gold [...] is the most important thing for women to dress up. And that's true in every community. And the more gold a woman puts on, the more it shows how well off and affluent she is.”¹³⁹ P-0011¹⁴⁰ explained that gold is “a valuable in the Fur community. When you would have gold inside your house, it would be considered [...] as a reserve for the worst days. So in this case, when you have any problems or difficulties, you would sell this gold to meet ends.”¹⁴¹

57. While, as addressed above, primary school education facilities in Darfur were very limited, and secondary school opportunities even more so,¹⁴² the importance of education – whether formal or Koranic¹⁴³ – in the Fur community, including being able to pay for school fees, uniforms and supplies,¹⁴⁴ was evident in the testimony of the Prosecution’s witnesses. This was perhaps most powerfully

¹³⁴ [ICC-02/05-01/20-T-095-CONF-ENG CT](#), p. 5, lines 19-22.

¹³⁵ See para. 27 *supra*.

¹³⁶ [ICC-02/05-01/20-T-028-ENG ET](#), p. 23, lines 20-21

¹³⁷ [ICC-02/05-01/20-T-028-ENG ET](#), p. 24, lines 10-12.

¹³⁸ Subsequently granted the status of participating victim (a/10297/22).

¹³⁹ [ICC-02/05-01/20-T-078-CONF-ENG CT](#), p. 76, lines 9-11.

¹⁴⁰ Subsequently granted the status of participating victim (a/10301/22).

¹⁴¹ [ICC-02/05-01/20-T-091-CONF-ENG CT](#), p. 33, lines 10-13.

¹⁴² See para. 25 *supra*.

¹⁴³ P-0903, for example, explained that he did not have a formal education, or know how to read and write, but studied the Koran at a ‘*masiq*’ (likely referring to a *masjid* or mosque) ([ICC-02/05-01/20-T-032-CONF-ENG CT](#), p. 86, line 18, to p. 87, line 13).

¹⁴⁴ See, e.g., P-0736, [DAR-OTP-0210-0248-R02](#), para. 17 (noting that school fees needed to be paid, and that he was unable to continue to his education due to the conflict and his family being unable to afford the fees).

conveyed by those witnesses who highlighted the impact of the conflict on education. Dual status victim-witness P-0877 (a/10032/22), [REDACTED],¹⁴⁵ described the current situation of persons from the Fur community who were displaced during the conflict, saying:

Until now, after 18 long years, people are still impacted by what happened. We still have children beggars, their fathers and their mothers were killed and they can't go to schools. They have no money to pay fees and they don't have any school uniforms or school books.¹⁴⁶

Dual status victim-witness P-0907 (a/25134/21) explained that: "The war had great impact on education. People were displaced [...]. So there was no way for them to get any education. Even my children missed one year of their education."¹⁴⁷

58. P-0955, who was around [REDACTED] years old at the time of the conflict, stated that: "I personally interrupted my education for about two years, in 2003 and 2004",¹⁴⁸ and "it was the same situation for everyone else. Some people were less fortunate than me. They didn't go back to education at all."¹⁴⁹ [REDACTED],¹⁵⁰ a survivor of rape [REDACTED], [REDACTED], and related:

I could not complete my education because of the rape. Because [...] it was a stigma. I could not sit in the same classroom with my classmates, I was ashamed. In addition to that, the security situation [...] was not balanced. That is the main issue why I could not complete my education. [...] [I]n fact, many people could not complete their education until now.¹⁵¹

E. Community leadership structures in the Fur community

59. The community leadership structure of the Fur people at the time of the outbreak of the conflict came into being following the end of the Fur Sultanate almost nine

¹⁴⁵ [ICC-02/05-01/20-T-054-CONF-ENG CT](#), p. 68, lines 10-11.

¹⁴⁶ [ICC-02/05-01/20-T-054-CONF-ENG CT](#), p. 70, lines 4-7.

¹⁴⁷ [ICC-02/05-01/20-T-095-CONF-ENG CT](#), p. 6, lines 12-14.

¹⁴⁸ [ICC-02/05-01/20-T-063-CONF-ENG CT](#), p. 34, lines 16-17.

¹⁴⁹ [ICC-02/05-01/20-T-063-CONF-ENG CT](#), p. 35, lines 4-5.

¹⁵⁰ [REDACTED].

¹⁵¹ [REDACTED].

decades earlier. Professor de Waal explained that: “Until 1916 there was a sultan. His name was Ali Dinar. When [...] he was killed and [...] Darfur was occupied, he was not replaced. There [...] was no overall sovereign for the Fur.”¹⁵² Community leadership at the local level was organised in primarily three hierarchies – *Sheikhs* at the level of the village, followed by *Umdahs* who would be responsible for several villages, and then *Shartays* as a regional community authority.¹⁵³ Community leaders were, generally speaking, respected figures, and central nodes of guidance, information dissemination, organization, dispute resolution, and decision-making, including in times of crisis, for the Fur people.

60. P-0720¹⁵⁴ explained as follows regarding the structure and functioning of Fur community leadership in his area:

A number of Sheikhs report to each *Umda*. Usually, each *Sheikh* is in charge of a village. The *Sheikhs* would resolve small problems within the Fur villages such as family issues and divorces. If the problem was between two villages, the *Umda* would intervene in cases of land disputes or murder cases. The *Shartay* would intervene in cases where there were conflicts between Fur farmers and Arab nomads and cattle herders. Usually, the *Shartay* was involved during intertribal conflicts between the Arab and Fur tribe members.¹⁵⁵

61. Dual status victim-witness P-0877 (a/10032/22) similarly related:

In our community, the community leaders, starting with *shartay*, and after that, at the lower level, *umdahs* and *sheikhs*, they assumed a social role to resolve the dispute [...] -- intertribes or intratribes. They were determining weekly the family disputes. They would order people to do some action, like if there were collective actions such as building houses. They were also participating in religious matters and social matters.¹⁵⁶

¹⁵² [ICC-02/05-01/20-T-028-ENG ET](#), p. 31, lines 19-21. See also [DAR-OTP-0220-1623](#), paras 36, 55.

¹⁵³ [ICC-02/05-01/20-T-028-ENG ET](#), p. 36, line 14 to p.37, line 6.

¹⁵⁴ Subsequently granted the status of participating victim (a/10487/22).

¹⁵⁵ [DAR-OTP-0210-0291-R02](#), para. 33.

¹⁵⁶ [ICC-02/05-01/20-T-054-CONF-ENG CT](#), p. 59, line 21 to p. 60, line 1.

P-0877 further distinguished community leadership from the position of imam, who is a “religious leader”, and might be in charge of a mosque or congregation.¹⁵⁷

62. P-0007¹⁵⁸ explained that [REDACTED] had six Sheikhs and one Umdah, and that “[w]henver there was a dispute [...], the disputing parties usually first approached a Sheikh to intervene [...]. Whenever the Sheikh was unable to resolve it, he would refer the matter to the Umda.”¹⁵⁹

63. P-0671,¹⁶⁰ a teenager at the time of the conflict, recollected that the Sheikhs “would encourage us [...] and foster the harmony among the residents of the village”,¹⁶¹ including “how to work together and cooperate in farming”,¹⁶² and counsel the youth “[f]or example, [...] [that] you should not start any trouble with your neighbours [...]. Your neighbours are like brothers”.¹⁶³

64. P-0932 recalled that, “usually in our local meetings, all age categories would attend, the children, the young people, and the elderly too”.¹⁶⁴ Dual status victim-witness P-0585 (a/25217/21) explained that when it came to important community decisions: “Traditionally, we usually had the *umdahs* speaking to the locals, and also the *sheikhs* used to have consultations and decide upon what they need to do in the future.”¹⁶⁵

65. P-0990 recalled that [REDACTED] village was attacked in February of 2004 by aircraft, the “*umdah* and *sheikh* decided that all citizens walk to the southern mountains [...] south of the villages”, and that after five days in the mountains, “the *umdah*, Yahya Ahmad Zarruq, came to us and told us that Omar Ahmad

¹⁵⁷ [ICC-02/05-01/20-T-054-CONF-ENG CT](#), p. 60, lines 4-10.

¹⁵⁸ Subsequently granted the status of participating victim (a/10482/22).

¹⁵⁹ [DAR-OTP-0088-0060-R02](#), paras 11-12.

¹⁶⁰ Subsequently granted the status of participating victim (a/10479/22).

¹⁶¹ [ICC-02/05-01/20-T-098-CONF-ENG CT](#), p. 80, lines 8-9.

¹⁶² [ICC-02/05-01/20-T-098-CONF-ENG CT](#), p. 80, lines 4-15.

¹⁶³ [ICC-02/05-01/20-T-098-CONF-ENG CT](#), p. 80, lines 10-11.

¹⁶⁴ [ICC-02/05-01/20-T-068-CONF-ENG ET](#), p. 18, lines 5-6.

¹⁶⁵ [ICC-02/05-01/20-T-100-CONF-ENG CT](#), p. 39, lines 3-7.

Zarruq, the *shartay*, instructs all citizens to come" to Mukjar to seek refuge.¹⁶⁶ P-0718¹⁶⁷ noted that the Sheikhs guided the organization of living arrangements for displaced persons in Deleig.¹⁶⁸

66. In respect to the selection or appointment of community leaders, a mix of popular decision-making and tradition was practiced. Dual status victim-witness P-0877 (a/10032/22) explained:

As for the village *sheikh*, the villagers themselves would confer and they would have two or three persons, of whom they select one person, either upon consent or by assigning them. And then they ask the *umdah* about that and the *umdah* in turn would ask the *shartay* to make a decision.¹⁶⁹

P-0007 related that:

By tradition, when an Umda dies, his authority automatically goes to one of his sons. There is a traditional council which then sits to elect one of the sons of the late Umda. The traditional council which elects the Umda is composed of the Sheikhs, the educated and the wise people in the area. [...] The system for appointing Sheikhs is different because their job is to help other people. When Sheikhs die, their sons do not automatically become Sheikhs. He is appointed by the ordinary people from the same village.¹⁷⁰

67. However, it should also be noted that in the period preceding the outbreak of the conflict, in parts of Wadi Salih and Mukjar localities, the position of Umdah (but not those of Sheikh and Shartay) was perceived by some in the community as having become more politicized and beholden to the government. P-0718,¹⁷¹ from [REDACTED] village, close to Deleig, described the Umdah of his area as "an agent or lackey of the government".¹⁷² P-0726, while not in any way impugning the integrity of the Umdah of his area ([REDACTED] village, south east of Deleig

¹⁶⁶ [ICC-02/05-01/20-T-040-CONF-ENG CT](#), p. 24, line 17 to p. 26, line 2.

¹⁶⁷ Subsequently granted the status of participating victim (a/10484/22).

¹⁶⁸ [ICC-02/05-01/20-T-049-CONF-ENG CT](#), p. 61, lines 1-4.

¹⁶⁹ [ICC-02/05-01/20-T-054-CONF-ENG CT](#), p. 60, lines 19-22.

¹⁷⁰ [DAR-OTP-0088-0060-R02](#), paras 11.

¹⁷¹ Subsequently granted the status of participating victim (a/10484/22).

¹⁷² [ICC-02/05-01/20-T-049-CONF-ENG CT](#), p. 70, lines 29-20.

/ east of Garsila), explained that before the start of the conflict in 2003, the Umdah “had an administrative authority in the area and this authority was given to him by the government. He was a representative of the government amongst the villagers.”¹⁷³ [REDACTED] similarly confirmed that the Umdah of Forgo was appointed in 2000 “by the representatives of the local government in the area”.¹⁷⁴

68. The more intangible role and importance of community leaders in the fabric and functioning of Fur society, including the stability and sense of safety they provided, perhaps most readily crystalizes in the testimonies of witnesses who discuss the impact of the targeting of community leaders during the conflict, including in respect of the charged incidents in and around Deleig and Mukjar in early 2004. Dual status victim-witness P-0585 (a/25217/21) related:

What happened to the *umdahs* had a very significant impact on the Fur community, because the *umdahs* were symbols, symbols in our community and in the entire region of Darfur. So when *umdahs* were arrested, we felt that things have changed, because when the *umdahs* are free and doing what they want, we always felt safe.¹⁷⁵

69. Witness P-0720¹⁷⁶ similarly expressed: “People lost their sense of security and their sense of confidence and trust. The people who are in charge and references for the people have been imprisoned and killed, so what do you think will be the fate of normal people. So people felt extremely sad.”¹⁷⁷ P-0720 further expanded on the impact of the alleged detention, disappearance, and execution of Umdah Yahya Ahmad Zarruq in the charged Mukjar incident:

The area of eastern Mukjar and north-east Mukjar were all under his responsibility. He was a reference to everybody. [...] [P]eople used to go back to him for advice and for solving problems, and he was always very prompt [...] with his responses. He used to travel between villages to solve problems. He was

¹⁷³ [ICC-02/05-01/20-T-053-CONF-ENG CT2](#), p. 42, lines 4-6.

¹⁷⁴ [REDACTED], para. 14.

¹⁷⁵ [ICC-02/05-01/20-T-100-CONF-ENG CT](#), p. 39, lines 13-17.

¹⁷⁶ Subsequently granted the status of participating victim (a/10487/22).

¹⁷⁷ [ICC-02/05-01/20-T-043-CONF-ENG CT2](#), p. 20, lines 22-25.

sparing no time or effort in serving his people and the villages that he was responsible for. And that's why his disappearance and his killing had a huge impact, not only on the villages that he was responsible for but on the entire area.¹⁷⁸

70. P-0129¹⁷⁹ stated: "Certainly the execution of these *umdahs* had significant impact on the Fur community. They were, however, powerless. They remained silent. Some of them left the region and went to Chad. Others went to the Kalma camp."¹⁸⁰

71. Dual status victim-witness P-0907 (a/25134/21) described the cascading effects arising from the killing of Fur community leaders:

The impact was intense, because [...] they were the community leaders, our community leaders. They would manage our affairs and take care of us in a very well manner. So their loss impacted the community, because it's like a domino effect. Once it starts, everything is affected. [...] [W]hen this domino effect starts, if things get scattered and chaotic, if you have a leader, for example, a communal leader, one of the notables, they would be able to address the authorities, government authorities to fund schools, hospitals. So say when this notable person dies, the whole society suffers because [...] we don't have someone to take care of us.¹⁸¹

72. Dual Status victim-witness P-0877 explained:

Certainly, we were all impacted by that [the targeting of community leaders], in addition to all the victims and the displaced persons, because they lost their leaders on whom they were dependent in their daily life, starting from resolving disputes to guiding them how to behave with others and how to communicate with neighbouring people, and now [...] they are without leadership.¹⁸²

¹⁷⁸ [ICC-02/05-01/20-T-043-CONF-ENG CT2](#), p. 14, lines 7-14.

¹⁷⁹ Subsequently granted the status of participating victim (a/10237/22).

¹⁸⁰ [ICC-02/05-01/20-T-075-CONF-ENG ET](#), p. 66, lines 11-13.

¹⁸¹ [ICC-02/05-01/20-T-095-CONF-ENG CT](#), p. 10, line 25 to p. 11, line 10.

¹⁸² [ICC-02/05-01/20-T-054-CONF-ENG CT](#), p. 61, lines 1-9.

73. [REDACTED] stated, concisely and directly: “[W]e’re talking about the leaders here, and losing them [...] has impacted the Fur community massively. They’re still missing them. They’re still affected by what happened to them.”¹⁸³

74. Witness [REDACTED] highlighted that there was both a family and community impact arising from the targeting of community leaders:

These were people who headed very big families. In our community, the umdah usually has more than one wife and would have many sons and daughters. So the impact was very significant for the sons and daughters of the victims in the first place before talking about the impact on the community. But it was a very significant and important impact.¹⁸⁴

IV. The Participating Victims

75. As noted in the introduction, the individuality of each participating victim is of great importance to the CLRV. The purpose of this section of the brief, therefore, is to provide a better idea of who in particular stands behind this number of 489 individuals who have been admitted to participate in the proceedings.

76. In view of the significant challenges faced by the Registry in the context of the victim application process,¹⁸⁵ the number of participating victims has only recently increased, with 316 individuals admitted by the Trial Chamber between November 2022 and March 2023.¹⁸⁶

¹⁸³ [REDACTED].

¹⁸⁴ [REDACTED], p. 58, line 25 to p. 59, line 4.

¹⁸⁵ Confidential redacted version of “Observations of the Registry on the Defence’s ‘Requête aux fins de reconsidération de la Décision du 19 octobre 2021 (ICC-02/05-01/20-494) et mise en conformité de la procédure avec les Règles 89-1 et 94-2 du Règlement de Procédure et de Preuve’ (ICC-02/05-01/20-717-Conf)“, 29 August 2022, ICC-02/05-01/20-730-Conf-exp, 29 August 2022, ICC-02/05-01/20-730-Conf-Red (public redacted version: [ICC-02/05-01/20-730-Red](#)), paras 14-26; Confidential redacted version of “Registry Request for Extension of Time Limit to Submit Victim Applications for Participation“, 22 December 2022, ICC-02/05-01/20-838-Conf-exp, 22 December 2022, ICC-02/05-01/20-838-Conf-Red (public redacted version: [ICC-02/05-01/20-838-Red](#)), paras 12-14.

¹⁸⁶ Third decision on the admission of victims to participate in trial proceedings, 22 November 2022, [ICC-02/05-01/20-817](#) (101 participating victims); Fourth decision on the admission of victims to participate in trial proceedings, 1 February 2023, [ICC-02/05-01/20-861](#) (102 participating victims); Fifth decision on the admission of victims to participate in trial proceedings, 10 March 2023, [ICC-02/05-01/20-901](#) (113 participating victims).

77. This recent increase in the number of participating victims, in combination with the communication, insecurity, and (post-)conflict realities within which the great majority of participating victims live, has, as noted above,¹⁸⁷ presented a challenge for the CLRV in directly engaging with all of these individuals. The CLRV has strived to consult with, and otherwise collect as many views and concerns of participating victims as possible, in these circumstances, and will continue to do so as these proceedings advance.

78. All participating victims in the present case are natural persons; there are thus, to date, no organisations or institutions participating in the proceedings.

A. Dual status victim-witnesses

79. During the course of the Prosecution's case, 6 of the 56 individuals who appeared to give testimony before the Chamber did so as 'dual status' witnesses – meaning that, at the time of their appearance, they also held the status of participating victim, and accordingly appeared under both of these designations.¹⁸⁸

80. After the commencement of the presentation of the Prosecution's evidence, the Trial Chamber instructed that testifying witnesses who appeared to be alleged victims of charged crimes should, after the conclusion of their testimony, be consulted, if they so consent, on whether they wished to submit an application for participation.¹⁸⁹ Further to this direction, and following a procedure mutually agreed upon by the Registry's Victims Participation and Reparations Section, parties, CLRV, and VWS, an additional 20 Prosecution witnesses – to date – have been admitted as participating victims.¹⁹⁰

¹⁸⁷ See para. 7 *supra*.

¹⁸⁸ These are witnesses: P-0877 (a/10032/22); P-0986 (a/25143/21); P-0913 (a/25145/21); P-0584 (a/25038/21); P-0907 (a/25134/21); P-0585 (a/25217/21).

¹⁸⁹ Trial Chamber's email direction of 25 May 2022 (recorded in [ICC-02/05-01/20-738-Anx3-Red](#)).

¹⁹⁰ These are witnesses: P-0012 (a/10048/22); P-0919 (a/10050/22); P-0931 (a/10051/22); P-0932 (a/10052/22); P-0984 (a/10053/22); P-0892 (a/10054/22); P-0129 (a/10237/22); P-0994 (a/10296/22); P-0878 (a/10297/22); P-0918 (a/10298/22); P-0955 (a/10300/22); P-0011 (a/10301/22); P-0015 (a/10413/22); P-0671 (a/10479/22); P-1073 (a/10480/22); P-0718 (a/10484/22); P-0720 (a/10487/22); P-1074 (a/10486/22); P-0007 (a/10482/22); P-0029 (a/10485/22).

81. Three further dual status witnesses participated in the proceedings under Rule 68(2)(b) and (c) of the Rules of Procedure and Evidence (“RPE”), meaning that their prior recorded testimonies (signed witness statements and accompanying materials) were admitted into evidence without them having to appear before the Trial Chamber.¹⁹¹

B. Direct and indirect participating victims

82. According to Rule 85(a) of the RPE and the Court’s jurisprudence, victims are “natural persons who have suffered harm as a result of the commission of any crime within the Court’s jurisdiction”. Two categories of persons are recognized as natural victims under the Court’s legal framework – “*direct* victims” and “*indirect* victims”. Direct victims are individuals whose harm is the immediate result of the alleged commission of a crime within the jurisdiction of the Court, including individuals who suffered psychological harm as a result of witnessing an alleged crime committed against members of their community.¹⁹² Indirect victims are those individuals who suffered harm as a result of the harm inflicted on a direct victim (usually close family members or relations).

83. The participating victims in the present case include both categories, with a significant number of individuals being *direct* and *indirect* victims (for example direct victims of the attacks on Bindisi and Kodoom, whose family members were also killed during these attacks). Participating victims who are solely *indirect* victims are predominantly family members of individuals detained and/or killed in the context of the charged crimes in and around the towns of Mukjar and Deleig.

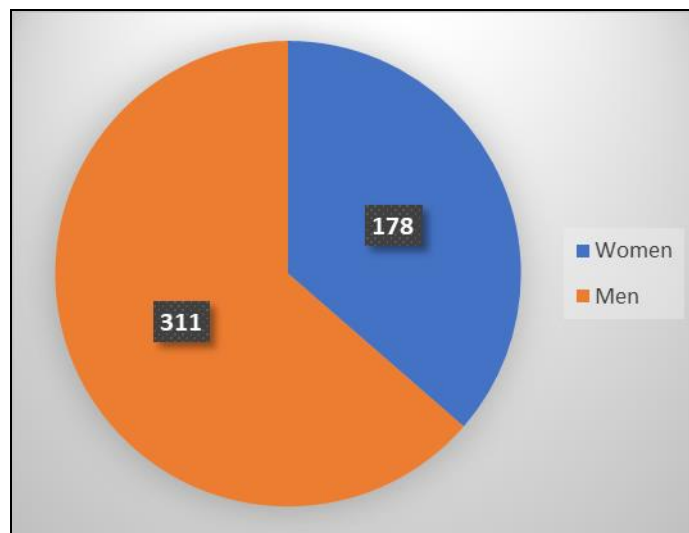
¹⁹¹ These are witnesses: P-0617 (a/25215/21); P-0816 (a/25043/21); and P-0973 (a/25137/21).

¹⁹² See, e.g., Decision on victim applications for participation, legal representation, leave to appeal and amicus curiae requests, 20 May 2021, [ICC-02/05-01/20-398](#), paras 33(iv), 37, 47; *Al Hassan*, Second Decision on the Principles Applicable to Victims’ Applications for Participation, 8 October 2018, [ICC-01/12-01/18-146-t-ENG](#), paras 31-35.

C. Gender and age of participating victims

84. Among the 489 participating victims, 178 are women and 311 are men (36.4% / 63.6%). The CLRV respectfully observes that this current disparity in gender among the participating victims may arise from certain cultural factors,¹⁹³ further exacerbated by the noted difficulties faced by the Registry in the application process.¹⁹⁴ Additionally, the CLRV notes that in respect to the charged crimes in and around Mukjar and Deleig, direct victims are predominantly male, although, as addressed below, women are at the very least indirect victims of these events.

Gender of the participating victims

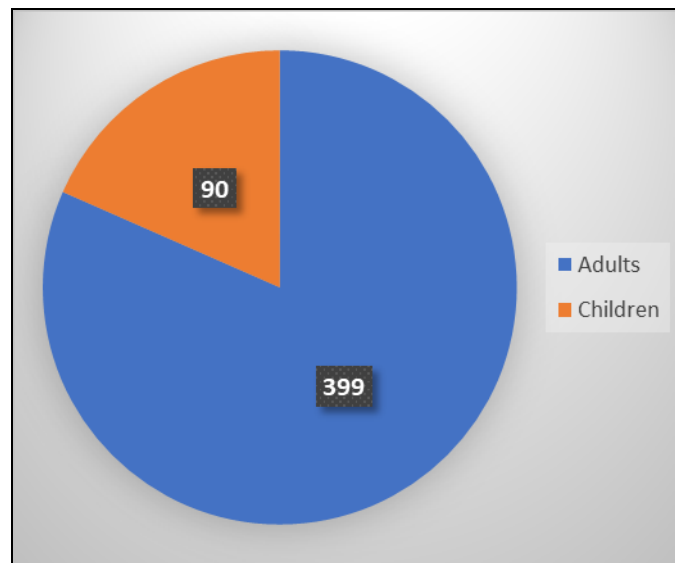


85. The approximate age of the participating victims at the date of the filing of the present Trial Brief ranges from 19 to 87 years, with an average of 45 years. At the time of the charged crimes, their ages ranged from four months to 68 years, with an average of 28.5 years. It is of note that 18.4 % of the participating victims were children under the age of 18 at the time of the events.

¹⁹³ See para. 22 and fn. 34 *supra*.

¹⁹⁴ See para. 75.

Proportion of children (under 18 years) and adults at the time of the events



Age and gender of victims at time of the events, per location of charged crimes

	Total ¹⁹⁵	Children (0 – 18) ¹⁹⁶	Adults (18 and over) ¹⁹⁷	Children (%)	Women ¹⁹⁸	Women (%)
Kodoom	194	40	154	21%	108	56%
Bindisi	86	22	64	26%	32	37%
Mukjar	58	6	52	10%	9	15%
Deleig	157	22	135	14%	29	18%

D. Ethnicity / tribal affiliation of participating victims

86. As noted above,¹⁹⁹ to date, and based on the information available to the CLRV, almost all of the participating victims are from the Fur community. Two of the participating victims are from the Zaghawa and Qamer communities.

¹⁹⁵ Some individuals are victims of alleged crimes in more than one location and are thus counted more than once in this category.

¹⁹⁶ [REDACTED] is a victim of crimes in Bindisi and Mukjar and is thus counted twice in this category.

¹⁹⁷ Some individuals are victims of alleged crimes in more than one location and are thus counted more than once in this category.

¹⁹⁸ Some individuals are victims of alleged crimes in more than one location and are thus counted more than once in this category.

¹⁹⁹ See fn. 10 *supra*.

E. Place of origin of participating victims

87. Almost all of the participating victims are originally from towns or villages in the Wadi Salih and Mukjar localities. To date, 75 different towns and villages were identified as places of origin. A majority of the victims are from the villages of Kodoom or Bindisi, or the towns of Deleig or Mukjar. For 21 individuals, their place of origin remains unclear at this stage.

Towns and villages of origin of participating victims

Village / Town	Number of victims
Abirla	1
Al Kuma	1
Al Wehda	1
Al-Awda	1
Arada	3
Arawala	6
Artallah	1
Ashenga	1
Aurden	2
Baba	1
Baleel	2
Barqi	1
Baya	1
Bindisi	66
Bouya	1
Brenga	1
Daguina (N. Bindisi)	1
Dambo	1
Deleig	24
Drangal	2
Duma	1
Durgola	1
Farqou	12
Fere	1
Forgo	5
Furi	2
Gaba	4
Gargu	1
Garsila	12
Gartaga	1
Gouimana	1
Indiri	1

Jiddo	2
Karbi	1
Kari	1
Karila	1
Karkas	1
Karko	3
Karula	1
Kaskaldo	1
Kerwi	1
Kheiratan	5
Khirting	1
Kiraro	1
Kododo	2
Kodoom	177
Koska	4
Koso	1
Kous-Koura	1
Kusa	1
Kusu	5
Mandu	1
Masa	8
Merly	1
Mindo	1
Moumow	1
Mukjar	28
Nyala	6
Qaba	1
Qaya	1
Samokidi	1
Sarow	1
Sindu	1
Suleiman Qadem	1
Sunga	1
Suqo	7

Takinja	3
Taringa	1
Taronqa	1
Taykanga	1
Tindi	5

Um Jameina	11
Waro	1
Yarka	1
Zalengei	2

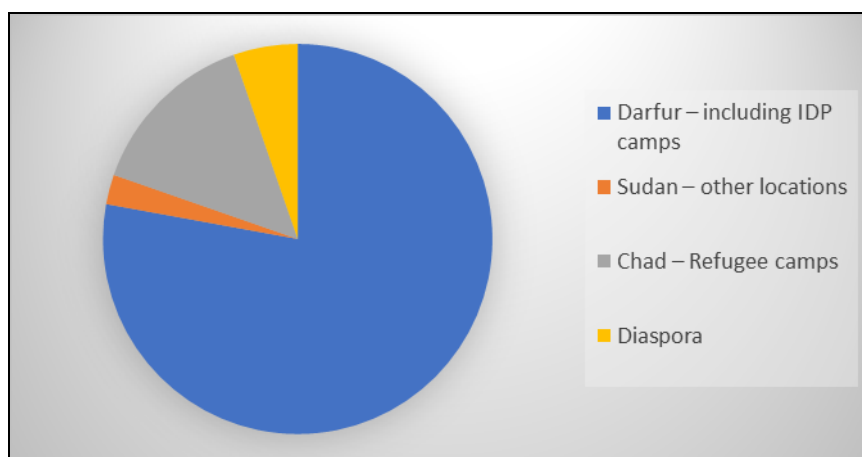
F. Current locations of the participating victims

88. The vast majority of the participating victims reside in internally displaced person (IDP) camps in Darfur and in refugee camps in Chad. A smaller number of participating victims live in other town or cities in Darfur or elsewhere in Sudan, including Khartoum. The remainder of the participating victims live in different parts of the world, mostly as refugees, including in Egypt, [REDACTED]. For 13 individuals, their current location remains unclear at this stage.

Current locations of participating victims

Location		Number of victims	
Sudan	Total	380	
	Darfur	Kalma IDP camp	[REDACTED]
		[REDACTED] IDP camps	93
		[REDACTED] IDP camp	2
		[REDACTED] (including IDP camps)	91
		[REDACTED] (including IDP camps)	87
		[REDACTED] (including IDP camps)	20
		[REDACTED] (including IDP camps)	2
	Sudan – other locations	Khartoum	2
Other		10	
Chad	Total	70	
	[REDACTED] Refugee Camp ([REDACTED])	[REDACTED]	
	[REDACTED] Refugee Camp	[REDACTED]	
	[REDACTED] Refugee Camp	[REDACTED]	
Diaspora	Total	26	
	Egypt	7	
	Europe	11	
	Rest of the world	8	

Current locations of participating victims



a. IDPs in Darfur, living conditions, and expulsion of NGOs

89. The vast majority of the participating victims currently reside in IDP camps in Darfur, such as the Kalma IDP Camp, and IDP camps [REDACTED].

*Locations of participating victims living as IDPs in Darfur*²⁰⁰

[REDACTED]

90. The Kalma IDP camp was established in February 2004. As one of the largest IDP camps in Darfur, and in the world, the total population of Kalma camp was estimated at approximately 80,000 individuals in 2009,²⁰¹ and some current estimates place the number of inhabitants as high as 170,000 displaced persons.²⁰² The camp is located 16 kilometres south-east of Nyala, and is organized into eight sectors.²⁰³

91. Dual status victim-witness P-0585 (a/25217/21), a former resident of Kalma camp, recalled:

²⁰⁰ Extracted from [DAR-V47-00000223](#). The yellow circles indicate some of the main IDP camps where participating victims reside. The numbers indicated are only informative of the situation in 2013 according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

²⁰¹ [DAR-V47-00000224](#) at p. 3.

²⁰² [DAR-V47-00000236](#) at p. 1.

²⁰³ [DAR-V47-00000240](#).

[A]t the beginning when I arrived to Kalma camp, the number of displaced people was small, yet it started to grow after the displaced people started to flock into that camp. And some of them [...] would tell their family members in other areas that they shouldn't go to the centre of Nyala when they arrived because the authorities would detain people and deport them, and that they should come directly to Kalma camp. That's why we remained in that area until it has become in the form and shape of the camp that we know today.²⁰⁴

92. IDP camps across Central Darfur State (formerly part of West Darfur State) are numerous and vary in size and population. Most of the participating victims live not far from their place of origin, but as displaced persons in camps, such as in and around [REDACTED]. The CLRV was informed by participating victims that the village of Kodoom was almost completely destroyed during the 2003-2005 conflict – primarily during the events of August 2003. Today, according to the information received by the CLRV, Kodoom exists only as an IDP camp. The participating victims further advised the CLRV that the residents of the [REDACTED] have designated its different areas with the names of the areas / neighbourhoods of the original village of Kodoom.

93. In March 2009, the dire situation of IDPs, like many of the participating victims, deteriorated even further when Sudanese authorities expelled 13 international non-governmental organizations (NGOs), and revoked the licenses of 3 Sudanese NGOs. The NGOs were forced to immediately close their programs across the country. These aid operations had supplied health services, water supply, sanitation, shelter and food assistance, including emergency nutrition programs, for many years, accounted for 40% of active aid workers, and delivered more than half the total amount of aid in Darfur. With the expulsion of so many international staff, even the minimal level of protection afforded by their presence was removed.²⁰⁵

²⁰⁴ [ICC-02/05-01/20-T-100-CONF-ENG CT](#), p. 49, line 20 to p. 50, line 1.

²⁰⁵ [DAR-V47-0000111](#).

94. The expulsion of the NGOs was a reaction to the ICC arrest warrant issued against former Sudanese President Omar Al-Bashir on 4 March 2009.²⁰⁶ It directly impacted aid operations in Darfur and all refugees living in IDP camps, and threatened to leave hundreds of thousands of people without access to food aid. A number of gender-based violence and child protection programs were forced to close²⁰⁷ and routine immunisation programs for children were disrupted. This led to a rise of suspected cases of meningitis in the three states composing Darfur,²⁰⁸ including a meningitis outbreak in Kalma Camp with, as noted above, its estimated 90,000 residents at the time. The closure of these clinics had implications for disease surveillance and early warning of epidemics, and the departure of MSF Holland left the camp with no international or medical actors.²⁰⁹
95. Several Prosecution witnesses provided evidence to this effect. Dual status victim-witness P-0986 (a/25143/21) related:

If I want to describe to you the life in the camps, it would be quite difficult. I can't give you a detailed description of life there. We rely on humanitarian organisations, but these organisations have left the camps and we didn't have any authority to rely to. [...] We didn't have enough food. We used to rely on humanitarian organisations, but those organisations were expelled, so we don't have enough food. And if you don't find a job for a day or two, then you will be famished and your children will sleep without food. The available work is only on daily basis. Sometimes you can find a job. Sometimes you go searching for a job but you cannot find any, because the only thing that's available is working in construction and making the bricks, construction bricks.²¹⁰

96. Dual status victim-witness P-0585 (a/25217/21) explained:

Before the government kicked out the NGOs and the international organisations, the situation was better because such organisations would supply us with some

²⁰⁶ [DAR-V47-00000106](#).

²⁰⁷ [DAR-V47-00000138](#).

²⁰⁸ [DAR-V47-00000131](#).

²⁰⁹ [DAR-V47-00000129](#).

²¹⁰ [ICC-02/05-01/20-T-065-CONF-ENG CT](#), p. 19, lines 5-19.

food and medication. Yet, after they were expelled, the situation deteriorated once again. Now people live in very difficult conditions. Even those who live abroad, we are not happy. We are not content because we are attached physically and mentally to our family members back in Darfur.²¹¹

97. P-0585 further reflected:

I look at these children who were born in these conditions inside the camps, you see that nobody respects their fathers. They don't have any respect for them. There is no school. There is no work. Everything is terrible. It is a very difficult situation. We have lived somehow a beautiful childhood [before the conflict], but these children, they still live in miserable childhood.²¹²

98. Dual status victim-witness P-0907 (a/25134/21) narrated, regarding the life of his family and community after their arrival at IDP camps in 2004:

When we arrived to the IDP camp, we were able to finally breathe a breath of relief, because humanitarian organisations had arrived and started to provide humanitarian aid. Also, African Union, through the Security Council, were able to form peacekeeping forces to protect us and they would do this role so we were secure and safe. [...] Currently, my village or my area, all of them are in the IDP camps, whether in [REDACTED] or [REDACTED]. In the camps, we would receive aid, humanitarian aid, and the government eventually kicked these organisations out. So currently living conditions are very difficult because organisations stopped providing this aid.²¹³ [...]

[M]y son [REDACTED], who was [REDACTED] old, suffered from diarrhoea, but the organisations were able to provide aid and milk and biscuits. Children would tell the staff of those organisations, "*Khawaja*", [which] means foreigner, and they would call my son "[REDACTED]", so now he is called "[REDACTED]". [...] As a result of the suffering and the conditions that we experience in the IDP camp, our children could not pursue their education. We had to stop the education of some children and we allowed the elder ones to continue because our circumstance or

²¹¹ [ICC-02/05-01/20-T-100-CONF-ENG CT](#), p. 48, lines 3-8.

²¹² [ICC-02/05-01/20-T-100-CONF-ENG CT](#), p. 48, lines 20-25.

²¹³ [ICC-02/05-01/20-T-095-CONF-ENG CT](#), p. 11, line 18 to p. 12, line 3.

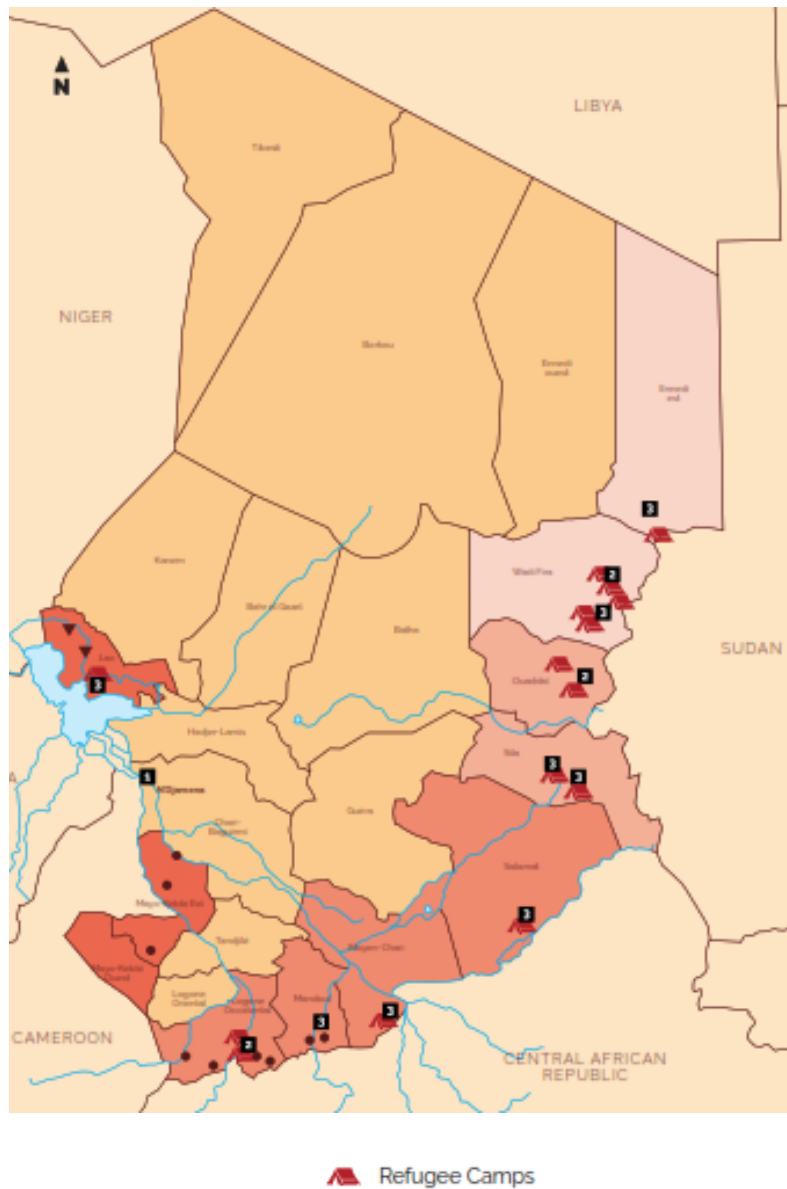
conditions [...] wouldn't help us to allow them all to do schooling. So some of them quit school for these reasons. [...] [N]o agencies give us any educational assistance [...] to my children. So all the costs of buying a school uniform, buying books and buying notebooks, so we have to shoulder all this burden. Nobody is helping us in this regard. [...] Formally I don't have any job. I rely on God to give me my livelihood. I rely on my brothers. So sometimes I can get something from a relative and then I can go to sell this thing to another person. This is how I can get some money to feed my children and to provide for my family and my household.²¹⁴

b. Participating victims in Chad and Egypt, and their living conditions

99. A significant number of participating victims live as long-term residents of refugee camps in neighbouring Chad. [REDACTED], in Eastern Chad. What was meant to be a temporary place of refuge has unfortunately turned out to be – for many participating victims – their permanent residence since 2004, with no current perspective for return to their places of origin in Darfur.

²¹⁴ [ICC-02/05-01/20-T-095-CONF-ENG CT](#), p. 12, line 11 to p. 13, line 8.

Location of refugee camps in the Republic of Chad²¹⁵



100. According to a 2021 report issued by the World Bank, “[m]ore than 370,000 Sudanese refugees, about 75 percent of all the refugees in Chad, live along the eastern border”, in regions that “suffer from harsh agroecological conditions and are highly vulnerable to climate change”.²¹⁶

²¹⁵ Extracted from [DAR-V47-00000009](#) at p. 20 (2021 World Bank Report: Refugees in Chad – The Road forward).

²¹⁶ [DAR-V47-00000009](#) at p. 20 (2021 World Bank Report: Refugees in Chad – The Road forward).

101. P-0029,²¹⁷ who was formerly a refugee in Chad, recalled:

I do remember the country where we were, Chad, we had no connections there or businesses, or any work. The people in Chad themselves are generally unemployed [...] -- there were no work opportunities. When the refugees arrived, the organisations helped them and there were, at a later stage, jobs at organisations. But a refugee has no options. If you were a teacher back in Darfur and you ended up a refugee in Chad, [...] you need French. So if you don't speak French, you can't get any job. French is the language in Chad and all curricula is taught in French. All the teachers that were in the camp were provided by some of the organisations with books and stationery, and so forth, and schools were open for the refugees for them to study and improve their situation in the camp. Some people managed to get degrees. So because of these schools, there were teachers who managed to work.²¹⁸

102. [REDACTED],²¹⁹ noted of his arrival in Chad in early 2004: “[T]he conditions were difficult. There [...] were no homes. There was no food. There was no potable water. Even the [...] minimum requirements of a decent life were not present for those who came anew.”²²⁰ Soon thereafter, [REDACTED] and his family moved to the [REDACTED] refugee camp, where “organisations were registering the incoming people and so started providing tents for them to reside and [...] started providing assistance in terms of food, care for the ill, medical care for the ill”.²²¹ In the camp, [REDACTED]:

[REDACTED] Additionally, there were a lot of people [...] who had some of their folks killed or who were injured, so many of them needed care, assistance, and needed people to talk to them [...] [REDACTED].²²²

103. P-0878²²³ related, in respect of the Fur villagers who fled Bindisi and surrounding villages following the attacks of 15 and 16 August 2003:

²¹⁷ Subsequently granted the status of participating victim (a/10485/22).

²¹⁸ [ICC-02/05-01/20-T-030-CONF-ENG CT](#), p. 69, lines 14-25.

²¹⁹ [REDACTED].

²²⁰ [REDACTED].

²²¹ [REDACTED].

²²² [REDACTED].

[P]eople who went to Nyala and who live in Kalma camp, or those who left towards the Republic of Chad, and who set themselves up in a camp, or those who left for the Central African Republic, these people did not come back. We have close friends and family still in those areas. The displaced persons, or the refugees, feel incredible frustration, disappointment. These people firmly believe that for 17 years -- they believe in their territory, in their heritage. And these people have no other choice than to leave their territory and their heritage.²²⁴

104. While only a relatively small number of participating victims reside as refugees in Egypt at present, the country has long-hosted a large number of Sudanese refugees.²²⁵ Several Prosecution witnesses related having stayed in Egypt, often times for years, before departing for another destination. [REDACTED],²²⁶ [REDACTED],²²⁷ explained the situation of Fur refugees in Darfur in the period from approximately [REDACTED], as follows: “[REDACTED] in Egypt, it was quite difficult to find a job and to integrate in the society. [REDACTED].”²²⁸ In the CLRV’s consultations with the participating victims who remain in Egypt, they similarly confirm the daily difficulty of trying to support themselves and their families, and to find stability in their lives.

V. Widespread or systematic attack and suspension of police procedures

105. The charged incidents in and around Kodoom and Bindisi on 15 and 16 August 2003, and in and around the towns of Mukjar and Deleig in early 2004, did not take place in a vacuum. Instead, as preliminarily determined by Pre-Trial Chamber II, these charged events took place in the context of “a widespread or

²²³ Subsequently granted the status of participating victim (a/10297/22).

²²⁴ [ICC-02/05-01/20-T-079-CONF-ENG ET](#), p. 12, line 22 to p. 13, line 4.

²²⁵ [REDACTED] (“Egypt was a very common destination, and it was the easiest place to go to. A big number of those people who were victims of the conflict, some of them went to Chad and some went to Uganda and some went to Jordan. They got displaced to all the neighbouring countries, but the highest percentage ended up in Egypt, especially those who are from Darfur.”).

²²⁶ [REDACTED].

²²⁷ [REDACTED], para. 22.

²²⁸ [REDACTED].

systematic attack directed against the Fur civilian population” in the Wadi Salih and Mukjar localities.²²⁹

106. The Trial Chamber’s consideration of the evidence and ultimate determination on these uncharged incidents are relevant not only to establishing the requisite contextual elements for crimes against humanity,²³⁰ but also to a fuller understanding and acknowledgement of the experience of the 489 participating victims. This is particularly so for those individuals (as addressed in Section VII below) who are alleged victims of the charged incidents in Mukjar and Deleig. The facts and circumstances underlying these charged incidents, and as reflected by the participating victims themselves, demonstrate that the significant majority of the direct victims of these alleged crimes had sought refuge in Mukjar and Deleig after fleeing devastating attacks on their home villages, and thereafter found themselves in an extremely difficult and vulnerable position as internally displaced persons.

107. The nature and conduct of these uncharged attacks are also relevant to providing perspective on the broader psychological and societal impact of the 2003-2005 conflict on the participating victims. P-0922, who was present when his hometown [REDACTED] was attacked, related:

Before the attack, people were living calmly, were at ease. But after the attacks, what I can remember, even myself, I remember that this event that happened in 2003 was unseen in our history, in our recent history, because what happened was followed with destruction. In my entire life, I’m [REDACTED] years old, I have

²²⁹ Corrected version of ‘Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’), 9 July 2021, ICC-02/05- 01/20-433, 23 November 2021 (original version dated 9 July 2021), [ICC-02/05-01/20-433-Corr](#), para. 67.

²³⁰ Rome Statue, art. 7(1) (“For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack [...]”); Elements of Crimes, p. 3 (“The last two elements for each crime against humanity describe the context in which the conduct must take place. These elements clarify the requisite participation in and knowledge of a widespread or systematic attack against a civilian population. However, the last element should not be interpreted as requiring proof that the perpetrator had knowledge of all characteristics of the attack or the precise details of the plan or policy of the State or organization. In the case of an emerging widespread or systematic attack against a civilian population, the intent clause of the last element indicates that this mental element is satisfied if the perpetrator intended to further such an attack.”).

never seen a whole village being burnt down to the ground by these attacks. This was very painful. Even today this is still painful, and I'm still suffering today. My father is [REDACTED] years old. He is still alive, thank God. When I went back and saw him, he told me that we had never seen anything similar to these events. In the past 80 or 90 years, we had never seen anything similar, although we had seen wars before. So this was a very important lesson for me and for the whole community.²³¹

108. The CLRV respectfully submits that the Chamber's judgment under Article 74 of the Statute should, as much as feasible, provide a thorough accounting of each of the individual uncharged incidents that together may establish a widespread or systematic attack against the Fur population during the period relevant to the case.

109. Additionally, the CLRV notes that an important connected issue to these alleged widespread or systematic attacks against the primarily Fur civilian population in the Wadi Salih and Mukjar localities, as well as in relation to the charged incidents themselves, is the evidence indicating that normal police and legal processes, and the ability to access official medical care, during the period relevant to the case were *de jure* or *de facto* suspended. This circumstance further exacerbated both the reality and perception of vulnerability for all of the participating victims, and the sense of prevailing impunity in respect of both charged and uncharged incidents.

A. Widespread or systematic attack against the primarily Fur population

110. To assist the Trial Chamber in its determination of relevant matters, the CLRV identifies hereunder at least some of the Prosecution witnesses who have provided evidence that they were present at, witnessed the aftermath of, or were otherwise aware of (such as hearing shooting or seeing smoke in the distance) or informed by eyewitnesses regarding attacks on the following villages in the Wadi

²³¹ [ICC-02/05-01/20-T-039-CONF-ENG ET](#), p. 35, lines 4-13.

Salih and Mukjar localities that may constitute a widespread or systematic attack against the primarily Fur civilian population during the relevant period:

- i. **Tendy** (*north of Mukjar*) (*August 2003; January / February 2004*): [REDACTED]
- ii. **Waro** (*north east of Deleig*) (*March 2004*): [REDACTED]
- iii. **Fere** (*west of Deleig*) (*September 2003*): [REDACTED]
- iv. **Taringa** (*north of Deleig*) (*October / November 2003*): [REDACTED]
- v. **Ordo** (*southwest of Deleig*) (*October / November 2003*): [REDACTED]
- vi. **Arawala** (*south of Deleig*) (*December 2003*): [REDACTED]
- vii. **Um Jameina** (*southeast of Deleig*) (*October / November 2003*): [REDACTED]
- viii. **Sede** (*north east of Deleig, east of Waro*)(*end of 2003*): [REDACTED]
- ix. **Drangal** (*near Bindisi*) (*August 2003*): [REDACTED]
- x. **Merly / Merle** (*northeast of Bindisi*) (*August 2003*): [REDACTED]
- xi. **Gaba** (*east of Garsila, southeast of Deleig*) (*September 2003; February / March 2004*): [REDACTED]
- xii. **Burbur** (*east of Deleig*) (*February 2004*): [REDACTED]
- xiii. **Arada** (*east of Mukjar*) (*August 2003; February 2004*): [REDACTED]
- xiv. **Kaskeidi** (*southeast of Deleig*) (*late 2003 / early 2004*): [REDACTED]
- xv. **Forgo** (*east of Garsila, southeast of Deleig*) (*September 2003*): [REDACTED]
- xvi. **Abirila** (*north of Mukjar*) (*late 2003 / early 2004*): [REDACTED]
- xvii. **Jartaga** (*near Bindisi*) (*August 2003*): [REDACTED]
- xviii. **Nyerli** (*near Bindisi*) (*August 2003*): [REDACTED]
- xix. **Tiro** (*near Bindisi*) (*August 2003*): [REDACTED]
- xx. **Seder** (*near Bindisi*) (*August 2003*): [REDACTED]
- xxi. **Juguma Shargiya** (*near Bindisi*) (*August 2003*): [REDACTED]

- xxii. **Dorgola** (near Bindisi) (August 2003): [REDACTED]
- xxiii. **Dembow Kabady** (east of Mukjar) (February 2004): [REDACTED]
- xxiv. **Kirkaw** (east of Mukjar) (February 2004): [REDACTED]
- xxv. **Sindu** (south east Deleig) (February 2004): [REDACTED]
- xxvi. **Mindo** (northwest of Garsila) (extend time period): [REDACTED]

B. Suspension of police and legal processes

111. Multiple Prosecution witnesses related that normal police practices were effectively suspended during the time of the conflict, and that Fur victims of violence also avoided seeking treatment at medical facilities for fear of arrest and mistreatment. P-0984,²³² for example, explained:

During that time in 2003 and 2004, no. There were certain things that were not allowed at all. So reporting to the police? No, that did not exist at all. The second thing is, you can't go to the hospital. That's something that we didn't have at all. In our area, if anything happened to you, you go to the Sheikh. But to go to the police? No. We didn't have any reports to the police. And hospital? No, you don't go. You just use traditional treatments.²³³

112. Dual status victim-witness P-0913 (a/25145/21) responded, when asked about the killing of a family member during the attack on Bindisi: "There was no possibility to report anything to the police at the time. Whom can we complain to? It is the government that was killing us, so there was no possibility to report the killing."²³⁴

113. [REDACTED] commented, in respect to five Fur community leaders who were seen detained in the Deleig market on 7 March 2004, as well as the Fur civilians detained in the square outside Deleig police station:

²³² Subsequently granted the status of participating victim (a/10053/22).

²³³ [ICC-02/05-01/20-T-067-CONF-NG CT](#), p. 19, lines 3-8.

²³⁴ [ICC-02/05-01/20-T-069-CONF-ENG CT](#), p. 23, lines 9-11.

If the arrest and detention happens via the police, and then those people are taken out of detention and being executed, and the police couldn't say anything, couldn't do anything, then what is the point for the family members to go and report it back to the police? What can they do? It all happened at the police station. [...] The police did not have the authority to do anything. They had no authorities to do anything at all at the time. If the police had the authority, they wouldn't have accepted detention and torture of the local citizens right in front of them.²³⁵

114. [REDACTED] explained that between August 2003 into early 2004, persons displaced to [REDACTED] from their home villages, including victims of sexual and gender-based violence, could not seek treatment from formal medical facilities, and instead had to be treated in secret because “martial law [was] imposed, which meant that nobody was allowed report any crimes. There was no police station even for people to go and report any crimes”.²³⁶ In particular, the filling and reporting of an ‘*Orinka 8*’ form at the request of the police, which would normally be required for treatment arising from a suspected crime (rape, torture, battery, etc.) was suspended during the period relevant to the case.²³⁷

115. The suspension of normal police authority and procedures during the time relevant to the conflict was a further indignity and vulnerability inflicted upon the participating victims and the larger Fur community.

²³⁵ [REDACTED].

²³⁶ [REDACTED].

²³⁷ [REDACTED]; [REDACTED].

VI. The charged crimes

A. *Kodoom and Bindisi*

1. The crimes

116. The Document Containing the Charges ('DCC')²³⁸ alleges that between 15 and 16 August 2003, the Accused, together with Janjaweed and GoS Forces, allegedly carried out a single and continuous attack against the civilian population of Kodoom and Bindisi and surrounding areas. After similar attacks and near complete destruction of the village of Nyerli and Tiro, Janjaweed and GoS Forces allegedly continued towards Kodoom. It is further alleged that after attacking the village of Merly, they proceeded to Bindisi.²³⁹
117. During the attack, Janjaweed and GoS Forces allegedly directed numerous acts of violence against the civilian population of Kodoom and Bindisi, inflicting death, injury, and destruction. Many persons were killed. The Janjaweed and GoS Forces did not differentiate between victims – killing, and inflicting wounds to men, women and children alike. According to the charges, they systematically destroyed and looted properties of the Fur population. Countless homes were burned to the ground, shops and warehouses were destroyed, cattle and belongings were stolen.²⁴⁰
118. On 15 August 2003, in Kodoom, it is alleged that that the attacking force was distributed in different areas of the village and ordered to '*wipe out and sweep away*'. It is further alleged that the attackers chased and shot at the inhabitants from all directions, killing several of them.²⁴¹

²³⁸ Public redacted version of "Second Corrected Version of 'Document Containing the Charges', 29 March 2021, ICC-02/05-01/20-325-Conf-Anx1'", 22 April 2021, ICC-02/05-01/20-325-Conf-Anx1-Corr2, 23 April 2021, [ICC-02/05-01/20-325-Anx1-Corr2-Red](#).

²³⁹ Public redacted version of "Second Corrected Version of 'Document Containing the Charges', 29 March 2021, ICC-02/05-01/20-325-Conf-Anx1'", 22 April 2021, ICC-02/05-01/20-325-Conf-Anx1-Corr2, 23 April 2021, [ICC-02/05-01/20-325-Anx1-Corr2-Red](#), paras. 32-36.

²⁴⁰ [ICC-02/05-01/20-T-030-CONF-ENG CT](#), p. 13, lines 12-13, p. 15, lines 4-14, p. 19, lines 12-16.

²⁴¹ [REDACTED].

119. [REDACTED] (a/10149/22), a Fur resident of Kodoom who was [REDACTED] years old at the time of the attack, remembers what he witnessed during the attack on Kodoom:

[...] we heard about the news of a travelling group arriving in Bindisi. The elderly told us to go hide because the Arabs have sensitivity especially towards young men. On our way to the farms, we heard ammunition. My cousin and I stopped to check what was going on. We saw the smoke and people running away. They told us that a group burned down Kodoom Rongatass and Derliwa and that they were heading to Tineh and Juri to kill people. I saw the fear in the eyes of children and women who were screaming and asking for help, when they had no power at all. We ran away and went back by night and found that they killed people and looted and burnt part of the village. I remember seeing the dead people [...] who were burned inside his place, as he was an elderly man and could not leave.²⁴²

120. [REDACTED] (a/10109/22), a Fur female resident of Kodoom [REDACTED], who was a [REDACTED] years old mother at the time, was shot while she was fleeing the attack:

When the attack started on a Friday after breakfast time, during the autumn season of 2003, I was in the condolences place in the neighbourhood. We the women who were there ran away towards the north and entered the woods near the farms. Women were subject to beating and physical harm while fleeing. The attack led to burning the village, looting all households in addition to the cattle and others. Three persons were killed in the attack and I was shot [REDACTED]. I was in pain and I had an infant, but no one was able to help me. I bled and nearly died from severe bleeding, but I found a man in the woods who helped me by dressing my wound. Attackers were around 800, riding camels, donkeys and horses in paramilitary uniforms. Around thirty men from my village died in the woods and ten were kidnapped during the last attack.²⁴³

²⁴² a/10149/22's home was burnt and his crops were stolen. He was never able to come back to his home village.

²⁴³ a/10109/22 lost his house and all its content, his crops, his cattle and other assets he owned. He lives in an IDP camp [REDACTED]. His [REDACTED] is almost paralyzed and he still needs medical treatment.

121. [REDACTED] (a/20669/20), a [REDACTED] year-old female [REDACTED] at the time, was taking care of her [REDACTED] baby when the Janjaweed and GoS Forces attacked her village, killed her brothers and uncles, raped her, and destroyed and looted everything she had:²⁴⁴

Then no longer after a short time, we saw a mass of people riding on horses back and camels cars and some were on their feet. So they were yelling and saying Allah Akbar - Allah Akbar - la illah ila allah - and they surrounded our village. they started burning the houses. When we saw the neighbours' houses burn we ran fast to the west side. I met my father's younger brother. I asked them to allow us to run, and while I was talking, a man on a white horse pointed a knife at my uncle and killed him in front of my eyes. From that point, I couldn't stop running. Also on the road, I found my other uncle [REDACTED] was killed too. I kept on running until I came back from the first [sic] when we entered the heavy forest, my child who was [REDACTED] started crying a lot. People who were hiding with me in the same area told me that you have to go away from us because your baby is crying a lot and maybe the Janjaweed will find us. When I refused to go away they told me to kill my child. I refused and left the forest to save their souls. I sat by a tree and all of a sudden some Janjaweed men found me. They asked me how old my child was and if it is a boy or a girl. I said nothing because I was afraid, and embraced my child. They loaded their guns as if to shoot me, but decided to point the knife of the gun to my chest. They left me rapidly after that to another place in the village. Not soon after that, others came with cars. They came closer to me, got out of the car. They sexually violated me and raped me. [REDACTED]. I remember losing consciousness at that moment. After some hours, I woke up and found out that I was still alive and so was my child. [...] One woman who was also safe helped me and picked up my child. We again hid under trees for the rest of the day.²⁴⁵

²⁴⁴ The crime of rape is not a charged crime in the context of the attack on Kodoom between 15 and 16 August 2003. The account of a/20669/20 is however relevant in the context of the charged crime of attack against a civilian population (count 1).

²⁴⁵ a/20669/20 currently lives in a [REDACTED] camp [REDACTED].

122. Shortly after attacking Kodoom on 15 August 2003, Janjaweed and GoS Forces allegedly attacked the town of Bindisi and pillaged its Zakat Office. It is further said that the Janjaweed and GoS Forces then set up camp for the night near the local market. The following day, on or about 16 August 2003, they allegedly continued their attack on civilians in South Bindisi.
123. [REDACTED] (a/10303/22) recounts what he witnessed and how members of his family were murdered during the attack on Bindisi:

We were in our homes preparing to flee but the Janjaweed entered and opened fire on us when they saw us. They killed my brother [REDACTED] and my maternal uncle [REDACTED]. My family and I fled through the woods and the mountains to Mukjar in a journey that lasted three days. During the attack a number of my family members were killed. They are: [REDACTED].²⁴⁶

124. [REDACTED] (a/25211/21), a female resident of Bindisi, describes what she endured and witnessed during the attack on Bindisi:

Early in the morning on 15 August 2003, we heard the noise of a plane or helicopter and then we saw the Janjaweed coming with camels and horses. They were heavily armed. They started looting the market and the town, taking animals, livestock and anything they could find. They were also shooting at civilians who were running to escape or who could not escape. They looted, burned and pillaged the civilian properties. All our properties were also pillaged, looted and destroyed. [REDACTED], we had a lot of livestock, crops and animals, we lost everything. When the attack started, I ran away with a group of women and girls while my husband stayed behind in town. While running, the Janjaweed reached us and they started beating us. I was severely beaten, I was [REDACTED] pregnant [REDACTED].²⁴⁷

²⁴⁶ a/10303/22 was also hit with a bullet [REDACTED] during the attack. He currently lives in a [REDACTED] camp [REDACTED].

²⁴⁷ Eventually, a/25211/21 managed to escape. After 3 days of walking, she arrived in Garsila. She then continued to Zalingei where she was able to reunite with her husband. She continued towards Nyala and settled in [REDACTED] village. [REDACTED] was also allegedly attacked by the Janjaweed in [REDACTED] 2013. Four members of her husband's family were killed in that attack. She was displaced once again to [REDACTED], and stayed there until 2016, where her husband was the abducted with a group of men and is

125. It is alleged that during the attacks on Kodoom and Bindisi, the Janjaweed and GoS Forces verbally abused the Fur population during the course of the attack with terms such as “*nuba*” (pejorative word for black persons), “*tora bora*” and “*abid*” or “*khadim*” (slaves), and made derogatory references to the colour of their skin.²⁴⁸

126. [REDACTED] (a/10198/22), who was a [REDACTED] year-old boy, was taking his cows to graze around Bindisi with his brother on that morning. He witnessed the killing of his brother while being subjected to the same degrading language:

They were aboard two cars and on many horses. They shot my brother straight away and killed him on the spot, and they drove away our cows and those of the others. They whipped me and my fellow shepherds over and over again telling us: “run, run, run, O you Nuba.”²⁴⁹

127. [REDACTED] (a/10438/22) remembers how the attackers used the same pejorative language during the attack on Kodoom:

[...] They were dressed in official uniform or civilian clothes. Their heads were covered with a Kadmoul [= a shawl worn over the head and midface]. They were shouting: “kill the slaves, kill them all, don’t leave anyone of them alive.” So I run for my life and was chased after until I entered into a forest in the south. There we stayed until the evening and then we went back. We found out that the militias had burned all our homes, and killed [REDACTED], my brother [REDACTED], and my nephew.²⁵⁰

128. Also in Kodoom, [REDACTED] (a/10200/22) describes how he felt when he was subject to similar abuse:

We were two, and when they saw us, they tried to catch us. They chased us for a long distance, they were on horses while we were on foot. My heart almost

missing to this day. In 2018, she moved to an IDP camp in [REDACTED]. In [REDACTED], she decided to seek asylum in Egypt, where she is currently living as a refugee with her [REDACTED] children.

²⁴⁸ [ICC-02/05-01/20-T-065-CONF-ENG CT](#), p. 9, line 8 to p. 10, line 18.

²⁴⁹ a/10198/22’s home was burned down during the attack and his belongings and crops were looted. He currently lives in a [REDACTED] camp [REDACTED].

²⁵⁰ In addition to her family members, she lost all belongings during the attack. She currently lives in an IDP camp [REDACTED].

melted away from fear and apathy hearing them behind us calling us: "Nuba, Nuba, Nuba [...] Catch them alive."²⁵¹

129. In the context of these attacks, it is alleged that numerous women and girls were raped in Bindisi and surrounding areas. Among the participating victims, 9 women report being victims of rape in or around Bindisi.²⁵² They describe being selected, and then brutally raped by Janjaweed and GoS Forces while subjected to physical and verbal abuse.²⁵³

130. [REDACTED] (a/10480/22²⁵⁴) was raped [REDACTED] when she was fleeing the attack on Bindisi:

We walked a bit and came across a cruiser and Janjaweed on horsebacks and camels following the vehicle. We got separated; my mother, my sister [REDACTED] and I went into a small field near our house and hid. [...] We met about 7 Janjaweed men, holding guns. They started whipping me and my sister [REDACTED]. They whipped us on the back; [REDACTED]. The Janjaweed asked me to go to one of the huts nearby. I refused to go to the hut. They said you are a sister of Torabora so you have to go. It was the first time I heard about this term. They pointed a gun at me and pushed me to walk in front of them. They tied up my mother's hands and the elder man with a gun was guarding her. She was made to sit down. Three of the Janjaweed led me to the hut. When we got inside the hut they tried to use force; I resisted. They tied my hands together in front, using a rope. [REDACTED]. I was in pain and I was bleeding. I was not able to walk afterwards. One of them carried me to the door and said to my mother, take your daughter. The elder man untied my mother and let her go. She went and brought a donkey which was nearby. She put me on the donkey and took me and [REDACTED] under a tree. I explained to her what had happened. Then [REDACTED] told me that she had also been raped by 3 of

²⁵¹ During the attack, a/10200/22's home was destroyed and his livestock, crops and household goods were looted. He currently lives in a [REDACTED] camp [REDACTED].

²⁵² a/10241/22; a/10244/22; a/10301/22 (witness subsequently granted the status of participating victim, P-0011); a/10362/22; a/10363/22; a/10364/22; a/10480/22 (witness subsequently granted the status of participating victim, P-1073); a/10486/22 (witness subsequently granted the status of participating victim, P-1074); a/25010/21.

²⁵³ [ICC-02/05-01/20-T-091-CONF-ENG CT](#), p. 24, line 24 to p. 25, line 6, p. 26, lines 10-12.

²⁵⁴ Witness subsequently granted the status of participating victim, P-1073.

the men, who took her to a hut. My mother treated me and my sister with hot water for our injuries.²⁵⁵

131. [REDACTED] (a/10363/22) similarly relates that she and her niece were victims of rape during the attack on Bindisi.²⁵⁶

132. [REDACTED] (a/10362/22) was a [REDACTED] year-old girl when she was raped in Bindisi by the attackers:

They started setting fire to the place, beginning from the big marketplace Drangal all the way through until they arrived at the heart of the city of Bindisi. Then they launched the operation of looting, killing innocents, and raping girls. We fled to the thick forests and the surrounding fields while they were chasing us on horses and camels, and repeating: “catch the slaves, kill them.” I was among the girls who were raped. I was then still young, between [REDACTED] years old; that is to say I was still a teen. When they, suddenly, saw some people and went to them, I seized the opportunity to run away and disappeared in the woods, where I found other people. They left to the mountains, and I went with them, because I didn’t find neither my father nor my mother.²⁵⁷

133. [REDACTED] (a/10241/22) was also raped while she was trying to flee the attack on her home village:

As soon as they arrived, they started shooting people and [targeting] houses. They killed people, burned, and looted their homes. While chasing people and killing them, they were heard saying: “catch the beautiful women.” I happen to be one of the “beautiful” women who were raped by the Janjaweed. We tried to

²⁵⁵ See *infra* for harm caused by the rape of a/10480/22.

²⁵⁶ a/10363/22 then spent ten days moving between forests, mountains, and fields, surviving in extremely dire conditions. [REDACTED].

²⁵⁷ a/10362/22 spent several days between forests and mountains. She walked, with a group of women and some men disguised as women, through forests and valleys. She reached Mukjar, where her father was among the persons arrested, detained and tortured. She later fled Mukjar with her family, walking at night and hiding during the day. [REDACTED].

flee to the woods and mountains, and we were chased by government militias inside and outside the city of Bindisi.²⁵⁸

134. The alleged crimes of the Janjaweed and GoS Forces in Kodoom and Bindisi between 15 and 16 August 2003, are said to have been carried out in order to drive the Fur population out of their home villages. The attacked population was forced to flee from death, fire, and destruction, in brutal conditions. Victims often returned to Kodoom and Bindisi in the days following the attacks and found their home village uninhabitable after the extensive destruction and looting of their homes and livelihoods. Many victims eventually sought refuge in Mukjar, Deleig, and Garsila, often after surviving a journey in horrible conditions.²⁵⁹

135. [REDACTED] (a/20222/20) describes how in addition to the killing of both of his parents, he had to face the loss of all his family's belongings and the destruction of his village, forcing him to flee:

They burned down Bindisi, and looted everything that belongs to the citizens. They killed everyone they found on their way. I lost my father and my mother. Our family lost a great deal of their crops (3 barrels). Our shop [REDACTED], along with [REDACTED], was looted. They stole [REDACTED] cows, [REDACTED] goats, [REDACTED] sheep, and seized 4 acres of our agricultural land. We spent three harsh days in the mountains, so we decided to go elsewhere. We travelled on foot until we reached Mukjar on the sixth day.²⁶⁰

²⁵⁸ a/10241/22 was among the victims forcibly displaced to Mukjar because of the attack on her village. In Mukjar, she was raped for a second time by Janjaweed: *"We arrived in Mukjar and stayed there for a few days. We were treated harshly by the Janjaweed militias. They were taking beautiful women day and night and searched for people in the houses and gathered them in the public square. The security situation had become alarming, with no possibility of leaving or entering [the city]. [Sooner], they started chasing us again and they caught me; I was raped a second time in Mukjar."* She currently lives in [REDACTED] camp [REDACTED].

²⁵⁹ [DAR-OTP-0217-0071-R01](#), paras. 25-27.

²⁶⁰ a/20222/20 stayed in Mukjar in very difficult conditions, where he was allegedly subjected to harassment and abuse from the Janjaweed. He recounts that during that period he was arrested by the Janjaweed who took him to their camp, where he was subjected to physical and psychological torture. He spent a year there, until humanitarian organizations arrived, the first one among them was Doctors Without Borders, in [REDACTED] 2004. He was able to travel in November 2004 to [REDACTED] IDP camp. He later became a refugee in Egypt.

136. After Bindisi completely burned down, the inhabitants had no choice but to leave. [REDACTED] (a/25009/21)²⁶¹ recounts how after burying friends and relatives, he was compelled to leave a devastated town:

We and many people started to flee towards the mountains and forests. I fled towards a mountain west of Bindisi called Tumbol. I returned by night to Bindisi and there was no sound except those of animals. From there, I started to look for my family. When I went inside Bindisi I met my [REDACTED] and with him a group of citizens, they welcomed me and told me that there are people killed i.e. martyrs, “we collected bodies of some but not all, let us go and bury the bodies before the sunrise”. We started burying the bodies inside Bindisi and these are my relatives, my friend, my [REDACTED], and my [REDACTED] at school and [REDACTED] who was [REDACTED]. There are children whose bodies were brought from neighbouring villages. I don’t know the names of the children but they were buried in 2 graves each 4 to 5 people. Bindisi was burnt with everything and now we started heading to Mukjar. The distance between Bindisi and Mukjar is 28 kilometres with forests, mountains, valleys, and a chain of villages in between. I was looking for my mother and my siblings and didn’t find anyone to tell me about my family until I reached Mukjar after 7 days.²⁶²

137. [REDACTED] (a/25023/21) describes his similar experience forcing him out of his home village:

My grandfather [REDACTED] and many others were killed during the attack. We hid in the bushes in the farm and then after sunset we returned back to the village to bury my grandfather who was killed at the hands of the Janjaweed. We found that the town was entirely burnt to the ground. They also burned all the corn fields. We spent ten days hiding in the bushes during the day and

²⁶¹ See **Annex A** hereto.

²⁶² In addition to psychological harm (fear, anxiety, sadness and anger), victim a/25009/21 describes the following losses caused by the attack in Bindisi: “*Our cows and goats were looted as well as agricultural crops such as peanuts and household items and clothes. I lost my opportunity to attain an education, I lost family members, and also lost job opportunities and the opportunity to harvest crops that were destroyed.*”

fetching for food at night in the burned houses. We did not feel safe and secure, so we decided to go to Mukjar.²⁶³

138. In Kodoom, death, fire and destruction similarly drove inhabitants out of their hometown. [REDACTED] (a/25049/21) remembers the scenes she witnessed when she returned to her village on the next day, before having to leave for Mukjar:

The rain was heavy when we remained in the woodland frightened holding our children. I had my [REDACTED] kids with me [REDACTED]. At about 5 pm, the people agreed to have some young adult men sneak their way back to the village to figure out what happened. Indeed, they went to the edges of the village and came back to tell us that the perpetrators were not there but the village was completely burned down, livestock and all possessions looted, and that there were many corpses of men, old and young, who refused to run away and stayed in the village to defend it... We were then told to go back to the village, we arrived in the evening, it was a frightening scene, corpses were all over the place, homes were completely burned down, and people started recognizing the dead bodies, and we burst into screaming then... We stayed in the village for a few hours till approximately 3 am, when the men told us to go back to the woodland in case another attack may happen in early morning. [...]

We spent two days in the woodland. [...] [W]e went with him to Mukjar.²⁶⁴

139. While many victims fled to Mukjar, Deleig, and Garsila, seeking shelter and security, some displaced persons headed to other locations. [REDACTED] (a/20670/20) fled Bindisi to the west and took the direction towards the Chadian border:

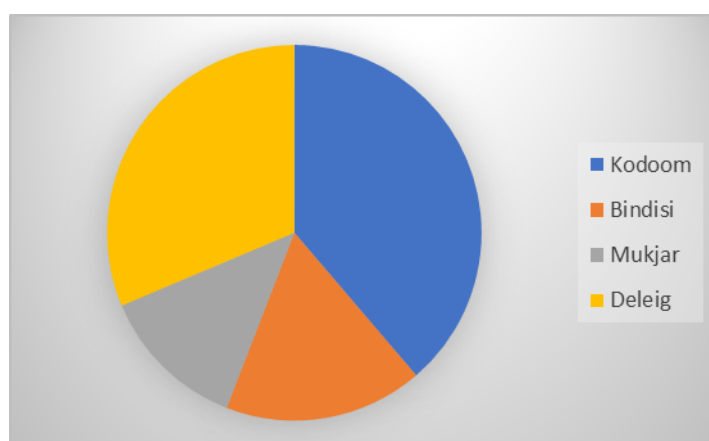
²⁶³ In addition to physical and psychological harm, victim a/25023/21 describes the following losses caused by the attack in Bindisi: *“loss of cows, goats, chickens, and pigeons; Home with all the furniture; Loss of documents, loss of education opportunity, loss of relatives and loss of work.”*

²⁶⁴ a/25049/21 describes having lost her home and all the furniture and clothes that were in it, along with the corn harvest of 2003, which the perpetrators looted from the farm, [REDACTED] sheep, [REDACTED] heads of cattle, quantities of beans and sugar, [REDACTED] Sudanese Pounds that she was keeping in the house, and gifts [REDACTED]. In Mukjar, a/25049/21 learned that Kodoom was attacked and burned again two weeks later. After four or five months in Mukjar, she travelled to [REDACTED] IDP camp, but didn't obtain the card that entitles refugees to receive aid from humanitarian organisations. She decided to search for work and live in [REDACTED] to provide for her family.

People were running in various directions, some to the mountain, to the forests and they were calling us Nubian and slaves. They were chasing people with horses, camels and vehicles. As a result, many people died and whoever survived went into the mountains and forest. And from 15 to 30 August 2003, people were in creeks and mountains and the Janjaweed were killing them. From there people headed toward Mukjar and half of the people headed to the west part (Chad) and this part is far from the others. I hid and I lived 30 days in the mountains and forest because there was no safe route. And also I wasn't familiar with the roads that lead to Chad. I was eating plants and searching for water during night.

2. Overview of participating victims of charged crimes in Kodoom and Bindisi

140. Among the participating victims, 280 individuals have suffered harm as a result of the charged crimes in Bindisi and Kodoom (194 in Kodoom and 86 in Bindisi). It is to be noted that the disparity in the number of participating victims between these two incidents – for the reasons set out above²⁶⁵ – by no means reflects the actual number of individuals impacted by the two attacks.



²⁶⁵ See para. 76 *supra*.

*Number of participating victims per charged crime & proportion of women & girls*²⁶⁶

	Crimes	Number of victims	% of Kodoom victims	of which female
Kodoom <i>Counts</i> <i>1-5, 10</i>	Attack against a civilian population	192	99%	108 (56%)
	Murder	28	14%	18 (64%)
	Pillaging	91	47%	43 (47%)
	Destruction of property	107	55%	52 (49%)
	Forcible transfer	175	90%	102 (58%)
	Total	194	100%	108 (56%)

	Crimes	Number of victims	% of Bindisi victims	of which female
Bindisi <i>Counts</i> <i>1-10</i>	Attack against a civilian population	86	100%	32 (37%)
	Murder	17	20%	7 (41%)
	Pillaging	54	63%	18 (33%)
	Destruction of property	55	64%	23 (42%)
	Other inhumane acts Outrages upon personal dignity	17	20%	8 (47%)
	Rape	9	10%	9 (100%)
	Forcible transfer	82	95%	31 (38%)
	Total	86	100%	32 (37%)

B. Mukjar and Deleig1. The crimes in Mukjar

141. Between at least February and March 2004, as part of the armed operation to attack Sindu, Janjaweed and GoS Forces allegedly attacked several villages in the areas surrounding Mukjar. These attacks are said to have caused thousands of civilians to seek shelter in Mukjar.²⁶⁷ In February 2004, Janjaweed and GoS Forces

²⁶⁶ The charged crime of persecution (count 11) is not included in this table, as this crime was charged by way of the facts and circumstances of all the other charged counts (counts 1 to 10).

²⁶⁷ [ICC-02/05-01/20-T-053-CONF-ENG CT2](#), p. 80, line 18 to p. 81, line 24.

allegedly set up a number of checkpoints around Mukjar and arrested hundreds of Fur males at the checkpoints and during house-to-house searches. A large number of arrested males were said to have been taken to Mukjar police station.²⁶⁸

142. The conditions of detention at Mukjar police station were described as inhumane. Over the course of at least two days, a large number of detainees were kept in cramped and overcrowded cells. They had no access to toilets, the temperature was stiflingly hot, and they were insufficiently fed or left with no water and food.²⁶⁹ Over the course of at least two days, detainees were allegedly interrogated, tortured, and verbally abused. None received any medical treatment.²⁷⁰

143. [REDACTED] (a/10017/22), a 24 year-old man at the time, had to leave his home village which was burned down and destroyed. He was consequently displaced to Mukjar, where he was arrested and imprisoned at the police station:

After the village was burned, I went to the town of Mukjar. As soon as I arrived in Mukjar, I found the Janjaweed [...] and was arrested and taken to the Mukjar prison. On the way, they kept hitting me with a whip and butt-stroke until we reached the police station. They had me stand in front of the prison, and started to beat me and call me criminal, they opened fire [REDACTED]. They kicked me to the ground. I entered prison while I was injured without treatment, where I found about 100 citizens, who were taken away one by one to be tortured with a plastic container that they set on fire and melted on their backs. I spent roughly one month in prison [...].²⁷¹

144. [REDACTED] (a/10023/22) was also displaced to Mukjar with his family, where he was arrested and detained at the police station:

They took us to the post, where I found many citizens detained, over 200 of them, the rest were outside detention, in the warehouse, which is part of the

²⁶⁸ [ICC-02/05-01/20-T-061-CONF-ENG CT](#), p. 4, line 8 to p. 5, line 9.

²⁶⁹ [ICC-02/05-01/20-T-053-CONF-ENG CT2](#), p. 84, line 14 to p. 85, line 12.

²⁷⁰ [ICC-02/05-01/20-T-054-CONF-ENG CT](#), p. 65, lines 7-17.

²⁷¹ a/10017/22 never returned to his home village and currently lives in [REDACTED] IDP camp.

post, while others were seated in the square opposite the post, prevented from doing their basic needs, even defecation or urination inside detention was in front of detainees and [...] spilled on the floor [...] there was even lice. If you ask for water, it's forbidden. Sometimes, at night, they'd get you urine from the Janjaweed in a container and tell you to drink at gunpoint, as a must, and beating and torture using fire ensued. They would burn plastic materials and pour the liquid on people's backs [...].

145. [REDACTED] (a/10052/22²⁷²) was originally forcibly displaced from [REDACTED] after the attack on 15 August 2003. In February 2004, he was arrested in Bindisi and brought to the Mukjar police station:

We arrived at the Mukjar Police Station after in the evening. They told us to go into prison, but there were already more than 150 prisoners there in the one cell. They used sticks to beat those of us that had just arrived. I was thrown on the ground and the soldiers stepped on me with boots. To the point where I was urinating blood [REDACTED]. We were asked to go in the cell, those who could not walk were lifted from their hands and feet and thrown in the cell. We were piled-up. Every morning the bodies of people who had died in the evening were extracted from the cell. There was not even space to move. These people died because there were people piled on the top of each other, they could have broken bones and people could not breathe. [...] I was suffering with the poor treatment in the prison and was very weak. The very sick were taken to one side of the cell an deceased persons to the door so they could be taken in the morning. After 27 days in prison, [REDACTED] and I was released.²⁷³

146. The Janjaweed and GoS Forces allegedly ordered the detainees to leave their prison cells and stacked them on top of one another in the back of vehicles and ordered them to lie face down and not to raise their heads. They accompanied them in the vehicles and continued beating and insulting them throughout the journey, and allegedly drove the detainees north of Mukjar in the direction of

²⁷² Witness subsequently granted the status of participating victim, P-0932.

²⁷³ a/10052/22 had lost everything he owned during the attack on [REDACTED]: his home was burned down, and all of the livestock (cows, sheep, camels, donkeys), the contents of his house, his agricultural material and products (seeds and crops) were looted. He currently lives in an IDP camp.

Garsila to several locations outside of Mukjar. They are alleged to have ordered the detainees to get out of the vehicles and to lie face down on the ground in lines, before executing them. It is further alleged that members of the Janjaweed and GoS Forces then walked on the bodies to make sure that they had died.²⁷⁴

147. Some detained Fur males survived. [REDACTED]²⁷⁵) is one of them. He had to flee an attack on his village [REDACTED], beginning of 2004, and was displaced to Mukjar. There, he was arrested, taken to the police station, tortured, then transported out of Mukjar to be executed:

Once we arrived in Mukjar, I was arrested at a checkpoint by policemen. I was taken to the police station, and put in a cell. The cell was packed and there was no room to move. It was dark, there was no toilet in the cell, and people had to relieve themselves where they were squatted. My uncle [REDACTED] was also in the cell. [...] Later, one of the men came with a clothes iron and burned detainees. I was burned [REDACTED].

148. He also recounts that, on the third day, some Umdahs were blindfolded and put in cars. He himself and other prisoners were also blindfolded and put in cars. They drove for about 30 minutes and stopped. During the ride, he was beaten and then pushed out of the car and landed on the ground. He was injured [REDACTED]. His [REDACTED] was also injured. Then he heard shooting, as well as shouting with insults. [REDACTED]. He was still blindfolded. After the shooting there was silence, he heard the cars leave. He laid down still for a long time. Then he removed the blindfold, it was dark. He saw that his uncle [REDACTED] and everyone else around him were dead.²⁷⁶

149. [REDACTED] ([REDACTED]²⁷⁷) was also displaced to Mukjar after the attack on his home village [REDACTED], in August 2003, and again in January 2004. He

²⁷⁴ [REDACTED].

²⁷⁵ [REDACTED].

²⁷⁶ [REDACTED] had also lost everything he owned during the attack on his home village. He was never able to return.

²⁷⁷ [REDACTED].

was arrested just before entering the town and brought to the police station, before being brought outside of Mukjar to be killed:

[REDACTED]. After the vehicles stopped, the prisoners [REDACTED] were ordered to get down. They were taken to the left hand side of the road. They were then asked to lie face down on the ground. The soldiers opened fire on the prisoners. Then, the [REDACTED] vehicle reversed and fired a Dushka on the dead prisoners. I then prepared myself for death [REDACTED]. [REDACTED] my vehicle stopped on the road. The soldiers got off and ordered us to get off also. We were beaten. On the side of the road, they asked us to lie facing the ground. Suddenly, they opened fire on us. There was continuous shooting for a while. After the shooting, some soldiers started walking on top of us to see if anyone was still alive so they could finish him off. I did not even know if I had been hit by a bullet or not. When they walked on top of me, I did not move at all. I heard 2 other shootings about 20 minutes later. Then, I heard the vehicles leave [REDACTED].²⁷⁸

2. The crimes in Deleig

150. According to the confirmed charges, between at least August 2003 and March 2004, Janjaweed and GoS Forces allegedly attacked several villages in the areas surrounding Deleig.²⁷⁹ These attacks caused thousands of civilians from predominantly Fur villages to seek shelter in Deleig, Garsila, and other towns. By early March 2004, thousands of internally displaced persons were present in Deleig, significantly increasing the pre-conflict population. The living conditions of the IDPs were dire, as those who could not take refuge in the houses of relatives were forced to stay in the streets or in makeshift camps and shelters, where they were exposed to food shortages, poor sanitation, and illness, and had

²⁷⁸ During the attack on his home village in August 2003, [REDACTED]'s son was killed. While in [REDACTED], his second son [REDACTED] died [REDACTED]. He has also lost all property in his home village: his home was burned down and his belongings and cattle were looted.

²⁷⁹ Including Arawala, Forgo, Taringa, Andi, Fere, Kaskeidi and Um Jameina; Public redacted version of "Second Corrected Version of 'Document Containing the Charges', 29 March 2021, ICC-02/05-01/20-325-Conf-Anx1'", 22 April 2021, ICC-02/05-01/20-325-Conf-Anx1-Corr2, 23 April 2021, [ICC-02/05-01/20-325-Anx1-Corr2-Red](#), para. 5.

to rely on the aid provided by Deleig residents, and later humanitarian organisations.²⁸⁰

151. On or about Friday, 5 March 2004, from the early morning, Janjaweed and GoS Forces allegedly surrounded Deleig and prevented people from entering or leaving the town. It is said that Janjaweed and GoS Forces went from house to house, searching for Fur males who had been displaced to Deleig from surrounding locations. Some prisoners were alleged to have been subsequently detained inside the Deleig police station, where they were beaten and questioned. The Janjaweed and GoS Forces then allegedly brought between 100 and 200 arrested Fur males to an open area near the Deleig police station where they were made to lie face down on the ground. Some had their hands tied behind their backs and some were blindfolded. The detainees were made to lie in the hot sun and were denied food, water, and access to toilet facilities for prolonged periods of time. It is also alleged that Janjaweed and/or GoS forces beat the detained men with rifle butts and sticks, walked on their backs and heads, and verbally abused them.²⁸¹

152. [REDACTED] (a/10045/22) was [REDACTED], a village south-west of Deleig. He was among the [REDACTED] persons to be taken to the Deleig police station [REDACTED]:

“[...] I fell to the ground, and the soldiers grabbed me by the feet and the hands and put me in a vehicle that took me to Deleig prison. [REDACTED]. Later, they started to bring more people from inside Deleig, made them lay on the ground in front of the police station, and some of them were brought into the prison. They brought Suleiman [REDACTED], Abbas, Mohamadeen, Musa, and the Umdahs 1) Umdah Jiddo Khamis 2) Umdah Adam Deguis Ahmad (Kindiri).”²⁸²

²⁸⁰ [ICC-02/05-01/20-T-053-CONF-ENG CT2](#), p. 48, line 22 to p. 49, line 6.

²⁸¹ [ICC-02/05-01/20-T-094-CONF-ENG CT](#), p. 33, line 16 to p. 39, line 22.

²⁸² [REDACTED].

153. [REDACTED] (a/25135/21) had survived the attack in his village of [REDACTED], west of Deleig, during which he lost his sister and his uncle. He was also arrested in Deleig and subjected to torture at the police station:

They arrived at the place where I was staying and took me to an open area next to the police station. On the way, I was beaten with sticks and a whip. When we arrived at the open area, I was tied by legs and hands to a tree. Also other men were there. The Janjaweed mistreated and insulted us, they beaten us badly. There was no food or drinks. I was kept there for 2 days.

154. Later, the Janjaweed and GoS Forces allegedly threw a number of the Fur males onto the backs of vehicles, including two motionless bodies. The vehicles drove to different locations outside of Deleig. At these locations, it is alleged that the Janjaweed and GoS Forces unloaded the detained Fur males from the vehicles and executed them. The process of loading detainees onto vehicles, transporting them to different locations outside of Deleig, unloading them, and shooting them to death is said to have been repeated several times on 5 March 2004. It is further alleged that on Sunday, 7 March 2004, Janjaweed and/or GoS Forces drove a group of Fur male detainees, including three Umdahs, one Sheikh and another civilian to a location outside of Deleig, unloaded them, and killed them.²⁸³

155. Some victims survived the executions outside of Deleig. [REDACTED] ([REDACTED]) is from [REDACTED], a village that was also attacked and burned down.²⁸⁴ He was arrested in Deleig where he had taken refuge, then transported to be executed. But he survived:

[T]hey put us in the car, a total of 25 people all in one car, and we headed toward the south of Deleig [REDACTED]. They told us to lay down and we did.

²⁸³ [REDACTED].

²⁸⁴ [REDACTED] lost all his possessions during the attack on his village. His home and his shop were burned down, and his money was stolen. He also lost his agricultural land from which he generated income. Today, he lives in an IDP camp.

They began shooting and killed everyone. After they left, I got up and found I was hit [REDACTED]. After I arrived close to Deleig, [REDACTED].²⁸⁵

156. [REDACTED] ([REDACTED]) is originally from [REDACTED], south-west of Deleig, which was also attacked and burned down.²⁸⁶ He also escaped his execution:

I was also arrested and taken to the police station. I was put with other men in the open area. We were beaten and mistreated. There was no food or drinks. One Janjaweed beaten me badly with a stick [REDACTED]. [REDACTED] not adequately treated. In the afternoon of the day I was taken, I was put on a truck together with other men. Arrived at a place outside Deleig we were ordered to get off and run. They started shooting at us. A lot of men died, while I managed to escape. I ran as fast as I could to reach Deleig where I arrived at night. [REDACTED].

3. Overview of the participating victims of charged crimes in Mukjar and Deleig

157. Among the participating victims, 215 individuals have suffered harm as a result of the charged crimes in Mukjar and Deleig. 58 victims were in Mukjar and 157 in Deleig. 11 of them were among the individuals that were transported outside of Mukjar or Deleig in order to be executed.

²⁸⁵ [REDACTED] still suffers pain and needs treatment for the injury he sustained.

²⁸⁶ Among those who were killed during the attack on [REDACTED], were his mother, [REDACTED] Umdah [REDACTED] and his [REDACTED]. All his property was destroyed and pillaged, including livestock and his harvest. He currently lives in [REDACTED] IDP camp.

Number of participating victims per charged crime and proportion of women and girls²⁸⁷

	Crime	Number of victims	% of Mukjar victims	of which female
Mukjar <i>Counts 12-20</i>	Torture Other inhumane acts Cruel treatment Outrages upon personal dignity	54	93%	9 (17%)
	Murder	8	14%	0 (0%)
	Attempted murder	7	11%	0 (0%)
	Total	58	100%	9 (15%)

	Crime	Number of victims	% of Deleig victims	of which female
Deleig <i>Counts 22-30</i>	Torture Other inhumane acts Cruel treatment Outrages upon personal dignity	147	94%	24 (16%)
	Murder	23	15%	10 (43%)
	Attempted murder	4	2,5%	0 (0%)
	Total	157	100%	29 (18%)

VII. Impact of the crimes: Kodoom & Bindisi

A. Individual harm arising from the charged crimes

1. Overview

158. The attacks against the civilian population of Kodoom and Bindisi and surrounding areas between 15 and 16 August 2003, caused considerable amount of violence against the civilian population of these two villages. The victims

²⁸⁷ The charged crime of persecution (counts 21 and 31) is not included in this table, as this crime was charged by way of the facts and circumstances of the other charged counts (counts 12 to 20 and 22 to 30).

suffered from the murder of relatives and friends, mistreatment, the destruction of their property and sexual violence.

159. The alleged crimes of murder, pillaging and destruction of property, which were at the core of the attacks, caused an immense and irremediable impact on the participating victims' lives, over and above the resulting forced displacement they had to face. The impacts translated into extensive material, physical and psychological harm, as will be described below.

Material harm

160. The material harm that was caused to the population of Kodoom and Bindisi correlates with the almost complete annihilation of their living environment. The participating victims who have survived these attacks consistently describe the systematic destruction of their properties, with their homes almost always burned to the ground. Shops and other public facilities were also burned down or otherwise destroyed.²⁸⁸ Other property was looted by the attackers, leaving the victims with nothing.²⁸⁹ Many victims describe being forced to flee with "nothing but what they were wearing" at the time.

161. [REDACTED] (a/10135/22) says "*Nothing was left*" when describing the aftermath of the attack on Kodoom. [REDACTED] ([REDACTED]²⁹⁰) also had to flee the attack on Kodoom and came back on the same evening to see the extent of the damage to his properties:

On the same evening, we went back to Kodoom and I found my wife at home. The house had been totally emptied and the food supply burned along with the house. During the first attack in Kodoom, they burned what was made of straw, they forced entry into the built houses, they damaged the inside of the houses, they

²⁸⁸ Fences, shops in the market, zinc roofs, books, benches in the school and the veterinary clinic had all been burnt to the ground; See [DAR-OTP-0088-0187-R03](#) at 0205, para. 92.

²⁸⁹ [ICC-02/05-01/20-T-030-CONF-ENG CT](#), p. 19, lines 15-16.

²⁹⁰ [REDACTED].

slashed the bags of crops and reserves of food. After the attack, the food reserves were depleted or burned.²⁹¹

162. [REDACTED] ([REDACTED]²⁹²), a resident of Bindisi at the time, lost everything he had in a matter of two days:

My house in Bindisi was destroyed and looted. I had also a shop in the market. They destroyed it and looted it. My family was in the house before it was destroyed. They fled to the south. I stayed in Bindisi and hid during the attack. Everything was looted at the end of the attack; a lot of houses were destroyed on 15 and 16 August.

163. [REDACTED] (a/20218/20) describes how the looting of property targeted anything of value the attackers could find:

They took away my animals and the animals of my family: [REDACTED] cows, [REDACTED] goats, [REDACTED] donkeys, [REDACTED] horse, [REDACTED] chickens and SDG 5000 in cash. They looted my father's shop [REDACTED] and took away [REDACTED].

164. Among the looted property, livestock was of particular interest to the attackers. Many participating victims deplore the loss of their animals as an important part of their material harm. Cows, sheep, goats, camels, donkeys and other livestock were massively looted both in Kodoom and Bindisi, leaving most victims without their most valuable assets and main source of income.

165. Most notably, only a few survivors of these attacks have been able to return to their homes since. The vast majority of the participating victims were forcibly displaced through these attacks and are unable, to this day, to retrieve any of their property, whether it was destroyed / looted or not.

166. [REDACTED] (a/25042/21) describes how she was compelled to leave her hometown when coming back to it a few days later:

²⁹¹ [REDACTED] further recounts: *"In Kodoom, they took all of the livestock, cows, sheep, camels, donkeys and house contents. They also took our agricultural material and products, and the seeds and crops we had. Also I had to flee the farm without harvesting the crops that were ready. My house was burned down."*

²⁹² [REDACTED].

We passed by our house in Bindisi and we found that our food supplies had been looted. Only a few food was left. We took it, put in a bag and tied it on the donkey. We also tied to the donkey our little daughter [REDACTED] who was not yet walking at the time and was sick. [REDACTED].

167. She was displaced to Mukjar, then had to leave Mukjar in November 2003, [REDACTED]. Today, she is a refugee [REDACTED]. She states:

I lost everything and I am in exile without knowing when I could return in Sudan.

168. Similarly, [REDACTED] (a/10113/22), who is from Kodoom and now lives in an IDP camp, describes the following:

I lost the trading business I was living from, in addition to the difficult coercive living conditions and inability to work for a long time owing to security conditions.

169. In some instances the material harm suffered by participating victims stems from the loss of the head of the family or a parent who was providing for the family. Women or children who were relying on a person killed during the attacks thus faced considerable harm due to the loss of family member's contributions, in addition to the psychological harm inherently attached to such loss. For example, [REDACTED] (a/10271/22) says:

I lost my father who was the main supporter of the family.

Physical harm

170. The attacks on Bindisi and Kodoom were violent. The Janjaweed and GoS Forces allegedly subjected the population to great suffering and serious injuries. The underlying acts are said to include beatings, abductions, and detention of civilians, forcibly removing their clothing, searching and slapping them, or other threatening acts of violence.

171. [REDACTED] (a/10417/22), a woman from Kodoom, who was still a young child at the time of the attack, remembers the beatings inflicted upon her and her mother in their own home:

We were about to leave the house when a large number of aggressors, suddenly, entered our house. They beat us, my mother and I, so hard that we almost passed. My mother is still suffering the repercussions of this beating and torture until today.

172. [REDACTED] (a/10220/22) was 26 years old at the time of the attack on Kodoom and [REDACTED]. She recounts what she had endured on that day:

[REDACTED] shortly afterwards we were attacked by the Janjaweed, who started opening fire, burning houses and killing people. [...] I stayed at home because [REDACTED]. In my company were two elderly women: Aunt [REDACTED], my [REDACTED], who was carrying a child [REDACTED]; and Aunt [REDACTED], [REDACTED]. When they entered our house, they insulted the two old women and beat them with sticks and whips. I was inside. As a result, my [REDACTED], [REDACTED], as well as [REDACTED] passed away. The latter was beaten until his nose was bleeding. The old woman [REDACTED] also died five days later as a result of that beating. They took me outside and wanted to take my [REDACTED] daughter, but I refused and hugged her. So, they insulted me and beat me and took her from me, but when they realized that she was a girl they gave her back to me. One of them told me: "if she was a boy, we would have slaughtered him before your eyes." [...] I was left alone, imprisoned without a prison, suffocated by smoke and not knowing what to do or where to go. In front of me were two dead bodies, a wounded and [REDACTED] girl. I was alone without any help or relief, [REDACTED]. [...] We went to our hideouts in the farms, and then to Mukjar. [During our journey] we faced several hardships, hunger, rain, humidity and cold.

173. When asked about the consequences of these crimes, a/10220/22 stated the following:

Infection [REDACTED]. I have complications [REDACTED]. I have problems with my sight. My daughter, [REDACTED], also suffers infections.

174. The attackers were said to have been armed with high calibre weapons, such as Kalashnikovs and GiMs assault rifles, as well as edged weapons,²⁹³ which they allegedly used to injure and kill persons. In Kodoom, [REDACTED] (a/10462/22) witnessed the following:

Spearheaded by a white vehicle, it was a large group of gunmen riding camels, horses, donkeys, and on foot. They were armed with firearms, bladed arms, and sticks, shooting people and terrorizing them.

175. Many victims sustained severe wounds from these weapons, while others escaped death or injury despite being shot at. In Kodoom, [REDACTED] (a/10433/22) was attacked and wounded with a spear during the attack:

At that time, I was pregnant [REDACTED], I couldn't run and escape as did the other women. So, [while trying] I was whipped and wounded with a spear.²⁹⁴

176. [REDACTED] (a/10392/22) mentions how he escaped the bullets of the attackers while fleeing:

The attack was massive. They lashed me with a whip and fired at me but they didn't hit me because I submerged myself in a lake.

177. Similarly, [REDACTED] (a/10475/22), a woman who survived the attack on Bindisi, recounts the following:

On Saturday morning, they attacked us in Bindisi, so I hurried to release my cows but they targeted me and shot me twice. I was hit in the [REDACTED] and [REDACTED]. My family came to my aid and took me quickly to Mukjar.²⁹⁵

178. In addition to the physical harm suffered through the direct acts of violence in Kodoom and Bindisi, many participating victims describe having suffered

²⁹³ [ICC-02/05-01/20-T-029-CONF-ENG ET](#), p. 66, line 21.

²⁹⁴ a/10433/22 also states that three of her brothers were killed during the attack.

²⁹⁵ a/10475/22 also states that her daughter was killed during the attack.

different degrees of physical harm while fleeing and while hiding in the surrounding areas of their hometown.

179. [REDACTED] (a/10027/22) fled the attack in Bindisi, and remembers the following:

We fled to the neighbouring mountains. We spent two days without food. It was torturous and debilitating. Sometimes young children would die out of exhaustion and lack of shelter.

180. [REDACTED] (a/10449/22) was a [REDACTED] infant when her village, [REDACTED], was attacked. As a disabled person today, she could only apply to participate in the proceedings through a family member, who describes the harms caused to her during the attack:

During the attack on [REDACTED] in August 2003, [REDACTED] was still a baby; [REDACTED]. Her mother carried her on her back and escaped in the rain, on soggy and muddy [terrains], through the forest and the sound of ammunition. This caused her [a lot of] harm as she suffers now from [REDACTED].

Psychological harm

181. Psychological harm is everywhere to be found among the participating victims who suffered from the charged crimes committed in Kodoom and Bindisi. This type of harm encompasses many forms of trauma, and the participating victims describe their personal impact in many different terms or specific disorders, including, but not limited to: distress; anxiety; sadness; depression; fear; anger; terror; indignation; sorrow; loss of hope; stress; sleeping disorders; eating disorders; vulnerability; nightmares; low self-esteem.

182. The participating victims identify the killing of relatives, as well as their forced displacement, as the main cause of psychological harm. Many individuals were not only direct victims of the attacks but were also indirect victims of murder of close relations. Trauma related to the loss of loved ones who were

murdered is generally described by participating victims in more acute words than harm related to other crimes. Some families were decimated by the murder of multiple family members, leaving survivors with irreparable psychological damage.

183. [REDACTED] ([REDACTED])²⁹⁶ was in Kodoom when the attack on his village unfolded. In addition to the material losses he suffered, including the burning of his home, his [REDACTED] uncle, grandfather, and two [REDACTED] uncles were killed during the first attack. He states the following when asked about his personal harm:

More generally, I have trauma from what happened to us. I think a lot about what happened, and cannot get rid of it. I have heavy sleeping disorders. I have to use medication to help me sleep. I cannot have a stable job because of my psychological trauma.

184. [REDACTED] ([REDACTED]),²⁹⁷ from Bindisi, lost his son during the attack [REDACTED]. He states the following:

[REDACTED]. One of my sons, [REDACTED], had died [REDACTED]. To this day, I am not the same person because of these attacks and the loss of my people. I have sleeping disorder and cry at night sometimes. I try to pray to help.

185. Similarly, [REDACTED] (a/10111/22), from Kodoom, describes “deep sadness for the loss of precious lives headed by my father and other well-known friends”.²⁹⁸

2. Harm caused by forced displacement

186. The forced displacement of populations in Kodoom and Bindisi has different aspects. First, the alleged conduct of Janjaweed and GoS Forces, aiming at the

²⁹⁶ [REDACTED].

²⁹⁷ [REDACTED].

²⁹⁸ a/10111/22 mentioned that “About 51 victims died including my father [REDACTED] before the old mosque of Kodoom. He was an [REDACTED] year old man who was killed openly with a bladed weapon.”

expulsion or coercion of the local population, constitutes the crime of forcible transfer as a crime against humanity, pursuant to article 7(1)(d) of the Rome Statute, as charged by the Prosecution.

187. Second, it is a direct and inevitable consequence of the other charged crimes in Kodoom and Bindisi. The destruction and looting of property, the killings and the other acts of violence perpetrated did not leave the population with any other choice but to flee.

188. Third, and most importantly, the forced displacement was allegedly not only a *consequence* but the very *purpose* of the alleged attacks and their underlying acts.²⁹⁹

189. When asked about harm, participating victims very often specifically insist on the circumstances and the consequences of their displacement. The harm caused to the population of Kodoom and Bindisi through the crime of forcible transfer seems to have the most significant and long-lasting impact.

190. [REDACTED] ([REDACTED]³⁰⁰), who was displaced from Bindisi and today lives as a refugee, explains the following when asked about the psychological impact of the crimes he was subjected to:

Great psychological harm due to the fact that I am far from home, and to the fact that my family was hurt by the events. I feel dead inside because I cannot return home.

3. Harm caused by rape, other inhumane acts, and outrages upon personal dignity (Bindisi)

191. During the attack on Bindisi, the Janjaweed and/or GoS Forces allegedly subjected civilians to great suffering, serious injury to mental or physical health, and humiliating and degrading treatment that violated their dignity. These alleged crimes included abducting and detaining civilians, forcibly removing their clothing, threatening acts of violence or using acts of violence against them,

²⁹⁹ [DAR-OTP-0222-0602-R01](#) at 0605, para. 15, 0609-0610, para. 38.

³⁰⁰ [REDACTED].

tying up civilians and separating civilian residents from family members, as well as separating them according to gender and under the threat of death.³⁰¹

192. [REDACTED] (a/10480/22³⁰²) was beaten and raped [REDACTED] when she was fleeing the attack on Bindisi. She describes the following when asked about the impact of the crimes she suffered:

I have scars [REDACTED]. I still have pain from [REDACTED]. I don't want to get married, [REDACTED]. The same things happened to my sister. The rape that I suffered from, I still suffer from this incident and it has impacted me immensely. This is one thing that I still remember; when I remember this I can't sleep. As for the future, this rape had impacted my future a lot. In our community it is difficult to talk about rape because of the taboo, culture and stigmatisation. That is why women fear speaking about rape. No one ever offered assistance, until this very day, no one helps us.

When asked about other types of harm, a/10480/22 also mentions “unfitness for marriage”.

193. [REDACTED] (a/10486/22³⁰³) was also brutally raped and subjected to severe beatings, by two men, when she tried to flee the attack on Bindisi through the neighbouring forest. She mentions the following about physical harm:

I have scars, [REDACTED] from the whipping; some of them are not very visible now. [REDACTED] because of the whipping; it is painful [REDACTED]. I have a scar from the wound I sustained [REDACTED]. I still have pain in my ribs up to now. After the rape, I did not get any medical treatment; there were no doctors and there was no time for seeking medical attention. We also did not have money for medical treatment. I was treated with traditional medicine; herbs and powder made from acacia tree. I cannot sit for long because of the pain in my hip and ribs. I still suffer from some pains. I have pain in my shoulder and in my leg. [REDACTED] I have problems in the nerves

³⁰¹ See paras 116-118 *supra*.

³⁰² Witness subsequently granted the status of participating victim, P-1073.

³⁰³ Witness subsequently granted the status of participating victim, P-1074.

[REDACTED]. I have also pains in my left hand or arm. If I try to lift something heavy, I feel this pain. I also suffer from headaches. In addition, I have problems in my ear.

a/10486/22 further describes the following when asked about her psychological harm:

After the first week, I felt pain in the throat and I had difficulty also being around people. When it came to food, I was not able to eat sufficiently. Sometimes I suffered from diarrhoea and sometimes I was vomiting. I cannot sleep at night. I would sleep for half an hour and then wake up and then I try to sleep again. So I cannot sleep a full night continuously.

4. Harm to the community and social harm

194. For the survivors of the charged Kodoom and Bindisi attacks, multiple and interrelated harm often resulted in difficult living conditions, until today. The simultaneous destruction of the local societal structure, damage to the family structure and personal material and/or physical harm left nothing of the former living conditions of the participating victims. Most of them did not only lose property or only one or more family members, but rather lost entire parts of their social and family lives.

195. [REDACTED] (a/25043/21³⁰⁴), who survived the Bindisi attack, had to leave his displaced family in [REDACTED] in hope for a better life. He is currently a refugee in another country, and states the following:

I keep thinking about the events and it makes me sad. In addition, I am sad and worried because my second wife and [REDACTED] young children are still in [REDACTED]. I lost everything, my house, my belongings, my source of income, my shop. We were separated from our family and from our community. It is really hard. My life is completely different from what it should have been.

³⁰⁴ Dual status victim/witness P-0816.

196. The account of [REDACTED] (a/10447/22), who is from Kodoom and now lives in an IDP camp, is also an example of the cumulative nature of harm suffered by most victims:

We fled the village but when I came back I found out that they burned my stores completely, including 42 sacks of corn and spices. They didn't leave me anything, my business was ruined. Two weeks later, they returned and destroyed everything. They killed my brother [REDACTED], and other [people] [...], the list is still longer.

197. [REDACTED] (a/10221/22), who suffered the attack on Kodoom, lost all his property and was displaced, summarizes his harm with the following few words, which could have been the words of many others among the participating victims:

Lost my home country, got separated from my family, and lost the source of income.

198. The impact of the attacks on children is particularly important. Many of the participating victims were children or young adults during the events and were faced with life changing harm related to the loss of family members, displacement, and complete material loss.

199. [REDACTED] (a/10287/22), originally from Kodoom, doesn't remember the attack she survived, but is clearly impacted by it to this day:

In the fall of 2003, our village was attacked and my father [REDACTED] was killed. At that time, I was still too young [to remember anything], but when I asked my mother about my father, she told me that he was killed in that war. She [...] took us and escaped to [REDACTED]. She had become a widow. My father was a merchant and his store was looted and burned.

VIII. Impact of the crimes: Mukjar & Deleig

A. Overview

200. The harm caused to the participating victims related to the charged crimes in Mukjar and Deleig can be distinguished between, on the one hand, the victims who were detained and subjected to mistreatment and/or attempted murder, and, on the other hand, the victims who sustained psychological harm, either because they witnessed atrocities against members of their community, or because they have a family relationship with one or more of the detained persons.

B. Direct victims of mistreatment and/or attempted murder

201. In Mukjar, a large number of arrested males were allegedly taken to the police station, where they were detained in inhumane conditions and tortured. In Deleig, it is also alleged that between 100 and 200 arrested Fur males were similarly detained, in an open area near the police station, and also subjected to mistreatments.

202. The physical harm sustained by participating victims in this context ranges from minor injuries to extensive and irreversible bodily harm, the result of severe cruelty and inhumanity.

203. In Mukjar, in addition to being kept in cramped cells, no access to toilets, and in stiflingly hot temperatures, participating victims were beaten, whipped, tortured, mutilated and shot at. A number of participating victims describe having been tortured with a hot iron or with a plastic container that was set on fire and melted on their backs. [REDACTED] (a/10001/22) describes the following:

[...] After that, they burned my back with a plastic container set on fire to the point that I became stinking that even the Janjaweed and the soldiers started escaping being near me. I was in a very bad situation.

204. [REDACTED] (a/10019/22) was also subjected to the same torture, in addition to other mistreatments:

Around 1:30 in the morning, a number of soldiers came by and started beating, torturing, name-calling, burning with the plastic container, my back was completely burned, traces of that are still present. My [REDACTED] got injured, and I still can't use it.

205. Among other means of torture and beatings, [REDACTED] (a/10050/22) was burned with a hot iron:

The cell was packed, dark and hot; there was no room to move and no toilet. I was beaten on the head with a stick and burned [REDACTED] with an iron.

206. [REDACTED] (a/10017/22³⁰⁵) says he was shot at outside the police station:

On the way, they kept hitting me with a whip and butt-stroke until we reached the police station. They had me stand in front of the prison, and started to beat me and call me criminal, they opened fire [REDACTED]. They kicked me to the ground. I entered prison while I was injured without treatment, where I found about 100 citizens, who were taken away one by one to be tortured with a plastic container that they set on fire and melted on their backs.

207. [REDACTED] (a/10023/22) [REDACTED] says he was hit by live ammunition:

A guard opened fire inside the detention and I got hit [REDACTED]. He shot another person, who died immediately inside the detention.

208. In Deleig, the victims describe how they suffered physical harm from being forced to lie down for a long time with their faces facing downward, in the heat of the sun, and being subjected to torture and mistreatments. The perpetrators allegedly walked on their backs and beat them with sticks and other objects. [REDACTED] (a/25132/21) describes what he endured after being arrested in his brother's house in Deleig:

³⁰⁵ Witness subsequently granted the status of participating victim, P-0919.

I was taken to the police station in Deleig. When I arrived there, I was ordered to lay down on the ground. The police station was crowded with men. I was severely beaten and tortured, one of the Janjaweed put his finger in my [REDACTED] eye. As a result, [REDACTED] and it is still painful today. The condition at the police station were inhumane. We were insulted, beaten, mistreated and tortured. There was no food or drinks.

209. [REDACTED] (a/25041/21) also describes the violence he was subjected to on that day:

I was beaten in the head and subjected to severe torture all over my body. I was subjected to the most severe torture; beatings in the head with a stick, and kicks from the back on my back and feet.

210. For both Mukjar and Deleig, the long-term physical impact is widespread among the victims of these crimes, and include serious mobility impairments, mutilations, back and neck injuries and persistent pain, bullet injuries and scars, and other injuries and scars from the beatings and whipping. [REDACTED] (a/10536/22) mentions for example the long term impact he suffers from the beatings he sustained in Deleig:

Since the day I was arrested and tortured [...] I can't do any work that requires an effort; I feel a lot of pain.

211. [REDACTED] (a/25141/21) also describes how the harm affects him to this day:

We were beaten and mistreated. There was no food or drinks. One Janjaweed beaten me badly with a stick and my [REDACTED] was broken. I can't use it properly anymore because the fracture was not adequately treated.

212. The psychological harm related to the mistreatment suffered is also omnipresent among the harm described by these victims. They generally all suffer, to this day, from distress, anxiety, depression, as well as sleeping and

eating disorders. [REDACTED] (a/25183/21), who was detained in the Mukjar police station, mentions for example, the following:

After being released I have suffered from a disability as a result of being stabbed with the bayonet as well as psychological trauma, anxiety and anguish from the events.

213. In addition to the obvious mental impact arising from the physical torture, victims often describe being simultaneously subjected to psychological abuse by the perpetrators. [REDACTED] (a/20221/20), who was also detained in the Mukjar police station, mentions this aspect in his account:

I was detained along with my father, my [REDACTED], 2 of my [REDACTED], and my [REDACTED]. We were tortured and beaten in different parts of our bodies, abused psychologically and made to see people being killed in front of our eyes.

C. Indirect victims and direct witnesses - psychological harm

214. Many victims sustained psychological harm because they directly witnessed atrocities committed against members of their community, or because they have a family relationship with one or more of the detained persons. In Deleig, the mistreatments inflicted on detainees were witnessed by numerous individuals. [REDACTED] ([REDACTED]³⁰⁶) describes for example how the fact that he saw the atrocities impacted his mental state:

Until today, I think about what I witnessed at the police station and it makes me very sad. It was very difficult to witness this. It impacted my whole life. My whole life changed. [...] The crimes impacted my life in terms of education. I did not succeed as much as I was before the events.

215. [REDACTED] (a/10020/22), who was initially displaced to Deleig after his home village was destroyed, expresses the following:

³⁰⁶ [REDACTED].

All the events of Deleig occurred before my eyes. And by God, the torture, the beating, and the kicking were intense.

216. [REDACTED] ([REDACTED]³⁰⁷), who also witnessed the incidents in Deleig, explains the following:

To this day I have psychological trouble eating; anxiety and stress because of what I have witnessed. I lost my friends and acquaintances and I think about them very often.

217. Indirect victims of the crimes in Mukjar and Deleig, who are family members of the direct victims of these crimes, typically suffered substantial psychological harm, in particular family members of killed individuals. [REDACTED] ([REDACTED]³⁰⁸) reports for instance that he suffers from depression, anxiety, sleeping disorders and eating disorders, because of the loss of his father, who was executed near Deleig. [REDACTED] (a/10526/22) similarly describes mental harm since her husband and brother were arrested, conducted to the police station in Deleig, and executed:

Since the year my husband and brother were killed and until today, I can't sleep at night whenever I remember that event.

218. [REDACTED] (a/10544/22) describes her own traumatic experience after her son was killed near Deleig:

Since the day my son was killed and up to this day, I lost all trust in anyone dressed in uniform and I'm afraid of them.

219. Similarly, [REDACTED] (a/25054/21), an original resident of Deleig whose father and [REDACTED] were executed outside Deleig, says:

During the events I was scared and terrified. I still feel very sad for the death of my family members and also when I think of all the lost opportunities.³⁰⁹

³⁰⁷ [REDACTED].

³⁰⁸ [REDACTED].

³⁰⁹ In addition to the loss of her father [REDACTED], a/25054/21's mother [REDACTED] during the search and arrest campaign in Deleig. [REDACTED] one of her brothers ran away at the same moment and is missing to this day.

D. *Harm to the community*

220. The crimes perpetrated in Mukjar and Deleig left an indelible mark on the victims, on their families, but also on the wider Fur community. These events are still very much present in the collective memory of the participating victims and of the wider victim community.

221. The square in Deleig where hundreds of individuals were detained and tortured is known today, as “*the martyr’s square*”.³¹⁰

222. [REDACTED] (a/25207/21) was a direct witness of the charged crimes in Deleig. When asked about his personal harm, he mentions the following:

My community suffered a lot and lost everything. [...] All the more that in almost 20 years, nothing has been done for my community.

223. More importantly, the deliberate targeting of the most prominent figures of the local communities had a considerable impact on the victims as a social structure. The Umdahs, Sheikhs and other literate or otherwise prominent individuals that were detained and some of them executed, were essential components of the societal structures inside the numerous villages and areas from where they originated.³¹¹ Their sudden loss was, for the Fur community, an irrecoverable tragedy that contributed to the destruction of their societal environment and greatly affected their cultural and collective grounding.³¹²

224. [REDACTED] ([REDACTED]³¹³), who witnessed the crimes in Mukjar, expressed his harm related to this loss as follows:

I personally knew the Cheikh from West Garsila, he was also killed during these events. It was extremely difficult for me to watch this. I feel pain to this day. These are my people, my community. This left a big impact on me.

³¹⁰ a/25139/21 recounts: “I saw the Janjaweed arresting men and bringing them to an open area called Bosingtweghan, later called “martyrs’ square”.

³¹¹ See Section III above.

³¹² Duals status victim/witness P-0907 also mentions the important role of Umdahs and Sheikhs in the communities’ public sphere, as well as the harm caused to education of the younger generations, through their killings. See [ICC-02/05-01/20-T-095-CONF-ENG CT](#), p. 10, lines 22-25; p.11, lines 1-10.

³¹³ [REDACTED].

IX. Views and concerns of participating victims regarding these proceedings

225. During the course of the Prosecution's case, the Chamber heard from several dual status victim-witnesses, as well as from witnesses subsequently granted the status of participating victim, on their views towards and expectations regarding these trial proceedings. The courageous testimony of these witnesses is very much reflective of the views of the broader community of participating victims whom the CLRV has had the privilege to speak to and consult with.

226. Those participating victims who are also witnesses in these proceedings, stated that they felt a duty to be witnesses before the Court. In his written statement, dual status victim-witness P-0617 said: "We, Darfuris, know that the Court is working on our case and it is our duty to be witnesses to the Court."³¹⁴ Dual status victim-witness P-0585 (a/25217/21) similarly expressed:

I came here to the International Criminal Court because I want to tell the truth before this Court. I want to tell you what I saw, what I heard and what happened to us. Hopefully we will get justice at some point, because what we lived was very difficult. Yes. I came here to testify. Hopefully we will get justice one day.³¹⁵

227. The participating victims seek justice, accountability and recognition – on behalf of themselves, their families, and the wider Fur community – but also as a demonstration of the international community's commitment to stand against ongoing serious criminal and human rights violations, and as a measure guarding against repetition of the terrible and dehumanizing conduct and circumstances to which they have been subject. Tied to this is the strident belief that the process of justice is an essential component of seeking a resolution to the still ongoing instability and violence that plagues Darfur, and ultimately, the possibility of the participating victims to return to their ancestral lands and their former lives, traditions and communities.

³¹⁴ [DAR-OTP-0202-1496-R02](#).

³¹⁵ [ICC-02/05-01/20-T-100-CONF-ENG CT](#), p. 51, lines 20-24.

228. Dual status victim-witness P-0584 (a/25038/21) expressed that the Court must “achieve justice. That's what they have to do. You have to hold those criminals accountable so that such crimes are not repeated.”³¹⁶

229. Dual status victim-witness P-0907 (a/25134/21) stated that: “We would like that the ICC would give us justice, first. Second, we wish that the ICC would expel the new settlers from our lands so that the refugees would go back to their original towns, their mother town, to their original towns, and to live their lives as they did before.”³¹⁷

230. Dual status victim-witness P-0986 (a/25143/21) answered: “What I expect from this Court, I expect that justice will be served and that the leaders of the regime would be prosecuted justly. [...] [A]nd that this would lead to put an end to war and conflict in Darfur.”³¹⁸

231. It is worth reflecting again on the words of P-0877, which opened this brief:

[T]he crimes that were committed are heinous, and that's why the victims need to see justice. It is very important that we approach the victims and listen to them. We need to know their stories. We need to know what they say about who killed their family members, who displaced them, who took away their belongings, who seized their cattle. It's a very serious crime that was committed and not a single person, not even a hundred people, can describe it enough. And that's why I recommend that the world must prosecute the criminals and we have to tell the victims and show the victims that there is justice in this world. The world – the entire world needs to move to help those people restore their lives.³¹⁹

232. In her consultations with participating victims who are not witnesses in these proceedings, they have emphasized the need for justice to take its course, and the

³¹⁶ [ICC-02/05-01/20-T-092-CONF-ENG CT](#), p. 23, lines 8-11.

³¹⁷ [ICC-02/05-01/20-T-095-CONF-ENG CT](#), p. 13, line 23 to p. 14, line 1.

³¹⁸ [ICC-02/05-01/20-T-065-CONF-ENG CT](#), p. 19, line 23 to p. 20, line 4.

³¹⁹ [ICC-02/05-01/20-T-054-CONF-ENG CT](#), p. 70, line 24 to p. 71, line 7.

importance of the judicial process moving forward, almost two decades after the events that have so marked their lives.

233. During a client consultation on 13 March 2023, the CLRV asked the gathered group of participating victims what their expectations were for this trial and what justice meant to them. Some of their responses are as follows:

i. [REDACTED] (a/10242/22) (originally from Bindisi):

“I would like the Court to let us go back to our homeland as full citizens with full rights, also for my children, and to recover what we left. I wish for peace for my homeland, my family and my children.”

ii. [REDACTED] (a/10241/22) (originally from Bindisi):

“Justice for me means living with my dignity, if justice is made, my rights are back and I go back to my hometown, live as before, my dignity will be restored and this is justice for me.”

iii. [REDACTED] (a/25190/21) (indirect victim of Mukjar incident):

“I myself I need justice only. I need to get my rights. My children and I faced many difficulties. My husband[’s death] left me behind with eight children. I take care of their food and education; I cannot bare it alone, but I must. By justice, I mean getting my rights. If that happens, it will help me with our current situation.”

iv. [REDACTED] (a/10199/22) (originally from Kodoom):

“I would like to get my rights. [...] I didn’t expect this issue will take this much time, I thought it would be solved, though since 2003 until now I’m struggling to have a decent life and live like human beings, though I’m not able to. If I get my rights back and justice is made, maybe I will live like a human being. If I get my rights, I will have freedom and live my life.”

v. [REDACTED] (a/20668/20) (originally from Kodoom):

“I ask the judges to move forward so that justice can be done. [...] I hope that I will be able to go back to my beloved homeland and to live as I lived before. I am so sorry that I spent most of my life here [REDACTED] in the camp, still waiting.”

234. During an earlier meeting, a participating victim stated: “The CLRV, and the Court generally, is responsible for what we have been working on for so long. We have been advocating, complaining, looking for justice for 20 years. Now all our work is out of our hands, it is in yours.”

235. The CLRV can do no more than echo the words of this participating victim. In respect to these proceedings, the process of justice, and the expectations of the participating victims, are in the hands of the Court and all participants in this case.

X. Views and concerns of participating victims who will appear before the Chamber

236. The Trial Chamber, upon the request of the CLRV, has authorised four participating victims to present their views and concerns in-person. Their expected accounts will increase the understanding of the past and current circumstances of these participating victims, their families, and the wider Fur community, following events that took place almost two decades ago.

237. Additionally, in combination with the one witness authorised to appear before the Trial Chamber, the views and concerns of these participating victims are also expected to facilitate the Chamber’s understanding of the particular situation of women, children and the youth, to provide greater balance in the perspectives presented to the Trial Chamber thus far in these proceedings.

238. In order to assist the Chamber and the parties, the CLRV provides in **Annex A** summaries of the anticipated views and concerns of these four participating victims. The CLRV has decided to let the victims themselves choose the focus and

level of detail of what they would like to share with the Trial Chamber. The summaries are a reflection thereof and very personal, but also representative in nature for the participating victims in the Darfur region, Chad and the wider diaspora.

XI. The testifying witness – the situation of women and children in Chadian refugee camps

239. The Trial Chamber has also authorised one witness to appear before the Chamber during the presentation of the CLRV's case, [REDACTED] (DAR-CLR-P-0001). The anticipated testimony of this witness is expected to provide the Chamber with relevant evidence and an informed account from an individual within the Darfuri refugee community in Chad on the particular situation of women and children living as long-term residents of refugee camps in Chad.

240. In order to assist the Chamber and the parties, the CLRV provides in **Annex B** a summary of the anticipated testimony of this witness.

XII. Conclusion

241. The CLRV respectfully requests the Trial Chamber to take the above submissions, and the communicated views and concerns of participating victims, into consideration during the Chamber's deliberations in these proceedings.

Respectfully submitted,



Natalie v. Wistinghausen
Common Legal Representative of Victims

Dated this 11 of April 2023
Berlin, Germany