

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/11-01/25
Date: 16 December 2025

PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc, Presiding Judge
Judge María del Socorro Flores Liera
Judge Reine Adélaïde Sophie Alapini-Gansou

**SITUATION IN LIBYA
IN THE CASE OF
*THE PROSECUTOR v. KHALED MOHAMED ALI EL HISHRI***

Public
with Confidential *Ex Parte*, Prosecution and Registry Only Annex 1
Prosecution's First Communication of the Disclosure of Evidence

Source: Office of the Prosecutor

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☐ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

A. INTRODUCTION

1. The Prosecution hereby notifies Pre-Trial Chamber I of the disclosure of evidence pursuant to articles 64(3)(c) and 67(1)(a) and (b) of the Rome Statute, and rules 76(3) and 77 of the Rules of Procedure and Evidence.

B. CLASSIFICATION

2. This notification is filed as public. Annex 1 contains a list of evidence disclosed to the Defence and is classified as confidential *ex parte*, as it contains information on the reasons why B.5 redactions were applied to a few documents, the disclosure of which could endanger witnesses, their families and other victims. A confidential redacted version of Annex 1, with minor redactions, is filed simultaneously.

C. SUBMISSIONS

3. Pursuant to the Chamber's order for "the disclosure of any and all information or materials based on which the arrest warrant was issued",¹ and considering the provisional suspension of the deadline for the disclosure of some of this material,² on 11 December 2025, the Prosecution disclosed to the Defence nine packages of evidence consisting of 697 items (7,033 pages):

- a. Pre-Confirmation Crimes INCRIM package 001: contains 58 items (1,138 pages);
- b. Pre-Confirmation Contextual Elements INCRIM package 002: contains 94 items (2,968 pages);
- c. Pre-Confirmation Contextual Elements INCRIM package 003: contains 85 items (1,497 pages);
- d. Pre-Confirmation Contextual Elements INCRIM package 004: contains 54 items (215 pages);

¹ ICC-01/11-01/25-T-001-ENG ET WT 03-12-2025 9 PT, p. 8, lines 1-3.

² E-mail from Pre-Trial Chamber I Communications, titled "[Confidential 01/11-01/25] Order following notification of Prosecution request ICC-01/11-01/25-35-Conf-Exp-Corr", 10 December 2025 14h25.

- e. Pre-Confirmation Modes of Liability INCRIM package 005: contains 57 items (111 pages);
- f. Pre-Confirmation Crimes INCRIM package 006: contains 155 items (604 pages);
- g. Pre-Confirmation Crimes INCRIM package 007: contains 164 items (381 pages);
- h. Pre-Confirmation Modes of Liability INCRIM package 008: contains 25 items (96 pages);
- i. Pre-Confirmation Rule 77 package 001: contains 5 items (542 pages).

4. Pre-Trial INCRIM Packages 0001 to 0005 contain open source documents cited in the Arrest Warrant³ and the Arrest Warrant Application,⁴ as well as related material. Pre-Trial INCRIM Packages 0006 to 0008 contain witnesses' statements and associated material relating to eight Prosecution witnesses relied on in the Arrest Warrant and the Arrest Warrant Application (LBY-OTP-P-0486, LBY-OTP-P-0569, LBY-OTP-P-0711, LBY-OTP-P-0730, LBY-OTP-P-1025, LBY-OTP-P-1041, LBY-OTP-P-1070, LBY-OTP-P-1073).

5. Pre-Trial Rule 77 package 0001 contains material related to items cited in the Arrest Warrant and the Arrest Warrant Application, as well as one item relied on by the Prosecution in subsequent litigation.

6. The items contained in the INCRIM packages may also contain information material to the preparation of the Defence pursuant to rule 77 of the Rules of Procedure and Evidence and/or subject to article 67(2) of the Rome Statute.

³ Warrant of Arrest for Mr Khaled Mohamed Ali El Hishri, ICC-01/11-01/25-7.

⁴ Corrected Version of "Confidential Redacted Version of "Prosecution's application under article 58 for a warrant of arrest against Khaled Mohamed Ali EL HISHRI ("Khaled AL HISHRI")", ICC-01/11-172-US-Exp, 3 April 2025", ICC-01/11-01/25-4-Conf-Corr.

7. With respect to redactions, the Prosecution has followed the redaction protocol adopted by the Chamber on 3 December 2025⁵ and applied “standard” redactions to the disclosed items. Eleven items received B.5 redactions for the reasons identified in Annex 1, pursuant to paragraph 100(3) of the Chambers Practice Manual.⁶



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 16th day of December 2025

At The Hague, The Netherlands

⁵ ICC-01/11-01/25-T-001-ENG ET WT 03-12-2025 9 PT, p. 8, lines 4-7.

⁶ Chambers Practice Manual, eighth edition, p. 25.