

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/11-01/25
Date: 17 December 2025

PRE-TRIAL CHAMBER I

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

SITUATION IN LIBYA

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

PUBLIC

**Registry submissions on the organization of legal representation of victims in the
Case**

Source: Registry

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☐ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☒ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☒ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☒ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. Pursuant to the order¹ issued orally by Pre-Trial Chamber I (“Order” and “Chamber”, respectively) on 3 December 2025, during the hearing for the first appearance of Mr Khaled Mohamed Ali El Hishri (“Mr El Hishri” and “Hearing”, respectively), the Registry hereby submits its observations on the common legal representation of victims in the case of *The Prosecutor v. Khaled Mohamed Ali El Hishri* (“El Hishri case” or “Case”).

II. Procedural History

2. On 10 July 2025, the Chamber issued a warrant of arrest for Mr El Hishri.²
3. On 1 December 2025, Mr El Hishri was surrendered to the Court.³
4. On 2 December 2025, the Hearing was convened for 3 December 2025.⁴
5. During the Hearing, the Chamber, *inter alia*: (1) set the commencement of the confirmation of charges hearing on 19 May 2026;⁵ (2) adopted the A-B-C approach, including its timeframe, as the procedure for admission of victims to participate in the proceedings;⁶ (3) allowed the Registry to use the standard form or the “form designed for applicants living under the same roof” for victims to apply for participation;⁷ and (4) instructed the Registry to file any

¹ Transcript of hearing Initial Appearance, 3 December 2025, ICC-01/11-01/25-T-001-ENG, p. 8, lines 23-25.

² Pre-Trial Chamber I, “Warrant of Arrest for Mr Khaled Mohamed Ali El Hishri”, 10 July 2025, ICC-01/11-188-US-Exp. The Warrant of Arrest was reclassified public on 31 July 2025, ICC-01/11-188.

³ ICC Press Release, “Situation in Libya: Khaled Mohamed Ali El Hishri in ICC custody”, 1 December 2025, [Situation in Libya: Khaled Mohamed Ali El Hishri in ICC custody | International Criminal Court](#).

⁴ Pre-Trial Chamber I, “Scheduling order for the first appearance of Mr Khaled Mohamed Ali El Hishri”, 2 December 2025, ICC-01/11-221.

⁵ Transcript of hearing Initial Appearance, 3 December 2025, ICC-01/11-01/25-T-001-ENG, p. 7, lines 16-19.

⁶ Transcript of hearing Initial Appearance, 3 December 2025, ICC-01/11-01/25-T-001-ENG, p.8, lines 17-20, referring to the process and reporting schedule stipulated in the Chamber’s Practice Manual, Section V – A., paras 96 and 97(i).

⁷ Transcript of hearing Initial Appearance, 3 December 2025, ICC-01/11-01/25-T-001-ENG, p. 8, lines 21-22. The Registry notes that the latter form refers to the “household” form, designed for victim groups applying on a single form, who are related and who experienced similar crimes and harms. It includes all indirect victims within the same household, where members of the group have suffered harm

recommendations deemed to be useful for the common legal representation of victims in the Case, by 17 December 2025.⁸

III. Applicable Law

6. The Registry submits the present report in accordance with article 68(1) and (3) of the Statute, rules 16(1) and 90 of the Rules of Procedure and Evidence (“Rules”), regulations 67 , 79 and 86(2) of the Regulations of the Court, regulation 112 of the Regulations of the Registry, and the Order.

IV. Submissions

a) Information collected so far on the legal representation of victims

7. Since the opening of the Situation in Libya, the Victim Participation and Reparations Section (“VPRS”) has liaised with representatives of various Libyan civil society organisations (“CSOs”) who are in contact with victims in Libya and the diaspora, including potential applicants in the Case.

Following the surrender of Mr El Hishri, the VPRS was informed that five CSOs who are in contact with victims and may assist them to apply for participation in the proceedings related to the Case organised themselves into a coalition (“Coalition”), engaging in discussions amongst themselves regarding the legal representation of victims before the ICC.⁹ On 3 December 2025,¹⁰ the Coalition

resulting from the crimes suffered by the same direct victim(s). The victims within a household can be family members (e.g. the “nuclear” family, extended family, or persons considered family members who are not blood-related but have a close relationship). In turn, victims associations, victim unions, neighbourhoods or broader victim communities without the above close link are not considered by the Registry as ‘victims within a household’. See the present Chamber approving the household application form already in the *Duterte* case: Pre-Trial Chamber I, *The Prosecutor vs. Rodrigo Roa Duterte*, Order on the conduct of confirmation proceedings, ICC-01/21-01/25-114, 17 April 2025, para. 59.

⁸ See *supra*, footnote 1.

⁹ The VPRS is also in contact with another organization that is not part of the Coalition but who also took part, alongside the Coalition, in the process of identifying lawyer(s) to represent victims in the Case.

¹⁰ Email from a representative of a CSO member of the Coalition to the VPRS, dated 3 December 2025 at 13:35.

informed the VPRS that it has carried out a mapping of qualified lawyers who could represent victims in the Case, on the basis of *inter alia* the following criteria:¹¹

- (a) experience in representing victims in international criminal proceedings;
- (b) proven track record in working with civil society organisations;
- (c) knowledge of the Libyan context;
- (d) Arabic language skills;
- (e) availability for the entire duration of the proceedings;

8. On 14 December 2025,¹² in response to a request from the VPRS,¹³ the Principal Counsel of the Office of Public Counsel for Victims (“OPCV”), informed the VPRS of the following:

- The OPCV recently re-activated a number of contacts following the warrants of arrest issued against Mr Elmasri Njeem and Mr El Hishri, and is also in contact with several lawyers who represent victims;
- As per previous practice, the OPCV believes that it will be beneficial to appoint it to represent victims, pending the decision on common legal representation, in order for victims to fully enjoy their rights in the crucial phase preceding the confirmation of charges hearing, and has the resources available within the regular budget to do so;
- As regards common legal representation, the OPCV expressed its availability, in principle, to be designated as common legal representative of victims in the Case (alone or in a team of lawyers).

9. Finally, the VPRS is currently reviewing all applications received in the context of the Situation in Libya with a view to (i) identifying any victims who suffered

¹¹ This is in addition to the requirement of being admitted on the ICC List of Counsel.

¹² Email from OPCV to VPRS, dated 14 December 2025 at 19:34.

¹³ Email from VPRS to OPCV, dated 11 December 2025 at 14:57.

harm from crime(s) within the remit of the Case, and (ii) assessing the information they provide on their wish regarding their legal representation before the ICC. Similarly, the VPRS is assessing incoming applications in order to map potential legal representatives of victims in the Case.

b) Proposed way forward

10. In order to give full effect to the sequential approach of rule 90 of the Rules and to provide the Chamber with valuable information for the purpose of common legal representation¹⁴ pursuant to rules 90(2) or 90(3) of the Rules, the Registry sees value in continuing to review the wishes expressed by applicants regarding their legal representation, including in their applications for participation. In this vein, the Registry will continue to consult in the next weeks (i) relevant interlocutors – including but also beyond CSOs members of the Coalition- who are in contact with and/or who represent victims; and, (ii) to the extent possible, considering the security situation, a sample of victims directly in order to:

- provide them with information concerning: (i) the legal representation of victims before the Court, in particular the role and mandate of counsel before the Court; (ii) the provisions of rule 90 of the Rules; as well as (iii) the role that the OPCV may play;
- collect information on what victims consider to be the most important characteristics and qualities when choosing a legal representative;
- assess whether distinct interests or conflicts of interest may exist and how they could impact the organisation of the legal representation of victims;

¹⁴ The scope of the Case as per the arrest warrant provides for a considerable amount of potential victims in the present Case, thus pointing towards a situation of rule 90(2) of the Rules with common legal representation.

- assess whether victims have identified one or more (common) legal representatives, including from the shortlist constituted by the Coalition; whether it is necessary for the Registry to help victims further in their choice and if so, how; and
- identify potential common legal representatives in the event that victims cannot agree on a common choice.

11. The Registry is currently evaluating the most efficient and secure way to conduct the aforementioned consultations. It will endeavour to identify and include in these consultations, in a safe and secure manner, victims and victims' organisations, their legal representatives, if any, and other relevant stakeholders that may be concerned by the current Case but have not yet been in contact with the VPRS.

12. Unless otherwise instructed, the Registry will submit to the Chamber a report on the consultations conducted, the information thus collected, and its potential recommendations on the way forward¹⁵ no later than 28 February 2026.



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

Dated this 17 December 2025

At The Hague, The Netherlands

¹⁵ In this report and based on the information collected, the VPRS will provide the Chamber with its proposal of an approach that prioritises the victims' choice of counsel in accordance with rule 90 of the Rules, and the applicability of rule 90(2) of the Rules. Finally, if relevant, the VPRS will propose steps to organise common legal representation under rule 90(3) of the Rules.