

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-01/11-01/25
Date: 18 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

THE PROSECUTOR V. KHALED MOHAMED ALI EL HISHRI

Confidential

**Decision on Defence Motion for access to unredacted versions of pending
requests regarding contact restrictions**

Decision 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

Mr Osvaldo Zavala Giler
- ☐ Counsel Support Section
- ☐ Victims and Witnesses Unit
- ☐ Detention Section
- ☐ Victims Participation and Reparations
Section
- ☐ Other

PRE-TRIAL CHAMBER I (the ‘Chamber’) of the International Criminal Court (the ‘Court’), following a request by the Defence seeking access to unredacted versions of pending requests regarding contact restrictions and an extension of a response deadline (the ‘Request’),¹ issues this decision reviewing the classification of relevant information and filings on the record pursuant to regulation 23 *bis* of the Regulations of the Court (the ‘Regulations’) and considering its obligations under article 68(1) of the Rome Statute (the ‘Statute’) and rule 81(2) and (4) of the Rules of Procedure and Evidence.

1. Between August and December 2025, the Prosecution filed four consecutive requests seeking that the Chamber impose certain restrictions on the contacts from and at the detention centre of Khaled Mohamed Ali El Hishri (‘Mr El Hishri’),² for which the Chamber sought and received Registry observations.³

2. On 5 December 2025, the Chamber set the deadline of 15 December 2025 for the Defence to file a consolidated response to the confidential redacted versions of these pending requests.⁴

3. On 11 December 2025, the Defence filed the Request, seeking: i) to be provided with unredacted versions of relevant Prosecution requests and other filings; and ii) an extension of its response deadline to seven days after the notification of said unredacted versions.⁵

4. On that same day, the Chamber issued an order via email in which it, *inter alia*, maintained the deadline set for the Defence to file its consolidated response, set deadlines for

¹ Defence motion for access to unredacted versions of pending requests regarding contact restrictions, 11 December 2025, ICC-01/11-01/25-37-Conf.

² Prosecution’s request for contact restrictions pursuant to regulation 101(2) of the Regulations of the Court, 4 August 2025, ICC-01/11-01/25-16-US-Exp; Prosecution’s provision of additional information regarding contact restrictions and second request for contact restrictions pursuant to regulation 101(2) of the Regulations of the Court, 31 October 2025, ICC-01/11-01/25-21-US-Exp; Prosecution’s provision of additional information regarding its requests for contact restrictions and amended second request for contact restrictions pursuant to regulation 101(2) of the Regulations of the Court, 1 December 2025, ICC-01/11-01/25-25-US-Exp; Prosecution’s further request for contact restrictions pursuant to regulation 101(2) of the Regulations of the Court, 4 December 2025, ICC-01/11-01/25-31-US-Exp.

³ Registry’s Observations on the “Prosecution’s request for contact restrictions pursuant to regulation 101(2) of the Regulations of the Court” (ICC-01/11-201-US-Exp) dated 4 August 2025, 5 August 2025, ICC-01/11-01/25-17-US-Exp; Registry’s Observations on the “Prosecution’s provision of additional information regarding contact restrictions and second request for contact restrictions pursuant to regulation 101(2) of the Regulations of the Court” (ICC-01/11-212-US-Exp) dated 31 October 2025, 5 November 2025, ICC-01/11-01/25-22-US-Exp; Registry’s Observations on “Prosecution’s provision of additional information regarding its request for contact restrictions and amended second request for contact restrictions pursuant to regulation 101(2) of the Regulations of the Court”, 1 December 2025, ICC-01/11-01/25-220-US-Exp, 5 December 2025, ICC-01/11-01/25-33-US-Exp; Registry’s Observations on “Prosecution’s further request for contact restrictions pursuant to regulation 101(2) of the Regulations of the Court”, 4 December 2025, ICC-01/11-01/25-31-US-Exp, 5 December 2025, ICC-01/11-01/25-36-US-Exp.

⁴ Email from the Chamber, at 16:13 ‘[Confidential - 01/11-01/25] Order following notification of Prosecution request ICC-01/11-01/15-31-US-Exp and 31-Conf-Red’.

⁵ Request, ICC-01/11-01/25-37-Conf, para. 24.

the adjudication of the Request, and informed that, should additional information be provided to the Defence as a result, it may decide to set a further deadline for the Defence to provide any supplementary submission in response.⁶

5. On 15 December 2025, the Prosecution filed its response to the Request and provided explanations for the factual and legal basis of the *ex parte* classifications (the 'Explanations').⁷

6. On 16 December 2025, the Defence provided submissions in response to the Explanations.⁸

7. Pursuant to Regulation 23 *bis* of the Regulations, the Chamber has conducted a review of the relevant filings on the record to assess the necessity of any reclassification order.

8. First, the Chamber notes the Prosecutions' submission that it does not oppose the lifting of certain redactions which would allow notification to the Defence of the specific measures sought by way of the Prosecution's latest requests on contact restrictions. The Chamber recalls that it gave instructions on the *ex parte* classification of the relevant information on 26 November 2025; this was before of the transfer of Mr El Hishri to the detention centre and at a moment in time when the Chamber ruled against the implementation of certain measures requested.⁹ The Chamber is of the view that the latest developments in the case warrant review of this classification level and, in the circumstance, considers it appropriate for said information to be reclassified to 'confidential'. The Prosecution is therefore instructed to file lesser redacted confidential versions of its pending requests on contact restrictions, lifting redactions as proposed at paragraphs 8 and 11 of its Explanations. Similarly, the Registry should liaise with the Prosecution in order to prepare and file lesser redacted versions of its relevant observations, lifting redactions applied to the corresponding information. As detailed in the disposition below, the Chamber also orders the Registry to reclassify to 'confidential' a number of filings on the record which no longer need to retain the *ex parte* classification.¹⁰

9. Second, considering the newly provided information, the Chamber is of the view that the Defence must be given an opportunity to make supplementary submissions in response to the

⁶ Email from the Chamber, at 14:51 '[Confidential - 01/11/01/25] Order following notification of Defence Motion ICC-01/11-01/25-37-Conf'.

⁷ Prosecution explanations for the factual and legal basis of *ex parte* classifications, provided pursuant to the Pre-Trial Chamber's instruction, and response to Defence motion for access to unredacted versions of pending requests regarding contact restrictions, ICC-01/11-01/25-40-Conf-Exp. A confidential redacted version was filed on the same day (ICC-01/11-01/25-40-Conf-Red).

⁸ Email from the Defence, at 14:56.

⁹ First decision on contact restrictions, ICC-01/11-01/25-24-US-Exp.

¹⁰ See Explanations, ICC-01/11-01/25-40-Conf-Red, paras 11-12.

pending requests on contact restrictions. The Chamber accordingly grants this part of the Request and sets the relevant time limit to seven working days after notification of the lesser redacted versions of filings.

10. Third, the Chamber observes that remaining redactions applied to the relevant material relate to the factual allegations in support of the pending requests, as opposed to their legal basis. The Chamber agrees with the Prosecution's submissions in this respect and finds that, particularly at the present stage of the proceedings, the redaction of highly sensitive identifying and security-related information of individuals reporting, or affected by, security incidents is needed to protect their safety and well-being. This is especially the case for vulnerable individuals. Non-disclosure of the underlying information is the only measure currently available which conforms with the Court's obligation to ensure the protection and the safety of witnesses, victims and members of their family. For the same reasons, and also to protect further and ongoing investigations, the Chamber considers that it remains necessary to redact information revealing details about the functioning of the Court's highly sensitive protection strategies. Further, the Chamber confirms that references to confidential information redacted at the end of footnote 33 to the Explanations must also remain redacted from the versions of the pending requests made available to the Defence.

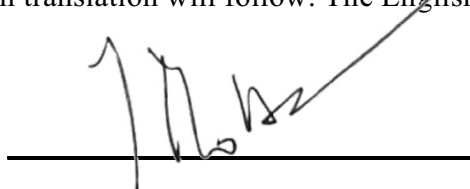
11. Finally, and on the basis of its review, the Chamber is satisfied that this proportionate measure has no undue impact on the Defence's ability to respond, in substance, to the pending requests and that it does not call the fairness of the proceedings into question. Accordingly, the Chamber finds that the *ex parte* classification of the relevant filings must be retained and thus rejects the remainder of the Request.

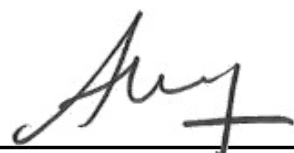
FOR THESE REASONS, THE CHAMBER HEREBY**PARTIALLY GRANTS** the Request;**INSTRUCTS** the Prosecution and the Registry to liaise in order to prepare, as per paragraph 8 above, and put on the record lesser redacted versions of their relevant filings at the latest by Monday 22 December 2025;**SETS** the deadline for any supplementary Defence submissions in response to pending contact restriction requests to seven working days after notification of the abovementioned lesser redacted versions of filings;**ORDERS** the Registry to reclassify from 'under seal *ex parte*' to 'confidential':

- Annex ICC-01/11-01/25-21-US-Exp-Anx1;
- Decision ICC-01/11-01/25-24-US-Exp; and
- Request ICC-01/11-01/25-31-US-Exp; but

MAINTAINS the *ex parte* classification of other relevant filings on the record so as to retain remaining redactions; and accordingly,**REJECTS** the remainder of the Request.

Done in English. A French translation will follow. The English version remains authoritative.



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

Dated this Thursday, 18 December 2025