

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/11-01/25

Date: 6 January 2026

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 Second 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 decision of the Pre-Trial Chamber approving a staggered disclosure of witness identities,² on 5 January 2026, the Prosecution disclosed to the Defence seven packages of evidence consisting of 237 items (669 pages):

- a) Pre-Confirmation INCRIM package 009 - Crimes - 5 January 2026: contains 14 items (48 pages);
- b) Pre-Confirmation INCRIM package 010 - Modes of Liability - 5 January 2026: contains 140 items (379 pages);
- c) Pre-Confirmation INCRIM package 011 - Contextual Elements - 5 January 2026: contains 23 items (114 pages);
- d) Pre-Confirmation INCRIM package 012 - Crimes - 5 January 2026: contains 40 items (105 pages);
- e) Pre-Confirmation INCRIM package 013 - Crimes - 5 January 2026: contains 16 items (22 pages);
- f) Pre-Confirmation PEXO package 001 - 5 January 2026: contains 1 item (1 page);
- g) Pre-Confirmation Rule 77 package 002 - 5 January 2026: contains 3 items (4 pages).

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

² ICC-01/11-01/25-46-Conf, para 9.

4. Pre-Confirmation INCRIM Packages 0009 to 0013 contain witness statements and associated material relating to four Prosecution witnesses relied on in the Arrest Warrant³ and the Arrest Warrant Application⁴ (LBY-OTP-P-0371, LBY-OTP-P-0571, LBY-OTP-P-0724, LBY-OTP-P-1044). In addition, Package 0009 contains translations of two items disclosed in relation to LBY-OTP-P-1025 on 11 December 2025.
5. Pre-Confirmation Rule 77 package 0002 contains material related to items cited in the Arrest Warrant and the Arrest Warrant Application.
6. Pre-Confirmation PEXO package 001 contains material related to items cited in the Arrest Warrant and the Arrest Warrant Application.
7. 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.
8. 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. 15 items received B.5 redactions for the reasons identified in Annex 1, pursuant to paragraph 100(3) of the Chambers Practice Manual.⁶ In addition, the Prosecution has applied “non-standard redactions” to certain items and will submit requests for authorisation in due course, as instructed by the Chamber.



Nazhat Shameem Khan
Deputy Prosecutor

³ ICC-01/11-01/25-7.

⁴ ICC-01/11-01/25-4-Conf-Corr.

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.

Dated this 6th day of January 2026
At The Hague, The Netherlands