

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/11-01/25
Date: 26 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 Annexes 1-2**

Prosecution's Third 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 and 2 contain lists of evidence disclosed to the Defence and is classified as confidential.

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 22 January 2026, the Prosecution disclosed to the Defence three packages of evidence consisting of 47 items (246 pages):

- a) Pre-Confirmation INCRIM package 019 - Modes of Liability - 22 January 2026: contains 35 items (189 pages);
- b) Pre-Confirmation INCRIM package 020 - Crimes - 22 January 2026 : contains 9 items (53 pages);
- c) Pre-Confirmation Rule 77 package 004 - 22 January 2026: contains 3 items (4 pages)

4. Pre-Confirmation INCRIM Packages 019 to 020 contain witness statements and associated material relating to five Prosecution witnesses relied on in the Arrest Warrant³ and the Arrest Warrant Application⁴ (LBY-OTP-P-0446, LBY-OTP-P-0498, LBY-OTP-P-0942, LBY-OTP-P-0992, and LBY-OTP-P-0993).

5. Pre-Confirmation Rule 77 package 004 contains material related to items cited in the Arrest Warrant and the Arrest Warrant Application.

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.

³ ICC-01/11-01/25-7.

⁴ ICC-01/11-01/25-4-Conf-Corr.

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.

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.

8. In addition to the above disclosures, also on 22 January, the Prosecution disclosed a forensic copy of the suspect’s phone with the contents available on it at the time of his arrest, pursuant to rule 77 of the Rules of Procedure and Evidence as it belongs to him. A list of the materials disclosed in this process is contained at Annex 2.



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 26th day of January 2026

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.