

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/11-01/25
Date: 18 February 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 Annex 1**

Prosecution's Fifth 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.

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 30 January 2026, 5 February 2026, and 13 February 2026, the Prosecution disclosed to the Defence 9 packages of evidence consisting of 694 items (3,290 pages):

- a. Pre-Confirmation INCRIM package - Translations - 001 - 30 January 2026; 65 items, (249 pages)
- b. Pre-Confirmation INCRIM Package 023 - Crimes - 5 February 2026; 57 items (187 pages)
- c. Pre-Confirmation INCRIM package 024 - Modes of Liability - 5 February 2026; 308 items (797 pages).
- d. Pre-Confirmation Rule 77 package 006 - Modes of Liability - 5 February 2026; 15 items (27 pages).
- e. Pre-Confirmation Rule 77 package 007 - Materials received from Registry pursuant to PTC Order - 09 February 2026; 141 items (213 pages)
- f. Pre-Confirmation INCRIM Package 002 - Translations - 13 February 2026 – 47 items (929 pages)
- g. Pre-Confirmation INCRIM Package 025 - Crimes - 13 February 2026 – 24 items (179 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.

- h. Pre-Confirmation INCRIM package 026 - Contextual Elements - 13 February 2026 – 36 items (708 pages)
 - i. Pre-Confirmation INCRIM package 027 - Modes of Liability - 13 February 2026 – 13 February 2026 1 item (1 page).
4. Pre-Confirmation INCRIM package - Translations - 001 contains Arabic translations of materials already provided via English originals, as well as Arabic originals which have also been provided via English translations.
 5. Pre-Confirmation INCRIM Packages 023 to 024 contain witness statements and associated material relating to six Prosecution witnesses relied on in the Arrest Warrant³ and the Arrest Warrant Application⁴ (LBY-OTP-P-0595, LBY-OTP-P-0667, LBY-OTP-P-0692, LBY-OTP-P-0720, LBY-OTP-P-0990 and LBY-OTP-P-1026). These packages also contain translated and other additional materials related to previously disclosed witnesses.
 6. Pre-Confirmation Rule 77 package 006 contains material related to items cited in the Arrest Warrant and the Arrest Warrant Application.
 7. Pre-Confirmation Rule 77 package 007 contains material received from the Registry pursuant to the decision of the Pre-Trial Chamber regarding material seized from Mr El Hishri by the German authorities when he was arrested.⁵
 8. Pre-Confirmation INCRIM Packages 025 to 027 contain items responsive to keyword searches conducted by the Prosecution.
 9. Pre-Confirmation INCRIM Package 002 - Translations contains translated and other additional materials related to previously disclosed witnesses.
 10. In addition, the Prosecution has corrected a category of redactions applied to two items, LBY-OTP-0072-0387 and LBY-OTP-0073-0284 and redisclosed these two items with the suffix R02. B.5 redactions had erroneously been applied on the first page of both items and have now been replaced with B.1 redactions. In addition, a B.5 redaction had been placed in

³ ICC-01/11-01/25-7.

⁴ ICC-01/11-01/25-4-Conf-Corr.

⁵ ICC-01/11-01/25-60-Conf

error at paragraph 105 of LBY-OTP-0072-0387 and has now been removed without replacement.

11. 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.

12. With respect to redactions, the Prosecution has followed the redaction protocol adopted by the Chamber on 3 December 2025⁶ and applied “standard” redactions to the disclosed items. In addition, the Prosecution has applied non-standard redactions as requested in the Prosecution’s three requests for authorisation to withhold the identity of witnesses⁷, pursuant to the Decision on the Prosecution’s application under regulation 35 to extend the disclosure deadline for the arrest warrant materials of 32 witnesses⁸.



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 18th day of February 2026

At The Hague, The Netherlands

⁶ ICC-01/11-01/25-T-001-ENG ET WT 03-12-2025 9 PT, p. 8, lines 4-7.

⁷ ICC-01/11-01/25-55-Conf-Exp, ICC-01/11-01/25-58-Conf-Exp, ICC-01/11-01/25-59-Conf-Exp

⁸ ICC-01/11-01/25-46-Conf-Exp