

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

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

**Date: 3 March 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 1-5**

**Public Redacted Version of “Corrected version of ‘Prosecution’s application under regulation 35 to extend the disclosure deadline for the arrest warrant materials of 32 witnesses’” filed on 9 December 2025, ICC-01/11-01/25-35-Conf-Exp-Corr**

**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. On 3 December 2025, during the initial appearance of Mr Khaled Mohamed Ali EL HISHRI (“Mr EL HISHRI”), Pre-Trial Chamber I<sup>1</sup> ordered the Prosecution to disclose, by 11 December 2025, all information or materials upon which the Warrant of Arrest for Mr Khaled Mohamed Ali El Hishri<sup>2</sup> was issued (“the Arrest Warrant materials”).<sup>3</sup> Pursuant to regulation 35 of the RoC and articles 61(3) and 68(1) of the Rome Statute,<sup>4</sup> the Prosecution respectfully requests the Chamber to extend the disclosure deadline for the material relating to 32 Prosecution witnesses cited in the Warrant of Arrest (“the 32 Prosecution Witnesses”)<sup>5</sup> first, to allow the Prosecution to effect disclosure in relation to 15 of these witnesses in phases (“the 15 Prosecution Witnesses”); and second, in relation to 17 of these witnesses (“the 17 Prosecution Witnesses”), to give the Prosecution sufficient time to prepare and file necessary requests for non-disclosure of the witnesses’ identities, or summaries of the witnesses’ evidence, pursuant to article 68 of the Statute and rule 81(4) of the Rules of Procedure and Evidence.<sup>6</sup> The Prosecution submits that there is good cause for an extension of the disclosure deadline in respect of these two categories of witnesses. Further, the extensions sought are consistent with the rights of Mr EL HISHRI under article 67(1) and the obligations of the Court to take appropriate measures to protect witnesses under article 68(1) of the Statute. The Prosecution notes that the Court’s Victims and Witnesses Section (“VWS”) has reviewed this filing, and confirmed its agreement with the content, and that it is supportive of the proposed phased approach.

2. The 32 Prosecution Witnesses and their related material, as cited in the Warrant of Arrest, are listed in Annex 1 hereto. The Prosecution’s proposed disclosure schedule in relation to the witnesses who do not require non-disclosure of their identities, including the 15 Prosecution Witnesses, is set out in Annex 2. The Prosecution also attaches at Annexes 3 to 15 hereto, the materials relied upon in support of this Request.

## B. CONFIDENTIALITY

3. This Request and its Annexes 1 to 15 are filed confidential *ex parte*, only available to the Prosecution and VWU in accordance with regulation 23*bis* of the RoC, because the Request

---

<sup>1</sup> The “Chamber”.

<sup>2</sup> ICC-01/11-188 (“Warrant of Arrest”).

<sup>3</sup> ICC-1-11-01-25-T-001-ENG, p. 8, ll 1-3 (“Chamber’s Order”).

<sup>4</sup> “Statute”.

<sup>5</sup> “Request”.

<sup>6</sup> “Rules”.

contains sensitive and confidential content. Such content includes information regarding the security situation of vulnerable witnesses and investigation reports detailing security incidents, as well as highly sensitive information regarding the Court's witness protection strategies and operations.

4. The Prosecution will file a confidential redacted version of the Request, together with confidential redacted versions of Annexes 1 to 5 as soon as possible after the Request is filed. Annex 6 will retain its classification as confidential *ex parte*, only available to the Prosecution and VWU, because this Annex contains information regarding the security situation of vulnerable witnesses and investigation reports detailing security incidents. Annexes 7 to 15 will also retain their classification as confidential *ex parte*, since these Annexes contain Prosecution witness statements which have yet to be disclosed. These witness statements were all cited to in the Arrest Warrant, and will therefore be made available to Mr EL HISHRI as and when disclosed in accordance with the disclosure schedule as ordered by the Chamber. A public redacted version of the Request will be filed as soon as practicable.

## C. SUBMISSIONS

### ***1. There is good cause to extend the time limit for disclosure of the materials listed in Annex 1***

5. Regulation 35(2) of the RoC provides that the Chamber “may extend or reduce a time limit if good cause is shown”. The Appeals Chamber has held that “[a] cause is good, if founded upon reasons associated with a person's capacity to conform to the applicable procedural rule or regulation or the directions of the Court. Incapability to do so must be for sound reasons, such as would objectively provide justification for the inability of a party to comply with his/her obligations.”<sup>7</sup>

6. Aiming to comply with the Chamber's Order to the greatest extent possible, and noting that the Chamber also ordered the Prosecution to begin disclosure as of the date of Mr EL HISHRI's first appearance,<sup>8</sup> the Prosecution will disclose all the Arrest Warrant materials—save for the materials related to the 32 Prosecution Witnesses, by 11 December 2025, as ordered by the Chamber. This amounts to 20 out of the total of 57 items cited in the Warrant of Arrest, and includes the materials as cited for eight Prosecution witnesses (out of a total of 40 Prosecution

<sup>7</sup> ICC-01/04- 01/06-834, para. 7; cited with approval in ICC-01/04-01/07-653, para. 5.

<sup>8</sup> ICC-1-11-01-25-T-001-ENG, p. 8, ll 1-3.

witnesses cited in the Warrant of Arrest), as well as open source materials, in particular UN reports.

7. However, there is good cause justifying the requested variation of the disclosure deadline in respect of the materials related to the 32 Prosecution Witnesses. In relation to all of these witnesses, the Prosecution assesses that the immediate disclosure of their identities would give rise to an objective risk to their safety.

8. In relation to the 15 Prosecution Witnesses, the Prosecution seeks an extension of the disclosure deadline to allow disclosure to take place in phases, so that, consistent with its obligations under article 68(1), the Prosecution can deploy its protection strategy in this case progressively, [REDACTED]. Specifically, after the initial disclosure of the material related to eight Prosecution witnesses by 11 December 2025—in accordance with the Chamber’s Order, the Prosecution seeks to disclose the materials related to the 15 Prosecution Witnesses in three groups of four to six witnesses, as set out in the schedule attached at Annex 2, and summarised below. The Prosecution requests permission to effect disclosure in relation to the final six of these witnesses by 5 February 2026.

| Phase | Proposed disclosure deadlines                                    | Number of witnesses |
|-------|------------------------------------------------------------------|---------------------|
| 1     | 11 December 2025, as ordered by the Chamber (no delay requested) | 8                   |
| 2     | 5 January 2026, approx. 3 weeks extension                        | 4                   |
| 3     | 22 January 2026, 6 weeks extension                               | 5                   |
| 4     | 5 February 2026, 8 weeks extension                               | 6                   |

9. In relation to the 17 Prosecution Witnesses (listed in Annex 1), the Prosecution seeks a reasonable extension of the disclosure deadline to allow the Prosecution time to prepare and file, by 26 January 2026, necessary requests for non-disclosure of these witnesses’ identities, or summaries of the witnesses’ evidence, pursuant to article 68 of the Statute and rule 81(4) of the Rules (“non-disclosure requests”), and for the Chamber to rule on such requests thereafter. The 17 Prosecution Witnesses include victims of rape and other crimes of sexual violence, amongst other witnesses whose heightened vulnerabilities justify the non-disclosure of their identities at this phase in the proceedings, as will be elaborated in the non-disclosure requests.

10. [REDACTED]. [REDACTED]. For the reasons further elaborated below, it is the Prosecution's current assessment that witnesses [REDACTED] are at [REDACTED] risk of physical harm if their identities and cooperation with the Prosecution are illicitly or inadvertently disclosed, in particular, to members of SDF/RADA. Similarly, witnesses [REDACTED] are also at a [REDACTED] risk of intimidation or interference [REDACTED]. [REDACTED]. [REDACTED]. Finally, the fluidity of the situation means that the security profile and circumstances of Prosecution witnesses can change unexpectedly and at short notice. All of these factors militate in favour of a highly cautious approach to the disclosure of the identities of Prosecution witnesses in this case.

11. The precarious security situation of Prosecution witnesses [REDACTED] is compounded by the fact that [REDACTED] of the 32 Prosecution witnesses [REDACTED]. [REDACTED].

12. [REDACTED]. [REDACTED]. Delaying the disclosure of witness materials (and identities) in relation to the 15 Prosecution Witnesses, so as to effect disclosure in phases, will allow the Prosecution [REDACTED]. [REDACTED]. This level of caution is justified in this case, for the reasons further elaborated below, and is consistent with the Court's obligations under article 68 of the Statute.

*(a) Threat environment and risks to witnesses justifies a cautious approach to disclosure*

13. As explained above, the threat environment and risks to Prosecution witnesses in this case justify a cautious approach to disclosure, for the reasons here elaborated.

14. Moreover, the Prosecution submits that even if the Chamber [REDACTED],<sup>9</sup> and even though the Chamber has indicated that it would be appropriate to adopt the *Protocol on the Handling of Confidential Information During Investigations and Contact Between a Party or Participant and Witnesses of the Opposing Party or of a Participant*,<sup>10</sup> there remains at least a risk that if the identities of Prosecution witnesses are disclosed to Mr EL HISHRI, then they will become known to SDF/RADA. [REDACTED]. [REDACTED].<sup>11</sup> [REDACTED].<sup>12</sup> [REDACTED].<sup>13</sup>

---

<sup>9</sup> [REDACTED]. [REDACTED].

<sup>10</sup> See ICC-1-11-01-25-T-001-ENG, p. 8, ll 13-16; Chambers Practice Manual, Annex, Protocol on the Handling of Confidential Information During Investigations and Contact Between a Party or Participant and Witnesses of the Opposing Party or of a Participant ("Confidential Information and Witness Contact Protocol").

<sup>11</sup> [REDACTED].

<sup>12</sup> See below, para. 19.

<sup>13</sup> See below, para. 27.

*(i) SDF/RADA has the capacity to intimidate or otherwise interfere with Prosecution witnesses [REDACTED]*

15. The security situation in Libya remains volatile. Within this context, the primary threat actor in this case—SDF/RADA—has significant capabilities [REDACTED]. Moreover, [REDACTED], SDF/RADA has the capacity to intimidate or otherwise interfere with Prosecution witnesses [REDACTED]. [REDACTED], SDF/RADA has resources, connections [REDACTED].

16. The Chamber found that SDF/RADA has the “ability to command significant resources”.<sup>14</sup> It operates from Tripoli with strong connections to State institutions,<sup>15</sup> as well as ties to other armed groups.<sup>16</sup> Libyan Prime Minister Abdulhamid al-Dabaiba has characterized SDF/RADA and other armed groups as “a threat to the State’s existence and to [its] citizens” with weapons rivalling those of the State.<sup>17</sup> Following reports in September that an agreement was reached between the GNU Prime Minister al-Dabaiba and SDF/RADA to de-escalate the situation in Tripoli—which supposedly included an agreement that SDF/RADA withdraw from the civilian area of Mitiga airport, and that control of Mitiga Prison be handed over to the Ministry of Justice,<sup>18</sup> [REDACTED]. It was also reported that SDF/RADA would in any event retain control of Mitiga military base, as well as its weapons and military capabilities.<sup>19</sup>

17. Mr EL HISHRI continues to exercise authority within SDF/RADA.<sup>20</sup> He is a Sheikh, and a senior and founding member of the group.<sup>21</sup> The Chamber found that he was “feared and obeyed” by Mitiga Prison staff, and that the prison staff were unable to challenge his decisions.<sup>22</sup> Mr EL HISHRI’s family helped cement SDF/RADA and at least three of his relatives have been involved in the group, including his uncle, who is a senior member, and his brother, Mohamed AL HISHRI, who worked at Mitiga Prison.<sup>23</sup>

---

<sup>14</sup> Warrant of Arrest, para. 19.

<sup>15</sup> ICC-01/11-172-Conf-Red-Corr (“EL HISHRI Arrest Warrant Application”), paras. 31-38, 50, 55. *See also* Warrant of Arrest, paras. 12, 19.

<sup>16</sup> Prosecution witnesses explain that individuals arrested and detained by other armed groups were sometimes transferred to Mitiga Prison, under SDF/RADA’s control. *See*, for instance, [REDACTED].

<sup>17</sup> Annex 3, p. 4.

<sup>18</sup> *See e.g.* Annex 3, pp. 6-11; Annex 3, p. 21.

<sup>19</sup> *See e.g.* Annex 3, pp. 10-11.

<sup>20</sup> *See* EL HISHRI Arrest Warrant Application, para. 3.

<sup>21</sup> Warrant of Arrest, para. 94.

<sup>22</sup> Warrant of Arrest, para. 99. *See also* EL HISHRI Arrest Warrant Application, para. 130.

<sup>23</sup> EL HISHRI Arrest Warrant Application, para. 110.

18. Even in recent years prior to his arrest in Germany—including when located outside Libya, Mr EL HISHRI maintained, at minimum, close connections with Mitiga Prison, and authority over SDF/RADA members. [REDACTED] Mr EL HISHRI at the time of his arrest shows that, until his arrest, Mr EL HISHRI remained in contact with active members of SDF/RADA [REDACTED],<sup>24</sup> [REDACTED],<sup>25</sup> [REDACTED].<sup>26</sup> Through his contacts, Mr EL HISHRI continued to be informed of prison-related matters,<sup>27</sup> [REDACTED], continued to adopt an uncompromising attitude towards anyone criticizing SDF/RADA,<sup>28</sup> and retained at least some authority on such matters even while on assignment abroad.<sup>29</sup> [REDACTED],<sup>30</sup> [REDACTED],<sup>31</sup> [REDACTED].<sup>32</sup> [REDACTED],<sup>33</sup> [REDACTED].<sup>34</sup>

19. Even after his arrest in Germany, Mr EL HISHRI has maintained contacts with [REDACTED]. [REDACTED],<sup>35</sup> [REDACTED]. [REDACTED]. [REDACTED].<sup>36</sup>

20. Given their capabilities, SDF/RADA have, it is submitted, the ability to identify, track, and target Prosecution witnesses [REDACTED]. [REDACTED].<sup>37</sup> [REDACTED].<sup>38</sup>

21. Moreover, SDF/RADA's reach [REDACTED], [REDACTED],<sup>39</sup> [REDACTED],<sup>40</sup> [REDACTED],<sup>41</sup> [REDACTED]. Such presence, it is submitted, provides SDF/RADA with intelligence-gathering capability [REDACTED].<sup>42</sup>

*(ii) SDF/RADA members, including Mr EL HISHRI, have used their capabilities to intimidate victims and witnesses, and conceal crimes*

<sup>24</sup> [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].

<sup>25</sup> [REDACTED]. [REDACTED].

<sup>26</sup> Annex 5, p. 3.

<sup>27</sup> Annex 4, pp. 2-4 (Annex A), noting updates on prison matters in communications with [REDACTED]; pp. 5-13 (Annex B), noting updates on prison matters in communications with [REDACTED]; pp. 14-17 (Annex C), noting updates on prison matters in communications with [REDACTED].

<sup>28</sup> Annex 4, pp. 3-4, in a communication with [REDACTED].

<sup>29</sup> Annex 4, pp. 3-4, in a communication with [REDACTED].

<sup>30</sup> Annex 5, p. 3, noting Mr EL HISHRI's last contact [REDACTED].

<sup>31</sup> ICC-01/11-152-Anx.

<sup>32</sup> ICC-01/11-209, para. 8.

<sup>33</sup> Annex 5, Table, rows 5, 11, 24, 26-29, 35, 37, 43, 44.

<sup>34</sup> Annex 5, Table, row 37.

<sup>35</sup> See alternative spelling in EL HISHRI Arrest Warrant Application, para. 110 (Mohamed AL HISHRI).

<sup>36</sup> See above, para. 14. [REDACTED].

<sup>37</sup> Annex 3, pp. 24-26, paras. 168-169.

<sup>38</sup> [REDACTED][REDACTED].

<sup>39</sup> [REDACTED]. [REDACTED]. [REDACTED].

<sup>40</sup> [REDACTED].

<sup>41</sup> [REDACTED].

<sup>42</sup> [REDACTED].

22. SDF/RADA members, including Mr EL HISHRI, have a history of using their capabilities to intimidate victims and witnesses, and conceal their crimes. In light of [REDACTED] acts of intimidation and interference by SDF/RADA members—as elaborated below, this factor supports an inference that SDF/RADA members may be willing to use acts of intimidation—including physical violence, against Prosecution witnesses (or their family members) now.

23. [REDACTED].<sup>43</sup> [REDACTED].<sup>44</sup>

24. [REDACTED].<sup>45</sup> [REDACTED].<sup>46</sup> [REDACTED].<sup>47</sup>

*(iii) SDF/RADA and its senior members, including Mr EL HISHRI, are motivated to intimidate or otherwise interfere with Prosecution witnesses*

25. Both SDF/RADA and its senior members—in particular, Mr EL HISHRI [REDACTED], are motivated to intimidate or otherwise interfere with Prosecution witnesses [REDACTED]. [REDACTED],<sup>48</sup> [REDACTED].

26. [REDACTED],<sup>49</sup> [REDACTED].<sup>50</sup> [REDACTED]<sup>51</sup> [REDACTED]<sup>52</sup> [REDACTED]. [REDACTED]. [REDACTED].<sup>53</sup>

27. The Prosecution has been informed of serious security incidents [REDACTED], involving the reported intimidation and arrests of former detainees of Mitiga Prison [REDACTED] by members of SDF/RADA. These incidents [REDACTED] and demonstrate, at minimum, that SDF/RADA acts with violence against people with a profile similar to ICC witnesses.

i. [REDACTED].<sup>54</sup> [REDACTED]. [REDACTED].<sup>55</sup>

ii. [REDACTED]. [REDACTED]. [REDACTED].<sup>56</sup>

---

<sup>43</sup> [REDACTED].

<sup>44</sup> [REDACTED]. *See also* EL HISHRI Arrest Warrant Application, para. 3.

<sup>45</sup> [REDACTED].

<sup>46</sup> [REDACTED].

<sup>47</sup> [REDACTED].

<sup>48</sup> *See above*, paras. 14, 23-24.

<sup>49</sup> ICC-01/11-209, para. 5.

<sup>50</sup> ICC-01/11-152-Anx.

<sup>51</sup> ICC-01/11-209, para. 8.

<sup>52</sup> Annex 3, p. 27; Annex 3, pp. 28-30.

<sup>53</sup> Annex 3, p. 32.

<sup>54</sup> [REDACTED].

<sup>55</sup> [REDACTED].

<sup>56</sup> [REDACTED]. [REDACTED].

- iii. [REDACTED].<sup>57</sup> [REDACTED].<sup>58</sup>
- iv. [REDACTED]. [REDACTED]. [REDACTED].<sup>59</sup>
- v. [REDACTED]. [REDACTED].<sup>60</sup>
- vi. [REDACTED]. [REDACTED]. [REDACTED].<sup>61</sup>
- vii. [REDACTED];<sup>62</sup> [REDACTED].<sup>63</sup>

(b) [REDACTED]

28. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].  
[REDACTED]. [REDACTED]. [REDACTED].

29. [REDACTED]. [REDACTED]. [REDACTED].

30. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].  
[REDACTED]. [REDACTED].

## ***2. Phased disclosure is reasonable, necessary and justified for the 15 Prosecution Witnesses***

31. The Prosecution submits that a phased, and thus delayed, disclosure of the material related to the 15 Prosecution Witnesses is both reasonable, necessary and justified, given the witness security and threat environment described above. [REDACTED].

32. The 23 Prosecution witnesses who do not require identity redactions have been grouped in four different phases [REDACTED]. The Prosecution intends to disclose the materials related to the least at-risk eight witnesses by Thursday 11 December 2025, in accordance with the Chamber's Order. [REDACTED]. [REDACTED]. As indicated, the Prosecution intends to disclose the materials related to this last group of witnesses by Thursday 5 February 2026.

33. The interval between each disclosure phase (approximately, two-three weeks) is reasonable and necessary as a risk mitigation measure, [REDACTED]. [REDACTED]. The Prosecution also notes that it has been informed by the relevant Office of the Prosecutor/Registry sections that, for logistical reasons applying across the Court, disclosure cannot take place on a Friday. Thus, the Prosecution has proposed a disclosure date falling on

---

<sup>57</sup> [REDACTED]. [REDACTED].

<sup>58</sup> [REDACTED].

<sup>59</sup> [REDACTED]. [REDACTED].

<sup>60</sup> [REDACTED].

<sup>61</sup> [REDACTED]. [REDACTED].

<sup>62</sup> [REDACTED].

<sup>63</sup> [REDACTED].

the following Monday, for the first phase, and on successive Thursdays thereafter (with approximately two-week intervals). [REDACTED]. [REDACTED]. [REDACTED].

### ***3. The Prosecution intends to file non-disclosure requests in relation to the 17 Prosecution Witnesses***

34. By reason of the profiles of the 17 Prosecution Witnesses, the Prosecution foresees that it will submit requests to the Chamber seeking authorisation for the non-disclosure of the identities of these witnesses, or summaries of the witnesses' evidence, until after any decision confirming the charges against Mr EL HISHRI.<sup>64</sup> It is the Prosecution's current assessment that almost all of these witnesses are highly vulnerable, [REDACTED]. In addition, the Prosecution has yet to make sufficient contact with all of the 17 Prosecution Witnesses, such as to be in a position to properly assess their security risks and/or other vulnerabilities.

35. As indicated above, the 17 Prosecution Witnesses include victims of rape and other crimes of sexual violence, whose heightened vulnerabilities (including as to their psychological health) justify the non-disclosure of their identities at this stage in the proceedings, as will be elaborated in the non-disclosure requests. For these witnesses, it is the Prosecution's current assessment that disclosure of their identities at this stage would give rise to a heightened objective risk to their safety and to their psychological well-being, dignity and privacy, and [REDACTED]. In addition, [REDACTED], should the crimes of sexual violence be either illicitly or inadvertently disclosed.

36. The Prosecution requests a reasonable extension of the disclosure deadline to allow it time to complete its assessments in relation to the 17 Prosecution Witnesses, and to file, by 26 January 2026, any necessary non-disclosure requests; and for the Chamber to rule on such requests thereafter.

### ***4. The extension sought is reasonable and consistent with the rights of Mr EL HISHRI and the rights of Prosecution witnesses***

37. The Prosecution submits that the requested extension is reasonable and consistent with Mr EL HISHRI's rights under article 67(1), and the Court's obligation to protect witnesses under article 68(1) of the Statute, having in mind the factors outlined above.

---

<sup>64</sup> In particular, the Prosecution seeks to avoid the possibility that witness identities are disclosed—so exposing witnesses to security risks, in circumstances where the Chamber subsequently declines to confirm the charges for trial.

38. Finally, the Prosecution is mindful that whilst Mr EL HISHRI was arrested in Germany on 16 July 2025, his initial appearance before this Court was on 3 December 2025. Having this in mind, and whilst acknowledging that all cases are different, the Prosecution notes that the requested extension(s) are less than the extended deadlines (from the initial appearance) ordered for the disclosure of Arrest Warrant materials by this Chamber in the *Duterte* case.<sup>65</sup> In addition, the requested timeline for applications for the authorisation of the non-disclosure of witnesses' identities may be compared to the timeline, after initial appearance, for such requests to be made in the *Abd-Al-Rahman (Ali Kushayb)* case (3 months after the initial appearance).<sup>66</sup>

#### **D. CONCLUSION/RELIEF SOUGHT**

39. For the reasons outlined above, the Prosecution respectfully requests that the Chamber extend the disclosure deadline as requested, thereby allowing, in relation to the 15 Prosecution Witnesses, the phased disclosure of their materials as set out in Annex 2; and, in relation to the 17 Prosecution Witnesses (as listed in Annex 1), a reasonable extension of the disclosure deadline to allow the Prosecution time to prepare and file, by 26 January 2026, necessary non-disclosure requests and for the Chamber to rule on such requests thereafter.




---

**Nazhat Shameem Khan**

**Deputy Prosecutor**

Dated this 3<sup>rd</sup> day of March 2026

At The Hague, The Netherlands

---

<sup>65</sup> See ICC-01/21-01/25-114, para. 11; ICC-01/21-01/25-138, paras. 3, 7-8 (time limit for disclosure of arrest materials related to certain witnesses extended to 1 July 2025 – the general disclosure deadline; time limit for all applications for non-disclosure of witnesses' identities extended to 16 June 2025); *see also* ICC-01/21-01/25-93-Red, paras. 7-8; ICC-01/21-01/25-129-Red, paras. 12-14. Mr Duterte made his first appearance before the Chamber on 14 March 2025.

<sup>66</sup> ICC-02/05-01/20-116, p.8 (first appearance on 15 June 2020, applications for authorisation of non-disclosure of witnesses' identities to be made by no later than 11 September 2020). *See also* ICC-01/14-01/22-62, paras. 26, 37 (first appearance on 22 March 2022, disclosure of evidence underlying the Application for a Warrant of Arrest by no later than 5 July 2022, requests for protective measures required before disclosure of such materials by no later than 12 July 2022 (para. 26); requests for non-disclosure of witnesses' identities no later than 10 days before the final deadline for disclosure (para. 37)).