

**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 Annex 1**

Prosecution's Sixth 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 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 27 February and 3 March 2026, the Prosecution disclosed to the Defence 8 packages of evidence consisting of 154 items (1,330 pages):

- a. Pre-Confirmation INCRIM package - Translations - 004 - 26 February 2026 (10 items, 28 pages)
- b. Pre-Confirmation INCRIM Package 028 - Contextual Elements - 26 February 2026 (27 items, 354 pages)
- c. Pre-Confirmation INCRIM package 029 - Modes of Liability - 26 February 2026 (30 items, 82 pages)
- d. Pre-Confirmation INCRIM Package 030 - Crimes - 26 February 2026 (42 items, 122 pages)
- e. Pre-Confirmation Rule 77 package 008 - Crimes - 26 February 2026 (8 items, 8 pages)
- f. Pre-Confirmation Rule 77 package 009 - Modes of Liability - 26 February 2026 (8 items, 93 items)
- g. Pre-Confirmation Rule 77 package 010 - Contextual Elements - 26 February 2026 (9 items, 57 pages)
- h. Pre-Confirmation INCRIM Package 031 - Contextual Elements - 3 March 2026 (12 items, 236 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 028 to 030 contain witness statements and associated material relating to Prosecution witnesses (LBY-OTP-P-0054, LBY-OTP-P-0337, LBY-OTP-P-0339, LBY-OTP-P-0347, LBY-OTP-P-0442, LBY-OTP-P-0446, LBY-OTP-P-0498, LBY-OTP-P-0551, LBY-OTP-P-0595, LBY-OTP-P-0644, LBY-OTP-P-0665, LBY-OTP-P-0670, LBY-OTP-P-0685 LBY-OTP-P-0692, LBY-OTP-P-0706, LBY-OTP-P-0711, LBY-OTP-P-0713, LBY-OTP-P-0764, LBY-OTP-P-0767, LBY-OTP-P-0925, LBY-OTP-P-0942, LBY-OTP-P-0961, LBY-OTP-P-0990, LBY-OTP-P-0993, LBY-OTP-P-1026, LBY-OTP-P-1046, LBY-OTP-P-1059 and LBY-OTP-P-1737).
5. Pre-Confirmation INCRIM Package 004 - Translations contains translated and other additional materials related to previously disclosed witnesses.
6. Pre-Confirmation Rule 77 packages 008-010 contains material related to items cited in the Arrest Warrant³ and the Arrest Warrant Application.⁴
7. Pre-Confirmation INCRIM Package 031 contains relevant open source materials related to the contextual elements of the case.
8. 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.
9. 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.
10. In addition, the Prosecution has applied non-standard redactions as requested in the Prosecution’s three requests for authorisation to withhold the identity of witnesses⁶, pursuant to the Decision on the Prosecution’s application under regulation 35 to extend the disclosure deadline for the arrest warrant materials of 32 witnesses⁷ and authorised by the Chamber in its decision of
11. In addition, the Prosecution has disclosed narrative summaries of the relevant evidence provided by the following witnesses: LBY-OTP-P-0337 (“P-0337), LBY-OTP-P-0339 (“P-

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

⁷ ICC-01/11-01/25-46-Conf-Exp

0339), LBY-OTP-P-0347 (“P-0347), LBY-OTP-P-0442 (“P-0442), LBY-OTP-P-0685 (“P-0685”), LBY-OTP-P-0706 (“P-0706”), LBY-OTP-P-0713 (P-0713”), LBY-OTP-P-0764 (“P-0764”), LBY-OTP-P-0767 (“P-0767”) and LBY-OTP-P-1059 (“P-1059”). The Prosecution will submit requests for authorisation in due course.



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 3rd day of March 2026

At The Hague, The Netherlands