

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 10 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

Public redacted version of “Prosecution’s request for evidence in the custody of the Registry”, ICC-01/11/01/25-45-US-Exp, 18 December 2025

Source: Office of the Prosecutor

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☐ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

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☐ Unrepresented Applicants
(Participation/Reparation)

☒ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

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REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

A. INTRODUCTION

1. Further to its ongoing investigation in relation to Mr Khaled Mohamed Ali El Hishri (“EL HISHRI”), the Prosecution requests, pursuant to articles 54(1)(a) and (b), 54(3)(a), 57(3)(a) and (c) of the Rome Statute, that Pre-Trial Chamber I order the Registry to: (i) allow the Prosecution to inspect all items seized pursuant to its order; (ii) provide copies of some of the items seized from the suspect for registration or to allow the Prosecution to inspect these items and make such copies, including of the German case file documenting the arrest, detention and seizures; (iii) promptly transmit to the Prosecution other items seized from EL HISHRI upon his arrest and transfer to the Court, for inspection and data extraction; and (iv) freeze money seized from the Suspect until the end of these proceedings. The Prosecution also seeks clarification on the inventory of seized items, which it can discuss with the Registry during the inspection.

B. CLASSIFICATION

2. Pursuant to Regulation 23*bis*(2) of the Regulations of the Court, this request is filed as under seal *ex parte* since it refers to [REDACTED]. The Prosecution will file a confidential redacted version of this request if ordered by the Chamber.

C. SUBMISSIONS

3. On 10 July 2025, the Chamber issued a warrant of arrest for Mr EL HISHRI.¹ [REDACTED].² [REDACTED];³ [REDACTED].⁴

4. Following his arrest on 16 July 2025, authorities of the Federal Republic of Germany [REDACTED] seized a number of items from Mr EL HISHRI, which were duly transferred to the Registry upon the suspect’s transfer into the Court’s custody.⁵

¹ Warrant of Arrest for Mr Khaled Mohamed Ali El Hishri, [ICC-01/11-01-25-7](#).

² [REDACTED].

³ [REDACTED].

⁴ [REDACTED].

⁵ Registry Report on the Arrest and Surrender of Mr Khaled Mohamed Ali El Hishri, [ICC-01/11-01/25-28-Conf-Exp](#) (“Registry Report”); Annex 15 to the Registry Report on the Arrest and Surrender of Mr Khaled Mohamed Ali El Hishri, [ICC-01/11-01/25-28-Conf-Exp-Anx 15](#) (“Annex 15”); and Annex 23 to the Registry Report on the Arrest and Surrender of Mr Khaled Mohamed Ali El Hishri, [ICC-01/11-01/25-28-Conf-Exp-Anx23-Red](#) (“Annex 23”); ADDENDUM to Registry Report on the Arrest and Surrender of Mr Khaled Mohamed Ali El Hishri, [ICC-01/11-01/25-38-Conf-Exp](#) (“Addendum”); Annex 2 to the ADDENDUM to Registry Report on the Arrest and Surrender of Mr Khaled Mohamed Ali El Hishri, [ICC-01/11-01/25-38-Conf-Exp-Anx2-Red](#) (“Addendum Annex 2”). Annex 23 and the Addendum to the Report were only made available to the Prosecution on 12 December 2025.

5. [REDACTED],⁶ such items are reasonably believed to be of potential relevance to the Prosecution's investigation of the crimes referred to in the arrest warrant for Mr EL HISHRI. As such,⁷ the Prosecution now requests, pursuant to articles 54(1)(a) and (b), 54(3)(a), and 57(3)(a) of the Statute, that the Chamber order the Registry to grant it access to these items. The current request is necessary and proportionate to the pursuance of a legitimate aim.⁸

Request for access to seized items

6. Firstly, the Prosecution requests that the Chamber order the Registry to allow it to inspect all seized items transferred from the Republic of Germany and to either provide a copy of or to allow the Prosecution to copy the items listed below for registration:⁹

- a. "Carte du Personnel Administratif et Technique" under the name of [REDACTED] ([REDACTED] as stated in the document) - Reference number: [REDACTED];
- b. "Carte du Personnel Administratif et Technique" under the name of Mr El Hishri - Reference number : [REDACTED];
- c. "Libyan diplomatic passport under the name of Mr El Hishri – Passport number [REDACTED]";
- d. Driver license issued by the Moroccan authorities under the name of Mr El Hishri;
- e. "Certificat d'immatriculation" issued by the Moroccan authorities of a vehicle under the name of Mr El Hishri - Reference number : [REDACTED]";
- f. Two Mastercard bank cards from the Bank [REDACTED] under the name of Mr El Hishri:
 - i. [REDACTED] expiration date 11/24
 - ii. [REDACTED] expiration date 04/27;
- g. Visa bank card from the Bank [REDACTED] under the name of Mr El Hishri - [REDACTED] expiration date 12/26;

⁶ [REDACTED].

⁷ [REDACTED]

⁸ See *Abd-Al-Rahman* Public redacted version of 'Decision on the Prosecution's request for evidence in the custody of the Registry (ICC-0205-01/20-9-Red2) and the Registry's request for instructions (ICC-02/05- 01/07-86-US-Exp), 20 August 2020, ICC-02/05-01/20-123-Conf', [ICC-02-05-01-20-123-Red](#), paras. 16-17.

⁹ [Addendum Annex 2](#), p. 3-4, table 2.

- h. Visa Platinum bank card from the Bank [REDACTED] under the name of Mr El Hishri - [REDACTED] expiration date 08/26;
- i. Visa Business bank card from the [REDACTED] bank reading "[REDACTED]" - [REDACTED] Expiration date 05/28 – “LBY Conseil”;
- j. Transparent envelopes containing 65 passport photographs;
- k. Shell Card under the name of Mr El Hishri (Ambassade Libya) – [REDACTED];
- l. Four SIM card holders without SIM card, containing pin, puk, and code names;
- m. Two Flyers for "ooredoo" (in French) and "4G+" (in Arabic) containing relevant numbers;
- n. Empty “FORMULAIRE DE SOUSCRIPTION AU SERVICE TELEPHONIE MOBILE PREPAYE ([REDACTED])”;
- o. 3 Receipts (fading ink);
- p. Card reading “[REDACTED] la mode à petits prix”;
- q. Business card of “Docteur [REDACTED] - Dermatologue”;
- r. Business card of “[REDACTED] Hotel”;
- s. Business card of “State of Libya Ministry of Defense [REDACTED]”;
- t. Piece of white paper reading “[REDACTED]” and handwritten message “[REDACTED]”.

7. The Prosecution also requests that the Registry be instructed to allow the Prosecution to immediately inspect and copy the German case file (“Mappe mit Unterlagen aus den Verfahrnsakten”) and the photographic evidence contained in a CD ROM therein.¹⁰ The Prosecution notes the Registry’s classification of these items as confidential *ex parte*, only available to the Registry, under the justification that it is needed to “safeguard the integrity of the proceedings”, as its content “has not yet been analysed”.¹¹ The Prosecution submits, nonetheless, that immediate access to these items is necessary to: (i) allow for the timely

¹⁰ [Addendum](#), III, paras. 1, 4.

¹¹ [Addendum](#), II, para. 3, referring to Annex 1-B to the Addendum

continuation of its investigations; (ii) provide relevant information to the Chamber, in particular regarding German decisions on visitation and telephone permissions and restrictions; and (iii) allow for an analysis of national proceedings, in case the Defence is to raise any issue in relation to them. This request will not prejudice the integrity of proceedings, as the information contained therein (court records related to the search and seizure of items, the extradition proceedings, and visitations and telephone permissions and restrictions in Germany, among others),¹² [REDACTED] and will be treated with the necessary confidentiality by the Prosecution.

8. The Prosecution further requests to be allowed to inspect the following items outside of the Registry's premisses and, if relevant, to also be allowed to extract data contained therein:¹³

- a. "Mobiltelefon: iPhone 14 pro Max";
- b. "SIM-Karte 1";
- c. "SIM-Karte 2";
- d. "SIM-Karte 3";
- e. "SIM-Karte 4";
- f. "SIM-Karte 5";
- g. "SIM-Karte 6";
- h. "DVD 4.7GB, banana digital";
- i. "DVD CONRADIA Berlin vom 14.02.2025, ELHISHRI, Khaled 13.06.1978";
- j. "Wristwatch [REDACTED] –Silver color";
- k. [REDACTED] car key remote control;
- l. [REDACTED] car key remote control with 1 key and 1 device attached;
- m. Empty Card Holder;

¹² Annex 1-A to the Addendum to Registry Report on the Arrest and Surrender of Mr Khaled Mohamed Ali El Hishri, [ICC-01/11/01/25-38-Conf-Exp-Anx1-A](#).

¹³ [Annex 23](#), p. 5-6 (Übergabeverhandlung Asservate").

n. Fast charging dock "Hama".

9. The Prosecution expects that it would be able to extract data from the items listed at paragraph 7 within about 90 days of their receipt, following which they shall be returned to the custody of the Registry. In this regard, it notes that German authorities have already forensically extracted data from Mr EL HISHRI's phone and provided a copy of this data to the Prosecution, which it will make readily available to the Defence. As such, no undue prejudice will arise for the Defence from the Prosecution's request of reasonable additional time to conduct its own analysis of the phone in order to ensure that all evidence is extracted from the device and its applications.¹⁴ The Prosecution further undertakes to limit the number of people who will have access to Mr EL HISHRI's personal information that is not relevant to the investigation contained in material eventually collected, so that the interference is not disproportionate.

Request for clarification of the inventory of seized items

10. The Prosecution notes, moreover, that it is not readily apparent whether some of the documents seized by German authorities¹⁵ are among those transmitted to the Registry.¹⁶ As such, the Prosecution requests that the Registry be instructed to clarify whether the below listed items are included in the ones received upon the Suspect's transfer to the Court and, if not, that they be requested from the competent German authorities.

- a. "Autorisation d'entrée Pour l'Ambassade";
- b. "Carte d'identité du pays d'origine, [REDACTED]";
- c. "Carte d'identité d'ambassadeur";
- d. "Titre de séjour de [REDACTED]".

Request for freezing of seized money

11. Lastly, the Prosecution notes that money was seized from Mr EL HISHRI has been transferred to the Registry and placed into sealed evidence bags.¹⁷ The Prosecution kindly requests that the Registry be ordered to freeze this money until the end of the criminal proceedings against Mr EL HISHRI. Considering that such assets may be subject to eventual

¹⁴ See [Abd-Al-Rahman Decision](#), para. 22.

¹⁵ [Annex 15](#), p. 2.

¹⁶ [Annex 23](#); [Addendum Annex 2](#).

¹⁷ [Registry report](#), paras. 12, 19; [Addendum Annex 2](#), p. 2, table 1.

forfeiture on behalf of the victims, the Prosecution requests the Chamber to further order the Registry to take the appropriate measures to ensure that the amount collected is not subject to devaluation due to the passage of time.

D. RELIEF SOUGHT

12. The Prosecution requests, under articles 54(1)(a) and (b), 54(3)(a) and 57(3)(a), that the Chamber order the Registry to: (i) allow the Prosecution to inspect all items seized pursuant to its order; (ii) provide copies of some of the items seized from the suspect for registration or to allow the Prosecution to inspect these items and make such copies, including of the German case file documenting the arrest, detention and seizures; (iii) promptly transmit to the Prosecution other items seized from EL HISHRI upon his arrest and transfer to the Court, for inspection and data extraction; and (iv) freeze money seized from the Suspect until the end of these proceedings. The Prosecution also seeks clarification on the inventory of seized items, which it can discuss with the Registry during the inspection.



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 10th day of March 2026

At The Hague, The Netherlands