

**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 provision of additional information regarding its requests for contact restrictions and amended second request for contact restrictions pursuant to regulation 101(2) of the Regulations of the Court',
ICC-01/11-01/25-25-Conf-Red, 4 December 2025**

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 16 July 2025, authorities of the Federal Republic of Germany arrested Mr Khaled Mohamed Ali EL HISHRI (“EL HISHRI”) pursuant to a warrant of arrest issued against him by Pre-Trial Chamber I (the “Chamber”) on 10 July 2025.¹ On 4 August 2025, the Prosecution requested measures to restrict Mr EL HISHRI’s communications from the Detention Centre in The Hague with individuals outside the Detention Centre, to be implemented immediately upon his surrender to the International Criminal Court (“ICC” or the “Court”).² On 31 October 2025, the Prosecution provided additional information in support of its First Request for Contact Restrictions and submitted a second request for contact restrictions seeking restrictions between Mr EL HISHRI and his co-detainees.³ [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED].⁴

2. [REDACTED], [REDACTED], respectfully amends its Second Request for Contact Restrictions to request the Chamber to instruct the Registry to separate Mr EL HISHRI from Arabic-speaking co-detainees until the Chamber issues its decision on the confirmation of the charges. [REDACTED], [REDACTED], [REDACTED], [REDACTED].

B. CLASSIFICATION

3. This request is filed under seal and *ex parte*, only available to the Prosecution and Registry in accordance with regulation 23bis of the RoC because of its sensitive and confidential content. Such content includes, *inter alia*, reference to filings marked with the same classification as well as information regarding the security situation of vulnerable witnesses and [REDACTED] security incidents. The Prosecution will file a confidential redacted version of this request upon the suspect’s surrender to the Court. A public redacted version will be filed in due course.

¹ ICC-01/11-188 (“*El Hishri* Arrest Warrant”).

² ICC-01/11-201-US-Exp (“First Request for Contact Restrictions”).

³ ICC-01/11-212-US-Exp (“Second Request for Contact Restrictions”).

⁴ [REDACTED]

C. SUBMISSIONS

I. Additional information relevant to the Prosecution's Requests for Contact Restrictions

4. [REDACTED]. [REDACTED],⁵ [REDACTED]. [REDACTED].⁶ This instance underscores the need for strict regulation of Mr EL HISHRI's contacts outside and inside the Detention Centre, as submitted by the Prosecution in its First and Second Requests for Contact Restrictions.

II. Amended request for contact restrictions

5. [REDACTED], [REDACTED]. [REDACTED], [REDACTED], [REDACTED]. [REDACTED], [REDACTED],⁷ [REDACTED].⁸ [REDACTED].

6. The Prosecution accordingly amends its Second Request for Contact Restrictions and respectfully requests the Chamber to instruct the Registry to separate Mr EL HISHRI from Arabic-speaking co-detainees⁹ until the Chamber issues its decision on the confirmation of charges.

7. This measure is necessary to prevent Mr EL HISHRI from using fellow detainees to disseminate confidential information, which would endanger the safety and security of victims, witnesses, and their families, and ultimately compromise the integrity of the proceedings.¹⁰ Separation has previously been imposed in a case where the relevant Chamber found that such measures were necessary to *inter alia* "prevent any further intervention by [the accused] which might obstruct or disrupt the conduct of the proceedings and affect the witnesses' safety".¹¹

8. With regard to the proportionality of the measure, the Prosecution submits that, [REDACTED], separation is the only and therefore least restrictive measure available to prevent Mr EL HISHRI from sharing confidential information through his fellow detainees. Accordingly, any interference with Mr EL HISHRI's right to family and private life remains as narrowly circumscribed as possible in these circumstances, particularly as he retains the ability

⁵ [REDACTED]

⁶ [REDACTED]

⁷ See also [REDACTED].

⁸ [REDACTED], [REDACTED].

⁹ [REDACTED] ("[REDACTED]"), [REDACTED] ("[REDACTED]") [REDACTED] ("[REDACTED]"). See [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

¹⁰ Second Request for Contact Restrictions, paras. 18-21.

¹¹ ICC-01/04-01/07-1243-tENG-Red, para. 31.

to maintain contact with individuals outside the Detention Centre (subject to any contact restrictions the Chamber may impose to his external contacts¹²). The Prosecution further emphasises that it seeks implementation of this measure only until the Chamber issues its decision on the confirmation of charges and to be assessed again thereafter, thereby limiting its duration to what is strictly necessary. The Chamber may further safeguard Mr EL HISHRI's rights by providing for a periodic review of the restrictions to ensure they remain necessary and proportionate.

9. The Prosecution also reiterates the gravity of the risks posed,¹³ particularly in view of the evidence that Mr EL HISHRI and SDF/RADA have used extreme violence, including killings, to achieve their objectives and that Mr EL HISHRI and his close associates [REDACTED] [REDACTED] [REDACTED]. These risks will further escalate once disclosure begins, as Mr EL HISHRI will gain access to sensitive information regarding the identities and evidence related to victims and witnesses, thereby increasing the likelihood of attempts to intimidate, harm, or obstruct them.

10. While the separation of Mr EL HISHRI may also affect other detainees,¹⁴ the proposed regime is consistent with accepted standards in high-security detention systems within the Netherlands.¹⁵ In this context, the proposed contact restrictions represent a proportionate response to a pressing and legitimate need.

D. CONCLUSION AND RELIEF SOUGHT

11. For the foregoing reasons, the Prosecution respectfully requests the Chamber to order the Registry to separate Mr EL HISHRI from the Arabic-speaking detainees until the Chamber issues its decision on the confirmation of the charges.

¹² See First Request for Contact Restrictions; [REDACTED].

¹³ Second Request for Contact Restrictions, para. 26.

¹⁴ See [REDACTED].

¹⁵ See Second Request for Contact Restrictions, para. 25.



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 10th day of March 2026

At The Hague, The Netherlands