

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: 12 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 *ex parte* only available to the Prosecution and Victims and
Witnesses Unit Annexes 1-3**

**Public Redacted Version of “Prosecution’s request for authorisation to withhold
certain annexes to statements and associated materials related to P-0371, P-0446, P-
0595, P-0711 and P-0720”, ICC-01/11/01/25-76-Conf-Exp, 3 March 2026**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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☐ Legal Representatives of the Victims

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(Participation/Reparation)

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☒ Victims and Witnesses Unit

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Reparations Section

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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 (“the Chamber”) ordered the Office of the Prosecutor (“Prosecution”) to disclose, by 11 December 2025, all information or materials upon which the Warrant of Arrest for Mr EL HISHRI¹ was issued.² On 23 December 2025, the Chamber granted the Prosecution’s application under regulation 35 of the Regulations of the Court³ (“RoC”) to extend the disclosure deadlines for the arrest warrant materials of 32 witnesses and to conduct the disclosure of arrest warrant materials in relation to 15 of these witnesses in phases.⁴ On 28 January 2026, during the first status conference in the case of Prosecutor v. Mr EL HISHRI, the Chamber instructed the Prosecution to complete its disclosure of information it intends to rely upon for the Confirmation Hearing by 19 March 2026.⁵

2. Pursuant to articles 54(3)(f) and 68(1) of the Rome Statute (“Statute”), as well as rules 81(2) and (4) of the Rules of Procedure and Evidence (“Rules”), the Prosecution requests the authorisation to withhold certain annexes⁶ to statements and associated materials related to the following witnesses: LBY-OTP-P-0371 (“P-0371”), LBY-OTP-P-0446 (“P-0446”), LBY-OTP-P-0595 (“P-0595”), LBY-OTP-P-0711 (“P-0711”), and LBY-OTP-P-0720 (“P-0720”) (the “five Witnesses”). The statements of these witnesses were relied upon in the Warrant of Arrest and have been disclosed accordingly without redaction to their identity.⁷ The items subject to this Request were not cited in the Warrant of Arrest.

3. While the Prosecution intends to rely on the evidence provided by these five Witnesses at the confirmation hearing, a limited number of items related to them cannot be safely disclosed at this stage: disclosing said items exposes P-0446, [REDACTED] as well as [REDACTED] to an objectively justifiable risk to their safety. Non-disclosure of these items is necessary to protect their safety and reflect the redactions applied to the statements of the five Witnesses; no less intrusive measures short of non-disclosure are available and feasible in the circumstances.

¹ ICC-01/11-188 (“Warrant of Arrest”).

² ICC-1-11-01-25-T-001-ENG, 8:1-8:3.

³ ICC-01/11-01/25-35-Conf.

⁴ ICC-01/11-01/25-46-Conf, paras. 9-10 and p. 7.

⁵ ICC-01/11-01/25-T-002-CONF-ENG, 13:20-13:22.

⁶ See Annex 1. The materials listed in Annex 1 will be made available to the Chamber electronically in unredacted form.

⁷ See ICC-01/11-01/25-41 (P-0711); ICC-01/11-01/25-48 (P-0371); ICC-01/11-01/25-57 (P-0446); ICC-01/11-01/25-68 (P-0595 and P-0720).

Furthermore, withholding these items does not prejudice the Defence at this preliminary stage of the proceedings.

B. CONFIDENTIALITY

4. This request and its three annexes are filed as Confidential and *ex parte*, only available to the Prosecution and Victims and Witnesses Unit (“VWU”) in accordance with regulation 23bis(2) of the RoC because of their sensitive and confidential content. Such content includes, *inter alia*, references to filings marked with the same classification as well as information regarding the security situation of witnesses, victims, innocent third parties and their families.

5. The Prosecution will file confidential and public redacted versions of the present request as soon as practicable.

C. SUBMISSIONS

6. Pursuant to article 68(1) of the Statute, the Chamber is obliged to ensure the safety, physical and psychological well-being of victims and witnesses. In fulfilling this obligation, the Chamber must take all appropriate measures to safeguard their privacy and protection, while ensuring that such measures remain consistent with the rights of the accused.⁸

7. The Court’s appellate jurisprudence sets out several criteria relevant to substantiating a request for non-disclosure of certain information pursuant to rule 81(4):⁹

- a) there is an objectively justifiable risk to the safety of the person concerned which arises from disclosing the information to the Defence;
- b) the non-disclosure of information could overcome or reduce the risk and it is necessary in that there is no less intrusive measure, short of non-disclosure, that is available and feasible in the circumstances; and
- c) the non-disclosure of information is proportionate, meaning that it is not prejudicial to or inconsistent with the rights of the suspect and a fair and impartial trial.

⁸ ICC-01/12-01/18-765-Red, para. 16.

⁹ ICC-01/04-01/07-475, paras. 67, 70-73. *See also* ICC-01/12-01/18-765-Red, paras. 19; ICC-01/12-01/18-88-tENG-Red, para. 12; ICC-01/04-01/06-773 (OA5), paras. 33-34. The application of rule 81(4) has been extended to innocent third parties, *see* ICC-01/04-01/07-475 (OA), para. 56; ICC-01/12-01/18-765-Red, para. 18.

1. Overview of the items for which non-disclosure is requested and individuals affected in case of disclosure

8. The Prosecution seeks authorisation to withhold several items related to P-0446, P-0595, P-0371, P-0711 and P-0720 as they expose P-0446, [REDACTED] as well as [REDACTED] (“the affected individuals”), as follows:

(a) Items related to P-0446

9. The Prosecution seeks to withhold the following items as they risk exposing P-0446’s current place of residence [REDACTED]: [REDACTED],¹⁰ [REDACTED]¹¹ [REDACTED] and [REDACTED] these [REDACTED]. The [REDACTED]. [REDACTED] and is identifiable by [REDACTED]: [REDACTED].¹² The Prosecution also requests non-disclosure of [REDACTED] which contains the aforementioned information, [REDACTED] as well as other annotations [REDACTED].¹³ [REDACTED],¹⁴ in line with the Protocol adopted by the Chamber.¹⁵ [REDACTED].¹⁶ Disclosing the [REDACTED], as well as the information concerning the [REDACTED], as contained within it indicates that [REDACTED]. Therefore, these items enable Mr EL HISHRI (as well as SDF/RADA) to infer that P-0446 [REDACTED], thereby exposing him to a safety risk as further set out below.

(b) Items related to P-0595

10. The Prosecution seeks to withhold [REDACTED], [REDACTED], as disclosure may facilitate locating [REDACTED].¹⁷ Although [REDACTED]. [REDACTED], disclosing [REDACTED] would allow SDF/RADA to identify [REDACTED] and potentially gather information on the current whereabouts of [REDACTED]. This would furnish SDF/RADA with a starting point from which they could attempt to trace and target [REDACTED], placing them—[REDACTED]—to a safety risk, as further set out below.

¹⁰ An English translation of this item was disclosed on 22 January 2026, *see* ICC-01/11-01/25-57-Conf-Anx1. The Arabic translation of this item was disclosed on 26 February 2026. The communication on disclosure is being filed on the same day as the present request.

¹¹ The redacted version of [REDACTED] and their translations were disclosed on 26 February 2026. The communication on disclosure is being filed on the same day as the present request. For the purpose of the Chamber’s assessment, the Prosecution provides the Chamber with the unredacted versions of the [REDACTED] and their translations as set out in Annex 3. However, the Prosecution stands ready to make a duplicate of the [REDACTED] to the Chamber should it wish to view the [REDACTED].

¹² As indicated in [REDACTED]. *see* Annex 1, p. 3.

¹³ Annex 1, p. 3.

¹⁴ [REDACTED].

¹⁵ ICC-01/11-01/25-T-001-ENG ET, 8:4-8:7.

¹⁶ [REDACTED].

¹⁷ Annex 1, p. 6.

(c) Items related to P-0371

11. The Prosecution seeks to withhold the following five documents and their translations related to P-0371 as their disclosure may reveal the identity of [REDACTED] and expose [REDACTED] of P-0371's evidence related to the detention of [REDACTED] to whom [REDACTED]: [REDACTED], [REDACTED] signed by [REDACTED], an [REDACTED], and [REDACTED].¹⁸ In his statement, P-0371 provides evidence of [REDACTED] arrest and detention at Mitiga Prison. His account is based in part on information [REDACTED]. [REDACTED].¹⁹ All information that could reveal [REDACTED] of the information regarding the arrest, detention and [REDACTED] of [REDACTED] has been redacted in P-0371's statement (Category "B.5": Other redactions under rule 81(4) of the Rules),²⁰ in line with the Protocol adopted by the Chamber.²¹ Disclosure of these items would risk identifying [REDACTED] and revealing [REDACTED] of the evidence provided by P-0371, thereby exposing [REDACTED] to a safety risk, as set out below.

(d) Items related to P-0711

12. The Prosecution seeks to withhold [REDACTED] exchanged between P-0711 and [REDACTED] as their disclosure would risk revealing [REDACTED].²² [REDACTED] were sent by [REDACTED] and as they are [REDACTED] they are potentially identifying. The [REDACTED] were sent by P-0711 but form part of [REDACTED]. [REDACTED].²³ [REDACTED].²⁴ [REDACTED] has been redacted as a "standard" redaction [REDACTED] in P-0711's statement,²⁵ in line with the Protocol adopted by the Chamber.²⁶ Disclosing [REDACTED] would risk identifying [REDACTED], including by allowing [REDACTED] to be used to confirm her identity, and would expose [REDACTED] to a safety risk, as further set out below.

(e) Items related to P-0720

13. The Prosecution seeks to withhold a [REDACTED]—as well as its Arabic and English translations—depicting [REDACTED], [REDACTED], [REDACTED], as their disclosure would risk raising [REDACTED] profile as a [REDACTED].²⁷ Indeed, given that this

¹⁸ Annex 1, pp. 2-3.

¹⁹ LBY-OTP-0065-0649, paras. 49-52.

²⁰ [REDACTED].

²¹ ICC-01/11-01/25-T-001-ENG ET, 8:4-8:7.

²² Annex 1, pp. 4-6. The transcriptions and translations of the [REDACTED] were disclosed on 11 December 2025, *see* ICC-01/11-01/25-41-Conf-Anx1-Red.

²³ *See e.g.*, [REDACTED].

²⁴ [REDACTED].

²⁵ [REDACTED].

²⁶ ICC-01/11-01/25-T-001-ENG ET, 8:4-8:7.

²⁷ Annex 1, p. 4.

[REDACTED] is the only [REDACTED] provided by P-0720 [REDACTED], it suggests that P-0720 has a unique relationship or line of communication with [REDACTED]. Furthermore, the evidence that [REDACTED] has been redacted [REDACTED] in P-0720's statement,²⁸ in line with the Protocol adopted by the Chamber,²⁹ as it would significantly raise his profile as [REDACTED]. Moreover, [REDACTED] is an innocent third party and, as such, [REDACTED] which is identifying should not be disclosed. Therefore, the disclosure of [REDACTED] alone could raise [REDACTED] profile as [REDACTED] and expose him as well as [REDACTED] to a heightened safety risk, as further set out below.

2. There are objectively justifiable risks arising from the disclosure of the relevant annexes and associated materials

14. Disclosure of the relevant annexes and associated materials poses (a) an objectively justifiable safety risk to the affected individuals; (b) an indirect risk of physical harm and intimidation to P-0595, P-0371, P-0711 and P-0720; and (c) a risk of prejudice to further or ongoing investigations.

(a) The affected individuals [REDACTED] face objectively justifiable safety risks

15. The affected individuals face an objectively justifiable safety risk arising from the disclosure of the relevant items as (i) the affected persons [REDACTED]; (ii) Mr EL HISHRI, his associates and SDF/RADA have the capacity and motivation to interfere with and intimidate (perceived or potential) witnesses and their relatives and acquaintances as well as a history of doing so; (iii) any information exposing the affected individuals disclosed to Mr EL HISHRI is at risk of becoming known to SDF/RADA; and (iv) there are [REDACTED] protection measures in place to protect the affected individuals.

(i) The affected persons [REDACTED]

16. The affected persons [REDACTED] face objectively justifiable and concrete safety risks.

17. P-0446 [REDACTED]. In this respect, as previously detailed,³⁰ [REDACTED]. [REDACTED]. [REDACTED].³¹ [REDACTED]. [REDACTED]. [REDACTED].³²

²⁸ [REDACTED].

²⁹ ICC-01/11-01/25-T-001-ENG ET, 8:4-8:7.

³⁰ ICC-01/11-01/25-59-Conf-Exp, para. 21; a confidential redacted version was filed on 29 January 2026, *see* ICC-01/11-01/25-59-Conf-Red.

³¹ ICC-01/11-01/25-59-Conf-Exp, para. 21.

³² Annex 2, p. 1.

[REDACTED],³³ [REDACTED]. Taken together, [REDACTED], enabling it to gather intelligence on, and potentially physically target P-0446, should his location become known to SDF/RADA—particularly given that his identity has already been disclosed.

18. [REDACTED] live in [REDACTED]. Therefore, [REDACTED]. P-0595 also stated that when he was arrested, [REDACTED],³⁴ underscoring their potential vulnerability. Therefore, [REDACTED] would face a significant risk, should their [REDACTED] become known to SDF/RADA.

19. [REDACTED]. Moreover, [REDACTED] and is therefore exposed to a heightened risk to her safety. As a result, [REDACTED] would face a significant risk, should her identity and location [REDACTED] become known to SDF/RADA. [REDACTED].³⁵

20. The Prosecution is not in contact with [REDACTED] and has no information on her current whereabouts. However, [REDACTED] was last known to live in [REDACTED]. In addition, as set out above,³⁶ [REDACTED]. [REDACTED], and [REDACTED] her stating that “[REDACTED]”, further demonstrating the seriousness of the danger she and her family face.³⁷ Therefore, [REDACTED] would likely face a significant risk, should her identity become known to SDF/RADA.

21. [REDACTED] were last known to reside in [REDACTED]. Additionally, according to P-0720, [REDACTED].³⁸ Although the Prosecution is not in contact with [REDACTED] and was not able to obtain up-to-date information regarding his personal security situation and that of his family, P-0720 informed the Prosecution that [REDACTED].³⁹ Therefore, the possibility that [REDACTED] cannot be ruled out. As a result, disclosing [REDACTED] would raise [REDACTED]’s profile and further elevate the risks to [REDACTED]. The safety risk faced by all the affected persons is not a mere hypothesis. Indeed, SDF/RADA is known for its practice of victimising family members of witnesses, intimidating victims [REDACTED].

(ii) Mr EL HISHRI, his associates and SDF/RADA have the capacity and motivation to interfere with and intimidate (perceived or potential) witnesses and their relatives and acquaintances as well as a history of doing so

³³ *Ibid.*

³⁴ Annex 2, p. 5.

³⁵ [REDACTED].

³⁶ See para. 12 above.

³⁷ [REDACTED].

³⁸ [REDACTED].

³⁹ Annex 2, pp. 12-13.

22. As set out in detail previously,⁴⁰ Mr EL HISHRI, his associates and SDF/RADA have both the capacity to interfere with and intimidate witnesses, [REDACTED], as well as a history of intimidating victims and witnesses, [REDACTED]. [REDACTED].⁴¹ In addition, both SDF/RADA and its senior members—in particular Mr EL HISHRI [REDACTED]—are motivated to intimidate or otherwise interfere with Prosecution witnesses in this case [REDACTED].[REDACTED],⁴² [REDACTED].

23. The risk of physical harm and intimidation [REDACTED]⁴³ [REDACTED]. [REDACTED].⁴⁴

24. SDF/RADA has applied the same tactics of victimisation and intimidation [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].⁴⁵ [REDACTED], and [REDACTED].

25. [REDACTED],⁴⁶ [REDACTED]. This significantly increases the risk that SDF/RADA is able to identify and locate individuals [REDACTED]. Accordingly, should the items related to P-0371, P-0711 and P-0720 be disclosed and expose [REDACTED], [REDACTED], they would face elevated risks to their safety.

(iii) There is a risk that the information exposing the affected individuals will become known to SDF/RADA

26. Finally, even [REDACTED],⁴⁷ 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*,⁴⁸ [REDACTED].⁴⁹ This risk is amplified by Mr EL HISHRI's

⁴⁰ ICC-01/11-01/25-35-Conf-Exp-Corr, para. 27. See also ICC-01/11-01/25-55-Conf-Exp, para. 12-13; ICC-01/11-01/25-58-Conf-Exp, paras. 21-22; ICC-01/11-01/25-59-Conf-Exp, paras. 13-14; confidential redacted versions were filed on 28 January and 29 January 2026, see ICC-01/11-01/25-55-Conf-Red, ICC-01/11-01/25-58-Conf-Red, and ICC-01/11-01/25-59-Conf-Red.

⁴¹ ICC-01/11-01/25-69-Conf-Exp, para. 47.

⁴² See fn.40 above.

⁴³ ICC-01/11-01/25-69-Conf-Exp, para. 47.

⁴⁴ ICC-01/11-01/25-55-Conf-Exp, para. 18; ICC-01/11-01/25-58-Conf-Exp, para. 25; ICC-01/11-01/25-59-Conf-Exp, para. 19. See also ICC-01/11-01/25-35-Conf-Exp-Corr, para. 20.

⁴⁵ Annex 2, pp. 14-15.

⁴⁶ ICC-01/11-01/25-64-Conf-Exp, para. 9. See also ICC-01/11-01/25-69-Conf-Exp, para. 47.

⁴⁷ See ICC-01/11-01/25-70-Conf-Exp; a redacted confidential version was filed on 20 February 2026, see ICC-01/11-01/25-70-Conf-Red.

⁴⁸ See ICC-01/11-01/25-T-001-ENG, 8:13-8:16; 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").

⁴⁹ ICC-01/11-01/25-70-Conf-Exp, para. 37; a confidential redacted version was filed on 20 February 2026, see ICC-01/11-01/25-70-Conf-Red.

retained authority over SDF/RADA and his close family ties to the group.⁵⁰ In this respect, Mr EL HSIHRI is still in contact with [REDACTED] directly involved with SDF/RADA. Any information shared [REDACTED], whether deliberately or inadvertently, can easily reach individuals embedded in SDF/RADA who would be in a position, and are likely motivated, to act upon it.

27. That this risk is neither hypothetical, nor remote is demonstrated [REDACTED]. [REDACTED],⁵¹ [REDACTED]. [REDACTED]. [REDACTED].⁵² This [REDACTED] underscores the concrete risk that any material disclosed to Mr EL HISHRI may become known to SDF/RADA and used to facilitate interference.

(iv) There [REDACTED] protection measures in place to protect the affected individuals

28. The Chamber previously found that the existence of an objective justifiable risk was established where disclosing information [REDACTED].⁵³ [REDACTED], should the relevant items be disclosed. [REDACTED]. [REDACTED].⁵⁴ As acknowledged by the Chamber,⁵⁵ [REDACTED]. [REDACTED]“[REDACTED].”⁵⁶ Taken together, these factors demonstrate that disclosure of the relevant items at this stage would expose the affected individuals to a concrete level of risk [REDACTED].

(b) P-0595, P-0371, P-0711 and P-0720 are at indirect risk arising from [REDACTED]

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

30. In addition, disclosing that [REDACTED], would significantly heighten the risk to P-0720. [REDACTED]. [REDACTED]. [REDACTED].⁵⁷ [REDACTED].⁵⁸ [REDACTED].

(c) There is a risk of prejudice to further or ongoing investigation

31. In light of the serious safety risk faced by the affected individuals, disclosing the relevant annexes/associated materials also carries the risk to prejudice further or ongoing investigation. As the Appeals Chamber held, “further or ongoing investigations may be prejudiced if potential prosecution witnesses are interfered with in a manner that could lead to them being unable to

⁵⁰ ICC-01/11-01/25-35-Conf-Exp-Corr, paras. 17-19.

⁵¹ ICC-01/11-01/25-55-Conf-Exp, para. 15.

⁵² Annex 2, p. 16.

⁵³ ICC-01/11-01/25-69-Conf-Exp, paras. 37-38.

⁵⁴ [REDACTED].

⁵⁵ ICC-01/11-01/25-69-Conf-Exp, para. 48.

⁵⁶ [REDACTED].

⁵⁷ [REDACTED].

⁵⁸ See Annex 2, p. 18.

cooperate with the Prosecutor.”⁵⁹ Moreover, any incident affecting any of the individuals concerned could discourage the five Witnesses from cooperating further with the Prosecution as well as create a chilling effect undermining the willingness of other witnesses to cooperate with the Prosecution. For that reason, withholding the relevant annexes/associated materials is necessary.

3. Withholding the relevant items is necessary to reduce the risks and is the least intrusive measure available

32. In the present case, non-disclosure of the relevant items is necessary to put into effect the redactions applied to the statements of P-0446, P-0595, P-0371, P-0711 and P-0720, to ensure the safety of the affected individuals, to protect P-0595, P-0371, P-0711 and P-0720 from indirect harm and to safeguard the ongoing investigation. As set out above, [REDACTED].⁶⁰ This underscores the importance of preventive protection measures, such as non-disclosure, to reduce the risks. Additionally, in relation to [REDACTED], as well as the [REDACTED] with whom the Prosecution has no direct contact and/or whose current location the Prosecution has not been able to confirm, non-disclosure is the only available mean to protect them. [REDACTED]. In contrast, non-disclosure of a limited number of items immediately and effectively reduces the risk of exposing the affected individuals without imposing any burden on them and their families [REDACTED]. It thus represents the only realistic and minimally intrusive means of preventing harm to the affected individual. Accordingly, withholding the relevant materials is both necessary and the least intrusive method to ensure the safety of the individuals concerned and thus protect the witnesses from indirect risks to them, and to safeguard the ongoing investigation.

33. It is further necessary to withhold the relevant items as either the materials, by their very nature, identify the affected individuals (P-0711: [REDACTED], [REDACTED]) and their location (P-0446: [REDACTED]) or redactions cannot be effectively implemented (P-0371: [REDACTED], P-0446: [REDACTED], P-0595) because they would leave the relevant items with no relevant information. In relation to [REDACTED], redacting any information that could identify [REDACTED] would undermine the very purpose of the redactions given that Mr EL HISHRI and the Defence [REDACTED]. Regarding the [REDACTED] related to P-0711, as stated above, [REDACTED] were sent by [REDACTED]. While the [REDACTED] sent

⁵⁹ ICC-01/04-01/07-476, para. 49.

⁶⁰ ICC-01/11-01/25-35-Conf-Exp-Corr, paras. 28-29; ICC-01/11-01/25-55-Conf-Exp, para. 36; ICC-01/11-01/25-58-Conf-Exp, para. 42; ICC-01/11-01/25-59-Conf-Exp, para. 39.

[REDACTED] by P-0711 herself, the Prosecution submits that they should not be disclosed because they form part of [REDACTED]. Finally, with respect to the items concerning P-0711 and P-0446, the non-disclosure is limited to the original version of the items since transcripts and/or translations have been disclosed or will be disclosed. Therefore, non-disclosure of the relevant items is the only available and therefore least restrictive measure of addressing the objectively identified risks.

34. Moreover, restricting disclosure solely to the Defence of Mr EL HISHRI will not adequately reduce the safety risk as the risk of inadvertent disclosure of sensitive information between the Defence and Mr EL HISHRI cannot be completely ruled out.

4. Withholding the relevant items is not prejudicial or inconsistent with the rights of the suspect

35. Withholding a limited number of annexes and associated materials is not prejudicial or inconsistent with the rights of the suspect:

- First, the information proposed for non-disclosure is limited. Mr EL HISHRI and the Defence are aware of the identity of the five Witnesses and their statements, and other annexes to their statements as well as other associated materials which were disclosed with only discrete redactions as necessary.
- Second, withholding the materials at issue from disclosure does not hinder the Defence from understanding the substance of the statements.
- Third, the information contained in certain items has already been made available to the Defence: the Prosecution already disclosed transcripts and translations of the [REDACTED] exchanged between P-0711 [REDACTED]⁶¹ as well as the translations of [REDACTED]⁶² and the screenshots of [REDACTED]⁶³ with the necessary standard redactions.
- Fourth, none of the items pertain to the acts and conduct of the suspect.
- Fifth, the Prosecution requests non-disclosure of the relevant items at the stage of the confirmation of charges whose limited scope is to determine whether there is sufficient evidence to commit the case to trial.⁶⁴

⁶¹ See fn. 22 above.

⁶² See fn. 10 above.

⁶³ See fn. 11 above.

⁶⁴ ICC-01/11-01/25-69-Conf-Exp, para. 55.

- Finally, the Prosecution will periodically review the necessity of non-disclosure of the relevant items and will disclose them after establishing that such disclosure would not endanger the affected persons.

D. CONCLUSION/RELIEF SOUGHT

36. For the foregoing reasons, the Prosecution respectfully requests the Chamber to authorise the non-disclosure of the relevant annexes to statements/associated materials related to witnesses P-0446, P-0595, P-0371, P-0711 and P-0720 set out in Annex 1.



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 12th day of March 2026

At The Hague, The Netherlands