

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 26 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

Document Containing the Charges

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

1. The Prosecution submits this Document Containing the Charges (“DCC”) pursuant to the order of Pre-Trial Chamber I (ICC-01/11-01/25-T-002-Conf-Eng, page 14, lines 21-22; ICC-01/11-01/25-66) and hereby charges **Khaled Mohamed Ali EL HISHRI** (“**EL HISHRI**”) with the crimes against humanity and war crimes set out below, committed between 1 May 2014 and 30 June 2020 (“the charged period”).

I. THE SUSPECT: KHALED MOHAMED ALI EL HISHRI

2. **EL HISHRI**, also known as “Khaled AL BOOTI” or “Sheikh Khaled”, was born on 23 June 1978 in Tripoli, Libya. He is a Libyan national. At all material times, **EL HISHRI** was a senior member of or was otherwise closely associated with a group which became commonly known as the “Special Deterrence Force” or “RADA” (“SDF/RADA”).

3. The SDF/RADA was led by Abdalraouf KARA. While some senior SDF/RADA members or close associates may also have obtained official ranks in Libyan state institutions (such as the Ministry of Justice or the Ministry of Interior)—and the SDF/RADA as a whole was later granted an official mandate as the “Deterrence Apparatus for Combating Organised Crime and Terrorism” (“DACOT”)—these events did not preclude continued membership of and/or association with SDF/RADA, or SDF/RADA’s independent functioning under KARA’s authority, including for the pursuit of its own interests and objectives as well as those of its senior members and close associates. Rather, the integration of some senior members and close associates of SDF/RADA within Libyan state institutions reflected and consolidated its own power and influence in Tripoli.

4. At all material times, KARA and SDF/RADA controlled a strategically important area of Tripoli known as the “Mitiga Compound”, which (in addition to various other strategic assets including an airport) included a prison known as “Mitiga Prison”. This prison included a main building plus associated facilities such as the “*Naqliah*”, a Mosque, and a “Training and Rehabilitation Centre”, and other relevant areas or buildings as established by the evidence. Notwithstanding the formal adoption of Mitiga Prison by the Libyan Ministry of Justice in 2017, KARA and SDF/RADA maintained control of Mitiga Prison and all persons detained there. A senior SDF/RADA member or close associate known as Osama NJEEM was known as the director of Mitiga Prison, and was formally in charge of its day-to-day operations. NJEEM remained subordinate at least to KARA and/or cooperated in the control of Mitiga Prison by KARA and SDF/RADA.

5. During the charged period, and notwithstanding NJEEM’s role, **EL HISHRI** exercised

general authority and influence throughout Mitiga Prison as well as direct control of the “Women’s Section” of Mitiga Prison and the persons detained therein. **EL HISHRI** was in a position to commit violent crimes with impunity against detainees, and to instruct guards and detainees to do the same. **EL HISHRI** was at least a peer of NJEEM within the SDF/RADA hierarchy. **EL HISHRI** was subordinate to KARA.

II. THE CHARGES

6. For the purpose of these charges—and as convenient factual labels in the interest of clarity and concision, rather than as legal characterisations—this DCC uses the following terms:

- a. The term “Mitiga Prison Leadership” is used to describe persons holding leadership roles in Mitiga Prison. In this sense, “leadership role” does not necessarily imply *de jure* office, but rather reflects the functional reality of Mitiga Prison during the charged period. While the Mitiga Prison Leadership included persons with affiliations to SDF/RADA and/or Libyan state institutions, such affiliations or titles were not necessarily dispositive.
- b. The term “Mitiga Perpetrators” is used to describe: (i) persons who carried out the charged crimes at Mitiga Prison; and (ii) persons who carried out the charged crimes at other locations in and around Tripoli, acting under the direction or control, or with the agreement of, the Mitiga Prison Leadership. Consequently, where appropriate in light of the evidence, the term “Mitiga Perpetrators” may include persons who were also members of the Mitiga Prison Leadership, if they carried out any of the charged crimes. The term includes guards at Mitiga Prison, and other persons participating in the running of Mitiga Prison or interacting with the detainees in Mitiga Prison. It also includes detainees who were compelled or instructed to carry out crimes, either by members of the Mitiga Prison Leadership or (other) Mitiga Perpetrators with the ability to coerce detainees. While the Mitiga Perpetrators included persons with affiliations to SDF/RADA and/or Libyan state institutions, they were not limited to such persons.
- c. Consistent with the functional nature of SDF/RADA as an organisation, as established in the evidence, references to the conduct of SDF/RADA “members” also include the conduct of persons closely associated or affiliated with SDF/RADA.

7. Consequently, references in this DCC to the “Mitiga Prison Leadership” and “Mitiga Perpetrators” may both potentially include **EL HISHRI**, depending on the context of the allegation and/or evidence in question.

A. CONTEXTUAL ELEMENTS

1) *Contextual elements of crimes against humanity (article 7)*

8. During the charged period (but not limited to it), SDF/RADA carried out a widespread and systematic attack directed against the civilian population in and around Tripoli, including persons in the custody and/or control of the Mitiga Perpetrators, principally at Mitiga Prison (which was controlled by SDF/RADA). Even if some of these persons were fighters rendered *hors de combat* by their detention, the proportion of any such persons was sufficiently limited that it did not deprive the population of its overall civilian character.

9. The attack was constituted by a course of conduct involving the multiple commission of acts amounting to crimes under article 7, including the acts forming the basis of the charges. These acts encompassed: (i) the institutionalised and sustained mistreatment and violent abuse of all persons in the custody and/or control of the Mitiga Perpetrators, principally at Mitiga Prison, as charged in counts 1-6, and; (ii) rape and other forms of sexual violence, murder, enslavement, and persecution of certain persons in the custody and/or control of the Mitiga Perpetrators, principally at Mitiga Prison, as charged in counts 7-17.

10. The attack was widespread in that it involved the commission of article 7 crimes on a large scale. While beyond the scope of the present charges, the wider attack not only began before May 2014 but also continued after June 2020, until at least 2025. During the charged period, thousands of persons were detained at Mitiga Prison, and subjected to various forms of mistreatment and abuse. Such acts occurred constantly over a period of more than six years. The prohibited acts thus affected a very large number of persons, and took place over a prolonged period of time. Additionally, outside Mitiga Prison, persons in the custody and/or control of the Mitiga Perpetrators were subjected to various forms of mistreatment and violent abuse at other locations in and around Tripoli, including in Mitiga Compound, and at other locations in the course of their arrest or when taken from Mitiga Prison for purposes including acts of forced labour and participation in armed hostilities.

11. The attack on the civilian population was also systematic. Mitiga Prison functioned as an organised system under the control of SDF/RADA through the Mitiga Prison Leadership. Within this context, the sustained mistreatment and violent abuse of detainees was institutionalised, such that a number of the charged article 7 crimes affected each and every detainee. While other charged article 7 crimes affected some detainees, they likewise occurred only with the knowledge, assent and tolerance of the Mitiga Prison Leadership.

12. The article 7 acts constituting the attack were carried out by the Mitiga Perpetrators, which included SDF/RADA members, close associates, and other persons acting under the direction, control or tolerance of SDF/RADA members within the Mitiga Prison Leadership. The attack was carried out pursuant to and in furtherance of an organisational policy to commit such an attack.

13. SDF/RADA was vested with sufficiently efficient structures or mechanisms to carry out an attack for the purpose of article 7. At all material times, SDF/RADA had a clear leadership under KARA, and commanded significant resources. While independent, it played a critical role in the security architecture of Tripoli, maintaining its affiliation with Libyan state institutions and other authorities based there. In particular, through the Mitiga Prison Leadership, SDF/RADA maintained control over Mitiga Prison such that the Mitiga Perpetrators could constantly commit article 7 acts against detainees therein with impunity. More broadly, the Mitiga Compound constituted SDF/RADA's principal seat of power in Libya, with the strategic assets in the compound enabling its military and economic influence in Tripoli.

14. The article 7 acts constituting the attack were not random but rather clearly related to one another, demonstrating the existence of the organisational policy. In particular, these acts were all committed against Mitiga Prison detainees or persons otherwise in the Mitiga Perpetrators' control and/or custody, principally at Mitiga Prison, and took place in a largely similar way.

15. The conduct forming the basis of the charges was committed as part of the widespread and systematic attack against a civilian population. This conduct was related to and sufficiently connected with the attack, given the context and circumstances in which the charged crimes were committed. In particular, all victimised persons were Mitiga Prison detainees or persons otherwise in the Mitiga Perpetrators' control and/or custody, principally at Mitiga Prison.

16. The Mitiga Perpetrators, including **EL HISHRI**, knew that their conduct was part of a widespread or systematic attack against a civilian population, or intended that this would be so.

2) Contextual elements of war crimes (article 8)

17. The conduct forming the basis of the charges was likewise committed in the context of, and was associated with, a non-international armed conflict ("NIAC") ongoing in Libya during at least the charged period.

18. In February 2011, an uprising against the regime of Muammar Mohammed Abu Minyar

GADDAFI (“GADDAFI”) led to a NIAC at least between State armed forces under GADDAFI’s control and non-State organised armed groups opposing GADDAFI. Following GADDAFI’s overthrow, there was no peaceful settlement. Whether as part of the initial NIAC, or in parallel to it (but in any event as an integral factual consequence of the NIAC leading to the overthrow of GADDAFI), hostilities continued between rival groups seeking control of Libya.

19. Certainly, by the charged period, there was protracted armed violence amounting to a NIAC between different non-State organised armed groups, and/or between one or more such groups and State armed forces of Libya. Notably, this violence coalesced primarily around hostilities between the bloc known as the Libyan National Army (“LNA”), under the command of former Libyan army General Khalifa HAFTAR based in the east, and the bloc known as the General National Congress (“GNC”, and later the Government of National Accord, or “GNA”) based in the west.

20. Hostilities between the LNA and GNC/GNA (and, in some instances, groups associated with them) were sufficiently intense. Clashes such as Operation Dignity, Operation Libya Dawn, Operation Flood of Dignity, and Operation Peace Storm illustrated the parties’ abilities to engage in heavy combat for sustained periods, and to undertake military manoeuvres across large areas of Libyan territory, affecting thousands of people. At all material times, the LNA and GNC/GNA maintained control over distinct areas of Libyan territory, to the exclusion of the other. There was no peaceful settlement at any time in the charged period, or any lasting absence of armed confrontations between the parties without real risk of resumption.

21. At all material times, the parties to the NIAC were sufficiently organised. They each maintained the capacity to conduct complex military operations and to control territory.

22. The conduct forming the basis for the charges took place in the context of, and was associated with, a NIAC. Throughout the charged period, SDF/RADA was affiliated to the GNC/GNA, which was one party to the conflict, and contributed to its military and security capabilities including by (but not limited to) maintaining Mitiga Prison as a detention facility, including for (but not limited to) persons detained in connection to the conflict. The victims of the charged crimes were all civilians or fighters *hors de combat*, and in some cases were perceived as opposing the military and security interests of the GNC/GNA. The Mitiga Perpetrators committed the alleged crimes in the context of their functions in Mitiga Prison, which SDF/RADA controlled.

23. Furthermore, irrespective of the reason why persons were detained at Mitiga Prison, the NIAC played a substantial part in the ability of the Mitiga Perpetrators to carry out the alleged crimes and the manner in which they did so. In particular, the conflict ensured the critical importance of SDF/RADA's control over strategic assets such as the Mitiga Compound, and its consequent role in ensuring the security of Tripoli. This assured its independence from Libyan State institutions, including in its control over Mitiga Prison, so that the crimes therein could be committed systematically and with impunity.

24. The Mitiga Perpetrators, including **EL HISHRI**, were aware of the factual circumstances that established the existence of the armed conflict.

B. ALLEGED CRIMES

25. During the charged period, the Mitiga Perpetrators committed the following crimes against Mitiga Prison detainees or persons otherwise in their custody or control, principally at Mitiga Prison.

1) Torture and cruel treatment, imprisonment, outrages upon personal dignity and other inhumane acts (counts 1-6)

26. During the charged period, the Mitiga Perpetrators violently arrested, detained and systematically mistreated at least 5,140 persons, principally at Mitiga Prison. The victims included women and men, girls and boys, Libyans and non-Libyans. The victims were all civilians taking no active part in the hostilities or fighters *hors de combat*, and as a consequence of their arrest and/or detention were in the custody or under the control of the Mitiga Perpetrators at all material times.

27. The Mitiga Perpetrators detained persons at Mitiga Prison arbitrarily. Most detainees were not held on any lawful basis, and all were deprived of fundamental rights contrary to international humanitarian and human rights law, including, but not limited to: the right to be informed promptly of the reasons for arrest and of any charges; the right not to be coerced or compelled to incriminate oneself; the right to be free from torture or cruel, inhuman or degrading treatment or punishment and the right to be free from slavery and the slave trade. Even if some detainees were convicted and serving sentences according to Libyan law, or were otherwise detained on a *prima facie* lawful basis under Libyan law, their detentions were still arbitrary on the basis of the systematic violation of other relevant fundamental rights.

28. The Mitiga Perpetrators systematically tortured all detainees at Mitiga Prison. On

arrival, detainees were brought to the Naqliah for interrogation, and often subsequently returned there for further interrogation. Interrogations were accompanied by extreme physical, sexual, reproductive and psychological violence. Torture was frequently sexualised, either by threat or conduct, as also addressed further below. Following their initial interrogation and torture at the Naqliah, detainees were transferred to the Main Prison building where the mistreatment continued. Detainees (both male and female) were first subjected to degrading and humiliating strip and/or invasive cavity searches after which they were placed in a cell. At all times while detained at Mitiga Prison, extreme physical, sexual, reproductive and psychological violence was the norm.

29. The Mitiga Perpetrators' systematic mistreatment of detainees manifested not only in specific acts of brutality, but also in the consistent imposition of an atmosphere of terror and oppression for all detainees. This resulted from the inhumane detention conditions as well as verbal abuse, death threats, and conspicuous acts of violence by the Mitiga Perpetrators against other detainees, as well as their encouragement or facilitation of detainees committing crimes against one another.

30. Detainees at Mitiga Prison were held in solitary or collective cells, yards, and corridors, under armed guard and constant surveillance. Detention conditions were inhumane: detainees were confined in overcrowded or extremely small cells, or in unsheltered open areas; basic hygiene was lacking, exposing detainees to widespread disease and causing serious harm to their physical and mental health. Detainees received insufficient and inadequate food and water, and little to no medical care.

31. The institutionalised and sustained scheme of mistreatment and violent abuse at Mitiga Prison inflicted both great and severe physical and mental pain and suffering on all detainees, and caused serious injuries to body or to mental and physical health. This applied both to the treatment of each detainee considered overall, as well as specific acts of criminal violence against them. None of this conduct was inherent in or incidental to lawful sanctions. Rather, in its character, the conduct was similar in nature and gravity to other crimes against humanity.

32. Likewise, this scheme of mistreatment and violent abuse humiliated, degraded or otherwise violated the dignity of all detainees at Mitiga Prison. The severity of this humiliation, degradation or other violation was of such degree as to be generally recognised as an outrage upon personal dignity, also taking into account the cultural background of the victims.

33. The Mitiga Perpetrators, including **EL HISHRI**, were aware of the factual

circumstances establishing the gravity of their conduct, such that it violated fundamental rules of international law, and the character of their acts. They knew that the persons detained at Mitiga Prison were civilians taking no active part in hostilities or fighters *hors de combat*. The Mitiga Perpetrators inflicted pain and suffering on the victims for the purposes of obtaining information or a confession, intimidation, coercion, and punishment, as well as for reasons based on discrimination.

2) Rape and other forms of sexual violence (counts 7-10)

34. During the charged period, the Mitiga Perpetrators raped at least 10 detainees in Mitiga Prison, and subjected at least 49 detainees to other forms of sexual violence. In particular, forced nudity and sometimes invasive cavity searches—carried out in inappropriate and degrading conditions and beyond what may be necessary for legitimate security reasons, including by or in front of other detainees (sometimes including relatives, members of the opposite sex, and children)—were part of the systematic process for inducting each detainee. In the context of societal gender norms that applied to the detainees, these crimes were experienced as especially humiliating, and left a lasting impact on the victims. Torture was frequently sexualised and the threat of sexual violence, including rape, was also pervasive in Mitiga Prison.

35. The Mitiga Perpetrators not only carried out acts of rape and other forms of sexual violence themselves, but also deliberately exposed detainees to the risk of rape and sexual violence by other detainees known to commit sexual abuse.

36. In relation to the crime of rape, the Mitiga Perpetrators invaded the bodies of the victims by conduct resulting in penetration of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.

37. In relation to the crime of sexual violence, the Mitiga Perpetrators committed acts of a sexual nature against the victims or caused them to engage in acts of a sexual nature. This conduct was of a gravity similar to other crimes against humanity and other serious violations of common article 3 of the Geneva Conventions. The Mitiga Perpetrators, including **EL HISHRI**, were aware of the factual circumstances that established the gravity of the conduct.

38. The Mitiga Perpetrators carried out these acts of rape and sexual violence by force, or by threat of force or coercion. In any event, they took place within the context of the institutionalised and sustained scheme of mistreatment and violent abuse at Mitiga Prison, where the perpetrators took advantage of the coercive environment. Additionally, victims who

were children were incapable of giving genuine consent. The Mitiga Perpetrators, including **EL HISHRI**, knew that the persons detained at Mitiga Prison were civilians taking no active part in hostilities or fighters *hors de combat*.

3) Murder and attempted murder (counts 11-12)

39. During the charged period, the Mitiga Perpetrators murdered at least 88 detainees at Mitiga Prison. Some victims were executed or otherwise killed immediately. Others died in the ordinary course of events resulting from acts of torture committed against them by the Mitiga Perpetrators, or due to deliberate neglect and/or the infliction of lethally inadequate conditions of detention by the Mitiga Perpetrators, having regard to the victims' wounds, injuries, or other vulnerabilities resulting from their torture and mistreatment.

40. The Mitiga Perpetrators also attempted to murder at least one detainee at Mitiga Prison, where the victim did not die because of circumstances independent of the perpetrator's intentions.

41. In all cases, the Mitiga Perpetrators, including **EL HISHRI**, meant to cause the victims' deaths or were aware that their deaths would occur in the ordinary course of events. They knew that the persons detained at Mitiga Prison were civilians taking no active part in hostilities or fighters *hors de combat*.

4) Enslavement (count 13)

42. During the charged period, the Mitiga Perpetrators enslaved at least 133 detainees by exercising powers attaching to the rights of ownership over them.

43. For the enslaved detainees—who included East, West, Central or Southern Africans ("Black Migrants"), and other non-Libyans of different nationalities and ethnicities, as well as some Libyans, and who varied in age and gender—the Mitiga Perpetrators controlled essentially every aspect of their lives, depriving them of physical, psychological, sexual and/or reproductive autonomy exceeding normal constraints within a prison system. Their enslavement was sexualised, resulting in control of all aspects of their sexual and reproductive autonomy. Their enslavement was also gendered and racialised in nature. Relevant indicia of the exercise of powers of ownership over these victims included, as follows:

- a. Control or restrictions of movement and their physical environment—shown in the Mitiga Perpetrators' conduct against relevant detainees including their unlawful imprisonment, measures to prevent or deter escape, the harsh and unlawful conditions

of confinement in Mitiga Prison;

- b. Control over sexuality, sexual and reproductive autonomy—shown in the Mitiga Perpetrators’ conduct against relevant detainees in their overall sexualised and gendered enslavement. This included subjecting them to forced nudity and invasive body searches, acts of rape, gendered and racial insults, threats and humiliation, sexualised torture and threats, sexual and reproductive violence (including attacks on genitals, attacks on pregnant women, etc.). This also included imposing punishment for perceived non-conformity with the Mitiga Perpetrators’ views of gender norms and related behaviour including as relating to a person’s actual or perceived sexual orientation/gender identity or expression (such as men or boys as “homosexual” or “effeminate”, women or girls as “masculine”), persons perceived as being immoral or having inappropriate sexual relations or relations with the opposite gender. This also included imposing gendered dress and appearance rules (with or without punishment for non-compliance), and other gender-based ill-treatment;
- c. Subjection to torture, cruel treatment and abuse/coercion—shown in the Mitiga Perpetrators’ conduct against relevant detainees including: frequently sexualised torture and cruel treatment; other severe mistreatment and violent abuse; depriving them of sufficient or adequate food and water, depriving them of access to necessary medical care, and exploiting their bodies by forcing them to have blood extracted for purposes of transfusion;
- d. Psychological control and pressure/coercion—shown in the Mitiga Perpetrators’ conduct against relevant detainees such as: psychological control, pressure, and coercion, including violence or threat of violence; violent retribution or threat of violent retribution for the detainees’ vulnerabilities such as race, gender, and age; using derogatory and dehumanising language; applying intense psychological pressure by means of inflicting harm on family members, or threatening harm to family members; forcing detainees, including by threat of force or coercion, to adopt the perpetrators’ ideology and practices, irrespective of the detainees’ own ideological beliefs, preferences or heritage.
- e. Forced labour and subjecting detainees to servile status—shown in the Mitiga Perpetrators’ conduct against relevant detainees including forcing or compelling them to engage in hard labour which was arduous, physically and/or mentally harmful, demeaning, or itself unlawful in nature. The division of the forced labour was gendered and racialised.

44. In particular, the Mitiga Perpetrators forced relevant detainees to carry out arduous, physically or mentally harmful, demeaning, or unlawful labour of several kinds, principally in Mitiga Prison, including:

- a. Carrying out, participating in, or facilitating the commission of crimes against other detainees, such as torture, conducting strip searches and invasive body searches;
- b. Supervising, guarding and disciplining other detainees, whether as a designated “*capo*” for a particular cell or area in Mitiga Prison, or *ad hoc*;
- c. Carrying out unsanitary or hazardous labour within Mitiga Prison, such as removing bodies, providing rudimentary sanitation, providing healthcare including without proper equipment;
- d. Undertaking construction and other arduous or dangerous work at facilities inside or outside Mitiga Prison but under the control or for the benefit of the Mitiga Prison Leadership (including **EL HISHRI**) or Mitiga Perpetrators or their associates;
- e. Undertaking menial and other tasks within Mitiga Prison exposing detainees more frequently to danger or trauma associated with violence by or against other detainees (such as tasks requiring entry to or passage through areas where criminal acts were occurring);
- f. Undertaking tasks inside or outside Mitiga Compound which involved detainees in, and exposed them to the dangers of, armed hostilities.

45. Even if some of the detainees may have received apparent ‘rewards’ for their subservience, their labour was, in any event, compelled by force, or by threat of force or coercion, within the context of the endemic system of enslavement and sustained scheme of mistreatment and violent abuse at Mitiga Prison.

46. Within this system, various groups were enslaved through different indicia in different ways, targeted also on an intersectional basis of gender, age, race, nationality, ethnicity and migration status, with compounding effect. For example, women and children (girls and boys) in the Women’s Section were isolated, and subjected to gendered forms of enslavement. Further, older boys and young men, within special sections or within the main Prison, were enslaved due to their isolation, age and/or gender, including by imposed “re-education” or “rehabilitation” activities”. Likewise, Black Migrants were enslaved because of their race, nationality, ethnicity and migration status. Their continued enslavement involved forcibly conducting degrading and hard labour, for the same reasons. Further, detainees viewed as not complying with Mitiga Perpetrators’ ideological/religious views were enslaved because of their

perceived religious/ideological status and/or non-compliance.

5) *Persecution (counts 14-17)*

47. During the charged period, the Mitiga Perpetrators persecuted at least 138 detainees, targeting them by reason of the identity of a group or collectivity, or targeting the group or collectivity as such. They were severely deprived of fundamental rights, contrary to international law. The conduct was committed in connection with article 5 crimes including as described at paragraphs 26 to 46 above, on political, religious, gender, national, racial and/or ethnic grounds.

48. The detainees persecuted by the Mitiga Perpetrators were not homogenous, and fell into several groups distinguished by their individual characteristics as well as the (sometimes intersecting) grounds on which they were persecuted. Nor did all of the Mitiga Prison Leadership or the Mitiga Perpetrators necessarily share the same discriminatory intent. Accordingly, the evidence discloses four distinct counts of persecution, with targeting on an intersectional basis, namely:

- Count 14: persons, especially Black Migrants and Libyans, persecuted on political grounds;
- Count 15: persons who were perceived as non-compliant with the perpetrators' ideological views and practices, persecuted on religious grounds;
- Count 16: persons, primarily Black Migrants, persecuted on nationality, race and/or ethnicity grounds;
- Count 17: women, girls, actual and perceived LGBTQI+ persons, and men and boys subjected to sexual and/or reproductive violence as a way to emasculate and subjugate them, persecuted on gender grounds.

49. For the purpose of count 14, on political grounds, at least 17 detainees were severely deprived of fundamental rights including: right to life; right to liberty and security of person; right to be free from torture, cruel, inhuman or degrading treatment or punishment; right to be free from slavery and the slave trade; right to freedom of thought and conscience. Victims were targeted as perceived obstacles to, or for their perceived opposition to, the political agenda of the Perpetrators, including because the victims were perceived not to have acted according to the Perpetrators' views on the proper organisation of Libyan society. This manifested in different ways depending on particular circumstances and/or characteristics of the victims in question. In particular:

- a. Black Migrants were targeted because they were perceived as inferior to Libyans and because their perceived irregular situation in Libya was seen as inconsistent with the Perpetrators' political agenda and views on migration. In particular, they were targeted for enslavement, including by compelling them to undertake more onerous or potentially hazardous types of forced labour, to participate or be involved in armed hostilities, and/or subjected to other forms of physical and/or psychological abuse or mistreatment, including being forced to commit or participate in crimes against other detainees, including torture.
- b. Libyans—including women, men and children—were targeted for their perceived opposition to or non-compliance with the perpetrators' political views and/or agenda, or for their perceived affiliation with the Perpetrators' opponents or enemies, and thus included victims such as: persons believed to have attended protests; persons believed to have criticised the Mitiga Perpetrators and/or SDF/RADA; persons perceived to support enemies/opponents of the Mitiga Perpetrators, SDF/RADA, and/or the GNC/GNA such as persons from or otherwise linked to the east of Libya.

50. For the purpose of count 15, on religious grounds, at least 14 detainees were severely deprived of fundamental rights including: right to freedom of thought, conscience, and religion; right to freedom of expression; right to be free from torture, cruel, inhuman or degrading treatment or punishment; right to be free from slavery and the slave trade. Victims were targeted due to their perceived non-compliance with the Perpetrators' ideological views and/or practices, including because they were perceived to profess other faiths, and/or not to conform with certain practices including with regard to prayer, dress, and/or appearance. Perpetrators sought to force victims to convert to the perpetrators' own ideological views, and/or to adopt the Perpetrators' religious practices, and/or punished victims or threatened them with punishment for perceived non-compliance.

51. For the purpose of count 16, on grounds of nationality, race and/or ethnicity, at least 47 Black Migrants were severely deprived of fundamental rights including: right to life; right to liberty and security of person; right to be free from torture, cruel, inhuman or degrading treatment or punishment; right to be free from slavery and the slave trade. Black Migrants were targeted for arrest, detention and mistreatment, by reason of a combination of their nationality (from countries in East, West, Central and Southern Africa) and their racialized ethnicity (as Black Africans not from Northern Africa). They were seen and treated as inferior to the Perpetrators and other detainee population. Their perceived status as irregular migrants in the

country led them to be targeted according to the Perpetrators' purported objective to suppress "illegal migrant smuggling". They were compelled to undertake more onerous or potentially hazardous types of forced labour, and subjected to other forms of physical and/or psychological abuse or mistreatment, including being forced to commit or participate in crimes against other detainees, including torture.

52. For the purpose of count 17, on gender grounds, at least 60 detainees were severely deprived of fundamental rights including: right to be free from torture, cruel, inhuman or degrading treatment or punishment; right to be free from slavery and the slave trade; right to liberty; right to physical integrity and security of person; right to private and family life. These included: (i) women and girls targeted for arrest, detention, and mistreatment, including acts and threats of sexual and reproductive violence at in the Women's Section of Mitiga Prison, because of their gender; (ii) actual or perceived LGBTQI+ persons targeted for arrest, detention and mistreatment, including acts of sexual and reproductive violence at Mitiga Prison, because they did not comply or were perceived not to comply with the Perpetrators' views and expectations on sex and/or gender, and; (iii) men and boys who were subjected to sexual and/or reproductive violence as a means to emasculate and/or feminise them. The perpetrators targeted these victims based on the perpetrators' expectations and/or views of gender roles, gender hierarchies, and behaviour associated with the actual or perceived sexual orientation and/or gender identity and expression, within the context of society. In particular:

- a. Women and girls were targeted for arrest and detention because of perceived behaviour considered inappropriate for their gender, including with regard to their social and personal relations. Irrespective of the reasons for their initial arrest, women and girls were isolated in the Women's Section where, because of their gender, they were not only arbitrarily detained and mistreated but also subjected to acts and threats of sexual and reproductive violence. They were subjected to sexual violence as a means to punish and/or retaliate or because they were seen as inferior in the Perpetrators' gender hierarchy. They were enslaved and treated as disposable, their bodies targeted for sexual and reproductive violence, and gendered acts of forced labour.
- b. Actual and perceived LGBTQI+ persons were targeted for arrest and detention because they did not comply or were perceived not to comply with the Perpetrators' views and expectations on gender. Irrespective of the initial reason for their arrest, LGBTQI+ persons were targeted for sexualised torture and reproductive violence, including attacks on reproductive organs. These attacks were accompanied by discriminatory

verbal abuse and threats.

- c. Men and boys were subjected to sexual and/or reproductive violence as a means to emasculate and/or feminise them. During acts of punishment and torture, the acts of sexual violence, accompanied often by violent and/or gendered verbal abuse, were specifically used to diminish and subjugate them.

C. INDIVIDUAL CRIMINAL RESPONSIBILITY

53. **EL HISHRI** is responsible for the charged crimes under articles 25(3)(a), 25(3)(b), 25(3)(c) and 25(3)(d) of the Statute. Central allegations concerning **EL HISHRI**'s personal conduct are relevant to all the charged modes of responsibility, and these are first set out below. They are followed by pleadings specific to each charged mode. The Prosecution seeks confirmation of *all* charged modes of responsibility, based on the evidence presented. This will allow the Trial Chamber to determine which mode or combination of modes is most appropriate in light of the evidence presented at trial, in order to fully capture **EL HISHRI**'s individual criminal responsibility.

1) Central allegations concerning EL HISHRI's personal conduct

54. **EL HISHRI** contributed to the commission of the charged crimes during the charged period, including as part of the Mitiga Prison Leadership. In particular:

- a. **EL HISHRI** exercised general authority and influence throughout Mitiga Prison, where charged crimes were committed against detainees;
- b. **EL HISHRI** exercised direct control of the Women's Section of Mitiga Prison, where charged crimes were committed against detainees; and
- c. **EL HISHRI** directly perpetrated acts, principally in Mitiga Prison, which amounted to the commission of charged crimes against Mitiga Prison detainees or persons otherwise in the custody or control of the Mitiga Perpetrators.

i. EL HISHRI exercised general authority and influence throughout Mitiga Prison

55. At all material times, and notwithstanding NJEEM's role as director of Mitiga Prison, **EL HISHRI** exercised general authority and influence throughout Mitiga Prison. As a senior member of SDF/RADA, **EL HISHRI** was directly subordinate to KARA. **EL HISHRI** was at least NJEEM's peer within the SDF/RADA hierarchy. In any event, **EL HISHRI** was part of the Mitiga Prison Leadership, together with persons such as KARA, N'ZAM, and NJEEM.

56. In particular, **EL HISHRI**'s authority and influence manifested in: his hierarchical superiority over relevant Mitiga Perpetrators; his working relationship with KARA and other

members of the Mitiga Prison Leadership, and; his absolute power over Mitiga Prison detainees or persons otherwise in the custody or control of the Mitiga Perpetrators. Thus:

- a. **EL HISHRI**'s senior position in the SDF/RADA hierarchy and/or Mitiga Prison Leadership enabled him to issue orders to relevant Mitiga Perpetrators, which were obeyed. **EL HISHRI**'s personal violent reputation meant that he was feared and respected. **EL HISHRI** could take personal measures to punish Mitiga Perpetrators (other than those in the Mitiga Prison Leadership) who acted against his wishes.
- b. **EL HISHRI**'s senior position in the SDF/RADA hierarchy and/or Mitiga Prison Leadership enabled him to coordinate with other senior SDF/RADA and/or Mitiga Prison Leadership members, including KARA, N'ZAM, and NJEEM regarding the detention and mistreatment of Mitiga Prison detainees and persons otherwise in the custody or control of the Mitiga Perpetrators.
- c. **EL HISHRI**'s senior position in the SDF/RADA hierarchy and/or Mitiga Prison Leadership, and his personal reputation and propensity for violence, ensured that his power was absolute over Mitiga Prison detainees and persons otherwise in the custody or control of the Mitiga Perpetrators. He consistently monitored for and punished non-compliance with prison rules. He vetted detainees and exercised his power to detain or release them or to transfer them to different cells.

57. **EL HISHRI** used his general authority and influence in Mitiga Prison to:

- a. order Mitiga Perpetrators to commit crimes against Mitiga Prison detainees and persons otherwise in the custody or control of the Mitiga Perpetrators;
- b. prompt or encourage members of the Mitiga Prison Leadership and Mitiga Perpetrators to commit crimes against Mitiga Prison detainees and persons otherwise in the custody or control of the Mitiga Perpetrators;
- c. personally commit crimes against Mitiga Prison detainees and persons otherwise in the custody or control of the Mitiga Perpetrators;
- d. impose and/or enforce inhumane conditions of detention in Mitiga Prison and systematically oppose any attempt at improvement;
- e. contribute to the creation of a coercive atmosphere in Mitiga Prison conducive to the commission of the charged crimes, in which torture and mistreatment of Mitiga Prison detainees was institutionalised and sustained;
- f. create or maintain or contribute to the creation and/or maintenance of a culture of impunity among the Mitiga Perpetrators for crimes against detainees or persons

otherwise in their custody or control; and

- g. contribute to the continued independent functioning of SDF/RADA, and its control over Mitiga Prison and the detainees therein, enabling the continued commission of crimes against Mitiga Prison detainees and persons otherwise in the custody or control of the Mitiga Perpetrators.

ii. EL HISHRI exercised direct control over the Women's Section of Mitiga Prison

58. At all material times, **EL HISHRI** exercised direct control over the Women's Section of Mitiga Prison. He was regularly present at and strictly controlled access to the section, including personally overseeing such access by Mitiga Perpetrators and personally handcuffing, blindfolding, and escorting girls and women out of the section. He exercised daily administrative control over the girls and women held in the Women's Section, as well as the young children held there with their mothers. **EL HISHRI** assisted in processing girls and women in the Mitiga Perpetrators' custody when they were brought to Mitiga Prison, including by carrying out and/or overseeing their searches and assigning them to a cell in the Women's Section. He also controlled the circumstances of their release.

59. **EL HISHRI** closely monitored the women, girls and young children held in the Women's Section and punished them for defying his authority, or for perceived breaches of prison rules, or non-compliance with his wishes. He supervised the inspection of the cells and presented the detainees to other members of the Mitiga Prison Leadership. He controlled the detention conditions in the Women's Section, including by overseeing the distribution of food, clothing, hygiene supplies, and limited medical care. He facilitated and strictly monitored yard time, telephone calls, and visits with family members.

60. **EL HISHRI** personally beat and mistreated the women, girls and young children held in the Women's Section. He also took them out of the section to notorious sites in Mitiga Prison such as the "Islamic Neighbourhood" and the *Naqliah*, and participated in their interrogation and torture. In managing the section, **EL HISHRI** enforced conditions according to his own views and expectations of gender and punished conduct perceived to deviate from them. In particular, he severely mistreated women, including by pulling them around Mitiga Prison, blindfolded and tied to a rope, while beating them along the way.

iii. EL HISHRI directly perpetrated acts amounting to the commission of crimes

61. During the charged period, **EL HISHRI** was widely known and feared as a notorious torturer by Mitiga Prison detainees and persons otherwise in the custody or control of the Mitiga

Perpetrators. He personally committed crimes victimising at least 159 detainees, principally in Mitiga Prison. This not only directly contributed to the institutionalised and sustained scheme of mistreatment and violent abuse at Mitiga Prison, but also set a negative example for other Mitiga Perpetrators, creating a culture of impunity for the alleged crimes. **EL HISHRI**'s responsibility for directly perpetrating some of the charged crimes is set out at paragraphs 63 to 65 below.

2) Charged forms of criminal responsibility

62. **EL HISHRI** is individually responsible for the charged crimes pursuant to article 25(3)(a) (direct perpetration, indirect perpetration, joint perpetration), article 25(3)(b) (ordering, inducing), article 25(3)(c) (aiding, abetting or otherwise assisting), and article 25(3)(d) (contributing to crimes committed by one or more groups acting with a common purpose).

i. Direct perpetration of charged crimes: article 25(3)(a)

63. During the charged period, **EL HISHRI** directly perpetrated the crimes charged in counts 1-17 against Mitiga Prison detainees and persons otherwise in the custody or control of the Mitiga Perpetrators. These incidents occurred principally at Mitiga Prison, but also at other locations in and around Tripoli.

64. Given the defined geographic and temporal parameters in which **EL HISHRI** directly perpetrated these crimes, the great number of specific victims, and the context in which the crimes were committed (as part of the institutionalised and sustained scheme of mistreatment and violent abuse), notice of particular incidents and the identities of the victims concerned (where known) is provided in the Pre-Confirmation Brief. However, these incidents and victims do not represent an exhaustive summary of the scope of this charge, which is defined by the parameters above. If additional incidents and victim identities become known, supplementary notice will be provided to the Defence, under control of the Trial Chamber as necessary.

65. **EL HISHRI** meant to engage in the charged conduct. He meant to cause the consequences of this conduct or was aware that these consequences would occur in the ordinary course of events. He had the necessary intent to discriminate on political, religious, national, ethnic, racial, and gender grounds. He had the required contextual knowledge, as described in paragraphs 16, 24, 33, 37-38 and 41 above.

ii. Indirect perpetration of charged crimes: article 25(3)(a)

66. During the charged period, **EL HISHRI** used Mitiga Perpetrators with access to the Women's Section to ensure that the crimes charged in counts 1-17 would be committed against the women, girls and young children detained therein.

67. **EL HISHRI** controlled the crimes committed by the Mitiga Perpetrators with access to the Women's Section by subjugating their will to his own. The SDF/RADA hierarchy and/or the hierarchy by which the Mitiga Prison Leadership controlled the Mitiga Perpetrators constituted an organised apparatus of power. **EL HISHRI** used this apparatus to ensure the occurrence in the Women's Section of the crimes charged in counts 1-17, irrespective of the will of individual perpetrators. Further, or alternatively, **EL HISHRI**'s own status within the SDF/RADA and/or Mitiga Prison Leadership, including his personal violent reputation, enabled him to dominate the will of the Mitiga Perpetrators with access to the Women's Section, causing them to commit these crimes, irrespective of their will.

68. **EL HISHRI** ensured that the Mitiga Perpetrators with access to the Women's Section would commit the relevant crimes, as set out further in paragraphs 54-61 above, by means including: his exercise of general authority and influence throughout Mitiga Prison; his direct control of the Women's Section of Mitiga Prison; and; his direct perpetration of acts amounting to the commission of charged crimes.

69. **EL HISHRI** meant to engage in the charged conduct and was aware of the relevant circumstances (including relevant features of the SDF/RADA and Mitiga Prison). He meant to cause the crimes committed by the Mitiga Perpetrators with access to the Women's Section or was aware that they would occur in the ordinary course of events. He had the necessary intent to discriminate on political, religious, national, ethnic, racial, and gender grounds. He had the required contextual knowledge, as described in paragraphs 16, 24, 33, 37-38 and 41 above.

iii. Joint perpetration of charged crimes, directly and/or indirectly: article 25(3)(a)

70. During the charged period, **EL HISHRI** worked with others to jointly carry out the crimes charged in counts 1-17 against Mitiga Prison detainees and persons otherwise in the custody or control of the Mitiga Perpetrators, principally at Mitiga Prison.

71. Other co-perpetrators and members of the Mitiga Prison Leadership included at least some or all of the following:

- a. Abdalraouf KARA, the leader of SDF/RADA;
- b. Dhawi N'ZAM, a close associate of KARA and senior member or close associate of

SDF/RADA;

- c. Osama NJEEM, a close associate of KARA and senior member or close associate of SDF/RADA, also known as director of the Mitiga Prison.

72. The co-perpetrators, including **EL HISHRI**, shared a common plan or agreement to exercise control—through means such as punishment, coercion, and other forms of exploitation—of persons in the Mitiga Perpetrators’ custody or control, principally at Mitiga Prison, in pursuit of SDF/RADA’s interests or views and/or those of its members (“Common Plan”). The Common Plan resulted in the commission of the crimes charged in counts 1-17 (“Common Plan Crimes”). Irrespective of the co-perpetrators’ individual motives for participating in the Common Plan, they agreed not only on the crimes but that they would be committed on discriminatory political, religious, national, ethnic, racial, and gender grounds targeting certain victims, consistent with their use of Mitiga Prison to exercise control over a variety of different persons and groups.

73. The co-perpetrators, including **EL HISHRI**, jointly controlled the commission of the Common Plan Crimes, which were either carried out directly by one or more of the co-perpetrators or by persons whom they controlled and used as tools such as the Mitiga Perpetrators.

74. **EL HISHRI** made an essential contribution to the commission of the Common Plan Crimes, as set out further in paragraphs 54-61 above, including by: his exercise of general authority and influence throughout Mitiga Prison; his direct control of the “Women’s Section” of Mitiga Prison; and his direct perpetration of acts amounting to the commission of charged crimes. Without **EL HISHRI**’s contribution, the charged crimes would not have occurred, or would have occurred in a significantly different way.

75. **EL HISHRI** meant to engage in the charged conduct, and was aware of the relevant circumstances (including relevant features of the SDF/RADA and Mitiga Prison). He meant to cause the Common Plan Crimes, or was aware that they would occur in the ordinary course of events. He had the necessary intent to discriminate on political, religious, national, ethnic, racial, and gender grounds. He had the required contextual knowledge, as described in paragraphs 16, 24, 33, 37-38 and 41 above.

iv. Ordering and/or inducing the commission of the charged crimes: article 25(3)(b)

76. During the charged period, **EL HISHRI** instructed Mitiga Perpetrators to commit the crimes charged in counts 1-17. He held authority over these persons based on his senior role in

SDF/RADA and/or in the Mitiga Prison Leadership.

77. Further, or alternatively, during the charged period, **EL HISHRI** prompted members of the Mitiga Prison Leadership and/or Mitiga Perpetrators to commit the charged crimes. **EL HISHRI** prompted the commission of crimes both expressly and implicitly through his personal conduct, including by his own conspicuous participation in violent crimes against detainees and his failure to address or punish similar violent crimes committed by the Mitiga Perpetrators.

78. **EL HISHRI** meant to engage in this conduct and, to the extent relevant, was aware of his position of authority over the perpetrators of the crimes. He intended the charged crimes or was aware that the crimes would be committed in the ordinary course of events as a result of the implementation of his orders or otherwise as a result of his acts or omissions.

v. Aiding, abetting, or otherwise assisting the commission of the charged crimes: article 25(3)(c)

79. **EL HISHRI** aided, abetted or otherwise assisted the Mitiga Prison Leadership and/or Mitiga Perpetrators to commit the crimes in counts 1-17. Through the conduct described in paragraphs 54 to 61 above, **EL HISHRI** facilitated and/or provided moral encouragement for the relevant crimes.

80. **EL HISHRI** meant to engage in the relevant conduct and did so with the purpose of facilitating the commission of such crimes. **EL HISHRI** was aware that the Mitiga Prison Leadership and/or Mitiga Perpetrators would, in the ordinary course of events, commit the type of crimes charged, and was aware that his conduct would contribute to their commission.

vi. Contributing to the charged crimes committed by a group acting with a common purpose: article 25(3)(d)

81. **EL HISHRI** is responsible as an accessory to the crimes charged in counts 1-17 which were carried out by a group acting with a common purpose.

82. The charged crimes were carried out by the Mitiga Prison Leadership (including KARA, N'ZAM, and NJEEM) and/or Mitiga Perpetrators, as a group acting with a common purpose. The purpose was to exercise control—through means such as punishment, coercion, and other forms of exploitation—of persons in the Mitiga Perpetrators' custody or control, principally at Mitiga Prison, in pursuit of SDF/RADA's interests or views and/or those of its members ("Common Purpose"). The Common Purpose resulted in the commission of the crimes charged

in counts 1-17 (“Common Purpose Crimes”). Members of the Common Purpose agreed not only on the crimes but that they would be committed on discriminatory political, religious, national, ethnic, racial, and gender grounds targeting certain victims, consistent with their use of Mitiga Prison to exercise control over a variety of different persons and groups.

- a. During the charged period, **EL HISHRI** contributed to the commission of the charged crimes through the conduct described at paragraphs 54 to 61 above.

83. **EL HISHRI** made these contributions intentionally with the aim of furthering the criminal activity or criminal purpose of the group, and/or in the knowledge of the intention of the group to commit the crimes charged.

D. SUMMARY OF COUNTS

84. Based on the above, **EL HISHRI** is responsible for the following crimes, committed against detainees at Mitiga Prison and persons otherwise in the custody or control of the Mitiga Perpetrators, principally in Mitiga Prison, during the charged period:

COUNT 1: imprisonment or other severe deprivation of physical liberty as a crime against humanity, concerning at least 945 detainees, pursuant to article 7(1)(e) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute.

COUNT 2: outrages upon personal dignity as a war crime, concerning at least 945 detainees, pursuant to article 8(2)(c)(ii) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute.

COUNT 3: cruel treatment as a war crime, concerning at least 945 detainees, pursuant to article 8(2)(c)(i) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute.

COUNT 4: torture as a crime against humanity, concerning at least 945 detainees, pursuant to article 7(1)(f) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute.

COUNT 5: torture as a war crime, concerning at least 945 detainees, pursuant to article 8(2)(c)(i) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute.

COUNT 6: other inhumane acts as a crime against humanity, concerning at least 945 detainees, pursuant to article 7(1)(k) and article 25(3)(a), and additionally and/or alternatively

article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute.

COUNT 7: rape as a crime against humanity, concerning at least 10 detainees, pursuant to article 7(1)(g) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute.

COUNT 8: rape as a war crime, concerning at least 10 detainees, pursuant to article 8(2)(e)(vi) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute.

COUNT 9: sexual violence as a crime against humanity, concerning at least 49 detainees, pursuant to article 7(1)(g) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute.

COUNT 10: sexual violence as a war crime, concerning at least 49 detainees, pursuant to article 8(2)(e)(vi) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute.

COUNT 11: murder and attempted murder as a crime against humanity, concerning at least 89 detainees, pursuant to article 7(1)(a) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute.

COUNT 12: murder and attempted murder as a war crime, concerning at least 89 detainees, pursuant to article 8(2)(c)(i) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute.

COUNT 13: enslavement as a crime against humanity, concerning at least 133 detainees, pursuant to article 7(1)(c) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute.

COUNT 14: persecution as a crime against humanity, concerning at least 17 detainees, pursuant to article 7(1)(h) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute for persecution on political grounds.

COUNT 15: persecution as a crime against humanity, concerning at least 14 detainees, pursuant to article 7(1)(h) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute for persecution on religious grounds.

COUNT 16: persecution as a crime against humanity, concerning at least 47 detainees, pursuant to article 7(1)(h) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), 25(3)(c), and/or 25(3)(d) of the Rome Statute for persecution on national, ethnic,

and/or racial grounds.

COUNT 17: persecution as a crime against humanity, concerning at least 60 detainees, pursuant to article 7(1)(h) and article 25(3)(a), and additionally and/or alternatively article 25(3)(b), article 25(3)(c) and article 25(3)(d) of the Rome Statute, for persecution on gender grounds.



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 26th day of March 2026

At The Hague, The Netherlands