

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No. ICC-01/11-01/25

Date: 10 April 2026

PRE-TRIAL CHAMBER I

Before:

**Judge Iulia Antoanella Motoc, Presiding
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge María del Socorro Flores Liera**

SITUATION IN LIBYA

THE PROSECUTOR V. KHALED MOHAMED ALI EL HISHRI

Public redacted version of

Decision on the Prosecution's requests to authorise the non-disclosure of the identity as well as certain information and materials related to 12 witnesses

Decision 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

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☒ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☐ **Other**

PRE-TRIAL CHAMBER I (the ‘Chamber’) of the International Criminal Court (the ‘Court’ or the ‘ICC’) issues this decision on the ‘Prosecution’s request for authorisation to withhold the identity of witnesses P-1673, P-1682, P-1685, P-1710, P-1720, P-1721, P-1722, and P-1764 upon whose evidence the Prosecution will rely at the confirmation hearing’ and the ‘Prosecution’s request for authorisation to withhold the identity of witnesses P-0370, P-1733, P-1745, and P-1750 upon whose evidence the Prosecution will rely at the confirmation hearing’ (respectively the ‘First Request’ and the ‘Second Request’).¹

I. Procedural history

1. On 13 and 18 March 2026, respectively, the Prosecution filed the First Request and the Second Request, seeking that the Chamber authorises the non-disclosure of the identity and identifying information of 12 witnesses on whose evidence it intends to rely on for the confirmation of charges against Khaled Mohamed Ali El Hishri (‘Mr El Hishri’), namely P-0370, P-1673, P-1685, P-1682, P-1710, P-1720, P-1721, P-1722, P-1733, P-1745, P-1750, and P-1764 (the ‘Twelve Witnesses’).

2. More specifically, the Prosecution requests authorisation: (i) to disclose the anonymous redacted versions of the statements of P-1673, P-1685, P-1710, P-1720, P-1721, P-1722, P-1733, P-1745, P-1750, and P-1764 and associated witness materials, to redact the names of these witnesses in the metadata of these materials, and to withhold certain annexes to their statements and associated witness materials;² (ii) in relation to P-1682, to disclose a summary of relevant parts of P-1682’s statement as well as excerpts of other documents, to withhold all identifying information pertaining to this witness, and to withhold his statement, related annexes and other identifying associated materials;³ and, (iii) in relation to P-0370, to disclose a summary of relevant parts of his recorded interviews as well as anonymous redacted versions of two annexes, to withhold all identifying information pertaining to this witness, and to withhold the transcripts of his interviews, remaining annexes and other identifying associated witness materials.⁴

¹ 13 March 2026, ICC-01/11-01/25-86-Conf-Exp (Confidential redacted version filed on 16 March 2026) with four confidential, *ex parte* only available to the Prosecution and VWU, annexes; 18 March 2026, ICC-01/11-01/25-89-Conf-Exp (Confidential redacted version filed on 19 March 2026), with three confidential, *ex parte* only available to the Prosecution and VWU, annexes.

² First Request, para. 2; Second Request, para. 2.

³ First Request, para. 2.

⁴ Second Request, para. 2.

3. On 24 March 2026, pursuant to the Chamber's order,⁵ the Victims and Witnesses Unit (the 'VWU') provided, via an *ex parte* email, observations on the part of the Second Request which relates to P-0370 [REDACTED].⁶ The VWU informs the Chamber that [REDACTED]. With respect to risks faced by P-0370 [REDACTED].

4. On 27 March 2026, as authorised by the Chamber,⁷ the Defence filed a consolidated response to the First and Second Requests (the 'Response').⁸

5. The Defence submits that: (i) it 'has no fair opportunity to make informed and meaningful submissions to correct or contradict the evidence or assertions' as 'the [First Request and the Second Request] are very heavily redacted';⁹ (ii) '[t]he Prosecution's stated concerns [regarding the risks of disclosing identifying information about the Twelve Witnesses to Mr El Hishri] are evidentially unsupported and wholly misplaced';¹⁰ (iii) there is a less intrusive measure that could be granted, namely the 'restriction of the disclosure of the identity of [the Twelve Witnesses] to the Defence team only, without disclosure to the Suspect';¹¹ and, (iv) withholding the identities of the Twelve Witnesses (and *a fortiori* providing only summaries of their evidence) is prejudicial to the Defence.¹² Therefore, the Defence submits that the First Request and the Second Request should be rejected and that the Twelve Witnesses' statements should be redisclosed together with their identities.¹³

II. Applicable law

6. The Chamber recalls articles 57(3)(c), 61(3) and (5), 67(1)(b) and (e), 67(2) and 68 of the Rome Statute (the 'Statute'), rules 15, 76, 77, 81(2) and (4), and 121 of the Rules of Procedure and Evidence and regulation 42 of the Regulations of the Court.

7. The Chamber incorporates by reference the applicable law as set out in its prior decisions.¹⁴

⁵ Email from the Chamber on 19 March 2026 at 12:58.

⁶ Email from the VWU at 14:44.

⁷ Email from the Chamber on 23 March 2026 at 8:40.

⁸ Defence consolidated response to Prosecution's requests for authorisation to withhold the identity of an additional 12 witnesses (ICC-01/11-01/25-86-Conf-Red and ICC-01/11-01/25-89-Conf-Red), ICC-01/11-01/25-95-Conf.

⁹ Response, paras 14-18, 25.

¹⁰ Response, paras 21-24.

¹¹ Response, paras 30-32.

¹² Response, paras 33-38.

¹³ Response, para. 39.

¹⁴ Decision on the Prosecution's requests to authorise the non-disclosure of the identity and identifying information of 17 witnesses, 20 February 2026, ICC-01/11-01/25-69-Conf-Red (the 'First Decision on Non-disclosure'), paras 14-18.

8. The Chamber also recalls that ‘[w]here the disclosure of evidence or information [...] may lead to the grave endangerment of the security of a witness or his or her family, the Prosecutor may, for the purposes of any proceedings conducted prior to the commencement of the trial, withhold such evidence or information and instead submit a summary thereof’,¹⁵ and that consequently, at the confirmation of charges hearing, ‘the Prosecutor may rely on documentary or summary evidence’.¹⁶

III. Determination

9. At the outset, the Chamber notes the Defence’s submission that the First and Second Requests are very heavily redacted and that, therefore, ‘[t]he Defence has no fair opportunity to make informed and meaningful submissions to correct or contradict the evidence or assertions’.¹⁷ The Chamber, having reviewed the redactions applied, finds that they are necessary not to reveal the information sought to be protected nor increase existing safety risks, and accordingly concludes that no lesser redacted versions of the First or Second Requests can be provided.

10. In order to determine whether the relevant criteria are fulfilled, the Chamber divides the forthcoming analysis as follows: (a) an individual assessment for each of the Twelve Witnesses to assess whether there is an objectively justifiable risk to their safety and/or that of other affected individuals and, for P-0370 and P-1682 [REDACTED], whether they would face a grave endangerment to their security; (b) an assessment of the necessity of the requested protective measures; and, (c) an assessment of the proportionality of the requested protective measures.

a) Individual assessment of the existence of an objectively justifiable risk and/or of a grave endangerment to the security

11. The Chamber notes that the Twelve Witnesses [REDACTED].¹⁸ The Chamber recalls that, according to the VWU, ‘[REDACTED]’ and that ‘[REDACTED]’.¹⁹ [REDACTED].²⁰

¹⁵ See article 68(5) of the Statute.

¹⁶ See article 61(5) of the Statute.

¹⁷ Response, paras 13-18.

¹⁸ First Request, paras 9-13; Second Request, paras 10-15. See also Annexes 3 to the First and Second Requests.

¹⁹ Victims and Witnesses Unit Observations on the Prosecution’s requests for non-disclosure of the identity and identifying information of certain witnesses, 9 February 2026, ICC-01/11-01/25-64-Conf-Exp (the ‘First VWU Observations’), para. 7.

²⁰ See paragraphs 18, 20-21 *below*.

12. Specifically, with respect to P-0370, the Chamber notes that [REDACTED].²¹ In this regard, the Chamber refers to the VWU's assessment [REDACTED].²²

13. The Chamber also notes that several of the Twelve Witnesses are amongst the individuals previously detained in Mitiga Prison who have reported that [REDACTED].²³

14. Furthermore, the Prosecution submits that P-1673, P-1685, P-1710, P-1720, P-1722, 1733, P-1745, P-1750, P-1764 additionally face objectively justifiable risk of psychological harm, particularly given that SDF/RADA has in the past used public exposure to stigmatise and harm individuals.²⁴ In this regard, the Chamber recalls that the VWU is of the view that 'the disclosure of identity or identifying information can exacerbate existing mental suffering of witnesses who were identified as vulnerable' as it 'could raise fear of reprisals, stigmatisation or community ostracization'.²⁵ The Chamber finds that the Prosecution has substantiated the existence of the alleged risks and considers such risks to be particularly high for those witnesses who are already vulnerable to stigma, either as survivors of sexual violence or those who have already been threatened with public exposure.

15. Additionally, the Chamber notes that eight of the Twelve Witnesses, namely P-0370, P-1673, P-1682, P-1685, P-1745, 1750, P-1720 and P-1722, did not consent to the disclosure of their identity at this stage of the proceedings.²⁶ The Chamber further observes that, despite giving consent, P-1733 raised [REDACTED], that '[w]hile P-1721 and P-1764 did not explicitly refuse consent, they raised [REDACTED]', and that 'P-1710 deferred to the judgment of the Prosecution team who interviewed him, when asked about disclosure of his identity'.²⁷

16. Finally, the Chamber notes the Prosecution's risk assessment of the Twelve Witnesses [REDACTED], concluding, for various and at times distinct reasons, that they were all at '[REDACTED]' or '[REDACTED]' risks of physical harm and/or intimidation should their

²¹ Second Request, paras 8a, 13.

²² Email from the VWU at 14:44.

²³ See e.g. First Request, paras 13, 15-18, referring to Annexes 3 and 4 to the First Request; Second Request, paras 11, 15-19, referring to Annex 3 to the Second Request. See also Confidential redacted version of 'Decision on the Prosecution's request for authorisation of the non-disclosure of certain materials related to five witnesses', 1 April 2026, ICC-01/11-01/25-97-Conf-Red, para. 7 ('[REDACTED]').

²⁴ First Request, paras 22-26; Second Request 23-26, referring to LBY-OTP-0073-0025, paras 105-111.

²⁵ First VWU Observations, paras 13 and 21. See also para. 20.

²⁶ First Request, para. 34; Second Request, para. 31.

²⁷ First Request, para. 34; Second Request, para. 32. The Chamber recalls that whether or not the witness consents to disclosure of his or her identity to the Defence is one of many factors informing the Chamber's risk assessment, and is not dispositive thereof. See First Decision on Non-disclosure, para. 17. *Contra* Response, paras 26-29.

cooperation with the Court become known to SDF/RADA and/or other threat actors in Libya.²⁸ The only exception is P-1733, [REDACTED], while [REDACTED] and likely to increase upon disclosure of [REDACTED] identifying information.²⁹

17. Considering the above, particularly [REDACTED] as well as the vulnerability of certain witnesses, and in light of the overall security and political environment discussed in the following sub-section, the Chamber is satisfied that objectively justifiable risks to their safety and/or physical and psychological well-being have been established. With respect to P-0370 and P-1682, the Chamber finds that the level of risk faced meets the threshold under article 68(5) of the Statute in the sense that disclosing their identity and identifying information [REDACTED] could gravely endanger their security [REDACTED].

b) Necessity of the non-disclosure

18. At the outset, and given that no change in circumstances have since occurred,³⁰ the Chamber recalls its prior assessment of: (i) the current security and political situation in Libya; (ii) the capacity of SDF/RADA to intimidate and/or interfere with witnesses [REDACTED]; and (iii) the Prosecution's and the VWU's capacity to intervene in emergency situations.³¹ The Chamber recalls [REDACTED],³² [REDACTED].³³ In this regard, the Chamber notes the Prosecution's submission that [REDACTED].³⁴

19. In analysing the necessity of non-disclosure of the Twelve Witnesses' identity and identifying information, the Chamber takes into [REDACTED] and, as discussed in the prior sub-section, recalls that the Twelve Witnesses [REDACTED]. Accordingly, and as further discussed below, risks arising from any disclosure, whether deliberate or inadvertent, during Defence investigative activities or monitored non-privilege contacts,³⁵ could expose them to immediate and irreversible harm.

²⁸ Annex 3 to the First Request, pp 3, 6, 8, 12, 16, 20, 26, 30; Annex 3 to the Second Request, pp 4, 11, 15-16. Some of the specific and individual reasons which amplify the risks faced include that the affected individuals: [REDACTED] (First Request, paras 10-11, 18; Second Request, paras 12-13).

²⁹ Second Request, paras 8b, 12, 24. See also Annex 3 to the Second Request, pp. 5-8.

³⁰ Victims and Witnesses Unit's Observations on the "Prosecution's request for authorisation to submit anonymous summaries of P-0337, P-0339, P-0347, P-0442, P-0685, P-0706, P-0713, P-0764, P-0767 and P-1059's relevant evidence" (ICC-01/11-01/25-81-Conf-Exp), ICC-01/11-01/25-88-Conf-Exp, para. 6.

³¹ First Decision on Non-disclosure, paras 46-49, *notably referring to* Annex I to 'First Report of the Registry on the Security and Political Situation in the State of Libya', 22 January 2026, ICC 01/11-01/25-56-Conf-Anx1.

³² First Decision on Non-disclosure, paras 48-49, referring notably to First VWU Observations, paras 10-11.

³³ First Request, para. 27; Second Request, para. 27.

³⁴ First Request, para. 37; Second Request, para. 36.

³⁵ In this respect, and concerning the implementation of the contact restrictions applicable to Mr El Hishri's detention regime, the Chamber notes that the Registry has no concerns to report as well as remaining risks

20. For witnesses [REDACTED], namely P-1673, P-1682, P-1685, P-1710, P-1720 and P-1721, the Prosecution submits that the protection measures currently in place are limited to ‘[REDACTED]’.³⁶ The measures which are in place and available are, in the Prosecution’s view, [REDACTED],³⁷ especially [REDACTED].³⁸ It is recalled that [REDACTED] P-0370, P-1722, P-1745, P-1750 and P-1764 are also [REDACTED].³⁹

21. The Chamber notes the Prosecution’s submission that additional protective measures are available [REDACTED], including to P-1733, though these measures [REDACTED].⁴⁰ The Chamber further notes that there are [REDACTED] affecting P-1733, P-1745 and P-1750 ‘that may [REDACTED]’, which is compounded by further personal circumstances with respect to P-1733.⁴¹

22. Further, having carefully reviewed the material identified and the reasons provided by the Prosecution, the Chamber is of the view that disclosure of redacted versions of the associated materials listed in Annexes 2 to the First and Second Requests would either be insufficient to mitigate the existing risks or would require disclosure of items the content of which is redacted in full. On this point, the Chamber finds that these associated materials are inherently identifying ([REDACTED]) and must be withheld together with the Twelve Witnesses’ identity.⁴² Consequently, and in light of the above, a non-disclosure order is necessary since no less intrusive measure short of non-disclosure is available or feasible.

23. The Chamber notes the particular profiles of P-0370 and P-1682⁴³ and agrees with the Prosecution’s submission that, given the inherently identifying nature of (very) large segments of their evidence, most of which is tied to their unique standpoint, disclosure of anonymous versions of P-1682’s statement would require applying extensive redactions which would hinder readability⁴⁴ and, for P-0370’s transcripts of interview and certain particularly identifying annexes, would not be feasible.⁴⁵

identified in the Prosecution’s submissions. See Registry Report on the Implementation of the Contact Restrictions for Mr Khaled Mohamed Ali El Hishri, 30 March 2026, ICC-01/11-01/25-96-Conf; First Request, para. 14; Second Request, para. 16.

³⁶ First Request, para. 27.

³⁷ First Request, paras 27-30; Second Request, para. 27.

³⁸ First Request, paras 29-30; Second Request, paras 27, 30.

³⁹ First Request, para. 31; Second Request, paras 27, 30.

⁴⁰ Second Request, para. 28.

⁴¹ Second Request, para. 29.

⁴² First Request, para. 41, referring to Annex 2 to First Request.

⁴³ First Request, paras 7b; Second Request, paras 8a, 13.

⁴⁴ First Request, para. 42.

⁴⁵ Second Request, para. 42 (‘[REDACTED]’).

24. Further, and in light of the relevant circumstances, notably the heightened risks, the capacity of the threat actors, and the irreversible harm which may result from inadvertent disclosure during the Defence team's investigations, the Chamber agrees with the Prosecution⁴⁶ that the Defence's suggestion to disclose the identities and/or identifying associated materials of the Twelve Witnesses⁴⁷ solely to the Defence team does not sufficiently mitigate the existing risks. In this regard, the Chamber notes in particular the VWU's observation that 'regardless of the nature of any disclosure, whether inadvertent or deliberate, any witness related information coming into the knowledge of RADA poses a significant risk to them.'⁴⁸ Finally, and regarding the Defence's related concerns,⁴⁹ the Chamber emphasises that its assessment regarding existing risks, as well as the necessity of the protective measures, is largely dependent on the information put before the Chamber regarding the situation in the field and the irreversible consequences inadvertent disclosure would have.

25. In light of the above, given the prevailing circumstances, the Chamber finds that all measures sought are – as discussed – necessary and that, at present, they constitute the least intrusive measure which can be implemented to mitigate or eliminate the risks to the Twelve Witnesses' safety and/or that of their family members.

c) Proportionality of the non-disclosure

26. The Chamber recalls that, in principle, the Defence should know the identity of all incriminating witnesses, especially the ones who testify about the acts and conduct of the suspect. In this regard, the Chamber finds that, as submitted by the Defence,⁵⁰ the Twelve Witnesses, with the exception of P-0370 and P-1721, provide important and relevant incriminatory evidence, some of which goes to Mr El Hishri's acts and conduct.

27. Moreover, the Chamber observes that the redactions applied, while numerous and at times lengthy, do not materially hinder the understanding of the statements disclosed in terms of the substance of the witnesses' accounts. In this regard, the Chamber notes that the evidence from the Twelve Witnesses that 'may be of assistance to the case of the suspect or may affect the credibility of the case of the Prosecution' is not being withheld.⁵¹ To the contrary, this

⁴⁶ First Request, para. 43; Second Request, para. 43.

⁴⁷ Response, paras 30-32.

⁴⁸ First VWU Observations, para. 8.

⁴⁹ Response, para. 32.

⁵⁰ Response, para. 35.

⁵¹ See Appeals Chamber, *the Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, Judgment on the appeal of the Prosecutor against the decision of Pre-Trial Chamber I entitled "First Decision on the Prosecution Request for Authorisation to Redact Witness Statements", 13 May 2018, ICC-01/04-01/07-475, para. 72(c).

information is being made available to the Defence, through the disclosure of redacted versions of statements, and can accordingly be reviewed, challenged and/or relied upon by the Defence, should it wish to do so.

28. With respect to the Defence's related argument that fairness of the confirmation proceedings cannot be guaranteed if it is not in a position to investigate the Twelve Witnesses, the Chamber recalls that the scope of the confirmation proceedings is limited and that the Chamber is not required to systematically examine the credibility of each witness for the purpose of confirmation of charges.⁵²

29. Turning to the anonymous summaries of P-0370 and P-1682, the Chamber notes that the Prosecution has provided the Defence with summaries, respectively 17 and 4 pages, which set out verbatim the parts of these witnesses' evidence it seeks to rely upon for the confirmation of charges proceedings as well as information that is material for the Defence.⁵³ The Chamber further notes that P-0370 primarily provides [REDACTED], mostly relevant to the contextual elements in the present case.⁵⁴ With respect to P-1682, the Chamber notes that [REDACTED], as well as his description of the role and the conduct he attributes to Mr El Hishri, concerns [REDACTED].⁵⁵ The Chamber is of the view that the above, together with the fact that it is largely corroborative of other evidence on the record, significantly reduces the potential prejudice of the provision of these two summaries and finds that, in the circumstances, the Defence is not unduly disadvantaged by the proposed reliance on this exceptional measure.

30. Moreover, the Chamber refers to the recent notification of the Document Containing the Charges,⁵⁶ as well as the Prosecution's Pre-Confirmation Brief.⁵⁷ Considering the scope and nature of the Twelve Witnesses' evidence, and having had regard to the Prosecution's intended use of the same during the confirmation of charges hearing, the Chamber is satisfied that: (i) such evidence is corroborative of other evidence available to the Defence; and that (ii) this reduces the impact that the measures sought, particularly non-disclosure of the Twelve Witnesses' identity, will have on Mr El Hishri's rights and the Defence's preparation for the

⁵² Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, 12 May 2021, ICC-02/05-01/20-386, para. 32. See also Pre-Trial Chamber I, *The Prosecutor v. Bahar Idriss Abu Garda*, Decision on the Confirmation of Charges, 8 February 2010, ICC-02/05-02/09-243-Red, para. 41.

⁵³ First Request, paras 42, 47; Second Request, para. 42.

⁵⁴ Second Request, para. 8a; LBY-OTP-03703701.

⁵⁵ First Request, para. 7b; LBY-OTP-03703580.

⁵⁶ 26 March 2026, ICC-01/11-01/25-92.

⁵⁷ 26 March 2026, ICC-01/11-01/25-94-Conf.

confirmation hearing more generally.⁵⁸ The Chamber emphasises that none of the Counts is based on the evidence of the Twelve Witnesses alone.

31. Finally, the Chamber has taken into consideration the cumulative effect of the multiple requests and orders on the withholding of the identities of Prosecution witnesses and considers unfounded the Defence's suggestion that the proceedings are 'developing into a little more than a secret trial *vis-à-vis* a Party'.⁵⁹ The Chamber emphasises that the Prosecution's case is set out in its Document Containing the Charges,⁶⁰ available to the public, and that the Prosecution's evidence and arguments in support thereof are available to the Defence,⁶¹ which has a fair and full opportunity to object to the charges and challenge the Prosecution's case and/or supporting evidence.⁶² In these circumstances, the Chamber is satisfied that proceedings meet the requirements of fairness and that the principle of publicity is upheld.

32. Having considered the First and Second Requests on their own and in combination with the Prosecution's other decided upon or pending applications for non-disclosure orders, and having had particular regard to the severity of the risks discussed above, the Chamber finds that the temporary measures are proportionate at this stage of the proceedings and, while their impact on Defence's preparation for the confirmation hearing is not insignificant, they do not, on their own nor cumulatively, *unduly* prejudice the Defence.

d) Conclusion

33. Accordingly, the Chamber grants the First and the Second Requests and, subject to the specifications set forth below, authorises the Prosecution to: (i) withhold the Twelve Witnesses' identity and identifying information; and either (ii) disclose anonymous redacted version of their evidence, withholding certain identifying associated materials or, for P-0370 and P-1682, disclose, instead of their evidence, the prepared summaries, withholding certain identifying associated materials.⁶³

34. The Prosecution must monitor the continued necessity of the present order and liaise with the VWU to determine whether alternative, less restrictive, protective measures may become

⁵⁸ *Contra* Response, para. 37.

⁵⁹ Response, para. 38.

⁶⁰ ICC-01/11-01/25-92.

⁶¹ Prosecution's Pre-Confirmation Brief, 26 March 2026, ICC-01/11-01/25-94-Conf, with 14 confidential (redacted) annexes; Prosecution's submission of the List of Evidence, 26 March 2026, ICC-01/11-01/25-93, with one confidential annex (listing the 370 items cited in the Pre-Confirmation Brief or Annexes thereto).

⁶² Public redacted versions of relevant filings, decisions and materials are being prepared and made available to the public on a rolling basis to ensure publicity of the record as a whole.

⁶³ The Chamber's authorisation covers items listed as well as any additional translation thereof.

available which would allow disclosure of further information to the Defence. When circumstances have changed and where, importantly, the individuals concerned have clearly provided their consent for the disclosure of their identity, the Chamber authorises the Prosecution to (re)disclose (lesser redacted versions of) the relevant material without seeking prior approval from the Chamber. In these specific circumstances, having liaised with VWU and where it is safe to disclose the identifying information of any of the Twelve Witnesses, the Prosecution need not submit to the Chamber individual applications for variation of the protective measures ordered, but must clearly specify in its relevant Disclosure Note that such disclosure is being effected per the present authorisation.

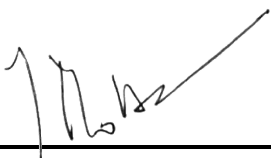
35. In any event, and noting that the present assessment is largely dependent on the current stage of the proceedings and will need to be re-evaluated in full upon transfer to trial in case the charges are confirmed, the Prosecution should liaise with the relevant witnesses with a view to prepare them for and, as necessary, obtain their consent for what could be an imminent rescission and/or variation of the present protective measures. In this regard, the Chamber clarifies that the Prosecution should be ready, immediately should the charges be confirmed, either to (re)disclose (lesser redacted versions of) the statements and/or associated materials or to submit a further application for judicial review, should it seek the continuation of the some of the measures sought.

FOR THESE REASONS, THE CHAMBER HEREBY**GRANTS** the First and Second Requests;**AUTHORISES** the Prosecution not to disclose the identity and identifying information of P-1673, P-1685, P-1710, P-1720, P-1721, P-1722, P-1733, P-1745, P-1750, and P-1764, and therefore:

- (i) to disclose anonymous redacted versions of their statements and associated materials, as listed in Annex 1 to the First (items 1-70) and Annex 1 to the Second Request (items 5-28); and
- (ii) to withhold certain identifying associated materials, as listed in Annex 2 to the First Request (items 1-6 and 9-105) and Annex 2 to the Second Request (items 22 to 69);

AUTHORISES the Prosecution to withhold the identity and identifying information of P-0370 and P-1682, their respective transcripts of interviews or statement, as well as other identifying associated materials, as listed at Annex 2 to the First Request (items 7-8) and Annex 2 to the Second Request (items 1-21); and**AUTHORISES** the Prosecution to submit and rely upon anonymous summaries of the relevant parts of the evidence of P-0370 and P-1682, as prepared (LBY-OTP-03703701; LBY-OTP-03703580) and identified in Annex 1 to the Second Request (items 1-4).

Done in English. A French translation will follow. The English version remains authoritative.



Judge Iulia Antoanella Motoc, Presiding



Judge Reine Adélaïde Sophie Alapini-Gansou



Judge María del Socorro Flore Liera

Dated this Friday, 10 April 2026

At The Hague, The Netherlands