

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date: **17 April 2026**

Date of original: **17 July 2025**

**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**

***IN THE CASE OF THE PROSECUTOR v. KHALED MOHAMED ALI EL HISHRI***

**Public redacted version of**

**Corrected version of the ‘Order to the Registry in relation to the Prosecution’s request  
under articles 57(3)(e) and 93(1)(k) of the Rome Statute’**

Order 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

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**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’), issues this order to the in relation to the Prosecution’s request under articles 57(3)(e) and 93(1)(k) of the Rome Statute (the ‘Statute’), concerning the freezing of a specified sum of money found on Mr Khaled Mohamed Ali El Hishri (‘Mr El Hishri’) at the time of his arrest.

1. On 26 February 2011, the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, referred the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Court, in accordance with article 13(b) of the Statute;<sup>1</sup> and on 12 May 2025, Libya conveyed to the Registrar of the Court its acceptance of the Court’s jurisdiction over its territory from 2011 to the end of 2027.<sup>2</sup>

2. On 3 April 2025, the Prosecution applied under seal for a warrant of arrest for Mr El Hishri.<sup>3</sup>

3. On 10 July 2025, the Chamber issued a warrant of arrest for Mr El Hishri.<sup>4</sup>

4. On 16 July 2025, Mr El Hishri was arrested in Germany.

5. On 17 July 2025, the Prosecution requested the Chamber, by email, to order the Registrar to prepare and transmit to Germany, a cooperation request articles 57(3)(e) and article 97(1)(k) of the Statute for the freezing or seizure of a sum of 9.400 US Dollar that was found on Mr El Hishri at the time of his arrest by the German authorities (the ‘Freezing and Seizure Request’).<sup>5</sup>

6. Pursuant to articles 57(3)(e) and 93(1)(k) of the Statute and rule 99(1) of the Rules of Procedure and Evidence, where a warrant of arrest has been issued, the Chamber may seek the cooperation of States to take protective measures for the purpose of forfeiture, in particular for the ultimate benefit of the victims. Such measures, which should be taken without prejudice to the rights of *bona fide* third parties, include identifying, tracing and freezing or seizing proceeds, property and assets and instrumentalities of crimes that are owned or controlled, directly or indirectly, by the suspect.

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<sup>1</sup> United Nations, Security Council, Resolution 1970 (2011), 26 February 2011, S/RES/1970 (2011).

<sup>2</sup> Transmission of Article 12(3) Declaration by the State of Libya, 20 May 2025, ICC-01/11-180-Conf-Exp, with the declaration pursuant to article 12(3) of the Statute annexed as Annex I and an English translation thereof as Annex II.

<sup>3</sup> Prosecution’s application under article 58 for a warrant of arrest against Khaled Mohamed Ali El Hishri (“Khaled AL HISHRI”), 3 April 2025, ICC-01/11-172-US-Exp (with under seal, *ex parte*, annexes 1-11).

<sup>4</sup> Warrant of Arrest for Mr Khaled Mohamed Ali El Hishri, ICC-01/11-188-US-Exp.

<sup>5</sup> E-mail from the Prosecution to the Chamber of 17 July 2025, at 14h50.

7. States Parties are expected to keep the request for cooperation and any document accompanying it confidential, as provided in article 87(3) of the Statute, except to the extent that the disclosure is necessary for its execution.

8. Having issued a warrant of arrest against Mr El Hishri, the Chamber is satisfied on the basis of the information submitted by the Prosecution that an order under articles 57(3)(e) and 93(1)(k) of the Statute is necessary to ensure that Mr El Hishri will not be able to give this money to third persons. Accordingly, the Chamber instructs the Registry, on an expedited basis, to prepare and transmit, if necessary in consultation with the Prosecution, a request for cooperation to Germany seeking the freezing or seizure of proceeds or instrumentalities of crimes or property owned or controlled, directly or indirectly by Mr El Hishri.

9. Although such measures are without regard to whether the property or assets are derived from or otherwise linked to alleged crimes within the jurisdiction of the Court, <sup>6</sup> [REDACTED]. The 9.400 US Dollars found on Mr El Hishri at the time of his arrest may thus be proceeds of the crimes for which the Warrant was issued. In any case, the fact that this money was found on Mr El Hishri means that he either owns or controls this money.

10. The freezing or seizure of this sum of money is necessary in particular to ensure that, should Mr El Hishri be convicted of the crimes allegedly committed, it will be available for the purpose of eventual forfeiture and the award of reparations to victims under article 75 of the Statute.

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<sup>6</sup> Appeals Chamber, [REDACTED], Judgment on the appeal of the Prosecutor against the decision of [REDACTED].

**FOR THESE REASONS, THE CHAMBER HEREBY**

**GRANTS** the Request;

**ORDERS** the Registry to prepare and transmit, in prior consultation and coordination with the Prosecution, a request for cooperation to freeze or seize proceeds or instrumentalities of crimes, and property owned or controlled, directly or indirectly, by Mr El Hishri – without prejudice to the rights of *bona fide* third parties – to the competent authorities of Germany in accordance with paragraphs 8-10 of the present order;

**DECIDES** that, in case Germany identifies problems which may impede or prevent the execution of the request for cooperation as set out in article 97 of the Statute, it is requested to consult with the Court without delay in order to resolve the matter; and

**ORDERS** the Registry to submit a report to the Chamber as soon as it is privy to pertinent updates on the status of the execution of the Request.

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 Flores Liera**

Dated this Friday, 17 April 2026

At The Hague, The Netherlands