

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/11-01/25

Date: 6 May 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

Order setting time limits for observations in relation to the Defence's challenge to the jurisdiction of the Court pursuant to article 19 of the Statute (ICC-01/11-01/25-108-Conf)

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 Victims**

☐ **Legal Representatives of Applicants**

☐ **Unrepresented Victims**

☐ **Unrepresented Applicants for
Participation/Reparation**

☒ **The Office of Public Counsel for
Victims**

☐ **The Office of Public Counsel for the
Defence**

☒ **States Representative**

The State of Libya

☒ **Others**

United Nations Security Council

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’), issues this ‘Order setting time limits for observations in relation to the Defence’s challenge to the jurisdiction of the Court pursuant to article 19 of the Statute (01/11-01/25-108-Conf)’.

1. On 30 April 2026, the Defence filed a challenge to the jurisdiction of the Court pursuant to article 19 of the Rome Statute (the ‘Challenge’ and the ‘Statute’, respectively).¹

2. On 1 May 2026, the Prosecution and the Defence filed joint submissions. The Prosecution requests until 22 June 2026 to respond to the Challenge, which the Defence does not oppose. Furthermore, both parties submit that the same deadline should be applicable to any submissions from the United Nations Security Council (the ‘UNSC’) – as the referring entity – and the State of Libya (‘Libya’). Lastly, the Prosecution and Defence request that they both be allowed to file written observations on the issues raised by the UNSC and/or Libya within a reasonable time as determined by the Chamber.²

3. The Chamber notes article 19(3) of the Statute, and rules 58(2), (3) and 59 of the Rules of Procedure and Evidence (the ‘Rules’). It further recalls that, once a chamber is seized of a jurisdiction challenge, it enjoys broad discretion in determining how to conduct the proceedings relating to the challenge.³

4. The Chamber notes the imminent start of the confirmation hearing in this case. Taking into account the parties’ joint submissions, and bearing in mind the need to preserve the proper conduct and the efficiency of the proceedings, the Chamber considers it appropriate to adopt a staggered approach, and to invite Libya to submit observations, if any, to the Challenge by **5 June 2026**. Any responses thereto are to be filed by **12 June 2026**. Requests for leave to reply are to be filed on the record by **16 June 2026**, and any response to requests for leave to reply are to be filed by email by **17 June 2026**, at **10:00**.

¹ Defence Challenge to Jurisdiction of the International Criminal Court Pursuant to Article 19 of the Rome Statute, ICC-01/11-01/25-108-Conf. See also [Warrant of Arrest for Mr Khaled Mohamed Ali El Hishri](#), 10 July 2025, ICC-01/11-01/25-7.

² Joint Prosecution and Defence submissions on residual issues ahead of the confirmation hearing, ICC-01/11-01/25-109, paras 4-8.

³ See Appeals Chamber, *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, [Judgment on the appeal of the Republic of Kenya against the decision of Pre-Trial Chamber II of 30 May 2011 entitled ‘Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19\(2\)\(b\) of the Statute’](#), 30 August 2011, ICC-01/09-02/11-274, para. 3.

5. The Chamber further recalls that the Registrar shall inform the UNSC as the referring entity of the Challenge, pursuant to rule 59(1) and (2) of the Rules.

6. Furthermore, the Chamber also considers it appropriate to instruct the Office of Public Counsel for Victims (the ‘OPCV’) to submit observations to the Challenge on behalf of any victim who would have already communicated with the Court in relation to this case pursuant to regulation 81(4)(c) of the Regulations of the Court. To that purpose, the Victims Participation and Reparations Section is instructed to provide the OPCV with all necessary information. In addition, legal representatives appointed by the Chamber for any victims admitted to participate in the confirmation proceedings may also file observations to the Challenge. Both the OPCV and any legal representatives appointed by the Chamber shall file their observations by **12 June 2026**.

7. Lastly, the Chamber notes that the Challenge has been filed as confidential, while it is mentioned in the public joint submissions submitted by the Prosecution and the Defence. The Chamber instructs the Defence to either request a reclassification of the Challenge from confidential to public, or to file a public redacted version thereof, by **8 May 2026**.

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 6 May 2026

At The Hague, The Netherlands