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PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc , Presiding Judge
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

Public Redacted Version of “Registry Report on Group A and B applications and update on the victims’ legal representation” (ICC-01/11-01/25-112-Conf), dated 4 May 2026

Source: Registry

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

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| ☒ 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
Osvaldo Zavala Giler | ☒ Counsel Support Section |
| ☐ Victims and Witnesses Unit | ☐ Detention Section |
| ☒ Victims Participation and Reparations Section | ☐ Other |

I. Introduction

1. On 3 December 2025, Pre-Trial Chamber I (“Chamber”) adopted the procedure for the admission of victims to participate in the case of *The Prosecutor v. Khaled Mohamed Ali El Hishri* (“El Hishri case” or “Case”) and its timeframe, as set out in paragraph 96 of the Chambers Practice Manual (“A-B-C Approach”).¹ It ordered the Registry to transmit applications that fall within Group C, together with a report thereon, 30 days before the start of the confirmation hearing, and applications that fall within Groups A and B, together with a report thereon, 15 days before the start of the confirmation hearing (“Order”).²
2. In line with the Order, the Registry hereby submits its assessment report of 64 applications classified as Group A and three applications classified as Group B. The report includes:
 - an overview of the application process;
 - information regarding the victims’ applications received;
 - a brief description of the assessment criteria applied; and
 - an update on the victims’ legal representation (in Annexes 3, 4 and 5).³
3. The Group A and Group B applications covered by the report are listed in Annex 1 to the present report and transmitted to the Chamber under separate cover. Annex 2 to the present report contains information regarding the assessment of one application assessed as Group A, and a brief description of the reasons for rejecting Group B applications.

¹ Transcript of hearing Initial Appearance, 3 December 2025, ICC-01/11-01/25-T-001-ENG, p. 8, lines 17-20, referring to the process and reporting schedule stipulated in the Chamber’s Practice Manual, Section V – A., paras 96 and 97(i). Under the A-B-C Approach, the Registry classifies victim applicants into three categories: (i) applicants who clearly qualify as victims (‘Group A’), (ii) applicants who clearly do not qualify as victims (‘Group B’); and (iii) applicants for whom the Registry could not make a clear determination for any reason (‘Group C’).

² Since the confirmation of charges hearing is set to commence on 19 May 2026, this means that the first deadline to file Group C applications fell on 18 April 2026 and the deadline to file Groups A and B applications falls on 4 May 2026 (see *infra* para. 5). On 15 April 2026, the Victims Participation and Reparations Section (“VPRS”) informed the Chamber that by said date it had not received any applications that fall in Group C.

³ Pursuant to the Chamber’s instruction in the “Decision on the legal representation of victims”, 12 March 2026, ICC-01/11-01/25-84, para. 15 and p. 7, see *infra* para. 9.

II. Procedural History

4. On 10 July 2025, the Chamber issued a warrant of arrest for Mr El Hishri pursuant to article 58 of the Rome Statute ("Statute").⁴
5. On 3 December 2025, the Chamber *inter alia*: (1) set the commencement of the confirmation of charges hearing on 19 May 2026,⁵ (2) adopted the A-B-C approach for the admission of victims to participate in the proceedings,⁶ and (3) instructed the Registry to file recommendations for the common legal representation of victims in the Case, by 17 December 2025.⁷
6. On 17 December 2025, the Registry submitted observations on victims' legal representation, informing the Chamber of its ongoing consultations with applicants, civil society organizations ("CSOs") and lawyers who expressed an interest to represent victims.⁸
7. On 23 December 2025, the Chamber ordered the Registry to file a report on its ongoing consultations on legal representation ("Report") by 25 February 2026.⁹
8. On 25 February 2026, the Registry submitted the Report.¹⁰
9. On 12 March 2026, the Chamber issued the "Decision on the legal representation of victims" in which it, *inter alia* (1) maintained the assignment of the Office of Public Counsel for Victims ("OPCV") to represent victims and applicants at least until the applicants' victimhood is determined by the Chamber; (2) postponed its decision on the appointment of a team of common legal representatives until its decision on the admission of participating victims; and (3) instructed the Registry

⁴ Pre-Trial Chamber I, "Warrant of Arrest for Mr Khaled Mohamed Ali El Hishri", 10 July 2025, ICC-01/11-188-US-Exp. The warrant of arrest was reclassified as public on 31 July 2025, ICC-01/11-188.

⁵ Transcript of hearing Initial Appearance, 3 December 2025, ICC-01/11-01/25-T-001-ENG, p. 7, lines 16-19.

⁶ See *supra*, para. 1.

⁷ Transcript of hearing Initial Appearance, 3 December 2025, ICC-01/11-01/25-T-001-ENG, p.8, lines 23-25.

⁸ Registry, "Registry submissions on the organization of legal representation of victims in the Case", 17 December 2025, ICC-01/11-01/25-43.

⁹ Pre-Trial Chamber I, "Order on the organisation of the legal representation of victims", 23 December 2025, ICC-01/11-01/25-47, para. 2.

¹⁰ Registry, "Registry Report on the Common Legal Representation of Victims", 25 February 2026, ICC-01/11-01/25-72.

to continue consulting with applicants and transmit update reports when appropriate.¹¹

10. On 26 March 2026, the Office of the Prosecutor issued the ‘Document Containing the Charges’ (“DCC”).¹²

III. Classification

11. Pursuant to regulation 23*bis*(1) of the Regulations of the Court (“RoC”) and paragraph 96(viii) of the Chambers’ Practice Manual, the present report and Annex 1 are classified as “confidential”. Annexes 2, 3, 4 and 5 are classified “confidential *ex parte*, only available to the Registry” because they contain sensitive information pertaining to the victims’ safety and security, and identifying information on the Registry’s stakeholders. A confidential redacted version of Annex 3 will be filed shortly. Similarly, a public redacted version of the present report and its Annex 1 will be filed in due course.

IV. Applicable Law

12. The Registry submits the present report in accordance with the Order.

V. Submissions

A. Overview of the application process

13. Since the referral of the Situation in Libya to the ICC,¹³ the VPRS has engaged with a number of CSOs and lawyers who are in contact with victims [REDACTED]. Immediately after Mr El Hishri was apprehended by the authorities of the Federal Republic of Germany on 16 July 2025, the VPRS conducted several preparatory meetings with CSOs. Following his surrender to the Court on 1 December 2025, the VPRS continued such meetings together with the Public Information and

¹¹ See *supra* fn. 3, at paras 13, 15 and p. 7.

¹² Office of the Prosecutor, “Document Containing the Charges”, 26 March 2026, ICC-01/11-01/25-92.

¹³ United Nations, Security Council, Resolution 1970, 26 February 2011, S/RES/1970 (2011).

Outreach Section (“PIOS”), also including legal representatives of applicants. During these meetings, the latter were informed about the Case, victims’ rights at the current stage of proceedings, the application process and legal representation of victims.

14. The VPRS also conducted a number of training sessions with the above interlocutors on how to fill in the standard victim application form, which is available on the ICC website in all relevant languages for the Situation.¹⁴ Throughout this process, the VPRS provided comprehensive guidance and assistance to the CSOs and lawyers representing victims.
15. While the security situation presently prevents the VPRS from having a field presence in Libya,¹⁵ it has nevertheless been able to interact [REDACTED] with a number of victims [REDACTED], [REDACTED]. The VPRS has thus been able to
 - i) inform these victims about their right to apply for participation in the Case, and what participation entails;
 - ii) answer their questions;
 - iii) in some instances, assist them [REDACTED] in the completion of their application forms; and
 - iv) consult them on their views on legal representation.

B. Applications received

16. In view of the deadlines for the transmission of applications to the Chamber, namely 18 April and 4 May 2026, the VPRS invited victims, as well as CSOs and lawyers who assist victims, to submit application forms to the VPRS, where possible, by 31 March 2026.¹⁶ The VPRS nevertheless continued to receive and process applications until the beginning of May 2026.
17. At the time of the present submission, the VPRS has received 67 application forms related to the *El Hishri* case. The Registry notes the particularly low number of applications received compared to the number of Mitiga prison detainees who

¹⁴ <https://www.icc-cpi.int/about/victims/victim-application-forms>.

¹⁵ [REDACTED]

¹⁶ This date was set out in order to ensure that all applications received in a language other than French or English could be translated, processed and analysed in due time for the relevant transmission date.

may have suffered from the crimes charged.¹⁷ Since the arrest of Mr El Hishri, CSOs and victims' lawyers emphasised to the VPRS that the prevailing security context in Libya has made it difficult for victims – [REDACTED] – to come forward and apply for participation and/or reparations.

18. Moreover, the VPRS has been in contact with a number of survivors whose traumatic experiences have been so severe that they require time to decide whether they wish to engage in the process and/or complete an application form.
19. Victims may also have refrained from applying for participation pending greater clarity regarding the exact scope of the Case. This clarity was introduced more recently by the issuance of the DCC on 26 March 2026. Finally, many victims wait for the confirmation of charges before submitting applications.

C. Assessment criteria

20. In conducting its *prima facie* assessment in accordance with the Order, the VPRS verified that applicants have met the following criteria:
 - i. their identity as natural persons is established;
 - ii. they suffered harm;
 - iii. the harm suffered is the result of crimes Mr El Hishri is charged with.
21. In relation to point i., based on established ICC jurisprudence,¹⁸ the VPRS accepts as proof of identity of an applicant or of a person acting on an applicant's behalf, or as proof of kinship, documents issued by public authorities which contain their stamps and signatures. This includes the following : (i) birth certificate; (ii) personal ID card/ national identification card; (iii) family book/family record ; (iv) driver's license; (v) passport; (vi) residency card ; (vii) voting card; and (viii)

¹⁷ See DCC, para. 26: "During the charged period, the Mitiga Perpetrators violently arrested, detained and systematically mistreated at least 5,140 persons, principally at Mitiga Prison".

¹⁸ See Pre-Trial Chamber I, *The Prosecutor vs. Rodrigo Roa Duterte*, "Decision on victims' participation and legal representation", 26 January 2026, ICC-01/21-01/25-358, para. 18.

marriage certificate.¹⁹ Where any such document is absent in a given case, the VPRS follows the established case-law and accepts a declaration signed by two witnesses and accompanied by the identity documents of such witnesses, which establishes the identity of the applicant, the person acting on behalf, or the relevant kinship.²⁰

22. Applicants in this Case also include non-Libyans of different nationalities.²¹ The Registry therefore assesses, on a case-by-case basis, the form of identity documentation each individual can reasonably provide that would be equivalent to the identity documents mentioned in paragraph 21 above, taking into account their personal circumstances.²²

23. In addition to the above, the VPRS has noted in the present case that while proof of kinship with one's father or grandfather may not be easily sourced, an identity document which displays an applicant's full name inherently establishes one's patrilineality.²³ In accordance with the Chamber's authorisation,²⁴ the VPRS therefore considers that any identity document displaying the full name of the applicant is sufficient to establish proof of identity of/ kinship with an applicant's father/grandfather and, by extension, a proof of kinship between siblings who share the same patrilineality.

24. The VPRS further notes that 47 applications have been completed in a "fillable PDF format" of the standard victim application form, which is available on the ICC

¹⁹ The VPRS stands ready to transmit to the Chamber a report listing all the identification documents available to applicants in Libya, if so ordered by the Chamber.

²⁰ See Pre-Trial Chamber I, *The Prosecutor vs. Rodrigo Roa Duterte*, "Decision on victims' participation and legal representation", 26 January 2026, ICC-01/21-01/25-358, para. 18. See also Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, "Reparations Order", 28 February 2024, ICC-02/04-01/15-2074, para. 454.

²¹ DCC, paras 26 and 43.

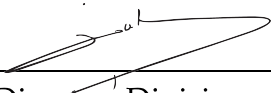
²² This would include, for example, residency permits or other documents issued to asylum seekers or recognized refugees; administrative papers issued to regular or undocumented migrants, documents issued by United Nations agencies, or NGO-issued identification for humanitarian services.

²³ This only applies to nationals of countries following the Arabic naming convention, such as Libya. For more information on the Arabic naming System, see: UK Names Guide - U - V.2 310306, p.33. See also <https://docslib.org/doc/10903882/the-arabic-naming-system>.

²⁴ Email from the Chamber to the VPRS, dated 2 April 2026 at 14:23.

website and has been used in other cases before the Court.²⁵ In this format, the physical signature box is replaced by a solemn undertaking text box in the form that can be completed by filling in the victim's name electronically.

25. Lastly, applications may contain minor discrepancies pertaining to, *inter alia*, the spelling of the applicant's name or their age or date of birth. In these cases, in line with well-established case law,²⁶ the VPRS applied a degree of flexibility and considered that the discrepancies present in these applications do not call into question the overall credibility of the information provided by the applicant.
26. In reference to point iii., in line with the Chamber's Order,²⁷ the VPRS assesses all victim applications received against the charges alleged in the DCC. In Annex 2, the VPRS provides additional information to the Chamber on how it assessed one Group A application, and the reasons why it has assessed three applications as clearly falling outside the temporal scope of the Case (Group B).



Marc Dubuisson, Director, Division of Judicial Services
on behalf of
Osvaldo Zavala Giler, Registrar

Dated this 18 May 2026

At The Hague, The Netherlands

²⁵ These forms have been accepted in other proceedings before the Court. See Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman*, "Decision on the Registry's Request for Authorisation to use a Modified Standard Application Form for Victim Participation", 4 November 2020, ICC-02/05-01/20-198, para. 13. See also Pre-Trial Chamber I, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, "Décision fixant les principes applicables aux demandes de participation des victimes", 24 May 2018, ICC-01/12-01/18-37, para(s). 32-33.

²⁶ See Pre-Trial Chamber I, *The Prosecutor vs. Rodrigo Roa Duterte*, "Decision on victims' participation and legal representation". 26 January 2026, ICC-01/21-01/25-358, para. 14. See also for instance Pre-Trial Chamber I, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, "Decision Establishing the Principles Applicable to Victims' Applications for Participation", 24 May 2018, ICC-01/12-01/18-37-tENG, para. 50; Pre-Trial Chamber II, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, "Decision Establishing the Principles Applicable to Victims' Applications for Participation", 5 March 2019, ICC-01/14-01/18-141, para. 34.

²⁷ Referring to para. 96(ii) of the Chambers' Practice Manual.