

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-01/11-01/25
Date: 21 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

**Decision on an application for reconsideration or leave to appeal the Chamber's
decision on the legal representation of victim a/05013/25**

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**

☐ **Other**

Section

PRE-TRIAL CHAMBER I (the ‘Chamber’) of the International Criminal Court (the ‘Court’), issues the present decision on the ‘Application for Reconsideration or Leave to Appeal’ pursuant to articles 68(1) and 82(1)(d) of the Rome Statute (the ‘Statute’) and rules 86 and 155(2) of the Rules of Procedure and Evidence (the ‘Rules’).

1. On 11 May 2026, the Chamber issued the ‘Decision on victims’ participation and legal representation’ (the ‘Impugned Decision’),¹ in which it authorised the participation of 64 victims and decided to maintain the assignment of the OPCV to represent the interests of all participating victims until the end of the confirmation proceedings.

2. On 18 May 2026, Mr Omer Shatz (‘Mr Shatz’), claiming to represent one of the victims admitted to participate in the proceedings (the ‘Victim’), submitted a request for reconsideration of or, in the alternative, leave to appeal, the Impugned Decision (the ‘Request’).² In support of his Request, Mr Shatz argues, *inter alia*, that the Victim ‘only trusts [Mr Shatz] to represent her in ICC proceedings’ and the Chamber, by designating the OPCV as the sole legal representative, ‘actively acted against her explicit wish by opposing the undersigned’s representation and ostensibly misrepresented her interest’.³

3. The Chamber notes that the meaning of the word ‘party’ in article 82(1) of the Statute must be determined taking into account the type of decision that is the subject of the appeal sought. The meaning of the term ‘either party’ in the same article thus depends on the procedural context.⁴ The Chamber further notes that, according to the Court’s well-established jurisprudence, a chamber has the power to reconsider its decisions upon request of the parties or *proprio motu*.

4. The Chamber recalls that, in the Impugned Decision, and pursuant to rule 90(2), (4) and (5) of the Rules, it designated the OPCV as the legal representative of victims for the purpose of the confirmation proceedings. This decision was taken based on a holistic assessment of, *inter alia*, the relatively low number of applications received, the preferences of the victims, the lack of time before the confirmation hearing for the Registry to complete the necessary

¹ [Impugned Decision](#), 11 May 2026, ICC-01/11-01/25-117.

² Application for Reconsideration or Leave to Appeal Pursuant to Article 82(1)(d) of the Rome Statute, 20 May 2026, ICC-01/11-01/25-120-Conf-Anx.

³ Request, paras 6, 9.

⁴ Appeals Chamber, Situation in the Islamic Republic of Afghanistan, Reasons for the Appeals Chamber’s oral decision dismissing as inadmissible the victims’ appeals against the decision rejecting the authorisation of an investigation into the situation in Afghanistan, 4 March 2020, ICC-02/17 OA OA2 OA3 OA4, para. 14.

procedural steps to formulate a comprehensive recommendation on the legal representation of victims, and the security concerns raised by the OPCV and civil society organisations.⁵

5. In light of the above, Mr Shatz does not represent the Victim in the proceedings and thus cannot be considered a ‘party’ within the meaning of article 82(1) of the Statute. To the extent that it seeks leave to appeal the Impugned Decision, the Request must accordingly be rejected for lack of standing. Similarly, he does not have the standing to request reconsideration of the Impugned Decision and thus the Chamber likewise rejects that part of the Request.

6. The above notwithstanding, the Chamber notes that Mr Shatz does not point to changed circumstances that would have warranted a *proprio motu* reconsideration of the Impugned Decision. Concerning the submissions on the Victim’s serious physical and psychological trauma,⁶ the Chamber trusts that the OPCV has and is presenting and representing, to the fullest extent possible, the needs and interests, as well as views and concerns, of the Victim, including where they may be distinct from those of other participating victims, until the end of its temporary mandate. Once the mandate has expired, and should the case proceed to trial, the issue of the representation of victims will be considered by the relevant trial chamber after the Registry has completed the full procedural steps to formulate a comprehensive recommendation on this matter.⁷

⁵ [Impugned Decision](#), paras 12, 15-16. *See also*, Decision on the legal representation of victims, ICC-01/11-01/25-84, paras 6-13.

⁶ Request, para. 6.

⁷ [Impugned Decision](#), para. 15 and p.8.

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS the Request in its entirety; and

ORDERS the Registry to reclassify the Request (ICC-01/11-01/25-120-Conf-Anx) and the relevant transmission filing (ICC-01/11-01/25-120) as public.

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 Thursday 21, May 2026

At The Hague, The Netherlands