

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

*No. ICC-01/11-01/25
Date: 1 June 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

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

CONFIDENTIAL

**Defence response to “Legal Representatives of Victims Request for Leave
to File Observations on the Defence Challenge to Jurisdiction of the
International Criminal Court Pursuant to Article 19 of the Rome Statute”
(ICC-01/11-01/25-124-Conf-Anx)**

Source: Defence for Mr Khaled Mohamed Ali El Hishri

Document 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

I. INTRODUCTION

1. The Defence for Mr Khaled Mohamed Ali El Hishri (“Defence”) has no objection to the 17 participating victims (“Participating Victims”)¹ submitting their written observations on the Defence Jurisdiction Challenge.²

2. However, the two lawyers purporting to be the legal representatives of the Participating Victims have not been assigned. They have no standing (i) to represent, or (ii) to file their request for leave to file observations on the Defence Jurisdiction Challenge (“Request”)³ on behalf of the Participating Victims.

II. CLASSIFICATION

3. This response is classified as confidential pursuant to Regulation 23bis(2) of the Regulations of the Court because it is responsive to a document filed with the same classification. However, nothing contained in this response is inherently confidential and the Defence has no objection to its reclassification as public.

III. SUBMISSION

4. Pre-Trial Chamber I (“PTC”) decided to assign the Office of Public Counsel for Victims (“OPCV”) “to represent the collective interests of potential victims in the case until the mandate of the team of common legal representatives takes effect.”⁴ On 12 March 2026, the PTC maintained that assignment and “postpone[d] its decision on the appointment of a team of common legal representatives, until the Chamber issues its decision on the admission of participating victims”.⁵

¹ a/50009/25, a/00013/26, a/00014/26, a/00016/26, a/00017/26, a/00022/26, a/00035/26, a/05010/25, a/00034/26, a/05011/25, a/05012/25, a/00031/26, a/00030/26, a/00033/26, a/00043/26, a/00045/26 and a/00044/26

² Defence Challenge to Jurisdiction of the International Criminal Court Pursuant to Article 19 of the Rome Statute, ICC-01/11-01/25-108-Conf, 30 April 2026 (corrected public redacted version filed on 6 May 2026, ICC-01/11-01/25-108-Corr-Red)

³ Legal Representatives of Victims Request for Leave to File Observations on the Defence Challenge to Jurisdiction of the International Criminal Court Pursuant to Article 19 of the Rome Statute, ICC-01/11-01/25-124-Conf-Anx, 29 May 2026

⁴ Order on the organisation of the legal representation of victims, ICC-01/11-01/25-47, 23 December 2025, para. 5

⁵ Decision on the legal representation of victims, ICC-01/11-01/25-84, 12 March 2026, Disposition

5. On 11 May 2026, the PTC found it appropriate “to maintain the OPCV’s appointment for the purposes of the confirmation of charges hearing” and was “satisfied that the interests of other victims can be represented by the OPCV”.⁶

6. Even if that decision, on its face, deals only with victim representation for the confirmation of charges hearing, it does not supersede the clear terms of the two earlier decisions of 23 December 2025 and 12 March 2026 according to which the OPCV represents the collective interests of all participating victims until such time as a definitive decision is taken on the assignment of a team of common legal representatives of victims.

7. No such decision has yet been taken. Consequently, not having been assigned, the authors of the Request have no standing (i) to represent, or (ii) to file the Request on behalf of the Participating Victims.

Respectfully submitted,



Yasser Hassan
Counsel for Mr Khaled Mohamed Ali El Hishri

Dated this 1 June 2026
at The Hague, The Netherlands

⁶ Decision on victims’ participation and legal representation, ICC-01/11-01/25-117, 11 May 2026, para. 16