

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/11-01/25

Date: 2 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

THE PROSECUTOR v. KHALED MOHAMED ALI EL HISHRI

Public

Decision on a Request for Leave to File Observations on the Defence Jurisdiction
Challenge (ICC-01/11-01/25-124-Conf-Anx)

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 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**

☐ **Others**

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 the present decision having had regard to article 19(3) of the Rome Statute (the ‘Statute’), rules 58(2), (3), 59 and 90 of the Rules of Procedure and Evidence.

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 ‘Defence Challenge’).¹
2. On 6 May 2026, the Chamber issued an order setting time limits for observations in relation to the Defence Challenge.²
3. On 29 May 2026, the Registry put on the record of the case (the ‘Transmission Filing’) a request from Chantal Meloni and Jeanne Sulzer (the ‘Applicants’) for leave to make written observations on the Defence Challenge on behalf of 17 admitted victims (the ‘Request’ and ‘17 Victims’, respectively).³
4. The Chamber first notes that, in setting a calendar for the adjudication of the Defence Challenge, it invited observations from the Office of Public Counsel for Victims (the ‘OPCV’), under Regulation 81(4)(c) of the Regulations of the Court, as well as from ‘legal representatives *appointed by the Chamber* for any victims admitted to participate in the confirmation proceedings’.⁴
5. The Chamber recalls that, on 11 May 2026, it issued a decision: i) admitting 64 victims to participate in the confirmation proceedings, including the 17 Victims; and ii) maintaining the OPCV’s appointment to represent them for that purpose.⁵
6. On the basis of the above, it is clear that, in the exercise of its broad discretion concerning the adjudication of a challenge under Article 19 of the Statute,⁶ the Chamber has already

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.

² 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), ICC-01/11-01/25-116.

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. The 17 Victims are: a/50009/25, a/00013/26, a/00014/26, a/00016/26, a/00017/26, a/00022/26, a/00035/26 as well as 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.

⁴ ICC-01/11-01/25-116, para. 6. Emphasis added.

⁵ Decision on victims’ participation and legal representation, ICC-01/11-01/25-117.

⁶ 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

decided how it intended to receive observations on behalf of, amongst others, admitted victims. Submissions on behalf of these victims, including the 17 Victims, are to be formulated via written submissions to be filed by the OPCV. In this regard, the Chamber encourages the OPCV to actively seek and consider the views and concerns of all admitted victims, including the 17 Victims.

7. Accordingly, the Chamber finds that the Applicants have no standing and, in the absence of information which would warrant a different determination, the Request must be rejected.

8. Lastly, the Chamber considers that the confidential classification of the Request and the Transmission Filing is no longer necessary and therefore orders the Registry to reclassify them as public.

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS the Request;

ORDERS the Registry to reclassify the Request and the Transmission Filing (ICC-01/11-01/25-124-Conf and ICC-01/11-01/25-124-Conf-Anx) 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 Tuesday, 2 June 2026

At The Hague, The Netherlands