

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/11-01/25

Date: 4 August 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

Public

**Public redacted version of “Defence request for reclassification of
ICC-01/11-01/25-6-Conf-Corr-Red” (ICC-01/11-01/25-138-Conf, 22 June 2026)**

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

☐ Other

Section

I. INTRODUCTION

1. The Defence for Mr Khaled Mohamed Ali El Hishri (“Defence”) respectfully requests that the Pre-Trial Chamber (“PTC”) assesses for itself the remaining redactions in the *Confidential redacted version of “Corrected Version of Transmission of Article 12(3) Declaration by the State of Libya, 20 May 2025, ICC-01/11-180-Conf-Exp”, 8 August 2025, ICC-01/11-01/25-6-Conf Exp-Corr*¹ (“CRV of the Transmission Document”), and thereafter, if appropriate, order the Registry to lift those redactions.

2. Specifically, the Defence seeks the lifting of the remaining redactions to paragraph 5 of the CRV of the Transmission Document, which relate to its original classification as confidential *ex parte*.

II. PROCEDURAL HISTORY

3. On 2 December 2025, the Registry filed the *Public Redacted version of “Corrected Version of Transmission of Article 12(3) Declaration by the State of Libya”, 08 August 2025, ICC- 01/11 180-Conf-Exp-Corr With confidential EX PARTE Annex 1 available to the Registry and Prosecution only and Public Redacted Annex II* (“PRV of the Transmission Document”).² On the same day, the filing was transferred into the case record ICC-01/11-01/25.

4. On 13 April 2026, the Defence requested the reclassification of Annex 1 to the PRV of the Transmission Document.³ The PTC granted that request the following day.⁴

5. On 10 June 2026, the PTC ordered the Registry to reclassify Annex II to the CRV of the Transmission Document as confidential.⁵

6. On 11 June 2026, the Defence requested reconsideration of the classification of the PRV of the Transmission Document, notably the “Classification” section of the cover filing.⁶ Later the same day, the PTC instructed the Registry to indicate whether they had any objection to the

¹ ICC-01/11-01/25-6-Conf-Corr-Red

² ICC-01/11-01/25-6-Corr-Red

³ ICC-01/11-01/25-104

⁴ Email Order from PTC1: [ICC-01/11-01/25 – Confidential] Order on reclassification of ICC-01/11-01/25-6-AnxI, 14 April 2026 at 12:28

⁵ Email Order from PTC1: ICC-01/11-01/25 - Order relating to the level of confidentiality of document ICC-01/11-01/25-6-Conf-Exp-Anx II - public, 10 June 2026 at 10:55

⁶ Email from Defence: Re. ICC-01/11-01/25 - Order relating to the level of confidentiality of document ICC-01/11-01/25-6-Conf-Exp-Anx II - public, 11 June 2026 at 11:16

reclassification from confidential *ex parte* to confidential of the Transmission Document, or otherwise file a confidential redacted version thereof.⁷

7. On Friday, 12 June 2026, the Registry filed the CRV of the Transmission Document.

8. On Monday, 15 June 2026, the Defence sent an email to the Registry in the following terms:

We thank the Registry for filing a lesser redacted version of this cover filing.

We remain puzzled, however, about the remaining redaction(s) at paragraph 5, which currently reads as follows in the lesser redacted version:

Pursuant to regulation 23bis(1) of the Regulations of the Court (“RoC”), the present submission along with its annexes are classified as confidential ex parte [REDACTED] [REDACTED].

Could you advise us if the remaining redaction is of:

- (i) merely one or more [REDACTED], or a category of [REDACTED], or other information?
- (ii) in addition, a reasoned explanation in the filing for why that [REDACTED] or information is redacted?

If the redacted [REDACTED] is [REDACTED], we submit that there is simply no justification for keeping this [REDACTED] redacted in a confidential redacted filing. The Defence already knows that [REDACTED]. [REDACTED]. Moreover, even the public version of [REDACTED]. It is a matter of public knowledge, and is completely uncontroversial, that [REDACTED].

If the redacted [REDACTED] is [REDACTED], we submit that there is similarly no justification for maintaining this redaction. The Defence already knows that [REDACTED]. The confidential unredacted version of [REDACTED] discloses [REDACTED] to the Defence ([REDACTED]), as does [REDACTED] itself.

It is not clear to us why [REDACTED] would be relevant to the matter at hand, nor why its being withheld from the Defence is necessary for [REDACTED]. Any explanation that the Registry might be able to provide would be helpful.

The bare assertion [REDACTED] that this information should be kept confidential and *ex parte* is not enough. We respectfully ask the Registry to reassess the reasonableness and indeed logical coherence of the requested redaction in light of the information that has already been disclosed to the Defence in other filings and annexes.

We look forward to hearing from you at your very earliest convenience.⁸

9. On 18 June 2026, the Registry responded, stating that “the redacted portion concerns [REDACTED].” The Registry continued: “As per the Registry’s usual practice, [REDACTED], unless otherwise ordered by the Chamber and, where such order is issued, subject to

⁷ Email Order from PTC1: ICC-01/11-01/25 - Order relating to the Defence query as to the classification level of filing ICC-01/11-01/25-6-Conf-Exp-Corr - confidential, 11 June 2026 at 12:48

⁸ Email from Defence: Re. ICC-01/11-01/25 - Order relating to the Defence query as to the classification level of filing ICC-01/11-01/25-6-Conf-Exp-Corr - confidential, 15 June 2026 at 14:48

[REDACTED].”⁹

III. CLASSIFICATION

10. This request is classified as confidential pursuant to Regulation 23bis(2) of the Regulations of the Court because it refers to documents filed with the same classification. A public redacted version will be filed shortly thereafter.

IV. SUBMISSIONS

11. For the reasons set out in its email of 15 June 2026, the Defence submits that the redactions to the portions in paragraph 5 of the CRV of the Transmission Document should be lifted. On the face of it, it is difficult to understand why there should be “[REDACTED]” whose [REDACTED] might reasonably need protecting by virtue of [REDACTED]. The response of the Registry would suggest that these [REDACTED] are associated with [REDACTED] (“[REDACTED]”).

12. The [REDACTED] are known to the Defence. [REDACTED]. None of this is a mystery.

13. The Defence acknowledges the Registry’s duty *vis-à-vis* [REDACTED], but respectfully submits that this should be avoided if maintaining [REDACTED] would result in an unreasonable, irrational and incoherent outcome. It is not clear to the Defence why the [REDACTED] would be relevant to the matter at hand, nor why withholding such [REDACTED] from the Defence is necessary for [REDACTED].

14. The Defence submits that the redacted information is likely to conceal information about: (i) whether [REDACTED]; (ii) what [REDACTED] and/or [REDACTED]; (iii) what [REDACTED]; and (iv) the [REDACTED] were it to be publicly known that [REDACTED].

15. Such information, thus far withheld from the Defence, may be so important that it requires additional submissions to be made in the context of the Jurisdiction Challenge.

V. RELIEF SOUGHT

16. For the foregoing reasons, the Defence respectfully requests that the PTC assesses for itself

⁹ Email from Registry, Office of the Director, Division of Judicial Services: Re. ICC-01/11-01/25 - Order relating to the Defence query as to the classification level of filing ICC-01/11-01/25-6-Conf-Exp-Corr - confidential, 18 June 2026 at 13:02

the remaining redactions in the CRV of the Transmission Document, and thereafter, if appropriate, order the Registry to lift all such redactions. It is clear that the Registry will not do so absent an order from the PTC.

Respectfully submitted,

A handwritten signature in dark ink, reading "Yasser Hassan", written in a cursive style.

Yasser Hassan
Counsel for Mr Khaled Mohamed Ali El Hishri

Dated this 4 August 2026
at The Hague, The Netherlands