

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/11-01/25

Date: 25 August 2026

TRIAL CHAMBER VII

Before: Judge Althea Violet Alexis-Windsor, Presiding Judge
Judge Miatta Maria Samba
Judge Beti Hohler

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

Public

Joint Prosecution and Defence submissions pursuant to the “Order scheduling first status conference”

Source: Office of the Prosecutor
Defence of Mr Khaled Mohamed Ali El Hishri

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☐ Legal Representatives of the Victims

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(Participation/Reparation)

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A. INTRODUCTION

1. The Prosecution and the Defence provide the following joint submissions on several agenda items for the first status conference, pursuant to paragraph 4 of the Chamber's order of 27 July 2026 (the "Scheduling Order").¹
2. The Parties will provide separate submissions complementing the agenda items below and on the remaining agenda items.

B. PROCEDURAL HISTORY

3. On 16 July 2025, authorities of the Federal Republic of Germany arrested Mr EL HISHRI pursuant to a warrant of arrest issued against him by Pre-Trial Chamber I on 10 July 2025.²
4. On 1 December 2025, Mr EL HISHRI was surrendered to the Court. His initial appearance took place on 3 December 2025.
5. The Confirmation of Charges Hearing for Mr EL HISHRI took place from 19-21 May 2026.
6. On 16 July 2026, the charges against Mr EL HISHRI were confirmed by Pre-Trial Chamber I.³
7. On 20 July 2026, Trial Chamber VII was constituted.⁴
8. On 27 July 2026, Trial Chamber VII scheduled the first status conference for 3 September 2026 and ordered the parties and participants to provide submissions on a number of topics, as outlined below, by 25 August 2026.⁵ In this order, the Chamber encouraged the Parties and Participants to liaise and file joint submissions on any of

¹ Order Scheduling the First Status Conference, [ICC-01/11-01/25-157](#) ("Scheduling Order"), para 4.

² Warrant of Arrest for Mr Khaled Mohamed Ali El Hishri, [ICC-01/11-01/25-7](#).

³ Decision on confirmation of the charges against Mr Khaled Mohamed Ali El Hishri, [ICC-01/11-01/25-143](#).

⁴ Decision constituting Trial Chamber VII and referring to it the case of The Prosecutor v. Khaled Mohamed Ali El Hishri, [ICC-01/11-01/25-147](#).

⁵ [Scheduling Order](#).

the points indicated, in particular on the date for the commencement of trial and relevant intermediary deadlines.⁶

9. On 19 August 2026, the Prosecution and the Defence met to discuss the agenda items for the first status conference and agreed on the following submissions.

C. SUBMISSIONS

1. Commencement date of the trial

10. The Parties propose that the trial be set to commence on Tuesday, 8 June 2027. Setting the trial date of 8 June 2027 would ensure that trial commences after Ramadan and allows a reasonable period (of at least three months) between completion of pre-trial steps and commencement of trial. The Parties propose a staggered approach to completion of pre-trial steps, but disagree on the timing of certain intermediate deadlines. Each Parties' timeline proposals will be set out in their separate submissions.

11. The Parties note that in setting the commencement date for the *Duterte* trial, Trial Chamber III recently highlighted the need for efficiency and expedition in trial proceedings.⁷ The Parties have been mindful of these considerations and weighed them carefully in proposing the deadlines below, which would ensure this would be the shortest pre-trial period from surrender to commencement of trial at the Court.⁸ The confirmation of charges decision was issued 227 days after the suspect's surrender to the Court. This is faster than any timeline from surrender to confirmation decision to date.⁹

⁶ [Scheduling Order](#), para 4.

⁷ *Duterte* Transcript of hearing on 27 May 2026, [ICC-01/21-01/25-T-009-Red-ENG](#), p.3, lines 11-12, 14-15, p.4 line 1.

⁸ To date, the fastest case from surrender to trial is *Said* (610 days), followed by *Duterte* (currently scheduled to take 628 days), *Abd-Al-Rahman* (665 days), *Ongwen* (685 days), *Yekatom* (822 days), and *Al Hassan* (836 days). The Proposed start date of 8 June 2027 would amount to a total of 554 days.

⁹ Timelines from surrender to confirmation of charges: *Said*: 319 days, *Yekatom*: 357 days, *Abd-Al-Rahman*: 395 days, *Duterte*: 407 days, *Ongwen*: 427 days, *Al Hassan*: 548 days.

12. The proposed date for the start of trial also balances the need for an expeditious trial with the requirements needed to fulfil the Court's obligations under article 68(1) of the Statute. The time will allow the Prosecution to efficiently discharge its disclosure obligations and other pre-trial steps and avoid requests to vary the start date of trial.

13. The Parties propose a deadline of 8 March 2027 for the Prosecution to file its requests for admission of prior recorded testimony under rule 68(3) of the Rules of Procedure and Evidence ("Rules"). The Prosecution shall endeavour to make such requests on a rolling basis prior to the final deadline.

14. The Parties propose a deadline of 7 May 2027 for the Prosecution to submit:

- (i) requests for admission of prior recorded testimony under rule 68(2)(b), (c) and/or (d) of the Rules;
- (ii) applications for in-court protective measures and special measures; and
- (iii) applications for witnesses to give evidence via audio/visual link pursuant to article 69(2) of the Statute/rule 67 of the Rules on a rolling basis.

15. The Parties were unable to agree on intermediate deadlines regarding the disclosure of evidence, notice of final lists of witnesses and evidence, and the provision of a Prosecution Pre-Trial Brief. The Parties will file separate submissions on these timelines.

2. Agreed facts under Rule 69 of the Rules

16. The Prosecution and Defence have agreed to begin consultations on a proposal for agreed facts.

3. Languages to be used by the parties

17. Counsel for the Prosecution intends to use English during the proceedings.

18. Lead Counsel for the Defence has sought leave from the Chamber to use Arabic during the first status conference. The Prosecution does not oppose this request.

Defence will submit a request for authorisation to use Arabic during the trial in due course.

4. Provision of trial briefs

19. The Parties support the provision of trial briefs, which they consider will assist the Chamber, as well as the parties and participants. The Prosecution requests a page extension for its trial brief to 200 pages, excluding annexes. The Defence does not oppose this request.

20. The Prosecution submits that this figure is justified by the number of alleged incidents of direct perpetration in this case, the scope and scale of the charges of both war crimes and crimes against humanity spanning over a six-year period with numerous victims, several modes of liability and to fully reflect the scope of the Confirmation Decision including as regards intersectionality of discrimination, the scope of the enslavement charges and the nexus to the armed conflict.

21. The Defence intends to file a trial brief with the same request for 200 pages, if necessary, before the start of the Defence case.

5. Joint Instruction of experts

22. The Parties will consult on the possibility of joint instruction of experts in due course.

6. Motions requiring resolution prior to the commencement of trial

23. The Parties propose that the Chamber set a deadline of one month prior to the commencement of trial for the filing of all motions requiring resolution prior to the commencement of trial. The Parties agree to bring any motions as soon as practicable once the need has been identified but the proposed deadline would allow time for the Parties and participants to respond and for the Chamber to dispose of any such motions prior to the commencement of the trial.

24. As in other cases, pursuant to regulation 54(h) and (p) of the Regulations of the Court, the Prosecution submits that the Chamber instruct the Defence to indicate by way of filing no later than 10 May 2027 (i) the principal matters of fact or law for which the Defence takes issue in the Prosecution's case and the reasons for such issue being taken; and (ii) the general nature of the Accused's defence, including any particular defence under Rules 79 and 80 of the Rules on which he intends to rely.¹⁰

7. Other issues

i. Adoption of Protocols

25. The Parties propose the adoption of the eCourt Protocol,¹¹ Handling of Confidential Information Protocol,¹² Witness Preparation, Familiarisation, Vulnerability, and Redaction Protocols¹³ as adopted in the *Duterte* case. The parties propose the continuation of the dual status protocol agreed in the pre-confirmation proceedings.¹⁴

¹⁰ *Duterte* Directions on the Conduct of Proceedings, [ICC-01/21-01/25-471](#), para. 18; Transcript of hearing on 27 May 2026, [ICC-01/21-01/25-T-009-Red-ENG](#), 33:25-34:15. See also *Abd-Al-Rahman*, [ICC-02/05-01/20-478](#), para 10.

¹¹ *Duterte* Registry's Report Pursuant to the Chamber's Oral Decision issued on 27 May 2026 on Consultations with Parties and Participants Regarding the 'E-Court Protocol', [ICC-01/21-01/25-469](#).

¹² *Duterte* Decision adopting an amended protocol on the handling of confidential information and contact with witnesses, [ICC-01/21-01/25-476](#).

¹³ *Duterte* Registry Submission of the Witness Preparation, Familiarisation, Vulnerability, Dual Status Witness and Redactions Protocols, [ICC-01/21-01/25-464](#).

¹⁴ Registry Submission of the Dual Status Witness Protocol, [ICC-01/11-01/25-63](#).

CONCLUSION

26. The Prosecution and the Defence respectfully request the Chamber to consider these submissions.



Nazhat Shameem Khan
Deputy Prosecutor



Yasser Hassan
Counsel for Mr Khaled Mohamed Ali El
Hishri

27.

Dated this 25th day of August 2026

At The Hague, The Netherlands