

**Public Redacted Version of
Annex 3 to
“Registry Report on Group A and B
applications and update on the victims’
legal representation”
(ICC-01/11-01/25-112-Conf-Exp-Anx3)**

Update on the legal representation of victims

1. Following the Registry Report of 25 February 2026 on the Common Legal Representation of Victims in the *El Hishri* case (“February Report” and “Case”),¹ the Chamber issued its ‘Decision on the legal representation of victims’,² in which it ordered the Registry “to continue consulting with all victim applicants and to submit update report(s) to the Chamber when it considers it appropriate”.³ The Registry provides below:

- An update of the victims’ views collected;
- an update on the lawyers chosen by applicants (“Potential CLRVs”);⁴ and
- the Registry’s observations on the organisation of the common legal representation of victims.

A. Update on victims’ views collected

2. Among the 64 victim applications the VPRS assessed as falling within Group A, the following choices of legal representatives were expressed:⁵

- One applicant chose to be represented by [REDACTED] ;
- Ten applicants chose to be represented by [REDACTED] ;⁶
- One applicant chose to be represented by [REDACTED] ;
- Seven applicants chose to be represented by [REDACTED];⁷

¹ Registry, “Registry Report on the Common Legal Representation of Victims”, 25 February 2026, ICC-01/11-01/25-72.

² Pre-Trial Chamber I, “Decision on the legal representation of victims”, 12 March 2026, ICC-01/11-01/25-84 (“Decision”).

³ *Id.*, para. 15.

⁴ There presently are four external counsel: [REDACTED]; and two counsel from the Office of Public Counsel for Victims (“OPCV”) : [REDACTED]. [REDACTED].

⁵ These choices were expressed either in the victim application form or, for those who have agreed to complete it, in the questionnaire on legal representation. See February Report, para. 6.

⁶ [REDACTED].

⁷ [REDACTED].

- Thirty-five applicants chose to be represented by a lawyer of the OPCV.⁸
3. Alike applicants consulted for the Registry's February Report, the applicants whose victim applications were submitted in the meantime have indicated in their forms being concerned about their privacy, as well as the security and confidentiality of their information. Applicants indicated that they want a lawyer who is fair, honest and strong/not intimidated by threats. They further sought a competent and dedicated lawyer who is familiar with the Libyan context, international law, with representing victims, and who is knowledgeable about the ICC procedures. Applicants emphasized the importance of their lawyer, or legal team members, speaking the language of the victims, to keep them informed about the proceedings and to convey their views effectively. They expressed a preference for a lawyer who is compassionate, humane, and understanding of their situation, who treats victims equally, and makes sure that the confidentiality of their identities and communications is respected. The Registry notes that one applicant indicated not wanting to be represented by a Libyan or Arabic lawyer, out of concern that such a lawyer might be politically influenced.
 4. All applicants further indicated that they lack the financial means to pay for their legal representation.

B. Update on the Potential CLRVs

5. On 20 April 2026, the VPRS and the Counsel Support Section organised a meeting with the potential CLRVs whose clients had been assessed by the VPRS as falling within Group A (within the scope of the case).⁹ The purpose of the meeting was to

⁸ This choice is documented in the victim application form or in the questionnaire, either by indicating OPCV at question 15. I, or through having ticked "yes" at question 15. V. a). This number does not include four applicants whose answers are not clear, since they have responded positively to questions 15. V a) ("Does the victim wish to be represented by a lawyer from the Office of Public Counsel for Victims at the Court?") and to b) ("Does the victim wish to choose a lawyer from the List of Counsel before the Court?") in their application forms.

⁹ [REDACTED] and the OPCV [REDACTED].

explore the possibility of all lawyers coming together to represent, under a single CLRV team, all participating victims, for the duration of the pre-trial stage.

6. During the meeting, the lawyers were informed about the modalities of working within a single team, including (i) the coordination required to efficiently and jointly represent all victims in the proceedings, (ii) the arrangements for the disbursement of legal aid funds to external counsel, and (iii) the necessary steps for the external lawyers' onboarding, should they be appointed as CLRV.
7. Following the meeting, the VPRS received the following information:¹⁰
 - An email from [REDACTED] indicating that he agrees to be part of a common legal representation of victims in the Case;¹¹
 - an email from [REDACTED] indicating that he confirms his willingness and availability to serve as a member of a single team of common legal representatives, alongside the OPCV and the other counsel who were participating in the meeting of 20 April 2026;¹²
 - an email received from [REDACTED] from the OPCV, informing the VPRS that while Counsel from the OPCV are generally open to working within a single CLRV team, the Office has some reservations regarding the adoption of this model for the specific case, particularly due to security concerns;¹³
 - correspondence from [REDACTED], in which she 1) confirmed her willingness to be part of the CLRV team; 2) emphasised that any counsel engagement must preserve trusted channels of communication with victims, including via their chosen counsel and intermediary, and inspire confidence in team composition, in light of the security risks in

¹⁰ All correspondence received has been compiled in Annex 4.

¹¹ [REDACTED].

¹² [REDACTED].

¹³ [REDACTED].

Libya; and 3) noted that shared legal aid resources should reflect the size and operational complexity of the caseload;¹⁴ and

- correspondence from [REDACTED], in which she conveyed that she 1) agrees in principle to participate in a CLRV team; 2) [REDACTED], [REDACTED], with submitted and forthcoming participation applications; 3) [REDACTED]—stressing that any CLRV arrangement must preserve secure communication and inspire victims’ confidence given the heightened risks faced by [REDACTED] [REDACTED]; and 4) emphasises that shared legal aid resources should reflect the size, diversity, and operational complexity of the migrant victims’ caseload, while reaffirming commitment to constructive cooperation with co-counsel.¹⁵

8. On 24 April 2026, the VPRS received information from representatives of [REDACTED] civil society organisations (“CSOs”) who assist victims, raising concerns about the potential composition of the CLRV team, [REDACTED].¹⁶ They further summarised these concerns in a correspondence to the VPRS received on 29 April 2026,¹⁷ and transmitted in Annex 5.
9. On 28 April 2026, during a meeting with the VPRS during which he was informed of the content of Annex 5,¹⁸ [REDACTED] indicated that 1) his client would not wish to be represented by anyone other than him, but would be amenable to be represented by a CLRV team including him; and 2) he is willing to represent his client *pro bono* for the purposes of the confirmation of charges stage.

¹⁴ [REDACTED].

¹⁵ [REDACTED].

¹⁶ Meeting between the [REDACTED] CSOs and the VPRS held on 24 April 2026.

¹⁷ Correspondence from the CSOs to the VPRS dated 29 April 2026 at 11:08.

¹⁸ Meeting between VPRS and [REDACTED], held on 28 April 2026.

C. Registry observations

10. At the outset, the Registry highlights that the relatively low number of applications received at the pre-trial stage, shortly before the start of the confirmation of charges hearing limits its ability to make meaningful recommendations on the most appropriate arrangement for the organisation of the victims' legal representation at this juncture in the Case. This limitation is further compounded by the fact that the current scope of the Case may ultimately involve a rather substantial number of victims participating in the proceedings. The Registry therefore recommends that any decision on the common legal representation of victims in the Case at this juncture be expressly limited to the pre-trial stage only.
11. [REDACTED],¹⁹ when making recommendations on the organisation of the legal representation of victims in a case, the Registry seeks, to the extent possible, to uphold the principle of a victim's free choice of legal representation enshrined in rule 90(1) of the Rules of Procedure and Evidence ("RPE"), recognising the importance of the relationship of trust between victims and their lawyers. The Registry has noted, in particular, the victims' wish to feel safe and secure when participating in the proceedings. It therefore appears sensible to the Registry in principle that allowing victims to continue being represented by the lawyer of their choice from and in the early stages of the proceedings may help foster a safe and trusting environment conducive to their participation in the proceedings. In this context, and pursuant to rule 90(2) of the RPE, the Registry has gauged the willingness and ability of the potential CLRVs to represent the participating victims within a single CLRV team.
12. The Registry further notes the following:

¹⁹ [REDACTED].

- Counsel from the OPCV, as well as the CSOs supporting [REDACTED], or which they are affiliated with,²⁰ have informed the VPRS that they are in contact with more victims who may submit their application at a later juncture;
- [REDACTED] each represent one victim;
- [REDACTED] confirmed his capacity and willingness to represent his client – [REDACTED] - *pro bono* for the purposes of the confirmation of charges stage.

13. The Registry notes the instruction of the Chamber at paragraph 15 of its Decision, that “[s]hould the Registry recommend the formation of a team of external lawyers or a combined team of external lawyers and the OPCV, but consider that not all of the external lawyers proposed by the victims should be included in the team, it shall select one or more external counsel according to the procedure specified in paragraph 48 of its [February] Report and propose a team composition to the Chamber by way of an updated report”.

14. The Registry has not yet been in a position to conclusively assess whether the concerns raised by the CSOs constitute a fundamental impediment to a single team composition comprising all counsel presently known to it.

15. Therefore, in light of the limited time remaining before the commencement of the confirmation of charges hearing, the Registry is regrettably not in a position, at this juncture, to submit a recommendation to the Chamber in accordance with paragraph 15 of the Decision—namely, a recommendation for a team composition that could potentially exclude one or more external counsel following an open, transparent and objective selection process – during which concerns such as those levelled in the present proceedings could be conclusively assessed. The Registry

²⁰ [REDACTED] was selected as the choice of common legal representative of victims by a coalition of five CSOs who are assisting victims, and who carried out a mapping of potential common legal representatives of victims. See Registry “Registry submissions on the organization of legal representation of victims in the Case “, 17 December 2023, ICC-01/11-01/25-43, para. 7 and February Report, para. 14. [REDACTED]. [REDACTED].

considers that the available time does not allow for the proper completion of the full sequence of procedural steps required under the applicable framework, including, *inter alia*, the constitution of a selection panel, the conduct of interviews, and the preparation of a reasoned panel report, sufficiently in advance of the confirmation of charges hearing.

16. In these circumstances, the Registry is unable, at this stage, to implement the selection procedure envisaged by the Chamber and to recommend a team composition based on such a process. The Chamber may thus consider the following options, pending the completion of a full selection process if charges are (partially or fully) confirmed:

- extend the present mandate of the OPCV for the purpose of the confirmation of charges hearing;²¹ or, alternatively,
- appoint a CLRV team composed of counsel from the OPCV, [REDACTED], who would jointly represent all participating victims, except the victim represented by [REDACTED], who would continue to be represented by him, on a *pro bono* basis,²² and independently from the CLRV team.

17. Should the charges be (partially or fully) confirmed and additional victims seek participation at a subsequent stage of the proceedings, the Registry proposes to implement its selection process [REDACTED], and to submit, in due course, a recommendation to the Trial Chamber regarding the organisation of common legal representation of victims for the next stage of the proceedings.

²¹ Decision, para. 13.

²² This is possible through the wording of Rule 90(2) RPE which stipulates that “[w]here there are a number of victims, the Chamber may, for the purposes of ensuring the effectiveness of the proceedings, request the victims or particular groups of victims, if necessary with the assistance of the Registry, to choose a common legal representative or representatives.” (our emphasis). See also Pre-Trial Chamber II, *The Prosecutor v. Dominic Ongwen*, “Decision on contested victims’ applications for participation, legal representation of victims and their procedural rights, 27 November 2015, ICC-02/04-01/15-350, paras 16-24.