

ANNEX 4

PUBLIC

Pre-Trial Chamber I Communications

11/2/2026 15:41

RE: Confidential - Prosecution Request to append victim lists to Pre-Confirmation Brief as annexes

To El Hishri Prosecution Team [REDACTED] • Pre-Trial Chamber I Communications [REDACTED] Copy
 El Hishri LRV Team OPCV [REDACTED] • [REDACTED]
 Associate Legal Officer-Court Officer [REDACTED]

[ICC] RESTRICTED

Dear Counsel,

The Chamber takes note of the Prosecution's request below. The Chamber hereby shortens the deadline for responses to **Thursday, 12 February 2026, COB.**

Kind regards,
 Pre-Trial Chamber I

From: El Hishri Prosecution Team [REDACTED]
Sent: 11 February 2026 14:05
To: Pre-Trial Chamber I Communications [REDACTED]
Cc: El Hishri LRV Team OPCV [REDACTED] [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
Subject: Confidential - Prosecution Request to append victim lists to Pre-Confirmation Brief as annexes

[ICC] RESTRICTED

Dear Pre-Trial Chamber I,

The Prosecution respectfully requests authorisation to append victim lists to the Pre-Confirmation Brief as annexes.

During the first status conference on 28 January 2026, the Chamber instructed the Prosecution to file the Document Containing the Charges, the list of evidence, and Pre-Confirmation Brief by 26 March 2026 (ICC-01/11-01/25-T-002-CONF-ENG, page 14, lines 21-22). During the same status conference, the Prosecution requested 120 pages for the Pre-Confirmation Brief as set out in Regulation 38(1)(a) of the Regulations of the Court (ICC-01/11-01/25-T-002-CONF-ENG, page 14, lines 10-11). The Prosecution notes that regulation 36(2)(b) of the Regulations of the Court stipulates that annexes should not contain any arguments or submissions. According to this provision, annexes may contain references, authorities, copies from the record, exhibits and other relevant, non-argumentative material.

The Prosecution seeks the Chamber's authorisation to append confidential Annexes which include tables listing only identifying data of victims as well as corresponding references to the Pre-Confirmation Brief, which would not count towards the page limit. Such tables would complement the descriptive text of the victimisation and approximate numbers in the brief and avoid overly lengthy footnotes with the evidence concerning the victims of each alleged crime. In past cases such victim lists have been accepted by Chambers as Annexes (see, e.g., in the Abd-Al-Rahman

case: ICC-02/05-01/20-346 (annexes A7, A8, A10 and A12); ICC-02/05-01/20-550 (annexes 11, 12, 17 and 23); ICC-02/05-01/20-1206 (annexes 11, 12, 17 and 23). The same practice was adopted in the Kony case (see, Decision on the confirmation of charges, ICC-02/04-01/05-633, footnote, 71 and paragraphs 106, 116, 128, 139, 151, 161, 172).

Allowing the Prosecution sufficient space to set out who has been victimised is important, both legally and factually. The case against Khaled EL HISHRI involves a large number of potential victims. The Prosecution bears the burden of proving whether there are substantial grounds to believe that Mr El HISHRI has committed the alleged crimes, which includes who was affected by them, how, where and when. Victim lists are an aide to set out the scope of the individuals concerned. The Prosecution would avoid adding legal or factual assessments in the lists. Attached are proposed examples of the potential structure for such a list for the Chamber's consideration. The lists would be linked to the respective charged crimes.

Kind regards,

El Hishri Prosecution Team