

# **Annex 1**

## **Public Redacted version**

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|                                                                                                 |           |
|-------------------------------------------------------------------------------------------------|-----------|
| <b>1) Introduction.....</b>                                                                     | <b>2</b>  |
| <b>2) Methodology of consultations.....</b>                                                     | <b>2</b>  |
| a. Scope of consultations .....                                                                 | 3         |
| b. Consultations with victims.....                                                              | 4         |
| c. Consultations with CSOs .....                                                                | 5         |
| d. Communications with lawyers who expressed an interest to represent victims                   | 5         |
| <b>3) Information collected .....</b>                                                           | <b>6</b>  |
| a. Legal representatives identified to date .....                                               | 6         |
| b. Characteristics and qualities victims consider necessary for their legal representation..... | 8         |
| c. Identification of number of victim groups .....                                              | 10        |
| d. Indigence of victims and availability of legal aid .....                                     | 12        |
| e. Registry information on the lawyers .....                                                    | 14        |
| <b>4) Registry observations .....</b>                                                           | <b>14</b> |
| a. Limitations of consultations .....                                                           | 14        |
| b. Observations on rule 90 (4) of the Rules .....                                               | 15        |
| i. Conflict of interest and divergent interests of victims .....                                | 15        |
| c. Observations on security .....                                                               | 17        |

## 1) Introduction

1. On 23 December 2025, Pre-Trial Chamber I (“Chamber”) issued the “Order on the organisation of the legal representation of victims” (“Order”)<sup>1</sup> in the case of *The Prosecutor v. Khaled Mohamed Ali El Hishri* (“El Hishri case”, or “Case”), *inter alia*, ordering the Registry “to submit a report on the consultations conducted, the information thus collected, and its potential recommendations on the way forward”.<sup>2</sup>
2. In accordance with the Order, the Registry hereby submits the following report (“Report”), which is structured as follows:
  1. Methodology of consultations;
  2. Information collected;
  3. Registry observations;
  4. Registry recommendations.

## 2) Methodology of consultations

3. In the section below, the Registry describes the activities carried out since the issuance of the warrant of arrest for Mr El Hishri (“Warrant of Arrest”)<sup>3</sup> and the Order, and sets out the sources and types of information collected in order to comply with the Chamber’s instructions. These activities include consultations with victim applicants, as well as with civil society organisations (“CSOs”) and individuals [REDACTED], including legal representatives (altogether “Stakeholders”).

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<sup>1</sup> Pre-Trial Chamber I, “Order on the organisation of the legal representation of victims”, 23 December 2025, ICC-01/11-01/25-47.

<sup>2</sup> Order, para. 2.

<sup>3</sup> Pre-Trial Chamber I, “Warrant of Arrest for Mr Khaled Mohamed Ali El Hishri”, 10 July 2025, ICC-01/11-188. The warrant of arrest was reclassified as public on 31 July 2025.

## [ICC] RESTRICTED

*a. Scope of consultations*

4. Since the issuance of the Warrant of Arrest, the Victims Participation and Reparations Section (“VPRS”) has undertaken several activities with CSOs, individuals and legal representatives [REDACTED] and, where feasible, with victims themselves. In this context, the Section informed them about, *inter alia*, (1) victims’ rights to participate in ICC proceedings through a legal representative, and (2) the specific role of victims and their counsel at the ICC. Pursuant to the Order, the Registry sought and collected their views and concerns as to how victims’ legal representation should be organised in the Case.
5. [REDACTED],<sup>4</sup> the Registry was only able to conduct remote consultations [REDACTED]. The collection of information on legal representation included a review of victim applications for participation and reparations received to date, as well as meetings and communications with the Stakeholders, the latter of which were conducted online, in person, and through a questionnaire.<sup>5</sup>
6. The VPRS contacted a sample of applicants,<sup>6</sup> as well as CSOs [REDACTED], and individuals who [REDACTED] represent applicants, for relevant consultations. Upon confirmation of their interest to take part in the consultations, a questionnaire was sent to them (“Questionnaire”).<sup>7</sup>

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<sup>4</sup> [REDACTED].

<sup>5</sup> See para. 6 *infra* and footnote 7.

<sup>6</sup> Because of the security situation, the VPRS sent the Questionnaire only to applicants it had been in direct contact with, and with whom a secure channel of communication had been established.

<sup>7</sup> Although containing very similar questions, the format of the questions were adapted to the particular categories of recipients (i.e. victim applicant, CSO or individual/legal representative assisting an applicant). The Questionnaire was designed to gather information on: 1) current victims’ legal representation; 2) victims’ expectations, needs and concerns in relation to their legal representation in the proceedings before the Court; 3) victims’ views on the manner in which the legal representation should be organised in the Case; 4) views on whether there are reasons why participating victims should not be represented by only one common legal representative of victims, and if they could agree on such a common legal representative(s); and 5) whether victims have financial means to afford the cost of their legal representation or could receive any legal aid support from existing structures. Lastly, in a separate question, the VPRS invited the victims, CSOs and individuals/legal representatives assisting applicants to provide their own views (or, in the case of victims, any additional views) on the issue of the legal representation of victims in the Case.

7. The Registry notes that at the time of submission of this Report, the Document Containing the Charges (“DCC”) has not yet been issued.<sup>8</sup> As a result, the precise charges against Mr El Hishri,– and more particularly the victim population affected by the alleged crimes<sup>9</sup>– have not yet been established. The VPRS was thus not in a position to communicate definitive information to the Stakeholders on the scope of the Case, and which victims will ultimately be authorised to participate. The VPRS explained to all Stakeholders the (limited) purpose of the consultation, which focused solely on the issue of common legal representation of victims in the Case.<sup>10</sup>

***b. Consultations with victims***

8. The Registry consulted seventeen victims directly regarding who should represent them in the proceedings against Mr El Hishri before the Court, and on the characteristics and qualities they consider important in a (common) legal representative(s) of victims in the Case. Consultations were conducted through

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<sup>8</sup> Pre-Trial Chamber I, “Order on further matters related to the conduct of confirmation proceedings”, 16 February 2026, ICC-01/11-01/25-66, para. 6.

<sup>9</sup> The Registry notes that the Office of the Prosecutor appealed partially the scope of the Warrant of Arrest, because of its “exclusion of a significant number of victims through, in particular, the requirement that victims were detained for reasons related to the conflict (for war crimes), or were perceived to be opposed to the GNA or SDF/RADA or its ideology (for crimes against humanity)”. Office of the Prosecutor, “Prosecution Appeal Brief concerning the ‘Warrant of Arrest for Mr Khaled Mohamed Ali El Hishri’ (ICC-01/11-188)”, 1 August 2025, ICC-01/01-25-14, paras 3, 15-16, 28, and 40-42. While the Appeals Chamber dismissed the appeal, it indicated that “[n]othing in the Impugned Decision prevents the Prosecutor [...] from making further submissions, including on the applicable law pertaining to article 7 and 8 of the Statute, and presenting additional evidence for the Pre-Trial Chamber to decide upon during the proceedings related to the confirmation of charges”. Appeals Chamber, “Decision finding the appeal of the Prosecutor against the decision of Pre-Trial Chamber I entitled “Warrant of Arrest for Mr Khaled Mohamed Ali El Hishri” inadmissible”, 7 November 2025, ICC-01/11-01/25-23, para. 41.

<sup>10</sup> In doing so, the VPRS sought to properly inform victims of the different possible outcomes ahead of definite clarity on the scope of the Case. Moreover, the VPRS emphasised to Stakeholders that only those victims whose applications had been approved by the judges would ultimately be represented by one or more lawyers in the proceedings.

(i) questions included in the application forms for participation and reparations,<sup>11</sup> and (ii) for a limited number of victims,<sup>12</sup> the Questionnaire.

9. In light of the uncertainty regarding the victim population concerned by the charges,<sup>13</sup> The Registry, where relevant, presents herein the views expressed by the two main groups of victims from whom it has received applications for participation, namely Libyan victims<sup>14</sup> and non-Libyan victims – since their inclusion in (or exclusion from) the scope of the Case constitutes a key consideration when making recommendations on the common legal representation of victims in the present Case.

*c. Consultations with CSOs*

10. The VPRS focused its consultations on organisations [REDACTED].
11. The VPRS completed consultations with representatives of [REDACTED] CSOs.<sup>15</sup>

*d. Communications with lawyers who expressed an interest to represent victims*

12. Following the above-mentioned consultations, a number of counsel identified by victims or CSOs expressed to the Registry their interest in representing victims in

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<sup>11</sup> On 23 February 2026, 16 applications were received specific to the *El Hishri* case. See the [Standard Application Form \(last accessed on 23 February 2026\)](#).

<sup>12</sup> On 23 February 2026, 6 Questionnaires were received.

<sup>13</sup> See footnote 9 above. In particular, the Warrant of Arrest excludes crimes against humanity allegedly committed against Sub-Saharan African detainees. Warrant of Arrest, para. 81.

<sup>14</sup> For a number of applications, the VPRS is currently seeking additional information regarding the reason for the applicants' imprisonment, but expects that, for some, this reason will continue to be unknown to them. The upcoming DCC may provide further clarity on how the VPRS assesses these applications, following the A-B-C approach that the VPRS will implement. Transcript of hearing Initial Appearance, 3 December 2025, ICC-01/11-01/25-T-001-ENG, p.8, lines 17-20, referring to the process and reporting schedule stipulated in the Chamber's Practice Manual, paras 96 and 97(i).

<sup>15</sup> [REDACTED].

the Case.<sup>16</sup> They were consulted through the Questionnaire and invited to provide further information on their availability to act as common legal representatives of victims (“CLRV”) in the Case,<sup>17</sup> the proposed internal structure of their legal team, and their willingness to collaborate with other counsel as part of a team of CLRV of victims, should the Chamber so order.<sup>18</sup> The Registry also consulted the OPCV by inviting them to answer the Questionnaire,<sup>19</sup> following their appointment by the Chamber to represent the collective interests of potential victims in the Case until the mandate of the team of common legal representatives takes effect.<sup>20</sup>

### 3) Information collected

#### *a. Legal representatives identified to date*

##### *i. Legal representatives identified by victims*

13. During the consultation process, victims expressed the following preferences regarding their legal representatives:

*Libyan applicants (12)*<sup>21</sup>

- [REDACTED];<sup>22</sup>
- A lawyer from the OPCV;<sup>23</sup> and

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<sup>16</sup> [REDACTED].

<sup>17</sup> The VPRS sent the Questionnaire [REDACTED] on 30 January 2026 [REDACTED].

<sup>18</sup> The Registry also verified whether relevant individuals are on the ICC list of counsel (“List of Counsel”) or of assistants to counsel (“List of Assistants to Counsel”).

<sup>19</sup> The VPRS sent the Questionnaire to the OPCV on 4 February 2026, at 16:35.

<sup>20</sup> Order, para. 5.

<sup>21</sup> The Registry presents the victims’ views in two separate groups (Libyan and non-Libyan) for two reasons. First, the inclusion of non-Libyan victims within the scope of the Case remains uncertain until the DCC is issued. Second, as further explained below, the non-Libyan victims have expressed views indicating that their interests are distinct from those of the Libyan victims. See para. 16.

<sup>22</sup> Chosen by one applicant in his Questionnaire. However, in his application for participation, the applicant provided a power of attorney only for [REDACTED] to represent him in the proceedings of the El Hishri case at the Court.

<sup>23</sup> Chosen by six applicants in their application forms for participation in the proceedings.

**[ICC] RESTRICTED**

- A non-identified lawyer from the List of Counsel.<sup>24</sup>

Four applicants did not make a clear choice.

*Non-Libyan applicants (5)*

- [REDACTED];<sup>25</sup>
- [REDACTED];<sup>26</sup> and
- [REDACTED].<sup>27</sup>

*ii. Legal representatives identified by CSOs*

14. The results of the Questionnaire administered by the VPRS correspond to the outcome of an earlier mapping managed by the CSOs on legal representation.<sup>28</sup> As a result, [REDACTED] of the CSOs consulted referred to [REDACTED] as desired counsel for victims [REDACTED].<sup>29</sup>

*iii. Information received from lawyers*

15. [REDACTED] and the OPCV [REDACTED], have confirmed to the VPRS, separately, their availability to represent victims in the Case, and provided additional information, available in Annex 2, on the potential team composition as

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<sup>24</sup> One applicant indicated in their application for participation that they want the Registry's assistance to choose a lawyer from the ICC List of Counsel.

<sup>25</sup> Chosen by one applicant in their application form for participation in the proceedings. The Registry notes that the applicant, [REDACTED], may not fall within the scope of the Case as currently defined in the Warrant of Arrest.

<sup>26</sup> Chosen by one applicant in their application form for participation in the proceedings.

<sup>27</sup> Chosen by three applicants in their application forms for participation in the proceedings. [REDACTED].

<sup>28</sup> The mapping was carried out by [REDACTED], reportedly based on the following criteria: (a) experience in representing victims in international criminal proceedings; (b) proven track record in working with [REDACTED]; (c) knowledge of the Libyan context; (d) Arabic language skills; and (e) availability for the entire duration of the proceedings.

<sup>29</sup> [REDACTED].

well as on the absence of any potential conflict of interest related to their possible appointment as CLRVs.

*b. Characteristics and qualities victims consider necessary for their legal representation*

*i. Views expressed by victims directly to the VPRS*

16. Whether in their applications or in response to the Questionnaire,<sup>30</sup> victims indicated the following about what they want in a (team of ) lawyer(s) representing them in the Case. The CLRVs to be appointed should have:

- a profound understanding of the Libyan political, social, and security context, including familiarity with the cultural, linguistic, religious, and historical background relevant to the victims' experiences;
- litigation experience in representing victims of international crimes before national or international courts, experience in handling sensitive matters involving victims of conflict-related violations, and expertise related to the distinct interest of victims of sexual and gender based violence ("SGBV");
- the ability to maintain clear and transparent communication with victims, despite geographical distance and limited communication channels, and to explain to them the applicable fees, the procedural steps, and the overall progress of the proceedings; in relation to communication skills, the lawyers shall also have interpersonal skills, in particular the ability to communicate with victims in a respectful, accessible, and empathetic manner, taking into account the psychological impact of the harm suffered. The representative should also be able to provide or facilitate non-legal support where appropriate, especially with respect to procedural guidance and emotional sensitivity;

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<sup>30</sup> These are Questionnaires answered directly by victims, or by lawyers speaking on their behalf.

**[ICC] RESTRICTED**

- the ability to present a clear and coherent legal strategy, including the capacity to engage effectively with investigative processes and, where applicable, with media dynamics surrounding the Case;
- (for Libyan victims) knowledge of Arabic, notably the ability to explain “complex procedural and technical matters to victims in Arabic”, highlighting the importance of having at least one member of the legal team able to communicate in Arabic and fully appreciate the complexities of the Libyan environment;
- (for non-Libyan victims) the capacity to consult victims in their own languages;
- the ability to be in direct contact with the victims in a safe and secure manner;
- general professional integrity, independence, competence and trustworthiness; and
- awareness of victims’ security concerns.

*ii. Views expressed by CSOs*

17. Consultations of CSOs [REDACTED] yielded the following additional elements:

- substantial experience working with victims of serious human rights violations, including migrants and refugees, applying a victim-centred, do-no-harm and trauma-informed approach, with sensitivity to differentiated experiences of harm;
- contextual knowledge of the Libyan social and political dynamics, as well as of migration-related issues in Libya and along migration routes;
- familiarity with secure data storage and transfer, ensuring confidentiality, safety, and data minimisation;
- availability and sustained commitment for the entire duration of the proceedings, including continuous engagement with victims regardless of the stage of the Case; and

**[ICC] RESTRICTED**

- effective coordination with victims and [REDACTED], and an ability to work collaboratively with [REDACTED].

*iii. Views expressed by lawyers*

18. The following additional views were provided by lawyers:

- security was identified as a concern, with one respondent indicating that the perpetrators have “substantial intelligence and surveillance capabilities” [REDACTED].<sup>31</sup> The CLRVs should have a secure communication mechanism in place and “heightened confidentiality obligations”;<sup>32</sup>
- related to the above was the particular issue of dual status victims in the Case,<sup>33</sup> highlighting the need to ensure that any interaction with such victims complies with ICC legal and security protocols, and, as suggested by one respondent, that confidentiality be maintained vis a vis other members of the victims’ group;
- the need for a “structured, experienced team capable of providing effective and efficient representation to what may be a substantial number of participating victims”;<sup>34</sup> and
- the capacity to manage victims’ expectations in view of the length of ICC proceedings.<sup>35</sup>

*c. Identification of number of victim groups*

*i. Views expressed by the victims*

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<sup>31</sup> Views provided in [REDACTED] answers to the Questionnaire.

<sup>32</sup> Views provided by [REDACTED].

<sup>33</sup> Views provided in [REDACTED]’s respective answers to the Questionnaire.

<sup>34</sup> Views provided by [REDACTED].

<sup>35</sup> Views provided in [REDACTED]’s respective answers to the Questionnaire.

**[ICC] RESTRICTED**

19. In their victim applications and responses to the Questionnaire, all victims save one<sup>36</sup> expressed that they had no concern about being represented in a single group, some noting a shared common interest in the prosecution of Mr El Hishri.
20. Among these, two applicants indicated that they wished their lawyer to represent them,<sup>37</sup> but did not oppose that their lawyer do so within a wider team of legal representatives.
21. Two applicants further indicated that a single lawyer would not be able to represent all the victims due to the heavy workload such representation would entail; one of them highlighted the possibility of potential conflict of interests “among different categories of victims” based on their political affiliation in the conflict.<sup>38</sup>

*ii. Views expressed by CSOs*

22. Generally, no conflict of interest between groups of victims was reported at this stage.
23. [REDACTED] CSO highlighted that should migrants be included in the scope of the charges, their representation should reflect their distinct interests. Selecting a member of the CLRV team was put forward as a possible solution.<sup>39</sup>

*iii. Views expressed by lawyers*

24. In the answers provided to the Questionnaire, [REDACTED] lawyers<sup>40</sup> raised concerns on differences in political affiliations and the presence of vulnerable

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<sup>36</sup> One [REDACTED] applicant answered negatively based on his view that several armed groups in Libya have produced different categories of victims, indicating the possibility of conflict arising in representing victims affiliated to opposing groups in Libya.

<sup>37</sup> One applicant indicated, through their legal representative, that what matters is that the “lawyer will represent [the victim’s] distinct interest as a victim of SGBV [REDACTED]”.

<sup>38</sup> The same applicant expressed ethical concerns to appoint a lawyer to represent victims in some ICC proceedings and accused in others, or other category of victims in the same ICC case where conflict of interest are possible.

<sup>39</sup> [REDACTED].

<sup>40</sup> [REDACTED].

groups within the Mitiga detainees' population, which could give rise to challenges if all victims were jointly represented. [REDACTED] respondent further noted that, although all victims share the common objective of pursuing the defendant's prosecution, internal divisions could generate victims' fears for their personal safety stemming from other victims within the group. As a result, some victims may prefer to keep their identities confidential from one another. According to [REDACTED], such concerns could nonetheless be effectively managed through an appropriate organization of the legal team.

*d. Indigence of victims and availability of legal aid*

25. All applicants indicated that they are unable to pay for their legal representation.

The Registry therefore expects that participating victims in the Case will rely for their legal representation exclusively on financial assistance from the Court under its legal aid budget.

26. With regard to the scope of legal assistance in the present Case, the Registry has made a provisional assessment of the complexity level, taking into account all applicable parameters as stipulated in the "Legal aid policy of the International Criminal Court" ("LAP").<sup>41</sup> As a result, the Registry has assessed the complexity at level 1 at the pre-trial stage.<sup>42</sup>

27. At complexity level 1, the victims team at this stage is composed of a legal representative (counsel), a case manager and a field assistant.<sup>43</sup> This composition

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<sup>41</sup> "Legal aid policy of the International Criminal Court", ICC-ASP/22/9, 22 November 2023, paras 53-54.

<sup>42</sup> A re assessment of the complexity level may be requested by the appointed CLRVs at any point during any stage or may be initiated proprio motu if the parameters of the case for the assessment of the allocated legal aid resources change in a manner justifying an increase of legal aid as stipulated under para. 46 of the LAP.

<sup>43</sup> See Table 2 of the LAP. The exact remuneration would depend on the Registry's assessment of the number of years of relevant experience collected for a specific position at the time of the assignment to a team, in line with the indicated years of relevant experience per Table 6 and Annex II of the LAP.

results in a monthly expenditure between €20,481.20 (Step 1) and €22,691.20 (Step 4) at the Pre-Trial stage.<sup>44</sup>

28. The team of legal representatives of victims would also have access to resources as envisaged under the programmes specified in the LAP. As set out in the LAP, the resources within a programme are administered by the Registry. In particular, under Programme 1, at complexity level 1 at the pre-trial stage, the team would be allocated resources to conduct field missions in the amount of €10,000 per year, to cover all costs associated with the purpose of facilitating communication with victims on the ground. These resources could also be used, *inter alia*, to engage “non-permanently selected field assistants”.<sup>45</sup>
29. Furthermore, under Programme 2, resources “to cover costs for experts, translation and other miscellaneous expenses other than that assumed by the Court” could be made available to the LRV’s team.<sup>46</sup> This amount is €10,000 per year, irrespective of the stage of the proceedings and complexity level.<sup>47</sup>
30. Finally, Programme 3 of the LAP, subject to the conditions outlined in the LAP, “covers the reimbursement of travel expenses incurred by counsel and associate counsel to and from The Hague or an area within commuting distance from the Court’s premises in The Hague.”<sup>48</sup>
31. In the case of several CLRVs being appointed in one case, the total monthly remuneration of one position of “Legal Representative”, as foreseen under the LAP, would be shared among them.
32. Finally, as per the OPCV’s general mandate, the office may be vested by the Chambers, in addition or as an alternative to external legal representation, with a

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<sup>44</sup> See Table 8 of the Annex II of the LAP.

<sup>45</sup> LAP, para. 86.

<sup>46</sup> LAP, para. 89.

<sup>47</sup> LAP, para. 90.

<sup>48</sup> LAP, paras 92-94.

mandate *inter alia* to represent victims at the confirmation of charges stage and beyond.<sup>49</sup>

*e. Registry information on the lawyers*

33. [REDACTED]:

- [REDACTED].<sup>50</sup> [REDACTED].<sup>51</sup>
- [REDACTED] <sup>52</sup> [REDACTED].

**4) Registry observations**

*a. Limitations of consultations*

34. The Registry recalls that for the reasons elaborated *supra*, it has so far received only a very limited number of victim applications and relevant data. This situation is compounded by the outstanding clarification of the scope of the charges against Mr El Hishri. The size and profile of a victims' group – including its internal diversity - may substantially affect the organisation of the common legal representation of victims, including the victims' choice of legal representatives. Moreover, the size of the victims' group and the complexity of its internal composition influence the resources needed to ensure effective legal representation.

35. The Registry therefore submits that the present Report and its current recommendations have to be considered in light of the complex security situation of victims, which has limited their ability to apply for participation ahead of the confirmation of charges hearing, and the forthcoming clarification of the scope of the Case. Should the case proceed to trial, a renewed assessment of the victim landscape and representation parameters may be warranted.

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<sup>49</sup> This is in accordance with regulation 81.4(e) of the Regulations.

<sup>50</sup> See more details in Annex 2, [REDACTED].

<sup>51</sup> [REDACTED].

<sup>52</sup> [REDACTED].

*b. Observations on rule 90 (4) of the Rules*

*i. Conflict of interest and divergent interests of victims*

36. In recent years, the Registry has consistently recommended to Chambers that in the absence of any conflict of interest<sup>53</sup> or substantially “distinct interests”<sup>54</sup> between participating victims which would justify their separate representation, it is appropriate that all participating victims are represented by one CLRV.<sup>55</sup>
37. Based on the information received thus far and available to the VPRS, the Registry considers that there may be two potential conflicts or distinct interests between groups of victims that may mandate two or more distinct groups of victims for the purpose of legal representation, namely:<sup>56</sup>

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<sup>53</sup> Although Article 16(1) of the Code of Professional Conduct for Counsel (“Code”) states that “Counsel shall exercise all care to ensure that no conflict of interest arises”, no definition of conflict of interest is provided under said Code, the approach adopted thus far before the Court is that: “[i]n case the common legal representative receives conflicting instructions from one or more groups of victims, he or she shall endeavour to represent both positions fairly and equally before the Chamber. In case the conflicting instructions are irreconcilable with representation by one common legal representative, and thus amount to a conflict of interest, the common legal representative shall inform the Chamber immediately, who will take appropriate measures [...]”. , *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, Trial Chamber II “Order on the organisation of common legal representation of victims”, 22 July 2009, ICC-01/04-01/07-1328, para. 16. Moreover, Trial Chamber IV stated that “[...] a conflict of interest may arise when the situation or the specificity of the victims is so different that their interests are irreconcilable”. *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*, Trial Chamber IV “Decision on common legal representation”, 25 May 2012, ICC-02/05-03/09-337, para. 42.

<sup>54</sup> For guidance on what constitutes the “distinct interest” of the victims, the Registry notes that rule 90(4) of the Rules makes reference to the criteria set out in article 68(1) of the Rome Statute that includes, inter alia, “the nature of the crime, in particular, but not limited to, where the crime involves sexual or gender violence [...]”.

<sup>55</sup> See, for example, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Registry, “Public redacted version of “Annex I to the Registry’s Second Report on Legal Representation of Victims””, 28 January 2019, ICC-01/12-01/18-209-AnxI-Red, para. 13.

<sup>56</sup> The Registry took note of a concern raised by a respondent related to the workload entailed with the legal representation of all victims participating in the Case. The Registry notes that (i) the issue is not one of conflicting or divergent interests between victims, and (ii) the Court’s LAP caters for this issue through the evaluation of the complexity level of a case.

**[ICC] RESTRICTED**

- A potential conflict of interest between victims based on their (opposing) political affiliation or ideologies;
- the distinct interests of non-Libyan victims (should this population be included in the scope of the Case).

*Potential conflict interest based on opposing political affiliations/ ideology*

38. The Registry is mindful of the fact that some victims may feel vulnerable being represented alongside others who were once (or still are) on opposing sides of a conflict or who hold very different political or personal beliefs. At this juncture, however, the Registry is not aware whether such a situation exists among the applicants currently known to it, and if so, whether this would prevent a single team of legal representatives from adequately representing all victims before the ICC.

39. Given the limited insight at this stage into any (potential) tensions among the victims based on conflicting political affiliations or ideologies, it would be premature for the Registry to recommend separate legal representation of participating victims on this basis. The Registry further considers that any such conflicts of interest could be effectively identified and reported by the CLRV once appointed, following further engagement with their clients. Moreover, there may also be options within a CLRV team to put in place arrangements to cater for specific victim groups' distinct (as opposed to adverse) interests in this regard.

*Distinct interest of non-Libyan victims<sup>57</sup>*

40. In light of the information received by the VPRS to date, there is no clear indication as yet pointing at irreconcilable distinct or divergent interests of non-Libyan/migrant victims - which could not be represented by one common legal representative.

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<sup>57</sup> Should they fall within the remit of the Case, following the issuance of the DCC.

*Conclusion*

41. Based on the above, the Registry does not presently see reasons to establish separate groups of legal representation of victims in the Case. The Registry will continue to monitor whether the separation of victims in different groups teams may be warranted at a future stage, based on: (1) a potential change in scope of the Case (as defined by the upcoming DCC), (2) future applications for participation, and (3) any other information made available to it. Should that be the case, the Registry will inform the Chamber accordingly.

*c. Observations on security*

42. During the VPRS's interactions with the Stakeholders, and through information included in the answers to the Questionnaire and in the applications for participation in the proceedings, it has been reported that in the current security environment in Libya victims fear repercussions for being in contact with the Court, whether they are still currently in Libya, or outside Libya. Stakeholders indicated that victims were concerned for their security and wellbeing, and for the confidentiality of their information. As mentioned before, this fear has translated in relatively few victims coming forward to date to apply for participation in the proceedings; and those who did so expressed the need for protection and to be able to trust the lawyer(s) they already know or who were recommended to them.
43. Any common legal representation scheme in the Case should thus account for the safety and security of victims and the confidentiality of their information. Secure modes of communication between the CLRV/s eventually appointed and their clients will be key, and the Registry stands ready to provide advice in this regard.

**5) Registry recommendations**

44. In light of the low number of applications so far received, and a remaining lack of certainty concerning the precise contours of the charges, the Registry submits that only limited conclusions can be drawn from its consultations. Any decision on the common legal representation scheme at this juncture should be open to amendment at a potential subsequent phase of proceedings if and when a higher number of victim applicants has come forward. The Registry therefore proposes the following two options for the purpose of the confirmation of charges hearing, for the Chamber's consideration:

*Option 1 –the Registry requests the lawyers so far identified by victims to constitute one team of CLRV for the pre-trial stage of the proceedings*

45. Noting the fundamental tenet of rule 90 of the Rules regarding a victim's free choice of counsel, and, based on its consultations, the Registry sees in the current - albeit limited- landscape of applicants and potential legal representatives the possibility of a coordinated victim representation under rule 90(2) of the Rules for the purpose of the confirmation of charges process.

46. The Registry therefore proposes, once the DCC is issued, to approach each legal representative designated until that point by victims who would be admitted to participate, and inquire whether they would be willing to come together under the umbrella of one single CLRV team, for the duration of the pre-trial stage. Should the charges be partially or entirely confirmed, the Registry would continue consultations and propose any potential adjustments to the CLRV scheme for the next stage(s) of the proceedings as may be warranted.

47. Should the Chamber agree with this option, the Registry stands ready, immediately upon the issuance of the DCC, to consult with the relevant counsel and report back to the Chamber in an expedited manner on their answers and the modalities of any proposed arrangement.

*Option 2: the Registry organises the common legal representation of victims under rule 90(3) of the Rules*

48. Should the Chamber prefer that the Registry organises the common legal representation under rule 90(3) of the Rules at this stage of the proceedings, and limit the number of counsel involved, the Registry proposes to organise a competitive process for only those legal representatives identified in the present Report and who would express an interest in being designated CLRV.<sup>58</sup> To conduct the selection process, the Registry would apply the criteria gathered through the consultation mentioned above (as well as other objective criteria applied in previous Registry selection processes<sup>59</sup> such as availability, relevant skills, ability to maintain adequate contact between the victims and the Court, and high standards as established in the context of the Court recruitment processes), with the aim of identifying CLRVs ahead of the confirmation of charges hearing, and no later than 19 April 2026.

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<sup>58</sup> This would include internal and external counsel. The Registry notes that in light of the Confirmation of Charges hearing scheduled to take place on 19 May 2026, a full open competitive process would require at least three months, and therefore not be feasible.

<sup>59</sup> See, for example, *The Prosecutor v. Laurent Gbagbo*, Registry, "Proposal for the common legal representation of victims", 16 May 2012, ICC-02/11-01/11-120, para. 10.