

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/11-01/25
Date: 2 February 2026

PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc, Presiding Judge
Judge María del Socorro Flores Liera
Judge Reine Adélaïde Sophie Alapini-Gansou

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

Public
with Confidential Ex Parte Prosecution and Registry only Annex 1
Prosecution's Fourth Communication of the Disclosure of Evidence

Source: Office of the Prosecutor

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

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

A. INTRODUCTION

1. The Prosecution hereby notifies Pre-Trial Chamber I of the disclosure of evidence pursuant to articles 64(3)(c) and 67(1)(a) and (b) of the Rome Statute, and rules 76(3) and 77 of the Rules of Procedure and Evidence.

B. CLASSIFICATION

2. This notification is filed as public. Annex 1 contains lists of evidence disclosed to the Defence and is classified as confidential.

C. SUBMISSIONS

3. Pursuant to the Chamber's order for "the disclosure of any and all information or materials based on which the arrest warrant was issued",¹ and considering the decision of the Pre-Trial Chamber approving a staggered disclosure of witness identities,² between 21 and 26 January the Prosecution disclosed nine packages of evidence to the Defence and the Office of Public Counsel for Victims, consisting of 314 items (1,278 pages):

- a) Pre-Confirmation INCRIM package 014 - Crimes - 21 January 2026: 62 items (261 pages)
- b) Pre-Confirmation INCRIM package 015 - Modes of Liability - 21 January 2026: 22 items (100 pages)
- c) Pre-Confirmation INCRIM package 016 - Contextual Elements - 21 January 2026: 2 items (6 pages)
- d) Pre-Confirmation INCRIM Package 017 - Modes of Liability - 21 January 2026: 12 items (42 pages)
- e) Pre-Confirmation INCRIM Package 018 - Crimes - 21 January 2026: 5 items (12 pages)
- f) Pre-Confirmation Rule 77 package 003 21 January 2026: 1 item (1 page)

¹ ICC-01/11-01/25-T-001-ENG ET WT 03-12-2025 9 PT, p. 8, lines 1-3.

² ICC-01/11-01/25-46-Conf, para 9.

- g) Pre-Confirmation INCRIM package 021 - Crimes - 26 January 2026: 64 items (384 pages)
- h) Pre-Confirmation INCRIM package 022 - Modes of Liability - 26 January 2026: 145 items (471 pages)
- i) Pre-Confirmation Rule 77 package 005 26 January 2026: 1 item (1 page)

4. Pre-Confirmation INCRIM Packages 014 to 018 contain identity redacted witness statements and associated material relating to seven Prosecution witnesses relied on in the Arrest Warrant³ and the Arrest Warrant Application⁴ (LBY-OTP-P-0342, LBY-OTP-P-0497, LBY-OTP-P-0670, LBY-OTP-P-0719 , LBY-OTP-P-0925, LBY-OTP-P-0943, and LBY-OTP-P- 1031).

5. Pre-Confirmation INCRIM Packages 021 to 022 contain identity redacted witness statements and associated material relating to 10 Prosecution witnesses relied on in the Arrest Warrant and the Arrest Warrant Application (LBY-OTP-P-0054, LBY-OTP-P-0439, LBY-OTP-P-0551, LBY-OTP-P-0650, LBY-OTP-P-0665, LBY-OTP-P-0568, LBY-OTP-P-0635, LBY-OTP-P-0644, LBY-OTP-P-0872 and LBY-OTP-P-1046).

6. Pre-Confirmation Rule 77 package 003 and Pre-Confirmation Rule 77 package 005 contain material related to items cited in the Arrest Warrant and the Arrest Warrant Application.

7. The items contained in the INCRIM packages may also contain information material to the preparation of the Defence pursuant to rule 77 of the Rules of Procedure and Evidence and/or subject to article 67(2) of the Rome Statute.

8. With respect to redactions, the Prosecution has followed the redaction protocol adopted by the Chamber on 3 December 2025 and applied “standard” redactions to the disclosed items. In addition, the Prosecution has applied non-standard redactions as outlined in Annex 1.

9. In relation to the witnesses whose identity cannot be disclosed to the Defence at this stage, the Prosecution applied the redactions to the information that might reveal the witnesses’ identity. The Prosecution used code F for these redactions. The Prosecution has submitted

³ ICC-01/11-01/25-7.

⁴ ICC-01/11-01/25-4-Conf-Corr.

applications for the authorisation of the non-disclosure of the identifying information of the concerned witnesses as instructed by the Chamber.⁵



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 2nd day of February 2026

At The Hague, The Netherlands

⁵ ICC-01/11-01/25-55, ICC-01/11-01/25-58, ICC-01/11-01/25-59. Confidential redacted versions of these applications were filed on 28 and 29 January.