

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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Date: 25 June 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* only available to the Prosecution and Detention Section
Annex 1**

**Public redacted version of "Prosecution's request to maintain contact restrictions",
ICC-01/11-01/25-103-Conf-Exp, 13 April 2026**

Source: Office of the Prosecutor

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A. INTRODUCTION

1. On 20 February 2026, Pre-Trial -Chamber I (the “Chamber”) granted the Prosecution’s First Request¹ to restrict Mr Khaled Mohamed Ali EL HISHRI’s (“EL HISHRI”) communications from the Detention Centre in The Hague with individuals outside the Detention Centre in part and the Prosecution’s Further Request² to separate Mr EL HISHRI from other Arabic-speaking detainees³ and *inter alia* ordered the Prosecution to submit a reasoned request to maintain the contact restrictions, if warranted, by no later than 13 April 2026.⁴ The Prosecution requests to maintain the existing contact restrictions, which remain necessary to prevent Mr EL HISHRI from sharing confidential information through non-privileged persons or Arabic-speaking co-detainees, putting the safety and security of victims and (potential or perceived) witnesses as well as their families at risk, and ultimately jeopardising the integrity of the proceedings at the Court, including [REDACTED]. As set out in the submissions below, the contact restrictions remain justified, necessary, and proportionate in light [REDACTED], and otherwise prejudice the proceedings against Mr EL HISHRI. The Prosecution therefore requests the Chamber to order the Registry to maintain the contact restrictions in place in full until at least the issuance of the Chamber’s decision on the confirmation of charges, subject to a periodic review.

B. CONFIDENTIALITY

2. This request and its annex 1 are filed as Confidential and *ex parte*, only available to the Prosecution and Detention Section in accordance with regulation 23bis(2) of the Regulations of the Court (“RoC”) because of their sensitive and confidential content. Such content includes, *inter alia*, references to filings marked with the same classification as well as information regarding the security situation of vulnerable witnesses and investigation reports detailing security incidents and identifying [REDACTED], disclosure of which could prejudice ongoing investigations.

3. The Prosecution will file confidential and public redacted versions of the present request as soon as practicable.

¹ ICC-01/11-01/25-16-US-Exp (“First Request for Contact Restrictions”); a confidential redacted version was filed on 3 December 2025, *see* ICC-01/11-01/25-16-Conf-Red.

² ICC-01/11-01/25-31-Conf (“Further Request for Contact Restrictions”).

³ ICC-01/11-01/25-70-Conf-Exp-Corr (“Second Decision on Contact Restrictions”), paras. 38, 45 and p. 21 (“existing contact restrictions”); a confidential redacted version as filed on 20 February 2026, *see* ICC-01/11-01/25-70-Conf-Exp-Corr.

⁴ Second Decision on Contact Restrictions, para. 47 and p. 21.

C. PROCEDURAL HISTORY

4. 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 the Chamber on 10 July 2025.⁵ On 4 August 2025, the Prosecution requested measures to restrict Mr EL HISHRI's communications from the Detention Centre in The Hague with individuals outside the Detention Centre, to be implemented immediately upon his surrender to the International Criminal Court ("ICC" or the "Court"),⁶ which the Chamber granted on an *interim* basis on 1 December 2025.⁷ On 31 October 2025, the Prosecution submitted a second request for restrictions between Mr EL HISHRI and his co-detainees.⁸ On 26 November 2025, the Chamber informed the Prosecution of its decision to dismiss the Prosecution's Second Request.⁹ Following the Chamber's invitation,¹⁰ the Prosecution amended its Second Request for Contact Restrictions on 1 December 2025¹¹ and again on 4 December 2025 to separate Mr EL HISHRI from other Arabic-speaking detainees.¹² On 20 February 2026, the Chamber granted the Prosecution's First Request in part and the Prosecution's Further Request¹³ and *inter alia* ordered the Prosecution to submit a reasoned request to maintain the contact restrictions, if warranted, by no later than 13 April 2026.¹⁴

D. SUBMISSIONS

5. The Prosecution requests that the Chamber maintains the contact restrictions to prevent Mr EL HISHRI from sharing confidential information through his non-privileged contacts or Arabic-speaking co-detainees, putting the safety and security of victims and (potential and perceived) witnesses as well as their families at risk, and ultimately jeopardising the integrity of the proceedings at the Court, including [REDACTED]. The requested restrictions are justified and proportionate.

⁵ ICC-01/11-188.

⁶ First Request for Contact Restrictions.

⁷ See ICC-01/11-01/25-54-Conf-Anx9. See also ICC-01/11-01/25-16-Conf-Red, paras. 27-28; ICC-01/11-01/25-54-Conf-Anx16.

⁸ ICC-01/11-01/25-21-US-Exp ("Second Request for Contact Restrictions"); a confidential redacted version was filed on 3 December 2025, see ICC-01/11-01/25-21-Conf-Red.

⁹ ICC-01/11-01/24-Conf ("First Decision on Contact Restrictions").

¹⁰ First Decision on Contact Restrictions, para. 7.

¹¹ ICC-01/11-01/25-25-US-Exp ("Amended Second Request for Contact Restrictions"); a confidential redacted version was filed on 4 December 2025, see ICC-01/11-01/25-25-Conf-Red.

¹² Further Request for Contact Restrictions.

¹³ ICC-01/11-01/25-70-Conf-Exp-Corr ("Second Decision on Contact Restrictions"), paras. 38, 45 and p. 21 ("existing contact restrictions"); a confidential redacted version as filed on 20 February 2026, see ICC-01/11-01/25-70-Conf-Exp-Corr.

¹⁴ Second Decision on Contact Restrictions, para. 47 and p. 21.

6. As set out previously,¹⁵ and reiterated by the Chamber,¹⁶ the Court's established jurisprudence provides that contact restrictions are preventive in nature, and "must be necessary, *inter alia*, for the prevention of disorder and crime and protection of the rights and freedoms of others; proportionate to the legitimate aim pursued; and in accordance with the law".¹⁷

1. The existing contact restrictions are in accordance with the law and remain necessary to safeguard the integrity of the proceedings and the safety and security of victims, witnesses, and their families

7. The existing contact restrictions remain both lawful and necessary, as the factual basis justifying their imposition remains fully intact. When imposing the existing measures, the Chamber found them to be consonant with the law and necessary to prevent "the continuation of alleged witness interferences and other forms of evidence tampering or concealment [which] would greatly undermine the integrity of the proceedings and significantly affect the outcome of the proceedings against Mr El Hishri and [REDACTED]" and to reduce "the threat to the security, [...] and well-being of [victims, actual and potential witnesses, and their families]".¹⁸ Crucially, the risks that justified the imposition of the existing measures have not diminished. On the contrary, [REDACTED].

8. Since the Prosecution's Further Request for Contact Restrictions, filed on 4 December 2025,¹⁹ these risks have further escalated. The Prosecution has received information demonstrating that [REDACTED]:

- a. [REDACTED]. [REDACTED].²⁰ [REDACTED].²¹
- b. [REDACTED]. [REDACTED]. [REDACTED].²²

¹⁵ First Request for Contact Restrictions, para. 8; Second Request for Contact Restrictions, para. 16.

¹⁶ Second Decision on Contact Restrictions, para. 34.

¹⁷ ICC-01/04-01/07-1243-tENG-Red ("*Katanga & Ngudjolo Chui* Decision on Contact Restrictions"), para. 19 citing European Court of Human Rights ("ECtHR"), *Messina v. Italy*, Appl. no. 25498/94, "Judgment", 28 September 2000; *Lavents v. Latvia*, Appl. no. 58442/00, "Judgment", 28 November 2002; *Van der Ven v. The Netherlands*, Appl. No. 50901/99, "Judgment", 4 February 2003; *Kornakovs v. Latvia*, Appl. No. 61005/00, "Judgment", 15 June 2006; *Moiseyev v. Russia*, Appl. No. 62936/00, "Judgment", 9 October 2008. *See also, e.g.*, ECtHR, *Lorsé and other v. The Netherlands*, Appl. no. 52750/99, "Judgment", 4 February 2003, paras. 82-86; *Kanalas v Romania*, Appl. no. 20323/14, "Judgment", 6 December 2016, paras. 53-55.

¹⁸ Second Decision on Contact Restrictions, paras. 35-36, 38, 43-44 (at para. 43, the Chamber refers to "the absolute necessity to avoid any obstruction to the conduct of the proceedings and to protect the witnesses and their close relations from any potential pressure or act of intimidation"). *See also* First Request for Contact Restrictions, paras. 11-27; Second Request for Contact Restrictions, paras. 17-21; Further Request for Contact Restrictions, paras. 4-5.

¹⁹ *See* Further Request for Contact Restrictions.

²⁰ Annex 1, pp. 3-4.

²¹ [REDACTED]. *See also* [REDACTED].

²² Annex 1, pp. 6-7.

- c. [REDACTED]. [REDACTED].²³
- d. [REDACTED]. [REDACTED].²⁴
- e. [REDACTED]. [REDACTED].²⁵ [REDACTED].²⁶ [REDACTED];²⁷
[REDACTED].²⁸ [REDACTED].²⁹
- f. [REDACTED]. [REDACTED]. [REDACTED].³⁰
- g. [REDACTED]. [REDACTED]. [REDACTED].³¹
- h. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].³²
- i. [REDACTED].³³ [REDACTED]. [REDACTED].³⁴
- j. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].³⁵ [REDACTED].³⁶
- k. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].
[REDACTED]³⁷ [REDACTED]. [REDACTED]. [REDACTED].³⁸ [REDACTED].
[REDACTED]. [REDACTED].³⁹ [REDACTED]. [REDACTED]. [REDACTED].
[REDACTED]. [REDACTED].⁴⁰

9. These reports demonstrate that SDF/RADA continues to possess the capability to interfere with and intimidate witnesses, or otherwise prejudice the proceedings and that this capability directly translates into an ability to compromise the integrity of the proceedings, in particular if the existing contact restrictions were to be lifted or relaxed. In particular, SDF/RADA retains substantial human⁴¹ and financial⁴² resources, physical reach,⁴³

²³ Annex 1, pp. 9-10.

²⁴ Annex 1, p. 11.

²⁵ Annex 1, p. 12.

²⁶ See [REDACTED].

²⁷ [REDACTED].

²⁸ [REDACTED].

²⁹ [REDACTED].

³⁰ Annex 1, pp. 13-15.

³¹ Annex 1, pp. 17-18.

³² Annex 1, pp. 19-20.

³³ See e.g. [REDACTED]. See also [REDACTED].

³⁴ Annex 1, pp. 22-23.

³⁵ Annex 1, p. 24.

³⁶ See First Request for Non-Disclosure of Identity, para. 16(a); Second Request for Non-Disclosure of Identity, para. 23(b).

³⁷ Annex 1, pp. 26-28.

³⁸ See ICC-01/11-01/25-92 ("DCC").

³⁹ Annex 1, p. 29. See also [REDACTED].

⁴⁰ Annex 1, pp. 30-31.

⁴¹ See para. 8(k) above.

⁴² See paras. 8(d), (k) above.

⁴³ See paras. 8(e), (f), (g), (h), (k) above.

surveillance capabilities,⁴⁴ influence,⁴⁵ and territorial control,⁴⁶ [REDACTED]⁴⁷ [REDACTED]⁴⁸ [REDACTED]. Information received by the Prosecution indicates, for example, that [REDACTED],⁴⁹ [REDACTED]. [REDACTED]. In addition, [REDACTED],⁵⁰ [REDACTED]. This assessment is reinforced by information indicating that, [REDACTED],⁵¹ [REDACTED],⁵² further underscoring [REDACTED] SDF/RADA's ability to act with impunity.

10. The incidents set out above further confirm that SDF/RADA—[REDACTED]—continue to have a clear and persistent motivation to intimidate or otherwise interfere with (potential and perceived) Prosecution witnesses and to prejudice the proceedings [REDACTED]. [REDACTED],⁵³ evidencing a deliberate and ongoing effort to undermine the judicial process. [REDACTED].

11. Taken together, these incidents demonstrate [REDACTED], giving rise to immediate and serious risks to the safety, security, and well-being of victims, (potential and perceived) witnesses, and their families. The incidents reflect the recurrent use of known SDF/RADA intimidation tactics, including [REDACTED],⁵⁴ [REDACTED]⁵⁵ and [REDACTED],⁵⁶ which are [REDACTED]. These methods underscore the gravity of the risks involved and the potential for serious harm extending beyond the individuals witness. Importantly, the incidents further demonstrate that [REDACTED]—[REDACTED]⁵⁷—[REDACTED]. This pattern highlights both the immediacy and severity of the risks faced by (potential and perceived) witnesses and their families, and demonstrates that any illegitimate disclosure of information to Mr EL HISHRI and SDF/RADA could rapidly expose them to retaliation.

⁴⁴ See paras. 8(a), (h), (k) above. See also [REDACTED].

⁴⁵ See paras. 8(c), (d), (f), (k) above.

⁴⁶ See para. 8(k) above.

⁴⁷ See paras. 8(e), (f), (h), (k) above.

⁴⁸ See paras. 8(a), (c), (d), (j) above.

⁴⁹ See paras. 8(c), (d) above.

⁵⁰ See paras. 8(i), (j), (k) above.

⁵¹ See [REDACTED].

⁵² See para. 8(f) above.

⁵³ See paras. 8(a), (d), (f), (h), (k) above.

⁵⁴ See para. 8(a) above.

⁵⁵ See paras. 8(g), (i), (j), (k) above.

⁵⁶ See para. 8(i) above.

⁵⁷ See paras. 8(h), (j) above.

12. [REDACTED],⁵⁸ [REDACTED],⁵⁹ [REDACTED].⁶⁰ [REDACTED],⁶¹ demonstrates, at minimum, that SDF/RADA closely monitors the progress of the proceedings and calibrates its efforts to intimidate (potential and perceived) witnesses and undermine the judicial process accordingly. It further provides a strong indication that such efforts are likely to escalate as the Confirmation Hearing approaches, thereby significantly heightening the risk of witness interference and prejudice to the proceedings, particularly if the existing contact restrictions were to be relaxed or removed.

13. The absence of reported violations of the existing contact restrictions to date does not indicate that the underlying risks have diminished. As the Chamber has previously recognised the lack of detected violations may be attributable to the preventative function of the restrictions themselves and cannot be interpreted as evidence that the risk of interference has abated.⁶² Significantly, [REDACTED]. While the existence of a causal link between [REDACTED], the sequence of events nevertheless illustrates a concrete and ongoing risk that information disclosed to Mr EL HISHRI may be transmitted to SDF/RADA actors, particularly in the absence of robust contact restrictions. It further demonstrates the real likelihood that SDF/RADA will act upon such information to locate, intimidate, or otherwise target (potential and perceived) witnesses and their relatives, thereby seriously endangering their safety and undermining the integrity of the proceedings.

14. In light of the continuing risks, the maintenance of the existing contact restrictions remains necessary to prevent witness interference, protect victims, (potential and perceived) witnesses and their families and to safeguard the integrity of the proceedings. The record demonstrates that SDF/RADA retains the capacity and motivation to identify, monitor, and target potential and perceived witnesses, that such risks [REDACTED] and that there is a real risk that the removal or relaxation of the existing contact restrictions would expose (potential and perceived) witnesses and their families to an immediate and unacceptable risk of interference and would jeopardise the integrity of the proceedings.

⁵⁸ See para. 8(b) above.

⁵⁹ See para. 8(e) above.

⁶⁰ See para. 8(k) above.

⁶¹ See para. 8(k) above.

⁶² See Second Decision on Contact Restrictions, para. 37.

2. The existing contact restrictions continue to strike a fair balance between Mr EL HISHRI's rights and the need to safeguard the integrity of the proceedings and the safety and security of victims, witnesses, and their families

15. Maintaining the existing restrictions remains proportionate to the risks identified and continues to strike a careful balance between Mr EL HISHRI's rights and the need to protect the integrity of proceedings and the safety of victims, witnesses, and their families. When imposing the current measures, the Chamber weighed the "importance of preserving the integrity of the proceedings, including the protection of witnesses and victims in light of the past conduct of Mr El Hishri and his associates and their current capability to interfere with witnesses against the accused's right to privacy and family life" and concluded that the restrictions did "not constitute an undue interference" with those rights.⁶³ As set out above, the factual circumstances underpinning that assessment have not only persisted but have been reinforced [REDACTED] and other efforts to prejudice the proceedings. Against this heightened risk landscape, maintaining the existing contact restrictions remains a measured and proportionate response.

E. CONCLUSION AND RELIEF SOUGHT

16. For the foregoing reasons, the Prosecution respectfully requests the Chamber to order the Registry to maintain the existing contact restrictions at least until the Chamber issues its decision on the confirmation of charges.



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 25th day of June 2026
At The Hague, The Netherlands

⁶³ Second Decision on Contact Restrictions, paras. 37, 43-44.