



Original : English

N°: ICC-01/11  
Date: 07 May 2025

**PRE-TRIAL CHAMBER I**

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

**SITUATION IN LIBYA**

**PUBLIC**

**Third Registry Transmission of “Invitation to the Italian Republic to provide submissions concerning its failure to surrender Osama Elmasry/Almasri Njeem to the Court following his arrest. Submissions by the Italian Republic pursuant to regulation 109 of the Regulations of the Court”**

**With Confidential *EX PARTE* Annexes I and II, available to the Registry and Prosecution,  
Public Annex III, and  
Secret *EX PARTE* Annex IV, available to the Registry and Prosecution**

**Source: Registry**

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

## **I. Introduction**

1. The Registry hereby transmits to Pre-Trial Chamber I (“Chamber”), the “Invitation to the Italian Republic to provide submissions concerning its failure to surrender Osama Elmasry/Almasri Njeem to the Court following his arrest. Submissions by the Italian Republic pursuant to regulation 109 of the Regulations of the Court” (“Submissions”), received on 06 May 2025 from the Italian Republic (“Submitter” or “Italy”).

## **II. Procedural History**

2. On 17 February 2025, the Chamber invited Italy to provide submissions concerning its failure to surrender Mr Njeem to the International Criminal Court.
3. On 14 March<sup>1</sup> and 17 April 2025,<sup>2</sup> the Registry received requests from Italy for extensions of the time limit to submit its observations. These requests were subsequently granted by the Chamber on 25 March<sup>3</sup> and 17 April 2025,<sup>4</sup> respectively.
4. On 6 May 2025, Italy provided the Registry with its submissions in hard copy.<sup>5</sup>

---

<sup>1</sup> Registry, Transmission of “Invitation to the Italian Republic to provide submissions concerning its failure to surrender Osama Elmasry/Almasri Njeem to the Court following his arrest. Submissions by the Italian Republic pursuant to regulation 109 of the Regulations of the Court”, 17 April 2025 ICC-01/11-167.

<sup>2</sup> Registry, Second Transmission of “Invitation to the Italian Republic to provide submissions concerning its failure to surrender Osama Elmasry/Almasri Njeem to the Court following his arrest. Submissions by the Italian Republic pursuant to regulation 109 of the Regulations of the Court”, 17 April 2025, ICC-01/11-175.

<sup>3</sup> Pre-Trial Chamber I, Decision on the extension of time limit to present submissions, 25 March 2025, ICC-01/11-171.

<sup>4</sup> Pre-Trial Chamber I, Second decision on the extension of time limit to present submissions, 17 April 2025, ICC-01/11-176.

<sup>5</sup> The hard copy was provided to the Registry at the seat of the Court, by a representative of the Embassy of Italy to the Kingdom of the Netherlands, at 13:08.

### III. Classification

5. Pursuant to regulation 23*bis*(2) of the Regulations of the Court (“RoC”), annex I is classified as confidential *ex parte* in accordance with the classification indicated by the Submitter; annex II is also filed as confidential *ex parte* following consultation with the Chamber, as it contains detailed sensitive information on the Court’s operational procedures; and, annex IV, is classified as secret *ex parte*, as requested by the Italian authorities. A public redacted version of annex II will be filed shortly.

### IV. Transmission

6. Pursuant to rule 13(1) of the Rules of Procedure and Evidence, the Registry hereby transmits the Submissions and its corresponding annexes, as requested by the Italian authorities.



---

Marc Dubuisson  
Director, Division of Judicial Services  
On behalf of Mr Osvaldo Zavala Giler, Registrar

Dated this 07 May 2025

At The Hague, The Netherlands