

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-01/11
Date: 12 June 2025**

PRE-TRIAL CHAMBER I

Before:

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

SITUATION IN LIBYA

Public

Decision on the Prosecution's request to submit observations

Decision 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**

Italian Republic

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☐ **Other**

PRE-TRIAL CHAMBER I (the ‘Chamber’) of the International Criminal Court (the ‘Court’), issues the present decision in the situation in the Libyan Arab Jamahiriya since 15 February 2011 (the ‘*Libya* Situation’).

1. On 18 January 2025, the Chamber, by majority, Judge Socorro Flores Liera dissenting,¹ issued a warrant of arrest for Mr Njeem (the ‘Arrest Warrant’) for alleged crimes against humanity and war crimes in the *Libya* Situation.²
2. On 17 February 2025, the Chamber invited the Italian Republic (‘Italy’) to provide submissions on its failure to surrender Mr Njeem to the Court following his arrest in that country.³
3. On 25 February 2025, the Prosecution requested the Chamber to make a finding of non-compliance by Italy pursuant to article 87(7) of the Rome Statute.⁴
4. On 6 May 2025, following two requests for an extension which were granted by the Chamber,⁵ Italy provided the Registry with its submissions in hard copy and on 7 May 2025, the Registry transmitted Italy’s submissions.⁶
5. On 12 May 2025, the Prosecution requested leave to submit observations on Italy’s submissions (the ‘Request’).⁷
6. Noting the Prosecution’s request to make a finding of non-compliance and the Request, and the matters addressed in Italy’s submissions, the Chamber finds it appropriate to authorise the Prosecution to present observations thereon. Therefore, the Chamber grants the Request and instructs the Prosecution to submit its observations by no later than Thursday, 26 June 2025.

¹ Dissenting Opinion of Judge Socorro Flores Liera: ICC-01/11-152-Anx, pp 36-42.

² Warrant of arrest for Osama Elmasry / Almasri Njeem, ICC-01/11-152-Anx, pp 1-35.

³ Invitation to the Italian Republic to provide submissions concerning its failure to surrender Osama Elmasry / Almasri Njeem to the Court following his arrest, 17 February 2025, ICC-01/11-162.

⁴ Public redacted version of the “Prosecution’s request for a finding of non-compliance under article 87(7) against the Republic of Italy for the release of Osama Elmasry / Almasri NJEEM”, 25 February 2024, ICC-01/11-163-US-Exp, ICC-01/11-163-Red2.

⁵ Decision on the extension of time limit to present submissions, ICC-01/11-171; and Second decision on the extension of time limit to present submissions, ICC-01/11-176.

⁶ 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”, ICC-01/11-177.

⁷ Prosecution’s Request for Leave to Submit Observations on the “Submissions by the Italian Republic pursuant to regulation 109 of the Regulations of the Court”, ICC-01/11-177-Conf-Exp-AnxII, ICC-01/11-178.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS the Request;

INSTRUCTS the Prosecution to submit its observations by no later than Thursday, 26 June 2025.

Done in English. A French translation will follow. The English version remains authoritative.



Judge Iulia Antoanella Motoc, Presiding



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge María del Socorro Flores Liera

Dated this Thursday, 12 June 2025

At The Hague, The Netherlands