

Original: **English**No.: **ICC-01/11**
Date: **13 May 2026****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**

Order setting time limits for observations following Osama Elmasry/Almasri Njeem's jurisdictional and admissibility challenge pursuant to articles 17 and 19 of the Statute (ICC-01/11-228-AnxI)

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
The State of Libya

☐ Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☒ Victims Participation and
Reparations Section

☒ Other
United Nations Security Council

PRE-TRIAL CHAMBER I (the ‘Chamber’) of the International Criminal Court (the ‘Court’) issues this ‘Order setting time limits for observations following Osama Elmasry/Almasri Njeem’s jurisdictional and admissibility challenge pursuant to articles 17 and 19 of the Statute (ICC-01/11-228-AnxI) ’.

1. On 30 April 2026,¹ the Registry transmitted to the Chamber a challenge filed by Counsel for Mr Njeem to the jurisdiction of the Court and admissibility of the proceedings against Mr Njeem pursuant to articles 17 and 19 of the Rome Statute (the ‘Challenge’ and the ‘Statute’, respectively).²
2. The Chamber notes article 19(3) of the Statute, and rules 58(2), (3) and 59 of the Rules of Procedure and Evidence (the ‘Rules’). It further recalls that, once a chamber is seized of a jurisdiction or admissibility challenge, it enjoys broad discretion in determining how to conduct the proceedings relating to the challenge.³ In addition, when an admissibility challenge is brought by a suspect or accused person, on the ground that a State is or may be investigating or prosecuting the same case or is willing or able to do so, chambers must always invite the State concerned to submit observations.⁴
3. The Chamber notes the content and extent of the Challenge, which includes both a jurisdictional and an admissibility component. In order to allow the State of Libya (‘Libya’) a meaningful opportunity to make submissions, and noting that any supporting documentation must, if applicable, be translated into a working language of the Court, the Chamber considers it appropriate to set **3 July 2026** as time limit for Libya and the Prosecution to respond to the Challenge. Requests for leave to reply and responses thereto are to be filed within the time limits set forth in regulation 34(c) of the Regulations of the Court (the ‘Regulations’).

¹ The Challenge was initially sent by email to the Registry on 15 April 2026. The Chamber instructed the Registry, *inter alia*, to clarify whether the submitter had been appointed to act in the name of Mr Njeem (*see* email from the Chamber, 16 April 2026, at 16:28).

² Registry Transmission of an “Admissibility Challenge by Mr. Osama Elmasry/Almasri Njeem Pursuant to Article 17(1)(a) and Article 19 of the Rome Statute”, ICC-01/11-228 (with public Annexes I to VII, and confidential *ex parte* Annex VIII only available to the Defence). *See also* [Warrant of Arrest for Mr Osama Elmasry / Almasri Njeem](#), 18 January 2025, ICC-01/11-152-Anx (corrected version filed on 24 January 2025).

³ *See* Appeals Chamber, *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, [Judgment on the appeal of the Republic of Kenya against the decision of Pre-Trial Chamber II of 30 May 2011 entitled ‘Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19\(2\)\(b\) of the Statute’](#), 30 August 2011, ICC-01/09-02/11-274, para. 3.

⁴ Appeals Chamber, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Judgment on Mr Yekatom’s appeal against Trial Chamber V’s ‘Decision on the Yekatom Defence’s Admissibility Challenge’](#), 9 October 2020, ICC-01/14-01/18-678-Conf (public redacted version notified on 11 February 2021), para. 50.

4. The Chamber further recalls that the Registrar shall inform the United Nations Security Council as the referring entity of the Challenge, pursuant to rule 59(1) and (2) of the Rules.
5. Furthermore, the Chamber also considers it appropriate to instruct the Office of Public Counsel for Victims (the ‘OPCV’) to respond to the Challenge on behalf of any victim who would have already communicated with the Court in relation to this case pursuant to regulation 81(4)(c) of the Regulations. The Victims Participation and Reparations Section is instructed to provide the OPCV with all necessary information. The OPCV shall file its response by **3 July 2026**.

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



Judge Iulia Antoanella Motoc
Presiding Judge



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge María del Socorro Flores Liera

Dated 13 May 2026

At The Hague, The Netherlands