



Original: **English**

No.: **ICC-01/11**
Date: **22 July 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

Decision on a request for leave to file observations on Osama Elmasry/Almasri Njeem's jurisdictional and admissibility challenge (ICC-01/11-228-AnxI)

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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| ☒ 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

- | | |
|--|---|
| 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 this ‘Decision on a request for leave to file observations on Osama Elmasry/Almasri Njeem’s jurisdictional and admissibility challenge (ICC-01/11-228-AnxI)’.

1. On 30 April 2026, the Registry transmitted to the Chamber a challenge filed by Counsel for Osama Elmasry/Almasri Njeem (‘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’).¹
2. On 13 May 2026, the Chamber issued an order setting time limits for observations in relation to the Challenge (the ‘Order’).² As per the Order, the State of Libya and the Prosecution were to respond to the Challenge by 3 July 2026. In addition, the Chamber considered it appropriate to instruct the Office of Public Counsel for Victims (the ‘OPCV’) to respond to the Challenge by the same deadline 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 of the Court.
3. On 26 June 2026, the Registry put on the record of the case a request from Chantal Meloni and Jeanne Sulzer (the ‘Applicants’) for leave to make written observations on the Challenge and/or to respond to the submissions that will be filed by 3 July 2026, on behalf of 18 victims (the ‘Request’ and the ‘Victims’, respectively).³
4. The Chamber notes the Applicants’ submission that some of the Victims have been admitted to participate in the context of the case of *The Prosecutor v. Khaled Mohamed Ali El Hishri*.⁴ However, the Chamber observes that the Victims have not yet been formally admitted to participate in the proceedings against Mr Njeem pursuant to rule 89 of the Rules of Procedure and Evidence. Furthermore, the Order clearly states that the OPCV is instructed to respond to the Challenge on behalf of any victim.

¹ [Admissibility Challenge by Mr. Osama Elmasry / Almasri Njeem Pursuant to Article 17\(1\)\(a\) of the Rome Statute](#), ICC-01/11-228-AnxI. 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).

² [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 \(ICC-01/11-228-AnxI\)](#), ICC-01/11-229.

³ Legal Representatives of Victims’ Request for Leave to File Observations on Osama Elmasry/Almasri Njeem’s jurisdictional and admissibility challenge pursuant to articles 17(1)(a) and 19 of the Rome Statute (ICC-01/11-228-AnxI), ICC-01/11-231-Conf-Anx.

⁴ See Request, paras 20-21. See also Pre-Trial Chamber I, *The Prosecutor v. Khaled Mohamed Ali El Hishri*, [Decision on victims’ participation and legal representation](#), 11 May 2026, ICC-01/11-01/25-117.

5. Accordingly, the Chamber finds that the Applicants have no standing, and the Request is dismissed *in limine*.⁵
6. Notwithstanding the above, to the extent that the Applicants might possess information that is relevant to the Challenge, the Chamber encourages the Applicants to contact the OPCV.

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 22 July 2026

At The Hague, The Netherlands

⁵ See also Pre-Trial Chamber I, *The Prosecutor v. Khaled Mohamed Ali El Hishri*, [Decision on a Request for Leave to File Observations on the Defence Jurisdiction Challenge \(ICC-01/11-01/25-124-Conf-Anx\)](#), 2 June 2026, ICC-01/11-01/25-127.