

ANNEX 1

UNDER SEAL

Ex Parte only available

to the Registry

classificato RISERVATO dalla data di protocollazione

Pursuant to Pre-Trial Chamber I's instruction, dated 1st April 2025, this document is reclassified as "Public"

**Cour
Pénale
Internationale****International
Criminal
Court***Original: English**No.: ICC-01/11**Date: 13 March 2025***PRE-TRIAL CHAMBER I**

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

SITUATION IN LIBYA**Under Seal****Ex parte only available to the Registry**

**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.**

Source: Italian Republic. Presidency of the Council of Ministers. Office of
the Undersecretary of State.

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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 |

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Honourable Court,

I hereby refer to the document titled 'Invitation to the Italian Republic to provide submissions concerning its failure to surrender Osama Elmasry / Almasri Njeem to the Court following his arrest', No. ICC-01/11, dated 17 February 2025.

In the aforementioned document, the competent authorities of the Italian Republic are requested to convey, by 17 March 2025, 'Submissions concerning its failure to surrender Mr. Njeem to the Court'.

The Italian Government does not deem itself to have failed in its obligations to this Court in the case of Mr. Njeem.

Nonetheless, the Italian Government is willing to engage in further dialogue with this honourable Court, upon conditions of reciprocity, in order to clarify the several aspects of the case under examination.

I furthermore deem it necessary to point out the case under examination is being investigated in the context of proceedings before the Tribunal of Rome – Section for Ministerial Crimes, against the President of the Council of Ministers of Italy, as well as the Italian Minister of the Interior, the Italian Minister of Justice, and myself. Hence, what the Italian Government can state at present regarding Mr. Njeem's case is subject to the limits of pre-trial investigation secrecy. As a result, a full response to the request of this honourable Court is necessarily subject to the outcome of the investigations conducted by the Tribunal of Rome.

The Italian Government hence hereby requests – as per Article 35 of the Regulations of this honourable Court – the 17 March 2025 time limit to be postponed to the conclusion of the pre-trial proceedings pending before the Tribunal of Rome – Section for Ministerial Crimes, No. 1/25 Trib. Registry – Ministers, and thus presumably for a period of two months.

In the spirit of loyal cooperation that must inspire our mutual relations, I hereby attach to this letter the stenographic record of the statements made to the Chamber of

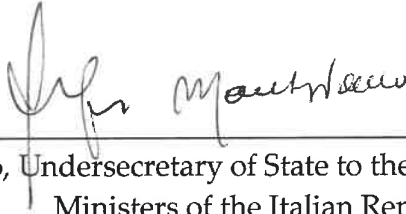
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Deputies of the Italian Republic by Italy's Ministers of Justice and of the Interior,
during the sitting held on 5 February 2025, concerning Mr. Njeem's case.

Best regards,

A handwritten signature in black ink, appearing to read 'Alfredo Mantovano', is written over a horizontal line.

Alfredo Mantovano, Undersecretary of State to the Presidency of the Council of
Ministers of the Italian Republic

Dated this 13th day of March 2025

At Rome, Italy

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