

Embassy of Libya - Italy

Reference: 2/3/83

Date: January 20<sup>th</sup>, 2025

***Critically Urgent (Confidential)***

***Excellency, the Honorable Minister of Foreign Affairs and International  
Cooperation in the Government of the Italian Republic,***

Greetings,

It is my pleasure to extend to you my sincerest greetings and to wish you continuous success in your distinguished duties.

I am delighted to convey our deep appreciation for the strong bilateral ties between our two nations, a role model for bilateral cooperation between our two peoples.

In this context, I am pleased to annex to this correspondence, to the attention of Your Excellency, the letter communicated by the Office of the Attorney General of the State of Libya, dated January 20<sup>th</sup>, 2025, addressed to the Prosecutor General at the Court of Appeal of Rome in the Italian Republic and related to the request for the "Repatriation of a Libyan citizen".

With profound gratitude, we kindly hope of Your Excellency to refer the matter to the competent authorities and to follow-up thereon with view to achieving shared objectives and enhancing judicial cooperation, thus serving justice and upholding its principles.

***To Your Excellency, the Minister, are conveyed the assurances of our highest considerations.***

***Sincerely,***

***Muhammad Saeed Younes  
The Ambassador***

/Office of the Ambassador

[Signature]

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{Translator's note: this page, intentionally left blank, reflects the second page of the original document being a purported Italian translation of the document on page 1 of that same original}

**State of Libya**  
**Office of the Attorney General**

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Date: \_\_/\_\_/\_\_ Hijri  
 Corresponding to: January 20<sup>th</sup>, 2025  
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**-Confidential-**

**The Honorable Prosecutor General at the Court of Appeal of Rome,**

Sincerest greetings,

**Object/**

**Repatriation of a Libyan Citizen**  
**(subject of a national investigation)**

**The Judicial Authority Requesting Extradition:**

**“Office of the Attorney General in the State of Libya”**

**Basis for Request:**

- **Due Process of Law and the Principle of Reciprocity.**

**Factual basis for the repatriation request:**

The Office of the Attorney General of Libya has reviewed a diffusion issued by the General Secretariat of International Criminal Police Organization ((Interpol)) regarding Libyan citizen Osama Elmasry Ahbish Njeem, at the request of the International Criminal Court prosecuting this individual for crimes against humanity, war crimes and other inhumane acts under article 7(1)(k) of the Rome Statute.

**Nature of the crime underpinning the repatriation request:**

The crimes enumerated in the said request fall outside the scope of crimes for which Due Process of Law would have prohibited the extradition of a defendant to the State of Libya.

**Legal requirements:**

The facts attributed by the International Criminal Court to the person sought for repatriation, Osama Njeem, correspond to legal characterizations under the Libyan Penal Code and under the provisions of Law Number 10 of 2003 on the criminalization of torture, forced disappearance and discrimination.

**Data of the defendant sought for repatriation:**

Name: Osama Elmasry Ahbish Njeem.

Mother's name: Kameela Salem Saeed.

Date of birth: July 16<sup>th</sup>, 1979.

Place of birth: Tripoli.

Occupation: Civil servant.

Passport number: AC250326

Date of issue: October 19<sup>th</sup>, 2022

Residency address: Tripoli, Libya

**Reasons for the repatriation request:**

The diffusion issued by Interpol at the request of the International Criminal Court for Osama Elmasry Ahbish Njeem concerns a Libyan citizen, prosecutable under the national judiciary of the State of Libya, with the Office of the Attorney General having the jurisdiction to investigate the crimes attributed thereto. The International Criminal Court's pursuit of the facts attributed to him violates the established notion that the Court acts in complementarity to national criminal jurisdictions, its mandate and processes being subject to the provisions of the Rome Statute.

As per the procedure dealing with matters of admissibility of cases before the International Criminal Court, article 17(1)(a) of the Rome Statute states that: "a case is inadmissible where: (a) The case is being investigated or prosecuted by a State which has jurisdiction over it." The diffusion issued for the defendant, who is being requested for repatriation, violated this rule: given that the Office of the Attorney General of Libya had launched criminal investigations into facts that may correspond to representations made by the International Criminal Court in its request to Interpol.

The International Criminal Court did not ascertain the will of the Office of the Attorney General of Libya in pursuing legal action into the facts attributed to the individual sought for repatriation. The International Criminal Court ignored the attestation showing that proceedings were undertaken or that they were going to be undertaken by the Office of the Attorney General of Libya; the Court has also refrained from communicating with the Office of the Attorney General of Libya to probe the substantive or procedural reasons that could delay the trial of the individual sought for repatriation.

In accordance with the Rome Statute, the Office of the Attorney General of Libya has the duty to investigate facts that may constitute war crimes and crimes against humanity. The Office of the Attorney General of Libya is capable of conducting investigative procedures regarding crimes attributed to the defendant sought for

repatriation, including the investigation of evidence and setting a date for the defendant, as a civil servant still on duty, to comply with the proceedings.

As part of complementarity between jurisdictions, in accordance with the Rome Statute, the Office of the Attorney General of Libya, being mandated with national criminal jurisdiction, has not received a request in which the International Criminal Court expresses a desire to organize judicial cooperation or legal assistance, or a notification of proceedings against the individual sought for repatriation, and the Office of the Attorney General of Libya has consequently not been in a position to notify the International Criminal Court that national jurisdiction had already exercised its mandate over the facts that the Court sought to pursue.

The individual sought for repatriation, Osama Elmasry Ahbish Njeem, is among those subject to investigations undertaken by the Office of the Attorney General of Libya in its probe of the reasons behind the death of prisoners, in addition to its consideration of complaints lodged by victims of deprivation of liberty, torture and brutal and degrading treatment. The Office of the Attorney General of Libya launched these investigations in 2016 when it began reviewing the state of prisoners during the period from 2011 to 2024, the latter being the year when the last complaint was filed.

The individual sought for repatriation, Osama Elmasry Ahbish Njeem, is among those subject to investigations undertaken by the Office of the Attorney General of Libya into those likely responsible for intracommunal combat in southern Tripoli on August 14<sup>th</sup>, 2023.

### **The Honorable Prosecutor General**

We hope that you will approve the request for the repatriation of the defendant, Osama Elmasry Ahbish Njeem, pursuant to the repatriation mechanism request submitted by his state of origin, Libya, given that he continues to be the subject of ongoing investigations conducted by the Office of the Attorney General of Libya regarding the same facts presented by the International Criminal Court.

**Senior Judge/ Siddiq Ahmad Assour**  
**Attorney General**

[Signature]

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