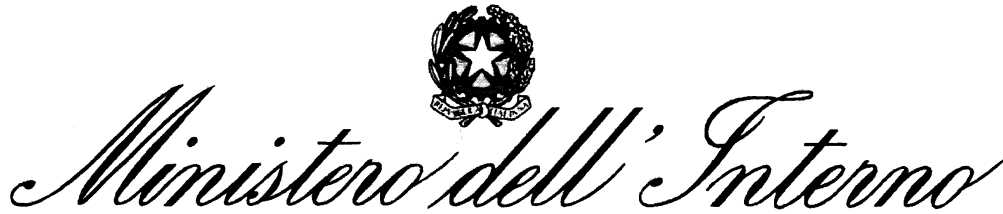


Pursuant to Pre-Trial Chamber I's instruction, dated 29 July 2025, this document is reclassified as "Public"

Annex II

Confidential

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DIPARTIMENTO DELLA PUBBLICA SICUREZZA

DIREZIONE CENTRALE DELLA POLIZIA CRIMINALE
SERVIZIO PER LA COOPERAZIONE INTERNAZIONALE DI POLIZIA

Prot. MI-123-U-B-1-2-FD-2025-51

Roma, 19/01/2025

OGGETTO: NJEEM Osama Elmasry / Almasri nato il 16.07.1979 a Tripoli (Libya), ricercato in campo internazionale dalle autorità ICC (International Criminal Court) per i reati di "crimini contro l'umanità" e "crimini di guerra".

Alias H NJEEM OSEMA AL MASRI
Alias NJEEM OSAMA ELMASRY
Alias NAJEEM OSEMA ALMASRI HABISH
Alias NJEEM OSAMA ALMASRI
Alias H NAJEEM OSEMA AL MASRI

ALLA QUESTURA DI
Sala Operativa
upgsp.to@poliziadistato.it

TORINO

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A seguito intese telefoniche, si comunica che la persona in oggetto risulta ricercata in campo internazionale in relazione al provvedimento n. ICC-01/11-149-US-Exp emesso il 18.01.2025 dalla Corte Penale Internazionale (ICC International Criminal Court) dovendo scontare la pena di ergastolo per i reati di "crimini contro l'umanità" e "crimini di guerra" previsti:

Article 8(2)(c)(ii) of the Rome Statute; article 8(2)(c)(i) of the Rome Statute; article 8(2)(c)(i) of the Rome Statute; article 8(2)(e)(vi) of the Rome Statute; article 8(2)(e)(vi) of the Rome Statute; article 8(2)(c)(i) of the Rome Statute; article 8(2)(e)(vi) of the Rome Statute; article 7(1)(e) of the Rome Statute; article 7(1)(f) of the Rome Statute; article 7(1)(k) of the Rome Statute; article 7(1)(g) of the Rome Statute; article 7(1)(g) of the Rome Statute; article 7(1)(a) of the Rome Statute; article 7(1)(h) of the Rome Statute.

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Breve esposizione dei fatti

Inizio traduzione informale:

"La ICC "Corte Penale Internazionale" stata incaricata di indagare sugli eventi in Libia ai sensi della risoluzione 1970 (2011) del Consiglio di Sicurezza delle Nazioni Unite.

Le indagini condotte dall'ufficio del procuratore suggeriscono che i membri della Libyan Special Deterrence Force aka RADA, con sede all'aeroporto di Mitiga a Tripoli, potrebbero aver commesso reati sotto la giurisdizione del Tribunale Penale Internazionale.

Successivamente, la CPI ha emesso un mandato d'arresto per Osama Elmasry Njeem, per i crimini di guerra contro la dignità personale ai sensi dell'articolo 8, paragrafo 2, lettera c), punto ii), dello statuto, per i crimini di guerra contro le crudeltà ai sensi dell'articolo 8, paragrafo 2, lettera c), punto i) dello statuto, per i crimini di guerra contro la tortura ai sensi dell'articolo 8, paragrafo 2, lettera c), punto i), dello statuto; reati di violenza sessuale ai sensi dell'articolo 8, paragrafo 2, lettera e), punto vi), dello statuto, del crimine di guerra di stupro ai sensi dell'articolo 8, paragrafo 2, lettera e), punto vi), dello statuto, del crimine di guerra di omicidio ai sensi dell'articolo 8, paragrafo 2, lettera c), punto i), dello statuto, commesso nella prigione di Mitiga dal 15 febbraio 2011 in poi e per i crimini contro l'umanità di detenzione a norma dell'articolo 7, paragrafo 1, lettera e), dello statuto, del crimine contro l'umanità di tortura ai sensi dell'articolo 7, paragrafo 1, lettera f), dello statuto, del crimine contro l'umanità di altri atti disumani ai sensi dell'articolo 7, paragrafo 1, lettera k) dello statuto, del crimine contro l'umanità di violenza sessuale ai sensi dell'articolo 7, paragrafo 1, lettera g) del crimine contro l'umanità di stupro ai sensi dell'articolo 7, paragrafo 1, lettera g), dello statuto, del crimine contro l'umanità di omicidio ai sensi dell'articolo 7, paragrafo 1, lettera a), dello statuto e del crimine contro l'umanità di persecuzione ai sensi dell'articolo 7, paragrafo 1, lettera h), dello statuto, commesso nella prigione di Mitiga a partire dal 15 febbraio 2011."

Fine traduzione informale

Ciò posto, si prega codesto Ufficio di Polizia di valutare la sussistenza delle condizioni e l'opportunità di procedere ai sensi degli art 716, in relazione al 715, del c.p.p. informandone il Presidente della Corte di Appello e la Procura Generale della Corte di Appello competenti per territorio, nonché il Ministero di Giustizia D.G.G.P Ufficio 1° (prot.dag@giustiziacert.it) e questo Servizio (soi@dcpc.interno.it).

Qualora codesto Ufficio dovesse procedere all'arresto provvisorio del nominato in oggetto ai sensi dei citati articoli, è pregato di provvedere ad inserire nello S.D.I. l'avvenuta esecuzione del provvedimento per conto dell'A.G. estera.

Si resta in attesa di conoscere gli esiti degli accertamenti anche se negativi, citando il numero di riferimento di questo Servizio.

IL DIRETTORE DEL SERVIZIO
Ianni

Pursuant to Pre-Trial Chamber I's instruction, dated 29 July 2025, this document is reclassified as "Public"



Ministry of the Interior

DEPARTMENT OF PUBLIC SECURITY

CENTRAL DIRECTORATE OF THE CRIMINAL POLICE
SERVICE FOR INTERNATIONAL POLICE COOPERATION

Prot. MI-123-U-B-1-2-FD-2025-51

Rome, 19/01/2025

SUBJECT: NJEEM Osama Elmasry / Almasri born on 16.07.1979 in Tripoli (Libya), wanted internationally by the ICC (International Criminal Court) authorities for the crimes of "crimes against humanity" and "war crimes".

Alias H NJEEM OSEMA AL MASRI
Alias NJEEM OSAMA ELMASRY
Alias NAJEEM OSEMA ALMASRI HABISH
Alias NJEEM OSAMA ALMASRI
Alias H NAJEEM OSEMA AL MASRI

AT THE POLICE HEADQUARTERS OF

TURIN

Operations Room

upgsp.to@poliziadistato.it

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A seguito intese telefoniche, si comunica che la persona in oggetto risulta ricercata in campo internazionale in relazione al provvedimento n. ICC-01/11-149-US-Exp emesso il 18.01.2025 dalla Corte Penale Internazionale (ICC International Criminal Court) dovendo scontare la pena di ergastolo per i reati di "crimini contro l'umanità" e "crimini di guerra" previsti: Article 8(2)(c)(ii) of the Rome Statute; article 8(2)(c)(i) of the Rome Statute; article 8(2)(c)(i) of the Rome Statute; article 8(2)(e)(vi) of the Rome Statute; article 8(2)(e)(vi) of the Rome Statute; article 8(2)(c)(i) of the Rome Statute; article 8(2)(e)(vi) of the Rome Statute; article 7(1)(e) of the Rome Statute; article 7(1)(f) of the Rome Statute; article 7(1)(k) of the Rome Statute; article 7(1)(g) of the Rome Statute; article 7(1)(g) of the Rome Statute; article 7(1)(a) of the Rome Statute; article 7(1)(h) of the Rome Statute.

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#### Brief statement of facts

"The ICC "International Criminal Court"

has been tasked with investigating events in Libya under UN Security Council Resolution 1970 (2011)

The investigations conducted by the Prosecutor's Office suggest that

members of the Libyan Special Deterrence Force aka RADA, based at Tripoli's Mitiga Airport, may have committed crimes under the jurisdiction of the International Criminal Court.

Subsequently, the ICC issued an arrest warrant for Osama Elmasry Njeem, for war crimes against personal dignity under Article 8(2)(c)(ii) of the Statute, for war crimes against cruelty under Article 8(2)(c)(i) of the Statute, for war crimes against torture under Article 8, paragraph 2(c)(i) of the Staff Regulations; offences of sexual violence within the meaning of Article 8(2)(e)(vi) of the Statute, of the war crime of rape within the meaning of Article 8(2)(e)(vi) of the Statute, of the war crime of murder within the meaning of Article 8(2)(c)(i) of the Statute, committed in Mitiga Prison from 15 February 2011 onwards and for crimes against humanity of detention pursuant to Article 7, paragraph 1(e) of the Statute, of the crime against humanity of torture within the meaning of Article 7(1)(f) of the Statute, of the crime against humanity of other inhuman acts within the meaning of Article 7(1)(k) of the Statute, of the crime against humanity of sexual violence within the meaning of Article 7(1)(g) of the crime against humanity of rape within the meaning of Article 7, paragraph 1(g) of the Statute, of the crime against humanity of murder within the meaning of Article 7(1)(a) of the Statute and of the crime against humanity of persecution within the meaning of Article 7(1)(h) of the Statute, committed in Mitiga Prison on or after 15 February 2011."

End informal translation

That said, this Police Office is requested to assess the existence of the conditions and the appropriateness of proceeding pursuant to Article 716, in relation to Article 715, of the Code of Criminal Procedure, informing the President of the Court of Appeal and the General Prosecutor's Office of the Court of Appeal competent for the territory, as well as the Ministry of Justice D.G.G.P Office 1st (prot.dag@giustiziacert.it) and this

Service (soi@dcpc.interno.it).

Should this Office proceed with the provisional arrest of the person in question pursuant to the aforementioned articles, it is requested to provide for the inclusion in the S.D.I. of the execution of the measure on behalf of the foreign AG.

We are waiting to know the results of the investigations even if negative, citing the reference number of this Service.

THE DIRECTOR OF THE SERVICE

Ianni

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MODULARIO  
INTERNO - 204

MOD. 4 U.C.O.

*Il Ministro dell'Interno*

101

Prot. n. 400B/1824/25/15

- VISTO** il decreto legislativo 25 luglio 1998, n. 286, recante il testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero e, in particolare, l'articolo 13, comma 1;
- VISTA** la direttiva 2008/115/CE del Parlamento europeo e del Consiglio, del 16 dicembre 2008, recante norme e procedure comuni applicabili negli Stati membri al rimpatrio di cittadini di Paesi terzi il cui soggiorno è irregolare;
- ESAMINATI** gli atti d'ufficio, dai quali emerge che il cittadino libico NAJEEM Osema Almasri Habish, nato a Tripoli (Libia) il 16.07.1979 – CUI 0742C7R, è stato rintracciato in Torino in data 18 gennaio u.s., nell'ambito di servizi di controllo del territorio da parte di Forze di Polizia, mentre viaggiava a bordo di una autovettura in compagnia di altre tre persone;
- CONSIDERATO** che il predetto, titolare di passaporto libico in corso di validità (nr.AC253026 rilasciato il 19.10.2022, valido fino al 18.10.2023), con visto di ingresso multiplo per turismo scaduto il 2/01/2025, è stato colpito da un mandato di arresto internazionale a fini estradizionali, emesso il 18 gennaio 2025 dalla Corte Penale Internazionale (ICC – International Criminal Court) in relazione al provvedimento nr.ICC-01/11-149-US-Exp per i reati di crimini contro l'umanità e crimini di guerra;
- CONSIDERATO** inoltre che, a seguito di perquisizione effettuata presso la stanza dell'albergo in cui alloggiava, il personale operante ha rinvenuto, tra gli altri effetti personali, consistenti somme di denaro in contanti e una ottica per fucile;
- CONSIDERATO** che in data 19 gennaio 2025, lo stesso è stato tratto in arresto ai sensi dell'art.11 della Legge nr.237 del 2012 e dell'art.59 della Legge nr.232 del 1999;
- VISTA** l'ordinanza in materia di consegna ex Legge 237/2012 Corte Penale Internazionale, adottata in data 21.01.2025 dalla Corte d'Appello di Roma – Sezione IV Penale, relativa al procedimento n. 11/2025 N.G.AGI, con la quale la Corte ha dichiarato il non luogo a provvedere sull'arresto di NAJEEM Osema Almasri Habish effettuato da personale di polizia giudiziaria, in quanto irrituale poiché non previsto dalla legge e ha ordinato l'immediata scarcerazione del medesimo come sopra generalizzato e la restituzione all'avente diritto dei beni oggetto di sequestro ai fini estradizionali.
- CONSIDERATO** che i fatti sopra illustrati, per la loro gravità, sono comunque indicativi di un profilo di pericolosità sociale attuale e concreta;
- VALUTATO** che l'esigenza di tutela dell'ordine e della sicurezza pubblica deve essere ritenuta prevalente, in un giudizio di bilanciamento di interessi, rispetto alla posizione amministrativa del soggetto, entrato regolarmente nello spazio Schengen, in esenzione visto dalla Francia con passaporto dominicano nr. RA039484, in corso di validità;



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MODULARIO  
INTERNO - 204

MOD. 4 U.C.O.



*Il Ministro dell'Interno*

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**RITENUTO** pertanto, urgente procedere all'espulsione del predetto cittadino libico, in quanto costituente una minaccia attuale, concreta, e sufficientemente grave all'ordine e alla sicurezza pubblica e che la sua ulteriore permanenza sul territorio è incompatibile con la civile e sicura convivenza;

**ATTESA** la non sussistenza, nel caso di specie, dei divieti di espulsione previsti dall'articolo 19, commi 1, 1.1 e 2, del decreto legislativo 25 luglio 1998, n. 286;

**DATA** preventiva notizia al Presidente del Consiglio dei Ministri e al Ministro degli Affari Esteri e della Cooperazione Internazionale;

## DECRETA

per i motivi indicati in premessa, che il cittadino libico NAJEEM Osema Almasri Habish, nato a Tripoli (Libia) il 16.07.1979, è espulso dal territorio nazionale per motivi di ordine pubblico, con l'avvertenza che, ai sensi dell'articolo 13, comma 13, del decreto legislativo 25 luglio 1998, n. 286, non può rientrare nel territorio dello Stato e nell'area Schengen senza una speciale autorizzazione del Ministro dell'Interno.

In caso di trasgressione, è punito con la reclusione da uno a quattro anni ed è nuovamente espulso con accompagnamento immediato alla frontiera.

Il suddetto divieto di reingresso opera, ai sensi dell'articolo 13, comma 14, del medesimo decreto legislativo, per un periodo di anni 15, in considerazione del particolare profilo di pericolosità evidenziato dall'interessato, come meglio specificato in premessa.

Il Questore competente per territorio è incaricato degli adempimenti connessi all'esecuzione del presente provvedimento.

Avverso il presente decreto è ammesso ricorso al Tribunale Amministrativo Regionale del Lazio, sede di Roma, entro 30 giorni dalla data di notifica.

Roma, 21 GEN 2025

IL MINISTRO  
Piantedosi

ROMA, 2006 - ISTITUTO POLIDIGRAFICO E ZECCA DELLO STATO S.p.A. - 8

PER COPIA CONFORME ALL'ORIGINALE  
IL PRESENTE DOCUMENTO SI COMPONE



21.01.2025

Vice Questore della Polizia di Stato  
Loredana KENTO

## القرار ترجمة

الداخلية وزارة

15}

البروتوكول رقم: 400B/1824/25/15

المتعلقة للأحكام الموحد بالنص المتعلق، 286 رقم، 1998 يوليو 25 في الصادر التشريعي المرسوم إلى بالنظر  
1 الفقرة، 13 المادة خاص وبوجه الأجانب، بوضع المتعلقة والقواعد الهجرة بتنظيم

16 بتاريخ الأوروبي الاتحاد ومجلس الأوروبي البرلمان عن الصادر 2008/115/CE رقم التوجيه إلى وبالنظر  
الدول مواطني لإعادة الأعضاء الدول في المطبقة المشتركة والإجراءات القواعد يتضمن الذي، 2008 ديسمبر  
قانونية؛ غير بطريقة يقيمون الذين الثالثة

طرابلس في المولود حبش، المصري أوسامة ناجيم الليبي المواطن أن تكشف التي الرسمية، الوثائق مراجعة تمت  
يناير 18 بتاريخ تورينو في توقيفه تم، 0742C7R الشخصي التعريف رقم - 1979 يوليو 16 بتاريخ (ليبيا)  
أشخاص ثلاثة برفقة سيارة في سفره أثناء الشرطة، قوات قبل من المنطقة مراقبة خدمات من كجزء الماضي،  
آخرين؛

19 بتاريخ صادر AC253026 رقم) المفعول ساري لبني سفر جواز يحمل المذكور أن الاعتبار بعين الأخذ وتم  
يناير 2 بتاريخ الصلاحية منتهية للسباحة متعددة دخول وبثأشيرة، (2030 أكتوبر 18 حتى صالح، 2022 أكتوبر  
من 2025 يناير 18 بتاريخ صادرة المطلوبين، تسليم لأغراض دولية توقيف مذكرة بحقه وصادر، 2025  
ضد جرائم ارتكاب بتهمة ICC-01/11-149-US-Exp رقم المرسوم على بناء (ICC) الدولية الجنائية المحكمة  
حرب؛ وجرائم الإنسانية

بين بنوعية وعدسة نقدية مبالغ على العثور تم الفندق، في فيها يقيم كان التي الغرفة تفتيش وبعد أنه، إلى إضافة  
الشخصية؛ ممتلكاته

والمادة 2012 لعام 237 رقم القانون من 11 للمادة وفقاً، 2025 يناير 19 بتاريخ عليه القبض تم أنه إلى وبالنظر  
1999 لعام 232 رقم القانون من 59

من 2025 يناير 21 بتاريخ الصادر الدولية، الجنائية للمحكمة 237/2012 للقانون وفقاً التسليم أمر مراجعة وتمت  
ناجيم اعتقال أمر في قداماً المضي عدم المحكمة فيها قررت التي الجنائية، الرابعة الدائرة - روما استئناف محكمة  
وأمرت القانون، مع توافقه لعدم قانوني غير اعتبر حيث القضائية، الشرطة نفذته الذي حبش المصري أوسامة  
لصاحبها؛ المصادرة الممتلكات وإعادة فوراً سراحه بإطلاق

الاجتماعية؛ الخطورة من وحققي خطير مستوى إلى تشير التي أعلاه، المذكورة الوقائع خطورة إلى وبالنظر

بالموقف مقارنة المصالح، بين التوازن في أولوية تعتبر أن يجب العام والأمن النظام لحماية الحاجة أن إلى وبالنظر  
صالح، RA039484 رقم دومينيكي سفر جواز باستخدام قانوني بشكل شغل منطقة دخل الذي للشخص، الإداري  
حالياً؛

تهديداً يشكل كونه الوطنية، الأراضي من عاجل بشكل حبش المصري أوسامة ناجيم الليبي المواطن طرد تقرر  
والأمن؛ الأمن التعايش مع متوافق غير الأراضي على الإقامة في استمراره وأن العام، للأمن وجسماً حقيقياً

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يوليو 25 التشريعي المرسوم من 19 المادة في عليه منصوص هو كما للطرء قانونية موانع وجود عدم أيضاً تقرر  
286، رقم 1998؛

مسبقاً؛ الدولي والتعاون الخارجية ووزير الوزراء مجلس رئيس إخطار تم  
القرار

تتعلق لأسباب الوطنية الأراضي من حبش المصري أوسامة ناجيم الليبي المواطن طرد يتم أعلاه، مذكورة لأسباب  
لا 286، رقم 1998، يوليو 25 التشريعي المرسوم من 13 الفقرة 13 للمادة وفقاً بأنه، التنويه مع العام، بالنظام  
الداخلية وزير من خاص تصريح دون شغل ومنطقة الوطنية الأراضي إلى العودة له يجوز

الحدود إلى فورية بمرافقة مجدداً طرده ويتم سنوات أربع إلى سنة من بالسجن يعاقب المخالفة، حالة في

إلى بالنظر عاماً، 15 لمدة نفسه، التشريعي المرسوم من 14 الفقرة 13 للمادة وفقاً المذكور، الدخول حظر تسري  
أعلاه إليها المشار الحالة خطورة

القرار هذا تنفيذ إقليمياً المختص الشرطة قائد إلى يوكل

تاريخ من يوماً 30 خلال روما، مقرها للاتسيو، الإقليمية الإدارية المحكمة أمام القرار هذا في الطعن يمكن  
الإخطار

2025 يناير 21 روما،

الوزير

بياننوسي

124

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**Questura di Torino****Ufficio Immigrazione**

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**OGGETTO:** Verbale di notifica nei confronti di **NAJEEM Osema Almasri Habish, n. Tripoli - Libia, il 16/07/1979**, cittadino della Libia, senza fissa dimora, identificato a mezzo di Passaporto nr. Ac250326 - rilascio delle Competenti Autorità della Libia avvenuto il 19/10/2022 con scadenza 18/10/2030 -.

In data 21/01/2025 alle ore 18 : 52 negli Uffici in intestazione, viene notificato nel rispetto dell'art. 2, c. 6 del T.U.I. e successive modificazioni, alla persona di cui all'oggetto presente davanti al/i sottoscritto/i Ufficiale/i-Agente/i di Polizia Giudiziaria V. S. P. C. e i N. I. C. O., l'allegato provvedimento Prot. n. 400B/1824/25/15 emesso dal Ministro dell'Interno.

Si dà atto, per il caso in cui non sia stato possibile tradurre il citato provvedimento in lingua madre, che il servizio interpretariato di cui si avvale quest'Ufficio dispone unicamente di interpreti delle principali lingue veicolari (inglese, francese e spagnolo) e che non è stato possibile reperire alcun interprete madrelingua, disponibile nell'immediatezza, malgrado le ricerche effettuate nell'ambito della comunità del cittadino straniero in premessa indicato.

L'atto è consegnato all'interessato in originale, ovvero eventualmente in copia conforme all'unico originale di cui il cittadino straniero ha preso visione, previa sottoscrizione per ricevuta del presente verbale.

الموضوع: محضر إخطار

في التاريخ وفي الساعة المشار إليهما أعلاه، في هذا المكتب وأمام الموقع أدناه ضابط / فرد الشرطة القضائية، يتم إخطار الشخص المعني المذكور أعلاه، مراعاة للمادة 2، فقرة 6، من النص الموحد لقانون الهجرة وتعديلاتها اللاحقة بالقرار الملحق الصادر من قبل المحافظ. يُحاط علماً بأن خدمة الترجمة التي يعتمد عليها هذا المكتب يتوافر لديها باستمرار مترجمون يتقنون لغات التواصل الرئيسية (الانكليزية والفرنسية والإسبانية) وأنه قد تعذر إيجاد مترجم يتقن لغة الشخص المعني الأصلية بشكل سريع رغم البحث عن مترجم بين أبناء الجالية التي ينتمي إليها الشخص المذكور. يُحرر هذا المستند في نسختين، تُسلم إحداها للمعني، أي في نسخة أصلية واحدة أطلع عليها الأجنبي وتُسلم له نسخة مطابقة للأصل منها، بعد التوقيع على التسلم أسفل هذا المحضر. موقع من قبل المعني وضابط/ فرد الشرطة القضائية.

L'interessato

L'Ufficiale/Agente di Polizia Giudiziaria



## *Il Questore della Provincia di Torino*

*إن مدير أمن مقاطعة* **Torino**

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Prot.: 50/2025

**ESAMINATI** gli atti riguardanti il cittadino straniero **NAJEEM Osema Almasri Habish**, n.Tripoli - Libia il 16/07/1979, CUI 0742C7R, cittadino della Libia;

بعد فحص الوثائق التي يُستدل منها على أن الشخص المعني المدعو **Osema Almasri Habish NAJEEM** المولود في Tripoli - Libia، كود 0742C7R، والمتمتع بالجنسية Libia؛

**RILEVATO** che a carico del predetto risulta un provvedimento, emesso in data 21/01/2025 e notificato il 21/01/2025, di espulsione ai sensi dell'art. 13 com. 1 Dlgs 286/1998, disposto dal Ministro dell'Interno;

وإذ تلاحظ أن الشخص المذكور أعلاه يخضع لأمر الطرد، الصادر في 21/01/2025، والذي تم إخطاره في 21/01/2025، عملاً بالمادة 13، الفقرة 1 من المرسوم التشريعي 286/1998؛ 1 المرسوم التشريعي 286/1998، بأمر من وزير الداخلية؛

**TENUTO CONTO** che dalle motivazioni del provvedimento di espulsione di cui sopra emerge chiaramente che il caso del cittadino straniero in esame può ricondursi al disposto normativo di cui all'art. 13, c. 4 e 4 bis del T.U.I. e successive modificazioni;

واعتباراً لأنه من أسباب الطرد الواردة أعلاه يُستدل بوضوح على أن حالة الشخص المعني يمكن أن تُعزى إلى الأحكام التنظيمية الواردة في المادة 13، فقرات 4 و 4 مكرر، من النص الموحد لقانون الهجرة وتعديلاتها اللاحقة؛

**ACCERTATO** che non è stato possibile procedere all'accompagnamento alla frontiera a mezzo della forza pubblica ai sensi dell'art. 13, c. 4 del T.U.I. e successive modificazioni, per attuale indisponibilità nell'immediato di un vettore idoneo all'esecuzione del rimpatrio;

ويعد التأكد من أن لم يكن ممكناً القيام بالمرافقة إلى الحدود باستخدام القوة العامة بموجب أحكام المادة 13 فقرة 4 من النص الموحد لقانون الهجرة وتعديلاتها اللاحقة، لعدم توافر طائرة مناسبة للغرض بصورة فورية؛

**LETTO** l'art. 14, in particolare il c. 5 bis del T.U.I. e successive modificazioni;

وبعد الاطلاع على المادة 14، وعلى نحو خاص الفقرة 5 مكرر، من النص الموحد لقانون الهجرة وتعديلاتها اللاحقة؛

### **ORDINA**

*يأمر*

al cittadino straniero **NAJEEM Osema Almasri Habish**  
المواطن الأجنبي **Osema Almasri Habish NAJEEM**

**DI LASCIARE IL TERRITORIO DELLO STATO ENTRO SETTE GIORNI DALLA DATA DELLA NOTIFICA DEL PRESENTE DECRETO.**

*بمغادرة أراضي الدولة خلال سبعة أيام من تاريخ الإخطار.*

**INFORMA** l'interessato che:

ويعلم الشخص المعني بما يلي:

- all'atto di lasciare il territorio dello Stato, dovrà esibire il presente provvedimento all'Ufficio della Polizia di Frontiera;

عند مغادرته أراضي الدولة، يجب عليه تقديم هذا الإجراء لمكتب شرطة الحدود؛

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- nel caso in cui, senza giustificato motivo, permanga illegalmente nel territorio dello Stato in violazione del presente ordine, sarà punito con la pena della multa da 10.000 a 20.000 euro;  
أن في حالة بقاءه في أراضي الدولة، بدون سبب يبرر هذا، وانتهاكاً لهذا الأمر، سيعاقب بغرامة تتراوح قيمتها بين 10000 و20000 يورو؛
- salvo che si trovi in stato di detenzione in carcere, valutato il singolo caso si potrà procedere all'adozione di un nuovo provvedimento di espulsione con accompagnamento alla frontiera a mezzo della forza pubblica per violazione dell'ordine adottato dal Questore ai sensi dell'art. 14, c. 5 bis del T.U.I. e successive modificazioni (art. 14, c. 5 ter del T.U.I. e successive modificazioni);  
أنه إذا كان محبوساً في السجن، وبعد دراسة الحالة الفردية الخاصة، سيكون من الممكن اتخاذ إجراء طرد جديد مع المرافقة إلى الحدود باستخدام القوة العامة لانتهاك المعني للأمر الصادر عن مدير الأمن بموجب المادة 14 فقرة 5 مكرر من النص الموحد لقانون الهجرة وتعديلاتها اللاحقة (المادة 14 فقرة 5 ثالث من النص الموحد لقانون الهجرة وتعديلاتها اللاحقة)؛
- qualora non fosse possibile procedere all'accompagnamento alla frontiera si applicheranno le disposizioni di cui all'art. 14, c. 5 bis del T.U.I. e successive modificazioni.  
إذا لم يكن من الممكن القيام بالمرافقة إلى الحدود ستطبق الأحكام التي تنص عليها الفقرة 5 مكرر من المادة 14 من النص الموحد لقانون الهجرة وتعديلاتها اللاحقة.

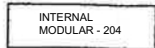
L'Ufficio Immigrazione provvederà previa relativa notifica alla consegna del presente decreto accompagnato, ai sensi dell'art. 2, c. 6 del T.U.I. e successive modificazioni, da una sintesi del suo contenuto tradotto in una lingua comprensibile all'interessato o, qualora non sia possibile reperire tempestivamente un interprete, in lingua inglese, francese o spagnola, secondo la preferenza dallo stesso indicata.

وسيقوم مكتب الهجرة بتسليم هذا المرسوم، مع تلخيص لمضمونه مترجم إلى لغة معروفة من قبل الشخص المعني بموجب أحكام المادة 2، فقرة 6 من النص الموحد لقانون الهجرة وتعديلاتها اللاحقة، وفي حالة عدم إمكان توفير مترجم على وجه السرعة، إلى الإنكليزية أو الفرنسية أو الإسبانية، حسب التفضيل المحدد من قبل الشخص المعني بالإخطار.

Torino, 21/01/2025

IL QUESTORE  
Sima

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MOD. 4 U.C.O.

## The Minister of the Interior.

**A01**

Prot. No. 400B/1824/25/15

**VISA** Legislative Decree No. 286 of 25 July 1998 on the consolidated text of the provisions concerning the regulation of immigration and rules on the status of foreigners and, in particular, Article 13, paragraph 1 thereof; Directive 2008/115/EC of the

**VIEW** European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals; the official documents, from which it emerges that the Libyan citizen

**EXAMINED** NAJEEM Osema Almasri Habish, born in Tripoli (Libya) on 16.07.1979 - CUI 0742C7R, was tracked down in Turin on 18 January last, as part of territorial control services by the Police Forces, while he was traveling in a car in the company of three other people;

**CONSIDERED** that the aforementioned, holder of a valid Libyan passport (nr. AC253026 issued on 19.10.2022, valid until 18.10.20230), with a multiple-entry visa for tourism expired on 2/01/2025, was issued by an international arrest warrant for extradition purposes, issued on 18 January 2025 by the International Criminal Court (ICC) in relation to order no. ICC-01/11-149-US-Exp for crimes against humanity and war crimes;

**CONSIDERED** also that, following a search carried out at the hotel room where he was staying, the operating staff found, among other personal effects, substantial sums of money in cash and a rifle optic; that on 19 January 2025, he

**CONSIDERED** was arrested pursuant to art. 11 of Law no. 237 of 2012 and art.59 of Law no. 232 of 1999;

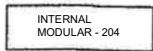
**VIEW** the order on the surrender pursuant to Law 237/2012 of the International Criminal Court, adopted on 21.01.2025 by the Court of Appeal of Rome Criminal Section IV, relating to the proceeding no. 11/2025 N.G.AGI, with which the Court declared the non-need to rule on the arrest of NAJEEM Osema Almasri Habish carried out by judicial police personnel, as it was irrational since it was not provided for by law and ordered the immediate release of the same as generalized above and the restitution to the entitled party of the assets subject to seizure for extradition purposes.

**CONSIDERED** that the facts illustrated above, due to their gravity, are in any case indicative of a profile of current and concrete social dangerousness;

**APPRAISED** that the need to protect public order and security must be considered to prevail, in a judgment of balancing interests, with respect to the administrative position of the subject, who has entered the Schengen area regularly, visa-exempt from France with a Dominican passport nr. RA039484, valid;



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MOD. 4 U.C.O.

## The Minister of the Interior

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|         |                                                                                                                                                                                                                                                                                            |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| THOUGHT | therefore, it is urgent to proceed with the expulsion of the aforementioned Libyan citizen, as he constitutes a current, concrete and sufficiently serious threat to public order and security and that his further stay on the territory is incompatible with civil and safe coexistence; |
| WAITING | the non-existence, in the present case, of the prohibitions on expulsion provided for in Article 19, paragraphs 1, 1.1 and 2, of Legislative Decree No. 286 of 25 July 1998;                                                                                                               |
| DATE    | prior notification to the President of the Council of Ministers and the Minister of Foreign Affairs and International Cooperation;                                                                                                                                                         |

### DECREES

for the reasons indicated in the introduction, that the Libyan citizen NAJEEM Osema Almasri Habish, born in Tripoli (Libya) on 16.07.1979, is expelled from the national territory for reasons of public order, with the warning that, pursuant to Article 13, paragraph 13, of Legislative Decree no. 286 of 25 July 1998, he cannot return to the territory of the State and the Schengen area without special authorization from the Minister of the Interior.

In the event of an offence, he is punished with imprisonment from one to four years and is expelled again with immediate accompaniment to the border.

The aforementioned re-entry ban operates, pursuant to Article 13, paragraph 14, of the same legislative decree, for a period of 15 years, in consideration of the particular danger profile highlighted by the interested party, as better specified in the introduction.

The competent Police Commissioner for the territory is responsible for the obligations related to the execution of this measure.

An appeal against this decree may be lodged with the Regional Administrative Court of Lazio, Rome office, within 30 days from the date of notification.

Rome, 21 JAN 2025

MINISTER  
Piantadosi

Metho To

A CERTIFIED COPY OF THE ORIGINAL  
WHICH THIS DOCUMENT CONSISTS OF  
BY JNE

ROMAN 321.01. 2025

Vice President of the State Police  
Loredig KENTO

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Ministry of Interior  
Translation  
Decision

1824/25/15/400B: Protocol No.

relating to the provisions of the consolidated text relating to, 286 No., 1998 July 25 in the legislative issue decreed to consider  
15 Paragraph, 13 Article Special and in the face of foreigners, the status of related immigration rules and regulation

16 On the European Union and the Council of Europe Parliament issued CE/2008/115 No. Directive to The Consideration of States Citizens to Return Members States in Common Applicable and Procedure Rules includes which, December 2008 legal;

Tripoli in the newborn Hobeish, the Egyptian Osama Najim Libyan citizen to reveal which official, documents review January 18 dated Turin in his arrest was done, 0742C7R Profile Identification No. - 16 July 1979 dated (Libya) Three persons accompanied by a car while traveling during the police, forces before from the area control services of the last part, others;

19 On the date of issuance AC253026 No) valid Libyan Travel passport bearing the aforementioned that consideration was taken into account and was January 2 with the expiration date expired for multi-entry tourism and visa, (October 18, 2030 until Saleh, 2022 October of January 18, 2025 on the date of issuance of wanted, delivery for international purposes Arrest warrant against him and issued, 2025 against crimes committed for ICC-01/11-149-US-Exp Decree number on the construction of the International Criminal Court (ICC) War Court; and crimes of humanity

Between a gun and a lens cash sums were found the hotel, in which the room was staying was inspected and after it, to add

personal;

Article 2012 of 237 Law No. 11 of Article 19, 2025 January 19 on the date of his arrest has been that to Given 1999 of 232 Law No. 59

From 21 January 2025 on the date of the international issued, criminal court 237/2012 to the law in accordance with the delivery of a review order and Najim was arrested An order in the foot of the non-court where the court decided which Criminal, Fourth Circuit - Rome Court of Appeal and ordered the law, with its concurrence to illegal incompetence not considered as judicial, the police carried out by whom Hobeish the Egyptian medals to its owner; confiscation of property and immediate re-release by release

Social; gravity of and real dangerous level to indicate above, mentioned gravity facts to given

By the position of comparison of interests, between the balance in priority considered to be public and security system to protect the need that to be considered in favor ,RA039484 Dominican number travel passport using legally as Schengen area of income which of the person, administrative  
Currently;

A threat that constitutes being a national, land from urgent in the form of Egyptian Hobeish Osama Najim Libyan citizen expulsion decide and security; safe coexistence with compatible non-land to reside in its continuation and that the year, for security and a real grave

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July 25 Legislative Decree of 19 Article in it is stipulated as for the expulsion legal impediments the existence of non-also decided  
2865 No., 1998

In advance;

Resolution

Relating to the reasons of national land of Hobeish Egyptian Osama Najim Libyan citizen expulsion is made above, mentioned for reasons No., 286 No., 1998 July 25 Legislative Decree of 13 paragraph, 13 to Article according to that, the mention with the public, the order of the Interior Minister of the Special permit without Schengen and the National Land Zone to return to him may

Border to immediate escort again expelled and is four to one year of imprisonment punishable offense, case in

To consider 15 years, for the same period, the legislative decree of 14 paragraph, 13 to Article in accordance with the aforementioned, entry prohibition shall apply .above to the referred to the situation of danger

This decision is a regional implementation of the competent police commander to delegate

Date of 30 days during Rome, the headquarters of Lazio, regional administrative court before the decision that in the appeal can  
be notified

21 January 2025, Rome,

Minister

Piandosi

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Turin Police Headquarters

Immigration Office

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SUBJECT: Notification report against NAJEEM Osema Almasri Habish, b. Tripoli - Libya, on 16/07/1979, citizen of Libya, of no fixed abode, identified by means of Passport nr. Ac250326 issued by the Competent Authorities of Libya on 19/10/2022 with expiry date 18/10/2030 -.

On 21/01/2025 at 6:52 p.m. in the Offices in the header, it is notified in compliance with art. 2, c. 6 of the T.U.I. and subsequent amendments, to the person referred to in the object present before the undersigned Officer(s) Agent of the Judicial Police VISP. CEI NICO the attached \_\_\_\_\_, provision Prot. no. 400B/1824/25/15 issued by the Minister of the Interior.

It is acknowledged, in the event that it has not been possible to translate the aforementioned provision into the mother tongue, that the interpreting service used by this Office has only interpreters of the main vehicular languages (English, French and Spanish) and that it has not been possible to find any native interpreter, available immediately, despite the searches carried out within the community of the foreign citizen indicated in the introduction.

The document is delivered to the interested party in original, or possibly in a certified copy of the only original that the foreign citizen has viewed, subject to signature for receipt of this document. verbal.

Subject: Minutes of Notice

On the date and at the hour referred to above, in this office and in front of the undersigned judicial police officer/officer, the above-mentioned person concerned shall be notified, subject to Article 2, paragraph 6, of the consolidated text of the Immigration Law and its subsequent amendments to the attached decision issued by the Governor. It is noted that the translation service on which this office relies has consistently had translators who were fluent in the main languages of communication (English, French and Spanish) and that it was not possible to find a translator who would be fluent in the native language of the person concerned quickly, despite the search for a translator among the community to which the person belonged. This document shall be drawn up in two copies, one of which shall be delivered to the person concerned, i.e. in one original made available. The foreigner shall thereby deliver to him a true copy of the original, after signing the receipt at the bottom of this record. Signed by the person concerned and the judicial police officer/member.

The interested party

The Officer/Agent of the Judicial Police

He

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The Police Commissioner of the Province of Turin

Torino County Security Manager

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Prot.: 50/2025

EXAMINED the documents concerning the foreign citizen NAJEEM Osema Almasri Habish, b. Tripoli - Libya on 16/07/1979, CUI 0742C7R, citizen of Libya;

Having examined the documents from which it is inferred that the person concerned named Osema Almasri Habish NAJEEM born in Tripoli - Libia, code 0742C7R, and has Libia nationality;

NOTING that the aforementioned has been issued with an expulsion order, issued on 21/01/2025 and notified on 21/01/2025, pursuant to art. 13 com. 1 of Legislative Decree 286/1998, ordered by the Minister of the Interior;

Noting that the above-mentioned person is subject to the expulsion order, issued on 21/01/2025, notified on 21/01/2025, pursuant to article 13, paragraph 1, of Legislative Decree 286/1998; 1- Legislative Decree 286/1998, by order of the Minister of the Interior:

TAKING INTO ACCOUNT that from the reasons for the expulsion order referred to above, it is clear that the case of the foreign citizen in question can be traced back to the regulatory provision referred to in art. 13, c. 4 and 4 bis of the T.U.I. and subsequent amendments;

Considering that one of the above grounds for expulsion clearly indicates that the situation of the person concerned can be attributed to the regulatory provisions contained in article 13, paragraphs 4 and 4 bis, of the consolidated text of the Migration Act and its subsequent amendments;

HAVING ASCERTAINED that it was not possible to proceed with the accompaniment to the border by means of the public force pursuant to art. 13, c. 4 of the T.U.I. and subsequent amendments, due to the current immediate unavailability of a carrier suitable for carrying out the repatriation;

Having ascertained that escort to the border by the use of public force under section 13, paragraph 4 of the consolidated text of the Immigration Act and subsequent amendments, was not possible because an aircraft suitable for purpose was not immediately available;

HAVING READ art. 14, in particular c. 5 bis of the T.U.I. and subsequent amendments;

Having considered article 14, in particular paragraph 5 bis, of the consolidated text of the Migration Act and subsequent amendments;

#### ORDER

Ordering

al cittadino straniero NAJEEM Osema Almasri Habish  
المواطن الأجنبي Osema Almasri Habish NAJEEM

TO LEAVE THE TERRITORY OF THE STATE WITHIN SEVEN DAYS FROM THE DATE OF  
NOTIFICATION OF THIS DECREE.

to leave the territory of the State within seven days from the date of notification.

INFORMS the data subject that:

The person concerned shall be informed of the following:

· when leaving the territory of the State, must show this measure to the Office of the Border Police;

Upon leaving the territory of the State, he must submit this procedure to the Border Police Office;

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- nel caso in cui, senza giustificato motivo, permanga illegalmente nel territorio dello Stato in violazione del presente ordine, sarà punito con la pena della multa da 10.000 a 20.000 euro; that if he remains in the territory of the State, without a justifying reason, and in violation of this order, he will be punished by a fine of between 10,000 and 20,000

Full;

- unless he is in custody in prison, once the individual case has been assessed, it will be possible to proceed 107.

All'adozione di un nuovo provvedimento di espulsione con accompagnamento alla frontiera a mezzo della forza pubblica per violazione dell'ordine adottato dal Questore ai sensi dell'art. 14, c. 5 bis del T.U.I. e successive modificazioni (art. 14, c. 5 ter del

T.U.I. e successive modificazioni); that if he is imprisoned in prison, after studying the special individual case, it will be possible to take a new expulsion procedure with escort to the border using the general force of the violation in question of the order issued by the Director of Security under article 14, paragraph 5 bis of the consolidated text of the Migration Act and its

subsequent amendments (article 14, paragraph 5 ter of the consolidated text of the Migration Act and

- its subsequent amendments); qualora non fosse possibile procedere all'accompagnamento alla frontiera si applicheranno le disposizioni di cui all'art. 14, c. 5 bis del T.U.I. e successive modificazioni.

If it is not possible to accompany the border, the provisions of article 14, paragraph 5 bis, of the consolidated text of the Migration Act and subsequent amendments thereto will apply.

The Immigration Office will provide for the delivery after notification of this decree accompanied, pursuant to art. 2, paragraph 6 of the T.U.I. and subsequent amendments, by a summary of its content translated into a language understandable to the interested party or, if it is not possible to find an interpreter promptly, in English, French or Spanish, according to preference indicated by the same.

The Immigration Office will deliver this decree, with a summary of its content translated into a language known by the person concerned under the provisions of article 2, paragraph 6 of the consolidated text of the Migration Act and its subsequent amendments, and in the event that it is not possible to provide an interpreter expeditiously, into English, French or Spanish, according to the preference specified by the person concerned by the notification.

Turin, 21/01/2025

THE POLICE  
COMMISSIONER  
Simna

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**CORTE DI APPELLO DI ROMA  
IV SEZIONE PENALE**

**Tel. 06398088771 – Fax 06398088430  
PEC: sez4.penale.ca.roma@giustiziacert.it**

**Proc. R.G. n. 1/2025 Rog – Coop. Int. C.P.I.  
NAJEEM Osema Almasri Habish**

**Memorandum degli atti relativi al procedimento a carico di NAJEEM Osema Almasri Habish R.G. 11/2025 Estr. dalla data del suo arresto alla data di scarcerazione.**

Lo staff amministrativo nominato con ordinanza del 05/03/2025 riferisce quanto segue.

In data 19/01/2025 alle ore 16.35, la Questura di Torino Squadra Mobile-DIGOS trasmetteva al protocollo della Corte di Appello di Roma comunicazione di arresto, ai sensi degli artt. 11 della L. n. 237 del 2012 e 59 L. 232 del 1999, in esecuzione del provvedimento della Corte Penale Internazionale n. ICC-01/11-149-US-Exp emesso nei confronti di NAJEEM Osema Almasri Habish ( di seguito Almasri) per i reati di “crimini contro l’umanità” e “crimini di guerra”, commessi nella prigione di Mitiga, Stato della Libia dal 15 febbraio 2011 in poi.

Alle ore 20:50 dello stesso giorno, la Questura di Torino Squadra Mobile-DIGOS, al termine degli appositi accertamenti, trasmetteva altri atti relativi all’esecuzione del predetto mandato di arresto, alla quale si allegavano:

- Verbale di arresto, eseguito ai sensi degli artt. 11 della L. n. 237 del 2012 e art. 59 L. 232 del 1999, in esecuzione del provvedimento n. ICC-01/11-149-US-Exp, per i reati di “crimini contro l’umanità”, “crimini di guerra” a carico di Almasri;
- Nota del Ministero dell’Intero-Servizio per la cooperazione internazionale di polizia n. MI-123-U-B-1-2-FD-2025-51 DCPC-SCIP del 19/01/25;
- Provvedimenti di arresto e di sequestro della C.P.I. n. ICC-01/11-149-US-Exp del 18/01/25 e relativo allegato in lingua araba;
- Verbale di notifica all’arrestato del provvedimento n. ICC-01/11-149-US-Exp;
- Verbale di perquisizione personale;
- Verbale di perquisizione locale;
- Verbale di sequestro, del seguente materiale:
  - o Apple Iphone 15 pro max;
  - o Apple Iphone con scocca grigia danneggiata;

up

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for

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- Somma di 105 sterline;
- Somma di euro 5.455,00;
- Mazzo composto da tre chiavi.
- Verbale di identificazione, elezione di domicilio e contestuale nomina del difensore d'ufficio, con annesse comunicazioni ai sensi dell'art 386 c.p.p. in lingua araba;
- Cartellino fotodattiloscopico;
- Elenco dei precedenti dattiloscopici;
- Annotazione di p.g. redatta dal personale operante;
- Ricevuta di accettazione della comunicazione dell'avvenuta esecuzione del provvedimento di arresto effettuata dalla Questura di Torino Squadra Mobile al Consolato libico di Milano;
- Nomina del difensore di ufficio Avv. Picchio Aimone del Foro di Torino;
- Ricevuta di consegna della comunicazione dell'avvenuta esecuzione del provvedimento di arresto al difensore di ufficio;
- Annotazione relativa alla consegna in carcere dell'arrestato;
- Verbale di consegna degli oggetti dell'arrestato eseguita alla casa circondariale di Torino, di seguito elencati:
  - Un portafoglio nero marca Armani contenente le carte di cui agli allegati 1 e 2 del verbale di arresto;
  - N. 3 passaporti intestati all'Almasri;
  - Un mazzo di chiavi contenente n. 3 chiavi, con annesso portachiavi nfc;
  - Un caricabatterie nero con cavo bianco;
  - Un borsello nero Emporio Armani;
  - Un orologio in acciaio con ghiera nera verde con scritta Rolex;
  - Moneta per euro 8,70;
  - Auricolare con cover di ricarica di colore bianco;
  - Un accendino e una penna;
  - Trolley contenente indumenti e scarpe.

In data 20/01/2025, il protocollo della Corte di Appello di Roma trasmetteva i predetti atti alla Quarta Sezione, rispettivamente alle ore 9:16 e 9:19.

In pari data 20/01/2025, l'Ufficio Matricola della Casa Circondariale di Torino trasmetteva richiesta avanzata dall'Almasri di effettuare colloqui telefonici, visivi, videochiamate (mediante whatsapp) con le autorità consolari del Paese di appartenenza, richiesta successivamente autorizzata con provvedimento della Corte del 21/01/2025.

In data 20/01/2025, la Corte provvedeva alla nomina quale difensore di ufficio dell'Avv. Luigi Vicedomini del foro di Roma, in sostituzione dell'Avv. Picchio Aimone in quanto appartenente al foro di Torino.

Successivamente, in data 21/01/2025 alle ore 8:59, perveniva dalla casa circondariale di Torino nomina da parte dell'Almasri del difensore di fiducia Avv. Asa Peronace del Foro di Milano, con revoca di ogni precedente difensore.

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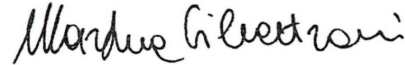
In data 21/01/2025 alle ore 13:47, perveniva, altresì, nomina come difensori di fiducia degli Avv.ti Federica Tartara (del foro di Genova) e Filippo Sportelli (del Foro di Bari), effettuata ai sensi dell'art. 96 co. 3 c.p.p. in data 20/01/2025 dal Najeem Ali Almasri Hebash, in qualità di fratello dell'arrestato. In seguito, l'Avv. Federica Tartara nominava a sostituti processuali gli Avvocati Maria Valentina Miceli di Milano e Francesca Monticone del foro di Roma.

In data 21/01/2025, l'Avv. Asa Peronace presentava nell'interesse del suo assistito istanza di scarcerazione con la quale richiedeva di non convalidare l'arresto dell'Almasri e di disporre l'immediata scarcerazione dello stesso. In pari data, l'istanza veniva inoltrata per il parere al Procuratore Generale che, letti gli atti, chiedeva che la Corte dichiarasse l'irritualità dell'arresto in quanto non preceduto dalle interlocuzioni con il Ministro della Giustizia, titolare di rapporti con la Corte Penale Internazionale. Il difensore presentava, altresì, istanza di dissequestro relativa al materiale che gli era stato sequestrato contestualmente all'arresto.

In data 21/01/2025, la Corte – entro le quarantotto ore dalla ricezione del verbale di arresto, con trasmissione effettuata alla casa circondariale di Torino alle ore 16:22 del medesimo giorno – sulla conforme richiesta del Procuratore Generale e in accoglimento delle istanze difensive, ordinava l'immediata scarcerazione dell'Almasri, dichiarando non luogo a provvedere sull'arresto, e la restituzione dei beni sequestri allo stesso in sede di arresto, se non oggetto di provvedimento di sequestro di altra A.G. precedente.

Roma li 07/03/2025

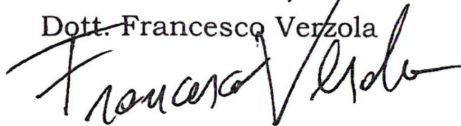
Dott.ssa Martina Silvestroni



Dott.ssa Anna Distefano



Dott. Francesco Verzola



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# COURT OF APPEAL OF ROME

## IV CRIMINAL SECTION

Tel. 06398088771 - Fax 06398088430 PEC:  
sez4.penale.ca.roma@giustiziacert.it

Proc. R.G. n. 1/2025 Rog - Coop. Int. C.P.I.  
NAJEEM Osema Almasri Habish

Memorandum of the acts relating to the proceedings against NAJEEM Osema Almasri Habish R.G. 11/2025 Estr. from the date of his arrest to the date of his release.

The administrative staff appointed by order of 05/03/2025 reports what follows.

On 19/01/2025 at 4.35 p.m., the Turin Police Headquarters Squadra Mobile-DIGOS transmitted to the protocol of the Court of Appeal of Rome notice of arrest, pursuant to art. 11 of Law no. 237 of 2012 and 59 of Law no. 232 of 1999, in execution of the order of the International Criminal Court no. ICC-01/11-149-US-Exp issued against NAJEEM Osema Almasri Habish (hereinafter Almasri) for the crimes of "crimes against humanity" and "war crimes", committed in the prison of Mitiga, State of Libya from 15 February 2011 onwards.

At 8:50 p.m. on the same day, the Turin Police Headquarters Squadra Mobile-DIGOS, at the end of the appropriate investigations, transmitted other documents relating to the execution of the aforementioned arrest warrant, to which

were attached: - Arrest report, executed pursuant to art. 11 of Law no. 237 of 2012 and art. 59 of Law no. 232 of 1999, in execution of provision no. ICC-01/11-149US-Exp, for the crimes of "crimes against humanity", "war crimes" against Almasri; Note of the

- Ministry of the Whole-Service for International Police Cooperation No. MI-123-U-B-1-2-FD-2025-51 DCPC-SCIP of 19/01/25; Arrest and
- seizure orders of the C.P.I. n. ICC-01/11-149-USExp of 18/01/25 and its annex in Arabic; Notification report to the arrested person of the
- order no. ICC-01/11-149-USExp; Personal search report; Report of local search;
- Seizure report, of the following
- material:
- 
- Apple Iphone 15 pro max;
- Apple Iphone with damaged gray body;

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- o Sum of 105 pounds;
- Sum of € 5,455.00; o Deck consisting of three keys.
- Identification report, election of domicile and simultaneous appointment of the public defender, with attached communications pursuant to Article 386 of the Code of Criminal
- Procedure in Arabic;
- Photodactyloscopic tag; List of
- dactyloscopic precedents; A p.g. note drawn up by the
- operating staff; Receipt of acceptance of the communication of the execution of the arrest order made by the Turin Flying Squad Police Headquarters to the Libyan
- Consulate in Milan; Appointment of the public defender Picchio Aimone of the Court of Turin; Receipt of delivery of the communication of the execution of the arrest order to the public defender; Annotation relating to the
- delivery of the arrested person to prison; Report of delivery of the
- arrestee's belongings made to the house district of Turin, listed below:
  - A black Armani wallet containing the papers referred to in Annexes 1 and 2 of the arrest report;
  - Or 3 passports in the name of Almasri;
  - o A bunch of keys containing 3 keys, with an attached NFC key ring;
  - o A black charger with a white cable;
  - o A black Emporio Armani purse;
  - o A steel watch with a black green bezel with Rolex lettering;
  - o Coin for € 8.70;
  - or Earphone with white charging cover;
  - o A lighter and a pen;
  - o Trolley containing clothes and shoes.

On 20/01/2025, the protocol of the Court of Appeal of Rome transmitted the aforementioned acts to the Fourth Section, at 9:16 and 9:19 respectively.

On the same date 20/01/2025, the Registration Office of the Turin Prison transmitted a request made by Almasri to carry out telephone, visual and video calls (via whatsapp) with the consular authorities of the country of origin, a request subsequently authorized by Court order of 21/01/2025.

On 20/01/2025, the Court appointed Avv. Luigi Vicedomini of the Court of Rome, in place of Avv. Picchio Aimone as he belonged to the Turin bar.

Subsequently, on 21/01/2025 at 8:59 a.m., Almasri appointed the trusted defense attorney Asa Peronace of the Milan Bar, with the revocation of any previous defense counsel.

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On 21/01/2025 at 1:47 p.m., Federica Tartara (of the Court of Genoa) and Filippo Sportelli (of the Court of Bari) were also appointed as trusted counsel, pursuant to art. 96 co. 3 c.p.p. on 20/01/2025 by Najeem Ali Almasri Hebash, as brother of the arrested. Subsequently, Avv. Federica Tartara appointed the lawyers Maria Valentina Miceli of Milan and Francesca Monticone of the Rome bar as trial substitutes.

On 21/01/2025, Avv. Asa Peronace submitted, in the interest of his client, a request for release with which he requested not to validate the arrest of Almasri and to order his immediate release. On the same date, the request was forwarded for opinion to the Attorney General who, having read the documents, asked the Court to declare the arrest irregularity as it was not preceded by discussions with the Minister of Justice, holder of relations with the International Criminal Court. The defense lawyer also filed a request for release relating to the material that had been seized from him at the same time as his arrest. On 21/01/2025, the Court - within forty-eight hours of receipt of the arrest report, with transmission made to the Turin prison at 16:22 on the same day - at the request of the Attorney General and in acceptance of the defense requests, ordered the immediate release of Almasri, declaring no need to provide for the arrest, and the return of the assets seized from him at the time of arrest, if not subject to a seizure order by another proceeding AG.

Rome there 07/03/2025

Dr. Martina Silvestroni

**Marduna Gilectroni**

Dr. Anna Distefano

**Meine Distefano**

Dr. Francesco Verzola

**Francesco Vendo**

**CORTE DI APPELLO DI ROMA****IV SEZIONE PENALE****Tel. 06398088771 – Fax 06398088430****PEC: sez4.penale.ca.roma@giustiziacert.it****Proc. R.G. n. 1/2025 Rog – Coop. Int. C.P.I.****NAJEEM Osema Almasri Habish****Indice degli atti relativi al procedimento a carico di NAJEEM Osema Almasri Habish R.G. 11/2025 Estr.**

| <b>n. doc</b> | <b>Documento</b>                                                                                                                  | <b>Data</b> | <b>Orario<sup>1</sup></b> |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------------|
| 1.            | Comunicazione arresto trasmessa al protocollo di questa Corte.                                                                    | 19/01/25    | 16:35                     |
| 2.            | Verbale di arresto, con annessi allegati, trasmessa al protocollo di questa Corte.                                                | 19/01/25    | 20:50                     |
| 3.            | Comunicazione arresto del 19/01/25 inoltrato dal protocollo di questa Corte a questa sezione.                                     | 20/01/25    | 09:16                     |
| 4.            | Verbale di arresto, con annessi allegati del 19 gennaio 2025 inoltrato dal protocollo di questa Corte a questa sezione.           | 20/01/25    | 09:19                     |
| 5.            | Richiesta colloqui                                                                                                                | 20/01/25    | 21:34                     |
| 6.            | Nomina del difensore di ufficio Avv. Luigi Vicedomini.                                                                            | 20/01/25    | 14:15                     |
| 7.            | Nomina del difensore di fiducia Avv. Asa Peronace.                                                                                | 21/01/25    | 08:59                     |
| 8.            | Nomina del difensore di fiducia Avv. Federica Tartara e Filippo Sportelli ex art. 96 co. 3 c.p.p.                                 | 21/01/25    | 13:47                     |
| 9.            | Nomina a sostituti processuali, da parte dell'Avv. Federica Tartara, degli Avvocati Maria Valentina Miceli e Francesca Monticone. | 21/01/25    | 14:00                     |
| 10.           | Istanza di scarcerazione                                                                                                          | 21/01/25    | 09:14                     |
| 11.           | Richiesta parere P.G. su istanza scarcerazione.                                                                                   | 21/01/25    | 09:37                     |
| 12.           | Parere P.G. su istanza scarcerazione.                                                                                             | 21/01/25    | 10:11                     |
| 13.           | Istanza di dissequestro                                                                                                           | 21/01/25    | 13:58                     |
| 14.           | Ordinanza di non luogo a provvedere sull'arresto e di scarcerazione del Najeem                                                    | 21/01/25    | 16:22                     |
| 15.           | Missiva di accompagnamento della comunicazione dell'ordinanza di cui al n.14.                                                     | 21/01/25    | 16:22                     |
| 16.           | Verbale di scarcerazione ed elezione di domicilio, comunicato alla Corte.                                                         | 21/01/25    | 20:50                     |

<sup>1</sup> Inteso come orario di accettazione o di consegna pec.

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|     |                                                                                                                  |          |       |
|-----|------------------------------------------------------------------------------------------------------------------|----------|-------|
| 17. | Comunicazione scarcerazione detenuto.                                                                            | 21/01/25 | 20:55 |
| 18. | Nomina del traduttore Monica Pratesi                                                                             | 27/01/25 | 13:13 |
| 19. | Richiesta di copia degli atti del procedimento da parte del Tribunale di Roma- Collegio per i reati ministeriali | 03/02/25 |       |
| 20. | Traduzione dall'inglese all'italiano provvedimento CPI                                                           | 05/02/25 | 09:53 |
| 21. | Nomina interprete Hassan Raad                                                                                    | 07/02/25 | 09:56 |
| 22. | Traduzione in lingua italiana di quanto allegato al verbale di arresto in lingua araba                           | 24/02/25 |       |
| 23. | Altra documentazione contenuta nel fascicolo n. 11/2025 R.G. Estr.                                               |          |       |
| 24. | Testo della legge 237 del 2012                                                                                   |          |       |

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## COURT OF APPEAL OF ROME

### IV CRIMINAL SECTION

Tel. 06398088771 - Fax 06398088430 PEC:  
sez4.penale.ca.roma@giustiziacert.it

Proc. R.G. n. 1/2025 Rog - Coop. Int. C.P.I. NAJEEM  
Osema Almasri Habish

Index of the documents relating to the proceedings against NAJEEM Osema Almasri Habish R.G.  
11/2025 Estr.

| n. doc | Document                                                                                                                                                                                               | Data     | Timetable <sup>1</sup> |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------------------|
| 1.     | Notice of arrest transmitted to the protocol of this Court.                                                                                                                                            | 19/01/25 | 16:35                  |
| 2.     | Arrest report, with attached annexes, transmitted to the protocol of this Court.                                                                                                                       | 19/01/25 | 20:50                  |
| 3.     | Notice of arrest of 19/01/25 forwarded by the protocol of this Court to this section. Arrest report, with attached annexes of 19 January 2025 forwarded by the protocol of this Court to this section. | 20/01/25 | 09:16                  |
| 4.     |                                                                                                                                                                                                        | 20/01/25 | 09:19                  |
| 5.     | Request for interviews                                                                                                                                                                                 | 20/01/25 | 21:34                  |
| 6.     | Appointment of the public defender Luigi Vicedomini.                                                                                                                                                   | 20/01/25 | 14:15                  |
| 7.     | Appointment of the defence counsel Asa Peronace.                                                                                                                                                       | 21/01/25 | 08:59                  |
| 8.     | Appointment of the defence counsel Federica Tartara and Filippo Sportelli pursuant to Article 96, paragraph 3 of the                                                                                   | 21/01/25 | 13:47                  |
| 9.     | Code of Criminal Procedure Appointment as trial substitutes, by Avv. Federica Tartara, the lawyers Maria Valentina Miceli and Francesca Monticone. Request for                                         | 21/01/25 | 14:00                  |
| 10.    | release Request for opinion of                                                                                                                                                                         | 21/01/25 | 09:14                  |
| 11.    | the Public Prosecutor on request for release. Opinion of the                                                                                                                                           | 21/01/25 | 09:37                  |
| 12.    | Public Prosecutor on the request for release.                                                                                                                                                          | 21/01/25 | 10:11                  |
| 13.    | Application for release Order                                                                                                                                                                          | 21/01/25 | 13:58                  |
| 14.    | of non-place to order on the arrest and release of Najeem Letter accompanying the communication of                                                                                                     | 21/01/25 | 16:22                  |
| 15.    | the order referred to in no. 14. Minutes of release from prison and election of domicile, communicated to                                                                                              | 21/01/25 | 16:22                  |
| 16.    | the Court.                                                                                                                                                                                             | 21/01/25 | 20:50                  |

<sup>1</sup> Intended as time of acceptance or delivery pec.

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|      |                                                                                                                             |          |       |
|------|-----------------------------------------------------------------------------------------------------------------------------|----------|-------|
| 17.  | Communication of detained release.                                                                                          | 21/01/25 | 20:55 |
| 18.  | Appointment of the translator Monica Pratesi                                                                                | 27/01/25 | 13:13 |
| 19.  | Request for a copy of the proceedings by the Court of Rome - College for Ministerial Offences Translation from English into | 03/02/25 |       |
| 20.  | Italian CPI provision Appointment of interpreter Hassan                                                                     | 05/02/25 | 09:53 |
| 21 . | Raad Translation into Italian of the                                                                                        | 07/02/25 | 09:56 |
| 22.  | 'annex to the arrest report in Arabic Other documentation contained in file no. 11/2025 R.G. Estr.                          | 24/02/25 |       |
| 23 . |                                                                                                                             |          |       |
| 24.  | Text of Law 237 of 2012                                                                                                     |          |       |

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**Corte di Appello di Roma  
Sezione Quarta Penale**

pec: sez4.penale.ca.roma@giustiziacert.it  
tel. 06398088906 - fax 06398088430

Proc.to n. 11/2025 R.G. ESTR

Alla Casa Circondariale  
"Lorusso e Cutugno"  
TORINO

Al Ministero della Giustizia  
Direzione Generale AA.PP.  
Ufficio II – Estradizioni  
ROMA

Al Ministero dell'Interno  
Servizio Interpol-Sirene  
ROMA

Alla Procura Generale  
Presso la Corte di Appello  
ROMA

Alla Questura di Torino  
Squadra Mobile D.I.G.O.S.

All'Avv. Asa Peronace  
del foro di Milano

OGGETTO: NAJEEM Osema Almasri Habish, nato a Tripoli (Libia) il 16.7.1979, attualmente detenuto presso la Casa Circondariale "Lorusso e Cutugno" di Torino

Con riferimento al nominato in oggetto, si trasmette copia dell'ordinanza emessa da questa Corte in data odierna con la quale è stato dichiarato non luogo a provvedere sull'arresto effettuato nei confronti del NAJEEM ed è stata disposta la **immediata scarcerazione dello stesso se non detenuto per altro.**

Roma, 21.1.2025

IL FUNZIONARIO  
Dott.ssa *Martina Silvestroni*

**Data:** 21 gennaio 2025, 16:22:19  
**Da:** Posta Certificata Legalmail <posta-certificata@legalmail.it>  
**A:** sez4.penale.ca.roma@giustiziacert.it  
**Tipo:** Ricevuta di accettazione  
**Oggetto:** ACCETTAZIONE: URGENTE - NAJEEM Osema Almasri Habish - Proc.to n. 11/2025 R. G. ESTR - Trasmissione ordinanza non luogo a provvedere arresto e immediata scarcerazione  
**Allegati:** daticert.xml (1.5 KB)  
smime.p7s (9.4 KB)

## Ricevuta di accettazione

Il giorno 21/01/2025 alle ore 16:22:19 (+0100) il messaggio  
"URGENTE - NAJEEM Osema Almasri Habish - Proc.to n. 11/2025 R.G. ESTR - Trasmissione ordinanza non luogo a provvedere arresto e immediata scarcerazione" proveniente da "sez4.penale.ca.roma@giustiziacert.it"  
ed indirizzato a:

affaripenali.pg.roma@giustiziacert.it ("posta certificata")  
dipps184.00l0@pecps.poliziadistato.it ("posta certificata")  
matricola.cc.levalette.torino@giustiziacert.it ("posta certificata")  
dipps184.00m0@pecps.poliziadistato.it ("posta certificata")  
prot.dag@giustiziacert.it ("posta certificata")  
avvasaperonace@milano.pecavvocati.it ("posta certificata")  
dipps009.0200@pecps.interno.it ("posta certificata")  
è stato accettato dal sistema ed inoltrato.

Identificativo messaggio: 424751EC.007F347D.8975166B.B3843E67.posta-certificata@legalmail.it

Questa ricevuta, per Sua garanzia, è firmata digitalmente.  
La preghiamo di conservarla come attestato dell'invio del messaggio

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## Acceptance receipt

On 21/01/2025 at 16:22:19 (+0100) the message  
"URGENTE - NAJEEM Osema Almasri Habish - Proc.to n. 11/2025 R.G. ESTR - Trasmissione ordinanza non luogo a provvedere arresto e immediata scarcerazione" sent by "sez4.penale.ca.roma@giustiziacert.it"  
and addressed to:

affaripenali.pg.roma@giustiziacert.it ("posta certificata")  
dipps184.00l0@pecps.poliziadistato.it ("posta certificata")  
matricola.cc.levalette.torino@giustiziacert.it ("posta certificata")  
dipps184.00m0@pecps.poliziadistato.it ("posta certificata")

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Pagina 2 di 2

prot.dag@giustiziacert.it ("posta certificata")  
avvasaperonace@milano.pecavvocati.it ("posta certificata")  
dipps009.0200@pecps.interno.it ("posta certificata")  
was accepted by the certified email system.

Message ID: 424751EC.007F347D.8975166B.B3843E67.posta-certificata@legalmail.it

As a guarantee to you, this receipt is digitally signed.  
Please keep it as a certificate of delivery of the message.

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Court of Appeal of Rome Fourth  
Criminal Section pec:  
sez4.penale.ca.roma@giustiziacert.it tel.  
06398088906 - fax 06398088430

Proc.to n. 11/2025 R.G. ESTR

At the "Lorusso and  
Cutugno" Prison  
TURIN

To the Ministry of Justice  
Directorate General AA.PP.,  
Office II - Extradition  
ROME

At the Ministry of the Interior  
Interpol-Sirens Service  
ROME

To the Attorney General at  
the Court of Appeal  
ROME

At the Turin Police Headquarters  
Flying Squad D.I.G.O.S.

Avv. Asa Peronace of the  
Milan Bar

SUBJECT: NAJEEM Osema Almasri Habish, born in Tripoli (Libya) on 16.7.1979, currently  
detained at the "Lorusso e Cutugno" Prison in Turin

With reference to the person named in question, we hereby transmit a copy of the order issued  
by this Court today, declaring that there is no need to provide for the arrest made against NAJEEM and  
ordering his immediate release from prison if he is not detained for other reasons.

Rome, 21.1.2025

THE OFFICIAL  
Dott.ssa Martina Silvestroni

Date: January 21st, 2025, 16:22:19  
From: Certified Mail Legalmail <posta-certificata@legalmail.it>  
At: sez4.penale.ca.roma@giustiziacert.it  
Type: Acceptance receipt  
Subject: ACCEPTANCE: URGENT - NAJEEM Osema Almasri Habish - Proc.to no. 11/2025 R. G. ESTR -  
Transmission of the order not including the need to arrest and immediate arrest  
release  
Attachments: daticert.xml (1.5 KB)  
smime.p7s (9.4 KB)

## Acceptance receipt

On 21/01/2025 at 16:22:19 (+0100) the message  
"URGENT - NAJEEM Osema Almasri Habish - Proc.to n. 11/2025 R.G. ESTR - Transmission of the order  
not including the place to provide arrest and immediate release" from "sez4.penale.ca.  
roma@giustiziacert.it"  
and addressed to:

affaripenali.pg.roma@giustiziacert.it ("Certified Mail")  
dipps184.0010@pecps.poliziadistato.it ("Certified Mail")  
matricola.cc.levalette.torino@giustiziacert.it ("Certified Mail")  
dipps184.00m0@pecps.poliziadistato.it ("Certified Mail")

prot.dag@giustiziacert.it ("Certified Mail")  
avvasaperonace@milano.pecavvocati.it ("Certified Mail")  
dipps009.0200@pecps.interno.it ("Certified Mail") has been  
accepted by the system and forwarded.

Message ID: 424751EC.007F347D.8975166B.B3843E67.posta-certificata@legalmail.it

This receipt, as a guarantee, is digitally signed.  
Please keep it as proof that the message has been sent

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## Acceptance receipt

On 21/01/2025 at 16:22:19 (+0100) the message  
"URGENTE - NAJEEM Osema Almasri Habish - Proc.to n. 11/2025 R.G. ESTR - Transmission of ordinance  
not place to provide arrest and immediate release" sent by "sez4.penale.ca.roma@giustiziacert.it" and  
addressed to:

affaripenali.pg.roma@giustiziacert.it ("posta certificata")  
dipps184.0010@pecps.poliziadistato.it ("posta certificata")  
matricola.cc.levalette.torino@giustiziacert.it ("posta certificata")  
dipps184.00m0@pecps.poliziadistato.it ("posta certificata") ,

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Page 2 of 2

prot.dag@giustiziacert.it ("posta certificata")  
avvasaperonace@milano.pecavvocati.it ("posta certificata")  
dipps009.0200@pecps.interno.it ("posta certificata") was  
accepted by the certified email system.

Message ID: 424751EC.007F347D.8975166B.B3843E67.posta-certificata@legalmail.it

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Please keep it as a certificate of delivery of the message..