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[EN](#)[FR](#)

[Home](#) › [News](#) › Situation In Libya: ICC Arrest Warrant Against Osama Elmasry Njeem For Alleged Crimes Against Humanity and War Crimes

Press Release: 22 January 2025

## Situation in Libya: ICC arrest warrant against Osama Elmasry Njeem for alleged crimes against humanity and war crimes



On 18 January 2025, Pre-Trial Chamber I of the International Criminal Court ("ICC" or "the Court"), by majority, issued a warrant of arrest for Mr Osama Elmasry Njeem, also known as Osama Almasri Njeem, in the Situation in Libya.

Mr Osama Elmasry Njeem, who is alleged to have been in charge of prison facilities in Tripoli, where thousands of persons were detained for prolonged periods, is suspected of crimes against humanity and war crimes, including murder, torture, rape and sexual violence, allegedly committed in Libya from February 2015 onwards.

Specifically, the warrant of arrest for Mr Osama Elmasry Njeem lists the war crimes of outrages upon personal dignity pursuant to article 8(2)(c)(ii) of the Statute; of the war crime of cruel treatment pursuant to article 8(2)(c)(i) of the Statute; of the war crime of torture pursuant to article 8(2)(c)(i) of the Statute; of the war crimes of rape and sexual violence pursuant to article 8(2)(e)(vi) of the Statute; and of the war crime of murder pursuant to article 8(2)(c)(i) of the Statute, committed in Mitiga Prison from 15 February 2015 onwards and for the crimes against humanity of imprisonment pursuant to article 7(1)(e) of the Statute; of the crime against

humanity of torture pursuant to 7(1)(f) of the Statute; of the crimes against humanity of rape and sexual violence pursuant to article 7(1)(g) of the Statute; of the crime against humanity of murder pursuant to article 7(1)(a) of the Statute; and the crime against humanity of persecution pursuant to article 7(1)(h) of the Statute committed in Mitiga Prison from 15 February 2015 onwards.

The Chamber found that the crimes set out in the warrant were committed by Mr Njeem personally, ordered by him, or with his assistance by members of the Special Deterrence Forces – also known colloquially as RADA – (the ‘SDF/RADA’). The crimes took place at Mitiga Prison, against persons imprisoned for religious reasons (such as being Christian or atheist); for their perceived contraventions to SDF/RADA’s religious ideology (e.g. suspected of ‘immoral behaviour’ and homosexuality); their alleged support or affiliation to the other armed groups; for the purpose of coercion; or a combination thereof.

On the same day, the ICC Registry, acting in consultation and coordination with the Office of the Prosecutor and under the Chamber’s authority, submitted a request for the arrest of the suspect to six States Parties, including the Italian Republic. The Court’s request was transmitted through the channels designated by each State and was preceded by advance consultation and coordination with each State to ensure the appropriate receipt and onward implementation of the Court’s request. The Court also conveyed real-time information indicating the possible whereabouts and movement of the suspect across the European Schengen zone. In tandem, as provided in the Statute, the Court made a request to INTERPOL to issue a Red Notice.

The suspect was located in Turin, Italy, in the early hours of Sunday, 19 January 2025 and was successfully arrested by the Italian authorities. The suspect was held in custody pending the completion of the required domestic proceedings related to his arrest and surrender to the Court.

At the request of, and acting out of full respect for, the Italian authorities, the Court deliberately refrained from publicly commenting on the arrest of the suspect.

At the same time, the Court continued to pursue its engagement with the Italian authorities to ensure the effective execution of all steps required by the Rome Statute for the implementation of the Court’s request. In this context, the Registry also reminded the Italian authorities that in the event they identify any problems which may impede or prevent the execution of the present request for cooperation, they should consult the Court without delay in order to resolve the matter.

On 21 January 2025, without prior notice or consultation with the Court, Mr Osama Elmasry Njeem was reportedly released from custody and transported back to Libya. The Court is seeking, and is yet to obtain, verification from the authorities on the steps reportedly taken.

The Court recalls the duty of all States Parties to cooperate fully with the Court in its investigations and prosecutions of crimes.

**Background:** The situation in Libya was referred to the ICC Prosecutor by the United Nations Security Council in its resolution 1970 dated 26 February 2011. On 3 March 2011, the Prosecutor announced the decision to open an investigation in the situation in Libya. Seven other ICC arrest warrants are still pending in the context of this situation against Mr Abdurahem Khalefa Abdurahem Elshgagi, Mr Makhoul Makhoul Arhoumah Doumah, Mr Nasser Muhammad Muftah Daou, Mr Mohamed Mohamed Al Salheen Salmi, Mr Abdelbari Ayyad Ramadan Al Shaqqi, Mr Fathi Faraj Mohamed Salim Al Zinkal and Mr Saif Al-Islam Gaddafi.

Further information on this situation is available [here](#).

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- [Cooperation](#)
- [Outreach](#)
- [Trust Fund for Victims](#)

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- [Cases](#)
- [Defendants](#)
- [Investigations](#)
- [Preliminary examinations](#)

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- [Factsheets](#)
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