

# STATEMENT: LIBYA ACCEPTS ICC JURISDICTION AMID POLITICAL DIVISION AND ENTRENCHED IMPUNITY

Libya Crimes Watch (LCW) has been closely following the announcement issued by the International Criminal Court (ICC) on 12 May 2025<sup>1</sup>, confirming that the Government of National Unity (GNU) has formally accepted the ICC's jurisdiction under Article 12(3) of the Rome Statute. This provision allows non-State Parties to voluntarily accept the ICC's jurisdiction over specific time periods or subject matters. The declaration concerns alleged crimes committed on Libyan territory between 2011 and 2027.

This development comes nearly fourteen years after the ICC was first granted jurisdiction over Libya through UN Security Council Resolution 1970 (2011). It also coincides with a period of renewed armed clashes and widespread public protests against the GNU in western Libya, underscoring the country's ongoing political fragmentation and the failure of domestic authorities to curb serious human rights violations or ensure accountability.

Although the ICC has had jurisdiction since 2011, Libya's formal acceptance now reaffirms a binding legal obligation: full and unconditional cooperation with the Court. This includes the surrender of individuals subject to arrest warrants and facilitation of investigative activities.

LCW also notes the rejection of this declaration by the Committee on Justice and National Reconciliation of the House of Representatives (HoR)<sup>2</sup>, a reaction that reflects the deep political divide between Libya's eastern and western authorities. This division risks undermining the legitimacy of the declaration and politicising international justice mechanisms, rather than reinforcing them as tools for securing justice and upholding victims' rights. It further entrenches impunity and hinders any meaningful progress toward accountability.

For years, authorities in both eastern and western Libya have claimed to cooperate with the ICC. However, this cooperation has been largely symbolic, limited to public statements and official visits with no tangible outcomes. In some cases, authorities have actively obstructed justice, such as in the case of Osama Njeem, an ICC suspect arrested in Turin, Italy, in January 2025. Instead of supporting his extradition, the GNU and Libya's Attorney General formally requested Italian authorities to block the transfer and request his return to Libya<sup>3</sup>.

<sup>1</sup> [Libya accepts ICC jurisdiction over alleged crimes from 2011 to the end of 2027](#), ICC, 15 May 2025.

<sup>2</sup> [Statement of the Committee on Justice and National Reconciliation on the statements made by the Prosecutor of the International Criminal Court before the UN Security Council](#), The Libyan HoR, 16 May 2025.

<sup>3</sup> [Situation in Libya: ICC arrest warrant against Osama Elmasry Njeem for alleged crimes against humanity and war crimes](#), ICC, 22 January 2025.

The Njeem case exemplifies the lack of genuine, transparent prosecutions at the national level for international crimes. Libya's judicial system continues to demonstrate a lack of willingness, independence, and capacity to prosecute such cases, effectively making it complicit in shielding perpetrators and confirming the current impossibility of applying the principle of complementarity between the ICC and Libyan courts.

**Ali Omar, Director of LCW, stated:**

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While we welcome, in principle, any initiative aimed at strengthening cooperation with the ICC, such a declaration holds little substantive value unless it is followed by the surrender of individuals subject to arrest warrants. As long as grave human rights violations persist and impunity remains entrenched, claims of genuine commitment by authorities in the east and west Libya ring hollow.

**In light of these developments, LCW makes the following recommendations:**

- LCW calls on the authorities in both eastern and western Libya to immediately comply with their international obligations, first and foremost by surrendering all individuals subject to arrest warrants issued by the ICC, without delay, obstruction, or political interference.
- LCW calls on the authorities in eastern and western Libya to develop and announce a clear and time-bound cooperation plan with the ICC, ensuring full, safe, and unhindered access for the Court's investigative teams to all relevant sites, documents, and witnesses across Libya.
- LCW urges the Office of the Prosecutor of the ICC to halt any plans to conclude the investigation into the situation in Libya by the end of 2025. Instead, the investigation should be expanded urgently and seriously to include ongoing international crimes, with a focus on the most serious violations, including torture, enforced disappearances, and extrajudicial killings, particularly those targeting vulnerable groups.
- LCW calls on all States Parties to the Rome Statute to support the ICC's work in Libya politically and financially, to ensure the continuation of investigations, the prosecution of those responsible for gross human rights violations, and an end to entrenched impunity.