

Annex

Public redacted version of

**‘Under seal, *ex parte*, only available to the Prosecution,
Warrant of Arrest [REDACTED],
ICC-01/11-01/20-4-US-Exp,
originally issued on 10 November 2020**

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/11-01/20**

Date: **10 November 2020**

Public redacted version:
8 August 2025

Before:

PRE-TRIAL CHAMBER I

**Judge Péter Kovács, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Reine Adélaïde Sophie Alapini-Gansou**

SITUATION IN LIBYA

IN THE CASE OF

THE PROSECUTOR v. SAIF SULEIMAN SNEIDEL

Under seal, *ex parte*, only available to the Prosecutor

Warrant of Arrest [REDACTED]

Warrant of Arrest to be notified, in accordance with Regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Fatou Bensouda, Prosecutor

James Stewart, Deputy Prosecutor

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representative

Others

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER I (the ‘Chamber’) of the International Criminal Court (the ‘Court’) issues this warrant of arrest pursuant to article 58(1) of the Rome Statute (the ‘Statute’) for

Saif Suleiman SNEIDEL

also known as Saif Rabee Al-Agouri or Saif Rabee Al-Jazwi, a Libyan national belonging to the Al-Jazwi or Al-Agouri tribe, son of Suleiman (father), reported to live in the village of Al-Masaken located next to the military camp and headquarters of the Al-Saiqa Brigade situated in the Bo-at-ney area of Benghazi, in Libya, a member of ‘Group 50’, a sub-group of the Al-Saiqa Brigade commanded by Mahmoud Mustafa Busayf Al-Werfalli, referred to as a ‘field commander’ as early as May 2017, and as an officer with the rank of first lieutenant as early as February 2018.

I. Procedural History

1. On 27 May 2020, the Prosecutor submitted under seal the ‘Prosecution’s application under article 58 for a warrant of arrest against Saif Al-Nusr Suleiman Salem SNEIDEL’ (the ‘Application’).¹ The Prosecutor requests that the Chamber issue a warrant of arrest for Saif Al-Nusr Suleiman Salem Sneidel for his alleged criminal responsibility under article 25(3)(a), (c) or (d) of the Statute for the war crimes of murder and outrages upon personal dignity alleged to have been committed in the course of three incidents, taking place from on or before 3 June 2016 until on or about 17 July 2017, in Benghazi or surrounding areas, in Libya, in violation of article 8(2)(c)(i) and (ii) of the Statute and for his alleged criminal responsibility under article 25(3)(a) or (d) of the Statute for the war crime of torture alleged to have been committed from on or about [REDACTED] until on or about [REDACTED], in Benghazi, in Libya, in violation of article 8(2)(c)(i) of the Statute.

¹ [REDACTED]

II. Classification

2. Pursuant to regulation 23*bis*(1) of the Regulations of the Court and considering the reasons provided by the Prosecutor in her Application,² the Chamber finds it appropriate to issue the warrant of arrest under seal. Nonetheless, with a view to facilitating an eventual reclassification, the Chamber refers to the content of confidential material only to the extent necessary to provide its reasoned decision.

III. Applicable law and Jurisdiction of the Court

3. The Chamber notes articles 8, 11, 13, 19(1), 25(3)(a), (c) and (d), 30 and 58 of the Statute.

4. The Chamber is satisfied, pursuant to article 19(1) of the Statute, on the basis of the material submitted and without prejudice to its future determinations on the matter, that the case against **Saif Suleiman Sneidel** falls within the jurisdiction of the Court. In particular, the three incidents occurring in Benghazi or surrounding areas between on or before 3 June 2016 until on or about 17 July 2017 and the incident in relation to P-0501, occurring in Benghazi, from on or about [REDACTED] until on or about [REDACTED], are associated with the ongoing armed conflict underlying the referral by the Security Council pursuant to article 13(b) of the Statute concerning the situation on the territory of Libya since 15 February 2011.³ In this context, the Chamber notes that the Al-Saiqa Brigade has been involved in this non-international armed conflict ever since the days of the revolution against the Gaddafi regime. Therefore the Chamber concludes that the alleged war crimes of murder, outrages upon personal dignity and torture described in the Application are sufficiently linked with the situation that triggered the jurisdiction of the Court through the Security Council referral.

5. The Chamber declines, at this stage, to use its discretionary *proprio motu* power to determine the admissibility of the case against **Saif Suleiman Sneidel** as there is no

² [REDACTED].

³ S/RES/1970 (2011).

ostensible cause or self-evident factor which impels it to exercise its discretion pursuant to article 19(1), second sentence, of the Statute.

6. The Chamber indicates that the analysis of the evidence and other information submitted by the Prosecutor will be set out in a separate decision.

IV. Concise statement of the facts and reference to the crimes which the person is alleged to have committed

7. On the evidence, the Chamber finds reasonable grounds to believe that an armed conflict not of an international character has been ongoing on the territory of Libya, from at least early March 2011 until at least February 2018, between governmental forces and different organized armed groups, or among various such armed groups, which include the Al-Saiqa Brigade. Notably, the Chamber finds that since May 2014, the Al-Saiqa Brigade had been taking part in an operation launched by the Libyan National Army in Benghazi, known as ‘Operation Dignity’, under the command of General Khalifa Haftar.

8. The Chamber finds reasonable grounds to believe that members of the Al-Saiqa Brigade arrested, detained, ill-treated and executed individuals for their perceived opposition to General Khalifa Haftar and for their involvement in the ‘17 February revolution’.

9. The Chamber finds reasonable grounds to believe that **Saif Suleiman Sneidel**, who, at the time relevant for the purposes of the Application, was a member of a group referred to as ‘Group 50’, a sub-group of the Al-Saiqa Brigade commanded by Mahmoud Mustafa Busayf Al-Werfalli, participated in the three executions described in the Application, taking place on or before 3 June 2016, on or before 19 June 2017, and on or about 17 July 2017, in Benghazi or surrounded areas, in Libya, and in the course of which 23 people were murdered.

10. More precisely, with respect to the first execution, the killing of an unidentified person, taking place from on or before 3 June 2016, the Chamber is satisfied at this stage of the proceedings that there are reasonable grounds to believe that **Saif Suleiman Sneidel** drove the military vehicle appearing in the video depicting the execution and displayed his support for the killing before it was carried out. The Chamber further finds that **Saif Suleiman Sneidel** posed for photographs with Mahmoud Mustafa Busayf Al-Werfalli and others with the corpse of the victim displayed before them while making the victory sign.

11. With respect to the second execution, the killing of two unidentified person, taking place on or before 19 June 2017, the Chamber finds reasonable grounds to believe that **Saif Suleiman Sneidel**, who at the time of the commission of the murders had been referred to as ‘field commander’ and appeared to be a close and trusted associate of Mahmoud Mustafa Busayf Al-Werfalli, carried out one of the killings.

12. With respect to the third execution, the killing of twenty unidentified persons, on or about 17 July 2017, **Saif Suleiman Sneidel**, who at the time of this incident, appeared to have been of higher rank than the other members of the firing squad and to be a close and trusted associate of Mahmoud Mustafa Busayf Al-Werfalli, carried out one of the killings.

13. These executions appear exceptionally cruel, humiliating, dehumanising and degrading. In particular, these executions were all filmed and the videos posted on social media, and photographs were taken with the corpse of one of victim. The Chamber further finds reasonable grounds to believe that the persons killed appear to have been detained and to have been either civilians or persons *hors de combat*. There is no information in the evidence to show that they have been afforded a trial by a court, whether military or otherwise, that would comport with any recognised standard of due process.

14. The Chamber further finds reasonable grounds to believe that **Saif Suleiman Sneidel** participated, with other members of the Al-Saiqa Brigade, including Group 50, in the arrest and detention of P-0501, in Benghazi, from around [REDACTED] until around [REDACTED]. Over the course of his detention, P-0501 was subjected to various forms of severe physical and psychological abuses and mistreatments, by **Saif Suleiman Sneidel** and other members of the Al-Saiqa Brigade, including Group 50. P-0501 also appears to have been a civilian and was, because [REDACTED], forcefully taken to [REDACTED].

15. On the evidence, the Chamber concludes that there are reasonable grounds to believe that the incidents and facts described in the Application amount to the war crimes of murder and outrages upon personal dignity pursuant to article 8(2)(c)(i) and (ii) of the Statute respectively, and the war crime of torture, pursuant to article 8(2)(c)(i) of the Statute, and that these crimes occurred in the context of the armed conflict not of an international character.

16. The Chamber further concludes that there are reasonable grounds to believe that **Saif Suleiman Sneidel** bears criminal responsibility for the commission, jointly with others, and/or for the direct commission, and/or for aiding, abetting or otherwise assisting in the

commission of, and/or for contributing in any other way to the commission of the war crimes of murder and torture pursuant to article 8(2)(c)(i) of the Statute and outrages upon personal dignity pursuant to article 8(2)(c)(ii) of the Statute, committed over the course of the three executions and the detention of P-0501, described in the Application, within the meaning of article 25(3)(a) and/or (c) and/or (d) of the Statute.

17. With respect to the mental elements required, having considered his personal conduct over the course of the three executions and the detention of P-0501, the Chamber is satisfied that **Saif Suleiman Sneidel** acted with intent and knowledge within the meaning of article 30 of the Statute, and that, with regard to his criminal responsibility under article 25(3)(c), **Saif Suleiman Sneidel** acted ‘for the purpose of facilitating’ the commission of the crime as required by that article.

18. The Chamber is further satisfied on the basis of the evidence submitted that **Saif Suleiman Sneidel** was aware of the status of the victims and of the factual circumstances that established the existence of the non-international armed conflict.

19. The mode of individual criminal responsibility applicable in the present case will be reviewed by this Chamber at a later stage of the proceedings on the basis of the evidence and the observations which will be submitted to the Chamber at that time.

V. Necessity of the arrest

20. The Chamber is satisfied, in conformity with article 58(1)(b) of the Statute, that the arrest of **Saif Suleiman Sneidel** appears necessary to ensure that (i) he is prevented from continuing with the commission of these crimes or related crimes arising out of the same circumstances, as described in Section IV; and (ii) he appears at trial. Considering the pattern of executions described above, and the recent escalation of **Saif Suleiman Sneidel**’s conduct, the Chamber is of the view that **Saif Suleiman Sneidel**, unless prevented, is likely to continue to carry out crimes of similar gravity in the near future. The posting on social media of the videos depicting the executions, and the frequency and particular cruelty with which they are carried out satisfy the Chamber that **Saif Suleiman Sneidel** is unlikely to cooperate with a summons to appear, within the meaning of article 58(7) of the Statute. Thus, the issuance of a warrant of arrest appears necessary.

VI. [REDACTED]

21. [REDACTED]

[REDACTED].⁴

22. [REDACTED].

23. [REDACTED].

24. [REDACTED].

⁴ [REDACTED].

25. [REDACTED⁵].

⁵ [REDACTED].

FOR THESE REASONS, THE CHAMBER HEREBY

ISSUES a warrant of arrest for **Saif Suleiman Sneidel**, a Libyan national, reported to live in the village of Al-Masaken located next to the Al-Saiqa Brigade camp in the Bo-at-ney area of Benghazi, in Libya, a member of ‘Group 50’, a sub-group of the Al-Saiqa Brigade commanded by Mahmoud Mustafa Busayf Al-Werfalli, referred to as early as May 2017 as a ‘field commander’ and as early as February 2018 as an officer with the rank of first lieutenant, for his alleged criminal responsibility, pursuant to article 25(3)(a) and/or (c) and/or (d) of the Statute, for the war crimes of murder and torture pursuant to article 8(2)(c)(i) of the Statute, and outrages upon personal dignity pursuant to article 8(2)(c)(ii) of the Statute, committed in Benghazi or surrounding areas, in Libya, between on or about [REDACTED] and on or about [REDACTED], and on or before 3 June 2016 until on or about 17 July 2017, as set forth in this warrant of arrest;

DECIDES that the warrant of arrest, currently classified under seal, *ex parte* Prosecutor only, may be communicated, or its existence be revealed, to any State or international organisation for the purposes of its execution and the existence of the Prosecutor’s Application be mentioned;

DECIDES that, as soon as practicable, the Registrar shall: (i) prepare a request for cooperation seeking the arrest and surrender of **Saif Suleiman Sneidel** and containing the information and documents required by articles 89(1) and 91 of the Statute and rule 187 of the Rules of Procedure and Evidence; and (ii) transmit, in consultation and coordination with the Prosecutor, the request to the competent authorities of Libya or any other relevant State, in accordance with article 87 of the Statute and Resolution 1970 of the United Nations Security Council, to cooperate with the Court for the purpose of executing the request for arrest and surrender of **Saif Suleiman Sneidel**;

DIRECTS the Registrar to prepare and transmit to any relevant State, in consultation and coordination with the Prosecutor, any request for transit pursuant to article 89(3) of the Statute or any request for provisional arrest pursuant to article 92 of the Statute which may be necessary for the surrender of **Saif Suleiman Sneidel**;

ORDERS the Prosecutor to transmit to the Registry and to the Chamber all information available to her that may be of assistance in the execution of the request for arrest and surrender as well as any information of relevance to assessing any risks to victims and witnesses associated with the transmission of the request for arrest and surrender;

ORDERS the Registrar to prepare, as soon as practicable, an Arabic translation of the present warrant of arrest for the purpose of transmitting it to the Libyan authorities;

ORDERS the Registrar to open a case record and to transfer first the Prosecutor's Application [REDACTED] from the situation record into the case record;

ORDERS the Prosecutor to prepare a public redacted version of the Application as soon as possible;

URGES the Registry to make all possible efforts for the immediate implementation of this warrant of arrest and to report accordingly to the Chamber;

[REDACTED];

[REDACTED];

ORDERS the Registrar to prepare, as soon as practicable, the necessary translation to accompany such request for cooperation in accordance with article 87(2) of the Statute;

DECIDES that, in case any requested State identifies problems which may impede or prevent the execution of the request for cooperation as set out in article 97 of the Statute, that State is requested to consult with the Court without delay in order to resolve the matter;

[REDACTED]

[REDACTED].

Done in both English and French, the English version being authoritative.



Judge Péter Kovács
Presiding Judge



Judge Marc Perrin de Brichambaut



**Judge Reine Adélaïde Sophie Alapini-
Gansou**

Dated this Tuesday, 10 November 2020
At The Hague, The Netherlands