



2018年9月5日第1973(2011)号决议所设利比亚问题专家小组给安全理事会主席的信

安全理事会第1973(2011)号决议所设利比亚问题专家小组依照安理会第2362(2017)号决议第14段，谨随本函转递专家小组工作的最后报告。

报告于2018年8月2日提交给安全理事会关于利比亚的第1970(2011)号决议所设委员会，并由委员会在2018年8月23日进行了审议。

请提请安全理事会成员注意到本函及报告，并将其作为安理会文件分发给荷。

第1973(2011)号决议所设利比亚问题专家小组  
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利皮卡·马宗达·罗伊·乔杜里(签名)

专家

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## 关于利比亚的第 1973(2011)号决议所设专家小组的最后报告

### 摘要

在本报告所述期间，武装团体的掠夺行为对利比亚的政治过渡构成直接威胁。使用暴力控制国家机构的情况在的黎波里尤其明显，可能导致重新爆发武装冲突。利比亚投资局、国家石油公司和利比亚中央银行成为威胁和攻击的目标，影响了利比亚石油和金融部门的业绩。

武装团体还应对有针对性的迫害和严重侵犯人权行为负责，这些行为加深了某些类别民众的不满，最终威胁到利比亚的长期和平与稳定。大多数所涉武装团体要么与民族团结政府有关联，要么与利比亚国民军有关联。

武装团体从贩运人口和偷运移民中获利颇丰。这些活动加剧了不稳定，破坏了正规经济部门。犯罪网络组织移民车队，并利用性剥削赚取大量收入。专家小组对利比亚系统侵犯移民人权者特别是由于执法不力和大片安全真空而不受惩罚感到关切。在这方面，安全理事会关于利比亚的第 1970(2011)号决议所设委员会决定制裁六名偷运移民者，是向前迈出的关键一步。

专家小组特别关切的是，多个武装团体试图通过表面上支持打击非正常移徙的努力来获得合法性，从而得到外国行为体的技术和物质援助。本任务期间，使用装备武器的船只的情况在利比亚东部和西部有所增加。

战区出现了越来越多的装甲车和装备有重型机枪、无后坐力炮、迫击炮和火箭发射器的皮卡，在利比亚东部尤其如此。这种向利比亚转让武器的情况显示，所有会员国都可大大加强其执行军火禁运的努力。

来自前政权武器库和 2011 年之后转让的军火和有关物资均继续落入利比亚和外国武装团体之手。武器转用助长了日益不安全的局势，构成对利比亚和邻国和平与安全的持续威胁。在利比亚进进出出的外国战斗人员和武装团体利用该国境内的武器和相关物资扩散，造成违反武器禁运行为频发。

自 2017 年 8 月当前任务开始以来，专家小组记录了班加西的东部国家石油公司六次企图非法出口原油。通过陆路和海路非法出口精炼石油产品活动仍然十分活跃。专家小组已查明在多个地区运营的参与此类活动的网络及其作案手法。

专家小组分析了利比亚投资局资产的现有数据和信息，发现了两起不遵守资产冻结的大案。专家小组通过调查揭露了在实施联合国制裁方面的不同做法和解释，这可能对被冻结资产的管理和妥善保管产生不利影响。专家小组的结论是，资产冻结没有对利比亚投资局产生不利影响。

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\* 附件只以来件所用语文分发，未经正式编辑。由于监测机制报告有字数限制，专家组在本报告附件中就若干调查工作提供了进一步细节。简称和缩写表见附件 1。



## 一. 背景

1.本报告载有利比亚问题专家小组截至 2018 年 7 月 17 日的调查结果。附件 2 概述了利比亚制裁制度的演变情况。

### A. 任务和任命

2.专家小组的任务和任命情况详见附件 3。

### B. 方法

3.专家小组决心确保遵守安全理事会关于制裁一般性问题非正式工作组报告(S/2006/997, 附件)提议的标准。这些标准要求尽可能依据经核实的真实文件、具体证据和专家现场观察,包括拍摄照片。如无法亲临现场,专家小组将争取用多个独立的消息来源证实信息,酌情达到尽可能高的标准,并较为重视主要行为人和事件第一手证人的陈述。专家小组希望尽可能以透明方式行事,但如果指明消息来源会使小组成员或其他人面临不可接受的安全风险,专家小组将不披露身份信息,并将相关证据保存在安全的联合国档案中。

4.专家小组无论调查任何一方不遵守决议的情况,都致力于做到不偏不倚。

5.专家小组同样致力于最大限度实现公平,并努力酌情和尽可能向有关各方通知报告中可能提到的其涉及违规事件或未遵守规定事件的信息,供其在规定时限内审阅、发表意见、作出反应。

6.专家小组维护其工作的独立性,反对任何削弱其公正性的企图和使人认为它持有偏见的企图。

### C. 与各利益攸关方和各组织合作

7.询问过的机构、组织和个人名单见附件 4。发出的信件清单见附件 5,回复情况见附件 6。

#### 1. 会员国

8.自 2017 年 6 月 1 日提交上一次最后报告(S/2017/466)以来,专家小组正式访问了下列国家,会晤了国家当局和其他相关的利益攸关方:比利时、埃及、法国、希腊、意大利、利比亚、荷兰、尼日尔、西班牙、苏丹、瑞士、突尼斯、土耳其、阿拉伯联合酋长国、大不列颠及北爱尔兰联合王国、美利坚合众国和开曼群岛。此外,专家小组前往下列地方,会晤对话者,包括利比亚侨民:雅典、本加尔丹(突尼斯)、布鲁塞尔、开罗、卡塔尼亚(意大利)、多维尔(法国)、杰尔巴(突尼斯)、伊斯坦布尔(土耳其)、伦敦、米苏拉塔(利比亚)、尼科西亚、巴勒莫(意大利)、巴黎、罗马、塞雷(希腊)、苏塞(突尼斯)、的黎波里和突尼斯。

## 2. 利比亚

9. 专家小组自 2017 年 8 月再次获得任命以来已五次访问利比亚，包括在利比亚停留两天以上。联合国利比亚支助团(联利支助团)定期运作的进入利比亚的航班，联利支助团强有力的支持和灵活性，均增加了专家小组的通行便利。此外，专家小组还远程访谈了在利比亚的对话者。

## 3. 联合国和其他实体

10. 专家小组与联利支助团经常互动，定期会见负责利比亚问题秘书长特别代表兼联合国利比亚支助团团长加桑·萨拉梅。此外，专家小组得以就联利支助团任务范围内的各种主题与联利支助团不同部门进行积极接触。

11. 专家小组会见关于朝鲜民主主义人民共和国、马里、苏丹、南苏丹和伊拉克和黎凡特伊斯兰国(伊黎伊斯兰国)和基地组织制裁制度的联合国专家小组，并交换了信息。

12. 在其任务期间，专家小组还会晤了国际移民组织(移民组织)、世界海关组织、世界银行、欧洲联盟、“欧洲联盟海军-地中海”行动、欧洲联盟边境援助团、联合国毒品和犯罪问题办公室、人道主义事务协调厅、联合国难民事务高级专员公署、联合国区域间犯罪和司法研究所、红十字国际委员会和国际刑事法院的代表。

## D. 报告的结构

13. 本报告的结构与利比亚制裁制度以及连续几项决议规定的专家小组任务的各组成部分一致。除本报告外，专家小组还向安全理事会关于利比亚的第 1970 (2011)号决议所设委员会单独提供了专家小组认为符合制裁指认标准的个人的信息。

## 二. 威胁利比亚和平、稳定或安全的行为或阻碍或破坏利比亚顺利完成政治过渡的行为

14. 在本报告所述期间，武装团体进一步增加了对利比亚国家机构的影响，促进了自己的政治和经济利益。使用暴力控制国家基础设施和机构以及威胁和攻击公务员的行为在全国各地普遍存在，在的黎波里尤为明显。武装团体的掠夺行为导致利比亚国家资金被挪用，机构和基础设施恶化。争夺利比亚政权的暴力争斗阻碍了该国的政治过渡。

15. 有针对性的迫害和严重侵犯人权行为加深了某些类别民众的不满，最终威胁到利比亚的长期和平与稳定。

## A. 威胁或胁迫利比亚国家金融机构和利比亚国家石油公司，或从事任何可能导致或造成挪用利比亚国家资金的行为

### 1. 针对利比亚投资局的行为

16. 专家小组收到可靠报告称武装团体纳瓦西旅干涉了利比亚投资局的活动。投资局管理层被迫聘用来自该团体的候选人，当管理层不同意这些要求时，该旅的一名指挥官便加以威胁。一些高级管理人员有几个月不得不搬出的黎波里。2018年5月，投资局为继续运作，试图将其总部迁出目前在的黎波里塔的地点。这一举动遭到该武装团体的强烈反对，一名雇员被绑架了几个小时。

### 2. 针对国家石油公司的行为

17. 专家小组关切地注意到，武装团体一直试图对国家石油公司施加影响。例如，2018年2月7日，的黎波里革命旅的一名指挥官在位于的黎波里的该公司场所会见了一名董事会董事，试图强加一项协议。<sup>1</sup> 第二次会议于2018年2月19日在该场所外举行。该指挥官声称代表一家加拿大公司。他以暴力威胁迫使公司达成交易(见附件7)。该公司没有答复专家小组的澄清要求。

### 3. 对苏尔特盆地中油田的封锁

18. 2017年11月1日，地方当局要求在苏尔特盆地东部经营C-96和C-97许可证区块的德国石油公司温特沙尔暂停生产。al-Sarah油田暂停生产时段从2017年11月1日持续至2018年1月21日。尽管国家石油公司反对任何生产中断，但这项决定还是得到了执行(见附件11)。

19. 国家分裂和东部国家石油公司的干预进一步加剧了当地紧张局势，驱使当地武装团体采取行动。2017年11月7日，利比亚国民军Fathi Arhaim旅成员护送东部国家石油公司总裁法拉吉·赛义德访问温特沙尔位于贾希拉的设施，随后他发表声明，呼吁维持封锁。11月22日，他指示温特沙尔只与东部国家石油公司独家交易(见附件12)。尽管贾希拉长老理事会在1月中旬决定解除封锁，但Fathi Arhaim旅于2018年1月21日直接指示温特沙尔公司总监延长停产时间(见附件13)。尽管温特沙尔未同意这一要求，但这一事件表明，武装团体的利益与当地社区的利益背道而驰，并影响了石油部门的正常运作。

## B. 对利比亚境内任何航空、陆地或海洋口岸的攻击，或对利比亚国家机构或设施的攻击，或对利比亚境内的外国使团的攻击

### 1. 2018年6月对油码头的袭击

20. 2018年6月14日，由曾负责中部地区石油设施警卫队的易卜拉欣·贾德兰领导的一个武装团体联盟为控制油码头带头发动了一次袭击，损坏了拉斯拉努夫的储存设施。<sup>2</sup>

<sup>1</sup> 枪手袭击了国家石油公司一名董事会董事，以迫使董事会与一家加拿大公司达成交易，Libya Al-Akhabar, 2018年2月25日。可查阅：[www.libyaalkhabar.com/news/27791/](http://www.libyaalkhabar.com/news/27791/)-[مسلحون يعتدون على-إدارة-الووط](#)。

<sup>2</sup> 班加西防卫旅表示愿意自愿解散，Al-Arab, 2018年6月24日。可查阅：<https://alarab.co.uk/>[سر ايا-الدفاع-عن-بنغازي-تعلن-استعدادها-لحل-نفسها-طوعا](#)。

21. 据国家石油公司估计, 袭击后石油出口暂停造成的每日损失约为 3 300 万美元。自 2013 年以来, 封锁和油码头和设施连续遭袭造成的总损失估计约为 560 亿美元。这些行为中有许多是易卜拉欣·贾德兰所为(见 S/2017/466, 第 76 和 80 段; 见附件 8)。

22. 易卜拉欣·贾德兰获得了大量财政支持。攻击部队规模可观, 拥有 350 多辆技术车。大多数皮卡卡车是在当地市场上购买的。袭击期间, 纳赛尔·本·杰里德招募的乍得雇佣军由哈桑·穆萨领导(见 S/2017/466, 第 70 段; 见附件 9)。

23. 与名单所列实体有关联的班加西防卫旅成员<sup>3</sup> 也参加了袭击(见 S/2017/466, 第 76 段)。其两名指挥官在 2018 年 6 月 15 日的空袭中丧生。<sup>4</sup> 此外, 前政权效忠者也加入了袭击, 特别是来自瓦沙法纳的布·奥马伊德部落(见 S/2017/466, 第 96 段)。

24. 来自乍得和苏丹的反对派武装团体一直在向石油新月地带的冲突交战方提供人力资源。利比亚国民军越来越依赖苏丹团体(见附件 10), 而在易卜拉欣·贾德兰于 2017 年 3 月领导反击之前, 民族团结政府的代表也与乍得和苏丹指挥官建立了联系。<sup>5</sup> 大多数乍得和苏丹反对派武装团体一直在寻求增加自己在利比亚的存在, 以谋取利润。它们最近的军事失败和东道国日益困难的情况也导致他们迁至利比亚。<sup>6</sup>

## 2. 对的黎波里米提加机场的袭击

25. 自 2018 年 1 月 15 日以来, 一个总部设在塔朱拉的武装团体联盟对的黎波里米提加机场进行了多次袭击。这些袭击导致了进出利比亚首都的空中交通几次中断, 带来重大物质损失和平民伤亡。来自班加西的战斗人员、包括与班加西革命者协商委员会有关联的成员, 与总部设在塔朱拉的 Al Buqra 旅联手开展行动。一名米苏拉塔武装团体指挥官希沙姆·姆塞米尔向袭击者供应了武器和弹药。

## 3. 对利比亚中央银行班加西分行的袭击

26. 2017 年底, 利比亚国民军 106 旅在 Saddam Khalifa Haftar 的指挥下, 控制了利比亚中央银行在班加西中心区的分行, 并将大量现金和白银转移到一个未知目的地。民族团结政府内政部副部长法拉吉·穆罕默德·曼苏尔在 2017 年 11 月 20 日被利比亚国民军拘留之前, 曾一度控制该分行(见 S/2016/209, 第 96 段)。被收缴的保险库内容如下:

- (a) 639 975 000 利比亚第纳尔;

<sup>3</sup> 班加西伊斯兰教法辅士组织(QDe.146); 基地组织(QDe.004)。

<sup>4</sup> 确认 Ahmad Al-Tajuri 和 Shikku 被杀, *Akhbar Libya*, 2018 年 6 月 16 日。可查阅: [www.libyaakhbar.com/libya-news/680360.html](http://www.libyaakhbar.com/libya-news/680360.html)。

<sup>5</sup> 民族团结政府消息来源称, 举行了一次会议, 以“在石油新月地带进行的斗争中排除苏丹和乍得战斗人员”。

<sup>6</sup> 2018 年 6 月对一名正义与平等运动指挥官的访谈和 2018 年 4 月对一名乍得变化与和谐阵线指挥官的访谈。

(b) 159 700 000 欧元；

(c) 1 900 000 美元；

(d) 5 869 枚银币。

27. 与利比亚国民军有关联的人解释说，军队帮助保卫了将现金和银币从中央银行班加西分行运出行动，但没有具体说明最终目的地。<sup>7</sup> 在一次电视采访中，Bayda' 平行机构的副行长 Ali al-Hibri 称，中央银行没有公布其年度财务结果和资产的原因是机构重叠以及班加西分行在 2014 年至 2017 年期间处于危险之中，而且保险库中的现金被污水损坏，但没有提供更多细节。<sup>8</sup> 这些说法相互矛盾，而且不完整。

28. 东部中央银行证实了上文第 26 段中的数字，但解释说保险库被污水淹没了。该银行回收了 1.5 亿欧元的钞票，其中 45% 受损，只回收了 224 690 利比亚第纳尔，其中 20% 受损。回收的钞票从班加西中心区的分行转移到班加西 Hawwari 的东部中央银行新总部。一名目击者说，他被允许进入位于 Hawwari 的东部中央银行的一个保险库，那里存放了大约 2 000 万欧元受损的钞票(见下图)。在检查过的保险库里没有发现未损坏的钞票。

图 1

班加西利比亚中央银行保险箱里的受损欧元钞票



来源：保密。

29. 东部中央银行解释说，银币和大约 3.75 亿第纳尔仍留在班加西中心区分行的保险箱里。它进一步解释说，在法律案件结案之前，东部中央银行不会进入该分行的保险库。然而，仍不清楚为什么一些资金在之前的某个日期被转移，而其余的则留在保险箱里。东部中央银行没有回答专家小组关于从该银行分行向 Hawwari 总部转移现金的日期的问题。此外，东部中央银行没有提供关于 190 万美元和其余 2.6 亿第纳尔目前下落的任何进一步细节。

<sup>7</sup> Al-Fallah 讨论了从班加西运走的钱下落如何，《消息》周刊，2017 年 12 月 15 日。可查阅：[www.libyaakhbar.com/libya-news/517049.html](http://www.libyaakhbar.com/libya-news/517049.html)。

<sup>8</sup> 218TV，采访 Ali al-Hibri 的视频，2018 年 6 月 10 日。可查阅：<http://youtu.be/MzO3mTg6Aiw>。



30. 在对专家小组的答复中，东部中央银行否认利比亚国民军扣押了资金。然而，多个可信的消息来源表明，在从该银行班加西分行转移资金后，大部分资金被利比亚国民军最高指挥官瓜分。

31. 一些银行经理表示，利比亚国民军指挥官对他们施加了巨大压力，要求他们获得现金和信用证。一些人出于安全原因决定出国。专家小组目前正在调查几起案件。

### C. 违反有关国际人权法或国际人道主义法的行为或践踏人权的行为

32. 事实上控制拘留中心和监狱的附属于利比亚国民军或民族团结政府的武装团体犯下了严重侵犯人权的行为，包括非法剥夺自由和在某些情况下致人死亡的酷刑。拘留是出于政治、经济或宗教动机。2017年10月，6 500人被关押在司法警察名义上控制的监狱中。国防部和内政部或武装团体控制的监狱没有可用统计数据。<sup>9</sup>

33. 包围德尔纳和不加区分地炮击居民区对平民产生的影响最大，并直接侵犯了人权，违反了国际人道主义法。专家小组正在核实据称利比亚国民军士兵对身穿便服的男子进行即决处决的录像片段，这可能发生在德尔纳。

#### 1. Awliya' al-Damm Abu Hudaymah 案

34. 一个附属于利比亚国民军的名为 Awliya' al-Damm Abu Hudaymah 的武装团体在班加西的布代马运营着一个非法拘留中心。其两名指挥官 Mu'ammam al-Biha 和 Adil Mukhaddah (别名 Mokhada) 因与 Mahmud al-Warfalli 的密切关联而闻名(见 S/2017/466, 第 100 段)。专家小组核实了 Mu'ammam al-Biha、Adil Mukhaddah 和 Mahmud Al-Warfalli 之间电话录音<sup>10</sup> 的真实性，该录音清楚地表明了他们之间的联系。据前被羁押人员称，Mahmud Al-Warfalli 至少访问过拘留中心一次。

35. 若干人被任意拘留，关押在不人道的条件下，并遭受酷刑。据家人说，有些人仍下落不明。前被羁押人员报告称拘留中心内存在即决处决案件。受害者的尸体被扔到 Zayt 街上。该团体成员还没收了被拘留者的房屋和公寓。受害者的家人担心遭受更多迫害，不得不逃离班加西。一些人继续受到电话威胁。

36. 班加西还有其他非法拘留中心，由利比亚国民军附属团体管理。在一些情况下，前被羁押人员说不清他们在被拘留期间的具体地点。尤其是在选举筹备期间，利比亚东部利比亚国民军反对派遭到有系统地逮捕、被失踪和威胁的情况令人震惊。

<sup>9</sup> 联合国人权事务高级专员办事处(人权高专办)和联合国利比亚支助团(联利支助团)，“铁窗后的虐待：利比亚的任意和非法扣留”(人权高专办，2018年4月)。

<sup>10</sup> 可查阅：[www.facebook.com/karitrables/videos/القباء بسقاط يهدد مخدة-عادل/1666301516771140/](https://www.facebook.com/karitrables/videos/القباء بسقاط يهدد مخدة-عادل/1666301516771140/)。

## 2. 利比亚国民军第 152 旅案

37. 在石油新月地带，当地武装团体犯下侵犯人权事件，包括绑架、强迫失踪和任意拘留。据当地消息来源称，在 2016 年 9 月利比亚国民军接管石油新月地带后的几周内，约有 60 人被绑架。

38. 专家小组记录了利比亚国民军第 152 旅成员参与在该旅控制的一个非法拘留中心内的两起酷刑案件和一起酷刑致死案件(见附件 14)。专家小组一再要求第 152 旅指挥官发表声明，以确定他的部队在这些案件中的作用，但他没有答复。

## 3. 的黎波里特别威慑部队案

39. 最近对被羁押人家属的采访表明，许多被羁押人被介绍给总检察长办公室，家属有更多机会接触到被羁押人。特别威慑部队准许专家小组查阅位于米提加的的黎波里改造中心关押的被判刑囚犯登记册。2017 年 10 月，该监狱关押了 2 600 名被羁押人。<sup>11</sup>

40. 专家小组继续收到前被羁押人员关于在 2015 年至 2018 年 4 月被关押在米提加监狱期间人权遭到严重侵犯的证词。他们报告的情况有：长期隔离监禁、因酷刑或被剥夺医疗服务而在监狱中死亡，以及拒绝家人探视。他们还对特别是在拘留的头几天或几周的审讯期间所使用的酷刑方法作出了相似的描述。

41. 专家小组在的黎波里与特别威慑部队的代表举行了两次会议，其间他们否认参与监狱内的任何侵犯人权行为。他们具体指出，特别威慑部队仅负责监狱周边，这与前被羁押人员的证词不同。特别威慑部队在脸书页面上公布了米提加关押的被羁押人的供状，这表明该部队可以接触囚犯并参与审讯。<sup>12</sup>

42. 特别威慑部队解释说，所有逮捕行动都是在总检察长知情的情况下进行的。在与恐怖主义有关的案件中，他们“通过电话接受指令，然后将逮捕地点通知总检察长”。该部队称，囚犯是按照法律程序系统地介绍给总检察长的。他们补充说，“依据案件的优先次序和重要性”，会出现延误。然而，专家小组意识到，自 2016 年 6 月以来，至少有 29 起案件没有向总检察长办公室介绍被羁押人。专家小组不知道目前的总数，但掌握了关于被关押在米提加的两人的信息，他们没有介绍给总检察长。根据证词，据称这两个人在拘留期间遭受酷刑。

43. 特别威慑部队最近发出一次邀请后，专家小组计划在不久的将来访问监狱设施。

## 4. 米苏拉塔反犯罪委员会案

44. 专家小组收集了关于米苏拉塔 Karim 监狱内至少一起酷刑致死案件的证词和文件。反犯罪委员会是一个倾向萨拉菲的武装团体，负责管理监狱。证词显示存在殴打、心理和身体酷刑现象，并且拘留条件恶劣。在一份证词中，委员会

<sup>11</sup> 人权高专办和联利支助团，“铁窗后的虐待”。

<sup>12</sup> 见 [www.facebook.com/الخاصة-الردع-قوة-1021745154586317/](https://www.facebook.com/الخاصة-الردع-قوة-1021745154586317/)。

的指挥官被直接提及，称其参与了审讯和酷刑。Mohammad Bakir (别名 Nahla)在 2017 年 10 月被拘留期间死亡。受害者身上有明显的酷刑痕迹(见附件 15)。

## 5. 德尔纳案

45. 专家小组目前正在调查利比亚国民军部队据称在德尔纳不加区分地炮击和即决处决的案件。

46. 流离失所的家庭在利比亚国民军检查站获准安全前往利比亚西部时，他们被附属于利比亚国民军的当地武装团体告知，他们必须离开，没有可能返回。2018 年 6 月 27 日，由于人们越来越担心当地居民从利比亚东部流离失所，Omar Al Mokhtar 作战室的利比亚国民军指挥官指示负责保卫德尔纳安全的利比亚国民军 Ain Mara 烈士旅为当地家庭提供安全保障，并“清空解放区内被军事人员占据的房屋”(见附件 16)。

## 6. 贩运人口

47. 根据 2018 年 4 月移民组织最近的报告，利比亚境内有 690 351 名移民。<sup>13</sup> 2017 年 10 月，联合国难民事务高级专员公署宣布大约有 20 500 名移民和难民被偷运者关押在不同地点。<sup>14</sup>

48. 贩运人口和偷运移民仍是有利可图的具有适应性的业务模式。组织这些网络是为了从整个偷运移民链中获利。撒哈拉以南的贩运者将移民贩运给利比亚的行为体，他们管理用于隔离移民并对其进行敲诈的房地。武装团体沿迁移路线索取过路“税”，并为向其付费的偷运者车队提供保护服务。这些计划为武装团体带来大笔收入，对部落和国家行为体而言想必也是如此。偷运者将各种做法结合起来，其中包括在社交媒体上宣传移民欧洲(见附件 17)、增强财务能力以及通过制造恐惧氛围和实施虐待来胁迫易受影响的移民(见建议 12 和 13)。

49. 在本任务期内，专家小组的调查侧重于利比亚中部和南部的路线。

### 尼日利亚性剥削网络

50. 对来自尼日利亚埃多州贝宁市的妇女进行一系列访谈之后，专家小组启动了对人口贩运网络的调查，这些专门从事性剥削的网络从尼日利亚经利比亚扩散至意大利。<sup>15</sup> 每次都有一名妇女的亲属或密友主动提出为她们提供移民意大利并在美容院或裁缝店工作的机会。<sup>16</sup>

<sup>13</sup> 国际移民组织(移民组织)，“Libya’s Migrant Report-Round 19”(2018 年 4 月)，可查阅：<http://www.globaldtm.info/dtm-libya-migrant-report-information-package-19-april-2018/>。

<sup>14</sup> 与联合国难民事务高级专员公署的访谈，尼亚美，2018 年 2 月 17 日。

<sup>15</sup> 与 2015 年至 2017 年被从尼日利亚经利比亚偷运至意大利的尼日利亚贩运受害者的访谈。这些访谈是 2018 年 2 月 1 日和 16 日在移民组织尼亚美和巴勒莫办事处的协助下组织的。

<sup>16</sup> Kingsley Obiejesi, “CNN investigation unveils the ease of human trafficking from Edo to Libya”, International Centre for Investigative Reporting, 27 February 2018. 可查阅：<https://www.icimigeria.org/cnn-investigation-unveils-the-ease-of-human-trafficking-from-edo-to-libya/>。



51. 网络中的关键行为体是在目的地国经营妓院的发起人。这些人通常被称为“妈妈”或“夫人”。这些发起人提前支付旅费，但强迫女童在当地精神权威面前发誓偿还。<sup>17</sup> 这一承诺是该网络威胁女童及其家人直至其偿还费用的主要手段。<sup>18</sup> 在所调查的涉及尼日利亚网络的案件中，目的地国是利比亚和意大利。

52. 在尼日利亚和尼日尔的过境方式是乘坐汽车。在从尼日尔阿加德兹前往利比亚的途中，女童们在一名尼日利亚“中间人”的监护下旅行。为了保证安全通过，中间人必须向在利比亚南部 Gatrun、Murzuq 和塞卜哈地区行动的塔布族武装团体交“保护税”。塔布族青年从中渔利，通过护送车队和为穿越撒哈拉沙漠的行程提供便利来谋生。<sup>19</sup>

53. 接受访谈的妇女称，她们在位于 Gatrun、塞卜哈、的黎波里和 Guergaresh(的黎波里郊区)的“中转屋”内被关押期间遭受性剥削。贩运者在这些房屋内关押了多达 150 名尼日利亚女童。房屋所有者是利比亚人，但大多数情况下由来自贝宁城 Yoruba 部落的尼日利亚夫妇管理。尼日利亚贩运者支付房租，并将高达百分之五十的收益分给利比亚房东。据称，这些钱款是使用哈瓦拉系统在尼日利亚和利比亚之间转移的(见建议 12 和建议 13)。<sup>20</sup>

54. 这些妇女报告称，她们在所谓的“夜晚派对”期间遭到身着制服并携带武器的西非和利比亚“客人”的集体性虐待。如果她们拒绝“工作”，就会遭受身体虐待、监禁和挨饿等常见的惩罚。未针对性传播疾病采取预防性卫生防范措施。怀孕是通过使用“混合草药”配制的自制药物来终止的。

55. 这些妇女还称，她们频繁遭到被称为“Asma 男童”的青年男子组成的利比亚犯罪团伙的袭击，在塞卜哈和的黎波里情况尤为严重。<sup>21</sup> 这些人携带刀和火器，在夜间袭击“中转屋”，对妇女实施性虐待并勒索保护费。<sup>22</sup>

56. 这些妇女还报告说，在试图穿越地中海期间遭受虐待。在沿海地区，武装警卫冲天开枪，强迫移民将橡皮船从海滩抬入海中。妇女们强调，他们不敢登上这些显然无法适航的橡皮船，却被逼就范。事实上，这些橡皮船在最初的几个小时内就开始下沉。

<sup>17</sup> 受访者将此人称为“伏都教人员”。

<sup>18</sup> 平均是 400 万奈拉(大约 11 000 美元)。

<sup>19</sup> 2018 年 2 月 16 日与尼日尔总检察长和国家宪兵队队长的访谈。

<sup>20</sup> Uli Rauss, Mirco Keilberth and Francesca Manocchi, “Aus dem Elend in die Sklaverei”, Stern, 26 August 2017. 可查阅: <https://www.stern.de/panorama/weltgeschehen/menschenhandel-von-nigeria-nach-europa--aus-dem-elend-in-die-sklaverei-7588198.html>。

<sup>21</sup> “Asma 男童”这一称呼源自阿拉伯语中意为“听”的词。在网络构建之前，“Asma 男童”曾为企图抵达离境港而四处游走的移民提供协助。他们因在街头一边呼喊“asma”，一边接近移民而为人所知。

<sup>22</sup> 2018 年 2 月 2 日与意大利卡塔尼亚人口贩运问题检察官的访谈。

57. 该网络对最终抵达意大利的妇女保持着强大的影响力。网络希望这些妇女在当局登记后就联系其“妈妈”，否则，其国内的家人就会受到上文所述的精神权威的威胁和恐吓。

## 7. 偷运移民

58. 专家小组继续调查通过东非移民路线开展的偷运移民活动，重点是利比亚境内的三个地点：库夫拉、塔济尔布和巴尼瓦利德。武装团体在这些偷运网络中发挥主要作用，尤其是为移民车队提供保护的作用。

### 库夫拉

59. 2017年7月，库夫拉拘留中心主任向内政部报告，存在七条从苏丹和乍得经利比亚和埃及至欧洲的移民路线。他估计，每天有800至1000名移民进入利比亚，每人支付的费用是5000美元(见附件18)。地方当局抱怨，“非正常移民”<sup>23</sup>加剧了利比亚境内的混乱状况，激起武装团体之间竞相通过向偷运者车队提供保护来“轻松赚钱”。

60. 与利比亚国民军有关联的 Subul al-Salam 旅参与偷运移民，尽管利比亚国民军让其承担打击边境贩运的执法任务(见附件19)。该旅为从苏丹边境前往库夫拉的车队提供护送，每次收取10000利比亚第纳尔。在库夫拉，该旅将移民关押在 al-Himayya 营地，据报这里存在勒索和强迫劳动现象。

61. 专家小组正在继续调查有关利比亚国民军432旅运营的库夫拉 al-Qarryat 营地侵犯人权行为的报告。

### 塔济尔布

62. 专家小组正在调查召集青年男子和雇佣军为乍得边境至塔济尔布的行程提供运输和保护的两名同伙(见 S/2017/1125)。

63. 在库夫拉北部，由60名男子组成的 al-Zany 旅为来自库夫拉、经 Jaghbūb 和塔济尔布前往巴尼瓦利德的车队提供保护。这项服务每次收费13000利比亚第纳尔。

64. 在塔济尔布，al-Zany 旅与为车队人员住宿提供便利的两个兄弟有关联。据报，该房地被用于对抱怨遭虐待的移民系统地实施酷刑和杀害。

### 巴尼瓦利德

65. 专家小组调查了在厄立特里亚至利比亚之间运作、中心设在巴尼瓦利德的网络。该组织设有等级架构，由一名利比亚人 Mousa Adyab 和被称作 Walid、Kidani 和 Wedi Ishaq 的三名厄立特里亚人组成。

<sup>23</sup> 利比亚2010年关于打击非正常移民的第19号法律第11条。根据这项法律，如果外国国民在该法律生效的两个月内未获得正规身份，则被视为非正规移民。

66. 几名当地联系人称, Mousa Adyab 通过为石油设施警卫队、班加西防卫旅和聚集在 Sidadah 军营的伊黎伊斯兰国(QDe.115)提供粮食和财务支助来保证其活动的安全。利比亚国民军认为该营地是对石油新月地带发动袭击的地点, 因此经常空袭该营地。<sup>24</sup>

67. 专家小组约谈了 2014 年 10 月至 2017 年 1 月以费用为 7 000 美元的欧洲“旅行套餐”被 Walid 偷运的厄立特里亚女童。<sup>25</sup> 这些人在位于巴尼瓦利德郊外 Tasni' al-Harbi 地区的 51 号公路附近的一个农场停留。<sup>26</sup> 农场的仓库里容纳着来自厄立特里亚和索马里的多达 1 200 名男子、妇女和儿童。Mousa Adyab 是地主, 派 70 名武装男子守卫该地(见附件 20)。

68. 偷运者在移民抵达此地后就逼迫其联系家人, 为其最后一段行程支付 2 000 美元。Walid 对这些人实施酷刑并使其挨饿。有些厄立特里亚人和索马里人在试图逃跑时遭到偷运者枪击。

69. 在收到钱后, Mousa Adyab 与 Sabratah、Tarhunah、Khums 和 Zuwarah 的偷运者协作, 开车将这些移民从巴尼瓦利德送往沿海地区。据报, 移民被塞进拥挤的卡车,<sup>27</sup> 一些人窒息而死, 还有一些人则从超速行驶的卡车上坠落。这导致巴尼瓦利德医院接收过若干名受伤或死亡的移民。<sup>28</sup> 2018 年 2 月 15 日, 移民组织指出, 一些在事故中幸存的移民据报被偷运者再次带往不明地点。<sup>29</sup>

70. 2018 年 5 月 23 日, 200 名移民与警卫搏斗并偷走两件武器, 以逃离农场。在他们试图逃跑时, Mousa 的兄弟 Ahmed Adyab 与厄立特里亚偷运者企图再次抓住或杀死他们。<sup>30</sup> 巴尼瓦利德医院称, 25 人受重伤, 15 人死亡(见附件 21)。医疗检查显示出酷刑证据(见附件 21)。国际机构报告确定, 幸存者中有一大批孤身儿童。

71. 据当地消息来源称, 自该事件发生和司法调查启动以来, 该网络已分散各处。专家小组继续就该网络的组成及其与被列名实体之间的联系开展调查(见建议 11)。

<sup>24</sup> 从 Sidadah 撤离的约旦部队和乍得反对派遭到 4 次空袭, Al Marsad, 2018 年 6 月 24 日, 可查阅: <https://almarsad.co/2018/06/24/أربعة-غارات-جوية-تستهدف-قوات-جيش-ان-وال/>。

<sup>25</sup> 2018 年 2 月 17 日在联合国难民事务高级专员公署协助下在尼亚美对厄立特里亚难民进行的访谈。金额为平均数。

<sup>26</sup> 这个地区以据称曾是 2011 年被北大西洋公约组织领导的盟军轰炸过的前弹药工厂而闻名。

<sup>27</sup> 与秘密消息人士的访谈, 2018 年 5 月 5 日。

<sup>28</sup> Hani Amara, “Truck packed with migrants crashes in Libya, killing at least 19”, 路透社, 2018 年 2 月 14 日。可查阅: <https://af.reuters.com/article/worldNews/idAFKCN1FY1B5>。

<sup>29</sup> 移民组织, “UN migration agency assists survivors as migrants perish in Libya truck accident”, 新闻稿, 2018 年 2 月 15 日。可查阅: [www.iom.int/news/un-migration-agency-assists-survivors-migrants-perish-libya-truck-accident](http://www.iom.int/news/un-migration-agency-assists-survivors-migrants-perish-libya-truck-accident)。

<sup>30</sup> “East African migrants escape from captors in Libyan smuggling hub”, 路透社, 2018 年 5 月 25 日, 可查阅: <https://www.reuters.com/article/us-europe-migrants-libya/east-african-migrants-escape-from-captors-in-libyan-smuggling-hub-idUSKCN1IQ1XR>。

## 8. Al-Hadba 监狱

72. 专家小组正在调查革命后被拘留在 al-Hadba 监狱的前政权高级官员遭受酷刑的案件。秘密消息人士<sup>31</sup> 提供了前总理巴格达迪·阿里·马哈茂迪所受待遇的证据。马哈茂迪自 2012 年 6 月 24 日起被关押在 al-Hadba 监狱，直至的黎波里革命旅于 2017 年 5 月 27 日接管此地。该监狱由利比亚伊斯兰战斗组织 (QDe.011) 的 Khaled al-Sharif 领导的国民警卫队控制。监狱“军事部门”由利比亚伊斯兰战斗组织的关联人员组成，其作用就是实施酷刑。其中一些人目前是班加西革命者协商委员会和班加西伊斯兰教法辅士组织(QDe.146)等武装团体的知名领导人。

73. Khaled al-Sharif 向专家小组证实，在上述期间，他是 al-Hadba 监狱的负责人，监督其外部安全和内部运作。他否认对囚犯使用酷刑，但承认有一些人自发参与了实施酷刑的行为。<sup>32</sup> 专家小组正在调查此事以及 2012 年至 2017 年之间侵犯被拘留在 al-Hadba 监狱的前政权官员人权的其他案件。

## 三. 武器禁运的执行情况

### A. 概览

74. 专家小组注意到，各武装团体似乎热衷于通过支持打击非正常移民的努力来取得合法性，并渴望得到外国行为体的支持。本任务期间，利比亚东部和西部使用装备有武器的海上船只的情况均有增加。专家小组还注意到，战区出现了越来越多的装甲步兵车和装备有重型机枪、无后坐力炮、迫击炮和火箭发射器的皮卡，在利比亚东部尤其如此。这种对利比亚的转让情况显示，所有会员国都可大力加强其执行武器禁运的努力。

### B. 海路

#### 1. Alkarama 号

75. 多个媒体<sup>33</sup> 报道说，利比亚国民军采购了一艘名为 Alkarama 号的海军巡逻艇。这艘巡逻艇的自动识别系统确认，该艇于 2018 年 5 月 17 日被转移至班加西。其自动识别系统于 5 月 22 日被关闭。

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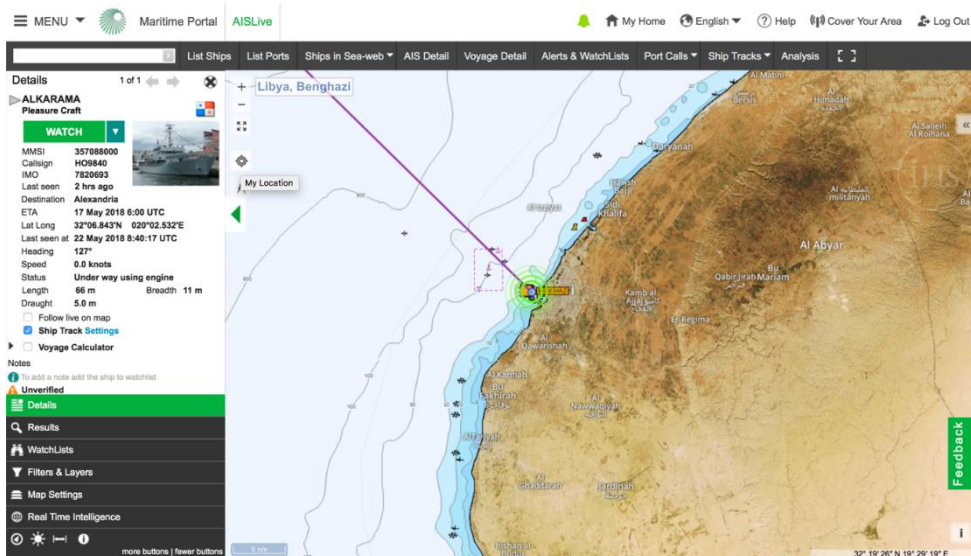
<sup>31</sup> 2018 年 2 月至 5 月在巴黎和突尼斯的访谈。

<sup>32</sup> 对 Khaled al-Sharif 的访谈，伊斯坦布尔，2018 年 6 月 23 日。

<sup>33</sup> Jeremy Binnie, “Libyan National Army takes delivery of ex-Irish OPV”, *IHS* 《简氏防务周刊》，2018 年 6 月 21 日。可查阅：[www.janes.com/article/80200/libyan-national-army-takes-delivery-of-ex-irish-opv](http://www.janes.com/article/80200/libyan-national-army-takes-delivery-of-ex-irish-opv)。

图 2

*Alkarama* 号自动识别系统的信号，2018 年 5 月 17 日



资料来源：IHS Sea-web。

76. *Alkarama* 号(海事组织编号：7820693)的登记资料显示，这艘船的船东是 Universal Satcom Services FZE，其业务注册地是阿拉伯联合酋长国的一个邮政信箱地址。该公司没有网站，专家小组无法获得任何其他联系方式详情。该船登记的船旗国是巴拿马，登记用途是游艇。专家小组已请阿拉伯联合酋长国当局提供关于船只所有方公司及其转让给利比亚的进一步详情，但尚未收到答复。

图 3

*Alkarama* 号海上巡逻艇



资料来源：IHS《简氏防务周刊》。



## 2. Damen 公司的巡逻艇

77. Damen 造船集团的网站<sup>34</sup> 显示,它于 2012 年向利比亚出口了 4 艘 Stan Patrol 1605 巡逻艇,2013 年又出口了 4 艘。荷兰当局已确认收到专家小组有关提供进一步资料的请求,该请求是专家小组在编写本报告之前不久提出的。

图 4

转让给利比亚的 Stan Patrol 1605 巡逻艇



资料来源: Damen 造船集团。

## 3. 首次查获穆克塔尔号

78. 2017 年 5 月 1 日,欧洲联盟地中海中南部军事行动(欧洲联盟地中海海军索非亚行动)在利比亚沿岸的国际水域对穆克塔尔号船只进行了检查。这艘船从米苏拉塔港启航,船长称该船的目的地是班加西。在检查期间,欧盟海军发现了大批武器、弹药和相关物资并随后予以扣押,因为这些物资已被运出利比亚领水。随后,其中大部分物项交给专家小组检查,但是出于安全原因已被处置的一个火箭榴弹发射器和一枚火箭榴弹除外。被查获的物项示例见附件 22。

## 4. 第二次查获穆克塔尔号

79. 2017 年 6 月 19 日,穆克塔尔号在从米苏拉塔驶往班加西时再次在利比亚沿岸的国际水域被欧洲联盟地中海中南部军事行动拦截,并被发现已将武器和弹药运出利比亚领水。这一次,船上装有五支突击步枪、两挺中型机枪和 877 发 7.62 毫米弹药。武器和弹药在专家小组查看之前已被处置,因此无法对其来源开展进一步调查。

<sup>34</sup> 见 <https://products.damen.com/en/ranges/stan-patrol/stan-patrol-1605/deliveries/spa-1605-burdi-sloug-besher-izreg>。

80. 在这两次查获之后，该船及其船员被允许继续从事活动，但船上已没有被查获的军用物资(见建议 1)。

#### 5. 向利比亚转让炸药和导爆索的可能企图：Andromeda 号案件

81. 2018 年 1 月 10 日和 11 日，通讯社报道称，在据称驶往米苏拉塔港的“*Andromeda*”号(坦桑尼亚船旗，海事组织编号：7614666)上查获了炸药、雷管和导爆索。<sup>35</sup> 据希腊当局称，“*Andromeda*”号的自动识别系统被关闭并显示出可疑行为，因此希腊当局于 1 月 6 日靠近该船。在第一次搜查之后，希腊海岸警卫队护送 *Andromeda* 号至希腊伊拉克利翁港，一个专家小组在此对该船进行了检查。货运单显示爆炸材料的最终目的地是埃塞俄比亚，气瓶的最终目的地是阿曼的塞拉莱港，但是专家小组的初步调查显示，该船要将全部货物卸在米苏拉塔。希腊当局根据第 1970(2011)号决议第 9 和 12 段和第 2213(2015)号决议第 20 段扣押了这批货物，原因是怀疑 *Andromeda* 号试图违反武器禁运。

82. 根据专家小组的调查，难以确定是否有违反武器禁运的具体企图。专家小组的证据显示，参与商业交易的公司并未试图违反武器禁运。设在土耳其的 *Orica-Nitro* 公司生产并销售商用炸药。自 2015 年以来，该公司定期向在埃塞俄比亚运营的三家公司销售并运送商用炸药(见附件 23)。其中一家埃塞俄比亚公司向专家小组提供了文件，证实定期从 *Orica-Nitro* 公司采购产品。目前没有迹象显示上述任何一家公司打算将 *Andromeda* 号上的材料转运至利比亚。

83. 专家小组仍在评估参与运送爆炸材料的任何个人和公司的行动是否未遵守武器禁运规定。目前的调查显示，*Andromeda* 号并未装载货物进入利比亚领水(见附件 24)。

84. *Orica-Nitro* 公司与设在伊斯坦布尔的货运代理行 *Armada* 航运公司签订了合同。设在黎巴嫩的 *Conchart* 商品公司以 *Armada* 航运公司的名义租用了 *Andromeda* 船运管理股份公司所有的 *Andromeda* 号，该公司是一家在马绍尔群岛注册的股份公司，由一名希腊人负责管理。*Conchart* 公司与 *Andromeda* 航运管理公司之间的交易又是由设在希腊的 *Destel* 集团担任中间商。2017 年 8 月，*Andromeda* 号因安全原因被禁止进入欧洲港口。<sup>36</sup> 船舶管理人及其来自 *Destel* 集团的商业伙伴计划将该船当作废品卖往印度，并争取运送最后一批货物，主要是为了支付苏伊士运河费。尽管该船涉及安全和财务问题，但是 *Armada* 航运公司和 *Conchart* 商品公司租用了 *Andromeda* 号来运输危险货物集装箱。

85. 2017 年 11 月 18 日，*Andromeda* 号在土耳其伊斯肯德伦港装载了 11 个气瓶，并于 11 月 19 日抵达土耳其梅尔辛港，并在此装载了 29 个爆炸材料集装箱。梅尔辛港的货运代理行是 *Reba* 航运公司，负责将这批货装船。*Andromeda* 号的船长签字授权 *Reba* 公司签署提单。11 月 23 日，该船驶往埃及赛德港停靠，但船舶

<sup>35</sup> “Libya-bound ship loaded with explosive materials seized in Greek waters”, World Maritime News, 2018 年 1 月 11 日。可查阅：<https://worldmaritimeweb.com/archives/240357/libya-bound-ship-loaded-with-explosive-materials-seized-in-greek-waters/>。

<sup>36</sup> 关于港口国监督的巴黎谅解备忘录，“M/V ‘ANDROMEDA’ IMO 7614666 refused access to the Paris MoU region”，2017 年 8 月 31 日。可查阅：[www.parismou.org/mv-andromeda-imo-7614666-refused-access-paris-mou-region](http://www.parismou.org/mv-andromeda-imo-7614666-refused-access-paris-mou-region)。

管理人称提单签发有误，因为其中提及运费为“预付”(见附件 23)。这引发了有关运费支付的争议，持续数周，导致 Andromeda 号无法抵达目的地。

86. Armada 航运管理公司和 Destel 集团强调，它们同意在 22 至 24 个集装箱交货后付款。相反，Contchart 公司和 Armada 航运公司坚持认为，提单具有约束力，Andromeda 航运管理公司必须承担苏伊士运河和红海的保险费用。在赛德港，Andromeda 号的船东拒绝继续航行，除非修改提单、支付全额运费和额外费用以及苏伊士运河费。据报告，该船的管理人曾进行勒索，威胁要卸货，通过拍卖货物来收回款项(见附件 24)。

87. 除争议之外，该船在离港两天后遇到严重技术问题，导致自动识别系统、淡水泵和其他系统失灵。由于天气恶劣、船只电力系统故障以及船员状态不佳，该船管理人和船长离开赛德港，并于 12 月 14 日要求获准在米苏拉塔港卸货。虽然该船获得 10 天的过境许可，但是该船分别于 12 月 20 日和 12 月 22 日向希腊阿斯塔科斯港和黑山巴尔港发出了遇险信号(见附件 25)。

88. 船东告知专家小组，他从未打算驶往米苏拉塔。他要求在米苏拉塔卸货的唯一目的就是勒索货运代理行和租船方。他还声称，他已指示该船船长在天气条件好转之后返回赛德港(见附件 26)。专家小组要求提供一份船员声明，以确定该船管理人是否曾发出驶往米苏拉塔的指示。在编写本报告时，希腊当局正在进行调查，无法让专家小组查看该声明。尽管船舶管理人的行为怪异，并且可能非法，但几乎没有迹象显示他打算将货物卖给利比亚境内的第三方。

## C. 空运

### 1. 自 2018 年起飞往贝尼纳和米苏拉塔机场的美国空军 C-17 军用运输机

89. 专家小组收到关于贝尼纳和米苏拉塔机场有大型军用货机的资料，并利用卫星图像对信息进行了核实。专家小组注意到 2018 年 2 月 24 日和 3 月 16 日米苏拉塔机场有一架 C-17 全球霸王军用运输机，3 月 18 日贝尼纳机场有一架 C-17 全球霸王军用运输机。卫星图像分析显示，这些飞机是由美国空军运营的。

图 5

2018 年 2 月 24 日在米苏拉塔机场、机翼有美国空军标识的 C-17 和 IL-76 的卫星图像



资料来源：[www.terraser.com](http://www.terraser.com)(2018 年 6 月 21 日查阅)。



图 6

2018 年 3 月 16 日停在米苏拉塔机场、机翼有美国空军标识的 C-17 的卫星图像



资料来源：www.terraserver.com(2018 年 6 月 21 日查阅)。

图 7

2018 年 3 月 18 日贝尼纳空军基地卫星图像



资料来源：www.terraserver.com(2018 年 6 月 21 日查阅)。

90. 根据欧洲航空安全组织的数据，过去五个月内，美国空军的 C-17 定期飞往米苏拉塔和贝尼纳。这架飞机从不同机场出发，其中包括德国拉姆施泰因机场、吉布提国际机场、希腊哈尼亚国际机场、大不列颠及北爱尔兰联合王国布莱兹诺顿皇家空军基地和意大利特拉帕尼机场。欧洲航空安全组织记录了至少 15 次飞行(见附件 27)，上文的卫星图像显示还有另一次飞行。

91. 专家小组要求美国当局提供有关这些飞行的性质以及向利比亚转让材料的资料。目前尚未收到答复。

## 2. L-39c 军事训练机

92. 2018 年 5 月 17 日, 有新闻报道称, 拥有并运营哈里发·哈夫塔尔定期包租的 F900(见第 121 段)的私营喷气式飞机公司为利比亚国民军空军联队提供支持。<sup>37</sup> 报道称, 该公司利用其 L-39c 飞机在利比亚东部为利比亚空军飞行员提供训练, 利比亚国民军试图使用 1980 年代中期建在 Tamanhint 空军基地的 L-39 维修车间来翻修停在 Birak al-Shati' 空军基地的数架 L-39 飞机。

93. 专家小组调查了这家在阿联酋注册的公司可能违反武器禁运的情况, 并获得了 5 月 10 日在贝尼纳空军基地举行的阅兵的一段录像片。录像显示了一架喷涂有设在日内瓦的私营航空公司 Sonnig SA 字样和标识的 L-39c 飞机(见附件 28)。

图 8

2018 年 5 月 10 日在贝尼纳空军基地举行的阅兵录像截图



资料来源：机密。

<sup>37</sup> “Riccardo Mortara boosts Haftar’ s air power from Fujairah”, Maghreb Confidential, No. 1293 (Paris), 17 May 2018.

94. 同一架飞机被发现于 3 月 29 日停在意大利都灵机场。欧洲航空安全组织数据显示(见表 1), 运营方提交并报告了从都灵机场前往利比亚东部艾卜赖格国际机场的飞行计划。

表 1

2018 年 3 月 29 日 L-39c 的航行班次(机尾编号 N393WA)

出发时间	抵达时间	出发机场	抵达机场
07:43:00	08:55:47	意大利都灵机场	意大利翁布里亚国际机场
10:32:00	11:40:55	意大利翁布里亚国际机场	意大利拉默齐亚泰尔默国际机场
13:33:00	15:13:43	意大利拉默齐亚泰尔默国际机场	艾卜赖格国际机场

资料来源: 改编自欧洲航空安全组织。

95. 这架 L-39c 带有明显的蓝白标识, 并有 Sonnig SA 的图标。2014 年, 瑞士联邦民航局查禁了 Sonnig SA 公司的机队, 原因是这家航空公司经常不进行航班登记。此后, 该公司的一些飞机被重新登记, 并由阿拉伯联合酋长国的 Sonnig International Private Jets Fujairah 运营(见附件 28)。<sup>38</sup>

96. 专家小组关切的是, 这架飞机可被用于军事行动和利比亚飞行员的训练。机主是一名经验丰富的民航驾驶员, 他向专家小组证实, 这架 L-39c 停在利比亚东部。他解释说, 他运营着两架从贝尼纳飞往的黎波里的私人喷气式飞机。他坚称自己未提供军事支持。他强调, 这架 L-39c 已进行彻底的非军事化处理, 无法装备武器或监测设备。他和他的飞行员使用这架飞机进行特技训练, 以保持飞行技能。

97. 机主证实, 只有他和他的飞行员使用这架飞机, 并向专家小组提供了飞机所有出动架次的清单。他还提供了非军事化处理证书。

### 3. 迪列瓦案件

98. 马里奥·迪列瓦、他的妻子安娜玛丽亚·丰塔纳以及安德烈亚·帕尔迪这三名意大利人, 因与 2011 年至 2015 年期间违反有关利比亚的武器禁运行为有关而被意大利当局逮捕并起诉。

99. 起诉相关文件显示, 迪列瓦和丰塔纳协同名为 Mohamud Ali Shaswish(也拼作 Shashwish 和 Sashwish)的一名利比亚国民, 为向米苏拉塔转让包括各类弹药、反坦克导弹和便携式防空系统在内的武器提供了便利。一份相关货物说明显示, 弹药数量之多需要 6 架 IL-76 飞机运送。

100. 据信, 已向马里奥·迪列瓦所有的 Global Way Electronics 公司支付 2 241 000 美元的一笔货款。弹药实际是通过马里奥·迪列瓦所有的另一家公司, 即 High(有时也拼写为 Hight)技术系统有限公司购买的。

101. 为了使代表利比亚采购方的 Shaswish 与武器公司直接会面, 他被介绍为 High 技术系统有限公司的合伙人兼生产负责人。

<sup>38</sup> 见 [www.sipj.net/fleet.html](http://www.sipj.net/fleet.html)。

102. 违反武器禁运的其他企图还包括，通过与安德烈亚·帕尔迪有关联的一家公司(Societa Italiana Elicotteri)与帕尔迪谈判合同，以购买：

- 三架 A129 Mangusta 直升机，总价 18 600 000 欧元
- 13 950 支 M14 步枪，总价 41 850 000 欧元
- 12 个飞机引擎熄火装置，总价 69 600 000 欧元(这些部件的具体性质和规格不明)
- 火箭弹药，总价 44 800 000 欧元

103. 这些合同由帕尔迪起草，打算空运至米苏拉塔或的黎波里交货，视交货阶段分期付款。因所涉人员被逮捕，这些合同未执行。

104. 尽管利比亚政府提供了 Shaswish 与潜在供应商会面时所用护照的详情，但是专家小组尚未收到利比亚政府对专家小组有关此人询问的答复。

105. 有关向利比亚出口物资协议的谈判(这也涉及违反当时实行的对伊朗伊斯兰共和国的制裁)是在欧洲、非洲和亚洲许多国家进行的。这些物资未在意大利过境。

#### 4. 空袭

106. 会员国继续在利比亚西部和东部开展空袭。自上次报告(S/2017/466, 第 134 段)以来，专家小组已从多个秘密消息来源收到相互印证的独立报告，内称埃及对石油新月地带的一些目标发动了空袭，以支持利比亚国民军收回一些油码头。埃及否认埃及武装部队开展了这些空袭。

107. 专家小组调查了有关埃及于 2017 年 6 月 27 日、10 月 23 日和 10 月 30 日对试图将武器从利比亚运进埃及的车队实施空袭的进一步报告。<sup>39</sup> 埃及对专家小组询问的答复是，“对渗入埃及边境的人员实施了与其威胁性质相称且符合国际人道主义法的打击”。答复还指出，由于走私的武器受损，因此无法确定其数量或类型。

108. 美国分别于 2017 年 9 月 26 日、11 月 17 日和 19 日以及 2018 年 3 月 24 日、6 月 6 日和 14 日对其称为伊黎伊斯兰国和基地组织的目标开展了更多空袭。<sup>40</sup> 据

<sup>39</sup> “Egyptian air strikes hit 12 vehicles crossing from Libya: military”，路透社，2017 年 6 月 27 日，可查阅：[www.reuters.com/article/us-egypt-security/egyptian-air-strikes-hit-12-vehicles-crossing-from-libya-military-idUSKBN19II0Y](http://www.reuters.com/article/us-egypt-security/egyptian-air-strikes-hit-12-vehicles-crossing-from-libya-military-idUSKBN19II0Y)；“Egyptian air force says strikes arms convoy at Libya border”，路透社，2017 年 10 月 23 日，可查阅：[www.reuters.com/article/us-egypt-security/egyptian-air-force-says-strikes-arms-convoy-at-libya-border-idUSKBN1CS20R](http://www.reuters.com/article/us-egypt-security/egyptian-air-force-says-strikes-arms-convoy-at-libya-border-idUSKBN1CS20R)；“US Central Command hails Egyptian airstrikes in Wahat”，《今日埃及》，2017 年 10 月 31 日，可查阅：[www.egypttoday.com/Article/1/30371/U-S-Central-Command-hails-Egyptian-airstrikes-in-Wahat](http://www.egypttoday.com/Article/1/30371/U-S-Central-Command-hails-Egyptian-airstrikes-in-Wahat)。

<sup>40</sup> “US conducts precision strikes in Libya”，美国非洲司令部，2018 年 6 月 14 日，可查阅：[www.africom.mil/media-room/pressrelease/30917/u-s-conducts-precision-strike-in-libya](http://www.africom.mil/media-room/pressrelease/30917/u-s-conducts-precision-strike-in-libya)；“US Conducts precision strikes in Libya”，美国非洲司令部，2017 年 9 月 24 日，可查阅：[www.africom.mil/media-room/pressrelease/29954/u-s-conducts-precision-strikes-in-libya](http://www.africom.mil/media-room/pressrelease/29954/u-s-conducts-precision-strikes-in-libya)；“US conducts airstrikes in coordination with Libyan Government of National Accord”，美国非洲司令部，2017 年 11 月 21 日，可查阅：[www.africom.mil/media-room/pressrelease/30110/u-s-conducts-airstrikes-in-coordination-with-the-libyan-government-of-national-accord](http://www.africom.mil/media-room/pressrelease/30110/u-s-conducts-airstrikes-in-coordination-with-the-libyan-government-of-national-accord)。



媒体报道，美国一再指出，其空袭是与民族团结政府协调开展的。美国在回应专家小组的问询时指出，它是根据国际法开展空袭的，并且尊重了利比亚主权。

## 5. 特种部队

109. 专家小组正在调查有关美国军事人员为拘留穆斯塔法·伊曼并将其押解出境而在利比亚境内开展行动的报告。<sup>41</sup> 美国证实，2017年10月29日，美国部队将穆斯塔法·伊曼逮捕，理由是他涉嫌参与2012年9月袭击美国驻班加西的特别使团及其附属建筑，造成四名美国人死亡。

## D. 最新调查情况

### 1. 装甲车

110. 专家小组认为(见 S/2017/466 第 164 段)，根据第 2009(2011)号决议第 13(a) 段和第 2174(2014)号决议第 8 段，向利比亚转让装甲车需要豁免请求，尽管如此，依然存在这种转让。利比亚国民军在过去 12 个月里对德尔纳的袭击表明，自实施制裁以来，这类装甲车辆越来越多，然而却没有提出相应的豁免请求(见附件 29)。

### 2. 卡迪姆空军基地

111. 下图显示，利比亚东部的卡迪姆空军基地在继续建设(见 S/2017/466, 第 124-125 段)。

图 9

卡迪姆空军基地卫星图像，2017年3月(左)和2017年11月(右)



资料来源：Digital Globe, WorldView 2, 2017年3月3日和 GeoEye 1, 2017年11月10日。

<sup>41</sup> 唐纳德·特朗普，美利坚合众国总统，“Statement by President Donald J. Trump on the apprehension of Mustafa al-Imam for his alleged role in the September 11, 2012 attacks in Benghazi, Libya, resulting in the deaths of four Americans”，2017年10月30日。可查阅：[www.whitehouse.gov/the-press-office/2017/10/30/statement-president-donald-j-trump-apprehension-mustafa-al-imam-his](http://www.whitehouse.gov/the-press-office/2017/10/30/statement-president-donald-j-trump-apprehension-mustafa-al-imam-his)。

图 10  
卡迪姆空军基地南停机坪卫星图像，2017 年 3 月



资料来源：Digital Globe, WorldView 2, 2017 年 3 月 3 日。

图 11  
卡迪姆空军基地南停机坪卫星图像，2017 年 3 月



资料来源：Digital Globe, GeoEye 1, 2017 年 11 月 10 日。

注：地面已硬化的新停机坪面积翻了一番，还平整了机库间停机坪边缘的地面。



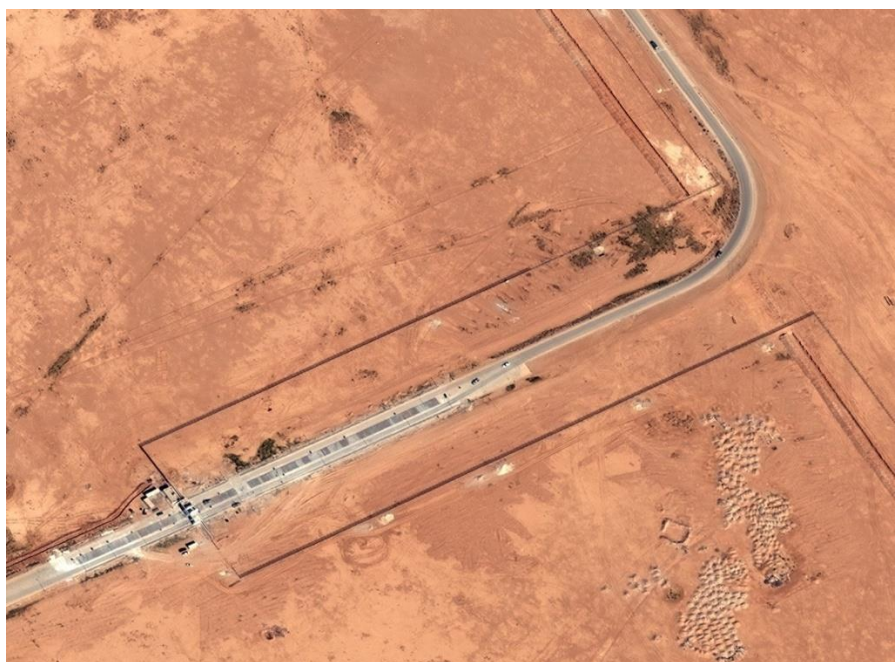
图 12  
2018 年 6 月卡迪姆空军基地南停机坪卫星图像



资料来源：Digital Globe, WorldView 3, 2018 年 6 月 7 日。

注：机库之间的地面已硬化，停机坪西北边建有带围栏的新大楼。

图 13  
卡迪姆空军基地入口区卫星图像，2017 年 3 月



资料来源：Digital Globe, WorldView2, 2017 年 3 月 3 日。

图 14

卫星图像 2: 阿卡迪姆空军基地入口区, 2017 年 11 月 10 日



资料来源: Digital Globe, GeoEye1, 2017 年 11 月 10 日。

注: 入口区内设置了更多障碍还修建了可能的搜查区。随着将车辆纳入入口区的保安工作, 静态车辆增加。

112. 2018 年 6 月的图像还显示该空军基地内加强了保安, 特定建筑周围设置了内栏, 主入口与停机坪之间的进入公路上增设了拒马和路障。

113. 加强保安和继续施工表明该空军基地仍在使用。不过, 在卫星运行经过时, 飞机机身似乎在掩体下。

### 3. 制导炮弹

114. 专家小组提交有关制导炮弹(S/2017/466, 第 157-159 段)的报告后不久, 收到了中国政府的答复, 中国称中国北方工业公司从未向利比亚出口 GP-1 或 GP-6 制导炮弹。没有关于带有报告所示标识的炮弹是否被出口至第三国的资料。

115. 专家小组提交上一份报告之后, 利比亚境内社交媒体<sup>42</sup> 上显示, 在沃什法纳使用了 GP-1 制导炮弹。

<sup>42</sup> 见 <https://www.facebook.com/libyaht1/posts/1507514629356237>。



图 15  
在沃什法纳收缴的制导炮弹照片



资料来源：[www.facebook.com/libyaht1/posts/1507514629356237](https://www.facebook.com/libyaht1/posts/1507514629356237) 和 [twitter.com/thelibyetimes/status/927208153728651271](https://twitter.com/thelibyetimes/status/927208153728651271)。

图 16  
在沃什法纳收缴的制导炮弹照片



资料来源：[www.facebook.com/libyaht1/posts/1507514629356237](https://www.facebook.com/libyaht1/posts/1507514629356237) 和 [twitter.com/thelibyetimes/status/927208153728651271](https://twitter.com/thelibyetimes/status/927208153728651271)。

注：炮弹上的标记如下：GP-1A(炮弹类型)；155 毫米(口径)；2/319(批量号)；2008(制造年份)；A-IX-II(爆炸物装填)。

116. 中国政府在答复专家小组询问时再次指出，中国北方工业公司从未向利比亚出口 GP-1A 制导炮弹，但没有说明是否曾向第三国出口带有报告所示标识的炮弹。这一信息可帮助专家小组查明弹药是如何到达利比亚的。

#### 4. 试图将捷克 Mi-24v 型旋转翼飞机再转让给利比亚

117. 专家小组以往曾报告(S/2017/466, 附件 38)了有关试图将捷克国营公司 LOM Praha s.p.卖给阿拉伯联合酋长国的 Mi-24v 旋翼飞机再转让给利比亚的情况,附件 30 就此提供了最新情况。

#### 5. 向武装团体提供服务的民用货运飞机

118. 在专家小组提交关于民用货运飞机向与哈夫塔尔有关联的武装团体提供支助的报告(S/2017/466, 附件 35)后,一家摩尔多瓦媒体一直在调查卷入其中的摩尔多瓦航空运营商(见附件 31)。<sup>43</sup> 专家小组向摩尔多瓦当局询问了调查情况,但没有得到最终答复。

#### 6. 利比亚国民军查获的爆炸物品

119. 穆克塔尔号船只案件(见第 78-79 段)与专家小组先前关于米苏拉塔向班加西革命者协商委员会定期转让武器的报告一致。专家小组收到了录像带,其中显示利比亚国民军特种部队在班加西卸除简易爆炸装置引信,并有大批装载的土耳其境内爆炸物制造商制造的导爆索画面。这些箱子是在一艘从米苏拉塔驶出的船只上没收的(见附件 32)。土耳其当局在回答专家小组的问询时称,该公司没有关于 2011 年 3 月 1 日至 2017 年 10 月 4 日期间向利比亚出口的记录。

### E. 利比亚对外转让军事物资

120. 过去一年来,武器和相关材料非法流向邻国的动向显示,装载重型军事装备的大型车队减少,但一大例外是从利比亚返回苏丹的达尔富尔武装团体运送的装甲步兵车辆。

#### 1. 哈里发·哈夫塔尔访问突尼斯

121. 2017 年 9 月 18 日,哈里发·哈夫塔尔飞往突尼斯,前去会见突尼斯总统贝吉·卡伊德·埃塞卜西。他的警卫队在此次旅行中带着大量军事装备,这构成对武器禁运的违反(见附件 33)。尽管多次提出了要求,但突尼斯当局没有将 IL-76TD 货机登记信息和货物清单提供给专家小组。

#### 2. 穿过突尼斯边界的转让活动

122. 在本报告所述期间,所查获的来自利比亚的军火和相关物资大都无关紧要(见附件 34)。

<sup>43</sup> “Avioane de război”, Rise Moldova, 2017 年 11 月 30 日。可查阅: [www.rise.md/video-avioane-de-razboi/](http://www.rise.md/video-avioane-de-razboi/)。

### 3. 向尼日尔的转让活动

123. 自 2015/16 年以来，专家小组发现，从利比亚至尼日尔的武器和弹药非法流动趋势在变化。尼日尔当局称，过去两年由武装团体或武器贩运者带领的车队数量不多。相反，空包弹手枪、霰弹枪和空包弹弹药却不断流入尼日尔北部地区。在大多数情况下，这些枪支被改装用来射击实弹。如先前报告所述，专家小组还记录了将空包弹改装成实弹的情况(S/2017/466)。

124. 产生对这些武器的需求的原因是，在尼日尔与利比亚和阿尔及利亚的边境地区发现了几个采金区，因而安全状况日益恶化(见附件 35)。

### 4. 向乍得的转让活动

125. 专家小组感到关切的是，武装团体经常往来于乍得和利比亚之间而产生违反武器禁运情况。还有关于乍得武装部队人员进入利比亚领土的定期报告。

126. 2017 年 8 月 18 日，配备有几部车辆并全副武装的乍得反对派团体“拯救共和国军事指挥委员会”从利比亚南部进入乍得北部，以进入达尔富尔。<sup>44</sup> 他们越过乍得边界后与特种部队发生冲突，杀害了数名男子，并带着缴获的武器和弹药撤至利比亚边境(见图 17 和 18)。

图 17

乍得反对派在撤至利比亚之前在乍得北部盗窃的武器的照片



资料来源：拯救共和国军事指挥委员会脸书网页上的视频，2017 年 8 月 28 日。可查阅：[www.facebook.com/CONSEILDECOMMANDEMENTMILITAIREPOURLESALUTDELAREPUB/videos/312258809238650/](http://www.facebook.com/CONSEILDECOMMANDEMENTMILITAIREPOURLESALUTDELAREPUB/videos/312258809238650/)。

<sup>44</sup> “Le Niger s’apprête à extraditer le rebelle tchadien Mahamat Hassan Boulmaye”, RFI Africa, 2017 年 10 月 20 日。可查阅：<http://www.rfi.fr/afrique/20171019-le-niger-s-apprete-extraditer-le-rebelle-tchadien-mahamat-hassan-boulmaye>。

图 18  
带有乍得特种部队印章的 Galil ACE 32 自动装填步枪照片



资料来源：拯救共和国军事指挥委员会脸书网页上的视频，2017 年 8 月 28 日。

注：DGSSIE 代表安全事务和国家机构总局。

## 5. 向苏丹的转让活动

127. 苏丹解放军/明尼·米纳维派于 2017 年 5 月在达尔富尔进行袭击之后，苏丹部队缴获了该武装团体从利比亚带来的一些装甲车。苏丹问题专家小组的报告中报告了该事件中收缴的物资(见 [S/2017/1125](#)，第 66-73 段)。

## F. 以往通知的军用物资

### 1. 概览

128. 鉴于以前批准的豁免申请或获得无异议接受的通知所涉物资的规模，仍令人关切的是利比亚当局安全储存和管理武器及弹药的能力，以及遵循第 2 号执行援助通知所载指导意见的重要性。

129. 自 2011 年实施武器禁运以来，批准的豁免或无异议接受的通知所涉物资共计超过 65 000 支突击步枪、62 000 支手枪、15 000 支冲锋枪、8 000 个榴弹发射器、4 000 挺机关枪和 6 000 万发以上的弹药。同时，专家小组以前的调查(见 [S/2015/128](#)，第 135-141 段和附件 19，[S/2016/209](#)，附件 25)显示，这些通知中有些没有后续货物运输，但也显示有不少物资仍下落不明。

130. 民族团结政府一贯声称在其控制下的有限的部队缺乏足够军备，尽管上述数字大大超过所需，且不包括实施武器禁运之前利比亚已具备的军用物资。这再次表明，军用物资或是未抵达预定接收方，或是进入利比亚后即被转运。



131. 专家小组在前一份报告中强调指出，有几项通知的转让使用的是分别由国防部和内政部政治领导签署的最终用户证书(S/2016/209，附件 31 和 38)，但这些转让物资最终落入武装团体之手。因此，专家小组继续对国民大会签署的最终用户证书进行调查(见附件 36)。

## 2. 武器和弹药管理

132. 安全理事会第 2362(2017)号决议第 9 段请专家小组就安全采购和妥善保管武器和相关物资方面的保障措施与民族团结政府进行协商。专家小组向利比亚当局作了几次关于武器禁运豁免和例外的介绍。专家小组还外联接触了民族团结政府及其控制下的部队，以评估其安全采购和妥善保管武器和相关物资的能力。专家小组已同意审查总统卫队的程序和储存能力，但由于总统卫队指挥官遭袭击，审查被推迟。尽管如此，与民族团结政府和主要利益攸关方进行的协商给小组留下这样一种印象，即外国对民族团结政府的援助并不取决于武器和弹药管理。同样，专家小组没有看到在所有入境点执行武器禁运的情况得到改进(见建议 2 和建议 3)。

## 四. 根据第 2146(2014)和 2362(2017)号决议防止非法出口石油，包括原油和精炼石油产品

### A. 防止非法出口原油

133. 在本报告所述期间，根据第 2146(2014)号决议任命的协调人没有向委员会通报任何非法出口原油事件。在整个任期期间协调人一直不在位。专家小组记录了班加西的东部国家石油公司曾六次企图非法出口原油(见附件 37)。的黎波里的国家石油公司将大多数情况通知了专家小组(见建议 6)。没有为出口原油的企图指定船只。

134. 国家石油公司主席 **Mustafa Sanallah** 和数名高级官员一再强调，除非采取行动，否则这种企图将会持续存在。班加西国家石油公司在东部当局的支持下，似乎决意要取得对利比亚石油的控制。签订的合同给予很大折扣，最高折扣为每桶比的黎波里国家石油公司的参考价格低 5 美元。

135. 东部国家石油公司董事会于 2017 年 8 月改组后，新任主席做出新的努力，试图将该机构描述为唯一获法律授权出口原油的实体(见附件 38)。阿卜杜拉·萨尼领导的临时政府支持该举措，并敦促利比亚各机构和私营公司不要理睬 **Mustafa Sanallah** 的指示(见附件 39)。<sup>45</sup> 利比亚常驻联合国代表团和国家石油公司反对这些行动。

<sup>45</sup> 临时政府于 2014 年得到众议院的认可，设在利比亚东部的贝达。民族团结政府于 2016 年在的黎波里成立后，临时政府失去了国际承认，但继续声称具有合法地位并主要在利比亚东部开展活动。

136. 2018年6月26日，利比亚国民军总指挥部决定，将苏尔特湾石油设施的控制权转交给东部国家石油公司。这是迄今对国家石油公司统一性的最大挑战。<sup>46</sup> 利比亚国民军从易卜拉欣·贾德兰的部队手中夺回对这些设施的控制后，作出了上述宣布(见第18段)。东部国家石油公司立即致函各国际石油公司，表示欢迎这一决定，并告称，它是唯一合法出售原油的实体。信中提及了联合国的若干决议，以混淆视听(见附件40)。

137. 此后，东部和中部地区石油设施警卫队负责人 Naji al-Maghrebi 指示负责油码头的各公司不要让油轮装载燃料，直至收到利比亚国民军总指挥部的进一步指示。2018年7月2日至11日期间，国家石油公司宣布仅有的两个开展业务的码头 Zuitena 和 al-Hariga 处于不可抗力状态。2018年7月11日，国家石油公司重新控制了上述石油设施(见附件41)。

138. 有必要提及的是，国家石油公司继续发挥主导作用，无论是在机构体制上还是在实地设施和基础设施的控制上。与此形成对照的是，东部国家石油公司的人员力量薄弱，目前没有能力开展有效运作。

139. 将国家石油公司总部迁至班加西是2016年5月16日在维也纳商定的。这仍然是东部的一项关键要求。据信，新房地正在建造中，并将在三年内完成，之后如果安全条件允许，主要总部将入驻新房地。<sup>47</sup>

#### 非法出口原油的企图

140. 到目前为止的六次企图中有三次几乎成功。专家小组得到关于两项协定的情报，日期分别为2017年10月3日和12日，签署方为班加西国家石油公司与注册在英属维尔京群岛和马绍尔群岛的公司。非法出口业务在很晚的阶段被挫败。值得注意的是，所提供的接收付款的银行账户属于安曼银行 Bank al Etihad，此账户与被指认的 Distya Ameya 号油轮(见 S/2017/466，第183段)在2016年所使用的账户是同一个(见附件42)。<sup>48</sup>

141. 最近的一次企图发生在2018年5月。客户身份仍然不明。一艘悬挂马绍尔群岛旗帜的船只受指示在图卜鲁格的哈里盖港装载货物。该船驶到了利比亚领水附近，但其作业被取消。

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<sup>46</sup> “Haftar hands oil terminals to parallel National Oil Corporation in east Libya”, Libya Observer, 2018年6月25日。可查阅：[www.libyaobserver.ly/news/haftar-hands-oil-terminals-parallel-national-oil-cooperation-east-libya](http://www.libyaobserver.ly/news/haftar-hands-oil-terminals-parallel-national-oil-cooperation-east-libya)。

<sup>47</sup> 对国家石油公司主席 Mustafa Sanallah 的访谈，2018年5月，的黎波里。

<sup>48</sup> “East Libya to ship more oil when UN slams sales as illegal”, 彭博，2016年4月27日。可查阅：[www.jwnenergy.com/article/2016/4/east-libya-ship-more-oil-while-un-slams-sales-illegal/](http://www.jwnenergy.com/article/2016/4/east-libya-ship-more-oil-while-un-slams-sales-illegal/)。

## B. 非法出口精炼石油产品

142. 从利比亚走私燃料出境以及在利比亚境内走私燃料依然是个生财之道。武装团体和跨国犯罪网络通过非法出口精炼石油产品获利颇丰。利比亚当局对由此造成的损失作了公开估计。<sup>49</sup>

143. 利比亚的一些机构采取了打击燃料贩运活动的行动。自 2017 年 8 月以来，利比亚海岸警卫队已成功增加了其行动(见第 179 段)。2017 年 12 月，总检察长办公室针对 150 多名参与走私者发布了逮捕令(见附件 43)。此外，国家石油公司主席呼吁进行燃料补贴改革，<sup>50</sup> 利比亚中央银行宣布将作出一些改革，包括提高燃料价格。<sup>51</sup>

144. 海上燃料走私由于一些因素而暂时停止。这些因素包括：2017 年 8 月祖瓦拉的一名主要走私者法赫米·穆萨·本·哈里发(别名法赫米·斯利姆)被捕(见 S/2016/209，第 205 段)；<sup>52</sup> 2017 年 9 月和 10 月期间发生在塞卜拉泰的激烈冲突；2017 年 10 月在意大利逮捕达伦·德波诺和其他几人，他们与法赫米·斯利姆同属一个犯罪网络；<sup>53</sup> 1 月份 Osama Jeweili 在西部发动的打击犯罪行为；<sup>54</sup> 祖瓦拉军事委员会对燃料走私者施加的压力。然而，这些因素对陆路贩运活动几乎没有影响。在 2018 年第一季度，海路走私再起，但走私网络、运作手法和使用的路线有重大变化。(见第 156 和 163 段)。

145. 专家小组目前正在评估偷运最近被指认的六个人所造成的影响，这些人中包括控制扎维耶炼油厂的纳斯尔旅的旅长 Mohamed Kachlaf(LYi.025；见 S/2017/466，第 245 段)(见第 157 段)。

### 1. 进口和分配机制

146. 非法出口精炼石油产品之所以可能，是因为借助了顽固存在的利用该国受补贴的进口燃料及其分配牟利的网络。

<sup>49</sup> Sami Zaptia, “\$750 m worth of Libyan fuel is stolen: Sanalla”, Libya Herald, 2018 年 4 月 19 日。可查阅：[www.libyaherald.com/2018/04/20/750-m-worth-of-libyan-fuel-is-stolen-sanalla/](http://www.libyaherald.com/2018/04/20/750-m-worth-of-libyan-fuel-is-stolen-sanalla/)。

<sup>50</sup> 同上。

<sup>51</sup> Sami Zaptia, “Libyan economic reform plan agreed at US-brokered Tunis meeting”, Libya Herald, 2018 年 6 月 6 日。可查阅：[www.libyaherald.com/2018/06/06/libyan-economic-reform-plan-agreed-at-us-brokered-tunis-meeting/](http://www.libyaherald.com/2018/06/06/libyan-economic-reform-plan-agreed-at-us-brokered-tunis-meeting/)。

<sup>52</sup> Sami Zaptia, “Libyan illegal migration trafficking and fuel ‘king of smuggling’ arrested”, Libya Herald, 2017 年 8 月 25 日。可查阅：[www.libyaherald.com/2017/08/25/libyan-illegal-migration-trafficking-and-fuel-kingpin-of-smuggling-arrested/](http://www.libyaherald.com/2017/08/25/libyan-illegal-migration-trafficking-and-fuel-kingpin-of-smuggling-arrested/)。

<sup>53</sup> Matthew Vella, “Italians arrest ex-Malta football player Darren Debono in Lampedusa on fuel smuggling suspicions”, Malta Today, 2017 年 10 月 20 日。可查阅：[www.maltatoday.com.mt/news/national/81487/italians\\_arrest\\_malta\\_darren\\_debono\\_fuel\\_smuggling#.WjkYgNv3Ucg](http://www.maltatoday.com.mt/news/national/81487/italians_arrest_malta_darren_debono_fuel_smuggling#.WjkYgNv3Ucg)。

<sup>54</sup> Abdulkader Assad, “Anti-crime operation launched in west Libya”, Libya Observer, 2018 年 1 月 4 日。可查阅：[www.libyaobserver.ly/inbrief/anti-crime-operation-launched-west-libya](http://www.libyaobserver.ly/inbrief/anti-crime-operation-launched-west-libya)。

147. 国家石油公司供应部负责购买精炼石油产品。由该公司工业部主持的一个委员会定期举行会议，以确定进口需求。布雷加石油销售公司、利比亚通用电力公司、利比亚通用海水淡化公司、梅尔利塔石油与天然气公司、苏尔特石油公司、利比亚钢铁厂以及若干水泥厂都是该委员会的成员。<sup>55</sup> 布雷加石油销售公司具有重要作用，因为它作需求估计。

148. 委员会决定的拟进口数量不具约束力。这一数量取决于民族团结政府给国家石油公司预算的拨款。这造成了两者之间的紧张关系。该预算未反映出国际市场上精炼石油产品价格的上升。国家石油公司对缺乏资金可能造成的后果表示了关切。

149. 精炼产品进口后，作为国家石油公司子公司的布雷加石油销售公司负责储存和分配。布雷加向四个分销公司<sup>56</sup> 供应燃料的唯一标准是其需求。每个分销公司每月向布雷加提交燃料需求说明。油罐车依照交货单装载，交货单应标明数量和接受供应的加油站地点，但情况并非总是如此。

150. 布雷加未能对分销公司执行更有力的控制机制。布雷加燃料和燃气危机委员会宣布了几项措施，如查明参与走私的加油站<sup>57</sup> 和关闭这些加油站(见附件 44)。<sup>58</sup> 这些措施迄今没有一项被付诸行动。

151. 自 2011 年以来，新建立了 480 多个加油站。其中大多数仅存在于纸面上，使燃料走私者得以获取燃料(见附件 45)。由于武装团体的影响，分销公司对其属下的许多加油站失去了控制，特别是在该国的西部和南部。国家石油公司的官员进行了视察，得出的结论是，在偏远地区有 90% 的加油站没有挂公司标志，有些甚至不对公众开放。分销者控制不了这些销售点的往来交货量。

152. 2017 年 4 月，国家石油公司与经济、农业和规划部协调，成立了一个特设委员会，该委员会规定了批准建设新加油站的新标准(见附件 46)。分销公司最晚应在 2018 年 8 月核实其销售点中有多少符合该准则并作出必要调整。

## 2. 燃料进口

153. 利比亚审计署 2014 年报告显示，与 2012 年相比，2013 年进口的精炼石油产品数量大幅增加(见表 2)。多位利比亚能源专家称，无法仅仅以内部消费来解释这样的增长，因而产生了对这一增长背后原因的疑问。

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<sup>55</sup> 2018 年 5 月在的黎波里对国家石油公司官员的访谈。

<sup>56</sup> 它们是 Sharara Oil Services、Libya Oil、Al Rahila、Turek Saria。

<sup>57</sup> Sami Zaptia, “Fuel and Gas Crisis Committee concludes survey of southern smuggling sites”, Libya Herald, 2018 年 5 月 8 日。可查阅: [www.libyaherald.com/2018/05/09/fuel-and-gas-crisis-committee-concludes-survey-of-southern-smuggling-sites/](http://www.libyaherald.com/2018/05/09/fuel-and-gas-crisis-committee-concludes-survey-of-southern-smuggling-sites/)。

<sup>58</sup> Safa Alharathy, “Brega Oil Marketing Company cuts fuel supplies to 20 petrol stations in western Libya”, Libya Observer, 2018 年 5 月 15 日。可查阅: [www.libyaobserver.ly/inbrief/brega-oil-marketing-company-cuts-fuel-supplies-20-petrol-stations-western-libya](http://www.libyaobserver.ly/inbrief/brega-oil-marketing-company-cuts-fuel-supplies-20-petrol-stations-western-libya)。



表 2  
2012-2016 年精炼石油产品数量

(公吨)

年份	95 号辛烷汽油	柴油	燃油	炊用燃气	煤油(两种)	共计
2012	2 540 213	1 415 200	88 639	71 850	1 339	<b>4 117 244</b>
2013	3 154 218	3 219 259	251 358	138 986	13 679	<b>6 777 500</b>
2014	3 269 580	4 141 847	391 173	227 236	82 326	<b>8 112 162</b>
2015	3 286 404	3 252 970	307 880	223 021	—	<b>7 070 275</b>
2016	3 542 803	2 146 691	862 498	223 852	—	<b>6 775 864</b>
2017	3 484 658	2 144 726	470 728	237 921	—	<b>6 338 033</b>

资料来源：审计署。

154. 根据 2017 年审计署报告，在 2017 年进口精炼石油产品的预算拨款达 33 亿美元(见表 3)。所消费燃料的总价值、包括在利比亚精炼产品的费用，达 41 亿美元。

表 3  
燃料进口支出

(美元)

年份	2013	2014	2015	2016	2017
<b>共计</b>	<b>6 557 237 285</b>	<b>7 241 018 963</b>	<b>3 759 909 591</b>	<b>2 890 439 781</b>	<b>3 319 746 718</b>

资料来源：审计署。

155. 根据保密来源，进口总额的 43%用于能源生产；5%供给公共机构(包括军队和各种安全部队)；2%分配给利比亚航空公司。其余的 50%分配给私人消费。

#### 扎维耶炼油厂

156. 扎维耶走私网络是燃料贩运活动的核心。一些武装团体从事燃料走私生意。它们的活动大大助长了利比亚西部暴力和不安全局势的升级，并因此威胁到利比亚和邻国的和平与稳定。它们的行动还抬高了燃料价格并使当地民众无法获得燃料。关于这一网络的详情见附件 47。

157. 2014 年 7 月 5 日，石油设施警卫队指挥官、已故 Ali al-Ahrash 上校安排任命由 Mohammed Kachlaf(LYi.025)领导的纳斯尔旅掌管扎维耶炼油厂。自那以后，纳斯尔旅与扎维耶、塞卜拉泰、阿贾莱特、瓦尔沙法纳的武装团体协同组织了燃料走私活动。其中大部分团体曾与 2014 年和 2015 年期间的利比亚黎明行动合作。有消息指出，自 2017 年末以来，从扎维耶炼油厂偷运精炼产品的情况大大减少。

158. Mohammed Kachlaf 否认这些指控，也否认与燃料走私者有任何关系。他还说，他的部队由 1 200 名男子组成，另有 1 500 人正在接受甄选，部队的任务是为炼油厂提供外部安保和防止闯入。纳斯尔旅的作用仅限于调度进出炼油厂的卡车。他解释说，参与走私的大多数卡车具有法律许可，在这种情况下，他的团体无权阻止装载。他把走私的责任归咎于分销公司。Mohammed Kachlaf 还提供了一些证明其陈述的文件(见附件 48)。

159. 从炼油厂到最终目的地，不管是在海岸的走私油轮或利比亚的任何陆地边界附近的非法寄存处，燃料运输须经过几个阶段。纳斯尔旅最有能力控制出自该炼油厂的燃料的分配。

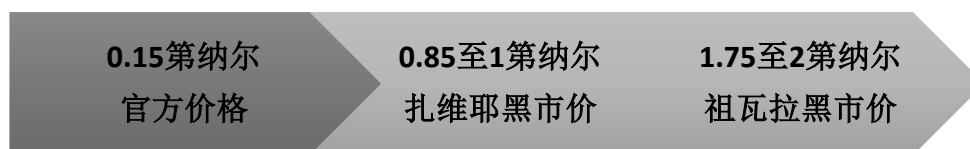
160. 专家小组获得了关于在扎维耶的海岸警卫队成员与 Mohammed Kachlaf 相互勾结的进一步证据。小组提供了证据，公布了海岸警卫队扎维耶分队指挥官 Abd al-Rahman al-Milad(LYi.026)和 Mohammed Kachlaf 一起在 Temeteron 号船上的照片。2016 年 6 月 28 日，该船只企图从利比亚走私燃料出境，在利比亚水域被该分队拦截(见附件 49)。

161. Al-Milad 向专家小组提供了文件，证明这是奉上司命令执行任务。Mohammed Kachlaf 接受专家小组约谈时确认当时他在船上，并补充说，他的部队应负责拦截的海岸警卫队分队的请求向该分队提供了保护。海岸警卫队的一名高级对话者向专家小组证实，海岸警卫队与在扎维耶石油设施警卫队之间存在着体制上的关系(见附件 50)。

162. 过去一年中，扎维耶黑市上每升燃料的售价为 0.85 至 1 第纳尔。在祖瓦拉，黑市燃料售价为 1.75 至 2 第纳尔，有时甚至高达 4 第纳尔，这是官方补贴价格的 26 倍。

图 19

利比亚西部走私链上不同阶段的价格



资料来源：利比亚问题专家小组。

#### 津坦人员的参与

163. 2017 年 9 月和 10 月期间塞卜拉泰发生暴力冲突之后，在扎维耶炼油厂与祖瓦拉和阿布卡马什海岸之间运作的燃料走私网络被迫避开沿海公路。自那时起，它们使用的是从扎维耶穿过 Bi'r al-Ghanam、Bi'r Ayyad 和 Shakshuk 至 Jawash 的新走私路线。从那里，以纳卢特为基地的走私网络为油罐车提供前往地中海海岸或该国西南部的通路。

164. 这条路线经过 Imad al Tarabulsi 的武装团体(特种部队)控制下的一个地区。该团体对经过其检查站的每辆油罐车征收约 5 000 第纳尔。其他地方武装行为体

参与了护送从事贩运的油罐车。参与其他非法活动的家族也活跃于燃料贩运活动。西部军区指挥官 Osama Jeweili 迄今仍未能制止这些活动。

### 3. 从海路非法出口

165. 祖瓦拉和阿布卡马什地区是从海路非法出口精炼石油产品(主要是含硫 0.1% 的船用瓦斯油(ISO 8217))的主要出发点。这些瓦斯油通过一条与海岸公路平行的路线运出扎维耶炼油厂(见第 156 和 164 段)。通常这些燃料被送到该地区的约 40 个非法燃料库。

166. 再用小型油罐车将燃料从这些设施运到祖瓦拉港口, 将其装上小油轮或带有改装油罐的渔船。随后将这些燃料提供给较大的船, 从利比亚走私出境。大约有 70 艘小油轮或拖网渔船专门从事这项活动。

167. 还有卡车将燃料运送到位于祖瓦拉和阿布卡马什之间海岸上的三个泵站。这些是 Marsa Tiboda、西迪阿里和阿布卡马什化工厂(见附件 51)。走私者利用专门管道, 将燃料从泵站装运上在离岸 1 至 2 海里处等待的船只。但是, 并不清楚目前有多少个泵站在运作。

168. 在过去 12 个月里, 在祖瓦拉和阿布卡马什运作的走私网络被分割成较小的团体, 以减少被人注意。现在主要是进行小规模行动。大约有 20 个活跃的走私网络, 雇用了约 500 人。法赫米·斯利姆的兄弟(见 S/2016/209, 第 205 段), 特别是纳比勒、哈菲兹、哈基姆和法提米仍然活跃。

169. 专家组收到的信息表明, 该地区的贩运者寻求扩大自己的影响, 并愿意支持法赫米·斯利姆的亲属 Fathi Bin Khalifa 领导的 Libu 党<sup>59</sup> 的活动。在专家小组的约谈中, Bin Khalifa 否认了这些指控, 但未对关于提供其党派在祖瓦拉党员名单的要求作出回复。

170. 最后, 应当指出的是, 祖瓦拉和阿布卡马什地区的走私者在装货作业时雇用了 3 艘巡逻艇作为安保(见附件 52)。

### 4. 委员会指认的船只

171. 2017 年 7 月 21 日, 悬挂坦桑尼亚共和国国旗的油轮 Capricorn 号(海事组织编号 8900878)成为第一艘按照经第 2362(2017)号决议第 2 段延期和修正的第 2146(2014)号决议第 10(a)和(b)段被列入制裁名单的船只(见附件 53)。2017 年 8 月 2 日, 悬挂圣文森特和格林纳丁斯国旗的船只 Lynn S 号在据称与 Capricorn 号进行了船对船移交后也被加入名单(见第 175 段)。

172. 2017 年 10 月 25 日, 坦桑尼亚当局告知专家小组, Capricorn 号已在 2017 年 9 月 10 日从坦桑尼亚桑给巴尔国际航运登记册上注销。2017 年 8 月 11 日, 装载了 3 130 公吨瓦斯油的 Capricorn 号将货物卸载到了叙利亚石油运输公司的数个油罐。这些油没有归还给利比亚当局。

<sup>59</sup> 2017 年由 Amazigh 人世界大会前领导人 Fathi Bin Khalifa 创立(见 www.Libu.ly)。

173. 该油轮于 2017 年 12 月 21 日易主，并在 2018 年 1 月 4 日由帕劳国际船舶登记处以新名称 Nadine 号重新注册，仅限在波斯湾地区航行。

174. 2018 年 2 月 10 日，该油轮抵达印度阿朗，以待拆解报废。2018 年 4 月 18 日，这艘船被从委员会制裁名单上除名。

175. 专家小组确认，2017 年 7 月 26 日，Lynn S 号(见附件 54)与 Capricorn 号停泊在一起。该船试图通过这种作业从 Capricorn 号进行船对船瓦斯油移交。专家小组未能核实该船是否成功进行这一作业。在声明中，该船船东和船长称，并未实施船对船移交，因为 Capricorn 号拒绝提供关于货物的任何正式文件。2017 年 7 月 27 日 16 时，LynnS 号驶离 Capricorn 号。

176. 专家小组确认，Lynn S 号在 2017 年 10 月 3 日停靠贝鲁特港之前没有进入任何港口，其油罐中没有货物。Capricorn 号油罐的总容量为 4 463 公吨。2017 年 8 月 11 日，它在阿拉伯叙利亚共和国境内卸下 3 130 公吨瓦斯油。专家小组无法评估 Lynn S 号是否接收了剩余 1 333 公吨瓦斯油中的任何部分。2018 年 4 月 29 日，Lynn S 号被从委员会制裁名单上除名。没有向利比亚归还任何油。

177. Capricorn 号和 Lynn S 号分别在 2017 年 8 月和 10 月从苏伊士运河过境，均没有受经第 2362(2017)号决议延长的第 2146(2014)号决议现行规定的阻止(见建议 4)。

#### 5. 参与燃料走私的船只

178. 走私燃料的船只从马耳他向南行驶到突尼斯的加贝斯湾。这些船只通常在距离突尼斯海岸 40 至 60 海里处切断自动识别系统并往东驶向祖瓦拉。装货后，它们通常会返回马耳他。如以往报告所述(见 S/2016/209，第 202 段)，一些船只在马耳他领水之外距离海岸至少 12 海里处漂泊。燃料在那里被卸载到其他船只上，再由这些船只运往最终目的地(见建议 5)。

179. 2017 年，利比亚海岸警卫队在祖瓦拉附近扣押了一些被指参与走私燃料的船只(见表 4 和附件 55)。

表 4  
海岸警卫队扣押的船只

船名	海事组织编号	船旗国	扣押日期	附件 6 部分
<i>Stark</i>	7105419	有争议(最近为刚果民主共和国)	2017 年 4 月 28 日	A
<i>Ruta</i>	8711899	乌克兰	2017 年 4 月 28 日	B
<i>Rex/Amargi</i>	7105421	有争议(最近为坦桑尼亚联合共和国)	2017 年 8 月 29 日	C
<i>Lamar</i>	6620034	有争议(最近为多哥)	2018 年 3 月 15 日	D

资料来源：机密。

180. 2017 年 10 月 6 日，利比亚海岸警卫队向据称参与走私燃料的 Goeast 号船(海事组织编号 7526924)开火，该船悬挂科摩罗国旗。事件发生后，土耳其当局准

许该油船进入该国港口停泊。专家小组联系了土耳其当局，但没有收到关于该船所载货物的任何信息。专家小组无法证实 Goeast 号是否非法出口了燃料。自该事件发生以来，该油船没有在地中海中部地区运营(见附件 56)。

181. 登记悬挂坦桑尼亚国旗的 Noor 号(海事组织编号 8312459)据称于 2017 年 10 月底非法装载了燃料。它可能已在马耳他海岸外进行过一次或多次船对船移交。有强烈的迹象表明存在这种情况，但没有得到证实。该船于 2018 年 1 月被拆解报废(见附件 57)。

## 6. 从陆路非法出口

182. 以汽油为主的精炼石油产品从利比亚多地通过陆路被非法出口到国外，各地的出口规模不一。由于利比亚燃料补贴价格远低于邻国市场价格，几十年来一直存在小规模跨境走私。但是目前，犯罪网络在地方武装团体的支持下正越来越多地参与贩运。

183. 如以往报告所述(见 S/2017/466，第 252 段)，在利比亚西部，运至祖瓦拉的燃料被通过陆路走私到突尼斯。走私者沿着 Ras Ajdir 以南和 Assah 附近的两条路线非法过境。其他走私网络也在 Dhahibah 和 Wazin 边境地区开展非法活动。<sup>60</sup>

184. 在南部，虽然情况因各地局势而异，但大多数加油站已经关闭，或者没有按官方价格供应燃料。黑市通常储备充足。大多数贩运源自塞卜哈地区。该地区位于塞卜哈以南 17 公里的检查站到尼日尔边境之间，由多个特布族武装团体控制。他们垄断了燃料走私和其他非法活动。

185. 在东部，走私的燃料在塞里尔炼油厂被装入油罐车，运往与乍得接壤的金矿地区。该炼油厂由 Ahmad al-Sharif 特步族武装团体控制。多个特步族武装团体控制着通往边境的路线并从贩运中获利。

## 五. 资产冻结规定的执行情况

### A. 个人的冻结资产

#### 穆塔西姆·卡扎菲(LYi.014)

186. 专家小组先前报告了马耳他公司 Moncada International Limited 的多笔大额资金转出，该公司被怀疑是穆塔西姆·卡扎菲的一家幌子公司(见 S/2017/466，第 267-268 段)。应专家小组的要求，马耳他当局提供了资产的详细信息，这些信息表明，大量资金已从 Moncada 公司在瓦莱塔银行的账户转出。2011 年 6 月，以 Moncada 公司主管 Mostafa Ali Etwijiri 的名义签发了两张外国汇票，每张金额 100 万欧元，提示向马耳他境外某个不明地点进行兑付。2011 年 7 月还有一

<sup>60</sup> “Tunisian army captures seven fuel smugglers in Libyan border firefight”，《利比亚先驱报》，2017 年 8 月 16 日。可查阅：[www.libyaherald.com/2017/08/16/tunisian-army-captures-seven-fuel-smugglers-in-libyan-border-firefight/](http://www.libyaherald.com/2017/08/16/tunisian-army-captures-seven-fuel-smugglers-in-libyan-border-firefight/)。



笔 5 688 000 欧元的资金转入 Etwijiri 的账户。此后，从 Etwijiri 的账户向 Ayad Ramadan Agel 同在瓦莱塔银行的账户转入了几笔资金。

187. 2018 年 3 月，马耳他当局告知专家小组，他们追踪了 2011 年 2 月 26 日至 7 月 14 日期间从 Moncada 账户转出的资金。其中 300 万欧元和 300 万美元已被冻结。马耳他正与利比亚当局开展司法互助合作，以评估这些资金是否构成从利比亚国挪用的资金。专家小组已要求马耳他当局提供补充资料。

## B. 被指证实体的冻结资产

### 1. 概述

188. 被指认实体包括利比亚投资局，别名“利比亚国外投资公司”(LYe.001)，以及利比亚非洲投资局(LYe.002)。为充分了解与这些实体有关的一系列问题，专家小组与多个对话者进行了接触，包括利比亚投资局前任和现任主席、基金管理人、被指认实体和会员国的代表。

189. 讨论期间发现，资产冻结显然涉及若干问题，包括利比亚投资局现任管理当局根据安全理事会决议和利比亚国内法所拥有的法定权力、冻结账户的利息支付、管理费支付以及附属公司的处理。专家小组深入研究了一些突出反映这些问题的案例，它们为专家小组的建议提供了依据。

### 2. 利比亚投资局总资产

190. 利比亚投资局告知专家小组，2010 年 12 月的冻结资产金额约为 350 亿美元。专家小组在下文中讨论了两个主要案例，共涉及金额近 320 亿美元。

191. 专家小组还审议了利比亚投资局提出的以下几点：

- 投资局被禁止管理其投资，也无法将到期投资的收益用于再投资。投资局无法确保资产被配置到可产生有竞争力回报的工具中。因此，投资局的基金管理人和资产保管人已不再管理资产。
- 外部基金管理人继续收取费用却不管理资金。
- 银行对制裁的解释过于严格。
- 各会员国采用的办法不同。尽管委员会发布了第 1 号执行援助通知，但一些附属公司的资产仍被冻结。
- 由于存在限制性措施，取得管理现有投资资金的许可证要么非常耗时，要么不可能。
- 私募股权投资基金分配的现金利润被存入冻结账户，产生的利息极少。

### 3. 在利比亚中央银行的资金

192. 根据 2008 年 11 月 19 日签署的投资管理机构协议，利比亚中央银行持有利比亚投资局的很大一部分流动资产，并提供国际银行定期存款投资。央行称资金金额约为 170 亿美元，放在以欧洲银行为主的多家银行的定期存款账户中，存款

利率具有竞争力。第 1970(2011)号决议规定对利比亚投资局实行资产冻结，该决议后经第 2009(2011)号决议修改，安全理事会在其中第 15(a)段就继续冻结资产作出规定。

193. 央行继续定期存款，并将所累积的利息用于再投资。不过该行没有让利比亚投资局自由支取这些资产。资金由央行管理和监督，并被视作央行的资金处理。定期存款所在银行不知道投资局是资金所有者。

194. 央行认为其行动符合资产冻结规定，因为它没有让利比亚投资局动用资产。央行还表示，相关账户已被冻结，并且在该行账簿上一直处于被封状态，这符合决议的规定。

195. 专家小组则认为，央行应将它正在管理资金一事告知委员会。不告知并在利比亚境外管理资金，构成了不遵守资产冻结规定。

196. 此外，与利比亚投资局在上文第 191 段中声称的情况相反，资产冻结并没有对投资局造成不利影响。

#### 4. 欧洲清算银行

197. 2011 年，比利时欧洲清算银行账户中包括股权和债务证券在内的原始资产被冻结。这些账户由其他银行(资产保管银行)为利比亚投资局代持。欧洲清算银行将利息和其他收益(如股息和息票支付款)转入专门账户，以区别于冻结资产。这些资金随后被提供给投资局设在第三国的银行账户。

198. 这种情况一直持续到 2017 年 10 月 23 日。当日一家比利时法院签发了一项法律扣押令，自此不再向利比亚投资局提供利息和收益。托管银行告诉专家小组它不认为扣押与资产冻结有任何直接联系。

199. 托管银行将很大一部分利息和收益投资于定期存款，并定期与利息一并续存。如下文所述，专家小组认为这些利息和其他收益的支付不符合资产冻结规定。

专家小组对利息支付的解释

200. 第 1970(2011)号决议第 20 段内容如下：

决定，会员国可允许在已依照上文第 17 段规定冻结的账户中存入这些账户的利息或其他收益，或根据这些账户受本决议各项规定制约之前订立的合同、协定或义务应该收取的付款，但任何此种利息、其他收益和付款仍须受这些规定的制约并予以冻结。

201. 关于“会员国可允许”的最初方面，虽然“可允许”没有规定要求，但很明显，不增加冻结账户利息的选择权只由国家掌握。

202. 专家小组将把“利息或其他收益”解释为包括股息支付等项目。

203. 对于“这些账户受本决议各项规定制约之前订立的合同、协定或义务应该收取的付款”，利息和股息是 2011 年 2 月 26 日前就冻结资产达成的初始合同或协议的结果。根据第 20 段，显然这种付款“仍须受这些规定的制约并予以冻结”。

204. 第 1973(2011)号决议第 22 段指定对利比亚投资局和利比亚非洲投资局实行第 1970(2011)号决议第 17 段和第 19 至 21 段规定的资产冻结措施。

205. 第 2009(2011)号决议第 15(a)段具体规定, 利比亚投资局和利比亚非洲投资局在利比亚境外的资金、其他金融资产和经济资源, 如在 2011 年 9 月 16 日仍根据第 1970(2011)号决议第 17 段或第 1973(2011)号决议第 19 段被冻结, 应继续由各国冻结, 除非根据第 1970(2011)号决议第 19、20 或 21 段或第 2009(2011)号决议第 16 段得到豁免。

206. 这说明第 1970(2011)号决议第 20 段仍然适用于截至 2011 年 9 月 16 日在利比亚境外持有的被冻结资产, 包括这些资产在 2011 年 9 月 16 日后产生的收益(见建议 7 和 8)。

207. 专家小组认为, 让利比亚投资局自由支取利息和其他收益构成了不遵守制裁制度。考虑到该国的不稳定局势、利比亚投资局的权力纠纷以及监督机制的缺位, 这么做还可能导致滥用和挪用资金。

#### 5. **Palladyne/Upper Brook 案**

208. 本案说明了利比亚投资局目前面临的一些问题。制裁实施之前, 在开曼群岛注册成立了以下 3 支基金:

(a) Palladyne 全球平衡投资组合基金有限公司, 后更名为 Upper Brook (A) 有限公司, 被利比亚非洲投资局以 200 000 000 美元认购;

(b) Palladyne 全球高级投资组合基金有限公司, 后更名为 Upper Brook (F) 有限公司, 被利比亚海外银行以 200 000 000 美元认购;

(c) Palladyne 全球多元投资组合基金有限公司, 后更名为 Upper Brook (I) 有限公司, 被利比亚投资局以 300 000 000 美元认购。

209. 认购完成后, 上述三家利比亚实体分别获得了所认购基金 100% 的份额, 各基金自身持有金融资产。这些基金因此成为了利比亚实体各自的附属公司。

210. 基金托管银行是道富银行和信托公司的伦敦分行。

211. 2011 年 1 月 27 日, 利比亚投资局与利比亚海外银行均签署股份转让表, 投资局由此成为高级投资组合基金/Upper Brook (F) 股份的实益所有人。由于实施制裁, 这一转让尚未登记。

212. 2012 年 11 月, 这些基金约 98.5% 的资产被转移到新的托管银行, 即德国的德意志银行股份公司。

213. 以道富银行无法再继续管理账户(注意仍有约 1.5% 的资产留在道富银行)为由, 获得美国对资产从道富银行转至德意志银行的许可。大不列颠及北爱尔兰联合王国提供了另一份许可, 但德国和荷兰均未签发许可。

214. 2012 年 8 月 16 日, 各基金管理人成立 Palint Stichting, 以控制德意志银行所持的基金证券。

215. 2014年,注册基金更名,资产控制权受到争议。围绕这一争议在开曼群岛、荷兰和利比亚提起了法律诉讼,内容涉及利比亚投资局应有的代表权以及基金份额(不同于由基金控制并在托管银行持有的股份)的使用问题。

216. 尽管在基金控制和管理方面争议不断,而且缺乏仍然有效的许可,但目前仍然继续支付管理费。

217. Palladyne/Upper Brook 案突出反映了与资产冻结有关的几个问题,概述如下。

## 6. 附属公司

218. 不妨回顾专家小组在前几份报告中就第 2009(2011)号决议通过后的局势提出的意见。专家小组报告 S/2012/163 第 213 至 216 段详细讨论了该决议的影响。委员会确认,资产冻结并不适用于任何列名实体的附属公司。S/2013/99 号文件第 202 段重申了这一点,并提及 2012 年 3 月 7 日发出的第 1 号执行援助通知。在此后几年里,一些会员国请求提供有关是否应冻结附属公司资产的指导意见。他们被告知附属公司不受资产冻结措施的制约。

219. Palladyne 基金的结构决定了它们是利比亚投资局(Upper Brook (I), 2011 年 1 月 27 日后还包括 Upper Brook(F))和利比亚非洲投资局的附属公司。这类金融结构是利比亚投资局所持资产的一个常见特点。

220. 因此根据第 1970(2011)号决议第 17 段和第 2009(2011)号决议第 15 段,基金所持资产应被冻结。然而第 1 号执行援助通知却指出,利比亚投资局和利比亚非洲投资局的附属公司不受资产冻结的制约。

221. 在与利比亚投资局、利比亚国外投资公司和利比亚非洲投资局代表进行的所有讨论中,附属公司资产被冻结所引起的困难是一个被反复谈到的话题。专家小组从与会员国的讨论中获悉,对附属公司资产的冻结是以区域和国家法律为依据的。专家小组认为须对第 1 号执行援助通知作出更新和澄清(见建议 7)。

## 7. 利比亚投资局的领导权

222. Palladyne 案还突显出围绕投资局领导权的持续争议,并提出这样一个问题,即一些获得联合国承认的个人和实体根据利比亚本国法律却受到挑战。

223. 专家小组此前报告过投资局的持续分裂和领导权纠纷问题(见 S/2017/466, 第 216 至 225 段)。一系列上诉和待决诉讼致使迟迟不能确定纠纷能否迅速结束。利比亚的司法纠纷仍在继续。专家小组注意到,利比亚投资局董事会主席兼首席执行官阿里·穆罕默德·哈桑正在采取措施,以获得对投资局两个分支机构的控制权。目前投资局领导权法律纠纷的详细情况载于附件 58。

## 8. 费用的支付

224. 利比亚投资局提供了 2011 年至 2017 年期间每月支付的保管费和管理费数字。没有提供接收方的详细信息,也没有说明支付这些费用是否对利比亚投资局

产生了不利影响。专家组认为，此类财务费用是业务成本的一部分，不能称为损失。

225. 这方面可考虑适用第 1970(2011)号决议第 19、20 和 21 段中列出的豁免措施，这些措施就第 2009(2011)号决议第 15(a)段而言继续适用。有关国家必须先将为这类支付目的而授权动用资金的意向通知委员会，之后才能支付费用(见建议 9)。

226. 在 Palladyne 案中，最初似乎取得了许可，但这些许可已不再有效。在未遵循第 1970(2011)号决议第 19(a)段所载程序的情况下继续向 Palladyne 支付管理费，构成了不遵守资产冻结规定。专家组正继续审查是否有其他类似案例。

## 9. 利比亚投资局的其他资产

227. 根据利比亚投资局提供的数字，在考虑了利比亚央行和欧洲清算银行持有的资产后，还剩约 25 亿美元需要分析。其中一笔约 3 亿美元的资金在 2017 年赚取利润达 6%。其他类似案例中也赚取了利润，这与利比亚投资局的说法相反。专家组面临的困难在于，若干会员国出于保密原因没有提供任何信息，或者提供的信息很少。专家组理解这一关切，但同时指出，某些会员国、投资局及其联营公司一直较为配合地提供数据，它们认识到如果不提供这些信息，专家组将无法履行为委员会提供协助的任务。

228. 专家组还分析了利比亚投资局向委员会提供的数据，并就他们发现的数据报告异常情况提出了澄清要求。声称造成的损失金额是基于这样一种假设，即投资局本可以类似于新加坡财富基金的方式进行投资。这种假设不切实际。机会成本是一种假定，不能等同于实际损失。而股票投资方面如果有损失，并不是因为资产冻结，而是选股的问题。股票投资没有时限，不存在到期后无法再投资的问题。在计算损失时似乎没有计入股息、利息和其他收益。

229. 从迄今提供的信息和调查结果来看，大多数资金似乎没有受到不利影响。专家组正在等待利比亚投资局和会员国提供关于冻结资产、下属公司资产以及投资局在资产管理方面所面临问题的详细信息。这类信息将使专家组更好地了解制裁对投资局资产的实际影响。

230. 关于对资金状况恶化的担忧，有必要指出，2018 年 2 月 26 日<sup>61</sup> 对大不列颠及北爱尔兰联合王国议会提出的关于利比亚冻结资产在冻结时的估值和目前估值的问题所给出的答复是，2011 年资金在联合王国被冻结时的总价值约为 75 亿英镑。截至 2016 年 9 月 30 日，资金总价值约为 117 亿英镑。2018 年 3 月 27 日给出的另一份书面答复称，截至 2017 年 9 月 29 日，在联合王国被冻结的利比亚资产总价值为 120.61 亿英镑。<sup>62</sup>

<sup>61</sup> 见 <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-02-08/127734/>。

<sup>62</sup> 见 <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2018-03-13/HL6295/>。



231. 虽然专家小组没有获得关于这些资产受益人的详细资料，但上述信息表明总金额并没有贬值。

#### 10. 利比亚国外投资公司

232. 利比亚外国投资公司的法律地位在前几份报告已有述及(见 S/2013/99, 第 225 段和 S/2017/466, 第 237-238 段)。该公司在运营中使用简称 LAFICO。专家小组曾指出，将该公司作为利比亚投资局(LYe.001)的一个别名列入制裁名单是不正确的。LAFICO 的代表在最近几次会议上再次强调了这一点。该公司自 1981 年以来存续至今。利比亚投资局拥有 LAFICO 100% 的股份，但该公司有一个独立的董事会。据公司代表称，公司始终保持稳定，利比亚投资局的分裂并未对其工作造成影响。自 2014 年以来没有举行过全体股东大会(投资局董事会)。

#### 11. 利比亚非洲投资局

233. 利比亚非洲投资局表示应维持制裁，但同时指出，这方面工作仍有改进余地。被重点提到的问题包括金融机构程序上的困难，以及获取许可的手续繁琐且费用高昂。它请求委员会提供支持以加快进程。

## 六. 旅行禁令执行情况

234. 没有查到违反旅行禁令的情况。

### A. 被指认的前政权人员的最新情况

235. 专家小组会见了 2 名被指认人员，分别是 Safia Farkash Al-Barassi (LYi.019) 和 Sayyid Mohammed Qadhaf al-Dam(LYi.003)，以及另 2 名被指认人员的代表。约谈的详细情况载于附件 59。

236. 专家小组请利比亚当局为其约谈被关押在的黎波里哈达赫监狱的阿卜杜拉·赛努西(LYi.018)、萨阿迪·卡扎菲(LYi.015)和阿布·扎伊德·奥马尔·杜尔达(LYi.006)提供便利。根据可靠消息来源和媒体报道，<sup>63</sup> 他们目前被的黎波里革命旅关押在监狱里。这项请求没有得到回应。

### B. 第 2174(2014)号决议通过后被指认的个人的最新情况

237. 2018 年 6 月 7 日，委员会根据第 1970(2011)号决议第 22(a)段、第 2174(2014)号决议第 4(a)段和第 2213(2015)号决议第 11(a)段指认了 6 名个人。专家小组正在调查这些人的状况，并已掌握其中一些人的以下补充识别信息(见建议 14)：

- **Mohammed • Kachlaf (LYi.025)**

全名：Muhammad al-Hadi al-Arabi Kashlaf

<sup>63</sup> Abed Sattar Hatita 和 Jamal Johar, “Gaddafi’s son confirmed to remain in confinement”, 《中东日报》，2017 年 12 月 23 日。可查阅：<https://aawsat.com/english/home/article/1121716/gaddafi%E2%80%99s-son-confirmed-remain-confinement>。

以原语文字书写的姓名: محمد الهادي العربي كشلاف

出生日期: 1988 年 11 月 15 日

护照号: HR8CHGP8

签发日期和地点: 2015 年 4 月 27 日, 扎维耶

国内身份号: 119880210419

个人身份证: 728498

签发日期: 2007 年 2 月 24 日

- **Mus' ab Abu-Qarin (LYi.024)**

全名: Mus'ab Mustafa Abu Al Qassim Omar

又称: Mus'ab Abu Qarin

以原语文字书写的姓名: مصعب مصطفى ابو القاسم عمر

- **Fitiwi Abdelrazak (LYi.022)**

又称: Abdurezak、Abdelrazaq、Abdulrazak、Abdrazzak

- **Ermias Ghermay (LYi.021)**

姓名: Ermias Alem

又称: Ermias Ghermay、Guro

国籍: 埃塞俄比亚

出生日期: 约 1980 年

出生地点: 厄立特里亚

- **Ahmad Oumar al-Dabbashi (LYi.023)**

全名: Ahmad Omar Imhamad al-Fitouri

以原语文字书写的姓名: احمد عمر امحمد الفيتوري

又称: Al Dabbashi

出生日期: 1988 年 5 月 7 日

## 七. 对专家小组调查的回复

### A. 利比亚中央银行

238. 专家小组在上一份最后报告中(见 S/2017/466, 第 209-215 段)就利比亚中央银行运作的以下方面发表了意见:

- (a) 对总统委员会的支持程度;
- (b) 阻止东部中央银行印制的钞票流通;

(c) 在统一中央银行两个分支方面的进展。

239. 中央银行对这些意见作了详细答复。2017年12月14日的答复全文载于附件60。

## B. 阿什拉夫·本·伊斯梅尔

240. 阿什拉夫·本·伊斯梅尔(见 S/2017/466, 第51段)提交的文件表明, 他为“铜墙铁壁战役”中作战人员的医疗后送以及2014年他在班加西的仓库爆炸后一些受伤雇员的医疗后送提供了财政支持。<sup>64</sup> 本·伊斯梅尔在接受专家小组访谈时否认参与了列名组织成员的疏散工作。他强调说, 在他主管伤员护理管理局期间, 他没有办法控制被转移到国外接受治疗的伤员身份(见附件61)。<sup>65</sup>

## C. 信用证

241. 信用证由利比亚中央银行提供资金融通, 目的是便于利比亚进口货物和服务, 滥用信用证构成挪用利比亚国家资金。因此, 专家小组自2015年以来一直在调查滥用信用证的案件。关于专家小组对参与这种做法的利比亚金融机构、公司和个人的调查工作, 专家小组最近收到文件, 包括当事方提交的文件, 其中对专家小组与委员会分享的有关当前调查的信息提出质疑。专家小组正在审查所收到的补充信息。

## D. 利比亚钢铁公司

242. 对专家小组涉及利比亚钢铁公司的调查工作的全面答复载于附件62。

# 八. 建议

243. 专家小组建议:

### 武器禁运

#### 给安全理事会的建议

建议1. 授权会员国根据第2240(2015)号决议第8段为偷运移民者确立的先例, 扣押被发现不遵守武器禁运的船只。

建议2. 要求如第2095(2013)号决议通过前一样, 事先通知委员会向利比亚供应所有非致命性军事装备的情况。

建议3. 要求民族团结政府按照安理会确定的时间间隔, 定期提供关于其掌控的安全部队结构的最新情况。

<sup>64</sup> 一名米苏拉塔市议会成员在接受访谈时确认, 市议会曾要求本·伊斯梅尔先生提供财政支持, 2018年4月。

<sup>65</sup> 利比亚, 任命伤员护理管理局理事会的第4(2011)号决定(2011年12月12日)。可查阅: <https://security-legislation.ly/ar/node/35084>。

## 制止企图从利比亚非法出口原油和精炼石油产品的措施

### 给安全理事会的建议

- 建议 4. 扩大第 2146(2014)号决议第 10(b)段所载的禁止委员会指认的船只通过通海运河的措施的范围。
- 建议 5. 扩大第 2146(2014)号决议所载措施的范围，授权会员国自行或通过区域组织采取行动，在利比亚沿岸的公海上，对它们有合理理由认为非法出口原油或精炼石油产品的进出利比亚的船只进行检查。

### 给委员会的建议

- 建议 6. 鼓励民族团结政府根据第 2146(2014)号决议任命一名新的协调人。

## 资产冻结

### 给委员会的建议

- 建议 7. 更新第 1 号执行援助通知，以澄清决议的适用情形，同时注意到利比亚冻结资产的投资结构复杂，且第 1970(2011)号决议第 17 段和第 2009(2011)号决议第 15(a)段继续适用。
- 建议 8. 就正确适用决议中关于冻结资产付息和其他收益的规定向会员国提供指导。
- 建议 9. 提醒会员国正确适用决议中关于支付冻结资产管理费的规定。

## 指认标准

### 给委员会的建议

- 建议 10. 审议专家小组单独提供的关于符合安理会有关决议所述指认标准的个人的信息。
- 建议 11. 考虑根据利比亚制裁制度指认严重侵犯人权和违反国际人道主义法的人，从而促进消除利比亚当前的有罪不罚环境。

## 一般建议

### 给安全理事会的建议

- 建议 12. 鼓励会员国，包括协助从利比亚拘留中心疏散移民的国家，以及国际和区域组织，与专家小组分享关于移民拘留条件以及参与贩运人口、洗钱、勒索、性虐待和性剥削的个人或实体的信息。
- 建议 13. 鼓励民族团结政府执行《联合国打击跨国有组织犯罪公约》、《关于预防、禁止和惩治贩运人口特别是妇女和儿童行为的补充议定书》和《关于打击陆、海、空偷运移民的补充议定书》。

### 给委员会的建议

- 建议 14. 更新制裁名单，纳入专家小组提供的补充识别信息。

## 九. 附件

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## **Annex 1    Abbreviations and acronyms**

AAS	Ansar Al-Sharia
AIB	Arab Investment Bank
AIS	Automatic Identification System
APM	anti-personnel mines
AQIM	Al-Qaida in the Islamic Maghreb
ARSC	Ajdabiya Revolutionaries Shura Council
BDB	Benghazi Defence Brigades
BRSC	Benghazi Revolutionaries Shura Council
CAR	Conflict Armament Research
CBL	Central Bank of Libya
CCMSR	Conseil du commandement militaire pour le salut de la République
CID	Criminal Investigation Department
Committee	Committee established pursuant to Security Council resolution 1970 (2011) concerning Libya
Council	United Nations Security Council
DCIM	Department Combating Illegal Migration
DMSC	Shura Council of Mujahideen in Derna
EU	European Union
EUC	End-user certificate
EUR	Euro
Ex-JEM	Justice and Equality Movement/Abdallah Jana
FACT	Front pour l'alternance et la concorde au Tchad
GNA	Government of National Accord
GNC	General National Congress
HoR	House of Representatives
IAEA	International Atomic Energy Agency
IAN	Implementation Assistance Notice
ICC	International Criminal Court
IED	Improvised explosive device
IMF	International Monetary Fund
IMO	International Maritime Organization
IOM	International Organization for Migration
ISIL	Islamic State in Iraq and the Levant
JEM	Justice and Equality Movement
LAFICO	Libyan Arab Foreign Investment Company
LAIP	Libyan African Investment Portfolio
LC	Letters of credit
LFB	Libyan Foreign Bank
LIA	Libyan Investment Authority

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LLIDF	Libyan Local Investment and Development Fund
LNA	Libyan National Army
LPA	Libyan Political Agreement
LTP	Long Term Portfolio
LYD	Libyan Dinar
MANPADS	Man Portable Air Defence System
MIC	Military Industrial Corporation
MMR	Man Made River
MNLA	Mouvement national pour la libération de l'Azawad
MUJAO	Mouvement pour l'unification et le jihad en Afrique de l'ouest
NGO	Non-governmental organization
NOC	National Oil Corporation
NSG	National Salvation Government
NTC	National Transitional Council
OHCHR	Office of the High Commissioner for Human Rights
OPCW	Organization for the Prohibition of Chemical Weapons
Panel	Panel of Experts
PC	Presidency Council
PFG	Petroleum Facilities Guard
PFL	Popular Front for the Liberation of Libya
RFC	Rassemblement des forces pour le changement
RPG	Rocket Propelled Grenade
SDF	Special Deterrence Force
SDN	Specially Designated National
SLA	Sudan Liberation Army
SLA/MM	Sudan Liberation Army/Minni Minawi
SLA/Unity	Sudan Liberation Army/Unity
SRSG	Special Representative of the Secretary-General
SWIFT	Society for Worldwide Interbank Financial Telecommunication
TRB	Tripoli Revolutionaries Brigade
UAE	United Arab Emirates
UNDSS	United Nations Department for Safety and Security
UNHCR	United Nations High Commissioner for Refugees
UNMAS	United Nations Mine Action Service
UNSMIL	United Nations Support Mission in Libya
USD	United States Dollars

## **Annex 2 Overview of the evolution of the Libyan sanctions regime**

1. By resolution 1970 (2011), the Security Council expressed grave concern at the situation in Libya, condemned the violence and use of force against civilians and deplored the gross and systematic violation of human rights. Within that context, the Council imposed specific measures on Libya, under Chapter VII of the Charter of the United Nations, including the arms embargo, which relates to arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, in addition to the provision of armed mercenary personnel. The arms embargo covers both arms entering and leaving Libya. The Council also imposed a travel ban and/or an asset freeze on the individuals listed in the resolution. Furthermore, the Council decided that the travel ban and the asset freeze were to apply to the individuals and entities designated by the Committee established pursuant to resolution 1970 (2011) concerning Libya involved in or complicit in ordering, controlling or otherwise directing the commission of serious human rights abuses against persons in Libya.
2. By resolution 1973 (2011), the Security Council strengthened the enforcement of the arms embargo and expanded the scope of the asset freeze to include the exercise of vigilance when doing business with Libyan entities, if States had information that provided reasonable grounds to believe that such business could contribute to violence and use of force against civilians. Additional individuals subject to the travel ban and asset freeze were listed in the resolution, in addition to five entities subject to the freeze. The Council decided that both measures were to apply also to individuals and entities determined to have violated the provisions of the previous resolution, in particular the provisions concerning the arms embargo. The resolution also included the authorization to protect civilians and civilian populated areas under threat of attack in Libya. In addition, it included a no-fly zone in the airspace of Libya and a ban on flights of Libyan aircraft.
3. On 24 June 2011, the Committee designated two additional individuals and one additional entity subject to the targeted measures. By resolution 2009 (2011), the Security Council introduced additional exceptions to the arms embargo and removed two listed entities subject to the asset freeze, while allowing the four remaining listed entities to be subjected to a partial asset freeze. It also lifted the ban on flights of Libyan aircraft.
4. By resolution 2016 (2011), the Security Council terminated the authorization related to the protection of civilians and the no-fly zone. On 16 December 2011, the Committee removed the names of two entities previously subject to the asset freeze.
5. In resolution 2040 (2012), the Council directed the Committee, in consultation with the Libyan authorities, to review continuously the remaining measures with regard to the two listed entities – the Libyan Investment Authority and the Libyan Africa Investment Portfolio – and decided that the Committee was, in consultation with the Libyan authorities, to lift the designation of those entities as soon as practical.
6. In resolution 2095 (2013), the Council further eased the arms embargo in relation to Libya concerning non-lethal military equipment.



7. By resolution 2144 (2014), the Council stressed that Member States notifying to the Committee the supply, sale or transfer to Libya of arms and related materiel, including related ammunition and spare parts, should ensure such notifications contain all relevant information, and should not be resold to, transferred to, or made available for use by parties other than the designated end user.
8. By resolution 2146 (2014), the Council decided to impose measures, on vessels to be designated by the Committee, in relation to attempts to illicitly export crude oil from Libya and authorized Member States to undertake inspections of such designated vessels.
9. By resolution 2174 (2014), the Council introduced additional designation criteria and requested the Panel to provide information on individuals or entities engaging or providing support for acts that threaten the peace, stability or security of Libya or obstructing the completion of the political transition. The resolution strengthened the arms embargo, by requiring prior approval of the Committee for the supply, sale or transfer of arms and related materiel, including related ammunition and spare parts, to Libya intended for security or disarmament assistance to the Libyan government, with the exception of non-lethal military equipment intended solely for the Libyan government. The Council also renewed its call upon Member States to undertake inspections related to the arms embargo, and required them to report on such inspections.
10. By resolution 2213 (2015), the Council extended the authorizations and measures in relation to attempts to illicitly export crude oil from Libya until 31 March 2016. The resolution further elaborated the designation criteria listed in resolution 2174 (2014).
11. By resolution 2214 (2015), the Council called on the 1970 Committee on Libya to consider expeditiously arms embargo exemption requests by the Libyan government for the use by its official armed forces to combat specific terrorist groups named in that resolution.
12. By resolution 2259 (2015), the Council confirmed that individuals and entities providing support for acts that threaten the peace, stability or security of Libya or that obstruct or undermine the successful completion of the political transition must be held accountable, and recalled the travel ban and assets freeze in this regard.
13. By resolution 2278 (2016) the Council extended the authorizations and measures in relation to attempts to illicitly export crude oil, while calling on the Libyan Government of National Accord (GNA) to improve oversight and control over its oil sector, financial institutions and security forces.
14. By resolution 2292 (2016), the Council authorized, for a period of twelve months, inspections on the high seas off the coast of Libya, of vessels that are believed to be carrying arms or related materiel to or from Libya, in violation of the arms embargo.
15. By resolution 2357 (2017), the Council extended the authorizations set out in resolution 2292 (2017) for a further 12 months.
16. By resolution 2362 (2017), the Council extended until 15 November 2018 the authorizations provided by and the measures imposed by resolution 2146 (2014), in relation to attempts to illicitly export crude oil from Libya. These measures were also applied with respect to vessels loading,

transporting, or discharging petroleum, including crude oil and refined petroleum products, illicitly exported or attempted to be exported from Libya.

17. By resolution 2420 (2018), the Council further extends the authorizations, as set out in resolution 2292 (2016) and extended by resolution 2357 (2017), for a further 12 months from the date of adoption of the resolution.

18. To date the Committee has published four implementation assistance notices which are available on the Committee's website.<sup>1</sup>

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<sup>1</sup> Available under <http://www.un.org/sc/committees/1970/notices.shtml>.

### **Annex 3 Mandate and appointment**

19. In resolution 2095 (2013) the Council encouraged the Panel, while mindful of the responsibility of the United Nations Support Mission in Libya (UNSMIL), to assist the Libyan authorities to counter illicit proliferation of all arms and related materiel of all types, in particular heavy and light weapons, small arms and man-portable surface-to-air missiles (MANPADS), and to secure and manage Libya's borders, to continue to expedite its investigations regarding sanctions non-compliance, including illicit transfers of arms and related materiel to and from Libya, and the assets of individuals subject to the assets freeze established in resolutions 1970 (2011) and 1973 (2011) and modified in resolution 2009 (2011), 2040 (2012) and 2095 (2013) and encouraged UNSMIL and the Libyan government to support Panel investigatory work inside Libya, including by sharing information, facilitating transport and granting access to weapons storage facilities, as appropriate.

20. In resolution 2146 (2014), the Council expanded the Panel's mandate to the measures imposed by that resolution and directed the Panel to monitor the implementation of these measures. These measures related to the prevention of illicit oil exports.

21. In resolution 2174 (2014) the Council requested the Panel to provide information on individuals and entities who meet additional designation criteria related to acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition.

22. By resolution 2213 (2015), the Council extended the mandate of the Panel of Experts established pursuant to resolution 1973 (2011) for a period of thirteen months, to carry out the following tasks: to assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011); to gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided upon in resolution 1970 (2011), 1973 (2011) and modified in resolutions 2009 (2011), 2040 (2012), 2095 (2013), 2144 (2014), 2146 (2014), 2174 (2014) and 2213 (2015) in particular incidents of non-compliance; to make recommendations on actions that the Council, the Committee, the Libyan government or other States may consider to improve implementation of the relevant measures; and to provide to the Council an interim report on its work no later than 180 days after its appointment and a final report no later than 15 March 2016 with its findings and recommendations.

23. Resolution 2278 (2016) extended until 31 July 2017 the authorisations provided by and measures imposed by resolution 2146 (2014) for the prevention of illicit oil exports. It further extended the Panel's mandate until 31 July 2017.

24. In Resolution 2362 (2017), the authorisations provided by and measures imposed by resolution 2146 (2014) were extended until 5 November 2018. It was further decided that the measures would apply to both crude oil and refined petroleum products. This resolution also renewed the mandate of the Panel of Experts to 15 November 2018. The Panel's mandated tasks would remain as defined in resolution 2213 (2015) and would also apply to the measures updated in this resolution. The Panel is required to provide an interim report on its work no later than 28 February 2018 and a final report no later than 15 September 2018 with its findings and recommendations.

## Annex 4 Institutions/individuals consulted

### List of institutions/individuals consulted

This list excludes certain individuals, organisations or entities with whom the Panel met, in order to maintain the confidentiality of the source(s) and not to impede the ongoing investigations of the Panel.

<b>Belgium</b>	
<i>Organizations:</i>	European Union External Action Service, World Customs Organisation, NGOs
<b>Cyprus</b>	
<i>Private entities</i>	Various
<b>Egypt</b>	
<i>Private entities</i>	Various
<b>France</b>	
<i>Government</i>	Ministry of Foreign Affairs, Ministry of Defence, Ministry of Economy and Finance, Presidency
<b>Greece</b>	
<i>Private entities</i>	Various
<b>Italy</b>	
<i>Government:</i>	Ministry of Defence, Ministry of Finance, Ministry of Foreign Affairs, Ministry of Interior, Ministry of Justice, Bank of Italy, Ministry of Transport
<b>Libya</b>	
<i>Government</i>	Presidency Council, National Oil Corporation, Chief of Staff, Libyan Investment Authority, Port Authority, Coast Guards
<b>Sudan</b>	
<i>Government</i>	Ministry of Defence, Ministry of Interior, Ministry of Foreign Affairs
<b>Tunisia</b>	
<i>Organizations</i>	EUBAM, UNSMIL, World Bank, IOM, UNODC, UNMAS, Amnesty International, International Crisis Group
<i>Embassies</i>	EU Delegation, France, Turkey, UK, USA
<i>Private entities</i>	Various
<b>Turkey</b>	
<i>Private entities</i>	Various
<b>United Kingdom</b>	
<i>Government:</i>	Foreign & Commonwealth Office, HM Treasury,
<i>Organizations:</i>	Libyan Investment Authority
<b>USA</b>	
	United Nations and Permanent Missions

## Annex 5 Outgoing correspondence

Panel official outgoing correspondence to Member States since the drafting of its previous report (S/2017/128)

OC no.	Addressee	About	Date
<b>2278 mandate</b>			
47	Turkey	Arms Embargo	7-Apr-17
48	Czech Republic	Arms Embargo	7-Apr-17
49	Malta	Arms Embargo	3-May-17
50	SC President	Final Report	4-May-17
51	Italy	Arms Embargo	4-May-17
52	EUNAVFOR cc EU Delegation in New York	Arms Embargo	1-Jun-17
53	Chair of the Committee	Report follow up	8-Jun-17
54	China	Arms Embargo	8-Jun-17
55	Chair of the Committee	Report follow up	21-Jun-17
56	Chair of the Committee	Oil Measures	11-Jul-17
57	Chair of the Committee	Oil Measures	17-Jul-17
<b>2362 mandate</b>			
58	World Customs Organization	Arms Embargo	14-Aug-17
59	Libya	Visa	14-Aug-17
60	Tunisia	Visa	16-Aug-17
61	Chair of the Committee	Oil Measures	23-Aug-17
62	Chair of the Committee	Oil Measures	28-Aug-17
63	Sudan	Visit	29-Aug-17
64	Qatar	Arms Embargo	1-Sep-17
65	Turkey	Arms Embargo	1-Sep-17
66	France	Arms Embargo and Assets Freeze	5-Sep-17
67	Egypt	Visit	13-Sep-17
68	Chad	Visit	13-Sep-17
69	Sudan	Visit	13-Sep-17
70	Djibouti	Oil Measures	15-Sep-17



OC no.	Addressee	About	Date
71	Saint Vincent and the Grenadines	Oil Measures	15-Sep-17
72	Tanzania	Oil Measures	15-Sep-17
73	Spain	Visit	22-Sep-17
74	Italy	Visit	25-Sep-17
75	France	Visit	25-Sep-17
76	Turkey	Arms Embargo	27-Sep-17
77	IOMAX cc USA	Arms Embargo	2-Oct-17
78	Chair of the Committee	Oil Measures	3-Oct-17
79	Lebanon	Oil Measures	4-Oct-17
80	RF	Arms Embargo	11-Oct-17
81	China	Arms Embargo	11-Oct-17
82	Bulgaria	Arms Embargo	11-Oct-17
83	Tanzania	Oil Measures	11-Oct-17
84	Djibouti	Oil Measures	11-Oct-17
85	Saint Vincent and the Grenadines	Oil Measures	11-Oct-17
86	UAE	Arms Embargo	12-Oct-17
87	Egypt	Oil Measures	18-Oct-17
88	Night Owl Optics_cc US	Arms Embargo	18-Oct-17
89	Belgium	Arms Embargo	18-Oct-17
90	Turkey	Arms Embargo	18-Oct-17
91	Malta	Oil Measures	18-Oct-17
92	Chair of the Committee	Oil Measures	18-Oct-17
93	Comoros	Oil Measures	19-Oct-17
94	Turkey	Oil Measures	26-Oct-17
95	Uvas-Trans Ltd cc Ukraine	Oil Measures	26-Oct-17
96	Libya	Oil Measures	30-Oct-17
97	Spain	Visit	30-Oct-17
98	Niger	Armed Groups	2-Nov-17

OC no.	Addressee	About	Date
99	Chad	Armed Groups	2-Nov-17
100	United Maritime Services Ltd. cc UK	Oil Measures	2-Nov-17
101	Tanzania	Oil Measures	2-Nov-17
102	Tunisia	Oil Measures	2-Nov-17
103	International Atomic Energy Agency	Arms embargo	2-Nov-17
104	Limbado Finance cc UK	Oil Measures	7-Nov-17
105	Volont S&T cc Marshall Islands	Oil Measures	7-Nov-17
106	Panama	Oil Measures	7-Nov-17
107	China	Arms Embargo	7-Nov-17
108	Alfamarine cc Lebanon	Oil Measures	7-Nov-17
109	Morgan cc Lebanon	Oil Measures	7-Nov-17
110	Netherlands	Meeting Request	8-Nov-17
111	Egypt	Arms Embargo	9-Nov-17
112	LIA	Asset Freeze	11-Nov-17
113	Turkey	Oil Measures	14-Nov-17
114	China	Arms Embargo	14-Nov-17
115	Alfamarine Shipping cc Lebanon	Oil Measures	14-Nov-17
116	Volont S&T	Oil Measures	14-Nov-17
117	Chair of the Committee	Oil Measures	15-Nov-17
118	Libya	Oil Measures	17-Nov-17
119	Evalend cc Greece	Oil Measures	17-Nov-17
120	Lebanon	Oil Measures	22-Nov-17
121	Netherlands	Asset Freeze	24-Nov-17
122	FM Capital	Asset Freeze	18-Nov-17
123	USA	Arms Embargo	27-Nov-17
124	Tanzania	Asset Freeze	27-Nov-17
125	Oman	Oil Measures	8-Dec-17

OC no.	Addressee	About	Date
126	Chair of the Committee	Oil Measures	13-Dec-17
127	Yemen	Oil Measures	14-Dec-17
128	Spain	Arms Embargo	15-Dec-17
1	EU	Asset Freeze	2-Jan-18
2	Egypt	Oil Measures	2-Jan-18
3	Netherlands	Asset Freeze	4-Jan-18
4	UAE	Arms Embargo	5-Jan-18
5	LIA cc Libya	Asset Freeze	5-Jan-18
6	Italy	Armed Groups	4-Jan-18
7	Swedbank cc Sweden	Asset Freeze	8-Jan-18
8	Panama	Oil Measures	8-Jan-18
9	UAE	Oil Measures	8-Jan-18
10	Djibouti	Oil Measures	8-Jan-18
11	ABC Bank cc Bahrain	Asset Freeze	10-Jan-18
12	CBL cc Libya	Asset Freeze	11-Jan-18
13	EU	Asset Freeze	11-Jan-18
14	Italy	Asset Freeze	15-Jan-18
15	Switzerland	Asset Freeze	15-Jan-18
16	UAE	Asset Freeze	15-Jan-18
17	US	Asset Freeze	15-Jan-18
18	Greece	Arms Embargo	15-Jan-18
19	President of the Security Council	Interim Report	16-Jan-18
20	Turkey	Visit	17-Jan-18
21	Niger	Visit	17-Jan-18
22	Chair of 1970 Committee	Oil Measures	17-Jan-18
23	Palau	Oil Measures	17-Jan-18
24	Syria	Oil Measures	17-Jan-18
25	Panama	Oil Measures	23-Jan-18
26	UK	Asset Freeze	24-Jan-18

OC no.	Addressee	About	Date
27	USA	Meeting Request	19-Jan-18
28	Tunisia	Asset Freeze	24-Jan-18
29	Jordan	Meeting Request	19-Jan-18
30	Germany	Arms Embargo	23-Jan-18
31	Chair of 1970 Committee	Asset Freeze	25-Jan-18
32	Glow Shipping Lines LLC cc UAE	Asset Freeze	25-Jan-18
33	Mr. Trabish, Attorney at Law	Oil Measures	25-Jan-18
34	Libya	Oil Measures	26-Jan-18
35	MIDROC cc Ethiopia	Oil Measures	31-Jan-18
36	Palau	Oil Measures	31-Jan-18
37	Panama	Arms Embargo	2-Feb-18
38	Syria	Oil Measures	5-Feb-18
39	Liechtenstein	Oil Measures	5-Feb-18
40	Lebanon	Oil Measures	5-Feb-18
41	Italy	Arms Embargo	13-Feb-18
42	Chad	Arms Embargo	13-Feb-18
43	IMO	Arms Embargo	15-Feb-18
44	Wintershall AG cc Germany	Visit	15-Feb-18
45	UAE	Visit	15-Feb-18
46	Djibouti	Oil Measures	21-Feb-18
47	Turkey	Oil Measures	22-Feb-18
48	Tunisia	Oil Measures	26-Feb-18
49	Switzerland	Visit	5-Mar-18
50	Chair of the Committee 1970	Interim Report in Media	7-Mar-18
51	UAE	Asset Freeze	12-Mar-18
52	United Power Marine cc UAE	Oil Measures	15-Mar-18
53	Palau	Oil Measures	15-Mar-18
54	Qatar	Visit request	16-Mar-18
55	India	Oil Measures	16-Mar-18

OC no.	Addressee	About	Date
56	Switzerland	Asset Freeze	20-Mar-18
57	UAE	Visit	20-Mar-18
58	Chair of the Committee 1970	Oil Measures	21-Mar-18
59	Jordan	Asset Freeze	26-Mar-18
60	Germany	Asset Freeze	26-Mar-18
61	Switzerland	Asset Freeze	26-Mar-18
62	Ethiopia	Visit request	26-Mar-18
63	African Union	Visit request	26-Mar-18
64	MIDROC cc Ethiopia	Arms Embargo	29-Mar-18
65	UK	Asset Freeze	29-Mar-18
66	Ethiopia	Arms Embargo	29-Mar-18
67	Saint Vincent and the Grenadines	Oil Measures	2-Apr-18
67*	Libya (Attorney General)	Information request	4-Apr-18
68	Ireland	Asset Freeze	2-Apr-18
69	India	Oil Measures	4-Apr-18
70	Egypt	Visit request	4-Apr-18
71	Libya	Arms Embargo	6-Apr-18
72	Italy	Arms Embargo	6-Apr-18
73	Ukraine	Arms Embargo	6-Apr-18
74	Lebanon	Arms Embargo	6-Apr-18
75	Tunisia	Arms Embargo	6-Apr-18
76	Luxembourg	Asset Freeze	9-Apr-18
77	Belgium	Asset Freeze	9-Apr-18
78	Libya	Visit request	13-Apr-18
79	Chair of the Committee 1970	Oil Measures	16-Apr-18
80	Palau	Oil Measures	16-Apr-18
81	India	Oil Measures	16-Apr-18
82	UAE	Oil Measures	16-Apr-18
83	United Power Marine cc UAE	Reminder	16-Apr-18

OC no.	Addressee	About	Date
84	France	Visit request	17-Apr-18
85	Chad	Visit Request	17-Apr-18
86	Chair of the Committee 1970	Oil Measures	20-Apr-18
87	Germany	Asset Freeze	24-Apr-18
88	Netherlands	Asset Freeze	24-Apr-18
89	US	Asset Freeze	24-Apr-18
90	Belgium	Asset Freeze	24-Apr-18
91	Turkey	Arms Embargo	15-May-18
92	Greece	Arms Embargo	10-May-18
93	Tanzania	Arms Embargo	7-May-18
94	Libya	Visit	7-May-18
95	Tunisia	Visit	14-May-18
96	France	Arms Embargo	14-May-18
97	Carter Ruck-Solicitors	Armed Groups	14-May-18
98	PIAM_cc_Netherlands	Asset Freeze	18-May-18
99	Marshall Islands	Oil Measures	22-May-18
100	Al Khair Shipping Management cc UAE	Oil Measures	22-May-18
101	ABC Bank cc Bahrain	Asset Freeze	24-May-18
102	HSBC Bank	Asset Freeze	24-May-18
103	Greece	Arms Embargo	24-May-18
104	Qatar	Visit	25-May-18
105	Chair of the Committee 1971	Oil Measures	25-May-18
106	Italy	Arms Embargo	31-May-18
107	Turkey	Armed Groups	31-May-18
108	Sudan	Armed Groups	31-May-18
109	Ethiopia	Armed Groups	31-May-18
110	Eritrea	Armed Groups	31-May-18
111	Nigeria	Armed Groups	5-Jun-18
112	UAE	Arms Embargo	5-Jun-18



OC no.	Addressee	About	Date
113	UAE	Asset Freeze	6-Jun-18
114	Ireland	Asset Freeze	6-Jun-18
115	Luxembourg	Asset Freeze	6-Jun-18
116	Wilton Resources Inc cc Canada	Oil Measures	6-Jun-18
117	Carter Ruck-Solicitors	Armed Groups	6-Jun-18
118	Malta	Arms Embargo	8-Jun-18
119	Jordan	Oil Measures	8-Jun-18
120	SGS cc Switzerland	Asset Freeze	12-Jun-18
121	Libya	Asset Freeze	14-Jun-18
122	Alubaf International Bank/Tunis cc Tunisia	Asset Freeze	14-Jun-18
123	Libya	Visit	14-Jun-18
124	Libya	Armed Groups	18-Jun-18
125	Netherlands	Arms Embargo	19-Jun-18
126	Moldova	Arms Embargo	19-Jun-18
127	USA	Arms Embargo	19-Jun-18
128	Palladyne International Asset Management B.V. cc Netherlands	Asset Freeze	22-Jun-18
129	Tunisia	Armed Groups	25-Jun-18
130	CBL cc Libya	Asset Freeze	26-Jun-18
131	Libya (Attorney General)	Armed Groups	26-Jun-18
132	Carter Ruck-Solicitors	Armed Groups	29-Jun-18
133	Malta	Asset Freeze	2-Jul-18
134	Chair of the Committee 1970	Recommendations	3-Jul-18

## Annex 6 Responsiveness table

Table showing level of responsiveness by Member States or Organizations to requests for information and/or visit from the Panel from 7 April 2017 until 15 July 2018

Member State or Organization	Number of letters sent	Requested info fully supplied	Info partially supplied	No answer / information not supplied	Request for visit
Belgium	3	3			Granted
Bulgaria	1	1			
Chad	4	2		2	Granted
China	3		3		
Comoros	1			1	
Czech Republic	1	1			
Djibouti	4	1	1	2	
Egypt	4	3	1	1	Granted
Eritrea	1	1			
Ethiopia	3	1		2	No response
France	3	3			Granted
Germany	3	3			
Greece	3	3			Granted
India	2	2			
Ireland	2			2	
Italy	7	6	1		Granted
Jordan	3	2		1	
Lebanon	4	2		2	
Libya	9	4		5	Granted
Liechtenstein	1	1			
Luxembourg	2			2	No response
Malta	5	2	2	1 (recent)	
Marshall Islands	1			1	
Netherlands	4	2	1	1	Granted

Niger	2	1		1	Granted
Nigeria	1			1	
Oman	1			1	
Palau	3	3			
Panama	4			4	
Qatar	3	2		1	Granted
Russian Federation	1	1			
Spain	3	3			Granted
St Vincent and Grenadines	3			3	
Sudan	3	2		1	Granted
Switzerland	5	4		1 (recent)	Granted
Syria	2			2	
Tanzania	5	2		3	
Tunisia	7	1	3	3	Granted
Turkey	9	4	3	2	Granted
Ukraine	1	1			
United Arab Emirates	10	2		8	Granted
United Kingdom	2	1	1		Granted
United States	4	2		2	Granted
Yemen	1			1	
African Union	1			1	No response
EU	2	2			Granted
EU NAVFOR	1	1			Granted
IAEA	1			1	
IMO	1	1			Granted
World Customs Organization	1	1			Granted

## Annex 7 Letter addressed by the Chairman of the National Oil Corporation to the Ambassador of Canada to Libya



المؤسسة الوطنية للنفط  
NATIONAL OIL CORPORATION

Date: 20/02/2018

Ref: ...784.....

Mrs. Hilary Childs-Adams  
Ambassador of Canada to Libya

Dear Ambassador Childs-Adams,

It is with alarm and regret that I write to you this afternoon, with regard to the [REDACTED], which now poses a threat to the lives of NOC staff. I must request that you take action to help safeguard these employees, in the short term, and to safeguard Libyans more generally in the longer term, by ensuring that militias do not overrun the National Oil Corporation.

The armed group that you and I discussed by text message about two weeks ago is headed by Alhadi Aweinat. You will remember the group came to NOC on 7 February 2018, claiming to represent [REDACTED], a Canadian company, in a deal Wilton had been trying to put together with AGOCO, our subsidiary in eastern Libya. Aweinat's militia, which has a reputation for violence and is affiliated with the armed group of Haithem Tajouri, is attempting still to force its way into NOC, Libya's economic lifeblood.

I hope you will permit me to lay out the most recent chain of events:

Yesterday morning the Petroleum Facilities Guards Commander Captain Najeeb Esh-shikh called my office at NOC and said Alhadi Aweinat wanted to see Abulgasem Shengheer, the NOC board member for exploration and production, and that they had an appointment to see Mr. Shengheer. This was not true. Later that afternoon, Capt Esh-Sheikh came to NOC headquarters, and asked Mr. Shengheer to come with him to the Almahari hotel to meet Aweinat. I said Aweinat should come instead to NOC offices. After speaking to Aweinat, Capt Esh-Sheikh then said in the manner of a threat that it would be better if Mr Shengheer went to the hotel. This is all recorded.

Mr. Shengheer went to the Almahari Hotel, where he met Alhadi Aweinat and two other unidentified individuals. They asked him why Mustafa Sanalla called them militias and, as proof, they showed him my private text messages to you which had been translated into Arabic.

They also told Mr. Shengheer about my conversation with Hashem Beshir last Monday 12 February at NOC headquarters. And they told him in a manner he understood to be threatening that they were interested in the return of the foreign companies, and that they were interested in [REDACTED] and other companies.

I contacted Prime Minister Serraj. He told me that he would use his contacts to find a solution, and phoned me after the return of Mr. Shengheer from Almahari Hotel to say Mr. Shengheer had returned without any problems. Mr. Serraj said that he would travel today and that when he returned he would meet with me to find an amicable solution, as he described it.

In my opinion, we at NOC have to draw a line here and now over the use of threats of violence as a business negotiating tool. If we do not, we will be quickly overwhelmed.

Page 1 of 2

شارع بشير السعدوي \_ ( ميدان جنة العريف ) طرابلس / ليبيا - هاتف : + 218 21 334 5700 - 09 / + 218 21 333 7141 - 44  
Bashir Sadawi str . P.o Box : 2655 - 5335 Tripoli - Libya Tel : + 218 21 334 5700 - 09 / + 218 21 333 7141 \_ 44



## المؤسسة الوطنية للنفط NATIONAL OIL CORPORATION

Given the central role played by a Canadian company in this situation, and given Canada's expressed commitment to promoting a rules-based international order, I must ask you, as the Canadian ambassador, to please take the following action:

1. Provide me with a list of the people outside the Canadian government with whom you shared our text message conversation;
2. Contact [REDACTED] leadership and demand from them immediately the identity of their Italian agent, so we can pass this information on to the Italian authorities to investigate;
3. Join with me, Mr. Serraj, and other members of the international community to publicly condemn militia encroachment into NOC business. I personally believe that the Canadian government would not prioritise commercial advantage for its companies over the survival of the rule of law in Libya – but I urge you to make that clear. I have copied the Italian ambassador, Mr Perrone, and will ask him also to stand with us, together.

I'm sure you will understand that, from our perspective, [REDACTED] has been at best naïve in engaging an untrustworthy agent; and at worst complicit and prepared to use unlawful means to secure a deal. Just as this behaviour jeopardises the progressive values to which we know and believe Canada to be committed, so it endangers Libyans and Libya in a real and intolerable way.

As you can imagine, we have no choice but to permanently and publicly blacklist any company that attempts to circumvent the normal channels for doing business with NOC – and in so doing, empower the very militia that have violently pushed the country to the edge of the abyss. This predation must not be normalised.

The above approach holds very serious risks to the lives of Mr Shengheer, myself and possibly other NOC officials, but I believe we are duty-bound to pursue it. If we allow this attempt to go unchallenged, every militia in the country will start insisting that business with NOC can only be negotiated through them. We can only hope that the spotlight of publicity will deter them from retaliating.

I thank you for your attention and sincerely hope you will stand with me in definitively outlawing the encroachment of armed groups onto the Libyan state economy. Let us, please, use this unfortunate incident as an opportunity to set the normative boundaries in this regard, and to signal that Libya has not yet succumbed to the law of the gun.

Best wishes

*MW*  
20-2-2013  
**Mustafa A. Sanalla**  
Chairman of the Board

Cc: Board Membres.



Page 2 of 2

## Annex 8 Role of Ibrahim Jadran in the Oil Crescent

### Estimation of the value of daily production losses due to the attack by Ibrahim Jadran forces against oil terminals

 الإدارة العامة للتسويق الدولي الإدارة التجارية			
الخسائر اليومية المترتبة على توقف إنتاج النفط الخام / الغاز الطبيعي من مينائي السدرة وراس لانوف وفق متوسط أسعار الخامات الليبية حسب منشورات نشرة البلاص			
نوع الخام	الكمية/برميل	متوسط السعر / تقديري	القيمة دولار / للبرميل
السدرة	310,000	72.463	22,463,530.00
أمنّا	125,000	73.413	9,176,625.00
سيرتيكا	15,000	72.563	1,088,445.00
غاز/ حقل الفارغ	73 مليون قدم متر مكعب	4,440 / مليون قدم متر مكعب	324,120.00
إجمالي القيمة بالدولار			33,052,720.00

Source: The National Oil Corporation

25. The table above also provides an estimate of daily losses due to the shutdown of oil terminals, following the 14 June 2018 led Ibrahim Jadran.

26. The NOC evaluated the cost of actions, from 2013 onward, that led to an interruption of oil production and exports, and also of destruction and deterioration of oil infrastructure to be more than USD 56 billion. The armed group of Ibrahim Jadran is responsible for most actions conducted in the Oil Crescent.

27. Here are some examples of costs incurred due to acts by the armed group led by Ibrahim Jadran:

- Cost for Waha Oil: USD 13,981,791,320; Acts: Shutting down of the Oil Crescent ports by PFGs (Central Region) on the pretext of the alleged metering system in Es-sidra Port affiliated to Waha Oil Company and the declaration of Force Majeure; Dates: 28/7/2013 – 26/08/2014.
- Cost for Waha Oil: USD 125,195,000; Acts: Attack by Ibrahim Jadran against oil terminals on 14 June 2018; Dates: 15/06/2018 – 20/06/2018.

28. Jadran is under an arrest warrant by the Attorney General Office in Libya.



## **Annex 9    Role of Nasser Bin Jreid and his links with the Union des Forces de la Resistance (UFR)**

29. Bin Jreid is a former Libyan army officer, who had operated Sudanese armed groups in Libya under the former regime. From 2014 onward, he started operating groups from Chad and Sudan on behalf of the LNA. More recently, according to several sources including from within the Chadian opposition movements, Bin Jreid split from the LNA to join the former regime camp. Following accusations made against him of having joined the attack led by Jadran against oil terminals, Bin Jreid, in a televised intervention, denied having split from the LNA.

30. Bin Jreid is also known for his ties with the UFR of Timrane Erdemi, previously allied with the LNA. According to Chadian opposition sources, he played a role in recruiting Chadians to join Al Mabrouk Hneish in his attempt to move on Tripoli in November 2017. In December 2017, several commanders of the UFR were killed during a meeting hosted by Bin Jreid in a farm near Sabha. The UFR, headed by Timran Erdemi and commanded by members of his clan in Libya, is composed of several ethnic groups, including the Wedaya and Arab Mahamids, who had successively fought alongside the LNA, the BDB and Jadran Forces.

**Annex 10 Documents attesting integration of military elements of the Sudanese opposition into LNA units.**



Source: Facebook

1. The following is an unofficial translation of the above document.

Translated from Arabic

Libya Arab Armed Forces  
The General Command  
Al-Jufra Operations Room

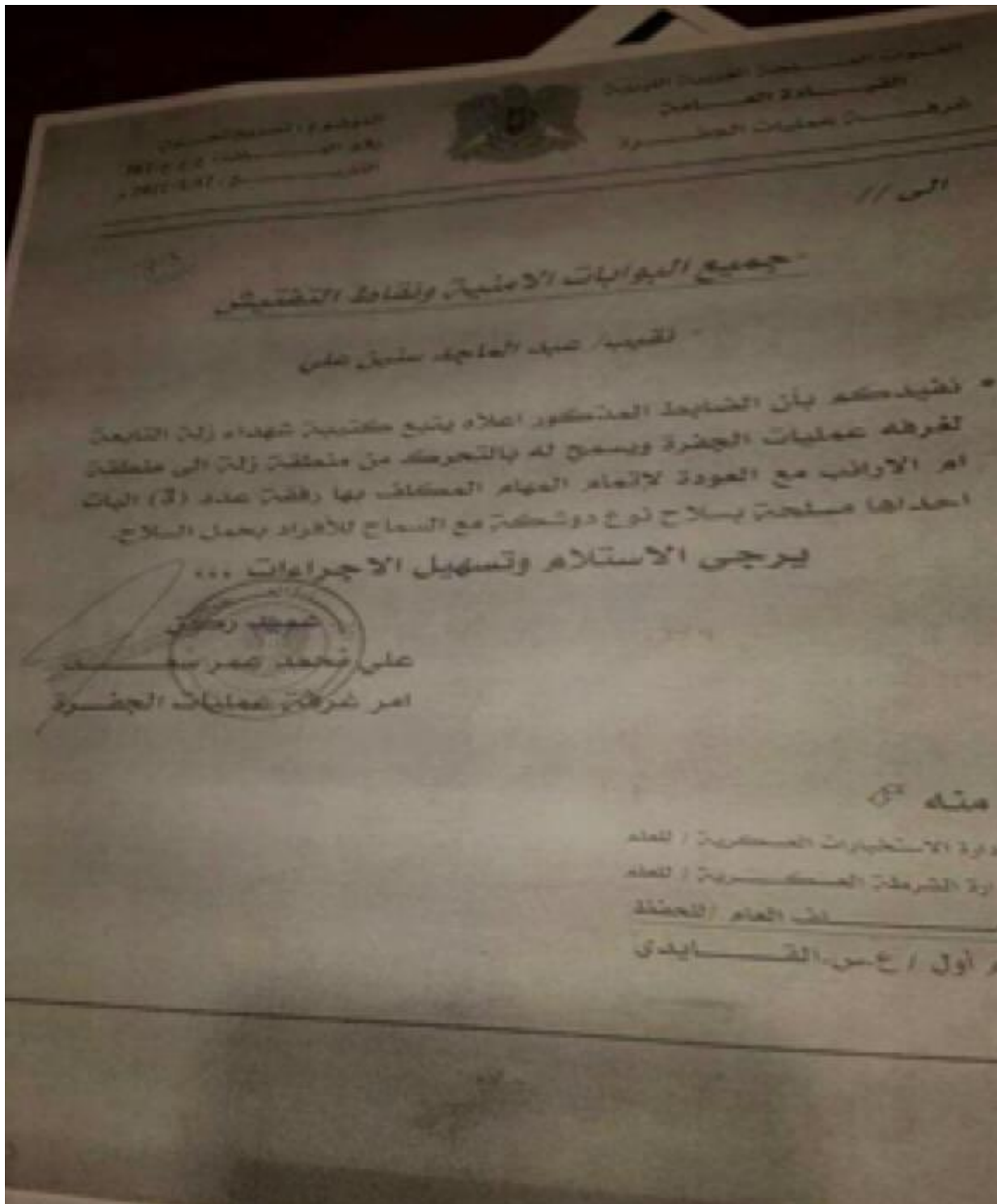
Date: 2.10.2017

Addressed to Sebha Military Zone, and all Checkpoints,

Laissez-passer for a convoy of 17 vehicles equipped with medium machine guns from al-Jufra to Um al-Araneb through Sebha under the command of Major General Jaber, one of the leaders of the Sudanese opposition, and affiliated with the Operations Room al-Jufra from Tuesday 03/10/2017 at 07:00.

Signed by Staff Brigadier Ali Mohammad Omar Saad, Commander of the al-Jufra Operations Room.

**Source: Confidential**



Source: Facebook

2. The following is an unofficial translation of the above document.

*Translated from Arabic*

Libya Arab Armed Forces  
The General Command  
Al-Jufra Operations Room

Date: ...2017

Addressed to all Checkpoints,

Captain Abd al-Majid Senine Ali

We inform that the Captain mentioned above is affiliated with the Zela Martyrs' Brigade of al-Jufra Operations Room and is authorized to freely move in the region between Zela and Um al-Araneb, accompanied by three vehicles.

Signed by Staff Brigadier Ali Mohammad Omar Saad, Commander of the al-Jufra Operations Room.

**Source: Confidential**





3. The following is an unofficial translation of the above document.

*Translated from Arabic*

General Command of Libya Arab Armed Forces  
Grand Sirte Operations Room

Date: 28.9.2017

Addressed to the General Commander of the Libyan Arab Armed Forces,

(...)

In order to update you on the latest field developments in the Oil Crescent, we provide with the following information:

The presence of 118 graves belonging to allied forces killed during the latest combats could be a source of tensions with local populations in the future. We met with Mr. Hilal Bu Amud to convince Isaac Jaber, commander of the allied forces, to transport the sepulchres from pastoral zones to remote areas. We proposed several locations (...).

Signed by Staff Brigadier Ali Mohammad Omar Saad, Commander of the al-Jufra Operations Room.

**Source: Confidential**



Source: Confidential

4. The following is an unofficial translation of the above document.

*Translated from Arabic*

The General Command of the Libyan Armed Forces

Date: 11.01.2018

Annex I,

Human losses of the Libyan Armed Forces in Benghazi operations zone, from 14 May 2015 to 28 December 2017.

Regular troops: 2.365

Support forces (local youth): 18.534

Allied Arab forces: 1.784

Foreign (non-Arab) advisors: 11

**Source: Confidential**

## **Annex 11 Statement of the chairman of the NOC on the blockade against al-Sarah field on 2 November 2017**

NOC chairman Mustafa Sanalla has made the following statement on the situation at Jikharra:

“The Jikharra community is very important to us. We actively consult with its leaders and the people in a brotherly and cooperative spirit. We hear their grievances and we try to improve their lives. At the end of the day, what we want as NOC and what the Jikharra community wants is not different – we all want a better life for the people of this country.

“Oil production from the Sara field at Jikharra has been reduced by 50,000 b/d as a result of protests, at a cost to the Libyan people of approximately \$3 million per day. Individuals in Jikharra have made a series of demands linked to the implementation of new contract terms for Wintershall, the field operator. However, at NOC we have a very clear position of not making concessions to blockaders. We can discuss what can be done to support the valued and respected Jikharra community once production is restarted, but there is nothing to discuss while production is shut in.

“Moreover, we are investigating the circumstances of the shut-in and will refer the matter to the public prosecutor if warranted. We are aware of efforts to involve other communities in this blockade action, which were rejected. Blockades can destroy the country. They are a form of national suicide. Nothing can justify the use of this tactic.

“Finally, the NOC board is very concerned that Wintershall decided to shut production without consulting NOC. We have demanded an explanation, particularly since the protests at Jikharra are explicitly intended to block the implementation of new contract terms for Wintershall. This is a very serious matter, so let me make something very clear. We will not allow Wintershall to go back on its contractual commitments to the people of Libya. That game is already over. Wintershall will not continue to produce oil under different terms from every other international oil company working in the country. If it wishes, the new agreement will be finalized very soon. It will be good for Libya and good for the people of Jikharra, especially since it places extensive corporate social responsibility and environmental obligations on Wintershall. If it does not wish to implement the new terms, it is free to leave.”


2 November 2017

Tripoli

Source: National Oil Corporation<sup>2</sup>

<sup>2</sup> <https://noc.ly/index.php/en/>.

## Annex 12 Letter by the Chairman of the Eastern NOC on 22 November 2017



**المؤسسة الوطنية للنفط**  
**NATIONAL OIL CORPORATION**

التاريخ: 2017/11/22  
الوقت: 11:28

الإشارة: 2017/529/28/1  
العدد: 1


Masers Wintershal Company  
Subject: Jakhira field closure  
Dear Sir,


The National Oil Corporation in the city of Benghazi is the only legal organization concerned with administration of oil and gas operations and businesses in Libya.

By the Decrees issued by the Libyan government Prime Minister such as the Law No. 247 stipulating the move of the National Oil Corporation to its original place the city of Benghazi and the recognition by the Libyan House of Representatives which is the only legally elected governing body in Libya as accepted and recognized nationally and internationally. You are therefore cordially required to communicate and conduct all your business dealings concerning your operations in Libya with the Chairman of the National Oil Corporation in its legal place, the city of Benghazi.

Your cooperation in this matter will be appreciated, and it will result in our mutual benefits.

Your Sincerely,

  
**Faraj M. Said**  
**Chairman**



بenghazi - البرصة (00218)614782560 - (00218)614782561  
info@libya-noc.org f https://m.facebook.com/NOCL.LIBYA/

Source: Confidential

**Annex 13 Letter signed by the Commander of the Martyr Fathi Arhim Brigade and addressed to Wintershall**

الموضوع: عدم استئناف التشغيل		القيادة العامة للقوات المسلحة الليبية
رقم الملف: ل152 م أ / 48 /		جهاز حرس المنشآت النفطية
التاريخ: 04 / جمادى 1 / 1439 هـ		كتيبة 152 مشاة آلية
الموافق: 21 / 01 / 2018 م		سرية الشهيد فتحي أرحيم

**إلى**

**مدير شركة wintershall**

**بعد التحية .**

اجراءاتكم بعدم استئناف تشغيل الحقل الي حين التحقيق في سبب الايقاف من عدمه

**والسلام عليكم ورحمة الله وبركاته**

كتيبة 152 مشاة آلية

اعتماد //

أمر سرية الشهيد فتحي أرحيم

جهاز حرس المنشآت النفطية

صورة منه إلى

الملف  ف الدوري  للحفاظ

ك: ج / م. بوالزبد  
: ج / م. بوالزبد

Source: Facebook.



31. The following is an unofficial translation of the above document.

*Translated from Arabic*

The General Command of the Armed Forces  
The Petroleum Facilities Guard  
The 152 Motorized Brigade  
Fathi Arhim Martyr Company

Date: 1.11.2017

Addressed to the Director of Wintershall Company,  
Please instruct not to resume production of oil (...).  
Signed by the Commander of Martyr Fathi Arhim Company

**Source: Facebook.**





نموذج رقم (13)

وزارة العدل  
مركز الخبرة القضائية والبحوث

فرع / إدارة .....  
قسم الطب الشرعي

التاريخ .....  
الموافق 28.4.2016

تقرير طبي شرعي رقم ( 1007 - 2016 )

بناء على طلب السيد / الشيخ عبد الله محمد اجراءت لنا الدكتور عيسى الجرموني  
باجراء الفحص الطبي الشرعي على يوسف محمد يوسف  
التابع من العمر 20 سنة و 1976 و جنس مذكر بتاريخ 30.3.2016  
وذلك لبيان سبب اصابة الرجل اليمنى  
والجوانب

والعرض الطبي :- ارفق لنا تقرير تاريخ 2016 الذي يذكر وجود جرح له في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
مقداره الضيق بطول 17 سم تقريبا عريض الأسفل للجرح الذي يظهر في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
وغيره من الجروح التي يذكرها في التقرير الذي يرفق بنا في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
كما يظهر وجود اصابات في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
أيضا كان يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
1- بعد تلاقي جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
2- أرجح وجود جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
3- وجود جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
4- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
5- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
6- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
7- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
8- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
9- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
10- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
11- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
12- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
13- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
14- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
15- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
16- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
17- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
18- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
19- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى  
20- لا يوجد جرح في الجزء الوسطى من اليد اليمنى من اليد اليسرى في الجزء الوسطى من اليد اليمنى من اليد اليسرى

الدكتور عيسى الجرموني  
الطبيب الشرعي



اسم المترجم .....  
التوقيع .....

32. This report is handwritten. Due to the poor resolution of the image, the Panel was only able to translate it partially. Sections from the medical report clearly indicate that the individual died from torture during his detention by Brigade 152.

33. The following is a translation of the above document.

*Translated from Arabic*

(Page 1)

Ministry of Justice

Judicial Expertise Centre

Criminal Forensic Department

Date: 28.4.2016

Medical Report number: 1007\_2016

Upon a request by: Military Prosecution

Examined: Youssef Mohammad Youssef

Born: 1976 Nationality: Libyan Examined on: 30.3.2016

Cause of Death: Haematoma n°2

(...)

(Page 2)

Medical Report number: 1007\_2016

Upon a request by: Military Prosecution

Examined: Youssef Mohammad Youssef

Born: 1976 Nationality: Libyan Examined on: 30.3.2016

(...)

Examination of the body reveals the existence of multiple injuries due to the use of hard tools, regardless of their specific type.

Head and neck and area:

1. Three superficial wounds on the right side of the head.
2. Four wounds and bruises on the rear of the head

3. Large bruise (3cmx6cm) in the form of a crescent on the left side of the neck, which reaches the left side of the jaw.
4. A bruise and a superficial wound on the lower backside of the head.

Chest, back and arms

1. Bruises on chest in the form of railways, on the left side of the chest, on the arms and most of the back.
  2. Deadly wound on the right lower side of the belly.
- (...)

**Source: Confidential**





34. The following is an unofficial translation of the above document.

*Translated from Arabic*

Ministry of Justice

Judicial Expertise Centre

Criminal Forensic Department

Date: 7.11.2016

Medical Report number: 1007\_2016

Upon a request by: West Misrata Attorney Office

Examined: Mohammad Bakir Ali Karkar

Born: 1976 Nationality: Libyan Examined on: 30.3.2016

Cause of Death: Strong lung infection.

Were noted on the body a light injury on the head (...) as well as several bruises on the body that seem old and not related to the death.

**Source: Confidential**

## Annex 16 Letter by Omar al-Mokhtar Operations Room

التاريخ: 2018.6.27  
 للموطن: رقم الملف: 676444  
 الموضوع: فئات عمليات

القوات المسلحة العربية الليبية  
 رئاسة الأركان العامة  
 مجموعة عمليات عمر المختار

2079\*

الى /

امر سرية شهداء عين مارة  
 \* في إطار تكليفكم بتأمين مدينة درنة  
 على اجراءاتكم بالسماح للعائلات بالدخول الى منازلهم في المناطق المحررة  
 وعدم التعرض لهم من بعض الافراد المخالفين للتعليمات والقوانين وعلى  
 العسكريين إخلاء منازل المواطنين في المناطق المحررة

اجراءاتكم بالخصوص

المستشار

سالم مشتاق حسين الرفاعي  
 أمر مجموعة عمليات عمر المختار القتالية

صورة الى  
 الشرطة العسكرية بالمجموعة ..... للعلم  
 ركن الاستخبارات العسكرية بالمجموعة ..... للعلم  
 الملف الدوري ..... للحفظ  
 اللواء من /م الرفاعي  
 تاريخ وفتحي / اللوات

Source: Facebook

35. The following is an unofficial translation of the above document.

*Translated from Arabic*

The Armed Arab Libyan Forces  
The Chief of Staff  
Omar al-Mokhtar Operations Room

Date: 27.06.2018

Addressed to the Commander of Ayn Mara Martyrs' Company,  
(...) to allow families to return to their homes in liberated areas and not to harm them by individuals in violation of instructions and laws. Instruct to evacuate the houses of civilians by military personnel.

Signed by Major General Salem Muftah Hussein al-Refadi

Commander of Omar al-Mokhtar Operations Room

**Source: Facebook**

## Annex 17 The smugglers marketing to attract candidates for migration to Europe via Libya

A Facebook page titled “Wishing to immigrate to Europe via Libya” posted in September 2014 guarantees comfort and safety

The screenshot shows a Facebook page for a community. The main image is a boat in the sea with the text "الراغبين في الهجرة الي أوروبا - عن طريق ليبيا" (Those who wish to immigrate to Europe - via Libya) and "Community". Below the image are navigation tabs: Timeline, About, Photos, Likes, Videos. On the left, it says "52 people like this" and "Invite friends to like this Page". The "ABOUT" section contains the text "السفر من ليبيا إلى إيطاليا-بسرعة وقت وأقل ثمن" (Travel from Libya to Italy - fast and cheap) and a link "Ask for ليبيا's website". A post from 3 days ago shows "3 new photos" with the same title.

Source: Media<sup>3</sup>

<sup>3</sup> Christopher Miller, “Smugglers use social media to lure migrants in the Mediterranean”, Mashable, 25 April 2015. Available from <https://mashable.com/2015/04/25/mediterranean-smugglers-facebook/?europa=true>.





The Ministry of the Interior

Anti-illegal immigration



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**الخط الثاني :-** من السودان الي المرمك الي قارة سليمة بجمهورية مصر الشقيقة متجها الي جبل عبدالمالك ومنه الي بوزريق ومنه الي منطقة تازربو التي تقع بجوالي (280) كلم عن الكفرة ومن ثمة الي منطقة اجدايا والبريقة وصولا الي اوروبا .

**الخط الثالث :-** من السودان الي المرمك الي قارة سليمة جنوب العوينات بجوالي (70) كلم ومنه الي سيف البرلي بجوالي (80) كلم من العوينات ومنه الي جبل الشريف وصولا الي منطقة ربيانة والتي تبعد عن الكفرة بجوالي (135) كلم

**الخط الرابع :-** من السودان الي المرمك رجوعا الي السودان بالقرب من قلع التوم بجوالي (100) كلم مرورا عبر الاراضي التشادية ويتجه بالقرب من منفذ السارة البري وصولا الي منطقة ربيانة ومن ثمة الي منطقة السرير متجهين الي مدينة اجدايا للذهاب للشمال .

**الخط الخامس :-** من دار فور السودان مرورا علي القلع الغربي بالسودان عبور ليبيا بالقرب من منفذ السارة الي خط الاربعائة ومن ثمة الي جبل كلنجة ومنطقة واو التاموس - سبها - طرابلس .

**الخط السادس :-** من تشاد الي ليبيا بالقرب من منفذ السارة البري ومنه الي منطقة ربيانة او جبل كلنجة .

**الخط السابع :-** وهو الخط الجديد بعد سيطرة قوات الجيش علي مدينة اجدايا تغيرت جميع الخطوط الي مدينة زلة / الجفرة / القطرون / مرزق / ادري / سبها مرورا بالكفرة ومن ثم الي بني وليد والتوجه الي طرابلس لعبور البحر

كما نفيذ سيادتكم بان هذه الخطوط بدئت تشكل هاجز خطر كبير جدا علي الامن القومي لليبيا ودول الجوار وعلي اوروبا حيث قدر دخول اعداد المهاجرين من 800 (ثمانمائة)



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الي 1000 (الف) شخص يومي الي ليبيا وخاصة عندما تحدث ازمتات في دول افريقيا مثل الحروب التي تحدث الان في جل دول افريقيا وكذلك تكثر عملية الهجرة عندما يكون طقس البحر مستقر لكي يعبروا بالقرب الي اوروبا بأمان وخلال التحقيقات المتخذة مع المهريين ومع المهاجرين تبين ان جل المهاجر ينوون الذهاب الي اوروبا وليبيا يعتبرونها ممر امن لأوروبا بسبب انعدام الامن والفوضى وعدم وجود سيادة الدولة علي الحدود للأسف الشديد فهذا ما يساهم في عملية عبورهم بأعداد كبيرة وسرعة في الوصول الي اوروبا حيث وصلت قيمة نقل المهاجر من السودان ومن تشاد الي ليبيا حوالي (5000) خمسة الاف دولار للشخص الواحد ومن ليبيا الي اوروبا (3000) ثلاثة الاف دولار للشخص الواحد حيث جاري نقل حوالي (120000) مئة وعشرون الف مهاجر من دولة السودان الي ليبيا بطريقة غير شرعية وينوون الذهاب الي ايطاليا .

عليه

ولايجاد الحلول تقترح الاتي :-

- 1- اجتماع طارئ مع الاتحاد الاوروي ودول الجوار لوضع حد للتقليل من عملية الهجرة كونهم شركاء معنا في هذه الازمة .
- 2- مطالبة الجهات ذات الاختصاص بأبرام اتفاقية مشتركة مع كل دول الجوار بشأن حماية الحدود ومنع دخول الهجرة .
- 3- ايجاد حلول للأشخاص اللذين ترفض دولهم استلامهم بسبب الحروب او المجاعة وهم ينوون التسلل الي اوروبا .



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- 4- وضع الية عمل عاجلة ومنظمة وبصورة قانونية لسداد ديون شركات نقل المهاجرين وكذلك ديون شركات الاعاشة والتموين .
- 5- انشاء مراكز ايواء تتماشى مع مبادي حقوق الانسان .
- 6- اجراء دورات تدريبية في الدول المتقدمة لأعضاء الهجرة غير الشرعية علي كيفية التعامل مع المهاجر وشخصية المهاجر وماهي حقوقه وواجباته وكيفية الايواء والترحيل وتشغيل منظومة كميرات المراقبة لتفعيل العمل بصورة ذاتية .
- 7- رفع مرتبات اعضاء الهجرة حتي لا يتم استغلالهم ماديا من قبل عصابات التهريب .
- 8- دعم اقسام ومراكز الايواء وخاصة الحدودية بإمكانيات والمتمثلة في الاليات والاسلحة والاجهزة اللاسلكية ( طبرق - جغبوب - الكفرة - الجفرة - القطرون - غات - سبها - الشاطي ) .
- 9- تخصيص نثرية شهرية لكل قسم او مركز بحيث لاتقل عن (30.000) ثلاثون الف دينار .
- 10- انشاء مكتب اعلام يتبع لجهاز الهجرة لنقل عملية الترحيل اول بأول وبصورة عاجلة .
- 11- تركيب منظومة ترحيل في كل مركز ايواء .
- 12- تركيب منظومة كميرات المراقبة علي الشريط الحدودي .
- 13- تخصيص علاوة عمل للأعضاء التابعين لجهاز الهجرة العاملين في القواطع الحدودية الصحراوية لتشجيعهم و لارغاب باقي الاعضاء العاملين علي الساحل للتوجه لعمل في الاقسام الموجودة في الطوق الحدودي .
- 14- تفعيل الاتفاقيات الدولية السابقة وخاصة في مجال تركيب كميرات مراقبة علي الحدود .



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كما نفيذ سيادتكم بان الوضع خطير وخطير جدا كما ننوه بان لا بد من تقديم الامكانيات الازمة والفورية والا اصبحت ليبيا ممرا امنيا للهجرة وخطرا علي الدول الاخرى حيث بدئت المنظمات الارهابية تتخذ من عملية الهجرة مصدر دخل اساسي وتعتمد عليه وبقوة وكذلك سرعة التنقل بين الدول حيث رى الجميع مقاتلين التنظيم الارهابي في جل المدن ( درنة - بنغازي - سرت - صبراتة ) والمدن الأخرى جلهم من الجنسيات الغير ليبية وقد دخلوا البلاد بطريقة غير شرعية ومنهم من تلقي تدريباته داخل الدولة .

للتفضل بالاستلام ووفقكم الله لما فيه خير للبلاد والعباد ،،،

ولكم الامر فيما ترونه مناسباً ،،

... والس عليكم سلام ...

م. أول / محمد علي الفضيل

رئيس مركز ايواء المهاجرين غير الشرعيين الكفرة

وزارة الداخلية  
مركز ايواء المهاجرين  
الكفرة  
الادارة العامة  
مكافحة الهجرة غير الشرعية

صورة منه الي :-  
مكتب التفتيش والمتابعة بالجهاز للعلم  
عميد بلدية الكفرة للعلم  
الملف الدوري العام (الحفظ).  
م/فضيل

Source: Confidential

36. The following is an official translation of the above document.

1808046E

*Translated from Arabic***Ministry of the Interior  
Department for Combatting Illegal Migration**No.: 6-1/94  
Date: 20 July 2017

Subject: Smuggling of illegal migrants into Libya

Sir,

We should like to draw your attention to some security-related information and matters that may be useful in establishing security and reducing the number of illegal migrants.

1. The Kufrah region lies in the south-west and borders three States. Its location is strategically important and the region serves as the gateway of Libya to Africa. It is strategically significant to Libya and neighbouring States. The region borders Egypt (250 km), the Sudan (350 km) and Chad (450 km).
2. Kufrah is a vast border region that makes up one fifth of the area of Libya. All the roads that connect to neighbouring States are unpaved (dirt). Smugglers use this vast desert area to smuggle illegal migrants, drugs and fuel. Following are some of the most important routes that smugglers use to move illegal migrants:

**Route 1.** This route runs from the Sudan, through Egypt and then east into Libya across Jabal Abdulmalik. It then continues to the Sarir region via the Wahat region before reaching Ajdabiyah and Burayaqah, and then on to the north towards Europe.

**Route 2.** This route runs from the Sudan to Marmak, then to a safe haven in Egypt and then on to Jabal Abdulmalik. From there it runs to Bu Zrayq and then Tazerbu, which is some 280 km from Kufrah. It then runs through Ajdabiyah and Burayaqah, and then on to the north towards Europe.

**Route 3.** This route runs from the Sudan to Marmak and then to a safe haven some 70 km south of Awaynat. From there, it runs to Sayf al-Barli, some 80 km from Awaynat, then Jabal al-Sharif and then on to the Rabyanah area, which some 135 km from Kufrah.

**Route 4.** This route runs from the Sudan to Marmak and then back into the Sudan, some 100 km from Qal' al-Tum. It then runs through Chadian territory, passing near the Sarah land entry/exit point, and then on to Rabyanah and Sarir, before heading towards Ajdabiyah and on to the north.

**Route 5.** This route runs from Darfur, the Sudan, to Qal' al-Gharbi, the Sudan, crossing into Libya near the Sarah land entry/exit point. It then proceeds to Khatt al-Arba'mi'ah, Jabal Kalanjah, Waw al-Namus, Sabha and, finally, Tripoli.

**Route 6.** This route runs from Chad to Libya, passing near the Sarah land entry/exit point, and from there on to either Rabyanah or Jabal Kalanjah.

**Route 7.** This is a new route that was opened after army troops took control of Ajdabiyah. All of the routes changed [sic] to the cities of Zallah, Jufrah, Qatrun, Mirzaq and Sabha, passing through Kufrah. From there, it goes to Bani Walid and then to Tripoli, in order to cross the sea.

His Excellency the Director of the Department for Combatting Illegal Migration



1808046E

We should also like to inform you that the above-mentioned routes constitute a serious threat to the national security of Libya and the security of its neighbouring States and Europe. It is estimated that 800 to 1,000 migrants enter Libya daily. They enter, in particular, in times of crisis, such as the wars that are occurring in many African countries. Migration also increases when the seas are calm, as that enables migrants to cross safely to Europe using boats. Interviews with smugglers and migrants have revealed that most of the migrants intend to go to Europe. They consider Libya to be a safe corridor to Europe because of the lack of security, the state of chaos and the inability of the State to control the borders. Unfortunately, those factors enable large numbers of migrants to pass through quickly and reach Europe. It currently costs approximately \$5,000 to transport one migrant from the Sudan and Chad to Libya, and approximately \$3,000 to transport one migrant from Libya to Europe. Some 120,000 migrants who want to go to Europe are being transported illegally from the Sudan to Libya.

In order to resolve this problem, we should like to propose the following:

1. An emergency meeting must be convened with the European Union and neighbouring States, which, like us, are being affected by this crisis, in order to develop means of reducing the flow of migrants.
2. The competent authorities should be called upon to conclude an agreement with neighbouring States concerning border protection and preventing the entry of migrants.
3. A solution must be found to the problem of individuals who want to enter surreptitiously into Europe and whose States [of nationality] refuse to take them back because of war or famine.
4. We must urgently establish an organized and lawful mechanism to pay off the debts of the companies that transport migrants and of the companies that provide sustenance and provisions.
5. We must set up shelters that conform to human rights standards.
6. We must organize training courses in developed countries for Department for Combatting Illegal Migration personnel. These courses should address how to deal with migrants, the rights and responsibilities of migrants, how to shelter and deport [migrants], and how to enable automatic operation of video monitoring systems.
7. The salaries of Department for Combatting Illegal Migration officials must be raised, in order to prevent smuggling gangs from offering them material inducements.
8. Shelters, particularly those on the borders, must be given the weapons, equipment and wireless communication devices that they need, including the shelters at Turbruq, Jaghub, Kufrah, Jufrah, Qatrun, Ghat, Sabha and Shati'.
9. Each shelter must be given at least 30,000 dinars per month for petty expenses.
10. The Department for Combatting Illegal Migration should be given a press office, which can provide up-to-the-minute information on the deportation process.
11. An expulsion system must be set up at each shelter.
12. A video monitoring system must be set up on the border strip.
13. Department for Combatting Illegal Migration staff who are posted to the border sectors should be given a bonus, in order to encourage them and entice other staff who are posted in the coastal areas to work the borders.
14. We must give effect to existing international agreements, particularly those relating to the installation of border monitoring cameras.

We should also like to inform Your Excellency that the situation is extremely critical. It is imperative that the necessary capacity should be made available. Otherwise, Libya will become a safe corridor for migration and a threat to other States. Migration has become a major source of income on which terrorist organizations are extremely dependent. In addition, it has enabled them to move [members] quickly between States. Everyone is aware that there are foreign terrorist fighters in Darnah, Benghazi, Sirte, Sabratah and various other cities, and that those fighters entered the country illegally and received their training here.

Accept, Sir, the assurances of my highest consideration.

(Signed) Lieutenant Muhammad Ali **al-Fadil**  
Director  
Illegal Migrant Shelter, Kufrah

**Source: Confidential (translated by the United Nations)**

## Annex 19 LNA units' involvement in the smuggling of migrants in al Kufra region

37. LNA's Subul al-Salam Brigade orders to combat smuggling activities between Southern border and al-Kufra.

الموضوع: اعلان  
رقم الملف: س ل / 107 / بلا  
التاريخ: 18 / رمضان / 1438 هـ  
الموافق: 13 / 6 / 2017 م

القيادة العامة للقوات المسلحة العربية الليبية  
رئاسة الأركان العامة  
منطقة الكفرة العسكرية  
كتيبة سبيل السلام

**إعلان**

بالإشارة الى القرار رقم 147/8 الصادر من القائد العام للقوات المسلحة العربية الليبية المشير اركان حرب خليفة ابوالقاسم حفتر بتاريخ: 2017/1/29 بشأن منع التهريب ومنع أي نشاط آخريمس الأمن القومي الليبي . عليه :

تعلن كتيبة سبيل السلام / الكفرة الى كافة سائقي السيارات والشاحنات بأنه ابتداءً من يوم الاربعاء الموافق: 2017/7/5 سيتم إيقاف الحركة في الحدود ( الليبية السودانية التشادية الى الحدود المصرية ) واي سيارة يتم ضبطها تعتبر في حالة تهريب وان كانت خالية من أي شحنة إلا اذا كانت تحمل تصريح محدد الوجهة صادر من كتيبة سبيل السلام وتنبه الكتيبة بأنه سوف تكون هناك إجراءات صارمة وهي المصادرة بحق أي سيارة او شاحنة تغادر نحو السودان أو تشاد أو تأتي منهما ما لم تكن قد تحصلت على تصريح من الكتيبة .

وأنه لن تقبل أي شفاعتة أو وساطة مهما كانت الظروف والاسباب .

عبدالرحمن هاشم الكيلاني  
أمر كتيبة سبيل السلام / الكفرة

صدر في الكفرة بتاريخ: 2017/6/13

Source: Confidential



38. The following is an official translation of the above document.

*Translated from Arabic*

Libyan Arab Armed Forces General Command  
Office of the General Staff  
Kufrah Military Zone  
Subul al-Salam Battalion

Subject: Notice  
File No.: *ka sin lam 107 bala*  
19 Ramadan A.H. 1438  
13 June 2017

### **Notice**

In reference to Decision No. 8/147 issued on 29 January 2017 by Marshal Khalifah Belqasim Haftar, Commander-in-Chief of the Libyan Arab Armed Forces, regarding the prevention of smuggling or any other activity damaging to Libyan national security:

The Subul al-Salam Battalion in Kufrah hereby serves notice to all drivers of cars and trucks that as of Wednesday, 5 July 2017, all traffic between the Libyan-Sudanese-Chadian border and Egypt will be stopped. Any vehicle stopped will be treated as a smuggling vehicle, even if it contains no cargo, unless it has a special authorization issued by the Subul al-Salam Battalion. The Battalion hereby warns that there will be strict measures taken, including the seizure of any car or truck leaving towards or entering from the Sudan or Chad without having first obtained authorization from the Battalion.

There will be no means of mediation or appeal, under any circumstance or for whatever reason.

Abdulahman Hashim al-Kilani  
Commander of the Subul al-Salam Battalion in Kufrah

[Seal of the Subul al-Salam Battalion, Kufrah Military Zone]

Issued in Kufrah on 13 June 2017

**Source: Confidential (translated by the United Nations)**

## LNA entrusts Subul al-Salam Brigade with special mandate to combat the smuggling of migrants

الموضوع: تكليف  
الرقم الاشاري: 167/ع  
التاريخ: 2017.11.13



**الجيش الليبي**  
**رئاسة الأركان العامة**  
**منطقة الكفرة العسكرية**

519

**إلى / كتيبة سبل السلام**

**بإشارة إلى قرار القائد العام للقوات المسلحة العربية الليبية**  
**المرقم م ق ع 147/8 والمؤرخ في 2017 /1 /29 م والخاص بتكليفكم**  
**بحماية ومنع التهريب . عليه أكلفكم بالاتي :-**

- 1- حماية السد حول مدينة الكفرة
- 2- منع التهريب بجميع أنواعه وخاصة الهجرة الغير شرعية
- 3- منع تهريب الآليات والألات بجميع أنواعها
- 4- منع تهريب السلع التموينية والمواد المنزلية والكهربائية والالكترونية
- 5- منع تهريب جميع أنواع الوقود ومشتقاته
- 6- منع سرقة ثروات الشعب الليبي مثل الذهب وغيرها
- 7- منع أي مواد أخرى يتم تهريبها

و على أن يتم تطبيق قرار القائد العام للقوات المسلحة رقم ( 69 ) لسنة / 2015م  
بخصوص المضبوطات التي يتم ضبطها .

**أجراؤكم بالخصوص**

المرفقات  
صوره من القرار



المبروك محمد علي الغزوي  
**أمر منطقة الكفرة العسكرية**

صورة منه الي :  
القيادة العامة للقوات المسلحة العربية الليبية - للعلم  
فرع الاستخبارات العسكرية الكفرة - للعلم  
ملف المعاملة - للحفاظ

م / عميد / م / الغزوي - ط / ر ع و / م / أسحيم

Source: Confidential

39. The following is an official translation of the above document.

---

Libyan Army  
General Command  
Kufrah Military Zone

Subject: Authorization  
File No.: [illegible]/167  
Date: 13 [illegible] 2017

“We will never give up – Victory or death”

[Handwritten] 519

To: The Subul al-Salam Battalion

In reference to the decision of the Commander-in-Chief of the Libyan Arab Armed Forces, No. *mim qa ayn*/8/147 dated 29 January 2017, charging you with preventing smuggling, I hereby charge you with the following:

1. Protecting the perimeter of the city of Kufrah;
2. Preventing smuggling of any kind, and particularly illegal migration;
3. Preventing the smuggling of vehicles or machines of any kind;
4. Preventing the smuggling of food commodities, household items and electronics;
5. Preventing the smuggling of fuel or fuel products of any kind;
6. Preventing the theft of the Libyan people’s resources, such as gold, etc.;
7. Interdicting any other goods that are being smuggled.

The provisions of the Decision of the Commander-in-Chief of the Armed Forces No. 69 (2015) shall be applicable to any items seized.

Please take appropriate measures.

Annexes:

Copy of the decision

(Signed) Mabruk Muhammad Ali al-Ghazawi  
Commander of the Kufrah Military Zone

cc:  
Libyan Arab Armed Forces General Command (for information)  
Military Intelligence Branch - Kufrah (for information)  
Archive

*Mim / Amid / mim / al-Ghazawi – ta / ra ayn waw / mim / Ashim*

---

**Source: Confidential (translated by the United Nations)**

## Annex 20 Premises used to detain and abuse migrants

40. Musa's farm in Bani Walid (26 March 2018). Blue roofs are warehouses used for the housing of migrants with capacity estimated to 1,500. Central courtyard is reportedly used for torture. Lower left corner is the network's accommodation. The parked trucks are used for the transportation of migrants to coastal areas.



Source: Google Earth (imagery from 26 March 2018)



## **Annex 21    Escape of migrants from the premises on 23 May 2018**

**An Eritrean migrant bearing bullet wounds in leg.**



**Source: Confidential. Picture from 23 May 2018**

**A migrant with broken legs and traces of burning due to torture.**



**Source: Confidential. Picture from 23 May 2018**

**A migrant bearing burns and bruises due to torture.**



**Source: Confidential. Picture from 23 May 2018**



## Annex 22 El Muktar Annex

41. Examples of the items seized are shown below.

### Self contained rocket launch systems

Picture 1 RPG 26



Source: Panel of Experts, September 2017

Picture 2 RPG 27



Source: Panel of Experts, September 2017

Picture 3 RPG 27



Source: Panel of Experts, September 2017

42. All three of these items are reported to be products of Joint Stock Company Scientific Production Association Bazalt (JSC SPA Bazalt) however the Russian Federation reports being unable to find further information on the basis of the markings shown. The markings match those on weapons from a separate seizure made under the Yemen sanctions regime. The Panel is investigating the potential for these items to be copies of Russian products made in a third country.

**Picture 4 RPO-A Shmel**



**Source: Panel of Experts, September 2017**

43. Panel research indicated that the RPO-A Shmel was manufactured by KBP Instrument Design Bureau in Russia. In response to Panel enquiries the Russian Federation has indicated that this device was one of a shipment of 1,000 items which was exported to Libya in 2007.

44. It is worth noting that the RPO-A Shmel is described as a rocket flamethrower and is a thermobaric weapon rather than an anti-tank munition.

**Picture 5 WPF 89-2**



**Source: Panel of Experts, September 2017**

45. The WPF 89-2 is another thermobaric weapons system. In response to the Panel’s enquiries the People’s Republic of China, where the system is manufactured, stated that “no individual Fuel-Air Explosive rocket launcher had ever been exported to Libya” but did not indicate where the system shown above had been exported.

46. This weapon appears to have been part of the same batch as another WPF launcher identified in a Small Arms Survey Report on the Online weapons trade in Libya.<sup>4</sup>

47. The following anti-tank missiles were also identified without their associated launchers.

**Picture 6 9M111M**



**Source: Panel of Experts, September 2017**

**Picture 7 9M111M**



**Source: Panel of Experts, September 2017**

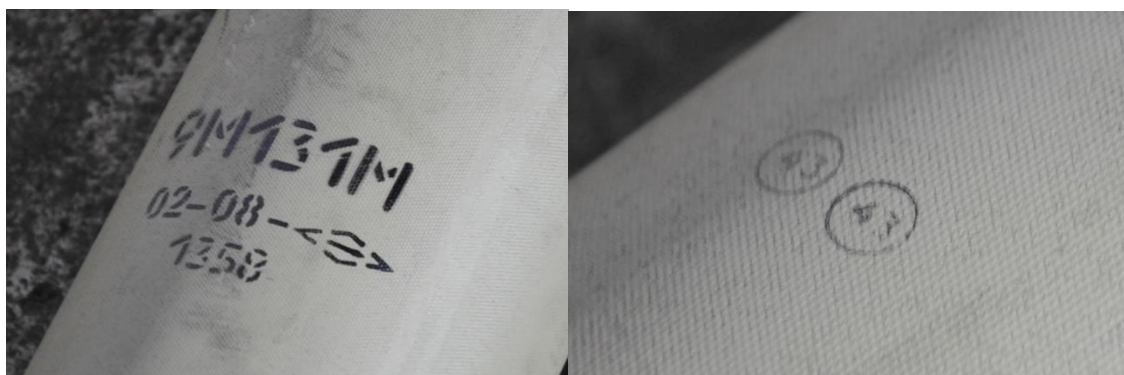
<sup>4</sup> N.R. Jenzen-Jones and Graeme Rice, “The Online Trade of Light Weapons in Libya”, Small Arms Survey, Security assessment in North Africa, Dispatch No. 6, April 2016, Available from [www.smallarmssurvey.org/de/sana/publications/listed-in-chronological-order/dispatches/sana-dispatch-6.html](http://www.smallarmssurvey.org/de/sana/publications/listed-in-chronological-order/dispatches/sana-dispatch-6.html).

**Photograph 1: 9M113**



**Source: Panel of Experts, September 2017**

**Photograph 2: 9M131M**



**Source: Panel of Experts, September 2017**

48. The 9M111M, 9M113 and 9M131 are all reported to be products of the KBP Instrument Design Bureau in Russia. Panel enquiries with the Russian Federation indicated that the 9M131M number 1358 was exported to Libya in 2008 as part of a shipment of 500 such items.

49. The 9M111M also appears to be from the same batch as one shown in a report on the online weapons trade in Libya<sup>5</sup>.

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<sup>5</sup> Ibid.



## Launched anti-tank rounds

Photograph 3: OG-9 recoilless rifle



Source: Panel of Experts, September 2017

Photograph 4: OG-7VMZ 40mm fragmentation round



Source: Panel of Experts, September 2017

Photograph 5: PG-9 recoilless rifle round



Source: Panel of Experts, September 2017

**Photograph 6: PG-7 round**



**Source: Panel of Experts, September 2017**

50. Panel research suggested that all of these items were manufactured by Vasovski Mashinostroitelni Zavodi EAD in Bulgaria. Bulgaria has responded to Panel enquiries indicating that the OG-7VMZ was not produced by VMZ JSCo and no items were produced by that company with the lot number shown.

51. The other munitions were all manufactured in Bulgaria between 1980 and 1985 however no records for the exports have been kept as Bulgarian law only requires companies to maintain records for 10 years. This does however suggest that the original export took place before 2011 although it cannot be confirmed that the items entered Libya before that time.

## **7.62 MAG general purpose machine gun**

**Photograph 7: 7.62 MAG general purpose machine gun**

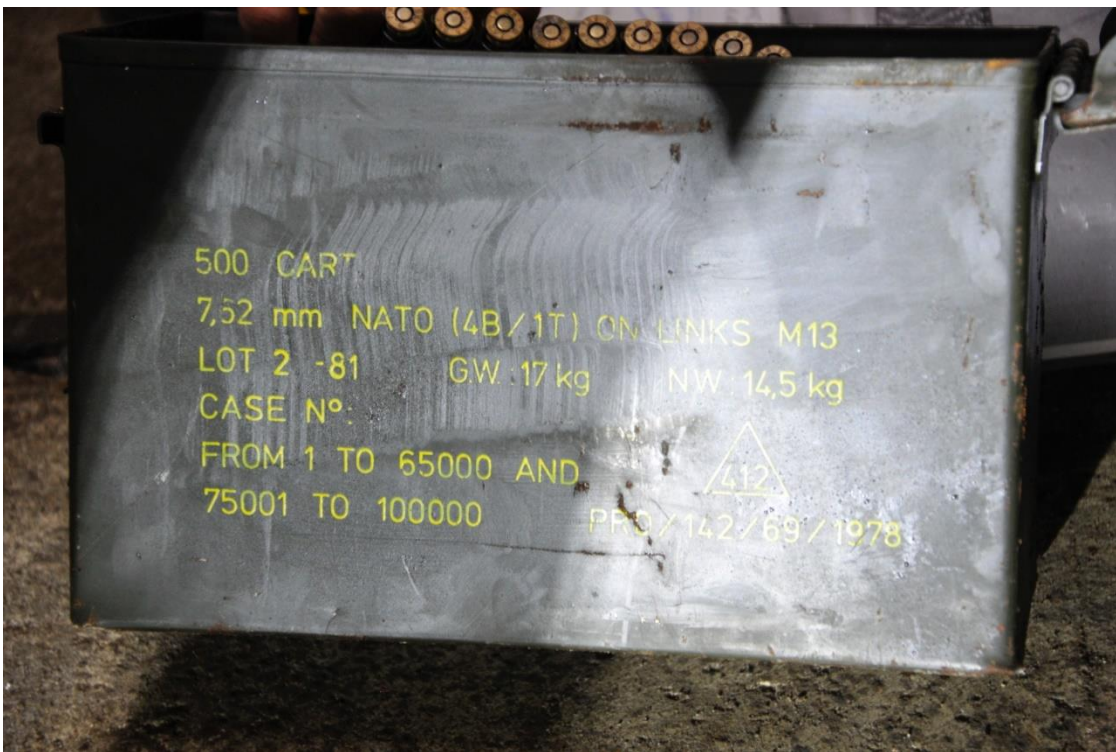






Source: Panel of Experts, September 2017

Photograph 8: 7.62 ammunition



Source: Panel of Experts, September 2017

52. The markings on both the machinegun and ammunition indicate that they were manufactured by Fabrique National d'Herstal (FN Herstal) manufactured by in Belgium. The Belgian authorities have indicated that the ammunition was manufactured in 1981; however, they no longer have the ammunition archives. The machine gun was part of a shipment exported to Libya on 13 January 1976.

53. In addition to these items the seizure also included a complete 60mm mortar system (including range card), a 12.7mm Heavy Machine Gun, 3 assault rifles, magazines, mortar fuses, propelling charges and various calibres of ammunition.

54. The replies to Panel enquiries received so far indicate that at least part of this shipment originated from former regime stockpiles however the apparent lack of exports of WPF-2 launchers may indicate that some elements of the shipment entered Libya after 2011.

## Annex 23 MV Andromeda relevant shipping documents

55. The Bill of Lading was signed by the freight handler Reba Shipping Ltd. in Mersin. It had received the authorization to sign cargo documents by the master of the MV Andromeda:


Master of m/v ANDROMEDA

Port of Mersin  
23.11.2017

To: Messes 'Reba Shipping' Ltd.,

Dear Sirs,

I, the undersigned, Master of TANZANIA flagged m/v "Andromeda", hereby authorize 'Reba Shipping' Ltd., to sign, for and on my behalf all the relevant Bills of Lading covering the cargo loaded on the present voyage, in accordance with the corresponding Mate's Receipts, duly signed by the cargo officer of the vessel under my command, and subject to all the terms, conditions, and exceptions of the ruling Charter party, governing the present shipment, which shall be incorporated thereto.

 Yours faithfully,  
Master of m/v Andromeda  
Port of Mersin

Source: Confidential

2. Armada in Istanbul (agent) was the freight agent for Orica Nitro (seller). It brokered the freight contract for Orica Nitro with Andromeda Shipmanagement A.S. (carrier) and Navi Trade Shipping Agency, alias Contchart Commodities Ltd, Lebanon (charterer):

**Copy of one of the original Bills of Lading mentioning that the freight was prepaid:**

Page 2

**BILL OF LADING**

Shipped  
 ORICA-NITRO PATLAYICI MADDELER SAN. VE TIC. A.S.  
 HULYA SOKAK NO: 45, 06700 G.O.P./ ANKARA, TURKEY  
 TEL/FAX: 0090 312 4461600 / 0090 312 4461555  
 MAIL: dogan.gunhan@orica-nitro.com.tr

B/L No. MER/DJ106

Reference No.

Consignee  
 COMMERCIAL BANK OF ETHIOPIA  
 TC CPC P.O.Box 255 Addis Ababa, Ethiopia

Notify address  
 MIDROC GOLD MINE PVT. LTD.  
 PO Box: 2318 ADDIS ABABA, ETHIOPIA  
 TIN NO: 0000030220

ORIGINAL

Vessel  
**MV ANDROMEDA**

Port of Loading  
**MERSIN INTERNATIONAL PORT, TURKEY**

Port of Discharge  
**DJIBOUTI SEA PORT**

Shipper's description of goods

Gross weight / volume

NO	Container ID	Seal No	Description	TYPE	IMO NO	UN NO	HS CODE	QUANTITY	CASE QTY	CASE DIM. (CM)	NET WEIGHT PER CASE (KG)	TOTAL NET WEIGHT(KG)	TOTAL GROSS WEIGHT(KG)	TARE WEIGHT (KG)
1	TGHU 3100925	G1110985	POWERGEL MAGNUM SIZE 90X520 mm	20'DC	1.1. D	0241	3602.00.00	13.000,0	650	31X52X20	20,00	13.000,00	13.650,00	2.250,00
2	YMLU 3212060	G1110857	POWERGEL MAGNUM SIZE 90X560 mm	20'DC	1.1. D	0241	3602.00.00	13.000,0	650	31X52X20	20,00	13.000,00	13.650,00	2.240,00
	TGHU 2449050	G1110692	POWERGEL MAGNUM SIZE 90X560 mm	20'DC	1.1. D	0241	3602.00.00	14.000,0	700	31X52X20	20,00	14.000,00	14.700,00	2.165,00

CARGO IN TRANSIT TO ETHIOPIA  
 FINAL DESTINATION - DJIBOUTI SEA PORT  
 SHIPPED CLEAN ON BOARD

TOTAL NUMBER OF PACKAGES 2.000  
 TOTAL NET WEIGHT (KG) 40.000,00  
 TOTAL GROSS WEIGHT (KG) 42.000,00  
 TOTAL TARE WEIGHT (KG) 6.675,00  
 GROSS WEIGHT INC. TARE (KG) 48.675,00

SAY ONLY

(of which TGHU 2449050 loaded on deck at shipper's , receivers risk; the carrier / owner not being responsible for loss or damage howsoever arising)

Freight payable as per CHARTER-PARTY dated

FREIGHT ADVANCE  
 Received on account of freight

Time used for loading ..... days .....hours.


Printed and sold by

SHIPPED at the port of Loading in apparent good order and condition on board the Vessel for carriage to the Port of Discharge or so near there to as she may safely get the goods specified above. Weight, measure, quality, quantity, condition, contents, and value unknown. IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of Bills of Lading indicated below all of this tenor and date, any one of which being accomplished the others shall be void FOR CONDITIONS OF CARRIAGE SEE OVERLEAF

Freight payable at MERSIN, 23.11.17

Number of original B/L 3 / THREE

Signature  
 REBA SHIPPING AGENCY SERVICES  
 AS AGENT FOR AND ON BEHALF OF  
 MASTER OF MV ANDROMEDA

  
 REBA  
 SHIPPING AGENCY SERVICES  
 ISTANBUL

Source: Confidential

Copy of the freight contract by Armada Ltd:



TAŞIMA SÖZLEŞMESİ

01. GEMİ : MV ANDROMEDA or TBN ARMATOR OPSİYONUNDA  
(GEMİ TANIMI VE SERTİFİKALARI EKTEKİ GİBİDİR)
02. KİRALAYAN : ARMADA DENİZCİLİK VE GEMİ KİRALAMA TİC. LTD. ŞTİ.  
Acıbadem mah. Çeçen sok. Akasya Acıbadem sitesi A blok K:25 D:140  
Üsküdar – İSTANBUL Üsküdar VD 079 034 1831
03. KİRACI (TAŞITAN) : ORICA-NİTRO PAT. MAD. SAN. VE TİC. A.Ş.  
Hülya Sok. No: 45, 06700, GOP Ankara
04. ANA ARMATOR/MANAGER/OPERATOR :  
Andromeda Ship Management - Greece  
C/O Navi Trade Shipping Agency Lebanon
05. KARGO : 16 pieces 20' imco 1.1d + imco 5.1 uw 20-22 mts + imco 1.1 b uw 20-22 mts  
Shipper's owned containers, as part cargo, under/on deck oo
06. YÜKLEME LİMANI : MERSİN LİMANI,
07. TAHLİYE LİMANI : 1 GÜVENLİ DJIBOUTI LİMAN/RIHTIM
08. KANCELLO TARİHİ : 20.Kasım.2017 - 22.Kasım.2017
09. YÜKLEME ORANI : LINER IN H/H BSS
10. TAHLİYE ORANI : LINER OUT H/H BSS
11. NAVLUN : USD 152.800 Lump sum basis FLT H/H  
Tüm Lashing/Securing/Dunnage Tasıyıcı hesabına ve zaman sayımındadır.  
Yük Guverte üzerinde taşınacak olup, Konşimentoya bu konuda not düşülecektir.  
Unlashing/removal of dunnage Tasıyıcı hesabındadır.
12. DETENTION : USD 5.500 BEHER GÜN VE KESRİ.TAHLİYE LİMANINDA OLUŞURSA TAHLİYENİN BİTİMİNE  
MÜTEAKİP 10 GÜN İÇERİSİNDE ODENECEKTİR.  
DETENTION ŞARTLARI; YÜKÜN TAHLİYE LİMANINDAKİ ALICI TARAFINDAN ZAMANINDA GÜMRÜK İŞLEMLERİ  
TAMAMLANMAYARAK YÜK VE GEMİNİN BEKLETİLMESİ DURUMUNDA OLUŞUR. YÜKLEYİCİDEN VE ALICIDAN  
KAYNAKLANMAYAN GECİKMELERDEN ÖTÜRÜ DETENTION OLUŞMAZ.
13. NAVLUN ÖDEMESİ : KONTEYNER YÜKLEMESİNİN BAŞARILI BİR ŞEKİLDE TAMAMLANMASINA MÜTEAKİP 3  
BANKA GÜNÜ İÇERİSİNDE TAŞIYANIN BANKASINA YAPILACAKTIR. KONŞİMENTO "FREIGHT PAYABLE AS PER CHARTER



ORICA-NİTRO PATLAYICI MAD. SAN. VE TİC. A.Ş.  
Hülya Sokak No: 45, 06700 Çayırlıyaylağı / ANKARA  
Tel: (0 312) 446 16 00 Pbx • Fax: (0 312) 446 15 55  
Ticaret Sic. No: 98398 • Cumhuriyet Y.D. 631 006 2898

ARMADA DENİZCİLİK ve  
GEMİ KİRALAMA TİC. LTD. ŞTİ.  
Acıbadem Mah. Çeçen Sok. Akasya Acıbadem Sitesi  
Kent Etabı A Blok K: 25 D: 140 / Üsküdar 34660  
İSTANBUL TÜRKİYE  
Üsküdar V.D.: 079 034 1831 T.C. Sic. No: 609758

Acıbadem Mah. Çeçen Sok. Akasya Acıbadem Sitesi Kent Etabı A Blok K:25 D:140 Üsküdar / İstanbul - 34660  
Tel: +90 216 449 08 65 Fax: +90 216 504 30 78  
www.armadaship.net / info@armadaship.net

Source: Confidential

## Copy of the certificate of origin for the export license:

1. İhracatçı Consignor Expéditeur	No M 0486865	ORJİNAL ORIGINAL ORIGINAL
ORICA-NİTRO PATLAYICI MAD.SAN.VE TİC.A.Ş. Hülya sok. No:45 GOP/ANKARA	MENŞE ŞAHADETNAMESİ CERTIFICATE OF ORIGIN CERTIFICAT D'ORIGINE	
2. Alıcı Consignee Destinataire		
MIDROC GOLD MINE PVT.LTD. PO Box. 2318 ADDIS ABABA. ETHIOPIA TIN NO: 0000030220	3. Menşe Ülkesi Country of Origin Pays d'origine	TURKEY / INDIA
4. Taşımaya İlişkin Bilgiler (Tercihe Bağlı) Transport Details (Optional) Informations relatives au transport (mention facultative)	5. Gözlemler Remarks Remarques	
By Vessel		
6. Sıra No; kolların marka ve işaretleri, sayı ve türleri; eşyanın tanımı Item number; marks, numbers, number and kind of packages; description of goods Numéro d'ordre - Marques, numéros, nombre et nature des colis - Désignation des marchandises	7. Miktar Quantity Quantité	
ANFO Powergel Magnum 365 (Size: 38x560mm) Electric Detonator, 2.5m Al Wire EXEL LP 5 M, No: 1,2,3,6,7,8,9,10,14  Packing : 3.471.Pcs Gross Weight : 90.182,30.Kg Net Weight : 85.111,30.Kg	84.800,00 Kg 5.250,00 Kg 5,90 Kg 126,40 Kg <hr/> 90.182,30 Kg	
8. Yukarıda Tanımlanan Eşyaların 3 Nolu Kutuda Belirtilen Ülke Menşeli Olduğu Tasdik Olunur. The Undersigned Authority Certifies That The Goods Described Above Originate In The Country Shown In Box 3 L'autorité soussignée certifie que les marchandises désignées ci-dessus sont originaires du pays figurant dans la case No 3		
<p>Ankara Sanayi Odası 24.11.2017</p> <p>Official 24 NOV 2017</p> <p>This certificate is a memorial of the Chamber of Commerce and Industry of Ankara and is not valid unless countersigned by the competent authority in the country of origin. The Chamber is not responsible for the accuracy of the information provided by the consignee.</p> <p>Düzenleme Yeri ve Tarihi, İsim, İmza ve Yetkili Mercinin Mührü Place and date of issue, name, signature and stamp of competent authority Lieu et date de délivrance, désignation, signature et cachet de l'autorité compétente</p>		

KILÇASLAN 384 34 84 • 15-02133

Source: Confidential





## Copy of the end user certificate:

**MIDROC GOLD Mine**  
Private Limited Company



**ጣድሮክ ወርቅ ማዕድን**  
ኃላፊነቱ የተወሰነ የግል ማህበር

Date Nov 27,2017

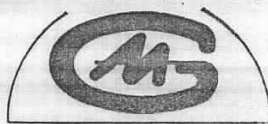
**END USER CERTIFICATE**

## TO WHOM IT MAY CONCERN

This is to certify that items listed below are to be supplied by ORICA-NITRO PATLAYICI MADDELER SAN.VE TIC.A.S. at Hulya Sokas No: 45 06700 GOP, Ankara,TURKEY Tel:0090312 4461600; Fax 0090312 4461555 via M/V ANDROMEDA(IMO NO:7614666 vessel are for the use of our Mining Operations at Legadembi Gold Mine undertaken by MIDROC Gold Mine PLC With the control and permission of Ethiopian Federal Democratic Republic of Ethiopia National Intelligence and security Services.

Item No	Item description	Unit	Quantity
1	Powergel magnum 365(size:38X560mm)	KG	16,000
2	Powergel magnum 365(size:50X450mm)	PC	4,400
3	Powergell magnum (size:90X560mm)	KG	72,000
4	ANFO	KG	80,000
5	Detonating cord (6 gm/m)	MT	16,000
6	Electric detonator,2.5m Al Wire	EA	500
7	EXEL HTD 5 M,25ms (Nonelectric Detonator)	PC	1,000
8	EXEL LP 5 M,100 ms No:1 (Nonelectric Detonator)	EA	8.300
9	AMMONIUM NITRATE (AS AQUOES SOLITON-MATRIX)	KG	40,000

We hereby certify that the above items and transferred technology acquired from the seller will not be sold, re-exported or transferred to any third party without the written permission of competent Turkish Authorities and Ethiopian Federal Democratic Republic of Ethiopia National Intelligence and Security Services.



**ጣድሮክ ወርቅ ማዕድን**  
**MIDROC GOLD Mine P.L.C.**  
Human Resources

Post Office Box 2318, TIN No. 0000030220 Addis Ababa, Ethiopia

	Tel.,PBX	Tel., Direct	Fax	E-mail
G.M & Managing Directors	A.A. (251-11) 3728218/19	(251-11) 3728234	(251-11) 3728227	contact@gold.midroc-ceo.com
Public Relation Services	A.A. (251-11) 3728218/19	(251-11) 3728220	(251-11) 3728227	mekonnen@gold.midroc-ceo.com
Procurement Services	A.A. (251-11) 3728218/19	(251-11) 3728238	(251-11) 3728239	ibrahim.o@gold.midroc-ceo.com
Financial Services	A.A. (251-11) 3728218/19	(251-11) 3728232	(251-11) 3728237	henok.s@gold.midroc-ceo.com
Human Resource Services	A.A. (251-11) 3728218/19	(251-11) 3728230	(251-11) 3728226	debebe.a@gold.midroc-ceo.com
Store Service		(251-11) 4402788	(251-11) 4404111	mekonnen.t@gold.midroc-ceo.com
Legadembi H.R	Leg. 251-463340312	Leg. 251-468349001	Leg. 251-463341172	birhanu.w@gold.midroc-ceo.com

Source: Confidential

**Copy of the contract between Orica Nitro and the Ethiopian buyer:**

**SALES CONTRACT**

DATE: 08.10.2015, No:P-15.10/323

THIS AGREEMENT MADE AND ENTERED INTO ON 30 October 2015 BY AND BETWEEN:

**ORICA-NITRO PATLAYICI MADDELER SAN. Ve TIC. A.S.**  
ADDRESS: Hülya Sok. No: 45 06700 G.O.P. ANKARA-TURKEY  
Phone/Fax: 00903124461600/4461555  
Email: dogan.gunhan@orica-nitro.com.tr  
Represented By: Hidayet OSMANOĞLU, Sales And Marketing Coordinator  
(Hereinafter called "The Seller")

and

**MIDROC GOLD MINE PVT. LTD.**  
located at PO Box: 2318 ADDIS ABABA, ETHIOPIA  
Phone/Fax: 00251 113728239 / 251 113728241  
Email: foreign.p@gold.midroc-ceo.com  
Represented By: Dr. Arega YIRDAW, General Manager And CEO  
(Hereinafter called "The Buyer")

Whereas,

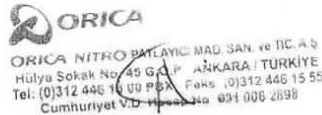
The Buyer and The Seller confirm that each is fully empowered, legally qualified, and duly authorized to execute and deliver this document, and to be bound by its terms and conditions.

Whereas,

The Buyer and The Seller have by mutual request to each other reached agreement for the purchase and sale of specified Products in consideration of the representations, warranties, covenants and agreements made by and between the parties. It is hereby agreed that the Buyer and Seller shall proceed to execute the following terms and conditions.

**1. DEFINITIONS**

- "Parties" : Collectively Buyer and Seller
- "Explosives" : Commercial Explosives and Blasting Accessories manufactured and/or supplied by the Seller
- "Emulsion" : Subtek Velero Brand Emulsion Manufactured and/or supplied by the Seller
- "Charging Unit" : Underground Charging Unit - UGS328 Maxipump
- "Products" : Collectively Explosives, Emulsion and Charging Unit
- "PO" : Purchase Order issued by the Buyer
- "IBC" : Intermediate Bulk Carrier with Pallet and Metal Protection Frame



“Site” : Underground Mine owned and operated by the Buyer in Ethiopia  
 “Facility” : Production Plants of the Seller located in Ankara, Turkey

## 2. SCOPE

The scope of this Contract is to define all aspects of supplying Explosives, Emulsion and Charging Unit to the Buyer including sales terms, delivery, payment, guarantee and commissioning terms.

## 3. PRODUCTS

The Term Products refers to Explosives, Emulsion and Charging Unit collectively with details provided at *Appendix A*.

## 4. QUANTITY

4.1. The Buyer guarantees to buy 1,500 (OneThousandFiveHundred) tons of Emulsion in 3 years. Each year 500 (FiveHundred) tons of Emulsion will be delivered unless a *FORCE Majeure condition does not occur as per Clause 12*.

4.2. The quantity of Explosives and Accessories, provided at *Appendix A*, is indicative potential requirement by the buyer. Actual purchase quantity will be decided by the buyer based on the needs of the operation and ordered from the Seller.

4.3. The quantity of Charging Unit is 1 (one).

## 5. DELIVERY

5.1. Delivery Terms of the Products is *CFR Djibouti Port*.

5.2. The Buyer is responsible for the collection of Products from the customs with all legal import permits and permissions from the relevant authorities.

5.3. All duties, import tax, discharging port fees, inland transportation cost and related safety measurements in Ethiopia shall be followed by the Buyer.

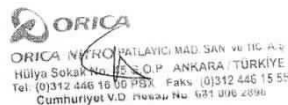
## 6. SHIPMENT

6.1. Emulsion will be shipped with Partial Orders. The Buyer shall send PO for each partial shipment.

The quantity of each partial shipment will be agreed by both parties.

The Emulsion will be shipped by 20'DC and/or 40'DC standard containers as stuffed in IBC - (Intermediate Bulk Carrier) as 800 Kg. to 1.000 Kg. per IBC depending on the density of the Emulsion.

Each 20'DC shall be stuffed with 16 to 20 pieces of IBC.



Source: Confidential

## Annex 24 MV Andromeda timeline and route

### 1. Vessel information:

Ship Name <b>ANDROMEDA</b>	Shiptype <b>General Cargo Ship</b>
IMO/LR No. <b>7614666</b>	Gross <b>1,590</b>
Call Sign <b>5IM702</b>	Deadweight <b>2,155</b>
MMSI No. Year of Build <b>1979</b>	Flag <b>Tanzania (Zanzibar)</b>
Status <b>In Service/Commission</b>	Operator <b>Andromeda Shipmanagement SA</b>

2. The analysis of the course taken by the MV *Andromeda* provides no substantial evidence that the vessel was heading to Libya. To appreciate the case, it is helpful to superimpose two sets of communication on the route taken by the vessel: First, the commercial dispute between the freight agents and the vessel manager; Second, the exchange between Andromeda managers and business associates with port agents. Copies of the emails are stored in the Panel's archives.

### 3. Different phases can be distinguished:

1. Loading of the cargo and sailing to Port Said anchorage to cross the Suez Canal.
2. Sailing to Larnaca and Limassol, Cyprus, and drifting.
3. Return to Port Said anchorage.
4. Sailing away from Port Said towards Crete due to bad weather condition.
5. Sailing in direction to bay of Kalamata.
6. Sailing towards Heraklion, Crete, to avoid bad weather and seizure.

Table: The timeline compiles two types of data: First it retraces the main itinerary taken by the MV *Andromeda*; Second, it places against it the communication between the parties involved in the shipment's logistics.

Date	Event data	Sender/ Source	Summary
17 Nov 2017	Position	Log book	Arrival Iskanderun
18 Nov 2017	Position	Log book	Loading of gas tanks; Departure
19 Nov 2017	Position	Log book	Mersin port; Loading and paperwork starts
23 Nov 2017	Position	Log book	Departure; sailing to Port Said
25 Nov 2017	Position	Log Book	Anchorage Port Said
26 Nov 2017	Email	Andromeda management	Andromeda Shipmanagement copies all parties concerned claiming that the Bill of Lading is

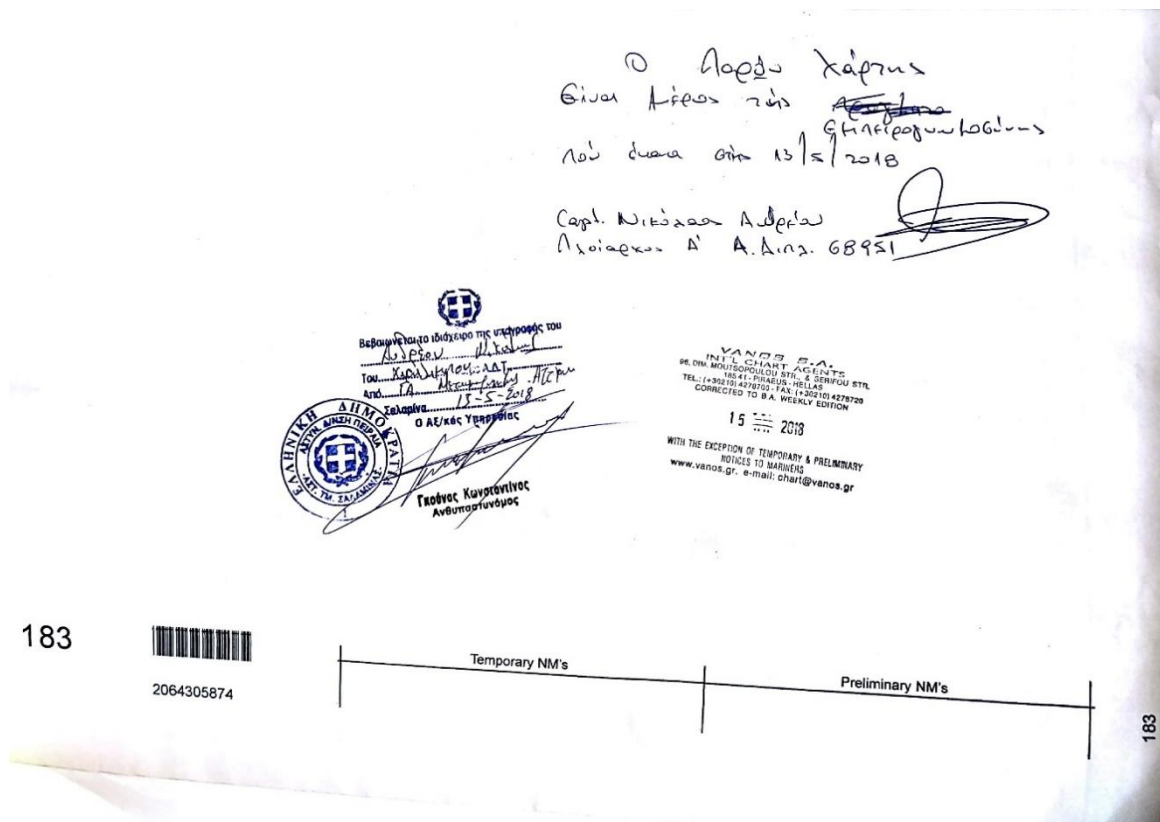
			fraudulent. Complains that Suez Canal fees not paid.
30 Nov 2017	Email	Andromeda management	Vessel manager claims that the ship's master was not in a position to authorize the freight handler, Reba, at Mersin port. Asks for new Bill of Lading.
	Email	Charterer's lawyer	Suez Canal fees will be paid after Andromeda shows proof of insurance (P&I) for Red Sea.
2 Dec 2017	Position	Log book	MV sailing to Larnaca, Cyprus
5 Dec	Position	Log Book	MV drifting offshore Limassol, Cyprus
	Email	Andromeda management	Exchange with Cyprus port authority
6 Dec 2017	Email	Charterer	Confirming payment of freight to account of Destel
8 Dec 2017	Email	Lawyer Hamburg	Stressing that they need a proof that Orica Nitro made a loss (material). This would be the only way to get an arrest warrant in Cyprus.
	Position	Log book	Andromeda leaves Limassol anchorage sails to Port Said
	Email	Andromeda management	Confirming receipt of USD 58,581.95; Claiming freight and costs still shortpaid.
9 Dec 2017	Email	Suez Canal	Awaiting payment of canal fees
14 Dec 2017	Email	Andromeda management	Requests warehousing for 10 day transit of all cargo at Misrata port
	Position	Log book	Anchorage Port Said
15 Dec 2017	Position	Log book	Andromeda sails out of Port Said anchorage, heading west along Egyptian coast
16 Dec 2017	Email	Andromeda management	Request for warehousing granted by Misrata. Andromeda management asks for quote for 3 weeks of warehousing
19 Dec 2017	Position	Log book	Vessel sails toward Island of Crete
20 Dec 2017	Position	Log book	Vessel adrift in Greek territorial waters in front of Kriti Kalsi, Crete
	Email	Destel Group	Places a distress call to Astakos port, Greece, asking for warehousing of dangerous goods, until commercial dispute with charterer is resolved.
21 Dec 2017	Email	Charterer	Charterer replies to Vessel manager with all parties copied. Accuses manager of piracy, claims the manager has no intention to cross Suez Canal.
25 Dec 2017	Position	Log book	Vessel sails north-west of Crete towards the bay of Kalamata at the Peloponnese.

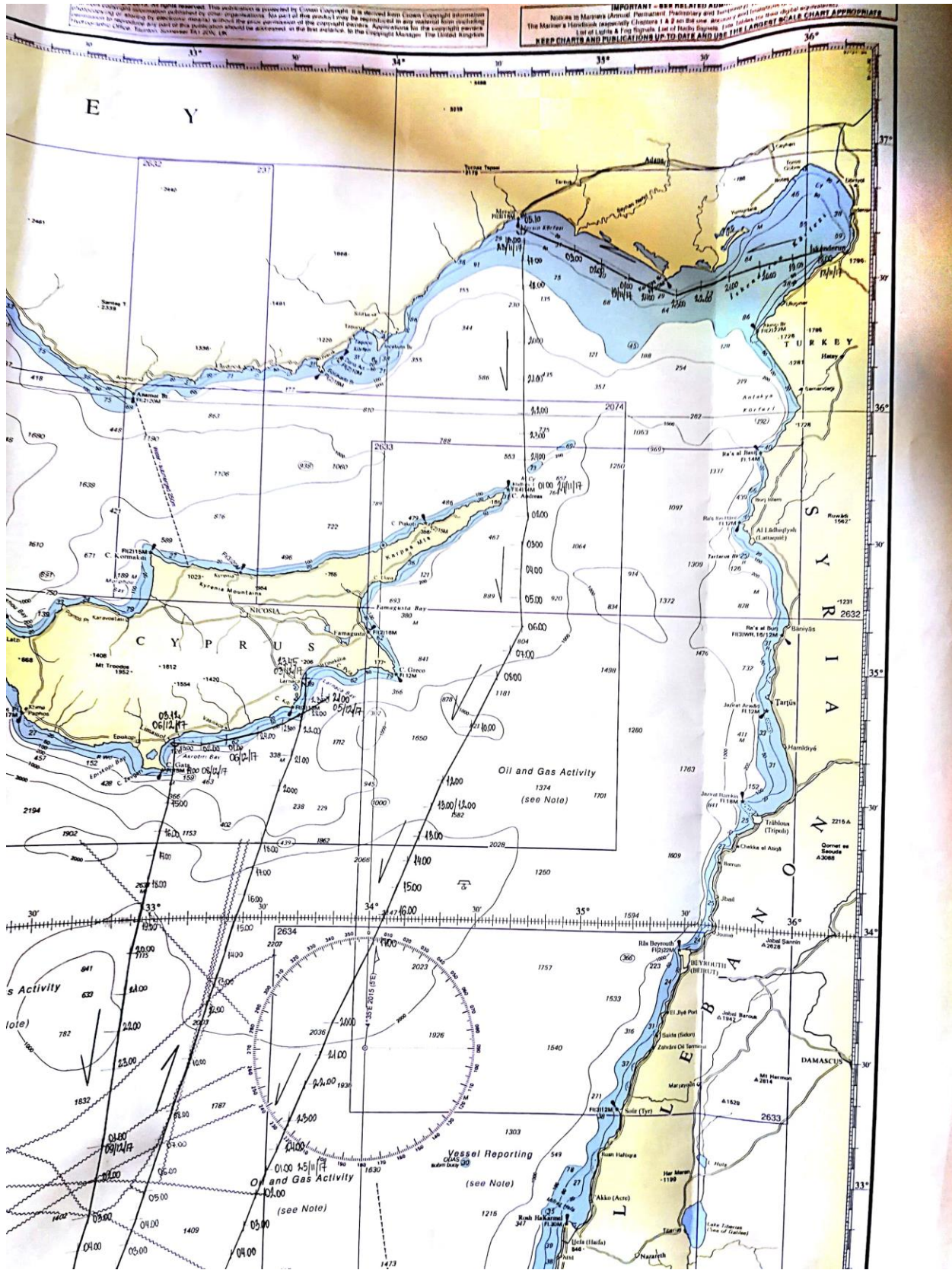


27 Dec 2017	Email	Lawyer Turkey	Report on meeting with Andromeda management and Destel in Athens. Agreed to pay. Sum to be determined; no agreement on best method of payment. Escrow account with Destel Group.
	Email	Andromeda management	Vessel manager confirms that partial agreement was reach during meeting in Athens and that he has instructed the vessel to sail to Port Said to transit the Suez Canal. He expects the lawyer's office will settle all outstanding issues and the Suez Canal fees will be paid on time for the vessel to transit.
27 Dec 2017	Position	Log book	Vessel sails along Cretan shores in direction of Heraklion
28 Dec 2017	Position	Log book	Vessel anchors in front of Sitia, Crete
29 Dec 2017	Message	Andromeda management and Agent in port of Bar	Request to warehouse cargo at dangerous goods facility of port of Bar, Montenegro
2 Jan 2018	Email	Lawyer Turkey	Mentions that Andromeda management does not agree with the USD 80,000 agreed. Asks Destel to intervene
	Email	Charterer	Claims that there is good AIS signal and that MV Andromeda shelters near Libyan coast. Stresses that he wants to find a solution and is ready to proceed with payment.
	Email	Destel Group	States that the deal made in Athens with Andromeda management was valid until 29 December 2017. The deadline had passed and the sum agreed upon was USD 100,000.
3 Jan 2018	Email	Andromeda management	Stresses that a solution should be possible, but reiterate the threat to warehouse the dangerous goods highlighting that the vessel and the crew are in a difficult situation.
3 Jan 2018	Position	Log book	Vessel sails to Gulf of Mirabello, Agios Nikolaos, Crete
6 Jan 2018	Position	Log book	Hellenic Coastguard approach MV Andromeda in Gulf of Mirabello, Crete
7 Jan 2018	Position	Log book	Hellenic Coastguard escort vessel to port of Heraklion, Crete
8 Jan 2018	Email	Destel Group	Business associate informs Andromeda manager that the Charterer through his lawyer have agreed to pay.

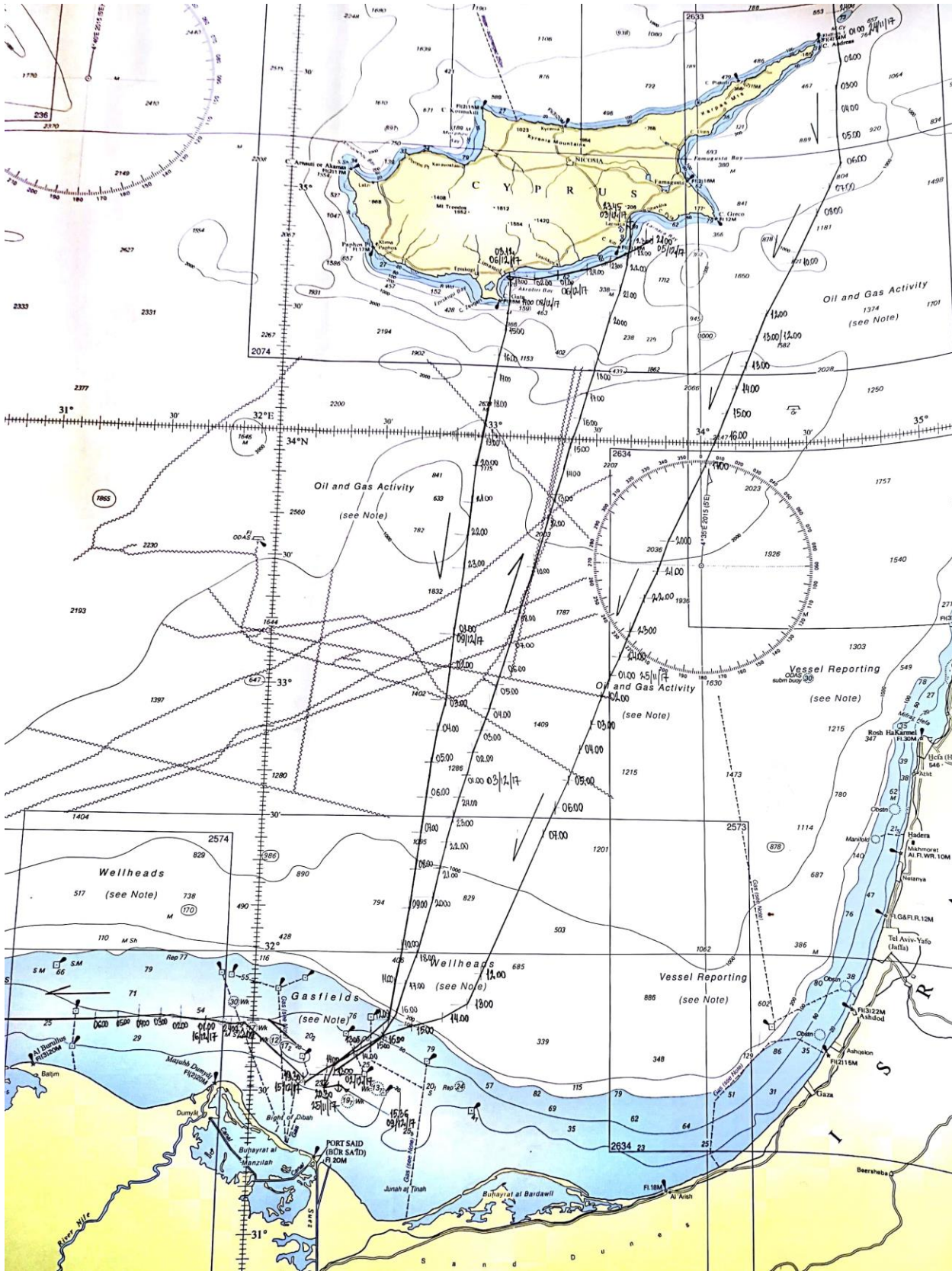
4. The AIS signal of the vessel was erratic and the unit was not functioning most of the time. The Panel reconstructed the route of MV Andromeda using a navigation map replicating the master's log book by an independent expert.

**Below the certified navigation map:**









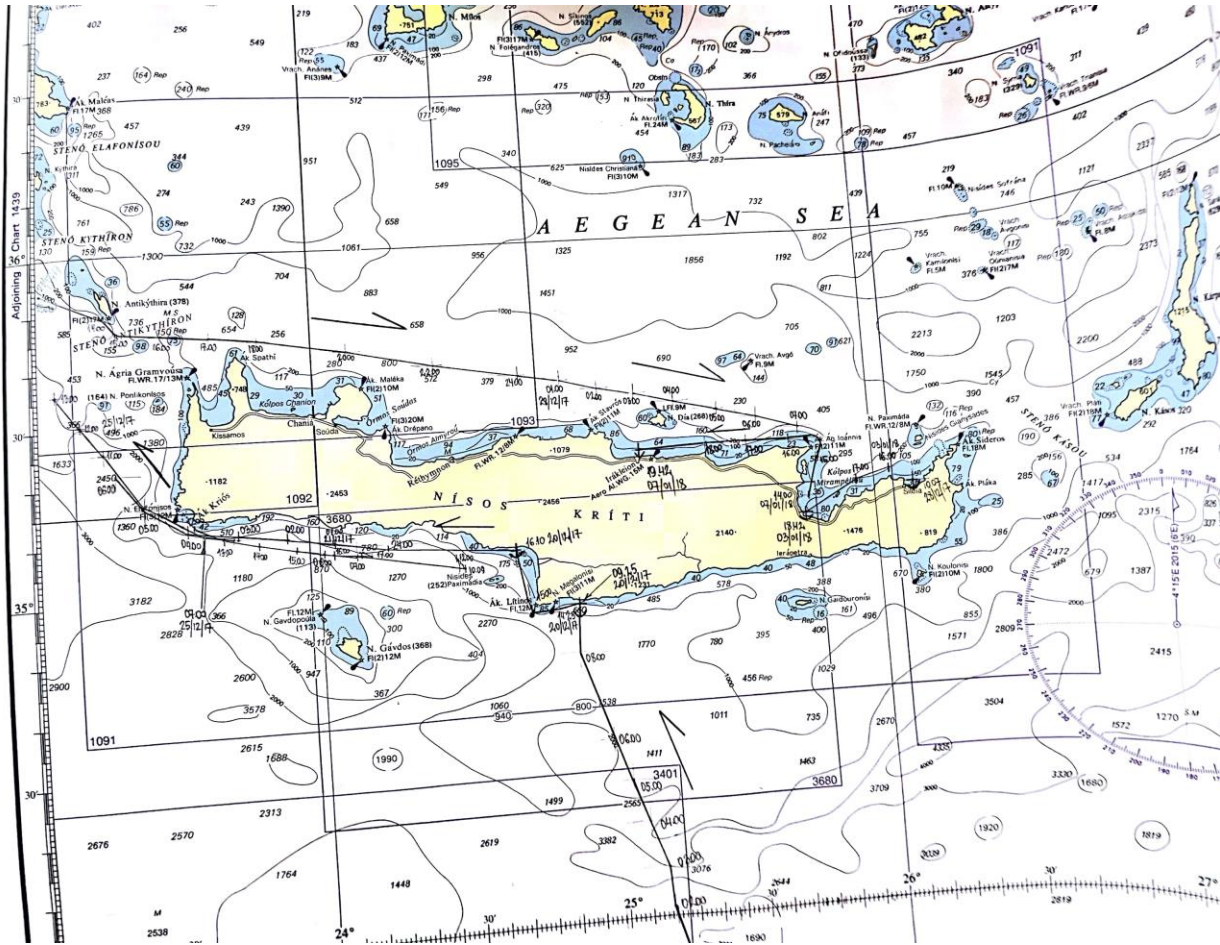


United Kingdom 31st October 1969 under the Superintendence of Rear Admiral G.S. Ritchie, C.B., D.S.C., Hydrographer of the Navy.  
This chart includes copyright material published with the permission of the hydrographic offices of many nations.  
www.ukho.gov.uk ☎ +44 (0)1823 337900









Source: Confidential

5. The manager of MV *Andromeda* previously experienced problems with the AIS signal and asked Marine Traffic to solve the issue in October 2017. Marine Traffic confirmed that the signal was producing wrong results, because in all likelihood another vessel received the same MMSI code from the Flag State, Tanzania:

George Triantafyllopoulos (MarineTraffic Support)

Oct 31, 12:00 EET

Hello again,

I hope you are doing well. Thank you for being so patient while we were working on resolving the issue you described.

As originally suspected, the issue you mentioned had to do with the fact that, as previously discussed, there is another vessel that shares the same MMSI, Call Sign and moves around

---

the same area as your vessel, causing an issue for the data we receive from both vessels to be appropriately translated into our Database.

From our side, the only viable option to avoid this mix up moving forward is to establish a different MMSI for your vessel in our system. This is the only way to make sure that the signals we receive from your vessel are correctly translated into our database, and subsequently in our Live Map. As you might have already noticed, since doing that, you have been receiving a normal amount of positions the last few days.

Once again thank you for being patient and I do apologise for any inconvenience caused so far. If there is anything else I can help you with, please let me know.

Best regards,

George Triantafyllopoulos

---

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MarineTraffic

George Triantafyllopoulos (MarineTraffic Support)

Oct 17, 15:52 EEST

Hello again,

Thank you for your immediate response. I have now escalated this ticket and passed it over to the appropriate department. As soon as I have more information, I will let you know.

In the meantime, if there is anything else I can do for you, please don't hesitate to contact me again.

All the Best,

George Triantafyllopoulos

MarineTraffic



**Coasters Ship**

Oct 17, 15:18 EEST

COASTERS MARINE CORP

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dear Sirs,

Further to your last request, please be informed that after Zwarah port, Vessel has reached Alexandria port, Abu qir port (Egypt), while now is reaching Sidon port (Lebanon)

Kindly

---

**George Triantafyllopoulos** (MarineTraffic Support)

Oct 17, 15:12 EEST

Hello again,

I hope you are doing well. I can see that indeed the vessel you are referring to has not displayed a position for the past few weeks. I truly apologize for this inconvenience. There is a possibility that the use of the same MMSI that we noticed last time, is causing some confusion. I will have to contact the data Team about this issue.

Before escalating the issue for a further investigation, I will kindly ask you to provide me with some more information about the recent locations that the vessel has travelled to, so I can give them more information.

Thank you in advance. I'm looking forward to hearing from you.

Kind Regards,

George Triantafyllopoulos  
MarineTraffic



**Coasters Ship**

Oct 17, 11:46 EEST

This is a follow-up to your previous request [#71992](#) "Mv/Andromeda Call Sign"

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

There seems to be a problem between your support services and Vessel Andromeda. Although AIS works normally, on your Site Vessel seems to be still at Zwarah, Libya, where it was about a month ago. When we try to track the Vessel through another Site, Vessel is correctly reachable. Can you pls find out and try to solve the problem with 'Marine Traffic'?

Thank you in advance

Kindly

Operation Depart

**Source: Confidential**

6. The Panel requested from the Flag State, Tanzania, the Long-range identification and tracking system (LRIT), but did not receive a reply. At the same time, the Panel noted that Marine Traffic

continued to show AIS information on its map, though the MV *Andromeda* remained at the port of Heraklion. For example, Marine Traffic showed MV *Andromeda* sailing from Haifa, Israel, to Beirut, Lebanon, between 2 to 10 July 2018:

**ANDROMEDA**  
General Cargo

IMO: 7614666  
MMSI: 677090201  
Call Sign: 90IG  
Flag: Tanzania (TZ)  
AIS Vessel Type: Cargo

Gross Tonnage: 1590  
Deadweight: 2155 t  
Length Overall x Breadth Extreme: 81m x 12m  
Year Built: 1979  
Status: Active

**Voyage Info**      Companies at Destination

For full access [Try Voyage Data](#)

IL HFA      LB BEY  
 ATD : 2018-07-02 05:41 LT (UTC +3)      ATA : 2018-07-10 07:45 LT (UTC -3)

[Past Track](#)      [Route Forecast](#)

Distance Travelled: ●●●●●  
 Draught: 4.3m  
 Load Condition: ●●●●●  
 Speed recorded (Max / Average): 10.4 / 10.1 knots

[Itineraries History](#) >      [Latest Positions](#) >

Reported ETA Received: 2017-12-28 16:18 LT (UTC +3)

Upload a photo      Ship Photos: 43

MarineTraffic      Live Map      Vessels      Ports      Companies      Community      Solutions      Vessel, Port, etc.

Cookies and local storage help us deliver our services. By using our services, you agree to our use of cookies and local storage. [Got it](#)

532°  
164K  
279

50 km  
30 mi

Show Track Options

N35°32'28.19  
E032°55'09.13  
(35.5412, 032.9192)



MarineTraffic Live Map Vessels Ports Companies Community Solutions Vessel, Port, etc.

Explore

- Vessels
- Ports
- Arrivals & Departures
- Port Calls**
- Berth Calls
- Lights
- Stations
- Port Congestion

## Port Calls

Quick Search in Vessel's or Port's Name Reset All Export All Data

Add Filter MMSI: 677090201 Vessel Name: ANDROMEDA

<input type="checkbox"/>	Vessel Name	Port Call Type	Port Type	Current Port	Ata/atd	Voyage Origin Port	Leg Start Port/anch	
<input type="checkbox"/>	ANDROME...	ARRIVAL	Port	BEIRUT	2018-07-10 07:45 LT (UTC +3)	HAIFA	BEIRUT ANCH	⋮
<input type="checkbox"/>	ANDROME...	DEPARTURE	Anchorage	BEIRUT AN...	2018-07-10 07:44 LT (UTC +3)	-	-	⋮
<input type="checkbox"/>	ANDROME...	ARRIVAL	Anchorage	BEIRUT AN...	2018-07-09 14:32 LT (UTC +3)	HAIFA	HAIFA	⋮

Found 3 records Page 1 of 1 Results per page: 20 / 50

Source: marinetraffic.com, 10 July 2018.



## **Annex 25 Annex Andromeda warehousing requests**

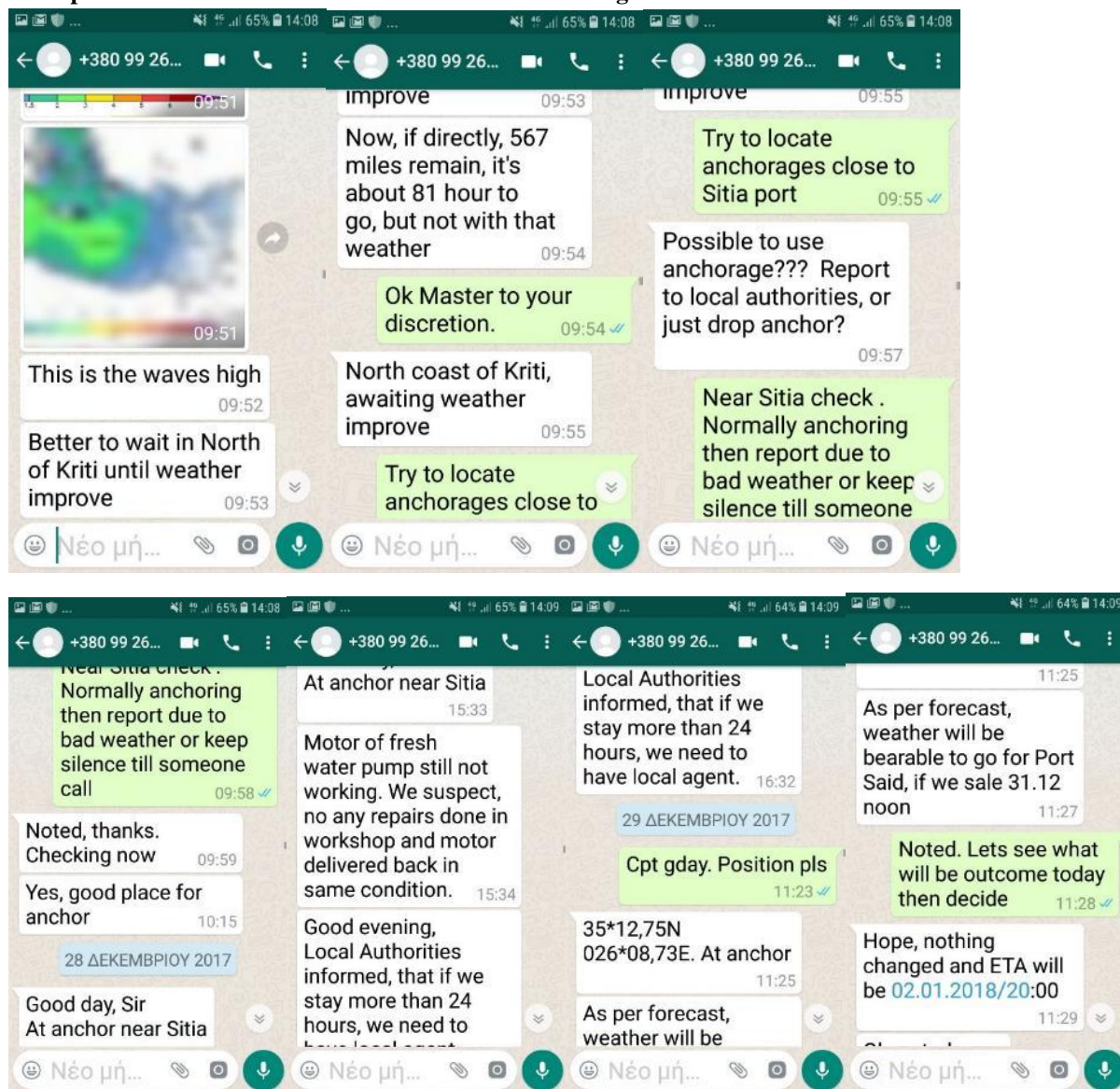
7. The management of the MV *Andromeda* tried to warehouse the whole cargo on three occasions. The first request to Misrata port authority received a positive response on 14 December 2018. Nonetheless, the ship management did not instruct the crew to sail to Misrata, though MV *Andromeda* began to leave Port Said anchorage. The second request was sent as a distress signal to Astakos port, Greece, on 20 December 2018. It was denied. The third request was directed to the port of Bar, Montenegro on 22 December 2017 and was not granted.

8. The representatives of the Shipowner informed the Panel that he had contacted a freight agent in Libya called Bab al-Medina, who serves as local agent for the port of Misrata. The agent confirmed to the Panel that he had previously worked with the owner in 2012 and 2013. The MV *Andromeda* had delivered cement and heavy machinery. He noted that they had communicated through a translator. The owner requested to warehouse the cargo in transit for a period of ten days. The agent also informed the Panel that the owner had shared the bills of lading, mentioned the dangerous goods, and stressed that they would be delivered to Ethiopian mining companies via the port of Djibouti. According to the agent the Misrata Free Trade Zone granted the request for a period of ten days, although the port had no facilities for storage of dangerous goods.

9. Copies of the emails are stored in the Panel's archives.

## Annex 26 MV Andromeda manager instructions to sail to Port Said

Excerpts from communication between master and manager of MV *Andromeda* 29-30 December 2018:



Source: Confidential

## Annex 27 C-17 Globemaster III flights to Benina and Misrata airports

Table: of C17 military transport aircraft bound to Libya March to June 2018:

<b>Departure</b>	<b>Arrival</b>	<b>Dep. Airport</b>	<b>Arrival Airport</b>	<b>Tail- Number</b>	<b>Hexcode</b>
<b>03.16.2018 05:02:41</b>	03.16.2018 08:45:41	ETAR	HLMS	99206A	AE49C2
<b>03.17.2018 07:58:47</b>	03.17.2018 11:39:41	ETAR	HLLB	99206A	AE49C2
<b>03.18.2018 08:12:00</b>	03.18.2018 11:28:42	ETAR	HLLB	99206A	AE49C2
<b>03.29.2018 09:45:20</b>	03.29.2018 15:37:31	HDAM	HLMS	77185A	AE20C6
<b>04.14.2018 00:15:00</b>	04.14.2018 06:09:37	HDAM	HLMS	10197A	AE10C0
<b>04.15.2018 15:10:00</b>	04.15.2018 16:51:07	LGSA	HLMS	10197A	AE10C0
<b>05.20.2018 17:36:00</b>	05.20.2018 21:03:30	ETAR	HLLB	77185A	AE20C6
<b>05.22.2018 19:24:00</b>	05.22.2018 22:37:05	ETAR	HLMS	77185A	AE20C6
<b>05.24.2018 01:49:00</b>	05.24.2018 05:01:05	ETAR	HLMS	77185A	AE20C6
<b>05.25.2018 06:16:00</b>	05.25.2018 09:47:14	ETAR	HLLB	77185A	AE20C6
<b>05.26.2018 17:00:11</b>	05.26.2018 20:22:35	ETAR	HLLB	77185A	AE20C6
<b>05.27.2018 16:06:00</b>	05.27.2018 19:46:31	EGVN	HLMS	ZZ172	43C172
<b>05.27.2018 22:42:00</b>	05.28.2018 00:09:25	LICT	HLLB	ZZ172	43C172
<b>06.02.2018 17:57:00</b>	06.02.2018 19:25:58	LICT	HLLB	ZZ172	43C172
<b>06.02.2018 23:08:00</b>	06.03.2018 00:17:31	LICT	HLMS	ZZ172	43C172

Source: Eurocontrol, 2018

## Annex 28 L-39 Case and Falcon F900 used by Khalifa Haftar and the LNA

10. The Albatros L-39C (serial number 533623, tail number N393WA) was decommissioned and demilitarized in November 2000. Riccardo Mortara, the CEO of Sonnig S.A., a Geneva-based air company, bought the aircraft in 2009. The aircraft is registered in the United States, where it can operate with an experimental license. To obtain and keep a United States registration it must be owned by a company registered in the United States. This is made possible through trust agreements.

**Table: Overview of the L-39C N393WA ownership history:**

<b>Dates</b>	<b>Ownership</b>
<b>1 January 1985</b>	Constructed as a L-39C, Owned by Eastern European air forces
<b>15 November 2000</b>	Aircraft decommissioned and sold to private company, Deer Valley, AZ with tail number N393WA.
<b>25 July 2001 to 2004</b>	Sold to private individual, Highland Falls, NY.
<b>March 2005</b>	Sold to private company Corporate Aircraft Partners Inc, Cleveland, OH.
<b>January 2006</b>	Sold to private company, Klamath Falls, OR.
<b>6 March 2006</b>	Sold to private company, Wilmington, DE.
<b>27 July 2006</b>	Sold to <i>Cite Aviation LLC</i> , Wilmington, DE.
<b>27 August 2010</b>	Sold to Wells Fargo Bank Northwest Na Trustee under trust agreement, Salt Lake City, UT Operated with <b>Sonnig S.A.</b> painting
<b>28 November 2017</b>	Sold to <i>Cite Aviation LLC</i> , Wilmington, DE Registration status unclear Operated by Sonnig International Private Jets, Fujairah.

11. Cite Aviation LLC owned the L-39 from July 2006 until August 2010 when it was operated by Million-Air in the USA. The FAA's review of the aircraft records shows the last U.S. owner of record as Wells Fargo Bank Northwest NA trustee under a trust agreement dated as of August 3, 2010. Wells Fargo sold the aircraft to Cite Aviation LLC per a bill of sale filed with the FAA on November 28, 2017.

---

**FAA REGISTRY**  
**N-Number Inquiry Results**

---

N393WA is Assigned

**Aircraft Description**

<b>Serial Number</b>	533623	<b>Status</b>	In Question
<b>Manufacturer Name</b>	AERO VODOCHODY	<b>Certificate Issue Date</b>	None
<b>Model</b>	L39C	<b>Expiration Date</b>	None
<b>Type Aircraft</b>	Fixed Wing Single-Engine	<b>Type Engine</b>	Turbo-fan
<b>Pending Number Change</b>	None	<b>Dealer</b>	No
<b>Date Change Authorized</b>	None	<b>Mode S Code (base 8 / oct)</b>	51107743
<b>MFR Year</b>	1985	<b>Mode S Code (base 16 / hex)</b>	A48FE3
<b>Type Registration</b>	Individual	<b>Fractional Owner</b>	NO

**Registered Owner**

<b>Name</b>	SALE REPORTED		
<b>Street</b>	1209 N ORANGE ST		
<b>City</b>	WILMINGTON	<b>State</b>	DELAWARE
<b>County</b>	NEW CASTLE	<b>Zip Code</b>	19801-1120
<b>Country</b>	UNITED STATES		

**Airworthiness**

<b>Engine Manufacturer</b>	IVCHENKO	<b>Classification</b>	Experimental
<b>Engine Model</b>	AL-25SERIES	<b>Category</b>	Exhibition
<b>A/W Date</b>	01/17/2012	<b>Exception Code</b>	No

The information contained in this record should be the most current Airworthiness information available in the historical aircraft record. However, this data alone does not provide the basis for a determination regarding the airworthiness of an aircraft or the current aircraft configuration. For specific information, you may request a copy of the aircraft record at <http://aircraft.faa.gov/e.gov/ND/>

**Other Owner Names**

SOLD TO CITE AVIATION LLC

**Temporary Certificates**

None

[http://registry.faa.gov/aircraftinquiry/NNum\\_Results.aspx?NNumbertxt=393WA](http://registry.faa.gov/aircraftinquiry/NNum_Results.aspx?NNumbertxt=393WA)

18.06.2018

Source: Riccardo Mortara

## Demilitarization certificate by the manufacturer of the L-39, Aero Vodochody.



TO WHOM IT MAY CONCERN

### AIRCRAFT DEMILITARIZATION STATUS

Aircraft: AERO L-39C – jet trainer  
 Aircraft Manufacturer: AERO Vodochody  
 c/n 5336223  
 Registration No.: N393WA

Aircraft demilitarization status was evaluated according to AERO Vodochody Bulletin No. 03039277.

Bulletin Article	Compliance	Description of the way how bulletin requirements reached
6.1.1	YES	New front instrument panel
6.1.2	YES	New panel on the center console
6.1.3	YES	Connection V26 not found
6.1.4	YES	Circuit breaker connected to AUX FUEL PUMP
6.1.5	YES	New aircraft control stick
6.2.1	YES	New rear instrument panel
6.2.2	YES	Connection V26 not found
6.2.3	YES	MP-28A removed, connection not found
6.3.1	NO	Pylons not removed, but all electrical system inside pylons removed
6.3.2	YES	PUS-36DM removed, connection R16 not found
6.3.3	YES	Blinder is possible to remove
6.3.4	NO	Connections V18 and V19 exists
6.3.5	NO	Cables from connection V11 not disconnected
6.3.6	NO	Cables from connection V13 not disconnected

With the respect to the fact that ends of cables are free and not connected to any relevant equipment, which was removed according to other bulletin articles, items 6.3.4, 6.3.5 and 6.3.6 can be supposed as compliant with bulletin requirements.

#### Conclusion:

AERO L-39C, c/n 533623, N393WA was found as demilitarized. Military systems and equipment were removed from this aircraft and its demilitarization status is compliant with manufacturer's demilitarization Bulletin No. 03039277.

Evaluation of demilitarization status: Karel Endres, weapon specialist, May 15<sup>th</sup>, 2012

Milos Trnobrnsky  
 Head of Design Organization

AERO Vodochody a.s. | U Letišť 374 | 250 70 Odolena Věda | Czech Republic | www.aero.cz  
 Company ID 00010545, VAT No. CZ00010545, Bank Name: KB a.s. Prague | Account No.: 10006-1700201/0100.  
 Registered in the Commercial Register maintained by the Municipal Court in Prague on January 2, 1991, Section B, Insert 449.

#### Source: Confidential

12. The owner of the plane has shared with the Panel all the flights conducted since the L-39 is stationed in Benghazi including the names of the pilots on the plane. The flights are limited to 20 minutes each. According to the owner, the aim was to maintain his skills and those of his company's pilots.



Tabel of the L-39C flights in Benghazi.

DATE	AIRCRAFT	FROM	TO	T/O	LANDING	FLIGHT TIME	PILOTS
29-03-18	L39 N393WA	TORINO	PERUGIA	9:30	10:30	1:00	DALLA POZZA CARLO
29-03-18	L39 N393WA	PERUGIA	LAMEZIA TERME	12:30	13:40	1:10	DALLA POZZA CARLO
29-03-18	L39 N393WA	LAMEZIA TERME	BENGHAZI	15:30	17:10	1:40	DALLA POZZA CARLO
31-03-18	L39 N393WA	BENGHAZI	BENGHAZI	11:00	11:20	0:20	MORTARA RICCARDO, DALLA POZZA CARLO
31-03-18	L39 N393WA	BENGHAZI	BENGHAZI	17:00	17:20	0:20	MORTARA RICCARDO, DALLA POZZA CARLO
01-04-18	L39 N393WA	BENGHAZI	BENGHAZI	11:00	11:20	0:20	MORTARA RICCARDO, DALLA POZZA CARLO
01-04-18	L39 N393WA	BENGHAZI	BENGHAZI	17:00	17:20	0:20	MORTARA RICCARDO, DALLA POZZA CARLO
30-04-18	L39 N393WA	BENGHAZI	BENGHAZI	16:00	16:20	0:20	MORTARA RICCARDO, FALCHETTI MATTEO
01-05-18	L39 N393WA	BENGHAZI	BENGHAZI	15:00	15:20	0:20	MORTARA RICCARDO, DUDA MARIJA
04-05-18	L39 N393WA	BENGHAZI	BENGHAZI	11:00	11:20	0:20	MORTARA RICCARDO, DALLA POZZA CARLO
04-05-18	L39 N393WA	BENGHAZI	BENGHAZI	17:00	17:20	0:20	MORTARA RICCARDO, DALLA POZZA CARLO
05-05-18	L39 N393WA	BENGHAZI	BENGHAZI	18:00	18:20	0:20	MORTARA RICCARDO, DALLA POZZA CARLO
06-05-18	L39 N393WA	BENGHAZI	BENGHAZI	17:00	17:20	0:20	MORTARA RICCARDO, DALLA POZZA CARLO
07-05-18	L39 N393WA	BENGHAZI	BENGHAZI	10:00	10:20	0:20	MORTARA RICCARDO, DALLA POZZA CARLO
07-05-18	L39 N393WA	BENGHAZI	BENGHAZI	15:55	16:15	0:20	MORTARA RICCARDO, DALLA POZZA CARLO
07-05-18	L39 N393WA	BENGHAZI	BENGHAZI	17:00	17:20	0:20	MORTARA RICCARDO, DALLA POZZA CARLO
12-05-18	L39 N393WA	BENGHAZI	BENGHAZI	14:00	14:20	0:20	MORTARA RICCARDO, GATTI ANDREA
12-05-18	L39 N393WA	BENGHAZI	BENGHAZI	15:00	15:20	0:20	DALLA POZZA CARLO, GATTI ANDREA
24-05-18	L39 N393WA	BENGHAZI	BENGHAZI	17:00	17:20	0:20	MORTARA RICCARDO, DALLA POZZA CARLO
26-05-18	L39 N393WA	BENGHAZI	BENGHAZI	16:00	16:20	0:20	MORTARA RICCARDO, ZANASSI FRANCESCO
29-05-18	L39 N393WA	BENGHAZI	BENGHAZI	15:30	15:50	0:20	DALLA POZZA CARLO, GATTI ANDREA
02-06-18	L39 N393WA	BENGHAZI	BENGHAZI	17:00	17:20	0:20	MORTARA RICCARDO, ZANASSI FRANCESCO
05-06-18	L39 N393WA	BENGHAZI	BENGHAZI	13:00	13:20	0:20	MORTARA RICCARDO, GAPONENKO IULIJA
05-06-18	L39 N393WA	BENGHAZI	BENGHAZI	15:00	15:20	0:20	MORTARA RICCARDO, DUDA MARIJA
05-06-18	L39 N393WA	BENGHAZI	BENGHAZI	17:00	17:20	0:20	MORTARA RICCARDO ALONE
13-06-18	L39 N393WA	BENGHAZI	BENGHAZI	18:30	18:50	0:20	MORTARA RICCARDO, MARTIN CYRILLE
15-06-18	L39 N393WA	BENGHAZI	BENGHAZI	16:00	16:20	0:20	DALLA POZZA CARLO, GATTI ANDREA
19-06-18	L39 N393WA	BENGHAZI	BENGHAZI	16:30	16:50	0:20	DALLA POZZA CARLO, GATTI ANDREA
21-06-18	L39 N393WA	BENGHAZI	BENGHAZI	16:30	16:50	0:20	MORTARA RICCARDO, DALLA POZZA CARLO

Source: Riccardo Mortara

## Annex 29 Armoured vehicles of LNA armed groups

13. The LNA attack on Derna brought to light the substantial military build-up in the east of Libya, though the units there are not part of the units under control of the GNA.

**Picture 8 Armoured infantry vehicle al-Wahsh by King Abdullah II Design and Development Bureau (KADDB) of Jordan, equipped with a closed snakehead turret used by LNA's 106 Brigade in Derna in June 2018. The turret provides full protection to the fighter shooting**



Source: LNA Media Office, 26 June 2018<sup>6</sup>

<sup>6</sup> <https://www.youtube.com/watch?v=cbmPOzd8BlI>.

**Picture 9 Panthera F9 MRAP by Minerva Special Purpose Vehicles en route to Derna on 16 May 2018.**



**Source: LNA Media Office, 16 May 2018<sup>7</sup>**

**Picture 10 Several Toyota pick up trucks mounted with heavy machine guns. LNA convoy en route to Derna on 16 May 2018**



**Source: LNA Media Office, 16 May 2018<sup>8</sup>**

<sup>7</sup> <https://www.youtube.com/watch?v=Sdf4IKSHSgQ>.

<sup>8</sup> Ibid.

Picture 11 Streit Spartan ASV used by the LNA, participating in the attacks in Derna, June 2018



Source: Media office of the LNA, 26 June 2018.<sup>9</sup>

Picture 12 Armoured infantry vehicles (Nimr Jais MRAP on the left and Caiman MRAP on the right, both with closed turrets), of the Bou Hdima Martyrs Brigade of the LNA in Benghazi, preparing for the siege of Derna in August 2017



Source: Social media<sup>10</sup>

<sup>9</sup> درنه في المسلحة القوات بها قامت محكمة نوعية عملية في عائلة أنفاذ , Youtube.com, 26 June 2018.

<sup>10</sup> <https://ar-ar.facebook.com/khalifa.haftr/posts/1964501903823862>.

### **Annex 30 Czech rotary-wing aircraft Mi-24v attempted retransfer to Libya**

14. The Panel had reported previously (S/2017/466, Annex 38) on the attempted re-transfer of Mi-24v rotary wing aircraft, sold by the Czech state-owned company LOM Praha s.p. to the United Arab Emirates (UAE). The Panel contacted the Czech authorities, who confirmed that seven Mi-24v were sold to the UAE and the export license granted in September 2015. As of May 2017, the overhauled airframes, gearboxes as well as the auxiliary power units (in April 2017) had been delivered to the UAE. After the Panel informed the Czech authorities, the delivery of the TV3-117V engines was suspended until further clarification by the UAE. The Panel had regularly following up with the Czech authorities and requested a statement from the buyer AAL Group Ltd.

15. The UAE later informed the Panel that the Mi-24v were received and that Czech representatives attended an inspection of the rotary-wing aircraft on 6 December at the Sweihan Airbase in Abu Dhabi.



## Annex 31 Moldovan civilian cargo planes

Confirmation of the Moldovan Security Information Service that investigations are ongoing on illegal air transports, dated 02.10.2017



### SERVICIUL DE INFORMAȚII ȘI SECURITATE AL REPUBLICII MOLDOVA

Ex. nr. 1

MD 2004, mun. Chișinău, bd. Ștefan cel Mare și Sfânt, 166, tel. 022-239-625, fax 022-234-068, e-mail: [sis@sis.md](mailto:sis@sis.md)

”02” 10 2017Nr. 8-389/17

La nr. 156/06-09-2017

#### Asociației Reporteri de Investigație și Securitate Editorială

MD-2012, Chișinău, str. Armenească nr. 44/1, of. 3

În contextul solicitării Dumneavoastră, relevăm că Serviciul de Informații și Securitate investighează posibila implicare a unor operatori aerieni din Republica Moldova în transportări ilegale, sub aspectul riscurilor pentru securitatea națională și/sau internațională.

În situația constatării circumstanțelor de interes public, Serviciul va prezenta informația la acest subiect, adițional.

**Gheorghe RACOVIȚA**  
Șef al Aparatului directorului SIS

Source: Media<sup>11</sup>

<sup>11</sup> Rise Moldova, “Avioane De Razboi”, 30 November 2017, <https://www.rise.md/video-avioane-de-razboi/>.



Picture 13 IL-76 sighted in Benina, 4-6 May 2017 IL 18D sighted in Benina, May 2017



Source: Confidential

## Annex 32 Detonating cord

16. The case of the vessel El-Mukhtar (see paragraph [错误!未找到引用源。](#) and [错误!未找到引用源。](#)) has confirmed the Panel's previous reporting on regular weapons transfers from Misrata to the Benghazi Revolutionary Shura Council (BRSC). The Panel has received footage of LNA specialized units defusing IEDs in Benghazi featuring large boxes containing detonating cords manufactured by an explosive manufacturer based in Turkey, and surrounding areas. Part of that footage shows the seizure in early 2017 of large boxes wrapped with multiple layers of plastic foil on board a vessel sailing from Misrata. The boxes seized contained explosives including detonating cords and still featured stickers of the manufacturing company. The sticker mentions following company information:

KAPEKS URETIM PATLAYICI MADDELER TIC.LTD.STI  
Umit Mah 2528 Sok.No3 Cankaya Ankara  
Posta Kodu 06810 Turkiye  
www.kapeks.com.tr

Picture 14 Close-up of the Kapeks company sticker on one of the boxes



Source: Confidential, 2017

**Picture 15 Detonating cord produced by Kapeks Ltd. (One of the boxes featuring the caution symbol for explosives and an unpacked roll of detonating cord above the box)**



**Source: Confidential, 2017**

17. The same detonating cord is featured on the website of the company.<sup>12</sup> In reply to the Panel's inquiries, the Turkish authorities declared that the company had no records of exports to Libya between the dates 1 March 2011 and 4 October 2017.

<sup>12</sup> Kapeks company website presenting type of detonation chord: <http://www.kapeks.com.tr/detonating-cord,22,22>.

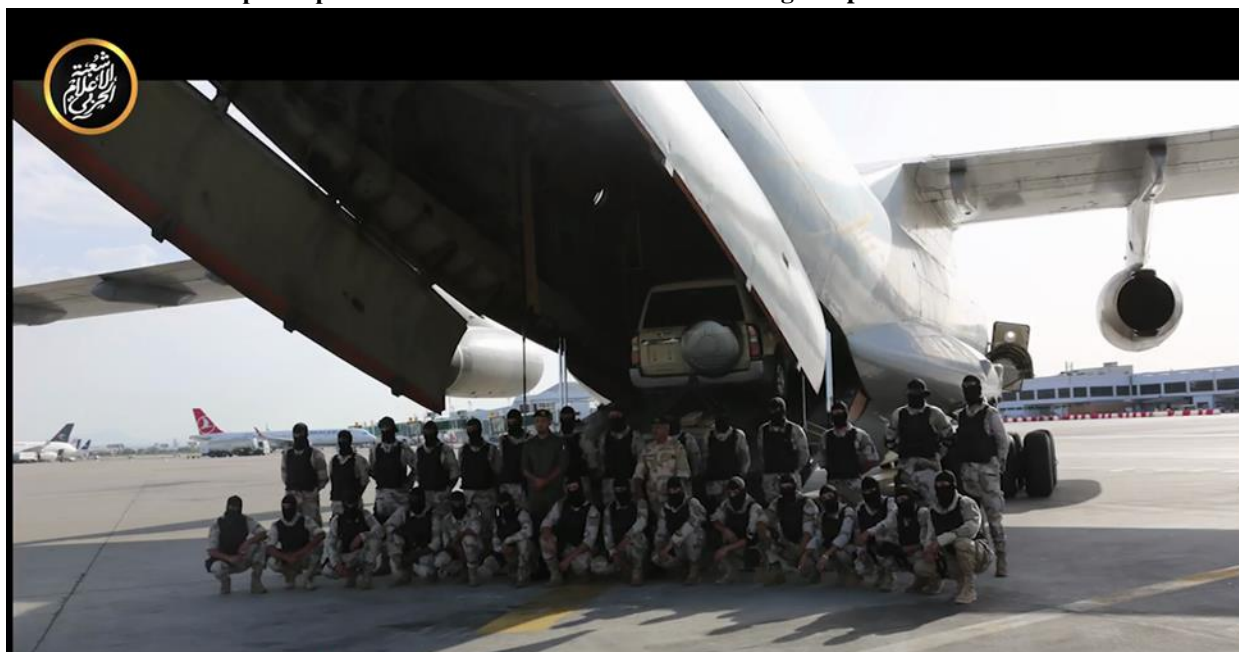
### Annex 33 Khalifa Hafter's visit to Tunis

18. Based on the analysis of the video footage and pictures released by the LNA's media office, the equipment transferred out of Libya includes at least:

- 30 self-loading rifles
- 2 marksman rifles
- 2 Rocket- propelled grenade launchers (RPG)
- Over 30 handguns (9mm)
- One roof-mounted counter-IED system

19. As video footage of his visit documents, he flew on a private airplane and his security detail landed at Tunis Carthage Airport on board of an IL-76TD cargo airplane.

Picture 16 Haftar's special protection forces in front of IL-76TD cargo airplane



Source: Media Office – General Command of the LNA<sup>13</sup>

<sup>13</sup> Video available at Media Office channel:  
[http://www.youtube.com/watch?time\\_continue=2&v=qf9ZfK96GNs](http://www.youtube.com/watch?time_continue=2&v=qf9ZfK96GNs).

**Picture 17 Protection unit with RPG**



**Source: Ibid.**

20. Haftar flew from eastern Libya to Tunis on board a private F900 jet with the tail number P4-RMA. The Falcon jet plane is owned by a UAE-based company called Sonnig International Group Ltd, and operated by Golden Eagle Trading FZE based in Dubai but registered in the Caribbean Netherlands. The CEO of Sonnig confirmed to the Panel that he is also the CEO of Golden Eagle Trading. The companies have set up an operational branch at the Benghazi airport and charter two Falcon jets amongst others to Khalifa Haftar.



## Annex 34 Tunisia

21. The Panel received information on only two seized caches:

Date	Location	Materiel
12.07.2017	Sfax	Unspecified arms cache
07.02.2017	Sakah (Remada)	6 rocket-propelled grenade launchers; 1 AKM self-loading rifle

Source: Confidential

22. The Panel documented the arms seized and stocked with the Tunisian National Army. The material offers little clue to any specific source of arms other than those identified in previous reports (see S/2017/466 para 171 and 172).

Picture 18 Several hand-held anti-tank grenade launchers (RPG) were seized in 2017 including RPG 27 and RPG 26 tube, both manufactured in 2007



Source: Panel of Experts

Picture 19 AKM-type self-loading rifle, Tula Arsenal, Russia







Source: Panel of Experts

Picture 20 AKM-type self-loading rifle, Zastava factory, Yugoslavia (Serbia)



Source: Panel of Experts

## Annex 35 Seized arms and related material in Niger

1. The Panel has received photographs and lists of weapons seized by the Gendarmerie from late 2016 to July 2017 in the regions of Arlit, Bilma, Dirkou and Madama.

<b>Materiel</b>	<b>Quantity</b>
AK-pattern self-loading rifles	57
PKM machine gun	3
Dragunov marksman rifle	2
FN FAL self-loading rifle	9
Shotgun	1
Pump-action rifle	4
Grenade launcher	1
9mm submachine gun	1
RPG 7	4
Unidentified rocket launcher	4
Handgun	11
Ammunition	6197
Magazines	151

2. Conflict Armament Research has further shared with the Panel pictures and data on weapons and ammunition seized in Niger until March 2017. For most of these arms the Libyan origin is highly probable as detailed below.

<b>Materiel</b>	<b>Quantity</b>	<b>Country of manufacture</b>
AK-pattern self-loading rifle	84	Algeria (2), Bulgaria (4), China (16), Czechoslovakia (1), East-Germany (5), Egypt (4), Hungary (1), Iraq (2), Poland (10), Romania (14), Russia (24), Yugoslavia (1)
Blank pistols (9 x 22 mm)	62	Turkey (49)
7.62 x 51 mm self-loading rifle	10	Belgium (6), France (4)
RPG-launchers	5	Bulgaria (5)
Semi-automatic pistols	3	Brazil (1), Czechoslovakia (1), France (1)
5.56 x 45 mm self-loading rifle	2	Israel (2)
Pump-action shotgun	2	Turkey (2)
Sniper rifle	1	Romania (1)

## **Annex 36 AIK trading and White Star company**

### **The risk of diversion and misuse of end-user certificates**

1. The Deputy Minister of Defence, Khaled al-Sharif, figured most prominently as signatory of end-user certificates for large-scale transfers of small arms and light weapons as well as ammunition. Khaled al-Sharif has stated to the Panel that in his function he was in charge of signing end-user certificates, but was not the person deciding about the purchase of equipment. The Minister of Defence or the Chief of Staff were generally deciding on purchases and needed verification by the Military Procurement Department.

### **AIK Trading**

2. The Panel obtained an of the end-user certificate that indicates a possible instance of non-compliance with the arms embargo in mid-2013. On 17 September 2013, Bulgaria submitted an incomplete notification to the Committee on the transfer of 2,028,000 rounds of 7.62x39mm ammunition. The exporting Bulgarian company was Vazovski Machinostroitelni Zavodi (VMZ) and the broker was AIK Trading Limited registered in Cyprus. Based on the Panel's enquiry Bulgaria, noted that the export licence for the ammunition was cancelled on 15 October 2013. AIK Ltd however received on 5 June 2013 the full payment showed on the proforma invoice of Euro 381,264.00.

3. The money was transferred through the account of company registered in Tunisia, called "Société Al Bayan de Commerce International" (Al Bayan). The transfer from Al Bayan suggests that the delivery had taken place before a licence was issued.

4. Khaled al-Sharif denied that he had any involvement in the transaction. He insisted that the end-user certificate features a forged signature. He pointed out that he used to always add a signature next to his signature, which was missing on the copy obtained by the Panel. Therefore, the Panel verified the end-user certificate submitted by Bulgaria on 17 September 2013. This copy features a hand-written date just next to his signature.

### **White Star company**

5. The Panel reviewed the financial transaction from Al Bayan's Tunisian bank account. From January 2013 to May 2015, the company received funds from several Libyan accounts of over 253 million USD. In the same time period, the company transferred approximately the same amount of money to companies and offshore trading companies in several countries. Further investigations brought to light a payment of two million Euro to a Greek company. The company confirmed to the Panel that it was the down payment by the Libyan company White Star for the purchase of 181 tanker trucks for the Ministry of Defence.

6. A Greek broker had introduced the Greek manufacturer to Khaled al-Sharif. The first meeting in Tripoli in early 2013 was attended by Khaled al-Sharif, Abd al-Hakim Belhaj, and the Director of White Star Mustapha Abd al-Rahman. It was followed by a visit to the factory in Greece to Athens.

White Star signed the contract to purchase 181 tanker trucks. The down payment of 2 million Euro, however, was done through the intermediary of Al Bayan's Tunisian bank account

7. It seems that Al Bayan was used to channel money from Libyan companies to veil the origin of the funds. The Panel, therefore, investigated whether Mr. Sharif or Mr Belhadj had any private interests in the White Star company. Mr. Sharif and Mr Belhadj confirmed to the Panel that they visited the factory in Greece. They both stressed that they had not connections with White Star, but knew the director, Abd al-Rahman. The managers of the Greek company, on contrast, mentioned that Mr. Sharif had given the instruction to Mr. Abd al-Rahaman to conclude the deal. The managers of the Greek company was under the impression that White Star and al Bayan were used as front companies.

Bank transfer from Al Bayan to AIK Traiding Limited, Cyprus, dated 08.06.2017

```

----- Instance Type and Transmission -----
Notification (Transmission) of Original sent to SWIFT (ACK)
Network Delivery Status : Network Ack
Priority/Delivery : Normal
Message Input Reference : 1646 130605BTEXTINTDXXX0924092637
----- Message Header -----
Swift Input : FIN 103 Transfer de cred client unique
Sender : BTEXTINTDXXX
          BANQUE DE TUNISIE ET DES EMIRATS
          TUNIS TR
Receiver : DEUTSCHETXXX
          DEUTSCHE BANK AG
          FRANKFURT AM MAIN DE
----- Message Text -----
20: Reference de l'emetteur
    TREMI/4872/2013
23B: Code de l'operation bancaire
    CRED
32A: Date val/dva/mnt régl interbq
    Date : 08 June 2013
    Currency : EUR (EURO)
    Amount : 381.264,00€
33E: Devise/Montant de l'ordre
    Currency : EUR (EURO)
    Amount : 381.264,00€
30F: Demeur d'ordre - ID
    /TWS924000018745252730160
    1/SOCIETE AL BAYAN DE COMMERCE INTL
    2/30 AVENUE DE BARCELONE
    2/EL MOUROUJ 4 TUNIS
    3/TR/TUNISIE
57A: Inst gestionnaire compte - FI BIC
    BCTFC12X
    BANK OF CYPRUS PUBLIC COMPANY LIMITED
    (HEAD OFFICE IN NICOSIA AND ALL CYPRUS OFFICES)
    NICOSIA (LEFKOSIA) CY
59: Client beneficiaire -nom/adresse
    /CY2300290385000000107397800
    AIK TRADING LIMITED
    TOTALSERVE HOUSE 17 GR KENOPOLOU
    STR 3106 LIMASSOL Cyprus
70: Informations sur le versement
    /INW/222 DD 20/05/2013
71A: Details des frais
    SFR
----- Message Trailer -----
{CHK:D98A452C84E9}
PKI Signature: MAC-Equivalent
----- Interventions -----
Category : Network Report
Creation Time : 05/06/13 16:40:56
Application : SWIFT Interface
Operator : SYSTEM
Text
{1:F21BTEXTINTDXXX0924092637}{4:{177:1306051646}{451:0}}
*End of Message

```

Source: Confidential

Bank transfer from the same Al Bayan account to Greek company, dated 26.04.2013

26/04/13-16:49:48

LocalSwiftAcks-1496-028076

----- Instance Type and Transmission -----  
 Notification (Transmission) of Original sent to SWIFT (ACK)  
 Network Delivery Status : Network Ack ;  
 Priority/Delivery : Normal ;  
 Message Input Reference : 1655 130426BTEXTTNTTXXX0915090317

----- Message Header -----  
 Swift Input : FIN 103 Transfer de cred client unique  
 Sender : BTEXTTNTTXXX  
 BANQUE DE TUNISIE ET DES EMIRATS  
 TUNIS TN  
 Receiver : DEUTDEFF33XXX  
 DEUTSCHE BANK AG  
 FRANKFURT AM MAIN DE

----- Message Text -----  
 20: Reference de l'emetteur  
 TREMI/3978/2013  
 23B: Code de l'operation bancaire  
 CRED  
 32A: Date val/dvs/ant regl interbq  
 Date : 26 April 2013  
 Currency : EUR (EURO)  
 Amount : #500.000,00#  
 33B: Devise/Montant de l'ordre  
 Currency : EUR (EURO)  
 Amount : #500.000,00#  
 50F: Donneur d'ordre - ID  
 /TWS924000018745252730160  
 1/SOCIETE AL BAYAN DE COMMERCE INT.  
 2/30 AVENUE DE BARCELONE  
 2/EL MOUROUJ 4  
 3/TN/TUNISIE  
 57A: Inst gestionnaire compte - FI BIC  
 ETHNGRAA  
 NATIONAL BANK OF GREECE S.A.  
 ATHENS GR  
 59: Client beneficiaire -nom/adresse  
 [REDACTED]  
 GRECE  
 70: Informations sur le versement  
 /INV/0745/13 DD 18/04/2013  
 71A: Details des frais  
 SHA

----- Message Trailer -----  
 {CHK:E99BF255FF16}  
 FXI Signature: MAC-Equivalent

----- Interventions -----  
 Category : Network Report  
 Creation Time : 26/04/13 16:49:34  
 Application : SWIFT Interface  
 Operator : SYSTEM  
 Text

{1:F21BTEXTTNTTXXX0915090317}{4:{177:1304261655}{451:0}}  
 \*End of Message

Source: Confidential

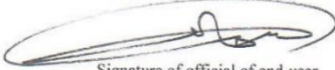


**EUC for AIK Trading Ltd Contract signed by Khaled al-Sharif, dated 27.05.2013**

Ministry of Defence  
Republic of Libya

Date  
EUC NO :

**END USER CERTIFICATE**

1. Name and Address of End User : Ministry of Defense of the Republic of Libya	
2. Name and Address of Exporter : AIK TRADING LTD , 17 Gr.Xenopoulou, 3106 Limassol, Cyprus	
3. Contract or Order Reference CONTRACT 130393	
4. Date : 27.05.2013	
5. Articles / Data : We certify that we have placed an order for the following articles/data in the quantity shown below:	
Quantity	Articles/Data Description
2,028,000	1- 7,62x39 mm ammunitions
6. Certification of End-User :  We certify that we are the end-user of the articles/data listed in item 5. We undertake not to sell, lend or delivery to any third party under any conditions whatsoever, with or without compensation, temporarily or permanently, the articles/data listed in item 6 including equipment and spares, delivered in connection with the after-sales support, documentation and operating manuals, without the prior written approval of the -----AUTHORITIES	
Name & title of applicant :	Name & title of signer
Name and title of :	 Signature of official of end-user Ministry of Defense of LIBYA
Signature	Signature:



Source: Confidential

Offer for 181 trucks from White Star Company to Ministry of Defence signed by Mustapha Abd al-Raham, dated 15.05.2013



شركة النجمة البيضاء

تصنيع وإمداد المعدات والمنظومة وتهيئة  
الوقود والمسالج وسائل السلامة المهنية

التاريخ 15-5-2013

رقم الإشراف 17 ج - 13-5-13

السادة - وزارة الدفاع .

بعد التحية .....

نحن شركة النجمة البيضاء لاستيراد وسائل النقل والمعدات - نتقدم اليكم بهذا العرض والذي يتضمن خزانات نوع [ اتش بي اي 201 ] مصنوعة من الالومنيوم العالي الجودة حسب المواصفات الاوروبية و الامريكية ذات سعة 20 الف لتر وذات جودة عالية ويستعمل لاغراض متعددة ومنها الوقود و المياه سهل الحركة و النقل بالطيران [ سي 130 ] العسكرية وجرا بالعربات في الصحراء و يوجد به نظام فلتر عالي الجودة لتزويد الطيران و الآلات العسكرية وبه مضخة سريعة لتزويد الوقود الموجود فيه في فترة زمنية قدرها 15 دقيقة وكذلك يستعمل كمحطات وقود متنقلة في الصحراء والمواقع العسكرية و الحدودية .

الاجمالي	السعر بدينار الليبي	سعر القطعة	النوع	العدد
30,724,750	169,750	Euro 97,000	HBA 201	181

- للتصليم فور التسمية المالية حسب الشرط .

- ضمانة لمدة سنتين .

ولكم منا جزيل الشكر والاحترام

رئيس مجلس الادارة

مصطفى عبد الرحمن



جسي الاندلس هاتفنا 021 477 4343 فاكسنا 021 477 3568

Source: Confidential

Request for procurement of tanker trucks by Khaled al-Sharif

التاريخ 17 7 1439 هـ  
Date  
الموافق 21 5 2018 م  
Ref Number  
7349-57



Ministry of Defense

رئاسة مجلس الوزراء  
وزارة الدفاع  
ديوان الوزارة

6

إلى / إدارة المشتريات العسكرية

نُحْيِلُ إِيَّاكُمْ... كتاب رئيس هيئة الامداد و التميمون  
المرقم (هـ.أ.ب/1629/126) بتاريخ 2013/05/21م و الخاص بتوريد خزانات  
مصنعة من الالمنيوم.

وذلك... من حيث الاختصاص.

والسلام عليكم ورحمة الله وبركاته

21.5.2018  
خالد محمد الشريف



وكيل وزارة الدفاع  
للشؤون الادارية و المالية

صورة منه إلى  
• مكتب المتابعة بالوزارة للعلم  
• الملف الدوري للحفظ  
بم الشرحية  
تاريخ  
Tel : Fax : +218 21 481 2559 +218 21 481 1214  
www.defense.gov.ly

Source: Confidential

Approval of the procurement of tanker trucks by White Star Company signed by Khaled al-Sharif and Abd al-Raham al-Tawil

001629

الموضوع: شحن توريد خزانات  
التاريخ: 1434 هـ / 21 / 2013/05 م  
الموقع: هـ.ر.ب.ت/126  
الرقم الإنشائي:

وزارة الدفاع  
رئاسة الأركان العامة  
هيئة الإمداد والتموين

بحسب لاسمكم .. مستمرا أو بموجب

الى / وزارة الدفاع

- اشارة الى كتاب شركة النجمة البيضاء المرقم (ن.ج/501 - 13) والخاص بعرض توريد خزانات نوع (اتش.بي.اي.201) مصنعة من الالمنيوم وفق المواصفات الاوربية والامريكية ذات سعة (20,000) عشرون الف لتر.
- نفيديكم بأنه لامانع لدينا من توريد هذه الخزانات وفق المواصفات المذكورة ، وذلك لاستعمالها كمحطات وقود ومياه ثابتة ومتحركة وخاصة في المواقع الحدودية والمواقع العسكرية المختلفة .

يرجى التفضل بالإطلاع وامركم .....

العميد الركن  
عبدالرحمن عمران الطويل  
رئيس هيئة الإمداد والتموين

تحال الى ادارة المشتريات  
العسكرية للاقتضاء  
21-5-2013

الحكومة الليبية المؤقتة  
وزارة الدفاع  
الوارد 6615  
التاريخ 21-5-2013  
التوقيع

فترة الاستشارات العسكرية / قطع  
الطلب المستمرا / التعلق  
كله القسم / ع. ح. طبيب  
ر.ع. واج. م. فوهات

Source: Confidential

Confirmation of delivery of the tanker trucks to Tripoli signed by White Star Company



INVOICE  
 WHITE STAR COMPANY  
 Hay Alandalos  
 Tripoli - Libya

Invoice No: NK3364

Date: 14 May 2013

Description	Chassis No	No of units	Unit Price	Currency	Value	
Fuel tanker two axled semi trailer with aluminum body type HBA201 5.000 gallon	XF7HBA201AKA21736 up to XF7HBA201AKA21737 XF7HBA201AKA21799	2	75.000	EURO	150.000	
	up to XF7HBA201AKA21802 XF7HBA201AKA21851	4	75.000		300.000	
	up to XF7HBA201AKA21864 XF7HBA201AKA22047	14	75.000		1050.000	
	up to XF7HBA201AKA22206 XF7HBA201AKA21696	160	75.000		12.000.000	
	TOTAL	181	75.000		750.000	
	TOTAL: thirteen million five hundred and seventy five thousand euros				€ 13.575.000	

Delivery Terms: CIF Port of Tripoli, Libya

Delivery via: VESSEL "HELLENIC MASTER"

Method of Payment: € 2.000.000 downpayment, balance € 11.575.000.000 by bank transfer prior to loading on vessel

Banker's details: NATIONAL BANK OF GREECE

*Not payed yet*

*شاهة*

*not a A-ABDURRAHMAN*

*we are the white star*

*have received all the documents*

*Mr. Kioh*

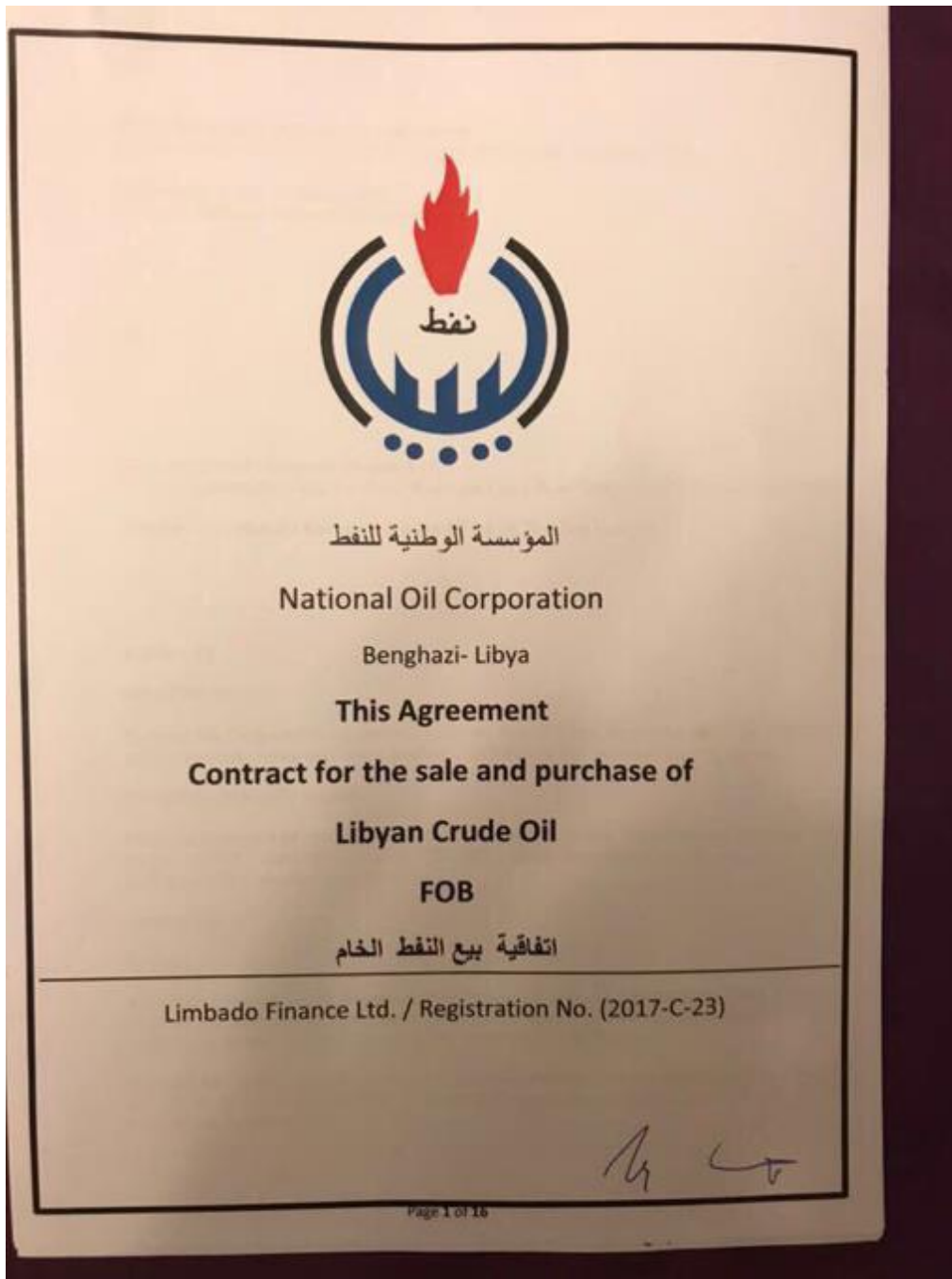
Source: Confidential



## **Annex 37 Documented attempts to illicitly export crude oil from Eastern National Oil Corporation**

### **Limbado case**

1. The following is an extract of the agreement signed between National Oil Corporation of Benghazi and “Limbado Finance Ltd.” on 3 October 2017.





**THIS AGREEMENT IS MADE ON 3 OCTOBER 2017 BETWEEN**

**SELLERS NAME: National Oil Corporation**

Address: Jamal Abdel Naser Street, Berka, NOC HQ Bulding, Benghazi, Libya.

Representative: **Mr. Mohamed Atia**

Position: Chairman, National Oil Corporation

and

**BUYERS NAME: Limbado Finance Ltd.**

Address: Vanterpool Plaza, 2nd floor, Wickhams Cay I, Road Town, Tortola, British Virgin Islands

Director: **Mr. Michalis Korellis, Director, M.K.C.K. Services Limited**

**Article ( 1 )**

**SELLERS NAME:**

**National Oil Corporation** incorporated under the laws of Libya, hereinafter called the "SELLER", which expression where the context so admits, shall include their personal representatives.

**BUYERS COMPANY NAME:**

**Limbado Finance Ltd.**, incorporated under the laws of the British Virgin Islands, registered under number 1943396, hereinafter called the "BUYER", which expression where the context so admits, shall include their personal representatives.

**Article ( 2 )**

**Terms:**

**WHEREAS** The Seller with full authority, hereby agrees to supply and deliver the herein mentioned crude oil and fulfill all the requirements referenced to herein and shall provide the referenced crude under the terms and conditions and at the time so agreed by both Parties.

**WHEREAS** The buyer makes an irrevocable and firm commitment to purchase and load the crude oil also makes an irrevocable and firm commitment to accept the said product in accordance with the terms of this Agreement.

Date: 3 October 2017

Signed by:

SELLERS NAME: **National Oil Corporation**  
Address: Jamal Abdel Naser Street, Berka, NOC HQ Bulding, Benghazi, Libya.



Prepared by: **Dr. Almabruk Sultan.**  
Position: Member of Board of Directors for International Marketing, National Oil Corporation

Representative: **Mr. Mohamed Atia**  
Position: Chairman, National Oil Corporation

*[Handwritten signature]*



and

We, as Buyer, hereby with full corporate responsibility and with the power vested in its Officer, accept, confirm and agree to abide by this Agreement.

date:

Signed by:

BUYERS NAME: **Limbado Finance Ltd.**

Director: **Mr. Michalis Korellis, Director, M.K. Services Limited**

*[Handwritten signature]*



Appendix (A) of crude oil type specification

Crude	API Gravity	Sulfur Content	Loading Port
Sarir / Messa blend	37.6	0.128	Marsa al-Hariga / Tobruk / Marsa al-Hariga / Marsa al-Brega / Sider
Sarir	37.1	0.2	Marsa al-Hariga / Tobruk / Marsa al-Hariga / Marsa al-Brega / Sider
Brega	42.6	0.173	Marsa al-Brega
Amna	36.9	0.112	Sider / Zweitina

Source: Confidential

## Volont case

2. The following is an extract of the agreement signed between National Oil Corporation of Benghazi and “Volont Shipping and Trading.” on 12 October 2017.



**THIS CONTRACT AGREEMENT MADE ON BETWEEN**

**SELLERS NAME: National Oil Corporation**

Address: Jamal Abdel Naser Street, Berka, NOC HQ Bulding, Benghazi, Libya.

Representative: **Mr. Mohamed Atia**

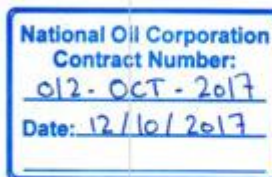
Position: Chairman, National Oil Corporation

And

**BUYERS NAME: VOLONT SHIPPING & TRADING S.A.**

Representative: **Mr. Dimitri Xenikakis**

Position: CEO



**Paragraph ( 1 )**

**SELLERS NAME:**

The Entity incorporated under the laws of Libya, hereinafter called the "SELLER", which expression where the context so admits, shall include their personal representatives.

**BUYERS COMPANY NAME:**

The Entity incorporated under the laws of Marshal Islands , hereinafter called the "BUYER", which expression where the context so admits, shall include their personal representatives.

**Paragraph ( 2 )**

**Terms:**

**WHEREAS** The Seller with full authority, hereby agrees to supply and deliver the herein mentioned crude oil and fulfill all the requirements referenced to herein and shall provide the referenced crude under the terms and conditions and at the time so agreed by both Parties.

**WHEREAS** The buyer makes an irrevocable and firm commitment to purchase and load the crude oil also makes an irrevocable and firm commitment to accept the said product according to this contract terms

**Paragraph ( 8 )**

**DECLARATION:**

The undersigned declare that the foregoing instrument fully sets forth the entire agreement between the parties and that the signatories below have been fully and duly authorised to enter into and bind each representative company to the contract.

**SELLER AND BUYER'S ACKNOWLEDGEMENT:**

**Paragraph ( 9 )**

We, as Seller, hereby with full corporate responsibility and with the power vested in its Officer, accept, confirm and agree to abide by this Contract. The Seller has all rights to revoke the entire Contract if Buyer failed to meet terms of this Contract.

Date:

Signed by:

**SELLERS NAME: National Oil Corporation**

Address: Jamal Abdel Naser Street, Berka, NOC HQ Bulding, Benghazi, Libya

**Prepared by : Dr. Almabruk Sultan.**

**Position: Member of the Board of Directors**



**Representative: Mr. Mohamed Atia**

**Position: Chairman, National Oil Corporation**

And



We, as Buyer, hereby with full corporate responsibility and with the power vested in its Officer, accept, confirm and agree to abide by this Contract.

date:

Signed by:

**BUYERS NAME: VOLONT SHIPPING & TRADING S.A.**

**Representative: Mr. Dimitri Xenikakis**

**Position: CEO**



Appendix (A) of crude oil type specification

Crude	API Gravity	Sulfur Content	Loading Port
Messla	-	-	Marsa al-Hariga / Tobruk
Sarir	37.1	0.2	Marsa al-Hariga / Tobruk

Source: Confidential

### *Rao Rosneftegazstory case*

3. The following is a letter signed by the National Oil Corporation of Benghazi to confirm a cargo availability in the favour of “Rao Rosneftegazstory”, on 12 October 2017.



**المؤسسة الوطنية للنفط**  
**NATIONAL OIL CORPORATION**

التاريخ : 2017/10/12  
الموافق :

الإشاري : I.M.17\_10.110  
المرجع :

To : RAO ROSNEFTEGAZSTORY  
Attention : Dr. Ivan I. Mazur.  
Reference No. : IM. 17.10\_110  
Subject : Allocation Certificate

**Allocation Certificate No 110.10/2017**

National Oil Corporation of Libya (NOC) has the pleasure to allocate to **RAO ROSNEFTEGAZSTORY** in our call, 24,000,000 bbls of Sarir/Messia blend crude oil loading Marsa El Hariga On FOB (NOC-FEB-2017) (2016-C-132) port (Marsa El Hariga), to be loaded between 19<sup>th</sup> of October 2017 till the 16<sup>th</sup> of November 2017, as per contract No.(**RAO ROSNEFTEGAZSTORY-(NOC-FEB-2017)-(2016-C-132)**). And we will accommodate your nominated vessel accordingly.

Yours Sincerely,



**Emad Mohamed**  
Marketing Coordinator  
International Marketing  
Coordinator

cc:

- NOC Chairman
- Crude Dept.
- Company file



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[info@libya-noc.org](mailto:info@libya-noc.org) <https://m.facebook.com/NOCL.LIBYA/>

Source: Confidential

**Quelson case**

4. The following is a letter signed by the National Oil Corporation of Benghazi to confirm a cargo availability in the favour of “Quelson Overseas Inc”, on 26 February 2018.



**المؤسسة الوطنية للنفط**  
NATIONAL OIL CORPORATION

التاريخ : 2018 / 2 / 26  
الموافق :

الإشاري : 1.M.18-02.025  
الملف :

To : QUELSON OVERSEAS INC  
Attention : Mr. Jean-Marc Pizano  
Reference No. : IM.17\_02.025  
Subject : Proof of Cargo

**Proof of Cargo Availably Certificate No 001/02/2018**

National Oil Corporation of Libya (NOC) has the pleasure to confirm to **QUELSON OVERSEAS INC** the availability of a first cargo of 1 Million barrels of Sarir/Messia blend crude oil, Loading Marsa El Hariga on FOB QUELSON OVERSEAS INC (010-AUG-2017) (2017-C-021), to be loaded between 1<sup>st</sup> of March 2018 and 1<sup>st</sup> of April 2018, during the mutually agreed laydays and we will accommodate the vessel nominated by QUELSON OVERSEAS INC accordingly.

Yours Sincerely,



**Emad Mohamed**  
International Marketing Coordinator  
National Oil Corporation

cc:

- NOC Chairman
- Crude Dept.
- Company file

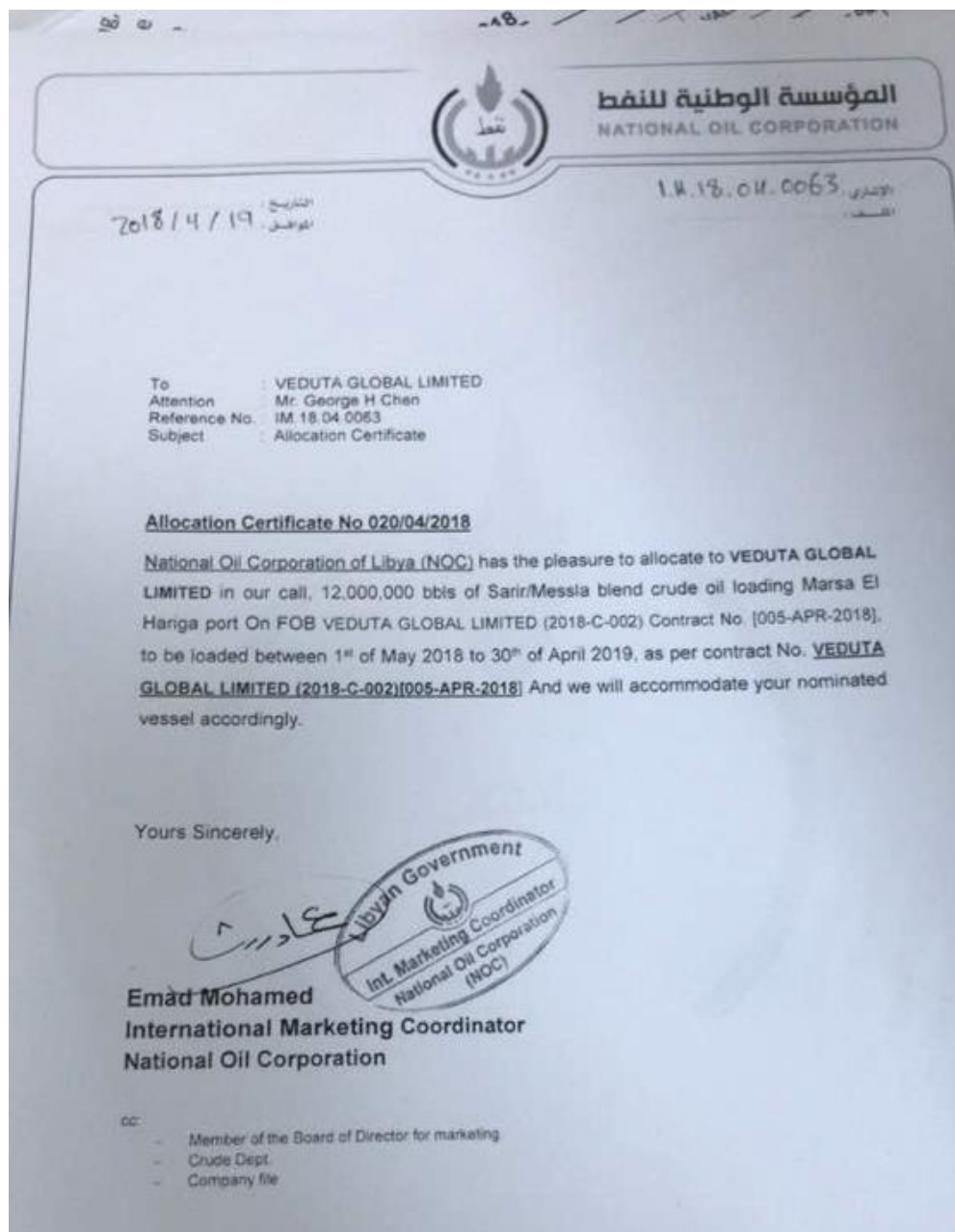


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[info@libya-noc.org](mailto:info@libya-noc.org) <https://m.facebook.com/NOCL.LIBYA/>

Source: Confidential

## Veduta case

5. The following is a letter signed by the National Oil Corporation of Benghazi to confirm a cargo availability in the favour of “Veduta Global Limited”, on 19 April 2018.



Source: Confidential

## Phaedra Bright-1 case

6. The following is a letter from the National Oil Corporation addressed to the Panel of Experts, on 13 May 2018, on an illicit attempt conducted by the Eastern National Oil Corporation.



المؤسسة الوطنية للنفط  
NATIONAL OIL CORPORATION

Date: 13/05/2018  
Ref No: 466

PANEL OF EXPERTS ON LIBYA/ UN

Dear Sir/Madam,

With reference to the series of clear resolutions and statements of the United Nations, including UN Security Council Resolution 2278, regarding the prevention of illicit oil exports, and UNSCR 2259 which is strongly opposes activities which could damage integrity and unity of the NOC, and UNSCR 2213 which implement sanctions against individuals or entities that support criminal networks through the illicit exploitation of crude oil or any other natural resources in Libya, and paragraph 10 of resolution 2146 (2014) as extended and modified by paragraph 2 of resolution 2362 (2017).

We also make reference to the previous correspondences regarding the continuous attempts to sell crude oil via unlawful channels,

Unfortunately, those attempts are still on-going, where it came to our attention that a vessel called: Seaways Josefa Comejo ,IMO 9213301 (which could be currently named Phaedra Bright-1), has been nominated to load a cargo of 600,000 – 750,000 bbls from Marsa Al-Hariga with an ETA of 17/05/2018 (Dwt 112,200, length 250m, built 2001, flag Marshall Islands and the client is unknown).

Therefore, please do whatever in your power to prevent it from being successful, where successfully bypassing NOC will lead to more damage on Libyan sovereignty and unity.

Thank you for your constant support.

Yours sincerely

Ahmed Shawki  
General Manager  
International Marketing Department- NOC




CC: Mustafa Sanallah – Chairman of the Board of Directors.  
CC: General Manager of Legal Department

شارع بشير السعداوي - ( ميدان جنة العريف ) طرابلس / ليبيا - هاتف : + 218 21 333 7141 - 44 / + 218 21 334 5700 - 09

Bashir Sadawi st r . P .o Box : 2655 - 5335 Tripoli - Libya Tel : + 218 21 334 5700 - 09 / + 218 21 333 7141 - 44

Source: National Oil Corporation

## Annex 38 Letter from the Eastern National Oil Corporation claiming to be the sole legitimate institution authorized to export crude oil



**المؤسسة الوطنية للنفط**  
NATIONAL OIL CORPORATION

الموافق :  
الإشاري :

TO: WHOM IT MAY CONCERN

Date: 18.12.2017  
Ref: 604/1978

Dear Sirs/Madam,

With regard to the series of clear resolutions and statements of the United Nations including Security Council 2278, regarding the prevention of illicit oil exports, and UNSCR 2259 which strongly opposes activities which could damage the integrity and unity of the NOC, and UNSCR 2213 which implements sanctions against individuals or entities that support criminal networks through illicit exploitation of crude oil or any other natural resources in Libya, The National Oil Corporation (NOC) would like to state the following:

The elected and internationally recognized General National Congress (GNC) has assigned the Libyan Interim Government (LIG) which issued Government Decree No.247 (attached) issued in Tripoli on the 5<sup>th</sup> of Jun 2013 to re-locate National Oil Corporation (NOC) Headquarter to the city of Benghazi. In 2014, The elected and internationally recognized Libyan House of Representatives has assigned the Libyan Government in November of 2014 to restructure NOC Board of Directors. Law No.10 issued 1979 governing Libyan Oil and Gas industry was amended by the Libyan House of Representatives by resolution No. 4 (attached) issued on the 21<sup>st</sup> of November 2017, which assures that the National Oil Corporation Headquarter is legally based in the city of Benghazi east of Libya.

We hereby inform all IOCs that National Oil Corporation of Libya, with its official headquarter at Jamal Abdelnaser (Istiklal) Street, Berka, Benghazi, is the sole owner of title related to all Libyan hydrocarbons and we are entitled to sell all crude oil, petroleum products and petrochemicals in Libya by Law 10 issued 1979. NOC has issued and informed the UN panel and the International community that it is fully committed to honor all legally signed agreements and contracts with the IOCs active in Libya and abroad and it is fully committed to the maintenance and development of the Libyan Oil and Gas resources as they represent the main financial Libyan source of income for the Libyan state and public.

In coherence with the UN views and the International community; see that any unauthorized personnel or entities dealing with the Libyan crude oil is a criminal and will be subjected to sanctions, which apply exactly on any personnel signing contracts in Tripoli, as it was clearly stated in a series of UN resolutions and statements.

Accordingly; we request and expect all International companies to respect the Libyan legislations as well as the UN resolutions, and immediately stop all illegal activities concerning the Libyan oil and Gas industry. NOC will take all the necessary legal actions to protect the Libyan hydrocarbons.

Sincerely yours

Mr. Faraj Mohamed Said  
Chairman of Board of Directors  
National Oil Corporation

CC: Board of Directors  
CC: General Manager of Legal Department

المؤسسة الوطنية للنفط  
رئيس مجلس الإدارة  
المؤسسة الوطنية للنفط

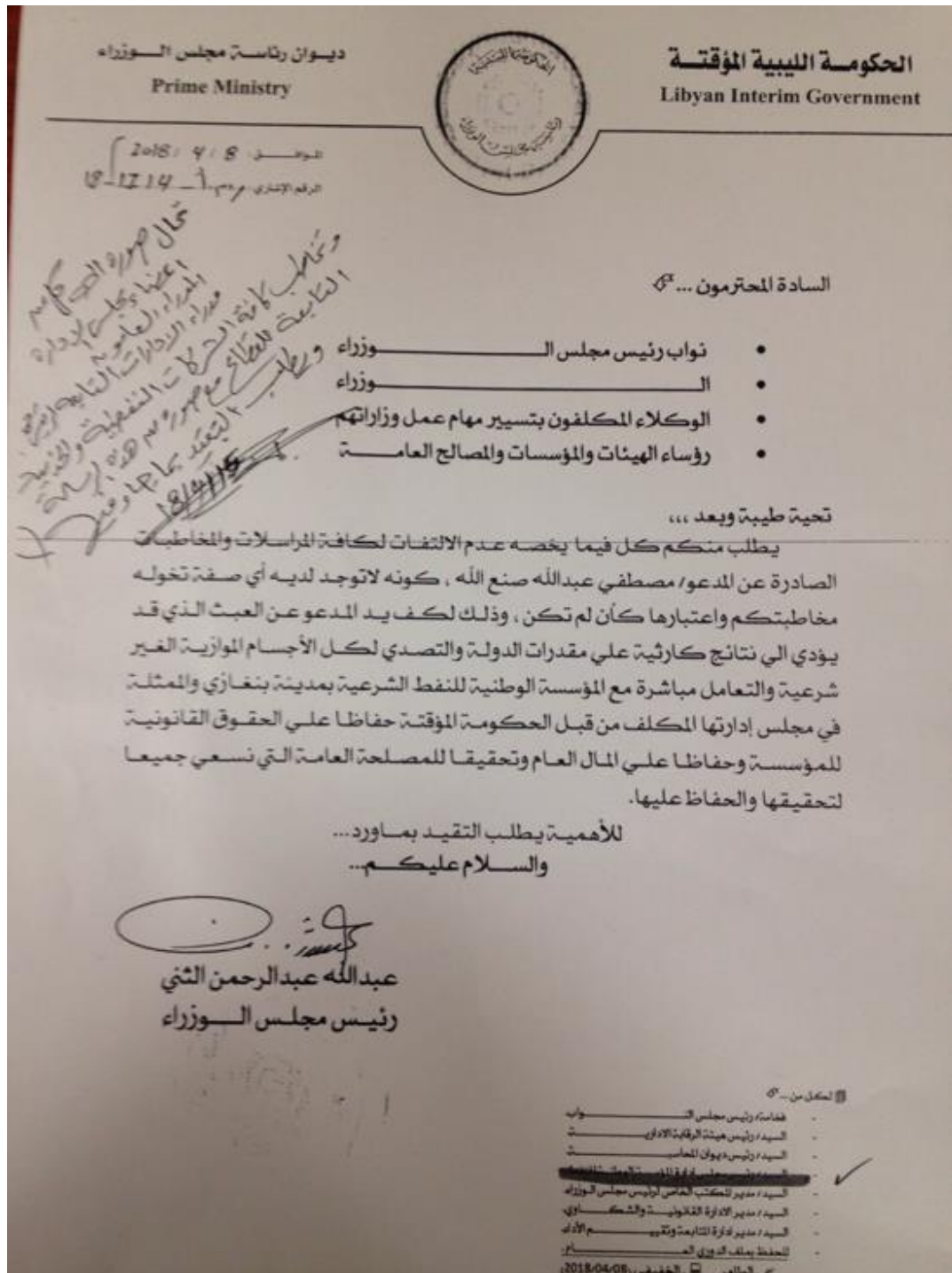
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Source: Eastern National Oil Corporation



## Annex 39 Letter from the Interim Government on Mustafa Sanalla

1. The following is a letter signed by the Chairman of the Eastern National Oil Corporation, dated 8 April 2018, requesting to disregard all communications from Mustafa Sanalla.



Source: Confidential

2. The following is an official translation of the document indicated in para 1.

**Libyan Interim Government**

**Secretariat of the Office of the Prime Minister**

Date: 8 April 2018

Ref.: *ra' mim alif*-1714-18

[Handwritten notation]

Copy to all members of the Board of Directors, general directors and heads of departments [illegible]. Contact all oil and service companies and provide them with a copy of this letter. Please adhere to what is set out in it.

18 April 2018

[Body of letter]

Sirs,

You are all requested, within your respective areas of competence, to disregard all communications and letters from Mustafa Abdullah San'allah, because he is not authorized to address any communications to you, and to consider such communications and letters as though they had never been written. You are being requested to do this in order to prevent the above-mentioned individual from engaging in tampering that could have catastrophic consequences for State resources. You should disregard all illegal parallel institutions and deal directly with the legitimate National Oil Corporation in Benghazi and its Board of Directors, which was appointed by the Libyan Interim Government. Doing so will safeguard the legal rights of the Corporation and public property, and serve the public interest, which we are striving to realize and safeguard.

It is very important that you should comply with the above.

Accept, Sirs, the assurances of my highest consideration.


(Signed) Abdullah Abdulrahman **al-Thani**

Prime Minister

**Source: Confidential (translated by United Nations)**

## Annex 40 Letter from the Eastern National Oil Corporation to international oil companies.

1. The following is a letter from the Eastern National Oil Corporation addressed to international oil companies.



**المؤسسة الوطنية للنفط**  
NATIONAL OIL CORPORATION

التاريخ : \_\_\_\_\_  
الموافق : \_\_\_\_\_


الإشاري : \_\_\_\_\_  
المسند : \_\_\_\_\_

**TO: All International Oil Companies (IOCs)**  
**SUBJECT: National Oil Corporation (NOC) Circulation**

In compliance with the Libyan Government Decree No. 247 issued in Tripoli on the 5<sup>th</sup> of June 2013 to relocate NOC Headquarter in the City of Benghazi where it was established in 1968, and the Decree No. 4 (Issued November 21<sup>st</sup> 2018) by the Libyan House of Representatives (Parliament) in Tobruk confirming the NOC legal and official Headquarter is located in the city of Benghazi, Libya.

NOC welcomes the return of the oil facilities in the Gulf of Sidra "Oil Crescent" and its fully committed to honor any and all the series of clear resolutions and statements of the United Nations including Security Council 2278, regarding the preventions of illicit oil exports, and UNSCR 2259 which oppose activities that could damage the integrity and unity of NOC, and UNSCR 2213 which implements sanctions against individuals or entities that support criminal networks through illicit exploitations of crude oil or any other natural resources in Libya, the National Oil Corporation would like to state the following :

- NOC hereby informs all IOCs that NOC Libya with its official Headquarter at Jamal Abdelnaser (Istiklal) street, Berka, Benghazi, is the sole owner of the title related to all hydrocarbonate and NOC entitled to sell all crude oil, petroleum products and petrochemicals in Libya Law 10 issued 1979.
- NOC would like to inform all IOCs that it's fully committed to honor all legally signed agreement and contracts with legally signed agreements and contracts with the IOCs active in Libya and abroad, and its fully committed to the maintenance and development of the Libyan state and public.
- Making sure that all oil export revenues are deposited in the Libyan Central Bank account which will be monitored by the CBL "watch revenues" as well as any and all International Monitoring Funds and will finance the Libyan budget through the Libyan Ministry of Finance for the State of Libya.



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**المؤسسة الوطنية للنفط**  
NATIONAL OIL CORPORATION

التاريخ : \_\_\_\_\_

الموافق : \_\_\_\_\_

الإشاري : \_\_\_\_\_

المسند : \_\_\_\_\_

- NOC has 2 branches in Tripoli and Sebha which will accommodate all NOC activities on the state of Libya.
- In coherence with the UN view and the international community, we request and expect all international companies to respect the Libyan legislations as well as UN resolutions, and immediately stop all illegal activities concerning the Libyan oil and gas industry. NOC will take all necessary legal actions to protect the Libyan hydrocarbons.
- The Libyan Audit Bureau 2017 proved beyond doubts that more than 1 billion US Dollar was unaccounted for, this funds the attacks on the Libyan oil facilities and damage the integrity of the Libyan lands. NOC will take immediate actions to collect these revenues for Libya.
- We assure Libyans as well as the international community that NOC will work for all Libyans with transparency and according to the best standards.

National Oil Corporation



بنغازي - البركة (00218)614782560 - (00218)614782561

info@libya-noc.org <https://m.facebook.com/NOCL.LIBYA/>

Source: Confidential

## Annex 41 Orders by the head of the Petroleum Facilities Guard, East and Central region.

1. The following is an order, dated 26 June 2018, by Naji al Maghrebi, head of Petroleum Facilities Guard, East and Central region, to companies in charge of oil terminals to prevent tankers from loading crude oil until further instruction by the General Command of the LNA.

FROM : \* FPK NO. :

B26

(نموذج برقية)

الرقم :  
لاخراض المواصلات العامة / لاستكمال المخبرة فقط

تعليمات الرقعة	وقت الإصدار ويومه الأربعاء 2018/06/27م	الأسبقية // للمعلومات غير مسبقة	الأسبقية // للتطبيق تفورية
التعريف عدد المجموعات درجة التتبع سري جداً رقم المتكفي / 159			من / جهاز حرس المنشآت النفطية بالمنطقة الوسطى والشرقية إلى / الأخ / رئيس لجنة الإدارة / بغير مسبق الأخ / رئيس لجنة الإدارة بالشرطة الليبية الترويجية للأمن الأخ / مراقب ميناء الزويتانية الأخ / مراقب ميناء المنيرة الأخ / مراقب ميناء العريفة / طبرق الأخ / مراقب ميناء الهروج المعلومات / القيادة العامة ملحق الحماية والحراسة للجهاز المتابعة والأجراء

يُنهى على تعليمات القائد العام للقوات المسلحة العربية الليبية ، عليه يمنع استقبال البواخر لغرض  
التحميل من الموانئ المذكورة ويمنح الاستمرار بالعمل في الحقول والموانئ لحين صدور  
تعليمات لاحقة

« والسلام عليكم ورحمة الله وبركاته - سلام - »

أحمد موسى المغربي  
جهاز حرس المنشآت النفطية  
المنطقة الوسطى والشرقية

الرائد / ساعة الأرسال /  
المسلم / ساعة الاستلام /

Source: Confidential



2. The following is an official translation of the document indicated in para. 1.

From the Petroleum Facilities Guard in the central and eastern region to:

Chairman of the Management Committee of Sirte Oil Co.

Chairman of the Management Committee of the Libyan Marketing (promotion) for Fertilizer Company

Chairman of the Management Committee of Ras Lanuf Company

Supervisor of Zueitina port

Supervisor of Hariga/Tobruk port

Supervisor of Harouge port

Instructions were issued by the General Command and conveyed by the security Coordinator – PFG

Upon the orders of the General Commander of the Arab Libyan Armed Forces (the LNA), it is prohibited to receive vessels intending to export from the above-mentioned ports as well as work in ports and fields is prohibited until further notice.

Sincerely,

Naji Ahmad Moussa el-Maghribi

Commander of the Petroleum Facilities Guard

Central and Eastern region/branch

Transmitter: Time of transmission

Consignee: Time of reception

**Source: Confidential (Translated by United Nations)**

3. The following is an order, dated 10 July 2018, also from Naji al Maghrebi, head of Petroleum Facilities Guard, to rescind the previously-given instructions.





Libyan Arab Armed Forces  
General Command  
Petroleum Facilities Guard, Central and Eastern Regions  
Subject: Resumption of oil exports  
Ref.: *fa' jim waw shin* / 08 / 1705

27 Shawwal, A.H. 1439 (10 July, A.D. 2018)

Sirs,

I write further to the orders given by the Commander-in-Chief of the Libyan Arab Armed Forces on 10 July 2018 authorizing the resumption of exports from your ports.

In accordance with those orders, the provisions of our telegram *jim waw shin* / 59 / 1534 of 27 June 2018, which stated that vessels would no longer be granted permission to export from oil ports, are hereby rescinded. The Petroleum Facilities Guard units responsible for protecting oil assets have received instructions that export activities may resume.

May the peace and mercy of God and his blessings be upon you.

(Signed) Major General Naji Ahmad Musa al-Maghribi  
Commander, Petroleum Facilities Guard/Central and Eastern Regions

Chair, Board of Directors, Sirte Company for the Production and Manufacturing of Oil and Gas

Chair, Board of Directors, Arabian Gulf Oil Company

Executive Director, Libyan Norwegian Fertilizer Company

Chair, Board of Directors, Harouge Oil Operations

Chair, Board of Directors, Ras Lanouf Company

Chair, Board of Directors, Waha Oil Company

Chair, Board of Directors, Zueitina Oil Company

Copied:

Libyan Arab Armed Forces General Command, for information

National Oil Corporation, for information

Coordinator of Protection, Central and Eastern Regions Branch, Petroleum Facilities Guard, for information

Security desks of the Petroleum Facilities Guard, Central and Eastern Regions, for information

Records, for archiving.

**Source: Confidential (Translated by United Nations)**

## Annex 42 Eastern National Oil Corporation bank accounts

1. The following is the bank account details provided by the Eastern National Oil Corporation to receive the revenues of oil exports.

التاريخ: / / 14 هجری  
الموافق: 2016/03/03 ميلادي  
الرقم الاشاري: ت د 2016/95.



الحكومة الليبية المؤقتة  
المؤسسة الوطنية للنفط  
National Oil Corporation

---

**To: Whom it may concern**  
National Oil Corporation Bank Information,

NAMEOFBANK: BANK AL ETIHAD  
BANKADDRESS: P.O.BOX. 35104 AMMAN 11180  
BANKACCOUNT NAME: NATIONAL OIL CORPORATION  
BANK ACCOUNT NUMBER: USD (0010210713715101)  
BANK SWIFT CODE: UBSIJOAXXX  
BANK OFFICER NAME TITLE: Mr. Fadi Marie - Head of Treasury & Investment  
BANK OFFICER E-MAIL: [f.marie@bankaletihad.com](mailto:f.marie@bankaletihad.com)  
Tel: [+96265621993 ext 4000](tel:+96265621993)  
Mobile: [962799990107](tel:962799990107)  
Direct : [96265623012](tel:96265623012)

**Dr. Almabruk Mohamed**  
General Manager, International Marketing

cc:M, COSO, File

Head Quarters: El Estiqlal Streer, Berka, Benghazi P.O Box (1480)  
Office: 00218695710400 / 600 Fax: 00218695710300 Email: [marketing@noc-ly.org](mailto:marketing@noc-ly.org)

Source: Confidential

**Annex 43 List of fuel smugglers issued by the Libyan Attorney General Office**

1. The Panel holds a copy and official translation of the list of fuel smugglers issued by the Attorney General Office in December 2017.

**Annex 44 List of petrol stations involved in fuel smuggling according to Brega Petroleum Marketing Company**

1. The Panel holds a copy and official translation of the list of petrol stations involved in fuel smuggling according to Brega Petroleum Marketing Company, obtained in May 2018.

**Annex 45 List of petrol stations opened after 2011**

1. The Panel holds a list of the petrol stations, licensed by the four distributor companies, created after 2011. It is not officially translated. The four distributors are: Oil Libya, Al Rahila, Sharara Oil Services, and Highway Service Company.

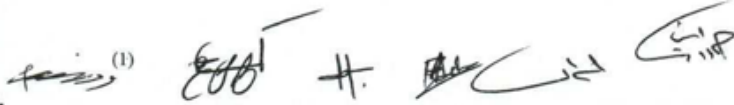
## Annex 46 New standards to be met by petrol stations in Libya

1. The following is a document defining the criteria for a petrol station to be opened in Libya, dated 1 November 2017.



## المحتويات

المحتوى	ر م
لائحة شروط وإجراءات إنشاء محطات توزيع الوقود	1
إجراءات الحصول على الموافقة المبدئية لإنشاء محطة توزيع وقود	2
الشروط والمستندات المطلوبة لإنشاء محطة توزيع وقود	3
نموذج إيصال استلام النماذج - نموذج (01)	4
نموذج رسالة إحالة مستندات الى الفريق الفني - نموذج (02)	5
نموذج رسالة الموافقة المبدئية - نموذج (03)	6
المستندات المطلوبة للحصول على الموافقة النهائية لإنشاء محطة وقود	7
نموذج رسالة الموافقة النهائية - نموذج (04)	8


 (1)



## لائحة شروط وإجراءات إنشاء محطات توزيع الوقود

### أولاً: التعريفات:

تكون الكلمات والعبارات التالية الواردة في هذه اللائحة حيثما وردت للمعاني الموضحة قرينها.

- المؤسسة: المؤسسة الوطنية للنفط.
- الوقود: مشتقات نفطية عضوية تستخدم لتوليد الطاقة في الآليات والمركبات مثل (بنزين السيارات ، وقود الديزل ، كيروسين منزلي ، غاز الطهي وغيرها ... كما تشمل زيوت المحركات).
- محطة وقود: المكان المخصص والمرخص له بممارسة نشاط بيع الوقود مع بعض الخدمات الأخرى التي يمكن اقامتها ضمن المحطة حسب درجة تصنيفها الواردة بهذه اللائحة.
- طالب الموافقة : المالك الرسمي للأرض أو من يمثله قانوناً والراغب في إنشاء محطة توزيع الوقود.
- المرخص له: الشخص الحاصل على رخصة سارية المفعول لإنشاء محطة توزيع الوقود.
- الموقع: قطعة الأرض المحددة رسمياً وواضحة المساحة والمعالم والحدود والاتجاه والمراد إنشاء محطة وقود عليها.
- المخططات: مجموعة الخرائط والمقاطع التي توضح الكيفية التي سيصير عليها تنفيذ المشروع من الناحية الإنشائية والمعمارية والكهربائية و الميكانيكية.
- الطريق: الطريق الذي يربط بين المناطق.
- الشارع: الشارع داخل المدينة.
- التقاطع: عبارة عن تقاطع طريقين أو أكثر من أي نوع.
- الطرق الفرعية: الطرق المتفرعة من الطرق الرئيسية.

حسين بن علي  
م. بن علي  
م. بن علي  
م. بن علي  
م. بن علي (2)



- 2- يجب إحاطة المحطة بسور من مواد غير قابلة للاحتراق بارتفاع لا يقل عن (2) متر، أما من الجهة المجاورة للطريق العام فيجب تحديد مداخل المحطة ومخارجها ويمكن أن يتم ذلك بوساطة أرصفة أو حواجز ثابتة بدلاً من السور.
- 3- تعبيد الممرات الخاصة بالسيارات وعمل أرصفة وإضاءة لها .
- 4- يتم تكمية الحوائط في منطقة خدمات السيارات ودورات المياه والمطابخ بالسيراميك ناعم الملمس وسهل التنظيف ، ويمكن استخدام دهان بلاستيك ثلاثة أوجه مع الأساس في أماكن الاستراحة والمطعم والمكاتب .
- 5- مراعاة شفافية الواجهات للأنشطة الموجودة بالمحطة عدا مبنى استراحة العاملين.
- 6- وضع لوحة منفصلة باسم وشعار المحطة تكون مضاءة وبحجم وارتفاع مناسبين.
- 7- توضع لوحات إرشادية واضحة في مكان بارز للدلالة على الأماكن والخدمات المختلفة في الموقع مثل المسجد ، المطعم ، الاستراحة ، دورات المياه ، وذلك بأبعاد ورموز مناسبة.
- 8 - تنسيق الموقع العام بشكل جميل بحيث يشتمل على مناطق خضراء وأحواض زهور مع تهيئة أماكن استراحة خارجية لمرتادي المحطة.
- 9 - مراعاة عدم التداخل في الحركة داخل المحطة بين مواقع الخزانات وخط تزويد الوقود وخط الغسيل والتشحيم والخدمات المتوفرة بالمحطة.
- 10 - لا يسمح باستخدام الاسفلت في الأرضيات عدا ممرات السيارات ، أما أرضيات الخدمات الملحقة بالمحطة (المطعم ، الاستراحة ، النشاطات التجارية) فتكون من الرخام او السيراميك او ما شابههما.
- 11 - يتم تخطيط أرضية المحطة بالعلامات المرورية الأرضية التي تشير إلى الدخول والخروج وبيان مسار الحركة بالمحطة والمواقف وتجديدها دورياً.
- 12 - ألا يقل الحد الأدنى لارتداد مباني المحطة عن حدود الجار عن (3) ثلاثة متر.

(11)

حسين الحارثي  
 H.   
 محمد عبد الله

## أحكام عامة:

يمنع منعاً باتاً استخدام المحطة لغير الغرض المرخص بها وبما لا يتعارض مع القوانين النافذة ويتحمل المرخص له كافة النتائج عن المخالفات التي تحصل في المحطة سواء حدثت هذه المخالفات منه مباشرة او عن أحد العاملين التابعين له. ومن هذه المخالفات ما يلي:

- أ- خلط المشتقات النفطية او إحداث أي تغيير بمواصفاتها الأصلية.
  - ب- التلاعب في أجهزة قياس المشتقات النفطية المستلمة او المباعية والمخزون.
  - ج- الشراء والمتاجرة بالمشتقات النفطية مع غير المرخص لهم او بطريقة مخالفة للقوانين والأنظمة والتعليمات الصادرة عن الجهات المختصة.
  - د- الإهمال الذي يؤدي الى خلط المشتقات النفطية بالماء او غيره.
  - هـ- كافة الأعمال التي تؤدي الى الغش في كميات او مواصفات المشتقات النفطية.
  - و- مخالفة التعليمات الصادرة عن هيئة السلامة الوطنية بخصوص إجراءات الأمن والسلامة ومكافحة الحرائق.
  - ح- في حالة ضبط المخالفة يتم إيقاف تزويد المحطة بالمشتقات النفطية لمدة (2) شهرين ولمدة (6) أشهر في حالة تكرار المخالفة بعد ذلك ، مع احتفاظ المؤسسة الوطنية للنفط بحقها في إيقاف تزويد المرخص له بالمشتقات النفطية في حالة تكرار المخالفات.
  - ي- في حالة ضبط أي مخالفة من الخالفات المذكورة أعلاه او غيرها مما يتعارض مع القوانين النافذة ، يتم إحالة المرخص له والشخص او الأشخاص المخالفين الى المحاكم المختصة وحسب القوانين النافذة.
- لا تحول هذه الإجراءات دون إتخاذ اية إجراءات قانونية أخرى من الجهات القضائية.

(12)

أ. ب. ج. د. هـ. و. ح. ي.













## المؤسسة الوطنية للنفط

المستندات المطلوبة للحصول على الموافقة النهائية

### لإنشاء محطة توزيع وقود

1. الموافقة المبدئية من لجنة منح الموافقات على إنشاء محطة توزيع الوقود.
2. شهادة برفع الصبغة الزراعية عن الموقع المراد إنشاء المحطة عليه.
3. رخصة البناء سارية المفعول.
4. رخصة مزاولة النشاط من وزارة الإقتصاد.
5. خرائط إنشائية ومعمارية للمحطة معتمدة من أحد المكاتب الهندسية والشركة المتعهدة بتزويد المحطة بالوقود على أن تشمل هذه الخرائط الآتي:
  - أ- خريطة تبين الموقع العام للمحطة وعلاقته بالطريق العام والمساقط الأفقية موضحاً عليها توزيع الخدمات واتجاه الحركة والإرتدادات والمداخل والواجهات.
  - ب- مسقط أفقي موضحاً عليه المداخل والمخارج وأماكن وقوف السيارات وكافة الخدمات الموجودة بالمشروع وأبعاده وحركة السير داخل وخارج المحطة والمظلات والجُزر ومواقع مضخات وخزانات الوقود ومواقع تفريغ الوقود.
  - ت- مخططات معمارية تفصيلية لمباني الخدمات الموجودة بالمحطة ومضخات وخزانات الوقود وتشتمل المخططات على ما يلي:
    - المخططات الإنشائية وتشتمل على التفاصيل الإنشائية للقواعد والأرضيات والأعمدة والأسقف والسلالم وخزانات المياه والوقود والأسوار والمظلات مدعمة بالجدول اللازمة للتسليح وكيفية توزيع الحديد والتفاصيل الإنشائية والقطاعات التوضيحية بمقياس رسم مناسب.
    - المخططات الكهربائية التفصيلية والقطاعات الخاصة بها.
    - مخططات التمديدات الصحية مدعمة بالجدول والتفاصيل اللازمة.
    - مسقط أفقي عام يوضح فيه كافة التمديدات الصحية والصرف الصحي والتغذية مع توضيح أماكن خزانات المياه وخزانات مخلفات الشحوم والزيوت وخزانات تجميع وصرف المياه وعمل التفاصيل اللازمة لوحدات معالجة المياه المختلطة بالزيوت.

(16)

Handwritten signatures and stamps at the bottom of the page.

- 6- عقد مع أحد المكاتب الهندسية المعتمدة بالموافقة على الإشراف الفني على عملية تنفيذ المحطة.
- 7- تعهد بعدم إجراء أي تغيير على الخرائط المعتمدة.

(17)  
Handwritten signatures and marks, including a large signature on the right and several smaller ones on the left, some with initials and a hash symbol (#).

Source: Confidential

## **Annex 47 The Zawiyah Smuggling Network**

1. A network of armed groups, present in Zawiyah, Sabratha, Warshefana, Zintan, Surman, al-Ojeilate and Zuwarah, benefits from fuel smuggling. They also benefited from protection provided by local and national political sponsors.
2. Between 2011 and 2014, local groups have disputed control over Zawiyah refinery. On 5 July 2014, a few days before launching of Operation Libya Dawn, the Petroleum Facilities Commander, the late Colonel Ali al-Ahrash, officially put al-Nasr Brigade, under the command of Mohammad Kachlaf, in charge of providing security to Zawiyah refinery. The control over the refinery by al Nasr was agreed with Shaaban Hadiya (a.k.a Abu Obeyda al Zawi) commander of the Libya Revolutionaries Operation Room (LROR).
3. Ahmad al-Dabbashi's armed group in Sabratha also benefited from smuggling of petroleum products by taxing truck tankers (see S/2017/466, para. 240). Other groups also profited from the smuggling. The most important are: Jamal al-Ghaeb Brigade based al-Matrad in western Zawiyah; Ali Kardamine's group in southern Zawiya; the Central Security Apparatus influential in Sabratha and Surman; al-Sobertawate Brigade in Warshefana and the Zintani al-Qorj brigade. Over the last couple of months, trucks were usually taxed between 4500 and 6000 LYD at checkpoints. Numerous attacks against fuel trucks increased insecurity in the region and deprived local populations from access to fuel.

## **Annex 48 Documents provided to the Panel by Mohamed Kachlaf**

1. The following is an official translation of the documents provided to the Panel by Mohamed Kachlaf in April 2018.

Translated from Arabic

### **State of Libya**

Government of National Accord

26 February 2018

Re: Request for a meeting

To: Panel of Experts of the Security Council committee established pursuant to resolution 1970 (2011) concerning Libya

From: Muhammad al-Amin al-Arabi Kashlaf

Commander of the Zawiyah support unit of the Petroleum Facilities Guard

Sir,

We would like thank you for your unwavering commitment to the rights of citizens and for maintaining the credibility and transparency of your ongoing research and fact-finding efforts. We wish to cooperate with you and would to meet with you in order correct the inaccuracies in your report on the security situation in Libya in 2016 and 2017. We therefore hope that you will set a date for our meeting. We attach herewith some documents that attest to the veracity of the information that we have submitted. Thank you for your cooperation and peace be upon you.

(Signed) Muhammad al-Amin al-Arabi Kashlaf

### **Sharara Oil Services Company**

Date [Illegible]

Ref. No. [Illegible]

To: Zawiyah Victory squadron

Sir,

Sharara Oil Services Company conveys to you its best wishes. As part of our fruitful cooperation in the public interest, we hope that you will provide the necessary protection for

the company's facilities, namely, its sales office, oil depot and transport and distribution unit in Zawiyah city. We thank you in advance.

Long live free Libya, and peace be upon you.

(Signed) Abdulnasir al-Arabi Darra'

Director-General

cc:

Head of the Zawiyah Local Council

Head of the Zawiyah Military Council

Chair of the Board of Directors

Outgoing documents file

**Government of National Accord**

**Ministry of Local Governance**

Zawiyah Local Council

Ref. No.: 39/2017

9 Rabi' II A.H 1438 (8 January A.D. 2017)

To: Commander, Zawiyah support unit

Sir,

With regard to your letter of 5 January 2017, under reference number *waw alif za*'/102, in which you advise us that you will cease the services that the Petroleum Facilities Guard ordered you to provide pursuant to Decision No. 10 (2014), we request that you promptly resume protecting the oil region from security breaches, in order to defend the public interest.

(Signed)Najib al-Sadiq al-Bashti

Head of the Zawiyah Local Council

cc:

Deputy Head of the Council

Sectors file



Fuel Monitoring Committee file

Periodic public record file

Brega Petroleum Marketing Company

A National Oil Corporation company

Internal company correspondence

Muhammad Salim al-Qamudi, Director of the Regional Administration of Zawiyah

Bashir Muhammad Zuraybah, Director-General of regions *ghayn jim*

8 January 2017

Sir,

With reference to Decision No. 10 (2014) issued by the Ministry of Defence concerning the deployment of a support unit (Victory Company) to protect facilities belonging to the Brega Petroleum Marketing Company, we wish to inform you that there have been no attacks against the Brega Company's property in the Zawiyah oil depot between 5 July 2014, when the company was deployed, and the end of 2016. Moreover, no materials or vehicles have been stolen from company sites, and no security breaches have occurred. In contrast, during the period before the company was deployed, a number of vehicles were stolen, and the depot was closed on more than one occasion.

Peace be upon you.

Attached is a copy of the decision.

(Signed)

cc:

Depot coordinator

Outgoing documents file

**Source: Mohamed Kachlaf (Translated by United Nations)**

## **Annex 49 Collusion between the Coast Guards unit in Zawiyah and al-Nasr Brigade**

1. On 28 June 2016, the Coastguard unit in Zawiyah seized a fuel tanker, the Temeteron (IMO 8917170, see S/2017/466 para. 241), off the coast of Abu Kammash near Zuwarah.<sup>14</sup> The tanker and its crew were then taken to Tripoli Naval Base. Three of the nine crew members held were Russian nationals. The Belize-flagged tanker was boarded by the Coastguard unit in Zawiyah. Photos obtained by the Panel show both Abd al-Rahman al-Milad (commander of Coastguard unit in Zawiyah) and Mohammad Kachlaf on board. The first one shows Mohammad Kachlaf, in his military uniform, present on the bridge of the ship and surrounded by the arrested crew. The second photo below shows al-Milad photographed from behind.

**Picture 21 Mohammad Kachlaf on board the Temeteron after the seizure**



**Source: Confidential**

<sup>14</sup> The Coastguard stop a fuel tanker with 5 Russians on board, al Wasat, 30 June 2017, <http://alwasat.ly/ar/news/libya/110348/>.

**Picture 22 Abd al-Rahman al-Milad on board the Temeteron**



**Source: Confidential**

**Picture 23 Temeteron seized by Zawiyah Coastguard on 28 June 2016. This picture was taken in Greece, where the vessel was seized for carrying an illegal load of diesel on 1 April 2016, prior its interception by the Libyan Coastguard**



**Source: Shipspotting.com<sup>15</sup>**

2. According to sources in Zawiyah, seizures and arrests by the Coastguard unit in Zawiyah of fuel tankers are sometimes influenced by business interests of Mohammad Kachlaf. al-Milad's appointment in the Coastguard in Zawiyah late 2014 was done following Kachlaf's intervention (See S/2017/466, annex 30). As pointed out in the previous report, al-Milad used the Coastguard's boat in order to intercept migrants at sea and transport them to al Nasr detention centre, from where they were sold again to smugglers.

<sup>15</sup> <http://www.shipspotting.com/gallery/photo.php?lid=2253177>.

## **Annex 50 Documents provided by Abd al-Rahman al-Milad, commander of the Coastguard Unit in Zawiyah**

1. The following is an official translation of the documents provided to the Panel by Abd al-Rahman al-Milad, in April 2018, attesting that the mission was conducted based on an order by his Coastguard hierarchy.

Chief of General Staff

Navy

Coast Guard and Port Security Authority

Western Sector

Zawiyah Refinery post

Subject: Report concerning the seizure of a tanker engaged in smuggling

File No. 167-18

1 July 2016

To: Commander, Western Sector, Coast Guard and Port Security Authority

We hereby inform you that, at 5 a.m. on 28 June 2016, a joint patrol comprising a Libyan Petroleum Facilities Guard support squadron and personnel from the Zawiya refinery post of the Coast Guard and Port Security Authority set out in an inflatable French S7 boat and a Korean S9 vessel, heading north-west. At 11.30 a.m., a group of vessels (three tankers of various sizes) was spotted north-west of the city of Zuwarah. We suspected that the tankers were being used to smuggle diesel fuel. A group of tugboats was spotted near the tankers. At noon, at coordinates 33° 17' N, 11° 48' E, we decided to board one of the vessels to determine whether its paperwork was in order. Once on board, we learned that the tanker was named *Temeteron*. It was flying the Ukrainian flag and was the property of Contrast Shipping Ltd. It became apparent that the tanker was set up to smuggle fuel. There were no symbols of the Libyan State on the vessel. The crew consisted of nine persons, namely, the Russian captain, the Ukrainian chief mate, a Russian mechanical engineer, five Ukrainian sailors and one Greek national. We attach herewith a copy of the list of the crewmen's names and nationalities.

At approximately 6 p.m., we came under heavy gunfire directed at us from a yacht with heavy weapons on board (Dushka)[*incomprehensible*]. We returned fire, wounding one person on the yacht. They fled, leaving the port of Zuwarah.

At 10.30 p.m., a vessel belonging to the Zawiyah refinery post patrol arrived because the [*incomprehensible*] of the Korean S9 vessel had broken down and it was low on fuel.

At 2.30 a.m., we arrived at Shi'ab port in Tripoli and boarded the tanker.

At 3.30 a.m., the tanker was turned over to Captain Anwar al-Sharif of the Coast Guard and Port Security administration.

*(Signed)* Captain Abdulrahman Salim al-Milad

Commander

Zawiyah refinery post

Coast Guard and Port Security Authority

Annexes:

Copy of the patrol report

Copy of the list of crewmen's names

Copy of the specifications of the tanker

*[Illegible]* of last five ports

**Source: Abderahman al al-Milad (Translated by United Nations)**

2. The following is the list of the crew on board the Coastguard patrol boat that intercepted the Temeteron. Both al-Milad and Kachlaf are on the list.

الموافق / 2016/06/28



كتف بأسماء أطقم الدورية المشتركة بين نقطة حرس السواحل مصفاة الراوية وسرية الإسناد بحري المنشآت

النفطية الذين قاموا بضبط الناقله التهريب المسماه تمري بتاريخ 2016/06/28

ت	الرقم	الرتبة	الاسم	ملاحظة
1.	36479	م.أول بحار	عبد الرحمن سالم ميلاد	حرس السواحل
2.	580099	ر.ع.و	محمد سالم ارحومة	حرس السواحل
3.	584213	ر.ع.و	هشام ابو عجيله أحمدية	حرس السواحل
4.	584216	ر.ع.و	محمد علي العربي	حرس السواحل
5.	567958	ر.ع.س	عبد المنعم المدهون الأهمسي	حرس السواحل
6.	650415	جندي	عبد المهيم غيث الغضبان	حرس السواحل
7.	650420	جندي	سعد المختار سعد الشباهي	حرس السواحل
8.	650339	جندي	احمد عبد العاطي المقوز	حرس السواحل
9.	650407	جندي	اللطيف محمد اللطيف حواص	حرس السواحل
10.	650389	جندي	نادر الهادي ارحومة جعيدة	حرس السواحل
11.	650401	جندي	علي الظاهر محمد المقوز	حرس السواحل
12.	بلا	بلا	محمد الأمين كشلاف	أمر سرية الإسناد حرس المنشآت النفطية
13.	بلا	بلا	عصام علي سالم عمران	الإسناد حرس المنشآت
14.	بلا	بلا	حسين احمد ميلاد	الإسناد حرس المنشآت النفطية
15.	بلا	بلا	عماد محمد القمودي	الإسناد حرس المنشآت النفطية
16.	بلا	بلا	احمد علي السلوقي	الإسناد حرس المنشآت النفطية

## ملاحظات الدورية:

القبض على ناقله تهريب وقود نطف

الموقع N33:17/E11:48 شمال جزيرة فروه

المسمى TEMETERON ترفع العلم الاكراني الجنسيه مالكاها يدعى CONTRASTO SHIPPING LTD واتضح ان الناقله مجهزة لغرض تهريب الوقود ولا يوجد بها علم الدولة الليبية ويوجد بها طاقم متكون من 09 اشخاص كابتن السفينة روسي الجنسية والضابط الاول اكراني المهندس الماكينا روسي 5 بحاره اكران 1 يوناني وعند الساعة 06:00 مساء تقريبا تعرضنى الى اطلاق نار كثيف من قبل يخت عليه اسلحة ثقيله (دوشكه) وبكتيات حيث قمنا بالرد عليه باطلاق اعيره ناريه وعرض احد الاشخاص على منته الى اصابه ولانوا بالفرار مع العلم انهم خرجوا من ميناء زواره .

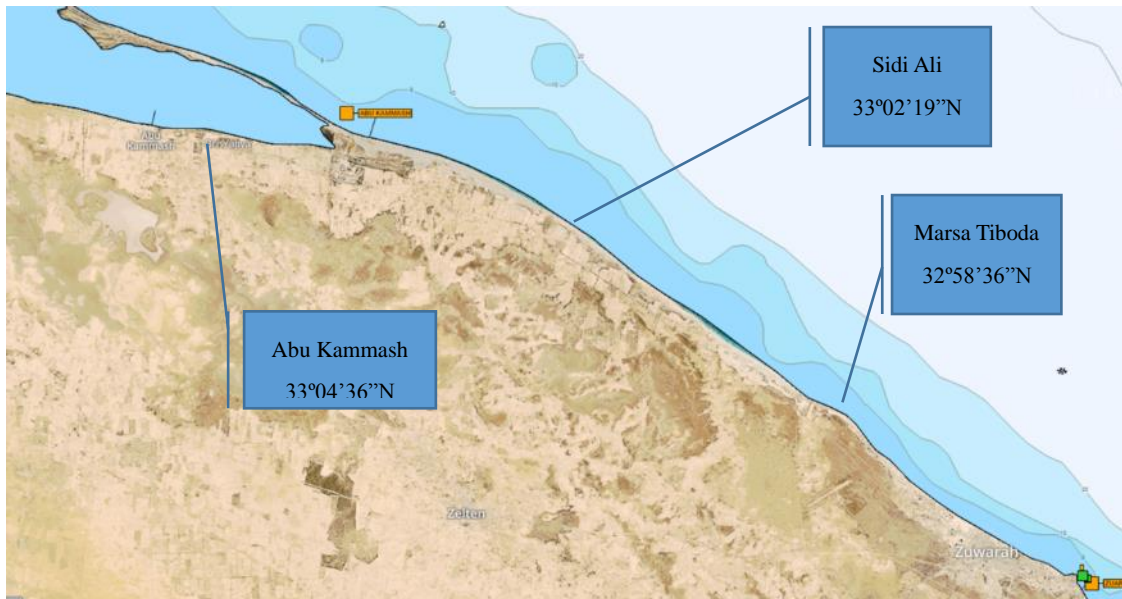


Source: Abderahman al al-Milad



## Annex 51 Pumping stations for fuel smuggling in Zuwarah area

1. Sources informed the Panel about three pumping stations, located on the coast between Zuwarah and Abu Kammash, that supply fuel to smuggling ships. The vessels usually remain between 1 and 2 nautical miles offshore.



**Source: Confidential**

2. Abu Kammash is owned by Morad Idrissi, Liasa Younis Alazabi and Mohamed Jarrafa, who also “rent” the facilities to other individuals. Sidi Ali’s owners are unknown, and its facilities are “rented” to several Zuwarah smugglers. Marsa Tiboda’s pumping station is owned and operated by Fahmi Musa Bin Khalifa (a.k.a. Fahmi Slim), and his brothers.

## Annex 52 Patrol boats used by smugglers in Zuwarah and Abu Kammash area

Picture 24 A motor yacht probably modified to become a patrol boat



Source: Confidential

Picture 25 A second motor yacht probably modified to become a patrol boat. On the bow and the stern, heavy machine guns



Source: Confidential

Picture 26 Probably a former pilot boat modified into a patrol boat. On the bow, an anti-aircraft 23mm machine gun



Source: Confidential

**Picture 27 The former pilot boat**



**Source: Confidential**

## Annex 53 Capricorn

1. The details of the vessel are:

Information	Since
IMO number :	8900878
Name of ship :	CAPRICORN (since 01/12/2001)
Call sign :	UNKNOWN
MMSI :	
Gross tonnage :	2187 (since 01/10/1989)
DWT :	4121
Type of ship :	Oil Products Tanker (since 01/08/1989)
Year of build :	1989
Flag :	Tanzania (since 01/03/2014)
Status of ship :	In Service/Commission (since 14/03/2015)
Last update :	30/05/2017

**Source: Equasis**

2. On 19 July 2017, the Chargé d'affaires a.i. of the Permanent Mission of Libya to the UN forwarded an email correspondence dated 7 July 2017 in which the focal point appointed pursuant to resolution 2146 (2014), Dr. Abdallah Ateiga, informed about a vessel loading smuggled gasoil offshore Zuwarah (Libya).

3. On 25 October 2017, the Panel received a letter, with attachment (see below), from the Permanent Representative of the United Republic of Tanzania to the United Nations indicating that the vessel *Capricorn* has been deregistered from the Tanzania Zanzibar International Register of Shipping on 10 September 2017. Its current flag remains unknown.



**ZANZIBAR MARITIME AUTHORITY**

PHONE NO: +255 24 2236795  
FAX NO: +255 024 2236796  
WEBSITE: [www.zma.go.tz](http://www.zma.go.tz)

P. O. BOX 401  
ZANZIBAR  
TANZANIA

E-MAIL: [info@zma.go.tz](mailto:info@zma.go.tz)

**ZMA/RSZ/150/1/VOL.6/680**

**10<sup>th</sup> September, 2017**

**A & E SHIPPING INC.  
PANAMA CITY, PANAMA**

**REF: DEREGISTRATION OF MT. CAPRICORN  
IMO NO. 8900878**

Reference is made to our letter with Ref. No. ZMA/RSZ/150/1/VOL.VI/117 dated 28<sup>th</sup> July, 2017 regarding MT. Capricorn involvement in illicit export of petroleum from Libya contrary to UN Security Council resolution 2146(2014) and 2362 (2017).

Taking into account that, your company has failed to make clarification (providing information) regarding MT. Capricorn non involvement in illicit export petroleum from Libya, it is prima facie evidence that MT. Capricorn is involved in the illicit activity contrary to UN resolution.

Accordingly, we hereby officially inform you that the Authority has struck off the vessel from Tanzania Zanzibar International Register of Shipping, effective from the date of this letter. This implies that from the effective date the vessel can no longer legally fly the Tanzania flag in its sailing operation, whatsoever.

It is our hope that you will respect and heed this act.


**CAPT. ABDULLAH H. KOMBO**  
**REGISTRAR OF SHIPS**  
**ZANZIBAR MARITIME AUTHORITY**

The signature of Capt. Abdullah H. Kombo is written over a circular official stamp. The stamp contains the text 'REGISTRAR OF SHIPS' and 'ZANZIBAR MARITIME AUTHORITY' around a central emblem.

Source: Zanzibar Maritime Authority

4. The *Capricorn* was registered on 1 March 2014 by “A&E Shipping Inc.”, a Panamanian company based in Panama City.

Form RLV 102/3

**THE UNITED REPUBLIC OF TANZANIA**  
  
**THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR**  
**TANZANIA ZANZIBAR INTERNATIONAL REGISTER OF SHIPPING**  
The Maritime Transport Act, 2006  
 Maritime Transport (Registration and Licensing of Vessels) Regulations, 2007  
 Made under Regulation 28(2)(a)

**PERMANENT CERTIFICATE OF REGISTRY**

GENERAL PARTICULARS					
IMO NO.	CALL SIGN	OFFICIAL NO.	NAME OF VESSEL	HOME PORT AND DATE OF REGISTRATION	PREVIOUS HOME PORT AND VESSEL NAME
8900878	51M-666	300419	CAPRICORN	ZANZIBAR, 01.03.2014	SINGAPORE/ CAPRICORN
TYPE OF VESSEL	PLACE OF CONSTRUCTION	DATE OF CONSTRUCTION	NAME AND ADDRESS OF BUILDER		
FUEL OIL CARRIER	SINGAPORE	1989	PRESIDENT MARINE PTE LTD/SINGAPORE		

REGISTERED DIMENSIONS AND TONNAGES			
Length	84.00 M	Gross tonnage	2187
Maximum breadth	14.60 M	Net tonnage	1307
Moulded depth amidship	7.00 M		

CONSTRUCTION CHARACTERISTICS			
Material of hull	STEEL	No. of decks	ONE
No. of masts	-	No. of bulkheads	-
Rigging	-	No. Of funnels	-

ENGINE PARTICULARS				
Method of propulsion	No. of engines	Make and model	Horse power (KW)	Maximum speed (knots)
DIESEL	TWO	YANMAR DIESEL ENGINE CO. LTD/YANMAR	1766	11.5

OWNERS PARTICULARS			
Name of Owner(s)	**No. of shares	Nationality	Address
A & E SHIPPING INC.	100%	PANAMA	PANAMA CITY, PANAMA

The period of validity of this Certificate of Registry expires on: **1 MARCH 2019**

I, the undersigned, hereby certify that the above particulars are in accordance with those entered in the Register.

**Zanzibar, Tanzania      DATE: 22<sup>nd</sup> AUGUST, 2016**

**SHEIKHA A. MOHAMED  
FOR. REGISTRAR OF SHIPS**

Notes:  
\*The name(s) of the Charterer(s) is also to be inserted in case of a ship the registration of which under the Act depends upon its being a ship on bareboat charter  
\*\* Omit in case a ship referred to is \*

Source: Zanzibar Maritime Authority



5. On 11 August 2017 the *Capricorn* was allowed to unload its cargo in the tanks of the “Syrian Company for Oil Transportation” by the Syrian authorities.
6. On 21 December 2018, the tanker changed ownership. It was sold by “A&E Shipping Inc” to “United Power Marine International Inc”, both companies registered in Panama City, Panama Republic.

### BILL OF SALE (BODY CORPORATE)

Official Number	Ship	Port of Registry		Type Of Ship
300419	CAPRICORN	ZANZIBAR		
IMO NO	8900878	GROSS TONNAGE	NET TONNAGE	TYPE OF ENGINE (IF ANY)
Length over all	84.00 MTR			
Beam(mid)	14.60 MTR	2187	1303	YANMAR M220 EN
Depth(mid)	7.00 MTR			



We, **A & E SHIPPING INC (SHARE 100%)** (Herein after called “the Transferors”) having our principal place of business at **PANAMA CITY PANAMA REPUBLIC** In consideration of the sum of **USD 450,000 (Four Hundred and Fifty Thousand USD Only )**

Paid to us by **UNITED POWER MARINE INTERNATIONAL INC, PANAMA CITY, PANAMA REPUBLIC**  
(Herein after called “the Transferee(s)”, the receipt whereof is hereby acknowledged, transfer all shares in the ship above particulars describe, and in her boats and appurtenances, to the said Transferee(s).

Further, we the said Transferors for ourselves and our successors covenant with the said Transferee(s) and their assigns, that we have power to transfer in manner aforesaid the premises herein before expressed to be transferred, and that the same are free from encumbrances, maritime liens, or any debts whatsoever.

In witness whereof we have executed this Bill of Sale on,

Date : 21/12/2017  
Director :

Signatures  
  
  
 MARATTUKALAM SIBY ANTHONY      IMRAN SAGHAR

**A & E SHIPPING INC**

This Bill Of Sale, being the legal sale's instrument is issued in 3 originals and 3 duplicates

Source: Zanzibar Maritime Authority

7. On 4 January 2018, the tanker was registered by the Palau International Ship Registry, under the new name of *Nadine*, with a restriction to navigate within the Persian Gulf area.



## Palau International Ship Registry

Europe Head Office  
Piraeus, 18536, Greece  
5, Sachtouri Street  
6<sup>th</sup> floor  
T: +30 210 4293500  
F: +30 210 4293505  
info@palaureg.com  
www.palaureg.com

USA Head Office  
The Woodlands, TX, 77380  
9595 Six Pines Drive,  
Suite 8210, Office 277  
T: +1 832 631 6061  
F: +1 832 631 6001



### SUBJECT OF LETTER

Date: January 04, 2018

Subject: Restriction of Navigation

Name of Vessel: Nadine  
Gross Tonnage: 2187

Call Sign: T8A2751  
IMO #: 8900878

To: United Power Marine International Inc.

Cc: Glow Shipping Line LLC.

Re: Restriction of Navigation

Dear Sirs,

This is not advise you that M/V Nadine Imo-8900878 is restricted to navigate within the Gulf Areas (Gulf of Persia) Only.



*Leslie Mezzich*  
Leslie Mezzich

Maritime Registrar & Seafarer Director  
Palau International Ship Registry

Source: Palau International Ship Registry

8. On 10 February 2018, the tanker arrived to Alang, India, to be dismantled. On 3 April 2018, the tanker was seized by the Indian authorities.



Source: Confidential

## Annex 54 Lynn S

1. The details of the vessel are:

Information	Since
IMO number :	8706349
Name of ship :	LYNN S (since 01/02/2017)
Call sign :	J8B5544
MMSI :	376087000
Gross tonnage :	2910 (during 1990)
DWT :	4470
Type of ship :	Chemical/Oil Products Tanker (since 01/11/1990)
Year of build :	1990
Flag :	St Vincent and Grenadines (since 01/02/2017)
Status of ship :	In Service/Commission (since 19/04/2010)
Last update :	27/09/2017

Source: Equasis

2. The *Lynn S* is operated by “Morgan Navigation Co SA”<sup>16</sup>, a subsidiary company of “Alfamarine Shipping Co Ltd”<sup>17</sup>, both companies registered in Lebanon. The vessel is owned by “Leen Trade Co”, a Liberian registered company.

3. On 27 July 2017, the Chargé d’affaires a.i. of the Permanent Mission of Libya to the UN forwarded an email correspondence dated 26 July 2017 in which the focal point appointed pursuant to resolution 2146 (2014), Dr. Abdallah Ateiga, informed about an illicit ship to ship transfer of the smuggled Libyan gasoil from the “Capricorn” to another tanker, the “Lynn S”. On 2 August 2017, the *Lynn S* was added to the sanctions list.

4. According to both the owners and the master of the vessel, the ship-to-ship transfer was never performed, as the *Capricorn* refused to provide any official documents of its cargo.

<sup>16</sup> Morgan Navigation Co SA. 7th Floor, Bouri El Marfa Building, Port Street, Beirut, Lebanon. +96170247696, +96170985586, +96170995227. morgan.navigation@gmail.com.

<sup>17</sup> Alfamarine Shipping Co Ltd. 1 st Floor, Hamka Building, BP 119720, Labban Street Beirut, Lebanon. +9611876169. alfamarineshippingcoltd@gmail.com.

**LEEN TRADE CO.**  
80 BROAD STREET MONROVIA - LIBERIA

Our Ref: LT20183105

Dated: 16/03/2018

**"STATEMENT OF FACTS"**

Ref: MT LYNN S Movement Records on 26-27 OF July 2017,

Dear Sir,

The said vessel was drifting on position Lat: N34 07.5, Long: E033 22.2,

Vessel master informed us that m/t CAPRICORN (IMO 8900878) was drifting in the area, and have the possibility to supply a small quantity of bunker to our master due to the lake of Diesel oil remain on board.

After contact with operation manager of the mt CAPRICORN which details received from our vessel master m/s rose fuel bunkering, we agreed for supply small quantity of bunker, we ask the master to cooperate with another tanker to make a maneuver and ship-to-ship transfer,

Master did inform us that m/t CAPRICORN moored on 26.07.2017 at 14:00hrs, in the position of Lat: N34 07.8 Long: E033 22.7,

Our instruction to master to verify bunker official document to be in the safe said; the master did report same day at 1600hrs that master of m/t CAPRICORN did refuse to provides delivery note nor analysis report.

We did contact the vessel operation manager requesting those documents, who promise to provide shortly, we did wait until the second day and repeat our request, but nothing received so far.

On the 27.07.2017 instructed our master at un-moored the other tanker due to the lake of bunker documents, after manager unable to provide the same.

Our master did confirm m/t CAPRICORN was un-moored at 1700 and sailed away.

Our master does confirm no any bunker transfer took place form mt CAPRICORN.

All above facts are true to our knowledge.

Yours faithfully

For and on behalf of  
  
LEEN TRADE CO. LIBERIA



MT: LYNN S

DATED: AT SEA 18/03/2018

## STATEMENT OF FACTS

Dear Sir,

Please note that following fact takes place on 26-27/07/2017:

My vessel was on position Lat: N34 07.5, Long: E033 22.2,

The m/t CAPRICORN (IMO 8900878) was drifting in the area, we did request from the ships master for supply small quantity of bunker, we did make maneuver for ship-to-ship transfer,

The m/t CAPRICORN was moored on 26.07.2017 at 14:00hrs, position: Lat: N34 07.8 Long: E033 22.7,

As master we did requested all official document from the other tanker like delivery note and analysis report, but master of m/t CAPRICORN did refuse, owners were advised, same time operation managers of the m/t CAPRICORN contacts (ROSE FUEL BUNKERING) was submitted to our vessel owners to contact for this reason.

On the 27.07.2017 at 1600 hrs. The received instruction from our vessel owners to un-mooring form the mt CAPRICORN and stay away, notice were given to mt CAPRICORN master, at 1700 master did release mooring ropes and sailed away.

I the master of the above mention vessel mt Lynn S confirm no any bunker transfer was received form mt CAPRICORN.

All above facts are true to my knowledge.

Yours faithfully

Master of M/T LYNN S



**Source: Morgan Navigation Co. S.A.**

5. The *Lynn S* was removed from the Committee's sanctions list on 29 April 2018.



## Annex 55 Vessels impounded by the Libyan Coastguard Stark

1. The *Stark* (IMO 7105419) was intercepted on 28 April 2017 by the Libyan Coastguard, 1.5 nautical miles off Abu Kammash. The vessel was in the proximity of the *Ruta* at that moment
2. The vessel was loaded with 500.000 liters of diesel oil when it was boarded by the Coastguard. There were six Turkish citizens on board.
3. Anadolu Uluslararası Ticaret<sup>18</sup> owns the *Stark*.

Information	Since
IMO number :	7105419
Name of ship :	STARK (since 01/09/2016)
Call sign :	UNKNOWN
MMSI :	
Gross tonnage :	797 (during 1993)
DWT :	1219
Type of ship :	Oil Products Tanker (since 01/01/1997)
Year of build :	1973
Flag :	Not Known (since 01/09/2016)
Status of ship :	In Service/Commission (during 1973)
Last update :	20/12/2016

IMO	Role	Name of company	Address	Date of effect
9991001	ISM Manager	UNKNOWN		since 01/11/1997
1782886	Ship manager/ Commercial manager	ANADOLU ULUSLARARASI TICARET	Kat 12, Blok A, Yapi Kredi Plaza, Buyukdere Caddesi 21, Levent Mah, Besiktas, 34330 Istanbul, Turkey.	since 20/12/1996
1782886	Registered owner	ANADOLU ULUSLARARASI TICARET	Kat 12, Blok A, Yapi Kredi Plaza, Buyukdere Caddesi 21, Levent Mah, Besiktas, 34330 Istanbul, Turkey.	since 20/12/1996

Source: Equasis

7105419	STARK	IN SERVICE/COMMISSION	1219	797	Products Tanker	1973-07	Group Owner	2005-05-24	
7105419	STARK	IN SERVICE/COMMISSION	1219	797	Products Tanker	1973-07	Operator	1996-12-20	
7105419	STARK	IN SERVICE/COMMISSION	1219	797	Products Tanker	1973-07	Registered Owner	1996-12-20	
7105419	STARK	IN SERVICE/COMMISSION	1219	797	Products Tanker	1973-07	Shipmanager	1996-12-20	

<sup>18</sup> <http://www.anadolutr.com>.

Source: IHS Sea-web

4. The vessel turned off its AIS on 23 April 2017, 35 nautical miles off Zarzis, Tunisia. In the following days it turned east and headed to the coast of Zuwarah.



Source: IHS Sea-web

### Ruta

5. The *Ruta* (IMO 8711899) was intercepted on 28 April 2017 by the Libyan Coastguard, 1.5 nautical miles off Abu Kammash, in the western coast of Libya.
6. The vessel was loaded with 3.000 tonnes of diesel oil. The crew was made up of fourteen Ukrainian citizens.
7. The vessel was in the proximity of the *Stark* at that moment.
8. Manchester Shipping SA<sup>19</sup>, a company registered in Ukraine, owns the *Ruta*.

<sup>19</sup> <http://www.man-ship.com> (website under construction).

Information	Since
IMO number :	8711899
Name of ship :	RUTA (since 01/12/2005)
Call sign :	URSE
MMSI :	272973000
Gross tonnage :	1901 (since 01/08/1999)
DWT :	3330
Type of ship :	Oil Products Tanker (during 1990)
Year of build :	1989
Flag :	Ukraine (since 01/11/1992)
Status of ship :	In Service/Commission (since 16/12/1989)
Last update :	18/04/2017

IMO	Role	Name of company	Address	Date of effect
0151376	ISM Manager	MANCHESTER SHIPPING SA	21st Floor, spusk Polskiy 6, Odessa, 65026, Ukraine.	since 16/06/2006
0151376	Ship manager/ Commercial manager	MANCHESTER SHIPPING SA	21st Floor, spusk Polskiy 6, Odessa, 65026, Ukraine.	since 01/01/2005
0151376	Registered owner	MANCHESTER SHIPPING SA	21st Floor, spusk Polskiy 6, Odessa, 65026, Ukraine.	since 01/01/2005

Source: Equasis

8711899	RUTA	IN SERVICE/COMMISSION	3330	1901	Products Tanker	1989-12	Operator	2005-01-01	
8711899	RUTA	IN SERVICE/COMMISSION	3330	1901	Products Tanker	1989-12	Registered Owner	2005-01-01	
8711899	RUTA	IN SERVICE/COMMISSION	3330	1901	Products Tanker	1989-12	Shipmanager	2005-01-01	

Source: IHS Sea-web

9. The vessel turned off its AIS on 23 April 2017, 11 nautical miles off Malta.



Source: IHS Sea-web

10. According to the investigations conducted by the Prosecutor of Catania, Italy, the *Ruta* has been involved in ship to ship operations with vessels involved in illicit smuggling of fuel from Libya, particularly the *Basbosa Star* (IMO 8846838) and the *Sea Master X* (IMO 7332488), both connected to Fahmi Slim’s smuggling network (see S/2016/209 para. 206), and has reportedly unloaded the smuggled fuel in Italian ports on 13 occasions.<sup>20</sup>

### Rex/Amargi

11. The *Rex* (IMO 7105421) was intercepted on 29 August 2017 by the Libyan Coastguard and taken to Tripoli.

12. The vessel was loaded with 1.000 tonnes of diesel oil. The crew was made up of 10 individuals of various nationalities.

13. Ilu Trade and Shipping INC<sup>21</sup>, a company registered in Turkey, is the owner of the *Rex*, formerly called “Amargi”.

<sup>20</sup> Case number 19269/2014 R.G.N.R., pages 6 to 9.

<sup>21</sup> <http://www.man-ship.com> (website under construction).

Information	Since
IMO number :	7105421
Name of ship :	AMARGI (since 01/11/2014)
Call sign :	UNKNOWN
MMSI :	
Gross tonnage :	797 (during 1993)
DWT :	1236
Type of ship :	Oil Products Tanker (since 01/10/1999)
Year of build :	1974
Flag :	In Dispute (since 01/05/2016)
Status of ship :	In Service/Commission (since 19/02/1974)
Last update :	25/07/2017

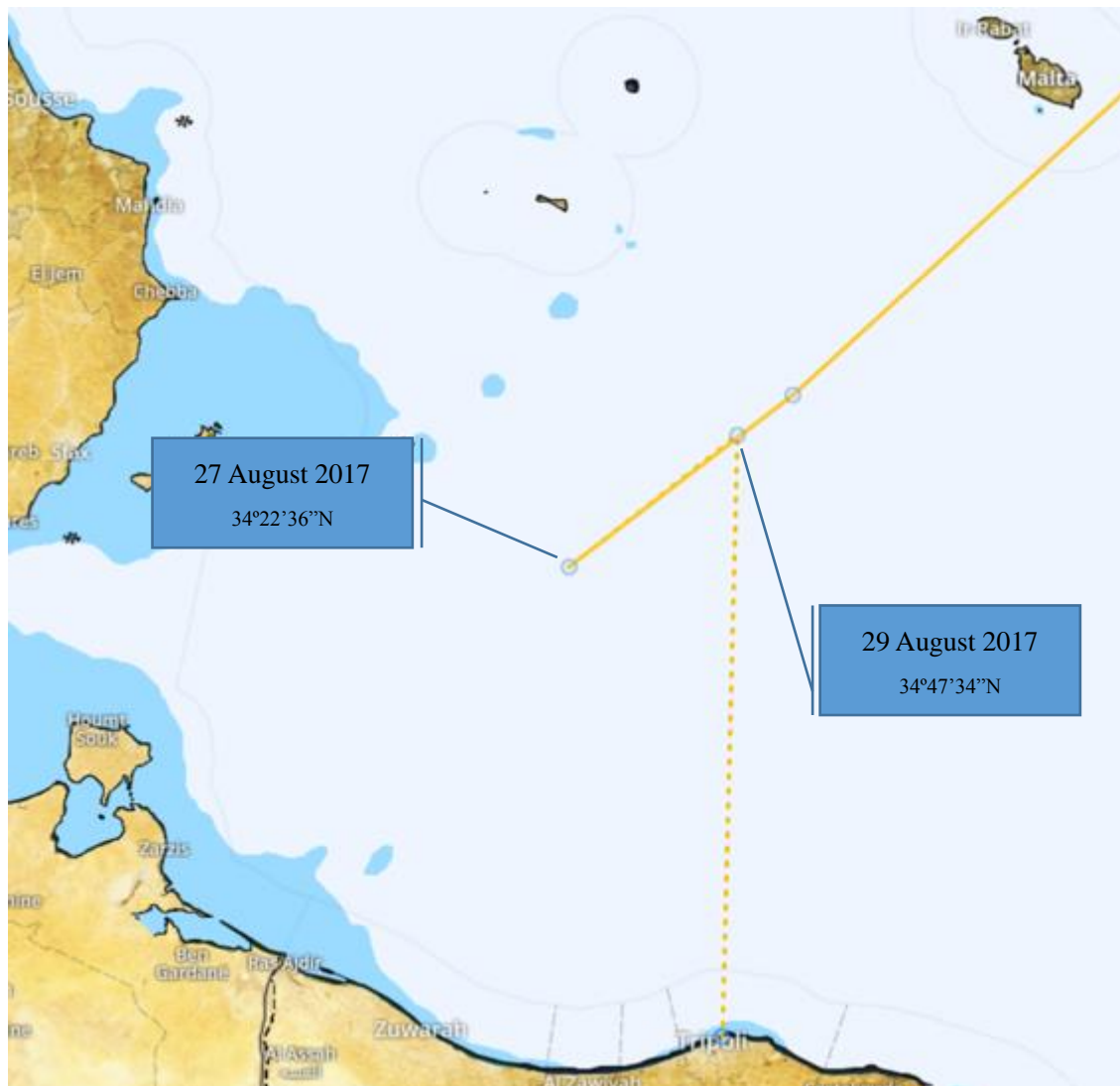
IMO	Role	Name of company	Address	Date of effect
5829829	Ship manager/ Commercial manager	SABOR INVEST LTD	Daire 14, Kat 8, Blok B1, Agaoglu My World Europe, Ayazma Mevkii, Altinsehir Yanyol, Basaksehir, 34490 Istanbul, Turkey.	since 26/11/2014
5828953	Registered owner	ILU TRADE & SHIPPING INC	Care of Sabor Invest Ltd , Daire 14, Kat 8, Blok B1, Agaoglu My World Europe, Ayazma Mevkii, Altinsehir Yanyol, Basaksehir, 34490 Istanbul, Turkey.	since 26/11/2014
9991001	ISM Manager	UNKNOWN		since 01/11/1997

Source: Equasis

LRNO	ShipName	Status	DWT	GT	Type	Built	Association	From	Until
7105421	AMARGI	IN SERVICE/COMMISSION	1236	797	Products Tanker	1974-02	Registered Owner	2014-11-26	

Source: IHS Sea-web

14. The vessel turned off its AIS between 27 and 29 August 2017, 92 nautical miles off Zuwarah.



Source: IHS Sea-web

### Lamar

15. The *Lamar* (IMO 6620034) was intercepted on 15 March 2018 by the Libyan Coastguard when in front of the coast of Abu Kammash.
16. The tanker was loaded with 950.000 litres of fuel when intercepted. It was further directed to Tripoli. The crew was made up of 8 Greek citizens.
17. Muraco Management Corp, a company registered in Nigeria, is the owner of *Lamar*.

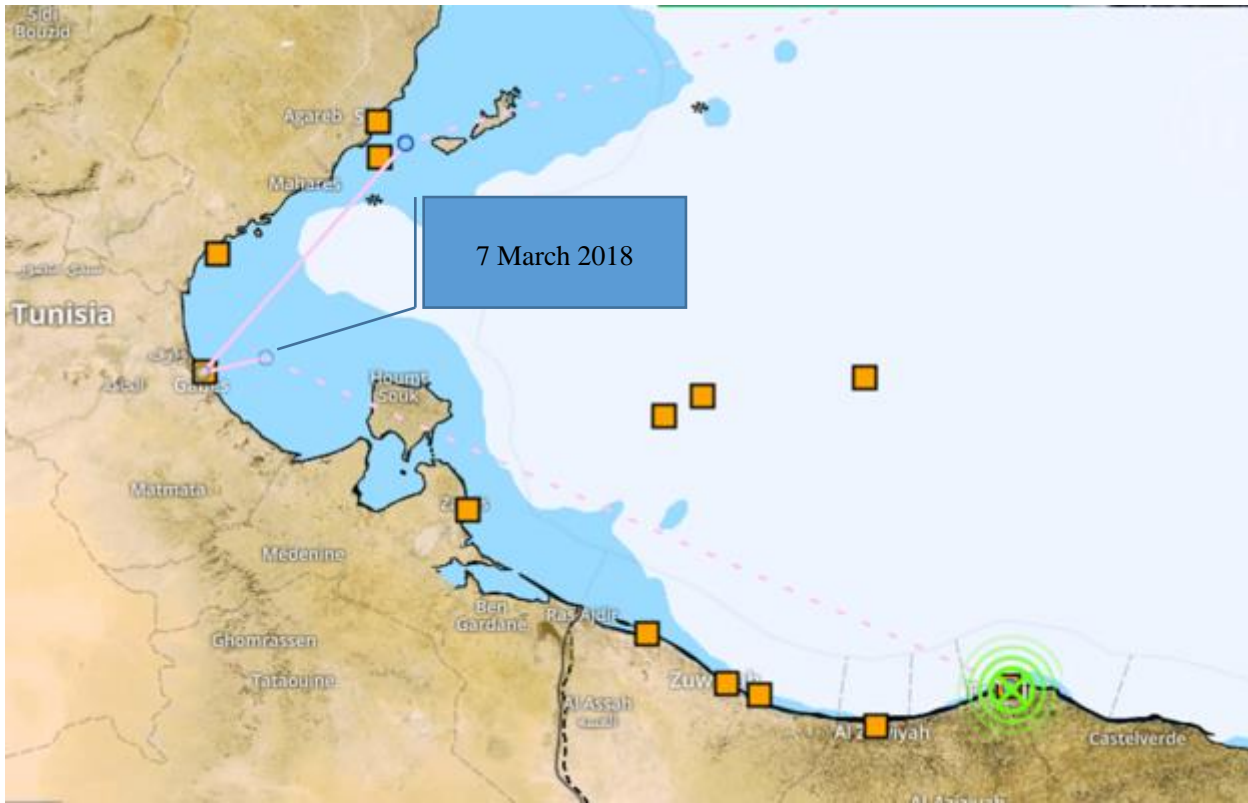


Information		Since
IMO number :	6620034	
Name of ship :	LAMAR	(since 01/01/2018)
Call sign :	UNKNOWN	
MMSI :		
Gross tonnage :	946	(since 01/06/2012)
DWT :	1700	
Type of ship :	Bunkering Tanker	(during 1966)
Year of build :	1966	
Flag :	Not Known	(since 01/03/2018)
Status of ship :	In Service/Commission	(since 09/08/2001)
Last update :	27/03/2018	

IMO	Role	Name of company	Address	Date of effect
9991001	ISM Manager	UNKNOWN		since 19/03/2018
6023707	Registered owner	MURACO MANAGEMENT CORP	Care of Pak Marine & Shipping Services Ltd , Apapa-Oshodi Expressway, Lagos, Nigeria.	since 04/01/2018
6023861	Ship manager/ Commercial manager	PAK MARINE & SHIPPING SERVICES	Apapa-Oshodi Expressway, Lagos, Nigeria.	since 04/01/2018

Source: Equasis

18. The vessel turned off its AIS between on 7 March 2018, outside Tunisian territorial waters, while heading east to Zuwarah – Abu Kammash area.



Source: IHS Sea-web

## Annex 56 Goeast

1. The Libyan Coastguard opened fire on the *Goeast* (IMO 7526924) on 6 October 2017. Its AIS was disconnected at the time.
2. Arida Trade LLP, Care of Uvas-Trans Ltd, is the registered owner of the *Goeast*.

Information	Since
IMO number :	7526924
Name of ship :	GOEAST (since 01/03/2015)
Call sign :	D6A2091
MMSI :	620091000
Gross tonnage :	7886 (since 01/08/2000)
DWT :	9657
Type of ship :	Oil Products Tanker (during 1977)
Year of build :	1977
Flag :	Comoros (since 01/04/2016)
Status of ship :	In Service/Commission (since 19/10/2017)
Last update :	07/11/2017

Source: Equasis

IMO	Role	Name of company	Address	Date of effect
5603801	Ship manager/ Commercial manager	UVAS-TRANS LTD	ul Sverdlova 49, Kerch, Krym, 98320, Ukraine.	since 20/02/2016
5603801	ISM Manager	UVAS-TRANS LTD	ul Sverdlova 49, Kerch, Krym, 98320, Ukraine.	since 20/02/2016
5633861	Registered owner	ARIDA TRADE LLP	Care of Uvas-Trans Ltd , ul Sverdlova 49, Kerch, Krym, 98320, Ukraine.	before 03/2015

Source: Equasis

7526924	GOEAST	Comoros	In Service/Commission	9,657	7,886	Products Tanker	1977-03	6K45GF	1
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Source: IHS Sea-web

3. Following the incident, the tanker headed north to Malta, off Valetta port, outside its territorial waters, where it remained adrift between 11 and 19 October 2017. According to Maltese authorities, no request was made by the *Goeast* to enter any port.
4. On 19 October 2017, the vessel set sail to the Sea of Crete and disconnected its AIS on 20 October. On 22 October it briefly reconnected its AIS before crossing the Dardanelles strait.

5. On 24 October 2017 it arrived at Ahirkapi anchorage area (near Istanbul), where it was granted anchorage permission, according to the Turkish authorities. They further stated that a gas purification process for maintenance purposes was conducted. On 1 November 2017, the tanker was granted entry to Tuzla port where it remained until 8 November 2017.

6. On 10 November 2017 it crossed the Bosphorus and between 19 November and 14 December 2017 remained a few miles east of the Traffic Separation Scheme of Kerch strait, Crimea. Its AIS was disconnected on several occasions.



Source: IHS Sea-web

7. Since the incident, the tanker has not operated in the central Mediterranean area.



Source: IHS Sea-web



## Annex 57 Noor

1. The *Noor* (IMO 8312459) set sail off Malta on 23 October 2017, heading towards Gabes port, Tunisia. On 26 October 2017, 41 nautical miles off Gabes port, it turned east to Zuwarah coast, where it remained anchored in 2 different locations between 28 October 2017 and 1 November 2017. The vessel disconnected its AIS on 16 November 2017, while on its way back to a point off Malta, where it arrived on 19 November 2017.

2. It is relevant to mention that the *Noor* set sail from and arrived to the same location off Malta, outside its territorial waters.



Source: IHS Sea-web

3. According to Equasis, Ali Breiki SMA, care of United Maritime Services LTD, is the registered owner of the *Noor*.



Information		Since
IMO number :	8312459	
Name of ship :	NOOR	(since 01/09/2011)
Call sign :	5IM459	
MMSI :	677001030	
Gross tonnage :	2101	(during 2000)
DWT :	3270	
Type of ship :	Oil Products Tanker	(during 1983)
Year of build :	1983	
Flag :	Tanzania	(before 2016)
Status of ship :	In Service/Commission	(since 18/11/1983)
Last update :	20/12/2016	

IMO	Role	Name of company	Address	Date of effect
5949211	Ship manager/ Commercial manager	UNITED MARITIME SERVICES LTD	Flat 9, Anderson House, 2, Butt Close Lane, Leicester, LE1 4QA, United Kingdom.	since 01/11/2016
5951521	Registered owner	AL BREIKI SMA	Care of United Maritime Services Ltd , Flat 9, Anderson House, 2, Butt Close Lane, Leicester, LE1 4QA, United Kingdom.	since 01/11/2016
9991001	ISM Manager	UNKNOWN		since 09/11/2012

Source: Equasis

4. According to the information provided by Mr Iftikhar Rafique, from United Maritime Services LTD, the vessel was sold for scrap in November 2016, however no proof of scrap or any other documents were made available. The new owners are unknown.

5. The vessel was broken up in January 2018 in Aliaga, Turkey.

Date	Significant Events
201801	Status changed to Broken Up, Broken Up by Soylu Gemi Geri Donusum of Aliaga in Turkey

Source: IHS Sea-web

## **Annex 58 Legal disputes involving the Libyan Investment Authority**

1. There are several disputes over authority, both in Libya and in other countries.
2. In Libya, Abdulmagid Breish, former Chairman of LIA, challenged Presidency Council decree No. 115 of 2016 establishing the Steering Committee. The Supreme Court of Libya nullified the decree. The Presidency Council then issued decree No. 29 of 2017 to establish an Interim Management Committee, headed by Ali Mahmoud Hassan. Thereafter, it also formed a Board of Trustees, which appointed a Board of Directors, the latter headed by Ali Mahmoud Hassan.
3. The following are the relevant decisions:
  - a. Resolution of the Council of Ministers/Government of National Accord No. 12 of 2017 for the formation of the Board of Trustees of the LIA dated 23 May 2017.
  - b. Resolution of the Board of Trustees No. 1 of 2017 for nominating the Board of Directors of the LIA dated 15 July 2017.
4. Ali Mahmoud Hassan has stated to the Panel that he works both in Malta and Tripoli, a change from the earlier situation when the two offices had separate heads. He is also the Chairman of the Malta office which is a subsidiary – LIA Advisory LTD.
5. Mr. Breish informed the Panel that the legal disputes persisted. His appeal on decree No. 29 of 2017 was combined with his appeal against the formation of a Board of Trustees and Board of Directors. According to him, the Tripoli Administrative Court held the first hearing on 31 October 2017. There is no final decision yet.
6. In another development, the eastern-based Interim Government filed an appeal with the Benghazi Administrative Court, Second Administrative Chamber, against the decision of the Presidency Council to form a new Board of Trustees. This appeal was filed by the Prime Minister of the Libyan Interim Government and 3 others, all stated to represent the Board of Trustees of the LIA, and was against Presidency Council Decision No.12 of 2017, issued on 25 May 2017, on the formation of the Board of Trustees of the LIA. The grounds of appeal were that this decision was made by ministers under the GNA which did not gain the confidence of the House of Representatives (HoR) and therefore was defective and contrary to Law No. 13 of 2010.
7. On 26 October 2017, the Benghazi Court held that the decision for formation of the Board of Trustees is in violation of the law, considering that the GNA did not gain the confidence of the HoR, the president and ministers did not take oath and the GNA did not fulfil its establishment constitutionally. It also took into consideration that the control, by an illegal Board of Trustees, of the accounts and funds of the institution could lead to waste of public funds and tampering of financial assets of the institution abroad.
8. The Presidency Council appealed against this judgement, along with an application for stay. On 24 January 2018 the Administrative Justice Chamber of the Supreme Court stayed the execution of the judgement until consideration of the appeal application.

9. Similarly, the Benghazi Court also ruled against the Board of Trustees' Resolution 1 of 2017 (277/2017). The Presidency Council appealed against this judgement, along with an application for stay. On 22 March 2018 the Administrative Justice Chamber of the Supreme Court stayed the execution of the judgement until consideration of the appeal application. No further update of the current status is available in these two cases.

10. This was discussed with the CEO of LIA in April 2018. He claimed that the controversy over the appointment of the Chair in July 2017 is resolved. He further asserted that all banks and Libyan and external institutions deal with the current Board of Directors.

11. Nevertheless, it appears that the matter of legality of the formation and functioning of the Board of Trustees and, consequently, that of the Board of Directors is still *sub judice* in Libya. Reporting of the above sequence of events and ongoing judicial disputes is to illustrate the uncertainty surrounding the legal authority of the current management of the LIA, under Libyan law.

12. Disputes regarding the control of LIA are not recent, as is seen from several cases in other jurisdictions, and have had consequences.

13. A case filed by Hassan Bouhadi in the Commercial Court in London is further evidence of the confusion that surrounds the governance of the Libyan Investment Authority. The case concerned the doubts about who had the authority to give instructions in the legal proceedings of the Libyan Investment Authority against Goldman Sachs Ltd and Société Générale.

14. On 17 March 2016, the Commercial Court adjourned consideration of the case because the Presidency Council failed to clarify and inform the Government of the United Kingdom of Great Britain and Northern Ireland on the leadership of the Libyan Investment Authority. The Panel notes that, despite the formation of a new Board of Trustees and Board of Directors, the Presidency Council has not reverted with the required clarifications.

15. Due to the dispute of authority, the law firm appointed in the UK could not receive proper instructions in several ongoing litigations and it withdrew. This led to the appointment of the receiver in July 2015. This dispute was also referred to in the judgement passed in the Goldman Sachs case.<sup>22</sup>

16. The receiver explained that the court order of appointment requires him to act in accordance with sanctions and that he has notified the Treasury and OFSI officials how it is determined whether the amounts received are sanctioned. This was with reference to the settlement amount received from a French bank, and some other smaller cases. There is a separate fund, not under the assets freeze, which is used for fighting legal cases. The receiver has sole and exclusive power to handle legal action, but adopts a consultative approach. Written reports are submitted to the various Chairmen on legal actions and on accounting and every piece of correspondence is shared with them.

17. A case in the Netherlands concerning a dispute between LIA and an investment manager has also referred to the authority dispute.

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<sup>22</sup> <https://www.judiciary.uk/wp-content/uploads/2016/10/lia-v-goldman.pdf>

14 October 2016.

18. Several legal proceedings linked to disputes over authority and previous financial dealings also contribute to high expenses for the designated entities.

19. The assets of the Libyan Investment Authority are also at risk because of several attachment orders in countries where these assets are located. There were claims by several companies against the Libyan government for breach of contract. Having been awarded favourable judgements, these companies proceeded to get orders to attach the funds of the Authority. In certain cases, the LIA was not even a party to the proceedings. While in some cases, the LIA has succeeded in getting these attachments set aside, in others the litigation is still pending. Such situations also pose a risk to the funds which are frozen under UN sanctions.

20. The LIA Board of Directors (which is appointed by the Board of Trustees) appoints the Board of Directors of the subsidiaries. In November 2017, the current Board of Directors of the Libyan Investment Authority declared changes in the management of subsidiaries. This generated discontent with the head of the HoR, Aguila Saleh, pronouncing that the decisions are invalid. Ali al-Qatrani, member of the Presidency Council, in his communication dated 12 December 2017, has contested the legality of Presidency Council decision No. 1253 of 2017, which authorizes the Authority, in exceptional circumstances, to amend the structure of the Board of Directors of its subsidiaries.

21. Legitimacy of these appointments is a concern for several interlocutors, their understanding being that the GNA has not been validated by the HoR. Hence, appointments made by the former suffer a legal infirmity which could be used by third parties to the detriment of the subsidiaries. The financial regulators in different countries also require to recognise the various Boards of Directors, particularly if they have to be represented on the boards of subsidiaries in different countries.

## **Annex 59 Designated individuals**

1. In accordance with its methodology, and to give an opportunity to the designated individuals to submit their arguments, the Panel met two designated individuals and the representatives of two others.

### **Safia Farkash al-Barassi (LYi.019)**

2. The Panel met Safia Farkash on 23 May 2018. The following is the summary of the interview notes:

3. Safia Farkash is currently based in Cairo. She arrived in Egypt at the end of February 2015. She has a residency permit in Egypt, renewable every three months, and sometimes monthly.

4. She asked what she could expect from this visit. She has represented to the Security Council but this has yielded no result and her travel continues to be restricted. She informed the Panel that she had previously asked for visas for Jordan and Germany but was refused. She now wanted to go to Austria. She is unwell and requires ongoing treatment. She would also like to visit her daughter, Aisha, in Oman but is unable to do so in view of the restrictions. The Panel explained that designated individuals are entitled to get exemption from the travel ban on various grounds and also explained the procedure for doing so.

5. She has not applied for delisting but will do so. This procedure was also explained.

6. Mrs. Farkash expressed grief that 3 of her children and her husband are dead. She has always been a housewife. Though accused of having money outside and a political role, she has nothing. She explained that this house belongs to the family. Other family members also explained that the family gathered money and bought the house.

7. In Oman, she received no financial aid as she did not ask for it. In Egypt also, she is not receiving any but she is treated well.

8. In a subsequent written communication, her consultant urged that her delisting request be examined “from a humanitarian prospect rather than a political or countries of influence disagreements.” It was further emphasised that both Safia Farkash and her daughter Aisha Qadhafi have no political activity or interest and their travel will never cause any harm. They did not hold any official governmental position nor, they claim, is there any evidence that they were part of any unrest or have ever been involved in any illegal or inhumane activity. Adding the names for being a spouse and daughter of Colonel Muammar Qadhafi appears unfair to them and does not, according to them, correspond to humanitarian concepts and principles.

9. The Panel has asked for further details including a copy of the Egyptian residency permit.

**Sayyid Mohammed Qadhaf Al Dam (LYi.003)**

10. The Panel met the individual in Cairo on 22 May 2018. His brother, Ahmed Qadhaf al Dam facilitated the meeting. He has been living there since 2016, and his requests for exemption from the travel ban are renewed. He lives in an apartment, owned by his brother Ali, who was present, though not participating in the discussions.

11. Sayyid Qadhaf Al Dam was lying in a hospital bed. He can move his legs but is unable to walk, neither to sit for long periods. He explained that he had an old back injury.

12. He recalled his detention period in Misrata, the lack of proper medical attention he received, and how he managed to leave the prison, once acquitted, and move to Egypt.

13. He confirmed that he has no residency permit. He has neither money nor accounts inside or outside Libya.

**Abdullah Al-Senussi (LYi.018)**

14. He is purportedly in custody in Tripoli. Reliable sources informed the Panel that there are concerns regarding regular access to him and his health conditions.

**Saif al-Islam Qadhafi (LYi.017)**

15. The Panel met his lawyer. He confirmed that Saif al-Islam is in Zintan and now has freedom of movement there. He mentioned that Saif was arrested on 19 November 2011 and the judgement was passed in July 2015. He was sentenced to death in absentia. Since due process was not followed in the conduct of the trial, he would be eligible for a re-trial. At the same time, he said that Saif al-Islam was free, by virtue of Law no. 6 of 2015 (grant of amnesty). He claimed that the national courts take precedence over the ICC and that the latter cannot try him now that he has been given amnesty.



## Annex 60 Response by CBL on previous report



ص.ب 1103 العنوان البرقي ، مصرطليبيا - طرابلس - ليبيا

Steven Spittaels  
UN Panel of Experts on Libya  
Security Council Resolution 1973 (2011)  
United Nations  
Tunis, Tunisia

December 14, 2017

Subject: Final report of the Panel of Experts on Libya dated 1 June 2017

Dear Mr. Spittaels,

We would like to thank you for sharing the report entitled *Final Report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011)* dated 1 June 2017. We appreciate the effort made to assess political and economic conditions in Libya during this delicate period. After reviewing the Report, we feel the need to clarify a number of issues raised regarding the Central Bank of Libya (CBL). While the CBL acknowledges the immense challenges faced by Libya's banking system and financial institutions, we believe that a few issues discussed in the Report warrant further clarification and/or correction.

### Response to statements from the UN Final report of the Panel of Experts dated 1 June 2017

*Section 210. Al-Kebir, who manages the Bank's accounts and the majority of its staff, de facto controls the financing of the Presidency Council. His support to the Council has been slow and limited, leading to a series of public accusations by Al-Serraj, including a claim that Al-Kebir was a spoiler. Al-Kebir and Central Bank Board member Tarik Yousef al-Magariaf told the Panel that, in their view, the Council itself was responsible for the delays in financing. They stated that they could accept payment orders only from the Ministry of Finance and not directly from Council members. They added that the emergency budget prepared by the Council was of poor quality and lacked the necessary detail.*

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## مصرف ليبيا المركزي

ص.ب 1103 العنوان البرقي : مصرف ليبيا - طرابلس - ليبيا

Throughout his tenure, Governor Al-Kebir has been the internationally recognized manager of the CBL. The Government of National Accord and its Presidency Council (PC) recognized him as such upon their establishment in December 2015 and so did the High Council of State and the Presidency of the House of Representatives. He has discharged his responsibilities in accordance with laws governing the CBL.

Mr. Al-Serraj's claim that Governor Al-Kebir is a spoiler has no factual basis. If anything, the support extended by the CBL to Mr. Al-Serraj and the Presidency Council has been consistent and timely. Upon his arrival in Tripoli in March 2016, Al-Kebir was the first person to meet with Al-Serraj and affirm his commitment to supporting the PC. The attached letter from Al-Kebir dated 4<sup>th</sup> April 2016, reflected the position of the CBL vis-à-vis the PC from the beginning. In fact, the CBL has gone out its way to advise and assist Al-Serraj and the PC on how to follow basic and required government processes and procedures in order discharge instructions for payment to the CBL. It is in this regard where the PC had failed in the initial phase of their mandate, causing confusion to what should have been a smooth working relationship between the CBL and Ministry of Finance. The unnecessary bottlenecks created in the system due to limited experience of PC members ultimately triggered the organization of meetings by the international community in London and Rome in 2016 to streamline processes and ensure the timely preparation of a budget for 2017.

*Section 213. First, following persistent complaints of insufficient cash deliveries from Tripoli (see S/2016/209, para. 219), the eastern Central Bank had its own money printed. The notes were printed by a separate company, different from the usual Central Bank provider. Although a clear effort was made to produce nearly identical notes, important differences remain (see annex 56). Because it was facing its own cash shortage in the capital, the Presidency Council approved its circulation and, thereby, the eastern Central Bank's initiative. However, the western Central Bank has blocked its distribution in the capital.*



ص.ب 1103 العنوان البرقي : مصر قليبيا - طرابلس - ليبيا

The CBL has opposed the circulation of the Russian printed banknotes from the beginning in line with the advice received from the international community and international financial institutions. Having two currencies in a country issued by two separate monetary authorities is detrimental to the economy. It causes confusion, undermines confidence and increases the likelihood of counterfeiting. The CBL in conjunction with the official contractor for Libyan banknotes DeLaRue hired an independent third party to complete an analysis of the LYD 20 and LYD 50 notes in March 2015. The third party analysis indicated that the Russian currency lacked up to 40% of the security features of the official banknotes, which are among the most secure notes in the world.

*Section 214. Second, eastern administrators claimed to the Panel that a significant percentage of salaries in the east had not been paid by the western Central Bank. They stated that, by the end of 2016, Al-Hibri had disbursed over 3 billion dinars from commercial loans to resolve the problem. These loans increase the State debt and will need to be repaid by a future unified Government.*

The CBL has been paying salaries across the entire country with no discrimination against any region, sector or government organization. The only requirement that the CBL mandated starting in 2015 was that the payment of salaries was conditional on the provision of a National ID Number for each recipient, to avoid duplication and minimize corruption. Some government organizations were slow or refused to comply initially with this requirement. A meeting took place in Tunis in 2016 to resolve any outstanding issues with salaries in the East and a committee was established by the CBL Operations Department and the Ministry of Finance to resolve the remaining salaries issues. As of now, a few entities in the East have not complied with the National ID Number requirement.

*Section 215. Attempts to unify the two competing branches made some progress throughout 2016 but ultimately failed. Al-Kebir and Al-Hibri met twice in Tunisia midyear, but a third meeting in Libya was cancelled. A solution in the short term is unlikely. On the one hand, the eastern Central Bank insists on a number of considerable concessions: an agreement on the distribution of cash (both prints); an increase in Central Bank approval of letters of*



ص.ب 1103 المتلوان البرالي، مصرف ليبيا - طرابلس - ليبيا

*credit for the east, which it reports to be currently limited to 17 per cent of the nationwide total; the restoration of eastern access to the Central Bank's information technology system; and full Central Bank coverage of certain eastern expenses. On the other hand, reunification and compromise do not appear to be a priority at the western Central Bank, which is clearly in a stronger position.*

Attempts by the CBL to reconcile differences and integrate the Eastern branch began in late 2014, shortly after the fragmentation of the country's government institutions. Mr. Al-Hibri refused to meet with Mr. Al-Kebir on multiple occasions until the US government mediated a short meeting in April 2015 where efforts to reconcile differences failed. One of the CBL's core demands was bringing transparency to the funding of government spending by the East in 2015 and 2016 estimated at LYD 8.5 billion and LYD7 billion, respectively. Another was the auditing of CBL accounts including in the East since late 2014 before the full integration of accounts and reconciliation of balances on the CBL's technology platforms.

Concerning the claim that the CBL is regionally biased against the East in approving Letters of Credit (LCs), this accusation has no factual basis. The CBL has accorded equal opportunity to LCs from all regions in the country, subject to compliance with rules and regulations. What has emerged in the last few years as true is that many applications from the East have been submitted outside the East out of security fears and uncertainty about banking operations in the East. For the same reasons, many traders and merchants from the East have relocated operations and set up accounts with commercial banks in Tripoli.

*Page 67, 3<sup>rd</sup> paragraph, Section 283-----The urgent need to identify and secure such assets was an important driver of the reinstatement of a Stolen Assets Recovery Unit within the Central Bank in August 2016. The Unit reports directly to the Central Bank Governor in Tripoli and is also reliant on cooperation with the Litigation Department of the Ministry of Justice of Libya and the Attorney General's office. The Panel is not convinced that all three parties involved are fully committed to the Unit's efforts. The Unit has actively*

# مصرف ليبيا المركزي

ص.ب. 1103 العنوان البرقي ، مصرف ليبيا - طرابلس - ليبيا

التاريخ: 25 جماد الآخر 1437هـ

الموافق: 04 أبريل 2016م

الأشرفي: 322 |

السيد/ فائز مصطفى السراج - المحترم

رئيس المجلس الرئاسي

بعد التحية ...

مساهمة من مصرف ليبيا المركزي في الدفع بعملية إحلال الوفاق الوطني ، من خلال رفع المعاناة على المواطنين وتلبية حاجاتهم الضرورية في كل أرجاء ليبيا ، وضمن استمرار الحد الأدنى لسير المرافق العامة فإنه يقترح عليكم آلية مؤقتة للتعاون فيما يتعلق بالنفقات العامة خلال هذه الفترة الانتقالية ، وإلى حين اكتمال اعتماد مؤسسات هذه المرحلة وفقاً للاتفاق السياسي.

Her of credit

إن مصرف ليبيا المركزي ، يتعامل في هذا الموضوع على أساس أحكام القانون النافذة ، واحترام الإلتزامات الدوائية ، مع الحرص على أداء واجبه في تمويل الإتفاق العام، والأصل في مدفوعات مصرف ليبيا المركزي أن تكون على أساس ميزانية معتمدة وفقاً لتقانون النظام المالي ووفقاً لأحكام الملحق 5 من الإتفاق السياسي ، وفي ظل عدم وجود ميزانية معتمدة ، وهو أمر واجبه مصرف ليبيا المركزي خلال سنتي 2014 ، 2015 ، فإنه الآن ، وإلى حين اعتماد الميزانية ، يقترح العمل وفق تدابير مالية مؤقتة (المادة 9 - فقرة 6 من الإتفاق السياسي) وهي تدابير توضع بالتوافق بين مصرف ليبيا المركزي والمجلس الرئاسي وديوان المحاسبة، وتكون أساساً قانونياً مؤقتاً للإتفاق العام .

ويمكن أختصاراً للوقت الإعتدال على نتائج اجتماع عمل بين مصرف ليبيا المركزي والجهات الدوائية ، والذي وضع تصورات لميزانية 2016 ، ( مرفقاً لكم صورة منها ) .

أما بالنسبة لآلية الصرف ، فإن مصرف ليبيا المركزي يوافق على العمل وفقاً للآلية الواردة في قرار المجلس الرئاسي رقم 6 لسنة 2016 ، مؤقتاً وإلى حين استلام حكومة الوفاق لمهامها.

والسلام عليكم ورحمة الله وبركاته

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الموافق: 04 أبريل 2016م

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## Annex 61 Reply by Mr. Ashraf Bin Ismail

### Letter to the Panel of Experts on Libya established pursuant to resolution 1973 (2011)

**Subject:** Complaint submitted to the Panel of Experts on Libya established pursuant to resolution 1973 (2011) by Mr. Ashraf Ben Ismail regarding Paragraph (51) of the Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011), dated 1st June 2017 (Document Nr. S/2017/466)

Dear Sir/Madam

I submit this complaint against the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011), (hereafter referred to as “the Panel”), for including my name in the report and alleging that I have carried out acts which I have nothing whatsoever to do with, and without any regard for my security and safety and that of my family and my future. I demand correcting the situation by clearing my name from the false allegations.

Your distinguished team has violated the very basic rules of neutrality and professionalism, most importantly the standard of Due Process. I do not know your sources, nor do I understand on what basis your team decided to cram my name in the report without first vetting and verifying the credibility and truthfulness of the information you received, nor was I contacted or questioned about the allegations. It is outrageous, to say the least, that a United Nations Panel of Experts not respect the Universal Right of Due Process.

The Panel’s mandate includes:

- to assist the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya (hereafter “the Committee”) in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011) and modified in subsequent resolutions;
- to gather, examine and analyze information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided upon in resolution 1970 (2011), and modified in subsequent resolutions, in particular incidents of non-compliance;
- to make recommendations on actions that the UN Security Council (hereafter “the Council”), the Committee, the Libyan government or other States may consider to improve implementation of the relevant measures; and
- to provide to the Council an interim and final reports on its work with its findings and recommendations.

The information and recommendations, which the Panel submits to the Council, the Committee and all other competent entities, affect the decisions and actions taken by these entities, especially the Council and the Committee. This demands justice, the most fundamental principle of justice is to listen to both/all parties of a case. The Panel took a statement of one or more parties alleging that “I provided support to members of Ansar al-Sharia”, which is classified as a terrorist group by an International Decision made by a UN Security Council committee. This is a very serious allegation, which the Panel took and publish it in the public domain with hearing me, or verifying it. The Panel’s action is incompatible with the rules & principles it adopted in its methodology, as set in paragraphs<sup>1</sup> 3, 4, 5 and 6.

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<sup>1</sup> Page 6 of the “Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011)”, dated 1<sup>st</sup> June 2017 (Document Nr. S/2017/466)



- The Panel’s Methodology calls for the “*reliance on verified, genuine documents and concrete evidence and on-site observations by the experts, including taking photographs, wherever possible. When physical inspection is not possible, the Panel will seek to corroborate information using multiple, independent sources to appropriately meet the highest achievable standard, placing a higher value on statements by principal actors and first-hand witnesses to events.*”, and
- The methodology states that the Panel “*is committed to the highest degree of fairness and will endeavour to make available to parties, where appropriate and possible, any information available in the report for which those parties may be cited in relation to incidents of violations or non-compliance, for their review, comment and response within a specified deadline.*”

In paragraph (51) of your report, you stated “A businessman from Misrata, Ashraf ben Ismail”<sup>2</sup>, it is correct that I am a businessman, which is my profession for 20 years, but I am not from Misrata as your report alleged. I was born and raised in Benghazi and lived there all my life. Benghazi is my hometown, my residence and business is there, I never took any residence in any other city in Libya, including Misrata. Since I was born I resided in Benghazi till I moved abroad on 10<sup>th</sup> June 2014, when it became clear to me that the situation in Benghazi is no longer safe, not for me nor for my family. Since 10<sup>th</sup> June 2014 I have been living outside Libya with my family. This proves that the Panel did not verify the information it received regarding me.

I am an ordinary Libyan citizen, I am neither a politician nor a public employee in any entity belonging to the Libyan State. I did not hold any public position in the State of Libya, neither before the 17<sup>th</sup> February Revolution, nor after it, except being in charge of the “Wounded Welfare Agency” (hereafter referred to as “the Agency”) for three (3) months, from 12<sup>th</sup> December 2011 to 17<sup>th</sup> March 2012, during which I submitted my resignation from chairmanship of the Agency three (3) times; I submitted the first letter of resignation on 6<sup>th</sup> January which was rejected by PM el-Keib, and he rejected my second resignation on 4<sup>th</sup> February 2012, then accepted my third resignation on 17<sup>th</sup> March 2012 when I adamantly insisted on it.

During the course of my work, as head of the Agency, which I accepted not because I desired a public office, but because Mr. Mustafa Abdel Jalil, head of the National Transitional Council, insisted I take on the post, I did not take any salary, Dirham or Dinar, I did it as a volunteer work. From day one, it became clear to me that the Agency is a big mess and corruption<sup>3</sup>, and realized that the only way to manage the medical treatment of the wounded would be through close coordination with the Health Ministry. On 26<sup>th</sup> December 2011, two weeks in the job, I submitted a proposal to the Health Ministry to directly supervise the Wounded cases, or at least take over the responsibility to administer the medical treatment of patients who were not related to the war casualties<sup>4</sup>, but the Health Ministry refused. Eventually, the Agency was merged into

<sup>2</sup> The English version of the report stated “A Misratan businessman, Ashraf ben Ismail” (page 13/299), whereas the Arabic version stated, “A businessman from Misrata” (page 18/323).

<sup>3</sup> The management of the Agency was chaotic before I was appointed. There was no control on who should be entitled to receive a publicly funded medical treatment abroad, everybody was sending people for treatment abroad; the National Transitional Council, various ministries, local councils, revolutionary brigades, and this led to widespread abuse of the system.

<sup>4</sup> Publicly funded medical treatment outside Libya is not new, due to the sorry status of the National Health System, the Libyan State always funded medical treatment abroad for cases which there were deemed not possible to handle inside Libya, of course there was always favoritism & corruption. The Wounded Welfare Agency was created to handle the treatment of severely wounded fighters in the 2011 war, but because of the chaotic situation, in my estimate majority, more than half, of those who were being sponsored treatment on the Agency’s account.

the Health Ministry under Cabinet Decision No. (179/2012) “On the organization of the Affairs and Care of the Wounded”, issued on April 18, 2012.

The Finance Ministry, in the interim government headed by Mr. Ali Zidane, assigned a special financial committee in 2013 to review the Wounded Welfare Agency and I appeared before this committee four (4) times<sup>5</sup>, my testimony was supported by documents. Around three weeks after the fourth (4<sup>th</sup>) session I received a phone call from the committee in which they informed me that “they have verified my financial accounts for the period I was in charge of the Agency”, I asked them to provide me this statement in writing, which they did in a letter dated 9<sup>th</sup> February 2014. A copy of the letter is provided in the Annex (1) attached below.

Since the day I resigned from the Agency, 17<sup>th</sup> March 2012, I no longer had anything to do with the issue of the medical treatment of wounded, neither officially nor personally, except in one case involving the wounded from “Operation Bunyan al-Marsous”, The military operation launched by the Government of National Unity to defeat terrorist organization Daesh “ISIS” in the city of Sirte. I was contacted by Mr. Abu Bakr al-Huraish, a member of the Misrata Municipal Council (MMC), informing me that they had difficulties in transporting the wounded of the military operation and that the MMC had decided to contact Libyan businessmen to help support their efforts to transport the wounded for treatment in Turkey. I committed myself to cover the costs of transporting 10 wounded from Misrata to Turkey, provided that the MMC handles all the work, flights & hospital bookings, which it did. The 10 wounded were transported on 5 flights, each trip costing 24 Thousand Euros. My contribution to cover the transportation of 10 wounded from Operation Bunyan al-Marsous was 120 Thousand Euros. A copy of a letter, Affidavit, by Misrata Central Hospital attesting to my support for five flights to carry wounded of Operation Bunyan al-Marsous, is provided in Annex 2 below.

Regarding the medical treatment of the wounded from the Benghazi Revolutionaries Shura Council (BRSC) was handled by the Libyan Embassy in Turkey, through the consulate in Istanbul, and I have had nothing to do with it. The Panel can contact the Consulate or the Embassy to verify this. It should be mentioned that the Consulate also handles the medical treatment of the wounded from “Operation Karama” and “Operation Bunyan al-Marsous”.

I mentioned above that I left Benghazi when it became clear to me that the situation there was no longer safe, not for me nor for my family. Before and after the launch of the “Operation Karama”, I worked hard to prevent escalation of the situation between some rebel battalions on one hand and the Special Forces battalions on the other. Meetings were held at my home in Benghazi between rebel commanders and Brigadier Wanis Bu Khamada, commander of the Special Forces in Benghazi. Unfortunately, these efforts did not succeed, some parties were keen to escalate the situation, among them Ezzidin al-Wakwak, commander of a tribal militia controlling Benina airport, East of Benghazi.

I was targeted by “Operation Karama” when a warehouse complex I own in al- Hawwari area was bombed by airplanes and missiles on 5<sup>th</sup> June 2014, details are attached below in Annex 3. The complex was the biggest privately owned & operated warehouse complex in Libya. After the first air raid, I came with some friends and employees, and we were joined by firefighting trucks. As we were trying to put out the fires and move goods, the complex was targeted with missiles. Four fire fighters were injured and taken to hospital. We continued our efforts to put out the fires and save the goods, some belonged to my company and some to belonged to other

<sup>5</sup> I appeared before the committee; in October, in November and in December 2013, then in January 2014.

**Source: Ashraf Bin Ismail**

## **Annex 62 The Libyan Steel Iron and Steel Company LISCO**

1. In its last report, the Panel reported on armed groups from Misrata using the Libyan Steel Iron and Steel Company's (LISCO) port to load weapons from Misrata to Benghazi (S/2017/466, paragraph 51 and annex 14). The Panel mentioned that the LISCO plant was a key hub in the supply route of the Benghazi Revolutionaries Shura Council (BRSC). A summary of the details contained in Annex 14 of that report is below:

- A square "military zone" in which arms and ammunition are stored.
- Gathering and starting point for fighters joining armed groups in Benghazi.
- LISCO plant is a key hub for military support provided to BRSC.
- Ammunition transported by land from Hun to LISCO plant. Stored in containers in LISCO military compound.
- From there, loaded onto vessels at LISCO port terminal for onward movement to Benghazi.
- On way back to Misrata, speedboats transport injured fighters.

2. On 30 August 2017, the Panel met the LISCO Chairman, Mohamed el-Feghy. He denied being in control of the LISCO port or organizing the support from the plant to armed groups fighting in Benghazi. He explained that the LISCO management were required to provide land to an armed brigade near the LISCO port, but that this land was not within the LISCO plant premises.

3. The company did not have complete control of the port, it had access for business purposes and to provide technical maintenance. The port gate was under the control of the investigation wing of the Municipal Council of Misrata. He also clarified that the Municipal Council did not directly control this wing. It was under the Ministry of Interior. Earlier, the Council had formed a Committee that was responsible for everything that went in and out of Misrata and LISCO ports. This was no longer the case since the beginning of 2017.

4. Mr. el-Feghy witnessed the arrival of wounded fighters from Benghazi to the LISCO port a number of years ago. There may have been movement of weapons through the port, but he has never seen this. It was only hearsay. Mr. El Feghy was requested to provide a map of the plant premises highlighting the points used for military purposes and excluded from his management responsibilities. This has not yet been provided.

5. In a letter dated 21 June 2018 to the United Nations addressed to Chair of the 1970 subcommittee, the Chargé d'Affaires a.i. of the Permanent Mission of Libya reported that since the release of the Panel's report, LISCO "face[s] international dealings problems in addition to the reluctance of some foreign companies to hold business dealings with it". Libya denies the Panel's statements and states that the company operated the port technically for business purposes only. The role of the company was limited to operate the port technically in terms of receiving iron ore ships and the exports of the company's products. The security aspects were usually managed exclusively by the security authorities of the Libyan state.

6. Consequently, the Panel continues its investigation on the role of the security bodies who used to operate in the plant and at the port.