



## Consejo de Seguridad

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### Carta de fecha 29 de noviembre de 2019 dirigida a la Presidencia del Consejo de Seguridad por el Grupo de Expertos sobre Libia establecido en virtud de la resolución 1973 (2011)

El Grupo de Expertos sobre Libia establecido en virtud de la resolución 1973 (2011) del Consejo de Seguridad tiene el honor de transmitir adjunto, de conformidad con lo dispuesto en el párrafo 15 de la resolución 2441 (2018), el informe final sobre su labor.

El informe se presentó al Comité del Consejo de Seguridad establecido en virtud de la resolución 1970 (2011) relativa a Libia el 28 de octubre de 2019 y fue examinado por el Comité el 25 de noviembre de 2019.

El Grupo agradecería que la presente carta y el informe se señalaran a la atención de los miembros del Consejo de Seguridad y se publicaran como documento del Consejo.

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\* Publicado nuevamente por razones técnicas el 24 de marzo de 2020.



## **Informe final del Grupo de Expertos sobre Libia Establecido en virtud de la resolución 1973 (2011) del Consejo de Seguridad**

### *Resumen*

La ofensiva militar del Ejército Nacional Libio (ENL) de Khalifa Haftar contra Trípoli y el conflicto subsiguiente inhibieron el proceso político libio en todo el país, paralizaron la reforma y contribuyeron a la inestabilidad general en todo el país. Grupos armados dispares, algunos de los cuales que habían estado en conflicto entre sí, se unieron para afiliarse al Gobierno de Consenso Nacional (GCN) o al ENL de Haftar. Esta nueva fase de inestabilidad, combinada con los intereses de varios agentes estatales y no estatales en el resultado, amplificó el conflicto subsidiario existente que tomó forma después de 2011. El Grupo de Expertos sobre Libia documentó múltiples actos que constituían una amenaza para la seguridad, la paz y la estabilidad de Libia.

Ambas partes en el conflicto recibieron armas y equipo militar, apoyo técnico y combatientes no libios que no cumplían las sanciones relacionadas con las armas. Los Emiratos Árabes Unidos, Jordania y Turquía suministraron armas de forma habitual y a veces flagrante, con poco esfuerzo para ocultar la fuente. El Grupo también detectó la presencia de grupos armados del Chad y el Sudán en apoyo de las fuerzas afiliadas al GCN y al ENL por igual. Aunque la capacidad militar de ambas partes mejoró aparentemente, en realidad los efectos de los grupos armados extranjeros en los resultados del conflicto fueron limitados. Las operaciones militares han estado dominadas por el uso de municiones guiadas de precisión desde vehículos aéreos de combate no tripulados, lo que ha limitado hasta cierto punto los daños colaterales que normalmente se esperan de un conflicto de ese tipo.

La primera línea de combate ha permanecido fluida pero dentro de unos límites estrechos desde abril de 2019. Ninguna de las partes tiene capacidad militar para decidir eficazmente el resultado a su favor. En consecuencia, el número de bajas mortales entre los grupos armados y los civiles sigue siendo bajo. El conflicto sigue planteando amenazas localizadas para los civiles libios, bien mediante el desplazamiento a causa de los combates o la utilización como arma o la explotación financiera de instituciones vitales del país, como el suministro de agua, electricidad y combustible.

Los migrantes y los solicitantes de asilo en Libia siguen siendo vulnerables no solo a los efectos del conflicto, sino también a los abusos. Quienes se encuentran recluidos en centros de detención oficiales del Gobierno corren el riesgo de exponerse a una serie de abusos de los derechos humanos, entre ellos, condiciones de vida degradantes, extorsión reiterada, explotación sexual y de otro tipo y torturas. La trata de personas y el tráfico de migrantes, aunque se han reducido considerablemente en comparación con los períodos abarcado por informes anteriores, siguen financiando redes que contribuyen a la inestabilidad.

El conflicto armado y el colapso del proceso político estuvieron acompañados por crecientes ataques a la unidad de las instituciones libias. El Grupo documentó cuatro intentos de exportación ilícita de petróleo crudo por parte de la Empresa Nacional del Petróleo. Además, esa entidad está intentando hacer valer sus reivindicaciones de legitimidad y establecer el control sobre la distribución e instalaciones de combustible en el este. La estabilidad del sistema de distribución de combustible en Libia está en peligro debido a que las empresas distribuidoras de combustible tienen un monopolio sobre el suministro. Los productos petrolíferos refinados siguen desviándose por mar y

por tierra, aunque a un nivel inferior al de años anteriores. El Grupo sigue detectando redes que participan en esas actividades dentro y fuera del país.

El Grupo sigue prestando atención a los activos de las entidades designadas, aunque las investigaciones detalladas se complican por la falta de acceso a los datos financieros en algunos Estados Miembros. La continua disputa sobre quién tiene autoridad sobre el Instituto Libio de Inversiones es motivo de preocupación. El Grupo halló que el pago de las comisiones de gestión y custodia de los activos congelados a las instituciones financieras no siempre seguía el procedimiento. Además, se descubrió que dos personas habían incumplido la prohibición de viajar.

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\* Los anexos se distribuyen únicamente en el idioma en que fueron presentados y sin revisión editorial. Debido a los límites a la extensión de los informes de los mecanismos de vigilancia, el Grupo ha proporcionado más detalles sobre una serie de investigaciones en los anexos. Las abreviaturas y siglas figuran en el anexo 2.

# Informe final del Grupo de Expertos sobre Libia establecido en virtud de la resolución 1973 (2011) del Consejo de Seguridad

## I. Antecedentes

### A. Introducción

1. Este informe, presentado al Consejo de Seguridad de conformidad con el párrafo 15 de la resolución 2441 (2018), abarca el período comprendido entre el 5 de septiembre de 2018, fecha de publicación del informe anterior del Grupo de Expertos (S/2018/812), y el 20 de octubre de 2019, e incluye información actualizada sobre las investigaciones en curso que se detallan en él. En el anexo 1 figura un panorama general de la evolución del régimen de sanciones relativo a Libia.

2. En la realización de sus investigaciones, el Grupo se ajustó a las mejores prácticas y métodos recomendados por el Grupo de Trabajo Oficioso del Consejo de Seguridad sobre Cuestiones Generales relativas a las Sanciones (véase S/2006/997). El Grupo ha mantenido el más alto nivel de prueba alcanzable, aunque los viajes dentro de Libia están restringidos debido a la situación de la seguridad. El Grupo hizo hincapié en el cumplimiento de las normas relativas a la transparencia y las fuentes, las pruebas documentales, la corroboración obtenida de fuentes independientes verificables y el ofrecimiento de la posibilidad de responder<sup>1</sup>. El Grupo mantuvo la transparencia, la objetividad, la imparcialidad y la independencia en sus investigaciones y basó sus conclusiones en pruebas verificables.

3. El ataque contra Trípoli lanzado por grupos armados afiliados a Khalifa Haftar (Fuerzas Armadas de Haftar, o FAH)<sup>2</sup> el 4 de abril de 2019 y el conflicto armado en curso definieron el período sobre el que se informa. Desde entonces, los casos de incumplimiento de las sanciones impuestas a Libia han aumentado rápidamente. Los incidentes que suponen una violación del derecho internacional humanitario son cada vez más prominentes.

4. Los viajes a Libia se vieron limitados por el empeoramiento de la situación de la seguridad y se complicaron aún más por la detención ilegal de un miembro del Grupo de Expertos, Moncef Kartas (Túnez), por parte de las autoridades tunecinas el 26 de marzo de 2019. Su arresto y detención, y el inicio de procesos judiciales contra él, violaron las disposiciones del artículo VI, sección 22 de la Convención sobre los Privilegios e Inmunities de las Naciones Unidas. El portavoz de las Naciones Unidas declaró el 15 de mayo de 2019 que se habían examinado los documentos presentados por el Gobierno de Túnez y que la Organización había solicitado la liberación inmediata del Sr. Kartas y la retirada de los cargos que pesaban contra él<sup>3</sup>. El Sr. Kartas fue puesto en libertad el 21 de mayo de 2019, aunque todavía hay cargos pendientes contra él. Sobre la base del asesoramiento de la Secretaría, el Grupo no pudo viajar a Túnez, punto

<sup>1</sup> En el anexo 3 figura más información sobre la metodología y la posibilidad de responder.

<sup>2</sup> Entre ellos figura el grupo armado anteriormente denominado Ejército Nacional Libio de Khalifa Haftar (que ahora se está reconfigurando como Fuerzas Armadas Árabes Libias) y grupos armados nacionales y extranjeros. El Grupo ha escogido la abreviatura Fuerzas Armadas de Haftar (FAH) para abarcar todos los grupos armados afiliados a Haftar. El Grupo también utiliza las minúsculas para referirse a los grupos armados que se refieren a sí mismos como “Brigada” o “Batallón” a fin de identificar al grupo sin conferirle la legitimidad de ser una unidad militar constituida de un gobierno. Del mismo modo, se utilizan las minúsculas, si procede, para referirse a las autoridades del este de Libia.

<sup>3</sup> Véase [www.un.org/press/en/2019/db190515.doc.htm](http://www.un.org/press/en/2019/db190515.doc.htm).

de partida de las Naciones Unidas hacia Libia y, por tanto, no pudo viajar a Libia del 25 de marzo al 27 de julio de 2019 (véase la recomendación 1).

5. La labor del Grupo se vio afectada por dos cuestiones administrativas. La primera fue la aplicación más estricta por la Secretaría de los procedimientos administrativos revisados relativos a los viajes, iniciados de conformidad con la sección VI, párrafo 8, de la resolución 67/254 A de la Asamblea General. El Grupo debe ahora notificar una visita con 25 días de antelación, y las excepciones a esa norma solo se conceden en circunstancias excepcionales. En segundo lugar, debido a consideraciones de auditoría, los viajes solo se aprueban si el Grupo aporta pruebas de que las reuniones están previstas para toda la duración de una misión. Las personas u organizaciones a menudo no pueden confirmar una reunión con tanta antelación. Este nuevo requisito elimina la posibilidad de que el Grupo dedique tiempo sobre el terreno a encontrar y cultivar fuentes humanas o a iniciar investigaciones basadas en nueva información o pruebas. Por tanto, las investigaciones de seguimiento requieren viajes y visitas adicionales, lo que duplica el tiempo de viaje, reduce el tiempo de trabajo disponible del Grupo y arriesga que se pierda una fuente potencial. A algunos expertos les resulta casi imposible encontrar y reclutar fuentes a menos que puedan pasar tiempo entre la diáspora libia en otros países.

6. Los efectos de las restricciones impuestas al Grupo para viajar a Libia y Túnez durante casi cuatro meses, y pasar allí el tiempo necesario para encontrar y cultivar fuentes locales, fueron particularmente duros para los expertos en los grupos armados (véase el párrafo 46). Los niveles probatorios necesarios para que el Grupo incluya estudios de casos en los informes al Consejo de Seguridad son elevados y a menudo no se alcanzan solo mediante el acceso a distancia. Las personas son reacias a utilizar comunicaciones electrónicas. La necesidad de obtener pruebas confirmatorias mediante entrevistas de triangulación con, por ejemplo, personal de salud o miembros de la familia, significan que solo las entrevistas personales pueden proporcionar los altos niveles probatorios requeridos para instruir un caso.

## **B. Cooperación con partes interesadas y organizaciones**

7. En el anexo 4 figura una lista completa de los Estados Miembros, las organizaciones y las personas consultadas. El Grupo envió 330 cartas oficiales a 61 Estados Miembros y 87 cartas a entidades y empresas y al 24 de octubre de 2019 había recibido 213 respuestas, cuyos detalles figuran en el anexo 5.

### **1. Naciones Unidas y otras entidades**

8. El Grupo interactúa frecuentemente con la Misión de Apoyo de las Naciones Unidas en Libia (UNSMIL) y se reúne periódicamente con el Representante Especial del Secretario General para Libia. El Grupo se benefició de intercambios periódicos con las diferentes divisiones de la UNSMIL. Los vuelos regulares de la UNSMIL a Libia y su firme apoyo y flexibilidad facilitaron el acceso y las necesidades logísticas del Grupo.

9. El Grupo se reunió e intercambió información con el Grupo de Expertos sobre el Sudán y el Equipo de Apoyo Analítico y Vigilancia de las Sanciones dimanante de las resoluciones 1526 (2004) y 2253 (2015) relativas al Estado Islámico en el Iraq y el Levante (EIIL) (Dáesh), Al-Qaida y los talibanes y personas y entidades asociadas.

### **2. Autoridades del este y el Ejército Nacional Libio**

10. Durante el período sobre el que se informa, el Grupo envió 12 comunicaciones oficiales a tres direcciones de correo electrónico distintas, obtenidas de diversas

fuentes, y mantuvo varias comunicaciones oficiosas con personas de las autoridades del este y el Ejército Nacional Libio (ENL). No se recibió ninguna respuesta oficial. No fue hasta el 9 de octubre de 2019 que el Grupo recibió una comunicación de un oficial militar en la que afirmaba que su oficina era ahora el centro de coordinación oficial para el Grupo. A continuación, el Grupo volvió a enviar copias de las 12 cartas oficiales y espera una respuesta. El Grupo dejó claro al nuevo coordinador los plazos necesarios para incluir cualquier declaración de las autoridades del este para que el Grupo la examinara e incluyera en el presente informe. El 19 de octubre de 2019, el Grupo recibió una comunicación del nuevo coordinador en la que se le comunicaba que Khalifa Haftar había nombrado un comité de tres oficiales generales para que elaborara respuestas a las comunicaciones del Grupo.

## **II. Actos que amenazan la paz, la seguridad y la estabilidad de Libia o actos que obstruyen o socavan la conclusión satisfactoria de su transición política**

### **A. Dinámica del conflicto**

11. El inicio del conflicto en todo el país, que comenzó el 4 de abril de 2019<sup>4</sup>, ha llevado a los grupos dispares del país a alinearse más claramente con las FAH o con las fuerzas afiliadas al Gobierno de Consenso Nacional (FA-GCN) (véanse en el anexo 6 mapas del conflicto).

12. La estrategia de Haftar para tomar Trípoli comenzó con un barrido por las ciudades y pueblos del sur en enero de 2019, donde el apoyo de sus aliados a su ofensiva fue favorable. Las FAH traspasaron el control a representantes, continuaron hacia el oeste y luego hacia el norte para apoderarse de activos estratégicos y establecer posiciones para el asalto a Trípoli. Para fines de marzo de 2019, las FAH habían tomado el control de la instalación petrolera de Sharara<sup>5</sup> (véase el párr. 137) y establecido bases avanzadas con aliados en Gharyan<sup>6</sup>, Tarhuna<sup>7</sup>, Sabratha<sup>8</sup> y Surman<sup>9</sup>, justo al sur, este y oeste de la capital.

13. El objetivo de Khalifa Haftar de arrebatar fácilmente Trípoli a una serie de grupos armados localizados fracasó por varias razones. No se mantuvieron acuerdos anteriores de las FAH con ciertos grupos armados. En previsión de la ofensiva, los dispares grupos armados con base en Trípoli cooperaron activamente con grupos grandes e influyentes con base en Misrata. En lo que respecta al territorio, el conflicto se ha estabilizado en la zona de combate de primera línea, ya que las FAH siguen estando en las afueras de Trípoli. Cuando las FA-GCN contraatacaron y se apoderaron de la ciudad estratégica de Gharyan a fines de junio de 2019, la percepción de las capacidades operativas de las FAH se vio perjudicada.

14. La participación de agentes internacionales y regionales, tanto estatales como no estatales, es persistente y creciente. El suministro de equipo militar por parte de Gobiernos extranjeros y la inclusión de grupos armados extranjeros directamente involucrados en los combates son factores desestabilizadores.

<sup>4</sup> La operación de las FAH se conoce como “Diluvio de Dignidad”; el GCN respondió con la “Operación Volcán de Furia”.

<sup>5</sup> 26°34'36"N, 12°13'05"E.

<sup>6</sup> 32°10'20"N, 13°1'13"E.

<sup>7</sup> 32°26'02"N, 13°38'04"E.

<sup>8</sup> 32°46'51.96"N, 12°26'58.20"E.

<sup>9</sup> 32°44'50.28"N, 12°33'51.12"E.



## B. Actos que amenazan la paz, la seguridad y la estabilidad

### 1. Actividades de grupos terroristas internacionales e individuos

15. Elementos del EIIL (QDe.115) permanecen latentes en células de Trípoli y Misrata, y como grupos autónomos en Sebha, Murzuq y Al Qatrun, y en los alrededores del monte Al Haruj. El liderazgo del EIIL sigue estando centrado en Bani Walid.

16. A fines de abril de 2019, imágenes de vídeo mostraron a Abu Bakr al-Baghdadi (QDi.299), líder del EIIL<sup>10</sup>, elogiando los ataques en la ciudad de Fuqaha y llamando a sus militantes a librar una guerra de desgaste en Libia. El 6 de julio de 2019, una rama de medios de comunicación del EIIL (A'maq) publicó un vídeo de un líder del EIIL en Libia, Mahmud Massud al-Baraassi (alias Abu Musab Allibi), en el que destacaba que ahora Libia era uno de los ejes principales de las futuras operaciones del EIIL, concebidas para compensar las pérdidas de terreno e influencia en la República Árabe Siria. Al parecer, Mahmud Massud al-Baraassi está al sur de Bani Walid.

17. Las FA-GCN<sup>11</sup>, las FAH<sup>12</sup> y el aumento de las operaciones antiterroristas del Comando de los Estados Unidos en África (AFRICOM)<sup>13</sup> contra Al Qaida (QDe.004) o el EIIL siguen perturbando las estructuras organizativas de esos grupos y reduciendo temporalmente sus capacidades operacionales en Libia<sup>14</sup>.

18. El EIIL en Libia financia sus actividades a través de robos, secuestros para obtener rescate, extorsión a ciudadanos libios y contrabando transfronterizo de artefactos y otros productos básicos. El EIIL en Libia sigue financiándose mediante los impuestos a las redes de trata de personas (S/2019/570, párr. 25).

### 2. Grupos armados extranjeros en Libia

19. La injerencia de combatientes del Chad y el Sudán en Libia constituye una amenaza directa para la seguridad y estabilidad de Libia. El 2 de enero de 2019, la Oficina del Fiscal General emitió una orden de detención de 37 personas (22 chadianos, 6 libios y 9 sudaneses) (véase el anexo 7) por su papel en los robos, secuestros y asesinatos que tuvieron lugar en 2018 contra la población libia en el sur. Su presencia, documentada en informes anteriores del Grupo (S/2017/466, párr. 83, y S/2018/812, párr. 24) se ha hecho más marcada durante 2019, debido a la intensificación del conflicto armado. La presencia continua de esos extranjeros, como grupos organizados o como mercenarios, puede conducir a una mayor inestabilidad.

### 3. Grupos armados sudaneses

#### *Ejército de Liberación del Sudán-Abdul Wahid*

20. A mediados de enero de 2019, el Ejército de Liberación del Sudán-Abdul Wahid (ELS-AW) prestó apoyo a las brigadas de las FAH durante la incursión del grupo en el sur. El ELS-AW, integrado por unos 200 combatientes comandados por Yusif

<sup>10</sup> Abdulkader Assad, "Al-Baghdadi admits ISIS was defeated in Libya's Sirte", Lybia Observer, 30 de abril de 2019. Puede consultarse en [www.lybiaobserver.ly/news/al-baghdadi-admits-isis-was-defeated-libyas-sirte](http://www.lybiaobserver.ly/news/al-baghdadi-admits-isis-was-defeated-libyas-sirte).

<sup>11</sup> Xinhua, "Libyan authorities arrest 2 members of al-Qaida, IS", 30 de mayo de 2019. Puede consultarse en [www.xinhuanet.com/english/2019-05/31/c\\_138103881.htm](http://www.xinhuanet.com/english/2019-05/31/c_138103881.htm).

<sup>12</sup> Libyan Address, "Details of the killing of senior al-Qaeda leader by LNA in Sabha", 28 de enero de 2019. Puede consultarse en [www.addresslibya.com/en/archives/40581](http://www.addresslibya.com/en/archives/40581).

<sup>13</sup> Cuatro ataques aéreos llevados a cabo por el AFRICOM en septiembre de 2019 mataron al menos a 43 miembros del EIIL en Libia. Véase [www.Africom.mil](http://www.Africom.mil).

<sup>14</sup> Reunión con oficiales de lucha contra el terrorismo en Trípoli, 11 de septiembre de 2019.

Ahmed Yusif (alias Karjakola) (S/2019/34, párr. 83), está situado en Waw an-Namus, en la región de Fezzan. El liderazgo más amplio de Abdul Wahid está amenazado por elementos del ELS-AW en Libia debido a un desacuerdo sobre el desembolso de fondos que recibe de las FAH para esos elementos.

#### *Ejército de Liberación del Sudán-Minni Minawi*

21. El Ejército de Liberación del Sudán-Minni Minawi (ELS-MM) está dirigido por Jaber Is'hak en Libia y está integrado por unos 300 combatientes con base en Jufra. El grupo apoyó inicialmente la incursión de Haftar en el sur a mediados de enero de 2019, y ahora se encarga de defender la retaguardia de las FAH y la línea de comunicación entre Trípoli y Jufra.

#### *Alianza de las Fuerzas de Liberación del Sudán*

22. La Alianza de las Fuerzas de Liberación del Sudán (S/2019/34, párr. 79) está liderada por Taher Abu Baker Hajar en Libia y compuesta por aproximadamente 500 a 700 combatientes supuestamente experimentados. El grupo apoya a las FAH y está basado en pequeñas unidades alrededor de Sebha, Murzuq y Umm Al Aranib. El grupo coopera estrechamente con las fuerzas del ELS-MM en Libia.

#### *Movimiento por la Justicia y la Igualdad*

23. El Movimiento por la Justicia y la Igualdad está dirigido por Abdelkarim Cholloy Konti en Libia, y está compuesto por 160 combatientes con 22 camiones 4x4. Este grupo es muy móvil y se ha comunicado que opera en Trípoli con las FA-GCN, y también en la zona entre Zillah y Sebha.

#### *Fuerzas de Apoyo Rápido*

24. El Grupo estima que el 25 de julio de 2019 el General Mohamed Hamdan Dagalo (alias Hemeti) desplegó en Libia 1.000 soldados sudaneses de las Fuerzas de Apoyo Rápido<sup>15</sup>. El plan inicial era que las tropas sudanesas custodiaran infraestructura nacional crítica, liberando así a las tropas de las FAH para operaciones ofensivas. El 17 de junio de 2019, fuentes abiertas<sup>16</sup> informaron de que había tropas sudanesas estacionadas en Jufra.

25. El Grupo observó un contrato firmado en Jartum el 7 de mayo de 2019 entre el General Mohamed Hamdan Dagalo, en nombre del Consejo de Transición del Sudán, y la empresa canadiense Dickens & Madson (Canadá) Inc.<sup>17</sup>, en virtud del cual la empresa se esforzaría por obtener financiación para el consejo del Consejo Militar de Libia del Este a cambio de ayuda militar al ENL (véase el anexo 8). El Grupo aún no ha determinado si el despliegue de las Fuerzas de Apoyo Rápido se debió a los fondos de las FAH destinados al Consejo de Transición del Sudán, o directamente al General Mohamed Hamdan Dagalo, debido a las actividades de la empresa Dickens & Madson, y sigue investigando el papel directo de esta última, de haberlo, en el despliegue inicial de las Fuerzas de Apoyo Rápido.

<sup>15</sup> The New Arab, “Hundreds of Sudan militia fighters deployed to Haftar’s Libya offensive”, 26 de julio de 2019, puede consultarse en [www.alaraby.co.uk/english/News/2019/7/26/Hundreds-Sudan-militia-fighters-deployed-to-Haftars-Libya-offensive](http://www.alaraby.co.uk/english/News/2019/7/26/Hundreds-Sudan-militia-fighters-deployed-to-Haftars-Libya-offensive); y fuente confidencial.

<sup>16</sup> Jean-Philippe Rémy, “Au Soudan, ‘Hemetti’, le general sanglant qui voulait etre roi”, Le Monde, 17 June 2019. Puede consultarse en [www.lemonde.fr/afrique/article/2019/06/15/au-soudan-hemetti-le-general-sanglant-qui-voulait-etre-roi\\_5476564\\_3212.html?xtor=RSS-3208](http://www.lemonde.fr/afrique/article/2019/06/15/au-soudan-hemetti-le-general-sanglant-qui-voulait-etre-roi_5476564_3212.html?xtor=RSS-3208). Véase también [www.alaraby.co.uk/politics/2019/7/22/](http://www.alaraby.co.uk/politics/2019/7/22/) - معسكر - حفتر - يعلن - بدء - معركة - طرابلس - ودور - إماراتي - جديد.

<sup>17</sup> <http://www.dickensandmadson.com> (dirección de Internet ya no está activa).

26. El Grupo considera que el Sudán y el General Mohamed Hamdan Dagalo, como responsable del mando, incumplen lo dispuesto en el párrafo 9 de la resolución 1973 (2011).

#### 4. Gruppo armados del Chad

##### *Front pour l'alternance et la concorde au Tchad*

27. El Frente para la Alternancia y la Concordia en el Chad en Libia está liderado por Mahdi Ali Mahamat y compuesto por aproximadamente 700 hombres con base en el campamento de Jufra. Las FAH le han encargado que defienda la zona de posibles ataques, es decir, de terroristas.

##### *Consejo de Mandos Militares para la Salvación de la República*

28. El Consejo de Mandos Militares para la Salvación de la República, supuestamente liderado por Mahamat Haki Abderrmane<sup>18</sup>, está integrado por unos 300 hombres, lucha junto a las FA-GCN y, según se informa, tiene su base en las zonas de Al Qatrun, Murzuq y Sebha. Es muy probable que este grupo esté involucrado en actividades delictivas y de tráfico de todo tipo, vinculando el sur de Libia con la región chadiana de Tibesti.

##### *Unión de Fuerzas para la Democracia y el Desarrollo*

29. La Unión de Fuerzas para la Democracia y el Desarrollo (UFDD) está compuesta actualmente por unos 100 combatientes, en facciones que apoyan a las FA-GCN o a las FAH, y tiene su base en la zona de Waw al Kabir. A principios de marzo de 2019, 400 miembros de la UFDD abandonaron Libia y se entregaron a las autoridades del Chad, aunque su líder, Mahmat Nouri, afirma que el número de desertiones fue mucho menor<sup>19</sup>. Desde 2017, Mahmat Nouri está bajo investigación judicial en Francia<sup>20</sup>.

##### *Unión de Fuerzas de la Resistencia*

30. La Unión de Fuerzas de la Resistencia (UFR) es un grupo partidario de las FA-GCN que mantuvo una presencia considerable en las ciudades sureñas de Tmassah y Waw al Kabir hasta febrero de 2019. Su líder, Timan Erdimi, tiene su sede en Qatar. A petición del Gobierno del Chad, las Fuerzas Aéreas Francesas interceptaron a un gran grupo de miembros de la UFR en el Chad, entre el 6 y el 8 de febrero de 2019<sup>21</sup>. Algunos miembros de la UFR que permanecieron en Libia se unieron al mando de Jaber Is'hak (véase el párr. 21), mientras que otros buscaron alianzas con otras facciones chadianas presentes en Libia.

<sup>18</sup> El anterior líder del grupo, Hassan Boulmaye, fue arrestado en 2017 en el Níger, extraditado al Chad y ahora cumple una sentencia de cadena perpetua.

<sup>19</sup> Jeune Afrique y AFP, "Tchad: 400 rebelles déposent les armes, selon le gouvernement", 11 de marzo de 2019. Puede consultarse en [www.jeuneafrique.com/747422/politique/tchad-400-rebelles-deposent-les-armes-selon-le-gouvernement/](http://www.jeuneafrique.com/747422/politique/tchad-400-rebelles-deposent-les-armes-selon-le-gouvernement/).

<sup>20</sup> RFI, "Chad rebel leader arrested in Paris", 17 de junio de 2019. Puede consultarse en <http://www.rfi.fr/en/africa/20190617-chad-rebel-leader-arrested-home-paris-french-prosecutor>.

<sup>21</sup> Carta del Estado Miembro al Grupo de fecha 11 de marzo de 2019.

## 5. Implicación de nacionales libios en el reclutamiento de combatientes extranjeros

31. Los comandantes de las brigadas 116<sup>a</sup> y 128<sup>a</sup> de las FAH, Masoud Jeddi<sup>22</sup> y Hasan Maatug Zadma<sup>23</sup>, respectivamente, reclutan constantemente combatientes chadianos y sudaneses en el sur de Libia.

32. Fuentes del Grupo confirman que Nasser Bin Jreid (S/2019/34, párr. 92, y S/2018/812, párr. 22) sigue reclutando combatientes sudaneses y chadianos para ambas partes en conflicto. También está involucrado en actividades de tráfico. Hassan Mussa, líder tebu que dirige la Fuerza de Protección del Sur, vinculada a las FA-GCN, es otro importante facilitador del reclutamiento de mercenarios chadianos (S/2018/812, párr. 22).

## 6. Repercusiones regionales de los grupos armados del Chad y el Sudán

33. El 3 de marzo de 2019, por segunda vez en dos años, el Gobierno del Chad anunció el cierre de sus fronteras<sup>24</sup>, en un intento de limitar las actividades de tráfico entre los dos países y detener el flujo de rebeldes hacia el Chad. El 26 de septiembre de 2019, el Consejo Soberano del Sudán ordenó el cierre de las fronteras del país con Libia y la República Centroafricana, alegando peligros económicos y de seguridad no especificados<sup>25</sup>.

## C. Llevar a cabo cualquier acción que pueda dar lugar a la apropiación indebida de fondos del Estado libio

### 1. Banco Central de Libia del Este

34. El Grupo ha establecido que cuando el Banco Central Europeo y los bancos comerciales europeos transfirieron billetes en euros a Libia, ni el Banco Central Europeo, ni los bancos comerciales ni el Banco Central de Libia anotaron registros de los números de serie. Se transfirieron grandes cantidades de dinero entre las sucursales del Banco Central de Libia sin que se registraran los números de serie. Esto hace prácticamente imposible la atribución de cualquier cantidad en euros a una sucursal en particular.

35. Aunque la Oficina del Fiscal General en Trípoli sigue investigando las condiciones de la transferencia de dinero por el Banco Central de Libia desde su antigua sede en Bengasi a la nueva sede (también en Bengasi), no hay duda de que se produjo una pérdida total de divisas (28.510.000 euros parcialmente dañados y 16.490.000 euros destrozados e inutilizables).

36. El Gobernador del Banco Central del este de Libia este tomó una iniciativa personal para reducir las pérdidas del Banco Central mediante la transferencia del riesgo financiero a terceros. Vendió 28.510.000 euros en billetes dañados a la tasa oficial del Banco Central a 2 empresas y 15 compradores individuales. Esto se hizo sin el acuerdo del Banco Central en Trípoli, ya que las dos sucursales no cooperan en cuestiones financieras.

37. La Oficina del Fiscal General sigue investigando las condiciones de la transferencia. El 18 de septiembre de 2018, el Banco Central solicitó a la Oficina que

<sup>22</sup> Masoud Jeddi pertenece a la tribu awlad suleiman. Es el comandante de la brigada antes conocida como “brigada Rada”, con sede en Sebha.

<sup>23</sup> Hasan Maatug Zadma pertenece a la tribu awlad suleiman, originaria de la ciudad de Harawah. La brigada tiene su base en Jufra.

<sup>24</sup> Sami Zaptia, “Chad closes its border with Libya”, Libya Herald, 5 March 2019. Puede consultarse en [www.libyaherald.com/2019/03/05/chad-closes-its-border-with-libya/](http://www.libyaherald.com/2019/03/05/chad-closes-its-border-with-libya/).

<sup>25</sup> BBC World Service, “Sudan to close borders with CAR and Libya”, 26 de septiembre de 2019.

investigara las circunstancias relativas a la transferencia física del dinero. No se ha solicitado formalmente que se investigue si la venta de los billetes dañados por parte del Banco Central del este contravenía el artículo 6 de la Ley de Bancos (Ley núm. 1 de 2005, enmendada por la Ley núm. 46 de 2012).

## 2. Autoridad de Control Administrativo del Este

38. El 26 de agosto de 2019, la Autoridad de Control Administrativo del Este<sup>26</sup> publicó su informe de 2018<sup>27</sup>, que contenía pruebas de corrupción, irregularidades financieras importantes y apropiación indebida de fondos del Estado por parte de diferentes instituciones del gobierno interino<sup>28</sup>. Como coincidencia, el 1 de septiembre de 2019, Abdelsalam Al-Hassi, jefe de la Autoridad de Control Administrativo del Este, fue detenido por presuntos miembros afiliados a las FAH<sup>29</sup> y puesto en libertad el día siguiente.

## D. Ataques contra aeropuertos o puertos terrestres o marítimos de Libia, instituciones o instalaciones del Estado, o misiones extranjeras en Libia

39. El Grupo detectó múltiples ataques contra la infraestructura nacional civil y las instituciones del Estado durante el período sobre el que se informa. En particular, los ataques contra los aeropuertos conjuntos militares y civiles fueron frecuentes. Las autoridades nacionales siguen investigando todos esos ataques y el Grupo no ha tenido acceso a sus pruebas o no está convencido de la veracidad de algunas afirmaciones. A continuación se destacan los casos más importantes.

Cuadro 1

### Resumen de los ataques contra instituciones o instalaciones del Estado

<i>Fecha</i>	<i>Actividad</i>	<i>Observaciones</i>	<i>Anexo</i>
10 de septiembre de 2018	Sede de la Empresa Nacional del Petróleo en Trípoli. Un grupo no identificado de hombres armados entró en el edificio por la fuerza, mató a 2 personas e hirió a 37 empleados. Se detonaron tres artefactos explosivos improvisados (AEI).	El EIIL reivindicó los ataques.	9
25 de diciembre de 2018	Dos individuos que llevaban artefactos explosivos improvisados personales (AEIP) los detonaron en el Ministro de Relaciones Exteriores. Un tercer atacante murió en un tiroteo con los guardias.	El EIIL reivindicó los ataques.	10

<sup>26</sup> La Autoridad de Control Administrativo de Libia es un órgano independiente compuesto por dos ramas, Este y Oeste. El jefe de la Autoridad de Control Administrativo del Oeste es nombrado por el Consejo Presidencial, y el jefe de la Autoridad de Control Administrativo del Este por la Cámara de Representantes. La Autoridad de Control Administrativo hace un seguimiento del trabajo de los órganos ejecutivos, supervisa sus operaciones y evalúa su desempeño.

<sup>27</sup> Véase <http://raqaba-ly.com/wp-content/uploads/2019/08/مرفق-الهيئة-2018.pdf>.

<sup>28</sup> El gobierno interino fue aprobado por la Cámara de Representantes en 2014 y tiene su sede en Bayda, en el este de Libia. Tras el establecimiento del Gobierno de Consenso Nacional en Trípoli en 2016, el gobierno interino perdió el reconocimiento internacional, pero sigue reivindicando su legitimidad y opera principalmente en el este de Libia.

<sup>29</sup> Safa Alharathy, "Head of the administrative control authority of the eastern authorities released after brief detention", *Libya Observer*, 3 de septiembre de 2019. Puede consultarse en [www.libyaobserver.ly/inbrief/head-administrative-control-authority-eastern-authorities-released-after-brief-detention](http://www.libyaobserver.ly/inbrief/head-administrative-control-authority-eastern-authorities-released-after-brief-detention).

<i>Fecha</i>	<i>Actividad</i>	<i>Observaciones</i>	<i>Anexo</i>
8 de abril de 2019	Las FAH ocuparon el aeropuerto internacional de Trípoli y lucharon con las FA-GCN por el control durante todo el conflicto.		11
24 de septiembre de 2019	Agresión física e intimidación al Ministro de Finanzas por miembros de un grupo armado con sede en Trípoli en su oficina.		12

### **Atentados contra el aeropuerto de Mitiga en Trípoli**

40. El 7 de abril de 2019, el aeropuerto Mitiga de Trípoli fue atacado por primera vez por las FAH en el contexto del conflicto actual. Este fue el primero de múltiples ataques contra el aeropuerto durante el período sobre el que se informa<sup>30</sup>. Los ataques posteriores causaron daños a aeronaves civiles (véase el anexo 13).

41. Al ser el único aeropuerto internacional en funcionamiento en Trípoli, que da servicio tanto a vuelos comerciales como militares, Mitiga es un activo estratégico. Las frecuentes interrupciones de los calendarios de vuelos, incluidos los vuelos de las Naciones Unidas, y la reducción del tráfico limitan la libre circulación de mercancías y personas hacia la capital, lo que es esencial para la viabilidad económica. Esto también afecta negativamente a la capacidad del aeropuerto de llevar a cabo evacuaciones médicas urgentes.

42. La Fuerza Especial de Disuasión<sup>31</sup> controla efectivamente el aeropuerto y sus operaciones. En las proximidades se encuentra un centro de detención controlado por la Fuerza Especial de Disuasión, que se utiliza para detener, entre otras cosas, a combatientes de grupos armados locales. Esto sirve de base para ataques de grupos armados de ambas partes en conflicto, que pretenden liberar a sus propios combatientes detenidos.

## **E. Actos que contravienen las disposiciones aplicables del derecho internacional de los derechos humanos o el derecho internacional humanitario o actos que constituyen abusos contra los derechos humanos**

43. El Grupo ha determinado la existencia de una serie de violaciones y abusos del derecho internacional humanitario y de los derechos humanos cometidas durante el período del que se informa sobre la base de pruebas procedentes de fuentes confidenciales (entre ellas, entrevistas con testigos presenciales y testimonios), medios sociales y análisis de imágenes.

44. El Grupo observó el requisito establecido en el párrafo 11 de la resolución [2441 \(2018\)](#) de que las medidas de prohibición de viajar y congelación de activos también se aplicarían a los actos que pudieran incluir, aunque no exclusivamente, la planificación, la dirección o la comisión de actos de violencia sexual y por motivos de género. Aunque el Grupo identificó a personas que muy probablemente habían sido víctimas de abusos y de violencia sexual y de género, no se pudieron alcanzar los

<sup>30</sup> UNSMIL, “Latest attacks on Mitiga airport, a direct threat to the lives of civilian passengers; perpetrators will face accountability”, 1 de septiembre de 2019. Puede consultarse en [reliefweb.int/report/libya/unsmil-latest-attacks-mitiga-airport-direct-threat-lives-civilian-passengers](https://reliefweb.int/report/libya/unsmil-latest-attacks-mitiga-airport-direct-threat-lives-civilian-passengers).

<sup>31</sup> Denominación cambiada a Agencia de Disuasión para la Lucha contra la Delincuencia Organizada y el Terrorismo, según el decreto del GCN de 7 de mayo de 2018. El Grupo sigue utilizando la versión anterior del nombre.

niveles de prueba necesarios para informar al Comité. El Grupo no tuvo acceso a lugares confidenciales en los que entrevistar a víctimas, ni pudo pedir opiniones independientes de psicólogos y consejeros sobre traumas. Además, no se pudo garantizar al Grupo la seguridad de las víctimas y los testigos. Algunas o todas esas condiciones son necesarias para cumplir los niveles probatorios exigidos por las mejores prácticas y métodos recomendados por el Grupo de Trabajo Oficioso sobre Cuestiones Generales relativas a las Sanciones (véase [S/2006/997](#)).

## 1. Uso indiscriminado de municiones explosivas

45. El uso indiscriminado de municiones explosivas ha sido habitual, generalizado y atribuible tanto a las FA-GCN como a las FAH. En el cuadro 2 figura una ilustración de los tipos de violaciones en curso del derecho internacional humanitario consuetudinario relacionadas con el uso indiscriminado de municiones explosivas (véanse también los anexos 13 a 18).

Cuadro 2

### Resumen de las violaciones del derecho internacional humanitario (uso indiscriminado de municiones explosivas), 2019

<i>Entidad</i>	<i>Fecha</i>	<i>Actividad</i>	<i>Observaciones/norma del derecho internacional humanitario consuetudinario<sup>a</sup></i>	<i>Anexo</i>
GCN	13 de junio	Disparo de un misil tierra-aire S-125 Neva Pechora de alcance medio desde un lanzador improvisado en un ataque indirecto contra un barrio civil de Trípoli.	Normas 7, 11, 14 y 15 <sup>b</sup>	14
FAH	2 de julio	Disparo de municiones explosivas, al parecer desde un avión de ataque contra blancos terrestres Mirage 2000-9 bajo la dirección y control operacional del grupo durante un ataque aéreo contra el complejo militar de Dhaman en Tajura, que alcanzó a un centro de detención del Departamento de Lucha contra la Migración Ilegal	Normas 14 y 15 Múltiples muertos y heridos	15
FAH	5 de agosto	Disparo de municiones explosivas desde un vehículo aéreo de combate no tripulado Wing Loong II bajo la dirección y control operacional del grupo, durante cuatro ataques aéreos contra barrios civiles de tebu en Murzuq.	42 víctimas mortales confirmadas por el Grupo Normas 7, 14 y 15	16
FAH	15 y 16 de agosto	Disparo de municiones explosivas (municiones en racimo) desde un vehículo aéreo de combate no tripulado bajo la dirección y control operacional del grupo, contra el aeropuerto internacional de Zuwara.	No tomar precauciones para evitar daños a bienes de carácter civil La investigación de la UNSMIL no encontró ningún uso militar del aeropuerto Norma 15	17

<i>Entidad</i>	<i>Fecha</i>	<i>Actividad</i>	<i>Observaciones/norma del derecho internacional humanitario consuetudinario<sup>a</sup></i>	<i>Anexo</i>
FA-GCN	1 de septiembre	Ataque de mortero contra el aeropuerto internacional de Mitiga durante operaciones aéreas civiles.	Muy probablemente ejecutado por un solo grupo para apoyar sus propias actividades delictivas	13
FAH	6 de septiembre	Ataque con cohete de vuelo libre contra el aeropuerto internacional de Mitiga.	Normas 7, 11, 14 y 15	18

<sup>a</sup> Puede haber otras violaciones del derecho internacional humanitario detectadas después de una investigación más a fondo de las circunstancias.

<sup>b</sup> Norma 7: Principio de distinción entre objetivos civiles y objetivos militares. Norma 11: Ataques indiscriminados. Norma 14: Proporcionalidad en el ataque. Norma 15: Principios de precauciones en ataques.

## 2. Trata de personas y tráfico de migrantes

46. La trata de personas y el contrabando de migrantes<sup>32</sup> hacia Libia y a través de Libia hacia Europa siguen siendo rentables, pero el comercio prácticamente se ha colapsado en comparación con el período anterior a 2018<sup>33</sup>. Los cambios en la normativa de los países vecinos y los enfrentamientos localizados a lo largo de las rutas de tráfico han obligado a hacer cambios para establecer rutas a fin de evitar esas barreras. Esto hace que la migración a Libia sea más larga, costosa y peligrosa. El volumen del tráfico transfronterizo hacia Libia a través del Chad y el Níger ha disminuido considerablemente en los dos últimos años<sup>34</sup>. Las limitaciones a la capacidad del Grupo para realizar entrevistas sobre el terreno (véase el párrafo 6) hicieron necesario que se centrara en las rutas internas hacia los lugares de partida de la costa occidental del país.

47. Una vez que los migrantes están en Libia, la dinámica del conflicto local y la batalla por Trípoli determinan los caminos que se toman para llegar a la costa, ya sea con la intención de trabajar o de transitar hacia Europa. Las salidas hacia Europa en los meses de verano experimentaron un descenso del 19 % respecto al año anterior. Desde que se alcanzaron las tasas máximas en 2016, las salidas se han reducido a niveles históricamente bajos (véase el cuadro 3)<sup>35</sup>.

<sup>32</sup> Libia no es un país signatario de la Convención sobre el Estatuto de los Refugiados y no tiene un sistema de asilo que reconozca a los refugiados. Véase también [S/2018/812](#), recomendación 13.

<sup>33</sup> Global Initiative Against Transnational and Organized Crime, “The human conveyor belt broken— assessing the collapse of the human smuggling industry in Libya and the central Sahel”, marzo de 2019.

<sup>34</sup> *Ibid.*

<sup>35</sup> Las rutas históricas siguen siendo utilizadas como arterias principales para los migrantes, aunque están proliferando rutas no estándar y menos transitadas. No se detectaron desviaciones significativas de las ciudades de la costa oriental en el período sobre el que se informa. Véase Organización Internacional para las Migraciones (OMI), “Libya’s migrant report, round 18”, marzo de 2018. Puede consultarse en [migration.iom.int/docs/DTM%20Libya%20Round%2018%20Migrant%20Report%20\(March%202018\).pdf](https://migration.iom.int/docs/DTM%20Libya%20Round%2018%20Migrant%20Report%20(March%202018).pdf).



**Cuadro 3**  
**Salidas de migrantes refugiados de Libia de mayo a septiembre, 2016 a 2019**

<i>Año</i>	<i>Número estimado de salidas</i>	<i>Reducción desde el máximo de 2016 (porcentaje)</i>	<i>Número de interdicciones por la Guardia Costera de Libia<sup>a</sup></i>	<i>Interdicciones por la Guardia Costera de Libia (porcentaje)</i>
2016	103 100			
2017	73 000	29		
2018	17 000	83	8 529	50
2019	13 800	86	6 365	46

*Fuente:* Datos de la Organización Internacional para las Migraciones y de la Global Initiative against Transnational Organized Crime.

<sup>a</sup> Fuente confidencial.

48. A medida que disminuyeron los ingresos procedentes de la trata a gran escala, el modelo comercial se ajustó. La trata de personas en Libia es ahora un proceso mucho más fragmentado, en el que los individuos, los grupos armados y las redes delictivas por igual pueden explotar a personas vulnerables para obtener mano de obra de bajo costo u otros beneficios personales o financieros<sup>36</sup>. Aunque las personas pueden entrar en Libia mediante un sistema de contrabando, la mayoría de ellas inevitablemente pasan a formar parte de las redes de trata de personas dentro de Libia.

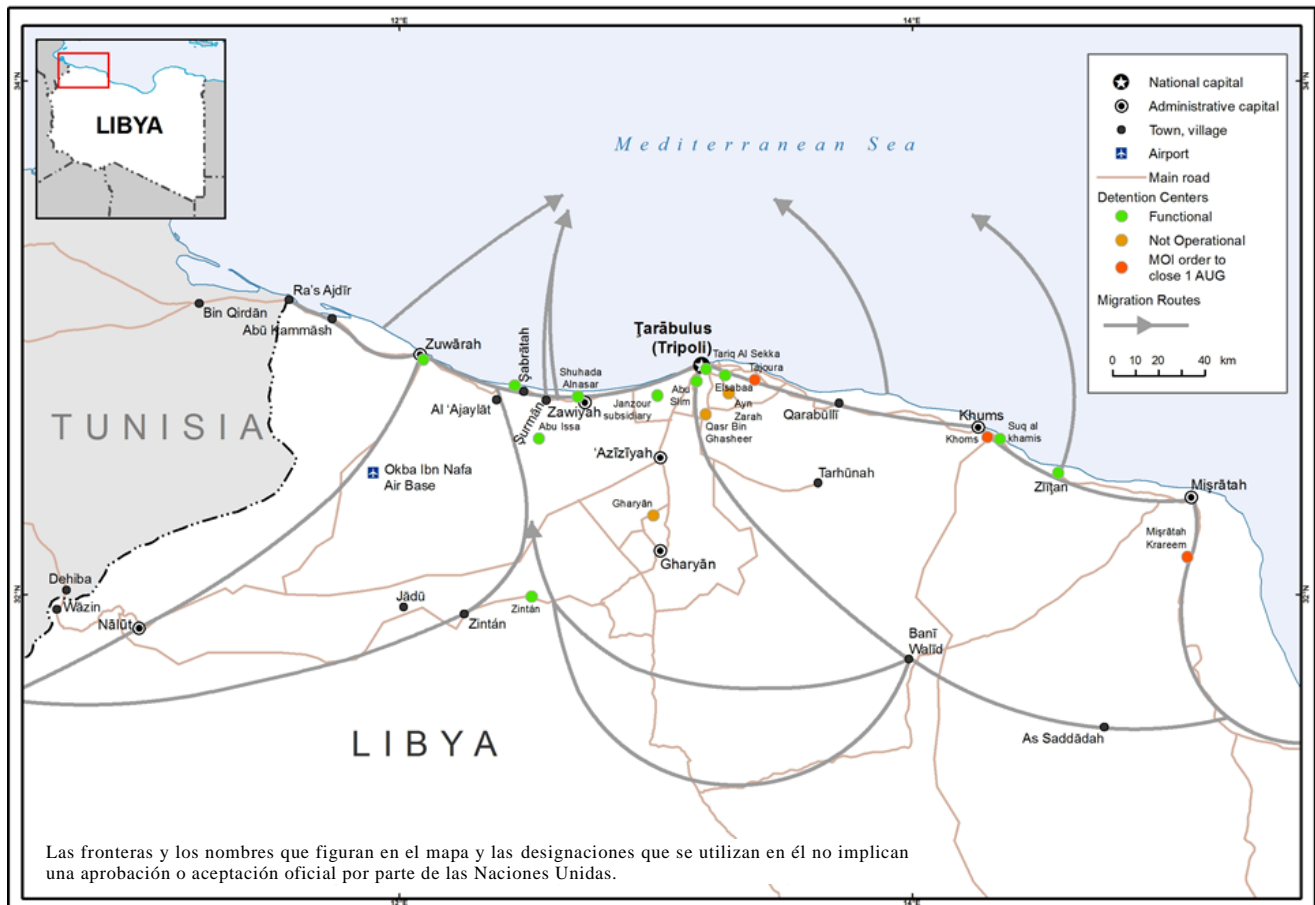
49. La rotación de las poblaciones migrantes existentes por de múltiples centros de detención dentro de Libia durante meses o años es ahora una característica de la migración mucho más prominente que antes. Aunque las personas pagan por varios tramos de un viaje a través de Libia, siguen siendo muy vulnerables a la extorsión, la petición de rescate y el trabajo forzoso. Los migrantes que trabajan en Libia suelen residir en guetos, corren el riesgo de ser arrestados por la policía o por grupos armados locales y son detenidos inmediatamente.

50. Bani Walid sigue siendo un importante punto de tránsito para los migrantes procedentes de África Oriental y Subsahariana, ya sea desde el Sudán, el Chad y el Níger o que viajan a través de ellos hacia las ciudades costeras occidentales<sup>37</sup>. La zona entre Bani Walid y Khoms, Garabulli y Zliten está abierta al tráfico, ya que las rutas orientales se desplazaron justo al este de Trípoli para evitar zonas de conflicto directo. La detención y el abuso de migrantes y refugiados en instalaciones oficiales en Bani Walid siguen siendo sistemáticos.

<sup>36</sup> El derecho libio prohíbe la entrada ilegal en su territorio e impone penas de prisión a los infractores, que pueden incluir penas de trabajo, y no distingue a las personas vulnerables, los refugiados o los solicitantes de asilo de los demás migrantes. Véase la Ley núm. 6, de 1987, por la que se regula la entrada, la residencia y la salida de nacionales extranjeros, enmendada por la Ley núm. 2 de 2004 y la Ley núm. 19 de Lucha contra la Migración Irregular de 2010.

<sup>37</sup> Fuente del Grupo, 30 de septiembre de 2019; y UNSMIL y la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (ACNUDH), “Desperate and dangerous: report of the human rights situation of migrants and refugees in Libya”, 20 de diciembre de 2018. Puede consultarse en [www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf](http://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf).

Mapa 1  
Rutas de contrabando occidentales



Map No. 4601.3 UNITED NATIONS  
October 2019

Oficina de Tecnología de la Información y las Comunicaciones  
Sección de Información Geoespacial

Fuente: Basado en un mapa creado por la Global Initiative against Transnational Organized Crime y enmendado por el Grupo de Expertos sobre Libia.

51. Los principales lugares de partida son ahora Khoms<sup>38</sup>, Garabulli<sup>39</sup> y Zuwara<sup>40</sup>. Khoms, Trípoli y Zawiya son los principales lugares de desembarco tras la interdicción de la Guarda Costera de Libia<sup>41</sup>. La Organización Internacional para las Migraciones (OIM) y el International Medical Corps<sup>42</sup> proporcionan refugio inmediato, socorro y atención médica a su llegada a esos lugares<sup>43</sup>. El Grupo observa que los procedimientos de desembarco, registro y transporte siguen siendo poco claros y aumentan el riesgo de explotación de los migrantes.

<sup>38</sup> 32°38'55"N, 14°15'43"E.

<sup>39</sup> 32°45'N, 13°43'E.

<sup>40</sup> 32°56'N, 12°05'E.

<sup>41</sup> La OIM ofrece servicios de apoyo en diez lugares de desembarco (base naval de Trípoli, puerto de Trípoli, Trípoli-Tajura, Zuwara, Marsa Dila, Zawiya, Khoms, Garabulli, Misrata, Zawiya), entrevista del Grupo con la Guarda Costera de Libia.

<sup>42</sup> Asociado independiente de la Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados (ACNUR).

<sup>43</sup> ACNUR, "Libya: activities at disembarkation, monthly update", agosto de 2019. Puede consultarse en [data2.unhcr.org/en/documents/download/71355](https://data2.unhcr.org/en/documents/download/71355).

### 3. Centros de detención gubernamentales y otros centros de detención oficiosos

52. Como se indicó en el párrafo 32 del informa anterior del Grupo sobre Libia (S/2018/812), los centros de detención y otros centros de detención oficiosos son administrados por grupos armados y particulares en toda Libia. Actúan como nodos a lo largo de las rutas de trata de personas, donde los migrantes son víctimas de abusos financieros, físicos y psicológicos.

53. La Oficina de Asuntos Migratorios con sede en Trípoli y el Departamento de Lucha contra la Migración Ilegal, bajo los auspicios del Ministerio del Interior, gestionan oficialmente 20 instalaciones, 15 de las cuales se encuentran en la región de Tripolitania. De las 15 instalaciones, 12 están en funcionamiento (véase el anexo 19)<sup>44</sup>, y contienen aproximadamente 8.000<sup>45</sup> (1 %) de los 700.000 migrantes que se encuentran actualmente en Libia. Las autoridades libias están tratando de limitar las prácticas de los grupos armados que controlan de hecho los centros de detención mediante la aplicación de un sistema oficial de migración. Los centros de detención oficiosos gestionados por grupos no afiliados al Departamento de Lucha contra la Migración Ilegal están fuera del alcance de las autoridades.

54. Siguen produciéndose graves violaciones de los derechos humanos en los centros de detención y en los centros oficiosos de detención. Las violaciones incluyen la privación ilegal de la libertad, el trabajo forzado, la violación o la explotación sexual, las desapariciones, la falta de acceso a una atención médica básica y la tortura, que en muchos casos causan víctimas mortales<sup>46</sup>.

55. Los migrantes en los centros de detención de Qasr bin Gashir<sup>47</sup>, Tajura (véase el anexo 9), Tariq Al Matar<sup>48</sup> y Ain Zara<sup>49</sup> fueron trasladados debido al conflicto a otros centros, pero permanecieron en una situación vulnerable debido a las malas condiciones y al trato recibido en los nuevos centros. La mayoría de los migrantes están en los centros de detención al ser interceptados en el mar por la Guarda Costera de Libia.

56. Hay aproximadamente 3.800 migrantes en centros de detención situados cerca de zonas de conflicto<sup>50</sup>. El 1 de agosto de 2019, en reconocimiento de los riesgos que corrían los migrantes en esos centros (principalmente la trata y las condiciones de vida), el Jefe del Departamento de Lucha contra la Migración Ilegal, Coronel Abdelhafiz Mabrouk, anunció el cierre de tres centros: Tajura, Misrata (conocido también como Karareem) y Khoms (véase el anexo 20). Al mismo tiempo, instó a los directores de los centros de detención a que no cooperaran directamente con las organizaciones de migración<sup>51</sup>. El 11 de septiembre de 2019, el Director de la Oficina de Asuntos Migratorios, Mohamed Shibani, informó al Grupo de que se estaban cerrando los tres centros de detención mencionados. El Grupo se ha cerciorado de que, al 20 de octubre de 2019, el centro de Tajura seguía albergando a detenidos.

<sup>44</sup> OIM.

<sup>45</sup> Ministerio del Interior de Libia, Oficina de Asuntos Migratorios.

<sup>46</sup> Fuente del Grupo, 30 de septiembre de 2019; y UNSMIL y ACNUR, “Desperate and dangerous”.

<sup>47</sup> 32°42'8.67"N, 13°11'42.69"E. Médicos sin fronteras, “Time running out for evacuations of trapped refugees in Tripoli amid shooting”, 26 de abril de 2019. Puede consultarse en [www.msf.org/time-running-out-evacuations-refugees-tripoli-amid-shooting-libya?component=video-262778](http://www.msf.org/time-running-out-evacuations-refugees-tripoli-amid-shooting-libya?component=video-262778).

<sup>48</sup> 31°59'29.60"N, 12°30'54.10"E.

<sup>49</sup> 32°46'59.77"N, 13°17'3.69"E.

<sup>50</sup> OIM, Evaluación rápida sobre los migrantes en Libia, 4 de julio de 2019. Puede consultarse en [reliefweb.int/sites/reliefweb.int/files/resources/DTM\\_Tripoli\\_MigrantAssessment\\_2019-07-03\\_FINAL.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/DTM_Tripoli_MigrantAssessment_2019-07-03_FINAL.pdf).

<sup>51</sup> Página oficial del Ministerio del Interior en Facebook. Véase también James Reinl, “Libya’s hellish refugee centers remain open despite calls for closure”, GlobalPost, 6 de agosto de 2019. Puede consultarse en [www.pri.org/stories/2019-08-06/libyas-hellish-refugee-centers-remain-open-despite-calls-closure](http://www.pri.org/stories/2019-08-06/libyas-hellish-refugee-centers-remain-open-despite-calls-closure).

*Centro de detención de Al-Nasr*

57. El centro de detención de Al-Nasr<sup>52</sup> está adyacente al complejo petrolero de Zawiya. Ambos están controlados por la brigada Al-Nasr, comandada por Mohammed Kashlaf (LYi.025). Los migrantes entrevistados por el Grupo afirmaron que el centro de detención de Al-Nasr era uno de los principales centros de trata en el oeste de Libia. El Grupo determinó que el administrador de hecho, “Osama” u “Osama Zawiya”, era responsable de la explotación sistemática dentro del centro de detención (véanse el párrafo 164 y el anexo 21).

**4. Otras violaciones**

58. Las investigaciones del Grupo han detectado una serie de violaciones del derecho internacional humanitario consuetudinario o de vulneración de los derechos humanos (véanse el cuadro 4, anexo 15 (como figura en el cuadro 2) y los anexos 22 a 26).

Cuadro 4

**Resumen de otras violaciones del derecho internacional humanitario y vulneración de los derechos humanos, 2019**

<i>Entidad</i>	<i>Fecha</i>	<i>Actividad</i>	<i>Observaciones/ norma del derecho internacional humanitario consuetudinario<sup>a</sup></i>	<i>Anexo</i>
EIIL en Libia	8 de abril	El Presidente del Consejo Municipal, Ahmed Sassi, y el Jefe de Seguridad Municipal, Abdelkafi Ahmed Abdelkafi, fueron asesinados en Fuqaha	Norma 2 <sup>b</sup>	22
	22 de abril	El Viceministro de Defensa, Ouheida Abdulah Naijm, fue detenido arbitrariamente por un grupo armado con sede en Trípoli	Violación de los derechos humanos	23
	21 de mayo	Denegación del suministro de agua a la población de Trípoli al interrumpir el suministro a través del Gran Río Artificial	Norma 54 <sup>c</sup>	24
GCN	10 de julio	Incumplimiento de una orden de liberación a favor del ex Primer Ministro Baghdadi al Mahmoudi	Violación de los derechos humanos	25
	17 de julio	Una miembro de la Cámara de Representantes de Tobruk, Siham Sergewa, fue secuestrada y sigue desaparecida al 8 de octubre de 2019	Violación de los derechos humanos	26

<sup>a</sup> Puede haber otras violaciones del derecho internacional humanitario detectadas después de una investigación más a fondo de las circunstancias.

<sup>b</sup> Norma 2: Violencia destinada a sembrar el terror entre la población civil.

<sup>c</sup> Norma 54: Ataques contra bienes indispensables para la supervivencia de la población civil.

<sup>52</sup> 32°46'19.32"N, 12°41'47.97"E.

### III. Aplicación del embargo de armas

59. De conformidad con los párrafos 9 a 13 de la resolución 1970 (2011), modificada por resoluciones posteriores, el Grupo siguió vigilando, investigando y detectando casos de incumplimiento del embargo de armas.

60. El conflicto que comenzó el 4 de abril de 2019 fue un detonante para el suministro de nuevo equipo militar a los participantes en el conflicto, y posiblemente para la salida de los almacenes de equipo militar previamente suministrado pero que no fue detectado por el Grupo. Las transferencias a Libia fueron repetidas y a veces flagrantes, sin tener en cuenta el cumplimiento de las sanciones. El Grupo encontró múltiples casos de incumplimiento del embargo de armas en apoyo a ambas partes en el conflicto, que ha resumido y tabulado en los anexos 27 y 28 para facilitar su consulta y evitar repeticiones. Las pruebas detalladas de cada una de las conclusiones del Grupo sobre el incumplimiento de lo dispuesto en el párrafo 9 de la resolución 1970 (2011) que figuran a continuación figuran en los anexos correspondientes. En muchos casos, Estados Miembros y organizaciones comerciales, en particular las que participan en transferencias ilícitas, no respondieron a las solicitudes de información del Grupo. Durante el período sobre el que se informa, el embargo de armas no fue eficaz debido a las transferencias periódicas de material militar por vía marítima y aérea a Libia.

61. La mayoría de las transferencias a las FAH procedían de Jordania o de los Emiratos Árabes Unidos. El Grupo considera que Jordania, los Emiratos Árabes Unidos y las FAH incumplieron reiteradamente lo dispuesto en el párrafo 9 de la resolución 1970 (2011).

62. En respuesta a esas transferencias ilícitas de Jordania y los Emiratos Árabes Unidos, el GCN se dirigió a Turquía, que pronto suministró material militar a las FA-GCN. El 31 de julio de 2019, el Presidente del GCN, Faiez al-Sarraj, admitió que el GCN estaba recibiendo armas de Turquía<sup>53</sup>. El 31 de julio de 2019, el Ministro del Interior y Defensa, Fathi Bashagha, reconoció abiertamente la transferencia de vehículos blindados para su uso por el Ministerio a través del puerto de Khoms el 6 de febrero de 2019 (véase el párr. 71) y de Trípoli el 18 de mayo de 2019 (véase el párr. 67)<sup>54</sup>. El Grupo considera que Turquía y el GCN incumplieron habitualmente lo dispuesto en el párrafo 9 de la resolución 1970 (2011).

#### A. Suministro marítimo e incumplimientos

63. El Grupo detectó tres transferencias de armas, municiones o vehículos blindados utilizando la ruta de suministro marítimo. Dos de esas transferencias se hicieron en contenedores y conllevaron declaraciones falsas del contenido en la documentación de embarque. Esto hace que la interdicción en el mar sea más difícil, incluso si se inspecciona un buque, a menos que; a) se inspeccione físicamente toda la carga; b) se usen perros entrenados para rastrear armas y explosivos para localizar los contenedores entre muchos otros; o c) se disponga de información suficiente para actuar. La inspección documental por sí sola a menudo será insuficiente para detectar los contenedores que contienen armas.

<sup>53</sup> Asharq Al-Awsat, "Libya's Sarraj admits to receiving arms from Turkey", 31 de julio de 2019, puede consultarse en [aawsat.com/english/home/article/1837556/libya's-sarraj-admits-receiving-arms-turkey](https://aawsat.com/english/home/article/1837556/libya's-sarraj-admits-receiving-arms-turkey) y múltiples fuentes.

<sup>54</sup> Reunión con el Grupo, 31 de julio de 2019. El Grupo considera que, durante un período de conflicto, la facilidad con que se pueden modificar esos vehículos para que lleven armas los convierte en un "multiplicador de fuerza" y los elimina de la condición de "no letales".

64. En la resolución 2473 (2019) se amplió la autoridad para inspeccionar buques en alta mar frente a las costas de Libia<sup>55</sup>, pero durante el período sobre el que se informa no se han realizado inspecciones de ese tipo. Aunque el mandato de la operación militar de la Unión Europea en el Mediterráneo central meridional (EUNAVFOR MED), la operación Sophia, se prorrogó hasta el 31 de marzo de 2020<sup>56</sup>, la operación no dispone de medios navales suficientes para llevar a cabo inspecciones físicas en el mar, y desempeña principalmente funciones de formación y vigilancia. Los Estados Miembros deberían iniciar un régimen eficaz de inspecciones para interceptar o disuadir las transferencias de armas por mar, como se autorizó inicialmente en el párrafo 4 de la resolución 2292 (2016) y se prorrogó recientemente en la resolución 2473 (2019) (véase la recomendación 2).

### 1. Buque mercante Esperanza

65. El buque mercante Esperanza (OMI 9252785) entregó tres contenedores a Khoms entre el 13 y el 17 de diciembre de 2018. Una inspección aduanera posterior de los contenedores del buque dio lugar a la interdicción de 3.000 pistolas de fogueo Atak Zoraki 2918. En su siguiente viaje a Misrata, el 30 de diciembre de 2018, el Esperanza entregó un contenedor con 20.000 pistolas de fogueo Ekol P29. Las autoridades aduaneras se incautaron de ellas el 7 de enero de 2019<sup>57</sup>. En los anexos 29 y 30 se ofrece información más detallada sobre estos casos.

66. Aunque tanto Libia como Turquía informaron al Grupo de que estaban investigando conjuntamente esos envíos, en el momento de redactar el presente informe solo han proporcionado al Grupo información sustantiva limitada sobre esos casos de incumplimiento del párrafo 9 de la resolución 1970 (2011).

### 2. Buque mercante Amazon

67. El 18 de mayo de 2019, una gran remesa<sup>58</sup> de vehículos resistentes a las minas y protegidos contra emboscadas (MRAP) Kirpi 4x4, fabricados por BMC Otomotiv Sanayi ve Ticaret AS<sup>59</sup>, fue descargada en el puerto de Trípoli desde el buque mercante Amazon con pabellón de Moldova (OMI 7702657). Los medios de comunicación cubrieron ampliamente este evento, y no se hizo ningún esfuerzo por disfrazar la entrega. Los vehículos fueron recogidos por Ashraf Mami, en nombre de la persona designada Salah Badi (LYi.028) de la brigada Al Somoud, y Mohamed Bin Ghuzzi de la brigada Al Marsa<sup>60</sup>. También se suministraron vehículos al 33º Regimiento de Infantería dirigido por Bashir Khalafallah.

68. El Grupo observa que el Amazon salió de Samsun (Turquía) el 9 de mayo de 2019, transitó por el Bósforo el 11 de mayo de 2019 y luego se volvió indetectable durante la noche del 14 al 15 de mayo de 2019 mientras se encontraba en las proximidades del puerto de Izmir. Casualmente, en Izmir está la planta de producción de los vehículos MRAP Kirpi 4x4 de BMC Pinarbaşı. El Grupo considera que el operador del buque, Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret

<sup>55</sup> Autorización concedida por primera vez en los párrafos 3 y 4 de la resolución 2292 (2016).

<sup>56</sup> Decisión (PESC) 2019/1595 del Consejo Europeo, de 26 de septiembre de 2019.

<sup>57</sup> En 2013 el Comité confirmó que “ese tipo de material está sujeto al embargo” debido a la facilidad de convertirlo a armas de fuego (S/2016/209, anexo 35, párr. 10).

<sup>58</sup> El Grupo identificó al menos 27 vehículos a partir de imágenes de fuente abierta de la cubierta del buque, pero fuentes confidenciales han sugerido que el número real es más bien entre 50 y 80.

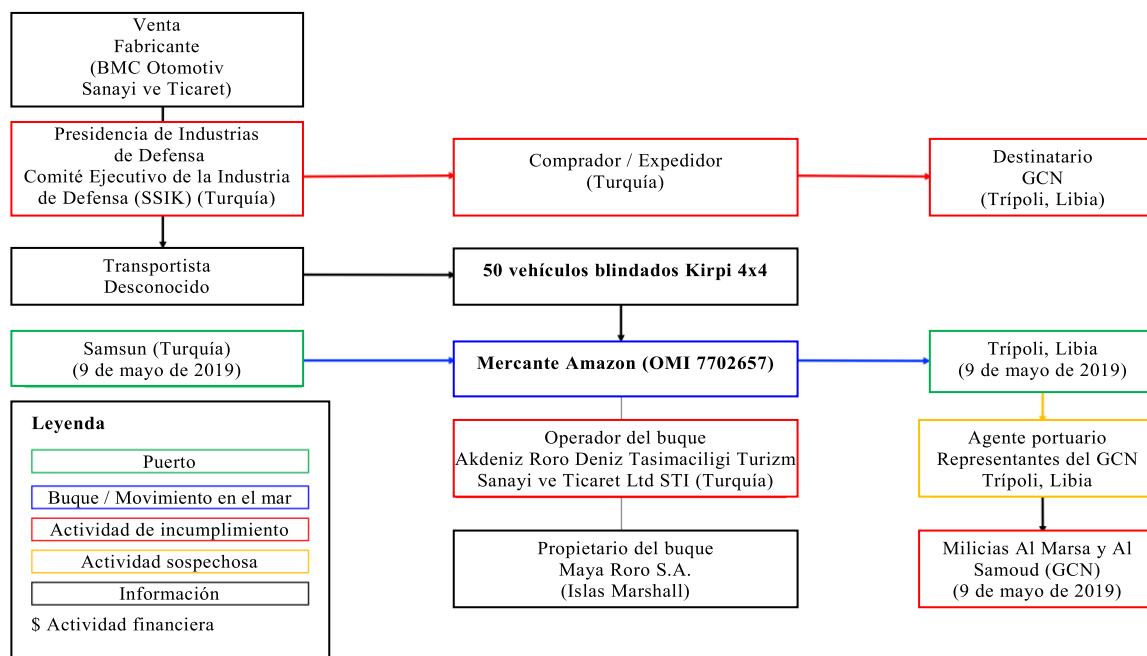
<sup>59</sup> Véase <https://www.bmc.com.tr/en/defense-industry/kirpi>.

<sup>60</sup> Fuente confidencial y amplia cobertura informativa.

Limited Sti<sup>61</sup>, incumple lo dispuesto en el párrafo 9 de la resolución 1970 (2011) para el transporte de ese equipo militar a Libia. Los detalles completos se encuentran en el anexo 31 y un resumen de la cadena de suministro en la figura I.

Figura I

**Cadena de suministro de los vehículos Kirpi 4x4 resistentes a las minas y protegidos contra emboscadas**



Fuente: Grupo de Expertos sobre Libia

Abreviatura: GCN, Gobierno de Consenso Nacional.

69. Las autoridades de Moldova respondieron rápidamente a este incidente y el 21 de mayo de 2019 la Agencia Naval de Moldova suspendió el certificado del pabellón. El 25 de mayo de 2019, el certificado del pabellón y todos los demás certificados obligatorios para todos los buques propiedad de Maya Roro S.A. y los explotados por Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Limited Sti. fueron eliminados del registro marítimo moldavo. El mercante Amazon se volvió a registrar provisionalmente en la Administración Marítima del Togo el 14 de junio de 2019, hasta que la Administración canceló la inscripción provisional el 20 de agosto de 2019. El Amazon volvió a ser un buque apátrida en virtud del artículo 92 de la Convención de las Naciones Unidas sobre el Derecho del Mar.

70. La empresa BMC confirmó al Grupo que solo había exportado directamente los vehículos 4x4 Kirpi a Qatar, Túnez y Turkmenistán y que todos los demás se habían vendido a la Presidencia de Industrias de Defensa de Turquía<sup>62</sup>. El 31 de julio de 2019, el Ministro del Interior y Defensa de Libia confirmó que se habían adquirido los vehículos a Turquía<sup>63</sup>.

<sup>61</sup> <http://www.akdenizroro.com/filo.html> (la dirección de Internet ya no está activa). Dirección del operador: Akdeniz Roro Deniz Tasimac, Dagilgan Kume Evleri 30/A, Evc Mah, Akdeniz, 33100 Mersin, Turquía. Obsérvese que es la misma dirección que la del propietario del buque Maya Roro SA.

<sup>62</sup> Carta dirigida al Grupo por BMC, de fecha 1 de julio de 2019.

<sup>63</sup> Reunión con el Grupo. Véase la recomendación que figura en el párrafo 80.

### 3. Buque desconocido

71. El 5 de febrero de 2019, las autoridades aduaneras del puerto de Khoms encontraron varios vehículos Toyota 4x4 con cabinas traseras blindadas en contenedores<sup>64</sup>. Una fuente confidencial indicó al Grupo que en la administración del GCN existía cierta controversia por el destino interno de los vehículos <sup>65</sup>. La adquisición fue confirmada al Grupo durante una reunión con el Ministro del Interior y Defensa el 31 de julio de 2019.

## B. Incumplimientos y excepciones marítimas

### 1. Buque patrullero de altura Alkarama

72. El Grupo informó por primera vez en los párrafos 75 y 76 de su informe anterior (S/2018/812) sobre la transferencia del patrullero de altura Alkarama (OMI 7820693) al control de las FAH en Bengasi. El Grupo considera que el patrullero Alkarama está clasificado como buque de guerra y, por lo tanto, está dentro de los auspicios de equipo militar a que se refiere el párrafo 9 de la resolución 1970 (2011). La justificación de esta conclusión y las pruebas documentales de este caso figuran en el anexo 32.

73. La cadena de suministro del buque se mantuvo deliberadamente opaca, con las siguientes medidas: a) la venta fue acordada de antemano con Libia antes de la compra por el proveedor; b) el registro marítimo se cambió en cada etapa de la cadena de suministro; c) se hizo una declaración de cambio de uso para ocultar deliberadamente el verdadero propósito del buque; d) se hizo una declaración falsa de demolición a Panamá, el registro final del pabellón del buque; y e) se hizo un desvío en ruta de su puerto de destino declarado de Alejandría (Egipto) a Bengasi. El Grupo ha establecido ya la cadena de suministro completa del patrullero Alkarama (véase la figura II).

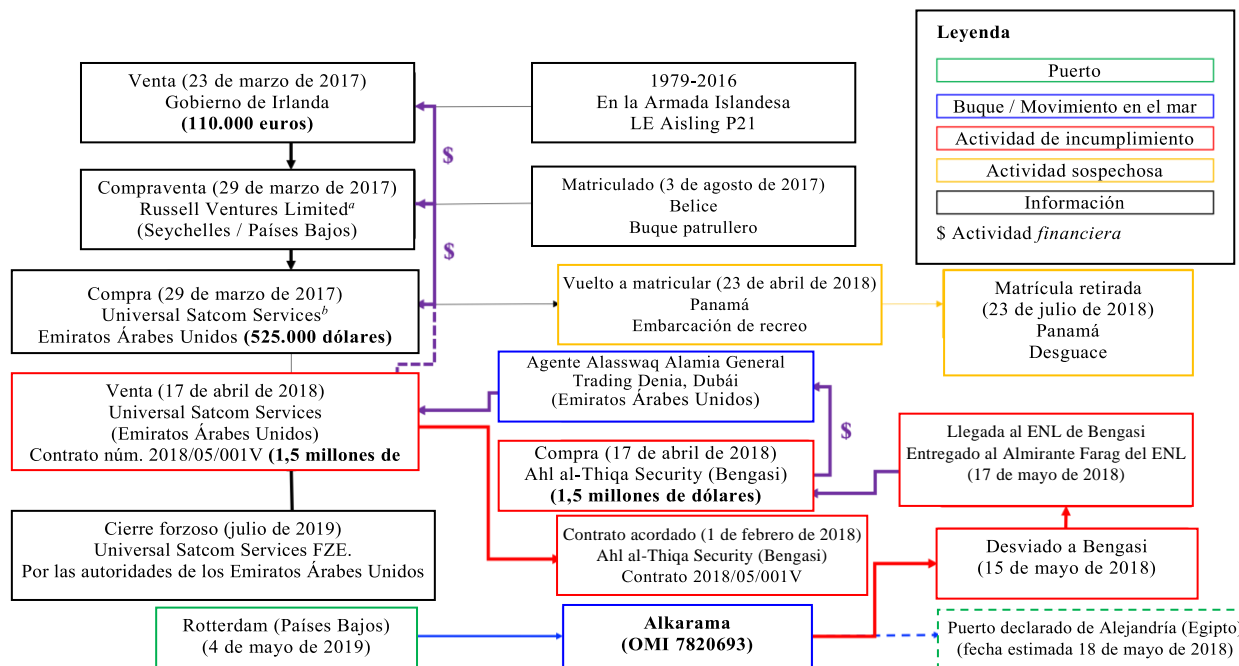
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<sup>64</sup> El Grupo vio los mismos vehículos en la sede del Ministerio del Interior el 30 de julio de 2019. No se presentó ni notificó ninguna solicitud de exención para estos vehículos.

<sup>65</sup> El Grupo tiene una transcripción de varias conversaciones entre altos funcionarios del Gobierno. Respaldado por Abdulkader Assad, "Tripoli Protection Force calls for probing armored vehicles shipment seized in Al-Khums port", *Libya Observer*, 6 de febrero de 2019. Puede consultarse en [www.libyaobserver.ly/news/tripoli-protection-force-calls-probing-armored-vehicles-shipment-seized-al-khums-port](http://www.libyaobserver.ly/news/tripoli-protection-force-calls-probing-armored-vehicles-shipment-seized-al-khums-port).



Figura II  
Cadena de suministro del patrullero Alkarama



Fuente: Grupo de Expertos sobre Libia.  
Abreviatura: ENL, Ejército Nacional Libio.

<sup>a</sup> Comerciando como van der Kamp Shipsales BV, Países Bajos. Véase <https://vanderkamp.com>.

<sup>b</sup> 1410 One Lake Plaza, JLT, Dubái, Emiratos Árabes Unidos. Véase [www.universalsatcom.com](http://www.universalsatcom.com).

74. El Grupo observa que la venta del buque por Universal Satcom Services FZE de los Emiratos Árabes Unidos a Ahl al-Thiqa Security and Safety Equipment Imports Company de Bengasi se acordó el 1 de febrero de 2019, antes de que Universal Satcom Services FZE comprara el buque a los propietarios neerlandeses.

75. Desde su transferencia a Libia, el patrullero Alkarama se ha acondicionado con los sistemas de armas para los que fue diseñado originalmente (es decir, un cañón de 40 mm y dos de 20 mm) (véase la figura III).

Figura III  
Imagen que muestra el acondicionamiento con armas en el patrullero Alkarama (Ras Lanuf - 26 de abril de 2019)



Fuente: Confidencial.

76. En tres ocasiones, el Grupo ofreció a Universal Satcom Services FZE la oportunidad de justificar esa transferencia y recibió una respuesta el 9 de septiembre de 2019<sup>66</sup>. La justificación de la Directora Gerente para la venta del buque contradecía algunos hechos conocidos, y su respuesta carecía de la profundidad de los detalles solicitada por el Grupo.

77. El Grupo considera que Universal Satcom Services FZE y su propietaria, Reema Sami Abdullah Al Omari, no cumplen lo dispuesto en el párrafo 9 de la resolución [1970 \(2011\)](#) sobre el suministro de material militar a Libia.

## 2. Excepciones marítimas no letales

78. El Grupo ha determinado que es práctica común que los buques patrulleros de tipo naval suministrados al GCN por los Estados Miembros, bajo los auspicios de la excepción no letal prevista en el párrafo 10 de la resolución [2095 \(2013\)](#) se armen después de la entrega (véase el anexo 33). No se trata de una tarea de ingeniería difícil y proporciona a esos buques una capacidad militar ofensiva.

79. La justificación de un Estado Miembro para suministrar tales buques al Servicio de Guardacostas de Libia fue: a) que la lista de bienes embargados que figura en la resolución [1970 \(2011\)](#) y en las resoluciones subsiguientes “deja en manos del Estado Miembro la tarea de definir los límites exactos de la aplicación de la medida”<sup>67</sup>; y b) la declaración de 30 de mayo de 2017 de la Misión Permanente de Libia ante las Naciones Unidas<sup>68</sup> de que el Servicio de Guardacostas de Libia es una fuerza bajo el control directo del GCN. El Grupo ha encontrado pruebas posteriores a esa declaración que demuestran que elementos del Servicio de Guardacostas de Libia y la Armada en el este están ahora bajo el control efectivo de las FAH (véase el anexo 33)<sup>69</sup>.

80. El Grupo considera que el párrafo 8 de la resolución [2174 \(2014\)](#) debería aplicarse ahora a la transferencia de esos buques y que deberían publicarse notas orientativas para la aplicación de resoluciones a fin de aclarar si determinadas tecnologías (por ejemplo, lanchas patrulleras o vehículos blindados sobre ruedas) tienen ahora utilidad militar en Libia y, por tanto, deberían estar comprendidos en el ámbito de aplicación del párrafo 9 de la resolución [1970 \(2011\)](#) (véase la recomendación 4).

## C. Capacidad marítima

### 1. Activos navales

81. El Grupo ha elaborado un resumen de los bienes de la Armada y del Servicio de Guardacostas de Libia a disposición de las partes en el conflicto (véase el anexo 34). En 2019 no se ha detectado ninguna transferencia de activos navales.

<sup>66</sup> Véase en el anexo 3 la metodología del Grupo.

<sup>67</sup> Carta del Estado Miembro al Grupo.

<sup>68</sup> Fuente confidencial.

<sup>69</sup> Las pruebas incluyen la designación de un comandante del Servicio de Guardacostas de Libia, Abd Al-Rahman al-Milad (LYi.026); ejercicios militares de las FAH/ Servicio de Guardacostas de Libia, 29 de marzo de 2019; y el anuncio de las FAH de 20 de mayo de 2019 de un bloqueo contra puertos en la zona oeste de Libia (véase Jeremy Binnie, “LNA announces naval blockade of western Libya”, *Jane’s Defence Weekly*, 23 de mayo de 2019, puede consultarse en [www.janes.com/article/88731/lna-announces-naval-blockade-of-western-libya](http://www.janes.com/article/88731/lna-announces-naval-blockade-of-western-libya)). El bloqueo ha resultado ineficaz.

## 2. Fragata Al Hani (PF212)<sup>70</sup>

82. El Grupo visitó las instalaciones de Cassar Ship Repair Limited en Malta los días 8 y 9 de abril de 2019 para inspeccionar los sistemas de armas de la fragata Al Hani (PF212) y determinar su posible eficacia. En el anexo 35 figuran recomendaciones para la desmilitarización antes de que el buque regrese a Libia.

## D. Equipo militar de servicio en tierra

83. El reciente conflicto ha supuesto una transición del uso de camiones 4x4 convertidos y armados (“técnicos”)<sup>71</sup> como plataforma para armas al uso preferente de vehículos blindados sobre ruedas. Estos proporcionan a sus usuarios una protección mucho mayor contra el fuego de armas ligeras y la fragmentación y una mayor movilidad táctica, al tiempo que proporcionan una plataforma para armas más estable. Durante el período sobre el que se informa, el Grupo ha detectado cinco nuevos tipos no vistos anteriormente. En el anexo 36 figura un resumen de los 14 tipos diferentes de vehículos blindados sobre ruedas que se utilizan actualmente.

### 1. Vehículos blindados de combate para infantería

84. El Grupo observa que el vehículo blindado de combate para infantería Al Mared 8x8<sup>72</sup>, fabricado por la Oficina de Diseño y Desarrollo Rey Abdullah II (KADDB) de Jordania, fue desplegado durante el período que abarca el informe por primera vez por la 9ª brigada Tarhuna de las FAH<sup>73</sup>. El Grupo pidió a Jordania que aclarara la presencia de esos vehículos en Libia, pero no recibió respuesta. El vehículo Al Mared 8x8 es un diseño nuevo y no se ha comunicado que esté en servicio en ningún otro lugar que no sea Jordania<sup>74</sup>.

85. El Grupo observa que el vehículo Mbombe 6x6<sup>75</sup>, diseñado por el Paramount Group de Sudáfrica y fabricado bajo licencia por la KADDB, fue desplegado por las FAH<sup>76</sup> durante el período que abarca el informe. El Grupo ha confirmado que esos vehículos no son de origen sudafricano<sup>77</sup> y que solo los vehículos fabricados por la KADDB están equipados con la torreta distintiva de “cabeza de serpiente”. El Grupo pidió a Jordania que aclarara la presencia de esos vehículos en Libia, pero no recibió respuesta.

### 2. Vehículos de combate de infantería

86. Se determinó que el vehículo de combate de infantería Ratel-60 fue utilizado por el 101º batallón de infantería de las FAH el 18 de abril de 2018<sup>78</sup> y fue visto

<sup>70</sup> Diseño de fragata clase Koni II. La construcción comenzó en la entonces Unión de Repúblicas Socialistas Soviéticas con el nombre de SKR-201 el 22 de septiembre de 1982 y fue puesta en servicio en la Armada Libia el 25 de diciembre de 1985.

<sup>71</sup> Un “técnico” es un vehículo civil improvisado o un vehículo militar no de combate, modificado para proporcionar una capacidad ofensiva. En Libia, por lo general se trata de un camión ligero de tipo civil 4x4 con una ametralladora mediana o pesada (predominantemente del tipo DShK) montada en la parte trasera del vehículo. El término se originó en Somalia a principios del decenio de 1990.

<sup>72</sup> Véase [www.kaddb.com/kaddbs-portfolio/land-systems](http://www.kaddb.com/kaddbs-portfolio/land-systems).

<sup>73</sup> Véase [www.facebook.com/1316206651852074/posts/1353048164834589/](https://www.facebook.com/1316206651852074/posts/1353048164834589/), 18 de mayo de 2019.

<sup>74</sup> Fuente fidedigna: [www.janes.ihs.com](http://www.janes.ihs.com).

<sup>75</sup> Véase [www.paramountgroup.com/capabilities/land/mbombe-6/](http://www.paramountgroup.com/capabilities/land/mbombe-6/).

<sup>76</sup> Véase [https://twitter.com/LiBya\\_73/status/1130556593035255808?s=19](https://twitter.com/LiBya_73/status/1130556593035255808?s=19), 20 de mayo de 2019, y [www.facebook.com/Burkan.alghedab/videos/vb.2120292251386114/353692145504122/?type=2&theater](https://www.facebook.com/Burkan.alghedab/videos/vb.2120292251386114/353692145504122/?type=2&theater), 25 de mayo de 2019.

<sup>77</sup> Carta del Estado Miembro al Grupo de fecha 29 de agosto de 2019.

<sup>78</sup> Véase <https://twitter.com/Oded121351/status/990612159896936448>, 29 de abril de 2018.

nuevamente con el 302º batallón de fuerzas especiales Al Saiqa de las FAH el 18 de abril de 2019<sup>79</sup>. Es la primera vez que el Grupo ha informado de su presencia en Libia. El Grupo sigue investigando la cadena de suministro de este vehículo militar.

### 3. Vehículos resistentes a las minas y protegidos contra emboscadas

87. En su informe anterior (S/2018/812, párr. 110 y anexo 29), el Grupo señaló que el MRAP Caimán 6x6, fabricado por BAE Systems Incorporated de los Estados Unidos, estaba presente en Libia en el asedio de Derna en agosto de 2017. Durante el período sobre el que se informa, se detectaron siete vehículos Caimán 6x6 bien mantenidos almacenados por las FAH en Bengasi<sup>80</sup>. El Grupo ha escrito al país de fabricación para tratar de averiguar la cadena de suministro.

88. La transferencia de vehículos MRAP Kirpi 4x4 de BMC al GCN se trata en los párrafos 67 a 70 del presente informe.

### 4. Vehículos de patrulla protegidos

89. En el mismo párrafo y anexo de su informe anterior (S/2018/812, párr. 110 y anexo 29), el Grupo identificó por primera vez la presencia del vehículo de patrulla protegido al-Wahsh 4x4<sup>81</sup>, fabricado por la KADDB de Jordania. El Grupo ha observado imágenes de esos vehículos en uso operacional por el batallón Tariq bin Ziyad de las FAH durante 2019<sup>82</sup>. El Grupo solicitó aclaraciones adicionales de Jordania sobre la presencia de esos vehículos en Libia, pero, al igual que en 2018, no recibió ninguna respuesta a las preguntas del Grupo. No se ha informado de que el vehículo al-Wahsh 4x4 esté en servicio en ningún otro lugar que no sea Jordania<sup>83</sup>.

### 5. Vehículos blindados de transporte de personal

90. También en el mismo párrafo y anexo de su informe anterior, el Grupo identificó por primera vez la presencia del vehículo blindado de transporte de personal Panthera F9 4x4<sup>84</sup>, fabricado por Minerva Special Purpose Vehicles de los Emiratos Árabes Unidos. El Grupo ha identificado esos vehículos en uso por el batallón Tariq bin Ziyad de las FAH durante 2019<sup>85</sup>, y cabe destacar que los vehículos se han modificado localmente mediante la adición de blindaje de protección adicional. El Grupo está investigando ahora el avistamiento de una serie de vehículos Panthera T6 4x4 nuevos o restaurados cerca de Bengasi<sup>86</sup>.

91. El Grupo ha determinado que las FAH han utilizado el vehículo blindado de transporte de personal Irigiri 4x4<sup>87</sup>, fabricado por el Ejército de Nigeria<sup>88</sup>. El Grupo ha pedido a Nigeria que aclare la presencia de esos vehículos en Libia.

<sup>79</sup> Véase <https://twitter.com/Oded121351/status/1118808298491396096>, 18 de abril de 2019; y <https://twitter.com/Oded121351/status/1148278539659153409>, 8 de julio de 2019.

<sup>80</sup> Véase <https://www.facebook.com/100009157008088/posts/2258828957765649/>, 20 de mayo de 2019.

<sup>81</sup> Véase [www.kadddb.com/kadddb-portfolio/land-systems](http://www.kadddb.com/kadddb-portfolio/land-systems).

<sup>82</sup> Véase [twitter.com/Oded121351/status/1084717353361911808](https://twitter.com/Oded121351/status/1084717353361911808), 13 de enero de 2019.

<sup>83</sup> Fuente fidedigna: [www.janes.ihs.com](http://www.janes.ihs.com).

<sup>84</sup> Véase [www.mspv.com/panthera-f9-2/](http://www.mspv.com/panthera-f9-2/).

<sup>85</sup> Véase <https://twitter.com/Oded121351/status/1097586142097166343>, 18 de febrero de 2019.

<sup>86</sup> Véase <https://twitter.com/Oded121351/status/1168131362009886720>, 1 de septiembre de 2019.

<sup>87</sup> Blog de defensa, "Made in Nigeria 'Igirigi' armoured personnel carriers", 26 de agosto de 2015. Puede consultarse en <https://defence-blog.com/army/made-in-nigeria-igirigi-armoured-personnel-carriers.html>.

<sup>88</sup> Véase <https://twitter.com/Gorgon11/status/1133280679914090501>, 28 de mayo de 2019.

## 6. Sistema de cohetes antitanque Nashshab RPG-32

92. El Grupo ha determinado, a partir de información de una fuente abierta<sup>89</sup> (véase el anexo 37), que las FAH poseen el sistema portátil de cohetes antitanque Nashshab RPG-32. Este sistema de armas está producido en Jordania por una empresa conjunta entre la Joint Stock Company Scientific Production Association Bazalt (JSC SPA Bazalt)<sup>90</sup> de la Federación de Rusia y la KADDB de Jordania, llamada Jadara Equipment & Defence Systems (anteriormente Jordan Russian Electronics Systems Company)<sup>91</sup>. El RPG-32 Nashshab no se comenzó a producir en Jordania hasta 2013, y no se utiliza en ningún otro lugar que no sea Jordania<sup>92</sup>. El Grupo pidió a Jordania que aclarara la presencia de ese sistema de armas en Libia, pero no recibió ninguna respuesta.

## 7. Misil guiado antitanque Javelin FGM-148A

93. El 27 de junio de 2019, fuerzas afiliadas al GCN capturaron una serie de municiones y equipo militar de las FAH. Entre estas municiones se encontraban al menos cuatro conjuntos de contenedores de munición L239A185 para el sistema de misiles guiados antitanque Javelin FGM-148. El Grupo encontró cuatro números de serie de misiles guiados antitanque (370719, 370720, 370722 y 370847) y dos números de lote (IAI GO002 MGP07 y MGP07E035-002) que cuando se rastrearon, señalaron a Francia. Francia explicó al Grupo que los misiles se encontraban en Libia de conformidad con el párrafo 3 de la resolución 2214 (2015) y que estaban dañados hasta el punto de que no podían utilizarse en condiciones de seguridad y, por lo tanto, eran inutilizables (véase la recomendación 6).

## 8. Arma guiada antitanque 9K115-2 Metis-M

94. El Grupo ha determinado a partir de información de fuentes abiertas<sup>93</sup> que probablemente el arma guiada antitanque 9K115-2 Metis-M estaba presente en Libia en el tercer trimestre de 2016, pero sin duda estaba presente en el país el 27 de diciembre de 2018. Más recientemente, se ha visto el sistema en posesión de las FA-GCN el 14 de julio de 2019<sup>94</sup>. El Grupo ha solicitado información a varios Estados Miembros para determinar la cadena de suministro de este sistema de armas común (véase también el anexo 38).

## 9. proyectil GP6 de búsqueda por láser altamente explosivo de 155 mm

95. El 27 de junio de 2019 en Gharyan, las GCN-FA capturaron al menos dos municiones del proyectil GP6 de búsqueda por láser altamente explosivo de 155 mm, fabricadas después de 2011 por China North Industries Group Corporation Limited. Las marcas detalladas en el embalaje y en el proyectil señalan que esos proyectiles de artillería guiada de precisión forman parte de una remesa suministrada a los Emiratos Árabes Unidos con el número de contrato DP3/2/6/1/2006/23/A (véase el anexo 39). El Grupo ha presentado una solicitud de localización al país de fabricación, pero todavía no ha recibido respuesta. No obstante, el Grupo considera que los Emiratos Árabes Unidos no cumplen lo dispuesto en el párrafo 9 de la resolución 1970 (2011) en relación con la transferencia de esas municiones a Libia después de su entrega.

<sup>89</sup> Véase <https://twitter.com/Mansourtalk/status/1133996109448253440?s=08>, 30 de mayo de 2019.

<sup>90</sup> Véase <http://bazalt.ru/en/>.

<sup>91</sup> Véase [www.jadara.jo](http://www.jadara.jo).

<sup>92</sup> Fuente fidedigna: [www.janes.ihs.com](http://www.janes.ihs.com).

<sup>93</sup> Véase <https://twitter.com/Oded121351/status/745852183934033920>, 23 de junio de 2016.

<sup>94</sup> Véanse <https://twitter.com/rahbatajoura/status/1150532386419089412>; y <https://twitter.com/rahbatajoura/status/1150532386419089412/photo/4>.

## 10. Sistemas de defensa aérea Pantsir S-1 y MIM-23 Hawk<sup>95</sup>

96. El Grupo ha determinado que el sistema de misiles de superficie-aire Pantsir S-1 se desplegó para proporcionar defensa aérea a la base aérea de Jufra entre el 5 de marzo<sup>96</sup> y el 19 de abril de 2019<sup>97</sup> (véase el anexo 40). El sistema de armas fue visto de nuevo cerca de Gharyan el 19 de junio de 2019<sup>98</sup>. El Grupo observa que el sistema de misiles de superficie-aire Pantsir S-1 en particular está montado en una plataforma de movilidad terrestre de un camión de movilidad pesada MAN SX45. Solo los Emiratos Árabes Unidos utilizan esta configuración para sus sistemas Pantsir S-1, que les fueron suministrados después de 2011. La complejidad y el costo del sistema hacen muy improbable que los Emiratos Árabes Unidos lo hayan suministrado a cualquier otra entidad, que podría haberlo transferido posteriormente a Libia. Por tanto, el Grupo considera que los Emiratos Árabes Unidos no cumplen lo dispuesto en el párrafo 9 de la resolución 1970 (2011) en relación con la transferencia de ese equipo militar a Libia después de su entrega.

97. Imágenes de satélite confidenciales tomadas el 21 de julio de 2019 muestran el sistema de misiles de superficie-aire MIM-23 Hawk en la base aérea de Jufra con tres lanzadores, un puesto de mando, el radar iluminador de alta potencia y un radar no identificado<sup>99</sup>. El sistema se desplegó tácticamente para defender el extremo norte de la pista. Los Emiratos Árabes Unidos recibieron 343 sistemas de misiles de superficie-aire MIM-23 Hawk entre 1996 y 2000<sup>100</sup>. Sobre la base de la ubicación y de otros activos militares confirmados de los Emiratos Árabes Unidos desplegados en la base aérea de Al Jufra, el Grupo considera muy probable que los Emiratos Árabes Unidos también hayan transferido a Libia el sistema MIM-23 Hawk.

## 11. Equipos de contramedidas electrónicas

98. El Grupo ha seguido investigando el uso de los sistemas de contramedidas electrónicas mencionados en su informe anterior (S/2018/812, anexo 33). El Grupo llegó a la conclusión de que el sistema era un sistema móvil de inhibición por radiofrecuencia para interferir AEI Samel-90 fabricado en Bulgaria (véase el anexo 41)<sup>101</sup> y sigue investigando la cadena de suministro.

99. El Grupo observó un conjunto de antenas inusual en el tejado de la Dirección de Seguridad de Trípoli. El GCN declaró que era para “mejorar las comunicaciones con los transmisores de la unidad de tráfico y licencias” en Trípoli<sup>102</sup>. Sin embargo, el conjunto de antenas no es del tipo que se utiliza normalmente para las comunicaciones de VHF o HF con los organismos encargados de hacer cumplir la ley. El Grupo considera que el conjunto de antenas comparte muchas características con los utilizados para inhibir e interferir los vehículos aéreos no tripulados (véase el anexo 42). El Consejo debería determinar si estos sistemas de interferencia activa entran en la categoría de “equipo militar” y, por tanto, si debería exigirse un

<sup>95</sup> Otra nomenclatura, SA-22 *Greyhound*.

<sup>96</sup> No aparece en la imagen de Google Earth del 5 de marzo de 2019.

<sup>97</sup> Identificado en 29°13'10.0"N, 15°59'44.2"E a partir de imágenes de satélite confidenciales el 19 de abril de 2019.

<sup>98</sup> Visto durante un movimiento en carretera por un vehículo de carga baja al sur de Gharyan a aproximadamente 32°05'50.40"N, 12°59'10.05"E.

<sup>99</sup> Identificado en la zona de 29°13'04"N, 15°59'07"E.

<sup>100</sup> Fuente fidedigna: <https://janes.ihs.com>.

<sup>101</sup> Véase <https://www.samel90.com/en/products/category/jammer-solutions-military-equipment-surveillance-systems/jammer-solutions/mobile-jammer>.

<sup>102</sup> Safa Alharathy, “Tripoli Security Directorate denies installation of drone antenna over its building”, *Libya Observer*, 3 de agosto de 2019. Puede consultarse en [www.libyaobserver.ly/inbrief/tripoli-security-directorate-denies-installation-drone-antenna-over-its-building](http://www.libyaobserver.ly/inbrief/tripoli-security-directorate-denies-installation-drone-antenna-over-its-building).

certificado de usuario final para cualquier transferencia futura de dichos sistemas (véase la recomendación 5).

100. También están apareciendo informes de interferencia del Sistema de Posicionamiento Global (GPS) en la parte oeste de Libia<sup>103</sup>. Fuentes confidenciales informaron al Grupo de que, entre el 14 y el 24 de julio de 2019, sus aeronaves habían detectado una interferencia del sistema GPS a 50 millas náuticas de la costa de Libia, de Mitiga a Misrata. Como se trataba de una interferencia omnidireccional, significa que también se interfirió el sistema GPS de la zona costera del interior de Libia, a una distancia de al menos 50 millas náuticas. El Grupo sigue investigando la cuestión.

## E. Apoyo logístico y capacitación en tierra

### Fuerzas Armadas de Haftar en Jordania

101. El Grupo observó que en abril de 2019 personas del batallón Tariq Bin Ziyad de las FAH se habían graduado de uno o varios cursos de capacitación en la Escuela de Operaciones Especiales Príncipe Hashem bin al Hussein<sup>104</sup> de Jordania (véase la figura IV y el anexo 43). El Grupo considera que, al impartir capacitación en su territorio, Jordania incumple lo dispuesto en el párrafo 9 de la resolución 1970 (2011).

Figura IV

**General Khayri al Tamimi, Jefe de la Oficina del Comandante General del Ejército Nacional Libio durante una visita a la escuela de entrenamiento en Jordania**



Fuente: [https://m.facebook.com/story.php?story\\_fbid=847197048962469&id=253215761693937](https://m.facebook.com/story.php?story_fbid=847197048962469&id=253215761693937).

<sup>103</sup> Véase <https://twitter.com/MohsenDerregia/status/1171460418969071618>, 10 de septiembre de 2019, y Advertencia marítima de los Estados Unidos 2019-013.

<sup>104</sup> 32°0'55"N, 36°07'49"E.

## F. Aviación – Aeronaves y helicópteros

102. En 2019 no se ha detectado ninguna transferencia de activos. Aeronaves que antes estaban inservibles volvieron a ponerse en estado de disponibilidad operacional<sup>105</sup> desguazando otras aeronaves, pero algunas de ellas se perdieron posteriormente debido a acciones enemigas o a fallos de los sistemas<sup>106</sup>. En el anexo 44 figura una lista de los activos aéreos de que disponen las partes en el conflicto.

## G. Aviación – Vehículos aéreos de combate no tripulados<sup>107</sup>

103. Durante 2019, las FA-GCN y las FAH utilizaron vehículos aéreos de combate no tripulados de media altitud y larga duración para realizar ataques aéreos<sup>108</sup>. Desde mayo de 2019, la “guerra de los drones” se ha intensificado y, para ambas partes en el conflicto, los vehículos aéreos de combate no tripulados son ahora el medio principal para realizar ataques aéreos y lanzar municiones guiadas de precisión. Sin embargo, el 15 de agosto de 2019 se observaron ataques aéreos irregulares de aeronaves Sukhoi SU-22 de las FAH contra Zuwara<sup>109</sup>, y el 27 de septiembre de 2019 contra las FA-GCN en Trípoli<sup>110</sup>.

104. El funcionamiento<sup>111</sup> y mantenimiento de los vehículos aéreos de combate no tripulados son complejos y requieren meses de entrenamiento técnico y con simulador. Esto supera la capacidad actual conocida de las unidades militares afiliadas a las FA-GCN o a las FAH<sup>112</sup>. Es probable que personal local reciba capacitación “en el trabajo” paralelamente a las operaciones, pero es muy poco probable que en un futuro próximo haya alcanzado una plena capacidad operativa.

105. En el anexo 45 figura un resumen de todos los activos identificados de vehículos aéreos de combate no tripulados y vehículos aéreos no tripulados en Libia. En el cuadro 5 se resumen las principales características de los vehículos aéreos de combate no tripulados actualmente en uso.

<sup>105</sup> Por ejemplo, el Mirage F1 de las FA-GCN y el MiG-23U de las FAH.

<sup>106</sup> Por ejemplo, se perdió un Mirage F1 (402) de las FA-GCN debido a un fallo del motor cerca de Al Watyah el 24 de abril de 2019, y un Mirage F1 (5021) de las FA-GCN fue derribado en mayo de 2019. Un MiG-23 de las FAH fue derribado el 14 de abril de 2019.

<sup>107</sup> En el anexo 45 figura un resumen de todos los vehículos aéreos no tripulados (también denominados drones).

<sup>108</sup> Un vehículo aéreo no tripulado con capacidad para lanzar munición contra blancos terrestres.

<sup>109</sup> Véase el anexo 17.

<sup>110</sup> Véase <https://libya.liveuamap.com/en/2019/27-september-earlier-this-morning-an-lna-airstrike-targeted>, 27 de septiembre de 2019.

<sup>111</sup> En una entrevista realizada el 30 de septiembre de 2019, tras su captura en Garyan el 25 de agosto de 2019 o alrededor de esa fecha, el coronel del Ejército Nacional Libio Faouzi bou H'raa admitió una presencia de los Emiratos Árabes Unidos en la sala de operaciones de las FAH en Rajma (en la zona de 32°05'06.82"N, 20°20'25.34"E). (Puede consultarse en [www.facebook.com/watch/?v=2580407078645259](http://www.facebook.com/watch/?v=2580407078645259)).

<sup>112</sup> Seis militares de los Emiratos Árabes Unidos murieron en la base aérea de Jufra el 13 de septiembre de 2019. Véase Khaleej Times, “6 UAE soldiers martyred in military operations”, 13 September 2019, puede consultarse en [www.khaleejtimes.com/news/government/6-uae-soldiers-martyred-in-military-operations](http://www.khaleejtimes.com/news/government/6-uae-soldiers-martyred-in-military-operations); y 2) [www.khaleejtimes.com/uae/abu-dhabi/bodies-of-six-martyred-servicemen-arrive-in-uae](http://www.khaleejtimes.com/uae/abu-dhabi/bodies-of-six-martyred-servicemen-arrive-in-uae). Las graduaciones de un Capitán, cuatro Oficiales Asimilados y un Sargento no serían atípicas de un equipo de operaciones de vehículos aéreos de combate no tripulados.



**Cuadro 5**  
**Comparación de los vehículos aéreos de combate no tripulados utilizados en Libia**

<i>Tipo</i>	<i>Fabricante</i>	<i>Entidad</i>	<i>Alcance</i>	<i>Altitud</i>	<i>Autonomía de vuelo</i>	<i>Carga útil</i>
Bayraktar TB2	Baykar Makina <sup>a</sup> , Turquía	FA-GCN	Menos de 200 km <sup>b</sup>	6 860 m	Menos de 24 horas	55 kg 2 x Micromuniciones inteligentes Rocketsan (MAM-L) <sup>c</sup> o 8 x MAM-C <sup>d</sup>
Wing Loong II	Aviation Industry Corporation of China <sup>e</sup>	FAH	200 km utilizando la de la línea de visión o más de 2.000 km utilizando enlaces por satélite <sup>f</sup>	Más de 9 000 m	Más de 20 horas	480 kg Misiles aire-tierra Blue Arrow (BA-7)

<sup>a</sup> Véase <https://baykardefence.com>.

<sup>b</sup> Ampliado mediante el despliegue de unidades retransmisoras a fines del tercer trimestre de 2019, permitiendo un alcance de <150 a 200 km desde cada unidad retransmisora.

<sup>c</sup> Véase <http://www.roketsan.com.tr/en/product/mam-l-smart-micro-munition/>.

<sup>d</sup> Véase <http://www.roketsan.com.tr/en/product/mam-c-smart-micro-munition/>.

<sup>e</sup> Véase <http://enm.avic.com/index.shtml>.

<sup>f</sup> Permite cubrir toda Libia.

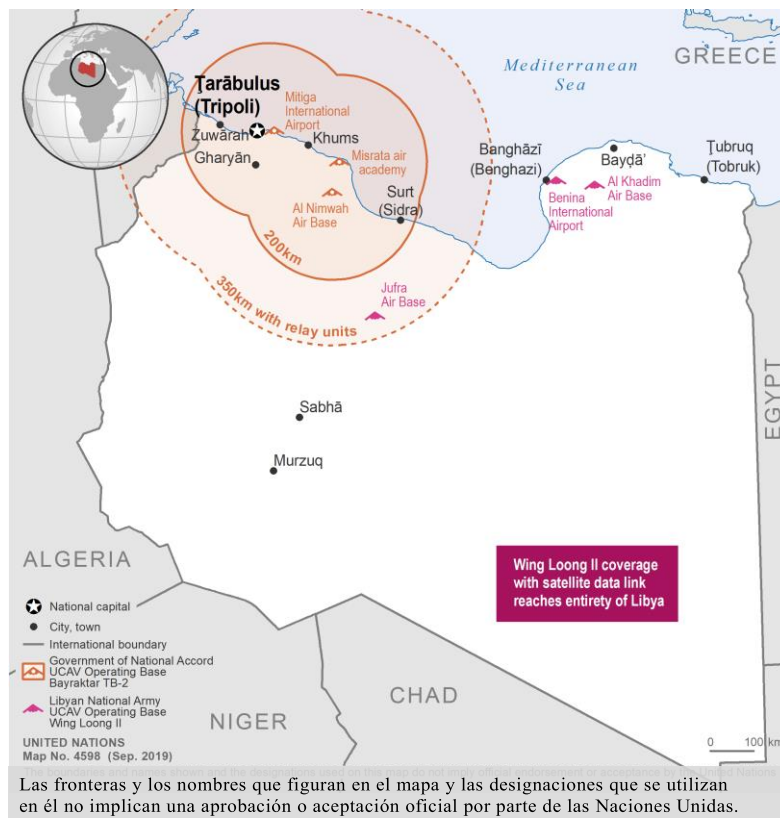
106. El análisis de las capacidades de cada sistema de vehículos aéreos de combate no tripulados muestra que las FAH tienen actualmente una ventaja táctica significativa, ya que el vehículo Wing Loong II puede lanzar más de ocho veces el peso de municiones explosivas contra blancos terrestres que el Bayraktar TB2 de las FA-GCN. Lo que es más importante, el Grupo ha confirmado que el Wing Loong II está siendo operado utilizando un enlace de datos por satélite, lo que significa que tiene la capacidad de abarcar toda Libia. Esto proporciona a las FAH una capacidad ofensiva total y le permite lograr la superioridad aérea local<sup>113</sup>.

107. El vehículo aéreo de combate no tripulado Bayraktar TB2 operado por las FA-GCN solo podía utilizarse inicialmente en un ataque defensivo contra objetivos en la zona, como se muestra en el mapa 2. El alcance operativo del Bayraktar TB2 de las FA-GCN se amplió a unos 150 km fuera del territorio controlado por las FA-GCN mediante el despliegue de estaciones retransmisoras en tierra a fines del tercer trimestre de 2019<sup>114</sup>. Esto hizo que la base aérea de las FAH en Jufra estuviera dentro del alcance del Bayraktar TB2. Las FA-GCN también están tratando de reducir la alta tasa de derribo de los Bayraktar TB2 desplegándolos desde carreteras en lugar de bases aéreas fijas, que han demostrado ser vulnerables a los ataques de interceptación de las FAH.

<sup>113</sup> Definido como el grado de dominio en [una] batalla aérea... que permite la realización de operaciones por una de las partes y sus fuerzas terrestres, marítimas y aéreas conexas en un momento y lugar determinados sin interferencias prohibitivas de las fuerzas aéreas adversarias.

<sup>114</sup> Fuente confidencial y Paul Iddon, "Turkey is fighting a formidable drone war in Libya", Ahval News, 14 de septiembre de 2019. Puede consultarse en [www.ahvalnews.com/libya/turkey-fighting-formidable-drone-war-libya](http://www.ahvalnews.com/libya/turkey-fighting-formidable-drone-war-libya), 14 de septiembre de 2019.

Mapa 2  
**Comparación de los alcances de los vehículos aéreos de combate no tripulados utilizados en Libia**



*Fuente:* Sección de Información Geoespacial, según especificaciones del Grupo de Expertos sobre Libia.

### 1. Vehículos aéreos de combate no tripulados Wing Loong II

108. En el párrafo 124 de su informe de 2017 (S/2017/466), el Grupo observó al menos un vehículo aéreo de combate no tripulado de los Emiratos Árabes Unidos tipo Wing Loong I, con base en la base aérea de Al-Khadim desde al menos el 24 de junio de 2016<sup>115</sup>. La serie Wing Loong de vehículos aéreos de combate no tripulados fue suministrada a los Emiratos Árabes Unidos después de 2011. El 20 de abril de 2019 se produjo un ataque aéreo en los accesos sudoccidentales a Al Aziziya<sup>116</sup>. A partir de las imágenes de los restos recuperados, el Grupo determinó que la munición utilizada para el ataque era un misil aire-tierra Blue Arrow BA-7 (LJ-7) (véase el anexo 46). El tipo de sistema de armas se confirmó después a partir del análisis de las imágenes obtenidas por la UNSMIL de ataques posteriores en los campamentos de Moz (20 de abril de 2019), Ain Zara (21 de abril de 2019) y Wadi Rabia (25 de abril de 2019).

<sup>115</sup> Confirmado por Jeremy Binnie. "United Arab Emirates' forward operating base in Libya revealed". Jane's Defence Weekly. 27 de octubre de 2016.

<sup>116</sup> 32°31'50"N, 13°01'17"E.

109. El misil aire-tierra BA-7 está emparejado balísticamente<sup>117</sup> para ser disparado por el vehículo aéreo de combate no tripulado Wing Loong II, y por ningún otro activo de aviación identificado en Libia hasta la fecha (véase el anexo 44). La confirmación final del emparejamiento del Wing Loong II con el misil BA-7 en apoyo de las FAH se logró el 3 de agosto de 2019, cuando se encontró en Abu Ghrayn<sup>118</sup> un vehículo aéreo de combate no tripulado Wing Loong II accidentado con cinco misiles BA-7 en sus inmediaciones (véase el anexo 47)<sup>119</sup>. A partir de las imágenes de los misiles BA-7, se anotaron tres números de serie y se envió una solicitud de localización al país de fabricación. Imágenes de satélite posteriores muestran claramente vehículos aéreos de combate no tripulados Wing Loong en la base aérea de Jufra (figuras V y VI), y el 23 de septiembre de 2019 se enviaron imágenes del lanzamiento de un misil desde un vehículo aéreo de combate no tripulado Wing Loong sobre Libia occidental (figura VII).

Figura V  
**Wing Loong II en Al Jufra**  
(28 de agosto de 2019)<sup>a</sup>



Fuente: Extracto de imágenes confidenciales

Figura VI  
**Wing Loong II en Al Jufra**  
(19 de septiembre de 2019)<sup>b</sup>



Fuente: <https://libya.liveuamap.com/en/2019/19-september-satellite-image-of-uae-wing-loong-ii-taxiing>, 19 de septiembre de 2019.

Figura VII  
**Wing Loong II sobre Trípoli**  
(23 de septiembre de 2019)<sup>c</sup>



Fuente: <https://libya.liveuamap.com/en/2019/23-september-uav-wing-loong-ii-firing-a-rocket-over-tripoli>, 23 de septiembre de 2019.

<sup>a</sup> 29°12'35.79"N, 16°0'1.25"E

<sup>b</sup> 29°12'20.56"N, 15°59'52.60"E.

<sup>c</sup> Supuestamente sobrevolando 29°12'20.56"N, 15°59'52.60"E.

110. Las investigaciones del Grupo han confirmado que el vehículo aéreo de combate no tripulado Wing Loong II no fue suministrado directamente por el fabricante o por el país de fabricación<sup>120</sup>. Por consiguiente, el Grupo considera que los Emiratos Árabes Unidos no cumplen lo dispuesto en el párrafo 9 de la resolución 1970 (2011)

<sup>117</sup> El emparejamiento balístico es un proceso que integra el sistema de armas en un fuselaje y luego se adapta operativamente para su uso. Requiere actualizaciones del *software* del sistema aviónico y los sistemas de avistamiento y lanzamiento para garantizar que, cuando el misil se dirija a un objetivo y lo alcance, siga realmente la trayectoria balística correcta para alcanzarlo con precisión. Es necesario el uso de instalaciones de alcance instrumentadas para las pruebas de tiro en vivo a fin de garantizar la precisión y la confianza en los sistemas integrados.

<sup>118</sup> Múltiples fuentes de información, entre ellas Khalid Mahmoud, "Libya: LNA downs several drones", Asharq Al-Awsat, 4 de agosto de 2019, puede consultarse en <https://aawsat.com/english/home/article/1843036/libya-lna-downs-several-drones>. Ubicación en la zona de 31°26'32"N, 15°14'12"E.

<sup>119</sup> El Grupo aún no ha determinado cuándo se actualizó en Libia el Wing Loong I modelo de 2016 al modelo Wing Loong II.

<sup>120</sup> Jane's IHS informa de que el BA-7 solo se utiliza en tres países: China, los Emiratos Árabes Unidos y Kazajistán.

en lo que respecta a la transferencia posterior a la entrega de los sistemas Wing Loong II y Blue Arrow (BA-7) a Libia.

## 2. Vehículos aéreos de combate no tripulados Bayraktar TB2

111. El 14 de mayo de 2019, cazas de las FAH derribaron un vehículo aéreo no tripulado en las proximidades de Al Jufra, pero no se pudo identificar el tipo de vehículo a partir de los restos<sup>121</sup>. El 29 de mayo de 2019, las FA-GCN publicaron imágenes de vídeo de un ataque aéreo de precisión con un vehículo aéreo de combate no tripulado contra las FAH en Qasr bin Ghashir<sup>122</sup>. Posteriormente, información de fuente abierta comunicó que inicialmente se suministró un primer lote de cuatro vehículos aéreos de combate no tripulados Bayraktar TB2 a las FA-GCN, posiblemente utilizando el mercante Amazon<sup>123</sup>.

112. El 4 de junio de 2019, fuentes confidenciales informaron por primera vez al Grupo de que se estaban ensamblando vehículos aéreos de combate no tripulados en Misrata. El 9 de junio de 2019, se determinó que el tipo era el Bayraktar TB2, fabricado por Baykar Makina<sup>124</sup> de Turquía, según imágenes de vídeo publicadas en medios sociales<sup>125</sup>. Desde entonces, se ha publicado de manera periódica y rutinaria en los medios sociales que el Bayraktar TB2 opera desde Mitiga y Misrata<sup>126</sup>. El Grupo tiene conocimiento de que dos Bayraktar TB2 fueron destruidos por ataques aéreos de las FAH contra la academia del aire de Misrata los días 6 y 7 de junio de 2019<sup>127</sup>, y que un tercero fue derribado por las FAH el 30 de junio de 2019<sup>128</sup>, pero, al parecer, las pérdidas en combate han sido mucho mayores (véase el anexo 48).

113. Un segundo lote de probablemente ocho vehículos aéreos de combate no tripulados Bayraktar TB2 fue transferido a fines de mayo y principios de junio de 2019 para reemplazar las pérdidas por combate y aumentar la capacidad operacional<sup>129</sup>. Las FAH respondieron a esta situación el 15 de agosto de 2019 planificando y dirigiendo un ataque de precisión contra los hangares de la academia del aire de Misrata (véase la figura VIII), que se habían construido recientemente para respaldar el Bayraktar TB2. El 18 de agosto de 2019 se produjeron nuevos ataques de las FAH en los alrededores del aeropuerto, en un intento de destruir más la nueva

<sup>121</sup> Libya Address, “LNA shoots down a drone of GNA’s militias”, 14 de mayo de 2019. Puede consultarse en [www.addresslibya.com/en/archives/45885](http://www.addresslibya.com/en/archives/45885).

<sup>122</sup> Véase <https://twitter.com/Oded121351/status/1133985226290597888>.

<sup>123</sup> Africa Intelligence, “Recep Tayyip Erdogan’s drones fly to Fayeze Sarraj’s rescue”, 13 de junio de 2019. Puede consultarse en [www.africaintelligence.com/mce/corridors-of-power/2019/06/13/recep-tayyip-erdogan-s-drones-fly-to-fayeze-sarraj-s-rescue,108361236-art](http://www.africaintelligence.com/mce/corridors-of-power/2019/06/13/recep-tayyip-erdogan-s-drones-fly-to-fayeze-sarraj-s-rescue,108361236-art). En el artículo también se afirma que inicialmente se suministraron cuatro vehículos aéreos de combate no tripulados, mientras que una fuente secundaria afirma que se suministraron inicialmente seis.

<sup>124</sup> [www.ssb.gov.tr/Website/contentList.aspx?PageID=365&LangID=2](http://www.ssb.gov.tr/Website/contentList.aspx?PageID=365&LangID=2).

<sup>125</sup> Véase <https://twitter.com/Mansourtalk/status/1137718306306215936> y [https://twitter.com/ly\\_box/status/1137857595862130688](https://twitter.com/ly_box/status/1137857595862130688).

<sup>126</sup> Véase, por ejemplo, Libya Address, “The Address Journal reveals the reality of using Mitiga Airport in Tripoli for military purposes”, 28 de agosto de 2019, puede consultarse en [www.addresslibya.com/en/archives/49934](http://www.addresslibya.com/en/archives/49934), que contiene un vídeo de un Bayraktar TB2 en la pista.

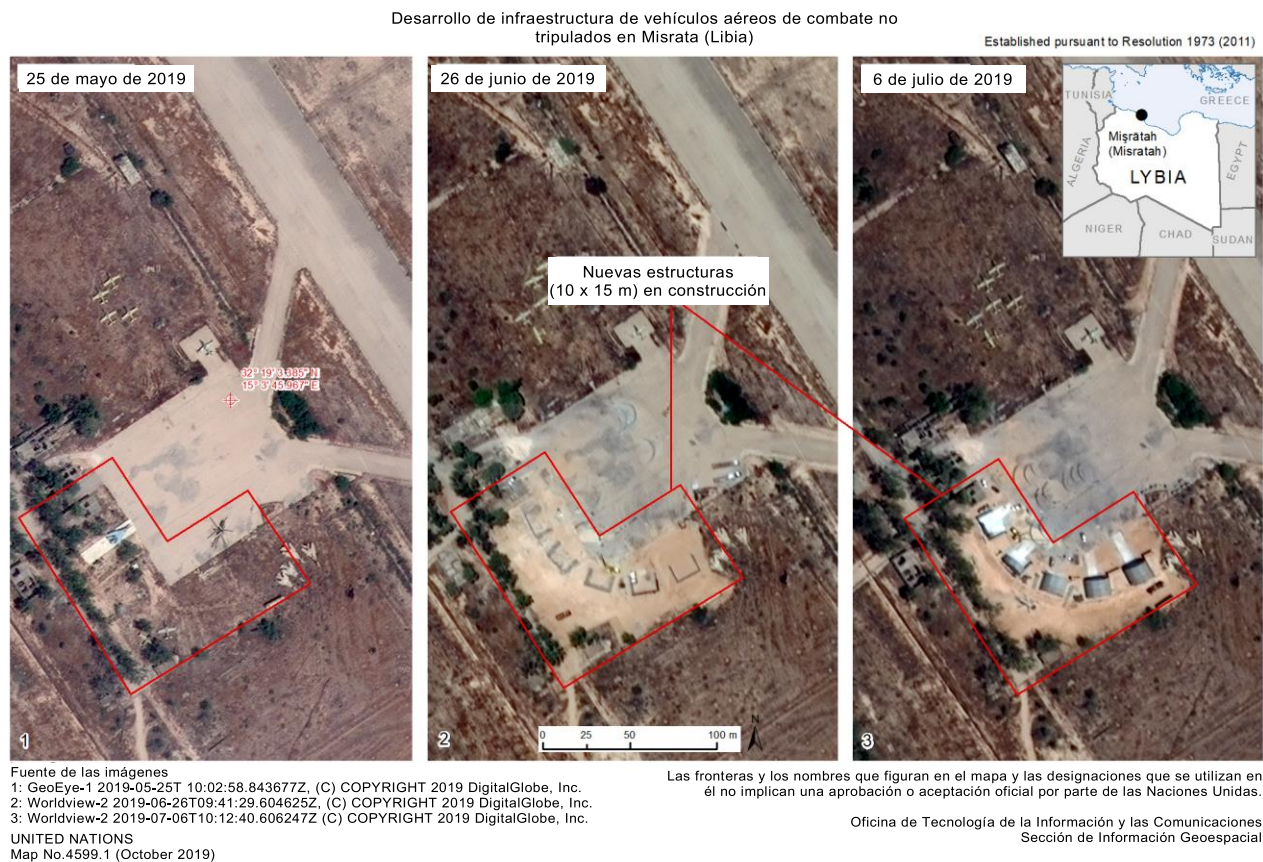
<sup>127</sup> Africa Intelligence, “Recep Tayyip Erdogan’s drones fly to Fayeze Sarraj’s rescue”.

<sup>128</sup> Almarsad, “More Turkish-made drones delivered to Misrata for the GNA”, 9 de julio de 2019. Puede consultarse en <https://almarsad.co/en/2019/07/09/more-turkish-made-drones-delivered-to-misrata-for-the-gna/>.

<sup>129</sup> *Ibid.* y Africa Intelligence, “Fayeze Sarraj to get eight more Turkish drones”, 4 de julio de 2019, puede consultarse en [www.africaintelligence.com/mce/corridors-of-power/2019/07/04/fayeze-sarraj-to-get-eight-more-turkish-drones,108364176-art](http://www.africaintelligence.com/mce/corridors-of-power/2019/07/04/fayeze-sarraj-to-get-eight-more-turkish-drones,108364176-art).

infraestructura y las instalaciones de apoyo de vehículos aéreos de combate no tripulados<sup>130</sup>.

Figura VIII  
Academia del aire de Misrata (14 de mayo a 6 de julio de 2019)



114. El Grupo ha identificado una serie de diez vuelos de dos aeronaves Antonov An-12BK (matrícula UR-CAH y UR-CNT) y una Antonov An-12BP (matrícula UR-CGW) que entregaron 53,6 toneladas<sup>131</sup> de “piezas de drones” y otros componentes de vehículos aéreos no tripulados desde Estambul (Turquía) a Misrata entre el 27 de mayo y el 16 de junio de 2019. Para esos vuelos, todos los aviones fueron fletados por la oficina turca de ProAir-Charter-Transport GmbH<sup>132</sup> y operados por Ukraine Air Alliance PJSC<sup>133</sup> de Ucrania.

115. Los manifiestos de carga y las cartas de porte aéreo identificaban al expedidor de las cuatro transferencias como la Embajada de Libia en Ankara y al destinatario como el Ministerio del Interior de Libia. Ukraine Air Alliance P.J.S.C. dio instrucciones específicas a la oficina turca de ProAir-Charter-Transport GmbH para que se asegurara de que toda la documentación de transporte aéreo estuviera

<sup>130</sup> Ahval, “Libya’s LNA targets Turkish base under construction in Misrata”, 19 de agosto de 2019, puede consultarse en <https://ahvalnews.com/libya-turkey/libyas-lna-targets-turkish-base-under-construction-misrata>; Almarsad, “New photos reveal the reasons for the LNA air strikes at Misrata air college”, 18 de agosto de 2019, puede consultarse en <https://almarsad.co/en/2019/08/18/new-photos-reveal-the-reasons-for-the-lna-air-strikes-at-misrata-air-college/>; y [https://twitter.com/il\\_kanguru/status/1167498601511174150](https://twitter.com/il_kanguru/status/1167498601511174150).

<sup>131</sup> En los documentos de las Naciones Unidas, la palabra “toneladas” designa la tonelada métrica.

<sup>132</sup> Véase <https://www.proair.de/en>.

<sup>133</sup> Véase [www.uaa-avia.com](http://www.uaa-avia.com).

claramente marcada con “NO CONTIENE MP<sup>134</sup>, NO CONTIENE ARMAS, NO CONTIENE MUNICIONES”, que no es un requisito de la Organización de Aviación Civil Internacional para dicha documentación. Los transpondedores de Modo S de la aeronave a menudo no fueron visibles en los sitios web de seguimiento de la aviación comercial una vez que la aeronave abandonó el espacio aéreo turco. Los detalles completos del caso figuran en el anexo 49.

116. El Grupo considera que esos vuelos transfirieron componentes para vehículos aéreos no tripulados Bayraktar TB2 desmontados y, por consiguiente, Turquía, Ukraine Air Alliance PJSC, ProAir-Charter-Transport GmbH y el agente del transportista Plures Air Cargo<sup>135</sup> no cumplieron lo dispuesto en el párrafo 9 de la resolución 1970 (2011) relativo al transporte de material militar a Libia.

117. El 6 de julio de 2019, surgieron informes de que parte del segundo lote de ocho Bayraktar TB2 fueron entregados en Misrata<sup>136</sup> por una aeronave IL-76TD (matrícula UR-COZ) operada por SkyAviatrans LLC<sup>137</sup> (Ucrania), de propiedad de Volaris Business LP<sup>138</sup> (Reino Unido de Gran Bretaña e Irlanda del Norte) y también contratada por esa empresa. Las investigaciones del Grupo determinaron que la aeronave realizó seis vuelos de Ankara a Misrata del 3 al 21 de julio de 2019 (véase la figura IX). Los manifiestos de carga y las cartas de porte aéreo volvieron a identificar al expedidor de las seis transferencias como la Embajada de Libia en Ankara y al destinatario como el Ministerio del Interior de Libia. De nuevo, ProAir-Charter-Transport GmbH fue el fletador de la aeronave. Los detalles completos del caso figuran en el anexo 50.

118. El Grupo no puede confirmar que esos vuelos transfirieron componentes de vehículos aéreos de combate no tripulados, pero considera que sí transfirieron material militar y, por consiguiente, Turquía, ProAir-Charter-Transport GmbH y el agente del transportista Plures Air Cargo no cumplieron lo dispuesto en el párrafo 9 de la resolución 1970 (2011). En esta ocasión, el Grupo no considera que SkyAviatrans LLC o Volaris Business LP hayan incumplido, pero considera que los protocolos y procedimientos de diligencia debida de las empresas son totalmente inadecuados y no son idóneos.

119. El 30 de julio de 2019, el Consejo de Seguridad Aérea de la Administración Estatal de Aviación de Ucrania prohibió los vuelos de todas las aeronaves ucranianas registradas en Libia debido al “empeoramiento de la situación de la seguridad”<sup>139</sup>. La aeronave de SkyAviatrans IL-76TD (matrícula UR-COZ) obtuvo una exención de esta prohibición de las autoridades ucranianas alegando que operaba con un contrato con la Media Luna Roja Libia. Posteriormente, la aeronave fue destruida por un ataque aéreo de las FAH contra la academia del aire de Misrata<sup>140</sup> el 5 de agosto de 2019 (véase la figura X). El Grupo aún no está convencido de la veracidad de la

<sup>134</sup> Mercancías peligrosas.

<sup>135</sup> Véase <https://www.plures.com.tr/en>.

<sup>136</sup> Véase <https://twitter.com/BabakTaghvae/status/1147455606120419328>.

<sup>137</sup> Véase [www.skyaviatrans.com.ua](http://www.skyaviatrans.com.ua).

<sup>138</sup> Véase <https://beta.companieshouse.gov.uk/company/SL026852>.

<sup>139</sup> Misión Permanente de Ucrania, 1 de agosto de 2019 (comunicación confidencial al Grupo); y <https://avia.gov.ua/informatsiya-shhodo-prijnyatih-rishen-radi-z-bezpeki-aviatsiyi-derzhavnoyi-aviatsijnoyi-sluzhbi-ukrayini-u-zv-yazku-iz-zagostrennyam-vijskovo-politichnoyi-situatsiyi-v-respublitsi-liviya/>.

<sup>140</sup> 32°20'34.07"N, 15° 02'35.89"E.

documentación facilitada por SkyAviatrans a las autoridades ucranianas para obtener la exención<sup>141</sup> y sigue investigando.

Figura IX  
**Aeronave IL-76TD en la academia del aire de Misrata (6 de julio de 2019)**



Fuente: confidencial.

Figura X  
**Ataque aéreo contra la academia del aire de Misrata (5 de agosto de 2019)**



Fuente: Digital Globe GeoEye 1 WorldView2, 11 de agosto de 2019.

120. La alta tasa de derribo sufrida por los vehículos aéreos de combate no tripulados Bayraktar TB2 como resultado de los ataques aéreos de las FAH y los vehículos aéreos de combate no tripulados Wing Loong II hizo que se desplegara un tercer lote de Bayraktar TB2 a Misrata a fines de agosto de 2019<sup>142</sup>.

121. El Grupo ha escrito a Turquía y al GCN solicitando más información sobre la transferencia a Libia de los vehículos aéreos de combate no tripulados Bayraktar TB2 en incumplimiento del párrafo 9 de la resolución [1970 \(2011\)](#), pero no ha recibido respuesta.

## H. Aviación: Pequeños vehículos aéreos no tripulados

122. El Grupo ha detectado el uso por primera vez en Libia de pequeños vehículos aéreos no tripulados para ejercer funciones de inteligencia, vigilancia y reconocimiento, tanto por parte de las FA-GCN como de las FAH durante 2019 (véanse el cuadro 6 y el anexo 51). Es casi seguro que todos esos vehículos se encuentran en Libia, hecho que incumple lo dispuesto en el párrafo 9 de la resolución [1970 \(2011\)](#), y prosiguen las investigaciones sobre las cadenas de suministro.

<sup>141</sup> Por los siguientes motivos: a) la Media Luna Roja Libia no ha respondido a las preguntas del Grupo; b) aunque firmada, no aparece ningún nombre o nombramiento en la carta; y c) las cuentas en medios sociales de la Media Luna Roja Libia no muestran actividad desde hace dos años.

<sup>142</sup> Fuente confidencial.

**Cuadro 6**  
**Pequeños vehículos aéreos no tripulados para inteligencia, vigilancia y reconocimiento utilizados en Libia<sup>a</sup>**

<i>Entidad</i>	<i>Tipo</i>	<i>Observaciones</i>
FA-GCN	Orbiter-3 <sup>b</sup>	Identificado a partir de imágenes de restos de vehículos aéreos no tripulados que se estrellaron en Sirte el 29 de julio de 2019.
FAH	Orlan-10 <sup>c</sup>	Identificado a partir de imágenes de restos de vehículos aéreos no tripulados que se estrellaron en Sirte el 23 de abril de 2019.
FAH	Variante del Mohadjer <sup>d</sup>	Visto por primera vez en Libia el 16 de octubre de 2017 o alrededor de esa fecha <sup>e</sup> .
FAH	Yabhon-HMD <sup>f</sup>	Fabricado ahora por Air Target Systems.

<sup>a</sup> Véase también el anexo 45.

<sup>b</sup> Véase <https://aeronautics-sys.com>.

<sup>c</sup> Véase <https://www.stc-spb.ru>.

<sup>d</sup> Incorporada ahora a la Organización de Industrias Aeronáuticas del Irán. [www.mod.ir](http://www.mod.ir). Véase [https://en.wikipedia.org/wiki/Iran\\_Aviation\\_Industries\\_Organization](https://en.wikipedia.org/wiki/Iran_Aviation_Industries_Organization). ([www.mod.ir](http://www.mod.ir), en la actualidad inactivo).

<sup>e</sup> Arnaud Delalande, "Someone gave Iranian-made drones to Libya's Tobruk regime: Iran or Sudan?" War Is Boring, 16 de octubre de 2017. Puede consultarse en <https://warisboring.com/who-gave-iranian-made-drones-to-libyas-tobruk-regime/>. 16 de octubre de 2017.

<sup>f</sup> Véase <http://www.ats-ae.com/>.

## I. Aviación: Drones comerciales

123. Todas las partes en el conflicto están utilizando drones comerciales de baja resistencia, como el DJI Phantom 4, para tareas de inteligencia, vigilancia y reconocimiento a nivel táctico<sup>143</sup>. El 30 de septiembre de 2019, un dron de gran autonomía Chilong<sup>144</sup> CL-11 VTOL se estrelló cerca de Tarhuna<sup>145</sup> (véanse las figuras XI y XII). Este fue el primer ejemplo de un dron comercial de alta especificación ampliamente disponible utilizado en Libia en una función militar de inteligencia, vigilancia y reconocimiento (IVR). Ese equipo no está comprendido en el ámbito de aplicación del párrafo 9 de la resolución 1970 (2011) (véase la recomendación 5).

<sup>143</sup> Borzou Daragahi, "Libya: UN-backed government defending capital from warlord Haftar now using drones on front lines", Independent (Londres), 15 de mayo de 2019. Puede consultarse en [www.independent.co.uk/news/world/middle-east/libya-capital-khalifa-haftar-drones-war-khaled-el-meshri-a8915246.html](http://www.independent.co.uk/news/world/middle-east/libya-capital-khalifa-haftar-drones-war-khaled-el-meshri-a8915246.html).

<sup>144</sup> Beijing Sagetown Technologies Company Limited (véase [www.sageuav.com](http://www.sageuav.com)). Se denomina YFT-CZ35 VTOL cuando se comercializa con fines militares (véase <http://www.digitaleagle-uav.com/Hybrid-Engine-VTOL-Fixed-Wing-UAV-Drone-pd45577057.html>).

<sup>145</sup> 32°25'51.24"N, 13°37'12.45"E.



Figura XI  
Dron Chilong CL-11 VTOL estrellado cerca de  
Tarhuna (30 de septiembre de 2019)



Fuente: <https://twitter.com/Oded121351/status/1178609339776544768>, 30 de septiembre de 2019.

Figura XII  
Imagen de los fabricantes del dron Chilong  
CL-11 VTOL



Fuente: [www.ecplaza.net/products/chilong-11-cl-11-hybrid-vtol\\_4419852](http://www.ecplaza.net/products/chilong-11-cl-11-hybrid-vtol_4419852).

## J. Transferencias y suministros por vía aérea

### 1. Aeronaves de carga militar

124. En su informe anterior (S/2018/812, párr. 89), el Grupo informó sobre el movimiento inexplicable de grandes aeronaves militares de carga hacia Libia. El Grupo siguió vigilando esos vuelos militares, pero todavía no se han detectado violaciones del embargo de armas.

### 2. Aeronaves civiles en apoyo de las operaciones militares de las fuerzas afiliadas al Gobierno de Consenso Nacional

125. Las transferencias de armas a Libia por vía aérea fueron una práctica habitual durante el período sobre el que se informa, y la detección o la interceptación fueron casi imposibles sin la aplicación de un régimen de inspección en los aeropuertos internacionales y las bases aéreas militares del país. La mayoría de los envíos procedían de aeropuertos situados en el Estado Miembro que suministraba las armas en cuestión, y la cooperación con las investigaciones del Grupo en esos casos fue nula (véase la recomendación 3).

126. El Grupo ha identificado una serie de aeronaves civiles registradas que operan habitualmente, o que lo han hecho recientemente, como aeronaves de carga militar en apoyo de las FA-GCN (véase el resumen en el cuadro 7). La mayoría de ellas no cumplen lo dispuesto en el párrafo 9 de la resolución 1970 (2011).

Cuadro 7

#### Aeronaves civiles que operan en apoyo del Gobierno de Consenso Nacional

Matrícula	Tipo	Operador	Observaciones
UR-CAH	Antonov An-12BK	Ukraine Air Alliance PJSC <sup>a</sup>	Véanse los párrafos 114 a 116 y el anexo 49
UR-CGW	Antonov An-12BP	Ukraine Air Alliance PJSC	Véanse los párrafos 114 a 116 y el anexo 49

<i>Matrícula</i>	<i>Tipo</i>	<i>Operador</i>	<i>Observaciones</i>
UR-CNT	Antonov An-12BK	Ukraine Air Alliance PJSC	Véanse los párrafos 114 a 116 y el anexo 49
UR-COZ	Illuyshin IL-76TD	SkyAviatrans LLC <sup>b</sup> , para Volaris Business LP <sup>c</sup>	Véanse los párrafos 117 a 119 y el anexo 50

<sup>a</sup> Véase <http://www.uaa-avia.com>.

<sup>b</sup> Véase <http://skyaviatrans.com.ua>.

<sup>c</sup> Véanse los detalles de la empresa en <https://beta.companieshouse.gov.uk/company/SL026852>.

### 3. Aeronaves civiles en apoyo de las operaciones militares de las Fuerzas Armadas de Haftar

127. El Grupo ha identificado una serie de aeronaves civiles registradas que operan habitualmente, o que lo han hecho recientemente, como aeronaves de carga militar o de apoyo en apoyo de las FAH, incumpliendo lo dispuesto en el párrafo 9 de la resolución 1970 (2011) (véase un resumen en el cuadro 8 y en el anexo 52 se dan más detalles).

Cuadro 8

#### Aeronaves civiles que operan en apoyo de las Fuerzas Armadas de Haftar

<i>Matrícula</i>	<i>Tipo</i>	<i>Operador</i>	<i>Observaciones</i>
ER-ICS	Ilyushin IL-18D	Sky Prim Air SRL <sup>a</sup>	Excluida del registro de Moldavia el 8 de julio de 2015 No registrada y solo realiza vuelos internos
UP-AN601	Antonov An-26	Space Cargo Incorporated <sup>b</sup>	Excluida del registro de Kazajstán el 8 de julio de 2015 No registrada y solo realiza vuelos internos
UP-17601	Ilyushin IL-76TD	Sigma Airlines <sup>c</sup>	
UP-17645	Ilyushin IL-76TD	Sigma Airlines	Véase 11 de enero de 2019. Visto volando fuera de Libia desde abril de 2017 <sup>d</sup>
UR-CMP	Ilyushin IL-76TD	Deek Aviation FZE <sup>d</sup>	Certificado de operaciones aéreas revocado el 30 de julio de 2019 <sup>e</sup>
UR-CRC	Ilyushin IL-76TD	Deek Aviation FZE	Certificado de operaciones aéreas revocado el 30 de julio de 2019

<sup>a</sup> No se ha encontrado ningún dato de contacto y es posible que la propiedad haya sido transferida a una empresa aún no identificada.

<sup>b</sup> Véase <http://spacecargoinc.com>.

<sup>c</sup> véase <https://airsigma.pro>.

<sup>d</sup> La página web de la empresa, [www.deekaviation.com](http://www.deekaviation.com), ha caducado.

<sup>e</sup> Véase <https://open4business.com.ua/ukraine-suspends-operator-certificate-of-europe-air-carrier/>.

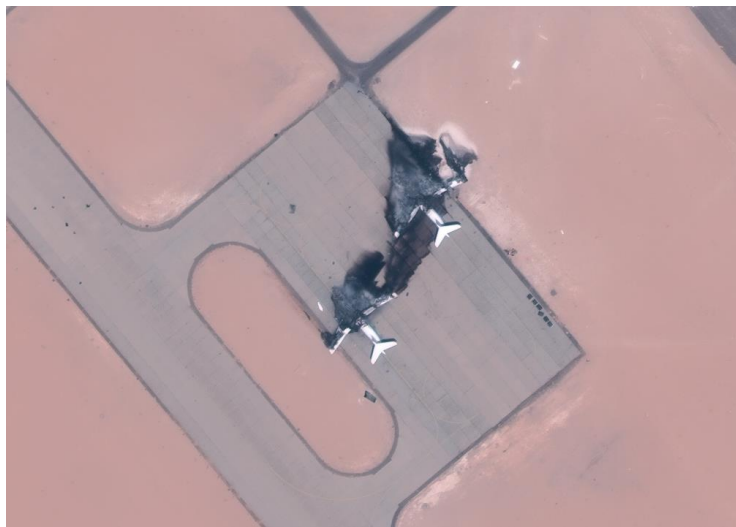
128. Las autoridades de aviación de los Estados Miembros pertinentes y la Autoridad de la Aviación Civil de Libia han confirmado al Grupo que las aeronaves que vuelan

con matrícula ER-ICS y UP-AN601 no están matriculadas<sup>146</sup>, por lo que ambas aeronaves operan en contravención del Convenio sobre Aviación Civil Internacional.

129. Las aeronaves Ilyushin IL-76TD (matriculadas como UR-CMP y UR-CRC) fueron destruidas por un ataque con vehículos aéreos de combate no tripulados Bayraktar TB2 dirigido por las FA-GCN contra la base aérea de Jufra el 25 de julio de 2019 (véanse las figuras XIII y XIV).

Figura XIII

**Aeronaves IL-76TD destruidas en la base aérea de Jufra (26 de julio de 2019)**



Fuentes: Comunicado de prensa de European Space Imaging de 3 de agosto de 2019.

Figura XIV

**Aeronaves IL-76TD destruidas en la base aérea de Jufra (26 de julio de 2019)**



Fuente: [https://mobile.twitter.com/Arn\\_Del/status/1155525947040378880](https://mobile.twitter.com/Arn_Del/status/1155525947040378880), 28 de julio de 2019.

130. El Grupo considera que Deek Aviation FZE., Sky Prim Air SRL, Space Air Cargo Incorporated y Sigma Airlines han incumplido lo dispuesto en el párrafo 9 de la resolución [1970 \(2011\)](#) por su participación en la transferencia de material militar a las FAH en Libia.

## IV. Unidad de las instituciones del Estado

### A. Banco Central de Libia

131. En su informe de 2017 ([S/2017/466](#), párr. 213 y anexo 56), el Grupo comunicó que los billetes de banco impresos en nombre del Banco Central del este de Libia por la empresa Goznak J.S.C.<sup>147</sup> de la Federación de Rusia habían sido aprobados para su distribución por el Consejo de la Presidencia del GCN el 26 de mayo de 2016, en contra de la opinión del Banco Central de Libia. Los billetes oficiales los imprime la empresa De La Rue Limited<sup>148</sup>. El Banco Central de Libia se había opuesto a la circulación de la moneda impresa por Goznak basándose en: a) que era una moneda ilegal, y por tanto, contraviene la Ley de Bancos (Ley núm. 1 de 2005, enmendada por la Ley de Bancos 46 de 2012); y b) en asesoramiento de instituciones financieras

<sup>146</sup> Carta al Grupo de fecha 15 de mayo de 2019.

<sup>147</sup> Véase [www.goznak.ru](http://www.goznak.ru).

<sup>148</sup> Véase [www.delarue.com](http://www.delarue.com).

internacionales. La posición del Banco Central de Libia, que aún mantiene, es que los billetes impresos paralelos son perjudiciales para la economía, ya que causan confusión, socavan la confianza en la moneda y aumentan la probabilidad de falsificación. En el anexo 53 figura un resumen de las características de seguridad diferenciales.

132. El 14 de noviembre de 2018, el Gobernador del Banco Central del este de Libia, Ali Al-Habri, negó que el Banco tuviera la intención de imprimir nuevos billetes en la Federación de Rusia. En contradicción, el 20 de noviembre de 2018, el asesor del Banco Central del este de Libia, Musbah Al-Ekari, confirmó a un canal de televisión libio las cantidades anuales totales de moneda paralela impresa por Goznak que el Banco Central del este de Libia había puesto en circulación (véase el cuadro 9)<sup>149</sup>.

Cuadro 9

**Moneda paralela puesta en circulación por el Banco Central del este de Libia (2016-2018)**

<i>Fecha</i>	<i>Impresor</i>	<i>Denominación (dinar libio)</i>	<i>Valor (dinar libio)</i>	<i>Valor (dólares EE.UU.)</i>	<i>Producto interno bruto (porcentaje)</i>
2016	Goznak JSC	20, 50	4.000 millones	2.890 millones <sup>a</sup>	11,03 <sup>b</sup>
2017	Goznak JSC		4.000 millones	2.990 millones <sup>c</sup>	7,85 <sup>d</sup>
2018	Goznak JSC		1.700 millones	1.230 millones <sup>e</sup>	2,55 <sup>f</sup>
<b>Totales</b>			<b>9.700 millones</b>	<b>7.110 millones</b>	<b>6,31</b>

<sup>a</sup> Datos de [www.xe.com](http://www.xe.com), al 1 de septiembre de 2016 (1,00 dólar EE. UU. = 1,3843 dinares libios).

<sup>b</sup> Producto interno bruto (PIB) 26.200 millones de dólares. Datos del Banco Mundial.

<sup>c</sup> Datos de [www.xe.com](http://www.xe.com), al 1 de septiembre de 2017 (1,00 dólar EE. UU. = 1,3351 dinares libios).

<sup>d</sup> PIB = 38.100 millones de dólares. Datos del Banco Mundial.

<sup>e</sup> Datos de [www.xe.com](http://www.xe.com) al 1 de septiembre de 2018 (1,00 dólar EE. UU. = 1,3777 dinares libios).

<sup>f</sup> PIB = 48.300 millones de dólares. Datos del Banco Mundial.

133. El 23 de septiembre de 2019, un Estado Miembro informó al Grupo de la retención provisional en tránsito de dos contenedores ISO que contenían 29 millones de billetes de banco (de 50 dinares libios) con un valor nominal de 1.450 millones de dinares libios<sup>150</sup>. Los billetes los había imprimido la empresa Goznak JSC en virtud de un contrato con el Banco Central del este de Libia de fecha 2 de abril de 2018.

134. El Estado Miembro consultó al Banco Central de Libia, y el 9 de octubre de 2019 el Banco solicitó al Estado Miembro que tomara las medidas y procedimientos necesarios, incluyendo, entre otros, la incautación del cargamento para evitar su uso ilegal.

135. El Grupo ha tomado nota de informes de fuente abierta según los cuales, el 28 de septiembre de 2019, o alrededor de esa fecha, se introdujeron en el aeropuerto

<sup>149</sup> Abdulkader Assad, “Libya’s parallel central bank admits printing 9.7 billion dinar banknotes in Russia”, *Lybia Observer*, 20 de noviembre de 2018. Puede consultarse en [www.lybiaobserver.ly/economy/libyas-parallel-central-bank-admits-printing-97-billion-dinar-banknotes-russia](http://www.lybiaobserver.ly/economy/libyas-parallel-central-bank-admits-printing-97-billion-dinar-banknotes-russia).

<sup>150</sup> El Grupo envió muestras de los billetes para hacer un análisis independiente, y el 4 de octubre de 2019 llegó a la conclusión de que los billetes eran prácticamente idénticos, aunque tenían 2 mm menos de longitud, a los billetes examinados en 2016 y comunicados en el informe del Grupo de 2017 (S/2017/466).

internacional de Benina otros 2.000 millones de dinares libios. El Grupo sigue investigando la cuestión<sup>151</sup>.

## B. Desafíos a la integridad de la Empresa Nacional del Petróleo

136. El 26 de diciembre de 2018, Almabruk Sultan sustituyó a Faraj Said Al Hassi como nuevo presidente de la Empresa Nacional del Petróleo oriental, un nombramiento realizado por el gobierno interino. Aunque durante los primeros meses después de su nombramiento la Empresa Nacional del Petróleo oriental se mantuvo discreta, el 12 de mayo de 2019 se envió a los operadores del mercado una carta firmada por una junta directiva de la Empresa Nacional del Petróleo oriental (véase el anexo 54). Esa carta afirmaba que el actual presidente de la Empresa Nacional del Petróleo era ahora el Almabruk Sultan y que la sede de la Empresa Nacional del Petróleo estaba en Bengasi. En respuesta a esta comunicación, la Misión Permanente de Libia ante las Naciones Unidas reiteró que la única autoridad legítima para exportar petróleo crudo es la Empresa Nacional del Petróleo con sede en Trípoli y presidida por Mustafa Sanalla (véase el anexo 55). El 9 de octubre de 2019, el Grupo recibió una carta de una junta directiva de la Empresa Nacional del Petróleo oriental, cuyo contenido seguía cuestionando la legitimidad de la Empresa Nacional del Petróleo en Trípoli (véase el anexo 56).

137. El Grupo observa que, además de los pozos de petróleo, las terminales de exportación y las instalaciones conexas en el este, las FAH mantienen su control de los yacimientos de Sharara<sup>152</sup> y Al Feel<sup>153</sup> (véase el párr. 12).

138. El 2 de agosto de 2019, el Grupo se reunió con Almabruk Sultan, quien indicó que la Empresa Nacional del Petróleo oriental seguiría intentando que se la reconociera como institución legítima, con el objetivo final de controlar todo el petróleo libio. Reconoció que se habían hecho gestiones para exportar petróleo crudo y confiaba en que la dinámica actual en el país allanaría el camino para que las autoridades del este pudieran exportar petróleo crudo en algún momento. Declaró que no se había cargado ningún otro buque desde el petrolero Distya Ameya (OMI 9077343) (véase S/2017/466, párr. 183).

139. En este contexto, el gobierno interino y la Empresa Nacional del Petróleo oriental nombraron una junta directiva para una “nueva” Brega Petroleum Marketing Company en el este (“Brega este”)<sup>154</sup>, con el fin de controlar la distribución de combustible en su territorio (véase el anexo 57). Durante octubre de 2019, el Grupo observó signos de que la Empresa Nacional del Petróleo oriental estaba preparándose para asumir el control del Departamento de Inspección y Medición de la Empresa

<sup>151</sup> Véase [www.alsaaa24.com/2019/09/30/الضراط-وصول-عملة-ليبية-من-روسيا-الى-ب/](http://www.alsaaa24.com/2019/09/30/الضراط-وصول-عملة-ليبية-من-روسيا-الى-ب/); y <https://www.facebook.com/watch/?v=2417705204974329>.

<sup>152</sup> Middle East Monitor, “Eastern Libyan forces take over El Sharara oilfield”, 7 de febrero de 2019. Puede consultarse en [www.middleeastmonitor.com/20190207-eastern-libyan-forces-take-over-el-sharara-oilfield/](http://www.middleeastmonitor.com/20190207-eastern-libyan-forces-take-over-el-sharara-oilfield/).

<sup>153</sup> Almarsad, “El-Fil field taken by LNA”, 21 de febrero de 2019. Puede consultarse en <https://almarsad.co/en/2019/02/21/el-fil-field-taken-by-lna/>.

<sup>154</sup> Brega es una filial de la Empresa Nacional del Petróleo responsable de la distribución de combustible en el país. La “nueva” Brega este se ha hecho cargo de todos los activos y de la red de distribución que antes controlaban las oficinas legítimas de Brega en el este.

Nacional del Petróleo en Bengasi<sup>155</sup>, junto con subsidiarias de la Empresa Nacional del Petróleo como Sirte Oil<sup>156</sup> y Ras Lanuf Oil and Gas Processing Company<sup>157</sup>.

140. Aunque la Empresa Nacional del Petróleo de Trípoli mantiene su papel institucional de liderazgo y sigue controlando la explotación de los recursos naturales, estas recientes decisiones de la Empresa Nacional del Petróleo oriental constituyen una clara amenaza para la integridad de la Empresa Nacional del Petróleo. Las actividades de la Empresa Nacional del Petróleo oriental están agravando la división institucional en el país y erosionando la capacidad de la Empresa Nacional del Petróleo para llevar a cabo sus funciones de supervisión de la exportación de petróleo crudo.

141. El Grupo considera que la Empresa Nacional del Petróleo oriental seguirá intentando exportar petróleo crudo (véase el párr. 144). También es posible que Brega este intente controlar la distribución de combustible y la importación de determinados productos refinados (véase el párr. 147).

### C. Instituto Libio de Inversiones

142. Aunque el Instituto Libio de Inversiones (LYe.001) de Trípoli ha proclamado su control de la gestión de activos, el gobierno interino tiene una junta de consejeros paralela, que a su vez designa una junta directiva. El actual presidente de esa junta de consejeros es Abdallah al-Thinni, primer ministro del gobierno interino. El actual presidente de la junta directiva es Hussein Mohamed Hussein, que fue nombrado el 17 de septiembre de 2018. También es parte en un juicio sobre la administración judicial de ciertos activos del Instituto Libio de Inversiones en el Reino Unido (véanse el párrafo 195 y el anexo 58).

## V. Prevención de las exportaciones ilícitas de petróleo, a saber, petróleo crudo y productos derivados del petróleo refinado, de conformidad con las resoluciones 2146 (2014) y 2362 (2017)

### A. Coordinador con arreglo a la resolución 2146 (2014)

143. El 30 de julio de 2019, el Presidente del Consejo de la Presidencia del GCN nombró a Imad Salem Ben Rajab, el Director General del Departamento de Comercialización Internacional de la Empresa Nacional del Petróleo, coordinador con arreglo a la resolución 2146 (2014) (véase el anexo 59). Desde entonces, ha estado en estrecho contacto con el Grupo, proporcionando información pertinente sobre los intentos de exportar ilícitamente petróleo crudo y productos derivados del petróleo refinado. El Grupo sigue considerando que el mecanismo de designación que figura en la resolución 2146 (2014) no es aplicable, principalmente debido a la falta de recursos del GCN (véase la recomendación 7).

<sup>155</sup> El Departamento de Inspección y Medición de la Empresa Nacional del Petróleo desempeña un papel crucial, ya que es la autoridad que lleva a cabo el examen final de la calidad y cantidad del crudo antes de ser exportado.

<sup>156</sup> Véase <https://sirteoil.com.ly>. Fundada en 1981, su sede se encuentra en el puerto de Marsa al Brega.

<sup>157</sup> <https://raslanuf.ly> (el enlace ya no está activo). Fundada en 1982, su sede central se encuentra en Ras Lanuf.

## B. Prevención de la exportación ilícita de petróleo crudo

### 1. Intentos de exportar petróleo crudo de forma ilícita

144. El Grupo ha documentado cuatro intentos de exportación ilícita de petróleo crudo por parte de la Empresa Nacional del Petróleo oriental. Incluyen: a) dos acuerdos de asignación de petróleo crudo, de 8 de abril y 16 de mayo de 2019; b) un documento que parece ser el pliego de condiciones de un contrato de compraventa, de fecha desconocida, pero válido hasta el 20 de julio de 2019; y c) una indagación en el mercado para fletar un buque a fin de exportar 12 millones de barriles de petróleo crudo (véase el anexo 60).

145. De los cuatro casos, el tercero fue el más preocupante. Los aspectos contractuales de ese intento se concibieron para permitir que la Empresa Nacional del Petróleo oriental seleccionara la compañía naviera para la carga, lo que es contrario a la práctica común del mercado<sup>158</sup>. Habría permitido a la Empresa Nacional del Petróleo oriental elegir una compañía naviera *ad hoc* o designar un buque de un Estado del pabellón que simpatizase con las autoridades del este (véase la recomendación 9).

146. Todos los intentos fueron abortados en una etapa temprana. Hasta donde sabe el Grupo, no se escogió ningún buque para cargar el cargamento. No se ha designado ningún buque de conformidad con el párrafo 11 de la resolución 2146 (2014).

### 2. Intento de importación ilícita de combustible de aviación

147. A fines de agosto de 2019, el Grupo recibió información de que la (entonces) oficina de Brega en la zona este había solicitado a su sede de Trípoli una cantidad inusualmente grande de combustible de aviación Jet A-1. La Empresa Nacional del Petróleo rechazó esa solicitud, ya que no estaba convencida de que Brega necesitara esas cantidades adicionales de combustible de aviación para apoyar las operaciones aéreas comerciales normales en el este.

148. El Grupo analizó el consumo de combustible Jet A-1 en el este de Libia durante 2019 (véase el anexo 61) y determinó que, aunque la actividad de la aviación comercial se había mantenido relativamente constante, el consumo de combustible aumentó en relación con la dinámica del conflicto. A fin de obtener acceso a combustible de aviación adicional, representantes de la Empresa Nacional del Petróleo oriental solicitaron que una empresa intermediaria, Byllis Energji de Fier (Albania)<sup>159</sup>, intentara organizar la compra de 20.000 toneladas de combustible Jet A-1<sup>160</sup>. Hasta donde sabe el Grupo, no se entregó combustible.

149. El Grupo considera que una importación unilateral de este tipo por parte de la Empresa Nacional del Petróleo oriental se utilizaría principalmente para apoyar las operaciones de las fuerzas aéreas de las FAH. En tales circunstancias, el combustible

<sup>158</sup> En el pliego de condiciones del contrato de compraventa se indicó que las condiciones de venta eran el “costo, seguro y flete”, en lugar de la práctica habitual del mercado de “franco a bordo”. En los acuerdos de costo, seguro y flete, las responsabilidades del vendedor incluyen el transporte de las mercancías al puerto más cercano, su carga en un buque, el pago del seguro y el flete y hacerse responsable de las mercancías hasta que lleguen al puerto más cercano del comprador. En los acuerdos de franco a bordo, el comprador asume todos los gastos de envío y también asume toda la responsabilidad sobre la mercancía una vez cargada.

<sup>159</sup> Número de registro de la empresa albanesa: L717100281. Dirección: Rr. “Ibrahim Rugova”, Sky Tower, Tirana. El Grupo tiene una copia de la escritura de constitución de la empresa como referencia.

<sup>160</sup> Esto equivale a 25.322.000 litros con una gravedad específica media de 1,2661, que permitiría el consumo en el este a las tasas actuales durante más de tres meses.

de aviación adicional se consideraría un suministro de combate y, por tanto, entraría en el ámbito del material militar a que se refiere el párrafo 9 de la resolución [1970 \(2011\)](#).

150. El Grupo considera que tal importación realizada por la Empresa Nacional del Petróleo oriental o cualquier institución paralela en el este constituye por sí una amenaza importante para la integridad de la Empresa Nacional del Petróleo, e inevitablemente conducirá a nuevas decisiones unilaterales (véase el párr. 136) (véase la recomendación 10).

### **C. Prevención de la exportación ilícita de productos refinados derivados del petróleo**

151. Aunque el contrabando de productos refinados derivados del petróleo de Libia ha disminuido en comparación con años anteriores, todavía se mantiene en niveles importantes. Las redes delictivas que se encuentran dentro y fuera de Libia obtienen beneficios sustanciales. La cadena logística de apoyo genera una fuente básica de ingresos para muchos individuos en cada eslabón de la cadena en todo el país, particularmente en el sur y en el extremo oeste, donde escasean otras oportunidades económicas.

152. Durante el período sobre el que se informa, la ofensiva de las FAH contra grupos armados basados en Trípoli puso fin temporalmente al contrabando de combustible. Sin embargo, al cabo de unas semanas, las redes implicadas reanudaron sus operaciones, principalmente en el oeste y el sur del país, aunque a un menor nivel. Se sigue desviando combustible por mar y por tierra (véanse los párrs. 166 y 175).

153. Las principales instituciones libias participan activamente en la lucha contra el contrabando de combustible. El Servicio de Guardacostas de Libia, aunque condicionado por sus capacidades limitadas, permaneció vigilante. A pesar de que no interceptó ningún buque, el Servicio de Guardacostas ha aumentado su conciencia operativa. El 7 de febrero de 2019, la Oficina del Fiscal General emitió órdenes de detención contra más de 100 personas y propietarios de gasolineras implicados en el contrabando y ordenó al Banco Central de Libia que congelara las cuentas de las respectivas empresas (véase el anexo 62).

154. Brega se encarga del suministro de combustible a las cuatro empresas distribuidoras: Sharara Oil Services, Libya Oil, Al Rahila y Turek Saria. En noviembre de 2018, a fin de mejorar la transparencia del suministro y la supervisión pública, Brega comenzó a publicar los detalles de las entregas de combustible realizadas a las distintas gasolineras (véase el párr. 158).

#### **1. Mecanismo de distribución de combustible**

155. En los párrafos 147 y 148 de su informe anterior ([S/2018/812](#)), el Grupo explicó el sistema de importación de combustible y cómo se determina la demanda. El Grupo también observó un “comité de consumidores importantes” que se reúne todos los meses para determinar los requisitos de importación. Brega tiene un papel clave, ya que proporciona estimaciones de la demanda, que se calculan inicialmente como el consumo medio de los últimos cinco años más un 2 %.

156. Una vez importados los productos refinados, la titularidad y responsabilidad se transfieren a Brega, encargada de suministrar combustible a las cuatro empresas distribuidoras. Desde principios de 2019, Brega ha obligado a las cuatro empresas distribuidoras a pagar su combustible por adelantado. El departamento de suministros de Brega no emite albaranes a las empresas distribuidoras hasta que el departamento financiero confirma que se ha recibido el pago. Aunque esta medida se adoptó a nivel



nacional, Brega este no ha cumplido este procedimiento interno desde que comenzó la ofensiva de las FAH.

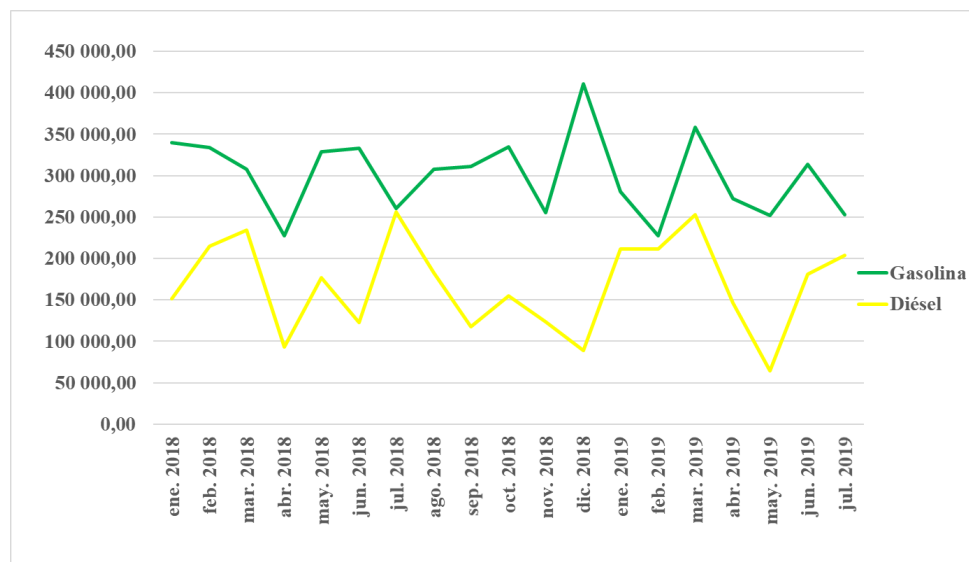
157. Brega también ha elaborado una lista de gasolineras de “confianza” con licencia, basada en “aprobar” una inspección física. No se entrega combustible a ninguna gasolinera que no figure en la lista (véase el anexo 63). En septiembre de 2018, las nuevas normas para regular las gasolineras pasaron a ser plenamente vinculantes (S/2018/812, párr. 152). Las nuevas licencias para operar y vender combustible son otorgadas por la Empresa Nacional del Petróleo. Sin embargo, las gasolineras están operando en contravención de las nuevas normas utilizando licencias de la Empresa Nacional del Petróleo anteriores a septiembre de 2018 que no han sido revocadas. En diciembre de 2018, una sola oficina del Ministerio de Economía asumió la responsabilidad de expedir permisos de construcción de nuevas gasolineras, lo que supone una vuelta al sistema anterior a 2011.

158. Los productos refinados, gasolina y diésel, se entregan a las empresas distribuidoras a un precio de 0,1016 dinares libios (0,072 dólares) por litro. El combustible se vende al por menor a las gasolineras a 0,14 dinares libios (0,099 dólares) y al público a 0,15 dinares libios (0,11 dólares). Las figuras XV a XVIII proporcionan una indicación de las cantidades de productos petrolíferos importados por la Empresa Nacional del Petróleo (2018 y 2019), refinados localmente (2015 a 2019) y distribuidos por Brega (2010 a 2019). En el anexo 64 figuran cifras detalladas.

Figura XV

**Combustible importado por la Empresa Nacional del Petróleo, 2018 a julio de 2019**

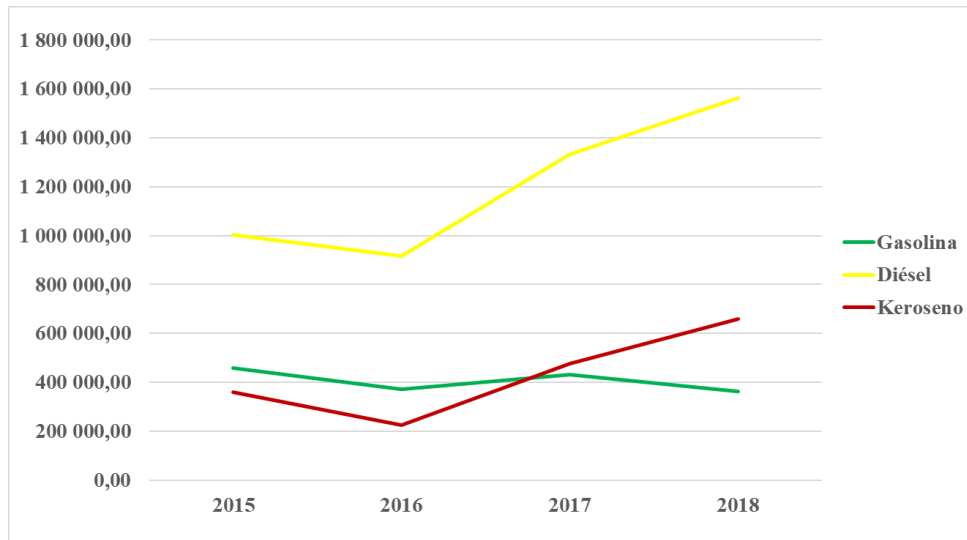
(En toneladas)



*Fuente:* Elaborado por el Grupo de Expertos sobre Liba utilizando datos de la Empresa Nacional del Petróleo.

**Figura XVI**  
**Combustible refinado internamente por la Empresa Nacional del Petróleo,**  
**2015 a 2018**

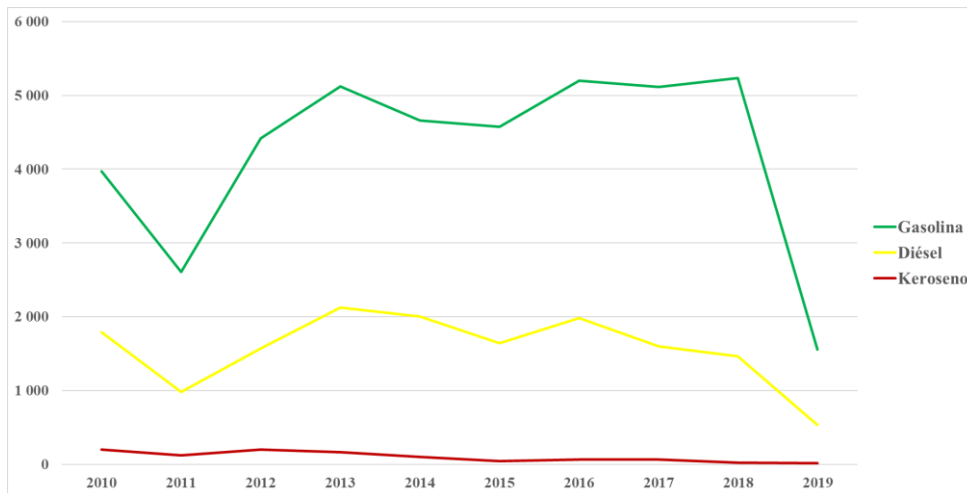
(En toneladas)



*Fuente:* Elaborado por el Grupo de Expertos sobre Liba utilizando datos de la Empresa Nacional del Petróleo.

**Figura XVII**  
**Combustible distribuido por Brega, 2010 a abril de 2019**

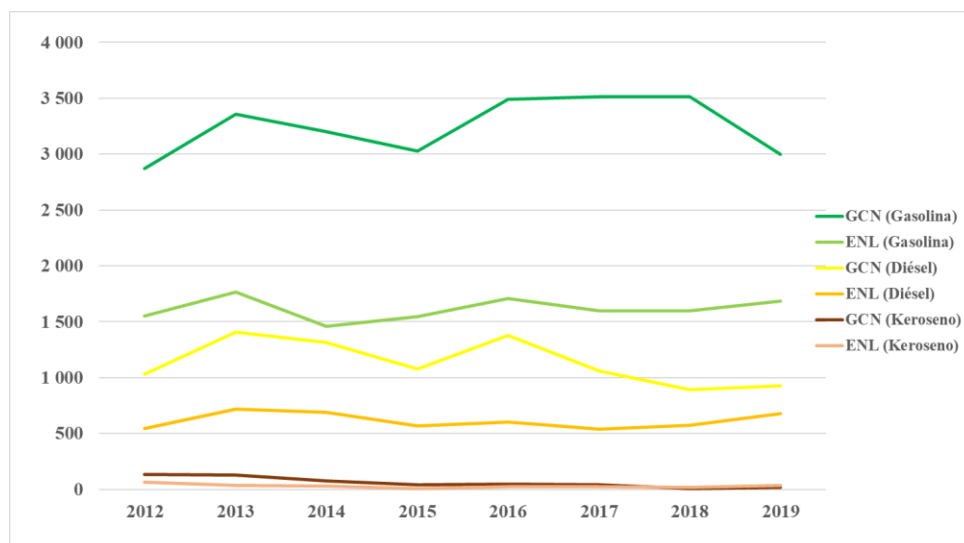
(En millones de litros)



*Fuente:* Elaborado por el Grupo de Expertos sobre Liba utilizando datos de la Brega Petroleum Marketing Company.

Figura XVIII  
**Combustible distribuido por Brega, 2010 a 2019 según los territorios<sup>a</sup>**

(En millones de litros)



Fuentes: Elaborado por el Grupo de Expertos sobre Libia utilizando datos de la Brega Petroleum Marketing Company. Las cifras de 2019 son una estimación.

<sup>a</sup> Las FAH controlan territorio en el este y el sur de Libia. El Gobierno de Consenso Nacional controla el resto.

## 2. Empresas de distribución

159. La Empresa Nacional del Petróleo delegó en las cuatro empresas distribuidoras la responsabilidad de comprobar que las gasolineras cumplieran las nuevas normas nacionales y suministrar únicamente combustible a las que las cumplieran, lo que hizo que se descubriera que más del 20 % de las gasolineras existentes no cumplían las nuevas normas nacionales exigidas que se detallan en el párrafo 157. Sin embargo, las empresas distribuidoras siguen distribuyendo combustible a gasolineras que tienen licencias anteriores a septiembre de 2018. Esta actividad continúa, ya que es un beneficio económico para las empresas distribuidoras y además evita que se emprendan acciones legales en caso de que se deniegue el suministro.

160. Las empresas locales de distribución están registradas como entidades legales separadas bajo los nombres de las cuatro empresas distribuidoras principales. Esto ha llevado a confusión en cuanto a la situación jurídica de esas empresas, ha generado disputas legales y ha impedido un enfoque cohesionado.

161. Las empresas de distribución de combustible tienen gastos de funcionamiento elevados, principalmente debido a un exceso de personal, cuestión que son reacias a abordar. La estructura de precios regulada que se muestra en el párrafo 158 significa que sus márgenes de beneficio vienen dictados por sus gastos de funcionamiento y su eficiencia. La falta de control de los gastos de funcionamiento y la gestión ineficaz hacen que actualmente el margen de beneficio sea bajo o inexistente. El modelo de negocio se complica aún más, ya que la deuda histórica sigue sin cuantificarse y sin resolverse, mientras que las empresas siguen acumulando deuda con Brega. En 2017 esa deuda ascendía a 570 millones de dinares libios (403 millones de dólares)<sup>161</sup>. El

<sup>161</sup> Reunión con un alto funcionario de Brega, Estambul (Turquía), julio de 2019.

requisito de Brega de pago por adelantado (véase el párr. 156) significa que las empresas de distribución siguen enfrentándose a importantes problemas de liquidez.

162. Fuentes fidedignas consideran que la situación financiera de las empresas de distribución solo empeorará, y que existe un riesgo real de un empeoramiento considerable de su capacidad para distribuir efectivamente el combustible. Altos cargos, entre ellos el Ministro del Interior y Defensa, están pidiendo la abolición del monopolio para que los propietarios de gasolineras puedan comprar directamente a Brega productos refinados del petróleo (véase el anexo 65).

163. Desde junio de 2019, Brega ha estado utilizando gasolineras móviles para distribuir combustible directamente al público en Trípoli. Esto asegura un nivel razonable de suministro durante el conflicto actual.

### 3. Red Zawiya

164. En su informe anterior, (S/2018/812, párr. 156 y anexo 47), el Grupo explicó el papel central de la red Zawiya en el desvío de combustible, organizada en torno al complejo petrolero de Zawiya. La brigada Al-Nasr, encabezada por Mohammed Kashlaf (LYI.025), opera bajo los auspicios de la Guardia de las Instalaciones Petroleras y sigue a cargo de la seguridad del complejo petrolero (véanse el párr. 57 y el anexo 21).

165. El Consejo Municipal de Zawiya ha elogiado el papel de los responsables de la seguridad del complejo petrolero. Sin embargo, acusó a Brega y a las cuatro empresas distribuidoras de falta de control sobre la red de distribución de combustible, facilitando así las condiciones en las que se produce el contrabando de combustible (véase el anexo 66). El Grupo sigue recibiendo pruebas de que la brigada Al-Nasr mantiene un papel central en las actividades de contrabando y se beneficia del tráfico de combustible distribuido desde el complejo petrolero<sup>162</sup>. En el anexo 21 figura una descripción de la red y del *modus operandi*. Desde el complejo petrolero hasta su destino final, ya sea de contrabando por mar o por tierra, el combustible pasa por varios puestos de control clave bajo el control de diferentes grupos armados. En el anexo 67 figura una descripción.

### 4. Exportaciones ilícitas por mar

166. En el oeste, Zuwara y Abu Kammas<sup>163</sup> siguen siendo los puntos clave desde los cuales se introducen de contrabando por mar productos petrolíferos refinados, principalmente gasóleo para uso marítimo (0,1 % de azufre). En el anexo 68 figuran detalles de las especificaciones. El Grupo también ha observado pequeñas desviaciones de Marsa al Dila<sup>164</sup>, un pequeño puerto inacabado al oeste de Zawiya.

167. En su informe anterior (S/2018/812, párrs. 165 a 167), el Grupo ofreció una descripción detallada del *modus operandi* de las exportaciones ilícitas desde Libia. Normalmente, el contrabando de combustible se realiza mediante pequeños buques de transporte de productos de un solo casco, cargados frente a las costas de Zuwara o Abu Kammas por buques auxiliares más pequeños o barcos pesqueros, algunos de ellos con cisternas modificadas. Durante el período sobre el que se informa, la estación de bombeo situada en la fábrica de productos químicos de Abu Kammas<sup>165</sup> siguió funcionando.

<sup>162</sup> Durante el período sobre el que se informa, un litro de combustible (benceno) en el mercado negro de Zawiya se vendía a 0,75 dinares libios (0,53 dólares). En Zuwara, el combustible se vendía a 1,75 dinares libios (1,24 dólares).

<sup>163</sup> 33°04'27"N, 11°44'12"E.

<sup>164</sup> 32°47'33"N, 12°44'48"E.

<sup>165</sup> 33°05'04"N, 11°49'40"E.

168. Las redes de contrabando de Zuwara y Abu Kammas siguieron funcionando durante el período que abarca el presente informe con el apoyo de patrocinadores locales. La llamada Sala de Operaciones de Zuwara, dirigida por Zakaria Koshman, Wiyar Shalki y Osama Qutara, controla la planta química de Abu Kammas y proporciona cobertura para muchas de esas operaciones.

169. El Grupo ha identificado a varios contrabandistas de combustible. Uno de los más activos durante 2019 ha sido Daniel Al Attushi, un ciudadano libio que ya está incluido en la lista de órdenes de detención emitidas por la Oficina del Fiscal General en diciembre de 2017 (S/2018/812, párr. 143 y anexo 43).

## 5. Buques designados por el Comité

170. Durante el período sobre el que se informa, no se añadió ningún buque a la lista de sanciones. El mecanismo que figura en la resolución 2146 (2014) exige que un coordinador designado por el Gobierno de Libia se comunique con el Comité en relación con las medidas previstas en esa resolución y, en particular, informe al Comité de todo buque que participe en exportaciones ilícitas. Como el coordinador estuvo ausente hasta el 30 de julio de 2019 (véase el párr. 143), el mecanismo de aplicación fue ineficaz y lo sigue siendo (véase la recomendación 7).

## 6. Buques implicados en el contrabando de combustible

171. En su informe de 2016 (S/2016/209, párr. 202) y su informe de 2018 (S/2018/812, párr. 178), el Grupo informó sobre el *modus operandi* del contrabando de combustible por mar. La mayoría de los barcos navegan hacia el sur desde Malta en dirección al golfo de Gabes<sup>166</sup> (Túnez). Cuando se encuentran entre 40 y 60 millas náuticas frente a la costa tunecina, se dirigen al este hacia Zuwara. La carga se lleva a cabo por barcos pesqueros o a través de gasoductos especializados (véase el párr. 167). Después de la operación de carga, que puede durar entre uno y dos días, por lo general regresan a Malta, donde algunos de los buques merodean fuera del límite de 12 millas náuticas de las aguas territoriales maltesas hasta que hacen una transferencia del producto de buque a buque (véanse las recomendaciones 8 y 9).

172. Durante los últimos nueve meses, la creciente presión de los agentes locales e internacionales, junto con la inestabilidad en el país, ha hecho que la mayoría de los buques se carguen ahora a 70 millas náuticas de la costa de Libia. En el anexo 69 figura una indicación de la zona. Las transferencias múltiples de buque a buque se realizan en no menos de cuatro días, dependiendo del tamaño del buque cisterna que se esté cargando.

173. Ninguno de los buques implicados muestra ninguna señal del sistema de identificación automática (SIA)<sup>167</sup>. Si se les inspecciona, los barcos pesqueros empleados en los traslados atribuyen sus grandes cargas de combustible a los largos períodos de pesca en alta mar. Dado que en Libia no existe un sistema de seguimiento de la pesca, las autoridades locales no conocen la ubicación, el rumbo o la velocidad de esas embarcaciones pesqueras.

174. El Grupo sigue observando buques que muestran patrones de navegación sospechosos que indican actividades ilícitas. Algunos de esos buques figuran en el cuadro 10.

<sup>166</sup> Centrado en 34°14'13"N, 10°49'03"E.

<sup>167</sup> El sistema de identificación automática (SIA) es un sistema de seguimiento obligatorio para los buques de arqueo bruto de más de 300 toneladas.

Cuadro 10  
Buques de interés

<i>Nombre</i>	<i>Núm. de la OMI</i>	<i>Pabellón</i>	<i>Observaciones</i>
Ali Mercan	8992730	Panamá	Buque cisterna para productos (378 de arqueo bruto)
Bonnie B	6810055	Chipre	Buque cisterna para productos (1.580 de arqueo bruto)
Maraya	7514517	Samoa	Buque de carga (640 de arqueo bruto)
Ocean 61	8870865	Panamá	Buque cisterna para productos (1.584 de arqueo bruto)
Ozu 2	8918887	Desconocido	Pesca de arrastre (276 de arqueo bruto)
Rose 10	7511125	Panamá	Buque cisterna para productos (1.282 de arqueo bruto)
Rose 20	8004662	República Unida de Tanzania	Buque cisterna para productos (1.313 de arqueo bruto)
Shahat	7820590	Libia	Pesca de arrastre (128 de arqueo bruto)
Sifana (antes Reem 1)	9046758	República Unida de Tanzania	Buque cisterna para productos (780 de arqueo bruto)
Sky White	7922491	Sierra Leona	Pesca de arrastre (277 de arqueo bruto)
Turu	8408777	Panamá	Buque cisterna para productos (399 de arqueo bruto)

*Fuente:* Confidencial.

## 7. Exportaciones ilícitas por tierra

175. En su informe anterior (S/2018/812, párr. 182), el Grupo informó sobre la exportación ilícita por tierra de productos petrolíferos refinados, principalmente benceno, desde varias regiones de Libia. Esto continúa hoy en día a diferentes escalas. Esta actividad genera un beneficio pequeño pero estable para muchas personas en regiones en las que prevalecen altas tasas de desempleo y en las que casi no se dispone de otras actividades económicas.

176. El contrabando de combustible en cantidades inferiores se considera socialmente aceptable. Se supone en general que el petróleo es un recurso libio del que todos los ciudadanos tienen derecho a beneficiarse. En muchas regiones prevalece la economía informal y el mercado paralelo está abierto para quienes estén dispuestos a comprar combustible y transportarlo a su propio riesgo para venderlo en otras zonas, incluso fuera de Libia.

177. En el sur, la mayoría de las gasolineras siguen cerradas o venden combustible a precios no oficiales. La campaña militar de las FAH en el sur trató de poner fin a esta actividad<sup>168</sup>, pero tuvo poco efecto. Aunque algunas de las gasolineras reabrieron al público entre enero y febrero de 2019 y los precios de los combustibles del mercado paralelo se redujeron temporalmente de 1,5 a 2,0 dinares libios (1,08 a 1,44 dólares) por litro a 0,5 dinares libios (0,36 dólares) por litro, el tráfico de combustible se reanudó más tarde. En la actualidad, el precio en el mercado negro es de 1,0 dinares libios (0,72 dólares) por litro.

<sup>168</sup> Almarsad, “LNA says it will attack fuel smugglers”, 5 de marzo de 2019. Puede consultarse en <https://almarsad.co/en/2019/03/05/lna-says-it-will-attack-fuel-smugglers/>.

178. En el este, se siguen desviando pequeñas cantidades de combustible de la refinería de Al Sarir<sup>169</sup>, como se indicó inicialmente en el párrafo 185 del informe anterior del Grupo (S/2018/812).

179. En el oeste de Libia, el combustible se pasa de contrabando desde Zuwara por tierra a Túnez. Las fronteras porosas y la prevalencia de la economía informal en el lado tunecino de la frontera están contribuyendo a la desviación. El Gobierno de Túnez ha aprobado la creación de una zona franca económica en Ben Guardane<sup>170</sup>, cuyo impacto en las exportaciones ilícitas de combustible aún está por evaluar.

## VI. Aplicación de las disposiciones relativas a la congelación de activos de entidades designadas

### A. Sinopsis

180. El Grupo ha seguido trabajando con representantes de las dos entidades designadas, el Instituto Libio de Inversiones (conocido también como Empresa Libia de Inversión Extranjera) (LYe.001), el Libyan Africa Investment Portfolio (LYe.002) y todas las demás partes interesadas. El Grupo sigue investigando principalmente: a) la autoridad legal de la administración actual del Instituto Libio de Inversiones; b) el pago de los intereses de las cuentas bloqueadas; c) el pago de las comisiones de gestión; y d) el tratamiento de las filiales. El Instituto Libio de Inversiones ha hecho hincapié en su estrategia para mejorar la transparencia, la gobernanza y la rendición de cuentas en la gestión de la empresa y sus activos (véase el anexo 70).

181. El Grupo ha informado sistemáticamente de que la Empresa Libia de Inversión Extranjera es una entidad financiera jurídica independiente del Instituto Libio de Inversiones y debe ser tratada como tal<sup>171</sup>.

182. La complejidad de la situación financiera en torno a los activos congelados hace necesaria que se añada más capacidad al Grupo para hacer progresar de manera eficiente y eficaz una cartera de investigaciones cada vez mayor durante el próximo mandato.

### B. Caso Palladyne/Upper Brook

183. En los párrafos 208 a 226 de su informe anterior, el Grupo informó sobre el control de tres fondos de inversión de Upper Brook por un valor total de 700 millones de dólares de los Estados Unidos, que fueron establecidos en las Islas Caimán en 2007 por el Instituto Libio de Inversiones y el Libyan Africa Investment Portfolio. En la actualidad, estos fondos se denominan comúnmente fondos Palladyne/Upper Brook. Los fondos fueron congelados por el Reino Unido en virtud de la Orden 2011 sobre Libia (Medidas Restrictivas) (Territorios de Ultramar).

184. En 2014, el Instituto Libio de Inversiones destituyó al primer director que había nombrado, la empresa Palladyne International Assets Management, debido a preocupaciones sobre la gestión de los fondos. El nombramiento por el Instituto de dos personas como nuevos directores para reemplazar a Palladyne International

<sup>169</sup> 27°40'15"N, 22°29'35"E.

<sup>170</sup> Riadh Bouazza, "Free trade zone to be established on Tunisian-Libyan Border", Arab Weekly, 17 de marzo de 2019. Puede consultarse en <https://thearabweekly.com/free-trade-zone-be-established-tunisian-libyan-border>.

<sup>171</sup> Véanse S/2013/99, párr. 225; S/2017/466, párrs. 237 y 238; y S/2018/812, párr. 232.

Assets Management fue impugnado inmediatamente por Palladyne International Assets Management ante el Gran Tribunal de las Islas Caimán.

185. El fallo definitivo en las Islas Caimán se dictó el 30 de enero de 2019<sup>172</sup>, y Palladyne International Assets Management apeló la sentencia el 19 de marzo de 2019. La apelación está pendiente, y el resultado repercutirá sin duda en la futura gestión de esos tres fondos de inversión. Inmediatamente después de que se entregara el proyecto de fallo en diciembre de 2018 a todas las partes involucradas en este litigio, el Instituto Libio de Inversiones destituyó a los dos directores nombrados en 2014. En enero de 2019, el Instituto volvió a nombrar a Palladyne International Assets Management como director de los tres fondos de inversión.

186. El 6 de febrero de 2019, el Presidente de la Junta Directiva del Instituto Libio de Inversiones, Ali Mahmoud Hassan, fue detenido. Después de su arresto, los directores restantes de la Junta Directiva del Instituto negaron tener conocimiento de la decisión de volver a nombrar a Palladyne International Assets Management. El 20 de febrero de 2019, los miembros restantes de la Junta Directiva nombraron a Khalid Khalifa Taher (uno de los miembros de la Junta) como Presidente interino de la Junta. A continuación, la Junta emitió una decisión por la que anulaba todas las decisiones adoptadas por Ali Mahmoud Hassan.

187. El 23 de febrero de 2019, el Primer Ministro del GCN, en su calidad de Presidente de la Junta Directiva del Instituto Libio de Inversiones, invalidó la decisión de la Junta Directiva de 20 de febrero de 2019. Simultáneamente, la Autoridad de Control Administrativo de Libia tomó medidas similares. La razón era que la decisión de la Junta Directiva se había adoptado en ausencia de Ali Mahmoud Hassan, por lo que no era válida.

188. El Presidente de la Junta Directiva nombró a su Jefe de Gabinete, Youssef Al Mabrouk, Vicepresidente de la Junta Directiva para que actuara en ausencia del Presidente. A continuación, el Presidente de la Junta Directiva nombró a Mustafa al Manea para la Junta Directiva y formó un comité especial, encabezado por el Ministro de Planificación, para que sirviera de enlace con la Oficina del Fiscal General en relación con las cuestiones jurídicas a las que se enfrentaba el Instituto Libio de Inversiones como entidad.

189. El 18 de abril de 2019, o alrededor de esa fecha, Ali Mahmoud Hassan fue puesto en libertad. El 22 de abril de 2019, dos miembros de la Junta Directiva del Instituto Libio de Inversiones dimitieron, dejando cinco miembros restantes, incluido el nuevo Vicepresidente. El 24 de abril de 2019, la Junta Directiva revocó las resoluciones de enero de 2019 que daban el control de las empresas de Palladyne/Upper Brook a Palladyne International Assets Management, y nombró a cuatro nuevos miembros de la Junta Directiva de estas empresas.

190. El 15 de mayo de 2019, el Grupo se dirigió por escrito al Presidente de la Junta Directiva del Instituto Libio de Inversiones para solicitar aclaraciones sobre la nueva estructura de gestión de los tres fondos en las Islas Caimán. El 6 de junio de 2019, Ali Mahmoud Hassan, Presidente de la Junta Directiva del Instituto, respondió en nombre del Presidente de la Junta Directiva. En resumen, en la respuesta se afirmaba que: a) los dos directores nombrados en 2014 habían sido destituidos por negarse a reconocer la autoridad de la Junta Directiva del Instituto Libio de Inversiones nombrado por el GCN, y podían actuar legalmente sin supervisión alguna por parte de la Junta; b) se había vuelto a elegir a Palladyne International Assets Management como director de los fondos Palladyne/Upper Brook a corto plazo como solución temporal, lo que también aseguraba que el Instituto Libio de Inversiones siguiera

<sup>172</sup> Gran Tribunal de las Islas Caimán, *Palladyne International Asset Management B.V. c. Upper Brook (A) Limited y otros*. Causa núm. FSD 0068de 2016 (NSJ). Fallo.



cumpliendo las leyes de las Islas Caimán sobre diligencia debida; y c) Palladyne International Assets Management conocía la cartera en detalle, había proporcionado informes mensuales detallados sobre los resultados de los tres fondos y estaba dispuesto a participar en una investigación sobre el valor y la ubicación de los activos y su estructura de cobro de comisiones.

191. Aunque la Junta Directiva del Instituto Libio de Inversiones enfatizó que Palladyne International Assets Management proporciona informes mensuales detallados sobre los tres fondos, el Grupo considera que los siguientes puntos merecen consideración:

- a) Los informes mensuales no han sido certificados por un Administrador desde 2014;
- b) Algunos de los informes examinados por el Grupo no especifican la ubicación de los activos o inversiones, sino que indican en términos generales la asignación de los activos en términos de región geográfica y sector, y no en lo que respecta a las empresas;
- c) Desde 2018, solo el Instituto Libio de Inversiones ha recibido los informes de los tres fondos de Upper Brook;
- d) El Libyan Africa Investment Portfolio no dispone de información completa sobre sus inversiones. Aunque el Portfolio había dado al Instituto Libio de Inversiones autoridad para actuar en su nombre, parece que en un momento dado el Portfolio revocó esa decisión, pero mediante una orden del Vicepresidente de la Junta Directiva del Instituto Libio de Inversiones de 31 de marzo de 2019 se anuló esa medida del Portfolio.

192. Los acontecimientos mencionados ilustran las decisiones cambiantes de la Junta Directiva del Instituto Libio de Inversiones, que impiden una gestión estratégica y consistente de los fondos de inversión. Además, no se está logrando una supervisión eficaz y periódica, ya que no se ha designado a ningún Administrador<sup>173</sup> para que presente los informes mensuales sobre la ejecución y no hay información suficiente para que el Instituto Libio de Inversiones pueda determinar qué valores tienen los tres fondos de inversión. Aunque el Instituto Libio de Inversiones ha indicado que en breve nombrará a un auditor forense, no se han adoptado otras medidas concretas que le permitan asumir el control efectivo de los tres fondos de inversión.

#### **Autoridad sobre el Instituto Libio de Inversiones**

193. Las controversias sobre el liderazgo que se examinan en el informe anterior del Grupo (S/2018/812, párrs. 222 y 223 y anexo 58) siguen afectando al funcionamiento del Instituto Libio de Inversiones (conocido también como Empresa Libia de Inversión Extranjera), el Libyan Africa Investment Portfolio y todas sus filiales.

194. El 10 de abril de 2019, el Tribunal Supremo de Libia tomó una decisión sobre las dos apelaciones presentadas contra los fallos del Tribunal de Apelaciones de Bengasi (Sala Administrativa) por la Presidencia del Consejo (S/2018/812, anexo 58, párrs. 8 y 9). Ambas sentencias fueron anuladas por falta de competencia.

195. El Grupo tiene conocimiento de un caso pendiente en Libia, presentado por el ex Presidente de la Junta del Instituto Libio de Inversiones, Abdulmagid Breish.

<sup>173</sup> Un administrador es responsable de la contabilidad de las inversiones y de informar de los resultados a los clientes. El administrador prepara los estados de cuentas mensuales o trimestrales que se envían al cliente y que muestran las tenencias, ganancias, pérdidas y saldos del cliente. El administrador también responde a las preguntas de los clientes relacionados con esos temas.

Durante 2019, el Tribunal Supremo de Libia dictaminó que la destitución de Mohsen Derrigia en marzo de 2013 como Presidente de la Junta Directiva del Instituto Libio de Inversiones era ilegal.

196. En el Reino Unido continúan procedimientos judiciales que ponen de relieve las controversias en curso. Ali Mahmoud Hassan, actual Presidente de la Junta Directiva del Instituto Libio de Inversiones, ha presentado una solicitud al Tribunal Superior de Justicia del Reino Unido para que se levanten las suspensiones de pagos que se instituyeron a causa de la controversia sobre el liderazgo. Ha habido varias audiencias y la decisión final se espera para noviembre de 2019. En el anexo 71 figuran más detalles sobre estas cuestiones jurídicas.

### C. Comisiones de gestión y custodia

197. El pago de las comisiones de gestión y custodia es una cuestión planteada por el Instituto Libio de Inversiones, que considera que son pérdidas debidas a la congelación de activos. El Grupo considera que esas comisiones son parte del costo inherente al desarrollo de una actividad comercial y que no pueden denominarse pérdidas o contabilizarse como tales.

198. En los párrafos 224 a 226 de su informe anterior, el Grupo determinó que el Instituto no se había cumplido el procedimiento de determinación y notificación establecido en el párrafo 19 a) de la resolución 1970 (2011) en relación con el pago de las comisiones. Durante el período sobre el que se informa se examinaron nuevos casos.

199. El Instituto ha proporcionado al Grupo detalles sobre: a) comisiones de custodia de aproximadamente 55 millones de dólares cobradas por dos bancos situados en el Reino Unido a partir de 2011; y b) comisiones de administración de aproximadamente 12,5 millones de dólares cobradas por uno de esos bancos. Esas cifras, proporcionadas por el Instituto, se refieren a la cartera de acciones y demuestran los supuestos efectos secundarios de las sanciones. El Instituto ha declarado claramente al Grupo que uno de sus bancos custodios no proporciona datos exactos sobre las comisiones de gestión y, por tanto, el Instituto no puede atender la solicitud del Grupo de dar información detallada.

200. El sistema existente en la actualidad es que el banco custodio presenta una factura mensual de las comisiones de custodia que se cargan a continuación en la cuenta del Instituto Libio de Inversiones. Las comisiones de custodia se cobran por servicios tales como el mantenimiento de los registros de valores, el mantenimiento de las cuentas de efectivo, la custodia de los activos y la administración de los activos. El Grupo escribió directamente al banco solicitando detalles de la gestión de los fondos bajo su custodia, pero se le informó de que las restricciones de privacidad de los datos impedían que el banco los comunicara directamente. El Grupo ha escrito al Reino Unido para pedirle aclaraciones, pero aún no ha recibido los datos financieros detallados solicitados.

201. Un banco de Bahrein había estado deduciendo periódicamente sus comisiones de gestión de la “cuenta gratuita” para los fondos mantenidos, en cuentas bancarias separadas, en nombre del Instituto Libio de Inversiones y la Empresa Libia de Inversión Extranjera. Esos fondos se deberían haber congelado, pero no se hizo debido a una interpretación errónea de las disposiciones de la congelación de activos. El Estado Miembro está adoptando las medidas necesarias para aplicar plenamente el párrafo 19 a) de la resolución 1970 (2011).

202. Es evidente que las disposiciones del párrafo 19 a) de la resolución 1970 (2011) no están siendo interpretadas correctamente por algunos Estados Miembros. El Grupo

recomienda que los Estados Miembros examinen las medidas adoptadas para la aplicación adecuada de la congelación de activos y asesoren a las instituciones financieras sobre los procedimientos correctos que deben seguirse para que no continúen las prácticas divergentes y se cumplan en su totalidad las disposiciones de los párrafos 19 y 20 de la resolución [1970 \(2011\)](#).

#### **D. Filiales**

203. En los párrafos 218 a 221 de su informe anterior, el Grupo informó sobre el tratamiento de las filiales. Este ha sido un problema recurrente durante el período que abarca el presente informe, y es necesario resolverlo.

204. Los diferentes enfoques de los Estados Miembros están afectando a la aplicación correcta de la congelación de activos y es difícil garantizar que los fondos, recursos económicos, etc., se preserven para el pueblo libio, como se pretendía. Un caso sirve como ejemplo. Una empresa situada en la jurisdicción del Estado Miembro “A” es propiedad del Instituto Libio de Inversiones. Los fondos físicos de esa empresa están en poder de un banco custodio en el Estado Miembro “B”. Como esa empresa no está incluida específicamente en la lista de sanciones, el Estado Miembro “B” no considera que se deban congelar sus activos, a pesar de que esa empresa es de propiedad total del Instituto Libio de Inversiones, una entidad designada. Por tanto, esos fondos pueden desembolsarse libremente a través del banco custodio del Estado Miembro “B”, con lo que se evita la congelación de activos (véase el párr. 207).

205. El Grupo señala que según el párrafo 17 de la resolución [1970 \(2011\)](#) es pertinente: “congelar sin demora todos los fondos, otros activos financieros y recursos económicos que sean de propiedad o estén bajo el control, directo o indirecto, de las personas o entidades incluidas de personas o entidades que actúen en su nombre o bajo su dirección o de entidades que sean de propiedad o estén bajo el control de ellas”.

206. El Grupo señala también que en el párrafo 15 de la resolución [2009 \(2011\)](#) se dispone que los fondos, otros activos financieros y recursos económicos pertenecientes al Instituto Libio de Inversiones y el Libyan Africa Investment Portfolio fuera de Libia que fueron congelados a partir del 16 de septiembre de 2011 seguirán congelados por los Estados Miembros. De otra manera, el Instituto Libio de Inversiones y la Libyan Africa Investment Portfolio dejarán de estar sujetos a las medidas establecidas en el párrafo 17 de la resolución [1970 \(2011\)](#).

207. Siguiendo la regla de la construcción armoniosa, el párrafo 15 de la resolución [2009 \(2011\)](#) debe leerse junto con el párrafo 17 de la resolución [1970 \(2011\)](#). La aplicación de la congelación de activos sería limitada, o casi inexistente, si solo se congelaran los activos mantenidos directamente a nombre de una entidad designada. Por ley, la propiedad o el control directo o de los beneficiarios es un factor importante para determinar los activos de una empresa y debería ser un factor determinante para la redacción de las disposiciones de congelación de activos en todas las sanciones. El Grupo es de la opinión de que los activos de una subsidiaria deben ser congelados cuando la entidad designada tiene una participación mayoritaria y por tanto puede dictar las decisiones de esa subsidiaria o influir en ellas.

208. El Grupo ha constatado que algunos Estados Miembros e instituciones financieras tienen en cuenta los beneficiarios finales y el control a la hora de determinar qué activos deben congelarse, incluidos los de las filiales de propiedad total. Otros no lo hacen.

209. El Grupo considera que la nota orientativa 1 para la aplicación de resoluciones del Comité, en la que se establece claramente que las filiales no están sujetas a la

congelación de activos, entra en conflicto directo con las disposiciones de las resoluciones y es contraria a ellas. La nota orientativa 1 no es un instrumento jurídico y, por tanto, no puede invalidar ni contradecir las disposiciones de una resolución del Consejo de Seguridad. El Grupo considera que esta contradicción evidente requiere una solución (véase la recomendación 11).

## **E. Factores adicionales**

210. El Grupo examinó otros temas, tales como a) problemas para obtener información de las instituciones financieras; b) consecuencias de la nota orientativa 6 sobre la congelación de los intereses y otros ingresos generados por los fondos congelados; y c) la existencia de una Junta Directiva paralela del Instituto Libio de Inversiones en el este. Los detalles figuran en el anexo 71.

211. La falta de información exacta o precisa por parte de los Estados Miembros está siendo un obstáculo importante para obtener una reseña completa de los activos congelados. La información de un Estado Miembro puso de manifiesto una enorme discrepancia entre dos cifras de información anual consecutiva, que todavía se está conciliando. El Grupo sigue vigilando la situación.

## **VII. Aplicación de las disposiciones relativas a la congelación de activos y la prohibición de viajar a personas designadas**

### **A. Actualización sobre las personas designadas del régimen anterior**

212. El 2 de noviembre de 2018, el Grupo entrevistó a Abu Zayd Umar Dorda (LYi.006), Saadi Qadhafi (LYi.015) y Abdullah Al-Senussi (LYi.018), mientras estaban bajo la custodia de la Brigada Revolucionaria de Trípoli. El Grupo explicó las medidas de congelación de activos y prohibición de viajar a las personas designadas y discutió con ellas el procedimiento de supresión de nombres de las listas. Las personas declararon que las medidas de congelación de activos no eran lo suficientemente transparentes.

213. El Grupo posee información para la identificación adicional de las siguientes personas:

#### **LYi.006**

Nombre:	Abu Zayd Umar Dorda
Alias de buena calidad	Dorda Abuzed OE
Número de pasaporte:	FK117RK0 (fecha de expedición: 25 de noviembre de 2018; fecha de caducidad: 24 de noviembre de 2026; lugar de expedición: Trípoli)
Lugar de nacimiento:	Alrhaybat

#### **LYi.009**

Nombre:	Aisha Muammar Muhammed Abu Minyar Qadhafi
Fecha de nacimiento:	1 de enero de 1978

Número de pasaporte: 03824970 (fecha de expedición: 4 de mayo de 2014; fecha de caducidad: 3 de mayo de 2024; lugar de expedición: Mascate)

Número de identidad: 98606612

## **B. Actualización sobre las personas designadas después de aprobarse la resolución 2174 (2014)**

214. En 2018, el Comité designó a ocho personas con arreglo a lo previsto en el párrafo 22 a) de la resolución 1970 (2011), el párrafo 4 a) de la resolución 2174 (2014) y el párrafo 11 a) de la resolución 2213 (2015). El Grupo está investigando la situación de esas personas.

215. El 16 de febrero de 2019, el Grupo entrevistó a Mohammed Kashlaf (LYi.025) y Abd Al-Rahman al-Milad (LYi.026) en Libia. En el anexo 72 se recogen los detalles de las entrevistas.

216. Las autoridades de la Guardia Costera confirmaron que Abd Al-Rahman al-Milad fue suspendido de sus funciones el 9 de abril de 2018 o alrededor de esa fecha. Sin embargo, lo consideran como uno de sus mejores hombres y destacaron su trabajo en el rescate de migrantes. El Grupo preguntó por qué trabajaba en buques, ya que era el supervisor de un pequeño puerto situado en el complejo petrolífero de Zawiya. Las autoridades de la Guardia Costera explicaron que esos supervisores tienen autoridad para luchar contra la trata de personas y que deben hacerse a la mar ocasionalmente para levantar la moral del personal.

217. En el párrafo 237 de su informe anterior, el Grupo proporcionó información de identificación adicional sobre Mohammed Kashlaf (LYi.025). Se comprobó posteriormente que esa información era errónea. Desde entonces, la Oficina del Fiscal General ha proporcionado información actualizada sobre Mohammed Kashlaf (LYi.025).

218. El Grupo ha obtenido información de identificación adicional sobre las siguientes personas:

### **LYi.023**

Nombre: Ahmad Omar Imhamad al-Fitouri

Número de pasaporte: LY53FP76 (fecha de expedición: 29 de septiembre de 2015; lugar de expedición: Trípoli)

Dirección: c) Dbabsha-Sabratah

Número de identificación nacional: 119880387067

### **LYi.025**

Nombre: Mohammed al-Hadi al-Arabi Kashlaf

Nuevo nombre: Mohammed Al Amin Al Arabi Kashlaf

Nombre (en el alfabeto original): محمد الأمين العربي كشلاف

Fecha de nacimiento: 2 de diciembre de 1985

Número de pasaporte: C17HLRL3 (fecha de expedición: 30 de diciembre de 2015; lugar de expedición: Zawiya)

**LYi.027**

Nombre: Ibrahim Saeed Salim Jadhran

Alias: Ibrahim Saeed Salem Awad Aissa Hamed Dawoud Al Jadhran

Fecha de nacimiento: 29 de octubre de 1982

Número de identificación personal: 137803

Número de identificación nacional: 119820043341

Número de pasaporte: S/263963 (fecha de expedición: 8 de noviembre de 2012)

### C. Incumplimiento de la prohibición de viajar

219. Hubo dos casos de incumplimiento de la prohibición de viajar. Abu Zayd Umar Dorda (LYi.006) fue puesto en libertad en Libia el 17 de febrero de 2019. Ese día viajó de Trípoli a Túnez y luego a Egipto. El Grupo solicitó más detalles a Túnez y Egipto. Las autoridades de Egipto declararon que solo se les informó de su viaje a El Cairo después de su partida de Túnez. Se les informó de su grave estado de salud, que se confirmó tras un reconocimiento médico a su llegada a El Cairo. Las autoridades egipcias declararon que le permitieron permanecer en el país por razones humanitarias. Túnez también informó al Grupo de que había transitado por el país por una emergencia humanitaria.

220. El Grupo se reunió con Abu Zayd Umar Dorda (LYi.006) en El Cairo el 6 de marzo de 2019. Declaró que las autoridades libias lo liberaron a condición de que no se quedara en Libia. Decidió viajar a Egipto porque tenía familia que vivía allí. El GCN pagó su viaje, tratamiento y estancia en El Cairo. Las autoridades libias también le aseguraron que garantizarían que recibiría tratamiento médico adicional en un país europeo. El Grupo observa que no se presentó ninguna solicitud de exención ni por conducto de la Misión Permanente de Libia ni por conducto de la oficina pertinente de las Naciones Unidas. Libia presentó una solicitud de exención *post facto*.

221. Sayyid Mohammed Qadhaf al-Dam (LYi. 003) se benefició de una exención de la prohibición de viajar desde noviembre de 2015. La última prórroga que se le concedió era válida hasta el 23 de mayo de 2019. El Comité no recibió ninguna otra solicitud de prórroga y su presencia continuada en Egipto constituye un incumplimiento de la prohibición de viajar.

## VIII. Medidas adoptadas para la aplicación efectiva de las medidas de congelación de activos y prohibición de viajar

222. En el párrafo 12 de la resolución [2441 \(2018\)](#) se establecen disposiciones específicas para la aplicación de la congelación de activos y la prohibición de viajar. De conformidad con su mandato, el Grupo se dirigió a varios Estados Miembros para pedirles más información sobre las medidas adoptadas para aplicar efectivamente las medidas y, en particular, sobre las personas designadas por el Comité en 2018. Solo

se han recibido dos respuestas, que no han dado lugar a ninguna información suficiente para actuar.

223. El Grupo mantuvo conversaciones bilaterales con algunos Estados Miembros para indagar sobre sus medidas para una aplicación efectiva. El Grupo también asistió a dos reuniones, organizadas por los Países Bajos, en la sede de La Haya de la Unidad de Cooperación Judicial de la Unión Europea (Eurojust) en enero y junio de 2019. Se puso de manifiesto que, si bien la mayoría de los países europeos cuentan con un marco jurídico para aplicar las sanciones de las Naciones Unidas, dicho marco no incluye disposiciones para la realización de nuevas investigaciones a fin de reunir pruebas y descubrir activos directos o indirectos antes de que se produzca la aplicación efectiva. En algunos países no existe un mecanismo para verificar la aplicación de las sanciones. Un Estado Miembro dijo que no podía responder a preguntas específicas del Grupo porque ello afectaría a investigaciones en curso. El Grupo llega a la conclusión de que se puede esperar poca información específica de los Estados Miembros, ya sea debido a sus propias investigaciones en curso o porque no se han iniciado investigaciones.

224. También se realizaron investigaciones en Libia respecto a siete de las ocho personas designadas en 2018. La Oficina del Fiscal General notificó al Grupo de que se habían iniciado acciones contra algunas personas mucho antes de su designación por el Comité. En diciembre de 2017 se dictaron órdenes de detención contra Mohammed Kashlaf (LYi.025) y Abd Al-Rahman al-Milad (LYi.026) (véase [S/2018/812](#), párr. 143 y anexo 43). Desde entonces se han dictado órdenes de detención contra las personas restantes. Al mismo tiempo, se han dado instrucciones al Banco Central de Libia para que congele las cuentas, a la Oficina del Registro de la Propiedad para que identifique los bienes y a todos los puestos fronterizos. Aunque se han adoptado las medidas administrativas necesarias, Libia todavía no ha aplicado efectivamente las medidas de congelación de activos. Por ejemplo, Mohammed Kashlaf (LYi.025) confirmó que el Gobierno todavía le paga.

225. El Grupo observó que los Estados Miembros no pueden aplicar efectivamente la prohibición de viajar debido a la falta de información completa, como el nombre completo y los datos del pasaporte de los viajeros.

226. Los pasajeros entran y salen de un país por tierra, aire y a veces por mar. Con el fin de controlar eficazmente la entrada de las personas designadas sujetas a una prohibición de viajar, los Estados Miembros deben disponer de un sistema electrónico de elaboración de perfiles de pasajeros que permita consultar las listas de pasajeros de todos los modos de transporte. En la actualidad, solo unos pocos países cuentan con sistemas de este tipo. Sin embargo, es esencial contar con un sistema para procesar la información de al menos aquellos que viajan en avión (véase el anexo 73). El Sistema Mundial de Evaluación de Viajes, que puede obtenerse gratuitamente de la Organización Mundial de Aduanas, satisface las necesidades mencionadas, por lo que debería alentarse a los Estados Miembros a que utilicen ese sistema u otro similar.

227. Durante sus conversaciones con algunos Estados Miembros, el Grupo observó que no se conocían las consecuencias del incumplimiento de la prohibición de viajar y de las medidas de congelación de activos. Del mismo modo, algunos Estados Miembros y personas designadas desconocían a menudo los procedimientos de exención o supresión de nombres de la lista de que disponían, pese a las claras disposiciones de los párrafos 15 a 20 de la resolución [1970 \(2011\)](#), el párrafo 12 de la resolución [2441 \(2018\)](#) y las directrices provisionales del Comité para la realización de su labor. Además, no todos los Estados Miembros cuentan necesariamente con legislación nacional específica para la aplicación de esas medidas con posterioridad a la aprobación de las resoluciones del Consejo de Seguridad. El

Grupo ha explicado los procedimientos a las autoridades nacionales y a las diversas personas designadas con las que se ha reunido.

228. Es esencial que se difunda más ampliamente la información sobre las modalidades de aplicación y los procedimientos para solicitar la exención de la congelación de activos y la prohibición de viajar. Las conversaciones sobre las dificultades con que tropieza la aplicación de las medidas a nivel nacional podrían allanar el camino para la adopción de medidas correctivas. El Comité ya las ha iniciado.

## **IX. Recomendaciones**

229. El Grupo recomienda lo siguiente:

### **Inmunidad del Grupo de Expertos**

#### **Al Consejo de Seguridad**

Recomendación 1. Recordar a los Estados Miembros sus obligaciones en virtud de las disposiciones del artículo VI, sección 22, de la Convención sobre Privilegios e Inmunidades de las Naciones Unidas de respetar la inmunidad de los expertos en misión. [véase el párr. 4]

### **Embargo de armas**

#### **Al Consejo de Seguridad**

Recomendación 2. Considerar la posibilidad de iniciar un régimen eficaz de inspecciones para interceptar o disuadir las transferencias de armas por mar, como se autorizó inicialmente en el párrafo 4 de la resolución [2292 \(2016\)](#) y se prorrogó en virtud de la resolución [2473 \(2019\)](#), así como dentro de los puertos libios [véase el párr. 64].

Recomendación 3. Ampliar el alcance de la resolución [1970 \(2011\)](#), enmendada por resoluciones posteriores, a fin de establecer un régimen eficaz de inspecciones para interceptar o disuadir las transferencias de armas por vía aérea mediante la inspección independiente de las aeronaves que llegan a los aeropuertos libios. [véase el párr. 125]

Recomendación 4. Considerar la posibilidad de exigir que la transferencia de tecnología militar, como los buques de patrulla naval o de la Guardia Costera no armados o los vehículos blindados sobre ruedas, esté sujeta a aprobación, previa de conformidad con lo dispuesto en el párrafo 8 de la resolución [2174 \(2014\)](#). [véase el párr. 80]

Recomendación 5. Determinar si equipo como los sistemas electrónicos de inhibición e interferencia diseñados para señalar o derribar los vehículos aéreos no tripulados y los vehículos aéreos de combate no tripulados, o los vehículos aéreos no tripulados comerciales que se utilicen para tareas de inteligencia, vigilancia y reconocimiento militar, está comprendido en el



ámbito de aplicación del material militar conexo, que figura en el párrafo 9 de la resolución [1970 \(2011\)](#). [véanse los párrs. 99 y 123]

#### **Al Comité**

- Recomendación 6. Proporcionar orientación sobre si el término “combatir por todos los medios” que figura en el párrafo 3 de la resolución [2214 \(2015\)](#) prevalece sobre lo dispuesto en el párrafo 9 de la resolución [1970 \(2011\)](#) y en sus enmiendas posteriores. [véase el párr. 93].

### **Medidas relacionadas con los intentos de exportar de forma ilícita petróleo crudo y productos refinados derivados del petróleo de Libia**

#### **Al Consejo de Seguridad**

- Recomendación 7. Examinar la utilidad, coherencia e idoneidad del mecanismo de información que figura en el párrafo 3 de la resolución [2146 \(2014\)](#), en particular para que los Estados Miembros puedan informar al Comité de los buques que transportan petróleo crudo y productos refinados derivados del petróleo, bajo los auspicios del Grupo. [véase el párr. 143]
- Recomendación 8. Ampliar el alcance de las medidas contenidas en el párrafo 5 de la resolución [2146 \(2014\)](#) para autorizar a los Estados Miembros a inspeccionar, en alta mar frente a las costas de Libia, los buques con rumbo a Libia o que han partido de Libia sobre los que se tienen motivos razonables para creer que exportan de manera ilícita petróleo crudo o productos refinados derivados del petróleo. [véase el (párr. 171].
- Recomendación 9. Ampliar el alcance de las medidas contenidas en el párrafo 11 de la resolución [2213 \(2015\)](#) a las entidades o personas que participan en la exportación ilícita de petróleo crudo o productos refinados derivados del petróleo y, en particular, a los propietarios de los buques enumerados en el párrafo 11 de la resolución [2146 \(2014\)](#). [véanse los párrs. 145 y 171].
- Recomendación 10. Ampliar el alcance de las medidas contenidas en la resolución [2146 \(2014\)](#) a la importación ilícita de productos refinados derivados del petróleo. [véase el párr. 150].

### **Congelación de activos y prohibición de viajar**

#### **Al Comité**

- Recomendación 11. Revisar la aplicabilidad de la nota orientativa 1 para la aplicación de resoluciones en vista de su contradicción con las resoluciones. [véase el párr. 209].

## **Criterios de designación**

### **Al Comité**

Recomendación 12. Examinar la información que ha facilitado el Grupo por separado sobre las personas que cumplen los criterios de designación que figuran en las resoluciones pertinentes del Consejo de Seguridad.

### **General**

#### **Al Comité:**

Recomendación 13. Actualizar la Lista de sanciones con la información identificativa adicional facilitada [véanse los párrs. 213 y 218].

## **X. Anexos**

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**Annex 1: Overview of the evolution of the Libya 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 \(2016\)](#) 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. By resolution [2441 \(2018\)](#), the Council extended until 15 February 2020 the authorizations provided by and the measures imposed by resolution [2362 \(2017\)](#), in relation to attempts to illicitly export crude oil from Libya.

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

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



**Annex 2: Acronyms and abbreviations**

ACA	Administrative Control Authority
AGO	Attorney General's Office
AIS	Automatic Identification System
APC	Armoured Personal Carrier
AQ	Al-Qaida
ASM	Air to Surface Missile
ATGM	Anti-Tank Guided Missile
ATGW	Anti-Tank Guided Weapon
CBL	Central Bank of Libya
CCMSR	Conseil du commandement militaire pour le salut de la République
CEO	Chief Executive Office
CIHL	Customary International Humanitarian Law
Committee	Committee established pursuant to Security Council resolution 1970 (2011) concerning Libya
Council	United Nations Security Council
DC	Detention Centre
DCIM	Department for Combatting Illegal Migration
ECB	European Central Bank
ECBL	Eastern Central Bank of Libya
ENOC	Eastern National Oil Corporation
EU	European Union
EUBAM	European Union Border Assistance Mission
EUC	End-user certificate
Eurojust	EU Judicial Cooperation Unit
EUNAVFOR	EU Naval Force Mediterranean
EUR	Euro
FACT	Front pour l'alternance et la concorde au Tchad
GMMR	Great Man-Made River
GNA	Government of National Accord
GNA-AF	Government of National Accord Affiliated Forces
GSLF	Gathering of the Sudan Liberation Forces
GT	Gross Tonnes
HAF	Haftar Affiliated Forces
HAS	Hardened Aircraft Shelter

IAFV	Infantry Armoured Fighting Vehicle
ICAO	International Civil Aviation Organization
IFV	Infantry Fighting Vehicle
IAN	Implementation Assistance Notice
IDP	Internally Displaced Persons
IED	Improvised explosive device
IHL	International Humanitarian Law
IMC	International Medical Corps
IMO	International Maritime Organization
IOM	International Organization for Migration
ISIL	Islamic State in Iraq and the Levant
JEM	Justice and Equality Movement
JSC	Joint Stock Company
KADDB	King Abdullah II Design and Development Bureau
Km	kilometres
LAIP	Libyan African Investment Portfolio
LCG	Libyan Coast Guard
LFB	Libyan Foreign Bank
LFIC	Libyan Arab Foreign Investment Company
LIA	Libyan Investment Authority
LIFG	Libyan Islamic Fighting Group
LNA	Libyan National Army
LOC	Lines of Communication
LRIT	Long-range identification and tracking system
LTP	Long Term Portfolio
LYD	Libyan Dinar
MMSI	Maritime Mobile Service Identity
MRAP	Mine Resistant Ambush Protected
MSPV	Minerva Special Purpose Vehicle
NGO	Non-governmental organization
NM	Nautical Miles
NOC	National Oil Corporation
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
OPV	Offshore Patrol Vessel
Panel	Panel of Experts

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PBIED	Person-borne Improvised Explosive Device
PC	Presidency Council
PFG	Petroleum Facilities Guard
PGM	Precision Guided Munitions
PIAM	Palladyne International Asset Management
PPV	Protected Patrol Vehicle
RAMP	Reserves Advisory and Management Programme
RSF	Rapid Support Forces
SAM	Surface to Air Missile
SBIED	Suicide Borne IED
SDF	Special Deterrence Force
SGBV	Sexual Gender Based Violence
SLA	Sudan Liberation Army
SLA/AW	Sudan Liberation Army/Abdul Wahid
SLA/MM	Sudan Liberation Army/Minni Minawi
SRSG	Special Representative of the Secretary-General
TPF	Tripoli Protection Force
TRB	Tripoli Revolutionaries Brigade
UAE	United Arab Emirates
UCAV	Unmanned Combat Aerial Vehicle
UFDD	Union de Forces pour la Démocratie et le Développement
UFR	Union of Forces of Resistance
UN	United Nations
UNCLOS	UN Convention on the Law of the Sea
UNHCR	United Nations High Commissioner for Refugees
UNMAS	UN Mine Action Service
UNSMIL	UN Support Mission in Libya
US AFRICOM	United States Africa Command
US\$	United States Dollars
WB	World Bank
WCO	World Customs Organization

**Annex 3: Methodology**

1. The Panel ensured compliance with the standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions ([S/2006/997](#)). Those standards call for 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
2. The Panel used satellite imagery of Libya procured by the United Nations from private providers to support investigations, as well as open source imagery. Commercial databases recording maritime and aviation data were referenced. Public statements by officials through their official media channels were accepted as factual unless contrary facts were established. Any mobile phone records from service providers were also accepted as factual. While the Panel wishes to be as transparent as possible, in situations in which identifying sources would have exposed them or others to unacceptable safety risks, the Panel decided not to include identifying information in this document and instead placed the relevant evidence in United Nations secure archives.
3. The Panel reviewed social media, but no information gathered was used as evidence unless it could be corroborated using multiple independent or technical sources, including eyewitnesses, to appropriately meet the highest achievable standard of proof.
4. The spelling of toponyms within Libya often depends on the ethnicity of the source or the quality of transliteration. The Panel has adopted a consistent approach in the present update. All major locations in Libya are spelled or referenced as per the UN Geographical Information System (GIS) map at appendix A.
5. The Panel has placed importance on the rule of consensus among the Panel members and agreed that, if differences and/or reservations arise during the development of reports, it would only adopt the text, conclusions and recommendations by a majority of five out of the six members including the Coordinator. In the event of a recommendation for designation of an individual or a group, such recommendation would be done on the basis of unanimity.
6. The Panel is committed to impartiality in investigating incidents of non-compliance by any party.

7. The Panel is equally committed to the highest degree of fairness and has offered the opportunity to reply to Member States, entities and individuals involved in the majority of incidents that are covered in this update. Their response has been taken into consideration in the Panel's findings. The methodology for this is provided in appendix B.

8. The Panel's methodology, in relation to its investigations concerning IHL, IHRL and human rights abuses, is provided in appendix C.

### Appendix A to Annex 3: UN GIS place name identification

Figure A.3.1  
UN GIS place names Libya



Map No. 3707 Rev. 10 United Nations  
November 2015

Department of Field Support  
Geospatial Information Section (formerly Cartographic Section)

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**Appendix B to Annex 3: ‘The opportunity to reply’ methodology used by the Panel**

1. Although sanctions are meant to be preventative not punitive, it should be recognized that the mere naming of an individual or entity<sup>2</sup> in a Panel’s report, could have adverse effects on the individual. As such, where possible, individuals concerned should be provided with an opportunity to provide their account of events and to provide concrete and specific information/material in support. Through this interaction, the individual is given the opportunity to demonstrate that their alleged conduct does not fall within the relevant listing criteria. This is called the ‘opportunity to reply’.
2. The Panel’s methodology on the opportunity to reply is as follows:
  - (a) Providing an individual with an ‘opportunity to reply’ should be the norm;
  - (b) The Panel may decide not to offer an opportunity of reply if there is credible evidence that it would unduly prejudice its investigations, including if it would:
    - (i) Result in the individual moving assets if they get warning of a possible recommendation for designation;
    - (ii) Restrict further access of the Panel to vital sources;
    - (iii) Endanger Panel sources or Panel members;
    - (iv) Adversely and gravely impact humanitarian access for humanitarian actors in the field;  
or
    - (v) For any other reason that can be clearly demonstrated as reasonable and justifiable in the prevailing circumstances.
3. If the circumstances set forth in 2 (b) do not apply, then the Panel should be able to provide an individual an opportunity to reply.
4. The individual should be able to communicate directly with the Panel to convey their personal determination as to the level and nature of their interaction with the Panel.
5. Interactions between the Panel and the individual should be direct, unless in exceptional circumstances.

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<sup>2</sup> Hereinafter just the term individual will be used to reflect both.

6. In no circumstances can third parties, without the knowledge of the individual, determine for the individual its level of interaction with the Panel.

7. The individual, on the other hand, in making their determination of the level and nature of interaction with the Panel, may consult third parties or allow third parties (for example, legal representative or his government) to communicate on his/her behalf on subsequent interactions with the Panel.



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### **Appendix C to Annex 3: Violations relating to IHL, IHRL, and acts that constitute human rights abuses investigative methodology**

1. The Panel adopted the following stringent methodology to ensure that its investigations met the highest possible evidentiary standards, despite it being prevented from visiting all of Libya. In doing so it has paid particular attention to the “Informal Working Group on General Issues of Sanctions Reports”, [S/2006/997](#), on best practices and methods, including paragraphs 21, 22 and 23.

2. The Panel’s methodology, in relation to its investigations concerning IHL, IHRL and human rights abuses, is set out as below:

(a) All Panel investigations are initiated based on verifiable information being made available to the Panel, either directly from sources or from media reports.

(b) In carrying out any investigations on the use of explosive ordnance against the civilian population, the Panel will rely on at least three or more of the following sources of information:

(i) At least two eye-witnesses or victims;

(ii) At least one individual or organization (either local or international) that has also independently investigated the incident;

(iii) If there are casualties associated with the incident, and if the casualties are less than ten in number, the Panel obtains copies of death certificates and medical certificates. In incidents relating to mass casualties, the Panel relies on published information from the United Nations and other organizations;

(iv) Technical evidence, which includes imagery of explosive events such as the impact damage, blast effects, and recovered fragmentation. In all cases, the Panel collects imagery from at least two different and unrelated sources. In the rare cases where the Panel has had to rely on open source imagery, the Panel verifies that imagery by referring it to eyewitnesses or by checking for pixilation distortion;

a. In relation to air strikes, the Panel often identifies the responsible party through crater analysis or by the identification of components from imagery of fragmentation; and

b. The Panel also analyses imagery of the ground splatter pattern at the point of impact from mortar, artillery, or free flight rocket fire to identify the direction from which the

incoming ordnance originated. This is one indicator to assist in the identification of the perpetrator for ground fire when combined with other source information.

- (v) The utilisation of open source or purchased satellite imagery wherever possible, to identify the exact location of an incident, and to support analysis of the type and extent of destruction. Such imagery may also assist in the confirmation of timelines of the incident;
  - (vi) Access to investigation reports and other documentation of local and international organizations that have independently investigated the incident;
  - (vii) Other documentation that supports the narrative of sources, for example, factory manuals that may prove that the said factory is technically incapable of producing weapons of the type it is alleged to have produced;
  - (viii) In rare instances where the Panel has doubt as to the veracity of available facts from other sources, local sources are relied on to collect specific and verifiable information from the ground. (For example, if the Panel wished to confirm the presence of an armed group in a particular area);
  - (ix) Statements issued by or on behalf of a party to the conflict responsible for the incident; and/or
  - (x) Open source information to identify other collaborative or contradictory information regarding the Panel's findings.
- (c) In carrying out its investigations on deprivation of liberty and associated violations the Panel relies on the following sources of information:
- (i) The victims, where they are able and willing to speak to the Panel, and where medical and security conditions are conducive to such an interview;
  - (ii) The relatives of victims and others who had access to the victims while in custody. This is particularly relevant in instances where the victim dies in custody;
  - (iii) Interviews with at least one individual or organization (either local or international) that has also independently investigated the incident;
  - (iv) Medical documentation and, where applicable, death certificates;
  - (v) Documentation issued by prison authorities;
  - (vi) Interviews with medical personnel who treated the victim, wherever possible;
  - (vii) Investigation and other documentation from local and international organizations that have independently investigated the incident. The Panel may also seek access to court documents if the detainee is on trial or other documentation that proves or disproves the narrative of the victim;

- 
- (viii) Where relevant, the Panel uses local sources to collect specific and verifiable information from the ground, for example, medical certificates;
- (ix) Statements issued by the party to the conflict responsible for the incident; and/or
- (xx) Open source information to identify other collaborative or contradictory information regarding the Panel's findings.
- (d) In carrying out its investigations on other violations, which can include forced displacement and threats against medical workers, the Panel relies on information that includes:
- (i) Interviews with victims, eyewitnesses, and direct reports where they are able and willing to speak to the Panel, and where conditions are conducive to such an interview;
- (ii) Interviews with at least one individual or organization (either local or international) that has also independently investigated the incident;
- (iii) Documentation relevant to verify information obtained;
- (iv) Statements issued by the party to the conflict responsible for the incident; and/or
- (v) Open source information to identify other collaborative or contradictory information regarding the Panel's findings.
- (e) The standard of proof is met when the Panel has reasonable grounds to believe that the incidents had occurred as described and, based on multiple corroboratory sources, that the responsibility for the incident lies with the identified perpetrator. The standard of proof is "beyond a reasonable doubt".
- (f) Upon completion of its investigation, wherever possible, the Panel provides those responsible with an opportunity to respond to the Panel's findings in so far as it relates to the attribution of responsibility. Detailed information on incidents will not be provided when there is a credible threat that would threaten Panel sources.
- (g) If a party does not provide the Panel with the information requested, the Panel will consider whether this is of sufficient gravity to be considered as non-compliance with paragraph 16 of resolution [2441 \(2018\)](#), and thus consideration for reporting to the Committee.
3. The Panel will not include information in its reports that may identify or endanger its sources. Where it is necessary to bring such information to the attention of the Council or the Committee, the Panel may include more source information in confidential annexes.
4. The Panel will not divulge any information that may lead to the identification of victims, witnesses, and other particularly vulnerable Panel sources, except: 1) with the specific permission of the sources; and 2) where the Panel is, based on its own assessment, certain that these individuals would

not suffer any danger as a result. The Panel stands ready to provide the Council or the Committee, on request, with any additional imagery and documentation to supports the Panel's findings beyond that included in its reports. Appropriate precautions will be taken though to protect the anonymity of its sources.

#### Annex 4: Member States, organizations and institutions consulted

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

Table 4.1

##### Member States, organizations, institutions and individuals consulted

<i>Country / Location</i>	<i>Government</i>	<i>Representative or Organization</i>	<i>Institution / Individual</i>
China		Permanent Mission to the UN	
Egypt			Abu Zayd Umar Dorda (Lyi.006), Other individuals
France	Ministries of Foreign Affairs, Finance and Defence	Permanent Mission to the UN Embassy to Libya	Individuals
Germany	Ministry of Foreign Affairs	Permanent Mission to the UN Embassy to Libya (in Tunis)	
Italy	Ministries of Foreign Affairs, Justice and Finance Prosecutors in Palermo and Catania	Permanent Mission to the UN HQ EU NAVFOR	Individuals
Jordan	Ministry of Foreign Affairs	Permanent Mission to the UN	Individuals
Libya	Ministries of Foreign Affairs, Interior and Defence, Central Bank of Libya	Permanent Mission to UN UNDP UNSMIL	Individuals, Designated Entities, Libyan Foreign Bank
Malta	Ministry of Foreign Affairs, Central Bank	Cassar Shipyard	Individuals
Netherlands		Embassy to Libya Eurojust	
Spain	Ministry of Justice	EU Satellite Centre	
Tunisia		EU Delegation to Libya EUBAM UNMAS	Individuals
Turkey	Ministry of Foreign Affairs Ministry of Customs and Trade		Libya Investment Authority, Individuals

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<i>Country / Location</i>	<i>Government</i>	<i>Representative or Organization</i>	<i>Institution / Individual</i>
United Kingdom	Foreign and Commonwealth Office and Treasury	Permanent Mission to the UN Embassy to Libya (in Tunis) NGO AOA V	Financial institutions, Individuals
USA	State Department <sup>a</sup>	Mission to the UN World Bank <sup>a</sup>	

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<sup>a</sup> By VTC.

## Annex 5: Summary of Panel correspondence (14 September 2018 to 24 October 2019)

Table 5.1

Correspondence with Member States (2362 (2017) Mandate) (14 September to 15 November 2018)

<i>Member State</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by Member State</i>	<i>Remarks</i>
Belgium	1	0	
Germany	1	0	
Italy	1	0	
Jordan	1	1	
Libya	2	1	
Luxembourg	1	0	
Spain	1	0	
Sweden	1	1	
Switzerland	1	0	
Turkey	3	0	
UK	1	0	
Ukraine	2	1	
USA	1	1	
<b>Total</b>	<b>17</b>	<b>5</b>	<b>71% responded</b>

Table 5.2

Correspondence with Member States (2441 (2018) Mandate) (16 November 2018 to 24 October 2019)

<i>Member State / Territory</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by Member State</i>	<i>Remarks</i>
Albania	2	2	
Algeria	1	1	
Angola	1	1	
Anguilla	1	0	
Antigua and Barbuda	1	0	
Australia	1	1	
Belgium	1	0	
Belize	1	1	
Bolivia	3	3	
Botswana	2	1	
Bulgaria	5	1	
British Virgin Islands	1	0	
Canada	1	0	
Cayman Islands	1	1	
Chad	3	0	
China	5	3	
Egypt	4	2	
Eritrea	1	1	

<i>Member State / Territory</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by Member State</i>	<i>Remarks</i>
Estonia	1	0	
Ethiopia	1	1	
France	9	0	
Germany	3	3	Requested more time
Greece	3	0	
Iran	3	0	
Ireland	2	2	
Isle of Man	1	0	
Israel	1	1	
Italy	7	1	
Jamaica	1	1	
Jordan	12	10	
Kazakhstan	5	1	
Lebanon	1	1	
Libya	50	43	
Luxembourg	1	0	
Malta	9	1	
Marshall Islands	4	4	
Moldova	7	2	
Morocco	4	3	
Netherlands	5	0	
Nigeria	5	1	
Norway	1	0	
Oman	2	1	
Pakistan	1	1	
Panama	6	3	
Russian Federation	5	4	
Saint Kitts and Nevis	1	1	
Samoa	2	1	
Seychelles	4	1	
Singapore	1	0	
South Africa	6	1	
Spain	1	0	
Sudan	2	2	
Syria	2	1	
Tanzania	5	5	
Thailand	1	1	
Togo	4	3	
Tunisia	9	2	
Turkey	29	16	
Ukraine	11	0	
United Arab Emirates	26	16	
United Kingdom	14	1	



<i>Member State / Territory</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by Member State</i>	<i>Remarks</i>
United States of America	7	7	
<b>Total</b>	<b>313</b>	<b>161</b>	<b>48% responded</b>

Table 5.3

**Correspondence with regional organizations and other entities (2362 (2017) Mandate) (14 September to 15 November 2018)**

<i>Organization or entity</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by entity</i>	<i>Remarks</i>
European Union	1	0	
<b>Total</b>	<b>1</b>	<b>0</b>	<b>100% responded</b>

Table 5.4

**Correspondence with regional organizations and other entities (2441 (2018) Mandate) (16 November 2018 to 24 October 2019)**

<i>Organization or entity</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by entity</i>	<i>Remarks</i>
EuroControl	1	0	
EU Satellite Centre	1	0	
Libya CAA	4	0	
LNA	16	15	Including Email
<b>Total</b>	<b>22</b>	<b>15</b>	<b>32% responded</b>

Table 5.5  
Correspondence with commercial companies (2362 (2017) Mandate) (14 September to 15 November 2018)

<i>Company</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by company</i>	<i>Remarks</i>
Commerzbank	1	0	
<b>Total</b>	<b>1</b>	<b>0</b>	<b>100% responded</b>

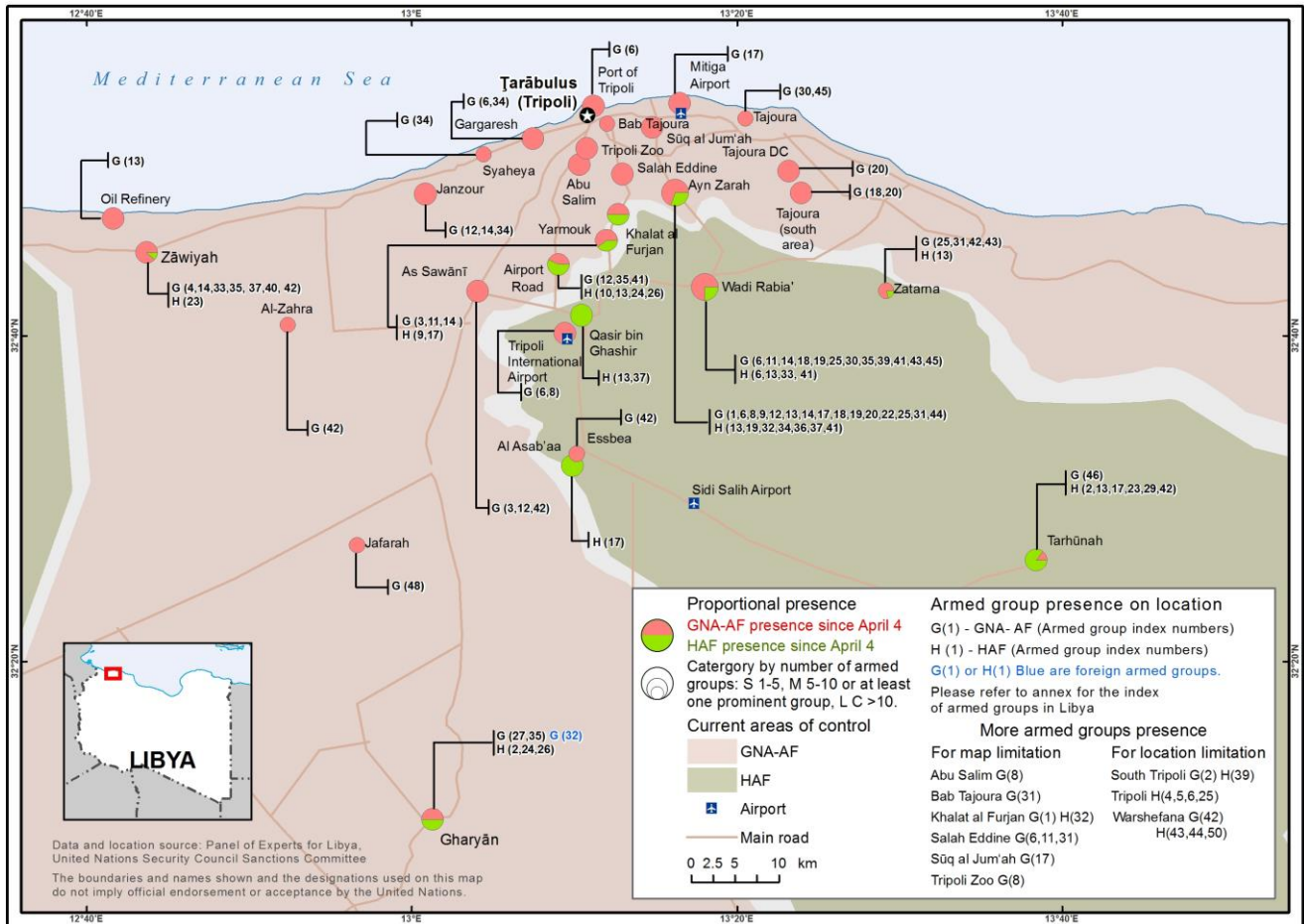
Table 5.6  
Correspondence with commercial companies (2441 (2018) Mandate) (16 November 2018 to 24 October 2019)

<i>Organization or entity</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by company</i>	<i>Remarks</i>
Akkar	1	1	
Berlin Aviation	1	0	
BMC Turkey	1	0	
Carter Ruck	2	0	
CBL	2	0	
Containerships	1	0	
Contaz	2	2	
Deek Aviation	1	1	
Dickens and Madson	1	0	
East CBL	2	0	
East NOC	5	5	
Ekol	1	0	
FlightRadar24	1	0	
Global Air Transport	2	0	
Golden Eagle Trading F.Z.E.	2	0	
Goznal J.S.C.	1	0	
GDC Carriers	1	0	
Gumrukleme	1	1	
Hassan Energy	1	0	
IOMAX USA	2	1	
LIA	1	0	
Maersk	1	0	
Mavana	1	0	
Mercedes	1	0	
MSPV UAE	1	0	
NBF UAE	1	0	
Netoil	1	1	
Nexus	1	1	
Nissan	2	0	
Palm Charters	1	0	
Patron Group	2	2	
Plures Air	2	2	
ProAir Germany	1	0	

<i>Organization or entity</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by company</i>	<i>Remarks</i>
ProAir Turkey	1	1	
Reederei	1	0	
Satcom Universal UAE	4	1	
Sera Denixclik Tasimacilik	1	0	
Sky AviaTrans	1	0	
Soylu Gemi Geri	1	1	
Space Cargo	1	1	
Standard Aero	1	1	
Sulaco Group	1	0	
Toyota	3	1	
Ukraine Air Alliance	1	0	
<b>Total</b>	<b>63</b>	<b>23</b>	<b>63% responded</b>

## Annex 6: Maps of the conflict<sup>3</sup>

Figure 6.1  
Map of the conflict in Tripoli

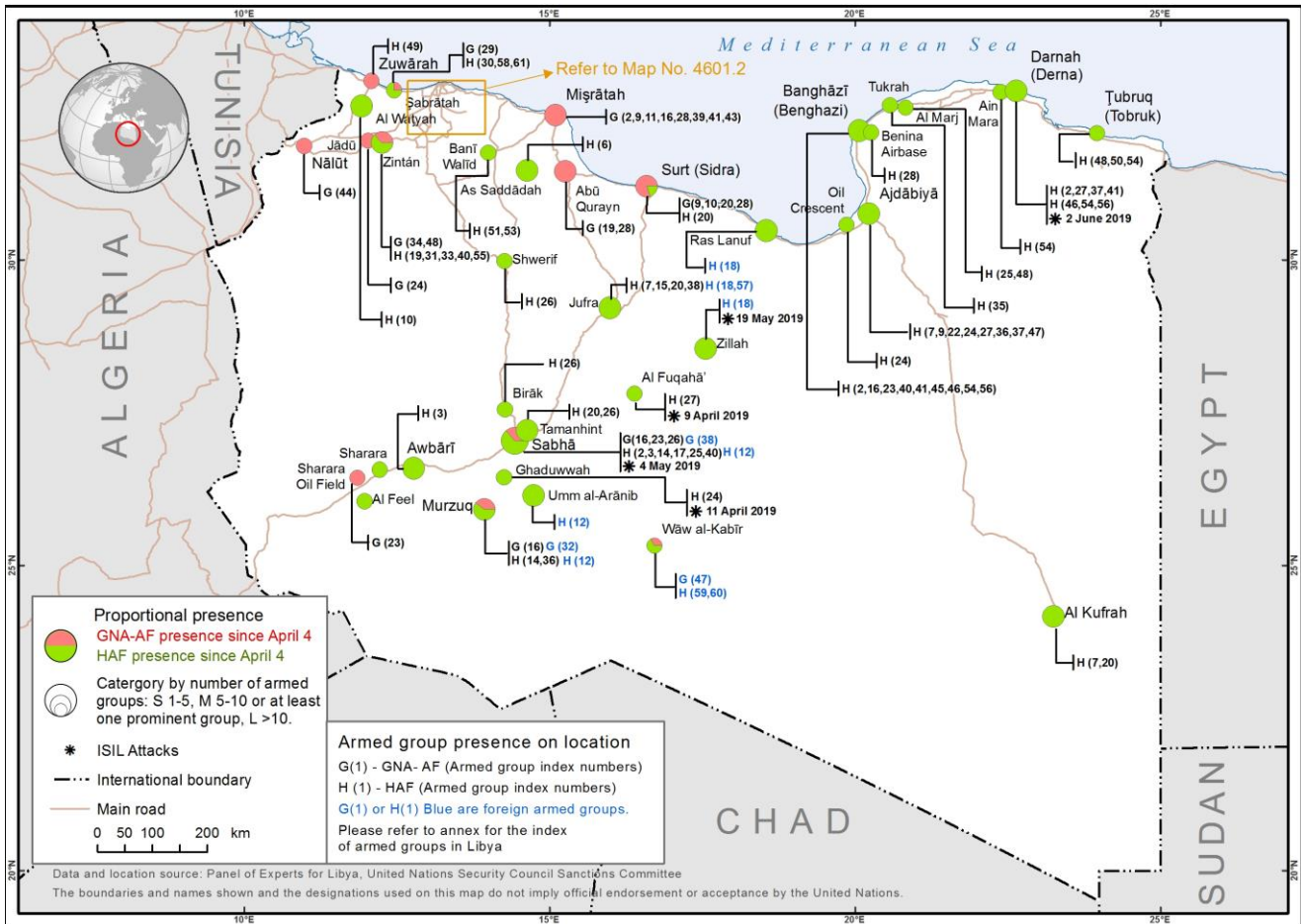


Map No. 4601.2 UNITED NATIONS  
October 2019

Office of Information and Communications Technology  
Geospatial Information Section

<sup>3</sup> See appendix A for list of codes for armed groups.

Figure 6.2  
Map of the wider conflict in Libya



Map No. 4601.1 UNITED NATIONS  
October 2019

Office of Information and Communications Technology  
Geospatial Information Section

## Appendix A to Annex 6: Map codes for armed groups in Libya

### GNA-AF Prominent Groups

G1	166 Battalion
G2	301 Infantry Battalion
G3	302 Infantry Battalion
G4	Abu surra martyr's battalion (Ali Busriba)
G5	Border Protection Force
G6	Nawasi Brigade
G7	Tripoli Revolutionary Brigade
G8	Central Security Force Abu Salim (A. Kikli)
G9	Halbous Battalion
G10	Hateen Battalion
G11	Mahjoub Brigade
G12	Janzour Knights (Fursan Janzour)
G13	Nasr brigade
G14	National mobile force battalion
G15	Somoud battalion
G16	South Protection Force
G17	Special Deterrence Force
G18	Rahbat al-Duru' battalion
G19	Bunyan al Marsous
G20	Dhaman Battalion

### GNA-AF Other Groups

G21	105 battalion
G22	165 Guard and Protection Force Battalion
G23	+ 30 brigade
G24	411 Border Protection
G25	42 brigade
G26	6 infantry brigade
G27	Abu Ghilan Martyr's battalion
G28	Al Laa'sar brigade
G29	Al Madina battalion
G30	Al Rawased
G31	Bab Tajura battalion
G32	* Conseil de Commandement Militaire Pour le Salut de la Republique
G33	Farouq brigade
G34	General Security Service
G35	Hamdi bin Rajab Martyr's battalion
G36	Haitham Kathrawi battalion
G37	Ibrahim Hneish battalion
G38	* Justice and Equality Movement (JEM)
G39	Marsa brigade
G40	Martyr Mohamed al Kilani brigade
G41	Misrata country martyrs brigade
G42	Muammar Al Dhawi battalion
G43	Mustafa bin Rabia martyrs brigade
G44	Nalut military council
G45	Ousoud Tajura
G46	Tarhuna Protection Force
G47	* Union de la force de la resistance
G48	Zintan military council
G49	Zuwarah Protection Force

### HAF Prominent group

H1	102 infantry battalion
H2	106 brigade legion
H3	116 Infantry battalion
H4	117 infantry battalion
H5	127 infantry battalion
H6	128 infantry battalion
H7	152 mechanized brigade
H8	155 infantry battalion
H9	192 infantry battalion
H10	78 infantry battalion
H11	Tawhid Salafi brigade
H12	* Gathering of the Sudan Liberation Forces (GSLF)
H13	9 brigade (Kaniyat)
H14	Khalid bin al Walid battalion
H15	* Rapid Support Forces
H16	Sa'iq'a special forces
H17	Tariq bin Ziyad
H18	* Sudan Liberation Army/Minni Minawi (SLA/MM)
H19	Barq al Nasr
H20	Soboul al Salam battalion
H21	120 special forces battalion

### HAF Other Groups

H22	101 light infantry brigade
H23	107 infantry battalion legion
H24	111 infantry battalion
H25	115 infantry battalion
H26	12 infantry brigade
H27	121 infantry battalion
H28	123 infantry battalion
H29	124 artillery battalion
H30	129 infantry battalion
H31	134 Zaltan battalion
H32	140 infantry brigade
H33	142 infantry brigade
H34	145 infantry brigade
H35	153 infantry battalion
H36	155 infantry battalion
H37	166 infantry battalion
H38	173 infantry battalion
H39	201 battalion
H40	21 special forces battalion (Zawiyahh)
H41	210 mechanized infantry battalion
H42	22 brigade
H43	26 combat brigade
H44	27 brigade
H45	276 infantry battalion
H46	298 tank battalion
H47	303 infantry battalion
H48	306 infantry battalion

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H49	4 brigade	H52	6th force
H50	409 infantry battalion	H53	93 brigade
H51	60 infantry support battalion	H54	Ain Mara martyrs brigade company
		H55	Awbari zone
		H56	Awliya al Dam Bu Hdima
		H57	* Le Front pour l'alternance et la concorde au Tchad
		H58	* Oruba battalion
		H59	* Sudan Liberation Army/Abdul Wahid (SLA/AW)
		H60	+ * Sudanese Liberation Army/Transitional Council (SLA/TC)
		H61	Wadi battalion

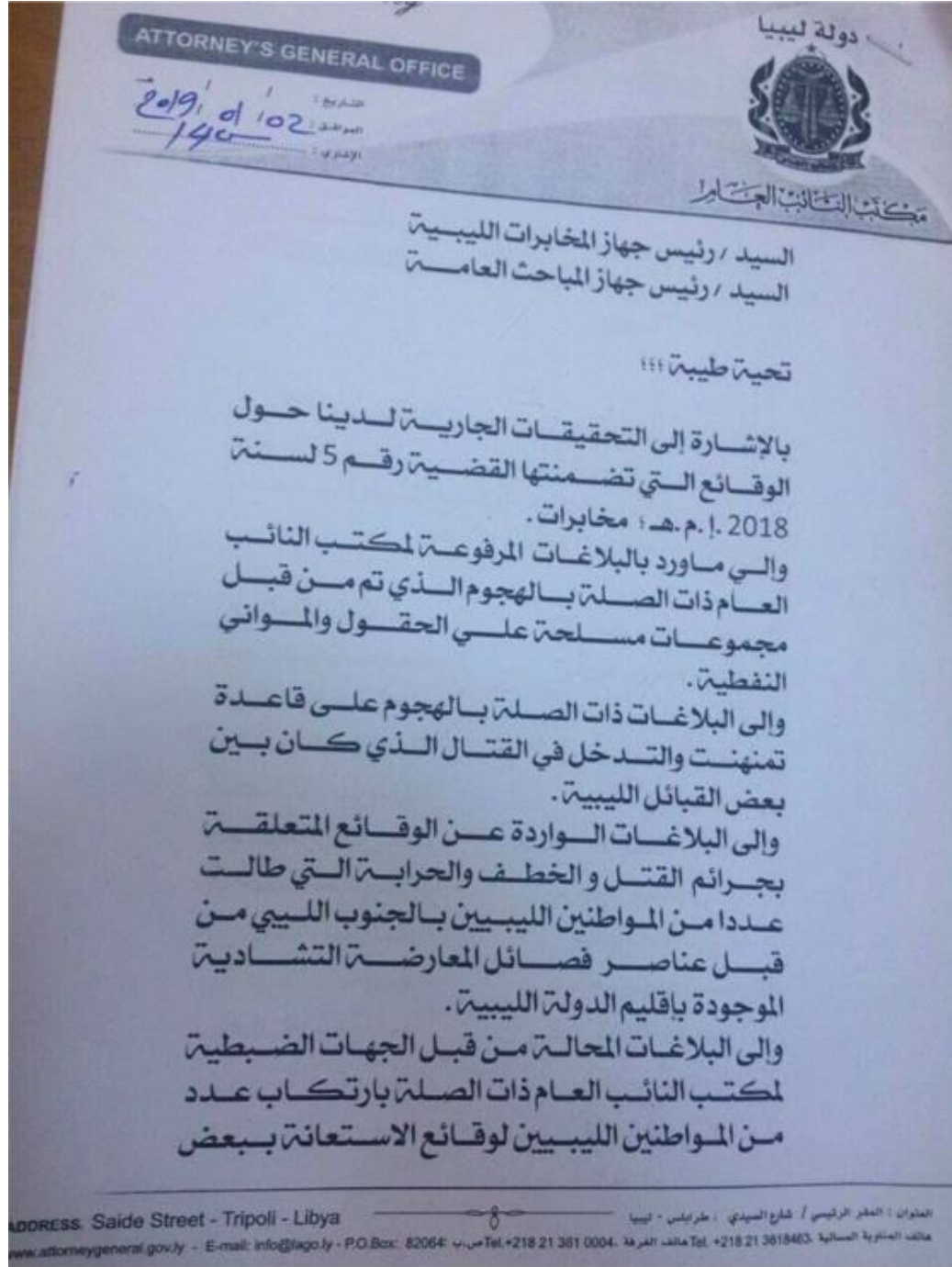
+ Denotes location and/or details not verified by the Panel.

\* Denotes foreign armed group.

## Annex 7: Arrest warrants issued on 1 January 2019 by the AGO.

Figure 7.1

List of arrest warrants issued by the AGO against Chadian, Sudanese and Libyan nationals





Country

دولة ليبيا

ATTOENEY'S GENERAL OFFICE

التاريخ :  
الموافق :  
الإشراف :

مكتب النائب العنستار

عناصر المعارضة السودانية والتشادية  
والاشتراك مع بعض عناصرها في القتال الدائر  
بين الفرقاء الليبيين .

نأمر

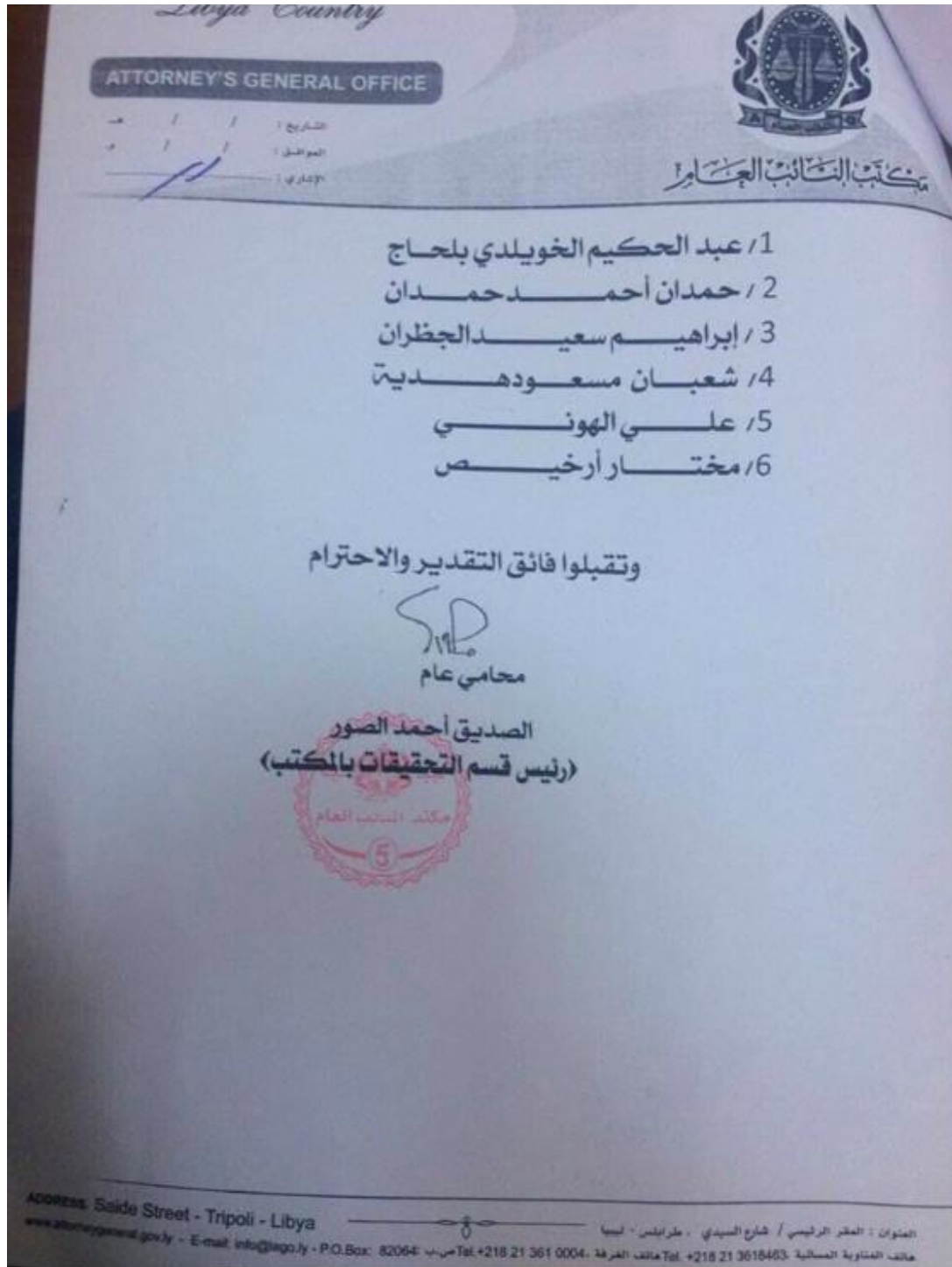
أولا/ بالبحث والتحري عن الوافدين الآتي  
ذكرهم بهذا الكتاب والعمل على ضبطهم  
واحضارهم لارتكابهم الوقائع المشار إليها سلفا  
وقيدتهم للمجموعات المسلحة وهم :

المعارضة التشادية	1/ علي أحمد عبد الله
المعارضة التشادية	2/ حامد جورومارقي
المعارضة التشادية	3/ محمد موسى آدم
المعارضة التشادية	4/ محمد أحمد نصر
المعارضة التشادية	5/ آدم حسين
المعارضة التشادية	6/ محمد عبد الله أحمد
المعارضة التشادية	7/ عمر أبكر تيجاني
المعارضة التشادية	8/ بشارة حجر أيبو
المعارضة السودانية	9/ حسن موسى كالي
المعارضة التشادية	10/ محمد المهدي علي
المعارضة التشادية	11/ أبوبكر تولي
المعارضة التشادية	12/ الأشي وردوقو

العنوان : العنصر الرئيسي / شارع السيدي ، عرنايس - ليبيا  
هاتف المناوبة العمالية : +218 21 3618463. هاتف العرفة : +218 21 361 0004. ص.ب 82064 - E-mail: info@lago.ly - P.O.Box: 82064

DRESS Saide Street - Tripoli - Libya





Source: AGO.

Figure 7.2

**Unofficial translation of the above document**

Translated from Arabic

Attorney's General Office

Date : 02.01.2019

Ref.N°140

Mr. Head of the Libyan Intelligence Service  
Mr. Head of the General Intelligence Service

Greetings,

As a reference to the ongoing investigations concerning the events mentioned in case n°5 of 2018 Ref.: e.m.h; Intelligence.

to the claims addressed to Attorney General's Office concerning the attack that took place previously by armed groups against oil fields and ports.

To the claims linked to the attack against the Taminhint , and the intervening in the combat that was between some of the Libyan tribes.

To the claims on the events linked to killings, kidnapping, and robberies against a number of Libyans in the south of Libya by groups of Chadian opposition present in Libya.

To the incoming statements from investigative bodies to the Attorney's General Office on cases of some Libyan nationals who sought the assistance of members of the Sudanese and Chadian oppositions and the cooperation of some of their members in the combat taking place between the warring parties.

We order,

Firstly, to search and investigate on the following individuals listed in this note, apprehend and bring them in for committing the abovementioned events and their affiliation to armed groups. They are :

- |                           |                     |
|---------------------------|---------------------|
| 1. Ali Ahmed Abdallah     | Tchadian Opposition |
| 2. Hamed Juru Marqi       | Tchadian Opposition |
| 3. Mohamed Mussa Adam     | Tchadian Opposition |
| 4. Mohamed Ahmed Nasr     | Tchadian Opposition |
| 5. Adam Hssein            | Tchadian Opposition |
| 6. Mohamed Abdallah Ahmed | Tchadian Opposition |
| 7. Omar Abakr Tijani      | Tchadian Opposition |
| 8. Bichara Hajer Aybu     | Tchadian Opposition |
| 9. Hasan Musa Kelley      | Sudanese Opposition |
| 10. Mahmat Mahdi Ali      | Tchadian Opposition |

11. Abubakar Tolli	Tchadian Opposition
12. Alashi Ourdugo	Tchadian Opposition
13. Barki Yusef	Tchadian Opposition
14. Timan Erdimi	Tchadian Opposition
15. Jaber Abubakar	Sudanese Opposition
16. Arko Minnawi	Sudanese Opposition
17. Abdelkarim Cholloy	Sudanese Opposition
18. Hamad Hasan Abderrehim	Tchadian Opposition
19. Musa Elhaj Azraq	Tchadian Opposition
20. Mahmat Nuri	Tchadian Opposition
21. Mohamed Hasan Boulmaye	Tchadian Opposition
22. Masud Jeddi	Tchadian Opposition
23. Abdullah Jennah	Sudanese Opposition
24. Kenga Bey Tabul	Tchadian Opposition
25. Hamad Hasan Abderrehim	Tchadian Opposition
26. Musa Alhaj Azraq	Tchadian Opposition
27. Mohamed Hakimi	Tchadian Opposition
28. Musa Mohamed Zein	Tchadian Opposition
29. Othman Al Quni	Sudanese Opposition
30. Musa Hilal	Sudanese Opposition
31. Ali Omar Tqadim	Sudanese Opposition

Secondly, search and investigate the following Libyan nationals and working on apprehending them and bringing them in. They are:

1. Abdelhakim Alkhuweldi Belhaj
2. Hmadan Ahmed Hamdan
3. Ibrahim Saeed Jadhnan
4. Shaaban Masud Hediye
5. Ali Haouni
6. Mokhtar Arkheiss

Please accept my highest respect and consideration

General Attorney  
Siddiq Ahmed Assour  
(Head of Investigations Bureau)

**Annex 8: Consultancy contract between General Dagalo and Dickens and Madson (Canada)**

Figure 8.1  
**Consultancy contract dated 7 May 2019 between General Mohamed Hamdan Dagalo and Dickens and Madson (Canada) Incorporated**

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Dickens & Madson (Canada), Inc.  
740 Notre Dame West, suite 1250  
Montreal, Quebec, Canada H3C 3X6

7 May 2019

**CONSULTANCY AGREEMENT**

You hereby retain us, and we hereby agree, as more fully set forth below, to lobby the executive and/or legislative branches of the governments of the United States of America, Saudi Arabia, the Russian Federation and any other mutually agreed upon country or countries as well as the United Nations, the AU and any other organization or NGO on your behalf and also provide other services, all to assist the devising and execution of policies for the beneficial development of your political aims, as more fully described below, and subject to the terms and conditions set forth below.

1. Our lobbying services shall consist of maintaining such contacts with the executive and/or the legislative branches of the aforesaid government or governments and institutions as you shall, in consultation with us, deem advisable in order to urge the institution and/or maintenance of legislative and/or executive policies favorable to you, and the elimination or prevention of such policies unfavorable to you. In particular, we shall strive, among other goals, to conduct lobbying, in the United States, the Russian Federation and other countries to assure that you attain recognition as the legitimate transitional leadership of the Republic of the Sudan and create a supervisory role for your council. In furtherance of this objective, we will ask [REDACTED] to visit Sudan by the end of this month. We shall then attempt to arrange meetings for the council leadership with senior personalities in the United States. We will then strive to



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arrange a public meeting between The Honorable President Trump and yourselves. We shall also strive to arrange private meetings for you with senior Russian and other political figures. We shall use our best efforts to ensure favorable international as well as Sudanese media coverage for you and we shall further undertake to obtain financing for you from the United States, the Russian Federation and other countries. We shall also strive to obtain funding and equipment for the Sudanese military. We will strive to obtain funding for your Council from the Eastern Libyan Military Command in exchange for your military help to the LNA (Libyan National Army).

2. Our lobbying services shall also consist of maintaining such contacts with the executive and/or the legislative branches of the aforesaid government or governments, international institutions and/or political organizations, as you shall, in consultation with us, deem advisable, in order to urge the institution and/or maintenance of legislative and/or executive policies favorable to you, and the elimination or prevention of policies unfavorable to you. More specifically we shall lobby to garner international support for the restoration of domestic tranquility in Sudan. In furtherance of this end we shall strive to obtain urgent meetings for your representatives with Heads of various Middle Eastern Governments to discuss and resolve any outstanding matters between Sudan and these Governments and enhance mutual cooperation especially in the field of internal security. We shall also strive to have the United States terrorist designation of Sudan dropped. We shall also seek a resolution to any remaining State divestment programs and issues of U.S. Export Controls and regulations. We shall further attempt to correct unfavorable international media coverage and current misconceptions concerning the Sudan and its Government. We shall assist in the integration of South Sudan with Sudan in the form of a Sudanese Union modeled after the European Union and the integration of the marketing of the oil and mineral reserves into a consolidated entity. We shall also strive to secure for you U.S. investment in a joint oil project involving the Republic of the Sudan and the Republic of South Sudan for the full development of existing and potential oil and gas resources. We shall endeavor, through [REDACTED] companies already introduced to Khartoum, as

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well as other investors and specialized companies to bring the general project forward within 3 months. We shall also attempt to provide military training and security equipment to your military forces. We shall also strive to obtain for you infrastructural and food security support through a grant or grants in aid from the Government of the Russian Federation, or some branch thereof. Such grants are to be used in the manner specified by you and in agreement with the government of the Russian Federation. These grants will include at least 300 000 MT's of high protein wheat and another 200 000 MT's of animal feed and 100,000 tonnes of diesel.

3. The lobbying services noted above shall be conducted by us if and only to the extent they are mutually agreed upon, and only to the extent allowed by law and in particular, but without limitation, only to the extent that all activities conducted by us can be, and are, in compliance with any and all laws and regulations relating to lobbying on behalf of a foreign entity, including registration and disclosure. As you know consultants are not allowed to receive any funds that devolve from government grants that they may procure for their client.

4. The other services cited by us above shall, to the extent mutually agreed upon, include assistance in providing key personnel, training, equipment, technical assistance, and development assistance, as may be appropriate.

5. The fee for this consultancy agreement shall be US\$6,000,000.00 payable upon signature of this agreement by wire transfer to the following account:


Beneficiary account name:  
Beneficiary address:

Beneficiary account number:  
Bank name:  
Bank address:

Bank routing:  
Bank SWIFT:  
Reference:



  
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6. Any normal out-of-pocket disbursements shall be our responsibility; and the payment of any unusual out-of-pocket disbursements shall be as mutually agreed upon.

7. We will keep you fully advised on all our efforts on your behalf.

8. We shall develop a series of guidelines within which we shall have the discretion to act on your behalf, subject always to your specific instructions.

9. We shall exert reasonable efforts to secure favorable legislative and/or executive policies, including, without limitation, the specific items noted in paragraphs 1, 2 and 4 above. You are aware, however, that it is not possible in these fields to guarantee any particular results. In order to enable us to serve your interests effectively, considering the foregoing, you agree to cooperate with us fully in furnishing us with necessary information as promptly as possible.

10. The term of this agreement shall be for one year renewable upon mutual agreement.

11. This letter of agreement sets forth our entire understanding.

12. This Consultancy Agreement and any documents relating to it may be executed and transmitted between the signatories by facsimile or email, which facsimile, or email, shall be deemed to be, and utilized in all respects as, an original, wet-inked manually executed document.



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13. If any party below breaches any material provision, or term of this contract and fails to remedy such breach within (5) days of receipt of written notice requiring it to do so if it is not reasonably possible to remedy the breach within five (5) days within such time as may be reasonable in the circumstance the two parties agree to attempt to resolve all disputes in connection with this agreement or the fulfillment of this agreement through friendly discussion. If the dispute cannot be resolved through friendly discussion, the dispute shall be arbitrated in London, United Kingdom by the LCIA with the prevailing law to be the "United Nations Convention on Contracts (1980) and the Laws of the Province of Quebec, Canada.

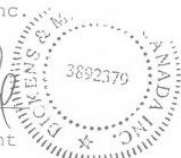
If the foregoing correctly sets forth your understanding of our agreement, please so indicate by countersigning below. This letter shall then constitute a binding agreement between us.

Dated as of this 7th day of May 2019.

Confirmed and accepted:

Dickens & Madson (Canada), Inc.

By:   
Ari Ben-Menashe, President



Confirmed and accepted:

Transitional Council of Sudan

By: 

H.E. Lieutenant General Mohamed Hamdan Dagalo, Deputy Leader

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**Annex 9: Attack on NOC headquarters in Tripoli**

1. On 10 September 2018, an unidentified group of armed men entered the NOC headquarters by force, killing 2 and injuring 37 staff. Three IEDs were detonated, causing substantial damage to the premises. The building is still under renovation.

Figure 9.1  
**Armed attacker**



Source : Confidential

Figure 9.2  
**Armed attacker**



Source: Confidential

Figure 9.3  
**Condition of the premises in September 2019**



Source : Confidential

Figure 9.4  
**Condition of the premises in September 2019**



Source: Confidential

## Annex 10: ISIL claim of responsibility for MFA attack of 25 December 2018

Figure 10.1  
ISIS claim of responsibility



 SMM Libya  
@smmlibya

" 'ISIS security cells' carry out attacks from time to time, targeting the factions and groups that remain control over the Libyan cities and towns. The latest one was in Tazerbo town in Al-Kufra region last November," [#ISIS](#) [#Amaq](#) said in a statement

[#Libya](#) [#Tripoli](#) [#GNA](#) [#MFA](#)

يذكر أن الخلايا الأمنية للدولة الإسلامية تشن بين الحين والآخر، هجمات على الفصائل والجماعات التي تسيطر على المدن والبلدات الليبية، كان آخرها في بلدة تازربو بمحافظة الكفرة جنوب شرقي ليبيا أواخر الشهر الماضي.

## Annex 11: Initial attack on Tripoli International Airport (TIA)

1. Neighbourhoods surrounding TIA and the airport road have been at the frontline of conflict since HAF usurped the TIA and grounds on 5 April 2019. Although the facility was destroyed in the 2014 conflict and is no longer in operation, it remains a strategic asset. HAF briefly lost control of some areas to GNA-AF on 7 and 8 April 2019 before regaining their position. The Panel has been unable to visit the site for an assessment.
2. A photograph of a designated individual, Abd Al-Rahman al-Milad (LYi.026) posing with GNA fighters in the vicinity of the airport was obtained by the Panel on 8 April 2019.

Figure 11.1

**HAF fighters at Tripoli international airport on 5 April 2019**



Figure 11.2

**Abd Al-Rahman al-Milad (LYi.026) near Tripoli international airport on 8 April 2019**



Source:

<https://m.facebook.com/warinformationdivision/photos/a.1621302997911303/2652748824766710/?type=3&source=54>.

Source: Confidential source. The same image was subsequently published at <https://almarsad.co/en/2019/04/08/gna-forces-collaborating-with-un-sanctioned-smugglers/>.

## Annex 12: Threats to and attacks on GNA Minister of Finance

1. On 25 September, two individuals, one with known association to the GNA-AF Nawasi brigade, Muhammad Abu Dara', attacked and threatened the GNA Minister of Finance and other staff.

Figure 12.1

GNA Minister of Finance accuses Al-Tahir Urwah and Muhammad Abu Dara' of the attack



Figure 12.2  
Official translation of the above document.

*Translated from Arabic*

**Government of National Accord**  
**Minister of Finance**

Urgent and important

Sirs,

The facts of the case are as follows: at 2 p.m. on Wednesday, 25 September 2019, an individual named Al-Tahir Urwah, who claimed to be Deputy Chief of the Libyan Intelligence Service, came to our workplace at the Ministry of Finance Secretariat on Sikkah road. After we had shown him in, he attacked us, claiming that the Ministry of Finance had stopped disbursing the salaries of Libyan Intelligence Service staff. He refused to leave the office, forcing us depart from the office and leave him there.

After he had left the Ministry building, he came back at 3 p.m. that same day with another individual named Muhammad Abu Dara'. The latter also attacked us, leaving a 9 mm calibre bullet in my hand. He then left.

These facts are being passed on for your information and so that you can take the necessary legal measures and open an urgent investigation.

Regards,

(Signed) Faraj Abdulrahman Bu **Matari**  
Minister of Finance

Acting Public Prosecutor  
Minister of Finance

**cc:**

President of the Presidency Council of the Government of National Accord  
Chief of the Superior Council of the Judiciary  
Head, Audit Bureau  
Head, Administrative Oversight Agency  
The concerned Deputy Minister of Finance  
Archive

Figure 12.3

## Statement by the Ministry confirming the attack

STATE OF LIBYA  
GOVERNMENT OF NATIONAL ACCORD  
MINISTRY OF INTERIOR  
The Minister's Office

دولة ليبيا  
حكومة الوفاق الوطني  
وزارة الداخلية  
مكتب الوزير

الرقم الاشاري: ستم/س/1329 التاريخ: الموافق 2019/9/26

((عاجل وهام جداً))

**السيد / مدير أمن طرابلس**

بمذ التسمية 11111

**(الموضوع)**

- المدعو/ الطاهر عروة .  
- المدعو/ محمد أبو ذراع .

يشير كتاب السيد/ وزير المالية المفوض رقم (م.475/4) المؤرخ 2019/9/25م إلى أنه بتاريخ يوم الأربعاء الموافق 2019/9/25م قيام المذكوران أعلاه بالتهجم عليه بمقر عمله بديوان وزارة المالية الكائن بطريق السكة بشأن ادعى المذكور أعلاه الأول بأن السيد/ وزير المالية أوقف صرف مرتبات منتسبي جهاز المخابرات الليبية وقيام المذكور أعلاه الثاني بنفس التاريخ عند الساعة الثالثة بعد الظهر بالحضور إلى مقر الوزارة وتهجم أيضاً على السيد/ الوزير وتاركاً بيده رصاصة عيار (9) ملي .

عليه كلفت بأن أنقل إليكم تعليمات السيد/ وزير الداخلية المفوض التي تقضي باتخاذ الإجراءات بضبط المذكورين بالتنسيق مع مكتب النائب العام وإحالتهم إليه .

والسلام عليكم . . . .

عميد  
**أحمد الصادق الطويبي**  
مدير مكتب وزير الداخلية المفوض

مكتب الوزير  
وزارة الداخلية

السيد/ وزير الداخلية المفوض . ((تعليماتكم تشير))  
السيد/ مدير مكتب القائم بأعمال النائب العام .  
السيد/ مدير مكتب وزير المالية .  
مخلفا (( السليوي )) للحفظ .

218 21 480 3538 218 21 480 3783 84

Figures 12.4



## Statements on social media by Muhammad Abu Dara' threatening GNA Minister of Finance



محمد الازهر ابودراع

Follow Muhammad Abu Dara' to get his public posts in your News Feed.

7,118 Followers

Intro

Tripoli

Went to الجمعة سوق الجمعة

From Tripoli

Followed by 7,118 people

محمد الازهر ابودراع  
October 3 at 10:50 PM · 🌐

وراس بناتي التنتين سرقوية ما بعرف وين  
منور غسان سلامة

See Translation

777 51 Comments 1 Share

Like Comment Share

Most Relevant

Write a comment...  
Press Enter to post.

انحمة أرفاس

محمد الازهر ابودراع  
22 دقيقة · 🌐

شكراً وزير المالية بومطاري الشباب لي ماتو الزوزان  
شاء الله ربي يتقبلهم برحمته حا تدفع التمن انت ان  
شاء الله

33 تعليقا 122

مشاركة تعليق أعجبنى

Source: <https://www.facebook.com/profile.php?id=100027889903236>

## Annex 13: Attack on Mitiga airport (1 September 2019)<sup>4</sup>

### Incident details

1. At approximately 01:30 hours (local) on 1 September 2019 explosive ordnance (EO) detonated in two locations within the airport boundaries (see figure 13.1). The attack was executed minutes after the landing of a Libyan Airlines Airbus A330-200 as the passengers from the Haj pilgrimage had disembarked and were walking to the terminal building.

Figure 13.1

Location of EO impact points at Mitiga international airport (1 September 2019)



Source: Google Earth Pro image is from 23 July 2019 for illustrative purposes only. The aircraft shown is not the one damaged.

<sup>4</sup> Information from UNSMIL supported by multiple media sources.

2. This attack was the latest in a series of attacks against Mitiga international airport using land service ammunition<sup>5</sup> since the conflict started on 4 April 2019. UNSMIL has recorded fifteen such attacks during the current conflict additional to HAF air strikes.<sup>6</sup>

3. UNSMIL deployed an inspection team to the airport on 1 September 2019, and determined the damage reported at table 13.1. The UNSMIL technical assessment of impact area two was constrained by the removal of physical forensic evidence prior to their arrival and indistinctive crater patterns. This report will not consider this impact area further.

Table 13.1

**Damage to Mitiga international airport from EO impact**

<i>Impact area</i>	<i>Impact point</i>	<i>Geo-coordinates</i>	<i>Damage</i> <sup>a</sup>
1	Main aircraft parking area	32°54'17.52"N, 13°16'35.40"E	<ul style="list-style-type: none"> <li>▪ Fragmentation damage to rear and tail of Airbus A330-200</li> <li>▪ Minor crater in aircraft pan (2.36m x 0.89m).</li> </ul>
	Main terminal car park		<ul style="list-style-type: none"> <li>▪ 105m West of terminal and 406m from crater in aircraft pan.</li> </ul>
2	Main terminal car park	32°54'20.49"N 13°16'19.58"E	<ul style="list-style-type: none"> <li>▪ Fragmentation damage to parked vehicles.</li> <li>▪ Minor infrastructure damage to a civilian building and retaining wall;</li> </ul>
	Main terminal car park		

<sup>a</sup> As reported by UNSMIL.

4. The airport authorities suspended air operations and closed the airport, which was not re-opened for commercial traffic until 3 September 2019.

**Technical analysis of physical evidence and determination of EO type**

5. The UNSMIL inspection team measured the crater (figure 2) on the aircraft parking pan as being 2.36m x 0.89m. It was located 41m away from the parked aircraft.

<sup>5</sup> Using ground based weapons systems as opposed to the HAF air strikes.

<sup>6</sup> (23, 24) June 2019, (7, 17, 22, 29) July 2019, and (3, 4, 7, 11, 15, 16, 24, 27) August 2019.

Figure 13.2  
Crater on Mitiga international airport aircraft parking pan (1 September 2019)



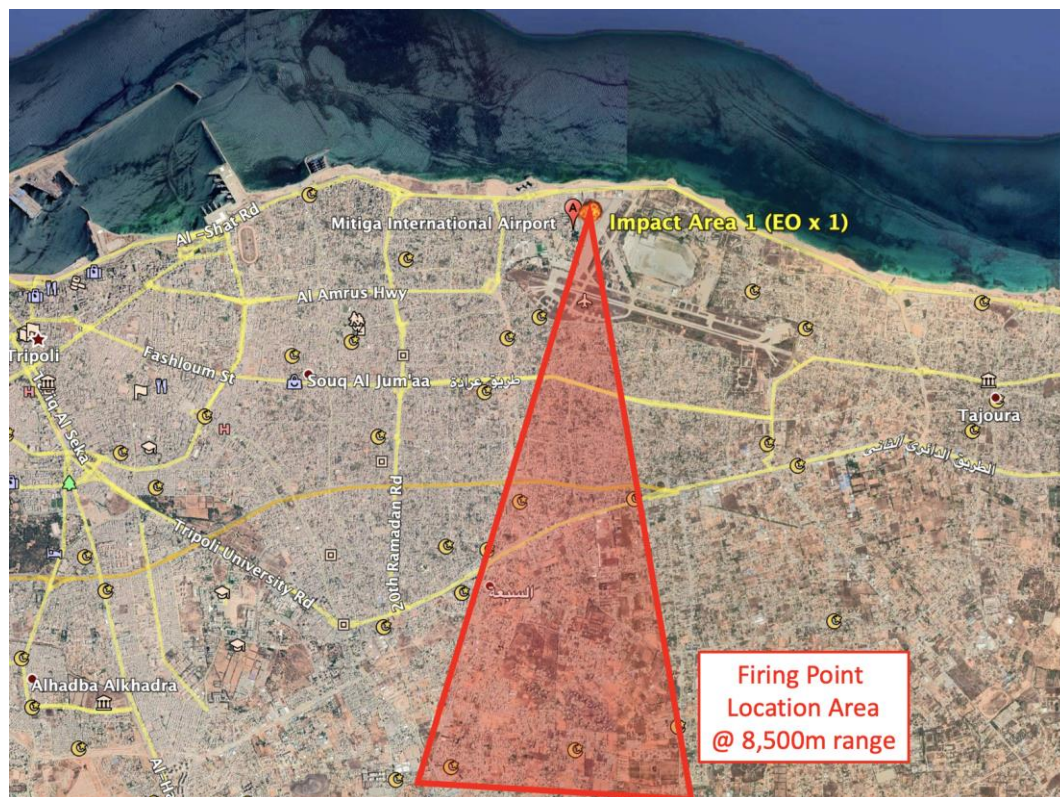
Source: <https://www.libyaobserver.ly/news/renewed-rocket-attacks-tripoli's-mitiga-airport-injure-hajjis>.

6. The dimensions of the crater and the distinctive “splatter” pattern identified by UNSMIL technical specialists on the ground at the aircraft parking pan are highly indicative of the impact detonation of an indirect fire weapon system of between 81mm to 107mm. Based on the current weapons systems available to armed groups in Libya today, this would mean the use of either an 82mm high mortar or 107mm Type 63 free flight rocket (FFR) system for this attack. It is almost certain that the damage was not the result of the detonation of the 6.5kg high explosive warhead of a 122mm BM 21 “Grad” FFR.

7. The 107mm Type 63 FFR system has the greater range of the weapon options, with a maximum range of 8,500m. From this, and the analysis of the crater dimensions and “splatter” pattern, the Panel

finds it almost certain that the explosive ordnance was firing from a location along an approximate back bearing of  $185^{\circ}$  (+/-  $15^{\circ}$ ) from the impact point as shown in figure 13.3.

Figure 13.3  
Location of firing point (1 September 2019)



Source: Image from Google Earth, 23 July 2019.

8. Confidential sources have indicated that the firing point was highly likely to have been in the south-west corner of the area illustrated above at a location called Camp Moz.<sup>7</sup>

### Casualties

9. Two crew members of the aircraft and five aircraft technicians were reportedly injured in the attack.

<sup>7</sup> Near  $32^{\circ}50'47.95''\text{N}$ ,  $13^{\circ}16'8.08''\text{E}$

### **Attribution of responsibility**

10. Although no armed group has yet taken responsibility for this attack, it is certain that HAF units were not responsible for this attack, as they had no ground forces anywhere near the area of the firing point.

11. There were some claims from a confidential source that the Tajura-based GNA-AF 33<sup>rd</sup> Brigade (a.k.a. Rabhat al-Durua') was responsible for the attack as they are involved in an internal-GNA-AF conflict with the Special Deterrence Force (SDF) who control the prison at the airport in which 33<sup>rd</sup> Brigade individuals are detained. Notwithstanding this claim though, the "banana project" area has also recently been used as a staging area for the 2<sup>nd</sup> Brigade, the Nawasi battalion, the Somoud brigade and battalion 301. Elements of the now dispersed Tripoli Revolutionaries Brigade (TRB) may also have transited this area, and as they have recently had a member imprisoned by the SDF, they too would have a motive for the attack.

12. An alternative claim is that perpetrators were from a mixed group of ex-regime supporters, Haftar supporters and criminals from Ghararaat. They are known to have previously attacked the airport in 2017/2018 and they have serious issues with the SDF.

### **Analysis of violations of IHL**

13. The Panel has initially analysed the applicable law in relation to this incident on the basis of its own independent investigations. The Panel has complied with the methodology listed at appendix C to annex 3 of this report.

### **By the armed group (AG)**

14. IHL requires that parties follow the IHL principle of distinction<sup>8</sup> and take all feasible precautions to distinguish between civilian objects and military objectives. The Panel finds that the impact area at the civilian airport was a civilian object and not a legitimate military objective at that time, and thus the AG failed to respect relevant principles of IHL, including those relating to proportionality,<sup>9</sup> as the likelihood of excessive harm to civilian objects could have reasonably been anticipated in the circumstances as the AG were certainly aware of the status of the location as a civilian international airport.

---

<sup>8</sup> CIHL Rule 7 – The Principle of Distinction between Civilian Objects and Military Objectives.

<sup>9</sup> Under IHL "*launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited*". (Emphasis added). See CIHL Rule 14.

15. It is reasonable to expect that the AG commander planning, directing and ordering this attack was aware of the civilian status of this part of the airport, given that this information is readily available, and the AG commander should have taken this into consideration when assessing if there were any ‘concrete and direct military advantage’ to the attack.<sup>10</sup>

16. IHL also requires military commanders and those responsible for planning and executing decisions regarding attacks to take all feasible precautions to avoid, and in any event to minimize (...) damage to civilian objects.<sup>11</sup> The fact that the AG was aware that this was a civilian location, where there would certainly be a congregation of civilians as a civilian aircraft had just landed, meant that they should have been particularly vigilant when undertaking a proportionality assessment and making use of available precautionary measures to minimize the incidental loss of civilian life and damage to civilian property.<sup>12</sup> It is also not yet clear what precautionary measures were taken, if any, by the AG. If taken, then the precautionary measures were ineffective.

### Panel findings

17. The Panel finds that by attacking the civilian area of Mitiga international airport at that time, that the AG were in violation of CIHL Rule 7 - The Principle of Distinction between Civilian Objects and Military Objectives,<sup>13</sup> CIHL Rule 14 – Proportionality in Attack<sup>14</sup> and CIHL Rule 15 – Principle of Precautions in Attack.<sup>15</sup>

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<sup>10</sup> See CIHL Rule 14.

<sup>11</sup> See 1) CIHL Rule 15; and 2) Article 13(1) of Additional Protocol II to the Geneva Conventions.

<sup>12</sup> See commentary to CIHL Rule 14, and the United States Department of Defense Law of War Manual (2015), p.1033, which requires combatants to assess in good faith the information that is available to them, when conducting attacks.

<sup>13</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule7](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule7).

<sup>14</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule14](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule14).

<sup>15</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule15](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule15).

## Annex 14: GNA indiscriminate use of S-125 Nova Pechora missiles

### Incident details

1. On 13 June 2019 video imagery showed GNA-AF firing an S-125 Nova Pechora<sup>16</sup> medium range surface to air missile (SAM) from an improvised launcher in an indirect fire role against HAF ground targets in Tripoli.

Figure 14.1  
S-125 *Nova Pechora* SAM on GNA-AF improvised launcher



Figure 14.2  
S-125 *Nova Pechora* SAM fired from GNA-AF improvised launcher



Source: @oded121351. Twitter Video Extract. 13 June 2019. Accessed 17 June 2019. [L] and [R].

2. The use of surface to air missiles (SAM) from improvised launchers in the indirect fire role against populated areas is a violation of IHL no matter the circumstances. Many factors affect the accuracy<sup>17</sup> and precision<sup>18</sup> of an indirect fire weapon system, including meteorological conditions, the suspension system of the launcher, knowledge of the ballistic trajectories for differing ranges, the condition of the rocket motor propellant, accuracy of sighting system, and the professionalism of the crew. All these require substantial modelling, field testing, statistical analysis of fall of shot under known conditions, and training. From this a Circular Error Probability (CEP)<sup>19</sup> can be derived. For a purpose designed free flight rocket system, such as the 122mm GRAD multi-barrel rocket launcher at

<sup>16</sup> Alternative designation SA-3 *Goa*.

<sup>17</sup> The ability to hit a designated target.

<sup>18</sup> The ability to hit the designated target consistently.

<sup>19</sup> The CEP is the radius of a circle around a mean point of impact in which over 50% of the rounds fired will impact. A large CEP indicates the level of precision of the weapons system.



a range of 20km the CEP and variables mean that a deflection error of 160m either side of the target and a range error of 300m would not be untypical.<sup>20</sup> For an improvised system such as the S-125 *Nova Pechora*<sup>21</sup> SAM, fired in a surface to surface role, there is virtually no possibility the crew could know the CEP.

### Panel findings

3. The Panel finds that by firing indiscriminately towards a target within a civilian populated area the GNA-AF are in violation of CIHL Rule 11 - Indiscriminate Attacks,<sup>22</sup> CIHL Rule 14 – Proportionality in Attack<sup>23</sup> and CIHL Rule 15 – Principle of Precautions in Attack.<sup>24</sup>

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<sup>20</sup> GICHD, February 2017. *Explosive Weapon Effects*. pp32-33. (ISBN: 978-2-940369-61-4). Geneva: GICHD.

<sup>21</sup> NATO designation SA-3 *Goa*.

<sup>22</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule11](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule11).

<sup>23</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule14](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule14).

<sup>24</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule15](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule15).

## Annex 15: Attack on Tajura DCIM Detention Centre (2 July 2019)

1. At 23:28.41 hours and 23:39.33 hours local time<sup>25</sup> on 2 July 2019, two items of explosive ordnance (EO) were dropped from a military aircraft and detonated within the Dhaman military compound<sup>26</sup> at Tajura. One EO detonated in the detention centre and the second EO in a Dhaman brigade vehicle repair workshop and storage area (see image 15.1 for general layout of the Dhaman military compound).

Image 15.1

### Layout of Dhaman military compound and EO strikes



Source: Imagery from Google Earth Pro. Information from confidential sources.

<sup>25</sup> Timings obtained from security camera footage of the area. The camera is located at 32°50'3.53"N, 13°23'5.84"E and is facing NorthEast. <https://www.facebook.com/100004332917324/videos/1319047484916336/?s=100024356882840&sfns=mo>. The Panel notes that this is a little used social media account, last used in November 2016. The Panel is convinced of the veracity of the video. Accessed on 5 July 2019.

<sup>26</sup> ضمان كتيبة. EO Strike 1, 32°50'3.58"N, 12°23'9.50"E; EO Strike 2, 32°50'3.79"N, 13°23'5.50"E.

2. On 6 July 2019 Maxar Technologies Incorporated ([www.maxar.com](http://www.maxar.com)) released satellite imagery of the aftermath of the attack that were taken on 3 July 2019 (images 15.2 and 15.3). The Panel has re-orientated this imagery to allow for an easy direct comparison to image 15.1.

Image 15.2

Maxar satellite image of Dhaman compound and EO strikes (3 July 2019)



Image 15.3  
Maxar satellite image of area of EO strikes (3 July 2019)



## Casualties

3. The initial UN OCHA report<sup>27</sup> stated that local health sector partners had indicated that at least 53 refugees and migrants were killed, with 130 injured, and this has been widely reported. Notwithstanding this, a highly experienced independent investigator informed the Panel that there was minimal evidence to support this when the site was visited on 3 July 2019, less than fifteen hours post-attack. Only very low levels of human remains or tissue were observed, blood levels were very low on the surrounding infrastructure and surfaces, and there was no strong distinctive smell associated with decaying remains or body tissue. There were not the usual levels of such evidence that would be

<sup>27</sup> OCHA. Humanitarian Update. *Attack on Tajura detention centre*. 3 July 2019.

expected, even after the evacuation of casualties and cadavers, if an item of explosive ordnance had detonated within such a densely occupied building. The Panel continues to investigate casualty levels, but currently cautions against the accuracy of the initial local health sector reports, as this incident is being used in the propaganda war between the parties to the conflict.

### **Notification and warnings**

4. The locations of all DCIM detention centres and refugee/migrant camps were routinely notified to all parties to the conflict, but the Panel could not identify any formal protocols for notification.<sup>28</sup> OHCHR had certainly informed parties to the conflict of the geo-coordinates of detention facilities,<sup>29</sup> and reminded them<sup>30</sup> of their obligations regarding the protection of civilians and civilian objects. In a statement on 8 May 2019 UNHCR had called for refugees and migrants in detention centres in conflict areas to be immediately evacuated to safety.<sup>31</sup>

5. The Panel notes, for example, that the geo-coordinates provided to the Panel by UNHCR for the DCIM detention centre, (32°50'03.3"N, 13°23'08.1"E), were for a single point only located 30m equidistant between the detention centre and the Dhaman brigade vehicle workshop (see image 15.3). If these had been sent to the parties then they would require interpretation by a strike targeting team<sup>32</sup> as to which building was the DCIM detention centre.

6. The Panel investigated how the notification system worked, including the level of geo-coordinate detail disseminated and made recommendations of best practice (an extract of which is at appendix A).

### **Technical analysis of physical evidence and determination of EO type**

7. Post blast crater photogrammetry analysis by the Panel of imagery (image 15.4) determined that the size of the crater resulting from the air strike that impacted on the detention centre, was 4.3m

<sup>28</sup> The Panel has learned that, for example, on 5 May 2019 UNSMIL used the Viber messaging app to pass the geo-coordinates for some locations, including the Tajura DCIM detention centre, to the leadership of both parties to the conflict. The Panel developed an Advisory Note covering best practices for humanitarian deconfliction (see appendix A)

<sup>29</sup> Panel Source. OHCHR also asserts both parties to the conflict were informed of the geo-locations of the detention facilities. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24784&LangID=E>.

<sup>30</sup> OCHA. Situation Report No 23. 10 May 2019.

<sup>31</sup> Ibid.

<sup>32</sup> International best practice requires “legal sign off” before a strike is authorized by the responsible commander. This only occurs after selection of the ordnance to be used, and bomb damage impact and blast predictions.

diameter.<sup>33</sup> The crater profile is highly indicative of that typically caused by the sub-surface detonation of a high explosive (HE) aircraft (A/C) bomb.

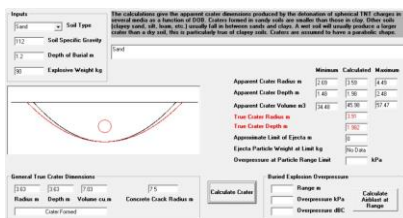
Image 15.4  
Post blast crater



Source: Extracted from <https://www.nytimes.com/video/world/africa/10000006594125/libya-airstrike-migrant.html?smid=pl-share>.

8. This crater size and profile falls within the dimensional parameters for the detonation of approximately 90kg of high explosives (TNT equivalent) at a burial depth of 1.2m (figure 15.1).

Figure 15.1  
Explosive Engineers Tool Box prediction of crater size and profile



Source: Explosive Engineers Tool Box (EETB). Assumes initiation at a burial depth of 1.2m due to impact.

<sup>33</sup> A confidential source later reported measuring the crater as 4.2m x 2.8m.

9. This explosive mass estimate is close to the 91.4kg (TNT equivalent) explosive mass of the Mark 82 variant HE A/C bomb or a similar type. The damage levels physically observed, and the security camera imagery of the explosion, provide qualitative evidence in support of this technical estimate.

10. The Panel thus finds that an HE A/C bomb with an explosive content of approximately 90kg was almost certainly the cause of the explosion.

11. Explosives engineering analysis predicts that for an explosive device the size of an HE A/C bomb (net explosive content (NEC) of 90 kg) the blast overpressure will result in 99 per cent fatalities at a radius of up to 8.3m from the point of detonation, with permanent hearing damage expected out to a radius of 42.4m.<sup>34</sup> These figures will be reduced to a degree as the A/C bomb detonated sub surface inside a space protected by the concrete walls between the rooms in the detention centre. Fatalities and injuries from fragmentation effects would be dependent on the spatial density of the inhabitants, who would act as “fragmentation traps”.<sup>35</sup>

### **Attribution of responsibility**

12. Although various allegations as to the perpetrators of the incident have been made, the Panel notes that at a press conference in Benghazi on 3 July 2019, Ahmed al-Mismari, the HAF spokesperson, admitted that the HAF had conducted the air strikes.<sup>36</sup> He reportedly went on to say that the HAF regarded the base as a legitimate target and that the HAF had repeatedly targeted it with airstrikes and artillery. The Panel notes that no claim was made that solely HAF-owned air assets were used in the air strikes.

13. On 4 July 2019, the GNA Minister of Interior and Defence, Fathi Bashagha, claimed that the attack was conducted by the United Arab Emirates using an American manufactured F-16 jet.<sup>37</sup> He then went on to suggest that Egypt could also be complicit by allowing the UAE aircraft to refuel in Egypt.

<sup>34</sup> See C. N. Kingery and G. Bulmash, “Airblast parameters from TNT spherical air burst and hemispherical surface burst”, Technical Report ARBRL-TR-0255 (Ballistics Research Laboratory, Aberdeen Proving Ground, Maryland, United States, April 1984). Assuming peak reflected pressure surface burst.

<sup>35</sup> The Panel does not yet have sufficient information to model this aspect of the warhead’s capability with any degree of acceptable accuracy for this incident.

<sup>36</sup> <https://www.yenisafak.com/en/news/haftar-forces-admit-to-libya-migrant-camp-airstrike-3484837>. Accessed on 5 July 2019.

<sup>37</sup> <https://www.wsj.com/articles/libyas-tripoli-government-blames-u-a-e-for-deadly-airstrike-11562255129>. Accessed on 5 July 2019.

14. The Panel has established that, until now, the only night operational capability<sup>38</sup> for the delivery of explosive ordnance by the HAF was the *Wing Loong* unmanned combat air vehicle (UCAV), and possibly the IOMAX Archangel. The HAF is not operating any assets under its sole control with a night operational capability to accurately and precisely deliver HE A/C bombs of the type used in this incident. The attack on Tajura shows some of the hallmarks of the use of precision guided munitions (PGM), as the odds of two unguided ‘dumb’ aircraft bombs both hitting the roofs of buildings, in what is a relatively under developed area in terms of low spatial density infrastructure, would be very low.

15. The Panel also has independent evidence from a reliable confidential source<sup>39</sup> that an unknown number of *Mirage* 2000-9 fighter ground attack (FGA) were using Al Khadim airbase,<sup>40</sup> and Jufra<sup>41</sup> as operating bases at that time. The HAF does not possess such aircraft types. A full maintenance and weapons support team would also need to be provided by the supplying Member State, as the HAF has neither the training, equipment or explosive ordnance types to support the operation of such an aircraft type. The *Mirage* 2000-9 has a fully night operational capable airframe, with the capability to also deliver PGM.

16. Therefore, the Panel finds it highly probable that the air strike was conducted using PGM at night by a modern FGA aircraft owned and operated by a Member State, acting in direct support of the HAF. The Panel reserves identification of this Member State until further physical evidence or imagery emerges to increase attribution confidence levels, and continues to investigate the circumstances of the air strikes.

### Continuity of evidence

17. The Panel has concerns about the continuity of physical evidence and hence the veracity of the claims by the local health partners to OCHA as to the effects of the explosion within the DCIM detention centre.

18. Firstly, there appears to be a disparity between the damage levels observed immediately post blast from the security camera imagery (image 15.5) and those that were recorded by the media and other investigators the next day (image 15.6). The security camera footage clearly shows a determined effort to break down a door to allow the migrants to egress the building post blast. This would not have been required if the wall had been destroyed by the blast. Similarly, the security camera imagery shows an intact roof gutter line and a wall where the door is; that roof line and wall is no longer there in image 15.6. Independent investigators also report a small bulldozer working in the immediate area on their arrival, but the activity stopped during the period of their visit.

<sup>38</sup> This is the capability to accurately and precisely deliver explosive ordnance against a specific target using the avionic system paired to the airframe and weapons system, as opposed to a pilot’s judgement as to the right release point using passive night vision goggles (PNG).

<sup>39</sup> Two further confidential sources have also indicated that *Mirage* 2000-9 aircraft are now operating in Libya in support of the HAF.

<sup>40</sup> Centred on 31°59'59.10"N, 21°11'40.22"E. The Panel has previously reported on the development and use of Al Khadim airbase by the UAE in paragraphs 124 to 125 and annex 35 of [S/2017/466](#), and paragraphs 111 to 113 of [S/2018/812](#).

<sup>41</sup> Centred on 29°11'54.15"N, 16°0'4.86"E.



Image 15.5  
Immediate post-blast imagery from security camera<sup>42</sup>

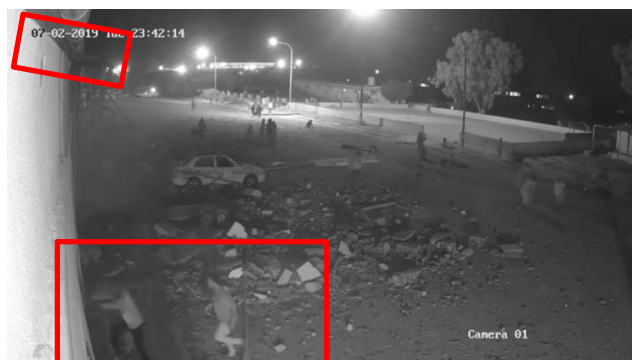


Image 15.6  
Post-blast imagery from media<sup>43</sup>



Sources: Source: 1) Extracted from <https://www.facebook.com/100004332917324/posts/1319048021582949?s=100024356882840&sfns=mo>. Accessed on 5 July 2019. [L]; and 2) extracted from <https://almarsad.co/en/2019/07/06/satellite-images-and-video-footage-reveal-new-facts-on-tripoli-migrants-detention-centre/>. Accessed on 6 July 2019. Verified by ground eye-witnesses that visited on 3 July 2019 [R].

19. Secondly, the opinion of an independent investigator concerning the low levels of forensic evidence vis-à-vis human remains and tissue (see earlier) are to a degree supported by the imagery. Close examination of images 15.4 shows no signs of blood splatter on the white colour walls in the immediate area of the bomb crater. This is highly unusual for the claimed number of casualties with what would have been a very high occupational spatial density at the time of the explosion.<sup>44</sup>

20. Thirdly, the security camera video imagery shows the 10:52 minutes between the explosions, and a further 3:09 minutes imagery post explosion. No individuals were observed leaving the detention centre. In the time shown post the second explosion the rescuers had still not managed to unlock or

<sup>42</sup> Source: Extracted from <https://www.facebook.com/100004332917324/posts/1319048021582949?s=100024356882840&sfns=mo>. Accessed on 5 July 2019.

<sup>43</sup> Source: Extracted from <https://almarsad.co/en/2019/07/06/satellite-images-and-video-footage-reveal-new-facts-on-tripoli-migrants-detention-centre/>. Accessed on 6 July 2019. Verified by ground eye-witnesses that visited on 3 July 2019

<sup>44</sup> The Panel estimates, based on photogrammetry and the claimed casualty levels, that each individual would have been occupying no more than 2.2m<sup>2</sup> of floorspace. That figure assumes everyone in that part of the detention centre was a fatality or injury.

break down the door to gain access to the detention centre building, and no migrants or refugees had emerged from that side of the building. This evidence contrasts the claims mentioned in the OCHA humanitarian update<sup>45</sup> that some refugees and migrants were fired upon by guards as they tried to escape.

21. The Panel makes no findings regarding these continuity of evidence related issues, but includes them for background and to assist in any future independent investigation.

### **Analysis of violations of IHL.**

22. The Panel has initially analysed the applicable law in relation to this incident on the basis of its own independent investigations. The Panel has complied with the methodology listed at appendix C to annex 3 of this report.<sup>46</sup>

### **By the HAF**

23. Although it is highly probable that the airframe that delivered the explosive ordnance in this attack was operated by a Member State, those operations were almost certainly in support of the HAF against targets developed by and agreed upon with the HAF air operations organization. Thus, the HAF bears a large burden of command and operational responsibility for the attacks. The Member State supporting the HAF with the air assets used in this attack will also highly probably have violated IHL, and the Panel continues to investigate this aspect.

24. The Panel investigations demonstrated that, while it is possible that some individual fighters may have been present in the Dhaman brigade workshop and storage area, there were civilians, including children, in the detention centre at the time of the air strikes.

25. IHL requires that parties follow the IHL principle of distinction<sup>47</sup> and take all feasible precautions to separate civilians and military objectives. The Panel finds that although it is possible that the air strike targeted some GNA-AF fighters, the HAF and the Member State failed to respect relevant principles of IHL, including those relating to proportionality,<sup>48</sup> as the likelihood of excessive harm to civilians and civilian objects could have reasonably been anticipated in the circumstances because:

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<sup>45</sup> OCHA. Humanitarian Update. *Attack on Tajura detention centre*. 3 July 2019.

<sup>46</sup> The Panel has had its findings confidentially and independently peer reviewed by a legally qualified expert from another Panel.

<sup>47</sup> See Article 50 of Additional Protocol I to the Geneva Conventions. <https://ihl-databases.icrc.org/ihl/INTRO/470>.

<sup>48</sup> Under IHL “*launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited*”. (Emphasis added). See CIHL Rule 14.

(1) This likelihood of excessive harm to civilians and civilian objects could have reasonably been anticipated in the circumstances because: (i) the detention centre was a civilian object *prima facie* immune from attack; (ii) the detention centre was functional on the day of the air strike; and (iii) that the timing of the attack at night would be such as to cause a disproportionately high number of civilian casualties. It is reasonable to expect that a commander ordering these air strikes should have been aware of the above factors, given that this information is readily available, and should have taken them into consideration when assessing the ‘concrete and direct military advantage’ of the air strikes.<sup>49</sup>

(2) The Panel notes that the HAF has not provided any information that demonstrated that a significant number of those who died or injured were fighters affiliated to the GNA-AF. Instead, initial information collected by the UN and other organizations from local health partners suggest that the attack may have resulted in the deaths of at least 53 refugees and migrants, with 130 injured,<sup>50</sup> although this data is still being investigated by the Panel and should be viewed with caution at this time (see above).

(3) It is also relevant that one aircraft bomb detonated inside the detention centre, and not “near” the detention centre in an area the fighters affiliated to the GNA-AF may have been expected to gather.

26. IHL requires military commanders and those responsible for planning and executing decisions regarding attacks to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>51</sup> The fact that the HAF and Member State would be aware that it was a detention centre and thus a civilian location where there would ordinarily be a congregation of civilians (see above), meant that the HAF and/or Member State should have been particularly vigilant when undertaking a proportionality assessment and making use of available precautionary measures to minimize the incidental loss of civilian life and damage to civilian property.<sup>52</sup> It is also not yet clear what precautionary measures were taken, if any, by the HAF and/or

<sup>49</sup> See CIHL Rule 14.

<sup>50</sup> In the Galic Trial Judgement (2003), the International Criminal Tribunal for Former Yugoslavia held in respect of a shelling at a football tournament that “*Although the number of soldiers present at the game was significant, an attack on a crowd of approximately 200 people, including numerous children, would clearly be expected to cause incidental loss of life and injuries to civilians excessive in relation to the direct and concrete military advantage anticipated*”. See <http://www.icty.org/x/cases/galic/tjug/en/gal-tj031205e.pdf>.

<sup>51</sup> See 1) CIHL Rule 15; and 2) Article 13(1) of Additional Protocol II to the Geneva Conventions.

<sup>52</sup> See commentary to CIHL Rule 14, and the United States Department of Defense Law of War Manual (2015), p.1033, which requires combatants to assess in good faith the information that is available to them, when conducting attacks.

Member State, including confirmation that the detention centre was not operational, on the day of the attack. If taken the precautionary measures were ineffective.

### By the GNA-AF

27. Imagery from a confidential source taken the morning after the air strike clearly shows the remains of a 4x4 'Technical' with a quad 14.5mm heavy machine gun mounted in the rear of the vehicle (image 15.7). 23 mm ammunition was also observed on the floor in the same area as the vehicle, which was located in the damaged workshop and storage area of the Dhaman brigade (image 15.8).<sup>53</sup> This evidence confirms that this particular building was a legitimate military target, but this alone does not justify offensive action against the building (see above).

Image 15.7  
Destroyed Quad 14.5mm heavy machine gun



Image 15.8  
Ammunition for ZSU 23-2 anti-aircraft cannon



Sources: Confidential [L] and [R].

28. IHL requires that parties follow the IHL principle of distinction and take all feasible precautions to separate civilians and military objectives.<sup>54</sup>

<sup>53</sup> An open source released a report after the drafting of this letter that provides further evidence of the presence of weapons, ammunition and military equipment in the GNA Dhaman Brigade workshop and store. <https://almarsad.co/en/2019/07/06/satellite-images-and-video-footage-reveal-new-facts-on-tripoli-migrants-detention-centre/>. Accessed on 7 July 2019. This evidence was supported by the observations of a ground eye-witness.

<sup>54</sup> CIHL Rules 23 and 24.

29. IHL requires that persons deprived of their liberty be held in premises which are removed from the combat zone,<sup>55</sup> and that in case of displacement all possible measures be taken in order that the civilian population may be received under satisfactory conditions of safety.<sup>56</sup>

30. The Panel finds that the GNA-AF has violated IHL by locating a DCIM detention centre within a known military compound as:

- (1) Feasible precautions were not taken to separate the civilians held in the DCIM detention centre from the wider military objective of the Dhaman military compound;
- (2) That persons deprived of their liberty and held in the DCIM detention centre were not removed from the combat zone; and
- (3) Satisfactory conditions of safety were not established.

### Summary of findings

29. The Panel finds that:

- (1) The HAF deliberately planned and directed two air strikes on the Dhaman military compound on 2 July 2019 that resulted in civilian fatalities and casualties;
- (2) A Member State deliberately executed at least two air strikes, on the Dhaman military compound on 2 July 2019 that resulted in civilian fatalities and casualties;
- (3) The Panel is unconvinced that the HAF and the Member State respected principles in relation to proportionality in this incident. If precautionary measures were taken, they were largely inadequate and ineffective;<sup>57</sup>

<sup>55</sup> CIHL Rule 121.

<sup>56</sup> CIHL Rule 131.

<sup>57</sup> A further indicator that the IHL principles in regard to proportionality are being deliberately ignored by the HAF was the recent statement by the HAF Spokesperson, Ahmed Al-Mismari, that buildings in Tripoli with rooftop antennae would be legitimate targets for air strikes. <https://twitter.com/Lyobserver/status/1148132108109352960> and <https://www.facebook.com/HamzaAlibye/videos/2398685393743262/?s=505040097&sfns=mo>. Accessed on 8 July 2019.

- (4) As the HAF had been notified of the geo-coordinates for the DCIM managed detention centres, the HAF is: 1) highly probably responsible for IHL violations regarding the failure on its part to undertake the requisite detailed assessments relating to proportionality and precautions in this attack; and 2) almost certainly responsible for failing to ensure that relevant precautions were taken to minimize the effects on civilians as a result of the air strikes;
- (5) Those officers of the HAF that passed the information, or who were otherwise involved in the intelligence gathering and targeting processes in relation to this incident, may also be responsible for any IHL violations to the extent of their contribution; and
- (6) The GNA violated IHL by locating a DCIM detention centre within the perimeter of a known military compound, and also by the failure to immediately evacuate the DCIM detention centre after the first air strike of 7 May 2019.

## Appendix A to Annex 15: Humanitarian deconfliction – best practice<sup>58</sup>

### Background

1. The processes and mechanisms used are often referred to as *deconfliction mechanisms*, *humanitarian notification for deconfliction* or *humanitarian deconfliction*. This document will use the latter term.
2. OCHA defines deconfliction<sup>59</sup> as *the exchange of information and planning advisories by humanitarian actors with military actors in order to prevent or resolve conflicts between the two sets [of] objectives, remove obstacles to humanitarian action, and avoid potential hazards for humanitarian personnel*.
3. In effect, the aim should be to notify parties to the conflict of the presence of humanitarian agencies and protected facilities in order to allow those agencies to safely engage in their operational activities, or to ensure the parties are aware of the location of facilities protected by international humanitarian law (IHL). It can also contribute to the development of humanitarian space, which allows humanitarian actors to provide assistance and services according to humanitarian principles and in line with IHL.
4. There are debates as to whether the term notification should be used, as deconfliction may suggest that military permission is needed for humanitarian actors to engage in their work. That discussion will continue, but is not an issue for Libya currently, where protection has to be the priority.
5. On 3 May 2016 the Security Council adopted resolution [2286 \(2016\)](#), which covers the protection of medical facilities during conflict in accordance with IHL. On 25 May 2017 the Secretary General emphasised the recommendations in resolution [2286 \(2016\)](#),<sup>60</sup> in particular that parties to armed conflict should: *record[...] and map [...] the presence of personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities, and regularly update this information, including through enhanced information exchanges and real-time coordination with medical and humanitarian actors on the ground and the use of appropriate technology*.

<sup>58</sup> Extract from Panel Advisory of 2 August 2019.

<sup>59</sup> [https://www.unocha.org/sites/unocha/files/Stay\\_and\\_Deliver.pdf](https://www.unocha.org/sites/unocha/files/Stay_and_Deliver.pdf).

<sup>60</sup> <https://news.un.org/en/story/2017/05/558172-attacks-hospitals-and-medical-staff-symptoms-grave-disregard-international-law>.

6. Humanitarian deconfliction to the highest standards of accuracy has become essential due to the introduction of precision guided munitions (PGM) with a circular error probability (CEP)<sup>61</sup> of less than 5m. When added to the danger area of the PGM warhead, for example 75m for a medium sized PGM, it allows a strike planning team<sup>62</sup> to select targets within just over 80m of a civilian object and still argue that the principle of proportionality had been met and that appropriate precautionary measures had been taken.<sup>63</sup>

7. Although some international organizations, such as ICRC and MSF, have their own bilateral arrangements to parties to a conflict, and OCHA in Yemen have developed a sophisticated humanitarian deconfliction system to contribute to a “no-strike” list of the Saudi Arabia-led coalition, there are no international standards or guidelines. The concept is evolving as experience is gained in ongoing conflicts.

8. The use of a humanitarian deconfliction mechanism does not absolve the parties to a conflict from their obligations under IHL to: 1) protect the civilian population from the effects of armed force; and 2) protect the provision of, and access to, impartial medical assistance and humanitarian aid in non-international armed conflicts such as Libya today.

9. Although the use of a humanitarian deconfliction mechanism does not necessarily prevent the indiscriminate use of explosive ordnance, the Head of OCHA in Yemen has stated that their system is “largely effective”. It may also assist in longer-term investigations in to IHL violations and the establishment of accountability. It is fundamentally a humanitarian imperative to protect life.

### **Implementation of an effective humanitarian deconfliction mechanism**

10. There are a range of tasks necessary to develop and then implement an effective humanitarian deconfliction mechanism (see table 15.A.1). A coordinated multi-agency approach is essential to success.

<sup>61</sup> Circular Error Probability is a measure of a weapon system’s precision or accuracy. It is defined as the radius of a circle, centred about the mean, whose boundary is expected to include the landing points of 50 per cent of the warheads.

<sup>62</sup> International best practice requires “legal sign off” before a strike is authorized by the responsible commander. This only occurs after selection of the ordnance to be used, and bomb damage impact and blast predictions.

<sup>63</sup> Under IHL “*launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited*”. (Emphasis added). See CIHLR 14.



Table 15.A.1  
Development and implementation tasks

#	Activity	Remarks
1	Determine interested parties within the international community	<ul style="list-style-type: none"> <li>Plus others as appropriate.</li> </ul>
2	Engage in dialogue with parties to the conflict to introduce the concept to them.	<ul style="list-style-type: none"> <li>SRSG engagement?</li> </ul>
3	Agree lead agency	<ul style="list-style-type: none"> <li>This has traditionally been OCHA.</li> </ul>
4	Appoint individual as Humanitarian Deconfliction Co-ordinator (HDC)	<ul style="list-style-type: none"> <li>Responsible for the development, accuracy and dissemination of a consolidated no-strike list.</li> <li>Should be a senior appointment due to the sensitivity of role and impact of inaccurate data. (P4/P5 equivalent).</li> <li>HDC will require support to develop initial list.</li> </ul>
5	Agree geo-coordinate system to be used	<ul style="list-style-type: none"> <li>Decimal (15.0008763N) or Long/Lat (32°50'03.3"N).</li> <li>Conversion between the two can lead to "data garbling".</li> <li>Long/Lat best if Google Earth Pro to be used for mapping.</li> </ul>
6	Agree mapping system to be used	<ul style="list-style-type: none"> <li>Google Earth Pro readily available.</li> <li>Essential all agencies use same system to reduce coordinate errors.</li> </ul>
7	Develop notification list format and mapping file	<ul style="list-style-type: none"> <li>Examples at annex A.</li> <li>Locations can also be plotted on Google Earth and shared via .kmz files.</li> </ul>
8	Agencies send location details to HDC	<ul style="list-style-type: none"> <li></li> </ul>
9	HDC develops "no strike" list	<ul style="list-style-type: none"> <li>This will initially be a time-consuming process.</li> </ul>
10	"No strike" list sent to participating agencies for review and confirmation	<ul style="list-style-type: none"> <li>Agencies to confirm the accuracy of their data in the list.</li> </ul>
11	Participating agencies confirm accuracy or amendments to "no strike" list	<ul style="list-style-type: none"> <li></li> </ul>
12	Amended "no strike" list developed and finalised.	<ul style="list-style-type: none"> <li></li> </ul>
13	"No strike" list disseminated to participating agencies.	<ul style="list-style-type: none"> <li>Secondary checks at agency discretion.</li> </ul>
14	"No strike" list disseminated to conflicting parties	<ul style="list-style-type: none"> <li>Wide dissemination to senior individuals in, and HQ, of both parties until a single point of contact established. "Shot gun" approach initially.</li> <li>Individuals' requested to sign for" the receipt of the "no strike" list.</li> </ul>

- 15 Repeat serials 7 to 13
    - If no signature obtained then record the name, appointment, contact details, and time and date handed over.
    - Weekly, or as major changes to list due to relocation or new establishment of “safe places”
- 

## **Key factors**

### 11. Key factors to consider include:

- (1) The locations of corner points of individual buildings in isolation is essential;
- (2) Large facilities such as hospitals can be boundary corner point coordinates;
- (3) A common geo-coordinate system must be agreed and used;
- (4) A common mapping system must be agreed and used;
- (5) One individual should be nominated as the HDC; and
- (6) It is essential that parties to conflict formally accept receipt of each “no strike” list.

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**Annex 16: Attack on Tebu communities in Murzuq (5 August 2019)****Introduction**<sup>64</sup>

1. The indiscriminate use of explosive ordnance (EO) during the air strikes that took place on the 5 August 2019 against Tebu neighbourhoods in Murzuq was indicative of a developing pattern of similar IHL violations by the HAF.

**Background**

2. These air strikes are as the result of heightened tensions and clashes between the Tebu ethnic group (30% of the city's population) and the Ahali community (66% Arab Fezazna and 4% Tuarag) in the Murzuq area over the last year. These clashes have allegedly included the shelling of the Ahali communities in early August 2019 by the Tebu resulting in a reported nineteen fatalities. It is assessed that the 5 August 2019 air strikes were the result of an effort by the Ahali to persuade the HAF to support them against the Tebu.

3. Tensions between the two communities exist due to: 1) Tebu resentment of past Ahali support for Gaddafi; 2) Ahali support for HAF auxiliary forces led by the Awlad Suleiman and Zwai tribes; 3) Ahali resentment towards the expansion of Tebu political and economic influence since 2011; 4) the restriction, or lack of access, of the Ahali community to the Tebu controlled local health services; 5) Ahali concerns that the Tebu are changing the demographic composition of the area; and 6) control over smuggling networks. The situation in the area is complex and fragile.

4. After the fall of Gaddafi in 2011 the Tebu took over control of the city administration, to the detriment of the Ahali community, Arab tribes, and other minority groups. In February 2019 the HAF, supported by the Arab tribes namely the Fezzan, Awlad Suleiman and Zwai tribes, besieged the city of Murzuq and temporarily took control, which effectively re-established Ahali domination for few days. After the withdrawal of the HAF in late February 2019, latent tensions escalated again as the Tebu retook control. This made the imposition of internal security within the city almost impossible, although mediation by tribal elders permitted temporary ceasefires, which were almost immediately broken shortly after. Fifteen individuals were killed during two days of violence in early June 2019 and the HAF Khaled Ibn al-Walid battalion intervened in an attempt to establish law and order. Conflict reignited after their intervention with allegedly 60 individuals being killed since the start of August

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<sup>64</sup> Developed from a confidential source's internal report and other Panel sources.

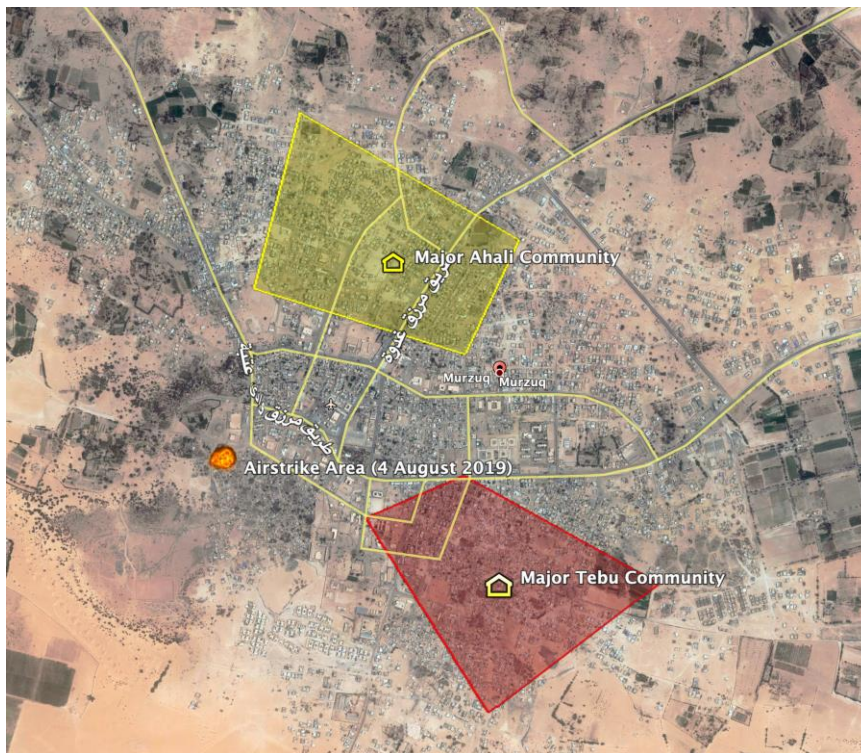
2019.<sup>65</sup> There is a real risk that the conflict will escalate further as the Tebu are neither internally unified nor aligned to either of the main parties to the wider armed conflict in Libya.

### Incident details

5. At 02:47 hours local time on 5 August 2019 four consecutive air strikes targeted Tebu neighbourhoods in Murzuq.<sup>66</sup> One air strike impacted very close to a civilian wedding location in Blad District (Al Qalaa neighbourhood), shortly followed by a second after first responders had attended. The Panel has not yet assessed whether this was a deliberate “double tap” attack.<sup>67</sup> The other two air strikes impacted in District 17. Locations are shown in image 16.1.

Image 16.1

#### Ethic community and EO strike area



Source: Imagery from Google Earth Pro. Information from confidential sources.

<sup>65</sup> It is not yet clear if this data includes the casualties from the air strikes.

<sup>66</sup> Centred approximately on 25°54'50"N, 13°54'38"E.

<sup>67</sup> “Double tap” refers to a deliberate practice where there is a short delay after the first strike allowing the attendance of first responders and investigators, who are then targeted by the second strike.

## Casualties

6. The initial open source reports indicated 42 fatalities and more than 60 injured. The Panel has obtained medical records from Murzuq hospital that confirms the 42 casualties (see appendix A).

## Technical analysis of physical evidence and determination of EO type

7. The Panel has only obtained limited imagery (extracted from video)<sup>68</sup> of the air strike locations so far, but this is sufficient to confirm that the location had been subjected to high explosive attack (images 16.2 and 16.3).

Image 16.2

**Damaged infrastructure with characteristics of high explosives damage**



Image 16.3

**Damaged infrastructure with characteristics of high explosives damage**



Source: Confidential

8. There was initially only one image of a fragment from an item of explosive ordnance available to date (image 16.4) for visual analysis, but that fragment is sufficient for the Panel to identify the explosive ordnance used at that point as almost certainly a BA-7 *Blue Arrow* air to surface missile

<sup>68</sup> <https://twitter.com/AlarabyTV/status/1158377118830514178?s=08>, 5 August 2019.

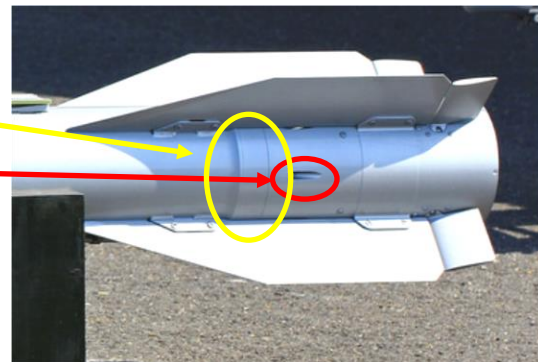
(ASM) (image 16.5). Further imagery was made available on 29 August 2019 from a confidential source (image 16.6 and 16.7), which confirms this initial assessment. This missile type is used in Libya exclusively from the *Wing Loong II* unmanned combat air vehicle (UCAV), which are flown in operational support of the HAF by a Member State.

Image 16.4  
EO fragment at air strike



Notes:  
1. Rearward facing equally spaced bolt.  
2. Reduction in fuselage diameter (identifiable after “trumpeting” due to impact).

Image 16.5  
BA-7 ASM at Paris Air Show



Notes:  
1. One of eight rearwards facing equally spaced bolts  
2. Reduction in fuselage diameter.

Image 16.6  
BA-7 fragment at air strike



Image 16.7  
BA-7 fragment at air strike



Sources: Confidential and Janes’ IHS. [www.janes.ihs.com](http://www.janes.ihs.com).

### Attribution of responsibility

9. On the same day as the air strikes, the HAF spokesperson, Ahmed Al Mesmari, stated that the air operations room of the HAF had targeted the Government of National Accord (GNA) backed armed

group of Hassan Musa al-Souqy (a.k.a. al-Tibaoui) (the Southern Protection Force) with aviation assets.<sup>69</sup> This group is probably supported by Chadian mercenaries, and there is a real risk that it will retaliate for the air strikes.

10. The Ministry of the Interior, House of Representatives and Mayoralty of Murzuq have also alleged that HAF were the perpetrators, and all three organizations have condemned the attack and either condemned UNSMIL or asked for a UN investigation (see appendix B).<sup>70</sup>

11. Based on technical analysis and an understanding of the conflict dynamics in the area the Panel finds that the air strikes were planned and directed by the HAF, and executed by a Member State acting in their direct operational support.

### **Analysis of violations of IHL**

12. The Panel has initially analysed the applicable law in relation to this incident on the basis of its own independent investigations. The Panel has complied with the methodology listed at appendix C to annex 3 of this report.

### **By the HAF and Member State**

13. Although it is almost certain that the airframe that delivered the explosive ordnance in this attack was a *Wing Loong II* UCAV operated by a Member State, those operations were in support of the HAF against targets developed by and agreed upon with the HAF air operations organization. Thus, the HAF bears a large burden of command and operational responsibility for the attacks. The Member State supporting the HAF with the air assets used in this attack will also highly probably have violated IHL, and the Panel continues to investigate this aspect.

14. IHL requires that parties follow the IHL principle of distinction<sup>71</sup> and take all feasible precautions to separate civilians and military objectives. The Panel finds that the HAF and the Member State failed to respect relevant principles of IHL, including those relating to proportionality,<sup>72</sup> as the likelihood of excessive harm to civilians and civilian objects could have reasonably been anticipated in the circumstances because:

<sup>69</sup> <https://www.youtube.com/watch?v=-Mq1uB1x3Oc&t=141s>. Accessed 7 August 2019.

<sup>70</sup> Official UN translations have been requested. The Panel summarizes the contents of each letter in the annex.

<sup>71</sup> See Article 50 of Additional Protocol I to the Geneva Conventions. <https://ihl-databases.icrc.org/ihl/INTRO/470>.

<sup>72</sup> Under IHL “*launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited*”. (Emphasis added). See CIHL Rule 14.

- (1) the location was obviously a civilian community; and
- (2) the timing of the attack at night would be such as to cause a disproportionately high number of civilian casualties.

14. It is reasonable to expect that the HAF commander planning, directing and ordering these air strikes was aware of the above factors, given that this information is readily available, and the HAF commander should have taken them into consideration when assessing if there were any ‘concrete and direct military advantage’ to the air strikes.<sup>73</sup>

15. IHL requires military commanders and those responsible for planning and executing decisions regarding attacks to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>74</sup> The fact that the HAF and member State would have been aware that this was a civilian location, where there would ordinarily be a congregation of civilians (see above), meant that they should have been particularly vigilant when undertaking a proportionality assessment and making use of available precautionary measures to minimize the incidental loss of civilian life and damage to civilian property.<sup>75</sup> It is also not yet clear what precautionary measures were taken, if any, by the HAF and/or Member State. If taken, then the precautionary measures were ineffective.

### **Summary of findings**

17. The Panel finds that:

- (1) The HAF deliberately planned and directed at least one air strike, and almost certainly a further three, on a primarily Tebu area of Murzuq on 5 August 2019 that resulted in civilian fatalities and casualties;
- (2) A Member State deliberately executed at least one air strike, and almost certainly a further three, on a primarily Tebu area of Murzuq on 5 August 2019 that resulted in civilian fatalities and casualties;

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<sup>73</sup> See CIHL Rule 14.

<sup>74</sup> See 1) CIHL Rule 15; and 2) Article 13(1) of Additional Protocol II to the Geneva Conventions.

<sup>75</sup> See commentary to CIHL Rule 14, and the United States Department of Defense Law of War Manual (2015), p.1033, which requires combatants to assess in good faith the information that is available to them, when conducting attacks.



(3) The Panel is unconvinced that the HAF and the Member State, and their respective commanders, respected principles in relation to proportionality in this incident. If precautionary measures were taken, they were largely inadequate and ineffective; and

(4) Any individuals that passed the information, or who were otherwise involved in the intelligence gathering and targeting processes in relation to this incident, may also be responsible for any IHL violations to the extent of their command responsibility.

## Appendix A to Annex 16: List of fatalities from Murzuq hospital

Image A.16.1

## Murzuq Hospital list of fatalities

التاريخ: 7 / 8 / 2019  
الرقم الإشاري: .....

دولة ليبيا  
وزارة الصحة  
مستشفى مرزق العام

قائمة الوفيات التي وصلت إلى مستشفى مرزق العام  
يوم الأحد 2019/8/5 ف نتيجة قصف الطيران

العمر	الاسم	ت
33	آدم أوغني وشة	1
46	فرج محمود دركلية	2
34	عيسى صالح درشوه	3
20	رجب رمضان وردكو	4
19	شعبان سعيد لامين طاهر	5
31	عيسى بركة آدم عثمان	6
28	محمد سوقى حسن	7
17	ونيس سيدى شدة	8
38	جبريل يوسف قدنو	9
35	رمضان بركة صالح	10
20	حسن بركة حسن	11
20	أحمد قدي حسن	12
25	عبد السلام محمود دركلية	13
30	السنوسي تادري حسن	14
19	ابوبكر علي ماي	15
21	عادل صالح بركة	16
23	رمضان صالح بركة	17
19	أسامة محمد يوسقى	18
25	محمد اللاشي توشي	19
16	نورالدين محمد علي	20
24	عبد السلام طاهر قدي	21
27	رمضان بركة حسن	22
32	يوسف محمد كوكي	23
31	عبد الرحمن رمضان موسى	24
34	جمعة على كورمي	25
30	محمد أحمد كوزي سيدى	26
46	أحمد توكية حسن أرزي	27
21	ناصر أبوبكر كوزي	28
16	بشير رجب آدم	29
22	عبد الحكيم آدم ملغي	30

071.3162965 071.3162965

التاريخ: 2019 / 8 / 7  
الرقم الإشاري: .....



**دولة ليبيا**  
وزارة الصحة  
مستشفى مرزق العام

16	بشير أرزي الأمين	31
20	أحمد رجب أجي	32
29	عبد القادر بويكر بابي	33
24	سعد كوكي صديق	34
27	عبد الرزاق محمد آدم	35
51	عبد الرحمن مالوما آدم	36
18	أحمد هلال عادل	37
16	سند علي بركة	38
26	بلقاسم طاهر السنوسي	39
19	مصطفى علي ابويكر	40
23	محمد عبد الله بوعلي	41
29	حسين إبراهيم وردكو	42

ملحوظة: هذا الكشف مبدئي قابل للإضافة والتعديل.

يعتمده  
مكتب الشؤون الطبية بالمستشفى

2019/8/7



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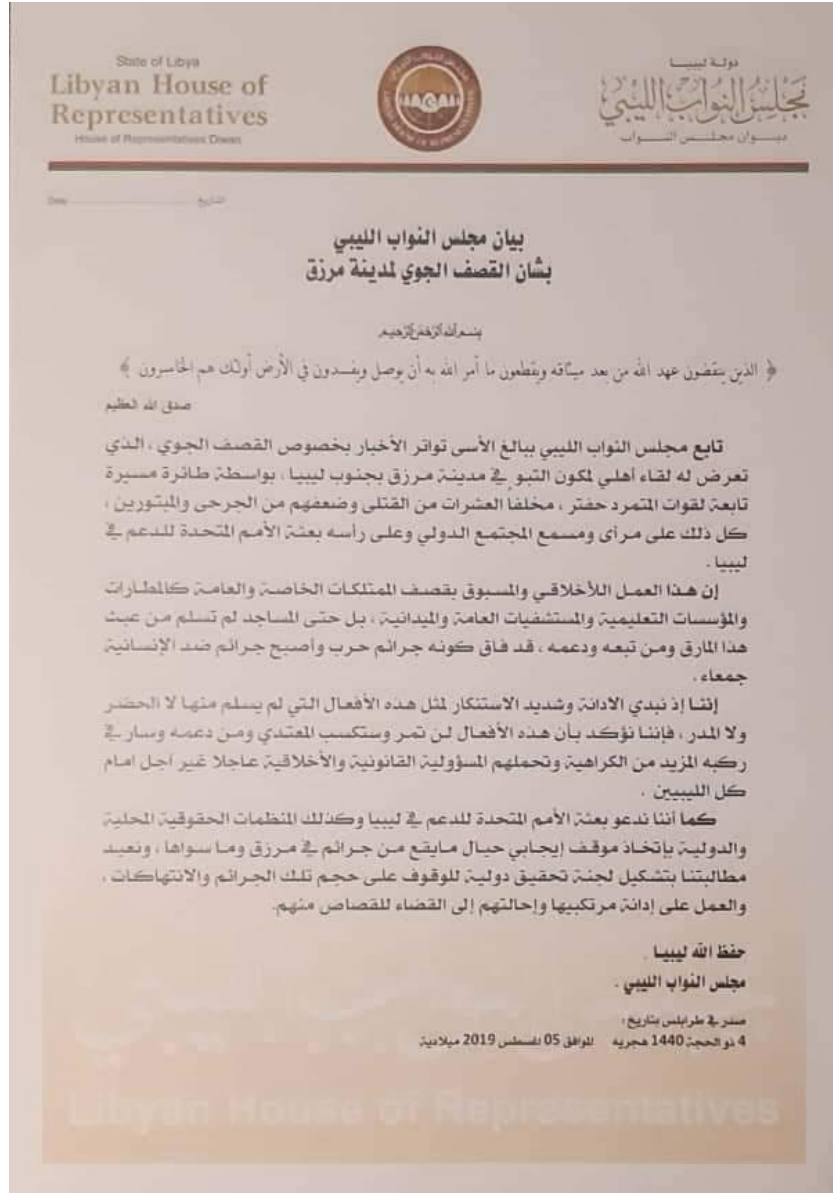
071.3162965

Source: Confidential

## Appendix B to Annex 16: Official Libyan statements

Image B.16.1

### Statement of House of Representatives



### PANEL SUMMARY

This document denounces the air strikes, the silence of the UN, and calls on UNSMIL and the international human rights NGOs to take action (although it is not specific on what type of action it expects).

Image B.16.2  
Statement of Ministry of Interior

**STATE OF LIBYA**  
**GOVERNMENT OF NATIONAL ACCORD**  
**MINISTRY OF INTERIOR**  
**The Minister's Office**



دَوْلَةُ لِيْبِيَا  
حُكُومَةُ الْوَفَاقِ الْوَطْنِي  
وَزَارَةُ الْبَدَاخِيَّةِ  
مَكْتَبُ الْوَزِيرِ

---

**بيان وزارة الداخلية بحكومة الوفاق الوطني بشأن القصف العشوائي الذي تعرضت له مدينة مرزق**

**تدين** وزارة الداخلية بحكومة الوفاق الوطني وتستنكر بأشد العبارات القصف الجوي العشوائي الذي تعرضت له مدينة مرزق "حي القلعة السكني"، مساء يوم أمس الأحد الموافق 4 أغسطس 2019م، والذي راح ضحيته عشرات القتلى والجرحى المدنيين، مؤكدة بأن المجرم الذي قام بهذا العمل الجبان سينال جزاءه جراء هذه الهجمة الوحشية التي قام بها المجرم حفتر والتي تعتبر من جرائم الحرب، وأن هذه الأعمال تؤكد على وحشية هذا الهجوم الذي لا مبرر له سوى تهريب وقتل الأمنيين.

**وتدعو** وزارة الداخلية المجتمع الدولي بكافة مكوناته، وبعثة الأمم المتحدة إلى تحمل مسؤولياتهم عن هذه الأعمال الوحشية التي تقوم بها المجموعات المسلحة الخارجة عن الشرعية، وإجراء تحقيق في جرائم الحرب التي يرتكبها حفتر وأتباعه ليتم تقييم ومحاسبة مرتكبيها والواقفين وراءها.

**كما** تدعو الوزارة حكما ومشائخ المنطقة إلى الحوار والإحتكام لصوت العقل ونبذ العنف والخروج بالمنطقة من هذا النفق المظلم وألا يبقوا أسرى لأحقاد الماضي.

**وتتقدم** الوزارة بأحر التعازي للأسر التي فقدت أقرباءها، داعية الله عز وجل أن يتقبلهم بواسع رحمته وأن يلهم أهلهم وذويهم جميل الصبر والسلوان، وأن يعجل بالشفاء للجرحى والمصابين، مؤكدة بأن مثل هذه الأعمال لا يمكن أن يقوم بها شخص يحمل ذرة إنسانية.



**حفظ الله ليبيا وشعبها**

**وزارة الداخلية**  
**حكومة الوفاق الوطني**

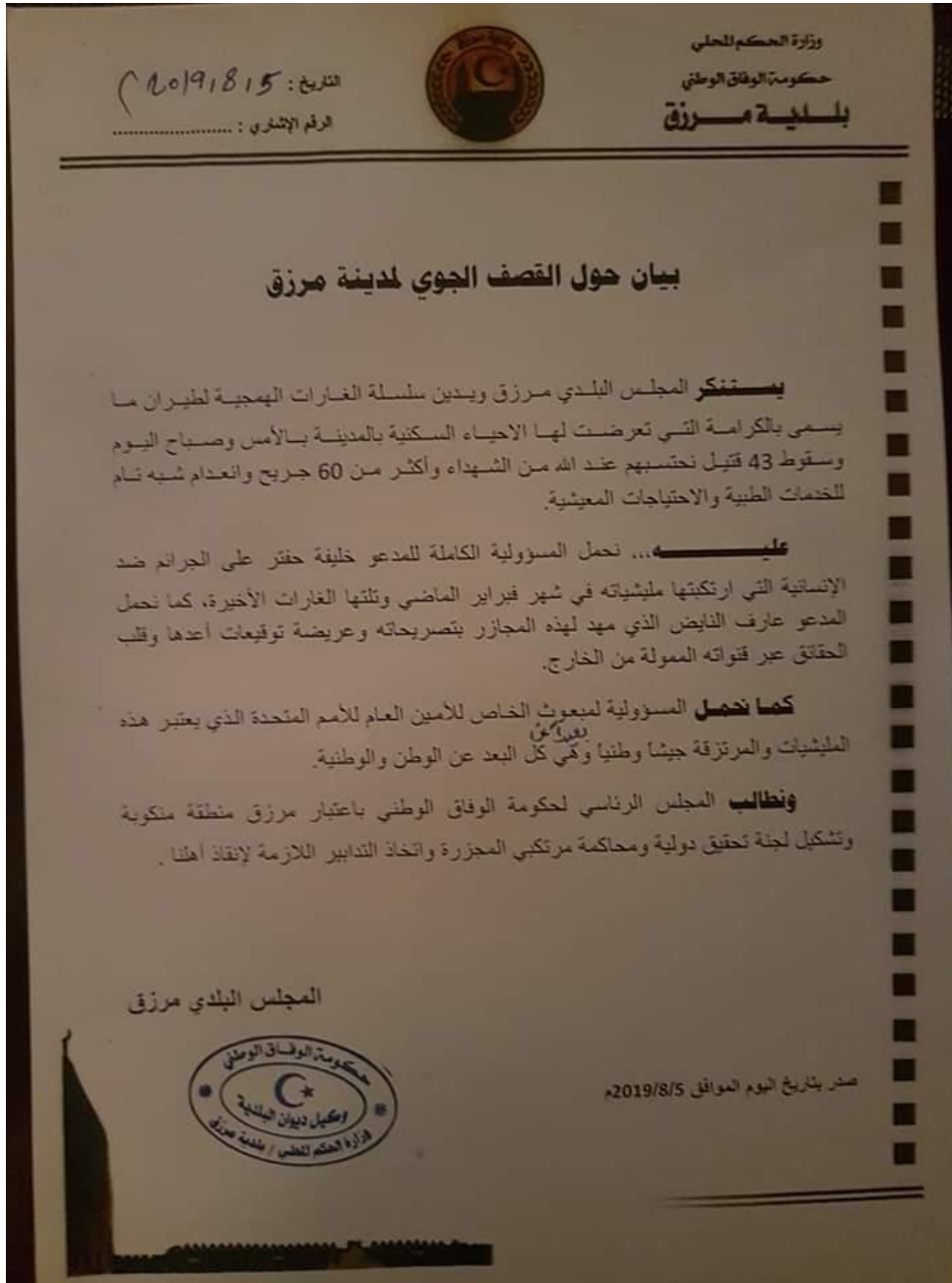
صدر في 2019/8/5م

+218 21 480 3538 +218 21 480 3783-84

PANEL SUMMARY

This document denounces the raid (naming the location as the Al Kalaa neighbourhood), requests dialogue between the elders to reduce tensions and calls for a UN investigation into the "war crime".

Image B.16.3  
Statement of Mayoralty of Murzuq



PANEL SUMMARY

This document denounces the attack, states casualties of 43 dead and 60 injured, and accuses the HAF. It also holds the SRSG, Ghassan Salame, responsible as they allege he considers “Haftar’s militia as an army”.

## Annex 17: Attack on Zuwarah airport (15/16 August 2019)

### Incident details

1. The HAF air force attacked Zuwarah international airport<sup>76</sup> with air delivered explosive ordnance (EO) at 07:09 hours (local time) on 15 August and at 07:30 hours (local time) on 16 August 2019,<sup>77</sup> reportedly delivered by a Sukhoi SU-22 fighter ground attack (FGA) aircraft. On 15 August 2019 the HAF spokesperson, Ahmad al-Mismari stated that they had targeted the airport as it was being used as base for Turkish unmanned aerial vehicles (UAV).<sup>78</sup> In his statement he claimed that the strikes had avoided the runway (see later). The airport was closed until 18 August 2019, and all air operations suspended until the runway had being repaired.

2. UNSMIL deployed an inspection team to the airport on 17 August 2019, and much of the information contained in this annex is from that visit. UNSMIL determined the following damage (also see figure 17.1):

Table 17.1  
Damage to Zuwarah international airport from EO impact

<i>Air strike date</i>	<i>Impact point</i>	<i>Geo-coordinates</i>	<i>Damage</i> <sup>a</sup>
15 Aug 2019	Runway 06/24 (NE)	32°57'20.6"N, 12°01'17.2"E	▪ Crater
15 Aug 2019	Off edge of Runway 06/24 (NE)	32°57'19.6"N, 12°01'18.9"E	▪ Crater (1.6m)
15 Aug 2019	Off edge of Runway 06/24 (NE)	32°57'19.6"N, 12°01'18.5"E	▪ Crater (1.0m)
15 Aug 2019	Off edge of Runway 06/24 (NE)	32°57'29.5"N, 12°01'17.3"E	▪ Crater (1.4m)
16 Aug 2019	Building under construction for new fire station	32°57'01.6"N, 12°01'05.7"E	▪ Virtually no damage to building ▪ Pre-fabricated guard building severely damaged
16 Aug 2019	Guard building	32°57'01.8"N, 12°01'06.1"E	▪ Three civilian vehicles damaged ▪ One military vehicle damaged

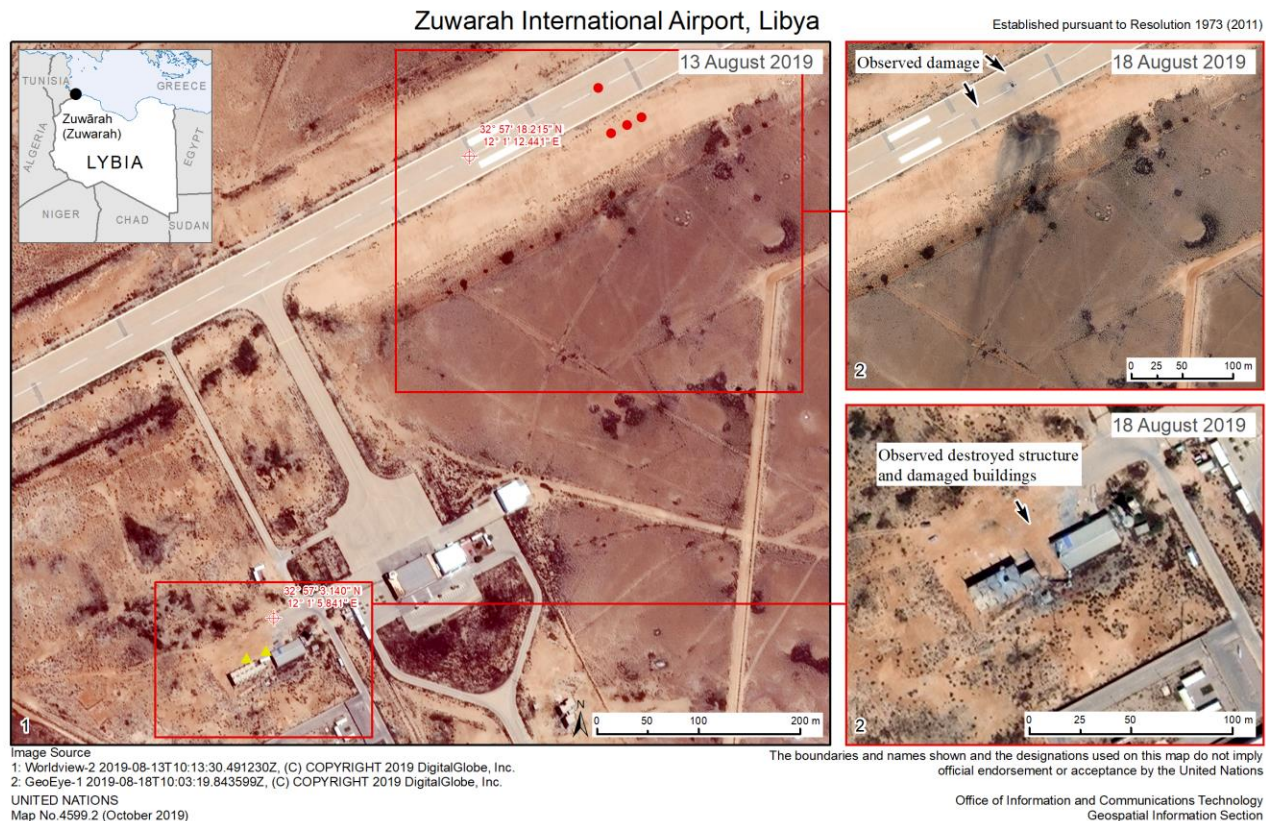
<sup>a</sup> Crater dimensions are for diameter in m.

<sup>76</sup> Centred on 32°57' 22.22"N, 12° 01' 23.61"E.

<sup>77</sup> UNSMIL information.

<sup>78</sup> <https://twitter.com/spoxlna/status/1161997777917947904>, 15 August 2019. Accessed 25 August 2019.

Figure 17.1  
**Location of EO impact points at Zuwarah international airport (15 and 16 August 2019)**



### Technical analysis of physical evidence and determination of EO type

3. The UNSMIL inspection team measured the crater to the side of the runway as 1.0m, 1.4m and 1.6m.
4. Initial reports were that RBK cluster bomb units (CBU) were the EO used for the strike. The Panel supports this reporting based on:
  - (1) One recovered fragment (figures 17.2 and 17.3) has a virtually identical profile, shape and approximate dimensions (400mm v 450mm) as that of the nose of an RBK-500 CBU (example at figure 17.4).



(2) Other recovered fragments (figures 17.5 and 17.6) have the same shape and approximate dimensions (30cm v 25cm) as the ZAB-2.5M incendiary bomblet dispensed by the RBK-500 CBU (example at figure 17.7), which contains 117 bomblets.

Figure 17.2  
Recovered fragment <sup>a</sup>



Figure 17.3  
Recovered fragment <sup>b</sup>



Figure 17.4  
RBK-500 CBU <sup>c</sup>



Figure 17.5  
Recovered fragments <sup>d</sup>



Figure 17.6  
Recovered fragment <sup>e</sup>



Figure 17.7  
RBK-500 CBU <sup>f</sup>



<sup>a</sup> UNSMIL.

<sup>b</sup> UNSMIL. (Image rotated for comparative effect).

<sup>c</sup> UNMAS Libya.

<sup>d</sup> UNSMIL.

<sup>e</sup> Ibid

<sup>f</sup> UNMAS Libya

5. It is highly likely that the crater damage was due to the impact of CBUs that had not dispensed their bomblets during flight. This could be due to either: 1) a failure within the expulsion system within the CBU itself; or 2) the delivery aircraft attack profile was too fast and at too low level to allow correct functioning of the expulsion unit.

6. The RBK-500 CBU is one of the ordnance types that are ballistically paired to be delivered from a SU-22 FGA, has been seen in Libya before and is known to be in the possession of the HAF air force.

## **Casualties**

7. The airport manager reported that there were two casualties from the air strike on 16 August 2019 among the guards from GNA-AF 105 battalion.

## **Attribution of responsibility**

8. HAF has taken responsibility for this air strike.

## **Analysis of violations of IHL**

9. The Panel has initially analysed the applicable law in relation to this incident on the basis of its own independent investigations. The Panel has complied with the methodology listed at appendix C to annex 3 of this report.

## **By the HAF**

10. The Panel is unconvinced of the veracity of the HAF claim that they conducted air strikes against the airport due toUCAV usage as:

- (1) The only hanger large enough to store or hide aUCAV was untouched and over 280m from the buildings damaged;
- (2) The buildings damaged were not large enough to store or hide aUCAV in; and
- (3) It is not logical to hit one end of the runway, as theUCAV have short take-off profiles and could easily use the rest of the runway.

11. The airframe that delivered the explosive ordnance in this attack is known by the Panel to be operational with the HAF, and the HAF air operations centre almost certainly planned, directed and ordered these attacks. The HAF thus bears the command and operational responsibility for these attacks.

12. IHL requires that parties follow the IHL principle of distinction<sup>79</sup> and take all feasible precautions to distinguish between civilian objects and military objectives. The Panel finds that the civilian airport was a civilian object and not a legitimate military objective at that time, and thus the HAF failed to respect relevant principles of IHL, including those relating to proportionality,<sup>80</sup> as the likelihood of excessive harm to civilian objects could have reasonably been anticipated in the circumstances as the HAF air operations organization must have been aware of the status of the location as a civilian international airport.

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<sup>79</sup> CIHL Rule 7 – The Principle of Distinction between Civilian Objects and Military Objectives.

<sup>80</sup> Under IHL “*launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects,*

13. It is reasonable to expect that the HAF commander planning, directing and ordering these air strikes was aware of the civilian status of the airport, given that this information is readily available, and the HAF commander should have taken this into consideration when assessing if there were any ‘concrete and direct military advantage’ to the air strikes.<sup>81</sup>

14. IHL requires military commanders and those responsible for planning and executing decisions regarding attacks to take all feasible precautions to avoid, and in any event to minimize (...) damage to civilian objects.<sup>82</sup> The fact that the HAF were aware that this was a civilian location, where there would ordinarily be a congregation of civilians (see above), meant that they should have been particularly vigilant when undertaking a proportionality assessment and making use of available precautionary measures to minimize the incidental loss of civilian life and damage to civilian property.<sup>83</sup> It is also not yet clear what precautionary measures were taken, if any, by the HAF and/or Member State. If taken, then the precautionary measures were ineffective.

### Panel findings

15. The Panel finds that by attacking Zuwarah international airport at that time that the HAF were in violation of CIHL Rule 7 - The Principle of Distinction between Civilian Objects and Military Objectives,<sup>84</sup> CIHL Rule 14 – Proportionality in Attack<sup>85</sup> and CIHL Rule 15 – Principle of Precautions in Attack.<sup>86</sup>

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*or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited*’. (Emphasis added). See CIHL Rule 14.

<sup>81</sup> See CIHL Rule 14.

<sup>82</sup> See 1) CIHL Rule 15; and 2) Article 13(1) of Additional Protocol II to the Geneva Conventions.

<sup>83</sup> See commentary to CIHL Rule 14, and the United States Department of Defense Law of War Manual (2015), p.1033, which requires combatants to assess in good faith the information that is available to them, when conducting attacks.

<sup>84</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule7](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule7).

<sup>85</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule14](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule14).

<sup>86</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule15](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule15).

## Annex 18: Attack on Mitiga airport (6 September 2019)<sup>87</sup>

### Incident details

1. At approximately 03:30 hours (local) on 6 September 2019, one item of explosive ordnance (EO) detonated on the perimeter wall north area of the airport and the other two EO impacted in the sea. This was followed at 04:45 hours (local) by the detonation of three more items of EO on the runway<sup>88</sup> and two taxiways<sup>89</sup> (see figure 18.1).

Figure 18.1  
Location of EO impact points at Mitiga airport (6 September 2019)



Source: Base image from Google Earth Pro, 23 July 2019.

<sup>87</sup> Information from UNSMIL supported by multiple media sources.

<sup>88</sup> EO 1 at 32°53'59.61"N, 13°16'32.57"E.

<sup>89</sup> EO 2 at 32°53'38.43"N, 13°16'9.91"E, and EO 3 at 32°53'44.18"N, 13°16'54.95"E.

2. This attack was the latest in a series of attacks against Mitiga airport using land service ammunition<sup>90</sup> since the conflict started on 4 April 2019. UNSMIL has numerous attacks during the current conflict additional to HAF air strikes.<sup>91</sup>

3. UNSMIL deployed an inspection team to the airport on 6 September 2019, and determined the damage reported at table 18.1. The UNSMIL technical assessment of the impact areas was assisted by the fact that no physical forensic evidence prior had been removed prior to their visit.

Table 18.1

**Damage to Mitiga airport from EO impact (6 September 2019)**

<i>Impact point</i>	<i>Impact point</i>	<i>Geo-coordinates</i>	<i>Damage</i> <sup>a</sup>
1	Aircraft parking apron	32°53'59.61"N, 13°16'32.57"E	<ul style="list-style-type: none"> <li>▪ Minor crater in aircraft pan (2.08m x 1.49m).</li> <li>▪ Remnants of 122mm free flight rocket (FFR) main body in crater at 30° angle of entry.</li> </ul>
2	Taxiway	32°53'38.43"N, 13°16'9.91"E	<ul style="list-style-type: none"> <li>▪ Tail unit of 9M22U 122mm FFR in tarmac.</li> </ul>
3	Taxiway	32°53'44.18"N, 13°16'54.95"E	<ul style="list-style-type: none"> <li>▪ Minor damage.</li> <li>▪ Fragmentation probably from a 122mm FFR.</li> </ul>

<sup>a</sup> As reported by UNSMIL.

**Technical analysis of physical evidence and determination of EO type**

5. At impact point 1, the dimensions of the crater (2.08m x 1.49m) and the distinctive “splatter” pattern identified by UNSMIL technical specialists on the ground at the aircraft parking pan are highly indicative of the impact detonation of an indirect fire weapon system, in this case a 122mm FFR (figure 18.2). The direction of fire was identified from this splatter pattern as being along a bearing of 180° (+/- 15°). The 30° angle of entry indicates that the rocket was fired at near maximum range.

6. The tail unit of a 9M22U 122mm FFR was positively identified by the UNSMIL ammunition specialist at the scene of impact point 2, whereas there was little useful fragmentation for identification purposes at impact point 3.

<sup>90</sup> Using ground based weapons systems as opposed to the HAF air strikes.

<sup>91</sup> Covered in annex 13.

Figure 18.2  
Crater at impact point 1 (6 September 2019)



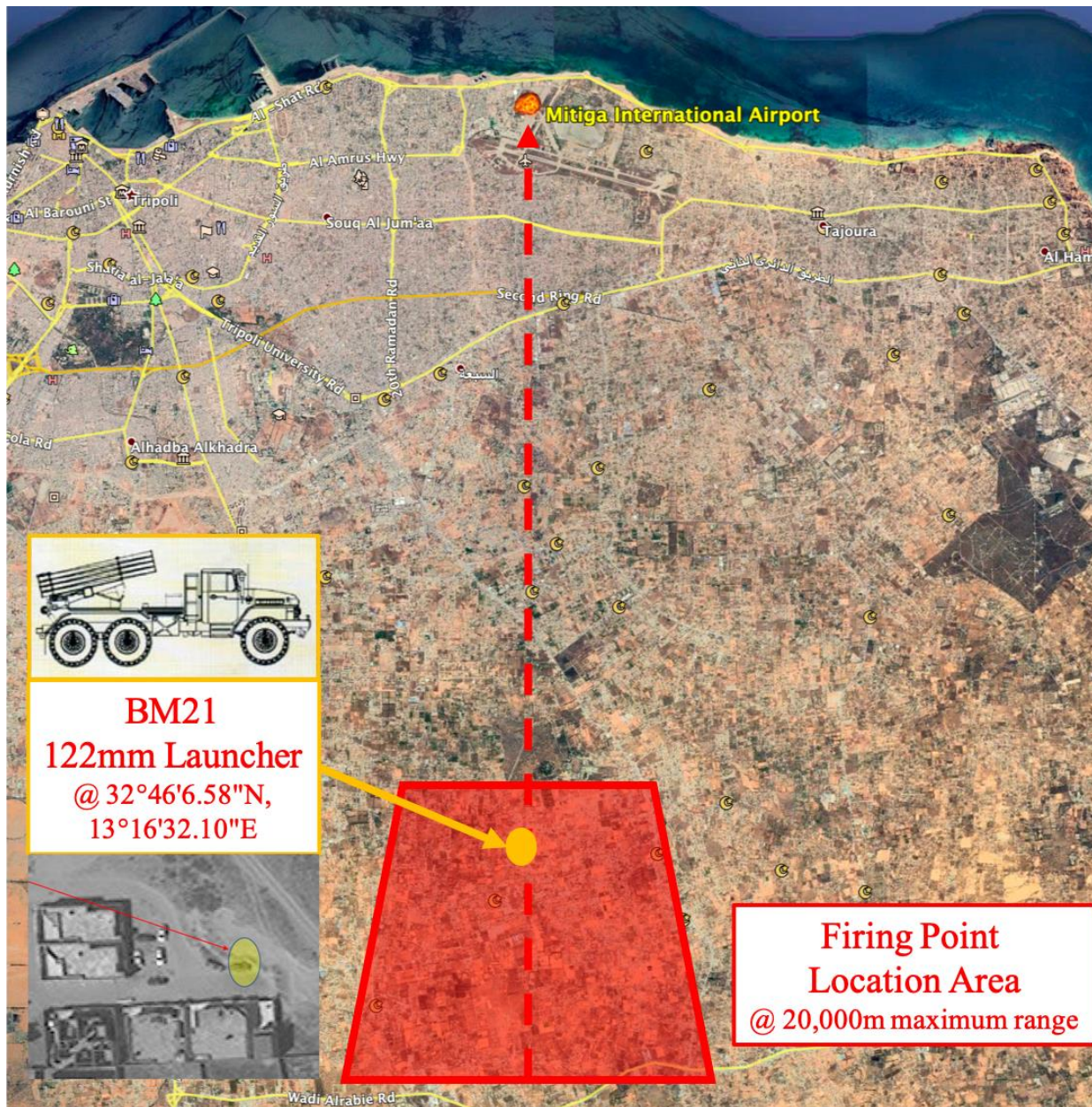
Source: Base image from Google Earth Pro, 23 July 2019.

7. The standard 9M22U 122mm FFR (often referred to as the “Grad”) is fired from the BM21 multi-barrel rocket launcher (MBRL) to a maximum range of 20,380m. From this, and the analysis of the crater dimensions and “splatter” pattern, the Panel finds it almost certain that the explosive ordnance was firing from a location along an approximate back bearing of  $180^{\circ}$  ( $\pm 15^{\circ}$ ) using a centre line between the impact points as shown in figure 18.3. The location area has previously been identified as one in which the BM21 MBRL system has been based and operated from.

8. A confidential source provided information and satellite imagery of the launcher location for this attack being at  $32^{\circ}41'52.45''\text{N}$ ,  $13^{\circ}18'30.59''\text{E}$  (also see figure 18.3).

Figure 18.3

**Location of firing point (6 September 2019)**



Source: Base image from Google Earth Pro, 23 July 2019. BM21 location is from confidential satellite imagery.

## Subsequent attacks

18. A further FFR strike against the airport took place at 23:49 hours on 9 September 2019. One 9M22U 122mm FFR impacted in the proximity of the control tower and the other next the Air Afriqiyah hanger.

Figure 18.4  
Mitiga airport under attack (9 September 2019)



Figure 18.5  
Impact damage (9 September 2019)



Source: Confidential.

## GNA-AF response

8. As part of the “drone propaganda war” the GNA-AF released heavily edited video imagery of aUCAV strike against a BM21 MBRL on 8 September 2019 that the GNA-AF alleged had been used in the attacks on Mitiga. The Panel geo-located the position of the BM21 MBRL<sup>92</sup> and established it was 23,120m from the impact point of the 6 September 2019 attacks. Therefore it could not have initiated the attack against Mitiga on 6 September 2019 from this particular location as it would have been outside the maximum range of the system (see figures 18.6 and 18.7). Notwithstanding that, the GNA-AF strike against this particular BM21 MBRL raises potential IHL concerns.

<sup>92</sup> 32°41'52.45"N, 13°18'30.59"E.



Figure 18.6  
Location of BM21 MBRL (10 July 2019)



Source: Google Earth Pro (10 July 2019)

Figure 18.7  
GNA-AF imagery of UCAV strike against  
BM21 MBRL (X 2019)



Source: Extract from video (2.21 to 2.40min) at <https://www.youtube.com/watch?v=d65m6F-rAY&feature=youtu.be> (Imagery orientated to face north).

9. Although imagery of the UCAV strike was almost certainly released for internal propaganda reasons, it illustrates an operational limitation of the Turkish supplied and operated *Bayraktar* TB2 UCAV. This UCAV is limited in the quantity and size of explosive ordnance that it can deliver, and thus the amount of net explosive mass that can be delivered onto a target. In this case, although the precision guided munition destroyed the BM21 MBRL, there was insufficient explosive mass to ensure total destruction of the payload of 9M22U 122mm FFRs. After the initial explosion (see figure 18.8) at least three 9M22U 122mm FFR were launched ballistically (see figures 18.9 and 18.10) as a result of this initial explosion. On launch the missiles were subjected to the forces of firing, as in a planned launch, and thus the fuzing systems would have been armed as designed. These rockets would then fly in a ballistically stable profile, then impact and detonate indiscriminately within the surrounding civilian area. Although the maximum range of the system is 20,380m, it is much more likely that the missiles would land and detonate at lesser ranges.

Figure 18.8  
**UCAV initial missile strike on BM21 MBRL**



Source: Extracted from video at [https://www.youtube.com/watch?v=d65m6F-r\\_AY&feature=youtu.be](https://www.youtube.com/watch?v=d65m6F-r_AY&feature=youtu.be), (@ 2.31 min).

Figure 18.9  
**Resultant uncommanded 9M22U 122mm FFR launch BM21 MBRL (3 seconds after strike)**



Source: Extracted from video at [https://www.youtube.com/watch?v=d65m6F-r\\_AY&feature=youtu.be](https://www.youtube.com/watch?v=d65m6F-r_AY&feature=youtu.be), (@ 2.34 min).

Figure 18.10  
**Resultant uncommanded 9M22U 122mm FFR launch BM21 MBRL (10 seconds after strike)**



Source: Extracted from video at [https://www.youtube.com/watch?v=d65m6F-r\\_AY&feature=youtu.be](https://www.youtube.com/watch?v=d65m6F-r_AY&feature=youtu.be), (@ 2.41 min).

## Casualties

10. None reported.

## Attribution of responsibility

11. Although the 122mm BM21 MBRL is ubiquitous in Libya the location of the firing point area makes it certain the HAF was responsible for this attack. The following HAF units were known to be in vicinity of the launch area at the time:<sup>93</sup>

- (1) 9<sup>th</sup> brigade (formerly the 7<sup>th</sup> brigade, a.k.a. the Kanyat);
- (2) 155<sup>th</sup> brigade;
- (3) 192<sup>nd</sup> brigade; and
- (4) Tariq bin Ziyad battalion.

## Analysis of violations and potential violations of IHL

12. The Panel has initially analysed the applicable law in relation to this incident on the basis of its own independent investigations. The Panel has complied with the methodology listed at appendix C to annex 3 of this report.

## By the HAF affiliated armed group

13. The use of FFR in the indirect fire role against populated areas is a violation of IHL no matter the circumstances. Many factors affect the accuracy<sup>94</sup> and precision<sup>95</sup> of an indirect fire weapon system, including meteorological conditions, the suspension system of the launcher, knowledge of the ballistic trajectories for differing ranges, the condition of the rocket motor propellant, accuracy of sighting system, and the professionalism of the crew. All these require substantial modelling, field testing, statistical analysis of fall of shot under known conditions, and training. From this a Circular Error Probability (CEP)<sup>96</sup> can be derived. For the BM21 MBRL firing the 9M22U 122mm FFR at a range of

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<sup>93</sup> Confidential source.

<sup>94</sup> The ability to hit a designated target.

<sup>95</sup> The ability to hit the designated target consistently.

<sup>96</sup> The CEP is the radius of a circle around a mean point of impact in which over 50% of the rounds fired will impact. A large CEP indicates the level of precision of the weapons system.

nearly 20km the CEP and variables mean that a deflection error of 160m either side of the target and a range error of 300m would not be untypical.<sup>97</sup>

14. IHL requires that parties follow the IHL principle of distinction<sup>98</sup> and take all feasible precautions to distinguish between civilian objects and military objectives. The Panel finds that the impact areas at the civilian airport were civilian objects and not legitimate military objectives at that time, and thus HAF failed to respect relevant principles of IHL, including those relating to proportionality,<sup>99</sup> as the likelihood of excessive harm to civilian objects could have reasonably been anticipated in the circumstances as the HAF were certainly aware of the status of the location as a civilian international airport.

15. It is reasonable to expect that the HAF commander planning, directing and ordering this attack was aware of the civilian status of this part of the airport, given that this information is readily available, and the HAF commander should have taken this into consideration when assessing if there were any ‘concrete and direct military advantage’ to the attack.<sup>100</sup>

16. IHL also requires military commanders and those responsible for planning and executing decisions regarding attacks to take all feasible precautions to avoid, and in any event to minimize (...) damage to civilian objects.<sup>101</sup> The fact that the HAF were aware that this was a civilian location, where there would ordinarily be civilians working shifts, meant that they should have been particularly vigilant when undertaking a proportionality assessment and making use of available precautionary measures to minimize the incidental loss of civilian life and damage to civilian property.<sup>102</sup> It is also not yet clear what precautionary measures were taken, if any, by the HAF. If taken, then the precautionary measures were ineffective.

<sup>97</sup> GICHD. February 2017. *Explosive Weapon Effects*. pp32-33. (ISBN: 978-2-940369-61-4). Geneva: GICHD.

<sup>98</sup> CIHL Rule 7 – The Principle of Distinction between Civilian Objects and Military Objectives.

<sup>99</sup> Under IHL “*launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited*”. (Emphasis added). See CIHL Rule 14.

<sup>100</sup> See CIHL Rule 14.

<sup>101</sup> See 1) CIHL Rule 15; and 2) Article 13(1) of Additional Protocol II to the Geneva Conventions.

<sup>102</sup> See commentary to CIHL Rule 14, and the United States Department of Defense Law of War Manual (2015), p.1033, which requires combatants to assess in good faith the information that is available to them, when conducting attacks.

## Potentially by the GNA-AF

17. IHL requires military commanders and those responsible for planning and executing decisions regarding attacks to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>103</sup>

18. If the uncommanded launches of 9M22U 122mm FFRs as a result of the *Bayraktar* TB2 UCAV strike against the BM21 MBRL was an isolated incident (paragraphs 8 and 9), then it could not have been “reasonably foreseen” by the GNA-AF and is thus not a violation of IHL.

19. However, if uncommanded launches of 9M22U 122mm FFRs are a frequent or routine occurrence whenever BM21 MBRL are attacked by the precision guided munitions from a *Bayraktar* TB2 UCAV, then the situation could be “reasonably foreseen”. The impact of the 9M22U 122mm FFRs would then be considered as indiscriminate, and routine violations of IHL would be occurring.

## Panel findings

20. The Panel finds that by attacking the civilian area of Mitiga airport at that time that a HAF was in violation of CIHL Rule 7 - The Principle of Distinction between Civilian Objects and Military Objectives,<sup>104</sup> CIHL Rule 14 – Proportionality in Attack<sup>105</sup> and CIHL Rule 15 – Principle of Precautions in Attack.<sup>106</sup>

<sup>103</sup> See Article 13(1) of Additional Protocol II to the Geneva Conventions and CIHL Rule 15.

<sup>104</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule7](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule7).

<sup>105</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule14](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule14).

<sup>106</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule15](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule15).

**Annex 19: List of DCIM detention centres**

Table 19.1  
**List of DCIM detention centres as of 20 October 2019**

<i>Region</i>	<i>Area</i>	<i>Detention centre</i>	<i>Status</i>	<i># Detainees</i>
West	Tripoli	Ain Zara	Non Operational	0
West	Tripoli	Qasr bin Ghashir	Non Operational	0
West	Tripoli	Gharyan	Non Operational	0
West	Tripoli	Zintan	Operational	Unavailable
West	Tripoli	Zliten	Operational	Unavailable
West	Tripoli	Tajura	Operational <sup>107</sup>	200
West	Misrata	Misrata (Karareem)	Non Operational	203
West	Zuwarah	Zuwarah	Operational	278
West	Zawiya	Abu Isa	Operational	105
West	Tripoli	Abu Salim	Operational	677
West	Tripoli	Elsabaa	Operational	516
West	Tripoli	Janzour (Subsidiary DC)	Operational	72
West	Sabratha	Sabratha	Operational	50
West	Zawiya	Shohada' Nasr	Operational	1229
West	Sirte	Sirte	Operational	106
West	Khoms	Suq al Khamis	Operational	191
West	Tripoli	Tariq al Sikka	Operational	257
South	Sebha	Sebha	Operational	Unavailable
South	Sebha	Brak al Shati	Operational	Unavailable
East	Tobruk	Tobruk	Operational	22
East	Benghazi	Ganfouda	Operational	222

<sup>107</sup> Of the three DC ordered closed by the GNA Ministry of Interior on 1 August 2019, the Tajura facility continues to house detainees. There are two DC in Khoms. Khoms "One" DC is not listed as it was previously ordered closed in addition to the 1 August 2019 order, and is confirmed as closed. The Misrata DC is also confirmed closed.

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<i>Region</i>	<i>Area</i>	<i>Detention centre</i>	<i>Status</i>	<i># Detainees</i>
East	Bayda	Baya	Operational	16
East	Ajdabiya	Ajdabiya	Operational	Unavailable
East	Shahat	Shahat	Operational	40
East	Kufra	Kufra	Operational	150

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Source: Confidential.

## Annex 20: Ministry of Interior statement on DC closures

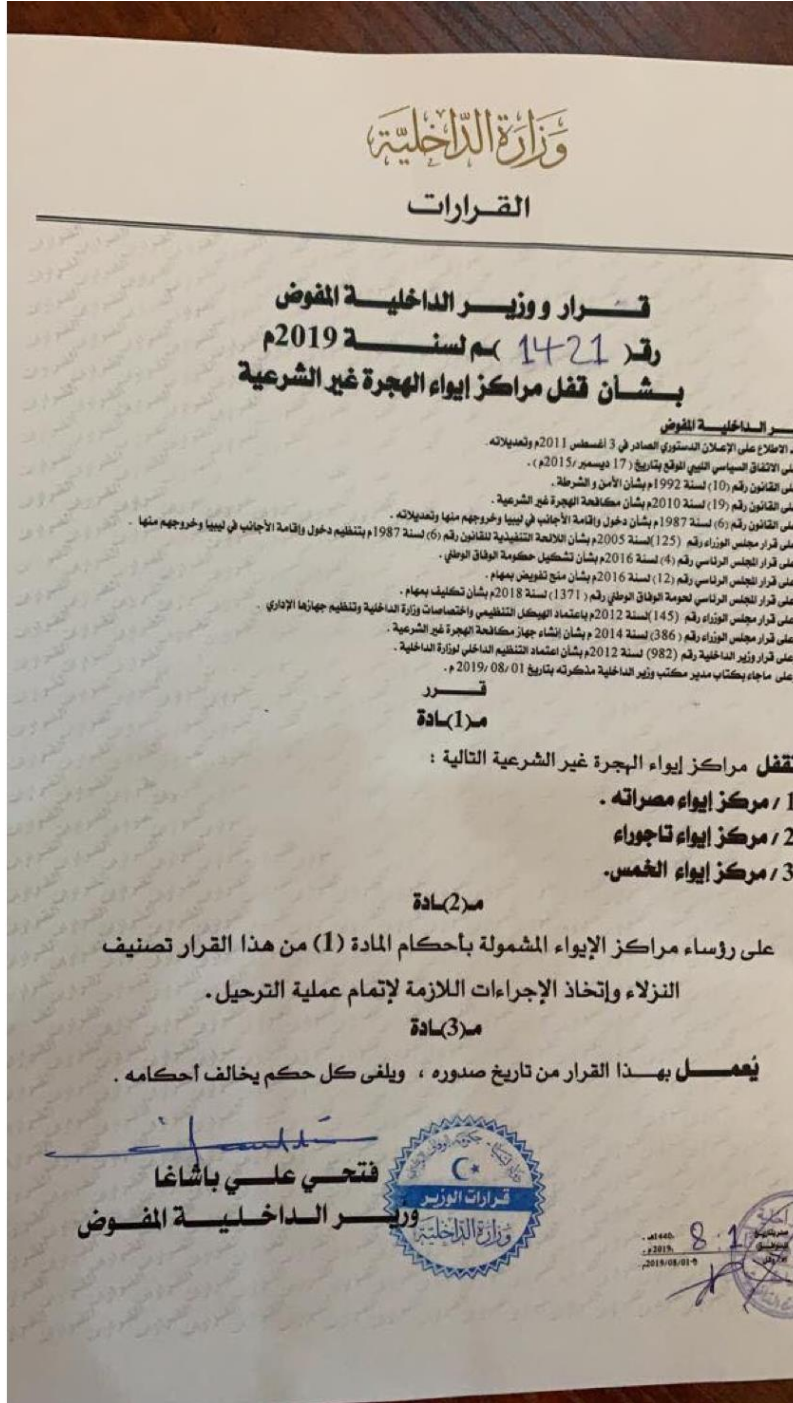
Figure 20.1  
Ministry of Interior statement of 1 August 2019



Figure 20.2

**Official translation**

Issued on 1 August 2019

**Ministry of the Interior Decisions**

**Decision of the Acting Minister of the Interior**

**No. 1421 (2019) concerning the closure of illegal migrant shelters**

The Acting Minister of the Interior,

Having reviewed the Constitutional Declaration of 3 August 2011 and its amendments;

The Libyan Political Agreement, which was signed on 17 December 2015;

Act No. 10 (1992) on security and police;

Act No. 19 (2010) on countering illegal migration;

Act No. 6 (1987) on the entry into, residency in and exit from Libya of aliens, and its amendments;

Cabinet Decision No. 125 (2015) regarding the implementing regulation for Act No. 6 (1987) on the entry into, residency in and exit from Libya of aliens, and its amendments;

Presidential Council Decision No. 4 (2016) on the formation of the Government of National Accord;

Presidential Council Decision No. 12 (2016) on the delegation of authority in relation to mandates;

Government of National Accord Presidential Council Decision No. 1371 (2018) on mandates;

Cabinet Decision No. 145 (2012) adopting the organizational structure and the competencies of the Ministry of the Interior and organizing its administrative apparatus;

Cabinet Decision No. 386 (2014) on the establishment of the Department for Combating Illegal Migration;

Minister of the Interior Decision No. 982 (2012) on the adoption of the internal organization of the Ministry of the Interior;

The letter dated 10 August 2019 from the Chief of Staff of the Minister of the Interior;

*Decides*

**Article 1**

The following illegal migrant shelters shall be closed: 1. The Misratah shelter;  
2. The Tajura' shelter;  
3. The Khums shelter.

**Article 2**

The directors of the shelters covered by article 1 of the present decision shall categorize residents and take appropriate measure to carry out deportation.

**Article 3**

The present decision shall enter into force on the date of its issuance. All provisions that contravene its provisions are rescinded.

(Signed) Fathi Ali **Bashagha** Acting Minister of the Interior

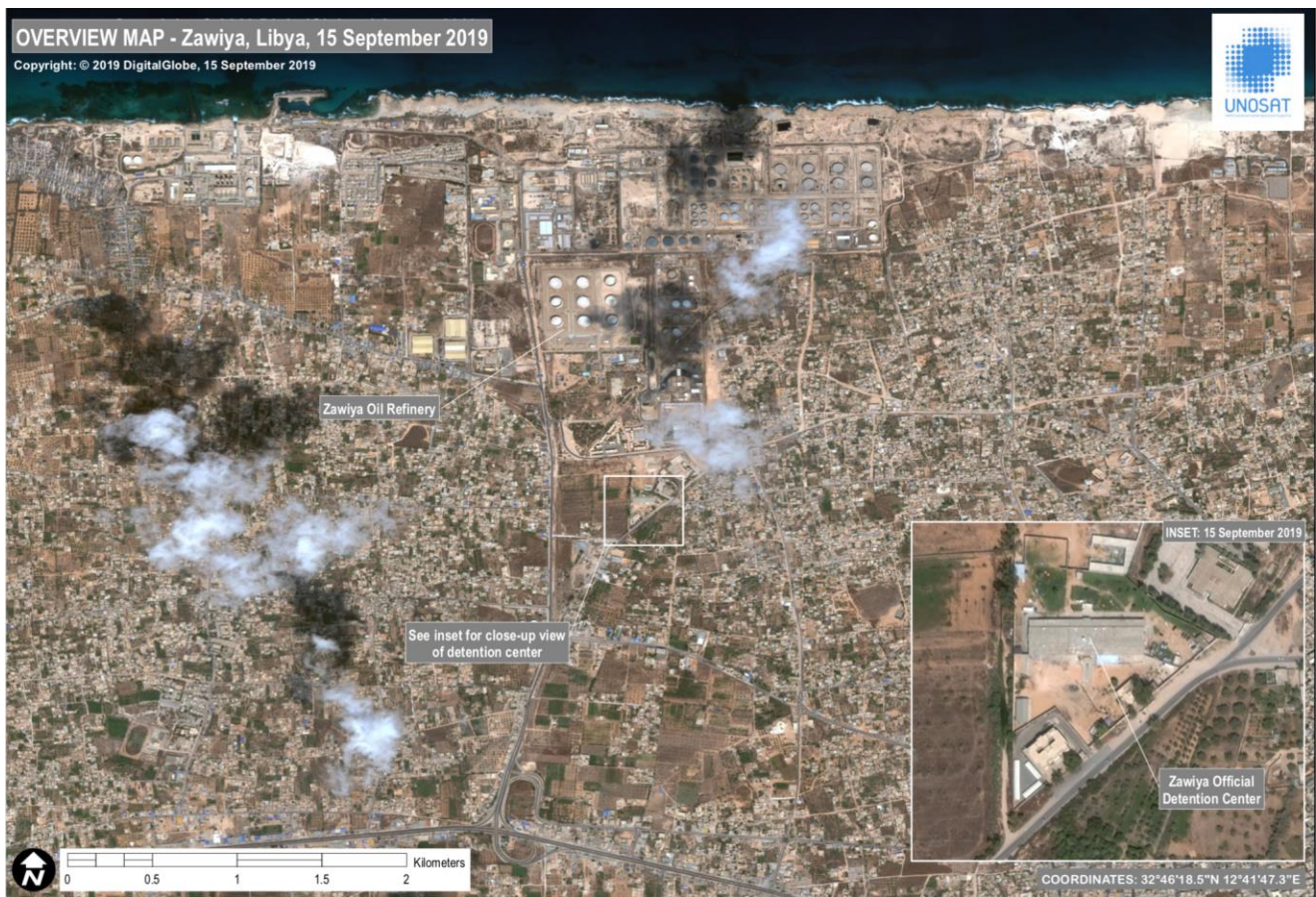
**Annex 21: Al-Nasr brigade, al-Nasr DC and the Zawiyah network**

1. On 5 July 2014, the then commander of the Petroleum Facilities Guards, put Mohamed Kashlaf (LYi.025), the head of al-Nasr brigade, in charge of the security of the Zawiyah oil complex. Al-Nasr brigade, with a force of around 3.000 men, has controlled the security of the complex and surrounding areas since 2014. The al-Nasr DC is located on the southern edge of the oil complex.
2. The brigade is involved in a range of illicit activities. It expanded operations to organizing logistics for truck tankers in and out of the oil complex (see paragraph 158 of [S/2018/812](#)). The brigade knows which regional fuel stations in Zawiyah, Surman, Sabratah, Al Ajaylat participate in smuggling, and collects the “taxes” paid by the trucks that load and deliver back and forth.
3. Trafficking and extortion of migrants is another income source for individuals within the brigade’s network. The al-Nasr DC is a known hub for human trafficking where migrants are subject to various forms of human rights abuses. Several migrants interviewed by the Panel named and positively identified the individual who heads the al-Nasr DC as “Osama” or “Osama Zawiyah.” Either he or the individuals under his control facilitated the exploitation, abuse and extortion of migrants. Sexual exploitation and violence, beatings, starvation, and other degrading treatment, including to minors, frequently occur. Osama is a close associate of Mohamed Kashlaf.
4. Despite Libyan authorities’ attempted closure of al-Nasr DC following the designation of Kashlaf in June 2018, it remains fully operational. The adjacent Zawiyah port, approximately 3 km away from the DC, also remains a main disembarkation point for migrants intercepted at sea by the LCG. Abd Al-Rahman al-Milad (LYi.026) a.k.a. Al Bija was previously the commander of that port.
5. Following an attack on the Qasr bin Ghashir DC on 23 April 2019, as a result of the conflict in Tripoli, the al-Nasr DC received approximately 800 transferred migrants. The facility exceeds capacity, housing as of September 2019 approximately 1,230 migrants. The resources provided to the DC by the Libyan authorities are not adequately managed and are overstretched.<sup>108</sup>
6. Kashlaf works closely with his brothers Nuri and Abdallah and also with his cousins Walid, Khamza and Samir. Walid Kashlaf plays an essential role in moving and investing the revenues generated by the network. Abd Al-Rahman al-Milad a.k.a. Al Bija is also a known close associate.
7. The Kashlaf clan, from the tribe Awlad Abuhumeira, operates under the umbrella of Ali Boushriba, the tribe’s most influential element in Zawiyah.

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<sup>108</sup> Confidential sources.

Figure 21.1  
Exact location of the Al-Nasr DC



Source: © 2019 DigitalGlobe Inc.

## Annex 22: ISIL (QDe.115) in Libya's killings in Fuqaha (9 April 2019)

### Incident details

1. On 9 April 2019, open source media reported<sup>109</sup> that at least thirteen vehicles belonging to ISIL in Libya entered the town of Fuqaha where they immediately cut electricity power and phone communication lines/cell towers. Their first target was Abdelkafi Ahmed Abdelkafi, a member of the municipal guard who was taken by force from his house to the municipality building where he was slaughtered. Once in the Municipality building they abducted Miftah Sasi, Head of the Municipal Guard, and burned the building. Another victim of this assault was Ahmed Sassi, Head of the Municipality, whose house was stormed, and he was murdered in his sleep, then burned along with his house. The group killed at least three other people and burned more than two other buildings, before leaving the town of Fuqaha at 01:45 hours (local time).

2. On 9 April 2019, ISIL in Libya published a statement in its official media branches taking responsibility for the killing of the Head of the Municipal Guard and the Head of the Municipality, together with other “wanted” individuals and arrested others. They also admitted to burning the municipality building and two other civilian houses.

Figure 22.1

### Statement of ISIL in Libya on the Fuqaha attack (9 April 2019)



Source: <https://ou7zytv3h2yaosqq.f101.ml/38002>. Accessed 10 June 2019.

<sup>109</sup> <https://www.libyaobserver.ly/news/gunmen-attack-fuqaha-town-al-jufra-central-libya>.

3. On 9 April 2019, open source media quoted the Head of the Municipality of Jufra, who stated that members of HAF, supported by some of the local population, intercepted some members of ISIL Libya, killing five of them and freeing Miftah Sasi.<sup>110</sup>

4. On 9 April, ISIL media branch 'A'amaq' published a statement claiming the incursion in Fuqaha was aimed against Haftar affiliates. The statement also again claimed the killing of the Head of the Municipal Guard and the Head of the Municipality, as well as the killing and apprehension of other HAF members.

Figure 22.2

## Statement of ISIL (Qde.115) on the Fuqaha attack

الجفرة - وكالة أعماق: جاب مقاتلو الدولة الإسلامية بلدة الفقهاء بمحافظة الجفرة وسط ليبيا للمرة الثانية، بحثاً عن مطلوبين من المنتسبين لميليشيا حفتر والدوائر التابعة لها.

فقد دخل مقاتلو الدولة الإسلامية إلى البلدة عند منتصف الليل، وتمكنوا من قتل رئيس المجلس البلدي وقائد الحرس البلدي، إضافة لقتل وأسر عناصر من ميليشيا حفتر قبل انسحابهم من البلدة.

وأخبر مصدر عسكري وكالة أعماق، أن العملية تندرج ضمن غزوة "الثأر لولاية الشام المباركة"، والتي بدأتها الدولة الإسلامية أمس في مختلف المناطق التي تسيطر عليها أو تنشط فيها خلاياها.

09 أبريل 2019

Source: <https://ou7zytv3h2yaosqq.f101.ml/38007>. Accessed 10 June 2019.

<sup>110</sup> <http://alldiywan.ly/2019/04/09/عميد-بلدية-الجفرة-مقتل-5-من-مركبي-مجزر/>.

5. On 15 April 2019, ISIL in Libya again released video imagery of their 8 April 2019 incursion into Al Fuqaha, which showed events very similar to the aforementioned crimes. Screenshots of this imagery are at figures 22.3 to 22.7.

Figure 22.3

**Burning of a civilian house <sup>a</sup>**

Figure 22.4

**Abduction of civilians**

Figure 22.5

**Headquarters of the Fuqaha municipal Guard**

Figure 22.6

**Miftah Sassi in custody of ISIL Libya**

<sup>a</sup> All imagery (22.3 to 22.6) from video extract. <https://ou7zytv3h2yaosqq.f101.ml/38052>. 15 April 2019. Accessed 10 June 2019.

**Annex 23: Arbitrary detention of Deputy Minister of Defence, Ouheida Abdallah Najim**

1. On 22 April 2019, GNA Deputy Minister of Defence, Ouheida Abdallah Najim, while returning home from his office, was abducted in Tripoli. An unidentified group of armed men stopped his convoy and took him, his driver and one security member of his team by force. All were transferred to an unknown location in Misrata.
2. Abdallah Najim spent 42 days arbitrarily detained in that unknown location. During this period, no explanation or information was provided for his arbitrary detention.
3. On or about 3 June 2019 he was taken back to Tripoli and abruptly released in the premises of the AGO. This latter office conveyed that it had no grounds for detaining or arresting him.
4. To date, Abdallah Najim is neither aware of the reasons behind his abduction and detention, nor of the identities or affiliations of the perpetrators.
5. It is the Panel's understanding that an official investigation has not yet been launched.



## Annex 24: Disruptions to the GMMR

### Background

1. Libya's national water supply system is nearly completely derived from underground aquifers in southern desert areas pumped via the GMMR and underground wells. Even though disruptions to supply remain localized, the entire system is growing increasingly fragile due to infrastructure deterioration, theft, and intermittent attack. Two such attacks occurred in May and July 2019, of which one is detailed below.

Figure 24.1

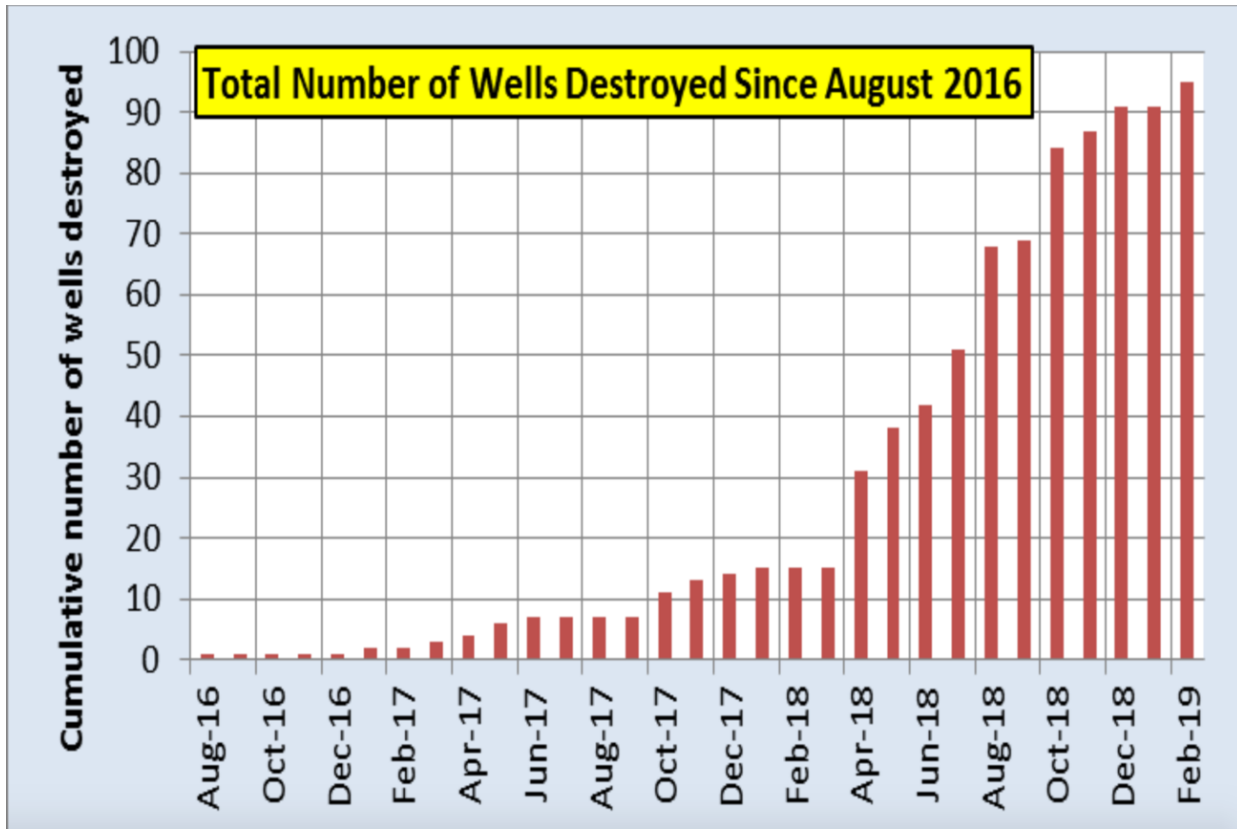
Map of the Great Man-Made River (GMMR)



Source: Britannica

2. The gradual stripping of metals from the pumping stations and other wells to sell for scrap has severely degraded infrastructure over time. Attacks on and thefts to wells have dramatically increased since mid-2017 (see figure 24.2). The Panel estimates that 100 wells in the Hasawna area alone have been destroyed. The main pumping station at Qasr bin Ghashir that delivers water to the capital is severely degraded from repeated acts of vandalism.

Figure 24.2  
**Total number of wells destroyed since August 2016**



Source: Libyan Water Authority

**Incident details**

In October 2017, the SDF arrested al-Mabruk Hneish. In retaliation, HAF 219 brigade purportedly led by his brother, Khalifa Hneish, took control of the southern Hasawna water control station and

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threatened to disrupt the supply if al-Mabruk was not released. A negotiation produced the resumption in the water supply, but al-Mabruk remained in detention.

4. On 19 May 2019, 219 brigade took control of the southern Hasawna water control station and then denied supply to the western coastal region including Tripoli (population of approximately 2.5 to 3 million). Water supply was denied for approximately 36 hours (see appendix A). The Panel considers that such a lengthy denial of supply falls within the ambit of an “attack against an object indispensable to the survival of the civilian population”.

5. Negotiations took place during the period of water denial, resulting in the eventual release of al-Mabruk Hneish in June 2019.

#### **Attribution of responsibility**

6. Although 219 brigade was in control of the local area during the time of this incident, and there is little doubt that an incident in non-compliance with CIHL 54 – “attacks against objects indispensable for the survival of the population” took place, the Panel has not yet been able to find compelling evidence of the individual or organization responsible.

#### **System vulnerability**

7. The design of the complete water system means that there are vulnerable points throughout the system that if attacked or captured means that Tripoli can easily be threatened with the denial of supply and has been illustrated above.

## Appendix A to Annex 24. Documentary evidence

Figure A.24.1

Statement by the United Nations Resident and Human Coordinator, dated 20 May 2019



### **UN Humanitarian Coordinator for Libya strongly condemns the blockage of the Great Man-Made River, cutting off water supply for hundreds of thousands of Libyans**

*Tripoli, 20 May 2019*

On 19 May 2019, during late night hours, a water control station in the Jabal al-Hasawna – southwestern Libya, was deliberately shut down cutting off water supply from the Great Man-Made River (GMMR) to Tripoli and some cities in the western and middle areas of Libya.

*The UN Humanitarian Coordinator, Maria Ribeiro, condemns in the strongest terms this act that aims to deprive hundreds of thousands of already embattled Libyans of safe drinking water. "Such attacks against civilian infrastructure that are essential for the survival of the civilian population may be considered war crimes," Ribeiro stressed.*

Continuous attacks on the water system further jeopardise levels of health and hygiene among the civilian population, particularly those most vulnerable, including children, and cause further hardship and possible displacement.

The Humanitarian Coordinator reminds all parties of their obligations under International Humanitarian Law and International Human Rights Law to ensure the safety of all civilians and civilian infrastructure, including schools, hospitals, and public utilities, especially water and electricity.

Note for editors:

Since the beginning of 2018, there has been a dramatic increase in the number of wells being sabotaged. Currently, 96 out of 366 wells feeding the Man-Made River are out of service. This was already creating increasing water shortages for the estimated 1.5 million people, including some 600,000 children, who rely on the MMR as their primary supplier of freshwater.

Figure A.24.2  
Statement by the administration of the Great Man Made River dated 21 May 2019



بيان جهاز تنفيذ وإدارة مشروع النهر الصناعي  
بشأن حادثة إيقاف ضخ المياه بمنظومة الحسانة سهل الجفارة

تعرض موقع الشويرف التابع لمنظومة الحسانة سهل الجفارة مساء يوم الأحد الموافق 19 مايو 2019 إلى حادثة اعتداء تمثلت في قيام المواطن بلقاسم احتيش بتهديد الموظفين بالموقع من أجل إيقاف عمليات ضخ المياه بالمنظومة الأمر الذي ترتب عليه انقطاع المياه لقرابة 36 ساعة على كل المدن والمناطق الواقعة بالمنطقتين الغربية والوسطى ، وفي هذا الخصوص فإن جهاز تنفيذ وإدارة مشروع النهر الصناعي يؤكد على ما يلي :-

- أن جهاز تنفيذ وإدارة مشروع النهر الصناعي بنأى بنفسه عن كل التجاذبات والخلافات والصراعات وأنه يرفض بشكل واضح وصريح أن تستخدم المياه والتي هي هبة الله للجميع في المساومة أو التلويح باستخدامها لإملاء أية شروط أو مطالب خاصة.

- يمثل مشروع النهر الصناعي الشريان الرئيسي للإمداد المائي بالدولة الليبية حيث يكافح مستخدميه الوطنيين على مدار الساعة وفي ظروف تشغيلية قاهرة من أجل استمرار تدفق مياهه لتغذية كل المدن والمناطق الواقعة على مساراته على حد سواء.

- قام هذا المواطن في عدة مرات سابقة بتهديد الموظفين بقوة السلاح من أجل إيقاف ضخ المياه بمنظومة الحسانة سهل الجفارة كان اولها في شهر اكتوبر 2017 وقام فعلياً بتنفيذ تهديده وإيقاف الضخ بالمنظومة في شهر نوفمبر 2017 مطالباً بضرورة إطلاق سراح أخيه المدعو المبروك احتيش والموقوف بمدينة طرابلس ، وفي هذا الصدد بنوه الجهاز إلى ما يلي :-

- انه غير معني البتة بمثل هذه المطالب ويستغرب في الوقت ذاته أن يتم إقحامه فيها والتي تظل عواقبها الوخيمة كل الشعب الليبي.
- قام جهاز تنفيذ وإدارة مشروع النهر الصناعي وفور حدوث الاعتداءات والتهديدات السابقة بمخاطبة وإبلاغ السلطات الرسمية بالدولة للاضطلاع بمسؤولياتها لحماية هذا المشروع الحيوي كما قام بالتواصل مع كل الفعاليات الشعبية والاجتماعية من أجل معالجة هذه الاشكالية.



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- إن الوضع الراهن لم يعد يحتمل المزيد من التهاون في حماية هذا المشروع الاستراتيجي والذي يمثل الأمن القومي للدولة وأن الوقت قد حان من أجل تفعيل القانون وتجريم أي اعتداء على هذا المشروع واعتباره جريمة ضد الإنسانية.
- أن جهاز تنفيذ وإدارة مشروع النهر الصناعي يواجه تحديات وعقبات هائلة تجعله غير قادر على الاستمرار في عمليات تشغيله وصيانته وفقاً للمعايير والمواصفات الفنية والقياسية المصممة له وسيتم خلال الأيام القليلة القادمة إصدار بيان لاحق يوضح هذه التحديات بشكل واضح وصريح من أجل قيام الجهات المختصة بالدولة بتحمل مسؤولياتها في هذا الشأن وذلك للحيلولة دون توقف عمليات ضخ مياهه لتأمين الاحتياجات الحضرية والزراعية بالدولة الليبية.

حفظ الله ليبيا



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+218 21 361 9174 ☎ +218 21 360 1482 - 83

ص 1188



+218 61 222 6941 ☎ +218 61 222 5091- 92

+218 61 222 0195 ☎ +218 61 224 0330

ص 9468.641

**Panel summary of the above statement**

This confirms the stoppage of water supply in May 2019 to the cities in central and western Libya. It identifies the perpetrator as Belqasim Hneish and highlights that there were two previous instances in October and November 2017, where this individual had attacked the Hassawna water complex and disrupted the water flow.

**Annex 25: Failure to implement a release order for Prime Minister Baghdadi al Mahmoudi**

1. The Panel has identified the failure to implement a release order in favour of former Prime Minister Baghdadi al Mahmoudi, adopted after a severe deterioration of his health condition was medically confirmed.
2. The release order was issued by the Ministry of Justice on 10 July 2019, and endorsed by the President of the Presidency Council on 20 July 2019.
3. The Panel is investigating the kidnapping and later assassination on 7 August 2019 of Walid al Tarhouni, a senior official of the Ministry of Justice, as there are indications that his death is connected to the release decision.



Figure 25.1  
Release order issued by the Ministry of Justice on 10 July 2019

**دولة ليبيا**  
**حكومة الوفاق الوطني**  
**وزارة العدل**

القوانين  
التقارير

قرار وزير العدل المفوض  
رقم ( 514 ) لسنة 2019 م  
بشأن الإفراج الصحي

وزير العدل المفوض :-

- بعد الاطلاع على الإعلان الدستوري الصادر بتاريخ 30 أغسطس 2011م. وتعديلاته.
- وعلى الإتفاق السياسي الليبي الموقع بتاريخ 17 ديسمبر 2015م.
- وعلى القانون رقم (5) لسنة 2005م بشأن مؤسسات الإصلاح والتأهيل ولائحته التنفيذية.
- وعلى القانون رقم (12) لسنة 2010م بشأن علاقات العمل ولائحته التنفيذية وتعديلاتهما.
- وعلى قرار مجلس الوزراء رقم (50) لسنة 2012م باعتماد الهيكل التنظيمي واختصاصات وزارة العدل وتنظيم جهازها الإداري وتعديله.
- وعلى قرار المجلس الرئاسي رقم (4) لسنة 2016م بشأن تشكيل حكومة وفاق وطني.
- وعلى قرار المجلس الرئاسي رقم (12) لسنة 2016م بشأن منح تفويض بمهام.
- وعلى قرار المجلس الرئاسي رقم (256) لسنة 2017م بشأن تفويض بمهام وزير.
- وعلى قرار السيد / وزير العدل رقم (51) لسنة 2018م بشأن إعادة تشكيل لجنة الإفراج الصحي.
- وعلى قرار لجنة الإفراج الصحي رقم (15) لسنة 2019م بشأن الإفراج عن نزيل.
- وعلى ككتاب السيد / رئيس لجنة الإفراج الصحي رقم (34) المؤرخ 2019/7/9م.
- وعلى ما عرضه السيد / مدير مكتب الوزير.

**ق ر ر**

مادة (1)

يخرج عن التزليل / البغداداي علي المحمودي بمؤسسة الإصلاح والتأهيل عين زارة (بم) إفراجا صحيا.

مادة (2)

يتولى جهاز الشرطة القضائية متابعة حالة المفرج عنه وإذا تبين أن الأسباب الصحية التي دعت إلى الإفراج عنه قد زالت أصدر المحامي العام قرارا بإلغاء أمر الإفراج.

مادة (3)

يعمل بهذا القرار من تاريخ صدوره - وعلى الجهات المعنية تنفيذه .

محمد عبد الواحد عبد الحميد

وزير العدل المفوض  
مكتبة الوفاق الوطني

القوانين  
التقارير

10 / 7 / 2019

Figure 25.2  
Release order endorsed by the GNA on 20 July 2019



The Presidency Council Of The  
Government Of National Accord

المجلس الرئاسي  
لحكومة الوفاق الوطني

الموضوع :  
إشاري : 1 / 2063  
التاريخ : 2019-07-20م

**السيد الفاضل / وزير العدل المفوض**  
تحية طيبة وبعد ...

بالإشارة إلى كتاب مدير مكتبكم المكلف رقم (325) المؤرخ في 11/07/2019م  
المحال بموجبه بناء على تعليماتكم كتاب السيد / مدير إدارة الرعاية الصحية بجهاز  
الشرطة القضائية رقم (68) المؤرخ في 09/07/2019م المرفق به صورة من التقرير المعد من  
قبل عدد من الأطباء والاستشاريين عن الحالة الصحية للنزيل / البغدادي علي المحمودي  
وإستنادا على أحكام القانون رقم (5) لسنة 2005م بشأن مؤسسات الإصلاح والتأهيل  
وما تضمنته من الإفراج عن النزيل المصاب بمرض يهدد حياته بالخطر أو يعرضه للعجز  
الكلي ، وذلك بعد عرضه على لجنة طبية متخصصة في هذا الشأن ، وانعقاد  
الاختصاص لوزير العدل بإصدار قرار الإفراج ، وعلى الرأي القانوني لمستشارنا القانوني  
المعد بالخصوص.

عليه : إجراءاتكم بإصدار القرار اللازم وفقا لاختصاصكم بالإفراج  
عن النزيل / البغدادي علي المحمودي ، ومن ثم الإيعاز لجهاز الشرطة القضائية باتخاذ  
الإجراءات اللازمة لإتمام عملية الإفراج.

وتفضلوا بقبول وافر الاحترام.

فانز مصطفى السراج  
رئيس المجلس الرئاسي لحكومة الوفاق الوطني





مسودة إلى  
إدارة الشؤون القانونية والتشكافي  
الملف السجوي الم  
رقم القانوني

---

**Annex 26: The enforced disappearance of Ms. Siham Sergewa (17 July 2019)****Incident details**

1. On 17 July 2019, a group of masked and armed men entered the home of Ms. Siham Sergewa, a Member of the House of Representatives and women's rights activist, shot and wounded her husband, physically assaulted one of her sons and abducted her to an unknown location.
2. Media reported that HAF affiliated groups were more likely to be guilty, as her kidnap effectively silenced her opposition to the HAF offensive against Tripoli<sup>111 112</sup>.
3. On 18 July 2019, UNSMIL released a statement<sup>113</sup> deploring the enforced disappearance of Siham Sergewa and called on the relevant authorities to investigate the matter and for her immediate release.
4. On 4 August 2019, the official Facebook page of the 'interim government' posted a video and a statement<sup>114</sup> of Ibrahim Bushnaf, minister of interior of the 'interim government' accusing "terrorist groups" and "sleeper cells" of the kidnapping, but produced no evidence to support their accusation of terrorist entities. Ibrahim Bushnaf indicated that investigations were being conducted on the case.
5. On 7 August 2019, UNSMIL released a statement<sup>115</sup> expressing the concern over the continued enforced disappearance of Ms. Siham Sergewa, noting that the statements made by the 'interim government' authorities do "not convey any reassurance about the wellbeing and the whereabouts of Ms. Sergewa".
6. On 17 October 2019, UNSMIL released a statement<sup>116</sup> condemning once again the abduction and the disappearance of Ms. Sergewa, and reiterating the legal responsibility of relevant authorities in eastern Libya to establish her fate and whereabouts.
7. Attempts by the Panel to contact Ms. Siham Sergewa's close family members were unsuccessful. The Panel sought details of the ongoing investigations from the 'interim government' and is yet to receive a response. The fate of Siham Sergewa is unknown to date.

## Annex 27: Summary of non-compliance with the sanctions measures (arms) in support of GNA<sup>117</sup>

1. Tables 27.1 to 27.3 summarizes the non-compliances with paragraph 9 of resolution [1970 \(2011\)](#) covering, air and aviation violations, land service equipment violations and maritime violations identified or confirmed during the period of this report. The Panel also finds the GNA to be in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for all these cases.

Table 27.1

### Air and aviation non-compliances

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph9 to 1970 (2011)</i>	<i>Remarks</i>
New equipment	Bayraktar-TB2 UCAV <sup>a</sup>	<ul style="list-style-type: none"> <li>▪ Turkey</li> <li>▪ GNA</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Member States have not responded to Panel enquiries.</li> <li>▪ Supply and import.</li> </ul>
New equipment	<i>Orbiter-3</i> UAV <sup>b</sup>	<ul style="list-style-type: none"> <li>▪ GNA</li> </ul>	<ul style="list-style-type: none"> <li>▪ The supply chain has yet to be ascertained as Member State has not responded to Panel enquiries.</li> <li>▪ Import.</li> </ul>
Transportation	Ilyushin IL-76TD Registered UR-COZ	<ul style="list-style-type: none"> <li>▪ Turkey</li> <li>▪ Turkish Office of ProAir-Charter-Transport GmbH<sup>c</sup></li> <li>▪ Plures Air Cargo,<sup>d</sup> Turkey</li> </ul>	<ul style="list-style-type: none"> <li>▪ Destroyed on ground at Misrata international airport on 6 August 2019.</li> <li>▪ Panel identified 130 tonnes of suspicious freight cargo on five flights between 3 to 6 July 2019 consigned by the Libyan Embassy, Ankara to the Ministry of Interior, Libya.</li> </ul>

<sup>117</sup> Also included at table 27.4 is a case of illegal import of blank firing pistols by an organised criminal group(s).

<b>Generic Type</b>	<b>Means / Equipment</b>	<b>Responsible party(ies) in non-compliance with paragraph9 to 1970 (2011)</b>	<b>Remarks</b>
Transportation	Ilyushin IL-18 Registered UR-CNT	<ul style="list-style-type: none"> <li>▪ Turkey</li> <li>▪ Ukraine Air Alliance P.J.S.C. <sup>e</sup></li> <li>▪ Turkish Office of ProAir-Charter-Transport GmbH</li> <li>▪ Plures Air Cargo, Turkey</li> </ul>	<ul style="list-style-type: none"> <li>▪ Panel identified 4.1 tonnes and 8.9 tonnes of UAV components consigned on two flights on 28 May 2019, by the Libyan Embassy, Ankara to the Ministry of Interior, Libya.</li> </ul>
Transportation	Ilyushin IL-18 Registered UR-CGW	<ul style="list-style-type: none"> <li>▪ Turkey</li> <li>▪ Ukraine Air Alliance P.J.S.C.</li> <li>▪ Turkish Office of ProAir-Charter-Transport GmbH</li> <li>▪ Plures Air Cargo, Turkey</li> </ul>	<ul style="list-style-type: none"> <li>▪ Panel identified 5.2 tonnes and 6.9 tonnes of UAV components consigned on two flights on 30 May 2019 by the Libyan Embassy, Ankara to the Ministry of Interior, Libya.</li> </ul>
Transportation	Ilyushin IL-18 Registered UR-CAH	<ul style="list-style-type: none"> <li>▪ Turkey</li> <li>▪ Ukraine Air Alliance P.J.S.C.</li> <li>▪ Turkish Office of ProAir-Charter-Transport GmbH</li> <li>▪ Plures Air Cargo, Turkey</li> <li>▪</li> </ul>	<ul style="list-style-type: none"> <li>▪ Panel identified 5.4 tonnes and 5.3 tonnes of UAV components consigned on two flights on 31 May and 2 June 2019 by the Libyan Embassy, Ankara to the Ministry of Interior, Libya.</li> <li>▪</li> </ul>

<sup>a</sup> <https://baykarsavunma.com/#en>.

<sup>b</sup> <https://aeronautics-sys.com>.

<sup>c</sup> <https://www.proair.de/en>.

<sup>d</sup> <https://www.plures.com.tr/en>.

<sup>e</sup> <http://www.uaa-avia.com/en>.

Table 27.2  
**Land service non-compliances**

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
New equipment	Kirpi 4 x 4 APC <sup>a</sup>	<ul style="list-style-type: none"> <li>▪ Presidency of Defence Industries,<sup>b</sup> Turkey</li> <li>▪ Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Limited Sti,<sup>c</sup> Turkey</li> <li>▪ GNA</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Member States have not responded to Panel enquiries.</li> <li>▪ Delivery to Libya confirmed verbally by Minister of Interior of Libya to Panel on 31 July 2019.</li> <li>▪ Supply and import.</li> </ul>
New equipment	Toyota armoured trucks	<ul style="list-style-type: none"> <li>▪ GNA Ministry of Interior, Libya</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Member States have not responded to Panel enquiries.</li> <li>▪ Delivery to Libya confirmed verbally by Minister of Interior of Libya to Panel on 31 July 2019.</li> <li>▪ Import.</li> </ul>
New equipment	Counter-UAV RF Inhibition and Jamming System	<ul style="list-style-type: none"> <li>▪</li> </ul>	<ul style="list-style-type: none"> <li>▪ Under investigation</li> </ul>

<sup>a</sup> <https://www.bmc.com.tr/en>.

<sup>b</sup> <https://www.ssb.gov.tr/Default.aspx?LangID=2>.

<sup>c</sup> <http://www.akdenizroro.com.tr/en/>.

Table 27.3

**Maritime non-compliances**

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
Military support	Landing Ship Tank <i>Ibn Ouf</i> (L132)	<ul style="list-style-type: none"> <li>▪ Italian Navy <sup>a</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Maintenance work to an armed naval vessel in December 2017 and January 2018.</li> </ul>
Transportation	MV <i>Amazon</i> (IMO 7702657)	<ul style="list-style-type: none"> <li>▪ Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Ltd STI (Turkey)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Moldova forcibly removed the vessel's flag status on 25 May 2019.</li> <li>▪ Provisionally registered with Togo International Registration Bureau on 14 June 2019.</li> <li>▪ Togo cancelled the provisional registration on 20 August 2019.</li> </ul>

<sup>a</sup> Italian vessels *Capri* (A5353) and *Tremeti* (A5349).

Table 27.4  
**Organised crime non-compliances**

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
Illegal import by organised criminal group	Atak Zorak Type 2918 blank firing pistols x 5,000	<ul style="list-style-type: none"> <li>▪ Aykar Makliyat Uluslararsi,<sup>a</sup> Turkey</li> </ul>	<ul style="list-style-type: none"> <li>▪ Seized by customs at Al Khoms on 17 December 2018.</li> </ul>
Illegal import by organised criminal group	Ekol P29 blank firing pistols x 20,000	<ul style="list-style-type: none"> <li>▪ Brother Company for International Trade Toys Shop,<sup>b</sup> Tunisia</li> <li>▪ Al Kasr Textile Factory, Tripoli, Libya</li> </ul>	<ul style="list-style-type: none"> <li>▪ Seized by customs at Misrata on 30 December 2018.</li> </ul>

<sup>a</sup> <https://www.aykardenizcilik.com/en/index.php>.

<sup>b</sup> Mr Nofal Mustafa, +216 24 524XXX.



## Annex 28: Summary of non-compliance with the sanctions measures (arms) in support of HAF

1. Tables 28.1 to 28.3 summarizes the non-compliances with paragraph 9 of resolution [1970 \(2011\)](#) covering, air and aviation violations, land service equipment violations and maritime violations identified or confirmed during the period of this report. The Panel also finds HAF to be in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for all these cases.

Table 28.1

### Air and aviation non-compliances

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
Confirmed	Wing Loong II UCAV <sup>a</sup>	▪ United Arab Emirates	▪ Paired with the Blue Arrow (BA-7) air to surface missile system.
New equipment	Mohadjer-2 UAV <sup>b</sup>	▪	▪ The supply chain has yet to be fully ascertained as Member State has not responded to Panel enquiries.
New equipment	Orlan-10 UAV <sup>c</sup>	▪	▪ The supply chain has yet to be fully ascertained as Member State has not responded to Panel enquiries.
New equipment	Yabhon-HMD UAV <sup>d</sup>	▪ United Arab Emirates	▪ The supply chain has yet to be fully ascertained as Member State has not responded to Panel enquiries.
Transportation	Antonov AN-26 Displaying UP-AN601	▪ Space Cargo Inc, <sup>e</sup> UAE	▪ De-registered by Kazakhstan aviation registry on 7 September 2015. ▪ UP-AN601 markings were removed from aircraft in May 2015, but have subsequently been remarked as a “false flag” ▪ Now flying illegally within Libya as a “stateless” aircraft.
Transportation	Ilyushin IL-76TD Registered UR-CMP	▪ Deek Aviation FZE, <sup>g</sup> UAE	▪ Destroyed on ground at Jufra air base on 25 July 2019.
Transportation	Ilyushin IL-76TD Registered UR-CRC	▪ Deek Aviation FZE, UAE	▪ Destroyed on ground at Jufra air base on 25 July 2019.
Transportation	Ilyushin IL-76TD Registered UP-17601	▪ Sigma Airlines, <sup>h</sup> Kazakhstan	▪ Identified flying in military support in April and June 2019. ▪ Made suspicious flights from Jordan from 23 to 26 June 2019.

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
Transportation	Ilyushin IL-76TD Registered UP-17645	▪ Sigma Airlines, Kazakhstan	▪ Identified at Tamanhant, Sebha on 29 January 2019.
Transportation	Ilyushin IL-76TD Registered UP-17655	▪	▪ Still under investigation.
		▪	▪

<sup>a</sup> <http://enm.avic.com/index.shtml>.

<sup>b</sup> Iran Aviation Industries Organization (IAIO). [www.mod.ir](http://www.mod.ir).

<sup>c</sup> <https://www.stc-spb.ru>.

<sup>d</sup> <http://www.ats-ae.com>. No URL for Adcom Systems.

<sup>e</sup> <http://spacecargoinc.com>.

<sup>f</sup> <http://www.europeair.kiev.ua>. Ceased trading on 9 August 2019 under Order No908.

<sup>g</sup> [www.deekaviation.com](http://www.deekaviation.com). URL not operable. Q4-76, Block Q4 Street, Al Ruqa Al Hamra, Sharjah, UAE.

<sup>h</sup> <https://airsigma.pro>.

<sup>j</sup> Uses [www.sonnig.com](http://www.sonnig.com), which diverts to [www.sipj.net](http://www.sipj.net).

Table 28.2  
**Land service non-compliances**

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
New equipment	<i>Panthera</i> F9 APC <sup>a</sup>	▪	▪ The supply chain has yet to be ascertained.
New equipment	<i>Mbombe</i> 6 x 6 IAFV <sup>b</sup>	▪ Jordan	▪ South Africa confirmed that it has not transferred to Libya, and that Jordan is the only other manufacturer ▪ Only Jordan manufactures with the “snakehead” turret seen in Libya.
New equipment	<i>Mared</i> 8 x 8 IAFV	▪ Jordan	▪ Jordan has not responded to Panel enquiries, but this system is not manufactured by anyone else, first displayed in 2018 and has not been sold to any other Member State.
New equipment	<i>Caiman</i> 6 x 6 MRAP <sup>c</sup>	▪	▪ The supply chain has yet to be ascertained.
New equipment	<i>Irigiri</i> 8 x 8 IAFV <sup>d</sup>	▪	▪ The supply chain has yet to be ascertained as Member State has not responded to Panel enquiries.
New equipment	<i>Ratel-60</i> IAFV <sup>e</sup>	▪	▪ Responsibility yet to be ascertained as Member State has not responded to Panel enquiries.
New equipment	MIM-23 <i>Hawk</i> SAM <sup>f</sup>	▪ United Arab Emirates	▪ Providing close air defence at Jufra air base.
New equipment	<i>Pantsir</i> S-1 SAM <sup>g</sup>	▪ United Arab Emirates	▪ Providing close air defence at Al Khadim and Jufra air bases.
New equipment	<i>Blue Arrow</i> (BA-7) air to surface missile <sup>h</sup>	▪ United Arab Emirates	▪ Paired with the <i>Wing Loong II</i> UCAV.
New equipment	<i>Nashshab</i> RPG-32 variant anti-tank rocket launcher <sup>j</sup>	▪ Jordan	▪ Jordan has not responded to Panel enquiries, but this system is not manufactured by anyone else, and has not been sold to any other Member State.
New equipment	155mm High Explosive Laser Guided Projectile GP6 <sup>k</sup>	▪ United Arab Emirates	▪ The supply chain has yet to be fully ascertained as the UAE has not responded to Panel enquiries.

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
New equipment	Radio Frequency (RF) Inhibition and Jammer System <sup>l</sup>	▪	▪ Responsibility yet to be ascertained as Member State could not identify initial export.
Military support	Military training in Jordan <sup>m</sup>	▪ Jordan ▪	▪ Jordan has not responded to Panel enquiries, but the name of the school is on the wall of a building in the imagery. ▪

<sup>a</sup> <http://www.mspv.com>.

<sup>b</sup> <http://www.kaddb.com>.

<sup>c</sup> <https://www.baesystems.com/en-us/our-company>.

<sup>d</sup> <https://www.army.mil.ng/corps-services/>.

<sup>e</sup> No URL as company closed.

<sup>f</sup> <http://raytheon.com>.

<sup>g</sup> [www.ump.mv.ru](http://www.ump.mv.ru).

<sup>h</sup> <http://en.norincogroup.com.cn>.

<sup>j</sup> <https://www.jadara.jo>.

<sup>k</sup> <http://en.norincogroup.com.cn>.

<sup>l</sup> <https://www.same190.com>.

<sup>m</sup> <https://www.jaf.mil.jo>.

Table 28.3

**Maritime non-compliances**

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
New equipment	Offshore Patrol Vessel (OPV) <i>Al Karama</i> <sup>a</sup>	<ul style="list-style-type: none"> <li>▪ Universal Satcom Services F.Z.Z., UAE</li> <li>▪ Reema Sami Abdullah Al Omari</li> <li>▪</li> </ul>	<ul style="list-style-type: none"> <li>▪ CEO, Al Omari, also in non-compliance due to her personal involvement in the transfer.</li> <li>▪</li> </ul>

<sup>a</sup> <https://universalsatcom.com>. Closed by UAE authorities for trading outside area of licence permissions.

**Annex 29: MV *Esperanza* to Al Khoms (17 December 2019)**

1. Between 13 to 17 December 2019 the MV *Esperanza* (IMO 9252785) offloaded three containers (serial numbers CSOU 410121-9, CSFU 964715-0 and CSFU 964827-0), which during a subsequent inspection by Al Khoms port customs authorities were found to contain 3,000 *Atak Zoraki* 2918 blank firing pistols.<sup>118</sup>

2. Two Turkish companies consigned the containers to three consignee companies in Libya (table 29.1).

Table 29.1  
Consignors and Consignees

<i>Container</i>	<i>Consignor in Turkey</i>	<i>Consignee in Libya</i>
CSFU410121-0	Aykar Makliyat Uluslararsi <sup>a</sup>	Siyavuspasa Man Barbaros 5 SK, Kocksinan Is Hane No: 2/20, Istanbul
CSFU964715-0	Hama Kagit Tekstil Insaat <sup>b</sup>	San Bolgesi Mah Ayrosan 6 Fblok No: 1/49, Ikitelli, Istanbul
CSFU964827-0	Aykar Makliyat Uluslararsi	Qrauln Company

<sup>a</sup> <http://www.aykardenizcilik.com/en/iletisim.php>.

<sup>b</sup> [hamatekstil@gmail.com](mailto:hamatekstil@gmail.com).

3. The Bills of Lading and Cargo Manifests for the three containers do not list the weapons (see appendix A).

4. As of 20 October 2019 the Turkish investigation into this incident was still ongoing, and the Panel continues to monitor.<sup>119</sup>

<sup>118</sup> Confidential source in Misrata.


<sup>119</sup> Communication from Member State of 5 August 2019.

Appendix A to Annex 29: Shipping documentation

Image A.29.1  
Bill of Lading Container CSOU410121-9

**Combined Transport BILL OF LADING**

B/L No. IST1804449  
Reference No.



**Shipper:**  
AYYAR HAKLIYAT ULUSLARARASI  
ITH.IHR.LTD.STI.  
SIVAVUSPASA MAH.BARBAROS S.SK.  
KOCASINAN IS HANI NO:2/20  
BAHCELIEVLER ISTANBUL  
Email

**Consignee:**  
AL SARAB  
COMPANY

**Notify address:**  
SAME AS CONSIGNEE

**Place of receipt:**  
GEBZE

**Port of loading:**  
GEBZE


**CARRIER:**  
CONTALZ SHIPMENTS DENIZCILIK  
HAKLIYAT VE TIC.A.S.HAL YOLU  
CAD.NO:5 BAY PLAZA K:8  
34742 KOSYATACI-ISTANBUL  
Tel: TEL:+90 216 578 72 72 (PBR)  
Fax: FAK:+90 216 578 72 52

**POST AGENT:**  
AL SARAB SHIPPING MARITIME CO.  
TRAPOL - 2182: 4770539/4782193  
KIBRIS/A-21851 2627740/2622658

Place of discharge	Place of delivery	Freight payable at	Number of original bill
AL KHUMS	AL KHUMS	ISTANBUL	3/THREE

Marks and Nos.	Quantity and description of goods	Gross weight, kg.	Measurement, m3
Seals: 158203	CSOU410121-9 10 PACKAGE 40' 2DV BRAID PLASTER//PARQUET HS CODE:321490//441113	6120.000 KG	
		-----	
		6120.000 KG	

**DETERMINED TARIFF (DRAFT/CONFIRM)**  
10 DAYS FREE 20' 40'  
11TH-20TH USD 7,5 15,00  
21ST-30TH USD 15,00 30,00  
THEREAFTER 30,00 45,00  
VIG SPECIAL EQUIPMENT  
SURCHARGE TO BE APPLIED  
FOR  
(HC, PW, OT, FR, ... ETC) "



1 x 40' CONTAINER(S) S.T.C. 6120.000 KG  
10 PACKAGE

FREE IN-FREE OUT

**COPY**

Particulars above declared by Shipper	RECEIVED the goods in apparent good order and condition and as far as ascertained by reasonable means of checking, as specified above unless otherwise stated.
Freight and charges  FCL/FCL FREIGHT PREPAID SHIPPERS STOW LOAD AND COUNT	The Carrier, in accordance with and to the extent of provisions contained in this B/L and with liberty to sub-contract, undertakes to perform and/or in his own name to procure the performance of the combined transport and the delivery of goods, including all services related thereto. From the place and time of taking the goods in charge to the place and time of delivery and accepts responsibility for such transport and such services. One of the B/L must be surrendered duly endorsed in exchange for the goods or delivery order.  IN WITNESS whereof TWO (2) original B/L have been signed, if not otherwise stated above, one of which being accomplished the other(x) to be void.

Place and date of issue  
ISTANBUL 30.11.2018  
Signed for The Carrier

Note: The Merchants attention is called to the fact that according to Clauses 8 to 12 and clause 2.4 of this B/L, the Carrier is to be held liable in respect of loss of or damage to the goods.

As agents(s) only

Image A.29.2  
 Cargo Manifest Container CSOU410121-9

CONTAINERSHIPS ISTANBUL as agent for CONTAINERSHIPS OYJ LINNOITUSTIE 6 C 02600 ESPOO FI EORI: FI0818358-5		<b>C A R G O M A N I F E S T</b> 03.12.2018 10:39:35 3 of 17		<table border="1"> <tr> <td>FI</td> <td>SPACE F1002000</td> </tr> <tr> <td>BFE0118</td> <td>30.11.2018</td> </tr> <tr> <td>CONTAINERSHIPS OYJ</td> <td>FIACPL1071</td> </tr> </table> Authorised consignor Signature waived		FI	SPACE F1002000	BFE0118	30.11.2018	CONTAINERSHIPS OYJ	FIACPL1071
FI	SPACE F1002000										
BFE0118	30.11.2018										
CONTAINERSHIPS OYJ	FIACPL1071										
REPORT AND MANIFEST of the cargo laden on board the BF ESPERANEA, VOYAGE BFE0118 PORT OF LOADING: GEBZE PORT OF DISCHARGE: AL KHUMS 30.11.2018 Port call id: 05.12.2018											
Container no	No & kind of pkgs	Description of goods	Gross Weight	Status	Document						
<b>FULL CONTAINERS</b>											
B/L No:	IST1804449	(S): AYKAR NAKLIYAT ULUSLARARASI	(N): SAME AS CONSIGNEE								
Term:	FF GEBZE - AL KHUMS	J.H. IHR. LTD. STI.									
Freight:	Prepaid ISTANBUL	SIYAVUSPAGA MAH. BARBAROG S.BK.									
Customer:	172380 AYKAR NAKLIYAT ULUSLARARASI	KOCASINAN IS HANI NO:2/20									
Reference:	KENDI/2X40 HC	BAHCELIEVLER ISTANBUL									
Service:	FCL/FCL	(C): AL SABAH COMPANY	(D):								
Terminal:	EVYAP										
On-Carriage:	Carrier haulage										
Transit:	No										
Release:	3: Original B/L										
<hr/>											
CSOU410121-9	10 PACKAGE	DRAID PLASTER//PARQUET	6120,000 N	None							
40' ZDV		HS CODE:321490//441113									
Tare:	3940 kgs										
Seal no's:	198203										
TOTAL:	1 x 40 ZDV										
B/L No:	IST1804517	(S): CIEMECI GIDA SAN. VE TIC.	(N): AL FADAL COMPANY								
Term:	FF GEBZE - AL KHUMS	A.S.	TEL:218913378599								
Freight:	Prepaid ISTANBUL	GEBZE GUEZELER O.S.B.									
Customer:	786206 YAMAN CIKOLATA GIDA	INONU MAH. EBULFERYZ GEBZE 34742 KOCARLI TR									
Reference:	MAK.KENDI/1X40 HC										
Service:	FCL/FCL	(C): AL FADAL COMPANY	(D):								
Terminal:	EVYAP	TEL:218913378599									
On-Carriage:	Carrier haulage	TEL:218925001955									
Transit:	No	2040 ALKHOMS LIBYA									
Release:	3: Original B/L										
<hr/>											
40' 2PW		HS CODE:19053111-19053299									
Tare:	4200 kgs										
Seal no's:	198085										
TOTAL:	1 x 40 2PW										
B/L No:	IST1804663	(S): HANIMELI MEYIS GIDA URETIM VE	(N): TANTOM FOODS COMPANY								
Term:	QF GEBZE - AL KHUMS	DIS TIC.LTD.STI.	AIRPORT STREET BESIDE OIL								
Freight:	Prepaid ISTANBUL	YENISEHIR MAH.OSMANLI									
Customer:	119839 MTS ULUSLARARASI TASIMACILIK	BULVARI,NO:13,KAT:									
Reference:	MAK VE VGM KENDI 1X40'HC	6 D:616 YENISEHIR PENDIK ISTANBUL									
Service:	FCL/FCL	(C): TANTOM FOODS COMPANY	(D):								
Terminal:	EVYAP	AIRPORT STREET BESIDE OIL									
On-Carriage:	Carrier haulage	TANKS TRIPOLI PO BOX 6904									
Transit:	No	T:218912141206									
Release:	3: Original B/L										
<hr/>											
GESU498527-6	1742 BOX (ES)	HAZELNUT CREAM WITH COCOA HONEY	14600,000 N	None							
40' 2PW		SYRUP HTS CODE:18069060,170290950019									
Tare:	4150 kgs										
Seal no's:	198072										
TOTAL:	1 x 40 2PW										

(S)hipper, (C)onsignee, (N)otify, (D)elivery address



Image A.29.3  
 Bill of Lading Container CSFU964715-0

**Combined Transport BILL OF LADING**

Reference No. **IST1804654** Bl. No.

**Shipper**  
 HAMA KAGIT TEKSTIL INSART  
 MALEMELELERI SAN TIC A.S. IKITELLI ORGANIS  
 SAN BOLGESI MAH AYKOSAN 6 FBLOK NO:1/49  
 IKITELLI VD. 4560580057  
 BASAKSEHIR ISTANBUL  
 hamatekstil@gmail.com

**Consignee**  
 HARDEEN AL HAYA  
 FOR IMPORT AND EXPORT  
 TEL: +216944882023

**Notify address**  
 HARDEEN AL HAYA  
 FOR IMPORT AND EXPORT  
 TEL: +216944882023

**AL KUMS LIBYA**

**Place of receipt**  
 ISTANBUL

**Port of loading**  
 ANBARLI MARDAS

**Origin Vessel**  
 SV ESTERANZA

**Number of original B/L**  
 1

Quantity and description of goods	Gross weight, kg	Measurement, m <sup>3</sup>
<b>157 PACKAGE</b> PLASTER (POWDER JOINT) HS CODE 68.09.90.00.00.00 FURANS ADHESIVE (POWDER JOINT) STYROPOR HS CODE 39.21.90.49.00.00	28600,000 KG	

**\*DEBURRAGE TARIFF (PGAY/PCHIR)**  
 10 DAYS FREE 20' 40'  
 11TH-20TH USD 7,5 15,00  
 21ST-30TH USD 15,00 30,00  
 THEREAFTER 30,00 45,00  
 \*10 SPECIAL EQUIPMENT  
 SURCHARGE TO BE APPLIED  
 PCB  
 (WG, PW, OT, FR, ..ETC) "

1 x 40' CONTAINER(S) S.T.C.  
 157 PACKAGE

28600,000 KG

**FREE IN-FREE OUT**

Particulars above declared by Shipper

**ORIGINAL**

Freight and charges  
 PCL/PCL FREIGHT FREPAID  
 SHIPPERS STOW LOAD AND COUNT

RECEIVED the goods in apparent good order and condition and as far as ascertained by reasonable means of checking, as specified above unless otherwise stated.

The Carrier, in accordance with and to the extent of provisions contained in this B/L, and with liberty to sub-contract, undertakes to perform and/or in his own name to procure the performance of the combined transport and the delivery of goods, including all services related thereto, from the place and time of taking the goods in charge to the place and time of delivery and accepts responsibility for such transport and such services. One of the B/L must be surrendered duly endorsed in exchange for the goods or delivery order.

IN WITNESS whereof TWO (2) original B/L have been signed, if not otherwise stated above, one of which being accomplished the other(s) to be void.

Place and date of issue  
 ISTANBUL 01.10.2018  
 Signed for the Carrier

**CONTAINERSHIPS**  
 MARITIME TRANSPORT  
 AND TRADE S.A.  
 ISTANBUL - TURKIYE

Image A.29.4  
 Cargo Manifest Container CSFU964715-0

CONTAINERSHIPS ISTANBUL as agent for CONTAINERSHIPS OYJ LINOITUSTIE 6 C 02600 ERPOO FI EDRI: F10819358-5		<b>C A R G O M A N I F E S T</b> 06.12.2018 13:17:29 4 of 8	FI SPAKE F100200#
REPORT AND MANIFEST of the cargo laden on board the BF ESPERANZA, VOYAGE BFE0118		PORT OF LOADING: ISTANBUL	PORT OF DISCHARGE: AL KHUMS
01.12.2018 Port call id:		09.12.2018	
Container no	No & kind of pkgs	Description of goods	Gross Weight Status Document
None			
<b>FULL CONTAINERS</b>			
Tare: 4000 kgs		DOOR CASING PROFILE 50*100 GOLDEN OAK	
Seal no's:		PANEL PROFIL 25 CM,PANEL PROFIL 25 CM	
212288		GOLDEN OAK,DOOR CASING PROFILE 50*130**	
TOTAL: 1 x 40 2DV		Req.collection time: 16.11.2018 08:00	
B/L No:	1ST1804854	(S): HAMA KAGIT TEKSTIL INSAAT MALZEMELERI SAN TIC A.S. IRITELLI ORGANIZ SAN BOLGESI MAH.AYKOSAN 6 FALOK NO:1/49 IRITELLI VD. 4560580057	(N): NARDEEN AL HAYA FOR IMPORT AND EXPORT
Term:	FF ISTANBUL - AL KHUMS		
Freight:	Prepaid ISTANBUL		
Customer:	255331 SISTEM HAZIR GIYIM SAN.VE		
Reference:	1X40'HC / 21.11 LIMAN DOLU		
Service:	FCL/FCL	(C): NARDEEN AL HAYA FOR IMPORT AND EXPORT	(D):
Terminal:	MARDAS	TEL:+218944982023	
On-Carriage:	Carrier haulage	AL KUMMS LIBYA	
Transit:	No		
Release:	3: Original B/L		
<b>CSFU964715-0 157 PACKAGE</b>			
40' ZPW		PLASTER (POWDER JOINT)	28600,000 N None
Tare: 4200 kgs		HS CODE 68.09.90.00.00.00	
Seal no's:		FUNANS ADHESIVE (POWDER JOINT)	
226759		STYROPOR	
TOTAL: 1 x 40 ZPW		HS CODE 39.21.90.49.00.00	
		Req.collection time: 21.11.2018	
B/L No:	1ST1804662	(S): INTERSWEET DIS TICARET A.S. MERKEZ MAH.ARIFAGA SOK NO:1 D. ZI YENIBOSNA/BAHCELIEVLER-ISTANBUL-TURKIYE	(N): AL SOROH COMPANY FOR IMPORT FOODSTUFFES L.L.C JANZOOR 9
Term:	FF ISTANBUL - AL KHUMS	TEL: (0090)212 552 51 06	
Freight:	Prepaid ISTANBUL	(C): AL SOROH COMPANY FOR IMPORT FOODSTUFFES L.L.C JANZOOR 9	(D):
Customer:	131935 AZHAR ALANDOLAS FOR	STR.BUILDING 8	
Reference:	KENDI/21.11/1*40'/AL SOROH	TEL:218942194953/002189160504	
Service:	FCL/FCL	63	
Terminal:	MARDAS	TRIPOLI/LIBYA	
On-Carriage:	Carrier haulage		
Transit:	No		
Release:	3: Original B/L		
<b>CSCU410190-2 3926 BOX (ES)</b>			
40' 2DV		CANDY/COCOLIN	19620,260 N None
Tare: 3840 kgs			
Seal no's:			
220545			
TOTAL: 1 x 40 2DV			
B/L No:	1ST1804683	(S): TRENDECOL - HASAN GERM KEMALPASA MH. GENCTURK CD. MARVIL	(N): LOBCH.CO IMPORTING FURNITURE. MINA/KHOMS
Term:	FF ISTANBUL - AL KHUMS	SOK. NO.7 LALELI	
Freight:	Prepaid ISTANBUL	FATIH ISTANBUL	
Customer:	157355 GEMINI FREIGHT MANAGEMENT	(C): LOBCH.CO IMPORTING FURNITURE. (D):	
Reference:	VGM KENDI* 1x20	MINA/KHOMS	
Service:	FCL/FCL	2040 LIBYA	
Terminal:	MARDAS		
On-Carriage:	Carrier haulage		
Transit:	No		
Release:	3: Original B/L		
<b>CSCU125830-7 112 PACKAGE</b>			
20' XDV		TEXTIL	11420,000 N None
Tare: 2200 kgs		HS CODE:540741 491110 630710	
Seal no's:		Req.collection time: 23.11.2018	
220589			
(S)hipper, (C)onsignee, (N)otify, (D)elivery address			

Image A.29.5  
 Bill of Lading Container CSFU964827-0

<b>Shipper</b> AYKAR NAKLIYAT ULUSLARARASI ITH. IHR. LTD. STI. SIYAVUSPASA MAH. BARBAROS 5. SK. KOCASINAN IS HANI NO:2/2C SARCELIEVLER ISTANBUL Email:		<b>Combined Transport BILL OF LADING</b> Reference No. IST1804682 B/L No.	
<b>Consignee</b> GRAULIN COMPANY			
<b>Notify address</b> SAME AS CONSIGNEE		<b>CARRIER:</b> CONTAINERSHIP DENIZCILIK NAKLIYAT VE TIC. A.S. HALI YOLU CAD. NO:5 BAY PLAZA K:8 34742 KOZYATAGI-ISTANBUL Tel: TEL:+90 216 528 72 72 (PBX) Fax: FAKS:+90 216 528 72 52	
<b>Place of receipt</b> GEBZE		<b>FOR: SHIPPER:</b> AL HARFA SHIPPING MARITIME CO. TRIFOLI +31821 4770539/4782193 NISURATA+21651 2627740/2622858	
<b>Clear Vessel</b> ESPERANZA VOI 18	<b>Port of loading</b> EVYAP	<b>Place of delivery</b> AL KHOMS	<b>Freight payable at</b> ISTANBUL
<b>Place of discharge</b> KHOMS	<b>Number of original B/L</b> 3/THREE		<b>Quantity and description of goods</b> 10 PACKAGE BRAID PLASTER // PARQUET HS CODE:321490//441113
<b>Marks and Nos.</b> Seals: 198092	<b>Quantity and description of goods</b> 40' 2PW	<b>Gross weight, kg.</b> 6120.000 KG	<b>Measurement, m</b> 6120.000 KG
10 DAYS FREE 20' 45' 11TH-20TH USD 7,5 15,00 21ST-30TH USD 15,00 30,00 THEREAFTER 30,00 45,00 VIG SPECIAL EQUIPMENT SURCHARGE TO BE APPLIED FOR (RC, PW, OT, FR, ... ETC) *			
1 x 40' CONTAINER(S) S.T.C. 10 PACKAGE		6120.000 KG	
FREE IN-FREE OUT		<b>COPY</b>	
<b>Freight and charges</b> FCL/FCL (FREIGHT PREPAID) SHIPPERS STOW LOAD AND COUNT		RECEIVED the goods in apparent good order and condition and as far as ascertained by reasonable means of checking, as specified above unless otherwise stated. The Carrier, in accordance with and to the extent of provisions contained in this B/L, and with liberty to sub-contract, undertakes to perform and/or in his own name to procure the performance of the combined transport and the delivery of goods, including all services related thereto, from the place and time of taking the goods in charge to the place and time of delivery and accepts responsibility for such transport and such services. One of the B/L must be surrendered duly endorsed in exchange for the goods or delivery order. IN WITNESS where of TWO (2) original B/L have been signed, if not otherwise stated above, one 'of which being accomplished the other(s) to be void.	
<b>Note:</b> The Merchants attention is called to the fact that according to Clauses 8 to 12 and clause 2.4 of this B/L the liability of the Carrier is in every case limited in amount of loss of or damage to		Place and date of issue ISTANBUL 30.11.2018 Signed for The Carrier	
		As agents(s) only	

Image A.29.6  
 Cargo Manifest Container CSFU964827-0

CONTAINERSHIPS ISTANBUL  
 as agent for  
 CONTAINERSHIPS OYJ  
 LİNNÖIUSTIE 6 C  
 02600 ESPOO FI  
 BCR1: F10618358-5

**C A R G O M A N I F E S T**  
 03.12.2018 10:39:36 4 of 17

F1	SPAKE F1002000
BFE0118	30.11.2018
CONTAINERSHIPS OYJ	FIACPL11071

REPORT AND MANIFEST of the cargo laden on board the SF ESPERANZA, VOYAGE BFE0118  
 PORT OF LOADING: EYVAP PORT OF DISCHARGE: AL KHOMS  
 30.11.2018 Port call id: 05.12.2018

Container no	No a kind of pkgs	Description of goods	Gross Weight	Status	Document
<b>FULL CONTAINERS</b>					
B/L No:	IST1804692	(S): AYKAR NAKLIYAT ULUSLARARASI TIN TRK LTD STI SIYAVUSFASA MAR.BARBAROS S.MK KOCASINAH IS HANI NO:1/20 HANCELIEVLER ISTANSUL	(N): SAME AS CONSIGNEE		
Term:	FF GEGSE - AL KHOMS				
Freight:	Prepaid ISTANBUL				
Customer:	172380 AYKAR NAKLIYAT ULUSLARARASI				
Reference:	KENDI/ZK40 HC	(C): QRAULIN COMPANY	(D):		
Service:	FCL/FCL				
Terminal:	EYVAP				
On-Carriage:	Carrier haulage				
Transit:	No				
Release:	3: Original B/L				
CSFU964827-0	10 PACKAGE	BRAID PLASTER // PARQUET HS CODE:321490//441113	6120,000 N	None	
40' 2PW					
Tare:	4200 kgs				
Seal no's:	198092				
TOTAL:	1 x 40 2PW				
B/L No:	IST1804693	(S): MEDSTAR GIDA SANAYI DIS TICARET VE ULUSLARARASI TASIMACILIK LTD STI SULTAN SELIM MAM LALEGUL SOK NEF09 A BLOK	(N): ALKHIT ALABIAD FOR IMPORTING FOOD STUFF		
Term:	OF GEGSE - AL KHOMS				
Freight:	Prepaid ISTANBUL				
Customer:	335588 MEDSTAR KONTEYNER TASIMACILIGI	(C): TO THE ORDER OF JUMHOURIA BANK BERKAIN BRANCH TRIPOLI-LIBYA L/C NUMBER:079LC01181960001	(D):		
Reference:	BIZ/26.11/10'40RC/FEITAGOLU				
Service:	FCL/FCL				
Terminal:	EYVAP				
On-Carriage:	Carrier haulage				
Transit:	No				
Release:	3: Original B/L				
BSIU91430-4	3900 BOX (EK)	200 ML ONESTAR MIXEDFRUIT DRINK Req.collection time: 26.11.2018 09:00	23680,000 N	None	
40' 2DV					
Tare:	4000 kgs				
Seal no's:	223115				
BSIU989228-3	3900 BOX (ES)	200 ML ONESTAR MIXEDFRUIT DRINK Req.collection time: 26.11.2018 08:00	23530,000 N	None	
40' 2DV					
Tare:	3370 kgs				
Seal no's:	223127				
BSIU989501-2	3900 BOX (KS)	200 ML ONESTAR GRAPE FRUIT DRINK Req.collection time: 26.11.2018 08:00	23380,000 N	None	
40' 2DV					
Tare:	3370 kgs				
Seal no's:	223217				
CSFU964553-0	3900 BOX (ES)	200 ML ONESTAR MIXEDFRUIT DRINK Req.collection time: 26.11.2018 09:00	23800,000 N	None	
40' 2PW					
Tare:	4200 kgs				
Seal no's:	223133				
CSOU410461-9	3900 BOX (ES)	200 ML ONESTAR PEACH FRUIT DRINK Req.collection time: 26.11.2018 08:00	23500,000 N	None	
40' 2DV					
Tare:	4050 kgs				
Seal no's:	223192				
GES0449507-3	3900 BOX (ES)	200 ML ONESTAR GRAPE FRUIT DRINK (S)Shipper, (C)Consignee, (N)Notify, (D)Delivery address	23600,000 N		

Sources: Confidential

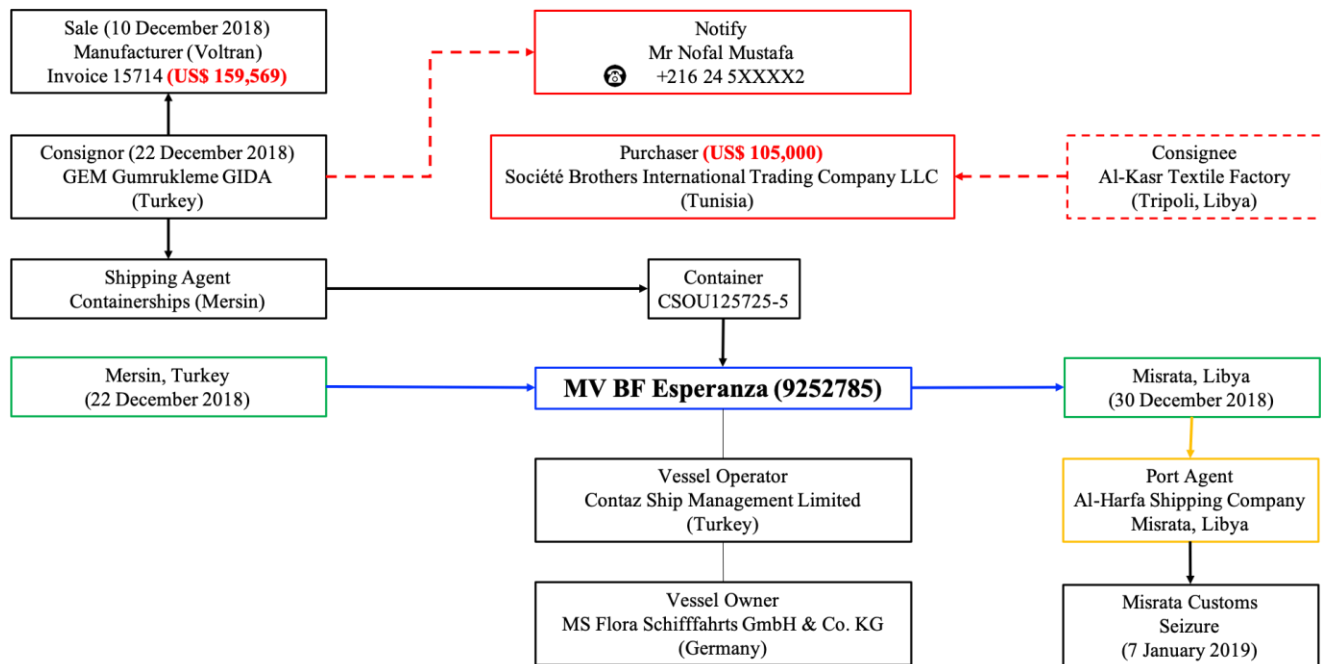
**Annex 30: MV *Esperanza* to Misrata (30 December 2018)**

1. On 30 December 2018 the MV *Esperanza* (IMO 9252785) offloaded a container (serial number CSOU 125725-5), which during a subsequent inspection by Misrata port customs authorities on 7 January 2019 was found to contain 20,000 Ekol-Voltran P29 blank firing pistols.
2. The pistols were sold by the manufacturer (Voltran) to a Turkish company, Bahriye Nur Karabilgin / Cem Gumrukleme Gida, on 10 December 2018. The invoice listed the price as TRY 849,600 (US\$ 159,569).<sup>120</sup> Yet the invoice from Bahriye Nur Karabilgin / Cem Gumrukleme Gida listed the price at US\$ 114,000 to a company listed on their invoice as “Brothers Company for International Trade Toys Shop, Liberty Shipping Logistic (LLC), Tunisia”. Neither the Tunisian authorities nor the Panel could elicit a response from this company.
3. Bahriye Nur Karabilgin / Cem Gumrukleme Gida listed the weapons at US\$ 114,000 on their invoice to the Tunisian company. This equates to a loss of approximately US\$ 45,000 (see appendix A). Panel investigations continue as to the rationale for this, but Bahriye Nur Karabilgin / Cem Gumrukleme Gida has not responded to the Panel enquiries.
3. Analysis of the available shipping documentation (see appendix B) identified a discrepancy between the consignee listed on the Bill of Lading (Alfasr Textile Factory, Libya) and that listed on the Export Customs Declaration (Brothers Company for International Trade).<sup>121</sup>
4. Bahriye Nur Karabilgin / Cem Gumrukleme Gida incurred an administrative monetary penalty imposed on them by the Ministry of Trade of Turkey for export irregularities.
5. The full supply chain is at figure 30.1.

<sup>120</sup> Exchange rate on 10 December 2018 was US\$ 1.00 = TRY 5.32434.  
[https://www.xe.com/currencycharts/?from=US\\$&to=TRY](https://www.xe.com/currencycharts/?from=US$&to=TRY).

<sup>121</sup> Company address is Société Brothers International Trading Company L.L.C. (registered number 1223805C), 9 Rue El Amir Abdelkader , Jammal, Monastir, Tunisia. The company is now not located at this address and trading activities have ceased. Owned by Ramiz Arbouk (ID 04190992), 85 Avenue La Liberte, 5020 Jemmel, Monastir, Tunisia. A contact number for Brothers Company for International Trade of +216 24 5XXXX2 was provided on shipping order.

Figure 30.1  
**Supply chain for 20,000 Ekol-Voltran P29 blank firing pistols**



5. The Panel finds Société Brothers International Trading Company LLC of Tunisia in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#).

## Appendix A to Annex 30: Invoice for sale of EKOL P29 blank firing pistols

Image A.30.1

## Voltran invoice

## VOLTRAN AV SİLAHLARI ve İNŞAAT SAN. TİC. LTD. ŞTİ.

Sanayi Mahallesi Uran Sokak No:7 Pendik/İSTANBUL - TÜRKİYE  
Anadolu Kurumlar V.D. 9250162172 - Tic. Sic. No: İstanbul 461402  
Sermaye: 9.000.000 TL - Tel: 0216 527 83 71 - Faks: 0216 527 83 71  
e-mail : info@blank-pistol.com - voltran@blank-pistol.com  
www.voltran.com.tr - www.blank-pistol.com



SAYIN

BAHRIYE NUR KARABİLGİN-Cem Gümrükleme Gıda  
Silah Hizm.Dış.Tic

Feritpaşa mih Rauf Denктаş cd Platin sit.

Platin iş merk. No:8 z91 SELÇUKLU-KONYA  
MERAM 14938262836

İL KODU : 34

FATURA

FATURA TARİHİ : 10.12.2018

İRSALİYE NO : 00 8487

İRSALİYE TARİHİ : 10.12.2018

SERİ A SIRA NO : 15714

KODU	CİNSİ	BİRİM	MİKTAR	FİYAT	TUTARI
EKOL P29 Siyah Kuruska ses tabancası 9mm(k.s.t. P29)		ADET	20.000	30,00	600.000,00

SERİ NO: EP-18100007-18109999/EP-181010000-181015006/EP-18110001-18115000

3065 Sayılı Kanunun 11/1-e maddesine istinaden ihraç kaydıyla satıldığından K.D.V' si tahsil edilmemiştir.  
4760 Sayılı Ö.T.V. Kanununun 8/2 maddesi gereğince ihraç edilmek üzere teslim edilmiş olup  
Ö.T.V tahsil edilmemiştir.

YALNIZ ALTIYUZBİNLİRA.

TOPLAM	600.000,00
ÖTV % 20	120.000,00
ARA TOPLAM	720.000,00
KDV % 18	129.600,00
GENEL TOPLAM	849.600,00

ORIGINAL COPY

**GÜMRÜKLEME**  
Gıda Silahları ve İnşaat San. Tic. Ltd. Şti.  
Bahriye Nur Karabilgin  
Meram 14938262836  
Tel: 0352 222 1011  
Fax: 0352 222 1012  
E-posta: info@blank-pistol.com

## Banka Hesap Numaralarımız

Ziraat Bankası

TL Hesabı IBAN: TR43 0001 0006 2547 4585 9850 04

USD Hesabı IBAN: TR16 0001 0006 2547 4585 9850 05

EURO Hesabı IBAN: TR86 0001 0006 2547 4585 9850 06

Bütçe 1 Ar12 Sıra

Image A.30.2  
CEM Gumrukleme invoice

BROTHERS COMPANY FOR INTERNATIONAL TRADE TOYS  
SHOP( LIBERTY SHIPPING LOGISTIC LLC) TUNUSIA

**Bahriye Nur KARABİLGİN**

Ferit Paşa Mahallesi Rauf Denktaş Caddesi  
Platin Sitesi Platin İş Merkezi No:8 Z/91  
Gsm.: 0545 314 94 28 Selpak/KONYA/TURKEY

MERAM V.D. 149 382 628 36  
T.C. SİCİL NO:51288  
MERSİS NO: 1493-8262-8360-0001  
mailto:netatgumrukleme@hotmail.com



İÇİŞİLERİ BAKANLIĞI  
GÜMRÜK MÜDÜRLÜĞÜ  
KONYA İLİ KONYA İLİ MÜHÜRÜ

Ferit Paşa Mahallesi Rauf Denktaş Caddesi  
Platin Sitesi Platin İş Merkezi No:8 Z/91  
Gsm.: 0545 314 94 28  
M. Karabılgın  
149 382 628 36  
Bahriye Nur KARABİLGİN

18.12.2018  
11.12.2018  
18.12.2018  
11.12.2018

SERİ A SIRA No 010473

Ambalaj Adedi Number of Packaging	Büt Kilo Gross Weight	Açıklama (Malin Cinsi) Description	Miktar / Net Kilo Quantity	Birim Unit	Birim Fiyat / Döviz Unit Price	Tutar / Döviz Amount
10 KOLİ	65 KG	QUART SOBA(ELKTRK SOBA)	60,00	AD	7,00 USD	420,00 USD
2 KOLİ	15 KG	PLASTİK TEPŞİ	72,00	AD	0,11 USD	7,92 USD
1 KOLİ	10 KG	PLASTİK FARAŞ	240,00	AD	0,06 USD	14,4 USD
1 KOLİ	11 KG	PLASTİK ASKI	36,00	AD	0,20 USD	7,2 USD
1 KOLİ	5 KG	PLASTİK MANDAL	45,00	AD	0,25 USD	11,25 USD
1 KOLİ	5 KG	PLASTİK MAŞRAPA	120,00	AD	0,09 USD	10,8 USD
1 KOLİ	20 KG	PLASTİK RENDE	144,00	AD	0,19 USD	27,36 USD
10 KOLİ	300 KG	DİKEY ELEKTİRİKLİ SÜPÜRGE	40,00	AD	12,00 USD	480,00 USD
22 KOLİ	253 KG	ELEKTİRİKLİ SÜPÜRGE	22,00	AD	7,17 USD	157,74 USD
30 KOLİ	105 KG	KATMER SACI	30,00	AD	7,00 USD	210,00 USD
556 KOLİ	16.500 KG	K.S.T. P29 SİYAH	2000,00	AD	5,70 USD	114.000,00 USD
1 KOLİ	10 KG	TRAKTÖR VAK HAYVANLI OYUNCAK	50,00	AD	0,77 USD	38,5 USD
1 KOLİ	5 KG	ARABA SETİ OYUNCAK	30,00	AD	0,73 USD	21,9 USD
2 KOLİ	25 KG	KAMYON OYUNCAK	360,00	AD	0,15 USD	54,00 USD
2 KOLİ	50 KG	PLASTİK OYUNCAK	500,00	AD	0,01 USD	5,00 USD
1 KOLİ	8 KG	OYUNCAK BEBEK	216,00	AD	0,16 USD	34,56 USD
1 KOLİ	6 KG	KUTULU BEBEK	14,00	AD	1,14 USD	15,96 USD
643 KOLİ	17.393 KG		21979	AD		115.516,59 USD
TOTAL						115.516,59 USD
<p>KONTEYNER NO:CSOU 125725-5 İBAN NO : TR 63 0020 5000 0945 9804 9001 02 BANKA SWIFT CODE :KTEFTRIS KUVEYT TURK KATILIM BANKASI AŞ KONYA YENİ TOPTANCILAR ŞB /TURKE KAP ADEDİ : 643 KOLİ BRUT KG :17,393 NET KG :17,393 PAYMENT METHOD: %80 PEŞİN %20 MAL MUKABİLİ DELIVERY TERMS : EXWORK KONYA</p>						
YALNIZ;				PRODUCT OF TURKEY		TOPLAM
İMALATÇI: VOLTRAN AV SİLAHLARI İNŞ. SAN. TİC. V.D: 9250162172				TD. STİ.		KDV%
				G. TOPLAM		

Bu belgenin sevk edilen malla birlikte bulunması halinde ayrıca sevk iznisi aranmaz.

Eksiksiz Teslim Eden  
İmza

Eksiksiz Teslim Alan  
İmza

B.Y. MÜHÜRÜZ OFSET Fikret Muşlu Mat. St. 3. Blok No. 16 Teşv. Far. 342 01 74 KONYA Selpak V.D.: 99 2118710 Tel. Tar. 13.05.2016/84 B.Y. 2017



## Appendix B to Annex 30: Documentation for blank firing pistol transfer on MV *Experanza* (30 December 2018)

Table B.30.1

Analysis of Ekol P29 blank firing pistol transfers (Misrata) (seized on 7 January 2019)

<i>Date</i>	<i>Document</i>	<i>Purchaser</i>	<i>Shipping Agent</i>	<i>Consignee</i>	<i>Remarks</i>
10 Dec 2018	Voltran Invoice 15714 (Image A.X.1)	Bahriye Nur Karabilgin / Cem Gumrukleme Gida Silah Hiozm, Dis Tic, Feritpaşa Mah. Rauf Denktaş Cad. No: 8/Z091, Konya, Turkey	Contaz Ship Management Ltd, <sup>a</sup> Kat 7, Bay Plaza, Hal Yolu Caddesi 5, Kozyatagi Mah, Kadikoy, 34742 Istanbul, Turkey		
22 Dec 2018	Bill of Lading MER1802199 (Image B.X.2)		Contaz Ship Management	Alfasr Textile Factory Tripoli Libya	No address for consignee Container CSOU125725-5 Declared as toys
22 Dec 2018	Customs Declaration			Brothers Company for International Trade Toys Shop, Tunis, Tunisia	False documentation

<sup>a</sup> [www.contaz.com](http://www.contaz.com).

Image B.30.1  
Contaz bill of lading

**Konsimento**

**Combined Transport BILL OF LADING**

**Shipper**  
 CEM GUMRUKLEME GIDA HIZMETLERI  
 DIS TIC  
 FERITPASA MAH RAUF BENYAS CAD  
 PLATIN ISMERKEZI NO:8 791  
 KONYA

BL No. **MER1802189**  
 Reference No. **referans no**

**Consignee**  
 ALPASA TEXTILE FACTORY  
 TRIPOLI/LIBYA



**Notify address**  
 SPOTTERS COMPANY FOR  
 INTERNATIONAL TRADE  
 INNISIA/TUNIS  
 TEL: +21

**CARRIER:**  
 CONTAINERLINES DENIZCILIK  
 DENIZLISY VE TICARET A.S.  
 DUKU BULVARI 101 SOKAK  
 AKDENIZ-MERSIN  
 Tel:  
 Fax:

**PORT AGENT:**  
 AL-HARFA SHIPPING CO  
 I. EL-JAMALIAI ELEK. PORT  
 STREET MISURATA P.O. BOX 1155  
 TEL:0095.262740/41  
 FAX:0021801.62299

<b>Ocean Vessel</b> SF ESPERANZA	<b>Place of receipt</b> MERSIN	<b>Port of loading</b> MERSIN	<b>Freight payable at</b> MERSIN	<b>Number of original B/L</b> 3/THREE
<b>Port of discharge</b> MISURATA	<b>Place of delivery</b> MISURATA			<b>Gross weight, kg.</b>
<b>Marks and Nos</b>	<b>Quantity and description of goods</b>			<b>Measurement, m3</b>

SPECIFICATION ATTACHED

1 x 20'	CONTAINER(S) S.T.C.	17393,000 KG	28,0000 CBM
	643 PACKAGE	17393,000 NET	

FREE IN-FREE OUT

**COPY**

**Freight and charges**

FOR 100% FREIGHT PREPAID  
 SHIPPERS NET LOAD AND COUNT

Particulars above declared by Shipper

RECEIVED the goods in apparent good order and condition and as far as ascertained by reasonable means of checking, as specified above unless otherwise stated.

The Carrier, in accordance with and to the extent of provisions contained in this B/L, and with liberty to sub-contract, undertakes to perform and/or to procure the performance of the combined transport and the delivery of goods, including all services related thereto, from the place and time of taking the goods in charge to the place and time of delivery and accepts responsibility for such transport and such services. One of the B/Ls must be surrendered duly endorsed in exchange for the goods or delivery order.

IN WITNESS whereof TWO (2) original B/Ls have been signed, if not otherwise stated above, one of which being accomplished the other(s) to be void.

Place and date of issue  
 MERSIN 22.12.2018  
 Signed for The Carrier

As agent(s) only

**Note:**  
 The Merchants attention is called to the fact that according to Clauses 8 to 12 and clause 2.4 of this B/L, the liability of the Carrier is, in most cases, limited in respect of loss of or damage to the goods.



### Annex 31: BMC Kirpi 4 x 4 on MV Amazon to Tripoli (18 May 2019)

1. On 30 April 2019, Mr Fathi Bashagha, Minister of the Interior and Defence of the Government of National Accord (GNA), reportedly visited Turkey, where military cooperation between the two countries was discussed.<sup>122</sup>
2. The Panel received confidential information, and then noted subsequent media coverage (see annex A), that at about 12:00 hours (Local)<sup>123</sup> on Saturday, 18 May 2019 a consignment of armoured vehicles was unloaded at the Ro-Ro Terminal on Pier 3 in Tripoli port, Libya, from the motor vessel (MV) *Amazon* (IMO 7702657), then a Moldovan-flagged Ro-Ro cargo vessel.<sup>124</sup>
3. The Panel has identified the armoured vehicles as *Kirpi* 4 x 4 Mine Resistant Ambush Protected (MRAP) vehicles manufactured by BMC of Turkey<sup>125</sup> (see figures 31.1 and 31.2).<sup>126</sup> Imagery of the interior of the vehicles indicates that these are ‘new’ vehicles (see figure 31.3).

Figure 31.1  
BMC *Kirpi* offloading from *Amazon*<sup>a</sup>



Figure 31.2  
BMC company imagery of *Kirpi*<sup>b</sup>



Figure 31.3  
*Kirpi* vehicle interior<sup>c</sup>



<sup>a</sup> [https://m.facebook.com/100035146145193/posts/130283384819866/#\\_](https://m.facebook.com/100035146145193/posts/130283384819866/#_).

<sup>b</sup> <https://www.bmc.com.tr/en/defense-industry/kirpi>.

<sup>c</sup> Confidential source.

4. Although no weapons were observed on the *Kirpi* 4x4 MRAP vehicles, they are designed to be fitted with heavy machine guns if turreted or fitted with specialist weapons mounts. As these vehicles were supplied turreted, the Panel considers that, due to the ease of weapon mounting for the end user, neither paragraph 9 nor paragraph 10 of resolution [2095 \(2013\)](#) applies. Once armed by the GNA their military utility changes from being protective vehicles to vehicles with an offensive capability.

<sup>122</sup> [www.libyaobserver.ly/inbrief/interior-minister-arrives-turkey-discuss-military-and-security-cooperation](http://www.libyaobserver.ly/inbrief/interior-minister-arrives-turkey-discuss-military-and-security-cooperation).

<sup>123</sup> All timings are Local.

<sup>124</sup> Satellite imagery of the vehicle entering port is at appendix A.

<sup>125</sup> BMC, Oruç Reis Mahallesi Tem Otoyolu, Atış Alanı Mevkii Tekstil Kent Caddesi No.12, Koza Plaza A Blok 4, Kat No:1004, Esenler, İstanbul, Turkey. [www.bmc.com.tr](http://www.bmc.com.tr).

<sup>126</sup> All imagery was originally from a confidential source unless otherwise indicated.

5. Some of the vehicles were then subsequently seen on social media video been driven in convoy through the streets of Tripoli. The Panel has identified that the vehicles were received on behalf of: 1) the Al Somoud Brigade commanded by designated individual Salah Badi (LYi.028) by his assistant Ashraf Mami, of the Al Somoud Brigade; and 2) the Al Marsa militia commanded by Mohamed Bin Ghuzzi, (see figure 31.4).<sup>127</sup> Vehicles were also supplied to the 33 infantry regiment led by Bashir Khalfalla.

Figure 31.4  
Ashraf Mami (L) and Mohammed bin Ghuzzi (R) at Tripoli port on 18 May 2019



Source: [https://scontent-mxp1-1.xx.fbcdn.net/v/t1.0-9/60704862\\_2223762161005751\\_3543772288954400768\\_n.jpg?\\_nc\\_cat=108&\\_nc\\_eui2=AeEv3DBM4WxxRHSBJPKYNi3bdnI6acveHVAai0vOpoXjughTiKR9dD\\_oZZelABEFbmeqqPzxIsN2P7RfwzrzlHEgd5JBmQ3uhu2ZMaLJjfcQsA&\\_nc\\_oc=AQniNnUh1np4\\_SqOj5d6o2AXmHOPaqIbH2sQqZrQYldN4rbsr\\_ClgP2Jc9pg8bv\\_7Tg&\\_nc\\_ht=scontent-mxp1-1.xx&oh=aaff8485e7eeca1d1c7d413531912a0a&oe=5E12151E](https://scontent-mxp1-1.xx.fbcdn.net/v/t1.0-9/60704862_2223762161005751_3543772288954400768_n.jpg?_nc_cat=108&_nc_eui2=AeEv3DBM4WxxRHSBJPKYNi3bdnI6acveHVAai0vOpoXjughTiKR9dD_oZZelABEFbmeqqPzxIsN2P7RfwzrzlHEgd5JBmQ3uhu2ZMaLJjfcQsA&_nc_oc=AQniNnUh1np4_SqOj5d6o2AXmHOPaqIbH2sQqZrQYldN4rbsr_ClgP2Jc9pg8bv_7Tg&_nc_ht=scontent-mxp1-1.xx&oh=aaff8485e7eeca1d1c7d413531912a0a&oe=5E12151E)

6. The Panel also identified that at least two Ford 2533 commercial trucks equipped with gantries and an empty flatbed, and painted in a military olive green, were also discharged from the vessel (figures 31.5 and 31.6). These were equipped with gantries that were almost certainly designed to support the antennae of a command, control, computers and communication (C4) system for unmanned combat aerial vehicles (UCAV) (see figure 31.7 for comparison). The Panel assesses that these were the vehicles to carry the C4 system for the *Bayraktur* TB2 UCAV.

<sup>127</sup> <https://almarsad.co/en/2019/06/07/the-case-of-the-illegal-ukrainian-flights-from-turkey-to-libya-special-rep7ort/>, and confidential source.

Figure 31.5  
Ford 2533 truck offloaded from  
*Amazon*



Figure 31.6  
Ford 2533 trucks offloaded from  
*Amazon*



Figure 31.7  
Ford 2533 trucks with C4 gantry on  
manufacturers' website



Source for 31.9: <https://baykarsavunma.com/sayfa-Komuta-Kontrol--Haberlesme-Bilgisayar-ve-Istihbarat-C4I.html>. Accessed 2 September 2019.

7. The Panel identified that the ship's voyage commenced at Samsun, Turkey, on 9 May 2019, with its declared destination being Izmir, Turkey. The vessel transited the Bosphorous on 11 May 2019 and went 'dark' for the night of 14/15 May 2019 after having been last identified in the vicinity of Izmir port. Izmir is also the location of the Pınarbaşı production plant<sup>128</sup> of the *Kirpi* 4 x 4 armoured vehicles. The vessel re-appeared on its automatic identification system (AIS) at 12:18 hours on 15 May 2019. It then changed its destination to Tripoli at 15:16 hours on 15 May 2019. Table 31.1 shows the timeline for the vessel's voyage, and the route is illustrated at appendix B.

Table 31.1  
Timeline and route of *Amazon*

Port	Arrival		Departure		AIS	Remarks
	Time	Date	Time	Date		
Samsun, Turkey	18:25	21 April 2019	20:47	9 May 2019	✓	-
Bosphoros, Turkey	06:53	11 May 2019	08:41	12 May 2019	✓	Transit
Dikili, Turkey	20:47	13 May 2019	18:01	14 May 2019	✓	At anchor
Izmir, Turkey	22:09	14 May 2019	12:48	15 May 2019	✓	-
Izmir port area, Turkey	22:56	14 May 2019	12:18	15 May 2019	Dark	Possible Izmir port visit

<sup>128</sup> <https://www.bmc.com.tr/en/corporate/about>.

<i>Port</i>	<i>Arrival</i>		<i>Departure</i>		<i>AIS</i>	<i>Remarks</i>
	<i>Time</i>	<i>Date</i>	<i>Time</i>	<i>Date</i>		
Egri Liman Channel	16:06	15 May 2019	-	-	✓	Changed destination to Tripoli
Tripoli, Libya	12:02	18 May 2019	-	-	✓	Last AIS log 4:05 hours, 19 May 2010

Source: Confidential.

8. The Panel has confirmed that the vessel docked at Tripoli port, Ro-Ro Terminal on Pier 3, on 18 May 2019 at 12.02 hours and departed on 20 May 2019 at 12:26 hours. The vessel sailed to Samsun port, Turkey arriving at 14:20 hours on 28 May 2019.

9. The vessel is owned by Maya Roro S.A.,<sup>129</sup> and was operated by Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Limited Sti.<sup>130</sup>

10. As a result of this illicit shipment the Moldovan Flag Administration forcibly excluded the MV *Amazon*, MV *Beril* (IMO 7600720) and MV *Mira* (IMO 7637319), all owned or operated by Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Ltd STI from the Moldovan Flag Registry, (see appendix C). The MV *Amazon* was subsequently provisionally reflagged under the Togo Maritime Administration on 14 June 2019. On learning of the illicit activities of the MV *Amazon* the Togo Maritime Administration also promptly cancelled the provisional registration on 20 August 2019 (see appendix D).

11. The Panel identified that the vehicles were sold to the Presidency of Defence Industries, as BMC have only directly exported such vehicles to Qatar, Turkmenistan or Tunisia.<sup>131</sup> In a meeting with the Panel on 31 July 2019 the Minister of Interior and Defence, Fathi Bashagha, acknowledged the transfer of *Kirpi* armoured vehicles for the Ministry of Interior through the port of Tripoli on 18 May 2019.

<sup>129</sup> c/o Akdeniz Roro Deniz Tasimac, Dagilgan Kume Evleri 30/A, Evci Mah, Akdeniz, 33100 Mersin, Turkey.

<sup>130</sup> Akdeniz Roro Deniz Tasimac, Dagilgan Kume Evleri 30/A, Evci Mah, Akdeniz, 33100 Mersin, Turkey.

<http://www.akdenizroro.com/filo.html> (the remainder of the website is inaccessible as at 10 June 2019). Note same physical and web address as vessel owner Maya Roro S.A.

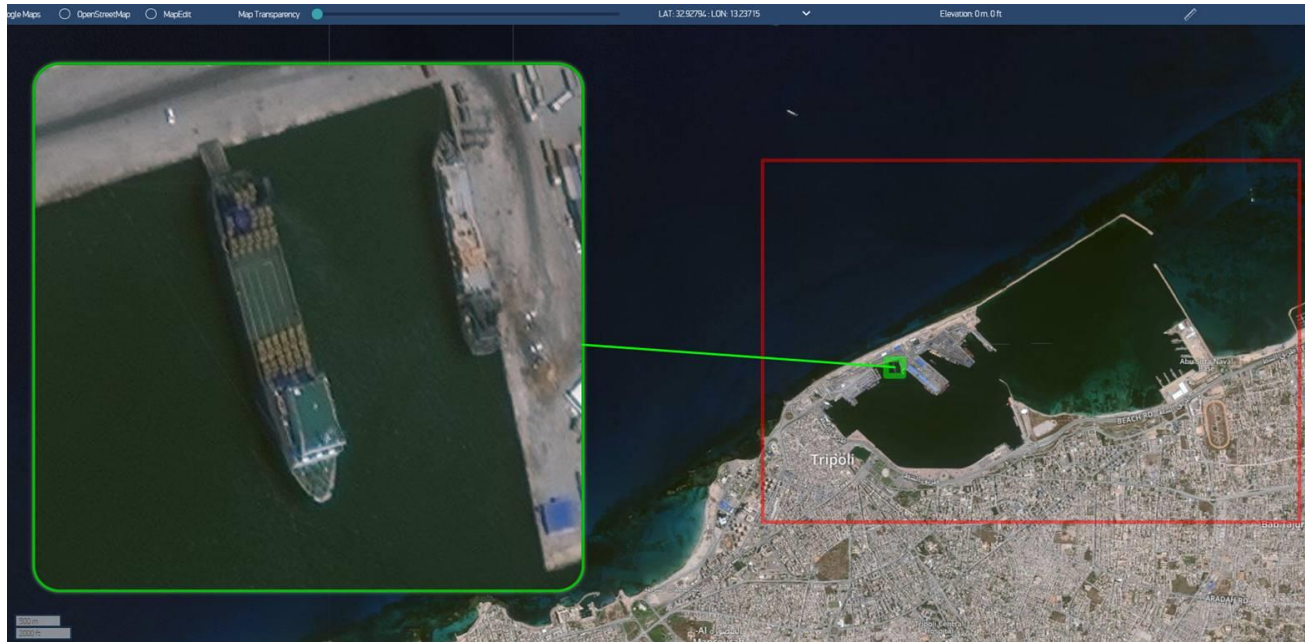
<sup>131</sup> Letter to Panel from BMC dated 1 July 2019.

12. The Panel thus finds Turkey, the GNA and Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Limited Sti. in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for their certain involvement in the procurement and physical transfer of military material to the GNA.



## Appendix A to Annex 31: Satellite imagery of MV *Amazon* entering Tripoli port

Figure A.31.1  
Satellite image of BMC *Kirpi* on deck of MV *Amazon* on docking



Source: Confidential.

### Appendix B to Annex 31: Route of MV Amazon between 21 April and 18 May 2019

Figure B.31.1  
Route of MV Amazon



Source: Developed by panel.

## Appendix C to Annex 31: Moldovan Flag Administration decision of 25 May 2019

MINISTERUL ECONOMIEI  
SI INFRASTRUCTURII  
AL REPUBLICII MOLDOVA  
AGENȚIA NAVALĂ

șos. Hâncești, 53 et.5  
MD-2028 Chișinău  
Tel./ Fax.: +37322735345  
e-mail [info@maradmoldova.md](mailto:info@maradmoldova.md)



MINISTRY OF ECONOMY  
AND INFRASTRUCTURE  
OF REPUBLIC OF MOLDOVA  
NAVAL AGENCY

șos. Hâncești, 53 floor 5  
MD-2028 Chișinău  
Tel./ Fax.: +37322735345  
e-mail [info@maradmoldova.md](mailto:info@maradmoldova.md)

No. 237 from 25<sup>th</sup> of May 2019

TO OWNER: MAYA RORO S.A.  
MARSHALL ISLANDS

TO OWNER: TUNA SHIPPING S.A.  
MARSHALL ISLANDS

TO OPERATOR: Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Ltd Sti  
Kat 4, Ataturk Bulvari 140, Kale Mah, Ilkadim, 55030 Samsun, Turkey.

To Legal Representant of the owners in Moldova – Lawyers office „Leonid Karagheaur.  
Str. Tighina 65, Chisinau, Republic of Moldova

Copy To RO: MARITIME LLOYD

Subject: m/v AMAZON, m/v BERIL, m/v MIRA - Lost Flag of the Republic of MOLDOVA

By present, the Naval Agency of the Republic of Moldova, notifies the owners and operational company of the vessels m/v AMAZON (IMO 7702657), m/v BERIL (IMO 7600720) and m/v MIRA (IMO 7637319) due to illegal actions of transporting 50 military vehicles type KIRPI 4x4 to port Tripoli (Libya) on 18 May 2019 through the vessel AMAZON, against the arms embargo imposed by the Resolution 1970 (2011) Adopted by the Security Council at its 6491st meeting on 26 February 2011, the Naval Agency notifies of the exclusion of mentioned vessels from the State Ship Registry of the Republic of Moldova on basis of:

- 1) Government Decision No. 855 from 30.07.2007 on the approval of the Ships Registration Rules in the Republic of Moldova article. 73, letter d) that stipulates *„shipowner, bareboat-charterer, operator or crew violate international mandatory sanctions for the Republic of Moldova and the provisions of the international treaties to which the Republic of Moldova is a party... as mentioned all vessels operated by the Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Ltd Sti will be subject for force exclusion of the vessels from the registry;*
- 2) Resolution 1970 (2011) Adopted by the Security Council at its 6491st meeting, on 26 February 2011, which impose arms embargo in point 9 *„that all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamohiriya, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types.*

*including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories..;*

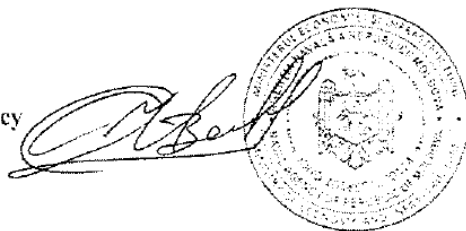
- 3) Letter requests and notifications of the Naval Agency no.223 from 21.05.2019, no.228 from 22.05.2019 and no.235 from 24.05.2019 and refusal of the owner and operational company to cooperate on the mentioned case;
- 4) Confirmation of the transported of armored military vehicles KIRPI 4x4 and „cargo manifest,, copy presented, by the owner of vessel AMAZON (IMO 7702657) on 18 May 2019 by the mentioned operator and owner.
- 5) Internal Order no. 57-P from 25<sup>th</sup> of May 2019 of the exclusion from the State Ship Registry of the mentioned vessels.
- 6) Owner's declaration of vessel's non-involvement with criminal acts or omissions from 19.10.2016, accordingly to:
  - **point A.1** *..that the aforementioned vessel while registered as Republic of Moldova ship will not be involved in the transportation of any armaments and/or ammunition whatsoever,,*
  - **point B.6** *.. will not be involved in any way in the disputes between nations and parties, or support civil unrest in any country.,*
  - **point C.7** *..the vessel shall immediately be de-registered to the full cost of vessel's, and the flag state will not be liable for any form of claim arising from de-registration of said vessel..*

Basing on the above mentioned, the Naval Agency as Maritime Administration of the Republic of Moldova notifies the owners and operational company of the forced exclusion of the vessels m/v AMAZON (IMO 7702657), m/v BERIL (IMO 7600720) and m/v MIRA (IMO 7637319) , the exclusion from the State Ship Registry of the Republic of Moldova from 26<sup>th</sup> of May 2019.

The mentioned ships lost the Flag of the Republic of Moldova, all flag certificates, class and statutory certificates issued in the name of the Government of the Republic of Moldova are no more valid and must be returned back to the Administration in original. All MoUs will be notified about this decision.

Best regards,

Director of Naval Agency  
Igor ZAHARIA



Ex. Vadim Pavatuchi  
Head of Department „Ships registration, seafarers, State Ships Register..  
+373 791 12 123

Source: Member State

## Appendix D to Annex 31 Togo Flag Administration decision of 20 August 2019

<b>REPUBLIQUE TOGOLAISE</b> TRAVAIL – LIBERTE – PATRIE		 <b>TOGOLESE MARITIME AUTHORITY</b> INTERNATIONAL SHIP REGISTRY	
<b>Our Ref: 0041NOC/TG/08/19</b>			
<b><u>NOTICE OF CANCELLATION OF REGISTRY</u></b>			
Name of Vessel	IMO	Official Number	Call Sign
AMAZON	7702657	TG-01380L	5 V H N 3

By this notification this Administration has decided to cancel the subject vessel "AMAZON" with IMO No.7702657 from its International Registry as EX OFFICIO as from 20/AUGUST/2019 due to violation of Security Council Resolutions related to arms embargo on Libya.

Therefore, following certificates issued by our Administration for the vessel "AMAZON" have been **CANCELLED** due to the fact that the vessel's activities are in conflict with certain Security Council Resolutions.

- Provisional certificate of Registry with reference No.TG/REG/139-38512/2236
- Provisional Radio License with reference No. TG/RSL/139-38512/1838
- Provisional Minimum Safe Manning with reference No.TG/MSM/139-38512/1943

Should any Togolese certificate be circulated or used for the subject vessel as of 20<sup>TH</sup> August 2019, this Administration holds the right to take full and any needed legal action against owners, managers, operators of the vessel.

**As well, this notification CAN NOT be used in substitution for deletion certificate.**

This cancellation will be validated with immediate effect as from 20<sup>TH</sup> August 2019.

**For the International Ship Registry of Togo**  
**Vera N. Medawar**  
 Registrar




Source: Member State.

## **Annex 32: OPV *Al Karama***

### **Rationale for classification as military equipment**

1. Naval ships are differentiated from civilian ships by their design, construction and purpose. Generally, naval ships are damage resilient, with the ability to seal off multi-compartments for damage control purposes to enable the vessel to “float and fight” after multiple catastrophic events. Civilian vessels have lesser damage control measures designed in to them, which enables the vessel to “float” after a single catastrophic event. *OPV Al Karama* is a naval ship by design and construction.
2. Naval ships are either armed, or have the capability of being armed, with weapon systems. When decommissioned the vessel has its armaments removed, but the ability to remount armaments on its deck and superstructure generally remains. The design of the vessel specifically includes hard mounting points on the deck and superstructure for naval ordnance that will absorb and safely transfer the forces of firing. Civilian vessels are not designed with the capability to mount naval ordnance, and thus their superstructure may not be capable for weapons use. *OPV Al Karama* was designed to mount one 40mm cannon and two 20mm cannons. On arrival in Benghazi, *OPV Al Karama* was then re-equipped with one 40mm cannon and two 20mm cannons in exactly the same positions that they were in during Irish naval service. *OPV Al Karama* is a naval ship by its capability to mount naval ordnance with no strengthening of deck or superstructure required.
3. Merchant vessels are designed to carry passengers or cargo. *OPV Al Karama* was designed to carry a naval crew not passengers. The storage on *OPV Al Karama* is designed to support its naval operations, e.g. ammunition magazines for the weapons, food supplies for the crew and spare parts. It does not have holds suitable for the efficient and cost-effective movement of civilian cargo. Its accommodation is not designed for passengers.
4. Naval vessels are painted grey. Civilian vessels are not, to avoid confusion for obvious reasons. The then *Avenhorn* was transferred to the new UAE owners still painted naval grey, despite there been time and the capability to repaint a civilian colour. There was time though to paint the new name *Al Karama* (“Dignity”) on the vessel for the voyage, and this is the name that it entered Libyan military service under.
5. Although the Dutch purchasers had drawn up tentative plans for conversion to a “yacht” no work had been done to prepare the vessel for such a conversion before it was sold.

6. The vessel *Avenhorn* was registered by the Dutch purchasers in Belize as a “Patrol Vessel” and sold as such. They were told that it was to be used for counter-piracy operations near Egypt. The vessel then had its registration transferred to Panama by the new UAE owners, where it was declared as a “Pleasure Yacht” and renamed *Al Karama*. This was a deliberate mis-declaration by the new UAE owners. After delivery to the Libyans on 17 May 2018 the OPV *Al Karama* was then removed from the Panama registry on 23 July 2018 by the new UAE owners, who declared it was for “demolition”. Another deliberate mis-declaration by the new UAE owners, and another indication of a deliberate attempt to disguise the transfer of the vessel.

7. The vessel left Rotterdam bound for Alexandria, Egypt on 4 May 2018. When the vessel was south of Sicily on the morning of 15 May 2018 the crew were instructed by the new UAE owners to divert to Benghazi, Libya and deliver the vessel to a Rear Admiral Farag. The crew were falsely told that the vessel had been sold “in transit”.<sup>132</sup> The vessel arrived in Benghazi on 17 May 2018, flying the Libyan naval flag, and was met by senior naval officers aboard the armed Libyan Coast Guard patrol vessel ‘247 Izrig’.<sup>133</sup>

#### **Non transmission of AIS or LRIT**

8. The offshore patrol vessel (OPV) *Al Karama* (IMO 7820693), is still not transmitting its automatic identification system (AIS) or long-range identification and tracking system (LRIT), which is a requirement for civilian vessels. Signals from these systems were last detected in the port of Benghazi on 22 May 2018 and since then the vessel has remained ‘dark’.

#### **Naval operations**

9. The OPV *Al Karama* was next observed leaving harbour on 29 March 2019 when taking part in a joint naval exercise at sea with HAF naval infantry and the ‘247 Izrig’ (figures 32.3 and 32.4).<sup>134</sup> It was last seen alongside in Ras Lanuf on 26 April 2019 (see appendix 11).

<sup>132</sup> Confidential source(s).

<sup>133</sup> [https://www.youtube.com/watch?v=v6SZfyRc\\_w](https://www.youtube.com/watch?v=v6SZfyRc_w).

<sup>134</sup> [https://www.facebook.com/warinformationdivision/posts/2632791356762457?\\_tn](https://www.facebook.com/warinformationdivision/posts/2632791356762457?_tn) =. Accessed 9 April 2019.

Figure 32.3  
OPV *Al Karama* at sea (28 Mar 2019)



Source: [www.facebook.com/warinformationdivision/photos/pcb.2632791356762457/2632789716762621/?type=3&theater](https://www.facebook.com/warinformationdivision/photos/pcb.2632791356762457/2632789716762621/?type=3&theater).

Figure 32.4  
OPV *Al Karama* at sea (R) with patrol vessel 247 Izreg (L) (28 Mar 2019)



Source: [www.facebook.com/warinformationdivision/photos/pcb.2632791356762457/2632789910095935/?type=3&theater](https://www.facebook.com/warinformationdivision/photos/pcb.2632791356762457/2632789910095935/?type=3&theater).

## Evidence of non-compliance

10. The findings of the Panel are supported by independent and corroborated testimonies of witnesses and the documentary and imagery evidence shown in the appendices at table 32.1:

Table 32.1  
Documentary and imagery evidence

<i>Appendix</i>	<i>Evidence Type</i>	<i>Remarks</i>
1	Documentary	International Merchant Marine Registry of Belize registration certificate dated 3 August 2017, which registers the <i>Al Karama</i> (then known as the <i>Avenhorn</i> ) as a <u>patrol vessel</u> . Certificate obtained by Russel Ventures.
2	Documentary	Contract of Sale signed 1 February 2018 between Universal Satcom Services F.Z.E. (UAE) and Ahl Ai-Thiqa Security and Safety Equipment Imports Company, Benghazi Libya). Note that this predates the sale of the vessel to Universal Satcom Services F.Z.E. from the then owner, Russell Ventures Limited (Seychelles) (the parent company of Dick van der Kamp Shipsales, Netherlands)
3	Documentary	Memorandum of Agreement dated 26 February 2018 for sale of the <i>Al Karama</i> (then known as the <i>Avenhorn</i> ) by Russell Ventures Limited (Seychelles) to Universal Satcom Services FZE
4	Documentary	Bill of Sale dated 29 March 2018 for sale of the <i>Al Karama</i> (then known as the <i>Avenhorn</i> ) by Russell Ventures Limited (Seychelles) to Universal Satcom Services FZE
5	Documentary	Invoices from Russell Ventures Limited (Seychelles) to Universal Satcom Services FZE dated 26 February and 9 March 2018




<i>Appendix</i>	<i>Evidence Type</i>	<i>Remarks</i>
6	Documentary	Payments from Universal Satcom Services FZE to Dick van der Kamp Shipsales BV, acting for Russell Ventures Limited (Seychelles) dated 27 February, 26 March, 27 March and 28 March 2018
7	Documentary	Panama Registration Authority Navigation Special Registry certificate of 23 April 2018, which registers the <i>Al Karama</i> (then known as the <i>Avenhorn</i> ) as a <u>pleasure yacht</u> . Certificate obtained by Universal Satcom Services FZE
8	Documentary	Email dated 27 May 2018 from Reema Sami Abdullah Al Omari to Dick van den Kamp Shipsales confirming the sale of the vessel to the “Libyan Ministry of Transportation” during its voyage to Alexandria, Egypt
9	Documentary	Government of Fujairah company registration certificate for Universal Satcom Services FZE identifying Reema Sami Abdullah Al Omari as Owner.
10	Documentary	Company certificate for Ahl al-Thiqa Security and Safety Equipment Imports Company, Benghazi.
11	Imagery	Imagery from confidential source showing OPV <i>Al Karama</i> to in Ras Lanuf on 20 April 2019.
12	Imagery	Plan showing retrofitting of weapons to <i>Al Karama</i>

**Appendix 1 to Annex 32: International Merchant Marine Registry of Belize registration certificate dated 3 August 2017**

Image 32.1.1  
**Certificate of registration**

THIS PATENT IS NOT VALID FOR NAVIGATION  
 THE VESSEL IS TO REMAIN MOORED IN  
 DORDRECHT, THE NETHERLANDS



**INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE**  
**"IMMARBE"**  
 MERCHANT SHIPS (REGISTRATION) ACT, 2010  
 PERMANENT PATENT OF NAVIGATION

NAME OF VESSEL  
**AVENHORN**

CALL LETTERS <b>N/A</b>	IMG NUMBER <b>7820693</b>	REGISTRATION N° <b>141720373</b>
MMSI NUMBER <b>N/A</b>	OWNERS ID NUMBER <b>5705934</b>	

NAME AND ADDRESS OF OWNERS  
**RUSSEL VENTURES LTD., SALAMAT HOUSE, LA POUDDRIERE LANE, VICTORIA, MAHE, SEYCHELLES**

DESCRIPTION OF VESSEL

HULL	GROSS TONNAGE	NET TONNAGE	UNDER DECK
	995	299	--

**Patrol Vessel**

DECK	NO. OF DECK	NO. OF PORTS	NO. OF FUNNELS	NAME OF BUILDERS	YEAR BUILT
THREE	ONE	ONE	ONE	VEROLME CORK DOCKYARD LTD - IRELAND HULL #973	1980

LENGTH	BREADTH	DEPTH	TYPE OF ENGINES	NAME OF ENGINES MAKERS	SPEED
65,20 M	10,40 M	9,70 M	TWO DIESEL 6PA6L280 6 CYL., 2400-HP.EACH	SEMT PIELSTICK S.A.	17 Knots

PREVIOUS NAME **LE AISLING** PREVIOUS NATIONALITY **IRELAND**

TYPE OF RADIO EQUIPMENT: **N/A**

ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: **N/A**

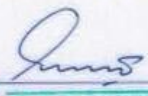
COMPLETE ADDRESS OF ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: **N/A**

SHIPPING AGENT IN BELIZE: **MORGAN & MORGAN (BELIZE) TRUST CORPORATION LTD.**

DATE OF ISSUANCE  
**AUGUST 3, 2017**

The Registrar of the International Merchant Marine Registry of Belize, by the powers vested thereupon by the Merchant Ships (Registration) Act, 2010, hereby authorizes and extends the present Permanent Patent of Navigation.

DESIGNATED OFFICE: 14 ROTTERDAM  
 POSTBUS 3219 - 3003AE ROTTERDAM  
 TEL.: +31 10 458 7338 FAX: +31 10 458 7691  
 E-MAIL: registration@hubelmarine.com



**Erik A. de Koning**  
 Deputy Registrar

**CONTROL N° 04 - N° 009912 F-031-PPN**

Source: Member State.

**Appendix 2 to Annex 32: Contract of Sale dated 1 February 2018<sup>135</sup> for sale of the vessel by Universal Satcom Services F.Z.E. to Ahl al-Thiqa Security and Safety Equipment Imports Company, Benghazi<sup>136</sup>**

Image 32.2.1  
Contract of Sale



<sup>135</sup> Better quality image has been requested from source.

<sup>136</sup> Note that the preambular text predates (1 February 2018) the purchase of the vessel from Russel Ventures Limited, although the front cover is dated 17 April 2019.

18 ان يقوم الطرف الثاني بالتصديق المرفق في مغازي خلال فترة الترتيب و ان يقوم لاحقا بتزويد سطر هو خارج ليبيا

19 يخفي الطرف الاول مسؤوليته عن الباخرة بعد تسليمها للطرف الثاني حيث سيتم الغاء جميع سجلات الباخرة و العلم منذ لحظة تسليمها و على الطرف الثاني عمل الترتيبات اللازمة لاستصدار التراخيص و الشهادات اللازمة و هذه الشهادات هي

- International Tonnage certificate شهادة حمولة بونيه
- Minimum Safe Manning Certificate شهادة الحد الأدنى من الأطقم
- Authorization Letter from Panama Maritime Authority رسالة الموافقة من سلطات سماء البحرية بالبحر المحرم
- Seaworthiness Certificate شهادة صلاحية الأبحار
- Navigation Special Registry Certificate شهادة التسجيل الخاصة بالملاحة
- Radio Station Provisional License شهادة ترخيص محطة لاسلكية مؤقتة

ند توقيع العقد و قبوله من قبل

الطرف الثاني: شركة اهل الثقة لاستيراد معدات الأمن و السلامة	الطرف الأول: شركة يو انفرستيل سولوشن و سروس
التوقيع: 	التوقيع: 
التاريخ: _____	التاريخ: _____
	

Universal Satcom Services FZE Fujairah Free Zone, P. O Box 50462  
Contract No. 2018/05/001V

Source: Confidential

Image 32.2.2

**Official translation of the above document**

Translated from Arabic

Contract for the sale of a vessel

Universal Satcom Services FZE  
17 April 2018

Universal Satcom Services FZE  
Fujairah Free Zone, PO Box 50462  
Contract No. 2018/05/001V

**Contract of sale**

On **Thursday, 1 February 2018**, the present contract was concluded between:

1. Universal Satcom Services, a company specialized in technical maritime services, registered in the Fujairah Free Zone, United Arab Emirates, represented in the present contract by Rima Sami al-Umari in her capacity as Director-General of the company, and referred to hereinafter as “the first party”.
2. The Ahl al-Thiqa Safety and Security Equipment Import Company, a company specialized in providing safety and security equipment, registered in Benghazi, Libya, represented in the present contract by Mr. Bushnaf Hasan Hamad and referred to hereinafter as “the second party”.

**Introduction**

The two parties have agreed that the first party shall provide a maritime vessel with the technical specifications set out in the annex to the present contract, and that the second party shall pay the funds specified in the contract in accordance with the conditions specified therein.

The two parties have agreed to the following:

1. The introduction set forth above shall constitute an inseparable part of the contract.
2. The first party undertakes to supply the maritime vessel and hand it over to the second party within a period of no more than 90 days as of the date of the contract, and to take receipt of the instalment.

3. The value of the contract for the supply of the vessel, under the present contract, shall be US\$ 1,500,000 (one million five hundred thousand United States dollars).

4. Terms of payment:

50 per cent of the value of the contract upon signature;

25 per cent of the value of the contract once the vessel has been shown and inspected at the port of Alexandria by the second party;

25 per cent of the value of the contract upon definitive receipt of the vessel in the port of Benghazi.

5. The prices agreed upon in the present contract shall be final and fixed, and shall not be subject to increase. No changes to the value of the contract may be requested owing to currency fluctuation; or any rise in market prices; or costs of production, labour or transport; or changes in taxes and duties; or the imposition or new taxes or duties; or any other reason.

In addition to the cost, the prices shall include all expenses and fees incurred by the first party in fulfilling the contract, including transport fees; port and dock duties; storage, unloading, assembly, testing and verification expenses, and any other commitments that are needed in order to supply the vessel to which the present contract refers.

6. The first party affirms that the vessel shall be handed over in good and proper condition, and without any flaw.

7. The crew that will convey the vessel to the port of Benghazi shall provide technical training to the crew of the second party, namely general training on how to operate the vessel and the equipment on board, for a period of no more than a week from the date of the handover.

8. The second party shall host the crew in Benghazi during the training period and shall then make arrangements for them to travel out of Libya.

9. The first party disclaims all responsibility for the vessel after it has been handed over to the second party. The vessel's flag and all its registration markings shall be removed from the moment of its handover, and the second party shall make the necessary arrangements to obtain the required licences and certificates, which are as follows:

International tonnage certificate;

Minimum safe manning certificate;  
Authorization letter from Panama Maritime Authority;  
Seaworthiness certificate;  
Navigation special registry certificate;  
Radio station provisional licence.

The contract has been signed and accepted by:

The first party: Universal Satcom Services company;	The second party: the Ahl al-Thiqa Safety and Security Equipment Import Company.
---	--

Signed: (*Signature, seal*)

Signed: (*Signature, seal*)

Date:

Date:

**PANEL NOTE:**

The technical specifications referred to are not included in this document but are in the possession of the Panel.

### Appendix 3 to Annex 32: Memorandum of Agreement dated 26 February 2018<sup>137</sup> for sale of the *Al-Karama*

Image 32.3.1  
Memorandum of agreement

**MEMORANDUM OF AGREEMENT**

Nederlandsche Handelssociëteit - Association's Custom  
Notice of Agreement for sale and delivery of  
ships, applicable to the Rules and International  
Convention (except 1878/87) or other  
Convention  
**SALEFORM 1987**  
Revised 1987, 1983, and 1980

Dated: 26<sup>th</sup> February 2018

1 Russell Ventures Ltd First Floor, Commercial House 1, Eden Island, Seychelles  
2 hereinafter called the Sellers, have agreed to sell and  
3 Universal Satcom Services Fzco, Fujairah Free Zone, P.O. Box 55452 Fujairah, U.A.E.  
4 hereinafter called the Buyers, have agreed to buy the MV "AVERONOR".

5 Classification: none  
6 Built: 1990 by: Verbeke Cork Dockyard Ltd, Coon, Ireland  
7 Flag: Belize Plate of Registration: Belize  
8 Call sign: NA Register tonnage: GT/NT 996298  
9 Register number: 141720373 - IMO number: 7820980

10 Hereinafter called the vessel on the following conditions:

11 **1. Price**  
12 Price: USD 525 000 - ( Say United States Dollars FivehundredTwentyFive Thousand)

13 **2. Deposit**  
14 As security for the correct fulfilment of this Agreement the Buyers shall pay a deposit of 10 %  
15 (ten per cent) of the Purchase Price by swift bank transfer within 2 ( two) banking days after this  
16 Memorandum of Agreement is signed by both parties.

17 [REDACTED] BANK, SPUKENSSE -  
18 [REDACTED]  
19 [REDACTED]

20 The said Purchase Price shall be paid in full free of bank charges by swift bank transfer to Sellers amount  
21 to Clak via [REDACTED]  
22 Swift Code [REDACTED]

23 Every vessel physically ready for delivery in accordance with the terms and conditions of this Agreement  
24 and Notice of Readiness has been given in accordance with Clause 5.

25 **4. Inspections**  
26 The Buyers have inspected the Vessel in S-Gravenzee, Holland and have accepted the Vessel thus the  
27 sale is definite.

28 **5. Place and time of delivery**  
29 The vessel shall be delivered and taken over in Holland S-Gravenzee, Holland  
30 Expected time of delivery as soon as possible but between 23<sup>rd</sup> March 2018

31 Date of closing (see clause 14): 23<sup>rd</sup> March 2018 - 1700 hrs Dutch time  
32 Should the vessel become an actual, total, compromised or constructive total loss before delivery the  
33 purchase price shall immediately be released to the Buyers and the contract there after considered null  
34 and void.

[REDACTED]

Source: Confidential

Source: Confidential.

<sup>137</sup> First page only for clarity. Remainder available from the Panel's records.



**Appendix 4 to Annex 32: Bill of Sale dated 29 March 2018 for sale of the *Al-Karama***

Image 32.4.1  
Bill of Sale

**BILL OF SALE (Body Corporate)**

IMO Number	Name of Ship	Number, year and port of registry		Whether a sailing, steam or motor ship	Horse power of engines (if any)
7820693	<b>AVENHORN</b>	Belize / 141720373		Motorvessel	4800
		Metres	Centi-metres	Number of Tons (where dual tonnages are assigned the higher of these should be stated)	
Length		65	20	GT	NT
Breadth		10	40		
Moulded depth		6	70	995	299
and as described in more detail in the Register Book.					
<p>We, (a) RUSSELL VENTURES LTD (hereinafter called "the transferors") having our principal place of business at First Floor, Commercial House 1, Eden Island, Seychelles in consideration of the sum of US\$ 525,000.- (Say FivehundredTwentyFive Thousand United States Dollars) paid to us by (b) UNIVERSAL SATCOM SERVICES FZE, Fujairah Free Zone, P.O. Box: 50462, Fujairah, UAE (hereinafter called "the transferees") the receipt whereof is hereby acknowledged, transfer 100 % of the shares in the Ship above particularly described, and in her boats and appurtenances, to the said transferees.</p> <p>Further, we, the said transferors for ourselves and our successors covenant with the said transferees and (c) their assigns, that we have power to transfer in manner aforesaid the premises hereinbefore expressed to be transferred, and that the same are free from all encumbrances (d), mortgages, maritime liens, taxes or any other debts or claims whatsoever.</p> <p><b>In WITNESS</b> whereof we have executed this Bill of Sale on the 29th March 2018</p> <p>In the presence of ( e ) Notary Public</p> <p>(a) Name in full of Body Corporate (b) Full name(s), and address(es) or transferee(s) with their description in the case of individuals, and adding "as joint owners" where such is the case. (c) "his", "their" or "its". (d) if any subsisting encumbrance add "save as appears by the registry of the said ship". (e) Signatures and description of witnesses, i.e. Director, Secretary, etc. (as the case may be)</p>					



Seen for [REDACTED]  
on the [REDACTED]  
number [REDACTED] the 29th day of March 2018, by [REDACTED]  
civil law [REDACTED] practicing at Spijkenisse.



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: THE NETHERLANDS  
This public document
2. has been signed by [REDACTED]
3. acting in the capacity [REDACTED]
4. bears the seal/stamp [REDACTED]

Certified

5. in Rotterdam
6. on 29-03-2018
7. by the registrar of the district court of Rotterdam
8. no. 18/2335
9. Seal/stamp
10. Signature: [REDACTED]



Source: Confidential.



**RUSSELL VENTURES LTD**  
First Floor, Commercial House 1, Eden Island, Seychelles

**INVOICE FOR 90 % BALANCE OF THE PURCHASE PRICE**

Universal Satcom Services Fze.  
Fujairah Free Zone  
Pobox 50462  
Fujairah  
United Arab Emirates

**INVOICE NR. AV-02**

**DATED: 9<sup>th</sup> March 2018**

Herewith we debit you for the 90 % balance of the purchase price for the Vessel "Avenhorn" as per Memorandum of Agreement dated 26<sup>th</sup> February 2018.

Details of the Vessel:  
Name : Avenhorn  
Flag : Belize  
IMO nr.: 7820693

Amount payable US\$ 472,500,-

(Say FourHundredSeventyTwoThousandFiveHundred United States Dollars)

Vat 0

**Payment Terms:** Payment in full to be made via Telegraphic Transfer

Bank Details

Beneficiary Name : Dick van der Kamp Shipsales BV,  
Beneficiary Bank :   
Address :   
IBAN nr. :   
Account nr. :   
Swift Code : 

Source: Confidential.

**Appendix 6 to Annex 32: Example payments from Universal Satcom Services FZE to Dick van der Kamp Shipsales BV, acting for Russell Ventures Limited (Seychelles)**

1. Four payments were made of US\$ 52,500 (27 February 2018), US\$ 157,500 (22 March 2019), US\$ 157,500 (27 March 2019) and US\$ 157,500 (28 March 2019). Documentation for one payment only is included in the report, the remainder is in the possession of the Panel.

**nbf** Remittance request form

**By Order of Remitter**

Account Holder Name: **UNIVERSAL SATCOM SERVICES FZE** Date: **220318**

Branch: **AL QUAZ**

Dom Account/BAN: **012001154808**

I/We wish to apply for (tick one):  International Transfer  Domestic Transfer  Draft  Account Transfer  Manager's Cheque

**Remittance Details**

Remittance Currency (Please tick only one box):  UAE Dirham  US Dollar  Euro  Pound Sterling  Others (please specify)

Amount in Foreign Currency (Words): **157 500**  
 (Arabic: **one hundred fifty seven thousand five hundred dollars only.**)

Amount in UAE Dirham (Words):

Charges (tick one):  Charge my account for sending bank charges only (SHA)  Charge my account for sending and receiving bank charges (DUA)  Charge from remittance amount (BEN)

**Beneficiary Details (CAPITAL Letters)**

Name: **DICK VAN DER KAMP SHIP SALES BV**

Account/BAN: [REDACTED]

Beneficiary Bank Name: [REDACTED]

Beneficiary Bank Address: [REDACTED]

Branch: [REDACTED]

State / Country / Province: [REDACTED]

Local Banking Code: [REDACTED]

Beneficiary Address: [REDACTED]

Intermediary Bank Code: [REDACTED]

**Purpose of Payment**

Transaction Code\* (For domestic A/C payments only): **Partial Payment Arnhem Vessel**

Purpose/Payment Details\* (up to 40 characters): **Partial Payment Arnhem Vessel**

**Agreement**

I/We agree to the Terms and Conditions given overleaf:

Customer's Signature: [Signature]

Tوقيع العميل:

Source: Confidential

		Rekeningafschrift			
		Datum afschrift	Aantal bladen	Blad	Volgnr
		05-04-2018	2	002	5
Boekdatum <small>(Boekdatum)</small>	Omschrijving	Bedrag af (debet)	Bedrag bij (credit)		
28-03 <small>(28-03)</small>	Deal Ticket ID 4207369 [REDACTED] ONTV AAB USD 157.450,00 GEDEELDE KOSTEN OPDR./BEGUNST. /012001154808 UNIVERSAL SATCOM SERVICES FZE FULL PAYMENT AVENHORN VESSEL RFB FT 1808719Y2K		157.450,00		
27-03 <small>(27-03)</small>	[REDACTED] ONTV AAB USD 157.450,00 GEDEELDE KOSTEN OPDR./BEGUNST. /012001154808 UNIVERSAL SATCOM SERVICES FZE /RFB/FT180864P4PN PARTIAL PAYMEN T 2ND AVEN HORN VESSEL		157.450,00		
26-03 <small>(26-03)</small>	[REDACTED] OORSPN. USD157500,00 ONTV AAB USD 157.450,00 GEDEELDE KOSTEN OPDR./BEGUNST. /012001154808 UNIVERSAL SATCOM SERVICES FZE PARTIAL PAYMENT AVENHORN VESSEL RFB FT18081LB4PN		157.450,00		



Source: Confidential

### Appendix 7 to Annex 32: Panama Registration Authority Navigation Special Registry certificate of 23 April 2018

Image 32.7.1  
Panama Registration Certificate




		REPÚBLICA DE PANAMÁ / REPUBLIC OF PANAMA AUTORIDAD MARÍTIMA DE PANAMÁ / PANAMA MARITIME AUTHORITY			
DIRECTORATE GENERAL OF MERCHANT MARINE / DIRECCION GENERAL DE MARINA MERCANTE INTERNATIONAL SERVICE / SERVICIO INTERNACIONAL					
IMO NUMBER Número OMI	REGISTRATION No. Número Oficial	Call Sign Distrito de Llamado			
7820693	D-1992-3192-PEXT	HO8840			
Issued under Law N° 57 dated August 6th, 2008 / Expedido bajo Ley No. 57 de 6 de agosto de 2008					
NAVIGATION SPECIAL REGISTRY / PATENTE ESPECIAL DE REGISTRO					
Vessel's Information / Información del Buque					
Name of Vessel / Nombre del Buque		Type Vessel / Tipo de Buque			
ALKARAMA		YATE DE PLACER (PLEASURE YACHT)			
Registered Owner / Propietario					
UNIVERSAL SATCOM SERVICES FZE					
Resident Agent / Agente Residente			Radio Accounting Authority / Autoridad de Cuentas de Radio		
LIC. OCTAVIO SAMANIEGO			CORRESPONDENCIA PRIVADA		
Former Name / Nombre Anterior					
AVERHORN					
Built in / Construido en		Builders / Constructores		Built Material / Material del casco	
IRLANDA		VEROLME CORK DOCKYARD LTD.		ACERO	
Length / Eslora		Breadth / Manga		Depth / Puntal	
59.17 MTS		10.40 MTS		5.70 MTS	
GRT / BR		NET / TN		Dead Weight / Peso Muerto	
995.00		299.00		*****	
PROPULSION SYSTEM / SISTEMA DE PROPULSION					
Type of Engines / Tipo de Máquinas		Vessel Speed / Velocidad del Buque		Manufacture & Cylinders / Fabricantes y Cilindros	
MOTOR(ES) DIESEL		17.0 NUDOS		SEMT-PIELSTICK DOS (2) DE SEIS (6) CYLS	
Engines Power / Potencia de las Máquinas		DOS (2) DE 2400.00 HP / 1790.40 KW			
Issuance Date / Fecha de Expedición			Explicación Date / Fecha de Expedición		
VEINTITRES ( 23 ) DE ABRIL DE 2018			VEINTIDOS ( 22 ) DE JULIO DE 2018		
Place of Issuance / Lugar de Expedición			Pan / Distrito		
PANAMA			RO No. 10126928A del 23 de abril de 2018		
REMARKS / OBSERVACION					
This navigation registry is exclusively to permit a voyage to Esta Patente de Navegación, es exclusivamente para realizar un viaje para					
PART OF EXIT PUERTO DE SALIDA		Rotterdam / ROTTERDAM NETHERLANDS		Navigation / Navegación <input type="checkbox"/>	
LAND PORT PUERTO DE LLEGADA		ALEXANDRIA EGYPTO.		Delivery / Entrega <input checked="" type="checkbox"/>	
				Towing / Tolva <input type="checkbox"/>	
.....					
 FERNANDO SOLÓRZANO OFFICER SIGNATURE / FIRMA DEL FUNCIONARIO					

Image 32.7.2

Extract showing reason falsely declared for deregistration (ORIGINAL)<sup>138</sup>

**ALKARAMA**  
IMO No.7820693; Distintivo de Llamada HO9840; año de construcción 1979; tonelaje bruto 995.00; tonelaje neto 299.00; eslora 59.17 mts.; manga 10.40 mts.; puntal 6.70 mts.

- **CANCELACIÓN:** Clasificación de Yate de Placer, con registro oficial N°D-1992-392-PEXT, cancelada del registro panameño el 23 de julio de 2018, para demolición.
- **Propietario Registrado:** Universal Satcom Services FZE, dirección Fujairah Free Zone, P.O. Box 50462, Fujairah, UAE. Emiratos Árabes Unidos.

Image 32.7.3

Extract showing reason falsely declared for deregistration (OFFICIAL UN TRANSLATION)

*Alkarama*

International Maritime Organization (IMO) number: 7820693; call sign: HO9840; year of build: 1979; gross tonnage: 995.00; net tonnage: 299.00; length: 59.17 metres; breadth: 10.40 metres; depth: 6.70 metres.

- **Deregistration:** The *Alkarama*, a pleasure yacht with official registration number D-1992-392-PEXT, removal from the Panama Registry on 23 July 2018, for demolition.
- **Registered owner:** Universal Satcom Services FZE; Fujairah Free Zone, P.O. box 50462, Fujairah, United Arab Emirates.

Sources: Member State

<sup>138</sup> Member State letter to Panel dated 31 October 2018.



## Appendix 8 to Annex 32: Email dated 27 May 2018 from Reema Sami Abdullah Al Omari to Dick van den Kamp Shipsales

Image 32.8.1

### Email from Reema Al Omari

Re: Alkarama

**Onderwerp:** Re: Alkarama  
**Van:** reema@universalsatcom.com  
**Datum:** 27-05-18 01:35  
**Aan:** dvdk@vanderkamp.com  
**CC:** johnny pacheco <johnnypacheco1963@yahoo.com>, Mirjam Waalboer <mirjam@vanderkamp.com>

**Reema Al Omari**

Hello Dick

Hope you are well

I received good offer to sell the ship to the Ministry of Transportation in Libya during its journey to Alexandria... so I decided to sell it.

Please keep me updated with any vessels that you have to sell in the future i might be able to sell it for you

Thanks

Reema Omari  
CEO  
Universal Satcom

**Reema Al Omari**

On May 22, 2018, at 2:28 PM, D van der Kamp Shipsales – DVDK <dvdk@vanderkamp.com> wrote:

Dear Reema, Johnny,

We are called by journalists saying vessel is in Libya , there is a you tube film that Libyan Navy is awaiting the vessel.

Please clarify this matter.

Thank you,

regards

--

**D. van der Kamp Shipsales BV**  
**The Netherlands**

**Tel +31-181-321754 - Fax +31-181-322910**

**[shipsales@vanderkamp.com](mailto:shipsales@vanderkamp.com) - [www.vanderkamp.com](http://www.vanderkamp.com)**

**As brokers/ managers only - All offers given in good faith but without guarantee**

**- Sub unsold**

### Appendix 9 to Annex 32: Government of Fujairah company registration certificate for Universal Satcom Services FZE

Image 32.9.1  
Company registration certificate

**GOVERNMENT OF FUJAIRAH**  
**FUJAIRAH FREE ZONE AUTHORITY**

**حكومة الفجيرة**  
**هيئة المنطقة الحرة الفجيرة**

**البحرين**  
**FUJAIRAH**  
**المنطقة الحرة**  
**FREE ZONE**

رقم الرخصة License No.	3829
اسم الشركة Company Name	يونيفرسال ساتكوم سيرفيسيز ف.م.ح UNIVERSAL SATCOM SERVICES FZE
المالك Owner	Mrs. Reema Sami Abdullah Al omari
مقر الشركة Place of Inc.	المنطقة الحرة الفجيرة FUJAIRAH FREE ZONE
نوع الرخصة Type of License	SERVICES
النشاط Activity	خدمات الدعم الفنية و الخدمات تركيبه أجهزة القمر الصناعي بتسليم Technical Support, Installation of Satellite Equipment for Support Vessels & Ships
العنوان Address	ص.ب. 50462، الفجيرة، إ.ع.م. P.O. Box: 50462, Fujairah, UAE
الهاتف Telephone	2282978
الفاكس Fax	2282979
الموظف المسؤول Person in Charge	السيدة/ ريم سامي عبدالله العمري Mrs. Reema Sami Abdullah Al omari
الموقف Position	مدير عام General Manager
رقم السجل Registration No.	16-FZE-1615
تاريخ الانتهاء Date of Expiry	31/12/2017

00260  
Unified National Custom Code

**Sharief Habib Al Awadhi**  
Director General

ج.ب. 1133، الفجيرة، الإمارات العربية المتحدة، مكتب. -971 9 2228000 -971 9 2228888  
P.O. Box. 1133, Fujairah, United Arab Emirates T: -971 9 222 8000 F: -971 9 222 8888

E: freezone@emirates.net.ae W: www.fujairahfreezone.com

Source: Confidential.

## Appendix 10 to Annex 32: Company certificate for Ahl al-Thiqa Security and Safety Equipment Imports Company, Benghazi

Image 32.10.1  
Company certificate

172-3502  
تاريخ التقييد 2012/12/16

مكتب السجل التجاري  
بمحافظة بنغازي

شركة أهل الثقة لاستيراد معدات الأمن والسلامة

أسست الشركة بموجب عقد التأسيس  
مدة الشركة: 25 تبدأ من: 2012/12/11 م  
رأس المال: المكتتب: 500000 دل  
أعضاء مجلس الإدارة:

المدفوع: 150000 دل

نوعها: ذ.م.م  
مقرها الرئيسي: بنغازي  
وتنتهي في: 2037/12/11 م  
عني: .....

رقم	الاسم	الجنسية	الصفة	تاريخ التعيين	محل الإقامة	العنوان
1	بوشناف حسن حمد	ليبي	مفوض	2012/12/16	بنغازي	بنغازي
2	هاني فتحي بالقاسم	ليبي	عضوا	2012/12/16	بنغازي	بنغازي
الممثل القانوني:						
رقم	الاسم	الجنسية	الصفة	تاريخ التعيين	محل الإقامة	العنوان
1	بوشناف حسن حمد	ليبي	مفوض	2012/12/16	بنغازي	بنغازي

Source: Confidential.

Image 32.10.2  
Panel translation

Copy of the commercial registry 16/12/2012

Commercial name : Ahl al-Thiqa Company for Safety and Security Apparel Imports

Company created by: Contract of establishment ..... Based in Benghazi

Duration of the company: 25 yrs Starting from 11/12/2012 Ending on 11/12/2037

Capital : 500,000 LYD  
Paid/Cash : 150,000 LYD

Members of the Board of Directors:

---

<i>Name</i>	<i>Nationality</i>	<i>Position</i>	<i>Date of nomination</i>	<i>Based</i>	<i>Address</i>
Bushnaf Hasan Hamed	Libyan	Commissioner	16/12/2012	Benghazi	Benghazi
Hani Fathi Belkacem	Libyan	Member	16/12/2012	Benghazi	Benghazi

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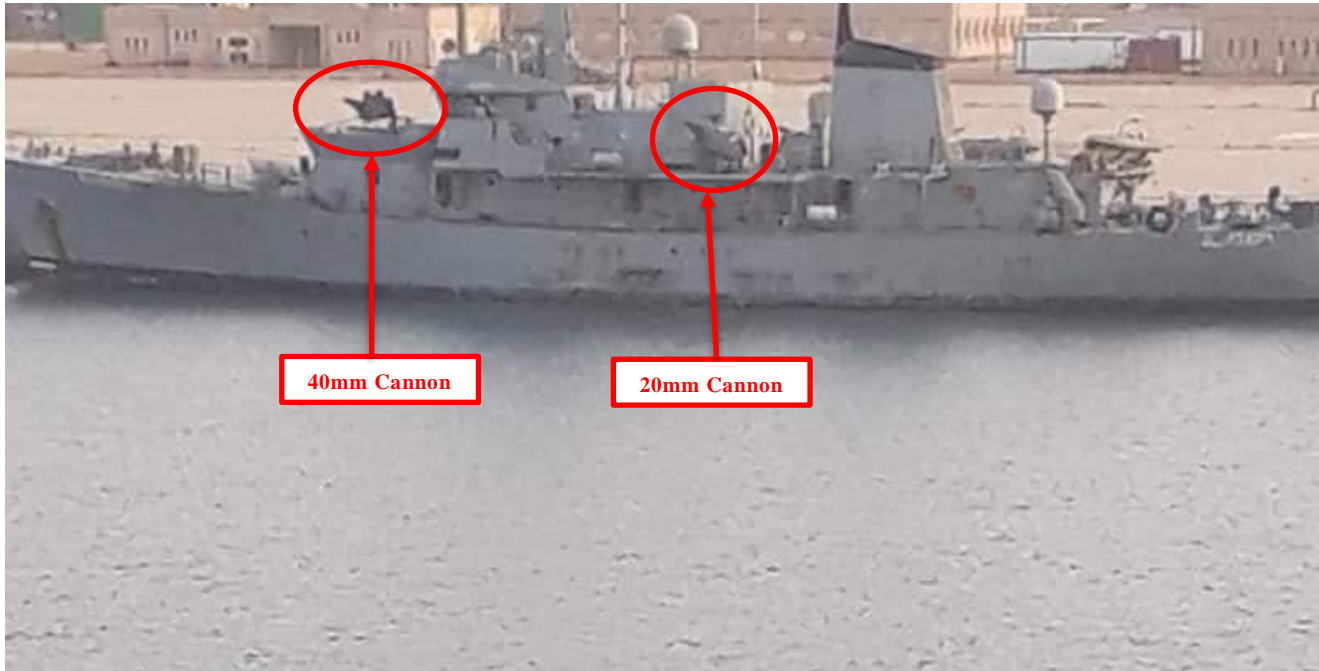
<i>Name</i>	<i>Nationality</i>	<i>Position</i>	<i>Date of nomination</i>	<i>Based</i>	<i>Address</i>
Bushnaf Hasan Hamed	Libyan	Legal Advisor	16/12/2012	Benghazi	Benghazi

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**Appendix 11 to Annex 32: OPV *Al Karama* (fitted with weapons) (Ras Lanuf – 26 April 2019)**

Image 32.11.1

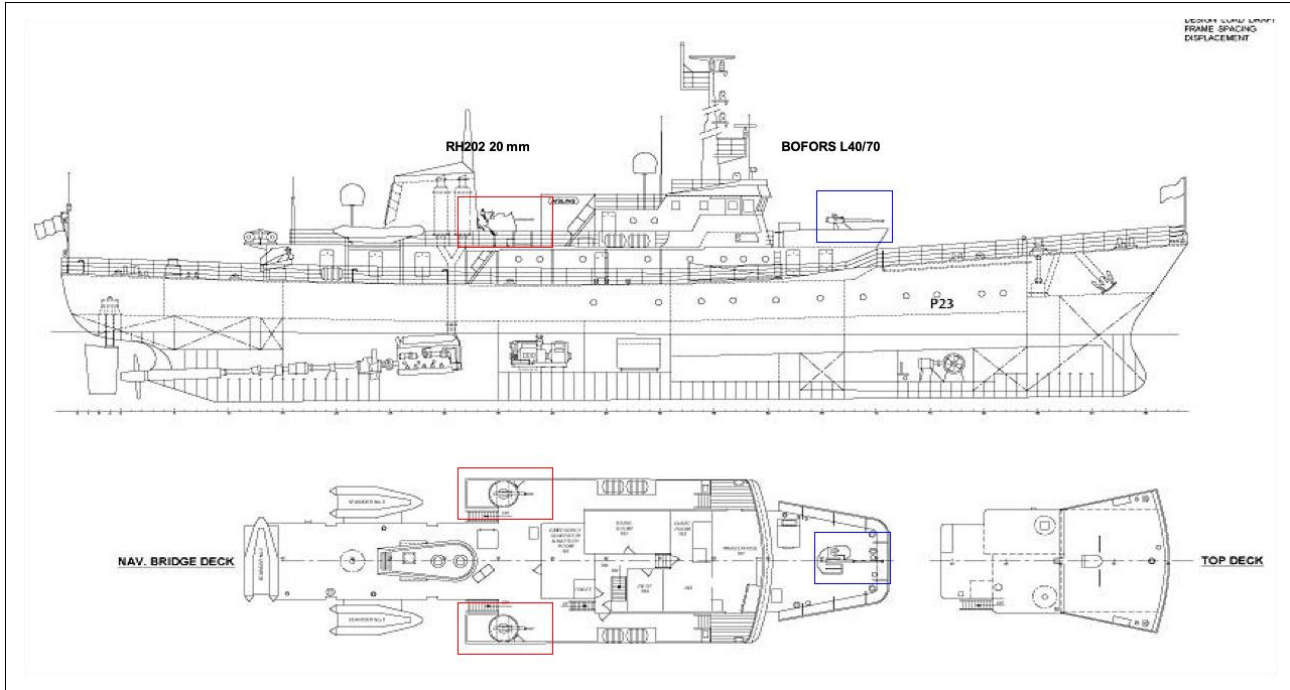
*Al Karama* in Ras Lanuf



Source: Confidential

## Appendix 12: Plan showing retrofitting of weapons to *Al Karama*

Image 32.12.1  
Retrofitting of *Al Karama*



Source: Confidential

## Annex 33: Non-lethal maritime exceptions

### ‘Stan Patrol 1605’ Class patrol boats

1. A Member State transferred eight ‘Stan Patrol 1605’ Class patrol boats to the Libyan Coast Guard on 10 January and 22 April 2013. The vessels were manufactured by Damen Shipyard Group of the Netherlands,<sup>139</sup> and are referred to in paragraph 77 of [S/2018/812](#). Although the vessels were unarmed on transfer, they were fitted with generic equipment mounts,<sup>140</sup> which are also particularly suitable for the mounting of light weapons. The Panel has identified that a number of these vessels have then been armed subsequent to transfer, thus converting them into armed naval vessels.

2. The current names, weaponry mounted on them, and last known locations of the vessels are at table 33.1. Imagery is at figures 33.1 to 33.4.

Table 33.1

Names and last identified locations of Libyan Coast Guard Stan Patrol 1605 Class vessels

#	Name	Location	Coordinates	Date	Remarks
217	Burdi	Tobruk	32°04'36.77"N, 23°58'52.58"E	Oct 2017	
227	Sloug	Ras Al Hilal	32°52'58.06"N, 22°11'22.92"E	May 2018	
237	Besher	Benghazi	32°06'03.31"N, 20°02'51.62"E	Feb 2016	Identified as armed with one BMP-1 73mm Gun.
247	Izreg	Benghazi	32°06'03.31"N, 20°02'51.62"E	Mar 2019	Identified as armed with one ZSU-23-2 cannon.
257	Libda	Al Khoms	32°40'42.56"N, 14°14'25.21"E	Jan 2019	
267	Talil	Zawiyah	32°47'33.45"N, 12°44'52.61"E	Nov 2018	Identified as armed with two 12.7 x 108mm DShK-M variant heavy machine gun.
277	Tukra	Az Zuwaytinah	30°57'15.21"N, 20°06'42.18"E	Mar 2018	
287	Qaminis	Misrata	32°22'20.46"N, 15°12'57.72"E	Dec 2018	Unarmed on 25 April 2016.

Source: Some data from confidential source.

<sup>139</sup> <https://products.damen.com/en/ranges/stan-patrol/stan-patrol-1605/deliveries/spa-1605-burdi-sloug-besher-izreg>.

<sup>140</sup> Letter from Member State of 16 April 2019.

Image 33.1  
**237 Beshher** (Left)  
 Benghazi based



Image 33.2  
**247 Izreg**  
 Benghazi based



Image 33.3  
**247 Izreg**  
 Benghazi based



Image 33.4  
**267 Talil**  
 Zawiyah based



Sources: 1) 33.1 and 33.2 from <https://www.albawabhnews.com/show.aspx?id=1789870>; 2) 33.3 from [https://www.youtube.com/watch?time\\_continue=1&v=lp2S4czOoUs](https://www.youtube.com/watch?time_continue=1&v=lp2S4czOoUs). (0.27 min); and <https://www.facebook.com/1431260937150207/photos/a.1835184040091226/1985294058413556/?type=3&theater>; and 4) 33.4 from <https://www.facebook.com/warinformationdivision/photos/pcb.2632791356762457/2632789800095946/?type=3&theater>.

### ‘Corrubia’ Class patrol boats

3. A Member State has confirmed the transfer of two ‘Corrubia’ Class patrol boats to the Libyan Coast Guard, which were previously in service as G92 ‘Alberti’<sup>141</sup> and G115 ‘Zannotti’.<sup>142</sup> The first vessel was delivered on 21 October 2018 and named ‘Fezzan (658)’ by the Libyan Coast Guard. The second vessel was delivered in 24 November 2018 and named ‘Ubari (660)’ (figures 33.5 and 33.6).

<sup>141</sup> <http://www.gdf.gov.it/repository/re.t.l.a/centro-navale/bandi-di-gara-e-contratti/anno-2016/affidamento-del-servizio-ordinaria-e-straordinaria-manutenzione-g.-92-alberti>.

<sup>142</sup> <http://www.gdf.gov.it/repository/re.t.l.a/centro-navale/bandi-di-gara-e-contratti/anno-2017/fornitura-materiale-elettrico-occorrente-al-201cg.-115-zanotti201d>.



4. The ‘Corrubia’ Class Patrol Boat is a 27m monohull designed as a multiple role tactical platform, and normally has a standard weapon fit of a 30mm / 82 calibre Breda-Mauser Cannon, 1 x 12.7mm medium machine gun and 2 x 7.62mm medium machine guns. The Panel received details of the demilitarization of these vessels prior to transfer from the Member State,<sup>143</sup> and that States’ rationale that the transfer fell under the auspices of paragraph 10 of resolution [2095 \(2013\)](#).

Figure 33.5  
**Fezzan (658) in Tripoli (21 Oct 2018)**



Figure 33.2  
**Ubari (660) in Tripoli (24 Nov 2018)**



Sources: 1) [www.libyaakhbar.com/libya-news/30905.html](http://www.libyaakhbar.com/libya-news/30905.html) and [www.libyaobserver.ly/news/italy-sends-libya-boat-“fezzan”](http://www.libyaobserver.ly/news/italy-sends-libya-boat-“fezzan”); and 2) [www.libyaobserver.ly/inbrief/libyan-coast-guard-receives-new-vessel-italy](http://www.libyaobserver.ly/inbrief/libyan-coast-guard-receives-new-vessel-italy).

## Annex 34: Operational naval assets

1. The Panel has compiled an analysis of the current and potentially future operational vessels of the Libyan Navy and Coast Guard. The data, which is at tables 34.1 and 34.2 is not yet exhaustive as research continues.

Table 34.1

### Operational Libyan Navy / Coast Guard vessels<sup>144</sup>

<i>Generic Type</i>	<i>Type</i>	<i>Hull #</i>	<i>Vessel Name</i>	<i>Location</i>	<i>Remarks</i>
Patrol Vessel	Damen Stan Patrol 1605 <sup>a</sup>	217	<i>Burde</i>	Tobruk	Probable HAF controlled.
		227	<i>Sloug</i>	Ras Al Hilal	Probable HAF controlled
		237	<i>Besher</i>	Benghazi	HAF controlled.
		247	<i>Izreg</i>	Benghazi	HAF controlled.
		257	<i>Libda</i>	Al Khoms	
		267	<i>Talil</i>	Zawiyah	Loose GNA-AF control.
		277	<i>Tukra</i>	Az Zuwaytinah	
		287	<i>Qaminis</i>	Misrata	
Patrol Vessel	Damen Stan Patrol 2606				Delivered in 2013. <sup>b</sup>
Patrol Boat	Raidco RPB20	317	<i>Akrma</i>	Benghazi	HAF controlled. Delivered in April 2013. <sup>c</sup>
		327	<i>Janzur</i>	Benghazi	HAF controlled
Patrol Boat	Corrubia Class	658	<i>Fezzan</i>	Tripoli	Donated 2018 by Italy (ex G115 <i>Zanotti</i> )
		660	<i>Ubari</i>	Tripoli	Donated 2018 by Italy (ex G192 <i>Aliberti</i> )
Patrol Boat	PV30-LS Class	634	<i>Sadadah</i> <sup>e</sup>		Six ordered for Coast Guard from Croatia 2006 - 2008. <sup>f</sup> Reported non-operational.
Patrol Boat	Hameln Class	206	<i>Al-Kifah</i>	Tripoli	Seen 2017. <sup>g</sup>
Patrol Boat	Bigliani Class	644	<i>Zuwarah</i>		Maintained by Italy in May 2017 (ex G83 <i>Macchi</i> ).
		648	<i>Ras Al Jadar</i>		Maintained by Italy in May 2017 (ex G86 <i>Buoncore</i> ).

<sup>144</sup> Multi source Panel research.

<b>Generic Type</b>	<b>Type</b>	<b>Hull #</b>	<b>Vessel Name</b>	<b>Location</b>	<b>Remarks</b>
		654	<i>Sabratha</i>		Maintained by Italy in May 2017 (ex G82 <i>Galiano</i> ).
		656	<i>Zawia</i>		Maintained by Italy in May 2017 (ex G84 <i>Fortuna</i> ).
Fast Attack Craft-Missile	Combattante Class II G	534	<i>Shafak</i>	Tripoli	Under request to go to Tunisia for repair.
Fast Attack Craft-Missile	Osa II Class				Not confirmed.
Offshore Patrol Vessel	Aisling Class	<i>P23</i>	<i>Al-Karama</i>	Benghazi	HAF controlled.
Minesweeper	Natya Class (Type 266ME)				Not confirmed
Frigate	Koni II Class	212	<i>Al Hani</i>	Malta	Embargoed.
Landing Ship Tank	PS700 Class	132	<i>Ibn Ouf</i>	Tripoli	Refitted in France 2012. Maintained by Italy in 2017/2018. Plans for refit by France in 2019.
		134	<i>Ibn Haritha</i>	Tripoli	Repaired in Abu Sitta 2018.
Salvage Vessel	Spasilac	722	<i>Al Munjed</i>	Tripoli	Under repair in 2017.

<sup>a</sup> Donated by Netherlands in 2013.

<sup>b</sup> <http://amiinter.com/pdf/MediterraneanDNNavies-Oct2013.pdf>.

<sup>c</sup> Ibid.

<sup>d</sup> J.Binnie. Janes HIS. 23 June 2013.

<sup>e</sup> 634 listed but not confirmed. Alternates are 638 *Marsit*, TBC *Tagreft*. Originally numbered 301 – 306.

<sup>f</sup> [https://www.adria-mar.hr/index.php?option=com\\_content&view=article&id=46&Itemid=67&lang=en](https://www.adria-mar.hr/index.php?option=com_content&view=article&id=46&Itemid=67&lang=en). Accessed 24 July 2019.

<sup>g</sup> <https://twitter.com/jeremybinnie/status/920571076580724736?lang=en>. Accessed 24 July 2019.

Table 34.2  
**Proposed Libyan Navy / Coast Guard vessels**

<i>Generic Type</i>	<i>Type</i>	<i>Qty</i>	<i>Supplier</i>	<i>Remarks</i>
Patrol Boat	FPB 98 Mk1	2	OCEA S.A. France	Under Committee consideration.
Patrol Boat	Tuzla Class	4	Dearsan and Gulhan, <sup>a</sup> Turkey	Under Committee consideration.
Patrol Boat	'500' Class	10	Italy	To be donated by Italy. CP515-CP522, CP526 and CP535. Italy considers the vessels do not fall under the list of embargoed goods ( <i>military equipment</i> ) referred to in resolution 1973 (2011) and as subsequently amended.

<sup>a</sup> <http://www.dearsan.com/en/products/57m-patrol-boat.html>.

## Annex 35: *Al Hani* frigate (PF212)

### Introduction

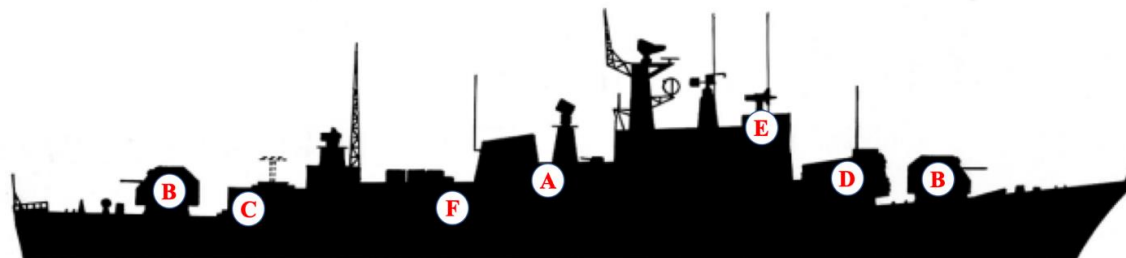
1. The work on the frigate by Cassar Shipyard was primarily focused on ensuring that the vessel is seaworthy with a navigation capability. The two diesel engines have been overhauled, which will now allow the vessel to cruise at 12 knots, with a theoretical top speed of 16 to 18 knots, but the primary single gas turbine is irreparable and is only in the vessel now for ballast and trim requirements. The integrity of the hull was achieved by replacing over 950m<sup>2</sup> of the steel plate of the hull. The navigational radar is a commercial after-fit and is operational.

### Offensive capability

2. It is highly unlikely that the major weapons systems on the frigate can function effectively, even if the ammunition were now available in Libya and in good condition. In 2014 the Libyan Navy plan was for the vessel to get to Cassar Shipyards in Malta for the seaworthiness work, and when complete the vessel was to proceed to Poland for maintenance and overhaul of the major weapon systems. The requirement for the work in Poland being a strong indicator of the ineffectiveness of the weapon systems at that time. There is now no intention that the work planned for Poland will ever take place due to the further degradation of the weapon systems over the last five years.<sup>145</sup>

3. Figure 35.1 is a schematic of the vessel showing the location of the major weapons systems cross-reference against Table 1, which summarises the Panel's assessment operability of the weapons systems. The red code letters refer to the weapons systems shown in tables 35.1 and 35.2.

Figure 35.1  
Silhouette of Koni II Class frigate



Source: [www.janes.ihs.com/](http://www.janes.ihs.com/). Accessed 5 March 2019.

<sup>145</sup> Interview with the Chief Engineer of *Al Hani*, 9 March 2019.

Table 35.1  
**Type and status of major weapons systems fitted to *Al Hani* (PF212)**

<i>Code</i>	<i>Type</i>	<i>#</i>	<i>Fire Control Radar</i>	<i>Range (m)</i>	<i>Remarks</i>
A	AK-230 30mm 63 Calibre Cannon	4	MR-104 Rhys (Drum Tilt)	2,000	<ul style="list-style-type: none"> <li>▪ Operable after maintenance. Currently rusted.</li> <li>▪ Manual line of sight operation only</li> </ul>
B	AK726 76mm 59 Calibre Gun	4	MR-105 Turel (Hawk Screech)	15,700	<ul style="list-style-type: none"> <li>▪ Operable after maintenance. Currently rusted.</li> <li>▪ Manual line of sight operation only</li> </ul>
C	S4K33 Osa-MA2 Surface to Air Missile Twin Launchers (SA-N-4 Gecko)	2	4R33 Baza MPZ-301 (Pop Group)	10,000	<ul style="list-style-type: none"> <li>▪ Inoperable</li> </ul>
D	4K51 P-15M 'Termit' Ship to Surface Missile Launchers (SS-N-2C Styx)	4	3Ts-25 Garpun (Plank Shave)	8,000	<ul style="list-style-type: none"> <li>▪ Inoperable</li> </ul>
E	RBU-6000 Smerch-2 213mm Twelve Tube Anti-Submarine Mortar Launcher	1	Hercules MG322 Sonar	5,500	<ul style="list-style-type: none"> <li>▪ Possibly operable</li> </ul>
F	Type 40 USET-95 400mm Torpedo Twin Tubes	2	Active / Passive Homing	10,000	<ul style="list-style-type: none"> <li>▪ Possibly operable</li> </ul>

Note 1: Status of weapon systems determined during Panel inspection on 9 March 2019.

4. Notwithstanding the Panel's assessment of the weapon systems' operability, the Panel considers that it may be prudent for the vessel to undertake some basic demilitarization of the weapons systems prior to final handover to the Libyan Navy. This would deter any attempts to try and even obtain basic functionality of the weapons systems. Cassar Shipyard have indicated that this could be easily done at low cost. Table 35.2 summarizes the Panel's recommendations for such weapon system demilitarization.

Table 35.2

**Panel recommendation for basic demilitarization of major weapons systems fitted to *Al Hani* (PF212)**

<i>Code</i>	<i>Type</i>	<i>Remarks</i>
B	AK726 76mm 59 Calibre Gun	<ul style="list-style-type: none"> <li>▪ Remove and destroy MR-105 Turel (Hawk Screech) control panel from operations room.</li> </ul>
C	S4K33 Osa-MA2 Surface to Air Missile Twin Launchers (SA-N-4 Gecko)	<ul style="list-style-type: none"> <li>▪ Remove and destroy 4R33 Baza MPZ-301 (Pop Group) control panel from operations room.</li> <li>▪ Cut a one-metre length out of the umbilical control cable at the launcher end.</li> <li>▪ Weld a steel bar across the guidance elevation rails inside the launcher.</li> <li>▪ Manufacture and weld a 10mm thick steel circular plate and fit over top of missile launcher.</li> </ul>
D	4K51 P-15M 'Termit' Ship to Surface Missile Launchers (SS-N-2C Styx)	<ul style="list-style-type: none"> <li>▪ Remove and destroy 3Ts-25 Garpun (Plank Shave) control panel from operations room.</li> <li>▪ Cut a one-metre length out of the umbilical control cable at the launcher end.</li> <li>▪ Full circular weld shut around the forward and rear launch tube covers.</li> <li>▪ Cut 4 x 200mm diameter holes along inner side of launch tube to act as an escape vent for launch motor gases.</li> </ul>
E	RBU-6000 Smerch-2 213mm Twelve Tube Anti-Submarine Mortar Launcher	<ul style="list-style-type: none"> <li>▪ Remove and destroy launcher.</li> </ul>
F	Type 40 USET-95 400mm Torpedo Twin Tubes	<ul style="list-style-type: none"> <li>▪ Full circular weld shut around the forward and rear tube covers.</li> <li>▪ Cut 4 x 200mm diameter holes along inner side of launch tube to act as an escape vent for expulsion gases.</li> </ul>

**Operational capability**

5. Although referred to as a frigate, the age, design, lack of operable major weapons systems means that this vessel presents little threat to other naval vessels, particularly if the recommended demilitarization action is initiated to prevent any attempts to bring major weapons systems back into service. It is only suitable now for the patrolling of littoral coastal waters and seamanship training.

6. Theoretically the 76mm naval guns with their 15.7km maximum range could present a threat to the coastal strip. Their effectiveness though would be very limited unless the vessel had quality communications to well-trained naval gunfire support spotting teams ashore. Even if utilised in this role

the blast effects of the approximate 0.5kg high explosive content of a single 76mm shell are no worse than those of the 82mm mortars in plentiful supply to the major armed groups within Libya. This risk is assessed by the Panel as currently low.



## Annex 36: Illicit supply of armoured vehicles to Libya

1. The Panel has compiled a summary of the wheeled armoured vehicle assets available to the armed groups in Libya, and imagery to assist identification is at appendix A. Some of these vehicles may have been transferred to Libya for protective use under the auspices of paragraph 9 of resolution [2095 \(2013\)](#), and have subsequently been modified to provide an offensive military capability (see appendix B).
2. Wheeled armoured vehicles include, wheeled infantry armoured fighting vehicles (IAFV), infantry fighting vehicles (IFV), light armoured vehicles (LAV), light armoured multi-purpose vehicles (LAMV), mine resistant ambush protected (MRAP) vehicles, protected patrol vehicles (PPV) and armoured personnel carriers (APC). The technical differences between type are often minimal and dependent on: 1) armour protection levels; 2) crew capacity; 3) the ability to mount turreted weapons; and 4) the manufacturer’s marketing strategy. Their ease of modification with a weapons fit makes them a “force multiplier”, and removes them from a “non-lethal” status.

Table 36.1

### Armoured vehicle assets

<i>Entity</i>	<i>Name</i>	<i>Type</i>	<i>Manufacturer</i>	<i>State</i>	<i>Supplier</i>	<i>Reported</i>	<i>Remarks</i>
Libyan Government <sup>a</sup>	<i>Cobra</i> <sup>b</sup>	LAMV	Streit	UAE	UAE	Paragraph 118 and annex 26 to <a href="#">S/2016/209</a>	▪ Delivered in August 2012 in violation of para 9(b) of resolution <a href="#">1970 (2011)</a> .
Libyan Government <sup>a</sup>	<i>Cougar</i> <sup>c</sup>	LAMV	Streit	UAE	UAE	Paragraph 118 and annex 26 to S/2016/209	▪ Delivered in August 2012 in violation of para 9(b) of resolution <a href="#">1970 (2011)</a> .
Libyan Government <sup>a</sup>	<i>Spartan</i> <sup>d</sup>	LAV	Streit	UAE	UAE	Paragraph 118 and annex 26 to S/2016/209	▪ Delivered in August 2012 in violation of para 9(b) of resolution <a href="#">1970 (2011)</a> .

<i>Entity</i>	<i>Name</i>	<i>Type</i>	<i>Manufacturer</i>	<i>State</i>	<i>Supplier</i>	<i>Reported</i>	<i>Remarks</i>
Saw'iq brigade, Zintan	<i>Jais</i> <sup>e</sup>	MRAP	Nimr	UAE	UAE	Paragraph 119 and annex 27 to S/2016/209	▪ Delivered in 2013.
GNA-AF	<i>Kirpi 4X4</i> <sup>f</sup>	MRAP	BMC	Turkey	Turkey	New 2019	▪ Delivered 18 May 2019.
HAF	<i>Al Mared 8 x 8</i> <sup>g</sup>	IAFV	KADDB	Jordan	Jordan	New 2019	▪ First seen 19 May 2019.
HAF	<i>Al Wahsh 4 x 4</i> <sup>h</sup>	PPV	KADDB	Jordan	Jordan	Annex 28 to S/2018/812	▪
HAF	<i>Caiman</i> <sup>j</sup>	MRAP	BAE Systems	UK		Annex 28 to S/2018/812	▪ Seen at Derna, August 2017. ▪ Seen at Benghazi, May 2018.
HAF	<i>Jais</i>	MRAP	Nimr	UAE		Annex 28 to S/2018/812	▪ Seen at Derna, August 2017.
HAF	<i>Mbombe 6 x 6</i> <sup>k</sup>	IAFV	Paramount	South Africa	Jordan	New 2019	▪ First Seen Benghazi 19 May 2019.
HAF	<i>Panthera T6 4 x 4</i>	APC	MSPV <sup>l</sup>	UAE		Paragraph 142 and annex 29 to S/2016/209 and Paragraph 160 and annex 40 to S/2017/466	▪ Delivered April/May 2015. ▪ Delivered 17 April 2016 on <i>Bahro Abha</i> .
HAF	<i>Panthera F9 4 x 4</i>	APC	MSPV <sup>m</sup>	UAE		Annex 28 to S/2018/812	▪ Seen at Derna, June 2018.
HAF	<i>Spartan</i> <sup>n</sup>	LAV	Streit	UAE		Annex 28 to S/2018/812	▪ Seen at Derna, June 2018.
HAF	<i>Tygra</i> <sup>p</sup>	APC	Mezcal	UAE		Paragraph 160 and annex 40 to S/2017/466	▪ Supplied 17 April 2016 on <i>Bahro Abha</i> .
HAF	<i>Irigiri</i> <sup>q</sup>	APC	Nigerian Army			New 2019	▪ Single source reported as seen in Tripoli 2015. Also seen in January 2016 in cargo hold of ship. <sup>s</sup>
HAF	<i>Ratel-60</i> <sup>r</sup>	IFV	Sandock Austral	South Africa		New 2019	▪ First seen 18 April 2018 near Tripoli with HAF 302 Battalion. <sup>t</sup>

<sup>a</sup> The vehicles supplied to the Libyan government in 2012 are now in use by both parties to the conflict.

<sup>b</sup> <https://www.armored-cars.com/cobra-lamv/>.

<sup>c</sup> <https://www.armored-cars.com/cougar-lamv/>.

<sup>d</sup> <https://www.armored-cars.com/spartan-asv/>.

<sup>e</sup> <https://www.nimr.ae/product/jais4x4/>.

<sup>f</sup> <https://www.bmc.com.tr/en/defense-industry/kirpi>.

<sup>g</sup> <http://www.kaddb.com/en-us/KADDBs-PORTFOLIO/LAND-SYSTEMS>.

<sup>h</sup> <http://www.kaddb.com/en-us/KADDBs-PORTFOLIO/LAND-SYSTEMS>.

<sup>j</sup> <https://www.baesystems.com/en/product/caiman-mrap-vehicles>.

<sup>k</sup> <http://www.paramountgroup.com/capabilities/land/mbombe-6/>.

<sup>l</sup> <http://mspv.com/military/>.

<sup>m</sup> <http://mspv.com/military/>.

<sup>n</sup> <https://www.armored-cars.com/spartan-asv/>.

<sup>p</sup> <http://www.mezcalarmor.com/Armored-Personnel-Carriers/Tygra>.

<sup>q</sup> <http://www.vanguardngr.com/2012/06/army-to-unveil-first-nigerian-built-apc/>.

<sup>r</sup> <https://www.armyrecognition.com/south-africa-african-army-wheeled-armoured-vehicle/ratel-20-6x6-armoured-infantry-fighting-vehicle-20mm-cannon-technical-data-sheet-specifications-pictures-video-11601163.html>.

<sup>s</sup> <https://twitter.com/DonKlericuzio/status/684663686108151808>.

<sup>t</sup> <https://twitter.com/Oded121351/status/1118808298491396096>.

## Appendix A to Annex 36: Identification imagery of wheeled armoured vehicles

Table A.36.1

### Armoured vehicle imagery



**Name:** COBRA LAMV  
**Manufacturer:** Streit Armoured Cars (UAE)  
**Affiliation:** GNA-AF  
**First Seen:** 2012  
**First Reported:** [S/2016/209](#), para. 118 and annex 26



**Name:** COUGAR LAMV  
**Manufacturer:** Streit Armoured Cars (UAE)  
**Affiliation:** GNA-AF  
**First Seen:** 2012  
**First Reported:** [S/2016/209](#), para. 118 and annex 26



**Name:** SPARTAN LAV  
**Manufacturer:** Streit Armoured Cars (UAE)  
**Affiliation:** GNA-AF / HAF  
**First Seen:** 2012  
**First Reported:** [S/2016/209](#), para. 118 and annex 26



**Name:** KIRPI MRAP  
**Manufacturer:** BMC TURKEY  
**Affiliation:** GNA-AF  
**First Seen:** 2019  
**First Reported:** NEW



**Name:** RATEL-60 IFV  
**Manufacturer:** Sandcock Austral, South Africa  
**Affiliation:** HAF  
**First Seen:** 2016  
**First Reported:** Not previously reported



**Name:** JAIS MRAP  
**Manufacturer:** NIMR (UAE)  
**Affiliation:** Saw'iq Brigade, Zintan / HAF  
**First Seen:** 2013  
**First Reported:** [S/2016/209](#), para. 119 and annex 27



**Name:** MARED 8x8 IAFV  
**Manufacturer:** KADDB (Jordan)  
**Affiliation:** HAF  
**First Seen:** 2019  
**First Reported:** NEW



**Name:** AL WAHSH 4x4 PPV  
**Manufacturer:** KADDB (Jordan)  
**Affiliation:** HAF  
**First Seen:** 2016  
**First Reported:** [S/2016/209](#), annex 26



**Name:** CAIMAN MRAP  
**Manufacturer:** BAe Systems / Armor Holdings (UK / USA)  
**Affiliation:** HAF  
**First Seen:** 2012  
**First Reported:** [S/2016/209](#), annex 26



**Name:** MBOMBE 6 x 6 IAFV  
**Manufacturer:** Paramount (South Africa)  
**Affiliation:** HAF  
**First Seen:** 2019  
**First Reported:** NEW



**Name:** PANTHERA T6 APC  
**Manufacturer:** MSPV (UAE)  
**Affiliation:** HAF  
**First Seen:** 2016  
**First Reported:** [S/2016/209](#), annex 26



**Name:** PANTHERA F9 APC  
**Manufacturer:** MSPV (UAE)  
**Affiliation:** HAF  
**First Seen:** 2018  
**First Reported:** [S/2018/812](#), annex 28



**Name:** TYGRA APC  
**Manufacturer:** Mezcal (UAE)  
**Affiliation:** HAF  
**First Seen:** 2016  
**First Reported:** [S/2017/466](#), para. 160 and annex 40



**Name:** IGIRIGI APC  
**Manufacturer:** Army (Nigeria)  
**Affiliation:** HAF  
**First Seen:** 2015  
**First Reported:** Not previously reported

## Appendix B to Annex 36: Examples of modified wheeled armoured vehicles

1. This appendix provides examples of wheeled armoured vehicles, which may have been transferred to Libya for protective use under the auspices of paragraph 9 of resolution [2095 \(2013\)](#), that have subsequently been modified to provide an offensive military capability.

Figure B.36.1  
**Streit Spartan LAV modified with a Type 63 107mm multi barrel rocket launcher fitted to 'snakehead' cupola**<sup>a</sup>



Figure B.36.2  
**Streit Cougar LAMV modified with a 9M133 Kornet ATGW**<sup>b</sup>



Figure B.36.3  
**KADDB Al Wahsh PPV modified with an 73mm SPG-9 recoilless gun fitted to 'snakehead' cupola**<sup>c</sup>



<sup>a</sup> <https://twitter.com/towersight/status/1169271329033531392>, 4 September 2019.

<sup>b</sup> <https://twitter.com/Oded121351/status/1084717353361911808>, 14 January 2019.

<sup>c</sup> <https://twitter.com/Oded121351/status/1102829446191558656>, 5 March 2019.



### Annex 37: *Nashshab* RPG-32 anti-tank rocket launcher

1. On 28 May 2019 the Panel identified from open source information the possession of the RPG-32 *Nashshab* shoulder-launched anti-tank rocket system by HAF (image 37.1). This weapon system is produced in Jordan by a co-operative venture between the Joint Stock Company “Scientific Production Association “Bazalt” (JSC “SPA “Bazalt”) of Russia (<http://bazalt.ru/en/>) and the King Abdullah II Design and Development Bureau (KADDB) (<http://www.kaddb.com/>) called the Jadara Equipment and Defence Systems (initially the Jordan Russian Electronics Systems Company) (JRESCO) (<https://www.jadara.jo>) (image 37.2). The Panel notes that, according to authoritative open source information,<sup>146</sup> the Royal Jordanian Army is the only known user of this weapons system to date.

Image 37.1

**RPG-32 *Nashshab* with HAF (28 May 2019)**



Source: <https://twitter.com/Mansourtalk/status/1133996109448253440?s=08>. 30 May 2019.

Image 37.2

**Original manufacturers image <sup>a</sup>**



Source: <https://www.jadara.jo/jadara-products>. Accessed 11 June 2019.

<sup>146</sup> [www.janes.ihs.com](http://www.janes.ihs.com).

3. On 27 June 2019, GNA-AF captured a range of ammunition and military equipment from HAF. Among this ammunition was at least one RPG-32 *Nashshab* rocket tube (image 37.3). The image clearly shows all of the markings on the rocket tube, which should assist the Jordanian authorities in assisting the Panel in establishing the supply chain for the RPG-32 *Nashshab* to Libya.

Image 37.3

**RPG-32 *Nashshab* captured from HAF at Gharyan (27 June 2019)**



Source: Confidential

4. The Panel has written to Jordan requesting clarification of the supply chain for this weapon system but has received no response.

5. The Panel finds Jordan in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military material to the LNA.

**Annex 38: 9K-115-M *Metis* RPG-32 ATGW**

1. The 9K115-2 *Metis*, or a variant was first observed as possibly being in use in Libya during 2016.<sup>147</sup> The presence was confirmed by open source imagery on 21 December 2018 (figure 38.1) and 14 July 2019 (figures 38.2 and 38.3).

Image 38.1

**9K-115-M *Metis* ATGW confirmed in Libya (21 December 2018)**



Source: <https://twitter.com/Oded121351/status/1076092905331351552>, 21 December 2018. Accessed 29 August 2019.

<sup>147</sup> <https://twitter.com/Oded121351/status/745852183934033920>, 23 June 2016. Accessed 29 August 2019.

Image 38.2  
9K115-2 Metis with GNA-AF(14 July 2019)



Image 38.3  
9K115-2 Metis with GNA-AF (14 July 2019)



Sources: 1) <https://twitter.com/rahbaTajura/status/1150532386419089412>. Accessed 29 August 2019. [L]; and 2) <https://twitter.com/rahbaTajura/status/1150532386419089412/photo/4>. Accessed 29 August 2019. [R].

2. This ATGW system is designed and manufactured by the KPB Instrument Design Bureau ([www.kpbtula.ru](http://www.kpbtula.ru)) of the Russian Federation. The Panel has written to the Member State requesting information to assist in the identification of the supply chain of these ATGW to Libya.
3. The Panel identified open source information<sup>148</sup> alleging that the ATGW were supplied by Turkey. The Panel considers this unlikely and investigations continue.
4. Panel investigations into the supply chain of these ATGW continue.

<sup>148</sup> Source: Wolfram Lacher, (2019) "Who is Fighting Whom in Tripoli: How the 2019 Civil War is Transforming Libya's Military Landscape," SANA Briefing Paper, Box 1, Photo 4, p.14, Geneva: Small Arms Survey. <http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-SANA-BP-Tripoli-2019.pdf>.

**Annex 39: 155mm HE Laser Homing Projectile GP6**

1. The Panel identified from open source information<sup>149</sup> that on 27 June 2019, forces affiliated to the GNA captured ammunition from the HAF. This ammunition included some projectiles with characteristics virtually identical to the 155mm High Explosive (HE) Laser Homing Projectile (LHP) GP6, which is manufactured by the China North Industries Group Corporation Limited (NORINCO).<sup>150</sup>

2. A sealed ammunition container was marked “UAE Armed Forces, Joint Logistics Command C and F Section”. Analysis of the imagery has identified the following markings and documentation, which with the cooperation of the manufacturer’s Member State would allow the supply chain for this particular ammunition to be established.

(a) Ammunition container for a Contract Number, (DP3/2/6/1/2006/23/A) with a Lot Number of 3-14-519;

(b) Packed 155mm HE LHP Projectile with a Lot Number of 3 356 2014;

(c) Unpacked 155mm HE LHP Projectile with a Lot Number of 3 354 2014;

(d) Quality Certificate for “GP6 155mm Laser Homing Projectile” dated 25 December 2014 for Lot Number “G6-3-14-356”. Inspected by “Huligiang”; and

(e) Packing Note dated 25 December 2014 for “GP6 155mm Laser Homing Projectile”, Code No. “GP6 155/45, for Series No. “G6-3-14-356”. Manufactured by “China North Industries Corporation”.

<sup>149</sup> Video imagery of post capture is at <https://www.facebook.com/138077846597370/videos/2124863734479235/?v=2124863734479235>. (See 1 min 36 sec to 2 min 09 sec)

<sup>150</sup> [www.norinco.com](http://www.norinco.com).

Image 39.1  
Extract from open source video showing  
ammunition container markings



Image 39.2  
Ibid

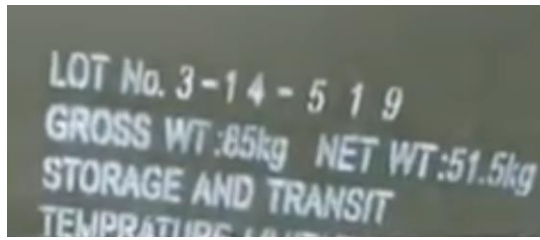


Image 39.3  
155mm HE LHP projectile  
Lot Number 3 356 2014



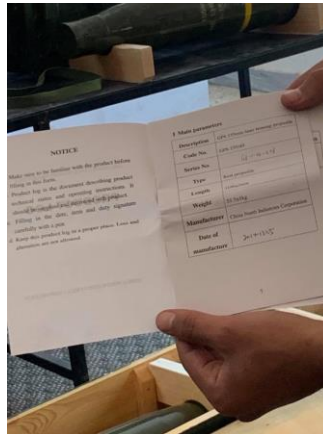
Image 39.4  
155mm HE LHP projectile  
Lot Number 3 354 2014



Image 39.5  
QC for 155mm HE LHP projectile  
Lot Number 3 356 2014



Image 39.6  
Packing Note for 155mm HE LHP projectile  
Lot Number 3 356 2014



Sources: 1) Extract from video imagery of post capture is at <https://www.facebook.com/138077846597370/videos/2124863734479235/?v=2124863734479235>. and 2) <https://www.facebook.com/138077846597370/posts/567454386993045?s=518287117&sfns=xmo>.

3. The Panel has identified that the United Arab Emirates has previously taken delivery of 155mm HE LGP GP6 ammunition from the manufacturer.<sup>151</sup> The Panel thus finds that, based on: 1) it being a confirmed system in Emirati use; 2) the accurate markings on the primary ammunition packaging; 3) the colour being distinctive of Chinese rather than Russian Federation ammunition; 4) the previous use of Chinese 155mm precision guided munitions in Libya;<sup>152</sup> 5) the fact that the explosive type is marked “A-IX-II” (seen on Chinese ammunition) rather than “A-IX-2” (seen on Russian Federation manufactured ammunition); and 6) the prior use of Chinese manufactured 155 mm precision guided artillery projectiles in Libya,<sup>153</sup> that this Chinese manufactured ordnance was a post-delivery transfer to Libya by the United Arab Emirates.
4. The Panel has written to the United Arab Emirates requesting clarification of the supply chain for this weapon system but has received no response.
5. The Panel finds the United Arab Emirates in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military material to the HAF.

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<sup>151</sup> Christopher F Foss. *UAE confirms Chinese 155mm AH4 gun howitzer acquisition*. Jane’s Defence Weekly. <http://www.janes.ihs.com/>. 28 February 2019.

<sup>152</sup> <https://armamentresearch.com/chinese-gp1-series-guided-artillery-projectiles-in-libya/>.

<sup>153</sup> In paras. 157 to 159 of Panel report [S/2017/446](#) the Panel were inconclusive as to the identity of remnants of a similar projectile. Although a Jane’s report had identified the remnants as being from a Russian manufactured 155mm Krasnopol precision guided artillery projectile, the Panel subsequently, in paras.115 and 117 of Panel report [S/2018/812](#), assessed the projectile remnants as being from a Chinese 155mm GP-1A precision guided artillery projectile.

**Annex 40: *Pantsir* S-1 surface to air missile system (SAM)**

1. Analysis of open source and confidential satellite imagery identified that at least two *Pantsir* S-1 SAM systems were deployed to provide air defence cover for Jufra air base between 5 March and 19 April 2019 (see figures 40.1 to 40.4).

Figure 40.1  
**Jufra air base (5 March 2019)<sup>a</sup>**



Figure 40.2  
**Jufra air base (19 April 2019)<sup>b</sup>**



Figure 40.3  
**Jufra air base (5 March 2019)<sup>c</sup>**



Figure 40.4  
**Jufra air base (19 April 2019)<sup>b</sup>**



<sup>a</sup> Google Earth. Accessed 19 August 2019. Location at 29°13'10.0"N, 15°59'44.2"E.

<sup>b</sup> Confidential source.

<sup>c</sup> Google Earth. Accessed 19 August 2019. Location at 29°12'31.13"N, 16°00'3.64"E.



2. The Panel confirmed from open source imagery (see figure 40.5) the deployment of *Pantsir* S-1 surface to air missile (SAM) systems in support of HAF during a road move north in the area of Gharyan.<sup>154</sup> The Panel also noted an unverified media report<sup>155</sup> that refers to a statement made by a representative of the GNA-AF Joint Operations Room of West Libya on 20 June 2019, which claims that its forces destroyed four *Pantsir* S-1 SAM systems on 18 June 2019.

Figure 40.5

***Pantsir* S-1 in support of HAF near Gharyan (18 June 2019)**



Source: <https://www.jana-ly.co/منتقل-روسي-جوي-دفاع-منظومة-وصول-بالصور/>.

The *Pantsir* S-1 SAM system(s) seen in Libya use the MAN SX45 Heavy Mobility Truck as the system's ground mobility and transporter erector launcher (TELAR) platform. Only the UAE uses this configuration for their *Pantsir* S-1 systems<sup>156</sup> (figures 40.6 and 40.7). All other export variants are mounted on either a 1) BAZ-6909 8x8; 2) Ural-53234 8x8; 3) KamAZ-6560 8x8; or 4) Asrolog MKZT-79230 chassis.

<sup>154</sup> 32°31'36.67"N, 13°13'2.94"E.

<sup>155</sup> <https://www.libyaobserver.ly/news/libyan-air-force-destroys-russian-air-defense-system-used-haftars-forces>.

<sup>156</sup> Binnie J. *UAE may have deployed Pantsir S-1 to Libya*. Jane's Defence Weekly. 19 June 2019. London.

Figure 40.6  
***Pantsir S-1*** in support of HAF near Gharyan  
(18 June 2019)<sup>a</sup>



Figure 40.7  
***Pantsir S-1*** in UAE on MAN SX45 platform<sup>b</sup>



<sup>a</sup> <https://twitter.com/Oded121351/status/1141224351045443584>.

<sup>b</sup> Extracted from UAE military promotional video at <https://www.mod.gov.ae/>.

The Panel has written to the United Arab Emirates requesting clarification of the supply chain for this weapon system but has received no response.

The Panel finds the United Arab Emirates in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military material to HAF.

**Annex 41: Samel-90 electronic countermeasures system**

1. In its report [S/2018/812](#)<sup>157</sup> the Panel first reported on the HAF use of a roof mounted electronic countermeasures (ECM) system during a visit to Tunis on 18 September 2017. The Panel identified the system in use again during a visit by the HAF leadership to the Tamanhint air base in Sebha on 13 February 2019.<sup>158</sup>
2. The Panel made a preliminary identification of the ECM system and requested the assistance of the manufacturer's Member State in the positive identification of the system. The Member State response was that there were *insufficient identification details (...) to confirm Bulgarian origin*. The Panel then consulted with independent ECM specialists<sup>159</sup> who confirmed that this system was very likely a Bulgarian manufactured Samel-90 mobile improvised explosive device (IED) jammer radio frequency (RF) inhibition system.<sup>160</sup> This finding was based on imagery analysis (figures 41.1 to 41.6), which confirmed that:
  - a. The antenna array is identical in antenna length, separation, and colour coding on the HAF system and that shown on the manufacturer's website; and
  - b. The roof container is identical in size and shape on both systems.
3. An extensive open source search of ECM systems identified no other Radio Frequency (RF) Inhibition and Jammer Systems with these very specific characteristics.
4. The panel considers that the direct supply of this ECM system from the manufacturer, or by the manufacturer's Member State, is highly unlikely. It is almost certainly present due to post-delivery diversion by the initial purchaser, or subsequent owner.
5. The Panel finds the supplier in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military material to HAF. The Panel continues to investigate.

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<sup>157</sup> Para. 121 and annex 33.

<sup>158</sup> <https://twitter.com/Oded121351/status/1095925042272260097>.

<sup>159</sup> <https://solutions-ew.com>.

<sup>160</sup> <https://www.same190.com/en/products/category/jammer-solutions-military-equipment-surveillance-systems/jammer-solutions/mobile-jammer>.

Image 41.1  
**HAF ECM equipment at Tamanhint (Sebha) air base  
(13 February 2019)**



Image 41.2  
**HAF ECM equipment from manufacturers website**

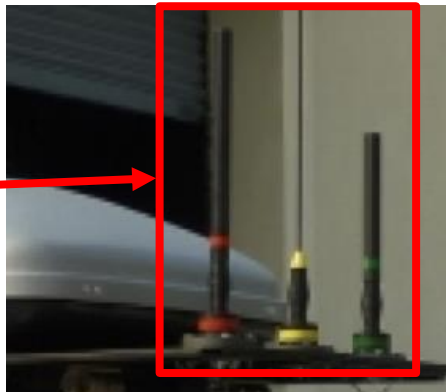


Note virtually identical type and length of rear antennae array.

Image 41.3  
**HAF ECM equipment at Tamanhint (Sebha) air base  
(13 February 2019)**



Image 41.4  
**HAF ECM equipment from manufacturers website**



Note the Red, Yellow and Dark Green colour coding and antennae profiles are identical on the forward antennae array, albeit in a different layout.

Image 41.5  
HAF ECM equipment at Tamanhint (Sebha) air base  
(13 February 2019)



Image 41.6  
HAF ECM equipment from manufacturers website



Note the virtually identical profile, colouring and design of the roof mounted containers

Sources: 1) LH images from <https://twitter.com/Oded121351/status/1095925042272260097>, 14 February 2019; and b) RH images from <https://www.same190.com/en/products/product/jammer-solutions-military-equipment-surveillance-systems/jammer-solutions/mobile-jammer/mobile-jammer>, accessed 7 September 2019

## Annex 42: UAV inhibition and jamming system

1. The Panel noted a report in open source media<sup>161</sup> of the presence of an unusual antennae array on the roof of the Tripoli Security Directorate in Libya. The Panel is unconvinced that the array is for the declared purpose of *enhancing communications with the transmitters of the traffic and licensing unit in Tripoli*, as the antennae are not the type normally used for law enforcement high frequency (HF) or very high frequency (VHF) communications.
2. The suspicious antennae array consists of a V-dipole antenna and a flat plate antennae facing skywards, all connected to the base equipment by, probably, eight coaxial cables. This particular antennae array shares many characteristics with those used for the inhibition and jamming of UAV or UCAV, an example being the Gergedan IHA Anti Drone and RCIED Jammer System manufactured by Aselsan A.S. ([www.aselsan.com.tr](http://www.aselsan.com.tr)), see figures 42.1 to 42.4.

Image 42.1

**GNA ECM equipment on Tripoli Security Directorate (3 August 2019)**



Image 42.2

**ECM equipment from manufacturers website**



Note virtually identical angle and length of V-Pole antennae.

<sup>161</sup> <https://www.libyaobserver.ly/inbrief/tripoli-security-directorate-denies-installation-drone-antenna-over-its-building>. Accessed 5 August 2019.

Image 42.3

**GNA ECM equipment on Tripoli Security Directorate (3 August 2019)**

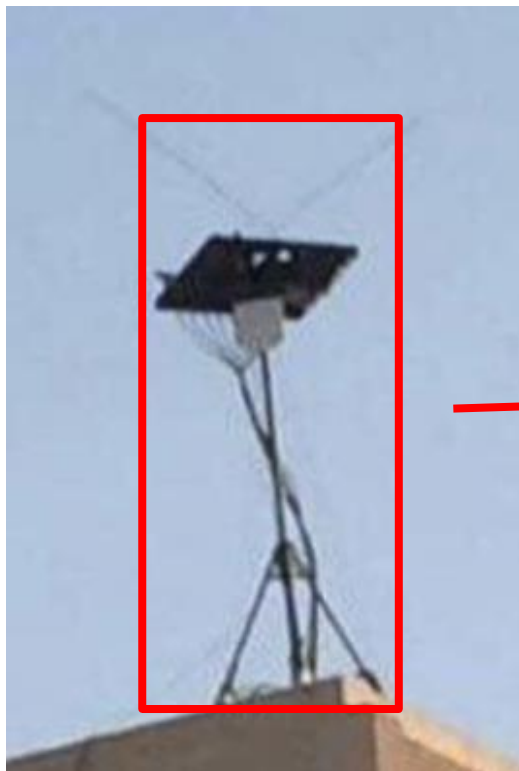
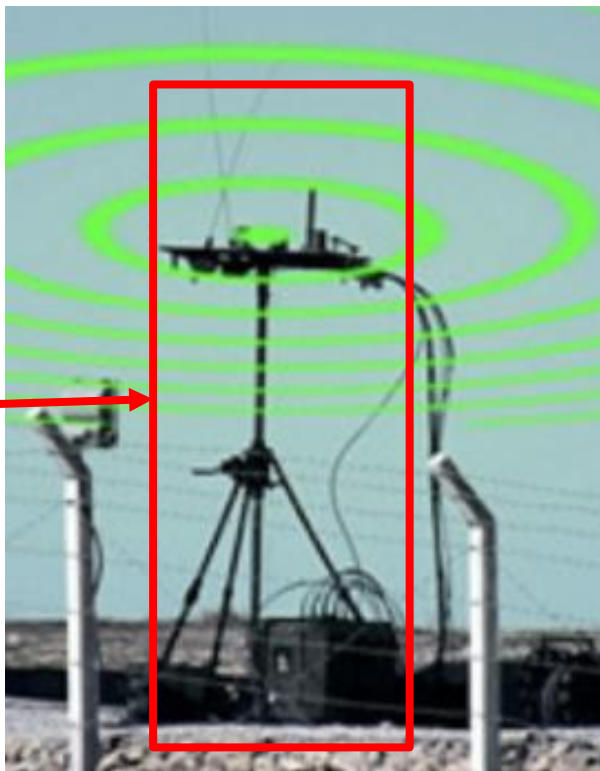


Image 42.4

**ECM equipment from manufacturers website**



Note the similarity in the plate antenna and tripod.

Sources: 1) LH images from <https://www.libyaobserver.ly/inbrief/tripoli-security-directorate-denies-installation-drone-antenna-over-its-building>. Accessed 5 August 2019; and 2) RH images from Comparison source: Gergedan IHA Anti Drone RCIED Jammer System. [https://www.aselsan.com.tr/GERGEDANIHA\\_AntiDrone\\_Rcied\\_Jammer\\_System\\_4224.pdf](https://www.aselsan.com.tr/GERGEDANIHA_AntiDrone_Rcied_Jammer_System_4224.pdf). Accessed 5 August 2019.

3. The Panel consulted with independent ECM specialists<sup>162</sup> who confirmed that this system was very likely designed primarily for the inhibition and jamming of UAVs.
4. The Panel considers that, as this inhibition and jamming system has clear military utility, being specifically designed to decoy or down UAV and UCAV by the emission of active electromagnetic signals, it falls within the category of military equipment pursuant to paragraph 9 of resolution [1970 \(2011\)](#).

<sup>162</sup> <https://solutions-ew.com>.

### Annex 43: HAF military training in Jordan

1. A wide range of recent open source imagery (see images 43.1 to 43.6) dated 26 April 2019 showed imagery of individuals from the HAF Tariq Bin Ziyad battalion graduating from a recent military training course(s) at the Prince Hashem bin al Hussein School for Special Operations.<sup>163</sup>
2. The training was visited by general Khayri al Tamimi, Head of the HAF general commander's office (shown circled in images 43.1 and 43.3).

Image 43.1  
Jordanian SOF Officers accompany general Khayri al Tamimi



Image 43.2  
Vehicle checkpoint (VCP) drills



Image 43.3  
HAF general Khayri al Tamimi meets students



Image 43.4  
Confidence training



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[https://ipfs.io/ipfs/QmXoyvizjW3WknFiJnKLwHCnL72vedxjQkDDP1mXW06uco/wiki/Joint\\_Special\\_Operations\\_Command\\_\(Jordan\).html](https://ipfs.io/ipfs/QmXoyvizjW3WknFiJnKLwHCnL72vedxjQkDDP1mXW06uco/wiki/Joint_Special_Operations_Command_(Jordan).html).

Geo-coordinates: 32°0'55"N 36°7'49"E.



Image 43.5  
Prisoner handling training



Image 43.6  
Unarmed combat training



Sources: 1) <https://twitter.com/Oded121351/status/1122025974743302145/photo/1>; 2) [https://m.facebook.com/story.php?story\\_fbid=847197048962469&id=253215761693937](https://m.facebook.com/story.php?story_fbid=847197048962469&id=253215761693937); 3) <https://alurdunyya.net/2757>; [https://m.facebook.com/story.php?story\\_fbid=1187692564722517&id=258861140939002](https://m.facebook.com/story.php?story_fbid=1187692564722517&id=258861140939002); 4) <https://www.libyaakhbar.com/libya-news/929549.html>; 5) <https://www.alderaaah-news.net/world/4693555/الليبيين-الضباط-يتقعد-التميمي-اللواء>; and 6) <https://mena-monitor.org/news/الليبيين-الضباط-يتقعد-التميمي-اللواء>. Accessed 27 April 2019.

3. The Panel finds Jordan in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military support to HAF.

## Annex 44: Operational military aviation assets

1. The panel is compiling an analysis of the current military aviation assets of the GNA-AF and HAF. The data, which is at tables 44.1 and 44.2 is not yet exhaustive as research continues. Aircraft shown in *red italics* have been damaged or destroyed since the start of the conflict on 4 April 2019.

Table 44.1  
GNA-AF operational military aviation air assets

<i>Type</i>	<i>Model</i>	<i>Tail #</i>	<i>Serial #</i>	<i>Construction #</i>	<i>Last seen</i>	<i>Remarks</i>
Transport Helicopter	Mi-2	06		529946106	Jun 2018	▪
	Mi-2	86		529913086	Aug 2018	▪
	Mi-8	1464 <sup>a</sup>			2016	▪ From Egypt.
	Mi-8					▪
	Mi-171E	7304		171E00196137304U	Apr 2019	▪ Ex-Air Transport Europe, Slovakia.
	Mi-171E	7305		171E00196137304U	Apr 2019	▪ Ex-Air Transport Europe, Slovakia.
	<i>CH-47 Chinook</i>		<i>LC010</i>		<i>Aug 2018</i>	▪ <i>Damaged on 4 Apr 2019.</i> <sup>b</sup>
Attack Helicopter	Mi-24	918			Apr 2019	▪
	Mi-24	962			Apr 2019	▪
	Mi-35 <sup>c</sup>	954				▪ From Sudan.
	Mi-35	959				▪
	KA50/52 Alligator/Hokum				Possible	▪ Single source
Fighter Ground Attack	<i>Mirage F-1AD</i>	<i>403</i>			<i>Apr 2019</i>	▪ Crashed on 24 April 2019 due to engine failure
	<i>Mirage F-1ED</i>	<i>501</i>			<i>May 2019</i>	▪ Shot down May 2019. <sup>c</sup>

<i>Type</i>	<i>Model</i>	<i>Tail #</i>	<i>Serial #</i>	<i>Construction #</i>	<i>Last seen</i>	<i>Remarks</i>
	<i>Mirage F-1ED</i>	<i>508</i>			<i>Apr 2019</i>	▪ Cannibalized at Misrata.
	Mirage F1-BD	205 ?				▪ Missing parts and need engine. At Mitiga.
	MiG-23MLD	117		2960326117/18125	Apr 2019	▪ Tripoli military parade. Probably ex-6117.
	MiG-23MLD	474		2960326474/18418	Apr 2019	▪ Probably ex-6474.
	MiG-23U	8212			Apr 2019	▪
	MiG-23	7202			Apr 2019	▪
Ground Attack	<i>G2A-E Galeb</i>	116			<i>Apr 2019</i>	▪ One shot down on 4 July 2019. Registration number not yet known
	G2A-E Galeb	134			Apr 2019	▪
	G2A-E Galeb	173	10173		Sep 2018	▪
	G2A-E Galeb	182	10182		Feb 2019	▪
	G2A-E Galeb	187	10187		Apr 2019	▪
	G2A-E Galeb	205	10205		Apr 2019	▪
	G2A-E Galeb	207	10207		Apr 2019	▪
Trainer / Ground Attack	Aero L-39C Albatross	1102			Apr 2019	▪
	Aero L-39C Albatross	1108			Apr 2019	▪
	Aero L-39C Albatross	1939		131939	Apr 2019	▪
	Aero L-39C Albatross	1941			Apr 2019	▪
	Aero L-39C Albatross	3602			Apr 2019	▪
	<i>Aero L-39C Albatross</i>	<i>3605</i>			<i>Jul 2019</i>	▪ One shot down on 4 July 2019. <sup>g</sup> ▪ Registration number not yet known.
	<i>Aero L-39C Albatross</i>	<i>9440</i>			<i>Aug 2019</i>	▪ One destroyed at Misrata on 7 Aug 2019. <sup>h</sup>
	Aero L-39C Albatross	9441		931441	Apr 2019	▪
	<i>Aero L-39C Albatross</i>	<i>9443</i>		<i>931443</i>	<i>Apr 2019</i>	▪ One shot down on 10 April 2019. Registration number not yet known.

<i>Type</i>	<i>Model</i>	<i>Tail #</i>	<i>Serial #</i>	<i>Construction #</i>	<i>Last seen</i>	<i>Remarks</i>
	<i>Aero L-39C Albatross</i>	9445			<i>Apr 2019</i>	<ul style="list-style-type: none"> <li>▪ One crashed due to engine malfunction. Registration number not yet known.</li> <li>▪</li> </ul>

<sup>a</sup> Reported in paragraph 134 to [S/2016/209](#).

<sup>b</sup> <https://medium.com/war-is-boring/libyas-chinook-helicopters-are-old-as-hell-97595e4e94ca>. Accessed 24 July 2019.

<sup>c</sup> Reported in paragraph 85 to [S/2014/106](#).

<sup>d</sup> <https://twitter.com/Oded121351/status/1120921862039642112>. Accessed 25 April 2019.

<sup>e</sup> <https://www.independent.co.uk/news/world/middle-east/libya-national-army-pilot-portugal-captured-tripoli-fighter-jet-lna-a8903176.html>. Accessed 24 July 2019.

<sup>f</sup> <https://thedefensepost.com/2019/07/05/libya-lna-l-39-downing/>. Accessed 24 July 2019.

<sup>g</sup> <https://twitter.com/BabakTaghvaaee/status/1147109862532423680>.

<sup>h</sup> <https://www.egypttoday.com/Article/2/73685/LNA-destroys-fighter-jet-on-Misrata-Airport-runway>.

Table 44.2  
HAF operational military air assets

<i>Type</i>	<i>Model</i>	<i>Tail #</i>	<i>Serial #</i>	<i>Construction #</i>	<i>Last seen</i>	<i>Remarks</i>
Transport Helicopter	Mi-2	23			Sep 2018	▪
	Mi-2	057		5410225057		▪ Ex Sudan 373.
	Mi-2	089			Oct 2017	▪
	Mi-8/17				May 2018	▪
	Mi-8/17				May 2018	▪
	Mi-8/17				May 2018	▪
Utility Helicopter	AW-109	5A-DTJ			May 2018	▪
Attack Helicopter	Mi-24P	785	2175 <sup>a</sup>		Feb 2019	▪
	Mi-24P	353 <sup>b</sup>			Apr 2019	▪ Painted grey.
	Mi-35P	193			July 2019	▪ Painted grey.
Fighter Ground Attack	MiG-23UB	8008 <sup>c</sup>			July 2019 <sup>d</sup>	▪
	MiG-23UB	7502 <sup>e</sup>			Aug 2019	▪ Two seater. Possibly above.
	Mig-23BN	4136			Aug 2019	▪ Maintenance in Labraq. <sup>f</sup>
	MiG-21F <sup>g</sup>	243 <sup>h</sup>			Apr 2019	▪ Eight MiG-21 delivered from Egypt pre-Mar 2015. ▪
	Mig-21UM				Apr 2019	▪
	<i>Mig-21F</i>	<i>404<sup>i</sup></i>		<i>75066404</i>	<i>Apr 2019</i>	▪ <i>One shot down on 14 Apr 2019.<sup>k</sup></i> ▪ <i>Registration number not confirmed.</i>
	<i>Su-22UM-3K</i>	<i>16</i>			<i>Apr 2019</i>	▪ <i>Al-Watyah.<sup>l</sup></i>
	<i>Su-22UM-3K</i>	<i>23</i>			<i>Oct 2019</i>	▪ <i>One destroyed at Al-Watyah on 19n June 2019.<sup>m</sup> Other over Tripoli on 10 October 2019.<sup>n</sup></i>
	<i>Mirage F-1AD</i>	<i>402</i>			<i>Apr 2019</i>	▪ <i>Needs major inspection and is not flying.</i>
	<i>Mirage F-1ED</i>	<i>515</i>				▪ <i>Needs major inspection and is not flying.</i>

<i>Type</i>	<i>Model</i>	<i>Tail #</i>	<i>Serial #</i>	<i>Construction #</i>	<i>Last seen</i>	<i>Remarks</i>
Ground Attack	IOMAX Archangel <sup>p</sup>	2282			Jul 2016	<ul style="list-style-type: none"> <li>▪ From UAE.</li> <li>▪</li> <li>▪</li> <li>▪</li> <li>▪ <i>Destroyed May 2019.</i></li> <li>▪ <i>Destroyed May 2019.</i></li> </ul>
	IOMAX Archangel					▪
	IOMAX Archangel					▪
	IOMAX Archangel					▪
	<i>IOMAX Archangel</i>					▪ <i>Destroyed May 2019.</i>
Trainer / Ground Attack	Aero L-39C Albatross <sup>q</sup>	N393WA	533623		May 2018	<ul style="list-style-type: none"> <li>▪ Operated by Sonnic S.A.<sup>r</sup></li> <li>▪ Was last seen in 2018 demilitarized.</li> </ul>
	<i>Aero L-39C Albatross<sup>s</sup></i>	<i>9444</i>			<i>Jul 2019</i>	<ul style="list-style-type: none"> <li>▪ Emergency landing in Tunisia on 22 July 2019.</li> </ul>
Trainer	Marchetti SF-260WL	310		29-004		<ul style="list-style-type: none"> <li>▪</li> </ul>

<sup>a</sup> Reported in paragraph 122 to [S/2017/446](#).

<sup>b1)</sup> [https://twitter.com/Arn\\_Del/status/1119000886041292801](https://twitter.com/Arn_Del/status/1119000886041292801). Accessed 18 April 2018. and 2) [https://twitter.com/aldin\\_ww](https://twitter.com/aldin_ww) Accessed 20 April 2018.

<sup>c</sup> <https://libya.liveuamap.com/en/2019/13-april-video-preparations-of-lna-air-force-today-for-strikes>. Accessed 13 April 2019; and <https://twitter.com/SaharaNws/status/1153608120708542464/photo/1> Accessed 22 July 2019.

<sup>d</sup> Coordinates 29°11'59.43"N, 16°00'18.75"E. Jufra Airbase.

<sup>e</sup> <https://twitter.com/Mansourtalk>. Accessed 21 April 2019.

<sup>f</sup> <https://twitter.com/Oded121351/status/1155695244828205057>. Accessed 4 August 2019.

<sup>g</sup> Reported in paragraph 135 and annex 28 to [S/2016/209](#).

<sup>h</sup> [https://twitter.com/lna\\_not](https://twitter.com/lna_not). 10 April 2019.

<sup>j</sup> [https://twitter.com/lna\\_not](https://twitter.com/lna_not). 9 April 2019.

<sup>k</sup> <https://southfront.org/pro-gna-forces-shot-down-mig-21-of-libyan-national-army-near-tripoli/>. Accessed 26 July 2019.

<sup>l</sup> <https://twitter.com/search?q=aldin&src=typd>. 19 April 2019.

<sup>m</sup> <https://twitter.com/Oded121351/status/1154735525393252352>. Accessed 26 July 2019.

<sup>n</sup> <https://www.marsad.ly/en/2019/10/09/libyan-army-downs-warplane-for-haftars-forces-in-southern-tripoli/>. Accessed 11 October 2019.

<sup>p</sup> Reported in paragraph 128 to [S/2017/446](#) as AT-802i.

<sup>q</sup> Reported in paragraph 92 and annex 28 to [S/2018/812](#).

<sup>r</sup> Now <http://www.sipj.net>.

<sup>s</sup> Reported in paragraph 92 and annex 28 to [S/2018/812](#).

## Annex 45: Operational unmanned (combat) aerial vehicle (UAV and UCAV) assets

1. The panel has compiled an analysis of the current UAV and UCAV assets of the GNA-AF and HAF. The data, which is at tables 45.1 and 45.2 is not yet exhaustive as research continues. UAV/UCAV shown in *red italics* have been damaged or destroyed since the start of the conflict on 4 April 2019.

Table 45.1  
GNA-AF operational UAV/UCAV assets

<i>Type</i>	<i>Model</i>	<i>Tail #</i>	<i>Serial #</i>	<i>Last seen</i>	<i>Remarks</i>
Unmanned Combat Aerial Vehicle (UCAV)	<i>Bayraktar TB2</i>			<i>Jun 2019</i>	▪ UCAV destroyed at Mintage on 6 Jun 2019. <sup>a</sup>
	<i>Bayraktar TB2</i>			<i>Jun 2019</i>	▪ One destroyed at Mitiga on 6 Jun 2019. <sup>b</sup>
	<i>Bayraktar TB2</i>			<i>Jun 2019</i>	▪ UCAV destroyed at Mitiga on 30 Jun 2019. <sup>c</sup>
	<i>Bayraktar TB2</i>			<i>Jul 2019</i>	▪ Report of 6 Jul 2019 stated four UCAV destroyed. <sup>d</sup> Details not known.
	Bayraktar TB2			Jul 2019	▪ 8 x UCAV delivered 3 - 6 Jul 2019. Highly likely by Sky Aviatrans IL-76 (UR-COZ).
	<i>Bayraktar TB2</i>			<i>Jul 2019</i>	▪ UCAV destroyed on 22 Jul 2019. Details TBC.
	<i>Bayraktar TB2</i>			<i>Jul 2019</i>	▪ Report of 31 Jul 2019 now claims 8 UCAV destroyed. <sup>e</sup>
	<i>Bayraktar TB2</i>			<i>Jul 2019</i>	▪ Ibid
	<i>Bayraktar TB2</i>			<i>Jul 2019</i>	▪ Ibid
	<i>Bayraktar TB2</i>			<i>Aug 2019</i>	▪ UCAV destroyed near Sirte on 3 Aug 2019. <sup>f</sup>
	<i>Bayraktar TB2</i>			<i>Aug 2019</i>	▪ Reported destroyed near Al Nimwah air base on 5 Aug 2019. <sup>g</sup>
Unmanned Aerial Vehicle (UAV)	Bayraktar TB2			Jul 2019	▪
	<i>Bayraktar TB2</i>			<i>Oct 2019</i>	▪ Near Misrata.
	Orbiter 3				▪ Three alleged donated by Turkey.
	<i>Orbiter 3</i>			<i>Jul 2019</i>	▪ UAV destroyed on 29 Jul 2019. <sup>h</sup>
	<i>Orbiter 3</i>			<i>Jul 2019</i>	▪ UAV destroyed on 31 Jul 2019. <sup>j</sup>



<i>Type</i>	<i>Model</i>	<i>Tail #</i>	<i>Serial #</i>	<i>Last seen</i>	<i>Remarks</i>
	Possible Vestel Karayel				<ul style="list-style-type: none"> <li>▪ Imagery limited.<sup>k</sup></li> <li>▪</li> </ul>

<sup>a</sup> <https://www.egypttoday.com/Article/1/71282/Libyan-army-destroys-2nd-Turkish-drone-at-Mitiga-Int-1>. Accessed 24 July 2019.

<sup>b</sup> Ibid.

<sup>c</sup> <https://www.express.co.uk/news/world/1147321/turkey-news-libya-civil-war-Khalifa-Haftar-Recep-Tayyip-Erdogan-world-war-3>. Accessed 24 July 2019.

<sup>d</sup> 1) <https://aawsat.com/english/home/article/1801511/Ina-sarraj-seeking-weapons-turkey-compensate-militia-losses>; and 2) <https://www.egypttoday.com/Article/1/71282/Libyan-army-destroys-2nd-Turkish-drone-at-Mitiga-Int-1>. Accessed 24 July 2019.

<sup>e</sup> <https://m.aawsat.com/english/home/article/1837556/libya's-sarraj-admits-receiving-arms-turkey>. Accessed 31 July 2019.

<sup>f</sup> <https://twitter.com/libyaalahrartv/status/1157625597687939072?s=12>. Accessed 4 August 2019.

<sup>g</sup> <https://www.alaraby.co.uk/english/indepth/2019/8/21/the-significance-of-drones-in-the-libyan-conflict>. Accessed 5 September 2019.

<sup>g</sup> <https://twitter.com/BabakTaghvaei/status/1155930634000318464>. Accessed 29 July 2019

<sup>h</sup> [https://twitter.com/Mansourtalk/status/1156901216762421248?ref\\_](https://twitter.com/Mansourtalk/status/1156901216762421248?ref_). Accessed 8 August 2019

<sup>j</sup> <https://twitter.com/Oded121351/status/1146768533281497093>. Accessed 7 August 2019.

Table 45.2  
**HAF operational UAV/UCAV assets**

<i>Type</i>	<i>Model</i>	<i>Tail #</i>	<i>Serial #</i>	<i>Last seen</i>	<i>Remarks</i>
Unmanned Combat Aerial Vehicle (UCAV)	<i>Wing Loong II UCAV</i>				<ul style="list-style-type: none"> <li>▪ Maintained and operated by UAE. Two identified on satellite image of 23 Jul 2016, IHS 1650890, CNES. Possible up to eight deployed, but unconfirmed.</li> </ul>
	<i>Wing Loong II UCAV</i>			<i>Aug 2019</i>	<ul style="list-style-type: none"> <li>▪ UCAV destroyed near Abugrein on 3 Aug 2019.<sup>a</sup> Probably at 31°19'21.10"N, 15°16'25.32"E.</li> </ul>
	<i>Wing Loong II UCAV</i>			<i>Oct 2019</i>	<ul style="list-style-type: none"> <li>▪ Near Tripoli</li> </ul>
Unmanned Aerial Vehicle (UAV)	<i>Yabhon-HMD</i>			<i>Jun 2019</i>	<ul style="list-style-type: none"> <li>▪ Four captured by GNA at Gharyan on 29 Jun 2019.</li> </ul>
	<i>Yabhon-HMD</i>			<i>Jun 2019</i>	<ul style="list-style-type: none"> <li>▪</li> </ul>
	<i>Yabhon-HMD</i>	<i>25</i>		<i>Jun 2019</i>	<ul style="list-style-type: none"> <li>▪</li> </ul>
	<i>Yabhon-HMD</i>	<i>26</i>		<i>Aug 2019</i>	<ul style="list-style-type: none"> <li>▪ Inspected by Panel on 4 Aug 2019.</li> </ul>
	<i>Possible Orlan-10</i>			<i>Apr 2019</i>	<ul style="list-style-type: none"> <li>▪ Destroyed on 29 Apr 2019 east of Sirte by GNA forces.<sup>b</sup></li> <li>▪</li> </ul>

<sup>a</sup> <https://twitter.com/libyaalahrartv/status/1157625597687939072?s=12>. Accessed 4 August 2019. Well reported.

<sup>b</sup> Twitter, @oded121351. 29 April 2019.

## Annex 46: *Blue Arrow (BA-7) air to surface missile*<sup>164</sup>

1. During the night of 19/20 April 2019, GNA-AF units were attacked by aurally delivered explosive ordnance whilst 28 km along the road heading south west from Al Azizya to Yefren. The Panel obtained from a confidential source, imagery of missile remnants at the scene and this has been used in this analysis.
2. The Panel also has imagery from two other night strikes near Camp Moz<sup>165</sup> and Wadi Rabia, which show similar component types as the Al Azizya strike.<sup>166</sup> Video imagery<sup>167</sup> shows other air attacks on Tripoli, which are almost certainly from air to surface missiles as: 1) the explosive ordnance is in powered flight, indicating a rocket motor; and 2) the missile trajectory is flat, not parabolic, indicating it is operating under guidance and not in free flight.
3. The Panel identified a range of characteristics that are virtually identical to those of the *Blue Arrow* BA-7 (LJ-7) air to surface missile (ASM) or variant (see table 1 and appendix A for the Al Azizya air strike).<sup>168</sup> The Panel has compared the imagery against a range of known ASM and only the BA-7 ASM has the specific characteristics shown in table 46.1.

Table 46.1

### Analysis of recovered components

<i>Images in Annex</i>	<i>Component</i>	<i>Technical comment</i>
A / B	Missile fuselage	▪ Reduction in missile diameter
C / D	Missile fuselage	▪ Eight rearward facing equally spaced securing bolts

4. The only aviation asset currently available to the parties at that time with a known night flying capability were the two HAF Mi-24P attack helicopters. These do not have the capability to fire BA-7 missiles with any degree of accuracy. The BA-7 ASM is ballistically paired<sup>169</sup> to very few delivery

<sup>164</sup> Also see Wing Loong II annex 47.

<sup>165</sup> Near 32°50'47.95"N, 13°16'8.08"E.

<sup>166</sup> Although the Panel is still analysing those images in detail and corroborating the source, the images show other unique characteristics of the BA-7 such as the profile of the rear fins and venturi.

<sup>167</sup> <https://sputniknews.com/middleeast/201904281074523730-air-strike-libya-tripoli/>.

<sup>168</sup> Imagery from Al Azizya air strike on 19/20 April 2019 is at appendix B.

<sup>169</sup> This is a process to integrate the weapons system to an airframe type and then operationally qualify it for use. It requires software upgrades to the delivery system avionics, sighting and release systems to ensure that when the missile is aimed and delivered to a target that it actually follows the correct ballistic trajectory to accurately strike that target. The use of instrumented range facilities is needed for live firing trials to ensure

systems, and it is the technical assessment of the Panel that the weapon system has not been ballistically paired with any of the indigenous aviation assets identified in Libya to date.<sup>170</sup> Such ballistic pairing requires a high level of technical skill, supported by extensive live trials on instrumented ranges to validate the ballistic pairing. No such ranges have ever been identified in Libya.

5. The BA-7 ASM is ballistically paired to fly with the *Wing Loong II* series of unmanned aerial vehicle (UAV) that have been operated in Libya in support of HAF by the United Arab Emirates since 2016.

6. The Panel has written to the United Arab Emirates requesting clarification of the supply chain for this weapon system but has received no response. The Panel thus finds the United Arab Emirates in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military material and support to HAF.

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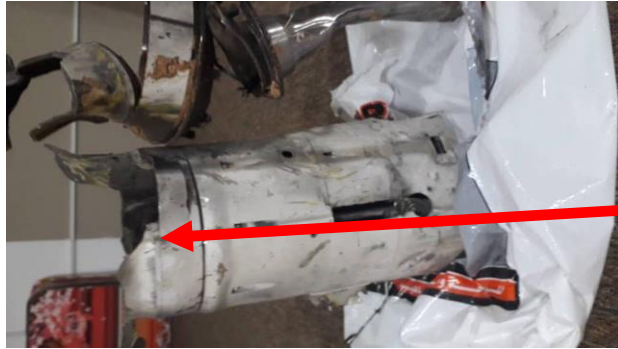
accuracy and confidence in the integrated systems.

<sup>170</sup> See annex 44.

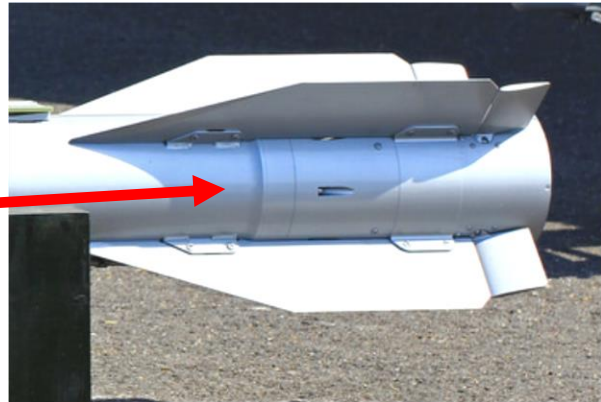
## Appendix A to Annex 46: Imagery analysis (Al Azizya air strike 20 April 2019)

Image A.46.1

### Comparison of remnants against confirmed BA-7



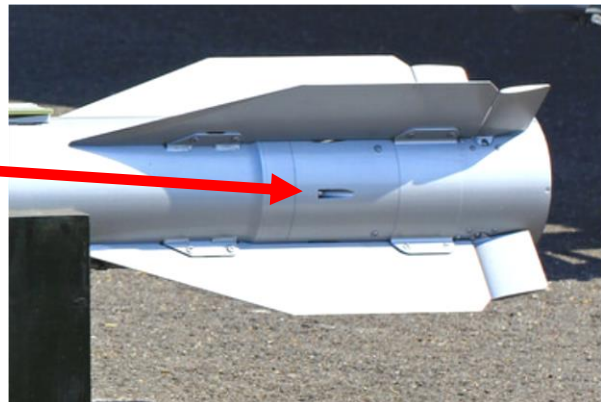
A. Imagery of missile remnant  
Note: Reduction in fuselage diameter (identifiable after “trumpeting” due to impact)



B. BA-7 Missile Paris Air Show  
Note: Reduction in fuselage diameter



C. Imagery of missile remnant  
Note: Rearward facing equally spaced bolt



D. BA-7 Missile Paris Air Show  
Note: One of eight rearwards facing equally spaced bolts

Sources: 1) Confidential source; and 2) Janes IHS Defence.

**Appendix B to Annex 46: Imagery from Al Aziziya airstrike (20 April 2019)**

Image B.46.1

**Still imagery showing of BA-7 Blue Arrow remnants**



Source: Confidential

**Annex 47: UAE *Wing Loong II* UCAV used in support of HAF operations**

1. On 3 August 2019, a crashed *Wing Loong II* UCAV being used in support of HAF operations was located near Abughrayn by GNA-AF (see images 47.1 to 47.4).

Image 47.1  
**Crashed *Wing Loong II* UCAV near Abugrein  
(3 August 2019)**



Image 47.2  
**Ibid**



Image 47.3  
**Ibid**



Image 47.4  
**Ibid**



Sources: 1) <https://twitter.com/libyaalahrartv/status/1157625597687939072?s=12>; and 2) Confidential source.

2. The serial numbers of three *Blue Arrow* (BA-7) ASM located at the crash site were identified from the imagery as: 1) E-111-002 dated 15 September 2015; 2) E-013-002 dated 15 September 2015;

and 3) E-236-001 dated 15 January 2015 (see images 47.5 to 47.7). A tracing request was sent to the country of manufacture.

Image 47.5

**Blue Arrow (BA-7) ASM serial number E-111-002 dated 15 September 2015**



Image 47.6

**Blue Arrow (BA-7) ASM serial number E-013-002 dated 15 September 2015**

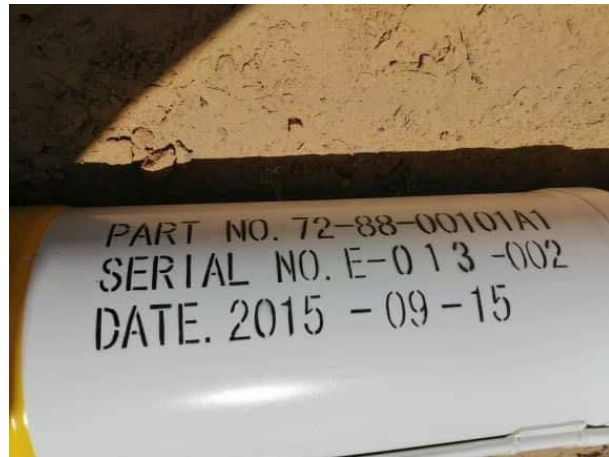


Image 47.7

**Blue Arrow (BA-7) ASM serial number E-236-001 dated 15 September 2015**



Image 47.8

**Blue Arrow (BA-7) ASM at crash site**



Sources: 1) <https://twitter.com/libyaalahrartv/status/1157625597687939072?s=12>; and 2) Confidential source.

3. The Panel has written to the United Arab Emirates requesting clarification of the supply chain for this weapon system but has received no response.



4. The Panel finds the United Arab Emirates in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military material to the HAF.

## Annex 48: Turkish *Bayraktar* TB-2 UCAV operating in support of the GNA

### Operations

3. The Panel became aware of the presence of a medium altitude long endurance UAV being operated in support of the GNA-AF on 14 May 2019 when open source information showed the remnants of a UAV that was downed in the area of Jufra. The first clear video imagery of a UAV operating over Tripoli was posted on social media on 4 June 2019 (figure 48.1), which was of a very different design to the *Wing Loong* II UCAV known to be operating in support of HAF at that time. Confirmatory imagery has appeared widely on social media since, including clear video imagery of a *Bayraktar* TB2 UCAV taxiing on Mitiga international airport runway on 28 August 2019.<sup>171</sup>

Figure 48.1  
Probable HAF *Bayraktar* TB2 UCAV over Tripoli (4 June 2019)



Source: Extracted from video at <https://www.youtube.com/watch?v=Fe-cc6jb5uQ&feature=youtu.be>. Accessed 2 September 2019. Also see: [https://twitter.com/ly\\_box/status/1137857595862130688](https://twitter.com/ly_box/status/1137857595862130688).

2. Until late July 2016 the *Bayraktar* TB2 UCAV operations were primarily against HAF positions on the front line between the two parties around Libya. This was due to their range being line of sight limited to between 150 to 200km. This changed on 26 July 2019 when Jufra air base, which is 360km

<sup>171</sup> <https://www.addresslibya.com/en/archives/49934>.

from Misrata, was attacked and two IL-76TD aircraft were destroyed on the ground.<sup>172</sup> As the strike was obviously conducted using precision guided munitions, and no fixed wing aircraft were identified in the area, this was a very strong indicator that ground based relay units had been placed strategically at the edge of GNA-AF controlled areas. These relay systems would extend the range of a *Bayraktar* TB2 UCAV by another 150km to 200km, thus bringing Jufra within their range.<sup>173</sup>

### Casualty rate

3. HAF has specifically targeted the GNA-AF UCAV capability with some degree of success, but the claimed number of *Bayraktar* TB2 losses (15) now exceeds the twelve reported as been delivered to the GNA-AF. This is illustrative of the major propaganda battle surrounding the “drone war”. Table 48.1 summarises the confirmed and claimed *Bayraktar* TB2 losses to date.

Table 48.1

#### Summary of HAF *Bayraktar* TB2 UCAV destroyed (14 May 2019 to date)

<i>Date</i>	<i>Location</i>	<i>Confirmed</i>	<i>Claimed</i>	<i>Remarks</i>
14 May 2019	Jufra	Imagery <sup>a</sup>		▪
01 Jun 2019	Gharyan		HAF <sup>b</sup>	▪
06 Jun 2019	Mitiga		HAF <sup>c</sup>	▪ Destroyed on ground by FGA.
06 Jun 2019	Mitiga		HAF <sup>d</sup>	▪ Destroyed on ground.
13 Jun 2019	Mitiga		Media <sup>e</sup>	▪ Destroyed on ground. Date TBC.
13 Jun 2019	Mitiga		Ibid	▪ Destroyed on ground. Date TBC.
30 Jun 2019			Media <sup>f</sup>	▪
25 Jul 2019	Jufra	Imagery	HAF <sup>g</sup>	▪
1 Aug 2019	Mitiga		Media <sup>h</sup>	▪ Destroyed on ground.
5 Aug 2019	Al Nimwah		HAF <sup>j</sup>	▪ Destroyed on ground.
3 Sep 2019	Wadi al-Rabie		HAF <sup>k</sup>	▪ Shot down.
13 Sep 2019	Jufra		HAF	▪
13 Sep 2019	Jufra		HAF	▪
13 Sep 2019	Kufru		HAF	▪
19 Oct 2019	Misrata		HAF	▪

<sup>a</sup> Includes <https://www.addresslibya.com/en/archives/45885>. Multiple sources.

<sup>b</sup> <https://aawsat.com/english/home/article/1750766/Ina-announces-downing-turkish-drone-tripoli-battles>.

<sup>172</sup> 1) European Space Imaging Press Release of 3 August 2019. Image of 29 July 2019; and 2) [https://mobile.twitter.com/Arn\\_Del/status/1155525947040378880](https://mobile.twitter.com/Arn_Del/status/1155525947040378880), 28 July 2019; and 3)

<https://www.bloomberg.com/news/articles/2019-07-26/tripoli-government-says-it-struck-haftar-s-main-forward-airbase>. Accessed 2 September 2019.

<sup>173</sup> A confidential source has also confirmed the likely deployment of ground based relay systems.

<sup>c</sup> <https://www.addresslibya.com/en/archives/46875>.

<sup>d</sup> <https://www.addresslibya.com/en/archives/46880>.

<sup>e</sup> <https://www.africaintelligence.com/mce/corridors-of-power/2019/06/13/recep-tayyip-erdogan-s-drones-fly-to-fayez-sarraj-s-rescue.108361236-art>.

<sup>f</sup> <https://www.africaintelligence.com/mce/corridors-of-power/2019/07/04/fayez-sarraj-to-get-eight-more-turkish-drones.108364176-art>.

<sup>g</sup> Includes <https://www.addresslibya.com/en/archives/48741>. Multiple sources.

<sup>h</sup> <https://www.addresslibya.com/en/archives/49064>.

<sup>j</sup> <https://www.alaraby.co.uk/english/indepth/2019/8/21/the-significance-of-drones-in-the-libyan-conflict>.

<sup>k</sup> <https://twitter.com/Oded121351/status/1168782590804971520>.

<sup>l</sup> <http://english.alarabiya.net/en/News/north-africa/2019/09/13/Libyan-army-destroys-Turkish-aircraft-positions-in-Misrata.html>.

## Turkish military support to UCAV operations

4. The Panel noted that in a statement to the media on 6 June 2019, the commander of the HAF air force organization, major general Mohammad Al-Manfour, commented on the presence of thirty Turkish fighters working for militias allied to the GNA-AF.<sup>174</sup> A subsequent more extensive media report<sup>175</sup> on 30 June 2019 produced a list of twenty-one names and imagery of eighteen Turkish passports of a claimed Turkish military support team in Libya led by Major General Irfan Tut Ozert. The other three individuals being from Pakistan. The report also showed imagery from a security camera showing the team checking in to their hotel in Tripoli.

5. Supporting documentation for the media report included a handwritten memo (figure 48.2) allegedly from the GNA Minister of Interior and Defence, Fathi Bashagha, to the immigration authority requesting entry facilitation for five members of the team; but the Panel notes that these names do not match any on the eighteen passport copies published.

6. On 23 July 2019, the Panel met with the Turkish Ministry of Foreign Affairs (MFA) in Ankara, Turkey. The MFA stated that the above event was to review the security of their Embassy, but provided no further details. One of the passports published proved to be of an official at the meeting in Ankara. The Panel assesses that most of the team were deployed to operate and maintain the *Bayraktar* TB2 UCAV. Turkey has yet to respond to the Panel request for clarification.<sup>176</sup>

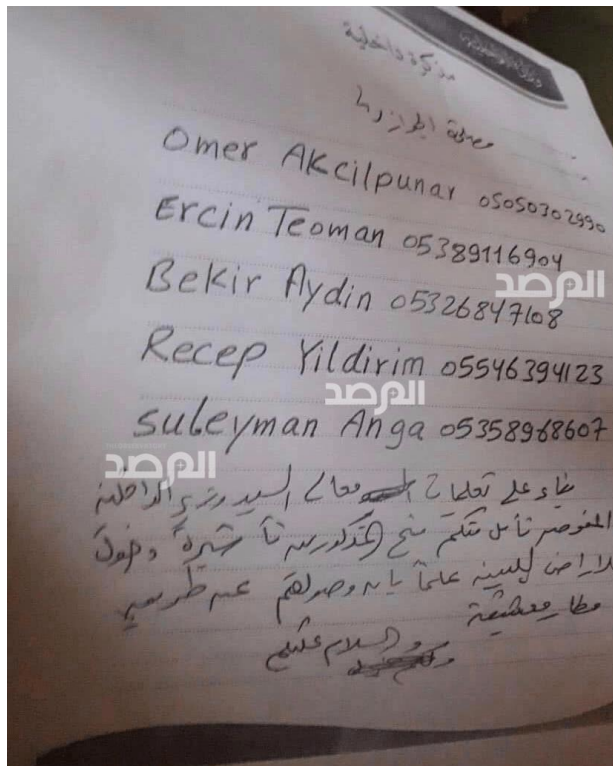
<sup>174</sup> <https://www.addresslibya.com/en/archives/46872>. Accessed 2 September 2019.

<sup>175</sup> <https://almarsad.co/en/2019/06/30/bayraktar-killer-drones-run-by-turkish-military-experts-in-tripoli-exclusive-al-marsad-report/>. Accessed 2 September 2019.

<sup>176</sup> Panel letter of 12 July 2019.

Figure 48.2

**Handwritten note on headed Ministry of Interior paper allegedly from GNA Minister of Interior**



Source: Confidential source.

Figure 48.3

**Panel translation**

On the instructions of the Minister of Interior, please provide the afore mentioned people with access visas to the Libyan territory upon their arrival at Mitiga airport.

7. A subsequent media report claims that further Turkish military personnel arrived at Misrata international airport on 23 August 2019 on board a Libyan Wings commercial flight from Ankara or Istanbul.<sup>177</sup>

8. The Panel has written to Turkey requesting clarification of the supply chain for this weapon system but has received no response.

<sup>177</sup> <https://ahvalnews.com/libya-turkey/mercenaries-arrived-turkey-libyas-misrata-says-lna-spokesperson>.

**Annex 49: Transfer of military material to GNA-AF by UAA P.J.S.C. AN-12**

1. Three Ukrainian registered Antonov AN-12BK aircraft (registrations UR-CAH, UR-CAJ and UR-CNT) and one Ukrainian registered Antonov AN-12BP aircraft (registration UR-CGW) were identified by the Panel operating in support of the GNA-AF as a military cargo aircraft. The aircraft were operated by Ukraine Air Alliance P.J.S.C.<sup>178</sup> of 21 Vozziednannia Avenue, 02154 Kiev, Ukraine, but owned by Cargo Air Chartering<sup>179</sup> of X1-05, SAIF Zone, PO Box 8408, Sharjah, United Arab Emirates.

2. Ukraine Air Alliance P.J.S.C was approached by the Turkish office of ProAir-Charter-Transport GmbH<sup>180</sup> (ProAir Charter) with a proposal for ten charter flights during May and June 2019 to transfer aviation spare parts to Libya. All cargo on these flights was consigned by the Libyan Embassy in Ankara to the Ministry of Interior in Tripoli. The Panel obtained copies of the Air Waybill and Cargo Manifest for ten flights made between 27 May and 16 June 2019 from Istanbul to Misrata by the Antonov AN-12 aircraft (UR-CAH, UR-CAJ, UR-CGW and UR-CNT) that transported 62.5 tonnes of UAV components (see sample at appendix A). The Panel is in the possession of all the other Air Waybills and Cargo Manifests for these flights.

3. On 29 May 2019 the operations department of Ukraine Air Alliance P.J.S.C sent an Email (at 15:53 hours from to specifically instruct ProAir Charter to ensure that the Air Waybills were all clearly and exactly marked in the handling information part of the form as “*NO DG,<sup>181</sup> NO AMMO, NO WEAPON*” (see appendix B). Such information is not routinely submitted, nor required, unless designed to try and disguise the military nature of a cargo. The same Email instructed ProAir Charter to ensure that the nature of the cargo exactly matches “*generator, spare parts, consumer goods etc*” on documentation. The cargo on the flights shown at table 49.1 was all listed as “Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)”. The Panel wrote to Turkey and the GNA-AF requesting clarification of the cargo but received no response.

4. On 29 May 2019 ProAir Charter sent an Email (using same Email addresses) to Ukraine Air Alliance P.J.S.C confirming that “*all unmanned aerial vehicle components (...) are not related to DG, AMMO, WEAPON and dual-use cargo*” (see appendix B). The Panel is unaware of any large commercial unmanned aerial vehicles (UAV) being used by the Ministry of Interior of Libya, and none

<sup>178</sup> <http://www.uaa-avia.com/>.

<sup>179</sup> <http://www.cargoairchartering.aero>.

<sup>180</sup> <https://www.proair.de/en>. Baris Mah, Belediye Cad, Ginza Lavinya Apt 30D, Beylikduzu, Istanbul, Turkey. (Fax: +90 212 872 0780).

<sup>181</sup> Dangerous Goods.

have ever been observed at airports or in flight. The only UAV identified as operating from GNA-AF airfields is the Bayraktar TB2 unmanned combat aerial vehicle (UCAV).

5. The Antonov AN-12 has a load capacity of 20 tonnes, yet the flights listed in table 49.1 were for loads of between 4.1 to 8.9 tonnes, which indicates that the cargo “bulked out” the load compartment before maximum weight could be achieved. This is indicative of large bulky items such as the fuselage or wings of a UAV that are large, yet air filled and relatively light. All flights took place at night between approximately 23:45 hours to 06:30 hours, and the aircraft Mode S transponders were often not seen on commercial aviation tracking websites once the aircraft had left Turkish air space. Both these suggest an attempt to disguise their destination. ProAir Charter also obtained diplomatic clearance from the Ministry of Foreign Affairs of Turkey to fly to Misrata with aviation spare parts. Again this is unusual for a commercial flight.

6. The cargo agent used for all flights was Plures Air Cargo<sup>182</sup> of No 9, Block B3, Egs Business Park, Yeşilköy, Bakırköy, Istanbul, Turkey, who would also certainly have been aware of the true nature of the cargo based on the external packaging. This is the same cargo agent used for the suspicious flights of Ilyushin IL-76TD aircraft (UR-COZ) (see 0 50).

Table 49.1

**Ukraine Air Alliance P.J.S.C. AN-12 aircraft flights using flight number UKL4073 from Ankara to Misrata**

<i>Departure Date</i>	<i>#</i>	<i>Flight</i>	<i>From</i>	<i>To</i>	<i>Mass (tonnes)</i>	<i>Declared Cargo</i>
28 May 2019	UR-CNT	UKL4073	Ankara	Misrata	4.1	<ul style="list-style-type: none"> <li>▪ Drone parts</li> <li>▪ Was initially for 8.9 tonnes but that cargo too big for aircraft.</li> </ul>
29 May 2019	UR-CAJ	UKL 4075	Ankara	Misrata	5.2	<ul style="list-style-type: none"> <li>▪ Furniture parts</li> </ul>
30 May 2019	UR-CGW	UKL4073	Ankara	Misrata	5.2	<ul style="list-style-type: none"> <li>▪ Ground Control Station, Data Terminal System, Aviation Spare Parts, Mobile Tool Case, Drone Fuselage</li> </ul>
30 May 2019	UR-CGW	UKL4073	Ankara	Misrata	6.9	<ul style="list-style-type: none"> <li>▪ Brake Disc Set, Nose Landing Gear, Generator, Wing Pitot, Mechanical Tools</li> </ul>

<sup>182</sup> <https://www.plures.com.tr/en>. Also listed on the Air Waybill as Plures Travel Akt Turizm Kargo Havacilik Insaat TIC Ltd STI, Istanbul, Turkey.

<i>Departure Date</i>	<i>#</i>	<i>Flight</i>	<i>From</i>	<i>To</i>	<i>Mass (tonnes)</i>	<i>Declared Cargo</i>
31 May 2019	UR-CAH	UKL4073	Ankara	Misrata	5.4	▪ Generator, UAV Wing and Tail, Fuelling Station
1 June 2019	UR-CAJ	UKL4073	Ankara	Misrata	4.3	▪ Ground Control Station, UAV Fuselage, Radio Tools
2 June 2019	UR-CAH	UKL4073	Ankara	Misrata	5.3	▪ Generator, UAV Fuselage
15 June 2019	UR-CNT	UKL4082	Ankara	Misrata	6.2	▪ UAV Fuselage, UAV Wing, Ground Data Systems, Spare Parts, Tools
15 June 2019	UR-CAJ	UKL4085	Ankara	Misrata	5.9	▪ Ground Control Stations, Fuelling Station, Spare Parts, Tools
16 June 2019	UR-CAJ	UKL4087	Ankara	Misrata	5.1	▪ Drone Fuselage, Drone Wings, Fuel Station, Tripods, Tools
TOTAL					53.6 tonnes	

7. An analysis of the Cargo Manifests for the above flights identified that components for at least three completeUCAV (table 49.2).

Table 49.2

**Analysis ofUCAV components shipped between 28 May – 16 June 2019.**

<i>Departure Date</i>	<i>#</i>	<i>UAV Fuselage</i>	<i>UAV Wings</i>	<i>Ground Control Station</i>	<i>Data Terminal Station</i>	<i>Other UAV Components</i>
28 May 2019	UR-CNT					1
29 May 2019	UR-CAJ					0
30 May 2019	UR-CGW			1	1	1
30 May 2019	UR-CGW					1
31 May 2019	UR-CAH		1			1
1 June 2019	UR-CAJ	1		1		



<i>Departure Date</i>	<i>#</i>	<i>UAV Fuselage</i>	<i>UAV Wings</i>	<i>Ground Control Station</i>	<i>Data Terminal Station</i>	<i>Other UAV Components</i>
2 June 2019	UR-CAH	1				1
15 June 2019	UR-CNT	1	1			1
15 June 2019	UR-CAJ			1		1
16 June 2019	UR-CAJ	1	1			1
TOTALS		4	3	3	1	9

8. On 30 July 2019, the Aviation Security Council of the Aviation Service of Ukraine issued instructions that banned flights by all Ukrainian registered aircraft from conducting flights into Libya due to “the worsening security situation”.

9. The Panel has written to Turkey, Ukraine Air Alliance P.J.S.C., Pro Air Charter and Plures Air Cargo requesting clarification and further information on the activities of these particular aircraft. Only Ukraine Air Alliance P.J.S.C responded.

10. The Panel finds Turkey, Ukraine Air Alliance P.J.S.C., ProAir Charter and Plures Air Cargo in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for their almost certain involvement in the transfer of military material to the GNA-AF.

**Appendix A to Annex 49: Air freight documentation (example)**

Image A.49.1

**Cargo Manifest (UR-CNT) flight UKL 4073 from Istanbul to Misrata**

**CARGO MANIFEST**

**I.C.A.O. ANNEX 9 APPENDIX 3**

Owner or Operator : UKRAINE AIR ALLAINCE      Date : 27 MAY 2019  
Marks of Nationality : UKRAINE / URCNT      Flight No : UKL4073  
Point of Loading : (ESB) ANKARA      Point of Unloading : (MRA) MISRATA

AWB NO	NUMBER OF PACKAGES	NATURE OF GOODS	GROSS WEIGHT (KG)	FINAL DESTINATION
271 0001 0710	23	DRONE PARTS	4.100	Misrata, Libya
<b>TOTAL</b>		23	4.100	

TRANSFER CARGO

**N . I . L**

SERVICE CARGO

**N . I . L**

*23 pieces 400 kg by air  
Cable company  
Miss hope Dagen  
Sinal No 2155  
M. D. J.*



Source: Confidential.

Image A.49.2  
Air Waybill (UR-CNT) flight UKL 4073 from Istanbul to Misrata

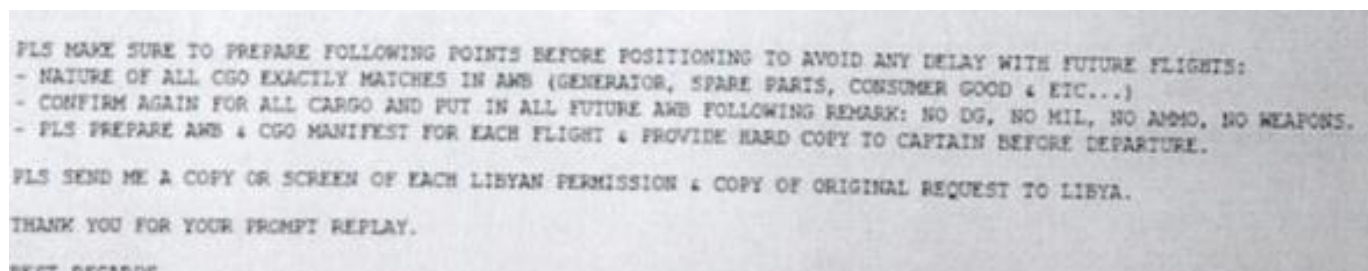
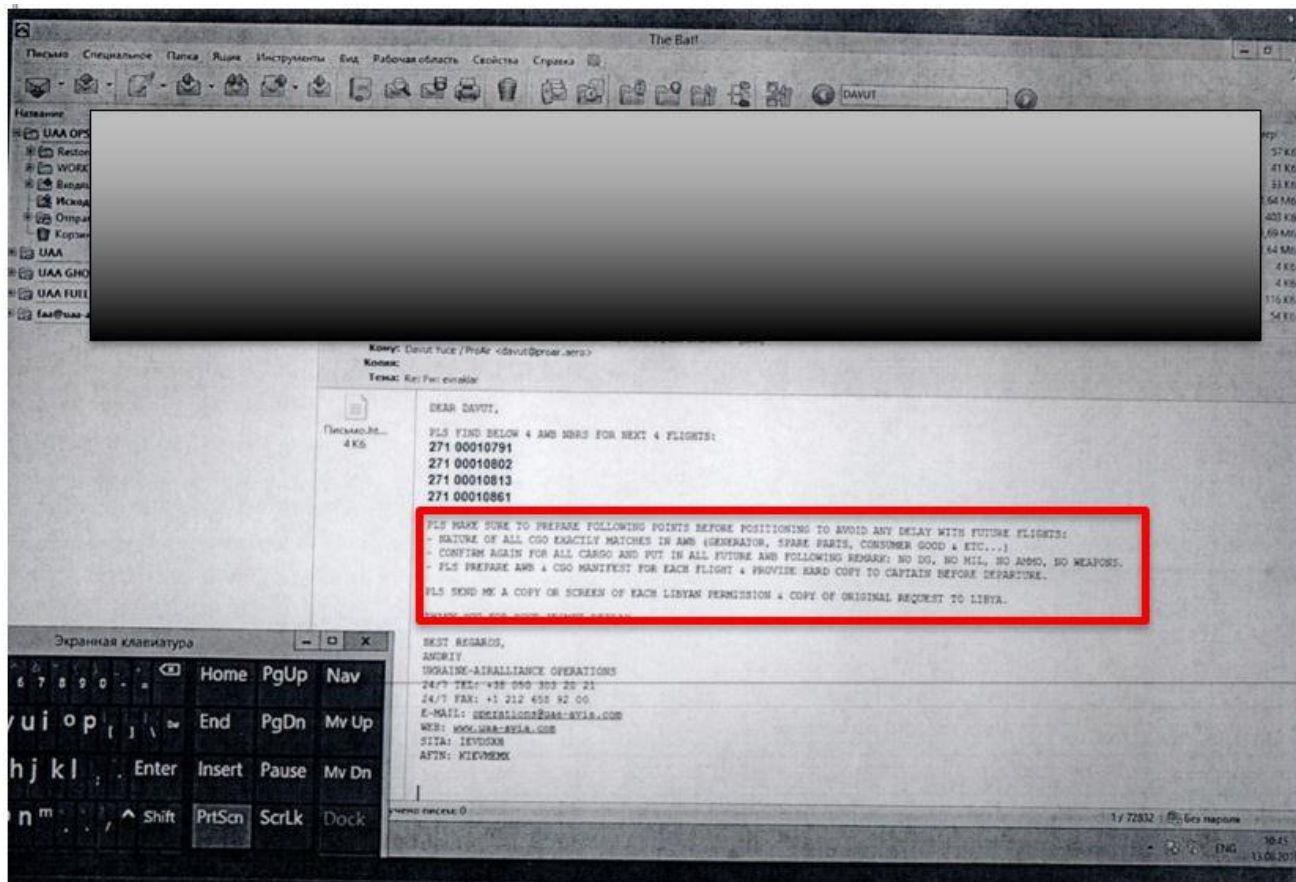
271 IST 0001 0710		271 IST 0001 0710	
Shipper's Name and Address <b>LIBYAN EMBASSY (ANKARA) CINNAH CAD. NO:60 06690 ANKARA / TURKEY</b>		Shipper's Account Number <b>UKRAINE AIR ALLIANCE</b>	
Consignee's Name and Address <b>LIBYA MINISTRY OF INTERIOR TRIPOLI / LIBYA</b>		Not Negotiable <b>Air Waybill</b> Issued by	
Issuing Carrier's Agent Name and City <b>PLURES AIR CARGO ISTANBUL / TURKIYE</b>		Accounting Information <b>///FREIGHT PREPAID///</b>	
Agent's Name and City <b>PLURES AIR CARGO ISTANBUL / TURKIYE</b>		Reference Number <b>0000000000</b>	
Airport of Origin <b>ISTANBUL / TURKIYE</b>		Optional Shipping Information Declared Value for Carriage <b>N.V.D.</b> Declared Value for Customs <b>N.C.V.</b>	
By First Carrier <b>UKRAINE AIR ALLIANCE</b>		Amount of Insurance <b>XXX</b>	
Airport of Destination <b>MISRATA AIRPORT</b>		Insurance - If Carrier offers insurance, and such insurance is requested in accordance with the conditions thereof, indicate amount to be insured in figures in box marked "Amount of Insurance."	
Handling Information <b>NO DG, NO AMMO, NO WEAPON</b>		Nature and Quantity of Goods <b>DRONE PARTS</b>	
No. of Pieces <b>23</b>		Rate Class <b>K Q 4100</b>	
Weight <b>4100.0</b>		Chargeable Weight <b>AS AGREED</b>	
Rate <b>4100.0</b>		Rate Charge <b>AS AGREED</b>	
Prepaid		Collect	
Valuation Charge		Other Charges	
Total Other Charges Due Agent <b>AS AGREED</b>		Shipper certifies that the particulars on the face hereof are correct and that insofar as any part of the consignment contains dangerous goods, such part is properly described by name and is in proper condition for carriage by air according to the applicable Dangerous Goods Regulations.	
Total Other Charges Due Carrier <b>AS AGREED</b>		<b>PLURES AIR CARGO</b>	
Total Prepaid <b>AS AGREED</b>		<b>ISTANBUL / TURKIYE</b>	
Currency Conversion Rates		<b>BAYRAM UZUN</b>	
For Carrier's Use only at Destination		Signature of Shipper or his Agent	
Charges at Destination		<b>PLURES AIR CARGO</b>	
Total Collect Charges		<b>ISTANBUL / TURKIYE</b>	
		<b>27.05.2019</b>	

Source: Confidential.

### Appendix B to Annex 49: Email correspondence

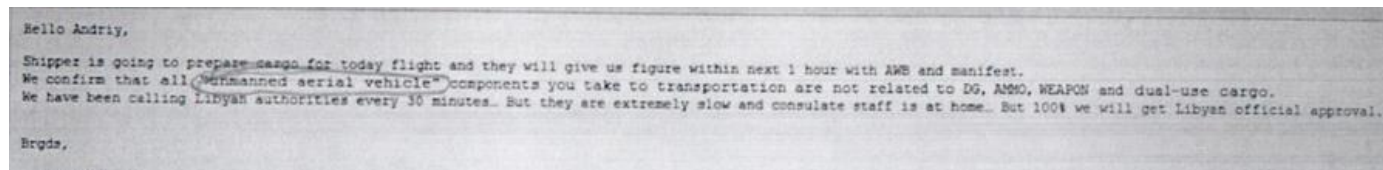
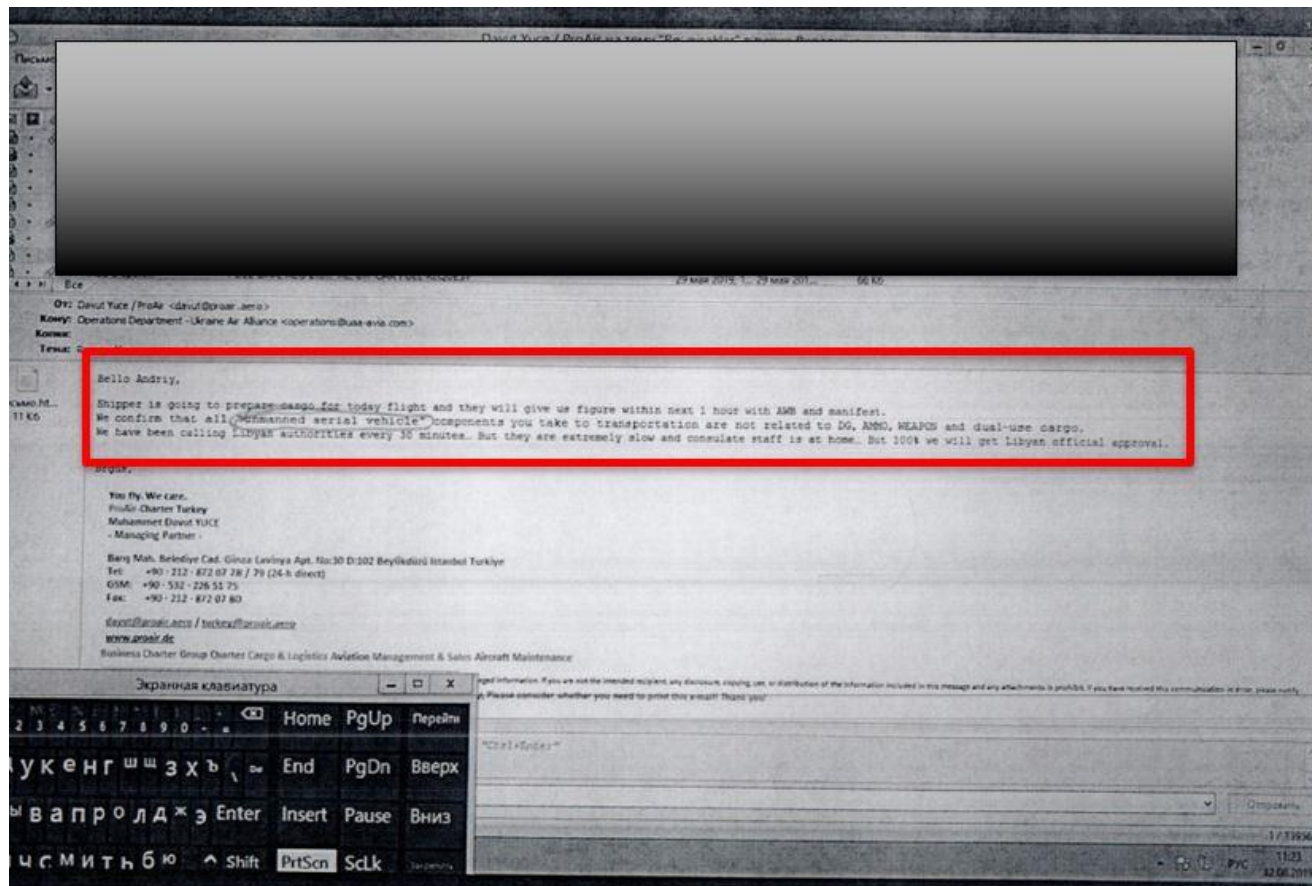
Image B.49.1

### Ukraine Air Alliance P.J.S.C Email to ProAir Charter (29 May 2019)



Source: Confidential.

Image B.49.2  
ProAir Charter Email to Ukraine Air Alliance P.J.S.C (29 May 2019)



Source: Confidential.

**Annex 50: Transfer of military material to the GNA-AF by Sky AviaTrans L.L.C. IL-76**

1. The panel identified a Ukrainian registered Ilyushin IL-76TD (registration UR-COZ) operating in support of the GNA-AF as a military cargo aircraft. The aircraft was operated by Sky AviaTrans L.L.C. of 37/97 Jilanskaya Str, 01033 Kiev, Ukraine,<sup>183</sup> but owned by Volaris Business LP of Suite 4199, 5 Mitchel House, Edinburgh, EH6 7BD.
2. On 1 August 2018 Sky AviaTrans L.L.C. and Volaris Business LP concluded an agreement on the provision of air services, in which Sky AviaTrans L.L.C. would transport cargo for Volaris Business LP. The contract<sup>184</sup> places the onus on Volaris Business LP obtaining the relevant flight documentation, import/export permits and customs clearances, and makes it clear that the aircraft shall not be used to transport military related cargo. The document was signed on behalf of Volaris Business LP by O.M. as a director of the company. O.M. is also listed as an “individual person with significant control” on Form SLP PSC01 received at Companies House, Scotland on 6 June 2018, where Volaris Business LP is registered as a “wholesale” business. The document was signed on behalf of by Sky AviaTrans L.L.C. by O.K. as the Finance Director, as O.M. is also a Director of Sky TransAvia L.L.C.<sup>185</sup>
3. On 4 June 2019 Sky AviaTrans L.L.C. was approached by the Turkish office of ProAir-Charter-Transport GmbH<sup>186</sup> (ProAir Charter) with a proposal for five charter flights during May and June 2019 to transfer car spare parts to Libya. For all these flights the Libyan Embassy in Ankara consigned the cargo to the Ministry of Interior in Tripoli. All the Air Waybills were marked in the Handling Information part of the form as “NO DG,<sup>187</sup> NO AMMO, NO WEAPON”. Such information is not routinely submitted, nor required, unless designed to try and disguise the military nature of the cargo.
4. The Panel obtained examples of the Air Waybill and Cargo Manifest for the flights made between 3 – 21 July 2019 from Ankara to Misrata by the Ilyushin IL-76TD aircraft (UR-COZ) (see sample at appendix A). The Panel is in the possession of all the other Air Waybills and Cargo Manifests for these flights.

<sup>183</sup> <http://skyaviatrans.com.ua/about-us/>. Although their Air Operator Certificate lists a different address of 6 Mykola Shepekliev St, 03062 Kiev, Ukraine. Tel +38 44 287 5707.

<sup>184</sup> No 03-08/18 dated 1 August 2018.

<sup>185</sup> Company directorship identified from the signatory of a letter (reference 164/1) from Sky AviaTrans L.L.C to the Libyan Embassy dated 12 August 2019.

<sup>186</sup> <https://www.proair.de/en>. Baris Mah, Belediye Cad, Ginza Lavinya Apt 30D, Beylikduzu, Istanbul, Turkey. (Fax: +90 212 872 0780).

<sup>187</sup> Dangerous Goods.

5. The cargo on the flights shown at table 50.1 was all listed as “Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)”. The Panel wrote to Turkey and the GNA requesting clarification of the cargo but received no response. The Panel considers it neither realistic nor credible that the GNA would either fly, nor need, a total of 138.1 tonnes of vehicle parts over such a short period, and would be highly unlikely to use such an expensive delivery means. Additionally, it would be unusual to specifically charter an aircraft with a payload of 48 to 52 tonnes dependant on type, and then only use approximately 50% capacity on each flight. The tonnages shipped, if vehicle parts as claimed, would not “bulk out” the cargo space.<sup>188</sup> Thus the veracity of the documentation is not accepted by the Panel as a true reflection of the cargo. Due to the duplicity documentation surrounding these flights, combined with the identity of the consignor and consignee, and the low cargo payloads for the aircraft type the Panel considers that the cargo was military material of high volume and relatively low mass, such as the fuselage and wings of unmanned combat aerial vehicles (UCAV).<sup>189</sup>

6. The cargo agent used for all flights was Plures Air Cargo<sup>190</sup> of No 9, Block B3, Egs Business Park, Yeşilköy, Bakirköy, Istanbul, Turkey, who would also certainly have been aware of the true nature of the cargo based on the external packaging. This is the same cargo agent used for the suspicious flights of Antonov AN-12 aircraft (UR-CAH, UR-CGW and UR-CNT) (see 0 49).

Table 50.1

**Sky AviaTrans IL-76TD (UR-COZ) aircraft flights from Ankara to Istanbul**

<i>Departure Date</i>	<i>#</i>	<i>From</i>	<i>To</i>	<i>Mass (tonnes)</i>	<i>Declared Cargo</i>
3 July 2019	UR-COZ	Ankara (Esenboga)	Misrata	21.2	▪ Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)
3 July 2019	UR-COZ	Ankara (Esenboga)	Misrata	31.1	▪ Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)
4 July 2019	UR-COZ	Ankara (Esenboga)	Misrata	27.5	▪ Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)
5 July 2019	UR-COZ	Ankara (Esenboga)	Misrata	25.1	▪ Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)

<sup>188</sup> The distance from Ankara to Misrata is 1,810km, and the maximum range of a IL-76TD with maximum load of 50 tonnes is 4,000km, so the Panel has discounted any argument that the differential between the actual cargo loads and the maximum cargo load was required for fuel to negate refuelling in Misrata.

<sup>189</sup> Also see allegation in paragraph 7 of <https://www.al-monitor.com/pulse/originals/2019/09/turkey-gulf-libya-is-becoming-a-scene-of-proxy-war.html>, 11 September 2019.

<sup>190</sup> <https://www.plures.com.tr/en>. Also listed on the Air Waybill as Plures Travel Akt Turizm Kargo Havacilik Insaat TIC Ltd STI, Istanbul, Turkey.

<i>Departure Date</i>	<i>#</i>	<i>From</i>	<i>To</i>	<i>Mass (tonnes)</i>	<i>Declared Cargo</i>
6 July 2019	UR-COZ	Ankara (Esenboga)	Misrata	25.1	▪ Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)
21 July 2019	UR-COZ	Ankara (Esenboga)	Misrata	8.1	▪ Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)
TOTAL				138.1 tonnes	

7. On 30 July 2019, the Aviation Security Council of the Aviation Service of Ukraine issued instructions that banned flights by all Ukrainian registered aircraft from conducting flights into Libya due to “the worsening security situation”. Sky AviaTrans L.L.C. obtained an exemption from this instruction and on 5 August 2019 the aircraft was destroyed on the ground at Misrata air academy.

Figure 50.1

**Sky AviaTrans IL-76TD (UR-COZ) destroyed at Misrata (5 August 2019)**



Source: <https://hyser.com.ua/community/105551-molniya-sbit-ukrainskiy-transportnyy-samolet-il-76-otorvalo-hvost-pervye-podrobnosti-chernogo-vtomika>.

8. The Panel has written to Turkey, Volaris Business LP, Sky AviaTrans L.L.C., Pro Air Charter and Plures Air Cargo requesting clarification and further information on the activities of this particular aircraft. Only Sky AviaTrans L.L.C. responded.





9. The Panel finds Turkey, Pro Air Charter and Plures Air Cargo in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for their involvement in the transfer of military material to the GNA.

10. Although the Panel has not found Volaris Business LP and Sky AviaTrans L.L.C. in non-compliance, the companies' system of due diligence requires significant revision. There were enough indicators surrounding these flights to suggest that this contract was not as it seemed (see paragraph 5 above). Even a simple analysis of the declared cargo would have revealed to the company that you cannot physically fit 40 car tyres in a 0.35m x 1.22m x 1.22 m package; the maximum would be 10. Similarly a declared weight of a package of 4,000kg is 3,500kg more than the weight of 40 car tyres.

**Appendix A to Annex 50: UR-COZ sample Cargo Manifest and Air Waybill**

Image A.50.1

**Cargo Manifest (UR-COZ) flight KTR7721 from Ankara to Misrata**

 <p><b>SKYAVIATRANS</b> <b>Cargo Manifest</b> Operator .....SKY..AVIATRANS.....</p>				
<p>Marks of Nationality and Registration <b>UR-COZ</b>.....Flight No.....<b>KTR7721</b>..... Date.....<b>04.06.2019</b></p> <p>Point of Loading.....<b>LTAC - ANKARA</b>.....Point of unloading.....<b>HLMS - MISURATA</b>..... (Place) (Place)</p>				
Air Waybill Number	Number of packages	Nature of goods*	For use by operation only	For official use only
000-1000 0327	37 PCS 27500 KG	SPARE PARTS (MIRRORS, LIGHTS, INDICATORS, BRAKE SYSTEMS, TYRES)	TAYFUN TEKELIOGLU 	SN 0603

*Emhamed Ahamed*  
4/7/2019

Source: Confidential.

Image A.50.2  
 Air Waybill (UR-COZ) flight KTR7721 from Ankara to Misrata <sup>a</sup>

000 ESB 1000 0327		000 ESB 1000 0327	
Shipper's Name and Address <b>LIBYAN EMBASSY (Ankara)                  Cinnah Cad. No:60 06690                  Cankaya - Ankara TURKEY</b>		Shipper's Account Number Not Negotiable <b>Air Waybill</b> Issued by <b>SKY AVIATRANS</b>	
Consignee's Name and Address <b>Libya Ministry of Interior                  Tripoli LIBYA</b>		Consignee's Account Number It is agreed that the goods described herein are accepted in apparent good order and condition (except as noted for carriage) SUBJECT TO THE CONDITIONS OF CONTRACT ON THE REVERSE HEREOF. ALL GOODS MAY BE CARRIED BY ANY OTHER MEANS INCLUDING ROAD OR ANY OTHER CARRIER UNLESS SPECIFIC CONTRARY INSTRUCTIONS ARE GIVEN HEREON BY THE SHIPPER, AND SHIPPER AGREES THAT THE SHIPMENT MAY BE CARRIED VIA INTERMEDIATE STOPPING PLACES WHICH THE CARRIER DEEMS APPROPRIATE. THE SHIPPER'S ATTENTION IS DRAWN TO THE NOTICE CONCERNING CARRIER'S LIMITATION OF LIABILITY. Shipper may waive such limitation of liability by declaring a higher value for carriage and paying a supplemental charge if required.	
Issuing Carrier's Agent Name and City <b>PLURES AIR CARGO</b>		Accounting Information <b>FREIGHT PREPAID</b>	
Agent's IATA Code <b>88-47304-0011</b>		Reference Number Optional Shipping Information	
Airport of Departure (IATA or First Carrier and Requested Routing) <b>ESENBAGA AIRPORT ANKARA</b>		Reference Number Optional Shipping Information	
To By First Carrier <b>MRA SKY AVIATRANS (KTR)</b>		Currency Code <b>USD</b>	
Airport of Destination <b>MISURATA</b>		Declared Value for Carriage <b>N.V.D.</b>	
Flight Number <b>KTR7721</b>		Declared Value for Customs <b>N.C.V.</b>	
Date of Issue <b>04 JUL 19</b>		Amount of Insurance <b>XXX</b>	
Handling Information <b>NO DG, NO AMMO, NO WEAPON</b>			
No of Pieces <b>37</b>		Nature and Quantity of Goods (Spec. Dimensions or Volume) <b>SPARE PARTS                  (MIRRORS,                  LIGHTS,                  INDICATORS,                  BRAKE SYSTEMS,                  TYRES)</b>	
Gross Weight <b>27500</b>		Rate Class <b>Q</b>	
Chargeable Weight <b>27500</b>		Rate <b>AS AGREED</b>	
Total <b>AS AGREED</b>		Total <b>AS AGREED</b>	
Prepaid <b>AS AGREED</b>		Other Charges <b>NOT RESTRICTED</b>	
Weight Charge Collect		Signature of Shipper <b>PLURES TRAVEL AKT TURIZM KARGO HAVACILIK SASAAT TIC LTD STI                  ISTANBUL TURKIYE</b>	
Valuation Charge Tax		Signature of Issuing Carrier or its Agent <b>PLURES AIR CARGO INTERNATIONAL TRADING LTD                  04.07.2019 ANKARA ESENBAGA AIRPORT</b>	
Total Other Charges Due Agent		Executed on _____ (Date) at _____ (Place)	
Total Other Charges Due Carrier		Signature of Issuing Carrier or its Agent	
Total Prepaid <b>AS AGREED</b>		Total collect Charges	
Currency Conversion Rates CC Charges in Dest. Currency		For Carrier's Use only at Destination	
Charges at Destination		ORIGINAL 3 (FOR SHIPPER)	

Source: Confidential.

## Annex 51: Small ISR UAV in Libya

### A. Orbiter-3

1. On 29 July 2019 an unarmed ISR UAV was downed near Surt by GNA-AF.<sup>191</sup> The remnants from the UAV on the imagery analysed by the Panel have characteristics virtually identical to those of the Orbiter-3 UAV variants designed and manufactured by Aeronautics Limited.<sup>192</sup>

Image 51.1 to 51.4

#### Remnants of downed Orbiter-3 UAV



Sources: 1) <https://twitter.com/BabakTaghvae/status/1155930634000318464>, 29 July 2019; and 2) Extract from video imagery at <https://twitter.com/Mansourtalk/status/1156901216762421248>, 1 August 2019.

2. The panel considers that the direct supply of this UAV from the manufacturer, or by the Member State, is unlikely. It is more likely present due to post-delivery diversion by the original purchaser, or subsequent owner, and is certainly a non-compliance with paragraph 9 of resolution 1970 (2011) by the supplier and the GNA-AF. Panel investigations continue and a response from the manufacturer's Member State is awaited.

### B. Orlan-10

3. The remnants shown in images 51.5 to 51.7 are from an unarmed ISR UAV that was downed by militia affiliated to the HAF on the outskirts of Sirte on, or about, 29 April 2019. The UAV is fitted with the same electro-optical payload that has a distinctive array of twelve lens (image 51.7) and has

<sup>191</sup> A second was reportedly shot down near Al-Azizya on 30 July 2019, but the Panel has been unable to obtain imagery to verify this. <https://www.marsad.ly/en/2019/08/08/israel-made-drones-downed-over-libya/>. Accessed 22 August 2019.

<sup>192</sup> <https://aeronautics-sys.com>.

been seen on Orlan-10 UAV recovered from other conflict zones.<sup>193</sup> The remnants shown in images 51.8 to 51.10 are from an unarmed ISR UAV that crashed in Ain Zara and was recovered by the GNA-AF affiliated 27 Brigade on, or about, 20 September 2019. The remnants from the UAV on the imagery of both incidents analysed by the Panel have characteristics virtually identical to those of the *Orlan-10* UAV variants designed and manufactured by the Special Technological Centre,<sup>194</sup> Saint Petersburg, Russian Federation.

Images 51.5 to 51.7

**Remnants of downed Orlan-10 UAV (29 April 2019)** <sup>a b</sup>



Images 51.8 to 51.10

**Remnants of downed Orlan-10 UAV (20 September 2019)** <sup>c</sup>



<sup>a</sup> <https://twitter.com/Oded121351>, 29 April 2019.

<sup>b</sup> [https://twitter.com/imp\\_navigator/status/1123126784059428864](https://twitter.com/imp_navigator/status/1123126784059428864), 30 April 2019.

<sup>c</sup> <https://www.facebook.com/447617966027848/posts/510190706437240/>, 20 September 2019.

<sup>193</sup> Binnie J. *Russian UAV recovered in Libya*. Janes Defence Weekly. 30 April 2019. London.

<sup>194</sup> <https://www.stc-spb.ru>.

4. The panel considers that the direct supply of this UAV from the manufacturer, or by the Member State, is unlikely. It is more likely present due to post-delivery diversion by the original purchaser, or subsequent owner and is certainly a non-compliance with paragraph 9 of resolution 1970 (2011) by the supplier and HAF. Panel investigations continue and a response from the manufacturer's Member State is awaited.

### C. *Mohadjer* variant

5. Images 51.13 is of an unarmed ISR UAV identified in the possession of the HAF in late 2017.<sup>195</sup> The Panel has identified characteristics on the UAV virtually identical to those of a *Mohadjer* UAV variant designed and manufactured by Qods Aviation Industry Company,<sup>196</sup> Tehran, Iran (image 51.14).

Image 51.13  
Mohadjer-10 variant UAV with HAF  
(October 2017)



Image 51.14  
Mohadjer-10 variant UAV manufacturers image  
(October 2017)



Sources: 1) <https://warisboring.com/who-gave-iranian-made-drones-to-libyas-tobruk-regime/>. 16 October 2017 [L]; and 2) <https://thearkenstone.blogspot.com>. Photographer Hossain Zohrevand. [R].

5. The panel considers that the direct supply of this UAV from the manufacturer, or by the Member State, is unlikely. It is more likely present due to post-delivery diversion by the original purchaser, or subsequent owner, or battlefield capture from the GNA-AF. The Islamic State of Iran, in response to Panel enquiries, stated that “(...) similar variants can be easily built by any party who has the necessary knowhow”. Their response did not explicitly deny that the pictured UAV was a *Mohadjer* variant UAV.

<sup>195</sup> [www.africaintelligence.com/MCE/power-brokers/2017/10/05/haftar-s-strage-iranian-drone.108274620-BRC](http://www.africaintelligence.com/MCE/power-brokers/2017/10/05/haftar-s-strage-iranian-drone.108274620-BRC), 5 October 2017. Accessed 22 August 2019.

<sup>196</sup> Now incorporated within the Iran Aviation Industries Organization (IAIO). [www.mod.ir](http://www.mod.ir).

The transfer of the UAV to Libya is certainly a non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) by the HAF and a supplier yet to be identified. Panel investigations continue.

#### D. Yabhon-HMD

6. On 1 June 2019 an unarmed ISR UAV was downed near Surt<sup>197</sup> by the GNA-AF.<sup>198</sup> On 27 June 2019 components for three UAV of the same type were captured by the GNA-AF at Gharyan (image 51.15). From imagery the Panel identified characteristics virtually identical to those of the Yabhon-HMD variant designed and manufactured by Adcom Systems, Mussafah, Abu Dhabi, United Arab Emirates (<https://adcomsystems.weebly.com/>). The Panel wrote to the United Arab Emirates who stated that the imagery was not that of a Yabhon-HMD variant UAV.

7. On 4 August 2019 the Panel inspected remnants from one of these captured UAV, that had been subsequently recovered to Tripoli (images 51.15 to 51.22). The Panel identified characteristics virtually identical to those of the Yabhon-HMD variant, and a parachute and fuel control unit (FCU) designed and manufactured by Adcom Systems, and identified components marked Advanced Target Systems, Abu Dhabi, United Arab Emirates.

Image 51.15  
UAV components captured at Gharyan  
(27 June 2019)



Image 51.16  
UAV inspected by Panel  
(4 August 2019)



Image 51.17  
UAV inspected by Panel  
(4 August 2019)



<sup>197</sup> Video imagery of the UAV immediately after capture is at [https://twitter.com/TurkishAF\\_/status/1135129231367778304](https://twitter.com/TurkishAF_/status/1135129231367778304), 2 June 2019. Accessed 22 August 2019.

<sup>198</sup> A second was reportedly shot down near Al-Azizya on 30 July 2019, but the Panel has been unable to obtain imagery to verify this. <https://www.marsad.ly/en/2019/08/08/israel-made-drones-downed-over-libya/>. Accessed 22 August 2019.

Image 51.18  
Parachute marked ATS, Abu Dhabi

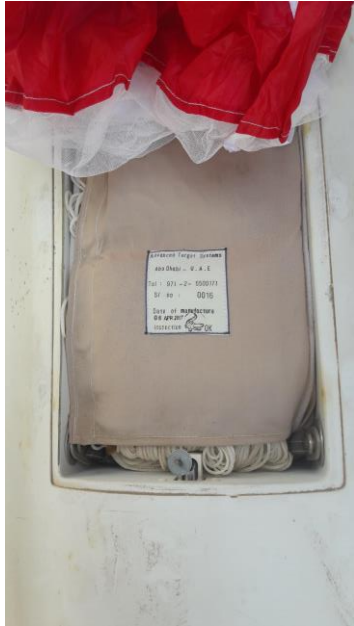


Image 51.19  
Enhanced image of parachute markings

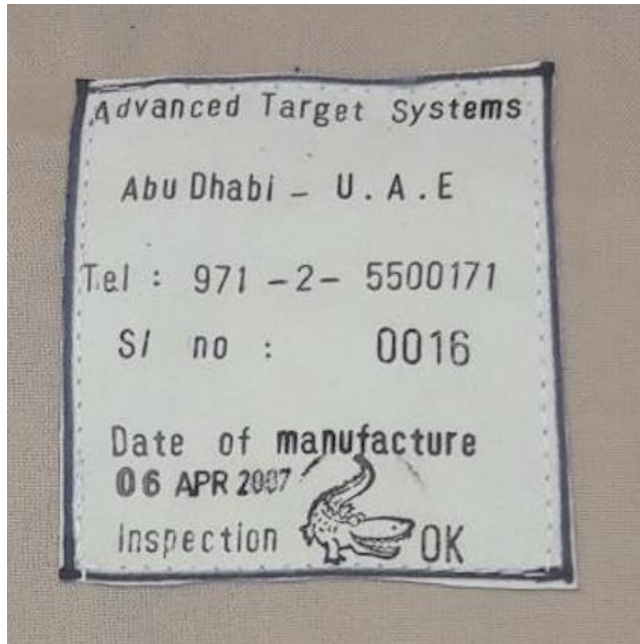


Image 51.20  
ATS Fuel Control Unit  
Serial Number N2 039

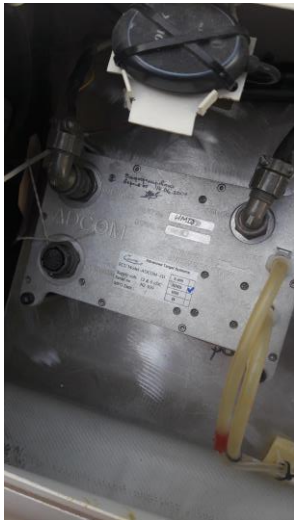


Image 51.21  
ATS RF Transceiver 1/5U  
Serial Number RT 2027

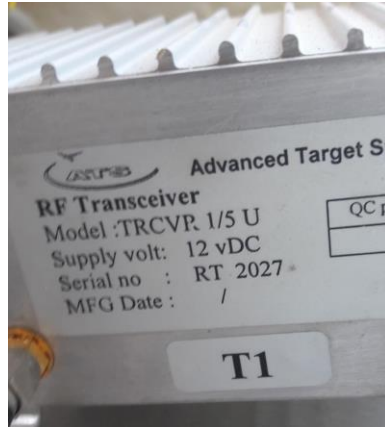


Image 51.22  
ATS Servo Control Unit



Sources: 1) 51.15 from <https://twitter.com/Oded121351/status/1144301014771818501>, 27 June 2019. Accessed 22 August 2019; and 2) Images 51.16 to 51.22 taken by Panel. 4 August 2019.



8. The Panel challenges the initial assessment of the United Arab Emirates, and in light of the additional evidence finds that these UAV are almost certainly a variant of the Yabhon-HMD UAV. The Panel finds that the transfer of this UAV type to Libya is a non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) by HAF and a supplier yet to be confirmed. Panel investigations continue.

### E. Sea Cavalry SD-60B

9. The Panel identified from open source information<sup>199</sup> that a UAV was captured near Benina, Libya on 17 August 2019 by HAF. The remnants from the UAV on the imagery analysed by the Panel (images 51.23 and 51.24) have characteristics very similar to those of the Sea Cavalry SD-60B UAV designed and manufactured by Xiamen Hanfeiyang Aviation Technologies (probably also trading as Xiamen Han's Eagle Aviation Technology Company Limited)<sup>200</sup> (image 51.25).

Image 51.23  
UAV captured near Benina (17 August 2019)

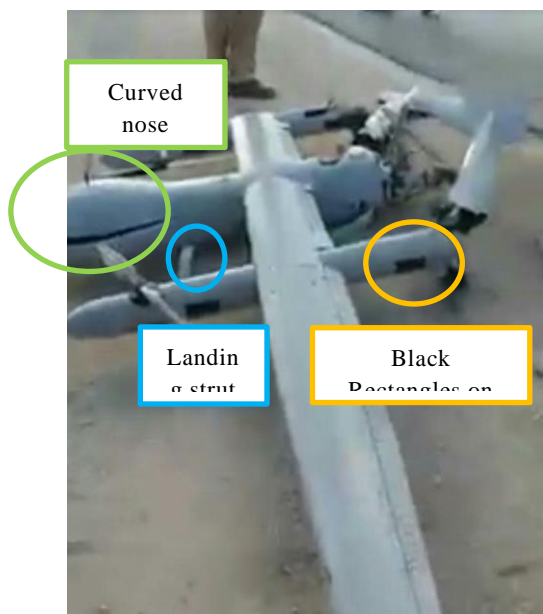
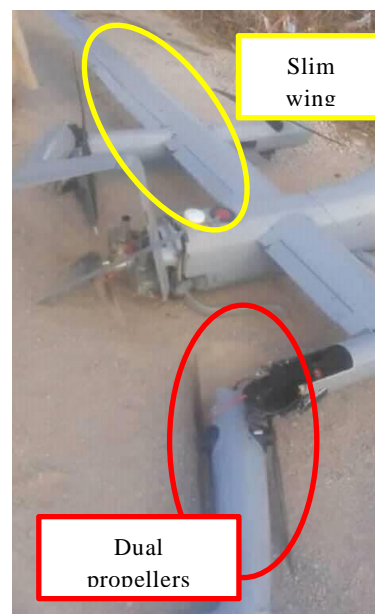


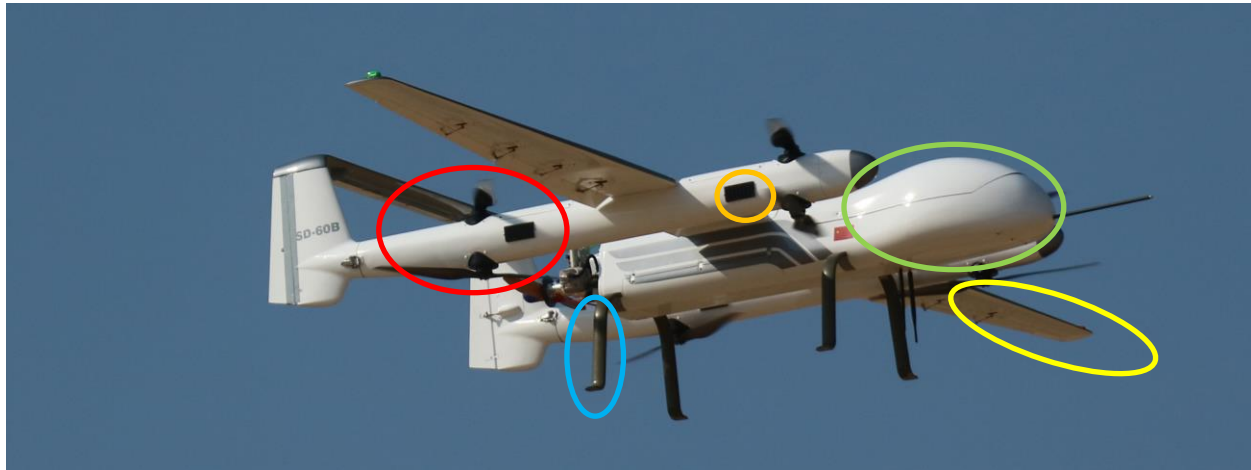
Image 51.24  
UAV captured near Benina (17 August 2019)



<sup>199</sup> <https://twitter.com/Oded121351/status/1162959265830723584>, 17 August 2019.

<sup>200</sup> <http://www.hans-eagle.com/EN/products/hqbyd/4.html>.

Image 51.25  
Sea Cavalry SD-60B manufacturers image



Sources: 1) 51.23 and 51.24 from <https://twitter.com/Oded121351/status/1162959265830723584>, 17 August 2019; and 2) 51.25 from <http://www.hans-eagle.com/EN/products/hqbyd/4.html>.

10. Sea Cavalry UAV Intelligence Surveillance and Reconnaissance (ISR) variants are known to be either on trial or in use by the Chinese People's Liberation Army Navy (PLAN).<sup>201</sup> Open source information<sup>202</sup> placed the PLAN frigate Xi'an (Hull No 153) of the 32<sup>nd</sup> Naval Escort Fleet in transit off the coast of Benghazi on 14 and 15 August 2019. The vessel was in transit from Malta to Alexandria. The Panel assesses it as likely that the UAV was lost over Libya during maritime environmental and operational trials as to the UAV's ISR capabilities. The Panel does not consider this to be a non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) by the Member State.

<sup>201</sup> <https://www.janes.com/article/87009/chinese-navy-deploys-new-vtol-uav>.

<sup>202</sup> <https://www.africaintelligence.com/mce/corridors-of-power/2019/09/05/the-chinese-army-loses-its-first-drone-in-libya.108371106-eve?CXT=PUB>.

## Annex 52: Civilian aircraft in support of HAF operations

1. This annex contains further information on aircraft either confirmed as, or very highly suspected of, providing military aviation transport support to HAF.

### Space Cargo Inc - Antonov AN-26 (UP-AN601)

2. An Antonov AN-26 aircraft (flying under registration UP-AN601) has been observed routinely operating in support of HAF as a military cargo aircraft (figures 52.1 and 52.2). The Panel has identified that this aircraft was removed from Kazakhstan national aircraft registry (see appendix A) on 22 June 2015 after sale to Space Cargo Inc (PO Box 7812, Sharjah Airport International Free Zone, A4-703, Sharjah, United Arab Emirates) (<http://spacecargoinc.com>). The Libyan Civil Aviation Authority have also confirmed that the aircraft is not on their registry.<sup>203</sup>

Figure 52.1  
Antonov AN-26 UP-AN 601 at Bani Walid  
(1 November 2017)



Figure 52.2  
Antonov AN-26 UP-AN 601 at Sharara oil field  
(18 February 2019)



Sources: 1) 52.1 from <https://twitter.com/MOHBENLAMMA/status/925780874662170625>. Accessed 23 February 2019; and 2) 52.2 from <https://twitter.com/Oded121351/status/1097582983542919168>. Accessed 23 February 2019.

3. The aircraft is marked with the logo of a United Arab Emirates based company, H.A.D Jet Cargo LLC (Office 805, Prime Tower, Al Abraj Street, Business Bay, Dubai (PO Box 214995), ([www.hadjetcargo.com](http://www.hadjetcargo.com)). The company has confirmed to their authorities that they have never owned, operated, lease or otherwise dealt with this aircraft.<sup>204</sup>

<sup>203</sup> LCAA letter of 15 May 2019.

<sup>204</sup> HADJet letter of 2 August 2019.

4. The aircraft is therefore flying in Libya with false markings under a false national air registry number, (UP-AN601), which is in contravention with the requirements of the Convention on International Civil Aviation (the Chicago Convention).<sup>205</sup>

5. The Panel has written to Space Cargo Inc requesting information relating to the activities of this aircraft in Libya but has received no response.

6. The Panel notes that the Antonov AN-26 is also designed to be used in the light bomber role when fitted with four BDZ-34 weapon hard points on its fuselage. The Panel is monitoring this matter.

### **Sky Prim Air S.R.L. - Ilyushin IL-18D (ER-ICS)**

7. An Ilyushin IL-18D aircraft (flying under Moldovan registration ER-ICS) is still routinely flying in support of HAF as a military cargo aircraft (figures 52.3 and 52.4). This aircraft was removed from the Moldovan national aircraft registry on 8 July 2015 (see appendix B).

8. The LCAA have confirmed to the Panel that this aircraft does not hold a Libyan registration.<sup>206</sup> This aircraft is therefore also flying in Libya with false markings under a false national air registry number, (ER-ICS), which is in contravention with the requirements of the Chicago Convention.

Figure 52.3

**Ilyushin IL-18D in Benghazi (June 2017)<sup>a</sup>**



Figure 52.4

**Ilyushin IL-18D in Gharyan (May 2019)<sup>a</sup>**



Sources: 1) 52.3 from <http://www.airliners.net/photo/Untitled/Ilyushin-IL-18D/4434469/L>; 2) 52.4 from <https://m.facebook.com/100013292748991/posts/678218769297875?sfns=xmo>.

9. It was reported on the AeroTransport DataBase ([www.atdb.org](http://www.atdb.org)) that the aircraft had been transferred to the Kazakhstan national air registry as UP-18496. The Kazakh authorities have investigated this and found that an Ilyushin IL-18GR is registered with their registry as IL-18496 by

<sup>205</sup> <https://www.icao.int/publications/pages/doc7300.aspx>.

<sup>206</sup> LCCA letter to Panel of 10 July 2019.

Southern Sky, but it is not the same aircraft. ER-ICS has serial number 099-03, whereas IL-I8496 has serial number 092-02.

10. The Panel identified in its report [S/2017/466](#)<sup>207</sup> that aircraft ER-ICS is owned and operated by Sky Prim Air S.R.L of Moldova. The Panel has written to Moldova to request any relevant information arising as the result of a reported investigation by their national authorities into Sky Prim Air S.R.L. owned by Grigore Ghilan. Notwithstanding this, the Panel finds Sky Prim Air S.R.L in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military support to HAF, and continues to investigate.

### **Deek Aviation F.Z.E. - Ilyushin IL-76TD (UR-CMC and UR-CMP)**

11. Two Ilyushin IL-76TD aircraft (registered UR-CMP and UR-CRC) were destroyed by a GNA air strike against Jufra air base on 26 July 2019 (see figures 52.5 and 52.6).

Figure 52.5  
**Destroyed IL-76TD at Jufra air base (26 July 2019)**



Figure 52.6  
**Ibid**



Sources: 1) 52.5 European Space Imaging Press Release of 3 August 2019. Image of 29 July 2019. [L]; and 2) 52.6 [https://mobile.twitter.com/Arn\\_Del/status/1155525947040378880](https://mobile.twitter.com/Arn_Del/status/1155525947040378880), 28 July 2019. Accessed 4 September 2019 [R].

12. The panel has identified that although the aircraft were owned by Infinite Seal Incorporated (British Virgin Islands),<sup>208</sup> and operated by Europe Air L.L.C. of Ukraine, on 1 October 2014 Europe Air L.L.C. concluded a general agreement on cargo transportation with Deek Aviation F.Z.E.<sup>209</sup> (Q4-

<sup>207</sup> Paras. 3 and 4 to annex 35.

<sup>208</sup> Trident Chambers, PO Box 146, Road Town, Tortola, British Virgin Islands.

<sup>209</sup> The company website ([www.deekaviation.com](http://www.deekaviation.com)) has lapsed. General Manager is Rajiv Kumar Sharma. +971 6 57XXXX2.

76, Block Q4 Street, Al Ruqa Al Hamra, Sharjah, United Arab Emirates). The contracts<sup>210</sup> place the onus on the relevant flight documentation and customs clearances being obtained by Deek Aviation F.Z.E and makes it clear that the aircraft shall not be used to transport military related cargo.

13. Deek Aviation F.Z.E were contracted by Global Aviation Services Group (<http://www.global-aviationgroup.com>)<sup>211</sup> to transport humanitarian aid. The Panel has a copy of the Cargo Manifest and Air Waybill for the flight made by these aircraft on 25 July 2019 immediately prior to their destruction. The documentation is completed for a flight from Fujairah (OMFJ), United Arab Emirates to Labraq airport (HLTQ), Al Bayda, Libya and then onward to Jufra air base (HL69). The aircraft manifest states that the cargo for UR-CMP was 15.785 tonnes of Medicinal Equipment, Medicine and Food Stuff and for UR-CRC was four ambulance vehicles with a mass of 12.1 tonnes; both cargos to be delivered to Labraq airport. The cargo capacity of a single IL-76TD is 52 tonnes, which means both loads could probably have been carried on a single aircraft.<sup>212</sup> No documentation was provided for any cargo that may have been carried from Al Bayda to Jufra. Deek Aviation F.Z.E has not yet responded to the Panel's requests for further information and the investigation continues.

14. Europe Air L.L.C. had its Air Operating Certificate suspended by the Ukrainian civil aviation authorities on 27 July 2019,<sup>213</sup> the lease agreement with Infinite Seal Incorporated was terminated on 9 August 2019<sup>214</sup> and the Europe Air L.L.C. ceased trading that day.<sup>215</sup>

### **Sigma Airlines – Ilyushin IL-76TD (UP-I7601 and UP-I7645)**

15. Two Ilyushin IL-76TD aircraft (registered UP-I7601 and UP-I7645) have been identified as flying in support of HAF as a military cargo aircraft (figures 52.7 and 52.8 for UP-I7601, and figures 52.9 and 52.10 for UP-I7645).

<sup>210</sup> No 28052014-1013407230 dated 28 May 2014 for UR-CCMC, and No 27042018-1013409303 dated 27 April 2018 for UR-CRP.

<sup>211</sup> PO Box 2828, Tripoli, Libya, [aradi@global-aviationgroup.com](mailto:aradi@global-aviationgroup.com), +218 21 351 4068.

<sup>212</sup> A standard ambulance is 6m long x 2.3m wide. The load compartment of an IL-76TD is 24.5m long x 3.4 m wide. This would leave a floor cargo space free of 26m<sup>2</sup>, highly probably enough space for 15.8 tonnes of other cargo at one tonne per m<sup>2</sup>.

<sup>213</sup> <https://open4business.com.ua/ukraine-suspends-operator-certificate-of-europe-air-carrier/>.

<sup>214</sup> Letter 181-IS

<sup>215</sup> Order No: 908.

Figure 52.7  
IL-76TN (UP-I7601) (April 2019)



Figure 52.8  
IL-76TN (UP-I7601) (June 2019)



Sources: 1) Original – confidential source; then 2) reproduced on <https://twitter.com/DavidBiutitaman/status/1144498937329438720>, 17 June 2019. [L]; and 2) [https://twitter.com/Arn\\_Del/status/1144981837212717056](https://twitter.com/Arn_Del/status/1144981837212717056), 29 June 2019. [R].

Figure 52.9  
IL-76TN (UP-I7645) at Tamanhint air base (Sebha),  
(29 January 2019)



Figure 52.10  
IL-76TN (UP-I7645) at Tamanhint air base  
(Sebha), (29 January 2019)



Source: Extracted from video imagery from HAF media office at <https://www.youtube.com/watch?v=IIUD4rD1jfA&feature=youtu.be>, 29 January 2019 in which the HAF themselves refer to the aircraft as a “military cargo plane”.

16. The Ilyushin IL-76TD aircraft (UP-I7601 and UP-I7645) are owned by Air Almaty J.S.C. (LMY) of Kazakhstan, but have been leased to, and operated by, Sigma Airlines<sup>216</sup> (SGL) of Kazakhstan since October 2017.<sup>217</sup>

<sup>216</sup> <https://airsigma.pro/>. Markov Str 11, Almaty, 050013, Kazakhstan. The company also has an office in Ajman, United Arab Emirates.

<sup>217</sup> <http://www.aertransport.org/php/go.php?query=operator&qstring=Sigma+Airlines&where=126307&luck=>. Restricted access.

17. The Panel finds Sigma Airlines in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military support to HAF.

18. The Panel also continues to maintain an overview of the activities of one other Ilyushin IL-76TD aircraft operated by Sigma Air (registration UP-17655).



## Appendix A to Annex 52: Removal of Antonov AN-26 (UP-AN601) from Kazakhstan Civil Aviation Authority register

Figure A.52.1  
Certificate of removal



ҚАЗАҚСТАН РЕСПУБЛИКАСЫ  
ИНВЕСТИЦИЯЛАР ЖӘНЕ ДАМУ МИНИСТРЛІГІ  
АЗАМАТТЫҚ АВИАЦИЯ КОМИТЕТІ  
MINISTRY OF INVESTMENTS AND DEVELOPMENT  
OF THE REPUBLIC OF KAZAKHSTAN  
CIVIL AVIATION COMMITTEE

### КУӘЛІК CERTIFICATE

ӘУЕ КЕМЕСІНІҢ ҚАЗАҚСТАН РЕСПУБЛИКАСЫНЫҢ  
АЗАМАТТЫҚ ӘУЕ КЕМЕЛЕРІНІҢ МЕМЛЕКЕТТІК ТІЗІЛІМІНЕН ШЫҒУЫ ТУРАЛЫ  
OF DE-REGISTRATION FROM CIVIL AVIATION AUTHORITY REPUBLIC OF KAZAKHSTAN

№ 196

Осымен куәландырамыз, әуе кеме түрі: АН-26  
*Hereby is confirm that present Aircraft type: An-26*

Сериялық (зауыттық) нөмірі: 0503  
*Serial Number: 0503*

Меншік иесі: SPACE CARGO INC.  
*Which belong to: SPACE CARGO INC.*

Қазақстан Республикасының азаматтық әуе кемелерінің мемлекеттік тізілімнен ШЫҚТЫ.  
*was taken the State Register Civil aircraft Republic of Kazakhstan off.*

Төраға  
*Chairman*


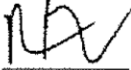
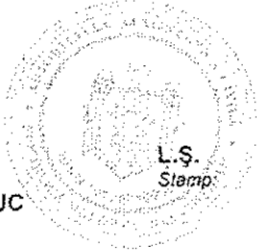


Б. Сейдахметов  
*B. Seidakhmetov*

2015 жыл 08 қазан  
*October 08, 2015*

## Appendix B to Annex 52: Removal of Ilyushin IL-18D (ER-ICS) from Moldova Civil Aviation Authority register

Figure B. 52.1  
Certificate of removal

REPUBLICA MOLDOVA AUTORITATEA AERONAUTICĂ CIVILĂ		REPUBLIC OF MOLDOVA CIVIL AVIATION AUTHORITY
CERTIFICAT DE RADIERE A ÎNMATRICULĂRII CERTIFICATE OF DEREGISTRATION No./Nr. <u>CD-0418</u>		
Prin prezentul se certifică că aeronava de tipul <u>ILYUSHIN IL-18D</u> , nr. de serie 187009903, cu înmatriculare anterioară <u>ER-ICS</u> , a fost radiată din Registrul Aerian al Republicii Moldova, iar însemnele de înmatriculare <u>ER-ICS</u> au fost anulate.		
<i>This is to certify that the aircraft type <u>ILYUSHIN IL-18D</u>, serial number 187009903, formerly bearing nationality and registration marks <u>ER-ICS</u>, has been removed from the Aviation Register of the Republic of Moldova and the marks <u>ER-ICS</u> have been cancelled.</i>		
Data eliberării: 08.07.2015 Date of issue:	Director interimar Acting director  Semnătura: _____ Signature:	 L.S. Stamp:

### Annex 53: Summary of parallel currency security features

1. Annex 56 to Panel report [S/2017/416](#) summarised the difference in security features between the CBL 20LYD and CBL 50LYD denomination notes printed by De La Rue Limited in 2013 and the parallel ECBL currency 20 LYD and 50 LYD denomination notes printed by *Goznak* J.S.C. in 2016.
2. Tables 53.1 and 53.2 are an update to that report,<sup>218</sup> and summarize the security features of the higher denomination CBL 50 LYD notes printed by De La Rue Limited in 2013 and the parallel ECBL currency 50LYD denomination notes printed by *Goznak* J.S.C. in 2016 and 2019. The specialist report concluded that “the noticeable differences between the notes may cause uncertainty to the people and result in a reduced public acceptability”. The currency is vulnerable to counterfeiting. Some of the security features are not fully explained in order to protect the security of the currency. In general bank notes have three levels of security features: 1) Level 1 for public recognition; 2) Level 2 for bank tellers; and 3) Level 3 for Central Banks.

Table 53.1

#### Summary of publicly recognisable (Level 1) security features CBL 50 LYD denomination notes v *Goznak* 50 LYD denomination notes

#	Feature	CBL 50 LYD (2013)	“Goznak” 50LYD (2016)	Remarks
1	SPARK® Orbital™ feature printed in silk screen with optical variable ink.	Present.	Missing, replaced with an inferior Moon and Star printed in offset, which is fluorescent under ultra-violet (UV) light.	▪ Key public recognition feature (Level 1).
2	Position and size of serial number figures.	Vertical and to the right of the holographic stripes with increasing size figures.	Two horizontal serial numbers with equal size figures.	▪ Public recognition is compromised by differences in appearance.

<sup>218</sup> Based on a security analysis by an internationally accredited and recognized testing laboratory used widely by Central Banks; Ugra ([www.ugra.ch](http://www.ugra.ch)). 2013 CBL note serial number 0073446 and 2016 ECBL parallel note serial number 183001 were tested. EBCL 2019 notes serial numbers 1080001 and 1080002 were then compared against the 2016 results.

#	Feature	CBL 50 LYD (2013)	"Goznak" 50LYD (2016)	Remarks
3	Obverse design in intaglio Printing: Lighthouse image.	Original size.	Reduced in size.	<ul style="list-style-type: none"> <li>Reduction necessary to accommodate the horizontal, red serial number.</li> </ul>
4	Embossed latent image with denomination value in metallic ink on front side.	Present.	Missing.	<ul style="list-style-type: none"> <li>Key public recognition feature (Level 1).</li> </ul>
5	Windowed security thread.	Present (lenticular).	Different to original (holographic).	<ul style="list-style-type: none"> <li>Significant change.</li> </ul>
6	Embedded security thread.	Appears as a continuous black line when viewed against the light.	Missing.	<ul style="list-style-type: none"> <li>Key public recognition feature (Level 1).</li> </ul>
7	Holographic foil stripe.	Demetallized design.	<p>Non demetallized.</p> <p>Different colours.</p> <p>Holographic images switch at different angles.</p>	<ul style="list-style-type: none"> <li>Key public recognition feature (Level 1).</li> </ul>

Figure 53.1  
2013 CBL LYD50 (Obverse)



Figure 53.2  
2016 "Goznak" LYD50 (Obverse)

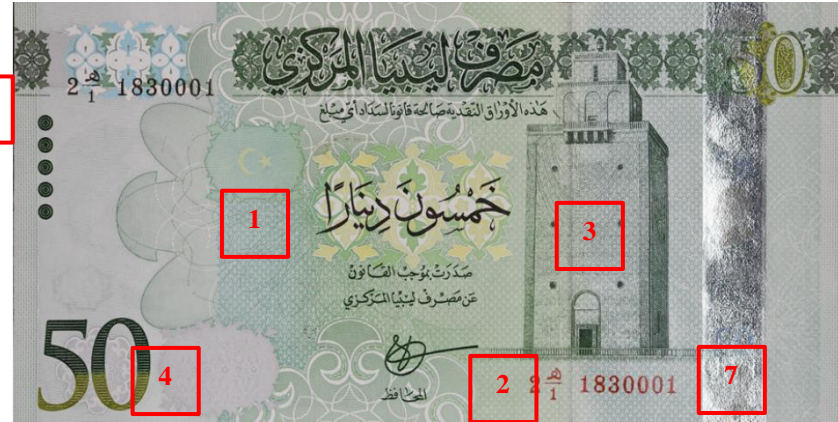


Figure 53.3  
2013 CBL LYD50 (Reverse)



Figure 53.3  
2016 "Goznak" LYD50 Reverse)



Table 53.2

**Summary of Machine and Central Bank recognisable (Levels 2 and 3) security features CBL 50 LYD notes v “Goznak” 50 LYD denomination notes**

#	Feature	CBL 50 LYD (2013)	“Goznak” 50LYD (2016)	Remarks
A	Infra-red @900nm.	Right half of rock arch visible.	Rock arch split into two images.	<ul style="list-style-type: none"> <li>This will affect machines that validate notes by reading the infra-red pattern.</li> </ul>
B	Level 3 Covert feature - Enigma® feature.	Present.	Not Present.	<ul style="list-style-type: none"> <li>Required for Central Bank only authentication.</li> </ul>
C	Gemini® feature.	Present.	Yellow/Green in daylight. Yellow/Red under UV light.	<ul style="list-style-type: none"> <li>Professional recognition is compromised by differences in appearance.</li> </ul>
D	Detectable magnetic ink on horizontal serial number on left of notes.	Normal.	Lower levels detected.	<ul style="list-style-type: none"> <li>Level 3 security feature</li> <li>This could affect the set-up of note sorting machines.</li> </ul>
E	Embedded magnetic thread.	Present.	Uses a windowed thread with magnetic properties.	<ul style="list-style-type: none"> <li>This could affect the set-up of note sorting machines.</li> </ul>
F	Cornerstone® on corners to strengthen notes	Present.	Not present.	<ul style="list-style-type: none"> <li>This will reduce the life cycle of the ECBL parallel currency.</li> </ul>

Figure 53.5  
2013 CBL LYD50 (Obverse)



Figure 53.7  
2013 CBL LYD50 (Reverse)

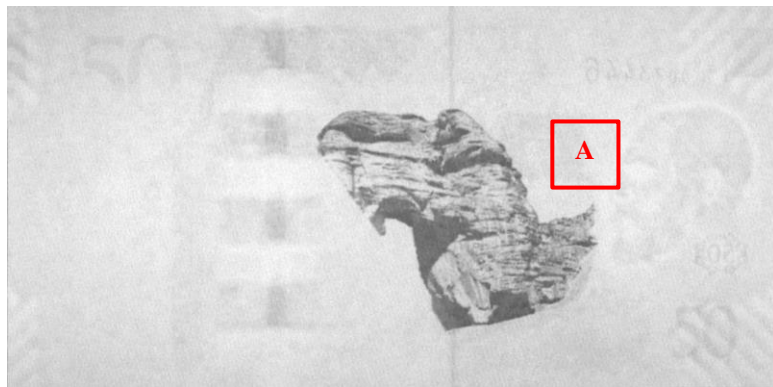
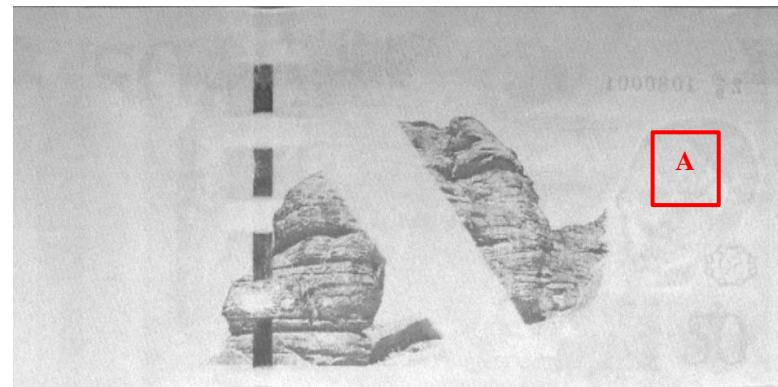


Figure 53.6  
2016 "Goznak" LYD50 (Obverse)




Figure 53.8  
2016 "Goznak" LYD50 Reverse)



**Annex 54: Communication from the Eastern NOC**

Figure 54.1

**Communication from the Eastern NOC**



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

التاريخ :  
الموافق :

الإشاري :  
المرسل :

**NOC Circulation No 1-2019**

**Date: 12-05-2019**

**Dear**

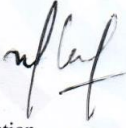
The board of directors of the Libyan National Oil Corporation (NOC) is deeply concerned by the false statements circulated by Mr. Mustafa Sanallah, it's previous chairman who has recently been relieved from his responsibility by the internationally and nationally recognized Libyan House of Representative.


Such disruptive statement can only compromise our objectives of maintaining operation of unified and sustainable oil and gas production and export of oil and gas and our commitment to our international partner.

At this juncture of widening conflict we wish to assure all our associates and clients of our ongoing commitment to maintaining unified efficient operations and ask that measures be taken by the UN and international community to deter Sanallah from his divisive actions and disruptive allegations and demand effective supervisory consultation to assure transparency and accountability of our NOC operations which has been seriously breached during Sanallah's tenor.

For explanation of current administrative structure and events leading to NOC decision to change its leadership please see attached document.

Sincerely,  
Board of Directors,  
National Oil Corporation





بنغازي - البركة (00218)614782560 - (00218)614782561  
[info@libya-noc.org](mailto:info@libya-noc.org) <https://m.facebook.com/NOCL.LIBYA/>





المؤسسة الوطنية للنفط  
NATIONAL OIL CORPORATION

التاريخ :

الموافق :

الإشاري :

الملف :

**Attachment A:**

1. First of all it is pertinent to know that the current formal chairman of the board of NOC is Mr. Almabruk Sultan and not Mr M. Sanallah. Mr. Sultan was appointed by the Libyan Government, which is endorsed by Libyan House of Representatives (The parliament) on 26/12/2018. Sanallah, on the other hand was only appointed by an unrecognized acting minister of oil during the era of the Libyan Dawn government which is neither recognized internationally nor had any legitimacy in Libya. He was relieved from his position by the legitimate Libyan government and Parliament in 2014.
2. The official NOC Headquarter is in the city of Benghazi according to Parliament Law No.4 (2018) and not in Tripoli as alleged by Sanallah.
3. The on going presence of criminal militias in Tripoli and its persistent influence and control of how Libyan oil and gas revenue is handled was in part one of the main reasons that the government and its principal institutions, including NOC was relocated to Benghazi.
4. Our concern with splitting the NOC and the implications of this on the unity of the country and its governance was the main reason we felt that a graded peaceful transition of the leadership of NOC was needed. However it soon became obvious that pressure from various Tripoli region Militias continued to permit unabated the smuggling of subsidized petroleum products. Militias in Tripoli were also allowed to protect the NOC building in Tripoli and to oversee much of its transactions and embezzle it to pay enormous salaries and fees for shady security operations.
5. Despite the success of Libyan National Army (LNA) in recapturing and securing most of the Oil Fields and operations in Libya, Sanallah failed to acknowledge this to our international oil partners and continued to deal in his principal with criminal militias. There is no question that our company could not have increased and sustained its oil production at the 1.2 million daily barrels if it was not for the security achieved by LNA.
6. Our headquarters and its official board in Benghazi continued to tolerate much of the illegal measures taken by Mr. Sanallah so not to disturb production or compromise confidence with our international partners. However more recently we have noticed that Sanallah was losing his presumed neutrality and making statements contrary to the realities on the ground and the delicacy needed to navigate around the risky potential of splitting the NOC, which we categorically refuse.



1

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[info@libya-noc.org](mailto:info@libya-noc.org) <https://m.facebook.com/NOCL.LIBYA/>



المؤسسة الوطنية للنفط  
NATIONAL OIL CORPORATION

التاريخ :

الموافق :

الإشاري :

الملف :

7. As the war to liberate Tripoli from the wrath of controlling criminal militias commenced, Sanallah put the essential principal of neutrality in jeopardy by allowing our Libyan Petro-Air carriers to fly militias and their casualties from Misratah and Tripoli to Turkey, a country blatantly engaged in illegal weapon and fighter transfers to Libya.

8. There are many illegal and suspicious decisions made by Mr. Sanallah such as signing an inappropriate exclusive contract with Glencore to market Sarir-Messla blend and others. These have resulted in opening several investigations by us, the legitimate NOC based in Benghazi and by the energy oversight committee of the Libyan Parliament.

9. Despite numerous investigations and reports by the Libyan Audit Bureau, including one of 2017 (The annual report of Libyan Audit Bureau (LAB2017), page 209- year 2017) where it was clearly expressed that Sanallah's solo decision making and the lack of transparency has lead to suspicious transactions and potential kick backs which could be accountable under international and US laws.

10. Unexplained transactions; in the same report (LAB2017), page 219- line 21, Sanalla covered for paid business trips for 77 persons, expected to be militia members.

11. In his hungry quest for staying in the position illegally, Sanallah accusing the legitimate and legal NOC of participating in smuggling operations, ignoring intentionally that NOC is the only legitimate and legal body according to Libyan Laws and regulations.

12. NOC will take all required legal actions against Sanallah's actions and his disruptive and irresponsible statements.

National Oil Corporation



2

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

**Annex 55: Letter on the status of Chairman of the NOC**

Figure 55.1

**Letter from the Permanent Mission of Libya to the United Nations**

MINISTRY OF FOREIGN AFFAIRS  
LIBYAN MISSION  
TO THE UNITED NATIONS - NEW YORK



وزارة الخارجية  
بعثة ليبيا  
لدى الأمم المتحدة - نيويورك

No. 000572

18 June 2019

Excellency,

I have the honor to refer to your letter no. S/AC.52/2019/PE/OC.186 dated 17 June 2019, regarding a communication dated 12 May 2019, signed by an unnamed individual on behalf of a Board of Directors of the "Libyan Interim Government" National Oil Corporation located in Benghazi.

In this regard, the Mission would like to reiterate and affirm that the National Oil Corporation in Tripoli, presided by Mr. Mustafa Sanaallah is the sole legitimate authority recognized by and works under the auspices the Government of National Accord to export crude oil and refined petroleum products.

Henceforth, I would like to express my gratitude for your kind information and humbly urge the Panel not to merit communications that are not course through the Permanent Mission of the State of Libya to the United Nations.

Please accept the assurances of my highest consideration.

Elmahdi Elmajerbi  
Ambassador & Chargé d'Affaires

Lipika Majumdar Roy Choudhury  
Coordinator  
Panel of Experts Established  
Pursuant to resolution 1973 (2011)  
Concerning Libya



309 East 48th Street, New York, NY 10017 • Tel: 212-752-5775 • Fax: 212-593-4787 • Email: info@libyanmission-un.org

**Annex 56: Statement by the eastern National Oil Corporation**

Figure 56.1

**Undated statement issued by the eastern NOC, received by the Panel on 9 October 2019**

National Oil Corporation

**Statement No. 4 by the National Oil Corporation for 2019**

The National Oil Corporation is concerned about statements made repeatedly by the Head of the United Nations Support Mission in Libya (UNSMIL), Ghassan Salamé, in connection with his interference in Libyan internal affairs in general and oil-related issues in particular; in doing so, he is clearly overstepping the terms of reference of his mandate in Libya.

In that regard, the Corporation, which is an agency of the Libyan Interim Government and sanctioned by the House of Representatives, wishes to stress that it is the sole sovereign institution charged with all administrative and technical aspects of the management of the oil sector, in accordance with the country's current regulations and laws.

It also wishes to underline that, under Libyan law, claims by Mustafa San'allah that he is the Chair of the National Oil Corporation and has the support of the so-called international community will avail him nothing when he is called to account before the Libyan courts, in particular given that he has thrown in his lot with the government of the militias.

UNSMIL and its head, to the extent that they have the right at all, should focus above all on combating the smuggling of fuel and oil derivatives that is going on in the west and south-west of the country, which amounts to the squandering of oil revenue, and having all those responsible placed under international sanctions.

Moreover, the head of UNSMIL should not turn a blind eye to the violations being committed by the parallel corporation in Tripoli by blocking the delivery of fuel to the civilian airports of Benghazi, Abraq and Zintan. Those violations amount to crimes against humanity.

In conclusion, the task with which the head of UNSMIL has been entrusted is to act impartially and without breaching the laws of the State of Libya.

God save Libya!

Board of Directors  
[Stamp of the National Oil Corporation,  
Statements, Board of Directors]

## Annex 57: New board of directors of Brega in the east

Figure 57.1

Decision of the eastern NOC appointing a new board of directors of Brega in the east

المؤسسة الوطنية للنفط - بنغازي  
NATIONAL OIL CORPORATION - BENGHAZI

الحكومة الليبية المؤقتة

القرارات

نفت

قرار مجلس الإدارة  
رقم (125) لسنة 2019م  
بشأن إعادة تشكيل مجلس إدارة شركة البريقة لتسويق النفط

مجلس الإدارة

بعد الاطلاع على الإعلان الدستوري المؤقت الصادر في (3) أغسطس 2011 وتعديلاته  
وعلى القانون رقم (25) لسنة 1955م بشأن البترول وتعديلاته  
وعلى القرار رقم (10) لسنة 1979م في شأن إعادة تنظيم المؤسسة الوطنية للنفط  
على القرار رقم (75) لسنة 2007 بشأن مرقبات العاملين الوطنيين في المؤسسة الوطنية للنفط  
وعلى القرار رقم (17) لسنة 2007 بشأن القواعد والشروط لشغل الوظائف بالمؤسسة الوطنية للنفط  
وعلى القرار رقم (267) لسنة 2007 بشأن اعتماد اللائحة المالية للمؤسسة الوطنية للنفط  
وعلى القانون رقم (12) لسنة 2010 في شأن علاقات العمل ولائحته التنفيذية  
وعلى القرار رقم (247) لسنة 2013 بشأن تحديد المقار الرئيسية لبعض الجهات  
وعلى قرار مجلس النواب رقم (24) لسنة 2014 بشأن منح الثقة للحكومة الليبية المؤقتة  
وعلى قرار مكتب رئاسة مجلس النواب رقم (4) لسنة 2017 بشأن تعديل القرار رقم (10) لسنة 1979م  
وعلى قرارات مجلس الوزراء رقم (276-277) لسنة 2017م بشأن تقرير حكم يتعلق بالمؤسسة الوطنية للنفط  
وعلى قرار مجلس الوزراء رقم (879) لسنة 2018 بشأن إعفاء من مهامه وتقرير حكم  
وعلى كتاب رئيس مجلس الوزراء رقم (رم-أ-669-18) المؤرخ في 2018/2/11م بشأن إعادة تشكيل مجالس إدارات الشركات  
المنفصلة التابعة للمؤسسة الوطنية للنفط.

وعلى اجتماع مجلس الإدارة باعتباره الجمعية العمومية العاشر والمنعقد بتاريخ 2019/9/4م.

قرر

المادة (1)

يعاد تشكيل مجلس إدارة شركة البريقة لتسويق النفط من السادة المذكورين أدناه:-

رئيساً	السيد / م.خير الله صالح عبد السلام
عضواً	السيد / م.فتح الله محمد خير القراني
عضواً	السيد / م.عبد السلام فرج عبد الله اسماعيل
عضواً	السيد / فرج عبد الله زمرات

المادة (2)

عمل مجلس الإدارة الجديد المشكل بموجب هذا القرار طبقاً للقوانين والتشريعات النافذة وأحكام النظام الأساسي للشركة  
تحقيق أهدافها وأهداف قطاع النفط وفقاً للخطة المعتمدة بالخصوص.

المادة (3)

يعمل بهذا القرار من تاريخ صدوره وعلى الجهات المعنية وضعه موضع التنفيذ

مجلس الإدارة

المؤسسة الوطنية للنفط

بنغازي بتاريخ (8 - 9 - 2019م)

شركة البريقة 9 (00218)614782561 - (00218)614782560  
@libya-noc.org | https://www.facebook.com/NOCLLIBYA/

Figure 57.2  
**Official translation**

*Translated from Arabic*

**Libyan Interim Government**

**National Oil Corporation - Benghazi**

**Decisions**

**Decision No. 125 (2019) of the Board of Directors concerning the reconfiguration of the Board of Directors of the Brega Petroleum Marketing Company**

*The Board of Directors*

- Having considered the interim Constitutional Declaration of 3 August 2011, as amended, and:
- Act No. 25 (1955) concerning petroleum, as amended;
- Decision No. 10 (1979) reorganizing the National Oil Corporation;
- Decision No. 75 (2007) concerning the salaries of national employees of the National Oil Corporation;
- Decision No. 17 (2007) concerning rules and conditions of employment of the National Oil Corporation;
- Decision No. 267 (2007) concerning rules and conditions of employment of the National Oil Corporation;
- Act No. 12 (2010) concerning work relations and its implementing regulation;
- Decision No. 247 (2013) identifying the headquarters of certain entities;
- Decision No. 24 (2014) of the House of Representatives expressing confidence in the Libyan Interim Government;

- Decision No. 4 (2017) of the Office of the Presidency of the House of Representatives amending Decision No. 10 (1979);
- Decisions No. 276 and No. 277 (2017) of the Cabinet recording a judgment regarding the National Oil Corporation;
- Decision No. 879 (2018) of the Cabinet containing a dismissal and recording a judgment;
- Memorandum *ra-mim-alif-669-18* of 11 February 2018 concerning the reconfiguration of the boards of directors of the subsidiary oil companies of the National Oil Corporation;
- The meeting of the tenth plenary assembly of the Board of Directors on 4 September 2019;

*Decides:*

#### Article 1

The Board of Directors of the Brega Petroleum Marketing Company is hereby reconfigured with the following membership:

Mr. <del>Khayrullah</del> Salih Abdulsalam	Chair
Mr. <del>Fathullah</del> Muhammad <del>Khayr</del> al-Fazzani	Member
Mr. Abdulsalam Faraj Abdullah <del>Isma'il</del>	Member
Mr. Faraj Abdullah <del>Zammut</del>	Member

#### Article 2

The new Board of Directors appointed by virtue of the present Decision shall act in accordance with the laws and regulations in force and the Basic Statute of the company with a view to achieving its goals and those of the oil sector and shall comply with the plans adopted for that purpose.

Article 3

This decision shall enter into force on the date of its issuance, and the relevant parties shall be required to implement it.

Board of Directors

Issued in Benghazi on 8 September 2019



Figure 57.3

Decision from the “interim government” endorsing the above decision adopted by the eastern NOC



## القرارات

قرار رئيس مجلس الوزراء رقم ( 90 / ) لسنة 2019م  
بتقرير حكم يتعلق بقرار مجلس إدارة المؤسسة الوطنية للنفط رقم 125 لسنة 2019م بشأن  
إعادة تشكيل مجلس إدارة شركة البريقة لتسويق النفط

رئيس مجلس الوزراء

بعد الإطلاع :

- على الإعلان الدستوري المؤقت الصادر في 3 أغسطس لسنة 2011م وتعديلاته
- وعلى قانون النظام المالي للدولة
- وعلى القانون رقم 25 لسنة 1955م بشأن القترول وتعديلاته
- وعلى القانون رقم 10 لسنة 1979م في شأن إعادة تنظيم المؤسسة الوطنية للنفط
- وعلى القانون رقم 12 لسنة 2010م بشأن إصدار قانون علاقات العمل ولائحته التنفيذية
- وعلى القانون رقم 3 لسنة 2019م بشأن اعتماد الميزانية العامة للدولة لسنة 2019م
- وعلى قرار مجلس النواب رقم 22 لسنة 2014م بشأن تكليف رئيس الحكومة الليبية المؤقتة
- وعلى قرار مجلس النواب رقم 24 لسنة 2014م بشأن منح الثقة للحكومة الليبية المؤقتة
- وعلى قرار مجلس النواب رقم 10 لسنة 2018م بشأن منح الثقة لبعض الوزراء
- وعلى قرار مجلس النواب رقم 3 لسنة 2019م بشأن منح الثقة لبعض الوزراء
- وعلى قرار اللجنة الشعبية العامة / سابقا رقم 10 لسنة 1979م بشأن إعادة تنظيم المؤسسة الوطنية للنفط وتعديله
- وعلى قرار مجلس الوزراء رقم 526 لسنة 2016م بشأن اعتماد الهيكل التنظيمي وتنظيم الجهاز الإداري لميوان مجلس الوزراء
- وعلى قرار مجلس إدارة المؤسسة الوطنية للنفط رقم 125 لسنة 2019م بشأن إعادة تشكيل مجلس إدارة شركة البريقة لتسويق النفط
- وعلى كتاب السيد/ رئيس مجلس إدارة المؤسسة الوطنية للنفط رقم 38/2/1 بتاريخ 9/9/2019م


قـــــــــــــــــرر

مادة (1)

بموجب هذا القرار ولمقتضيات المصلحة العامة يعتمد قرار مجلس إدارة المؤسسة الوطنية للنفط رقم 125 لسنة 2019م بشأن إعادة تشكيل مجلس إدارة شركة البريقة لتسويق النفط

مادة (2)

يعمل بهذا القرار من تاريخ صدوره وعلى الجهات المعنية تنفيذه وينشر في الجريدة الرسمية

  
عبدالله عبدالرحمن الثني  
رئيس مجلس الوزراء



مصران  
تاريخ  
13 / 12 / 2019  
1441 هـ / 12 / 2019 م  
القانونية

Figure 57.4

**Official translation**

**Libyan Interim Government**

**Presidency of the Cabinet**

**Decisions**

**Decision No. 90 (2019) of the Prime Minister containing the record of a judgment on Decision No. 125 (2019) of the Board of Directors of the National Oil Corporation regarding the reconfiguration of the Board of Directors of the Brega Petroleum Marketing Company**

The Prime Minister

Having considered:

- The interim Constitutional Declaration of 3 August 2011, as amended;
- The Financial Regulation Act of the State;
- Act No. 1 (1955) concerning petroleum, as amended;
- Act No. 10 (1979) reorganizing the National Oil Corporation;
- Act No. 12 (2010) enacting the Work Relations Act and its implementing regulation;
- Act No. 3 (2019) adopting the 2019 General Budget of the State;
- Decision No. 22 (2014) of the House of Representatives appointing the Head of the Libyan Interim Government;
- Decision No. 24 (2014) of the House of Representatives expressing confidence in the Libyan Interim Government;
- Decision 10 (2018) of the House of Representatives expressing confidence in certain ministers;
- Decision No. 3 (2019) of the House of Representatives expressing confidence in certain ministers;
- Decision No. 10 (1979) of the then General People's Committee reorganizing the National

Oil Corporation;

- Decision No. 526 (2016) of the Cabinet endorsing the organizational structure and regulating the administration of the Cabinet Office;

- Decision No. 125 (2019) of the Board of Directors of the National Oil Corporation concerning the reconfiguration of the Brega Petroleum Marketing Company;

- Memorandum No. 38/2/1 of the Board of Directors of the National Oil Corporation dated 9 September 2019;

*Decides*

Article 1

By virtue of the present Decision and the requirements of the public good, Decision No. 125 (2019) of the Board of Directors of the National Oil Corporation concerning the reconfiguration of the Brega Petroleum Marketing Company is hereby endorsed.

Article 2

This decision shall enter into force on the date of its issuance, the relevant parties shall be required to implement it, and it shall be published in the *Official Gazette*.

(Signed) Abdallah Abdulrahman **al-Thinni**

Prime Minister

Issued on 13 Muharram A.H. 1441 (12 September 2019)

## Annex 58: Decision of the eastern LIA board of trustees

Figure 58.1

Decision of the eastern NOC appointing a new chairman and board of directors of Brega in the east

Libyan Investment Authority

المؤسسة الليبية للاستثمار

الرقم الإشاري : .....

التاريخ : .....

**قرار مجلس الأمناء رقم (2) لسنة 2018م  
بإعفاء رئيس مجلس إدارة المؤسسة الليبية للاستثمار من مهامه وتكليف بديلا عنه**

بعد الأطلاع :  
- على قانون النظام المالي للدولة .  
- على القانون رقم (12) لسنة 2011م بشأن تأسيس علاقات العمل ولائحته التنفيذية .  
- على قرار رقم (208) لسنة 2006م بشأن تأسيس المؤسسة الليبية للاستثمار .  
- على القانون رقم (13) لسنة 2010م بشأن التنظيم الإداري للمؤسسة الليبية للاستثمار .  
- على قرار مجلس وزراء الحكومة الليبية المؤقتة رقم (2) لسنة 2014م بشأن إعادة تشكيل مجلس أمناء المؤسسة الليبية للاستثمار .  
- وعلى ما تقرر في اجتماع مجلس أمناء المؤسسة الليبية للاستثمار العادي الثاني للعام 2018م المنعقد بتاريخ 2018/9/17م بمقر ديوان رئاسة مجلس الوزراء بمدينة البيضاء .

(قرار)  
مادة (1)  
- يعفي د.عبدالسلام أحمد الكزه من مهامه كرئيس مجلس إدارة المؤسسة الليبية للاستثمار .

مادة (2)  
- يكلف د.حسين محمد حسين بمهام رئيس مجلس إدارة المؤسسة الليبية للاستثمار .

مادة (3)  
يعمل بهذا القرار من تاريخ صدوره وعلى الجهات المعنية تنفيذه

  
مجلس أمناء المؤسسة الليبية للاستثمار



رود الحجازي (تكليف)

شارع سالم سويكر المتفرع من شارع دبي - بنغازي - ليبيا  
Mail: info@lia.com.ly

Libyan Investment Authority

المؤسسة الليبية للاستثمار

المؤسسة الليبية للاستثمار  
Libyan Investment Authority

قرار مجلس الأمناء رقم (2) لسنة 2019 م بإعادة تشكيل مجلس إدارة المؤسسة الليبية للاستثمار

بعد الاطلاع :

- على قانون النظام المالي للدولة
- على القانون رقم (13) لسنة 2011 م بشأن علاقات الممثل ولائحته التنفيذية
- على قرار رقم (208) لسنة 2006 م بشأن تأسيس المؤسسة الليبية للاستثمار
- على القانون رقم (13) لسنة 2010 م بشأن التنظيم الإداري للمؤسسة الليبية للاستثمار
- على قرار مجلس وزراء الحكومة الليبية المؤقت رقم (2) لسنة 2014 م بشأن إعادة تشكيل مجلس أمناء المؤسسة الليبية للاستثمار
- وعلى ما تقرر في اجتماع مجلس أمناء المؤسسة الليبية للاستثمار للمعام 2018 للمقر بتاريخ 2018/11/8 م بمقر ديوان رئاسة الوزراء بمدينة البيضاء
- وعلى ما تقرر في اجتماع مجلس إدارة المؤسسة الليبية للاستثمار للمقر بتاريخ 2018/11/15 م بمدينة بنغازي

قرر

مادة (1)

يعاد تشكيل مجلس إدارة المؤسسة الليبية للاستثمار على النحو التالي :

رئيساً	د. حسين محمد حسين
عضواً	د. الطاهر عبد الله القلعوز
عضواً	الاستاذ. نجاة محمد يونس
عضواً	السيد محمد احمد ابوبكلكش
عضواً	السيد حسن خليل حسن
عضواً	السيد محمد علي زيدان
عضواً	السيد فوزي فرج موسى

مادة (2)

يعمل به من تاريخ صدوره وعلى الجهات المعنية تنفيذه

مجلس أمناء المؤسسة الليبية للاستثمار

صدر في البيضاء 2019/2/20 م

شارع سالم سويكر المتفرع من شارع دبي - بنغازي - ليبيا  
Email: info@lia.com.ly

Source: confidential

Figure 58.2  
Panel translation

**Decision of the Board of Trustees n°2 of 2018**  
**On dismissing the Chairman of the Board of Directors of LIA and appointing a new one.**

After reviewing :

- The financial law of Libya.
- Law n°12 of 2011 on establishment of work relations and its executive list
- Decision n°208 of 206 on the establishment of LIA
- Law n°13 of 2010 on the administrative organization of LIA
- Decision n°2 of 2014 of the ministerial council of the interim government on the restructuring of the board of trustees
- On the outcome of the second regular meeting of the board of trustees on 17.9.2018 in Al Bayda

**Decides :**

**Article 1:**

To dismiss Dr. Abdessalam Ahmed Al Kezzah from his duties as Chairman of the Board of Directors of LIA

**Article 2:**

To appoint dr. Hussein Mohamed Hussein as new head of the BOD of LIA.

**Article 3:**

This decision is valid upon issuance

**Signed:** Board of trustees of LIA

## The Libyan Investment Authority

### Decision of the LIA Board of Trustees n°2 of 2019 to restructure its Board of Directors

After reviewing :

- Law n°12 of 2011 on establishment of work relations and its executive list
- Decision n°208 of 206 on the establishment of LIA
- Law n°13 of 2010 on the administrative organization of LIA
- Decision n°2 of 2014 of the ministerial council of the interim government on the restructuring of the Board of Trustees
- The outcome of the second regular meeting of the Board of Trustees on 17.9.2018 in Al Bayda

(d)

(e) Decided to :

#### Article 1:

Restructure the LIA's Board of Director as follows:

Husein Mohamed Husein	Chairman
Taher Abdallah Al Gala'ouz	member
Najat Mohamed Younis	member
Mohamed Ahmed Abukelch	member
Hasan Khalil Hasan	member
Mohamed Ali Zaydane	member
Fawzi Faraj Musa	member

#### Article 2:

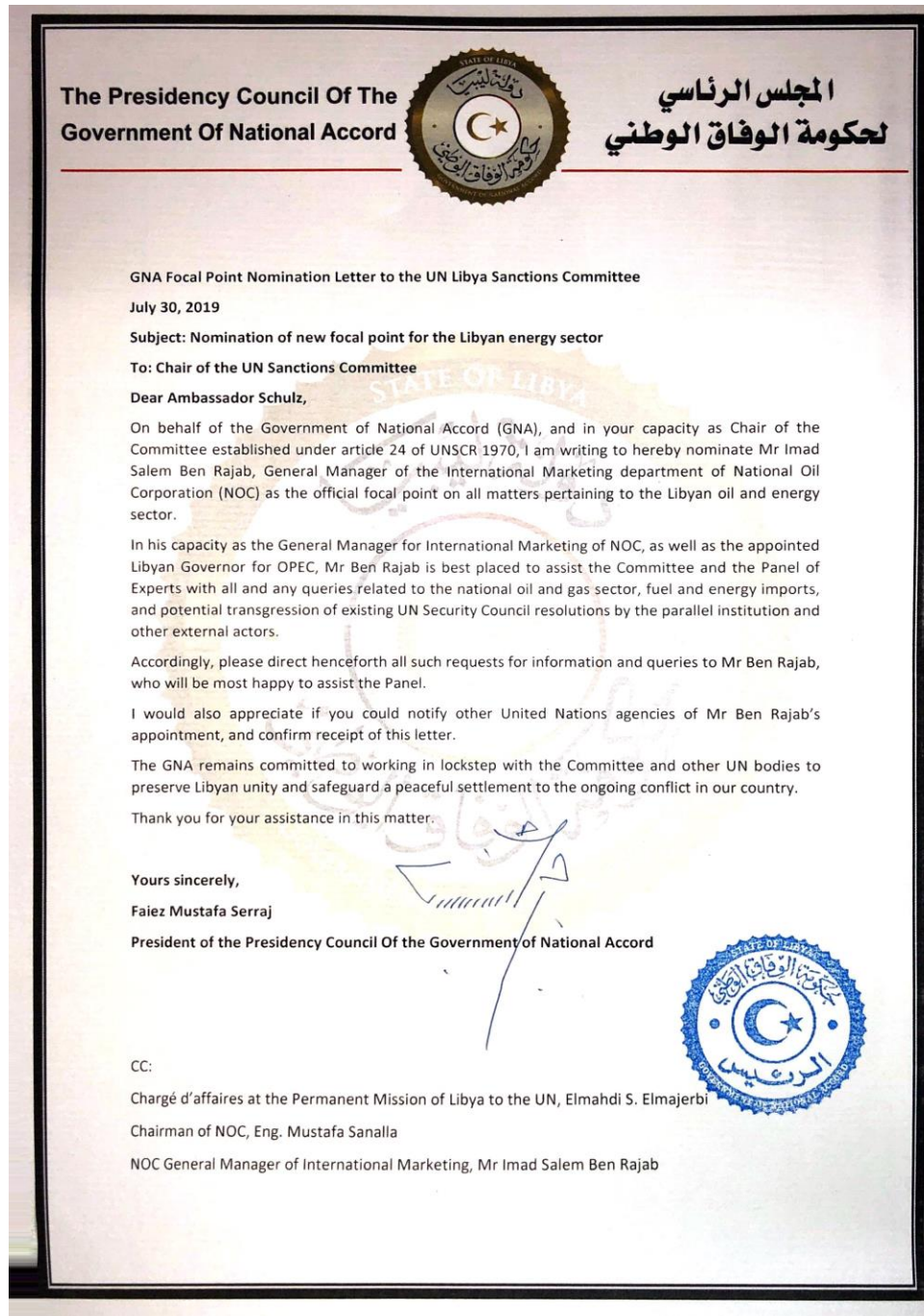
This decision is valid upon issuance

**Signed:** Board of Trustees of LIA

Issued in Al Bayda on 20.2.2019

**Annex 59: Letter of appointment of new focal point pursuant resolution 2146 (2014)**

Figure 59.1  
Letter of appointment of new focal point





## Annex 60: Documented attempts to illicitly export crude oil from eastern NOC

Figure 60.1

Allocation Certificate dated 8 April 2019




 <b>المؤسسة الوطنية للنفط</b> <b>NATIONAL OIL CORPORATION</b>	
التاريخ : 08/04/2019	الإشعارى : C.O.M.19.04.0148
الموافق :	الملف :
<p><b>To :</b> SULACO GROUP  <b>Attention :</b> Mr. "BO" Guy R. Friddell IV  <b>Reference No. :</b> C.O.M.19.04.0148  <b>Subject :</b> Allocation Certificate</p>	
<p><b>Allocation Certificate No 02/04/2019</b></p> <p>National Oil Corporation of Libya (NOC) has the pleasure to allocate to <b>SULACO GROUP</b> in our call, 2,000,000 bbls of Sarir/Messla blend crude oil loading Marsa El Hariga port On FOB <b>Sulaco Group (2018-C-006)</b> Contract No. <b>[002-March-2019]</b>, to be loaded between 5<sup>th</sup> of May 2019 to 20<sup>th</sup> of June 2019, as per contract No. <b>SULACO GROUP (2018-C-006)[002-March-2019]</b> And we will accommodate your nominated vessel accordingly.</p>	
<p>Yours Sincerely,</p> <div style="display: flex; align-items: center;">   </div> <p><b>Dr. Farag H. Gaith</b>  <b>Acting/ Crude Oil Marketing Manager</b>  <b>International Marketing</b></p>	
<p>cc:</p> <ul style="list-style-type: none"> <li>- Member of the Board of Director for marketing.</li> <li>- Crude Dept.</li> <li>- Company file</li> </ul>	
<p>بنغازي - البركة (00218)614782560 - (00218)614782561  <a href="mailto:info@libya-noc.org">info@libya-noc.org</a> <a href="https://m.facebook.com/NOCL.LIBYA/">https://m.facebook.com/NOCL.LIBYA/</a></p>	

Figure 60.2  
Allocation Certificate dated 16 May 2019



**المؤسسة الوطنية للنفط**  
NATIONAL OIL CORPORATION

التاريخ : 16/05/2019  
الموافق : 16/05/2019

الإشاذى : C.O.M.19.05.0156  
الملف :

**To : HASSAN ENERGY LIMITED**  
**Attention : Mr. MOHAMMED A. HAY**  
**Reference No. : C.O.M.19.05.0156**  
**Subject : Allocation Certificate**

**Allocation Certificate No 05/05/2019**

National Oil Corporation of Libya (NOC) has the pleasure to allocate to **HASSAN ENERGY LIMITED** in our call, 1,000,000 bbls of Sarir/Messla blend crude oil loading Marsa El Hariga port On FOB **HASSAN ENERGY LIMITED (2018-C-007)** Contract No. **[005-May-2019]**, to be loaded between 01<sup>st</sup> of July 2019 to 15<sup>th</sup> of August 2019, as per contract No. **HASSAN ENERGY LIMITED (2018-C-007) [005-May-2019]** And we will accommodate your nominated vessel accordingly.

Yours Sincerely,




**Dr. Farag H. Gaith**  
**Acting/ Crude, Gas & Products Marketing Manager**  
**International Marketing**

cc:

- Member of the Board of Director for marketing.
- Crude Dept.
- Company file

بنغازى - البركة (00218)614782560 - (00218)614782561  
[info@libya-noc.org](mailto:info@libya-noc.org) <https://m.facebook.com/NOCL.LIBYA/>

Figure 60.3  
 Terms of reference for a Sales and Purchase contract, valid until 20 July 2019

**DEAL TERMS OF REFERENCE**

Producer:  
 National Oil Company (NOC) – Libya

Seller:  
 ALLOCATION HOLDER (via NETOIL)

Buyer: TBN

Refinery:  
 To be notified by the buyer at least 14 days before first day of laycan for loading

Product: Crude oil  
 Origin: Libya  
 Grade:  
 Approx. blend of Sarrir 65% - Messla 35% (+/- operational tolerance)

Specifications:  
 API 36.5 [Assay Reports Attached]

Contractual Quantity:  
 Total Quantity 01 million US Barrels (+/- 5% operational tolerance)

Quantity:  
 Cargo to be 1,000,000 BBL (+/- 5 % Seller's option) Term of Contract:  
 First cargo Spot & then we agree on a Contract for subsequent deliveries Terms of delivery: CIF

Load-port:  
 Mersa al Hariga (Libya)  
 Discharge port: To be notified  
 Date range for loading:  
 First Cargo to be available for loading within 15 days after signing of SPA and receipt of Letter of Credit,

Price:  
 Based on FOB ex El Hariga; dated Brent Per US Barrel plus the freight as actual Pricing period:  
 05 days around BL date, 2 days before BL, 2 days after BL (1-1-0-1-1) where 0 is BL date; in case of BL  
 date is non-publication, then three immediate publications prior BL date and two after BL date shall be  
 used for pricing.

Payment:  
 By Irrevocable, Confirmed Letter of Credit (LC) payable at sight upon presentation of valid shipping  
 documents: LC to be issued from an acceptable Bank in verbiage provided by the Seller Documents for  
 payment:  
 1. Commercial Invoice (1 original + 3 copies) 2. Certificate of Origin 3. Original 3/3 Bill of Lading 4.  
 Certificates of Quality & Quantity issued by jointly appointed surveyor at Load- port 5. Time Chart 6.  
 Ullage Report 7. Master's Receipt for documents Invoiced Quantity: As per Bill of Lading

Page | 2

Quality:  
 To be determined at Load-port before loading of the Vessel by jointly appointed surveyors; costs to be  
 shared equally Survey & Inspections:  
 By jointly appointed Independent Inspectors at Load-port

Insurance:  
 Seller to arrange and pay for Insurance of the cargo

Title:

Title of the Oil to pass to the Buyer upon payment received in the Seller's designated bank account

Risk:

Risk of loss or damage shall pass to the Buyer when the Oil passes through the manifold connection of the Performing Vessel at Load-port.

Taxes & Duties:

Each part to pay their respective taxes

Laytime:

36 + 6 Hours SHINC

Vessel Nomination:

To be nominated by the Seller for acceptance of Buyer and Port Authorities, approvals shall not be withheld without assigning valid reasons.

Demurrage:

As per CP of performing vessel

ISPS:

Parties shall comply with the requirements of International Code of Security of Ship & of Port Facilities.

Non-Disclosure:

Parties shall keep all information discreet & confidential and shall not share with third parties.

General Terms & Conditions: INCOTERMS & as agreed in SPA

Page | 3

Applicable Law:

UN Convention on Contracts for the International Sale of Good of Vienna, 11 April 1980 Arbitration &

Place:

International Chamber of Commerce at London

Validity:

This Term sheet is valid for signing of SPA between the Buyer & the Seller until 20 July 2019, subject to usual due diligence clearance

PROCEDURE:

1. Seller to issue this TOR/Deal Recap;
2. Buyer to negotiate & agree
3. Seller to issue draft of SPA & LC (open for negotiations)
4. Parties sign SPA & LC verbiage
5. Parties nominate their respective banks for transaction
6. Seller to nominate vessel and share Q-88
7. Seller to obtain approvals of nominated vessel from NOC and Load-port authorities
8. NOC to advise Load date range
9. Nominated vessel to tender NOR within Laydays for Loading
10. NOC shall provide permissions to Inspectors to conduct surveys, take samples and to perform their duties safely.
11. NOC shall issue Documents pertaining to Shipment.
12. Shipping documents are prepared
13. NOC shall let Vessel depart promptly and ensure safety of Vessel to International waters
14. Seller &/or NOC to lodge Shipping Documents in the Bank for Payment
15. Payment affected as agreed
16. Transaction completes We look forward hearing from you a favorable reply and hope to have a mutually beneficial long-term relationship with your esteemed company.

Thanking you in anticipation, Yours truly,

Figure 60.4

**Inquiry in the market to charter a tanker to export crude oil from Marsa el Hariga (Tobruk), dated 30 September 2019**

**From:** [REDACTED]  
**Sent:** Monday, September 30, 2019 5:15 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Libya

Below inquiry received bss Libya/Curacao

Begin forwarded message:

**Subject: Libya**  
**Date:** 30 September 2019 at 15:25:31 EET  
**To:** [REDACTED]

To : [REDACTED]  
Kind Attention : Chartering Desk  
Date : 30.09.2019

Privately Count Energy  
12 X 1 Million barrels crude oil  
Load 1/2 sp(s) Libya intention Marsa El Hariga / Tubrok  
Discharge 1/2 sp(s) Curacao  
Laycan Oct 2019 thru Sept 2020 – first cargo to be lifted 1 Oct / 15 Nov 2019  
Laytime 96 hrs shinc  
2.5 pct comm

Pls offer firm

Sources: Confidential.

## Annex 61: Jet A-1 aviation fuel sold quantities in the east

Figure 61.1

Jet A-1 aviation fuel sold quantities in the East.

شركة البريقة للتسويق والتوزيع  
مقر: مدينة البريقة - ليبيا

مراسلات الشركة الداخلية

من: علي محمد المقصبي	إلى السيد: مفتاح سالم سلامة
الوظيفة: منسق مراقبة الأرصدة م.ش.و	الوظيفة: مراقب التوريد و النقل البحري في (م.ش.و)
التاريخ: 08 ذي القعدة/1440 هـ	الموضوع: مبيعات كيروستين طويران خلال النصف الأول من عام 2019م
الموافق: 2019/07 / 11	

تحية طيبة وبعد ،،

نحيل إليكم الكميات المعايعة من منتج (ك - ط) - بحسب طلبكم منا - في مستويات المناطق الوسطى خلال النصف الأول من عام 2019م وهي باللتر على الدرجة العادية.

المبيعات الشهر	مبيعات م.المنقار	مبيعات مستودع طبرق	مبيعات مستودع البريقة	مبيعات م.السرب	مبيعات مستودعات المطارات
شهر يناير	-	1,022,000	40,000	-	3,478,089
شهر فبراير	-	1,290,000	40,000	-	3,507,958
شهر مارس	-	925,000	252,000	-	4,487,080
شهر أبريل	2,095,000	1,035,000	199,000	-	6,558,457
شهر مايو	205,000	1,920,000	180,000	-	8,763,620
شهر يونيو	-	1,170,000	100,000	732,000	7,307,491
مجموع	2,300,000	7,362,000	811,000	732,000	34,102,695

الإجمالي النهائي = 45,307,695 لتر يعادل 36,000 ط/متر

وتقبلوا منا فائق الاحترام و التقدير

ممنسق مراقبة الأرصدة م.ش.و  
علي محمد المقصبي

شركة البريقة للتسويق والتوزيع  
مقر: مدينة البريقة - ليبيا

صورة السيد: مدير عام المنطق (ش.و)  
صورة الخلف  
لقم م.ش.و

6102  
2019  
11

Source: Confidential

Figure 61.2  
Unofficial translation

**Brega Petroleum Marketing Company**

**Company Internal Communications**

<b>From Ali Mohamed Al Magsabi</b>	<b>To Mr. Muftah Salim Salama</b>
<b>Quality: Inventory Control Coordinator</b>	<b>Quality: Supply and Maritime Transport Control Specialist</b>
<b>Date: July 7, 2019</b>	<b>Subject: aviation kerosene sales during the first half of 2019</b>

After greetings,

Upon your request, please find below the sold quantities of aviation kerosene, in the Central region warehouses during the first half of 2019 in Litre regular grade

Sales Month	Al Mangar warehouse sales	Tobruk warehouse sales	Brega warehouse sales	Sarir warehouse sales	Airports warehouses sales
January	-	1,022,000	40,000	-	3,478,089
February	-	1,290,000	40,000	-	3,507,958
March	-	925,000	525,000	-	4,487,080
April	2,095,000	1,035,000	199,000	-	6,558,457
May	205,000	1,920,000	180,000	-	8,763,620
June	-	1,170,000	100,000	732,000	7,307,491
<b>Total</b>	<b>2,300,000</b>	<b>7,362,000</b>	<b>811,000</b>	<b>732,000</b>	<b>34,102,695</b>

Overall total = 45,307,695 litres equivalent of 36,000 metric tons

Regards,

Inventory Control Coordinator

Ali Mohamed Al-Magsabi

Source: Confidential

**Annex 62: Arrest warrants issued by the Attorney General's Office on 7 February 2019**

Figure 62.1

**Arrest warrants issued by the AGO on 7 February 2019**

1. The Panel holds a copy of the above indicated document.

Figure 62.2

**Official translation of the above**

2. The Panel holds a copy of the above indicated document.



**Annex 63: List of trusted petrol stations issued by Brega**

Figure 63.1

**List of trusted petrol stations issued by Brega**

1. The Panel holds a copy of the list of trusted petrol stations issued by Brega.

**Annex 64: Quantities of refined products distributed by Brega since 2012**

Table 64.1

**Quantities of refined petroleum products distributed by Brega, 2012 to April 2019, in litres.**

<i>Year</i>	<i>Region</i>	<i>Gasoline</i>	<i>Diesel</i>	<i>Kerosene</i>
2012	East	1,296,561,000	426,747,200	67,379,000
	Tripoli	1,582,850,000	455,382,600	135,243,000
	Misrata	523,033,000	247,243,500	0
	Zawiyah	764,710,000	326,092,000	0
	Sebha	252,831,000	116,494,650	50,000
2013	East	1,452,890,500	537,694,300	36,640,800
	Tripoli	1,823,994,500	669,305,200	128,400,000
	Misrata	637,079,300	367,286,000	0
	Zawiyah	893,711,000	372,078,000	0
	Sebha	314,360,000	179,614,500	0
2014	East	1,288,186,000	577,309,700	577,309,700
	Tripoli	1,254,861,900	402,610,500	74,834,000
	Misrata	771,646,000	437,767,000	101,000
	Zawiyah	1,175,677,000	472,764,000	0
	Sebha	169,244,200	113,300,000	0
2015	East	1,295,185,500	475,190,750	5,581,650
	Tripoli	1,312,224,000	315,791,500	43,238,000
	Misrata	554,943,000	280,387,000	0
	Zawiyah	1,162,978,000	480,982,000	380,000
	Sebha	252,050,000	90,833,000	0
2016	East	1,353,369,000	469,718,800	25,361,000
	Tripoli	1,781,998,000	531,148,500	45,244,000
	Misrata	660,936,000	335,235,000	0

<i>Year</i>	<i>Region</i>	<i>Gasoline</i>	<i>Diesel</i>	<i>Kerosene</i>
2017	Zawiyah	1,045,820,000	512,660,000	0
	Sebha	356,202,000	134,956,000	0
	East	1,427,195,000	508,418,300	24,621,500
	Tripoli	1,867,226,000	360,732,500	42,172,000
	Misrata	812,916,000	510,133,000	68,000
	Zawiyah	830,990,000	190,300,000	0
2018	Sebha	171,868,000	33,330,000	0
	East	1,541,191,000	570,349,400	21,005,500
	Tripoli	2,01,989,800	237,999,000	6,306,000
	Misrata	911,110,000	475,107,000	120,000
	Zawiyah	739,450,000	179,645,000	0
	Sebha	25,043,000	2,251,000	0
2019 (until April)	East	519,035,000	217,694,030	12,380,000
	Tripoli	445,165,000	76,528,000	6,700,000
	Misrata	330,380,000	163,860,000	84,000
	Zawiyah	223,690,000	68,790,000	0
	Sebha	41,908,000	7,838,000	0

<sup>a</sup> Brega Petroleum Marketing Company

## **Annex 65: Letter calling for abolishment of the monopoly of the distribution companies**

Figure 65.1

### **Letter of the Minister of Interior**

---

*Translated from Arabic*

**State of Libya  
Government of National Accord  
Ministry of the Interior  
Office of the Minister**

Ref. No.: *shin.sin/1154*

Date: 18 August 2019

Sir,

I write in response to the letter of the Chair of the National Oil Corporation (ref. no. 3457/4-1-25) of 13 August 2019 regarding the low level of fuel withdrawals by the four petroleum distribution companies (Sharara Oil Services, Al-Rahila, OiLibya and Highway Service Company) and their failure to monitor petrol stations and their operations.

The low withdrawal rate has led to a crisis in the supply of fuel to petrol stations and the closure of some stations. There is no justification for any of this, given that the Ministry has provided all petrol stations in and around Tripoli with the required protection. Security officials in no way interfere with the operation of those petrol stations and it is believed that the companies may be deliberately holding back from taking delivery of their daily fuel allowances in order to justify requests to increase oil imports from abroad or to reopen petrol stations closed by court order as the Office of the Public Prosecutor conducts a criminal investigation into smuggling activities.

Given all of the above and the fact that the matter relates to a basic necessity that affects security and services, the Ministry deems it necessary to issue a decision on ending the monopoly exercised by the four fuel distribution companies on this activity, in order to ensure that petrol station owners and operators work directly with the Brega Petroleum Marketing Company and obtain their supplies from its depots, without any intermediaries to facilitate operations. This should fully resolve the current crisis.

*(Signed)* Fathi Ali **Bashagha**  
Acting Minister of the Interior

Chair of the Presidential Council  
Government of National Accord

cc:  
Director of the National Oil Corporation  
Classified matters department of the Office

## Annex 66: Letters issued by the Municipal Council of Zawiyah

Figure 66.1  
Official translation

*Translated from Arabic*

Municipal Council of Zawiyah

Date approved: 12/11/2018

Re: Response to media statements made by the board of the National Oil Corporation

(a) The oil refining complex in Zawiyah comprises:

1. The Azzawiya Oil Refining Company, with its refinery, oil terminal and oil blending and asphalt production facilities;
2. The Brega Petroleum Marketing Company (fuel and gas supply depots);
3. The Akakus Oil Operations and its oil terminal;
4. The Specific Training Centre for Oil Industries;
5. The Arabian Gulf Oil Company (oil terminals).

(b) We would like to state that:

1. The surface area of the oil complex totals 250 ha and falls within the city limits;
2. The Zawiyah oil refinery was established in 1973 and has not been further developed since;
3. The safety fences have been in a state of disrepair since 2008 and are not fit for purpose;
4. This vast area has no security cameras, alarms or electronic protection systems, and the guards are not authorized to bear arms;
5. The area is not equipped with internal or perimeter gates to control movement within or around the oil complex;
6. Perimeter watchtowers are dilapidated and out of use;
7. The Zawiyah oil complex has not suffered any systematic attacks or sabotage and has not been the scene of armed clashes;
8. Unlike in the central and eastern parts of the country, the oil complex has not been subject to closures; nor have exports been interrupted. On the contrary, any stoppages or strikes have been extremely limited in scope and have been resolved with minimal losses through the use public pressure;
9. All the installations in the oil complex are meeting production targets and the Akakus company is exporting approximately one third of Libyan output through the Zawiyah oil terminal;
10. During the battle of Tripoli International Airport in 2014 and the fire that subsequently engulfed the Tripoli depot, it was the firefighting squad from the Zawiyah oil complex that was first on the scene to contain the fire; the Zawiyah depot and oil tankers were the nearest at hand to tackle the fuel crisis in the capital and to resume work after the recent crisis there;
11. We have referred to the report of the fuel crisis committee on what lies behind the smuggling. Reports by the depot management confirm that the amount of fuel being siphoned off daily has continued to drop and, compared with the Tripoli and Misratah depots, is the lowest in the country;

12. The irregularities and breaches within the oil complex were all carried out by individuals who infiltrated it through the main gate or openings in the perimeter fence;

13. We believe that the timing of these allusions to a possible suspension of operations at the Zawiyah is not conducive to carrying out economic reform, given that production has picked up again and the price of crude has risen.

(c) The Municipal Council of Zawiyah has been taken aback by statements casting the City of Zawiyah, which is responsible for the security of the oil complex, in a bad light before public opinion, both at home and abroad. The daily acts of sabotage, closures and kidnappings of oil workers to which all oil facilities – fields, refineries and terminals – and even the offices of the National Oil Corporation itself are subjected elicit no such response. The City of Zawiyah, however, has been scrupulous about maintaining security at the oil complex. Some 7,000 employees, regular visitors and students enter and leave the complex every day. We must ask, what has the National Oil Corporation done since 2011 to support sustainable development or to remediate harm suffered by the population and the environment? We demand a commission of inquiry to examine these facts closely and verify them so that we might present a true picture of the City of Zawiyah.

Yours sincerely,

(Signed) Eng. Jamal Abdunnasser **Bahr**  
Mayor of the Municipality of Zawiyah

## Annex 67: Routes employed by fuel smugglers from Zawiyah

Figure 67.1

Routes used and main check points crossed by fuel smugglers



- A. Located at 32°45'29.8"N 12°41'31.3"E, is the first check point after the oil complex, under the control of an armed group affiliated to the Awlad Sagir tribe.
- B. Located at 32°28'37.9"N 12°40'33.0"E, in the town of Bir Bin Shuaib, is the second check-point common to both routes, under the control of an armed group affiliated to Awlad Sagir tribe with some elements from the Al Hirarat tribe.

### South Route:

- C. Located at 32°28'37.9"N 12°40'33.0"E, this check point is known as the "T-Check Point", under the control of Imad al Tarabulsi forces.
- D. Located at 32°01'15.5"N 11°56'45.1"E, in the town of Shakhshuk, is under the control of armed groups from Jadu.

### West Route:

- E. Located at 32°33'49.3"N 12°25'15.2"E, this check point is known as "roundabout al-Jeweili" and is under the control of Zinati armed groups.
- F. Located at 32°34'12.9"N 12°20'16.8"E, this check point is known as "South Surman route" and is under the control of Zinati armed groups.
- G. Located at 32°45'33.8"N 12°28'22.5"E, in the city of Sabratah, this check point is under the control of listed individual Mus'ab Mustafa Abu al Qassim Omar (LYi.024), a.k.a. Musa Abu Ghayn.
- H. Located at 32°50'36.1"N 12°14'35.0"E, in the western exit of the city of Sabratah, near the entrance of the Mellitah Oil and Gas complex, this check point was under the control of listed individual, Ahmad Oumar Imhamad al-Fitouri (LYi0.23), a.k.a. Al Ammu Dabbashi, and now is controlled by the Sabratah Military Council.

**Annex 68: Specifications of the diesel oil imported by Libya**Figure 68.1  
Specifications for diesel oilLibyan specification for Diesel Oil no. (1)  
126/2007

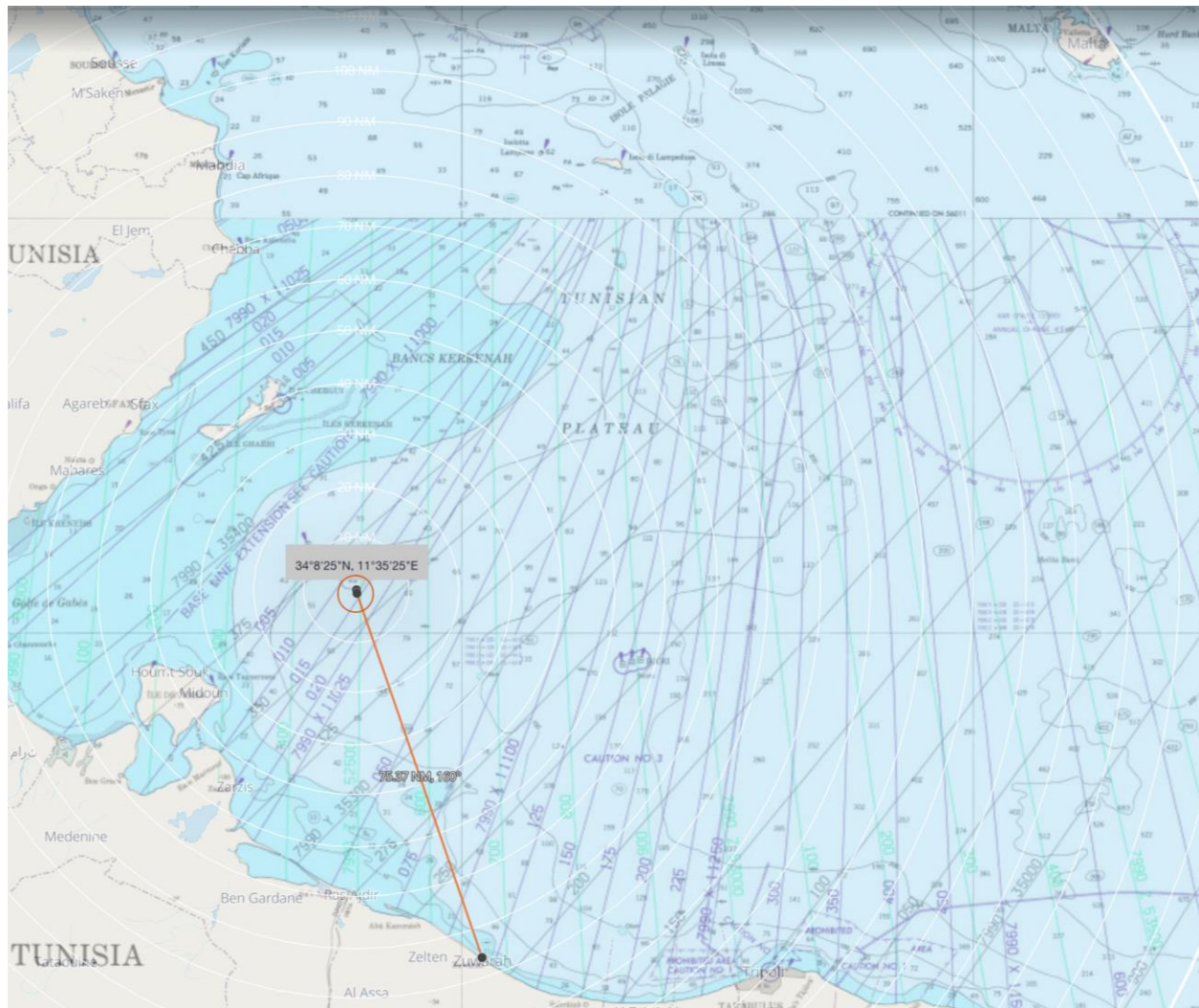
No	TEST NAME	METHOD	UNIT	Limit
1	Specific Gravity @ 15.6 °C	ASTM D-1298		report
2	Distillation Recovery @ 250 °C	ASTM-D-86	Vol.%	< 65
	Recovery @ 350 °C	ASTM-D-86	Vol.%	85 (min.)
	95% vol.	ASTM-D-86	°C	360 (max)
3	Flash point	ASTM-D-93	°C	60 (min.)
4	Viscosity @ 40 °C	ASTM-D-445	cSt	2 - 5
5	Pour Point	ASTM-D-97	°C	Winter -1 (max) Summer +3 (max)
6	Total Sulfur	ASTM-D-4294	Wt%	0.1 ( max)
7	Heat of Combustion (Gross)	ASTM-D- 4868	Kcal/kg	10600 (min)
8	Cu Corrosion (3hours@ 50 °C)	ASTM-D-130		No. (1)
9	Acid No. (Total Acidity)	ASTM-D-974	mg/KOH/g	0.1
10	Carbon Residue (CONR)10%RES	ASTM-D-189	Wt%	0.15 (max)
11	Ash Content	ASTM-D-482	Wt.%	0.01 (max)
12	Cetane Index by calculation	ASTM-D-976		46 (min)
	Cetane index by measuring			51 (min)
13	Cloud Point	ASTM-D-2500	°C	Winter + 3 Summer +6
14	Polyaromatic	ASTM-D-6591	°C	11 (max)



## Annex 69: Indication of the area where Ship-to-Ship transfers of Libyan fuel are taking place

Figure 69.1

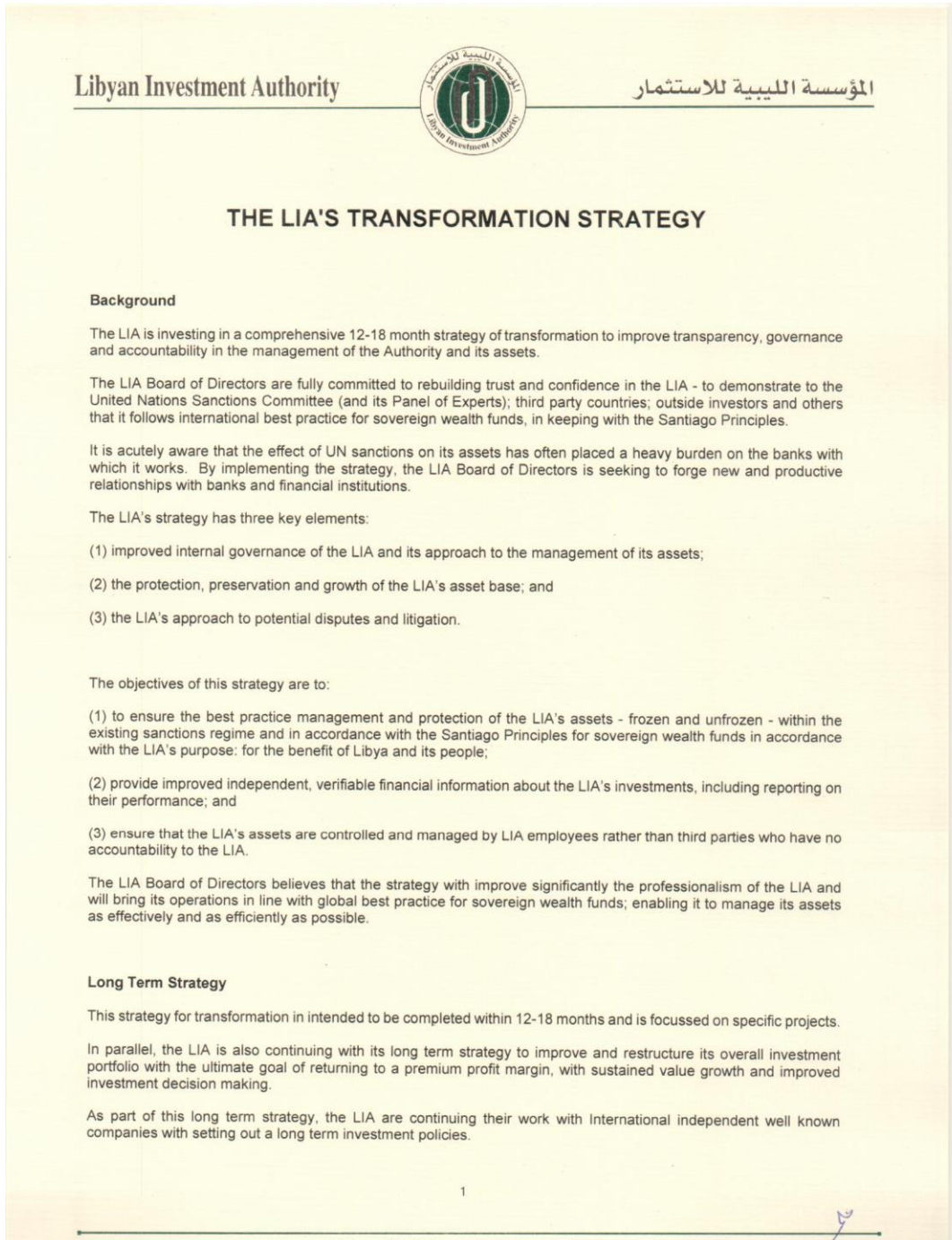
Approximate location of the area where STS transfers. 34°8'25"N, 11°35'25" E



## Annex 70: LIA strategy

Figure 70.1

### LIA strategy to improve transparency, governance and accountability





### **Governance and Management**

The governance and management reforms element of the LIA's strategy involve an extensive programme to ensure that the LIA is able to observe international best practices for sovereign wealth funds and for the LIA's frozen funds to be managed as effectively and as efficiently as possible within the framework of the United Nations' existing sanctions regime.

Under these reforms, the LIA is committed to taking concrete and practical steps to create more efficient and coherent internal structures and procedures to provide greater transparency to its activities and, ultimately, to protect and grow its investments astutely.

For example, the LIA has commenced in implementing with a high qualified global training institutions for training and development of its staff and is embarking upon a programme in partnership with the international community parites to improve its accountability and internal management systems.

The LIA has also become a member in the International Forum of Sovereign Wealth Funds (IFSWF) to aim for a greater level of governance.

The LIA Board of Directors acknowledge and recognise the size of the task. Implementing the strategy is challenging and the reforms are reliant upon external professional consultants being hired to provide both expert and independent guidance and resource. For example, the LIA Board of Trustees has given permission to the LIA Board of Directors to propose external auditors and experts in forensic review. In addition, international consultants with relevant first class expertise will be appointed over the coming months to advise on internal management reforms, as well as investment reporting; forensic capability and project and process management.

These reforms will require the co-operation of the banks and financial institutions which manage and have custody of the LIA's assets – so that the LIA can properly evaluate its investments and make informed choices with respect to future dealings.

The LIA's strategy is fundamental to the LIA's contribution to economic reform in Libya and has been discussed and adopted by the LIA Board of Directors .

### **Asset Protection**

The asset protection reforms element of the LIA's strategy are designed – within the existing sanctions regimes - to protect the LIA's assets (frozen and unfrozen) becoming subject to unwanted attachment and/or other enforcement orders where parties to disputes have obtained judgments and orders against the State of Libya and/or other Libyan state entities - as has been attempted in certain jurisdictions.

Too often third parties with claims against the State of Libya have simply sought to attack LIA assets by way of court enforcement applications, as such assets are generally of high value and are perceived to be readily available in numerous jurisdictions. However, the LIA is not an emanation of the State of Libya and its assets are not to be used to cover judgments against Libya.

### **Legal**

The LIA recognises that its reputation has been impacted by its involvement as a counterparty in litigation and significant efforts are being made to ensure that the LIA alone (and not third parties with little, if any, accountability) manages and directs its disputes and ensures that, where formal proceedings become necessary, they are handled efficiently and effectively – to serve the LIA's best interests – both long and medium term and legally and commercially.

The intention is also to reduce senior management time in managing a portfolio of international litigation, which in turn distracts from the LIA's ability to deal with its core business.

A significant number of the LIA's disputes involve individuals purporting to act on behalf of, or giving instructions on behalf of, the LIA. This situation has arisen directly out of a dispute concerning the valid Chairman of the Authority, which the LIA Board of Directors (appointed by the Government of Accord's Council of Ministers) is actively seeking to bring to a close in the English Courts.




**Conclusion**

The LIA's reform strategy and long term strategy are both fundamental to ensuring that the Authority remains profitable and that its assets are safeguarded for the future of Libya and its people.

This is imperative because the LIA has a critical contribution to make to economic reform in Libya and it hopes that banks and financial institutions that wish to work in partnership with the LIA share this vision.

The implementation of the reform strategy is being carried out in full co-operation and agreement with the other key economic and political institutions and international community parties has been discussed and adopted by the LIA Board of Directors.

We look forward to working together with world-class banks and financial institutions to further the objectives described above.

  
— Dr. Ali Mahmoud Hassen Mohammed  
Chairman&CEO  
Libyan Investment Authority

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**Annex 71: Legal and other issues faced by designated entities****Legal disputes**

1. Supreme Court of Libya - Details of the two appeals, which the Supreme Court of Libya decided on 10 April 2019 were provided in annex 58 to [S/2018/812](#).
2. It should be noted that the Administrative Chamber of the Supreme Court has set aside the two judgments of the Administrative Chamber of the Benghazi Court based on that Court's lack of jurisdiction. The Supreme Court made no findings on the main grounds, viz., the matter of legality of the formation and functioning of the Board of Trustees and, consequently, that of the Board of Directors.

**Other legal cases in Libya**

3. The court case filed by Mr. Abdulmagid Breish is pending.
4. The Panel has learned that a former Chairman of LIA, Mohsen Derrigia, had filed a case in the Tripoli Court, challenging his removal as he was not formally dismissed. The lower court had turned down his application on the ground that decisions of the Board of Trustees are not subject to legal review. The Supreme Court, in its decision of 20 March 2019, accepted his appeal and overturned the judgment of the lower court.
5. United Kingdom – The case is before Mr. Justice Andrew Baker in the Queen's Bench Division, Commercial Court. The applicant here is Dr. Ali Mahmoud Hassan Mohamed. The respondents are the Receivers, the LIA, Mr. Abdulmagid Breish, former Chairman of the LIA and Dr. Hussein Mohamed Hussein Abdlmola, Chairman of LIA east.
6. The applications before the Court seek: A declaration that Dr. Mahmoud has been since 15 July 2017 and remains validly appointed as Chairman of the LIA with authority, therefore, to exercise control over the property the subject of the receivership order in question; an order that the respective receivership order be discharged with whatever may be the appropriate consequential orders and directions, including for transfers of assets in the hands of the receivers.
7. After detailed discussion, Justice Baker held on the preliminary issues:
  - a. *“The question of which body represents or has at any material time represented the executive authority and Government of Libya falls to be determined, if it arises before this court, under English law; and*

*b. The executive authority and Government of Libya is represented today and has been represented since at least 19 April 2017 by the Government of National Accord and the Presidency Council, and that is so if and insofar as relevant to and for the purpose of Article 6 of Law No. 13 of 1378 DP (2010) made by the then General People's Congress of Libya or for any other purpose to which the question might matter if it arises before this court in relation the Applications."*

8. By further order of 10 July 2019, the respondents, Breish and Hussein, were given permission to appeal in respect of the above Order of 14 February 2019.

9. The issues to be tried were listed in Annex 1 of the order dated 10 July 2019. Permission was also given for expert evidence in the field of Libyan law. The issues to be considered by the experts are detailed in Annex 1 of the order dated 25 July 2019.

10. Since there was a dispute over authority, the Court appointed receivers who would handle particular assets and pursue the litigation on behalf of LIA (paragraph 16 of Annex 58 to [S/2018/812](#)). The Panel does not have full details of these cases.

11. Proper conduct of litigation is essential as some assets of LIA are subject to attachment, or attempts are being made to attach. The claims leading to such attachments are not against the LIA, but against the Libyan state for pre-2011 contracts. Lack of proper monitoring and defence of these cases risks loss of LIA assets.

### **Long Term Portfolio (LTP)**

12. The LIA authorities explained the difficulties they encounter in managing the assets of the Long Term Portfolio. The Panel has confirmed that the assets (approximately US\$ 10 billion) have been held in the name of LFIC from well before the assets freeze became operative and are all frozen. These assets are generating profit.

13. Representatives of the LTP and of the BoD of the LIA in Tripoli emphasised that the LTP was a separate company and pointed to its registration in 2018 in the Commercial Register of Tripoli to prove this point. The Panel, however, ascertained that decision 767 of 1991 created a committee to manage a portfolio to invest the gains from shares in FIAT, sold for substantial profit in the late 1980s. This decision did not create a legally independent entity. It has neither articles of association nor a certificate of incorporation. This portfolio was run by the LFIC. Currently, all the investments are in the name of the LFIC. Previous Chairmen had recommended the integration of this Portfolio into the LIA but this was not done. The LIA claims that the LTP is a separate legal entity and has appointed a Chairman and BoD for the LTP. Previous Chairmen of the LIA have stated that is not a separate legal entity.

14. The Panel has not yet confirmed the validity or otherwise of the claims above, as these have arisen post 2011 and would not affect the assets freeze. These assets were, and are, still legally in the name of LFIC, which is acknowledged by the LIA. Regardless of whether the LIA chooses to nominate a new BoD, as was done in 2017, the assets cannot be legally transferred, more so as the legal existence of LTP as an independent company, is not free from doubt.

15. The BoD of the LIA in Tripoli reconstituted the board of LTP by decision number 20/2017 issued in December 2017. Sami Mabrouk was removed as chairman of the LTP and Atef Al Bahri was appointed the new chairman per the decision. Sami Mabrouk is resident in Jordan as the head of the representative office of the LTP there. He left Tripoli in 2014 to establish this office, which was registered in Jordan on 6 August 2015. The Panel has seen the decision of the BoD of the LIA, signed by Hassan Bouhadi, then chairman, to establish the office to Jordan.<sup>219</sup> Sami Mabrouk's refusal to hand over to Atef al Bahri has engendered a dispute between the two offices, with even the Jordanian authorities refusing to recognize the appointment of Atef al Bahri. Sami Mabrouk also challenged his removal in Tripoli courts.

16. The assets in Jordan are apparently frozen, but the Panel awaits supplementary information to determine the proper implementation of the assets freeze. The Panel is further enquiring into the allegations of mismanagement and misappropriation of funds by various Libyan authorities.

17. An audit of the funds, other financial assets and economic resources, belonging to the LTP and its representative office in Jordan may shed light on the effective implementation of the assets freeze. An audit should encompass all assets, which are declared to be not subject to the assets freeze, and all assets controlled directly or indirectly. It is known, for instance, that large sums were transferred in the past for the purported administrative running of the LIA Malta office. It is necessary to verify how these transfers were effected and how these sums were not subject to the assets freeze.

18. This case also illustrates the confusion generated by two boards of LIA, one in Tripoli and one in the east and how this affects the management of LIA assets (see paragraph 23).

### **Issues with financial institutions and member states**

19. Both designated entities face problems with the KYC processes, particularly in HSBC UK and HSBC Luxembourg, and are consequently unable to access to or obtain information on their funds even though the banks are collecting its monthly management fees. The completion of the KYC process,

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<sup>219</sup> Reference to Hassan Bouhadi in paragraphs 217 and 218 of [S/2017/466](#).

which includes updating of LIA's authorised signatory list, is linked to the pending litigation in the United Kingdom.

20. The Panel specifically asked the designated entities if the national regulator had been approached. Their response was that it is time consuming and they cannot afford the delay. This does not appear convincing as the net result is that they still cannot have access to the funds. The Panel advised that they could submit exemption requests as per the provisions of the resolutions. The representatives of the designated entities responded by pointing out instances of considerable delay at the level of the financial institutions and the national authorities in processing the documents and sending onwards to the Committee. This issue could be addressed by simplified and quicker procedures for processing exemption requests.

### **Implementation Assistance Notice 6**

21. LIA is facing problems of financial flow pursuant to issue of IAN 6 as funds which were earlier freely available are now frozen. When access to funds is requested, some financial institutions delay and seek clarification as to whether the funds are free or frozen.

22. LIA also raised the issue of funding of subsidiaries, one being Libyan African Investment Company (LAICO). Earlier, the interest from frozen accounts, which was considered free money, contributed to the debt payments of hotels managed by LAICO. This is no longer possible. LIA now requires approval for release of frozen funds for payment of the outstanding loans of the hotels. LIA is using LFIC funds in Libya to fund the LAICO hotels. This is in terms of a decision of the BoT of LIA. LAICO is not subject to the UN assets freeze. It is, however, subject to the assets freeze under EU regulations. Nevertheless, it appears that LIA had been utilising their funds, which ought to have been frozen, to help LAICO out of its financial difficulties. Now that these funds, being income accrued from frozen funds, have been correctly frozen, LIA is making known its difficulties. This issue is relevant in the context of governance and management issues of LIA and its subsidiaries.

### **LIA East**

23. The 'interim government' continues to appoint a parallel Board of Directors for the LIA. Dr. Hossein is the current Chairman and he is also a party to the court case relating to the removal of the receivers, pending in the United Kingdom. This Board has no control over the LIA assets. Nevertheless, this is one of the issues which make financial institutions wary in allowing access to funds.



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**Annex 72: Designated individuals**

1. On 16 February 2019, the Panel interviewed Mohammed Kashlaf (LYi.025) and Abd Al-Rahman al-Milad (LYi.026) in Libya. The Panel explained the assets freeze and travel ban measures, including the delisting procedure to them.
2. Mohammed Kashlaf (LYi.025) said that he works for the PFG, and he confirmed that he is still receiving his salary from the Ministry of Defence through the PFG. Since 2014 he has been tasked with securing the perimeter of the oil complex in Zawiyah. He requested sight of the evidence submitted for his designation as he cannot prepare a defence without it.
3. Abd Al-Rahman al-Milad (LYi.026) explained that he had been in charge of the Coast Guard port facility at the Zawiyah oil complex since 2013. He also asked for the evidence leading to his designation. He claimed that he had saved many migrants and referred to his role in seizing several vessels. He refused to provide his pay slip or any other documentation.

**Annex 73: Suggestions for passenger profiling system**

1. Some countries have developed their own system to process passenger information and some others use the Global Travel Assessment System (GTAS), which is a license-free software application, developed by the US Customs and Border Protection and made available by the World Customs Organization (WCO) to member countries free of cost. GTAS is an Open Source web application for improving Global Security by using industry-standard Advance Passenger Information (API) to screen commercial air travellers. It was developed in response to resolution [2178 \(2014\)](#) to help the world combat terrorism and improve travel security for everyone.
2. For this purpose, the following are required:
  - c. Legislation mandating the airlines/master of the vessels etc. to electronically submit passenger information in a prescribed format at stipulated time to the competent authorities (Customs/Immigration/Border Force). Some countries may ask for only basic travel information of the passengers, collected before the departure of the aircraft (API- Advance Passenger Information) or it can be more detailed including information furnished by the passenger at the time of purchase of ticket (both API and PNR data).
  - d. The competent authority can screen the passenger information using an automated system, against certain dynamic risk parameters, to identify the targeted or risky passengers. Using this system, persons subject to travel ban can easily be identified, when they enter or leave a country.

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