



Совет Безопасности

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**Письмо Группы экспертов по Ливии, учрежденной
резолюцией 1973 (2011), от 6 декабря 2024 года на имя
Председателя Совета Безопасности**

Группа экспертов по Ливии, учрежденная резолюцией 1973 (2011), имеет честь препроводить настоящим заключительный доклад о своей работе, представляемый в соответствии с пунктом 18 резолюции 2701 (2023).

Прилагаемый доклад был представлен Комитету Совета Безопасности, учрежденному резолюцией 1970 (2011) по Ливии, 12 ноября 2024 года и рассмотрен Комитетом 5 декабря.

Группа будет признательна, если настоящее письмо и доклад будут доведены до сведения членов Совета Безопасности и изданы в качестве документа Совета.

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Заключительный доклад Группы экспертов, учрежденной резолюцией 1973 (2011) по Ливии

Резюме

Вооруженные группировки в Ливии достигли беспрецедентного уровня влияния на государственные институты. На западе страны это влияние сказывалось на способности государственных институтов выполнять свои полномочия помимо интересов вооруженных групп. На востоке Ливии органы Правительства национальной стабильности использовались как прикрытие для абсолютного контроля Ливийских арабских вооруженных сил (ЛАВС) над органами государственного управления в этой части страны. Саддам Хафтар утвердил свою власть не только над сухопутными войсками ЛАВС, но и над стратегией внешних отношений и экономическими интересами ЛАВС.

В частности, вооруженные группы значительно увеличили свои доходы от контрабанды дизельного топлива, используя «Дженерал электрик компани оф Либия» в Триполи и объекты в старой гавани в Бенгази для перенаправления значительного количества дизельного топлива, а также оказывая влияние на Национальную нефтяную корпорацию и компанию «Брега петролеум маркетинг».

В отчетный период террористических нападений в Ливии не было, однако террористические элементы продолжали действовать на юге страны, используя трансграничную незаконную деятельность для получения финансовых средств и вербовки. ЛАВС воспользовались ухудшением ситуации с безопасностью на южных границах с соседними странами для усиления своего влияния в качестве одного из ключевых региональных субъектов, контролирующих трансграничные перемещения, главным образом путем сотрудничества в области безопасности с Нигером и Чадом. На безопасности и стабильности в Ливии непосредственно сказывался вооруженный конфликт в Судане.

Процесс создания объединенных вооруженных сил под эгидой Объединенной военной комиссии «5+5» реализовать не удалось из-за раздробленности силовых структур в стране и политических разногласий между ними. Присутствие иностранных боевиков и частных военных компаний еще больше дестабилизировало обстановку в плане национальной безопасности.

Пять ливийских вооруженных группировок несут ответственность за систематические нарушения международного гуманитарного права и права прав человека, в том числе произвольные задержания, убийства, пытки и уничтожение имущества гражданских лиц, совершаемые ими с помощью институционализированных карательных механизмов, применяемых против конкретных гражданских лиц, которые воспринимаются этими группировками как угроза их политическим и экономическим интересам в Бенгази и Триполи. Рискам похищения, насильственного исчезновения и запугивания особенно подвержены правозащитники и журналисты.

Международные сети торговли людьми и незаконного провоза мигрантов вместе с ливийскими вооруженными субъектами пользовались ливийской территорией для транзита по 17 выявленным международным маршрутам. На этих маршрутах мигранты и просители убежища, в том числе дети, регулярно подвергались изнасилованиям и другим видам сексуального насилия, жестокому обращению и вымогательству. Группа обнаружила три хорошо развитые ливийские контрабандистские сети, возглавляемые элементами вооруженных групп, которые увеличили масштабы и сложность своих операций, чтобы получать больше средств для финансирования своей незаконной деятельности.

Оружейное эмбарго не помешало вооруженным группам получать военное имущество и имущество, которое, по мнению Группы, имеет двойное назначение. Вооруженные группировки в Мисрате приобретали сложную военную технику. ЛАВС продемонстрировали свою недавно приобретенную технику и обширный арсенал, проведя масштабные военные учения и парад. ЛАВС также значительно увеличили своей морской потенциал, захватив два вооруженных военно-морских судна и приобретя через частные компании суда двойного назначения, которые были военизированы после передачи. Количество иностранных военных судов, заходящих в Ливию, увеличилось более чем вдвое. Во время одного из таких заходов в Ливию было передано военное имущество.

Оружейное эмбарго оставалось неэффективным в тех случаях, когда государства-члены контролировали пути подвоза материальных средств и цепочки поставок вооруженным субъектам в Ливии. Некоторые государства-члены стали более открыто демонстрировать военное сотрудничество с вооруженными субъектами на западе и востоке страны. В частности, как в Ливии, так и за ее пределами увеличилось число учений, проводимых государствами-членами и одной частной структурой.

Национальная нефтяная корпорация подверглась внутренней реструктуризации, которая облегчила вооруженным группировкам доступ к выгодным соглашениям о предоставлении услуг. С мая 2024 года, в соответствии с соглашением, одобренным Правительством национального единства, первая частная ливийская нефтяная компания экспортировала нефть на сумму около 460 миллионов долларов США.

Системные проблемы в оценке потребностей в топливе и в функционировании цепочки поставок способствовали импорту в Ливию большого избытка дизельного топлива, которое впоследствии было незаконно экспортировано вооруженными группами. Группа установила, что основным источником отправленного на экспорт избыточного дизельного топлива была «Дженерал электрик компани оф Либия». Группа выявила сети, ответственные за вывоз около 450 000 тонн дизельного топлива из старой гавани Бенгази. С марта 2022 года Группа выявила 185 случаев незаконного экспорта оттуда дизельного топлива оценочным объемом 1,125 млн тонн.

Было установлено, что 10 государств-членов и 16 финансовых учреждений неоднократно не соблюдали меры по замораживанию активов. В некоторых случаях это несоблюдение привело к размыванию замороженных активов. Вопреки соответствующим резолюциям, сохранялась непоследовательность в начислении отрицательных процентов и комиссий за управление и продолжались активное управление активами и начисление дохода на замороженные средства.

Группа экспертов пришла к выводу, что инвестиционному плану Ливийского инвестиционного управления не достает полноты, прозрачности и согласованности данных, из-за чего им были преувеличены объемы неинвестированных активов и завышены потери, объясняемые упущенными возможностями. Замороженные активы Управления выросли с момента введения мер по замораживанию активов, что противоречит его утверждениям об истощении активов в результате замораживания. Учитывая эту ситуацию и принимая во внимание связанные с ней риски неправомерного использования и расхищения, Группа вынесла рекомендации, в том числе по возможной корректировке мер по замораживанию активов, с тем чтобы позволить Управлению реинвестировать замороженные ликвидные активы с соответствующими гарантиями согласно пункту 15 резолюции [2701 \(2023\)](#).

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* Распространяются в основном только на том языке, на котором они были представлены, и без официального редактирования.

I. Справочная информация

A. Введение

1. Настоящий заключительный доклад, представляемый Комитету Совета Безопасности во исполнение пункта 18 резолюции [2701 \(2023\)](#), охватывает период с 18 июля 2023 года — когда был представлен предыдущий доклад Группы ([S/2023/673](#))¹ — по 25 октября 2024 года². Он включает обновленные сведения о проводимых расследованиях, о которых сообщалось в предыдущем докладе. В приложении 1³ можно ознакомиться с обзором эволюции санкционного режима в отношении Ливии. В приложении 2 содержится перечень употребляемых сокращений и аббревиатур.

2. При проведении расследований Группа экспертов руководствовалась передовой практикой и методами, рекомендованными Неофициальной рабочей группой Совета Безопасности по общим вопросам, касающимся санкций (см. [S/2006/997](#)). Группа экспертов придерживалась максимально достижимого стандарта доказывания.

3. Группа опиралась на подтвержденные доказательства и следовала своим стандартам, предусматривающим возможность для ответа. Дополнительная информация о методологии представлена в приложении 3. В своих расследованиях Группа соблюдала принципы транспарентности, объективности, беспристрастности и независимости.

B. Сотрудничество с заинтересованными сторонами и учреждениями

4. В приложении 4 перечислены государства-члены, организации и учреждения, к которым обращалась Группа, а в приложении 5 приводятся сведения о переписке Группы. Группа направила Комитету 17 писем с обновленными сведениями или аналитическими выкладками по представляющим интерес вопросам. В порядке выполнения своего мандата Группа посетила 12 государств-членов. Контакты с государствами-членами и другими собеседниками, включая другие группы экспертов и Группу по аналитической поддержке и наблюдению за санкциями, учрежденную резолюциями [1526 \(2004\)](#) и [2253 \(2015\)](#) Совета Безопасности по «Исламскому государству Ирака и Леванта» ИГИЛ (ДАИШ), «Аль-Каиде», «Талибану» и связанным с ними лицам и организациям, также поддерживались Группой через электронные платформы.

5. Группа пользовалась логистическим содействием со стороны Миссии Организации Объединенных Наций по поддержке в Ливии (МООНПЛ) и совещалась с Миссией. Группа совещалась также с военной операцией Европейского союза в Средиземном море (операция «Ирини»).

6. В течение срока действия мандата Группы, предусмотренного резолюцией [2701 \(2023\)](#), ответственные ливийские власти выдали экспертам Группы шестимесячные многократные въездные визы лишь единожды. Группа

¹ Ссылки на документ [S/2023/673](#) следует понимать как охватывающие исправление [S/2023/673/Corr.1](#).

² Все гиперссылки были проверены 24 октября 2024 года.

³ Приложения приводятся в основном на том языке, на котором они были представлены, и без официального редактирования. Из-за ограничений на количество слов в докладах контрольных механизмов Группа приводит в этих приложениях дополнительные подробности ряда расследований.

совершила две поездки в Ливию — с 25 февраля по 7 марта и с 2 по 10 июня 2024 года, встретившись в Триполи с ливийскими властями и другими соответствующими собеседниками⁴. Группа отметила расширение сотрудничества со стороны Министерства иностранных дел, что, в частности, нашло отражение в регулярных диалогах и своевременном удовлетворении просьб Группы о проведении встреч. Группа встретила с 24 различными заинтересованными сторонами, представляющими ливийское правительство, причем с некоторыми из них — впервые за четыре года, например с представителями Президентского совета и Министерства внутренних дел. Группа также воспользовалась этой возможностью, чтобы предложить органам государственного управления, представившим ответы на предыдущий заключительный доклад Группы (S/2023/673), уточнить сферу действия ее мандата, методологию работы и конкретные аспекты ее выводов, имеющие отношение к осуществлению режима санкций.

7. В ходе обеих поездок Группа планировала посетить также Бенгази, но посещение пришлось отложить из-за а) финансовых ограничений в бюджете поездок Группы и б) перестановок в делегации Ливийских арабских вооруженных сил (ЛАВС). В связи с возникшими затруднениями Группа приняла меры для поддержания регулярного диалога с представителями ЛАВС и проведения встреч с ними за пределами Ливии. На встрече с контактным лицом ЛАВС 12 февраля 2024 года Группа получила ответ ЛАВС на свой предыдущий заключительный доклад и предложила уточнить сферу действия ее мандата, методологию работы и конкретные аспекты ее выводов, имеющие отношение к осуществлению режима санкций⁵.

8. Хотя ограниченные в силу финансового положения Организации возможности Группы совершать поездки не позволили ей посетить Бенгази, в целом это не отразилось на доступе Группы в Ливию. Тем не менее вторую поездку в Ливию пришлось провести в уменьшенном составе и сократить ее длительность. В этой ситуации Группе вновь пришлось уделить первоочередное внимание тем расследованиям, которые были возможны в условиях ее ограниченной мобильности, сосредоточившись на физическом сборе первичных доказательств в местах, представляющих для нее интерес, за пределами Ливии.

II. Действия, которые угрожают миру, стабильности или безопасности Ливии либо затрудняют или подрывают успешное завершение переходного политического процесса

A. Контроль вооруженных групп над ливийскими институтами

9. Неудачные попытки Фатхи Башаги занять пост премьер-министра в 2022 году изменили расклад сил среди вооруженных группировок в Ливии⁶. Теперь ливийские вооруженные группировки достигли беспрецедентного уровня влияния на ливийские государственные институты. Вооруженные группы на западе и ЛАВС на востоке действуют бесконтрольно, не позволяя государственным органам функционировать вне сферы интересов этих вооруженных групп, что проявляется в виде злоупотребления ливийской судебной системой

⁴ В соответствии с мандатом, предусмотренным резолюцией 2644 (2022), Группа также совершила поездку в Ливию с 1 по 5 октября 2023 года.

⁵ Ответ ЛАВС, 5 февраля 2024 года (8 томов, 556 страниц).

⁶ S/2023/673, приложение 10.

Аппаратом сдерживания по борьбе с организованной преступностью и терроризмом и Агентством внутренней безопасности в Триполи (см. пп. 42 и 43).

10. Вооруженные группы еще больше внедрились в Центральный банк Ливии, Национальную нефтяную корпорацию и компанию «Брега петролеум маркетинг», укрепив свой контроль над управлением нефтяными доходами и национальным бюджетом. Так, базирующиеся в Триполи вооруженные группы осуществляли контроль над каналами поставок топлива, в том числе в «Дженерал электрик компани оф Либия», случай которой рассматривается ниже. ЛАВС использовали свой контроль над морскими путями из старой гавани Бенгази для контрабанды большого количества топлива.

1. Влияние вооруженных группировок на Центральный банк Ливии

11. Обстоятельства назначения Наджи Мохамеда Исси Белькасема новым председателем Центральным банком Ливии свидетельствуют о стремлении вооруженных группировок установить полный контроль над деятельностью Банка. Эта кандидатура стала компромиссом между вооруженными группами, базирующимися в Триполи, и ЛАВС, и не могла быть утверждена без их согласия. В состав совета директоров Банка, назначенного 21 октября 2024 года, по итогам переговоров были включены представители интересов вооруженных групп, в том числе ЛАВС⁷. По оценке Группы, контроль вооруженных группировок над функционированием Банка и распоряжением доходами от продажи нефти, скорее всего, продолжит усиливаться. В приложении 6 приводится проведенный Группой анализ конфликта вокруг руководства Банка Ливии и той решающей роли, которую в нем сыграли вооруженные группы.

2. Дело «Дженерал электрик компани оф Либия»

а) Соппротивление компании национальному надзору

12. Государственная компания «Дженерал электрик компани оф Либия» отвечает за производство, передачу и распределение электроэнергии на территории Ливии. Хотя компания получала от государства финансирование и топливо, Ливийское аудиторское бюро не смогло провести ревизию компании в 2022 и 2023 годах. В штаб-квартиру компании в Триполи аудиторы не пустили вооруженные люди, охранявшие ее помещения⁸. Комитет по борьбе с коррупцией в секторе электроэнергетики, созданный при Президентском совете в 2024 году⁹, также столкнулся с препятствиями в ходе расследования обвинений компании в коррупции и контрабанде топлива: он не получил содействия, а в адрес членов Комитета поступали угрозы расправы.

б) Председатель под охраной вооруженных группировок

13. Главным препятствием для проведения ревизии деятельности компании был ее председатель — Мохамед Омар Хассан аль-Машай. Группа установила, что аль-Машай играл существенную роль в препятствовании государственным органам в осуществлении надзора в какой-либо форме, в частности запугивал представителей национальных компетентных органов и постоянно отказывался сотрудничать с ними. Аль-Машай руководил операциями и активами компании, напрямую подчиняясь лидерам вооруженных группировок, базирующихся в Триполи, а именно командующему Управления по поддержанию стабильности

⁷ Конфиденциальные источники (ливийские должностные лица).

⁸ Те же источники.

⁹ См. https://web.facebook.com/100070692046441/posts/pfbid0vXRpvxfcRn8GkPALQcKaeP7NUcW1pRwwGyVNVPIJXzYk3Ro9oCDW3nydK3bG6UCWl/?mibextid=WC7FNe&_rdc=1&_dr, 1 May 2023.

Абдель Гани аль-Кикли и командующему 111-й Бригадой полковнику Абдулсаламу аз-Зоби. Аль-Машай поддерживал тесную связь с аль-Кикли и его окружением, участвуя в работе спортивного клуба «Аль-Ахли» — популярной в Триполи футбольной команды, неофициально возглавляемой аль-Кикли. Аль-Машай занимает должность временного президента клуба (см. приложение 7) наряду с лидерами вооруженных группировок, связанных с Управлением по поддержанию стабильности. Аль-Машай хвастался своей безнаказанностью, которой он пользуется благодаря связям с этими командирами¹⁰.

14. Несмотря на отсутствие опыта работы в энергетическом секторе, в июле 2022 года при поддержке премьер-министра Абделя Хамида Дбейбы аль-Машай был назначен председателем Компании. Назначение аль-Машая стало одним из условий получения Дбейбой поддержки от аль-Кикли в политическом конфликте с Фатхи Башагой за пост премьер-министра (см. приложение 8)¹¹. Чтобы расширить свое влияние, аль-Кикли регулярно давал аль-Машаю указания, в частности, о размещении объектов инфраструктуры, предназначенных для передачи и распределения электроэнергии, без предварительного планирования или технического анализа.

15. Кроме того, Компания и аль-Кикли связаны через компанию «Норт Африка девелопмент энд инвестмент холдинг компани» (North Africa Development and Investment Holding Company), которая имела контракты как с «Дженерал электрик компани оф Либия», так и с Национальной нефтяной корпорацией и управлялась братом аль-Кикли — Фатхи аль-Кикли¹². Эти контракты, связанные с импортом оборудования и техническим обслуживанием, также намеренно выводились из-под надзора соответствующих ливийских властей.

16. В своем ответе на выводы Группы Абдельгани аль-Кикли отрицал какую-либо связь с «Дженерал электрик компани оф Либия» и назначением аль-Машая, утверждая, что компания сотрудничает с рядом международных аудиторских фирм (см. приложение 9).

17. Премьер-министр Дбейба недавно назначил аз-Зоби заместителем министра обороны и присвоил ему звание полковника. 111-я Бригада отвечала за безопасность штаб-квартиры компании и основных складов компании «Брега», расположенных на территории, контролируемой аз-Зоби. 16 марта 2023 года аль-Кикли вместе с аз-Зоби и другими командирами вооруженных группировок явились в офисы Ливийского аудиторского бюро на более чем 20 боевых машинах, принадлежащих 111-й Бригаде, на встречу с должностными лицами Бюро с намерением: а) заставить Бюро прекратить дальнейшие попытки надзора за деятельностью компании и б) принудить Бюро одобрить контракт стоимостью более 200 миллионов долларов США на импорт счетчиков электроэнергии для компании. Субподряд на установку и обслуживание счетчиков электроэнергии получила вышеупомянутая компания «Норт Африка девелопмент энд инвестмент холдинг компани». При этом она практически не выполняла своих обязательств по договорам субподряда¹³.

¹⁰ Конфиденциальные источники (ливийские должностные лица и члены вооруженных группировок).

¹¹ Те же источники.

¹² www.na-holding.com.ly.

¹³ Конфиденциальные источники (ливийские должностные лица).

с) Условия, способствующие контрабанде топлива

18. Основные факторы, способствующие контрабанде топлива, а именно: а) системные проблемы в цепи поставок топлива и б) управленческие методы в «Дженерал электрик компани оф Либия», сопряженные с риском перенаправления субсидируемого топлива, подробно разбираются в разделе IV.

3. Финансовая автономия Ливийских арабских вооруженных сил

19. Ливийские арабские вооруженные силы продолжали осуществлять неоспоримый контроль над территориальными водами у восточной части Ливии, в том числе над торговым судоходством. По сути, ЛАВС регулировали судоходство, контролировали таможенную (см. п. 66) и занимались береговой охраной. В этих условиях деятельность в старом порту Бенгази осуществлялась строго под надзором ответственных подразделений ЛАВС, включая контрабанду топлива, масштабы которой значительно увеличились (см. пп. 106–110), торговлю людьми и незаконный провоз мигрантов (см. п. 51).

20. Одобренное Правительством национального единства соглашение между Национальной нефтяной корпорацией и частной компанией позволило ЛАВС опосредованно продавать нефть и получать собственные доходы (см. п. 97). Таким образом ЛАВС уменьшили свою финансовую зависимость от Национальной нефтяной корпорации и Центрального банка Ливии и нарастили свой потенциал в плане поддержания территориального контроля. Такое развитие событий сократило возможности для национального политического диалога.

4. Присутствие Ливийских арабских вооруженных сил на южных границах

21. 16 мая 2024 года бригадный генерал Саддам Хафтар приказом своего отца, маршала Халифы Хафтара, был назначен начальником штаба сухопутных войск Ливийских арабских вооруженных сил (см. приложение 10). Это назначение стало важным шагом в укреплении контроля Саддама Хафтара над силами, примкнувшими к Хафтару (СПХ)¹⁴, а также над некоторыми ключевыми функциями органов государственного управления в восточной части Ливии, включая внешние связи. Оно также совпало с поездкой Саддама Хафтара на встречу с главами ряда государств региона. Командуя сухопутными войсками ЛАВС, Саддам Хафтар получил возможность беспрепятственно осуществлять меры в сфере безопасности на юге Ливии, согласованные на региональном уровне (см. п. 29).

а) Границы с Нигером и Чадом: ужесточение контроля за трансграничным движением

22. Связь Саддама Хафтара с правительством в Ниамее привела к реорганизации операций ЛАВС в треугольнике «Сальвадор»¹⁵. В начале августа 2024 года присутствие ЛАВС в районе Брак-эш-Шати, Гаты, Катруны, Сабхи и Убари на юго-западе Ливии было усилено крупной группой бронетехники. Саддам Хафтар распорядился перебросить эту бронетехнику для поддержки ЛАВС в

¹⁴ Чтобы охватить все примкнувшие к Хафтару вооруженные группы, Группа экспертов использует формулировку «силы, примкнувшие к Хафтару» (СПХ). Группа экспертов также использует строчные, а не прописные буквы при упоминании вооруженных групп, которые именуют себя «Бригадой», «Батальоном» и т. п., что позволяет идентифицировать соответствующую группу, не наделяя ее при этом легитимностью, признаваемой за официальными военными формированиями государства. Аналогичным образом употребляются прописные буквы и в названиях властных структур, действующих на востоке Ливии.

¹⁵ Треугольник «Сальвадор» в Ливии — район на юго-западе страны возле границы с Алжиром и Нигером.

выполнении следующих задач в области внутренней безопасности: а) предотвратить закрепление Патриотического фронта освобождения, в котором доминируют туареги, в районе на границе Нигера и Ливии; б) сократить количество контрольно-пропускных пунктов, управление которыми ранее было передано группировкам СПХ; с) обеспечить сбор доходов, получаемых на контрольно-пропускных пунктах ЛАВС вдоль маршрутов незаконной торговли в регионе.

23. В качестве источника финансирования ЛАВС также взимали плату за незаконную трансграничную деятельность, в частности торговлю наркотиками и контрабанду золота. Эта деятельность включала также перевозку кокаина из Западной Африки через Нигер в Ливию. Бойцы СПХ, размещенные на контрольно-пропускном пункте Туммо¹⁶ на территории Нигера, контролировали путь в Катрун в регионе Мурзук, служащий каналом переправки наркотиков на север Ливии либо в Египет¹⁷. На границе Чада и Ливии ЛАВС сосредоточились на контроле и «налогообложении» золотых приисков в районе Кури-Бугуди. Большая часть контрабандного золота, которое облагалось сборами ЛАВС, в итоге попадала на север Ливии, в основном в Мисрату, а затем отправлялась за границу. Борьба за контроль над районом золотых приисков на границе Чада и Ливии привела к столкновениям между подразделениями ЛАВС (см. приложение 11). Кроме того, Группа выявила новый маршрут торговли людьми и незаконного провоза мигрантов из Чада в Ливию (см. рисунок IV). Быстрая транспортировка мигрантов с юга Чада на восток Ливии по этому маршруту предполагает определенный уровень координации между перевозчиками и местными элементами ЛАВС, контролирующими регион.

б) Конфликт в Судане: фактор нестабильности на границе

24. Помимо недолго предоставлявшейся военной помощи Силам быстрого реагирования, о которой сообщалось ранее¹⁸, Группа установила, что до конца июля 2024 года суданские вооруженные группы, связанные как с Силами быстрого реагирования, так и с Суданскими вооруженными силами, обеспечивали стабильные поставки материальных средств из Ливии в Судан при содействии некоторых подразделений ЛАВС, действующих в регионе Куфра. Поставки состояли в основном из полноприводных автомобилей и топлива¹⁹. В приложении 12 приводится более подробная информация о роли 77-й роты в ситуации на ливийско-суданской границе.

В. Международные террористические группы и террористы

25. Группа не выявила террористических актов в Ливии за отчетный период. Силы, связанные с Правительством национального единства, нейтрализовали двух старших командиров международных террористических групп в середине 2023 и начале 2024 года. ЛАВС усилили свое присутствие путем регулярного патрулирования на юге Ливии. Все эти меры безопасности способствовали снижению возможностей террористических ячеек длительно контролировать территории в Ливии. Тем не менее элементы террористических групп по-прежнему присутствовали в горных и пустынных районах на юге страны и в труднопроходимых горах Акакус, где они занимались трансграничной незаконной деятельностью для финансирования своих операций (см. приложение 13)²⁰.

¹⁶ 22°39'10.67"N, 14° 5'27.99"E.

¹⁷ Конфиденциальные источники (члены вооруженных группировок).

¹⁸ S/2023/673, пп. 25–32.

¹⁹ Конфиденциальные источники (члены вооруженных группировок).

²⁰ Конфиденциальные источники (ливийские должностные лица и местные жители).

1. «Исламское государство Ирака и Леванта — Ливия» (QDe.165)

26. «Исламское государство Ирака и Леванта — Ливия» (ИГИЛ-Ливия, QDe.165) продолжало действовать в окрестностях Сабхи: в частности, его члены распределяли товары и медикаменты в целях укрепления поддержки среди местного населения и расширения своего влияния²¹. В связи с обострением конфликта в Судане ИГИЛ в Ливии и ее филиалы получили возможность увеличить свой кадровый и оперативный потенциал. Суданские вербовщики, связанные с ИГИЛ в Ливии, продолжали действовать на юге Ливии, в том числе в районах гор Акакус, Хуруджа, Мурзука и Убари. Они вербовали в суданские ячейки ИГИЛ ливийских и иностранных боевиков (египетских, малийских, нигерийских, нигерских, сенегальских, суданских и чадских). Хотя число ливийских боевиков в этих ячейках было невелико, они активно действовали в них (см. приложение 14).

2. Организация «Аль-Каида» в странах исламского Магриба (QDe.014)

27. Группа установила, что с декабря 2023 года малийские боевики, связанные с организацией «Джамаат Нусрат аль-Ислам валь-Муслимин» (ДНИМ, QDe.159), активизировали переходы в Ливию через ее южные границы, временно останавливаясь в Гате. Эти боевики пользовались племенными связями между группами туарегов в Ливии, Мали и Нигере для организации своих трансграничных перемещений и участия в региональной незаконной торговле золотом (см. приложение 15)²².

C. Региональная динамика

1. Пограничный кризис в Рас-Джидре

28. Пункт пересечения границы Рас-Джидр — один из самых загруженных в Ливии, через него ежедневно проходят значительные потоки пассажиров и товаров. Попытка исполняющего обязанности министра внутренних дел Правительства национального единства установить контроль над этим пунктом пересечения границы вызвала реакцию вооруженных групп на местном и национальном уровнях. Решение о закрытии пункта было связано с вооруженными столкновениями между ливийскими субъектами, но оно также нарушило функционирование логистической цепочки торговли с Тунисом, которая в значительной степени зависит от этого пограничного перехода (см. приложение 16).

2. Укрепление Ливийскими арабскими вооруженными силами региональных связей

29. После семи региональных визитов на высоком уровне, в том числе двух под руководством Саддама Хафтара, ЛАВС расширили свое влияние в южных соседних странах, в том числе путем оказания Чаду и Нигеру помощи в охране границ и ключевых сухопутных маршрутов между тремя вышеупомянутыми странами (см. п. 22). Эта стратегия не только была направлена на установление контроля над ливийскими границами, но и позволила Саддаму Хафтару воспользоваться региональной нестабильностью для установления с соседними государствами связей, ориентированных на безопасность. По оценке Группы, вышеупомянутое направление крупных групп бронетехники ЛАВС на юго-запад Ливии в августе 2024 года также было нацелено на поддержку стратегии внешних связей ЛАВС посредством достижения трех основных целей:

²¹ Конфиденциальные источники (местные жители и ливийские должностные лица).

²² Конфиденциальные источники (малийские и нигерийские вооруженные группы).

а) позиционирования ЛАВС в качестве одного из ведущих субъектов в сфере региональной безопасности; б) установления контроля над ключевыми маршрутами торговли и контрабанды; с) ограничения трансграничного перемещения боевиков. Одним из главных поводов для направления этих сил стало нападение, совершенное малийскими туарегами на Малийские вооруженные силы и их союзников в конце июля 2024 года, и Саддам Хафтар воспользовался им для укрепления сотрудничества в области безопасности между ЛАВС и малийскими властями (см. приложение 17).

3. Последствия вооруженного конфликта в Судане

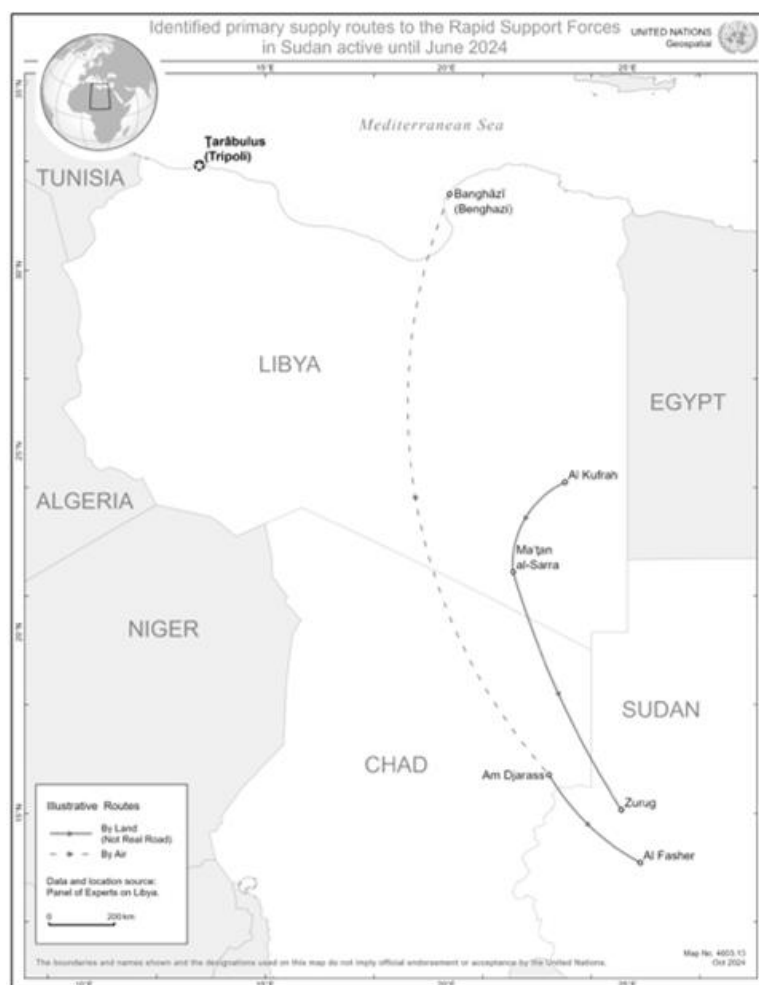
30. ЛАВС вмешались в конфликт в Судане, содействуя провозу и разрешая провоз материально-технической поддержки, предназначенной для сторон конфликта — Сил быстрого реагирования и Суданских вооруженных сил, через ливийскую территорию, где позволялось присутствие вооруженных групп, связанных с обеими сторонами (см. приложение 12)²³. Силы быстрого реагирования в большей степени пользовались возможностями учебной подготовки и хорошо налаженными воздушными мостами и сухопутными маршрутами снабжения. Группа выявила два таких основных маршрута снабжения (см. рисунок I).

31. Когда в конце июня 2024 года вооруженный конфликт в Судане усилился в северном Дарфуре и перекинулся на территорию Ливии, ЛАВС стали препятствовать поставкам материальных средств, в том числе путем изъятия грузов. Участвовавшие трансграничные перемещения бойцов и гражданских лиц, в том числе растущий приток мигрантов и просителей убежища из Судана, воспринимаются ЛАВС как реальная угроза безопасности, которую они попытались снизить за счет жесткого контроля ливийско-суданской границы.

²³ Конфиденциальные источники (суданские вооруженные группы).

Рисунок I

Выявленные основные маршруты поставок из Ливии для Сил быстрого реагирования в Судане, действовавшие до июня 2024 года



4. Объединенная военная комиссия «5+5» и объединение вооруженных сил

32. Процесс создания объединенных вооруженных сил под эгидой Объединенной военной комиссии «5+5» не удалось реализовать из-за ряда проблем, отражающих раздробленность политических субъектов и силовых структур Ливии. Основные заинтересованные стороны в Триполи полагали, что начальник штаба сил на востоке Абдель Разек ан-Надори не уполномочен принимать решений в этом процессе, поскольку такие полномочия принадлежат исключительно семье Хафтар. В то же время главное командование ЛАВС считало, что начальник генерального штаба Ливийской армии Мохаммед аль-Хаддад не имеет реальной власти из-за доминирования вооруженных групп на западе страны. Кроме того, по мнению ЛАВС, западные вооруженные группы не обладают военной выучкой и профессионализмом, необходимыми для выполнения задач объединенных вооруженных сил.

33. 25 августа 2024 года после совещания в Сурте Объединенная военная комиссия «5+5» издала единогласное заявление, где подтверждалось, что воссоединение армии, включая создание объединенных вооруженных сил, выходит за рамки мандата Комиссии (см. приложение 18)²⁴.

5. Иностранные вооруженные группы и боевики

а) Чадские боевики

34. Число чадских бойцов в рядах СПХ уменьшилось, так как большинство ушло участвовать в других региональных конфликтах. ЛАВС изменили позицию по отношению к ранее считавшимся их союзниками оппозиционным чадским группам, действующим в Ливии, и выдворили их в целях укрепления отношений с правительством Чада (см. п. 29) и предотвращения дальнейшего распространения внутричадских конфликтов на Ливию (см. приложение 19)²⁵. ЛАВС достигли с правительством Чада соглашения о репатриации некоторых из этих чадских бойцов при логистической поддержке Нигера.

б) Сирийские боевики

35. Сирийские боевики, поддерживаемые Турцией, по-прежнему присутствовали в нескольких местах вокруг Триполи, в том числе в лагере Хамза, на авиабазе Эль-Ватия, в полицейском училище Салах-эд-Дин и в районе Сук-эль-Хамис. Однако для этих боевиков Ливия утратила свою привлекательность. Значительное снижение заработной платы и отсутствие других финансовых стимулов вынудили сирийских боевиков а) сократить ротацию личного состава в конце 2023 года; б) искать занятости в зонах активных конфликтов, где заработная плата значительно выше²⁶; в) мигрировать в Европу. Группа выявила 13 случаев миграции сирийских боевиков из Ливии в Италию при содействии двух высокопоставленных ливийских военнослужащих, которые использовали ливийские сети незаконного провоза людей в Триполи²⁷.

36. На востоке страны сирийские боевики присутствовали на авиабазе Эль-Хадим вместе с бывшими бойцами частной военной компании, прежде известной как ЧВК «Вагнер».

в) Иностраные частные военные компании

37. Хотя элементы частной военной компании, ранее известной как ЧВК «Вагнер», провели ребрендинг своего присутствия и укрепили свой военный потенциал в Ливии путем снабжения и оснащения своих позиций вооружениями и связанными с ними материальными средствами, Группа установила, что характер их деятельности в Ливии существенно не изменился. Эти элементы продолжали оказывать поддержку СПХ, предоставляя техническую помощь, проводя ремонт и техническое обслуживание материальных средств на авиабазе Эль-Джуфра и организуя тактическую подготовку в Брак-эш-Шати.

38. На западе страны сотрудники частной военной компании «Аментум сервис инкорпорейтид» проводили учебную подготовку ливийских вооруженных формирований на авиабазе Митига в начале 2024 года.

²⁴ Подтверждено конфиденциальными источниками Группы.

²⁵ [S/2023/673](#), п. 38.

²⁶ [S/2022/427](#), п. 30. (Все ссылки на документ [S/2022/427](#) охватывают исправление [S/2022/427/Corr.1](#).)

²⁷ Конфиденциальные источники (сирийские боевики).

D. Действия, которые нарушают применимые нормы международного права прав человека или международного гуманитарного права либо представляют собой ущемление прав человека

39. В соответствии с пунктом 11 а) резолюции [2213 \(2015\)](#) и последующими резолюциями Группа провела расследования случаев совершенных в Ливии нарушений международного гуманитарного права и международного права прав человека, а также ущемлений прав человека.

40. Группа отметила явное увеличение ресурсов и возможностей вооруженных групп в Ливии для организации функционирования внесудебных механизмов, используемых в качестве прикрытия для узаконивания нарушений применимого международного права. Характерными особенностями этой стратегии прикрытия являются: а) регулярное запугивание и физические нападения на лиц, подозреваемых в контактах с международными субъектами, и б) систематическое использование дезинформации и манипуляций цифровыми материалами для формирования общественного мнения с целью сокрыть фактические обстоятельства выявленных нарушений международного гуманитарного права и международного права прав человека. Одиннадцать жертв и очевидцев сообщили, что запугивание и дезинформация дискредитируют их и отбивают желание сообщать о нарушениях ответственным судебным органам.

1. Нарушения международного гуманитарного права и международного права прав человека, совершенные в условиях лишения свободы

41. Группа выявила 26 случаев нарушения международного гуманитарного права и международного права прав человека, произошедших в ряде мест содержания под стражей, находящихся под непосредственным контролем Аппарата сдерживания по борьбе с организованной преступностью и терроризмом и Агентства внутренней безопасности в Триполи, а также подразделений ЛАВС в Бенгази.

а) Случаи, за которые несет ответственность Аппарат сдерживания по борьбе с организованной преступностью и терроризмом

42. Группа выявила восемь случаев нарушений международного гуманитарного права и международного права прав человека, которые были совершены лицами, находившимися под фактическим командованием Аппарата, в том числе сотрудниками оперативного департамента судебной полиции, во временных и постоянных центрах содержания под стражей в Триполи. Эти нарушения следовали уже устоявшейся схеме, о которой Группа сообщала ранее: незаконное лишение свободы, насильственное исчезновение, пытки и другие виды жестокого обращения и отказ в праве на справедливое судебное разбирательство²⁸. Эти деяния осуществлялись с помощью квазисудебной системы принуждения, которую командование Аппарата создало, злоупотребив ливийской судебной системой, чтобы лишать заключенных законной защиты (см. рисунок II и приложение 20). Среди замешанных в этих нарушениях командиров Аппарата Группа определила Усаму Наджима как ответственного за административное и

²⁸ Общая статья 3 четырех Женевских конвенций 1949 года; ст. 4, 5 и 6 Дополнительного протокола к Женевским конвенциям от 12 августа 1949 года, касающегося защиты жертв вооруженных конфликтов (Протокол II); ст. 7, 9 и 14 Международного пакта о гражданских и политических правах; [S/2021/229](#), [S/2021/229/Corr.1](#), [S/2021/229/Corr.2](#) и [S/2021/229/Corr.3](#), п. 35; [S/2022/427](#), п. 39 и приложение 21; [S/2023/673](#), п. 44 и приложение 16.

организационное обеспечение незаконных арестов и жестокого обращения с заключенными в следственном изоляторе Митига²⁹. Подробная информация об ответе Аппарата на выводы Группы приводится в приложении 20.

b) Случаи, за которые несет ответственность Агентство внутренней безопасности в Триполи

43. Группа установила, что лица, действовавшие по прямым указаниям главы Агентства внутренней безопасности в Триполи Лотфи Харари, несут ответственность за пять случаев незаконного ареста и задержания, насильственного исчезновения и жестокого, бесчеловечного и унижающего достоинство обращения в центрах временного содержания под стражей, находящихся под управлением Агентства внутренней безопасности³⁰. Сотрудники Агентства необоснованно арестовали пять человек, не намереваясь проводить независимое и беспристрастное судебное разбирательство предполагаемых преступлений в соответствии с национальным законодательством. Аресты были произведены по мотивам личной мести Харари жертвам. Чтобы узаконить эти противоправные действия, Агентство осуществляло правоприменительные функции, злоупотребляя ливийской судебной системой (см. рисунок II и приложение 20). Характерной особенностью этих нарушений было систематическая публикация видеозаписей принудительных признаний по ложным обвинениям, целью которой было унижение жертв и которая представляет собой нарушение их процессуальных прав на справедливое судебное разбирательство³¹. Группа установила, что Харари лично руководил жестоким обращением с задержанными и жестокими допросами и сам в них участвовал³². Подробная информация об ответе Агентства на выводы Группы приводится в приложении 20.

²⁹ Проведенные Группой беседы с жертвами и очевидцами (конфиденциальные источники по нарушениям международного гуманитарного права 18, 31–34, 37, 42–43, 141 и 143).

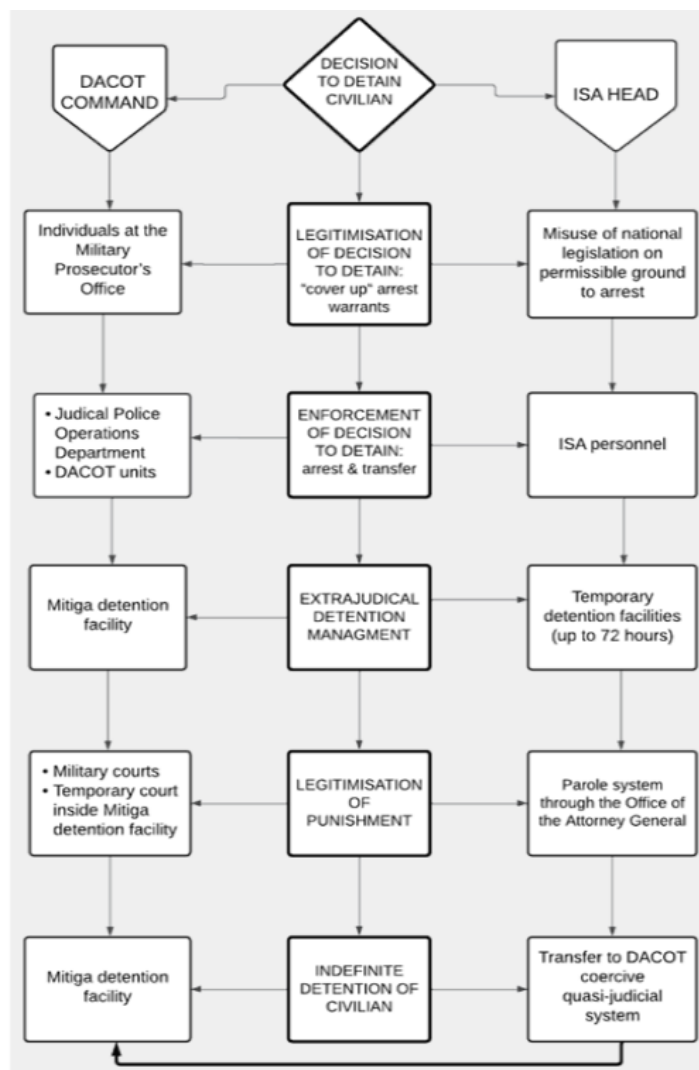
³⁰ Общая статья 3 четырех Женевских конвенций; ст. 7 и 9 Международного пакта о гражданских и политических правах.

³¹ Ст. 14 Международного пакта о гражданских и политических правах.

³² Проведенные Группой беседы с жертвами и очевидцами (конфиденциальные источники по нарушениям международного гуманитарного права 8, 21 и 142–145).

Рисунок II

Квазисудебные системы принуждения Аппарата сдерживания по борьбе с организованной преступностью и терроризмом и Агентства внутренней безопасности в Триполи



Сокращения: DACOT — Deterrence Apparatus for Combating Organized Crime and Terrorism;
ISA — Internal Security Agency.

с) Случаи, за которые несут ответственность Ливийские арабские вооруженные силы

44. Группа установила два случая предполагаемых серьезных нарушений международного гуманитарного права, включавшие незаконное лишение свободы, насильственное исчезновение, убийство, пытки, жестокое обращение, отказ в праве на справедливое судебное разбирательство и мародерство, и возложила ответственность за них на подразделения ЛАВС: бригаду «Тарик ибн Зияд» (ТБЗ), батальон «20/20» и контролируемое СПХ отделение Агентства внутренней безопасности в Бенгази³³. В ходе одного инцидента, произошедшего

³³ Общая статья 3 четырех Женевских конвенций; ст. 4, 5 и 6 Дополнительного протокола II к Женевским конвенциям 1949 года; и ст. 6, 7, 9 и 14 Международного пакта о гражданских и политических правах.

6 октября 2023 года в районе Эс-Сальмани, ответственные подразделения ЛАВС задержали 13 членов 204-й бригады, в том числе ее командира и бывшего министра обороны Аль-Махди аль-Баргати, и более 35 гражданских лиц, которые, по их предположению, были связаны с ним. Задержанные мужчины были отделены и отправлены в места содержания под стражей, подконтрольные бригаде ТБЗ, а женщины и дети в течение нескольких дней удерживались в своих домах³⁴. Затем подразделения ЛАВС разграбили и разрушили дома выбранных гражданских лиц в этом районе, в том числе дом семьи Аль-Баргати. На тот момент 37 задержанных мужчин подверглись насильственному исчезновению. Шестеро из них умерли во время содержания под стражей подразделениями ЛАВС. Подробная информация об ответе ЛАВС на выводы Группы приводится в приложении 21.

2. Нападения на правозащитников, общественных активистов и журналистов

45. Группа установила, что пять ливийских вооруженных групп — Аппарат сдерживания по борьбе с организованной преступностью и терроризмом, отделения Агентства внутренней безопасности в Триполи, отделения Агентства внутренней безопасности, контролируемые СПХ, в Бенгази и Сабхе, бригада ТБЗ и батальон «20/20» — несут ответственность за преднамеренное подавление свободы выражения мнений 11 правозащитников, общественных активистов и журналистов, которые были похищены и подверглись жестокому обращению, в их домах были произведены обыски с применением насилия, а члены их семей подверглись запугиванию и получили прямые угрозы³⁵. Эти вооруженные группы применяли хорошо отлаженные карательные механизмы для того, чтобы создать атмосферу запугивания и систематической дискриминации в ливийском гражданском обществе и среди журналистов и подчинить их своей воле и интересам (см. рисунок III и приложение 22)³⁶.

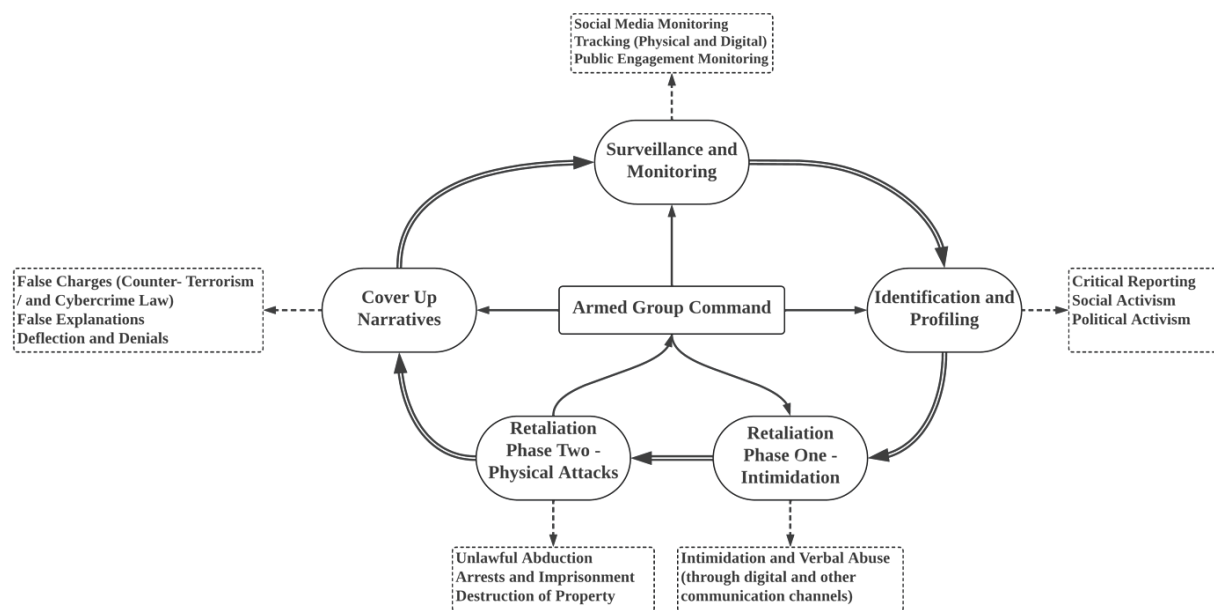
³⁴ Проведенные Группой интервью со свидетелями (конфиденциальные источники по нарушениям международного гуманитарного права 24, 35, 38 и 45).

³⁵ Ст. 7, 9 и 19 Международного пакта о гражданских и политических правах; [S/2022/427](#), п. 44 и приложение 22; [S/2023/673](#), пп. 53–55.

³⁶ Проведенные Группой интервью с жертвами и очевидцами (конфиденциальные источники по нарушениям международного гуманитарного права 21, 29, 31, 33, 142–145) и представителями ливийского гражданского общества (конфиденциальные источники по нарушениям международного гуманитарного права 1, 5 и 7).

Рисунок III

Карательные методы, применяемые ливийскими вооруженными группировками против правозащитников и журналистов



3. Нарушения международного права прав человека в отношении мигрантов и просителей убежища

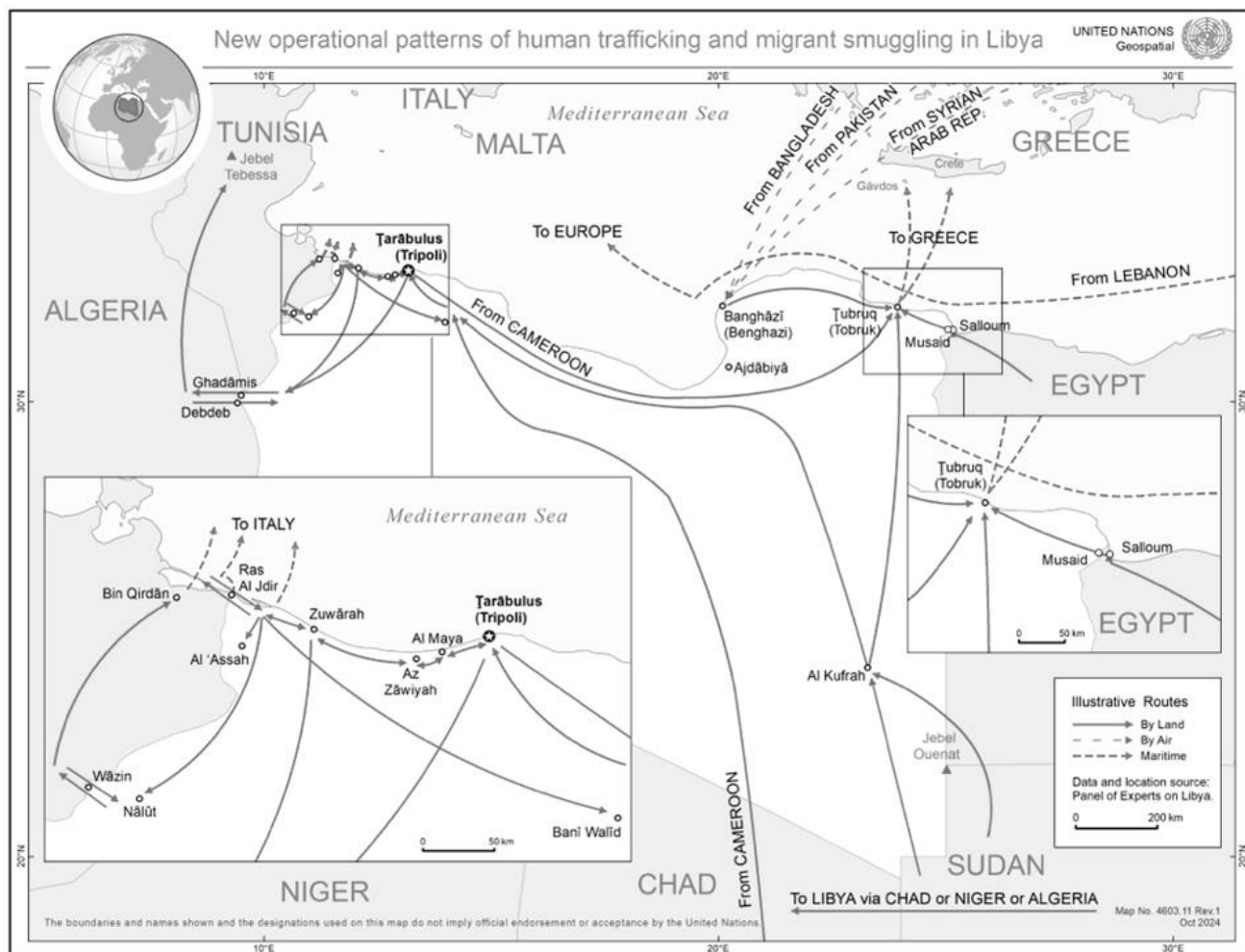
46. Международные сети торговли людьми и незаконного провоза мигрантов в сотрудничестве с ливийскими вооруженными субъектами расширили свою деятельность на 17 выявленных маршрутах торговли людьми и незаконного провоза мигрантов, эффективно функционирующих в Ливии с июня 2023 года (см. рисунок IV и приложение 23). Это расширение произошло благодаря: а) открытию четырех новых путей въезда из Центральной и Северной Африки через Алжир, Судан, Тунис и Чад и открытию пяти новых путей выезда через сухопутные и морские границы в Дебдебе, Рас-Джидре, Тобруке, Вазине и Зуваре; б) повышению уровня организации сетей, занимающихся вербовкой мигрантов в странах происхождения, прежде всего в Бангладеш, Египте, Сирийской Арабской Республике и Судане; в) диверсификации координационных функций и передаче их участникам сетей в конечных пунктах назначения в Европе; г) использованию цифровых платформ для вовлечения жертв в торговлю людьми и дистанционной координации деятельности; е) развитию цепочек поставок, включая налаживание местного производства лодок и вербовку водителей лодок из соседних стран. Этому способствовали такие факторы, как борьба между ливийскими вооруженными субъектами за получение исключительных полномочий по управлению границами в ключевых районах (см. п. 28), системная коррупция в ответственных местных органах власти и ухудшение обстановки в плане безопасности в регионе (см. п. 30).

47. Группа установила, что 86 мигрантов, в том числе девять детей, ставших жертвами торговли людьми, проходящей по этим маршрутам, подверглись нарушениям прав человека, включавшим незаконное лишение свободы, изнасилование, принуждение к проституции, рабство, принудительный труд, пытки и

другие виды жестокого обращения³⁷. Эти нарушения прав человека, совершенные ливийскими вооруженными субъектами и членами сетей по торговле людьми, имеют основополагающее значение для эффективного функционирования трех незаконных бизнес-схем — совместной, децентрализованной и оппортунистической, которые вооруженные группы и преступные сети используют в качестве своих основных источников финансирования в Ливии.

Рисунок IV

Новые схемы торговли людьми и незаконного провоза мигрантов в Ливии



а) Совместные схемы

48. Группа выявила четыре незаконных предприятия, функционирующие на основе сотрудничества между международными сетями торговли людьми и контрабанды и ливийскими вооруженными субъектами, контролирующими ключевые для деятельности этих сетей районы в Бенгази, Мусаиде, Рас-Джидире, Тобруке и Зуваре. Эти субъекты, в том числе сотрудники Министерства внутренних дел Ливии и военнослужащие ЛАВС, получали прибыль, играя ведущую роль в координации операций по торговле людьми и контрабанде или позволяя преступным сообществам действовать на подконтрольной им территории в

³⁷ Проведенные Группой интервью с жертвами и свидетелями (конфиденциальные источники по нарушениям международного гуманитарного права 19, 20, 26, 27, 30 и 47-140).

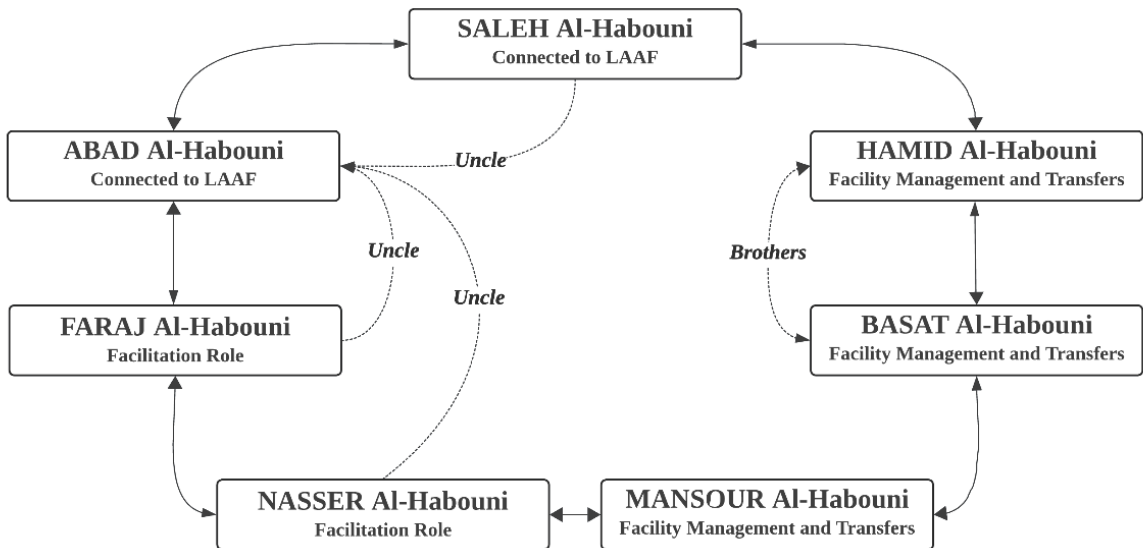
обмен на получение дохода и использование мигрантов для принудительного труда.

i) *Сети аль-Хабуни и аль-Катани в Тобруке*

49. Группа установила личность семи членов сети аль-Хабуни и шести членов сети аль-Катани, непосредственно отвечающих за проведение сложных международных операций по торговле людьми и контрабанде с центральными узлами в Мусаиде и Тобруке и сообществами, действующими в пяти странах (см. рисунки V и VI). Обе сети обладают хорошо развитой материально-технической базой для перемещения больших групп мигрантов через тайные центры содержания под стражей из Тобрука в Грецию. В этих центрах 49 мигрантов подверглись избиениям, порке и другим формам жестокого, бесчеловечного и унижающего достоинство обращения и содержались под вооруженной охраной, без питьевой воды и элементарных санитарных условий. Две жертвы в результате физического насилия получили травмы и шрамы.

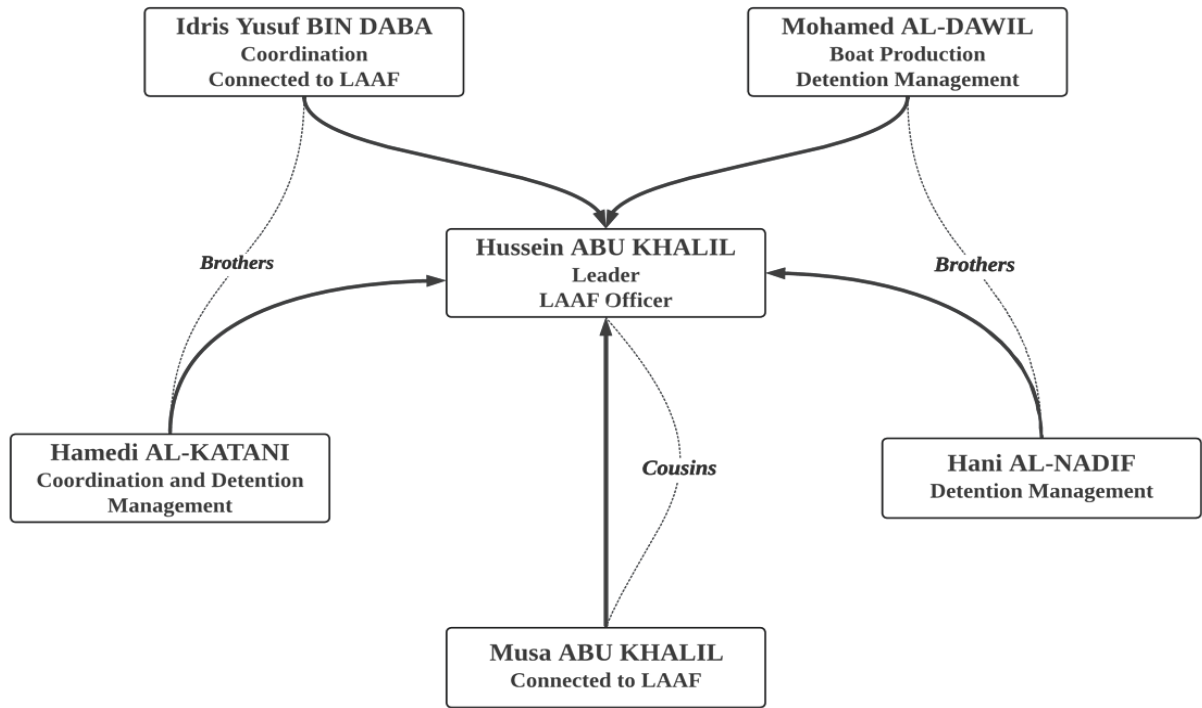
50. Ключевые фигуры сети аль-Катани — Хуссейн Абу Халиль и Идрис Юсуф бин Даба — и сети аль-Хабуни — Абад и Салех аль-Хабуни — использовали для беспрепятственного проведения операций свои военные должности и/или связи с персоналом ЛАВС. Эти военные связи играли важную роль в координации перемещения мигрантов между секретными объектами, оповещении сетей о возможных рейдах правоохранительных органов и обеспечении свободного прохода судов, используемых в торговле людьми, за пределы территориальных вод Ливии. Командование ЛАВС сообщило Группе, что оно приняло юридические и дисциплинарные меры в отношении выявленных участников обеих сетей. Подробная информация о методах работы этих сетей, а также о функциях и обязанностях их членов приводится в приложении 24.

Рисунок V
Сеть аль-Хабуни (Тобрук)



Сокращение: ЛАВС — Ливийские арабские вооруженные силы.

Рисунок VI
Сеть аль-Катани (Тобрук)



Сокращение: ЛАВС — Ливийские арабские вооруженные силы.

ii) Сеть аль-Машаи в Бенгази

51. Группа установила, что командир батальона «20/20» Али аль-Машаи³⁸ несет непосредственную ответственность за пять случаев незаконного задержания, пыток и жестокого и унижающего достоинство обращения в отношении мигрантов в неофициальном центре содержания под стражей³⁹, находящемся в ведении членов ЛАВС, в порту Бенгази. Четверо потерпевших опознали аль-Машаи как одного из командиров морских подразделений ТБЗ, эксплуатирующих торговое судно «Тарик ибн Зияд» (регистрационный номер Международной морской организации (№ ИМО 9889930), который отдавал этим подразделениям приказы о задержании мигрантов и передаче их в центр содержания под стражей, который, как было установлено, находится под его непосредственным контролем (см. приложение 25). Аль-Машаи отдал эти приказы незаконно задерживать пять мигрантов и подвергнуть их пыткам и/или жестокому обращению в отместку за неудачную операцию по торговле людьми и контрабанде, которая проводилась под его руководством в координации с международными преступными сетями на международных контрабандных маршрутах, проходящих через прибрежные и морские районы на востоке Ливии.

52. Группа далее установила, что члены морских подразделений ТБЗ, действовавшие по приказам аль-Машаи, несут ответственность за нарушения прав человека, совершенные в международных водах в отношении примерно 130 мигрантов, в том числе детей. Трое пострадавших подверглись жестоким избиениям, в результате которых у них были сломаны конечности и им были нанесены болезненные травмы. Кроме того, имущество мигрантов было незаконно

³⁸ S/2023/673, пп. 54, 55, 72 и 73 и приложения 17 и 21.

³⁹ 32°06'18"N, 20°02'36"E.

конфисковано и уничтожено, а сами они постоянно подвергались словесным оскорблениям⁴⁰.

iii) *Официальные и неофициальные центры содержания под стражей в западных приграничных районах Ливии*

53. Мигранты, ставшие жертвами торговли людьми и незаконно ввезенные через центры торговли в Зуваре в Тунис и/или насильственно высланные из Туниса обратно в Ливию, особенно часто подвергаются произвольному задержанию, жестокому обращению, содержатся в переполненных и антисанитарных условиях и/или сталкиваются с вымогательством в изоляторах временного содержания в Эль-Ассе, находящихся под контролем ливийских пограничников и в центрах Бир-эль-Ганеме, находящихся под контролем лиц, работающих в Министерстве внутренних дел (см. приложение 26)⁴¹.

b) **Децентрализованные схемы**

54. Множество автономных преступных сетей действовали децентрализованно, но взаимосвязанно, организуя поставку жертв торговли людьми и незаконно провозимых мигрантов путем их вербовки, транспортировки, содержания под стражей и переправки в центры торговли людьми и незаконного провоза мигрантов как на востоке, так и на западе страны. Движущей силой этой схемы были местные преступные сети в Куфре, Бени-Валиде, Сабхе, Тазербо и Триполи, где они завербовали и временно удерживали 23 мигрантов на объектах, таких как склады или жилые помещения на частных фермах. Из этих мест мигрантов в тяжелых условиях переправляли в более крупные центры торговли людьми в Аждабии, Бенгази, Гадамесе, Сурте, Тобруке и Зуваре.

c) **Оппортунистические схемы**

55. Более мелкие вооруженные группы или отдельные лица похитили девять мигрантов, из которых четверо имели легальный статус, в общественных местах в Бенгази и Триполи с целью получения выкупа и/или принуждения к труду. Восемь жертв содержались в изоляторах временного содержания в тяжелых условиях, подвергались пыткам и другим видам жестокого обращения с целью получения выкупа, принуждались к труду и/или были проданы в рабство более организованным сетям торговли людьми. Двое пострадавших мужчин во время содержания под стражей неоднократно подверглись групповому изнасилованию⁴².

⁴⁰ Ст. 7 и 9 Международного пакта о гражданских и политических правах.

⁴¹ Проведенные Группой интервью с бывшими заключенными (конфиденциальные источники по нарушениям международного гуманитарного права 52, 53 и 54) и свидетелями (конфиденциальные источники по нарушениям международного гуманитарного права 4, 6, 8, 9, 15, 17 и 47–50).

⁴² Проведенные Группой интервью с жертвами (конфиденциальные источники по нарушениям международного гуманитарного права 61, 62–66 и 81–82).

III. Соблюдение оружейного эмбарго

A. Общий обзор

56. Руководствуясь пунктами 9–13 резолюции [1970 \(2011\)](#) с изменениями, внесенными в последующих резолюциях, Группа отслеживала, расследовала и выявляла нарушения⁴³ и случаи несоблюдения⁴⁴ оружейного эмбарго. Группа выявила 34 случая передачи оружия и связанных с ним материальных средств и 18 случаев проведения военной подготовки в нарушение пункта 9 резолюции [1970 \(2011\)](#)⁴⁵. Группа также определила ответственных за три случая, о которых сообщалось в двух ее предыдущих заключительных докладах⁴⁶.

57. Для удобства в приложении 27 нарушения представлены в виде таблиц. В приложении 28 приводится сводная информация о видах оружия и военного имущества, переданных в Ливию в нарушение пункта 9 резолюции [1970 \(2011\)](#) с момента введения эмбарго. Эта сводка иллюстрирует разнообразие и технический уровень вооружений и материальных средств, ныне имеющихся в Ливии, и послужит для подсчета будущих нарушений.

58. Оружейное эмбарго оставалось неэффективным в тех случаях, когда государства-члены контролировали пути подвоза материальных средств и цепочки поставок вооруженным субъектам в Ливии. Вооруженные субъекты, действующие вне контроля правительства Ливии, продолжали демонстрировать недавно приобретенные современные материальные средства, наличие которых говорит о том, что оружейное эмбарго не ограничивает получение таких средств. Вооруженные группировки в Мисрате расширили свои авиационные возможности, приобретя новую модель беспилотного летательного аппарата (БПЛА). ЛАВС продемонстрировали свой обширный арсенал во время крупных военных учений в зоне прекращения огня под Суртом (см. приложение 29) и на военном параде в Бенгази, на котором присутствовали многочисленные представители дипломатического корпуса в стране.

59. Группа отметила, что три государства-члена расширили публичную коммуникацию о видах своего военного сотрудничества с вооруженными субъектами на западе и востоке страны. Из них два государства-члена утверждали, что такое военное сотрудничество, вопреки выводам Группы, не подпадает под действие оружейного эмбарго.

⁴³ Группа считает нарушениями случаи, когда имела место физическая передача оружия и материальных средств, обучение или оказание материальной поддержки, которые прямо не подпадают под исключения или изъятия из оружейного эмбарго. В соответствии с практикой Комитета в отношении изъятий и в целях обеспечения последовательности в методологии отчетности Группы, сюда относятся также временное перемещение в Ливию военного имущества, такого как военно-морские суда и военные грузовые самолеты.

⁴⁴ Несоблюдением считаются случаи, когда субъект не предпринял надлежащих действий, указанных в резолюции, а именно: а) не предотвратил нарушение, решив не досматривать следовавшее в Ливию воздушное или морское судно; или б) не предоставил Комитету и/или его Группе требующуюся или запрошенную информацию. Несоблюдением может также считаться ситуация, которая объективно является нарушением, но в которой от ответственной стороны нельзя было разумно ожидать, что она а) инициирует запрос на изъятие или б) знала на тот момент, что передача будет представлять собой нарушение.

⁴⁵ Передачей считается передача оружия и связанных с ним материальных средств или военной техники, не включая временное перемещение, такие как заходы военно-морских судов без выгрузки материальных средств. Под обучением понимается обучение, проводимое третьей стороной и связанное с военной деятельностью.

⁴⁶ [S/2022/427](#), пп. 66 и 68 и приложения 27 и 28; [S/2023/673](#) пп. 84 и 103–105 и приложения 26 и 71.

В. Трудности с осуществлением

1. Обновленная информация о силах, находящихся под контролем правительства

60. Правительство Ливии не обновляло список сил, находящихся под его контролем, с момента первоначального заявления от 27 мая 2017 года, хотя Совет Безопасности просил его об этом в пункте 9 резолюции 2701 (2023). В настоящее время заявленные силы, находящиеся под контролем правительства — Ливийская береговая охрана, саперные подразделения и президентская гвардия Правительства национального согласия, — это единственные силы, которым разрешено получать несмертоносное военное имущество без предварительного разрешения Комитета⁴⁷.

61. 13 марта 2024 года Ливия обновила список лиц, уполномоченных подписывать сертификаты конечного использования, внеся в него директора Департамента военных закупок в качестве одного из двух таких лиц⁴⁸. Это добавление соответствует сложившейся ранее практике выдачи полномочий на закупки должностному лицу технического уровня.

2. Доставка гуманитарной помощи

62. Когда 17 определенных государств-членов мобилизовали помощь ливийскому населению, пострадавшему от шторма «Даниэль» в сентябре 2023 года на востоке страны, в том числе в Дерне, и проводили поисково-спасательные операции, то, по понятным причинам, большинство из них использовали военную технику и военнослужащих, а также военные транспортные средства. Пункт 9 а) резолюции 1970 (2011), измененный пунктом 9 резолюции 2095 (2013), исключает только поставку несмертоносного военного имущества, предназначенного для гуманитарного использования. Действующие резолюции и соответствующие памятки по вопросам осуществления⁴⁹ не дают оснований для предоставления изъятия для транспортных средств, которые не подпадают под определение несмертоносного военного имущества (см. рекомендацию 2).

63. В контексте гуманитарного кризиса в Дерне Группа применила ту же методологию и те же технические стандарты, что применялись ею при расследовании захода на территорию Ливии военных кораблей и военных самолетов. Из этих 17 государств-членов только 6 ответили на стандартные запросы Группы относительно использования военных самолетов и военно-морских судов, которые, как сообщалось, доставляли гуманитарную помощь. Ответы при этом варьировались следующим образом: а) три государства-члена предоставили полную информацию, заполнив стандартный вопросник, что позволило Группе подтвердить, что изъятие из пункта 9 резолюции 2095 (2013) применимо; б) одно государство-член предоставило частичную информацию о гуманитарном характере поставок, которой Группе было достаточно, чтобы убедиться в том, что использовались военные транспортные средства; в) одно государство-член предоставило неполную информацию об авиарейсах и доставленном грузе, которой Группе было недостаточно, чтобы определить характер рейсов; г) одно государство-член не использовало военные транспортные средства, — а значит, не подпадало под действие оружейного эмбарго. Два государства-члена далее заявили, что использование военных средств исключительно для доставки помощи в

⁴⁷ Пункт 13 а) резолюции 2009 (2011) с изменениями, внесенными пунктом 10 резолюции 2095 (2013), и S/2023/673, п. 76 и приложение 24.

⁴⁸ Второе лицо, имеющее право на подписание, — премьер-министр и министр обороны Абдель Хамид Дбейба.

⁴⁹ Включая памятку по вопросам осуществления № 7 от 4 декабря 2023 года.

связи с гуманитарным кризисом в Дерне не является нарушением или несоблюдением обязанностей согласно соответствующим резолюциям. По итогам расследования 57 случаев Группа смогла выявить четыре случая несоблюдения пункта 9 резолюции [1970 \(2011\)](#) (см. таблицу 2 и приложение 30).

С. Нарушение и несоблюдение требований к морскому транспорту и другие морские вопросы

1. Передача по морю

64. Группа установила, что участились случаи передачи военных кораблей и гражданских судов в Бенгази. Применение для военной и правоохранительной деятельности гражданских судов, таких как «Тарик ибн Зияд» (№ ИМО 9889930) (см. п. 51), стало вызовом для осуществления оружейного эмбарго. Хотя эти суда не подпадают под действие мер контроля за экспортом оружия, они служат для повышения эффективности сил и позволяют вооруженным субъ-ектам проецировать силу в морском пространстве. Об этом свидетельствует, в частности, установка вооружений на доставленные суда, которые Группа считает судами двойного назначения⁵⁰, и повторная милитаризация ранее демилитаризованных военных судов. Такие суда, включая надувные лодки с жестким корпусом, могут иметь необходимые точки для крепления самодельных станков для оружия и по конструктивным особенностям превосходят гражданские суда, что позволяет использовать их в силовых операциях наряду с традиционными видами военно-морских средств.

65. Таким образом, определяющим фактором в вопросе о том, следует ли классифицировать эти суда как гражданские или как несмертоносную военную технику по смыслу пункта 10 резолюции [2095 \(2013\)](#), должно быть то, кто является конечным пользователем таких судов. Группа установила, что ЛАВС использовали частные компании в качестве прикрытия для импорта судов военно-морского типа или судов двойного назначения, которые затем использовались в военных целях.

66. 15 ноября 2023 года торговое судно O7 GaJa (№ ИМО 9273791) вошло в порт Тобрук, перевоза на открытой палубе два быстроходных вооруженных военных патрульных катера ОСЕА 110 МКП, предназначенных для Омана. На следующий день таможня в Тобруке изъяла катера, обосновав это тем, что перед ввозом не была подана декларация. ЛАВС заявили Группе экспертов, что: а) ответственность за конфискацию лежит на таможенном органе, не зависящем от ЛАВС; б) катера были ввезены в Ливию контрабандой; в) катера оставались под таможенным арестом до 18 марта 2024 года, а затем были конфискованы. Вопреки версии ЛАВС, Группа установила, что таможенный арест был произведен по указанию высшего командования ЛАВС и что к началу декабря 2023 года бригада ТБЗ незаконно присвоила суда и включила их в состав своего военно-морского имущества. Кроме того, эти катера были продемонстрированы во время учений «Щит достоинства 2024» (см. приложение 29). Этот случай свидетельствует о реальном риске перенаправления материальных средств на территории Ливии, в том числе при транзите, и подчеркивает важность соблюдения оружейного эмбарго также в случае транзитных грузов (см. таблицу 4 и приложение 31).

⁵⁰ [S/2022/427](#), п. 6 и приложение 27. Производители таких судов часто предлагают как военные, так и гражданские модификации одного и того же судна с некоторыми техническими, но внешне минимальными различиями, позволяющими вывести гражданские модификации из сферы экспортного контроля.

67. Группа установила, что гражданин Иордании Амро Салем Исмаэль Ибрагим несет ответственность за передачу Бенгази 3 военно-морских судов типа и 44 судов двойного назначения; конечным пользователем всех военно-морских судов и по меньшей мере пяти жесткокорпусных надувных лодок, военизированных после поставки, были ЛАВС.

68. В начале 2023 года в Бенгази были переданы два военно-морских судна, которые были идентифицированы как бывшие патрульные катера бельгийской полиции: Damen Stan 2706 (ранее SPN-09) и Rodman 66 (ранее SPN-14). Суды имели баллистическую защиту в передней части кают, но после вывода из эксплуатации в Бельгии с них была снята аппаратура связи. В сентябре 2022 года суда были приобретены итальянской компанией, которая в октябре 2022 года перепродала их компании в Объединенных Арабских Эмиратах, которую представлял Амро Ибрагим. Группа установила, что передача двух судов в Бенгази произошла между январем и мартом 2023 года. Учитывая тип сборки, прежнее военное назначение и конечного пользователя в Ливии (ЛАВС), Группа классифицировала эти суда как несмертоносное военное имущество (см. таблицу 4 и приложение 32).

69. В ночь с 7 на 8 марта 2024 года из Порт-Рашида (Объединенные Арабские Эмираты) в Бенгази прибыли шесть судов на борту торгового судна «Би-би-си Аляска» (№ ИМО 9453793). Груз включал два катера-перехватчика, два десантных катера и два многоцелевых катера. Группа определила по типу сборки, конструкции и обозначению, что один из катеров-перехватчиков надлежит классифицировать как несмертоносное военное имущество, а остальные — как суда двойного назначения. Группа установила грузоотправителя из Объединенных Арабских Эмиратов и производителя или продавца судов — оба принадлежат Амро Ибрагиму или контролируются им, — а также грузополучателя в Бенгази. С учетом типа и предназначения судов Группа классифицировала их как несмертоносное военное имущество (см. таблицу 4 и приложение 32).

70. На военных учениях «Щит достоинства 2024» ЛАВС продемонстрировали отремонтированные жесткокорпусные надувные патрульные катера Rafnar 1100, наличие которых отмечалось ранее, и пять вооруженных 12-метровых жесткокорпусных надувных лодок ASIS. Группа установила, что компания из Объединенных Арабских Эмиратов, представленная Амро Ибрагимом, является отправителем груза, состоявшего из 41 жесткокорпусной надувной лодки ASIS. В их числе были пять лодок, которые прибыли в Бенгази на борту торгового судна Med Sea Eagle («Мед си игл») (№ ИМО 8356443) 21 июля 2024 года. Производитель и экспортер жесткокорпусных надувных лодок компания ASIS Boats LLC, подтвердила, что все лодки (41) а) были на момент экспорта гражданскими судами; б) не обладали повышенной прочностью; в) не имели укрепленных точек или креплений для оружия; д) были проданы компании Ибрагима для последующего экспорта пяти компаниям в Ливии. Он также заявил, что пять вооруженных жесткокорпусных лодок, по всей вероятности, были переоборудованы после доставки, включая изменение конструкции днища для установки оружия. По мнению Группы, лодки этого типа являются судами двойного назначения (см. приложение 32).

71. Группа установила, что поставка Италией двух быстроходных патрульных катеров класса «Коррубия» Ливийской службе береговой охраны в июне 2023 года подпадала под изъятие, предусмотренное в пункте 10 резолюции [2095 \(2013\)](#) (см. приложение 33).

72. Группа установила четверых лиц, ответственных за передачу в Ливию лодки класса Lambro Olympic D74⁵¹ и жесткокорпусной надувной лодки класса «Аполлон»⁵², о которых сообщалось ранее (см. таблицу 4 и приложение 34).

2. Иностранные военно-морские суда

73. Число заходов в Ливию вооруженных военно-морских судов из третьих стран в отчетный период увеличилось более чем вдвое по сравнению с предыдущим отчетным периодом, и по крайней мере одно военно-морское судно передало Ливии военную технику (см. таблицу 1). Как заход вооруженных военно-морских судов, так и поставка, продажа или передача вооружений и связанных с ними материальных средств, которые не подпадают ни под одно из существующих исключений или в отношении которых Комитетом не были предоставлены изъятия, являются, по мнению Группы, нарушениями пункта 9 резолюции 1970 (2011) (см. приложение 30).

74. Другие вооруженные военно-морские суда заходили в территориальные воды Ливии для доставки предметов или проведения мероприятий, которые подпадают под предусмотренные исключения или в отношении которых были предоставлены изъятия из оружейного эмбарго. Группа продолжает следовать прежней практике Комитета и Группы в толковании оружейного эмбарго, включая понимание, что исключения из эмбарго не распространяются автоматически на средства, которые используются для доставки предметов или проведения мероприятий, подпадающих под изъятия⁵³. Соответственно, перед заходом военно-морского судна в территориальные воды Ливии требуется предварительное разрешение Комитета, если только само судно не подпадает под исключение, поскольку оно классифицируется как несмертоносное военное имущество и предназначено исключительно для использования в гуманитарных или защитных целях или исключительно для содействия правительству Ливии в обеспечении безопасности или в деле разоружения. Некоторые государства-члены высказали Группе мнение, что характеристики транспортного средства не имеют значения для гуманитарных поставок, на которые не распространяется оружейное эмбарго. Однако лишь одно государство-член (Мальта) должным образом запросило у Комитета изъятия для захода военно-морского судна в целях передачи Ливии материальных средств, на которые распространяется изъятие. Что касается реагирования государств-членов на гуманитарный кризис в Дерне в сентябре 2023 года, то Группа считает, что, согласно соответствующим резолюциям, государства-члены, которые не запросили у Комитета изъятие до захода в территориальные воды Ливии, не соблюли пункт 9 с) резолюции 1970 (2011) (см. таблицу 2).

⁵¹ S/2022/427, п. 66 и приложение 27; S/2023/673, п. 79 и приложение 26.

⁵² S/2022/427, п. 68 и приложение 28; S/2023/673, п. 84 и приложение 26.

⁵³ S/2022/427, п. 60, рекомендация 1; S/2023/673, п. 81 и приложения 28–29.

Таблица 1

Заход иностранных военно-морских судов в пределы ливийской территории в нарушение пункта 9 резолюции 1970 (2011)

Страна ^a	Пункт захода	Военно-морское судно	Комментарии/доставленные предметы или проведенные мероприятия
Турция	Порт Аль-Хомс	Противолодочный корвет TCG Kinaliada (F-514); Фрегат(-ы) класса «Габья» Фрегат(-ы) класса «Барбарос»	<ul style="list-style-type: none"> • TCG Kinaliada заходил в ноябре 2023 года; Турция заявила, что причиной захода были плохие погодные условия^b • Фрегаты класса «Габья»: 10 заходов^c • Фрегаты класса «Барбарос»: 6 заходов^c <p>(Более подробная информация приводится в приложении 35)</p>
Италия	Военно-морская база Абу-Ситта, Триполи	Каботажное транспортное судно ITS Tremiti (A5348)	<ul style="list-style-type: none"> • Вышло из Специи (Италия) 21 февраля 2024 года; замечено Группой 28 февраля 2024 года на военно-морской базе Абу-Ситта^c • Одно из трех судов класса «Горгона», присутствует с 2018 года в порядке ротации
Российская Федерация	Порт Тобрук	<p>Большой десантный корабль (корабли) класса «Грен»;</p> <p>Большой десантный корабль (корабли) класса «Ропуха»</p> <p>Ракетный крейсер «Варяг» (класс «Слава»)</p> <p>Фрегат «Маршал Шапошников» (класс «Удалой»)</p>	<ul style="list-style-type: none"> • Класс «Грен»: 2 захода^c • Класс «Ропуха»: 2 захода^c • Во время заходов 8, 14 и 21 апреля 2024 года в порту были замечены транспортеры тяжелой техники и охрана по периметру • Во время захода 14 апреля 2024 года разгружались военные грузовики с небольшими прицепами • Классы «Слава» и «Удалой»: 1 заход^c • Российская Федерация заявила, что а) она соблюдает международные ограничения в отношении Ливии; б) передвижения таких судов не подпадают под «запретную область» соответствующих резолюций; и с) в Ливию заходят также военные суда других государств-членов • ЛАВС подтвердили заход 16 июня 2024 года, но отрицали заходы в другие указанные даты <p>(Более подробная информация приводится в приложении 36)</p>

^a Перечислены в хронологическом порядке.

^b Несоблюдение.

^c Нарушение.

Таблица 2
Заход иностранных военно-морских судов в пределы ливийской территории в контексте гуманитарного кризиса в Дерне в нарушение пункта 9 с) резолюции 1970 (2011)

Страна	Военно-морское судно	Замечания, доставленные предметы или проведенные мероприятия
Египет Италия Мальта Турция	Разные	• Четыре указанных государства-члена использовали военно-морские суда для доставки гуманитарной помощи в восточную часть Ливии в связи с гуманитарным кризисом в Дерне в сентябре 2023 года (см. приложение 30)

D. Нарушение и несоблюдение требований, связанных с авиацией

1. Приобретение беспилотного летательного аппарата: боевой беспилотный летательный аппарат «Байрактар акынджы»

75. 31 марта 2024 года Группа обнаружила присутствие недавно переданного турецкого боевого беспилотного летательного аппарата «Байрактар акынджы» рядом с недавно построенным ангаром на авиабазе в Мисрате⁵⁴. Строительство соединительной рулежной дорожки и ангара, способного вместить около пяти аппаратов этого типа, было завершено в середине марта 2024 года (см. приложение 37)⁵⁵.

2. Военно-транспортная авиация

76. Ливийские аэродромы продолжают использоваться военной авиацией государств-членов. Группа просила разъяснить цели 40 рейсов из указанных государств-членов (см. приложение 38), кроме военных грузовых рейсов для оказания помощи в связи с гуманитарным кризисом в Дерне (см. п. 63). В ответах была приведена ограниченная информация. Турция ответила, что полеты осуществлялись для логистических нужд турецких военных советников в Ливии в связи с учебной подготовкой ливийских вооруженных сил. Соединенное Королевство Великобритании и Северной Ирландии заявило, что полеты соответствуют резолюции 1970 (2011)⁵⁶. Италия, Соединенные Штаты Америки и Франция не ответили. Группа пришла к выводу, что эти пять государств-членов нарушили пункт 9 резолюции 1970 (2011) (см. таблицу 4), по причинам, подробно изложенным в приложении 38. Этот вопрос неоднократно поднимался Группой и разъяснялся в приложении 28 к документу S/2023/673⁵⁷.

3. Гражданская авиация

77. Группа установила, что три воздушных судна, отвечающих установленным Группой профильным показателям в отношении воздушных перевозок, совершали посадку и взлет на подконтрольных СПХ ливийских аэродромах (см. приложение 3), что указывает на нарушение пункта 9 резолюции 1970 (2011). В таблице 3 приводятся сводные данные об этих воздушных судах.

⁵⁴ 32°18'40.43"N, 15°4'1.09"E.
⁵⁵ Боевой беспилотный летательный аппарат «Байрактар акынджы» был в наличии во время визита начальника Генерального штаба Турции в Ливию с 14 по 16 июля 2024 года (см. <https://x.com/TSKGnkur/status/1812827604816151007>).
⁵⁶ 11 апреля и 19 июня 2024 года Соединенное Королевство сообщила Группе о четырех военных рейсах и привело такое же объяснение.
⁵⁷ S/2022/427, п. 60 и рекомендация 1.

Таблица 3

Авиационные нарушения

Дата	Конечный пользователь	Воздушное судно	Подробности	Ответственная сторона (стороны)	Примечания/источник
28 июля 2023 года	СПХ	Ил-76ТД [EX-76005] ^a [0063471147] ^b	Соответствие по меньшей мере пяти профильным показателям в отношении воздушных перевозок. Установленный маршрут: Объединенные Арабские Эмираты — Ливия. Сокрытие полетов в Ливию	«Сапсан эйр-лайнс» СПХ	S/2022/427 , приложение 96; S/2023/673 , приложение 61; приложение 39 к настоящему докладу
28 июля 2023 года	СПХ	Ил-76ТД [EX-76008] ^a [1103416515] ^b	То же, что и выше	«Сапсан эйр-лайнс» СПХ	То же, что и выше
15 марта 2024 года	ЛАВС	Вертолет AS350B2 Écu-reuil [I-ALWE] ^a	Оказание Халифе Хафтару логистической помощи, связанной с военной деятельностью.	Elifly	Приложение 40

Сокращения: ЛАВС — Ливийские арабские вооруженные силы; СПХ — силы, примкнувшие в Хафтару.

^a Регистрационный номер воздушного судна.

^b Серийный номер производителя.

Использование услуг компании Elifly Халифой Хафтаром

78. Группа установила, что Халифа Хафтар воспользовался вертолетом Aerospatiale AS350B2 Écu-reuil (регистрационный номер I-ALWE) итальянской компании Elifly International S.r.l. («Элифлай») для участия в военных учениях «Щит достоинства 2024» (см. приложение 40). Компания «Элифлай» ответила на запрос Группы, что этот рейс был зафрахтован через турецкую компанию Ливийской корпорацией воздушной скорой помощи для обеспечения воздушной поддержки в медицинских целях. Она провела инспекцию на месте с 17:15 до 18:00 5 марта 2024 года и организовала рейс, длившийся с 9:05 до 10:48 6 марта 2024 года, из аэропорта Сурта до места проведения публичного мероприятия. Компания «Элифлай» заявила, что ей ничего не было известно о том, для чего выполнялся этот рейс.

79. Группа пришла к выводу, что компания «Элифлай» не проявила должной осмотрительности. На спутниковых снимках видно, что 5 марта 2024 года, когда проводилась инспекция, на месте уже были военные сооружения, такие как траншеи и наблюдательный пункт, соединенный с вертолетной площадкой. Предоставление компанией «Элифлай» летных услуг для ЛАВС во время военных учений как вид помощи, связанной с военной деятельностью, является нарушением пункта 9 резолюции [1970 \(2011\)](#).

Е. Военная учебная подготовка

80. Группа выявила 18 случаев проведения учебной подготовки для ливийских вооруженных субъектов, в том числе один случай, когда подготовка была предоставлена частной компанией.

1. Военная учебная подготовка, проведенная государствами-членами

а) Турция

81. Группа установила, что Турция организовала 14 мероприятий по военной учебной подготовке для ливийских вооруженных субъектов; 12 были в Ливии, 2 — за рубежом. Турция ответила Группе, что эти учебные мероприятия были проведены «по запросам, полученным от официальных ливийских властей» в рамках двух меморандумов о взаимопонимании по военному сотрудничеству между Турцией и Ливией — от 4 апреля 2012 года и от 27 ноября 2019 года. Группа постоянно сообщала о таких учебных мероприятиях, в том числе проводимых за пределами Ливии, как о нарушениях оружейного эмбарго, поскольку эти мероприятия представляют собой организацию обучения и предоставление иной помощи, связанной с военной деятельностью⁵⁸. Таким образом, проведение этих учебных мероприятий представляет собой нарушение Турцией пункта 9 резолюции 1970 (2011) (см. приложения 41–43).

б) Соединенные Штаты

82. Группа выявила два случая проведения военной учебной подготовки ливийских вооруженных субъектов в рамках региональных военных учений, организованных Африканским командованием Соединенных Штатов. Подразделения сил, связанных с Правительством национального единства, участвовали в учебном занятии для общевойсковых передовых авиационных наводчиков в рамках учений «Африканский лев 2024» 2 мая 2024 года в Тунисе. Военнослужащие ЛАВС приняли участие в учениях по проведению специальных операций в рамках учений «Кремнёвый замок 2024» (Flintlock 2024) 21 и 24 мая 2024 года в Гане. Таким образом, проведение этих двух военных учебных мероприятий представляет собой нарушение Соединенными Штатами пункта 9 резолюции 1970 (2011) (см. приложения 44 и 45).

2. Военная учебная подготовка, проведенная частными компаниями

а) «Айриш трейнинг солюшнс»

83. Расследование Группы в связи с сообщениями о предоставлении СПХ в 2023 году военной подготовки и военного снаряжения для индивидуальной защиты ирландской частной компанией, специализирующейся на военной подготовке и подготовке в области безопасности («Айриш трейнинг солюшнс»), было начато в связи с национальными расследованиями двух государств-членов (см. приложение 46).

84. Группа установила, что мальтийская компания «Хармони джетс», предоставляющая услуги чартерных рейсов и осуществлявшая регулярные рейсы в Ливию, оказала услуги по перевозке инструкторов «Айриш трейнинг солюшнс» в Ливию⁵⁹. В ходе расследования Группы по установлению целей доставки этих инструкторов «Айриш трейнинг солюшнс» в Ливию компания заявила Группе, что а) она осуществляла полеты в Ливию; б) «ни один рейс не был продан» сотрудникам «Айриш трейнинг солюшнс»; в) пассажиры не сообщали о своей занятости в «Айриш трейнинг солюшнс»; и d) она не перевозила в Ливию «оружие или опасные предметы». Компания отказалась предоставить информацию о средствах индивидуальной защиты и пассажирские ведомости, сославшись на законы о защите личных данных. Группа установила, что компания «Хармони джетс» не соблюдала пункты 19 и 20 резолюции 2701 (2023).

⁵⁸ S/2022/427, пп. 76 и 77, и S/2023/673, п. 87.

⁵⁹ Конфиденциальные источники.

b) «Аментум сервисиз инкорпорейтед»

85. Группа установила, что частная компания из Соединенных Штатов «Аментум сервисиз инкорпорейтед» проводила обучение ливийских вооруженных субъектов в Ливии и за ее пределами. В ответ на запрос Группы компания «Аментум» заявила, что она проводила учебную подготовку «потенциальных сотрудников ливийских органов безопасности» за пределами Ливии по контрактам с правительством Соединенных Штатов, но у нее «нет данных о выполнении какой-либо работы в Ливии или с участием ливийских органов безопасности»⁶⁰. Группа же установила, что, вопреки утверждению «Аментум», компания проводила подготовку ливийских вооруженных субъектов на авиабазе Митига в начале 2024 года (см. п. 38). Группе не удалось установить характер этих учебных мероприятий, необходимый для оценки соблюдения пункта 9 резолюции 1970 (2011) (см. приложение 47).

c) «Милитес Деи секьюрити сервисиз»

86. Группа установила, что 95 военнослужащих, связанных с бригадой ТБЗ, прошли военную подготовку в Южной Африке, организованную южноафриканской частной компанией Milites Dei Security Services (Pty) Ltd. Группа пришла к выводу, что «Милитес Деи секьюрити сервисиз» несет ответственность за нарушение пункта 9 резолюции 1970 (2011) (см. приложение 48).

F. Изъятия, связанные с нарушениями и попытками нарушения оружейного эмбарго**1. Ливия**

87. В сентябре 2023 года Ливийское таможенное управление провело две конфискации оружия и связанных с ним материальных средств в порту Хомс. Группа подтвердила, что было изъято 820 открыто перевозившихся из Испании пневматических винтовок Gamo и 430 коробок с боеприпасами к ним. В ходе второй операции было обнаружено 500 охотничьих винтовок, которые были спрятаны в деревянной мебели, отправленной из Турции (см. таблицу 4 и приложение 49).

2. Испания

88. Группа выяснила, что испанскими властями в 2023 и 2024 годах были проведены две правоохранительные операции в связи с попытками экспорта материальных средств в Ливию в нарушение пункта 9 резолюции 1970 (2011). Сообщалось, что в ходе этих операций были изъяты, среди прочего, полицейская форма и бронежилеты (в 2023 году)⁶¹, а также системы защиты от беспилотных летательных аппаратов (в 2024 году)⁶². Испания не сообщила Комитету об изъятиях грузов, подпадающих под действие пункта 11 резолюции 1970 (2011). Группа несколько раз запрашивала у Испании дополнительную информацию, однако ко времени подготовки настоящего доклада она не была предоставлена. По мнению Группы, Испания не соблюдала пункты 19 и 20 резолюции 2701 (2023) и пункт 13 резолюции 1970 (2011).

⁶⁰ Письмо «Аментум» от 17 сентября 2024 года.

⁶¹ Конфиденциальные источники.

⁶² www.policia.es/_es/comunicacion_prensa_detalle.php?ID=16045#, 22 января 2024 года.

3. Италия

89. 18 и 28 июня 2024 года соответственно суда для контейнерных перевозок Arina (№ ИМО 9839284) и Apolline (№ ИМО 9896983) прибыли в порт Джоя-Тауро (Италия), после чего итальянские власти изъяли контейнеры, направлявшиеся в Бенгази, в которых находились скрытые и неправильно задекларированные компоненты, относящиеся, как установили итальянские власти, к беспилотному летательному аппарату модели Flying Loong (FL-1). Китай представил Группе предварительное заключение по итогам национального расследования, где было сказано, что изъятые компоненты относятся к «списанному беспилотнику модели, применяемой для предупреждения стихийных бедствий и оказания помощи, а также для спасения в чрезвычайных ситуациях, и не являются военной техникой»⁶³ (см. приложение 50).

90. Группа ожидает получения доступа к изъятым материальным средствам, который должен быть предоставлен согласно пунктам 19 и 20 резолюции 2701 (2023) и соответствующей памятке по вопросам осуществления № 3⁶⁴.

G. Обновленная информация о предыдущих случаях и произведенных ранее изъятиях

91. Обновленная информация о ЧВК «Опус» приводится в приложении 51.
92. Группа выявила дополнительные компании в цепочке поставок транспортных средств, которые были изъятые 18 июля 2022 года в ходе операции «Ирини» с торгового судна Victory RoRo (№ ИМО 7800112) (см. таблицу 4 и приложение 52).

H. Сводная информация об ответственности за нарушение и несоблюдение требований

93. Группа считает, что перечисленные в таблице 4 государства-члены, юридические и физические лица нарушили или не соблюли оружейное эмбарго. Более подробная информация содержится в приложениях 31–46, 48, 49 и 52–61.

Таблица 4
Сводная информация об ответственности за нарушения пункта 9 резолюции 1970 (2011) и несоблюдение требований в отношении досмотров, отчетности и предоставления информации

Страна/юридическое лицо/физическое лицо ^a	Нарушение п. 9 резолюции 1970 (2011)	Несоблюдение п. 19 резолюции 2213 (2015)	Несоблюдение пп. 19 и 20 резолюции 2701(2023)	Несоблюдение п. 13 резолюции 1970 (2011)	Причина
Франция	✓		✓		Передача (воздушное судно) ^b Непредоставление информации ^c
Ирландия			✓		Непредоставление информации ^c
Италия	✓		✓		Передача (воздушное судно, морское судно) ^b Непредоставление информации ^c

⁶³ Ответ Китая от 21 октября 2024 года.
⁶⁴ https://main.un.org/securitycouncil/sites/default/files/1970_ian3.pdf.

Страна/юридическое лицо/физическое лицо ^a	Нарушение п. 9 резолюции 1970 (2011)	Несоблюдение п. 19 резолю- ции 2213 (2015)	Несоблюдение пп. 19 и 20 резо- люции 2701(2023)	Несоблюдение п. 13 резолю- ции 1970 (2011)	Причина
Иордания	✓		✓		Учебная подготовка (сил, свя- занных с Правительством наци- онального единства) ^d Отчетность ^c Непредоставление информации ^c
Ливия (силы, свя- занные с Прави- тельством нацио- нального единства)	✓	✓	✓	✓	Закупки ^f Непроведение досмотра по при- бытии ^g Непредоставление информации ^c
Российская Феде- рация	✓				Передача (морское судно) ^b Передача (материальные сред- ства) ^h
Испания			✓	✓	Отчетность ^c Непредоставление информации ^c
Турция	✓		✓		Учебная подготовка (сил, свя- занных с Правительством наци- онального единства) ^d Передача (оружие и связанные с ним материальные средства, воздушные суда, морские суда) ^b Непредоставление информации ^c
Объединенные Арабские Эмираты			✓		Непредоставление информации ^c
Соединенное Коро- левство	✓				Передача (воздушное судно) ^b
Соединенные Штаты	✓		✓		Передача (воздушное судно) ^b Учебная подготовка (сил, свя- занных с Правительством наци- онального единства, и ЛАВС) Непредоставление информации ^c
Юридические лица					
ЛАВС	✓				Закупки ^f
2020 Volume Boats Maintenance & Repairing LLC (Объединенные Арабские Эми- раты)	✓		✓		Передача (морское судно) ^b Непредоставление информации ^c
Alrakab Company for Importing Cars and Spare Parts (Ливия)	✓		✓		Передача (морское судно) ^b Непредоставление информации ^c

Страна/юридическое лицо/физическое лицо ^a	Нарушение п. 9 резолюции 1970 (2011)	Несоблюдение п. 19 резолю- ции 2213 (2015)	Несоблюдение пп. 19 и 20 резо- люции 2701(2023)	Несоблюдение п. 13 резолю- ции 1970 (2011)	Причина
Asha Co FZE (Объ- единенные Араб- ские Эмираты)	✓		✓		Передача (морское судно) ^b Непредоставление информации ^c
BBC Chartering GmbH & Co. KG (Германия)	✓		✓		Передача (морское судно) ^b Непредоставление информации ^c
BMC Otomotiv Sa- nayi ve Ticaret A.Ş (Турция)			✓		Непредоставление информации ^c
Damen Shipyards (Королевство Ни- дерландов)			✓		Непредоставление информации ^c
Darkmax Tekstil (Турция)			✓		Непредоставление информации ^c
Drago Boats (Гре- ция)			✓		Непредоставление информации ^c
Elifly International S.r.l. (Италия)	✓				Предоставление логистических услуг ЛАВС ⁱ Непредоставление информации ^c
Gamo Outdoor SLU (Испания)			✓		Непредоставление информации ^c
Harmony Jets (Мальта)			✓		Непредоставление информации ^c
Inkas (Объединен- ные Арабские Эми- раты)			✓		Непредоставление информации ^c
Milites Dei Security Services (Pty) Ltd (Южная Африка)	✓				Учебная подготовка (для ЛАВС) ^d
Ocean 7 Charterings (Дания)	(✓) ^j				Передача (морские суда) ^k
Sapsan Airlines LLC (Кыргызстан)	✓				Помощь (для СПХ) ⁱ
Shield Armored Vehicles (Иорда- ния)			✓		Непредоставление информации ^c
Streit (Объединен- ные Арабские Эми- раты)			✓		Непредоставление информации ^c
Volume FZCO (Объединенные Арабские Эми- раты)	✓				Передача (морские суда) ^b

Страна/юридическое лицо/физическое лицо ^a	Нарушение п. 9 резолюции 1970 (2011)	Несоблюдение п. 19 резолю- ции 2213 (2015)	Несоблюдение пп. 19 и 20 резо- люции 2701(2023)	Несоблюдение п. 13 резолю- ции 1970 (2011)	Причина
Физические лица					
Амро Салем Исма- эль Ибрагим (граж- данин Иордании, дата рождения: 1 июня 1986 года)	✓				Передача (морские суда) ^b
Костас Харалампо- пулус (гражданин Греции, дата рож- дения: 15 августа 1959 года)	✓				Передача (морские суда) ^b
Николаос Лардис (гражданин Гре- ции, дата рожде- ния: 4 февраля 1963 года)	✓				Передача (морское судно) ^b
Георгий Фофкадзе (гражданин Гру- зии, дата рожде- ния: 9 февраля 1990 года)	✓				Передача (морское судно) ^b
Георгиос Бумпурас (гражданин Гре- ции, дата рожде- ния: 21 июня 1983 года)	✓				Передача (морское судно) ^b

^a Перечислены в алфавитном порядке в разбивке по категориям.

^b «Передача» означает передачу Ливии соответствующих материальных средств, в частности военно-транспортной авиации («воздушные суда») и военно-морских судов («морские суда»).

^c «Непредоставление информации» — непредоставление Группе запрошенной ею информации.

^d «Учебная подготовка» — проведение военного обучения.

^e «Отчетность» — несообщение Комитету о произведенных изъятиях.

^f «Закупки» — закупки оружия и связанных с ним материальных средств.

^g «Непроведение досмотра по прибытии» — непроведение досмотра по прибытии морских и воздушных судов, используемых для передачи Ливии оружия и связанных с ним материальных средств.

^h «Передача (материальных средств)» — передача Ливии вооружений и связанных с ними материальных средств.

ⁱ Помощь, связанная с военной деятельностью, например предоставление самолетов для поддержки.

^j Несоблюдение. Компании не было известно, что остановка ее судна в Ливии будет подпадать под действие оружейного эмбарго и что ей следует принять меры по совершенствованию своих регламентов и процедур должной осмотрительности.

^k Транзит через Ливию судна с оружием и связанными с ним материальными средствами, предназначенными для другой страны.

IV. Нефть: беспрецедентный источник дохода для вооруженных групп

A. Общий обзор

94. В настоящее время вооруженные группы оказывают решающее влияние на распределение доходов от продажи нефти и функционирование цепочки поставок топлива, а также контролируют ряд соответствующих структур как в государственном, так и в частном секторах (см. п. 10). Этот вывод подтверждается несколькими фактами: а) использованием частной компании для сбыта и продажи нефти вне традиционного контроля Национальной нефтяной корпорации и Центрального банка Ливии (см. п. 96), б) использованием «Дженерал электрик компани оф Либия» для закупки избыточных объемов топлива с целью его незаконного экспорта; и с) контрабандой из старой гавани Бенгази. Такая ситуация позволяет вооруженным группировкам получать беспрецедентные доходы от контрабанды топлива благодаря условиям, сложившимся на национальном и международном уровнях.

95. Последняя серия закрытий нефтяных объектов в августе и сентябре 2024 года была частью целенаправленных политических кампаний. В ходе недавних чрезвычайных ситуаций не пострадали ни терминалы, ни газовые месторождения, что позволило продолжить производство электроэнергии, импорт топлива и ограниченный экспорт нефти.

B. Эволюция роли Национальной нефтяной корпорации

96. Проникновение представителей вооруженных групп в государственные институты Ливии повлияло также на деятельность Национальной нефтяной корпорации. На руководящие должности в департаментах Национальной нефтяной корпорации были назначены лица, близкие к вооруженным группам. Организационная структура Корпорации была изменена, чтобы ограничить функционирование внутренней системы сдержек и противовесов: например, было создано новое стратегическое подразделение, расположенное вне штаб-квартиры⁶⁵. Это подразделение теперь отвечает за заключение договоров на обслуживание с частными компаниями. В частности, оно заключило соглашение с первой в Ливии частной нефтяной компанией Arkenu Oil Company⁶⁶. Она была основана в Бенгази в начале 2023 года и имеет несколько соглашений об оказании услуг с Национальной нефтяной корпорацией, одобренных Правительством национального единства, в том числе в отношении нефтяного месторождения Сарир/Месла. В соответствии с этими соглашениями в период с мая по сентябрь 2024 года «Аркену» экспортировала 6 млн баррелей нефти. При средней цене в 77 долл. США за баррель общая стоимость этих поставок составила 463 млн долл. США. Группа установила, что «Аркену» косвенно контролируется Саддамом Хафтаром.

⁶⁵ В королевском дворце Набаа [32°54'1.17 "N, 13°12'57.36 "E].

⁶⁶ <https://arkenu.ly/en>.

С. Незаконный экспорт и импорт нефти и нефтепродуктов

1. Незаконный экспорт нефтепродуктов

а) Общий обзор

97. За последние два года контрабанда топлива из Ливии достигла беспрецедентных масштабов. Основным фактором стали национальные субсидии, за счет которых топливо импортируется по рыночным ценам и продается на местах существенно ниже реальной стоимости. При этом импортное топливо, преимущественно дизельное, затем контрабандой вывозится за границу и продается по ценам черного рынка или по рыночным ценам с поддельными документами. Вооруженные группировки контролировали бизнес по контрабанде топлива и получали от него стабильный доход. ЛАВС обеспечили себе косвенный доступ к государственным средствам в обход Центрального банка Ливии — путем контрабанды топлива из старой гавани Бенгази. Вооруженные группировки в Триполи и Эз-Завии, напрямую контролирующие ключевые сектора экономики и соответствующие государственные структуры, контрабандой вывозили значительную часть дизельного топлива, предназначенного для национального потребления (см. п. 99).

б) Системные проблемы

98. Национальная нефтяная корпорация является единственной структурой, имеющей право на импорт нефтепродуктов в Ливию. Около 70 процентов всего дизельного топлива в Ливии импортируется. До 2021 года Центральный банк Ливии выделял на импорт топлива бюджетные средства, которые затем предоставлялись Министерством финансов Национальной нефтяной корпорации. Всякий раз, когда Центральный банк Ливии сталкивался с проблемами ликвидности, начиная с 2012 года, Корпорация прибегала к процедуре зачета экспортируемой нефти в счет импортируемого топлива (также называемую процедурой зачета или топливным свопом). К 2022 году, когда объем выделяемых Центробанком средств постепенно сократился, процедура зачета стала единственным способом импорта топлива в Ливию. Доходы от продажи нефти по-прежнему поступают в Центробанк, но они сократились на сумму, которая расходуется на импорт топлива.

99. По прибытии в Ливию партия дизельного топлива продавалась компании «Брега» (дочерней компании Национальной нефтяной корпорации) по символической цене около 0,03 долл. США за литр, после чего «Брега» передавала его крупным потребителям энергоносителей, таким как «Дженерал электрик компании оф Либия» и дистрибьюторские компании на внутреннем рынке⁶⁷. Дистрибьюторские компании держат сети автозаправочных станций, где топливо продается населению по значительно сниженной цене — около 0,10 долл. США за литр. Контрабанда субсидированного топлива за пределы Ливии с продаж его на черном рынке приносила около 1,00 долл. США за литр. В беседах с Группой Министерства нефти и газа, Национальная нефтяная корпорация и компания «Брега» единогласно заявили, что перенаправление топлива для контрабандной продажи начинается с дистрибьюторских компаний и что за принятие мер по борьбе с такой контрабандой отвечает Министерство внутренних дел⁶⁸. Однако Группа пришла к выводу, что ответственность за рост контрабанды топлива лежит не на дистрибьюторских компаниях, поскольку они систематически

⁶⁷ Все четыре основные компании принадлежат правительству Ливии.

⁶⁸ Встречи с представителями Министерства нефти и газа, включая координатора в соответствии с резолюцией 2146 (2014), представителями Национальной нефтяной корпорации и «Брега петролеум маркетинг компани» (Триполи, февраль 2024 года).

недополучали для снабжения своих автозаправочных станций достаточно топлива, чтобы удовлетворить спрос ливийского населения⁶⁹.

100. По мнению Группы, основным фактором, способствующим контрабанде топлива, является методология определения потребностей местного рынка. Основные получатели топлива — дистрибьюторские компании, «Дженерал электрик компани оф Либия», опреснительные заводы и предприятия других энергоемких отраслей — определяли спрос без необходимости обосновывать его увеличение.

101. Группа экспертов установила, что ежегодное потребление дизельного топлива в период с 2021 по 2022 год резко увеличилось — на 66,3 процента, тогда как среднегодовой прирост потребления в период с 2018 по 2021 год составлял всего 3,6 процента. С тех пор потребление остается на столь же высоком уровне (см. таблицу 5 и рисунок VII). Группа экспертов выяснила, что значительным фактором контрабанды топлива является несоразмерный расход дизельного топлива для производства электроэнергии, заявляемый компанией «Дженерал электрик компани оф Либия» (см. рекомендацию 1).

Таблица 5
Заявленное потребление дизельного топлива в Ливии в период с 2018 по 2024 год (первый и второй кварталы)

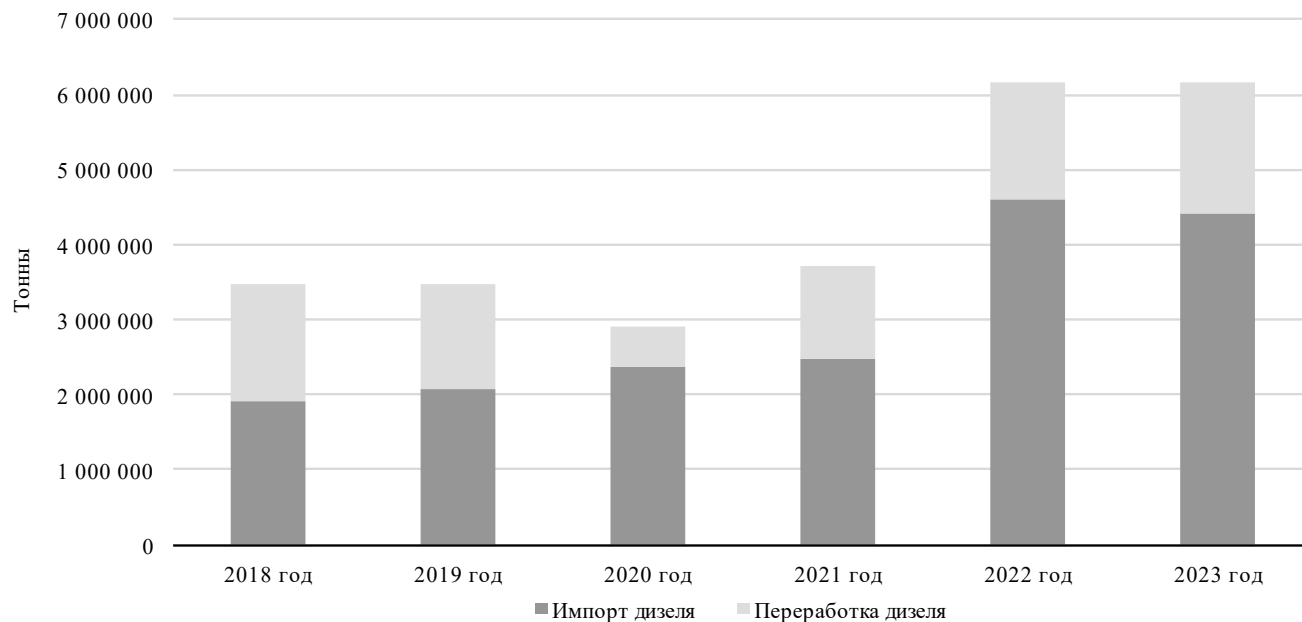
Год	Импорт дизельного топлива (в тоннах)	Годовое изменение импорта в процентах	Объем переработанного дизельного топлива (в тоннах)	Годовое изменение объема переработки дизельного топлива в процентах	Объем импорта дизеля + объем его переработки для потребления (в тоннах)	Годовое изменение потребления дизельного топлива в процентах
2018	1 918 992	—	1 562 799	—	3 481 791	—
2019	2 083 968	8,6	1 388 118	(11,2)	3 472 086	(0,3)
2020	2 370 038	13,7	542 604	(60,9)	2 912 642	(16,1)
2021	2 473 734	4,4	1 232 478	127,1	3 706 212	27,2
2022	4 605 462	86,2	1 558 860	26,5	6 164 322	66,3
2023	4 402 869	(4,4)	1 762 114	13,0	6 164 983	0,0
2024 (1-й кв. + 2-й кв.)	1 905 580	—	784 268	—	2 689 848	—

Источник: Национальная нефтяная корпорация.

⁶⁹ Конфиденциальные источники (должностные лица в энергетическом секторе Ливии).

Рисунок VII

Заявленное потребление дизельного топлива в Ливии с 2018 по 2023 год



i) «Дженерал электрик компани оф Либия» как источник поставок топлива для контрабанды

102. В последние годы резко возросло количество запросов «Дженерал электрик компани оф Либия» на поставку нефтепродуктов. При нормальном функционировании Компании не требуется больших объемов дизельного топлива. Она производит электроэнергию на электростанциях, где используется в основном более эффективный природный газ, а также — в качестве резервного топлива — менее эффективные нефть и продукты ее переработки, такие как мазут и дизель. Электростанции в Ливии постепенно переходят на газовые турбины, способные работать на двух видах топлива.

103. При этом в период с 2022 по 2023 год бюджет «Дженерал электрик компани оф Либия» на закупку нефтепродуктов вырос на 5 млрд долларов США — с 3,7 млрд в 2022 году до 8,7 млрд в 2023 году. Это увеличение было обусловлено закупкой дизельного топлива (на сумму 3,5 млрд долларов США) и природного газа (на сумму 4,1 млрд долларов США), что составило более 87 процентов общего бюджета Компании на закупку нефтепродуктов в 2023 году⁷⁰.

104. Хотя на закупку нефтепродуктов было дополнительно выделено 5 млрд долл. США, производство электроэнергии соизмерно не увеличилось. Учитывая возможность использования двух видов топлива на ливийских электростанциях, суммы, выделенной на закупку природного газа в 2023 году, должно было хватить для удовлетворения потребностей в производстве электроэнергии, если исходить из общепринятой нормы ежегодного увеличения потребностей в топливе на 5 процентов⁷¹. В 2023 году бюджет Компании на импорт дизельного топлива составил 3,5 млрд долл. США. Она получила 2,9 млн тонн дизельного

⁷⁰ Доступ к конфиденциальной документации предоставляется по запросу.

⁷¹ Конфиденциальные источники (должностные лица в энергетическом секторе Ливии).

топлива⁷². Однако, по данным Национальной нефтяной корпорации, средняя стоимость импортируемого дизельного топлива в 2023 году составила 903,58 долл. США за тонну. Это указывает на то, что Компания получила топлива всего на 2,6 млрд долл. США, что оставляет потенциальный пробел в расходах бюджетных средств в размере 900 млн долл. США⁷³.

105. У Компании не было резервуаров для хранения топлива в том объеме, который она получила в 2023 году⁷⁴. Кроме того, в 2024 году она обратилась к компании «Брега» с просьбой перенаправить несколько судов с дизельным топливом для западных электростанций на электростанцию в Бенгази, на которой дизель в качестве топлива не используется⁷⁵. Таким образом, риск утечки значительной части дизельного топлива, которое получает Компания, чрезвычайно высок.

ii) *Контрабанда из старой гавани Бенгази*

106. Контрабанда из старой гавани Бенгази, о которой сообщалось ранее⁷⁶, значительно увеличилась. За отчетный период Группа выявила 137 заходов контрабандистских судов. Было установлено, что в период с марта 2022 года по сентябрь 2024 года в Бенгази 185 раз заходили 48 идентифицированных судов, причем некоторые из них заходили до 15 раз. Средняя полная грузоподъемность судов увеличилась с 5700 до 9970 тонн.

107. Способы маскировки и схемы контрабанды эволюционировали, и наиболее распространенным методом контрабанды стала перекачка с судна на судно в международных водах, в основном на банке Херда у берегов Мальты. Иногда суда не удавалось отследить в течение нескольких недель, причем некоторые за это время несколько раз возвращались в Бенгази для повторной заправки. Из схем передвижения следует, что операции по перекачке с судна на судно часто проводились без включения автоматической идентификационной системы, что крайне необычно для законных операций. Это свидетельствует о том, что как и на тех судах, с которых перекачивалось топливо, так и на тех, на которые оно перекачивалось, было известно о незаконном происхождении груза (см. приложение 62).

108. Общий объем дизельного топлива, перевезенного идентифицированными судами, составил около 1,125 млн тонн. Фактический объем незаконного экспорта, скорее всего, выше.

109. Группа установила, что некоторые незаконные экспортные поставки осуществлялись с использованием международных тендеров и поддельных документов. В приложении 63 приведены примеры таких схем. Возникновению благоприятных условий для незаконного экспорта способствовало недостаточное понимание субъектами отрасли законных процессов экспорта топлива из Ливии.

110. В приложениях 64 и 65 содержатся разборы типичных случаев с участием судов Aristo (№ ИМО 6501355) и Mardi (№ ИМО 8853673), последнее из которых является одним из наиболее активных перевозчиков дизельного топлива из Бенгази. В ходе расследования в отношении этого судна Группа выявила связанную с ним сеть, состоящую еще из 12 судов. Группа установила, что во главе этой сети находится лицо с двойным греческим и турецким гражданством

⁷² Конфиденциальные источники (должностные лица в нефтяном секторе Ливии); доступ к конфиденциальной документации предоставляется по запросу.

⁷³ Данные предоставлены Национальной нефтяной корпорацией 21 августа 2024 года.

⁷⁴ Конфиденциальные источники (должностные лица в энергетическом секторе Ливии).

⁷⁵ Те же источники.

⁷⁶ S/2023/673, пп. 117–119 и приложения 74 и 75.

Александрос Сеневезоз. Основные руководители этой сети связаны с высокопоставленными членами вооруженных группировок в Ливии, которые способствовали незаконному экспорту 450 000 тонн дизельного топлива с территорий, находящихся под их контролем в Бенгази и Эз-Завии, на внешние рынки через Сеневезоза.

iii) *Контрабанда топлива по суше*

111. Значительно расширились масштабы контрабанды топлива по суше: ливийское топливо стало катализатором для деятельности региональных брокеров, которые устанавливают связи не только на границах страны, но и вдали от них, в том числе в Центральноафриканской Республике. В приложении 66 приведен пример.

2. Координатор в соответствии с резолюцией 2146 (2014)

112. Координатор, назначенный в соответствии с резолюцией 2146 (2014), сообщил Группе, что 18 апреля 2024 года торговое судно *Minerva Rita* (№ ИМО 9305867) пыталось выгрузить в Бенгази дизельное топливо, которое не было заказано Национальной нефтяной корпорацией. В итоге судно ушло, не заходя в территориальные воды Ливии. Кроме того, координатор подтвердил, что 31 августа 2024 года это же судно, получив разрешение Национальной нефтяной корпорации, выгрузило бензин на морском нефтяном терминале в Бенгази.

113. Сообщений о попытках незаконно экспортировать нефть из Ливии Группе не поступало.

114. Группа отметила снижение уровня сотрудничества с координатором после того, как эта должность была переведена из Национальной нефтяной корпорации в Министерство нефти и газа. Отчасти это связано со структурной проблемой, заключающейся в том, что координатор больше не имеет прямого доступа к мониторингу ежедневных операций по импорту и экспорту нефти и нефтепродуктов. Из-за этой проблемы координатор сообщает заниженные данные о масштабном незаконном экспорте из Ливии.

V. Единство и целостность Центрального банка Ливии

115. 20 августа 2023 года, как сообщалось ранее⁷⁷, было объявлено о воссоединении Центрального банка Ливии. Несмотря на достигнутый прогресс, недавние события, связанные с руководством Банка (см. п. 11), включая назначение нового председателя, повлияли на процесс объединения. По мнению Группы, осталось несколько проблем, мешающих полному воссоединению. Растущее участие вооруженных групп в деятельности Банка также представляло значительную угрозу для воссоздания и функционирования единого центрального банка. Информация о мерах по воссоединению, принятых Банком к настоящему времени, и связанных с этим процессом трудностях приводится в приложении 6.

⁷⁷ Там же, п. 113.

VI. Осуществление мер по замораживанию активов в отношении структур, внесенных в санкционный перечень

А. Несоблюдение положений о замораживании активов

116. В ходе расследований Группа выявила регулярные случаи несоблюдения мер по замораживанию активов в отношении внесенных в санкционный перечень организаций — Ливийского инвестиционного управления (LYe.001), известного также как «Ливийская компания зарубежных инвестиций»⁷⁸, и Ливийского африканского инвестиционного портфеля (LYe.002).

117. Эти случаи несоблюдения свидетельствуют о том, что замораживание активов осуществляется неэффективно, поскольку 10 государств-членов и 16 финансовых учреждений или структур действовали по своему усмотрению, игнорируя применимые действующие процедуры, предусмотренные пунктами 19 и 21 резолюции 1970 (2011) и пунктом 16 резолюции 2009 (2011)⁷⁹. Некоторые из этих случаев несоблюдения привели к размыванию замороженных активов Ливийского инвестиционного управления, что противоречит цели мер по замораживанию активов — защитить замороженные активы в интересах ливийского народа, как это определено в пунктах 18 резолюции 1970 (2011) и 20 резолюции 1973 (2011), а также в последующих резолюциях, включая пункт 14 резолюции 2701 (2023). Выявленные случаи несоблюдения представлены в таблице 6 (см. приложения 67 и 68 и рекомендации 3 и 4).

Таблица 6
 Сводная информация о случаях несоблюдения

Мотивировка	Несоблюдение пунктов 19 или 21 резолюции 1970 (2011) ^a	Несоблюдение пункта 14 резолюции 2701 (2023)	Страна или структура
Начисление отрицательных процентов на замороженные активы Ливийского инвестиционного управления (2017 год — октябрь 2022 года) и Ливийской компании зарубежных инвестиций (2017 год— июнь 2024 года) без уведомления Комитета	✓	✓	Бельгия
Судебный арест замороженных средств Ливийского инвестиционного управления и Ливийской компании зарубежных инвестиций в банке «Евроклир» без соблюдения процедур, предусмотренных соответствующими резолюциями (см. пп. 124–125)	✓	✓	Euroclear Bank SA/NV
Судебный арест и передача замороженных средств Ливийского инвестиционного управления в связи с урегулированием иска к «Фортис» в Центральный орган изъятия и конфискации без соблюдения процедур, предусмотренных соответствующими резолюциями (см. пп. 126–127)	✓		Бельгия

⁷⁸ Памятка в отношении Ливийской компании зарубежных инвестиций (https://main.un.org/securitycouncil/sites/default/files/1970_ian1.pdf).

⁷⁹ https://main.un.org/securitycouncil/sites/default/files/1970_ian5.pdf.

Мотивировка	Несоблюдение пунктов 19 или 21 резолюции 1970 (2011) ^a	Несоблюдение пункта 14 резолюции 2701 (2023)	Страна или структура
Списание повторно начисленных отрицательных процентов, первоначально начисленных банком «Евроклир», с замороженных активов Ливийского инвестиционного управления за период с ноября 2020 года по март 2024 года без уведомления Комитета	✓ ✓	✓ ✓	Люксембург HSBC Bank
Взимание платы за хранение с замороженных средств Ливийского инвестиционного управления за период с 3 квартала 2019 года по декабрь 2023 года без уведомления Комитета и сверх допустимой суммы в случае обычного хранения или обслуживания замороженных средств	✓ ✓	✓ ✓	Бахрейн Bank ABC
Активное управление активами путем инвестирования и реинвестирования замороженных средств Ливийского инвестиционного управления и Ливийской компании зарубежных инвестиций в срочные депозиты с превышением полномочий на обычное хранение или обслуживание замороженных средств	✓ ✓		Бахрейн Bank ABC
Снятие платы за управление замороженными средствами Ливийской компании зарубежных инвестиций за период с 2011 года по 2023 год без уведомления Комитета и сверх суммы, допустимой в случае обычного хранения или обслуживания замороженных средств	✓ ✓	✓ ✓	Соединенное Королевство British Arab Commercial Bank (BACB)
Активное управление активами путем инвестирования и реинвестирования замороженных средств Ливийского инвестиционного управления в срочные депозиты, с превышением полномочий на обычное хранение или обслуживание замороженных средств	✓ ✓		Соединенное Королевство BACB
Взимание платы за хранение замороженных средств Ливийской компании зарубежных инвестиций, управление ими и административное обслуживание без уведомления Комитета	✓ ✓	✓ ✓	Германия и Со- единенное Коро- левство DWS Frankfurt, HSBC Bank Credit Suisse (ныне UBS)
Активное управление активами путем инвестирования и реинвестирования замороженных средств Ливийского инвестиционного управления в срочные депозиты, с превышением полномочий на обычное хранение или обслуживание замороженных средств	✓ ✓		Ливия ^b Центральный банк Ливии

Мотивировка	Несоблюдение пунктов 19 или 21 резолюции 1970 (2011) ^a	Несоблюдение пункта 14 резолюции 2701 (2023)	Страна или структура
Взимание комиссии из замороженных средств Ливийского инвестиционного управления без уведомления Комитета	✓ ✓	✓ ✓	Ливия ^b Центральный банк Ливии
Средства Ливийского инвестиционного управления, полученные через Центральный банк Ливии и инвестированные за пределами Ливии, не были отделены и заморожены в Ливийском зарубежном банке	✓ ✓		Ливия ^b Ливийский зарубежный банк
Активное управление активами путем инвестирования и реинвестирования средств Ливийского инвестиционного управления, полученных через Центральный банк Ливии, в разные финансовые инструменты, с превышением полномочий на обычное хранение или обслуживание замороженных средств	✓ ✓		Ливия ^b Ливийский зарубежный банк
Активное управление активами путем инвестирования и реинвестирования замороженных средств Ливийского инвестиционного управления в срочные депозиты, с превышением полномочий на обычное хранение или обслуживание замороженных средств	✓ ✓		Соединенное Королевство Bank ABC
См. выше.	✓ ✓		Франция Banque BIA
См. выше.	✓ ✓		Саудовская Аравия Arab Petroleum Investments Corporation
См. выше.	✓ ✓		Объединенные Арабские Эмираты First Abu Dhabi Bank
См. выше.	✓ ✓		Тунис North Africa International Bank
Активное управление активами путем инвестирования/реинвестирования замороженных средств Ливийского инвестиционного управления в период с 2011 по 2023 год включительно, с превышением полномочий на обычное хранение или обслуживание замороженных средств, путем выдачи лицензий FMCP ^c	✓ ✓		Соединенное Королевство Ливийский африканский инвестиционный портфель и FM Capital Partners

Мотивировка	Несоблюдение пунктов 19 или 21 резолюции 1970 (2011) ^a	Несоблюдение пункта 14 резолюции 2701 (2023)	Страна или структура
Значительное размывание замороженных средств, поскольку плата за управление значительно превышает прибыль от активного управления активами	✓	✓	Соединенное Королевство Ливийский африканский инвестиционный портфель и FM Capital Partners

^a В зависимости от обстоятельств.

^b Подробный анализ оснований для ответственности приводится в приложении 67.

^c Государство-член уведомило Комитет, и тот не принял отрицательного решения.

В. Стратегия руководства и преобразования

1. Несоблюдение международных стандартов

118. Группа пришла к выводу, что Ливийское инвестиционное управление по-прежнему не в состоянии представить точную консолидированную финансовую отчетность за 2020 год и последующие годы в соответствии с международными стандартами, как это предусмотрено в преамбуле резолюции 2701 (2023). Группа установила, что Управление не в полной мере соблюдает Сантьягские принципы для суверенных фондов национального благосостояния⁸⁰, что может влиять на общее руководство, прозрачность и подотчетность при распоряжении его замороженными активами (см. приложение 69). В совокупности эти обстоятельства затруднили проведение Группой всестороннего анализа применения мер по замораживанию активов и инвестиционных планов.

2. Расхождения в согласованных процедурах

119. Группа считает, что выводы, которые содержатся в отчете о применении согласованных процедур к активам Ливийского инвестиционного управления, изданном в марте 2023 года компанией «Эрнст энд Янг» в соответствии с Международным стандартом сопутствующих услуг 4400, указывают на реальные риски в управлении этими активами. В частности, речь идет об указанных в докладе значительных нарушениях и несоответствиях в управлении активами на общую сумму 4,513 млрд долл. США (2019 год) и 3,473 млрд долл. США (2018 год), в их учете и прозрачности (см. приложение 70).

3. Конфликт интересов

120. Кроме того, Группа установила, что Ливийское инвестиционное управление не соблюдает Сантьягский принцип 13, введенный в действие циркуляром Ливийского аудиторского бюро № 7 от 2018 года, о запрете председателю и членам совета директоров Управления входить в советы директоров дочерних компаний. В советах директоров некоторых дочерних компаний Ливийского инвестиционного управления заседают члены совета директоров Управления, что приводит к конфликтам интересов (см. приложение 71).

⁸⁰ www.ifswf.org/sites/default/files/santiagoprinciples_0_0.pdf.

4. Истощение замороженных активов

121. Группа выявила случай, когда действия Управления с ценными бумагами в одном из портфелей, выбранными для инвестирования, в итоге привели к ликвидации средств и сокращению замороженных активов на 45 процентов — с 3,180 млрд до 1,747 млрд долл. США, и эта сумма остается в качестве невыплаченной дебиторской задолженности (см. приложение 72).

122. Замороженные средства Ливийского африканского инвестиционного портфеля, активно управляемые фирмой «ФМ Капитал партнерс Лондон», за 13 лет (с 2011 по 2023 год) принесли доход всего в 3,258 млн долл. США, при этом в качестве вознаграждения за управление фирме было выплачено 178,884 млн долл. США. В результате сумма замороженных активов, которые должны были храниться в интересах ливийского народа, значительно уменьшилась — на 175,626 млн долл. США (см. приложение 68).

5. Ограниченность возможностей Ливийского инвестиционного управления в плане поддержания осведомленности о состоянии его замороженных активов и контроля над ними

123. Некоторые банки-депозитарии и управляющие активами Ливийского инвестиционного управления не представляют Управлению регулярных отчетов о замороженных средствах, находящихся у них, и/или не выплачивают дебиторскую задолженность и начисления по этим средствам. Группа установила, что в некоторых случаях процентные доходы, денежные средства, хранящиеся у третьих лиц, и дивиденды не переводятся на счета ответственного хранения из-за заморозки активов. Некоторые управляющие активами запрашивали лицензии на переводы, которые Управление затруднилось получить от соответствующих государств-членов. Такая практика ограничила контроль Управления над замороженными средствами и осведомленность о них. Группа считает, что государствам-членам следует рекомендовать финансовым учреждениям начислять проценты и другие доходы на замороженные средства в соответствии с пунктом 20 резолюции [1970 \(2011\)](#) (см. приложение 73 и рекомендацию 5).

С. Юридические вопросы

1. Дело «Евроклир»

124. Группа экспертов установила ключевые события в судебном разбирательстве по делу «Евроклир», которые могут иметь последствия для замороженных активов Ливийского инвестиционного управления. Во-первых, попытка Глобального целевого фонда устойчивого развития добиться удовлетворения своего иска о возмещении убытков в деле против Ливии, рассматриваемом бельгийскими судами, — на основании соглашения 2008 года между сторонами в споре — непосредственно за счет активов Управления, замороженных в Бельгии, создает риск размывания этих средств. В 2021 году Бельгия обосновала этот иск в уведомлении, поданном со ссылкой на пункт 21 резолюции [1970 \(2011\)](#), но Комитет не удовлетворил содержащуюся в уведомлении просьбу по той причине, что Управление не является стороной в этом споре и не давало согласия на размораживание своих активов для удовлетворения данного иска⁸¹. Во-вторых, судебный арест активов Управления и Ливийской компании зарубежных инвестиций, которые уже были заморожены в соответствии с введенными Организацией Объединенных Наций санкциями, по решениям бельгийских судебных органов от 23 октября 2017 года, принятым в рамках отдельных национальных

⁸¹ [S/2021/498](#).

разбирательств, был произведен без учета действующих процедур предоставления изъятий, предусмотренных соответствующими резолюциями. Таким образом, это представляет собой нарушение Бельгией режима замораживания активов.

125. 30 января 2024 года бельгийский суд первой инстанции отменил постановление от 23 октября 2017 года о защитном аресте замороженных активов Ливийского инвестиционного управления и Ливийской компании зарубежных инвестиций в банке «Евроклир». Отмена не касалась активов на сумму 2,837 млрд евро в виде процентных начислений, дивидендов и купонов по замороженным активам, которые были переданы банку «Эй-би-си» до наложения ареста, в силу отдельных продолжающихся национальных разбирательств. 5 марта 2024 года суд аннулировал ордера на арест председателя Управления Али Махмуда Хасана Мохаммеда, выданные 21 декабря 2021 года. Подробная хронология дела банка «Евроклир» приводится в приложении 74.

2. Урегулирование иска к компании «Фортис»

126. В сентябре 2022 года бельгийский следственный судья вынес постановление в отношении суммы в 2,977 млн евро, причитающейся Ливийскому инвестиционному управлению в соответствии с урегулированным иском к компании «Фортис», наложив защитный арест на замороженные средства и распорядившись перевести их Центральный орган изъятия и конфискации Бельгии⁸². Эта мера привела к тому, что замороженные средства Управления были переведены в Центральный орган без соблюдения процедур, предусмотренных соответствующими резолюциями. Таким образом, это представляет собой нарушение Бельгией режима замораживания активов.

127. Вышеупомянутым постановлением от 30 января 2024 года суд снял арест с активов Ливийского инвестиционного управления, связанных с урегулированием иска к «Фортис». По состоянию на октябрь 2024 года в Центральном органе изъятия и конфискации оставалось 2,977 млн евро и проценты на сумму 110 226,32 евро. Хронология урегулирования дела «Фортис» приводится в приложении 75.

3. Дело Мохсена Деррегия

128. В 2023 году председатель Ливийского инвестиционного управления Али Махмуд вновь подал апелляцию против восстановления Мохсена Деррегия в должности председателя, заявив, что решение недействительно из-за последующих постановлений совета попечителей, в том числе продления срока его полномочий в 2020 году⁸³. 4 марта 2024 года апелляционный суд Триполи отклонил апелляцию, заявив, в частности, что все вопросы были рассмотрены в первоначальном постановлении. Однако постановление так и осталось невыполненным, и Али Махмуд остается председателем Ливийского инвестиционного управления.

⁸² Центральный орган изъятия и конфискации выполняет функции возврата активов и распоряжения активами в уголовных делах.

⁸³ S/2023/673, п. 134.

D. Замороженные активы Ливийского инвестиционного управления

129. Как показал проведенный Группой анализ данных, предоставленных Ливийским инвестиционным управлением и другими соответствующими организациями, с момента введения мер по замораживанию активов сумма замороженных активов Управления выросла на 11,93 процента, что противоречит утверждению ЛИУ об истощении активов в результате замораживания (см. приложение 76).

E. Инвестиционный план Ливийского инвестиционного управления

130. В течение всего отчетного периода Ливийское инвестиционное управление расширяло сотрудничество с Группой и постоянно предоставляло ей большую часть запрашиваемой информации. Эти контакты характеризовались открытой и прозрачной коммуникацией, поддерживавшейся как лично, так и онлайн. Благодаря этим регулярным контактам, Группе удалось собрать первичные данные, необходимые для оценки инвестиционного плана Управления в соответствии с пунктом 15 резолюции [2701 \(2023\)](#) (см. приложение 77).

1. Общая оценка Группы

131. Инвестиционный план Управления характеризуется недостатком прозрачности, точности и полноты из-за отсутствия последних проверенных сводных финансовых ведомостей (см. п. 118), а также четкой политики управления рисками и руководящих принципов распределения активов в целях реализации плана без реальных рисков неправомерного использования и присвоения.

132. В частности, в инвестиционном плане Управления определенные суммы, относящиеся к разным предполагаемым результатам, дублируются, что приводит к неточностям и несоответствиям в суммах активов и завышению потенциальных убытков вследствие упущенных возможностей. После исключения дублирования и чистой дебиторской задолженности фактический резерв денежных средств составляет 5,979 млрд долл. США против представленной в инвестиционном плане суммы в 9,757 млрд долл. США. Данные, которые Группа сочла недостаточно достоверными, главным образом из-за дублирования и несоответствий, не учитывались ею при оценке инвестиционного плана и выработке соответствующих рекомендаций (см. приложение 78).

133. Несмотря на эти серьезные недостатки, Группа проанализировала представленные в плане «шесть предполагаемых результатов», оценив их достоверность, масштаб, обоснованность и достижимость, а также потенциальные риски неправомерного использования и присвоения замороженных активов Управления, и исходя из этого анализа вынесла рекомендации в соответствии с пунктом 15 резолюции [2701 \(2023\)](#) (см. рекомендации 7–11).

2. Результат 1 (часть А)

а) Отрицательные процентные ставки

134. Группа сочла более не убедительными доводы Ливийского инвестиционного управления в пользу перевода денежных резервов из банка «Евроклир» в банк «Эй-би-си» в связи с начислением первым отрицательных процентов на замороженные денежные резервы Управления, хранящиеся в нем на счетах, принадлежащих банку «Эй-би-си», в нескольких валютах (долларах США,

британских фунтах, швейцарских франках, евро и норвежских кронах). Отрицательные проценты по денежным резервам ни разу не начислялись на резервы в долларах США и фунтах стерлингов и были отменены для резервов в норвежских кронах, евро и швейцарских франках соответствующими центральными банками соответственно в июне, июле и сентябре 2022 года. Группа установила, что начисление отрицательных процентов на остатки денежных средств Управления в банке «Евроклир» прекратилось к октябрю 2022 года (см. приложение 79).

б) Начисление отрицательных процентов на замороженные средства Ливийского инвестиционного управления и их вычет

135. Группа экспертов установила, что банк «Евроклир» начислял отрицательные проценты на средства на замороженных счетах банка «Эй-би-си», бенефициаром которых является Ливийское инвестиционное управление и которые входят в общий портфель банка «Эй-би-си» в банке «Евроклир». Этот вывод основан на доказательствах, последовательно указывавших на то, что отрицательные проценты, вычитаемые со счета, на котором хранились свободные денежные средства банка «Эй-би-си», относились непосредственно к замороженным денежным резервам Управления, хранящимся в банке «Евроклир».

136. В ответ на запросы Группы банк «Евроклир» заявил, что не взимал отрицательных процентов с отделенных замороженных счетов Ливийского инвестиционного управления, находящихся на депозитарном хранении на счетах банка «Эй-би-си» в банке «Евроклир», а вычитал их со счетов свободных денежных средств банка «Эй-би-си». Группа установила, что банк «Эй-би-си» относил эти вычеты к замороженным остаткам денежных средств Управления в банке «Евроклир» и требовал их возмещения от Управления. Вычеты этих процентов банком «Евроклир» со счета свободных денежных средств банка «Эй-би-си» были просто бухгалтерской процедурой.

137. Истощения замороженных активов Ливийского инвестиционного управления пока не произошло, поскольку Управление еще не выплатило отрицательных процентных начислений. По мнению Группы, эти финансовые обязательства, обусловленные начислением отрицательных процентов, в случае их уплаты Управлением приведут к размыванию его активов (см. приложение 80).

с) Отсутствие конкретной инвестиционной стратегии

138. Группа установила, что а) в предложении Ливийского инвестиционного управления отсутствует четкая инвестиционная стратегия, которая объясняла бы, как перевод замороженных денежных резервов из банка «Евроклир» в банк «Эй-би-си» будет способствовать их сохранению; б) заявленные Управлением убытки от упущенных возможностей нереалистичны и завышены по причине применения высоких ставок по депозитам в долларах США к депозитам в остальных валютах за период 2017–2023 годов (см. приложение 81).

139. После ряда запросов Группы Ливийское инвестиционное управление представило варианты инвестирования денежных резервов, не предусмотренные первоначальным инвестиционным планом: а) оно изменило позицию в отношении основной цели запрашиваемого перевода для консолидации денежных резервов в банке «Эй-би-си», и предложило б) инвестирование в срочные депозиты в банке «Эй-би-си» или с) инвестирование в любое финансовое учреждение для получения дохода.

d) Признаки потенциальных рисков

140. Группа экспертов выявила следующие признаки рисков неправомерного использования и присвоения при переводе денежных резервов Ливийского инвестиционного управления из банка «Евроклир» в банк «Эй-би-си»: а) истощение денежных резервов, ранее переведенных из банка «Евроклир» в банк «Эй-би-си» (2012–2017 годы) с 1,6 млрд до 1,3 млрд долл. США из-за высоких комиссий за управление и других затрат и переводов; б) несоблюдение мер по замораживанию активов банком «Эй-би-си» и его основным акционером — Центральным банком Ливии; с) более низкие кредитные рейтинги банка «Эй-би-си», один из которых указывает на повышенный риск неисполнения платежных обязательств (см. приложение 82).

141. Признаки рисков для замороженных активов Ливийского инвестиционного управления в банке «Эй-би-си», выявленные Группой экспертов, соответствуют признакам, отмеченным Ливийским аудиторским бюро в его докладе 2022 года, включая размывание активов из-за высоких комиссий за управление, пробелы в актах сверки банковской выписки с учетными данными и недостатки в подтверждении правильности данных.

3. Результат 1 (часть В)

142. В инвестиционном плане Ливийского инвестиционного управления не упоминается какого-либо размывания этого денежного резерва, хранящегося в банке «Евроклир», из-за отрицательных процентов. В ответ на запрос Группы Управление заявило, что банк-депозитарий — люксембургский филиал банка «Эйч-эс-би-си» — недавно сообщил Управлению о начислении банком «Евроклир» на этот денежный резерв отрицательных процентов за период с 2017 по август 2022 года на сумму 12,73 млн долларов США. В связи с замораживанием активов банк «Евроклир» списал эти начисления со свободного совместного депозитарного счета в банке «Эйч-эс-би-си», которые «Эйч-эс-би-си» впоследствии безакцептно списал с замороженного счета Управления в «Эйч-эс-би-си».

143. Группа рассмотрела этот вопрос в рамках результата 4, указанная в котором сумма в 1,110 млрд долларов США также приводится целиком в инвестиционном плане.

4. Результат 2

144. Группа экспертов пришла к выводу, что применение Ливийским инвестиционным управлением ставки купона в долларах США в размере 5,05 процента для всех облигаций было некорректным, поскольку облигации различались по валютам, регионам, характеристикам и эмитентам, и это привело к завышенному прогнозу убытков вследствие упущенных возможностей. Группа также обнаружила значительные различия между облигациями в смоделированном портфеле Управления и облигациями, имевшимися до замораживания активов, что противоречит утверждению Управления о реинвестировании в облигации с теми же характеристиками (см. приложение 83).

145. Кроме того, реинвестирование этого находящегося на депозитарном хранении в банке «Эйч-эс-би-си» портфеля облигаций, срок погашения которых наступил, может оказаться более не возможным, поскольку банк «Эйч-эс-би-си» уведомил о своем намерении прекратить глобальные отношения с Ливийским инвестиционным управлением, включая депозитарное хранение этого портфеля.

146. Группа рассмотрела этот вопрос в рамках результата 4, указанная в котором сумма в 945,6 млн долларов США также приводится целиком в инвестиционном плане.

5. Результат 3

а) Общая оценка портфеля акций

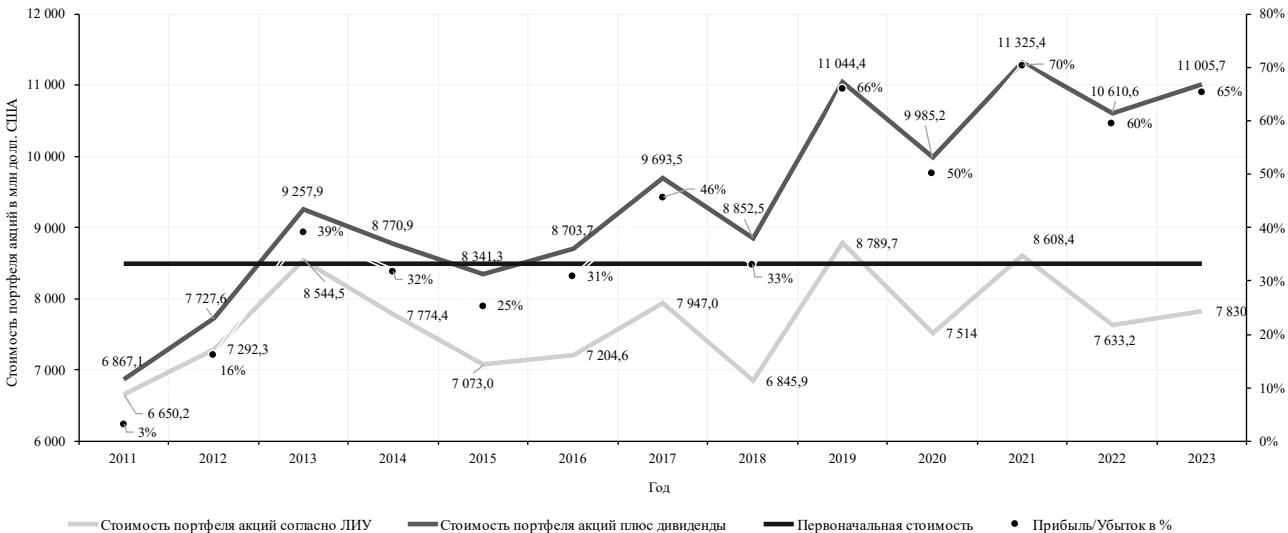
147. Ливийское инвестиционное управление заявило о сокращении стоимости портфеля акций в банке «Эй-би-си» на 8 процентов — с 8,5 до 7,8 млрд долл. США на 30 сентября 2023 года, сославшись на невозможность активно управлять портфелем. Однако анализ Группы показывает: а) увеличение рыночной стоимости портфеля с момента замораживания активов на 17,74 процента по состоянию на 30 сентября 2023 года и на 35,50 процента на 30 июня 2024 года; б) значительное снижение стоимости портфеля — на 21,76 процента — до замораживания активов; с) более чем 50-процентный рост акций в пяти основных валютах, составляющих 93,2 процента портфеля, по состоянию на 30 июня 2024 года (см. таблицу 7 и приложение 84).

Таблица 7
Доходность портфеля акций Ливийского инвестиционного управления
(в млрд долл. США)

Первоначальная стоимость	Рыночная стоимость (2011 года)	Рыночная стоимость (30 сентября 2023 года)	Рыночная стоимость (29 февраля 2024 года)	Рыночная стоимость (30 июня 2024 года)	Увеличение/уменьшение рыночной стоимости в процентах в 2011 году по сравнению с первоначальной стоимостью	Увеличение/уменьшение рыночной стоимости в процентах в сентябре 2023 года по сравнению с рыночной стоимостью в 2011 году	Увеличение/уменьшение рыночной стоимости в процентах в феврале 2024 года по сравнению с рыночной стоимостью в 2011 году	Увеличение/уменьшение рыночной стоимости в процентах в июне 2024 года по сравнению с рыночной стоимостью в 2011 году
8,500	6,650	7,830	8,723	9,011	(21,76)	17,74	31,17	35,50

148. С учетом дивидендов в размере 3,176 млрд долл. США, начисленных по акциям Ливийского инвестиционного управления с марта 2011 года по сентябрь 2023 года, общая стоимость портфеля с момента замораживания активов к 30 сентября 2023 года выросла на 65,50 процента. Стоимость портфеля, включая дивиденды, по состоянию на 30 сентября 2023 года выросла по сравнению с первоначальной на 29,48 процента (см. рисунок VIII).

Рисунок VIII
Доходность портфеля акций Ливийского инвестиционного управления



Примечание: диаграмма подготовлена Группой экспертов.

b) Доходность конкретных акций

149. Инвестиционный план Ливийского инвестиционного управления показывает, что 54 из 96 акций (составляющих 62,60 процента стоимости портфеля) значительно выросли. Проведенный Группой анализ оставшихся 42 акций, которые, по словам Управления, приносят убытки, показал, что: а) вложения в почти 50 процентов этих акций выросли с учетом дивидендов; б) убытки по некоторым акциям завышены, поскольку падение стоимости произошло в основном до замораживания активов; в) две трети этих акций показали значительный рост за период от нескольких месяцев до года, что не дает оснований для их продажи или замены в настоящее время (см. приложение 85).

с) Потенциальные риски

150. Группа определила риски, связанные с активным управлением портфелем акций. В любом портфеле не все акции будут всегда расти в цене; одни акции растут, а другие падают в зависимости от множества факторов и рыночных рисков, включая цены на сырьевые товары, процентные ставки, обменные курсы, инфляцию, геополитические события и неисполнение платежных обязательств. Дополнительные риски связаны с недочетами в руководстве в Ливийском инвестиционном управлении, конфликтами интересов и слабым контролем над активами, что усугубляется отсутствием политики управления рисками и руководящих принципов распределения активов (см. пп. 118–123).

6. Результат 4

151. Группа выявила несоответствия в данных, представленных по четвертому предполагаемому результату: а) дублирование суммы в 1,110 млрд долл. США, представленной в рамках первого результата, и суммы в 945 млн долл. США, представленной в рамках второго результата, и б) разные значения по трем позициям в разных разделах. Соответственно, чистая сумма денежных средств в рамках этого результата составляет 3,551 млрд долл. США, а не заявленные Ливийским инвестиционным управлением 5,274 млрд долл. США (см. приложение 86).

152. Этот инвестиционный портфель состоит из восьми отдельных депозитарных счетов в люксембургском филиале банка «Эйч-эс-би-си». Четыре из этих счетов в настоящее время управляются непосредственно Ливийским инвестиционным управлением, а остальные четыре — внешними инвестиционными менеджерами. Как показал проведенный Группой анализ результатов по этим восьми счетам, на двух из четырех счетов, которыми распоряжается Управление, произошло значительное истощение средств, в том числе в одном случае ликвидация средств, в то время как еще по одному счету была получена незначительная прибыль. Остальные четыре счета, управляемые внешними инвестиционными менеджерами, продемонстрировали значительный рост (см. приложение 87).

153. Исходя из этого анализа, Группа выявила несколько признаков рисков нецелевого использования и присвоения, а именно: а) то, что четыре счета не управляются внешними инвестиционными менеджерами; б) прекращение банком «Эйч-эс-би-си» управления активами на основании поданного им уведомления о прекращении глобальных отношений с Ливийским инвестиционным управлением; в) прекращение управления активами банком «Би-эн-уай Меллон» в связи с расторжением в 2016 году соглашения об управлении портфелем; г) риски, связанные с доверительным управлением портфелями.

7. Результат 5

154. Группа установила, что после замораживания активов банки «Эй-би-си» и «Эйч-эс-би-си» продолжали взимать в том же размере, что и до замораживания активов, комиссии за депозитарное хранение активов и управление ими, что привело к уменьшению суммы замороженных средств. В соответствии с пунктом 19 а) резолюции 1970 (2011) эти два банка должны были взимать плату только за обычное хранение или содержание замороженных средств (см. приложение 88).

8. Результат 6

155. Ливийское инвестиционное управление получило разрешение на привлечение альтернативного депозитарного банка. Выбор нового депозитария для Управления все еще продолжается.

F. План реинвестирования Ливийской компании зарубежных инвестиций

156. Ливийское инвестиционное управление заявило, что план реинвестирования средств Ливийской компании зарубежных инвестиций относится исключительно к Портфелю долгосрочных инвестиций, пояснив, что этот портфель управляется независимо от Ливийской компании зарубежных инвестиций. Группа считает, что представленный Компанией план реинвестирования некоторых ее активов, в котором указано, что они относятся к Портфелю, не должен считаться независимым от Компании.

157. Группа не смогла полностью оценить данные плана реинвестирования средств Портфеля долгосрочных инвестиций из-за: а) выявленных в данных несоответствий, влияющих на убедительность и достоверность плана; б) отсутствия последних точных финансовых ведомостей Ливийской компании зарубежных инвестиций, проверенных в соответствии с международными стандартами; с) регистрации всех финансовых счетов Компании в финансовых учреждениях, а не в Портфеле (см. приложение 89); d) того, что Портфель является составной частью Компании, а все активы по-прежнему находятся в Компании (см. приложение 90 и рекомендацию 12).

VII. Осуществление мер по замораживанию активов в отношении физических лиц, внесенных в санкционный перечень

A. Мутассим Каддафи (LYi.014)

158. Что касается замороженных средств Мутассима Каддафи, хранящихся на счету, открытом на имя компании «Капитал ресорсиз лимитед Мальта» (Capital Resources Limited Malta), то Группа установила нарушение режима замораживания активов в случае постановления мальтийского суда от 28 июня 2022 года о реституции замороженных средств в Ливию, принятого в отсутствие исключений или изъятий для такой меры в соответствующих резолюциях; и несоблюдение мер по замораживанию активов в случае списания Банком Валлетты высоких балансовых комиссий с замороженных средств без уведомления Комитета, как того требует пункт 19 резолюции 1970 (2011) (см. приложение 91).

В. Абд ар-Рахман Салим Ибрагим аль-Милад (LYi.026)

159. Группа установила, что Абд ар-Рахман Салим Ибрагим аль-Милад (он же аль-Биджа) был убит 1 сентября 2024 года в Эз-Завии. Ливия, страна гражданства и проживания, еще не передала Группе свидетельство о смерти.

VIII. Рекомендации

Группа рекомендует:

Совету Безопасности:

Рекомендация 1. Добавить еще один критерий внесения в перечень: оказание поддержки вооруженным группам или преступным сетям путем незаконной эксплуатации дизельного топлива в Ливии и незаконного экспорта дизельного топлива из Ливии (см. п. 97).

Комитету:

Рекомендация 2. Обновить памятку по вопросам осуществления № 2, постановив, что использование военных транспортных средств в национальных чрезвычайных гуманитарных ситуациях исключительно для доставки гуманитарной помощи не нарушает оружейного эмбарго (см. п. 62).

Рекомендация 3. Обновить памятку по вопросам осуществления № 6, включив в нее рекомендации для государств-членов не допускать начисления отрицательных процентов по замороженным средствам во избежание их размывания (см. пп. 117 и 135).

Рекомендация 4. Напомнить государствам-членам об их обязанности уведомлять о получении доступа к замороженным средствам и взимании любых относящихся к ним комиссий, сборов или начислений (см. п. 117).

Рекомендация 5. Напомнить государствам-членам, чтобы они предписали финансовым учреждениям в своей национальной юрисдикции зачислять проценты и другие доходы на замороженные средства внесенных в санкционный перечень организаций в соответствии с пунктом 20 резолюции [1970 \(2011\)](#) (см. п. 123).

Рекомендация 6. Рассмотреть отдельно представлявшуюся Группой в течение срока действующего мандата информацию о лицах, отвечающих критериям для внесения в санкционный перечень, которые содержатся в соответствующих резолюциях Совета Безопасности.

Комитету в соответствии с пунктом 15 резолюции [2701 \(2023\)](#):

Рекомендация 7. Рассмотреть вопрос о том, чтобы разрешить инвестирование замороженных денежных резервов Ливийского инвестиционного управления:

а) в срочные депозиты с низким риском в соответствующих финансовых учреждениях, выбранных Управлением, в случае денежных резервов, хранящихся в банке «Евроклир» (результат 1), без их вывода из текущей юрисдикции

и при условии, что денежные резервы и начисленные по ним проценты будут оставаться замороженными, по согласованию с Ливией и после уведомления Комитета соответствующим государством-членом (государствами-членами), и при отсутствии отрицательного решения Комитета в течение 10 рабочих дней после такого уведомления. При последующих реинвестициях должна каждый раз соблюдаться та же процедура уведомления (см. пп. 134–141);

б) в инструменты с фиксированным доходом в случаях денежных резервов, находящихся под управлением менеджеров инвестиционных фондов (результат 4), при условии, что средства и начисленный по ним доход останутся замороженными, по согласованию с Ливией и при уведомлении Комитета и получении от него предварительного одобрения соответствующим государством-членом (государствами-членами). Вопрос о реинвестировании денежных резервов менеджерами инвестиционных фондов должен рассматриваться отдельно в каждом случае с учетом конкретных обстоятельств, сложившихся на данный момент, и при этом должна соблюдаться такая же процедура уведомления (см. пп. 151–153).

- Рекомендация 8. Просить государство-член (государства-члены), в котором (которых) имеются инвестированные или реинвестированные денежные резервы, подпадающие под санкционные меры, сообщать Комитету о состоянии этих денежных резервов в своих докладах об осуществлении, представляемых согласно последующим резолюциям.
- Рекомендация 9. Рассмотреть вопрос о том, чтобы не разрешать перевод замороженных денежных резервов Ливийского инвестиционного управления со счетов в банке «Евроклир» на счет в банк «Эй-би-си» (см. пп. 140–141).
- Рекомендация 10. Рассмотреть вопрос о том, чтобы не разрешать активное управление портфелем и торговые операции с акциями и другими ценными бумагами, входящими в портфель ценных бумаг Ливийского инвестиционного управления (см. пп. 147–150).
- Рекомендация 11. Рассмотреть вопрос о том, чтобы не давать общего разрешения на реинвестирование накопленных денежных средств через тех же менеджеров инвестиционных фондов (см. пп. 151–153).
- Рекомендация 12. Рассмотреть вопрос о том, чтобы не разрешать реинвестирование замороженных средств согласно представленному Ливийской компанией зарубежных инвестиций плану реинвестирования (см. пп. 156–157).

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Annex 1 Overview of the evolution of the Libya sanctions regime

1. By resolution 1970 (2011), the 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 travel ban and asset freeze measures, and listed individuals as subject to one or both measures, 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 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 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 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 of 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 asset 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 extended 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. By resolution 2473 (2019), the Council further extended the authorizations, as set out in resolution 2292 (2016) and extended by resolutions 2357 (2017) and 2420 (2018), for a further 12 months from the date of adoption of the resolution.
20. By resolution 2509 (2020), the Council extended until 30 April 2021 the authorizations and the measures in resolution 2146 (2014), as amended by paragraph 2 of resolutions 2362 (2017) and 2441 (2018), and modified the designation period in paragraph 11 of resolution 2146 (2014) to be one year, and requested the Panel to report any information relating to the illicit export from or illicit import to Libya of petroleum, including crude oil and refined petroleum products.
21. By resolution 2526 (2020), the Council further extended the authorizations, as set out in resolution 2292 (2016) and extended by resolutions 2357 (2017), 2420 (2018), and 2473 (2019), for a further 12 months from the date of adoption of the resolution.
22. By resolution 2571 (2021), the Council extended until 30 July 2022 the authorizations and the measures in resolution 2146 (2014), as amended by paragraph 2 of resolutions 2362 (2017), 2441 (2018) and 2509 (2020), in relation to attempts to illicitly export petroleum, including crude oil and refined petroleum products, from Libya.
23. By resolution 2578 (2021), the Council further extended the authorizations, as set out in resolution 2292 (2016) and extended by resolutions 2357 (2017), 2420 (2018), 2473 (2019), and 2526 (2020) for a further 12 months from the date of adoption of the resolution.
24. By resolution 2635 (2022), the Council further extended the authorizations, as set out in resolution 2292 (2016) and extended by resolutions 2357 (2017), 2420 (2018), 2473 (2019), 2526 (2020) and 2578 (2021) for a further 12 months from the date of adoption of the resolution.
25. By resolution 2644 (2022), the Council extended until 30 October 2023 the authorizations and the measures in resolution 2146 (2014), as amended by paragraph 2 of resolutions 2362 (2017), 2441 (2018), 2509 (2020) and 2571 (2021) in relation to attempts to illicitly export petroleum, including crude oil and refined petroleum products, from Libya.
26. By resolution 2684 (2023), the Council further extended the authorizations, as set out in resolution 2292 (2016) and extended by resolutions 2357 (2017), 2420 (2018), 2473 (2019), 2526 (2020), 2578 (2021) and 2635 (2022) for a further 12 months from the date of adoption of the resolution.

27. By resolution 2733 (2024), the Council further extended the authorizations and elaborated the obligations of Member States as well as the approval procedures before the Committee in relation to certain modes of disposal of seized items.

28. By resolution 2701 (2023), the Council further extended until 1 February 2025 the authorizations and the measures in resolution 2146 (2014), as amended by paragraph 2 of resolutions 2441 (2018) and 2509 (2020); affirmed the Security Council's readiness to consider changes, when appropriate, to the asset freeze at the request of the Government of Libya, including allowing the LIA, which is under a specific asset freeze measure, to reinvest frozen liquid assets for the purpose of preserving their value and benefiting the Libyan people at a later stage.

29. To date the Committee has published seven implementation assistance notices, which are available on the Committee's website.⁸⁴

⁸⁴ <http://www.un.org/sc/committees/1970/notices.shtml>.

Annex 2 Abbreviations and acronyms

ADB	Asian Development Bank
AFRICOM	U.S. Africa Command
AGM	Air to Ground Missile
AGO	Attorney General's Office
AIS	Automatic Identification System
a.k.a.	Also known as
AMO	Asset Management Office
AOC	Air Operating Certificate
APC	Armoured Personnel Carrier
APICORP	Arab Petroleum Investments Corporation
AQIM	Al-Qaida in the Islamic Maghreb
ARO	Asset Recovery Office
ATGW	Anti-Tank Guided Weapon
AUD	Australian Dollar
AUP	Agreed Upon Procedures
BACB	British Arab Commercial Bank
BCP	Border Crossing Post
BIT	Bilateral Investment Treaty
BoV	Bank of Valetta
bp	Basis point
CAD	Canadian Dollar
CAR	Central African Republic
CBL	Central Bank of Libya
CHF	Swiss Franc
ChVK	Russian language abbreviation for private military enterprise
Committee	Committee established pursuant to Security Council resolution 1970 (2011) concerning Libya
CS	Confidential Source
CSD	Central Securities Depository
CTF	Counter Terrorism Force
DACOT	Deterrence Apparatus for Combating Crime and Terrorism
DCIM	Directorate for Combating Illegal Migration
DCTEO	Department of Counter-Terrorism and Extremist Organisation
DKK	Danish Krone
DOB	Date of Birth
DWT	Dead Weight Tonnes
ECB	European Central Bank
EIB	European Investment Bank
EOD	Explosive Ordnance Disposal
EU	European Union
EUBAM	EU Border Assistance Mission in Libya
EUC	End-user Certificate
EUNAVFOR MED IRINI	European Union Naval Force Mediterranean Operation Irini
EUR	Euro
Eurojust	European Union Agency for Criminal Justice Cooperation
FACT	Front pour l'Alternance et la Concorde au Tchad
FAB	First Abu Dhabi Bank
FFR	Free Flight Rocket
FGA	Fighter Ground Attack

Fifth Impact	Incurring substantial management and custodian fees without corresponding administrative and technical services by the custodians, due to the imposition of the sanctions
First Impact (Part A)	Exception for a license to transfer LIA's frozen cash amounting to USD 2.428 billion held at Euroclear Bank Belgium to LIA's account at Bank ABC Bahrain
First Impact (Part B)	Exception for a license for investment managers to reinvest the LIA's frozen funds of USD 1.110 billion held at Euroclear Bank
FMCP	FM Capital Partners
Fourth Impact	Permission for investment fund managers, in accordance with the exceptions outlined in the asset freeze regime, to reinvest cash resulting from maturity of securities invested for the benefit of LIA under the terms of the agreements concluded with such investment funds
FPB	Fast Patrol Boat
FSA	Facility Security Agency
FZC	Free Zone Company
FZE	Free Zone Enterprise
GATA	Global Anti-Terrorism Assistance
GBP	Great Britain Pound
GECOL	General Electricity Company of Libya
GIS	Geographical Information System
GNA	Government of National Accord
GNU	Government of National Unity
GNU-AF	Government of National Unity Affiliated Forces
GNS	Government of National Stability
GSDT	Global Sustainable Development Trust
HAF	Haftar Affiliated Forces
HCS	High Council of State
HET	Heavy Equipment Transporter
HKD	Hong Kong Dollar
HoR	House of Representatives
IAFV	Infantry Armoured Fighting Vehicle
IAN	Implementation Assistance Notice
IBRD	International Bank for Reconstruction and Development
ICCPR	International Covenant on Civil and Political Rights
ICITAP	International Criminal Investigative Training Assistance Program
ICMP	International Commission on Missing Persons
ICSID	International Centre for Settlement of Investment Dispute
IFC	International Finance Corporation
IFRS	International Financial Reporting Standards
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IMO	International Maritime Organization
ISA	Internal Security Agency
ISIL	Islamic State in Iraq and the Levant
ISR	Intelligence, Surveillance and Reconnaissance
ISRE	International Standards on Review Engagements
ISRS	International Standards on Related Services
ITS	Irish Training Solutions
JMC	Joint Military Commission
JMF	Joint Military Force
JNIM	Jama'a Nusrat ul-Islam wa al-Muslimin
JOR	Joint Operations Room for the defense of the Western and South-Western region

JPY	Japanese Yen
JSR	Joint Security Room
KDB	Korea Development Bank
Km	Kilometre(s)
LAA	Libyan Air Ambulance
LAAD	Limiting Aircraft Data Displayed
LAAF	Libyan Arab armed forces
LAB	Libyan Audit Bureau
LAFICO	Libyan Foreign Investment Company
LAIP	Libyan Africa Investment Portfolio
LARMO	Libyan Asset Recovery and Management Office
LC	Letter of Credit
LCG	Libyan Coast Guard
LCGPS	Libyan Coast Guard and Port Security
LCTC	Libyan Counter-Terrorism Centre
LFB	Libyan Foreign Bank
LGB	Laser Guided Bombs
LGP	Laser Guided Projectiles
LIA	Libyan Investment Authority
LIS	Libyan Intelligence Service
LLC	Limited Liability Company
LRIT	Long-Range Identification and Tracking system
LTP	Long-Term Investment Portfolio
LYD	Libyan Dinar
m	Metre(s)
MBT	Main Battle Tank
MDSS	Milites Dei Security Services (Pty) Ltd
MLRS	Multiple Launch Rocket System
MMSI	Maritime Mobile Service Identity
MOD	Minister of Defence
MOI	Ministry of Interior
MRAP	Mine Resistant Armoured Protected
MSN	Manufacturer's Serial Number
MT	Motor Tanker
MV	Motor Vessel
NAIB	North Africa International Bank
nm	Nautical Miles
NOC	National Oil Corporation
NOK	Norwegian Krone
NZD	New Zealand Dollar
OCSC	Organe Central pour la Saisie et la Confiscation
OFSI	Office of Financial Sanctions Implementation
OHCHR	Office of the UN High Commissioner for Human Rights
OTR	Opportunity to Reply
PC	Presidential Council
PMC	Private Military Company
RHIB	Rigid Hulled Inflatable Boats
RSF	Rapid Support Forces
SAF	Sudanese Armed Forces
Second Impact	Exception for a license allowing bond issuers contracted with prior to the asset freeze resolutions to reinvest in bonds with the same bond characteristics
SEK	Swedish Krona
Sixth Impact	Permission to engage with an alternative custodian bank and execute the exit process from HSBC Bank

SLA	Sudan Liberation Army
SSA	Stability Support Apparatus
SSM	Smart Micro Munition
STS	Ship-to-Ship
TBZ	Tariq Bin Ziyad (brigade)
TCG	Transverse Centre of Gravity
TDOA	Time Difference of Arrival
Third Impact	License to the custodian bank (Bank ABC), allowing it to execute trading transactions for the equities and securities within the portfolio covered by the agreement established with the custodian bank prior to 2011
TRY	Turkish Lira
UAE	United Arab Emirates
UAV	Uncrewed Aerial Vehicle
UCAV	Uncrewed Combat Aerial Vehicles
UID	Unidentified
UN	United Nations
UN OCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
UNSMIL	United Nations Support Mission in Libya
USD	United States Dollars
UTC	Universal Time Coordinated
VTC	Video Tele-Conference

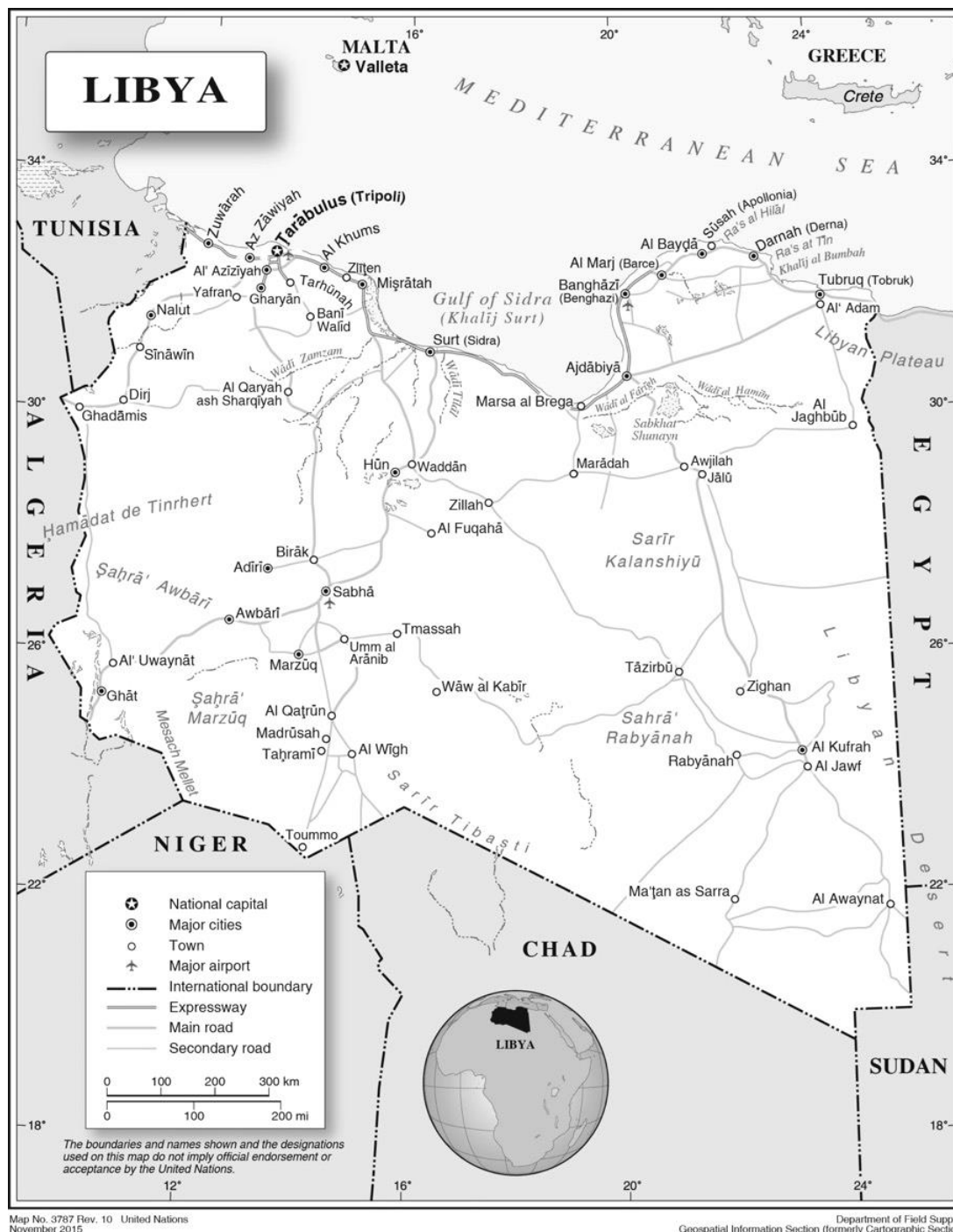
Annex 3 Methodology

1. The Panel ensured compliance with the methodological 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. In the event of a recommendation for designation of an individual or a group, such recommendation would be done based on 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 had no opportunity to review the edited version of the Report in English language, nor its translations into the other five United Nations official languages.
9. The Panel's methodology in relation to its investigations concerning IHL, IHRL and human rights abuses, is provided in appendix C.
10. The Panel's methodology in relation to its investigations concerning vessels and aircraft in the context of the arms embargo is contained in appendix D.

Appendix A to Annex 3: UN GIS place name identification

Figure 3.A.1

UN GIS place names Libya



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 entity⁸⁵ 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.
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/her government) to communicate on his/her behalf on subsequent interactions with the Panel.

⁸⁵ Hereinafter just the term individual will be used to reflect both.

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

1. 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 eye 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;
 - (vii) 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 corroborative 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
- (x) Open-source information to identify other corroborative 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 corroborative or contradictory information regarding the Panel's findings.

(e) 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.

(f) If a party does not provide the Panel with the information requested, as called upon by paragraphs 14 and 15 of resolution [2644 \(2022\)](#), the Panel may consider this for reporting to the Committee.

2. 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.
3. The Panel will not divulge any information that may lead to the identification of victims, witnesses, and other particularly vulnerable Panel sources, except: (a) with the specific permission of the sources; and (b) 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 support the Panel's findings beyond that included in its reports. Appropriate precautions will be taken though to protect the anonymity of its sources.

Appendix D to Annex 3: Use of maritime and air delivery profile indicators

1. In the context of the arms embargo, the Panel uses maritime and air delivery profile indicators⁸⁶ to assist in determining the likelihood of violations and occurrences, and thus determine the focus of Panel investigations. These indicators of suspicious activities and documentation, when considered collectively, indicate that a vessel or aircraft is likely to be carrying illicit cargo (see tables 3.D.1 and 3.D.2). Multiple indicators are required before a vessel, aircraft or airline is classified as of interest to the Panel or reported as being a violation of or non-compliance with the arms embargo. This annex summarises these indicators.

Table 3.D.1

Maritime non-compliance profile indicators

#	Type	Indicator	Remarks
1	Visibility	Automatic Identification System (AIS) ^a	<ul style="list-style-type: none"> “Dark activity” periods. AIS “spoofing”.
2	Route(s)	Destination Ports	<ul style="list-style-type: none"> The ports of Gabes and Algiers are often inaccurately declared. Unusual routing from past voyages.
3	Ownership	Frequent change of vessel’s owners	<ul style="list-style-type: none"> Lack of corporate on-line presence.
4	Operators	Frequent change of vessel’s operators	<ul style="list-style-type: none"> Lack of corporate on-line presence.
5	Vessel Name	Frequent change of vessel’s name	
6	Vessel Tonnage	Tonnage Range	<ul style="list-style-type: none"> Comparison to historical tonnage of vessels known to be non-compliant.
7	Vessel Draught	Change of Draught	<ul style="list-style-type: none"> Comparison of draught at loading and discharge. No registered draught change despite confirmed loading activities.
8	Commercial Relationships	Linkages	<ul style="list-style-type: none"> Links between owners / operators / agents.
8	Commercial Activity	Uneconomic behaviour	<ul style="list-style-type: none"> Low utilization profile. Uneconomic routes
9	Flag of Registry	Flags of convenience and multiple flag changes	<ul style="list-style-type: none"> Includes Flag refusal to allow inspections when requested.
10	Documentation	Accuracy	<ul style="list-style-type: none"> Transparency in information registered via AIS and/or supplied to Panel. Accuracy of completion.
11	Cargo Shielding	Container layout on weather deck	<ul style="list-style-type: none"> Containers are used to line the edge of the weather deck to shield the remainder of the deck from external view. Containers or fences are used to shield offloading sites at ports from external view. Access control to avoid footage created by bystanders
		Container layout on port dock	
		Security measures at port	
12	Cargo Analysis	Volumetric and mass analysis	<ul style="list-style-type: none"> Do reported weight and packaging match declaration on documentation?
13	Sanctions Listings	Sanctions designated or reported vessel	<ul style="list-style-type: none"> Previous reports by other UN Panels and Monitoring Groups. Sanctions notices by subscription-based resources.

^a Or Long-Range Identification and Tracking system (LRIT).

⁸⁶ First developed for use in S/2021/229.

Table 3.D.2

Profile indicators of airbridge and air delivery

#	Activity	Details	Remarks
1	Flight volume	The number of unscheduled flights on a previously little used route	<ul style="list-style-type: none"> For example, a significant number of flights over a short period indicates a centrally organized supply chain.
2	Flight timings	Most flights are planned so that the cargo aircraft are unloaded during darkness	<ul style="list-style-type: none"> Disguises the nature of cargo being offloaded from onlookers in areas where access is difficult to control.
3	Flight routing	The flights often take off from a civilian airport, then land at a military airbase before departing on a flight track directly towards Libya	<ul style="list-style-type: none"> Civilian cargo aircraft require time in civilian airports where the appropriate servicing and maintenance capabilities exist. Indicative of the loading of military related equipment.
4	Flight safety	Signals from the aircraft ADS-B ^a transponders are not visible on open-source ADS-B monitoring shortly after entering Egyptian airspace	<ul style="list-style-type: none"> Airline captains sometimes “go dark” when approaching Libyan airspace as a countermeasure against being targeted by air defence systems, but usually not for the majority of the flight. Deliberately switched off due to the covert nature of these flights. Other legitimate flights (for example the scheduled Afriqiyah Airlines A320 from Benghazi to Alexandria always displays ADS-B data).
5	Flight safety	Signals from the aircraft ADS-B transponders are switched to MLAT (multi-lateration) mode ⁸⁷ for the whole flight	<ul style="list-style-type: none"> MLAT mode only transmits aircraft code, heading, altitude and speed but NOT current location.
6	Flight transparency	Signals from aircraft ADS-B transponders are not available for all flights	<ul style="list-style-type: none"> Airlines have utilised a “blocking” service provided by some of the open-source ADS-B monitoring providers. A deliberate attempt by the airline to avoid scrutiny and disguise covert or illicit flights.
7	Flight availability	Scheduled or non-scheduled route	<ul style="list-style-type: none"> Ticket unavailability from the air operator for passenger aircraft flights suggests movement of military personnel. For example: Cham Wings flights from Syria to Benghazi.
8	Aircraft documentation	The use of fake Air Operating Certificates (AOC)	<ul style="list-style-type: none"> The Panel has identified the use of at least one fake AOC used to justify an ADS-B signal blocking service.

⁸⁷ Aircraft without, or that are not broadcasting on, ADS-B transponders do not broadcast their latitude/longitude, so flight monitoring software uses multilateration of 1090 MHz Mode S transponder signals to determine the aircraft's location by using the time difference of arrival (TDOA) when an aircraft is detected across four or more receivers/ground stations.

#	Activity	Details	Remarks
9	Flight documentation	<p>The submission of incomplete or inaccurate Cargo Manifests and Air Waybills</p> <p>The lack of detailed flight documentation submitted</p>	<ul style="list-style-type: none"> ▪ Fake consignees listed. ▪ Fake consignors listed. ▪ Used to disguise the true nature of the actual cargo. ▪ Customs value listed as zero. ▪ Failure to supply, for example: 1) Flight Plan; 2) Aircraft Technical Logbook; 3) Journey Flight Log; 4) Weight and Balance Report; 5) Take-off and Landing Balance; and 6) General Declaration.
10	Air operator transparency	Limited, inaccurate or no information provided to requests for information	<ul style="list-style-type: none"> ▪ Indicative of covert or illicit activity.
11	Air operator web presence	Lack of corporate website or very limited contact information on website	<ul style="list-style-type: none"> ▪ A reputable cargo aircraft company would have an easily sourced online presence as part of the company marketing strategy.
12	Cargo agency web presence	Lack of corporate website	<ul style="list-style-type: none"> ▪ A reputable cargo agent would have an easily sourced online presence as part of the company marketing strategy.
13	Air operator's relationships	Corporate links	<ul style="list-style-type: none"> ▪ Change of ownership or operating conditions for aircraft between linked companies.
14	Sanctions Listings	Current or previous listings of owner, operator, or aircraft	<ul style="list-style-type: none"> ▪ Previous reports by other UN Panels and Monitoring Groups. ▪ Sanctions notices by subscription databases.

Annex 4 Member States, organisations and institutions consulted

1. This list excludes individuals and certain organisations or entities with whom the Panel met, in order to protect source(s) confidentiality.

Table 4.1

Member States, organizations and institutions consulted ^{a b c}

<i>Country/ Location</i>	<i>Government</i>	<i>Representative or International Organization</i>	<i>Institution / NGO</i>
Austria	Ministry of Foreign Affairs	UNODC ^d	
Algeria ^c	Permanent Mission		
Bahrain	Permanent Mission ^d		Central Bank of Bahrain ^d Bank ABC ^d
Belgium	Ministry of Foreign Affairs, General Administration of Treasury Permanent Mission		Euroclear Bank OCSC ^d
Brazil ^c	Permanent Mission		
Cameroon	Permanent Mission		
China ^a	Permanent Mission		
Egypt	Permanent Mission	Libyan Ministry of Foreign Affairs	LIA
France ^a	Ministry of Interior Permanent Mission		
Greece ^c	Ministries of Foreign Affairs, and Migration and Asylum, Hellenic Coast Guard		
Germany			NGOs
Italy	Ministry of Foreign Affairs, Interior, Defence Permanent Mission		EUNAVFOR MED Op IRINI
Japan	Permanent Mission		
Lebanon	Permanent Mission		

<i>Country/ Location</i>	<i>Government</i>	<i>Representative or International Organization</i>	<i>Institution / NGO</i>
Libya	Ministries of Foreign Affairs, Defence, Interior, Justice, Oil and Gas, Economy and Trade, and Finance (customs) Presidential Council	Dutch Embassy French Embassy German Embassy Italian Embassy Russian Embassy Spanish Embassy Turkish Embassy United Kingdom Embassy UNSMIL EU Delegation EUBAM	LAB CBL LIA Libyan Foreign Bank LARMO NOC Brega Petroleum Marketing Company Office of the Attorney General Administrative Control Authority Internal Security Agency SSA 444 Brigade DCIM PFG Supreme Judicial Council Counter-terrorism Force Libyan Intelligence Service LAAF ^e
Luxemburg	Ministries of Foreign Affairs and Finance ^d Permanent Mission ^d		HSBC Bank ^d
Malta ^c	Ministries of Foreign Affairs, Interior and Finance (customs) Permanent Mission		Malta Financial Services Authority Central Bank of Malta Malta Business Registry
Netherlands	Ministry of Foreign Affairs Permanent Mission ^d	Eurojust Europol	ICMP
Marshall Islands	Permanent Mission ^d		
Niger	Permanent Mission		
Oman	Permanent Mission ^d		
Russian Federation ^a	Permanent Mission		
South Africa	Permanent Mission ^d		
Slovenia ^b	Permanent Mission		
Spain	Ministry of Interior ^d Permanent Mission ^d		
Switzerland ^b	Permanent Mission	OHCHR Special Rapporteur ^f	

<i>Country/ Location</i>	<i>Government</i>	<i>Representative or International Organization</i>	<i>Institution / NGO</i>
Tunisia	Ministries of Foreign Affairs, Interior, and Defence Permanent Mission	Russian Embassy to Libya Swiss Embassy United States Embassy EUBAM	LIA
Türkiye	Permanent Mission		
United Arab Emirates	Permanent Mission		
United Kingdom ^a	Ministry of Foreign Affairs ^d Treasury ^d Permanent Mission		OFSI ^d BACB ^d HSBC Bank ^d Credit Suisse (UBS) ^d
USA ^a	State Department and Treasury ^d Mission to the UN	INTERPOL	
Yemen	Permanent Mission ^d		

^a Countries indicated ‘a’ are permanent members of the Security Council.

^b Countries indicated ‘b’ are elected members of the Security Council (2024).

^c Countries indicated ‘c’ are elected members of the Security Council (2025).

^d Via VTC or other electronic platform.

^e Outside of Libya.

^f Sexual Violence in Conflict.

Annex 5 Summary of Panel correspondence (2644 (2022) and 2701 (2023)) mandates⁸⁸

Table 5.1

Correspondence with Member States (2644 (2022) Mandate) (13 July 2023 to 15 November 2023) ^a

<i>Member State / country</i>	<i># letters sent by the Panel</i>	<i># replies from Member State</i>	<i># awaiting reply from Member State</i>
France	2	0	2
Georgia	2	2	0
Greece	1	1	0
Indonesia	1	1	0
Italy	1	1	0
Jordan	1	0	1
Kyrgyzstan	2	2	0
Libya	4	2	2
Malaysia	1	0	1
Moldova	1	1	0
South Africa	1	0	1
Türkiye	2	1	1
United Arab Emirates	1	0	1
Unites States of America	2	0	2
Total	22	11	11

^a 13 July 2023 being the last date that letters were included in annex 5 to S/2023/673 and 15 November 2023 being the end of the resolution 2644 (2022) mandate.

Table 5.2

Correspondence with Member States (2701 (2023) Mandate) (16 November 2023 to 31 October 2024) ^a

<i>Member State / country</i>	<i># letters sent by the Panel</i>	<i># replies from Member State ^b</i>	<i># awaiting reply from Member State</i>
Algeria	1	1	0
Austria	1	1	0
Bahrain	1	1	0
Bangladesh	1	0	1
Belgium	5	5	0

⁸⁸ Excluding updates to the Committee, letters to the Chair, visit/visa requests or other letters to Member States that do not require a response.

<i>Member State / country</i>	<i># letters sent by the Panel</i>	<i># replies from Member State ^b</i>	<i># awaiting reply from Member State</i>
Cameroon	1	0	1
Canada	1	0	1
China	1	1	0
Croatia	1	1	0
Cyprus	1	1	0
Egypt	2	1	1
France	1	0	1
Germany	3	1	2
Ghana	1	0	1
Greece	2	0	2
Iran	1	0	1
Ireland	1	0	1
Italy	6	1	5
Japan	2	1	1
Jordan	4	0	4
Kuwait	1	0	1
Kyrgyzstan	1	1	0
Lebanon	1	0	1
Libya	25	11	14
Luxembourg	3	3	0
Malta	2	1	0
Morocco	1	0	1
Netherlands	4	1	3
Norway	1	0	1
Niger	1	0	1
Oman	1	0	1
Qatar	2	0	2
Romania	1	1	0
Russian Federation	5	5	0
Saudi Arabia	1	0	1
South Africa	1	1	0
Spain	5	1	4
Sudan	1	0	1
Sweden	1	0	1
Switzerland	2	2	0
Tunisia	3	0	3

<i>Member State / country</i>	<i># letters sent by the Panel</i>	<i># replies from Member State ^b</i>	<i># awaiting reply from Member State</i>
Türkiye	15	5	10
United Arab Emirates	3	0	3
United Kingdom	3	3	0
United States	5	0	5
Total	126	50	75

^a 16 November 2023 being the commencement of the resolution 2701 (2023) mandate and 31 October 2024 being the last date for which replies were requested, including one additional week grace period, and could be included in the final draft of the report.

^b Includes all letters sent with a requested reply date by 24 October 2024.

Table 5.3

Correspondence with regional organizations and other entities (2701 (2023) Mandate) ^a
(16 November 2023 to 12 May 2024)^b

<i>Organization or entity</i>	<i># letters sent by the Panel ^c</i>	<i># replies</i>	<i># awaiting reply</i>
European Union	1	1	0
Eurocontrol	1	0	1
Libyan Arab armed forces (LAAF)	6	6	0
Total	8	7	1

^a There was no correspondence in this category between 13 July 2023, being the last date that letters were included in annex 5 to S/2023/673, and 15 November 2023, being the end of the resolution 2644 (2022) mandate.

^b 16 November 2023 being the commencement of the resolution 2701 (2023) mandate and 31 October 2024 being the last date for which replies were requested, including one additional week grace period, and could be included in the final draft of the report.

^c Includes all letters sent with a requested reply date by 24 October 2024.

Table 5.4

Correspondence with commercial companies 2644 (2022) Mandate)
(13 July 2023 to 15 November 2023)^a

<i>Organization or entity</i>	<i># letters sent by the Panel</i>	<i># replies</i>	<i># awaiting reply</i>
Holman Fenwick Willan (MEA) LLP	1	0	1
Squire Patton Boggs (MEA) LLP	1	0	1
Total	2	0	2

^a 13 July 2023 being the last date that letters were included in annex 5 to S/2023/673 and 15 November 2023 being the end of the resolution 2644 (2022) mandate.

Table 5.5

Correspondence with commercial companies (2701 (2023) Mandate)
(16 November 2023 to 12 May 2024) ^a

<i>Organization or entity</i>	<i># letters sent by the Panel</i>	<i># replies ^b</i>	<i># awaiting reply</i>
Akkon Maritime Transport and Trade A.S.	1	1	0
Alrakab Company for Importing Cars and Spare Parts	1	0	1
AM General	1	1	0
Amentum Services Inc.	1	1	0
Arab Banking Corporation B.S.C.	2	2	0
Asha Co FZE (2020 Volume)	1	0	1
ASIS Boats LLC	1	1	0
Bank ABC	3	3	0
BBC Chartering GmbH	1	0	1
BMC Otomotiv Sanayi ve Ticaret A.Ş.	1	0	1
Damen Shipyards Group	1	0	1
Danube Shipping Co	1	0	1
Darkmax Tekstil Kuyumculuk Koz San Ve Dis Tic Ltd Sti	1	0	1
Double Action Defence	1	1	0
Drago Boats SA	1	0	1
EDT Hangar Services	1	1	0
Elifly International S.r.l.	2	2	0
Flightradar24	2	2	0
Gamo Outdoor SLU	1	0	1
General Electricity Company (GECOL)	1	0	1
Giannis G. Markogiannis & Associates	1	1	0
Grandweld Shipyards	1	0	1
Harmony Jets	2	2	0
INKAS Vehicles LLC	1	0	1
Kalogerogiannis & Vernicos Law	2	1	1
Libyan Air Ambulance Corporation	1	1	0
Lidya Marine Survey Technical Consultancy	1	0	1
Minerva Marine Inc.	1	0	1
Shield Armored Vehicles (SAV)	1	0	1
Solstad Offshore ASA	1	0	1
Squire Patton Boggs (MEA) LLP	1	1	0
STREIT Group	1	0	1
TAG Middle East FZC	1	1	0
Varamar Shipping DMCC	1	1	0

<i>Organization or entity</i>	<i># letters sent by the Panel</i>	<i># replies ^b</i>	<i># awaiting reply</i>
Vectory Aviation Havaclick Co.	1	1	0
World Management Services SA	1	0	1
Total	43	24	19

^a 16 November 2023 being the commencement of the resolution 2701 (2023) mandate and 31 October 2024 being the last date for which replies were requested, including one additional week grace period, and could be included in the final draft of the report.

^b Includes all letters sent with a requested reply date by 24 October 2024.

Annex 6 Unity and integrity of Central Bank of Libya

A. Reunification of CBL⁸⁹

1. As of June 2024, the CBL⁹⁰ informed the Panel of recent steps taken toward reunification, including: a) unification of payment and accounting systems, b) issuance of national currency through a joint committee comprising nine members from each side, c) establishment of a joint monetary policy committee, d) unification of statistics departments and the financial information units, e) unified oversight over banks headed by a director appointed from Tripoli with deputy from the east in coordination the Deputy Governor, and f) streamlining the clearing and settlement system, thus making available sufficient liquidity into bank branches.⁹¹

2. A high committee for financial stability, headed by the Governor and comprising the Deputy Governor, was established for reviewing macro-economic indicators, monetary evaluation, money supply, exchange rate, and inflation. In addition, a unified monetary policy committee was set up at the micro-level.

3. The CBL further informed the Panel that all necessary measures for implementation in place, and reunification progressed well at a technical perspective. However, the lack of a unified government and separate budgets remained significant challenges from the political perspective.

1. Unification advancements

4. The Panel considers that the reunification process made progress in terms of financing arrangements between the CBL and its eastern branch, as well as monetary policy decisions, especially regarding currency printing and supply.⁹² This also included the withdrawal of 50-dinar notes to stop the circulation of unauthorised bank notes to curb the increasing circulation of counterfeit 50-dinar notes.⁹³

5. The reunification has enhanced coordination in monetary policy, banking liquidity, and oversight, making the banking sector more organised and efficient. 90% of the banks' reports were approved within 4-5 months after the close of the financial year. Currency issuance, forex management, and letters of credit (LC) issuance have been centralised and streamlined. The CBL has enforced stricter requirements on issuing letters of credit,⁹⁴ reduced the forex purchase limit for individuals to USD 4000 per annum, and imposed a 27% tax on all forex purchases, which has been reduced to 20% as of 6 October 2024.⁹⁵

6. Panel meetings with two commercial banks indicated that the ongoing CBL unification efforts have significantly improved banking transactions as follows:

a) Smooth fund transfers from eastern branches of commercial banks to the main account in Tripoli.

⁸⁹ Resolution 2509 (2020).

⁹⁰ Unlike most countries, where central banks focus on monetary policy, the CBL also deals with fiscal policy and its implementation.

⁹¹ Meetings with CBL, 26 February, 6 May (VTC), 3 June 2024 and 4 June 2024, Tripoli.

⁹² As part of the broad agreement on the process of reunification, the stock of 50 LYD notes was frozen and the CBL accepted the m at par with the CBL-issued original 50-dinar notes: <https://www.imf.org/en/Publications/CR/Issues/2024/07/11/Libya-2024-Article-IV-Consultation-Press-Release-Staff-Report-and-Statement-by-the-551681>, 11 July 2024.

⁹³ Multiple variants of the 50-dinar banknotes circulated: one issued by the Central Bank in Tripoli, another by the Central Bank in Benghazi, and two types of counterfeits of undisclosed origins - one of superior and the other of inferior quality. On 19 April 2024, the CBL announced the commencement of the withdrawal of 50-dinar currency notes - both legal and counterfeit, effective from 21 April 2024. Citizens were required to deposit these notes in banks by 29 August 2024. However, due to shortage of 10 and 20 LYD notes, Banks continued allowing recirculation of 50 LYD notes to avoid any hardship to people. On 27 September 2024, the CBL extended the validity of 50-dinar notes until 31 December 2024.

⁹⁴ There are three categories of LCs: (a) industrial (e.g., raw materials, input and capital goods) – 10 million USD (limit per LC), (b) commercial (e.g., consumer goods, foodstuff) – 5 million USD (limit per LC), (c) services - 5 million USD (limit per LC).

⁹⁵ Decree No. 15 of 2024 issued by the House of Representatives on the recommendation of the Governor of the CBL. This new tax on foreign exchange has stabilised the forex situation and reduced the difference between official exchange rate and the market exchange rate, but it has led to: a) increase in prices of imported goods, b) decrease in number of LCs, and c) rise in black market operations to avoid official documentation and controls. On 6 October 2024, the HoR issued Resolution No. 68/2024, reducing the surcharge on the exchange rate from 27% to 20% for all transactions.

- b) Enhanced efficiency in LCs issuance and forex operations.
- c) Improved payment system with real-time gross settlement (RTGS) between eastern and western branches.
- d) Efficient transactions between the east and west with the recent implementation of new payment systems (NPS).

2. Persisting challenges

7. The Panel assessed that several lingering issues still challenged the complete reunification, including: a) integration of the payment and settlement system; b) consolidation of balance sheets, c) harmonisation of accounting procedures; d) presentation of a unified budget, in particular chapter three allocations relating to development, to avoid unsupervised procyclical spending;⁹⁶ e) consolidation of the organisational structure, including incongruencies in incentives of employees; and f) division between the two governments with competing priorities and demands for expenditure, as well as different policies and accounting structures. Moreover, the CBL lacked an approved budget for itself, depriving management and control authorities of an important tool for evaluating internal financial and administrative performance.

3. CBL leadership dispute

8. While efforts to unify the CBL were progressing well at the technical level, the Presidency Council's decision of 18 August 2024 to dismiss Governor Sadiq El Kabir, coupled with the House of Representatives (HoR) rejection of the dismissal and the Benghazi-based east government order to halt oil production, deepened political divisions, upending the CBL's unification process, as well as financial and economic systems for a while.⁹⁷ The possibility of eventually having a unified budget for Libya also got disrupted.⁹⁸

9. Through UNSMIL mediated talks to resolve the CBL leadership issue, delegates from the High Council of State (HCS) and the HoR signed an agreement on 26 September 2024. The agreement represented an important compromise whereby Naji Mohamed Issa Belqasem⁹⁹ became Governor and Marai al-Barassi regained his position of Deputy Governor. As per the agreement, the new Governor, in consultation with the HoR, shall nominate members to the Board of Directors who are of high integrity and possess expertise in law, finance, banking, and economic affairs.¹⁰⁰

10. On 30 September, the HoR unanimously approved the 26 September 2024 agreement, appointing Naji Mohamed Issa Belqasem as Governor and Maree al-Barassi as Deputy Governor, thus resolving the CBL leadership issue. This decision was also endorsed by the HCS. On 21 October 2024, the HoR Presidency appointed six members to the CBL Board of Directors. Though now resolved, the crisis underscores Libya's vulnerability due to internal power struggles and the lack of unified governance structures.

⁹⁶ One of the concerns is the source of funding for the execution of several development projects in the eastern region, without any budgetary allocation by the CBL. According to the CBL over 5 billion LYD, printed in the east, are funding these projects. This influx of funds has increased demand for foreign currency, raising further concerns about financial transparency and market stability.

⁹⁷ PC Decision No. 19/2024, issued by Mohamed al-Mnefi, appointed Mohamed al-Shukri as acting CBL Governor, with Decision No. 20/2024 restructuring the Board of Governors. The PC based these decisions on HoR's 2018 vote (Decision No. 03/2018) to replace El Kabir with al-Shukri, which was then rejected by the HoR and the HCS. On Al-Shukri's refusal to take over the position for want of consensus among the PC, HoR and HCS, the PC designated Abdelfattah Abdel Ghaffar, the PC appointed acting deputy Governor, as in-charge Governor.

⁹⁸ In the absence of an approved budget, spending is set at one twelfth of the annual spending specified in the most recently approved budget (2019), but allocations have been routinely adjusted using measures with little or no oversight. In July 2024, the HoR approved a unified budget worth 179 billion Libyan Dinars (LYD), formalising a 50/50 distribution of financial resources between the Tripoli-based Government of National Unity (GNU) and eastern-based Government of National Stability (GNS), which could not be implemented.

⁹⁹ He was the CBL's director for banking and monetary control.

¹⁰⁰ CBL is governed by Libyan Bank law no. 1 of 2005. The Board of Directors, responsible for overseeing the management of the CBL, is composed of the Governor serving as Chairman, the Deputy Governor as Vice-Chairman, and additional members. However, the Board was comprised of Governor and Deputy Governor only until October 2024. Its annual consolidated report has also not been published since 2014.

B. Armed groups at the heart of the CBL dispute

11. In January 2024, the CBL Governor refused to implement the budget presented by GNU. The CBL agreed only to disburse salaries and declined to draw from foreign currency reserves.¹⁰¹ A lack of transparency regarding the GNU budget has been a persistent source of tension in recent years, and political crises between the CBL and the Tripoli-based government are not new. Since 2011, conflicts over the issuance of LCs and the state budget have generated significant political crises. However, the current situation represents a notable shift in this dynamic and goes beyond the GNU's inability to exert control over the institution.

12. Throughout its investigations, the Panel engaged with stakeholders, including members of governmental institutions, armed groups, and the international community. All noted a marked increase in the involvement of armed groups at the highest levels, with these groups even dominating political discussions on financial matters. A proposed tax on currency exchange was met with strong opposition from armed groups, particularly leaders of the Stability Support Apparatus (SSA), who directed their criticism at the then CBL Governor Sadiq El Kabir. DACOT positioned itself in support of the then CBL governor, not out of genuine alignment with the CBL's position, but as a strategy to undermine SSA's influence on financial matters and preserve its direct access to the CBL.¹⁰²

13. The circumstances surrounding the appointment of Naji Mohamed Issa Belqasem as the new CBL governor indicated the ambition of armed groups to impose a complete control over the CBL operations. The involvement of armed groups on both sides has not only escalated tensions but also led to minor clashes, turning a political crisis into a security concern. Sadiq El Kabir was perceived by the main Tripoli-based armed group leaders as facilitating access to oil revenues for the Libyan Arab armed forces (LAAF) by allocating part of the national budget and letters of credit to the eastern government. This perception was fuelled by the alleged support of the CBL for the Libya Reconstruction and Development Fund, headed by Belqasem Haftar, son of Khalifa Haftar.¹⁰³ Sadiq El Kabir's stance on controlling oil revenues was also seen as an attempt to exert more control over revenue management, which directly threatened the interests of armed groups.

14. DACOT, which has been in charge of providing security to the CBL headquarters since 2020, had a vested interest in protecting Sadiq El Kabir's position. This arrangement gave DACOT a key role among actors in western Libya and a public image as "the protector of Libya's financial stability," allowing El Kabir some independence from both armed groups and the government. However, tensions in Tripoli, particularly between DACOT and other Tripoli-based armed groups, weakened DACOT's ability to maintain its position towards the CBL. In February 2023, DACOT was forced to share the protection of the CBL headquarters with the Facility Security Agency (FSA), led by Osama Tleish.

15. Osama Tleish, one of the main lieutenants of Abdelghani Al-Kikli, shares a similar status to Lotfi Al Harrari (paragraph 43 of the Report) within Al-Kikli's network. The FSA has existed since the Gaddafi government and is tasked with securing strategic state structures but was an empty shell since 2011. With Kikli's support, Tleish became the commander of the FSA and was given the resources to use FSA mandate to develop the group. As most strategic buildings in Tripoli were already secured by other forces or armed groups, the FSA began securing contracts similar to those of a private security company, particularly with Libyan private banks, despite being a governmental agency.¹⁰⁴ The FSA is now in control of the private security sector in Tripoli and the group has been able to establish itself as an important actor among the Tripoli-based armed groups, and to play a certain role in the CBL crisis.

16. Tensions between SSA and DACOT over the CBL crisis increased the risk of armed confrontation at the CBL headquarters. However, DACOT's isolation among Tripoli-based armed groups forced Abdelraouf Kara to reconsider his stance and allowed the ousting of Sadiq El Kabir to pacify his relationships with other armed groups and protecting his interests. DACOT remains present around the CBL headquarters, but Osama Tleish is now the main interlocutor for security, though DACOT still controls the entire area.

¹⁰¹ Confidential sources, Libyan officials.

¹⁰² Confidential Sources, members of armed groups.

¹⁰³ Confidential sources, armed groups.

¹⁰⁴ Confidential sources, Libyan officials.

Annex 7 Link between Mohamed Al-Mashay and Abdelghani Al-Kikli

Figure 7.1

Letter confirming Mohamed Omar Hassan Al-Mashay as acting Chairman of Al-Ahly SC, 25 July 2024.



Source: Confidential.

Figure 7.2

Event of the Al-Ahly SC in Abu Slim Tripoli ^a

Source: Confidential.

^a In an event organised by Al-Ahly SC, Abdelghani Al-Kikli (1) sits next to Mohamed Omar Hassan Al- Mashay (2).

Annex 8 Letter of Appointment of the GECOL board of executives

Figure 8.1

Letter appointing Mohamed Omar Hassan Al- Mashay as Chairman of GECOL's board, 21 July 2022



Source: CS (Libyan official).

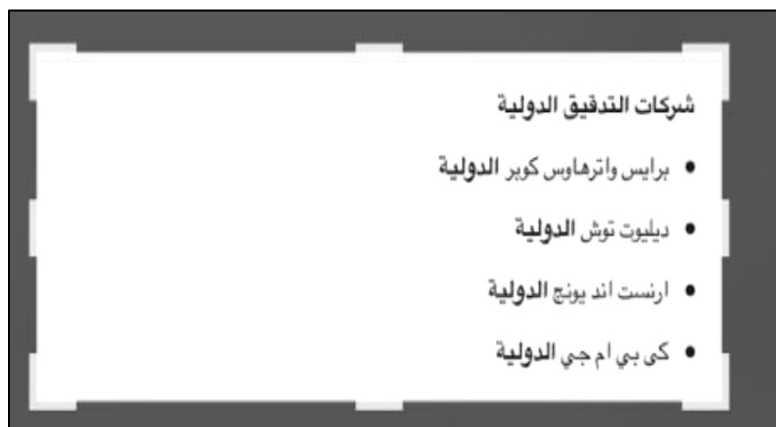
Annex 9 Opportunity to reply Abdelghani Al-Kikli

1. On 30 September 2024, the Panel offered Abdelghani Al-Kikli an opportunity to reply to its preliminary findings on his relationship with Mohamed Omar Hassan Al-Mashay. Abdelghani Al-Kikli responded through his focal point in WhatsApp exchanged with the Panel:

مرحبا
السيد عبدالغني يبلغكم تحياته وأبلغني الرد على المزاعم التي ذكرتموها.
وفيكم بأن هذه الملاحظات عارية عن الصحة وهناك شركة عالمية تقوم بالتدقيق على حساباتهم وليس لنا علاقة بما يدور داخل الشركة وليس لنا علاقة بقرار
تكليفه ولا نعلم أن شركة الكهرباء لا تخضع للمؤسسات والجهات الرقابية في فحص ومتابعة حساباتها.

Figure 9.1

List of international auditing companies enclosed with Al-Kikli's response



“Greetings,

Mr. Abdelghani extends his regards and has asked me to convey his response to the allegations you raised. He categorically states that these claims are unfounded. An international firm audits their accounts, and we have no involvement in the internal operations of the company or in the decision to appoint him. Additionally, we are unaware of GECOL not being subject to oversight by relevant institutions and regulatory authorities in reviewing and monitoring its accounts.”

2. The Panel found the response from Abdelghani Al-Kikli lacking details and credibility to contradict the Panel's findings.

القرارات



القيادة العامة للقوات المسلحة الليبية



**قرار القائد العام رقم (13) لسنة 2024م
بشأن تعيين رئيس أركان القوات البرية**

القائد العام

• بعد الاطلاع على قانون رقم (40) لسنة 1974 م بشأن الخدمة بالقوات المسلحة العربية الليبية وتعديلاته .

• وعلى القانون رقم (1) لسنة 2015 م بشأن تعديل القانون رقم (11) لسنة 2012م بشأن صلاحيات المستويات القيادية بالجيش الليبي .

• وعلى قرار مجلس النواب رقم (20) لسنة 2014م بشأن تفويض مكتب رئاسة مجلس النواب باختصاصات القائد الأعلى للجيش الليبي .

• وعلى قرار القائد الأعلى رقم (20) لسنة 2015 م بشأن تعيين قائدا عاما للقوات المسلحة العربية الليبية .

ق ر ا ر

مادة (1)

يعين الرقم 37826 لواء/ صدام خليفة أبو القاسم رئيسا لرئاسة أركان القوات البرية .

مادة (2)

ينعمل بهذا القرار من تاريخ صدوره ويلغى كل من يخالفه من أحكام وعلى الجهات المختصة تنفيذه .



المشير أركان حرب //

خليفة أبو القاسم حفتر

القائد العام للقوات المسلحة العربية الليبية



في مقر القيادة العامة -الرجستان
تاريخ 05 / 16 / 2024م
وفي ان . جيش ق م . ع . قومي .

24-21133

Annex 11 LAAF internal conflict at the Chadian Border

1. On 31 August and 1 September 2024, clashes were reported between LAAF units near the Libya-Chad border. Contrary to official LAAF statements, the violence stemmed from internal conflicts over control of a checkpoint along a route used for gold trafficking from the Kalanga mountain area. 77th company, operating under 128th brigade and controlled by Saddam Haftar, seized the position previously held by 129th brigade. The latter falls under the command and control of Khalid Haftar's 106th Brigade.
2. This incident underscores the ongoing volatility in the command and control of LAAF units stationed in southern Libya, largely driven by local tribal dynamics that continue to influence the region's security landscape. 129th brigade, based in Kufra, is primarily composed of Tubu fighters, while 77th company consists almost entirely of Sudanese fighters. The incident also highlights Saddam Haftar's intent to secure unchallenged control over key positions in the south, crucial for border control.

Annex 12 Implications of the armed conflict in Sudan

1. LAAF has interfered in the conflict in Sudan by facilitating and allowing the logistical support destined to the parties to the conflict, the Rapid Support Forces (RSF) and the Sudanese Armed Forces (SAF), to pass through Libyan territory where the presence of armed groups affiliated with both sides was permitted. Sudanese fighters from these groups, who were previously involved with HAF and are now engaged in the Sudanese conflict, still maintain forces in the south of Libya. After the outbreak of armed clashes in Sudan in mid-2023, these Sudanese armed groups began withdrawing into Sudan to support the warring parties but continued to move back and forth to and from Libya.
2. The ability of both SAF and RSF to collect supplies and receive logistical support through Libyan territory was facilitated by the presence of these Sudanese armed groups in Libya and their connections with LAAF. Additionally, the LAAF took no action to obstruct the movement of these groups. For example, the Sudan Liberation Army (SLA/A-MM), an armed group led by Arko Minni Minawi, and affiliated with SAF, was able to attempt a recruitment campaign among the Zaghawa tribe in Chad, enlisting new members to join their ranks in Libya before heading to fight in Sudan.¹⁰⁵
3. RSF remained the primary beneficiary of support originating from Libya, as it benefited more from a) trainings, including artillery trainings in Brak Al-Shati provided by HAF forces; and b) well-established supply air bridges and land routes. The Panel identified two primary supply routes to RSF.
4. RSF also received support from 77th company, commanded by Mohamed Mazoughi. 77th company is a LAAF unit operating mainly in South East-Libya under the umbrella of 128th brigade. Mazoughi served as the focal point for the RSF regarding logistical support. RSF elements collected these supplies from 77th company in Maateen Al Sarrah, before transferring them into Sudan via Zurug. When presented with an opportunity to reply, a LAAF official denied any involvement of LAAF in the Sudanese conflict and the existence of the 77th company within the LAAF structure.
5. Around 22 June 2024, violent clashes occurred between SLM/A-MM and defectors from the Revolutionary Awakening Council (splinter group led by Bakhit Ajab Al-Dor), loyal to RSF, inside Libyan territory, as both groups maintained their presence in Libya. Minawi forces suffered heavy losses and were forced to withdraw further into Libya.¹⁰⁶
6. As the armed conflict in Sudan intensified in northern Darfur in late June 2024 and spilled into Libyan territory, LAAF started to disrupt the identified logistical supply routes, including by seizing the materiel.¹⁰⁷ The increased cross-border movements of fighters and civilians, including the growing influx of migrants and asylum seekers from Sudan, has been perceived as a security threat that LAAF attempted to mitigate through tight management of the Libyan Sudanese border.

¹⁰⁵ CS (Sudanese armed groups).

¹⁰⁶ CS (Libyan and Sudanese armed groups).

¹⁰⁷ Brigade 128 seized on 21 July 2024 a large stock of weapons and ammunitions that were destined to Sudan. (CS – Libyan and Sudanese armed groups).

Annex 13 Counterterrorism

Table 13.1

List of Libyan entities working on counterterrorism

<i>Name of the entity</i>	<i>Affiliation</i>	<i>Leader</i>
Libyan Arab armed forces	N/A	Khalifa Haftar
Libyan Intelligence Agency (LIS) / General Intelligence Service (GIS)	GNU	Hussein Al-Aaeb
Support and Stability Apparatus	PC	Abdelghani Al Kikli
DACOT	PC	Abderrouf Kara
Internal Security Agency (ISA), both branches	Western branch: Office of the Prime Minister Eastern branch: LAAF	Western branch: Lotfi Al-Harari Eastern branch: Osama Al-Darsi
444 brigade	MoD	General Mahmoud Hamza
Libyan Counter-Terrorism Centre (LCTC)	PC	Major General Mohamed B Saleh
Counter-Terrorism Force (CTF)	MoD	General Mohamed Ezzein
Reserve force of the CTF	MoD	Mukhtar Al-Jahawi
Department of Counterterrorism and Extremist Organisations (DCTEO)	Office of the Prime Minister	N/A
Department for Counter-Terrorism	MoI	Colonel Abderrazek Al Makhzoum
Agency for Combating Financial Crimes, Money Laundering, and Terrorism Financing	Office of the Prime Minister	Major General Jamal Omar Al- Mazoghi

Table 13.2

Locations of reported activities of listed terrorist groups and counter-terrorism operations conducted in Libya

<i>listed terrorist groups</i>	<i>Locations of reported activities</i>	<i>Locations of counter-terrorism operations</i>
<i>Islamic State in Iraq and the Levant-Libya (QDe.165)</i>	<ul style="list-style-type: none"> ▪ Tripoli (Tripolitania) ▪ Murzuk (Fezzan region), ▪ Qatrun (Fezzan region) ▪ Ghadwa (Fezzan region) ▪ Acacus Mountains (Sahara- Fezzan) ▪ Salvador Triangle (located in the tri-border area between Libya, Algeria and Niger) ▪ Umm Al-Aranib (Fezzan) ▪ Harouj Mountain (Central Libya) 	<ul style="list-style-type: none"> ▪ Tripoli (Tripolitania) ▪ Murzuk (Fezzan region), ▪ Qatrun (Fezzan region) ▪ Ghadwa (Fezzan region) ▪ Salvador Triangle (located in the tri-border area between Libya, Algeria and Niger) ▪ Umm Al-Aranib (Fezzan)
<i>Organization of Al-Qaida in the Islamic Maghreb (QDe.014)</i>	<ul style="list-style-type: none"> ▪ Ubari (Fezzan) ▪ Ghat (Fezzan) ▪ Acacus Mountains (Sahara- Fezzan) ▪ Owainat Mountain (Cyrenaica, Libya-Egyptian-Sudanese tri-border area) 	<ul style="list-style-type: none"> ▪ Ubari (Fezzan) ▪ Ghat (Fezzan)

Table 13.3

Sources of revenue of terrorist groups operating in Libya

<i>Activities</i>	<i>Comments</i>
Trafficking of illicit goods	Mostly locally brewed alcohol, food and medication.
Drug trafficking	<p>Overall, terrorist groups facilitate the movement of traffickers along the routes they control. This facilitation is extended for financial gains and is brokered through tribal connections.</p> <ul style="list-style-type: none"> • Cases in which the Panel identified a direct implication of terrorist groups in the trafficking of arms and related materiel are mostly small scale and opportunistic. • The Panel identified a well-established transnational network of gold smuggling run by Malian Tuaregs and supported by Nigeriens and Libyans, which revenues participate in financing AQIM-affiliated sleeping cells.
Trafficking of arms and related materiel	
Facilitation of human trafficking	
Gold smuggling	
Reselling foreign currency on the black market	Foreign currency, specifically USD, is purchased and resold in the black market by ISIL-Libya affiliated cells.
Online scams	These scams involve made-up companies that gather money for alleged charities.

Annex 14 Recruitment of Libyan fighters in Sudan

1. The intensification of the conflict in Sudan gave ISIL-Libya and its affiliates an opportunity to expand their manpower and operational capacity. Sudanese recruiters linked to ISIL-Libya continued to operate in southern Libya, including in the areas of Acacus Mountains, Khuruj, Murzuk, and Ubari. They were also present at the border with Libya.¹⁰⁸ These individuals used social media platforms, encrypted messaging apps, and face-to-face interactions as recruitment communication channels. The recruitment cells led by Sudanese individuals were instructed by high profile terrorists, like Abu Mahawi, to seamlessly integrate into the Libyan communities, ensuring a discreet presence. Maintaining a low profile is part of the overall strategy of ISIL-Libya, to grow and gain local support.¹⁰⁹
2. They recruited Libyan and foreign fighters (including Chadian, Egyptian, Malian, Nigerian, Nigerien, Senegalese, and Sudanese) to join Sudanese ISIL-affiliated cells. Although the number of involved Libyan fighters was limited, they are active within those cells.¹¹⁰
3. Terrorist groups affiliated with ISIL-Libya have diversified the profile of recruits to also include vulnerable individuals, such as victims of human trafficking, with no prior fighting experience. Among the leading recruitment operators were nationals of Somalia and Sudan. Abu Mahawi, a Sudanese national affiliated with ISIL-Libya and now based in south-west Libya, has been particularly prominent in the recruitment activities while operating between Libya and West Darfur. The Panel also identified that Libyan individuals have been involved in the recruitment activities and have strong connections to various migrant smuggling networks operating between Sudan and Libya.¹¹¹

¹⁰⁸ CS (local sources).

¹⁰⁹ CS (including Libyan officials).

¹¹⁰ CS (official and local Libya sources).

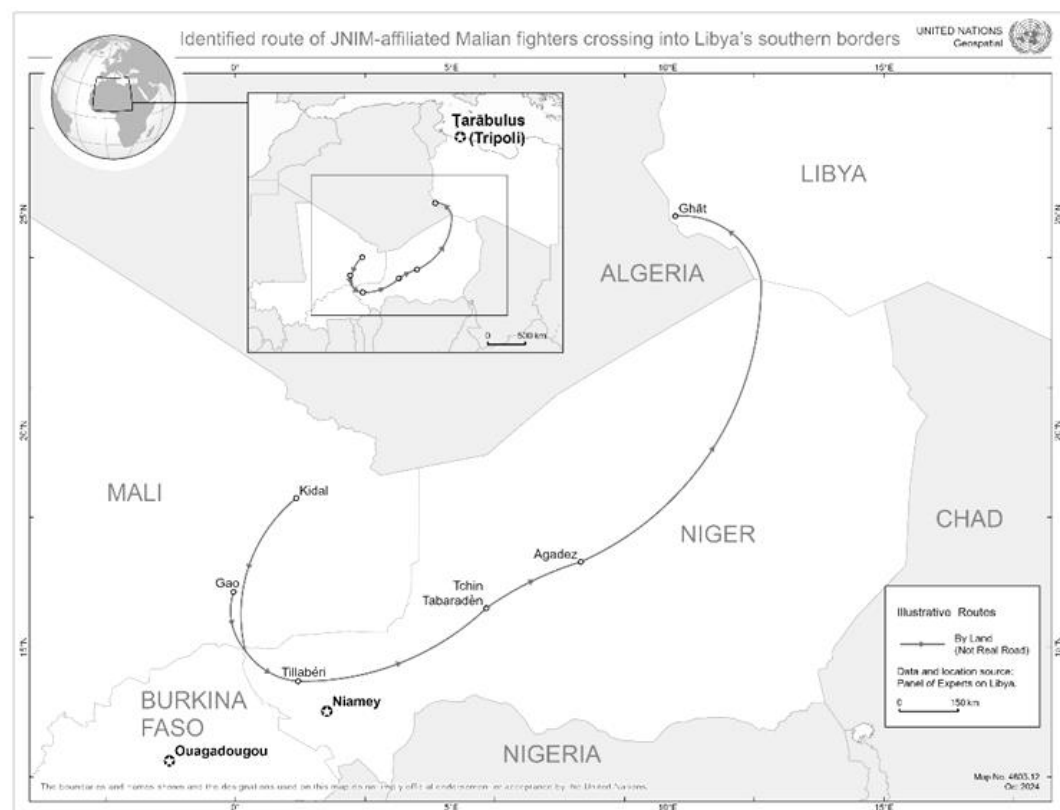
¹¹¹ CS (Including Libyan officials).

Annex 15 Increase in Jama'a Nusrat ul-Islam wa al-Muslimin (JNIM, QDe.159) affiliated fighters' movements and trafficking facilitated by tribal connections between Tuaregs

1. The Panel identified that *Jama'a Nusrat ul-Islam wa al-Muslimin* (JNIM, QDe.159)-affiliated Malian fighters intensified their crossings into Libya via its southern borders since December 2023¹¹², with temporary stays in Ghat. This surge happened following the capture of Kidal – a stronghold of Tuareg opposition – by the Forces Armées Maliennes (FAMA) and their foreign allies in November 2023. Following this development, large groups of Malian Tuaregs crossed into Libya, through Niger, and were infiltrated by terrorist fighters affiliated with JNIM.¹¹³
2. These fighters leveraged tribal and matrimonial connections among Tuareg communities in Mali, Niger and Libya to facilitate their cross-border movements and engage in regional illicit gold trade. The gold is primarily sourced from mines in northern Mali and then smuggled through Niger. A portion of the revenues generated from these trafficking activities was used to finance dormant cells of Al-Qaida in the Islamic Maghreb (AQIM, QDe.014) in Libya. These smuggling and trafficking networks are led by individuals with direct ties to AQIM, who use terrorist fighters to facilitate the cross-border movement of gold.¹¹⁴
3. The Panel identified that the route used by JNIM affiliated Malian fighters to enter Libya (figure 15.1) is the same used for other cross-border illicit activities between Mali, Niger and Libya, including arms and drug trafficking.

Figure 15.1

Identified route of JNIM-affiliated Malian fighters crossing into Libya's southern borders



¹¹² This increase was established following the capture in November 2023, by Forces Armées Maliennes (FAMA) and their foreign allies of Kidal, which was considered as the Tuareg opposition's stronghold. Following this development, large groups of Malian Tuaregs crossed into Libya, through Niger, and were infiltrated by terrorist fighters affiliated with JNIM.

¹¹³ CS (local sources, Libyan official sources).

¹¹⁴ CS (local sources and Malian armed groups).

Annex 16 Ras El-Jdir border crisis

Table 16.1

Ras El-Jdir border crisis timeline

<i>Date</i>	<i>Events</i>
29 Oct 2023	Prime Minister of the Government of National Unity (GNU) Abdelhamid Dbeibah issued a decision forming a “Joint Operations Room for the defence of the Western and South-Western region” (JOR) that included seven brigades, eight battalions and twelve security and military agencies, to deter the groups responsible for the aggressions in Gharyan. Abdelsalam Zobi was appointed head of the JOR. ¹¹⁵
15 Nov 2023	Acting Minister of Interior, Imad Trabelsi appointed Abdesalam Zobi, as the head of another related force, tasked with securing and protecting the Libyan western borders with Tunisia. ¹¹⁶
16 Nov 2023	Acting Minister of Interior, Imad Trabelsi, appointed Khairi Chengarou as head of the force controlling the Ras El-Jdir border crossing, in replacement of Abdesalam Al Amrani. ¹¹⁷
17 Nov 2023	Municipal Councils from Zuwara and Nafusa Mountains region held an emergency meeting in Zuwara, after which a state of emergency was declared, calling for general mobilization of all military battalions and companies affiliated with it. ¹¹⁸
18 Nov 2023	President of Presidential Council (PC), Mohamed al-Menfi, in his capacity as the Supreme Commander of the Libyan Army, issued an order to all military units not to carry out any movement towards the west, unless granted permission, regardless of any consideration. ¹¹⁹
19 Nov 2023	Municipal Council of Zuwara published a statement on the recent military movements and nominations in Ras El-Jdir, describing the Government of National Unity decisions as a “de facto policy and territorial hegemony on the Amazigh regions, that could lead to civil war”. The president of the Amazigh Supreme Council-Libya, Abdelhadi Barqiq, demanded the immediate dissolution and withdrawal of the JOR, arguing that the Amazigh community was not consulted in the decision-making process nor in the implementation. ¹²⁰
19 Nov 2023	JOR announced their withdrawal and retreat in Ziltan, following the orders of the PC, as declared by their spokesperson Moaz Al Manfoukh, who refuted any intention to target the Amazigh. ¹²¹
18 Mar 2024 (morning)	Acting Minister of Interior Imad Trabelsi ordered law enforcement elements under his leadership (Law Enforcement Directorate) to go to the Ras El-Jdir border post to support the security forces in “the fight against smuggling”. ¹²²
18 Mar 2024 (evening)	Armed elements of the Zuwara Military Council entered by force the Ras El-Jdir border crossing and exchanged fire with Minister of Interior elements positioned there. ¹²³
18 Mar 2024	Tunisian authorities closed the border post in the evening “for security reasons”. ¹²⁴
18 Mar 2024	The acting Minister of Interior issued a communique about the decision to close Ras El-Jdir border crossing, due to attacks from “outlawed armed groups”, involved in smuggling activities. ¹²⁵
19 Mar 2024	Acting Minister of Interior Trabelsi declared that Ras El-Jdir border crossing would remain closed and only be reopened under the control of legitimate government forces. ¹²⁶
21 Mar 2024	Municipal Council of Zuwara called upon Presidential Council, GNU and HCS to intervene and stop all initiatives and decisions taken by acting Minister of Interior Trabelsi, to avoid any armed escalation. ¹²⁷
21 Mar 2024	Acting Minister of Interior Trabelsi gave instructions for the withdrawal of all Ministry of Interior personnel from the Ras El-Jdir border crossing. ¹²⁸
23 Mar 2024	Prime Minister Dbeibah created, in his capacity as Minister of Defence, a “Joint Military Force” to be deployed in Ras El-Jdir and take control of the area. ¹²⁹

¹¹⁵ <https://twitter.com/libyapress2010/status/1780964413417070935?s=48>, 18 April 2024.

¹¹⁶ <https://bit.ly/3QznqMC>, 16 November 2023.

¹¹⁷ <https://lana.gov.ly/post.php?lang=ar&id=294353>, 16 November 2023.

¹¹⁸ <https://twitter.com/ObservatoryLY/status/1725679181105946924/photo/1>, 18 November 2023.

¹¹⁹ <https://bit.ly/4dlhCQK>, 20 November 2023.

¹²⁰ <https://www.libyaakhbar.com/libya-news/2270666.html>, 19 November 2023.

¹²¹ <https://bit.ly/4dsA3TA>, 19 November 2023.

¹²² <https://alwasat.ly/news/libya/433000>, 18 March 2024.

¹²³ <https://bit.ly/3yg36cR>, 18 March 2024.

¹²⁴ <https://bit.ly/3UxLTDg>, 19 March 2024.

¹²⁵ <https://x.com/alsaaa24/status/1769868325528481853?s=48>, 18 March 2024.

¹²⁶ <https://alwasat.ly/news/libya/433098>, 19 March 2024.

¹²⁷ <https://twitter.com/arraedlgplus/status/1770623343680426059?s=48>, 21 March 2024.

¹²⁸ <https://twitter.com/laamnetwork/status/1770640853939146753?s=48>, 21 March 2024.

¹²⁹ <https://bit.ly/3JQCdyO>, 25 March 2024.

23 Mar 2024	Salah Al-Namroush, Deputy Chief of Staff, formed a Joint Military Force from several brigades in the western region to support Ministry of Interior agencies in performing their security duties in the Ras El-Jdir region. ¹³⁰
24 Mar 2024	President of the Amazigh Supreme Council-Libya, El Hadi Barqiq, declared that “the border is still closed and there are no signs of a settlement of the issue. In case the Government forces enter Ras El-Jdir border crossing without previous discussions with tribal forces, this would lead to war”. Barqiq confirmed that an agreement had been reached between the Zuwara Military Council and the Chief of Staff ¹³¹ to form a Joint Force to secure the border crossing, warning that “any intervention by military forces that are not within the concluded agreement will lead to negative results.” ¹³²
27 Mar 2024	Prime Minister Dbeibah met with the deputy chief of staff, Salah al Namroush, to discuss the action of the Joint Military Force deployed to “protect” the Ras El-Jdir border crossing. During the meeting, Dbeibah underlined the need to “divert political and tribal tensions from the border” and to “follow up the work of the military force” for the protection of the border crossing. Speaking to the television station “Libya al Ahrar”, Al Namroush stated that the mission of the force - made up of seven brigades of Libyan infantry - “is to ensure security at the crossing, while avoiding political or tribal tensions”. ¹³³
27 Mar 2024	166 defense and surveillance battalion (commanded by Al Hissan), 51 brigade (commanded by Al Bakara) and 111 brigade (commanded by Zewbi) were deployed in Ras El-Jdir area. ¹³⁴
27 Mar 2024	A Joint Security Room (JSR - under Ministry of Interior), led by Abdelhakim Khaitouni was deployed in Ras El-Jdir and stationed in Al Assah. JSF held its first meeting in Al Assah to discuss the securing of the Ras El-Jdir area and the support to all security forces deployed between Sabratha and the Tunisian borders. ¹³⁵
29 Mar 2024	A meeting was held in Zuwara between members of the PC Musa Al Koni and Abdellah Al Lafi, the Chief of Staff Mohammed Haddad and civilian and military notables from Zuwara, to contain the situation in Ras El-Jdir by assigning the Chief of staff and its affiliated forces to extend security at the Ras El-Jdir border crossing. ¹³⁶
31 Mar2024	Trabelsi made a declaration about JSR heading on 1 April to Ras El-Jdir border crossing to take control of it, and that any opposition would trigger a strong response from the Ministry of Defence Joint Military Force. ¹³⁷
31 Mar 2024	During a meeting held in Al Assah, the JSR members confirmed they will head to Ras El-Jdir border post on 1 April 2024, but to assess the situation on the ground and the extent of material damage, then report on the way forward in reopening the border crossing point, in coordination with the Chief of Staff of the Libyan Army. ¹³⁸
31 Mar 2024	Protests by Tunisian merchants erupted in Ben Guerdane, Tunisia, demanding the reopening of the Ras El-Jdir border crossing. The president of the Tunisian Observatory for Human Rights, stated in a press release that merchants burnt tires in Ben Guerdane, prompting intervention by Tunisian authorities to disperse the crowds. ¹³⁹
01 Apr 2024	Elements and vehicles of 444 brigade reportedly headed to Ras El-Jdir to secure the area and take part in the ongoing operation, led by the MoD forces to secure the border, fight smuggling and trafficking. ¹⁴⁰
01 Apr 2024	Al Namroush called upon JSR to withdraw from Al Assah where its forces were stationed. ¹⁴¹
02 Apr 2024	The JSR denied the withdrawal of its members from the Ras El-Jdir border with Tunisia after footage ¹⁴² was circulated on social media showing vehicles, rumoured to be part of the Room’s convoy, leaving the border crossing. ¹⁴³

¹³⁰ <https://www.facebook.com/100063478239416/posts/926433619482571/?mibextid=rS40aB7S9Ucbxw6v>, 27 March 2024.

¹³¹ <https://bit.ly/3Ux40t2>, 29 March 2024.

¹³² <https://bit.ly/3WsaGva>, 25 March 2024.

¹³³ <https://lana.gov.ly/post.php?lang=ar&id=304623>, 27 March 2024.

¹³⁴ <https://bit.ly/3WvwdmB>, 27 March 2024.

¹³⁵ <https://twitter.com/hakomitna/status/1773357990252319097?s=48>, 28 March 2024.

¹³⁶ https://twitter.com/abaadnews_ly/status/1774095488587104292?s=48, 30 March 2024.

¹³⁷ <https://twitter.com/observatoryly/status/1774623590429901121?s=48>, 01 April 2024 and

<https://twitter.com/MinisterofInteriorgovly/status/1774602713872892113?s=48>, 01 April 2024.

¹³⁸ https://twitter.com/zawaya_ly/status/1774632769517187115?s=48, 01 April 2024 and

<https://twitter.com/alwaqielibya/status/1774896883791507802?s=48>, 01 April 2024.

¹³⁹ <https://bit.ly/4b0APFQ>, 01 April 2024 and

<https://twitter.com/laamnetwork/status/1774527086041928156?s=48>, 31 March 2024.

¹⁴⁰ https://twitter.com/lpc_ly/status/1774643003119870367?s=48, 01 April 2024.

¹⁴¹ https://twitter.com/abaadnews_ly/status/1774936027339055613?s=48, 01 April 2024.

¹⁴² https://twitter.com/address_libya/status/1774947864139182538?s=48, 01 April 2024.

¹⁴³ <https://twitter.com/laamnetwork/status/1774971949547925735?s=48>, 02 April 2024.

03 Apr 2024	A statement by the PC media office reported that Chief of Staff Mohammed Haddad provided the Head of the PC / Supreme Commander of the Army, Mohammed Menfi, with a detailed briefing on the status of the Ras El-Jdir border crossing with Tunisia, focusing on security and military aspects. ¹⁴⁴
04 Apr 2024	Khaitouni, head of the JSR, claimed his force took control of Ras El-Jdir border post from MoD joint military force. ¹⁴⁵
04 Apr 2024	President of the Tunisian-Libyan business council warned about consequences of Ras El-Jdir crisis on the regular traffic and trade. ¹⁴⁶
05 Apr 2024	When requested by the Ministry of Interior, forces from the Zuwara Military Council refused to remove the Amazigh flag from the Ras El-Jdir border crossing. ¹⁴⁷
05 Apr 2024	JSR announced that the border crossing would reopen in the following days. ¹⁴⁸
06 Apr 2024	The Directorate for Law Enforcement of JSR announced its supervision on maintenance work of passengers' passages, under the JSR. ¹⁴⁹
06 Apr 2024	Barqiq refuted the declaration made by the Ministry of Interior forces about the reopening of Ras El-Jdir border crossing before Eid Al Fitr. ¹⁵⁰
07 Apr 2024	Abdulmunem Al-Arabi, spokesperson of the Ministry of Interior, declared that only the JSR can decide the reopening of the Ras El-Jdir border crossing, considering the security situation on both sides of the border. ¹⁵¹
13 Apr 2024	The Directorate for Law Enforcement of JSR was reportedly headed to the Ras El-Jdir border crossing upon instructions of the acting Minister of Interior, Imad Trabelsi ¹⁵² to secure the border crossing.
18 Apr 2024	Abdulmunem Al-Arabi, spokesperson of the Ministry of Interior declared that the reopening of the border crossing is subject to the Director of the JSR submitting their report to acting Minister of Interior, Imad Trabelsi, regarding the security situation in Ras El-Jdir. ¹⁵³
25 Apr 2024	Following a phone call between the acting Minister of Interior of Libya and his Tunisian counterpart, the Libyan Ministry of Interior issued a press release about the importance of the Ras El-Jdir border crossing and its vital role for both countries, with an agreement to promptly reopen it. ¹⁵⁴
06 May 2024	During a meeting held in Tunisia, the Tunisian President and the Libyan acting Minister of Interior discussed the prospects of joint security cooperation and procedures for reopening the Ras El-Jdir border crossing. ¹⁵⁵
07 May 2024	According to the Libyan Ministry of Interior, the JSR has resumed its operations. The Panel could not verify this claim. On the same day, JSR reportedly met with the Tunisian Border Police to further discuss the prospects of joint security cooperation. ¹⁵⁶
12 Jun 2024	Tunisia and Libya have agreed to partially re-open Ras El-Jdir BCP as of 13 June 2024, following a security agreement reached in Tripoli between officials from both countries.
19 Jun 2024	Ministry of Interior announces the postponement of the BCP reopening to the public. ¹⁵⁷
22 Jun 2024	Armed groups from Zuwara closed the coastal road to Abu Kammash – Ras El-Jedir, in protest against their exclusion by the acting Minister of Interior Trabelsi and to negotiate a deal for the border crossing reopening. ¹⁵⁸
24 Jun 2024	Prime Minister Dbeibah discusses with the representatives from the municipality and notables of Zuwara their conditions for the reopening of the coastal road and of the Ras El-Jdir crossing. ¹⁵⁹
28 Jun 2024	Prime Minister Dbeibah declares the area from Abu Kammash to Ras El-Jdir a military zone under the exclusive control of the GNU. ¹⁶⁰

¹⁴⁴ <https://lana.gov.ly/post.php?lang=ar&id=304941>, 03 April 2024.

¹⁴⁵ <https://twitter.com/ashraforaibi/status/1776015177202229525?s=48>, 04 April 2024 and <https://ar.libyaobserver.ly/article/27575>, 04 April 2024.

¹⁴⁶ <https://bit.ly/4dpZg15>, 04 April 2024.

¹⁴⁷ https://twitter.com/address_libya/status/1776359799032324164?s=48, 05 April 2024.

¹⁴⁸ https://twitter.com/wady_dynar/status/1776356875845460258?s=48, 05 April 2024.

¹⁴⁹ https://twitter.com/zawaya_ly/status/1776586905208963186?s=48, 06 April 2024.

¹⁵⁰ <https://bit.ly/3ULb4Un>, 06 April 2024.

¹⁵¹ https://twitter.com/abaadnews_ly/status/1777102356326367576?s=48, 07 April 2024.

¹⁵² <https://twitter.com/lbkb245941/status/1779494156294828123?s=48>, 14 April 2024.

¹⁵³ <https://twitter.com/libyapress2010/status/1780964413417070935?s=48>, 18 April 2024.

¹⁵⁴ <https://bit.ly/3y5UFAV>, 25 April 2024.

¹⁵⁵ <https://tinyurl.com/29thu65w>, 06 May 2024.

¹⁵⁶ <https://tinyurl.com/2s4ybs5f>, 07 May 2024. 07 May 2024.

¹⁵⁷ https://x.com/wady_dynar/status/1803414556363956652?s=48, 19 June 2024.

¹⁵⁸ <https://x.com/shabakaalahrar/status/1805255855354380755?s=12>, 24 June 2024.

¹⁵⁹ <https://x.com/observatoryly/status/1805298341808685338?s=48>, 24 June 2024.

¹⁶⁰ <https://x.com/MouradTeyeb/status/1806746517899801056>, 28 June 2024.

1 Jul 2024	Ministry of Interior announces the official reopening of the Ras El-Jdir BCP. ¹⁶¹
1 Jul 2024	Khaitouni announced the reopening of Ras El-Jdir crossing from the Libyan and Tunisian sides, and reminds travelers that carrying fuel out of Libya is prohibited. ¹⁶²
20 Jul 2024	Clashes between local population and Zuwaran armed groups erupted at the BCP, without any intervention by the GNU Ministry of Interior. ¹⁶³
29 Jul 2024	Armed clashes erupted between forces affiliated with the GNU Ministry of Interior and armed groups from Zuwara. ¹⁶⁴
17 Aug 2024	Deployment of armed element of the Zuwara Military Council around Ras El-Jdir.
22 Aug 2024	The Ras El-Jdir border crossing has been blocked due to deployment of Zuwaran armed groups and eruption of clashes with security actors affiliated with the Ministry of Interior, to regain control of the BCP. ¹⁶⁵
26 Aug 2024	The Directorate for Law Enforcement (JSR) announces the cessation of all outbound transit and traffic for undetermined reasons. ¹⁶⁶
27 Aug 2024	The Directorate for Law Enforcement (JSR) announced that the situation is under control and that the transit can resume starting 28 August 2024. ¹⁶⁷
27 Aug 2024	In a press statement, Al-Namroush announces the reopening of the coastal road, between Abu Kamash and Ras El-Jdir crossing. ¹⁶⁸
29 Aug 2024	Armed clashes erupted in Abu Kamash area, west of the Ras El-Jdir crossing, between Al-Namroush forces and the Zuwara armed groups, with injuries and casualties reportedly on both sides. ¹⁶⁹
1 Sep 2024	Local armed groups closed the road between Tripoli and Ras El-Jdir following to the assassination of Mohammed Milad (Bidja). ¹⁷⁰
4 Sep 2024	The National Institute of Business Leaders in Tunisia estimated that the economic losses resulting from the closure of the Ras El-Jdir crossing between Libya and Tunisia for several months amounts to 180 million Tunisian dinars (about 60 million dollars). ¹⁷¹
8 Oct 2024	The president of the Tunisian Observatory for Human Rights stated that Tunisia has been facing major losses because of the closure of commercial traffic with Libya, between March and October 2024. ¹⁷²
14 Oct 2024	The Directorate for Law Enforcement of JSR announced that on Saturday 19 October 2024, the official reopening ceremony of the Ras El-Jdir BCP will take place, and the commercial traffic with Tunisia will resume. Strict rules have been established for the truck drivers wishing to cross through the BCP. ¹⁷³

¹⁶¹ <https://x.com/MouradTeyeb/status/1807797438742220993>, 1 July 2024.

¹⁶² <https://x.com/Laamnetwork/status/1807849287432196280>, 1 July 2024.

¹⁶³ <https://x.com/observatoryly/status/1814464670100795822?s=48>, 20 July 2024.

¹⁶⁴ <https://x.com/LibyanNewsAl/status/1817689729049227305>, 29 July 2024.

¹⁶⁵ <https://x.com/MouradTeyeb/status/1826897124971131246>, 23 August 2024.

¹⁶⁶ <https://x.com/TanasuhTV/status/1828151077646024876>, 26 August 2024.

¹⁶⁷ https://x.com/taha_hadeed/status/1828509061773697098, 27 August 2024.

¹⁶⁸ https://x.com/libyapress_2010/status/1828522905568760313, 27 August 2024.

¹⁶⁹ https://x.com/Al_Mutasem_Al_F/status/1829201092774945207, 29 August 2024.

¹⁷⁰ <https://x.com/AlHadath/status/1830328803916198332>, 1 September 2024.

¹⁷¹ <https://tinyurl.com/4zx8r7hf>, 4 September 2024.

¹⁷² <https://x.com/arraedlgplus/status/1843721065346044318>, 8 October 2024.

¹⁷³ https://x.com/zawaya_ly/status/1845919610920685825, 14 October 2024.

Annex 17 Security oriented external relations of LAAF towards Niger and Chad, spearheaded by Saddam Haftar

1. Following seven high-level regional visits, including two by Saddam Haftar, LAAF expanded its influence in neighbouring countries, particularly through providing security assistance to Chad and Niger in guarding borders and key land routes between the three countries (paragraph 29 of the Report). This broader strategy not only sought to control Libyan borders, but also enabled Saddam Haftar to leverage regional instability to spearhead security-oriented external relations with neighbouring states.

Table 17.1

Meetings between Niger and LAAF, and Chad and LAAF.

<i>Date and location</i>	<i>Country</i>	<i>Meeting</i>	<i>Comment</i>
28 December 2023 Benghazi, Libya	Niger	Meeting between the Nigerien Minister of Foreign Affairs and GNS prime minister Hammad. ¹⁷⁴	Migration and border security.
25 February 2024 Benghazi, Libya	Niger	Meeting between Nigerien Prime Minister and GNS Minister of Foreign Affairs. ¹⁷⁵	Economy, trade and development.
June 2024 N'Djamena, Chad	Chad	Meeting between Saddam Haftar and President Mohamed Idriss Déby. ¹⁷⁶	Military and security cooperation, border management.
15 August 2024 Benghazi, Libya	Niger	Meeting between Nigerien Minister of Interior and his Libyan GNS counterpart. ¹⁷⁷	Reactivation of pre-existent security agreement and creation of joint border patrols.
16 August 2024 Benghazi, Libya	Niger	Meeting between LAAF secretary general and Nigerien Minister of Interior. ¹⁷⁸	Border security, movements of LAAF troops in the border area between Niger and Libya.
30 August 2024 N'Djamena, Chad	Chad	Meeting between Hammad (GNS) and President Mohamed Idriss Déby. ¹⁷⁹	Logistical support to Chad, particularly in securing the borders and regional economic agreements.
31 August 2024 Niamey, Niger	Niger	Meeting between Saddam Haftar and General Abdourahmane Tchiani, head of the transitional Government in Niger. ¹⁸⁰	Finalisation of agreements on a joint security and trade project, including border security.

A. Niger

2. The LAAF has focused on providing security support to Niger in the border area, with the objective of: a) strengthening LAAF troops presence; b) controlling key trade and trafficking routes; and c) establishing a stable trade zone along the shared border.¹⁸¹ By providing security in these regions, the LAAF aims to facilitate increased cross-border exchanges while asserting control over key supply chains. This strategy not only strengthens LAAF's economic influence but also enhances its role as a dominant security actor in the region, particularly in the context of the ongoing instability in Niger.

B. Chad

3. LAAF has been actively working to clear Chadian opposition groups and traffickers from the Libyan border regions. Chad has also been cooperating with LAAF in pursuing Chadian opposition groups that maintain rear bases in southern

¹⁷⁴ <https://tinyurl.com/ytekd3u4>, 1 February 2024.

¹⁷⁵ <http://www.anp.ne/article/niger-le-premier-ministre-lamine-zeine-s-entretient-avec-le-ministre-libyen-des-affaires>, 25 February 2024.

¹⁷⁶ <https://alakhbar.info/?q=node/54370>, 3 June 2024.

¹⁷⁷ <https://fr.africanews.com/2024/08/22/libye-le-rapprochement-entre-le-niger-et-le-camp-haftar-continue/>, August 2024.

¹⁷⁸ <https://tinyurl.com/53cvzm9n>, 17 August 2024.

¹⁷⁹ <https://libyasecuritymonitor.com/hammad-and-saddam-haftar-address-security-cooperation-in-sahel-tour/>, August 2024.

¹⁸⁰ <https://libyasecuritymonitor.com/hammad-and-saddam-haftar-address-security-cooperation-in-sahel-tour/>, August 2024.

¹⁸¹ CS (Nigerien official sources).

Libya.¹⁸² In a recent case, during a visit by Chadian Minister of Defence to Niger,¹⁸³ a group of Chadian nationals was repatriated to Chad with the assistance of Nigerien authorities. Officially, these individuals were portrayed as members of opposition groups to N'Djamena, returning from southern Libya under the amnesty program led by President Mahamat Idriss Deby.

4. However, the Panel found that these Chadians were apprehended in southern Libya by LAAF forces. They were indeed affiliated with groups opposed to the Chadian government, and their repatriation was facilitated by Niger as part of the implementation of a broader security agreement between Chad and Libya. Amidst ongoing regional instability, the presence of Chadian foreign fighters in Libya continues to impact the security situation in both countries.

C. Mali

5. The newly developed security cooperation between Libya and Mali¹⁸⁴ focuses on tightening Libya's southwestern borders to restrict the movement of fighters coming from northern Mali to the Ghat area in Libya. Although the two countries do not share a direct border, this cooperation is crucial to Malians as Tuareg opposition groups leverage their tribal connections to use Libya as a hideout. Following significant losses by the Malian Armed Forces and their foreign allies in late July 2024, Malian Transitional Authorities sought regional support to disrupt routes used by Tuareg fighters, civilians, and traffickers alike, to limit their movement and logistical support flowing into northern Mali.

¹⁸² CS (Chadian officials and armed groups).

¹⁸³ <https://tinyurl.com/5cc8exmy>, 9 May 2024.

¹⁸⁴ CS (diplomatic sources).

Annex 18 5+5 Joint Military Commission and creation of a Joint Military Force

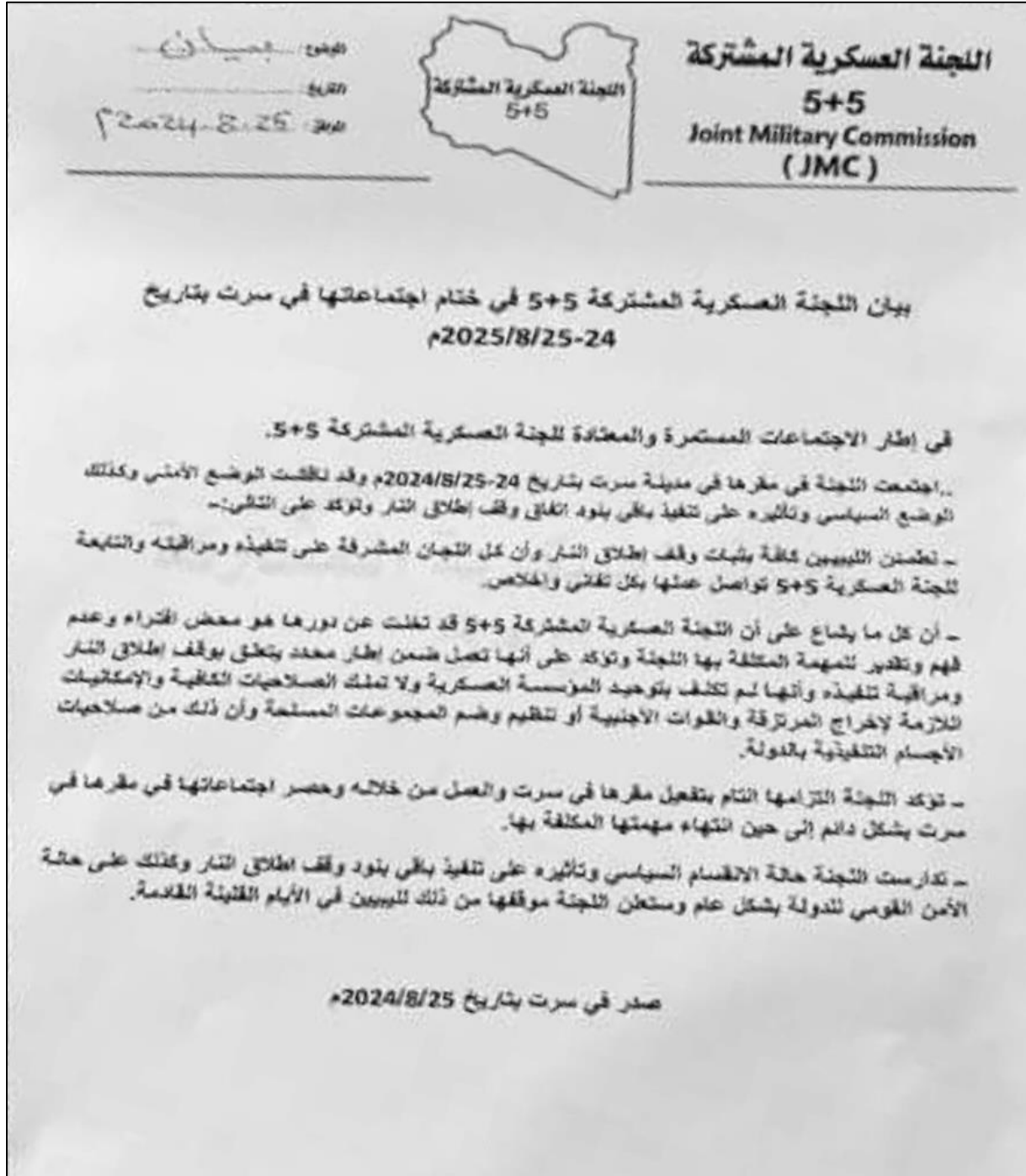
1. Despite the announcement from both Chiefs of Staff to commence the formation of the JMF (Joint Military Force) under the auspices of the 5+5 JMC (Joint Military Commission),¹⁸⁵ no concrete steps have been taken to implement that unification process.
2. Chief of Staff Mohammed Al-Haddad informed the Panel about regular exchanges with his counterpart in the east, Chief of Staff Abdel Razek al-Nadori,¹⁸⁶ that resulted in a joint assessment of preliminary operational parameters for the JMF deployment, including the required number of personnel, military equipment, and locations. The two Chiefs of Staff agreed on the purpose of the JMF to entail a) the protection of Libyan borders, b) the confidence building between the western and eastern regions of the country, and c) the unification of military and security institutions. Yet, discussions between both Chiefs of Staff failed to yield an agreement on key parameters.
3. The creation of the JMF did not materialise due to challenges inherent to the security and political situation in the country. Key issues included differing views on the authority delegated to each of the Chiefs of Staff and concerns over the chain of command within the JMF. There also is apprehension on both sides about the potential subordination of experienced personnel with extensive military backgrounds to lower-ranking counterparts, who may lack formal military training. This deadlock is rooted in two main challenges: a) the west's limited capacity to manage a unified force, given the lack of cohesive military institutions and the growing influence of local armed groups, and b) the Haftar family's dominance over LAAF, resulting in a concentration of power which resists integration into a unified military structure.
4. The key stakeholders in Tripoli, including the GNU and the PC, consider that Chief of Staff al-Nadori lacks decision-making powers in the process. Instead, those powers are exclusively held and controlled by the Haftars. This generates unjustified delays and impediments to any potential creation of the JMF and implementation of unification.
5. The LAAF command informed the Panel that the position of the Chief of Staff in Tripoli has not been able to control armed groups that continue to operate outside of his command and control. This position is further formed by the overall perception that western armed groups lack the military competence and professionalism necessary to carry out the JMF tasks.
6. Following its meeting on 25 August 2024 in Sirte, the 5+5 Joint Military Commission (JMC) reaffirmed its commitment to maintaining the October 2020 ceasefire. The JMC emphasised that military reunification falls outside the scope of its mandate and noted that this is the state's executive bodies responsibility. While expressing concerns about the continued presence of mercenaries, the Commission reassured Libyans that the ceasefire remains stable and that all committees tasked with monitoring its implementation are working diligently. The meeting also addressed the broader political situation's impact on national security and the ceasefire agreement.

¹⁸⁵ Announcement made during the annual African Chiefs of Defence Conference, held in Rome from 27 February 2023 and 2 March 2023.

¹⁸⁶ The Panel sought a meeting with Chief of Staff Abdel Razek al-Nadori. The request is still pending a response.

Figure 18.1

Final statement by the 5+5 Joint Military Commission following its 24-25 August 2024 meeting in Sirte.



Source: Confidential.

Unofficial translation by the Panel of Experts

Statement of the 5+5 Joint Military Committee at the Conclusion of its Meetings in Sirte, 24-25 August 2024

In the context of its ongoing and regular meetings, the 5+5 Joint Military Committee convened at its headquarters in Sirte on 24-25 August 2024, to discuss the security and political situations and their impact on the implementation of the key provisions of the ceasefire agreement, and it emphasizes the following:

- The Committee reassures all Libyans of the continued stability of the ceasefire. All committees overseeing the implementation and monitoring of the ceasefire, affiliated with the 5+5 Joint Military Committee, remain fully committed and dedicated to their work.
- The Committee strongly refutes rumours that it has abandoned its role. Such claims are baseless and reflect a misunderstanding of the mission entrusted to the Committee, which remains focused on overseeing the ceasefire's implementation. The Committee clarifies that it is not responsible for unifying the military establishment, nor does it have the necessary authority or capacity to expel mercenaries and foreign forces or to organize and integrate armed groups. These tasks fall within the jurisdiction of the state's executive bodies.
- The Committee reaffirms its full commitment to activating its permanent headquarters in Sirte and to holding all future meetings exclusively at this location until the completion of its mission.
- The Committee also examined the current state of political division and its impact on the remaining provisions of the ceasefire, as well as the broader implications for national security. It intends to announce its position on these issues to the Libyan people in the coming days.

Issued in Sirte on 25 August 2024

Annex 19 Shifting stance of LAAF towards Chadian fighters

1. The Panel previously identified a tacit agreement between Front pour l'Alternance et la Concorde au Tchad (FACT) and HAF (Haftar Affiliated Forces),¹⁸⁷ facilitating HAF's management of relations with Tubu tribes and their control over border areas and roads. However, given the security struggle between FACT and the Chadian government and the risk of eruption of armed clashes between them on Libyan soil,¹⁸⁸ the LAAF general command recalibrated their stance towards FACT so as not to jeopardize its relations with Chad. Figure 19.1 contains a press release by FACT expressing the risk of eruption of armed conflict on Libyan soil.


2. On 23 August 2023, a few days after Chadian authorities targeted FACT positions in northern Tibesti, close to the Libyan border, the LAAF launched air strikes against FACT positions,⁸¹ followed by the deployment of ground fighting units in Umm al-Aranib.⁸² The objective of the LAAF operations was to a) prevent Libya from becoming a rear base for Chadian fighters preparing attacks against their national authorities;⁸³ and b) prevent the outbreak of armed conflict among Chadians within Libyan borders. The LAAF justified its air strikes based on its assessment that FACT represented a security threat. This was because a) FACT presence in Libya comprised 2,000 fighters and 400 armed vehicles; b) FACT continued exploitation of the war economy in the border area to generate revenues from illegal exploitation of Libyan natural resources, particularly gold and oil; and c) FACT launched incursions against the Chadian transitional government.

¹⁸⁷ See S/2023/673, paragraph 38.

¹⁸⁸ <https://www.facebook.com/watch/?mibextid=zDhOQc&v=1042893840414618>, 23 August 2023.

Figure 19.1

Press release issued by FACT on 18 August 2023, accusing the Chadian Transitional Authorities of preparing an incursion on Libyan territory



FRONT POUR L'ALTERNANCE ET LA CONCORDE AU TCHAD(FACT)

Unité-Travail-Justice

18 AUG 2023

COMMUNIQUE DE PRESSE N° 004/BF/EU/SG/2023

Le Front pour l'Alternance et la Concorde au Tchad porte à la connaissance de l'opinion nationale et internationale qu'après le survol aérien avant hier de nos positions, la milice de la junte vient de bombarder notre base et nous déplorons trois (3) morts et quatre (4) blessés.

Nous tenons à rappeler que malgré notre bonne volonté pour trouver une solution pacifique à la crise qui mine notre pays, la junte militaire au pouvoir, après avoir échoué dans la gestion de la transition vient de nous déclarer la guerre.


Confortée et rassurée par la communauté internationale dans sa dérive dictatoriale contre la population civile et les forces vives de la nation par son mutisme, la junte prépare aujourd'hui une incursion en territoire libyenne pour attaquer notre base arrière afin de faire taire toute voix discordante.

Eu égard à cela, le FACT rompt le cessez-le-feu unilatéral qu'il a déclaré en avril 2021, et rassure la junte que sa réaction sera foudroyante et sans retenue.

Notre marche vers la liberté est irréversible,
Peuple tchadien, ta liberté naîtra de ton courage,
Vive la résistance nationale, Vive le peuple tchadien.

Fait à Tanoua, le 18 août 2023
Le Secrétaire Général Exécutif
Mahamat Barh Bechir Kendji
P/O Le Secrétaire Général du Bureau Fédéral FACT-EUROPE
AHMAT BRAHIM
contact.fact.tchad@gmail.com

Secrétariat Général
Bureau de la Fédération
FACT Europe



Source: FACT official Facebook page.¹⁸⁹

¹⁸⁹ <https://www.facebook.com/watch/?mibextid=zDhOQc&v=1042893840414618>, 23 August 2023.

Annex 20 Coercive quasi-judicial systems under the effective control of DACOT and ISA-Tripoli

1. This annex presents evidence of serious violations of international humanitarian law (IHL) and international human rights law (IHRL) against individuals arrested and detained in temporary and permanent places of detention: 1) under the control of DACOT (appendix 20.A); and 2) under the control of ISA-Tripoli (appendix 20.B). The Panel identified that both DACOT and ISA-Tripoli committed identified IHL and IHRL violations through well-developed coercive quasi-judicial systems that the commands of two armed entities created in misuse of the Libyan judicial system (see appendixes 20.A and 20.B).

Appendix A to Annex 20: Violations of IHL and IHRL committed in places of detention under the control of DACOT

1. The Panel identified eight incidents of unlawful detention, enforced disappearance, torture and other ill-treatment committed against civilians deprived of liberty in coordinated detention operations by members of DACOT and the Judicial Police Operations Department acting under the effective control of the DACOT.¹⁹⁰ These acts were administrated through a coercive quasi-judicial system that the DACOT command has lawlessly enforced to keep detainees outside the protection of Libyan judicial system. This system was composed of:

(a) *DACOT command* – responsible for issuing orders and directives on the execution of arbitrary and unlawful arrests and detentions);

(b) *elements of DACOT units and the Judicial Police Operations Department* under the DACOT command's effective control – in charge of executing the order to arrest and manage detainees to places of detention;

(c) *individuals working at the Military Attorney General's office* – responsible of issuing prosecutorial documentation required to justify the arrests and judicial proceedings against the selected detainees; and

(d) *individuals managing DACOT's temporary and permanent detention facilities*, including the Mitiga detention facility, used for the administration of arbitrary and unlawful detention and associated IHL and IHRL violations. Among DACOT commanders, the Panel identified Osama Najim, commander of the Judicial Police Operations Department and deputy director of the Judicial Police, among the most responsible for the management and coordination of unlawful detentions and associated IHL and IHRL violations that took place under his orders at the Mitiga detention facility.

Decision to detain and its enforcement

2. The eight victims were selected for arbitrary and unlawful arrest in an organised manner based on: a) their social engagements that challenged DACOT's authority; b) the calculated value that their detention would have for leveraging DACOT's alliances with other Libyan armed groups, including ISA in Tripoli, Hafedh Al-Azraq in Tarhuna, and elements of LAAF command in Benghazi;¹⁹¹ and/or c) the coercive impact that their detention and severe mistreatment would have on their immediate communities to obey DACOT's instructions and not to interfere its interests. DACOT units and the Judicial Police Operations Department enforced DACOT command's orders to unlawfully deprive of liberty the eight victims.

Administration of the decision to detain

3. Upon their unlawful arrest, among eight victims, three were temporarily held at the Judicial Police Operations Department HQ before being transferred to the Mitiga detention facility. Six witnesses gave accounts consistent with the Panel's previous reports¹⁹² that identify a systematic pattern of violent acts amounting to unlawful detention, enforced disappearance, torture, cruel, inhuman and/or degrading treatment, committed in the Mitiga detention facility in Tripoli under the effective control of DACOT.¹⁹³ The Mitiga detention facility was an integral part of this coercive quasi-judicial system. DACOT restructured this facility for the purpose of inducing the mistreatment. Four former detainees testified being tortured in three distinctive interrogation rooms equipped with means designed solely for the purpose of inflicting acts of torture upon detainees.

4. Detainees were held in continuous incommunicado detention and subjected to other mistreatment methods, often inflicted in combination. These methods included being subjected to regular beatings, prolonged solitary confinement, prolonged stress positions, during which two victims were chained by the wrists or torso on a hoist¹⁹⁴ while being

¹⁹⁰ Panel interviews with former detainees, family members and eyewitnesses (CSIHL-24, 31, 32, 34, 37, 42, 141 and 145). Where a victim was unable to give testimony due to an ongoing detention, the Panel interviewed an immediate family member.

¹⁹¹ Panel interviews with victims (CSIHL-32 and 37), family members (CSIHL-31, 34 and 42), and eyewitnesses (CSIHL-18, 33 and 43). Known locations of all established detention facilities and other places used for detention of migrants can be found in annex 17.

¹⁹² Articles 7, 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR). See e.g. S/2021/229, para. 35; S/2022/427, para. 39; and annex 21; S/2023/673, paras. 44; and annex 16.

¹⁹³ Articles 7 and 9 of the ICCPR.

¹⁹⁴ In their testimonies, detainees referred to this torture method as "*branco*".

continuously beaten and kicked for hours throughout the days in detention, being threatened with death and torture of detainees' family members; and being exposed to regular brutality perpetrated on fellow inmates. Beatings were administered with plastic tubes on the head and body. Three victims were subjected to torturous interrogations and harsh mistreatment with the purpose of obtaining compliance from, and extracting information about, their immediate family members. In addition, all eight victims were deprived of basic needs, including access to adequate food, hygiene, and sleeping facilities.

5. During their imprisonment in the detention facilities, detainees were severely beaten with various objects, such as rifles, metal bars, baseball bats, metal chains, police batons, and chair legs. The detainees were beaten on all parts of their bodies, and many of them suffered serious injuries. Some prisoners were beaten while undergoing interrogation.

DACOT's recruitment strategy in misuse of Libyan judicial system

6. The Panel found that DACOT further misused the Libyan judicial system to recruit fighters from prisons and other detention facilities under its direct or indirect control into the Judicial Police Operations Department that is under DACOT's effective control. Due to its poor reputation among the general public and tensions with other Tripoli-based armed groups, DACOT struggled to recruit fighters and maintain its control over part of the Libyan capital. Under the orders of DACOT's top commander Abdelraouf Kara and in coordination with DACOT's associates at senior positions in the penitentiary system in Tripoli, Najim leveraged his responsibilities as a manager of several prisons within that system to recruit prisoners serving significant sentences, offering them freedom in exchange for joining the Judicial Police Operations Department.¹⁹⁵

7. Prisoners who agreed to Najim's recruitment offer received a several-week training of basic weapons handling and intervention before being issued uniforms and firearms.¹⁹⁶ These recruits were predominantly deployed to man posts in territories controlled by DACOT, under the pretence of traffic regulation—a responsibility outside the Judicial Police Operations Department's official mandate.¹⁹⁷ The Panel confirmed a specific case involving an individual sentenced to eight years in prison, who was later seen in uniform, armed, and using an armed vehicle.¹⁹⁸ The Panel concluded that DACOT's recruitment methods further undermined State authority and accountability mechanisms.

DACOT's response to the Panel's findings

8. DACOT contested the above Panel's findings, presenting four main arguments to demonstrate that it has no responsibility for the identified violations of IHL and IHRL. First, DACOT claimed that it has no responsibility for managing any internal matters of the "Tripoli Reform and Rehabilitation Institution" (i.e., Mitiga detention facility). In this regard, it emphasised the need to distinguish between DACOT and the Judicial Police, which operated under the authority of the Libyan Ministry of Justice and is responsible for the management and internal security of the Mitiga detention facility. DACOT maintained that its mandate has been strictly limited to countering terrorism and organised crime (e.g., drug trafficking, human trafficking, etc.) while only providing external security to the Mitiga detention facility.¹⁹⁹ Second, DACOT pointed out its proactive accountability to relevant State institutions by submitting annual reports on the implementation of its mandate.²⁰⁰ Third, to improve the compliance with the law, in close cooperation with the Office of the Attorney General, DACOT established an investigation committee mandated to monitor the implementation of procedural safeguards and other human rights standards in cases of arrest and detention under DACOT's responsibility.²⁰¹ Fourth, DACOT highlighted its cooperation with Libyan civil society organisations and open communication channels to receive complaints related to its operations.²⁰²

¹⁹⁵ CSAG (armed group members).

¹⁹⁶ CSAG (armed groups members); access to relevant confidential video material is available upon request.

¹⁹⁷ CSAG (armed groups members).

¹⁹⁸ CSAG (armed group members).

¹⁹⁹ Supporting documentation for this argument included: 1) Decision of the Office of the Attorney General no. 5446-11, dated 30 October 2017 (mandating Special Deterrence Force at the time to provide external security to the Mitiga detention facility); and 2) a research paper "DACOT vision for combating terrorism", dated 2024.

²⁰⁰ Supporting documentation for this argument included: 1) Letter from the President of the Supreme Judicial Council no. 88, dated 11 January 2024 (confirming the receipt of DACOT statistical report on criminal and security-related cases managed by DACOT for year 2023); and 2) Letter from the Minister of State for Presidential Affairs at the Prime Minister's Office, dated 10 January 2024 (confirming the receipt of DACOT annual report for year 2023).

²⁰¹ In support of this argument, although not enclosing it, DACOT referred to the Decision of the Office of the Attorney General no. 2021/160, dated 10 June 2021.

²⁰² DACOT response of 29 October 2024.

9. The Panel examined extensive testimonial and documentary evidence it has collected since June 2021, which included accounts from fourteen former detainees held at the Mitiga detention facility and five individuals who witnessed violations being committed at that facility. Among these, five former detainees and three eyewitnesses identified Osama Najim as directly responsible for ordering and personally committing acts of torture and other forms of ill-treatment as part of an organisational policy of managing the Mitiga detention facility. The Panel corroborated these testimonies with independent documentary evidence, including medical reports, official judicial decisions, and DACOT internal documentation, as well as with reliable third-party sources that all confirmed both the systematic nature of violations of IHL and IHRL and the responsibility of DACOT personnel for those violations.

Appendix B to Annex 20: Violations of international human rights law committed in places of detention under the control of ISA-Tripoli

1. The Panel identified Lotfi Harari, the Head of ISA-Tripoli (or ISA), as directly responsible for five cases of unlawful arrest and detention, enforced disappearance, cruel, inhuman and degrading treatment committed in temporary detention facilities under the ISA control.²⁰³ These violations were facilitated through a coercive quasi-judicial system that Lotfi Harari, in his capacity as the Head of ISA-Tripoli developed in misuse of Libyan judicial system.²⁰⁴

Decision to detain and its enforcement

2. Lotfi Harari personally identified victims for unlawful arrest as a form of intimidation and punishment for the perceived victim's behaviour that conflicted ISA-Tripoli's authority and interests. Based on Harari's orders, ISA elements arrested the five victims on unsubstantiated grounds. Methods of arrests included elements of ISA abducting victims in public spaces or in their homes and transferring them to detention places in buildings under the ISA control. To legitimise the unlawful conduct, ISA deliberately misinterpreted Libyan legislation on permissible grounds for detention with no intention to hold independent and impartial court proceedings. for argued offences under national laws.

Administration of the decision to detain

3. Upon arrest, victims were transferred to unofficial temporary detention facilities under the ISA-Tripoli's direct control where they were detained for up to 72 hours without any review of their detention, and without knowing the crimes for which they were charged. ISA-Tripoli further exploited the legal limit of 72 hours for detention without charges to subject victims to mistreatment and harsh interrogations with the intention to coerce the victims to obey Harari's authority and instructions. ISA-Tripoli violated victims' procedural rights and in particular a) to be informed promptly of the nature and cause of the accusation against him or her, b) to be presumed innocent until proved guilty according to law, c) to have legal assistance, d) the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law, and e) to be brought promptly before a judge or other officer authorised by law to exercise judicial power and to trial within a reasonable time or to release.

4. A distinguished pattern of these violations was a systematic use of video recordings of forced confessions on false charges in public to humiliate the victims in violation of their procedural fair trial rights (see also annex 22).²⁰⁵ Detainees were verbal abused and threatened with death and torture to sign confessions that they did not even see before signing the confessions. The Panel identified that Lofti Harari directed and personally participated in the mistreatment and harsh interrogations of detainees under coercive circumstances. Following the 72-hour time limit, victims were either transferred to detention facilities under the DACOT's control where they were subjected to serious IHL and IHRL violations (see appendix 20.A) or were released on parole system administrated by the Office of the Attorney General.

ISA-Tripoli's response to the Panel's findings

5. ISA-Tripoli contested the Panel's findings on the responsibility of the Head of ISA-Tripoli for identified violations of IHL and IHRL based on three arguments. First, ISA contended the Panel's findings specifically related to the denial of fair trial rights, arguing that trial proceedings fall outside its mandate. Second, ISA argued that its mandate and work methods are confined by the national legislative framework that guarantees basic human rights and fundamental freedoms under the Libyan Constitution as well as specialised laws such as the Criminal Code and Criminal Procedure Code, which protects procedural and judicial guarantees in cases of arrests and pre-trial detentions. Third, ISA stated that its leadership operated under a collective decision-making process led by professionally trained personnel and that it "cannot be reduced to the management and desires of one person." In that regard, ISA further argued that the "position of the Head of Internal Security Agency is a legal status that is obligated to adhere to the law establishing the service, its tasks and competences." ISA did not provide any supporting documentation to substantiate these claims or to investigate the Panel's findings.²⁰⁶

6. Based on extensive testimonial and documentary evidence that it collected since June 2021, the Panel has identified not only a consistent pattern of violations of IHL and IHRL that took place in location under the effective control of ISA in Tripoli over the past four years but also the direct responsibility of the Head of ISA for these violations. Having examined

²⁰³ Common Article 3; articles 7 and 9 of the ICCPR.

²⁰⁴ Panel interviews with victims and eyewitnesses (CSIHL-08, 21, 142-145)

²⁰⁵ Article 14 of ICCPR.

²⁰⁶ ISA response of 25 October 2024.

corroborative evidence gathered from independent sources, the Panel is persuaded by the consistent and credible accounts of former detainees covering different periods of time and describing the same locations and the same conduct of unlawful deprivation of liberty and mistreatment that took place at those location. Specifically on violations of due process rights, in addition to consistent independent accounts of five victims being coerced into confessions, the Panel identified abovementioned violations of IHL and IHRL and in particular violations of fair trial rights based on the analysis of ISA's official communication platforms where ISA has been openly publicising video recordings of confessions of identified victims forced and recorded under mistreatment and intimidation.

Annex 21 Violations of international humanitarian law and international human rights law committed in the Barghathi case by LAAF units

1. The Panel interviewed seven witnesses and obtained 16 elements of documentary evidence, including forensic reports, death certificates, and burial permits, in regard to alleged violations of IHL and IHRL committed by the LAAF units responsible for the attack against the 204 brigade and its commander Al-Mahdi Al-Barghathi (also former GNA Minister of Defence (2016-2017)) on 6 October 2023 in Al-Salman neighbourhood in Benghazi.²⁰⁷ These acts amounted to violence to life and person, in particular murder, cruel treatment and/or torture, arbitrary detention, enforced disappearance, and violations of procedural fair trial rights.²⁰⁸
2. On 21 October 2024, the Panel received LAAF's response to the Panel's preliminary findings on the Barghathi case. LAAF stated that the incident of 6 October 2023 was LAAF's security operation initially conducted by ISA-Benghazi elements to neutralise terrorist "Al-Salman cell" that Al-Barghathi commanded with the plan to execute a terrorist attack in Benghazi.²⁰⁹ Upon discovering its positions, ISA-Benghazi was attacked by the 204 brigade, prompting reinforcements from TBZ brigade and 20-20 battalion units. LAAF further stated that the armed clashes between the LAAF and the 204 brigade resulted in death and injuries of involved LAAF elements, and detention of elements of 204 brigade and individuals directly associated with it.
3. The nature and consistency of the evidence that the Panel gathered from independent sources, including authenticated imagery and eyewitnesses accounts, established the factual circumstance of the investigated incident of 6 October 2023 and associated IHL and IHRL violations that rebut the information submitted by LAAF.

A. The attack of 6 October 2023

4. The attack took place on 6 October 2023, the same day when Al-Barghathi returned to Benghazi after a decade-long rivalry and fighting against the LAAF before the October 2020 ceasefire agreement. Deployed LAAF units, including elements of the TBZ brigade, 20-20 battalion, and HAF-ISA in Benghazi, attacked Al-Barghathi, members of the 204 brigade under his command, and civilians perceived as associated with Al-Barghathi, during the family celebratory gathering at the Barghathi family house (see Figure 21.1). In the attack, LAAF units:
 - a) deprived of liberty 13 members of the 204 brigade and over 35 civilians, including Al-Barghathi's family members and relatives; and
 - b) carried out violent house searches, plundered and destroyed targeted civilian dwellings in Al-Salman neighbourhood, including the Al-Barghathi family house (see Figures 21.3 and 21.4).²¹⁰ In addition, the attackers vandalised and sprayed the inside of the Al-Barghathi family house with degrading and abusive language (see Figures 21.5 and 21.6).
5. Women and children were separated from men and held captive in arbitrary detention in the family house for several days under degrading conditions. Thirty-seven male detainees, including Al-Barghathi and his son, were transferred to initially undisclosed locations. Of them, 31 were forcibly disappeared and/or kept in incommunicado detention following the attack. The Panel identified that some members of the 204 brigade and Barghathi's family members were detained in the detention facility under the exclusive control of the TBZ brigade at its HQ military base in Sidi Faraj in Benghazi.²¹¹

²⁰⁷ Panel interviews with witnesses (CSIHL-24, 35, 38, 45, 46, 83, and 84).

²⁰⁸ Common Article 3 of the Geneva Conventions, and articles 4, 5 and 6 of the Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims in Non-International Armed Conflicts (Protocol II); articles 6, 7, 9 and 14 of the ICCPR; UN Human Rights Committee, *General Comment No. 35*, CCPR/C/GC/35, 16 December 2014.

²⁰⁹ LAAF response of 21 October 2024. LAAF linked this plan to alleged Al-Barghathi's ties with terrorist groups active in Libya and his involvement in the killing of 145 *hors de combat* and civilians that took place at LAAF's Brak Al-Shati military base on 18 May 2017.

²¹⁰ Article 4(2)(g) of Additional Protocol II; customary IHL rule 50.

²¹¹ On the detention facility under the TBZ brigade's control, see S/2022/427, paragraphs 41-42; S/2023/673, paragraphs 45-49 and annex 16.

6. Six male detainees, including Al-Barghathi's son, died while in the custody of LAAF.²¹² Although the LAAF military attorney general's office issued a death certificate and a burial permit also for Al-Mahdi Al-Barghathi on 13 October 2023, stating that the cause of death was a gunshot injury to the right side of the body, the body of Al-Barghathi has not been disclosed to this date; his fate and whereabouts remain under Panel investigation.

B. Mistreatment of dead bodies and family members of the deceased

7. The six dead bodies were handed over to families in the period between October 2023 and December 2023 in disturbing circumstances. Elements of LAAF initially buried two dead victims in a primary mass grave in an unidentified cemetery without proper burial and registration procedures. Having been pressured by local communities and international humanitarian organisations to disclose the whereabouts of detainees, LAAF excavated the two bodies and handed them over to their families in already active decay state. Family members of the two victims were denied seeing the bodies. They were then forced, under the LAAF armed escort, to directly transfer the bodies to the Kuwayfiyah cemetery and bury the deceased without being allowed to perform funeral ceremonies in accordance with Islamic legal rules and customs.

8. Thus, LAAF elements violated their obligations for proper management of dead bodies under international humanitarian law.²¹³

C. LAAF covert operation

9. The above unlawful mismanagement of dead bodies of detainees was part of a planned "covert operation" that LAAF started to execute shortly after the attack of 6 October 2023. Namely, several days after the attack and at least as of 13 October 2023, representatives of the LAAF authorities had undertaken coordinated efforts to conceal the reported death of six detainees by constructing a narrative in the public in an attempt to legitimise and legalise the targeting of Al-Mahdi Al-Barghathi and persons associated with him through their mistreatment, and in six cases, arbitrary deprivation of life. These measures included: a) issuing a public statement on 13 October 2023 by the LAAF military attorney general, stating that Al-Barghathi was seriously wounded in the fighting, but was still alive; b) issuing a public statement of 13 October 2023 by the GNS minister of health corroborating the above LAAF military attorney's statement; c) forcing the 204 brigade members to confess to false accusations under counter-terrorism legislation of being part of a terrorist group and planning terrorist attacks to support the LAAF cover-up story that the Al-Barghathi and the 204 brigade members were attacked to pre-empt their plans to carry out terrorists attacks and destabilise the security situation in Benghazi; these practices of forced confessions violated the detainees' procedural fair trial rights;²¹⁴ and d) misusing the position of authority by the LAAF command to issue procedurally required documentation such as burial permits to hide the bodies in mass graves under the disguise that official legal and Islamic procedures were followed.

10. In its reply to the Panel's preliminary findings on violations of IHL and IHRL in the Barghathi case, LAAF provided summaries of testimonies of elements of the 204 brigade in relation to the abovementioned alleged terrorist activities attributed to Al-Barghathi and his group.

11. The LAAF's public narrative supported by the LAAF's reply of 21 October 2024 is inconsistent with the Panel's evidence. First, three witnesses gave consistent accounts to the Panel that a) Al-Mahdi and other detainees were deprived of liberty at the Al-Barghathi family house at a peaceful family gathering; and b) Al-Barghathi, his son, and other individuals perceived as or associated with Al-Barghathi were detained alive and without apparent or lethal injuries (see also Figure 21.2).²¹⁵ Second, the office of the LAAF military attorney general issued a burial permit for Al-Mahdi Al-Barghathi on the same day, that is, 13 October 2023, when the LAAF representatives, including the military attorney general himself, gave a public statement reassuring the public that Al-Barghathi was alive. Third, members of the 204 brigade were induced to admit to LAAF's accusations while under duress in a coercive environment and at least vulnerable from torture and other ill-treatment. Fourth, the LAAF allegations that the 204th brigade planned to sabotage the LAAF and carry out terrorist attacks in Benghazi appear not credible. Al-Barghathi's return was negotiated and guaranteed by over 20 principles and reputable tribal leaders directly with the LAAF command with intention of "reconciliation".²¹⁶

²¹² Access to relevant confidential documentation is available upon request.

²¹³ Article 8 of Additional Protocol II, customary IHL rule 115.

²¹⁴ Article 14 of the ICCPR.

²¹⁵ Panel interviews with eyewitnesses (CSIHL-38 and 46).

²¹⁶ Al-Barghatha tribe leaders' letters to the LAAF General Command, seeking for "reconciliation with the General Command" and "pardon" of Al-Mahdi Al-Barghathi; access to relevant confidential documentation is available upon request.

12. Based on these discrepancies and the ongoing IHL and human rights law violations against the detained members of the 204 brigade and civilians perceived as or associated with Al-Barghathi, the Panel assesses that LAAF representatives attempted to shift the responsibility for the attack and deaths in their custody despite the LAAF command's guarantees for Al-Barghathi's safe return to Benghazi to local tribal leaders.

Figures 21.1 and 21.2

Excerpts from video imagery showing attack of LAAF units against the 204 brigade



^a [https://www.tiktok.com/@sikhreibish5/video/7319257969839901984?is_from_webapp=1&web_id=7365598549746468384_\(verified\)](https://www.tiktok.com/@sikhreibish5/video/7319257969839901984?is_from_webapp=1&web_id=7365598549746468384_(verified)), 7 October 2023.

^b [https://twitter.com/emad_badi/status/1711745301382336526_\(verified\)](https://twitter.com/emad_badi/status/1711745301382336526_(verified)), 10 October 2023.

Figures 21.3 and 21.4

Excerpts from video imagery showing the destruction of the Al-Barghathi family house

^a <https://www.tiktok.com/@sikhreibish5/video/7317757572675570977> (verified), 28 December 2023.

^b <https://www.tiktok.com/@sikhreibish5/video/7317757572675570977> (verified), 28 December 2023

Figures 21.5 and 21.6

Excerpts from video imagery showing the destruction of the Al-Barghathi family house

^a <https://www.tiktok.com/@sikhreibish5/video/7317757572675570977> (verified), 28 December 2023.

^b <https://www.tiktok.com/@sikhreibish5/video/7317757572675570977> (verified), 28 December 2023

Annex 22 Retaliatory targeting system against human rights defenders, social activities and journalists

1. The Panel identified five Libyan armed groups as responsible for targeted attacks against ten human rights defenders and social activists, and one journalist, in Benghazi, Sabha and Tripoli – DACOT, including the Judicial Police Operations Department, ISA-Tripoli, ISA-Benghazi and -Sabha, the TBZ brigade, and 20-20 battalion.²¹⁷ The targeted individuals were severely denied their freedom of expression, and the right to political participation and association, through violent acts of unlawful deprivation of physical liberty, enforced disappearance, mistreatment, denial of the right to judicial process, harassment, intimidation and direct threats of death and violence to them and their families.²¹⁸ The attackers followed an organised pattern of targeting the victims for their public engagements and critical opinion towards the authority and command of Libyan armed groups under whose orders the attackers were acting, as previously reported by the Panel.²¹⁹ The purpose of the targeting was to suppress the perceived dissent and to demonstrate complete control and interference in the public life of civilians in the territories under their effective control.
2. The attacks were administrated through a well-developed retaliatory system composed of several phases:
 - a) *phase 1 – surveillance and monitoring* of victims’ public engagements, including on social media platforms,
 - b) *phase 2 – identification and profiling* of victims based on the attackers’ perception that victims’ public engagements posed threats to the authority, political and economic interests of the involved armed groups assessed;
 - c) *phase 3 – organised campaign of intimidations and threats* through online and offline communication means against profiled victims. Elements of ISA-Tripoli, -Benghazi and -Sabha were responsible for implementing phases 1 through 3.
 - d) *phase 4 - physical attacks* against the victims in a form of unlawful detention, enforced disappearance, torture and other ill-treatment. Phase 4 was executed by elements of DACOT, ISA-Tripoli, and in joint operations of ISA-Benghazi, the TBZ brigade, and/or 20-20 battalion;
 - e) *phase 5 – cover up narratives* that the attackers communicated through their public communication platforms. The Panel identified several recurring cover-up tactics that armed groups used in an attempt to conceal their unlawful conduct, including (i) the misuse of national legislation, such as counter-terrorism or anti-cyber laws, to argue legitimate grounds for detention and prosecution of victims; (ii) the public narration of false statements on factual circumstances of the attacks; (iii) denial of responsibility for victims’ whereabouts and fate.
3. In four cases, victims were released from detention under the condition that the victim agreed to the terms of the attackers, including to either a) withdraw from public life, b) publicly endorse the responsible armed group’s leadership, or c) always seek permission from the attackers to participate in public life. Four targeted individuals were forced to flee Libya out of fear that the attackers would repeat or escalate violent acts against them and their family members.
4. Elements of DACOT and ISA-Tripoli subjected six victims to forced confessions to false allegations of “apostasy” and “crimes against public decency and morality”. Video recordings of the confessions were published on these armed groups’ official social media accounts.²²⁰ The confessions were obtained in a coercive environment while victims were under the complete control of DACOT and ISA in Tripoli. These unlawful practices violated: a) victims’ right not to be subjected to inhuman and degrading treatment; and b) victims’ right to judicial process (see also annex 20).²²¹
5. In particular, the coercive conditions imposed on the victims during their arbitrary and unlawful detention, in combination with the exposure to public shaming and humiliation by forcing them to falsely admit being associated with conduct that was characterised by the attackers as against the Libyan social and cultural values, amounted to inhuman and degrading treatment. Victims were further deprived of basic judicial guarantees and in particular: a) protection against being

²¹⁷ The Panel interviews with CSIHL-05, 07, 21, 24, 29, 31, 33, 42, 141, 143, 144, 145.

²¹⁸ Articles 7, 9, 14, 19, 20 and 21 of the ICCPR.

²¹⁹ See S/2022/427, paragraph 44; and annex 22; S/2023/673, paragraphs 53-54; and annex 17.

²²⁰ See e.g. <https://www.youtube.com/@isagovly/videos>; https://www.youtube.com/@rctoc_gov/videos.

²²¹ Article 7, 9 and 14 of the ICCPR.

forced to incriminate themselves; b) access to legal assistance; c) access to a fair and public hearing before an independent and impartial tribunal established by the law; and d) the opportunity to examine and have examined witnesses in court proceedings against them. Victims and their immediate families were put at risk of retaliation and discrimination and had their privacy and reputation harmed.

Annex 23 Identified human trafficking and migrant smuggling routes in Libya

1. The Panel identified seventeen international human trafficking and migrant smuggling routes effectively operating in and through Libya since June 2023 (Figure 23.1). Libyan armed actors and criminal networks utilised these routes to operate local illicit economies under their direct control in areas of Al-Kufra, Bani Walid, Benghazi, Tripoli, Tubruq, Zawiyah, and Zuwara.
2. International human trafficking and migrant smuggling networks continued to operate previously reported trafficking and smuggling routes in Libya, with the most active routes originating from Bangladesh, Egypt, Nigeria, Pakistan, Syria, Somalia, and Sudan.²²² The Panel further identified nine new international routes under the control of Libyan armed actors and criminal networks active in the areas of Al-Assa, Al-Kufra, Bani Walid, Benghazi, Ghadames, Musaid, Nalut, Sabratha, Tajoura, Tripoli, Tubruq, Warshafana, Zawiyah, and Zuwara (see Figure 23.1). The routes originated from Lebanon, Cameroon, Egypt, Mali, South Sudan, Sudan, Syria, and Tunisia.²²³
3. In collaboration with Libyan armed groups, the trafficking and smuggling networks have shifted the smuggling patterns along all the 17 routes found in an increased use of areas of Ajdabiya, Al-Kufra, Musaid, Sabratha, Tajoura, Tubruq, and Zuwara as transiting locations; land border crossings with Algeria (Debdeb), Egypt (Sallum) and Tunisia (Ras Al-Jdir, Wazin); and Libyan territorial waters in the proximity of Benghazi, Tubruq and Zuwara, as key entry and exit points to and from Libya to final destinations, predominantly located in Europe. Key parameters of these routes are presented in table 23.1. Identified trafficking networks and Libyan armed actors operating along the routes are detailed in annexes 24 and 25.

Domestic human trafficking and migrant smuggling routes

4. The Panel identified an increase in the use of domestic trafficking and smuggling routes for transferring migrants from Tripoli, Zawiyah and Zuwara to Tubruq from where they were trafficked and smuggled into ports of Greece (see annex 24). Migrants were trafficked and smuggled under extremely dangerous conditions and subjected to human rights abuses along these routes, in particular to mistreatment at military checkpoints, extortion, violent searches, and arbitrary deprivation of liberty.
5. Among the key reasons for this heightened frequency of departures from areas around Tubruq port was the perception that these locations were less violent and offered higher prospects of success compared to western departure points. As previously reported, Libyan armed actors and local trafficking networks along the western coast run their illegal operations on manipulated success rates for migrant journeys across the Mediterranean Sea to European ports.²²⁴ A large number of boats carrying trafficked and smuggled migrants from areas in Sabratha, Tajoura, Warshafana, Zawiyah, and Zuwara were deliberately interdicted and returned to Libya shortly after departure. These practices were committed with the purpose of forcing migrants into a cycle of systematic human rights violations aimed at exploiting them for financial profit and forced labour. In some instances, migrants were coerced into paying for their journey multiple times. In contrast, human trafficking and migrant smuggling patterns in eastern Libya were not dependant on a cycled exploitation but on the quantitative calculation of the number of migrants drawn into the operations. The faster turnaround times in these operations made maritime routes from Tubruq more appealing to local traffickers and smugglers.

Regional impact on human trafficking and migrant smuggling activities in Libya

6. The ongoing armed conflict in Sudan has impacted human trafficking and migrant smuggling dynamics in Libya. Land routes from Sudan passing through neighbouring countries – Algeria, Chad, Egypt, Niger and Tunisia, respectively, into Libya were key pathways for migrants fleeing the conflict along which they were highly vulnerable to exploitation and abuse.
7. Al-Kufra, located near the border crossings from Chad, Egypt and Sudan into Libya, turned into a central hub for recruiting thousands of Sudanese migrants who fled the conflict by local trafficking networks. These networks operated at a lower level of organisation with the primary purpose of recruiting migrants stranded in the city of Al-Kufra, and allocating them to nearby temporary facilities, including warehouses and dwellings on private farms. Some of the networks were led

²²² S/2023/673, paragraph 57 and annex 18. The only previously reported international human trafficking and migrant smuggling route that the Panel now identifies as subsiding in activity is the route from Morocco through Libya into Europe.

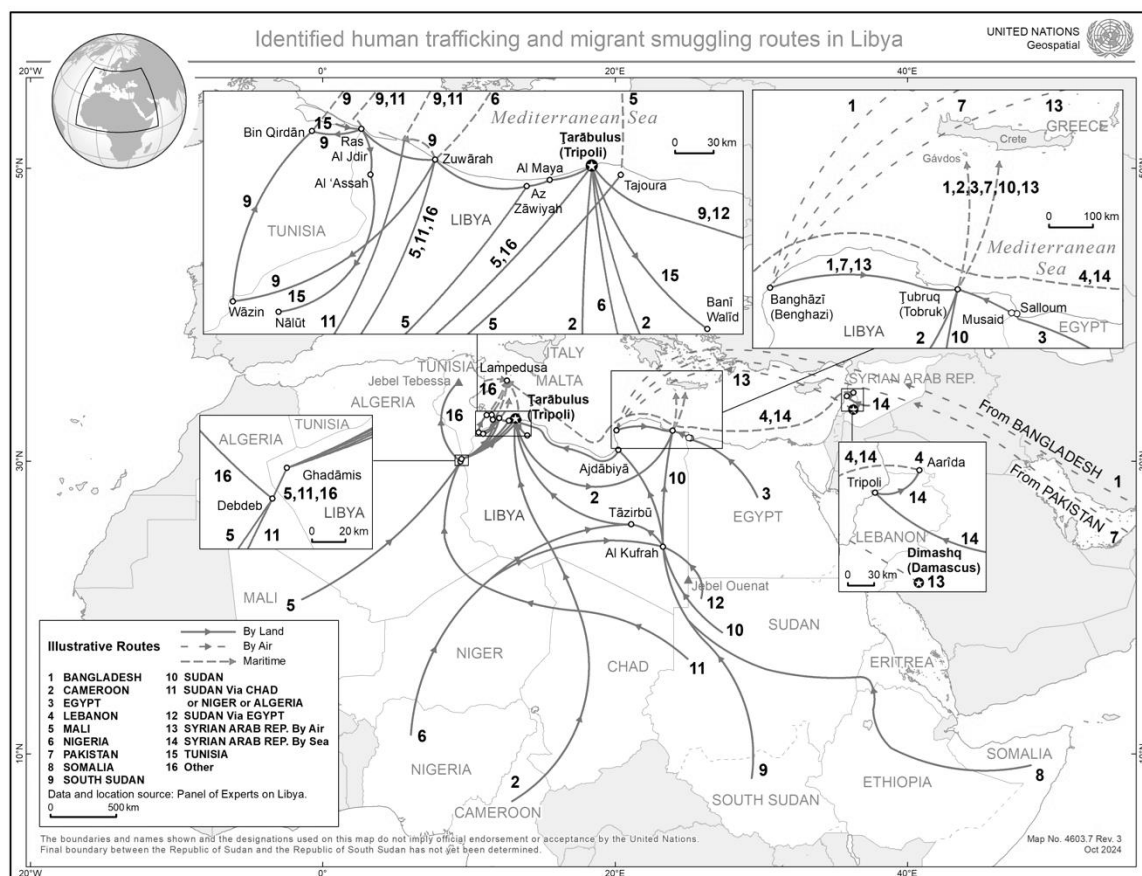
²²³ Panel interviews with CSIHL-19, 20, 26, 27, 30, 47-82, 85-140.

²²⁴ S/2023/673, paragraphs 60-71.

by local LAAF elements in their role of LAAF officers and owners of temporary facilities. From those facilities migrants were transfer to larger trafficking hubs in Ajdabiya, Benghazi, Tripoli and Tubruq controlled by Libyan armed actors running trafficking and smuggling operations in collaboration with well-organised trafficking networks (see annexes 24 and 26).²²⁵

Figure 23.1

Identified human trafficking and migrant smuggling routes in Libya



Source: CSIHL-19, 20, 26, 27, 30, 47-82, 85-140.

Table 23.1

Key parameters of new international and regional human trafficking and migrant smuggling routes with operations centres in Libya²²⁶

Departure point	Means of transport	Transit countries	Entry points Libya	Transit points Libya and border countries	Exit points Libya
Cameroon	Via land	Chad	Al-Kufra	Sabha, Tripoli, Sabratha, Zawiyah, Tubruq	<ul style="list-style-type: none"> Zuwara/western territorial waters to Italy. Tubruq/eastern territorial waters towards Greece.
Lebanon (Arida)	Via sea	Direct route to Libya	Territorial waters in the east	Territorial waters in the east of Libya	<ul style="list-style-type: none"> Territorial waters in the east of Libya to Italy.
Mali (multiple locations)	Via land	Algeria	Debdeb	Ghadames, Sabratha, Tajoura, Zawiyah, Zuwara	<ul style="list-style-type: none"> Sabratha, Zawiyah, Zuwara/western territorial waters to Italy.

²²⁵ Panel interviews with CSIHL-49, 50, 53, 126-128.

²²⁶ Panel interviews with CSIHL-19, 20, 26, 27, 30, 47-82, 85-140.

<i>Departure point</i>	<i>Means of transport</i>	<i>Transit countries</i>	<i>Entry points Libya</i>	<i>Transit points Libya and border countries</i>	<i>Exit points Libya</i>
South Sudan (multiple locations)	Via land	Sudan	Al-Kufra	Ajdabiya, Benghazi, Tripoli, Tubruq, Zuwara	<ul style="list-style-type: none"> ▪ Ras Al-Jdir and Wazin to Tunisia (from Ben Guerdane, Tunisia to Italy); ▪ Zuwara/western territorial waters to Italy.
Sudan (multiple locations)	Via land	Egypt, Niger, Chad	Al-Kufra	Ajdabiya, Benghazi, Tripoli, Tubruq, Zuwara	<ul style="list-style-type: none"> ▪ Ras Al-Jdir and Wazin to Tunisia (from Ben Guerdane, Tunisia to Italy); ▪ Zuwara/western territorial waters to Italy; ▪ Tubruq/eastern territorial waters to Greece.
Sudan (multiple locations)	Via land	Algeria	Debdeb	Ghadames, Zuwara	<ul style="list-style-type: none"> ▪ Ras Al-Jdir and Wazin to Tunisia (from Ben Guerdane, Tunisia to Italy); ▪ Zuwara/western territorial waters to Italy.
Syria (multiple locations)	Via air & sea	Direct air route to Libya; Lebanon	Benghazi (airport and port), territorial waters in the east	Tripoli, Tubruq, Zawiyah, Zuwara; territorial waters in the east	<ul style="list-style-type: none"> ▪ Ras Al-Jdir and Wazin to Tunisia (from Ben Guerdane, Tunisia to Italy); ▪ Zuwara/western territorial waters to Italy; ▪ Tubruq/eastern territorial waters to Greece.
Tunisia	Via land	Direct route to Libya	Ras El-Jdir, Wazin	Bani Walid, Tripoli, Sabratha, Zawiyah, Zuwara	<ul style="list-style-type: none"> ▪ Zawiyah, Zuwara/western territorial waters to Italy.
Multiple countries (Bangladesh, Egypt, Nigeria, Pakistan, Somalia, Sudan, Syria) ²²⁷	Via air & land	Algeria, Chad, Egypt, Ethiopia, Kuwait, Lebanon, Niger, Sudan, Tunisia, United Arab Emirates	Al-Kufra, Benghazi airport, Ras Al-Jdir, Sallum, Tazirbu	Ajdabiya, Benghazi, Tajoura, Tazirbu, Tripoli, Sabha, Sabratha, Sirte, Warshafana, Zawiyah, Zuwara	<ul style="list-style-type: none"> ▪ Debdeb to Algeria (and further through Tebessa, Tunisia, to Ben Guerdane, Tunisia to Italy); ▪ Ras Al-Jdir (from Ben Guerdane, Tunisia to Italy); ▪ Zuwara/western territorial waters to Italy; ▪ Tubruq/eastern territorial waters to Greece.

²²⁷ S/2023/673, annex 18.

Annex 24 Al-Habouni and Al-Katani Networks

1. The Panel identified two well-organised human trafficking and smuggling networks responsible for human rights abuses against twenty-four migrants committed through coordinating and facilitating large-scale trafficking operations in areas of Musaid and Tubruq. These networks were consisted of: a) *core* elements belonging to Al-Habouni and Al-Katani families, and b) *auxiliary* elements active in multiple locations in eastern and southern Libya, as well as outside of Libya, including in Egypt. Apart from differences in composition, the two networks were similar in size, capabilities, and trafficking methods.

A. Modus operandi of Al-Habouni and Al-Katani Networks

Routes and logistics

2. The two Networks developed highly adoptable methods of trafficking and smuggling migrants through well-functioning routes passing through areas of Benghazi, Musaid and Tubruq to Greece. Primary routes that the Networks controlled and operated were:

a) from the Benina airport in Benghazi through the city of Tubruq to Greece. This route was primarily used for migrants previously trafficked and smuggled from Bangladesh, Syria and Pakistan into Libya via the Benina airport in Benghazi;

b) from the city of Benghazi through the Tubruq area to Greece, in particular in cases of migrants from Sudan;

c) from multiple locations in Egypt through the land border crossing in Sallum, further through Musaid and Tubruq to Greece. The Networks utilised this route for trafficked and smuggled migrants through its elements operational in northern Egypt.

3. The Networks' operational flexibility was supported by a) well-developed infrastructure of temporary facilities consisted of temporary facilities in multiple locations in Musaid and Tubruq, and b) logistical capabilities to promptly transfer migrants between these facilities to final departure points. The facilities in Musaid were larger, capable of holding up to a thousand migrants, and were located in remote desert areas. These sites were used for a prolonged detention of migrants for several months while arrangements for maritime transfers to final destinations were made. Once these arrangements were completed, migrants were separated into smaller groups of several dozen and transferred to smaller facilities, such as apartments and guest houses in the city of Tubruq, where they remained for up to 30 days. From there, migrants were moved to improvised warehouses near the coast, where they stayed a day or two before being loaded onto trafficking and smuggling boats bound for the islands of Crete and Gavdos in Greece.

Communication and coordination

4. The trafficking and smuggling operations that run along the route from the Benghazi airport to the Tubruq city centre were managed and coordinated through digital communication platforms such as Facebook, WhatsApp, and TikTok. Traffickers and smugglers advertised their services online, with migrants often relying on online reviews from previous experiences. Some of the migrants and smugglers never met in person. For non-Arabic-speaking migrants from Bangladesh and Pakistan, traffickers in some cases provided translated communication via tools such as Google Translate.

Supply chains

5. The Networks maintained well-organised supply chains of boats and boat operators. Both the Al-Habouni and Al-Katani Networks developed the capacity to consistently supply their operations with vessels, either by internally manufacturing wooden boats or externally purchasing inflatable ones.²²⁸ Due to the poor quality of these vessels and severe overcrowding, the Networks often placed migrants in life-threatening conditions.

²²⁸ The Panel identified a shift in the type of vessels use for Tubruq-based trafficking and smuggling operations from larger fisherman boats to smaller wooden or inflatable boats, S/2023/673, annex 21.

6. The Networks were further able to continuously recruit boat operators from Egypt to run their trafficking and smuggling vessels. These operators, either Egyptian nationals or Sudanese nationals trained in Egypt, were transported to the departure points on the day of disembarkation. They remained in communication with the Networks via mobile devices to send updates on the status of the operation until they confirmed the migrants' arrival to the final destination.

Costs and duration

7. The trafficking and smuggling fees varied depending on the migrant's nationality and the route taken. Syrian migrants paid on average between USD 3,500 and USD 3,700; Egyptians between USD 3,000 and USD 4,000 [in local currency]; while Sudanese nationals paid between USD 1,700 and USD 2,000. A single trafficking and/or smuggling operation lasted on average between 40 and 60 days, during which period migrants were subjected to serious human rights abuses.

B. Human rights abuses

8. Twenty-four migrants, including four children, trafficked and smuggled by the Networks, were subjected to arbitrary and unlawful deprivation of liberty, torture, cruel, inhuman and degrading treatment, inadequate living conditions and verbal abuse.²²⁹ Material conditions in temporary detention facilities in Musaid were particularly deplorable. Armed elements of the Networks regularly entered the facilities to administer beatings, targeting multiple body parts to ensure discipline among the detainees, in particular when migrants requested basic necessities, such as water and food. Two migrants suffered serious injuries and scars due to the abuse. Migrants were held in warehouses under armed guard, with no freedom of movement. Food was distributed once a day through a window, and potable water was denied. Seven migrants reported being "treated like animals".

C. Core Al-Habouni Network

9. The Panel identified seven elements of core Al-Habouni Network, all connected by kinship: Abad Al-Habouni, Basat Al-Habouni, Faraj Al-Habouni, Hamid Al-Habouni, Mansour Al-Habouni, Nasser Al-Habouni, and Saleh Al-Habouni.²³⁰ Basat, Hamid and Mansour played central roles in managing the network of warehouses and other temporary facilities in areas of Musaid and Tubruq, and were among the most responsible for human rights abuses committed against migrants in these facilities. Mansour was also in charge of boat manufacturing. Abad and Saleh were responsible for maintaining collaboration with local LAAF elements, which enabled the Network to a) swiftly escape security raids targeting their trafficking and smuggling facilities in Musaid; b) facilitate unchecked transfers between multiple locations; and c) organise the unimpeded departures of migrant boats from coastal areas of Tubruq to Greece.

D. Core Al-Katani Network

10. The Panel identified six elements of Al-Katani Network, all connected by kinship: Hussein Abu Khalil, Idris Yusuf Bin Daba, Musa Abu Khalil, Hamed Al-Katani, Mohammed Al-Dawil, and Hani Al-Nadif.²³¹ Hussein Abu Khalil was a central figure of the Network, responsible for leading the coordination of trafficking and smuggling operations, and in particular the transfers of migrants from Musaid to Tubruq. Along with Idris Yusuf Bin Daba and Musa Abu Khalil, all three used their positions as LAAF officers to a) facilitate transfers between temporary facilities, b) alert the Network's strongholds about planned security raids, and c) secure locations of departure points, allowing free passage through LAAF-controlled land and maritime zones of responsibility of LAAF in exchange for racket payments.

11. Bin Daba also coordinated operations with elements in Egypt and oversaw the transfer of migrants from the Sallum border crossing to temporary facilities in Musaid. Muhammed Al-Dawil and Hani Al-Nadif had a role of managing temporary facilities and were among the most responsible for human rights abuses together with Hussein Abu Khalil.

E. Auxiliary elements of the Networks

12. The Al-Habouni and Al-Katani Networks had a well-developed network of elements in Egypt responsible for a) recruitment and transfer of migrants from various locations primarily in northern Egypt to Sallum border crossing from where migrants were further trafficked and smuggled into Libya; and b) recruitment and transfer of boat operators from Egypt to departure

²²⁹ Panel interviews with CSIHL 85-88, 97-100, 102, 103, 105, 107, 108, 111-114, 118-121, 138-140.

²³⁰ Panel interviews with CSIHL 106, 108, 111, 138-140.

²³¹ Panel interviews with CSIHL 102, 105, 107, 115-118, 122-125, 127, 138-140.

points in Libya. Their operations were also supported by elements of the networks operational in Italy, from where they also coordinated recruitments in Egypt, Libya and Syria.

F. LAAF response to Al-Habouni and Al-Katani Networks

13. On 21 October 2024, LAAF general command responded to the opportunity offered to members of Al-Habouni and Al-Katani Networks to reply to the Panel's findings.²³² LAAF confirmed that three elements of the Al-Katani Network—Hussein Abu Khalil, Idris Yusuf Bin Daba, and Musa Abu Khalil – were affiliated with LAAF. LAAF took legal and disciplinary measures against these individuals by placing two of them in military detention awaiting court proceedings for their involvement in human trafficking and migrant smuggling activities in Musaid and Tubruq areas. LAAF classified the remaining identified Al-Katani elements as civilians not falling under the LAAF command and control. In these cases, LAAF stated that, in coordination with civilian security services and judicial authorities in the east, opened investigations to find the responsible one. LAAF further referred to a series of concrete security measures it implemented in preventing and punishing human trafficking and migrant smuggling activities in areas under its territorial control, including series of LAAF command's orders and decisions, specialised legislative acts, regular military and security inspections of areas where human trafficking and migrant smuggling networks were known to operate. Information provided by LAAF on some of these measures, such as frequent security raids of temporary facilities of trafficking networks located in Musaid and Tubruq areas, was consistent with the evidence gathered by the Panel.

²³² LAAF response of 21 October 2024.

Annex 25 Violations of international human rights law against migrants under the effective control of LAAF units

1. The Panel identified Ali Al Mashai, commander of 20-20 battalion, as a key operative of an international human trafficking and migrant smuggling scheme that Al-Mashai and international trafficking rings have been carrying out in collaboration since at least 2023. Within that scheme, Al-Mashai played a central role in allowing safe passage of migrant boats passing through the territorial waters in the east of Libya in return for being paid USD 500 per person as a “protection racket”.
2. To coordinate and facilitate the trafficking and smuggling activities, Al-Mashai controlled and managed an unofficial detention facility located in the Benghazi port (see Figure 25.1).²³³ This detention facility was composed of a large hangar (“Hangar”) used for an unlawful detention of between 650 and 1,000 migrants for extended periods exceeding a year time.²³⁴ Detainees held in there were primarily exploited as forced labour force to perform construction and domestic chores for the LAAF ranks and in particular members of the TBZ brigade in Benghazi.
3. The Panel identified five cases of serious human rights abuses committed against migrants unlawfully detained in the Hangar. The five victims were among around one hundred thirty migrants violently captured by the TBZ maritime units in international waters in 2023 (see paragraph 51 of the main part of the report). Having been unlawfully deprived of liberty at sea, the five victims together with the rest of detained migrants were transferred to the Hangar where they were deliberately kept in unbearable material conditions for eight consecutive days. A female detainee was separated from the other four male detainees and transferred to a smaller facility in the vicinity of the Hangar where she was kept in arbitrary detention with other women and children from the same group of captured migrants. No physical mistreatment of women and children was reported to the Panel.
4. The four male detainees were subjected to acts of torture and other inhuman and degrading treatment that included regular collective beatings with wooden sticks, plastic pipes and rifle stocks, prolonged stress positions, throwing into the sea from port docks and being forced to remain in cold sea water for over eight hours daily, and threats of death to them and their immediate family members. Detainees were further deprived of potable water, food, and adequate toilet facilities. Three detainees with broken limbs and/or open wounds sustained from severe beatings by the TBZ elements during the above capture at sea were denied medical care. To ensure that the four victims were targeted among the rest of detainees, the detaining authorities shaved their head and one of their eyebrows, marking them for mistreatment.
5. Based on consistent and corroborated primary evidence, the Panel found Ali Al-Mashai directly responsible for ordering, directing and personally committing the above acts that amounted to serious human rights abuses, including unlawful detention, torture, inhuman and degrading treatment, against five detainees for the purpose of punishing them as a retaliation for a failed human trafficking and migrant smuggling operation that he coordinated with international criminal networks outside Libya.²³⁵
6. Under this arrangement, Al-Mashai and the international traffickers had initially agreed that the boat carrying trafficked and smuggled migrants (Group A) would stop by the eastern coast of Libya en route to Italy to pick up around 200 migrants (Group B). The trafficking and smuggling operation for Group B was coordinated by Al-Mashai as he collected the “protection racket” of USD 500 per migrants in group B from a different criminal network that is based in Libya. The elements of the partner international network, however, refused to make the stopover in Libya because the boat carrying group A has already exceeded its passenger capacity limits.
7. In retaliation, Al-Mashai issued key orders and instructions to TBZ personnel that show his direct responsibility for identified human rights abuses, namely:
 - (a) orders and instructions to TBZ personnel operating the TBZ vessel (IMO 9889930) (see Figure 25.2) to
 - (i) arbitrarily deprive of liberty migrants from Group A passing through the Libyan territorial waters near the Benghazi port; (ii) segregate detained women and children from men; and (iii) place detainees in separate detention compartments within the “Hangar”.

²³³ See articles 7 and 9 of the ICCPR. Panel interviews with former detainees (CS 19, 20, 26, 27 and 30).

²³⁴ 32°06'18"N, 20°02'36"E.

²³⁵ Articles 7 and 9 of the ICCPR.

(b) orders and instructions to TBZ personnel guarding and operating the Hangar to torture, humiliate and degrade male detainees. As mentioned above, to ensure that male detainees from Group A were targeted with daily mistreatment, the TBZ elements made visible razor marks on their eyebrows to distinguish them from hundreds of other detainees in the “Hangar”.

(c) orders and instructions to TBZ personnel guarding and operating the Hangar to release detainees upon reaching an agreement with elements of an international human trafficking and migrant smuggling network to agree to Al-Mashai’s conditions.

8. The five witnesses gave consistent accounts that TBZ personnel treated Al-Mashai as a person in authority during the entire period of detention of Group A. While most of the time throughout the detention Al-Mashai was issuing the above orders and instructions to TBZ individuals to manage and mistreat detainees, on several occasions Al-Mashai had participated in the beatings of two victims by hitting and kicking them in their head and lower body parts.

9. The Panel findings on Al-Mashai’s power to direct maritime operations and to decide on the management of detainees are further supported by the Panel previous reports on the overall position and functions exercised by Al-Mashai within the LAAF military structures at the relevant time. His ability to insert authority over lower LAAF ranks in the Benghazi port as a location within Al-Mashai’s core zone of responsibility was derived from his superior military position as a) a commander of LAAF special task unit –20-20 battalion headquartered in Benghazi, and b) an influential executive subordinate directly under one of the top commanders of LAAF, general Saddam Haftar.²³⁶

10. The Panel findings on Al-Mashai’s involvement in human trafficking and migrant smuggling activities and related human rights abuses committed in the present incident are also consistent with the Panel previous findings on:

a) Al-Mashai’s direct culpability for directing and operating human trafficking and migrant smuggling operations in multiple locations in the east of Libya, including in Musaid, and Tubruq;²³⁷ and

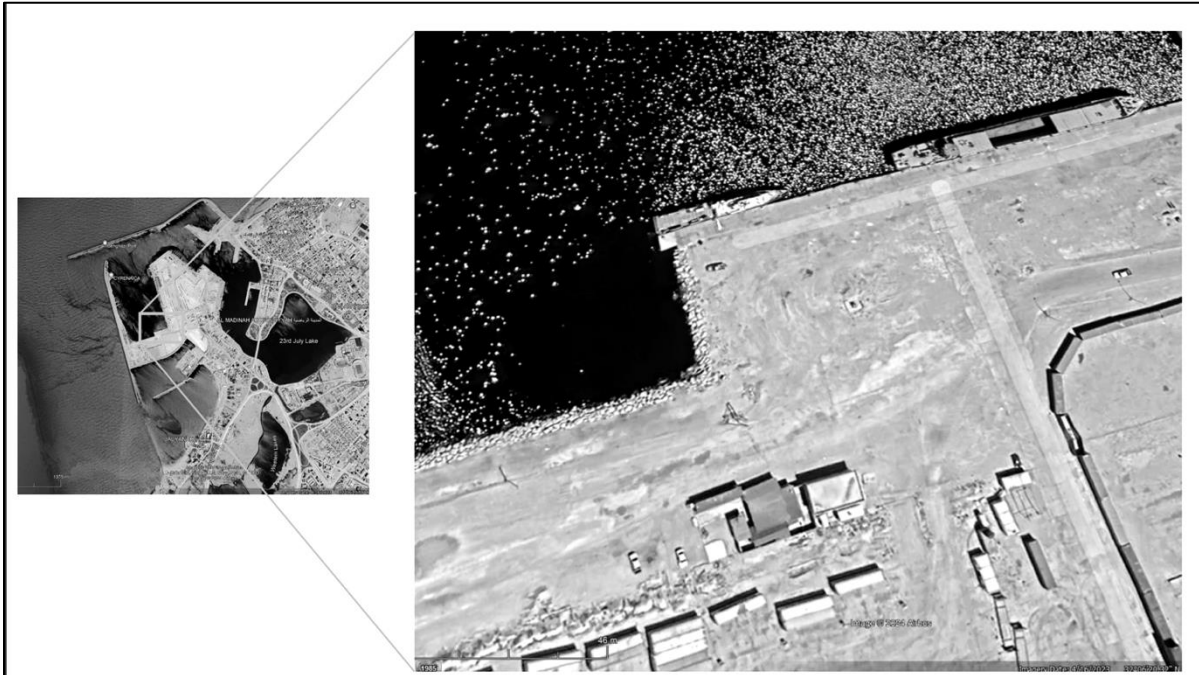
b) the lack of credibility of Al-Mashai’s reply to the Panel findings on his involvement and principal role in the above unlawful activities. Al-Mashai denied in a meeting with the Panel any such involvement and contested his role as a commander of any of the LAAF units only six weeks before the present incident of human trafficking and migrant smuggling and related human rights abuses against the five detainees took place.²³⁸

²³⁶ S/2023/673, para. 21.

²³⁷ S/2023/673, para. 72 and annex 21.

²³⁸ S/2023/673, para. 73 and annex 21.

Figure 25.1
Hangar



Developed by Panel of Experts.

Source: Google Earth.

Figures 25.2

Imagery of the “Tareq Bin Zeyad” vessel (IMO 9889930) under the effective control of the TBZ maritime units involved in acts of arbitrary detention and ill-treatment committed against migrants at sea



Source CS11.

Annex 26 Violations of international human rights law in detention facilities for migrants under the control of armed actors in western Libya

1. The Panel identified further fragmentation of the domestic detention system for migrants and asylum seekers in Libya as official and unofficial detention facilities holding migrants have now been managed and controlled by five distinct detaining authorities at least as of June 2023 (see Figure 26.1). These facilities include:

- (a) The official detention system, composed of 31 detention centres holding approximately 5,200 migrants,²³⁹ under the authority of the Directorate for Combating Illegal Migration (DCIM) (see table 26.1);
- (b) A temporary detention facility under the control of the Libyan Boarder Guards (see table 26.2);
- (c) Two unofficial detention centres under the oversight of the former DCIM administration, concurrently also serving in the senior management of the Ministry of Interior (see table 26.3);
- (d) An unofficial detention facility in Nalut under the authority of the SSA (see table 26.4); and
- (e) Unofficial detention centres under the control of the expanded Zawiyah Network²⁴⁰ (see table 26.5).

2. This fragmentation of the domestic detention system for migrants has continued to exacerbate the already poor humanitarian situation of detained migrants and asylum seekers in Libya and their vulnerability to violations of international humanitarian law and international human rights law associated with detention. In addition to previously reported detention facilities for migrants,²⁴¹ the Panel identified this trend also in the three newly identified detention facilities in Al Assa, Bir al-Ghanam and Nalut operational since at least June 2023. These facilities were used for a temporary arbitrary detention of migrants deprived of liberty along the trafficking and smuggling routes that pass through the land border crossings with Algeria and Tunisia or that were forcibly expelled from Tunisia into the custody of the Libyan Boarder Guards. The three facilities were designed to be temporary in nature and for a detention of a limited number of persons in the context of local law enforcement and military detention operations in the said locations. They have inadequate capacities to hold large populations of civilian detainees and in particular vulnerable groups such as children and survivors of serious human rights violations. Migrants detained in these facilities have been held in overcrowded and unsanitary conditions (see Figures 26.1 – 26.3). Further, in the Al Assa and Bir al-Ghanam detention facilities, the detained migrants have been subjected to mistreatment in a form of beatings, deliberate deprivation of potable water, food, and medical care, verbal abuse, and/or extortion.²⁴²

3. The extorted amounts varied between USD 500 and USD 1000 in local currency. Migrants whose relatives were able to pay the ransom, were released in the vicinity of trafficking and smuggling hubs where they continued to be vulnerable to recurring trafficking and smuggling activities and associated human rights abuses. The Panel further received five independent accounts testifying that migrants who were unable to pay demanded amounts were transferred to DCIM detention centres for migrants in Ain Zara, Tarik Al Matar and Tarik Al Sikka where they were subjected to arbitrary and unlawful detention in harsh material conditions, and vulnerable to mistreatment and forced labour.²⁴³ Although independent humanitarian monitors gained limited access to Al Assa and Bir al-Ghanam detention facilities, those detention visits remained sporadic and ineffective.

4. In the absence of appropriate government protection policies and functional compliance mechanisms at the domestic and regional levels, the ability of multiple armed actors to arbitrarily manage detention operations targeting migrants and asylum seekers in areas of their responsibility has bolstered local illicit economies. These economies are run by Libyan armed groups, criminal networks, and individual government officials in multiple locations across the country, including in

²³⁹ The Panel notes that the exact number of detained migrants and asylum seekers, as well as the number and status of DCIM detention centres fluctuates on a regular basis. As of 2 October 2024.

²⁴⁰ S/2023/673, paragraphs 60-66.

²⁴¹ See e.g. S/2021/229, paragraphs 46-50; S/2022/427, paragraphs 45-55; S/2023/673, paragraphs 57-73.

²⁴² Articles 7 and 9 of the ICCPR; Panel interviews with CS 15, 36, 49, 53, and 54.

²⁴³ Panel interviews with CS 51, 53, 54, 72 and 75.

areas of Al Assa, Al Kufra, Bani Walid, Benghazi, Bir al-Ghanam, Dabdad, Gadames, Nalut, Ras El Jdir, Sabha, Sabratha, Tajoura, Tripoli, Warshafana, Zawiyah, and Zuwara (paragraph 53 of the Report and annex 23).²⁴⁴

Table 26.1

Location of DCIM detention facilities for migrants as of January 2024

<i>Facility</i>	<i>Operator</i>	<i>Latitude (°N)</i>	<i>Longitude (°E)</i>	<i>Remarks</i>
Abu Slim	DCIM	32.830867	13.158163	Operational
Ain Zara	DCIM	32.783611	13.28545	Operational
Ajdabiya	DCIM	30.75967	20.223749	Empty
Al Bayda	DCIM	32.768295	21.741761	Operational
Al Gatroun	DCIM	24.933333	14.633333	Empty
Al Kufra	DCIM	24.184672	23.275175	Operational
Al Marj	DCIM	32.29559	20.49483	Operational
Al Qubba	DCIM	32.758201	22.241164	Operational
az-Zawiyah Abu Isa	DCIM	32.753059	12.631052	Empty
Baten Al Jabal	DCIM	31.991987	11.339689	Empty
Daraj	DCIM	30.172877	10.455851	Empty
Ghat	DCIM	24.964359	10.16754	Empty
Ganfouda Benghazi	DCIM	32.042797	20.028183	Operational
Gharyan Abu Rashid	DCIM	32.210155	12.976818	Empty
Gharyan al Hamra	DCIM	32.30664	12.989343	Empty
Sabha	DCIM	27.065949	14.430571	Empty
Sabratha	DCIM	32.79193	12.484716	Empty
Shahhat	DCIM	32.808215	21.869684	Operational
Shara az-Zawiyah	DCIM	32.874982	13.191959	Empty
Shati	DCIM	27.53884	13.987545	Empty
Sirte	DCIM	31.204449	16.474697	Empty
Suq al Khamis	DCIM	32.604361	14.342944	Empty
Tajoura	DCIM	32.893565	13.328017	Operational
Talmetha (as-Sahel)	DCIM	32.31056	20.342	Operational
Tariq al-Matar	DCIM	32.785496	13.178856	Operational
Tariq al-Sikka	DCIM	32.877049	13.196427	Operational
Tobruk	DCIM	32.083611	23.976389	Operational
Twesha	DCIM	32.638007	13.106667	Empty
Zintan	DCIM	31.991556	12.515028	Empty
Zliten	DCIM	32.472881	14.57121	Empty
Zwara	DCIM	32.914501	12.093096	Empty

Table 26.2

Location of a temporary detention facility for migrants under Libyan Border Guards as of January 2024

<i>Facility</i>	<i>Operator</i>	<i>Latitude (°N)</i>	<i>Longitude (°E)</i>	<i>Remarks</i>
Al-Assa	Libyan Border Guards	32.82268289	11.62951816	Operational

Table 26.3

Location of detention facilities for migrants under the former DCIM administration as of January 2024

<i>Facility</i>	<i>Operator</i>	<i>Latitude (°N)</i>	<i>Longitude (°E)</i>	<i>Remarks</i>
Bir al-Ghanam	Former DCIM administration	32.31953044	12.59565592	Operational
Ghot al-Shaal (Al-Mabani)	Former DCIM administration	32.846551	13.097699	Operational

²⁴⁴ Panel interviews with CS 47-82.

Table 26-4

Location of a temporary unofficial detention facility for migrants under the SSA as of January 2024

<i>Facility</i>	<i>Operator</i>	<i>Latitude (⁰N)</i>	<i>Longitude (⁰E)</i>	<i>Remarks</i>
Nalut	SSA	31.86348054	10.98073051	Operational

Table 26.5

Location of detention facilities for migrants under expanded Zawiyah Network as of January 2024

<i>Facility</i>	<i>Operator</i>	<i>Latitude (⁰N)</i>	<i>Longitude (⁰E)</i>	<i>Remarks</i>
Al-Maya	Zawiyah Network	32.808367	12.900751	Operational
Al-Nasr	Zawiyah Network	32.771767	12.696328	Operational
Harsha	Zawiyah Network	32.769967	12.649246	Operational

Figure 26.1

Excerpt from a video imagery showing inadequate material conditions in Al Assa detention facility

Overcrowding in unsanitary conditions (Oct 2023)

Source CS06 (eyewitness).

Figures 26.2 and 26.3

Inadequate material conditions in Bir al-Ghanam detention facility

Source CS36 (former detainee).

Annex 27 Summary of newly identified arms embargo equipment transfer and training violations and non-compliances

1. Sources for tables 27.1 and 27.2, which are shown in the appropriate annexes, are primarily from a combination of: a) Member States responses to Panel enquiries; b) entity responses to Panel enquiries; c) official social media of national armed forces; d) official social media of armed groups; e) other social media; f) authoritative specialist military media; g) imagery supported by geo-location; and/or h) imagery supported by technical analysis.

Table 27.1

Summary of equipment transfer violations

Annex	Date identified in Libya or by Panel	End User	Equipment nomenclature	Responsible	Cross-references
During resolution 2644 (2022) reporting period (all new identifications)					
Annex 32	8 June 2023	LAAF	Damen Stan 2706 fast patrol boat	Volume FZCO	
During resolution 2701 (2023) reporting period (all new identifications)					
Annex 32	8 June 2023	LAAF	Damen Stan 2706 fast patrol boat	Volume FZCO	
Annex 49	23 Sep 2023	UID	500 hunting rifles	Darkmax Tekstil Nourhan Company	
Annex 53	4 Oct 2023	GNU-AF	Canik TP9 Series Pistol	UID	
Annex 31	15 Nov 2023	LAAF	OCEA fast patrol boat 110	LAAF	
Annex 54	20 Nov 2023	GNU-AF	BORA-12 sniper rifle	UID	
Annex 55	6 Mar 2024	GNU-AF	SAR 223C Assault Rifle	UID	
Annex 56	14 Mar 2024	GNU-AF	BMC Kirpi II MRAP	UID	
Annex 57	15 Mar 2024	LAAF	TAG BATT UMG Armoured Truck	UID	
Annex 58	18 Mar 2024	HAF	INKAS Titan S 4x4 APC	UID	
Annex 37	31 Mar 2024	GNU-AF	AKINCI UCAV	Türkiye	
Annex 32	5 Apr 2024	LAAF	2020 Volume interceptor boat	2020 Volume Boats / Asha Co FZE	
Annex 59	16 May 2024	LAAF	STREIT Condor SUT MRAP	UID	
Annex 60	16 May 2024	LAAF	STREIT Gladiator MRAP	UID	
Annex 32	10 Sep 2024	LAAF	Rodman 66 fast patrol boat	Volume FZCO	

^a Unidentified as yet.

^b International arms sales are virtually always widely reported by the manufacturer in authoritative defence media as it is their major means, other than conflict, of attracting publicity for future sales. Authoritative media includes: Janes Defence Weekly (<https://www.janes.com/defence-news/>); Janes Intara (<https://www.janes.com/intara-interconnected-intelligence/defence-industry>); Defence Procurement International (<https://www.defenceprocurementinternational.com/magazine>); Military Systems and Technology (<https://www.militarysystems-tech.com/>); and Army Technology (<https://www.army-technology.com/>). Covert arms transfers go unreported until identified by investigation.

Table 27.2

Summary of training violations

<i>Annex</i>	<i>Date identified</i>	<i>End User</i>	<i>Type of training support</i>	<i>Responsible</i>	<i>Cross-references</i>
During resolution 2644 (2022) reporting period (all new identifications)					
Annex 41	19 Dec 2022	GNU-AF	Artillery training	Türkiye	
Annex 41	8 Mar 2023	GNU-AF	Artillery, mortar and ATGM training	Türkiye	
Annex 41	25 Mar 2023	GNU-AF	Sniper and shooting training	Türkiye	
Annex 41	25 Jun 2023	GNU-AF	Military police patrol training	Türkiye	
During resolution 2701 (2023) reporting period (all new identifications)					
Annex 61	7 Aug 2023	GNU-AF	Sniper training	Jordan	▪ In Jordan.
Annex 42	19 Oct 2023	GNU-AF	Parachuting training - Erciyes 2023 Exercise	Türkiye	▪ In Türkiye.
Annex 44	19 Apr 2024	GNU-AF	Terminal attack control training - African Lion 2024 Exercise	United States	▪ In Tunisia. ▪ Organised by AFRICOM.
Annex 43	9 May 2024	GNU-AF	Amphibious Training - EFES 2024 Exercise	Türkiye	▪ In Türkiye.
Annex 41	9 May 2024	GNU-AF	Operation tactics and techniques training	Türkiye	
Annex 45	21 May 2024	LAAF	Special Operation Training – Flintlock 2024 Exercise	United States	▪ In Ghana ▪ Organised by AFRICOM.
Annex 41	30 May 2024	GNU-AF	Residential area combat and light weapon trainings	Türkiye	
Annex 41	2 Jun 2024	GNU-AF	Special operation training	Türkiye	
Annex 41	10 Jun 2024	GNU-AF	Light weapons training	Türkiye	
Annex 41	11 Jul 2024	GNU-AF	Light weapons and shooting techniques training	Türkiye	
Annex 48	26 Jul 2024	LAAF	Milites Dei Security Service (MDSS) training	MDSS	▪ In South Africa.
Annex 41	6 Aug 2024	GNU-AF	Special operations and light weapons trainings	Türkiye	
Annex 41	7 Aug 2024	GNU-AF	Special forces training	Türkiye	
Annex 41	29 Aug 2024	GNU-AF	Advanced level light weapons training	Türkiye	

^a Unidentified as yet.

Annex 28 Baseline summary of arms embargo equipment violations (26 Feb 2011 – 25 Oct 2024)

1. Tables 28.1 and 28.2 summarise confirmed arms and military materiel transferred into Libya in violation of paragraph 9 of resolution [1970 \(2011\)](#), as modified by subsequent resolutions.²⁴⁵ It does not include arms and military materiel transferred to Libya for which exemptions were provided for by the Committee.

Table 28.1

Confirmed arms and military materiel transferred to Libya (26 Feb 2011 – 25 Oct 2024) (weapon systems and equipment)²⁴⁶

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
Aircraft (FGA) ²⁴⁷	IOMAX AT-802i	S/2017/466	UAE	
	Dassault <i>Mirage 2000/9</i>	S/2021/229	UAE	▪ Operated from Sidi Barani airbase in Egypt.
	General Dynamics F-16	S/2021/229	Türkiye ²⁴⁸	▪ Overflight.
	** MiG-21MF	S/2015/128 S/2016/209	Egypt	
	MiG-23ML(D)	S/2022/427 ²⁴⁹	UID ²⁵⁰	▪ Identification from 2017 imagery and unreported by Panel. ▪ Other aircraft restored to flight status by cannibalization. ²⁵¹
	MiG-29	S/2021/229	Russian Federation	
	Su-24	S/2021/229	Russian Federation	
Aircraft (ISR) ²⁵²	<i>Pilatus PC-6</i>	S/2021/229	Lancaster6	▪ Project Opus.
Aircraft (Rotary Wing)	** AS332L <i>Super Puma</i> Medium Utility	S/2021/229	Lancaster6	▪ Project Opus.
	Mi-8	S/2015/128 S/2016/209	Egypt	
	Mi-24	S/2016/209	Sudan	
	Mi-24V	S/2016/209	UID	
	Mi-24P	S/2017/466	UAE	
	SA341 <i>Gazelle</i> Light Utility	S/2021/229	Lancaster6	▪ Project Opus.
	UH-60M <i>Blackhawk</i>	S/2017/466	UAE	
Aircraft (Transport)	Airbus A400B <i>Atlas</i>	S/2021/229	Türkiye	▪ For transfer of military materiel into Libya.
	Antonov AN-12A [#2340806] ²⁵³	S/2022/427	Space Cargo Inc	▪ Operating in Libya in direct support of HAF.
	Antonov AN-12BP [#5342908]	S/2022/427	Space Cargo Inc	▪ Operating in Libya in direct support of HAF.
	Antonov AN-12BP [#5343005]	S/2021/229	Space Cargo Inc	▪ Operating in Libya in direct support of HAF.
	Antonov AN-26 [#503]	S/2017/466 S/2019/914	Space Cargo Inc	▪ Operating in Libya in direct support of HAF.

²⁴⁵ This annex updates and clarifies information within the previous original work at

<https://www.oryxspioenkop.com/2020/06/types-of-arms-and-equipment-supplied-to.html>, 23 March 2021.

²⁴⁶ Items marked ** appeared in the 29 May 2021 7th Anniversary of Operation Dignity parade in Benghazi.

<https://www.youtube.com/watch?v=mbIDXxITPa0>.

²⁴⁷ Fighter Ground Attack.

²⁴⁸ On 4 December 2021 the President announced that his country's name would subsequently be referred to as Türkiye. Thus all events in this report post 4 December 2021 will use Türkiye.

²⁴⁹ <https://medium.com/war-is-boring/it-looks-like-russia-gave-a-fighter-jet-to-libyas-warlord-1a564098b223>, 1 March 2017.

Although the imagery shows the MiG-23 in Libya the Panel does not endorse the supply chain in the article.

²⁵⁰ UID, in all uses, means unidentified, or low evidential levels, and responsibility has yet to be attributed by the Panel.

²⁵¹ <https://www.africanmilitaryblog.com/2019/08/libya-frankenstien-mig-23-flogger-fighter-jet-take-flight>, 3 August 2019.

²⁵² Intelligence, Surveillance and Reconnaissance.

²⁵³ These are the manufacturer's serial numbers (MSN).

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
	Antonov AN-32B [#2009]	S/2021/229	Space Cargo Inc	▪ Operating in Libya in direct support of HAF.
	C-17A <i>Globemaster</i>	S/2021/229	Türkiye	▪ For transfer of military materiel into Libya.
	C-130E <i>Hercules</i>	S/2015/128 S/2016/209	Sudan	▪ For transfer of military materiel into Libya.
	C-130E <i>Hercules</i>	S/2021/229	Türkiye	▪ For transfer of military materiel into Libya.
	Ilyushin IL-18D [#172001401]	S/2021/229	Space Cargo Inc	▪ Operating in Libya in direct support of HAF
	Ilyushin IL-18D [#187009903]	S/2017/466	Space Cargo Inc	▪ Operating in Libya in direct support of HAF
	Ilyushin IL-76TD [#73479367]	S/2021/229	Space Cargo Inc	▪ Operating in Libya in direct support of HAF
	Ilyushin IL-76TD [#1013405167]	S/2021/229	Space Cargo Inc	▪ Operating in Libya in direct support of HAF
	Ilyushin IL-76TD [#1013409282]	S/2021/229	Green Flag Aviation	▪ Operating in Libya in direct support of HAF
	Ilyushin IL-76TD [#1023411378]	S/2021/229	Space Cargo Inc	▪ Operating in Libya in direct support of HAF
	** Ilyushin IL-76TD [5A-ILA]	S/2022/427	UID	
	Ilyushin IL-76TD Various	S/2021/229	Russian Federation	▪ For transfer of military materiel into Libya.
Air Defence (Guns)	** 23mm ZSU-23-2CP	S/2022/427	UID	
	35mm <i>Korkut</i> Cannon	S/2021/229	Türkiye	
Air Defence (Missiles)	MIM-23 <i>Hawk</i>	S/2021/229	Türkiye	
	MIM-104 <i>Patriot</i>	S/2022/427 ²⁵⁴	UAE	
	<i>Pantsir</i> S1	S/2021/229	Russian Federation	▪ On KaMAZ platform.
	<i>Pantsir</i> S1	S/2021/229	UAE	▪ On MAN platform.
Anti-Tank (ATGW) ²⁵⁵	9K115-2 <i>Metis-M</i>	S/2019/914	UID	▪ With GNU-AF.
	9M133 <i>Kornet</i>	S/2019/914	UID	▪ With GNU-AF.
	<i>Dehlavieh</i>	S/2021/229	UID	▪ With GNU-AF.
Armoured Vehicles (APC) ²⁵⁶	AMN 233114 <i>Tigr-M</i>	S/2022/427	Likely Russian PMC	
	<i>Irigiri</i> 4x4	S/2019/914	UID	▪ First seen 2015.
	Inkas <i>Titan-DS</i> 4x4	S/2021/229	UAE	
	Inkas <i>Titan-S</i> 4x4	New	UID	▪ Annex 58
	Inkas <i>Titan-S</i> 6x6	S/2022/427	UID	
	** KADDB <i>Al Wahsh</i> 4x4	S/2016/209	Jordan	
	KADDB <i>Al Wahsh</i> 4x4	S/2018/812	Jordan	▪ "Snake Head" Turret fitted.
	<i>Katmerciler Kirac</i>	S/2022/427	Türkiye	
	LC79 <i>SH Fighter-2</i> 4x4	S/2023/673	UID	
	Lenco <i>Bearcat G3</i> 4x4	S/2021/229	UID	▪ With GNU-AF.
	Mezcal <i>Tygra</i> 4x4	S/2017/466	UAE	
	MIC VPK <i>Tigr-M</i>	S/2021/229	Russian PMC	

²⁵⁴ In a single open-source report in <https://www.oryxspioenkop.com/2020/06/types-of-arms-and-equipment-supplied-to.html>, 23 March 2021. A confidential source informed the Panel that the system was only very briefly deployed to Libya and soon withdrawn.

²⁵⁵ Anti-Tank Guided Weapon.

²⁵⁶ Armoured Personnel Carriers. Sometimes also referred to as Protected Patrol Vehicles (PPV).

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
	** MSPV <i>Panthera T6</i> 4x4	S/2016/209 S/2017/466 S/2018/812 S/2021/229	UAE	▪ From different shipments.
	MSPV <i>Panthera T8</i> 4x4	S/2023/673	UID	
	MSPV <i>Panthera F9</i> 4x4	S/2018/812	UAE	
	** Streit <i>Cobra</i> 4x4	S/2016/209	UAE	▪ Transferred in 2012.
	Streit <i>Cougar</i> 4x4	S/2016/209	UAE	▪ Transferred in 2012.
	** Streit <i>Cougar</i> 4x4	S/2019/914	Jordan	▪ "Snake Head" Turret fitted.
	Streit <i>Spartan</i> 4x4	S/2016/209 S/2018/812 S/2021/229 S/2023/673	UAE	▪ From different shipments.
	TAG BATT APC	S/2022/427	UID	
	TAG BATT UMG Armoured Truck	New	UID	▪ Annex 57
	** TAG <i>Terrier LT-79</i> 4x4	S/2021/229	UAE	
	<i>Tundra</i> Variant	S/2021/229	UID	
Armoured Vehicles (IAFV) ²⁵⁷	FNSS ACV-15	S/2021/229	Türkiye	
	KADDB <i>Mared</i> 8x8	S/2019/914	Jordan	
	** KADDB <i>Mared</i> 8x8	S/2021/229	Jordan	▪ "Snake Head" Turret fitted.
	Paramount <i>Mbombe</i> 6x6	S/2019/914	UID	▪ With HAF.
	<i>Ratel-60</i>	S/2019/914	UID	▪ With HAF.
Armoured Vehicles (MRAP) ²⁵⁸	BAe <i>Cayman</i>	S/2016/209	UID	▪ First seen 2012.
	BMC <i>Kirpi</i> 4x4	S/2019/914	Türkiye	
	BMC <i>Kirpi II</i> 4x4	New	UID	▪ Annex 56
	BMC <i>Vuran</i> 4x4	S/2023/673	Türkiye	
	Evro-Polis <i>Valkyrie</i> 4x4	S/2021/229	ChvK Wagner	▪ Based on a Ural-432007 platform. ▪ New attribution.
	NIMR <i>Jais</i> 4x4	S/2016/209	UAE	▪ First seen 2013.
	Streit <i>Condor SUT</i>	New	UID	▪ Annex 59
	Streit <i>Gladiator</i>	New	UID	▪ Annex 60
	Streit <i>Typhoon</i> 4x4	S/2022/427	UID	
Artillery (Towed)	** 122mm M1938 M-30 Howitzer	S/2022/427	UID	▪ This weapon system was NOT reported in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. ²⁵⁹ ▪ Identified with HAF 106 brigade.
	** 155mm G5 Howitzer	S/2021/229	UID	▪ With HAF. ²⁶⁰
Artillery (Self-Propelled)	155mm <i>Firtina T-155</i>	S/2021/229	Türkiye	
Artillery (MLRS)	** 128mm LSRVM <i>Morava</i>	S/2021/229	UID	▪ Now confirmed from imagery. ²⁶¹

²⁵⁷ Infantry Armoured Fighting Vehicles.

²⁵⁸ Mine Resistant Armoured Protected.

²⁵⁹ Pre-2011 Libyan inventory based on that equipment reported in Jane's publications and the IISS Military Balance (<https://www.iiss.org/publications/the-military-balance-plus>).

²⁶⁰ Also <https://twitter.com/Oded121351/status/1328016339072638978>, 15 November 2020.

²⁶¹ <https://www.oryxspioenkop.com/2022/08/photo-report-haftars-last-parade.html>, 27 August 2022.

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
	Rocketsan 122mm <i>Sakarya</i> T-122	S/2021/229	Türkiye	
	** 128mm LSRVM <i>Morava</i>	S/2021/229	UID	
	122mm Hybrid Version	S/2022/427	UAE	
Logistic Vehicles	** CFORCE All-Terrain Vehicle	S/2022/427	UID	
	** Jeep Gladiator	S/2022/427	UID	▪ Militarised.
	KamAZ 6x6 Truck	S/2022/427	UID	▪ Identification from 2018 and unreported by Panel. ▪ Also delivered to Libya on <i>MV Fehm Calypso</i> in 2020. ²⁶²
	KamAZ 8x8 Truck	S/2021/229	Russian PMC	▪ Identified as the mobility platform for the ChVK Wagner operated Pantsir-1.
	Militarised Toyota Land Cruiser 79 4x4	S/2022/427	UID	
	** Toyota 6x6 Light Utility Vehicle	S/2022/427	UID	
	UAZ-469 Light Communications Vehicle	S/2022/427	UID	
	Ural-4320 Truck	S/2022/427	UID	▪ Some identified on deck of <i>MV Fehm Calypso</i> on 25 April 2020 during transit of Bosphorus, but these offloaded in Alexandria according to shipping company.
	Ural-4320 Truck (Armoured)	S/2022/427	UID	
Mortars (Field)	120mm 120-PM-43 M1943	S/2022/427	UID	
	120mm M-74	S/2022/427	UID	▪ With HAF Tariq bin Ziyad brigade.
Naval Vessels	<i>Apollon</i> rigid-hulled inflatable boats	S/2022/427	LAAF Greek individual	▪ Annex 34
	<i>Corrubia</i> Class patrol boats	S/2019/914	Member State	▪ Converted to naval vessels post-delivery.
	<i>Damen Stan Patrol 1605</i> Class patrol boats	S/2018/812		
	<i>Lambro Olympic D74</i> Fast Patrol Boat	S/2022/427	Libya SSA Greek individuals	▪ In use with SSA ▪ a.k.a. <i>Javelin</i> Class.
	<i>MRC-1250</i> rigid-hulled inflatable boats	S/2021/229	Lancaster6	▪ Project Opus.
	<i>OCEA</i> fast patrol boat 110	New	LAAF	▪ Annex 31
	Offshore Patrol Vessel <i>Alkarama</i>	S/2018/812 S/2019/914	Universal Satcom Services, UAE	
	Patrol Boat <i>Alqayid Saqar</i>	S/2022/427	Libya SSA	▪ Type UID. ▪ Classed as military as dual use and subsequently armed.
	<i>Raidco</i> RPB 20 class patrol boats	S/2019/914	Member State	▪ Converted to naval vessels post-delivery.
Radars and EW	Aselsan <i>Koral</i> Electronic Warfare System	S/2021/229	Türkiye	
	** IRL131 P-18 Early Warning Radar	S/2022/427	UID	
	LEMZ 96L6/E Target Acquisition Radar	S/2021/229	UID	
	Samel-90 Mobile IED Jammer	S/2019/914	UID	
	Aselsan <i>Ihasavar</i> UAV Jammer	S/2023/673	Türkiye	
Small Arms and Light Weapons	5.56mm AK-103 Assault Rifles	S/2022/427	Likely Russian PMC	
	5.56mm JAWS-556 Assault Rifles	S/2022/427	Jordan	

²⁶² Information from shipping company.

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
	5.56mm MFR Multi-Functional Rifles	S/2022/427	Türkiye	
	5.56mm MPT 55K Assault Rifles	S/2022/427	Türkiye	
	5.56mm KCR 556 7.5" infantry rifle	S/2023/673	Türkiye	
	5.56 x 45mm SAR 223C Assault Rifles	New	UID	▪ Annex 55
	7.62 x 39mm AK-103-1 Assault Rifles	S/2022/427	UID	
	7.62 x 39mm AR-M9F Assault Rifles	S/2016/209	UAE	
	7.62 x 39mm Type 63-1 Assault Rifle	S/2022/427	UID	
	7.62 x 51mm FN FAL Assault Rifle	S/2013/99	UAE	
	7.62 x 51mm JNG-90 <i>Bora -12</i> Sniper Rifle	S/2022/427	Türkiye	
	7.62mm KNT-76 Sniper Rifle	S/2023/673	Türkiye	
	7.62 x 51mm MPT 76 Assault Rifles	S/2022/427	UID	
	7.62 x 54mmR Type-80 General Purpose Machine Gun ²⁶³	S/2022/427	UID	
	0.308" <i>Accuracy International</i> AW308 Sniper Rifle	S/2023/673	UID	
	0.308" <i>Sako</i> TRG 22 Sniper Rifles	S/2023/673	UID	
	0.338 <i>Orsis</i> T-5000 Sniper Rifle	S/2022/427	UID	▪ Chambered for <i>Lapua</i> rounds.
	0.338 <i>Steyr</i> SSG-08 Sniper Rifle (Variant or Copy)	S/2022/427	Russian PMC	▪ Chambered for <i>Lapua</i> rounds.
	0.50" Barrett M82 Anti Material Rifle	S/2023/673	UID	
	9mm Canik TP9 Series Pistol	New	UID	▪ Annex 53
	9mm Caracal F Pistols	S/2015/128	UAE	
	9mm <i>EKOL</i> P29 Blank Firing Pistols	S/2019/914	UID	
	9mm <i>SUR</i> BRT M9 Blank Firing Pistols	S/2022/427	UID	
	12.7 x 108mm W-85 Heavy Machine Gun	S/2022/427	UID	
	AGS 30mm Grenade Launcher	S/2021/229	Russian PMC	▪ Either AGS-17 or AGS-30 based on ammunition recovered.
	VOG-25 40mm Grenade Launcher	S/2021/229	Russian PMC	▪ Based on ammunition recovered.
	40 x 46mm <i>Akdas</i> AK-40-GL Grenade Launchers	S/2022/427	Türkiye	
	RPG-32 <i>Nashbab</i> Rocket Launcher	S/2019/914	Jordan	
	** SPG-9 73mm Recoilless Rifle	S/2022/427	UID	
	Type-69 85mm Rocket Launcher	S/2022/427	UID	
Tanks (MBT)	M-60 <i>Patton</i> ²⁶⁴	S/2022/427	Türkiye	
	T-62MV	S/2021/229	Russian PMC	▪ Also see annex 56.
Uncrewed Aerial Vehicles (UAV)	Adcom <i>Yabhon-HMD</i>	S/2019/914	UAE	
	Aeryon <i>Scout Micro</i>	S/2013/99	Zariba Security Corporation	
	Aselsan <i>Serce-2</i> UAV	S/2023/673	Türkiye	
	Chilong CL-11 VTOL	S/2019/914	UID	▪ Dual use system.

²⁶³ https://twitter.com/r_u_vid/status/1221227142911905793, 26 January 2020.

²⁶⁴ Also <https://twitter.com/MiddleEastWatc1/status/1281616199957323776>, 10 July 2020.

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
	** DJI Inspire	S/2022/427	UID	
	Mohajer-2	S/2019/914	UID	
	Orbiter-3	S/2019/914	GNA-AF	▪ Dual use system.
	Orlan-10	S/2019/914	HAF	▪ Possibly from ChVK Wagner.
	Schiebel Camcopter S-100	S/2017/466	UID	▪ With a UID Militia.
	Xiamen Mugin 4450	S/2021/229	UID	▪ Dual use system.
	Zala 421-16E	S/2022/427	UID	▪ With HAF.
UAV (Loitering Munition)	IAI Harpy	S/2021/229	UID	▪ With GNU-AF.
	STM Kargu-2	S/2021/229	Türkiye	
	WB Warmate	S/2021/229	UID	
Uncrewed Aerial Combat Vehicles (UACV)	Bayraktar TB2	S/2019/914	Türkiye	
	Bayraktar AKINCI	New	Türkiye	▪ Annex 37
	TAI Anka	S/2021/229	Türkiye	
	Wing Loong I	S/2017/466	UAE	
	Wing Loong II	S/2019/914	UAE	
Miscellaneous	AN/PEQ-15 Advanced Target Pointer Illuminator Aiming Laser (ATPIAL)	S/2022/427	UID	
	AN/PVS-7 Night Vision Goggles	S/2022/427	UID	
	Aselsan A100 Night Vision Monocular	S/2022/427	Türkiye	
	Aselsan A940 Night Vision Weapon Sights	S/2023/673	Türkiye	
	Aselsan A940 Weapon Sights	S/2023/673	Türkiye	
	Dahua DHI-UAV-D-1000JHV2 Anti Drone Gun	S/2021/229	UID	
	Holographic Weapon Sights (HWS)	S/2022/427	Türkiye	
	Sordin Supreme Pro-X Hearing Protectors	S/2022/427	UID	

Table 28.2

Confirmed arms and military materiel transferred to Libya (26 Feb 2011 – 25 Oct 2024) (ammunition and explosive ordnance)

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
Air to Ground Missiles (AGM)	BA-7 Blue Arrow	S/2019/914	UAE	
Anti-Tank (ATGM)	FGM-148 Javelin	S/2019/914	Member State	▪ Present under resolution 2214 (2015).
	Rocketsan UMTAS	S/2021/229	Türkiye	
Anti-Tank (Rockets)	M-79 Osa	S/2022/427	UID	
Engineer Stores	ML-8 anti-lift initiators	S/2021/229	Russian PMC	
Free Flight Rockets (FFR)	122mm Rocketsan FFR	S/2022/427	Türkiye UAE	
Grenades	F1 Fragmentation	S/2022/427	ChVK Wagner	
	30mm VOG-17M Grenades	S/2021/229	ChVK Wagner	
	40mm OGi-7MA projected grenades	S/2023/673	UID	
	40mm VOG-25 Grenades	S/2021/229	ChVK Wagner	
	Tanin TBG-7 Thermobaric Grenade	S/2023/673	HAF	

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
Laser Guided Bombs (LGB) or Smart Micro Munition (SMM)	GBU-12 Paveway II	S/2017/466	UAE	
	Rocketsan MAM-C	S/2023/673	Türkiye	
	Rocketsan MAM-L	S/2023/673	Türkiye	
Laser Guided Projectiles (LGP)	155mm GP-1A	S/2017/466 S/2018/812	UAE	
	155mm GP-6	S/2019/914	UAE	
Mines (Anti-personnel)	MON-50	S/2022/427	ChVK Wagner	
	MON-90	S/2022/427	ChVK Wagner	
	MON-200	S/2022/427	ChVK Wagner	
	OZM-72	S/2022/427	ChVK Wagner	
	PMN-2	S/2021/229	ChVK Wagner	
	POM-2R	S/2021/229	ChVK Wagner	
Mines (Anti-Tank)	TM-62M	S/2022/427	Russian PMC	
Mortar Bombs	120mm high explosive	S/2021/229	UID	
	120mm M62P8 high explosive	S/2021/229	UAE	
	120mm M62P10 high explosive	S/2022/427	UAE	
Small Arms and Cannon Ammunition	7.62 x 39mm	S/2015/128 S/2016/209	Belarus UID	▪ For Ministry of Interior.
	7.62 x 39mm	S/2016/209	Sudan	
	7.62 x 39mm TulAmmo	S/2021/229	Russian PMC	▪ Lot A421/2019.
	7.62 x 51mm M80	S/2016/209	Qatar	
	7.62 x 54Rmm	S/2016/209	UID	▪ Manufactured in 2012.
	12.7 x 108mm	S/2013/99 S/2015/128	UAE Belarus	▪ For Ministry of Interior.
	14.5 x 114mm	S/2015/128	Belarus	▪ For Ministry of Interior.
	23 x 115mm	S/2015/128	Belarus	▪ For Ministry of Interior.
Thermobaric Munitions	KBP RPO-A <i>Shmel</i>	S/2021/229	ChVK Wagner	

2. Tables 28.3 and 28.4 summarise arms and military materiel that have been reported in open-sources as new transfers. The Panel is still investigating these alleged transfers as: (a) in some cases the arms and military materiel were in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo; and/or (b) the imagery was not of high enough resolution to identify serial numbers or lot/batch numbers to confirm post-2011 manufacture, and thus enable the initiation of tracing requests to identify supply chains. The Panel continues to investigate to find confirmatory information to the appropriate evidential standards.

Table 28.3

Reported but not yet confirmed arms and military materiel transferred to Libya (26 Feb 2011 –25 Oct 2024) (weapon systems and equipment) ²⁶⁵

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Remarks</i>
Air Defence (Missiles)	S-125 (SA-3)	<ul style="list-style-type: none"> This system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. Reports in June 2020 of supply from Ukraine to Türkiye,²⁶⁶ and then deployed to Al Watiya.²⁶⁷ No S-125 appear on satellite imagery of Al Watiya at that time, only <i>HAWK MIM</i>.
Anti-Tank (ATGW)	9M113 <i>Konkurs</i> ²⁶⁸	<ul style="list-style-type: none"> This system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. Also seen with HAF 106 brigade in November 2020 exercise, but resolution of imagery insufficient to identify if post-2011 production. More confirmatory evidence required before post-2011 transfer to Libya can be proven.
Armoured Vehicles (APC)	<i>NIMR II</i> ²⁶⁹	<ul style="list-style-type: none"> This vehicle was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. The unit badge on the vehicle dates back to 1970. Supplied under a contract signed in 2009 between Libya and the Bin Jamr Group, UAE.²⁷⁰ The imagery was not sufficient to allow for confirmation of a new transfer to Libya without other confirmatory evidence.
Armoured Vehicles (IAFV)	BRDM-2	<ul style="list-style-type: none"> This weapon system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. S/2016/209 reported the transfer of these APC types from Libya to Mali. Ukraine sold 108 BRDM to a UAE customer in 2017.²⁷¹ More confirmatory evidence required before post-2011 transfer to Libya can be proven.
Artillery (Towed)	** 122mm D-30 Howitzer ²⁷²	<ul style="list-style-type: none"> This weapon system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. More confirmatory evidence required before post-2011 transfer to Libya can be proven.
	152mm 2A65 Msta-B Howitzer	<ul style="list-style-type: none"> This weapon system was NOT in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. The open-source imagery that initially referred to this weapon was later updated to attribute the gun as a G5 Howitzer.²⁷³ The Panel has yet to find any imagery of the weapon system deployed in Libya.
	155mm Norinco AH4 Gun-Howitzer	<ul style="list-style-type: none"> This weapon system was NOT in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. Procured by UAE in 2019.²⁷⁴ Ammunition for the weapon system reported in S/2017/466, S/2018/812 and S/2019/914, but this may be compatible with the 155mm G5 Howitzer known to have been transferred. The Panel has yet to find any imagery of the weapon system proving deployment in Libya.
Artillery (MLRS)	107mm LSRVM <i>Morava</i>	<ul style="list-style-type: none"> The 128mm version was reported in S/2021/229. Also see table 26.1.

²⁶⁵ Listed primarily in <https://www.oryxspioenkop.com/2020/06/types-of-arms-and-equipment-supplied-to.html>, 23 March 2021.

²⁶⁶ <https://avia-pro.net/news/na-vooruzhenii-livii-poyavilis-ukrainskie-s-125-protiv-rossiyskih-mig-29-i-su-24>, 8 July 2020.

²⁶⁷ https://www.youtube.com/watch?v=_mPg5CTUJHQ, 12 July 2020.

²⁶⁸ Reported capture. <https://twitter.com/AnalystMick/status/1249681644933599233>, 13 April 2020.

²⁶⁹ <https://twitter.com/oded121351/status/966794267585925120>, 22 February 2018.

²⁷⁰ <http://www.army-guide.com/eng/product.php?prodID=3936&printmode=1>. Accessed 21 January 2022.

²⁷¹ <https://defence-blog.com/ukraine-sold-108-brdm-2-armoured-reconnaissance-vehicles-to-uae/>, 1 August 2017.

²⁷² <https://twitter.com/Oded121351/status/1328016339072638978>, 15 November 2020.

²⁷³ <https://twitter.com/Oded121351/status/1328016339072638978/photo/1>, 15 November 2020; and

<https://twitter.com/darksecretplace/status/1328024363887595520>, 15 November 2020.

²⁷⁴

https://www.armyrecognition.com/march_2019_global_defense_security_army_news_industry/norinco_ah4_155_mm_howitzers_for_united_arab_emirates_army.html, 1 March 2019.

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Remarks</i>
	107mm <i>Taka</i>	<ul style="list-style-type: none"> Copy of Chinese Type-63 manufactured in Sudan. The single source imagery cannot confirm the weapon type, nor deployment in Libya.²⁷⁵
Logistic Vehicles	Safir Light Utility Vehicle	<ul style="list-style-type: none"> This vehicle was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. More confirmatory evidence required before post-2011 transfer to Libya can be proven.
Mortars (Field)	60mm Type-32	<ul style="list-style-type: none"> Image resolution insufficient for 100% identification.²⁷⁶
	82mm 82-BM-37 ²⁷⁷	<ul style="list-style-type: none"> This weapon system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. More confirmatory evidence required before post-2011 transfer to Libya can be proven.
Mortars (Self-propelled)	120mm <i>Boragh</i> Armoured Mortar Vehicle	<ul style="list-style-type: none"> The single source imagery identified is insufficient to allow for confirmation of a new transfer to Libya.²⁷⁸
Radars and EW	Grozna-S Counter UAV	<ul style="list-style-type: none"> The single source imagery identified is insufficient to allow for confirmation of a new transfer to Libya.²⁷⁹
	Grozna-6	<ul style="list-style-type: none"> The single source image is of a Grozna-6 deployed in the UAE,²⁸⁰ but the Panel has yet to see imagery of the system deployed in Libya.²⁸¹
	Krasuha	<ul style="list-style-type: none"> Single source on 18 May 2020 with no supporting high-resolution imagery to allow for confirmation of type or location in Libya.²⁸²
Small Arms and Light Weapons	7.62 x 54mmR PKM General Purpose Machine Gun	<ul style="list-style-type: none"> This system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. More confirmatory evidence required before post-2011 transfer to Libya can be proven.
Tanks (MBT)	T-55E	<ul style="list-style-type: none"> The T-55 was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. HAF official social media showed a T-55 variant with the Tariq bin Ziyad brigade in 2020.²⁸³ ChvK Wagner personnel also repaired 16 and overhauled 31 T-55 variants in 2019, so possible these are from that work.²⁸⁴ More confirmatory evidence required before post-2011 transfer to Libya can be proven.
	T-62M	<ul style="list-style-type: none"> T-62 variants were in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. ChvK Wagner personnel also repaired 4 and overhauled 9 T-62 variants in 2019.²⁸⁵ The imagery was not sufficient to allow for confirmation of a new transfer to Libya.
UAV	Ababil-2	<ul style="list-style-type: none"> Reported as operated by HAF. Image resolution insufficient for 100% identification of type or location.²⁸⁶
	Zagil	<ul style="list-style-type: none"> The Panel has identified a single-source report alleging Sudan supplied this UAV type in 2014.²⁸⁷ The imagery shows Libyan officers but is insufficient to prove the presence of this UAV type in Libya. No open-source imagery of a "Zagil" UAV could be found to allow for confirmation of UAV type.

²⁷⁵ <https://postimg.cc/fkz4Rqhp>, undated. Accessed 23 January 2022.

²⁷⁶ <https://twitter.com/libyatogogether20/status/1378031351132254209>, 2 April 2021.

²⁷⁷ <https://twitter.com/Oded121351/status/1328012799948312576>, 15 November 2020.

²⁷⁸ <https://twitter.com/tariqgibrel/status/601900388267208704>, 23 May 2015; and <https://postimg.cc/4K7MjjVH>, undated. Accessed 23 January 2022.

²⁷⁹ <https://twitter.com/towersight/status/1292885386902069249>, 10 August 2020.

²⁸⁰ <https://www.menadefense.net/mideast/les-emirats-arabes-unis-se-dotent-de-brouilleurs-bielorusses-groza-6/>, 25 June 2020.

²⁸¹ <https://army-tech.net/forum/index.php?threads/الالكترونية-البيلاروسية-groza-18194-العاصفة>, 25 April 2020.

²⁸² <https://libya.liveuamap.com/en/2020/18-may-gna-turkish-uav-airstrike-on--electronic-warfare-system>, 20 May 2020.

²⁸³ <https://www.youtube.com/watch?v=LXt5d1iacEk>, 14 November 2020. [14min 29sec].

²⁸⁴ Table 77.2 to S/2021/229.

²⁸⁵ Table 77.2 to S/2021/229.

²⁸⁶ <https://postimg.cc/3dNhp1>. Accessed 23 January 2022.

²⁸⁷ <https://m.facebook.com/1445146409065850/photos/a.1445154462398378/1484269561820201/?type=3&source=54>, 9 August 2014.

Table 28.4

Reported but not confirmed arms and military materiel transferred to Libya (26 Feb 2011 – 25 Oct 2024) (ammunition and explosive ordnance)

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Remarks</i>
Artillery	155mm 2K25 Krasnopol laser guided projectile.	<ul style="list-style-type: none"> Reported as being for the 152mm 2A65 Msta-B Howitzer (see table 26.3), so possible calibre error in report. Imagery insufficient to confirm calibre or transfer to Libya.²⁸⁸ The imagery could equally be of a GP1, which is a direct copy.²⁸⁹ GP1 reported in in S/2017/466 and S/2018/812.
Engineer Stores	Fateh-4 mine clearance line charge	<ul style="list-style-type: none"> The single source imagery identified is insufficient to allow for confirmation of a transfer to Libya.²⁹⁰
Mines (Anti-personnel)	MON-100	<ul style="list-style-type: none"> The Libyan Mine Action Centre (LibMAC) have confirmed that no mines of this type have been reported, identified or rendered safe in Libya to date.²⁹¹ The single source imagery identified is insufficient to allow for confirmation of a transfer to Libya.²⁹²
Mines (Anti-Tank)	TM-83	<ul style="list-style-type: none"> LibMAC have confirmed that no mines of this type have been reported, identified or rendered safe in Libya to date.²⁹³ The single source imagery is insufficient to confirm type or transfer to Libya.²⁹⁴

²⁸⁸ <https://twitter.com/lostweapons/status/1243787785724542976?lang=he>, 28 March 2020.

²⁸⁹ Confidential source analysis.

²⁹⁰ https://vk.com/wall-98555648_224885?lang=en, 10 August 2021.

²⁹¹ Email to Panel of 25 January 2022.

²⁹² https://www.libyaobserver.ly/news/libyas-interior-ministry-urges-south-tripoli-residents-not-return-home-just-yet?qt-libya_weather=1&qt-sidebar_tabs=1, 8 June 2020.

²⁹³ Ibid.

²⁹⁴ <https://twitter.com/analystmick/status/1125785280626200576>, 7 May 2019.

Annex 29 Dignity Shield 2024 Military Exercise

1. Between 2 and 6 March 2024, LAAF conducted a military exercise named “Dignity Shield 2024” within the agreed ceasefire zone in the vicinity of Sirte.²⁹⁵ The Panel identified that nine LAAF units participated in the exercise, with the TBZ, 166, and 128 brigades being the most prominent. Among a wide range of arms and related materiel (Figures 29.1 and 29.5), LAAF used a Pantsir-S1 surface-to-air missile system (Figure 29.4).²⁹⁶ The LAAF used the exercise to display a) newly acquired materiel, including TAG BATT UMG Armoured trucks (Figure 29.2) and OCEA fast patrol boats (Figure 29.3 and annex 31); and b) overall military capabilities in all three military services – land, naval and air force (Figures 29.1, 29.3 and 29.6), primarily through their official communication platforms.

2. Located at the geographic midpoint of the ceasefire zone²⁹⁷ and widely publicised,²⁹⁸ the preparations for the exercise significantly contributed to the tense atmosphere in the western part of the country, sparking rumours of imminent security threats. Tripoli-based armed groups expressed varied views on this exercise. Some condemned the action as a direct breach of the 2020 ceasefire agreement, while others, used to similar operations within their ranks, considered the exercise to be a routine military activity.²⁹⁹ LAAF expressed to the Panel that, “Dignity Shield 2024” exercise was a routine military activity that was periodically conducted to: a) provide training and skill development for its forces; and b) test its equipment, capabilities, and coordination. Representatives from the diplomatic bodies in Libya, as well as members of the 5+5 Joint Military Commission (JMC), were invited to attend the exercise. The LAAF also extended an invitation to Chief of Staff Mohamed El-Haddad, as it did not consider that this exercise is a provocation toward the west, nor a move that threatens the ceasefire.³⁰⁰

²⁹⁵ 30°48'56.5200"N, 16°52'01.2360"E

²⁹⁶ Presence in Libya previously reported by the Panel in S/2021/229, paragraphs 78-80 and Annex 23.

²⁹⁷ As defined by the ceasefire agreement of 23 October 2020.

²⁹⁸ <https://www.facebook.com/watch/?v=617118039971717>, 7 September 2022;

<https://www.facebook.com/watch/?v=2227074570806445>, 7 September 2022;

<https://www.facebook.com/watch/?mibextid=rS40aB7S9Ucbxw6v&v=1837627750020796>, 14 March 2024.

²⁹⁹ Confidential source (members of armed groups).

³⁰⁰ LAAF response of 14 September 2024.

Figure 29.1
T72 tanks



Figure 29.2
TAG BATT UMG armoured truck



Figure 29.3
OCEA fast patrol boat 110



Figure 29.4
Pantsir-S1 surface-to-air missile system



Figure 29.5
Mi-35 attack helicopter



Figure 29.6
Paratroopers



Sources:

1. <https://www.youtube.com/watch?v=7u2DhxfQ6iE>, 14 March 2024.
2. <https://www.facebook.com/General.official.leadership/posts/pfbid0Qvkn4TdMDybVs8V1pcqvMBMMneq6vbjdPz7HHKhLJZUJkKwKVCbPWdwovuvstPF5yl>, 14 March 2024.
3. <https://www.facebook.com/General.official.leadership/posts/pfbid09Ugoafdo279e8uELv6XZMQuCHx59bSrgHQdd6q3htZkUBFmgK4aWTZZ2GXn8zmJl>, 14 March 2024.
4. <https://www.facebook.com/General.official.leadership/videos/1537284016840832>, 14 March 2024.

Annex 30 Humanitarian deliveries by naval vessels and military cargo aircraft

1. Paragraph 24 (b) of resolution 2213 (2015) tasks the Panel to “gather, examine and analyse information [...] regarding the implementation of [...] [the arms embargo], in particular incidents of non-compliance”.
2. As per paragraph 9 of resolution 1970 (2011), the arms embargo applies to “direct or indirect supply, sale or transfer to [Libya], 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 [...] military vehicles and equipment [...] and technical assistance [...] related to military activities.” The Panel understands naval vessels and military cargo airplanes to constitute arms and related materiel, by virtue of falling under the category of “military vehicles and equipment”.
3. Pursuant to the above resolutions and in particular the two quoted provisions, the Panel has consistently reported on temporary entries of armed naval vessels and armed military aircraft into Libyan territory, when not falling under any of the exemptions set out in the relevant resolutions nor have been approved by the Committee, as violations of the arms embargo. Since the Panel’s final report submitted pursuant to resolution 2509 (2020), the Panel has equally considered temporary entries of unarmed military cargo airplanes and unarmed naval vessels as subject to the arms embargo.³⁰¹ In its final report submitted pursuant to resolution 2571 (2021), the Panel recommended to the Security Council that humanitarian deliveries by naval vessel or military aircraft be made subject to notification to the Committee, to exempt these deliveries from the arms embargo.³⁰² That recommendation was not adopted. The Committee, in its treatment of exemption requests and notifications, as well as requests for guidance from Member States, has also consistently qualified temporary transfers of arms and related materiel as subject to the arms embargo. In the Panel’s assessment, in general, naval vessels and military aircraft fall under the category of arms and related materiel.
4. In response to the humanitarian emergency caused by Storm Daniel in September 2023 in eastern Libya that resulted in the serious loss of life and livelihoods, several Member States immediately proceeded with humanitarian and disaster relief operations to help affected local communities in need. As part of this emergency response, and due to the urgency of the humanitarian situation, the particularly difficult security and other operational conditions and needs that the extensive flooding had caused, some Member States used naval vessels and military aircraft to deliver humanitarian assistance and disaster relief to the people of Derna and other affected areas in eastern Libya (“Derna humanitarian crisis”).
5. In the absence of extant provisions in the applicable resolutions or implementation assistance notices³⁰³ that would except or exempt humanitarian deliveries by naval vessels and military aircraft that do not fall into the category of non-lethal military vehicles and equipment – both in substance and in relation to their means of delivery – the Panel has consistently applied the same methodology and technical standards used in relation to investigating entries of such naval vessels and military aircraft into Libya, including to the analysis of identified cases of humanitarian relief deliveries by Member States through military means and personnel in the context of the Derna humanitarian crisis.
6. The Panel is cognizant that humanitarian aid in such exceptional circumstances is often rendered through military means of transportation and by military personnel trained and specialised in conducting efficient disaster relief operations in the context of emergency situations such as the Derna humanitarian crisis. Yet, the arms embargo as framed in the extant resolutions would have required Member States to seek an exemption from the Libya Sanctions Committee under paragraph 9 (c) of resolution 1970 (2011) before entering Libya. The Panel is mindful that this procedural requirement in an urgent disaster situation like the aftermath of Storm Daniel seems neither practicable nor proportionate.
7. The Panel has addressed standardised letters with a questionnaire (appendix 30.A) to all Member States that the Panel has identified as having provided humanitarian and disaster relief to eastern Libya in the aftermath of Storm Daniel by means of military aircraft or naval vessels, and/or by provision of such relief through military personnel or using military materiel (appendix 30.B). The purpose of these letters was to establish whether all transfers of arms and related materiel to Libya – including military aircraft and naval vessels, and including temporary transfers – in this context have exclusively

³⁰¹ S/2021/229, paras. 76, 81 and 83 and table 4; S/2022/427, paras. 60, 79 to 80 and tables 1 and 3; S/2023/673, para. 81, 90 to 93 and tables 1 and 3.

³⁰² S/2022/427, para. 132 recommendation 1.

³⁰³ Including Implementation Assistance Notice no 7, dated 4 December 2023 and titled “Guidance to Member States on the application of the humanitarian exemption established by resolution 2664 (2022) to the asset freeze established under resolution 1970 (2011)”, see https://main.un.org/securitycouncil/sites/default/files/1970_ian7_e.pdf.

been undertaken with a view to providing humanitarian and disaster relief, and have not been related to any other military activities.

8. The letters should thus clarify the following: a) were military means of transportation used (armed or unarmed); and b) were any military items delivered (lethal or non-lethal). If transfers included armed means of transportation or lethal materiel, the extant provisions in the applicable resolutions do not provide any exceptions.

9. Six Member States, Algeria, Egypt, Germany, Romania, the Russian Federation and Spain responded to the Panel's inquiry. Their responses are detailed in appendix 30.C.

10. As long as a temporal and causal nexus to Storm Daniel make the humanitarian aid delivery credible, and the entries by military cargo aircraft being excepted by virtue of paragraph 9 of resolution [2095 \(2013\)](#), the provision of humanitarian aid by non-lethal military cargo aircraft, do not constitute violations of or non-compliances with the arms embargo on Libya.

11. The naval vessels used by Egypt, Italy, Malta and Türkiye were armed naval vessels, and thus cannot be subsumed under the category of non-lethal military equipment as contained in paragraph 9 of resolution 2095 (2011). The entries of these vessels into Libya therefore amount to non-compliances with paragraph 9 of resolution 1970 (2011), for not having sought prior exemption from the Committee.³⁰⁴

³⁰⁴ Malta submitted a "notification" to the Committee, but did not seek exemption.

Appendix A to annex 30 List of Member States that reportedly delivered humanitarian aid to eastern Libya in the aftermath of Storm Daniel

Table 30.A.1

List of Member States that reportedly delivered humanitarian aid to eastern Libya in the aftermath of Storm Daniel

Member State	Means of transport	Source ^a
Algeria	Hercules 7T-WJB	https://twitter.com/ALandewers/status/1701845775146217638
Bangladesh	Air Force Hercules S3-AGJ	https://twitter.com/ALandewers/status/1702631280955842945
Egypt	Mistral aircraft carrier Three UID military cargo aircraft Search-and-rescue aircraft	https://www.sis.gov.eg/Story/185833/Egypt%E2%80%99s-Mistral-aircraft-carrier-arrives-in-Libya-to-help-storm-victims?lang=en-us https://libyareview.com/37656/egypt-sends-3-military-planes-with-aid-to-libya/ https://libyareview.com/37850/egypt-deploys-rescue-aircraft-to-libya/
France	Airbus A400M cargo aircraft	https://lignesdedefense.blogs.ouest-france.fr/archive/2023/09/14/libye-24107.html https://libyaobserver.ly/inbrief/french-relief-plane-arrives-benghazi
Germany	Two UID Bundeswehr Airbus A400M cargo aircraft	https://reliefweb.int/report/libya/flooding-libya-thw-relief-supplies-arrive-today
Iran	15-2283	https://fa.alalam.ir/news/6705493/%D8%A5%D9%8A%D8%B1%D8%A7%D9%86-%D8%AA%D8%B1%D8%B3%D9%84-40-%D8%B7%D9%86-%D9%85%D9%86-%D8%A7%D9%84%D9%85%D8%B3%D8%A7%D8%B9%D8%AF%D8%A7%D8%AA-%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86%D9%8A%D8%A9 امدادی-به-لیبی تنی-اقلام-بشر-دوستانه--DB%B0-%D8%A5%D9%8A%D8%B1%D8%A7%D9%86-%D8%AA%D8%B1%D8%B3%D9%84-40-%D8%B7%D9%86-%D9%85%D9%86-%D8%A7%D9%84%D9%85%D8%B3%D8%A7%D8%B9%D8%AF%D8%A7%D8%AA-%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86%D9%8A%D8%A9
Italy	ITS LPD San Giorgio and ITS LPD San Marco MM62189 MM62196 IAM4672 MM62196 IAM4676 MM62214 IAM4667	https://twitter.com/ALandewers/status/1702209276272341191 https://twitter.com/ALandewers/status/1701993554816426374 https://twitter.com/ALandewers/status/1702277120678907971 flightradar24
Jordan	RJAF-360	https://twitter.com/Gerjon_/status/1702413144222502922
Kuwait	KAF342 KAF327 KAF3223 KAF3216 KAF327 KAF3224	https://twitter.com/ALandewers/status/1701993554816426374 flightradar24
Malta ^b	Armed Forces vessel OPV P61	https://www.reuters.com/world/africa/maltese-rescue-team-finds-hundreds-dead-libyan-beach-2023-09-16/
Qatar	AT-MAE A7-AAA A7-MAB A7-MAC A7-MAA A7-MAO	https://twitter.com/ALandewers/status/1702209504350261328/photo/1 https://twitter.com/ALandewers/status/1701845894730039563/photo/2 https://twitter.com/ALandewers/status/1701845894730039563 flightradar24
Romania	ROF305 ROF323	https://twitter.com/TheLibyaUpdate/status/1703014896743399782?t=e7seKcOJkBWooo7Rhin-A&s=09 flightradar24
Russian Federation	RA-85042 RA-85155	Correspondence of 24 April 2024 from the Russian Federation regarding Russian military aircraft using Libyan airfields

<i>Member State</i>	<i>Means of transport</i>	<i>Source ^a</i>
Spain	UID ³⁰⁵	https://www.bbc.com/news/world-africa-66805254
Tunisia	Z21122 TUN61	https://twitter.com/ALandewers/status/1701845775146217638
	Z21122 TUN62	https://twitter.com/ALandewers/status/1701993554816426374/photo/3
	Z21122 TUN63	flightradar24
Türkiye	TCG Bayraktar; TCG Sancaktar	https://x.com/TheLibyaUpdate/status/1703006711651381634?s=20
	21-0118	https://twitter.com/ALandewers/status/1701486540591899108
UAE	1226 1228 1229 1230	https://www.khaleejtimes.com/uae/look-5-uae-relief-planes-arrive-in-libya-as-part-of-air-bridge
		https://uae-voice.net/emirati-search-and-rescue-team-arrived-in-benghazi-libya/
		https://x.com/libyanemirates https://x.com/ObservatoryLY/status/1705172187521613867/photo/1

^a General information: UN OCHA, Libya Floods – Storm Daniel, <https://vosocc.unocha.org/Report.aspx?page=Ob8GcM294nmBR4N4ePVicQxxxequalxxxequal>.

^b Malta notified the Committee by note verbale dated 12 September 2023 of its intention to dispatch its naval vessel on an urgent humanitarian rescue mission to Tubruq.

³⁰⁵ Military or civilian means of transportation used by Spain to deliver humanitarian aid was unclear to the Panel when it carried out the investigation. In response to the Panel's inquiry, Spain answered that two civilian aircraft from Afriqiyah Airways were used, with aircraft A330 (registration: 5A-ONR) flew on 25 September 2023, and aircraft A-330 (registration: 5A-ONQ) flew on 7 October 2023. The Panel confirmed these two aircraft made flights on those dates respectively from Madrid, Spain to Tripoli, Libya. No contradictory evidence against Spain's statement has been identified.

Appendix B to Annex 30 Standardised questionnaire to Member States that reportedly delivered humanitarian aid to eastern Libya in the context of the Derna humanitarian crisis

Standardised questionnaire

on means of transport of humanitarian aid, transfers of arms and related materiel of all types, including military vehicles and equipment, as well provision of technical assistance to eastern Libya in the aftermath of Storm Daniel since 11 September 2023

Member State: [please fill in]

Date of survey completion: Click or tap to enter a date.

No.	Question	Response
1	<p>Were military cargo plane(s) and/or naval vessel(s) used to deliver humanitarian aid to eastern Libya in the aftermath of Storm Daniel?</p> <p>IF YES: please continue to question 2.</p> <p>IF NO: please provide registration(s) of civilian cargo plane(s) / name and IMO number of civilian vessel(s)/ identification of any other means, used to transport humanitarian aid to eastern Libya and continue to question 4.</p>	
2	Type(s), registration(s), call sign(s) of military cargo plane(s) used.	
3	Type(s) name and pennant number of naval vessel(s).	
4	Airport(s) / /Port(s) of entry and departure.	
5	Arrival and departure date(s) and time(s).	
6	Type and quantity of disaster relief material / supplies delivered on each delivery.	
7	Where applicable, please provide relevant information if disaster relief or humanitarian assistance was provided by using military equipment or military personnel.	
8	Where applicable, if military vehicles and equipment, as well as military personnel still remain in Libya to date, please provide type, quantity and objectives, as well as the timeline for leaving Libya, if any.	

Appendix C to annex 30 Responses from Member States that reportedly delivered humanitarian aid to eastern Libya in the context of the Derna humanitarian crisis

Table 30.C.1

Responses from Member States that reportedly delivered humanitarian aid to eastern Libya in the context of the Derna humanitarian crisis

<i>Member States</i>	<i>Response</i>	<i>Quality of provided information</i>
Algeria	<ul style="list-style-type: none"> Three C-130 and five IL-76 military cargo aircraft transported an unspecified number of firefighters and 162.7 tons of humanitarian aid to Mitiga, Al Abraq and Tobruk airports on 12 September 2023 (seven flights), 13 September 2023 (one flight), 21 September 2023 (one flight), and 30 September 2023 (one flight). No military equipment or personnel were provided as part of the delivery. 	<ul style="list-style-type: none"> complete information with standardised questionnaire returned allowing the Panel to confirm the exception of paragraph 9 of resolution 2095 (2013) applied
Egypt	<ul style="list-style-type: none"> Three military aircraft transported tens of tons of medical, pharmaceutical supplies, 25 search and rescue teams and the rescue unit of the armed forces, and four search and rescue helicopters to Al-Abraq Air Base carried out search and rescue missions and air evacuation. Mistral helicopter carrier (Gamal Abdel Nasser) transported more than 100 containers of food, relief, medical aid, various engineering equipment, ambulances, electricity generation machines, and water pulling vehicles. Via a land bridge across of Salloum - Musaid - Derna port, an urgent shelter camp with a capacity of 300 tents was established, containing medical, technical, first necessity supplies and needs, and equipped with medical teams and nurses. 	<ul style="list-style-type: none"> partial information on the humanitarian nature of deliveries allowing the Panel to confirm that military transportation means were used
Germany	<ul style="list-style-type: none"> Two A400M military cargo aircraft transported about 32 tons of humanitarian aid, including tents, field beds, blankets, tent lighting, generators, water filters, etc. to Benghazi airport on 14 September 2023. No military equipment or personnel were provided as part of the delivery. 	<ul style="list-style-type: none"> complete information with standardised questionnaire returned allowing the Panel to confirm that the exception of paragraph 9 of resolution 2095 (2013) applied
Romania	<ul style="list-style-type: none"> Six Spartan C-130 military cargo aircraft transported mineral water, canned vegetables, tents, beds, mattresses, blankets, sleeping bags, pillows, etc. to Benghazi airport on 16 September, 18 September, 20 September, 26 September and 27 September 2023. No military equipment or personnel were provided as part of the delivery. 	<ul style="list-style-type: none"> complete information with standardised questionnaire returned allowing the Panel to confirm that the exception of paragraph 9 of resolution 2095 (2013) applied
Russian Federation	<ul style="list-style-type: none"> The Russian Federation is “committed to strict implementation of SC resolutions, including restrictions imposed under them. Issues of humanitarian assistance are not subject to those resolutions and are outside the competency of the Committee. Means of transfer crossing Libyan territory on a temporary basis carrying non-sanctioned items are and should not be covered by any exemptions or otherwise by the sanctions regime”. 	<ul style="list-style-type: none"> incomplete information not allowing the Panel to identify the nature of the flights
Spain	<ul style="list-style-type: none"> No military cargo plane or naval vessel was used to deliver humanitarian aid. Two civilian aircraft of Afriqiyah Airways delivered protective overalls, masks, gloves, hydroalcoholic gel, medical supplies, etc on 25 September and 6 October 2023. 	<ul style="list-style-type: none"> complete information with standardised questionnaire returned having not used military means of transport, thus falling outside of the scope of the arms embargo

Table 30.C.2

Member States yet to respond to the Panel's inquiry and questionnaire

Bangladesh	France	Iran	Italy
Jordan	Kuwait	Malta	Qatar
Tunisia	Türkiye	UAE	

Annex 31 Patrol boats seized in Tubruq

A. Overview

1. In November 2023, two fast patrol boats (FPBs) were seized from a vessel in transit in Tubruq to deliver electrical power generation equipment. The FPBs were destined for Oman for use by the Omani police but were seized by the local customs authorities in Tubruq for alleged smuggling.

B. OCEA fast patrol boat 110

2. The two OCEA FPBs were, as per cargo documents, of the type 110 MKII and named #3 “Haras-12” (serial no. LS938434) and # 5 “Haras-14” (serial no. LS938674). According to a presentation document for OCEA FPB 110 MKII provided by OCEA, the FPB 110 MKII are 35 metres long, have a top speed of 30 knots, an integrated secure police radio, gyro-stabilized day and night vision and a cooled infrared sensor, a gyro-stabilized remotely controlled 20 mm machine gun, and two light machine gun fixings.

3. OCEA further informed the Panel that for the two FPBs in question, technical data was as follows: the hull construction was designed without ballistic protection or sink-proofing for naval tasks. The installed communications suite is mainly civilian, with the exception of a V/UHF tactical radio type M3SR XT4410A from Rohde & Schwarz. The hull at the fore deck is reinforced and fitted with an Rheinmetall Oerlikon Searanger 20 remote controlled gun station (20 mm autocannon). The rear platform, aft of the wheelhouse, has two gun mountings to accommodate 7.62 mm machine guns.

4. Owing to the reinforced fore deck with fixed autocannon and the two machine gun mounts, the Panel assesses the two FPBs to fall under the category of arms and related materiel, as per paragraph 9 of resolution 1970 (2011). Any transfer to Libya would require prior approval of the Committee; there are no exceptions in the relevant resolutions that would apply.

C. Timeline of events

5. On 11 October 2023, the shipyard OCEA (France) tasked a freight forwarder (France) with the organization and the customs formalities for the transport of two FPBs to their consignee, the Royal Oman Police in the Sultanate of Oman. The freight forwarder had subcontracted the customs clearance to another company (France) and the transport to the carrier OCEAN 7 Charterings APs (Denmark). The Panel confidentially obtained cargo manifests, bills of lading, customs and loading documents, logs, other cargo documentation, insurance documents, and the end-user certificate for the FPBs. The Sultanate of Oman did not reply to a request for confirmation. Owing to confidentiality, the Panel’s attempts to verify the end-user certificate with France were unsuccessful. The Panel also held several exchanges with the above companies and other relevant interlocutors. From an analysis of all these documents and exchanges, the Panel determined that the consignee of the two FPBs was indeed the Royal Oman Police in Muscat, Sultanate of Oman (OMMCT).

6. On 18 October 2023, the MV *O7 Gaja* (IMO 9273791, flag State: Antigua and Barbuda), time-chartered and operated by OCEAN 7, called at the port of Saint Nazaire, France (FRSNR), where it loaded the two FPBs, two containers with spare parts and tools, and two transport cradles. OCEAN 7 informed OCEA about the planned stop-over in Tubruq en route to Muscat before the FPBs were loaded in Saint Nazaire; OCEA did not object. Loading was completed by 27 October, and the vessel left. The two FPBs were transported prominently on the vessel’s weather deck and were not covered.

7. Before beginning her voyage to Oman, the MV *O7 Gaja* sailed to Vlissingen, the Netherlands (NLVLI), where gas power turbines and associated parts destined for the Tubruq power station were loaded on 29 October 2023. The vessel left Vlissingen on 3 November. The local shipping agent informed Dutch customs that the next port of call of the vessel would be Dubai, United Arab Emirates.

8. On 15 November 2023, the MV *O7 Gaja* entered Tubruq port (LYTOB) to deliver the electrical equipment for the Tubruq power station. Upon arrival, the local agent and local customs officer came on board. The customs officer noted that the pre-arrival notice did not specify that the FPBs had a mounted weapon, and thus FPBs had not been orderly declared as military items. An hour and a half later, military personnel came onboard and investigated the FPBs. Its local agent informed OCEAN 7 that a military representative from the ministry of defence would come on 16 November to inspect the FPBs. Ahead of that inspection, the local authorities requested details of the person in charge in Oman for the FPBs and a copy of the respective bill of lading. OCEAN 7 submitted the bill of lading and the end-user certificate through their local agent on 15 and 16 November, respectively. The vessel’s master also reported that customs officials had taken 36 bottles of alcohol and USD 300 in cash from the vessel’s bonded stores, despite having been declared.

9. On 16 November 2023, unloading operations for the electrical equipment commenced. At noon, the MV *O7 Gaja*'s master was informed by the local customs authorities that the two FPBs would have to be unloaded, owing to misdeclaration. OCEAN 7 instructed the master not to unload the FPNs unless an official document was received from the Libyan authorities. In the evening of the same day, the local agent forwarded to OCEAN 7 a formal letter dated 16 November from the director of the Tubruq customs authority, colonel Abdul Rahim Imran Abdullah, which referred to "instructions issued by the General Command" to unload the FPBs to be "kept under customs guard at the port of Tubruq until the matter is decided". The reason given was that the two FPBs were "special goods (military application)" whose entry into Libya would have required prior approval of the local authorities (appendix 31.A). The discharge request itself had been issued by the commander of the Libyan navy special forces, colonel Altouati Ali Altouati, to the director of the Tubruq customs authority (appendix 31.B).

10. On 17 November 2023, the master of the MV *O7 Gaja* issued a letter of protest and attempted to challenge this decision through the local agent. OCEAN 7 contacted the flag State's registry (Antigua and Barbuda), but they informed that they could not assist. In the evening of the same day, the vessel was ordered to relocate from west pier, outer berth to east pier, outer berth, which lies in the military section of Tubruq port. The Panel corroborated information and confirmed the east pier of Tubruq port as unloading location. Armed military personnel were positioned next to the vessel with a sand-coloured Toyota pick-up truck with a cabin roof hatch with a mounted DShK-type heavy machine gun. The logo on the side of the passenger door identified the vehicle as belonging to the "investigation and arrest faction, Tobruk" of the TBZ brigade, special diving division. The local authorities also confiscated the passport and Seamans book of the MV *O7 Gaja*'s master.

11. There, on 18 November 2023, the vessel's crew were ordered to unload the two FPBs and associated containers with spare parts, using the MV *O7 Gaja*'s onboard cranes. The crew were advised by military personnel that anyone who did not cooperate would face imprisonment. Owing to weather conditions, the unloading had to be abandoned after the unloading of the first container, and unloading operations could only resume on 20 November.

12. On 20 November 2023, OCEA's insurer was informed by email from the director of the Tubruq customs directorate, colonel Abdullah, that "cargoes in transit are not subjected to any customs restrictions or bans, unless ordered by laws and regulations in force".

13. Nonetheless, the discharge orders were implemented and on 21 November 2023, military personnel ordered the master to hand over the keys for the FPBs, following which the crew was ordered to unload both FPBs. The Panel corroborated information confirming the unloading of the FPBs, which were then driven off, accompanied by a pilot vessel.

14. By 22 November 2023, the ship cradles had been unloaded. The vessel was then ordered to return to the east pier, where it was ordered to unload the second container with spare parts, and only then was allowed to continue unloading the electrical equipment for the Tubruq power station. While the master's passport and Seaman book were returned, OCEAN 7's local agent was briefly detained.

15. On 26 November 2023, with improving weather conditions, the MV *O7 Gaja* left Tubruq, and the local agent was released from detention.

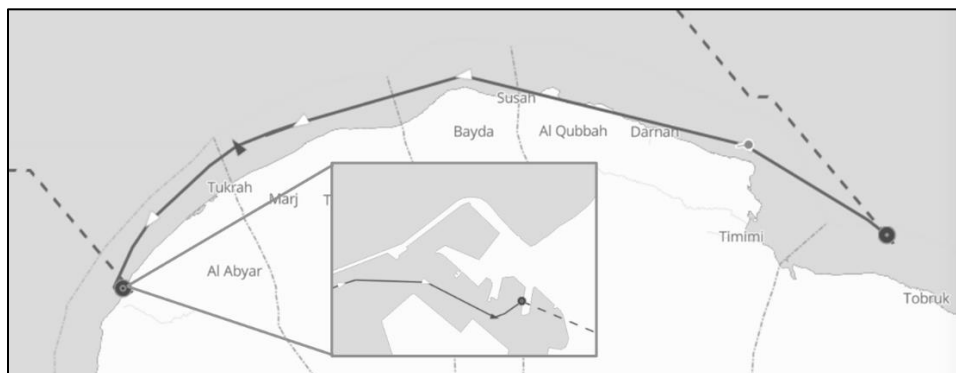
D. Transfer of the FPBs to Benghazi

16. The local representative of the MV *O7 Gaja*'s protection and indemnity insurance informed OCEAN 7 that the boats were moved to Benghazi in late November 2023. On 9 January 2024, OCEA's insurance agency was informed, through a local agent, that the FPBs would be transferred to Benghazi, upon instructions of the command of the LAAF. By that time, the FPBs had however already been transferred to Benghazi, as laid out in the following.

17. As OCEA uses the same shipyard Maritime Mobile Service Identity (MMSI) number for its vessels in test stage, and since the MMSI numbers of the consignee, the Royal Oman Police, had not yet been assigned to the FPBs, they continued to periodically broadcast OCEA's test MMSI (227056060). While the data was highly erratic due to multiple test vessels using the same MMSI, the Panel was able to isolate the data of the two FPBs in question (source for figures 31.1, 31.2 and 31.4 through 31.12: Windward). The MMSI data showed that both FPBs left Tubruq in the evening of 30 November and arrived in Benghazi in the morning of 1 December 2023, where they docked at Benghazi inner harbour (LYBEN), berth no. 22, where TBZ brigade's naval assets are located. (figure 31.1 and 31.2).

Figure 31.1

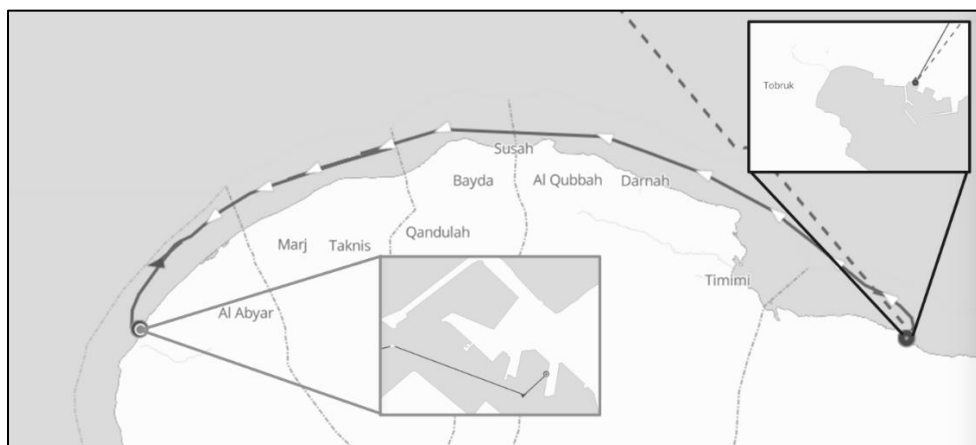
Track 30 November to 1 December 2023 of a vessel broadcasting “OCEA TEST” (MMSI 227056060) (Panel designator: FPB #1)



Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 31.2

Track 30 November to 1 December 2023 of a vessel broadcasting “OCEA TEST” (MMSI 227056060) (Panel designator: FPB #2)



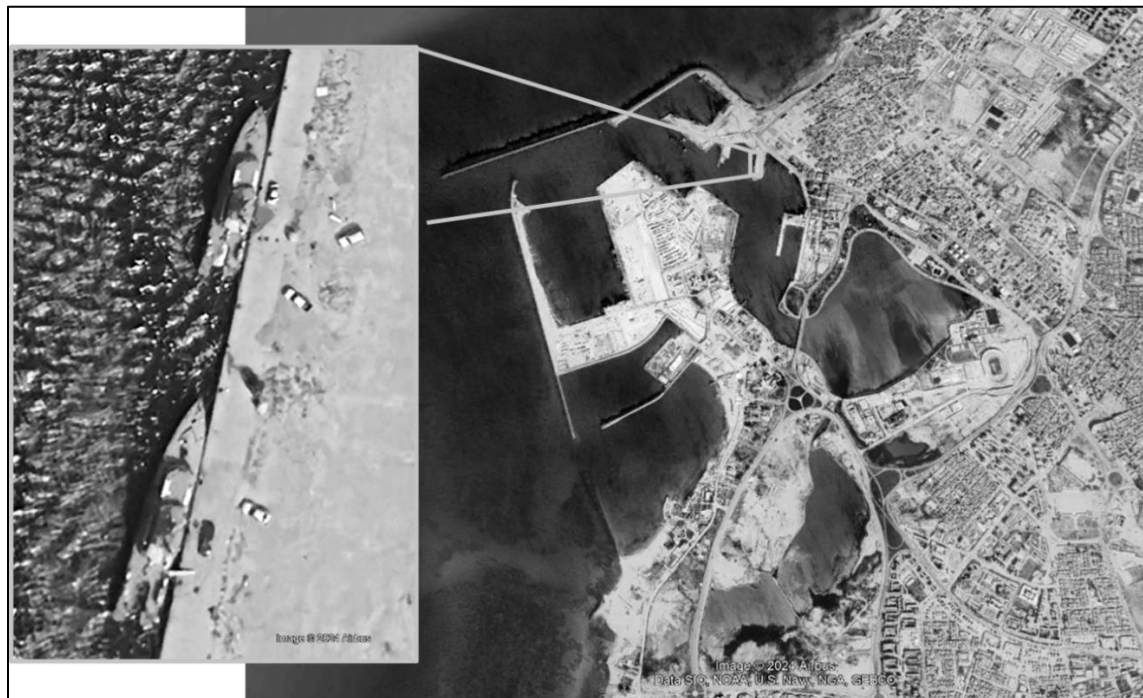
Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

E. Use of the FPBs for naval tasks

18. Over the course of the succeeding months, data readings of the two FPBs showed that they were being used for patrols in the eastern Libyan region, from their base at berth no. 22 in Benghazi inner harbour. Figure 31.3 shows the FBS on a satellite image of 11 March 2024. Figures 31.4 through 31.11 show their voyages on a monthly basis.

Figure 31.3

Satellite image of the two OCEA FPB in Benghazi inner harbour, berth no. 22.

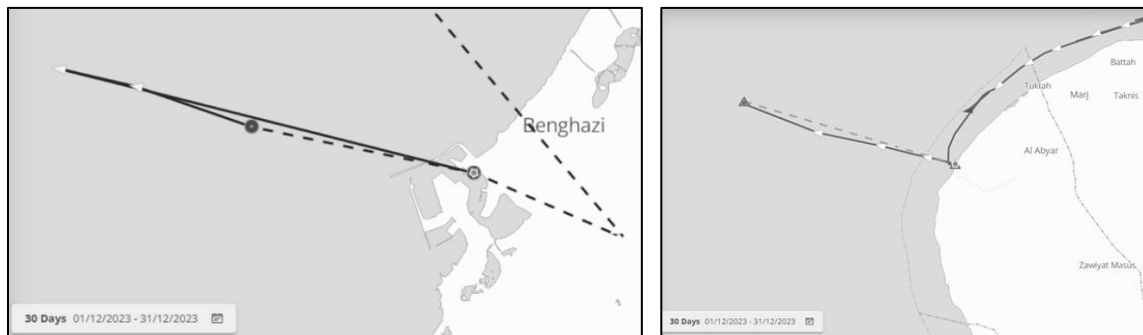


Developed by Panel of Experts

Source: Google Earth (11 March 2024) © 2024 Airbus

Figure 31.4

Track 1 through 31 December 2023 of a vessel broadcasting “OCEA TEST” (MMSI 227056060) [Panel designator FPB #1.1³⁰⁶ (left) and FPB #2 (right)]

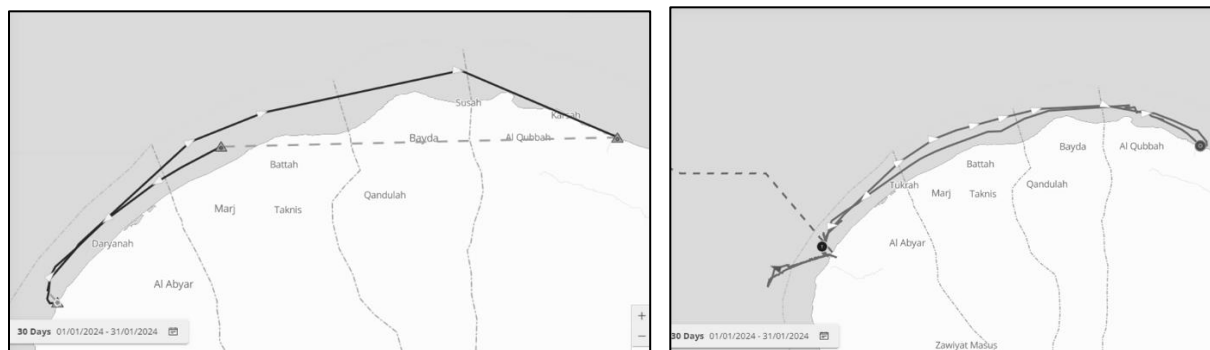


Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

³⁰⁶ Panel designator FPB #1 signal was assumed by an OCEA test vessel in France; FPB #1.1 started emitting signals in Benghazi at the same time.

Figure 31.5

Track 1 through 31 January 2024 of a vessel broadcasting “OCEA TEST” (MMSI 227056060) [Panel designator FPB #1.1 (left) and FPB #2 (right)]



Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 31.6

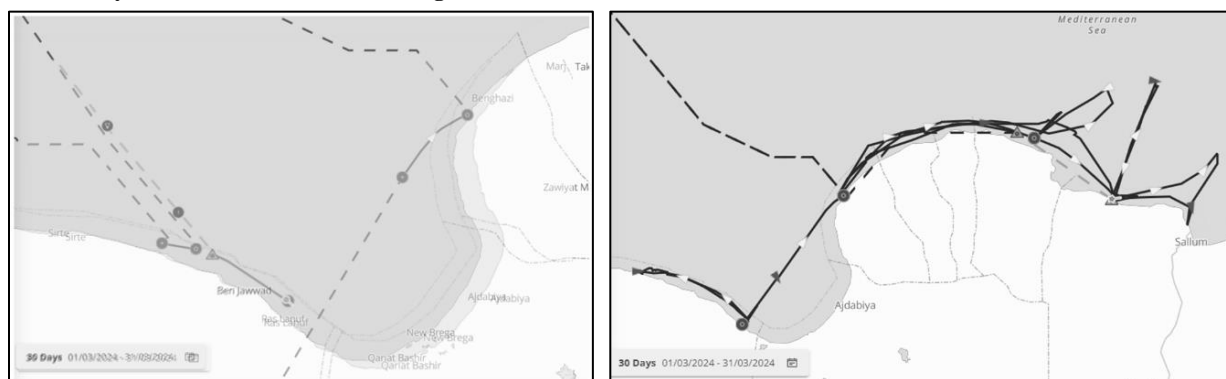
Track 1 through 29 February 2024 of a vessel broadcasting “OCEA TEST” (MMSI 227056060) [Panel designator FPB #1.1 (left) and FPB #2 (right)]



Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 31.7

Track 1 through 31 March 2024 of a vessel broadcasting “OCEA TEST” (MMSI 227056060) [Panel designator FPB #1.1 (left) and overlay of FPB #2 and FPB #2.1³⁰⁷ (right)]

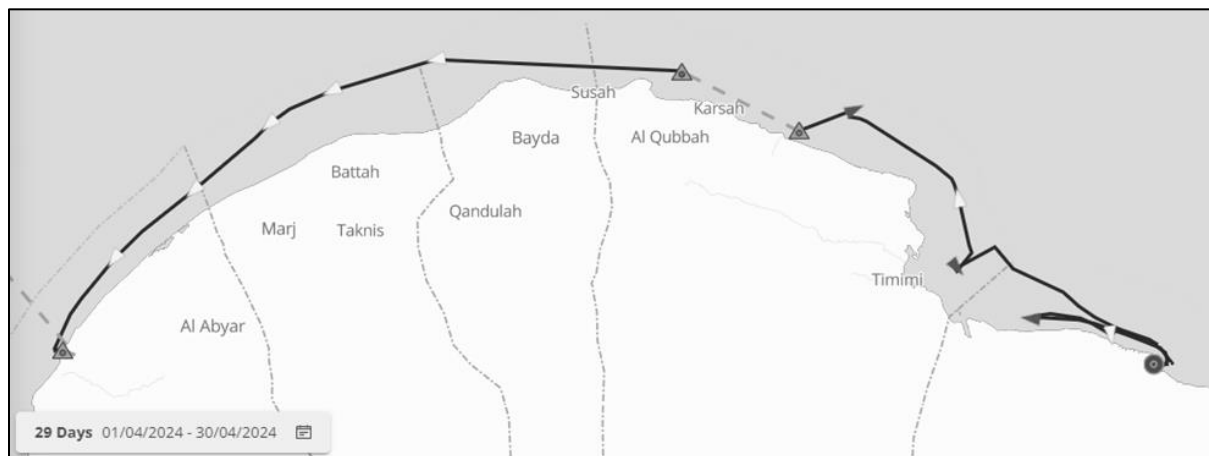


Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

³⁰⁷ Panel designator FPB #2 signal was assumed by an OCEA test vessel in France; FPB #2.1 started emitting signals in Benghazi at the same time.

Figure 31.8

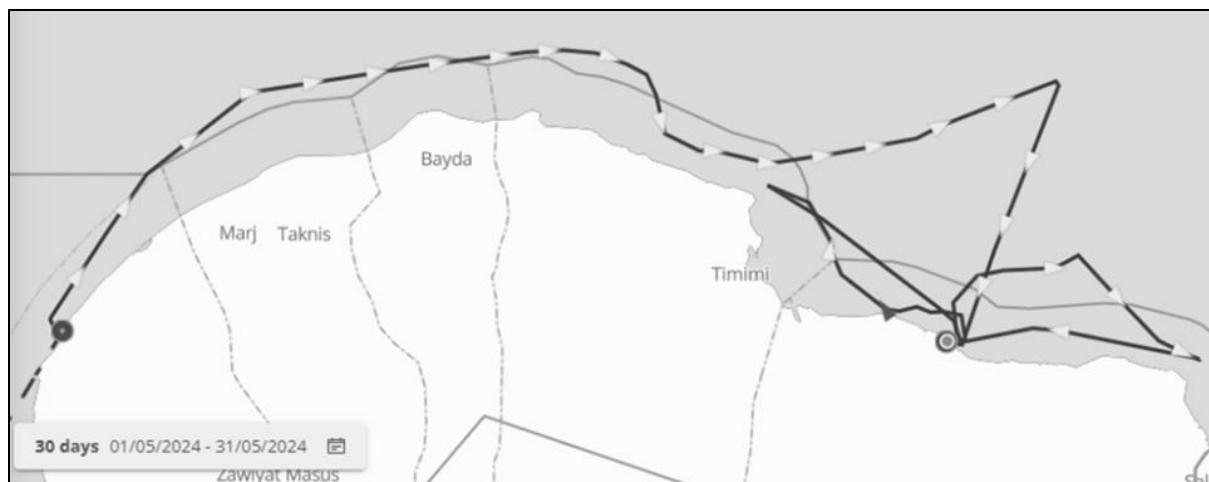
Track 1 through 30 April 2024 of a vessel broadcasting “OCEA TEST” (MMSI 227056060) [Panel designator FPB #1.1 (no more signal from FPB#2 or FPB#2.1)]



Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 31.9

Track 1 through 31 May 2024 of a vessel broadcasting “OCEA TEST” (MMSI 227056060) [Panel designator FPB #1³⁰⁸ (no more signal from FPB#1.1)]

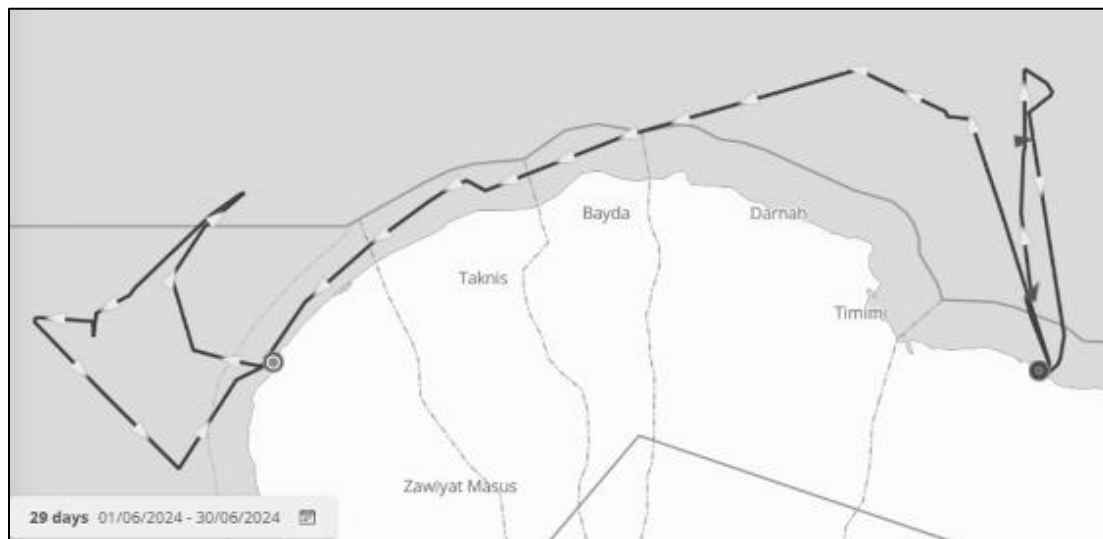


Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

³⁰⁸ Panel designator FPB #1.1 signal was assumed by an OCEA test vessel in France; FPB #1 started to again emit signals in Benghazi at the same time.

Figure 31.10

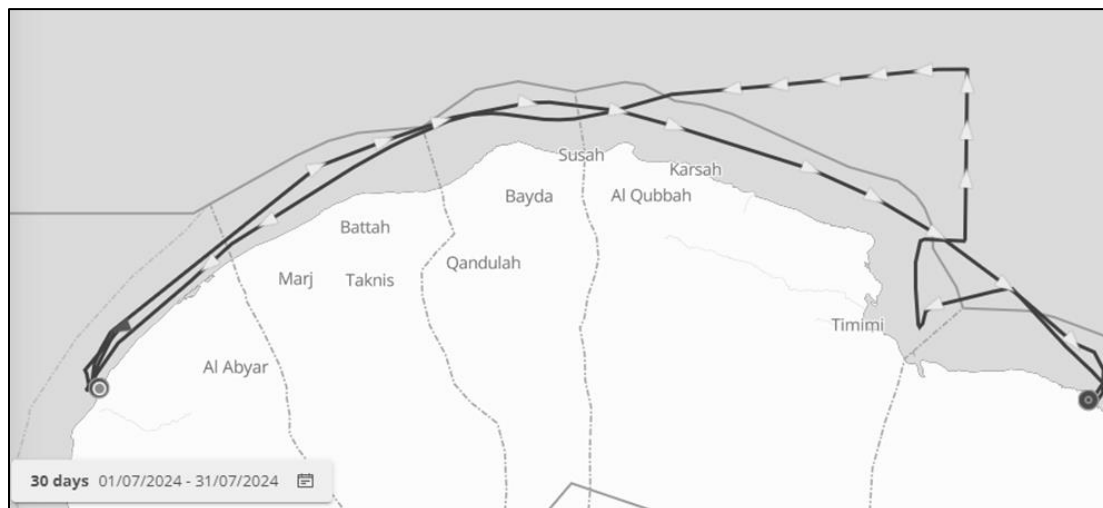
Track 1 through 30 June 2024 of a vessel broadcasting “OCEA TEST” (MMSI 227056060) [Panel designator FPB #1]



Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 31.11

Track 1 through 31 July 2024 of a vessel broadcasting “OCEA TEST” (MMSI 227056060) [Panel designator FPB #1]



Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

19. In August 2024, a vessel broadcasting “OCEA TEST” (MMSI 227056060) [Panel designator FPB #1] only broadcasted once, on 18 August 2024, from Benghazi inner harbour, berth no. 22.³⁰⁹

F. Special task: participation in “Dignity Shield 2024” exercise

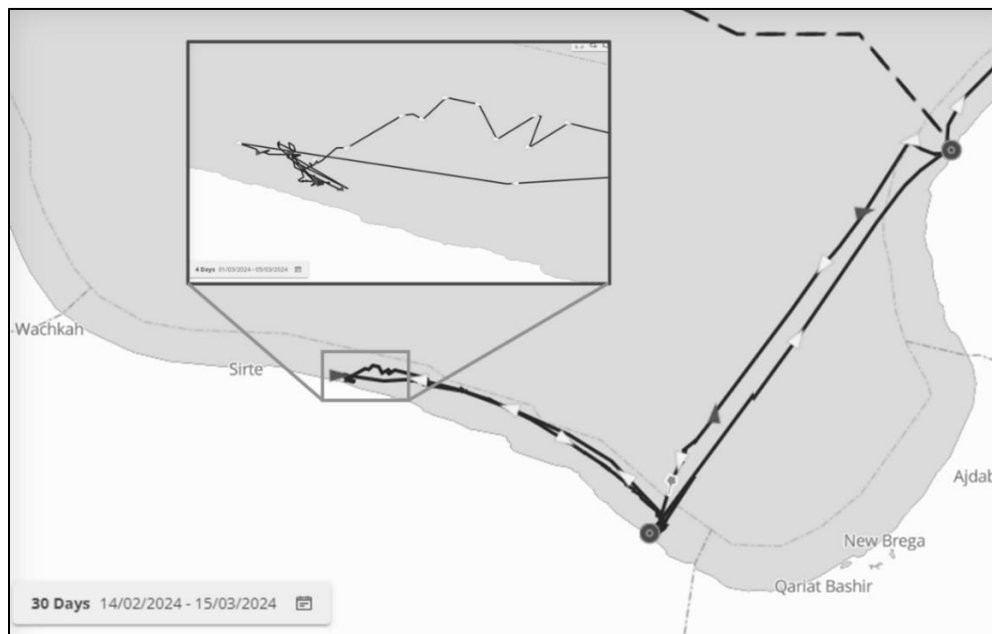
20. The two FPBs were also prominently displayed in the LAAF “Dignity Shield 2024” military exercise on 2 and 3 March 2023. At least one of the two FPBs (Panel designator FPB #1.1) was moved from Benghazi to Ras Lanuf port for that occasion on 18 February and returned to Benghazi on 7 March 2023 (figure 31.12). The other FPB (Panel designator

³⁰⁹ As of 1 September 2024, the Panel’s subscription to Windward expired, hence no further data was available to the Panel from that date onwards.

FPB #2) also emitted signals in the area around that time (above figure 31.7). During the exercise,³¹⁰ Khalifa Haftar and other LAAF leaders watched a presentation of the FPBs as they participated in the naval part of the exercise (figures 31.13 and 31.14).

Figure 31.12

Track 14 February through 15 March 2024 of a vessel broadcasting “OCEA TEST” (MMSI 227056060); inlay: track 2 through 3 March 2024)



Developed by Panel of Experts.

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

³¹⁰

<https://www.facebook.com/General.official.leadership/posts/pfbid0Qo7G66bd3SqDkM5hHbRf9p2XeTqvRCEFX7hbWhjofgCgLng7VuNmRcDgUXPWxBNkl>, 14 March 2024.

Figure 31.13

Khalifa Haftar and high LAAF representatives watching a visual presentation of the OCEA FPB 110 during the “Dignity Shield 2024” military exercise



Developed by Panel of Experts.

Sources: <https://www.facebook.com/photo/?fbid=742026768109951&set=pb.100069079034812.-2207520000>;
<https://www.facebook.com/photo/?fbid=742026731443288&set=pb.100069079034812.-2207520000>; and
<https://www.facebook.com/photo/?fbid=742026708109957&set=pb.100069079034812.-2207520000>, all dated 14 March 2024.

Figure 31.14

Photographs of the two OCEA FPBs 110 among the photographs published on the post for the “Dignity Shield 2024” military exercise on the official LAAF Facebook page



Developed by Panel of Experts.

Sources: <https://www.facebook.com/photo/?fbid=742025674776727&set=pb.100069079034812.-2207520000;>
<https://www.facebook.com/photo/?fbid=742026424776652&set=pb.100069079034812.-2207520000;>
<https://www.facebook.com/photo/?fbid=742026371443324&set=pb.100069079034812.-2207520000>, all dated 14 March 2024.

G. Further disposition over the FPBs

21. OCEA unsuccessfully attempted to have the FPBs returned. OCEA’s insurer was informed by the local surveyor in Tubruq that legal action would incur significant costs and the outcome was unsure. For a fee of “up to USD 500,000”, direct negotiations with the military authority could be initiated. OCEA did not take up that offer.

22. OCEA also attempted to reach the eastern Libyan military authorities through a Libyan intermediary unrelated to the seizure. In response, they received an email without explanation but with an attachment, that being one of the photographs taken by the Panel and published in its last final report of the vehicles seized by Operation IRINI from the MV *Meerdijk*, which remain under custody in France.³¹¹

23. In response to a Panel letter dated 26 February 2024, the General Command of the LAAF responded by letter dated on 30 March 2024, that (a) the Coast Guard and Port Security Agency had not been informed about the vessel’s arrival, as required under article 60 of Act No. 10 (2010) (Customs Act);³¹² (b) when customs officers boarded the vessel, they “found” two boats of a military nature and mounted with weapons; (c) “upon inspecting the cargo logs and documents on board the vessel, they found that the two boats were not mentioned in the cargo manifest”, contravening article 61 of the Customs Act.; (d) although in transit, “the boats were goods of a special nature and should have been declared for due diligence purposes so that they could be processed in the specific manner set out in the laws in force”; (e) an investigation was opened against the local agent of OCEAN 7 for several customs violations; (f) the aforementioned violations qualify the activity as smuggling, “as is clear from the record and the relevant documents, there were goods on board the vessel whose legal description was not given in the manifest and whose presence had been deliberately concealed”; (g) “the boats were

³¹¹ S/2023/673, Annex 72, Figure 72.A.3.

³¹² <https://lawsociety.ly/en/legislation/law-no-10-of-2010-regarding-customs/>, 28 January 2010.

therefore confiscated and a fine was levied on [OCEAN 7's local agent] under articles 60, 61, 203, 204 and 209 of the [Customs] Act and article 2 of its implementing regulation"; and (h) "the two boats were handed over by the Director-General of Customs to the head of the coast guard position under the Benghazi Customs Directorate".

24. In a 21 October 2024 Panel meeting with the Tubruq customs directorate and LAAF representatives, the Panel was informed that a) pre-arrival IMO forms FAL 1 and 7 did not specify the presence of the FPBs onboard, but just declared "general cargo"; b) the FPBs were not mentioned in the cargo manifest given to Tubruq customs authorities; c) the FPBs were considered dangerous goods that should have been declared, even if in transit; d) the intention had been to "hide" the FPBs and since non-declaration, the FPBs were considered as being smuggled, which gave the customs authorities the right to seize them; and e) during the first two months after seizure, one FPB was transferred to Benghazi and one remained in Tubruq, both under custody of the customs authorities.

25. The Tubruq customs directorate further explained that, in general, confiscations can occur when cargo is found aboard a vessel that was not contained in the cargo manifest, including vessels in transit. Once a lack of declaration is determined, the shipping company is asked to explain the discrepancy and issued a fine. If a seizure results, the shipping company has two months from the date of seizure to approach the relevant authorities to secure a release.

26. Referring to the case of the seized FPBs, Tubruq customs authorities stated that the local agent of OCEAN 7 had not approached the authorities, therefore the FPBs were confiscated two months after seizure. Also shared with the Panel in follow-up to the meeting were the confiscation order signed by the director general of the customs authority, dated 18 March 2024 (appendix 31.C), and the cargo manifest submitted to the Tubruq customs authority (appendix 31.D). Regarding that manifest, the explanation was given that the manifest did not contain the appropriate Harmonized System (HS) item code.³¹³

27. The Panel duly examined LAAF's response and analysed the information provided therein in conjunction with the evidence the Panel collected and reviewed independently. This included (a) copies of the pre-arrival notices and cargo documentation; and (b) photographic evidence showing that two FPBs were very prominently loaded on the weather deck of the MV *O7 Gaja*, uncovered and taking up almost a quarter of the vessel's total length. The FPBs' high visibility would not have allowed for a concealed smuggling operation. The purpose of IMO form FAL 1 is a brief cargo description along with vessel and voyage details, not a detailed goods declaration. Form FAL 7 serves for the identification of hazardous goods on board, such as explosives, fluids, gases and chemicals; it is not related to military security aspects. The cargo manifest provided by the Tubruq customs authority clearly identified the vessels as patrol boats; so did all cargo documentation that the Panel reviewed. The lack of HS codes on the cargo manifest is normal practice and thus cannot serve as a reason to determine a misdeclaration in an import manifest.³¹⁴ In standard customs practice, goods declarations are not given for transit cargo, but only for imported goods. Therefore, the lack of HS codes on the cargo manifest is normal and cannot serve as a reason to determine smuggling. The Panel further took into account the transparency and cooperation of the involved companies with the Panel. Regardless of the legal qualification of the reasons for this seizure, the Panel concludes that the FPBs were unlawfully appropriated for their integration into the naval assets of TBZ brigade. The LAAF was early and significantly involved in the customs procedure and the FPBs were quickly absorbed into the LAAF naval inventory. Both FPBs were transferred within a week after the seizure from Tubruq to Benghazi and were in regular use by TBZ brigade by January 2024 and participated in the "Dignity Shield 2024" military exercise between 2 and 3 March 2024, two weeks before their formal confiscation. The LAAF reactions to OCEA's attempts to have the boats returned, i.e. an offer to negotiate in exchange for payment of a significant sum, instead of issuing an administrative fine for declaration inconsistencies, and the references to the vehicles seized by Operation IRINI also indicate *mala fide* intent.

H. Assessment under the arms embargo

28. The transfer³¹⁵ of the two OCEA FPBs to Libya was a violation of paragraph 9 of resolution 1970 (2011). As responsible for the vessel's navigation and routing, OCEAN 7 should have identified the stopover in Libya as being subject to the arms embargo. However, the Panel established that none of the involved companies, including OCEAN 7, were aware of the applicability of the arms embargo on transit cargo. The Panel therefore finds (a) OCEAN 7 as the charterer of the MV

³¹³ World Customs Organization Harmonized Commodity Description and Coding System ("Harmonized System").



³¹⁴ HS codes are used for classification of goods in good declarations submitted by importers or their agents to Customs, not in cargo declarations, i.e. import manifests filed by carriers. In standard customs practice, goods declarations are not for transit cargo, but only for imported goods.

³¹⁵ The violation already occurred the moment the MV *O7 Gaja* entered Libyan territorial waters, and not only later, when the FPBs were unloaded upon instructions by the Libyan authorities. The status of the cargo as "in transit" is irrelevant for the applicability of paragraph 9 of resolution 1970 (2011).

O7 Gaja to be in non-compliance with paragraph 9 of resolution 1970 (2011), for not having sought prior approval from the Committee before its vessel entered Libya with the two FPBs³¹⁶ and (b) LAAF in violation of paragraph 9 of resolution 1970 (2011) for transfer of the FPBs.

³¹⁶ Paragraph 9 (c) of resolution 1970 (2011) has been consistently applied by the Committee also for temporary transfers of arms and related materiel to Libya.

Appendix A to annex 31: Letter dated 16 November from the director of the Tubruq customs authority addressed to the master of the MV 07 Gaja

 <p>مصلحة الجمارك CUSTOMS DEPARTMENT</p>		<p>دولة ليبيا وزارة المالية</p>
<p>التاريخ: 16.11.2023</p>	<p>الرقم الإشاري: 2212 / 63</p>	
<p>ربان السفينة GAJN</p>		
<p>بعد التحية</p>		
<p>بالإشارة: التعليمات الصادرة من القيادة العامة والمنوه عنها في كتاب امر القوات الخاصة البحرية رقم (ق خ ب / 167) بتاريخ 16.11.2023 الموجه إلينا بشأن شحن السفينة (GAJA) المتواجدة حاليا في ميناء طبرق بتاريخ 16.11.2023 المتمثلة في عدد (2) زوارق دورية سريعة) تقع تحت فئة البضائع ذات طابع الخاص (استخدام عسكري) الامر الذي يتطلب موافق مسبقه من جهات ذات العلاقة بمجرد دخوله او مرورها دخل المياه الإقليمية الليبية.</p>		
<p>وبناء على التعليمات والقوانين والتشريعات والاجراءات المعمول بها يتم انزال هذه القوارب والتحفظ عليه تحت الحراسة الجمركية بميناء طبرق البحري لحين الفصل في الموضوع.</p>		
<p>«والسلام عليكم»</p>		
<p>العقيد عبد الرحمن عمران عبد الله مدير مديرية جمارك طبرق</p> 	<p>مدير الإدارة العامة للمراجعة والتفتيش رئيس مركز جمرک ميناء طبرق البحري امر القوات الخاصة البحرية الملف الدوري العام</p>	
<p>www.customs.gov.ly</p>	<p>☎ 0214917821-24</p>	<p>الهضبة - صلاح الدين - طرابلس - ص ب: 4373</p>

Source: Confidential. Redacted for privacy reasons.

Translated from Arabic

2402101E

State of Libya

Customs Authority

Ministry of Finance

Ref: *mim ba ta* / 2212 / 63

Date: 16 November 2023

Captain of the vessel *Gaja*
via [Redacted]
Sir,

We write with reference to instructions issued by the General Command and brought to our attention by Naval Special Forces Order No. *qa'kha'ba'* 167 dated 16 November 2023 addressed to us regarding the cargo of the ship *Gaja* currently docked in the port of Tubruq on 16 November 2023. That cargo consists of two rapid patrol boats and falls under the category of goods of a special nature (military use) that require prior approval from the competent authorities as soon as they enter or pass through Libyan territorial waters.


Based on directives, laws and procedures in force, these launches are to be unloaded and kept under guard by customs at the Tubruq seaport pending a decision on the matter.

May peace be upon you.

(Signed) Abdulrahim Imran **Abdullah**
Colonel
Director of the Tubruq customs directorate

Director of the general audit and inspection administration
Chief of the Tubruq seaport customs station
[Redacted]
Commander of the Naval Special Forces
Archive

Appendix B to annex 31: Letter dated 16 November from the head of the LAAF naval special forces to the director of the Tubruq customs authority

<p>الموضوع : طلب انزال شحنة التاريخ : 03/1445هـ الموافق : 2023/11/16 الرقم الإشاري : ق.خ.ب/167</p>		<p>القيادة العامة للقوات المسلحة الليبية رئاسة الأركان العامة رئاسة أركان القوات البحرية القوات الخاصة البحرية</p>
<p>السيد / مدير مديرية جمارك طبرق</p>		
<p>الموضوع/السفينة (GAJA)</p>		
<p>IMO-NO/ 9273791</p>		
<p>العلم / (ANTIGUA - BARBUDA)</p>		
<p>الوكيل الملاحي /</p>		
<p>ميناء الشحن (SAINT - NAZAIRE) فرنسا</p>		
<p>متواجدة بميناء طبرق التجاري على الرصيف رقم: (02)</p>		
<p>إشارة . الى التعليمات الصادرة من القيادة العامة بشأن التحقق من شحنة السفينة المذكورة اعلاه والمتمثلة في عدد 2 (زوارق دورية سريعة) تقع تحت فئة مواد ذات طابع استخدام عسكري ويجب الافصاح عنها من قبل الوكيل الملاحي مسبقا واخذ الاذن من سلطات الاعتبارية بالدولة قبل دخول السفينة الى الميناء عملا بنص المادتين 89-91 من قانون مصلحة الجمارك رقم 10 لسنة 2010 وباعتبار ان ميناء طبرق التجاري يقع حسب التقييم الامني بالمستوى الثاني وفقا لكتاب السيد رئيس مصلحة الموانئ والنقل البحري رقم (956/5/41) الامر الذي يستوجب ضرورة الافصاح عن كل الشحنات ذات الطابع الخاص مسبقا .</p>		

علية . وبناءا على التعليمات الصادرة من القيادة العامة والمنقولة البنا من قبل السيد امر غرفة عمليات القوات البرية نطلب من سيادتكم اتخاذ الاجراءات القانونية حيال الواقعة وطلب انزال وتفريغ الشحنة ووضعها تحت الحراسة حتى الفصل في الواقعة حسب الاجراءات القانونية المعمول بها بمصلحة الجمارك وتفتيش السفينة المذكورة لتأكيد عدم وجود اي شحنات مشبوه اخرى على متنها واعلامنا.

الفضل بالاستلام

عقيد بحار
التواتي علي التواتي
امر القوات الخاصة البحرية



مسورة منسوبة إلى-
 السيد امر غرفة عمليات القوات البرية-التفويض للعلم والاطلاع
 السيد مدير عام ميناء طبرق-التفويض للعلم
 مكتب الامن-الوحدة للعلم
 ملف المعاد-لتر-لنحفظ

Source: Confidential. Redacted for privacy reasons.

Translated from Arabic

**Libyan Armed Forces General
Command
Office of the Chiefs of Staff
Chief of Staff of the Navy
Naval Special Forces**

**Subject: Request to unload cargo
Date: 3 Jumada I, A.H. 1445
(16 November 2023)
Ref.: *kha'* 167b**

To: Director, Customs Directorate, Tubruq
Subject: Ship GAJA
IMO 9273791
Flag: Antigua and Barbuda
Maritime agent: [REDACTED]
Port of loading: Saint-Nazaire (France)

Located in Tubruq commercial port at pier: 2

I refer to the instructions issued by the General Command concerning checks on the cargo of the aforementioned ship. The latter consists of two military-use fast patrol boats that belong under the category of military-use materiel. In accordance with articles 89 and 91 of Act No. 10 (2010) (the Customs Act), such materiel should be declared in advance by the maritime agent and authorization should be secured from the authorities before the ship enters port. Moreover, under the terms of memorandum 956/5/41 of the Head of the Ports and Marine Transport Authority, the security classification of the port of Tubruq is category 2, meaning that all cargo of a special nature must be declared in advance.


Pursuant to the instructions issued by the General Command and transmitted to us by the Head of the Land Forces Operations Room, we request that you take the relevant legal measures; order that the cargo be unloaded and emptied; place it under guard until the matter is settled in accordance with the legal procedures applied by the Customs Authority; have the vessel searched to ensure that there is no suspicious cargo on board; and keep us informed.

Best regards,

Commodore Tuwati Ali al-Tuwati
Head, Naval Special Forces

Copied:
Head of the Land Forces Operations Room, for information
Director-General of the commercial port of Tubruq, for information
Wahdah Security Office, for information
Correspondence file, for archiving

Appendix C to annex 31: Letter dated 18 March 2024 from the director general of the customs authority addressed to the director of the Tubruq customs authority


مصلحة الجمارك
 CUSTOMS DEPARTMENT
 التاريخ: 18-03-2024

دولة ليبيا
 وزارة الداخلية
 الرقم الإشاري: 23-8-م.ع.م

السيد / مدير مديرية جمارك طبرق.

بعد التحية ..

بالاطلاع علي ملف القضية رقم (1) لسنة 2024م والتي سجلت ضد [REDACTED]
 بشأن السفينة (GAJA) التي تحمل علم [REDACTED]
 (اتينقوياريودا) بخصوص ضبط عدد (2) زوارق ذات طابع عسكري لم يعلن عنها.

- عليه تتخذ اجراءاتكم بمصادرتها وفقا لقانون الجمارك رقم 10 لسنة 2010م وفقا للمواد (209.204.203.61.60).
- وتسلم الي السيد / رئيس نقطة خفر السواحل التابعة للجمارك بمديرية جمارك بنغازي.
- تفرض غرامة مالية علي الوكالة قدرها (180.000.000 د.ل) مائة وثمانون الف دينار مع تقديم تعهد من الوكالة بعدم تكرار ذلك مستقبلا.

والسلام عليكم


عادل عبدالغايي العوامي
مدير عام مصلحة الجمارك



صورة الي ..
 للملف الدوري الم
 كعقيد، الحكوش

+218928889102 +218918889102
 مصلحة الجمارك الليبية

Source: Tubruq customs authority. Redacted for privacy reasons.

2419375E

*Translated from Arabic***State of Libya**
Ministry of Finance**Ref.:** *mim.ayn.jim.83***To:** Director of the Tobruk Customs Unit

Sir,

I have reviewed the file for case No. 1 (2024), which pertains to [REDACTED] and the Antigua and Barbuda-flagged vessel *Gaja*, and I am writing to you with regard to the seizure of two military-type boats that were not declared.

- You are to take measures to confiscate them in accordance with articles 60, 61, 203, 204 and 209 of the Customs Act (No. 10 of 2010).
 - They are to be handed over to the Director of the Benghazi Customs Coast Guard Station of the Benghazi Customs Unit.
 - The agency will be fined 180,000 Libyan dinars and is required to submit a pledge that it will not repeat the offence.
- Accept, Sir, the assurances of my highest consideration.

(Signed) Maj. Gen. Adil Abdulati **al-Awami**
Director of the Customs Department

cc:

Archive

Appendix D to annex 31: Cargo manifest submitted to the Tubruq customs authority

17/6/307

[REDACTED]

- الباكسة : "07GAJA" MV

- ميناء الشحن : سينت نزيير / فرنسا .

- تاريخ الاصدار : 2023.10.23

- ميناء التفريغ : مسقط .

- العلم : اتينقوا وباربودا

قائمة شحن نسخة مترجمة

رقم البوليصه	الشركة الناقلة	المرسى له	وصف البضاعة	الوزن الكلي كج	الحجم بالمتر المكعب
SNGMCT 001	شركة OCEA فرنسا	الشرطة الملكية العمانية (مقر خفر السواحل) سلطنة عمان	- عدد (2) زوارق دوريات سريعة . 1- الرقم : FPB110-032021-DNVGL.42313	95000 كج	
			- رقم المحرك 545102787/545102786		
			1- الرقم : FPB110-032021-DNVGL.42315		
			- رقم المحرك 545102787/545102786	8632 كج	
			- عدد (2) حاملة القارب على اليايس .		
SNGMCT 002	شركة OCEA فرنسا	الشرطة الملكية العمانية (مقر خفر السواحل) سلطنة عمان	- حاوية 40 قدم ECMU94450/6	9391 كج	
			- قم القفل Seal No. 1069301		
			- معدات احتياطية - الوزن 3900 كج		
			- حاوية 20 قدم CRXU34573/4	6950 كج	
			- رقم القفل Seal No. 1069327		
			- العبوة : معدات احتياطية - الوزن 2250 كج		
الاجمالي			6 طرود	217973 كج	

محمد رحيل / مترجم قانوني مخلف ، الختم والتوقيع على صالحة الترجمة فقط ، دوت أدلي مسؤولية عن المصدر 2024.01.17 ف.

توقيع

17/6/24

Source: Tubruq customs authority. Redacted for privacy reasons.

2419625E

*Translated from Arabic***DOCUMENT SUMMARY TRANSLATION**

DOC. TYPE:	Arabic translation of a shipping manifest	DOC. DATE:	17 January 2024
SENDER:	[REDACTED]		
ADDR. TO:	n/a		
TOPIC:	Patrol boats		
ATTACHMENT(S):	—		

SUMMARY OF CONTENT:

The document is an Arabic-language translation of a shipping manifest issued by [REDACTED] on 23 October 2023. The shipment consists of two patrol boats (bill of lading No. SNGMCT 001), two boat trailers (bill of lading No. SNGMCT 001) and associated spare parts (bill of lading No. SNGMCT 002) destined for the Royal Oman Police Force.

- Port of origin: Saint-Nazaire, France
- Destination port: Muscat, Oman
- Shipper: OCEA, France
- Recipient: Royal Oman Police Force, Muscat
- Vessel name: MV 07GAJA
- Vessel flag: Antigua and Barbuda

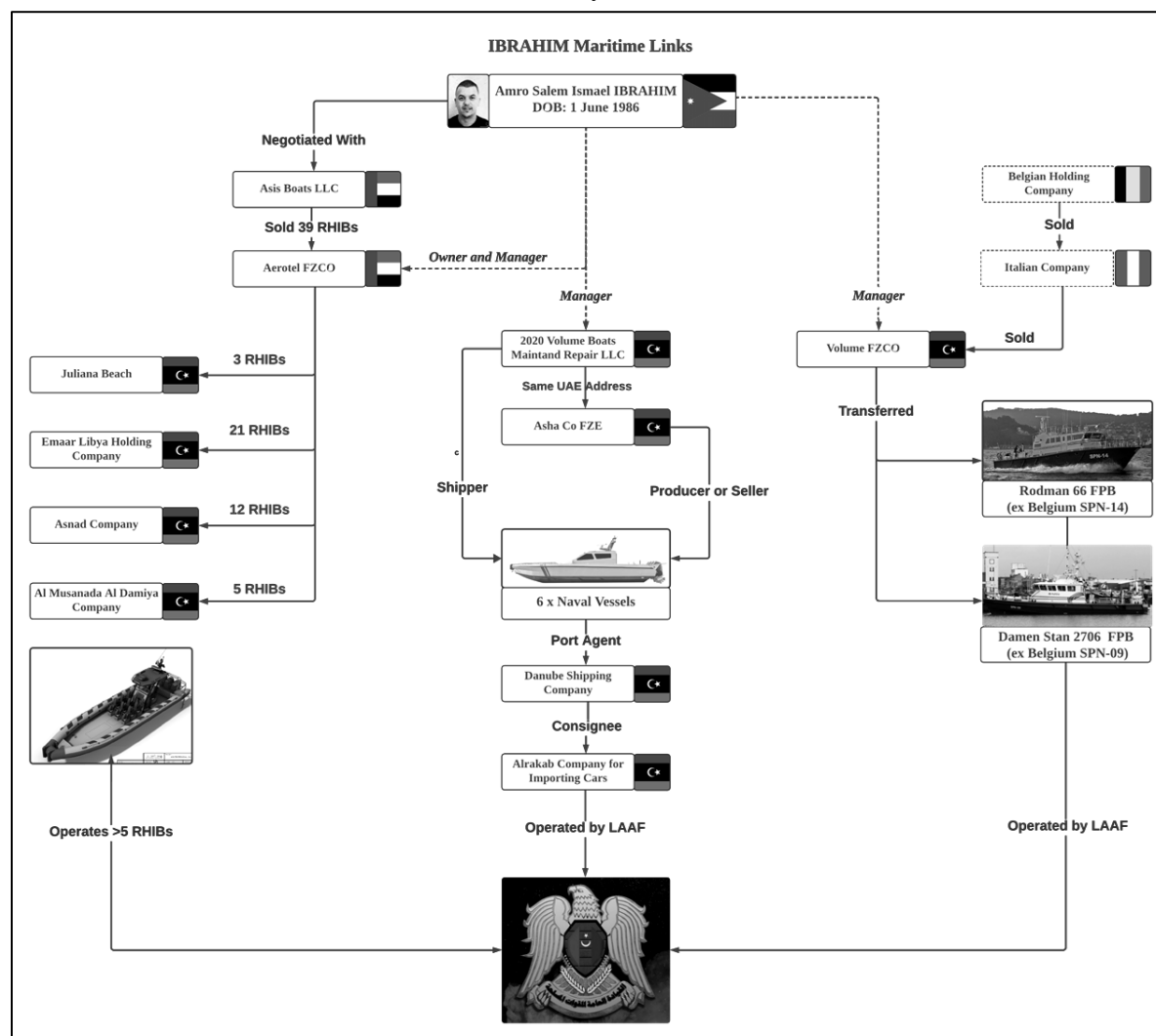
Annex 32 Vessel transfers by Amro Salem Ismael Ibrahim to LAAF

A. Overview

1. The Panel found that a Jordanian national, Amro Salem Ismael Ibrahim (DOB: 1 June 1986), through three United Arab Emirates (UAE)-based companies owned and/or managed by him, transferred 3 naval-type vessels, 5 dual-use³¹⁷ vessels and 41 dual-use rigid-hulled inflatable boats (RHIBs) to Benghazi. The end-user of all naval-type vessels and at least five of the RHIBs, which were militarized post-delivery, was the LAAF. Figure 32.1 presents an overview of Amro Ibrahim's transfers, which are detailed in the following sections.

Figure 32.1

Schematic overview of transfers of naval assets to LAAF by Amro Salem Ismael Ibrahim



Developed by Panel of Experts.

³¹⁷ S/2022/427, paragraph 61. Note that the term "dual use" used in the report does not equate to the definition of "dual-use goods and technologies" used in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, or the definition of "dual-use goods" used in the European Union export control regime (Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items).

B. Former Belgian patrol boats: Damen Stan 2706 (ex SPN-09) and Rodman 66 (ex SPN-14)

2. The Panel identified that two former Belgian Police fast patrol boats (FPBs) – a Damen Stan 2706 (ex SPN-09) and a Rodman 66 (ex SPN-14) – had been transferred to Benghazi, Libya between January and March 2023, and integrated into the LAAF naval arsenal.

Damen Stan 2706 FPB

3. When in service with the Belgian Police until 2022, the 26-metres Damen Stan 2706 FPB was identified with hull number “SPN-09” and MMSI 205469000. The producer did not reply to the Panel’s inquiry about the technical specifications of the vessel. The Panel could establish that vessel has (a) an aluminium hull; (b) light armouring of its wheelhouse (NIJ IIIA); and (c) propulsion appropriate for operational speed of 26 knots. The vessel was never outfitted with mounted weapons. In early 2022, the vessel was decommissioned, its police communication technology was removed, and the vessel was returned to the Belgian holding company.³¹⁸

4. The vessel’s automatic identification system (AIS) emitted signals in Belgium and the Netherlands until November 2022. After a four-month period without any AIS signals, a signal was broadcasted from Benghazi port (LYBEN) on 9 March 2023. On 22 March 2023, the AIS signal went again dark about 35 nautical miles east of Derna.³¹⁹

5. The Panel has not yet seen the Damen Stan 2706 FPB in operation with the LAAF but based on the AIS signals it assesses that it has been transferred to Libya. Owing to the type determined by its initial build purpose, its past usage as an FPB and its armouring, the Panel assesses this vessel to have constituted non-lethal military equipment at the time of transfer to Libya.

Rodman 66 FPB

6. When in service with the Belgian Police until 2022, the 20-metres Rodman 66 FPB was identified with hull number “SPN-14”, IMO: 9444314 and MMSI 205387490. It has (a) a glass fibre reinforced plastic (GRP) hull, designed to withstand collisions for naval ramming manoeuvres; (b) four watertight compartments as sink-proofing measure; (c) light armouring of its wheelhouse (NIJ IIIA); (d) propulsion appropriate for operational speed of 26 knots. The vessel was never outfitted with mounted weapons, but designed to undertake police, law enforcement and coast guard tasks.³²⁰ In early 2022, the vessel was decommissioned, its police communication technology was removed, and the vessel was returned to the Belgian holding company.³²¹

7. The vessel’s AIS emitted signals in Europe until 21 November 2022, when it made a port call at Rotterdam, the Netherlands (NLRIM), World Gateway Terminal. The next AIS transmission was a port call in Benghazi, Libya (LYBEN) on 25 March 2023.

8. AIS signals show that in June and May 2023, the vessel made sorties from Benghazi within Libyan territorial waters. Following these, no signals were emitted until 22 February 2024, when the vessel sailed to Ras Lanuf harbour (LYRLA), likely to participate in the LAAF “2024 Operation Dignity” military exercises a few days later.³²²

9. Open-source images show that the vessel was (a) was repainted to navy grey in Libya, from its original blue and white livery;³²³ (b) was assigned pennant number 612; and (c) outfitted with a bow-mounted machine gun, by misusing the built-in water cannon fixture.³²⁴ The vessel’s participation in a military exercise demonstrates its use as an armed naval vessel (appendix 32.A).

10. Owing to the type determined by its specifications, its past usage as an FPB and its armouring, the Panel assesses this vessel to have constituted non-lethal military equipment at the time of transfer to Libya.

³¹⁸ Letters from Belgium, 10 July 2023 and 10 October 2024.

³¹⁹ 32°36'52"N, 23°16'5"E.

³²⁰ Panel assessment based on information received from the producer.

³²¹ Letter from Belgium 10 October 2024.

³²² <https://www.facebook.com/photo.php?fbid=408951168390351&set=pb.100078264120737.-2207520000&type=3>, 18 March 2024.

³²³ <https://www.facebook.com/photo.php?fbid=263662346252568&set=pb.100078264120737.-2207520000&type=3>, 21 June 2023.

³²⁴ <https://www.facebook.com/photo.php?fbid=309266291692173&set=pb.100078264120737.-2207520000&type=3>, 17 September 2023.

Transfer of the two FPBs to Libya

11. In September 2022, the Belgian holding company sold the vessels to an Italian company, which in the same month sold them on to a company in the UAE, Volume FZCO. In the transaction, the company was represented by Amro Salem Ismael Ibrahim, its owner and manager.³²⁵ Based on the agency of Amro Ibrahim in other transfers of naval assets to Libya, the Panel assesses that Volume FZCO, and Amro Ibrahim as its manager, were responsible for the transfer of the vessels to Libya, in violation of paragraph 9 of resolution 1970 (2011).

12. The Panel also finds Damen Shipyards Group in non-compliance with paragraph 20 of resolution 2701 (2023), for not having provided information to the Panel upon request.

C. Volume boats naval vessels delivered by MV *BBC Alaska* (IMO: 9453793)

13. Between 24 and 25 January 2024, six vessels were loaded at Port Rashid, UAE, (AEPRA) onboard the MV *BBC Alaska* (IMO: 9453793), destined for Benghazi, as per the cargo documentation. The six vessels were transported on cradles on the weather deck, wrapped in their entirety in white plastic foil, thereby obfuscating their types, liveries and markings. Also transported on the weather deck were three uncovered yachts (appendix 32, figure 32.B.1)

14. The MV *BBC Alaska* arrived in Benghazi port (LYBEN) in the afternoon of 7 March 2024, where the six vessels were unloaded during the night until the early morning of 8 March 2024 (appendix 32.B, figure 32.B.1). The details of the vessels are in table 32.1.

Table 32.1

Naval vessels transported aboard the *BBC Alaska*

<i>Type</i>	<i>Weight in tonnes</i>	<i>Hull number</i>	<i>Marking</i>	<i>Colour</i>	
Interceptor boat	5 t	JORPB112022	Coast Guard	Navy grey	
Interceptor boat	10 t	JORPB152022	Coast Guard	Navy grey	15.
Landing craft	12 t	JORLC162022	Coast Guard	Navy grey	16.
Landing craft	3.5 t	JORLC752022	Coast Guard	Navy grey	
Multi-purpose vessel	4 t	JORMPV8322022	Police	white	17.
Multi-purpose vessel	4 t	JORMPV8312022	Coast Guard	white	18.

19. The vessels are all made of aluminium. The producer or seller identified by the Panel, Asha Co FZE (paragraphs 19 and 20 of this annex), did not respond to the Panel's inquiry regarding the vessels' technical specifications. The Panel therefore bases its assessment on the built type, weight, designation and external design features. Accordingly, the Panel assesses the 10 tonnes interceptor boat as non-lethal military equipment, whereas the remaining boats are assessed as dual-use vessels, as these also have civilian applications.

20. A 10 March 2024 video on social media,³²⁶ reviewed by the Panel, showed LAAF personnel bearing insignia of 21 infantry brigade, passing by the military section of the port where TBZ has its vessels moored on one of the landing craft, moving in direction Juliana Beach.

Transfer to Libya

21. The consignee of the vessels as per the cargo documents was Alrakab Company for Importing Cars and Spare Parts, Benghazi.³²⁷

³²⁵ Ibrahim is listed as the company's manager in a UAE Government operated company database under Dubai trade licence no. 3219, https://www.dubaipulse.gov.ae/dataset/336e5800-131d-4fe9-9434-9c2b602a8fb0/resource/cbe84ee4-5a2e-4d3e-a402-719bebf5207a/download/company_primary_licenses.csv?ref=netra.news.

³²⁶ <https://www.tiktok.com/@sea.air.land/video/73444744415742209286>, 10 March 2024. The TikTok account has since removed all its postings.

³²⁷ Phlsten Street 22.

22. The shipper of the vessels as per the cargo documents was 2020 Volume Boats Maintenance & Repairing LLC, Dubai, UAE. The Dubai Maritime City business directory³²⁸ provides an email and phone number for the company³²⁹ that Amro Ibrahim uses when representing a different company, the abovementioned Volume FZCO (paragraph 11 of this annex).

23. 2020 Volume Boats Maintenance & Repairing LLC furthermore shares the same address as Asha Co FZE (2020 Volume).³³⁰ On Google Maps, 2020 Volume Boats Maintenance & Repairing LLC is entered as “Asha Co FZE (2020 Volume)”. The photograph shown on the Google Map entry displays a vessel that is very similar in design to the abovementioned interceptor boats. The company’s web presence, which has been taken offline, presents itself as a boat builder of the same type of naval vessels that were transferred to Libya, also referring to “2020 Volume by Asha Co” (appendix 32.B.1, figure 32.B.3).

24. Asha Co FZE is owned by an individual with the same family names as Ibrahim. That individual, also a Jordanian national, transferred a Jordanian trademark to Amro Ibrahim in 2022.³³¹ In negotiations with another company and contractual documents (below section D), Amro Ibrahim went by the name of Amro Asha. The Panel therefore assesses that 2020 Volume Boats Maintenance & Repairing LLC and Asha Co FZE are both controlled by Amro Ibrahim.

25. The Panel identified the following as responsible for the transfer of the 12 tonnes inceptor boat to Libya, in violation of paragraph 9 of resolution 1970 (2011):

- a) 2020 Volume Boats Maintenance & Repairing LLC as shipper;
- b) Asha Co FZE as producer or seller;
- c) Amro Ibrahim as representative of these two companies;
- d) Alrakab Company for Importing Cars and Spare Parts (Libya) as consignee; and
- e) BBC Chartering GmbH & Co. KG as charterer of the MV *BBC Alaska* (IMO: 9453793).

26. None of the above companies replied to the Panel’s requests for information. The UAE did not respond to the Panel’s request for information regarding the companies, nor did it provide the requested export declarations and end-user certificates, if any. The Panel thus finds the abovementioned companies and the UAE in non-compliance with paragraph 20 of resolution 2701 (2023), for not having provided information to the Panel upon request.

D. Asis RHIBs

27. The Panel found that since July 2022, 41 12-metre Asis rigid-hulled inflatable boats (RHIBs) were transferred to Benghazi, including five that arrived in Benghazi aboard the MV *Med Sea Eagle* (IMO 8356443) on 21 July 2024. These transfers took place at the direction of the UAE-based company Aerotel FZCO. The owner and manager of this company is Amro Salem Ismael Ibrahim,³³² who was also the person negotiating with Asis Boats LLC, the UAE-based producer and shipper of the RHIBs, at Aerotel’s behest. Aerotel FZCO purchased the RHIBs from ASIS Boats LLC and requested ASIS to ship them directly to five private companies in Benghazi. Figure 32.C.1 in appendix 32.D shows a rendered model of the RHIBs transferred to Libya.

28. The companies in Benghazi receiving the RHIBs were a) Emaar Libya Holding Company (21); b) Asnaad Company (12); c) Al Musanada Al Damiya Company (5); and d) Juliana Beach (3).

29. Five armed Asis RHIBs participated at the LAAF “Dignity Shield 2024” military exercise (appendix 32.C, Figure 32.C.2). Asis Boats LLC responded to Panel inquiries that (a) these boats were civilian workboats for tour- and transport-based services; (b) were not endurance-enhanced; (c) had no hard points or weapon mounts; and (d) could not easily be converted for military purposes. The company also provided supporting documentation showing that the boats had a GRP hull and its tubes were standard air tubes. Confronted with imagery of armed Asis RHIBs,³³³ the company confirmed that these armed RHIBs were indeed part of the 41 RHIBs it had sold to Aerotel FZCO, for onwards export to five private

³²⁸ <https://dmc.prismcloudhosting.com/community/directories/>.

³²⁹ +971567819999, ismail.ibrahim@i-volume.com.

³³⁰ Warehouse 423, Dubai Maritime City, UAE.

³³¹ https://www.mit.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/778.pdf, 16 January 2024, page 327.

³³² Confidential source; Dubai Trade license no. 4261.

³³³ [https://www.facebook.com/photo/?fbid=742026584776636&set=pb.100069079034812.-2207520000](https://www.facebook.com/photo/?fbid=742026584776636&set=pb.100069079034812.-2207520000;);

[https://www.facebook.com/photo/?fbid=742026434776651&set=pb.100069079034812.-2207520000](https://www.facebook.com/photo/?fbid=742026434776651&set=pb.100069079034812.-2207520000;);

[https://www.facebook.com/photo/?fbid=742026544776640&set=pb.100069079034812.-2207520000](https://www.facebook.com/photo/?fbid=742026544776640&set=pb.100069079034812.-2207520000;);

<https://www.facebook.com/photo/?fbid=742026634776631&set=pb.100069079034812.-2207520000>, all dated 14 March 2024.

companies in Benghazi. However, Asis Boats LLC held that, judging from the imagery, significant modifications to the navigation and communications suite had been undertaken post-delivery, and significant reinforcement work would have been required to mount the machine gun in a way that it could be operated without danger of structural damage or injury. The company assured the Panel that it would take steps to improve its due diligence with regard to Aerotel FZCO.

30. The documentation available to the Panel allows to assess which companies transferred the five (later) armed RHIBs to the LAAF, or which functioned as front companies for LAAF. Some of the transferred RHIBs were given names, which were also reflected in the cargo documents. Documents relating to the 21 RHIBs sold to Emaar Libya Holding, indicate the boats' names as "Al Karama", with numbers 1 through 21. Documents relating to the three out of the twelve RHIBs sold to Asnad Company indicate the boats' names as "Tareq" and "Tariq", with non-consecutive numbers up to 19. Assuming that the numbers are consecutive, this suggests that at least 19 RHIBs were destined for TBZ and 21 RHIBs for other LAAF units, representing a significant RHIB fleet of 40 boats, some of which that may have been part of earlier shipments. In addition, Asnad Company uses an email address indicating that Amro Ibrahim is also linked to the company.³³⁴

31. While the Panel assesses that the 41 Asis RHIBs do not fall into the category of non-lethal military materiel, they constitute what the Panel refers to as dual-use vessels. The RHIBs do not have sink-proofing of the tubes, aluminium hull, ballistic protection of the wheelhouse or hard points for weapons mounts. However, the design of Asis workboats, which Asis Boat LLC claimed to have sold to Aerotel FZCO, differs from the RHIBs transferred to Libya.³³⁵ Their design features are identical to what Asis Boats LLC markets as military boats.³³⁶ The 41 RHIBs transferred to Libya have the same colours, seating arrangement, propulsion, seaworthiness, and the capability of being outfitted with mounted weapons, as demonstrated by LAAF. This makes the transfer of such vessels particularly sensitive in the context of an arms embargo.

E. Opportunity to reply

32. Amro Ibrahim responded to the Panel's opportunity to reply on 22 October 2024, stating that the response was on behalf of three companies: Aerotel FZCO, 2020 Volume Boats Maintenance Repairing LLC, and Asha Co FZE. Therefore, the Panel considers this response only to refer to the transfers to Libya of the "Volume" boats and the Asis RHIBs. The response stated that a) the companies' primary business is marketing and selling civilian boats and other maritime products to customers; b) they have a contract with a local [unnamed] manufacturer in the UAE to produce these boats; c) they transported them to their customers Asnad Company and Emaar Libya Holding in accordance with UAE laws; d) the transferred boats were "exclusively for civil use"; e) the companies had "no control over any alterations or misuses our clients may make to them after delivery"; and f) given the information by the Panel about "misuse of the boats" sold to these customers, they would end their relationship with them immediately.

33. The response does not change the Panel's findings, as laid out in the preceding sections of this annex.

³³⁴ volume.fzco@iutlook.com.

³³⁵ <https://asisboats.com/military-boats/>.

³³⁶ <https://asisboats.com/work-boats/>.

Appendix A to annex 32 Rodman 66 FPB

Figure 32.A.1

Left: Rodman 66 in Belgian Police livery and pennant "SPN-14"; right: LAAF navy livery with pennant "612" and bow-mounted machine gun



Sources: Left top: <https://www.vesselfinder.com/ship-photos/201124>, 27 July 2016; right top: <https://www.facebook.com/photo/?fbid=742026248110003&set=pb.100069079034812.-2207520000>, 14 March 2024; left bottom: <https://www.vesselfinder.com/ship-photos/503410>, 6 August 2019; right bottom: <https://www.facebook.com/photo.php?fbid=309266291692173&set=pb.100078264120737.-2207520000&type=3>, 17 September 2023.

Figure 32.A.2

Left: Rodman 66 “SPN-14” after decommissioning; right: LAAF vessel with pennant "612", showing water cannon fixture as mounting base for machine gun



Sources: Left: Belgian federal authorities;
right: <https://www.facebook.com/photo.php?fbid=309266291692173&set=pb.100078264120737.-2207520000&type=3> , 17 September 2023.

Appendix B to annex 32 Volume boats transferred by MV *BBC Alaska*

Figure 32.B.1

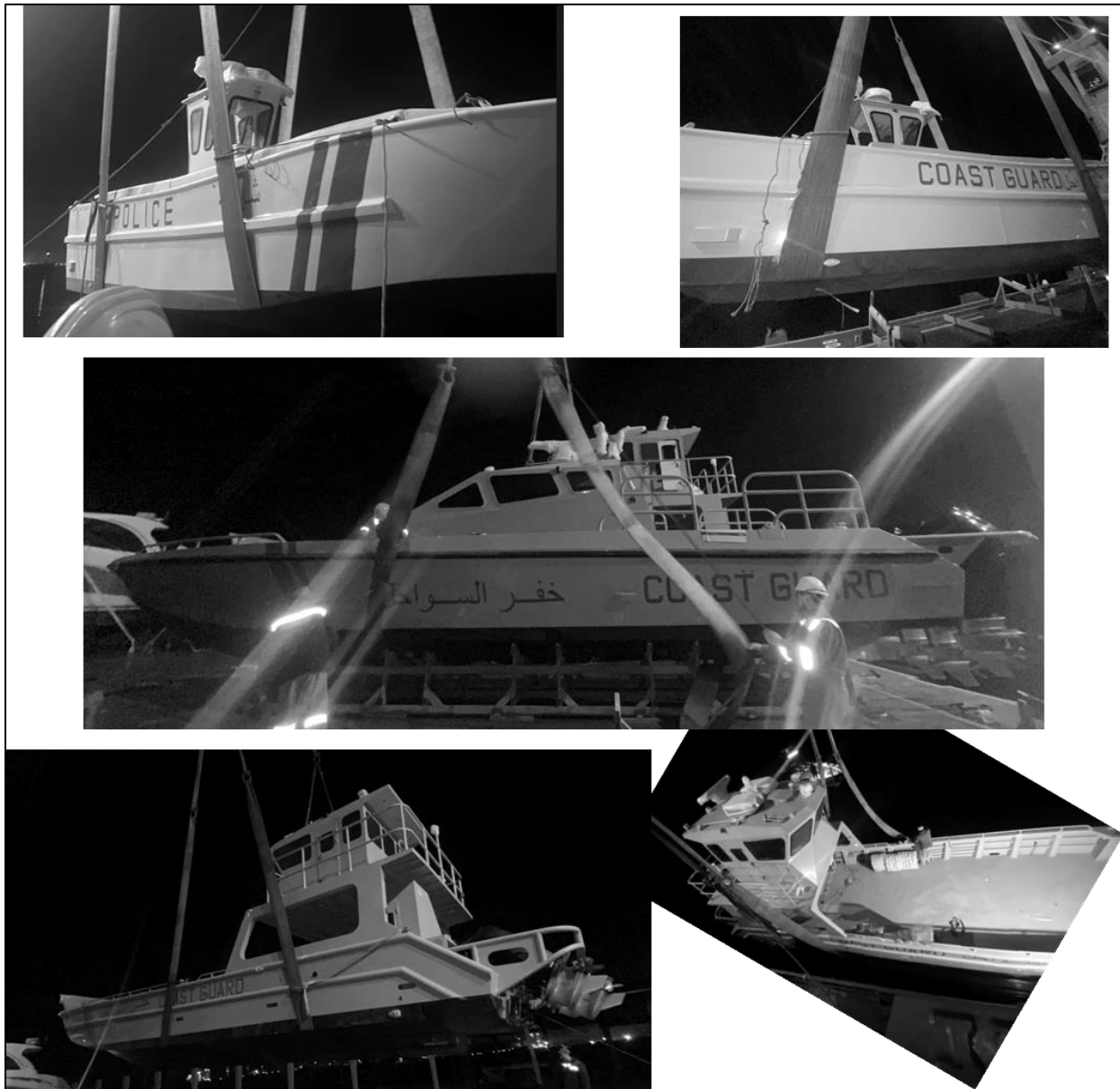
“2020 Volume” vessels transported covered under white foil onboard the *BBC Alaska* (IMO: 9453793) en route to Benghazi



Source: Confidential.

Figure 32.B.2

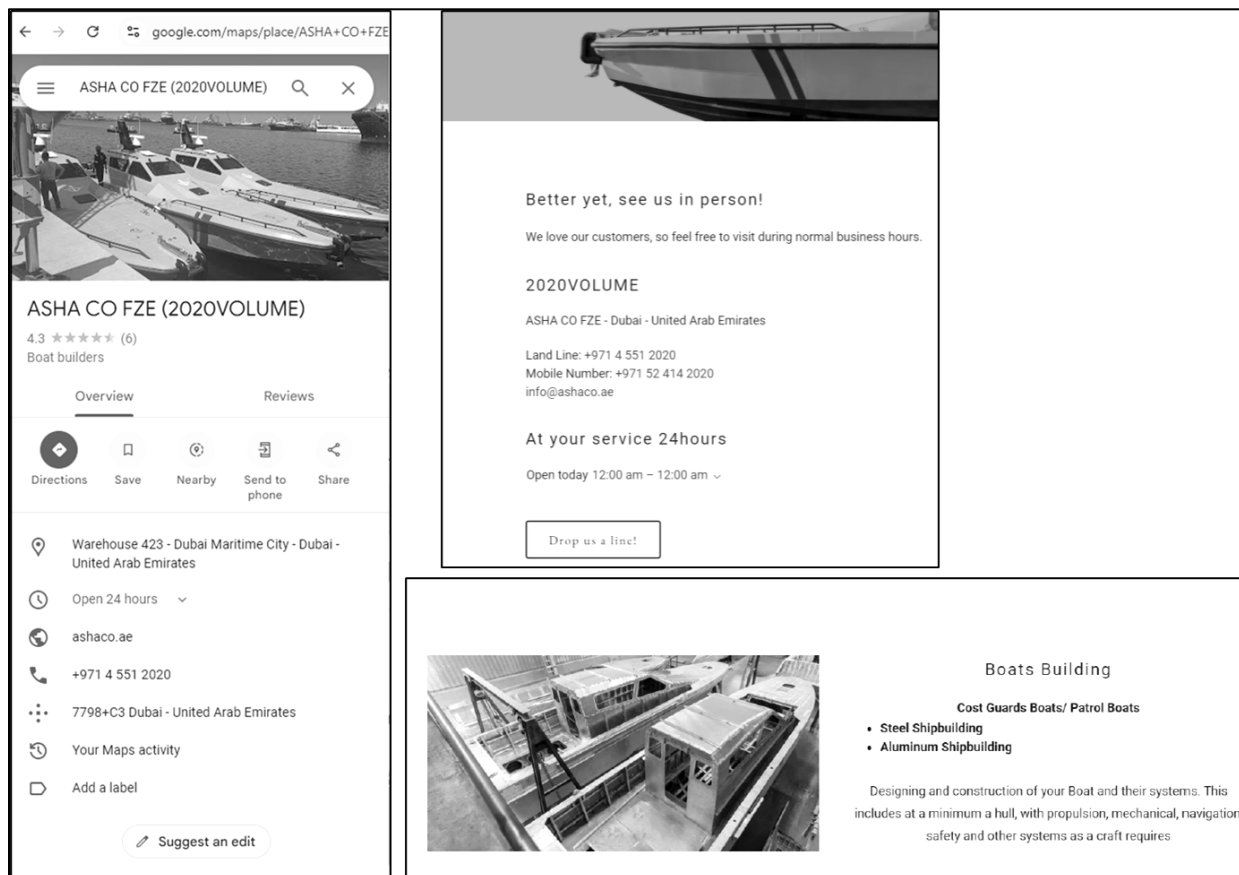
“2020 Volume” vessels as they were being unloaded from the *BBC Alaska* (IMO: 9453793) in Benghazi during the night of 7 to 8 April 2024. From top left: multi-purpose vessel marked “Police”; landing craft 3.5t marked “Coast Guard”; interceptor boat marked “Coast Guard”; multi-purpose vessel marked “Coast Guard”; and landing craft 12t marked “Coast Guard”



Source: Confidential.

Figure 32.B.3

Google Maps entry of Asha Co FZE, containing “2020VOLUME” in its entry title and showing similarly designed boats as the interceptor boats transported aboard the *BBC Alaska* (IMO: 9453793)

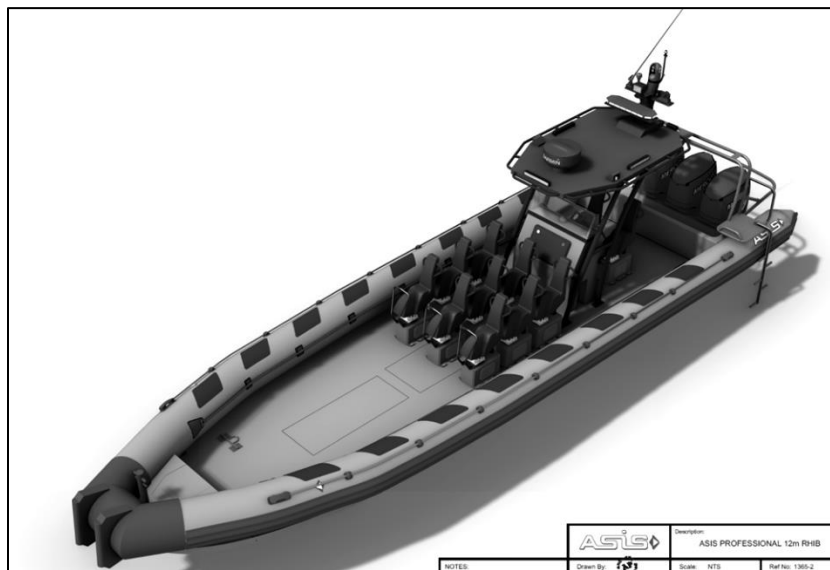


Sources: Left: <https://maps.app.goo.gl/fKxPP6d9mYhpJ3nS7>; right: <http://ashaco.ae/>, accessed on 2 July 2024 (since taken offline).

Appendix C to Annex 32 Asis RHIBs

Figure 32.C.1

Asis RHIB model as rendered for Aerotel FZCO



Source: Asis Boats LLC.

Figure 32.C.2

Post-transfer armed Asis RHIBs at LAAF “Dignity Shield 2024” military exercise



Sources: [https://www.facebook.com/photo/?fbid=742026584776636&set=pb.100069079034812.-2207520000](https://www.facebook.com/photo/?fbid=742026584776636&set=pb.100069079034812.-2207520000;);
<https://www.facebook.com/photo/?fbid=742026434776651&set=pb.100069079034812.-2207520000>;
<https://www.facebook.com/photo/?fbid=742026544776640&set=pb.100069079034812.-2207520000>, all dated 14 March 2024.

Annex 33 Update on the supply of vessels to the LCG

A. Background

1. This annex contains updates to the Panel's letter to the Committee dated 1 September 2023 on the transfer of Corrubia-class vessels to Libya.
2. By note verbale dated 11 August 2023, Italy informed the Committee about the transfers to Libya of two Corrubia-class vessels on 23 June and three 300-class vessels on 3 August, "for the use of the Libyan Coast Guard and Port Security (LCGPS)", and, according to Italy, "fall[ing] under the scope of paragraph 10 of resolution 2095 (2013)", by virtue of "not [being] equipped with either fixed weapons or military equipment of any kind". At that time, the Panel had already assessed that the 300-class vessel, a purpose-built search-and-rescue vessel, was not subject to the arms embargo.³³⁷ That assessment had been based on detailed technical specifications received from Italy upon the Panel's request.
3. As stated in the abovementioned Panel letter of 1 September 2023, in Annex 33 to S/2019/914, the Panel reported on previous transfers by Italy of two Corrubia-class vessels to the Libyan Coast Guard (LCG) in 2018. The Panel reported that "[t]he '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 [Italy], and [Italy's] rationale that the transfer fell under the auspices of paragraph 10 of resolution 2095 (2013)".

B. Corrubia-class fast patrol boat

4. Consistent with the Panel's methodology, the Panel wrote to Italy on 31 August 2023 to request technical details regarding any demilitarization of the two Corrubia-class vessels, to ensure that these two vessels indeed fall under the category of non-lethal military equipment or are to be classified as civilian vessel. In that connection, the Panel referred to Annex 32 to S/2019/914, in which the Panel established the baseline for its assessment of whether a vessel is to be considered naval or civilian.
5. By letter dated 9 May 2024, Italy responded to the Panel's letter, providing detailed documentation regarding the demilitarization of the two vessels, which had previously been operated by the Guardia di Finanza as "G.108 Conversano" and "G.113 Partipilio". Based on a review of the technical information provided by Italy, the Panel assesses these vessels, following their demilitarization, to fall into the category of non-lethal military materiel, which aligns with Italy's understanding, given that Italy invoked the exception of paragraph 10 of resolution 2095 (2013) in its submission to the Committee.

C. LCGPS as synonym of LCG

6. In the abovementioned letter, the Panel also requested clarification from Italy regarding the recipient of the vessels, which Italy indicated as the Libyan Coast Guard and Port Security (LCGPS). Italy responded that this was a frequently and officially used term for the LCG, also in use by the European Union.
7. The Panel recalls that in the 27 May 2017 briefing on the forces under the control of the Libyan government, Libya notified specific sectors of the Libyan Coast Guard (LCG) as such forces, namely the Central Sector (LCG Misrata), Tripoli Sector (Tripoli naval base), and Western Sector (LCG Zawiyah).³³⁸
8. The Panel independently established that while commonly referred to as LCG, the entity's original name is LCGPS.³³⁹ The Panel therefore concurs with Italy's view that LCGPS is a synonym for the LCG, which is a notified entity.

³³⁷ S/2023/673, paragraph 79.

³³⁸ See also S/2023/673, Annex 24.

³³⁹ See, for example, the law establishing the entity <https://lawsociety.ly/legislation/القرار-رقم-372-لسنة-1996-م-بإنشاء-جهاز-حرس-السوا>, 28 December 1996; see also the Ministry of Defence's Facebook page, <https://www.facebook.com/share/p/tYcyS8mqqtBiRVWb>, 5 July 2023.

9. On 24 June 2023, videos³⁴⁰ posted on social media showed two Corrubia-class vessels arriving in a port, reportedly Abu Sitta naval base in Tripoli, with the new designations “Murzuq” (662) and “Houn” (664).³⁴¹ While the videos by camera angle and quality do not allow for geolocating with confidence, one of the videos shows two individuals on the quay wearing uniforms in the colours of the Libyan Coast Guard and Libyan Navy, respectively, and voices speaking Arabic with Libyan accent. One of the vessels appears to have “Libyan Coast Guard” written on its starboard hull. No weapons or weapon fits are recognizable in the videos. Given that Italy indicated in its submission to the Committee that the Corrubia-class vessels were delivered on 23 June 2023, the temporal proximity of the publication of the video and the circumstantial indicators described above led the Panel to conclude that the videos are authentic (Figures 33.1 to 33.4). In August 2023, one of the two vessels was reported to have aided in the lifting of submerged vessels in Khoms harbour;³⁴² the Panel confirmed this activity by geolocation.³⁴³

D. Panel assessment

10. The Panel is therefore satisfied that the LCG is the actual end-user of the two Corrubia-class vessels, and assesses that the transfer by Italy of the two vessels to Libya thus falls under the exception of paragraph 10 of resolution 2095 (2013).

Figures 33.1 to 33.4

Stills from open-source videos showing two Corrubia-class vessels arrive in Libya



Source: <https://twitter.com/rgowans/status/1672621080664584192>, 24 June 2023; <https://twitter.com/i/status/1672623552158154752>, 24 June 2023.

³⁴⁰ <https://twitter.com/rgowans/status/1672621080664584192>, 24 June 2023; <https://twitter.com/i/status/1672623552158154752>, 24 June 2023.

³⁴¹ <https://twitter.com/rgowans/status/1672634605495635968>, 24 June 2023.

³⁴² <https://twitter.com/Oded121351/status/1688784787173957632/photo/1>, 8 August 2023; for geolocation only: <https://twitter.com/MTailamun/status/1655529446646882305/photo/1>, 8 May 2023.

³⁴³ 32°41'3.46"N, 14°14'30.57"E.

Annex 34 Updates on previous cases of maritime transfers

A. Lambro Olympic D74

1. The Panel previously reported on a Lambro Olympic D74 (Javelin 74) fast patrol boat in use by the GNU-affiliated Stability Support Apparatus (SSA) maritime units based in Zawiyah.³⁴⁴ The Panel provided an opportunity to reply (OTR) to the individuals the Panel identified as responsible for the transfer to Libya, which took place between 12 and 19 January 2022. None of the identified individuals responded to the Panel's OTR.

2. The Panel in reference to table 1 and annex 28 of S/2022/427 and in particular annex 26 of S/2023/673, found the following individuals responsible for the transfer to Libya of the Lambro Olympic (Javelin D74) naval vessel to Libya, in violation of paragraph 9 of resolution 1970 (2011):

- a) Nikolaos Lardis, Greek national, DOB: 4 Feb 1963, passport no. AT2027138;
- b) Giorgi Phophkatze, Georgian national, DOB: 9 Feb 1990, passport no. 20AHSH34; and
- c) Georgios Boumpouras, Greek national, DOB: 21 Jun 1983, passport no. AT1233882.

B. Apollon RHIBs to LAAF

3. The Panel previously reported on "Apollon" naval-type rigid-hulled inflatable boats (RHIBs) in use by a LAAF maritime unit.³⁴⁵ The Panel had identified the individual responsible in its last report,³⁴⁶ but had not published his name, as he had not had the OTR at the time, as per the Panel's methodology. The name of the individual is Costas Charalampopoulos, a Greek national (DOB: 15 Aug 1959). The Panel attempted to offer him this opportunity through (a) the Greek authorities and (b) through the Greek company Double Action Defense, which the Panel assessed that he had represented, and which had displayed RHIBs with identical design features as the Apollon RHIBs in use by LAAF.

4. The Greek authorities informed the Panel that they had not been able to locate Charalampopoulos to share the Panel's OTR, and that criminal proceedings against him were proceeding before a Greek court.³⁴⁷

5. On 20 February 2024, Double Action Defense responded to the Panel's letter dated 26 January 2024, by which the Panel sought information regarding the RHIBs and to present the OTR to Costas Charalampopoulos. The company's chairperson informed that (a) the company had no relation to any transfer of RHIBs to Libya; (b) the company was neither constructing nor selling boats; (c) confirmed the Panel's assessment that the RHIBs displayed on its web presence were identical to those in use by LAAF; (d) the promotion of RHIBs on its web presence was owed to a cooperation with Costas Charalampopoulos, which did not materialize; (e) the cooperation with Costas Charalampopoulos lasted from 2018 through June 2022; (f) Costas Charalampopoulos was operating another business simultaneously, of which the company had no details; and (g) the images in the company's website depicting Costas Charalampopoulos signing agreements had only been used as a marketing strategy, given his business acumen, and preceded his cooperation with the company and depicted activities with other companies, the identities of which however could not be shared because of "trade secrets".³⁴⁸ The Panel finds that the engagement of Double Action Defense lacks credibility.

6. The transfer of the Apollon RHIBs took place in or around June 2020, during a time which Costas Charalampopoulos had a "cooperation" with the Double Action Defense, and six months after Double Action Defense had started advertising the RHIBs on its web presence. The company was therefore at least a facilitator for the sale of RHIBs.

7. The Panel established that Double Action Defense indeed did not produce the RHIBs. The Panel identified another Greek company, Drago Boats SA,³⁴⁹ as the producer. The company did not respond to the Panel's letter dated 5 September 2024.

8. The Panel believes that Costas Charalampopoulos not only cooperated with Double Action Defense, but has directed all operations of the company, and that all board members are only front persons. Costas Charalampopoulos has close family links to all members of the board and has previous experience and contacts in the arms industry, which none of the board

³⁴⁴ S/2022/427, paragraph 68 and S/2023/673, paragraph 84 and annex 26, section A.

³⁴⁵ S/2022/427, paragraph 68 and S/2023/673, paragraph 84 and annex 26, section B.

³⁴⁶ S/2023/673, annex 26, paragraph 8 and appendix 26.B.

³⁴⁷ Note verbale from Greece, 4 December 2023.

³⁴⁸ The company has since removed all images showing Costas Charalampopoulos from its website.

³⁴⁹ 5 Lavriou Avenue, 19400, Koropi, Greece.

members have. The chairperson and one other board member are his parents-in-law, another is his wife, and the remaining is his wife's son from her first marriage. In a July 2022 media interview, that is one month after the claimed termination of cooperation, his wife stated that he is the head of the couple's company.³⁵⁰ She was also the one who dispatched the chairperson's reply to the Panel.

9. Costas Charalampopulous did not reply to the Panel's OTR. In reference to paragraph 68, table 1 and annex 28 of S/2022/427 and in particular annex 26 of S/2023/673, the Panel finds (a) Costas Charalampopulous responsible for the transfer of at least four naval-type RHIBs and a handgun to Libya, in violation of paragraph 9 of resolution 1970 (2011); and (b) Drago Boats SA (Greece) in non-compliance with paragraphs 19 and 20 of resolution 2701 (2023) for not providing the requested information to the Panel.

³⁵⁰ <https://directus.gr/sovari-peripeteia-gia-ellina-sti-roumania-ekklisi-tis-syzygou-tou-monitor-vinteo>, 14 July 2022.

Annex 35 Naval vessels in al-Khoms port

1. The Panel previously reported on the presence of Turkish naval vessels in military section of Al-Khoms port (LYKHM).³⁵¹ The Panel reviewed statements of the Turkish Ministry of Defence and confidential satellite imagery taken on different dates during this reporting period and identified that since July 2023, (a) ten Gabya-class vessels, (b) six Barbaros-class vessels, and (c) one Ada-class (MILGEM) vessel operated by the Turkish Navy visited Al-Khoms port (LYKHM) (table 35.1). These findings are based on confidential and non-confidential satellite imagery. An example of non-confidential imagery is contained in figure 35.1.

2. The Panel wrote to Türkiye on 13 March 2024 regarding a report that the TCG *Kinaliada* had been carrying out “logistics integration activities at Al-Khoms port within the scope of the Turkish Naval Task Group”, posted on 13 November 2023 on an official social media channel of the Turkish Ministry of Defence.³⁵² Türkiye replied by letter dated 8 May 2024, stating that TCG *Kinaliada* had visited Al-Khoms port “in November 2023 to avoid harsh weather and rough sea conditions”. Türkiye further informed that “no cargo/material transfer was made”. No exact date of the visit was provided, hence the Panel was unable to verify the Turkish claim about the adverse sea state at the time. The reference to the specific nature of the activities in the abovementioned official media report, however, suggests that the visit of the TCG *Kinaliada* was planned. In any case, the relevant Council resolutions do not foresee exceptions for derogations from the arms embargo in emergency situations, thus, in the Panel’s view, that visit to Al-Khoms port constituted at least non-compliance with paragraph 9 of resolution 1970 (2011).

3. No response was received to the Panel’s letters dated 24 April and 3 October 2024 regarding the remaining vessels contained in table 22.1. In the Panel’s view, the entry of these vessels are violations of paragraph 9 of resolution 1970 (2011).

Table 35.1

Turkish naval vessels identified at Al-Khoms port

Date	Naval vessel	Source
4 July 2023	Gabya-class frigate	▪ Confidential satellite imagery of 4 July 2023 shows a Gabya-class frigate berthed at the military section of Al-Khoms port (32°41'19.38"N, 14°14'47.46"E)
24 October 2023	Gabya-class frigate	▪ Confidential satellite imagery of 24 October 2023 shows a Gabya-class frigate berthed at the military section of Al-Khoms port (32°41'19.38"N, 14°14'47.46"E)
First half of November 2023	TGC <i>Kinaliada</i> (F-514), Ada-class (MILGEM) anti-submarine warfare corvette	▪ Türkiye confirmed that TGC <i>Kinaliada</i> entered Al-Khoms port in November 2023, claiming adverse weather conditions
27 November 2023	Two (2) Gabya-class frigates	▪ Confidential satellite imagery of 27 November 2023 shows two Gabya-class frigates berthed at the military section of Al-Khoms port (32°41'19.38"N, 14°14'47.46"E and 32°41'11.38"N, 14°14'40.55"E)
19 December 2023	Gabya-class frigate and Barbaros-class frigate	▪ Confidential satellite imagery of 29 December 2023 shows a Barbaros-class and a Gabya-class frigate berthed at the military section of Al-Khoms port (32°41'19.38"N, 14°14'47.46"E and 32°41'11.38"N, 14°14'40.55"E)
8 January 2024	Two (2) Gabya-class frigates	▪ Confidential satellite imagery of 8 January 2024 shows two Gabya-class frigates berthed at the military section of Al-Khoms port (32°41'19.38"N, 14°14'47.46"E and 32°41'11.38"N, 14°14'40.55"E)
27 February 2024	Barbaros-class frigate	▪ Confidential satellite imagery of 27 February 2024 shows a Barbaros-class frigate berthed at the military section of Al-Khoms port (32°41'17.48"N, 14°14'45.76"E)
18 April 2024	Barbaros-class frigate	▪ Confidential satellite imagery of 18 April 2024 shows a Barbaros-class frigate berthed at the military section of Al-Khoms port (32°41'16.15"N, 14°14'44.43"E)

³⁵¹ S/2023/673, paragraph 81, table 1 and Annex 29.

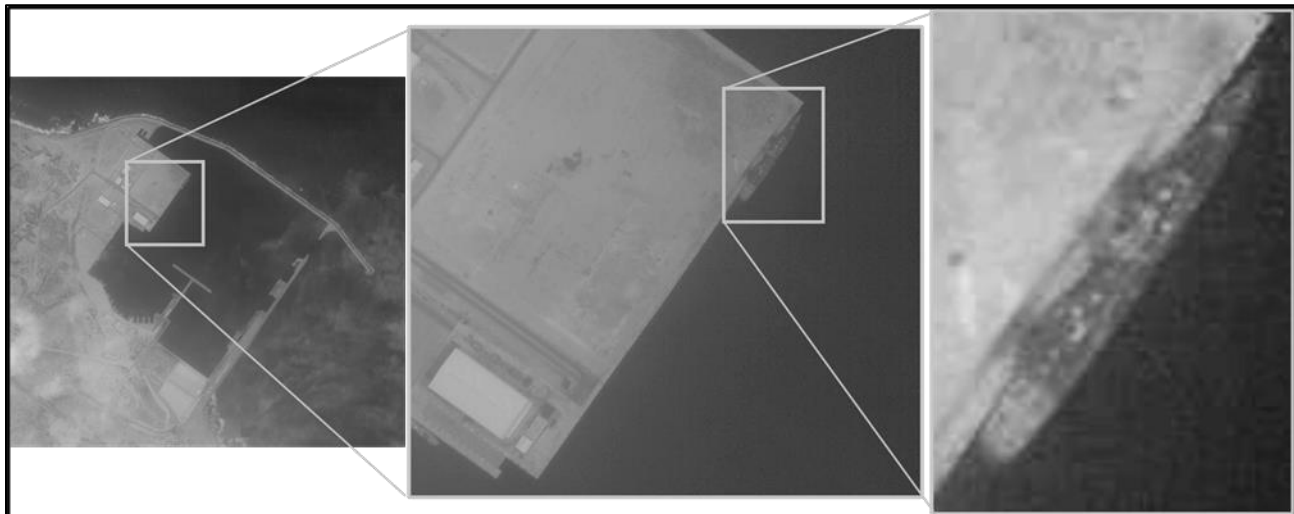
³⁵² <https://x.com/tcsavunma/status/1723992622841094511?s=20>, 13 November 2023;

<https://www.facebook.com/tcsavunma/posts/pfbid02APWfBwsBN3xiPF6pPQY44We2rSnS32baTHhJk5wSHpVLPXgMnJXjPRSkGSeGX4obl>, 16 November 2023, social media accounts as provided at <https://www.msb.gov.tr/>.

<i>Date</i>	<i>Naval vessel</i>	<i>Source</i>
9 May 2024	Gabya-class frigate	▪ Gabya-class frigate berthed at the military section of Al-Khoms port (32.68837° N, 14.24647° E), see figure 35.1
12 June 2024	Gabya-class frigate	▪ Gabya-class frigate berthed at the military section of Al-Khoms port (32.68837° N, 14.24647° E)
1 July 2024	Barbaros-class frigate	▪ Barbaros-class frigate berthed at the military section of Al-Khoms port (32.68770° N, 14.24573° E)
11 August 2024 and 25 August 2024	Barbaros-class frigate	▪ Barbaros-class frigate berthed at the military section of Al-Khoms port (32.68770° N, 14.24573° E); open-source imagery shows vessel berthed, ³⁵³ see annex B
25 August 2024	Barbaros-class frigate	▪ Barbaros-class frigate berthed at the military section of Al-Khoms port (32.68770° N, 14.24573° E)
2 September 2024	Gabya-class frigate	Gabya-class frigate berthed at the military section of Al-Khoms port (32.68837° N, 14.24647° E)

Figure 35.1

Gabya-class frigate berthed at the military section of Al-Khoms port on 9 May 2024.



Source: Planet Labs, 08:46:19 UTC on 9 May 2024.

³⁵³ <https://x.com/alsaaa24/status/1827637964513407402>, 25 August 2024.

Annex 36 Naval vessels and deliveries of military materiel in Tubruq port

A. Overview

1. The Panel has identified that five Russian Federation naval vessels entered Libyan territorial waters on 8, 14, and 21 April, and on 17 June 2024. On the 14 April visit, military equipment was transferred to Libya by one of these vessels.

B. Gren-class large landing ship, 8 April 2024

2. A confidential satellite image taken at 10:19 UTC on 8 April 2024³⁵⁴ shows (a) a Gren-class large landing ship sailing towards Tubruq port, about one nautical mile from the port,³⁵⁵ and (b) in the eastern part of the port (naval base)³⁵⁶ eleven empty heavy equipment transporters (HETs).

C. Ropucha-class and Gren-class large landing ships, 14 April 2024

3. Satellite imagery taken at 7:22 UTC on 14 April 2024 shows (a) at inner berth no. 02 on the west pier (commercial part of the port):³⁵⁷ a Ropucha-class large landing ship docked, and (b) in the eastern part of the port (naval base):³⁵⁸ twelve HETs (image resolution insufficient to determine if empty or loaded) (appendix 36.A, figure 36.A.1)

4. Two satellite images taken at 8:52 UTC and 9:17 UTC, respectively, on the same day, show a Gren-class large landing ship docked at the same location, berth no. 02 on the west pier (commercial part of the port). Both images also show in the eastern part of the port (naval base),³⁵⁹ three HETs loaded with military trucks and small trailers, and nine empty HETs. The 9:17 UTC image shows on the pier, facing in a northern direction, five military trucks, three of which are towing small trailers (appendix 36.A, figures 36.A.2 and 36.A.3).

5. The Panel further analysed two open-source videos published on 14 April and 17 April 2024,³⁶⁰ respectively, showing video footage and a still image of a line-up of seven military trucks, three of them towing small trailers. Two of these trailers appear to be covered weaponry. The Panel geolocated that video footage and still image to the abovementioned west pier of Tubruq port, with the vehicles being lined up facing in a northern direction (appendix 36.A, figures 36.A.4 and 36.A.5).

6. The 14 April video also contains a still image of what the Panel identified as the bow of a Gren-class vessel with open cargo doors, flying the jack of the Russian Navy, and unloading a military truck (appendix 36.A, figure 36.A.6).

7. The 17 April video also contains a still image of what the Panel identified as a Ropucha-class vessel, which the Panel geolocated to the Tubruq port entry, as seen from a northern direction (appendix 36.A, figure 36.A.7).

D. Ropucha-class large landing ship, 21 April 2024

8. Two satellite images taken in the morning of 21 April 2024 show a Ropucha-class large landing ship first approaching Tubruq port³⁶¹ at 6:54 UTC and then docked at inner berth no. 02 on the west pier (commercial part of the port)³⁶² at 15:50 UTC. Satellite imagery also shows the arrival and change in the number of HETs in the eastern part of the port (naval base)³⁶³ (appendix 36.B).

³⁵⁴ WorldView02, 2024-04-08 10:19 AM UTC ©2024 Maxar, USG Plus. Image on record with the Panel. Publication was not possible for contractual reasons.

³⁵⁵ 32.06517° N, 24.00346° E

³⁵⁶ 32.07623° N, 23.98587° E.

³⁵⁷ 32.07509° N, 23.97922° E.

³⁵⁸ 32.07623° N, 23.98587° E.

³⁵⁹ 32.07623° N, 23.98587° E.

³⁶⁰ <https://twitter.com/fawaselmmedia/status/1779532119053586496>, 14 April 2024;

<https://twitter.com/fawaselmmedia/status/1780351332802609605>, 17 April 2024.

³⁶¹ 32.08438° N, 24.04998° E.

³⁶² 32.07509° N, 23.97922° E.

³⁶³ 32.07623° N, 23.98587° E.

E. Slava-class missile cruiser and Udaloy-class frigate, 17 June 2024

9. On 17 June 2024, the social media account of the navy command of the Libyan Arab armed forces informed about the visit of two Russian Federation naval vessels, the Slava-class missile cruiser *Varyag* and the Udaloy-class frigate *Marshal Shaposhnikov*, to Tubruq naval base a day earlier.³⁶⁴ Several images were published by the same and other open sources that showed a Slava-class missile cruiser docking and being moored at the eastern quay of Tubruq port (naval base).³⁶⁵ Low-resolution satellite imagery shows a vessel the size of a Slava-class missile cruiser moored at the same location on 17 June 2024. Based on time, location and corroborating open-source imagery, the Panel assesses that a Slava-class missile cruiser visited Tubruq port on 17 June 2024 (appendix 36.C). In a response to the Panel, the LAAF confirmed that both vessels had arrived on 16 June 2024 for a three-day visit (see also below paragraph 12).

F. Responses to Panel inquiries and assessment

10. In response to the Panel's two letters regarding the abovementioned vessel visits,³⁶⁶ the Russian Federation stated that it "observes international restrictions regarding Libya. The movements of such vessels do not fall within the 'prohibited field' of the Council sanctions resolutions. Military vessels from other countries are also known to visit Libya."³⁶⁷

11. In response to the Panel's letter inquiring about the visits of Russian Federation naval vessels on 8, 14 and 21 April and 16 June 2024, and concurrent presence of HETs in the naval base on 8, 14 and 21 April,³⁶⁸ the LAAF stated that (a) Russian naval vessels had visited Tubruq "as part of an official coordinated visit to strengthen ties"; (b) while such a visit had occurred on 16 June 2024, no visits had occurred on 8, 14 or 21 April 2024; (c) visits "of some Russian naval vessels were in the framework of the prospects of cooperation between the two countries, in addition to other issues of joint work, which results in holding 'technical' meetings [...] to review the maintenance needs of [pre-existing] Russian weapons and equipment" the LAAF has in its stock; and (d) no military equipment had been delivered by Russian naval vessels. Apart from the confirmation that visits took place on 16 June 2024, the Panel found that the LAAF response was inconsistent with its evidence showing that visits took place on 8, 14 and 21 April 2024, and that on 14 April 2024 military equipment was transferred.

12. Regarding the military trucks with small trailers shown in the 14 April open-source video (Annex 36.A, figure 36.A.4) the LAAF stated that "these trucks were leaving the Tubruq naval base, not the port, and they were carrying some military supplies [...], two very small fuel tanks and two small cannons [...] which were already present at the base and were transported as part of a normal routine [...]". The Panel finds this statement inconsistent with the Panel's finding that the location shown on that video was inner berth no. 02 on west pier of the commercial part of Tubruq port, not the naval base, and that these trucks had been unloaded by the Gren-class vessel berthed at that pier at the time (Annex 36.A, figures 36.A.3 through 36.A.6).³⁶⁹

13. Regarding the visits of the Slava-class missile cruiser *Varyag* and the Udaloy-class frigate *Marshal Shaposhnikov*, to Tubruq naval base, the LAAF stated that the vessels had made a three-day working visit, starting on 16 June 2024, to "confirm the relations of cooperation and coordination between the Libyan and Russian navies in the fields of training, maintenance, providing technical and logistical support, exchanging expertise and information and cooperating in the field of maritime security".

14. In the Panel's view, and consistent with its methodology and past practice, the visits to Tubruq port by (a) Gren-class vessels on 8 and 14 April 2024; (b) Ropucha-class vessels on 14 and 21 April 2024; and (c) a Slava-class and a Udaloy-class vessel on 16 June 2024, as well as (d) the transfer to Libya of military trucks by the Gren-class vessel on 14 April 2024 are violations of paragraph 9 of resolution 1970 (2011).

³⁶⁴ https://www.facebook.com/story.php?story_fbid=462091869742947&id=100078264120737, 17 June 2024.

³⁶⁵ 32.07385° N, 23.98460° E.

³⁶⁶ Panel letters of 26 April 2024 and 3 October 2024.

³⁶⁷ Response of the Russian Federation dated 17 October 2024.

³⁶⁸ Panel letter of 3 October 2024 and LAAF response of 21 October 2024.

³⁶⁹ 32.07509° N, 23.97922° E.

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Appendix A to Annex 36: Ropucha-class and Gren-class large landing ships, 14 April 2024

Figure 36.A.1.

Ropucha-class vessel at inner berth no. 02, west pier, Tubruq port at 7:22 UTC on 14 April 2024; twelve HETs in the eastern part of the port (naval base)



Developed by Panel of Experts.

Source: Planet Labs, Sky Sat Collect, 7:22 :59 UTC, 14 April 2024.

Figure 36.A.2

Gren-class vessel at inner berth no. 2, west pier; twelve heavy equipment transporters (HETs), three of which loaded with military trucks with small trailers, in the eastern part of Tubruq port (naval base) at 08:52 UTC on 14 April 2024

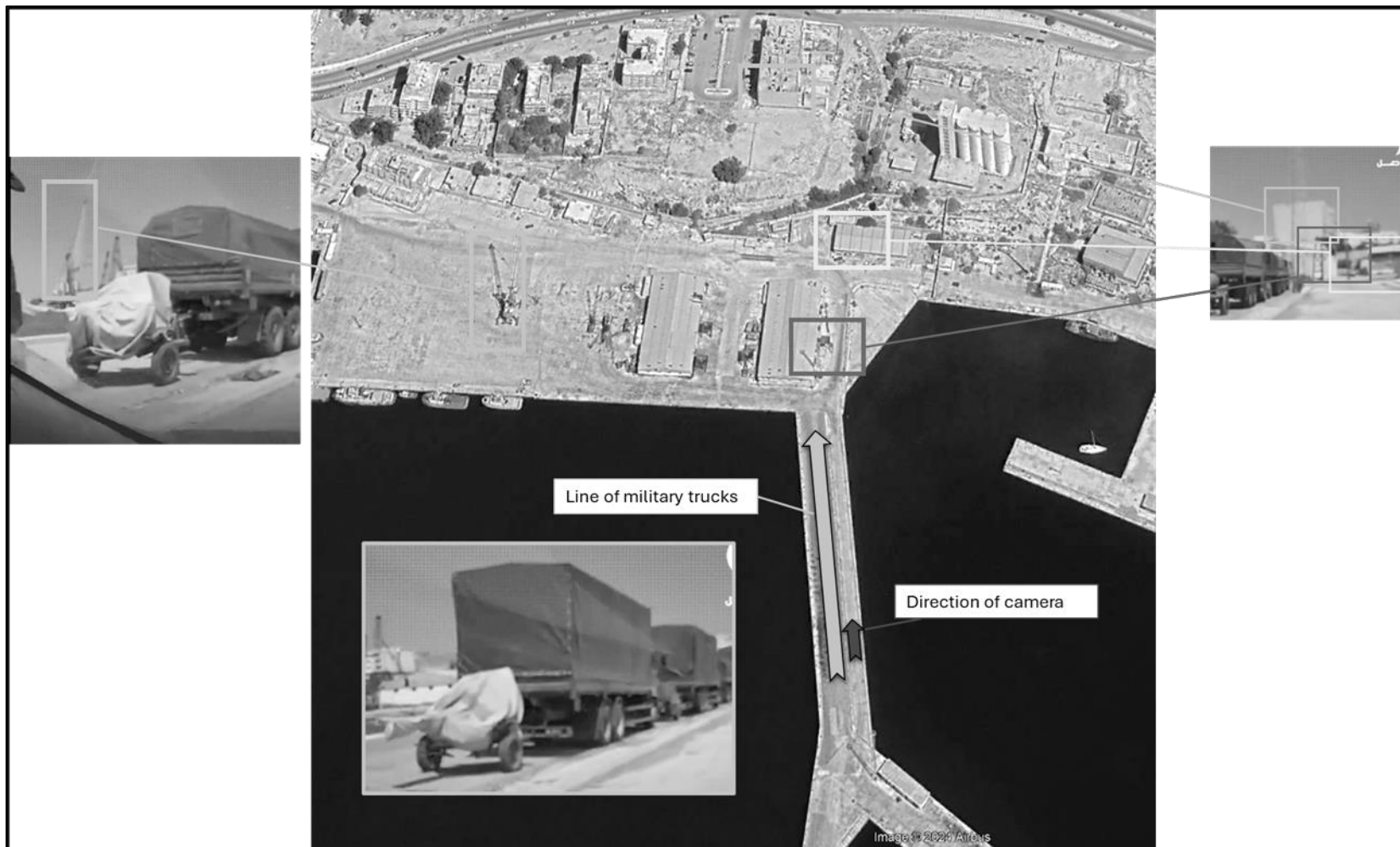


Figure 36.A.3.

Gren-class vessel at inner berth no. 02, west pier; five military trucks on pier facing northwards, three of which are towing small trailers



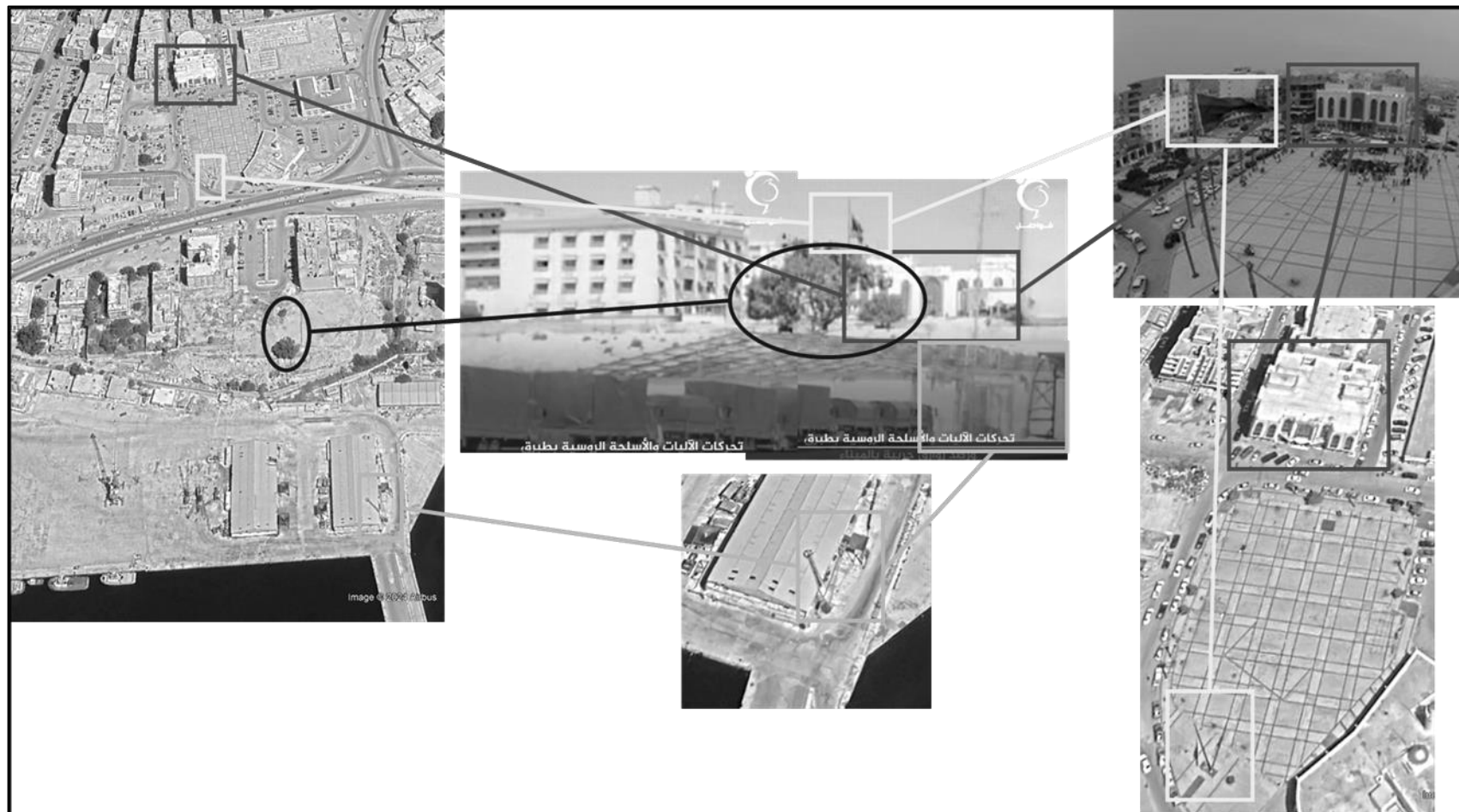
Figure 36.A.4.
Geolocation of open-source video published on 14 April 2024



Developed by Panel of Experts.

Sources: 1) Google Earth, 17 April 2023; 2) <https://twitter.com/fawaselmedia/status/1779532119053586496>, 14 April 2024.

Figure 36.A.5
Geolocation of open-source video published on 17 April 2024

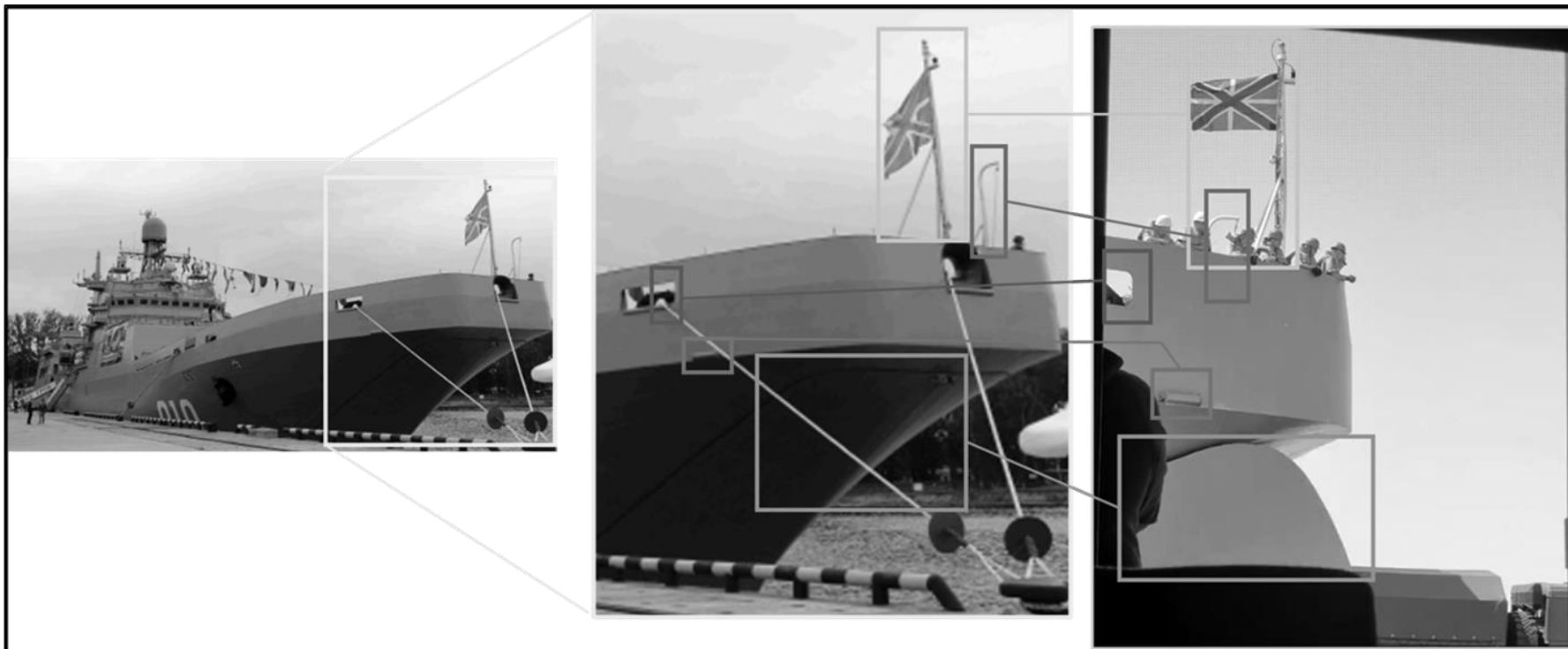


Developed by Panel of Experts

Sources: 1) Google Earth, 17 April 2023; 2) <https://twitter.com/fawaselmedia/status/1780351332802609605>, 17 April 2024; 3) <https://maps.app.goo.gl/G4fsdyJpZUji6XJi7>, June 2017.

Figure 36.A.6

First and second from left: Comparison image of a of Gren-class vessel; right: video still contained in 14 April 2024 open source video, geolocated to Tubruq port (figure 36.A.1), showing the bow of Gren-class vessel flying the Russian Navy jack and unloading a military truck

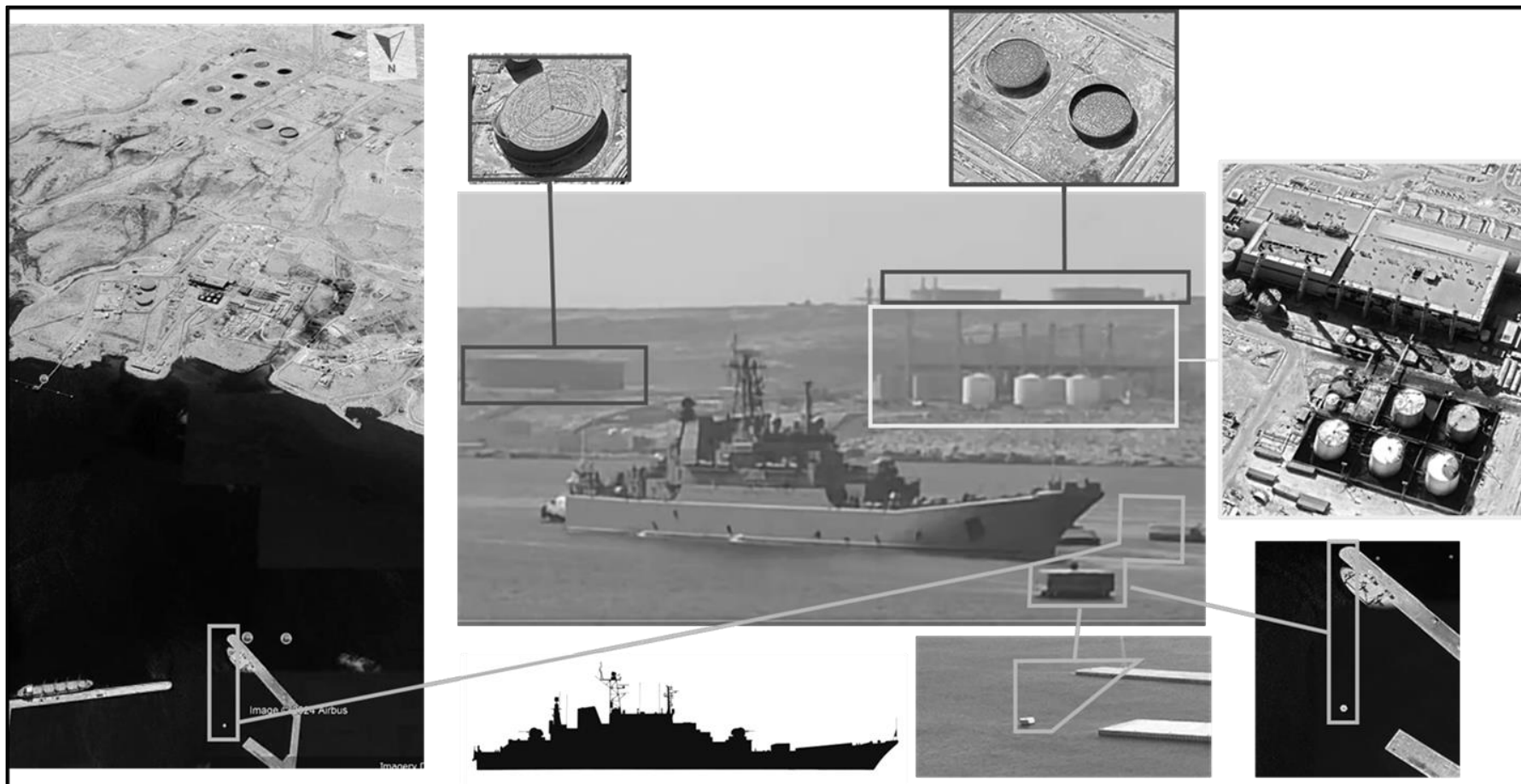


Developed by Panel of Experts.

Sources: 1) https://eng.mil.ru/en/news_page/country/more.htm?id=12477120@egNews, 25 August 2023; 2) <https://twitter.com/fawaselmedia/status/1779532119053586496>, 14 April 2024.

Figure 36.A.7

Video still (centre) of 14 April 2024 open source video, showing a Ropucha-class vessel entering Tubruq port



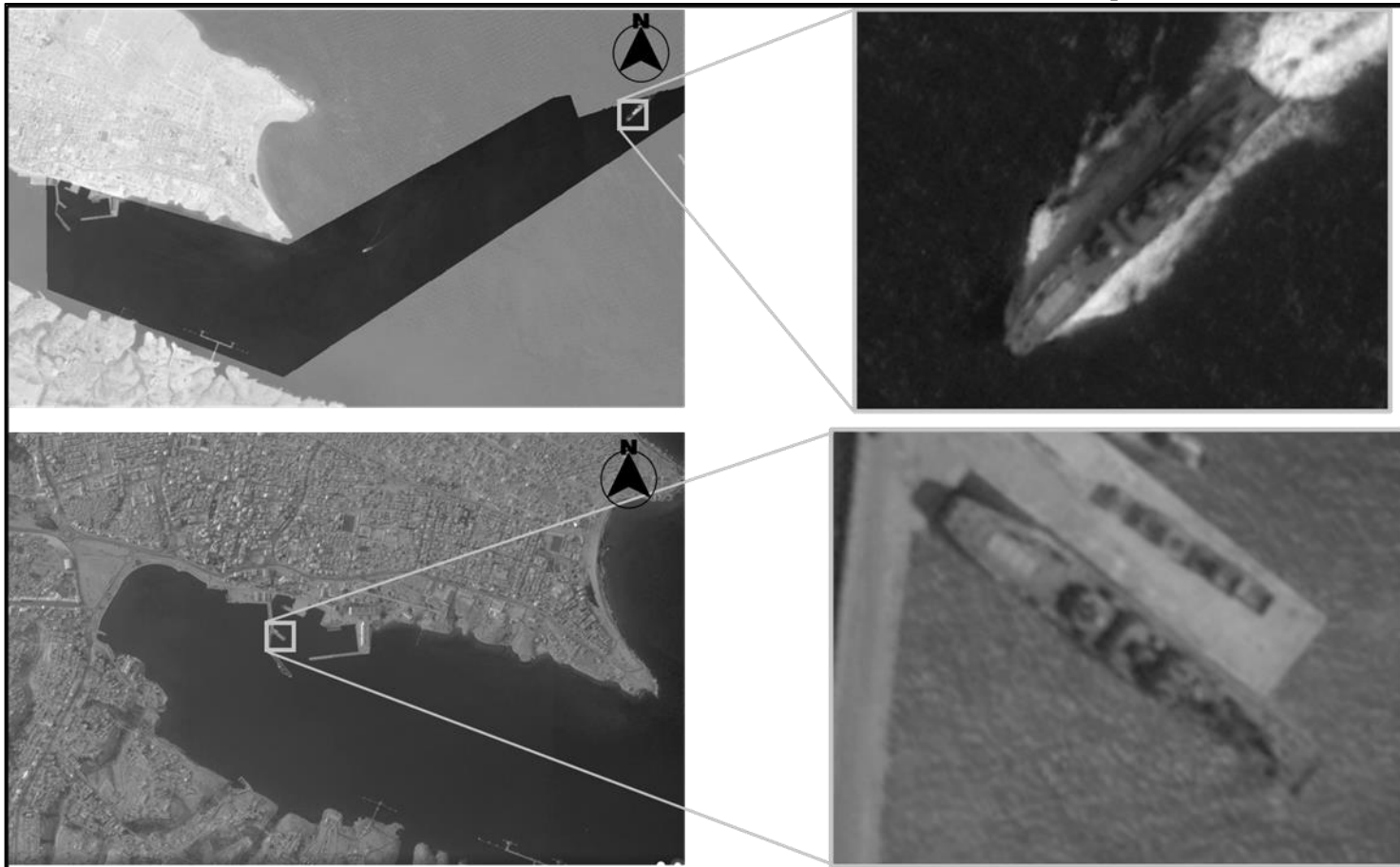
Developed by Panel of Experts

Sources: 1) Google Earth, 15 March 2024; 2) <https://twitter.com/fawaselmedia/status/1780351332802609605>, 17 April 2024; 3) <https://libyaobserver.ly/inbrief/45-million-tramadol-pills-seized-tobruk-port>, 28 February 2016; 4) Janes Defence.

Appendix B to Annex 36: Ropucha-class large landing ship, 21 April 2024

Figure 36.B.1

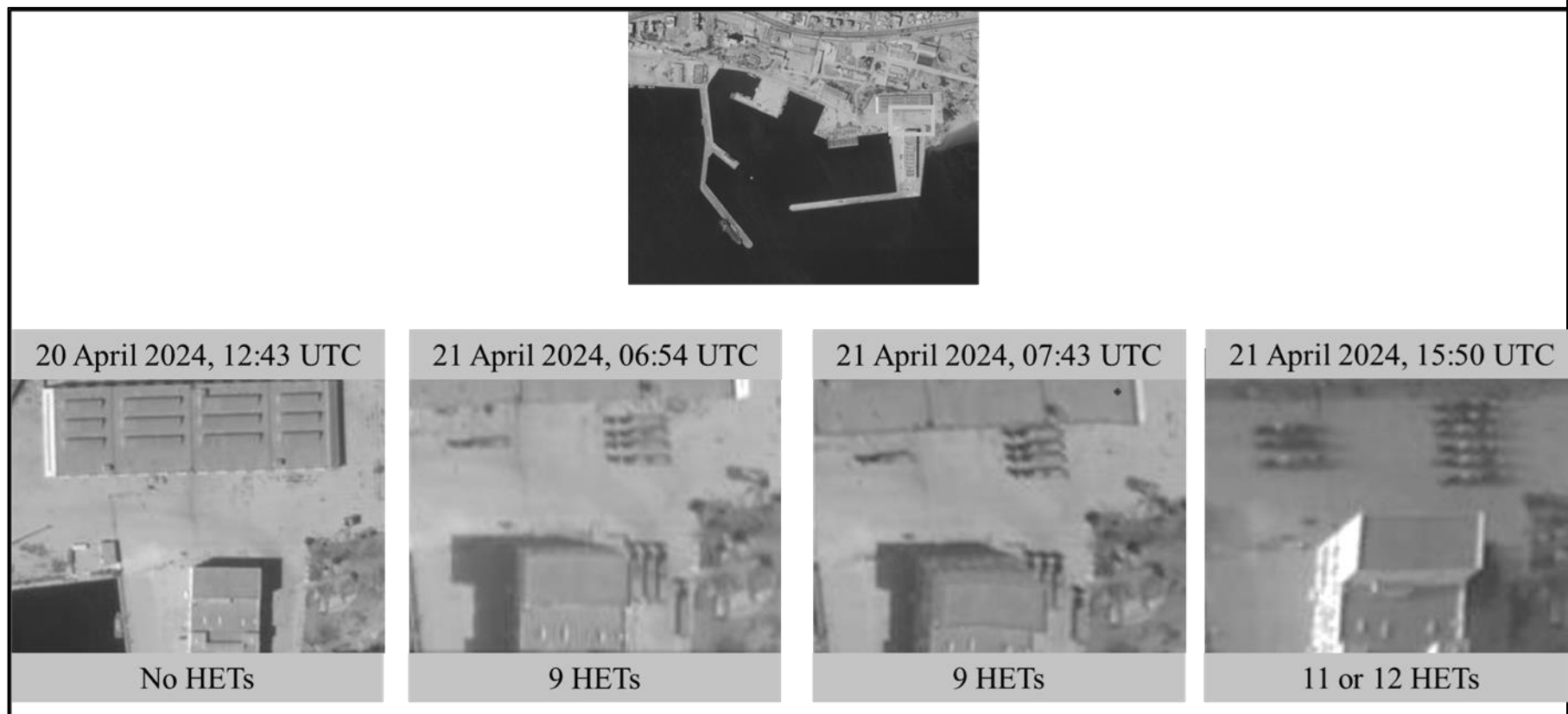
Ropucha-class large landing ship first approaching (top) and then berthed (bottom) at inner berth no. 02, west pier of Tubruq port, 21 April 2024



Sources: Planet Labs, 06:54:43 UTC (top) and 7:43:12 UTC (bottom) on 21 April 2024.

Figure 36.B.2

Satellite imagery showing a changing number of heavy equipment transporters (HETs) in the easter part of the port (naval base) between 20 and 21 April 2024 (no satellite coverage on subsequent days owing to cloud cover)



Sources: Planet Labs, 12:43:16 UTC on 20 April 2024 (top and bottom first image); 06:54:43 UTC on 21 April 2024 (bottom second image); 07:43:12 UTC on 21 April 2024 (bottom third image); 15:50:03 UTC on 21 April 2024 (bottom fourth image).

Appendix C to Annex 36: Slava-class missile cruiser, 17 June 2024

Figure 36.C.1

Slava-class missile cruiser docking and moored at Tubruq naval base



Sources: Planet Labs, 07:23:33 UTC on 21 April 2024 (top left and top middle); <https://www.facebook.com/photo?fbid=437249925899072&set=pcb.437250072565724>, 17 June 2024 (top right); <https://www.facebook.com/photo?fbid=437249895899075&set=pcb.437250072565724>, 17 June 2024 (bottom left); <https://www.facebook.com/photo.php?fbid=462174313068036&set=pb.100078264120737.-2207520000&type=3>, 17 June 2024 (bottom right).

Annex 37 Bayraktar Akinci Uncrewed Combat Aerial Vehicles

1. On 25 October 2022, Prime Minister and Minister of Defence of Libya Abdulhamid Dbeibha signed an agreement with the Turkish Defence Minister, General (retired) Hulusi Akar, for the procurement of Akinci Uncrewed Combat Aerial Vehicles (UCAV)³⁷⁰ in Istanbul, Türkiye.

2. The Panel identified the presence of an Akinci UCAV in a satellite imagery showing an uncrewed arial vehicle at Misrata airbase,³⁷¹ Libya on 31 March 2024. In the imagery, an uncrewed arial vehicle (UAV) with about 20-metre wingspan and 12.2-metre length, was identical to characteristics of Akinci UCAV.³⁷² The UAV was parked on an apron outside of a new hangar connected by a taxiway. Coincidentally, the construction of the hangar and the connecting taxiway was competed in mid-March 2024 (Figures 37.1-37.7). The size of the hangar (103 meters long and 51 meters wide), is capable of accommodating approximately five Akinci UCAVs.

3. The delivery of Akinci UCAV to Libya has been further proved by the presence of the type in a video clip on Chief of General Staff of Türkiye's visit to Libya from 14 to 16 July 2024.³⁷³ In the video, an Akinci UCAV with Libyan flag tail marking and serial number S50 was seen during the Chief of General Staff's inspection tour (Figure 37.8), possibly in the new hangar at Misrata Airport.³⁷⁴ The Libyan flag on the tail of the Akinci UCAV indicates the drone has entered service in Libya. Coincidentally, a UAV identical to the characteristics of Akinci UCAV was present at the same location as described in paragraph 2 of this annex, at Misrata airbase on 15 July 2024 (Figure 37.9).

Table 37.1

Timeline of events in relation to Akinci UCAV

<i>Time</i>	<i>Event</i>
25 October 2022	signing of agreement on the procurement of Akinci UCAV
late March 2023	starting of the construction of a new hangar at Misrata airbase
mid-March 2024	completion of the construction of a new hangar and connecting taxiway
31 March 2024	Akinci UCAV's presence being evidenced by satellite imagery
15 July 2024	Akinci UCAV present during Turkish Chief of General Staff's visit to Libya

4. The Panel requested further information on the agreement for the procurement of Akinci Uncrewed Combat Aerial Vehicles (UCAV) from Türkiye and Libya on 24 March 2023 and 22 April 2024, and from Türkiye on 3 September 2024. No response was received.

5. Transfer of Akinci UCAV to Libya is a violation of paragraph 9 of resolution 1970 (2011) by Türkiye.

³⁷⁰ <https://libyaalahrar.net/libya-buys-bayraktar-akinci-drones-from-turkey-in-new-military-agreements/>, 26 October 2022; and <https://www.military.africa/2022/10/libya-eyes-turkish-akinci-bayraktar-tb2-drones-signs-military-cooperation-agreement/>, 31 October 2022.

³⁷¹ 32°18'40.43"N, 15°4'1.09"E.

³⁷² <https://baykartech.com/en/uav/bayraktar-akinci/> and Jane's Defence, both accessed on 17 April 2024.

³⁷³ <https://x.com/TSKGnkur/status/1812827604816151007> at 1:33, 15 July 2024.

³⁷⁴ <https://www.youtube.com/watch?v=Bry-YdzeXzg>, 15 July 2024. The Chief of General Staff visited Tripoli and Misrata and Turkish naval vessel TCG KEMALREİS during his visit to Libya. See also <https://x.com/TSKGnkur/status/1812827604816151007>, 15 July 2024.

Figure 37.1
Satellite imagery showing the hangar site before construction started on 30 March 2023



Figure 37.2
Satellite imagery showing the start of construction of the hangar on 31 March 2023



Figure 37.3
Satellite imagery showing progress of construction of the hangar on 2 May 2023



Figure 37.4
Satellite imagery showing progress of construction of the hangar on 11 December 2023



Figure 37.5
Satellite imagery showing progress of the taxiway connecting the hangar on 1 March 2024



Figure 37.6
Satellite imagery showing the completion of the taxiway connecting the hangar on 18 March 2024



Source: Planet Lab.

Figure 37.7

The dimensions of the new hangar at Misrata airbase capable of accommodating Akinci UCAVs



Developed by Panel of Experts.

Map data: Google Earth, ©2024 Airbus, New hangar at Misrata airbase.

Imagery Date: 9 March 2024.

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 37.8

Photo of an Akinci UCAV with Libyan flag tail marking



Figure 37.9

A UAV identical to the characteristics of Akinci UCAV on 15 July 2024 at Misrata airbase



Sources:

1. <https://x.com/TSKGnkur/status/1812827604816151007> at 1:33, 15 July 2024.
2. <https://www.youtube.com/watch?v=Bry-YdzeXzg>, 15 July 2024.
3. UN GIS.

Annex 38 Military flights

1. Paragraph 9 of resolution 1970 (2011) contains three elements for application of the arms embargo: supply, sale, and transfer to Libya. “Supply” and “sale” indicate some form of change of possession, ownership or control. “Transfer”, on the other hand, is a more open concept, and, by definition, can also refer to a change in location without a change of possession, ownership, or control.³⁷⁵ This interpretation is also reflected by past Panel practice. The Panel has consistently reported on temporary entries of military materiel, including on military overflights and military cargo flights into Libyan territory.
2. The Panel identified that military aircraft from Member States continued to use Libyan airfields. Such flights are exemplified in appendix A to this annex. Exclusive of military cargo flights for Derna humanitarian crisis relief,³⁷⁶ the Panel requested clarification as for the purpose of these flights from five identified Member States. Information from the responses is limited. Türkiye responded that the flights were for the logistics needs of the Turkish military advisors in Libya to provide trainings to the Libyan armed forces. United Kingdom stated the flights were compliant with resolution 1970 (2011).³⁷⁷ France, Italy and the United States have not replied.
3. Military cargo aircraft, as non-lethal military equipment, when used for exclusively delivering humanitarian aid, fall under the exception of the arms embargo by virtue of paragraph 9 of resolution [2095 \(2013\)](#). For the military flights conducted by the five Member States, the application of paragraph 9 of resolution 2095 (2013) could be established, neither by the irrelevance in the response from Türkiye or the insufficient information from the United Kingdom, nor by the unavailability of information owing to the non-responsiveness of France, Italy and the United States. Thus, the Panel found these five Member States constituted violation of paragraph 9 of resolution 1970 (2011). The Panel also found France, Italy and the United States were non-compliant with paragraphs 19 and 20 of resolution 1970 (2011).

³⁷⁵ <https://www.merriam-webster.com/dictionary/transfer>.

³⁷⁶ Annex 30.

³⁷⁷ The UK informed the Panel on 11 April and 19 June 2024 of four military flights it had made with the same explanation.

Appendix A to Annex 38 Sample military flights by identified Member States using Libyan airfields

Figure 38.A.1

Sample military flights conducted by France

<i>Registration</i>	<i>Date</i>	<i>From</i>	<i>To</i>	<i>ATD³⁷⁸ (UTC)³⁷⁹</i>	<i>Status</i>
FR-APF	13 Jan 2023	Solenzara	Benghazi	Unknown	Unknown
FR-APM	1 Feb 2023	Solenzara	Benghazi	Unknown	Unknown
FR-APH	6 May 2023	Solenzara	Benghazi	Unknown	Unknown
FR-APB	2 Jul 2023	Montpellier	Benghazi	Unknown	Unknown

Figure 38.A.2

Sample military flights conducted by Italy

<i>Registration</i>	<i>Date</i>	<i>From</i>	<i>To</i>	<i>ATD (UTC)</i>	<i>Status (UTC)</i>
MM62181	16 Nov 2023	Pisa	Misrata	10:15	Landed 13:21
MM62181	28 Nov 2023	Pisa	Misrata	15:05	Landed 17:30
MM62181	20 Dec 2023	Pisa	Tripoli	8:45	Landed 11:01
MM62191	29 Nov 2023	Pisa	Misrata	10:34	Unknown
MM62191	18 Feb 2024	Pisa	Benghazi	9:36	Landed 12:19
MM62195	16 Dec 2023	Pisa	Misrata	9:34	Landed 12:08
MM62195	28 Dec 2023	Pisa	Misrata	9:58	Landed 12:37
MM62195	11 Jan 2024	Pisa	Misrata	10:27	Landed 12:56
MM62178	25 Jan 2024	Pisa	Misrata	10:10	Landed 12:22
MM62178	14 Feb 2024	Pisa	Misrata	10:20	Unknown
MM62194	18 Jan 2024	Pisa	Misrata	10:03	Landed 12:26
MM62189	07 Mar 2024	Pisa	Misrata	9:54	Landed 12:11
MM62214	23 Nov 2023	Pisa	Tripoli	9:14	Landed 11:14

³⁷⁸ Actual time of departure.

³⁷⁹ Coordinated universal time.

Figure 38.A.3

Sample military flights conducted by Türkiye

<i>Registration</i>	<i>Date</i>	<i>From</i>	<i>To</i>	<i>ATD (UTC)</i>	<i>Status (UTC)</i>
18-0094	7 Aug 2023	Isparta	Al Watiya	11:21	Unknown
17-0080	7 Aug 2023	Isparta	Al Watiya	7:24	Unknown
17-0080	5 Sep 2023	Ankara	Tripoli	6:57	Unknown
17-0080	06 Dec 2023	Ankara	Al Watiya	6:57	Unknown
17-0080	17 Jan 2024	Istanbul	Misrata	15:01	Landed 18:07
17-0080	24 Jan 2024	Ankara	Al Watiya	7:38	Landed 10:47
17-0080	07 Feb 2024	Ankara	Al Watiya	9:07	Unknown
63-13188	07 Aug 2023	Isparta	Misrata	7:33	Landed 12:41
18-0093	17 Jan 2024	Ankara	Misrata	6:47	Landed 10:22
18-0093	18 Jan 2024	Istanbul	Tripoli	13:37	Landed 16:50
18-0093	20 Jan 2024	Ankara	Al Watiya	4:43	Landed 8:57
17-0078	08 Nov 2023	Ankara	Al Watiya	6:38	Unknown
15-0051	19 Apr 2023	Ankara	Al Watiya	6:27	Landed 10:01
15-0051	10 Jan 2024	Ankara	Al Watiya	7:05	Unknown
15-0051	19 Jan 2024	Istanbul	Tripoli	13:52	Landed 17:08
15-0051	20 Jan 2024	Istanbul	Tripoli	13:37	Landed 16:46
15-0051	07 Feb 2024	Ankara	Al Watiya	6:47	Unknown

Figure 38.A.4

Sample military flights conducted by the United Kingdom

<i>Registration</i>	<i>Date</i>	<i>From</i>	<i>To</i>	<i>ATD (UTC)</i>	<i>Status (UTC)</i>
ZZ175	18 Nov 2023	Brize Norton	Misrata	7:51	Landed at 13:05
ZZ175 ³⁸⁰	22 Apr 2024	Brize Norton	Misrata	9:53	Landed 14:32
ZM401	23 Apr 2024	Brize Norton	Misrata	11:02	Landed 15:43
ZM408	20 May 2024	Oxford	Benghazi (presume)	7:39	Unknown

Figure 38.A.5

Sample military flights conducted by the United States

<i>Registration</i>	<i>Date</i>	<i>From</i>	<i>To</i>	<i>ATD (UTC)</i>	<i>Status (UTC)</i>
15-3086	29 Nov 2023	Stuttgart	Benghazi	12:50	Landed 16:45
15-3086	12 Dec 2023	Stuttgart	Misrata	10:00	Landed 14:28

Source:Flightradar24.com

³⁸⁰ Flight information for 22 April and 23 April, 20 May 2024 were provided by the United Kingdom.

Annex 39 Sapsan Airlines Update

A. Background

1. In Annex 55 of Panel report [S/2021/229](#), the Panel reported on the various air routes being used to provide an airbridge from the UAE in support of Haftar Affiliated Forces. The Panel also reported in Annex 96 of [S/2022/427](#) and Annex 61 of [S/2023/673](#) on the activities of Kyrgyzstan registered operator Sapsan Airline LLC operating on these routes. Two IL-76TD aircraft, EX-76005 and EX-76008 operated by Sapsan Airline LLC (Sapsan), as identified by the Panel, made flights on the route on 28 July 2023. EX-76008 also flew on the route on 29 and 31 July, and 1 August 2023.³⁸¹

B. Irregularities with Sapsan's flights

2. In response to the Panel's request, Kyrgyzstan confirmed³⁸² that EX-76005 and EX-76008 made flights from Abu Dhabi, UAE to Benghazi, Libya on 28 July 2023. Kyrgyzstan also provided the registration documents of the two aircraft and their air waybills and manifests of the flights on 28 July 2023. The Panel identified irregularities of flights by the two aircraft:

a) Use of two aircraft on the same day from the same origin to the same destination for almost the same declared cargo with the same consigner and consignee by the same air operator, with respective cargo gross weight less than half of an IL-76TD maximum payload.³⁸³ It is contrary to normal business behaviour (see Figure 39.1).

b) Lack of contact details of the consigners and consignees on the air waybills. This has been seen on previous air delivery violations/non-compliance cases by the Panel (see Appendix A to this annex).³⁸⁴

c) Flight data of the two aircraft on commercial flight monitoring platform Flightradar24.com, has been blocked, a deliberate attempt by the airline to avoid scrutiny and disguise covert or illicit flights.

Table 39.1

Comparison between flights of EX-76005 and EX-76008 on 28 July 2023

	EX-76005	EX-76008
Air operator	Sapsan Airline LLC	Sapsan Airline LLC
Consigner	Khalifa bin Zayed al Nahyan Foundation	Khalifa bin Zayed al Nahyan foundation
Consignee	AHL Alkaram Waljoud Humanitarian and Charity Foundation	AHL Alkaram Waljoud Humanitarian and Charity Foundation
From	Abu Dhabi, UAE	Abu Dhabi, UAE
To	Benghazi, Libya	Benghazi, Libya
Cargo	Food Stuff, Water, Tent Items	Food Stuff, Water, Tent Items, Medical Items
Cargo Gross Weight	21 tons	17 tons

Source: air waybills provided by Sapsan.

3. The activities and profile of these two aircraft meet five of the Panel's air delivery profile indicators that when considered collectively indicate that an aircraft is carrying illicit cargo: (a) incomplete or inaccurate Cargo Manifests and Air Waybills; (b) limited contact information on website; (c) airlines have utilised a blocking service provided by some of

³⁸¹ Flightradar24.com, and HEX Code.

³⁸² Kyrgyzstan's letter of 5 September 2023.

³⁸³ According to Jane's Defense Equipment and Technology and other international aviation industry resources, maximum payload of the IL-76TD transport aircraft ranges between 45 to 48 tons. The declared total cargo gross weight of the two aircraft is 38 tons.

³⁸⁴ S/2023/673, Appendix B to Annex 63.

the open-source ADS-B monitoring providers; and (d) previously reported owner, operator, or aircraft;³⁸⁵ (e) the random nature of the flights.

C. Concealment of flights to Libya

4. In response³⁸⁶ to the Panel's inquiry, Kyrgyzstan stated that no flights were performed by aircraft EX-76008 to or from Libya on 29 and 31 July, or on 1 August 2023 based on information provided by Sapsan. However, this is contradictory to evidence obtained by the Panel that shows flight tracks from UAE to Libya by an aircraft using the allocated HEX Code (6010F6) for this aircraft on those dates (appendix B to this annex). On 20 September 2023, the Panel requested Kyrgyzstan for clarification on Panel's findings that aircraft EX-76008 made flights to or from Libya on 29 and 31 July and 1 August 2023.

5. The Panel has further identified from open-source flight tracking platforms that aircraft EX-76005 made flights to Benghazi, Libya on 6 December 2023, 4 April, 23 June and 16 July 2024 from locations in the Persian Gulf area to Benghazi, Libya (appendix C to this annex). Panel requested Kyrgyzstan for further information of these flights.

6. Kyrgyzstan responded on 2 September 2024 by stating again that aircraft EX-76008 did not perform any flight on 29 or 31 July, or 1 August 2023, and based on information provided by Sapsan, aircraft EX-76005 did not make any flights on 6 December 2023, 4 April, 23 June or 16 July 2024.

7. Provided Kyrgyzstan's investigation result was contradictory to Panel's findings, the Panel requested flight tracking platform Flightradar24.com for confirmation of the flights made by aircraft EX-76005 on 6 December 2023, 4 April, 23 June and 16 July and 27 July 2024 from locations in the Persian Gulf area to Benghazi, Libya. Flightradar24.com confirmed Panel's findings.³⁸⁷

D. Flight data blocking

8. Data on the flight tracking platform Flightradar24.com available to public shows that, among the 114 flight records of EX-76005 in the past calendar year,³⁸⁸ only 19 flights with complete flight data including departure and arrival airports and time, etc are available to the public. 83% of flight data has incomplete data or no data at all. For aircraft EX-76008, 95% of flight data is not available or incomplete.³⁸⁹ The flights identified by the Panel may only be a part of total flights that the aircraft EX-76005 and EX-76008 made to Libya.

9. In response to Panel's request, Flightradar24.com confirmed on 6 April 2024 that the flight data of the two aircraft were blocked because they participated the Limiting Aircraft Data Displayed (LADD) program of the US Federal Aviation Administration (FAA).

10. The Panel finds Sapsan Airlines is in violation of paragraph 9 of resolution 1970 (2011).

³⁸⁵ S/2022/427, Annex 96.

³⁸⁶ Reference: paragraph 1 and 2 of this annex.

³⁸⁷ Flightradar24.com's response on 9 September 2024.

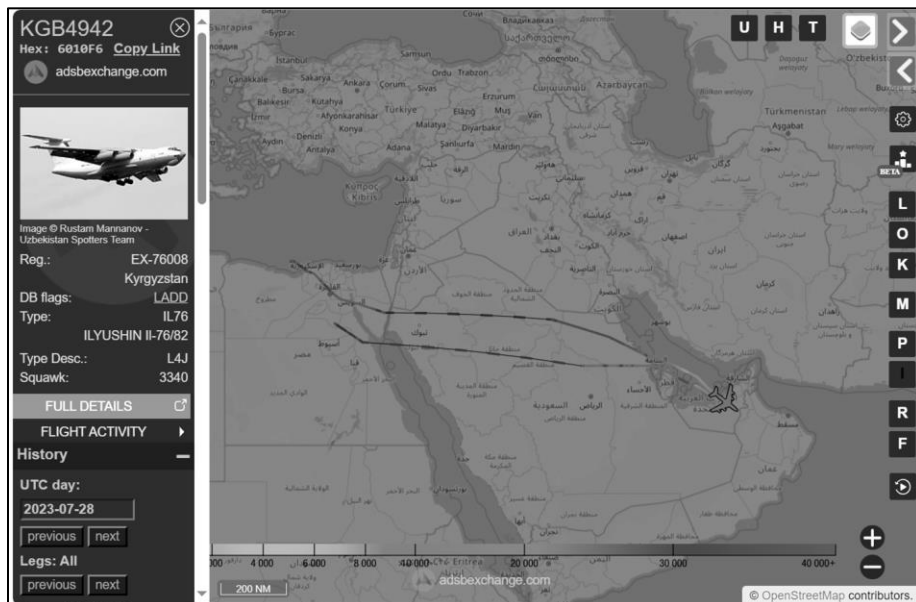
³⁸⁸ 21 September 2023 to 13 September 2024.

³⁸⁹ Of all the 107 flights aircraft EX-76008 made from 16 September 2023 to 13 September 2024, only five flights have complete data available.

Appendix B to annex 39: EX-76008 (HEX 6010F6) flight data

Figure 39.B.1

EX-76008 (HEX 6010F6) flight on 28 July 2023, included to show similarity of recorded flight tracks on the dates no flights reported that follow at Figure 32.2 to Figure 32.4.

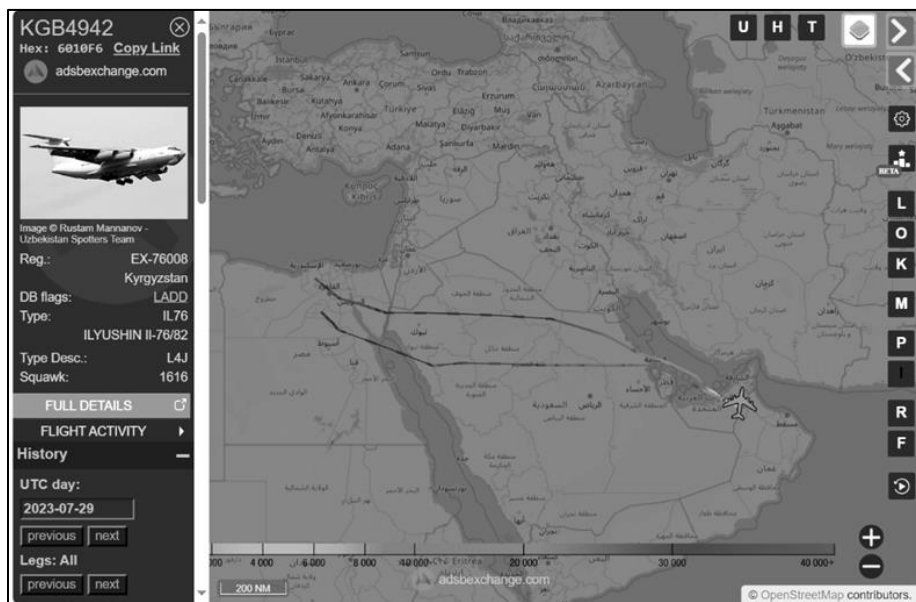


Source: <https://globe.adsbexchange.com/?icao=6010f6&lat=29.345&lon=39.369&zoom=4.6&showTrace=2023-07-28>.

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 39.B 2

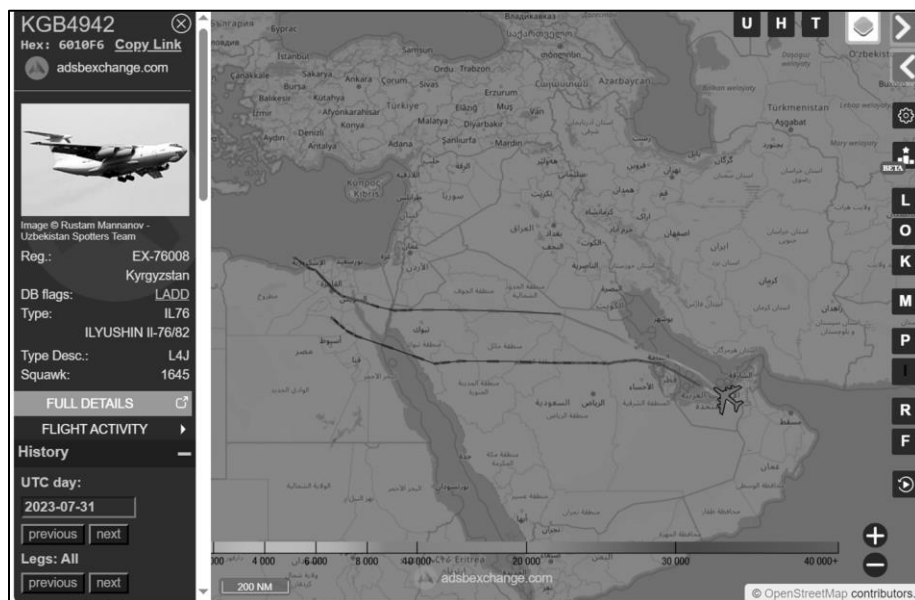
EX-76008 (HEX 6010F6) flight on 29 July 2023



Source: <https://globe.adsbexchange.com/?icao=6010f6&lat=29.345&lon=39.369&zoom=4.6&showTrace=2023-07-29>.

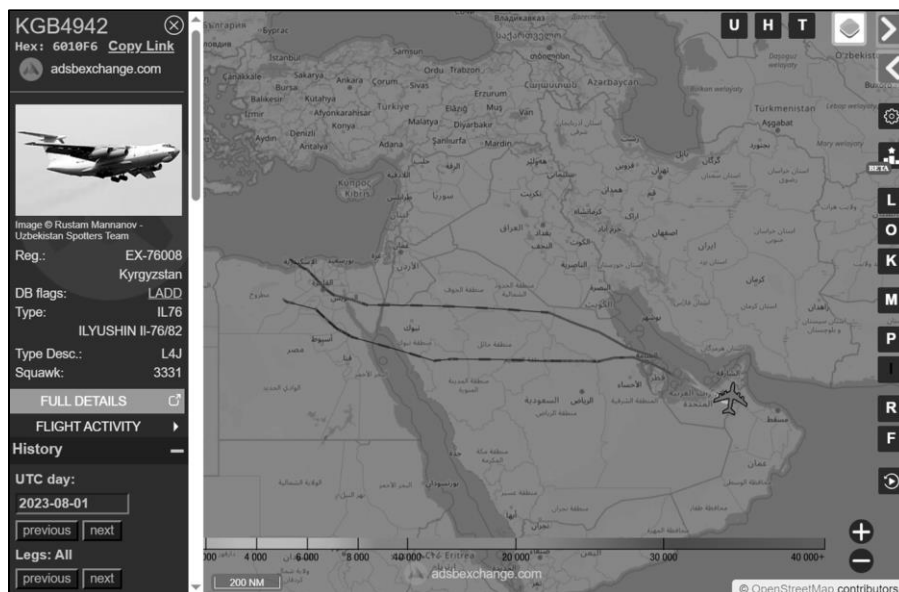
Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 39.B.3
EX-76008 (HEX 6010F6) flight on 31 July 2023



Source: <https://globe.adsbexchange.com/?icao=6010f6&lat=29.345&lon=39.369&zoom=4.6&showTrace=2023-07-31>.
Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 39.B.4
EX-76008 (HEX 6010F6) flight on 1 August 2023

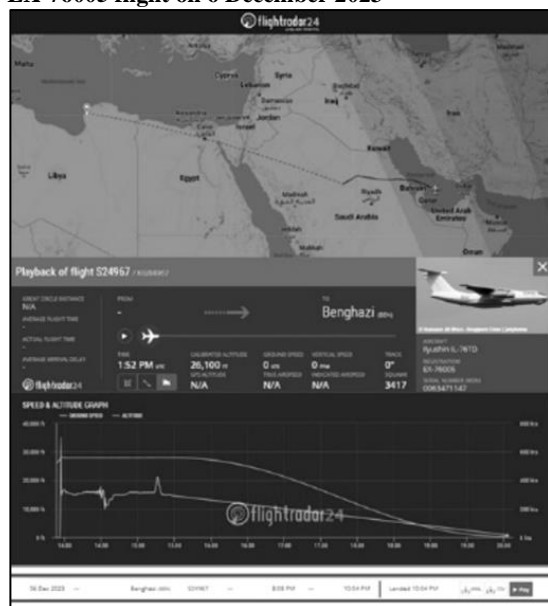


Source: <https://globe.adsbexchange.com/?icao=6010f6&lat=29.345&lon=39.369&zoom=4.6&showTrace=2023-08-01>.
Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

EX-76005 Flights to Benghazi

Figure 39.C.5

EX-76005 flight on 6 December 2023



Source: Flightradar24.com, accessed on 13 September 2024.

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 39.C.6

EX-76005 flight on 4 April 2024

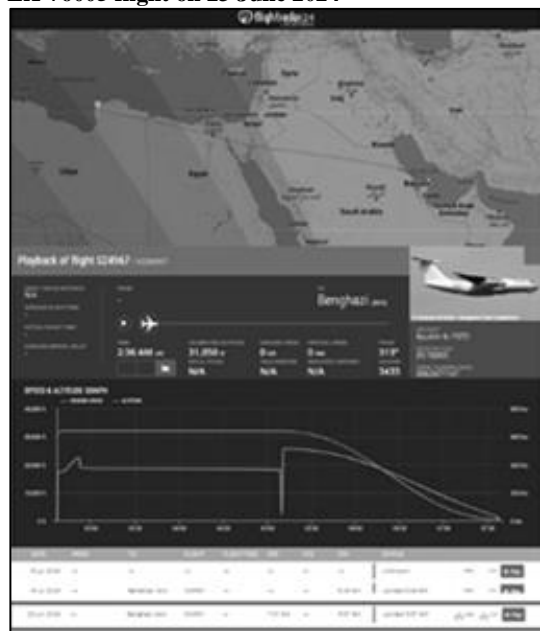


Source: Flightradar24.com, accessed on 13 September 2024.

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 39.C.7

EX-76005 flight on 23 June 2024

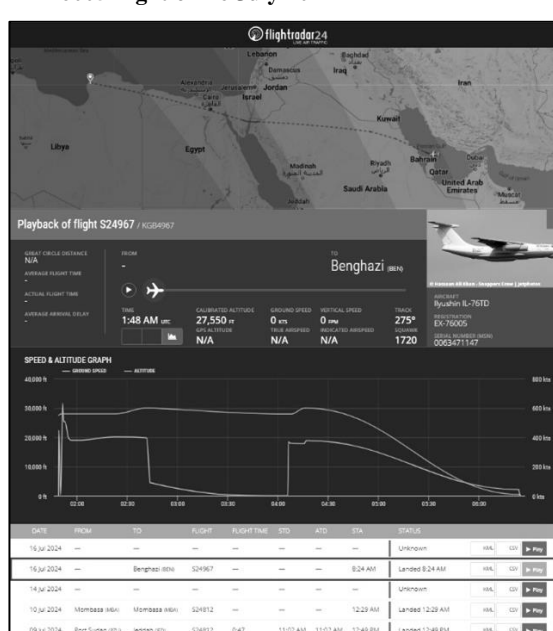


Source: Flightradar24.com, accessed on 13 September 2024.

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 39.C.8

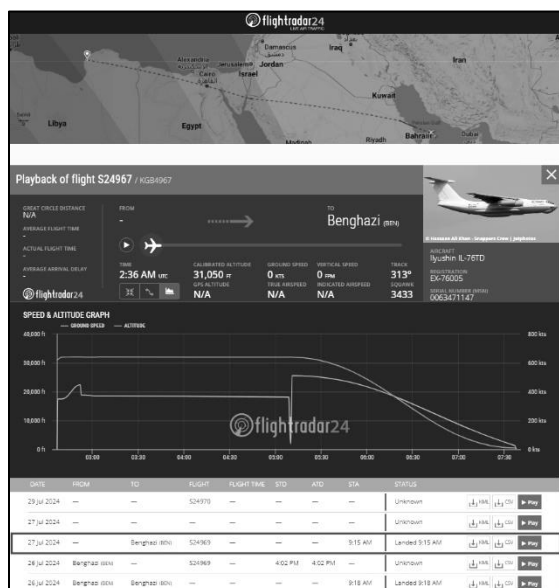
EX-76005 flight on 16 July 2024



Source: Flightradar24.com, accessed on 13 September 2024.

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 39.C.9
EX-76005 flight on 27 July 2024



Source: Flightradar24.com, accessed on 13 September 2024.

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Annex 40 Elifly's Flight Service to Khalifa Haftar

1. The Panel has identified the presence of an Aerospatiale AS350B2 Ecureuil helicopter (Registration I-ALWE) of an Italian company, Elifly International S.r.l. (Elifly) in the military exercise "*Dignity Shield 2024*" held by LAAF between 2 and 6 March 2024 in the vicinity of Sirte, Libya.³⁹⁰

2. Elifly responded to the Panel's inquiries³⁹¹ on 29 April 2024 that a) the helicopter was chartered by a Turkish aviation company, on behalf of Libyan Air Ambulance Corporation (LAA) to provide "*aerial support with doctor on board*" for a public event; b) during the on-site inspection between 17:15-18:00 on 5 March, there was "*no military or paramilitary equipment on the site of the event*"; c) between 9:05 to 10:48 on 6 March 2024, shortly before the helicopter carried out its task at Sirte Airport, Khalifa Haftar arrived and declared to take the helicopter to the event; and d) the pilot decided not to object the decision in the circumstance of "the presence of an armed escort", and flew to the exercise site. Elifly confirmed on 26 June 2024 that Khalifa Haftar, Saddam Haftar, both in military uniforms, and the general manager of LAA were on board of the helicopter to the exercise site on 6 March 2024.

3. In response to the Panel's inquiries, the Turkish aviation company stated on 8 August 2024 that as a facilitator, it commissioned Elifly on behalf of LAA for flight service from 5 to 7 March 2024 in Sirte, Libya. LAA confirmed to the Panel on 19 August 2024 that it contacted the Turkish aviation company because of its own limited capacity for the readiness of any medical emergency. The Turkish aviation company then outsourced the flight service to Elifly.

4. The Panel found due diligence was not exercised by Elifly. Satellite imagery suggests that on 5 March 2024 when the on-site inspection was carried out, military elements such as trenches and an observation facility connecting to the helicopter landing area were already in place. Provision of flight service for HAAF during its military exercise "*Dignity Shield 2024*" on 6 March 2024 in Sirte, Libya, as a type of assistance related to military activities, is a violation of paragraph 9 of resolution 1970 (2011) by Elifly.

³⁹⁰https://www.facebook.com/General.official.leadership/posts/pfbid02CyaQB9SbTFu5pS3NixuR5zQT47RHPUj7UR38sbC8xEx7FWXkM4wiQDSyqSPbxJ1Ml_14 14 March 2024, and also <https://www.facebook.com/watch/?v=1537284016840832>, 14 March 2024.

³⁹¹ Panel letter of 2 April 2024.

Appendix A to annex 40 Presence of Elifly's Helicopter in *Dignity Shield 2024* military exercise

Figure 40.A.1

Presence of the AS350B2 Ecureuil helicopter (Registration I-ALWE) in *Dignity Shield 2024* military exercise



Source: <https://fb.watch/r1ZlJKrtWN/>, 14 March 2024.

Figure 40.A.2

Khalifa Haftar onboard the helicopter (I-ALWE) during the military exercise



Source:

<https://www.facebook.com/photo/?fbid=742022521443709&set=pcb.742029164776378>, 14 March 2024.

Figure 40.A.3

Khalifa Haftar with the helicopter (I-ALWE) during the military exercise



Source:

<https://www.facebook.com/photo?fbid=742022298110398&set=pcb.742029164776378>, 14 March 2024.

Appendix B to annex 40 Satellite imagery of the exercise site during the on-site inspection tour on 5 March 2024



Developed by Panel of Experts.

Sources:

1. Planet Labs;
2. <https://www.youtube.com/watch?v=7u2DhxfQ6iE&t=353s>, 15 March 2024.

Annex 41 Military trainings conducted by Türkiye in Libya

1. The Panel identified that Türkiye provided 12 military trainings to Libyan armed actors in Tripoli and Misrata during the Panel's current and previous mandates (table 1). In response to the Panel's inquiry, Türkiye stated that: 1) the trainings were conducted "in accordance with the requests received from the official Libyan Authorities, based on the legitimate Memoranda of Understand, signed and implemented in line with international law"; and 2) this legal framework of the ongoing military cooperation between Türkiye and Libya was structured by the two Memoranda of Understanding on military cooperation between Türkiye and Libya.³⁹²

2. The Panel has consistently reported on such trainings, as violations of arms embargo because these trainings constitute a provision of "training and other assistance related to military activities" and do not fall under the exception of paragraph 9 of resolution 2095 (2013).³⁹³ Thus, the provision of these trainings constitutes violations of paragraph 9 of resolution 1970 (2011) by Türkiye.

Table 1

Military trainings conducted by Türkiye in Libya

<i>Date identified</i>	<i>Type of training support</i>	<i>Place</i>	<i>End User</i>
19 Dec 2022	Artillery training	Misrata	GNU-AF
8 Mar 2023	Artillery, mortar and ATGM training	Misrata	GNU-AF
25 Mar 2023	Sniper and shooting training	Misrata	GNU-AF
25 Jun 2023	Military police patrol training	Misrata	GNU-AF
9 May 2024	Operation tactics and techniques training	Tripoli	GNU-AF
30 May 2024	Residential area combat and light weapon trainings	Tripoli	GNU-AF
2 Jun 2024	Special operation training	Misrata	GNU-AF
10 Jun 2024	Light weapons training	Tripoli	GNU-AF
11 Jul 2024	Light weapons and shooting techniques training	Tripoli	GNU-AF
6 Aug 2024	Special operations and light weapons trainings	Tripoli	GNU-AF
7 Aug 2024	Special forces training	Tripoli	GNU-AF
29 Aug 2024	Advanced level light weapons training	Tripoli	GNU-AF

³⁹² Memorandum of Understanding between the Government of the Republic of Türkiye and the Government of Libya on Military Education Cooperation signed in Ankara on 4 April 2012, and Memorandum of Understanding between the Government of the Republic of Türkiye and the Government of the State of Libya on Security and Military Cooperation signed in Istanbul on 27 November 2019.

³⁹³ Paragraph 76 and 77 of S/2022/427, and paragraph 87 of S/2023/673.

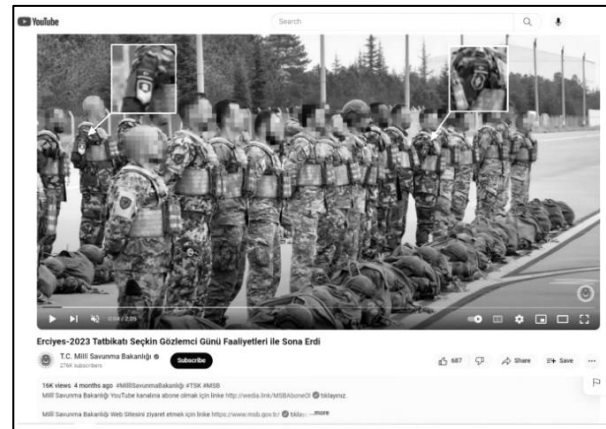
Annex 42 Parachuting training – Erciyes 2023 Exercise

Parachuting training - Erciyes 2023 Exercise (GNU-AF) (19 October 2023)

The Panel identified GNU armed forces participated in the Erciyes 2023 military exercise on 19 October 2023 in Kayseri, Türkiye. At least two members from the GNU-AF participated in the parachuting trainings under the framework of the exercise.

In response to the Panel's inquiry, Türkiye stated military cooperation with Libya was instructed by the two Memoranda of Understanding on military cooperation of 2012 and 2019, and the participation of Libyan Armed Forces in the exercise "was carried out on legitimate grounds and in accordance with all relevant resolutions by the UN Security Council".³⁹⁴ No specific information was provided to support their position on the compliance with the applicable Security Council resolutions.

The Panel has consistently reported on such trainings, including those delivered outside Libya, as violations of arms embargo because these trainings constitute a supply of training and other assistance related to military activities. Thus, the provision of the parachuting training under the framework of Erciyes 2023 military exercise constitutes violation of paragraph 9 of resolution 1970 (2011) by Türkiye.



Developed by Panel of Experts.

Sources:

1. <https://x.com/tcsavunma/status/1714702332896665845?s=20>, 19 October 2023;
2. https://www.youtube.com/watch?v=2XAFEK_V5y4, 19 October 2023;
3. <https://www.youtube.com/watch?v=8I3TCUDxuA8>, 19 October 2023; social media accounts as provided at <https://www.msb.gov.tr/>.

³⁹⁴ Letter from Türkiye, 8 May 2024

Annex 43 Amphibious Training – EFES 2024 Exercise

Amphibious Training - EFES 2024 Exercise (GNU-AF) (9 -15 May 2024)

The Panel identified that GNU-AF participated in the EFES 2024 military exercise from 25 April to 30 May 2024 in Izmir and Doğanbey, Türkiye. Under the framework of the exercise, GNU-AF personnel received amphibious trainings from 9 to 15 May 2024.

The Panel requested further information from Türkiye and Libya on 6 June 2024. No response was received.

The Panel has consistently reported on such trainings, including those delivered outside Libya, as violations of arms embargo because these trainings constitute a supply of training and other assistance related to military activities. Thus, the provision of the amphibious training under the framework of EFES 2024 military exercise constitutes violation of paragraph 9 of resolution 1970 (2011) by Türkiye.



Developed by Panel of Experts.

Source:

1. <https://www.msb.gov.tr/Basin-ve-Yayin/Aciklamalar/9596658fcc814844b5564e0be84de61e>, 2 May 2024.
2. <https://www.facebook.com/tcsavunma/posts/pfbid0dCVGEtb1ZTcxAye9twrZ4HfDy1DsewhkEjuwu3Sh2n6qh1oqUCWxnn1Y9hE1Vg7xl>, 15 May 2024.

Annex 44 Terminal attack control training - African Lion 2024 Exercise

Terminal attack control training - African Lion 2024 Exercise (GNU-AF) (19 April-10 May 2024)

The Panel identified that Libya was among the participating countries in the joint military exercise *African Lion 2024* conducted by U.S. Army Africa Command (AFRICOM) and took place from 19 April to 10 May 2024 in Tunisia.³⁹⁵ The Panel has further identified that, in the framework of the exercise, U.S. Marines from the 3rd Air Naval Gunfire Liaison Company conducted training on joint terminal attack control for, among others, GNU-AF personnel, on 2 May 2024 in Ben Ghilouf, Tunisia.

The Panel requested further information from Libya, Tunisia and the United States of America on 24 June 2024. No response was received.

The Panel has consistently reported on such trainings, including those delivered outside Libya, as violations of arms embargo because these trainings constitute a supply of training and other assistance related to military activities. Thus, the provision of the joint terminal attack control training under the framework of African Lion 2024 military exercise constitutes violation of paragraph 9 of resolution 1970 (2011) by the United States.

Figure 44.1 Group photo of the training attendants



Figure 44.2 Transcript of the joint terminal attack training

europafrica.army.mil/What-We-Do/Exercises/African-Lion/video/922040

(47:10) MEDIUM SHOT: U.S. Marine speaks to Tunisian Lt. regarding the exercise

(52:02) CLOSE SHOT: U.S. Marine leads members of Ghanaian Armed Forces through plotting

(56:12) WIDE SHOT: Libyan calls in strike over radio and missile explode in distance

(1:03:05) MEDIUM SHOT: U.S. Marine guides members of the Armed forces from Ghana, Libya, and Tunisia through calling in a strike

(1:07:13) WIDE SHOT: Member of the Tunisian Armed Forces leads briefs U.S. Army Soldiers, U.S. Marines, and members of the Tunisian Armed Forces

(1:12:08) MEDIUM SHOT: U.S. Army Soldiers speak to a member of the Tunisian Armed Forces prior to operation

(1:17:02) MEDIUM SHOT: U.S. Army Soldiers and members of the Tunisian Armed Forces speak prior to the operation.

(1:22:10) WIDE SHOT: U.S. Army Soldiers, U.S. Marines, and members of the Ghanaian, Libyan, and Tunisian Armed Forces pose for a photo as helicopters fly toward the group

(1:28:29) MEDIUM SHOT: U.S. Marine Sgt. Jonah Glasson, a joint terminal air controller (JTAC) with the 3rd Air Naval Gunfire Liaison Company, speaks about goals of exercise.

(2:09:25) MEDIUM SHOT: U.S. Marine Hospital Corpsman 1st class Nicholas Munn, A Corpsman with the 3rd Air Naval Gunfire Liaison Company, speaks about why the exercise is important.

Developed by Panel of Experts.

Sources:

1. https://www.army.mil/article/275814/opening_ceremony_of_exercise_african_lion_2024_in_tunisia_emphasizes_partnership, 30 April 2024.
2. <https://www.europeafrica.army.mil/What-We-Do/Exercises/African-Lion/video/922040/dvpsearch/Libya/dvpcc/false/#DVIDSVideoPlayer55722>, 5 May 2024.

³⁹⁵ The exercise was conducted in four countries – Tunisia, Morocco, Ghana and Senegal, in the period from 19 April until 31 May 2024,

Annex 45 Special operation training - Flintlock 2024 Exercise

Special operation training – Flintlock 2024 Exercise (LAAF)

(21 May and 24 May 2024)

The Panel identified that Libyan armed forces participated in Flintlock 2024 military exercise which was organised by the US Africa Command (AFRICOM) from 13 May to 24 May 2024 in Ghana. Within the framework of the exercise, storm battalion of the LAAF participated in the special operation trainings on 21 May 2024 in Daboya, Ghana and 24 May 2024 in Tamale, Ghana.

The Panel requested further information from Ghana and the United State on 12 July 2024 and from LAAF on 23 July 2024. LAAF responded on 22 August 2024 that 1) ten participants from the storm battalion, which was under the Chief of Staff of the Security Units participated in the exercise; 2) the purposes of participation were, among others, to partner with the US and others to conduct training and exercises on countering terrorism, enhance cooperation on several regional security issues, to improve ability to conduct cross-border security operations, to raise the level of operational compatibility and to ensure the coordination, organization and execution of joint operations; and 3) names and ranks of participants were confidential military information, the disclosure of which was a major offence under the Libyan Penal Code.

The Panel has consistently reported on such trainings, including those delivered outside Libya, as violations of arms embargo because these trainings constitute a supply of training and other assistance related to military activities. Thus, the provision of special operation training under the framework of Flintlock 2023 military exercise constitutes a violation of paragraph 9 of resolution 1970 (2011) by the United States.



Developed by Panel of Experts.

Sources:

1. <https://www.dvidshub.net/video/924664/italian-tunisian-and-libyan-armed-forces-practice-vehicle-interdiction-flintlock-24-b-roll>, 21 May 2024.
2. <https://x.com/gharmyofficial/status/1794365648275128798>, 25 May 2024.
3. <https://x.com/Ibnwatanlibya/status/1811072890252468401?t=iUNMoAiv7-u46YDGmoPK1Q&s=19>, 11 July 2024.
4. https://x.com/aleasima_17/status/1809938664312684933?s=19, 7 July 2024.
5. https://www.facebook.com/permalink.php?story_fbid=pfbid037bYhofsoHXGpiey9D1acn3edoeYEuHovvew8hYS2LSzQnC5hUxVMfMZ66VedZYEdl&id=100094140825995, 8 July 2024.
6. https://www.facebook.com/permalink.php?story_fbid=pfbid02qGax56vuZ8u64mY6vKVpLVb9kejAd3V1HfYvQKvQQQzXrHTPx3MKmCeH2rScLxcSl&id=100094140825995, 8 July 2024.

Annex 46 Irish Training Solutions

1. The Panel has found Irish Training Solutions (ITS), an Irish private company specialised in military and security training,³⁹⁶ was reported by open sources³⁹⁷ to provide military trainings and military equipment for personal protection, including helmets, body armour, and other gear and uniforms for Haftar affiliated forces in Libya since early 2023. Investigations on the company have been launched by two Member States.

2. The Panel identified that Harmony Jets, a Maltese charter flight service provider, provided transportation services to the ITS trainers to enter Libya.³⁹⁸ Five aircraft of Harmony Jets' fleet carried out 47 chartered flights from August 2023 to September 2024 to Benghazi, Libya, mostly from European cities (table 46.1). In the context of the Panel's investigation on establishing the purposes of these transfers of ITS trainers to Libya, the company stated³⁹⁹ to the Panel that a) it had carried out flights to Libya; b) no flight was sold to ITS staff; c) passengers had not identified themselves as belonging to ITS; and d) it had not transported "weapons or dangerous goods" to Libya. The company declined to provide information regarding personal protection equipment or passenger manifests quoting privacy laws as an obstacle for the latter. The Panel finds Harmony Jets in non-compliance with paragraphs 19 and 20 of resolution 2701 (2023).

3. The Panel requested further information from Ireland on 22 April 2024. Ireland has not replied. The Panel's investigation into this incident continues.

³⁹⁶ <https://its.training/>, accessed on 11 September 2024.

³⁹⁷ <https://www.irishtimes.com/ireland/2024/04/03/irishmen-training-army-of-libyan-strongman-khalifa-haftar-in-apparent-breach-of-un-embargo/>, 3 April 2024, and <https://www.irishtimes.com/ireland/2024/04/06/blurred-military-lines-when-defence-forces-soldiers-cross-over-into-the-world-of-private-contractors/>, 6 April 2024.

³⁹⁸ Confidential source.

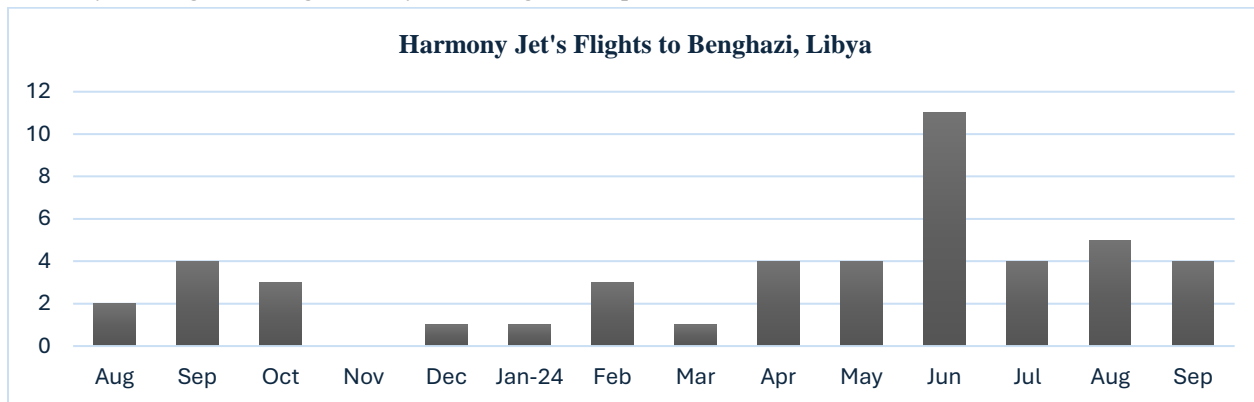
³⁹⁹ Responses from Harmony Jets, 10 July and 5 August 2024.

Table 46.1

Harmony Jets' flights to Benghazi, Libya from August 2023 to September 2024

<i>Aircraft Registration</i>	<i>Date</i>	<i>From</i>	<i>To</i>
9H-CLD	6 April 2024	Lyon (LYN)	Benghazi (BEN)
	22 Oct 2023	Barcelona (BCN)	Benghazi (BEN)
	19 Oct 2023	Constanta (CND)	Benghazi (BEN)
	11 Oct 2023	Valencia (VLC)	Benghazi (BEN)
	21 Sep 2023	Brussels (BRU)	Benghazi (BEN)
	5 Sep 2023	Cagliari (CAG)	Benghazi (BEN)
	4 Sep 2023	Valencia (VLC)	Benghazi (BEN)
	2 Sep 2023	Tripoli (MJI)	Benghazi (BEN)
	31 Aug 2023	Malta (MLA)	Benghazi (BEN)
	25 Aug 2023	Palma de Mallorca (PMI)	Benghazi (BEN)
9H-SSG	19 Sep 2024	Malta (MLA)	Benghazi (BEN)
	15 Jun 2024	Zagreb (ZAG)	Benghazi (BEN)
	14 Jun 2024 (two flights)	Zagreb (ZAG)	Benghazi (BEN)
	13 May 2024	Amman (ADJ)	Benghazi (BEN)
	15 Apr 2024	Antalya (AYT)	Benghazi (BEN)
	3 Apr 2024	Lyon (LYN)	Benghazi (BEN)
	8 Feb 2024	Lyon (LYN)	Benghazi (BEN)
	5 Feb 2024	Lyon (LYN)	Benghazi (BEN)
9H-GRS	12 Sep 2024	Jeddah (JED)	Benghazi (BEN)
	3 Sep 2024	Budapest (BUD)	Benghazi (BEN)
	1 Sep 2024	Kalamata (KLX)	Benghazi (BEN)
	4 Aug 2024	Madrid (MAD)	Benghazi (BEN)
	26 Jul 2024	Dubai (DWC)	Benghazi (BEN)
	23 Jul 2024	El Alamein (DBB)	Benghazi (BEN)
	14 Jul 2024	Istanbul (ISL)	Benghazi (BEN)
	19 Jun 2024	Malta (MLA)	Benghazi (BEN)
	10 May 2024	Dubai (DWC)	Benghazi (BEN)
	06 May 2024	Malta (MLA)	Benghazi (BEN)
	2 Apr 2024	Malta (MLA)	Benghazi (BEN)
	14 Mar 2024	Doha (DIA)	Benghazi (BEN)
9H-DFS	18 Aug 2024	El Alamein (DBB)	Benghazi (BEN)
	8 Aug 2024	Rome (CIA)	Benghazi (BEN)
	2 Aug 2024	Abu Dhabi (AUH)	Benghazi (BEN)
	23 Jul 2024	Amman (ADJ)	Benghazi (BEN)
	26 Jun 2024	Ponta Delgada (PDL)	Benghazi (BEN)
	22 Jun 2024	Lyon (LYN)	Benghazi (BEN)
	8 Jun 2024	Lyon (LYN)	Benghazi (BEN)
	6 Jun 2024	Barcelona (BCN)	Benghazi (BEN)
	5 Jun 2024	Milan (MXP)	Benghazi (BEN)
	30 May 2024	Unknown	Benghazi (BEN)
	27 May 2024	Lyon (LYN)	Benghazi (BEN)
	20 Dec 2023	Lyon (LYN)	Benghazi (BEN)
9H-HMJ	2 Aug 2024	Lyon (LYN)	Benghazi (BEN)
	21 Jun 2024	Paris (LBG)	Benghazi (BEN)
	14 Feb 2024	Lyon (LYN)	Benghazi (BEN)
	28 Jan 2024	Unknown	Benghazi (BEN)

Figure 46.1

Harmony Jet's flights to Benghazi, Libya from August to September 2024

Developed by the Panel of experts.

Source:
Flightradar24.com.

Annex 47 Amentum Services Incorporated

1. The Panel investigated the provision of alleged military trainings by Amentum Services Incorporated, a US based company, to Libyan armed groups, including 444th brigade, 111th brigade and 166th brigade in Tripoli,⁴⁰⁰ and the deployment of its elements in multiple locations in Libya.⁴⁰¹ Founded in 2020, Amentum is security service provider for both government and commercial customers. It provides, among others, training across military and security areas.⁴⁰² Amentum confirmed to the Panel that it provided trainings to “potential Libyan security actors” outside of Libya pursuant to two contracts with the United States government, the Global Anti-Terrorism Assistance (GATA) contract awarded by the U.S. Department of State, and the International Criminal Investigative Training Assistance Program (ICITAP) contract awarded by the U.S. Department of Justice. Amentum further stated that other than these, Amentum had “no record of performing any work in Libya or involving Libyan security actors”.⁴⁰³ The Panel requested further information from Libya and the United States. Libya responded by denying “the existence of Amentum [in Libya] or dealing with it”.⁴⁰⁴ A reply from the United States is pending.

2. Contrary to Amentum’s claim, the Panel identified that Amentum provided training to Libyan armed actors at Mitiga airbase in early 2024 (paragraph 38 of the Report). The Panel was unable to establish the nature of those trainings required for the assessment of compliance with paragraph 9 of resolution 1970 (2011).

⁴⁰⁰ <https://www.rfi.fr/fr/afrique/20240317-libye-une-soci%C3%A9t%C3%A9-s%C3%A9curitaire-am%C3%A9ricaine-forme-des-groupes-arm%C3%A9s-pour-leur-int%C3%A9gration-dans-l-arm%C3%A9e>, 17 March 2024.

⁴⁰¹ <https://x.com/tvlibyatoday/status/1790174294200221970>, 14 May 2024.

⁴⁰² Jane’s Defense.

⁴⁰³ Letter from Amentum, 17 September 2024.

⁴⁰⁴ Letter from Libya, 25 October 2024.

Annex 48 Milites Dei Security Services Training

1. The Panel identified that 95 elements affiliated with TBZ brigade received military training in South Africa. They entered South Africa bearing students' visas and were trained by Milites Dei Security Services (Pty) Ltd (MDSS), a South African private company. Describing itself as specialising in "military style" security training,⁴⁰⁵ MDSS was found conducting the training in an uncredited camp⁴⁰⁶ where the 95 Libyan Nationals were arrested by South African police for entering illegally to receive military training.⁴⁰⁷

2. In response to the Panel's inquiry, South Africa cooperatively engaged with the Panel and provided detailed information. South Africa confirmed the 95 Libyan nationals obtained their visas in the South African High Commission in Tunis through misrepresentation of being students, yet it was ascertained their real intentions was to train in a later uncovered military style security training camp. They entered South Africa in four batches from 21 April to 1 May with an average number of 24 personnel each batch via four different airlines through Johannesburg, South Africa.

3. The Panel further found that out of those 95 Libyan national, passports of 55 of them were newly issued in 2024. The use of different airline for each batch of the Libyan nationals travelling to South Africa. This modus operandi indicates the intention to conceal the nature of their activities. The Panel also identified the uncredited camp⁴⁰⁸ was about seven km away to the north of MDSS office in White River in Mpumalanga, South Africa. In the woods, the camp accommodates a 100-metre shooting range, trenches, physical training facilities and 12 tents (each about ten metres long and five metres wide). The design and infrastructure of the camp support its military style.

4. The Panel found the MDSS is responsible for violating paragraph 9 of resolution 1970 (2011). The Panel's investigation into this incident continues.

⁴⁰⁵ <https://security.militesdei.com/>, accessed on 1 October 2024.

⁴⁰⁶ https://www.psira.co.za/dmdocuments/Media_Room/PSiRA%20PRESS%20BRIEFING-%20TRAINING%20OF%20LIBYAN%20NATIONALS%20AT%20A%20FARM%20IN%20MPUMALANGA.pdf, 7 August 2024.

⁴⁰⁷ <https://x.com/AthlendaM/status/1816762407361917399>, 26 July 2024.

⁴⁰⁸ 25°08'44.9520"S, 31°04'47.0352"E.

Figure 48.1

Nonaccredited training camp of MDSS

Developed by Panel of Experts

Map data: Google Earth, ©2024 Airbus, Nonaccredited training camp.

Imagery Date: 7 May 2024.

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Sources:

1. <https://www.sowetanlive.co.za/news/south-africa/2024-07-26-police-uncover-suspected-secret-military-training-camp-in-mpumalanga/>, 26 July 2024.
2. <https://www.citizen.co.za/mpumalanga-news/news-headlines/local-news/2024/07/28/more-revealed-about-alleged-secret-military-training-camp-outside-white-river/>, 28 July 2024.
3. <https://www.protectionweb.co.za/featured/white-river-military-training-camp-was-illegal-psira/>, 7 August 2024.

Annex 49 Seizures by Libyan authorities in Al-Khoms port

A. Air rifles

1. On 25 September 2023, the Libyan Customs Authority reported the seizure of 820 air hunting rifles and associated ammunition to Al-Khoms the cargo.⁴⁰⁹ The Panel identified from the photographs contained in the authority's press release⁴¹⁰ that the rifles and ammunition were air-powered rifles produced by GAMO Precision Airguns, but could not identify the type and model. The Panel considers air-powered rifles to generally not fall under the arms embargo. However, certain factors such as design, muzzle energy, calibre and intended end-use (such as for sniper training) may determine the applicability of the arms embargo.

2. The Panel identified the Spanish company Gamo Outdoor SLU as the producer and shipper of the rifles, which were declared as "sport goods" on the bill of lading. The container with the rifles had arrived in Al-Khoms port (LYKHM) on 14 September 2023 onboard the MV *Maersk Valletta* (IMO 9833369), and had been loaded in Barcelona, Spain, on 13 August 2023. The Panel wrote to the company on 23 July 2024, but no reply was received. The Panel finds Gamo Outdoor SLU in non-compliance with paragraphs 19 and 20 of resolution 2701 (2023) for not having provided information to the Panel upon request.

B. Hunting rifles

3. Libyan customs authorities also seized 500 hunting rifles that had arrived on 23 September 2023 in Al-Khoms port, concealed within furniture and mis-declared as textiles and shoes, onboard the MV *RMS Team* (IMO 9282170).⁴¹¹ The container with the rifles had been loaded on 17 September 2023 at Ambarli Marport (TRAMB), Türkiye.

4. The Panel identified the Turkish company Darkmax Tekstil Kuyumculuk Koz San Ve Dis Tic Ltd Sti⁴¹² as the shipper and the Libyan company Nourhan Company to Import Clothes and Leather Goods⁴¹³ as the consignee.

5. Neither company replied to the Panel's letters dated 6 August 2024. The Panel finds both companies in violation of paragraph 9 of resolution 1970 (2011) and in non-compliance with paragraphs 19 and 20 of resolution 2701 (2023).

⁴⁰⁹ Letter from Libya, 26 January 2024.

⁴¹⁰ <https://customs.ly/صندد-430-صيدو-بندقية-820-بها-عدد-ضبط-حاوية-بها-عدد> (accessed on 30 September 2023, no longer available).

⁴¹¹ Letter from Libya, 26 January 2024; <https://libyaupdate.com/turkish-arms-smuggling-attempt-thwarted-at-libyas-khoms-port/>, 14 October 2023; <https://alwasat.ly/news/libya/415625>, 14 October 2023.

⁴¹² Kemalpaşa Mah. Fevziye Cad No: 8/B Fatih, İstanbul, Türkiye.

⁴¹³ Hay Al Andalus, 7 Villas, P.O. Box : 91943, Tripoli.

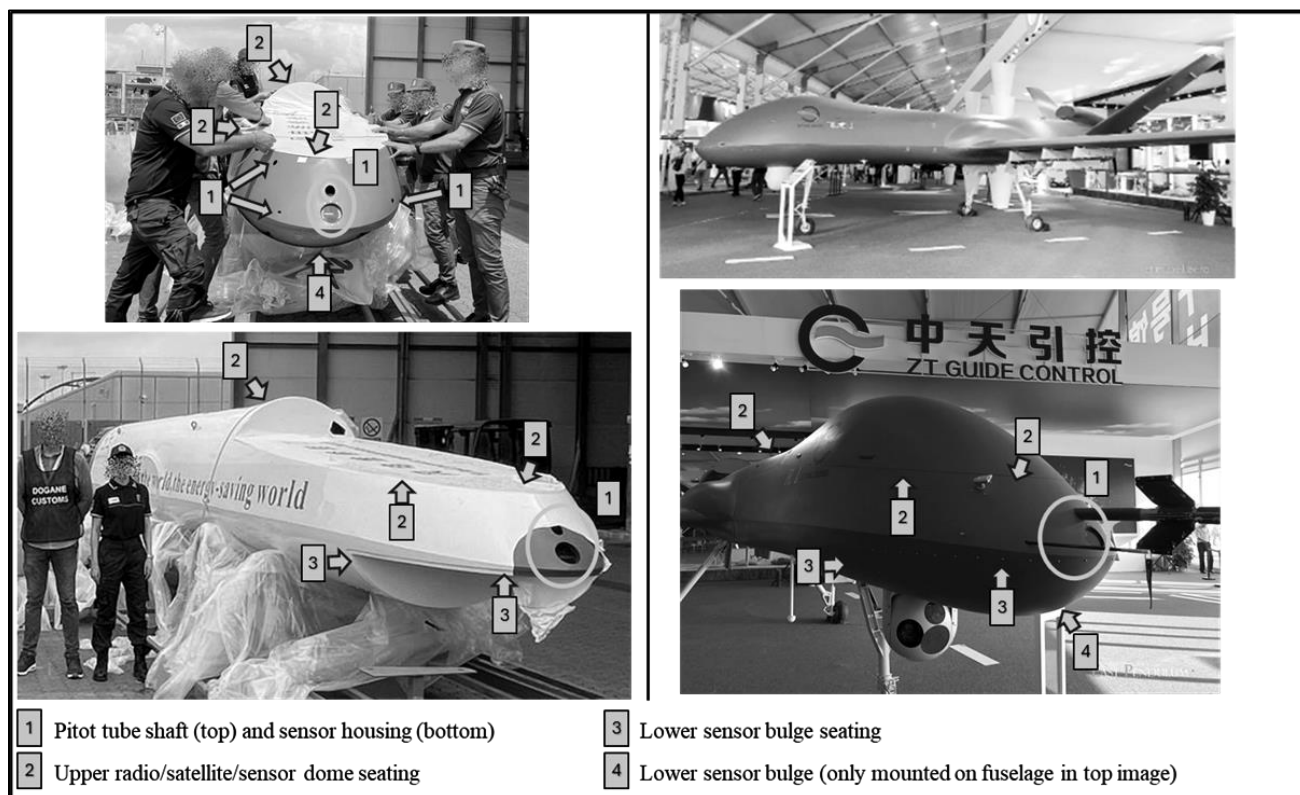
Annex 50 Seizure by Italy

1. The Panel made a preliminary assessment by analysing the open-source images of the seizure published by the Italian authorities (figure 50.1). The shown components have design characteristics consistent with the fuselage design of the Fei Long-1 (Flying Dragon-1, FL-1), produced by Zhong Tian Guide Control Technology Company (ZT Guide). The FL-1 is a multirole, medium-altitude long-endurance UAV with payloads for civilian or military applications.⁴¹⁴

2. Figure 50.2 shows that the UAV components were concealed as wind power generation equipment.

Figure 50.1

Visual comparison of seized UAV fuselage (left) and ZT Guide FL-1 (right)

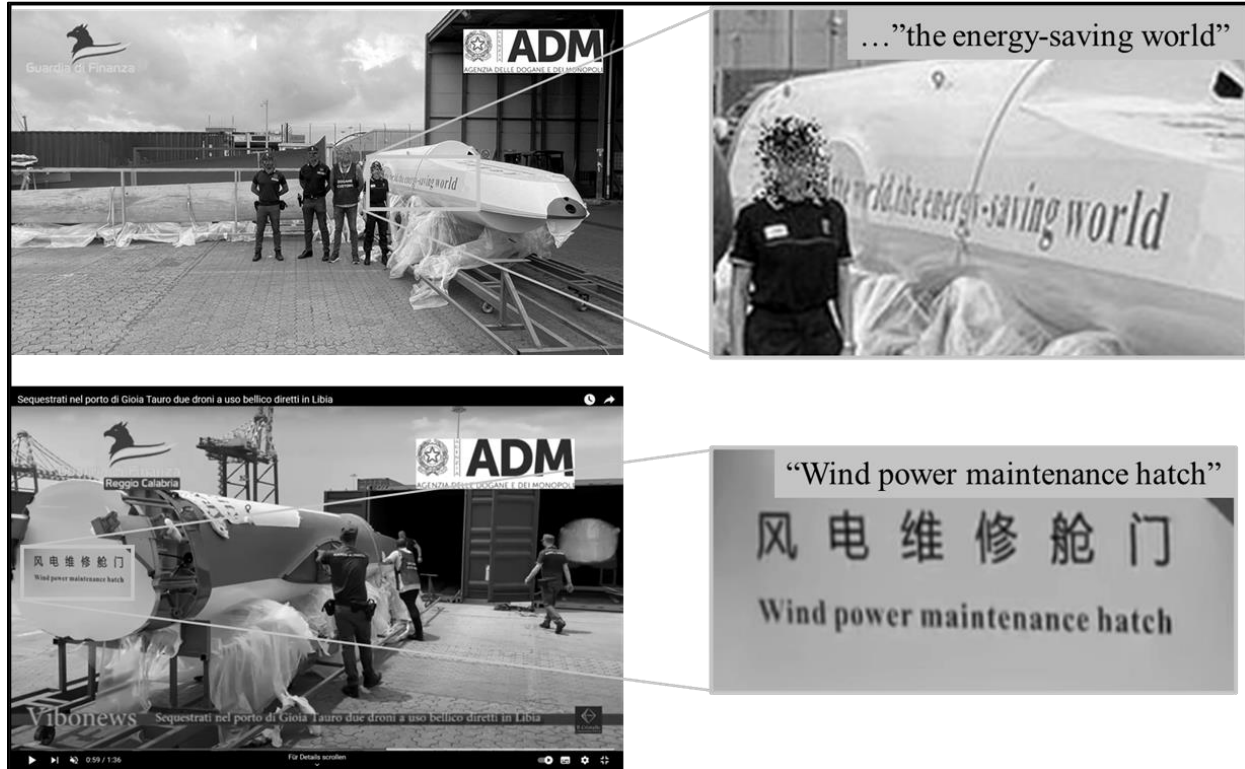


Sources: Left: <https://www.gdf.gov.it/it/gdf-comunica/notizie-ed-eventi/comunicati-stampa/anno-2024/luglio/traffico-di-armi>, 2 July 2024; right top: <https://www.militarydrones.org.cn/fei-long-1-uav-china-price-manufacturer-p00126p1.html>, undated; right bottom: <https://www.sinodefenceforum.com/t/chinese-uav-ucav-development.3526/page-335>, 28 July 2019.

⁴¹⁴ Jane's Defence.

Figure 50.2:

References to wind power on the plastic wrapping of the UAV fuselage



Sources: <https://www.gdf.gov.it/it/gdf-comunica/notizie-ed-eventi/comunicati-stampa/anno-2024/luglio/traffico-di-armi>, 2 July 2024;
https://www.youtube.com/watch?v=Y_DNnc12Mto, at 0:58min, 3 July 2024.

Annex 51 ‘Opus’ PMC update

1. In response to the Panel’s request for an update on the payments for the maintenance and hangar fees for the Thrush 550 LASA T-Bird aircraft,⁴¹⁵ Cyprus confirmed on 4 October 2024 that: a) no more payment had been made for the hangarage and/or maintenance since June 2023; b) the registration (YU-TSH) of the aircraft had been written off upon request from the aircraft’s owner, Lancaster 6 DMCC; and c) no aviation activities, such as movements, maintenance or flight test had been conducted since June 2023. These factors suggest that the aircraft has not been prepared for operation for the time being.

⁴¹⁵ S/2023/673, paragraphs 97 and 98.

Annex 52 Update on materiel seized from MV *Victory RoRo* (IMO 7800112)

A. Background

1. The Panel previously reported on the 18 July 2022 seizure of 107 vehicles by EUNAVFOR Operation IRINI from the MV *Victory RoRo* (IMO 7800112) during a voyage from Aqabah, Jordan, to Benghazi.⁴¹⁶ At the time, the Panel had identified one up-armouring company that had produced 13 of the armoured vehicles on board.⁴¹⁷

B. Updates

2. The Panel identified an additional up-armouring company, that produced two⁴¹⁸ of the vehicles, the Jordan-based Shield Armored Vehicles (SAV).⁴¹⁹ One, a sand-coloured dual cab armoured Toyota Land Cruiser 79 with gun ports, had an armouring certificate onboard, issued by that company (Figure 52.1).⁴²⁰ The other, a sand-coloured single cab Toyota Land Cruiser 79, had an armoured gunner cabin with 360 degrees turret and blast shield mounted on its flatbed, with design features identical to the turrets marketed by Shield Armoured Vehicles. The vehicle also had a sticker of Mothanna Farhan (aka Muthana Farhan) for Cars Company,⁴²¹ which lists the same phone number as Shield Armored Vehicles (SAV) (Figure 52.2). The Panel believes that both companies are linked or under the same management. The company did not respond to the Panel's inquiry dated 12 July 2024.

3. The Panel also identified the shipper and (intended) consignee of the vehicles. The shipper was the Jordan-based Al Hadr Company for Storage and General Trade,⁴²² the consignee in Benghazi was Alwakeel Aljadded for Import & Export of Cars Company. Jordan did not reply to a request for company information.

4. The Panel finds Shield Armored Vehicles (SAV) and Jordan in non-compliance with paragraphs 19 and 20 of resolution 2701 (2023), for not providing information to the Panel upon request.

5. Figure 52.3 contains an updated supply chain graph of the Toyota vehicles seized from the MV *Victory RoRo* (IMO 7800112).

⁴¹⁶ S/2023/673, paragraphs 103 to 105 and annex 71.

⁴¹⁷ Jordan VIP Armouring Industry Company, see S/2023/673, annex 71, paragraph 11.

⁴¹⁸ VIN: JTFLU71J5MB042859.

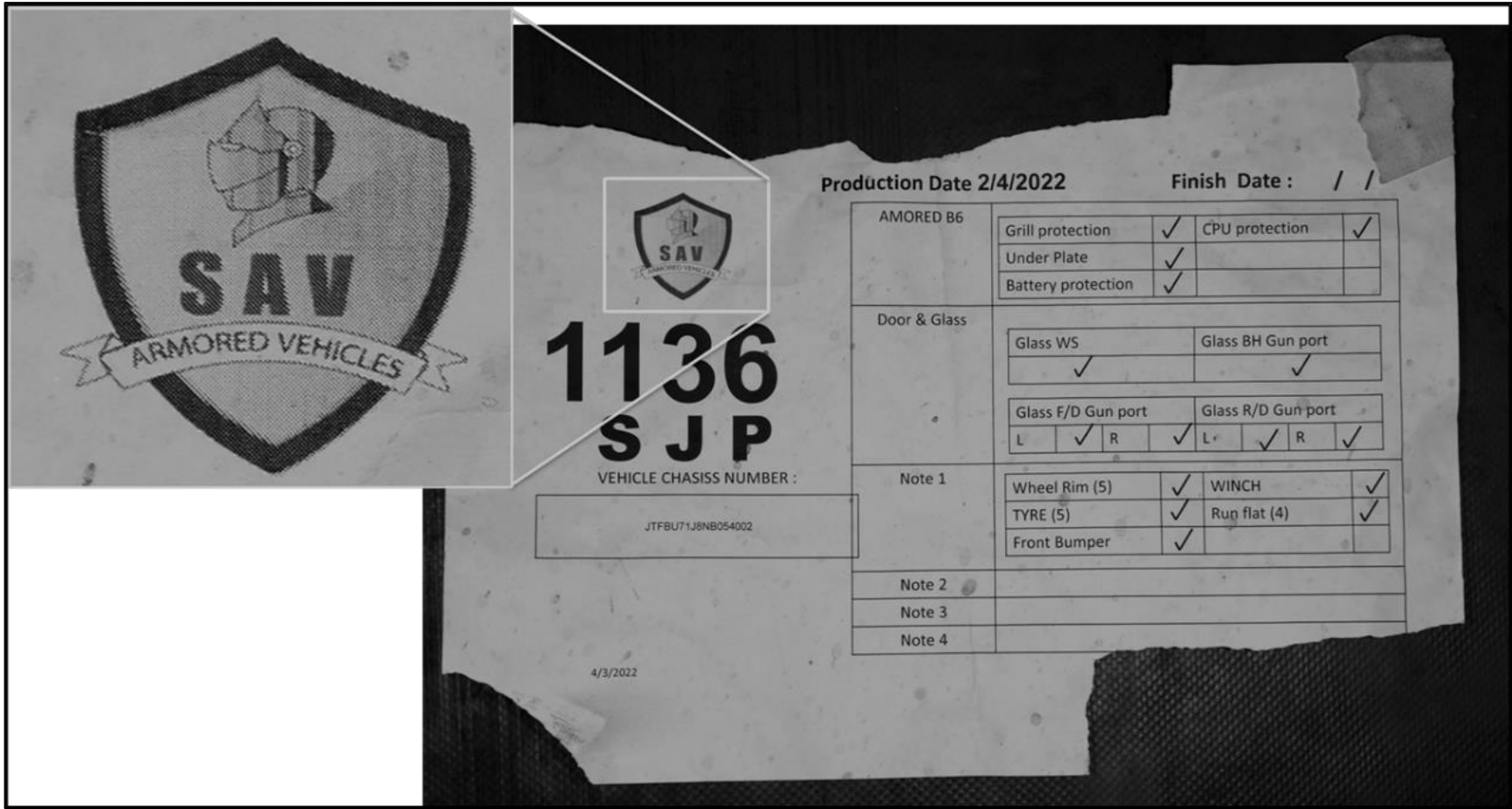
⁴¹⁹ Aqaba Business Park, 77110 Aqaba, Jordan.

⁴²⁰ VIN: JTFBU71J8NB054002.

⁴²¹ معرض مثنى فرحان لتجارة السيارات.

⁴²² شركة الحضر للتخزين و التجارة العامة عقبة.

Figure 52.1
Document with Shield Armored Vehicles (SAV) logo found in vehicle with VIN JTFBU71J8NB054002



Source: Confidential.

Figure 52.2

Left: Up-armoured Toyota Land Cruiser 79 SC and single crew compartment with turret and sticker of Mothanna Farhan company, seized from MV Victory Roro; Right: Up-armoured Toyota Land Cruiser 79 DC with extended crew compartment with turret marketed by SAV with identical design features of the turret (top right); Mothanna Farhan Cars Trading⁴²³ showroom with identical phone numbers as on sticker on vehicle seized from MV Victory Roro and SAV (bottom right)



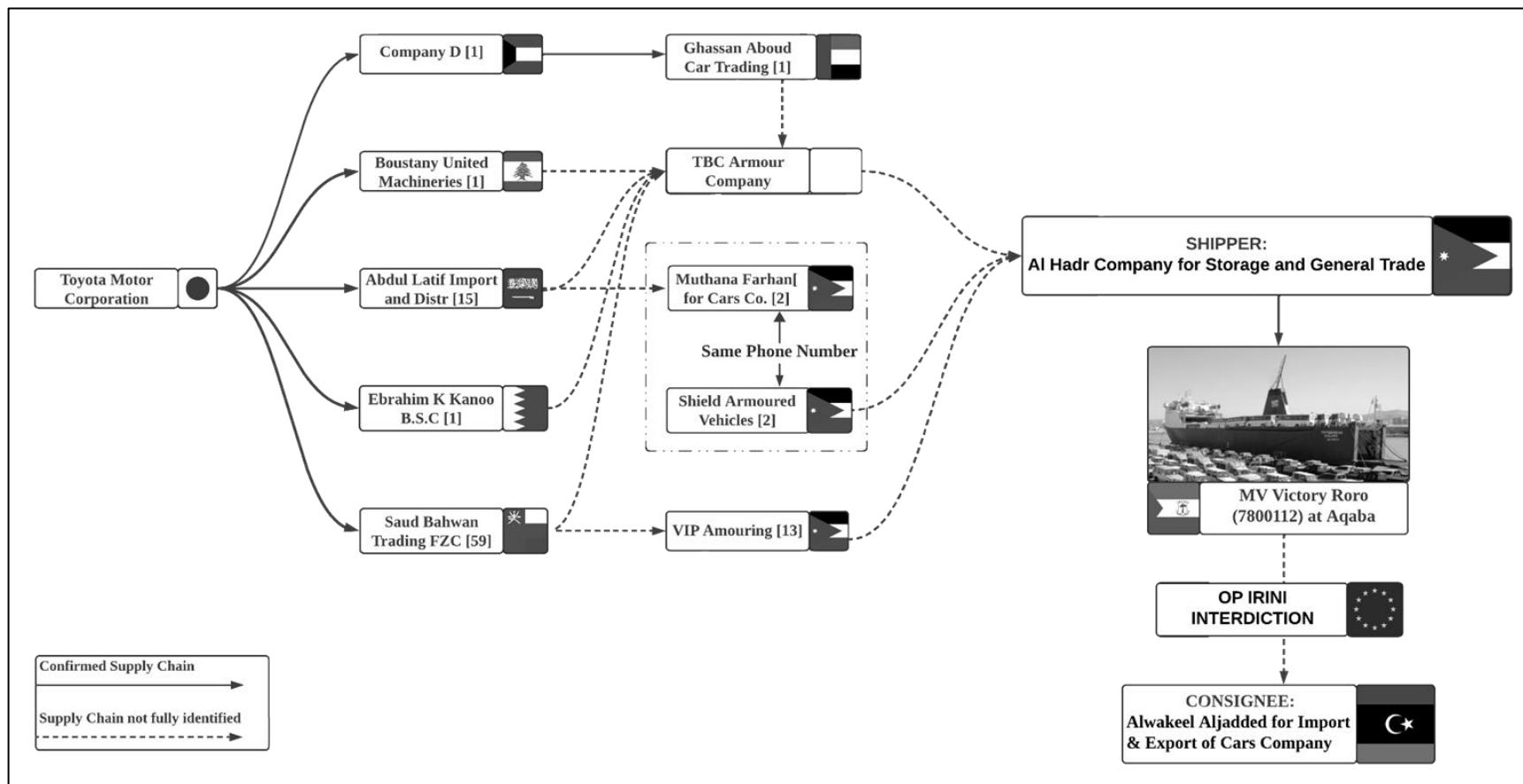
Developed by Panel of Experts.

Sources: <https://www.shieldarmoredvehicles.com/vehicle/single/tlc-79-series-with-troop-carrier>; <https://www.shieldarmoredvehicles.com/about>; <https://www.facebook.com/photo/?fbid=870585915083484&set=a.572440294898049>.

⁴²³ Also spelled Muthana Farhan on the company's Facebook presence, on which the company also posted images of SAV vehicles, see, for example, <https://www.facebook.com/photo.php?fbid=573897188085693&set=pb.100063962498768.-2207520000&type=3>, 27 January 2023.

24-21133

Figure 52.3
Updated graph of results of supply chain tracing for civilian base versions and up-armouring of the seized Toyota vehicles



Developed by Panel of Experts.

Annex 53 Canik TP9 Pistol

Canik TP9 Pistol (GNU-AF) (4 October 2023)

The Panel has identified from the official social media account of Security Operations Specialized Training Centre of the General Administration for Security Operations, Ministry of Interior of Libya, the use by Government of National Unity Armed Forces (GNU-AF) of weapons virtually identical to the Canik TP9 Series Pistols at the Centre.⁴²⁴ Canik TP9 pistols are manufactured by the Canik Superior Firearms company, with headquarters in Istanbul and factory in Tekkeköy, Türkiye.

These are the first sightings of this weapon type in Libya. The Panel requested further information from Türkiye on the transfer of the weapon on 18 October 2023. No reply was received.

Transfer of this pistol type to Libya is a violation of paragraph 9 of resolution 1970 (2011).



Developed by Panel of Experts.

Sources:

1. https://www.facebook.com/permalink.php?story_fbid=pfbid0vZcfCRbi2xprLFvQD4pEXLavZ14EjU4Fr1BvFKjvHQQa2cas9Ns5gBbHsc7DfCTU1&id=100077311147392, 26 September 2023.
2. https://www.canikarms.com/en/products_s/6, accessed on 5 October 2024.

⁴²⁴ Geolocated by the Panel to geocoordinates of 32°52'37.02"N, 13°23'20.29"E.

Annex 54 BORA-12 Sniper Rifle

BORA-12 Sniper Rifle

(GNU-AF)

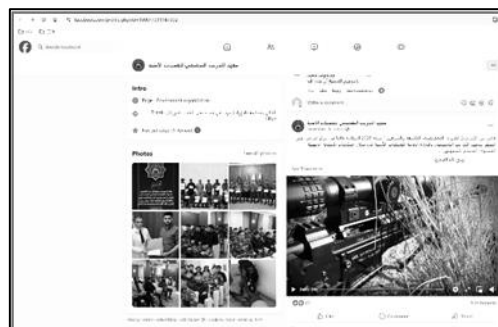
(20 November 2023)

The Panel has identified from the official social media account the Security Operations Specialized Training Centre of the General Administration for Security Operations, Ministry of Interior of Libya the presence of BORA-12 (MKE JNG-90) sniper rifle⁴²⁵ at its Eagle's Nest Training Centre⁴²⁶ with serial numbers.

The serial numbers on the rifles read “MKE JMK BORA-12 7.62x51 T0624-19 AC 00016” and “MKE JMK BORA-12 7.62x51 T0624-19 AC 00034”. JMK BORA-12 is the marketing designation for export market of JNG-90, made by Makina ve Kimya Endüstrisi A.Ş. (MKE), with headquarters in Ankara and factory in Kirikkale, Türkiye.

On 21 March 2024, in light of new information on the serial numbers on the rifles, the Panel requested further information from Türkiye and Libya on the transfer of the weapon. No response was received.

The Panel concluded that the transfer of this weapon type to Libya was a violation of paragraph 9 of resolution 1970 (2011).



Developed by Panel of Experts.

Sources:

1. <https://www.facebook.com/profile.php?id=100077311147392>, accessed on 14 March 2024.
2. <https://www.facebook.com/100077311147392/videos/1052767212711011> (2:47), 20 November 2023.
3. <https://www.facebook.com/100077311147392/videos/1052767212711011> (1:43), 20 November 2023.
4. Jane's Defense Equipment and Technology, accessed on 2 April 2024.

⁴²⁵ MKE JNG-90 sniper rifle has been reported by the Panel as in annex 68 of S/2022/427, in which Türkiye stated that it had not sold, transferred or exported such weapons to Libya.

⁴²⁶ Geolocated by the Panel to geocoordinates of 32°40'08.83"N, 14°04'08.25"E.

Annex 55 SAR 223C Assault Rifle**SAR 223C Assault Rifle
(GNU-AF)
(6 March 2024)**

The Panel has identified from a post published on the official social media account of the Counter Terrorism and Extremist Organization, Libya, the presence of rifles with characteristics of SAR 223C assault rifle, made by a Türkiye-based company Sarsilmaz Silah Sanayi, and introduced to market in May 2013.

These are the first sightings of this weapon type in Libya. Among the investigative steps that the Panel undertook to find responsibility for the transfer of this weapon to Libya, the Panel requested information from Türkiye on 19 July 2024. The response was not received. The Panel's investigation continues.

Transfer of this assault rifle type to Libya is a violation of paragraph 9 of resolution 1970 (2011).



Developed by Panel of Experts.

Sources:

1. <https://www.facebook.com/CTEO.gov/posts/pfbid027ok935DN1dynEhGJuangydWKSxGtd2LHsLZVUVsGpH2gqYYNMvNkajuj1QrnpTo9l>, 6 March 2024.
2. <https://www.sarsilmaz.com/en/product/sar-223c>, accessed on 8 July 2024.
3. <https://www.yeniakit.com.tr/haber/bomba-atabilen-piyade-tufegi-2849.html>, accessed on 8 July 2024.

Annex 56 BMC Kirpi II MRAP

BMC Kirpi II MRAP **(GNU-AF)** **(20 December 2023)**

The Panel has identified from posts of the official social media accounts of 444 brigade and the Chief of General Staff of the Libyan Army, the presence of BMC Kirpi II mine resistant ambush protected (MRAP) during *Hurricane II* military exercise, which was held on 20 December 2023 in Bi'r Dufan area, Libya. Kirpi II MRAP is manufactured by a Türkiye-based company BMC Otomotiv Sanayi ve Ticaret A.Ş (BMC).

This is the first sighting of this type of armoured vehicles in Libya. The Panel requested further information from BMC on 19 July 2024. No response was received.

The Panel assesses that this type of vehicle is a military equipment. Thus, transfer of this vehicle type to Libya is a violation of paragraph 9 of resolution 1970 (2011).



Developed by Panel of Experts.

Sources:

1. <https://www.facebook.com/photo/?fbid=673953678252658&set=pcb.673953738252652>, 22 December 2023.
2. <https://www.facebook.com/The.presidency.of.the.General.Staff.To.Libyan.Army/posts/pfbid02rdHvGQvMk1GXd3suSafk4h6kJ2GJDbGxzgjJerstx89oXbpK8QunZbuF5RCk418sl>, 22 December 2023.
3. https://www.bmc.com.tr/en/defense-industry/kirpi/technical?tab=kirpi_ii_4x4, accessed on 22 September 2024.

Annex 57 TAG BATT UMG Armoured Truck

TAG BATT UMG Armoured Truck **(LAAF)** **(14 March 2024)**

The Panel has identified from LAAF's official social media account the presence of TAG BATT UMG Truck during its military exercise "Dignity Shield 2024". TAG BATT UMG Truck is manufactured by a United Arab Emirates-based company TAG Middle East FZC.

This is the first sighting of this armoured vehicle in Libya.⁴²⁷ The Panel requested further information from TAG Middle East FZC, United Arab Emirates on 22 March and 19 July 2024. TAG responded on 5 June and 12 August 2024, by confirming that it had obtained all necessary pre-approvals and documents from relevant authorities of the UAE and Libya prior to any shipments. It further stated that TAG's vehicles had neither exterior cameras nor attachment points for cameras. As suggested by the level of craftsmanship of the camera attachment point to the vehicle present during the exercise, there is a high possibility that the camera and its attachment point are post-factory work.

Regardless of possible post-factory modifications, TAG BATT UMG Truck by its nature is a military type of vehicle. Thus, transfer of this vehicle type to LAAF is a violation of paragraph 9 of resolution 1970 (2011).

Developed by Panel of Experts.

Sources:

1. <https://www.facebook.com/photo.php?fbid=742036868108941&set=pb.100069079034812.-2207520000&type=3>, 14 March 2024.
2. <https://www.facebook.com/General.official.leadership/videos/1537284016840832>, 14 March 2024.
3. <https://www.armoredcars.com/vehicles/batt-umg-truck/>, accessed on 7 September 2024.



⁴²⁷ For a different type of this vehicle, see paragraphs 106 to 110 and annex 72 of S/2023/673.

Annex 58 INKAS Titan S 4x4 APC

INKAS Titan S 4x4 APC **(CID in Benghazi)** **(18 March 2024)**

The Panel has identified from a post of the official social media account of the HAF criminal investigation department (CID), under authority of the GNS ministry of the interior, in Benghazi the presence of INKAS Titan S 4x4 armoured personnel carriers (APC). The Titan S 4x4 APC is manufactured by United Arab Emirates-based Inkas Vehicles LLC.

These are the first sightings of this type of armoured vehicles in Libya. The Panel requested information from Inkas Vehicles LLC on 27 March 2024. No response was received.

The Panel assesses this vehicle to be military equipment. Thus, transfer of this vehicle type to HAF is a violation of paragraph 9 of resolution 1970 (2011).



Developed by Panel of Experts.

Map data: Google Earth, ©2024 Airbus, Geolocation of INKAS Titan S 4x4 APC convoy.

Imagery Date: 12 March 2024.

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Sources:

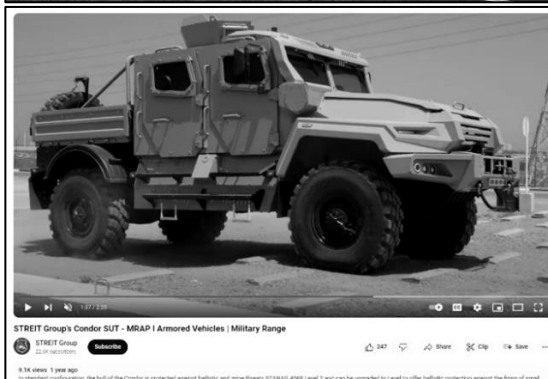
1. <https://www.facebook.com/cidbenghazi/posts/pfbid02cpB6jeyD3vyaoXMWfuFsTiVpjR4rtvBXPm1BHLH8VszWrMGWxS2hQBRZPL4B9LzHI>, 18 March 2024.
2. 32°06'55"N 20°07'51" E, and video at 0:19 of <https://www.facebook.com/cidbenghazi/videos/971974437588484>, 21 March 2024.
3. <https://inkas.ae/inkas-titan-s/>, accessed on 22 September 2024.

Annex 59 **STREIT Condor SUT MRAP*****STREIT Condor SUT MRAP***
(LAAF)
(16 May 2024)

The Panel has identified from a post of the official social media account of the Libyan Arab armed forces the presence of STREIT Condor SUT MRAP in its military parade on 16 May 2024. Condor SUT MRAP is manufactured by a United Arab of Emirates-based company STREIT Group.

These are the first sightings of this type of armoured vehicles in Libya. The Panel requested information from STREIT Group on 30 May 2024. No response was received.

The Panel assesses this vehicle to be military equipment. Thus, transfer of this vehicle type to Libya is a violation of paragraph 9 of resolution 1970 (2011).



Developed by Panel of Experts.

Sources:

1. <https://www.facebook.com/General.official.leadership/posts/pfbid036UHWsDzLxEZPrArUKw53qgYbN7gmX2GQ4FqmhnCD1gTo895eT6JMUMqAc1CizV8NI>, 17 May 2024.
2. <https://www.youtube.com/watch?v=8sXDyCPtb28> at 1:37, accessed on 19 May 2024.

Annex 60 STREIT Gladiator MRAP

STREIT Gladiator MRAP

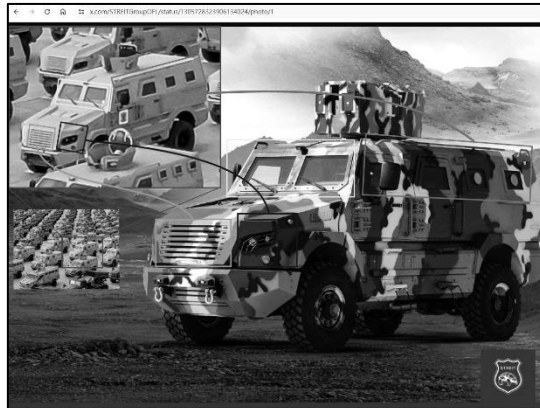
(LAAF)

(16 May 2024)

The Panel has identified from a post of the official social media account of the Libyan Arab armed forces the presence of STREIT Gladiator MRAP in its military parade on 16 May 2024. Gladiator MRAP is manufactured by a United Arab of Emirates-based company STREIT Group.

These are the first sighting of this type of armoured vehicles in Libya. The Panel requested further information from STREIT Group on 30 May 2024. No response was received.

The Panel assesses that this type of vehicle is a military equipment. Thus transfer of this vehicle type to Libya is a violation of paragraph 9 of resolution 1970 (2011).



Developed by Panel of Experts.

Sources:

1. <https://www.facebook.com/General.official.leadership/posts/pfbid036UHWsDzLxEZPrArUKw53qgYbN7gmX2GQ4FqmhnCD1gTo895eT6JMUMqAc1CizV8NI>, 17 May 2024.
2. <https://x.com/STREITGroupOFL/status/1305728323906134024/photo/1>, 15 September 2020.
3. <https://www.armored-cars.com/military-vehicles/gladiator-mrap/>, accessed on 19 May 2024.

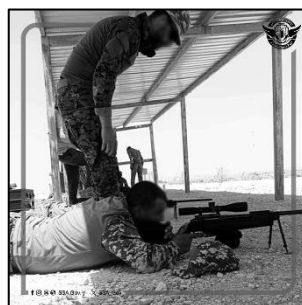
Annex 61 Sniper Training

Sniper Training (GNU AF) (7 August 2023)

The Panel identified that the Royal Jordanian Armed Forces (RJAF) provided sniper training for GNU Stability Support Apparatus (SSA) on 7 August 2023 in Jordan. The training was an eight-week program carried out in the International Police Training Centre (IPTC) of the Public Security Directorate of Jordan in cooperation of Jordanian Al-Sakhra Company for Security Services and Consultancy. The training programmes were concluded in early August 2023.

The Panel requested further information from Jordan and Libya on 14 August 2023. Libya replied by stating that the training was conducted by Jordan-based Al-Sakhra company and claimed that the training did not violate paragraphs 9 and 10 of resolution 2095 (2013).

The Panel has consistently reported on such training, including those delivered outside Libya, as violations of arms embargo because these trainings constitute a supply of training and other assistance related to military activities and do not fall under the exception of paragraph 9 of resolution 2095 (2013). Thus, the provision of sniper training for GNU-AF constitutes violation of paragraph 9 of resolution 1970 (2011) by Jordan.



Developed by Panel of Experts.

Source:

https://www.facebook.com/SSA.Gov.ly/posts/pfbid02EyKT433LpgcZ3ffiyBJu7gdwU4zuq6QSqjp5k1DU48ss6jkc3HLRm7KCsAmT2DLml?locale=ar_AR, 7 August 2023.

Annex 62 Illicit exports of diesel from Benghazi old harbour

A. Overview

1. This annex provides an update to Annex 74 of S/2023/673, which describes the background to illicit exports of petroleum from Benghazi old harbour. The Panel assesses that tanker vessels continued to load petroleum, more specifically diesel fuel, in that location to illicitly export it from Libya. Benghazi old harbour remains a commercial harbour outside of the control of the National Oil Corporation (NOC), the only entity in Libya authorized to export refined product. Around 70 per cent of all diesel in Libya is imported, and the NOC confirmed to the Panel that it never exports diesel.

2. Appendix 62.A provides an updated list of tanker vessels identified by the Panel in that location. The Panel identified unique visits only. Unless the Panel assessed that a vessel left and returned, continuing presence in Benghazi old harbour over longer periods is only reflected with the date of the first sighting.

B. Tanker vessels illicitly exporting diesel from Benghazi: evolving patterns

3. The Panel identified that since late March 2022, at least 185 visits were undertaken by 48 tanker vessels. Four Cameroon-flagged tankers accounted for 49 visits alone. All four are part of the Cenevezoz network (annex 65).

4. The number of uniquely identified tankers doubled since the last report. The frequency of visits also increased significantly: over the reporting period, there were an average of 9 unique visits per month, compared to 3.6 in the previous reporting period. The most used flag State remained Cameroon (12 vessels), followed by Panama (7 vessels), Comoros (5 vessels) and Tanzania (4 vessels).

5. The average size of tanker vessels visiting Benghazi increased since the last reporting period, from an average of 5,700 deadweight tonnes (DWT) to 9,970 DWT. While the majority of the tankers remained in the extra small (under 10,000 DWT) to small (10,000 to 24,999 DWT) product tanker categories, four vessels fell in the intermediate and medium range categories (25,000 to 44,999 DWT). The largest vessels, the MT *MD Miranda* (IMO 9198290) and MT *Nobel* (IMO 9105114) both have draughts of 12 metres. This by far exceeds the limitations of Benghazi old harbour (9 to 10 metres water depth), but the vessel still entered to dock at quay no. 3 at the north-eastern part of Benghazi old harbour (example satellite imagery at figure 62.1). This means that such large vessels are likely not loaded to full capacity in the harbour and require additional ship-to-ship loading off-port.

6. The increasing sizes of the tanker vessels also have a bearing on the duration of stay. Fuel trucks were still used to load the ships in the harbour, which a time-consuming process.⁴²⁸ This means that larger vessels sometimes spend several weeks in the harbour until they are loaded. A new method, however, has been to load larger ships directly through concealed pipes from the maritime oil terminal (Benghazi Oil Berth No. 1),⁴²⁹ where the deliveries of fuel for the Benghazi oil depot arrive (figure 62.2). To add additional storage capacity, some tankers have been used as a buffer storage for the diesel coming from the maritime connector, functioning as local bunkering vessels.

7. While some vessels used to have their automated identification systems (AIS) enabled intermittently,⁴³⁰ vessels now consistently disconnect them around 100 nautical miles north-north-west of Benghazi and only reconnect once the smuggling operations are over (see annex 65 on the MT *Mardi* (IMO 8853673) as a representative example). The Panel has also observed at least two cases of AIS “spoofing”, where AIS devices are being manipulated to appear to be broadcasting from fake locations.

8. Most smuggling vessels no longer delivered their cargo to other Member States directly but bunkered the loaded diesel in international waters in the triangle between Hurds Bank, south-eastern Crete and Benghazi. Among these, Hurds Bank was the most prominently used by the vessels. It is a shallow area with water depths below 100 metres, north-east-east of Malta, outside of Maltese territorial waters. It extends for about 1,600 square kilometres around 35.89127° N, 14.94955° E (figure 62.3). Since mid-2023, some of the vessels have travelled east as far as Egypt, using the exit channel of the Suez Canal off Port Said to transfer their cargo to larger vessels that subsequently travel through the canal.

⁴²⁸ S/2023/673, annex 74. Paragraph 7.

⁴²⁹ 32.11821° N, 20.04880° E.

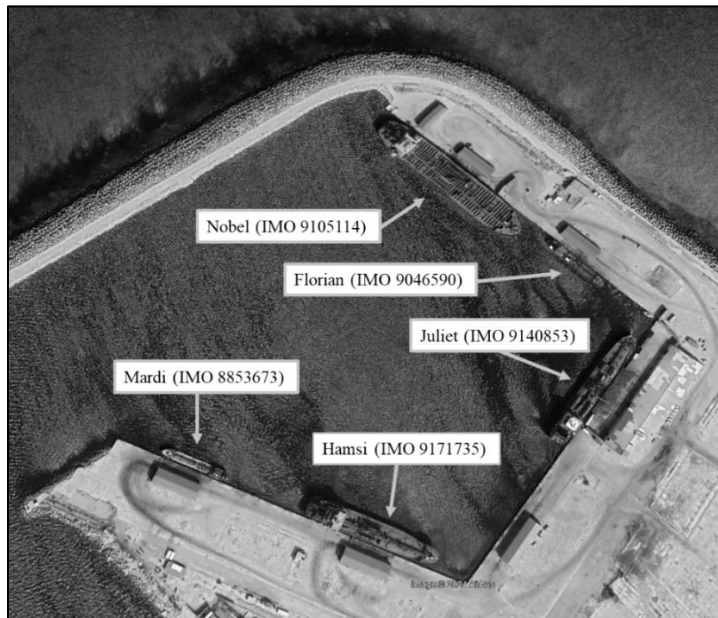
⁴³⁰ S/2023/673, annex 74, paragraph 6.

Appendix A to Annex 62

Tanker vessels identified in Benghazi old harbour since March 2022

Figure 62.A.1

Satellite image showing tanker vessels in Benghazi old harbour on 11 March 2024



Developed by Panel of Experts.

Source: Google Earth, 11 March 2024 © 2024 Airbus.

Figure 62.A.2

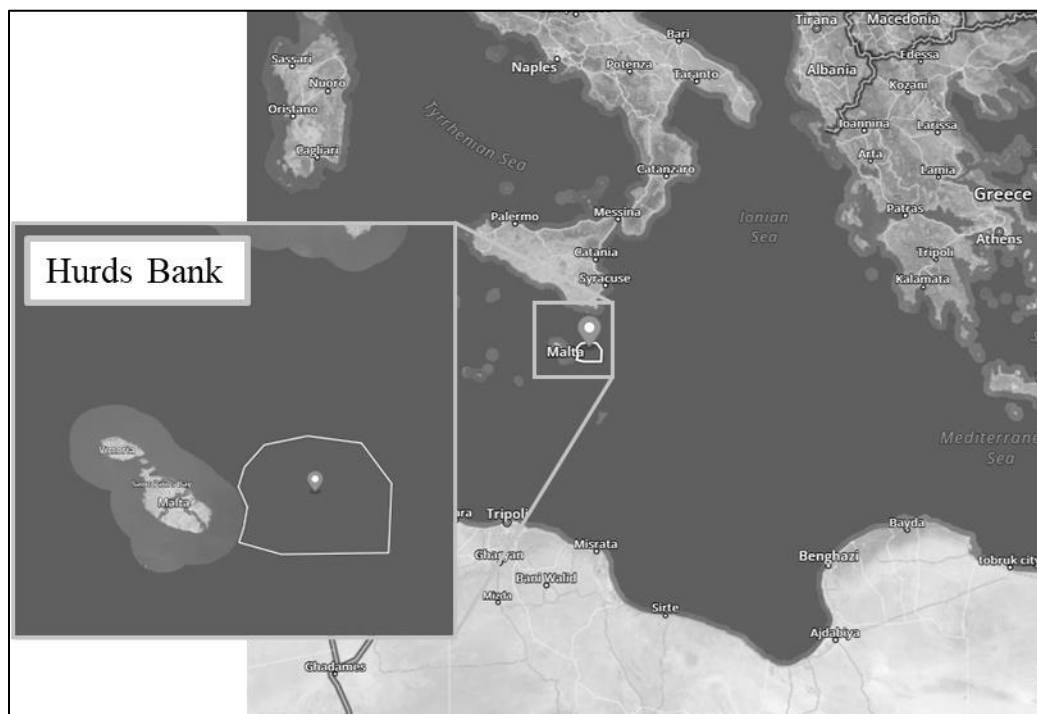
Benghazi old harbour schematic view



Developed by Panel of Experts.

Source: Planet Labs, 13:00 UTC on 24 July 2024.

Figure 62.A.3
Hurds Bank



Developed by Panel of Experts.

Source: Planet Labs, Mapbox, OpenStreetMap.

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Table 62.A.1

Tanker vessels identified by the Panel in Benghazi old harbour since March 2022 (as of 15 October 2024)

Visit	Date observed	Name of vessel	Visit no.	IMO number	DWT	Flag State
1	28-Mar-2022	Victory	1	7128227	2,007	Cameroon
2	13-Apr-2022	Maya 1	1	9046758	1,200	Cameroon
3	14-Apr-2022	Queen Majeda	1	9117806	2,547	Palau/Libya
4	22-Apr-2022	Aqua Marine	1	9179488	3,522	Türkiye
5	1-May-2022	Queen Majeda	2	9117806	2,547	Cameroon
6	8-May-2022	TSM Dubhe	1	9249594	19,924	Tuvalu
7	26-May-2022	TSM Dubhe	2	9249594	19,924	Tuvalu
8	8-Jun-2022	Victory	2	7128227	2,007	Cameroon
9	18-Jul-2022	Roschem-2	1	8862935	2,754	Russian Federation
10	16-Aug-2022	Queen Majeda	3	9117806	2,547	Cameroon
11	20-Aug-2022	Karima (later Beauty Queen)	1	9133393	3,710	Russian Federation
12	1-Sep-2022	Angelo 1	1	7946942	566	Cameroon
13	4-Sep-2022	Queen Majeda	4	9117806	2,547	Cameroon
14	9-Sep-2022	Sophia/Chios	1	7113375	3,184	Comoros
15	12-Sep-2022	Anna/Rina	1	9118159	4,972	Comoros
16	12-Sep-2022	Sea Fortune	1	9427275	13,023	Marshall Islands
17	13-Sep-2022	Uni Trader	1	9175169	6,623	Panama
18	19-Sep-2022	Efe	1	9558763	7,623	Vanuatu
19	4-Oct-2022	Beauty Queen (ex Karima)	2	9133393	3,710	Russian Federation
20	4-Oct-2022	Sea Fortune	2	9427275	13,023	Marshall Islands
21	3-Nov-2022	Roschem-2	2	8862935	2,754	Russian Federation
22	10-Nov-2022	Sidra (later Rowad A)	1	9057551	1,950	Tanzania

<i>Visit</i>	<i>Date observed</i>	<i>Name of vessel</i>	<i>Visit no.</i>	<i>IMO number</i>	<i>DWT</i>	<i>Flag State</i>
23	11-Nov-2022	Princess Noria	1	9196448	12,181	Panama
24	12-Nov-2022	Istra	1	9632088	4,500	Russian Federation
25	16-Nov-2022	Uni Trader	2	9175169	6,623	Panama
26	29-Nov-2022	Ses 1	1	9119464	2,684	Panama
27	6-Dec-2022	Istra	2	9632088	4,500	Russian Federation
28	18-Dec-2022	Ses 1	2	9119464	2,684	Panama
29	1-Jan-2023	Beauty Queen (ex Karima)	3	9133393	3,710	Cameroon
30	22-Jan-2023	Ses 1	3	9119464	2,684	Panama
31	31-Jan-2023	Almuntazah	1	8860834	4,056	Cameroon
32	31-Jan-2023	Kavkaz (later Tony)	1	8884476	3,742	Guinea-Bissau
33	31-Jan-2023	Jessica (later Juliet)	1	9140853	9,385	Comoros
34	8-Mar-2023	Tony (ex Kavkaz)	2	8884476	3,742	Guinea-Bissau
35	19-Mar-2023	Marisa N	1	8004090	1,714	Cameroon
36	27-Mar-2023	Marisa N	2	8004090	1,714	Cameroon
37	27-Mar-2023	Anna/Rina	2	9118159	4,972	Comoros
38	15-Apr-2023	Alma Marine	1	9438250	9,057	Barbados
39	27-Apr-2023	Marisa N	3	8004090	1,714	Cameroon
40	4-May-2023	Alisa	1	9113135	11,980	Comoros
41	17-May-2023	Saeed 5	1	8821759	7,030	Tanzania
42	27-May-2023	Juliet (ex Jessica)	1	9140853	9,359	Comoros
43	27-May-2023	Istra	3	9632088	4,500	Russian Federation
44	14-Jun-2023	Piero A	1	9010955	2,698	Palau
45	29-Jun-2023	Marisa N	4	8004090	1,714	Cameroon
46	29-Jun-2023	Alma Marine	2	9438250	9,057	Barbados
47	4-Jul-2023	Marisa N	5	8004090	1,714	Cameroon
48	4-Jul-2023	Saeed 5	2	8821759	7,030	Tanzania
49	1-Aug-2023	Marisa N	6	8004090	1,714	Cameroon
50	1-Aug-2023	Almuntazah	2	8860834	4,056	Cameroon
51	1-Aug-2023	Alisa	2	9113135	11,980	Comoros
52	1-Aug-2023	Alma Marine	3	9438250	9,057	Barbados
53	14-Aug-2023	Aristo	1	6501355	1,055	Cameroon
54	31-Aug-2023	Eliana	1	9327310	5,794	Malta
55	3-Sep-2023	Aristo	2	6501355	1,055	Cameroon
56	3-Sep-2023	Marisa N	7	8004090	1,714	Cameroon
57	3-Sep-2023	Sidra (later Rowad A)	3	9057551	1,950	Tanzania
58	3-Sep-2023	Anna/Rina	3	9118159	4,972	Comoros
59	3-Sep-2023	Ses 5	4	9119464	2,684	Panama
60	3-Sep-2023	Beauty Queen (ex Karima)	4	9133393	3,710	Cameroon
61	3-Sep-2023	Uni Trader	3	9175169	6,623	Panama
62	3-Sep-2023	Alma Marine	4	9438250	9,057	Barbados
63	24-Sep-2023	Blue Castor	1	6403424	n/a ⁴³¹	Albania
64	24-Sep-2023	Sophia/Chios	2	7113375	3,184	Comoros
65	24-Sep-2023	Marisa N	8	8004090	1,714	Cameroon
66	24-Sep-2023	Mardi	1	8853673	1,056	Cameroon
67	24-Sep-2023	Tony (ex Kavkaz)	3	8884476	3,742	Guinea-Bissau
68	24-Sep-2023	Alisa	3	9113135	11,980	Comoros
69	24-Sep-2023	Jessica (later Juliet)	2	9140853	9,385	Comoros
70	24-Sep-2023	Mistral	1	9177674	6,711	Tanzania
71	24-Sep-2023	MD Miranda	1	9198290	46,408	Tanzania
72	24-Sep-2023	Blue Chem	1	9519614	7,003	Panama
73	29-Sep-2023	New Spirit	1	9337872	8,499	Malta
74	22-Oct-2023	Mardi	2	8853673	1,056	Cameroon

⁴³¹ Pollution control vessel.

<i>Visit</i>	<i>Date observed</i>	<i>Name of vessel</i>	<i>Visit no.</i>	<i>IMO number</i>	<i>DWT</i>	<i>Flag State</i>
75	27-Oct-2023	Sophia/Chios	3	7113375	3,184	Comoros
76	27-Oct-2023	Marisa N	9	8004090	1,714	Cameroon
77	27-Oct-2023	Saeed 5	3	8821759	7,030	Tanzania
78	27-Oct-2023	Mardi	2	8853673	1,056	Cameroon
79	27-Oct-2023	Almuntazah	3	8860834	4,056	Cameroon
80	27-Oct-2023	Nobel	1	9105114	46,144	Cameroon
81	27-Oct-2023	Bharat	1	9253595	40,128	Panama
82	30-Oct-2023	Sidra (later Rowad A)	2	9057551	1,950	Tanzania
83	28-Nov-2023	Marisa N	10	8004090	1,714	Cameroon
84	28-Nov-2023	Mardi	3	8853673	1,056	Cameroon
85	28-Nov-2023	Aris 1	1	9035371	12,776	Panama
86	28-Nov-2023	Rowad A	4	9057551	1,894	Tanzania
87	28-Nov-2023	Nobel	2	9105114	46,144	Cameroon
88	28-Nov-2023	Alisa	4	9113135	11,980	Comoros
89	2-Dec-2023	Princess Halima	1	9179347	30,031	Barbados
90	6-Dec-2023	Alisa	5	9113135	11,980	Comoros
91	6-Dec-2023	Juliet (ex Jessica)	2	9140853	9,359	Comoros
92	6-Dec-2023	Mistral	2	9177674	6,711	Tanzania
93	6-Dec-2023	Delonix	1	9298387	12,776	Liberia
94	6-Dec-2023	Alma Marine	5	9438250	9,057	Barbados
95	20-Dec-2023	Rowad A (ex-Sidra)	5	9057551	1,894	Tanzania
96	20-Dec-2023	Alisa	6	9113135	11,980	Comoros
97	20-Dec-2023	Juliet (ex Jessica)	3	9140853	9,359	Comoros
98	20-Dec-2023	Alma Marine	6	9438250	9,057	Barbados
99	4-Jan-2024	Nobel	3	9105114	46,144	Cameroon
100	4-Jan-2024	Angelo 2 (ex Karima/Beauty Queen)	5	9133393	4,282	Cameroon
101	4-Jan-2024	Mistral	3	9177674	6,711	Tanzania
102	12-Jan-2024	Tony (ex Kavkaz)	4	8884476	3,742	Guinea-Bissau
103	12-Jan-2024	Nobel	4	9105114	46,144	Cameroon
104	12-Jan-2024	Mistral	4	9177674	6,711	Tanzania
105	25-Jan-2024	Mardi	4	8853673	1,056	Cameroon
106	25-Jan-2024	Aris 1	2	9035371	12,776	Panama
107	25-Jan-2024	Nobel	5	9105114	46,144	Cameroon
108	25-Jan-2024	Angelo 2 (ex Karima/Beauty Queen)	6	9133393	4,282	Cameroon
109	25-Jan-2024	Alma Marine	7	9438250	9,057	Barbados
110	8-Feb-2024	Almuntazah	4	8860834	4,056	Cameroon
111	8-Feb-2024	Nobel	6	9105114	46,144	Cameroon
112	8-Feb-2024	Ses 4	5	9119464	2,684	Panama
113	8-Feb-2024	Angelo 2 (ex Karima/Beauty Queen)	7	9133393	4,282	Cameroon
114	27-Feb-2024	Marisa N	11	8004090	1,714	Cameroon
115	27-Feb-2024	Florian	3	9046590	1,139	St Kitts & Nevis
116	27-Feb-2024	Kauthar/Sal Sabil	1	9166156	15,748	Palau
117	27-Feb-2024	Delonix	2	9298387	12,776	Liberia
118	3-Mar-2024	Rowad A (ex-Sidra)	6	9057551	1,894	Tanzania
119	3-Mar-2024	Nobel	7	9105114	46,144	Cameroon
120	3-Mar-2024	Angelo 2 (ex Karima/Beauty Queen)	8	9133393	4,282	Cameroon
121	11-Mar-2024	Mardi	5	8853673	1,056	Cameroon
122	11-Mar-2024	Florian	1	9046590	1,139	St Kitts & Nevis
123	11-Mar-2024	Nobel	8	9105114	46,144	Cameroon
124	11-Mar-2024	Juliet (ex Jessica)	4	9140853	9,359	Comoros
125	11-Mar-2024	Hamsi	1	9171735	8,941	Liberia
126	28-Mar-2024	Angelo 1	2	7946942	566	Cameroon
127	28-Mar-2024	Mardi	9	8853673	1,056	Cameroon
128	28-Mar-2024	Almuntazah	5	8860834	4,056	Cameroon
129	28-Mar-2024	Tony (ex Kavkaz)	5	8884476	3,742	Guinea-Bissau

<i>Visit</i>	<i>Date observed</i>	<i>Name of vessel</i>	<i>Visit no.</i>	<i>IMO number</i>	<i>DWT</i>	<i>Flag State</i>
130	28-Mar-2024	Florian	2	9046590	1,139	St Kitts & Nevis
131	28-Mar-2024	Nobel	9	9105114	46,144	Cameroon
132	28-Mar-2024	Victoria	1	9107708	6,491	Cameroon
133	28-Mar-2024	Judy	1	9157052	4,998	Tanzania
135	28-Mar-2024	Hamsi	2	9171735	8,941	Liberia
136	9-Apr-2024	Angelo 1	3	7946942	566	Cameroon
137	9-Apr-2024	Marisa N	12	8004090	1,714	Cameroon
138	17-Apr-2024	Chios	4	7113375	3,184	Comoros
139	17-Apr-2024	Malek (ex Sidra/Rowad A)	7	9057551	1,894	Tanzania
140	17-Apr-2024	Alisa	7	9113135	11,980	Comoros
141	21-Apr-2024	Angelo 2 (ex Karima/Beauty Queen)	9	9133393	4,282	Cameroon
142	21-Apr-2024	Sal Sabil (ex Kauthar)	2	9166156	15,748	Comoros
143	28-Apr-2024	Alma Marine	8	9438250	9,057	Barbados
144	6-May-2024	Chios	5	7113375	3,184	Comoros
145	6-May-2024	Angelo 1	4	7946942	566	Cameroon
146	6-May-2024	Florian	3	9046590	1,139	Saint Kitts and Nevis
147	6-May-2024	Alisa	8	9113135	11,980	Comoros
148	6-May-2024	Pearl 1	1	9166948	8,697	Saint Kitts and Nevis
149	13-May-2024	Juliet (ex Jessica)	5	9140853	9,359	Comoros
150	20-May-2024	Marisa N	13	8004090	1,714	Cameroon
151	20-May-2024	Avax	1	9058713	1,241	Cameroon
152	20-May-2024	Nobel	10	9105114	46,144	Cameroon
153	20-May-2024	Princess Halima	2	9179347	30,031	Barbados
154	27-May-2024	Malek (ex Siidra/Rowad A)	8	9057551	1,894	Tanzania
155	5-Jun-2024	Abacus	1	7427659	3,153	Cameroon
156	5-Jun-2024	Angelo 1	5	7946942	566	Cameroon
157	12-Jun-2024	Avax	2	9058713	1,241	Cameroon
158	26-Jun-2024	Oris Sofi	1	8920282	6,519	Panama
159	30-Jun-2024	Hamsi	3	9171735	8,941	Liberia
160	8-Jul-2024	Victoria	2	9107708	6,491	Cameroon
161	8-Jul-2024	Judy	2	9157052	4,998	Tanzania
162	11-Jul-2024	Almuntazah	6	8860834	4,056	Cameroon
163	11-Jul-2024	Angelo 2 (ex Karima/Beauty Queen)	10	9133393	4,282	Cameroon
164	13-Jul-2024	Angelo 1	6	7946942	566	Cameroon
165	19-Jul-2024	Mardi	10	8853673	1,056	Cameroon
166	19-Jul-2024	Sal Sabil (ex Kauthar)	3	9166156	15,748	Comoros
167	31-Jul-2024	Angelo 1	7	7946942	566	Cameroon
168	31-Jul-2024	Marisa N	14	8004090	1,714	Cameroon
169	31-Jul-2024	Nobel	11	9105114	46,144	Cameroon
170	6-Aug-2024	Abacus	2	7427659	3,153	Cameroon
171	12-Aug-2024	Hamsi	4	9171735	8,941	Liberia
172	21-Aug-2024	Angelo 1	8	7946942	566	Cameroon
173	21-Aug-2024	Mardi	11	8853673	1,056	Cameroon
174	21-Aug-2024	Florian	4	9046590	1,139	Saint Kitts and Nevis
175	21-Aug-2024	Avax	3	9058713	1,241	Cameroon
176	25-Aug-2024	Victoria	3	9107708	6,491	Cameroon
177	10-Sep-2024	Victoria	4	9107708	6,491	Cameroon
178	19-Sep-2024	Mardi	12	8853673	1,056	Cameroon
179	21-Sep-2024	Buraaq	1	8914829	14,972	Comoros
180	21-Sep-2024	Alisa	9	9113135	11,980	Comoros
181	21-Sep-2024	Angelo 2 (ex Karima/Beauty Queen)	11	9133393	4,282	Cameroon
182	23-Sep-2024	Marisa N	15	8004090	1,714	Cameroon
183	2-Oct-2024	Abacus	3	7427659	3,153	Cameroon
184	2-Oct-2024	Pearl 1	2	9166948	8,697	Saint Kitts and Nevis
185	13-Oct-2024	Angelo 1	9	7946942	566	Cameroon

Annex 63 Fake documentation and international tenders

A. Fake Sirte Oil Company document

1. The Panel obtained a bill of lading for a shipment of diesel from Benghazi to another Member State. The letterhead of the bill of lading indicated “Sirte Oil Company, Port of Benghazi”. The NOC confirmed to the Panel that the document is fake, and that Sirte Oil Company does not ship from Benghazi (figure 63.1).

B. Tenders


2. The Panel established that international tenders were used to advertise diesel exports from Benghazi. One example is a message relating to a tender the Panel obtained on 1 July 2023, issued by SILC LLC (Japan),⁴³² for the export of 15,000 metric tonnes of diesel (En590/50Ppm) from Benghazi, for delivery to Mersin, Türkiye (figure 63.2). The Panel corroborated the veracity of the tender with one of the companies that had received the tender but chose not to act on it.

3. The Panel wrote to the company’s director, Manna El Saeid Farag, on 25 April 2023. No response was received, despite the Japanese authorities’ encouragement for him to engage with the Panel in September 2024.

⁴³² 1-6-61 Gakuenhigashimachi, Nishi-ku, Kobe, Hyogo, 651-2102, Japan.

Figure 63.1

Fake bill of lading purporting to be of Sirte Oil Company


دولة ليبيا
SIRTE OIL COMPANY
 For Production, Manufacturing of Oil & Gas
 PORT OF BENGHAZI, LIBYA
 DIESEL OIL
BILL OF LADING

طبق الأصل
ORIGINAL

SHIPPED IN APPARENT GOOD ORDER AND CONDITION BY NATIONAL OIL CORPORATION
 ON BOARD THE [REDACTED] M.T: [REDACTED]

WHEREOF [REDACTED] IS MASTER, AT THE PORT OF BENGHAZI SEAPORT.

LITERS
GROSS : [REDACTED]
NET : AT 15 DEG C [REDACTED]

Metric Tons -AIR
 [REDACTED]

TO BE DELIVERED AT THE PORT OF : [REDACTED]

OR SO NEAR THERETO AS THE VESSEL CAN SAFELY GET, ALWAYS AFLOAT, UNTO
 TO THE ORDER OF ABNA A SINAI FOR GENERAL TRADING AND CONSTRUCTION

OR ORDER OF PAYMENT OF FREIGHT AT THE RATE OF

"CLEAN ON BOARD" FREIGHT PAYABLE AS PER CHARTER PARTY.

THIS SHIPMENT IS CARRIED UNDER AND PURSUANT TO THE TERMS OF THE
 CONTRACT/CHARTER

BETWEEN: _____

AND: _____

AS CHARTER, AND ALL THE TERMS WHAT SO EVER OF THE CONTRACT/ CHARTER
 EXCEPT THE RATE AND PAYMENT OF FREIGHT SPECIFIED THEREIN APPLY TO AND
 GOVERN THE RIGHTS OF THE PARTIES CONCERNED IN THIS SHIPMENT

IN WITNESS WHERE OF THE MASTER HAS SIGNED _____ **3 ORIGINALS & 5 COPIES**

BILL OF LOADING OF THIS TONER AND DATE, ONE OF WHICH BEING ACCOMPLISHED,
 THE OTHERS WILL BE VOID.

CHARTER PARTY DATE [REDACTED]

[REDACTED]

Source: Confidential.

Redactions for privacy reasons.

Figure 63.2

Communication on tender for diesel export from Benghazi issued by SILC LLC

Dear All

Good day

Pls send your best fit rate and performing vsl as below :

Details of the deal :

Account name :

FOB Benghazi Libya

Total quantity is 15,000 MT over 2 voyages

Qty / cargo 8000 MT of en590 50ppm

Type of tanker oil tanker/ oil chemical tanker

Dwt between 10,000 and 12,500 MT

POL Benghazi Libya

Loading time 2 million liters per day by trucks = 4 days

POD Mersin, Turkey

Discharging time 4 days

Target rate 30 USD / MT

Comm. 1.25 % TTL Here

Laycan 1-9 Jan. 2023

Payment terms

Source: Confidential.

Annex 64 Seizure by Italy of MT *Aristo* (IMO: 6501355)

1. The Panel established that on 19 November 2023, Italy seized a vessel in the context of fuel smuggling, the MT *Aristo* (IMO 6501355), which was transshipping over one million litres of diesel to the offshore support vessel MV *Normand Maximus* (IMO 9744518) without customs documentation, within Italian territorial waters.
2. While both vessels were broadcasting automated identification system (AIS) signals, no ship-to-ship (STS) loading was recorded. The Panel identified the most likely time for the STS loading to have taken place at a time period between 21:00 and 23:40 UTC in the evening of 18 November 2023, about 11 nautical miles off Licata (AG), Italy (figure 64.1).⁴³³
3. The analysis of the movement patterns of the MT *Aristo* indicates a high probability that the vessel loaded her cargo in Benghazi. The vessel had disconnected her AIS as she was approaching Libya on 12 October 2023 about 120 nautical miles north of Benghazi,⁴³⁴ and reconnected only a month later, on 14 November 2023, about 103 nautical miles north of Benghazi,⁴³⁵ just 17 nautical miles from the location where the vessel's signal disappeared more than a month earlier (figure 64.2). This is consistent with the movement patterns observed by the Panel for most vessels illicitly exporting petroleum from Benghazi. Confidential satellite imagery shows a vessel that is likely the MT *Aristo* in Benghazi old harbour on 11 November 2023. Confidential satellite imagery showed the MT *Aristo* there on 14 and 20 August and on 3 and 9 September 2023 (annex 62).
4. The vessel, by name of *Filiatra*, was under Greek Flag and owned by Leventakis Shipping Company until 12 January 2023, when it was sold to the Marshall Islands-registered MedGreen Shipping and Trading SA. In April 2023, the vessel broadcasted for the first time under its flag, Cameroon, and new name, *Aristo*.
5. On 26 August 2024, the Panel sent requests for information to Italy and to the operator and manager of the MV *Normand Maximus*, Solstad Offshore ASA (Norway). Neither responded.
6. The Panel has established that MT *Aristo* is linked to the Cenevezoz network (annex 65).

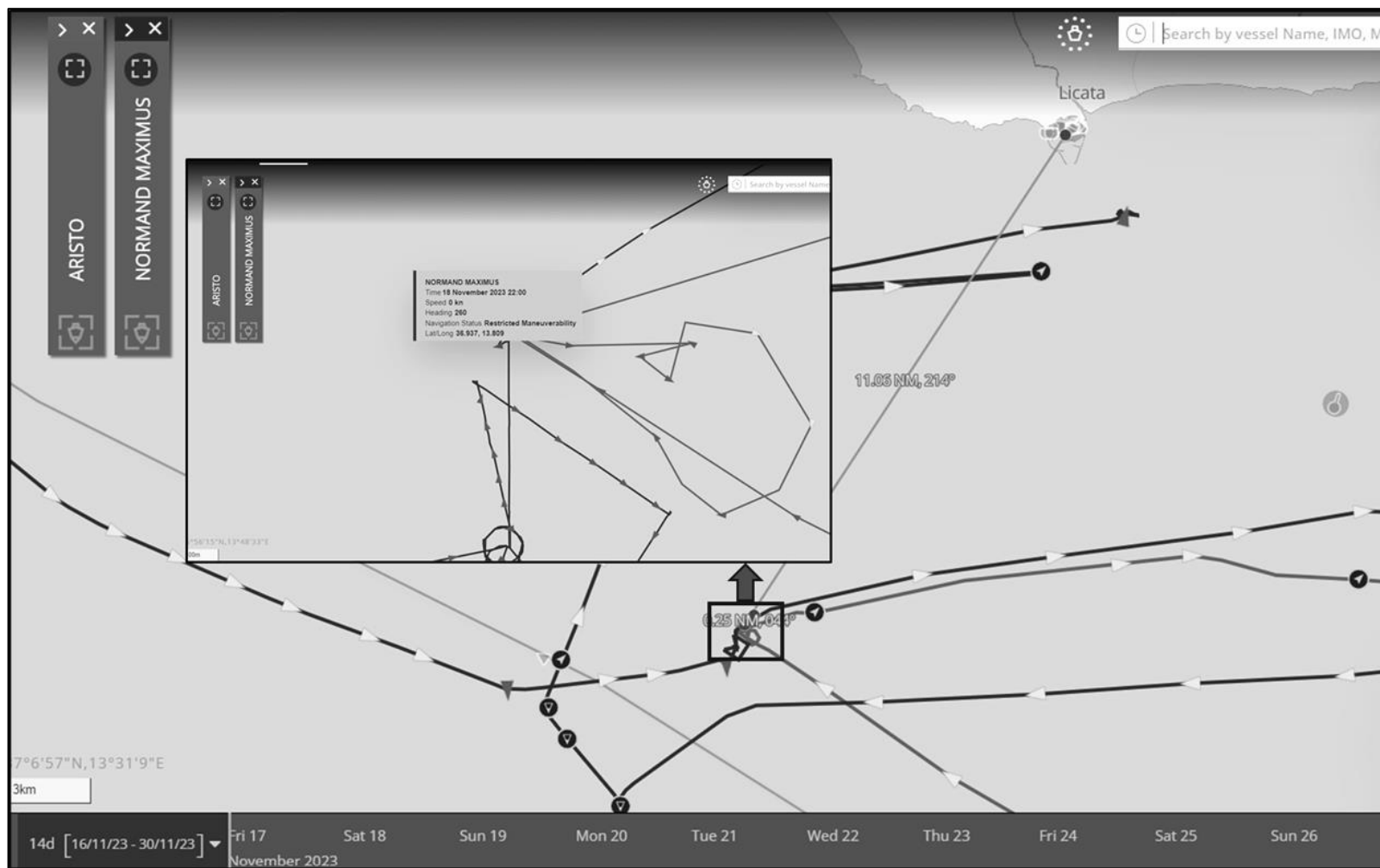
⁴³³ 36°56'12"N, 13°48'35"E.

⁴³⁴ 34°0'23"N, 19°18'14"E.

⁴³⁵ 33°48'50"N, 19°34'51"E.

Figure 64.1

Likely location of STS loading from MT *Aristo* (IMO 6501355) to MV *Normand Maximus* (IMO 9744518) in Italian territorial waters

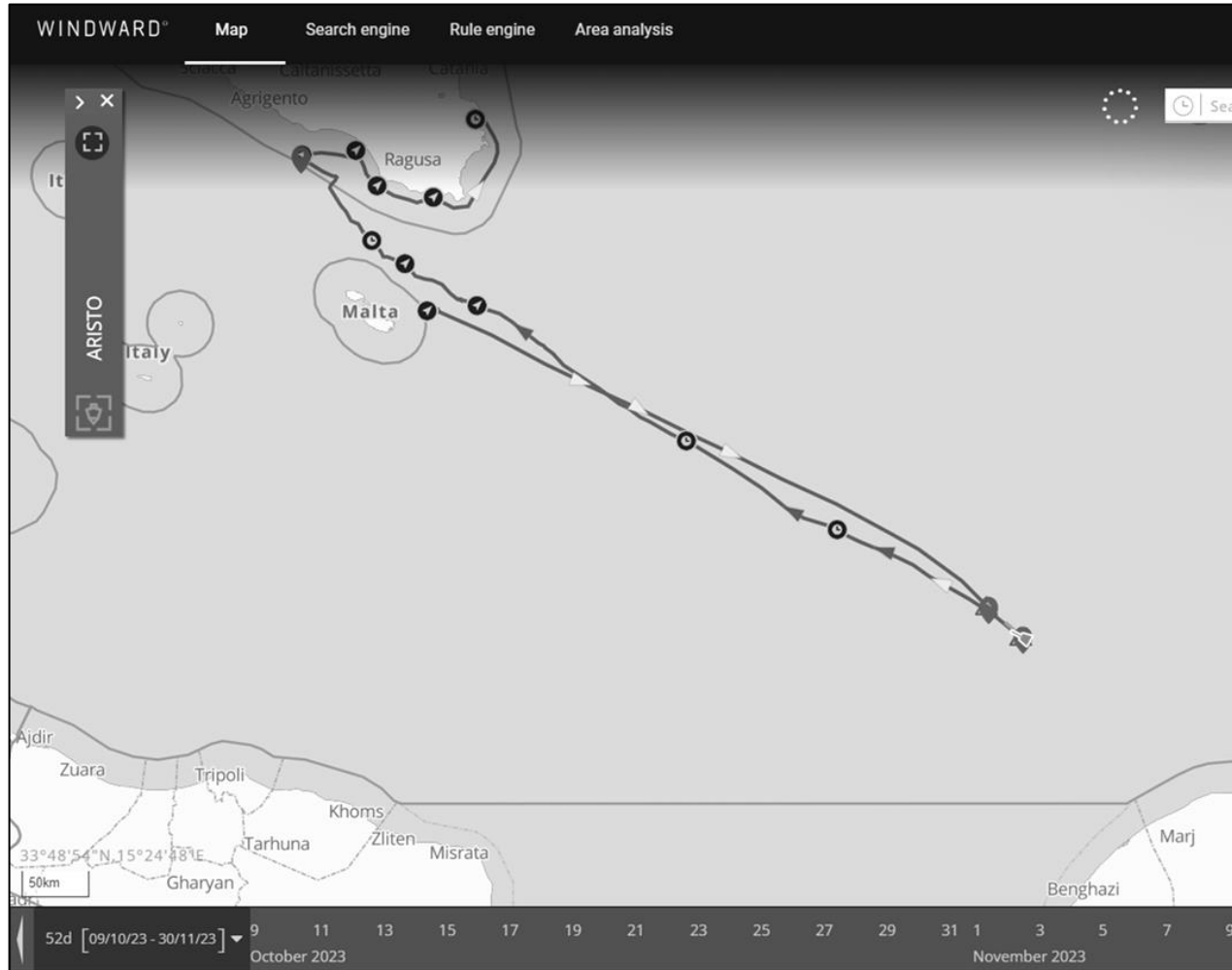


Developed by Panel of Experts.

Source: Windward.

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 64.2
Voyages of MT *Aristo* (IMO 6501355) between 9 October and 30 November 2023



Source: Windward.

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Annex 65 MT *Mardi* (IMO 8853673) and network of Aleksandros Cenevezoz

A. Overview

1. One of the vessels investigated for illicit exports of petroleum from Libya was the MT *Mardi* (IMO 8853673). The Panel identified 14 visits by the vessel to Benghazi to load and subsequently illicitly export gasoil, most likely diesel. The case of the MT *Mardi* is exemplary for vessels that engage in these activities, as it represents the overall trend among these vessels the Panel observed in terms of movement profile, deliberate “dark” periods, and ownership and operatorship structure, namely obfuscation through several layers of front companies. The vast majority of tankers active out of Benghazi is owned by single-fleet letterbox companies that are registered in countries other than the country from which they conduct business.

2. The Panel established that MT *Mardi* is part of a network of eleven identified vessels, all of which have undertaken illicit exports from Benghazi over the past two years (with varying time periods of activity) (annex 62). The network is linked through a Greek/Turkish dual national, Aleksandros Cenevezoz (DOB: 18 July 1961).

B. Movements and activities of MT *Mardi*

3. The movement profile of MT *Mardi* (IMO 8853673) stands out in several ways. First, its last registered port call was at Tuzla Nesa Gemi Shipyard, Türkiye, on 4 January 2023, at a time when the vessel was being renamed from MT *Densa Demet* to MT *Mardi* and reflagged to the flag of Cameroon. Most of January 2023 she spent in the shipyard, from where she departed on 28 January 2023. Since then and until the time of writing, the vessel has not registered a port call, with the exception of two instances in November 2023 when she approached Augusta port, Italy, where she remained at anchor without entering the port. Such a long period without a port call is highly unusual for a product tanker, even more so for a tanker engaging in bunkering.

4. Second, since February 2023 the vessel has almost exclusively operated between, on the one side, Hurds Bank,⁴³⁶ the Malta Channel separating Malta and Sicily, and the Strait of Sicily, separating Sicily from the Italian mainland and, on the other hand, an area north-west of Benghazi, where the vessel’s automated identification system (AIS) was routinely deactivated (see more details below and figure 65.1). Both Hurds Bank and the Strait of Sicily are known locations favourable for ship-to-ship loading (STS), owing to their locations outside territorial waters of Member States that provide shallow waters and calm seas with wind protection.

⁴³⁶ Hurds Bank is a shallow area with water depths below 100 metres, north-east-east of Malta, outside of Maltese territorial waters. It extends for about 1,600 square kilometres around 35.89127° N, 14.94955° E. See also annex 62.

Figure 65.1

Movement profile of MT *Mardi* (IMO 8853673) from 1 January 2023 to 30 September 2024



Source: S&P Maritime Intelligence Risk Suite.

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

5. Third, since February 2023 the vessel has not recorded a single draft change, despite having recorded several ship-to-ship transfers. While reporting draft changes plays a bigger role for maritime safety when entering ports and canals (none of which were reported by the vessel), usually larger STS loading operations are also associated with draft changes. No draft change over a period of 20 months, while a vessel is actively engaged in commerce, is highly unusual.

6. Fourth, the Panel has identified that since February 2023, MT *Mardi* (IMO 8853673) had regular gaps in its automatic identification system (AIS), for two weeks on average at a time, almost on a monthly basis (see table 65.1). Each of these “dark” periods started while the vessel was heading in the direction of Benghazi (figure 65.2) and ended while the vessel was sailing in a direction away from Benghazi, around 135 nautical miles (nm) off Benghazi port. The 14 recorded disappearances and reappearances of the vessel’s AIS signal all occurred in two zones, both no more than 53 nm in diameter, with an average distance of 11 to 12 nm between each instance. The centres⁴³⁷ of two zones were only 8 nm apart and in almost equal distance from Benghazi port (disappearance centre: 133 nm, reappearance centre: 136 nm). This regularity and preciseness of AIS signal loss and recovery exclude the possibility of technical errors and demonstrate that the AIS was deliberately deactivated to obscure the vessel’s movements.

7. The Panel has reviewed confidential satellite imagery identifying MT *Mardi* during at least nine dark AIS periods in Benghazi old harbour. The Panel assesses that given the vessel’s movement patterns and obfuscation methods, the vessel sailed to Benghazi old harbour at least 15 times since February 2023, during AIS dark periods (table 65.1).

⁴³⁷ The centres of these zones were at 34.3350, 19.5141 for the disappearance of the AIS signal and 34.2397, 19.6570 for the reappearance.

Table 65.1

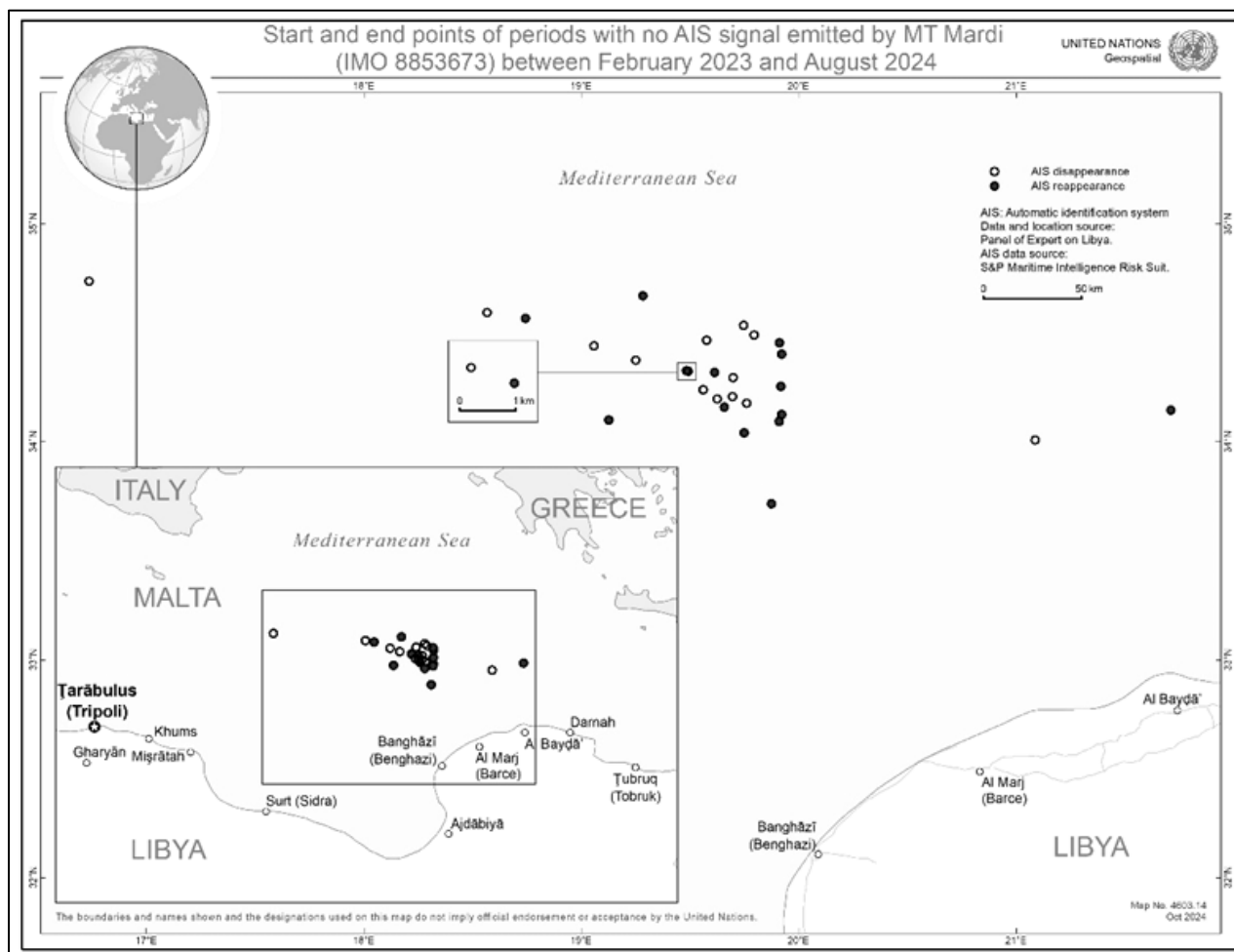
AIS gaps of MT *Mardi* (IMO 8853673) between 1 January 2023 to 30 September 2024 and confirmed port calls in Benghazi old harbour

<i>Dark activity start</i>	<i>at Latitude, Longitude</i>	<i>Dark activity end</i>	<i>at Latitude, Longitude</i>	<i>Dark period in days</i>	<i>Confirmed in Benghazi old harbour</i>
3 Feb 2023	34.008333, 21.088333	16 Feb 2023	34.318333, 19.613333	13	N/A
18 Mar 2023	34.593333, 18.566667	6 Apr 2023	34.041667, 19.75	19	N/A
22 May 2023	34.295, 19.698333	1 Jun 2023	34.401667, 19.921667	10	25, 26, 29 May 2023
17 Jul 2023	34.490165, 19.795175	28 Jul 2023	34.455, 19.911667	11	23 July 2023
20 Aug 2023	34.534355, 19.746418	31 Aug 2023	34.669933, 19.283685	11	N/A
18 Sep 2023	34.466667, 19.576667	8 Oct 2023	34.566667, 18.743333	20	24 Sep 2023, 3 Oct 2023
18 Oct 2023	34.439645, 19.059255	29 Oct 2023	34.158333, 19.658333	11	22, 27 Oct 2023
21 Nov 2023	34.196667, 19.625	6 Dec 2023	34.125, 19.921667	15	28 Nov 2023, 2 Dec 2023
30 Dec 2023	34.207332, 19.695903	26 Jan 2024	34.093333, 19.91	27	25 Jan 2024
11 Feb 2024	34.375, 19.251667	21 Feb 2024	34.25469, 19.918453	10	N/A
7 Mar 2024	34.326389, 19.484444	16 Mar 2024	34.323889, 19.491389	9	11 Mar 2024
24 Mar 2024	34.736667, 16.736667	26 Apr 2024	34.14625, 21.71181	33	28 Mar 2024 2, 14 Apr 2024
17 Jul 2024	34.176765, 19.760905	3 Aug 2024	33.715388, 19.875295	15	19, 29, 31 Jul 2024 2 Aug 2024
9 Aug 2024	34.239235, 19.560763	24 Aug 2024	34.099625, 19.126625	15	21 Aug 2024
8 Sep 2024	34.49197, 18.92040	ongoing	ongoing	44+	19-28 Sep 2024 2, 7, 9, 13 Oct 2024

Sources: S&P Maritime Intelligence Risk Suite, confidential satellite imagery.

Figure 65.2

Start and end points of periods without AIS signal of MT *Mardi*, February to August 2023



Source for data; S&P Maritime Intelligence Risk Suite.

C. Ship-to-ship transfers

8. The AIS data for MT *Mardi* recorded 23 STS loading operations since February 2023.⁴³⁸ None of these resulted in a reported draft change. One STS loading operation (29 July 2023) was reported to the Panel by EUNAVFOR MED Operation IRINI, which had observed the operation. When Operation IRINI assets hailed the MT *Mardi* on 31 August 2023, its master reported that the vessel had been at sea since 29 January 2023 since they left the dry dock at Tuzla, Türkiye. He explained the vessel's non-transmission of AIS data since 20 August 2023 as "technical difficulties". Based on the above analysis, the Panel assesses that neither information is correct: the vessel had made port calls to Benghazi old harbour and had deliberately deactivated its AIS.

9. Out of the 23 STS operations on record, 14 corresponded in terms of timing and movements to periods following MT *Mardi*'s assessed loading activities in Benghazi old harbour. The Panel assesses that these transfers in all likelihood involved petroleum illicitly exported from Benghazi (table 65.2).

⁴³⁸ S&P Maritime Intelligence Risk Suite.

Table 65.2

STS operations by MT *Mardi* (IMO 8853673) between 1 January 2023 to 30 September 2024 likely involving petroleum illicitly exported from Libya

<i>Date of STS operation</i>	<i>Partner vessel in STS operation</i>	<i>Vessel type</i>	<i>Vicinity</i>	<i>at Latitude, Longitude</i>	<i>STS type by AIS</i>
29 Jul 2023	MV Napa (IMO 9426037)	Bulk carrier	Central Med. Sea	34.698333, 18.733056	Not reported
4 Aug 2023	MV Golden Orient (ex Xin Run) (IMO 9137636)	Bulk carrier	Hurds Bank	35.94162, 14.91359	Bunkering
16 Aug 2023	MV Vera Rose (IMO 9114696)	General cargo ship	Hurds Bank	35.93194, 14.98721	Bunkering
16 Aug 2023	MV Grace-A (IMO 8403337)	General cargo ship	Malta Channel	36.75160, 13.75800	Bunkering
11 Oct 2023	MV Bos Principle (IMO 9720744)	Platform Supply Ship	Malta Channel	36.8932, 13.75129	Supply
11 Oct 2023	MV Go Supporter (IMO 9483059)	Platform Supply Ship	Malta Channel	36.89836, 13.80420	Supply
11 Oct 2023	MV Nordic (IMO 9663001)	General cargo ship	Malta Channel	36.87649, 13.7798	Bunkering
11 Oct 2023	MV Bos Principle (IMO 9720744)	Platform Supply Ship	Malta Channel	36.8932, 13.75129	Supply
19 Nov 2023	MV Bos Principle (IMO 9720744)	Platform Supply Ship	Malta Channel	36.83379, 13.78816	Supply
24 Feb 2024	Sheng An Yang (IMO 9343302)	Bulk carrier	Hurds Bank	35.95528, 14.91057	Bunkering
24 Feb 2024	MV Napa (IMO 9426037)	Bulk carrier	Hurds Bank	35.94725, 14.92126	Bunkering
3 Mar 2024	MT Ankara (IMO 9253777)	Chemical/ Products Tanker	Hurds Bank	35.94069, 14.90474	Bunkering
18 Mar 2024	MT Jazz (ex Beks T Rex) (IMO 9337327)	Chemical/ Products Tanker	Hurds Bank	35.95923, 14.90243	Bunkering
25 Aug 2024	MT Abacus (IMO 7427659)	Products tanker	Hurds Bank	35.86583, 15.07717	Bunkering

Source: S&P Maritime Intelligence Risk Suite.

D. MT *Mardi* ownership

10. In January 2023, Atlantida Shipping Ltd was registered at the International Maritime Organization as owner, manager and operator of MT *Mardi* (IMO 8853673).⁴³⁹ The company was registered in the Marshall Islands on 20 September 2022 under company number 116250, with a sole Greek individual being director, sole officer and sole shareholder. A Greek law firm was registered as billing agent for the registry. On 30 August 2024, the Marshall Islands corporate registry dissolved the company, which had outstanding maintenance charges.

11. While the company was registered in the Marshall Islands, at registration with the International Maritime Organization (IMO), an address in Mumbai, India, was provided.⁴⁴⁰ The Panel established that while several companies are registered at that address, no company by the name of Atlantida Shipping Ltd. is either located at that address or registered in India for import or export. The same address, however, is also used by three other companies, which are directly or indirectly related to four additional vessels also under Panel investigation for illicit exports of petroleum from Libya (table 65.3).⁴⁴¹

12. To establish initial contact on 30 August 2024 the Panel wrote an email to the address given for the company at IMO

⁴³⁹ S&P Maritime Intelligence Risk Suite and IMO Global Integrated Shipping Information System.

⁴⁴⁰ 1102, Senapati Bapat Marg, Elphinstone Road (W), Mumbai, 400013, India. Source: S&P Maritime.

⁴⁴¹ Dorian Shipmanagement Inc (MT *Angelo 2* (IMO 913393)); Greenoil Trading SA (MT *Maya 1* (IMO 9046758) and MT *Florian* (IMO 9046590)); Nazar Maritime SA (MT *Avax* (IMO 9058713)).

registration.⁴⁴² On 11 September, the Panel received an email from a Greek law office, that claimed to “act on behalf of MT *Mardi* (IMO 8853673)”. According to their clients, the vessel had been operating “in strict compliance with all relevant national and international regulations”, and that there had been “no indication of any breach”. In a subsequent exchange, the Panel was unable to establish who the law office’s “clients” were that had tasked it to respond to the Panel.

13. On 30 September 2024, the Panel sent an email with a precursory overview of the allegations to the private email address of Atlantida Shipping’s Greek director and sole shareholder. He replied on 2 October 2024, without referring to the initial email to his company a month earlier, nor to any exchange with the Greek law office, supposedly acting on behalf of his company. In response to the Panel’s request for information, he stated that (a) the vessel was bareboat chartered immediately after purchase to an Indian national; (b) that the bareboat charter contract relieved Atlantida Shipping from all liability; (c) the communication with the charterer had been “challenging”; (d) the latter had informed Atlantida Shipping that MT *Mardi* had approached Benghazi in 2023; (e) the port calls had been made to provision the crew and to conduct “non-costly” repairs owing to the vessel’s age; and (f) Atlantida Shipping was not aware of any illegal activities, and even if so, the company would bear no responsibility. The Panel encouraged him to provide relevant documentation and informed him that it would send an opportunity to reply to the law office, as well as his and the company email addresses. That email remained unanswered.

14. The Panel finds the explanations provided not convincing. Neither the director, nor the law office, replied to the Panel’s opportunity to reply, dated 4 October 2024. The explanation of MT *Mardi*’s visits in 2023 to Benghazi is not supported by its movement profile and durations of stay in Benghazi. The vessel continued visiting Benghazi in 2024, with increased frequency. The Panel reached the alleged Indian bareboat charterer for an initial exchange. He did however not react to the opportunity to reply, dated 8 October 2024.

15. The Panel assesses that neither the Greek director and sole shareholder of Atlantida Shipping, nor the Indian bareboat charterer, have actual control over the activities of the vessel. The Panel identified that MT *Mardi* was linked to ten other vessels, all having been active in illicitly exporting diesel from Benghazi, linked by one Greek individual, who the Panel believes to be wielding operational control over these vessels.

E. Cenevezoz network

16. The telephone number⁴⁴³ for Atlantida Shipping Ltd. provided at IMO registration is that of Greek/Turkish dual national Aleksandros Cenevezoz (DOB: 18 July 1961) of Capello Maritime S.A.,⁴⁴⁴ a Greek company registered in Liberia. Cenevezoz is also deputy registrar of Orion G.E.S.L., which describes itself as the “exclusive registrar’s office for the privatized open registry of Equatorial Guinea”,⁴⁴⁵ and holds a registration manager function at IMSA Guyana, a company describing itself as ship registry for Guyana.⁴⁴⁶

17. The email address for Atlantida Shipping Ltd. provided at IMO registration was info@worldmanagement.services. Aleksandros Cenevezoz is the director, secretary and sole shareholder of a Marshall Islands-registered company named World Management S.A., which provided the same email address at IMO registration, but an address in Türkiye.

18. That address in Türkiye⁴⁴⁷ is the same as the one given for another Marshall Islands-registered company, Sarisa Shipping S.A.. That company owns, operates and manages another vessel under Panel investigation for illicit exports of petroleum from Libya, the MT *Alma Marine* (IMO 9438250). The corporate records for that company show that Aleksandros Cenevezoz paid the registration and maintenance fees for that company.

19. The Panel found that Cenevezoz is linked to another eight companies in which he is either a) owner, manager and operator; b) owner; or c) holds prior roles in ownership and management of vessels the Panel has found to have undertaken illicit exports of petroleum from Benghazi (table 65.3 in conjunction with annex 62). Cenevezoz’s links to these companies are established through a) full ownership and operational control; b) identical addresses or contact details; and/or c)

⁴⁴² info@worldmanagement.services.

⁴⁴³ +905465460136.

⁴⁴⁴ <http://orion-reg.org/p/deputy-registrar>.

⁴⁴⁵ <http://orion-reg.org/p/about-orion>.

⁴⁴⁶ <https://www.imsag.org/>; <https://www.imsag.org/registration-manager.php>.

⁴⁴⁷ Kat 4, Demir Plaza, Feragat Sokak, Ruzgarlibahce Mah, 3, Beykoz, Istanbul, Türkiye.

payments made for the incorporation and/or maintenance in the Marshall Islands company registry. The Panel assesses that some of the directors and shareholders in these companies are either front men or fictitious names.

20. The Panel has further identified links of Cenevezoz with the vessels *MT Aristo* (IMO 6501355), *MT Abacus* (IMO 7427659) and *MT Angelo 1* (IMO 7946942), all of which have also illicitly exported diesel from Benghazi (annexes 62 and 64).

21. Together, the vessels linked to Alexandros Cenevezoz have undertaken 66 visits to Benghazi, having illicitly exported at least around 450,000 metric tonnes of diesel from Libya (table 65.4). The Panel identified that Aleksandros Cenevezoz is at the forefront of an international criminal network illicitly exporting petroleum from Libya (figure 65.3). The core leaders of that network are linked to senior elements of armed groups in Libya, who have facilitated the illegal exports from territories under their control in Benghazi and Zawiyah to foreign markets through Cenevezoz.

Table 65.3

Marshall Islands-registered companies that are actual or past owners, operators and/or managers of vessels engaged in illicit exports of petroleum from Libya and linked to Aleksandros Cenevezoz

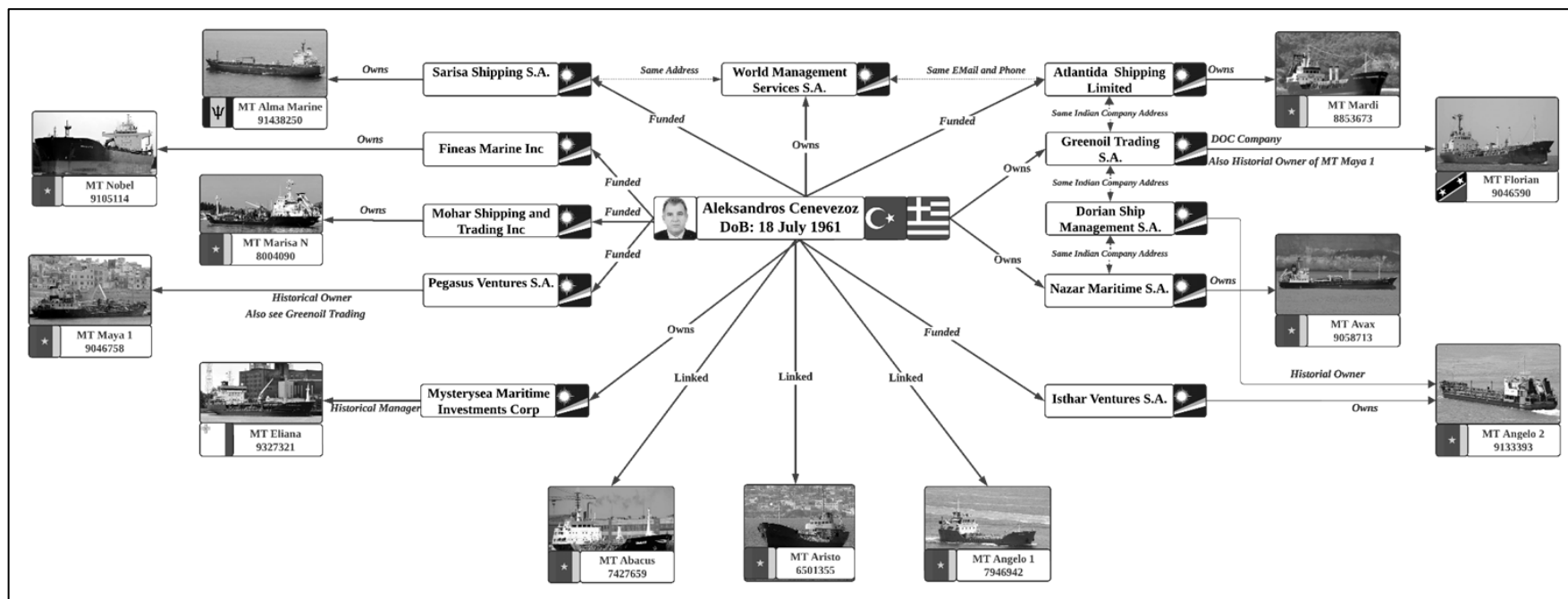
<i>Company</i>	<i>Vessel</i>	<i>Company role for vessel</i>	<i>Link to Aleksandros Cenevezoz</i>
Atlantida Shipping Ltd	<i>MT Mardi</i> (IMO 8853673)	Owner, operator, manager	Same email address as World Management SA; Same phone number provided as publicly linked to Aleksandros Cenevezoz on websites of private shipping registries
Dorian Shipmanagement Inc	<i>MT Angelo 2</i> (IMO 913393)	Past owner	Same company address as Atlantida Shipping Ltd.
Greenoil Trading SA	<i>MT Maya 1</i> (IMO 9046758);	Past owner	Director, sole officer and sole shareholder
	<i>MT Florian</i> (IMO 9046590)	DOC company	Same company address as Atlantida Shipping Ltd.
Nazar Maritime SA	<i>MT Avax</i> (IMO 9058713)	Owner	Director, sole officer and sole shareholder;
			Same company address as Atlantida Shipping Ltd.; Involvement in company registration
Fineas Marine Inc	<i>MT Nobel</i> (IMO 9105114)	Owner, operator, manager	Payment of company registration and maintenance fees
Isthar Ventures Company	<i>MT Angelo 2</i> (IMO 913393);	Owner, operator, manager	Payment of company registration and maintenance fees
Mohar Shipping & Trading Inc	<i>MT Marisa N</i> (IMO 8004090)	Owner, operator, manager	Payment of company maintenance fees
Sarisa Shipping S.A..	<i>MT Alma Marine</i> (IMO 9438250)	Owner	Payment of company registration and maintenance fees
Mysterysea Maritime Investments Corporation	<i>MT Eliana</i> (IMO 9327310)	Past manager	Director, secretary and 66,6% shareholder
Pegasus Ventures SA	<i>MT Maya 1</i> (IMO 9046758)	Past manager	Involvement in company registration and/or maintenance

Table 65.4

Vessels identified as linked with the Cenevezoz network

<i>Vessel</i>	<i>IMO</i>	<i>Flag State</i>	<i>Diesel exported from Benghazi since March 2022 in MT</i>
Nobel	9105114	Cameroon	285,498
Alma Marine	9438250	Barbados	59,388
Angelo 2	9133393	Cameroon	41,357
Marisa N	8004090	Comoros	25,710
Mardi	8853673	Cameroon	13,199
Abacus	7427659	Cameroon	9,026
Eliana	9327310	Malta	6,153
Florian	9046590	St Kitts & Nevis	3,936
Avax	9058713	Cameroon	2,797
Angelo 1	7946942	Cameroon	2,547
Aristo	6501355	Cameroon	1,055
Maya 1	9046758	Cameroon	600
Total			451,267

Figure 65.3
Cenevezoz network



Developed by Panel of Experts.

Annex 66 Fuel smuggling route to CAR

1. Overland fuel trafficking activities have expanded considerably, with Libyan fuel becoming a catalyst for regional brokers who establish connections not only at immediate borders but also in countries further abroad, including the Central African Republic. The Panel identified activities of a Chadian businessman from an Ould Suleiman tribe who used his connections in Sabha to secure the influx of trucks transporting barrels of fuel.
2. Fuel is collected in Sabha and transported through a route passing through Umm al-Aranib, Qatrun, and Al-Wigh before reaching the Chadian border and ultimately reaching Mao, Chad. The southern route in Libya is primarily under the control of the LAAF's 128th brigade, which imposes fees on the trafficked fuel. The journey from Sabha to Mao typically takes around two months. After Mao, the smuggling route extends to the Central African Republic, with the convoy passing through Cameroon before arriving in Bangui. In collaboration with the Panel of Experts on the Central African Republic, the Panel has confirmed that the trucks were successfully reaching Bangui. This smuggling activity has been active since at least October 2023.
3. The proliferation of such trafficking routes and the involvement of regional brokers suggest a significant economic and security challenge. The activities not only destabilise local economies in southern Libya with regular fuel shortages but also potentially fund or support other illicit activities across the region.

Annex 67 Non-compliance with the asset freeze

1. The exemptions for access to, and release of, any fund from frozen assets for the stipulated purposes are outlined in paragraphs 19 and 21 of resolution 1970 (2011) and paragraph 16 of resolution 2009 (2011), read with Implementation Assistance Notice (IAN) #5.⁴⁴⁸ Member States are required *inter alia* to follow the extant procedures laid down in these resolutions, including notification to the Committee of their intention to authorise access to the frozen funds prior to accessing and releasing the frozen funds for the specified purposes only. Charging of any expenses, fees, or charges on, or in relation to, the frozen assets without a notification to the Committee, and, where required, absence of a negative decision or approval of the Committee, would amount to non-compliance with the foregoing resolutions.

3. The Panel's investigations revealed a trend of recurring instances of non-compliance with the asset freeze by nine Member States and fifteen entities, as follows:

- a) non-compliance by Member States in notifying the Committee about authorising access to frozen funds; and
- b) varied approaches adopted by Member States and financial institutions - some allow active management and reinvestment of frozen assets, while others do not.

3. These non-compliances have led to the erosion of LIA's frozen assets, which runs counter to paragraphs 18 of resolution 1970 (2011) and 20 of resolution 1973 (2011), reiterated in subsequent resolutions, including paragraph 14 of resolution 2701 (2023), aimed at preserving the frozen assets for the benefit of the Libyan people. The following are cases of non-compliance identified by the Panel.

A. Exemption for charging negative interests

4. The Panel identified inconsistent practices by Member States in notifying the Committee with regard to charging of negative interests on the frozen assets of LIA and LAFICO as per the requirements of the applicable resolutions. Luxembourg notified the Committee to access LIA's frozen funds in the HSBC Bank Luxembourg for the payment of negative interests applied by the HSBC Bank Luxembourg. Belgium has not made any such notification regarding the negative interests applied by the Euroclear Bank SA/NV Belgium on the frozen funds of LIA and LAFICO in the Euroclear Bank on accounts of the Bank ABC Bahrain and the HSBC Bank Luxembourg.

Charging of negative interests on the frozen assets of LIA and LAFICO by the Euroclear Bank

5. Belgium informed that in line with the standard processes in the Euroclear Bank, fees, expenses, and disbursements (e.g., negative debit interests) were debited by the Euroclear Bank from the cash accounts of its direct participants, namely the Bank ABC Bahrain and the HSBC Bank Luxembourg,⁴⁴⁹ who have several accounts in the Euroclear Bank to support their activities.⁴⁵⁰ No authorisation for unfreezing of LIA's frozen accounts in Euroclear Bank for the release of amounts was issued by Belgian authorities.⁴⁵¹

6. In response to Panel's enquiries, the Euroclear Bank stated they were not debiting any charge, including negative interests, from segregated frozen accounts opened by participants in the securities settlement system operated by the Euroclear Bank, except where they would have a permission issued by a competent authority. Fees and charges, as per the terms and conditions governing use of the Euroclear Bank, were invoiced to participants and debited from accounts that are not subject to freeze measures. The accounts on which the invoicing at the Euroclear Bank takes place depended on the choices made by the concerned participant. The Euroclear Bank also stated that they did not have any relationship with the underlying clients of participants, even if they might know the identity of those underlying clients depending on the level of account segregation decided by the participants.⁴⁵²

⁴⁴⁸ https://main.un.org/securitycouncil/sites/default/files/1970_ian5.pdf.

⁴⁴⁹ LIA and LAFICO have entered into custodian agreements with the Bank ABC Bahrain and the HSBC Bank Luxembourg, who in turn have respectively entered into sub-custodian agreements with the Euroclear Bank.

⁴⁵⁰ Bank ABC and HSBC Bank accounts in Euroclear include the accounts holding the frozen funds of LIA and LAFICO.

⁴⁵¹ Belgium responses of 3 May and 3 July 2024, and Panel meetings with Belgian Ministry of Foreign Affairs and General Administration of the Treasury, 11 June 2024, Brussels.

⁴⁵² Panel meeting with the Euroclear Bank (Brussels, 12 June 2024), online meeting (8 October 2024), and Belgium letter of 15 October 2024.

7. The Panel ascertained that the overall portfolios of the Bank ABC and the HSBC Bank included the segregated frozen accounts with underlying beneficiaries as LIA and LAFICO. Per the unity of accounts principle,⁴⁵³ negative interest rates were applied to these frozen accounts of the Bank ABC and the HSBC Bank in the Euroclear Bank with underlying beneficiaries as LIA and LAFICO. This finding is based on consistent evidence showing that the negative interests deducted by the Euroclear Bank from the free omnibus cash accounts of the Bank ABC and the HSBC Bank, were directly attributable to two and four frozen accounts of LIA and LAFICO, respectively, holding cash reserves in various currencies, under the Bank ABC custodianship, as well as five frozen accounts of LIA, holding cash reserves in various currencies, under the HSBC Bank custodianship in the Euroclear Bank.

8. The Euroclear Bank had, thus, applied negative interests on the frozen funds of LIA and LAFICO held in the frozen accounts of the Bank ABC and the HSBC in the Euroclear Bank. These negative interests, along with other fees, expenses, and disbursements, were deducted by the Euroclear Bank from the free omnibus accounts of the Bank ABC and the HSBC Bank at the Euroclear Bank, while being fully aware of the frozen status of LIA and LAFICO funds held in accounts of the Bank ABC and the HSBC Bank.

9. The Bank ABC in turn had asked LIA and LAFICO to authorise the reimbursement of negative interests, by showing the amount as liabilities from LIA and LAFICO. These liabilities once paid would cause erosion of the assets of LIA and LAFICO. As regards the HSBC Bank, it had already recharged negative interests to LIA by debiting LIA's account with the HSBC Bank.

10. The Panel also found that prior to the Belgium Court's judicial attachment of the frozen funds of LIA and LAFICO in October 2017, the Euroclear Bank directly deducted negative interests and other charges from the Bank ABC's unblocked mirror accounts with LIA and LAFICO as beneficiaries,⁴⁵⁴ in which interests and other earnings were transferred. Post-judicial attachment, they started deducting such negative interests from the omnibus free account of the Bank ABC and the HSBC Bank at the Euroclear, when interests and other accruals were also frozen pursuant to IAN#6.⁴⁵⁵ This new arrangement of deducting negative interests from the Bank ABC's free account, post-judicial attachment, was a bookkeeping arrangement by the Euroclear Bank.

11. Thus, negative interests applied by the Euroclear Bank to the frozen funds of LIA⁴⁵⁶ and LAFICO⁴⁵⁷, without following the extant procedures in the relevant resolutions, even if charged from other accounts of the participant custodian banks, namely the Bank ABC and the HSBC Bank, would amount to non-compliance with the asset freeze.

12. The Panel thus determined that the Euroclear Bank had applied negative interests on the frozen assets of LIA and LAFICO without a determination, notification to the Committee, and authorisation by Belgium as stipulated in the foregoing resolutions. This caused potential erosion of the frozen assets, contrary to the provisions of paragraphs 18 of resolution 1970 (2011) and 20 of resolution 1973 (2011), reiterated in subsequent resolutions, including paragraph 14 of resolution 2701 (2023), aimed at preserving the frozen assets for the benefit of Libyan people. Both Belgium and the Euroclear Bank are in non-compliance with the assets freeze in this case.

⁴⁵³ As per the unity of accounts principle, all the cash accounts of a participant at the Euroclear Bank are part of one single and indivisible current account: Euroclear Terms and Conditions governing use of Euroclear (November 2023) # 16 (a).

⁴⁵⁴ Euroclear Bank had opened dedicated 'mirror accounts' corresponding to the blocked/frozen accounts of LIA and LAFICO to distinguish between assets that remain blocked/frozen and those assets (such as income payments, dividends, and interest) that in their view were unblocked/unfrozen prior to the Belgium Court's judicial attachment and the issuance of Implementation Assistance Notice (IAN)#6. Payments generated from the blocked/frozen securities, as well as interest accrued on blocked/frozen cash balances after the authorised release date, were initially credited to the existing blocked/frozen account. Following verification by the Euroclear Bank's compliance unit, these funds were then transferred to the corresponding unblocked mirror account for further use and transfer.

⁴⁵⁵ ABC letter of 29 July 2024, and Panel meeting with LIA, 4 June 2024, Tripoli.

⁴⁵⁶ Negative interests, totally amounting to USD 33.110 million approximately, were charged by the Euroclear on LIA's Euroclear cash balances in USD, GBP, NOK, EUR and CHF until April 2022, February 2022, February 2022, September 2022, and October 2022, respectively.

⁴⁵⁷ Negative interests, totally amounting to USD 35 million approximately, were charged by the Euroclear on LAFICO's Euroclear cash balances in AUD, CHF, EUR, GBP, JPY, NOK, SEK, and USD until June 2022, October 2022, September 2022, February 2022, June 2024, February 2022, July 2022, and April 2022, respectively.

Debit of the recharged negative interests from LIA's frozen funds by the HSBC Bank

13. The Panel found that the HSBC Bank Luxembourg has recharged the negative interests, initially charged by the Euroclear Bank, to LIA, by debiting LIA's frozen USD account with the HSBC Bank. It had deducted negative interests amounting to USD 12.257 million during the period from November 2020 to March 2024.

14. The HSBC Bank stated that such debits from LIA's frozen accounts were permitted under a license issued to them by Her Majesty Treasury (HMT), the United Kingdom. They also notified the Ministry of Finance, Luxembourg about this from time to time.

15. The Panel considers that each debit from the frozen assets is required to be notified by the relevant Member State (s) to the Committee prior to accessing the frozen assets under the relevant provisions of the resolutions. The Panel determined that the HSBC Bank had debited LIA's frozen account without any notification to the Committee through the relevant Member State (i.e. Luxembourg). This also caused potential erosion of the frozen assets, contrary to the provisions of paragraphs 18 of resolution 1970 (2011) and 20 of resolution 1973 (2011), reiterated in subsequent resolutions, including paragraph 14 of resolution 2701 (2023), aimed at preserving the frozen assets for the benefit of Libyan people. Thus, both Luxembourg and the HSBC Bank Luxembourg were in non-compliance with the assets freeze.

B. Exemption for charging custody and management fees

Bank ABC custodian for LIA's frozen funds

16. The Bank ABC Bahrain, as a custodian, is managing LIA's frozen portfolio under a Non-Discretionary Portfolio Management Agreement and Custody Agreement of 7 July 2008 with the LIA. The Panel found that the Bank ABC had been deducting custody and management fees from LIA's frozen funds on a quarterly basis, at the pre-asset freeze fees rate @0.1% per annum of the average market value of LIA's total portfolio under the abovementioned agreements.

17. The abovementioned agreements of 7 July 2008 stipulated a range of custodial and other services by the Bank ABC to LIA, including active portfolio management, and sale and purchase of securities. However, paragraph 19 (a) of resolution 1970 (2011), exempts payment of necessary fees or service charges for only "routine holding or maintenance of frozen funds" from the asset freeze.

18. In view of the foregoing, the Panel assessed that the scope of the services stipulated in the abovementioned agreements was much wider than "routine holding or maintenance of frozen funds". However, the Bank ABC continued to charge fees @0.1% of the total market value of LIA's portfolio per annum, agreed prior to the asset freeze for all the custodial and other services, which were not provided post-asset freeze. The Bank ABC had not adjusted the fees rate since 2008. Post-asset freeze, the Bank ABC had thus not limited the fees rate to "routine holding or maintenance of frozen funds" only, despite the fact that LIA's portfolio could not be serviced as a typical portfolio. In response to Panel's inquiries, the Bank ABC did not provide the amount of fees and charges, out of the total amount charged @0.1% of the total market value of LIA's frozen portfolio, which are specifically attributable to routine holding or maintenance.

19. Bank ABC's view is that all the services that it currently provides to LIA in respect of LIA custody assets are routine holding and maintenance services. However, the Panel found that charging pre-asset freeze custody fees by the Bank ABC @0.1% of the total market value of LIA's portfolio, which was applicable for all the services outlined in the abovementioned agreements, was outside the scope of the exemptions defined under paragraph 19 (a) of resolution 1970 (2011), and thus constitutes non-compliance with the asset freeze. In addition, charging of fees at the pre-asset freeze, is causing erosion of the frozen assets, contrary to the provisions of paragraphs 18 of resolution 1970 (2011) and 20 of resolution 1973 (2011), reiterated in subsequent resolutions, including paragraph 14 of resolution 2701 (2023), aimed at preserving the frozen assets for the benefit of the Libyan people.

20. Furthermore, paragraph 19 (a) of resolution 1970 (2011) requires the relevant Member State i.e. Bahrain to notify the Committee of the intention to authorise access to the frozen funds for payment, *inter alia*, of fees or service charges for routine holding or maintenance of frozen funds. Bahrain had, however, made only one notification in September 2019 under paragraph 19 (a) of resolution 1970 (2011) for discharge of custody fees amounting to USD 7,741,359.06 to the Bank ABC for Q4 of 2018 and Q1 & Q2 of 2019. Since then, no further notifications had been submitted in this regard. However, the Bank ABC had been debiting custody fees on a quarterly basis from LIA's frozen assets, without following the extant procedure in paragraph 19(a) of resolution 1970 (2011).

21. The Bank ABC claimed that, as per their understanding, through the September 2019 notification to the Committee they have a general approval from the Committee for quarterly deduction of custody fees, going beyond the amount of USD

7,741,359.06 for Q4 of 2018 and Q1 & Q2 of 2019. However, having reviewed the documentation relating to Bahrain notification of September 2019, the Panel found this notification and the corresponding Committee's no objection specifically applied only to the custody fees of USD 7,741,359.06 for Q4 of 2018 and Q1 & Q2 of 2019.

22. The Panel determined that each of the instances of quarterly deduction of custody and management fees from LIA's frozen funds from Q3 of 2019 to December 2023, totally amounting to USD 50,911,867.83,⁴⁵⁸ was without any notification to the Committee, and in excess of the amount admissible for "routine holding or maintenance of frozen funds", in terms of paragraph 19(a) of resolution 1970 (2011) read with IAN #5. This constitutes non-compliance with the asset freeze by the Bank ABC Bahrain, and Bahrain.

BACB custodian for LAFICO's frozen funds

23. The Panel found that British Arab Commercial Bank (BACB) London, a custodian of the LAFICO, had been charging management fees @0.05% per annum on the portfolio's total market value and deducting it from LAFICO's frozen funds on a monthly basis under a Custody Agreement of July 2003.

24. In response to the Panel inquiries, the United Kingdom provided information regarding LAFICO's frozen funds with the BACB, and the licences issued to them. The BACB justified the charging of management fees under the license issued by the United Kingdom.

25. The Panel, however, determined that the BACB had deducted management fees for the period from 2011 to 2023, totally amounting to USD 3,072,686.25 without any notification to the Committee by the relevant Member State (i.e. the United Kingdom). In addition, as management fees @0.05% per annum was for a range of custodial and non-discretionary management services, including receipt and delivery of securities (i.e. settlement of sales, purchase and redemptions), such deducted charges exceed the amount admissible for "routine holding or maintenance of frozen funds", in terms of paragraph 19(a) of resolution 1970 (2011) read with IAN #5. This constitutes non-compliance with the asset freeze by the BACB and the United Kingdom.

External fund managers for LAFICO's frozen assets

26. The Panel found that 19.2% of LAFICO's total assets, amounting to USD 2.1 billion were managed by external fund managers, namely the DWS Frankfurt (37%), the HSBC Bank United Kingdom (33%), and the Credit Suisse (now UBS) United Kingdom (30%) under respective discretionary portfolio management agreements.

27. The Credit Suisse had not been carrying out active trading (viz. buying and selling of equities) in relation to LAFICO's frozen funds since December 2017. The HSBC Bank also stopped providing discretionary wealth management services to LAFICO's frozen funds since December 2018.

28. In response to the Panel's inquiries, the United Kingdom provided information relating to LAFICO's frozen funds with the Credit Suisse (now UBS) and the HSBC Bank, and the licenses issued to them. The Credit Suisse (now UBS) and the HSBC Bank justified charging of custody fees under the respective licenses issued by the United Kingdom.

29. Germany did not respond to the Panel's enquiries for information on LAFICO's frozen funds and the charging of safe custody fees by the DWS Frankfurt.

30. The Panel determined that DWS Frankfurt, HSBC Bank United Kingdom, and Credit Suisse (now UBS) United Kingdom levied safe custody/management/admin fees @0.20% per annum of the total market value of LAFICO's frozen assets under their custodian safe keeping. DWS Frankfurt and Credit Suisse (now UBS) United Kingdom directly deducted such fees from LAFICO's USD cash balances held with respective banks for varying periods since 2017. The HSBC Bank through HSBC Securities Services started levying custody fees on LAFICO's frozen assets since 1 February 2021 under its Custody Agreement with LAFICO effective from 1 July 2018. Though custody fees have been invoiced to LAFICO, they have not yet been debited from LAFICO's frozen accounts.

31. In the Panel's assessment, charging of safe custody fees from LAFICO's frozen funds by the DWS Frankfurt (Germany), the HSBC Bank United Kingdom, and the Credit Suisse (now UBS) United Kingdom without any notification to the Committee by the relevant Member States, in terms of paragraph 19(a) of resolution 1970 (2011) read with IAN #5,

⁴⁵⁸ Bank ABC Custody Fees for Q1 and Q2 2024, amounting to USD 6,693,118.04 have been demanded from LIA, however, not yet paid/deducted.

constitute non-compliance with the asset freeze by the DWS Frankfurt (Germany), the HSBC Bank United Kingdom, and the Credit Suisse (now UBS) United Kingdom, as well as respective Members States viz. Germany and the United Kingdom.

C. Active asset management by investing/reinvesting frozen funds

LIA's funds with Central Bank of Libya

32. The Central Bank of Libya (CBL) was managing a large sum of LIA's liquid assets (cash), totalling USD 19.685 billion as of 30 June 2024, under an investment management agency agreement of 19 November 2008. These funds had been invested outside Libya in several international banks, including via the Libyan Foreign Bank (LFB), in short-term time deposits at a fixed interest rate determined at the beginning of each contract, subject to the limits set out by LIA for the agreed list of banks. Interests earned on these deposits was credited to LIA's account with the CBL. On maturity, these funds along with accrued interests were regularly rolled over and reinvested in time deposits. According to the CBL, the principal amount and the interests are frozen in accordance with the Security Council resolutions.

33. The Panel considers that active asset management activities, including investment/reinvestment in time deposits neither falls under the auspices of "routine holding or maintenance of frozen funds" nor fulfils the other conditions outlined in paragraph 19 (a) of resolution 1970 (2011).

34. The Panel thus determined that the CBL had been actively managing LIA's frozen funds by regularly rolling over and reinvesting them in time deposits in various international banks, the assets freeze notwithstanding, also reported previously.⁴⁵⁹ Managing the frozen funds actively, going beyond the permissible "routine holding or maintenance of frozen funds", constitutes non-compliance with the asset freeze by the CBL and Libya, being the relevant Member State in regard to the CBL.

LIA's funds with Libyan Foreign Bank

35. Of LIA's USD 19.685 billion with the CBL as of 30 June 2024, USD 2.353 billion was invested with the Libyan Foreign Bank (LFB), which had further invested it in various international banks outside Libya. According to the CBL, this amount with the LFB, being a part of LIA's total funds with the CBL, is also frozen.

36. The LFB stated that all the funds invested with it, including LIA's funds, were held in a pool of funds, which were invested and rolled over into multiple financial instruments in various financial institutions to achieve the specified returns for their clients. They did not disclose any further details citing Banking Secrecy Law. The LFB could not confirm the exact amount and location(s) of LIA's funds held with them via the CBL, nor could they confirm its frozen status.⁴⁶⁰

37. The Panel determined that as of 30 June 2024, the USD 2.353 billion of LIA's funds invested by the CBL through the LFB in various financial institutions outside Libya, was not segregated and frozen at the LFB's end nor at the ends of those institutions in which they finally invested/reinvested. The LFB had been regularly rolling over and further investing/reinvesting these LIA's funds into multiple financial instruments, going beyond the permissible "routine holding or maintenance of frozen funds" stipulated in paragraph 19 (a) of resolution 1970 (2011). This amounts to non-compliance with the asset freeze by the LFB and Libya, being the relevant Member State in regard to the LFB.

Frozen funds of LIA and LAFICO with Bank ABC Bahrain

38. The Panel found that as of 29 February 2024, the Bank ABC Bahrain was actively managing frozen funds of LIA and LAFICO amounting to USD 1.82 billion and USD 1.13 billion, respectively, by regularly reinvesting them in short-term time deposits. These cash reserves had accrued on account of interests, dividends, and coupons payments, as well as proceeds of corporate actions, where applicable. According to the Bank ABC, regular investments in time deposits had been carried out at the instructions of LIA and e LAFICO, and these funds and interests accruing thereon were frozen in accounts of LIA and LAFICO in the Bank ABC.

39. The Panel found that every roll-over activity for reinvestment of the frozen funds of LIA and LAFICO in time deposits by the Bank ABC amounts to active management of frozen assets. The active asset management of these frozen funds by the Bank ABC goes beyond the permissible activities for "routine holding or maintenance of frozen funds" stipulated in paragraph 19 (a) of resolution 1970 (2011). This constitutes non-compliance with the asset freeze by the Bank ABC and Bahrain.

⁴⁵⁹ S/2018/812, paragraph 195.

⁴⁶⁰ Panel meeting with LFB, 3 June 2024, Tripoli.

LIA's direct time deposits of frozen funds with various banks

40. The Panel found that LIA had been directly investing/reinvesting its frozen funds in time deposits directly in various banks outside Libya. As of 29 February 2024, the banks that were actively managing the frozen funds indicated against them in time deposits are presented in table 67.1.

Table 67.1

Banks actively managing LIA's frozen assets^a

<i>Bank</i>	<i>Amount (million USD)</i>
BACB, United Kingdom	259.660
Banq BIA, France	110.643
Arab Petroleum Investments Corporation (APICORP), Saudi Arabia	91.958
Bank ABC, United Kingdom	90.886
First Abu Dhabi Bank (FAB), United Arab Emirates	57.930
North Africa International Bank (NAIB), Tunisia	7.669

^aListed in descending order of the amount being managed.

41. The United Kingdom informed that they had issued licenses to the Bank ABC United Kingdom and BACB United Kingdom to move funds between current accounts and term deposit accounts held in the name of LIA/LAFICO and roll over deposits held in their name, and enter into certain foreign exchange and derivative transactions. The Panel considers that the exemptions provided for in paragraph 19 (a) refer to, *inter alia*, fees or service charges for “routine holding or maintenance of frozen funds”, and that this clause does not cover active asset management or investment/reinvestment of frozen funds, including in term/time deposits, which is a distinct activity involving discretionary management with associated risks, even if income from such activity is also frozen.

42. France did not provide relevant information with regard to the Panel's inquiries. Saudi Arabia, United Arab Emirates, and Tunisia did not respond to the Panel's inquiries.

43. The Panel determined that the investment/reinvestment of the frozen funds in time deposits constitutes non-compliance with the asset freeze by the forementioned banks and respective Members States.

D. Deduction of commission from the LIA's frozen funds by CBL

44. The Panel found that the CBL had been regularly charging a commission @1/32% of the interest amount, accruing on LIA's frozen funds under an investment management agency agreement of November 2008. According to the CBL, this commission was for active management of LIA's frozen assets with the CBL by investing/reinvesting them in time deposits with various international banks outside Libya. The CBL had been deducting the commission amount directly from the interest amount at the time of maturity of each time deposit, before rolling over the deposits. As of 30 June 2024, the CBL had charged a sum of USD 98.406 million (1/32 x total interest accrued USD 3.149 billion) as commission from the interest accrued on the LIA's frozen funds since the asset freeze in 2011. The CBL had already deducted an amount of USD 67.707 million from the interest income as of 30 June 2024.

45. As per the IAN #6, interests, other earnings, or payments on LIA frozen assets arising after 16 September 2011 are also frozen.⁴⁶¹ Accordingly, each deduction from the interests accrued on LIA's frozen funds was required to be notified to the Committee prior to accessing such frozen funds.

46. The Panel determined that the CBL had recurrently deducted the commission amounts from LIA's frozen funds, without any notification to the Committee as per the applicable provisions for exemptions stipulated in paragraph 19 or paragraph 21 of resolution 1970 (2011). This amounts to non-compliance with the asset freeze by the CBL and Libya, being the relevant Member State in regard to the CBL.

⁴⁶¹ https://main.un.org/securitycouncil/sites/default/files/ian_6_e.pdf

Annex 68 Active portfolio management of LAIP's frozen assets by FMCP
[CONFIDENTIAL]

Annex 69 LIA's non-compliances with international standards

1. Proper accounting, reporting, and auditing as per the Santiago Principles and other international standards, are key elements for asset management of a sovereign wealth fund. The unavailability of accurate consolidated financial statements for the year 2020 onwards and audit thereof has serious implications on LIA's ability to effectively manage its investments.
2. LIA provided the Panel with updates on the progress of its transformation strategy aligned with the Santiago Principles,⁴⁶² implemented through Libyan Law No. (13)⁴⁶³ of 2010.⁴⁶⁴ While acknowledging LIA's stated preparation and audit of financial statements, the Panel found that LIA remains unable to provide accurate consolidated financial statements for the years 2020 onwards in accordance with international standards, as called for in the preamble of resolution 2701 (2023).
3. The Panel further found that LIA has not been in full compliance with international standards, implemented through Libyan Law (13) of 2010, which have potential implications on the overall governance, transparency, accountability and conflict of interest in the management of the frozen assets by LIA (table 69.1).

Table 69.1

Summary of LIA's non-compliances with international standards

<i>Santiago Principles</i>	<i>Libyan Law No. (13) of 2010</i>	<i>Non-compliances</i>
Principle 11	Articles 7.11, 9, 11.7, 11.21, and 22	<ul style="list-style-type: none"> ▪ Annual reports accompanying financial statements for the period 2021 through 2023 have not been prepared, approved, issued and published in accordance with international standards and in a timely fashion (i.e. within a period of three months from the expiry of the financial year). ▪ The last published annual report is for 2019, which is also not in accordance with the International Financial Reporting Standards (IFRS), in particular Standards 7, 10 and 12,⁴⁶⁵ as well as the International Accounting Standards (IAS), especially IAS 1.⁴⁶⁶ ▪ Consolidated financial statement for 2020, stated to be prepared, but not yet audited, and is not yet made available and published.
Principle 12	Articles 19 and 20	<ul style="list-style-type: none"> ▪ No audit of financial statements has been carried out since 2008.⁴⁶⁷ ▪ Agreed Upon Procedures (AUP) conducted by EY on some of LIA's assets for 2018 and 2019 do not constitute an audit in accordance with International Standards on Auditing (ISA).⁴⁶⁸
Principle 18	Article 5 (1)	<ul style="list-style-type: none"> ▪ Investment strategy, policy and guidelines, as well as accounting policy are not available.⁴⁶⁹

⁴⁶² https://www.ifswf.org/sites/default/files/santiagoprinciples_0_0.pdf.

⁴⁶³ <https://lia.ly/wp-content/uploads/2021/08/LAW-13-Lia.pdf>.

⁴⁶⁴ Panel meeting with LIA, 3 March 2024, Tripoli; LIA letters to Committee, 4 March 2024, and Panel, 31 March 2024; and LIA workshop, 26 August 2024, Cairo.

⁴⁶⁵ <https://www.ifrs.org/issued-standards/list-of-standards/>.

⁴⁶⁶ <https://www.ifrs.org/issued-standards/list-of-standards/>: IAS1 sets out the overall framework for presenting general purpose financial statements, including guidelines for their structure and the minimum content.

⁴⁶⁷ Meetings with LIA (Tunis, 11 February 2024; Tripoli, 3 March 2024; VTC, 27 March 2024; and Cairo, 26 August 2024).

⁴⁶⁸ <https://www.iaasb.org/standards-pronouncements>.

⁴⁶⁹ Only an investment policy statement is available: <https://lia.ly/en/our-investment-platform/>.

Annex 70 Irregularities and discrepancies in the assets of LIA, LAFICO, LTP and LAIP
[CONFIDENTIAL]

Annex 71 Libyan Investment Authority and its subsidiaries – conflict of interest

1. The Panel found that LIA is in non-compliance with Santiago Principle 13, implemented through Libyan Audit Bureau Circular No. (7) of 2018, regarding conflict of interest in the appointments of boards of the public companies. As per this circular, a chair or member of a board of directors of LIA cannot serve as a chair or member of the board of directors of its subsidiary company. LIA has also issued a code of conduct for the Board of Directors to ensure professionalism and to address potential conflict of interest.⁴⁷⁰

2. The Panel identified conflicts of interest in the functioning of LIA and its subsidiaries, as directors of LIA also served on the boards of its subsidiaries, receiving additional substantial emoluments/remuneration from subsidiaries. These subsidiaries derived their revenue majorly from LIA, indicating a financial reliance on LIA, thus having potential bearing on arms-length decision-making. Such arrangements lack transparency and pose risks of misuse and misappropriation to LIA's overall asset management.

LIA Advisory Services (UK) Limited

3. LIA directors have appointed themselves to the Board of LIA Advisory Services (UK) Limited. The composition of the Board is exactly the same as that of LIA. As per the confirmation statement of 19 September 2023, LIA holds 100% of the shares of LIA Advisory Services (UK) Limited.

4. As per the financial statements for the year 2021, filed on 23 August 2023, the director's fees amount to GBP 144,000 out of the total wages and salaries of GBP 156,000, as shown in note 12. More than 92% of the total wages and salaries of LIA Advisory Services (UK) Limited were paid back to LIA's directors.

5. Furthermore, the 2022 Annual Report, filed on 16 May 2024 (due on 30 September 2023), reveals that the directors of LIA Advisory Services (UK) Limited are identical to those of the LIA. Note 11 shows that these five directors received remuneration of GBP 175,000, accounting for 95% of the total wages and salaries of GBP 185,000. In addition, note 11.1 reveals that during 2022, LIA Advisory Services (UK) Limited had only five employees - all of whom were LIA directors, with no other employee.⁴⁷¹

LIA Advisory (Malta) Limited

6. The annual return of LIA Advisory (Malta) Limited for the period ending 18 December 2023, filed on 3 January 2024, lists the same five directors, who are the directors of LIA.

7. The 2022 financial statements for LIA Advisory (Malta) Limited, filed in August 2024, further confirms the same set of five directors as of LIA. The company's total revenue was EUR 989,771, all from LIA as per Note 17, with administrative expenses amounting to EUR 706,107. Per note 10, Directors' emoluments were EUR 100,007.

8. Likewise, the 2020 financial statements for LIA Advisory (Malta) Limited, filed in November 2022, shows a revenue of EUR 304,124 — all of this from LIA as per Note 16. Administrative expenses totalled EUR 270,619, with EUR 72,000 paid to directors as per Note 9.⁴⁷²

9. In short, LIA Advisory (Malta) Limited has exclusively billed to LIA, and then distributed a part of the income to LIA's directors.

⁴⁷⁰ <https://lia.ly/letepaq/uploads/2021/08/Board-code-of-conduct.pdf>, July 2020.

⁴⁷¹ <https://find-and-update.company-information.service.gov.uk/company/06962288/filing-history>.

⁴⁷² https://register.mbr.mt/app/query/get_company_details?auto_load=true&uuid=bff8a301-c2e7-5af8-bbf9-034f2a2998a7.

Annex 72 Depletion of LIA's frozen assets [CONFIDENTIAL]

Annex 73 LIA's limited visibility and control over its frozen assets

1. Some of LIA's custodians and asset managers have not submitted regular reports on the frozen funds held with them to LIA and/or not paying receivables and accruals on the funds. LIA raised a concern that interest income, cash held with third parties, and dividends are not being transferred to custodian accounts due to the asset freeze. Some asset managers requested for licenses for transfers, which LIA found difficult to obtain from the relevant Member States. These practices have limited LIA's visibility and control over its frozen funds. As of July 2023, USD 2.188 billion remain unrealised receivables.

2. The specific exception provided for in paragraph 20 of resolution 1970 (2011) allows the addition by Member States of interests or other earnings or payments to the frozen accounts, but such interests or other earnings or payments remain frozen. This was also clarified by Implementation Assistance Notice # 6.⁴⁷³ Therefore, interests, dividends and coupons on frozen funds should be transferred and added to the frozen funds and be frozen by the relevant financial institutions. However, this is not universally the case, the possible reason being the following wording of paragraph 20 of resolution 1970 (2011):

"Decides also that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 17 above of interests or other earnings due on those accounts ... provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen"

3. The word "may" could be interpreted differently by Member States and financial institutions to avoid transferring and adding interest and other income on frozen funds. This is leading to varied practices among financial institutions when it comes to transferring/adding such income on frozen funds.

4. The Panel considers that the asset freeze does not restrict the addition of income to frozen funds, including credit of accruals and receivables. Member States should be encouraged to ask financial institutions to credit interests and other income to frozen funds in line with aforementioned provisions of the resolution and Implementation Assistance Notice # 6. Where required, Members States should consider issuing such licenses promptly.

⁴⁷³ https://main.un.org/securitycouncil/sites/default/files/ian_6_e.pdf.

Annex 74 Timeline of the Euroclear case

Table 74.1

Timeline of the Euroclear case

<i>Date/Month/Year</i>	<i>Events</i>
8 Jul 2008	<ul style="list-style-type: none"> The Global Sustainable Development Trust (hereinafter referred to as “GSDT”), a Belgian non-profit organisation run by Prince Laurent of Belgium, signed a contract of EUR 70 million with the Libyan Ministry of Agriculture and Marine for afforestation of the Libyan coastline over a 15-year period.
14 Apr 2010	<ul style="list-style-type: none"> The 2008 contract was terminated.
26 Feb 2011	<ul style="list-style-type: none"> United Nations Security Council (UNSC) sanctions measures concerning Libya.
17 Mar 2011	<ul style="list-style-type: none"> UNSC sanctions measures concerning the asset freeze of Libyan Investment Authority (LIA) (LYe.001) a.k.a. Libyan Arab Foreign Investment Company (LAFICO) and Libyan Africa Investment Portfolio (LAIP) (LYe.002).
31 May 2011	<ul style="list-style-type: none"> The GSDT went into liquidation.
23 Aug 2011	<ul style="list-style-type: none"> The GSDT filed a lawsuit against the State of Libya (the then Libyan Arab Jamahiriya) before the Court of First Instance in Brussels to claim damages for the termination of the 2008 contract.
7 Sep 2011	<ul style="list-style-type: none"> Belgium confirmed the freezing of designated entities assets in Belgium for a total amount of EUR 14 billion.
28 Sep 2011	<ul style="list-style-type: none"> The Court of First Instance in Brussels ordered the State of Libya to pay a provisional amount of EUR 17 million to the GSDT.
17 Sept 2012	<ul style="list-style-type: none"> The Court of First Instance in Brussels ordered the State of Libya to pay an additional amount of EUR 21 million to the GSDT.
Jun - Sep 2013	<ul style="list-style-type: none"> The State of Libya filed a complaint to the Belgian judgments before Belgian courts, claiming that they had never received the process of these judgments and emphasising that Libya had paid EUR 281,000 to the GSDT as a compensation for the 2008 contract termination. The Court of First Instance found the complaint of Libya inadmissible.
20 Nov 2014	<ul style="list-style-type: none"> The Court of Appeal in Brussels rejected the appeal by the State of Libya against the Court of First Instance order of September 2013.
Nov 2014	<ul style="list-style-type: none"> The GSDT claimed that LIA’s frozen assets at the Euroclear bank in Brussels could be used to execute the decision of the Brussels Court of First Instance. The initial damage reward of EUR 17 million had risen to approximately EUR 50 million due to interests and legal costs.
Sep 2011- Dec 2017	<ul style="list-style-type: none"> Interests and dividends accruing on the frozen funds of LIA and LAFICO at the Euroclear bank, amounting to EUR 2 billion were transferred to the Bank ABC in non-compliance with the asset freeze.
2 Mar 2015	<ul style="list-style-type: none"> The State of Libya initiated proceedings against GSDT before the Court of First Instance in Brussels to prove that Libya had paid for the work carried out by the GSDT under the 2008 contract. The Court did not decide on the matter to this date. Later in 2015, Attorney General of Libya requested its counterpart in Belgium to conduct an expanded investigation into Prince Laurent’s attempt to defraud the State of Libya by misleading the Belgian courts by withholding the 2008 contract termination documents.
10 Sep 2015	<ul style="list-style-type: none"> The GSDT made a complaint against LIA for money laundering to responsible Belgian authorities.
6 Jan 2016	<ul style="list-style-type: none"> The Belgian Crown Prosecution Service, led by Judge Michel Claise, initiated criminal judicial inquiry against LIA, LAFICO, Euroclear, Bank ABC, and HSBC focusing on the origin and destination of the frozen funds, and the associated interests.
23 Oct 2017	<ul style="list-style-type: none"> The Court of First Instance in Brussels ordered protective attachment (seizure) of the assets of LIA and LAFICO at the Euroclear bank.
24 Jan 2019	<ul style="list-style-type: none"> Prince Laurent requested the Belgium Government to initiate the implementation of the two judgements of September 2011 and September 2012 by accessing LIA’s assets at the Euroclear bank.
24 Apr 2020	<ul style="list-style-type: none"> The Euroclear bank opposed the October 2017 seizure, citing Belgian law of 1999, granting immunity from seizure of assets to prevent risks in international clearing system. The Brussels Indictment Chamber deemed the seizure of Libyan funds in Euroclear lawful.

<i>Date/Month/Year</i>	<i>Events</i>
2 Feb 2021	<ul style="list-style-type: none"> Belgium government submitted a notification to the Committee to authorise the unfreezing of funds belonging to LIA a.k.a. LAFICO for the benefit of GSDT, in connection with a contract entered into between the GSDT and the State of Libya.
4 Feb 2021	<ul style="list-style-type: none"> LIA objected to the Belgium Government's request concerning the release of frozen funds of LIA for the benefit of the GSDT, as it is an independent sovereign fund and not a party to the contract between the GSDT and the State of Libya.
12 Feb 2021	<ul style="list-style-type: none"> The Committee determined that Belgium notification invoking the unfreezing of assets in connection with the GSDT contractual dispute did not meet the conditions stipulated in paragraph 21 of resolution 1970 (2011) on the basis that (1) LIA has not entered into a contract with the GSDT, and (2) the legal ownership of the assets still vests with LIA and LIA has not agreed to the unfreezing of the funds.
4 Mar 2021	<ul style="list-style-type: none"> LIA and LAFICO requested the investigating judge of the Court of First Instance in Brussels to lift the seizure on their assets held at the Euroclear bank.
19 Mar 2021	<ul style="list-style-type: none"> The investigating judge of the Court of First Instance in Brussels rejected LIA and LAFICO requests for lifting of the seizure on their assets held at Euroclear.
Sep - Oct 2021	<ul style="list-style-type: none"> In the context of the criminal proceedings, LIA Chairman, Ali Mahmoud Hassan Mohammed, was summoned to appear before the court in Belgium. A questionnaire from the Federal Judicial Police in Brussels was also sent to him. He did not accede to that request, claiming that Libyan domestic law prevented him from testifying.
21 Dec 2021	<ul style="list-style-type: none"> The Court of First Instance in Brussels issued international and European arrest warrants for LIA Chairman, Ali Mahmoud Hassan Mohammed. Thereafter, the Attorney General of Libya met with his Belgian counterpart in Brussels in an attempt to resolve this issue.
6 Jan 2022	<ul style="list-style-type: none"> Belgian authorities circulated a Diffusion to Interpol in relation to LIA Chairman, Ali Mahmoud Hassan Mohammed.
Oct 2022	<ul style="list-style-type: none"> Belgian authorities sent a rogatory commission letter to their Libyan counterparts enabling LIA Chairman, Ali Mahmoud Hassan Mohammed to respond through the Libyan Attorney General.
16 Jan 2023	<ul style="list-style-type: none"> LIA Chairman, Ali Mahmoud Hassan Mohammed submitted an official reply to the investigative judge of the Court of First Instance in Brussels, and argued for lifting the arrest warrant.
21 Feb 2023	<ul style="list-style-type: none"> The Brussels Chamber of Indictment denied LIA Chairman, Ali Mahmoud Hassan Mohammed's request to cancel the arrest warrant against him.
14 April 2023	<ul style="list-style-type: none"> LIA notified the Ministry of Foreign Affairs of Belgium requesting negotiations to reach an amicable resolution of the dispute in accordance with Article 12(1) of the 2004 bilateral investment treaty (BIT) between Libya, and Belgium and Luxembourg, failing which, upon the expiration of the six-month negotiation period, starting on the date of service of this notice, LIA would submit its claim to international arbitration under the ICSID Facility Rules pursuant to Article 12(3) of the said Agreement.
2 May 2023	<ul style="list-style-type: none"> Interpol dismissed the request of the Belgian authorities to circulate an arrest warrant against LIA Chairman, Ali Mahmoud Hassan Mohammed. It decided that the data concerning Ali Mahmoud Hassan Mohammed are not compliant with Interpol's rules applicable to the processing of personal data, and that they shall be deleted from Interpol's files.
7 Jul 2023	<ul style="list-style-type: none"> The Belgian Court of Appeal rejected the appeal filed by LIA and LAFICO to lift the seizure on its assets at Euroclear.
11 Dec 2023	<ul style="list-style-type: none"> LIA initiated the second phase of international arbitration proceedings by submitting a request to International Centre for Settlement of Investment Disputes (ICSID) in respect of its dispute with Belgium over frozen Libyan assets, by invoking the 2004 BIT between Libya, and Belgium and Luxembourg as the basis for consent to arbitration.
30 Jan 2024	<ul style="list-style-type: none"> The Court of First Instance in Brussels lifted the protective attachment levied against the Euroclear bank on 23 October 2017, releasing assets of LIA and LAFICO, except for an amount of EUR 2.837 billion related to interest, dividends, and coupons from frozen assets transferred to Bank ABC before the attachment.
5 Mar 2024	<ul style="list-style-type: none"> The Court of First Instance in Brussels ordered to annul both the international and European arrest warrants against LIA Chairman, Ali Mahmoud Hassan Mohammed, issued on 21 December 2021.
8 Mar 2024	<ul style="list-style-type: none"> Arbitration team is constituted to arbitrate the case Libyan Investment Authority v. Kingdom of Belgium (ICSID Case No. ARB(AF)/23/3).
3 May 2024	<ul style="list-style-type: none"> The Tribunal held its first session via videoconference to discuss the procedural issues that would govern the arbitration proceedings according to ICSID rules.

<i>Date/Month/Year</i>	<i>Events</i>
13 May 2024	▪ The Claimant i.e. LIA files a submission regarding its representation.
29 May 2024	▪ The Respondent files observations on the representation of the Claimant.
30 May 2024	▪ The Tribunal issues Procedural Order No. 1 concerning procedural matters.
28 Jun 2024	▪ The Tribunal issued Procedural Order No. 2 on the representation of the claimant.
16 Aug 2024	▪ The Claimant files a memorial on the merits.
30 Sep 2024	▪ The Respondent files a request to address the objections to jurisdiction as a preliminary question pursuant to ICSID Additional Facilities Rule 52.
30 Oct 2024	▪ The Respondent files a request to address the objections to jurisdiction as a preliminary question pursuant to ICSID Additional Facilities Rule 54.

Sources: Belgium letter to the Panel of 9 May 2018; LIA letter to the Committee of 9 October 2023; LIA letter to the Panel of 19 February 2024; Panel meeting with LIA, 4 June 2024, Tripoli; S/RES/1970 (2011); S/RES/1973 (2011); S/RES/2009 (2011); S/2018/812, paragraph 198; S/2021/498; <https://www.lalibre.be/dernieres-depeches/belga/la-saisie-des-15-milliards-libyens-chez-euroclear-est-legale-5ea4141e9978e21833d3a8f5>; [https://icsid.worldbank.org/cases/case-database/case-detail?CaseNo=ARB\(AF\)/23/3](https://icsid.worldbank.org/cases/case-database/case-detail?CaseNo=ARB(AF)/23/3); and CS (Libyan Officials).

Annex 75 Timeline of the Fortis case

Table 75.1

Timeline of the Fortis case

<i>Date/Month/Year</i>	<i>Events</i>
13 Apr 2018	<ul style="list-style-type: none"> The Fortis Settlement agreed on behalf of all investors, including Libyan Investment Authority (LIA), who bought and/or held Ageas SA/NV (f/k/a Fortis) shares at any time between the relevant Class Period i.e. 28 February 2007 – 14 October 2008.
13 Jul 2018	<ul style="list-style-type: none"> The Amsterdam Court of Appeals officially declared the Fortis settlement entered into between Ageas, Stichting FORsettlement and the claimant organizations (i.e. Vereniging van Effectenbezitters, Deminor, Stichting Investor Claims Against Fortis (SICAF) and Stichting FortisEffect) binding.
30 Mar 2020	<ul style="list-style-type: none"> Computershare Investor Services PLC (hereinafter referred to as “Computershare”), the Claims Administrator of the Fortis settlement informed the LIA that it had determined, in accordance with the Amended and Restated Settlement Agreement for the Fortis settlement, that LIA’s holdings of Fortis shares resulted in a provisional claim amount of EUR 3,671,950.00 and that LIA was eligible for an Early Distribution Amount of EUR 2,570,365.00 (i.e. 70% of the provisional claim amount). It further specified that the payment of the Early Distribution Amount would be made to the Dutch Consignment Office and would remain frozen until Finance Authorities of Belgium and the Netherlands determine that the conditions had been met for releasing the funds in terms of European Regulation 2016/44.
9 Apr 2020	<ul style="list-style-type: none"> LIA sought clarification from Computershare regarding the fund transfer to Dutch Consignment Office, and requested to transfer the funds to a LIA’s frozen bank account, which in their view was permissible under the sanctions regime.
30 May 2020	<ul style="list-style-type: none"> LIA requested Computershare to provide a copy of the correspondence with the Dutch authorities for clarity on legal basis for transfer of the Fortis settlement funds to Dutch Consignment Office.
2 Jun 2020	<ul style="list-style-type: none"> Computershare insisted that the sanctions prevented them from making the payment to LIA, including to a LIA’s frozen account.
23 Sep 2020	<ul style="list-style-type: none"> LIA wrote to the independent chairman of FORsettlement (i.e. the foundation in charge of the settlement) stating that the sanctions regime would allow FORsettlement and Computershare to transfer the funds into a frozen bank account of LIA. The independent chairman of FORsettlement responded that the prevailing sanctions would not allow making payment to LIA; however, FORsettlement and Computershare would make payment to LIA, if authorisations from the Dutch and Belgian authorities are obtained by LIA.
1 & 23 Feb 2021	<ul style="list-style-type: none"> The independent chairman of FORsettlement again confirmed to follow the authorisation by the Dutch authorities. He also stated that they should be able to make the payment directly to LIA’s blocked account at Unicredit subject to the authorities’ approval.
24 Mar 2021	<ul style="list-style-type: none"> LIA obtained the authorisations from the Dutch, Belgian and German Ministries of Finance to transfer the funds into a frozen bank account at UniCredit in Germany.
14 May 2021	<ul style="list-style-type: none"> Computershare revised the settlement amount due to the LIA upward to EUR 2,611,200.45.
24 Sep 2021	<ul style="list-style-type: none"> Computershare indicated that the bank accounts holding the claimed funds/settlement amount include a Computershare account in the United Kingdom, and informed LIA that it cannot transfer the funds due to: a) United Kingdom authorities’ inability to accept Dutch authorities’ approval as a result of Brexit, and b) payments made out of the accounts held by FORsettlement in Belgium must stay within Belgium per the Belgian authorities.
25 Oct 2021	<ul style="list-style-type: none"> The independent chairman of FORsettlement cited LIA’s “association with terrorism” as a reason for payment difficulties, and advised LIA to obtain all necessary approvals for a payment to be made either from a bank account held by Computershare in the United Kingdom or from a bank account held by FORsettlement in Belgium. LIA responded by clarifying that the allegation was baseless, inappropriate, and unacceptable. It further explained that the asset freeze imposed upon LIA was not punitive, instead it was a protective measure aimed exclusively at safeguarding the assets for the benefit of future Libyan generations during this transitional period.
22 Dec 2021	<ul style="list-style-type: none"> LIA sought confirmation from UK’s national competent authority - Office of Financial Sanctions Implementation (OFSI) that no licence was required for transfer of Fortis Settlement funds to LIA under the UK Regulations.

<i>Date/Month/Year</i>	<i>Events</i>
21 Jan 2022	<ul style="list-style-type: none"> ▪ The OFSI replied that no licence was required for the above transfer of funds to LIA, with the understanding that the prohibitions in The Libya (Sanctions) (EU Exit) Regulations 2020 are not engaged by the payment.
4 February 2022	<ul style="list-style-type: none"> ▪ LIA conveyed the above OFSI's reply to Computershare.
31 Mar 2022	<ul style="list-style-type: none"> ▪ Computershare responded to LIA that it would still not be able to transfer the funds, after having considered OFSI confirmation in consultation with its banking provider.
14 Jul 2022	<ul style="list-style-type: none"> ▪ Computershare further notified LIA that due to lack of any solution, the payment of LIA's settlement amount would be made to Dutch Consignment Office.
6 Sept 2022	<ul style="list-style-type: none"> ▪ The investigative judge of the Belgian Court of First Instance, Michel Claise, issued an attachment order for all the amount owed by Ageas SA/NV (f/k/a Fortis) to LIA, directing the Belgian federal judicial police to carry out the protective attachment and notify Ageas and LIA within 48 hours.
7 Sept 2022	<ul style="list-style-type: none"> ▪ LIA wrote again to Computershare when the transfer to the Dutch Consignment Office was expected to occur, but no response was received.
30 Nov 2022	<ul style="list-style-type: none"> ▪ EUR 2,977,377.72 owed to LIA under the Fortis settlement was transferred to the Belgian OCSC (Organe Central pour la Saisie et la Confiscation), the officially designated Belgian Asset Recovery Office (ARO) and Asset Management Office (AMO) in criminal matters, pursuant to Belgian investigative Judge's attachment order of September 2022.
12 Dec 2022	<ul style="list-style-type: none"> ▪ LIA sent formal letter before action for the purposes of the English Civil Procedure Rules to Computershare regarding the transfer of LIA's settlement amount, which are being held by Computershare without any reason/authority.
15 Dec 2022	<ul style="list-style-type: none"> ▪ Computershare informed LIA that the Belgian federal judicial police, acting upon the instructions of the Belgian investigative judge Michel Claise, served Ageas SA/NV, (f/k/a Fortis), an attachment order in respect of the sums owed to LIA under the Fortis settlement. This order blocked the payment to LIA and determined the transfer of the amount of EUR 2,977,377.72 to the OCSC, the Belgian criminal consignment office. This payment constitutes good and valid discharge of any and all obligations that may have been owed to LIA pursuant to the Settlement Agreement. LIA claimed that it was not notified of this attachment order.
13 Jan 2023	<ul style="list-style-type: none"> ▪ LIA responded to Computershare seeking further clarifications on various issues, including the reason for delay in payment of the settlement amount to LIA prior to the attachment order and the discrepancy in the settlement amount.
30 Jan 2024	<ul style="list-style-type: none"> ▪ The Court of First Instance in Brussels lifted the protective attachment levied against the Euroclear bank on 23 October 2017, releasing assets of LIA and LAFICO, including the Fortis settlement amount, except for an amount of EUR 2.837 billion related to interest, dividends, and coupons from frozen assets transferred to Bank ABC before the attachment.
Oct 2024	<ul style="list-style-type: none"> ▪ Principal amount of EUR 2.977 million along with an interest amount of EUR 110,226.32 remained with OCSC.

Sources: LIA letter to the Panel of 19 February 2024; Belgium letter to the Panel of 15 October 2024; <https://www.forsettlement.com/>; <https://www.issgovernance.com/europes-largest-court-approved-securities-case-settlement-ageas-f-k-a-fortis-settlement-finally-secured-at-e1-3-billion/>; and CS (Libyan officials).

Annex 76 LIA's assets portfolio performance [CONFIDENTIAL]

Annex 77 Cooperation between the Panel and LIA under the 2701 (2023) mandate

1. Throughout this mandate, LIA increased its cooperation with the Panel and offered consistent availability to provide most of the requested information. These engagements were characterised by open and transparent communication both in person and online (table 76.1).
2. Owing to these regular engagements, the Panel was able to gather primary data relevant for its assessment of LIA's investment plan under paragraph 15 of resolution 2701 (2023).

Table 77.1
Panel's engagements with LIA

<i>Engagement</i>	<i>Number</i>
Meetings	3
Online meeting	1
Workshop	1
Panel letters	6
LIA submissions/responses	7
Panel e-mails	13
LIA e-mails	17

Annex 78 Data inconsistencies in LIA's investment plan

1. LIA's investment plan,⁴⁷⁴ having six impacts, is stated to cover frozen funds approximately USD 17.587 billion, including cash reserves of USD 9.757 billion. However, the Libyan Audit Bureau's 2022 report lists USD 39 billion in frozen assets out of LIA's total assets of USD 71.354 billion, including USD 24 billion in frozen cash and cash deposits.⁴⁷⁵ The Panel finds that a significant portion of the frozen funds is excluded from the plan, indicating presentation of a few assets for investment in a selective and inconsistent manner.

2. The Panel's analysis indicated that LIA's investment plan duplicates certain amounts across different impacts, resulting in inaccuracies and inconsistencies in amounts of assets, and exaggerated potential opportunity losses (table 78.1).

Table 78.1

Data inconsistencies and duplications

<i>Impact</i>	<i>Uninvested cash reserves</i>	<i>Reason for accrual</i>	<i>Data inconsistencies</i>
First Impact	USD 1.110 billion	Matured securities	▪ Full amount is included in Fourth Impact.
Second Impact	USD 945 million	Matured bonds	▪ Full amount is included in Fourth Impact. ▪ Amount of USD 262.178 million is also included in First Impact (USD 1.110 billion).
Fourth Impact	USD 5.274 billion	Matured securities	▪ Amount of USD 1.110 billion is included in First Impact. ▪ Amount of 945 million is included in Second Impact. ▪ Amount of USD 1.723 billion is net cash receivables - not yet realised by LIA.

3. After excluding the duplications and net receivables, the actual cash amount comes to USD 5.979 billion as opposed to USD 9.757 billion presented in the investment plan.

⁴⁷⁴ LIA letter to the Committee, 15 January 2024; Meeting with LIA (Tripoli, 3 March 2024).

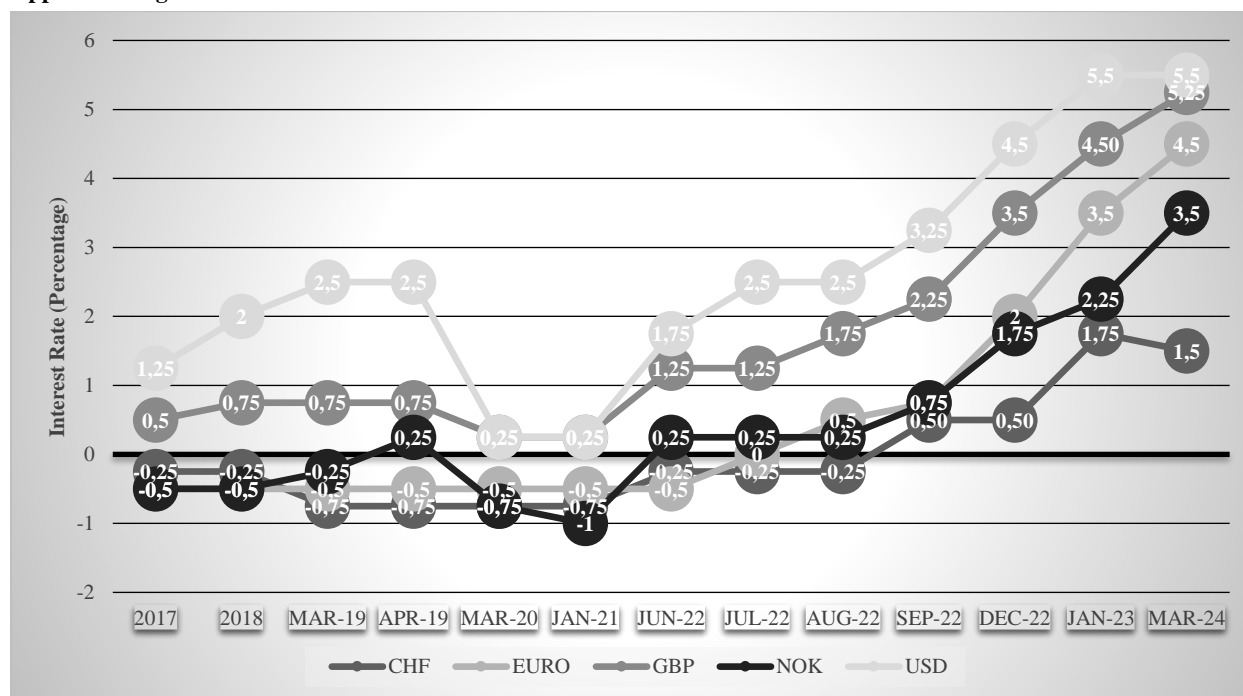
⁴⁷⁵ <https://www.audit.gov.ly/ar/download/report2022/>, published on 25 October 2023.

Annex 79 Negative interest rates - central bank monetary policies

- Under First Impact of its investment plan, LIA claimed that negative interest rates imposed by the Euroclear Bank led to the depletion of the frozen funds to the tune of USD 33.110 million during the period from 2017 to October 2023. The Panel previously addressed the issue of negative interest rates on the frozen assets in S/2021/229⁴⁷⁶ and S/2022/427,⁴⁷⁷ considering it a national fiscal policy matter for Member States to decide its applicability to assets frozen under United Nations sanctions.
- LIA stated that the Euroclear Bank imposed negative interests on its cash reserves in five currencies, namely Euro (EUR), Swiss Franc (CHF), Norwegian Krone (NOK), Great Britain Pound (GBP) and United States Dollar (USD).⁴⁷⁸
- The Panel found that the European Central Bank (ECB) raised the interest rate from -0.50% to 0% on 27 July 2022.⁴⁷⁹ Swiss National Bank moved away from the negative interest rate to a positive interest rate of 0.50% on 23 September 2022.⁴⁸⁰ Norges Bank also ended negative interest rate on 24 June 2022, raising the interest rate to 0.25%.⁴⁸¹
- The interest rates for the above five currencies as per respective central bank monetary policies since 2017 are depicted in figure 79.1.

Figure 79.1

Applicable Negative Interest Rates



Developed by Panel of Experts.

⁴⁷⁶ Paras. 159-160.

⁴⁷⁷ Paras. 123-125.

⁴⁷⁸ Short-term Investment Plan to Maintain the Value of Assets (November 2023), page 8.

⁴⁷⁹ <https://www.ecb.europa.eu/press/pr/activities/mopo/html/index.en.html> and

https://www.ecb.europa.eu/stats/policy_and_exchange_rates/key_ecb_interest_rates/html/index.en.html.

⁴⁸⁰ https://www.snb.ch/en/publications/communication/press-releases/2022/pre_20220922 and

<https://data.snb.ch/en/topics/ziredev/chart/zimomach>.

⁴⁸¹ <https://www.norges-bank.no/en/topics/Monetary-policy/Monetary-policy-meetings/2022/june-2022/> and <https://app.norges-bank.no/query/#/en/interest?interesttype=KPRA&frequency=B&startdate=2016-04-01&stopdate=2024-04-03>.

5. As figure 79.1 shows, negative interest rates on frozen assets were never applicable for USD and GBP, and were done away with for NOK, EUR, and CHF, by respective central banks, in June 2022, July 2022, September 2022, respectively.
6. The Panel found that Euroclear Bank charged negative interests on LIA's cash balances in USD, GBP, NOK, EUR and CHF until April 2022, February 2022, February 2022, September 2022, and October 2022, respectively. LIA confirmed the same. Therefore, the depletion of cash reserves due to negative interest rates is no longer an issue since October 2022. Accordingly, LIA's proposal to transfer its frozen cash reserves from Euroclear Bank accounts to its account at Bank ABC has no valid rationale now.
7. In addition to cash reserves in five currencies, LIA cash reserves in the Euroclear Bank with the investment managers under custodian HSBC Bank Luxembourg amounting to \$1.11 billion have additional five currencies, namely Australian Dollar (AUD), Danish Krone (DKK), Japanese Yen (JPY), New Zealand Dollar (NZD) and Swedish Krona (SEK). The Panel found that AUD and NZD never faced negative interest rates, and for other three currencies, their central banks, namely Danske Bank, Sveriges Riksbank, and Bank of Japan, ended negative interest rate on 1 October 2022,⁴⁸² 19 December 2019,⁴⁸³ and 19 March 2024,⁴⁸⁴ respectively.
8. The Panel noted in the case of negative interest charges, Euroclear Bank's rates were typically higher than the rates notified by respective central banks. As a result, even if a market rate for a currency was zero or slightly above zero, Euroclear Bank had imposed negative interest rate exceeding the prevailing market rate.
9. In response to the Panel's inquiries, Luxembourg informed that negative interest rates are the result of a monetary policy decided at the central bank level.⁴⁸⁵ The Panel, however, finds that HSBC Bank Luxembourg has charged negative interest on LIA's USD cash reserves, when there had been no negative interest rate policy by the Federal Reserve. In addition, it also charged negative interest rates on LIA's cash reserves in SEK, NOK, EUR, and JPY even after the negative interest rates on these currencies ended on 19 December 2019, 24 June 2022, 27 July 2022, and 19 March 2024, respectively.
10. Furthermore, the Panel found that the Euroclear Bank previously applied credit (positive) interest rates on the frozen cash balances of LIA and LAFICO in segregated Bank ABC accounts at the Euroclear Bank. However, while they unilaterally continued with negative interest charges, the Euroclear Bank stopped applying credit (positive) interest on LIA's frozen Euroclear cash balances in CAD, EUR, GBP, NOK and USD since May 2015, September 2012, July 2016, July 2016, and November 2015, respectively. Likewise, Euroclear Bank had not applied any credit (positive) interest on LAFICO's frozen Euroclear cash balances in respect of AUD, CAD, EUR, GBP, JPY, NOK, NZD, SEK, and USD since July 2016, July 2016, September 2012, July 2016, June 2012, May 2016, July 2016, September 2012, November 2015. This changed practice by the Euroclear Bank prevented any gains on the cash reserves of LIA and LAFICO in various currencies at the Euroclear Bank even when positive interest rates were notified on those currencies by respective central banks, especially since 2022.
11. In view of the above, the Panel reiterates its previous assessment that negative interest rates on the frozen assets are questionable in the exceptional situation of funds that are subject to an asset freeze measure. The Panel's current assessment is that the Member States concerned should advise financial institutions not to apply negative interest rates to the frozen assets, especially when respective central banks had no applicable negative interest rate or have already ended it, because such charges cause erosion of the frozen assets, contrary to the provisions of paragraphs 18 of resolution 1970 (2011) and 20 of resolution 1973 (2011), reiterated in subsequent resolutions, including paragraph 14 of resolution 2701 (2023), intended to preserve the frozen assets for the benefit of the Libyan people.

⁴⁸² <https://danskebank.com/news-and-insights/news-archive/press-releases/2022/pr09092022>.

⁴⁸³ <https://www.riksbank.se/globalassets/media/nyheter--pressmeddelanden/pressmeddelanden/2019/press-release-19-dec-2019-repo-rate-raised-to-zero-per-cent.pdf>.

⁴⁸⁴ https://www.boj.or.jp/en/mopo/mpmdeci/mpr_2024/k240319a.pdf.

⁴⁸⁵ Luxembourg letter to the Panel of 26 April 2024.

Annex 80 Imposition and deduction of negative interest on LIA's frozen funds

1. According to the Euroclear Bank, it had not charged negative interests from the frozen Euroclear accounts of the Bank ABC with underlying beneficiary as LIA. Instead, as per their standard processes, the Euroclear deducted various fees and charges, including negative interests, from other (free) cash accounts of the Bank ABC at the Euroclear Bank. All fees and charges, as per the respective agreements and terms and conditions governing use of Euroclear, were applied to the overall portfolio of two participant banks (viz. the Bank ABC and the HSBC Bank), which included respective segregated frozen accounts with underlying beneficiaries as LIA and LAFICO.
2. The Euroclear Bank clarified that, being a Central Securities Depository (CSD), it primarily provided securities settlement and ancillary services to its participants, in line with the EU legislation. The Euroclear Bank held a limited banking license that allowed it to offer banking services directly related to its activities as CSD. The Euroclear Bank did not have the regulatory permissions to offer traditional banking services such as mortgage loans, term deposits or other savings products. As a CSD, the Euroclear Bank discouraged participants from keeping cash balances in the securities settlement system it operates beyond what was needed for their settlement activity.⁴⁸⁶
3. The Panel found that the Euroclear Bank deducted negative interests from Bank ABC's non-custodial (free) accounts; however, such charges were attributable to LIA's frozen Euroclear cash balances. The Bank ABC had in turn demanded the reimbursement of these negative interests from LIA on a quarterly basis under Non-Discretionary Portfolio Management Agreement and Custody Agreement of 7 July 2008.
4. LIA confirmed that the Euroclear Bank deducted negative interests from the Bank ABC's free account, not from LIA's frozen reserves. However, these negative interests amounting to USD 33.110 million had become a liability on LIA's accounts with the Bank ABC.
5. The Panel determined that the overall portfolio of the Bank ABC included its segregated frozen accounts with underlying beneficiaries as LIA. Following the unity of accounts principle, it is apparent that negative interests were applied to frozen accounts of the Bank ABC with underlying beneficiaries as LIA. The Euroclear Bank, thus, charged negative interests on LIA's frozen funds held in the accounts of the Bank ABC at the Euroclear. These negative interests were deducted by the Euroclear Bank from the free accounts of Bank ABC at the Euroclear, while being fully aware of the frozen status of LIA's funds in accounts of the Bank ABC under the UN sanctions.
6. This finding is based on consistent evidence showing that the negative interests deducted from Bank ABC's free cash account were directly attributable to the two frozen accounts holding LIA's cash reserves in various currencies under the Bank ABC custodianship at the Euroclear Bank.
7. The Panel also found that prior to Belgium Court's judicial attachment in October 2017, the Euroclear Bank deducted negative interests and other charges directly from the Bank ABC's unblocked mirror accounts with LIA as beneficiary, in which interests and other earnings were transferred. Afterwards, they started to deduct such negative interests from the main account of the Bank ABC at the Euroclear Bank, when interests and other accruals were also frozen pursuant to Implementation Assistance Notice#6.⁴⁸⁷ This was merely a bookkeeping arrangement by the Euroclear Bank, as all the cash accounts of a participant (in this case the Bank ABC) at the Euroclear Bank are part of one single and indivisible current account.⁴⁸⁸
8. The Panel noted that the negative interests were never reflected in LIA's financial records, as they were deducted by Euroclear Bank from the account of the Bank ABC.⁴⁸⁹ The Panel thus determined that there had been no actual loss/depletion of LIA's frozen assets as yet due to negative interests. However, negative interests charged by the Euroclear to the Bank ABC had in turn been shown by the Bank ABC as liabilities from LIA. In Panel's assessment these liabilities had arisen due to negative interests applied by the Euroclear on LIA's frozen cash balances in the Euroclear Bank under Bank ABC custodianship, and this would cause erosion of LIA's frozen assets once these liabilities are paid by LIA.

⁴⁸⁶ Panel meeting with the Euroclear Bank (Brussels, 12 June 2024), online meeting (8 October 2024), and Belgium letter to the Panel of 15 October 2024.

⁴⁸⁷ Panel meeting with LIA, 4 June 2024, Tripoli.

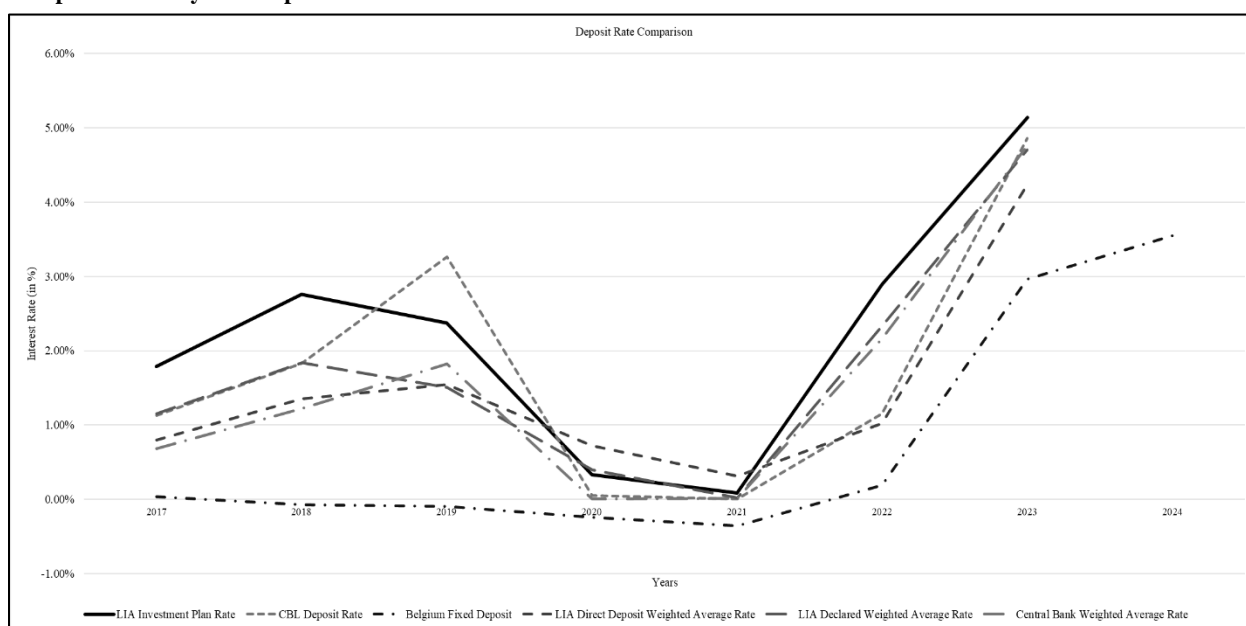
⁴⁸⁸ As per the unity of accounts principle, all the cash accounts of a participant at the Euroclear are part of one single and indivisible current account: Euroclear Terms and Conditions governing use of Euroclear (November 2023) # 16 (a).

⁴⁸⁹ <https://www.audit.gov.ly/ar/download/report2022/>, published on 25 October 2023.

Annex 81 Potential opportunity loss claimed by LIA

1. LIA claimed an opportunity loss from not reinvesting cash held at the Euroclear Bank, by applying the USD deposit rate across all currencies in the cash reserve for the period from 2017 to 2023. The Panel analysis indicates that deposit rates for different currencies are set out by respective central banks, which are different than that the USD deposit rate, and are broadly consistent across locations for a given currency.
2. The Panel found that LIA's claimed USD time deposit rates for calculating opportunity loss are largely higher than actual rates for the given basket of currencies as per respective central banks, CBL, and other sources. LIA itself has chosen the basket of currencies, not only USD, for investments in various financial instruments. Thus, LIA's calculation for opportunity loss is unrealistic and overstated (figure 81.1).

Figure 81.1
Comparative analysis of deposit rates



Developed by Panel of Experts.

Annex 82 Potential risks with transfer of LIA's cash reserves to Bank ABC

1. The Panel identified risks of misuse and misappropriation with the transfer of LIA's cash reserves at the Euroclear to the Bank ABC, as outlined below.

LIA's past cash transfers to Bank ABC

2. The Panel found that prior to the issuance of the Implementation Assistance Notice#6,⁴⁹⁰ USD 1.6 billion of LIA's cash reserves, accrued on account of dividends, coupons and interests, were transferred from the Euroclear Bank to LIA's account at the Bank ABC during the period from 24 October 2012 to 17 October 2017. These cash reserves had been used for investment in short-term time deposits (84%) by the Bank ABC amounting to USD 1.3 billion, funding of LIA's operational expenditures (10%), and ABC management fees (6%). USD 146 million were transferred to other LIA accounts at British Arab Commercial Bank (BACB), London and North Africa International Bank (NAIB), Tunis, while USD 9 million were transferred to third parties.

3. The Bank ABC charged and debited custody fees from these LIA's frozen funds, totally amounting to USD 50,911,867.83 from Q3 of 2019 to December 2023 without any notification to the Committee, and in excess of the amount admissible for "routine holding or maintenance of frozen funds" under paragraph 19 (a) of resolution 1970 (2011).

4. The Panel determined that LIA's cash reserves at Bank ABC had gone down by 18.75% from USD 1.6 billion to USD 1.3 billion. Thus, the transfer of LIA's funds from the Euroclear to the Bank ABC in the past, as detailed in the foregoing paragraphs, led to the depletion of LIA's frozen funds, as opposed to its preservation. Moreover, the Panel found that the Bank ABC has been in non-compliance with the asset freeze (paragraph 117 and table 6).⁴⁹¹

Management of Bank ABC

5. The Bank ABC's principal shareholder is the Central Bank of Libya (CBL), holding 59.368% of shares.⁴⁹² The former CBL Governor Saddek Omar El Kaber serves as the Chairman of Bank ABC.⁴⁹³ Notably, the CBL is separately managing USD 19 billion of the LIA's frozen funds in term deposits. The Panel identified risks to LIA's frozen funds under the Bank ABC's management structure due to: a) CBL's active management of LIA's frozen assets and deduction of commission from the frozen funds in non-compliance with the asset freeze (paragraph 117), and b) CBL's unification and governance issues (paragraph 115).

Credit rating of Bank ABC Bahrain

6. The Panel found that according to the independent global rating agencies, the credits ratings of the Bank ABC is low, with one credit rating indicating elevated vulnerability to default risk for the Bank ABC (table 81.1).

Table 82.1

Credit ratings of Belgium Treasury and Bank ABC

Rating Agency	Bank ABC ⁴⁹⁴
Fitch	BB+/B (June 2024)
	Speculative /Highly speculative
	(Elevated vulnerability to default risk/ Presence of material default risk)
S&P	BBB-/A-3 (June 2024)
	Investment Grade
	(Adequate capacity to meet it

⁴⁹⁰ https://main.un.org/securitycouncil/sites/default/files/ian_6_e.pdf.

⁴⁹¹ Asset freeze is commonly defined in the financial legislation and administrative instructions of many Member States as "preventing any move, transfer, alteration or use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management."

⁴⁹² <https://www.bank-abc.com/en/ShareholderRelations/investor-relation>.

⁴⁹³ <https://www.bank-abc.com/en/AboutABC/Management/board-of-directors>.

⁴⁹⁴ <https://www.bank-abc.com/en/ShareholderRelations/ratings>.

	financial commitments)
Moody's	N/A

7. The above risks to LIA's frozen assets at Bank ABC identified by the Panel are consistent with the risks highlighted by the Libyan Audit Bureau in its 2022 report, as follows.

Risk of erosion of LIA's assets managed by Bank ABC

8. As of 31 December 2022, LIA's assets managed by ABC Bank totaled USD 11.618 billion, according to the 2022 Libyan Audit Bureau Report. This report identified several risks regarding LIA's frozen assets at ABC Bank, as summarised below:⁴⁹⁵

- a) **Value erosion:** These assets have lost significant value over time, primarily due to the management fee, amounting to USD 122.300 million between 2009 and 31 December 2022.
- b) **Reconciliation violations:** Terms and conditions for preparing the bank reconciliation statement (BRS), a control procedure to match cash balances on balance sheets with bank statements, have been violated.
- c) **Failure in reconciliation preparation:** BRS has not been prepared for all bank accounts, including LIA's accounts at UniCredit Group and Union Bank.
- d) **Unaddressed discrepancies:** There have been unaddressed discrepancies in BRS since 2020. For example, according to Bank ABC London's BRS for September 2022, GBP 80.019 million was added to the balance sheets but not reflected in the bank account.
- e) **Data verification weakness:** Weak data verification and validation tools resulted in duplicate entries. For instance, the debtor's account was deducted twice by USD 1.746 million, while LIA's account in the Bank ABC was credited twice with the same amount.
- f) **Cost discrepancies:** There are inconsistencies in the cost of fixed contributions on balance sheets.

⁴⁹⁵ <https://www.audit.gov.ly/ar/download/report2022/>, published on 25 October 2023.

Annex 83 LIA's bond portfolio: past portfolio vs simulated portfolio [CONFIDENTIAL]

Annex 84 LIA’s overall equity performance analysis [CONFIDENTIAL]

Annex 85 Analysis of loss making equities presented by LIA [CONFIDENTIAL]

Annex 86 Data inconsistencies in Fourth Impact of LIA's investment plan

1. Under Fourth Impact, LIA presented a cash reserve of USD 5.274 billion, accruing from maturity of securities. This amount includes USD 1.110 billion from First Impact and USD 945 million from Second Impact, as well as net cash receivables of USD 1.723 billion. Thus, the net cash reserve under this Impact is USD 3.551 billion only, against LIA's claim of USD 5.274 billion.

2. In addition, the Panel found several inconsistencies in data presented under this Impact, in terms of the same item having different values at different sections, as outlined in table 85.1.

Table 86.1

Data inconsistencies in Fourth Impact

<i>Subject/Heading</i>	<i>Data inconsistencies in Fourth Impact (with slide/page number of the investment plan)</i>
Total net cash and receivables	<ul style="list-style-type: none"> Net cash totals to USD 6.841 billion, instead of USD 5.274 billion (slide/page 34) Receivables totals to USD 2.787 billion, instead of USD 2.188 billion (slides/pages 34 and 37)
Net cash of Portfolio – Libyan Investment Authority	<ul style="list-style-type: none"> USD 4.069 billion (USD 2.502 billion + USD 1.567 billion) (slides/pages 34) USD 2.502 billion (slides/pages 39) USD 2.502 billion – not an algebraic summation of columns 1, 2 and 3 (slide/page 34)
Receivable of Portfolio – Libyan Investment Authority	<ul style="list-style-type: none"> USD 2.502 billion (USD 934.958 million + USD 1.567 billion) (slides/pages 34 and 37) USD 1.903 billion (slide/page 39)

Annex 87 LIA securities portfolio performance [CONFIDENTIAL]

Annex 88 Custody and management fees charged by Bank ABC and HSBC Bank

1. Under Fifth Impact, LIA stated that it has incurred substantial custody and management fees, without receiving administrative and technical services from respective custodian banks, namely the Bank ABC Bahrain and the HSBC Bank Luxembourg. Notwithstanding the restrictions imposed on permissible services for LIA's frozen funds due to the asset freeze, both custodian banks continued to deduct fees at pre-asset freeze rates.
2. The applicable agreements between LIA and the Bank ABC Bahrain, namely, Non-Discretionary Portfolio Management Agreement and Custody Agreement of 7 July 2008, stipulate a range of custody and management services by the Bank ABC to LIA, including custodial services, asset management services, sale, and purchase of securities. Similarly, the Custody Agreement between LIA and the HSBC Bank Luxembourg of 26 November 2007 amended on 12 May 2009, sets out a range of services by the HSBC Bank to LIA, including services in relation to sale, purchase, exchange, transfer and delivery (i.e. settlement of sales and purchases of securities) of securities transactions, as well as cash management (viz. purchase and sale of foreign currencies). These services go far beyond the scope of the exemptions defined under paragraph 19 (a) of resolution 1970 (2011), viz. "routine holding or maintenance of frozen funds".
3. In response to Panel's enquiries, the Bank ABC stated that LIA's frozen portfolio cannot be serviced as a typical portfolio, and it is not providing services like management of equity portfolio and fixed income portfolio. They are providing only routine holding and maintenance (i.e., custody) services to LIA. The HSBC Bank informed that currently they are providing custody services, i.e., safekeeping of assets, pricing, reporting and corporate actions services only. Moreover, in its notice of closure of LIA's global relationship with the HSBC Bank of 6 June 2023, the HSBC Bank has stated that they are providing only custody with limited execution services, including holding and safeguarding of the existing assets. The Bank ABC and the HSBC Bank did not provide the breakup of the amount of fees and charges, which are specifically attributable to routine holding or maintenance of LIA's frozen funds.
4. The Panel determined that, after the asset freeze, not all the services outlined in LIA's agreements with the custodians, namely the Bank ABC and the HSBC Bank are being provided. Moreover, the Bank ABC and the HSBC Bank could charge fees limited to "routine holding or maintenance of frozen funds", after following the extant procedure stipulated in paragraph 19 (a) of resolution 1970 (2011).
5. The Panel assessed that charging of custody and management fees at the pre-asset freeze rate of 0.1% by the Bank ABC and the rates specified in Appendix 1 to the HSBC custody agreement, as amended in 2009, by the HSBC Bank, which were applicable for a host of the services as specified in respective agreements, on the entire average market value of LIA's portfolio, is not permissible under the relevant resolution. Only the amount of custody and management fees attributable to "routine holding or maintenance of frozen funds" is exempted from the asset freeze under paragraph 19 (a) of resolution 1970 (2011).
6. Fees charged by the Bank ABC and the HSBC Bank have remained unchanged since the asset freeze. HSBC Bank's fees were last revised in 2009, while Bank ABC's fees have remained the same since inception.
7. LIA did not renegotiate the terms of the agreement and custody and management fees, limiting the fee rate to "routine holding or maintenance of frozen funds" only, under paragraph 19 (a) of resolution 1970 (2011).
8. The Custody Agreement between LIA and the HSBC Bank Luxembourg of 26 November 2007, as amended on 12 May 2009 stipulates provisions for revision of custodian fees – *"the fees are usually subject to review after six months and annually from implementation thereafter"*. LIA has apparently not carried out this review with the HSBC since 2009, and the HSBC Bank continued to charge custodian fees at pre-asset freeze rate, instead of limiting the fee rate to "routine holding or maintenance of frozen funds".
9. In view of the above, the Panel determined that both custodians the Bank ABC and the HSBC Bank, however, continued charging custody and management fees at the rates that were applicable prior to the asset freeze. Aside from non-compliance to the asset freeze, deduction of such fees and charges by the Bank ABC and the HSBC Bank at a pre-asset freeze rates on LIA's frozen portfolio, are causing erosion of LIA's frozen funds. This is contrary to the provisions of paragraphs 18 of resolution 1970 (2011) and 20 of resolution 1973 (2011), reiterated in subsequent resolutions, including paragraph 14 of resolution 2701 (2023), aimed at preserving the frozen assets for the benefit of the Libyan people.

Annex 89 Data inconsistencies in LAFICO (LTP)’s reinvestment plan [CONFIDENTIAL]

Annex 90 LTP's independent status and segregation of its assets

1. LIA's submission for the reinvestment plan of some of the LAFICO's frozen assets by segregating and assigning them to LTP as a separate corporate entity, on its own, is not backed by the facts on record. The most recent information in relation to assets with relevant financial institutions, namely the Bank ABC, the Euroclear Bank, the BACB UK, the HSBC UK, and the Credit Suisse (now UBS) UK, shows that these financial intuitions do not hold any assets in the name of LTP. All the frozen assets have been cumulatively reported under the name of LAFICO in these financial institutions since the assets freeze.
2. LIA claimed that of the cash reserves of USD 4.6 billion of the LAFICO (LTP) for which reinvestment has been sought for, USD 3.5 billion and USD 1.1 billion are under the custodianship of the Bank ABC and the BACB, respectively. However, the Panel found that the no frozen funds with the Bank ABC and the BACB are segregated in the name of LAFICO (LTP) nor has the ownership of any of LAFICO's frozen funds been changed to LTP. Both Banks do not have any legal relationship or custody agreement with LTP, nor do they hold any account for LTP. These two banks have entered into custody agreements with LAFICO only, and all funds remain under the name of LAFICO as a legal entity.
3. Given the above prevailing situation, the Panel reiterates its previous findings that the assets managed through LTP were, and remain, legally in the name of LAFICO.⁴⁹⁶ As there has not been any material change in the situation, the Panel reaffirms that LTP, having no independent legal status prior to the asset freeze, continues to be a part of LAFICO, which remains the sole legal owner of the funds.
4. Moreover, according to Asset Transfer agreement of 2020, LAFICO assets at Bank ABC, Amman and Al-Etiihad Amman, Jordan were to be transferred to LTP. However, Jordan by its letter of 22 February 2021 reported that the Bank ABC Amman did not deal with LTP, which did not have any bank account there. Jordan had also informed that LTP's regional office account in Etihad Bank was not under any asset freeze.
5. The Panel thus determined that: a) LTP continues to be an integral part of LAFICO, and all its assets are under LAFICO, and b) LAFICO's assets have not been segregated and transferred to LTP in the relevant financial institutions.
6. LIA is thus obfuscating the legal ownership of LTP assets, rendering them susceptible to potential misuse and misappropriation. Allowing LTP to reinvest assets independent of LAFICO may entail considerable risks to LAFICO's frozen funds.

⁴⁹⁶ S/2021/229, para. 146-150, annex 90; and S/2019/914, annex 71.

Annex 91 Mutassim Qadhafi's frozen funds

1. Regarding the frozen assets of Mutassim Qadhafi (LYi.014), held in the name of Capital Resources Limited Malta, the Panel determined a violation of the asset freeze in the case of Maltese Court's 28 June 2022 order restituting the frozen funds to Libya, taken in absence of exceptions or exemption for such measure in the relevant resolutions; and a non-compliance with the asset freeze in the case of Bank of Valletta (BoV)'s deduction of high balance fees from the frozen funds without notifying the Committee, as required by paragraph 19 of resolution 1970 (2011).

Judicial process concerning the frozen funds in Capital Resources Malta

2. The Panel found certain judicial proceedings, which have implications on Mutassim Qadhafi's frozen assets. Approximately USD 100 million of Mutassim Qadhafi's funds held in the name of Capital Resources Limited Malta are lying frozen in Bank of Valletta, Malta. At the request of the Attorney General of Libya, on 28 June 2022 the Maltese Court of First Instance ordered the restitution of these funds, held on behalf of Mutassim Gaddafi in Malta, to the State of Libya, as they were deemed illicitly obtained and did not belong to Mutassim Gaddafi. In July 2022, Safia Farkash Al-Barassi (LYi.019) appealed the above decision, claiming herself as Mutassim Gaddafi's heir. The appeal is still pending.

3. The Panel considers that notwithstanding the stated desire of resolution paragraph 18 of 1970 (2011) and paragraph 20 of resolution 1973 (2011), reiterated in subsequent resolutions, including paragraph 14 of resolution 2701 (2023) to restore frozen assets to the Libyan people, assets belonging to designated individuals should remain frozen at this juncture in accordance with the asset freeze measures. The order of the Maltese Court of First Instance, in respect of a designated individual's assets already frozen under the UN sanctions, taken in absence of exceptions or exemption for such measure in the relevant resolutions, would cause erosion of the frozen assets. It would thus constitute a violation of the assets freeze by Malta.

Deduction of high balance fees by Bank of Valletta from the frozen funds of Mutassim Qadhafi held in the name of Capital Resources Limited Malta

4. BoV Malta had deducted high balance fees and charges from the frozen funds of Mutassim Qadhafi held in the name of Capital Resources Limited Malta, totalling EUR 533,549.49 between October 2020 and August 2022.

5. The Panel determined that such deductions by BoV was without any notification to, or authorisation from, the Committee in terms of the extant provisions for exemptions stipulated in paragraph 19 of resolution 1970 (2011). This deduction had also caused erosion of the frozen funds, contrary to the provisions of paragraphs 18 of resolution 1970 (2011) and 20 of resolution 1973 (2011), reiterated in subsequent resolutions, including paragraph 14 of resolution 2701 (2023), intended to preserve the frozen assets for the benefit of Libyan people. This amounts to non-compliance with the asset freeze by BoV and Malta.