



## 安全理事会

Distr.: General  
13 December 2024  
Chinese  
Original: English

2024年12月6日第 1973 (2011)号决议所设利比亚问题专家小组给安全理事会主席的信

安全理事会第 1973 (2011)号决议所设利比亚问题专家小组谨依照第 2701 (2023)号决议第 18 段随函转递专家小组工作的最后报告。

所附报告于 2024 年 11 月 12 日提交给安全理事会关于利比亚的第 1970 (2011)号决议所设委员会，委员会于 12 月 5 日审议了报告。

请提请安全理事会成员注意本信和所附报告并将其作为安理会文件分发给荷。

第 1973 (2011)号决议所设专家小组  
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## 关于利比亚的第 1973 (2011)号决议所设专家小组的最后报告

## 摘要

利比亚武装团体对国家机构的影响力达到了前所未有的程度。在西部，这种影响力影响了国家机构在武装团体利益之外执行任务的能力。在东部，国家稳定政府机构被用作阿拉伯利比亚武装部队(阿拉伯利比亚部队)绝对控制利比亚该地区治理职能的掩护。萨达姆·哈夫塔尔确认他不仅控制阿拉伯利比亚部队地面部队，而且还控制其对外关系战略和经济利益。

特别是，武装团体大幅增加了柴油走私收入，手段是利用的黎波里的利比亚电力总公司和班加西旧港的设施，将大量柴油转用，并影响国家石油公司和卜雷加石油销售公司。

尽管在本报告所述期间利比亚没有发生恐怖主义袭击，但在利比亚南部恐怖分子仍然活跃，利用跨境非法活动进行筹资和招募。阿拉伯利比亚部队利用与邻国接壤的南部边境沿线不断恶化的安全局势，加强其作为监督跨境流动的主要区域行为体的更广泛影响力，特别是为此与乍得和尼日尔进行安全合作。苏丹的武装冲突直接影响到利比亚的安全与稳定。

由于利比亚安全部门内部的政治分歧和分裂，未能实现在 5+5 联合军事委员会下建立联合军事部队。外国作战人员和私营军事公司的存在进一步破坏了国家安全形势的稳定。

五个利比亚武装团体对系统地违反国际人道法和人权法行为负有责任，包括任意拘留、谋杀、酷刑和破坏平民财产，这些行为是通过旨在针对被视为威胁其在班加西和的黎波里的政治经济利益的平民的制度化报复系统实施的。人权维护者和记者特别容易遭到绑架、强迫失踪和恐吓。

国际贩运人口和走私网络与利比亚武装行为体合作，利用利比亚领土作为中转站，经营 17 条已查明的国际贩运路线。在这些路线上，包括儿童在内的移民者和寻求庇护者经常遭到强奸和其他性暴力、虐待和勒索。专家小组发现了三个成熟的由武装团体成员领导的利比亚贩运网络，这些网络扩大了其行动的规模和复杂程度，以增加非法活动的资金。

军火禁运未阻止武装团体获得军事装备和专家小组认为的两用装备。米苏拉塔的武装团体获得了先进的军事装备。阿拉伯利比亚部队通过大规模军事演习和阅兵，展示了新获得的装备和大量武器。阿拉伯利比亚部队还大幅增加了海上资产，扣押了两艘武装海军舰艇，通过私营公司采购两用船只并在转让后进行军事化。进入利比亚的外国海军舰艇数量增加了一倍多。在一次此类到访中，向利比亚转让了军事装备。

在会员国控制着利比亚武装行为体的物流和供应链的情况下，军火禁运仍不能有效发挥作用。一些会员国对其与西部和东部武装行为体开展的军事合作类型更加公开。这包括会员国和一个私营实体在利比亚境内外提供的军事训练次数增加。

国家石油公司进行了内部重组，现在为武装团体获得利润丰厚的服务协议提供了便利。根据民族统一政府批准的协议，利比亚第一家私营石油公司自 2024 年 5 月以来出口了价值约 4.6 亿美元的原油。

燃料需求估算和供应链方面的系统性问题为利比亚进口大量过剩柴油提供了便利，这些柴油随后被武装团体非法出口。专家小组查明，利比亚电力总公司是用于非法出口的此类过剩柴油的主要来源。专家小组查明了从班加西旧港出口约 45 万吨柴油的网络。专家小组共查明自 2022 年 3 月以来从该地点非法出口柴油 185 次，估计出口量为 112.5 万吨柴油。

发现 10 个会员国和 16 个金融机构屡次未遵守资产冻结的规定。其中一些未遵守情况造成冻结资产遭到侵蚀。在收取负利息和管理费、进行积极资产管理以及贷记冻结资金收入方面，继续存在不一致做法，无视相关决议。

专家小组发现，利比亚投资局的投资计划缺乏全面性、透明度和数据一致性，导致未投资资产虚报和机会损失夸大。自实施资产冻结以来，利比亚投资局的冻结资产有所增加，与该机构声称资产因冻结而减少的说法相反。鉴于这种情况，并考虑到滥用和挪用的相关风险，专家小组提出建议，包括可根据第 2701 (2023) 号决议第 15 段，对资产冻结作出调整，允许利比亚投资局在采取适当保障措施的情况下将冻结的流动资产进行再投资。

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\* 附件主要以来件所用语文分发，未经正式编辑。

## 一. 背景

### A. 引言

1. 本最后报告根据第 2701 (2023) 号决议第 18 段提交安理会，涵盖专家小组上一次报告(S/2023/673)所述期间结束后的期间，<sup>1</sup> 即 2023 年 7 月 18 日至 2024 年 10 月 25 日。<sup>2</sup> 本报告包括上一次报告所述正在进行的各项调查的最新情况。关于利比亚制裁制度演变情况的概述见附件 1。<sup>3</sup> 缩写和简称表见附件 2。
2. 专家小组在进行调查时，遵循了安全理事会制裁所涉一般性问题非正式工作组建议的最佳做法和方法(S/2006/997)。专家小组保持了可达到的最高举证标准。
3. 专家小组以确凿证据为依据开展工作，并遵守了关于答辩机会的标准。关于工作方法的进一步信息见附件 3。专家小组在调查中保持了透明、客观、公正和独立。

### B. 与利益攸关方和机构的合作

4. 曾被征询意见的会员国、组织和机构名单载于附件 4，专家小组的通信记录载于附件 5。专家小组向委员会提交了 17 封信，其中就关注的问题提供了最新情况或分析。专家小组为执行任务访问了 12 个会员国。专家小组还通过电子平台与会员国和其他对话者保持联系，其中包括其他专家小组以及安全理事会关于伊拉克和黎凡特伊斯兰国(伊黎伊斯兰国)(达伊沙)、基地组织和塔利班及关联个人和实体的第 1526 (2004) 和 2253 (2015) 号决议所设分析支助和制裁监测组。
5. 专家小组得益于联合国利比亚支助团提供的后勤支助，并与支助团进行了交流。专家小组还与欧洲联盟地中海军事行动(伊里妮行动)进行了交流。
6. 在专家小组根据第 2701 (2023) 号决议执行任务期间，利比亚主管当局只向专家小组专家发放过一次 6 个月多次入境签证。专家小组于 2024 年 2 月 25 日至 3 月 7 日和 6 月 2 日至 10 日两次访问利比亚，在的黎波里与利比亚当局和其他相关对话者会面。<sup>4</sup> 专家小组注意到与外交部的合作得到加强，主要体现为定期交流和及时为专家小组的会面请求提供便利。专家小组与 24 个不同的利比亚政府利益攸关方会了面，其中一些利益攸关方是在 4 年后首次会面，例如总统委员会和内政部。专家小组还借此机会，向对专家小组上一次最后报告(S/2023/673)提交答复的政府主管部门明确说明专家小组的任务范围、工作方法以及调查结果中与执行制裁制度有关的具体方面。

<sup>1</sup> 所有提及 S/2023/673 的内容应理解为包含 S/2023/673/Corr.1。

<sup>2</sup> 所有超链接均于 2024 年 10 月 24 日访问。

<sup>3</sup> 附件主要以来件所用语文分发，未经正式编辑。由于对监测机制的报告有字数限制，专家小组在附件中就若干调查工作提供了细节。

<sup>4</sup> 专家小组还根据第 2644 (2022) 号决议规定的任务，于 2023 年 10 月 1 日至 5 日前往利比亚。

7. 在两次访问期间，专家小组还计划访问班加西，但由于以下原因不得不推迟：(a) 专家小组差旅预算资金有限；(b) 阿拉伯利比亚武装部队(阿拉伯利比亚部队)代表团内部人员调整。专家小组采取措施克服这些限制，与阿拉伯利比亚部队代表保持定期交流，并在利比亚境外与他们举行会议。在 2024 年 2 月 12 日与阿拉伯利比亚部队协调人举行的会议上，专家小组收到了阿拉伯利比亚部队对其上一次最后报告的答复，并主动明确说明专家小组的任务范围、工作方法以及调查结果中与执行制裁制度有关的具体方面。<sup>5</sup>

8. 尽管专家小组对班加西的访问确实受到影响，但总体而言，专家小组的差旅能力因联合国财政状况而受到限制的情况并未影响专家小组访问利比亚。不过，第二次访问利比亚时，专家小组的代表人数不得不减少，行程时间也缩短了。由于这种情况，专家小组不得不进一步优先关注在专家小组行动受限的情况下可行的调查，以在利比亚境外专家小组感兴趣的地点实地收集主要证据。

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

### A. 武装团体对利比亚机构的控制

9. 法特希·巴沙加在 2022 年担任总理的尝试失败，改变了利比亚武装团体之间的动态。<sup>6</sup> 现在，利比亚武装团体对利比亚国家机构施加影响的程度前所未有。西部的武装团体和东部的阿拉伯利比亚部队的行动不受控制，使政府当局无法在这些武装团体的利益之外运作，打击有组织犯罪和恐怖主义威慑机构和国内安全局的黎波里办事处滥用利比亚司法系统的情况就说明了这一点(见第 42 和 43 段)。

10. 武装团体进一步渗透了利比亚中央银行、国家石油公司和卜雷加石油销售公司的业务，巩固了对管理石油收入和国家预算的控制。以黎波里为基地的武装团体对燃料供应渠道实行这种控制，包括通过下文分析的利比亚电力总公司案例。阿拉伯利比亚部队利用其对班加西旧港海上航线的控制来走私大量燃料。

#### 1. 受武装团体影响的利比亚中央银行

11. 围绕任命 Naji Mohamed Issa Belqasem 为利比亚中央银行新行长的情况表明，武装团体企图完全控制利比亚中央银行的业务。这一提名是以黎波里为基地的武装团体和阿拉伯利比亚部队之间的妥协，未经他们同意无法最终确定。2024 年 10 月 21 日任命的利比亚中央银行执行董事会的组成经过了谈判，纳入了武装团体(包括阿拉伯利比亚部队)的利益代表。<sup>7</sup> 专家小组评估认为，武装团体对利比亚中央银行的运作和石油收入管理的控制可能继续加强。附件 6 载有专

<sup>5</sup> 阿拉伯利比亚部队的答复，2024 年 2 月 5 日(8 卷，556 页)。

<sup>6</sup> S/2023/673，附件 10。

<sup>7</sup> 保密消息来源(利比亚官员)。

家小组对利比亚中央银行领导权之争的分析，以及武装团体在其中发挥的决定性作用。

## 2. 利比亚电力总公司案例

### (a) 抵制国家监督的公司

12. 利比亚电力总公司是一家国有公司，负责利比亚全境的发电、输电和配电。尽管该公司获得公共资金和燃料分配，但利比亚审计局无法在 2022 年和 2023 年对该公司进行审计。守卫利比亚电力总公司房地的武装行为体不让审计员进入该公司的黎波里总部。<sup>8</sup> 2024 年在总统委员会下设立的电力部门惩治腐败问题委员会<sup>9</sup> 在调查与该公司业务有关的腐败和燃料走私指控时也受到阻挠，原因是不配合以及委员会成员受到死亡威胁。

### (b) 被武装团体保护的主席

13. 阻挠对利比亚电力总公司业务进行审计的主要障碍是其董事长 Mohamed Omar Hassan Al-Mashay。专家小组发现，Al-Mashay 在阻止政府实体行使任何形式监督方面发挥重要作用，包括为此恐吓负责的国家主管部门并始终拒绝与其合作。Al-Mashay 在以的黎波里为基地的武装团体领导人(即稳定支持机构指挥官 Abdel Ghani Al-Kikli 和 111 旅指挥官 Abdulsalam Al-Zobi 上校)的直接指示下管理利比亚电力总公司的业务和资产。Al-Mashay 通过参加 Al-Ahli 体育俱乐部与 Al-Kikli 及其同伙保持密切联系，该俱乐部是的黎波里一支颇受欢迎的足球队，由 Al-Kikli 非正式领导。Al-Mashay 与稳定支持机构附属武装团体领导人共同担任俱乐部的临时主席(见附件 7)。Al-Mashay 曾吹嘘说，由于与这些指挥官的关系，他能够逍遥法外。<sup>10</sup>

14. 2022 年 7 月，在总理阿卜杜勒哈米德·达比巴支持下，此前没有能源行业经验的 Al-Mashay 被任命为利比亚电力总公司董事长。任命 Al-Mashay 是确保 Al-Kikli 在达比巴与法特希·巴沙加争夺总理职位的政治冲突中支持达比巴的条件之一(见附件 8)。<sup>11</sup> 为扩大影响力，Al-Kikli 经常向 Al-Mashay 发出指示，特别是在没有事先规划或技术考虑的情况下安排输电和配电基础设施。

15. 利比亚电力总公司和 Al-Kikli 之间的进一步联系通过北非发展投资控股公司实现，<sup>12</sup> 该公司与利比亚电力总公司和国家石油公司都有合同，由 Al-Kikli 的兄弟

<sup>8</sup> 同上。

<sup>9</sup> 见 [https://web.facebook.com/100070692046441/posts/pfbid0vXRpvxfcRn8GkPALQcKaeP7NUcW1pRwwGyVNVPJJXzYk3Ro9oCDW3nydK3bG6UCWl/?mibextid=WC7FNe&\\_rdc=1&\\_rdr](https://web.facebook.com/100070692046441/posts/pfbid0vXRpvxfcRn8GkPALQcKaeP7NUcW1pRwwGyVNVPJJXzYk3Ro9oCDW3nydK3bG6UCWl/?mibextid=WC7FNe&_rdc=1&_rdr)，2023 年 5 月 1 日。

<sup>10</sup> 保密消息来源(利比亚官员和武装团体成员)。

<sup>11</sup> 同上。

<sup>12</sup> [www.na-holding.com.ly](http://www.na-holding.com.ly)。

Fathi Al-Kikli 管理。这些与设备进口和维护服务相关的合同也刻意避开利比亚有关当局的审查。

16. Abdelghani Al-Kikli 在答复专家小组调查结果时，否认与利比亚电力总公司或 Al-Mashay 的任命有任何联系，称利比亚电力总公司正在与一系列国际审计公司合作(见附件 9)。

17. Al-Zobi 最近被任命为国防部副部长，并被达比巴总理晋升为上校。111 旅负责利比亚电力总公司总部和卜雷加主要储存设施的安全，二者都位于 Al-Zobi 控制的地区。2023 年 3 月 16 日，Al-Kikli 与 Al-Zobi 和其他武装团体指挥官一起，驾驶属于 111 旅的 20 多辆武装车辆来到利比亚审计局办公室，与该局官员会面，意图：(a) 迫使利比亚审计局停止对利比亚电力总公司业务进行监督的进一步尝试；(b) 迫使该局核准一份价值超过 2 亿美元的为利比亚电力总公司进口电表合同。上述北非发展投资控股公司获得了安装和维修电表的分包合同。但该公司几乎没有履行这些分包合同规定的职责和义务。<sup>13</sup>

### (c) 燃料走私的有利环境

18. 第四节详述了燃料走私的主要促成因素，即：(a) 燃料供应链的系统性功能失调和(b) 利比亚电力总公司管理存在挪用补贴燃料的风险。

## 3. 阿拉伯利比亚武装部队的财政自主

19. 阿拉伯利比亚部队继续对利比亚东部领水实施无争议的控制，包括对商船活动的控制。实际上，阿拉伯利比亚部队监管航运活动、控制海关(见第 66 段)并管理沿海安全。在此背景下，阿拉伯利比亚部队的负责单位严格监管班加西旧港的活动，包括大幅增加的燃料走私(见第 106-110 段)以及贩运人口和偷运移民(见第 51 段)活动。

20. 通过经民族统一政府核准的国家石油公司与一家私营公司之间的协议，阿拉伯利比亚部队能够间接出售原油并收取自己的收入(见第 97 段)。通过这种方式，阿拉伯利比亚部队减少了对国家石油公司和利比亚中央银行的财政依赖，增强了其继续控制地盘的能力。这一动态削弱了促进全国政治对话的影响力。

## 4. 阿拉伯利比亚武装部队在南部边境的存在

21. 2024 年 5 月 16 日，萨达姆·哈夫塔尔准将被其父哈利法·哈夫塔尔元帅任命为阿拉伯利比亚部队地面部队参谋长(见附件 10)。这一任命标志着在巩固萨达姆·哈夫塔尔控制哈夫塔尔附属部队<sup>14</sup>以及利比亚东部的一些关键治理职能(包括对外关系)方面迈出了重要一步。与此同时，萨达姆·哈夫塔尔进行出访，与

<sup>13</sup> 保密消息来源(利比亚官员)。

<sup>14</sup> 专家小组用“哈夫塔尔附属部队”来涵盖阿拉伯利比亚部队和所有附属哈夫塔尔的武装团体。小写字母用于泛指自称诸如“旅(Brigade)”或“营(Battalion)”的武装团体，以识别相关团体，同时不为其提供作为政府建制军事单位的合法性。同样，在提及利比亚东部当局时，如果适当，也使用小写字母。

选定的地区国家元首会面。萨达姆·哈夫塔尔作为阿拉伯利比亚部队地面部队的指挥官，在利比亚南部执行区域一级商定的安全安排的能力已变得不容置疑(见第 29 段)。

(a) 与尼日尔和乍得的边界：加强对跨界交通的控制

22. 萨达姆·哈夫塔尔与尼亚美政府的联系导致阿拉伯利比亚部队在萨尔瓦多三角地带的行动重组。<sup>15</sup> 2024 年 8 月初，一支大型装甲车车队加强了阿拉伯利比亚部队在利比亚西南部比拉克沙提、加特、盖特龙、塞卜哈和奥巴里地区的力量。萨达姆·哈夫塔尔下令采取这一行动，以支持阿拉伯利比亚部队下列内部安全目标：(a) 防止在尼日尔-利比亚边境地区建立由图阿雷格人主导的爱国解放阵线；(b) 减少先前下放给哈夫塔尔附属部队麾下团体管理的检查站数量；(c) 确保收取该地区贩运路线沿线阿拉伯利比亚部队检查站的收入。

23. 阿拉伯利比亚部队还从包括贩毒和走私黄金在内的非法跨境活动中收取费用，作为资金来源。这些活动包括将可卡因从西非经尼日尔运入利比亚。驻扎在尼日尔境内 Tummo 检查站<sup>16</sup> 的哈夫塔尔附属部队成员控制着通往穆尔祖格区盖特龙的路线，这是毒品进入利比亚北部或埃及的门户。<sup>17</sup> 在乍得-利比亚边境沿线，阿拉伯利比亚部队重点控制库里-布古迪地区的金矿并对其“征税”。大部分受阿拉伯利比亚部队收取费用的走私黄金最终到达利比亚北部，主要是米苏拉塔，然后被运往国外。对乍得-利比亚边境金矿地区控制权的争夺引发了阿拉伯利比亚部队成员之间的冲突(见附件 11)。此外，专家小组发现了一条从乍得到利比亚的新的贩运人口和偷运移民路线(见图四)。通过这条路线可将移民从乍得南部迅速运送到利比亚东部，表明人贩子与控制该地区的阿拉伯利比亚部队当地人员之间有一定程度的协调。

(b) 苏丹冲突：边境的一个不稳定因素

24. 除先前报告的向快速支援部队提供短暂军事援助外，<sup>18</sup> 专家小组还确定，至 2024 年 7 月底，在庫夫拉地区行动的一些阿拉伯利比亚部队单位协助下，与快速支援部队和苏丹武装部队有关联的苏丹武装团体获得了从利比亚到苏丹的稳定后勤供应。供应物资主要包括四轮驱动车辆和燃料。<sup>19</sup> 附件 12 进一步详细说明了 77 连在利比亚-苏丹边境局势中的作用。

<sup>15</sup> 利比亚的“萨尔瓦多三角地带”指的是该国西南部的一个地区，靠近与阿尔及利亚和尼日尔的边界。

<sup>16</sup> 北纬 22°39'10.67"，东经 14°5'27.99"。

<sup>17</sup> 保密消息来源(武装团体成员)。

<sup>18</sup> [S/2023/673](#)，第 25-32 段。

<sup>19</sup> 保密消息来源(武装团体成员)。

## B. 国际恐怖主义团体和个人

25. 在本报告所述期间，专家小组没有发现在利比亚发生恐怖主义袭击。2023 年年中和 2024 年初，民族统一政府所属部队消灭了国际恐怖主义团体的 2 名高级指挥官。阿拉伯利比亚部队通过在利比亚南部定期巡逻加强了安全存在。所有这些安全措施都有助于削弱恐怖主义小组在利比亚境内长期控制地盘的能力。然而，恐怖主义团体成员仍存在于南部的山区和沙漠地区以及崎岖的阿卡库斯山区，他们从这些地方利用跨境非法活动为其行动提供资金(见附件 13)。<sup>20</sup>

### 1. 伊拉克和黎凡特伊斯兰国-利比亚(QDe.165)

26. 伊拉克和黎凡特伊斯兰国-利比亚(伊黎伊斯兰国-利比亚，QDe.165)仍在塞卜哈周围活动，特别是通过其行动人员分发货物和医疗用品，作为建立当地支持和扩大影响力的更广泛战略的一部分。<sup>21</sup> 由于苏丹冲突加剧，伊黎伊斯兰国-利比亚及其附属组织获得了扩大人员和行动能力的机会。与伊黎伊斯兰国-利比亚有关联的苏丹招募人员继续在利比亚南部活动，包括在阿卡库斯山、Khurj、穆尔祖格和奥巴里地区。他们招募利比亚和外国作战人员(包括乍得、埃及、马里、尼日利亚、尼日尔、塞内加尔和苏丹作战人员)加入苏丹与伊黎伊斯兰国有关联的小组。虽然参与的利比亚作战人员的人数有限，但他们在这些小组内十分活跃(见附件 14)。

### 2. 伊斯兰马格里布基地组织(QDe.014)

27. 专家小组确定，自 2023 年 12 月以来，与“支持伊斯兰与穆斯林”组织(QDe.159)有关联的马里作战人员加强了通过南部边境进入利比亚的活动，在加特临时停留。这些作战人员利用利比亚、马里和尼日尔境内图阿雷格人团体之间的部落联系，为他们的跨境行动提供便利，并从事区域非法黄金贸易(见附件 15)。<sup>22</sup>

## C. 区域动态

### 1. Ra's Judayr 边境危机

28. Ra's Judayr 边境管制站是利比亚最繁忙的边境管制站之一，每天为大量旅客和货物流动提供便利。民族统一政府代理内政部长试图控制该边境管制站，引起了地方和国家各级武装团体的反应。虽然关闭该边境管制站的决定最初与利比亚行为体之间的武装冲突有关，但也扰乱了突尼斯的贸易供应链，该供应链严重依赖这一边境过境点(见附件 16)。

<sup>20</sup> 保密消息来源(利比亚官方和当地消息来源)。

<sup>21</sup> 保密消息来源(利比亚当地和官方消息来源)。

<sup>22</sup> 保密消息来源(马里和尼日尔武装团体)。

## 2. 阿拉伯利比亚武装部队加强区域关系

29. 经过7次高级别区域访问，包括萨达姆·哈夫塔尔率领的两次访问，阿拉伯利比亚部队扩大了在南部邻国的影响力，包括通过向乍得和尼日尔提供安全援助，守卫上述三国间的边境和主要陆路通道(见第 22 段)。这一更广泛的战略不仅试图控制利比亚边境，而且还使萨达姆·哈夫塔尔能够利用区域不稳定来推动与邻国的以安全为导向的对外关系。专家小组评估认为，上述 2024 年 8 月向利比亚西南部部署阿拉伯利比亚部队大型装甲车车队也旨在通过三个主要目标支持阿拉伯利比亚部队对外关系战略，这些目标是：(a) 将阿拉伯利比亚部队定位为区域安全前线行为体；(b) 控制主要贸易和贩运路线；(c) 限制作战人员的跨境行动。2024 年 7 月下旬，马里图阿雷格人对马里武装部队及其盟友发动袭击，成为这一部署行动的主要触发因素之一，萨达姆·哈夫塔尔趁此机会加强了阿拉伯利比亚部队与马里当局之间的安全合作(见附件 17)。

## 3. 苏丹武装冲突的影响

30. 阿拉伯利比亚部队干涉了苏丹的冲突，协助并允许向冲突各方(快速支援部队和苏丹武装部队)提供的后勤支援通过利比亚领土，而在利比亚领土上允许与双方有关联的武装团体存在(见附件 12)。<sup>23</sup> 快速支援部队从培训和完善的空运和陆地补给线中获益更多。专家小组确定了两条此类主要补给路线(见图一)。

31. 随着 2024 年 6 月下旬苏丹武装冲突在北达尔富尔州加剧并蔓延到利比亚境内，阿拉伯利比亚部队开始破坏后勤补给路线，包括没收军用物资。作战人员和平民的跨境流动增加，包括越来越多的移民和寻求庇护者从苏丹涌入，成为实实在在的安全风险，阿拉伯利比亚部队试图通过严密管理利比亚-苏丹边境来加以缓解。

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<sup>23</sup> 保密消息来源(苏丹武装团体)。



图一

已查明至 2024 年 6 月仍活跃的从利比亚向苏丹境内快速支援部队的主要补给路线



#### 4. 5+5 联合军事委员会和军事统一

32. 由于若干挑战，未能实现在 5+5 联合军事委员会主持下建立联合军事部队，反映了利比亚支离破碎的政治和安全状况。的黎波里的主要利益攸关方认为，东部参谋长 Abdel Razek al-Nadori 在这一进程中缺乏决策权，这些权力完全由哈夫塔尔家族掌握。与此同时，阿拉伯利比亚部队总指挥部认为，由于西部武装团体的主导地位，利比亚军队总参谋长穆罕默德·哈达德没有有效的权力。阿拉伯利比亚部队认为西部武装团体不具备执行联合军事部队任务所需的军事能力或专业素养，这一立场强化了上述看法。

33. 2024 年 8 月 25 日，5+5 联合军事委员会在苏尔特举行会议后发表一致声明，确认军事统一(包括建立联合军事部队)不属于该委员会的授权任务范围(见附件 18)。<sup>24</sup>

<sup>24</sup> 得到专家小组保密消息来源证实。

## 5. 外国武装团体和作战人员

### (a) 乍得作战人员

34. 留在哈夫塔尔附属部队内的乍得作战人员人数减少，大多数人撤去参加其他区域冲突。阿拉伯利比亚部队调整了其先前被认定为阿拉伯利比亚部队盟友的在利比亚境内活动的乍得反对派团体的立场，<sup>25</sup> 将其驱逐，以此努力加强与乍得政府的关系(见第 29 段)，并防止乍得内部冲突进一步蔓延到利比亚(见附件 19)。阿拉伯利比亚部队与乍得政府达成协议，遣返其中部分乍得作战人员，尼日尔为此提供后勤支援。

### (b) 叙利亚作战人员

35. 在的黎波里周围几个地点，包括 Hamza 营地、Watiyah 空军基地、Salah Eddine 警察学校和 Suq al-Khamis 地区，仍有土耳其支持的叙利亚作战人员。然而，利比亚不再被视为是这些作战人员梦寐以求的目的地。薪水大幅下降，缺乏其他金钱激励，导致叙利亚作战人员：(a) 在 2023 年底减少了人员轮调；(b) 寻求参与薪水高得多的激烈冲突地区；<sup>26</sup> (c) 迁移到欧洲。专家小组确定了 13 起叙利亚作战人员从利比亚迁至意大利的案例，他们得到两名利比亚高级军官的帮助，利用了在的黎波里的利比亚人口贩运网络。<sup>27</sup>

36. 在东部，叙利亚作战人员出现在哈迪姆空军基地，同曾经是前称为瓦格纳集团的私营军事公司成员的人在一起。

### (c) 外国私营军事公司

37. 虽然前称为瓦格纳集团的私营军事公司人员改变了存在的名称，并通过向其阵地供应和装备军火和有关物资来增强在利比亚的军事能力，但专家小组发现，他们在利比亚的活动性质没有发生实质性变化。这些人员继续支持哈夫塔尔附属部队，提供技术援助，在朱夫拉空军基地维修和保养物资，并在比拉克沙提提供战术训练。

38. 在西部，私营军事公司 Amentum 服务公司的行动人员于 2024 年初在米提加空军基地为利比亚武装人员提供了培训。

## D. 违反适用国际人权法或国际人道法的行为或构成践踏人权的行为

39. 根据第 2213 (2015) 号决议第 11(a) 段和其后各项决议，专家小组调查了利比亚境内违反国际人道法和国际人权法以及践踏人权的行为。

40. 专家小组注意到，利比亚武装团体明显有了更多资源和能力来以法外机制为幌子，使违反适用国际法的行为合法化。这一隐瞒策略的突出特点包括：(a) 经常恐吓和人身攻击被认为与国际对话者接触的人员；(b) 系统地使用歪曲公众叙事

<sup>25</sup> S/2023/673，第 38 段。

<sup>26</sup> S/2022/427，第 30 段。(所有提及 S/2022/427 的内容应理解为包含 S/2022/427/Corr.1)。

<sup>27</sup> 保密消息来源(叙利亚作战人员)。

的虚假信息和数字操纵，以故意掩盖已查明的违反国际人道法和国际人权法行为的事实情况。11 名受害人和目击证人报告说，由于恐吓策略和虚假叙事，他们感到名誉扫地，不敢发声，这使他们不敢向负责的司法当局揭露侵害行为。

# 1. 剥夺自由方面违反国际人道法和国际人权法的行为

41. 专家小组查明 26 起违反国际人道法和国际人权法的事件，这些事件发生在多个的黎波里打击有组织犯罪和恐怖主义威慑机构及国内安全局直接控制的拘留场所以及班加西阿拉伯利比亚部队控制的场所。

## (a) 打击有组织犯罪和恐怖主义威慑机构的责任

42. 专家小组查明在的黎波里临时和永久拘留设施中，由受打击有组织犯罪和恐怖主义威慑机构实际指挥的个人(包括司法警察行动部成员)犯下的 8 起违反国际人道法和国际人权法案件。这些侵权行为与专家小组曾报告的非非法剥夺自由、强迫失踪、酷刑和其他虐待以及剥夺公平审判权行为一脉相承。<sup>28</sup> 这些行为通过强制性准司法系统实施，该系统是打击有组织犯罪和恐怖主义威慑机构指挥部滥用利比亚司法系统建立的，目的是将被拘留者置于法律保护之外(见图二和附件 20)。在涉案的打击有组织犯罪和恐怖主义威慑机构指挥人员中，专家小组查明 Osama Najim 对实施和协助非法逮捕与虐待米提加拘留设施中的被拘留者负有责任。<sup>29</sup> 打击有组织犯罪和恐怖主义威慑机构对专家小组调查结果的答复详情见附件 20。

## (b) 国内安全局的黎波里办事处的责任

43. 专家小组确定，在国内安全局的黎波里办事处负责人 Lotfi Harari 直接命令下行事的个人对国内安全局控制的临时拘留设施中的 5 起非法逮捕和拘留、强迫失踪以及残忍、不人道和有辱人格的待遇案件负有责任。<sup>30</sup> 国内安全局人员以未经证实的理由逮捕了 5 名受害人，无意根据国家法律对被控罪状进行独立公正的法院审理。相反，他们逮捕的依据是 Harari 对受害人的个人恩怨。为使非法行为合法化，国内安全局滥用利比亚司法系统行使执法职能(见图二和附件 20)。这些违法行为的一个显著模式是系统地使用虚假指控的公开强迫认罪录像来羞辱受害人，侵犯了他们的程序性公平审判权。<sup>31</sup> 专家小组确定，Harari 指使并亲自

<sup>28</sup> 1949 年日内瓦四公约共同第 3 条；《1949 年 8 月 12 日日内瓦四公约关于保护非国际性武装冲突受难者的附加议定书》(《第二议定书》)第四、五和六条；《公民及政治权利国际公约》第七、九和十四条；S/2021/229、S/2021/229/Corr.1、S/2021/229/Corr.2 和 S/2021/229/Corr.3，第 35 段；S/2022/427，第 39 段和附件 21；S/2023/673，第 44 段和附件 16。

<sup>29</sup> 专家小组与受害人和目击证人(国际人道法保密消息来源 18、31-34、37、42-43、141 和 143)的约谈。

<sup>30</sup> 日内瓦四公约共同第 3 条；《公民及政治权利国际公约》第七和九条。

<sup>31</sup> 《公民及政治权利国际公约》第十四条。

参与在胁迫情况下虐待和严厉审讯被拘留者。<sup>32</sup> 国内安全局对专家小组调查结果的答复详情见附件 20。

图二  
打击有组织犯罪和恐怖主义威慑机构和国内安全局的黎波里办事处的强制性准司法系统



简称：DACOT，打击有组织犯罪和恐怖主义威慑机构；ISA，国内安全局。

<sup>32</sup> 专家小组与受害人和目击证人(国际人道法保密消息来源 8、21、142-145)的约谈。

(c) 阿拉伯利比亚武装部队的责任

44. 专家小组查明了2起据称严重违反国际人道法的事件，涉及非法监禁、强迫失踪、谋杀、酷刑、残忍待遇、剥夺公平审判权和掠夺，专家小组认为这两起事件是阿拉伯利比亚部队单位(塔里克·本·齐亚德旅(塔里克旅)、20/20 营和哈夫塔尔附属部队控制的国内安全局班加西分支机构)所为。<sup>33</sup> 在2023年10月6日发生在 Salmani 居民区的一起事件中，阿拉伯利比亚部队肇事单位剥夺了204旅13名成员的自由，其中包括该旅旅长及前国防部长 Al-Mahdi al-Barghathi，以及被认为与他有关联的超过35名平民。被捕后，男子被分开送往塔里克旅管辖下的拘留设施，妇女和儿童则被关在家中数日。<sup>34</sup> 阿拉伯利比亚部队单位随后抢劫并毁坏了该居民区的目标民宅，包括 Al-Barghathi 一家的房屋。当时，37名被拘留的男性成为强迫失踪者。其中6名被拘留者在被阿拉伯利比亚部队单位羁押期间死亡。阿拉伯利比亚部队对专家小组调查结果的答复详情见附件21。

2. 针对人权维护者、社会活动人士和记者的攻击

45. 专家小组确定，5个利比亚武装团体，即打击有组织犯罪和恐怖主义威慑机构、国内安全局的黎波里办事处、哈夫塔尔附属部队控制的国内安全局班加西和塞卜哈分支机构、塔里克旅和20/20 营，对蓄意压制11名人权维护者、社会活动人士和记者的表达自由负有责任，其压制手段是非法绑架和严重虐待、暴力入室搜查、恐吓和直接威胁受害人家属。<sup>35</sup> 这些武装团体部署了组织严密的报复性目标系统，目的是在利比亚民间社会当地成员和记者中间营造恐吓和系统性歧视的氛围，迫使他们服从攻击者的意愿和利益(见图三和附件22)。<sup>36</sup>

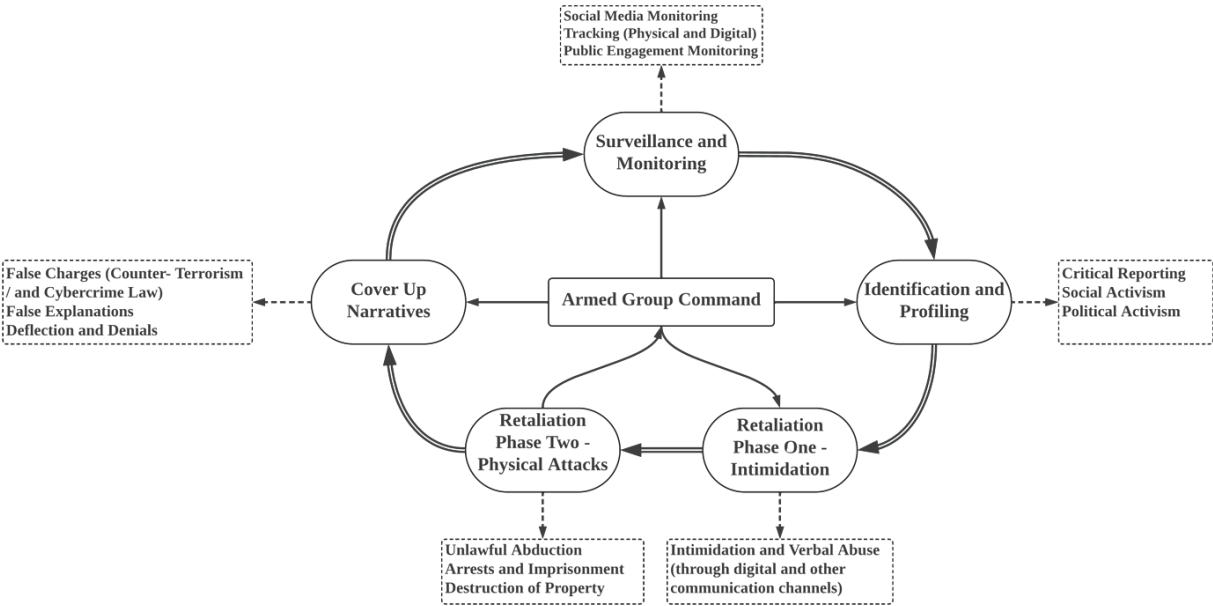
<sup>33</sup> 日内瓦四公约共同第3条；《1949年日内瓦四公约第二附加议定书》第四、五和六条；《公民及政治权利国际公约》第六、七、九和十四条。

<sup>34</sup> 专家小组与证人(国际人道法保密消息来源24、35、38和45)的约谈。

<sup>35</sup> 《公民及政治权利国际公约》第七、九和十九条。S/2022/427，第44段和附件22；S/2023/673，第53-55段。

<sup>36</sup> 专家小组与受害人和证人(国际人道法保密消息来源21、29、31、33和142-145)以及利比亚民间社会(国际人道法保密消息来源1、5和7)的约谈。

图三  
利比亚武装团体针对人权工作者和记者的报复性攻击系统



3. 对移民和寻求庇护者实施的违反国际人权法行为

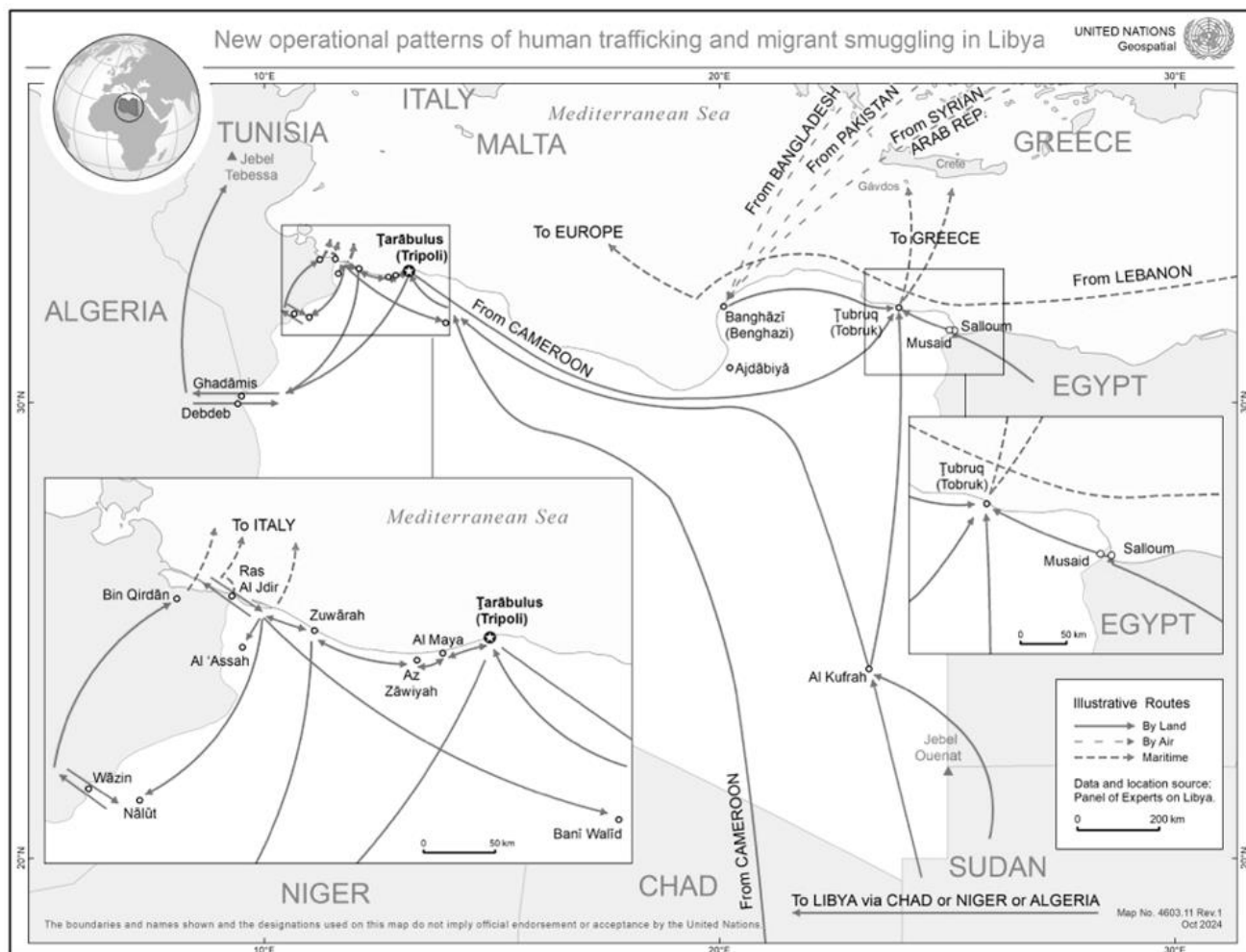
46. 国际贩运人口和偷运移民网络与利比亚武装行为体合作，自 2023 年 6 月起，在 17 条已查明通过利比亚成功运作的贩运人口和偷运移民路线上扩大了活动(见图四和附件 23)。这种扩张通过以下方式实现：(a) 开辟了 4 条从中部和北部非洲出发并途经阿尔及利亚、乍得、苏丹和突尼斯的新的入境路线，以及 5 条通过德布德布、Ra’s Judayr、图卜鲁格、Wazin 和祖瓦拉陆地和海上边境的新的出境路线；(b) 在原籍国，特别是在孟加拉国、埃及、苏丹和阿拉伯叙利亚共和国，加强了参与招募移民的网络成员的组织；(c) 分散协调职能并将其分配给欧洲最终目的地的网络行动人员；(d) 利用数字平台引诱受害人参与贩运活动，并远程协调其行动；(e) 发展后勤供应链，包括地方船只生产和从邻国招聘船只驾驶员。促成这些行动变化的因素包括利比亚武装行为体为独家控制关键行动区的边境管理而进行的权力斗争(见第 28 段)、地方主管当局内部的系统性腐败以及区域安全局势的恶化(见第 30 段)。

47. 专家小组确定，沿这些路线被贩运的 86 名移民者(包括 9 名儿童)的人权遭到侵害，侵害行为涉及非法剥夺自由、强奸、强迫卖淫、奴役、强迫劳动和(或)酷刑和其他虐待。<sup>37</sup> 利比亚武装行为体和贩运网络成员实施的这些侵犯人权行为是三种非法业务模式(协作、分散和机会主义的模式)高效运作的核心，武装团体和犯罪网络将这些模式作为其在利比亚的主要资金来源。

<sup>37</sup> 专家小组与受害人和目击证人(国际人道法保密消息来源 19、20、26、27、30 和 47-140)的约谈。

图四

利比亚贩运人口和偷运移民的新运作模式



## (a) 协作模式

48. 专家小组查明国际贩运和走私网络与控制班加西、穆赛义德、Ra's Judayr、图卜鲁格和祖瓦拉主要行动区的利比亚武装行为体之间相互协作的4个非法网络。这些行为体(包括利比亚内政部和阿拉伯利比亚部队的人员)发挥主导作用,协调贩运和走私行动,或允许犯罪网络在其控制的地盘上活动,以换取收入和使用移民者从事强迫劳动,从而牟利。



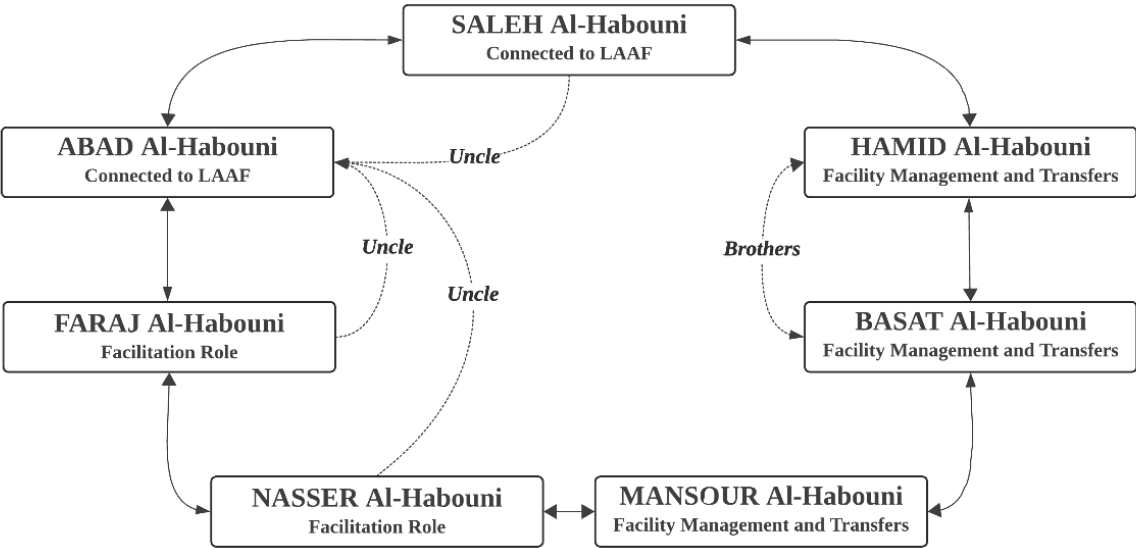
(一) 图卜鲁格的 Al-Habouni 和 Al-Katani 网络

49. 专家小组查明，Al-Habouni 网络的 7 名成员和 Al-Katani 网络的 6 名成员直接负责管理复杂的国际贩运和走私活动，其中心设在 Musaid 和图卜鲁格，合作网络活跃在 5 个国家(见图五和六)。这两个网络都有发达的后勤能力，通过秘密关押设施运送大批移民者，将他们从图卜鲁格贩运和偷运到希腊。在这些设施中，49 名移民者在武装警卫看管下遭受殴打、鞭打以及其他形式的残忍、不人道和有辱人格的待遇，没有饮用水和基本卫生设施。2 名受害人因遭受人身暴力而受到身体损害并留下伤痕。

50. Al-Katani 网络的关键人物 Hussein Abu Khalil 和 Idris Yusuf Bin Daba 以及 Al-Habouni 网络的关键人物 Abad 和 Saleh Al-Habouni 利用其军事职位和(或)与阿拉伯利比亚部队人员的关系，为顺利进行行动提供便利。在协调移民者在秘密设施间的行动、提醒网络注意潜在的执法突袭以及确保贩运船只自由离开利比亚领海方面，这些军事方面的关系发挥了重要作用。阿拉伯利比亚部队指挥部告知专家小组，其对已查明的两个网络成员采取了法律和纪律措施。这些网络的作案手法以及其成员的角色与职责的详情见附件 24。

图五

Al-Habouni 网络(图卜鲁格)

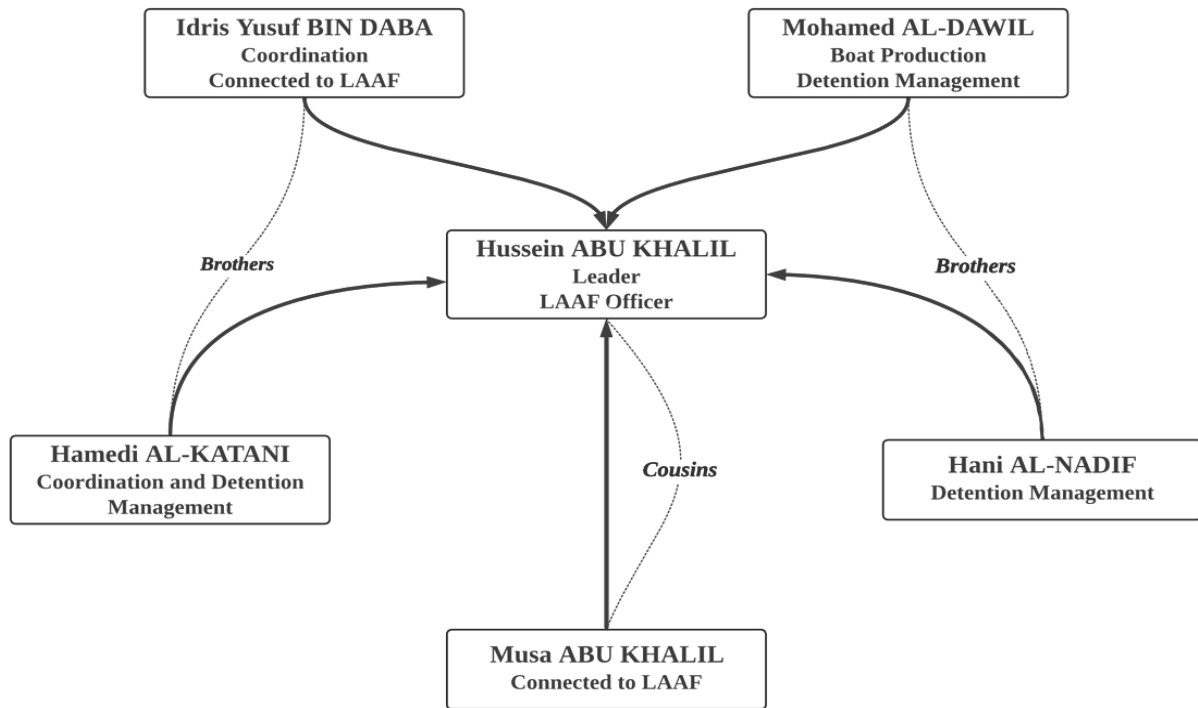


简称：LAAF，阿拉伯利比亚武装部队。



图六

Al-Katani 网络(图卜鲁格)



简称：LAAF，阿拉伯利比亚武装部队。

## (二) 班加西的 Al-Mashai 网络

51. 在阿拉伯利比亚部队成员管辖下的一个位于班加西港的非官方拘留设施内，<sup>38</sup> 发生了 5 起对移民者实行非法拘留、酷刑以及残忍和有辱人格待遇的案件，专家小组认定 20/20 营指挥官 Ali Al-Mashai<sup>39</sup> 对此负有直接责任。4 名受害人指认 Al-Mashai 掌管着运营“Tareq Bin Zeyad”号机动船(国际海事组织编号 9889930)的塔里克旅水面部队，负责向这些部队发出命令，抓捕移民者并将他们转移到 Ali Al-Mashai 直接控制的指定拘留设施(见附件 25)。Al-Mashai 发布命令，对 5 名被拘留者实行非法拘留和虐待，以此作为对一次失败的贩运人口和走私行动的报复，这次行动由他指挥并与国际犯罪网络协调，沿着经过利比亚东部沿海地区和海域的国际走私路线实施。

52. 专家小组还确定，塔里克旅水面部队成员奉 Al-Mashai 之命，应对在国际水域发生的侵犯包括儿童在内的约 130 名移民者的人权的行为负责。3 名受害人遭到毒打，造成肢体骨折和其他严重伤害。移民者的私人财产被非法没收和毁坏，并不断遭到言语辱骂。<sup>40</sup>

<sup>38</sup> 北纬 32°06'18"，东经 20°02'36"。

<sup>39</sup> S/2023/673，第 54、55、72 和 73 段以及附件 17 和 21。

<sup>40</sup> 《公民及政治权利国际公约》第七和九条。

## (三) 利比亚西部边境地区的官方和非官方拘留设施

53. 在利比亚边防卫队控制的阿萨临时拘留设施以及在内政部工作人员控制的比尔盖奈姆临时拘留设施中，通过祖瓦拉贩运中心被贩运和偷运到突尼斯和(或)被强行从突尼斯驱逐回利比亚的移民者特别容易被任意拘留、遭受虐待、被关押在过度拥挤和不卫生的设施和(或)遭到勒索(见附件 26)。<sup>41</sup>

## (b) 分散模式

54. 许多自主犯罪网络以分散但相互联系的方式运作，通过招募、运输、关押移民者并将其转移到该国东部和西部的贩运和走私中心，协助提供被贩运和偷运的移民者。这一模式背后的驱动力是库夫拉、拜尼沃利德、塞卜哈、塔济尔布和的黎波里的地方犯罪网络，这些网络在那里招募了 23 名移民者，并将他们暂时关押在仓库或私人农场住宅等地方设施中。移民者在恶劣条件下被从这些地点转移到艾季达比亚、班加西、盖达米斯、苏尔特、图卜鲁格和祖瓦拉等较大的贩运中心。

## (c) 机会主义模式

55. 较小的武装团体或个人在班加西和的黎波里的公共场所绑架了 9 名移民者，其中 4 人是合法居民，目的是索要赎金和(或)强迫劳动。8 名受害人被关押在条件恶劣的临时拘留设施中，遭受酷刑和其他虐待以换取赎金，被迫从事强迫劳动和(或)被卖给更有组织的贩运网络进行奴役。2 名男性受害人在被关押期间多次遭到轮奸。<sup>42</sup>

### 三. 军火禁运执行情况

#### A. 概述

56. 根据经后续决议修订的第 1970 (2011)号决议第 9 至 13 段，专家小组监测、调查和查明军火禁运方面的违反行为<sup>43</sup> 和未遵守事件。<sup>44</sup> 专家小组查明了违反

<sup>41</sup> 专家小组与前被拘留者(国际人道法保密消息来源 52、53 和 54)和证人(国际人道法保密消息来源 4、6、8、9、15、17 和 47-50)的约谈。

<sup>42</sup> 专家小组与受害人(国际人道法保密消息来源 61、62-66 和 81-82)的约谈。

<sup>43</sup> 专家小组认为，如果实际转让了军火和军用物资、进行了培训或提供了实物支持，而未由军火禁运豁免或例外规定明确涵盖，即构成“违反行为”。根据委员会的豁免做法和专家小组报告方法的一致性，这也适用于向利比亚临时运送军用物资，如海军舰艇和军用货机。

<sup>44</sup> “未遵守”事例是指某实体未采取决议所述适当行动的情况，例如：(a) 未检查前往利比亚的飞机或船只以防止“违反行为”的发生；或(b) 未向委员会及(或)其专家小组提供所需或所要求的信息。未遵守还可指如下情形：客观上构成违反，但无法合理预期责任方会(a) 提出豁免请求，或(b) 在转让时知道转让将构成违反。

第 1970 (2011) 号决议第 9 段的 34 起军火和有关物资转让事件以及 18 起军事训练活动案件。<sup>45</sup> 专家小组还对其前两份最后报告中报告的 3 起案件认定了责任。<sup>46</sup>

57. 为便于参考，附件 27 以表格形式列出了违反事件。附件 28 汇总了自实施禁运以来违反第 1970 (2011) 号决议第 9 段向利比亚转运的军火和军用物资类型。该汇总说明了利比亚境内现有军火和军用物资的不同种类和技术复杂性，并作为一种基线，帮助识别任何未来的违反行为。

58. 在会员国控制着利比亚武装行为体的物流和供应链的情况下，军火禁运仍不能有效发挥作用。在利比亚政府控制范围之外活动的武装行为体继续表明，其不受军火禁运的限制，拥有新购置的装备和尖端军用品。米苏拉塔的武装团体通过购置一种新型无人机扩大了其空中能力。在苏尔特附近的停火区举行大规模军事演习期间(见附件 29)，并通过在班加西举行阅兵式，阿拉伯利比亚部队展示了其庞大的武库；许多驻该国的外交使团代表参加了阅兵式。

59. 专家小组注意到，3 个会员国就其与西部和东部武装行为体开展的军事合作类型加强了公开沟通。其中 2 个会员国认为，此类军事合作不属于军火禁运的范围，与专家小组的调查结果相反。

## B. 执行方面的挑战

### 1. 受控制部队的最新情况

60. 尽管第 2701 (2023) 号决议第 9 段提出要求，但利比亚政府自 2017 年 5 月 27 日首次宣布以来尚未更新其所控制的部队的清单。目前宣布的由政府控制的部队，即利比亚海岸警卫队、爆炸物处理单位和民族团结政府总统卫队，是获准可在未经委员会事先核准情况下获得非致命性军事装备的唯一部队。<sup>47</sup>

61. 2024 年 3 月 13 日，利比亚更新了最终用途证书授权签字人名单，添加了军事采购部主任，作为两名签字人之一。<sup>48</sup> 这次添加遵循了纳入技术层面采购主管的既有惯例。

### 2. 运送人道主义物资

62. 查明有 17 个会员国动员援助、搜索和救援行动，帮助 2023 年 9 月受“丹尼尔”风暴影响的利比亚东部(包括德尔纳)民众，出于可以理解的原因，其中大多数国家为此使用了军事装备和人员以及军事运输工具。经第 2095 (2013) 号决议第 9 段修订的第 1970 (2011) 号决议第 9(a) 段仅将运送用于人道主义目的的非致命

<sup>45</sup> “转让事件”系指军火和有关物资或军事装备的转让，不包括临时转让，如海军舰艇在不卸载物资情况下的停靠。“训练事件”系指第三方提供的与军事活动有关的训练。

<sup>46</sup> S/2022/427，第 66 和 68 段及附件 27 和 28；S/2023/673，第 84 和 103-105 段及附件 26 和 71。

<sup>47</sup> 经第 2095 (2013) 号决议第 10 段修订的第 2009 (2011) 号决议第 13(a) 段；S/2023/673，第 76 段和附件 24。

<sup>48</sup> 另一名签字人是总理兼国防部长阿卜杜勒哈米德·达比巴。

性军事装备作为例外情况。现有决议或相关执行援助通知<sup>49</sup>没有为不属于非致命性军事装备定义范围内的运输工具提供例外理由(见建议 2)。

63. 在德尔纳人道主义危机情况下，专家小组采用了在调查海军舰艇和军用飞机进入利比亚方面使用的相同方法和技术标准。在查明的 17 个会员国中，只有 6 个国家答复了专家小组就据报为运送人道主义援助而使用军用飞机或海军舰艇进行的标准化询问。答复情况如下：(a) 3 个会员国提供了完整信息，交回了标准化调查表，使专家小组能够确认第 2095 (2013)号决议第 9 段规定的例外情况适用；(b) 1 个会员国提供了关于物资运送的人道主义性质的部分信息，但足以让专家小组确认使用了军事运输工具；(c) 1 个会员国提供的关于飞行和运送货物的信息不完整，不足以让专家小组确定飞行的性质；(d) 1 个会员国没有使用军事运输工具，因此不在军火禁运范围之内。2 个会员国还表示，在德尔纳人道主义危机情况下仅为运送援助目的而使用军事手段不构成违反或未遵守适用决议规定的义务。在 57 起调查案件中，专家小组能够确定 4 起未遵守第 1970 (2011)号决议第 9 段的案件(见表 2 和附件 30)。

## C. 海上违反行为、未遵守事件和其他海事问题

### 1. 海上转运

64. 专家小组发现，运往班加西的军用和民用船只数量有所增加。民用船只被用于军事和执法活动，如“Tareq Bin Zeyad”号机动船(国际海事组织编号 9889930)(见第 51 段)，危害军火禁运的实施。这些船只不受军火相关出口管制的限制，但起到了增强战力的作用，使武装行为体能够扩大其在海域的力量投送。这一点尤其体现在对专家小组认定的两用船只进行交付后武装，<sup>50</sup>以及对曾经去军事化的海军舰艇进行重新军事化。此类船只，包括硬壳充气艇，可以为简易武器支架提供必要的加固点，结构特征优于民用船只，使其适用于传统海军能力以外的安全应用。

65. 因此，在此类船只应被归类为民用设备或是第 2095 (2013)号决议第 10 段规定的非致命性军事装备方面，其最终用户必然是一个决定因素。专家小组确定，阿拉伯利比亚部队以私营公司为幌子，进口海军型或两用船只，然后将其用于军事目的。

66. 2023 年 11 月 15 日，“O7 Gaja”号机动船(国际海事组织编号 9273791)进入图卜鲁格港，露天甲板上有两艘海军型武装 OCEA 110 MKII 快速巡逻艇，准备前往预定目的地阿曼。隔天，图卜鲁格海关当局扣押了巡逻艇，理由是未进行入境前申报。阿拉伯利比亚部队向专家小组表示：(a) 扣押是独立于阿拉伯利比亚部队的海关当局负责的；(b) 巡逻艇是走私进入利比亚的；(c) 巡逻艇在 2024 年 3 月 18 日之前一直由海关扣押，然后被没收。与阿拉伯利比亚部队的解释相

<sup>49</sup> 包括 2023 年 12 月 4 日的第 7 号执行援助通知。

<sup>50</sup> S/2022/427，第 66 段和附件 27。此类船只通常来自提供相同船只军用和民用配置的生产商，有一些技术差异，但外观差异极小，因此民用版不受出口管制。

反，专家小组查明，海关扣押是在阿拉伯利比亚部队总指挥部指示下进行的，到 2023 年 12 月初，塔里克旅非法占有了这些船只，将其充作海军资产。在“尊严盾牌 2024”军事演习期间，这些巡逻艇也得到了显眼的展示(见附件 29)。这一案例表明利比亚境内物资(包括过境物资)被转用的实际风险，凸显了在过境货物方面也必须实施军火禁运(见表 4 和附件 31)。

67. 专家小组查明，约旦国民 Amro Salem Ismael Ibrahim 对向班加西转运 3 艘海军型船只和 44 艘两用船只负有责任；所有海军船只和至少 5 艘硬壳充气艇(交付后进行了军事化改装)的最终用户是阿拉伯利比亚部队。

68. 2023 年初，两艘新近被确定为前比利时警用巡逻艇的海军舰艇被转运至班加西：一艘是 Damen Stan 2706 (前 SPN-09)，另一艘是 Rodman 66 (前 SPN-14)。这些船只的舱室前部有防弹保护，但在比利时退役时，通信系统被拆除。2022 年 9 月，意大利一家公司购买了船只，并于 2022 年 10 月转售给阿拉伯联合酋长国一家公司，其代表是 Amro Ibrahim。专家小组确定，向班加西转运两艘船只一事发生在 2023 年 1 月至 3 月间。由于其建造类型、之前的海军用途以及在利比亚的最终用户是阿拉伯利比亚部队，专家小组将这些船只归类为非致命性军事装备(见表 4 和附件 32)。

69. 2024 年 3 月 7 日至 8 日夜， “BBC Alaska” 号机动船(国际海事组织编号 9453793)搭载 6 艘舰艇从阿拉伯联合酋长国拉希德港抵达班加西。货物包括两艘拦截艇、两艘登陆艇和两艘多用途船只。专家小组根据建造类型、结构和名称确定，其中一艘拦截艇属于非致命性军事装备，其余船只属于两用船只。专家小组查明了这些船只的阿拉伯联合酋长国托运方和生产商或出卖方(均由 Amro Ibrahim 拥有或控制)以及班加西的收货人。由于船只的类型和名称，专家小组将其归类为非致命性军事装备(见表 4 和附件 32)。

70. 在“尊严盾牌 2024”军事演习中，阿拉伯利比亚部队展示了其翻新的先前出现的巡逻艇，一艘 Rafnar 1100 硬壳充气艇和 5 艘武装 ASIS 12 米硬壳充气艇。专家小组查明，一家总部设在阿拉伯联合酋长国的公司(其代表为 Amro Ibrahim)是 41 艘 ASIS 硬壳充气艇的托运人。这些船只包括 2024 年 7 月 21 日“Med Sea Eagle”号机动船(国际海事组织编号 8356443)运载抵达班加西的 5 艘硬壳充气艇。这些船只的生产商和出口商 ASIS 船只有限责任公司证实，所有 41 艘船只：(a) 在出口时均为民用船只；(b) 没有经过续航增强；(c) 没有硬点或武器支架；(d) 已出售给 Ibrahim 的公司，用于再出口给利比亚的 5 家公司。该公司还指出，5 艘武装硬壳充气艇一定是在交付后进行了改装，包括改装了地板结构以安装武器。专家小组的评估认为，这些类型的硬壳充气艇属于两用船只(见附件 32)。

71. 关于向利比亚西部的转让，专家小组确定，2023 年 6 月意大利向利比亚海岸警卫队提供两艘 *Corrubia* 级快速巡逻艇属于第 2095 (2013)号决议第 10 段规定的例外情况(见附件 33)。

72. 专家小组查明了以前报告的向利比亚转让一艘 *Lambro Olympic D74* 级舰艇<sup>51</sup> 和 *Apollon* 硬壳充气艇<sup>52</sup> 的 4 名责任人(见表 4 和附件 34)。

## 2. 外国海军舰艇

73. 在本报告所述期间，进入利比亚的第三方国家武装海军舰艇的数量是上一个报告所述期间的两倍多，至少有一艘海军舰艇向利比亚运送了军事装备(见表 1)。根据专家小组的评估，武装海军舰艇入境以及供应、销售或转让不属于任何现有例外情况或未得到委员会豁免的军火和有关物资均违反第 1970 (2011)号决议第 9 段(见附件 30)。

74. 其他武装海军舰艇入境是为了运送被委员会列为军火禁运例外或豁免情况的物项或开展例外或豁免的活动。专家小组继续沿用委员会和专家小组以往关于解释军火禁运的做法，包括一项理解，即禁运的例外和豁免情况并不明确适用于豁免物项或活动的运载工具。<sup>53</sup> 因此，海军舰艇进入利比亚之前必须事先得到委员会批准，除非该舰艇本身属于例外情况，被归类为非致命性军事装备，而且仅用于人道主义或防护用途，或者用于安全目的或协助利比亚政府解除武装。一些会员国向专家小组表示，对不受军火禁运限制的人道主义物资运送，运输工具的性质不具相关意义。只有一个会员国，即马耳他，就海军舰艇进入利比亚向该国运送豁免物资一事正式向委员会申请并获得豁免。关于会员国对 2023 年 9 月德尔纳人道主义危机作出的回应，专家小组认为，根据相关决议，在进入利比亚之前没有向委员会申请豁免的会员国未遵守第 1970 (2011)号决议第 9(c)段(见表 2)。

<sup>51</sup> S/2022/427，第 66 段和附件 27；S/2023/673，第 79 段和附件 26。

<sup>52</sup> S/2022/427，第 68 段和附件 28；S/2023/673，第 84 段和附件 26。

<sup>53</sup> S/2022/427，第 60 段和建议 1；S/2023/673，第 81 段和附件 28-29。



表 1

## 违反或未遵守第 1970 (2011) 号决议第 9 段进入利比亚的外国海军舰艇

国家 <sup>a</sup>	停靠港	海军舰艇	评论、运送的物项和(或)开展的活动
土耳其	胡姆斯港	TGC “Kinaliada” 号 (F-514)，反潜作战护卫舰  Gabya 级护卫舰  Barbaros 级护卫舰	<ul style="list-style-type: none"> <li>TGC “Kinaliada” 号于 2023 年 11 月造访；土耳其说造访原因是天气恶劣<sup>b</sup></li> <li>Gabya 级：10 次造访<sup>c</sup></li> <li>Barbaros 级：6 次造访<sup>c</sup></li> </ul> (更多信息见附件 35)
意大利	的黎波里 Abu Sittah 海军基地	ITS “Tremi” 号 (A5348)，海岸运输舰	<ul style="list-style-type: none"> <li>2024 年 2 月 21 日从意大利拉斯佩齐亚出发；专家小组于 2024 年 2 月 28 日在 Abu Sittah 海军基地观察到该舰艇<sup>c</sup></li> <li>自 2018 年以来轮换出现的 3 艘 Gorgona 级舰艇之一</li> </ul>
俄罗斯联邦	图卜鲁格港	Gren 级大型登陆舰  Ropucha 级大型登陆舰  Slava 级“瓦良格”号 导弹巡洋舰  Udaloy 级“萨波什尼科夫元帅”号护卫舰	<ul style="list-style-type: none"> <li>Gren 级：2 次造访<sup>c</sup></li> <li>Ropucha 级：2 次造访<sup>c</sup></li> <li>在 2024 年 4 月 8 日、14 日和 21 日造访期间，港口内可见重型装备运输车 and 周边安全设施</li> <li>在 2024 年 4 月 14 日造访期间，卸载带着小型拖车的军用卡车</li> <li>Slava 级和 Udaloy 级：1 次造访<sup>c</sup></li> <li>俄罗斯联邦表示：(a) 其遵守了关于利比亚的国际限制；(b) 这些船只的活动不属于有关决议的“禁区”；(c) 其他会员国也使用军用船只访问利比亚</li> <li>阿拉伯利比亚部队确认 2024 年 6 月 16 日的造访，但否认其他确定日期的造访</li> </ul> (更多信息见附件 36)

<sup>a</sup> 按时间顺序排列。<sup>b</sup> 未遵守情况。<sup>c</sup> 违反行为。

表 2  
在德尔纳人道主义危机期间未遵守第 1970 (2011)号决议第 9(c)段进入利比亚的外国海军舰艇

国家	海军舰艇	评论、运送的物项和(或)开展的活动
埃及	各式	<ul style="list-style-type: none"><li>在 2023 年 9 月德尔纳人道主义危机情况下，4 个会员国使用海军舰艇向利比亚东部提供人道主义援助(见附件 30)</li></ul>
意大利		
马耳他		
土耳其		

D. 航空相关违规和未遵守规定情况

1. 采购无人机：Bayraktar Akinci 无人驾驶作战飞机

75. 2024 年 3 月 31 日，专家小组发现米苏拉塔空军基地新近建造的机库旁边有一架新移交的土耳其 Bayraktar Akinci 无人驾驶作战飞机。<sup>54</sup> 2024 年 3 月中旬完成了连接滑行道和机库的建设，机库的大小能够容纳大约 5 架 Akinci 无人驾驶作战飞机(见附件 37)。<sup>55</sup>

2. 军用货机

76. 会员国的军用飞机继续使用利比亚机场。除用于德尔纳人道主义危机救济的军用货运飞行外(见第 63 段)，专家小组要求澄清已查明会员国的 40 次飞行的目的(见附件 38)。答复中提供的信息有限。土耳其回应说，这些飞行是为了满足土耳其驻利比亚军事顾问的后勤需要，以便为利比亚武装部队提供培训。大不列颠及北爱尔兰联合王国表示飞行符合第 1970 (2011)号决议。<sup>56</sup> 法国、意大利和美利坚合众国没有回应。专家小组认为这 5 个会员国违反了第 1970 (2011)号决议第 9 段(见表 4)，详细原因见附件 38。专家小组多次提出这一问题，<sup>57</sup> 在 S/2023/673 号文件附件 28 中作了解释。

3. 民用飞机

77. 专家小组确定，3 架符合专家小组的空运交货特征指标的飞机往返于哈夫塔尔附属部队控制下的利比亚机场(见附件 3)，综合考虑，存在违反第 1970 (2011)号决议第 9 段的情况。表 3 汇总了关于这些飞机的数据。

<sup>54</sup> 北纬 32°18'40.43"，东经 15°4'1.09"。

<sup>55</sup> 2024 年 7 月 14 日至 16 日，土耳其总参谋长访问利比亚，期间，一架 Akinci 无人驾驶作战飞机在场(见 <https://x.com/TSKGnkur/status/1812827604816151007>)。

<sup>56</sup> 2024 年 4 月 11 日和 6 月 19 日，联合王国向专家小组通报其进行了 4 次军事飞行，提供了相同的解释原因。

<sup>57</sup> S/2022/427，第 60 段和建议 1。



表 3  
航空方面的违反行为

查明日期	最终用户	飞机	详情	责任方	备注/资料来源
2023 年 7 月 28 日	哈夫塔尔 附属部队	伊留申 IL-76TD [EX-76005] <sup>a</sup> [0063471147] <sup>b</sup>	满足至少 5 个空运交货特征指标。被查明在阿拉伯联合酋长国至利比亚的空运航线上飞行。秘密飞往利比亚。	Sapsan 航空公司 哈夫塔尔 附属部队	S/2022/427，附件 96； S/2023/673，附件 61； 本报告附件 39
2023 年 7 月 28 日	哈夫塔尔 附属部队	伊留申 IL-76TD [EX-76008] <sup>a</sup> [1103416515] <sup>b</sup>	同上	Sapsan 航 空公司 哈夫塔尔 附属部队	同上
2024 年 3 月 15 日	阿拉伯利 比亚部队	AS350B2 Écureuil 直升机 [I-ALWE] <sup>a</sup>	向哈利法·哈夫塔尔提 供与军事活动有关的后 勤援助	Elifly	附件 40

简称：哈夫塔尔附属部队，哈夫塔尔附属部队；阿拉伯利比亚部队，阿拉伯利比亚武装部队。

<sup>a</sup> 飞机登记号。

<sup>b</sup> 制造商序列号。

哈利法·哈夫塔尔使用 Elifly 的飞行服务

78. 专家小组确定，哈利法·哈夫塔尔乘坐属于意大利公司 Elifly 国际公司的一架 Aerospatiale AS350B2 Écureuil 直升机(登记号 I-ALWE)参加“尊严盾牌 2024”军事演习(见附件 40)。Elifly 公司答复专家小组的询问说，此次飞行是利比亚“空中救护车”公司通过一家总部设在土耳其的公司包租的，以便为医疗目的提供空中支援。飞机于 2024 年 3 月 5 日 17 时 15 分至 18 时执行了一次现场视察，并于 2024 年 3 月 6 日 9 时 05 分至 10 时 48 分从苏尔特机场向一次公共活动现场进行了一次飞行。Elifly 公司表示不知道飞行的性质。

79. 专家小组认为 Elifly 公司没有履行应尽职责。卫星图像显示，在进行现场视察的 2024 年 3 月 5 日，战壕和连接直升机着陆点的观察设施等军事设施已经到位。Elifly 公司在军事演习期间为阿拉伯利比亚部队提供飞行服务，作为一种与军事活动有关的援助，构成违反第 1970 (2011)号决议第 9 段。

E. 军事训练

80. 专家小组查明向利比亚武装行为体提供了 18 次训练，其中一次由私营公司提供。

## 1. 会员国提供的军事训练

### (a) 土耳其

81. 专家小组确定，土耳其向利比亚武装行为体提供了 14 次军事训练：12 次在利比亚境内，2 次在该国境外。土耳其答复专家小组说，这些训练是根据土耳其与利比亚 2012 年 4 月 4 日和 2019 年 11 月 27 日关于军事合作的谅解备忘录，“应利比亚官方当局的请求”提供的。专家小组一直报告此类训练(包括在利比亚境外提供的训练)是违反军火禁运的行为，因为这些训练构成提供与军事活动有关的训练和其他援助。<sup>58</sup> 因此，土耳其提供这些训练违反了第 1970 (2011) 号决议第 9 段(见附件 41-43)。

### (b) 美国

82. 专家小组查明，在美国非洲司令部组织的区域军事演习框架内，2 次向利比亚武装行为体提供了军事训练。民族统一政府所属部队人员参加了 2024 年 5 月 2 日在突尼斯举行的“非洲之狮 2024”框架下的终端攻击管制联合训练。阿拉伯利比亚部队人员参加了 2024 年 5 月 21 日和 24 日在加纳举行的“燧发枪 2024”框架下的特种作战训练。因此，美国提供这两次军事训练违反了第 1970 (2011) 号决议第 9 段(见附件 44-45)。

## 2. 私营公司提供的军事训练

### (a) “爱尔兰培训解决方案”公司

83. 据报，一家专门从事军事和安全培训的爱尔兰私营公司(“爱尔兰培训解决方案”公司)在 2023 年为哈夫塔尔附属部队提供了军事训练和个人防护军事装备，两个会员国进行了国家调查，引发专家小组对此事进行调查(见附件 46)。

84. 专家小组确定，马耳他一家包机服务提供商 Harmony Jets 保持飞往利比亚的定期航班，为“爱尔兰培训解决方案”公司培训员进入利比亚提供了运输服务。<sup>59</sup> 专家小组为确定向利比亚运送“爱尔兰培训解决方案”公司培训员的目的进行了调查，在这方面，该公司向专家小组表示：(a) 该公司有飞往利比亚的航班；(b) 没有向“爱尔兰培训解决方案”公司人员“出售航班服务”；(c) 乘客未表明属于“爱尔兰培训解决方案”公司；(d) 没有向利比亚运输“武器或危险货物”。该公司拒绝提供有关个人防护装备或乘客舱单的信息，理由是后者涉及隐私法。专家小组认为 Harmony Jets 公司未遵守第 2701 (2023) 号决议第 19 和 20 段。

### (b) Amentum 服务公司

85. 专家小组发现，总部设在美国的私营公司 Amentum 服务公司在利比亚境内外为利比亚武装行为体提供培训。针对专家小组的询问，Amentum 公司表示，它确实根据与美国政府的合同在利比亚境外培训了“可能的利比亚安全行为体”，

<sup>58</sup> S/2022/427，第 76 和 77 段；S/2023/673，第 87 段。

<sup>59</sup> 保密消息来源。

但它“没有在利比亚境内从事工作或与利比亚安全行为体有牵连的记录”。<sup>60</sup>但与 Amentum 公司的说法相反，专家小组确定，Amentum 公司 2024 年初在米提加空军基地向利比亚武装行为体提供了培训(见第 38 段)。专家小组无法按照评估是否遵守第 1970 (2011)号决议第 9 段的要求，确定这些培训的性质(见附件 47)。

(c) **Milites Dei 安保服务公司**

86. 专家小组发现，95 名与塔里克旅有关联的人员在南非接受了一家南非私营公司 Milites Dei 安保服务公司的军事训练。专家小组认为，该公司的行为构成违反第 1970 (2011)号决议第 9 段(见附件 48)。

**F. 与违反和企图违反军火禁运行为有关的扣押**

**1. 利比亚**

87. 2023 年 9 月，利比亚海关管理局在胡姆斯港两次扣押军火和有关物资。专家小组证实，从西班牙运来的 820 支未隐藏的 Gamo 气步枪和 430 箱相关弹药被扣押。在第二次扣押行动中，发现从土耳其运来的木制家具内藏有 500 支狩猎步枪(见表 4 和附件 49)。

**2. 西班牙**

88. 专家小组查明，西班牙当局在 2023 年和 2024 年开展了两次执法行动，涉及企图违反第 1970 (2011)号决议第 9 段向利比亚出口军用物资。据报，在这些行动中被扣押的物项包括 2023 年的警服和防护服<sup>61</sup>以及 2024 年的反无人机系统。<sup>62</sup>西班牙没有向委员会报告属于第 1970 (2011)号决议第 11 段所述情形的扣押。专家小组数次与西班牙联系，要求提供更多信息，但在编写本报告时，没有收到任何信息。专家小组认为西班牙未遵守第 2701 (2023)号决议第 19 和 20 段以及第 1970 (2011)号决议第 13 段。

**3. 意大利**

89. “MSC Arina”号船(国际海事组织编号 9839284)和“MSC Apolline”号船(国际海事组织编号 9896983)分别于 2024 年 6 月 18 日和 28 日抵达意大利焦亚陶罗港，随后意大利当局扣押了运往班加西的集装箱，集装箱内藏有意大利当局确认与“Flying Loong (飞龙) (FL-1)”型号无人机有关的错误申报部件。中国与专家小组分享了其国家调查的初步结论，即被扣押的部件“来自用于防灾救灾和紧急救援的报废无人机型，不是军事装备”<sup>63</sup>(见附件 50)。

<sup>60</sup> Amentum 公司的信函，2024 年 9 月 17 日。

<sup>61</sup> 保密消息来源。

<sup>62</sup> [www.policia.es/\\_es/comunicacion\\_prensa\\_detalle.php?ID=16045#](http://www.policia.es/_es/comunicacion_prensa_detalle.php?ID=16045#)，2024 年 1 月 22 日。

<sup>63</sup> 中国的答复，2024 年 10 月 21 日。

90. 专家小组正在等待根据安全理事会第 2701 (2023)号决议第 19 和 20 段以及相应的第 3 号执行援助通知获准查看被扣押的物资。<sup>64</sup>

G. 以往案件和扣押的最新情况

91. 关于“Opus”私营军事公司的最新信息载于附件 51。

92. 专家小组查明了 2022 年 7 月 18 日伊里妮行动从“Victory RoRo”号机动船(国际海事组织编号 7800112)扣押的车辆供应链中的其他公司(见表 4 和附件 52)。

H. 违反行为和未遵守事件责任汇总

93. 专家小组认为，表 4 所列会员国、实体或个人违反和未遵守军火禁运。更多详情见附件 31-46、48、49 和 52-61。

表 4  
违反第 1970 (2011)号决议第 9 段和未遵守检查、报告和提供信息要求事件责任汇总

国家/实体/个人 <sup>a</sup>	违反第 1970 (2011)号决议，第 9 段	未遵守第 2213 (2015)号决议，第 19 段	未遵守第 2701 (2023)号决议，第 19 和 20 段	未遵守第 1970 (2011)号决议，第 13 段	理由
法国	✓		✓		转让(飞机) <sup>b</sup> 信息 <sup>c</sup>
爱尔兰			✓		信息 <sup>c</sup>
意大利	✓		✓		转让(飞机、船只) <sup>b</sup> 信息 <sup>c</sup>
约旦	✓		✓		(对民族统一政府所属部队的)培训 <sup>d</sup> 报告 <sup>e</sup> 信息 <sup>c</sup>
利比亚(民族统一政府所属部队)	✓	✓	✓	✓	采购 <sup>f</sup> 抵达后未检查 <sup>g</sup> 信息 <sup>c</sup>
俄罗斯联邦	✓				转让(船只) <sup>b</sup> 转让(军用物资) <sup>h</sup>
西班牙			✓	✓	报告 <sup>e</sup> 信息 <sup>c</sup>
土耳其	✓		✓		(对民族统一政府所属部队的)培训 <sup>d</sup> 转让(军火和有关物资、飞机、船只) <sup>b</sup> 信息 <sup>c</sup>

<sup>64</sup> [https://main.un.org/securitycouncil/sites/default/files/1970\\_ian3.pdf](https://main.un.org/securitycouncil/sites/default/files/1970_ian3.pdf)。

国家/实体/个人 <sup>a</sup>	违反第 1970 (2011) 号决议, 第 9 段	未遵守第 2213 (2015) 号决议, 第 19 段	未遵守第 2701 (2023) 号决议, 第 19 和 20 段	未遵守第 1970 (2011) 号决议, 第 13 段	理由
阿拉伯联合酋长国			✓		信息 <sup>c</sup>
联合王国	✓				转让(飞机) <sup>b</sup>
美国	✓		✓		转让(飞机) <sup>b</sup>
					(对民族统一政府所属部队和阿拉伯利比亚部队的培训)
					信息 <sup>c</sup>
<b>实体</b>					
阿拉伯利比亚部队	✓				采购 <sup>f</sup>
2020 Volume 船只维护修理有限责任公司(阿拉伯联合酋长国)	✓		✓		转让(船只) <sup>b</sup>
					信息 <sup>c</sup>
Alrakab 汽车及零配件进口公司(利比亚)	✓		✓		转让(船只) <sup>b</sup>
					信息 <sup>c</sup>
Asha Co 公司(阿拉伯联合酋长国)	✓		✓		转让(船只) <sup>b</sup>
					信息 <sup>c</sup>
BBC Chartering 有限责任两合公司(德国)	✓		✓		转让(船只) <sup>b</sup>
					信息 <sup>c</sup>
BMC 汽车工业贸易公司(土耳其)			✓		信息 <sup>c</sup>
Damen 造船厂(荷兰王国)			✓		信息 <sup>c</sup>
Darkmax Tekstil (土耳其)			✓		信息 <sup>c</sup>
Drago 船厂(希腊)			✓		信息 <sup>c</sup>
Elifly 国际公司(意大利)	✓				向阿拉伯利比亚部队提供物流 <sup>i</sup>
					信息 <sup>c</sup>
Gamo Outdoor 个人独资有限责任公司(西班牙)			✓		信息 <sup>c</sup>
Harmony Jets 公司(马耳他)			✓		信息 <sup>c</sup>
Inkas 公司(阿拉伯联合酋长国)			✓		信息 <sup>c</sup>
Milites Dei 安保服务有限公司(南非)	✓				(对阿拉伯利比亚部队的培训) <sup>d</sup>

国家/实体/个人 <sup>a</sup>	违反第 1970 (2011) 号决议, 第 9 段	未遵守第 2213 (2015) 号决议, 第 19 段	未遵守第 2701 (2023) 号决议, 第 19 和 20 段	未遵守第 1970 (2011) 号决议, 第 13 段	理由
Ocean 7 租船公司(丹麦)	(✓) <sup>j</sup>				转让(船只) <sup>k</sup>
Sapsan 航空有限责任公司(吉尔吉斯斯坦)	✓				(向哈夫塔尔附属部队提供)援助 <sup>i</sup>
Shield Armored Vehicles 公司(约旦)			✓		信息 <sup>c</sup>
Streit (阿拉伯联合酋长国)			✓		信息 <sup>c</sup>
Volume 自贸区公司(阿拉伯联合酋长国)	✓				转让(船只) <sup>b</sup>
个人					
Amro Salem Ismael Ibrahim (约旦国民; 出生日期: 1986 年 6 月 1 日)	✓				转让(船只) <sup>b</sup>
Costas Charalampoulous (希腊国民; 出生日期: 1959 年 8 月 15 日)	✓				转让(船只) <sup>b</sup>
Nikolaos Lardis (希腊国民; 出生日期: 1963 年 2 月 4 日)	✓				转让(船只) <sup>b</sup>
Giorgi Phophkatze (格鲁吉亚国民; 出生日期: 1990 年 2 月 9 日)	✓				转让(船只) <sup>b</sup>
Georgios Boumpouras (希腊国民; 出生日期: 1983 年 6 月 21 日)	✓				转让(船只) <sup>b</sup>

<sup>a</sup> 按泛类字母顺序排列。

<sup>b</sup> 转让: 指向利比亚转让有关物资, 特别是军用货机(“飞机”)和海军舰艇(“船只”)。

<sup>c</sup> 信息: 指未应请求向专家小组提供信息。

<sup>d</sup> 训练: 指提供军事培训。

<sup>e</sup> 报告: 指未向委员会报告扣押情况。

<sup>f</sup> 采购: 指采购军火和有关物资。

<sup>g</sup> 抵达后未检查: 指未在用于向利比亚运送军火和相关物资的船只和飞机抵达时进行检查。

<sup>h</sup> 转让(军用物资): 指向利比亚转让军火和相关物资。

<sup>i</sup> 与军事活动有关的援助, 如提供飞机支持军事活动。

<sup>j</sup> 未遵守情况。公司不知道其船只在利比亚的中途停留将受到军火禁运的限制以及应采取行动改进其应尽义务规程和程序。

<sup>k</sup> 装载军火和有关物资的船只从利比亚过境, 目的地为第三国。

## 四. 石油：武装团体前所未有的收入来源

### A. 概述

94. 武装团体除控制公共和私营部门的若干相关实体外，现在还对石油收入和燃料供应链具有决定性影响(见第 10 段)。有几个因素证明这一结论：(a) 利用私营公司，在国家石油公司和利比亚中央银行传统控制之外，营销和出售原油(见第 96 段)；(b) 利用利比亚电力总公司取得过多燃料用于非法出口；(c) 从班加西旧港进行走私活动。由于国家和国际层面的有利环境，这种情况使武装团体能够从燃料走私生意中积聚前所未有的收入。

95. 2024 年 8 月和 9 月最新一系列石油设施关闭事件是蓄意政治活动的一部分。在最近的不可抗力事件中，无论是终端还是天然气生产田都没有受到影响，因此能够继续进行电力生产、进口燃料和有限地出口原油。

### B. 国家石油公司不断演变的作用

96. 武装团体对利比亚公共机构的渗透也影响到国家石油公司。与武装团体关系密切的个人被任命担任国家石油公司各部门的领导职务。该公司的组织结构发生了变化，内部制衡的运作受到限制，如通过在外部建立了一个新的战略办公室。<sup>65</sup> 该办公室现在负责与私营公司签订服务协议。其中包括与利比亚第一家私营石油公司 Arkenu 石油公司达成的协议。<sup>66</sup> 该公司于 2023 年初在班加西成立，经民族统一政府批准，与国家石油公司签署了多项服务协议，包括与塞里尔/Mesla 油田有关的协议。根据这些协议，2024 年 5 月至 9 月，Arkenu 出口了 600 万桶原油。按每桶 77 美元的平均价格计算，这些货物的总价值为 4.63 亿美元。专家小组确定，Arkenu 由萨达姆·哈夫塔尔间接控制。

### C. 石油的非法出口和进口

#### 1. 精炼石油产品的非法出口

##### (a) 概述

97. 过去两年，从利比亚走私燃料的活动达到前所未有的水平。主要驱动因素是国家补贴，补贴使燃料能够按市场价格进口，却以象征性金额在当地出售。然后这些进口燃料(主要是柴油)被走私到国外，以黑市价格或用伪造文件以市场价格出售。武装团体控制着燃料走私业务，从中获得稳定的收入。阿拉伯利比亚部队通过从班加西旧港走私燃料，确保间接获得公共资金，而无需求助于利比亚中央银行。的黎波里和扎维耶的武装团体直接控制主要经济部门和相关政府机构，将大量本应供国内消费的柴油走私出境(见第 99 段)。

##### (b) 系统性问题

98. 国家石油公司是利比亚唯一获准进口精炼产品的机构。利比亚约 70% 的柴油是进口的。在 2021 年之前，利比亚中央银行会为燃料进口分配预算，然后由

<sup>65</sup> 位于 Nabaa 皇宫[北纬 32°54'1.17"，东经 13°12'57.36"]。

<sup>66</sup> <https://arkenu.ly/en>。



财政部支付给国家石油公司。自 2012 年以来，每当利比亚中央银行面临流动性问题时，国家石油公司都会使用原油抵消燃料的程序(也称为抵消程序或燃料交换)。到 2022 年，随着利比亚中央银行的分配资金逐渐减少，抵消程序成为向利比亚进口燃料的唯一方法。原油收益仍流向利比亚中央银行，但要减去用于进口燃料的金额。

99. 一批柴油运抵利比亚后，以每升 0.03 美元左右的象征性金额出售给卜雷加公司(一家国家石油公司子公司)，再由卜雷加公司转给利比亚电力总公司等能源消耗大户和国内市场的分销公司。<sup>67</sup> 分销公司经营加油站网络，然后以大幅度折扣按每升约 0.10 美元的价格向公众出售燃料。将经补贴的燃料走私到利比亚境外，黑市上每升可赚约 1.00 美元。在与专家小组的交流中，石油和天然气部、国家石油公司和卜雷加公司均指出，分销公司是燃料被转用于走私的源头，并指出内政部是应对此采取行动的主管部门。<sup>68</sup> 然而，专家小组发现，分销公司不是燃料走私活动增加的责任方，因为它们一直普遍无法收到足够的燃料来供应其加油站，满足利比亚人民的需求。<sup>69</sup>

100. 专家小组评估认为，确定当地市场需求的基本方法是燃料走私的关键促成因素。主要的燃料接收者，即分销公司、利比亚电力总公司、咸水淡化厂和其他能源密集型工业可确定需求，而无需证明需求增加的合理性。

101. 专家小组确定，柴油的年使用量在 2021 年至 2022 年突然增加了 66.3%，而 2018 年至 2021 年期间的年平均增长率为 3.6%。此后，一直保持在这一高水平附近(见表 5 和图 7)。利比亚电力总公司所称的发电用柴油使用量过高，专家小组确定这是燃料走私的一个重要供应来源(见建议 1)。

表 5  
2018 年至 2024 年(第一和第二季度)利比亚报告的柴油消费量

年度	柴油进口(吨)	进口年度 百分比变化	精炼柴油(吨)	精炼柴油年度 百分比变化	可用于消费的进口 柴油+精炼柴油总量(吨)	柴油消费量年度 百分比变化
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 (Q1+Q2)	1 905 580	—	784 268	—	2 689 848	—

资料来源：国家石油公司。

<sup>67</sup> 4 家主要公司为利比亚政府所有。

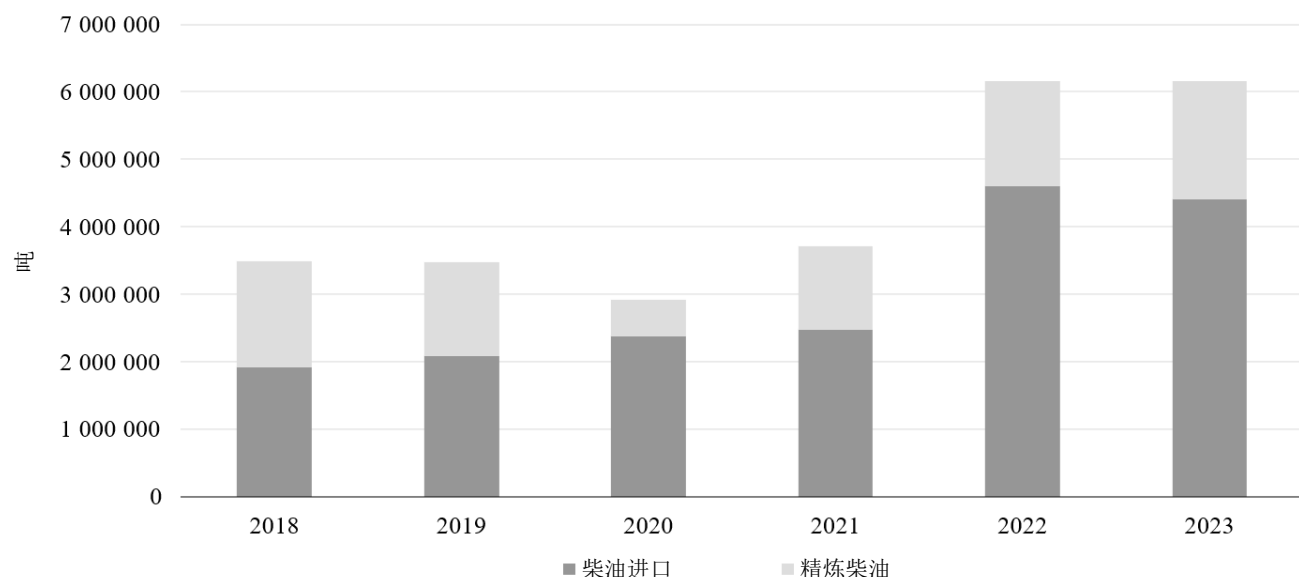
<sup>68</sup> 与石油和天然气部(包括第 2146 (2014)号决议所设协调人)、国家石油公司和卜雷加石油销售公司举行的会议(2024 年 2 月，的黎波里)。

<sup>69</sup> 保密消息来源(利比亚能源部门官员)。



图七

2018 年至 2023 年利比亚报告的柴油消费量



## (一) 利比亚电力总公司是燃料走私的供应来源

102. 近年来，利比亚电力总公司对石油产品的需求量激增。就其标准经营活动而言，利比亚电力总公司不需要大量柴油。其电力生产依赖主要使用更高效天然气的发电厂，也使用效率较低的原油和精炼产品，如重质燃料油，柴油是备用。利比亚的发电厂已逐步升级为能够使用“双燃料”的燃气轮机。

103. 然而，2022 年至 2023 年期间，利比亚电力总公司的石油采购预算激增了 50 亿美元，从 2022 年的 37 亿美元增至 2023 年的 87 亿美元。增加的预算用于购买柴油(35 亿美元)和天然气(41 亿美元)，占利比亚电力总公司 2023 年石油产品总预算的 87% 以上。<sup>70</sup>

104. 尽管额外拨款 50 亿美元用于购买石油产品，但电力生产并未成比例增长。考虑到燃料需求每年增加 5% 是普遍接受的标准，鉴于利比亚发电厂的双燃料能力，仅是 2023 年分配用于购买天然气的金额就应足以满足电力生产需求。<sup>71</sup> 2023 年，利比亚电力总公司进口柴油的预算为 35 亿美元。其收到 290 万吨柴油。<sup>72</sup> 然而，据国家石油公司称，2023 年进口柴油的平均价格为每吨 903.58 美元。<sup>73</sup> 这表明，利比亚电力总公司收到的燃料价值仅为 26 亿美元，其分配预算的支出可能存在 9 亿美元的缺口。

<sup>70</sup> 应要求查阅机密文件。

<sup>71</sup> 保密消息来源(利比亚能源部门官员)。

<sup>72</sup> 保密消息来源(利比亚石油部门官员)；应要求查阅机密文件。

<sup>73</sup> 国家石油公司提供的数据，2024 年 8 月 21 日。

105. 利比亚电力总公司没有管理其在 2023 年收到的燃料量的存储能力。<sup>74</sup> 此外, 2024 年, 该公司要求卜雷加公司将几艘向其西部发电厂运送柴油的船只改道至班加西的发电厂, 但该发电厂不使用柴油作为燃料。<sup>75</sup> 因此, 利比亚电力总公司收到的柴油有很大一部分被转作他用的风险非常高。

(二) 班加西旧港的走私活动

106. 先前报告的从班加西旧港走私的情况<sup>76</sup> 显著扩大。在本报告所述期间, 专家小组查明 137 次走私船只到访。2022 年 3 月至 2024 年 9 月期间, 48 艘已查明的船只到班加西停靠的次数超过 185 次, 有些船只多达 15 次。船只的平均吨位从 5 700 载重吨位增加到 9 970 载重吨位。

107. 混淆视听和贩运模式不断演变, 在国际水域, 主要在赫德浅滩(马耳他近海)进行船对船装载成为最常用的方法。船只有时几个星期都无法追踪, 一些船只在此期间多次返回班加西加油。行动模式表明, 船对船装载作业通常在不启用船舶自动识别系统的情况下进行, 这在合法转运中非常罕见。这表明供应船和接收船都清楚货物的非法来源(见附件 62)。

108. 已查明船只航程总量估计可运输约 112.5 万吨柴油。实际非法出口量可能更高。

109. 专家小组确定, 一些非法出口通过国际招标和伪造文件进行。附件 63 载有这种模式的例子。行业行为体对利比亚合法燃料出口流程的了解有限, 这有助于为非法出口创造有利环境。

110. 附件 64 和 65 载有关于“*Aristo*”号机动船(国际海事组织编号 6501355)和“*Mardi*”号机动船(国际海事组织编号 8853673)的代表性案例研究, 后者是从班加西运出柴油的最活跃的运输船之一。关于该船, 专家小组查明了一个由另外 12 艘船组成的网络。专家小组查明, 希腊-土耳其双重国籍的 Aleksandros Cenevezoz 是该网络的头目。该网络的核心头目与利比亚武装团体高级成员有关联, 这些人协助通过 Cenevezoz 从其控制的班加西和扎维耶地区向外国市场非法出口 450 000 吨柴油。

(三) 陆上燃料走私

111. 经由陆路的燃料贩运活动规模大幅扩大, 利比亚燃料成为区域中间商的催化剂, 这些中间商不仅在邻近边境建立关系, 还在中非共和国等更远的国家建立关系。附件 66 载有示例。

<sup>74</sup> 保密消息来源(利比亚能源部门官员)。

<sup>75</sup> 同上。

<sup>76</sup> S/2023/673, 第 117-119 段以及附件 74 和 75。

## 2. 第 2146 (2014)号决议所设协调人

112. 根据第 2146 (2014)号决议设立的协调人通知专家小组，2024 年 4 月 18 日，“Minerva Rita”号机动船(国际海事组织编号 9305867)试图在班加西卸载国家石油公司未订购的柴油货物。该船最终离开，未进入利比亚领水。协调人进一步证实，2024 年 8 月 31 日，同一艘船只经国家石油公司授权，在班加西海上运油码头卸下了一船汽油。

113. 未提请专家小组注意从利比亚非法出口原油的企图。

114. 专家小组注意到，自协调人一职从国家石油公司转至石油和天然气部以来，与协调人的合作减少。协调人无法再直接监测石油进出口的日常运作，这一结构性问题是部分原因。这一功能失调导致协调人对利比亚非法出口猖獗情况报告不足。

## 五. 利比亚中央银行的统一和完整

115. 如先前报告所述，<sup>77</sup> 2023 年 8 月 20 日，利比亚中央银行宣布重新统一。尽管取得了进展，但最近围绕利比亚中央银行领导层的事态发展(见第 11 段)，包括新行长的任命，影响了统一进程。专家小组评估认为，若干问题依然存在，对完全统一构成挑战。武装团体越来越多地参与利比亚中央银行的运作，这也对建立统一的利比亚中央银行及其运作构成相当大的威胁。附件 6 概述了利比亚中央银行迄今为止采取的重新统一措施以及该进程面临的挑战。

## 六. 对被指认实体实施资产冻结

### A. 未遵守资产冻结规定

116. 专家小组的调查显示存在一种趋势，即未遵守关于被指认实体的资产冻结规定的情况反复出现，这些实体包括利比亚投资局(LYe.001) (又称利比亚对外投资公司)<sup>78</sup> 和利比亚非洲投资局(LYe.002)。

117. 这些未遵守事例表明，资产冻结没有得到有效执行，10 个会员国和 16 个金融机构或实体自行酌处行事，无视第 1970 (2011)号决议第 19 和 21 段以及第 2009 (2011)号决议第 16 段规定的现行适用程序。<sup>79</sup> 其中一些未遵守情况导致利比亚投资局被冻结资产受到侵蚀，违背了第 1970 (2011)号决议第 18 段和第 1973 (2011)号决议第 20 段以及包括第 2701 (2023)号决议第 14 段在内的后续决议规定的资产冻结措施的宗旨，即为造福利比亚人民保护被冻结资产。已查明的未遵守案例列于表 6 (见附件 67 和 68 以及建议 3 和 4)。

<sup>77</sup> 同上，第 113 段。

<sup>78</sup> 利比亚对外投资公司参考资料([https://main.un.org/securitycouncil/sites/default/files/1970\\_ian1.pdf](https://main.un.org/securitycouncil/sites/default/files/1970_ian1.pdf))。

<sup>79</sup> [https://main.un.org/securitycouncil/sites/default/files/1970\\_ian5.pdf](https://main.un.org/securitycouncil/sites/default/files/1970_ian5.pdf)。

表 6  
未遵守事例汇总

原因	未遵守第 1970 (2011) 号决议第 19 或 21 段 <sup>a</sup>	未遵守第 2701 (2023) 号决议第 14 段	国家或实体
在未通知委员会情况下，对利比亚投资局 (2017 年至 2022 年 10 月)和利比亚对外投资公司(2017 年至 2024 年 6 月)的冻结资产收取负利息	✓ ✓	✓ ✓	比利时 欧洲结算银行有限公司
未遵循有关决议规定的现行豁免程序，扣押利比亚投资局和利比亚对外投资公司在欧洲结算银行的被冻结资金(见第 124-125 段)	✓		比利时
未遵循有关决议规定的现行程序，将利比亚投资局与富通银行和解有关的冻结资金扣押并转至中央扣押和没收办公室(见第 126-127 段)	✓		
未通知委员会，就 2020 年 11 月至 2024 年 3 月期间，从利比亚投资局冻结资产中借记最初由欧洲结算银行收取的重新收取的负利息	✓ ✓	✓ ✓	卢森堡 汇丰银行
从利比亚投资局冻结资金中扣除 2019 年第三季度至 2023 年 12 月的保管费，未通知委员会，且超出了例行持有或保管冻结资金可接受的数额	✓ ✓	✓ ✓	巴林 ABC 银行
进行积极资产管理，将利比亚投资局和利比亚对外投资公司的冻结资金投资和再投资于定期存款，超出例行持有或保管冻结资金所允许的范围	✓ ✓		巴林 ABC 银行
从利比亚对外投资公司冻结资金中扣除 2011 年至 2023 年期间管理费，未通知委员会，且超出了例行持有或保管冻结资金可接受的数额	✓ ✓	✓ ✓	联合王国 英国阿拉伯商业银行
进行积极资产管理，将利比亚投资局的冻结资金投资和再投资于定期存款，超出例行持有或保管冻结资金所允许的范围	✓ ✓		联合王国 英国阿拉伯商业银行
未通知委员会，对利比亚对外投资公司的冻结资金收取安全保管、管理和行政费用	✓ ✓	✓ ✓	德国和联合王国 DWS 集团法兰克福办事处、汇丰银行 瑞士信贷银行(现为瑞士银行集团)
进行积极资产管理，将利比亚投资局的冻结资金投资和再投资于定期存款，超出例行持有或保管冻结资金所允许的范围	✓ ✓		利比亚 <sup>b</sup> 利比亚中央银行

原因	未遵守第 1970 (2011) 号决议第 19 或 21 段 <sup>a</sup>	未遵守第 2701 (2023) 号决议第 14 段	国家或实体
未通知委员会，从利比亚投资局冻结资金中扣除手续费	✓	✓	利比亚 <sup>b</sup>
	✓	✓	利比亚中央银行
在利比亚海外银行，没有隔离和冻结通过利比亚中央银行收到的利比亚投资局资金，并在利比亚境外进行投资	✓		利比亚 <sup>b</sup>
	✓		利比亚海外银行
进行积极资产管理，将通过利比亚中央银行收到的利比亚投资局资金投资和再投资于多种金融工具，超出例行持有或保管冻结资金所允许的范围	✓		利比亚 <sup>b</sup>
	✓		利比亚海外银行
进行积极资产管理，将利比亚投资局的冻结资金投资和再投资于定期存款，超出例行持有或保管冻结资金所允许的范围	✓		联合王国
	✓		ABC 银行
同上	✓		法国
	✓		BIA 银行
同上	✓		沙特阿拉伯
	✓		阿拉伯石油投资公司
同上	✓		阿拉伯联合酋长国
	✓		阿布扎比第一银行
同上	✓		突尼斯
	✓		北非国际银行
通过向 FM Capital Partners 发放许可证，在 2011 年至 2023 年期间，进行积极资产管理，对利比亚非洲投资局的冻结资金进行投资和再投资，超出例行持有或保管冻结资金所允许的范围 <sup>c</sup>	✓		联合王国
	✓		利比亚非洲投资局和 FM Capital Partners
由于管理费远超积极资产管理的收益，冻结资金大幅缩水		✓	联合王国
		✓	利比亚非洲投资局和 FM Capital Partners

<sup>a</sup> 如适用。<sup>b</sup> 关于责任原因的详细分析见附件 67。<sup>c</sup> 会员国通知了委员会，委员会未作出反对决定。

## B. 治理和转型战略

### 1. 未遵守国际标准

118. 专家小组发现，利比亚投资局仍无法按照第 2701 (2023)号决议序言部分的要求，依照国际标准提供 2020 年及以后各年的准确合并财务报表。专家小组确定，利比亚投资局未完全遵守关于主权财富基金的圣地亚哥原则，<sup>80</sup> 这可能影响利比亚投资局冻结资产管理方面的总体治理、透明度和问责(见附件 69)。总体而言，这些情况妨碍了专家小组对资产冻结执行情况和投资计划的全面分析。

### 2. 商定程序差异

119. 专家小组认为，安永会计师事务所 2023 年 3 月依照《国际相关服务准则第 4400 号》有关利比亚投资局资产的商定程序报告的结论表明，利比亚投资局的资产管理存在实际风险。其中特别涉及报告发现的利比亚投资局在共计 45.13 亿美元(2019 年)和 34.73 亿美元(2018 年)资产的管理、会计和透明度方面的重大不合规定之处和不符实情情况(见附件 70)。

### 3. 利益冲突

120. 专家小组还发现，利比亚投资局未遵守通过利比亚审计局 2018 年第(7)号通知实施的圣地亚哥原则 13，其中禁止利比亚投资局执行董事会主席或成员在其附属机构董事会任职。一些利比亚投资局附属机构与该局的董事会成员相同，导致出现利益冲突(见附件 71)。

### 4. 冻结资产减少

121. 专家小组查明一个实例，其中，由利比亚投资局选定进行投资和管理的一个投资组合中的证券最终导致资金清算，冻结资产减少 45%，从 31.80 亿美元减少到 17.47 亿美元，仍作为应收款尚未变现(见附件 72)。

122. 由 FM Capital Partners 伦敦办事处积极管理的利比亚非洲投资局的冻结投资组合在 13 年(2011 年至 2023 年)中仅获得 325.8 万美元，而支付给 FM Capital Partners 的管理费为 1.78884 亿美元。这使冻结资产大幅缩水 1.75626 亿美元，而不是为利比亚人民保全这些资产(见附件 68)。

### 5. 利比亚投资局对其冻结资产的了解和控制有限

123. 利比亚投资局的一些保管银行和资产管理者未向该局定期提交关于其持有的冻结资金情况的报告，以及(或)没有支付这些资金的应收款和应计款。专家小组发现，在一些情况下，由于资产冻结，利息收入、第三方持有的现金和红利没有转入保管账户。一些资产管理者要求转账许可，利比亚投资局发现很难从相关会员国获得这样的许可。这些做法限制了利比亚投资局对其冻结资金的了解和控制。专家小组认为，会员国应建议金融机构按照第 1970 (2011)号决议第 20 段的规定，将利息和其他收入计入冻结资金(见附件 73 和建议 5)。

<sup>80</sup> [www.ifswf.org/sites/default/files/santiagoprinciples\\_0\\_0.pdf](http://www.ifswf.org/sites/default/files/santiagoprinciples_0_0.pdf)。

## C. 法律问题

### 1. 欧洲结算银行案例

124. 专家小组查明欧洲结算银行案的关键司法动态，可能对利比亚投资局的冻结资产产生影响。首先，全球可持续发展信托基金试图直接动用利比亚投资局在比利时被冻结的资产，支付该基金在诉利比亚国一案中的损失索赔，该案由比利时法院作出裁决，依据是一份 2008 年争端当事方签署的协议，这一做法有可能会侵蚀冻结资产。2021 年，比利时根据第 1970 (2011) 号决议第 21 段提交一份通知，为这一索赔进行辩护，但委员会没有接受，理由是利比亚投资局不是争端当事方，也没有同意解冻其资产以解决争端。<sup>81</sup> 其次，2017 年 10 月 23 日，比利时司法当局在单独的国家诉讼程序中下令对已根据联合国制裁被冻结的利比亚投资局和利比亚对外投资公司资产进行司法扣押，但这样做并未遵循有关决议规定的现行豁免程序。因此，其构成比利时违反资产冻结规定。

125. 2024 年 1 月 30 日，比利时一审法院解除了 2017 年 10 月 23 日对在欧洲结算银行的利比亚投资局和利比亚对外投资公司冻结资产的保护性扣押。这一解禁有一个例外情况，即由于目前正分别进行国家诉讼程序，不释放在扣押之前从冻结资产中转移到 ABC 银行的资产，这笔资产价值 28.37 亿欧元，涉及利息、股息和息票。2024 年 3 月 5 日，法院撤销了 2021 年 12 月 21 日对利比亚投资局主席 Ali Mahmoud Hassan Mohammed 发出的逮捕令。欧洲结算银行案的时间线见附件 74。

### 2. 富通和解案

126. 2022 年 9 月，比利时一名调查法官就根据富通银行和解协议欠利比亚投资局的 297.7 万欧元签发命令，扣押并将冻结资金转给比利时中央扣押和没收办公室。<sup>82</sup> 这一措施导致利比亚投资局的冻结资金被转给比利时中央扣押和没收办公室，未遵守有关决议规定的现行程序。因此，其构成比利时违反资产冻结规定。

127. 法院通过上述 2024 年 1 月 30 日的命令，解除了与富通和解有关的对利比亚投资局资产的扣押。截至 2024 年 10 月，约 297.7 万欧元及 110 226.32 欧元利息仍放在中央扣押和没收办公室。富通和解案的时间线见附件 75。

### 3. Mohsen Derregia 案

128. 2023 年，利比亚投资局主席 Ali Mahmoud 再次<sup>83</sup> 对恢复 Mohsen Derregia 的主席职位提出上诉，辩称由于董事会后来的决议，包括 2020 年延长其任期的决议，该项决定是无效的。2024 年 3 月 4 日，的黎波里上诉法院驳回上诉，称除

<sup>81</sup> S/2021/498。

<sup>82</sup> 中央扣押和没收办公室是刑事事项方面的资产追回办公室和资产管理办公室。

<sup>83</sup> S/2023/673，第 134 段。



其他外，所有问题都已在原裁决中得到解决。然而，裁决仍未得到执行，Ali Mahmoud 继续担任利比亚投资局主席。

#### D. 利比亚投资局的被冻结资产

129. 专家小组对利比亚投资局和其他相关实体提供的数据进行的分析显示，自实施资产冻结以来，利比亚投资局的冻结资产增长了 11.93%，与该局声称资产因冻结而减少的说法相反(见附件 76)。

#### E. 利比亚投资局的投资计划

130. 在整个报告所述期间，利比亚投资局加强了与专家小组的合作，始终愿意提供所要求的大部分信息。在这些接触中，进行了公开透明的面对面和在线交流。由于这些定期接触，专家小组得以收集与根据第 2701 (2023)号决议第 15 段评估利比亚投资局投资计划有关的原始数据(见附件 77)。

##### 1. 专家小组的总体评估

131. 利比亚投资局的投资计划缺乏透明度、准确性和全面性，因为没有最新的经审计的合并财务报表(见第 118 段)，也没有明确的风险管理政策和资产分配准则，可确保在没有滥用和挪用实际风险情况下执行投资计划。

132. 特别是，利比亚投资局的投资计划在不同影响领域重复计算某些金额，导致资产数额不准确、不一致，夸大了潜在的机会损失。在剔除重复和净应收款后，实际现金储备为 59.79 亿美元，而非投资计划列报的 97.57 亿美元。专家小组在评价投资计划和形成相关建议时，没有考虑主要由于数据重复和不一致而导致的专家小组认为不够可信的数据(见附件 78)。

133. 尽管存在这些严重缺陷，但专家小组分析了计划中提出的“六个影响领域”，评估了其准确性、范围、理由和可行性，以及滥用和挪用利比亚投资局冻结资产的潜在风险，以根据第 2701 (2023)号决议第 15 段提出建议(见建议 7-11)。

##### 2. 第一影响领域(A 部分)

###### (a) 负利率

134. 利比亚投资局提出将现金储备从欧洲结算银行转至 ABC 银行，理由是欧洲结算银行对 ABC 银行的欧洲结算银行账户中的利比亚投资局多币种(即美元、英镑、瑞士法郎、欧元和挪威克朗)冻结现金储备收取负利率，专家小组认为，这一理由不再成立。从未对美元和英镑现金储备适用负利率，至于挪威克朗、欧元和瑞士法郎，其中央银行分别于 2022 年 6 月、7 月和 9 月取消了负利率。专家小组确定，对利比亚投资局的欧洲结算银行现金余额的负利息收费到 2022 年 10 月已停止(见附件 79)。

###### (b) 对利比亚投资局的冻结资金征收和扣除负利息

135. 专家小组确定，欧洲结算银行对 ABC 银行以利比亚投资局为受益人的冻结账户征收了负利息，该账户是 ABC 银行在欧洲结算银行整体组合的一部分。

这一结论基于一致的证据，证据表明，从 ABC 银行免费现金账户扣除的负利息费用直接计入利比亚投资局在欧洲结算银行的冻结现金储备。

136. 针对专家小组的询问，欧洲结算银行表示，它没有对 ABC 银行保管的在欧洲结算银行的利比亚投资局单独冻结账户收取负利息，而是从 ABC 银行的免费现金账户中扣除。专家小组确定，ABC 银行将这些费用计入利比亚投资局在欧洲结算银行的冻结现金余额，要求利比亚投资局偿还。欧洲结算银行从 ABC 银行的免费账户中扣除这些费用只是一种簿记安排。

137. 利比亚投资局的冻结资产尚未损耗，因为该局还未支付负利息费用。专家小组评估认为，这些负利息费用负债一旦由利比亚投资局支付，将侵蚀该局的资产(见附件 80)。

### (c) 没有具体的投资战略

138. 专家小组认为：(a) 利比亚投资局的提案缺乏明确的投资战略，无法说明将其被冻结的现金储备从欧洲结算银行转至 ABC 银行如何有助于现金储备的保全；(b) 利比亚投资局声称的机会损失不切实际且被夸大，原因是就 2017 年至 2023 年期间对所有货币都适用了高美元存款利率(见附件 81)。

139. 在专家小组进行一系列询问后，利比亚投资局提出了未列入最初投资计划的各种现金储备投资方案：(a) 申请转移资金主要目的的立场改变，要将 ABC 银行的现金储备进行合并；(b) 投资于 ABC 银行的定期存款；或(c) 投资于金融机构以赚取收入。

### (d) 潜在风险迹象

140. 专家小组确定，如将利比亚投资局在欧洲结算银行的现金储备转移到 ABC 银行，存在以下滥用和挪用风险迹象：(a) 由于高额管理费以及其他费用和转账费，先前从欧洲结算银行转移到 ABC 银行的现金储备(2012 年至 2017 年)从 16 亿美元减少到 13 亿美元；(b) ABC 银行及其主要股东利比亚中央银行未遵守资产冻结规定；(c) ABC 银行的信用评级较低，其中一评级显示违约风险升高(见附件 82)。

141. 专家小组查明利比亚投资局在 ABC 银行的冻结资产的风险迹象与利比亚审计局在其 2022 年报告中强调的风险迹象一致，其中包括因高额管理费、银行报表核对漏洞和数据验证不力而造成减值。

## 3. 第一影响领域(B 部分)

142. 利比亚投资局的投资计划未提及由于负利息费用而导致的在欧洲结算银行的现金储备受到的侵蚀。经专家小组询问，利比亚投资局表示，保管银行卢森堡汇丰银行最近向其告知，欧洲结算银行就 2017 年至 2022 年 8 月期间对该笔现金储备收取 1 273 万美元的负利息。由于资产冻结，欧洲结算银行从汇丰银行的免费综合账户中扣除了这些费用，汇丰银行随后通过借记利比亚投资局在汇丰银行的冻结账户向利比亚投资局收取了这些费用。

143. 专家小组在第四影响领域下评估了这一事项，其中 11.1 亿美元的全部金额也在投资计划中列出。

4. 第二影响领域

144. 专家小组认为，利比亚投资局对所有债券适用 5.05% 的美元息票利率是不准确的，因为债券在货币、地区、特征和发行人方面存在差异，这导致机会损失预测过高。专家小组还发现，利比亚投资局模拟投资组合中的债券与资产冻结前持有的债券之间存在重大差异，这与利比亚投资局关于再投资于相同特征债券的说法矛盾(见附件 83)。

145. 此外，在汇丰银行托管下对该到期债券组合进行再投资可能不再可行，因为汇丰银行已告知其打算终止与利比亚投资局的全球关系，包括对该组合的托管。

146. 专家小组在第四影响领域下评估了这一事项，其中 9.456 亿美元的现金储备也在投资计划中全额列出。

5. 第三影响领域

(a) 证券组合总体业绩

147. 利比亚投资局称，截至 2023 年 9 月 30 日，其在 ABC 银行下的证券投资组合缩减了 8%，从 85 亿美元降至 78 亿美元，理由是其无法积极管理该投资组合。然而，专家小组的分析表明：(a) 自资产冻结以来，截至 2023 年 9 月 30 日和 2024 年 6 月 30 日，投资组合市值分别增长 17.74% 和 35.50%；(b) 资产冻结前，投资组合大幅下跌 21.76%；(c) 截至 2024 年 6 月 30 日，五种主要货币的股票增长超过 50%，占投资组合的 93.2% (见表 7 和附件 84)。

表 7  
利比亚投资局的证券组合业绩

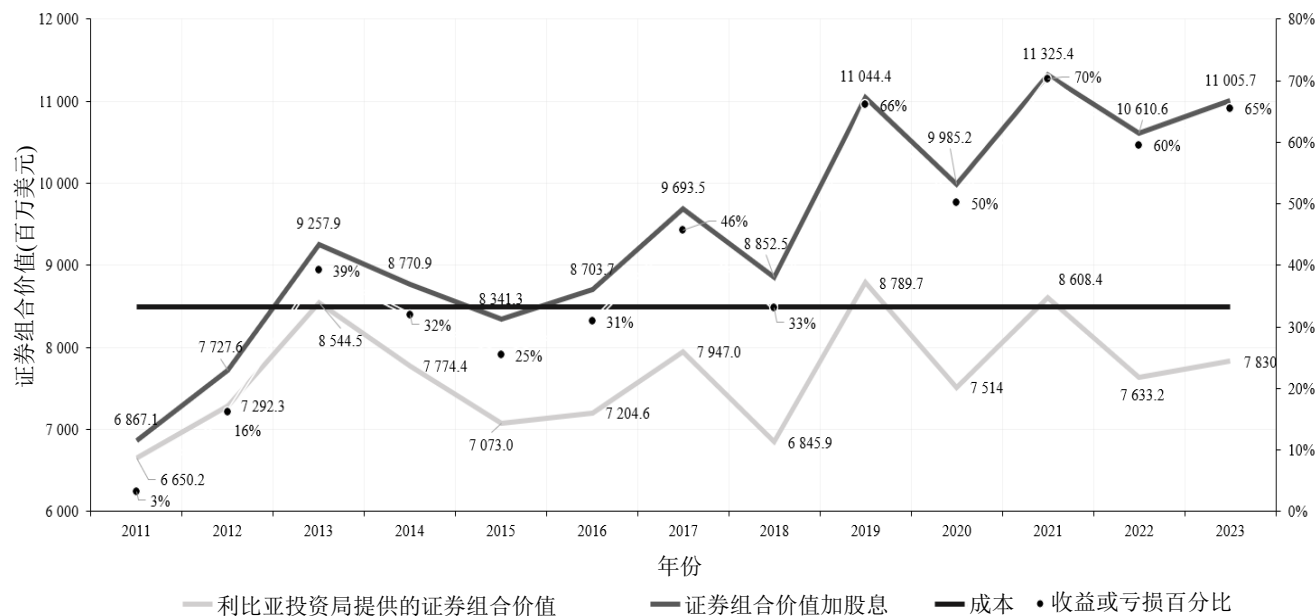
(10 亿美元)

原值	市值 (2011 年)	市值 (2023 年 9 月 30 日)	市值 (2024 年 2 月 29 日)	市值 (2024 年 6 月 30 日)	2011 年市值与原值 相比的收益/亏损 百分比	2023 年 9 月市值 与 2011 年市值 相比的收益/亏损 百分比	2024 年 2 月市值 与 2011 年市值 相比的收益/亏损 百分比	2024 年 6 月市值 与 2011 年市值 相比的收益/亏损 百分比
8.500	6.650	7.830	8.723	9.011	(21.76)	17.74	31.17	35.50

148. 如加上 2011 年 3 月至 2023 年 9 月期间利比亚投资局股票应计股息 31.76 亿美元，自资产冻结以来，截至 2023 年 9 月 30 日，整体投资组合增长 65.50%。与其原值相比，截至 2023 年 9 月 30 日，包括股息在内的投资组合价值增长了 29.48% (见图八)。

图八

## 利比亚投资局的证券组合业绩



注：由专家小组编制。

### (b) 具体股票业绩

149. 利比亚投资局的投资计划显示，96 只股票中有 54 只(占投资组合价值的 62.60%)大幅增长。专家小组对利比亚投资局声称亏损的其余 42 只股票的分析表明：(a) 如果计入股息，这些股票中有近 50% 实现了增长；(b) 部分股票的亏损被夸大，因为主要下跌发生在资产冻结之前；(c) 这些股票中有三分之二在几个月至一年内出现显著增长，现在没有理由进行出售或置换(见附件 85)。

### (c) 潜在风险

150. 专家小组查明了与积极的股票投资组合管理有关的风险。在任何既定投资组合中，并非所有股票的价值都会一直增长；根据一系列因素和市场风险，包括商品价格、利率、汇率、通胀、地缘政治事件和违约，一些会上涨，一些则会下跌。其他风险涉及利比亚投资局治理薄弱、存在利益冲突和资产控制不力，以及缺乏风险管理政策和资产分配准则(见第 118-123 段)。

## 6. 第四影响领域

151. 专家小组查明，第四影响领域下列报的数据存在不一致之处：(a) 与第一影响领域下列报的 11.10 亿美元和第二影响领域下列报的 9.45 亿美元重复；(b) 不同部分三个项目的值不相同。因此，这一影响领域下的现金净额为 35.51 亿美元，而不是利比亚投资局称的 52.74 亿美元(见附件 86)。

152. 该投资证券组合由卢森堡汇丰银行托管的 8 个独立委托保管账户组成。其中 4 个账户目前由利比亚投资局直接管理，另外 4 个账户由外部投资经理管理。专家小组对这 8 个投资账户业绩进行的分析表明，利比亚投资局管理的 4 个投资

账户中有 2 个出现大量资金损耗，包括一例资金清算，而另一个投资账户的收益微乎其微。由外部投资经理管理的其他 4 个投资账户收益可观(见附件 87)。

153. 基于这一分析，专家小组查明了滥用和挪用的若干风险迹象，包括：(a) 4 个投资账户未由外部投资经理管理；(b) 根据汇丰银行终止与利比亚投资局全球关系的通知，汇丰银行不再担任资产管理人；(c) 纽约梅隆银行 2016 年终止了投资组合协议，不再担任资产管理人；(d) 与全权委托投资组合管理有关的风险。

## 7. 第五影响领域

154. 专家小组确定，在资产冻结后，ABC 银行和汇丰银行继续收取资产冻结前保管和管理费，造成冻结资金侵蚀。根据第 1970 (2011)号决议第 19(a)段，这两家银行本应只对例行持有或保管冻结资金收取费用(见附件 88)。

## 8. 第六影响领域

155. 利比亚投资局已获准与另一家保管银行接洽。该局仍在选择新的保管银行。

## F. 利比亚对外投资公司的再投资计划

156. 利比亚投资局澄清说，利比亚对外投资公司的再投资计划仅涉及长期投资证券组合，表示长期投资组合的运作独立于利比亚对外投资公司。专家小组认为，利比亚对外投资公司提交的再投资计划不应被视为独立于该公司，因为该公司的一些资产显示属于长期投资组合。

157. 专家小组无法完全评估长期投资组合的再投资计划数据，原因是：(a) 已查明的数据不一致，影响到计划的可信度和准确性；(b) 利比亚对外投资公司未提供符合国际标准的最新准确、经审计的财务报表；(c) 在金融机构注册利比亚对外投资公司所有金融账户，而非在长期投资组合下注册 (见附件 89)；(d) 长期投资组合是利比亚对外投资公司的一个组成部分，所有资产仍在该公司名下(见附件 90 和建议 12)。

# 七. 对被指认人员实施资产冻结

## A. Mutassim Qadhafi (LYi.014)

158. 关于以马耳他“资本资源有限公司”名义持有的 Mutassim Qadhafi 的被冻结资金，专家小组确定，马耳他法院在相关决议未对此类措施作出例外规定或豁免的情况下，于 2022 年 6 月 28 日命令将被冻结资金返还利比亚，违反了资产冻结规定；瓦莱塔银行未按照第 1970 (2011)号决议第 19 段的要求，在没有通知委员会的情况下，从冻结资金中扣除高余额费，是未遵守资产冻结规定(见附件 91)。

## B. Abd Al-Rahman Salim Ibrahim Al-Milad (LYi.026)

159. 专家小组确定，Abd Al-Rahman Salim Ibrahim Al-Milad (别名 Al-Bija) 2024 年 9 月 1 日在扎维耶死亡。国籍国和常住国利比亚尚未向专家小组提供死亡证明。

## 八. 建议

专家小组建议：

给安全理事会的建议：

建议 1. 增加一项指认标准：即通过在利比亚以柴油非法牟利和从利比亚非法出口柴油，为武装团体或犯罪网络提供支助[见第 97 段]。

给委员会的建议：

建议 2. 更新第 2 号执行援助通知，确定在国家人道主义紧急情况下仅为运送人道主义救济物资而使用军事运输工具符合军火禁运规定[见第 62 段]。

建议 3. 更新第 6 号执行援助通知，向会员国提供指导，排除对冻结资金收取负利息的做法，以保护冻结资金免受侵蚀[见第 117 和 135 段]。

建议 4. 提醒会员国注意关于动用被冻结资金、由被冻结资金支付任何酬金和手续费或费用的通知要求[见第 117 段]。

建议 5. 提醒会员国通知其国家管辖范围内的金融机构，依照第 1970 (2011) 号决议第 20 段，应将利息和其他收入存入指定实体的冻结资金[见第 123 段]。

建议 6. 审议专家小组在本次任务期间就符合安全理事会有关决议所载指认标准的个人另外提供的信息。

根据安全理事会第 2701 (2023) 号决议第 15 段给委员会的建议：

建议 7. 考虑允许将利比亚投资局的冻结现金储备用于进行下列投资：

(a) 对目前在欧洲结算银行的现金储备(第一影响领域)，投资于利比亚投资局选定的适当金融机构的低风险定期存款，但不将其转出目前的管辖区，条件是现金储备及其应计利息应继续冻结，期间应与利比亚协商并在此前由有关会员国通知委员会，且委员会在收到通知后 10 个工作日内未作出反对决定。此后每一次再投资应遵守同样的通知程序[见第 134-141 段]；

(b) 对投资基金经理所持现金储备(第四影响领域)，投资于固定收入工具，条件是资金及其应计收入应继续冻结，期间应与利比亚协商，由有关会员国通知委员会并事先获得委员会核准。应逐案评价投资基金经理所持现金储备的每一次再投资，考虑到当时的具体情况，并应遵守同样的通知程序[见第 151-153 段]。

- 建议 8. 请根据措施投资或再投资现金储备所在的一个或多个会员国，在按照其后各项决议提交的执行情况报告中，向委员会报告这些现金储备的状况。
- 建议 9. 考虑不允许将利比亚投资局的冻结现金储备从欧洲结算银行账户转至 ABC 银行账户[见第 140-141 段]。
- 建议 10. 考虑不允许对利比亚投资局证券组合中的股票和证券进行积极的投资组合管理或交易[见第 147-150 段]。
- 建议 11. 考虑一般不允许通过同一投资基金经理对累计现金进行再投资[见第 151-153 段]。
- 建议 12. 考虑不允许对利比亚对外投资公司的再投资计划列报的冻结资金进行再投资[见第 156-157 段]。



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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.<sup>84</sup>

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

## Annex 2 Abbreviations and acronyms

<b>ADB</b>	Asian Development Bank
<b>AFRICOM</b>	U.S. Africa Command
<b>AGM</b>	Air to Ground Missile
<b>AGO</b>	Attorney General's Office
<b>AIS</b>	Automatic Identification System
<b>a.k.a.</b>	Also known as
<b>AMO</b>	Asset Management Office
<b>AOC</b>	Air Operating Certificate
<b>APC</b>	Armoured Personnel Carrier
<b>APICORP</b>	Arab Petroleum Investments Corporation
<b>AQIM</b>	Al-Qaida in the Islamic Maghreb
<b>ARO</b>	Asset Recovery Office
<b>ATGW</b>	Anti-Tank Guided Weapon
<b>AUD</b>	Australian Dollar
<b>AUP</b>	Agreed Upon Procedures
<b>BACB</b>	British Arab Commercial Bank
<b>BCP</b>	Border Crossing Post
<b>BIT</b>	Bilateral Investment Treaty
<b>BoV</b>	Bank of Valetta
<b>bp</b>	Basis point
<b>CAD</b>	Canadian Dollar
<b>CAR</b>	Central African Republic
<b>CBL</b>	Central Bank of Libya
<b>CHF</b>	Swiss Franc
<b>ChVK</b>	Russian language abbreviation for private military enterprise
<b>Committee</b>	Committee established pursuant to Security Council resolution 1970 (2011) concerning Libya
<b>CS</b>	Confidential Source
<b>CSD</b>	Central Securities Depository
<b>CTF</b>	Counter Terrorism Force
<b>DACOT</b>	Deterrence Apparatus for Combating Crime and Terrorism
<b>DCIM</b>	Directorate for Combating Illegal Migration
<b>DCTEO</b>	Department of Counter-Terrorism and Extremist Organisation
<b>DKK</b>	Danish Krone
<b>DOB</b>	Date of Birth
<b>DWT</b>	Dead Weight Tonnes
<b>ECB</b>	European Central Bank
<b>EIB</b>	European Investment Bank
<b>EOD</b>	Explosive Ordnance Disposal
<b>EU</b>	European Union
<b>EUBAM</b>	EU Border Assistance Mission in Libya
<b>EUC</b>	End-user Certificate
<b>EUNAVFOR MED IRINI</b>	European Union Naval Force Mediterranean Operation Irini
<b>EUR</b>	Euro
<b>Eurojust</b>	European Union Agency for Criminal Justice Cooperation
<b>FACT</b>	Front pour l'Alternance et la Concorde au Tchad
<b>FAB</b>	First Abu Dhabi Bank
<b>FFR</b>	Free Flight Rocket
<b>FGA</b>	Fighter Ground Attack
<b>Fifth Impact</b>	Incurring substantial management and custodian fees without corresponding administrative and technical services by the custodians, due to the imposition of the sanctions

<b>First Impact (Part A)</b>	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
<b>First Impact (Part B)</b>	Exception for a license for investment managers to reinvest the LIA's frozen funds of USD 1.110 billion held at Euroclear Bank
<b>FMCP</b>	FM Capital Partners
<b>Fourth Impact</b>	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
<b>FPB</b>	Fast Patrol Boat
<b>FSA</b>	Facility Security Agency
<b>FZC</b>	Free Zone Company
<b>FZE</b>	Free Zone Enterprise
<b>GATA</b>	Global Anti-Terrorism Assistance
<b>GBP</b>	Great Britain Pound
<b>GECOL</b>	General Electricity Company of Libya
<b>GIS</b>	Geographical Information System
<b>GNA</b>	Government of National Accord
<b>GNU</b>	Government of National Unity
<b>GNU-AF</b>	Government of National Unity Affiliated Forces
<b>GNS</b>	Government of National Stability
<b>GSDD</b>	Global Sustainable Development Trust
<b>HAF</b>	Haftar Affiliated Forces
<b>HCS</b>	High Council of State
<b>HET</b>	Heavy Equipment Transporter
<b>HKD</b>	Hong Kong Dollar
<b>HoR</b>	House of Representatives
<b>IAFV</b>	Infantry Armoured Fighting Vehicle
<b>IAN</b>	Implementation Assistance Notice
<b>IBRD</b>	International Bank for Reconstruction and Development
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICITAP</b>	International Criminal Investigative Training Assistance Program
<b>ICMP</b>	International Commission on Missing Persons
<b>ICSID</b>	International Centre for Settlement of Investment Dispute
<b>IFC</b>	International Finance Corporation
<b>IFRS</b>	International Financial Reporting Standards
<b>IHL</b>	International Humanitarian Law
<b>IHRL</b>	International Human Rights Law
<b>IMO</b>	International Maritime Organization
<b>ISA</b>	Internal Security Agency
<b>ISIL</b>	Islamic State in Iraq and the Levant
<b>ISR</b>	Intelligence, Surveillance and Reconnaissance
<b>ISRE</b>	International Standards on Review Engagements
<b>ISRS</b>	International Standards on Related Services
<b>ITS</b>	Irish Training Solutions
<b>JMC</b>	Joint Military Commission
<b>JMF</b>	Joint Military Force
<b>JNIM</b>	Jama'a Nusrat ul-Islam wa al-Muslimin
<b>JOR</b>	Joint Operations Room for the defense of the Western and South-Western region
<b>JPY</b>	Japanese Yen
<b>JSR</b>	Joint Security Room
<b>KDB</b>	Korea Development Bank



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

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<b>STS</b>	Ship-to-Ship
<b>TBZ</b>	Tariq Bin Ziyad (brigade)
<b>TCG</b>	Transverse Centre of Gravity
<b>TDOA</b>	Time Difference of Arrival
<b>Third Impact</b>	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
<b>TRY</b>	Turkish Lira
<b>UAE</b>	United Arab Emirates
<b>UAV</b>	Uncrewed Aerial Vehicle
<b>UCAV</b>	Uncrewed Combat Aerial Vehicles
<b>UID</b>	Unidentified
<b>UN</b>	United Nations
<b>UN OCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>UNSC</b>	United Nations Security Council
<b>UNSMIL</b>	United Nations Support Mission in Libya
<b>USD</b>	United States Dollars
<b>UTC</b>	Universal Time Coordinated
<b>VTC</b>	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 B to Annex 3: ‘The opportunity to reply’ methodology used by the Panel**

1. Although sanctions are meant to be preventative not punitive, it should be recognized that the mere naming of an individual or entity<sup>85</sup> in a Panel’s report could have adverse effects on the individual. As such, where possible, individuals concerned should be provided with an opportunity to provide their account of events and to provide concrete and specific information/material in support. Through this interaction, the individual is given the opportunity to demonstrate that their alleged conduct does not fall within the relevant listing criteria. This is called the ‘opportunity to reply’.
2. The Panel’s methodology on the opportunity to reply is as follows:
  - (a) Providing an individual with an ‘opportunity to reply’ should be the norm;
  - (b) The Panel may decide not to offer an opportunity of reply if there is credible evidence that it would unduly prejudice its investigations, including if it would:
    - (i) Result in the individual moving assets if they get warning of a possible recommendation for designation;
    - (ii) Restrict further access of the Panel to vital sources;
    - (iii) Endanger Panel sources or Panel members;
    - (iv) Adversely and gravely impact humanitarian access for humanitarian actors in the field; or
    - (v) For any other reason that can be clearly demonstrated as reasonable and justifiable in the prevailing circumstances.
3. If the circumstances set forth in 2 (b) do not apply, then the Panel should be able to provide an individual an opportunity to reply.
4. The individual should be able to communicate directly with the Panel to convey their personal determination as to the level and nature of their interaction with the Panel.
5. Interactions between the Panel and the individual should be direct, unless in exceptional circumstances.
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.

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<sup>85</sup> 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.



1. 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.
2. 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 supports 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 indicators<sup>86</sup> 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) <sup>a</sup>	<ul style="list-style-type: none"> <li>“Dark activity” periods.</li> <li>AIS “spoofing”.</li> </ul>
2	Route(s)	Destination Ports	<ul style="list-style-type: none"> <li>The ports of Gabes and Algiers are often inaccurately declared.</li> <li>Unusual routing from past voyages.</li> </ul>
3	Ownership	Frequent change of vessel’s owners	<ul style="list-style-type: none"> <li>Lack of corporate on-line presence.</li> </ul>
4	Operators	Frequent change of vessel’s operators	<ul style="list-style-type: none"> <li>Lack of corporate on-line presence.</li> </ul>
5	Vessel Name	Frequent change of vessel’s name	
6	Vessel Tonnage	Tonnage Range	<ul style="list-style-type: none"> <li>Comparison to historical tonnage of vessels known to be non-compliant.</li> </ul>
7	Vessel Draught	Change of Draught	<ul style="list-style-type: none"> <li>Comparison of draught at loading and discharge.</li> <li>No registered draught change despite confirmed loading activities.</li> </ul>
8	Commercial Relationships	Linkages	<ul style="list-style-type: none"> <li>Links between owners / operators / agents.</li> </ul>
8	Commercial Activity	Uneconomic behaviour	<ul style="list-style-type: none"> <li>Low utilization profile.</li> <li>Uneconomic routes</li> </ul>
9	Flag of Registry	Flags of convenience and multiple flag changes	<ul style="list-style-type: none"> <li>Includes Flag refusal to allow inspections when requested.</li> </ul>
10	Documentation	Accuracy	<ul style="list-style-type: none"> <li>Transparency in information registered via AIS and/or supplied to Panel.</li> <li>Accuracy of completion.</li> </ul>
11	Cargo Shielding	Container layout on weather deck	<ul style="list-style-type: none"> <li>Containers are used to line the edge of the weather deck to shield the remainder of the deck from external view.</li> </ul>
		Container layout on port dock	<ul style="list-style-type: none"> <li>Containers or fences are used to shield offloading sites at ports from external view.</li> <li>Access control to avoid footage created by bystanders</li> </ul>
		Security measures at port	
12	Cargo Analysis	Volumetric and mass analysis	<ul style="list-style-type: none"> <li>Do reported weight and packaging match declaration on documentation?</li> </ul>
13	Sanctions Listings	Sanctions designated or reported vessel	<ul style="list-style-type: none"> <li>Previous reports by other UN Panels and Monitoring Groups.</li> <li>Sanctions notices by subscription-based resources.</li> </ul>

<sup>a</sup> Or Long-Range Identification and Tracking system (LRIT).

<sup>86</sup> 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"> <li>For example, a significant number of flights over a short period indicates a centrally organized supply chain.</li> </ul>
2	Flight timings	Most flights are planned so that the cargo aircraft are unloaded during darkness	<ul style="list-style-type: none"> <li>Disguises the nature of cargo being offloaded from onlookers in areas where access is difficult to control.</li> </ul>
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"> <li>Civilian cargo aircraft require time in civilian airports where the appropriate servicing and maintenance capabilities exist.</li> <li>Indicative of the loading of military related equipment.</li> </ul>
4	Flight safety	Signals from the aircraft ADS-B <sup>a</sup> transponders are not visible on open-source ADS-B monitoring shortly after entering Egyptian airspace	<ul style="list-style-type: none"> <li>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.</li> <li>Deliberately switched off due to the covert nature of these flights.</li> <li>Other legitimate flights (for example the scheduled Afriqiyah Airlines A320 from Benghazi to Alexandria always displays ADS-B data).</li> </ul>
5	Flight safety	Signals from the aircraft ADS-B transponders are switched to MLAT (multi-lateration) mode <sup>87</sup> for the whole flight	<ul style="list-style-type: none"> <li>MLAT mode only transmits aircraft code, heading, altitude and speed but NOT current location.</li> </ul>
6	Flight transparency	Signals from aircraft ADS-B transponders are not available for all flights	<ul style="list-style-type: none"> <li>Airlines have utilised a “blocking” service provided by some of the open-source ADS-B monitoring providers.</li> <li>A deliberate attempt by the airline to avoid scrutiny and disguise covert or illicit flights.</li> </ul>
7	Flight availability	Scheduled or non-scheduled route	<ul style="list-style-type: none"> <li>Ticket unavailability from the air operator for passenger aircraft flights suggests movement of military personnel. For example: Cham Wings flights from Syria to Benghazi.</li> </ul>
8	Aircraft documentation	The use of fake Air Operating Certificates (AOC)	<ul style="list-style-type: none"> <li>The Panel has identified the use of at least one fake AOC used to justify an ADS-B signal blocking service.</li> </ul>

<sup>87</sup> 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"> <li>▪ Fake consignees listed.</li> <li>▪ Fake consignors listed.</li> <li>▪ Used to disguise the true nature of the actual cargo.</li> <li>▪ Customs value listed as zero.</li> <li>▪ 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.</li> </ul>
10	Air operator transparency	Limited, inaccurate or no information provided to requests for information	<ul style="list-style-type: none"> <li>▪ Indicative of covert or illicit activity.</li> </ul>
11	Air operator web presence	Lack of corporate website or very limited contact information on website	<ul style="list-style-type: none"> <li>▪ A reputable cargo aircraft company would have an easily sourced online presence as part of the company marketing strategy.</li> </ul>
12	Cargo agency web presence	Lack of corporate website	<ul style="list-style-type: none"> <li>▪ A reputable cargo agent would have an easily sourced online presence as part of the company marketing strategy.</li> </ul>
13	Air operator's relationships	Corporate links	<ul style="list-style-type: none"> <li>▪ Change of ownership or operating conditions for aircraft between linked companies.</li> </ul>
14	Sanctions Listings	Current or previous listings of owner, operator, or aircraft	<ul style="list-style-type: none"> <li>▪ Previous reports by other UN Panels and Monitoring Groups.</li> <li>▪ Sanctions notices by subscription databases.</li> </ul>

## Annex 4 Member States, organisations and institutions consulted

3. 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 <sup>a b c</sup>

<i>Country/ Location</i>	<i>Government</i>	<i>Representative or International Organization</i>	<i>Institution / NGO</i>
Austria	Ministry of Foreign Affairs	UNODC <sup>d</sup>	
Algeria <sup>c</sup>	Permanent Mission		
Bahrain	Permanent Mission <sup>d</sup>		Central Bank of Bahrain <sup>d</sup> Bank ABC <sup>d</sup>
Belgium	Ministry of Foreign Affairs, General Administration of Treasury Permanent Mission		Euroclear Bank OCSC <sup>d</sup>
Brazil <sup>c</sup>	Permanent Mission		
Cameroon	Permanent Mission		
China <sup>a</sup>	Permanent Mission		
Egypt	Permanent Mission	Libyan Ministry of Foreign Affairs	LIA
France <sup>a</sup>	Ministry of Interior Permanent Mission		
Greece <sup>c</sup>	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 <sup>e</sup>
Luxemburg	Ministries of Foreign Affairs and Finance <sup>d</sup> Permanent Mission <sup>d</sup>		HSBC Bank <sup>d</sup>
Malta <sup>c</sup>	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 <sup>d</sup>	Eurojust Europol	ICMP
Marshall Islands	Permanent Mission <sup>d</sup>		
Niger	Permanent Mission		
Oman	Permanent Mission <sup>d</sup>		
Russian Federation <sup>a</sup>	Permanent Mission		
South Africa	Permanent Mission <sup>d</sup>		
Slovenia <sup>b</sup>	Permanent Mission		
Spain	Ministry of Interior <sup>d</sup> Permanent Mission <sup>d</sup>		
Switzerland <sup>b</sup>	Permanent Mission	OHCHR Special Rapporteur <sup>f</sup>	

<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 <sup>a</sup>	Ministry of Foreign Affairs <sup>d</sup> Treasury <sup>d</sup> Permanent Mission		OFSI <sup>d</sup> BACB <sup>d</sup> HSBC Bank <sup>d</sup> Credit Suisse (UBS) <sup>d</sup>
USA <sup>a</sup>	State Department and Treasury <sup>d</sup> Mission to the UN	INTERPOL	
Yemen	Permanent Mission <sup>d</sup>		

<sup>a</sup> Countries indicated ‘a’ are permanent members of the Security Council.

<sup>b</sup> Countries indicated ‘b’ are elected members of the Security Council (2024).

<sup>c</sup> Countries indicated ‘c’ are elected members of the Security Council (2025).

<sup>d</sup> Via VTC or other electronic platform.

<sup>e</sup> Outside of Libya.

<sup>f</sup> Sexual Violence in Conflict.

## Annex 5 Summary of Panel correspondence (2644 (2022) and 2701 (2023)) mandates<sup>88</sup>

Table 5.1

### Correspondence with Member States (2644 (2022) Mandate)

(13 July 2023 to 15 November 2023) <sup>a</sup>

<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
<b>Total</b>	<b>22</b>	<b>11</b>	<b>11</b>

<sup>a</sup> 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) <sup>a</sup>

<i>Member State / country</i>	<i># letters sent by the Panel</i>	<i># replies from Member State <sup>b</sup></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
Cameroon	1	0	1

<sup>88</sup> 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 <sup>b</sup></i>	<i># awaiting reply from Member State</i>
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
Türkiye	15	5	10

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

<sup>a</sup> 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.

<sup>b</sup> 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) <sup>a</sup>**  
**(16 November 2023 to 12 May 2024)<sup>b</sup>**

<i>Organization or entity</i>	<i># letters sent by the Panel <sup>c</sup></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
<b>Total</b>	<b>8</b>	<b>7</b>	<b>1</b>

<sup>a</sup> 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.

<sup>b</sup> 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.

<sup>c</sup> 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)<sup>a</sup>**

<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
<b>Total</b>	<b>2</b>	<b>0</b>	<b>2</b>

<sup>a</sup> 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) <sup>a</sup>**

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

<sup>a</sup> 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.

<sup>b</sup> 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 CBL<sup>89</sup>

1. As of June 2024, the CBL<sup>90</sup> 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.<sup>91</sup>

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.<sup>92</sup> 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.<sup>93</sup>

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,<sup>94</sup> 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.<sup>95</sup>

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.

<sup>89</sup> Resolution 2509 (2020).

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

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

<sup>92</sup> As part of the broad agreement on the process of reunification, the stock of 50 LYD notes was frozen and the CBL accepted them 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.

<sup>93</sup> 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.

<sup>94</sup> 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).

<sup>95</sup> 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;<sup>96</sup> 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.<sup>97</sup> The possibility of eventually having a unified budget for Libya also got disrupted.<sup>98</sup>

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 Belqasem<sup>99</sup> 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.<sup>100</sup>

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.

## 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

<sup>96</sup> 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.

<sup>97</sup> 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.

<sup>98</sup> 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.

<sup>99</sup> He was the CBL's director for banking and monetary control.

<sup>100</sup> 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.

disburse salaries and declined to draw from foreign currency reserves.<sup>101</sup> 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 Saddiq 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.<sup>102</sup>

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. Saddiq 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.<sup>103</sup> Saddiq 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 Saddiq 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.<sup>104</sup> 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 Saddiq 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.

<sup>101</sup> Confidential sources, Libyan officials.

<sup>102</sup> Confidential Sources, members of armed groups.

<sup>103</sup> Confidential sources, armed groups.

<sup>104</sup> 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 <sup>a</sup>



Source: Confidential.

<sup>a</sup> 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).

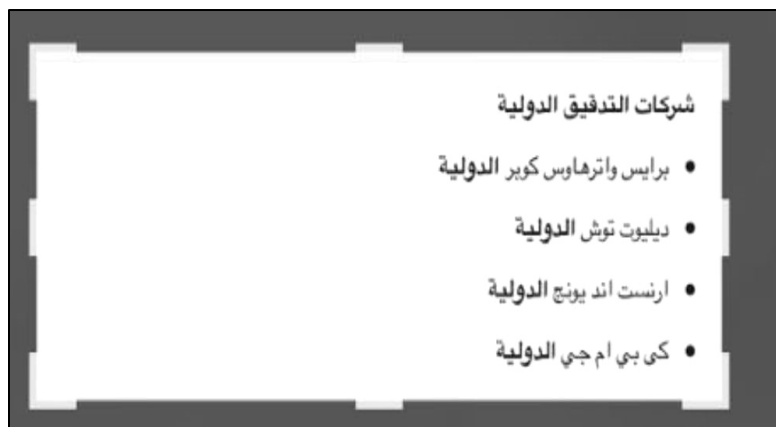
## Annex 9 Opportunity to reply Abdelghani Al-Kikli

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 ذكرتتموها.  
ويفيدكم 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.

## Annex 10 Appointment of Saddam Haftar as Chief of Staff of LAAF land forces

Figure 10.1

Letter of appointment signed by Khalifa Haftar, 16 May 2024



Source: Confidential.

## **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.<sup>105</sup>
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.<sup>106</sup>
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.<sup>107</sup> 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.

<sup>105</sup> CS (Sudanese armed groups).

<sup>106</sup> CS (Libyan and Sudanese armed groups).

<sup>107</sup> 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>
<i>Libyan Arab armed forces</i>	N/A	Khalifa Haftar
<i>Libyan Intelligence Agency (LIS) / General Intelligence Service (GIS)</i>	GNU	Hussein Al-Aaeb
<i>Support and Stability Apparatus</i>	PC	Abdelghani Al Kikli
<i>DACOT</i>	PC	Abderraouf Kara
<i>Internal Security Agency (ISA), both branches</i>	Western branch: Office of the Prime Minister Eastern branch: LAAF	Western branch: Lotfi Al-Harari Eastern branch: Osama Al-Darsi
<i>444 brigade</i>	MoD	General Mahmoud Hamza
<i>Libyan Counter-Terrorism Centre (LCTC)</i>	PC	Major General Mohamed B Saleh
<i>Counter-Terrorism Force (CTF)</i>	MoD	General Mohamed Ezzein
<i>Reserve force of the CTF</i>	MoD	Mukhtar Al-Jahawi
<i>Department of Counterterrorism and Extremist Organisations (DCTEO)</i>	Office of the Prime Minister	N/A
<i>Department for Counter-Terrorism</i>	MoI	Colonel Abderrazek Al Makhzoum
<i>Agency for Combating Financial Crimes, Money Laundering, and Terrorism Financing</i>	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>
<b><i>Islamic State in Iraq and the Levant-Libya (QDe.165)</i></b>	<ul style="list-style-type: none"> <li>▪ Tripoli (Tripolitania)</li> <li>▪ Murzuk (Fezzan region),</li> <li>▪ Qatrun (Fezzan region)</li> <li>▪ Ghadwa (Fezzan region)</li> <li>▪ Acacus Mountains (Sahara- Fezzan)</li> <li>▪ Salvador Triangle (located in the tri-border area between Libya, Algeria and Niger)</li> <li>▪ Umm Al-Aranib (Fezzan)</li> <li>▪ Harouj Mountain (Central Libya)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Tripoli (Tripolitania)</li> <li>▪ Murzuk (Fezzan region),</li> <li>▪ Qatrun (Fezzan region)</li> <li>▪ Ghadwa (Fezzan region)</li> <li>▪ Salvador Triangle (located in the tri-border area between Libya, Algeria and Niger)</li> <li>▪ Umm Al-Aranib (Fezzan)</li> </ul>
<b><i>Organization of Al-Qaida in the Islamic Maghreb (QDe.014)</i></b>	<ul style="list-style-type: none"> <li>▪ Ubari (Fezzan)</li> <li>▪ Ghat (Fezzan)</li> <li>▪ Acacus Mountains (Sahara- Fezzan)</li> <li>▪ Owainat Mountain (Cyrenaica, Libya-Egyptian-Sudanese tri-border area)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ubari (Fezzan)</li> <li>▪ Ghat (Fezzan)</li> </ul>

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"> <li>• 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.</li> <li>• 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.</li> </ul>
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.<sup>108</sup> 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.<sup>109</sup>
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.<sup>110</sup>
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.<sup>111</sup>

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<sup>108</sup> CS (local sources).

<sup>109</sup> CS (including Libyan officials).

<sup>110</sup> CS (official and local Libya sources).

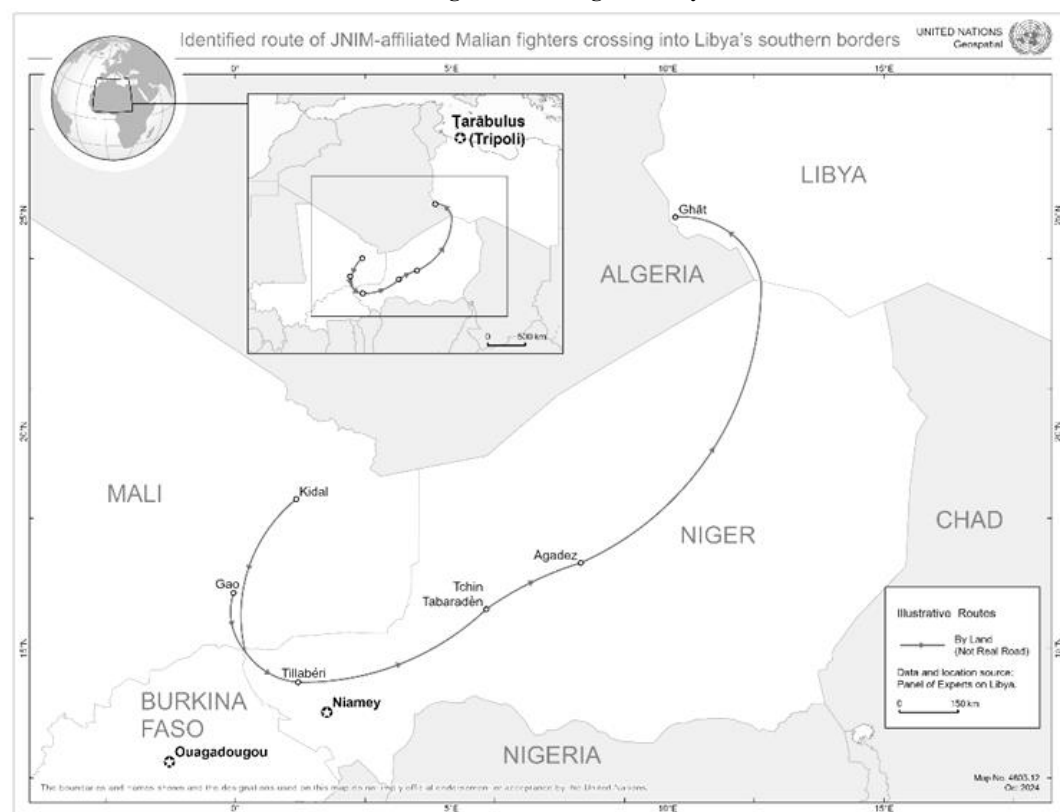
<sup>111</sup> CS (Including Libyan officials).

## 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 2023<sup>112</sup>, 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.<sup>113</sup>
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.<sup>114</sup>
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



<sup>112</sup> 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.

<sup>113</sup> CS (local sources, Libyan official sources).

<sup>114</sup> 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. <sup>115</sup>
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. <sup>116</sup>
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. <sup>117</sup>
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. <sup>118</sup>
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. <sup>119</sup>
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. <sup>120</sup>
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. <sup>121</sup>
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”. <sup>122</sup>
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. <sup>123</sup>
18 Mar 2024	Tunisian authorities closed the border post in the evening “for security reasons”. <sup>124</sup>
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. <sup>125</sup>
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. <sup>126</sup>
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. <sup>127</sup>
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. <sup>128</sup>
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. <sup>129</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>129</sup> <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. <sup>130</sup>
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 <sup>131</sup> 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.” <sup>132</sup>
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”. <sup>133</sup>
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. <sup>134</sup>
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. <sup>135</sup>
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. <sup>136</sup>
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. <sup>137</sup>
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. <sup>138</sup>
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. <sup>139</sup>
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. <sup>140</sup>
01 Apr 2024	Al Namroush called upon JSR to withdraw from Al Assah where its forces were stationed. <sup>141</sup>
02 Apr 2024	The JSR denied the withdrawal of its members from the Ras El-Jdir border with Tunisia after footage <sup>142</sup> was circulated on social media showing vehicles, rumoured to be part of the Room’s convoy, leaving the border crossing. <sup>143</sup>

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

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

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

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

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

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

<sup>136</sup> [https://twitter.com/abaadnews\\_ly/status/1774095488587104292?s=48](https://twitter.com/abaadnews_ly/status/1774095488587104292?s=48), 30 March 2024.

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

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

<sup>138</sup> [https://twitter.com/zawaya\\_ly/status/1774632769517187115?s=48](https://twitter.com/zawaya_ly/status/1774632769517187115?s=48), 01 April 2024 and

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

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

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

<sup>140</sup> [https://twitter.com/lpc\\_ly/status/1774643003119870367?s=48](https://twitter.com/lpc_ly/status/1774643003119870367?s=48), 01 April 2024.

<sup>141</sup> [https://twitter.com/abaadnews\\_ly/status/1774936027339055613?s=48](https://twitter.com/abaadnews_ly/status/1774936027339055613?s=48), 01 April 2024.

<sup>142</sup> [https://twitter.com/address\\_libya/status/1774947864139182538?s=48](https://twitter.com/address_libya/status/1774947864139182538?s=48), 01 April 2024.

<sup>143</sup> <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. <sup>144</sup>
04 Apr 2024	Khaitouni, head of the JSR, claimed his force took control of Ras El-Jdir border post from MoD joint military force. <sup>145</sup>
04 Apr 2024	President of the Tunisian-Libyan business council warned about consequences of Ras El-Jdir crisis on the regular traffic and trade. <sup>146</sup>
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. <sup>147</sup>
05 Apr 2024	JSR announced that the border crossing would reopen in the following days. <sup>148</sup>
06 Apr 2024	The Directorate for Law Enforcement of JSR announced its supervision on maintenance work of passengers' passages, under the JSR. <sup>149</sup>
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. <sup>150</sup>
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. <sup>151</sup>
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 <sup>152</sup> 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. <sup>153</sup>
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. <sup>154</sup>
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. <sup>155</sup>
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. <sup>156</sup>
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. <sup>157</sup>
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. <sup>158</sup>
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. <sup>159</sup>

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

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

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

<sup>147</sup> [https://twitter.com/address\\_libya/status/1776359799032324164?s=48](https://twitter.com/address_libya/status/1776359799032324164?s=48), 05 April 2024.

<sup>148</sup> [https://twitter.com/wady\\_dynar/status/1776356875845460258?s=48](https://twitter.com/wady_dynar/status/1776356875845460258?s=48), 05 April 2024.

<sup>149</sup> [https://twitter.com/zawaya\\_ly/status/1776586905208963186?s=48](https://twitter.com/zawaya_ly/status/1776586905208963186?s=48), 06 April 2024.

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

<sup>151</sup> [https://twitter.com/abaadnews\\_ly/status/1777102356326367576?s=48](https://twitter.com/abaadnews_ly/status/1777102356326367576?s=48), 07 April 2024.

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

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

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

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

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

<sup>157</sup> [https://x.com/wady\\_dynar/status/1803414556363956652?s=48](https://x.com/wady_dynar/status/1803414556363956652?s=48), 19 June 2024.

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

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

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. <sup>160</sup>
1 Jul 2024	Ministry of Interior announces the official reopening of the Ras El-Jdir BCP. <sup>161</sup>
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. <sup>162</sup>
20 Jul 2024	Clashes between local population and Zuwaran armed groups erupted at the BCP, without any intervention by the GNU Ministry of Interior. <sup>163</sup>
29 Jul 2024	Armed clashes erupted between forces affiliated with the GNU Ministry of Interior and armed groups from Zuwara. <sup>164</sup>
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. <sup>165</sup>
26 Aug 2024	The Directorate for Law Enforcement (JSR) announces the cessation of all outbound transit and traffic for undetermined reasons. <sup>166</sup>
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. <sup>167</sup>
27 Aug 2024	In a press statement, Al-Namroush announces the reopening of the coastal road, between Abu Kamash and Ras El-Jdir crossing. <sup>168</sup>
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. <sup>169</sup>
1 Sep 2024	Local armed groups closed the road between Tripoli and Ras El-Jdir following to the assassination of Mohammed Milad (Bidja). <sup>170</sup>
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). <sup>171</sup>
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. <sup>172</sup>
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. <sup>173</sup>

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

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

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

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

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

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

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

<sup>167</sup> [https://x.com/taha\\_hadeed/status/1828509061773697098](https://x.com/taha_hadeed/status/1828509061773697098), 27 August 2024.

<sup>168</sup> [https://x.com/libyapress\\_2010/status/1828522905568760313](https://x.com/libyapress_2010/status/1828522905568760313), 27 August 2024.

<sup>169</sup> [https://x.com/Al\\_Mutasem\\_Al\\_F/status/1829201092774945207](https://x.com/Al_Mutasem_Al_F/status/1829201092774945207), 29 August 2024.

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

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

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

<sup>173</sup> [https://x.com/zawaya\\_ly/status/1845919610920685825](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. <sup>174</sup>	Migration and border security.
25 February 2024 Benghazi, Libya	Niger	Meeting between Nigerien Prime Minister and GNS Minister of Foreign Affairs. <sup>175</sup>	Economy, trade and development.
June 2024 N'Djamena, Chad	Chad	Meeting between Saddam Haftar and President Mohamed Idriss Déby. <sup>176</sup>	Military and security cooperation, border management.
15 August 2024 Benghazi, Libya	Niger	Meeting between Nigerien Minister of Interior and his Libyan GNS counterpart. <sup>177</sup>	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. <sup>178</sup>	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. <sup>179</sup>	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. <sup>180</sup>	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.<sup>181</sup> 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 Libya.<sup>182</sup> In a recent case, during a visit by Chadian Minister of Defence to Niger,<sup>183</sup> a group of Chadian nationals was

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

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

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

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

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

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

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

<sup>181</sup> CS (Nigerien official sources).

<sup>182</sup> CS (Chadian officials and armed groups).

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

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 Mali<sup>184</sup> 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.

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<sup>184</sup> 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),<sup>185</sup> 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-Nadiri,<sup>186</sup> 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-Nadiri 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.

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

<sup>186</sup> The Panel sought a meeting with Chief of Staff Abdel Razek al-Nadiri. 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.

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*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),<sup>187</sup> 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,<sup>188</sup> 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,<sup>81</sup> followed by the deployment of ground fighting units in Umm al-Aranib.<sup>82</sup> 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;<sup>83</sup> 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.


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<sup>187</sup> See S/2023/673, paragraph 38.

<sup>188</sup> <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](mailto:contact.fact.tchad@gmail.com)

\* Secrétariat Général  
Bureau de la Fédération  
FACT Europe



Source: FACT official Facebook page.<sup>189</sup>

<sup>189</sup> <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.<sup>190</sup> 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;<sup>191</sup> 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 reports<sup>192</sup> 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.<sup>193</sup> 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 hoist<sup>194</sup> while being

<sup>190</sup> 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.

<sup>191</sup> 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.

<sup>192</sup> 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.

<sup>193</sup> Articles 7 and 9 of the ICCPR.

<sup>194</sup> 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.<sup>195</sup>

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.<sup>196</sup> 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.<sup>197</sup> 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.<sup>198</sup> 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.<sup>199</sup> Second, DACOT pointed out its proactive accountability to relevant State institutions by submitting annual reports on the implementation of its mandate.<sup>200</sup> 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.<sup>201</sup> Fourth, DACOT highlighted its cooperation with Libyan civil society organisations and open communication channels to receive complaints related to its operations.<sup>202</sup>

<sup>195</sup> CSAG (armed group members).

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

<sup>197</sup> CSAG (armed groups members).

<sup>198</sup> CSAG (armed group members).

<sup>199</sup> 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.

<sup>200</sup> 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).

<sup>201</sup> 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.

<sup>202</sup> 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.<sup>203</sup> 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.<sup>204</sup>

### *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).<sup>205</sup> Detainees were verbally abused and threatened with death and torture to sign confessions that they did not even see before signing the confessions. The Panel identified that Lotfi 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.<sup>206</sup>

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

<sup>203</sup> Common Article 3; articles 7 and 9 of the ICCPR.

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

<sup>205</sup> Article 14 of ICCPR.

<sup>206</sup> 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.<sup>207</sup> 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.<sup>208</sup>

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.<sup>209</sup> 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).<sup>210</sup> 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.<sup>211</sup>

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

<sup>208</sup> 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.

<sup>209</sup> 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.

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

<sup>211</sup> 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.<sup>212</sup> 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.<sup>213</sup>

## **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;<sup>214</sup> 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).<sup>215</sup> 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".<sup>216</sup>

<sup>212</sup> Access to relevant confidential documentation is available upon request.

<sup>213</sup> Article 8 of Additional Protocol II, customary IHL rule 115.

<sup>214</sup> Article 14 of the ICCPR.

<sup>215</sup> Panel interviews with eyewitnesses (CSIHL-38 and 46).

<sup>216</sup> 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



<sup>a</sup> [https://www.tiktok.com/@sikhreibish5/video/7319257969839901984?is\\_from\\_webapp=1&web\\_id=7365598549746468384](https://www.tiktok.com/@sikhreibish5/video/7319257969839901984?is_from_webapp=1&web_id=7365598549746468384) (verified), 7 October 2023.

<sup>b</sup> [https://twitter.com/emad\\_badi/status/1711745301382336526](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



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

<sup>b</sup> <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



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

<sup>b</sup> <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.<sup>217</sup> 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.<sup>218</sup> 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.<sup>219</sup> 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.<sup>220</sup> 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).<sup>221</sup>
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

<sup>217</sup> The Panel interviews with CSHL-05, 07, 21, 24, 29, 31, 33, 42, 141, 143, 144, 145.

<sup>218</sup> Articles 7, 9, 14, 19, 20 and 21 of the ICCPR.

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

<sup>220</sup> See e.g. <https://www.youtube.com/@isagovly/videos>; [https://www.youtube.com/@rctoc\\_gov/videos](https://www.youtube.com/@rctoc_gov/videos).

<sup>221</sup> 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.<sup>222</sup> 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.<sup>223</sup>
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.<sup>224</sup> 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

<sup>222</sup> 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.

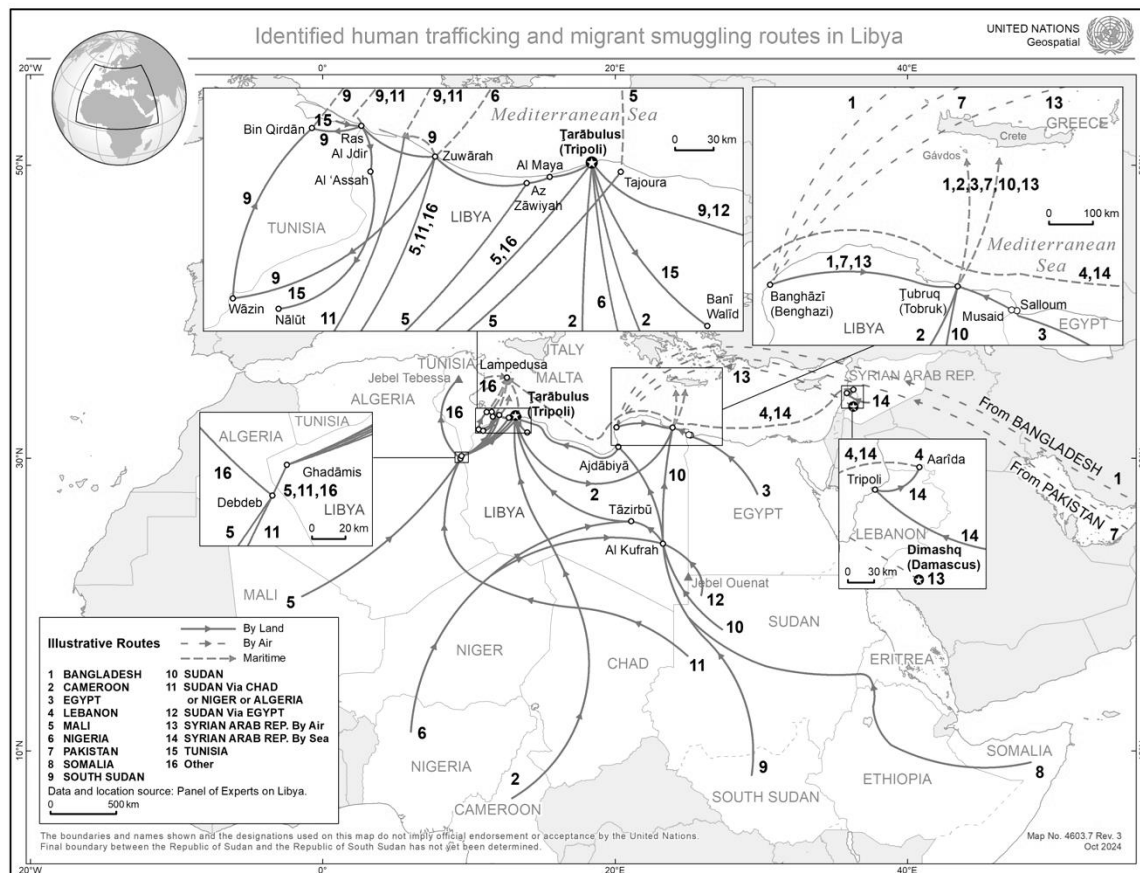
<sup>223</sup> Panel interviews with CSIHL-19, 20, 26, 27, 30, 47-82, 85-140.

<sup>224</sup> 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).<sup>225</sup>

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 Libya<sup>226</sup>

Departure point	Means of transport	Transit countries	Entry points Libya	Transit points Libya and border countries	Exit points Libya
neroon	land	id	Kufra	ha, Tripoli, Sabratha, Zawiyah, Tubruq	<ul style="list-style-type: none"> <li>Zuwara/western territorial waters to Italy.</li> <li>Tubruq/eastern territorial waters towards Greece.</li> </ul>
anon (ida)	sea	ect route to Libya	itorial waters in the east	itorial waters in the east of Libya	<ul style="list-style-type: none"> <li>Territorial waters in the east of Libya to Italy.</li> </ul>
li ultiple locations)	land	eria	odeb	adames, Sabratha, Tajoura, Zawiyah, Zuwara	<ul style="list-style-type: none"> <li>Sabratha, Zawiyah, Zuwara/western territorial waters to Italy.</li> </ul>

<sup>225</sup> Panel interviews with CSIHL-49, 50, 53, 126-128.

<sup>226</sup> 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>
with Sudan (multiple locations)	land	Libya	Kufra	Benghazi, Tripoli, Tubruq, Zuwara	<ul style="list-style-type: none"> <li>▪ Ras Al-Jdir and Wazin to Tunisia (from Ben Guerdane, Tunisia to Italy);</li> <li>▪ Zuwara/western territorial waters to Italy.</li> </ul>
Libya (multiple locations)	land	Egypt, Niger, Chad	Kufra	Benghazi, Tripoli, Tubruq, Zuwara	<ul style="list-style-type: none"> <li>▪ Ras Al-Jdir and Wazin to Tunisia (from Ben Guerdane, Tunisia to Italy);</li> <li>▪ Zuwara/western territorial waters to Italy;</li> <li>▪ Tubruq/eastern territorial waters to Greece.</li> </ul>
Libya (multiple locations)	land	Algeria	Debb	Adames, Zuwara	<ul style="list-style-type: none"> <li>▪ Ras Al-Jdir and Wazin to Tunisia (from Ben Guerdane, Tunisia to Italy);</li> <li>▪ Zuwara/western territorial waters to Italy.</li> </ul>
Libya (multiple locations)	air & sea	Direct air route to Libya; Lebanon	Benghazi (airport and territorial waters in the east)	Tripoli, Tubruq, Zawiyah, Zuwara; territorial waters in the east	<ul style="list-style-type: none"> <li>▪ Ras Al-Jdir and Wazin to Tunisia (from Ben Guerdane, Tunisia to Italy);</li> <li>▪ Zuwara/western territorial waters to Italy;</li> <li>▪ Tubruq/eastern territorial waters to Greece.</li> </ul>
Tunisia	land	Direct route to Libya	Ras Al-Jdir, Wazin	Ali Walid, Tripoli, Sabratha, Zawiyah, Zuwara	<ul style="list-style-type: none"> <li>▪ Zawiyah, Zuwara/western territorial waters to Italy.</li> </ul>
Multiple countries (Bangladesh, Egypt, Nigeria, Pakistan, Somalia, Sudan, Syria) <sup>227</sup>	air & land	Algeria, Chad, Egypt, Ethiopia, Kuwait, Lebanon, Niger, Sudan, Tunisia, United Arab Emirates	Kufra, Benghazi airport, Ras Al-Jdir, Sallum, Tazirbu	Benghazi, Tajoura, Tazirbu, Tripoli, Sabha, Sabratha, Sirte, Warshafana, Zawiyah, Zuwara	<ul style="list-style-type: none"> <li>▪ Debdeb to Algeria (and further through Tebessa, Tunisia, to Ben Guerdane, Tunisia to Italy);</li> <li>▪ Ras Al-Jdir (from Ben Guerdane, Tunisia to Italy);</li> <li>▪ Zuwara/western territorial waters to Italy;</li> <li>▪ Tubruq/eastern territorial waters to Greece.</li> </ul>

<sup>227</sup> 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.<sup>228</sup> Due to the poor quality of these vessels and severe overcrowding, the Networks often placed migrants in life-threatening conditions.

<sup>228</sup> 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.<sup>229</sup> 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.<sup>230</sup> 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.<sup>231</sup> 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 points

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

<sup>230</sup> Panel interviews with CSIHL 106, 108, 111, 138-140.

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

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.<sup>232</sup> 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.

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<sup>232</sup> 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).<sup>233</sup> 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.<sup>234</sup> 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.<sup>235</sup>
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”.

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

<sup>234</sup> 32°06'18"N, 20°02'36"E.

<sup>235</sup> 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.<sup>236</sup>

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;<sup>237</sup> and

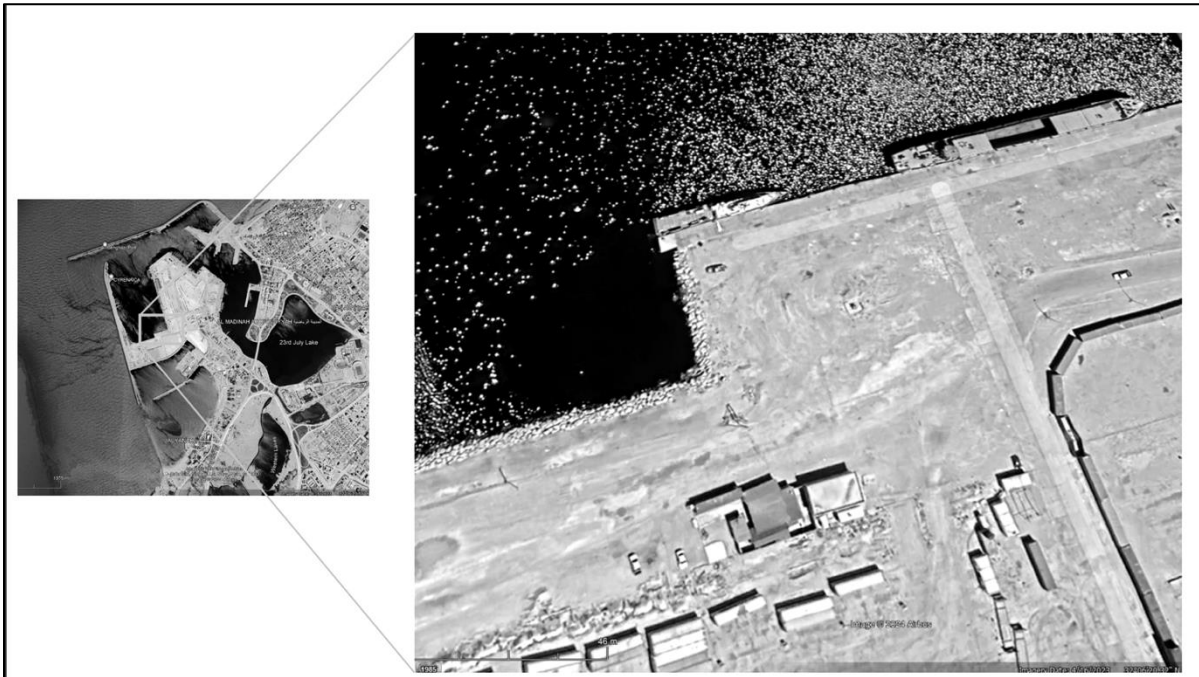
b) the lack of credibility of Al-Mashai’s reply to the Panel findings on his involvement and principal role in the above unlawful activities. Al-Mashai denied in a meeting with the Panel any such involvement and contested his role as a commander of any of the LAAF units only six weeks before the present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

<sup>236</sup> S/2023/673, para. 21.

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

<sup>238</sup> 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,<sup>239</sup> 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 Network<sup>240</sup> (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,<sup>241</sup> 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.<sup>242</sup>

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.<sup>243</sup> 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

<sup>239</sup> 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.

<sup>240</sup> S/2023/673, paragraphs 60-66.

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

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

<sup>243</sup> Panel interviews with CS 51, 53, 54, 72 and 75.

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

Table 26.1

**Location of DCIM detention facilities for migrants as of January 2024**

<i>Facility</i>	<i>Operator</i>	<i>Latitude (<sup>0</sup>N)</i>	<i>Longitude (<sup>0</sup>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 (<sup>0</sup>N)</i>	<i>Longitude (<sup>0</sup>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 (<sup>0</sup>N)</i>	<i>Longitude (<sup>0</sup>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

<sup>244</sup> 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 (<sup>0</sup>N)</i>	<i>Longitude (<sup>0</sup>E)</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 (<sup>0</sup>N)</i>	<i>Longitude (<sup>0</sup>E)</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

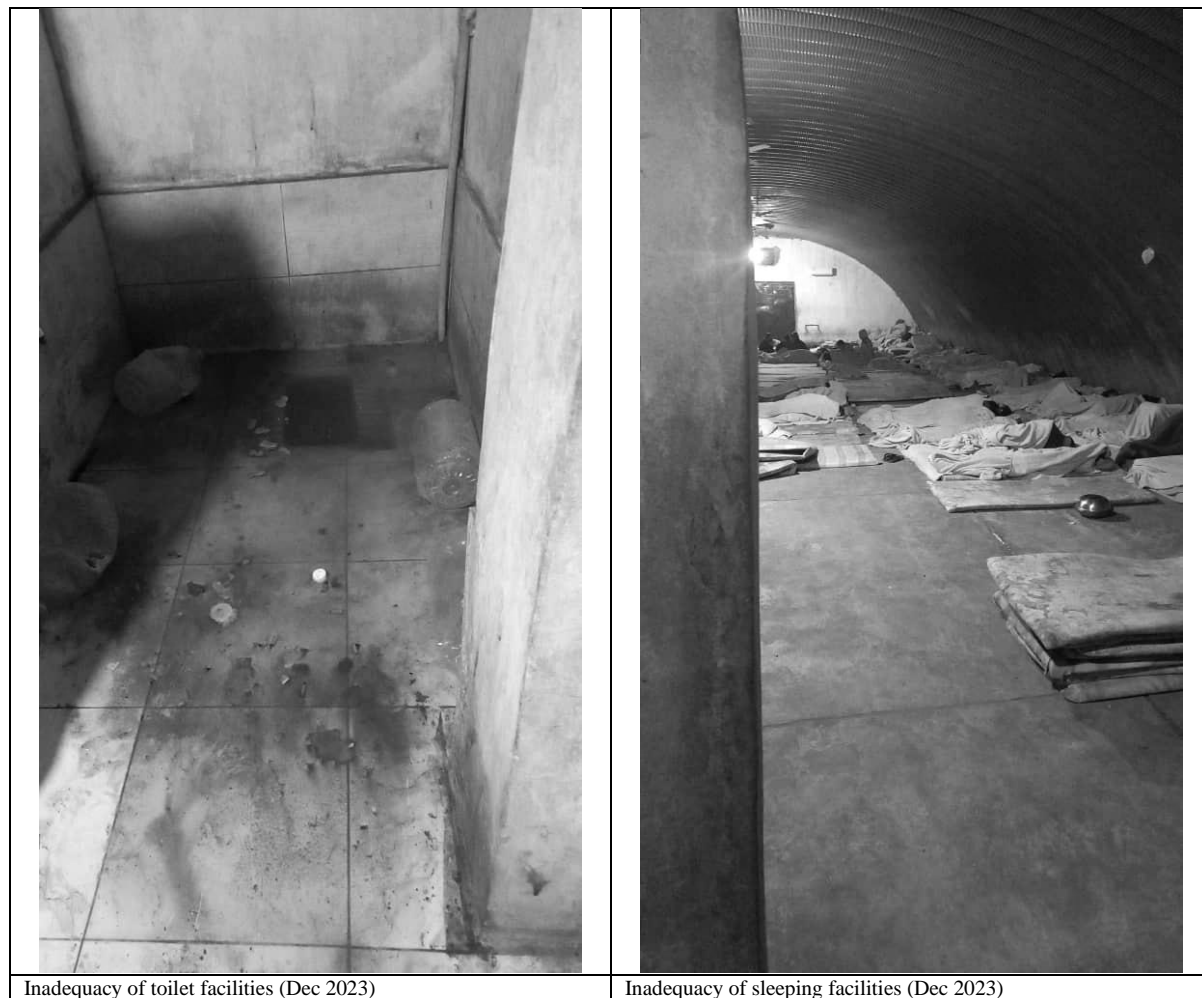
Figure 26.1

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

Source CS06 (eyewitness).

Figures 26.2 and 26.3

**Inadequate material conditions in Bir al-Ghanam detention facility**



Inadequacy of toilet facilities (Dec 2023)

Inadequacy of sleeping facilities (Dec 2023)

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 <a href="#">2644 (2022)</a> reporting period (all new identifications)					
Annex 32	8 June 2023	LAAF	<i>Damen Stan 2706</i> fast patrol boat	Volume FZCO	
During resolution <a href="#">2701 (2023)</a> reporting period (all new identifications)					
Annex 32	8 June 2023	LAAF	<i>Damen Stan 2706</i> 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	<i>Canik</i> TP9 Series Pistol	UID	
Annex 31	15 Nov 2023	LAAF	<i>OCEA</i> fast patrol boat 110	LAAF	
Annex 54	20 Nov 2023	GNU-AF	<i>BORA-12</i> 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	<i>INKAS</i> Titan S 4x4 APC	UID	
Annex 37	31 Mar 2024	GNU-AF	<i>AKINCI</i> UCAV	Türkiye	
Annex 32	5 Apr 2024	LAAF	<i>2020 Volume</i> interceptor boat	2020 Volume Boats / Asha Co FZE	
Annex 59	16 May 2024	LAAF	<i>STREIT</i> Condor SUT MRAP	UID	
Annex 60	16 May 2024	LAAF	<i>STREIT</i> Gladiator MRAP	UID	
Annex 32	10 Sep 2024	LAAF	<i>Rodman 66</i> fast patrol boat	Volume FZCO	

<sup>a</sup> Unidentified as yet.

<sup>b</sup> 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 <a href="#">2644 (2022)</a> 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 <a href="#">2701 (2023)</a> 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	

<sup>a</sup> 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.<sup>245</sup> 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)<sup>246</sup>**

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

<sup>245</sup> 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.

<sup>246</sup> Items marked \*\* appeared in the 29 May 2021 7th Anniversary of Operation Dignity parade in Benghazi. <https://www.youtube.com/watch?v=mbIDXxITPa0>.

<sup>247</sup> Fighter Ground Attack.

<sup>248</sup> 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.

<sup>249</sup> <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.

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

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

<sup>252</sup> Intelligence, Surveillance and Reconnaissance.

<sup>253</sup> 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]	<a href="#">S/2021/229</a>	Space Cargo Inc	▪ Operating in Libya in direct support of HAF.
	C-17A <i>Globemaster</i>	<a href="#">S/2021/229</a>	Türkiye	▪ For transfer of military materiel into Libya.
	C-130E <i>Hercules</i>	<a href="#">S/2015/128</a> <a href="#">S/2016/209</a>	Sudan	▪ For transfer of military materiel into Libya.
	C-130E <i>Hercules</i>	<a href="#">S/2021/229</a>	Türkiye	▪ For transfer of military materiel into Libya.
	Ilyushin IL-18D [#172001401]	<a href="#">S/2021/229</a>	Space Cargo Inc	▪ Operating in Libya in direct support of HAF
	Ilyushin IL-18D [#187009903]	<a href="#">S/2017/466</a>	Space Cargo Inc	▪ Operating in Libya in direct support of HAF
	Ilyushin IL-76TD [#73479367]	<a href="#">S/2021/229</a>	Space Cargo Inc	▪ Operating in Libya in direct support of HAF
	Ilyushin IL-76TD [#1013405167]	<a href="#">S/2021/229</a>	Space Cargo Inc	▪ Operating in Libya in direct support of HAF
	Ilyushin IL-76TD [#1013409282]	<a href="#">S/2021/229</a>	Green Flag Aviation	▪ Operating in Libya in direct support of HAF
	Ilyushin IL-76TD [#1023411378]	<a href="#">S/2021/229</a>	Space Cargo Inc	▪ Operating in Libya in direct support of HAF
	** Ilyushin IL-76TD [5A-ILA]	<a href="#">S/2022/427</a>	UID	
	Ilyushin IL-76TD Various	<a href="#">S/2021/229</a>	Russian Federation	▪ For transfer of military materiel into Libya.
Air Defence (Guns)	** 23mm ZSU-23-2CP	<a href="#">S/2022/427</a>	UID	
	35mm <i>Korkut</i> Cannon	<a href="#">S/2021/229</a>	Türkiye	
Air Defence (Missiles)	MIM-23 <i>Hawk</i>	<a href="#">S/2021/229</a>	Türkiye	
	MIM-104 <i>Patriot</i>	<a href="#">S/2022/427</a> <sup>254</sup>	UAE	
	<i>Pantsir</i> S1	<a href="#">S/2021/229</a>	Russian Federation	▪ On KaMAZ platform.
	<i>Pantsir</i> S1	<a href="#">S/2021/229</a>	UAE	▪ On MAN platform.
Anti-Tank (ATGW) <sup>255</sup>	9K115-2 <i>Metis-M</i>	<a href="#">S/2019/914</a>	UID	▪ With GNU-AF.
	9M133 <i>Kornet</i>	<a href="#">S/2019/914</a>	UID	▪ With GNU-AF.
	<i>Dehlavieh</i>	<a href="#">S/2021/229</a>	UID	▪ With GNU-AF.
Armoured Vehicles (APC) <sup>256</sup>	AMN 233114 <i>Tigr-M</i>	<a href="#">S/2022/427</a>	Likely Russian PMC	
	<i>Irigiri</i> 4x4	<a href="#">S/2019/914</a>	UID	▪ First seen 2015.
	Inkas <i>Titan-DS</i> 4x4	<a href="#">S/2021/229</a>	UAE	
	Inkas <i>Titan-S</i> 4x4	New	UID	▪ Annex 58
	Inkas <i>Titan-S</i> 6x6	<a href="#">S/2022/427</a>	UID	
	** KADDB <i>Al Wahsh</i> 4x4	<a href="#">S/2016/209</a>	Jordan	
	KADDB <i>Al Wahsh</i> 4x4	<a href="#">S/2018/812</a>	Jordan	▪ "Snake Head" Turret fitted.
	<i>Katmerciler Kirac</i>	<a href="#">S/2022/427</a>	Türkiye	
	LC79 <i>SH Fighter-2</i> 4x4	<a href="#">S/2023/673</a>	UID	
	Lenco <i>Bearcat G3</i> 4x4	<a href="#">S/2021/229</a>	UID	▪ With GNU-AF.
	Mezcal <i>Tygra</i> 4x4	<a href="#">S/2017/466</a>	UAE	
	MIC VPK <i>Tigr-M</i>	<a href="#">S/2021/229</a>	Russian PMC	
	** MSPV <i>Panthera T6</i> 4x4	<a href="#">S/2016/209</a> <a href="#">S/2017/466</a> <a href="#">S/2018/812</a> <a href="#">S/2021/229</a>	UAE	▪ From different shipments.

<sup>254</sup> 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.

<sup>255</sup> Anti-Tank Guided Weapon.

<sup>256</sup> 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</i> T8 4x4	S/2023/673	UID	
	MSPV <i>Panthera</i> F9 4x4	<a href="#">S/2018/812</a>	UAE	
	** Streit <i>Cobra</i> 4x4	<a href="#">S/2016/209</a>	UAE	▪ Transferred in 2012.
	Streit <i>Cougar</i> 4x4	<a href="#">S/2016/209</a>	UAE	▪ Transferred in 2012.
	** Streit <i>Cougar</i> 4x4	<a href="#">S/2019/914</a>	Jordan	▪ "Snake Head" Turret fitted.
	Streit <i>Spartan</i> 4x4	<a href="#">S/2016/209</a> <a href="#">S/2018/812</a> <a href="#">S/2021/229</a> <a href="#">S/2023/673</a>	UAE	▪ From different shipments.
	TAG BATT APC	<a href="#">S/2022/427</a>	UID	
	TAG BATT UMG Armoured Truck	New	UID	▪ Annex 57
	** TAG <i>Terrier</i> LT-79 4x4	<a href="#">S/2021/229</a>	UAE	
	<i>Tundra</i> Variant	<a href="#">S/2021/229</a>	UID	
Armoured Vehicles (IAFV) <sup>257</sup>	FNSS ACV-15	<a href="#">S/2021/229</a>	Türkiye	
	KADDB <i>Mared</i> 8x8	<a href="#">S/2019/914</a>	Jordan	
	** KADDB <i>Mared</i> 8x8	<a href="#">S/2021/229</a>	Jordan	▪ "Snake Head" Turret fitted.
	Paramount <i>Mbombe</i> 6x6	<a href="#">S/2019/914</a>	UID	▪ With HAF.
	<i>Ratel-60</i>	<a href="#">S/2019/914</a>	UID	▪ With HAF.
Armoured Vehicles (MRAP) <sup>258</sup>	BAe <i>Cayman</i>	<a href="#">S/2016/209</a>	UID	▪ First seen 2012.
	BMC <i>Kirpi</i> 4x4	<a href="#">S/2019/914</a>	Türkiye	
	BMC <i>Kirpi</i> II 4x4	New	UID	▪ Annex 56
	BMC <i>Vuran</i> 4x4	S/2023/673	Türkiye	
	Evro-Polis <i>Valkyrie</i> 4x4	<a href="#">S/2021/229</a>	ChvK Wagner	▪ Based on a Ural-432007 platform.
	NIMR <i>Jais</i> 4x4	<a href="#">S/2016/209</a>	UAE	▪ New attribution.
	Streit <i>Condor</i> SUT	New	UID	▪ First seen 2013.
	Streit <i>Gladiator</i>	New	UID	▪ Annex 59
	Streit <i>Typhoon</i> 4x4	<a href="#">S/2022/427</a>	UID	▪ Annex 60
Artillery (Towed)	** 122mm M1938 M-30 Howitzer	<a href="#">S/2022/427</a>	UID	▪ This weapon system was NOT reported in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. <sup>259</sup>
	** 155mm G5 Howitzer	<a href="#">S/2021/229</a>	UID	▪ Identified with HAF 106 brigade.
	** 155mm G5 Howitzer	<a href="#">S/2021/229</a>	UID	▪ With HAF. <sup>260</sup>
Artillery (Self-Propelled)	155mm <i>Firtina</i> T-155	<a href="#">S/2021/229</a>	Türkiye	
Artillery (MLRS)	** 128mm LSRVM <i>Morava</i>	<a href="#">S/2021/229</a>	UID	▪ Now confirmed from imagery. <sup>261</sup>
	Rocketsan 122mm <i>Sakarya</i> T-122	<a href="#">S/2021/229</a>	Türkiye	
	** 128mm LSRVM <i>Morava</i>	<a href="#">S/2021/229</a>	UID	
	122mm Hybrid Version	<a href="#">S/2022/427</a>	UAE	

<sup>257</sup> Infantry Armoured Fighting Vehicles.

<sup>258</sup> Mine Resistant Armoured Protected.

<sup>259</sup> 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>).

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

<sup>261</sup> <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>
Logistic Vehicles	** CFORCE All-Terrain Vehicle	<a href="#">S/2022/427</a>	UID	
	** Jeep Gladiator	<a href="#">S/2022/427</a>	UID	▪ Militarised.
	KamAZ 6x6 Truck	<a href="#">S/2022/427</a>	UID	▪ Identification from 2018 and unreported by Panel. ▪ Also delivered to Libya on <i>MV Fehn Calypso</i> in 2020. <sup>262</sup>
	KamAZ 8x8 Truck	<a href="#">S/2021/229</a>	Russian PMC	▪ Identified as the mobility platform for the ChVK Wagner operated Pantsir-1.
	Militarised Toyota Land Cruiser 79 4x4	<a href="#">S/2022/427</a>	UID	
	** Toyota 6x6 Light Utility Vehicle	<a href="#">S/2022/427</a>	UID	
	UAZ-469 Light Communications Vehicle	<a href="#">S/2022/427</a>	UID	
	Ural-4320 Truck	<a href="#">S/2022/427</a>	UID	▪ Some identified on deck of <i>MV Fehn Calypso</i> on 25 April 2020 during transit of Bosphorus, but these offloaded in Alexandria according to shipping company.
	Ural-4320 Truck (Armoured)	<a href="#">S/2022/427</a>	UID	
	120mm 120-PM-43 M1943	<a href="#">S/2022/427</a>	UID	
Mortars (Field)	120mm M-74	<a href="#">S/2022/427</a>	UID	▪ With HAF Tariq bin Ziyad brigade.
Naval Vessels	<i>Apollon</i> rigid-hulled inflatable boats	<a href="#">S/2022/427</a>	LAAF Greek individual	▪ Annex 34
	<i>Corrubia</i> Class patrol boats	<a href="#">S/2019/914</a>	Member State	▪ Converted to naval vessels post-delivery.
	<i>Damen Stan Patrol 1605</i> Class patrol boats	<a href="#">S/2018/812</a>		
	<i>Lambro Olympic D74</i> Fast Patrol Boat	<a href="#">S/2022/427</a>	Libya SSA Greek individuals	▪ In use with SSA ▪ a.k.a. <i>Javelin</i> Class.
	<i>MRC-1250</i> rigid-hulled inflatable boats	<a href="#">S/2021/229</a>	Lancaster6	▪ Project Opus.
	<i>OCEA</i> fast patrol boat 110	New	LAAF	▪ Annex 31
	Offshore Patrol Vessel <i>Alkarama</i>	<a href="#">S/2018/812</a> <a href="#">S/2019/914</a>	Universal Satcom Services, UAE	
	Patrol Boat <i>Alqayid Saqar</i>	<a href="#">S/2022/427</a>	Libya SSA	▪ Type UID. ▪ Classed as military as dual use and subsequently armed.
	<i>Raidco</i> RPB 20 class patrol boats	<a href="#">S/2019/914</a>	Member State	▪ Converted to naval vessels post-delivery.
Radars and EW	Aselsan <i>Koral</i> Electronic Warfare System	<a href="#">S/2021/229</a>	Türkiye	
	** 1RL131 P-18 Early Warning Radar	<a href="#">S/2022/427</a>	UID	
	LEMZ 96L6/E Target Acquisition Radar	<a href="#">S/2021/229</a>	UID	
	Samel-90 Mobile IED Jammer	<a href="#">S/2019/914</a>	UID	
	Aselsan <i>Ihasavar</i> UAV Jammer	S/2023/673	Türkiye	
Small Arms and Light Weapons	5.56mm AK-103 Assault Rifles	<a href="#">S/2022/427</a>	Likely Russian PMC	
	5.56mm JAWS-556 Assault Rifles	<a href="#">S/2022/427</a>	Jordan	
	5.56mm MFR Multi-Functional Rifles	<a href="#">S/2022/427</a>	Türkiye	
	5.56mm MPT 55K Assault Rifles	<a href="#">S/2022/427</a>	Türkiye	

<sup>262</sup> Information from shipping company.

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
	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	<a href="#">S/2022/427</a>	UID	
	7.62 x 39mm AR-M9F Assault Rifles	<a href="#">S/2016/209</a>	UAE	
	7.62 x 39mm Type 63-1 Assault Rifle	<a href="#">S/2022/427</a>	UID	
	7.62 x 51mm FN FAL Assault Rifle	<a href="#">S/2013/99</a>	UAE	
	7.62 x 51mm JNG-90 <i>Bora -12</i> Sniper Rifle	<a href="#">S/2022/427</a>	Türkiye	
	7.62mm KNT-76 Sniper Rifle	S/2023/673	Türkiye	
	7.62 x 51mm MPT 76 Assault Rifles	<a href="#">S/2022/427</a>	UID	
	7.62 x 54mmR Type-80 General Purpose Machine Gun <sup>263</sup>	<a href="#">S/2022/427</a>	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	<a href="#">S/2022/427</a>	UID	▪ Chambered for <i>Lapua</i> rounds.
	0.338 <i>Steyr</i> SSG-08 Sniper Rifle (Variant or Copy)	<a href="#">S/2022/427</a>	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	<a href="#">S/2015/128</a>	UAE	
	9mm <i>EKOL</i> P29 Blank Firing Pistols	<a href="#">S/2019/914</a>	UID	
	9mm <i>SUR</i> BRT M9 Blank Firing Pistols	<a href="#">S/2022/427</a>	UID	
	12.7 x 108mm W-85 Heavy Machine Gun	<a href="#">S/2022/427</a>	UID	
	AGS 30mm Grenade Launcher	<a href="#">S/2021/229</a>	Russian PMC	▪ Either AGS-17 or AGS-30 based on ammunition recovered.
	VOG-25 40mm Grenade Launcher	<a href="#">S/2021/229</a>	Russian PMC	▪ Based on ammunition recovered.
	40 x 46mm <i>Akdas</i> AK-40-GL Grenade Launchers	<a href="#">S/2022/427</a>	Türkiye	
	RPG-32 <i>Nashbab</i> Rocket Launcher	<a href="#">S/2019/914</a>	Jordan	
	** SPG-9 73mm Recoilless Rifle	<a href="#">S/2022/427</a>	UID	
	Type-69 85mm Rocket Launcher	<a href="#">S/2022/427</a>	UID	
Tanks (MBT)	M-60 <i>Patton</i> <sup>264</sup>	<a href="#">S/2022/427</a>	Türkiye	
	T-62MV	<a href="#">S/2021/229</a>	Russian PMC	▪ Also see annex 56.
Uncrewed Aerial Vehicles (UAV)	Adcom <i>Yabhon-HMD</i>	<a href="#">S/2019/914</a>	UAE	
	Aeryon <i>Scout Micro</i>	<a href="#">S/2013/99</a>	Zariba Security Corporation	
	Aselsan <i>Serce-2</i> UAV	S/2023/673	Türkiye	
	Chilong CL-11 VTOL	<a href="#">S/2019/914</a>	UID	▪ Dual use system.
	** DJI Inspire	<a href="#">S/2022/427</a>	UID	
	Mohajer-2	<a href="#">S/2019/914</a>	UID	

<sup>263</sup> [https://twitter.com/r\\_u\\_vid/status/1221227142911905793](https://twitter.com/r_u_vid/status/1221227142911905793), 26 January 2020.

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

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
	Orbiter-3	<a href="#">S/2019/914</a>	GNA-AF	▪ Dual use system.
	Orlan-10	<a href="#">S/2019/914</a>	HAF	▪ Possibly from ChVK Wagner.
	Schiebel Camcopter S-100	<a href="#">S/2017/466</a>	UID	▪ With a UID Militia.
	Xiamen <i>Mugin 4450</i>	<a href="#">S/2021/229</a>	UID	▪ Dual use system.
	Zala 421-16E	<a href="#">S/2022/427</a>	UID	▪ With HAF.
UAV (Loitering Munition)	IAI <i>Harpy</i>	<a href="#">S/2021/229</a>	UID	▪ With GNU-AF.
	STM <i>Kargu-2</i>	<a href="#">S/2021/229</a>	Türkiye	
	WB <i>Warmate</i>	<a href="#">S/2021/229</a>	UID	
Uncrewed Aerial Combat Vehicles (UACV)	Bayraktar TB2	<a href="#">S/2019/914</a>	Türkiye	
	Bayraktar <i>AKINCI</i>	New	Türkiye	▪ Annex 37
	TAI <i>Anka</i>	<a href="#">S/2021/229</a>	Türkiye	
	Wing Loong I	<a href="#">S/2017/466</a>	UAE	
	Wing Loong II	<a href="#">S/2019/914</a>	UAE	
Miscellaneous	AN/PEQ-15 Advanced Target Pointer Illuminator Aiming Laser (ATPIAL)	<a href="#">S/2022/427</a>	UID	
	AN/PVS-7 Night Vision Goggles	<a href="#">S/2022/427</a>	UID	
	Aselsan A100 Night Vision Monocular	<a href="#">S/2022/427</a>	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	<a href="#">S/2021/229</a>	UID	
	Holographic Weapon Sights (HWS)	<a href="#">S/2022/427</a>	Türkiye	
	Sordin Supreme Pro-X Hearing Protectors	<a href="#">S/2022/427</a>	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	<a href="#">S/2019/914</a>	UAE	
Anti-Tank (ATGM)	FGM-148 <i>Javelin</i>	<a href="#">S/2019/914</a>	Member State	▪ Present under resolution 2214 (2015).
	<i>Rocketsan</i> UMTAS	<a href="#">S/2021/229</a>	Türkiye	
Anti-Tank (Rockets)	M-79 Osa	<a href="#">S/2022/427</a>	UID	
Engineer Stores	ML-8 anti-lift initiators	<a href="#">S/2021/229</a>	Russian PMC	
Free Flight Rockets (FFR)	122mm <i>Rocketsan</i> FFR	<a href="#">S/2022/427</a>	Türkiye UAE	
Grenades	F1 Fragmentation	<a href="#">S/2022/427</a>	ChVK Wagner	
	30mm VOG-17M Grenades	<a href="#">S/2021/229</a>	ChVK Wagner	
	40mm OGi-7MA projected grenades	S/2023/673	UID	
	40mm VOG-25 Grenades	<a href="#">S/2021/229</a>	ChVK Wagner	
	<i>Tanin</i> TBG-7 Thermobaric Grenade	S/2023/673	HAF	
Laser Guided Bombs (LGB) or Smart Micro Munition (SMM)	GBU-12 <i>Paveway</i> II	<a href="#">S/2017/466</a>	UAE	

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
	<i>Rocketsan MAM-C</i>	<a href="#">S/2023/673</a>	Türkiye	
	<i>Rocketsan MAM-L</i>	<a href="#">S/2023/673</a>	Türkiye	
Laser Guided Projectiles (LGP)	155mm GP-1A	<a href="#">S/2017/466</a> <a href="#">S/2018/812</a>	UAE	
	155mm GP-6	<a href="#">S/2019/914</a>	UAE	
Mines (Anti-personnel)	MON-50	<a href="#">S/2022/427</a>	ChVK Wagner	
	MON-90	<a href="#">S/2022/427</a>	ChVK Wagner	
	MON-200	<a href="#">S/2022/427</a>	ChVK Wagner	
	OZM-72	<a href="#">S/2022/427</a>	ChVK Wagner	
	PMN-2	<a href="#">S/2021/229</a>	ChVK Wagner	
	POM-2R	<a href="#">S/2021/229</a>	ChVK Wagner	
	TM-62M	<a href="#">S/2022/427</a>	Russian PMC	
Mines (Anti-Tank)				
Mortar Bombs	120mm high explosive	<a href="#">S/2021/229</a>	UID	
	120mm M62P8 high explosive	<a href="#">S/2021/229</a>	UAE	
	120mm M62P10 high explosive	<a href="#">S/2022/427</a>	UAE	
Small Arms and Cannon Ammunition	7.62 x 39mm	<a href="#">S/2015/128</a> <a href="#">S/2016/209</a>	Belarus UID	▪ For Ministry of Interior.
	7.62 x 39mm	<a href="#">S/2016/209</a>	Sudan	
	7.62 x 39mm TulAmmo	<a href="#">S/2021/229</a>	Russian PMC	▪ Lot A421/2019.
	7.62 x 51mm M80	<a href="#">S/2016/209</a>	Qatar	
	7.62 x 54Rmm	<a href="#">S/2016/209</a>	UID	▪ Manufactured in 2012.
	12.7 x 108mm	<a href="#">S/2013/99</a> <a href="#">S/2015/128</a>	UAE Belarus	▪ For Ministry of Interior.
	14.5 x 114mm	<a href="#">S/2015/128</a>	Belarus	▪ For Ministry of Interior
	23 x 115mm	<a href="#">S/2015/128</a>	Belarus	▪ For Ministry of Interior.
Thermobaric Munitions	KBP RPO-A <i>Shmel</i>	<a href="#">S/2021/229</a>	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)** <sup>265</sup>

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Remarks</i>
Air Defence (Missiles)	S-125 (SA-3)	<ul style="list-style-type: none"> <li>This system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo.</li> <li>Reports in June 2020 of supply from Ukraine to Türkiye,<sup>266</sup> and then deployed to Al Watiya.<sup>267</sup> No S-125 appear on satellite imagery of Al Watiya at that time, only <i>HAWK</i> MIM.</li> </ul>
Anti-Tank (ATGW)	9M113 <i>Konkurs</i> <sup>268</sup>	<ul style="list-style-type: none"> <li>This system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo.</li> <li>Also seen with HAF 106 brigade in November 2020 exercise, but resolution of imagery insufficient to identify if post-2011 production.</li> <li>More confirmatory evidence required before post-2011 transfer to Libya can be proven.</li> </ul>
Armoured Vehicles (APC)	<i>NIMR</i> II <sup>269</sup>	<ul style="list-style-type: none"> <li>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.</li> <li>Supplied under a contract signed in 2009 between Libya and the Bin Jamr Group, UAE.<sup>270</sup></li> <li>The imagery was not sufficient to allow for confirmation of a new transfer to Libya without other confirmatory evidence.</li> </ul>
Armoured Vehicles (IAFV)	BRDM-2	<ul style="list-style-type: none"> <li>This weapon system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo.</li> <li><a href="#">S/2016/209</a> reported the transfer of these APC types from Libya to Mali.</li> <li>Ukraine sold 108 BRDM to a UAE customer in 2017.<sup>271</sup></li> <li>More confirmatory evidence required before post-2011 transfer to Libya can be proven.</li> </ul>
Artillery (Towed)	** 122mm D-30 Howitzer <sup>272</sup>	<ul style="list-style-type: none"> <li>This weapon system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo.</li> <li>More confirmatory evidence required before post-2011 transfer to Libya can be proven.</li> </ul>
	152mm 2A65 Msta-B Howitzer	<ul style="list-style-type: none"> <li>This weapon system was NOT in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo.</li> <li>The open-source imagery that initially referred to this weapon was later updated to attribute the gun as a G5 Howitzer.<sup>273</sup></li> <li>The Panel has yet to find any imagery of the weapon system deployed in Libya.</li> </ul>
	155mm Norinco AH4 Gun-Howitzer	<ul style="list-style-type: none"> <li>This weapon system was NOT in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo.</li> <li>Procured by UAE in 2019.<sup>274</sup></li> <li>Ammunition for the weapon system reported in <a href="#">S/2017/466</a>, <a href="#">S/2018/812</a> and <a href="#">S/2019/914</a>, but this may be compatible with the 155mm G5 Howitzer known to have been transferred.</li> <li>The Panel has yet to find any imagery of the weapon system proving deployment in Libya.</li> </ul>
Artillery (MLRS)	107mm LSRVM <i>Morava</i>	<ul style="list-style-type: none"> <li>The 128mm version was reported in <a href="#">S/2021/229</a>.</li> <li>Also see table 26.1.</li> </ul>

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

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

<sup>267</sup> [https://www.youtube.com/watch?v=\\_mPg5CTUJHQ](https://www.youtube.com/watch?v=_mPg5CTUJHQ), 12 July 2020.

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

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

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

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

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

<sup>273</sup> <https://twitter.com/Oded121351/status/1328016339072638978/photo/1>, 15 November 2020; and <https://twitter.com/darksecretplace/status/1328024363887595520>, 15 November 2020.

<sup>274</sup>

[https://www.armyrecognition.com/march\\_2019\\_global\\_defense\\_security\\_army\\_news\\_industry/norinco\\_ah4\\_155\\_mm\\_howitzers\\_for\\_united\\_arab\\_emirates\\_army.html](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"> <li>Copy of Chinese Type-63 manufactured in Sudan.</li> <li>The single source imagery cannot confirm the weapon type, nor deployment in Libya.<sup>275</sup></li> </ul>
Logistic Vehicles	Safir Light Utility Vehicle	<ul style="list-style-type: none"> <li>This vehicle was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo.</li> <li>More confirmatory evidence required before post-2011 transfer to Libya can be proven.</li> </ul>
Mortars (Field)	60mm Type-32	<ul style="list-style-type: none"> <li>Image resolution insufficient for 100% identification.<sup>276</sup></li> </ul>
	82mm 82-BM-37 <sup>277</sup>	<ul style="list-style-type: none"> <li>This weapon system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo.</li> <li>More confirmatory evidence required before post-2011 transfer to Libya can be proven.</li> </ul>
Mortars (Self-propelled)	120mm <i>Boragh</i> Armoured Mortar Vehicle	<ul style="list-style-type: none"> <li>The single source imagery identified is insufficient to allow for confirmation of a new transfer to Libya.<sup>278</sup></li> </ul>
Radars and EW	Grozna-S Counter UAV	<ul style="list-style-type: none"> <li>The single source imagery identified is insufficient to allow for confirmation of a new transfer to Libya.<sup>279</sup></li> </ul>
	Grozna-6	<ul style="list-style-type: none"> <li>The single source image is of a Grozna-6 deployed in the UAE,<sup>280</sup> but the Panel has yet to see imagery of the system deployed in Libya.<sup>281</sup></li> </ul>
	Krasuha	<ul style="list-style-type: none"> <li>Single source on 18 May 2020 with no supporting high-resolution imagery to allow for confirmation of type or location in Libya.<sup>282</sup></li> </ul>
Small Arms and Light Weapons	7.62 x 54mmR PKM General Purpose Machine Gun	<ul style="list-style-type: none"> <li>This system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo.</li> <li>More confirmatory evidence required before post-2011 transfer to Libya can be proven.</li> </ul>
Tanks (MBT)	T-55E	<ul style="list-style-type: none"> <li>The T-55 was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo.</li> <li>HAF official social media showed a T-55 variant with the Tariq bin Ziyad brigade in 2020.<sup>283</sup></li> <li>ChvK Wagner personnel also repaired 16 and overhauled 31 T-55 variants in 2019, so possible these are from that work.<sup>284</sup></li> <li>More confirmatory evidence required before post-2011 transfer to Libya can be proven.</li> </ul>
	T-62M	<ul style="list-style-type: none"> <li>T-62 variants were in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo.</li> <li>ChvK Wagner personnel also repaired 4 and overhauled 9 T-62 variants in 2019.<sup>285</sup></li> <li>The imagery was not sufficient to allow for confirmation of a new transfer to Libya.</li> </ul>
UAV	Ababil-2	<ul style="list-style-type: none"> <li>Reported as operated by HAF.</li> <li>Image resolution insufficient for 100% identification of type or location.<sup>286</sup></li> </ul>
	Zagil	<ul style="list-style-type: none"> <li>The Panel has identified a single-source report alleging Sudan supplied this UAV type in 2014.<sup>287</sup> The imagery shows Libyan officers but is insufficient to prove the presence of this UAV type in Libya.</li> <li>No open-source imagery of a "Zagil" UAV could be found to allow for confirmation of UAV type.</li> </ul>

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

<sup>276</sup> <https://twitter.com/libyatogether20/status/1378031351132254209>, 2 April 2021.

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

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

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

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

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

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

<sup>283</sup> <https://www.youtube.com/watch?v=LXt5dIiacEk>, 14 November 2020. [14min 29sec].

<sup>284</sup> Table 77.2 to S/2021/229.

<sup>285</sup> Table 77.2 to S/2021/229.

<sup>286</sup> <https://postimg.cc/3dNhpry1>. Accessed 23 January 2022.

<sup>287</sup> <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"> <li>Reported as being for the 152mm 2A65 Msta-B Howitzer (see table 26.3), so possible calibre error in report.</li> <li>Imagery insufficient to confirm calibre or transfer to Libya.<sup>288</sup></li> <li>The imagery could equally be of a GP1, which is a direct copy.<sup>289</sup> GP1 reported in in <a href="#">S/2017/466</a> and <a href="#">S/2018/812</a>.</li> </ul>
Engineer Stores	Fateh-4 mine clearance line charge	<ul style="list-style-type: none"> <li>The single source imagery identified is insufficient to allow for confirmation of a transfer to Libya.<sup>290</sup></li> </ul>
Mines (Anti-personnel)	MON-100	<ul style="list-style-type: none"> <li>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.<sup>291</sup></li> <li>The single source imagery identified is insufficient to allow for confirmation of a transfer to Libya.<sup>292</sup></li> </ul>
Mines (Anti-Tank)	TM-83	<ul style="list-style-type: none"> <li>LibMAC have confirmed that no mines of this type have been reported, identified or rendered safe in Libya to date.<sup>293</sup></li> <li>The single source imagery is insufficient to confirm type or transfer to Libya.<sup>294</sup></li> </ul>

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

<sup>289</sup> Confidential source analysis.

<sup>290</sup> [https://vk.com/wall-98555648\\_224885?lang=en](https://vk.com/wall-98555648_224885?lang=en), 10 August 2021.

<sup>291</sup> Email to Panel of 25 January 2022.

<sup>292</sup> [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](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.

<sup>293</sup> Ibid.

<sup>294</sup> <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.<sup>295</sup> 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).<sup>296</sup> 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 zone<sup>297</sup> and widely publicised,<sup>298</sup> 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.<sup>299</sup> 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.<sup>300</sup>

<sup>295</sup> 30°48'56.5200"N, 16°52'01.2360"E

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

<sup>297</sup> As defined by the ceasefire agreement of 23 October 2020.

<sup>298</sup> <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.

<sup>299</sup> Confidential source (members of armed groups).

<sup>300</sup> 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/pfbid09Ugoaofdo279e8uELv6XZMQuCHx59bSrgHQdd6q3htZkUBFmgK4aWTZZ2GXn8zmJl>, 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.<sup>301</sup> 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.<sup>302</sup> 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 notices<sup>303</sup> 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

<sup>301</sup> 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.

<sup>302</sup> S/2022/427, para. 132 recommendation 1.

<sup>303</sup> 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](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.<sup>304</sup>

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

## 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 <sup>a</sup>
Algeria	Hercules 7T-WJB	<a href="https://twitter.com/ALandewers/status/1701845775146217638">https://twitter.com/ALandewers/status/1701845775146217638</a>
Bangladesh	Air Force Hercules S3-AGJ	<a href="https://twitter.com/ALandewers/status/1702631280955842945">https://twitter.com/ALandewers/status/1702631280955842945</a>
Egypt	Mistral aircraft carrier Three UID military cargo aircraft Search-and-rescue aircraft	<a href="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://www.sis.gov.eg/Story/185833/Egypt%E2%80%99s-Mistral-aircraft-carrier-arrives-in-Libya-to-help-storm-victims?lang=en-us</a> <a href="https://libyareview.com/37656/egypt-sends-3-military-planes-with-aid-to-libya/">https://libyareview.com/37656/egypt-sends-3-military-planes-with-aid-to-libya/</a> <a href="https://libyareview.com/37850/egypt-deploys-rescue-aircraft-to-libya/">https://libyareview.com/37850/egypt-deploys-rescue-aircraft-to-libya/</a>
France	Airbus A400M cargo aircraft	<a href="https://lignesdedefense.blogs.ouest-france.fr/archive/2023/09/14/libye-24107.html">https://lignesdedefense.blogs.ouest-france.fr/archive/2023/09/14/libye-24107.html</a> <a href="https://libyaobserver.ly/inbrief/french-relief-plane-arrives-benghazi">https://libyaobserver.ly/inbrief/french-relief-plane-arrives-benghazi</a>
Germany	Two UID Bundeswehr Airbus A400M cargo aircraft	<a href="https://reliefweb.int/report/libya/flooding-libya-thw-relief-supplies-arrive-today">https://reliefweb.int/report/libya/flooding-libya-thw-relief-supplies-arrive-today</a>
Iran	15-2283	<a href="https://fa.alalam.ir/news/6705493/۴-ارسال-محموله-DB%B0-تنی-اقلام-بشر-دوستانه-امدادی-یه-لیبی">https://fa.alalam.ir/news/6705493/۴-ارسال-محموله-DB%B0-تنی-اقلام-بشر-دوستانه-امدادی-یه-لیبی</a> <a href="https://mdeast.news/ar/2023/09/16/%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">https://mdeast.news/ar/2023/09/16/%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</a>
Italy	ITS LPD San Giorgio and ITS LPD San Marco MM62189 MM62196 IAM4672 MM62196 IAM4676 MM62214 IAM4667	<a href="https://twitter.com/ALandewers/status/1702209276272341191">https://twitter.com/ALandewers/status/1702209276272341191</a> <a href="https://twitter.com/ALandewers/status/1701993554816426374">https://twitter.com/ALandewers/status/1701993554816426374</a> <a href="https://twitter.com/ALandewers/status/1702277120678907971">https://twitter.com/ALandewers/status/1702277120678907971</a> flightradar24
Jordan	RJAF-360	<a href="https://twitter.com/Gerjon_/status/1702413144222502922">https://twitter.com/Gerjon_/status/1702413144222502922</a>
Kuwait	KAF342 KAF327 KAF3223 KAF3216 KAF327 KAF3224	<a href="https://twitter.com/ALandewers/status/1701993554816426374">https://twitter.com/ALandewers/status/1701993554816426374</a> flightradar24
Malta <sup>b</sup>	Armed Forces vessel OPV P61	<a href="https://www.reuters.com/world/africa/maltese-rescue-team-finds-hundreds-dead-libyan-beach-2023-09-16/">https://www.reuters.com/world/africa/maltese-rescue-team-finds-hundreds-dead-libyan-beach-2023-09-16/</a>
Qatar	AT-MAE A7-AAA A7-MAB A7-MAC A7-MAA A7-MAO	<a href="https://twitter.com/ALandewers/status/1702209504350261328/photo/1">https://twitter.com/ALandewers/status/1702209504350261328/photo/1</a> <a href="https://twitter.com/ALandewers/status/1701845894730039563/photo/2">https://twitter.com/ALandewers/status/1701845894730039563/photo/2</a> <a href="https://twitter.com/ALandewers/status/1701845894730039563">https://twitter.com/ALandewers/status/1701845894730039563</a> flightradar24
Romania	ROF305 ROF323	<a href="https://twitter.com/TheLibyaUpdate/status/1703014896743399782?t=ez7seKcOJkBWoo07Rhin-A&amp;s=09">https://twitter.com/TheLibyaUpdate/status/1703014896743399782?t=ez7seKcOJkBWoo07Rhin-A&amp;s=09</a> 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 <sup>a</sup></i>
Spain	UID <sup>305</sup>	<a href="https://www.bbc.com/news/world-africa-66805254">https://www.bbc.com/news/world-africa-66805254</a>
Tunisia	Z21122 TUN61	<a href="https://twitter.com/ALandewers/status/1701845775146217638">https://twitter.com/ALandewers/status/1701845775146217638</a>
	Z21122 TUN62	<a href="https://twitter.com/ALandewers/status/1701993554816426374/photo/3">https://twitter.com/ALandewers/status/1701993554816426374/photo/3</a>
	Z21122 TUN63	<a href="https://flightradar24.com">flightradar24</a>
Türkiye	TCG Bayraktar; TCG Sancaktar	<a href="https://x.com/TheLibyaUpdate/status/1703006711651381634?s=20">https://x.com/TheLibyaUpdate/status/1703006711651381634?s=20</a>
	21-0118	<a href="https://twitter.com/ALandewers/status/1701486540591899108">https://twitter.com/ALandewers/status/1701486540591899108</a>
UAE	1226 1228 1229 1230	<a href="https://www.khaleejtimes.com/uae/look-5-uae-relief-planes-arrive-in-libya-as-part-of-air-bridge">https://www.khaleejtimes.com/uae/look-5-uae-relief-planes-arrive-in-libya-as-part-of-air-bridge</a>
		<a href="https://uae-voice.net/emirati-search-and-rescue-team-arrived-in-benghazi-libya/">https://uae-voice.net/emirati-search-and-rescue-team-arrived-in-benghazi-libya/</a>
		<a href="https://x.com/libyanemirates">https://x.com/libyanemirates</a> <a href="https://x.com/ObservatoryLY/status/1705172187521613867/photo/1">https://x.com/ObservatoryLY/status/1705172187521613867/photo/1</a>

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

<sup>b</sup> 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.

<sup>305</sup> 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><b>IF YES:</b> please continue to <a href="#">question 2</a>.</p> <p><b>IF NO:</b> 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 <a href="#">question 4</a>.</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"> <li>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).</li> <li>No military equipment or personnel were provided as part of the delivery.</li> </ul>	<ul style="list-style-type: none"> <li>complete information with standardised questionnaire returned</li> <li>allowing the Panel to confirm the exception of paragraph 9 of resolution 2095 (2013) applied</li> </ul>
Egypt	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>partial information on the humanitarian nature of deliveries</li> <li>allowing the Panel to confirm that military transportation means were used</li> </ul>
Germany	<ul style="list-style-type: none"> <li>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.</li> <li>No military equipment or personnel were provided as part of the delivery.</li> </ul>	<ul style="list-style-type: none"> <li>complete information with standardised questionnaire returned</li> <li>allowing the Panel to confirm that the exception of paragraph 9 of resolution 2095 (2013) applied</li> </ul>
Romania	<ul style="list-style-type: none"> <li>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.</li> <li>No military equipment or personnel were provided as part of the delivery.</li> </ul>	<ul style="list-style-type: none"> <li>complete information with standardised questionnaire returned</li> <li>allowing the Panel to confirm that the exception of paragraph 9 of resolution 2095 (2013) applied</li> </ul>
Russian Federation	<ul style="list-style-type: none"> <li>The Russian Federation is “committed to strict implementation of SC resolutions, including restrictions imposed under them.</li> <li>Issues of humanitarian assistance are not subject to those resolutions and are outside the competency of the Committee.</li> <li>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”.</li> </ul>	<ul style="list-style-type: none"> <li>incomplete information</li> <li>not allowing the Panel to identify the nature of the flights</li> </ul>
Spain	<ul style="list-style-type: none"> <li>No military cargo plane or naval vessel was used to deliver humanitarian aid.</li> <li>Two civilian aircraft of Afriqiyah Airways delivered protective overalls, masks, gloves, hydroalcoholic gel, medical supplies, etc on 25 September and 6 October 2023.</li> </ul>	<ul style="list-style-type: none"> <li>complete information with standardised questionnaire returned</li> <li>having not used military means of transport, thus falling outside of the scope of the arms embargo</li> </ul>

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.

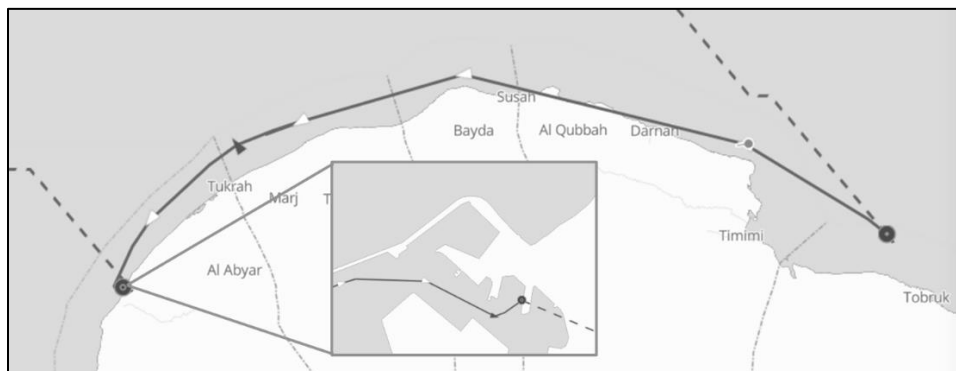
#### **D. Transfer of the FPBs to Benghazi**

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

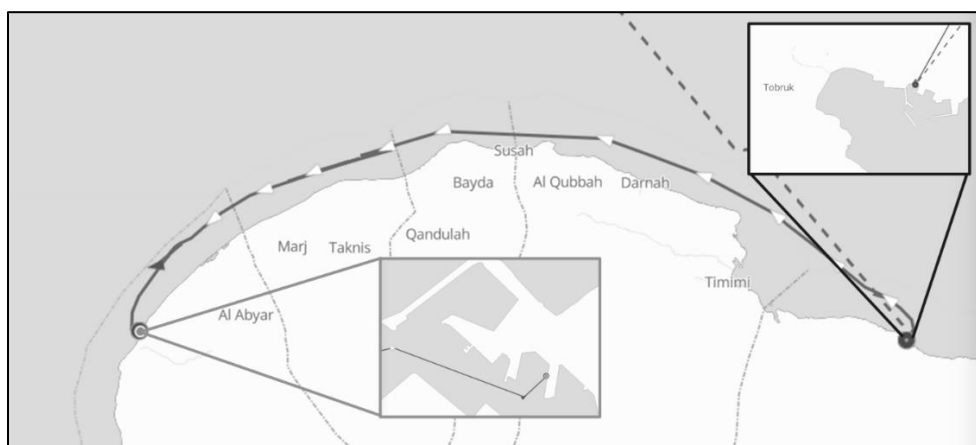
Track 30 November to 1 December 2023 of a vessel broadcasting “OCEA TEST” (MMSI 227056060) (Panel designator: FPB #1)



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)



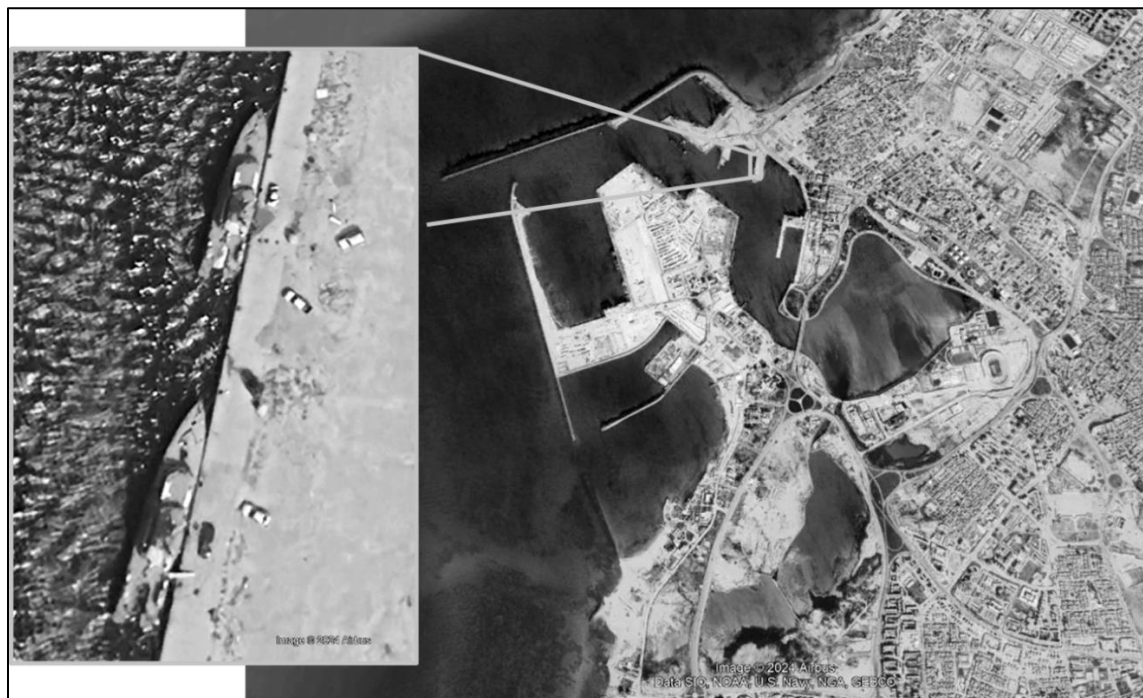
Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

### 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.

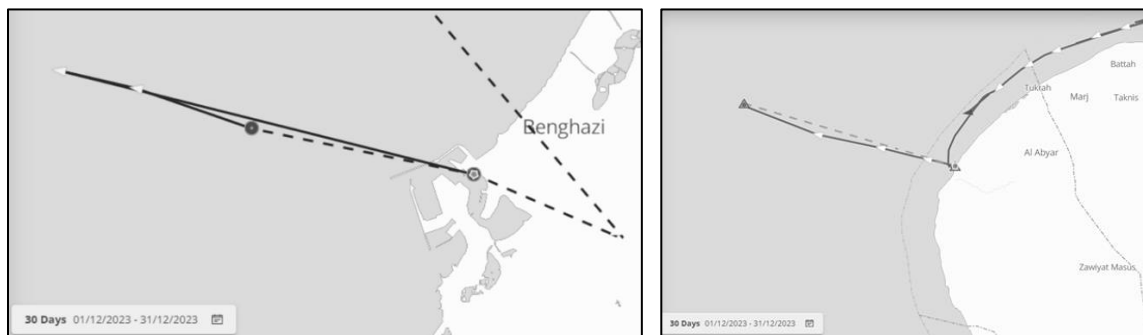


Developed by Panel of Experts

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 #1.1<sup>306</sup> (left) and FPB #2 (right)]



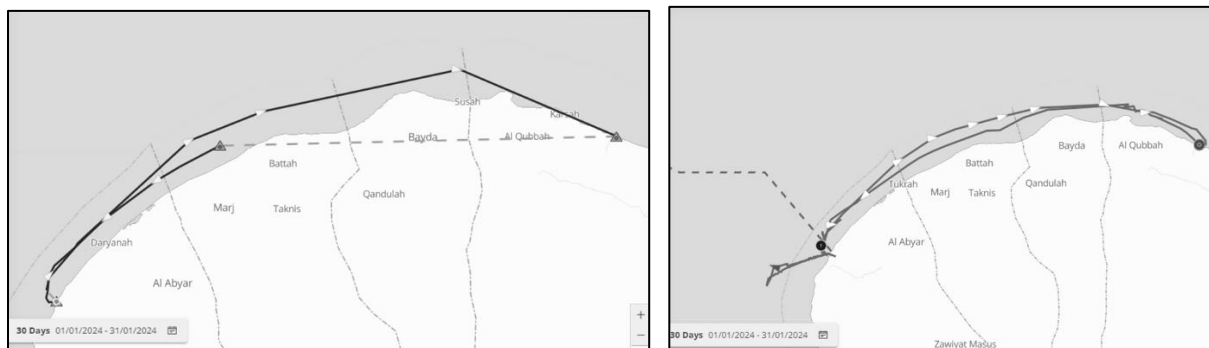
Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

<sup>306</sup> 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

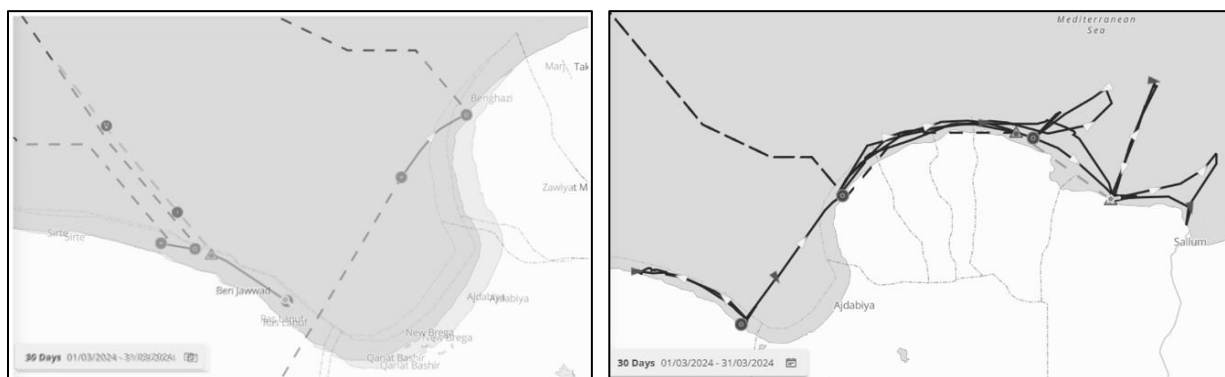
Track 1 through 29 February 2024 of a vessel broadcasting “OCEA TEST” (MMSI 227056060) [Panel designator FPB #1.1 (left) and FPB #2 (right)]



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 #2.1<sup>307</sup> (right)]

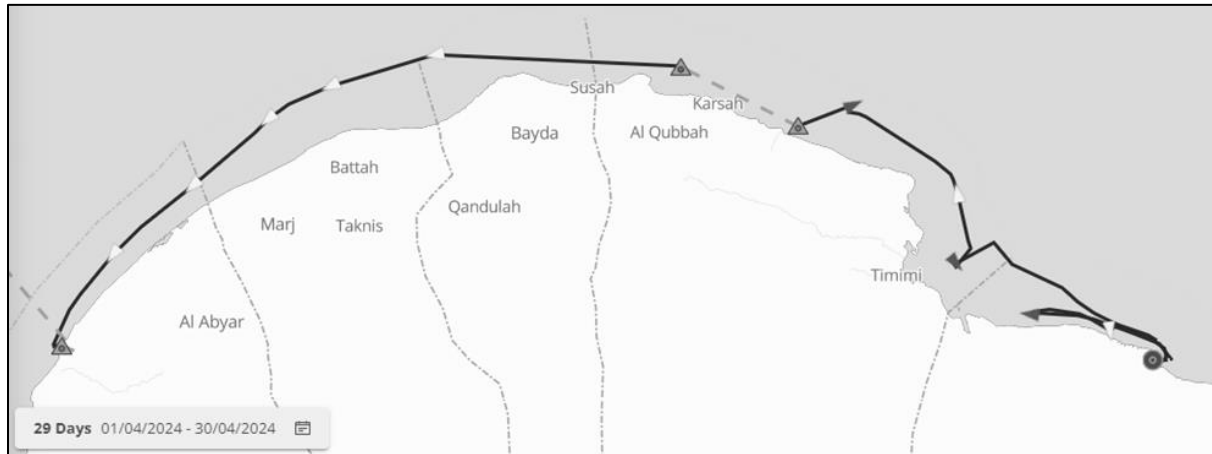


Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

<sup>307</sup> 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

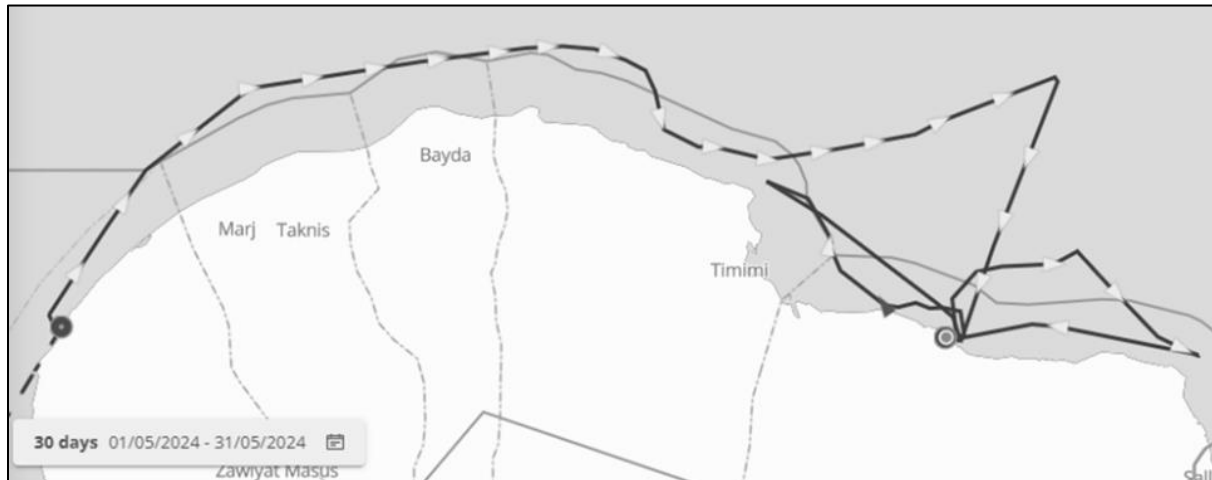
Track 1 through 30 April 2024 of a vessel broadcasting “OCEA TEST” (MMSI 227056060) [Panel designator FPB #1.1 (no more signal from FPB#2 or FPB#2.1)]



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 #1<sup>308</sup> (no more signal from FPB#1.1)]

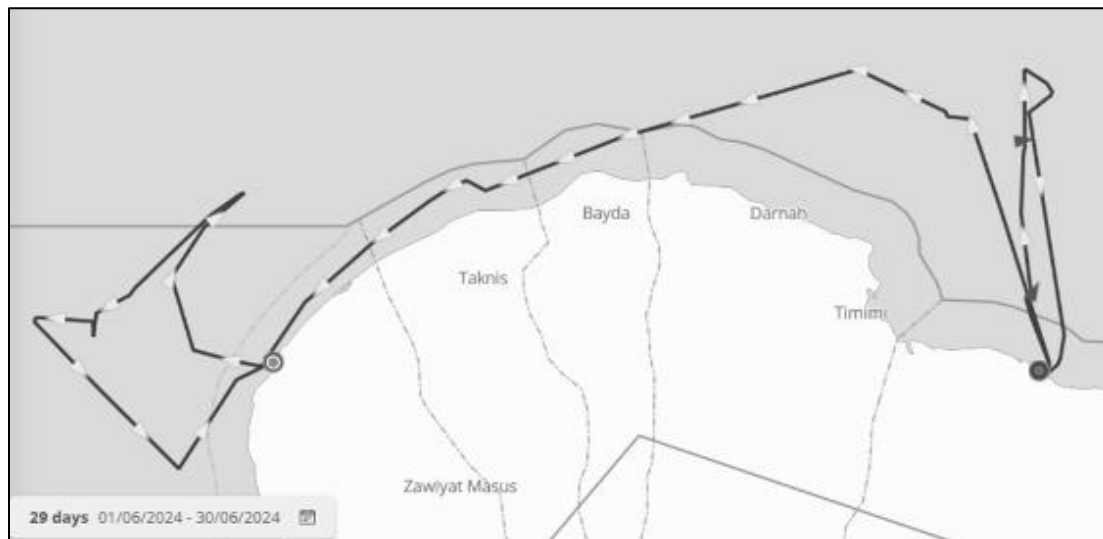


Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

<sup>308</sup> 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

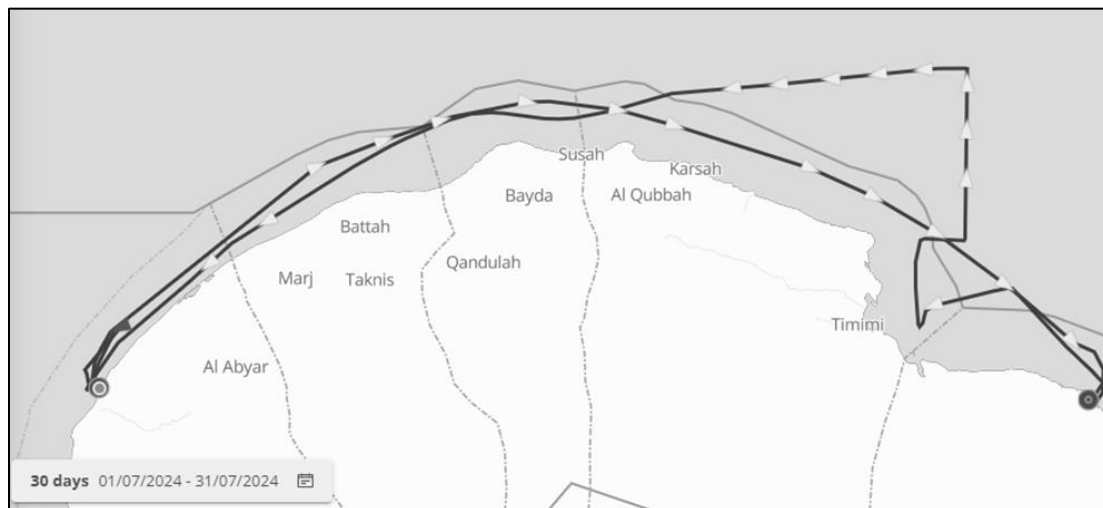
Track 1 through 30 June 2024 of a vessel broadcasting “OCEA TEST” (MMSI 227056060) [Panel designator FPB #1]



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.<sup>309</sup>

#### F. Special task: participation in “Dignity Shield 2024” exercise

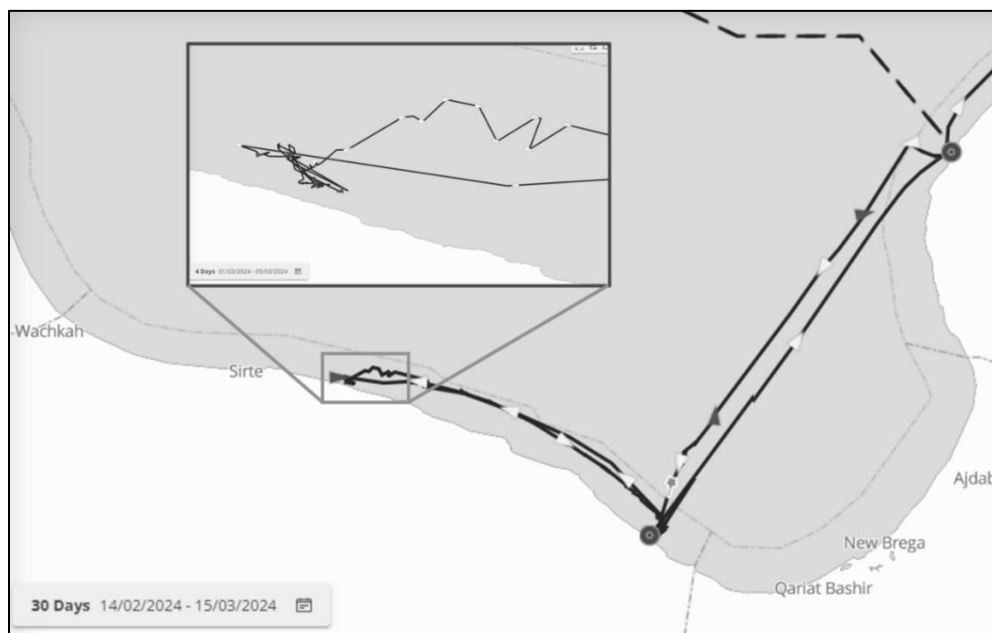
20. The two FPBs were also prominently displayed in the LAAF “Dignity Shield 2024” military exercise on 2 and 3 March 2023. At least one of the two FPBs (Panel designator FPB #1.1) was moved from Benghazi to Ras Lanuf port for that occasion on 18 February and returned to Benghazi on 7 March 2023 (figure 31.12). The other FPB (Panel designator FPB

<sup>309</sup> 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.

#2) also emitted signals in the area around that time (above figure 31.7). During the exercise,<sup>310</sup> 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.

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<https://www.facebook.com/General.official.leadership/posts/pfbid0Qo7G66bd3SqDkM5hHbRf9p2XcTqvRCEFX7hbWhjofgCgLng7VuNmRcDgUXPWxBNkl>, 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=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.<sup>311</sup>

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);<sup>312</sup> (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

<sup>311</sup> S/2023/673, Annex 72, Figure 72.A.3.

<sup>312</sup> <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.<sup>313</sup>

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.<sup>314</sup> 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 transfer<sup>315</sup> 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

<sup>313</sup> World Customs Organization Harmonized Commodity Description and Coding System ("Harmonized System").

<sup>314</sup> 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.

<sup>315</sup> 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 FPBs<sup>316</sup> and (b) LAAF in violation of paragraph 9 of resolution 1970 (2011) for transfer of the FPBs.

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<sup>316</sup> 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><b>بالإشارة:</b> 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 شحنة 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><b>وبناء</b> 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 جمارك ميناء طبرق البحري امر القوات الخاصة البحرية المكلف 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><b>السيد / مدير مديرية جمارك طبرق</b></p> <p>الموضوع / السفينة (GAJA)</p> <p>IMO-NO/ 9273791</p> <p>العلم / (ANTIGUA - BARBUDA)</p> <p><b>الوكيل الملاهي /</b></p> <p><b>ميناء الشحن (SAINT - NAZAIRE) فرنسا</b></p> <p><b>متواجدة بميناء طبرق التجاري على الرصيف رقم: (02)</b></p> <p><b>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 الملاهي 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 .</b></p>		

**عليه** . وبناءا على التعليمات الصادرة من القيادة العامة والمنقولة اليها 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.

**التفضل بالاستلام**

**عقيد بطار**  
**علي التواتي**  
**امر القوات الخاصة البحرية**



صورة منه إلى-  
 السيد امر غرفة عمليات القوات البرية: للتدخل للعلم والاطلاع  
 السيد مدير عام ميناء طبرق: للتدخل للعلم  
 مستشار السيد مدير عام ميناء طبرق: للتدخل للعلم  
 ملف العام: لتت / لتحتفظ

Source: Confidential. Redacted for privacy reasons.

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*Translated from Arabic*

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**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-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 ل.د) مائة وثمانون الف دينار مع تقديم تعهد من الوكالة بعدم تكرار ذلك مستقبلا.

والسلام عليكم

  
**عادل عبدالغاي العوامي**  
**مدير عام مصلحة الجمارك**



صورة الي :  
 للملف الدوري الع  
 كتمعيد البكوش

+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

168/299

[REDACTED]

- الباكسة : "07GAJA" MV

- ميناء الشحن : سينت نزيير / فرنسا .

- تاريخ الاصدار : 2023.10.23

- ميناء التفريغ : مسقط .

- العلم : اتيقوا 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 . ECMU94450/6 - حاوية 40 قدم	9391 كج	
SNGMCT 002	شركة OCEA فرنسا	الشرطة الملكية العمانية ( مقر خفر السواحل ) سلطنة عمان	- رقم 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

17/01/24

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

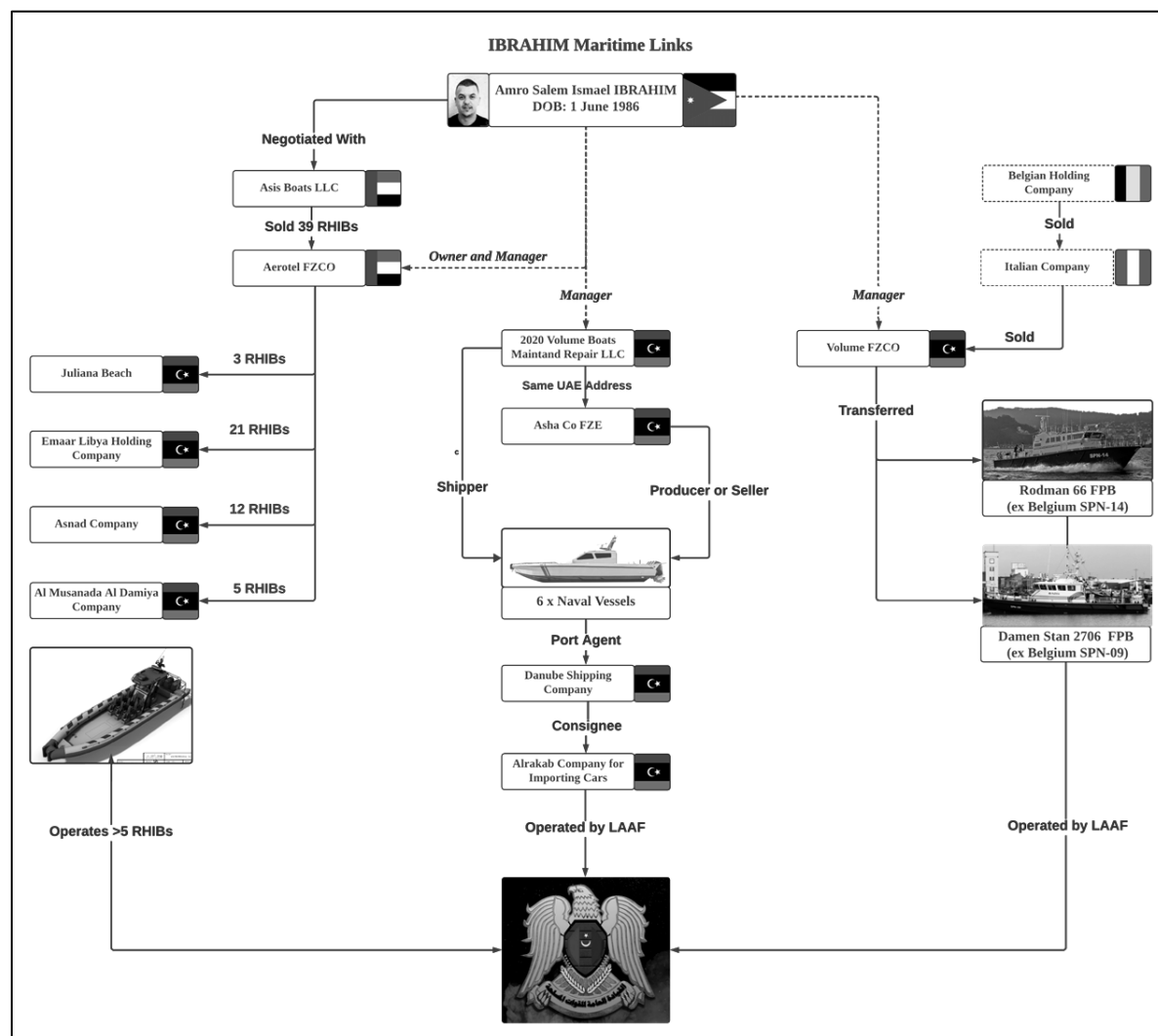
## Annex 32 Vessel transfers by Amro Salem Ismael Ibrahim to LAAF

### 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-use<sup>317</sup> 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.

<sup>317</sup> 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.<sup>318</sup>

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.<sup>319</sup>

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.<sup>320</sup> In early 2022, the vessel was decommissioned, its police communication technology was removed, and the vessel was returned to the Belgian holding company.<sup>321</sup>

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.<sup>322</sup>

9. Open-source images show that the vessel was (a) was repainted to navy grey in Libya, from its original blue and white livery;<sup>323</sup> (b) was assigned pennant number 612; and (c) outfitted with a bow-mounted machine gun, by misusing the built-in water cannon fixture.<sup>324</sup> 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.

<sup>318</sup> Letters from Belgium, 10 July 2023 and 10 October 2024.

<sup>319</sup> 32°36'52"N, 23°16'5"E.

<sup>320</sup> Panel assessment based on information received from the producer.

<sup>321</sup> Letter from Belgium 10 October 2024.

<sup>322</sup> <https://www.facebook.com/photo.php?fbid=408951168390351&set=pb.100078264120737.-2207520000&type=3>, 18 March 2024.

<sup>323</sup> <https://www.facebook.com/photo.php?fbid=263662346252568&set=pb.100078264120737.-2207520000&type=3>, 21 June 2023.

<sup>324</sup> <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.<sup>325</sup> 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	15.
Interceptor boat	10 t	JORPB152022	Coast Guard	Navy grey	
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,<sup>326</sup> 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.<sup>327</sup>

<sup>325</sup> 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/cbe84ec4-5a2e-4d3e-a402-719bebf5207a/download/company\\_primary\\_licenses.csv?ref=netra.news](https://www.dubaipulse.gov.ae/dataset/336e5800-131d-4fe9-9434-9c2b602a8fb0/resource/cbe84ec4-5a2e-4d3e-a402-719bebf5207a/download/company_primary_licenses.csv?ref=netra.news).

<sup>326</sup> <https://www.tiktok.com/@sea.air.land/video/73444744415742209286>, 10 March 2024. The TikTok account has since removed all its postings.

<sup>327</sup> 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 directory<sup>328</sup> provides an email and phone number for the company<sup>329</sup> 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).<sup>330</sup> 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.<sup>331</sup> 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,<sup>332</sup> 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,<sup>333</sup> 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

<sup>328</sup> <https://dmc.prismcloudhosting.com/community/directories/>.

<sup>329</sup> +971567819999, ismail.ibrahim@i-volume.com.

<sup>330</sup> Warehouse 423, Dubai Maritime City, UAE.

<sup>331</sup> [https://www.mit.gov.jo/EBV4.0/Root\\_Storage/AR/EB\\_List\\_Page/778.pdf](https://www.mit.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/778.pdf), 16 January 2024, page 327.

<sup>332</sup> Confidential source; Dubai Trade license no. 4261.

<sup>333</sup> [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=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.<sup>334</sup>

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.<sup>335</sup> Their design features are identical to what Asis Boats LLC markets as military boats.<sup>336</sup> 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.

<sup>334</sup> volume.fzco@iutlook.com.

<sup>335</sup> <https://asisboats.com/military-boats/>.

<sup>336</sup> <https://asisboats.com/work-boats/>.

## Appendix A to annex 32 Rodman 66 FPB

Figure 32.A.1

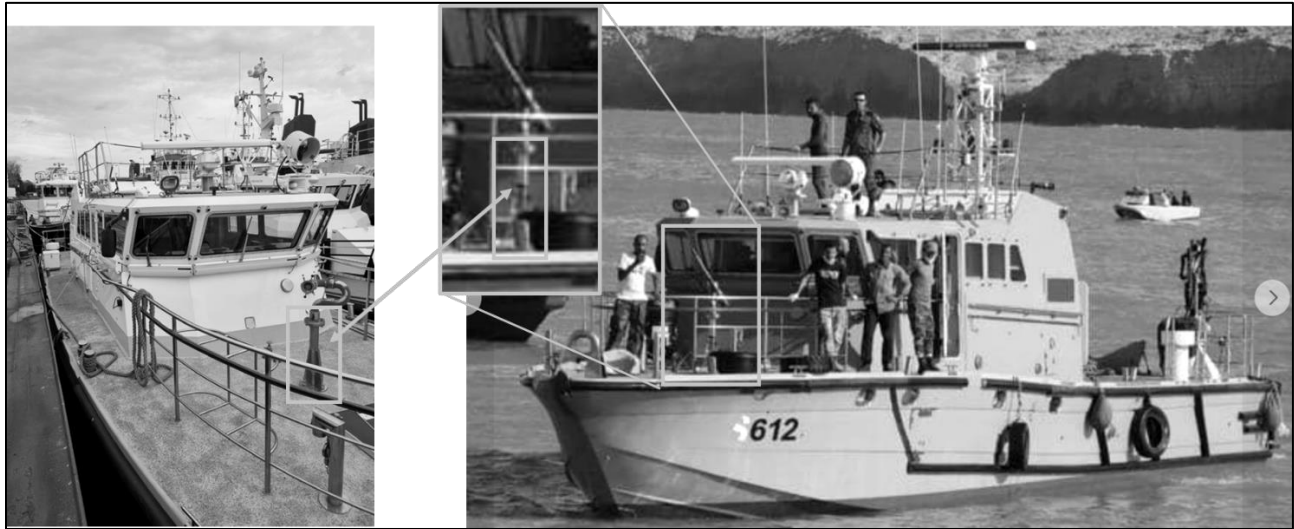
**Left: Rodman 66 in Belgian Police livery and pennant "SPN-14"; right: LAAF navy livery with pennant "612" and bow-mounted machine gun**



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

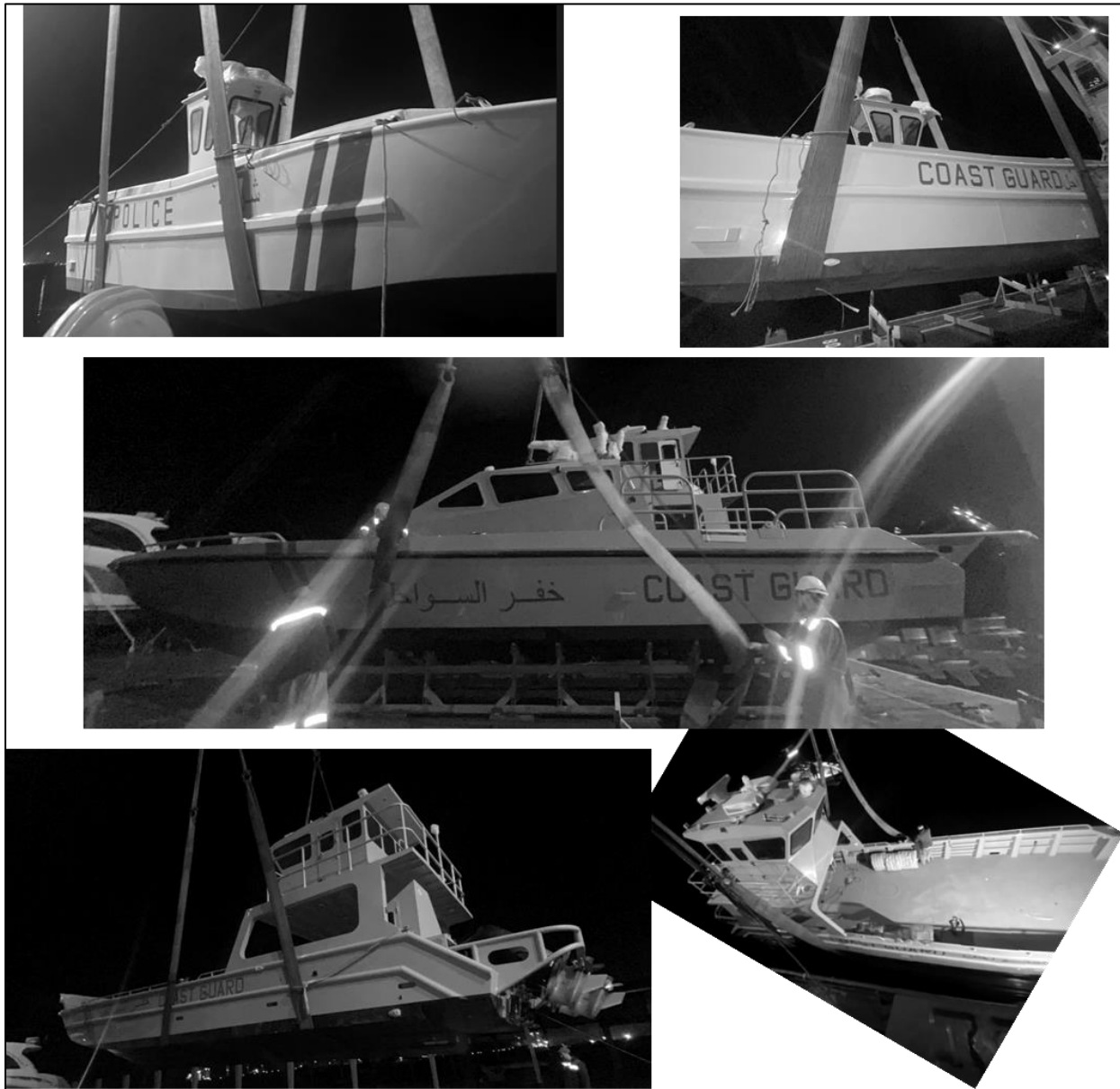
“2020 Volume” vessels transported covered under white foil onboard the *BBC Alaska* (IMO: 9453793) en route to Benghazi



Source: Confidential.

Figure 32.B.2

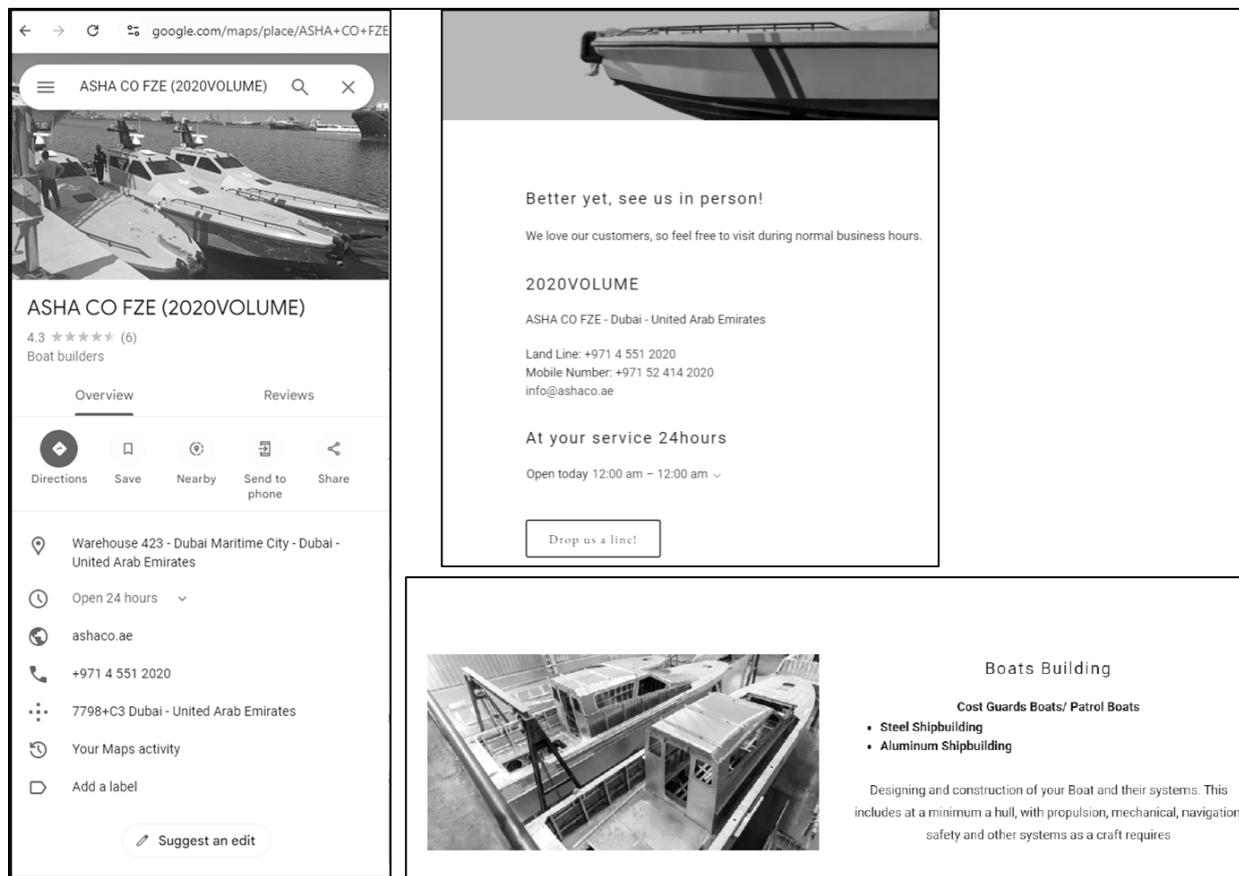
“2020 Volume” vessels as they were being unloaded from the *BBC Alaska* (IMO: 9453793) in Benghazi during the night of 7 to 8 April 2024. From top left: multi-purpose vessel marked “Police”; landing craft 3.5t marked “Coast Guard”; interceptor boat marked “Coast Guard”; multi-purpose vessel marked “Coast 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)

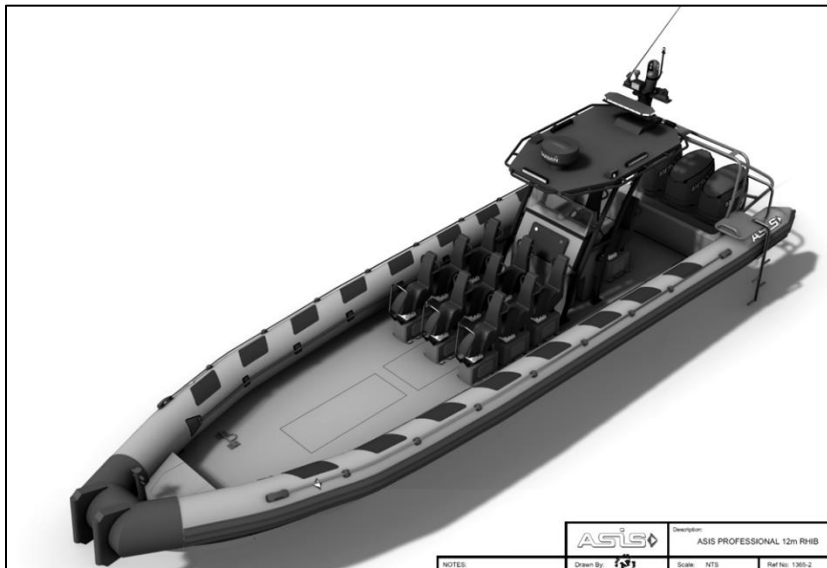


Sources: Left: <https://maps.app.goo.gl/fKxPP6d9mYhpJ3nS7>; right: <http://ashaco.ae/>, accessed on 2 July 2024 (since taken offline).

## 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.<sup>337</sup> 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-Mausser 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).<sup>338</sup>
8. The Panel independently established that while commonly referred to as LCG, the entity's original name is LCGPS.<sup>339</sup> The Panel therefore concurs with Italy's view that LCGPS is a synonym for the LCG, which is a notified entity.

<sup>337</sup> S/2023/673, paragraph 79.

<sup>338</sup> See also S/2023/673, Annex 24.

<sup>339</sup> See, for example, the law establishing the entity <https://lawsociety.ly/legislation/السوا-حرس-جهاز-م-بانشاء-1996-لسنة-372-رقم-28>, 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, videos<sup>340</sup> 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).<sup>341</sup> 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;<sup>342</sup> the Panel confirmed this activity by geolocation.<sup>343</sup>

#### 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.

<sup>340</sup> <https://twitter.com/rgowans/status/1672621080664584192>, 24 June 2023; <https://twitter.com/i/status/1672623552158154752>, 24 June 2023.

<sup>341</sup> <https://twitter.com/rgowans/status/1672634605495635968>, 24 June 2023.

<sup>342</sup> <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.

<sup>343</sup> 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.<sup>344</sup> 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.<sup>345</sup> The Panel had identified the individual responsible in its last report,<sup>346</sup> 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 though (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.<sup>347</sup>

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".<sup>348</sup> 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,<sup>349</sup> 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

<sup>344</sup> S/2022/427, paragraph 68 and S/2023/673, paragraph 84 and annex 26, section A.

<sup>345</sup> S/2022/427, paragraph 68 and S/2023/673, paragraph 84 and annex 26, section B.

<sup>346</sup> S/2023/673, annex 26, paragraph 8 and appendix 26.B.

<sup>347</sup> Note verbale from Greece, 4 December 2023.

<sup>348</sup> The company has since removed all images showing Costas Charalampopoulos from its website.

<sup>349</sup> 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.<sup>350</sup> She was also the one who dispatched the chairperson's reply to the Panel.

9. Costas Charalampopoulos 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 Charalampopoulos 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.

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<sup>350</sup> <https://directus.gr/soviri-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).<sup>351</sup> 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.<sup>352</sup> 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)

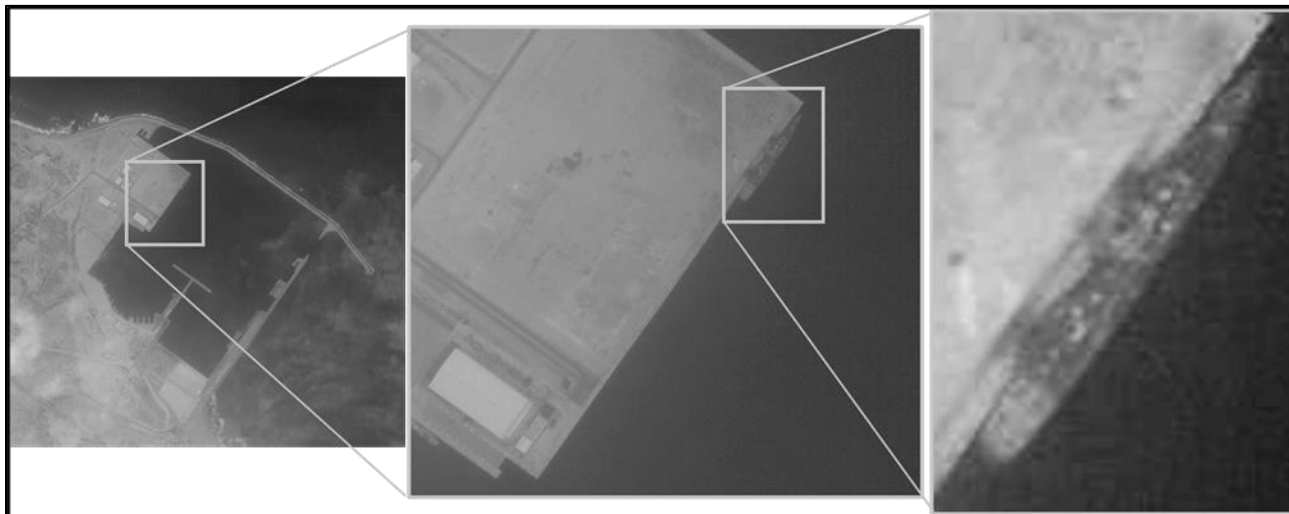
<sup>351</sup> S/2023/673, paragraph 81, table 1 and Annex 29.

<sup>352</sup> <https://x.com/tcsavunma/status/1723992622841094511?s=20>, 13 November 2023; <https://www.facebook.com/tcsavunma/posts/pfbid02APWfBwsBN3xiPF6pQY44We2rSnS32baTHhJk5wSHpVLPXgMnJxPRSkGSeGX4obl>, 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, <sup>353</sup> 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.

<sup>353</sup> <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 2024<sup>354</sup> shows (a) a Gren-class large landing ship sailing towards Tubruq port, about one nautical mile from the port,<sup>355</sup> and (b) in the eastern part of the port (naval base)<sup>356</sup> 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):<sup>357</sup> a Ropucha-class large landing ship docked, and (b) in the eastern part of the port (naval base):<sup>358</sup> 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),<sup>359</sup> 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,<sup>360</sup> 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 port<sup>361</sup> at 6:54 UTC and then docked at inner berth no. 02 on the west pier (commercial part of the port)<sup>362</sup> 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)<sup>363</sup> (appendix 36.B).

<sup>354</sup> 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.

<sup>355</sup> 32.06517° N, 24.00346° E

<sup>356</sup> 32.07623° N, 23.98587° E.

<sup>357</sup> 32.07509° N, 23.97922° E.

<sup>358</sup> 32.07623° N, 23.98587° E.

<sup>359</sup> 32.07623° N, 23.98587° E.

<sup>360</sup> <https://twitter.com/fawaselmedia/status/1779532119053586496>,

14

April

2024;

<https://twitter.com/fawaselmedia/status/1780351332802609605>, 17 April 2024.

<sup>361</sup> 32.08438° N, 24.04998° E.

<sup>362</sup> 32.07509° N, 23.97922° E.

<sup>363</sup> 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.<sup>364</sup> 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).<sup>365</sup> 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,<sup>366</sup> 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."<sup>367</sup>

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,<sup>368</sup> 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).<sup>369</sup>

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).

<sup>364</sup> [https://www.facebook.com/story.php?story\\_fbid=462091869742947&id=100078264120737](https://www.facebook.com/story.php?story_fbid=462091869742947&id=100078264120737), 17 June 2024.

<sup>365</sup> 32.07385° N, 23.98460° E.

<sup>366</sup> Panel letters of 26 April 2024 and 3 October 2024.

<sup>367</sup> Response of the Russian Federation dated 17 October 2024.

<sup>368</sup> Panel letter of 3 October 2024 and LAAF response of 21 October 2024.

<sup>369</sup> 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

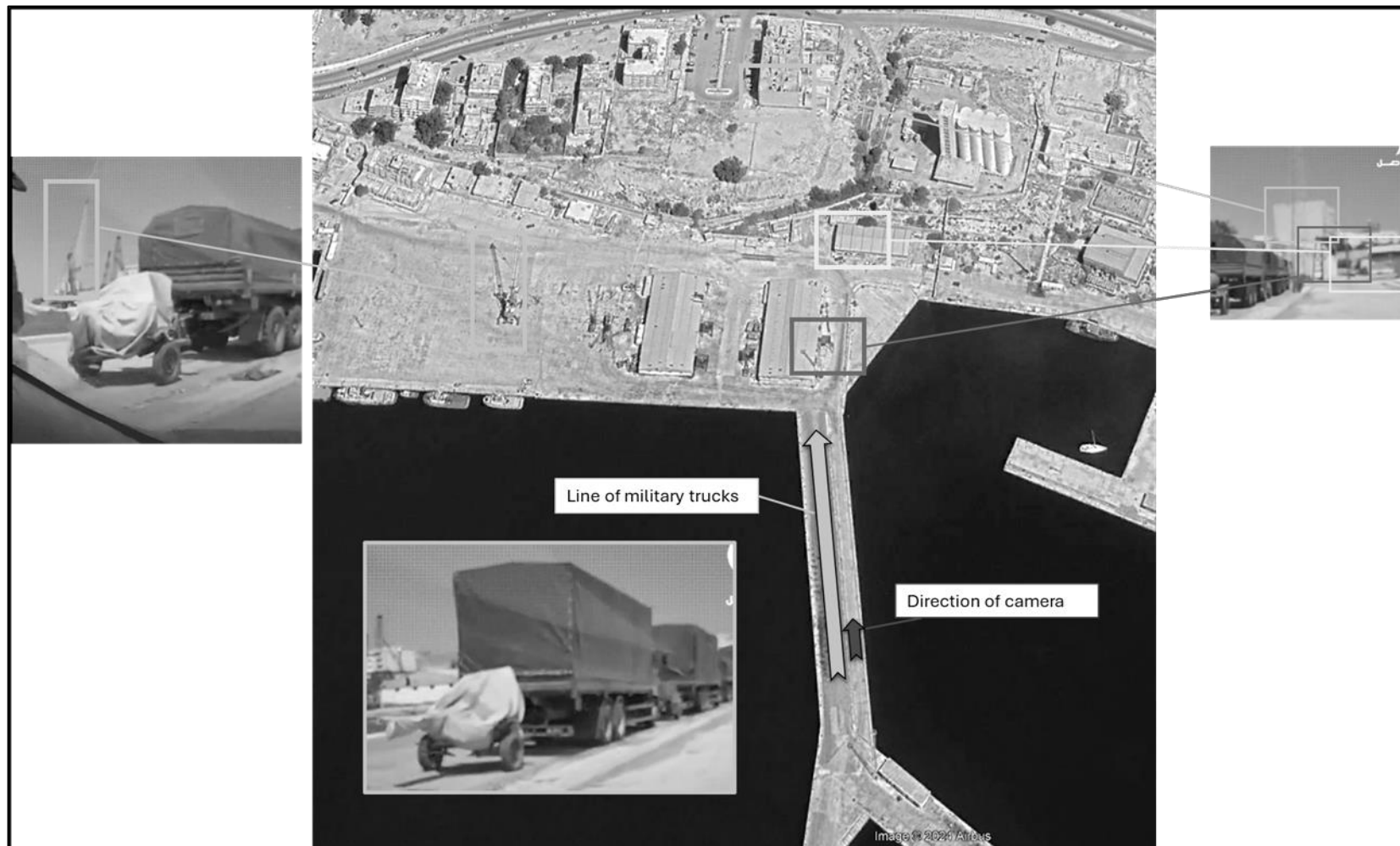


Figure 36.A.3.

**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

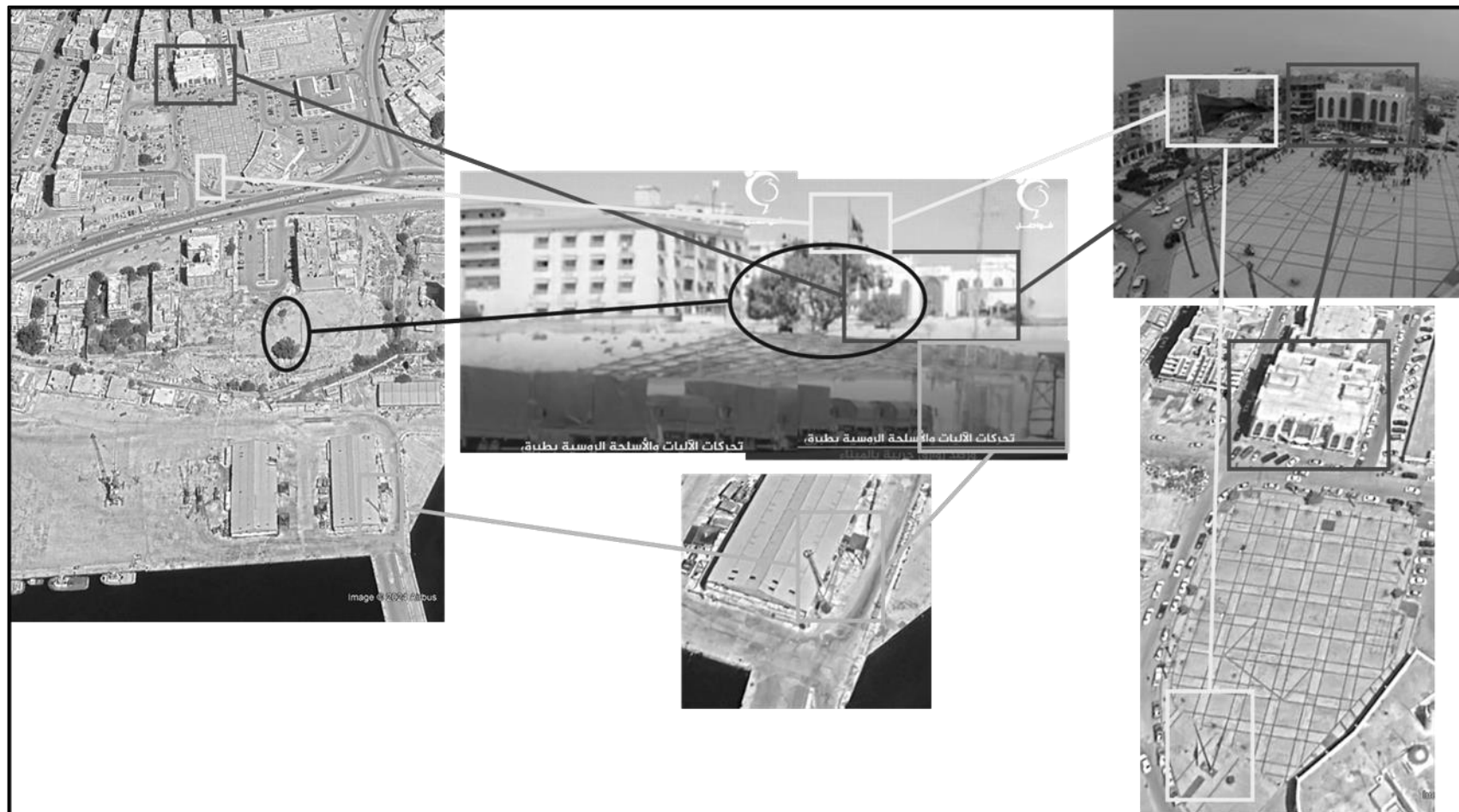


Developed by Panel of Experts.

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

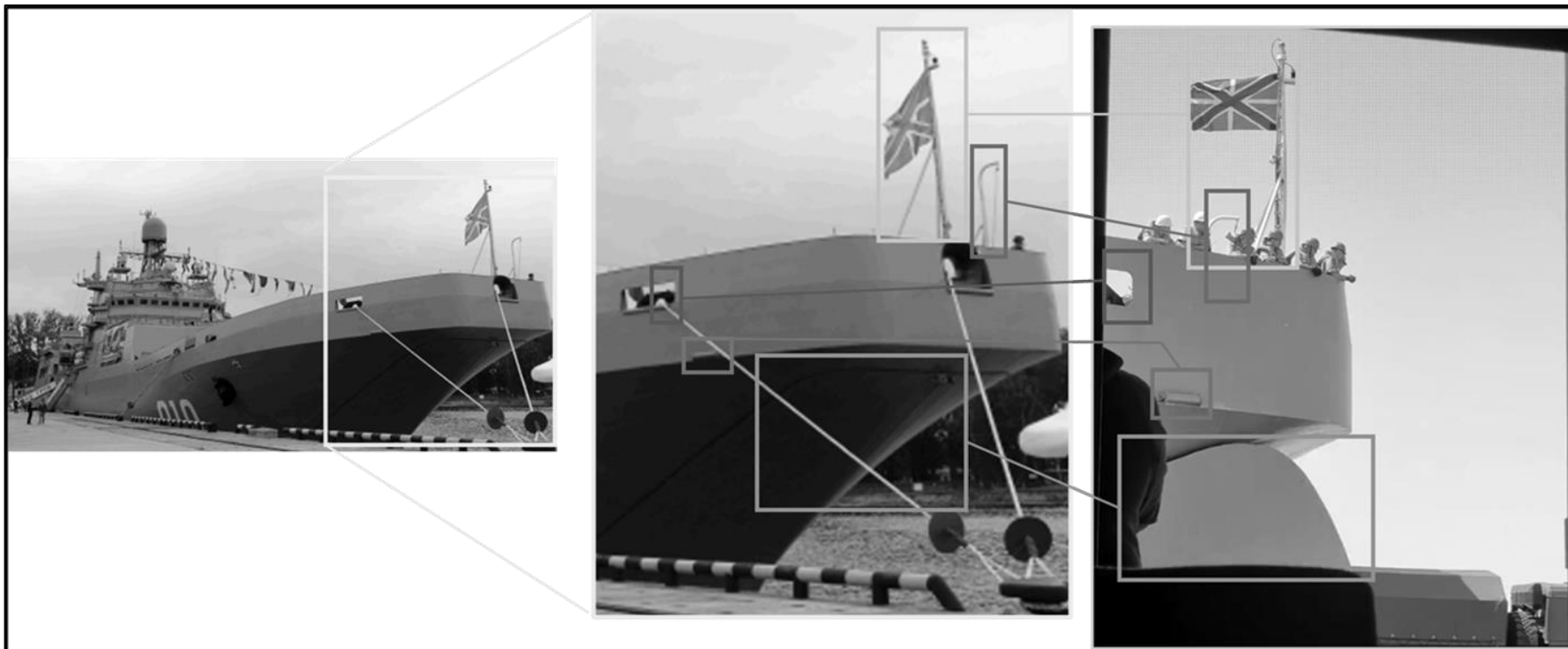


Developed by Panel of Experts

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](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

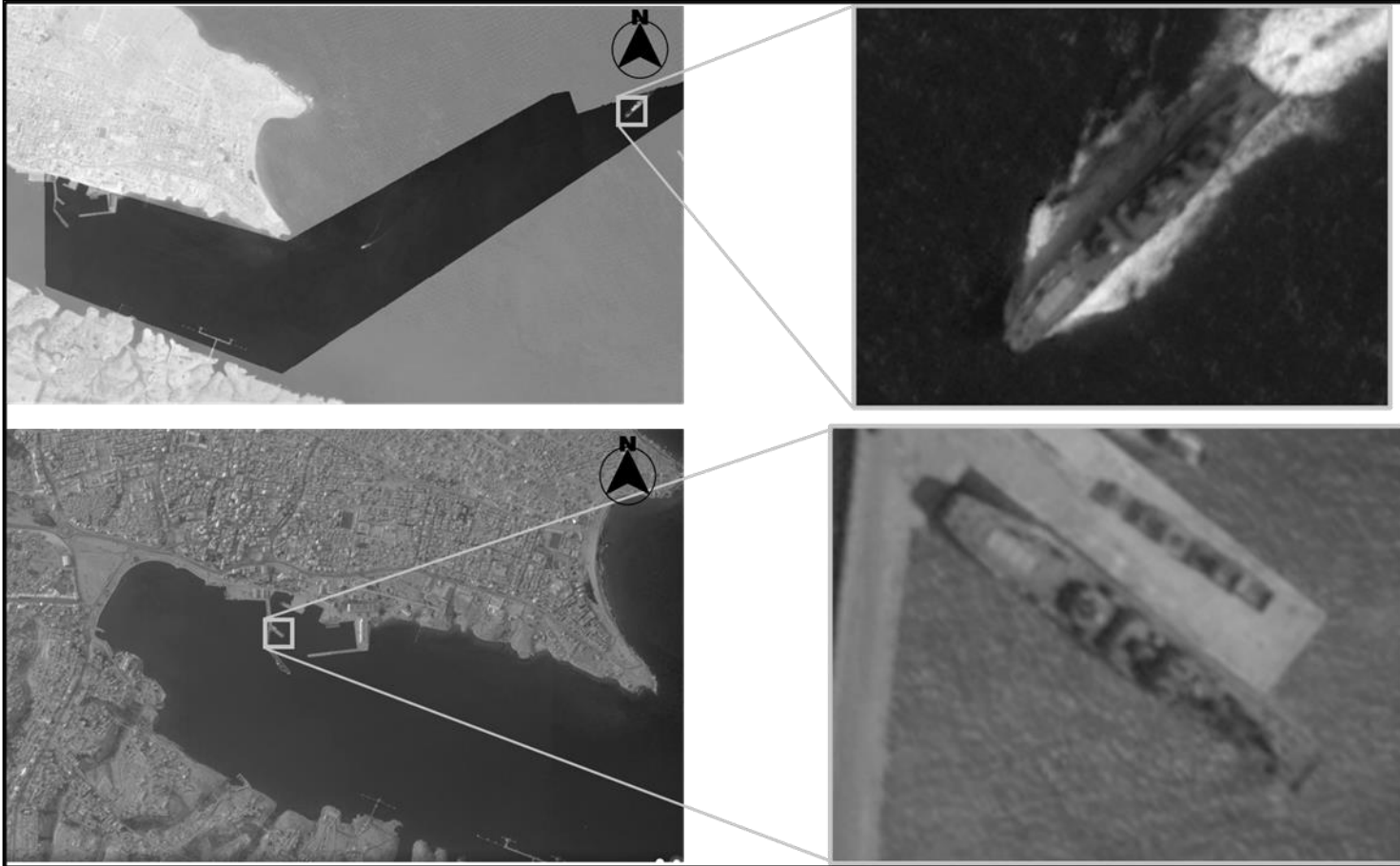


Developed by Panel of Experts

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**

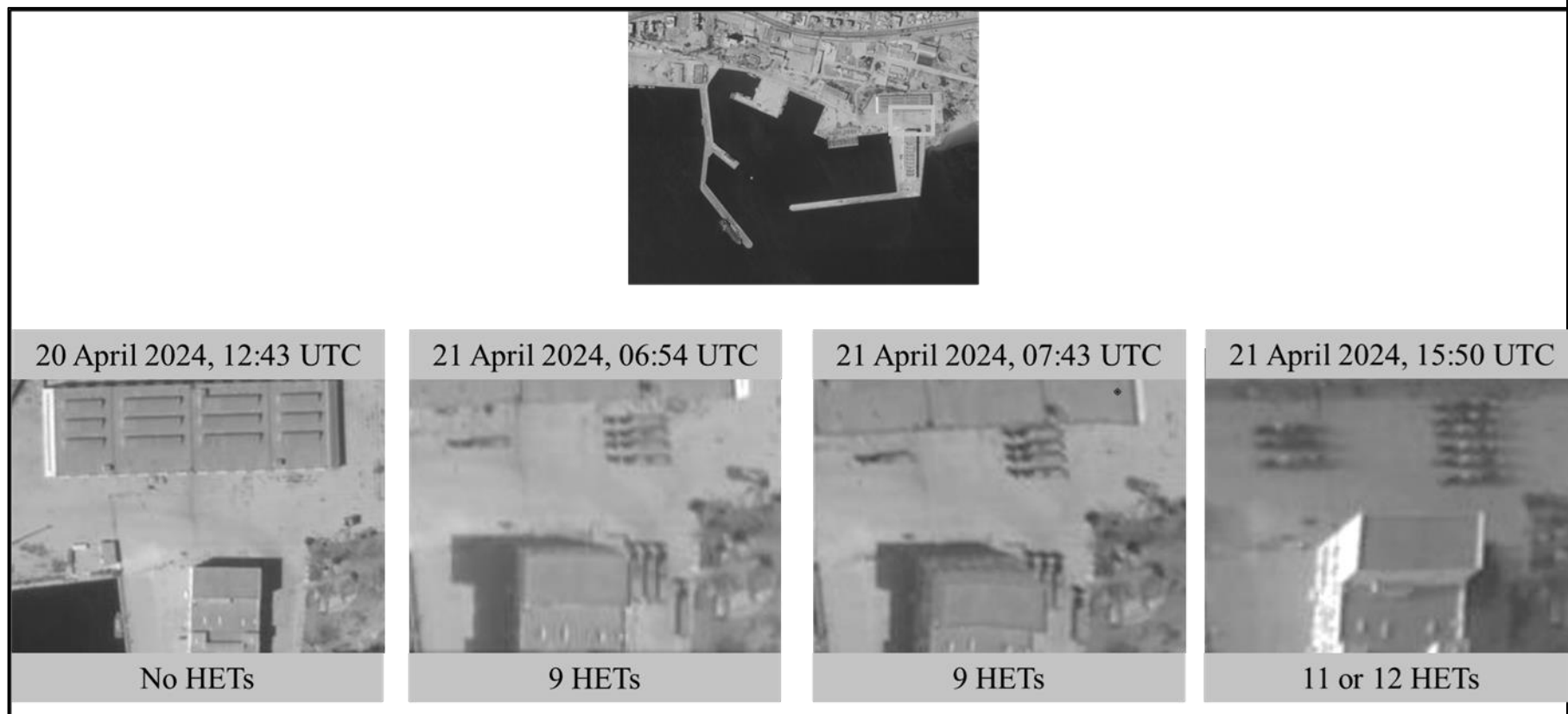
Figure 36.B.1

**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 eastern 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)<sup>370</sup> 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,<sup>371</sup> 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.<sup>372</sup> 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 completed 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.<sup>373</sup> 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.<sup>374</sup> 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.

<sup>370</sup> <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.

<sup>371</sup> 32°18'40.43"N, 15°4'1.09"E.

<sup>372</sup> <https://baykartech.com/en/uav/bayraktar-akinci/> and Jane's Defence, both accessed on 17 April 2024.

<sup>373</sup> <https://x.com/TSKGnkur/status/1812827604816151007> at 1:33, 15 July 2024.

<sup>374</sup> <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 37.3  
Satellite imagery showing progress of construction of the hangar on 2 May 2023



Figure 37.5  
Satellite imagery showing progress of the taxiway connecting the hangar on 1 March 2024



Figure 37.2  
Satellite imagery showing the start of construction of the hangar on 31 March 2023



Figure 37.4  
Satellite imagery showing progress of construction of the hangar on 11 December 2023



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.<sup>375</sup> 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,<sup>376</sup> 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).<sup>377</sup> 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).

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<sup>375</sup> <https://www.merriam-webster.com/dictionary/transfer>.

<sup>376</sup> Annex 30.

<sup>377</sup> 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>ATD<sup>378</sup> (UTC)<sup>379</sup></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

<sup>378</sup> Actual time of departure.

<sup>379</sup> 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 <sup>380</sup>	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

<sup>380</sup> 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.<sup>381</sup>

### B. Irregularities with Sapsan's flights

2. In response to the Panel's request, Kyrgyzstan confirmed<sup>382</sup> 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.<sup>383</sup> 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).<sup>384</sup>

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

<sup>381</sup> Flightradar24.com, and HEX Code.

<sup>382</sup> Kyrgyzstan's letter of 5 September 2023.

<sup>383</sup> 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.

<sup>384</sup> S/2023/673, Appendix B to Annex 63.

the open-source ADS-B monitoring providers; and (d) previously reported owner, operator, or aircraft;<sup>385</sup> (e) the random nature of the flights.

### **C. Concealment of flights to Libya**

4. In response<sup>386</sup> 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 Flightradar.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.<sup>387</sup>

### **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,<sup>388</sup> 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.<sup>389</sup> 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).

<sup>385</sup> S/2022/427, Annex 96.

<sup>386</sup> Reference: paragraph 1 and 2 of this annex.

<sup>387</sup> Flightradar24.com's response on 9 September 2024.

<sup>388</sup> 21 September 2023 to 13 September 2024.

<sup>389</sup> 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 A to annex 39: Panel analysis of Air Waybill for Flight KGB4941 (EX-76005 28 July 2023)

12

KGB | AUH | 00002034 KGB-00002034

Shipper's Name and Address <b>KHALIFA BIN ZAYED AL NANYAN FOUNDATION ABU DHABI, UNITED ARAB EMIRATES</b>		Shipper's Account Number		Not Negotiable <b>Air Waybill SAPSAN AIRLINE</b>	
Consignee's Name and Address <b>AHL ALKARAM WALJOUD HUMANITARIAN AND CHARITY ASSOCIATION, BENGHAZI, LIBYA</b>		Consignee's Account Number		Issued by	
Issuing Carrier's Agent Name and City <b>BS</b>		Agent's IATA Code		Account No.	
Airport of Departure (Addr. of First Carrier) and Requested Routing <b>ABU DHABI, UAE</b>		Reference Number		Optional Shipping Information	
To	By First Carrier	Routing and Destination	to	by	to
BEN					
Amount of Insurance		Declared Value for Carriage		Declared Value for Customs	
BENGHAZI, LIBYA		KGB4941		NCR	
28/07/2023		NIL		NVR	
Handling Information ///PLS INFM CNEE UPON ARRVL///					
SC					
No. of Pieces RCP	Gross Weight	Rate Class Commodity Item No.	Chargeable Weight	Rate Charge	Total
22	21000.0		21000.0	AS AGREED	AS AGREED
Nature and Quantity of Goods (incl. Dimensions or Volume) TENT ITEMS, FOOD STUFF, WATER					
22	21000.0				AS AGREED
Prepaid			Other Charges		
AS AGREED			AS AGREED		
Valuation Charge					
Total					
Total Other Charges Due Agent			Shipper certifies that the particulars on the face hereof are correct and that insofar as any part of the consignment contains dangerous goods, such part is properly described by name and is in proper condition for carriage by air according to the applicable Dangerous Goods Regulations.		
AS AGREED			BS		
Total Other Charges Due Carrier			Signature of Shipper or its Agent		
Total Prepaid					
AS AGREED					
Currency Conversion Rates			26/07/2023		
CC Charge in Dest. Currency			Executed on (date)		
For Carrier's Use only at Destination			Total Collected		
Charge at Destination			Signature of Issuing Carrier or its Agent		
			KGB-00002034		

Original 3 (for shipper)

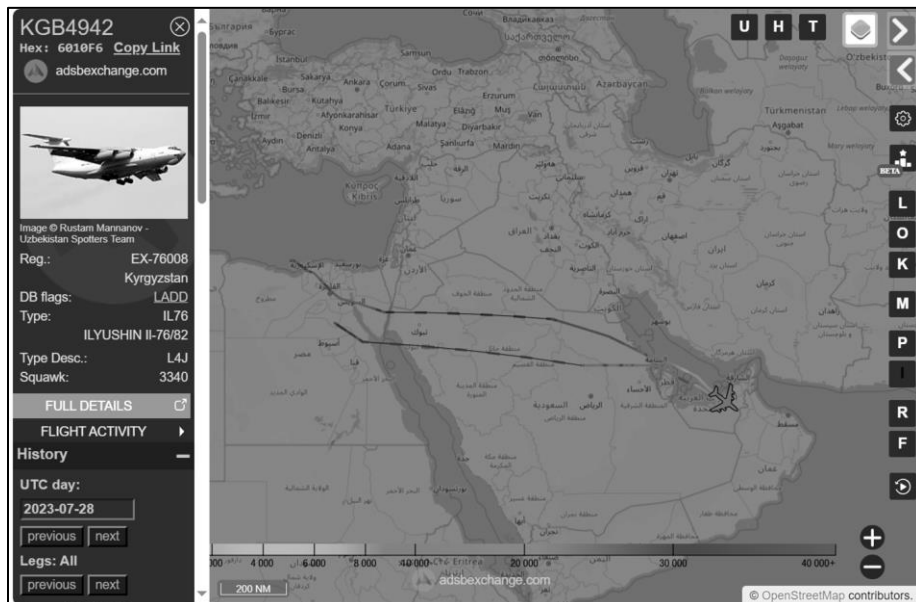
Developed by UN Panel of Experts.

Source: Sapsan Airline LLC.

## 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.

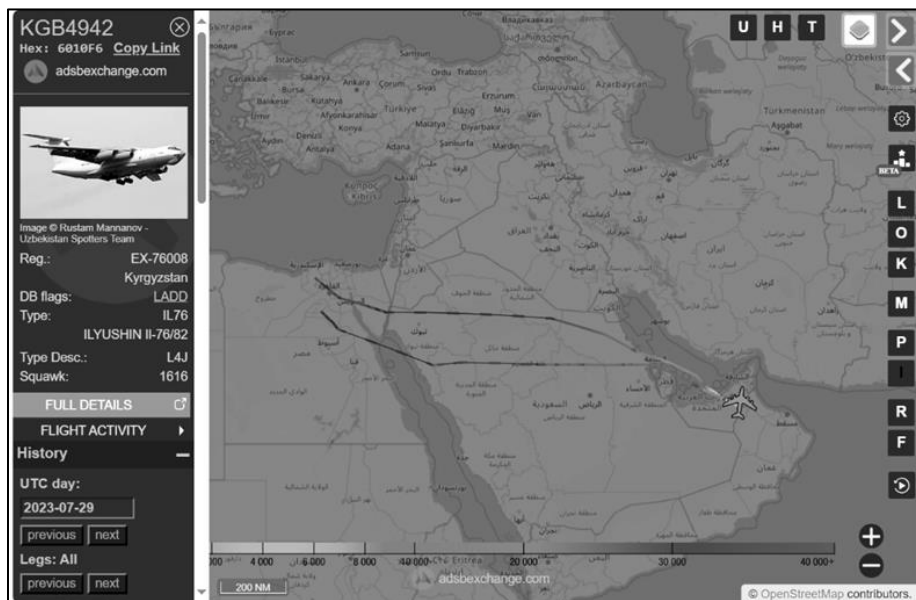


Source: <https://globe.adsbexchange.com/?icao=6010f6&lat=29.345&lon=39.369&zoom=4.6&showTrace=2023-07-28>.

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

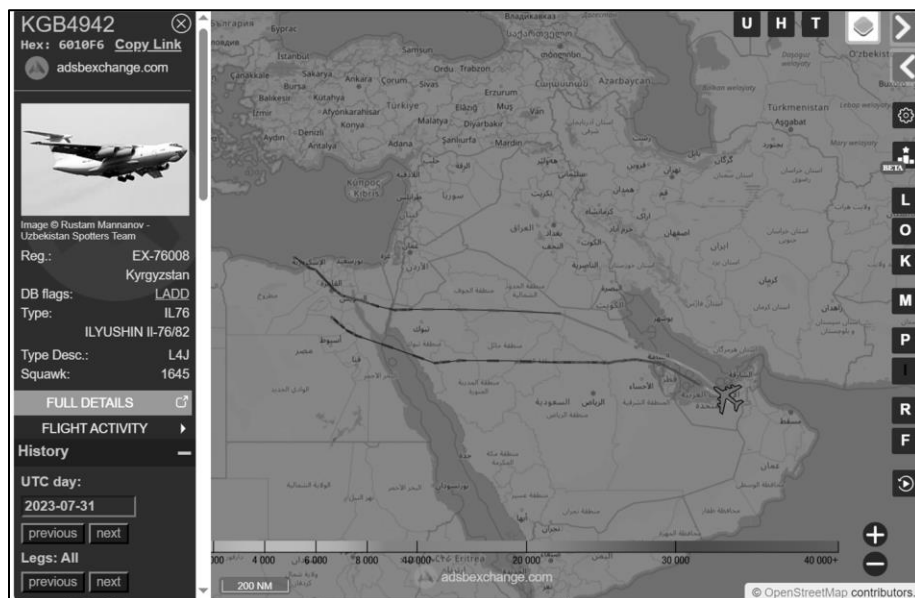


Source: <https://globe.adsbexchange.com/?icao=6010f6&lat=29.345&lon=39.369&zoom=4.6&showTrace=2023-07-29>.

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

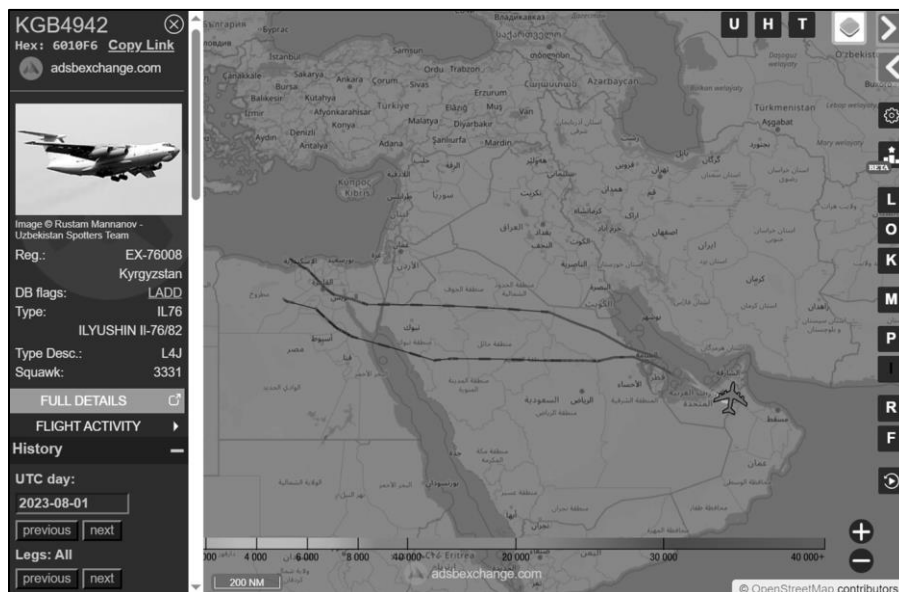


Figure 39.B.3  
EX-76008 (HEX 6010F6) flight on 31 July 2023



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.

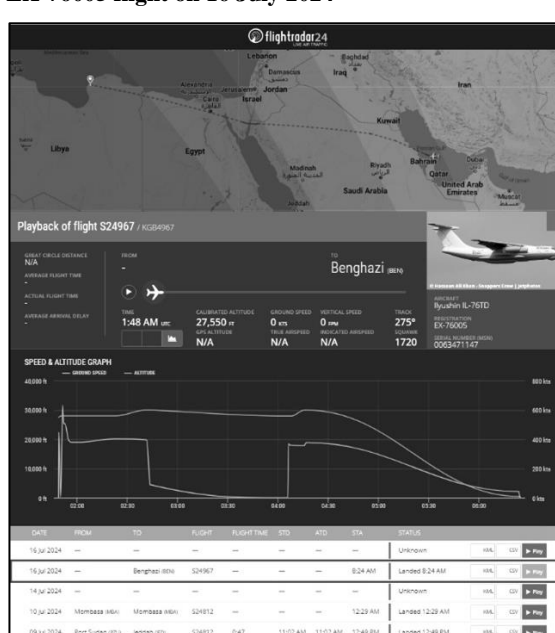
Figure 39.C.6  
**EX-76005 flight on 4 April 2024**



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.

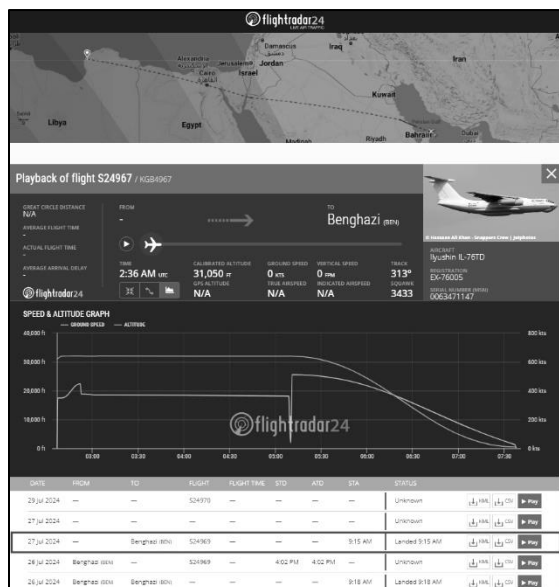
Figure 39.C.8  
**EX-76005 flight on 16 July 2024**



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.<sup>390</sup>

2. Elifly responded to the Panel's inquiries<sup>391</sup> 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.

<sup>390</sup> [https://www.facebook.com/General.official.leadership/posts/pfbid02CyaQB9SbTFu5pS3NixuR5zQT47RHPUj7UR38sbC8xEx7FWXkM4wiQDSyqSPbxJ1MI\\_](https://www.facebook.com/General.official.leadership/posts/pfbid02CyaQB9SbTFu5pS3NixuR5zQT47RHPUj7UR38sbC8xEx7FWXkM4wiQDSyqSPbxJ1MI_), 14 March 2024, and also <https://www.facebook.com/watch/?v=1537284016840832>, 14 March 2024.

<sup>391</sup> 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 of 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.<sup>392</sup>

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).<sup>393</sup> 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

<sup>392</sup> 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.

<sup>393</sup> Paragraph 76 and 77 of S/2022/427, and paragraph 87 of S/2023/673.

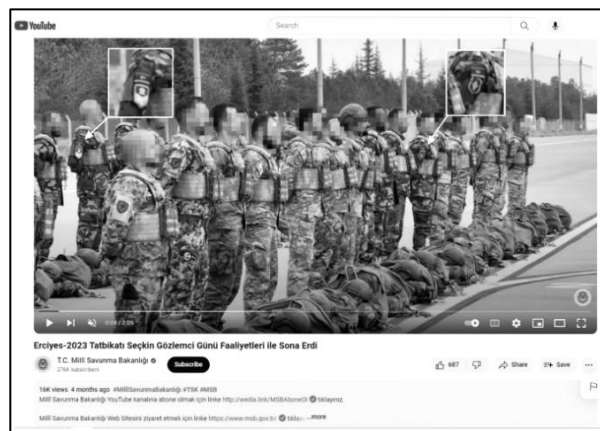
## Annex 42 Parachuting training – Erciyes 2023 Exercise

### 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".<sup>394</sup> 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](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/>.

<sup>394</sup> 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.<sup>395</sup> 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/videoid/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 Ghanan, 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](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/videoid/922040/dvpsearch/Libya/dvpcc/false/#DVIDSVideoPlayer55722>, 5 May 2024.

<sup>395</sup> 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](https://x.com/aleasima_17/status/1809938664312684933?s=19), 7 July 2024.
5. [https://www.facebook.com/permalink.php?story\\_fbid=pfbid037bYhofsoHXGpiey9D1acn3edoeYEuHovvew8hYS2LSZQnC5hUxVMfMZ66VedZYEdl&id=100094140825995](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](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,<sup>396</sup> was reported by open sources<sup>397</sup> 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.<sup>398</sup> 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 stated<sup>399</sup> 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.

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<sup>396</sup> <https://its.training/>, accessed on 11 September 2024.

<sup>397</sup> <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.

<sup>398</sup> Confidential source.

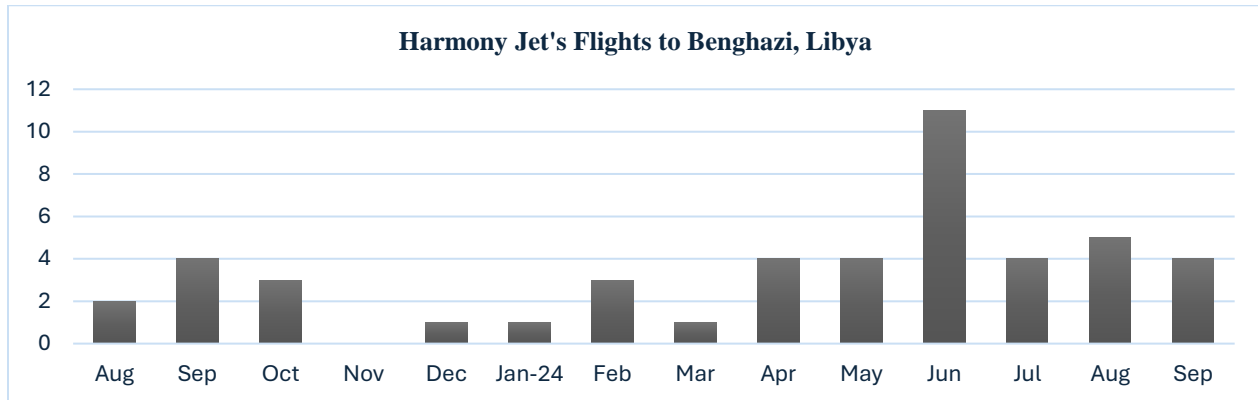
<sup>399</sup> Responses from Harmony Jets, 10 July and 5 August 2024.

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>
<b>9H-CLD</b>	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)
<b>9H-SSG</b>	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)
<b>9H-GRS</b>	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)
<b>9H-DFS</b>	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)
<b>9H-HMJ</b>	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,<sup>400</sup> and the deployment of its elements in multiple locations in Libya.<sup>401</sup> Founded in 2020, Amentum is security service provider for both government and commercial customers. It provides, among others, training across military and security areas.<sup>402</sup> 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”.<sup>403</sup> 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”.<sup>404</sup> 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).

<sup>400</sup> <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.

<sup>401</sup> <https://x.com/tvlibyatoday/status/1790174294200221970>, 14 May 2024.

<sup>402</sup> Jane’s Defense.

<sup>403</sup> Letter from Amentum, 17 September 2024.

<sup>404</sup> 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,<sup>405</sup> MDSS was found conducting the training in an uncredited camp<sup>406</sup> where the 95 Libyan Nationals were arrested by South African police for entering illegally to receive military training.<sup>407</sup>
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 camp<sup>408</sup> 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.

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<sup>405</sup> <https://security.militesdei.com/>, accessed on 1 October 2024.

<sup>406</sup> [https://www.psira.co.za/dmdocuments/Media\\_Room/PSiRA%20PRESS%20BRIEFING-%20TRAINING%20OF%20LIBYAN%20NATIONALS%20AT%20A%20FARM%20IN%20MPUMALANGA.pdf](https://www.psira.co.za/dmdocuments/Media_Room/PSiRA%20PRESS%20BRIEFING-%20TRAINING%20OF%20LIBYAN%20NATIONALS%20AT%20A%20FARM%20IN%20MPUMALANGA.pdf), 7 August 2024.

<sup>407</sup> <https://x.com/AthlendaM/status/1816762407361917399>, 26 July 2024.

<sup>408</sup> 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.<sup>409</sup> The Panel identified from the photographs contained in the authority's press release<sup>410</sup> 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).<sup>411</sup> 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 Sti<sup>412</sup> as the shipper and the Libyan company Nourhan Company to Import Clothes and Leather Goods<sup>413</sup> 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).

<sup>409</sup> Letter from Libya, 26 January 2024.

<sup>410</sup> <https://customs.ly/صند-430-عدد-بندقية-صيد-و-820-عدد-ضبط-حاوية-بها> (accessed on 30 September 2023, no longer available).

<sup>411</sup> 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.

<sup>412</sup> Kemalpaşa Mah. Fevziye Cad No: 8/B Fatih, İstanbul, Türkiye.

<sup>413</sup> Hay Al Andalus, 7 Villas, P.O. Box : 91943, Tripoli.

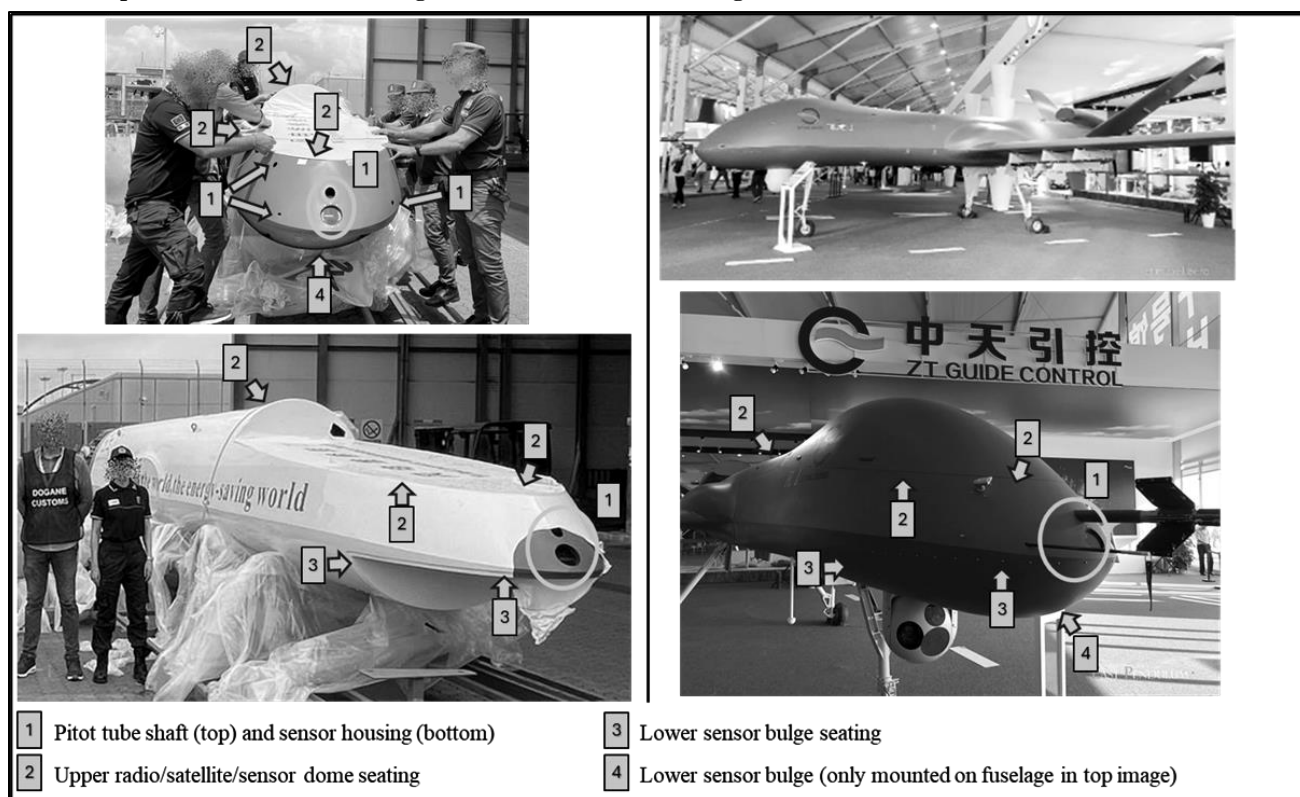
## Annex 50 Seizure by Italy

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.<sup>414</sup>

2. Figure 50.2 shows that the UAV components were concealed as wind power generation equipment.

Figure 50.1

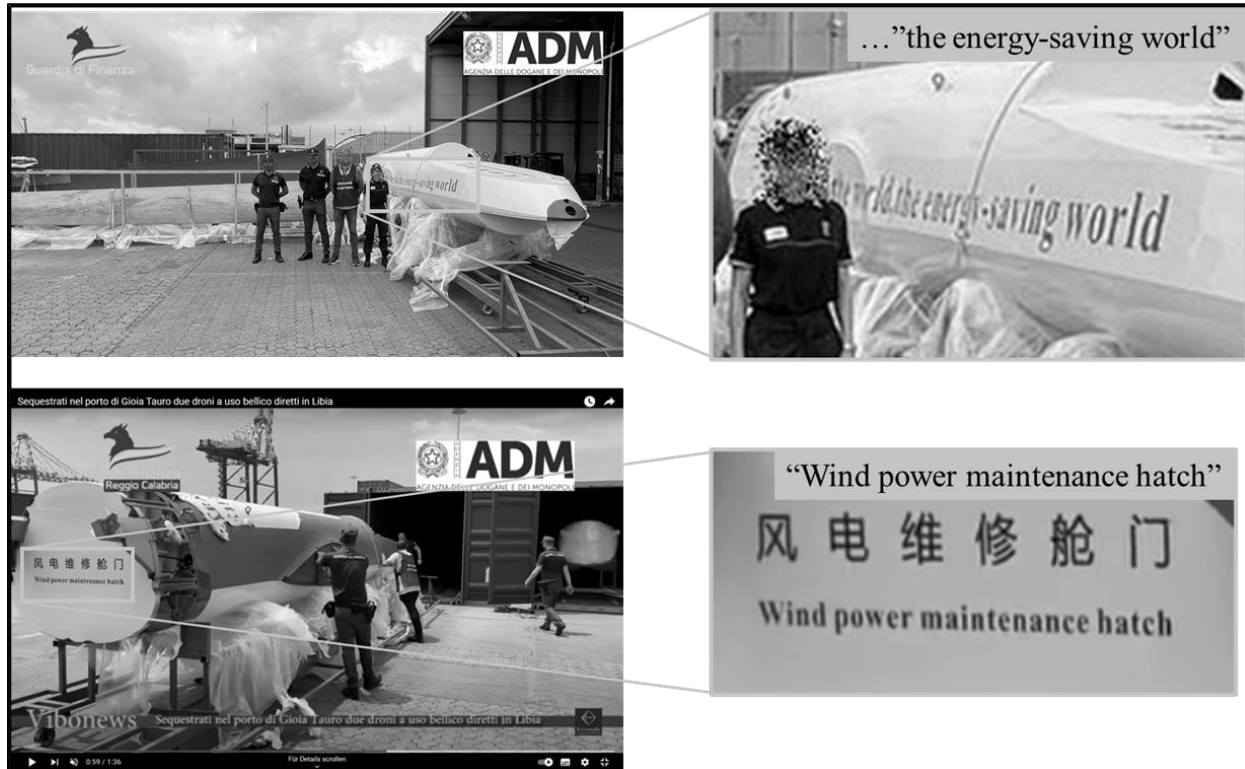
Visual comparison of seized UAV fuselage (left) and ZT Guide FL-1 (right)



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.

<sup>414</sup> 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](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,<sup>415</sup> 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.

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<sup>415</sup> 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.<sup>416</sup> At the time, the Panel had identified one up-armouring company that had produced 13 of the armoured vehicles on board.<sup>417</sup>

### B. Updates

2. The Panel identified an additional up-armouring company, that produced two<sup>418</sup> of the vehicles, the Jordan-based Shield Armored Vehicles (SAV).<sup>419</sup> 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).<sup>420</sup> 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,<sup>421</sup> 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,<sup>422</sup> 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).

<sup>416</sup> S/2023/673, paragraphs 103 to 105 and annex 71.

<sup>417</sup> Jordan VIP Armouring Industry Company, see S/2023/673, annex 71, paragraph 11.

<sup>418</sup> VIN: JTFLU71J5MB042859.

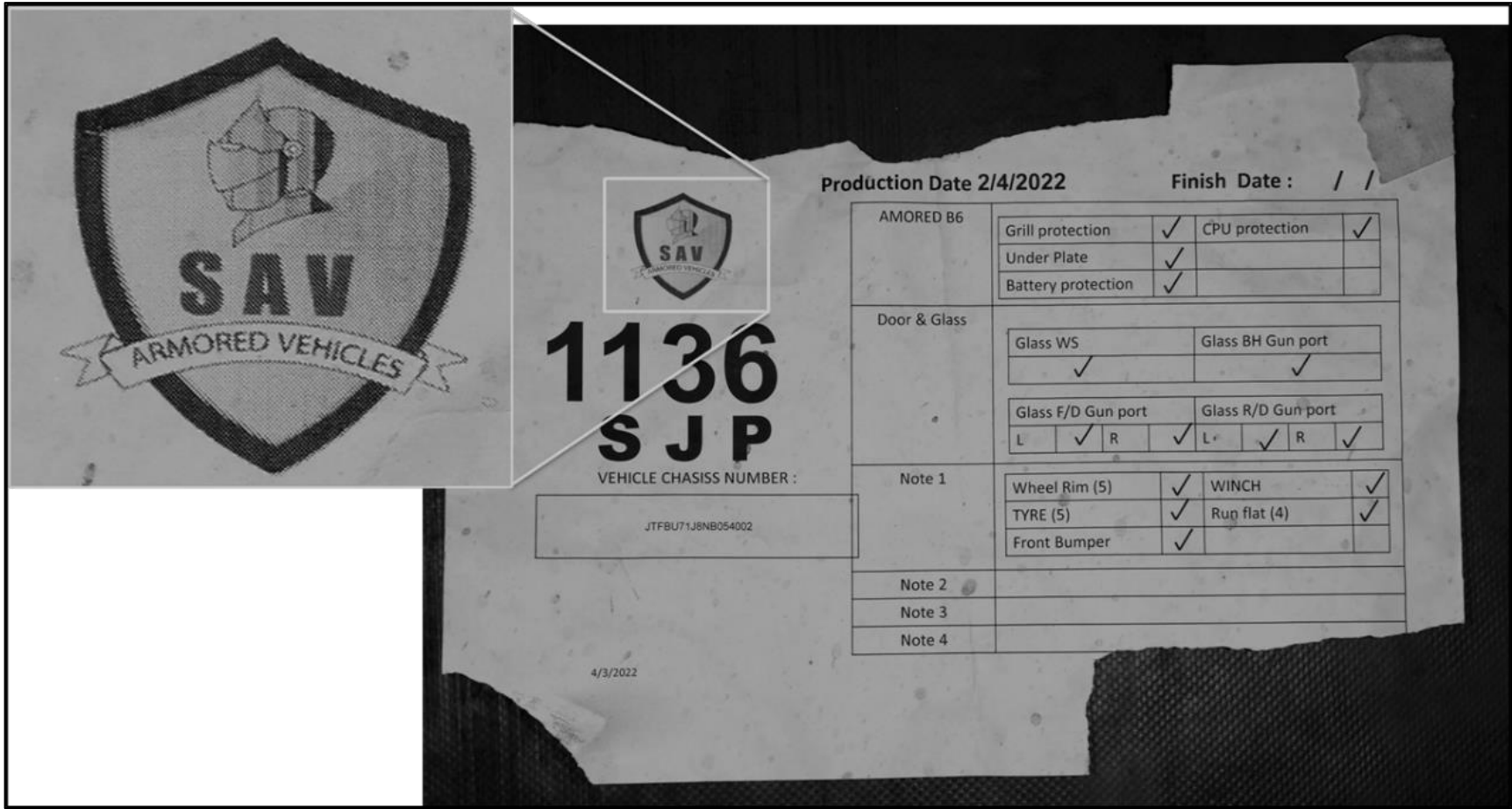
<sup>419</sup> Aqaba Business Park, 77110 Aqaba, Jordan.

<sup>420</sup> VIN: JTFBU71J8NB054002.

<sup>421</sup> معرض مثنى فرحان لتجارة السيارات.

<sup>422</sup> شركة الحضر للتخزين والتجارة 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 Trading<sup>423</sup> showroom with identical phone numbers as on sticker on vehicle seized from MV Victory Roro and SAV (bottom right)



Developed by Panel of Experts.

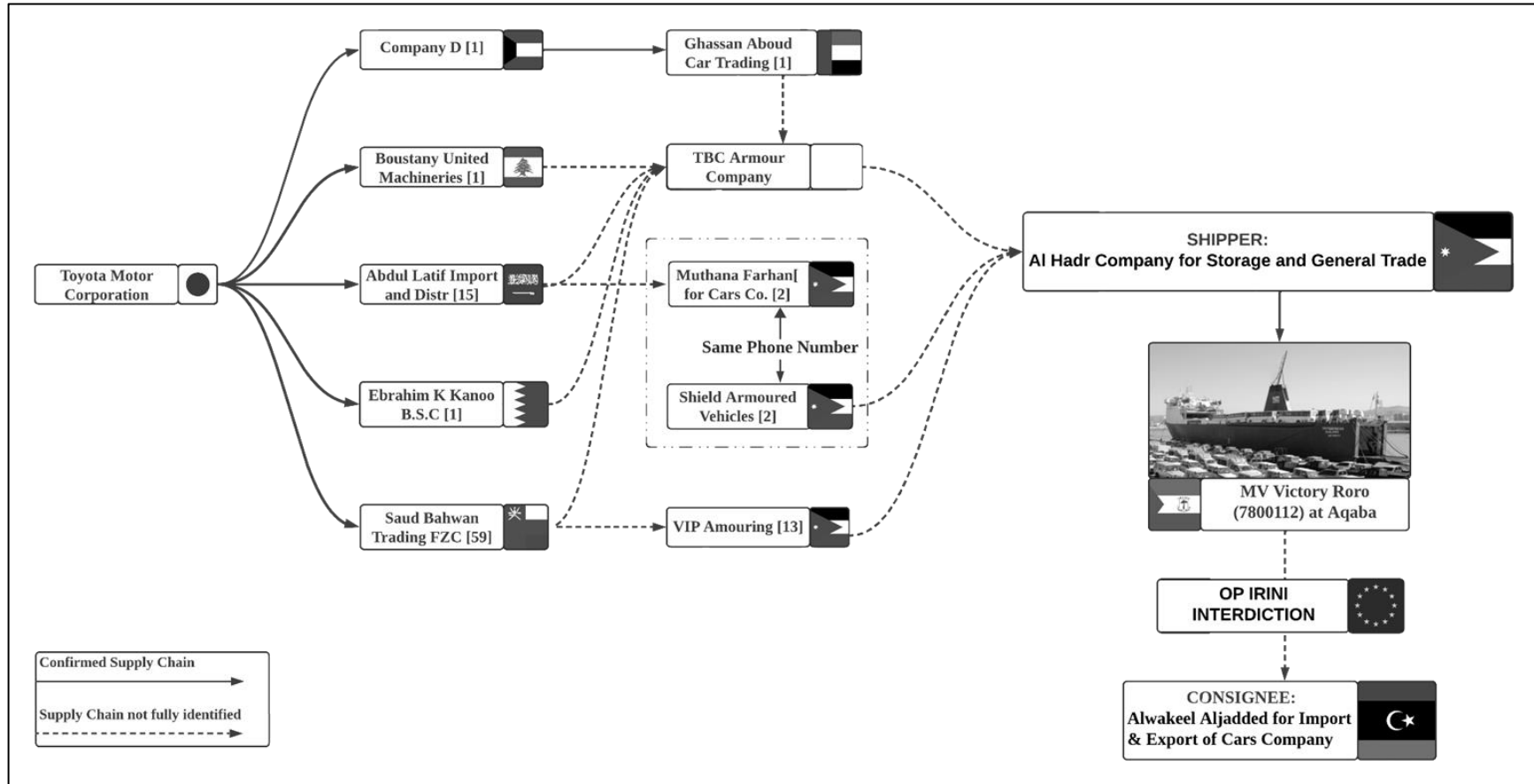
Sources: <https://www.shieldarmoredvehicles.com/vehicle/single/tlc-79-series-with-troop-carrier>; <https://www.shieldarmoredvehicles.com/about>; <https://www.facebook.com/photo/?fbid=870585915083484&set=a.572440294898049>.

<sup>423</sup> 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.<sup>424</sup> 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=pfbid0vZcfCRbi2xprLFvQD4pEXLavZ14EjU4Fr1BvFKjvHQQa2cas9Ns5gBbHsc7DfCTUI&id=100077311147392](https://www.facebook.com/permalink.php?story_fbid=pfbid0vZcfCRbi2xprLFvQD4pEXLavZ14EjU4Fr1BvFKjvHQQa2cas9Ns5gBbHsc7DfCTUI&id=100077311147392), 26 September 2023.
2. [https://www.canikarms.com/en/products\\_s/6](https://www.canikarms.com/en/products_s/6), accessed on 5 October 2024.

<sup>424</sup> 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)**

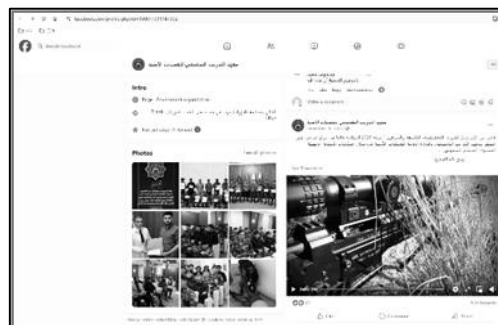
**(20 November 2023)**

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 rifle<sup>425</sup> at its Eagle's Nest Training Centre<sup>426</sup> 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.

<sup>425</sup> 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.

<sup>426</sup> 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

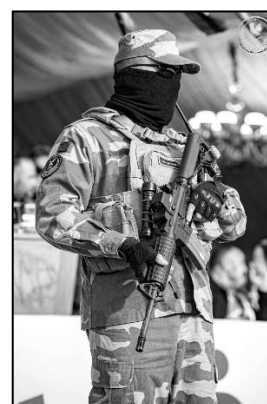
(GNU-AF)

(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).



<https://www.sarsilmaz.com/en/product/sar-223c>

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](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.<sup>427</sup> 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.

<sup>427</sup> 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 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

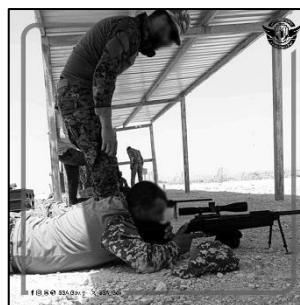
(GNU AF)

(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/pfbid02EyKT433LpgcZ3ffiyBJu7gdwU4zuq6QSqp5k1DU48ss6jkc3HLRm7KCsAmT2DLml?locale=ar\\_AR](https://www.facebook.com/SSA.Gov.ly/posts/pfbid02EyKT433LpgcZ3ffiyBJu7gdwU4zuq6QSqp5k1DU48ss6jkc3HLRm7KCsAmT2DLml?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.<sup>428</sup> 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),<sup>429</sup> 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,<sup>430</sup> 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.

<sup>428</sup> S/2023/673, annex 74. Paragraph 7.

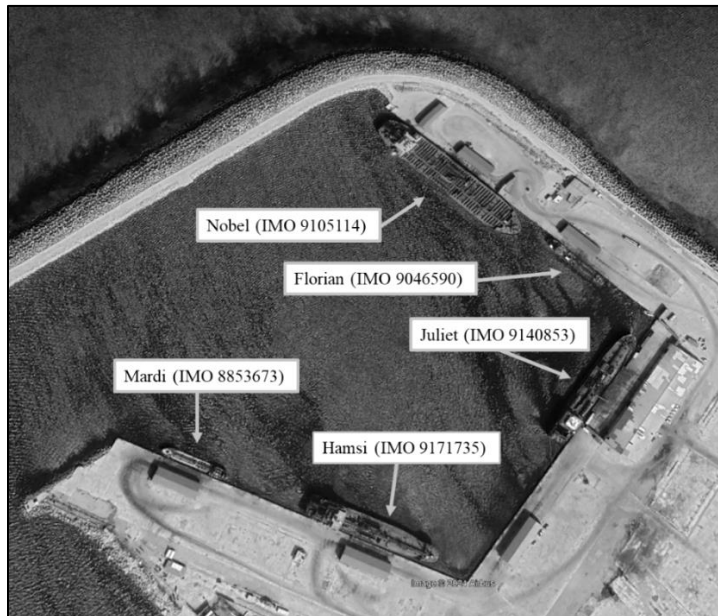
<sup>429</sup> 32.11821° N, 20.04880° E.

<sup>430</sup> 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

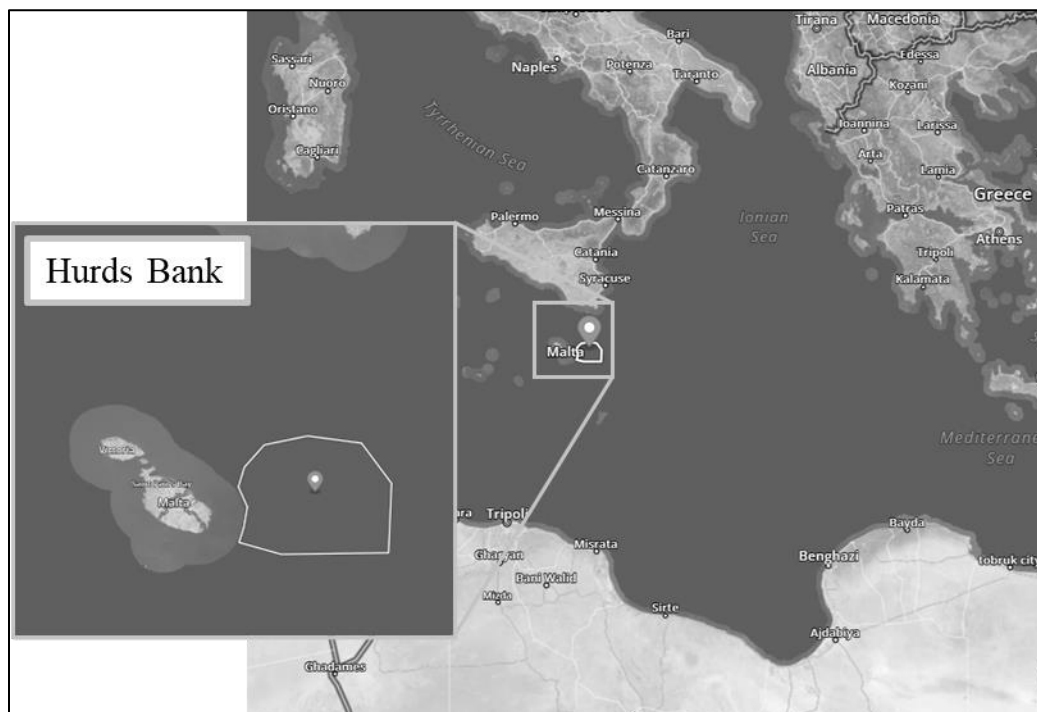
Benghazi old harbour schematic view



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 <sup>431</sup>	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

<sup>431</sup> 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),<sup>432</sup> 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, Mannaa 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.

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<sup>432</sup> 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 ABNAA SINAI FOR GENERAL TRADING AND CONSTRUCTION

OR ORDER OF PAYMENT OF FREIGHT AT THE RATE OF

"CLEAN ON BOARD" FREIGHT PAYABLE AS PER CHARTERPARTY.

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 frt 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).<sup>433</sup>
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,<sup>434</sup> and reconnected only a month later, on 14 November 2023, about 103 nautical miles north of Benghazi,<sup>435</sup> 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).

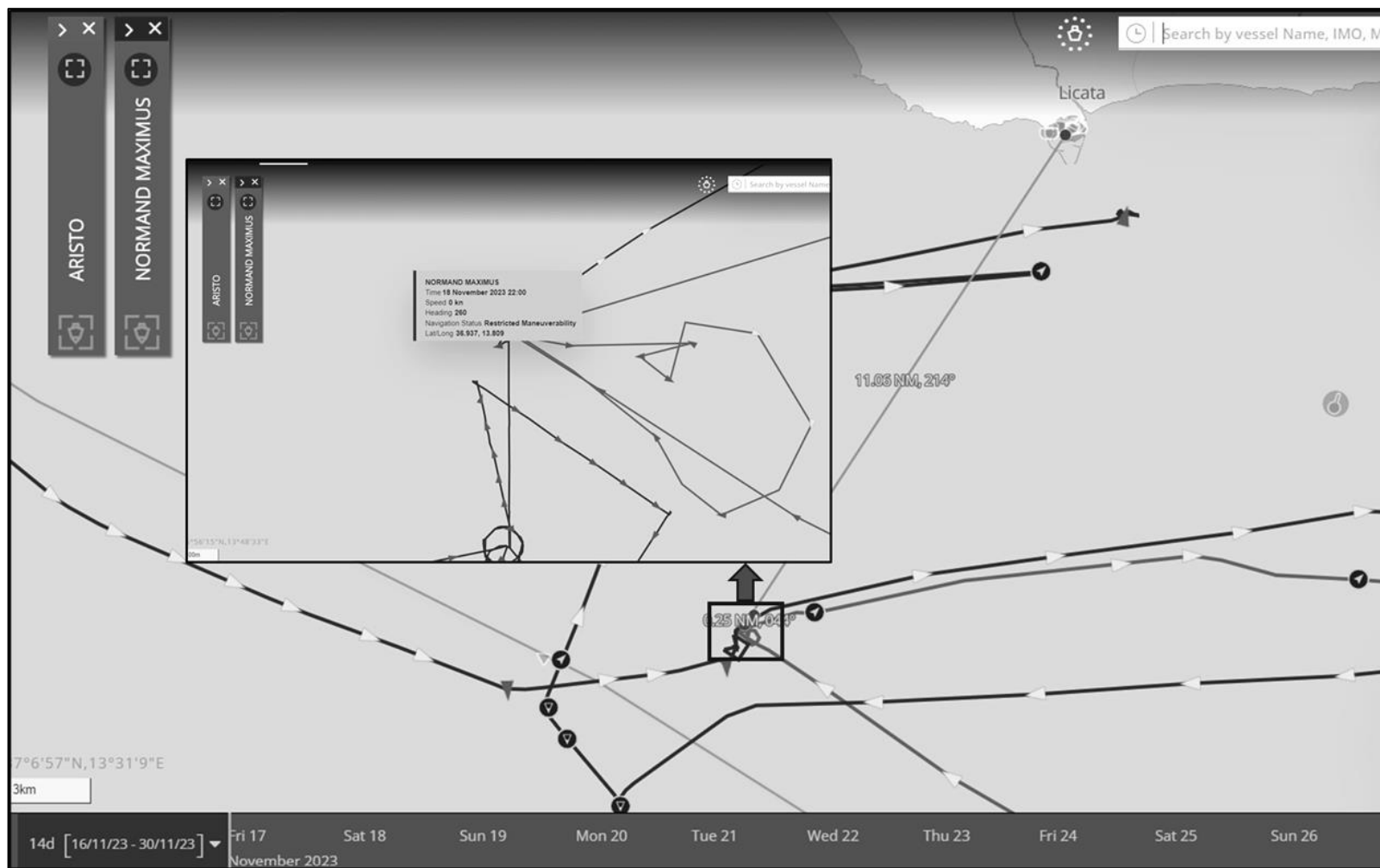
<sup>433</sup> 36°56'12"N, 13°48'35"E.

<sup>434</sup> 34°0'23"N, 19°18'14"E.

<sup>435</sup> 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

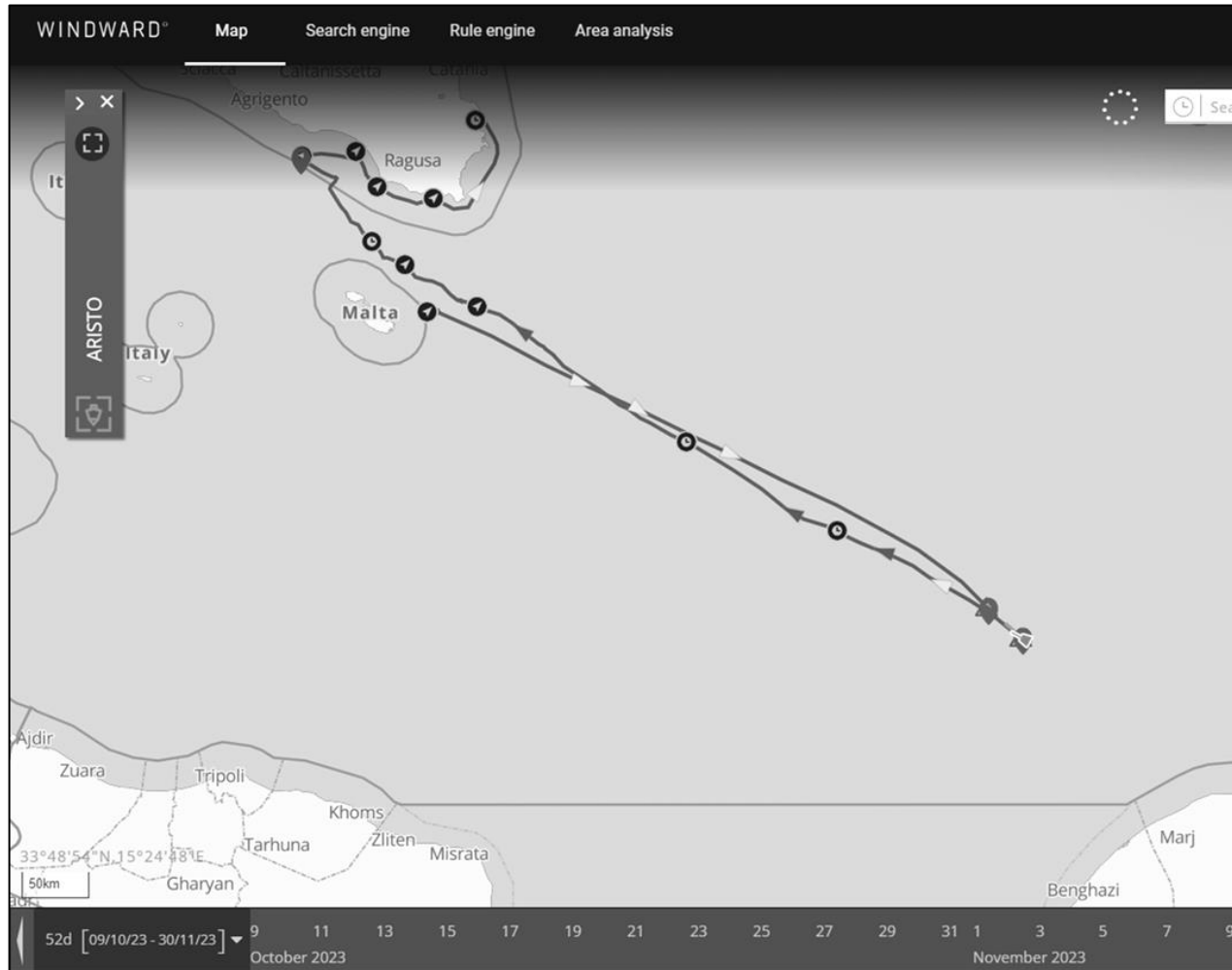


Developed by Panel of Experts.

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,<sup>436</sup> 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.

<sup>436</sup> 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 centres<sup>437</sup> 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).

<sup>437</sup> 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

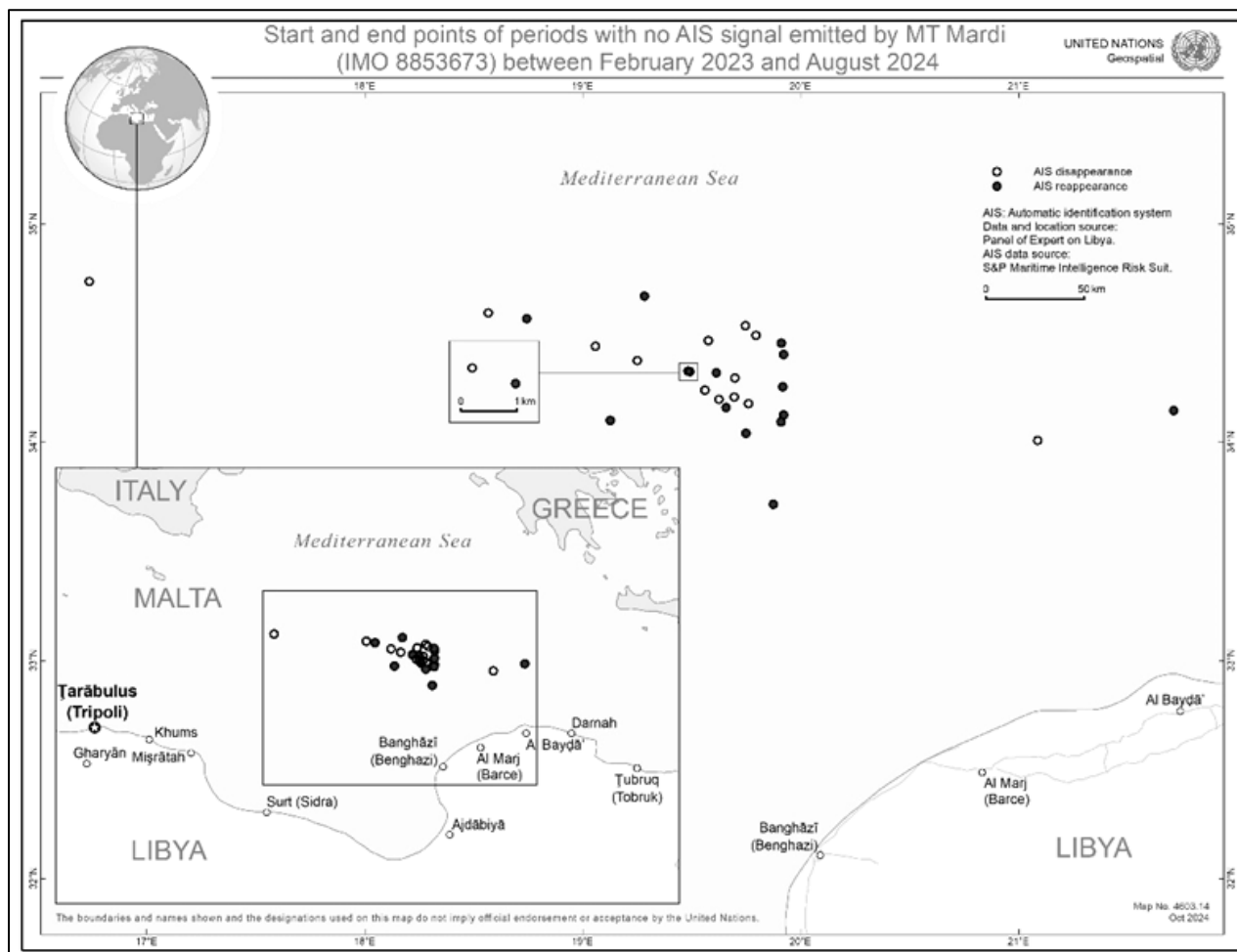
**AIS gaps of MT *Mardi* (IMO 8853673) between 1 January 2023 to 30 September 2024 and confirmed port calls in Benghazi old harbour**

<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.<sup>438</sup> 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).

<sup>438</sup> 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).<sup>439</sup> 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.<sup>440</sup> 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).<sup>441</sup>

12. To establish initial contact on 30 August 2024 the Panel wrote an email to the address given for the company at IMO

<sup>439</sup> S&P Maritime Intelligence Risk Suite and IMO Global Integrated Shipping Information System.

<sup>440</sup> 1102, Senapati Bapat Marg, Elphinstone Road (W), Mumbai, 400013, India. Source: S&P Maritime.

<sup>441</sup> 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.<sup>442</sup> 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 number<sup>443</sup> 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.,<sup>444</sup> 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”,<sup>445</sup> and holds a registration manager function at IMSA Guyana, a company describing itself as ship registry for Guyana.<sup>446</sup>

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 Türkiye<sup>447</sup> 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)

<sup>442</sup> info@worldmanagement.services.

<sup>443</sup> +905465460136.

<sup>444</sup> <http://orion-reg.org/p/deputy-registrar>.

<sup>445</sup> <http://orion-reg.org/p/about-orion>.

<sup>446</sup> <https://www.imsag.org/>; <https://www.imsag.org/registration-manager.php>.

<sup>447</sup> 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**

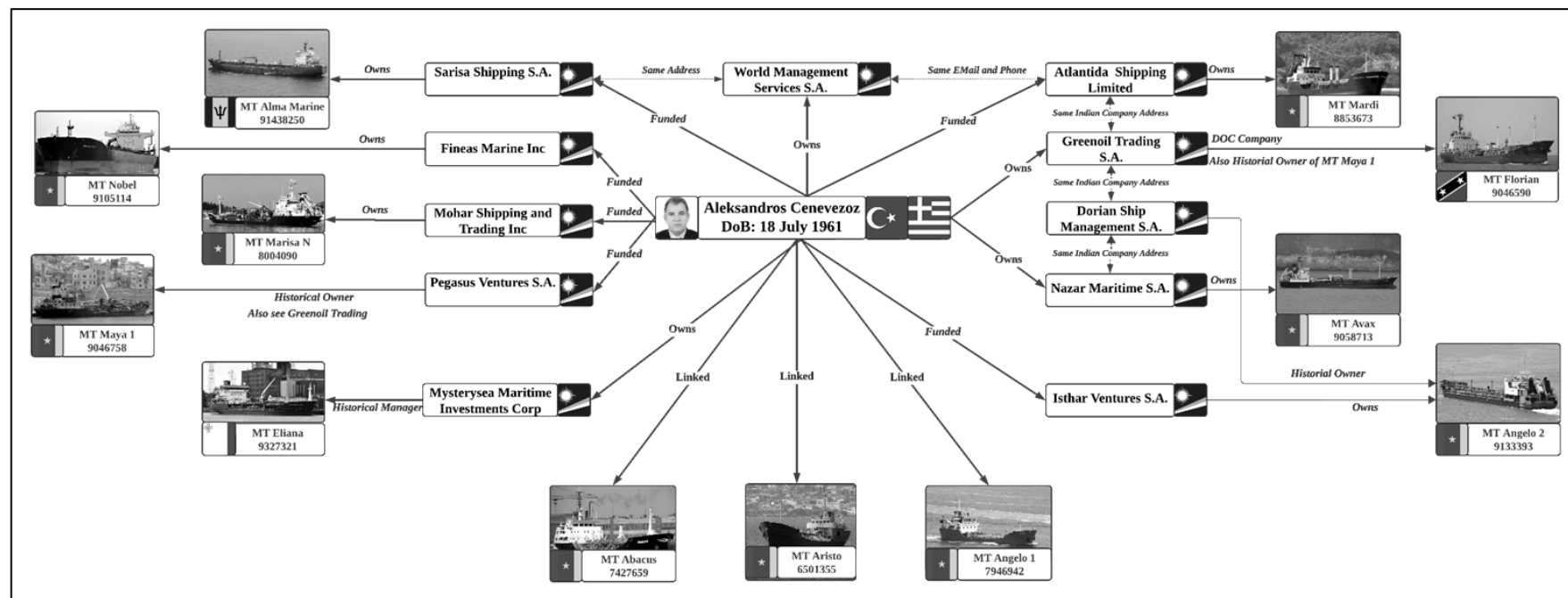
<i>Company</i>	<i>Vessel</i>	<i>Company role for vessel</i>	<i>Link to Aleksandros Cenevezoz</i>
Atlantida Shipping Ltd	MT <i>Mardi</i> (IMO 8853673)	Owner, operator, manager	Same email address as World Management SA; Same phone number provided as publicly linked to Aleksandros Cenevezoz on websites of private shipping registries
Dorian Shipmanagement Inc	MT <i>Angelo 2</i> (IMO 913393)	Past owner	Same company address as Atlantida Shipping Ltd.
Greenoil Trading SA	MT <i>Maya 1</i> (IMO 9046758); MT <i>Florian</i> (IMO 9046590)	Past owner  DOC company	Director, sole officer and sole shareholder  Same company address as Atlantida Shipping Ltd.
Nazar Maritime SA	MT <i>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	MT <i>Nobel</i> (IMO 9105114)	Owner, operator, manager	Payment of company registration and maintenance fees
Isthar Ventures Company	MT <i>Angelo 2</i> (IMO 913393);	Owner, operator, manager	Payment of company registration and maintenance fees
Mohar Shipping & Trading Inc	MT <i>Marisa N</i> (IMO 8004090)	Owner, operator, manager	Payment of company maintenance fees
Sarisa Shipping S.A..	MT <i>Alma Marine</i> (IMO 9438250)	Owner	Payment of company registration and maintenance fees
Mysterysea Maritime Investments Corporation	MT <i>Eliana</i> (IMO 9327310)	Past manager	Director, secretary and 66,6% shareholder
Pegasus Ventures SA	MT <i>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
<b><i>Total</i></b>			<b>451,267</b>

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.<sup>448</sup> 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,<sup>449</sup> who have several accounts in the Euroclear Bank to support their activities.<sup>450</sup> No authorisation for unfreezing of LIA's frozen accounts in Euroclear Bank for the release of amounts was issued by Belgian authorities.<sup>451</sup>

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.<sup>452</sup>

<sup>448</sup> [https://main.un.org/securitycouncil/sites/default/files/1970\\_ian5.pdf](https://main.un.org/securitycouncil/sites/default/files/1970_ian5.pdf).

<sup>449</sup> 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.

<sup>450</sup> Bank ABC and HSBC Bank accounts in Euroclear include the accounts holding the frozen funds of LIA and LAFICO.

<sup>451</sup> 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.

<sup>452</sup> 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,<sup>453</sup> 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,<sup>454</sup> 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.<sup>455</sup> 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 LIA<sup>456</sup> and LAFICO<sup>457</sup>, 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.

<sup>453</sup> 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).

<sup>454</sup> 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.

<sup>455</sup> ABC letter of 29 July 2024, and Panel meeting with LIA, 4 June 2024, Tripoli.

<sup>456</sup> 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.

<sup>457</sup> 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,<sup>458</sup> 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,

<sup>458</sup> 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.<sup>459</sup> 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.<sup>460</sup>

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.

<sup>459</sup> S/2018/812, paragraph 195.

<sup>460</sup> 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<sup>a</sup>**

<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

<sup>a</sup> Listed 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.<sup>461</sup> 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.

<sup>461</sup> [https://main.un.org/securitycouncil/sites/default/files/ian\\_6\\_e.pdf](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,<sup>462</sup> implemented through Libyan Law No. (13)<sup>463</sup> of 2010.<sup>464</sup> 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"> <li>▪ 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).</li> <li>▪ 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,<sup>465</sup> as well as the International Accounting Standards (IAS), especially IAS 1.<sup>466</sup></li> <li>▪ Consolidated financial statement for 2020, stated to be prepared, but not yet audited, and is not yet made available and published.</li> </ul>
Principle 12	Articles 19 and 20	<ul style="list-style-type: none"> <li>▪ No audit of financial statements has been carried out since 2008.<sup>467</sup></li> <li>▪ 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).<sup>468</sup></li> </ul>
Principle 18	Article 5 (1)	<ul style="list-style-type: none"> <li>▪ Investment strategy, policy and guidelines, as well as accounting policy are not available.<sup>469</sup></li> </ul>

<sup>462</sup> [https://www.ifswf.org/sites/default/files/santiagoprinciples\\_0\\_0.pdf](https://www.ifswf.org/sites/default/files/santiagoprinciples_0_0.pdf).

<sup>463</sup> <https://lia.ly/wp-content/uploads/2021/08/LAW-13-Lia.pdf>.

<sup>464</sup> 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.

<sup>465</sup> <https://www.ifrs.org/issued-standards/list-of-standards/>.

<sup>466</sup> <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.

<sup>467</sup> Meetings with LIA (Tunis, 11 February 2024; Tripoli, 3 March 2024; VTC, 27 March 2024; and Cairo, 26 August 2024).

<sup>468</sup> <https://www.iaasb.org/standards-pronouncements>.

<sup>469</sup> 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.<sup>470</sup>

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.<sup>471</sup>

### *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.<sup>472</sup>

9. In short, LIA Advisory (Malta) Limited has exclusively billed to LIA, and then distributed a part of the income to LIA's directors.

<sup>470</sup> <https://lia.ly/letpaq/uploads/2021/08/Board-code-of-conduct.pdf>, July 2020.

<sup>471</sup> <https://find-and-update.company-information.service.gov.uk/company/06962288/filing-history>.

<sup>472</sup> [https://register.mbr.mt/app/query/get\\_company\\_details?auto\\_load=true&uuid=bff8a301-c2e7-5af8-bbf9-034f2a2998a7](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.<sup>473</sup> 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.

<sup>473</sup> [https://main.un.org/securitycouncil/sites/default/files/ian\\_6\\_e.pdf](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"> <li>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.</li> </ul>
14 Apr 2010	<ul style="list-style-type: none"> <li>The 2008 contract was terminated.</li> </ul>
26 Feb 2011	<ul style="list-style-type: none"> <li>United Nations Security Council (UNSC) sanctions measures concerning Libya.</li> </ul>
17 Mar 2011	<ul style="list-style-type: none"> <li>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).</li> </ul>
31 May 2011	<ul style="list-style-type: none"> <li>The GSDT went into liquidation.</li> </ul>
23 Aug 2011	<ul style="list-style-type: none"> <li>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.</li> </ul>
7 Sep 2011	<ul style="list-style-type: none"> <li>Belgium confirmed the freezing of designated entities assets in Belgium for a total amount of EUR 14 billion.</li> </ul>
28 Sep 2011	<ul style="list-style-type: none"> <li>The Court of First Instance in Brussels ordered the State of Libya to pay a provisional amount of EUR 17 million to the GSDT.</li> </ul>
17 Sept 2012	<ul style="list-style-type: none"> <li>The Court of First Instance in Brussels ordered the State of Libya to pay an additional amount of EUR 21 million to the GSDT.</li> </ul>
Jun - Sep 2013	<ul style="list-style-type: none"> <li>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.</li> </ul>
20 Nov 2014	<ul style="list-style-type: none"> <li>The Court of Appeal in Brussels rejected the appeal by the State of Libya against the Court of First Instance order of September 2013.</li> </ul>
Nov 2014	<ul style="list-style-type: none"> <li>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.</li> </ul>
Sep 2011- Dec 2017	<ul style="list-style-type: none"> <li>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.</li> </ul>
2 Mar 2015	<ul style="list-style-type: none"> <li>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.</li> </ul>
10 Sep 2015	<ul style="list-style-type: none"> <li>The GSDT made a complaint against LIA for money laundering to responsible Belgian authorities.</li> </ul>
6 Jan 2016	<ul style="list-style-type: none"> <li>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.</li> </ul>
23 Oct 2017	<ul style="list-style-type: none"> <li>The Court of First Instance in Brussels ordered protective attachment (seizure) of the assets of LIA and LAFICO at the Euroclear bank.</li> </ul>
24 Jan 2019	<ul style="list-style-type: none"> <li>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.</li> </ul>
24 Apr 2020	<ul style="list-style-type: none"> <li>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.</li> </ul>

<i>Date/Month/Year</i>	<i>Events</i>
2 Feb 2021	<ul style="list-style-type: none"> <li>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.</li> </ul>
4 Feb 2021	<ul style="list-style-type: none"> <li>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.</li> </ul>
12 Feb 2021	<ul style="list-style-type: none"> <li>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.</li> </ul>
4 Mar 2021	<ul style="list-style-type: none"> <li>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.</li> </ul>
19 Mar 2021	<ul style="list-style-type: none"> <li>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.</li> </ul>
Sep - Oct 2021	<ul style="list-style-type: none"> <li>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.</li> </ul>
21 Dec 2021	<ul style="list-style-type: none"> <li>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.</li> </ul>
6 Jan 2022	<ul style="list-style-type: none"> <li>Belgian authorities circulated a Diffusion to Interpol in relation to LIA Chairman, Ali Mahmoud Hassan Mohammed.</li> </ul>
Oct 2022	<ul style="list-style-type: none"> <li>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.</li> </ul>
16 Jan 2023	<ul style="list-style-type: none"> <li>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.</li> </ul>
21 Feb 2023	<ul style="list-style-type: none"> <li>The Brussels Chamber of Indictment denied LIA Chairman, Ali Mahmoud Hassan Mohammed's request to cancel the arrest warrant against him.</li> </ul>
14 April 2023	<ul style="list-style-type: none"> <li>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.</li> </ul>
2 May 2023	<ul style="list-style-type: none"> <li>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.</li> </ul>
7 Jul 2023	<ul style="list-style-type: none"> <li>The Belgian Court of Appeal rejected the appeal filed by LIA and LAFICO to lift the seizure on its assets at Euroclear.</li> </ul>
11 Dec 2023	<ul style="list-style-type: none"> <li>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.</li> </ul>
30 Jan 2024	<ul style="list-style-type: none"> <li>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.</li> </ul>
5 Mar 2024	<ul style="list-style-type: none"> <li>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.</li> </ul>
8 Mar 2024	<ul style="list-style-type: none"> <li>Arbitration team is constituted to arbitrate the case Libyan Investment Authority v. Kingdom of Belgium (ICSID Case No. ARB(AF)/23/3).</li> </ul>
3 May 2024	<ul style="list-style-type: none"> <li>The Tribunal held its first session via videoconference to discuss the procedural issues that would govern the arbitration proceedings according to ICSID rules.</li> </ul>

<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"> <li>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.</li> </ul>
13 Jul 2018	<ul style="list-style-type: none"> <li>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.</li> </ul>
30 Mar 2020	<ul style="list-style-type: none"> <li>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.</li> </ul>
9 Apr 2020	<ul style="list-style-type: none"> <li>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.</li> </ul>
30 May 2020	<ul style="list-style-type: none"> <li>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.</li> </ul>
2 Jun 2020	<ul style="list-style-type: none"> <li>Computershare insisted that the sanctions prevented them from making the payment to LIA, including to a LIA’s frozen account.</li> </ul>
23 Sep 2020	<ul style="list-style-type: none"> <li>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.</li> </ul> <p>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.</p>
1 & 23 Feb 2021	<ul style="list-style-type: none"> <li>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.</li> </ul>
24 Mar 2021	<ul style="list-style-type: none"> <li>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.</li> </ul>
14 May 2021	<ul style="list-style-type: none"> <li>Computershare revised the settlement amount due to the LIA upward to EUR 2,611,200.45.</li> </ul>
24 Sep 2021	<ul style="list-style-type: none"> <li>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.</li> </ul>
25 Oct 2021	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>
22 Dec 2021	<ul style="list-style-type: none"> <li>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.</li> </ul>



<i>Date/Month/Year</i>	<i>Events</i>
21 Jan 2022	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
4 February 2022	<ul style="list-style-type: none"> <li>▪ LIA conveyed the above OFSI's reply to Computershare.</li> </ul>
31 Mar 2022	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
14 Jul 2022	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
6 Sept 2022	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
7 Sept 2022	<ul style="list-style-type: none"> <li>▪ LIA wrote again to Computershare when the transfer to the Dutch Consignment Office was expected to occur, but no response was received.</li> </ul>
30 Nov 2022	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
12 Dec 2022	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
15 Dec 2022	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
13 Jan 2023	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
30 Jan 2024	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
Oct 2024	<ul style="list-style-type: none"> <li>▪ Principal amount of EUR 2.977 million along with an interest amount of EUR 110,226.32 remained with OCSC.</li> </ul>

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,<sup>474</sup> 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.<sup>475</sup> 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.

<sup>474</sup> LIA letter to the Committee, 15 January 2024; Meeting with LIA (Tripoli, 3 March 2024).

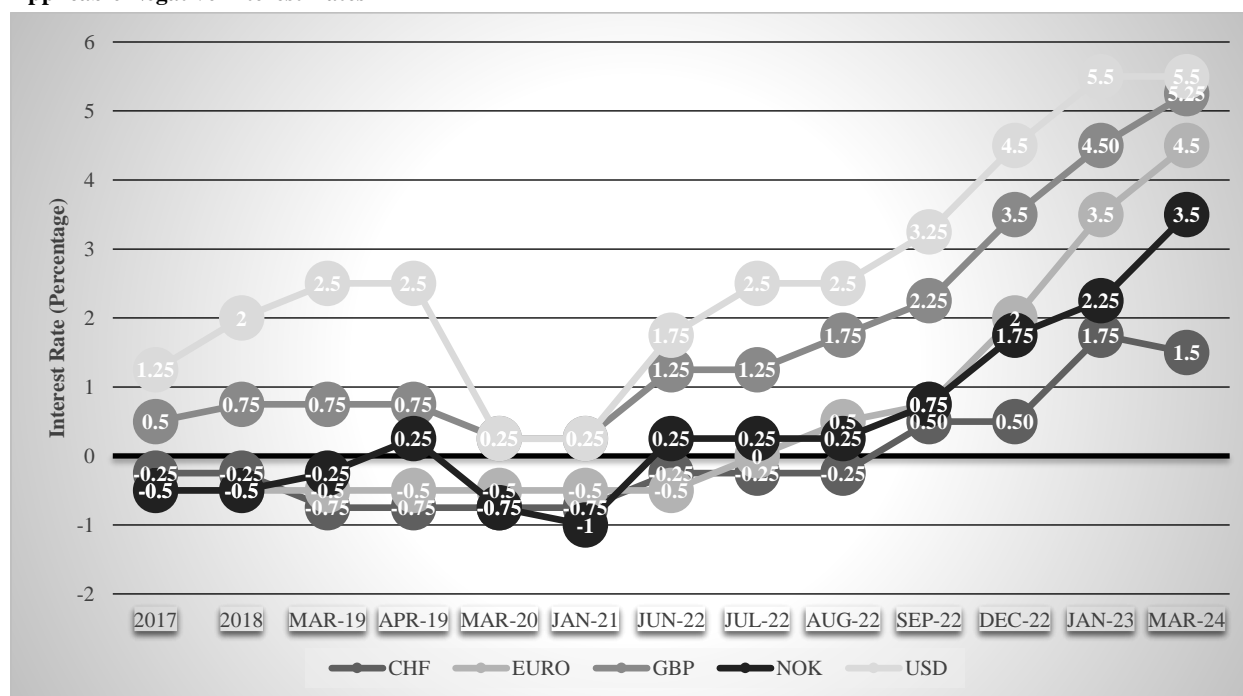
<sup>475</sup> <https://www.audit.gov.ly/ar/download/report2022/>, published on 25 October 2023.

## Annex 79 Negative interest rates - central bank monetary policies

1. 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/2021/229<sup>476</sup> and S/2022/427,<sup>477</sup> considering it a national fiscal policy matter for Member States to decide its applicability to assets frozen under United Nations sanctions.
2. 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).<sup>478</sup>
3. The Panel found that the European Central Bank (ECB) raised the interest rate from -0.50% to 0% on 27 July 2022.<sup>479</sup> Swiss National Bank moved away from the negative interest rate to a positive interest rate of 0.50% on 23 September 2022.<sup>480</sup> Norges Bank also ended negative interest rate on 24 June 2022, raising the interest rate to 0.25%.<sup>481</sup>
4. 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.

<sup>476</sup> Paras. 159-160.

<sup>477</sup> Paras. 123-125.

<sup>478</sup> Short-term Investment Plan to Maintain the Value of Assets (November 2023), page 8.

<sup>479</sup> <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](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/key_ecb_interest_rates/html/index.en.html).

<sup>480</sup> [https://www.snb.ch/en/publications/communication/press-releases/2022/pre\\_20220922](https://www.snb.ch/en/publications/communication/press-releases/2022/pre_20220922) and

<https://data.snb.ch/en/topics/ziredev/chart/zimomach>.

<sup>481</sup> <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,<sup>482</sup> 19 December 2019,<sup>483</sup> and 19 March 2024,<sup>484</sup> 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.<sup>485</sup> 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.

<sup>482</sup> <https://danskebank.com/news-and-insights/news-archive/press-releases/2022/pr09092022>.

<sup>483</sup> <https://www.riksbank.se/globalassets/media/nyheter--pressmeddelanden/pressmeddelanden/2019/press-release-19-dec-2019-repo-rate-raised-to-zero-per-cent.pdf>.

<sup>484</sup> [https://www.boj.or.jp/en/mopo/mpmdeci/mpr\\_2024/k240319a.pdf](https://www.boj.or.jp/en/mopo/mpmdeci/mpr_2024/k240319a.pdf).

<sup>485</sup> 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.<sup>486</sup>
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.<sup>487</sup> 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.<sup>488</sup>
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.<sup>489</sup> 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.

<sup>486</sup> 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.

<sup>487</sup> Panel meeting with LIA, 4 June 2024, Tripoli.

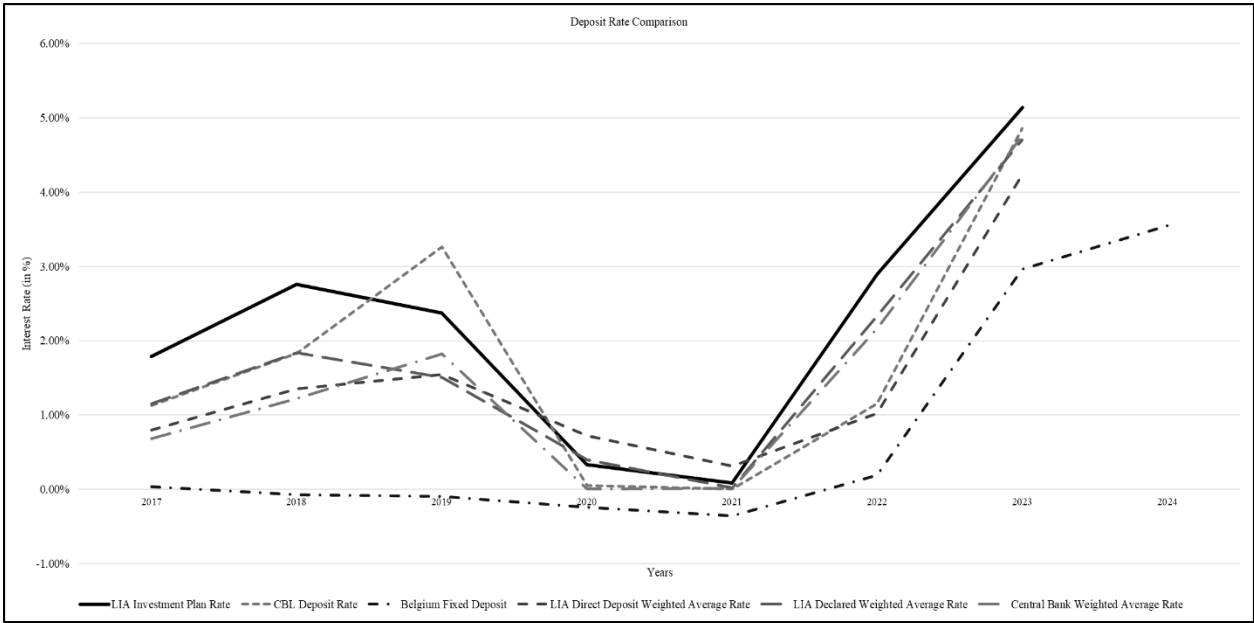
<sup>488</sup> As per the unity of accounts principle, all the cash accounts of a participant at the Euroclear are part of one single and indivisible current account: Euroclear Terms and Conditions governing use of Euroclear (November 2023) # 16 (a).

<sup>489</sup> <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,<sup>490</sup> 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).<sup>491</sup>

### *Management of Bank ABC*

5. The Bank ABC's principal shareholder is the Central Bank of Libya (CBL), holding 59.368% of shares.<sup>492</sup> The former CBL Governor Saddek Omar El Kaber serves as the Chairman of Bank ABC.<sup>493</sup> 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**

<i>Rating Agency</i>	<i>Bank ABC<sup>494</sup></i>
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

<sup>490</sup> [https://main.un.org/securitycouncil/sites/default/files/ian\\_6\\_e.pdf](https://main.un.org/securitycouncil/sites/default/files/ian_6_e.pdf).

<sup>491</sup> 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."

<sup>492</sup> <https://www.bank-abc.com/en/ShareholderRelations/investor-relation>.

<sup>493</sup> <https://www.bank-abc.com/en/AboutABC/Management/board-of-directors>.

<sup>494</sup> <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:<sup>495</sup>

- 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.

<sup>495</sup> <https://www.audit.gov.ly/ar/download/report2022/>, published on 25 October 2023.

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**Annex 83    LIA's bond portfolio: past portfolio vs simulated portfolio [CONFIDENTIAL]**

**Annex 84    LIA's overall equity performance analysis [CONFIDENTIAL]**

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**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"> <li>Net cash totals to USD 6.841 billion, instead of USD 5.274 billion (slide/page 34)</li> <li>Receivables totals to USD 2.787 billion, instead of USD 2.188 billion (slides/pages 34 and 37)</li> </ul>
Net cash of Portfolio – Libyan Investment Authority	<ul style="list-style-type: none"> <li>USD 4.069 billion (USD 2.502 billion + USD 1.567 billion) (slides/pages 34)</li> <li>USD 2.502 billion (slides/pages 39)</li> <li>USD 2.502 billion – not an algebraic summation of columns 1, 2 and 3 (slide/page 34)</li> </ul>
Receivable of Portfolio – Libyan Investment Authority	<ul style="list-style-type: none"> <li>USD 2.502 billion (USD 934.958 million + USD 1.567 billion) (slides/pages 34 and 37)</li> <li>USD 1.903 billion (slide/page 39)</li> </ul>

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**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.<sup>496</sup> 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-Etihad 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.

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<sup>496</sup> 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.