Letter dated 5 September 2018 from the Panel of Experts on Libya established pursuant to resolution 1973 (2011) addressed to the President of the Security Council

The Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011) has the honour to transmit herewith, in accordance with paragraph 14 of resolution 2362 (2017), the final report on its work.

The report was provided to the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya on 2 August and was considered by the Committee on 23 August 2018.

The Panel would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) Lipika Majumdar Roy Choudhury
Coordinator
Panel of Experts on Libya established pursuant to resolution 1973 (2011)

(Signed) Naji Abou-Khalil
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Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011)

Summary

Over the reporting period, the predatory behaviour of armed groups posed a direct threat to the political transition in Libya. The use of violence to exert control over State institutions was particularly noticeable in Tripoli and could result in a return of armed confrontations. The Libyan Investment Authority, the National Oil Corporation and the Central Bank of Libya were targets of threats and attacks, affecting the performance of the country’s oil and financial sectors.

Armed groups are also responsible for targeted persecutions and serious human rights violations, which are deepening grievances among some categories of the population and ultimately threatening long-term peace and stability in Libya. Most armed groups involved are affiliated with either the Government of National Accord or the Libyan National Army.

Trafficking in persons and the smuggling of migrants are substantially benefiting armed groups. These activities fuel instability and undermine the formal economy. Criminal networks organize convoys of migrants and use sexual exploitation to generate significant revenues. The Panel is concerned about the impunity in Libya of those systematically violating the human rights of migrants, notably due to weak law enforcement and large security vacuums. In this regard, the decision of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya to sanction six smugglers of migrants represents a key step forward.

The Panel is particularly concerned by the attempts of various armed groups to gain legitimacy by ostensibly supporting efforts to combat irregular migration and thereby receive technical and material assistance from foreign actors. During the current mandate, the use of vessels mounted with weapons has increased in both the east and west of the country.

A growing number of armoured vehicles and pickup trucks fitted with heavy machine guns, recoilless rifles, mortar and rocket launchers has been observed in combat theatres, notably in eastern Libya. These transfers to Libya indicate that all Member States could considerably increase their efforts to implement the arms embargo.

Arms and related materiel from both former regime stockpiles and transfers conducted after 2011 continue to fall into the hands of Libyan and foreign armed groups. The diversion of arms feeds into the increasing insecurity and constitutes a continued threat to peace and security in Libya and neighbouring countries. Foreign fighters and armed groups, moving in and out of Libya, exploit the proliferation of arms and related materiel in the country, resulting in regular violations of the arms embargo.

Since the beginning of its current mandate in August 2017, the Panel has documented six attempts by the eastern National Oil Corporation in Benghazi to illicitly export crude oil. Illicit exports of refined petroleum products, by both land and sea, continue to be a prosperous activity. The Panel has identified networks involved in such activities operating in various regions and their modi operandi.
The Panel has analysed available data and information on the assets of the Libyan Investment Authority and has uncovered two major instances of non-compliance with the asset freeze. Through its enquiries, the Panel has exposed varying practices and interpretations in the application of the United Nations sanctions, which could have an adverse impact on the management and proper custody of the frozen assets. The Panel has concluded that the asset freeze has not adversely affected the Libyan Investment Authority.
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* The annexes are being circulated in the language of submission only and without formal editing. Owing to the word limits on reports of monitoring mechanisms, the Panel has provided further details relating to a number of investigations in the annexes. The table of abbreviations and acronyms can be found in annex 1.
I. Background

1. The present report contains the findings of the Panel of Experts on Libya until 17 July 2018. An overview of the evolution of the Libya sanctions regime can be found in annex 2.

A. Mandate and appointment

2. Details on the mandate and appointment of the Panel can be found in annex 3.

B. Methodology

3. The Panel is determined to ensure compliance with the standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its report (S/2006/997, annex). 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. While the Panel wishes to be as transparent as possible, in situations in which identifying sources would expose them or others to unacceptable safety risks, the Panel will withhold identifying information and place the relevant evidence in secure United Nations archives.

4. The Panel is committed to impartiality in investigating incidents of non-compliance by any party.

5. The Panel is equally committed to the highest degree of fairness and will endeavour to make available to parties, where appropriate and possible, any information available in the report for which those parties may be cited in relation to incidents of violations or non-compliance, for their review, comment and response within a specified deadline.

6. The Panel safeguards the independence of its work against any efforts to undermine its impartiality and any attempts to create a perception of bias.

C. Cooperation with stakeholders and organizations

7. A list of institutions, organizations and individuals consulted can be found in annex 4. A list of outgoing correspondence can be found in annex 5, with the level of responsiveness reflected in annex 6.

1. Member States

8. Since the submission of its previous final report (S/2017/466), on 1 June 2017, the Panel has undertaken formal visits to meet with national authorities and other relevant stakeholders in Belgium, Egypt, France, Greece, Italy, Libya, the Netherlands, the Niger, Spain, the Sudan, Switzerland, Tunisia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Cayman Islands. In addition, the Panel travelled to hold meetings with interlocutors, including from the Libyan diaspora, in Athens, Ben Gardane (Tunisia), Brussels, Cairo, Catania (Italy), Deauville (France), Djerba (Tunisia), Istanbul (Turkey), London, Misratah (Libya), Nicosia, Palermo (Italy), Paris, Rome, Serres (Greece), Sousse (Tunisia), Tripoli and Tunis.
2. **Libya**  

9. The Panel has visited Libya five times since its reappointment in August 2017, including stays of two or more days. Regular flights operated by the United Nations Support Mission in Libya (UNSMIL) into Libya and strong support from and flexibility on the part of UNSMIL facilitated the Panel’s access. In addition, the Panel held interviews with interlocutors in Libya remotely.

3. **United Nations and other entities**  

10. The Panel interacts frequently with UNSMIL and regularly meets the Special Representative of the Secretary-General for Libya and Head of UNSMIL, Ghassan Salamé. In addition, the Panel was able to engage positively with the different divisions of UNSMIL on subjects covering the breadth of its mandate.

11. The Panel met and exchanged information with United Nations expert groups covering the sanctions regimes for the Democratic People’s Republic of Korea, Mali, the Sudan, South Sudan and Islamic State in Iraq and the Levant (ISIL) and Al-Qaida.

12. During the course of its mandate, the Panel also met representatives of the International Organization for Migration (IOM), the World Customs Organization, the World Bank, the European Union, the European Union Naval Force Mediterranean, the European Union Border Assistance Mission, the United Nations Office on Drugs and Crime, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the United Nations Interregional Crime and Justice Research Institute, the International Committee of the Red Cross and the International Criminal Court.

D. **Structure of the report**  

13. The structure of the present report is in keeping with the various components of the Libya sanctions regime and the Panel’s mandate as outlined in successive resolutions. In addition to the present report, the Panel has provided separately to the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya information on individuals who, in the Panel’s view, meet the sanctions designation criteria.

II. **Acts that threaten the peace, stability or security of Libya or acts that obstruct or undermine the successful completion of its political transition**

14. Over the reporting period, armed groups further increased their influence over Libyan State institutions, promoting their own political and economic interests. The use of violence to take control of State infrastructure and institutions and threats and attacks against public servants are widespread across the country and are particularly noticeable in Tripoli. Predatory behaviour by armed groups is resulting in the misappropriation of Libyan State funds and the deterioration of institutions and infrastructure. The violent competition to capture the Libyan State is hampering the political transition in the country.

15. Targeted persecutions and serious human rights violations are deepening grievances among some categories of the population and ultimately threatening long-term peace and stability in Libya.
A. Threatening or coercing Libyan State financial institutions and the Libyan National Oil Corporation, or engaging in any action that may lead to or result in the misappropriation of Libyan State funds

1. Act against the Libyan Investment Authority

16. The Panel has received credible reports about the interference of the Nawasi Brigade, an armed group, in the activities of the Libyan Investment Authority. The management of the Authority was compelled to recruit candidates from the group, and a commander of the brigade threatened the management when it did not accede to the requests. For a couple of months, some of the senior management had to move out of Tripoli. In May 2018, the Authority tried to move its headquarters out of the present location in Tripoli Tower to remain operational. This was strongly opposed by the armed group, and one employee was abducted for a few hours.

2. Acts against the National Oil Corporation

17. The Panel has observed with concern that armed groups have been attempting to gain influence over the National Oil Corporation. For example, on 7 February 2018, a commander of the Tripoli Revolutionaries Brigade met a member of the Board of Directors at the Corporation’s premises in Tripoli, seeking to impose a deal. A second meeting took place on 19 February 2018 outside the premises. The commander claimed to represent a Canadian company. He made threats of violence to force a deal for the company (see annex 7). The company did not reply to the Panel’s request for clarification.

3. Blockades against oilfields in the Sirte basin

18. On 1 November 2017, local authorities demanded that Wintershall, a German petroleum company operating concessions C-96 and C-97 in the eastern Sirte basin, suspend production. The suspension lasted from 1 November 2017 to 21 January 2018 in the al-Sarah field. This decision was implemented in spite of the National Oil Corporation’s opposition to any interruption to production (see annex 11).

19. National divisions and the interventions of the eastern National Oil Corporation further exacerbated local tensions and drove local armed groups to take action. On 7 November 2017, members of the Fathi Arhaim Brigade of the Libyan National Army (LNA) escorted the Chair of the eastern National Oil Corporation, Faraj Said, during his visit to Wintershall’s facility in Jakhira, following which he issued a statement calling for the blockade to be upheld. On 22 November, he instructed Wintershall to deal exclusively with the eastern National Oil Corporation (see annex 12). In spite of the decision of the Jakhira Elders’ Council to lift the blockade in mid-January, the Fathi Arhaim Brigade directly instructed the Director of Wintershall, on 21 January 2018, to extend the suspension of production (see annex 13). Although Wintershall did not accede to this request, the incident illustrates how the interests of armed groups run counter to those of local communities and affect the normal functioning of the oil sector.

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1 Gunmen attack a member of the Board of the National Oil Corporation to force it to make a deal with a Canadian company, Libya Al-Akhbar, 25 February 2018. Available at www.libyaalkhabar.com/news/27791/.
B. Attacks against any air, land or sea port in Libya, or against a State institution or installation, or against any foreign mission in Libya

1. Attack against oil terminals in June 2018

20. On 14 June 2018, a coalition of armed groups, headed by Ibrahim Jadhran, formerly in charge of the Petroleum Facilities Guard in the central region, led an attack to take control of oil terminals, causing damage to storage facilities in Ra’s Lanuf.2

21. The National Oil Corporation estimated the daily losses due to the suspension of oil exports subsequent to the attack to be about $33 million. The overall losses due to blockades and successive attacks against oil terminals and facilities since 2013 were estimated to be about $56 billion. Many of these acts were attributed to Ibrahim Jadhran (see S/2017/466, paras. 76 and 80; see annex 8).

22. Ibrahim Jadhran benefited from substantial financial support. The attacking force was sizeable, with more than 350 technicals. Most of the pickup trucks were bought on the local market. Mercenaries from Chad, who had been recruited by Nasser Bin Jreid, were led by Hassan Musa during the attack (see S/2017/466, para. 70; see annex 9).

23. Members of the Benghazi Defence Brigades with links to listed entities3 also joined the attack (see S/2017/466, para. 76). Two of its commanders were killed in an air strike on 15 June 2018.4 In addition, former regime loyalists joined the attack, notably the Bu Omayed clan from Warshafanah (see S/2017/466, para. 96).

24. Opposition armed groups from Chad and the Sudan have been providing human resources to warring parties in the conflict in the oil crescent. LNA has been relying increasingly on Sudanese groups (see annex 10), while representatives of the Government of National Accord had also established contact with Chadian and Sudanese commanders before the counter-attack led by Ibrahim Jadhran in March 2017.5 Most Chadian and Sudanese opposition armed groups have been seeking to increase their presence in Libya in the pursuit of profit. Their recent military defeats and the increasingly difficult circumstances in host countries have also led them to move to Libya.6

2. Attacks against Tripoli Mitiga airport

25. A coalition of armed groups based in Tajura have conducted repeated attacks against Tripoli Mitiga airport since 15 January 2018. These attacks have led to several suspensions of air traffic to and from the Libyan capital, significant material losses and civilian casualties. Fighters from Benghazi, including members linked to the Benghazi Revolutionaries Shura Council, joined forces with the Tajura’-based Al Buqra Brigade. Hisham Msemir, a Misratan armed group commander, supplied arms and ammunition to the attackers.

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2 The Benghazi Defence Brigades show readiness to disband voluntarily, Al-Arab, 24 June 2017. Available at https://alarab.co.uk/طوعا-نفسها-لحل-استعدادها-لحرب-ببنغازي-عن-الدفاع-سر/146.

3 Ansar al Charia Benghazi (QDe.146); Al-Qaeda (QDe.004).


5 Government of National Accord sources indicated that a meeting had taken place to “sideline Sudanese and Chadian fighters in the ongoing struggle in the oil crescent”.

6 Interviews with a commander of the Justice and Equality Movement, June 2018, and a commander of Front pour l’alternance et la concorde au Tchad, April 2018.
3. **Attack against the branch of the Central Bank of Libya in Benghazi**

26. At the end of 2017, LNA Brigade 106, under the command of Saddam Khalifa Haftar, took control of the branch of the Central Bank of Libya in the central district of Benghazi and transferred substantial quantities of cash and silver to an unknown destination. The branch had been briefly under the control of the Deputy Minister of the Interior of the Government of National Accord, Faraj Muhammad Mansur (see S/2016/209, para. 96), before his detention by LNA on 20 November 2017. The contents of the safe that were seized were as follows:

   (a) 639,975,000 Libyan dinars;
   (b) €159,700,000;
   (c) $1,900,000;
   (d) 5,869 silver coins.

27. Individuals linked to LNA explained that the Army had helped to secure the transport of cash and silver coins from the Central Bank’s branch in Benghazi, without specifying their final destination.\(^7\) During a televised interview, the Vice-Governor of the parallel institution in Bayda’, Ali al-Hibri, stated that the reasons why the Central Bank did not publish its yearly financial results and assets were the duplication of the institution and the fact that the branch in Benghazi had been in the line of fire between 2014 and 2017 and that the cash contained in the safe had been damaged by sewage, without giving further details.\(^8\) The statements were contradictory and incomplete.

28. The eastern Central Bank confirmed the figures in paragraph 26 above, but explained that the safes had been flooded with sewage water. The Bank had recovered €150 million of banknotes, of which 45 per cent were damaged, and only 224,690 Libyan dinars, of which 20 per cent were damaged. The recovered banknotes were transferred from the branch in the central district of Benghazi to the new headquarters of the eastern Central Bank in Hawwari, Benghazi. An eyewitness said that he had been given access to one of the eastern Central Bank’s safes in Hawwari, where about €20 million of damaged banknotes were deposited (see figures below). No undamaged banknotes were seen in the inspected safe.

Figure 1

**Damaged packages of euro banknotes from the safe of the Central Bank of Libya in Benghazi**

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\(^8\) 218TV, interview with Ali al-Hibri, video, 10 June 2018. Available at [https://youtu.be/MzO3mTg6Aiw](https://youtu.be/MzO3mTg6Aiw).
The eastern Central Bank explained that the silver coins and about 375 million dinars remained in the safe in the branch in the central district of Benghazi. It further explained that the eastern Central Bank would not enter the safe in the branch until the legal case is closed. It is unclear, however, why some funds were transferred at a previous date, whereas the rest remains in the safe. The eastern Central Bank did not respond to the Panel’s question concerning the date of the transfer of cash from the Bank’s branch to the headquarters in Hawwari. Furthermore, the eastern Central Bank did not provide any further details on the current whereabouts of the $1.9 million and the remaining 260 million dinars.

In its response to the Panel, the eastern Central Bank denied that funds had been seized by LNA. However, multiple credible sources indicated that most of the funds had been shared among LNA top commanders following their transfer from the Bank’s branch in Benghazi.

Several bank managers indicated that LNA commanders had put them under serious pressure to grant them access to cash and letters of credit. Some had decided to move abroad for security reasons. Several cases are currently being investigated by the Panel.

C. Acts that violate applicable international human rights law or international humanitarian law or acts that constitute human rights abuses

Armed groups affiliated with LNA or the Government of National Accord in de facto control of detention centres and prisons committed serious human rights violations, including unlawful deprivation of liberty and torture that in some cases led to deaths. Detentions were politically, economically or religiously motivated. In October 2017, 6,500 people were held in prisons under the nominal control of the judicial police. Statistics are not available for prisoners under the control of the Ministries of Defence and the Interior or for ones under the control of armed groups.9

The siege of Darnah and the indiscriminate shelling of residential districts have had the greatest impact on civilians and constitute a direct violation of human rights and international humanitarian law. The Panel is verifying video footage of summary executions of men in civilian clothing, allegedly by LNA soldiers, likely to have taken place in Darnah.

1. Case of Awliya’ al-Damm Abu Hudaymah

An armed group called Awliya’ al-Damm Abu Hudaymah, affiliated with LNA, runs an illegal detention centre in Abu Hudaymah, Benghazi. Two of its commanders, Mu’ammar al-Biha and Adil Mukhaddah (alias Mokhada), are known for their close links with Mahmud al-Warfalli (see S/2017/466, para. 100). The Panel was able to verify the authenticity of a recording of a phone call between Mu’ammar al-Biha, Adil Mukhaddah and Mahmud Al-Warfalli 10 that clearly underlines their ties. According to former detainees, Mahmud Al-Warfalli visited the detention centre at least once.

10 Available at www.facebook.com/karitatrables/videos/1666301516771140/.
35. Several individuals were arbitrarily detained, kept in inhumane conditions and subjected to torture. Some are still missing according to their families. Former detainees reported cases of summary executions in the detention centre. Bodies of the victims were thrown onto Zayt street. Members of the group also confiscated houses and apartments of the detainees. Families of the victims had to flee Benghazi, fearing further persecution. Some continued to receive threats by phone.

36. There are other illegal detention centres in Benghazi that are run by LNA-affiliated groups. In several cases, former detainees could not identify their exact whereabouts during their detention. The systematic arrests and disappearances of and threats against opponents of LNA in eastern Libya are alarming, especially in the context of the preparations for elections.

2. Case of Brigade 152 of the Libyan National Army

37. In the oil crescent, human rights violations were committed by local armed groups, including kidnappings, forced disappearances and arbitrary detentions. According to local sources, about 60 individuals were allegedly kidnapped in the weeks following the takeover by LNA of the oil crescent in September 2016.

38. The Panel documented the involvement of members of LNA Brigade 152 in two cases of torture and one case of death under torture in an illegal detention centre held by the brigade (see annex 14). The Panel has repeatedly requested a statement from the commander of Brigade 152 to establish the role of his unit in those cases, but he has not replied.

3. Case of the Special Deterrence Force in Tripoli

39. Interviews with families of detainees have recently indicated that many detainees were presented to the Office of the Attorney General and that their access to detainees has improved. The Special Deterrence Force gave the Panel access to a register of sentenced prisoners held in the Tripoli rehabilitation and reform centre, located in Mitiga. In October 2017, 2,600 detainees were held in that prison. 11

40. The Panel continued to receive testimonies from former detainees of severe violations of human rights during their detention in Mitiga prison between 2015 and April 2018. They reported prolonged periods of solitary confinement, deaths in prison due to torture or deprivation of access to medical care, and the denial of family visits. They also provided similar descriptions of the torture methods used, notably during the interrogation period in the first days or weeks of detention.

41. The Panel held two meetings with the representatives of the Special Deterrence Force in Tripoli, during which they denied any involvement in human rights violations inside the prison. They specified that the Special Deterrence Force has been exclusively in charge of the perimeter of the prison, which contrasts with testimonies of former detainees. The publication of confessions by detainees held in Mitiga on the Facebook page of the Special Deterrence Force indicates that it has access to prisoners and is involved in interrogations. 12

42. The Special Deterrence Force explained that all arrest operations are conducted with the knowledge of the Attorney General. In terrorism-related cases, they “take their instructions by phone and subsequently inform the Attorney General of the place of arrest”. The Force stated that prisoners were systematically presented to the Attorney General in accordance with legal procedures. They added that there were delays “depending on the priority and importance of the cases”. The Panel is,

11 OHCHR and UNSMIL, “Abuse behind bars”.
12 See www.facebook.com/قوة-الردع-الخاصة.1021745154586317/.
however, aware that, in at least 29 cases since June 2016, detainees were not presented to the Office of the Attorney General. The Panel does not know the current total numbers, but has information about two individuals held in Mitiga who were not presented to the Attorney General. According to testimonies, the two individuals were allegedly tortured in detention.

43. Following a recent invitation from the Special Deterrence Force, the Panel plans to visit the prison facility in the near future.

4. Case of the Anti-Crime Committee in Misratah

44. The Panel collected testimonies and documentation relating to at least one case of death under torture at Kararim prison in Misratah. The Anti-Crime Committee, a Salafi-leaning armed group, runs the prison. Testimonies revealed beatings, psychological and physical torture and dire detention conditions. In one testimony, the commander of the Committee was directly cited as being involved in interrogations and torture. Mohammad Bakir (alias Nahla) died during his detention in October 2017. Marks of torture on the body of the victim were obvious (see annex 15).

5. Case of Darnah

45. The Panel is currently investigating cases of indiscriminate shelling and summary executions allegedly conducted by LNA forces in Darnah.

46. While displaced families were granted safe passage to western Libya at LNA checkpoints, they were informed by local armed groups affiliated to LNA that their departure was definitive with no prospect of return. On 27 June 2018, amid growing concerns with respect to the displacement of local populations from eastern Libya, the LNA commander of the Omar Al Mokhtar operations room instructed the LNA Ain Mara Martyr Brigade, in charge of securing Darnah, to provide security to local families and “to evacuate their houses squatted by military personnel in liberated areas” (see annex 16).

6. Trafficking in persons

47. In its most recent report, of April 2018, IOM counted 690,351 migrants in Libya. In October 2017, the Office of the United Nations High Commissioner for Refugees announced that about 20,500 migrants and refugees were held captive by smugglers in various locations.

48. Trafficking in persons and smuggling of migrants remain profitable and resilient business models. The networks are organized to generate profits along the entire migrant smuggling chain. Sub-Saharan traffickers transfer migrants to Libyan actors who manage premises for the sequestration and extortion of migrants. Along the migration routes, armed groups exact passage “taxes” and provide protection services to the smugglers’ convoys against payment. These schemes generate significant revenues for armed groups and presumably for tribal and State actors. Smugglers have developed practices combining the promotion of migration to Europe on social media (see annex 17), a robust financial capacity and the coercion of vulnerable migrants through fear and maltreatment (see recommendations 12 and 13).

49. During its current mandate, the Panel’s investigations were focused on the central and southern routes in Libya.

**Nigerian sexual exploitation networks**

50. Following a series of interviews with Nigerian women from Benin City, in Edo State, Nigeria, the Panel initiated investigations into networks for trafficking in persons, spreading from Nigeria through Libya to Italy, specialized in sexual exploitation. In each case, it was a relative or close friend who had offered the woman an opportunity to migrate to Italy to work in beauty salons or tailor shops.

51. The key actors in the network are the sponsors, who operate brothels in the destination countries. They are commonly referred to as the “mamas” or “madams”. They pay in advance for the travel but force the girls to take a vow on reimbursement before a local spiritual authority. This commitment represents the network’s key leverage to threaten the girls and their families until they have repaid the money. In the cases investigated relating to the Nigerian network, the destination countries were Libya and Italy.

52. The travel is organized by bus across Nigeria and the Niger. From Agadez, in the Niger, to Libya, the girls travel under the custody of a Nigerian “connection man”. To guarantee their safe passage, he must pay a “protection tax” to the Tebu armed groups operating in the regions of Qatrun, Murzuq and Sabha, in southern Libya. Young Tebus act opportunistically to make a living by escorting the convoys and facilitating the journey across the Sahara.

53. The women interviewed declared that they had been sexually exploited while being detained in “connection houses” located in Qatrun, Sabha, Tripoli and Qarqarish (outskirts of Tripoli). The traffickers had detained up to 150 Nigerian girls in such houses, which were owned by Libyans and, in most cases, managed by Nigerian couples from the Yoruba tribe of Benin City. Nigerian traffickers paid the rent for the houses and shared up to 50 per cent of the benefits with the Libyan landlords. The payments were allegedly transferred between Nigeria and Libya using hawalas (see recommendations 12 and 13).

54. The women reported that West African and Libyan “guests” wearing uniforms and holding arms had subjected them to collective sexual abuse during so-called “night parties”. Physical abuse, sequestrations and starving were common punishments if they refused to “work”. Preventive sanitary precautions against sexually transmitted diseases are not taken. Pregnancies are interrupted by administering home-made medications composed of “mixed herbs”.

55. The women described frequent assaults by Libyan criminal groups composed of young men known as “Asma boys”, notably in Sabha and Tripoli. Armed with

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15 Interviews with Nigerian victims of trafficking who were smuggled from Nigeria to Italy through Libya between 2015 and 2017. The interviews were organized with the assistance of the IOM offices in Niamey and Palermo, Italy, and held on 1 and 16 February 2018.


17 This individual was referred to as the “voodoo clerk” by the interviewees.

18 On average, 4 million naira (approximately $11,000).

19 Interviews with the Attorney General and the Chief of the national gendarmerie of the Niger, 16 February 2018.


21 The name “Asma boys” comes from the Arabic word for “listen”. Before the networks were
knives and firearms, these men attacked the “connection houses” at night, sexually abused the women and extorted protection money.  

56. The women also reported mistreatment during the attempts to cross the Mediterranean Sea. In coastal areas, armed guards had fired into the air, forcing the migrants to carry rubber boats from the beach to the sea. The women stressed that they had been afraid to board the boats as they were obviously unseaworthy, but that they had been compelled to do so. The rubber boats had begun to sink within the first few hours.

57. The network maintained strong leverage over the women who reached Italy. Once they were registered with the authorities, the network expected them to contact their “mama” or else their families at home would be subjected to threats and intimidation through the aforementioned spiritual authorities.

7. Smuggling of migrants

58. The Panel continued its investigations into the smuggling of migrants through the East African migration routes, focusing on three locations in Libya: Kufrah, Tazirbu and Bani Walid. Armed groups are key players in these smuggling networks, notably through the protection of migrant convoys.

Kufrah

59. In July 2017, the director of the Kufrah detention centre reported to the Ministry of the Interior the existence of seven migration routes from Chad and the Sudan to Europe through Libya and Egypt. He estimated that 800 to 1,000 migrants, paying $5,000 each, entered Libya daily (see annex 18). Local authorities complained that “irregular migration” fuelled chaos in Libya, spurring competition among armed groups over the “easy money” generated through the protection offered to the smugglers’ convoys.

60. The Subul al-Salam Brigade, affiliated with LNA, is involved in the smuggling of migrants despite being mandated by LNA to combat trafficking at the border (see annex 19). The brigade provides escorts to convoys from the border with the Sudan to Kufrah at a rate of 10,000 dinars per pickup. In Kufrah, it holds migrants at the al-Himayya camp, where extortion and forced labour have been reported.

61. The Panel is continuing to investigate reports of human rights violations at the al-Qarryat camp in Kufrah, operated by LNA Brigade 432.

Tazirbu

62. The Panel is investigating two associates gathering young men and mercenaries to provide transportation and protection from the Chadian border to Tazirbu (see S/2017/1125).

63. In northern Kufrah, the al-Zany Brigade, comprising 60 men, provided protection for convoys travelling from Kufrah, passing through Jaghbūb, Tazirbu, to Bani Walid. The service was provided against a payment of 13,000 dinars per pickup.

22 Interview with the prosecutor for trafficking in persons of Catania, Italy, 2 February 2018.

23 Libya, Law No. 19 of 2010 on Combating Irregular Migration, art. 11. Under this law, foreign nationals are considered to be irregular migrants if they do not regularize their situation within two months of arrival in the country.
In Tazirbu, the al-Zany Brigade is connected to two brothers who facilitate the housing of convoys. The premises are reportedly used for the systematic torture and killing of migrants who complain about abuses.

**Bani Walid**

The Panel investigated a network operating between Eritrea and Libya with a hub in Bani Walid. The organization is hierarchical and composed of a Libyan, Mousa Adyab, and three Eritrean nationals, known as Walid, Kidani and Wedi Ishaq.

Several local contacts asserted that Mousa Adyab secures his activities by giving food and financial support to the members of the Petroleum Facilities Guard, the Benghazi Defence Brigades and ISIL (QDe.115) gathered at the Sidah military camp. LNA frequently conducts air strikes against the camp as it considers it to be a launching point for attacks on the oil crescent.24

The Panel interviewed Eritrean girls who had been smuggled by Walid between October 2014 and January 2017 against $7,000 as a “travel package” to Europe.25 They stayed at a farm located on road 51, in the Tasni‘ al-Harbi area on the outskirts of Bani Walid.26 The warehouses on the farm held up to 1,200 people, including men, women and children from Eritrea and Somalia. Mousa Adyab is the landlord and guards the place with 70 armed men (see annex 20).

Upon arrival, the smugglers compelled the migrants to contact their families in order for them to pay $2,000 for the last leg of travel. Walid tortured them and starved them. Some Eritreans and Somalis were shot by the smugglers when attempting to escape.

After payment, Mousa Adyab drove the migrants from Bani Walid to a coastal area in coordination with smugglers in Sabratah, Tarhunah, Khums and Zuwarah. Migrants were reported to have been crammed onto trucks.27 Some died from suffocation, while others fell out of the speeding trucks. As a result, the Bani Walid hospital received several wounded or dead migrants.28 On 15 February 2018, IOM stated that some of the migrants who survived the accident were reported to have been taken by the smugglers to an unknown location.29

On 23 May 2018, a group of 200 migrants fought against their guards and stole two weapons to escape from the farm. While they were attempting to escape, Mousa Adyab’s brother, Ahmed Adyab, together with Eritrean smugglers, attempted to recapture or kill them.30 According to the Bani Walid hospital, 25 people were severely injured and 15 died (see annex 21). Medical examinations indicated evidence of torture (see annex 21). Reports from international agencies identified a large group of unaccompanied minors among the survivors.

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25 Interview with Eritrean refugees with the assistance of the Office of the United Nations High Commissioner for Refugees in Niamey, 17 February 2018. Amount is an average.

26 The area is known as the former ammunition factory allegedly bombed by the coalition led by the North Atlantic Treaty Organization in 2011.

27 Interview with a confidential source, 5 May 2018.


71. According to local sources, the network has scattered since the incident and the pursuit of judicial inquiries. The Panel continues investigations into the composition of the network and its connections with listed entities (see recommendation 11).

8. Al-Hadba prison

72. The Panel is investigating cases of torture of senior officers of the former regime detained in al-Hadba prison after the revolution. Confidential sources have provided evidence on the treatment of former Prime Minister Al-Baghdadi al-Mahmudi, who was confined in al-Hadba prison from 24 June 2012 until 27 May 2017, when the Tripoli Revolutionaries Brigade took over the premises. The prison had been under the control of the National Guard, headed by Khaled al-Sharif of the Libyan Islamic Fighting Group (QDe.011). The “military wing” of the prison was composed of Libyan Islamic Fighting Group affiliates whose role was to conduct torture. Some of them are now prominent leaders of armed groups such as the Benghazi Revolutionaries Shura Council and Ansar al Charia Benghazi (QDe.146).

73. Khaled al-Sharif has confirmed that he had been the head of al-Hadba prison during the period in question, overseeing both its external security and the internal functioning. He denied that torture had been employed against inmates, but he recognized that some individuals, on their own initiative, had been involved in those practices. The Panel is investigating this and other cases of violations of human rights against former regime officials detained in al-Hadba between 2012 and 2017.

III. Implementation of the arms embargo

A. Overview

74. The Panel has noted that various armed groups seem to be keen to gain legitimacy by supporting efforts to combat irregular migration and to receive support from foreign actors. During the current mandate, the use of maritime vessels mounted with weapons has increased in both the east and west of the country. A growing number of armoured infantry vehicles and pickup trucks fitted with heavy machine guns, recoilless rifles, mortar and rocket launchers has also been observed in combat theatres, notably in eastern Libya. These transfers to Libya indicate that all Member States could considerably increase their efforts to implement the arms embargo.

B. By sea

1. Alkarama

75. Multiple media outlets reported that LNA had acquired a naval patrol vessel sailing under the name of Alkarama. The vessel’s Automatic Identification System confirmed its transfer to Benghazi on 17 May 2018. Its Automatic Identification System was switched off on 22 May.

31 Interviews in Paris and Tunis between February and May 2018.
Figure 2
Automatic Identification System signal of the Alkarama, 17 May 2018

Source: IHS Sea-web.

76. The Alkarama (IMO 7820693) is registered as being owned by Universal Satcom Services FZE, which operates from a post office box address in the United Arab Emirates. The company has no website, and the Panel has been unable to establish any other contact details. The vessel is registered under a Panamanian flag as a pleasure yacht. The Panel has requested the authorities of the United Arab Emirates to provide further details on the company owning the vessel and its transfer to Libya, but has received no response.

Figure 3
Alkarama offshore patrol vessel

Source: IHS Jane’s Defence Weekly.
2. **Damen patrol craft**

77. On the Damen Shipyards Group’s website, it states that it exported four Stan Patrol 1605 patrol craft to Libya in 2012 and another four in 2013. The Dutch authorities have acknowledged receipt of the Panel’s requests for further information, which were submitted shortly before the writing of the present report.

Figure 4

**Stan Patrol 1605 patrol craft transferred to Libya**

3. **El Mukhtar first seizure**

78. On 1 May 2017, the European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED Operation SOPHIA) inspected the vessel *El Mukhtar* in international waters off the coast of Libya. The vessel had departed from the port of Misratah and was reported by the master to have been heading to Benghazi. During the inspection, numerous weapons, ammunition and associated materiel were discovered and subsequently seized by EUNAVFOR as they had been transferred out of Libyan territorial waters. The majority of these items were subsequently made available for inspection by the Panel, with the exception of a rocket-propelled grenade launcher and a rocket-propelled grenade, which had been disposed of for safety reasons. Examples of the items seized are shown in annex 22.

4. **El Mukhtar second seizure**

79. On 19 June 2017, the *El Mukhtar* was again interdicted by EUNAVFOR MED in international waters off the Libyan coast, travelling from Misratah to Benghazi, with weapons and ammunition found to have been transported out of Libyan territorial waters. On this occasion, the vessel was carrying five assault rifles, two medium machine guns and 877 rounds of 7.62-mm ammunition. The weapons and ammunition were disposed of without the Panel gaining access to them, which has prevented further investigations into their origins.

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80. After both seizures, the vessel and its crew were allowed to continue with their activities, albeit without the military materiel that had been seized (see recommendation 1).

5. Potential attempt to transfer explosives and detonation cords to Libya: the *Andromeda* case

81. On 10 and 11 January 2018, news agencies reported the seizure of explosives, detonators and detonation cords on board the motor vessel *Andromeda* (Tanzanian flag; IMO 7614666), allegedly on its way to the port of Misratah.\(^{35}\) According to the Greek authorities, the *Andromeda* was approached on 6 January as the vessel’s Automatic Identification System had been deactivated and showed suspicious behaviour. After a first search, the Hellenic coastguard escorted the *Andromeda* to the port of Heraklion, Greece, where a specialist team inspected the vessel. While the cargo papers showed Ethiopia as the final destination for the explosive materials and the port of Salalah, in Oman, for the gas tanks, initial investigations of the Panel indicated that the vessel was meant to discharge the whole cargo in Misratah. In accordance with paragraphs 9 and 12 of resolution 1970 (2011) and paragraph 20 of resolution 2213 (2015), the Greek authorities seized the shipment on the suspicion that the *Andromeda* was attempting to violate the arms embargo.

82. In the light of the Panel’s investigations, it is difficult to establish whether a concrete attempt was made to violate the arms embargo. According to the Panel’s evidence, no such attempt was made by the companies involved in the commercial transaction. The Turkey-based company Orica-Nitro is a producer and distributor of commercial explosives. The company has regularly sold and shipped commercial explosives to three companies operating in Ethiopia since 2015 (see annex 23). One of the Ethiopian companies provided documents to the Panel confirming regular purchases from Orica-Nitro. There is no indication at present that any of these companies intended to transfer the material on board the *Andromeda* to Libya.

83. The Panel is still assessing whether any of the individuals and companies involved in the shipment of the explosive materials acted in non-compliance with the arms embargo. At present, the investigations indicate that the *Andromeda* did not cross Libyan territorial waters with the cargo (see annex 24).

84. Orica-Nitro contracted Armada Shipping, an Istanbul-based freight agent. The Lebanon-based Conchart Commodities chartered, on behalf of Armada Shipping, the *Andromeda*, which is owned by Andromeda Shipmanagement SA, a share company registered in the Marshall Islands and managed by a Greek national. The deal between Conchart and Andromeda Shipmanagement was brokered in turn by the Destel Group, based in Greece. The *Andromeda* was banned from European ports for safety reasons in August 2017.\(^{36}\) The ship manager and his business associate from the Destel Group had planned to sell the vessel for scrap in India and sought a final cargo delivery, notably to cover the Suez Canal fees. Despite the safety and financial issues related to the vessel, Armada Shipping and Conchart Commodities contracted the *Andromeda* to ship the dangerous goods containers.

85. The *Andromeda*, on 18 November 2017, picked up 11 gas tanks at the port of Iskenderun, Turkey, and, on 19 November, reached the port of Mersin, Turkey, where the ship loaded 29 containers of explosive materials. The freight agent at Mersin was

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Reba Shipping AS, which was in charge of loading the cargo onto the vessel. The master of Andromeda signed an authorization for Reba Shipping to sign the bills of lading. On 23 November, the vessel sailed towards the anchorage of Bur Sa‘id, Egypt, but the vessel’s manager claimed that the bill of lading had not been issued correctly as it mentioned the freight as “prepaid” (see annex 23). This initiated a dispute over the freight payment that dragged over several weeks, keeping the Andromeda from reaching its destination.

86. Armada Shipmanagement and the Destel Group stressed that they had agreed to payment on delivery for 22 to 24 containers. In contrast, Contchart Commodities and Armada Shipping insisted that the bills of lading were binding and that Andromeda Shipmanagement had to take out insurance for the Suez Canal and the Red Sea. At Bur Sa‘id, the owner of the Andromeda refused to proceed unless the bills of lading were corrected and the full freight paid, as well as additional costs and the Suez Canal fees. At some point the vessel’s manager reportedly resorted to blackmailing and threatened to discharge the cargo to retrieve his payment through the cargo’s auctioned sale (see annex 24).

87. In parallel to the dispute, the vessel encountered serious technical problems two days after departure, leading to the failure of its Automatic Identification System, the fresh water pump and other systems. Bad weather, the failure of the vessel’s electrical system and the poor state of the crew led the vessel’s manager and master to leave Bur Sa‘id and to request, on 14 December, permission to discharge the cargo at the port of Misratah. Although the vessel was granted a permit for a 10-day transit, it sent distress signals to the port of Astakos, Greece, on 20 December and the port of Bar, Montenegro, on 22 December (see annex 25).

88. The ship owner stated to the Panel that he had never intended to sail to Misratah. His request for permission to discharge at Misratah was for the sole purpose of blackmailing the freight agents and charterer. He further claimed that he had given instructions to the vessel’s master to sail back to Bur Sa‘id once the weather conditions improved (see annex 26). The Panel requested a copy of the statements of the crew to establish whether the ship manager had given instructions to sail to Misratah. At the time of writing, the Greek authorities could not share the statements with the Panel because of the ongoing investigation. Although the behaviour of the ship manager has been erratic and potentially illegal, there is little indication that he intended to sell the goods to a third party in Libya.

C. By air

1. United States Air Force C-17 military transport aircraft flying to Benina and Misratah airports in 2018

89. The Panel received information on the presence of large military cargo planes at Benina and Misratah airports and used satellite imagery to verify the information. It noticed the presence of C-17 Globemaster military transport aircraft on 24 February and 16 March 2018 at Misratah airport and on 18 March at Benina airport. Analysis of the satellite imagery suggested that the planes were C-17 aircraft operated by the United States Air Force.
Figure 5
Satellite imagery of C-17 with United States Air Force markings on the wings and IL-76 at Misratah airport, 24 February 2018


Figure 6
Satellite imagery of C-17 with markings indicative of the United States Air Force on the wings at Misratah airport, 16 March 2018

90. According to data of the European Organization for the Safety of Air Navigation, over the past five months, United States Air Force C-17 flew regularly to Misratah and Benina. The aircraft departed from various airports, including Ramstein, Germany, Djibouti International, Chania International, Greece, Royal Air Force Brize Norton, United Kingdom of Great Britain and Northern Ireland, and Trapani Birgi, Italy. At least 15 flights were recorded by the Organization (see annex 27), and one more flight appears on the satellite imagery above.

91. The Panel requested information from the United States authorities on the nature of these flights and what material was transferred to Libya. A response is pending.

2. L-39c military training aircraft

92. According to a news report of 17 May 2018, the private jet company that owned and operated the F900 regularly chartered by Khalifa Haftar (see para. 121) provided support to the LNA air wing. It was claimed that the company used its L-39c aircraft to provide training to Libyan air force pilots in eastern Libya and that LNA sought to refurbish the multiple L-39 aircraft stationed at the Birak al-Shati’ airbase using the L-39 repair workshop built at the Tamanhint airbase in the mid-1980s.

93. The Panel investigated this potential violation of the arms embargo by the company, which is registered in the United Arab Emirates, and received footage of a military parade held on 10 May at Benina airbase. The footage shows an L-39c featuring the markings and logo of Sonnig SA, a Geneva-based private airline (see annex 28).

37 “Riccardo Mortara boosts Haftar’s air power from Fujairah”, Maghreb Confidential, No. 1293 (Paris), 17 May 2018.
Figure 8
Snapshots from a video taken during a parade at Benina airbase, 10 May 2018

Source: Confidential.

94. The same aircraft was spotted on 29 March at Turin Airport, Italy. According to data of the European Organization for the Safety of Air Navigation (see table 1), the operator submitted and reported a flight plan from Turin Airport to Abraq International Airport in eastern Libya.

Table 1
L-39c flight (tail No. N393WA) on 29 March 2018

<table>
<thead>
<tr>
<th>Departure time</th>
<th>Arrival time</th>
<th>Airport of departure</th>
<th>Airport of arrival</th>
</tr>
</thead>
<tbody>
<tr>
<td>07:43:00</td>
<td>08:55:47</td>
<td>Turin Airport, Italy</td>
<td>Umbria International Airport, Italy</td>
</tr>
<tr>
<td>10:32:00</td>
<td>11:40:55</td>
<td>Umbria International Airport, Italy</td>
<td>Lamezia Terme International Airport, Italy</td>
</tr>
<tr>
<td>13:33:00</td>
<td>15:13:43</td>
<td>Lamezia Terme International Airport, Italy</td>
<td>Abraq International Airport</td>
</tr>
</tbody>
</table>

Source: Adapted from the European Organization for the Safety of Air Navigation.
95. The L-39c features a distinctive blue and white marking carrying the logo of Sonnig SA. In 2014, the Federal Office of Civil Aviation of Switzerland banned the Sonnig SA fleet because the airline regularly omitted to log its flights. Some of its aircraft have since been reregistered and are operated by Sonnig International Private Jets Fujairah, United Arab Emirates (see annex 28).

96. The Panel was concerned that the plane could be used in military operations and to train Libyan pilots. The owner, who is an experienced civilian pilot, confirmed that the L-39c was stationed in eastern Libya. He explained that he was operating two private jets from Benina and Tripoli airports. He insisted that he was not providing military support. He stressed that the L-39c was totally demilitarized and could not be fitted with armament or surveillance equipment. The aircraft is used by him and his pilots as acrobatic training aircraft to maintain their skills.

97. The owner testified that only he and his pilots would use the aircraft and provided the Panel with a list of all sorties. He also provided the certificate of demilitarization.

3. Di Leva case

98. Three Italian nationals, Mario Di Leva, his wife Annamaria Fontana and Andrea Pardi, were arrested and prosecuted by the Italian authorities in connection with violations of the arms embargo on Libya between 2011 and 2015.

99. Documents relating to the prosecution indicate that Di Leva and Fontana facilitated the movement of weapons, including various types of ammunition, anti-tank missiles and man-portable air-defence systems, to Misratah, in conjunction with a Libyan national named Mohamud Ali Shaswish (also spelt Shashwish and Sashwish). A note connected to a shipment indicated that the quantities of munitions were such as to require six IL-76 aircraft to transport them.

100. Payment for one shipment is believed to have been made to the company Global Way Electronics, owned by Mario Di Leva, in the amount of $2,241,000. The actual purchase of munitions was conducted through another company owned by Mario Di Leva, High (also sometimes spelt Hight) Technology Systems Limited.

101. In order to enable Shaswish, who represented the Libyan purchasers, to meet directly with arms companies, he was portrayed as a partner and head of production at High Technology Systems Limited.

102. Further attempts to violate the arms embargo included the negotiation of contracts with Andrea Pardi, through Societa Italiana Elicotteri, a company associated with Pardi, for the purchase of:

- Three A129 Mangusta helicopters, for a combined price of €18,600,000
- 13,950 M14 rifles, for a total cost of €41,850,000
- 12 engine shut-off units for aircraft, for a total cost of €69,600,000 (the exact nature and specification of these units is unclear)
- Rocket munitions, for a total cost of €44,800,000

103. These contracts were drawn up by Pardi, with delivery to be made by air to either Misratah or Tripoli and payments to be made in instalments relative to the stages of shipment. These contracts were not fulfilled owing to the arrest of the individuals concerned.

38 See www.sipj.net/fleet.html.
104. Although the Panel has received details of the passport used by Shaswish during meetings with prospective suppliers, it has not received any response from the Government of Libya to its inquiries about him.

105. The negotiations for the agreements to export the material to Libya (which also concerned violations of the sanctions on the Islamic Republic of Iran that were in place at the time) were carried out in numerous countries in Europe, Africa and Asia. The material did not pass through Italian territory.

4. Air strikes

106. Member States have continued to carry out air strikes in both western and eastern Libya. Since its previous report (see S/2017/466, para. 134), the Panel has received independent, corroborated reports from multiple confidential sources that Egypt has conducted air strikes against targets in the oil crescent to support the recapture by LNA of a number of oil terminals. Egypt denied that the Egyptian Armed Forces carried out these strikes.

107. The Panel investigated further reports of air strikes by Egypt, conducted against convoys attempting to move weapons from Libya into Egypt on 27 June, 23 October and 30 October 2017. 39 In response to the Panel’s inquiries, Egypt stated that “elements penetrating Egypt’s borders are dealt with in a manner commensurate with the nature of the threat and in accordance with international humanitarian law”. It further indicated that it was not possible to determine the amount or type of weapons being smuggled owing to the damage that they had sustained.

108. The United States conducted further strikes on 26 September and 17 and 19 November 2017 and on 24 March and 6 and 14 June 2018 against what it stated to be ISIL and Al-Qaida targets. 40 According to media reports, the United States has stated repeatedly that its air strikes have been in coordination with the Government of National Accord. In response to the Panel’s inquiries, the United States stated that it conducts air strikes in accordance with international law and with respect for the sovereignty of Libya.

5. Special forces

109. The Panel investigated a report of United States military personnel operating within Libya in order to detain Mustafa al-Imam and remove him from the country. 41 The United States confirmed that, on 29 October 2017, United States forces had


apprehended Mustafa al-Imam for his alleged role in the attacks of September 2012 on the United States Special Mission and Annex in Benghazi, which had resulted in the deaths of four Americans.

D. Update on ongoing investigations

1. Armoured vehicles

110. While it is the Panel’s view (see S/2017/466, para. 164) that the transfer of armoured vehicles to Libya requires an exemption request pursuant to paragraph 13 (a) of resolution 2009 (2011) and paragraph 8 of resolution 2174 (2014), such transfers persist. The attacks by LNA against Darnah over the past 12 months have exposed the increase in the number of such vehicles since the imposition of sanctions, though no corresponding exemption requests were submitted (see annex 29).

2. Khadim airbase

111. The imagery below shows the continued development of Khadim airbase in eastern Libya (see S/2017/466, paras. 124–125).

Figure 9
Satellite imagery of Khadim airbase, March 2017 (left) and November 2017 (right)

Figure 10
Satellite imagery of the southern apron of Khadim airbase, March 2017

Figure 11
Satellite imagery of the southern apron of Khadim airbase, March 2017

Source: Digital Globe, GeoEye 1, 10 November 2017.
Note: The area of the new apron with a hardened surface has doubled in size, with further ground preparation to the sides of the apron between hangars.
Figure 12
Satellite imagery of the southern apron of Khadim airbase, June 2018

Source: Digital Globe, WorldView 3, 7 June 2018.
Note: The area between hangars has now hardened, and a new building with its own fence has been constructed on the north-western side of the apron.
Figure 13
Satellite imagery of the entrance area of Khadim airbase, March 2017


Figure 14
Satellite imagery of the entrance area of Khadim airbase, 10 November 2017

Source: Digital Globe, GeoEye 1, 10 November 2017.

Note: Further barriers erected within the entrance area and the building of probable search areas.
Static vehicle presence has increased with vehicles integrated into entrance security.
112. The imagery from June 2018 also shows increased security within the airbase, with internal fencing around specific buildings and additional chicanes and barriers on the entrance road between the main entrance and the aprons.

113. This increased security and the continued construction demonstrate that the airbase remains in use. However, airframes appear to have been kept under cover during the passing of the satellites.

3. Guided artillery munitions

114. Following the Panel’s reporting on guided artillery munitions (see S/2017/466, paras. 157–159), the Panel received a response from the Government of China indicating that China North Industries Corporation had never exported GP-1 or GP-6 guided artillery projectiles to Libya. There was no information on whether projectiles with the markings shown in the report had been exported to a third country.

115. Subsequent to the Panel’s previous report, it was indicated on social media in Libya\(^\text{42}\) that a GP-1 guided artillery projectile had been used in Warshafanah.

Figure 15

Photograph of guided artillery munition recovered in Warshafanah

\(\textit{Source: www.facebook.com/libyanah1/posts/1507514629356237 and twitter.com/thelyyatimes/status/927208153728651271.}\)
116. In response to the Panel’s inquiries, the Government of China stated again that China North Industries Corporation had never exported GP-1A guided artillery projectiles to Libya, but provided no information on whether projectiles with the markings shown in the report had been exported to a third country. This information would assist the Panel in ascertaining how the munitions came to be in Libya.

4. Attempted retransfer to Libya of Czech rotary-wing aircraft Mi-24v

117. The Panel had reported previously (see S/2017/466, annex 38) on the attempted retransfer to Libya of Mi-24v rotary-wing aircraft that were sold by the Czech State-owned company LOM Praha s.p. to the United Arab Emirates. An update is provided in annex 30.

5. Civilian cargo planes providing services to armed groups

118. Following the Panel’s reporting on civilian cargo planes providing support to Haftar-affiliated armed groups (see S/2017/466, annex 35), a Moldovan media outlet has been looking into the Moldovan air operators involved (see annex 31). The Panel asked the Moldovan authorities about the state of the investigations, but did not receive a conclusive answer.

6. Explosive materiel seized by the Libyan National Army

119. The case of the vessel El Mukhtar (see paras. 78–79) is consistent with the Panel’s previous reporting on regular weapons transfers from Misratah to the Benghazi Revolutionaries Shura Council. The Panel has received footage of LNA specialized units defusing improvised explosive devices in Benghazi that features large boxes containing detonating cords produced by an explosives manufacturer based in Turkey. The boxes were seized from a vessel sailing from Misratah (see

Note: The markings on the projectile are as follows: GP-1A (munition type); 155 mm (calibre); 2/319 (lot number); 2008 (year of manufacture); A-IX-II (explosive fill).

Source: www.facebook.com/libyanaht1/posts/1507514629356237 and twitter.com/thelibyatimes/status/927208153728651271.

annex 32). In response to the Panel’s inquiries, the Turkish authorities declared that the company had no records of any exports to Libya between 1 March 2011 and 4 October 2017.

E. Transfers of military materiel from Libya

120. Over the past year, the dynamics of illicit flows of arms and related materiel towards neighbouring countries have shown a reduction in large convoys of heavy military equipment, with the main exception being the transfer of armoured infantry vehicles by Darfuri armed groups returning from Libya to the Sudan.

1. Visit by Khalifa Haftar to Tunis

121. On 18 September 2017, Khalifa Haftar flew to Tunis to meet the President of Tunisia, Béji Caid Essebsi. The voyage of his security detail with considerable military equipment constitutes an instance of non-compliance with the arms embargo (see annex 33). Despite multiple requests, the Tunisian authorities have not shared the registration information of the IL-76TD cargo aircraft and the cargo manifest with the Panel.

2. Transfers across the Tunisian border

122. During the current reporting period, there were mostly insignificant seizures of arms and related materiel coming from Libya (see annex 34).

3. Transfers to the Niger

123. Since 2015/16, the Panel has observed a shifting trend in illicit flows of weapons and ammunition coming from Libya to the Niger. According to the authorities of the Niger, convoys led by armed groups or arms traffickers occurred infrequently during the past two years. Instead, blank-firing handguns, shotguns and blank-firing ammunition trickle constantly into the northern region of the Niger. In most cases these guns are transformed to fire live ammunition. As reported previously, the Panel also documented blank-firing rounds converted to live ammunition (see S/2017/466).

124. The demand for such weapons results from increasing insecurity related to the discovery of several goldfields in the areas of the Niger bordering with Libya and Algeria (see annex 35).

4. Transfers to Chad

125. The Panel is concerned by violations of the arms embargo around the regular movement of armed groups between Chad and Libya. There have also been regular reports of incursions by elements of the Chadian armed forces into Libyan territory.

126. On 18 August 2017, the Chadian opposition group Conseil de commandement militaire pour le salut de la République infiltrated northern Chad from southern Libya to reach Darfur with several vehicles and heavily armed.44 After they crossed the Chadian border, they clashed with special forces, killed several men and withdrew to the Libyan border with captured arms and ammunition (see figures 17 and 18).

Figure 17
Photograph of weapons stolen by Chadian opposition in northern Chad before withdrawing to Libya


Figure 18
Photograph of Galil ACE 32 self-loading rifle with stamp of the Chadian special forces

Source: Video on the Facebook page of Conseil de commandement militaire pour le salut de la République, 28 August 2017.

Note: DGSSIE stands for the Direction générale des services de la sécurité et des institutions de l’État.
5. Transfers to the Sudan

127. Following an attack by the Sudan Liberation Army/Minni Minawi in Darfur in May 2017, Sudanese forces captured a number of armoured vehicles that the group had brought with it from Libya. Reporting on the materiel recovered in this incident is covered in the report of the Panel of Experts on the Sudan (see S/2017/1125, paras. 66–73).

F. Previously notified materiel

1. Overview

128. Concerns remain regarding the capacity of the Libyan authorities to securely store and manage arms and ammunition and the importance of following the guidance contained in Implementation Assistance Notice No. 2 given the scale of the materiel covered by previously approved exemption requests or notifications that received no objections.

129. Since the imposition of the arms embargo in 2011, more than 65,000 assault rifles, 62,000 pistols, 15,000 submachine guns, 8,000 grenade launchers, 4,000 machine guns and more than 60 million rounds of ammunition have been covered by approved exemption requests or notifications that received no objections. While previous Panel investigations (see S/2015/128, paras. 135–141 and annex 19, and S/2016/209, annex 25) suggest that some notifications did not result in shipments, they also indicated that much materiel remains unaccounted for.

130. The Government of National Accord has consistently claimed that it lacks sufficient armament for the limited forces under its control despite the figures above being significantly more than is required and not including materiel present in Libya before the imposition of the arms embargo. This suggests again that materiel either does not go to the intended recipients or is diverted once in Libya.

131. The Panel highlighted in a previous report that for several notified transfers end user certificates had been signed by the Ministries of Defence and the Interior (see S/2016/209, annexes 31 and 38), but the materiel had ended in the hands of armed groups. The Panel has therefore continued its investigations into end user certificates signed under the General National Congress (see annex 36).

2. Weapons and ammunition management

132. In paragraph 9 of its resolution 2362 (2017), the Security Council requested the Panel to consult the Government of National Accord about the safeguards needed to safely procure and secure arms and related materiel. The Panel provided several briefings to the Libyan authorities on exemptions and exceptions to the arms embargo. It has also reached out to the Government of National Accord and units under its control to assess their capacities to safely procure and secure arms and related materiel. The Panel had agreed to review the procedures and storage capacities of the Presidential Guard, but the review has been postponed in the light of an attack against the commander of the Guard. Nonetheless, consultations with the Government of National Accord and key stakeholders left the Panel with the impression that foreign assistance to the Government of National Accord is not dependent on weapons and ammunition management. In the same vein, the Panel could not observe an improvement in the implementation of the arms embargo at all entry points (see recommendations 2 and 3).
IV. Prevention of illicit exports of petroleum, including crude oil and refined petroleum products, under resolutions 2146 (2014) and 2362 (2017)

A. Prevention of illicit crude oil exports

133. During the reporting period, the focal point appointed pursuant to resolution 2146 (2014) did not notify the Committee of any illicit export of crude oil. The focal point has been absent throughout the mandate. The Panel documented six attempts by the eastern National Oil Corporation in Benghazi to illicitly export crude oil (see annex 37). In most cases, the National Oil Corporation in Tripoli informed the Panel (see recommendation 6). No vessels were designated for attempts to export crude oil.

134. The Chair of the National Oil Corporation, Mustafa Sanallah, and senior officials emphasized repeatedly that such attempts would persist unless action was taken. The National Oil Corporation in Benghazi, backed by the eastern authorities, seems determined to gain control over Libyan oil. The contracts signed offered large discounts of up to $5 per barrel below the reference price of the National Oil Corporation in Tripoli.

135. Following the reshuffle of the Board of Directors in August 2017, the new Chair of the eastern National Oil Corporation renewed efforts to present the institution as the sole entity authorized by law to export crude oil (see annex 38). The Interim Government, headed by Abdallah al-Thinni, supported the initiative and urged Libyan institutions and private companies to disregard Mustafa Sanallah’s instructions (see annex 39). The Permanent Mission of Libya to the United Nations and the National Oil Corporation opposed these actions.

136. On 26 June 2018, the LNA General Command decided to transfer control of the oil facilities in the Gulf of Sirte to the eastern National Oil Corporation. This has been the biggest challenge to the integrity of the National Oil Corporation so far. LNA made the announcement after it retook control of the facilities from Ibrahim Jadhran’s forces (see para. 18). The eastern National Oil Corporation immediately addressed a letter to international oil companies welcoming the decision and informing them that it was the sole entity authorized by law to sell crude oil. References were made to United Nations resolutions to induce confusion (see annex 40).

137. Subsequently, the Head of the Petroleum Facility Guards of the eastern and central regions, Naji al-Maghrebi, instructed the companies in charge of the oil terminals to prevent tankers from loading fuel until further instructions were received from the LNA General Command. The National Oil Corporation declared force majeure between 2 and 11 July 2018 in Zuwaytinah and Hariqah, the only two terminals operational at the time. The Corporation retook control of the oil facilities on 11 July 2018 (see annex 41).

138. It is important to mention that the National Oil Corporation retains its leading role both institutionally and in terms of control of facilities and infrastructure on the ground. The eastern National Oil Corporation, by contrast, is poorly staffed and currently lacks the capacity to operate efficiently.

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45 The Interim Government was endorsed by the House of Representatives in 2014 and is based in Bayda’, in eastern Libya. Following the establishment of the Government of National Accord in Tripoli in 2016, the Interim Government lost international recognition, but continues to claim legitimacy, operating mostly in eastern Libya.

139. The transfer of the headquarters of the National Oil Corporation to Benghazi, which was agreed upon in Vienna on 16 May 2016, remains a key demand of the east. It is believed that the new premises are under construction and will be finished in three years, at which point, if security conditions allow, they will accommodate the main headquarters.\(^{47}\)

**Attempts to illicitly export crude oil**

140. Of the six attempts to illicitly export crude oil conducted to date, three almost succeeded. The Panel received information on two agreements, dated 3 and 12 October 2017, signed between the Benghazi-based National Oil Corporation and companies registered in the British Virgin Islands and the Marshall Islands. The illicit export operations were aborted at a very late stage. It is noteworthy that the bank account provided to receive the payments, located in Bank al Etihad, Amman, was the same used in 2016, when the tanker *Distya Ameya* (see S/2017/466, para. 183) was designated (see annex 42).\(^{48}\)

141. The most recent attempt took place in May 2018. The client remains unknown. A vessel flagged by the Marshall Islands was instructed to load cargo at Marsa al-Hariqah, Tubruq. The vessel sailed near Libyan territorial waters, but the operation was aborted.

**B. Illicit export of refined petroleum products**

142. The smuggling of fuel from and within Libya continues to be a prosperous activity. Armed groups and cross-border criminal networks generate significant profits from illicit exports of refined petroleum products. The Libyan authorities made public estimates of the losses incurred.\(^{49}\)

143. Several Libyan institutions took actions against fuel trafficking. Since August 2017, the Libyan coastguard has successfully increased its operations (see para. 179). On December 2017, the Office of the Attorney General issued arrest warrants for more than 150 individuals involved in smuggling (see annex 43). In addition, the Chair of the National Oil Corporation called for a reform of fuel subsidies,\(^{50}\) and the Central Bank of Libya announced that some reforms would take place, including an increase in fuel prices.\(^{51}\)

144. A number of factors brought fuel smuggling by sea to a temporary halt. These included the following: the arrest on August 2017 of Fahmi bin Khalifah (also known as Fahmi Salim), a major smuggler in Zuwarah (see S/2016/209, para. 205);\(^{52}\) the heavy clashes that took place in Sabratah during September and October 2017; the arrests in Italy in October 2017 of Darren Debono and other individuals who were

\(^{47}\) Interview with the Chair of the National Oil Corporation, Mustafa Sanallah, Tripoli, May 2018.


\(^{50}\) Ibid.

part of the same criminal network as Fahmi Salim;\textsuperscript{53} the anti-crime operation launched in January by Osama Jeweili in the west;\textsuperscript{54} and the pressure exerted by the military council of Zuwarah on fuel smugglers. Those factors, however, had little impact on the trafficking by land. Smuggling by sea resumed in the first quarter of 2018, but there were significant changes in the smuggling networks, the modi operandi and the routes employed (see paras. 156 and 163).

145. The Panel is currently assessing the impact on smuggling of the recent designation of six individuals, including Mohammed Kachlaf (LVi.025; see S/2017/466, para. 245), the head of the Al-Nasr Brigade controlling the Zawiyah refinery (see para. 157).

1. **Importing and distribution mechanism**

146. Illicit exports of refined petroleum products are made possible through the persistence of networks exploiting the subsidized importation of fuel and its distribution in the country.

147. The supply department of the National Oil Corporation is responsible for purchasing refined petroleum products. A committee, chaired by the industrial department of the Corporation, holds regular meetings to determine the importing needs. Brega Petroleum Marketing Company, General Electricity Company of Libya, General Desalination Company of Libya, Mellitah Oil and Gas, Sirte Oil Company, Libyan Iron and Steel Company, as well as cement plants are represented in this committee.\textsuperscript{55} Brega Petroleum Marketing Company has a key role, as it provides estimates of the demand.

148. Decisions taken by the committee on the quantities to be imported are not binding. They depend on the allocation by the Government of National Accord of funds to the budget of the National Oil Corporation. This has generated tensions between them. The budget did not reflect the increased prices of refined petroleum products on the international market. The Corporation raised concerns about the potential consequences of a lack of funds.

149. Once the refined products are imported, Brega Petroleum Marketing Company, a subsidiary of the National Oil Corporation, is responsible for storage and distribution. Demand is the sole criterion applied by Brega in supplying fuel to the four distribution companies.\textsuperscript{56} Each distribution company submits its fuel requirements to Brega on a monthly basis. Tanker trucks are loaded against delivery notes that should specify the number and the location of the petrol stations to be supplied, although this is not always the case.

150. Brega failed to implement stronger control mechanisms over the distribution companies. The Brega Fuel and Gas Crisis Committee announced several initiatives


\textsuperscript{55} Interview with National Oil Corporation officials, Tripoli, May 2018.

\textsuperscript{56} These are Sharara Oil Services, Libya Oil, Al Rahila and Turek Saria.
such as the identification of petrol stations involved in smuggling\textsuperscript{57} and their closure (see annex 44).\textsuperscript{58} To date none of these initiatives have been put into action.

151. More than 480 new petrol stations have been established since 2011. Most of them only exist on paper, allowing fuel smugglers to receive fuel (see annex 45). The distribution companies have lost control over many of their stations, notably in the west and south of the country, owing to the influence of armed groups. National Oil Corporation officials conducted a visual inspection and concluded that 90 per cent of the stations in remote areas feature no company signs and some are even closed to the public. The distributors have no control over the quantities delivered to and from those selling points.

152. An ad hoc committee that was created in April 2017 by the National Oil Corporation, in coordination with the Ministry of Economy, Agriculture and Planning, outlined the new standards for authorizing new petrol stations (see annex 46). The distribution companies had until August 2018 to verify how many of their selling points match the criteria and to make the necessary adjustments.

2. Imports of fuel

153. In its 2014 report, the Libyan Audit Bureau revealed that the quantities of refined petroleum products imported had increased substantially in 2013, compared with 2012 (see table 2). According to several Libyan energy experts, such an increase could not be explained by internal consumption alone, raising questions concerning the reasons behind this increase.

Table 2
Quantities of refined petroleum products, 2012–2016
(Metric tons)

<table>
<thead>
<tr>
<th>Year</th>
<th>95 octane automobile fuel</th>
<th>Diesel</th>
<th>Fuel oil</th>
<th>Cooking gas</th>
<th>Kerosene (both kinds)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>2 540 213</td>
<td>1 415 200</td>
<td>88 639</td>
<td>71 850</td>
<td>1 339</td>
<td>4 117 244</td>
</tr>
<tr>
<td>2013</td>
<td>3 154 218</td>
<td>3 219 259</td>
<td>251 358</td>
<td>138 986</td>
<td>13 679</td>
<td>6 777 500</td>
</tr>
<tr>
<td>2014</td>
<td>3 269 580</td>
<td>4 141 847</td>
<td>391 173</td>
<td>227 236</td>
<td>82 326</td>
<td>8 112 162</td>
</tr>
<tr>
<td>2015</td>
<td>3 286 404</td>
<td>3 252 970</td>
<td>307 880</td>
<td>223 021</td>
<td>–</td>
<td>7 070 275</td>
</tr>
<tr>
<td>2016</td>
<td>3 542 803</td>
<td>2 146 691</td>
<td>862 498</td>
<td>223 852</td>
<td>–</td>
<td>6 775 864</td>
</tr>
<tr>
<td>2017</td>
<td>3 484 658</td>
<td>2 144 726</td>
<td>470 728</td>
<td>237 921</td>
<td>–</td>
<td>6 338 033</td>
</tr>
</tbody>
</table>

\textit{Source:} Audit Bureau.

154. According to the 2017 report of the Audit Bureau, the budget allocated to import refined petroleum products reached $3.3 billion in 2017 (see table 3). The total value of the fuel consumed, including the cost of products refined in Libya, reached $4.1 billion.


Table 3

Expenditure on fuel imports
(United States dollars)

<table>
<thead>
<tr>
<th>Year</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>6,557,237,285</td>
<td>7,241,018,963</td>
<td>3,759,909,591</td>
<td>2,890,439,781</td>
<td>3,319,746,718</td>
</tr>
</tbody>
</table>

Source: Audit Bureau.

155. According to confidential sources, of the total amount imported, 43 per cent is used in energy production; 5 per cent is delivered to public institutions (including the army and various security forces); and 2 per cent is assigned to Libyan Airlines. The balance of 50 per cent is allocated to private consumption.

Zawiyah refinery

156. The Zawiyah smuggling network is at the heart of the fuel trafficking activities. Several armed groups operate in the fuel smuggling business. Their activities largely contribute to the mounting violence and insecurity in western Libya and, thus, threaten peace and stability in Libya and neighbouring countries. Their actions also drive up fuel prices and deprive the local populations of access to fuel. A detailed description of the network is presented in annex 47.

157. The Al-Nasr Brigade, headed by Mohammed Kachlaf (LYi.025), was put in charge of the Zawiyah refinery on 5 July 2014 by the commander of the Petroleum Facilities, the late Colonel Ali al-Ahrash. Since then, Al-Nasr has organized fuel smuggling in collaboration with armed groups in Zawiyah, Sabratah, Ujaylat and Warshafanah. Most of these groups cooperated with the Libya Dawn operations in 2014 and 2015. Sources indicate that the smuggling of refined products from the Zawiyah refinery has significantly decreased since late 2017.

158. Mohammed Kachlaf denied these allegations and any relationship with fuel smugglers. He added that his force, composed of 1,200 men, with another 1,500 being vetted, is mandated to provide external security to the refinery and prevent intrusions. The role of the Al-Nasr Brigade is limited to organizing the movement of trucks in and out of the refinery. He explained that most trucks involved in smuggling have legal permits, in which case his group had no authority to prevent them from loading. He attributed the responsibility of smuggling to distribution companies. Mohammed Kachlaf also provided some documents supporting his statements (see annex 48).

159. From the refinery to the final destination, whether it is a smuggling tanker on the coast or an illegal deposit near any of the Libyan land borders, fuel transits through several stages. The Al-Nasr Brigade is in the best position to exert control over the distribution of fuel from the refinery.

160. The Panel obtained further evidence of the collusion of elements of the coastguard in Zawiyah and Mohammed Kachlaf. The Panel provided evidence by publishing pictures of the commander of the coastguard unit in Zawiyah, Abd Al-Rahman al-Milad (LYi.026), and Mohammed Kachlaf on board the vessel Temeteron. The unit intercepted the vessel in Libyan waters when it was attempting to smuggle fuel out of Libya on 28 June 2016 (see annex 49).

161. Al-Milad provided the Panel with documents attesting that the mission had been conducted on the basis of an order by his superiors. When interviewed by the Panel, Mohammed Kachlaf confirmed his presence on board, adding that his force had provided protection to the coastguard unit in charge of the interception upon request by the unit. A senior interlocutor from the coastguard confirmed that there is an
in institutional relationship between the coastguard and the Petroleum Facility Guard in Zawiyah (see annex 50).

162. During the past year, a litre was sold for 0.85 to 1 dinars on the black market in Zawiyah. In Zuwarah, fuel was bought on the black market for 1.75 to 2 dinars, and occasionally up to 4 dinars, which is 26 times the official subsidized price.

Figure 19
Prices at the various stages of the smuggling chain in western Libya

Source: Panel of Experts on Libya.

Zintani involvement

163. Following the violent clashes in Sabratah between September and October 2017, fuel smuggling networks operating between the Zawiyah refinery and the coast of Zuwarah and Abu Kammash were forced to avoid the coastal road. A new smuggling road was then used from Zawiyah through Bi'r al-Ghanam, Bi'r Ayyad and Shakshuk to Jawash. From there, Nalut-based smuggling networks provided paths to the tankers, either to the Mediterranean coast or the south-western part of the country.

164. This route transited through an area under the control of the armed group of Imad al Tarabulsi, the special operations forces, which collected around 5,000 dinars per tanker passing through its checkpoints. Other local armed actors have been involved in escorting trafficking tankers. Families implicated in other illicit activities have also been active in fuel trafficking. The commander of the western military zone, Osama Jeweili, has thus far been unable to put an end to these activities.

3. Illicit exports by sea

165. The area of Zuwarah and Abu Kammash has been the main launch pad for illicit exports of refined petroleum products (principally, marine gasoil 0.1 per cent sulphur (ISO 8217)) by sea. The gasoil comes from the Zawiyah refinery along a route parallel to the coastal road (see paras. 156 and 164). The fuel is usually delivered to illegal fuel depots, of which there are about 40 in the area.

166. From those facilities, the fuel is transferred in smaller tanker trucks to the port of Zuwarah, where it is loaded into small tanker ships or fishing boats with modified tanks. They then supply larger ships smuggling the fuel out of Libya. About 70 boats, either small tankers or fishing trawlers, were dedicated solely to this activity.

167. The trucks also transport the fuel to one of three pumping stations located on the coast between Zuwarah and Abu Kammash. These are Marsa Tiboda, Sidi Ali and the Abu Kammash Chemical Factory (see annex 51). From the pumping stations, smugglers use dedicated pipes to load the fuel into ships waiting between 1 and 2 nautical miles offshore. It is, however, not clear how many of those pumping stations are currently functioning.

168. During the past 12 months, the smuggling networks operating in Zuwarah and Abu Kammash were divided into smaller groups to lower their profile. Small-scale schemes now predominate. There are about 20 active smuggling networks, employing around 500 people. The brothers of Fahmi Salim (see S/2016/209 para. 205), notably Nabil, Hafiz, Hakim and Fatimi, are still active.
169. The Panel received information that traffickers in the area had sought to broaden their influence and were willing to support the activities of the Libu Party,59 led by Fathi bin Khalifah, a relative of Fahmi Salim. In an interview with the Panel, bin Khalifah denied these allegations, but failed to respond to requests to share the list of members of his party in Zuwarah.

170. Finally, it should be noted that the smugglers in the area of Zuwarah and Abu Kammash had employed three patrol vessels to provide security while the loading operations were conducted (see annex 52).

4. Vessels designated by the Committee

171. On 21 July 2017, the Capricorn (IMO 8900878), a tanker flagged by the United Republic of Tanzania, became the first vessel to be added to the sanctions list pursuant to paragraphs 10 (a) and (b) of resolution 2146 (2014), as extended and modified by paragraph 2 of resolution 2362 (2017) (see annex 53). On 2 August 2017, the Lynn S, a vessel flagged by Saint Vincent and the Grenadines, was also added to the list, following an alleged ship-to-ship transfer with the Capricorn (see para. 175).

172. On 25 October 2017, the Tanzanian authorities informed the Panel that the Capricorn had been deregistered from the Tanzania Zanzibar International Register of Shipping on 10 September 2017. The Capricorn, loaded with 3,130 metric tons of gasoil, unloaded its cargo into the tanks of the Syrian Company for Oil Transportation on 11 August 2017. The oil was not returned to the Libyan authorities.

173. The tanker changed ownership on 21 December 2017 and was registered on 4 January 2018 by the Palau International Ship Registry under the new name of Nadine, with a restriction to navigate within the Persian Gulf area.

174. On 10 February 2018, the tanker arrived at Alang, India, to be broken up for scrap. The vessel was removed from the Committee’s sanctions list on 18 April 2018.

175. The Panel has confirmed that the Lynn S (see annex 54) moored alongside the Capricorn on 26 July 2017. With this manoeuvre, it sought to conduct a ship-to-ship transfer of gasoil from the Capricorn. The Panel has not been able to verify whether it succeeded in doing so. In their statement, the owners and the master of the vessel claimed that the ship-to-ship transfer had not been performed, as the Capricorn had refused to provide any official cargo documents. The Lynn S unmoored from the Capricorn on 27 July 2017 at 1600 hours.

176. The Panel has confirmed that the Lynn S did not enter any port until it called at the port of Beirut on 3 October 2017, with no cargo in its tanks. The total capacity of the tanks of the Capricorn was 4,463 metric tons. It discharged 3,130 metric tons of gasoil on 11 August 2017 in the Syrian Arab Republic. The Panel cannot assess whether the Lynn S received any of the remaining 1,333 metric tons of gasoil. The Lynn S was removed from the Committee’s sanctions list on 29 April 2018. No oil was returned to Libya.

177. The Capricorn and the Lynn S both transited the Suez Canal, in August and October 2017, respectively, unimpeded by the current provisions of resolution 2146 (2014), as extended by resolution 2362 (2017) (see recommendation 4).

5. Vessels involved in fuel smuggling

178. Vessels smuggling fuel sail south from Malta to the Gulf of Gabes, Tunisia. Between 40 and 60 nautical miles off the Tunisian coast, they usually turn off the

59 Founded in 2017 by the former leader of the World Amazigh Congress, Fathi bin Khalifah (see www.libu.ly).
Automatic Identification System and head east to Zuwarah. After the loading, they usually return to Malta. As indicated in previous reports (see S/2016/209, para. 202), some of the vessels remain adrift at least 12 nautical miles off the coast, outside Maltese territorial waters. They discharge the fuel onto other vessels that carry it to its final destination (see recommendation 5).

179. In 2017, the Libyan coastguard impounded several vessels in the vicinity of Zuwarah following allegations of involvement in fuel smuggling (see table 4 and annex 55).

Table 4
Vessels impounded by the coastguard

<table>
<thead>
<tr>
<th>Name</th>
<th>IMO No.</th>
<th>Flag</th>
<th>Impounded on</th>
<th>Annex 6 section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stark</td>
<td>7105419</td>
<td>In dispute (last, Democratic Republic of the Congo)</td>
<td>28 April 2017</td>
<td>A</td>
</tr>
<tr>
<td>Ruta</td>
<td>8711899</td>
<td>Ukraine</td>
<td>28 April 2017</td>
<td>B</td>
</tr>
<tr>
<td>Rex/Amargi</td>
<td>7105421</td>
<td>In dispute (last, United Republic of Tanzania)</td>
<td>29 August 2017</td>
<td>C</td>
</tr>
<tr>
<td>Lamar</td>
<td>6620034</td>
<td>In dispute (last, Togo)</td>
<td>15 March 2018</td>
<td>D</td>
</tr>
</tbody>
</table>

Source: Confidential.

180. On 6 October 2017, the Libyan coastguard opened fire on a ship allegedly involved in fuel smuggling, the Goeast (IMO 7526924), a vessel flagged by the Comoros. After the incident, the Turkish authorities granted the tanker anchorage and port access. The Panel contacted the Turkish authorities, but did not receive any information on its cargo. The Panel has not been able to confirm whether the Goeast illicitly exported fuel. Since the incident, the tanker has not operated in the central Mediterranean area (see annex 56).

181. The Noor (IMO 8312459), registered under the Tanzanian flag, is alleged to have illicitly loaded fuel at the end of October 2017. It is likely to have conducted one or several ship-to-ship transfers off the shore of Malta. There were strong indications thereof, but no confirmation. The vessel was broken up for scrap in January 2018 (see annex 57).

6. Illicit exports by land

182. Refined petroleum products, mainly gasoline, are illicitly exported overland from several Libyan regions at various scales. Small-scale cross-border smuggling has been taking place for decades, owing to the significant difference in the price of Libyan subsidized fuel and the price of fuel in neighbouring markets. However, criminal networks, with the support of local armed groups, are increasingly involved in trafficking.

183. As reported previously (see S/2017/466, para. 252), in western Libya, fuel transported to Zuwarah is smuggled by land to Tunisia. The smugglers cross the border illegally along two routes running south of Ras Ajdir and close to Assah. Other smuggling networks also pursue their illicit activities in the border area between Dhahibah and Wazin.

184. In the south, although the situation varies subject to local developments, most of the petrol stations are closed or do not serve fuel at the official price. The black
market is usually well stocked. The majority of the trafficking originates from the Sabha area. Various Tebu armed groups are in control of the area, between a checkpoint located 17 km south of Sabha and the border with the Niger. They have a monopoly over fuel smuggling and other illicit activities.  

185. In the east, smuggled fuel is loaded into tanker trucks at the Sarir refinery and delivered to the gold mine areas along the border with Chad. The refinery is under the control of the Ahmad al-Sharif Tebu armed group. The route to the border is controlled by several Tebu armed groups reaping profits from trafficking.

V. Implementation of the asset freeze

A. Frozen assets of individuals

Mutassim Qadhafi (LYi.014)

186. The Panel reported previously on major transfers of money from Moncada International Limited in Malta, a suspected front company for Mutassim Qadhafi (see S/2017/466, paras. 267–268). In response to the Panel’s request, the Maltese authorities provided details on the assets, indicating that large sums have been transferred out of the Moncada account in the Bank of Valletta. In June 2011, two foreign drafts were issued in the name of the Director of Moncada, Mostafa Ali Etwijiri, for €1 million each. These were presented for encashment outside Malta to an unknown location. A further transfer of €5,688,000 was made into the account of Etwijiri in July 2011. Subsequently, amounts were transferred from Etwijiri’s accounts into the account of Ayad Ramadan Agel, also in the Bank of Valetta.

187. In March 2018, the Maltese authorities informed the Panel that they had traced funds that had been transferred out of the Moncada account between 26 February and 14 July 2011. Of these funds, €3 million and $3 million were frozen. Malta is engaging in mutual judicial cooperation with the Libyan authorities to assess whether these constitute funds misappropriated from the Libyan State. The Panel requested additional information from the authorities in Malta.

B. Frozen assets of designated entities

1. Overview

188. To fully appreciate the range of issues relating to the designated entities, namely, the Libyan Investment Authority, also known as the Libyan Foreign Investment Company (LYe.001), and the Libyan Africa Investment Portfolio (LYe.002), the Panel engaged with multiple interlocutors, including past and present Chairs of the Libyan Investment Authority, fund managers, representatives of the designated entities and Member States.

189. During these discussions, it became apparent that there were several issues relating to the asset freeze, including the legal authority of the present administration of the Libyan Investment Authority in accordance with the Security Council resolutions and Libyan domestic law, the payment of interest on frozen accounts, the payment of management fees and the treatment of subsidiaries. The Panel looked in depth at a number of cases in which these issues are highlighted and which provide a basis for its recommendations.

2. **Total assets of the Libyan Investment Authority**

190. The Libyan Investment Authority informed the Panel that frozen assets amounted to approximately $35 billion in December 2010. The Panel discusses below two major cases that amount to almost $32 billion.

191. The Panel also considered the following points raised by the Libyan Investment Authority:

- The Authority is prohibited from managing its investments and is unable to reinvest proceeds of matured investment. It cannot ensure that assets are in vehicles that yield competitive returns. Consequently, its fund managers and asset custodians have refrained from managing the assets.

- External fund managers continue to receive fees without managing funds.

- Banks interpret the sanctions rigidly.

- Member States adopt differing approaches. The assets of certain subsidiaries remain frozen, despite the issuance of Implementation Assistance Notice No. 1 by the Committee.

- Because of the restrictive measures it is either very time consuming or impossible to obtain licences to manage funds of existing holdings.

- Profits from cash distribution of private equity funds are placed in frozen accounts that generate very little interest.

3. **Funds with the Central Bank of Libya**

192. The Central Bank of Libya holds a large part of the liquid assets of the Libyan Investment Authority under an investment management agency agreement from 19 November 2008 that provides for investments through term deposits with international banks. According to the Central Bank, this amounts to approximately $17 billion, which has been kept in term deposits in various banks, mainly in Europe, with competitive interest rates. The Authority is subject to the asset freeze pursuant to resolution 1970 (2011), later modified by resolution 2009 (2011), by which, in paragraph 15 (a), the Security Council provided for the continuation of the asset freeze.

193. The Central Bank has continued with these term deposits and has reinvested the interest accrued. It has not, however, made these assets freely available to the Libyan Investment Authority. The funds are managed and supervised by the Central Bank and are treated as Central Bank funds. The banks in which the term deposits are held are not aware that the Authority owns these funds.

194. The Central Bank considers that its actions are compliant with the asset freeze as assets have not been made available to Libyan Investment Authority. Furthermore, the Bank stated that the accounts were frozen and remained blocked on its books in accordance with the resolutions.

195. It is the view of the Panel that the Central Bank should have informed the Committee that it was managing the funds. Not doing so, and managing the funds outside Libya, constitutes non-compliance with the asset freeze.

196. Furthermore, the asset freeze has not had an adverse impact on the Libyan Investment Authority, notwithstanding their claim in paragraph 191 above.
4. Euroclear Bank

197. In 2011, the original assets, comprising equity and debt securities, were frozen in Euroclear Bank accounts in Belgium. These accounts are held for other banks (the custodians of the assets) to the benefit of the Libyan Investment Authority. Euroclear transferred the interest and other proceeds, such as dividends and coupon payments, to dedicated accounts to distinguish them from the frozen assets. These were then made available to bank accounts of the Authority in third countries.

198. This situation prevailed until 23 October 2017, when a Belgian court issued a legal attachment. Since then, the interest and proceeds have not been made available to the Libyan Investment Authority. The custodian bank informed the Panel that it did not believe that the attachment had any direct link to the asset freeze.

199. A major portion of the interest and proceeds is invested by the custodian bank in term deposits, which are regularly renewed, together with the interest. The Panel considers these payments of interest and other earnings to be in non-compliance with the asset freeze, as elaborated below.

Panel interpretation regarding interest payments

200. Paragraph 20 of resolution 1970 (2011) reads as follows:

Decides 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 or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen.

201. With regard to the initial aspect that “Member States may permit”, while “may” does not provide a requirement, it is clear that the option of not adding interest to frozen accounts lies only with the State.

202. The Panel would interpret “interest or other earnings” to include such items as dividend payments.

203. With respect to “due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution”, interest and dividends are a result of the initial contract or agreement that would have been agreed to before 26 February 2011 for the assets to be frozen. In accordance with paragraph 20, it is then clear that such payments are to “continue to be subject to these provisions and are frozen”.

204. By paragraph 22 of resolution 1973 (2011), the Libyan Investment Authority and the Libyan Africa Investment Portfolio were designated as subject to the asset freeze measures set out in paragraphs 17 and 19 to 21 of resolution 1970 (2011).

205. In paragraph 15 (a) of resolution 2009 (2011), it is specified that funds, other financial assets and economic resources outside Libya of the Libyan Investment Authority and the Libyan Africa Investment Portfolio that are frozen as of 16 September 2011 pursuant to the measures imposed in paragraph 17 of resolution 1970 (2011) or paragraph 19 of resolution 1973 (2011) shall remain frozen by States unless they are subject to an exemption as set out in paragraphs 19, 20 or 21 of resolution 1970 (2011) or paragraph 16 of resolution 2009 (2011).

206. This indicates, therefore, that paragraph 20 of resolution 1970 (2011) still applies to assets that are held outside Libya frozen as of 16 September 2011, which includes earnings arising from these assets after 16 September 2011 (see recommendations 7 and 8).
The Panel is of the view that making the interest and other earnings freely available to the Libyan Investment Authority is in non-compliance with the sanctions regime. Furthermore, considering the instability in the country, the disputes over the authority of the Libyan Investment Authority and the lack of an oversight mechanism, doing so could lead to the misuse and misappropriation of funds.

5. **Palladyne/Upper Brook case**

208. This case illustrates several of the issues facing the Libyan Investment Authority. Prior to the imposition of sanctions, the following three funds were incorporated in the Cayman Islands:

   (a) Palladyne Global Balanced Portfolio Fund Limited, later changed to Upper Brook (A) Limited, to which the Libyan Africa Investment Portfolio subscribed to the value of $200,000,000;

   (b) Palladyne Global Advanced Portfolio Fund Limited, later changed to Upper Brook (F) Limited, to which the Libyan Foreign Bank subscribed to the value of $200,000,000;

   (c) Palladyne Global Diversified Folio Fund Limited, later changed to Upper Brook (I) Limited, to which the Libyan Investment Authority subscribed to the value of $300,000,000.

209. These subscriptions provided the three Libyan entities with 100 per cent of the shares in each of the respective funds, with the funds themselves owning the financial assets. This makes the funds subsidiaries of the respective Libyan entities.

210. The custodian bank for the funds was the London branch of the State Street Bank and Trust Company.

211. On 27 January 2011 the Libyan Investment Authority became the beneficial owner of the shares in Advanced/Upper Brook (F), with both the Authority and the Libyan Foreign Bank signing share transfer forms. This transfer has not been registered owing to the imposition of sanctions.

212. In November 2012, approximately 98.5 per cent of the assets of the funds were transferred to a new custodian in the form of Deutsche Bank AG in Germany.

213. Licences were obtained from the United States relating to the movement of assets from State Street Bank to Deutsche Bank on account of State Street Bank no longer being able to manage the account (it should be noted that approximately 1.5 per cent of the assets remain at the bank). Another licence was provided by the United Kingdom of Great Britain and Northern Ireland, while none were issued by Germany or the Netherlands.

214. On 16 August 2012, the fund managers established Palint Stichting to control the securities of the funds held by Deutsche Bank.

215. In 2014, the names of the incorporated funds were changed and the control of the assets was disputed. This dispute has been the subject of legal action in the Cayman Islands, the Netherlands and Libya concerning the rightful representation of the Libyan Investment Authority and the use of the shares in the funds (rather than the shares controlled by the Funds and held in custodian banks).

216. Despite the continued dispute over the control and management of the funds and the lack of extant licences, management fees continue to be paid.

217. The Palladyne/Upper Brook case highlights a number of issues concerning the asset freeze, as outlined below.
6. Subsidiaries

218. It is useful to revisit the Panel’s observations in previous reports that have a bearing on the situation following the adoption of resolution 2009 (2011). The impact of this resolution was discussed in detail in paragraphs 213 to 216 of the Panel’s report S/2012/163. The Committee had confirmed that no subsidiaries of any listed entity were covered by the asset freeze. This was reiterated in paragraph 202 of S/2013/99, in which reference was made to Implementation Assistance Notice No. 1, issued on 7 March 2012. In subsequent years, some Member States sought guidance on whether the assets of subsidiaries should be frozen. They were informed that subsidiaries are not subject to the asset freeze measures.

219. The structure of the Palladyne funds is such that they are subsidiaries of the Libyan Investment Authority (Upper Brook (I) and, after 27 January 2011, Upper Brook (F)) and the Libyan Africa Investment Portfolio. Such financial structures are a common feature of the Authority’s asset holdings.

220. In paragraph 17 of resolution 1970 (2011) and paragraph 15 of resolution 2009 (2011), it is indicated that the assets held by the funds should therefore be frozen. In Implementation Assistance Notice No. 1, however, it is stated that subsidiaries of the Libyan Investment Authority and the Libyan Africa Investment Portfolio are not subject to the asset freeze.

221. The difficulties arising from the freezing of assets of subsidiaries was a recurring theme in all discussions with representatives of the Libyan Investment Authority, the Libyan Foreign Investment Company and the Libyan Africa Investment Portfolio. In Panel discussions with Member States, it was ascertained that assets of subsidiaries are being frozen under regional and national laws. The Panel believes that Implementation Assistance Notice No. 1 requires updating and clarification (see recommendation 7).

7. Authority over the Libyan Investment Authority

222. The Palladyne case also highlights the continued contestation of the leadership of the Libyan Investment Authority and raises the issue of individuals and entities recognized by the United Nations being challenged under Libyan national laws.

223. The Panel had reported previously on the continued division of the Authority and leadership disputes (see S/2017/466, paras. 216–225). A series of appeals and pending court rulings have prolonged the uncertainty over the prompt end of the disputes. The judicial dispute in Libya is still ongoing. The Panel notes that the Chair of the Board of Directors and Chief Executive Officer of the Libyan Investment Authority, Ali Mahmoud Hassan, is taking steps to gain control over the two branches of the Authority. Further details regarding the ongoing legal disputes contesting the leadership of the Authority is contained in annex 58.

8. Payment of fees

224. The Libyan Investment Authority has given monthly figures of the custodian and management fees paid from 2011 to 2017. There are no details of the recipients and no explanation as to whether these payments have adversely affected the Authority. The Panel considers that such financial charges are a part of the cost of doing business and cannot be termed losses.

225. It is relevant here to consider the application of the exemption measures set out in paragraphs 19, 20 and 21 of resolution 1970 (2011), which continue to be applicable in terms of paragraph 15 (a) of resolution 2009 (2011). The payment of
fees can be effected only after notification by the relevant State to the Committee of the intention to authorize access to funds for such payment (see recommendation 9).

226. In the Palladyne case, it appears that licences were initially obtained but are no longer valid. The continued payment of management fees to Palladyne without following the procedure set out in paragraph 19 (a) of resolution 1970 (2011) constitutes non-compliance with the asset freeze. The Panel continues to examine whether there are any similar cases.

9. **Other assets of the Libyan Investment Authority**

227. According to the figures provided by the Libyan Investment Authority, after taking account of the assets held by the Central Bank of Libya and Euroclear, there is approximately $2.5 billion remaining that needs to be analysed. Of this amount, in one case amounting to approximately $300 million, a profit of 6 per cent was made in 2017. Profits have also been made in similar cases, contradicting the assertions by the Authority. The Panel faced difficulties as little or no information was provided by several Member States for confidentiality reasons. While the Panel appreciates this concern, it notes that certain Member States, the Authority and its associates have been forthcoming with data, recognizing that the Panel cannot fulfil its mandate of assisting the Committee if such information is not available.

228. The Panel has also analysed the data provided by the Libyan Investment Authority to the Committee and has requested clarifications in view of anomalies noticed in the reporting of figures. The loss claimed to have been incurred assumes that the Authority would have invested in a manner similar to Singapore’s wealth fund, which is an unrealistic assumption. Opportunity cost is a presumption and cannot be equated with actual losses. As regards equities, if there was a loss, it was not because of the asset freeze, but because of the choice of equities. Since equities do not have a time limit, there can be no argument that these have matured and cannot be reinvested. Dividends, interest and other earnings do not appear to have been taken into consideration when computing losses.

229. In terms of the information provided thus far and the results of the investigations carried out, it appears that the majority of the funds have not been adversely affected. The Panel is waiting for detailed information from the Libyan Investment Authority and Member States on the frozen assets, the assets of subsidiaries and problems faced by the Authority in the management of the assets. Such information would allow the Panel to better understand the actual effects of the sanctions on the assets of the Authority.

230. In the context of apprehension over the deterioration of funds, it is pertinent to point out that, in the reply given on 26 February 2018 to a question raised in the Parliament of the United Kingdom of Great Britain and Northern Ireland concerning estimates of the value of frozen Libyan assets at the time the assets were frozen and of their current value, it was stated that, in 2011, the approximate aggregate value at the time the funds were frozen in the United Kingdom was £7.5 billion. As at 30 September 2016, their value was approximately £11.7 billion. In another written answer, given on 27 March 2018, it was stated that, as at 29 September 2017, the total value of Libyan assets frozen in the United Kingdom was £12.061 billion. While the Panel has not been provided with details of the beneficiaries of these assets, this illustrates that the aggregate amount has not depreciated.

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61 See www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-02-08/127734/.

10. **Libyan Foreign Investment Company**

232. The legal status of the Libyan Foreign Investment Company, which operates under the acronym LAFICO, has been discussed in previous reports (see S/2013/99, para. 225, and S/2017/466, paragraphs 237–238). The Panel had stated previously that its listing as an alias of the Libyan Investment Authority (LYe.001) was incorrect. This was emphasized again by representatives of LAFICO during recent meetings. The company has been in existence since 1981. The Libyan Investment Authority owns 100 per cent of LAFICO, but the company has a separate Board of Directors. According to company representatives, the company has been stable throughout and the divide in the Authority did not have an impact on its work. There has been no general assembly of the shareholders (Board of Directors of the Authority) since 2014.

11. **Libyan Africa Investment Portfolio**

233. The Libyan Africa Investment Portfolio, while stating that sanctions should remain in place, indicated that there is room for improvement. Issues highlighted were difficulties in procedures of financial institutions and cumbersome and costly procedures for obtaining licences. It requested the support of the Committee to accelerate the process.

VI. **Implementation of the travel ban**

234. No violation of the travel ban has been identified.

A. **Updates on designated individuals of the former regime**

235. The Panel has met with two designated individuals, Safia Farkash Al-Barassi (LYi.019) and Sayyid Mohammed Qadh Al-Dam (LYi.003), and representatives of two others. Details of the interviews are contained in annex 59.

236. The Panel requested the Libyan authorities to facilitate interviews with Abdullah Al-Senussi (LYi.018), Saadi Qadhafi (LYi.015) and Abu Zayd Umar Dorda (LYi.006), who had been imprisoned in Hadbah Prison in Tripoli. According to credible sources and media reports, they are presently being held in a prison by the Tripoli Revolutionaries Brigade. There has been no response to this request.

B. **Updates on individuals designated after the adoption of resolution 2174 (2014)**

237. On 7 June 2018, the Committee designated six individuals pursuant to paragraph 22 (a) of resolution 1970 (2011), paragraph 4 (a) of resolution 2174 (2014) and paragraph 11 (a) of resolution 2213 (2015). The Panel is investigating the status of these individuals and possesses the following additional identifying information for some of them (see recommendation 14):

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Mohammed Kachlaf (LYi.025)
Full name: Muhammad al-Hadi al-Arabi Kashlaf
Name in original script: محمد الهادي العربي كشلاف
Date of birth: 15 November 1988
Passport number: HR8CHGP8
Date and place of issuance: 27 April 2015, Zawiyah
National identification number: 119880210419
Personal identification card: 728498
Date of issuance: 24 February 2007

Mus’ab Abu-Qarin (LYi.024)
Full name: Mus’ab Mustafa Abu Al Qassim Omar
Also known as: Mus’ab Abu Qarin
Name in original script: مصعب مصطفى ابو القاسم عمر

Fitiwi Abdelrazak (LYi.022)
Also known as: Abdurezak, Abdelrazaq, Abdulrazak, Abdrazzak

Ermias Ghermay (LYi.021)
Name: Ermias Alem
Also known as: Ermias Ghermay, Guro
Nationality: Ethiopian
Date of birth: circa 1980
Place of birth: Eritrea

Ahmad Omar al-Dabbashi (LYi.023)
Full name: Ahmad Omar Imhamad al-Fitouri
Name in original script: احمد عمر امحمد الفيتوبري
Also known as: Al Dabbashi
Date of birth: 7 May 1988

VII. Responses to the Panel’s investigations

A. Central Bank of Libya

238. The Panel made observations on the functioning of the Central Bank of Libya in its previous final report (see S/2017/466, paras. 209–215) with regard to the following:

(a) The extent of support to the Presidency Council;

(b) The blocking of the distribution of banknotes printed by the eastern Central Bank;

(c) Progress on the reunification of the two branches of the Central Bank.
239. The Central Bank has responded in detail to these observations. The full text of its reply, dated 14 December 2017, is contained in annex 60.

B. Ashraf ben Ismail

240. Ashraf ben Ismail (see S/2017/466, para. 51) presented documents indicating his financial contribution to the medical evacuation of fighters from Operation Bunyan Marsus and of a number of his employees injured during the bombing of his warehouses in Benghazi in 2014.⁶⁴ When interviewed by the Panel, ben Ismail denied any involvement in the evacuation of members of listed organizations. He stressed that, when he had been in charge of the Authority for the Care of the Wounded, he had had no means to control the identity of the wounded persons who were transferred abroad for medical treatment (see annex 61).⁶⁵

C. Letters of credit

241. The misuse of letters of credit, which are financed by the Central Bank of Libya to allow the importation of goods and services into Libya, constitutes a diversion of Libyan State funds. The Panel has therefore been investigating cases of misuse of letters of credit since 2015. In reference to the Panel’s work on the involvement of Libyan financial institutions, companies and individuals in such practices, the Panel has recently received documentation, including from parties disputing the information shared with the Committee on ongoing investigations. The Panel is reviewing the additional information received.

D. Libyan Iron and Steel Company

242. A full response on the Panel’s investigation involving the Libyan Iron and Steel Company is provided in annex 62.

VIII. Recommendations

243. The Panel recommends:

Arms embargo

To the Security Council

Recommendation 1. To authorize Member States to seize vessels found to be non-compliant with the arms embargo in accordance with the precedent established for those engaged in migrant smuggling in paragraph 8 of resolution 2240 (2015). [see para. 80]

Recommendation 2. To require advance notification to the Committee of the supply of all non-lethal military equipment to Libya, as was the case prior to the adoption of resolution 2095 (2013). [see para. 132]

⁶⁴ Interview with a member of the Misratah Municipal Council, who confirmed that the Municipal Council had asked Mr. ben Ismail to provide the financial support, April 2018.

Recommendation 3. To require the Government of National Accord to provide updates on the structure of the security forces under its control at a regular interval as determined by the Council. [see para. 132]

Measures in relation to attempts to illicitly export crude oil and refined petroleum products from Libya

To the Security Council

Recommendation 4. To extend the scope of the measures contained in paragraph 10 (b) of resolution 2146 (2014) to prohibit vessels designated by the Committee from transiting maritime canals. [see para. 177]

Recommendation 5. To extend the scope of the measures contained in resolution 2146 (2014) to authorize Member States, acting nationally or through regional organizations, to inspect, on the high seas off the coast of Libya, vessels bound to or from Libya which they have reasonable grounds to believe are illicitly exporting crude oil or refined petroleum products. [see para. 178]

To the Committee

Recommendation 6. To encourage the Government of National Accord to appoint a new focal point pursuant to resolution 2146 (2014). [see para. 133]

Asset freeze

To the Committee

Recommendation 7. To update Implementation Assistance Notice No. 1 in order to clarify the application of the resolutions, noting the complex structure of Libyan investments subject to the asset freeze and the continued application of paragraph 17 of resolution 1970 (2011) and paragraph 15 (a) of resolution 2009 (2011). [see paras. 200–206 and 220–221]

Recommendation 8. To provide guidance to Member States on the correct application of the provisions of the resolutions regarding the payment of interest and other earnings on frozen assets. [see paras. 200–206]

Recommendation 9. To remind Member States on the correct application of the provisions of the resolutions regarding the payment of management fees on frozen assets. [see para. 225]

Designation criteria

To the Committee

Recommendation 10. To consider the information provided separately by the Panel on individuals meeting the designation criteria contained in the relevant Council resolutions.

Recommendation 11. To contribute to ending the current climate of impunity in Libya by considering those committing serious violations of
human rights and international humanitarian law for designation under the Libya sanctions regime. [see paras. 65–71]

General

To the Security Council

Recommendation 12. To encourage Member States, including those contributing to the evacuation of migrants from Libyan detention centres, and international and regional organizations, to share information with the Panel on the migrants’ conditions of detention and on the individuals or entities involved in trafficking in persons, money laundering, extortion, sexual abuse and exploitation. [see paras. 48 and 53]


To the Committee

Recommendation 14. To update the sanctions list with the additional identifying information provided by the Panel. [see para. 237]
IX. Annexes

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## Annex 1  Abbreviations and acronyms

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<td>AIB</td>
<td>Arab Investment Bank</td>
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<td>AIS</td>
<td>Automatic Identification System</td>
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<td>anti-personnel mines</td>
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<td>CBL</td>
<td>Central Bank of Libya</td>
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<td>CCMSR</td>
<td>Conseil du commandement militaire pour le salut de la République</td>
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<td>CID</td>
<td>Criminal Investigation Department</td>
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<td>Committee</td>
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<td>Council</td>
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<td>DCIM</td>
<td>Department Combating Illegal Migration</td>
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Annex 2   Overview of the evolution of the Libyan sanctions regime

1. By resolution 1970 (2011), the Security Council expressed grave concern at the situation in Libya, condemned the violence and use of force against civilians and deplored the gross and systematic violation of human rights. Within that context, the Council imposed specific measures on Libya, under Chapter VII of the Charter of the United Nations, including the arms embargo, which relates to arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, in addition to the provision of armed mercenary personnel. The arms embargo covers both arms entering and leaving Libya. The Council also imposed a travel ban and/or an asset freeze on the individuals listed in the resolution. Furthermore, the Council decided that the travel ban and the asset freeze were to apply to the individuals and entities designated by the Committee established pursuant to resolution 1970 (2011) concerning Libya involved in or complicit in ordering, controlling or otherwise directing the commission of serious human rights abuses against persons in Libya.

2. By resolution 1973 (2011), the Security Council strengthened the enforcement of the arms embargo and expanded the scope of the asset freeze to include the exercise of vigilance when doing business with Libyan entities, if States had information that provided reasonable grounds to believe that such business could contribute to violence and use of force against civilians. Additional individuals subject to the travel ban and asset freeze were listed in the resolution, in addition to five entities subject to the freeze. The Council decided that both measures were to apply also to individuals and entities determined to have violated the provisions of the previous resolution, in particular the provisions concerning the arms embargo. The resolution also included the authorization to protect civilians and civilian populated areas under threat of attack in Libya. In addition, it included a no-fly zone in the airspace of Libya and a ban on flights of Libyan aircraft.

3. On 24 June 2011, the Committee designated two additional individuals and one additional entity subject to the targeted measures. By resolution 2009 (2011), the Security Council introduced additional exceptions to the arms embargo and removed two listed entities subject to the asset freeze, while allowing the four remaining listed entities to be subjected to a partial asset freeze. It also lifted the ban on flights of Libyan aircraft.

4. By resolution 2016 (2011), the Security Council terminated the authorization related to the protection of civilians and the no-fly zone. On 16 December 2011, the Committee removed the names of two entities previously subject to the asset freeze.

5. In resolution 2040 (2012), the Council directed the Committee, in consultation with the Libyan authorities, to review continuously the remaining measures with regard to the two listed entities – the Libyan Investment Authority and the Libyan Africa Investment Portfolio – and decided that the Committee was, in consultation with the Libyan authorities, to lift the designation of those entities as soon as practical.

6. In resolution 2095 (2013), the Council further eased the arms embargo in relation to Libya concerning non-lethal military equipment.

7. By resolution 2144 (2014), the Council stressed that Member States notifying to the Committee the supply, sale or transfer to Libya of arms and related materiel, including related ammunition and spare parts, should ensure such notifications contain all relevant information, and should not be resold to, transferred to, or made available for use by parties other than the designated end user.

8. By resolution 2146 (2014), the Council decided to impose measures, on vessels to be designated by the Committee, in relation to attempts to illicitly export crude oil from Libya and authorized Member States to undertake inspections of such designated vessels.
9. By resolution 2174 (2014), the Council introduced additional designation criteria and requested the Panel to provide information on individuals or entities engaging or providing support for acts that threaten the peace, stability 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 assets freeze in this regard.

13. By resolution 2278 (2016) the Council extended the authorizations and measures in relation to attempts to illicitly export crude oil, while calling on the Libyan Government of National Accord (GNA) to improve oversight and control over its oil sector, financial institutions and security forces.

14. By resolution 2292 (2016), the Council authorized, for a period of twelve months, inspections on the high seas off the coast of Libya, of vessels that are believed to be carrying arms or related materiel to or from Libya, in violation of the arms embargo.

15. By resolution 2357 (2017), the Council extended the authorizations set out in resolution 2292 (2017) for a further 12 months.

16. By resolution 2362 (2017), the Council extended until 15 November 2018 the authorizations provided by and the measures imposed by resolution 2146 (2014), in relation to attempts to illicitly export crude oil from Libya. These measures were also applied with respect to vessels loading, transporting, or discharging petroleum, including crude oil and refined petroleum products, illicitly exported or attempted to be exported from Libya.

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

18. To date the Committee has published four implementation assistance notices which are available on the Committee’s website.¹

Annex 3  Mandate and appointment

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

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

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

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


24. In Resolution 2362 (2017), the authorisations provided by and measures imposed by resolution 2146 (2014) were extended until 5 November 2018. It was further decided that the measures would apply to both crude oil and refined petroleum products. This resolution also renewed the mandate of the Panel of Experts to 15 November 2018. The Panel’s mandated tasks would remain as defined in resolution 2213 (2015) and would also apply to the measures updated in this resolution. The Panel is required to provide an interim report on its work no later than 28 February 2018 and a final report no later than 15 September 2018 with its findings and recommendations.
Annex 4  Institutions/individuals consulted

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

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## Annex 5  Outgoing correspondence

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

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<td>134</td>
<td>Chair of the Committee 1970</td>
<td>Recommendations</td>
<td>3-Jul-18</td>
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# Annex 6  Responsiveness table

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

<table>
<thead>
<tr>
<th>Member State or Organization</th>
<th>Number of letters sent</th>
<th>Requested info fully supplied</th>
<th>Info partially supplied</th>
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Annex 7  Letter addressed by the Chairman of the National Oil Corporation to the Ambassador of Canada to Libya

Date: 20/02/2018
Ref: ...784.....

Mrs. Hilary Childs-Adams
Ambassador of Canada to Libya

Dear Ambassador Childs-Adams,

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

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

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

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

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

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

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

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

Page 1 of 2

Bashir Sadawi str. P.o.Box: 2655 - 5335 Tripoli - Libya Tel.: +218 21 334 5700 - 09 / +218 21 333 7141_ 44

18-12585

75/253
NATIONAL OIL CORPORATION

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

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

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

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

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

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

Best wishes

Mustafa A. Sanalla  
Chairman of the Board

Co.: Board Members.

Page 2 of 2

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Bashir Sadawi str. P.O Box: 2655 - 5335 Tripoli - Libya  Tel: +218 21 334 5700 - 09 / +218 21 333 7141 - 44

Source: Confidential
Annex 8  Role of Ibrahim Jadran in the Oil Crescent

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

Source: The National Oil Corporation

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

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

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

- Cost for Waha Oil: USD 13,981,791,320; Acts: Shutting down of the Oil Crescent ports by PFGs (Central Region) on the pretext of the alleged metering system in Es-sidra Port affiliated to Waha Oil Company and the declaration of Force Majeure; Dates: 28/7/2013 – 26/08/2014.


28. Jadran is under an arrest warrant by the Attorney General Office in Libya.
Annex 9  Role of Nasser Bin Jreid and his links with the Union des Forces de la Resistance (UFR)

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

30. Bin Jreid is also known for his ties with the UFR of Timran Erdemi, previously allied with the LNA. According to Chadian opposition sources, he played a role in recruiting Chadians to join Al Mabrouk Hneish in his attempt to move on Tripoli in November 2017. In December 2017, several commanders of the UFR were killed during a meeting hosted by Bin Jreid in a farm near Sabha. The UFR, headed by Timran Erdemi and commanded by members of his clan in Libya, is composed of several ethnic groups, including the Wedaya and Arab Mahamids, who had successively fought alongside the LNA, the BDB and Jadran Forces.
Annex 10  Documents attesting integration of military elements of the Sudanese opposition into LNA units.

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

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

   Date: 2.10.2017

Addressed to Sebha Military Zone, and all Checkpoints,

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

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

Source: Confidential
س/2018/812

ال源: فيسبوك
2. The following is an unofficial translation of the above document.

*Translated from Arabic*

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

Addressed to all Checkpoints,

Captain Abd al-Majid Senine Ali

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

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

*Source: Confidential*
القيادة العامة للقوات المسلحة العربية الليبية

القيادة العامة للقوات المسلحة العربية الليبية

تحية اجلال وتقدير

بمناسبة تزويكم إلى رتبة امير عقب الاحترافات التي حققت في منطقة اللاحل النفطي لصالح القوات المسلحة العربية الليبية يطيب باسمي و باسم ضباط و جنود عفرة عمليات سرت الكبرى ان نоф اجمل الاحترافات والتهاوي العلمي وعملة الله العلي القدير أن نبتعد من الصدمة والاعتذار.

و في إطار حرص سيدكم بمتابعة آخر التطورات العملية في مناطق اللاحل النفطي فننا نبكم المستجدات والاتي: نود الملاكم بوجود 118 فبرا لقوات الصيدية كما قد قلوا نتيجة الاشتباكات خلال الفترة الماضية مما قد يسبب لنا استيحا في اشكاليات عين و عين.

و نثمنكم هناا اختمانا مع الاخ و هلال بوجود لغرض اتفاق على اسهام ج桥 لبرمكائب القوات الصيدية لغرض فتح الامر لإعادة دفيا في أماكن ذهبية وبداية عن المناطق الرعوية حيث افتتح إعادة الدفن في عددا من المواقع ببدأ و هدانا الشريف أو المروجات أو في شعبة الين في صواحي زلة.

تقبلوا خالص الاحترام والتقدير.

والسلام عليك ورحمة الله و <<<مل<>(مل<>)

بسم الله الرحمن الرحيم

أمر قوة عمليات المنطقة الوسطى

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

*Translated from Arabic*

General Command of Libya Arab Armed Forces  
Grand Sirte Operations Room  

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

(…)

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

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

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

*Source: Confidential*
مرفق 1

خسائر القوات المسلحة الليبية منطقة عمليات بنغازي
الفترة من 14 مايو 2015 وحتى 28 ديسمبر 2017

- أهدار نظاميين بالجيش الوطني الليبي 2,365
- القوّات المساعدة للجيش الوطني الليبي 18,534
- قوّات عربية صديقة مساندة 1,784
- مستشارين أجانب 11

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

*Translated from Arabic*

The General Command of the Libyan Armed Forces

Annex I,

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

Regular troops: 2,365
Support forces (local youth): 18,534
Allied Arab forces: 1,784
Foreign (non-Arab) advisors: 11

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

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

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

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

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

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

2 November 2017

Tripoli

Source: National Oil Corporation²

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

Masers Wintershal Company
Subject: Jakhira field closure
Dear Sir,

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

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

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

Your Sincerely,

Faraj M. Said
Chairman

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

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

Translated from Arabic

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

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

Source: Facebook.
Annex 14  Medical report of a former detainee in Brigade 152 of the LNA
32. This report is handwritten. Due to the poor resolution of the image, the Panel was only able to translate it partially. Sections from the medical report clearly indicate that the individual died from torture during his detention by Brigade 152.

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

*Translated from Arabic*

(Page 1)

Ministry of Justice
Judicial Expertise Centre
Criminal Forensic Department

Date: 28.4.2016

Medical Report number: 1007_2016

Upon a request by: Military Prosecution

Examined: Youssef Mohammad Youssef


Cause of Death: Haematoma n°2

(…)

(Page 2)

Medical Report number: 1007_2016

Upon a request by: Military Prosecution

Examined: Youssef Mohammad Youssef


(…)

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

Head and neck and area:

1. Three superficial wounds on the right side of the head.
2. Four wounds and bruises on the rear of the head
3. Large bruise (3cmx6cm) in the form of a crescent on the left side of the neck, which reaches the left side of the jaw.

4. A bruise and a superficial wound on the lower backside of the head.

Chest, back and arms

1. Bruises on chest in the form of railways, on the left side of the chest, on the arms and most of the back.

2. Deadly wound on the right lower side of the belly.

(...)

Source: Confidential
Annex 15  The case of Mohammad Bakir (a.k.a Al Nahla)

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

Translated from Arabic
Ministry of Justice
Judicial Expertise Centre
Criminal Forensic Department

Date: 7.11.2016
Medical Report number: 1007_2016
Upon a request by: West Misrata Attorney Office
Examined: Mohammad Bakir Ali Karkar
Cause of Death: Strong lung infection.

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

Source: Confidential
Annex 16  Letter by Omar al-Mokhtar Operations Room

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

*Translated from Arabic*

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

Date: 27.06.2018

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

Signed by Major General Salem Muftah Hussein al-Refadi
Commander of Omar al-Mokhtar Operations Room

Source: Facebook
Annex 17  The smugglers marketing to attract candidates for migration to Europe via Libya

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

Source: Media³

Annex 18  Director of Al-Kufra detention centre reports on illegal migration
الخط الثاني: من السودان إلى المراكك إلى قارة سلما بجمهورية مصر الشقيقة بجهازه.
إلى جبل عبدالمالك ومنه إلى بوزريقة ومنه إلى منطقة تازريتو التي تقع بجواره.
(280) كم عن الكثرة ومن ثم إلى منطقة اجندايا والبريقة وصولاً إلى أوروبا.
الخط الثالث: من السودان إلى المراكك إلى قارة سلما جنوب الريفات بجواره (70) كم، ومنه إلى سيف البري بحولية (80) كم من الريفات ومنه إلى جبل الشريف.
وصولاً إلى منطقة رينات والتي تبعد عن الكثرة بحولية (135) كم.
الخط الرابع: من السودان إلى المراكك رجوعاً إلى السودان بالقرب من قللة النوم بحولية (100) كم مروراً عبر الإراضي التشادية ويتوجه بالقرب من منفذ السارة البري.
وصولاً إلى منطقة رينات ومن ثم إلى منطقة السير متجهين إلى مدينة اجندانيا للذهاب.
للشمال.
الخط الخامس: من دارفور السودان مروراً على الفلق الغربي للسودان عبر ليبيا
بالقرب من منفذ السارة إلى خط الأرقمات ومن ثم إلى جبل كنجة ومنطقة واو.
القاموس - سيا - طرابلس.
الخط السادس: من تشاد إلى ليبيا بالقرب من منفذ السارة البري ومنه إلى المنطقة.
الخط السابع: وهو الخط الجديد بعد سيطرة قوات الجيش على مدينة اجندانيا تغيرت
جميع الخطوط إلى مدينة زلة / الجفرة / القطران / مرزوق / ادري / سينما مروراً
بالكنيسة ومن ثم إلى بني برد والتوجه إلى طرابلس عبر البحر.
كما نفيد سيداتكم بأن هذه الخطوط بدأ تشكل هاجز خطر كبير جداً على الأمن القومي
للسودان ودول الجوار وعلي أوروبا حيث وقد دخل عدد المهاجرين من 800 (مئة).
الي 1000 (اللف) شخص يوفي الي ليبيا وخاصتنا عندما تحدث ازمات في دول افريقيا مثل الحروب التي تحدث الآن في جل دول افريقيا وكذلك تكتر عملية الهجرة عندما يكون طقص البحر مستقرا لكي يعرفوا بالقرب مالي اوروبا بأمان وخلال التحقيقات المتبقية مع المهاجرين تبين ان جل المهاجرين ينوهون للذهب الي اوروبا وليبيا يعتبرونا مدير امن الاوروبا بسبب انعدام الامن والفوضى وعدم وجود سيادة الدولة علي الحدود للأسف الشديد ولهذا ما يساهم في عملية عبورهم بأعداد كبرى وسريعة في الوصول الي اوروبا حيث وصلت رقم تقل المهاجرين من السودان ومن تشاد الي ليبيا حوالي (5000) خمسة آلاف دولار للشخص الواحد ومن ليبيا الي اوروبا (3000) ثلاثة آلاف دولار للشخص الواحد حيث يدري تقل حوالي (120000) مئة وعشرون الف مهاجر من دولة السودان الي ليبيا بطريقة غير شرعية ويوون الذهاب الي ايطاليا .

علي

ولإيجاد الحلول نقترح الآتي:

1- اجتماع طارئ مع الاتحاد الاوروبي ودول الجوار لوضع حد للتقليل من عملية الهجرة.
2- مطالبة الجهات ذات الاختصاص بأبرام اتفاقية مشتركة مع كل دول الجوار بشأن حماية الحدود ومنع دخول الهجرة.
3- إيجاد حلول للمواطنين الذين يرفضون دومهم استثمارهم بسبب الحروب والمجاعة.

وهم يثوون التسلل الي اوروبا .
4. وضع آلية عمل عاجلة ومنضمة وصورة قانونية لسداد ديون شركات نقل المهاجرين.
وتكفل دين شركات الإعاشة والتغذية.
5. إنشاء مراكز أموال تلقيشي مع مبادئ حقوق الإنسان.
6. إجراء دورات تدريبية في الدول المتقدمة لأعضاء الهجرة غير الشرعية على كيفية التعامل مع المهاجر وشخصية المهاجر وحماية حقوقه وواجباته وكيفية الابتعاد والترحيل وتشغيل منظومة كرات المراقبة لتفعيل العمل بصورة ذاتية.
7. رفع مرتين اعتداء الهجرة حتى لا يتم استغلالهم ماديا من قبل عصابات التهريب.
8. دعم أقسام ومرتكزات الأبواء وخاصة الحدودية إمكانات وخدماتها في الاتصال والاستشارة والحماية والحماية اللاسلكية (طريق - جبوب - الكثرة - الجفزة - القطران - غات - سبها - الراشاد).
9. تخصيص نزية شهرة لكل قسم أو مركز بحيث لا يقل عن (30.000) ثلاثون الف دينار.
10. إنشاء مكتب أعلام يمنع لجهاز الهجرة لنقل عملية الترحيل أول وأي وصورة عاجلة.
11. ترتيب منظومة ترحيل في كل مركز أبواء.
12. ترتيب منظومة كرات المراقبة على الشريط الحدودي.
13. تخصيص علاوة عمل للأعضاء التابعين لجهاز الهجرة العاملين في القواعد الحدودية الصحراوية لتشجيعهم وإرهاذا بائقي الأعضاء العاملين على الساحل للتوه لعمل في الاقسام الموجودة في الطرق الحدودية.
14. تفعيل الاتفاقية الدولية السابقة وخصصنا في مجال ترتيب كرات مراقبة على الحدود.
36. The following is an official translation of the above document.

Source: Confidential
Translated from Arabic

Ministry of the Interior
Department for Combating Illegal Migration

No.: 6-1/94
Date: 20 July 2017

Subject: Smuggling of illegal migrants into Libya

Sir,

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

1. The Kufrah region lies in the south-west and borders three States. Its location is strategically important and the region serves as the gateway of Libya to Africa. It is strategically significant to Libya and neighbouring States. The region borders Egypt (250 km), the Sudan (350 km) and Chad (450 km).

2. Kufrah is a vast border region that makes up one fifth of the area of Libya. All the roads that connect to neighbouring States are unpaved (dirt). Smugglers use this vast desert area to smuggle illegal migrants, drugs and fuel. Following are some of the most important routes that smugglers use to move illegal migrants:

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

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

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

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

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

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

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

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

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

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

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

Accept, Sir, the assurances of my highest consideration.

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

Source: Confidential (translated by the United Nations)
Annex 19  LNA units’ involvement in the smuggling of migrants in al Kufra region

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

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

*Translated from Arabic*

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

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

**Notice**

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

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

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

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

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

Issued in Kufrah on 13 June 2017

Source: Confidential (translated by the United Nations)
LNA entrusts Subul al-Salam Brigade with special mandate to combat the smuggling of migrants

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

Libyan Army  
General Command  
Kufrah Military Zone  

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

“We will never give up – Victory or death”

[Handwritten] 519

To: The Subul al-Salam Battalion

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

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

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

Please take appropriate measures.

Annexes:
Copy of the decision

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

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

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

Source: Confidential (translated by the United Nations)
Annex 20  Premises used to detain and abuse migrants

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

Source: Google Earth (imagery from 26 March 2018)
Annex 21  Escape of migrants from the premises on 23 May 2018

An Eritrean migrant bearing bullet wounds in leg.

Source: Confidential. Picture from 23 May 2018

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

Source: Confidential. Picture from 23 May 2018
A migrant bearing burns and bruises due to torture.

Source: Confidential. Picture from 23 May 2018
Annex 22  El Muktar Annex

41. Examples of the items seized are shown below.

Self contained rocket launch systems

Picture 1 RPG 26

Source: Panel of Experts, September 2017

Picture 2 RPG 27

Source: Panel of Experts, September 2017

Picture 3 RPG 27

Source: Panel of Experts, September 2017
42. All three of these items are reported to be products of Joint Stock Company Scientific Production Association Bazalt (JSC SPA Bazalt) however the Russian Federation reports being unable to find further information on the basis of the markings shown. The markings match those on weapons from a separate seizure made under the Yemen sanctions regime. The Panel is investigating the potential for these items to be copies of Russian products made in a third country.

Picture 4 RPO-A Shmel

Source: Panel of Experts, September 2017

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

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

Picture 5 WPF 89-2

Source: Panel of Experts, September 2017
45. The WPF 89-2 is another thermobaric weapons system. In response to the Panel’s enquiries the People’s Republic of China, where the system is manufactured, stated that “no individual Fuel-Air Explosive rocket launcher had ever been exported to Libya” but did not indicate where the system shown above had been exported.

46. This weapon appears to have been part of the same batch as another WPF launcher identified in a Small Arms Survey Report on the Online weapons trade in Libya.\(^4\)

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

**Picture 6 9M111M**

![Image 6](https://example.com/image6)

*Source: Panel of Experts, September 2017*

**Picture 7 9M111M**

![Image 7](https://example.com/image7)

*Source: Panel of Experts, September 2017*

**Photograph 1: 9M113**

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

49. The 9M111M also appears to be from the same batch as one shown in a report on the online weapons trade in Libya\(^5\).

**Launched anti-tank rounds**

Photograph 3: OG-9 recoilless rifle

\(^5\) Ibid.
Source: Panel of Experts, September 2017

Photograph 4: OG-7VMZ 40mm fragmentation round

Source: Panel of Experts, September 2017

Photograph 5: PG-9 recoilless rifle round

Source: Panel of Experts, September 2017

Photograph 6: PG-7 round
50. Panel research suggested that all of these items were manufactured by Vasovski Mashinostroitelnii Zavodi EAD in Bulgaria. Bulgaria has responded to Panel enquiries indicating that the OG-7VMZ was not produced by VMZ JSCo and no items were produced by that company with the lot number shown.

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

**7.62 MAG general purpose machine gun**

**Photograph 7: 7.62 MAG general purpose machine gun**
52. The markings on both the machinegun and ammunition indicate that they were manufactured by Fabrique National d’Herstal (FN Herstal) manufactured by in Belgium. The Belgian authorities have
indicated that the ammunition was manufactured in 1981; however, they no longer have the ammunition archives. The machine gun was part of a shipment exported to Libya on 13 January 1976.

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

54. The replies to Panel enquiries received so far indicate that at least part of this shipment originated from former regime stockpiles however the apparent lack of exports of WPF-2 launchers may indicate that some elements of the shipment entered Libya after 2011.
Annex 23  MV Andromeda relevant shipping documents

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

Source: Confidential

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

Source: Confidential
Copy of the freight contract by Armada Ltd:

TAŞIMA SÖZLEŞMESİ

01. GEMİ : MV ANDROMEDA or TBN ARMADA GEMİ OPCİYONUNDA
(GEMİ TAHMİ VE SERTİFİKALARI EKTEDE GİBİDIR)

02. KIRALAYAN : ARMADA DENIZCİLİK VE GEMİ KIRALAMA TİC. LTD. ŞTİ.
Açibadem mah Çecen sok Akvarya Açıbadem Sitesi A Blok K:25 U:140
Üsküdar – İSTANBUL / Üsküdar VD 079 034 1831

03. KIRACI (TAŞTAN) : ORICA-NİTRO PAT. MAD. SAN. VE TİC. A.Ş,
Hülya Sok. No: 45, 06700, GÖP Ankara

04. ANA ARMATOR/MANAGER/OPERATOR :
Andromeda Ship Management - Greece
C/O Navi Trade Shipping Agency - Lebanon

05. KARGO : 16 pieces 20’ imco 1.1d + imco 5.1 uw 20-22 mts + imco 1.1 b uw 20-22 mts
Shipper’s owned containers, as part cargo, under/on deck oo

06. YÜKLEME LİMANI : MERSİN LİMANI,

07. TAHLİYE LİMANI : 1 GÜVENLİ DIJİBOUTI LİMANI/RIHTIM


09. YÜKLEME ORANI : LINER IN/H BSS

10. TAHLİYE ORANI : LINER OUT/H BSS

11. NAVLUN : USD 152.800 Lump sum basis FLT H/H
Tüm Lashing/Securing/Dunnage Taşıyıcı hesabına ve zaman sayımında.

"UK Güverte uzerinde tasnak olup, Konşmentoya bu konuda not dursuneketir.
Unlashing/removal of dunnage Taşıyıcı hesabında.

12. DETENTION : USD 5,500 BEHER GÜN VE KESİR/TAHLİYE LİMANINDA OluŞURSA TAHLİYEİN BİTİMINE
MÜTEAKİP 10 GÜN İÇERİSİNDE ODENECEK
DETENTION ŞARTLARI; YÜKÜN TAHLİYE LİMANINDAKİ ALICI TARAFINDAN ZAMANINDA GÜMÜRÜK İŞLEMLERİ
TAMAMLANMAYAKAR YÜK VE GEMİNİN BEKLETILMESİ DURUMUNDA OLUŞUR. YÜKLEYİCİDEN VE ALİÇİDEN
KAYNAKLAMANAN GECMİMLERDEN ÖTÜRÜ DETENTION OLUŞMZ.

13. NAVLUN ÖDEMESİ : KONŞTER YÜKLİMESİNİN BAŞARIĞI BİR ŞEKİLE TAMAMLANMASINA MÜTEAKİP 3
BANKA GÜNÜ İÇERİSİNDE TAŞTANIN BANKASINA YAPILACAK, KONŞMENTO "FREIGHT PAYABLE AS PER CHARTER

Source: Confidential

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

**Exporter:** ORICA-NITRO
**Address:** Hülüa sok. No:45 GOP/JANKARA

**Consignee:** MIDROC GOLD MINE PVT.LTD.
**Address:** PO Box. 2318 ADDIS ABABA, ETHIOPIA
**TIN NO:** 0000030220

**Country of Origin:** TURKEY / INDIA

**Marks:**
- **ANFO**
- **Powergel Magnum 365** (Size: 38x600mm)
- **Electric Detonator, 2.5m Al Wire**
- **EXEL LP 5 M, No: 1,2,3,6,7,8,9,10,14**

**Packing:** 3,471 Pcs

**Gross Weight:** 90,182.30 Kg
**Net Weight:** 85,111.30 Kg

**Quantity:**
- **ANFO:** 84,800.00 Kg
- **Powergel Magnum 365:** 5,250.00 Kg
- **Electric Detonator:** 5.90 Kg
- **EXEL LP 5 M, No: 1,2,3,6,7,8,9,10,14:** 126.40 Kg
- **Total:** 90,182.30 Kg

---

**Signature:**

**Ankara Sanayi Odası**
**Date:** 24.11.2017

---

**Source:** Confidential

**Copy of the end user certificate:**
END USER CERTIFICATE

TO WHOM IT MAY CONCERN

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

<table>
<thead>
<tr>
<th>Item No</th>
<th>Item description</th>
<th>Unit</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Powergel magnum 365 (size:38X560mm)</td>
<td>KG</td>
<td>16,000</td>
</tr>
<tr>
<td>2</td>
<td>Powergel magnum 365 (size:50X450mm)</td>
<td>PC</td>
<td>4,400</td>
</tr>
<tr>
<td>3</td>
<td>Powergel magnum (size:90X550mm)</td>
<td>KG</td>
<td>72,000</td>
</tr>
<tr>
<td>4</td>
<td>ANFO</td>
<td>KG</td>
<td>80,000</td>
</tr>
<tr>
<td>5</td>
<td>Detonating cord (6 gm/m)</td>
<td>MT</td>
<td>16,000</td>
</tr>
<tr>
<td>6</td>
<td>Electric detonator, 2.5m Al Wire</td>
<td>EA</td>
<td>500</td>
</tr>
<tr>
<td>7</td>
<td>EXEL HTD 5 M, 25ms (Nonelectric Detonator)</td>
<td>PC</td>
<td>1,000</td>
</tr>
<tr>
<td>8</td>
<td>EXEL LP 5 M, 100 ms No.1 (Nonelectric Detonator)</td>
<td>EA</td>
<td>8,300</td>
</tr>
<tr>
<td>9</td>
<td>AMMONIUM NITRATE (AS AQUEOS SOLITON-MATRIX)</td>
<td>KG</td>
<td>40,000</td>
</tr>
</tbody>
</table>

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

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

Source: Confidential

Copy of the contract between Orica Nitro and the Ethiopian buyer:
SALES CONTRACT
DATE: 08.10.2015, No: P-15.10/323

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

ORICA-NITRO PATLAYICI MADDELER SAN. VE TIC. A.S.
ADDRESS: Hılye Sok. No: 45 06700 G.O.P. ANKARA-TURKEY
Phone/Fax: 00903124461600/4461355
Email: dogun.gunhan@orica-nitro.com.tr
Represented By: Hidayet OSMANOĞLU, Sales And Marketing Coordinator
(Hereinafter called “The Seller”)

and

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

Whereas,

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

Whereas,

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

1. DEFINITIONS

“Parties” : Collectively Buyer and Seller
“Explosives” : Commercial Explosives and Blasting Accessories manufactured and/or supplied by the Seller
“Emulsion” : Subtek Velero Brand Emulsion Manufactured and/or supplied by the Seller
“Charging Unit” : Underground Charging Unit - UGS328 Maxipump
“Products” : Collectively Explosives, Emulsion and Charging Unit
“PO” : Purchase Order issued by the Buyer
“IBC” : Intermediate Bulk Carrier with Pallet and Metal Protection Frame
“Site” : Underground Mine owned and operated by the Buyer in Ethiopia  
“Facility” : Production Plants of the Seller located in Ankara, Turkey

2. SCOPE

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

3. PRODUCTS

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

4. QUANTITY

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

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

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

5. DELIVERY

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

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

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

6. SHIPMENT

6.1. Emulsion will be shipped with Partial Orders. The Buyer shall send PO for each partial shipment. The quantity of each partial shipment will be agreed by both parties.

The Emulsion will be shipped by 20’DC and/or 40’DC standard containers as stuffed in IBC - (Intermediate Bulk Carrier) as 800 Kg. to 1,000 Kg. per IBC depending on the density of the Emulsion.

Each 20’DC shall be stuffed with 8 to 10 pieces of IBC.

---

Source: Confidential
Annex 24    MV Andromeda timeline and route

1. Vessel information:

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

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

3. Different phases can be distinguished:

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

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Event data</th>
<th>Sender/Source</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 Nov 2017</td>
<td>Position</td>
<td>Log book</td>
<td>Arrival Iskanderun</td>
</tr>
<tr>
<td>18 Nov 2017</td>
<td>Position</td>
<td>Log book</td>
<td>Loading of gas tanks; Departure</td>
</tr>
<tr>
<td>19 Nov 2017</td>
<td>Position</td>
<td>Log book</td>
<td>Mersin port; Loading and paperwork starts</td>
</tr>
<tr>
<td>23 Nov 2017</td>
<td>Position</td>
<td>Log book</td>
<td>Departure; sailing to Port Said</td>
</tr>
<tr>
<td>25 Nov 2017</td>
<td>Position</td>
<td>Log Book</td>
<td>Anchorage Port Said</td>
</tr>
<tr>
<td>26 Nov 2017</td>
<td>Email</td>
<td>Andromeda management</td>
<td>Andromeda Shipmanagement copies all parties concerned claiming that the Bill of</td>
</tr>
<tr>
<td>Date</td>
<td>Type</td>
<td>From</td>
<td>To</td>
</tr>
<tr>
<td>------------</td>
<td>----------</td>
<td>-----------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>30 Nov 2017</td>
<td>Email</td>
<td>Andromeda management</td>
<td>Charterer</td>
</tr>
<tr>
<td></td>
<td>Email</td>
<td>Charterer’s lawyer</td>
<td>Charterer</td>
</tr>
<tr>
<td>2 Dec 2017</td>
<td>Position</td>
<td>Log book</td>
<td>Andromeda management</td>
</tr>
<tr>
<td>5 Dec</td>
<td>Position</td>
<td>Log Book</td>
<td>MV drifting offshore Limassol, Cyprus</td>
</tr>
<tr>
<td></td>
<td>Email</td>
<td>Andromeda management</td>
<td>Charterer</td>
</tr>
<tr>
<td>6 Dec 2017</td>
<td>Email</td>
<td>Charterer</td>
<td>Charterer</td>
</tr>
<tr>
<td>8 Dec 2017</td>
<td>Email</td>
<td>Lawyer Hamburg</td>
<td>Andromeda management</td>
</tr>
<tr>
<td></td>
<td>Position</td>
<td>Log book</td>
<td>Andromeda leaves Limassol anchorage sails to Port Said</td>
</tr>
<tr>
<td></td>
<td>Email</td>
<td>Andromeda management</td>
<td>Charterer</td>
</tr>
<tr>
<td>9 Dec 2017</td>
<td>Email</td>
<td>Suez Canal</td>
<td>Andromeda management</td>
</tr>
<tr>
<td>14 Dec 2017</td>
<td>Email</td>
<td>Andromeda management</td>
<td>Charterer</td>
</tr>
<tr>
<td></td>
<td>Position</td>
<td>Log book</td>
<td>Charterer</td>
</tr>
<tr>
<td>15 Dec 2017</td>
<td>Position</td>
<td>Log book</td>
<td>Andromeda management</td>
</tr>
<tr>
<td>16 Dec 2017</td>
<td>Email</td>
<td>Andromeda management</td>
<td>Charterer</td>
</tr>
<tr>
<td>19 Dec 2017</td>
<td>Position</td>
<td>Log book</td>
<td>Charterer</td>
</tr>
<tr>
<td>20 Dec 2017</td>
<td>Position</td>
<td>Log book</td>
<td>Charterer</td>
</tr>
<tr>
<td></td>
<td>Email</td>
<td>Destel Group</td>
<td>Charterer</td>
</tr>
<tr>
<td>21 Dec 2017</td>
<td>Email</td>
<td>Charterer</td>
<td>Charterer</td>
</tr>
<tr>
<td>Date</td>
<td>Time Frame</td>
<td>Type</td>
<td>Description</td>
</tr>
<tr>
<td>------------</td>
<td>------------</td>
<td>------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>25 Dec 2017</td>
<td>Position</td>
<td>Log book</td>
<td>Vessel sails north-west of Crete towards the bay of Kalamata at the Peloponnese.</td>
</tr>
<tr>
<td>27 Dec 2017</td>
<td>Email</td>
<td>Lawyer</td>
<td>Report on meeting with Andromeda management and Destel in Athens. Agreed to pay. Sum to be determined; no agreement on best method of payment. Escrow account with Destel Group.</td>
</tr>
<tr>
<td></td>
<td>Email</td>
<td>Andromeda management</td>
<td>Vessel manager confirms that partial agreement was reach during meeting in Athens and that he has instructed the vessel to sail to Port Said to transit the Suez Canal. He expects the lawyer’s office will settle all outstanding issues and the Suez Canal fees will be paid on time for the vessel to transit.</td>
</tr>
<tr>
<td>27 Dec 2017</td>
<td>Position</td>
<td>Log book</td>
<td>Vessel sails along Cretan shores in direction of Heraklion</td>
</tr>
<tr>
<td>28 Dec 2017</td>
<td>Position</td>
<td>Log book</td>
<td>Vessel anchors in front of Sitia, Crete</td>
</tr>
<tr>
<td>29 Dec 2017</td>
<td>Message</td>
<td>Andromeda management and Agent in port of Bar</td>
<td>Request to warehouse cargo at dangerous goods facility of port of Bar, Montenegro</td>
</tr>
<tr>
<td>2 Jan 2018</td>
<td>Email</td>
<td>Lawyer</td>
<td>Mentions that Andromeda management does not agree with the USD 80,000 agreed. Asks Destel to intervene</td>
</tr>
<tr>
<td></td>
<td>Email</td>
<td>Charterer</td>
<td>Claims that there is good AIS signal and that MV Andromeda shelters near Libyan coast. Stresses that he wants to find a solution and is ready to proceed with payment.</td>
</tr>
<tr>
<td></td>
<td>Email</td>
<td>Destel Group</td>
<td>States that the deal made in Athens with Andromeda management was valid until 29 December 2017. The deadline had passed and the sum agreed upon was USD 100,000.</td>
</tr>
<tr>
<td>3 Jan 2018</td>
<td>Email</td>
<td>Andromeda management</td>
<td>Stresses that a solution should be possible, but reiterate the threat to warehouse the dangerous goods highlighting that the vessel and the crew are in a difficult situation.</td>
</tr>
<tr>
<td>3 Jan 2018</td>
<td>Position</td>
<td>Log book</td>
<td>Vessel sails to Golf of Mirabello, Agios Nikolaos, Crete</td>
</tr>
<tr>
<td>6 Jan 2018</td>
<td>Position</td>
<td>Log book</td>
<td>Hellenic Coastguard approach MV Andromeda in Gulf of Mirabello, Crete</td>
</tr>
<tr>
<td>7 Jan 2018</td>
<td>Position</td>
<td>Log book</td>
<td>Hellenic Coastguard escort vessel to port of Heraklion, Crete</td>
</tr>
<tr>
<td>8 Jan 2018</td>
<td>Email</td>
<td>Destel Group</td>
<td>Business associate informs Andromeda manager that the Charterer through his lawyer have agreed to pay.</td>
</tr>
</tbody>
</table>
4. The AIS signal of the vessel was erratic and the unit was not functioning most of the time. The Panel reconstructed the route of MV Andromeda using a navigation map replicating the master’s log book by an independent expert.

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

George Triantafyllopoulos (MarineTraffic Support)
Oct 31, 12:00 EET

Hello again,

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

As originally suspected, the issue you mentioned had to do with the fact that, as
previously discussed, there is another vessel that shares the same MMSI, Call Sign and moves around the same area as your vessel, causing an issue for the data we receive from both vessels to be appropriately translated into our Database.

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

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

Best regards,

George Triantafyllopoulos

Add value to your business: Solutions | Book your demo | Business Directory

MarineTraffic

George Triantafyllopoulos (MarineTraffic Support)
Oct 17, 15:52 EEST

Hello again,

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

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

All the Best,

George Triantafyllopoulos
MarineTraffic
Dear Sirs,

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

Kindly

George Triantafyllopoulos (MarineTraffic Support)

Hello again,

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

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

Thank you in advance. I'm looking forward to hearing from you.
This is a follow-up to your previous request #71992 "Mv/Andromeda Call Sign"

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

Thank you in advance

Kindly

Operation Depart
6. The Panel requested from the Flag State, Tanzania, the Long-range identification and tracking system (LRIT), but did not receive a reply. At the same time, the Panel noted that Marine Traffic continued to show AIS information on its map, though the MV *Andromeda* remained at the port of Heraklion. For example, Marine Traffic showed MV *Andromeda* sailing from Haifa, Israel, to Beirut, Lebanon, between 2 to 10 July 2018:
Source: marinetraffic.com, 10 July 2018.
Annex 25  Annex Andromeda warehousing requests

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

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

9. Copies of the emails are stored in the Panel’s archives.
Annex 26  MV Andromeda manager instructions to sail to Port Said

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

Source: Confidential
Annex 27  C-17 Globemaster III flights to Benina and Misrata airports

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

<table>
<thead>
<tr>
<th>Departure</th>
<th>Arrival</th>
<th>Dep. Airport</th>
<th>Arrival Airport</th>
<th>Tail-Number</th>
<th>Hexcode</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>03.16.2018</strong></td>
<td>03.16.2018 08:45:41</td>
<td>ETAR</td>
<td>HLMS</td>
<td>99206A</td>
<td>AE49C2</td>
</tr>
<tr>
<td><strong>03.17.2018</strong></td>
<td>03.17.2018 11:39:41</td>
<td>ETAR</td>
<td>HLLB</td>
<td>99206A</td>
<td>AE49C2</td>
</tr>
<tr>
<td><strong>03.18.2018</strong></td>
<td>03.18.2018 11:28:42</td>
<td>ETAR</td>
<td>HLLB</td>
<td>99206A</td>
<td>AE49C2</td>
</tr>
<tr>
<td><strong>03.29.2018</strong></td>
<td>03.29.2018 15:37:31</td>
<td>HDAM</td>
<td>HLMS</td>
<td>77185A</td>
<td>AE20C6</td>
</tr>
<tr>
<td><strong>04.15.2018</strong></td>
<td>04.15.2018 16:51:07</td>
<td>LGSA</td>
<td>HLMS</td>
<td>10197A</td>
<td>AE10C0</td>
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<td>HLLB</td>
<td>77185A</td>
<td>AE20C6</td>
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<tr>
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<td>06.03.2018 00:17:31</td>
<td>LICT</td>
<td>HLMS</td>
<td>ZZ172</td>
<td>43C172</td>
</tr>
</tbody>
</table>

Source: Eurocontrol, 2018
Annex 28  L-39 Case and Falcon F900 used by Khalifa Haftar and the LNA

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

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

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

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

FAA REGISTRY
N-Number Inquiry Results

N393WA is Assigned

<table>
<thead>
<tr>
<th>Aircraft Description</th>
<th>Status</th>
<th>Certificate Issue Date</th>
<th>Expiration Date</th>
<th>Type Engine</th>
<th>Dealer</th>
<th>Mode S Code (base 8 / oct)</th>
<th>Mode S Code (base 16 / hex)</th>
<th>Fractional Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serial Number</td>
<td>533623</td>
<td>In Question</td>
<td>None</td>
<td>Turbo-fan</td>
<td>No</td>
<td>51107743</td>
<td>A48FB3</td>
<td>NO</td>
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<tr>
<td>Manufacturer Name</td>
<td>AERO VODOCHODY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>Type Aircraft</td>
<td>Fixed Wing Single-Engine</td>
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</table>

Registered Owner

<table>
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<tr>
<th>Name</th>
<th>SALE REPORTED</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street</td>
<td>1209 N ORANGE ST</td>
<td></td>
<td>19801-1120</td>
</tr>
<tr>
<td>City</td>
<td>WILMINGTON</td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>NEW CASTLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>UNITED STATES</td>
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Airworthiness

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<tr>
<th>Engine Manufacturer</th>
<th>IVCHENKO</th>
<th>Classification</th>
<th>Category</th>
<th>Exception Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engine Model</td>
<td>AL-25SERIES</td>
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<td>Exhibition</td>
<td></td>
</tr>
<tr>
<td>A/W Date</td>
<td>01/17/2012</td>
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<td></td>
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</tr>
</tbody>
</table>

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

Other Owner Names

SOLD TO CITE AVIATION LLC

Temporary Certificates

None

http://registry.faa.gov/aircraftinquiry/Num_Results.aspx?Num=393WA 18.06.2018

Source: Riccardo Mortara

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

Tabel of the L-39C flights in Benghazi.
<table>
<thead>
<tr>
<th>DATE</th>
<th>AIRCRAFT</th>
<th>FROM</th>
<th>TO</th>
<th>T/O</th>
<th>LANDING</th>
<th>FLIGHT TIME</th>
<th>PILOTS</th>
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<tbody>
<tr>
<td>29-03-18</td>
<td>L39</td>
<td>N393WA</td>
<td>TORINO</td>
<td>9:30</td>
<td>10:30</td>
<td>1:00</td>
<td>DALLA POZZA CARLO</td>
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<tr>
<td>29-03-18</td>
<td>L39</td>
<td>N393WA</td>
<td>PERUGIA</td>
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<tr>
<td>29-03-18</td>
<td>L39</td>
<td>N393WA</td>
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<td>1:40</td>
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<tr>
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<td>N393WA</td>
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<tr>
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<td>12-05-18</td>
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<td>N393WA</td>
<td>BENGHAZI</td>
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</tr>
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</tr>
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<td>DALLA POZZA CARLO, GATTI ANDREA</td>
</tr>
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</tr>
<tr>
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<td>17:20</td>
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</tr>
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<td>L39</td>
<td>N393WA</td>
<td>BENGHAZI</td>
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<td>16:50</td>
<td>0:20</td>
<td>MORTARA RICCARDO, DALLA POZZA CARLO</td>
</tr>
</tbody>
</table>
Annex 29  Armoured vehicles of LNA armed groups

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

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

Source: LNA Media Office, 26 June 2018

__________________
6 https://www.youtube.com/watch?v=cbmPOzd8BI8
Picture 9 Panthera F9 MRAP by Minerva Special Purpose Vehicles en route to Derna on 16 May 2018.

Source: LNA Media Office, 16 May 2018

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

Source: LNA Media Office, 16 May 2018

__________________

7 https://www.youtube.com/watch?v=Sdf4IKSHSgQ
8 Ibid.
Picture 11 Streit Spartan ASV used by the LNA, participating in the attacks in Derna, June 2018

Source: Media office of the LNA, 26 June 2018.

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

Source: Social media
Annex 30  Czech rotary-wing aircraft Mi-24v attempted retransfer to Libya

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

15. The UAE later informed the Panel that the Mi-24v were received and that Czech representatives attended an inspection of the rotary-wing aircraft on 6 December at the Sweihan Airbase in Abu Dhabi.
Annex 31  Moldovan civilian cargo planes

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

Source: Media

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

Source: Confidential
Annex 32  Detonating cord

16. The case of the vessel El-Mukhtar (see paragraph Error! Reference source not found. and Error! Reference source not found.) has confirmed the Panel’s previous reporting on regular weapons transfers from Misrata to the Benghazi Revolutionary Shura Council (BRSC). The Panel has received footage of LNA specialized units defusing IEDs in Benghazi featuring large boxes containing detonating cords manufactured by an explosive manufacturer based in Turkey and surrounding areas. Part of that footage shows the seizure in early 2017 of large boxes wrapped with multiple layers of plastic foil on board a vessel sailing from Misrata. The boxes seized contained explosives including detonating cords and still featured stickers of the manufacturing company. The sticker mentions following company information:

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

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

Source: Confidential, 2017
The same detonating cord is featured on the website of the company. In reply to the Panel’s inquiries, the Turkish authorities declared that the company had no records of exports to Libya between the dates 1 March 2011 and 4 October 2017.

Source: Confidential, 2017

Annex 33  Khalifa Hafter’s visit to Tunis

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

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

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

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

Source: Media Office – General Command of the LNA

13 Video available at Media Office channel: http://www.youtube.com/watch?time_continue=2&v=qf9ZfK96GNs.
20. Haftar flew from eastern Libya to Tunis on board a private F900 jet with the tail number P4-RMA. The Falcon jet plane is owned by a UAE-based company called Sonnig International Group Ltd, and operated by Golden Eagle Trading FZE based in Dubai but registered in the Caribbean Netherlands. The CEO of Sonnig confirmed to the Panel that he is also the CEO of Golden Eagle Trading. The companies have set up an operational branch at the Benghazi airport and charter two Falcon jets amongst others to Khalifa Haftar.
Annex 34  Tunisia

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Materiel</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.07.2017</td>
<td>Sfax</td>
<td>Unspecified arms cache</td>
</tr>
<tr>
<td>07.02.2017</td>
<td>Sakah (Remada)</td>
<td>6 rocket-propelled grenade launchers; 1 AKM self-loading rifle</td>
</tr>
</tbody>
</table>

Source: Confidential

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

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

Source: Panel of Experts

Picture 19 AKM-type self-loading rifle, Tula Arsenal, Russia
Source: Panel of Experts
Picture 20 AKM-type self-loading rifle, Zastava factory, Yugoslavia (Serbia)
Annex 35  Seized arms and related material in Niger

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

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

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

<table>
<thead>
<tr>
<th>Materiel</th>
<th>Quantity</th>
<th>Country of manufacture</th>
</tr>
</thead>
<tbody>
<tr>
<td>AK-pattern self-loading rifle</td>
<td>84</td>
<td>Algeria (2), Bulgaria (4), China (16), Czechoslovakia (1), East-Germany (5), Egypt (4), Hungary (1), Iraq (2), Poland (10), Romania (14), Russia (24), Yugoslavia (1)</td>
</tr>
<tr>
<td>Blank pistols (9 x 22 mm)</td>
<td>62</td>
<td>Turkey (49)</td>
</tr>
<tr>
<td>7.62 x 51 mm self-loading rifle</td>
<td>10</td>
<td>Belgium (6), France (4)</td>
</tr>
<tr>
<td>RPG-launchers</td>
<td>5</td>
<td>Bulgaria (5)</td>
</tr>
<tr>
<td>Semi-automatic pistols</td>
<td>3</td>
<td>Brazil (1), Czechoslovakia (1), France (1)</td>
</tr>
<tr>
<td>5.56 x 45 mm self-loading rifle</td>
<td>2</td>
<td>Israel (2)</td>
</tr>
<tr>
<td>Pump-action shotgun</td>
<td>2</td>
<td>Turkey (2)</td>
</tr>
<tr>
<td>Sniper rifle</td>
<td>1</td>
<td>Romania (1)</td>
</tr>
</tbody>
</table>
Annex 36  AIK trading and White Star company

The risk of diversion and misuse of end-user certificates

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

AIK Trading

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

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

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

White Star company

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

6. A Greek broker had introduced the Greek manufacturer to Khaled al-Sharif. The first meeting in Tripoli in early 2013 was attended by Khaled al-Sharif, Abd al-Hakim Belhaj, and the Director of White Star Mustapha Abd al-Rahman. It was followed by a visit to the factory in Greece to Athens.
White Star signed the contract to purchase 181 tanker trucks. The down payment of 2 million Euro, however, was done through the intermediary of Al Bayan’s Tunisian bank account.  

7. It seems that Al Bayan was used to channel money from Libyan companies to veil the origin of the funds. The Panel, therefore, investigated whether Mr. Sharif or Mr Belhadj had any private interests in the White Star company. Mr. Sharif and Mr Belhadj confirmed to the Panel that they visited the factory in Greece. They both stressed that they had not connections with White Star, but knew the director, Abd al-Rahman. The managers of the Greek company, on contrast, mentioned that Mr. Sharif had given the instruction to Mr. Abd al-Rahaman to conclude the deal. The managers of the Greek company was under the impression that White Star and al Bayan were used as front companies.
Bank transfer from Al Bayan to AIK Trading Limited, Cyprus, dated 08.06.2017

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

Source: Confidential
EUC for AIK Trading Ltd Contract signed by Khaled al-Sharif, dated 27.05.2013

<table>
<thead>
<tr>
<th>1. Name and Address of End User:</th>
<th>Ministry of Defense of the Republic of Libya</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Name and Address of Exporter:</td>
<td>AIK TRADING LTD, 17 Gr. XenopouLou, 3106 Limassol, Cyprus</td>
</tr>
<tr>
<td>3. Contract or Order Reference</td>
<td>CONTRACT 136593</td>
</tr>
<tr>
<td>4. Date:</td>
<td>27.05.2013</td>
</tr>
<tr>
<td>5. Articles/Data:</td>
<td>We certify that we have placed an order for the following articles/data in the quantity shown below:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Articles/Data Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,028,000</td>
<td>1 - 7.62x39 mm ammunition</td>
</tr>
</tbody>
</table>

6. Certification of End-User:

We certify that we are the end-user of the articles/data listed in item 5. We undertake not to sell, lend or deliver to any third party under any conditions whatsoever, with or without compensation, temporarily or permanently, the articles/data listed in item 6 including equipment and spares, delivered in connection with the after-sales support, documentation and operating manuals, without the prior written approval of the----AUTHORITIES

Name & title of applicant:
Name & title of signer:
Signature of official of end-user:
Signature:

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

Source: Confidential
Request for procurement of tanker trucks by Khaled al-Sharif

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

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

<table>
<thead>
<tr>
<th>Description</th>
<th>No of units</th>
<th>Unit Price</th>
<th>Currency</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fuel tanker two axled semi trailer with aluminum body type HBA201 5,000 gallon</td>
<td>2</td>
<td>75,000</td>
<td>EURO</td>
<td>150,000</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>75,000</td>
<td>EURO</td>
<td>300,000</td>
</tr>
<tr>
<td></td>
<td>14</td>
<td>75,000</td>
<td>EURO</td>
<td>1,050,000</td>
</tr>
<tr>
<td></td>
<td>160</td>
<td>75,000</td>
<td>EURO</td>
<td>12,000,000</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>75,000</td>
<td>EURO</td>
<td>750,000</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td>181</td>
<td></td>
<td></td>
<td>€ 13,575,000</td>
</tr>
</tbody>
</table>

Delivery Terms: CIF Port of Tripoli, Libya

Delivery via: VESSEL “HELLENIC MASTER”

Method of Payments: € 2,000,000 downpayment, balance € 11,575,000.000 by bank transfer prior to loading on vessel

Banker’s details: NATIONAL BANK OF GREECE

Source: Confidential
Annex 37  Documented attempts to illicitly export crude oil from Eastern National Oil Corporation

Limbado case

1. The following is an extract of the agreement signed between National Oil Corporation of Benghazi and “Limbado Finance Ltd.” on 3 October 2017.
THIS AGREEMENT IS MADE ON 3 OCTOBER 2017 BETWEEN

SELLERS NAME: National Oil Corporation
Address: Jamal Abdel Naser Street, Berka, NOC HQ Bulding, Benghazi, Libya.
Representative: Mr. Mohamed Atia
Position: Chairman, National Oil Corporation

and

BUYERS NAME: Limbado Finance Ltd.
Address: Vanterpool Plaza, 2nd floor, Wickhams Cay I, Road Town, Tortola, British Virgin Islands
Director: Mr. Michalis Korelis, Director, M.K.C.K. Services Limited

Article (1)

SELLERS NAME:
National Oil Corporation incorporated under the laws of Libya, hereinafter called the “SELLER”, which expression where the context so admits, shall include their personal representatives.

BUYERS COMPANY NAME:
Limbado Finance Ltd., incorporated under the laws of the British Virgin Islands, registered under number 1943396, hereinafter called the “BUYER”, which expression where the context so admits, shall include their personal representatives.

Article (2)

Terms:

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

WHEREAS The buyer makes an irrevocable and firm commitment to purchase and load the crude oil also makes an irrevocable and firm commitment to accept the said product in accordance with the terms of this Agreement.
Date: 3 October 2017

Signed by:

SELLERS NAME: National Oil Corporation
Address: Jamal Abdel Naser Street, Berka, NOC JIQ Building, Benghazi, Libya.

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

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

and

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

date:

Signed by:

BUYERS NAME: Limbado Finance Ltd.

Director: Mr. Michalis Korellis, Director, M.K. Services Limited
### Appendix (A) of crude oil type specification

<table>
<thead>
<tr>
<th>Crude</th>
<th>API Gravity</th>
<th>Sulfur Content</th>
<th>Loading Port</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sarir / Messla blend</td>
<td>37.6</td>
<td>0.128</td>
<td>Marsa al-Hariga / Tobruk / Marsa al-Hariga / Marsa al-Brega / Sider</td>
</tr>
<tr>
<td>Sarir</td>
<td>37.1</td>
<td>0.2</td>
<td>Marsa al-Hariga / Tobruk / Marsa al-Hariga / Marsa al-Brega / Sider</td>
</tr>
<tr>
<td>Brega</td>
<td>42.6</td>
<td>0.173</td>
<td>Marsa al-Brega</td>
</tr>
<tr>
<td>Amna</td>
<td>36.9</td>
<td>0.112</td>
<td>Sider / Zweitina</td>
</tr>
</tbody>
</table>

Source: Confidential
Volont case

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

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

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

And

BUYERS NAME: VOLONT SHIPPING & TRADING S.A.

Representative: Mr. Dimitri Xenikakis
Position: CEO

Paragraph (1)

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

BUYERS COMPANY NAME:
The Entity incorporated under the laws of Marshal Islands, hereinafter called the “BUYER”, which expression where the context so admits, shall include their personal representatives.

Paragraph (2)

Terms:

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

WHEREAS The buyer makes an irrevocable and firm commitment to purchase and load the crude oil also makes an irrevocable and firm commitment to accept the said product according to this contract terms.
Paragraph (8)

DECLARATION:

The undersigned declare that the foregoing instrument fully sets forth the entire agreement between the parties and that the signatories below have been fully and duly authorised to enter into and bind each representative company to the contract.

SELLER AND BUYER'S ACKNOWLEDGEMENT:

Paragraph (9)

We, as Seller, hereby with full corporate responsibility and with the power vested in its Officer, accept, confirm and agree to abide by this Contract. The Seller has all rights to revoke the entire Contract if Buyer failed to meet terms of this Contract.

Date:

Signed by:

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

Prepared by: Dr. Almabruk Sultan.
Position: Member of the Board of Directors

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

And

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

date:

Signed by:

BUYERS NAME: VOLONT SHIPPING & TRADING S.A.

Representative: Mr. Dimitri Xeridakis
Position: CEO
Appendix (A) of crude oil type specification

<table>
<thead>
<tr>
<th>Crude</th>
<th>API Gravity</th>
<th>Sulfur Content</th>
<th>Loading Port</th>
</tr>
</thead>
<tbody>
<tr>
<td>Messla</td>
<td>-</td>
<td>-</td>
<td>Marsa al-Hariga / Tobruk</td>
</tr>
<tr>
<td>Sarir</td>
<td>37.1</td>
<td>0.2</td>
<td>Marsa al-Hariga / Tobruk</td>
</tr>
</tbody>
</table>
Rao Rosneftegazstory case

3. The following is a letter signed by the National Oil Corporation of Benghazi to confirm a cargo availability in the favour of “Rao Rosneftegazstory”, on 12 October 2017.

Source: Confidential
Quelson case

4. The following is a letter signed by the National Oil Corporation of Benghazi to confirm a cargo availability in the favour of “Quelson Overseas Inc”, on 26 February 2018.

Source: Confidential
5. The following is a letter signed by the National Oil Corporation of Benghazi to confirm a cargo availability in the favour of “Veduta Global Limited”, on 19 April 2018.

Source: Confidential
Phaedra Bright-1 case

6. The following is a letter from the National Oil Corporation addressed to the Panel of Experts, on 13 May 2018, on an illicit attempt conducted by the Eastern National Oil Corporation.

---

**PANEL OF EXPERTS ON LIBYA/UN**

**Dear Sir/Madam,**

With reference to the series of clear resolutions and statements of the United Nations, including UN Security Council Resolution 2276, regarding the prevention of illicit oil exports, and UNSCR 2259 which strongly opposes activities which could damage integrity and unity of the NOC, and UNSCR 2213 which implement sanctions against individuals or entities that support criminal networks through the illicit exploitation of crude oil or any other natural resources in Libya, and paragraph 10 of resolution 2146 (2014) as extended and modified by paragraph 2 of resolution 2362 (2017).

We also make reference to the previous correspondences regarding the continuous attempts to sell crude oil via unlawful channels,

Unfortunately, those attempts are still on-going, where it came to our attention that a vessel called: Seaway Josefa Cromej, IMO 9213301 (which could be currently named Phaedra Bright-1), has been nominated to load a cargo of 600,000 – 750,000 bbls from Marsa Al-Hariga with an ETA of 17/05/2018 (Owt 112.200, length 250m, built 2001 flag Marshall Islands and the client is unknown).

Therefore, please do whatever in your power to prevent it from being successful, where successfully bypassing NOC will lead to more damage on Libyan sovereignty and unity.

Thank you for your constant support.

Yours sincerely,

Ahmed Shawki
General Manager
International Marketing Department- NOC

---

Source: National Oil Corporation
Annex 38  Letter from the Eastern National Oil Corporation claiming to be the sole legitimate institution authorized to export crude oil

TO: WHOM IT MAY CONCERN

Date: 18.12.2017
Ref: (11/01/14)1

Dear Sirs/Madam,

With regard to the series of clear resolutions and statements of the unites nations including Security Council 2278, regarding the prevention of illicit oil exports, and UNSCR 2259 which strongly opposes activities which could damage the integrity and unity of the NOC, and UNSCR 2213 which implements sanctions against individuals or entities that support criminal networks through illicit exploitation of crude oil or any other natural resources in Libya. The National Oil Corporation (NOC) would like to state the following:

The elected and internationally recognized General National Congress (GNC) has assigned the Libyan Interim Government (LIG) which issued Government Decree No.247 (attached) issued in Tripoli on the 5th of Jun 2013 to re-locate National Oil Corporation (NOC) Headquarter to the city of Benghazi. In 2014, The elected and internationally recognized Libyan House of Representatives has assigned the Libyan Government in November of 2014 to restructure NOC Board of Directors. Law No.10 issued 1979 governing Libyan Oil and Gas industry was amended by the Libyan House of Representatives by resolution No. 4 (attached) issued on the 21st of November 2017, which assures that the National Oil Corporation Headquarter is legally based in the city of Benghazi east of Libya.

We hereby inform all IOCs that National Oil Corporation of Libya, with its official headquarter at Jamal Abdelnaser (Istikial) Street, Berka, Benghazi, is the sole owner of title related to all Libyan hydrocarbons and we are entitled to sell all crude oil, petroleum products and petrochemicals in Libya by Law 10 issued 1979. NOC has issued and informed the UN panel and the international community that it is fully committed to honor all legally signed agreements and contracts with the IOCs active in Libya and abroad and it is fully committed to the maintenance and development of the Libyan Oil and Gas resources as they represent the main financial Libyan source of income for the Libyan state and public.

In coherence with the UN views and the International community; see that any unauthorized personnel or entities dealing with the Libyan crude oil is a criminal and will be subjected to sanctions, which apply exactly on any personnel signing contracts in Tripoli, as it was clearly stated in a series of UN resolutions and statements.

Accordingly, we request and expect all International companies to respect the Libyan legislations as well as the UN resolutions, and immediately stop all illegal activities concerning the Libyan oil and Gas industry. NOC will take all the necessary legal actions to protect the Libyan hydrocarbons.

Sincerely yours

Mr. Faraj Mohamed Said
Chairman of Board of Directors
National Oil Corporation

Source: Eastern National Oil Corporation
Annex 39  Letter from the Interim Government on Mustafa Sanalla

1. The following is a letter signed by the Chairman of the Eastern National Oil Corporation, dated 8 April 2018, requesting to disregard all communications from Mustafa Sanalla.

Source: Confidential
2. The following is an official translation of the document indicated in para 1.

Libyan Interim Government
Secretariat of the Office of the Prime Minister

Date: 8 April 2018
Ref.: ra’ mim alif–1714–18

[Handwritten notation]
Copy to all members of the Board of Directors, general directors and heads of departments [illegible]. Contact all oil and service companies and provide them with a copy of this letter. Please adhere to what is set out in it.

18 April 2018

[Body of letter]

Sirs,

You are all requested, within your respective areas of competence, to disregard all communications and letters from Mustafa Abdullah San‘allah, because he is not authorized to address any communications to you, and to consider such communications and letters as though they had never been written. You are being requested to do this in order to prevent the above-mentioned individual from engaging in tampering that could have catastrophic consequences for State resources. You should disregard all illegal parallel institutions and deal directly with the legitimate National Oil Corporation in Benghazi and its Board of Directors, which was appointed by the Libyan Interim Government. Doing so will safeguard the legal rights of the Corporation and public property, and serve the public interest, which we are striving to realize and safeguard.

It is very important that you should comply with the above.

Accept, Sirs, the assurances of my highest consideration.

(Signed) Abdullah Abdulrahman al-Thani
Prime Minister

Source: Confidential (translated by United Nations)
Annex 40  Letter from the Eastern National Oil Corporation to international oil companies.

1. The following is a letter from the Eastern National Oil Corporation addressed to international oil companies.

TO: All International Oil Companies (IOCs)

SUBJECT: National Oil Corporation (NOC) Circulation

In compliance with the Libyan Government Decree No. 247 issued in Tripoli on the 5th of June 2013 to relocate NOC Headquarter in the City of Benghazi where it was established in 1968, and the Decree No. 4 (Issued November 21st 2018) by the Libyan House of Representatives (Parliament) in Tobruk confirming the NOC legal and official Headquarter is located in the city of Benghazi, Libya.

NOC welcomes the return of the oil facilities in the Gulf of Sidra “Oil Crescent” and its fully committed to honor any and all the series of clear resolutions and statements of the United Nations including Security Council 2278, regarding the preventions of illicit oil exports, and UNSCR 2259 which oppose activities that could damage the integrity and unity of NOC, and UNSCR 2213 which implements sanctions against individuals or entities that support criminal networks through illicit exploitations of crude oil or any other natural resources in Libya, the National Oil Corporation would like to state the following:

- NOC hereby informs all IOCs that NOC Libya with its official Headquarter at Jamal Abdelnaser (Istiklal) street, Berka, Benghazi, is the sole owner of the title related to all hydrocarbonate and NOC entitled to sell all crude oil, petroleum products and petrochemicals in Libya Law 10 issued 1979.

- NOC would like to inform all IOCs that it’s fully committed to honor all legally signed agreement and contracts with legally signed agreements and contracts with the IOCs active in Libya and abroad, and its fully committed to the maintenance and development of the Libyan state and public.

- Making sure that all oil export revenues are deposited in the Libyan Central Bank account which will be monitored by the CBL “Watch revenues” as well as any and all International Monitoring Funds and will finance the Libyan budget through the Libyan Ministry of Finance for the State of Libya.
- NOC has 2 branches in Tripoli and Sebha which will accommodate all NOC activities on the state of Libya.
- In coherence with the UN view and the international community, we request and expect all international companies to respect the Libyan legislations as well as UN resolutions, and immediately stop all illegal activities concerning the Libyan oil and gas industry. NOC will take all necessary legal actions to protect the Libyan hydrocarbons.
- The Libyan Audit Bureau 2017 proved beyond doubts that more than 1 billion US Dollar was unaccounted for, this funds the attacks on the Libyan oil facilities and damage the integrity of the Libyan lands. NOC will take immediate actions to collect these revenues for Libya.
- We assure Libyans as well as the international community that NOC will work for all Libyans with transparency and according to the best standards.

National Oil Corporation

Source: Confidential
Annex 41  Orders by the head of the Petroleum Facilities Guard, East and Central region.

1. The following is an order, dated 26 June 2018, by Naji al Magrebi, head of Petroleum Facilities Guard, East and Central region, to companies in charge of oil terminals to prevent tankers from loading crude oil until further instruction by the General Command of the LNA.

Source: Confidential
2. The following is an official translation of the document indicated in para. 1.

From the Petroleum Facilities Guard in the central and eastern region to:

Chairman of the Management Committee of Sirte Oil Co.
Chairman of the Management Committee of the Libyan Marketing (promotion) for Fertilizer Company
Chairman of the Management Committee of Ras Lanuf Company
Supervisor of Zueitina port
Supervisor of Hariga/Tobruk port
Supervisor of Harouge port

Instructions were issued by the General Command and conveyed by the security Coordinator – PFG

Upon the orders of the General Commander of the Arab Libyan Armed Forces (the LNA), it is prohibited to receive vessels intending to export from the above-mentioned ports as well as work in ports and fields is prohibited until further notice.

Sincerely,

Naji Ahmad Moussa el-Maghribi
Commander of the Petroleum Facilities Guard
Central and Eastern region/branch

Transmitter: Time of transmission
Consignee: Time of reception

Source: Confidential (Translated by United Nations)

3. The following is an order, dated 10 July 2018, also from Naji al Maghrebi, head of Petroleum Facilities Guard, to rescind the previously-given instructions.
4. The following is an official translation of the document indicated in para 3.
Libyan Arab Armed Forces  
General Command  
Petroleum Facilities Guard, Central and Eastern Regions  
Subject: Resumption of oil exports  
Ref.: fa’ jim waw shin / 08 / 1705  

27 Shawwal, A.H. 1439 (10 July, A.D. 2018)

Sirs,

I write further to the orders given by the Commander-in-Chief of the Libyan Arab Armed Forces on 10 July 2018 authorizing the resumption of exports from your ports.

In accordance with those orders, the provisions of our telegram jim waw shin / 59 / 1534 of 27 June 2018, which stated that vessels would no longer be granted permission to export from oil ports, are hereby rescinded. The Petroleum Facilities Guard units responsible for protecting oil assets have received instructions that export activities may resume.

May the peace and mercy of God and his blessings be upon you.

(Signed) Major General Naji Ahmad Musa al-Maghribi  
Commander, Petroleum Facilities Guard/Central and Eastern Regions

Chair, Board of Directors, Sirte Company for the Production and Manufacturing of Oil and Gas  
Chair, Board of Directors, Arabian Gulf Oil Company  
Executive Director, Libyan Norwegian Fertilizer Company  
Chair, Board of Directors, Harouge Oil Operations  
Chair, Board of Directors, Ras Lanouf Company  
Chair, Board of Directors, Waha Oil Company  
Chair, Board of Directors, Zueitina Oil Company  
Copied:  
Libyan Arab Armed Forces General Command, for information  
National Oil Corporation, for information  
Coordinator of Protection, Central and Eastern Regions Branch, Petroleum Facilities Guard, for information  
Security desks of the Petroleum Facilities Guard, Central and Eastern Regions, for information  
Records, for archiving.

Source: Confidential (Translated by United Nations)
Annex 42 Eastern National Oil Corporation bank accounts

1. The following is the bank account details provided by the Eastern National Oil Corporation to receive the revenues of oil exports.

Source: Confidential
Annex 43  List of fuel smugglers issued by the Libyan Attorney General Office

1. The Panel holds a copy and official translation of the list of fuel smugglers issued by the Attorney General Office in December 2017.

Annex 44  List of petrol stations involved in fuel smuggling according to Brega Petroleum Marketing Company

1. The Panel holds a copy and official translation of the list of petrol stations involved in fuel smuggling according to Brega Petroleum Marketing Company, obtained in May 2018.

Annex 45  List of petrol stations opened after 2011

1. The Panel holds a list of the petrol stations, licensed by the four distributor companies, created after 2011. It is not officially translated. The four distrubituors are: Oil Libya, Al Rahila, Sharara Oil Services, and Highway Service Company.
Annex 46  New standards to be met by petrol stations in Libya

1. The following is a document defining the criteria for a petrol station to be opened in Libya, dated 1 November 2017.
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أولاً: التعريفات:
تكون الكلمات والعبارات التالية الواجبة الادارة في هذه اللائحة حيثما وردت للمعاني الموضحة قريباً.

المؤسسة: المؤسسة الوطنية للنفط

الوقود: مشتقات نفطية عضوية تستخدم لتوسيع الطاقة في الآليات والمركبات مثل بنزين السيارات، وقود الديزل، كيروسين منزل ئ، غاز طبيعي وغيرها... كما تشمل زيت المحركات.

محطة الوقود: المكان المخصص والمرخص له بممارسة نشاط بيع الوقود مع بعض الخدمات الأخرى التي يمكن اقتناها ضمن المحطة حسب درجة تصنيفها الواقعة بهذه اللائحة.

طالب الموافقة: المالك الرسمي للأرض أو من يمثله قانوناً والراقص في إنشاء محطة توزيع الوقود.

المرخص له: الشخص الحاصل على رخصة سارية المفعول لإنشاء محطة توزيع الوقود.

الموقع: قطعة الأرض المحددة رسمياً وواضحة المساحة والمعلم والحدود والاتجاه والمراة إنشاء محطة وقود عليها.

المخططات: مجموعة الخرائط والمقاطع التي توضح الكوناية التي سيصبر عليها تنفيذ المشروع من الناحية الإنشائية والمعمارية والكهربائية والميكانيكية.

الطريق: الطريق الذي يربط بين المناطق.

الشارع: الشارع داخل المدينة.

التقطاط: عبارة عن تقاطع طريقين أو أكثر من أي نوع.

الطرق الفرعية: الطرق المنفردة من الطرق الرئيسية.
ثامناً: المضخات:

1. يجب أن تكون المضخات ووصلات التغذية بالوقود والكهرباء حديثة وذات مواصفات عالمية معتمدة.
2. أن يكون رصيف المضخات بعرض لا يقل عن (1.25) متر، ولا يزيد طولا الرصيف عن (10.5) متر حسب عدد المضخات، ولا يقل البدل بين نهاية الرصيف ومركز المضخات في الاتجاه الطولي عن (1.5) متر.
3. يجب ألا تقل المسافة بين أية مضخة وحدود عقار المحطة من جهة الطريق عن (4) متر.

تاسعاً: الإدارة والتمديدات الكهربائية:

1. يجب إضافة المحطة بالكهرباء وعلى صاحب المحطة في جميع الأحوال تأمين الكهرباء في المحطة من الشبكة العامة مع توفير مولد احتياطي جاهز دائماً للعمل، وبطاقة مناسبة لاستمرار العمل والإدارة.
2. أن تكون جميع المواد الكهربائيّة التي تستخدم في التركيبات والاحتياجات من الأنواع المعالجة خصيصاً ضد الحرائق، وذات مصنعة بليفة للمواصفات العالمية الخاصة بمقاومة الحريق والانفجار.

عاشراً: الأبنية والشكل العام للمحطة:

1. يجب أن تكون أبنية المحطة وجميع منشأتها وأبوابها ونوافذها من مواد غير قابلة للاحتراق.
1. يجب إحاطة المحطة بموقع من مواد غير قابلة للإحراق بارتفاع لا يقل عن (2) متراً، أما من الجهة المجاورة للطريق العام فيجب تجدية داخل المحطة ومخرجاتها ويمكن أن يتم ذلك بوساطة أرصفة أو حوائجز ثابتة بدلاً من السور.

2. تعيد الممرات الخاصة بالسيارات وعمل أرصدة وإضاءة لها.

3. يتم تخزين الحوائط في منطقة خدمات السيارات ودورات المياه والمطابع بالمكتبة، وسهل التنظيف، ويمكن استخدام دهان بلاستيكي ثلاثة ألوان من الأسنان في أماكن الاستراحه والمطاعم والمكاتب.

4. مراقبة شفافية الواحة لتنشيطها الموجودة بالمحطة على من حولا استراحة المامرين.

5. وضع لوحات منفصلة باسم وشعار المحطة تكون عرضة ومحفزة وارتباط مناسب.

6. توضح لوحة إرشادية واضحة في مكان بارز للدلالة على الأماكن والخدمات المختلفة في الموقع مثل المسجد، المطعم، الاستراحه، دورات المياه، وذلك ببعض ورمز مناسب.

7. تسليح الموقع العام بشكل جميل بحيث يشمل على مناطق خضراء وأحواض زهور مع تهيئة أماكن استراحة خارجية لمزدلي المحطة.

8. مراقبة عدم التداخل في الحركة داخل المحطة بين مواقع الخزانات وخط تربيع الوقود وخط العسل والترشيح والخدمات المتوقعة بالمحطة.

9. لا يسمح باستخدام الأسلحة في الأراضي عدة ممرات السيارات، أما أراضي الخدمات المرتبطة بالمحطة، والإشغال، الاتصالات التجارية، في تكون من الخزانة أو المستودع أو مما شابه.

10. يتم تخطيط أرضية المحطة مع الأعلام المرورية الأرضية التي تشير إلى الدخول والخروج وبيان مسار الحركة بالمحطة والمواقف، وتحديدها درياً.

11. لا يقل الحد الأدنى لارتفاع أرصدة المحطة عن حدود الجار عن (3) ثلاثة متراً.
أحكام عامة:

يمنع منعاً باتاً استخدام المحطة لغير الغرض المرخص به، ولم لا يتعارض مع القوانين التالية وتحمل المرخص له كافة النتائج عن المخالفات التي تحدث في المحطة سواء حدثت هذه المخالفات منه مباشرة أو عن أحد العاملين التابعين له. ومن هذه المخالفات ما يلي:

أ- خلط المشتقات النفطية أو إحداث أي تغيير بمواصفاتها الأصلية.
ب- التلاعب في أجهزة قياس المشتقات النفطية المستلمة أو المباعة والمخطوبة.
ج- الشراء والمتاجرة بالمشتقات النفطية مع غير المرخص لهم أو بطريقة مخالفة للقوانين والأنظمة والتعليمات الصادرة عن الجهات المختصة.
د- الامكال الذي يؤدي إلى خلط المشتقات النفطية بالماء أو غيره.
ه- كافة الأعمال التي تؤدى إلى الغش في كميات أو مواصفات المشتقات النفطية.
و- مخالفة التعليمات الصادرة عن هيئة السلامة الوطنية بخصوص إجراءات الأمن والسلامة ومقاومة الحرائق.

ح- في حالة ضبط المخالفة يتم إيقاف تزوييد المحطة بالمشتقات النفطية لمدة (2) شهرين ولمدة (6) أشهر في حالة تكرار المخالفة بعد ذلك، مع احتفاظ المؤسسة الوطنية للنفط بحقها في إيقاف تزويد المرخص له بالمشتقات النفطية في حالة تكرار المخالفات.

ي- في حالة ضبط أي مخالفة من المخالفات المذكورة أعلاه أو غيرها مما يتعارض مع القوانين التالية، يتم إرحالة المرخص له والأشخاص أو الأشخاص المخالفين إلى المحاكم المختصة وحسب القوانين النافذة.

لا تحول هذه الإجراءات دون إتخاذ أية إجراءات قانونية أخرى من الجهات القضائية.
المؤسسة الوطنية للنفط

إجراءات الحصول على الموافقة الميدانية لإنشاء محطة توزيع وقود

تلت الكلمات والعبارات الواردة فيما بعد على المعاني المقابلة لها.

لجنة منح الموافقات: لجنة منح الموافقات على إنشاء محطات توزيع وقود جديدة والمشكلة بموجب قرار من المؤسسة الوطنية للنفط.

فرق عمل فنية: فرق عمل فنية مهمتها زيارة محطات الوقود بعد الإنتهاء من إنشائها والتتأكد من تنفيذ المحطة حسب الخرائط والمواصفات المعتمدة.

1. يقوم المواطن الذي يرغب في الحصول على الموافقة على إنشاء محطة توزيع وقود بتقديم طلب كتابي لجنة منح الموافقات، ويرفق مع الطلبات المذكور المستندات الأصلية المطلوبة والمبينة في قائمة الشروط والمستندات المطلوبة لإنشاء محطة توزيع وقود والقيام بالزيارة الميدانية لموقع المحطة. وتسليم هذه المستندات إلى لجنة منح الموافقات للمؤسسة الوطنية للنفط أو إلى أقرب مكتب تابع للمؤسسة.

2. تقوم لجنة منح الموافقات أو المخولين بمكتب المؤسسة الوطنية للنفط بإستلام الطلبات والمستندات المرفقة ويشترط أن تكون جميع المستندات مستوفاة وتقديمها في الدق المحدد لهذا الغرض، ويُصرف للمواطن إعلان استلام (نموذج رقم 01)。

3. تقوم لجنة منح الموافقات بعملية الفحص الفني (نموذج رقم 02) لغرض القيام بزيارة لمعاداة الموقع المقترحة لإنشاء محطات توزيع الوقود.

4. يقوم الفريق الفني بالتنسيق مع أقرب مكتب للمؤسسة الوطنية للنفط في تلك المنطقة وكذلك مقدم السلالات بزيارة الموقع المقترحة لإنشاء محطات توزيع الوقود والتتأكد من تحقيق هذه المواقع للشروط المذكورة في لائحة مشاركة القطاع الأهمي في مجال النفط والغاز.

5. يقوم الفريق الفني بمهامه لجنة منح الموافقات كتابا حول نتائج زيارة كل موقع ويتبع ما إذا كان الموقع يحقق الشروط المذكورة في لائحة مشاركة القطاع الإهمي في مجال النفط والغاز. في حالة كون الموقع المفترض لا يحقق الشروط المذكورة في اللائحة المذكورة يقوم الفريق الفني بإخطار صاحب الموقع كتابا وفي هذه الحالة

(13)
يجوز له إجراء التعديلات المطلوبة راتبًة بحدود الفريق الفني لكي يحقق الموقع النشاط المطلوبة، على أن يقوم الفريق الفني بالتنسيق مع المعني لزيارة الموقع مرة أخرى.

6. تقوم لجنة منح الموافقات في حالة كون المواقع بحقّة الشروط الواردة في اللائحة وبناءً على إفادة الفريق الفني بإخطار المعني بذلك ويمنح موافقة مبدية (نموذج رقم 03) لغرض استكمال بقية الإجراءات والحصول على الموافقة النهائية.

7. يقوم المواطن الذي تحصل على الموافقة المبدية بتقديم المستندات المبينة في قائمة المستندات المطلوبة للحصول على الموافقة النهائية لإنشاء محطة توزيع وقود إلى لجنة منح الموافقات لغرض الحصول على الموافقة النهائية.

8. في حالة استكمال الإجراءات وبدون ما لا يتعارض مع القوانين واللوائح السارية تقوم لجنة منح الموافقات بإصدار الموافقة النهائية (نموذج رقم 04).

9. يجب الالتزام في عمليات إنشاء محطة الوقود خلال فترة لا تتجاوز ستة أشهر من تاريخ الموافقة النهائية وإلا اعتبرت الموافقة لاغية. ويجب لجنة منح الموافقات تحديث الموافقة مرة واحدة ولمدة لا تزيد على (3) ثلاثة أشهر إ 初始化 تطبيق التعاون Ago (30) ثلاثون يومًا من تاريخ انتهاء الموافقة.

10. يقوم ساحب المحطة بعد الانتهاء من جميع عمليات إنشاء المحطة بإخطار لجنة منح الموافقات كتابيًا بالانتهاء من تنفيذ المحطة.

11. تقوم لجنة منح الموافقات بتقديم الفريق الفني كتابيًا وتطلب زيارة محطة الوقود المستقلة ومتابعتها والتأكد من مطابقة تقييم هذه المحطة للمواصفات المعمدة بالشروط واللائحة وتقدم تقرير عن نتائج زيارة كل محطة.

12. بناءً على نتائج زيارة الفريق الفني في حالة ما إذا تم تلبية المعايير كانت مطلوبة للمواصفات المعمدة بالشروط واللائحة تقوم لجنة منح الموافقات بإعداد نسخة محددة من المحطة المعمدة بالوقود واللائحة بالإضافة إلى تزويده المحطة بالمشتقات النفطية وحسب الإجراءات المتبعة في هذا الخصوص.

(14)
المؤسسة الوطنية للنفط

الشروط والمستندات المطلوبة لإنشاء محطة توزيع وقود

المستندات المطلوبة لقيام بالإرشاد الميدانية لموقع المحطة:

1. طلب كتابي بالرغبة في الحصول على الموافقة لإنشاء محطة لتوزيع الوقود.
2. شهادة عقارية حديثة وغير محللة بتأذل أو رهن معتمدة من السجل العقاري.
3. أفادته من المجلس البلدي أو من بديل محله بالمنطقة بعدم وجود نزاع على الموقع المقترح لإنشاء المحطة عليه.
4. موافقة الهيئة العامة للسلامة الوطنية.
5. شهادة رفع الصبغة الزراعية.
6. وصيفة فنية وخبرية عقارية معتمدة من التخطيط العمراني.
7. الحصول على موافقة الجهات التالية:
   - شركة البريقة لتسويق النفط (عدم وجود مسارات خطوط أنابيب).
   - الشركة العامة للمياه والصرف الصحي (عدم وجود خطوط مياه أوصاف صحية).
   - الشركة العامة للكهرباء (عدم وجود خطوط كهرباء بالموقع).
   - مصلحة الطرق والجسور.
8. موافقة إحدى شركات توزيع الوقود على تزويد المحطة بالمشتقات النفطية.
9. تعهد بالقدرة المالية على إنجاز المحطة وفق التصميم والمواصفات المعتمدة، والإلتزام من عمليات البناء خلال مدة أقصاها (12) شهرا من تاريخ منح الموافقة النهائية.
10. تعهد بإلتزام بموجبه طلب الموافقة بعدم الشروع في تنفيذ الإنشاءات إلا بعد الحصول على الموافقة النهائية من لجنة منح الموافقات.
11. دارسة الجدوى الاقتصادية.
12. ضرورة التأمين الشامل على المحطة والمحيطين بها (الجيران).
المؤسسة الوطنية للنفط

المستندات المطلوبة للحصول على الموافقة النهائية

إنشاء محطة توزيع وقود
1. الموافقة المبدئية من لجنة منح الموافقات على إنشاء محطة توزيع الوقود.
2. شهادة برفعة الصبغة الزراعية عن موقع المنشأ إنشاء المحطة عليه.
3. رخصة البناء سارية المفعول.
4. رخصة مزاولة النشاط من وزارة الاقتصاد.
5. خرائط إنشائية ومصرحية للمحطة سنة من أحد المكاتب الهندسية والشركة المعهدة بتوسيع المحطة بالوقود على أن تشمل هذه الخرائط الأتي:
   1- خريطة تبين الموقع العام للمحطة وعلاقته بالطرق العام والمسافات الأفقية ووضوحها على توزيع الخدمات وإناج الحركة والإزدادات والمداخل والواجهات.
   2- مسقفة أفقية ووضوحها على المداخل والمخارج وآليات وقوف السيارات وكافة الخدمات الموجودة بالمشروع وأبعاد وحركة السير داخل وخارج المحطة والمظلات والجذور ومواقف محضات وحراسات الوقود وموافق ترخيص الوقود.
ت- مخططات معمارية تصميمية لجميع الخدمات الموجودة بالمحطة ومضخات وحراسات الوقود ويشمل المخططات على ما يلي:
   1- المخططات الإنشائية وتشتمل على التفصيل الإنشائي للتقاعد والأرضيات والأعدة والأسقف والسلام وحراسات المياه والوقود والاسوار والمظلات مدمجة بالجدول اللازمة للتشييع وكيفية توزيع الحديد والتفصيل الإنشائي والقطعات التوضيحية بمقياس رقم مناسب.
   2- المخططات الكهربائية التفصيلية والقطعات الخاصة بها.
   3- مخططات التعديلات الصحية مدمجة بالجدول والتفصيل اللازمة.
   4- مسقفة أفقية عام يوضح فيه كافة التعديلات الصحية والصرف الصحي والتقنية مع توضيح أماكن خزانات المياه وحراسات مخلوقات الشحم والزبيرة وحراسات تجمع وصرف المياه وعمل التفاصيل اللازمة لوحدات معالجة المياه المختلفة بالروبوت.

(16)
تمنيد المحطة.

7 - تعهد بعدم إجراء أي تغيير على الخرائط المعتمدة.
Annex 47 The Zawiyah Smuggling Network

1. A network of armed groups, present in Zawiyah, Sabratha, Warshefana, Zintan, Surman, al-Ojeilate and Zuwarah, benefits from fuel smuggling. They also benefited from protection provided by local and national political sponsors.

2. Between 2011 and 2014, local groups have disputed control over Zawiyah refinery. On 5 July 2014, a few days before launching of Operation Libya Dawn, the Petroleum Facilities Commander, the late Colonel Ali al-Ahrash, officially put al-Nasr Brigade, under the command of Mohammad Kachlaf, in charge of providing security to Zawiyah refinery. The control over the refinery by al Nasr was agreed with Shaaban Hadiya (a.k.a Abu Obeyda al Zawi) commander of the Libya Revolutionaries Operation Room (LROR).

3. Ahmad al-Dabbashi’s armed group in Sabratha also benefited from smuggling of petroleum products by taxing truck tankers (see S/2017/466, para. 240). Other groups also profited from the smuggling. The most important are: Jamal al-Ghaeb Brigade based al-Matrad in western Zawiyah; Ali Kardamine’s group in southern Zawiya; the Central Security Apparatus influential in Sabratha and Surman; al-Sobertawate Brigade in Warshefana and the Zintani al-Qorj brigade. Over the last couple of months, trucks were usually taxed between 4500 and 6000 LYD at checkpoints. Numerous attacks against fuel trucks increased insecurity in the region and deprived local populations from access to fuel.
Annex 48  Documents provided to the Panel by Mohamed Kachlaf

1. The following is an official translation of the documents provided to the Panel by Mohamed Kachlaf in April 2018.

Translated from Arabic

State of Libya
Government of National Accord
26 February 2018

Re: Request for a meeting

To:  Panel of Experts of the Security Council committee established pursuant to resolution 1970 (2011) concerning Libya

From: Muhammad al-Amin al-Arabi Kashlaf

Commander of the Zawiyah support unit of the Petroleum Facilities Guard

Sir,

We would like thank you for your unwavering commitment to the rights of citizens and for maintaining the credibility and transparency of your ongoing research and fact-finding efforts. We wish to cooperate with you and would to meet with you in order correct the inaccuracies in your report on the security situation in Libya in 2016 and 2017. We therefore hope that you will set a date for our meeting. We attach herewith some documents that attest to the veracity of the information that we have submitted. Thank you for your cooperation and peace be upon you.

(Signed) Muhammad al-Amin al-Arabi Kashlaf

Sharara Oil Services Company

Date [Illegible]

Ref. No. [Illegible]

To:  Zawiyah Victory squadron

Sir,

Sharara Oil Services Company conveys to you its best wishes. As part of our fruitful cooperation in the public interest, we hope that you will provide the necessary
protection for the company’s facilities, namely, its sales office, oil depot and transport and distribution unit in Zawiyah city. We thank you in advance.

Long live free Libya, and peace be upon you.

(Signed) Abdulnasir al-Arabi Darra’

Director-General

cc:

Head of the Zawiyah Local Council

Head of the Zawiyah Military Council

Chair of the Board of Directors

Outgoing documents file

**Government of National Accord**

**Ministry of Local Governance**

Zawiyah Local Council

Ref. No.: 39/2017

9 Rabi’ II A.H 1438 (8 January A.D. 2017)

To: Commander, Zawiyah support unit

Sir,

With regard to your letter of 5 January 2017, under reference number *waw alif za’/102*, in which you advise us that you will cease the services that the Petroleum Facilities Guard ordered you to provide pursuant to Decision No. 10 (2014), we request that you promptly resume protecting the oil region from security breaches, in order to defend the public interest.

(Signed) Najib al-Sadiq al-Bashti

Head of the Zawiyah Local Council

cc:

Deputy Head of the Council

Sectors file

Fuel Monitoring Committee file

Periodic public record file
Brega Petroleum Marketing Company
A National Oil Corporation company

Internal company correspondence

Muhammad Salim al-Qamudi, Director of the Regional Administration of Zawiyah
Bashir Muhammad Zuraybah, Director-General of regions ghayn jim

8 January 2017

Sir,

With reference to Decision No. 10 (2014) issued by the Ministry of Defence concerning the deployment of a support unit (Victory Company) to protect facilities belonging to the Brega Petroleum Marketing Company, we wish to inform you that there have been no attacks against the Brega Company’s property in the Zawiyah oil depot between 5 July 2014, when the company was deployed, and the end of 2016. Moreover, no materials or vehicles have been stolen from company sites, and no security breaches have occurred. In contrast, during the period before the company was deployed, a number of vehicles were stolen, and the depot was closed on more than one occasion.

Peace be upon you.

Attached is a copy of the decision.

(Signed)

cc:
Depot coordinator
Outgoing documents file

Source: Mohamed Kachlaf (Translated by United Nations)
Annex 49  Collusion between the Coast Guards unit in Zawiyah and al-Nasr Brigade

1. On 28 June 2016, the Coastguard unit in Zawiyah seized a fuel tanker, the Temeteron (IMO 8917170, see S/2017/466 para. 241), off the coast of Abu Kammash near Zuwarah. The tanker and its crew were then taken to Tripoli Naval Base. Three of the nine crew members held were Russian nationals. The Belize-flagged tanker was boarded by the Coastguard unit in Zawiyah. Photos obtained by the Panel show both Abd al-Rahman al-Milad (commander of Coastguard unit in Zawiyah) and Mohammad Kachlaf on board. The first one shows Mohammad Kachlaf, in his military uniform, present on the bridge of the ship and surrounded by the arrested crew. The second photo below shows al-Milad photographed from behind.

Picture 21 Mohammad Kachlaf on board the Temeteron after the seizure

Source: Confidential

Picture 22 Abd al-Rahman al-Milad on board the Temeteron

Source: Confidential

Picture 23 Temeteron seized by Zawiyah Coastguard on 28 June 2016. This picture was taken in Greece, where the vessel was seized for carrying an illegal load of diesel on 1 April 2016, prior its interception by the Libyan Coastguard

Source: Shipspotting.com

2. According to sources in Zawiyah, seizures and arrests by the Coastguard unit in Zawiyah of fuel tankers are sometimes influenced by business interests of Mohammad Kachlaf. al-Milad’s appointment in the Coastguard in Zawiyah late 2014 was done following Kachlaf’s intervention (See S/2017/466, annex 30). As pointed out in the previous report, al-Milad used the Coastguard’s boat in order to intercept migrants at sea and transport them to al Nasr detention centre, from where they were sold again to smugglers.

Annex 50  Documents provided by Abd al-Rahman al-Milad, commander of the Coastguard Unit in Zawiyah

1. The following is an official translation of the documents provided to the Panel by Abd al-Rahman al-Milad, in April 2018, attesting that the mission was conducted based on an order by his Coastguard hierarchy.

Chief of General Staff
Navy
Coast Guard and Port Security Authority
Western Sector
Zawiyah Refinery post
Subject: Report concerning the seizure of a tanker engaged in smuggling
File No. 167-18
1 July 2016
To: Commander, Western Sector, Coast Guard and Port Security Authority

We hereby inform you that, at 5 a.m. on 28 June 2016, a joint patrol comprising a Libyan Petroleum Facilities Guard support squadron and personnel from the Zawiyah refinery post of the Coast Guard and Port Security Authority set out in an inflatable French S7 boat and a Korean S9 vessel, heading north-west. At 11.30 a.m., a group of vessels (three tankers of various sizes) was spotted north-west of the city of Zuwarah. We suspected that the tankers were being used to smuggle diesel fuel. A group of tugboats was spotted near the tankers. At noon, at coordinates 33° 17' N, 11° 48' E, we decided to board one of the vessels to determine whether its paperwork was in order. Once on board, we learned that the tanker was named Temeteron. It was flying the Ukrainian flag and was the property of Contrasto Shipping Ltd. It became apparent that the tanker was set up to smuggle fuel. There were no symbols of the Libyan State on the vessel. The crew consisted of nine persons, namely, the Russian captain, the Ukrainian chief mate, a Russian mechanical engineer, five Ukrainian sailors and one Greek national. We attach herewith a copy of the list of the crewmen’s names and nationalities.

At approximately 6 p.m., we came under heavy gunfire directed at us from a yacht with heavy weapons on board (Dushka)[incomprehensible]. We returned fire, wounding one person on the yacht. They fled, leaving the port of Zuwarah.

At 10.30 p.m., a vessel belonging to the Zawiyah refinery post patrol arrived because the [incomprehensible] of the Korean S9 vessel had broken down and it was low on fuel.
At 2.30 a.m., we arrived at Shi‘ab port in Tripoli and boarded the tanker.

At 3.30 a.m., the tanker was turned over to Captain Anwar al-Sharif of the Coast Guard and Port Security administration.

(Signed) Captain Abdulrahman Salim al-Milad
Commander
Zawiyah refinery post
Coast Guard and Port Security Authority

Annexes:
Copy of the patrol report
Copy of the list of crewmen’s names
Copy of the specifications of the tanker
[Illegible] of last five ports

Source: Abderahman al-Milad (Translated by United Nations)

2. The following is the list of the crew on board the Coastguard patrol boat that intercepted the Temeteron. Both al-Milad and Kachlaf are on the list.
<table>
<thead>
<tr>
<th>رقم الاسم</th>
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<th>الرقم</th>
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<tr>
<td>36479</td>
<td>عبد الرحمن سالم ميلاد</td>
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</tr>
<tr>
<td>58099</td>
<td>محمد سالم رحمة</td>
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</tr>
<tr>
<td>584213</td>
<td>نجم بن عيسى الخضير</td>
<td></td>
</tr>
<tr>
<td>584216</td>
<td>محمد علي الباري</td>
<td></td>
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<tr>
<td>567958</td>
<td>عبد الكريم المهدى الامامي</td>
<td></td>
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<tr>
<td>550915</td>
<td>جعفر عبد المهدي غبا الفضيلان</td>
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</tr>
<tr>
<td>550420</td>
<td>عادل عبد القادر الدروبي</td>
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</tr>
<tr>
<td>550339</td>
<td>أحمد عبد العاطي المذبوق</td>
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<tr>
<td>565047</td>
<td>محمد الطفيل الخليفي</td>
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<tr>
<td>550369</td>
<td>أحمد الطاهر محمد المقرن</td>
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<tr>
<td>550407</td>
<td>رياض الديب احمد علي عثمان عنزان</td>
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</tr>
<tr>
<td>550401</td>
<td>محمد علي بن شداد</td>
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<td>عمر علي سالم عنزان</td>
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<tr>
<td>550401</td>
<td>عبد محمد المخضور</td>
<td></td>
</tr>
</tbody>
</table>

*ملاحظة: السائقين الذين لم يلتزموا برجوع الرفاة، مطلوب منهم عودة للنافورة.*

*النافذ المشارك: سعيد الشهابي*

* المصدر: عبد الرحمن عبد الميلاد*
Annex 51  Pumping stations for fuel smuggling in Zuwarah area

1. Sources informed the Panel about three pumping stations, located on the coast between Zuwarah and Abu Kammash, that supply fuel to smuggling ships. The vessels usually remain between 1 and 2 nautical miles offshore.

Source: Confidential

2. Abu Kammash is owned by Morad Idrissi, Liasa Younis Alazabi and Mohamed Jarrafa, who also “rent” the facilities to other individuals. Sidi Ali’s owners are unknown, and its facilities are “rented” to several Zuwarah smugglers. Marsa Tiboda’s pumping station is owned and operated by Fahmi Musa Bin Khalifa (a.k.a. Fahmi Slim), and his brothers.
Annex 52  Patrol boats used by smugglers in Zuwarah and Abu Kammash area

Picture 24 A motor yacht probably modified to become a patrol boat

Source: Confidential

Picture 25 A second motor yacht probably modified to become a patrol boat. On the bow and the stern, heavy machine guns

Source: Confidential

Picture 26 Probably a former pilot boat modified into a patrol boat. On the bow, an anti-aircraft 23mm machine gun

Source: Confidential
Picture 27 The former pilot boat

Source: Confidential
Annex 53  Capricorn

1. The details of the vessel are:

<table>
<thead>
<tr>
<th>Information</th>
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<tr>
<td>IMO number</td>
<td>8900878</td>
</tr>
<tr>
<td>Name of ship</td>
<td>CAPRICORN</td>
</tr>
<tr>
<td>Call sign</td>
<td>UNKNOWN</td>
</tr>
<tr>
<td>MMSI</td>
<td></td>
</tr>
<tr>
<td>Gross tonnage</td>
<td>2187</td>
</tr>
<tr>
<td>DWT</td>
<td>4121</td>
</tr>
<tr>
<td>Type of ship</td>
<td>Oil Products Tanker</td>
</tr>
<tr>
<td>Year of build</td>
<td>1989</td>
</tr>
<tr>
<td>Flag</td>
<td>Tanzania</td>
</tr>
<tr>
<td>Status of ship</td>
<td>In Service/Commission</td>
</tr>
<tr>
<td>Last update</td>
<td>30/05/2017</td>
</tr>
</tbody>
</table>

Source: Equasis

2. On 19 July 2017, the Chargé d’affairs a.i. of the Permanent Mission of Libya to the UN forwarded an email correspondence dated 7 July 2017 in which the focal point appointed pursuant to resolution 2146 (2014), Dr. Abdallah Ateiga, informed about a vessel loading smuggled gasoil offshore Zuwarah (Libya).

3. On 25 October 2017, the Panel received a letter, with attachment (see below), from the Permanent Representative of the United Republic of Tanzania to the United Nations indicating that the vessel Capricorn has been deregistered from the Tanzania Zanzibar International Register of Shipping on 10 September 2017. Its current flag remains unknown.
ZANZIBAR MARITIME AUTHORITY

PHONE NO: +255 24 2236795
FAX NO: +255 024 2236796
WEBSITE: www.zma.go.tz
E-MAIL: info@zma.go.tz

ZMA/RSZ/150/1/VOL.6/680

A & E SHIPPING INC.
PANAMA CITY, PANAMA

10th September, 2017

REF: DEREGISTRATION OF MT. CAPRICORN
IMO NO. 8900878

Reference is made to our letter with Ref. No. ZMA/RSZ/150/1/VOL.VI/117 dated 28th July, 2017 regarding MT. Capricorn involvement in illicit export of petroleum from Libya contrary to UN Security Council resolution 2146(2014) and 2362 (2017).

Taking into account that, your company has failed to make clarification (providing information) regarding MT. Capricorn non-involvement in illicit export petroleum from Libya, it is prima facie evidence that MT. Capricorn is involved in the illicit activity contrary to UN resolution.

Accordingly, we hereby officially inform you that the Authority has struck off the vessel from Tanzania Zanzibar International Register of Shipping, effective from the date of this letter. This implies that from the effective date the vessel can no longer legally fly the Tanzania flag in its sailing operation, whatsoever.

It is our hope that you will respect and heed this act.

CAPT. ABDULLAH HAKIMI
REGISTRAR OF SHIPS
ZANZIBAR MARITIME AUTHORITY

Source: Zanzibar Maritime Authority
4. The *Capricorn* was registered on 1 March 2014 by “A&E Shipping Inc.”, a Panamanian company based in Panama City.

5. On 11 August 2017 the *Capricorn* was allowed to unload its cargo in the tanks of the “Syrian Company for Oil Transportation” by the Syrian authorities.
6. On 21 December 2018, the tanker changed ownership. It was sold by “A&E Shipping Inc” to “United Power Marine International Inc”, both companies registered in Panama City, Panama Republic.

![Bill of Sale Image]

Source: Zanzibar Maritime Authority

7. On 4 January 2018, the tanker was registered by the Palau International Ship Registry, under the new name of Nadine, with a restriction to navigate within the Persian Gulf area.
SUBJECT OF LETTER

Date: January 04, 2018

Subject: Restriction of Navigation

Name of Vessel: Nadine
Gross Tonnage: 2187
Call Sign: T8A2751
IMO #: 8900878

To: United Power Marine International Inc.
Cc: Glow Shipping Line LLC.
Re: Restriction of Navigation

Dear Sirs,

This is not advise you that MV Nadine IMO 8900878 is restricted to navigate within the Gulf Areas (Gulf of Persia) Only.

Leslie Mezzich
Maritime Registrar & Seafarer Director
Palau International Ship Registry

Source: Palau International Ship Registry
8. On 10 February 2018, the tanker arrived to Alang, India, to be dismantled. On 3 April 2018, the tanker was seized by the Indian authorities.

Source: Confidential
Annex 54  Lynn S

1. The details of the vessel are:

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<tbody>
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<td>8706349</td>
</tr>
<tr>
<td>Name of ship</td>
<td>LYNN S</td>
</tr>
<tr>
<td>Call sign</td>
<td>J8B5544</td>
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<td>MMSI</td>
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<td>DWT</td>
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<tr>
<td>Type of ship</td>
<td>Chemical/Oil Products</td>
</tr>
<tr>
<td>Year of build</td>
<td>1990</td>
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<tr>
<td>Flag</td>
<td>St Vincent and Grenadines</td>
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<td>Status of ship</td>
<td>In Service/Commission</td>
</tr>
<tr>
<td>Last update</td>
<td>27/09/2017</td>
</tr>
</tbody>
</table>

Source: Equasis

2. The *Lynn S* is operated by “Morgan Navigation Co SA”\(^{16}\), a subsidiary company of “Alfamarine Shipping Co Ltd”\(^{17}\), both companies registered in Lebanon. The vessel is owned by “Leen Trade Co”, a Liberian registered company.

3. On 27 July 2017, the Chargé d’affairs a.i. of the Permanent Mission of Libya to the UN forwarded an email correspondence dated 26 July 2017 in which the focal point appointed pursuant to resolution 2146 (2014), Dr. Abdallah Ateiga, informed about an illicit ship to ship transfer of the smuggled Libyan gasoil from the “Capricorn” to another tanker, the “Lynn S”. On 2 August 2017, the Lynn S was added to the sanctions list.

4. According to both the owners and the master of the vessel, the ship-to-ship transfer was never performed, as the *Capricorn* refused to provide any official documents of its cargo.

---

\(^{16}\) Morgan Navigation Co SA. 7th Floor, Bouri E1 Marfa Building, Port Street, Beirut, Lebanon. +96170247696, +96170985586, +96170995227. morgan/navigation@gmail.com

\(^{17}\) Alfamarine Shipping Co Ltd. 1st Floor, Hamka Building, BP 119720, Labban Street Beirut, Lebanon. +9611876169. alfamarineshippingcoltd@gmail.com
LEEN TRADE CO.
80 BROAD STREET MONROVIA - LIBERIA

Our Ref: LT20183105
Dated: 16/03/2018

“STATEMENT OF FACTS”

Ref: MT LYNN 5 Movement Records on 26-27 OF July 2017,

Dear Sir,

The said vessel was drifting on position Lat: N34 07.5, Long: E033 22.2,

Vessel master informed us that m/t CAPRICORN (IMO 8900878) was drifting in the area, and have the possibility to supply a small quantity of bunker to our master due to the lake of Diesel oil remain on board.

After contact with operation manager of the mt CAPRICORN which details received from our vessel master m/s rose fuel bunkering, we agreed for supply small quantity of bunker, we ask the master to cooperate with another tanker to make a maneuver and ship-to-ship transfer,

Master did inform us that m/t CAPRICORN moored on 26.07.2017 at 14:00hrs, in the position of Lat: N34 07.8 Long: E033 22.7,

Our instruction to master to verify bunker official document to be in the safe said; the master did report same day at 1600hrs that master of m/t CAPRICORN did refuse to provides delivery note nor analysis report.

We did contact the vessel operation manager requesting those documents, who promise to provide shortly, we did wait until the second day and repeat our request, but nothing received so far.

On the 27.07.2017 instructed our master at un-moored the other tanker due to the lake of bunker documents, after manager unable to provide the same.

Our master did confirm m/t CAPRICORN was un-moored at 1700 and sailed away.

Our master does confirm no any bunker transfer took place form mt CAPRICORN.

All above facts are true to our knowledge.

Yours faithfully,

[Signature]

For and on behalf of
LEEN TRADE Co.
MT: LYNN S
DATED: AT SEA 18/03/2018

STATEMENT OF FACTS

Dear Sir,

Please note that following fact takes place on 26-27/07/2017:
My vessel was on position Lat: N34 07.5, Long: E033 22.2,
The m/t CAPRICORN (IMO 8900878) was drifting in the area, we did request from the ships master for supply
small quantity of bunker, we did make maneuver for ship-to-ship transfer.
The m/t CAPRICORN was moored on 26.07.2017 at 14:00hrs, position: Lat: N34 07.8 Long: E033 22.7,
As master we did requested all official document from the other tanker like delivery note and analysis report,
but master of m/t CAPRICORN did refuse, owners were advised, same time operation managers of the m/t
CAPRICORN contacts (ROSE FUEL BUNKERING) was submitted to our vessel owners to contact for this reason.
On the 27.07.2017 at 1600 hrs. The received instruction from our vessel owners to un-mooring form the mt
CAPRICORN and stay away, notice were given to mt CAPRICORN master, at 1700 master did release mooring
ropes and sailed away.

I the master of the above mention vessel mt Lynn S confirm no any bunker transfer was received form mt
CAPRICORN.

All above facts are true to my knowledge.

Yours faithfully,
Master of MT: LYNN S

Source: Morgan Navigation Co. S.A.

5. The *Lynn S* was removed from the Committee’s sanctions list on 29 April 2018.
Annex 55  Vessels impounded by the Libyan Coastguard

Stark

1. The *Stark* (IMO 7105419) was intercepted on 28 April 2017 by the Libyan Coastguard, 1.5 nautical miles off Abu Kammash. The vessel was in the proximity of the *Ruta* at that moment.

2. The vessel was loaded with 500,000 litters of diesel oil when it was boarded by the Coastguard. There were six Turkish citizens on board.

3. Anadolu Uluslararası Ticaret\(^1\) owns the *Stark*.

### Information Table

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<td>STARK</td>
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<td>Call sign</td>
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<td>Gross tonnage</td>
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<td>DWT</td>
<td>1219</td>
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<tr>
<td>Type of ship</td>
<td>Oil Products Tanker</td>
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<td>Year of build</td>
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<td>Flag</td>
<td>Not Known</td>
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<td>Status of ship</td>
<td>In Service/Commission</td>
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<td>Last update</td>
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### IMO Table

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<tr>
<td>9991001</td>
<td>ISM Manager</td>
<td>UNKNOWN</td>
<td></td>
<td>since 01/11/1997</td>
</tr>
<tr>
<td>1782886</td>
<td>Ship manager/</td>
<td>ANADOLU ULUSLARARASI TICARET</td>
<td>Kat 12, Blok A, Yapi Kredi Plaza, Buyukdere Caddesi 21, Levent Mah, Besiktas, 34330 Istanbul, Turkey.</td>
<td>since 20/12/1996</td>
</tr>
<tr>
<td>1782886</td>
<td>Commercial manager</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1782886</td>
<td>Registered owner</td>
<td>ANADOLU ULUSLARARASI TICARET</td>
<td>Kat 12, Blok A, Yapi Kredi Plaza, Buyukdere Caddesi 21, Levent Mah, Besiktas, 34330 Istanbul, Turkey.</td>
<td>since 20/12/1996</td>
</tr>
</tbody>
</table>

Source: Equasis

\(^1\) http://www.anadolutr.com
4. The vessel turned off its AIS on 23 April 2017, 35 nautical miles off Zarzis, Tunisia. In the following days it turned east and headed to the coast of Zuwarah.

Source: IHS Sea-web

Ruta

5. The Ruta (IMO 8711899) was intercepted on 28 April 2017 by the Libyan Coastguard, 1.5 nautical miles off Abu Kammash, in the western coast of Libya.

6. The vessel was loaded with 3.000 tonnes of diesel oil. The crew was made up of fourteen Ukrainian citizens.

7. The vessel was in the proximity of the Stark at that moment.

8. Manchester Shipping SA\(^\text{19}\), a company registered in Ukraine, owns the Ruta.

\(^\text{19}\) http://www.man-ship.com (website under construction).
9. The vessel turned off its AIS on 23 April 2017, 11 nautical miles off Malta.

Source: Equasis

Source: IHS Sea-web
10. According to the investigations conducted by the Prosecutor of Catania, Italy, the *Ruta* has been involved in ship to ship operations with vessels involved in illicit smuggling of fuel from Libya, particularly the Basbosa Star (IMO 8846838) and the Sea Master X (IMO 7332488), both connected to Fahmi Slim’s smuggling network (see S/2016/209 para. 206), and has reportedly unloaded the smuggled fuel in Italian ports on 13 occasions.²⁰

**Rex/Amargi**

11. The *Rex* (IMO 7105421) was intercepted on 29 August 2017 by the Libyan Coastguard and taken to Tripoli.

12. The vessel was loaded with 1,000 tonnes of diesel oil. The crew was made up of 10 individuals of various nationalities.

13. *Ilu Trade and Shipping INC*²¹, a company registered in Turkey, is the owner of the *Rex*, formerly called “Amargi”.

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14. The vessel turned off its AIS between 27 and 29 August 2017, 92 nautical miles off Zuwarah.

Source: Equasis

Source: IHS Sea-web
15. The *Lamar* (IMO 6620034) was intercepted on 15 March 2018 by the Libyan Coastguard when in front of the coast of Abu Kammash.

16. The tanker was loaded with 950,000 litres of fuel when intercepted. It was further directed to Tripoli. The crew was made up of 8 Greek citizens.

17. Muraco Management Corp, a company registered in Nigeria, is the owner of *Lamar*. 

Source: IHS Sea-web
18. The vessel turned off its AIS between on 7 March 2018, outside Tunisian territorial waters, while heading east to Zuwarah – Abu Kammash area.
Annex 56  Goeast

1. The Libyan Coastguard opened fire on the Goeast (IMO 7526924) on 6 October 2017. Its AIS was disconnected at the time.

2. Arida Trade LLP, Care of Uvas-Trans Ltd, is the registered owner of the Goeast.

<table>
<thead>
<tr>
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</tr>
<tr>
<td>Name of ship</td>
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</tr>
<tr>
<td>Call sign</td>
<td>D6A2091</td>
</tr>
<tr>
<td>MMSI</td>
<td>620091000</td>
</tr>
<tr>
<td>Gross tonnage</td>
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<td>DWT</td>
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<tr>
<td>Type of ship</td>
<td>Oil Products Tanker</td>
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<tr>
<td>Year of build</td>
<td>1977</td>
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<td>Flag</td>
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<tr>
<td>Status of ship</td>
<td>In Service/Commission</td>
</tr>
<tr>
<td>Last update</td>
<td>07/11/2017</td>
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</table>

Source: Equasis

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</thead>
<tbody>
<tr>
<td>5603801</td>
<td>Ship manager/Commercial manager</td>
<td>UVAS-TRANS LTD</td>
<td>ul Sverdlova 49, Kerch, Krym, 98320, Ukraine.</td>
<td>since 20/02/2016</td>
</tr>
<tr>
<td>5603801</td>
<td>ISM Manager</td>
<td>UVAS-TRANS LTD</td>
<td>ul Sverdlova 49, Kerch, Krym, 98320, Ukraine.</td>
<td>since 20/02/2016</td>
</tr>
<tr>
<td>5633861</td>
<td>Registered owner</td>
<td>ARIDA TRADE LLP</td>
<td>Care of Uvas-Trans Ltd , ul Sverdlova 49, Kerch, Krym, 98320, Ukraine.</td>
<td>before 03/2015</td>
</tr>
</tbody>
</table>

Source: Equasis

Source: IHS Sea-web

3. Following the incident, the tanker headed north to Malta, off Valetta port, outside its territorial waters, where it remained adrift between 11 and 19 October 2017. According to Maltese authorities, no request was made by the Goeast to enter any port.
4. On 19 October 2017, the vessel set sail to the Sea of Crete and disconnected its AIS on 20 October. On 22 October it briefly reconnected its AIS before crossing the Dardanelles strait.

5. On 24 October 2017 it arrived at Ahirkapi anchorage area (near Istanbul), where it was granted anchorage permission, according to the Turkish authorities. They further stated that a gas purification process for maintenance purposes was conducted. On 1 November 2017, the tanker was granted entry to Tuzla port where it remained until 8 November 2017.

6. On 10 November 2017 it crossed the Bosporus and between 19 November and 14 December 2017 remained a few miles east of the Traffic Separation Scheme of Kerch strait, Crimea. Its AIS was disconnected on several occasions.

Source: IHS Sea-web
7. Since the incident, the tanker has not operated in the central Mediterranean area.

Source: IHS Sea-web
Annex 57  Noor

1. The *Noor* (IMO 8312459) set sail off Malta on 23 October 2017, heading towards Gabes port, Tunisia. On 26 October 2017, 41 nautical miles off Gabes port, it turned east to Zuwarah coast, where it remained anchored in 2 different locations between 28 October 2017 and 1 November 2017. The vessel disconnected its AIS on 16 November 2017, while on its way back to a point off Malta, where it arrived on 19 November 2017.

2. It is relevant to mention that the *Noor* set sail from and arrived to the same location off Malta, outside its territorial waters.

Source: IHS Sea-web

3. According to Equasis, Ali Breiki SMA, care of United Maritime Services LTD, is the registered owner of the *Noor*. 
According to the information provided by Mr Iftikhar Rafique, from United Maritime Services LTD, the vessel was sold for scrap in November 2016, however no proof of scrap or any other documents were made available. The new owners are unknown.

The vessel was broken up in January 2018 in Aliaga, Turkey.

Source: Equasis

Source: IHS Sea-web
Annex 58  Legal disputes involving the Libyan Investment Authority

1. There are several disputes over authority, both in Libya and in other countries.

2. In Libya, Abdulmagid Breish, former Chairman of LIA, challenged Presidency Council decree No. 115 of 2016 establishing the Steering Committee. The Supreme Court of Libya nullified the decree. The Presidency Council then issued decree No. 29 of 2017 to establish an Interim Management Committee, headed by Ali Mahmoud Hassan. Thereafter, it also formed a Board of Trustees, which appointed a Board of Directors, the latter headed by Ali Mahmoud Hassan.

3. The following are the relevant decisions:
   b. Resolution of the Board of Trustees No. 1 of 2017 for nominating the Board of Directors of the LIA dated 15 July 2017.

4. Ali Mahmoud Hassan has stated to the Panel that he works both in Malta and Tripoli, a change from the earlier situation when the two offices had separate heads. He is also the Chairman of the Malta office which is a subsidiary – LIA Advisory LTD.

5. Mr. Breish informed the Panel that the legal disputes persisted. His appeal on decree No. 29 of 2017 was combined with his appeal against the formation of a Board of Trustees and Board of Directors. According to him, the Tripoli Administrative Court held the first hearing on 31 October 2017. There is no final decision yet.

6. In another development, the eastern-based Interim Government filed an appeal with the Benghazi Administrative Court, Second Administrative Chamber, against the decision of the Presidency Council to form a new Board of Trustees. This appeal was filed by the Prime Minister of the Libyan Interim Government and 3 others, all stated to represent the Board of Trustees of the LIA, and was against Presidency Council Decision No.12 of 2017, issued on 25 May 2017, on the formation of the Board of Trustees of the LIA. The grounds of appeal were that this decision was made by ministers under the GNA which did not gain the confidence of the House of Representatives (HoR) and therefore was defective and contrary to Law No. 13 of 2010.

7. On 26 October 2017, the Benghazi Court held that the decision for formation of the Board of Trustees is in violation of the law, considering that the GNA did not gain the confidence of the HoR, the president and ministers did not take oath and the GNA did not fulfil its establishment constitutionally. It also took into consideration that the control, by an illegal Board of Trustees, of the accounts and funds of the institution could lead to waste of public funds and tampering of financial assets of the institution abroad.
8. The Presidency Council appealed against this judgement, along with an application for stay. On 24 January 2018 the Administrative Justice Chamber of the Supreme Court stayed the execution of the judgement until consideration of the appeal application.

9. Similarly, the Benghazi Court also ruled against the Board of Trustees' Resolution 1 of 2017 (277/2017). The Presidency Council appealed against this judgement, along with an application for stay. On 22 March 2018 the Administrative Justice Chamber of the Supreme Court stayed the execution of the judgement until consideration of the appeal application. No further update of the current status is available in these two cases.

10. This was discussed with the CEO of LIA in April 2018. He claimed that the controversy over the appointment of the Chair in July 2017 is resolved. He further asserted that all banks and Libyan and external institutions deal with the current Board of Directors.

11. Nevertheless, it appears that the matter of legality of the formation and functioning of the Board of Trustees and, consequently, that of the Board of Directors is still *sub judice* in Libya. Reporting of the above sequence of events and ongoing judicial disputes is to illustrate the uncertainty surrounding the legal authority of the current management of the LIA, under Libyan law.

12. Disputes regarding the control of LIA are not recent, as is seen from several cases in other jurisdictions, and have had consequences.

13. A case filed by Hassan Bouhadi in the Commercial Court in London is further evidence of the confusion that surrounds the governance of the Libyan Investment Authority. The case concerned the doubts about who had the authority to give instructions in the legal proceedings of the Libyan Investment Authority against Goldman Sachs Ltd and Société Générale.

14. On 17 March 2016, the Commercial Court adjourned consideration of the case because the Presidency Council failed to clarify and inform the Government of the United Kingdom of Great Britain and Northern Ireland on the leadership of the Libyan Investment Authority. The Panel notes that, despite the formation of a new Board of Trustees and Board of Directors, the Presidency Council has not reverted with the required clarifications.

15. Due to the dispute of authority, the law firm appointed in the UK could not receive proper instructions in several ongoing litigations and it withdrew. This led to the appointment of the receiver in July 2015. This dispute was also referred to in the judgement passed in the Goldman Sachs case.

16. The receiver explained that the court order of appointment requires him to act in accordance with sanctions and that he has notified the Treasury and OFSI officials how it is determined whether the amounts received are sanctioned. This was with reference to the settlement amount received from a French bank, and some other smaller cases. There is a separate fund, not under the assets freeze, which is used for fighting legal cases. The receiver has sole and exclusive power to handle legal action, but

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14 October 2016
adopts a consultative approach. Written reports are submitted to the various Chairmen on legal actions and on accounting and every piece of correspondence is shared with them.

17. A case in the Netherlands concerning a dispute between LIA and an investment manager has also referred to the authority dispute.

18. Several legal proceedings linked to disputes over authority and previous financial dealings also contribute to high expenses for the designated entities.

19. The assets of the Libyan Investment Authority are also at risk because of several attachment orders in countries where these assets are located. There were claims by several companies against the Libyan government for breach of contract. Having been awarded favourable judgements, these companies proceeded to get orders to attach the funds of the Authority. In certain cases, the LIA was not even a party to the proceedings. While in some cases, the LIA has succeeded in getting these attachments set aside, in others the litigation is still pending. Such situations also pose a risk to the funds which are frozen under UN sanctions.

20. The LIA Board of Directors (which is appointed by the Board of Trustees) appoints the Board of Directors of the subsidiaries. In November 2017, the current Board of Directors of the Libyan Investment Authority declared changes in the management of subsidiaries. This generated discontent with the head of the HoR, Aguila Saleh, pronouncing that the decisions are invalid. Ali al-Qatrani, member of the Presidency Council, in his communication dated 12 December 2017, has contested the legality of Presidency Council decision No. 1253 of 2017, which authorizes the Authority, in exceptional circumstances, to amend the structure of the Board of Directors of its subsidiaries.

21. Legitimacy of these appointments is a concern for several interlocutors, their understanding being that the GNA has not been validated by the HoR. Hence, appointments made by the former suffer a legal infirmity which could be used by third parties to the detriment of the subsidiaries. The financial regulators in different countries also require to recognise the various Boards of Directors, particularly if they have to be represented on the boards of subsidiaries in different countries.
Annex 59  Designated individuals

1. In accordance with its methodology, and to give an opportunity to the designated individuals to submit their arguments, the Panel met two designated individuals and the representatives of two others.

Safia Farkash al-Barassi (LYi.019)

2. The Panel met Safia Farkash on 23 May 2018. The following is the summary of the interview notes:

3. Safia Farkash is currently based in Cairo. She arrived in Egypt at the end of February 2015. She has a residency permit in Egypt, renewable every three months, and sometimes monthly.

4. She asked what she could expect from this visit. She has represented to the Security Council but this has yielded no result and her travel continues to be restricted. She informed the Panel that she had previously asked for visas for Jordan and Germany but was refused. She now wanted to go to Austria. She is unwell and requires ongoing treatment. She would also like to visit her daughter, Aisha, in Oman but is unable to do so in view of the restrictions. The Panel explained that designated individuals are entitled to get exemption from the travel ban on various grounds and also explained the procedure for doing so.

5. She has not applied for delisting but will do so. This procedure was also explained.

6. Mrs. Farkash expressed grief that 3 of her children and her husband are dead. She has always been a housewife. Though accused of having money outside and a political role, she has nothing. She explained that this house belongs to the family. Other family members also explained that the family gathered money and bought the house.

7. In Oman, she received no financial aid as she did not ask for it. In Egypt also, she is not receiving any but she is treated well.

8. In a subsequent written communication, her consultant urged that her delisting request be examined “from a humanitarian prospect rather than a political or countries of influence disagreements.” It was further emphasised that both Safia Farkash and her daughter Aisha Qadhafi have no political activity or interest and their travel will never cause any harm. They did not hold any official governmental position nor, they claim, is there any evidence that they were part of any unrest or have ever been involved in any illegal or inhumane activity. Adding the names for being a spouse and daughter of Colonel Muammar Qadhafi appears unfair to them and does not, according to them, correspond to humanitarian concepts and principles.

9. The Panel has asked for further details including a copy of the Egyptian residency permit.
Sayyid Mohammed Qadhaf Al Dam (LYi.003)

10. The Panel met the individual in Cairo on 22 May 2018. His brother, Ahmed Qadhaf al Dam facilitated the meeting. He has been living there since 2016, and his requests for exemption from the travel ban are renewed. He lives in an apartment, owned by his brother Ali, who was present, though not participating in the discussions.

11. Sayyid Qadhaf Al Dam was lying in a hospital bed. He can move his legs but is unable to walk, neither to sit for long periods. He explained that he had an old back injury.

12. He recalled his detention period in Misrata, the lack of proper medical attention he received, and how he managed to leave the prison, once acquitted, and move to Egypt.

13. He confirmed that he has no residency permit. He has neither money nor accounts inside or outside Libya.

Abdullah Al-Senussi (LYi.018)

14. He is purportedly in custody in Tripoli. Reliable sources informed the Panel that there are concerns regarding regular access to him and his health conditions.

Saif al-Islam Qadhafi (LYi.017)

15. The Panel met his lawyer. He confirmed that Saif al-Islam is in Zintan and now has freedom of movement there. He mentioned that Saif was arrested on 19 November 2011 and the judgement was passed in July 2015. He was sentenced to death in absentia. Since due process was not followed in the conduct of the trial, he would be eligible for a re-trial. At the same time, he said that Saif al-Islam was free, by virtue of Law no. 6 of 2015 (grant of amnesty). He claimed that the national courts take precedence over the ICC and that the latter cannot try him now that he has been given amnesty.
Annex 60  Response by CBL on previous report

Steven Spittael
UN Panel of Experts on Libya
United Nations
Tunis, Tunisia

December 14, 2017

Subject: Final report of the Panel of Experts on Libya dated 1 June 2017

Dear Mr. Spittael,

We would like to thank you for sharing the report entitled Final Report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011) dated 1 June 2017. We appreciate the effort made to assess political and economic conditions in Libya during this delicate period. After reviewing the Report, we feel the need to clarify a number of issues raised regarding the Central Bank of Libya (CBL). While the CBL acknowledges the immense challenges faced by Libya’s banking system and financial institutions, we believe that a few issues discussed in the Report warrant further clarification and/or correction.

Response to statements from the UN Final report of the Panel of Experts dated 1 June 2017

Section 210. Al-Kabir, who manages the Bank’s accounts and the majority of its staff, de facto controls the financing of the Presidency Council. His support to the Council has been slow and limited, leading to a series of public accusations by Al-Surraj, including a claim that Al-Kabir was a spoiler. Al-Kabir and Central Bank Board member Tarik Yousef al-Magarief told the Panel that, in their view, the Council itself was responsible for the delays in financing. They stated that they could accept payment orders only from the Ministry of Finance and not directly from Council members. They added that the emergency budget prepared by the Council was of poor quality and lacked the necessary detail.

Throughout his tenure, Governor Al-Keibir has been the internationally recognized manager of the CBL. The Government of National Accord and its Presidency Council (PC) recognized him as such upon their establishment in December 2015 and so did the High Council of State and the Presidency of the House of Representatives. He has discharged his responsibilities in accordance with laws governing the CBL.

Mr. Al-Serraj's claim that Governor Al-Keibir is a spoiler has no factual basis. If anything, the support extended by the CBL to Mr. Al-Serraj and the Presidency Council has been consistent and timely. Upon his arrival in Tripoli in March 2016, Al-Keibir was the first person to meet with Al-Serraj and affirm his commitment to supporting the PC. The attached letter from Al-Keibir dated 4th April 2016, reflected the position of the CBL vis-à-vis the PC from the beginning. In fact, the CBL has gone out its way to advise and assist Al-Serraj and the PC on how to follow basic and required government processes and procedures in order discharge instructions for payment to the CBL. It is in this regard where the PC had failed in the initial phase of their mandate, causing confusion to what should have been a smooth working relationship between the CBL and Ministry of Finance. The unnecessary bottlenecks created in the system due to limited experience of PC members ultimately triggered the organization of meetings by the international community in London and Rome in 2016 to streamline processes and ensure the timely preparation of a budget for 2017.

Section 213. First, following persistent complaints of insufficient cash deliveries from Tripoli (see S/2016/209, para. 219), the eastern Central Bank had its own money printed. The notes were printed by a separate company, different from the usual Central Bank provider. Although a clear effort was made to produce nearly identical notes, important differences remain (see annex 56). Because it was facing its own cash shortage in the capital, the Presidency Council approved its circulation and, thereby, the eastern Central Bank's initiative. However, the western Central Bank has blocked its distribution in the capital.
The CBL has opposed the circulation of the Russian printed banknotes from the beginning in line with the advice received from the international community and international financial institutions. Having two currencies in a country issued by two separate monetary authorities is detrimental to the economy. It causes confusion, undermines confidence and increases the likelihood of counterfeiting. The CBL in conjunction with the official contractor for Libyan banknotes DeLaRue hired an independent third party to complete an analysis of the LYD 20 and LYD 50 notes in March 2015. The third party analysis indicated that the Russian currency lacked up to 40% of the security features of the official banknotes, which are among the most secure notes in the world.

Section 2.14. Second, eastern administrators claimed to the Panel that a significant percentage of salaried workers in the east had not been paid by the western Central Bank. They stated that, by the end of 2016, Al-Hibri had disbursed over 3 billion dinars from commercial loans to resolve the problem. These loans increase the State debt and will need to be repaid by the future unified Government.

The CBL has been paying salaries across the entire country with no discrimination against any region, sector or government organization. The only requirement that the CBL mandated starting in 2015 was that the payment of salaries was conditional on the provision of a National ID Number for each recipient, to avoid duplication and minimize corruption. Some government organizations were slow or refused to comply initially with this requirement. A meeting took place in Tunis in 2016 to resolve any outstanding issues with salaries in the East and a committee was established by the CBL Operations Department and the Ministry of Finance to resolve the remaining salaries issues. As of now, a few entities in the East have not complied with the National ID Number requirement.

Section 2.15. Attempts to unify the two competing branches made some progress throughout 2015 but ultimately failed. Al-Keeb and Al-Hibri met twice in Tunis in midyear, but a third meeting in Libya was cancelled. A solution in the short term is unlikely. On the one hand, the eastern Central Bank insists on a number of considerable concessions: an agreement on the distribution of cash (both prints); an increase in Central Bank approval of letters of
credit for the east, which it reports to be currently limited to 17 per cent of the nationwide total; the restoration of eastern access to the Central Bank’s information technology system; and full Central Bank coverage of certain eastern expenses. On the other hand, reunification and compromises do not appear to be a priority at the western Central Bank, which is clearly in a stronger position.

Attempts by the CBL to reconcile differences and integrate the Eastern branch began in late 2014, shortly after the fragmentation of the country’s government institutions. Mr. Al-Hibri refused to meet with Mr. Al-Kebir on multiple occasions until the US government mediated a short meeting in April 2015 where efforts to reconcile differences failed. One of the CBL’s core demands was bringing transparency to the funding of government spending by the East in 2015 and 2016 estimated at LVD 8.5 billion and LYD 7 billion, respectively. Another was the auditing of CBL accounts including in the East since late 2014 before the full integration of accounts and reconciliation of balances on the CBL’s technology platforms.

Concerning the claim that the CBL is regionally biased against the East in approving Letters of Credit (LCs), this accusation has no factual basis. The CBL has accorded equal opportunity to LCs from all regions in the country, subject to compliance with rules and regulations. What has emerged in the last few years as true is that many applications from the East have been submitted outside the East out of security fears and uncertainty about banking operations in the East. For the same reasons, many traders and merchants from the East have relocated operations and set up accounts with commercial banks in Tripoli.

Page 67, 3rd paragraph, Section 283: The urgent need to identify and secure such assets was an important driver of the re-institution of a Stolen Assets Recovery Unit within the Central Bank in August 2016. The Unit reports directly to the Central Bank Governor in Tripoli and is also reliant on cooperation with the Litigation Department of the Ministry of Justice of Libya and the Attorney General’s office. The Panel is not convinced that all three parties involved are fully committed to the Unit’s efforts. The Unit has actively

مساهمة من مصرف ليبيا المركزي في الدفع بعملية إصلاح الوضع الوطني، من خلال رفع المعاناة على المواطنين وزيادة حاجاتهم الضرورية في كل أرجاء ليبيا، وضمان استمرار الحد الأدنى لسيرة المرافق العامة. إنه يترجى علیكم إعطِة مؤكدة للتعاون فيما يتعلق بالتفاقيات المتعلقة بляемة هذه الفترة الإقليمية، وإلى حين اتسلّام اعتصام

مثيرًا هذه المرحلة وفقاً للأحوال السياسي.

إن مصرف ليبيا المركزي، يتعامل في هذا الموضوع على أساس أحكام القانون النافذة، والالتزام بالالتزامات الدولية، ومع الحرص على أداء واجبته في تهيئة الإتفاق العام، والأعمال في مقدرات مصرف ليبيا المركزي يعتمد على أساسات ميزانية مؤكدة وفقاً لقانون انضباط المالي، وفقاً لأحكام الملحق 5 من الاتفاق السياسي، وفي ظل عدم وجود ميزانية محددة، وهو أمر واجب مصرف ليبيا المركزي خلال سنة 2014، وقد تم إعداد الميزانية الداخلية، وفقاً للعمل والقرارات المالية مؤكدة (المادة 9 قسم 6 من الاتفاق السياسي) وتوجت بتوقيع مصرف ليبيا المركزي والمجلس الرئاسي ودولة المحاسبة، وتكون أساساً لتوثيق ميزانيه

الإتفاق العام.

ويمكن اكتشافاً للوقت الاعتدام على لجنة اجتماع عمان بين مصرف ليبيا المركزي والجهات الدولية، والتي وضع تقارير ميزانية 2016، (مرفقاً لكل صورة منها).

أما بالنسبة لأية المصاريف، فإن مصرف ليبيا المركزي يباشر على العمل وفقاً للأحكام المودية في قرار المجلس الرئاسي رقم 6 لسنة 2016، مؤكداً إلى حين استلام

القرار الملحق به.

Source: Central Bank of Libya
Annex 61  Reply by Mr. Ashraf Bin Ismail

Letter to the Panel of Experts on Libya established pursuant to resolution 1973 (2011)

Subject: Complaint submitted to the Panel of Experts on Libya established pursuant to resolution 1973 (2011) by Mr. Ashraf Ben Ismail regarding Paragraph 51 of the Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011), dated 1st June 2017 (Document Nr. S/2017/466)

Dear Sir/Madam

I submit this complaint against the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011), (hereafter referred to as “the Panel”), for including my name in the report and alleging that I have carried out acts which I have nothing whatsoever to do with, and without any regard for my security and safety and that of my family and my future. I demand correcting the situation by clearing my name from the false allegations.

Your distinguished team has violated the very basic rules of neutrality and professionalism, most importantly the standard of Due Process. I do not know your sources, nor do I understand on what basis your team decided to cram my name in the report without first vetting and verifying the credibility and truthfulness of the information you received, nor was I contacted or questioned about the allegations. It is outrageous, to say the least, that a United Nations Panel of Experts not respect the Universal Right of Due Process.

The Panel’s mandate includes:

- to assist the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya (hereafter “the Committee”) in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011) and modified in subsequent resolutions;
- to gather, examine and analyze information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided upon in resolution 1970 (2011), and modified in subsequent resolutions, in particular incidents of non-compliance;
- to make recommendations on actions that the UN Security Council (hereafter “the Council”), the Committee, the Libyan government or other States may consider to improve implementation of the relevant measures; and
- to provide to the Council an interim and final reports on its work with its findings and recommendations.

The information and recommendations, which the Panel submits to the Council, the Committee and all other competent entities, affect the decisions and actions taken by these entities, especially the Council and the Committee. This demands justice, the most fundamental principle of justice is to listen to both/all parties of a case. The Panel took a statement of one or more parties alleging that “I provided support to members of Ansar al-Sharia”, which is classified as a terrorist group by an International Decision made by a UN Security Council committee. This is a very serious allegation, which the Panel took and publish it in the public domain with hearing me, or verifying it. The Panel’s action is incompatible with the rules & principles it adopted in its methodology, as set in paragraphs 3, 4, 5 and 6.

1 Page 6 of the “Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011)”, dated 1st June 2017 (Document Nr. S/2017/466)
The Panel’s Methodology calls for the “reliance on verified, genuine documents and concrete evidence and on-site observations by the experts, including taking photographs, wherever possible. When physical inspection is not possible, the Panel will seek to corroborate information using multiple, independent sources to appropriately meet the highest achievable standard, placing a higher value on statements by principal actors and first-hand witnesses to events.”, and

The methodology states that the Panel “is committed to the highest degree of fairness and will endeavour to make available to parties, where appropriate and possible, any information available in the report for which those parties may be cited in relation to incidents of violations or non-compliance, for their review, comment and response within a specified deadline.”

In paragraph (51) of your report, you stated “A businessman from Misrata, Ashraf ben Ismail”2, it is correct that I am a businessman, which is my profession for 20 years, but I am not from Misrata as your report alleged. I was born and raised in Benghazi and lived there all my life. Benghazi is my hometown, my residence and business is there, I never took any residence in any other city in Libya, including Misrata. Since I was born I resided in Benghazi till I moved abroad on 10th June 2014, when it became clear to me that the situation in Benghazi is no longer safe, not for me nor for my family. Since 10th June 2014 I have been living outside Libya with my family. This proves that the Panel did not verify the information it received regarding me.

I am an ordinary Libyan citizen, I am neither a politician nor a public employee in any entity belonging to the Libyan State. I did not hold any public position in the State of Libya, neither before the 17th February Revolution, nor after it, except being in charge of the “Wounded Welfare Agency” (hereafter referred to as “the Agency”) for three (3) months, from 12th December 2011 to 17th March 2012, during which I submitted my resignation from chairmanship of the Agency three (3) times; I submitted the first letter of resignation on 6th January which was rejected by PM el-Keib, and he rejected my second resignation on 4th February 2012, then accepted my third resignation on 17th March 2012 when I adamantly insisted on it.

During the course of my work, as head of the Agency, which I accepted not because I desired a public office, but because Mr. Mustafa Abdel Jalil, head of the National Transitional Council, insisted I take on the post, I did not take any salary, Dirham or Dinar, I did it as a volunteer work. From day one, it became clear to me that the Agency is a big mess and corruption3, and realized that the only way to manage the medical treatment of the wounded would be through close coordination with the Health Ministry. On 26th December 2011, two weeks in the job, I submitted a proposal to the Health Ministry to directly supervise the Wounded cases, or at least take over the responsibility to administer the medical treatment of patients who were not related to the war casualties4, but the Health Ministry refused. Eventually, the Agency was merged into

2 The English version of the report stated “A Misratan businessman, Ashraf ben Ismail” (page 13/299), whereas the Arabic version stated, “A businessman from Misrata” (page 18/323).
3 The management of the Agency was chaotic before I was appointed. There was no control on who should be entitled to receive a publicly funded medical treatment abroad, everybody was sending people for treatment abroad; the National Transitional Council, various ministries, local councils, revolutionary brigades, and this lead to widespread abuse of the system.
4 Publicly funded medical treatment outside Libya is not new, due to the sorry status of the National Health System, the Libyan State always funded medical treatment abroad for cases which there were deemed not possible to handle inside Libya, of course there was always favoritism & corruption. The Wounded Welfare Agency was created to handle the treatment of severely wounded fighters in the 2011 war, but because of the chaotic situation, in my estimate majority, more than half, of those who were being sponsored treatment on the Agency’s account.

The Finance Ministry, in the interim government headed by Mr. Ali Zidane, assigned a special financial committee in 2013 to review the Wounded Welfare Agency and I appeared before this committee four (4) times; my testimony was supported by documents. Around three weeks after the fourth (4th) session I received a phone call from the committee in which they informed me that “they have verified my financial accounts for the period I was in charge of the Agency”. I asked them to provide me this statement in writing, which they did in a letter dated 9th February 2014. A copy of the letter is provided in the Annex (1) attached below.

Since the day I resigned from the Agency, 17th March 2012, I no longer had anything to do with the issue of the medical treatment of wounded, neither officially nor personally, except in one case involving the wounded from “Operation Bunyan al-Marsous”. The military operation launched by the Government of National Unity to defeat terrorist organization Daesh “ISIS” in the city of Sirte. I was contacted by Mr. Abu Bakr al-Huraish, a member of the Misrata Municipal Council (MMC), informing me that they had difficulties in transporting the wounded of the military operation and that the MMC had decided to contact Libyan businessmen to help support their efforts to transport the wounded for treatment in Turkey. I committed myself to cover the costs of transporting 10 wounded from Misrata to Turkey; provided that the MMC handles all the work, flights & hospital bookings, which it did. The 10 wounded were transported on 5 flights, each trip costing 24 Thousand Euros. My contribution to cover the transportation of 10 wounded from Operation Bunyan al-Marsous was 120 Thousand Euros. A copy of a letter, Affidavit, by Misrata Central Hospital attesting to my support for five flights to carry wounded of Operation Bunyan al-Marsous, is provided in Annex 2 below.

Regarding the medical treatment of the wounded from the Benghazi Revolutionaries Shura Council (BRSC) was handled by the Libyan Embassy in Turkey, through the consulate in Istanbul, and I have had nothing to do with it. The Panel can contact the Consulate or the Embassy to verify this. It should be mentioned that the Consulate also handles the medical treatment of the wounded from “Operation Karama” and “Operation Bunyan al-Marsous”.

I mentioned above that I left Benghazi when it became clear to me that the situation there was no longer safe, not for me nor for my family. Before and after the launch of the “Operation Karama”, I worked hard to prevent escalation of the situation between some rebel battalions on one hand and the Special Forces battalions on the other. Meetings were held at my home in Benghazi between rebel commanders and Brigadier Wans Bu Khamada, commander of the Special Forces in Benghazi. Unfortunately, these efforts did not succeed, some parties were keen to escalate the situation, among them Ezzidin al-Wakwak, commander of a tribal militia controlling Benina airport, East of Benghazi.

I was a targeted by “Operation Karama” when a warehouse complex I own in al- Hawwari area was bombed by airplanes and missiles on 5th June 2014, details are attached below in Annex 3. The complex was the biggest privately owned & operated warehouse complex in Libya. After the first air raid, I came with some friends and employees, and we were joined by firefighting trucks. As we were trying to put out the fires and move goods, the complex was targeted with missiles. Four fire fighters were injured and taken to hospital. We continued our efforts to put out the fires and save the goods, some belonged to my company and some to belonged to other

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5 I appeared before the committee; in October, in November and in December 2013, then in January 2014.

Source: Ashraf Bin Ismail
Annex 62  The Libyan Steel Iron and Steel Company LISCO

1. In its last report, the Panel reported on armed groups from Misrata using the Libyan Steel Iron and Steel Company’s (LISCO) port to load weapons from Misrata to Benghazi (S/2017/466, paragraph 51 and annex 14). The Panel mentioned that the LISCO plant was a key hub in the supply route of the Benghazi Revolutionaries Shura Council (BRSC). A summary of the details contained in Annex 14 of that report is below:

- A square “military zone” in which arms and ammunition are stored.
- Gathering and starting point for fighters joining armed groups in Benghazi.
- LISCO plant is a key hub for military support provided to BRSC.
- Ammunition transported by land from Hun to LISCO plant. Stored in containers in LISCO military compound.
- From there, loaded onto vessels at LISCO port terminal for onward movement to Benghazi.
- On way back to Misrata, speedboats transport injured fighters.

2. On 30 August 2017, the Panel met the LISCO Chairman, Mohamed el-Feghy. He denied being in control of the LISCO port or organizing the support from the plant to armed groups fighting in Benghazi. He explained that the LISCO management were required to provide land to an armed brigade near the LISCO port, but that this land was not within the LISCO plant premises.

3. The company did not have complete control of the port, it had access for business purposes and to provide technical maintenance. The port gate was under the control of the investigation wing of the Municipal Council of Misrata. He also clarified that the Municipal Council did not directly control this wing. It was under the Ministry of Interior. Earlier, the Council had formed a Committee that was responsible for everything that went in and out of Misrata and LISCO ports. This was no longer the case since the beginning of 2017.

4. Mr. el-Feghy witnessed the arrival of wounded fighters from Benghazi to the LISCO port a number of years ago. There may have been movement of weapons through the port, but he has never seen this. It was only hearsay. Mr. El Feghy was requested to provide a map of the plant premises highlighting the points used for military purposes and excluded from his management responsibilities. This has not yet been provided.

5. In a letter dated 21 June 2018 to the United Nations addressed to Chair of the 1970 subcommittee, the Chargé d’Affaires a.i. of the Permanent Mission of Libya reported that since the release of the Panel’s report, LISCO “face[s] international dealings problems in addition to the reluctance of some foreign companies to hold business dealings with it”. Libya denies the Panel’s statements and states that the company operated the port technically for business purposes only. The role of the company was limited to operate the port technically in terms of receiving iron ore ships and the exports of the company’s products. The security aspects were usually managed exclusively by the security authorities of the Libyan state.

6. Consequently, the Panel continues its investigation on the role of the security bodies who used to operate in the plant and at the port.