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**Lettre datée du 29 novembre 2019, adressée à la Présidente
du Conseil de sécurité par le Groupe d'experts sur la Libye créé
par la résolution 1973 (2011) du Conseil de sécurité**

Le Groupe d'experts sur la Libye créé par la résolution 1973 (2011) du Conseil de sécurité a l'honneur de vous faire tenir ci-joint, en application du paragraphe 15 de la résolution 2441 (2018), le rapport final sur ses travaux.

Le rapport a été communiqué le 28 octobre 2019 au Comité du Conseil de sécurité créé par la résolution 1970 (2011) concernant la Libye, qui l'a examiné le 25 novembre 2019.

Le Groupe d'experts vous serait reconnaissant de bien vouloir porter le texte de la présente lettre et du rapport à l'attention des membres du Conseil de sécurité et de le faire publier comme document du Conseil.

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Rapport final du Groupe d'experts sur la Libye créé par la résolution 1973 (2011) du Conseil de sécurité

Résumé

L'offensive militaire contre Tripoli lancée par l'Armée nationale libyenne (ANL) de Khalifa Haftar et le conflit qui a suivi ont entravé le processus politique libyen dans son ensemble, bloqué la réforme et concouru à l'instabilité générale dans tout le pays. Des groupes armés disparates, dont certains étaient auparavant dressés les uns contre les autres, se sont unis pour s'affilier soit au Gouvernement d'entente nationale, soit à l'ANL d'Haftar. Cette nouvelle phase d'instabilité, conjuguée aux intérêts de plusieurs acteurs étatiques et non étatiques, a exacerbé le conflit par parties interposées qui s'était fait jour après 2011. Le Groupe d'experts sur la Libye a recensé de multiples actes constituant une menace contre la sécurité, la paix et la stabilité de la Libye.

Les deux parties au conflit ont reçu des armes et du matériel militaire et un appui technique et fait appel à des combattants non libyens, en violation des mesures de sanction liées aux armes. Les Émirats arabes unis, la Jordanie et la Turquie ont fourni régulièrement des armes, parfois de manière flagrante, sans se donner la peine d'en dissimuler la provenance. Le Groupe d'experts a également relevé la présence de groupes armés soudanais et tchadiens à l'appui des forces affiliées au Gouvernement d'entente nationale et à l'ANL. Bien que les capacités militaires des deux parties aient apparemment été renforcées, l'incidence réelle des groupes armés étrangers sur l'issue du conflit a été restreinte. Les opérations militaires ont été dominées par l'emploi de munitions à guidage de précision à partir de drones de combat, ce qui a limité dans une certaine mesure les dommages collatéraux normalement attendus dans ce type de conflit.

Depuis avril 2019, la ligne de front, quoique fluctuante, est restée circonscrite dans d'étroites limites. Aucune des deux parties n'a la capacité militaire de déterminer l'issue des combats efficacement à son avantage. En conséquence, les pertes en vies humaines, parmi les groupes armés et les civils, demeurent faibles. Le conflit continue de faire peser des menaces localisées sur les civils libyens, par le déplacement à la suite des combats, la militarisation ou l'exploitation financière des institutions essentielles du pays, comme l'approvisionnement en eau, en électricité et en carburant.

Les migrants et les demandeurs d'asile en Libye continuent de pâtir non seulement des effets du conflit, mais aussi d'autres abus. Ceux qui sont dans des centres de détention officiels gérés par le Gouvernement s'exposent à toute une série d'atteintes aux droits de l'homme, notamment des conditions de vie dégradantes, des extorsions répétées, de l'exploitation sexuelle et d'autres formes d'exploitation ainsi que de la torture. La traite d'êtres humains et le trafic de migrants, qui se sont considérablement réduits par rapport aux cycles précédents, continuent de financer des réseaux qui alimentent l'instabilité.

Le conflit armé et l'effondrement du processus politique se sont également accompagnés d'une intensification des attaques contre l'unité des institutions libyennes. Le Groupe d'experts a constaté que la National Oil Corporation dans l'est de la Libye avait tenté à quatre reprises d'exporter du pétrole brut. Cette entité cherche également à asseoir sa légitimité et à prendre le contrôle de la distribution et des installations de carburant dans l'est du pays. La stabilité du système de distribution de carburant en Libye est menacée par le monopole exercé sur l'approvisionnement par les sociétés de distribution de carburant. Les produits pétroliers raffinés continuent

d'être détournés par voie maritime et terrestre, quoique dans une moindre mesure par rapport aux années précédentes. Le Groupe d'experts continue de recenser les réseaux qui se livrent à de telles activités à l'intérieur et à l'extérieur du pays.

Le Groupe d'experts continue de consacrer son attention aux actifs des entités désignées, tout en ayant du mal à mener des enquêtes approfondies en raison du manque d'accès aux données financières dans certains États Membres. Il est préoccupant de constater que la question de savoir à qui revient l'autorité sur la Libyan Investment Authority reste sujette à controverse. Le Groupe d'experts a constaté que la procédure n'avait pas toujours été strictement suivie pour ce qui est du paiement des frais de gestion et de dépôt des avoirs gelés aux institutions financières. Il a été établi en outre que deux personnes avaient enfreint l'interdiction de voyager.

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* Les annexes sont distribuées uniquement dans la langue de l'original et n'ont pas été revues par les services d'édition. Les rapports des mécanismes de surveillance ne pouvant dépasser un certain nombre de mots, le Groupe d'experts a donné un complément d'information sur plusieurs enquêtes dans les annexes au présent document. On trouvera les sigles et les abréviations à l'annexe 2.

Rapport final du Groupe d'experts sur la Libye créé par la 1973 (2011) du Conseil de sécurité

I. Contexte

A. Introduction

1. Le présent rapport, soumis au Conseil de sécurité en application du paragraphe 15 de la résolution 2441 (2018), couvre la période depuis la publication du précédent rapport du Groupe d'experts (S/2018/812), qui allait du 5 septembre 2018 au 20 octobre 2019, et comprend une mise à jour des enquêtes qui y étaient citées. On trouvera un aperçu de l'évolution du régime des sanctions contre la Libye dans l'annexe 1 au présent rapport.

2. Le Groupe d'experts a mené ses enquêtes conformément aux meilleures pratiques et méthodes recommandées par le Groupe de travail informel du Conseil de sécurité sur les questions générales relatives aux sanctions (voir S/2006/997). Il a maintenu le niveau de preuve le plus élevé possible, même si les déplacements en Libye étaient restreints du fait de l'insécurité. Il a veillé en particulier à respecter les normes relatives à la transparence et aux sources, aux preuves documentaires, à la corroboration des allégations par des sources indépendantes et vérifiables, ainsi qu'au droit de réponse de ses interlocuteurs¹. Il a mené ses enquêtes de manière transparente, objective, impartiale et indépendante et fondé ses conclusions sur un ensemble d'éléments de preuve vérifiables.

3. L'attaque contre Tripoli lancée par des groupes armés affiliés à Khalifa Haftar (forces armées d'Haftar)² le 4 avril 2019 ainsi que la poursuite du conflit armé ont marqué la période considérée. Depuis lors, le nombre de violations des mesures de sanction contre la Libye a rapidement augmenté. Les violations du droit international humanitaire se sont accentuées.

4. Les voyages en Libye ont été restreints du fait de la détérioration de l'état de la sécurité et compliqués par la détention illégale d'un membre du Groupe d'experts, Moncef Kartas (Tunisie), par les autorités tunisiennes le 26 mars 2019. Il a été arrêté, détenu et fait l'objet de poursuites judiciaires en violation des dispositions de la section 22 de l'article VI de la Convention sur les privilèges et immunités des Nations Unies. Le porte-parole de l'ONU a déclaré le 15 mai 2019 que les documents soumis par le Gouvernement tunisien avaient été examinés et que l'Organisation avait demandé la libération immédiate de M. Kartas et l'abandon de toutes les charges retenues contre lui³. M. Kartas a été libéré le 21 mai 2019, mais des accusations pèsent toujours contre lui. Sur les conseils du Secrétariat, le Groupe ne s'est pas rendu en Tunisie (qui sert de point d'accès de l'ONU vers la Libye) ou encore en Libye du 25 mars au 27 juillet 2019 (voir recommandation 1).

5. Deux éléments d'ordre administratif ont influé sur les travaux du Groupe d'experts. D'une part, le Secrétariat a appliqué plus rigoureusement les procédures

¹ On trouvera de plus amples informations sur la méthode et la possibilité de répondre à l'annexe 3.

² Il s'agit notamment du groupe armé précédemment connu sous le nom d'Armée nationale libyenne de Khalifa Haftar (désormais rebaptisé Forces armées arabes libyennes) ainsi que de groupes armés nationaux et étrangers. Le Groupe d'experts a créé l'appellation « forces armées d'Haftar » ou « HAF » pour désigner tous les groupes armés affiliés à Haftar ; il utilise par ailleurs la minuscule pour évoquer des groupes armés qui se font appeler « Brigade » ou « Bataillon », afin de pouvoir les identifier, sans pour autant donner la légitimité entourant une unité militaire gouvernementale constituée. Il emploie de même la minuscule, le cas échéant, pour désigner les autorités de l'est de la Libye.

³ Voir www.un.org/press/en/2019/db190515.doc.htm.

administratives révisées relatives aux voyages, adoptées en application du paragraphe 8 de la section VI de la résolution 67/254 A de l'Assemblée générale. Le Groupe d'experts doit désormais signifier sa visite 25 jours au préalable, et les dérogations à la règle ne peuvent être accordées qu'en cas de circonstances exceptionnelles. D'autre part, pour des raisons d'audit, les voyages ne sont approuvés que si le Groupe d'experts apporte la preuve qu'il prévoit des entretiens pendant toute la durée de la mission. Les individus ou les entités ne sont souvent pas en mesure de donner confirmation aussi longtemps à l'avance. Cette nouvelle exigence prive le Groupe d'experts de la latitude dont il a besoin pour passer du temps sur le terrain afin de trouver et d'établir des sources ou de lancer des enquêtes sur la base de nouvelles informations ou preuves. Il faut donc, pour les enquêtes de suivi, organiser des déplacements et des visites supplémentaires, ce qui augmente les délais de route, réduit le temps de travail disponible du Groupe et risque d'entraîner la perte d'une source d'information potentielle. Il est impossible pour certains experts de trouver et de recruter des sources, à moins de pouvoir passer du temps parmi la diaspora libyenne dans d'autres pays.

6. Les spécialistes des groupes armés (voir par. 46) ont particulièrement pâti des restrictions imposées pendant près de quatre mois au Groupe d'experts, qui ont empêché ce dernier de se rendre en Libye et en Tunisie ou d'y passer le temps nécessaire afin de trouver et d'établir des sources d'information locales. Pour que le Groupe d'experts puisse inclure des études de cas dans ses rapports au Conseil de sécurité, le niveau de preuve doit être élevé, chose souvent impossible si les travaux se font exclusivement à distance. Les personnes rechignent, en effet, à communiquer par voie électronique, et seuls des entretiens en personne, en présence de tiers, comme des professionnels de la santé ou des membres de la famille, permettraient d'obtenir des preuves concordantes suffisantes.

B. Coopération avec les parties prenantes et les institutions

7. La liste complète des États Membres, organisations et individus consultés figure à l'annexe 4. Le Groupe d'experts a adressé 330 lettres officielles à 61 États Membres et 87 lettres à des entités et sociétés et a reçu 211 réponses au 24 octobre 2019, dont les détails sont communiqués à l'annexe 5.

1. Organisation des Nations Unies et autres entités

8. Le Groupe d'experts s'entretient fréquemment avec la Mission d'appui des Nations Unies en Libye (MANUL) et se réunit régulièrement avec le Représentant spécial du Secrétaire général pour la Libye. Il a entretenu des échanges réguliers avec les différentes sections de la Mission. Les vols réguliers de la MANUL vers la Libye, ainsi que le ferme appui qu'elle apporte et la souplesse dont elle fait preuve, ont facilité l'accès du Groupe, tout en tenant compte des impératifs logistiques.

9. Le Groupe d'experts sur la Libye a rencontré le Groupe d'experts sur le Soudan et l'Équipe d'appui analytique et de surveillance des sanctions créée par les résolutions 1526 (2004) et 2253 (2015) du Conseil de sécurité concernant l'État islamique d'Iraq et du Levant (EIIL) (Daech), Al-Qaida, les Taliban et les personnes et entités qui leur sont associées, avec lesquels il a échangé des informations.

2. Les autorités de l'est et l'Armée nationale libyenne

10. Au cours de la période considérée, le Groupe d'experts a envoyé 12 communications officielles à trois adresses électroniques distinctes obtenues de diverses sources et a eu un certain nombre de communications informelles avec des membres des autorités de l'est et de l'Armée nationale libyenne (ANL). Il n'a reçu

aucune réponse formelle. Ce n'est que le 9 octobre 2019 que le Groupe d'experts a reçu une communication d'un responsable militaire dans lequel ce dernier indiquait que son bureau était désormais le référent officiel du Groupe d'experts. Ce dernier lui a dès lors renvoyé une copie des 12 lettres officielles et attend toujours une réponse. Le nouveau référent a été clairement informé que le Groupe d'experts devait examiner toute déclaration émanant des autorités de l'est en vue de l'inclure dans le présent rapport, dans les délais impartis. Le 19 octobre 2019, le Groupe d'experts a reçu une communication du nouveau référent indiquant que Khalifa Haftar avait nommé un comité composé de trois officiers généraux chargés de rédiger des réponses aux communications du Groupe.

II. Actes qui mettent en danger la paix, la sécurité et la stabilité en Libye, ou qui entravent ou compromettent la réussite de sa transition politique

A. Dynamique du conflit

11. Le conflit généralisé qui a éclaté le 4 avril 2019⁴ a poussé des groupes disparates en Libye à s'aligner plus clairement sur les forces armées d'Haftar ou aux forces affiliées au Gouvernement d'entente nationale (voir annexe 6 pour la cartographie des conflits).

12. La stratégie suivie par Haftar pour capturer Tripoli a consisté à prendre d'assaut les villes et villages dans le sud en janvier 2019, offensive à laquelle ses alliés étaient favorables. Les forces armées d'Haftar ont remis le contrôle de ces villes et villages à leurs supplétifs puis ont poursuivi leur marche vers l'ouest et le nord pour saisir des biens stratégiques et établir des positions en vue de l'assaut contre Tripoli. À la fin de mars, les forces armées d'Haftar avaient pris le contrôle de l'installation pétrolière de Charara⁵ (voir par. 137) et établi des bases opérationnelles avancées avec des alliés à Ghariyan⁶, Tarhouna⁷, Sabratha⁸, et Sorman⁹ au sud, à l'est et à l'ouest de la capitale.

13. Khalifa Haftar qui ambitionnait de s'emparer aisément de Tripoli, alors aux mains d'une multitude de groupes armés localisés, a échoué dans sa tentative pour plusieurs raisons. Les accords que ses forces avaient précédemment conclus avec des groupes armés n'ont pas tenu. Préalablement à l'offensive, des groupes armés disparates basés à Tripoli ont activement coopéré avec d'influents groupes basés à Misrata. Sur le plan territorial, le conflit s'est stabilisé dans la zone de combat de première ligne, les forces armées d'Haftar restant aux abords de Tripoli. Lorsque les forces armées affiliées au Gouvernement d'entente nationale ont contre-attaqué et pris la ville stratégique de Ghariyan à la fin de juin 2019, la perception publique des capacités opérationnelles des forces armées à Haftar s'est dégradée.

14. L'implication d'acteurs internationaux et régionaux, tant étatiques que non étatiques, persiste et va croissant. La fourniture de matériel militaire par des pays tiers et l'intervention directe de groupes armés étrangers dans les combats sont des facteurs de déstabilisation.

⁴ L'opération des Forces armées d'Haftar a pour nom Déluge de dignité ; le Gouvernement d'entente nationale a riposté avec l'opération Volcan de la colère.

⁵ 26°34'36"N, 12°13'05"E.

⁶ 32°10'20"N, 13°1'13"E.

⁷ 32°26'02"N, 13°38'04"E.

⁸ 32°46'51.96"N, 12°26'58.20"E.

⁹ 32°44'50.28"N, 12°33'51.12"E.

B. Actes menaçant la paix, la stabilité et la sécurité

1. Activités d'individus et de groupes terroristes internationaux

15. Des éléments de l'EIIL (QDe.115) restent inactifs dans les cellules de Tripoli et Misrata, et continuent d'agir en tant que groupes autonomes à Sabha, Mourzouq, Qatroun et autour du mont Harouj. Les dirigeants de l'EIIL sont toujours basés à Bani Walid.

16. À la fin d'avril 2019, Abu Bakr al-Baghdadi (QDi.299), chef de l'EIIL¹⁰ s'est félicité dans une vidéo des attaques dans la ville de Foqaha et a appelé ses militants à mener une guerre d'usure en Libye. Le 6 juillet 2019, l'agence de presse de l'EIIL (Amaq) a publié la vidéo d'un chef de l'EIIL en Libye, Mahmud Massud al-Baraassi (dit Abou Moussab Allibi), dans laquelle il soulignait que le pays était désormais l'un des principaux axes des futures opérations de l'EIIL, destinées à compenser les pertes de terrain et d'influence subies en République arabe syrienne. Mahmud Massud al-Baraassi se serait établi au sud de Bani Walid.

17. La lutte antiterroriste menée par les forces affiliées au Gouvernement d'entente nationale¹¹, les forces armées d'Haftar¹² et le Commandement des forces des États-Unis en Afrique (AFRICOM)¹³ dont les opérations s'intensifient contre Al-Qaida (QDe.004) ou l'EIIL continuent de désorganiser les structures de ces groupes et de réduire temporairement leurs capacités opérationnelles en Libye¹⁴.

18. L'EIIL en Libye finance ses activités par le vol, l'enlèvement contre rançon, l'extorsion des citoyens et la contrebande transfrontalière d'artefacts et d'autres produits, tout en continuant d'imposer des taxes sur les réseaux de traite des personnes (S/2019/570, par. 25).

2. Groupes armés étrangers présents en Libye

19. L'ingérence des combattants soudanais et tchadiens en Libye constitue une menace directe pour la sécurité et la stabilité du pays. Le 2 janvier 2019, le bureau du procureur général a délivré un mandat d'arrêt contre 37 personnes (22 Tchadiens, 6 Libyens et 9 Soudanais) (voir annexe 7) à raison des vols, enlèvements et meurtres commis en 2018 contre la population libyenne dans le sud du pays. La présence d'étrangers, en tant que groupes organisés ou mercenaires, signalée dans des rapports antérieurs du Groupe d'experts (S/2017/466, par. 83 et S/2018/812, par. 24) s'est accentuée en 2019 du fait de l'intensification du conflit armé et pourrait, si elle persiste, engendrer une plus grande instabilité.

3. Groupes armés soudanais présents en Libye

Armée de libération du Soudan-Abdul Wahid

20. À la mi-janvier 2019, l'Armée de libération du Soudan-Abdul Wahid (ALS-AW) a appuyé les brigades des forces armées d'Haftar pendant l'incursion du groupe dans le sud du pays : composée d'environ 200 combattants placés sous le commandement

¹⁰ Abdulkader Assad, « Al-Baghdadi admits ISIS was defeated in Libya's Sirte », *Libya Observer*, 30 avril 2019. Consultable à l'adresse suivante : www.libyaobserver.ly/news/al-baghdadi-admits-isis-was-defeated-libyas-sirte.

¹¹ Xinhua, « Libyan authorities arrest 2 members of al-Qaida, IS », 30 mai 2019. Consultable à l'adresse suivante : www.xinhuanet.com/english/2019-05/31/c_138103881.htm.

¹² Libyan Address, « Details of the killing of senior al-Qaeda leader by LNA in Sabha », 28 janvier 2019. Disponible à l'adresse suivante : www.addresslibya.com/en/archives/40581.

¹³ Quatre frappes aériennes menées par AFRICOM en septembre 2019 ont fait au moins 43 morts parmi membres de l'EIIL en Libye. Voir www.Africom.mil.

¹⁴ Entretien avec des responsables de la lutte contre le terrorisme à Tripoli, le 11 septembre 2019.

de Yusif Ahmed Yusif (dit Karjakola) (S/2019/34, par. 83), elle est basée à Waw el-Namous, dans la région du Fezzan. La direction d'Abdul Wahid est remise en question par les éléments de l'ALS-AW en Libye en raison d'un désaccord sur le versement de fonds qu'il a reçus des forces armées d'Haftar.

Armée de libération du Soudan-Minni Minawi

21. L'Armée de libération du Soudan-Minni Minawi (ALS/MM) est dirigée par Jaber Is'hak en Libye et se compose d'environ 300 combattants basés à Joufra. Le groupe a soutenu dès le début l'offensive d'Haftar dans le sud à la mi-janvier 2019 et est maintenant chargé de défendre la base arrière des forces armées d'Haftar et la ligne de communication entre Tripoli et Joufra.

Rassemblement des forces de libération du Soudan

22. Le Rassemblement des forces de libération du Soudan (S/2019/34, par. 79), dirigé par Taher Abu Baker Hajar en Libye, est composé d'environ 500 à 700 combattants qui seraient rompus aux combats. Ce groupe soutient les forces armées d'Haftar et a constitué des petites unités autour de Sabha, Mourzouq et Oum el-Araneb. Il coopère étroitement avec les forces de l'ALS-MM en Libye.

Mouvement pour la justice et l'égalité

23. Le Mouvement pour la justice et l'égalité est dirigé en Libye par Abdelkarim Cholloy Konti et compte environ 160 combattants et 22 véhicules 4x4. Très mobile, il opérerait à Tripoli avec les forces affiliées au Gouvernement d'entente nationale, ainsi que dans la région située entre Zella et Sabha.

Forces d'appui rapide

24. Le Groupe d'experts estime que 1 000 soldats soudanais des Forces d'appui rapide ont été déployés en Libye le 25 juillet 2019 par le général Mohamed Hamdan Dagalo (dit Hemeti)¹⁵. Il était initialement prévu que les troupes soudanaises gardent les infrastructures nationales essentielles pour relever les troupes des forces armées d'Haftar et leur donner la latitude de mener des opérations offensives. Le 17 juin 2019, des sources publiques¹⁶ ont signalé que les troupes soudanaises étaient stationnées à Joufra.

25. Le Groupe d'experts a pris connaissance d'un contrat signé à Khartoum le 7 mai 2019 entre le général Mohamed Hamdan Dagalo, au nom du Conseil de transition du Soudan, et la société canadienne Dickens & Madson (Canada) Inc.¹⁷, au titre duquel cette dernière s'efforcerait d'obtenir du Conseil militaire libyen dans l'est du pays des fonds destinés au Conseil de transition en échange de l'aide militaire que celui-ci apporterait à l'Armée nationale libyenne (voir annexe 8). Le Groupe d'experts n'a pas encore établi si le déploiement des Forces d'appui rapide est à attribuer aux fonds des forces armées d'Haftar versés au Conseil de transition du Soudan, ou directement au général Mohamed Hamdan Dagalo, à la suite des activités de Dickens & Madson,

¹⁵ The New Arab, « Hundreds of Sudan militia fighters deployed to Haftar's Libya offensive », 26 juillet 2019. Consultable à l'adresse suivante : www.alaraby.co.uk/english/News/2019/7/26/Hundreds-Sudan-militia-fighters-deployed-to-Haftars-Libya-offensive ; et source confidentielle.

¹⁶ Jean-Philippe Rémy, « Au Soudan, "Hemetti", le général sanglant qui voulait être roi », *Le Monde*, 17 juin 2019. Consultable à l'adresse suivante : www.lemonde.fr/afrique/article/2019/06/15/au-soudan-hemetti-le-general-sanglant-qui-voulait-etre-roi_5476564_3212.html?xtor=RSS-3208. Voir également www.alaraby.co.uk/politics/2019/7/22/ممسكر-حفتري-يعلمن-بدء-معركة-طرابلس-ودور-إماراتي-جديد.

¹⁷ www.dickensandmadison.com (lien mort).

et continue d'examiner le rôle direct joué par celle-ci, le cas échéant, lors du déploiement initial des Forces d'appui rapide.

26. Le Groupe d'experts estime que le Soudan et le général Mohamed Hamdan Dagalo, à qui incombe la responsabilité du commandement, violent tous deux le paragraphe 9 de la résolution 1973 (2011).

4. Groupes armés tchadiens

Front pour l'alternance et la concorde au Tchad

27. Le Front pour l'alternance et la concorde au Tchad en Libye est dirigé par Mahdi Ali Mahamat et composé d'environ 700 hommes basés dans le camp de Joufra. Il a été chargé par les forces armées d'Haftar de défendre la zone contre les attaques potentielles, notamment émanant de terroristes.

Conseil de commandement militaire pour le salut de la République

28. Le Conseil de commandement militaire pour le salut de la République, qui serait placé sous les ordres de Mahamat Haki Abdermane¹⁸ et basé dans les quartiers de Qatroun, Mourzouq et Sabha, se compose d'environ 300 hommes et combat aux côtés des forces affiliées au Gouvernement d'entente nationale. Il trempe très probablement dans des activités criminelles et des trafics de toutes sortes, reliant le sud de la Libye à la région du Tibesti au Tchad.

Union des forces pour la démocratie et le développement

29. L'Union des forces pour la démocratie et le développement, basée dans la région de Waw el-Kabir, est actuellement composée d'une centaine de combattants, appartenant à des factions qui soutiennent les forces affiliées au Gouvernement d'entente nationale ou les forces armées d'Haftar. Au début de mars 2019, 400 membres de l'Union ont quitté la Libye pour se rendre aux autorités tchadiennes, bien que, selon son chef, Mahmat Nouri, les défections aient été beaucoup moins nombreuses¹⁹. Depuis 2017, Mahmat Nouri fait l'objet d'une enquête judiciaire en France²⁰.

Union des forces de la résistance

30. L'Union des forces de la résistance, favorable aux forces affiliées au Gouvernement d'entente nationale, a maintenu une présence considérable dans le sud du pays à Tmessa et Waw el-Kabir jusqu'en février 2019. Son chef, Timan Erdimi, est basé au Qatar. À la demande du Gouvernement tchadien, l'Armée de l'air française a intercepté de nombreux membres de l'Union au Tchad, du 6 au 8 février 2019²¹. Certains de ses membres qui sont restés en Libye ont rallié le commandement de Jaber Is'hak (voir par. 21) tandis que d'autres ont cherché à nouer des alliances avec d'autres factions tchadiennes présentes en Libye.

¹⁸ L'ancien chef du groupe, Hassan Boulmaye, a été arrêté en 2017 au Niger, extradé vers le Tchad et purge actuellement une peine de prison à perpétuité.

¹⁹ *Jeune Afrique* et AFP, « Tchad : 400 rebelles déposent les armes, selon le gouvernement », 11 mars 2019. Consultable à l'adresse suivante : www.jeuneafrique.com/747422/politique/tchad-400-rebelles-deposent-les-armes-selon-le-gouvernement/.

²⁰ RFI, « Chad rebel leader arrested in Paris », 17 juin 2019. Consultable à l'adresse suivante : <http://en.rfi.fr/africa/20190617-chad-rebel-leader-arrested-home-paris-french-prosecutor>.

²¹ Lettre adressée au Groupe d'experts par l'État Membre, datée du 11 mars 2019.

5. Implication de Libyens dans le recrutement de combattants étrangers

31. Les commandants des 116^e et 128^e brigades des forces armées d'Haftar, Masoud Jaddi²² et Hasan Maatug Zadma²³, respectivement, recrutent constamment des combattants soudanais et tchadiens dans le sud de la Libye.

32. Des sources du Groupe d'experts confirment que Nasser Bin Jreid (S/2019/34, par. 92, et S/2018/812, par. 22), continue de recruter des combattants soudanais et tchadiens pour les deux parties au conflit. Il est également impliqué dans des activités de trafic. Hassan Mussa, chef tebou à la tête de la Force de protection du Sud, liée aux forces affiliées au Gouvernement d'entente nationale, est un autre facilitateur important du recrutement de mercenaires tchadiens (S/2018/812, par. 22).

6. Influence régionale de groupes armés tchadiens et soudanais

33. Le 3 mars 2019, pour la deuxième fois en deux ans, le Gouvernement tchadien a annoncé la fermeture de ses frontières²⁴ afin d'enrayer les activités de trafic entre les deux pays et d'endiguer l'afflux de rebelles au Tchad. Le 26 septembre 2019, le Conseil souverain du Soudan a ordonné la fermeture des frontières du pays avec la Libye et la République centrafricaine, invoquant, sans plus de précisions, des risques pour la sécurité et l'économie²⁵.

C. Actes susceptibles d'entraîner le détournement de fonds publics libyens

1. Banque centrale de Libye dans l'est du pays

34. Le Groupe d'experts a établi que lors du transfert par la Banque centrale européenne et d'autres banques commerciales européennes de billets libellés en euros à la Libye, ni la Banque centrale européenne, ni les banques commerciales, ni la Banque centrale de Libye n'avaient conservé les numéros de série. De grandes quantités de monnaie ont circulé entre les branches de la Banque centrale de Libye, sans qu'aucun numéro de série ait été enregistré. Il est dès lors pratiquement impossible d'attribuer à l'une ou l'autre branche les réserves d'euros.

35. Bien que le bureau du procureur général de Tripoli continue d'enquêter sur les conditions du transfert d'argent par la Banque centrale de Libye de l'ancien au nouveau siège de Benghazi, il n'y a aucun doute quant au montant de la perte totale (28 510 000 € partiellement endommagés et 16 490 000 € ruinés et inutilisables).

36. Le Gouverneur de la Banque centrale de Libye dans l'est du pays a pris une initiative personnelle afin de réduire les pertes de la Banque centrale en transférant le risque financier à des tiers. Il a vendu les liasses endommagées d'un montant de 28 510 000 euros au taux officiel de la Banque centrale à 2 sociétés et à 15 acheteurs individuels sans l'accord de la Banque centrale à Tripoli, puisque les deux branches ne coopèrent pas sur les questions financières.

37. Le bureau du procureur général continue également d'enquêter sur les modalités de ce transfert. Le 18 septembre 2018, la Banque centrale a demandé au bureau du procureur d'enquêter sur les circonstances entourant le transfert physique des fonds.

²² Massoud Jaddi appartient à la tribu Aoulad Souleiman ; il est le commandant de la brigade qui était connue sous le nom de « brigade Rada », basée à Sabha.

²³ Hasan Maatug Zadma, originaire de la ville de Haraoua, appartient à la tribu Aoulad Souleiman. La brigade est basée à Jafra.

²⁴ Sami Zaptia, « Chad closes its border with Libya », *Libya Herald*, 5 mars 2019. Consultable à l'adresse suivante : www.libyaherald.com/2019/03/05/chad-closes-its-border-with-libya/.

²⁵ BBC World Service, « Sudan to close borders with CAR and Libya », 26 septembre 2019.

Aucune demande formelle n'a été faite pour savoir si les circonstances de la vente des liasses endommagées par la branche de la Banque centrale de Libye dans l'est du pays contrevenaient à l'article 6 de la loi sur les banques (loi n° 1 de 2005 telle que modifiée par la loi n° 46 de 2012).

2. Autorité de contrôle administratif dans l'est du pays

38. Le 26 août 2019, l'Autorité de contrôle administratif dans l'est du pays²⁶ a publié son rapport pour 2018²⁷, dans lequel on trouve des preuves de corruption, d'irrégularités financières majeures et de détournements de fonds publics par différentes institutions du « gouvernement provisoire »²⁸. Par coïncidence, le 1^{er} septembre 2019, Abdelsalam Al-Hassi, responsable de l'Autorité de contrôle administratif dans l'est du pays, a été arrêté par des individus qui seraient affiliés aux forces armées d'Haftar²⁹ et libéré le lendemain.

D. Attaques contre les aéroports, les gares et les ports en Libye, contre les installations et bâtiments publics ou contre toute mission étrangère en Libye

39. Le Groupe d'experts a recensé de multiples attaques contre les infrastructures civiles nationales et les institutions de l'État au cours de la période considérée, notamment de fréquentes attaques contre les aéroports civilo-militaires. Toutes ces attaques continuent de faire l'objet d'une enquête de la part des autorités nationales, mais le Groupe n'a pas eu accès à leurs preuves ou n'est pas convaincu par la véracité de certaines allégations. On trouvera ci-après le détail des principales attaques :

Tableau 1

Résumé des attaques contre les institutions ou installations publiques

Date	Faits	Observations	Annexe
10 septembre 2018	Intrusion d'un groupe non identifié d'hommes armés au siège de la National Oil Corporation à Tripoli, qui s'est soldée par 2 morts et 37 blessés par les membres du personnel, et explosion de trois engins improvisés	Attaque revendiquée par l'EIIL	9
25 décembre 2018	Explosion d'engins improvisés actionnés par des kamikazes au Ministère des affaires étrangères et mort d'un troisième assaillant lors d'échanges de tirs avec les vigiles	Attaque revendiquée par l'EIIL	10

²⁶ L'Autorité libyenne de contrôle administratif est un organe indépendant composé de deux branches se trouvant dans l'est et dans l'ouest du pays : le responsable de l'Autorité dans l'ouest est nommé par le Conseil de la présidence, et celui dans l'est, par la Chambre des députés. L'Autorité de contrôle administratif surveille les travaux des organes exécutifs, supervise leurs opérations et évalue leur performance.

²⁷ Voir <http://raqaba-ly.com/wp-content/uploads/2019/08/مقرر-الهيئة-2018-مرقم.pdf>.

²⁸ Le gouvernement provisoire a été avalisé par la Chambre des députés en 2014 et est basé à Beïda (dans l'est du pays). À la suite de l'établissement du Gouvernement d'entente nationale à Tripoli en 2016, le gouvernement provisoire a perdu toute reconnaissance sur le plan international mais continue de revendiquer sa légitimité et est actif surtout dans l'est du pays.

²⁹ Safa Alharathy, « Head of the administrative control authority of the eastern authorities released after brief detention », *Libya Observer*, 3 septembre 2019. Consultable à l'adresse suivante : www.libyaobserver.ly/inbrief/head-administrative-control-authority-eastern-authorities-released-after-brief-detention.

Date	Faits	Observations	Annexe
8 avril 2019	Mainmise des forces affiliées à Haftar sur l'aéroport international de Tripoli et tentative des forces affiliées au Gouvernement d'entente nationale d'en reprendre le contrôle tout au long du conflit		11
24 septembre 2019	Agression physique et intimidation par des membres d'un groupe armé basé à Tripoli du Ministre des finances dans son bureau		12

Attaques contre l'aéroport de Mitiga à Tripoli

40. Le 7 avril 2019, les forces armées d'Haftar ont attaqué, pour la première fois dans le cadre du conflit actuel, l'aéroport de Mitiga à Tripoli. Il s'agissait de la première d'une série d'attaques multiples contre l'aéroport tout au long de la période considérée³⁰. Les attaques survenues par la suite ont endommagé des aéronefs civils (voir annexe 13).

41. Mitiga est un atout stratégique, étant le seul aéroport international en service à Tripoli à assurer les vols à la fois commerciaux et militaires. Les perturbations fréquentes des horaires de vol, y compris les vols de l'ONU, et la réduction du trafic aérien entravent la libre circulation des biens et des personnes vers la capitale, qui est essentielle à la viabilité économique, ainsi que la capacité d'effectuer des évacuations sanitaires en urgence.

42. Dans les faits, les Forces spéciales de dissuasion³¹ contrôlent l'infrastructure et les activités aéroportuaires, ainsi qu'un centre situé à proximité de l'aéroport où sont détenus, entre autres, des combattants de groupes armés locaux. C'est d'ailleurs pour libérer leurs propres combattants qui se trouvent en détention que les groupes armés des deux parties au conflit lancent des attaques.

E. Actes contraires au droit international des droits de l'homme ou au droit international humanitaire, ou qui constituent des atteintes aux droits de l'homme

43. Le Groupe d'experts a recensé une série de violations du droit international humanitaire et d'atteintes aux droits de l'homme commises au cours de la période considérée d'après des preuves provenant de sources confidentielles (dont des entretiens et des récits de témoins oculaires), de médias sociaux et d'analyses d'images.

44. Le Groupe d'experts a noté qu'au titre du paragraphe 11 de la résolution 2441 (2018), les mesures d'interdiction de voyager et de gel des avoirs s'appliquaient également aux actes pouvant également inclure, sans s'y limiter, le fait de planifier, diriger ou commettre des actes de violence sexuelle et sexiste. Bien que le Groupe d'experts ait relevé que des individus avaient probablement été victimes d'atteintes et de violence sexuelle et fondée sur le genre, il n'a pas pu réunir des preuves selon

³⁰ UNSMIL, « Latest attacks on Mitiga airport, a direct threat to the lives of civilian passengers; perpetrators will face accountability », 1^{er} septembre 2019. Consultable à l'adresse suivante : <https://reliefweb.int/report/libya/unsmil-latest-attacks-mitiga-airport-direct-threat-lives-civilian-passengers>.

³¹ Rebaptisées « Organe de lutte contre la criminalité organisée et le terrorisme », par décret du 7 mai 2018 du Gouvernement d'entente nationale. Le Groupe d'experts continue d'utiliser l'ancien nom.

les exigences requises pour pouvoir en faire rapport au Comité. Le Groupe d'experts n'a pas eu accès à des locaux confidentiels dans lesquels s'entretenir avec des victimes ou solliciter l'avis de conseillers psychologiques et post-traumatiques indépendants et il n'a pas pu garantir la sûreté et la sécurité des victimes et des témoins. La plupart ou la totalité de ces conditions sont nécessaires pour atteindre le niveau de preuve exigé par les meilleures pratiques et méthodes recommandées par le Groupe de travail informel du Conseil de sécurité sur les questions générales relatives aux sanctions (voir [S/2006/997](#)).

1. Emploi sans discernement d'engins explosifs

45. L'emploi sans discernement d'engins explosifs est une pratique habituelle et répandue à laquelle se livrent les forces affiliées au Gouvernement d'entente nationale et les forces armées d'Haftar. Pour illustrer les types de violations commises, le Groupe d'experts a signalé dans le tableau 2 ci-après, à la suite de ses enquêtes, les violations du droit international humanitaire coutumier impliquant l'emploi sans discernement d'engins explosifs (voir également annexes 13 à 18).

Tableau 2

Résumé des violations du droit international humanitaire (emploi sans discernement d'engins explosifs), 2019

<i>Par entité</i>	<i>Date</i>	<i>Faits</i>	<i>Observations/règles de droit international humanitaire coutumier^a</i>	<i>Annexe</i>
Gouvernement d'entente nationale	13 juin	Tir d'un missile sol-air S-125 Nova Pechora de moyenne portée à partir d'un lanceur improvisé lors de tirs indirects contre un quartier civil de Tripoli	Règles 7, 11, 14 et 15 ^b	14
Forces armées d'Haftar	2 juillet	Tir d'engins explosifs à partir d'un avion d'attaque au sol Mirage 2000-9 sous la direction et le contrôle opérationnel du groupe pendant un raid aérien contre le complexe militaire de Dhaman à Tajoura qui a touché un centre de détention du Service de la lutte contre l'immigration illégale	Grand nombre de morts et de blessés Règles 14 et 15	15
Forces armées d'Haftar	5 août	Tir d'engins explosifs à partir d'un drone Wing Loong II sous la direction et le contrôle opérationnel du groupe durant quatre raids aériens contre des quartiers civils tebou à Mourzouq	42 morts confirmés par le Groupe d'experts Règles 7, 14 et 15	16

<i>Par entité</i>	<i>Date</i>	<i>Faits</i>	<i>Observations/règles de droit international humanitaire coutumier^a</i>	<i>Annexe</i>
Forces armées d'Haftar	15 et 16 août	Tir d'engins explosifs (armes à sous-munitions) à partir d'un drone de combat sous la direction et le contrôle opérationnel du groupe lors d'un raid contre l'aéroport international de Zouara	Absence de prise de précautions pour éviter les dégâts aux biens de caractère civil D'après l'enquête de la MANUL, l'aéroport n'a pas servi à des fins militaires Règle 15	17
Forces affiliées au Gouvernement d'entente nationale	1 ^{er} septembre	Attaque au mortier contre l'aéroport international de Mitiga lors d'opérations aériennes civiles	Très probablement perpétrée par un seul groupe à l'appui de ses propres activités criminelles	13
Forces armées d'Haftar	6 septembre	Attaque de roquette non guidée contre l'aéroport international de Mitiga	Règles 7, 11, 14 et 15	18

^a Une enquête plus approfondie sur les circonstances pourrait révéler d'autres violations du droit international humanitaire.

^b Règle 7 : principe de la distinction entre les biens de caractère civil et les objectifs militaires ; Règle 11 : attaques sans discrimination ; Règle 14 : proportionnalité dans l'attaque ; Règle 15 : principe des précautions dans l'attaque.

2. Traite d'êtres humains et trafic de migrants

46. La traite d'êtres humains et le trafic de migrants³² à destination et en provenance de Libye vers l'Europe restent des activités lucratives, mais elles ont pour ainsi dire chuté par rapport à la période antérieure à 2018³³. L'évolution des réglementations dans les pays voisins et les affrontements localisés le long des itinéraires habituellement empruntés ont entraîné des changements au niveau des routes établies pour contourner ces obstacles. Dès lors, les migrations vers la Libye sont devenues plus longues, plus coûteuses et plus dangereuses. Le volume du trafic transfrontalier à destination de la Libye par le Niger et le Tchad a considérablement baissé ces deux dernières années³⁴. Les limites imposées au Groupe d'experts pour mener des entretiens sur le terrain (voir par. 6) l'ont amené à se concentrer sur les itinéraires internes vers les points de départ de la côte occidentale libyenne.

47. Une fois arrivés en Libye, les migrants empruntent des itinéraires qui varient selon la dynamique de conflits locaux et de la bataille pour Tripoli pour parvenir jusqu'à la côte, cherchant à trouver du travail ou à rallier l'Europe. Les départs vers l'Europe durant les mois d'été ont connu une baisse de 19 % par rapport à l'année

³² La Libye n'est pas partie à la Convention de 1951 relative au statut des réfugiés et ne dispose d'aucun régime d'asile pour reconnaître le statut de réfugié. Voir également [S/2018/812](#), recommandation 13.

³³ Global Initiative against Transnational Organized Crime, « The human conveyor belt broken – assessing the collapse of the human-smuggling industry in Libya and the central Sahel », mars 2019.

³⁴ Ibid.

précédente. Depuis les sommets atteints en 2016, les départs connaissent un plancher historique (voir tableau 3)³⁵.

Tableau 3

Départ des migrants et des réfugiés depuis la Libye de mai à septembre, 2016-2019

<i>Année</i>	<i>Nombre estimé de départs</i>	<i>Réduction par rapport au pic de 2016 (pourcentage)</i>	<i>Nombre d'interdictions par la garde côtière libyenne^a</i>	<i>Interdictions par la garde côtière libyenne (pourcentage)</i>
2016	103 100	—	—	—
2017	73 000	29	—	—
2018	17 000	83	8 529	50
2019	13 800	86	6 365	46

Source : Données de l'Organisation internationale pour les migrations et de la Global Initiative against Transnational Organized Crime.

^a Source confidentielle.

48. Le modus operandi s'est adapté à mesure que les recettes du trafic à grande échelle s'amenuisaient. La traite d'êtres humains en Libye est aujourd'hui un processus beaucoup plus fragmenté qui permet aux individus, aux groupes armés et aux réseaux criminels d'exploiter des personnes vulnérables pour en tirer une main-d'œuvre bon marché ou d'autres gains personnels ou financiers³⁶. Des individus arrivent à entrer en Libye grâce à des passeurs, mais la plupart d'entre eux finissent inévitablement par faire partie des réseaux de traite d'êtres humains actifs dans le pays.

49. L'aspect le plus saillant de la question migratoire est désormais le passage successif des populations migrantes d'un centre de détention à un autre pendant des mois, voire des années. Bien que les individus monnayent leurs multiples étapes à travers la Libye, ils sont toujours très vulnérables à l'extorsion, aux rançons et au travail forcé. Les migrants qui travaillent en Libye résident souvent dans des ghettos et courent le risque d'être arrêtés par la police ou des groupes armés locaux et sont immédiatement placés en détention.

50. Bani Walid reste un point de transit important pour les migrants d'Afrique de l'Est et d'Afrique subsaharienne, qu'ils viennent du Soudan, du Tchad ou du Niger ou qu'ils traversent ces pays pour se rendre dans des villes côtières occidentales³⁷. La zone située entre Bani Walid et Khoms, Qaraboulli et Zlitan est ouverte à la circulation, les itinéraires de l'est ayant été déplacés juste à l'est de Tripoli pour éviter

³⁵ Les itinéraires historiques sont toujours utilisés comme artères migratoires principales, bien que des itinéraires atypiques et moins fréquentés prolifèrent. Aucun départ important depuis les villes côtières de l'est n'a été enregistré durant la période considérée. Voir Organisation internationale pour les migrations (OIM), « Libya's migrant report, round 18 », mars 2018. Consultable à l'adresse suivante : [http://migration.iom.int/docs/DTM%20Libya%20Round%2018%20Migrant%20Report%20\(March%202018\).pdf](http://migration.iom.int/docs/DTM%20Libya%20Round%2018%20Migrant%20Report%20(March%202018).pdf).

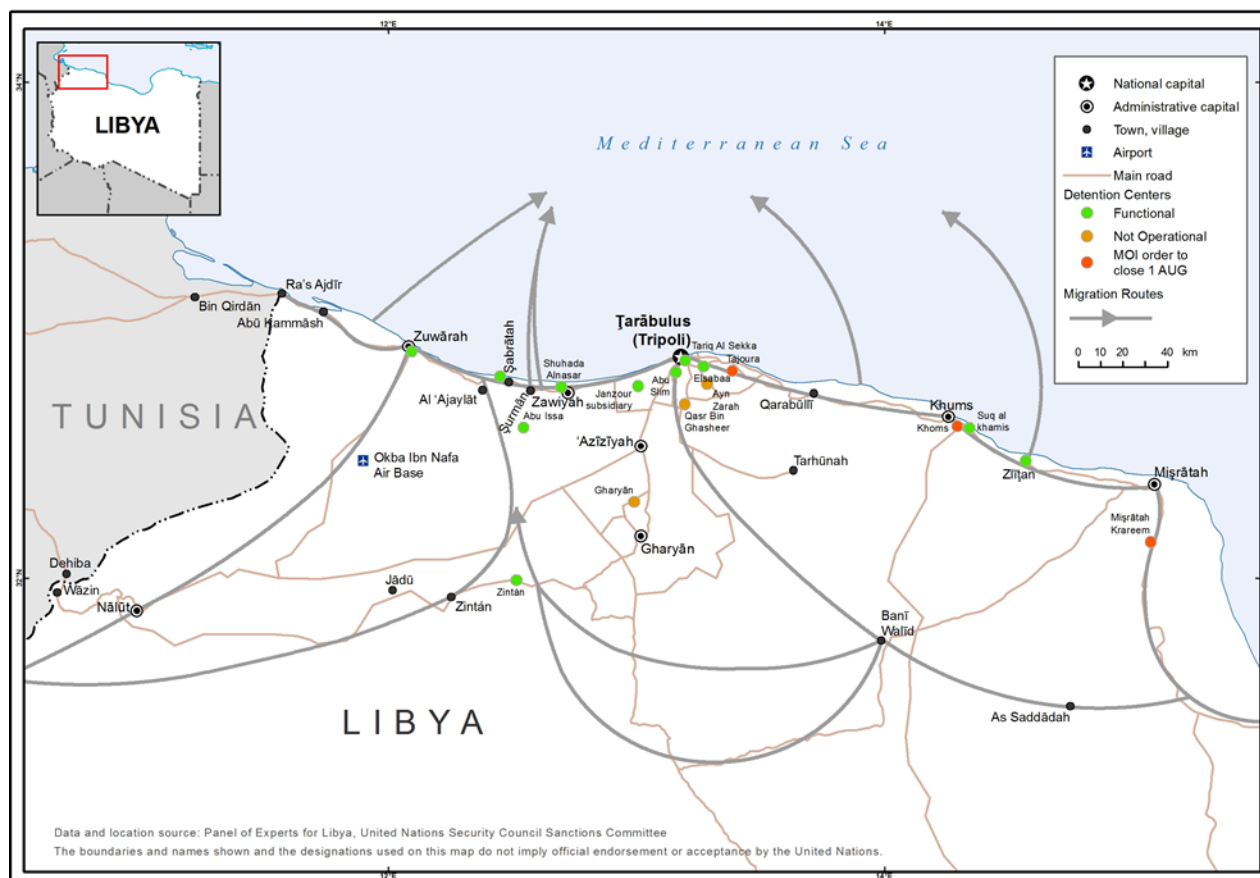
³⁶ La loi libyenne interdit l'entrée illégale sur le sol national et impose des peines d'emprisonnement aux contrevenants, auxquelles peuvent s'ajouter des travaux forcés, et ne différencie pas les personnes vulnérables, les réfugiés ou les demandeurs d'asile des autres migrants. Voir loi n° 6 de 1987 régissant l'entrée et le séjour des étrangers et leur sortie, modifiée par les lois n° 2 de 2004 et n° 19 de 2010 relatives à la lutte contre les migrations irrégulières.

³⁷ Source du Groupe d'experts, 30 septembre 2019, et MANUL et Haut-Commissariat des Nations Unies aux droits de l'homme (HCDH), « Desperate and dangerous: report of the human rights situation of migrants and refugees in Libya », 20 décembre 2018. Consultable à l'adresse suivante : www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf.

les zones de conflit direct. La détention de migrants et de réfugiés dans des centres non officiels de Bani Walid reste systématique, tout comme les mauvais traitements qui leur sont infligés.

Carte 1

Itinéraires de trafic dans l'ouest du pays



Map No. 4601.3 UNITED NATIONS
October 2019

Office of Information and Communications Technology
Geospatial Information Section

Source : D'après une carte créée par Global Initiative against Transnational Organized Crime, telle que modifiée par le Groupe d'experts sur la Libye.

51. Les principaux points de départ sont maintenant Khoms³⁸, Qaraboulli³⁹ et Zouara⁴⁰. Khoms, Tripoli et Zaouiya sont les principaux points de débarquement après l'interdiction imposée par la garde côtière libyenne⁴¹. L'Organisation internationale pour les migrations (OIM) et l'International Medical Corps⁴² y fournissent un abri, des secours et des soins médicaux immédiats dès l'arrivée des migrants⁴³. Le Groupe d'experts a constaté que les procédures de débarquement, d'enregistrement et de

³⁸ 32°38'55"N, 14°15'43"E.

³⁹ 32°45'N, 13°43'E.

⁴⁰ 32°56'N, 12°05'E.

⁴¹ L'OIM fournit des centres d'appui dans 10 points de débarquement (base navale de Tripoli, port de Tripoli, Tripoli-Tajoura, Zouara, Marsa Deila, Zaouiya, Khoms, Qaraboulli, Misrata, Zaouiya), entretien du Groupe d'experts avec la garde côtière libyenne.

⁴² Partenaire indépendant du Haut-Commissariat des Nations Unies pour les réfugiés.

⁴³ HCR, « Libya: activities at disembarkation, monthly update », août 2019. Consultable à l'adresse suivante : <https://data2.unhcr.org/en/documents/download/71355>.

transport restaient floues et, partant, exposaient les migrants à des risques d'exploitation.

3. Centres de détention gérés par le Gouvernement et autres lieux de détention informels

52. Comme indiqué au paragraphe 32 du précédent rapport du Groupe d'experts sur la Libye (S/2018/812), des individus et des groupes armés gèrent des centres de détention et d'autres lieux de détention informels dans toute la Libye, qui servent de jonctions le long des itinéraires de la traite d'êtres humains où les migrants sont en outre maltraités sur les plans physique et psychique et exploités financièrement.

53. Le Bureau des questions de migration basé à Tripoli et le Service de la lutte contre l'immigration illégale, lesquels relèvent du Ministère de l'intérieur, gèrent officiellement 20 centres, dont 15 en Tripolitaine ; 12 d'entre eux sont opérationnels (voir annexe 19)⁴⁴ et environ 8 000⁴⁵ des 700 000 migrants (1 %) actuellement présents sur le territoire libyen s'y trouvent. Les autorités libyennes tentent d'endiguer les pratiques des groupes armés qui, en mettant en place un système formel de migrations, contrôlent de fait les centres de détention. Ceux qui sont informels et exploités par des groupes non affiliés au Service de la lutte contre l'immigration illégale ne relèvent pas de la compétence des autorités.

54. De graves violations des droits de l'homme continuent d'être commises dans les centres de détention et lieux de rétention informels, notamment la privation illégale de liberté, le travail forcé, le viol ou l'exploitation sexuelle, les disparitions, le manque d'accès aux soins médicaux de base et la torture qui, dans de nombreux cas, s'est soldée par des morts⁴⁶.

55. Les migrants dans les centres de détention de Qasr Ben Ghachir⁴⁷, de Tajoura (voir annexe 19), de la route de l'aéroport⁴⁸ et d'Aïn Zara⁴⁹ ont été transférés dans d'autres centres en raison du conflit mais sont restés en situation de vulnérabilité du fait des piètres conditions et des mauvais traitements dont ils ont pâti. La plupart des migrants se retrouvent en détention en raison de l'interdiction imposée par la garde côtière libyenne.

56. On dénombre environ 3 800 migrants dans les centres de détention situés près des zones de conflit⁵⁰. Le 1^{er} août 2019, conscients des risques auxquels s'exposent les migrants, principalement la traite et les mauvaises conditions de vie, le Chef du Service de la lutte contre l'immigration illégale, le colonel Abdelhafiz Mabrouk, a annoncé la fermeture de trois centres de détention : Tajoura, Misrata (Kararim) et Khoms (voir annexe 20). Il a par la même occasion exhorté les gestionnaires des centres à ne pas coopérer directement avec les organisations actives dans le domaine de la migration⁵¹. Le 11 septembre 2019, le Directeur du Bureau des questions de

⁴⁴ OIM.

⁴⁵ Ministère libyen de l'intérieur, Bureau des questions de migration.

⁴⁶ Source du Groupe d'experts, 30 septembre 2019 ; et MANUL et HCDH, « Desperate and dangerous ».

⁴⁷ 32°42'8.67"N, 13°11'42.69"E. Médecins sans frontières, « Time running out for evacuations of trapped refugees in Tripoli amid shooting », 26 avril 2019. Consultable à l'adresse suivante : www.msf.org/time-running-out-evacuations-refugees-tripoli-amid-shooting-libya?component=video-262778.

⁴⁸ 31°59'29.60"N, 12°30'54.10"E.

⁴⁹ 32°46'59.77"N, 13°17'3.69"E.

⁵⁰ IOM, Libya Rapid Migrant Assessment, 4 juillet 2019. Consultable à l'adresse suivante : https://reliefweb.int/sites/reliefweb.int/files/resources/DTM_Tripoli_MigrantAssessment_2019-07-03_FINAL.pdf.

⁵¹ Page officielle Facebook du Ministère de l'intérieur. Voir également James Reinl, « Libya's hellish refugee centers remain open despite calls for closure », GlobalPost, 6 août 2019. Consultable à

migration, Mohamed Shibani, a informé le Groupe que les trois centres de distribution susmentionnés étaient en cours de fermeture. Le Groupe d'experts a établi qu'au 20 octobre 2019, des individus étaient encore détenus au centre de Tajoura.

Centre de détention Nasr

57. Le centre de détention Nasr⁵² jouxte le complexe pétrolier de Zaouïya. Tous deux sont contrôlés par la brigade Nasr, commandée par Mohammed Kashlaf (LYi.025). Les migrants interrogés par le Groupe d'experts ont confirmé que le centre de détention Nasr était l'une des principales plaques tournantes de la traite dans l'ouest de la Libye. Le Groupe d'experts a constaté que l'administrateur de fait, un certain « Osama » ou « Osama Zawiyah », était responsable du système d'exploitation mis en place dans le centre de détention (voir par. 164 et annexe 21).

4. Autres violations

58. Les enquêtes du Groupe d'experts ont permis d'établir une série de violations du droit international humanitaire coutumier ou d'atteintes aux droits de l'homme (voir tableau 4, annexe 15 (comme dans le tableau 2 ci-dessus), et annexes 22 à 26).

Tableau 4

Résumé des autres violations du droit international humanitaire et des atteintes aux droits de la personne, 2019

<i>Par entité</i>	<i>Date</i>	<i>Faits</i>	<i>Observations/règle de droit international humanitaire coutumier^a</i>	<i>Annexe</i>
EUIL en Libye	8 avril	Assassinat à Foqaha du Président du Conseil municipal, Ahmed Sassi, et du chef de la sécurité municipale, Abdelkafi Ahmed Abdelkafi	Règle 2 ^b	22
	22 avril	Détention arbitraire du Vice-Ministre de la défense, Ouheida Abdulah Naijm, par un groupe armé basé à Tripoli	Violation des droits de l'homme	23
	21 mai	Interruption de l'adduction d'eau par la Grande rivière artificielle pour priver d'eau les habitants de Tripoli	Règle 54 ^c	24
Gouvernement d'entente nationale	10 juillet	Non-exécution d'une ordonnance de mise en liberté de l'ancien Premier Ministre Bagdadi al Mahmoudi	Violation des droits de l'homme	25
	17 juillet	Une élue à la Chambre des députés à Tobrouk, Siham Sergewa, qui avait été enlevée, était toujours portée disparue au 8 octobre 2019	Violation des droits de l'homme	26

^a Une enquête plus approfondie sur les circonstances pourrait révéler d'autres violations du droit international humanitaire.

^b Règle 2 : violence visant à semer la terreur parmi la population civile.

^c Règle 54 : attaques contre les objets indispensables à la survie de la population civile.

l'adresse suivante : www.pri.org/stories/2019-08-06/libyas-hellish-refugee-centers-remain-open-despite-calls-closure.

⁵² 32°46'19.32"N, 12°41'47.97"E.

III. Application de l'embargo sur les armes

59. En application des paragraphes 9 à 13 de la résolution 1970 (2011), telle que modifiée par les résolutions ultérieures, le Groupe d'experts a continué de surveiller l'application de l'embargo sur les armes, de mener des enquêtes et de repérer les cas de violation.

60. Le conflit qui a éclaté le 4 avril 2019 a déclenché de nouveaux transferts de matériel militaire aux parties belligérantes, voire la réapparition de matériel préalablement acheminé et stocké dans le pays à l'insu du Groupe d'experts. Des transferts ont été effectués vers la Libye de manière répétée et flagrante, au mépris des mesures de sanction. Le Groupe d'experts a recensé de multiples cas de non-respect de l'embargo sur les armes dont ont bénéficié les deux parties au conflit, qui sont présentés dans les tableaux joints aux annexes 27 et 28, à toutes fins utiles et pour éviter les répétitions. On trouvera également dans les annexes correspondantes des informations détaillées concernant les violations des dispositions du paragraphe 9 de la résolution 1970 (2011) recensées par le Groupe d'experts. Dans beaucoup de cas, les États Membres et les sociétés commerciales, en particulier ceux impliqués dans des transferts illicites, n'ont pas répondu aux demandes d'information que le Groupe d'experts leur avait adressées. Pendant la période considérée, l'embargo sur les armes a été inefficace, comme l'illustrent les transferts de matériel militaire qui ont régulièrement été effectués vers la Libye par voies aérienne et maritime.

61. La majorité des transferts à destination des forces armées d'Haftar provenaient des Émirats arabes unis ou de Jordanie qui, d'après le Groupe d'experts, ont tous violé de manière répétée les dispositions du paragraphe 9 de la résolution 1970 (2011).

62. En réaction aux transferts illicites auxquels ont procédé les Émirats arabes unis et la Jordanie, le Gouvernement d'entente nationale a sollicité l'appui de la Turquie, qui a rapidement fourni du matériel militaire aux forces qui étaient affiliées au Gouvernement d'entente nationale ; le 31 juillet 2019, son président, Faiez Sarraj, a admis que celui-ci recevait effectivement des armes de la Turquie⁵³. Le même jour, le Ministre libyen de l'intérieur, Fathi Bachagha, a ouvertement admis un transfert de véhicules blindés à l'usage de son Ministère, par les ports de Khoms, le 6 février 2019 (voir par. 71) et de Tripoli, le 18 mai 2019 (voir par. 67)⁵⁴. Le Groupe d'experts constate que la Turquie et le Gouvernement d'entente nationale ont régulièrement violé les dispositions du paragraphe 9 de la résolution 1970 (2011).

A. Transferts par voie maritime et violations de l'embargo

63. Le Groupe d'experts a recensé trois transferts d'armes, de munitions ou de véhicules blindés par la voie de ravitaillement maritime. Deux chargements sur trois se trouvaient dans des conteneurs dont les documents d'expédition portaient de fausses informations. Dans de tels cas, l'interception en mer est encore plus difficile, quand bien même le navire concerné serait inspecté, à moins : a) de procéder à une inspection physique du chargement complet ; b) de recourir à des chiens de détection pour repérer des armes et des explosifs dans un conteneur parmi d'autres ; c) de disposer de renseignements suffisamment fiables pour justifier une intervention. La

⁵³ Asharq Al-Awsat, « Libya's Sarraj admits to receiving arms from Turkey », 31 juillet 2019. Consultable à l'adresse suivante : <https://aawsat.com/english/home/article/1837556/libya's-sarraj-admits-receiving-arms-turkey> ; et sources multiples.

⁵⁴ Entretien avec le Groupe d'experts le 31 juillet 2019. De l'avis du Groupe d'experts, en période de conflit, la facilité avec laquelle on peut monter des armes sur ces véhicules en fait des multiplicateurs de force et fait qu'ils ne peuvent plus être considérés comme du matériel non létal.

seule inspection des documents d'expédition ne permet que rarement de repérer les conteneurs chargés d'armes.

64. Par sa résolution 2473 (2019), le Conseil de sécurité a prolongé les autorisations concernant l'inspection de navires en haute mer au large des côtes libyennes⁵⁵, mais aucune inspection de ce type n'a été effectuée pendant la période considérée. Si le mandat de l'opération militaire de l'Union européenne dans la partie sud de la Méditerranée centrale (EUNAVFOR MED) a été prorogé jusqu'au 31 mars 2020⁵⁶, celle-ci ne dispose pas de moyens navals suffisants pour procéder à des inspections physiques en mer et se cantonne principalement à des activités de formation et de surveillance. Les États Membres devraient mettre en place un régime d'inspection effectif en vue de décourager et d'empêcher effectivement les transferts d'armes par voie maritime, conformément à l'autorisation accordée initialement par le Conseil au paragraphe 4 de la résolution 2292 (2016) et prorogée par la suite, le plus récemment dans sa résolution 2473 (2019) (voir recommandation 2).

1. Le navire marchand *Esperanza*

65. Le navire marchand *Esperanza* (n° OMI 9252785) a acheminé trois conteneurs à Khoms du 13 au 17 décembre 2018. L'inspection du chargement du navire par les douanes a permis d'intercepter 3 000 pistolets à blanc Atak Zoraki 2918. Au terme de son voyage suivant, l'*Esperanza* a livré à Misrata, le 30 décembre 2018, un conteneur dans lequel se trouvaient 20 000 pistolets à blanc Ekol P29. Ces armes ont été saisies par les autorités douanières le 7 janvier 2019⁵⁷. On trouvera aux annexes 29 et 30 l'ensemble des informations disponibles sur ces deux affaires.

66. Bien que la Libye et la Turquie aient informé le Groupe d'experts qu'elles avaient ouvert une enquête conjointe sur les expéditions en cause, au moment de l'établissement du présent rapport, elles n'avaient que des informations limitées sur les cas de non-respect des dispositions du paragraphe 9 de la résolution 1970 (2011).

2. Le bateau à moteur *Amazon*

67. Le 18 mai 2019, un grand nombre⁵⁸ de véhicules Kirpi 4 × 4 protégés contre les mines et les embuscades, fabriqués par l'entreprise BMC Otomotiv Sanayi ve Ticaret AS⁵⁹, ont été déchargés dans le port de Tripoli depuis l'*Amazon* (n° OMI 7702657) battant pavillon moldove. L'affaire a été largement relayée dans les médias et rien n'a été fait pour camoufler cette livraison. Les véhicules ont été récupérés par Ashraf Mami, au nom de Salah Badi (LYi.028), individu frappé de sanctions appartenant à la brigade Soumoud et de Mohamed Bin Ghuzzi, membre de la brigade Marsa⁶⁰. Des véhicules ont également été fournis au 33^e régiment d'infanterie, placé sous le commandement de Bashir Khalafallah.

68. Le Groupe d'experts a établi que l'*Amazon* avait quitté Samsoun (Turquie) le 9 mai 2019, franchi le détroit du Bosphore le 11 mai 2019 puis désactivé ses systèmes de navigation dans la nuit du 14 au 15 mai 2019, à proximité d'Izmir. Il se trouve que c'est dans ce port qu'est installée l'usine de BMC Pinarbaşı qui produit les modèles Kirpi 4 × 4. Le Groupe d'experts constate qu'Akdeniz Roro Deniz Tasimaciligi

⁵⁵ Ces autorisations avaient été accordées aux paragraphes 3 et 4 de la résolution 2292 (2016).

⁵⁶ Décision (PESC) 2019/1595 du Conseil européen du 26 septembre 2019.

⁵⁷ En 2013, le Comité a confirmé que ce type de matériel était soumis à l'embargo, car il était facile de convertir des pistolets à blanc en armes de tir à balles réelles (S/2016/209, annexe 35, par. 10).

⁵⁸ Le Groupe d'experts a repéré au moins 27 véhicules sur des images de source publique du pont du bateau mais, selon des sources confidentielles, on en aurait compté en réalité entre 50 et 80.

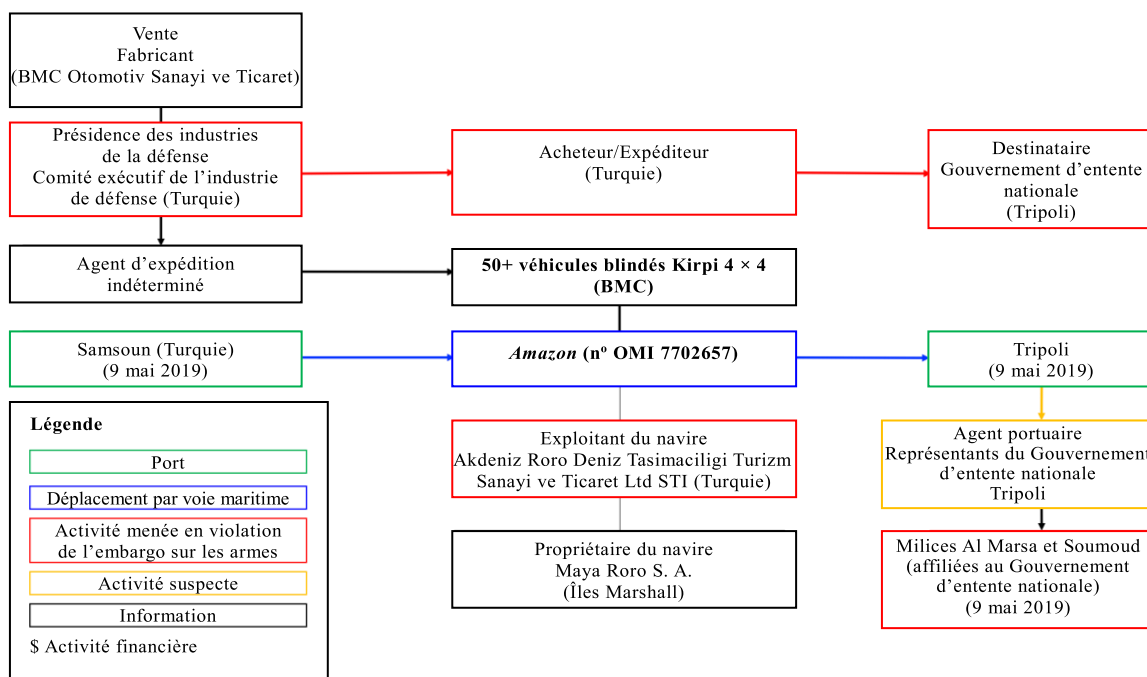
⁵⁹ Voir www.bmc.com.tr/en/defense-industry/kirpi.

⁶⁰ Source confidentielle et bon nombre de sources dans les médias.

Turizm Sanayi ve Ticaret Limited Sti.⁶¹, la société exploitante du navire, n'a pas respecté les dispositions du paragraphe 9 de la résolution 1970 (2011) concernant l'acheminement de matériel militaire vers la Libye. On trouvera à l'annexe 31 l'ensemble des informations disponibles sur cette affaire et, à la figure I, un schéma de la chaîne logistique suivie.

Figure I

Chaîne logistique suivie par les véhicules Kirpi 4 × 4 protégés contre les mines et les embuscades



Source : Groupe d'experts sur la Libye.

69. Les autorités moldoves ont réagi rapidement et, le 21 mai 2019, l'administration chargée des affaires navales a suspendu le certificat d'immatriculation de l'*Amazon*. Le 25 mai, les certificats d'immatriculation et tous autres documents réglementaires de l'ensemble des navires appartenant à Maya Roro SA ou exploités par Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Limited Sti. ont été radiés du registre maritime moldove. L'*Amazon* a été temporairement réimmatriculé auprès de l'administration maritime togolaise, le 14 juin, jusqu'à ce que celle-ci lui retire cette immatriculation provisoire, le 20 août. Le navire s'est donc trouvé à nouveau sans nationalité au sens de l'article 92 de la Convention des Nations Unies sur le droit de la mer.

70. L'entreprise BMC a confirmé au Groupe d'experts des exportations directes de véhicules Kirpi 4 × 4 uniquement au Qatar, à la Tunisie et au Turkménistan et la vente du reste de la production à la Présidence des industries de défense turque⁶². Le 31 juillet 2019, le Ministre libyen de l'intérieur et de la défense a confirmé que le

⁶¹ <http://www.akdenizroro.com/filo.html> (lien mort). Adresse de l'exploitant : Akdeniz Roro Deniz Tasimac, Dagilgan Kume Evleri 30/A, Evci Mah, Akdeniz, 33100 Mersin (Turquie). À noter que l'adresse de la société exploitante est la même que celle de Maya Roro SA, l'entreprise propriétaire du navire.

⁶² Lettre adressée au Groupe d'experts par BMC en date du 1^{er} juillet 2019.

Gouvernement d'entente nationale s'était procuré ces véhicules auprès de la Turquie⁶³.

3. Navire non identifié

71. Le 5 février 2019, les autorités douanières de Khoms ont trouvé dans des conteneurs un grand nombre de véhicules Toyota 4 × 4 à cabine arrière blindée⁶⁴. Une source confidentielle a indiqué au Groupe d'experts que la destination finale de ce chargement faisait l'objet de débats internes dans l'administration du Gouvernement d'entente nationale⁶⁵. Le Groupe d'experts a eu confirmation de l'achat des véhicules lors d'un entretien avec le Ministre libyen de l'intérieur et de la défense, le 31 juillet 2019.

B. Non-respect de l'embargo par voie maritime et exceptions

1. Patrouilleur *Alkarama*

72. Le Groupe d'experts avait pour la première fois fait part, aux paragraphes 75 et 76 de son précédent rapport (S/2018/812), du transfert du patrouilleur *Alkarama* (n° OMI 7820693) aux forces armées d'Haftar à Benghazi. De l'avis du Groupe d'experts, l'*Alkarama* est classé dans la catégorie des navires militaires et fait donc partie des matériels militaires visés au paragraphe 9 de la résolution 1970 (2011). On trouvera à l'annexe 32 le raisonnement qui motive cet avis et les preuves documentaires disponibles pour cette affaire.

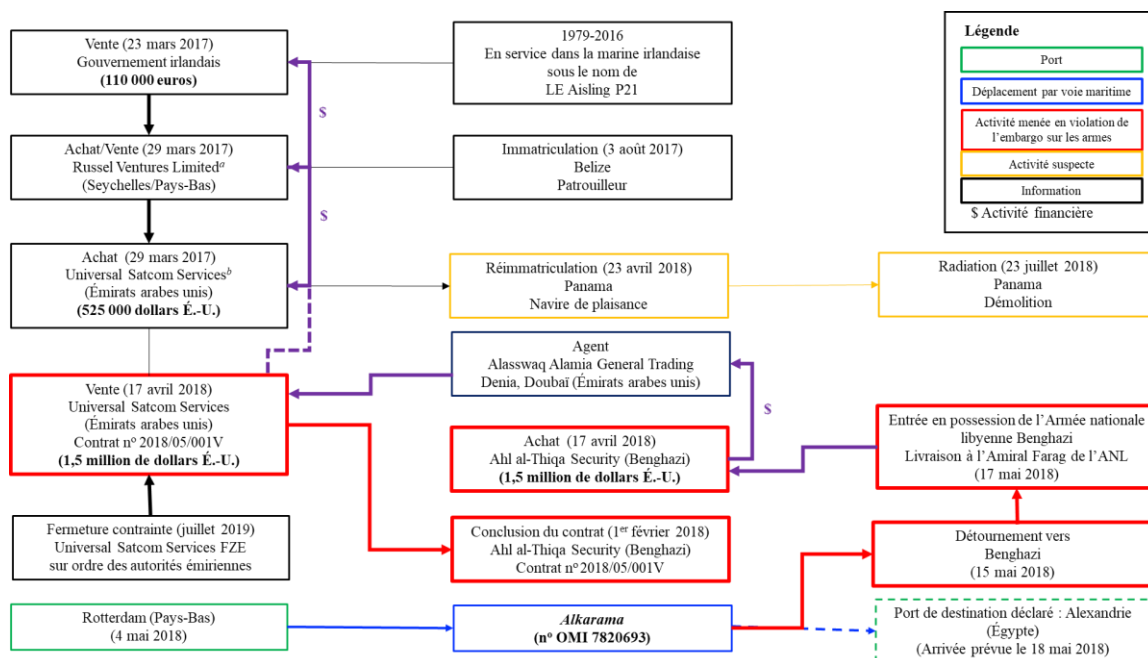
73. La chaîne logistique de transfert du navire a été opacifiée à dessein, par les mesures suivantes : a) la conclusion préalable d'un accord de vente avec la Libye avant même l'achat du navire par le fournisseur intermédiaire ; b) le changement de registre maritime à chaque étape ; c) la modification délibérée de la déclaration d'usage du navire, visant à camoufler son utilisation réelle ; d) une fausse déclaration de démolition du navire adressée au dernier État du pavillon, le Panama ; e) le détournement du navire vers Benghazi, alors que son itinéraire initial devait l'emmener au port d'Alexandrie (Égypte). Le Groupe d'experts a pu reconstituer toutes les étapes de la chaîne logistique suivie pour le transfert de l'*Alkarama* (voir fig. II).

⁶³ Entretien avec le Groupe d'experts. Voir recommandation au paragraphe 80.

⁶⁴ Soit les mêmes véhicules que ceux que le Groupe d'experts avait vus au siège du Ministère de l'intérieur le 30 juillet 2019 et pour lesquels aucune demande de dérogation n'avait été faite ni notifiée.

⁶⁵ Le Groupe d'experts dispose du relevé de plusieurs conversations tenues entre de hauts fonctionnaires. Également étayé par Abdulkader Assad, « Tripoli Protection Force calls for probing armored vehicles shipment seized in Al-Khums port », *Libya Observer*, 6 février 2019. Consultable à l'adresse suivante : www.libyaobserver.ly/news/tripoli-protection-force-calls-probing-armored-vehicles-shipment-seized-al-khums-port.

Figure II
Chaîne logistique suivie par le patrouilleur *Alkarama*



Source : Groupe d'experts sur la Libye.

^a Opérant sous le nom de van der Kamp Shipsales B. V., Pays-Bas. Voir <https://vanderkamp.com>.

^b 1410 One Lake Plaza, JLT, Doubaï (Émirats arabes unis). Voir www.universalsatcom.com.

74. Le Groupe d'experts note que la vente du navire par l'entreprise émirienne Universal Satcom Services FZE à Ahl al-Thiqa Security and Safety Equipment Imports Company, installée à Benghazi, a été conclue le 1^{er} février 2019, soit avant qu'Universal Satcom Services FZE l'ait elle-même acheté à ses propriétaires néerlandais d'alors.

75. Depuis son transfert vers la Libye, l'*Alkarama* a été rééquipé et dispose à présent des systèmes d'armes qu'il devait porter au départ (un canon de calibre 40 mm et deux autres de calibre 20 mm) (voir fig. III).

Figure III
Image de l'*Alkarama* réarmé (Ras Lanouf, 26 avril 2019)



Source : Confidentielle.

76. Universal Satcom Services FZE s'est vu offrir à trois reprises l'occasion de s'expliquer de ce transfert auprès du Groupe d'experts et lui a répondu le 9 septembre 2019⁶⁶. La directrice exécutive de l'entreprise a avancé des justifications qui contredisaient des faits avérés et n'a pas fourni les précisions demandées.

77. Le Groupe d'experts constate que l'entreprise Universal Satcom Services FZE et sa propriétaire, Reema Sami Abdullah Al Omari, ont toutes deux violé les dispositions du paragraphe 9 de la résolution 1970 (2011) concernant la fourniture de matériel militaire à la Libye.

2. Exceptions maritimes non létales

78. Le Groupe d'experts a établi qu'il était courant que des navires de type patrouilleur naval, fournis au Gouvernement d'entente nationale par les États Membres selon l'exception concernant le matériel non létal accordée par le Conseil de sécurité au paragraphe 10 de sa résolution 2095 (2013), soient armés après avoir été livrés sur le territoire libyen (voir annexe 33). Le procédé ne requiert pas de prouesses techniques particulières et permet de doter les navires concernés d'une capacité militaire offensive.

79. Un État membre a justifié la fourniture de tels navires à la garde côtière libyenne en faisant valoir que : a) que la liste des articles placés sous embargo en application de la résolution 1970 (2011) et des résolutions ultérieures laissait aux États Membres le soin de définir les limites précises du champ d'application de la mesure⁶⁷ ; b) dans sa déclaration du 30 mai 2017, la Mission permanente de la Libye auprès de l'Organisation des Nations Unies⁶⁸ avait indiqué que la garde côtière libyenne relevait directement du Gouvernement d'entente nationale. Le Groupe d'experts a recueilli, ultérieurement à cette déclaration, des preuves indiquant que certains éléments de la garde côtière et de la marine libyennes dans l'est du pays se trouvaient de fait sous le commandement des forces armées d'Haftar (voir annexe 33)⁶⁹.

80. Le Groupe d'experts estime que les dispositions du paragraphe 8 de la résolution 2174 (2014) devraient désormais s'appliquer au transfert de ce type de navires et qu'il conviendrait de publier des notices d'aide à l'application afin de déterminer clairement si certains procédés techniques (par exemple relatifs aux patrouilleurs ou aux véhicules blindés sur roues) sont à présent utilisés à des fins militaires en Libye et devraient donc tomber sous le coup des dispositions du paragraphe 9 de la résolution 1970 (2011) (voir recommandation 4).

C. Moyens maritimes

1. Moyens navals

81. Le Groupe d'experts a dressé une liste des moyens de la marine et de la garde côtière libyennes dont disposent les parties au conflit (voir annexe 34). Selon les

⁶⁶ Voir la méthode suivie par le Groupe d'experts à l'annexe 3.

⁶⁷ Lettre adressée au Groupe d'experts par un État Membre.

⁶⁸ Source confidentielle.

⁶⁹ Les preuves comprennent l'inscription sur la liste des sanctions d'un commandant de la garde côtière libyenne, Abd Al-Rahman al-Milad (LYi.026) ; des exercices militaires menés conjointement le 29 mars 2019 par les forces armées d'Haftar et la garde côtière libyenne ; l'annonce par les forces armées d'Haftar, le 20 mai 2019, du blocus maritime de ports de l'ouest libyen (voir Jeremy Binnie, « LNA announces naval blockade of western Libya », *Jane's Defence Weekly*, 23 mai 2019, consultable à l'adresse suivante : www.janes.com/article/88731/lna-announces-naval-blockade-of-western-libya). Ce blocus s'est avéré inefficace.

informations disponibles, aucun nouveau transfert de moyens navals n'a été enregistré en 2019.

2. Frégate *Al Hani* (PF212)⁷⁰

82. Le Groupe d'experts a visité les locaux de Cassar Ship Repair Limited à Malte les 8 et 9 avril 2019 afin d'inspecter les systèmes d'armes installés sur la frégate *Al Hani* (PF212) et d'évaluer leur efficacité potentielle. On trouvera à l'annexe 35 des recommandations concernant la démilitarisation du navire avant son retour en Libye.

D. Matériel militaire terrestre

83. Dans le cadre du récent conflit, les camions 4 × 4 modifiés et armés (« technicals »)⁷¹ qui étaient utilisés comme plateformes d'emport ont été délaissés au profit de véhicules blindés sur roues. Ces derniers protègent bien mieux leur équipage contre les tirs d'armes de petit calibre et d'armes à fragmentation et présentent une plus grande mobilité tactique tout en offrant une plateforme d'emport plus stable. Pendant la période considérée, le Groupe d'experts a recensé cinq types de véhicules nouvellement apparus sur le terrain. On trouvera à l'annexe 36 une liste des 14 types de blindés sur roues actuellement utilisés dans le pays.

1. Véhicules blindés de combat d'infanterie

84. Le Groupe d'experts a constaté que pendant la période considérée, le véhicule blindé de combat d'infanterie (VBCI) *Al Mared* 8 × 8⁷², fabriqué par la société jordanienne King Abdullah II Design and Development Bureau (KADDB), avait été déployé pour la première fois par la 9^e brigade de Tarhouna des forces armées d'Haftar⁷³. Le Groupe d'experts a prié la Jordanie de lui donner des précisions sur la présence de ces véhicules en Libye mais n'a pas reçu de réponse. L'*Al Mared* 8 × 8 est un nouveau modèle qui, selon les informations disponibles, n'est en service nulle part ailleurs qu'en Jordanie⁷⁴.

85. Le Groupe d'experts note que le VBCI *Mbombe* 6 × 6⁷⁵, conçu par la société sud-africaine Paramount Group et fabriqué sous licence par KADDB, avait été déployé par les forces armées d'Haftar⁷⁶ pendant la période considérée. Le Groupe d'experts a confirmé que les véhicules concernés ne provenaient pas d'Afrique du Sud⁷⁷ et que seuls les modèles produits par KADDB étaient équipés d'une tourelle caractéristique dite « en tête de serpent ». Le Groupe d'experts a prié la Jordanie de

⁷⁰ Conçue sur le modèle de la frégate de classe Koni II. Construite à partir du 22 septembre 1982 du temps de l'Union des républiques socialistes soviétiques sous le nom de SKR-201. La frégate a été commandée par la marine libyenne le 25 décembre 1985.

⁷¹ Le terme « technical » désigne un véhicule civil ou militaire qui n'est pas destiné au combat et qui a été modifié de manière improvisée pour le doter de capacités offensives. En Libye, il s'agit généralement de camions légers 4 × 4 d'usage civil à l'arrière desquels on a monté une mitrailleuse moyenne ou lourde (le plus souvent de type DShK). Le terme est apparu en Somalie, dans les années 1990.

⁷² Voir <http://www.kaddb.com/kaddbs-portfolio/land-systems>.

⁷³ Voir www.facebook.com/1316206651852074/posts/1353048164834589/, 18 mai 2019.

⁷⁴ Source faisant autorité : www.ihs.janes.com.

⁷⁵ Voir <http://www.paramountgroup.com/capabilities/land/mbombe-6/>.

⁷⁶ Voir https://twitter.com/LiBya_73/status/1130556593035255808?s=19, 20 mai 2019, et <https://www.facebook.com/Burkan.alghedab/videos/vb.2120292251386114/353692145504122/?type=2&theater>, 25 mai 2019.

⁷⁷ Lettre datée du 29 août 2019, adressée au Groupe d'experts par un État Membre.

lui donner des précisions sur la présence de ces véhicules en Libye mais n'a pas reçu de réponse.

2. Véhicules de combat d'infanterie

86. Le véhicule de combat d'infanterie Ratel-60 a été répertorié parmi les moyens utilisés par le 101^e bataillon d'infanterie des forces armées d'Haftar le 18 avril 2018⁷⁸ et à disposition du 302^e bataillon des forces spéciales Al Saiqa relevant de ces forces le 18 avril 2019⁷⁹. C'est la première fois que la présence de ces véhicules militaires en Libye est signalée par le Groupe d'experts, qui poursuit son enquête sur la chaîne logistique suivie.

3. Véhicules protégés contre les mines et les embuscades

87. Dans son précédent rapport (S/2018/812, par. 110 et annexe 29), le Groupe d'experts avait indiqué la présence en Libye de véhicules protégés contre les mines et les embuscades de type Caiman 6 × 6, lors du siège de Derna, en août 2017. La présence de sept véhicules Caiman 6 × 6 bien entretenus, stockés par les forces armées d'Haftar à Benghazi, a été constatée pendant la période considérée⁸⁰. Le Groupe d'experts a adressé une lettre au pays de fabrication des véhicules en vue de reconstituer la chaîne logistique suivie.

88. Le transfert au Gouvernement d'entente nationale de véhicules protégés contre les mines et les embuscades Kirpi 4 × 4 de marque BMC est évoqué aux paragraphes 67 à 70 du présent rapport.

4. Véhicules de patrouille protégés

89. Au même paragraphe et à l'annexe de son précédent rapport (S/2018/812, par. 110 et annexe 29), le Groupe d'experts avait indiqué avoir constaté pour la première fois la présence en Libye de véhicules de patrouille protégés Al-Wahsh 4 × 4, produits en Jordanie par KADDB⁸¹. Il a pu observer des images de l'utilisation de ces véhicules sur le terrain par le bataillon Tareq ben Ziad des forces armées d'Haftar en 2019⁸². Le Groupe d'experts avait demandé à la Jordanie des précisions sur la présence de ces véhicules en Libye mais n'avait pas reçu de réponse en 2018. Selon les informations disponibles, le modèle de véhicule de patrouille protégé Al-Wahsh 4 × 4 n'est en service qu'en Jordanie⁸³.

5. Véhicules blindés de transport de troupes

90. Au même paragraphe et à l'annexe de son précédent rapport également, le Groupe d'experts avait indiqué avoir constaté pour la première fois la présence en Libye de véhicules blindés de transport de troupes (VBTT) Panthera F9 4 × 4⁸⁴, fabriqués par la société émirienne Minerva Special Purpose Vehicles. Il a établi que ces véhicules avaient été utilisés en 2019 par le bataillon Tareq ben Ziad⁸⁵ des forces armées d'Haftar. Il convient de noter qu'ils ont été modifiés après leur arrivée, avec un renforcement du blindage. Le Groupe d'experts enquête actuellement sur un

⁷⁸ Voir <https://twitter.com/Oded121351/status/990612159896936448>, 29 avril 2018.

⁷⁹ Voir <https://twitter.com/Oded121351/status/1118808298491396096>, 18 avril 2019 ; <https://twitter.com/Oded121351/status/1148278539659153409>, 8 juillet 2019.

⁸⁰ Voir <https://www.facebook.com/100009157008088/posts/2258828957765649/>, 20 mai 2019.

⁸¹ Voir <http://www.kadddb.com/kadddb-portfolio/land-systems>.

⁸² Voir <https://twitter.com/Oded121351>, 13 janvier 2019.

⁸³ Source faisant autorité : www.ihs.janes.com.

⁸⁴ Voir <http://www.mspv.com/panthera-f9-2/>.

⁸⁵ Voir <https://twitter.com/Oded121351/status/1097586142097166343>, 18 février 2019.

certain nombre de VBTT Panthera T6 4 × 4 neufs ou reconditionnés aperçus à proximité de Benghazi⁸⁶.

91. Le Groupe d'experts a constaté que des VBTT Irigiri 4 × 4⁸⁷ fabriqués par l'armée nigérienne avaient été utilisés par les forces armées d'Haftar⁸⁸. Il a prié le Nigéria de lui donner des précisions sur la présence de ces véhicules en Libye.

6. Roquettes antichar Nashshab RPG-32

92. Le Groupe d'experts a établi, à partir d'informations de source publique⁸⁹ (voir annexe 37) que les forces armées d'Haftar disposaient d'un système de roquettes antichar Nashshab RPG-32 tirées à l'épaule. Ce système d'armes est produit en Jordanie par la société par actions russe Scientific Production Association Bazalt (JSC SPA Bazalt)⁹⁰ et la jordanienne KADDB réunies dans une coentreprise du nom de Jadara Equipment & Defence Systems⁹¹ (anciennement Jordan Russian Electronics Systems Company). La production des Nashshab RPG-32 n'a commencé qu'en 2013, en Jordanie, seul pays dans lequel ces armes ont été mises en service⁹². Le Groupe d'experts l'a priée de lui donner des précisions sur la présence de ce système d'armes en Libye mais n'a pas reçu de réponse.

7. Missiles antichar guidés FGM-148A Javelin

93. Le 27 juin 2019, des forces affiliées au Gouvernement d'entente nationale ont saisi toute une gamme de munitions et de matériel qui était précédemment en possession des forces armées d'Haftar. Parmi les munitions se trouvaient au moins quatre conteneurs de munitions L239A185 pour missiles antichar guidés FGM-148 Javelin. Le Groupe d'experts a identifié sur ces missiles quatre numéros de série (370719, 370720, 370722 et 370847) et deux numéros de lot (IAI GO002 MGP07 et MGP07E035-002) à partir desquels il a pu remonter jusqu'à la France. Celle-ci a expliqué au Groupe d'experts que le déploiement de ces missiles en Libye relevait du cadre du paragraphe 3 de la résolution 2214 (2015) et que ceux-ci avaient subi des dommages tels qu'il était impossible de les utiliser sans danger (voir recommandation 6).

8. Armes guidées antichar 9K115-2 Metis-M

94. Le Groupe d'experts a pu établir, à partir d'informations de source publique⁹³, que des armes guidées antichar 9K115-2 Metis-M se trouvaient en Libye au troisième trimestre de 2016 et certainement au 27 décembre 2018. Plus récemment, on a constaté que les forces affiliées au Gouvernement d'entente nationale étaient en possession de ce système d'armes le 14 juillet 2019⁹⁴. Le Groupe d'experts a adressé des demandes d'information à plusieurs États Membres en vue de reconstituer la chaîne logistique concernant ce système d'armes courant (voir annexe 38).

⁸⁶ <https://twitter.com/Oded121351/status/1168131362009886720>, 1^{er} septembre 2019.

⁸⁷ Defence Blog, « Made in Nigeria "Irigiri" armoured personnel carriers », 26 août 2015. Consultable à l'adresse suivante : <https://defence-blog.com/army/made-in-nigeria-igirigi-armoured-personnel-carriers.html>.

⁸⁸ Voir <https://twitter.com/Gorgon11/status/1133280679914090501>, 28 mai 2019.

⁸⁹ Voir <https://twitter.com/Mansourtalk/status/1133996109448253440?s=08>, 30 mai 2019.

⁹⁰ Voir <http://bazalt.ru/en/>.

⁹¹ Voir <https://www.jadara.jo>.

⁹² Source faisant autorité : <https://janes.ihs.com>.

⁹³ Voir <https://twitter.com/Oded121351/status/745852183934033920>, 23 juin 2016.

⁹⁴ Voir <https://twitter.com/rahbatajoura/status/1150532386419089412> et <https://twitter.com/rahbatajoura/status/1150532386419089412/photo/4>.

9. Projectiles perforants à guidage laser GP6 de calibre 155 mm

95. Le 27 juin 2017, à Ghariyan, les forces affiliées au Gouvernement d'entente nationale ont saisi au moins deux obus explosifs perforants à guidage laser GP6 de calibre 155 mm fabriqués après 2011 par China North Industries Group Corporation Limited. Le marquage détaillé apposé sur ces projectiles d'artillerie à guidage de précision et sur leurs contenants a permis d'établir qu'ils provenaient d'un lot fourni aux Émirats arabes unis sous le numéro de contrat DP3/2/6/1/2006/23/A (voir annexe 39). Le Groupe d'experts a envoyé au pays de fabrication une demande de traçage qui est restée sans réponse. Il estime toutefois que les Émirats arabes unis ont violé le paragraphe 9 de la résolution 1970 (2011) en transférant lesdites munitions vers la Libye après les avoir réceptionnées.

10. Systèmes de défense antiaérienne Pantsir S-1 et MIM-23 Hawk⁹⁵

96. Le Groupe d'experts a établi qu'un système de missiles sol-air Pantsir S-1 avait été déployé pour défendre la base aérienne de Joufra du 5 mars⁹⁶ au 19 avril 2019⁹⁷ (voir annexe 40). Ce système d'armes a également été aperçu à proximité de Ghariyan le 19 juin 2019⁹⁸. Le Groupe d'experts note que le système Pantsir S-1 dont il est question était monté sur plateforme sur des camions lourds MAN SX45 à mobilité élargie. Les Émirats arabes unis sont les seuls à utiliser cette configuration pour leurs systèmes Pantsir S-1, qui leur ont été fournis après 2011. Compte tenu de la complexité et du coût de ces systèmes, il est peu probable que les Émirats en aient fourni à une quelconque entité tierce qui les aurait ensuite transférés vers la Libye. Le Groupe d'experts estime donc que les Émirats ont violé le paragraphe 9 de la résolution 1970 (2011) en transférant ce matériel militaire vers la Libye après l'avoir réceptionné.

97. Sur des images satellites confidentielles prises le 21 juillet 2019, on peut voir le système de missile sol-air MIM-23 Hawk installé sur la base aérienne de Joufra, ses trois lanceurs, un poste de commandement, son radar illuminateur grande puissance et un deuxième radar non identifié⁹⁹. Le système a été stratégiquement déployé pour défendre la partie nord de la piste. Les Émirats arabes unis ont reçu 343 systèmes de missiles sol-air MIM-23 Hawk de 1996 à 2000¹⁰⁰. Compte tenu de l'emplacement du MIM-23 Hawk en cause et du déploiement avéré d'autres moyens militaires émiriens sur la base de Joufra, le Groupe d'experts estime qu'il est très probable que le système ait également été transféré à la Libye par les Émirats arabes unis.

11. Matériel de contre-mesure électronique

98. Le Groupe d'experts a approfondi son enquête sur le recours à du matériel de contre-mesure électronique, dont il avait fait état dans son précédent rapport (S/2018/812, annexe 33). Il est ressorti de ses travaux que le système en cause était un brouilleur d'ondes mobile de fabrication bulgare et de marque Samel-90 destiné à éviter le déclenchement d'engins explosifs improvisés (voir annexe 41)¹⁰¹. Le Groupe

⁹⁵ Également désigné sous le code SA-22 Greyhound.

⁹⁶ Le système n'apparaît pas sur l'image Google Earth datée du 5 mars 2019.

⁹⁷ Localisé aux coordonnées ci-après à partir d'images satellites confidentielles datées du 19 avril 2019 : 29°13'10.0"N, 15°59'44.2"E.

⁹⁸ Vu depuis un véhicule surbaissé lors d'un mouvement terrestre au sud de Ghariyan (coordonnées approximatives : 32°05'50.40"N, 12°59'10.05"E.

⁹⁹ Repéré à proximité du point 29°13'04"N, 15°59'07"E.

¹⁰⁰ Source faisant autorité : <https://janes.ihs.com>.

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

d'experts poursuit son enquête sur la chaîne logistique suivie pour le transférer en Libye.

99. Le Groupe d'experts a constaté qu'un dispositif d'antennes peu courant était installé sur le toit de la Direction de la sécurité à Tripoli. Le Gouvernement d'entente nationale a déclaré qu'il servait « à améliorer les communications avec les émetteurs des services tripolitains chargés du contrôle de la circulation et de la délivrance des permis de conduire »¹⁰². Il ne s'agit pourtant pas du type de système généralement utilisé pour assurer les communications très haute fréquence ou haute fréquence avec les forces de l'ordre. Le Groupe d'experts constate que ce dispositif est semblable à bien des égards à ceux qui servent à bloquer et à brouiller les fréquences utilisées par des drones (voir annexe 42). Le Conseil de sécurité devrait déterminer si ces systèmes de brouillage actif relèvent de la catégorie du « matériel militaire » et, le cas échéant, s'il faudrait exiger des certificats d'utilisateur final pour tous futurs transferts de système de ce type (voir recommandation 5).

100. Certaines informations font également état d'ingérences dans le Système de positionnement universel (GPS) dans l'ouest de la Libye¹⁰³. Des sources confidentielles ont indiqué au Groupe d'experts que du 14 au 24 juillet 2019, leurs moyens aériens avaient repéré une zone de brouillage des données GPS s'étendant sur 50 milles marins vers l'horizon depuis la côte libyenne, de Mitiga à Misrata. Il s'agissait de brouillage omnidirectionnel, c'est-à-dire qu'il couvrait également toute la partie du territoire libyen située à moins de 50 milles marins de la côte. Le Groupe d'experts poursuit son enquête sur cette affaire.

E. Soutien logistique terrestre et formation

Forces armées d'Haftar en Jordanie

101. Le Groupe d'experts a constaté qu'en avril 2019, des éléments du bataillon Tareq ben Ziad des forces armées d'Haftar avaient suivi jusqu'à terme un ou plusieurs programmes de formation à l'École Prince Hashem bin al Hussein des opérations spéciales¹⁰⁴, en Jordanie (voir fig. IV et annexe 43). Il estime qu'en organisant des programmes de formation sur son territoire, la Jordanie viole les dispositions du paragraphe 9 de la résolution 1970 (2011).

¹⁰² Safa Alharathy, « Tripoli Security Directorate denies installation of drone antenna over its building », *Libya Observer*, 3 août 2019. Consultable à l'adresse suivante : www.libyaobserver.ly/inbrief/tripoli-security-directorate-denies-installation-drone-antenna-over-its-building.

¹⁰³ Voir <https://twitter.com/MohsenDerregia/status/1171460418969071618>, 10 septembre 2019 ; et United States Maritime Advisory 2019-013.

¹⁰⁴ 32°0'55"N, 36°07'49"E.

Figure IV

Visite du général Khayri al-Tamimi, Directeur du Bureau du commandant général de l'Armée nationale libyenne, à l'école de formation en Jordanie



Source : https://m.facebook.com/story.php?story_fbid=847197048962469&id=253215761693937.

F. Moyens aériens : avions et hélicoptères

102. Aucun transfert de moyens aériens n'a été enregistré en 2019. Des appareils hors service ont été rendus disponibles pour l'engagement¹⁰⁵ par la cannibalisation de certains autres, mais quelques-uns ont été perdus du fait des combats ou d'avaries techniques¹⁰⁶. On trouvera à l'annexe 44 une liste des moyens aériens dont disposent les parties au conflit.

G. Moyens aériens : drones de combat¹⁰⁷

103. En 2019, les forces affiliées au Gouvernement d'entente nationale et les forces armées d'Haftar ont utilisé des drones de combat moyenne altitude longue endurance (MALE)¹⁰⁸ pour mener des frappes aériennes. Depuis mai 2019, la « guerre des drones » s'est intensifiée et l'une et l'autre des parties au conflit ont adopté ces systèmes comme principaux outils pour procéder à des frappes aériennes et larguer des missiles à guidage de précision. Cela étant, les forces armées d'Haftar ont

¹⁰⁵ Par exemple, des Mirage F1 des forces affiliées au Gouvernement d'entente nationale et des MiG-23U des forces armées d'Haftar.

¹⁰⁶ À titre d'illustration, les forces affiliées au Gouvernement d'entente nationale ont perdu un Mirage F1 (402) à la suite d'une panne de moteur près de Watiya le 24 avril 2019, et un Mirage F1 (5021) a été abattu en mai 2019. Un MiG-23 des forces armées d'Haftar a été abattu le 14 avril 2019.

¹⁰⁷ On trouvera à l'annexe 45 la liste des drones de combat dont disposent les forces en présence.

¹⁰⁸ Un drone de combat ayant la capacité de tirer des munitions sur des cibles au sol.

également mené des frappes irrégulières au moyen d'un avion Sukhoi SU-22 contre Zouara¹⁰⁹, le 15 août 2019, et contre les forces affiliées au Gouvernement d'entente nationale, à Tripoli, le 27 septembre 2019¹¹⁰.

104. L'exploitation¹¹¹ et la maintenance des drones de combat sont des tâches complexes qui demandent des mois de formation technique, y compris au moyen de simulateurs, et qui, selon les informations disponibles, dépassent les compétences dont disposent les unités militaires des forces affiliées tant au Gouvernement d'entente nationale qu'à Haftar¹¹². Bien que leurs éléments locaux soient sans doute formés sur le terrain en parallèle des opérations militaires, ces unités parviendront fort probablement à se doter, dans un avenir proche, d'une capacité opérationnelle pleine et autonome.

105. On trouvera à l'annexe 45 une liste de tous les drones de combat et autres qui ont été recensés en Libye. Le tableau 5 présente un résumé des principales caractéristiques des drones de combat actuellement utilisés dans le pays.

Tableau 5
État comparatif des drones de combat utilisés en Libye

Type	Fabricant	Entité	Portée	Altitude	Autonomie de vol	Charge utile
Bayraktar TB2	Baykar Makina ^a (Turquie)	Forces affiliées au Gouvernement d'entente nationale	Inférieure à 200 km ^b	6 860 m	Inférieure à 24 heures	55 kg 2 micromunitions intelligentes Roketsan (MAM-L) ^c ou 8 MAM-C ^d
Wing Loong II	Aviation Industry Corporation of China ^e	Forces armées d'Haftar	200 à vue directe ou supérieure à 2 000 km en liaison satellite	Supérieure à 9 000m	Supérieure à 20 heures	480 kg Missiles air-surface Blue Arrow (BA-7)

^a Voir <https://baykardefence.com/>.

^b Le déploiement de stations-relais à la fin du troisième trimestre de 2019 a permis d'étendre la portée de l'appareil de moins de 150 km à 200 km.

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

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

^e Voir <http://enm.avic.com/index.shtml>.

^f Permet de couvrir tout le territoire libyen.

¹⁰⁹ Voir annexe 17.

¹¹⁰ Voir <https://libya.liveuamap.com/en/2019/27-september-earlier-this-morning-an-lna-airstrike-targeted>, 27 septembre 2019.

¹¹¹ Interrogé le 30 septembre 2019 après sa capture à Ghariyan le 25 août 2019, le colonel de l'ANL Faouzi bou H'ara a reconnu que des forces émiriennes étaient présentes au centre d'opération des forces armées d'Haftar à Rajma (coordonnées approximatives : 32°05'06.82"N, 20°20'25.34"E). Consultable à l'adresse suivante : <https://www.facebook.com/watch/?v=2580407078645259>.

¹¹² Six soldats émiriens ont été tués à la base aérienne de Joufra le 13 septembre 2019. Voir *Khaleej Times*, « 6 UAE soldiers martyred in military operations », 13 septembre 2019. Consultable à l'adresse suivante : www.khaleejtimes.com/news/government/6-uae-soldiers-martyred-in-military-operations ; et *Khaleej Times*, « Bodies of six martyred servicemen arrive in UAE », 15 septembre 2019, consultable à l'adresse suivante : www.khaleejtimes.com/uae/abu-dhabi/bodies-of-six-martyred-servicemen-arrive-in-uae. Il s'agissait d'un capitaine, de quatre adjudants et d'un sergent, des profils que l'on ne s'étonnerait pas de rencontrer dans une équipe chargée d'exploiter un drone.

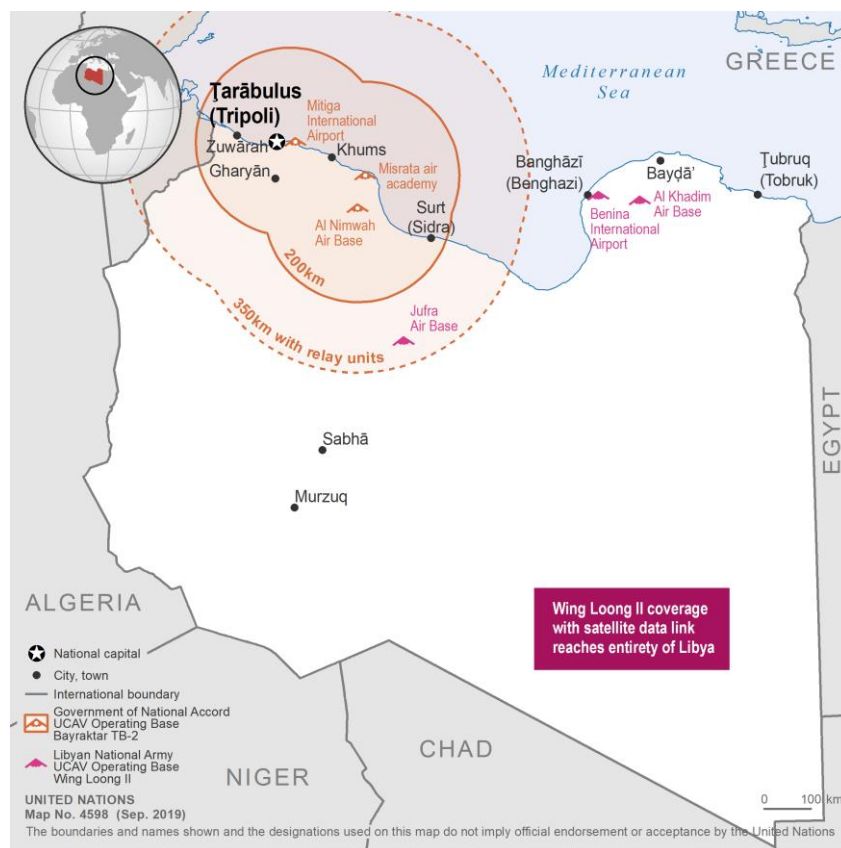
106. Il ressort de l'analyse des capacités de chacun de ces systèmes de drones de combat que les forces armées d'Haftar disposent actuellement d'un avantage tactique considérable, puisque le Wing Loong II peut transporter des engins explosifs huit fois plus lourds que ceux que peut supporter le Bayraktar TB2 des forces affiliées au Gouvernement d'entente nationale. Qui, le Groupe d'experts a confirmé que le Wing Loong II était exploité par liaison satellite, ce qui signifie qu'il peut atteindre n'importe quel point du territoire libyen. Il offre ainsi aux forces armées d'Haftar une pleine capacité offensive et leur permet d'affirmer leur supériorité aérienne au niveau local¹¹³.

107. À l'origine, le Bayraktar TB2 des forces affiliées au Gouvernement d'entente nationale ne pouvait être utilisé que pour conduire des frappes défensives sur des cibles situées dans la zone indiquée sur la carte 2. La portée opérationnelle du système a été étendue à environ 150 kilomètres en dehors du territoire contrôlé par les forces affiliées au Gouvernement d'entente nationale grâce au déploiement de stations-relais terrestres à la fin du troisième trimestre de 2019¹¹⁴. La base de Joufra s'est dès lors trouvée à portée de tir. Ces forces s'efforcent également de réduire le taux d'attrition élevé du Bayraktar TB2 en le déployant depuis des routes plutôt que depuis des bases aériennes fixes, dont il s'est avéré qu'elles étaient vulnérables aux frappes d'interdiction des forces armées d'Haftar.

¹¹³ Soit le degré de domination qui, dans le cadre d'une bataille aérienne, permet à l'une des parties et à ses forces terrestres, maritimes et aériennes de conduire des opérations à un moment et dans un lieu donnés sans en être sérieusement empêchées par l'aviation de la partie adverse.

¹¹⁴ Source confidentielle et Paul Iddon, « Turkey is fighting a formidable drone war in Libya, Ahval News, 14 septembre 2019. Consultable à l'adresse suivante : www.ahvalnews.com/libya/turkey-fighting-formidable-drone-war-libya.

Carte 2

État comparatif de la portée des drones de combat utilisés en Libye

Source : Section de l'information géospatiale, d'après les précisions fournies par le Groupe d'experts sur la Libye.

1. Drone de combat Wing Loong II

108. Au paragraphe 124 de son rapport de 2017 (S/2017/466), le Groupe d'experts a constaté la présence d'au moins un drone de combat Wing Loong II sur la base aérienne de Khadem depuis le 24 juin 2016 au moins¹¹⁵. Les drones de combat de ce modèle dont disposent les Émirats arabes unis leur ont tous été fournis après 2011. Le 20 avril 2019, une frappe aérienne a touché les voies d'accès au sud-ouest d'Aziziya¹¹⁶. À partir d'images des débris retrouvés sur place, le Groupe d'experts a établi que l'engin largué était un missile air-surface Blue Arrow BA-7 (LJ-7) (voir annexe 46). Le type de système d'armes utilisé a ensuite été confirmé à l'issue de l'analyse d'images obtenues par la MANUL après des attaques menées ultérieurement au camp Moz (20 avril 2019), à Aïn Zara (21 avril 2019) et à Wadi Rabihi (25 avril 2019).

109. Le missile air-sol BA-7 7 a été rendu compatible¹¹⁷ d'un point de vue balistique avec le Wing Loong II uniquement, et pas avec d'autres modèles de moyens aériens

¹¹⁵ Confirmé par Jeremy Binnie, « UAE's forward operating base in Libya revealed », *Jane's Defence Weekly*, 27 octobre 2016.

¹¹⁶ 32°31'50"N, 13° 01'17"E.

¹¹⁷ Il s'agit d'intégrer un système d'armes à la structure du fuselage et d'effectuer les tests opérationnels nécessaires préalablement à la mise en service des engins. Cela suppose de procéder à la mise à jour logicielle des systèmes électroniques de lancement, de visualisation et de largage,

présents en Libye (voir annexe 44). Confirmation a été obtenue de l'utilisation couplée du Wing Loong II et du BA-7 à l'appui des frappes des forces armées d'Haftar le 3 août 2019, lorsque cinq missiles air-surface BA-7 ont été retrouvés dans les environs immédiats des débris d'un Wing Loong II qui s'était écrasé à Abou Qreïn¹¹⁸ (voir annexe 47)¹¹⁹. Trois numéros de série ont été recouvrés à partir des images de missiles BA-7 et une demande de traçage a été envoyée au pays de fabrication. Sur des images satellites capturées ultérieurement, on distingue clairement un Wing Loong opérant sur la base aérienne de Joufra (fig. V et VI). De plus, le 23 septembre 2019, des images d'un tir de missile effectué depuis un Wing Loong en vol au-dessus de l'ouest libyen ont été publiées en ligne (fig. VII).

Figure V
Wing Loong II sur la base de Joufra
(28 août 2019)^a



Source : extrait d'images confidentielles.

Figure VI
Wing Loong II sur la base
de Joufra
(19 septembre 2019)^b



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

Figure VII
Wing Loong II au-dessus
de Tripoli
(23 septembre 2019)^c



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

^a 29°12'35.79"N, 16° 0'1.25"E.

^b 29°12'20.56"N, 15°59'52.60"E.

^c Image capturée au-dessus du point 29°12'20.56"N, 15°59'52.60"E.

110. Dans le cadre de son enquête, le Groupe d'experts a pu confirmer que les Wing Loong II n'avaient pas été directement fournis par leur fabricant ou par le pays de fabrication¹²⁰. Le Groupe d'experts estime donc que les Émirats arabes unis ont violé les dispositions du paragraphe 9 de la résolution 1970 (2011) en transférant des drones de combat Wing Loong II et des systèmes Blue Arrow (BA-7) vers la Libye après les avoir réceptionnés.

afin de garantir qu'un missile tiré suit effectivement la trajectoire balistique lui permettant de frapper exactement la cible visée. Il convient de procéder aux essais de tirs réels dans des installations dotées de champs de tir avec instruments en vue de garantir la précision et la fiabilité des systèmes intégrés.

¹¹⁸ Multiples sources dans les médias, y compris Khalid Mahmoud, « Libya: LNA downs several drones », *Asharq Al-Awsat*, 4 août 2019. Consultable à l'adresse suivante : <https://aawsat.com/english/home/article/1843036/libya-lna-downs-several-drones>. Située aux environs du point 31°26'32"N, 15°14'12"E.

¹¹⁹ Le Groupe d'experts doit encore établir la date à laquelle le Wing Loong I de 2016 a été remplacé par le drone de combat du modèle Wing Loong II en Libye.

¹²⁰ Selon Jane's by IHS, le BA-7 n'est utilisé que dans trois pays, à savoir la Chine, les Émirats arabes unis et le Kazakhstan.

2. Drones de combat Bayraktar TB2

111. Le 14 mai 2019, les forces armées d'Haftar ont abattu un drone de combat dans les environs de Joufra mais l'examen des débris n'a pas permis d'en identifier le modèle¹²¹. Le 29 mai 2019, les forces affiliées au Gouvernement d'entente nationale ont diffusé des images vidéo d'une frappe de précision menée contre les forces armées d'Haftar à Qasr Ben Ghachir¹²². Selon des informations de source publique, un premier lot de quatre Bayraktar TB2 aurait été transféré aux forces affiliées au Gouvernement d'entente nationale, peut-être au moyen de l'*Amazon*¹²³.

112. Le 4 juin 2019, des sources confidentielles ont pour la première fois signalé au Groupe d'experts que des drones de combat étaient assemblés à Misrata. Le 9 juin, il a été établi à partir d'images vidéo diffusées dans les médias sociaux¹²⁴ qu'il s'agissait de drones du modèle Bayraktar TB2, fabriqués par la société turque Baykar Makina¹²⁵. Depuis cette date, des images de drones Bayraktar TB2 déployés à Mitiga et Misrata sont régulièrement postées dans les médias sociaux¹²⁶. Le Groupe d'experts sait que deux Bayraktar TB2 ont été détruits lors de frappes aériennes conduites par les forces armées d'Haftar contre l'école de l'air de Misrata les 6 et 7 juin 2019¹²⁷, qui en ont abattu un troisième le 30 juin 2019¹²⁸, mais le nombre de drones perdus au combat serait en réalité bien plus élevé (voir annexe 48).

113. Un deuxième lot comprenant probablement huit Bayraktar TB2 a été transféré en Libye à la fin de mai et au début de juin 2019 pour remplacer les engins perdus au combat et améliorer les capacités opérationnelles¹²⁹. Les forces armées d'Haftar ont riposté en lançant le 15 août une frappe de précision contre des hangars de l'école de l'air de Misrata (voir fig. VIII), construits récemment pour abriter les Bayraktar TB2. Les forces armées d'Haftar ont mené de nouvelles frappes dans les environs de l'aéroport le 18 août afin de détruire d'autres infrastructures et installations nouvellement mises en place à l'appui de l'utilisation de ces drones¹³⁰.

¹²¹ Libya Address, « LNA shoots down a drone of GNA's militias », 14 mai 2019. Consultable à l'adresse suivante : www.addresslibya.com/en/archives/45885.

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

¹²³ Africa Intelligence, « Recep Tayyip Erdogan's drones fly to Favez Sarraj's rescue », 13 juin 2019. Consultable à l'adresse suivante : www.africaintelligence.com/mce/corridors-of-power/2019/06/13/recep-tayyip-erdogan-s-drones-fly-to-favez-sarraj-s-rescue,108361236-art. D'après l'article, quatre drones de combat avaient été fournis au départ mais une source secondaire affirme qu'il en comprenait six.

¹²⁴ www.ssb.gov.tr/Website/contentList.aspx?PageID=365&LangID=2.

¹²⁵ Voir <https://twitter.com/Mansourtalk/status/1137718306306215936> ; et https://twitter.com/Iy_box/status/1137857595862130688.

¹²⁶ Voir par exemple Libyan Address, « The Address Journal reveals the reality of using Mitiga Airport in Tripoli for military purposes », 28 août 2019. Consultable à l'adresse suivante : www.addresslibya.com/en/archives/49934. On trouve par exemple des images vidéo d'un Bayraktar TB2 sur une piste de décollage.

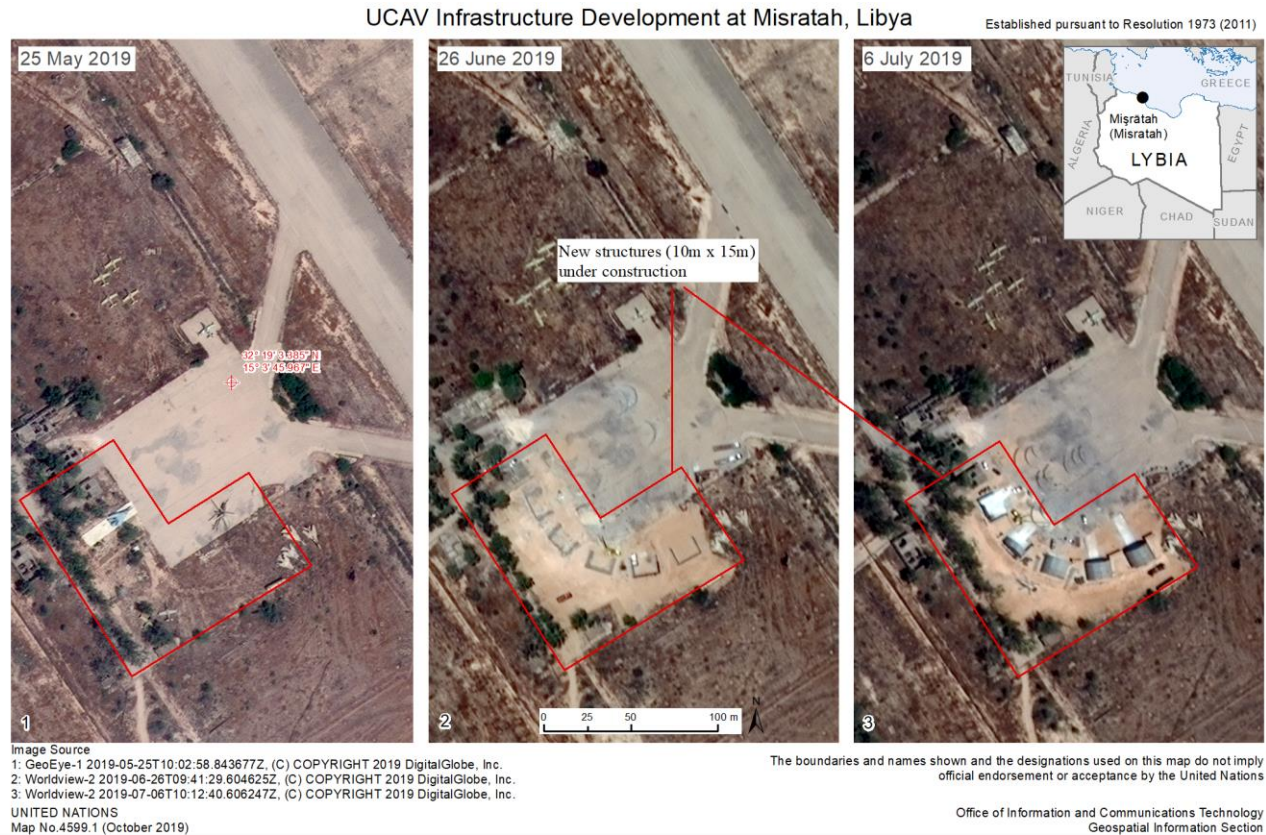
¹²⁷ Africa Intelligence, « Recep Tayyip Erdogan's drones fly to Favez Sarraj's rescue ».

¹²⁸ Almarsad, « More Turkish-made drones delivered to Misrata for the GNA, 9 juillet 2019. Consultable à l'adresse suivante : <https://almarsad.co/en/2019/07/09/more-turkish-made-drones-delivered-to-misrata-for-the-gna/>.

¹²⁹ Ibid. ; et Africa Intelligence, « Favez Sarraj to get eight more Turkish drones », 4 juillet 2019. Consultable à l'adresse suivante : www.africaintelligence.com/mce/corridors-of-power/2019/07/04/favez-sarraj-to-get-eight-more-turkish-drones,108364176-art.

¹³⁰ Ahval, « Libya's LNA targets Turkish base under construction in Misrata », 19 août 2019. Consultable à l'adresse suivante : <https://ahvalnews.com/libya-turkey/libyas-lna-targets-turkish-base-under-construction-misrata> ; Almarsad, « New photos reveal the reasons for the LNA air strikes at Misrata air college », 18 août 2019. Consultable à l'adresse suivante : <https://almarsad.co/en/2019/08/18/new-photos-reveal-the-reasons-for-the-lna-air-strikes-at-misrata-air-college/> ; et https://twitter.com/il_kanguru/status/1167498601511174150.

Figure VIII
École de l'air de Misrata (14 mai - 6 juillet 2019)



114. Le Groupe d'experts a constaté que deux Antonov An-12BK (immatriculés UR-CAH et UR-CNT) et un Antonov An-12BP (immatriculé UR-CGW) avaient effectué une série de 10 vols d'Istanbul (Turquie) à Misrata, où ils avaient acheminé 53,6 tonnes¹³¹ de « pièces de drones » et autres composantes du 27 mai au 16 juin 2019. Les appareils utilisés ont tous été affrétés par le bureau turc de ProAir-Charter-Transport GmbH¹³² et exploités par l'ukrainienne Ukraine Air Alliance PJSC¹³³.

115. Pour chacun des quatre transferts, l'expéditeur et le destinataire désignés sur les manifestes de cargaison et connaissements aériens étaient respectivement l'ambassade de Libye à Ankara et le Ministère libyen de l'intérieur. Ukraine Air Alliance PJSC a expressément demandé au bureau turc de ProAir-Charter-Transport GmbH de s'assurer que tous les formulaires relatifs à ces transferts par avion portent clairement la mention « NO DG, NO WEAPONS, NO AMMO¹³⁴ », ce qui ne fait pas partie des exigences de l'Organisation de l'aviation civile internationale. Une fois les appareils sortis de l'espace aérien turc, le signal des transpondeurs mode S dont ils étaient équipés n'apparaissait souvent pas sur les sites Web des applications commerciales de suivi des vols. On trouvera des informations détaillées sur cette affaire à l'annexe 49.

116. Le Groupe d'experts constate que ces vols ont servi à transférer des drones de combat Bayraktar TB2 sous forme de pièces détachées et que la Turquie, les

¹³¹ S'emploie dans les documents de l'Organisation des Nations Unies au sens de « tonne métrique ».

¹³² Voir <https://www.proair.de/en>.

¹³³ Voir www.uaa-avia.com.

¹³⁴ Ni marchandises dangereuses, ni armes ni munitions.

entreprises Ukraine Air Alliance PJSC, ProAir-Charter-Transport GmbH et l'agent du transporteur Plures Air Cargo¹³⁵ n'ont pas respecté les dispositions du paragraphe 9 de la résolution 1970 (2011) concernant l'acheminement de matériel militaire vers la Libye.

117. Le 6 juillet 2019, des sources ont indiqué qu'une partie du deuxième lot de huit drones de combat Bayraktar TB2 avait été livrée à Misrata¹³⁶ au moyen d'un aéronef IL-76TD (immatriculé UR-COZ), exploité par la société ukrainienne Sky Aviatrans LLC¹³⁷, propriété de la britannique Volaris Business LP (Royaume-Uni de Grande-Bretagne et d'Irlande du Nord) qui lui avait également confié ce contrat¹³⁸. Il est ressorti de l'enquête menée par le Groupe d'experts que l'appareil avait effectué six vols d'Ankara à Misrata du 3 au 21 juillet 2019 (voir fig. IX). L'expéditeur et le destinataire désignés sur les manifestes de cargaison et connaissances aériens pour ces six transferts étaient à nouveau l'ambassade de Libye à Ankara et le Ministère libyen de l'intérieur, et les vols concernés avaient encore été affrétés par ProAir-Charter-Transport GmbH. On trouvera des informations détaillées sur cette affaire à l'annexe 50.

118. Le Groupe d'experts n'est pas à même de confirmer que ces vols ont été utilisés pour transférer des pièces de drones de combat mais peut affirmer qu'ils ont bien servi à transférer du matériel militaire. Il constate donc que la Turquie, ProAir-Charter-Transport GmbH et l'agent du transporteur, Plures Air Cargo, n'ont pas respecté les dispositions du paragraphe 9 de la résolution 1970 (2011). Dans ce cas précis, le Groupe d'experts est d'avis que SkyAviatrans LLC et Volaris Business LP n'ont pas violé l'embargo mais considère que les protocoles et procédures de diligence raisonnable mis en place par les deux entreprises sont absolument inadéquats et inadaptés.

119. Le 30 juillet 2019, le Conseil de la sécurité aérienne du Service ukrainien des transports aériens a interdit à tous les appareils immatriculés en Ukraine de survoler la Libye en raison de la « dégradation des conditions de sécurité dans le pays »¹³⁹. SkyAviatrans a obtenu des autorités ukrainiennes qu'elles accordent une dérogation à son aéronef IL-76TD (immatriculé UR-COZ), arguant qu'elle exploitait cet appareil dans le cadre d'un contrat avec le Croissant-Rouge libyen. L'appareil en question a par la suite été détruit lors d'une frappe aérienne lancée par les forces armées d'Haftar contre l'école de l'air de Misrata¹⁴⁰ le 5 août 2019 (voir fig. X). Le Groupe d'experts n'est pour l'heure pas convaincu de la véracité des informations fournies dans les documents présentés par SkyAviatrans aux autorités ukrainiennes pour obtenir la dérogation¹⁴¹ et poursuit donc son enquête.

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

¹³⁶ Voir <https://twitter.com/BabakTaghvaei/status/1147455606120419328>.

¹³⁷ Voir www.skyaviatrans.com.ua.

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

¹³⁹ Mission permanente de l'Ukraine auprès de l'Organisation des Nations Unies, 1^{er} août 2019 (communication confidentielle au Groupe d'experts et <https://avia.gov.ua/informatsiya-shhodo-prijnyatih-rishen-radi-z-bezpeki-aviatsiyi-derzhavnoyi-aviatsijnoyi-sluzhbi-ukrayini-u-zv-yazku-iz-zagostrennyam-vijskovo-politichnoyi-situatsiyi-v-respublitsi-liviya/>).

¹⁴⁰ 32°20'34.07"N, 15°2'35.89"E.

¹⁴¹ Pour les raisons suivantes : a) le Croissant-Rouge libyen n'a pas répondu aux demandes d'information du Groupe d'experts ; b) la lettre en question avait été signée mais aucun nom ou désignation n'y apparaît ; c) les comptes du Croissant-Rouge libyen dans les médias sociaux sont inactifs depuis deux ans.

Figure IX
Aéronef IL-76 à l'école de l'air de Misrata
(6 juillet 2019)^a



Source : Confidentielle.

Figure X
Frappe aérienne contre l'école de l'air de Misrata
(5 août 2019)^b



Source : Digital Globe GeoEye 1 WorldView2, 11 août 2019.

120. En raison du taux d'attrition élevé enregistré pour les drones de combat Bayraktar TB2 à la suite des raids aériens menés par les forces armées d'Haftar, y compris au moyen de drones Wing Loong II, un troisième lot de *Bayraktar* TB2 a été déployé à Misrata à la fin d'août 2019¹⁴².

121. Le Groupe d'experts a adressé à la Turquie et au Gouvernement d'entente nationale des demandes d'information concernant le transfert de drones de combat Bayraktar TB2 à la Libye en violation des dispositions du paragraphe 9 de la résolution 1970 (2011), qui sont restées sans suite.

H. Moyens aériens : petits drones

122. Le Groupe d'experts a constaté l'emploi, pour la première fois en Libye en 2019, de petits drones par les forces affiliées au Gouvernement d'entente nationale et les forces armées d'Haftar (voir tableau 6 et annexe 51) à des fins de renseignement, de surveillance et de reconnaissance. Il est presque certain que tous ces véhicules ont été transférés en Libye en violation des dispositions du paragraphe 9 de la résolution 1970 (2011) et le Groupe d'experts poursuit son enquête sur la chaîne logistique qu'ils auraient suivie.

¹⁴² Source confidentielle.

Tableau 6
Petits drones utilisés en Libye à des fins de renseignement, de surveillance et de reconnaissance^a

<i>Entité</i>	<i>Type</i>	<i>Observations</i>
Forces affiliées au Gouvernement d'entente nationale	Orbiter-3 ^b	Identifié à partir d'images des restes d'un drone s'étant écrasé à Syrte le 29 juillet 2019
Forces armées d'Haftar	Orlan-10 ^c	Identifié à partir d'images des restes d'un drone s'étant écrasé à Syrte le 23 avril 2019
Forces armées d'Haftar	Variante du Mohadjer ^d	Apparu pour la première fois en Libye autour du 16 octobre 2017 ^e
Forces armées d'Haftar	Yabhon-HMD ^f	Fabrique à l'heure actuelle par Air Target Systems

^a Source confidentielle.

^b Voir <https://aeronautics-sys.com>.

^c Voir <https://www.stc-spb.ru>.

^d À présent intégrée dans la chaîne de fabrication de l'Organisation iranienne des industries aérospatiales. Voir https://en.wikipedia.org/wiki/Iran_Aviation_Industries_Organization (www.mod.ir n'est pas actif pour l'heure).

^e Arnaud Delalande, « Someone gave Iranian-made drones to Libya's Tobruk regime: Iran or Sudan? » War Is Boring, 16 octobre 2017. Consultable à l'adresse suivante : <https://warisboring.com/who-gave-iranian-made-drones-to-libyas-tobruk-regime/>.

^f Voir <http://www.ats-ae.com/>.

I. Moyens aériens : drones commerciaux

123. Toutes les parties au conflit utilisent des drones commerciaux à faible autonomie de vol, tels que le DJI Phantom 4, à des fins de renseignement, de surveillance et de reconnaissance au niveau tactique¹⁴³. Le 30 septembre 2019, un drone à décollage et atterrissage verticaux Chilong¹⁴⁴ CL-11 à haute altitude et à grande autonomie s'est écrasé près de Tarhouna¹⁴⁵ (voir fig. XI et XII). C'était là le premier exemple confirmé de l'utilisation en Libye, à des fins de renseignement, de surveillance et de reconnaissance militaires, d'un drone commercial de pointe largement disponible au public. Ce type de matériel ne relève pas du champ d'application des dispositions du paragraphe 9 de la résolution 1970 (2011) (voir recommandation 5).

¹⁴³ Borzou Daragahi, « Libya : UN-backed government defending capital from warlord Haftar now using drones on front lines », *Independent* (Londres), 15 mai 2019. Consultable à l'adresse suivante : <https://www.independent.co.uk/news/world/middle-east/libya-capital-khalifa-haftar-drones-war-khaled-el-meshri-a8915246.html>.

¹⁴⁴ Beijing Sagetown Technologies Company Limited (voir www.sageuav.com). Lorsqu'il est commercialisé à des fins militaires, il est désigné sous le nom de YFT-CZ35 (voir <http://www.digitaleagle-uav.com/Hybrid-Engine-VTOL-Fixed-Wing-UAV-Drone-pd45577057.html>).

¹⁴⁴ 32°25'51.24"N, 13°37'12.45"E.

¹⁴⁵ 32°25'51.24"N, 13°37'12.45"E.

Figure XI
Drone Chilong CL-11 à décollage et atterrissage
verticaux écrasé près de Tarhouna (30 septembre 2019)



Source : <https://twitter.com/Oded121351/status/1178609339776544768>, 30 septembre 2019.

Figure XII
Image fournie par le fabricant
du Chilong CL-11



Source : https://www.ecplaza.net/products/chilong-11-cl-11-hybrid-vtol_4419852.

J. Transferts et approvisionnement par voie aérienne

1. Avions-cargos militaires

124. Dans son précédent rapport final (S/2018/812, par. 89), le Groupe d'experts a indiqué que de gros avions-cargos militaires effectuaient vers la Libye des vols inexplicables. Il a continué de surveiller ces vols militaires mais n'a pas repéré de violation de l'embargo sur les armes à ce jour.

2. Appareils civils utilisés à l'appui des opérations militaires des forces affiliées au Gouvernement d'entente nationale

125. Des armes ont été régulièrement transférées en Libye par voie aérienne pendant la période considérée, la détection et l'interdiction des envois étant pratiquement impossibles du fait de l'absence d'un régime d'inspection dans les aéroports internationaux et bases aériennes militaires du pays. La majorité des cargaisons provenait d'aéroports situés sur le territoire de l'État Membre qui fournissait ces armes et qui n'a fait preuve d'aucune coopération avec le Groupe d'experts (voir recommandation 3).

126. Le Groupe d'experts a repéré une série d'appareils civils qui sont régulièrement ou ont récemment été utilisés comme avions-cargos militaires à l'appui des opérations des forces affiliées au Gouvernement d'entente nationale (voir résumé au tableau 7). La plupart de ces appareils sont exploités en violation des dispositions du paragraphe 9 de la résolution 1970 (2011).

Tableau 7

Appareils civils utilisés à l'appui du Gouvernement d'entente nationale

Immatriculation	Type	Exploitant	Observations
UR-CAH	Antonov An-12BK	Ukraine Air Alliance PJSC ^a	Voir paragraphes 114 à 116 et annexe 49
UR-CGW	Antonov An-12BP	Ukraine Air Alliance PJSC	Voir paragraphes 114 à 116 et annexe 49
UR-CNT	Antonov An-12BK	Ukraine Air Alliance PJSC	Voir paragraphes 114 à 116 et annexe 49

<i>Immatriculation</i>	<i>Type</i>	<i>Exploitant</i>	<i>Observations</i>
UR-COZ	Iliouchine IL-76TD	SkyAviatrans LLC ^b pour le compte de Volaris Business LP ^c	Voir paragraphes 117 à 119 et annexe 50

^a Voir <http://www.uaa-avia.com>.

^b Voir <http://skyaviatrans.com.ua>.

^c Pour plus de détails sur l'entreprise, voir : <https://beta.companieshouse.gov.uk/company/SL026852>.

3. Appareils civils utilisés à l'appui des opérations militaires des forces armées d'Haftar

127. Le Groupe d'experts a recensé une série d'appareils civils qui sont régulièrement ou ont récemment été utilisés comme avions-cargos militaires ou pour des activités de soutien aérien à l'appui des opérations des forces armées d'Haftar en violation des dispositions du paragraphe 9 de la résolution 1970 (2011) (voir résumé au tableau 8 et annexe 52 pour plus d'informations).

Tableau 8

Appareils civils utilisés à l'appui des forces armées affiliées à Haftar

<i>Immatriculation</i>	<i>Type</i>	<i>Exploitant</i>	<i>Observations</i>
ER-ICS	Iliouchine IL-18D	Sky Prim Air SRL ^a	Radié du registre d'immatriculation moldove le 8 juillet 2015 Non immatriculé et n'effectuant que des vols internes
UP-AN601	Antonov An-26	Space Cargo Incorporated ^b	Radié du registre d'immatriculation kazakh le 8 juillet 2015 Non immatriculé et n'effectuant que des vols internes
UP-17601	Iliouchine IL-76TD	Sigma Airlines ^c	—
UP-17645	Iliouchine IL-76TD	Sigma Airlines	Observé le 11 janvier 2019. Observé en vol hors de Libye depuis avril 2017
UR-CMP	Iliouchine IL-76TD	Deek Aviation FZE ^d	Certificat de transporteur aérien révoqué le 30 juillet 2019 ^e
UR-CRC	Iliouchine IL-76TD	Deek Aviation FZE	Certificat de transporteur aérien révoqué le 30 juillet 2019

^a Aucune coordonnée n'a été retrouvée pour Sky Prim Air SRL, dont la propriété pourrait avoir été transférée à une entreprise encore non identifiée.

^b Voir <http://spacecargoinc.com>.

^c <https://airsigma.pro>.

^d Le site Internet de l'entreprise (www.deekaviation.com) n'est plus accessible.

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

128. Les autorités de l'aviation civile des États Membres concernés et la Direction de l'aéronautique civile en Libye ont confirmé au Groupe d'experts que les appareils immatriculés ER-ICS et UP-AN601 n'étaient pas inscrits sur leurs registres¹⁴⁶ et

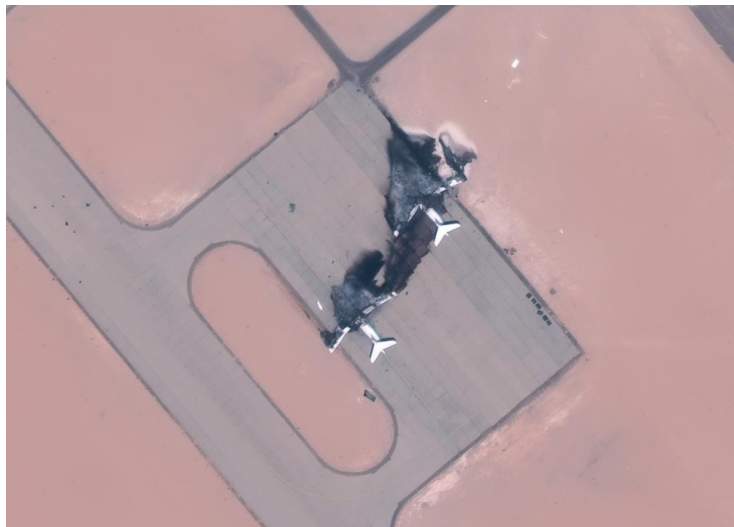
¹⁴⁶ Lettre adressée au Groupe d'experts en date du 15 mai 2019.

qu'ils étaient donc tous deux exploités en violation de la Convention relative à l'aviation civile internationale.

129. Les deux appareils Iliouchine IL-76TD (immatriculés UR-CMP et UR-CRC) ont été détruits sur la base aérienne de Joufra le 25 juillet 2019 par un drone de combat Bayraktar TB2 des forces affiliées au Gouvernement d'entente nationale (voir fig. XIII et XIV).

Figure XIII

**IL-76TD détruit sur la base aérienne de Joufra
(26 juillet 2019)**



Source : European Space Imaging, communiqué de presse daté du 3 août 2019.

Figure XIV

**IL-76TD détruit sur la base aérienne
de Joufra (26 juillet 2019)**



Source : https://mobile.twitter.com/Arn_Del/status/1155525947040378880, 28 juillet 2019.

130. Le Groupe d'experts constate que Deek Aviation FZE, Sky Prim Air SRL, Space Air Cargo Incorporated et Sigma Airlines ont violé les dispositions du paragraphe 9 de la résolution 1970 (2011) en participant à des transferts de matériel militaire vers la Libye à destination des forces armées d'Haftar.

IV. Unité des institutions de l'État

A. Banque centrale de Libye

131. Dans son rapport de 2017 (S/2017/466, par. 213 et annexe 56), le Groupe d'experts avait indiqué que le 26 mai 2016, le Conseil de la présidence du Gouvernement d'entente nationale avait décidé d'approuver, contre l'avis de la Banque centrale de Libye, la mise en circulation de billets de banques imprimés par l'entreprise russe Goznak JSC¹⁴⁷ au nom de la Banque centrale dans l'est du pays. La monnaie libyenne officielle est imprimée par De La Rue Limited¹⁴⁸. La Banque centrale de Libye s'était opposée à la mise en circulation de la monnaie imprimée par Goznak, au motif que : a) cette monnaie était illégale et que sa mise en circulation constituerait une infraction à la loi relative aux banques (loi n° 1 de 2005 telle qu'amendée par la loi n° 46 de 2012) ; b) elle ne cadrerait pas les conseils formulés par

¹⁴⁷ Voir www.goznak.ru.

¹⁴⁸ Voir www.delarue.com.

les institutions financières internationales. La Banque centrale de Libye continue de défendre la position selon laquelle l'existence de ces billets imprimés parallèlement à la monnaie officielle nuit à l'économie car elle est source de confusion, sape la confiance à l'égard du dinar libyen et fait augmenter le risque de contrefaçons. On trouvera à l'annexe 53 un état récapitulatif des signes de sécurité utilisés pour l'un et l'autre des modèles de billets.

132. Le 14 novembre 2018, le Gouverneur de la Banque centrale dans l'est du pays, Ali Al-Habri, a nié que celle-ci avait eu l'intention de faire imprimer de nouveaux billets de banque en Fédération de Russie. Ces propos ont été remis en cause le 20 novembre 2018, lorsque le conseiller de cette même Banque centrale de l'est, Musbah Al-Ekari, a confirmé sur une chaîne de télévision libyenne les montants totaux annuels que représentaient les billets parallèlement imprimés par Goznak et mis en circulation par l'institution qui l'employait (voir tableau 9)¹⁴⁹.

Tableau 9

Monnaie parallèle mise en circulation de 2016 à 2018 par la Banque centrale de Libye dans l'est du pays

<i>Date</i>	<i>Imprimeur</i>	<i>Coupure (dinars libyens)</i>	<i>Valeur (milliards de dinars libyens)</i>	<i>Valeur (milliards de dollars É.-U.)</i>	<i>Produit intérieur brut (pourcentage)</i>
2016	Goznak JSC	20,50	4,0	2,89 ^a	11,03 ^b
2017	Goznak JSC	..	4,0	2,99 ^c	7,85 ^d
2018	Goznak JSC	..	1,7	1,23 ^e	2,55 ^f
Total			9,7	7,11	6,31

^a Données tirées de www.xe.com au 1^{er} septembre 2016 (1,00 dollar = 1,3843 LD).

^b Produit intérieur brut (PIB) = 26,2 milliards de dollars. Données de la Banque mondiale.

^c Données tirées de www.xe.com au 1^{er} septembre 2017 (1,00 dollar = 1,3351 LD).

^d PIB = 38,1 milliards de dollars É.-U. Données de la Banque mondiale.

^e Données tirées de www.xe.com au 1^{er} septembre 2018 (1,00 dollar = 1,3777 LD).

^f PIB = 48,3 milliards de dollars É.-U. Données de la Banque mondiale.

133. Le 23 septembre 2019, le Groupe d'experts a été informé que les autorités douanières d'un État Membre avaient temporairement retenu deux conteneurs ISO en transit renfermant 29 millions de billets (coupures de 50 dinars libyens) d'une valeur nominale de 1,45 milliard de dinars libyens¹⁵⁰. Ces billets avaient été imprimés par l'entreprise Goznak JSC dans le cadre d'un contrat conclu le 2 avril 2018 avec la Banque centrale de Libye dans l'est du pays.

134. L'État Membre concerné a consulté la Banque centrale de Libye qui lui a demandé, le 9 octobre 2019, de prendre les mesures et de suivre les procédures qui s'imposaient, y compris, et sans s'y limiter, la saisie du chargement, afin d'en prévenir l'utilisation illégale.

¹⁴⁹ Abdulkader Assad, « Libya's parallel central bank admits printing 9.7 billion dinar banknotes in Russia », *Libya Observer*, 20 novembre 2018. Consultable à l'adresse suivante : www.libyaobserver.ly/economy/libyas-parallel-central-bank-admits-printing-97-billion-dinar-banknotes-russia.

¹⁵⁰ Le Groupe d'experts a prélevé des échantillons de billets qu'il a fait soumettre à une analyse indépendante. Selon les résultats obtenus le 4 octobre 2019, les billets étaient pratiquement identiques, quoique plus courts de 2 mm, à ceux que le Groupe d'experts avait examinés en 2016 et qu'il avait décrits dans son rapport final de 2017 (S/2017/466).

135. Le Groupe d'experts a pris note d'informations publiques selon lesquelles un chargement de billets d'une valeur de 2 milliards de dinars libyens envoyé par avion serait entré en Libye par l'aéroport international de Benina autour du 28 septembre 2019. Le Groupe d'experts continue d'enquêter sur cette affaire¹⁵¹.

B. Coups portés à l'intégrité de la National Oil Corporation

136. Le 26 décembre 2018, Almabruk Sultan a remplacé Faraj Said à la tête de la National Oil Corporation dans l'est du pays, sur nomination du gouvernement provisoire. Alors que la National Oil Corporation dans l'est du pays ne s'était pas manifestée dans les premiers mois qui avaient suivi cette nomination, les opérateurs du marché du pétrole ont été informés, dans une lettre du 12 mai 2019 signée par les membres de son conseil de direction (voir annexe 54), qu'Almabruk Sultan était désormais le président de la National Oil Corporation et que le siège de l'entreprise était déplacé à Benghazi. En réponse à cette communication, la Mission permanente de la Libye auprès de l'Organisation des Nations Unies a réaffirmé que la National Oil Corporation à Tripoli, présidée par Mustafa Sanalla, était la seule autorité libyenne habilitée à exporter du pétrole brut (voir annexe 55). Le 9 octobre 2019, le Groupe d'experts a reçu du conseil de direction de la National Oil Corporation dans l'est du pays une nouvelle lettre dans laquelle celui-ci contestait à nouveau la légitimité de la National Oil Corporation à Tripoli (voir annexe 56).

137. Le Groupe d'experts relève qu'en sus des puits de pétrole, terminaux d'exportation et installations connexes, les forces armées d'Haftar conservent le contrôle des champs pétrolifères de Sharara¹⁵² et Fil¹⁵³ (voir par. 12).

138. Le 2 août 2019, le Groupe d'experts s'est entretenu avec Almabruk Sultan, qui lui a indiqué que la National Oil Corporation dans l'est du pays continuerait à tenter de se faire reconnaître comme une institution légitime, son objectif à terme étant de prendre le contrôle de toute la production pétrolière libyenne. Il a également confirmé qu'elle avait cherché à exporter du pétrole brut et s'est dit convaincu, compte tenu de l'évolution de la dynamique du conflit, que les autorités de l'est finiraient bien par pouvoir procéder à de telles exportations. Il a par ailleurs déclaré qu'aucun navire n'avait été chargé de pétrole depuis l'affaire de l'automoteur-citerne *Distya Ameya* (n° OMI : 9077343) (voir S/2017/466, par. 183).

139. Le gouvernement provisoire et la National Oil Corporation dans l'est du pays ont alors nommé le conseil de direction d'une « nouvelle » Brega Petroleum Marketing Company (« Brega de l'est »)¹⁵⁴, afin de faire mainmise sur la distribution de carburant dans le territoire placé sous leur contrôle (voir annexe 57). Durant le mois d'octobre 2019, le Groupe d'experts a observé des signes indiquant que la National Oil Corporation dans l'est du pays se préparait à prendre le contrôle du département des inspections et des mesures de la National Oil Corporation à

¹⁵¹ Voir www.alsaaa24.com/2019/09/30/الضراط-وصول-عملة-ليبية-من-روسيا-إلى-ب ; et www.facebook.com/watch/?v=2417705204974329.

¹⁵² Middle East Monitor, « Eastern Libyan forces take over El Sharara oilfield », 7 février 2019. Consultable à l'adresse suivante : www.middleeastmonitor.com/20190207-eastern-libyan-forces-take-over-el-sharara-oilfield/.

¹⁵³ Almarsad, « El-Fil field taken by LNA », 21 février 2019. Consultable à l'adresse suivante : <https://almarsad.co/en/2019/02/21/el-fil-field-taken-by-lna/>.

¹⁵⁴ Filiale de la National Oil Corporation, Brega est chargée de la distribution de carburant dans le pays. Cette « nouvelle » Brega de l'est s'est de fait emparée des actifs et du réseau de distribution qui relevaient antérieurement des bureaux de la Brega légitime dans l'est du pays.

Benghazi¹⁵⁵, avec le concours de certaines des filiales de cette entité et notamment de Sirte Oil¹⁵⁶ et de la Ras Lanuf Oil and Gas Processing Company¹⁵⁷.

140. Même si la National Oil Corporation à Tripoli tient toujours le premier rang au niveau institutionnel et conserve le contrôle de l'exploitation des ressources naturelles, les décisions prises récemment par la National Oil Corporation dans l'est du pays menacent clairement l'intégrité de l'institution dans son ensemble. Les activités de la National Oil Corporation dans l'est du pays accentuent la scission institutionnelle de la Libye et entravent la National Oil Corporation dans l'exercice de ses fonctions de supervision des exportations de pétrole brut.

141. Le Groupe d'experts est d'avis que la National Oil Corporation dans l'est du pays continuera d'essayer d'exporter du pétrole brut (voir par. 144). Il reste également possible que la Brega de l'est tente d'exercer le contrôle sur la distribution de carburant et l'importation de certains produits pétroliers raffinés (voir par. 147).

C. Libyan Investment Authority

142. Quoique la Libyan Investment Authority (LYe.001) à Tripoli ait affermi son contrôle de la gestion des actifs de l'institution, le gouvernement provisoire a nommé un conseil d'administration parallèle qui lui-même a nommé un conseil de direction. Le Premier Ministre du gouvernement provisoire, Abdallah al-Thinni, assure la présidence de ce conseil d'administration. Le conseil de direction, quant à lui, est actuellement présidé par Hussein Mohamed Hussein, qui avait été désigné le 17 septembre 2018 ; ce dernier est également partie à une affaire portée devant la justice concernant la mise sous séquestre de certains avoirs de la Libyan Investment Authority au Royaume-Uni (voir par. 196 et annexe 58).

V. Prévention des exportations illicites de pétrole, y compris de pétrole brut et de produits pétroliers raffinés, en application des résolutions 2146 (2014) et 2362 (2017) du Conseil de sécurité

A. Référent nommé en application des dispositions de la résolution 2146 (2014)

143. Le 30 juillet 2019, le Président du Conseil de la présidence du Gouvernement d'entente nationale a désigné le Directeur général du département de la commercialisation internationale de la National Oil Corporation, Imad Salem Ben Rajab, comme référent nommé en application des dispositions de la résolution 2146 (2014) (voir annexe 59). Depuis lors, le référent est resté en contact étroit avec le Groupe d'experts et lui a fourni des informations utiles concernant des tentatives d'exportation illicite de pétrole brut et de produits pétroliers raffinés. Le Groupe d'experts est toujours d'avis que le mécanisme de désignation prévu dans la résolution 2146 (2014) est impossible à mettre en œuvre, principalement en raison de l'insuffisance des ressources dont dispose le Gouvernement d'entente nationale (voir recommandation 7).

¹⁵⁵ Le département des inspections et des mesures de la National Oil Corporation est un maillon essentiel de la filière pétrolière, car c'est lui qui examine en dernier ressort la qualité et la quantité du pétrole brut avant son exportation.

¹⁵⁶ Voir <https://sirteoil.com.ly>. Fondée en 1981, elle a son siège dans le port de Brega.

¹⁵⁷ <https://raslanuf.ly> (lien mort). Fondée en 1982, elle a son siège dans le port de Ras Lanuf.

B. Prévention des exportations illicites de pétrole brut

1. Tentatives d'exportation illicite de pétrole brut

144. Le Groupe d'experts a établi que la National Oil Corporation dans l'est du pays avait essayé à quatre reprises d'exporter illicitement du pétrole brut, comme l'indiquent : a) deux accords d'attribution de pétrole brut, datés respectivement du 8 avril et du 16 mai 2019 ; b) un document semblant décrire les termes d'un contrat d'achat et de vente, non daté mais valide jusqu'au 20 juillet 2019 ; c) une demande de devis pour l'affrètement d'un navire en vue de l'exportation de 12 millions de barils de pétrole brut (voir annexe 60).

145. Des quatre affaires, la troisième est la plus inquiétante. Les modalités contractuelles retenues ont été conçues de façon à permettre à la National Oil Corporation dans l'est du pays de choisir la compagnie maritime à laquelle elle confierait la cargaison, ce qui va à l'encontre de la pratique usuelle du marché¹⁵⁸. La National Oil Corporation aurait ainsi pu sélectionner une compagnie ad hoc et un navire dont l'État du pavillon aurait été favorable aux autorités de l'est (voir recommandation 9).

146. Toutes ces tentatives ont été rapidement abandonnées. À la connaissance du Groupe d'experts, aucun navire n'a été choisi pour transporter la cargaison. Aucun navire n'a été désigné en application des dispositions du paragraphe 11 de la résolution 2146 (2014).

2. Tentative d'importation illicite de carburant aviation

147. À la fin d'août 2019, le Groupe d'experts a reçu des informations selon lesquelles (ce qui était encore à l'époque) le bureau de la Brega dans l'est du pays avait demandé au siège de l'entreprise à Tripoli de lui fournir un volume inhabituellement élevé de carburant aviation Jet A-1. Cette demande a été refusée par la National Oil Corporation, qui n'était pas convaincue que la Brega avait besoin de telles quantités de carburant aviation pour ses opérations commerciales courantes dans l'est du pays.

148. Le Groupe d'experts a analysé la consommation de carburant Jet A-1 dans l'est de la Libye en 2019 (voir annexe 61) et constaté que même si le nombre d'opérations aériennes commerciales était resté relativement stable, la consommation de carburant avait augmenté en fonction de la dynamique du conflit. Afin de se procurer davantage de carburant aviation, des représentants de la National Oil Corporation dans l'est du pays ont demandé à leur intermédiaire Byllis Energji, sise à Fier (Albanie)¹⁵⁹, d'essayer de faciliter l'achat de 20 000 tonnes de carburant Jet A-1¹⁶⁰. À la connaissance du Groupe d'experts, aucune livraison de carburant n'a eu lieu.

¹⁵⁸ Il était indiqué dans les termes du contrat d'achat et de vente que la cargaison serait vendue non pas franco à bord, comme le veut la pratique habituelle, mais selon la condition « coût, assurance et fret ». Dans ce cas de figure, le vendeur assure le transport de la cargaison vers le port le plus proche, son chargement sur le navire et le paiement des coûts d'assurance et de fret et assume la responsabilité du chargement jusqu'à l'arrivée au port le plus proche de l'acheteur. Dans le cadre des ventes franco à bord, c'est à l'acheteur qu'il revient de payer tous les frais d'envoi et d'assurer la responsabilité de la marchandise, une fois celle-ci chargée sur le navire.

¹⁵⁹ Immatriculée au registre albanais des entreprises sous le numéro L717100281. Adresse : Rr. « Ibrahim Rugova », Sky Tower, Tirana (Albanie). Le Groupe d'experts s'est procuré, pour référence, une copie de l'acte de constitution de la société.

¹⁶⁰ Cela représente 25 322 000 litres de carburant d'une densité moyenne de 1,2661, soit un volume qui, au rythme actuel, permettrait de couvrir la consommation de carburant dans l'est du pays pendant plus de trois mois.

149. Le Groupe d'experts est d'avis qu'une telle importation unilatérale de carburant par la National Oil Corporation dans l'est du pays servirait principalement aux opérations aériennes des forces armées d'Haftar. Dans ces circonstances, le carburant aviation supplémentaire tomberait dans la catégorie du ravitaillement de combat et, partant, dans celle du matériel militaire visé au paragraphe 9 de la résolution 1970 (2011).

150. Le Groupe d'experts estime qu'une telle importation à l'initiative de la National Oil Corporation de l'est du pays ou de toute autre institution parallèle de l'est libyen constitue, en soi, une grave menace contre l'intégrité de la National Oil Corporation et aboutira inévitablement à la prise de nouvelles décisions unilatérales (voir par. 136) (voir recommandation 10).

C. Prévention des exportations illicites de produits pétroliers raffinés

151. Même si le trafic de produits pétroliers raffinés depuis la Libye a diminué par rapport aux années précédentes, il n'en reste pas moins important. Des réseaux criminels établis en Libye et ailleurs en tirent des profits substantiels. La chaîne logistique qui le sous-tend est une source de revenu de base pour nombre de personnes à toutes les étapes du trafic et partout dans le pays, en particulier dans le sud et l'extrême ouest, où les autres perspectives économiques sont rares.

152. Pendant la période considérée, l'offensive des forces armées d'Haftar contre les groupes armés basés à Tripoli a temporairement interrompu le trafic de carburant. Cela étant, les réseaux impliqués ont repris leurs activités quelques semaines plus tard, principalement dans l'ouest et le sud du pays, quoique dans une moindre mesure. On constate que les détournements de carburant par voie maritime et terrestre se poursuivent (voir par. 166 et 175).

153. Les principales institutions libyennes prennent une part active à la lutte contre le trafic. En dépit de son manque de capacités, la garde côtière libyenne reste vigilante. Même si elle n'a encore intercepté aucun navire, elle apprécie mieux la situation opérationnelle. Le 7 février 2019, le bureau du procureur général a émis des mandats d'arrêt contre plus de 100 personnes et propriétaires de stations d'essence impliqués dans des activités de trafic et a ordonné à la Banque centrale de Libye de geler les avoirs des entreprises concernées (voir annexe 62).

154. La Brega est chargée de l'approvisionnement en carburant des quatre distributeurs du pays, à savoir : Sharara Oil Services, Libya Oil, Al Rahila et Turek Saria. En novembre 2018, afin d'accroître la transparence de l'approvisionnement et de renforcer son contrôle par les pouvoirs publics, la Brega a commencé à publier le détail des quantités de carburant livrées aux différentes stations d'essence (voir par. 159).

1. Système de distribution du carburant

155. Aux paragraphes 147 et 148 de son précédent rapport final (S/2018/812), le Groupe d'experts a décrit le fonctionnement du système d'importation de carburant et la manière dont la demande est anticipée. Le Groupe d'experts a également relevé qu'un comité des principaux clients se réunissait chaque mois en vue de déterminer les besoins en importations. La Brega joue un rôle prépondérant car c'est elle qui établit les prévisions relatives à la demande, initialement établies sur la base de la consommation moyenne observée sur les cinq années antérieures, plus 2 %.

156. Une fois importés, les produits raffinés relèvent du contrôle et de la responsabilité de la Brega, qui est chargée de l'approvisionnement en carburant des quatre distributeurs du pays. Depuis le début de 2019, la Brega impose aux quatre

distributeurs de payer d'avance le carburant qu'elle leur fournit. Son département de l'approvisionnement n'émet de bons de livraison qu'une fois que son département financier a accusé réception du paiement. Bien que cette procédure interne ait été adoptée par l'entreprise à l'échelon national, la Brega de l'est du pays ne l'a pas appliquée depuis le début de l'offensive des forces armées d'Haftar.

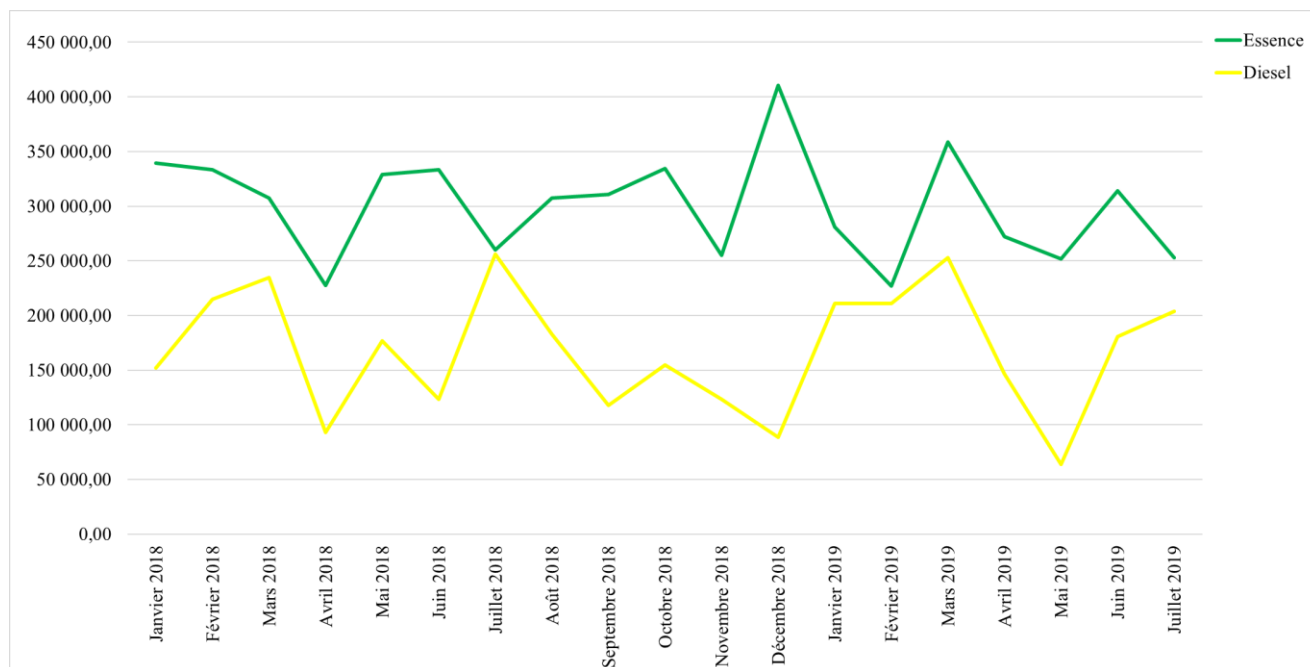
157. La Brega a également dressé une liste de stations d'essence « de confiance », habilitées sur la base d'une inspection physique. Les stations d'essence dont le nom n'apparaît pas sur la liste ne sont pas approvisionnées en carburant (voir annexe 63). En septembre 2018, les nouvelles normes relatives à la réglementation des stations d'essence sont devenues pleinement contraignantes ([S/2018/812](#), par. 152). Les nouvelles licences de fonctionnement et de vente de pétrole sont délivrées par la National Oil Corporation. Toutefois, certaines stations d'essence continuent d'opérer en contravention des nouvelles normes en se prévalant de licences délivrées avant septembre 2018 par la National Oil Corporation et qui n'ont pas été révoquées. En décembre 2018, un seul bureau du Ministère de l'économie s'est vu confier la responsabilité de délivrer les permis de construire de nouvelles stations d'essence, ce qui constitue un retour au système d'avant 2011.

158. Les produits raffinés, l'essence et le diesel sont facturés 0,1016 dinar libyen (0,072 dollar) par litre aux distributeurs. Les stations d'essence achètent le carburant au prix de 0,14 dinar libyen (0,099 dollar) par litre et il est revendu au consommateur au prix de 0,15 dinar libyen (soit 0,11 dollar) par litre. Les figures XV à XVIII donnent une idée des volumes de produits pétroliers importés par la National Oil Corporation (en 2018 et 2019), raffinés dans le pays (de 2015 à 2019) et distribués par la Brega (de 2010 à 2019). On trouvera des chiffres plus détaillés à l'annexe 64.

Figure XV

Carburant importé par la National Oil Corporation de 2018 à juillet 2019

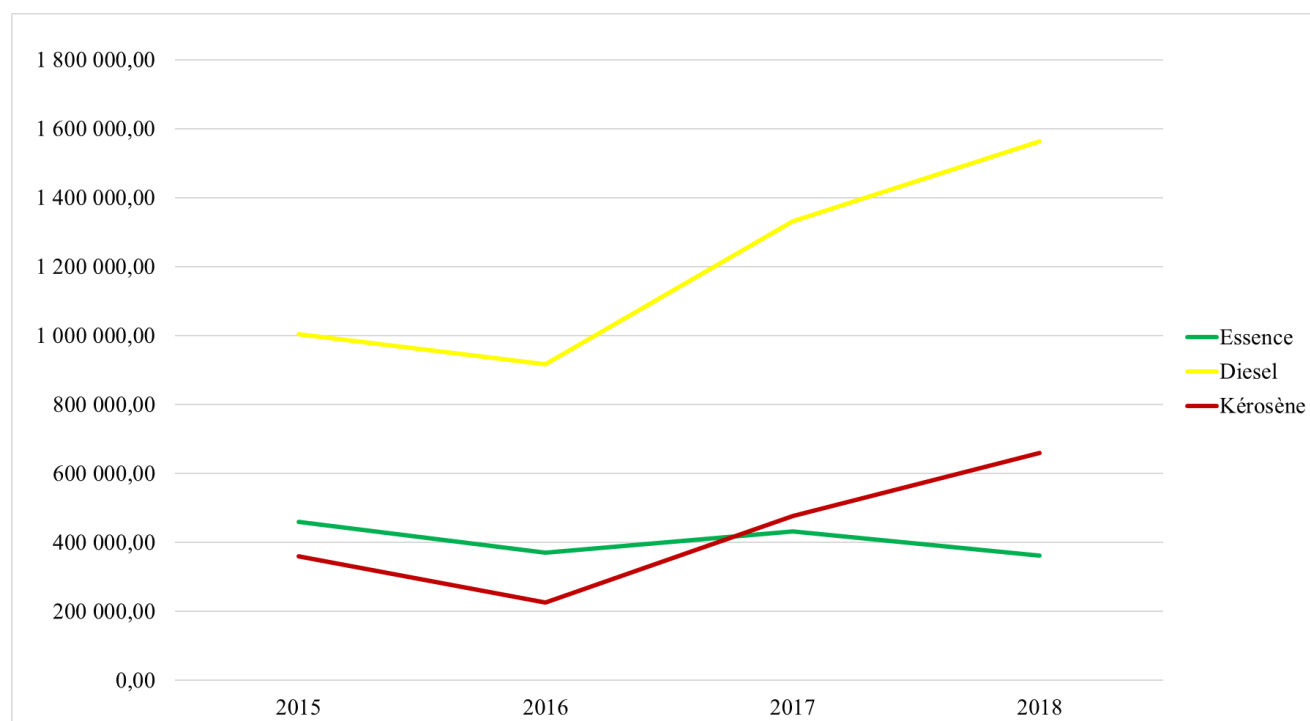
(En tonnes)



Source : Graphique établi par le Groupe d'experts sur la Libye à partir de données de la National Oil Corporation.

Figure XVI
Carburant raffiné en Libye par la National Oil Corporation de 2015 à 2018

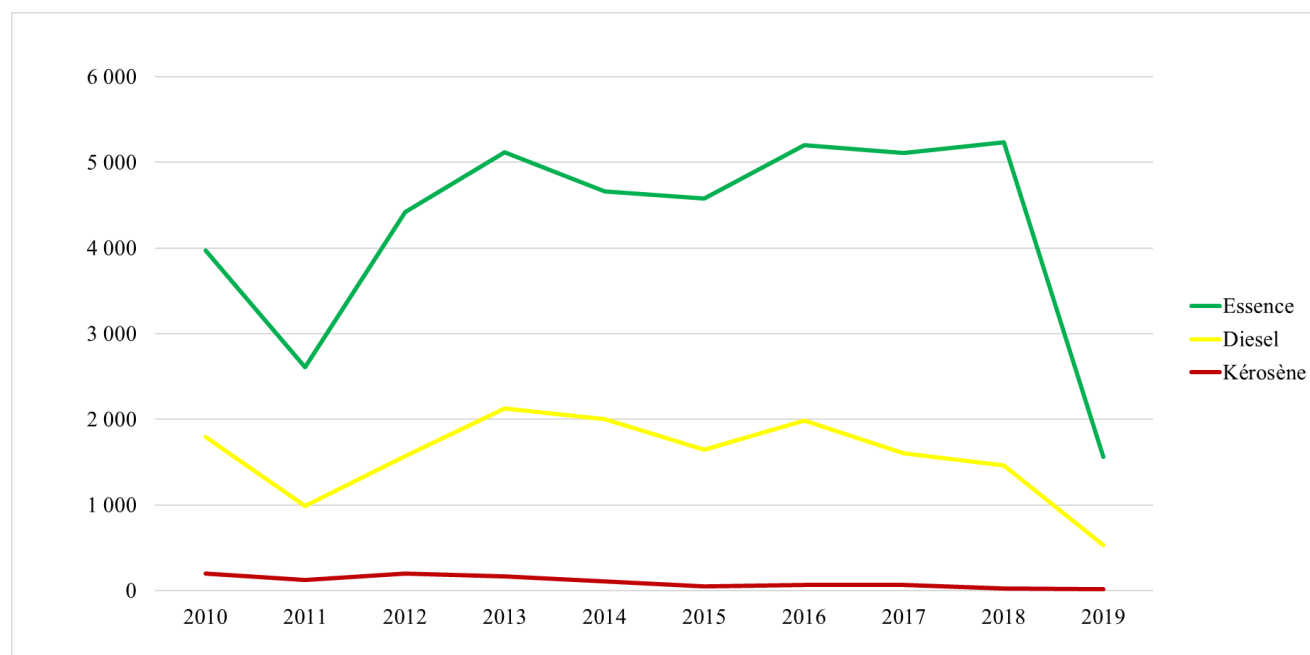
(En tonnes)



Source : Graphique établi par le Groupe d'experts sur la Libye à partir de données de la National Oil Corporation.

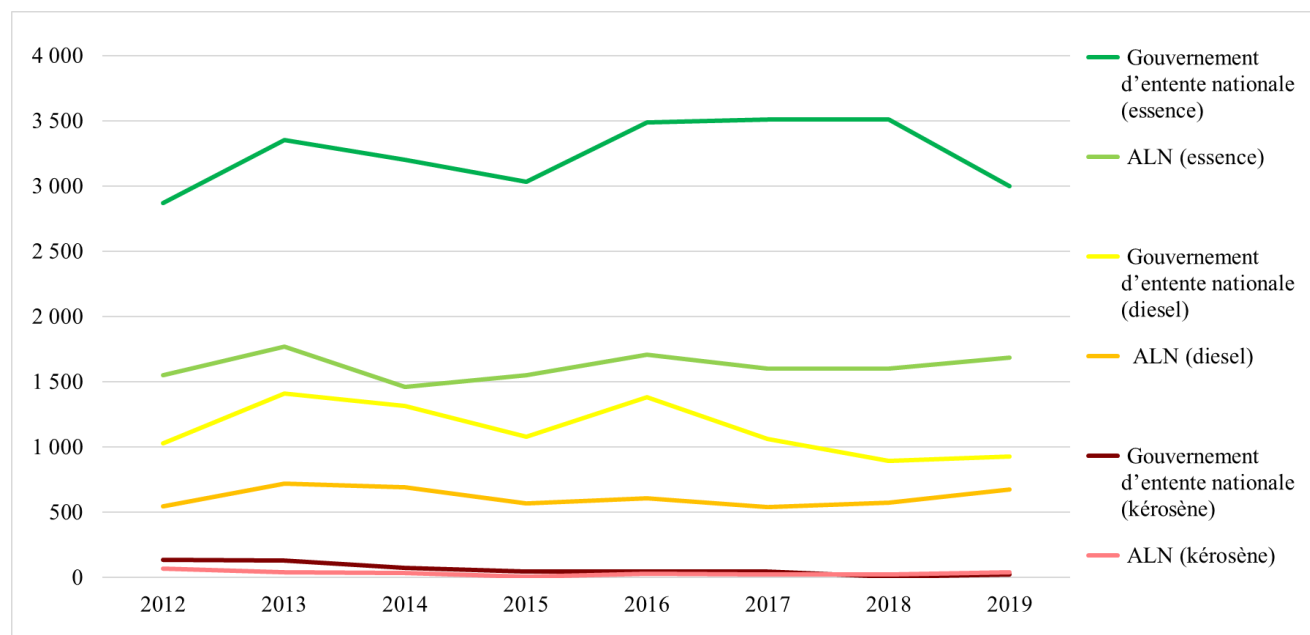
Figure XVII
Carburant distribué par la Brega de 2010 à avril 2019

(En millions de litres)



Source : Graphique établi par le Groupe d'experts sur la Libye à partir de données de la Brega Petroleum Marketing Company.

Figure XVIII
Carburant distribué par la Brega, selon le contrôle territorial, de 2010 à 2019^a



Source : Graphique établi par le Groupe d'experts sur la Libye à partir de données de la Brega Petroleum Marketing Company, avec des montants estimatifs pour 2019.

^a Les forces armées d'Haftar contrôlent le territoire dans l'est et le sud de la Libye et le Gouvernement d'entente nationale contrôle le reste.

2. Les sociétés de distribution d'essence

159. La National Oil Corporation a transféré des responsabilités à quatre sociétés de distribution afin que celles-ci s'assurent, après vérification, de fournir du carburant uniquement aux stations d'essence se conformant aux nouvelles normes nationales, ce qui a permis de constater que plus de 20 % des stations d'essence existantes ne s'y pliaient pas, comme indiqué au paragraphe 157. Les sociétés de distribution continuent toutefois d'approvisionner des stations munies d'un permis délivré avant septembre 2018. Elles en tirent un avantage économique et prennent également ainsi les devants pour éviter toute action en justice en cas de rejet d'une demande d'approvisionnement.

160. Les sociétés de distribution locales sont enregistrées comme des personnes morales distinctes sous les noms des quatre grandes sociétés de distribution. Cette situation a engendré une confusion concernant le statut juridique de ces sociétés et des différends d'ordre juridique et empêché l'adoption d'une approche cohérente.

161. Les sociétés de distribution de carburant supportent des frais de fonctionnement élevés, étant principalement en situation de sureffectif et peu enclines à régler ce problème. Compte tenu du cadre de réglementation des prix, décrit au paragraphe 158, la marge bénéficiaire de ces sociétés est déterminée par leurs dépenses de fonctionnement et leur efficacité. Elle est actuellement faible ou négligeable du fait de l'absence de contrôle des dépenses de fonctionnement et d'une mauvaise gestion. Le modèle d'activité est d'autant plus complexe que la dette historique n'a toujours pas été quantifiée et réglée et que les sociétés continuent de contracter de nouvelles dettes envers la Brega. En 2017, la dette s'élevait à

570 millions de dinars libyens (403 millions de dollars)¹⁶¹. La Brega exige un paiement anticipé (voir par. 156) et, en conséquence, les sociétés de distribution se heurtent à de graves problèmes de trésorerie.

162. D'après des sources faisant autorité, la situation financière des sociétés de distribution ira en se dégradant et leur capacité de distribuer le carburant efficacement risque d'être considérablement réduite. De hauts responsables, dont le Ministre de l'intérieur et de la défense, demandent qu'un terme soit mis au monopole exercé par ces sociétés de distribution afin que les propriétaires de stations d'essence puissent acheter des produits pétroliers raffinés directement auprès de la Brega (voir annexe 65).

163. Depuis juin 2019, la Brega utilise des stations d'essence mobiles pour approvisionner directement en carburant la ville de Tripoli, ce qui lui permet de garantir des réserves suffisantes durant le conflit en cours.

3. Le réseau de Zaouïya

164. Dans son précédent rapport (S/2018/812, par. 156 et annexe 47), le Groupe d'experts a précisé que le réseau de Zaouïya jouait un rôle central dans le détournement de carburant organisé autour du complexe pétrolier de cette ville. La brigade Nasr, dirigée par Mohammed Kashlaf (LYi.025), opère dans le cadre des forces de surveillance des champs pétrolifères et continue d'assurer la sécurité du complexe pétrolier (voir par. 57 et annexe 21).

165. Le conseil municipal de Zaouïya s'est félicité du rôle joué par ceux qui sont chargés d'assurer la sécurité du complexe pétrolier. Il a néanmoins accusé la Brega et les quatre sociétés de distribution de ne pas exercer de contrôle sur le réseau de distribution et de faciliter ainsi l'instauration de conditions propices à la contrebande de carburant (voir annexe 66). Le Groupe d'experts continue d'obtenir des preuves selon lesquelles la brigade Nasr continue d'avoir un rôle central dans les activités de contrebande et tire profit du trafic de carburant, distribué à partir du complexe pétrolier¹⁶². On trouvera à l'annexe 21 une description du réseau et de son mode opératoire. Depuis le complexe pétrolier jusqu'à sa destination finale, le carburant acheminé en contrebande par voie maritime ou terrestre passe par les principaux points de contrôle tenus par différents groupes armés. Les itinéraires empruntés figurent à l'annexe 67.

4. Exportations illicites par voie maritime

166. Dans l'ouest du pays, c'est essentiellement par Zouara et par Bou Kammach¹⁶³ que des produits pétroliers raffinés passent en contrebande par voie maritime, principalement du gazole à usage maritime (teneur en soufre : 0,1 %). On trouvera des précisions sur les caractéristiques techniques à l'annexe 68. Le Groupe d'experts a également observé des détournements illicites de faible ampleur depuis Dila¹⁶⁴, un petit port dont la construction n'a pas été achevée, situé à l'ouest de Zaouïya.

167. Dans son précédent rapport (S/2018/812, par. 165 à 167), le Groupe d'experts a décrit en détail le mode opératoire relatif aux exportations illicites à partir de la Libye. Les navires de contrebande du carburant, pour la plupart de petits monocoques servant à transporter des produits pétroliers, sont déchargés au large de Zouara et de Bou Kammach par de petits appareils auxiliaires ou bateaux de pêche. Les réservoirs de

¹⁶¹ Entretien avec un haut responsable de la Brega à Istanbul (Turquie) en juillet 2019.

¹⁶² Durant la période considérée, le prix d'un litre de carburant (essence) était de 0,75 dinar libyen (0,53 dollar) au marché noir à Zaouïya.

¹⁶³ 33°04'27"N, 11°44'12"E.

¹⁶⁴ 32°47'33"N, 12°44'48"E.

certaines d'entre eux ont été modifiés. Durant la période considérée, la station de pompage située à l'usine chimique de Bou Kammach¹⁶⁵ est restée opérationnelle.

168. Durant la période considérée, les réseaux de contrebande de Zouara et de Bou Kammach ont poursuivi leurs activités avec l'appui d'agents se trouvant sur place. Le soi-disant centre d'opérations de Zouara, dirigé par Zakaria Koshman, Wiyar Shalki et Osama Qutara, a pris le contrôle de l'usine chimique et sert de couverture à un bon nombre d'opérations de contrebande.

169. Le Groupe d'experts a établi l'identité de plusieurs trafiquants de carburant. Le nom du Libyen Daniel el-Attushi, qui compte parmi les plus actifs en 2019, est déjà inscrit sur la liste des personnes visées par un mandat d'arrêt, établie par le bureau du procureur général en décembre 2017 (S/2018/812, par. 143 et annexe 43).

5. Navires visés par le Comité

170. Durant la période considérée, aucun navire n'a été ajouté à la Liste relative aux sanctions contre la Libye. D'après le mécanisme énoncé dans la résolution 2146 (2014), un référent nommé par le Gouvernement libyen communique avec le Comité pour ce qui est des mesures énoncées dans la résolution et lui signale notamment tout navire impliqué dans des exportations illicites. Comme le référent ne s'est pas manifesté jusqu'au 30 juillet 2019 (voir par. 143), le mécanisme d'exécution était et continue d'être inefficace (voir recommandation 7).

6. Navires impliqués dans la contrebande de carburant

171. Dans son rapport de 2016 (S/2016/209, par. 202) et dans son rapport de 2018 (S/2018/812, par. 178), le Groupe d'experts avait décrit précédemment le mode opératoire de la contrebande de carburant par voie maritime. La majorité des navires se dirigent du sud de Malte vers le golfe de Gabès¹⁶⁶ (Tunisie). Lorsqu'ils sont à 40 ou 60 milles marins au large de la Tunisie, ils mettent le cap à l'est, vers Zouara. Le chargement se fait au moyen de bateaux de pêche ou de tuyaux spéciaux (voir par. 167). Après l'opération de chargement, qui peut durer un jour ou deux, ils reprennent habituellement le chemin de Malte, où certains traînent pendant un moment, au-delà des limites extérieures des eaux territoriales (12 milles marins), en attendant d'entreprendre un transfert des produits de navire à navire (voir recommandations 8 et 9).

172. Ces neuf derniers mois, du fait de pressions croissantes exercées par des acteurs locaux et internationaux, conjuguées à l'instabilité dans le pays, la plupart des opérations de chargement ont lieu à 70 milles marins au large de la Libye (voir annexe 69 pour la zone en question). Il est procédé à des transbordements multiples sur une durée minimale de quatre jours, selon la taille du navire-citerne en chargement.

173. Aucun des navires impliqués n'active le système d'identification automatique¹⁶⁷. Si le navire fait l'objet d'une inspection, l'équipage des bateaux de pêche utilisés pour effectuer les transferts déclare que la grande quantité de carburant à bord s'explique par de longues périodes de pêche en haute mer. La Libye ne disposant pas d'un système de surveillance des pêches, les autorités locales ne savent pas quelles sont la position, la route ou la vitesse de ces bateaux.

¹⁶⁵ 33°05'04"N, 11°49'40"E.

¹⁶⁶ Centre : 34°14'13"N, 10°49'03"E.

¹⁶⁷ Le système d'identification automatique (AIS) est un système de localisation imposé à tous les navires. d'une jauge brute de 300 ou plus.

174. Le Groupe d'experts continue de surveiller les navires exhibant des modes de navigation suspects et des indicateurs d'activités illicites. Certains d'entre eux figurent dans le tableau 10.

Tableau 10
Navires suspects

<i>Nom</i>	<i>N° OMI</i>	<i>Pavillon</i>	<i>Observations</i>
<i>Ali Mercan</i>	8992730	Panama	Pétrolier (jauge brute de 378)
<i>Bonnie B</i>	6810055	Chypre	Pétrolier (jauge brute de 1 580)
<i>Maraya</i>	7514517	Samoa	Navire de charge (jauge brute de 640)
<i>Ocean 61</i>	8870865	Panama	Pétrolier (jauge brute de 1 584)
<i>Ozu 2</i>	8918887	Inconnu	Chalutier (jauge brute de 276)
<i>Rose 10</i>	7511125	Panama	Pétrolier (jauge brute de 1 282)
<i>Rose 20</i>	8004662	République-Unie de Tanzanie	Pétrolier (jauge brute de 1 313)
<i>Shahat</i>	7820590	Libye	Chalutier (jauge brute de 128)
<i>Sifana (anciennement Reem 1)</i>	9046758	République-Unie de Tanzanie	Pétrolier (jauge brute de 780)
<i>Sky White</i>	7922491	Sierra Leone	Chalutier (jauge brute de 277)
<i>Turu</i>	8408777	Panama	Pétrolier (jauge brute de 399)

Source : Confidentielle.

7. Exportations illicites par voie terrestre

175. Dans son précédent rapport (S/2018/812, par. 182), le Groupe d'experts avait signalé que des produits pétroliers raffinés, essentiellement de l'essence, étaient exportés illicitement par voie terrestre depuis plusieurs régions de la Libye. Ces activités se poursuivent aujourd'hui, à des degrés divers. Cela permet à beaucoup de personnes de dégager un bénéfice de faible montant mais stable, dans des régions qui connaissent de forts taux de chômage et où les débouchés économiques sont limités, voire inexistantes.

176. La contrebande de petites quantités de carburant est acceptable sur le plan social car on suppose généralement que le pétrole est une ressource nationale dont tous les Libyens ont le droit de tirer avantage. Dans beaucoup de régions, le secteur informel prédomine et le marché parallèle est ouvert à tous ceux qui sont disposés à acheter du carburant et à le transporter à leurs risques et périls pour le revendre ailleurs, y compris en dehors du pays.

177. Dans le sud, la plupart des stations d'essence restent fermées ou vendent du carburant à des taux non officiels. La campagne militaire menée dans le sud par les forces armées d'Haftar visait à mettre fin à cette activité¹⁶⁸ mais a eu des effets limités. Des stations ont rouvert au public en janvier et février et les prix de l'essence sur le marché parallèle ont baissé provisoirement, passant de 1,5 à 2 dinars libyens le litre (1,08 à 1,44 dollar) à 0,5 dinar libyen le litre (0,36 dollar) mais le trafic a repris par la suite. Le prix au marché noir est actuellement de 1,0 dinar libyen (0,72 dollar).

¹⁶⁸ Almarsad, « LNA says it will attack fuel smugglers », 5 mars 2019. Consultable à l'adresse suivante : <https://almarsad.co/en/2019/03/05/lna-says-it-will-attack-fuel-smugglers/>.

178. Dans l'est, du carburant continue d'être détourné en petite quantité de la raffinerie de Sarir¹⁶⁹, comme cela avait été indiqué au paragraphe 185 du rapport précédent du Groupe d'experts.

179. Dans l'ouest de la Libye, du carburant est acheminé en contrebande par voie terrestre de Zouara jusqu'en Tunisie. La porosité des frontières et la prédominance du secteur informel de l'autre côté de la frontière facilitent ces activités de contrebande. Le Gouvernement tunisien a approuvé la création d'une zone de libre-échange à Ben Gardane¹⁷⁰. Les effets d'une telle mesure sur les exportations illicites de carburant n'ont pas encore été évalués.

VI. Application du gel des avoirs à des entités visées

A. Aperçu général

180. Le Groupe d'experts a poursuivi les échanges avec des représentants des deux entités visées (la Libyan Investment Authority, également connue sous le nom de Libyan Foreign Investment Company) (LYe. 001) et le Libyan African Investment Portfolio (LYe. 002) ainsi qu'avec toutes les autres parties intéressées. Il continue d'enquêter principalement sur : a) l'autorité juridique de l'administration en cours de la Libyan Investment Authority ; b) le versement d'intérêts sur des comptes bloqués ; c) l'acquittement des frais de gestion ; d) le traitement des filiales. La Libyan Investment Authority a mis en avant sa stratégie destinée à améliorer la transparence, la gouvernance et la responsabilisation en ce qui concerne la gestion de l'entité et de ses avoirs (voir annexe 70).

181. Le Groupe d'experts a systématiquement indiqué que la Libyan Foreign Investment Company était une entité financière distincte de la Libyan Investment Authority, constituée en personne morale, et devait donc être traitée comme telle¹⁷¹.

182. Compte tenu de la complexité de la situation financière relative aux avoirs gelés, le Groupe d'experts a besoin de moyens supplémentaires pour faire avancer les enquêtes de plus en plus nombreuses de manière efficace et rationnelle durant son prochain mandat.

B. Affaire Palladyne/Upper Brook

183. Aux paragraphes 208 à 226 de son précédent rapport, le Groupe d'experts avait donné des informations concernant le contrôle des trois fonds de placement Upper Brook d'une valeur totale de 700 millions de dollars constitués dans les Îles Caïmanes en 2007 par la Libyan Investment Authority et la Libyan African Investment Portfolio et maintenant couramment appelés les fonds « Palladyne/Upper Brook ». Ces fonds ont été gelés par le Royaume-Uni en application du décret n° 1080 de 2011 relatif à la Libye (mesures restrictives) (territoires d'outre-mer).

184. En 2014, la Libyan Investment Authority a démis la société Palladyne International Assets Management de ses fonctions de directeur, le premier nommé, en raison des inquiétudes suscitées par la gestion des fonds. L'Autorité a désigné deux nouveaux directeurs pour remplacer Palladyne International Assets Management, qui

¹⁶⁹ 27°40'15"N, 22°29'35"E.

¹⁷⁰ Riadh Bouazza, « Free trade zone to be established on Tunisian-Libyan Border », *Arab Weekly*, 17 mars 2019. Consultable à l'adresse suivante : <https://thearabweekly.com/free-trade-zone-be-established-tunisian-libyan-border>.

¹⁷¹ Voir S/2013/99, par. 225, S/2017/466, par. 237 et 238, S/2018/812, par. 232.

a immédiatement contesté la décision devant le tribunal de grande instance des Îles Caïmanes.

185. Aux Îles Caïmanes, une décision définitive a été rendue le 30 janvier 2019¹⁷². Palladyne International Assets Management a interjeté appel le 19 mars 2019. La procédure en appel est en instance et la décision qui sera rendue aura indéniablement des effets sur la gestion future de ces trois fonds de placement. En décembre 2018, dès que le projet d'arrêt a été communiqué à toutes les parties concernées par la procédure, la Libyan Investment Authority a destitué de leurs fonctions les deux directeurs nommés en 2014. En janvier 2019, en application de trois décisions, la Libyan Investment Authority a réintégré Palladyne International Assets Management dans ses fonctions de directeur des trois fonds de placement.

186. Le 6 février 2019, le Président du Conseil de direction de la Libyan Investment Authority, Ali Mahmoud Hassan, a été arrêté. Par la suite, les autres membres du Conseil ont tous nié avoir eu connaissance des trois décisions concernant la réintégration de Palladyne International Assets Management. Le 20 février 2019, ces membres ont nommé Khalid Khalifa Taher (un des directeurs) Président par intérim du Conseil de direction de la Libyan Investment Authority. Le Conseil a ensuite adopté une décision frappant de nullité toutes les décisions prises par Ali Mahmoud Hassan.

187. Le 23 février 2019, le Président du Gouvernement d'entente nationale, en sa qualité de Président du Conseil d'administration, a annulé la décision prise le 20 février 2019 par le Conseil de direction. En parallèle, l'Autorité de contrôle administratif du pays a pris la même mesure, reposant sur l'idée que la décision du Conseil de direction n'était pas valable car elle avait été prise en l'absence d'Ali Mahmoud Hassan.

188. Le Président du Conseil d'administration de la Libyan Investment Authority a ensuite nommé son chef de cabinet, Youssef Al Mabrouk, Vice-Président du Conseil de direction chargé de prendre des mesures en l'absence du Président. Il a ensuite nommé Mustafa al Manea membre du Conseil de direction de la Libyan Investment Authority et établi un comité spécial, présidé par le Ministre du plan, pour servir d'interlocuteur avec le bureau du procureur général sur les questions juridiques auxquelles la Libyan Investment Authority fait face.

189. Ali Mahmoud Hassan a été libéré de prison autour du 18 avril 2019. Le 22 avril, deux membres du Conseil de direction de la Libyan Investment Authority ont démissionné. Le Conseil ne comptait plus alors que cinq membres, dont le Vice-Président récemment nommé. Le 24 avril, le Conseil de direction a annulé les décisions adoptées en janvier 2019, par lesquelles Palladyne International Assets Management devait prendre le contrôle des sociétés Palladyne/Upper Brook et nommé quatre nouveaux membres du Conseil de ses sociétés.

190. Le 15 mai 2019, le Groupe d'experts a demandé par écrit au Président du Conseil d'administration de la Libyan Investment Authority des précisions sur la nouvelle structure de gestion des trois fonds établis aux Îles Caïmanes. Le 6 juin, le Président du Conseil de direction de la Libyan Investment Authority, Ali Mahmoud Hassan, a donné suite à la demande au nom du Président du Conseil d'administration. En bref, il a été soutenu que : a) les deux directeurs nommés en 2014 avaient été démis de leurs fonctions car ils refusaient de reconnaître l'autorité du Conseil de direction de l'Autorité dont les membres avaient été nommés par le Gouvernement d'entente nationale et pouvaient agir légalement sans aucun contrôle du Conseil ; b) la réintégration de Palladyne International Assets Management dans ses fonctions de

¹⁷² Tribunal de grande instance des Îles Caïmanes, *Palladyne International Asset Management BV c. Upper Brook (A) Limited et Al.*, affaire n° FSD 0068 de 2016 (NSJ).

directeur des fonds Palladyne/Upper Brook à bref délai était une solution provisoire visant à garantir que l'Autorité continue de se conformer à la législation des Îles Caïmanes relative à la diligence raisonnable ; c) Palladyne International Assets Management connaissait point par point le dossier, avait fourni des rapports mensuels complets sur les résultats des trois fonds et accepté qu'il soit procédé à une enquête sur le montant et la position des avoirs ainsi que sur le barème des frais facturés.

191. Même si le Conseil de direction de la Libyan Investment Authority a insisté sur le fait que Palladyne International Assets Management présentait des rapports mensuels détaillés sur les trois fonds, le Groupe d'experts estime que les points ci-après méritent d'être examinés :

- a) Les rapports mensuels n'ont pas été certifiés par un Administrateur depuis 2014 ;
- b) Dans certains rapports examinés par le Groupe d'experts, l'emplacement des avoirs ou placements n'est pas indiquée ; la répartition des avoirs est ventilée par zone géographique et secteur, sans précision sur les placements par société ;
- c) Depuis 2018, seule la Libyan Investment Authority a reçu les rapports concernant les trois fonds Palladyne/Upper Brook ;
- d) Le Libyan African Investment Portfolio ne dispose pas d'informations complètes sur ses placements. Bien que le Libyan African Investment Portfolio ait donné pouvoir à la Libyan Investment Authority d'agir pour son compte, il semblerait qu'à un moment, le Libyan African Investment Portfolio ait annulé cette décision, une annulation rejetée sur l'ordre du Vice-Président de la Libyan Investment Authority, donné le 31 mars 2019.

192. Les faits susmentionnés montrent que les décisions fluctuantes du Conseil de direction de la Libyan Investment Authority empêchent une gestion des fonds de placement qui soit stratégique ou cohérente. En outre, aucun contrôle efficace et régulier n'est assuré car aucun administrateur¹⁷³ chargé de présenter les rapports mensuels sur les résultats n'a été nommé. En outre, les informations disponibles ne permettent pas à l'Autorité de déterminer quels titres sont détenus par les trois fonds de placement. L'Autorité a indiqué qu'elle nommerait prochainement un auditeur juricomptable, mais aucune autre mesure concrète n'a été prise pour permettre à l'entité de gérer efficacement les trois fonds de placement.

Autorité sur la Libyan Investment Authority

193. Les différends au sommet de la hiérarchie examinés dans le précédent rapport du Groupe d'experts ([S/2018/812](#) paragraphes 222 et 223 et annexe 58) continuent de nuire au fonctionnement de la Libyan Investment Authority (également connue sous le nom de Libyan Foreign Investment Company), du Libyan African Investment Portfolio et de toutes les filiales.

194. Le 10 avril 2019, la Cour suprême de Libye s'est prononcée dans les deux procédures en appel des décisions rendues par la juridiction d'appel de Benghazi (chambre administrative) par la Présidence du Conseil ([S/2018/812](#), annexe 58, par. 8 et 9). Les arrêts rendus ont été infirmés au motif que la juridiction d'appel n'était pas compétente.

¹⁷³ Un administrateur est tenu de superviser la tenue des comptes relatifs aux placements et de communiquer les résultats aux clients. L'administrateur établit les états mensuels ou trimestriels adressés au client faisant apparaître les avoirs, gains, pertes et soldes. L'administrateur répond également aux questions des clients sur ces points.

195. Le Groupe d'experts est au courant d'une affaire en instance en Libye concernant une action engagée par l'ancien Président du Conseil de la Libyan Investment Authority, Abdulmagid Breish. En 2019, la Cour suprême de Libye a déclaré illégale la destitution de Mohsen Derrigia, en mars 2013, démis de ses fonctions de Président du Conseil de direction de l'Autorité.

196. Des procédures judiciaires en cours au Royaume-Uni appellent l'attention sur les différends actuels. Le Président en exercice du Conseil d'administration de l'Autorité, Ali Mahmoud Hassan, a présenté une requête devant le tribunal de grande instance britannique, demandant la levée des mesures de séquestre imposées en raison du différend au sommet de la hiérarchie. Plusieurs auditions ont eu lieu et la décision définitive devrait être rendue en novembre 2019. On trouvera d'autres précisions sur ces questions juridiques à l'annexe 71.

C. Frais de gestion et droits de garde

197. La Libyan Investment Authority a soulevé la question du paiement des frais de gestion et des droits de garde car elle estime qu'il s'agit de pertes dues au gel des avoirs. Le Groupe d'experts est d'avis que ces frais et droits sont des dépenses auxquelles il faut s'attendre dans le cadre de telles activités et qu'elles ne peuvent être ni qualifiées de pertes ni comptabilisées comme telles.

198. Aux paragraphes 224 à 226 de son précédent rapport, le Groupe d'experts avait constaté le non-respect par la Libyan Investment Authority de la procédure d'identification et de notification énoncée à l'alinéa a) du paragraphe 19 de la résolution 1970 (2011) en ce qui concerne le paiement de frais. D'autres cas ont fait l'objet d'un examen durant la période considérée.

199. L'Autorité a fourni au Groupe d'experts des précisions sur : a) des droits de garde d'un montant d'environ 55 millions de dollars facturés depuis 2011 par deux banques sises au Royaume-Uni ; b) des frais de gestion d'un montant de près de 12,5 millions de dollars dont le paiement a été demandé par une de ces banques. Ces chiffres, communiqués par l'Autorité, concernent le portefeuille d'actions et mettent en évidence les effets secondaires des sanctions. L'Autorité a clairement indiqué au Groupe d'experts qu'une des banques dépositaires de ses fonds ne fournissait pas de données précises sur les frais de gestion et qu'elle ne pouvait donc pas donner suite à la demande de précisions qu'il avait formulée.

200. Selon le dispositif en place, la banque dépositaire établit chaque mois une facture des droits de garde dont le montant est ensuite inscrit au débit du compte de la Libyan Investment Authority. Ces charges couvrent des services tels que la tenue des comptes relatifs aux titres, la tenue des comptes caisses ainsi que la conservation et l'administration des avoirs. Le Groupe d'experts a lui-même demandé par écrit à la banque des précisions sur la gestion des fonds en dépôt dans cet établissement mais il a été informé qu'en raison de restrictions liées à la confidentialité des données, la banque ne pouvait pas directement communiquer de telles informations. Le Groupe d'experts a demandé par écrit des éclaircissements au Royaume-Uni mais n'a toujours pas obtenu les données financières précises demandées.

201. À Bahreïn, une banque avait périodiquement imputé des frais de gestion sur un « compte exempt de frais » au titre des fonds déposés sur des comptes bancaires séparés pour la Libyan Investment Authority et la Libyan Foreign Investment Company. Ces fonds auraient dû être bloqués mais ne l'ont pas été en raison d'une interprétation erronée des dispositions relatives au gel des avoirs. L'État Membre prend actuellement les mesures voulues pour appliquer toutes les dispositions énoncées à l'alinéa a) du paragraphe 19 de la résolution 1970 (2011).

202. Il apparaît donc que les dispositions énoncées à l'alinéa a) du paragraphe 19 de la résolution 1970 (2011) ne sont pas correctement interprétées par certains États Membres. Le Groupe d'experts recommande que les États Membres procèdent à un examen des mesures en place en vue d'assurer la bonne application des mesures de gel des avoirs et d'indiquer aux institutions financières quelles sont les procédures à suivre afin qu'il soit mis fin aux pratiques divergentes et que les dispositions énoncées aux paragraphes 19 et 20 de la résolution 1970 (2011) soient intégralement appliquées.

D. Filiales

203. Aux paragraphes 218 à 221 de son précédent rapport, le Groupe d'experts avait rendu compte du traitement des filiales, une question qui a été abordée à plusieurs reprises durant la période considérée et qu'il convient de régler.

204. Les diverses méthodes suivies par les États Membres entravent la bonne application du gel des avoirs et on peut donc difficilement garantir que les fonds et autres ressources économiques soient conservés au profit des Libyens, comme prévu. Le cas ci-après illustre ce point. Une société sise sur le territoire de l'État Membre « A » est détenue par la Libyan Investment Authority et ses fonds se trouvent dans une banque dépositaire située sur le territoire de l'État Membre « B ». La société en question ne figurant pas expressément sur la Liste des sanctions, l'État Membre « B » n'estime pas que les avoirs de cette société devraient être gelés, bien que celle-ci soit entièrement détenue par la Libyan Investment Authority, une entité désignée. Les fonds peuvent donc être décaissés librement par l'intermédiaire de la banque dépositaire se trouvant sur le territoire de l'État Membre « B » et le gel des avoirs est ainsi contourné (voir par. 207).

205. Le Groupe d'experts fait observer que les dispositions ci-après du paragraphe 17 de la résolution 1970 (2011) sont applicables en la matière : « geler immédiatement tous les fonds, autres avoirs financiers et ressources économiques qui sont en la possession ou sous le contrôle direct ou indirect des individus ou entités désignés, ou de tout individu ou entité agissant pour le compte ou sur les ordres de ceux-ci, ou de toute entité en leur possession ou sous leur contrôle ».

206. Le Groupe d'experts note également qu'en vertu du paragraphe 15 de la résolution 2009 (2011), les fonds, autres avoirs financiers et ressources économiques de la Libyan Investment Authority et du Libyan African Investment Portfolio qui se trouvent hors de Libye et étaient gelés au 16 septembre 2011 continueront de l'être par les États Membres. À l'exception de ces dispositions, la Libyan Investment Authority et le Libyan African Investment Portfolio ne seront plus soumis aux mesures imposées au paragraphe 17 de la résolution 1970 (2011).

207. Selon le principe d'interprétation conforme, le paragraphe 15 de la résolution 2009 doit être interprété à la lumière du paragraphe 17 de la résolution 1970 (2011). L'application du gel des avoirs serait limitée, voire insignifiante, si seuls les avoirs directement détenus sous le nom de l'entité désignée devaient être gelés. En droit, la possession ou le contrôle direct ou réel sont des éléments importants pour ce qui est d'établir quels sont les avoirs détenus par une société et devraient être un facteur déterminant pour la formulation des dispositions relatives au gel des avoirs dans le cadre de toutes les mesures de sanction. Le Groupe d'experts estime que les avoirs d'une filiale devraient être gelés lorsque l'entité désignée a une participation majoritaire et peut donc déterminer ou infléchir les décisions de cette filiale.

208. Le Groupe d'experts a observé que certains États Membres et institutions financières prenaient en compte la possession et le contrôle réel lorsqu'ils désignaient

les avoirs qui devraient être gelés, y compris ceux détenus en totalité par des filiales, et d'autres pas.

209. Le Groupe d'experts est d'avis que la Notice n° 1 d'aide à l'application établie par le Comité, dans laquelle il est clairement indiqué que les filiales ne sont pas assujetties aux mesures de gel des avoirs, est en contradiction directe avec les dispositions des résolutions sur la question et y contrevient. La Notice n° 1 n'est pas un instrument juridique et ne peut donc pas avoir préséance sur les dispositions d'une résolution du Conseil ou les contredire. Le Groupe d'experts estime que cette contradiction manifeste doit être résolue (voir recommandation 11).

E. Autres facteurs

210. Le Groupe d'experts a examiné d'autres questions telles que : a) la difficulté de recueillir des informations auprès des institutions financières ; b) les conséquences de la mise en œuvre de la Notice n° 6 d'aide à l'application relative au gel des intérêts et autres rémunérations acquis grâce aux avoirs gelés ; c) l'existence d'un Conseil de direction parallèle dans l'est. On trouvera des précisions à l'annexe 71.

211. L'absence de la fourniture d'informations exactes ou précises par les États Membres est un obstacle majeur à l'établissement d'un récapitulatif complet des avoirs gelés. Des informations reçues d'un État Membre ont fait apparaître des écarts importants entre les chiffres figurant dans des rapports annuels consécutifs. Le rapprochement des données est toujours en cours et le Groupe d'experts continue de suivre la situation.

VII. Application des mesures de gel des avoirs et d'interdiction de voyager aux personnes visées

A. Mise à jour concernant des personnes visées qui faisaient partie de l'ancien régime

212. Le 2 novembre 2018, le Groupe d'experts s'est entretenu avec Abu Zayd Umar Dorda (LYi.006), Saadi Qadhafi (LYi.015) et Abdullah Al-Senussi (LYi.018), alors qu'ils étaient détenus par la Brigade des révolutionnaires de Tripoli. Il leur a expliqué les mesures de gel des avoirs et d'interdiction de voyager et a évoqué la procédure de radiation de la Liste. Les personnes désignées ont déclaré que les mesures de gel des avoirs n'étaient pas suffisamment claires.

213. Le Groupe d'experts a en sa possession des renseignements supplémentaires facilitant l'identification des personnes suivantes :

LYi.006

Nom :	Abu Zayd Umar Dorda
Pseudonymes fiables :	Dorda Abuzed OE
Numéro de passeport :	FK117RKO (délivré le 25 novembre 2018 à Tripoli et venant à expiration le 24 novembre 2026)
Lieu de naissance :	Alrhaybat

LYi.009

Nom :	Aisha Muammar Muhammed Abu Minyar Qadhafi
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Date de naissance : 1^{er} janvier 1978
 Numéro de passeport : 03824970 (délivré le 4 mai 2014 à Mascate et venant à expiration le 3 mai 2024)
 Numéro d'identification : 98606612

B. Mise à jour concernant des personnes visées après l'adoption de la résolution 2174 (2014) du Conseil de sécurité

214. En 2018, le Comité a inscrit huit personnes sur la Liste, en application de l'alinéa a) du paragraphe 22 de la résolution 1970 (2011), de l'alinéa a) du paragraphe 4 de la résolution 2174 (2014) et de l'alinéa a) du paragraphe 11 de la résolution 2213 (2015). Le Groupe d'experts enquête sur la situation de ces personnes.

215. Le 16 février 2019, le Groupe d'experts s'est entretenu en Libye avec Mohammed Kashlaf (LYi.025) et Abd Al-Rahman al-Milad (LYi.026). On trouvera des précisions sur ces entretiens à l'annexe 72.

216. La garde côtière a confirmé que Abd Al-Rahman al-Milad avait été suspendu de ses fonctions autour du 9 avril 2018. Elle le considère toutefois comme un de ses meilleurs éléments et a insisté sur ses efforts visant à porter secours à des migrants. Le Groupe d'experts a demandé pourquoi il travaillait sur des navires puisqu'il occupait le poste de superviseur dans un petit port situé dans le complexe pétrolier de Zaouïya. La garde côtière a expliqué que de tels chefs étaient autorisés à lutter contre la traite des personnes et qu'ils devaient parfois être en mer pour soutenir le moral du personnel.

217. Au paragraphe 237 de son précédent rapport, le Groupe d'experts avait précédemment fourni des renseignements supplémentaires permettant d'identifier Mohammed Kashlaf (LYi.025) (S/2018/812, par. 237), qui se sont révélés être faux. Le bureau du procureur général a depuis fourni des informations actualisées sur Mohammed Kashlaf (LYi.025).

218. Le Groupe d'experts a obtenu des renseignements supplémentaires facilitant l'identification des personnes suivantes :

LYi.023

Nom : Ahmad Oumar Imhamad al-Fitouri
 Numéro de passeport : LY53FP76 (délivré le 29 septembre 2015 à Tripoli)
 Adresse : c) Dbabcha-Sabrata
 Numéro national d'identification : 119880387067

LYi.025

Nom : Mohammed al-Hadi al-Arabi Kashlaf
 Nouveau nom : Mohammed Al Amin Al Arabi Kashlaf
 Nom (alphabet d'origine) محمد الأمين العربي كشلاف
 Lieu de naissance : 2 décembre 1985
 Numéro de passeport : C17HLRL3, délivré le 30 décembre 2015 à Zaouïya

LYi.027

Nom : Ibrahim Saeed Salim Jadhran

Autres noms connus : Ibrahim Saeed Salem Awad Aissa Hamed Dawoud Al Jadhran

Lieu de naissance : 29 octobre 1982

Numéro d'identification personnel : 137803

Numéro national d'identification : 119820043341

Numéro de passeport : S/263963 (délivré le 8 novembre 2012).

C. Non-respect de l'interdiction de voyager

219. Deux cas de non-respect de l'interdiction de voyager ont été signalés. Abu Zayd Umar Dorda (LYi.006) a été remis en liberté en Libye le 17 février 2019. Il se rendait ce jour-là de Tripoli à Tunis et ensuite au Caire. Le Groupe d'experts a demandé un complément d'information à la Tunisie et à l'Égypte. Les autorités égyptiennes ont déclaré qu'elles n'avaient été informées de ses déplacements au Caire qu'après son départ de Tunis. Elles ont appris qu'il était gravement malade, ce qui a été confirmé à l'issue d'un examen médical à son arrivée au Caire. Les autorités égyptiennes ont déclaré qu'elles l'avaient autorisé à rester, pour des raisons humanitaires. La Tunisie a indiqué au Groupe d'experts qu'il était en transit dans le pays pour une urgence d'ordre humanitaire.

220. Le Groupe d'experts s'est entretenu au Caire le 6 mars 2019 avec Abu Zayd Umar Dorda (LYi.006), qui a déclaré que les autorités libyennes l'avaient libéré à condition qu'il ne reste pas dans le pays. Il avait choisi de se rendre en Égypte car des membres de sa famille y résident. Le Gouvernement d'entente nationale a financé son déplacement, son traitement et son séjour au Caire et lui ont déclaré qu'elles prendraient en charge les frais médicaux s'il venait à se faire soigner dans un pays d'Europe. Le Groupe d'experts note qu'aucune demande de dérogation n'a été soumise par l'intermédiaire de la Mission permanente de la Libye auprès de l'Organisation des Nations Unies ou par le bureau concerné de l'ONU. La Libye a toutefois présenté une demande de dérogation a posteriori.

221. Sayyid Mohammed Qadhaf Al-Dam (LYi.003) se prévalait d'une dérogation à l'interdiction de voyager depuis novembre 2015. La dernière prorogation qu'il avait obtenue était valable jusqu'au 23 mai 2019. Le Comité n'a pas reçu de demande de nouvelle prorogation et le séjour prolongé de cette personne en Égypte constitue un cas de non-respect de l'interdiction de voyager.

VIII. Mesures prises en vue d'une application efficace des mesures de gel des avoirs et d'interdiction de voyager

222. Des dispositions particulières sont énoncées au paragraphe 12 de la résolution [2441 \(2018\)](#) pour l'application des mesures de gel des avoirs et d'interdiction de voyager. Conformément à son mandat, le Groupe d'experts a écrit à plusieurs États Membres afin de demander de nouveaux renseignements sur l'action menée pour appliquer efficacement les mesures s'agissant de toutes les personnes que le Comité a inscrites sur la Liste relative aux sanctions en 2018. Il n'a reçu que deux réponses. Les renseignements n'étaient pas suffisants pour engager des poursuites.

223. Le Groupe a également tenu des entretiens bilatéraux avec des représentants de certains États Membres afin de se renseigner sur les mesures prises par ces États en vue d'une application efficace. Il a également assisté à deux réunions au siège de l'Agence de l'Union européenne pour la coopération judiciaire en matière pénale (Eurojust), à La Haye, convoquées par les Pays-Bas en janvier et en juin 2019. Il en est ressorti que si la plupart des pays d'Europe avaient un cadre juridique pour appliquer les sanctions de l'ONU, ce cadre ne prévoyait pas de complément d'enquête visant à réunir des preuves et à recenser les avoirs en la possession ou sous le contrôle direct ou indirect des personnes et entités désignées, avant une application effective des mesures. Dans certains pays, il n'existe pas de mécanisme pour vérifier si les sanctions sont appliquées. Un État Membre s'est déclaré dans l'incapacité de répondre aux questions précises du Groupe d'experts du fait que cela influencerait sur les enquêtes en cours. Le Groupe d'experts en conclut que l'on peut s'attendre à peu d'informations précises de la part des États Membres, du fait qu'ils mènent leurs propres enquêtes ou au contraire parce qu'ils n'en ont pas encore ouvert une.

224. Des enquêtes ont été également menées en Libye, en ce qui concerne sept des huit personnes désignées en 2018. Le bureau du procureur général a notifié le Groupe d'experts qu'une action en justice avait été engagée contre certaines d'entre elles bien avant que le Comité ne les inscrive sur la Liste. Des mandats d'arrêt avaient été délivrés contre Mohammed Kashlaf (LYi.025) et Abd Al-Rahman al-Milad (LYi.026) en décembre 2017 (S/2018/812, par. 143 et annexe 43). Des mandats d'arrêt ont été émis depuis contre les autres personnes désignées. Dans le même temps, la Banque centrale de Libye a reçu des instructions relatives aux mesures de gel des avoirs, il a été demandé au bureau du cadastre de recenser les biens et des instructions ont été données à tous les points de passage de la frontière. Bien que les mesures administratives requises aient été prises, la Libye n'a pas encore appliqué efficacement les mesures de gel des avoirs. Mohammed Kashlaf (LYi.025) a par exemple confirmé que le Gouvernement lui versait toujours un salaire.

225. Le Groupe d'experts a noté que les États Membres ne pouvaient pas appliquer efficacement les mesures d'interdiction de voyager faute d'informations complètes, notamment pour ce qui est des noms et prénoms et des informations figurant sur le passeport.

226. Les voyages à destination ou en provenance d'un pays se font par voie terrestre, aérienne et parfois maritime. Afin de détecter effectivement l'entrée de personnes visées par une interdiction de voyager, les États Membres devraient être dotés d'un système électronique de profilage des passagers leur permettant de contrôler les manifestes passagers concernant tous les modes de voyage. Seuls quelques pays en sont dotés. Un système de traitement des informations sur les passagers est essentiel au moins pour les voyages par voie aérienne (voir annexe 73). Le Système d'évaluation et de ciblage des voyageurs, mis librement à disposition par l'Organisation mondiale des douanes, répond à ces besoins. Les États Membres devraient être encouragés à utiliser ce système ou un système comparable.

227. Durant ses entretiens avec des représentants d'États Membres, le Groupe d'experts a observé un manque de sensibilisation aux implications du non-respect des mesures d'interdiction de voyager et de gel des avoirs. De même, des États Membres et des personnes visées par les sanctions ne sont souvent pas au courant des procédures de dérogation ou de radiation de la Liste, auxquelles elles pourraient recourir, malgré les dispositions clairement énoncées aux paragraphes 15 à 20 de la résolution 1970 (2011) et au paragraphe 12 de la résolution 2441 (2018) et les directives provisoires régissant la conduite des travaux du Comité. De plus, tous les États Membres n'ont pas forcément de lois relatives à l'application des mesures à la suite de l'adoption des résolutions du Conseil. Le Groupe d'experts a expliqué les

procédures aux autorités nationales compétentes et aux diverses personnes inscrites sur la Liste qu'il a rencontrées.

228. Il faut diffuser les informations sur les modalités d'application et les procédures requises pour demander des dérogations aux mesures de gel des avoirs et d'interdiction de voyager. Des débats sur les difficultés à surmonter pour appliquer les mesures au niveau national pourraient préparer la voie à des mesures correctives. Le Comité a déjà pris des initiatives en ce sens.

IX. Recommandations

229. Le Groupe d'experts recommande :

L'immunité du Groupe d'experts

Au Conseil de sécurité

Recommandation 1. De rappeler aux États Membres leurs obligations au titre des dispositions de la section 22 de l'article VI de la Convention sur les privilèges et immunités des Nations Unies pour ce qui est de l'immunité des experts en mission (voir par. 4).

Embargo sur les armes

Au Conseil de sécurité

Recommandation 2. D'envisager la mise en place d'un régime efficace d'inspection en vue de décourager et d'empêcher effectivement les transferts par voie maritime et dans les ports de Libye, conformément à l'autorisation donnée au paragraphe 4 de sa résolution [2292 \(2016\)](#) et prorogée dans sa résolution [2473 \(2019\)](#) (voir par. 64).

Recommandation 3. D'élargir la portée des mesures figurant dans la résolution [1970 \(2011\)](#), telles que modifiées dans des résolutions ultérieures, afin de mettre en place un régime efficace d'inspection en vue de décourager et d'empêcher effectivement les transferts par voie aérienne au moyen de l'inspection indépendante des appareils atterrissant en Libye (voir par. 125).

Recommandation 4. D'envisager de demander que le transfert de moyens techniques, notamment de patrouilleurs non armés de la marine ou de la garde côtière ou de véhicules blindés sur roues, soit soumis à une autorisation préalable, conformément au paragraphe 8 de la résolution [2174 \(2014\)](#) (voir par. 80).

Recommandation 5. De déterminer si le matériel tel que les systèmes électroniques d'inhibition et de brouillage destinés à leurrer ou abattre un drone, notamment de combat ou à usage commercial, est sous-entendu dans l'expression « armements et matériel connexe » figurant au paragraphe 9 de la résolution [1970 \(2011\)](#) (voir par. 99 et 123).

Au Comité

- Recommandation 6. De fournir des indications pour ce qui est de savoir si l'expression « combattre par tous les moyens » figurant au paragraphe 3 de la résolution [2214 \(2015\)](#) prévaut sur les dispositions énoncées au paragraphe 9 de la résolution [1970 \(2011\)](#), compte tenu des modifications apportées par la suite (voir par. 93).

Mesures relatives aux tentatives d'exporter illicitement du pétrole brut et des produits pétroliers raffinés de Libye**Au Conseil de sécurité**

- Recommandation 7. D'examiner l'utilité, la cohérence et l'opportunité du mécanisme de communication de l'information figurant au paragraphe 3 de la résolution [2146 \(2014\)](#), notamment afin que les États Membres puissent signaler au Comité tout navire transportant du pétrole brut ou des produits pétroliers raffinés, sous les auspices du Groupe d'experts (voir par. 143).
- Recommandation 8. D'élargir la portée des mesures figurant au paragraphe 5 de la résolution [2146 \(2014\)](#) pour autoriser les États Membres à inspecter en haute mer les navires en provenance ou à destination de la Libye s'ils ont des motifs raisonnables de croire qu'ils exportent illicitement du pétrole brut ou des produits pétroliers raffinés (voir par. 171).
- Recommandation 9. D'élargir la portée des mesures figurant au paragraphe 11 de la résolution [2213 \(2015\)](#) aux entités ou personnes impliquées dans l'exportation illicite de pétrole brut ou de produits pétroliers raffinés, en particulier aux propriétaires de navires désignés conformément au paragraphe 11 de la résolution (voir par. 145 et 171).
- Recommandation 10. D'élargir la portée des mesures figurant dans la résolution [2146 \(2014\)](#) à l'importation illicite de produits pétroliers raffinés (voir par. 150).

Gel des avoirs et interdiction de voyager**Au Comité**

- Recommandation 11. D'examiner l'applicabilité de la Notice n° 1 d'aide à l'application, qui est en contradiction avec les résolutions du Conseil de sécurité sur la question (voir par. 209).

Critères de désignation**Au Comité**

- Recommandation 12. D'examiner les renseignements que le Groupe d'experts a fournis séparément sur des individus répondant aux critères de désignation énoncés dans les résolutions du Conseil sur la question.

Considérations générales

Au Comité

Recommandation 13. D'actualiser la liste des sanctions et d'y rajouter les éléments d'identification supplémentaires (voir par. 213 et 218).

X. Annexes

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Annex 1: Overview of the evolution of the Libya sanctions regime

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

5. In resolution [2040 \(2012\)](#), the Council directed the Committee, in consultation with the Libyan authorities, to review continuously the remaining measures with regard to the two listed entities – the Libyan Investment Authority and the Libyan Africa Investment Portfolio – and decided that the Committee was, in consultation with the Libyan authorities, to lift the designation of those entities as soon as practical.
6. In resolution [2095 \(2013\)](#), the Council further eased the arms embargo in relation to Libya concerning non-lethal military equipment.
7. By resolution [2144 \(2014\)](#), the Council stressed that Member States notifying to the Committee the supply, sale or transfer to Libya of arms and related materiel, including related ammunition and spare parts, should ensure such notifications contain all relevant information, and should not be resold to, transferred to, or made available for use by parties other than the designated end user.
8. By resolution [2146 \(2014\)](#), the Council decided to impose measures, on vessels to be designated by the Committee, in relation to attempts to illicitly export crude oil from Libya and authorized Member States to undertake inspections of such designated vessels.
9. By resolution [2174 \(2014\)](#), the Council introduced additional designation criteria and requested the Panel to provide information on individuals or entities engaging or providing support for acts that threaten the peace, stability 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 \(2016\)](#) for a further 12 months.
16. By resolution [2362 \(2017\)](#), the Council extended until 15 November 2018 the authorizations provided by and the measures imposed by resolution [2146 \(2014\)](#), in relation to attempts to illicitly export crude oil from Libya. These measures were also applied with respect to vessels loading, transporting, or discharging petroleum, including crude oil and refined petroleum products, illicitly exported or attempted to be exported from Libya.
17. By resolution [2420 \(2018\)](#), the Council further extends the authorizations, as set out in resolution [2292 \(2016\)](#) and extended by resolution [2357 \(2017\)](#), for a further 12 months from the date of adoption of the resolution.
18. By resolution [2441 \(2018\)](#), the Council extended until 15 February 2020 the authorizations provided by and the measures imposed by resolution [2362 \(2017\)](#), in relation to attempts to illicitly export crude oil from Libya.
19. To date the Committee has published six implementation assistance notices which are available on the Committee's website.¹

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

Annex 2: Acronyms and abbreviations

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

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

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

Annex 3: Methodology

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

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

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

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

1. Although sanctions are meant to be preventative not punitive, it should be recognized that the mere naming of an individual or entity² in a Panel’s report, could have adverse effects on the individual. As such, where possible, individuals concerned should be provided with an opportunity to provide their account of events and to provide concrete and specific information/material in support. Through this interaction, the individual is given the opportunity to demonstrate that their alleged conduct does not fall within the relevant listing criteria. This is called the ‘opportunity to reply’.
2. The Panel’s methodology on the opportunity to reply is as follows:
 - (a) Providing an individual with an ‘opportunity to reply’ should be the norm;
 - (b) The Panel may decide not to offer an opportunity of reply if there is credible evidence that it would unduly prejudice its investigations, including if it would:
 - (i) Result in the individual moving assets if they get warning of a possible recommendation for designation;
 - (ii) Restrict further access of the Panel to vital sources;
 - (iii) Endanger Panel sources or Panel members;
 - (iv) Adversely and gravely impact humanitarian access for humanitarian actors in the field; or
 - (v) For any other reason that can be clearly demonstrated as reasonable and justifiable in the prevailing circumstances.
3. If the circumstances set forth in 2 (b) do not apply, then the Panel should be able to provide an individual an opportunity to reply.
4. The individual should be able to communicate directly with the Panel to convey their personal determination as to the level and nature of their interaction with the Panel.
5. Interactions between the Panel and the individual should be direct, unless in exceptional circumstances.

² Hereinafter just the term individual will be used to reflect both.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Annex 4: Member States, organizations and institutions consulted

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

Table 4.1

Member States, organizations, institutions and individuals consulted

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

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

^a By VTC.

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

Table 5.1

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

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

Table 5.2

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

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

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

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

Table 5.3

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

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

Table 5.4

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

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

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

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

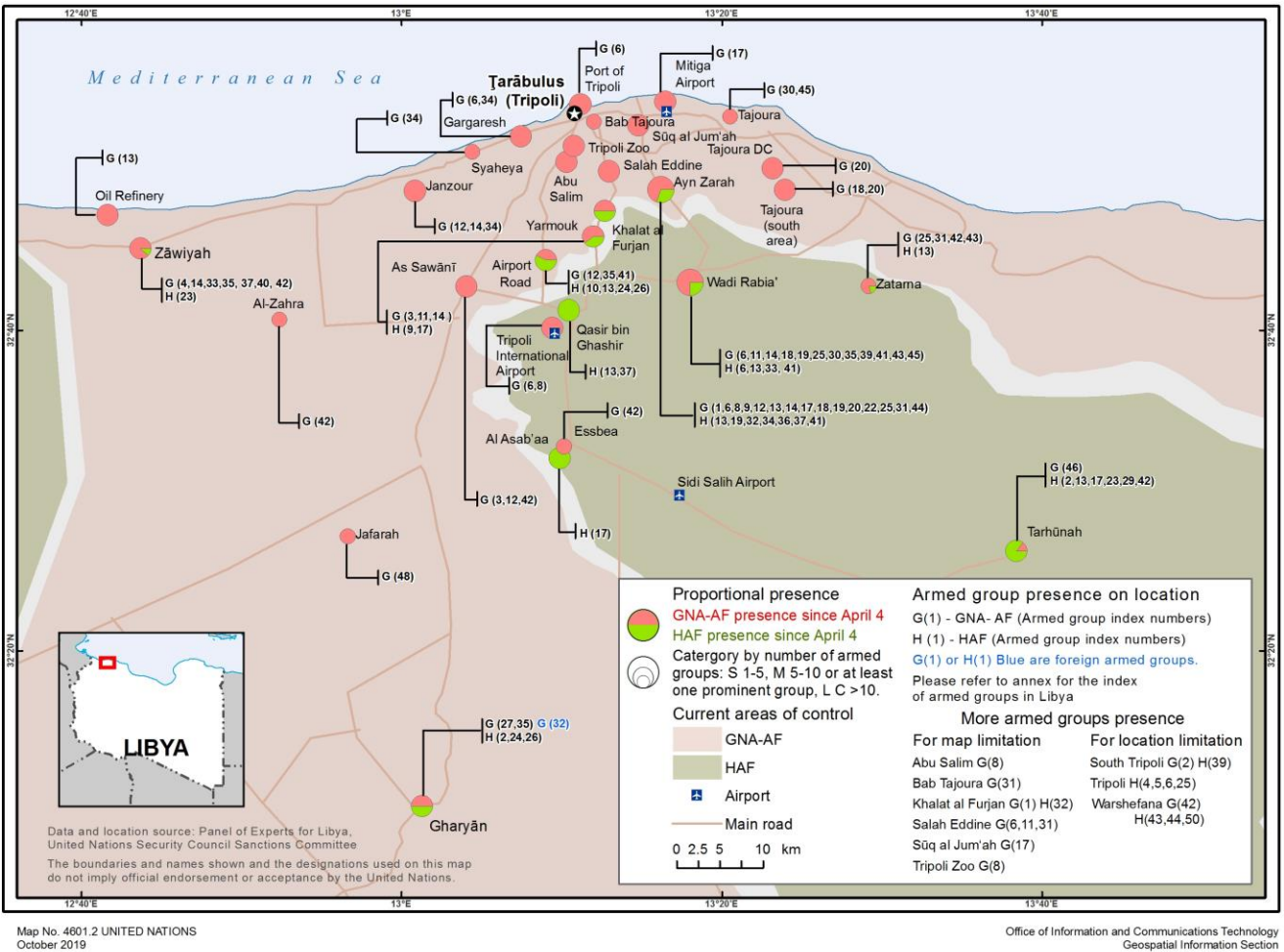
Table 5.6
Correspondence with commercial companies (2441 (2018) Mandate) (16 November 2018 to 24 October 2019)

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

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

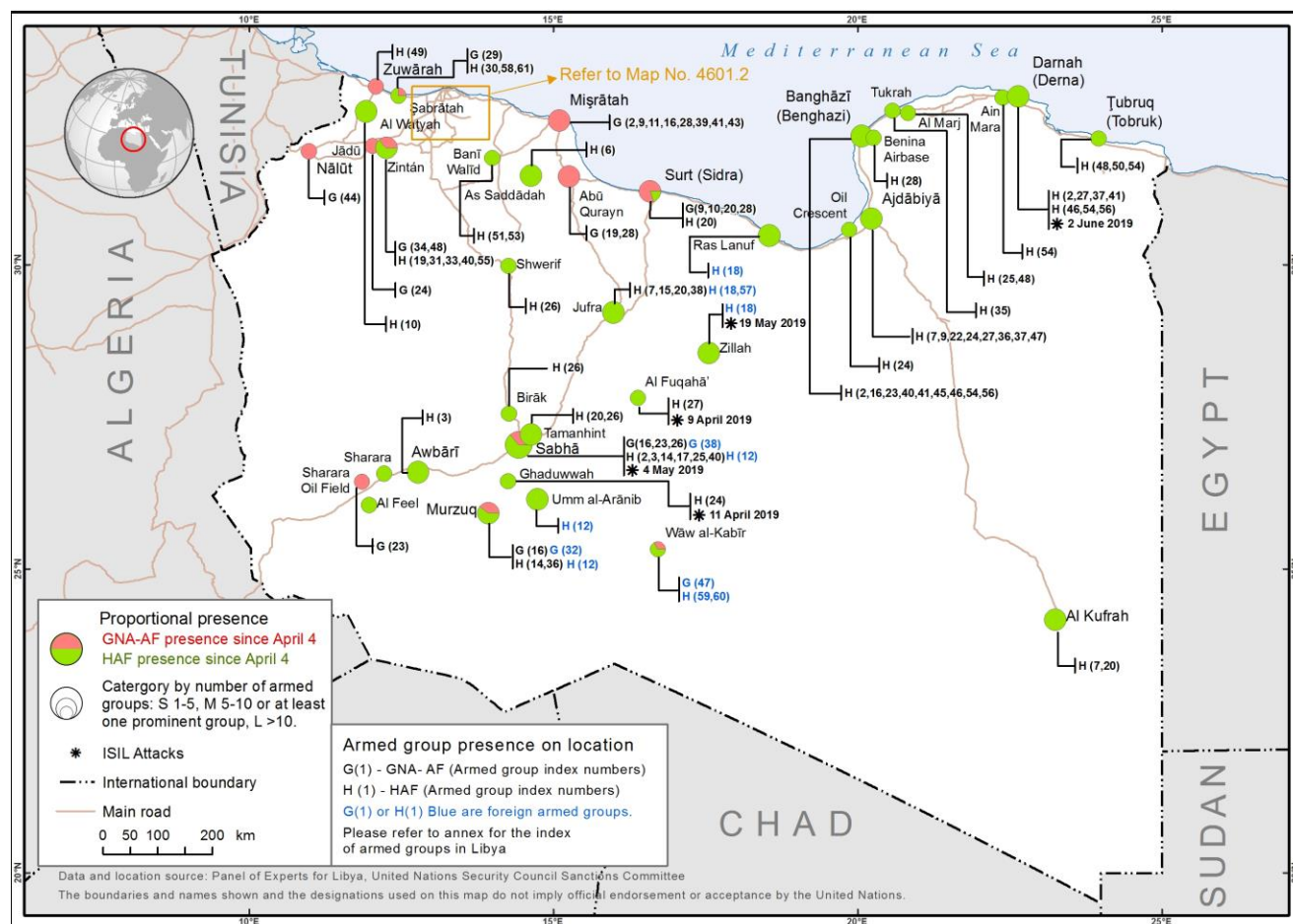
Annex 6: Maps of the conflict³

Figure 6.1
Map of the conflict in Tripoli



³ See appendix A for list of codes for armed groups.

Figure 6.2
Map of the wider conflict in Libya



Map No. 4601.1 UNITED NATIONS
October 2019

Office of Information and Communications Technology
Geospatial Information Section

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

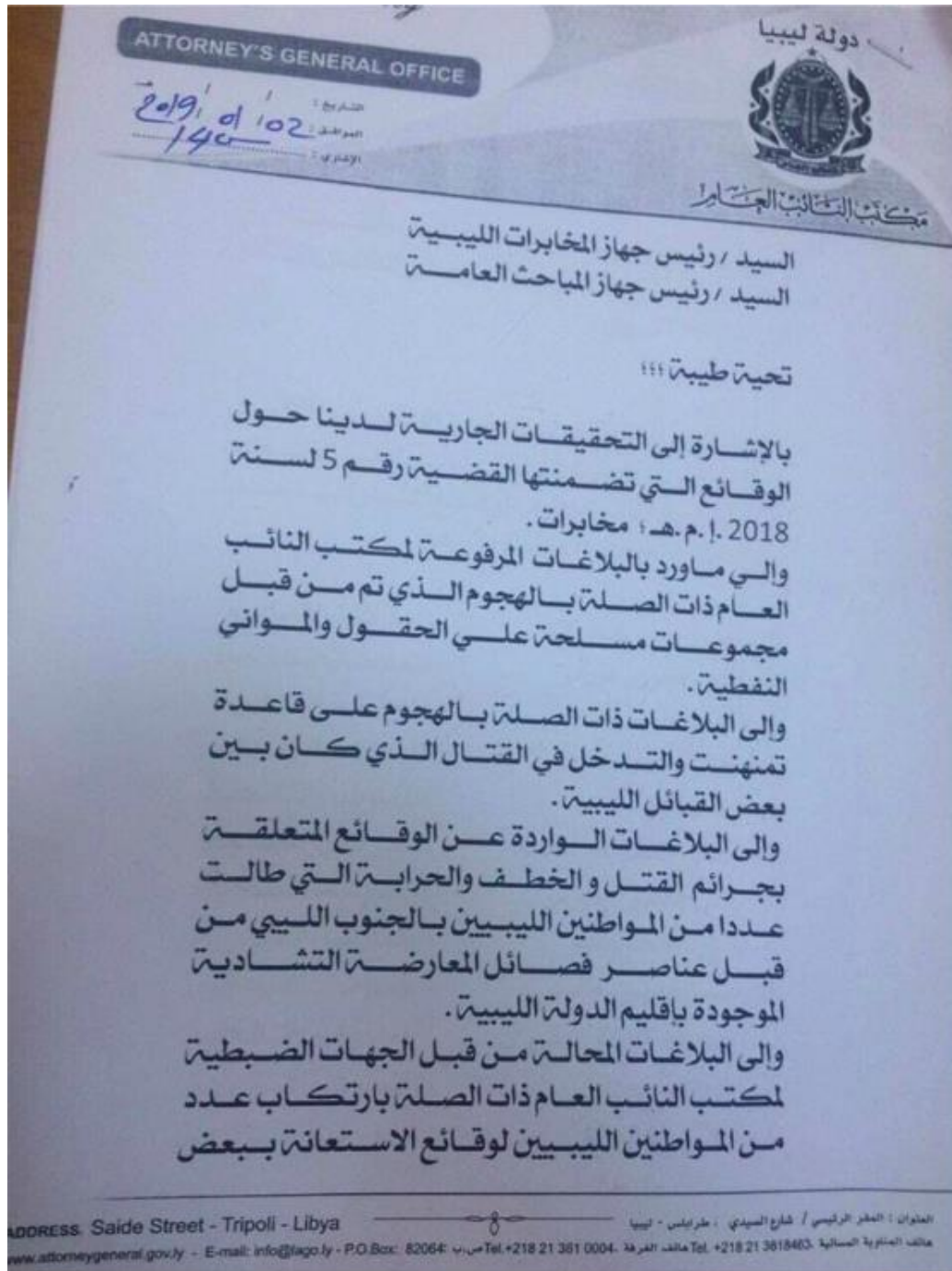
G1	166 Battalion	H3	116 Infantry battalion
G2	301 Infantry Battalion	H4	117 infantry battalion
G3	302 Infantry Battalion	H5	127 infantry battalion
G4	Abu surra martyr's battalion (Ali Busriba)	H6	128 infantry battalion
G5	Border Protection Force	H7	152 mechanized brigade
G6	Nawasi Brigade	H8	155 infantry battalion
G7	Tripoli Revolutionary Brigade	H9	192 infantry battalion
G8	Central Security Force Abu Salim (A. Kikli)	H10	78 infantry battalion
G9	Halbous Battalion	H11	Tawhid Salafi brigade
G10	Hateen Battalion	H12	* Gathering of the Sudan Liberation Forces (GSLF)
G11	Mahjoub Brigade	H13	9 brigade (Kaniyat)
G12	Janzour Knights (Fursan Janzour)	H14	Khalid bin al Walid battalion
G13	Nasr brigade	H15	* Rapid Support Forces
G14	National mobile force battalion	H16	Sa'iqa special forces
G15	Somoud battalion	H17	Tariq bin Ziyad
G16	South Protection Force	H18	* Sudan Liberation Army/Minni Minawi (SLA/MM)
G17	Special Deterrence Force	H19	Barq al Nasr
G18	Rahbat al-Duru' battalion	H20	Soboul al Salam battalion
G19	Bunyan al Marsous	H21	120 special forces battalion
G20	Dhaman Battalion		
	GNA-AF Other Groups		HAF Other Groups
G21	105 battalion	H22	101 light infantry brigade
G22	165 Guard and Protection Force Battalion	H23	107 infantry battalion legion
G23	+ 30 brigade	H24	111 infantry battalion
G24	411 Border Protection	H25	115 infantry battalion
G25	42 brigade	H26	12 infantry brigade
G26	6 infantry brigade	H27	121 infantry battalion
G27	Abu Ghilan Martyr's battalion	H28	123 infantry battalion
G28	Al Laa'sar brigade	H29	124 artillery battalion
G29	Al Madina battalion	H30	129 infantry battalion
G30	Al Rawased	H31	134 Zaltan battalion
G31	Bab Tajura battalion	H32	140 infantry brigade
G32	* Conseil de Commandement Militaire Pour le Salut de la Republique	H33	142 infantry brigade
G33	Farouq brigade	H34	145 infantry brigade
G34	General Security Service	H35	153 infantry battalion
G35	Hamdi bin Rajab Martyr's battalion	H36	155 infantry battalion
G36	Haitham Kathrawi battalion	H37	166 infantry battalion
G37	Ibrahim Hneish battalion	H38	173 infantry battalion
G38	* Justice and Equality Movement (JEM)	H39	201 battalion
G39	Marsa brigade	H40	21 special forces battalion (Zawiyahh)
G40	Martyr Mohamed al Kilani brigade	H41	210 mechanized infantry battalion
G41	Misrata country martyrs brigade	H42	22 brigade
G42	Muammar Al Dhawi battalion	H43	26 combat brigade
G43	Mustafa bin Rabia martyrs brigade	H44	27 brigade
G44	Nalut military council	H45	276 infantry battalion
G45	Ousoud Tajura	H46	298 tank battalion
G46	Tarhuna Protection Force	H47	303 infantry battalion
G47	* Union de la force de la resistance	H48	306 infantry battalion
G48	Zintan military council	H49	4 brigade
G49	Zuwarah Protection Force	H50	409 infantry battalion
	HAF Prominent group	H51	60 infantry support battalion
H1	102 infantry battalion		
H2	106 brigade legion		

H52	6th force	H59	* Sudan Liberation Army/Abdul Wahid (SLA/AW)
H53	93 brigade	H60	+ * Sudanese Liberation Army/Transitional Council (SLA/TC)
H54	Ain Mara martyrs brigade company	H61	Wadi battalion
H55	Awbari zone		+ Denotes location and/or details not verified by the Panel.
H56	Awliya al Dam Bu Hdim		* Denotes foreign armed group.
H57	* Le Front pour l'alternance et la concorde au Tchad		
H58	* Oruba battalion		

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

Figure 7.1

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



Country

دولة ليبيا

ATTORNEY'S GENERAL OFFICE

الشارع :
الموقع :
الإحداثيات :

مكتب النائب العام

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

نأمر

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

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

DRSS. Saide Street - Tripoli - Libya

العنوان : المقر الرئيسي / شارع السيد - طرابلس - ليبيا

هاتف المكالمة المسالمة : 218 21 3618463. هاتف المكالمة : 218 21 381 0004. بريد : 82064. E-mail: info@drss.ly

ATTORNEY'S GENERAL OFFICE

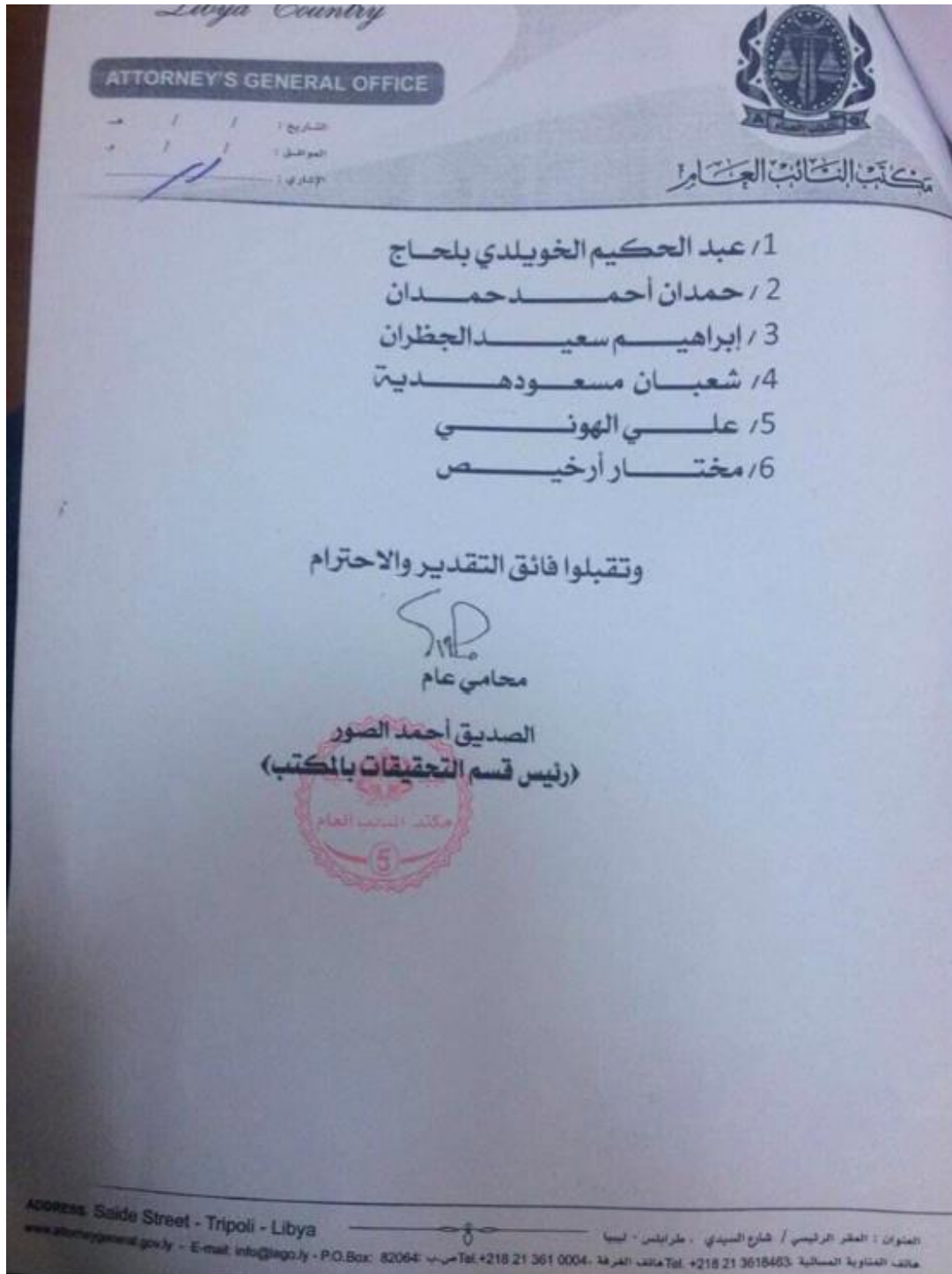
الشارع :
الموافق :
الإجمالي :

مكتب النائب العام

المعارضة التشادية	13 / بركي يوسف
المعارضة التشادية	14 / تيماني اردامي
المعارضة السودانية	15 / جابر أبوبكر
المعارضة السودانية	16 / أركومي مناوي
المعارضة السودانية	17 / عبد الكريم شولي
المعارضة التشادية	18 / حماد حسن عبد الرحيم
المعارضة التشادية	19 / موسى الحاج ازرق
المعارضة التشادية	20 / محمد نوري
المعارضة التشادية	21 / محمد حسن بلماي
المعارضة التشادية	22 / مسعود جدي
المعارضة السودانية	23 / عبد الله جانه -
المعارضة التشادية	24 / كنقابي تابول
المعارضة التشادية	25 / حماد حسن عبد الرحيم
المعارضة التشادية	26 / موسى الحاج أزرق
المعارضة التشادية	27 / محمد حكيمي
المعارضة التشادية	28 / موسى محمد زين
المعارضة السودانية	29 / عثمان القوني
المعارضة السودانية	30 / موسى هلال
المعارضة السودانية	31 / علي عمر تكاديم

ثانيا / البحث والتحري عن الأشخاص الليبيين الآتي ذكرهم والعمل على ضبطهم وإحضارهم وهم :

العنوان : المقر الرئيسي / شارع السيفي ، طرابلس - ليبيا
هاتف المناوبة المسائية : +218 21 3618463 هاتف الغرفة : +218 21 361 0004
P.O.Box: 82064
888, Saide Street - Tripoli - Libya



Source: AGO.

Figure 7.2

Unofficial translation of the above document

Translated from Arabic

Attorney's General Office

Date : 02.01.2019

Ref.N°140

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

Greetings,

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

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

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

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

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

We order,

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

- | | |
|---------------------------|---------------------|
| 1. Ali Ahmed Abdallah | Tchadian Opposition |
| 2. Hamed Juru Marqi | Tchadian Opposition |
| 3. Mohamed Mussa Adam | Tchadian Opposition |
| 4. Mohamed Ahmed Nasr | Tchadian Opposition |
| 5. Adam Hsein | Tchadian Opposition |
| 6. Mohamed Abdallah Ahmed | Tchadian Opposition |
| 7. Omar Abakr Tijani | Tchadian Opposition |
| 8. Bichara Hajer Aybu | Tchadian Opposition |
| 9. Hasan Musa Kelley | Sudanese Opposition |
| 10. Mahmat Mahdi Ali | Tchadian Opposition |
| 11. Abubakar Tolli | Tchadian Opposition |
| 12. Alashi Ourdugo | Tchadian Opposition |
| 13. Barki Yusef | Tchadian Opposition |
| 14. Timan Erdimi | Tchadian Opposition |
| 15. Jaber Abubakar | Sudanese Opposition |
| 16. Arko Minnawi | Sudanese Opposition |

17. Abdelkarim Cholloy	Sudanese Opposition
18. Hamad Hasan Abderrehim	Tchadian Opposition
19. Musa Elhaj Azraq	Tchadian Opposition
20. Mahmat Nuri	Tchadian Opposition
21. Mohamed Hasan Boulmaye	Tchadian Opposition
22. Masud Jeddi	Tchadian Opposition
23. Abdullah Jennah	Sudanese Opposition
24. Kenga Bey Tabul	Tchadian Opposition
25. Hamad Hasan Abderrehim	Tchadian Opposition
26. Musa Alhaj Azraq	Tchadian Opposition
27. Mohamed Hakimi	Tchadian Opposition
28. Musa Mohamed Zein	Tchadian Opposition
29. Othman Al Quni	Sudanese Opposition
30. Musa Hilal	Sudanese Opposition
31. Ali Omar Tqadim	Sudanese Opposition

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

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

Please accept my highest respect and consideration

General Attorney
Siddiq Ahmed Assour
(Head of Investigations Bureau)

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

Figure 8.1

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

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

7 May 2019

CONSULTANCY AGREEMENT

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

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

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

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

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

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

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

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

Beneficiary account name:
Beneficiary address:

Beneficiary account number:
Bank name:
Bank address:

Bank routing:
Bank SWIFT:
Reference:



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

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

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

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

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

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

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



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

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

Dated as of this 7th day of May 2019.

Confirmed and accepted:

Dickens & Madson (Canada), Inc.

By:

Ari Ben-Menashe, President



Confirmed and accepted:

Transitional Council of Sudan

By:

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

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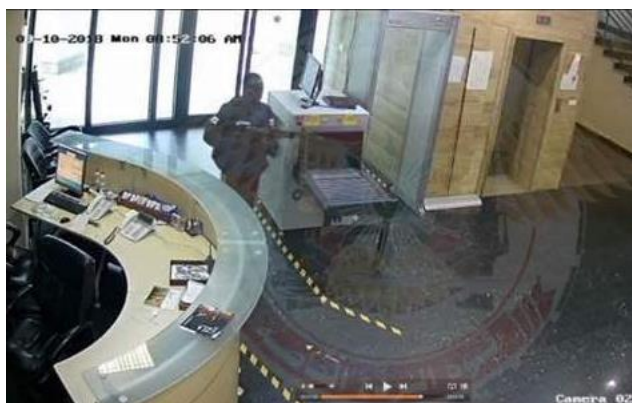
Source: U.S. Department of Justice under the Foreign Agents Registration Act. <https://efile.fara.gov/docs/6200-Exhibit-AB-20190617-8.pdf>

Annex 9: Attack on NOC headquarters in Tripoli

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

Figure 9.1

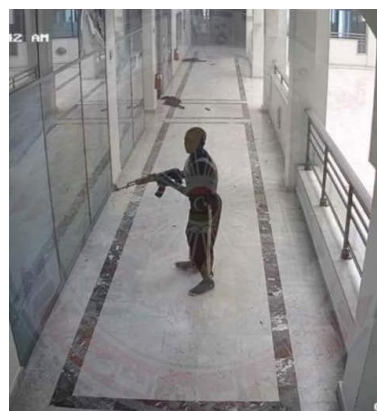
Armed attacker



Source : Confidential

Figure 9.2

Armed attacker



Source: Confidential

Figure 9.3

Condition of the premises in September 2019



Source : Confidential

Figure 9.4

Condition of the premises in September 2019



Source: Confidential

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

Figure 10.1

ISIL claim of responsibility



SMM Libya
@smmlibya

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

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

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

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

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

Figure 11.1

HAF fighters at Tripoli international airport on 5 April 2019



Figure 11.2

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



Source:

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

Source: Confidential source. The same image was subsequently published at

<https://almarsad.co/en/2019/04/08/gna-forces-collaborating-with-un-sanctioned-smugglers/>.

**Government of National Accord
Minister of Finance**

Urgent and important

Sirs,

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

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

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

Regards,

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

Acting Public Prosecutor
Minister of Finance

cc:

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

Figure 12.3
Statement by the Ministry confirming the attack

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

دولة ليبيا
حكومة الوفاق الوطني
وزارة الداخلية
مكتب الوزير

2019 / 9 / 26 الموافق التاريخ 1329 / شهر سن ١٤٤١ رقم الاشاري

«عاجل وهام جداً»

السيد / مدير أمن طرابلس

بمذ التعمية ١١١١١

(الموضوع)

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

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

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

والسلام عليكم

عميد
أحمد الصادق الطويبي
مدير مكتب وزير الداخلية المفوض

مكتب الوزير
وزارة الداخلية

السيد / وزير الداخلية المفوض . «تعليماتكم تثن»
السيد / مدير مكتب القائم بأعمال النائب العام .
السيد / مدير مكتب وزير المالية .
مكلف ((الدوري)) للحفظ

٢٠٢١ . ٩ . ٢٦

218 21 480 3538 218 21 480 3783 84

Figures 12.4
Statements on social media by Muhammad Abu Dara' threatening GNA Minister of Finance



محمد الزهر ابودراع

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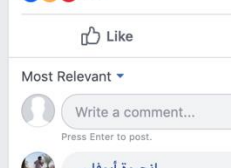
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شاءالله ربي يتقبلهم برحمته حا تدفع التمن انت ان

شاءالله

33 تعليقات

مشاركاتان

122

مشاركة

تعليق

أعجبنى

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

Annex 13: Attack on Mitiga airport (1 September 2019)⁴

Incident details

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

Figure 13.1

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



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

⁴ Information from UNSMIL supported by multiple media sources.

2. This attack was the latest in a series of attacks against Mitiga international airport using land service ammunition⁵ since the conflict started on 4 April 2019. UNSMIL has recorded fifteen such attacks during the current conflict additional to HAF air strikes.⁶

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

Table 13.1

Damage to Mitiga international airport from EO impact

<i>Impact area</i>	<i>Impact point</i>	<i>Geo-coordinates</i>	<i>Damage</i> ^a
1	Main aircraft parking area	32°54'17.52"N, 13°16'35.40"E	▪ Fragmentation damage to rear and tail of Airbus A330-200 ▪ Minor crater in aircraft pan (2.36m x 0.89m).
	Main terminal car park		▪ 105m West of terminal and 406m from crater in aircraft pan.
2	Main terminal car park	32°54'20.49"N 13°16'19.58"E	▪ Fragmentation damage to parked vehicles. ▪ Minor infrastructure damage to a civilian building and retaining wall;
	Main terminal car park		

^a As reported by UNSMIL.

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

Technical analysis of physical evidence and determination of EO type

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

⁵ Using ground based weapons systems as opposed to the HAF air strikes.

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

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

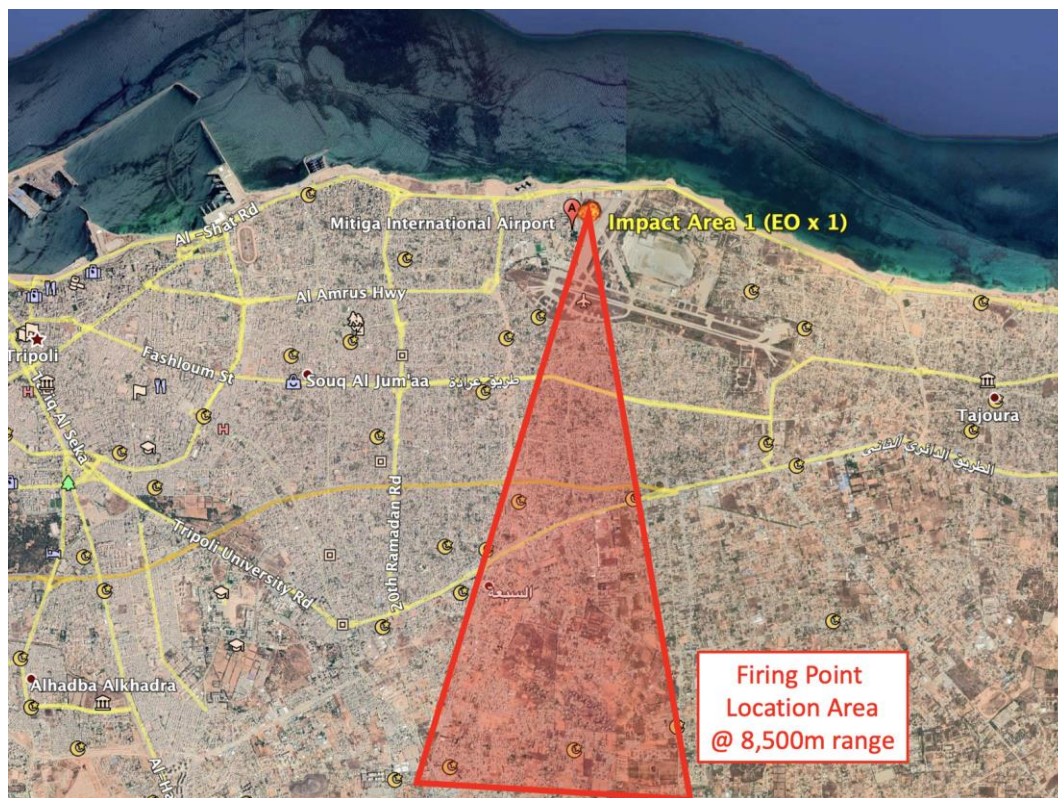


Source: <https://www.libyaobserver.ly/news/renewed-rocket-attacks-tripoli's-mitiga-airport-injure-hajjis>.

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

7. The 107mm Type 63 FFR system has the greater range of the weapon options, with a maximum range of 8,500m. From this, and the analysis of the crater dimensions and “splatter” pattern, the Panel finds it almost certain that the explosive ordnance was firing from a location along an approximate back bearing of 185° ($\pm 15^{\circ}$) from the impact point as shown in figure 13.3.

Figure 13.3
Location of firing point (1 September 2019)



Source: Image from Google Earth, 23 July 2019.

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

Casualties

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

⁷ Near 32°50'47.95"N, 13°16'8.08"E

Attribution of responsibility

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

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

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

Analysis of violations of IHL

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

By the armed group (AG)

14. IHL requires that parties follow the IHL principle of distinction⁸ and take all feasible precautions to distinguish between civilian objects and military objectives. The Panel finds that the impact area at the civilian airport was a civilian object and not a legitimate military objective at that time, and thus the AG failed to respect relevant principles of IHL, including those relating to proportionality,⁹ as the likelihood of excessive harm to civilian objects could have reasonably been anticipated in the circumstances as the AG were certainly aware of the status of the location as a civilian international airport.

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

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

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

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

Panel findings

17. The Panel finds that by attacking the civilian area of Mitiga international airport at that time, that the AG were in violation of CIHL Rule 7 - The Principle of Distinction between Civilian Objects and Military Objectives,¹³ CIHL Rule 14 – Proportionality in Attack¹⁴ and CIHL Rule 15 – Principle of Precautions in Attack.¹⁵

¹⁰ See CIHL Rule 14.

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

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

¹³ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule7.

¹⁴ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule14.

¹⁵ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule15.

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

Incident details

1. On 13 June 2019 video imagery showed GNA-AF firing an S-125 Nova Pechora¹⁶ medium range surface to air missile (SAM) from an improvised launcher in an indirect fire role against HAF ground targets in Tripoli.

Figure 14.1

S-125 Nova Pechora SAM on GNA-AF improvised launcher



Figure 14.2

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



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

2. The use of surface to air missiles (SAM) from improvised launchers in the indirect fire role against populated areas is a violation of IHL no matter the circumstances. Many factors affect the accuracy¹⁷ and precision¹⁸ of an indirect fire weapon system, including meteorological conditions, the suspension system of the launcher, knowledge of the ballistic trajectories for differing ranges, the condition of the rocket motor propellant, accuracy of sighting system, and the professionalism of the crew. All these require substantial modelling, field testing, statistical analysis of fall of shot under known conditions, and training. From this a Circular Error Probability (CEP)¹⁹ can be derived. For a purpose designed free flight rocket system, such as the 122mm GRAD multi-barrel rocket launcher at

¹⁶ Alternative designation SA-3 Goa.

¹⁷ The ability to hit a designated target.

¹⁸ The ability to hit the designated target consistently.

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

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

Panel findings

3. The Panel finds that by firing indiscriminately towards a target within a civilian populated area the GNA-AF are in violation of CIHL Rule 11 - Indiscriminate Attacks,²² CIHL Rule 14 – Proportionality in Attack²³ and CIHL Rule 15 – Principle of Precautions in Attack.²⁴

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

²¹ NATO designation SA-3 *Goa*.

²² https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule11.

²³ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule14.

²⁴ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule15.

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

1. At 23:28.41 hours and 23:39.33 hours local time²⁵ on 2 July 2019, two items of explosive ordnance (EO) were dropped from a military aircraft and detonated within the Dhaman military compound²⁶ at Tajura. One EO detonated in the detention centre and the second EO in a Dhaman brigade vehicle repair workshop and storage area (see image 15.1 for general layout of the Dhaman military compound).

Image 15.1

Layout of Dhaman military compound and EO strikes



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

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

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

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

Image 15.2

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



Image 15.3

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



Casualties

3. The initial UN OCHA report²⁷ stated that local health sector partners had indicated that at least 53 refugees and migrants were killed, with 130 injured, and this has been widely reported. Notwithstanding this, a highly experienced independent investigator informed the Panel that there was minimal evidence to support this when the site was visited on 3 July 2019, less than fifteen hours post-attack. Only very low levels of human remains or tissue were observed, blood levels were very low on the surrounding infrastructure and surfaces, and there was no strong distinctive smell associated with decaying remains or body tissue. There were not the usual levels of such evidence that would be

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

²⁷ OCHA. Humanitarian Update. *Attack on Tajura detention centre*. 3 July 2019.

Notification and warnings

4. The locations of all DCIM detention centres and refugee/migrant camps were routinely notified to all parties to the conflict, but the Panel could not identify any formal protocols for notification.²⁸ OHCHR had certainly informed parties to the conflict of the geo-coordinates of detention facilities,²⁹ and reminded them³⁰ of their obligations regarding the protection of civilians and civilian objects. In a statement on 8 May 2019 UNHCR had called for refugees and migrants in detention centres in conflict areas to be immediately evacuated to safety.³¹

5. The Panel notes, for example, that the geo-coordinates provided to the Panel by UNHCR for the DCIM detention centre, (32°50'03.3"N, 13°23'08.1"E), were for a single point only located 30m equidistant between the detention centre and the Dhaman brigade vehicle workshop (see image 15.3). If these had been sent to the parties then they would require interpretation by a strike targeting team³² as to which building was the DCIM detention centre.

6. The Panel investigated how the notification system worked, including the level of geo-coordinate detail disseminated and made recommendations of best practice (an extract of which is at appendix A).

Technical analysis of physical evidence and determination of EO type

7. Post blast crater photogrammetry analysis by the Panel of imagery (image 15.4) determined that the size of the crater resulting from the air strike that impacted on the detention centre, was 4.3m

diameter.³³ The crater profile is highly indicative of that typically caused by the sub-surface detonation of a high explosive (HE) aircraft (A/C) bomb.

Image 15.4
Post blast crater

²⁸ The Panel has learned that, for example, on 5 May 2019 UNSMIL used the Viber messaging app to pass the geo-coordinates for some locations, including the Tajura DCIM detention centre, to the leadership of both parties to the conflict. The Panel developed an Advisory Note covering best practices for humanitarian deconfliction (see appendix A)

²⁹ Panel Source. OHCHR also asserts both parties to the conflict were informed of the geo-locations of the detention facilities. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24784&LangID=E>.

³⁰ OCHA. Situation Report No 23. 10 May 2019.

³¹ Ibid.

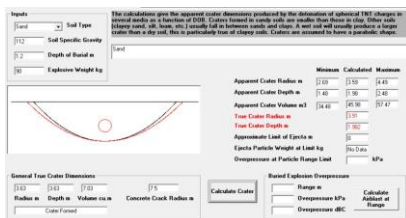
³² International best practice requires “legal sign off” before a strike is authorized by the responsible commander. This only occurs after selection of the ordnance to be used, and bomb damage impact and blast predictions.



Source: Extracted from <https://www.nytimes.com/video/world/africa/100000006594125/libya-airstrike-migrant.html?smid=pl-share>.

8. This crater size and profile falls within the dimensional parameters for the detonation of approximately 90kg of high explosives (TNT equivalent) at a burial depth of 1.2m (figure 15.1).

Figure 15.1
Explosive Engineers Tool Box prediction of crater size and profile



Source: Explosive Engineers Tool Box (EETB). Assumes initiation at a burial depth of 1.2m due to impact.

³³ A confidential source later reported measuring the crater as 4.2m x 2.8m.

9. This explosive mass estimate is close to the 91.4kg (TNT equivalent) explosive mass of the Mark 82 variant HE A/C bomb or a similar type. The damage levels physically observed, and the security camera imagery of the explosion, provide qualitative evidence in support of this technical estimate.

10. The Panel thus finds that an HE A/C bomb with an explosive content of approximately 90kg was almost certainly the cause of the explosion.

11. Explosives engineering analysis predicts that for an explosive device the size of an HE A/C bomb (net explosive content (NEC) of 90 kg) the blast overpressure will result in 99 per cent fatalities at a radius of up to 8.3m from the point of detonation, with permanent hearing damage expected out to a radius of 42.4m.³⁴ These figures will be reduced to a degree as the A/C bomb detonated sub surface inside a space protected by the concrete walls between the rooms in the detention centre. Fatalities and injuries from fragmentation effects would be dependent on the spatial density of the inhabitants, who would act as “fragmentation traps”.³⁵

Attribution of responsibility

12. Although various allegations as to the perpetrators of the incident have been made, the Panel notes that at a press conference in Benghazi on 3 July 2019, Ahmed al-Mismari, the HAF spokesperson, admitted that the HAF had conducted the air strikes.³⁶ He reportedly went on to say that the HAF regarded the base as a legitimate target and that the HAF had repeatedly targeted it with airstrikes and artillery. The Panel notes that no claim was made that solely HAF-owned air assets were used in the air strikes.

13. On 4 July 2019, the GNA Minister of Interior and Defence, Fathi Bashagha, claimed that the attack was conducted by the United Arab Emirates using an American manufactured F-16 jet.³⁷ He then went on to suggest that Egypt could also be complicit by allowing the UAE aircraft to refuel in Egypt.

³⁴ See C. N. Kingery and G. Bulmash, “Airblast parameters from TNT spherical air burst and hemispherical surface burst”, Technical Report ARBRL-TR-0255 (Ballistics Research Laboratory, Aberdeen Proving Ground, Maryland, United States, April 1984). Assuming peak reflected pressure surface burst.

³⁵ The Panel does not yet have sufficient information to model this aspect of the warhead’s capability with any degree of acceptable accuracy for this incident.

³⁶ <https://www.yenisafak.com/en/news/haftar-forces-admit-to-libya-migrant-camp-airstrike-3484837>. Accessed on 5 July 2019.

³⁷ <https://www.wsj.com/articles/libyas-tripoli-government-blames-u-a-e-for-deadly-airstrike-11562255129>. Accessed on 5 July 2019.

14. The Panel has established that, until now, the only night operational capability³⁸ for the delivery of explosive ordnance by the HAF was the *Wing Loong* unmanned combat air vehicle (UCAV), and possibly the IOMAX Archangel. The HAF is not operating any assets under its sole control with a night operational capability to accurately and precisely deliver HE A/C bombs of the type used in this incident. The attack on Tajura shows some of the hallmarks of the use of precision guided munitions (PGM), as the odds of two unguided ‘dumb’ aircraft bombs both hitting the roofs of buildings, in what is a relatively under developed area in terms of low spatial density infrastructure, would be very low.

15. The Panel also has independent evidence from a reliable confidential source³⁹ that an unknown number of *Mirage* 2000-9 fighter ground attack (FGA) were using Al Khadim airbase,⁴⁰ and Jufra⁴¹ as operating bases at that time. The HAF does not possess such aircraft types. A full maintenance and weapons support team would also need to be provided by the supplying Member State, as the HAF has neither the training, equipment or explosive ordnance types to support the operation of such an aircraft type. The *Mirage* 2000-9 has a fully night operational capable airframe, with the capability to also deliver PGM.

16. Therefore, the Panel finds it highly probable that the air strike was conducted using PGM at night by a modern FGA aircraft owned and operated by a Member State, acting in direct support of the HAF. The Panel reserves identification of this Member State until further physical evidence or imagery emerges to increase attribution confidence levels, and continues to investigate the circumstances of the air strikes.

Continuity of evidence

17. The Panel has concerns about the continuity of physical evidence and hence the veracity of the claims by the local health partners to OCHA as to the effects of the explosion within the DCIM detention centre.

18. Firstly, there appears to be a disparity between the damage levels observed immediately post blast from the security camera imagery (image 15.5) and those that were recorded by the media and other investigators the next day (image 15.6). The security camera footage clearly shows a determined effort to break down a door to allow the migrants to egress the building post blast. This would not have been required if the wall had been destroyed by the blast. Similarly, the security camera imagery shows an intact roof gutter line and a wall where the door is; that roof line and wall is no longer there in image 15.6. Independent investigators also report a small bulldozer working in the immediate area on their arrival, but the activity stopped during the period of their visit.

³⁸ This is the capability to accurately and precisely deliver explosive ordnance against a specific target using the avionic system paired to the airframe and weapons system, as opposed to a pilot’s judgement as to the right release point using passive night vision goggles (PNG).

³⁹ Two further confidential sources have also indicated that *Mirage* 2000-9 aircraft are now operating in Libya in support of the HAF.

⁴⁰ Centred on 31°59'59.10"N, 21°11'40.22"E. The Panel has previously reported on the development and use of Al Khadim airbase by the UAE in paragraphs 124 to. 125 and annex 35 of [S/2017/466](#), and paragraphs 111 to 113 of [S/2018/812](#).

⁴¹ Centred on 29°11'54.15"N, 16°0'4.86"E.

Image 15.5
Immediate post-blast imagery from security camera⁴²

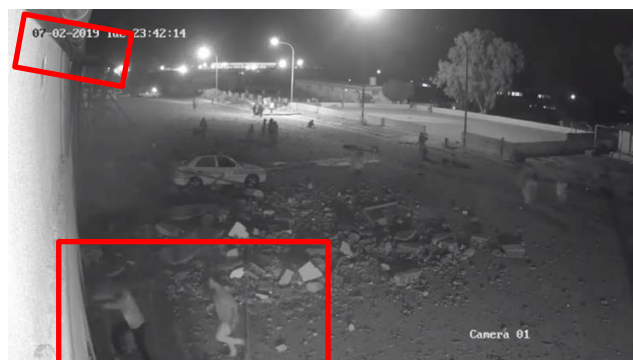


Image 15.6
Post-blast imagery from media⁴³



Sources: Source: 1) Extracted from <https://www.facebook.com/100004332917324/posts/1319048021582949?s=100024356882840&sfns=mo>. Accessed on 5 July 2019. [L]; and 2) extracted from <https://almarsad.co/en/2019/07/06/satellite-images-and-video-footage-reveal-new-facts-on-tripoli-migrants-detention-centre/>. Accessed on 6 July 2019. Verified by ground eye-witnesses that visited on 3 July 2019 [R].

19. Secondly, the opinion of an independent investigator concerning the low levels of forensic evidence vis-à-vis human remains and tissue (see earlier) are to a degree supported by the imagery. Close examination of images 15.4 shows no signs of blood splatter on the white colour walls in the immediate area of the bomb crater. This is highly unusual for the claimed number of casualties with what would have been a very high occupational spatial density at the time of the explosion.⁴⁴

20. Thirdly, the security camera video imagery shows the 10:52 minutes between the explosions, and a further 3:09 minutes imagery post explosion. No individuals were observed leaving the detention centre. In the time shown post the second explosion the rescuers had still not managed to unlock or

break down the door to gain access to the detention centre building, and no migrants or refugees had emerged from that side of the building. This evidence contrasts the claims mentioned in the OCHA humanitarian update⁴⁵ that some refugees and migrants were fired upon by guards as they tried to escape.

21. The Panel makes no findings regarding these continuity of evidence related issues, but includes them for background and to assist in any future independent investigation.

⁴² Source: Extracted from <https://www.facebook.com/100004332917324/posts/1319048021582949?s=100024356882840&sfns=mo>. Accessed on 5 July 2019.

⁴³ Source: Extracted from <https://almarsad.co/en/2019/07/06/satellite-images-and-video-footage-reveal-new-facts-on-tripoli-migrants-detention-centre/>. Accessed on 6 July 2019. Verified by ground eye-witnesses that visited on 3 July 2019

⁴⁴ The Panel estimates, based on photogrammetry and the claimed casualty levels, that each individual would have been occupying no more than 2.2m² of floorspace. That figure assumes everyone in that part of the detention centre was a fatality or injury.

Analysis of violations of IHL.

22. The Panel has initially analysed the applicable law in relation to this incident on the basis of its own independent investigations. The Panel has complied with the methodology listed at appendix C to annex 3 of this report.⁴⁶

By the HAF

23. Although it is highly probable that the airframe that delivered the explosive ordnance in this attack was operated by a Member State, those operations were almost certainly in support of the HAF against targets developed by and agreed upon with the HAF air operations organization. Thus, the HAF bears a large burden of command and operational responsibility for the attacks. The Member State supporting the HAF with the air assets used in this attack will also highly probably have violated IHL, and the Panel continues to investigate this aspect.

24. The Panel investigations demonstrated that, while it is possible that some individual fighters may have been present in the Dhaman brigade workshop and storage area, there were civilians, including children, in the detention centre at the time of the air strikes.

25. IHL requires that parties follow the IHL principle of distinction⁴⁷ and take all feasible precautions to separate civilians and military objectives. The Panel finds that although it is possible that the air strike targeted some GNA-AF fighters, the HAF and the Member State failed to respect relevant principles of IHL, including those relating to proportionality,⁴⁸ as the likelihood of excessive harm to civilians and civilian objects could have reasonably been anticipated in the circumstances because:

⁴⁵ OCHA. Humanitarian Update. *Attack on Tajura detention centre*. 3 July 2019.

⁴⁶ The Panel has had its findings confidentially and independently peer reviewed by a legally qualified expert from another Panel.

⁴⁷ See Article 50 of Additional Protocol I to the Geneva Conventions. <https://ihl-databases.icrc.org/ihl/INTRO/470>.

⁴⁸ Under IHL “*launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited*”. (Emphasis added). See CIHL Rule 14.

(1) This likelihood of excessive harm to civilians and civilian objects could have reasonably been anticipated in the circumstances because: (i) the detention centre was a civilian object *prima facie* immune from attack; (ii) the detention centre was functional on the day of the air strike; and (iii) that the timing of the attack at night would be such as to cause a disproportionately high number of civilian casualties. It is reasonable to expect that a commander ordering these air strikes should have been aware of the above factors, given that this information is readily available, and should have taken them into consideration when assessing the ‘concrete and direct military advantage’ of the air strikes.⁴⁹

(2) The Panel notes that the HAF has not provided any information that demonstrated that a significant number of those who died or injured were fighters affiliated to the GNA-AF. Instead, initial information collected by the UN and other organizations from local health partners suggest that the attack may have resulted in the deaths of at least 53 refugees and migrants, with 130 injured,⁵⁰ although this data is still being investigated by the Panel and should be viewed with caution at this time (see above).

(3) It is also relevant that one aircraft bomb detonated inside the detention centre, and not “near” the detention centre in an area the fighters affiliated to the GNA-AF may have been expected to gather.

26. IHL requires military commanders and those responsible for planning and executing decisions regarding attacks to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.⁵¹ The fact that the HAF and Member State would be aware that it was a detention centre and thus a civilian location where there would ordinarily be a congregation of civilians (see above), meant that the HAF and/or Member State should have been particularly vigilant when undertaking a proportionality assessment and making use of available precautionary measures to minimize the incidental loss of civilian life and damage to civilian property.⁵² It is also not yet clear what precautionary measures were taken, if any, by the HAF and/or

Member State, including confirmation that the detention centre was not operational, on the day of the attack. If taken the precautionary measures were ineffective.

⁴⁹ See CIHL Rule 14.

⁵⁰ In the Galic Trial Judgement (2003), the International Criminal Tribunal for Former Yugoslavia held in respect of a shelling at a football tournament that “Although the number of soldiers present at the game was significant, an attack on a crowd of approximately 200 people, including numerous children, would clearly be expected to cause incidental loss of life and injuries to civilians excessive in relation to the direct and concrete military advantage anticipated”. See <http://www.icty.org/x/cases/galic/tjug/en/gal-tj031205e.pdf>.

⁵¹ See 1) CIHL Rule 15; and 2) Article 13(1) of Additional Protocol II to the Geneva Conventions.

⁵² See commentary to CIHL Rule 14, and the United States Department of Defense Law of War Manual (2015), p.1033, which requires combatants to assess in good faith the information that is available to them, when conducting attacks.

By the GNA-AF

27. Imagery from a confidential source taken the morning after the air strike clearly shows the remains of a 4x4 'Technical' with a quad 14.5mm heavy machine gun mounted in the rear of the vehicle (image 15.7). 23 mm ammunition was also observed on the floor in the same area as the vehicle, which was located in the damaged workshop and storage area of the Dhaman brigade (image 15.8).⁵³ This evidence confirms that this particular building was a legitimate military target, but this alone does not justify offensive action against the building (see above).

Image 15.7

Destroyed Quad 14.5mm heavy machine gun



Image 15.8

Ammunition for ZSU 23-2 anti-aircraft cannon



Sources: Confidential [L] and [R].

28. IHL requires that parties follow the IHL principle of distinction and take all feasible precautions to separate civilians and military objectives.⁵⁴

⁵³ An open source released a report after the drafting of this letter that provides further evidence of the presence of weapons, ammunition and military equipment in the GNA Dhaman Brigade workshop and store. <https://almarsad.co/en/2019/07/06/satellite-images-and-video-footage-reveal-new-facts-on-tripoli-migrants-detention-centre/>. Accessed on 7 July 2019. This evidence was supported by the observations of a ground eye-witness.

⁵⁴ CIHL Rules 23 and 24.

29. IHL requires that persons deprived of their liberty be held in premises which are removed from the combat zone,⁵⁵ and that in case of displacement all possible measures be taken in order that the civilian population may be received under satisfactory conditions of safety.⁵⁶

30. The Panel finds that the GNA-AF has violated IHL by locating a DCIM detention centre within a known military compound as:

- (1) Feasible precautions were not taken to separate the civilians held in the DCIM detention centre from the wider military objective of the Dhaman military compound;
- (2) That persons deprived of their liberty and held in the DCIM detention centre were not removed from the combat zone; and
- (3) Satisfactory conditions of safety were not established.

Summary of findings

29. The Panel finds that:

- (1) The HAF deliberately planned and directed two air strikes on the Dhaman military compound on 2 July 2019 that resulted in civilian fatalities and casualties;
- (2) A Member State deliberately executed at least two air strikes, on the Dhaman military compound on 2 July 2019 that resulted in civilian fatalities and casualties;
- (3) The Panel is unconvinced that the HAF and the Member State respected principles in relation to proportionality in this incident. If precautionary measures were taken, they were largely inadequate and ineffective;⁵⁷
- (4) As the HAF had been notified of the geo-coordinates for the DCIM managed detention centres, the HAF is: 1) highly probably responsible for IHL violations regarding the failure on its part to undertake the requisite detailed assessments relating to proportionality and precautions in this attack; and 2) almost certainly responsible for failing to ensure that relevant precautions were taken to minimize the effects on civilians as a result of the air strikes;

⁵⁵ CIHL Rule 121.

⁵⁶ CIHL Rule 131.

⁵⁷ A further indicator that the IHL principles in regard to proportionality are being deliberately ignored by the HAF was the recent statement by the HAF Spokesperson, Ahmed Al-Mismari, that buildings in Tripoli with rooftop antennae would be legitimate targets for air strikes. <https://twitter.com/Lyobserver/status/1148132108109352960> and <https://www.facebook.com/HamzaAlibye/videos/2398685393743262/?s=505040097&sfns=mo>. Accessed on 8 July 2019.

- (5) Those officers of the HAF that passed the information, or who were otherwise involved in the intelligence gathering and targeting processes in relation to this incident, may also be responsible for any IHL violations to the extent of their contribution; and
- (6) The GNA violated IHL by locating a DCIM detention centre within the perimeter of a known military compound, and also by the failure to immediately evacuate the DCIM detention centre after the first air strike of 7 May 2019.

Appendix A to Annex 15: Humanitarian deconfliction – best practice⁵⁸

Background

1. The processes and mechanisms used are often referred to as *deconfliction mechanisms*, *humanitarian notification for deconfliction* or *humanitarian deconfliction*. This document will use the latter term.
2. OCHA defines deconfliction⁵⁹ as *the exchange of information and planning advisories by humanitarian actors with military actors in order to prevent or resolve conflicts between the two sets [of] objectives, remove obstacles to humanitarian action, and avoid potential hazards for humanitarian personnel*.
3. In effect, the aim should be to notify parties to the conflict of the presence of humanitarian agencies and protected facilities in order to allow those agencies to safely engage in their operational activities, or to ensure the parties are aware of the location of facilities protected by international humanitarian law (IHL). It can also contribute to the development of humanitarian space, which allows humanitarian actors to provide assistance and services according to humanitarian principles and in line with IHL.
4. There are debates as to whether the term notification should be used, as deconfliction may suggest that military permission is needed for humanitarian actors to engage in their work. That discussion will continue, but is not an issue for Libya currently, where protection has to be the priority.
5. On 3 May 2016 the Security Council adopted resolution [2286 \(2016\)](#), which covers the protection of medical facilities during conflict in accordance with IHL. On 25 May 2017 the Secretary General emphasised the recommendations in resolution [2286 \(2016\)](#),⁶⁰ in particular that parties to armed conflict should: *record[...] and map [...] the presence of personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities, and regularly update this information, including through enhanced information exchanges and real-time coordination with medical and humanitarian actors on the ground and the use of appropriate technology*.
6. Humanitarian deconfliction to the highest standards of accuracy has become essential due to the introduction of precision guided munitions (PGM) with a circular error probability (CEP)⁶¹ of less than 5m. When added to the danger area of the PGM warhead, for example 75m for a medium sized PGM, it allows a strike planning team⁶² to select targets within just over 80m of a civilian object and still argue that the principle of proportionality had been met and that appropriate precautionary measures had been taken.⁶³

⁵⁸ Extract from Panel Advisory of 2 August 2019.

⁵⁹ https://www.unocha.org/sites/unocha/files/Stay_and_Deliver.pdf.

⁶⁰ <https://news.un.org/en/story/2017/05/558172-attacks-hospitals-and-medical-staff-symptoms-grave-disregard-international-law>.

7. Although some international organizations, such as ICRC and MSF, have their own bilateral arrangements to parties to a conflict, and OCHA in Yemen have developed a sophisticated humanitarian deconfliction system to contribute to a “no-strike” list of the Saudi Arabia-led coalition, there are no international standards or guidelines. The concept is evolving as experience is gained in ongoing conflicts.

8. The use of a humanitarian deconfliction mechanism does not absolve the parties to a conflict from their obligations under IHL to: 1) protect the civilian population from the effects of armed force; and 2) protect the provision of, and access to, impartial medical assistance and humanitarian aid in non-international armed conflicts such as Libya today.

9. Although the use of a humanitarian deconfliction mechanism does not necessarily prevent the indiscriminate use of explosive ordnance, the Head of OCHA in Yemen has stated that their system is “largely effective”. It may also assist in longer-term investigations in to IHL violations and the establishment of accountability. It is fundamentally a humanitarian imperative to protect life.

Implementation of an effective humanitarian deconfliction mechanism

10. There are a range of tasks necessary to develop and then implement an effective humanitarian deconfliction mechanism (see table 15.A.1). A coordinated multi-agency approach is essential to success.

⁶¹ Circular Error Probability is a measure of a weapon system’s precision or accuracy. It is defined as the radius of a circle, centred about the mean, whose boundary is expected to include the landing points of 50 per cent of the warheads.

⁶² International best practice requires “legal sign off” before a strike is authorized by the responsible commander. This only occurs after selection of the ordnance to be used, and bomb damage impact and blast predictions.

⁶³ Under IHL “*launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited*”. (Emphasis added). See CIHLR 14.

Table 15.A.1

Development and implementation tasks

#	Activity	Remarks
1	Determine interested parties within the international community	Plus others as appropriate.
2	Engage in dialogue with parties to the conflict to introduce the concept to them.	SRSG engagement?
3	Agree lead agency	This has traditionally been OCHA.
4	Appoint individual as Humanitarian Deconfliction Co-ordinator (HDC)	- Responsible for the development, accuracy and dissemination of a consolidated no-strike list. - Should be a senior appointment due to the sensitivity of role and impact of inaccurate data. (P4/P5 equivalent). - HDC will require support to develop initial list.
5	Agree geo-coordinate system to be used	- Decimal (15.0008763N) or Long/Lat (32°50'03.3"N). - Conversion between the two can lead to "data garbling". - Long/Lat best if Google Earth Pro to be used for mapping.
6	Agree mapping system to be used	- Google Earth Pro readily available. - Essential all agencies use same system to reduce coordinate errors.
7	Develop notification list format and mapping file	- Examples at annex A. - Locations can also be plotted on Google Earth and shared via .kmz files.
8	Agencies send location details to HDC	
9	HDC develops "no strike" list	This will initially be a time-consuming process.
10	"No strike" list sent to participating agencies for review and confirmation	Agencies to confirm the accuracy of their data in the list.
11	Participating agencies confirm accuracy or amendments to "no strike" list	
12	Amended "no strike" list developed and finalised.	
13	"No strike" list disseminated to participating agencies.	Secondary checks at agency discretion.
14	"No strike" list disseminated to conflicting parties	- Wide dissemination to senior individuals in, and HQ, of both parties until a single point of contact established. "Shot gun" approach initially. - Individuals' requested to sign for" the receipt of the "no strike" list. - If no signature obtained then record the name, appointment, contact

details, and time and date handed over.

15 Repeat serials 7 to 13

- Weekly, or as major changes to list due to relocation or new establishment of “safe places”
-

Key factors

11. Key factors to consider include:

- (1) The locations of corner points of individual buildings in isolation is essential;
- (2) Large facilities such as hospitals can be boundary corner point coordinates;
- (3) A common geo-coordinate system must be agreed and used;
- (4) A common mapping system must be agreed and used;
- (5) One individual should be nominated as the HDC; and
- (6) It is essential that parties to conflict formally accept receipt of each “no strike” list.

Annex 16: Attack on Tebu communities in Murzuq (5 August 2019)

Introduction⁶⁴

1. The indiscriminate use of explosive ordnance (EO) during the air strikes that took place on the 5 August 2019 against Tebu neighbourhoods in Murzuq was indicative of a developing pattern of similar IHL violations by the HAF.

Background

2. These air strikes are as the result of heightened tensions and clashes between the Tebu ethnic group (30% of the city's population) and the Ahali community (66% Arab Fezazna and 4% Tuarag) in the Murzuq area over the last year. These clashes have allegedly included the shelling of the Ahali communities in early August 2019 by the Tebu resulting in a reported nineteen fatalities. It is assessed that the 5 August 2019 air strikes were the result of an effort by the Ahali to persuade the HAF to support them against the Tebu.

3. Tensions between the two communities exist due to: 1) Tebu resentment of past Ahali support for Gaddafi; 2) Ahali support for HAF auxiliary forces led by the Awlad Suleiman and Zwai tribes; 3) Ahali resentment towards the expansion of Tebu political and economic influence since 2011; 4) the restriction, or lack of access, of the Ahali community to the Tebu controlled local health services; 5) Ahali concerns that the Tebu are changing the demographic composition of the area; and 6) control over smuggling networks. The situation in the area is complex and fragile.

4. After the fall of Gaddafi in 2011 the Tebu took over control of the city administration, to the detriment of the Ahali community, Arab tribes, and other minority groups. In February 2019 the HAF, supported by the Arab tribes namely the Fezzan, Awlad Suleiman and Zwai tribes, besieged the city of Murzuq and temporarily took control, which effectively re-established Ahali domination for few days. After the withdrawal of the HAF in late February 2019, latent tensions escalated again as the Tebu retook control. This made the imposition of internal security within the city almost impossible, although mediation by tribal elders permitted temporary ceasefires, which were almost immediately broken shortly after. Fifteen individuals were killed during two days of violence in early June 2019 and the HAF Khaled Ibn al-Walid battalion intervened in an attempt to establish law and order. Conflict reignited after their intervention with allegedly 60 individuals being killed since the start of August

2019.⁶⁵ There is a real risk that the conflict will escalate further as the Tebu are neither internally unified nor aligned to either of the main parties to the wider armed conflict in Libya.

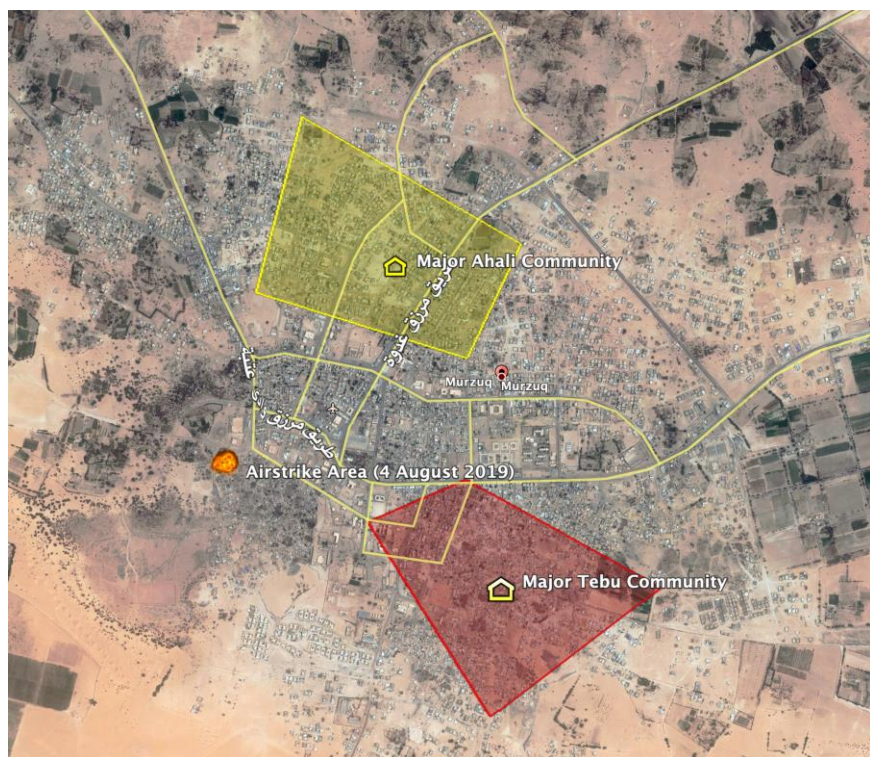
⁶⁴ Developed from a confidential source's internal report and other Panel sources.

Incident details

5. At 02:47 hours local time on 5 August 2019 four consecutive air strikes targeted Tebu neighbourhoods in Murzuq.⁶⁶ One air strike impacted very close to a civilian wedding location in Blad District (Al Qalaa neighbourhood), shortly followed by a second after first responders had attended. The Panel has not yet assessed whether this was a deliberate “double tap” attack.⁶⁷ The other two air strikes impacted in District 17. Locations are shown in image 16.1.

Image 16.1

Ethic community and EO strike area



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

⁶⁵ It is not yet clear if this data includes the casualties from the air strikes.

⁶⁶ Centred approximately on 25°54'50"N, 13°54'38"E.

⁶⁷ “Double tap” refers to a deliberate practice where there is a short delay after the first strike allowing the attendance of first responders and investigators, who are then targeted by the second strike.

Casualties

6. The initial open source reports indicated 42 fatalities and more than 60 injured. The Panel has obtained medical records from Murzuq hospital that confirms the 42 casualties (see appendix A).

Technical analysis of physical evidence and determination of EO type

7. The Panel has only obtained limited imagery (extracted from video)⁶⁸ of the air strike locations so far, but this is sufficient to confirm that the location had been subjected to high explosive attack (images 16.2 and 16.3).

Image 16.2

Damaged infrastructure with characteristics of high explosives damage



Image 16.3

Damaged infrastructure with characteristics of high explosives damage



Source: Confidential

8. There was initially only one image of a fragment from an item of explosive ordnance available to date (image 16.4) for visual analysis, but that fragment is sufficient for the Panel to identify the explosive ordnance used at that point as almost certainly a BA-7 *Blue Arrow* air to surface missile

(ASM) (image 16.5). Further imagery was made available on 29 August 2019 from a confidential source (image 16.6 and 16.7), which confirms this initial assessment. This missile type is used in Libya exclusively from the *Wing Loong II* unmanned combat air vehicle (UCAV), which are flown in operational support of the HAF by a Member State.

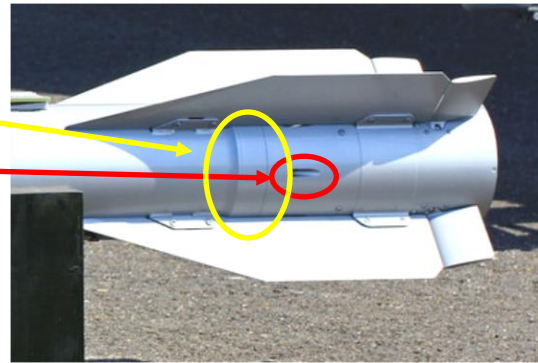
⁶⁸ <https://twitter.com/AlarabyTV/status/1158377118830514178?s=08>, 5 August 2019.

Image 16.4
EO fragment at air strike



Notes:
1. Rearward facing equally spaced bolt.
2. Reduction in fuselage diameter (identifiable after “trumpeting” due to impact).

Image 16.5
BA-7 ASM at Paris Air Show



Notes:
1. One of eight rearwards facing equally spaced bolts
2. Reduction in fuselage diameter.

Image 16.6
BA-7 fragment at air strike



Image 16.7
BA-7 fragment at air strike



Sources: Confidential and Janes' IHS. www.janes.ihs.com.

Attribution of responsibility

9. On the same day as the air strikes, the HAF spokesperson, Ahmed Al Mesmari, stated that the air operations room of the HAF had targeted the Government of National Accord (GNA) backed armed group of Hassan Musa al-Souqy (a.k.a. al-Tibaoui) (the Southern Protection Force) with aviation assets.⁶⁹ This group is probably supported by Chadian mercenaries, and there is a real risk that it will retaliate for the air strikes.

10. The Ministry of the Interior, House of Representatives and Mayoralty of Murzuq have also alleged that HAF were the perpetrators, and all three organizations have condemned the attack and either condemned UNSMIL or asked for a UN investigation (see appendix B).⁷⁰

11. Based on technical analysis and an understanding of the conflict dynamics in the area the Panel finds that the air strikes were planned and directed by the HAF, and executed by a Member State acting in their direct operational support.

Analysis of violations of IHL

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

By the HAF and Member State

13. Although it is almost certain that the airframe that delivered the explosive ordnance in this attack was a *Wing Loong II* UCAV operated by a Member State, those operations were in support of the HAF against targets developed by and agreed upon with the HAF air operations organization. Thus, the HAF bears a large burden of command and operational responsibility for the attacks. The Member State supporting the HAF with the air assets used in this attack will also highly probably have violated IHL, and the Panel continues to investigate this aspect.

14. IHL requires that parties follow the IHL principle of distinction⁷¹ and take all feasible precautions to separate civilians and military objectives. The Panel finds that the HAF and the Member State failed to respect relevant principles of IHL, including those relating to proportionality,⁷² as the likelihood of excessive harm to civilians and civilian objects could have reasonably been anticipated in the circumstances because:

- (1) the location was obviously a civilian community; and
- (2) the timing of the attack at night would be such as to cause a disproportionately high number of civilian casualties.

14. It is reasonable to expect that the HAF commander planning, directing and ordering these air strikes was aware of the above factors, given that this information is readily available, and the HAF commander should have taken them into consideration when assessing if there were any ‘concrete and direct military advantage’ to the air strikes.⁷³

15. IHL requires military commanders and those responsible for planning and executing decisions regarding attacks to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.⁷⁴ The fact that the HAF and member

⁶⁹ <https://www.youtube.com/watch?v=-Mq1uB1x3Oc&t=141s>. Accessed 7 August 2019.

⁷⁰ Official UN translations have been requested. The Panel summarizes the contents of each letter in the annex.

⁷¹ See Article 50 of Additional Protocol I to the Geneva Conventions. <https://ihl-databases.icrc.org/ihl/INTRO/470>.

⁷² Under IHL “*launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited*”. (Emphasis added). See CIHL Rule 14.

State would have been aware that this was a civilian location, where there would ordinarily be a congregation of civilians (see above), meant that they should have been particularly vigilant when undertaking a proportionality assessment and making use of available precautionary measures to minimize the incidental loss of civilian life and damage to civilian property.⁷⁵ It is also not yet clear what precautionary measures were taken, if any, by the HAF and/or Member State. If taken, then the precautionary measures were ineffective.

Summary of findings

17. The Panel finds that:

- (1) The HAF deliberately planned and directed at least one air strike, and almost certainly a further three, on a primarily Tebu area of Murzuq on 5 August 2019 that resulted in civilian fatalities and casualties;
- (2) A Member State deliberately executed at least one air strike, and almost certainly a further three, on a primarily Tebu area of Murzuq on 5 August 2019 that resulted in civilian fatalities and casualties;
- (3) The Panel is unconvinced that the HAF and the Member State, and their respective commanders, respected principles in relation to proportionality in this incident. If precautionary measures were taken, they were largely inadequate and ineffective; and
- (4) Any individuals that passed the information, or who were otherwise involved in the intelligence gathering and targeting processes in relation to this incident, may also be responsible for any IHL violations to the extent of their command responsibility.

⁷³ See CIHL Rule 14.

⁷⁴ See 1) CIHL Rule 15; and 2) Article 13(1) of Additional Protocol II to the Geneva Conventions.

⁷⁵ See commentary to CIHL Rule 14, and the United States Department of Defense Law of War Manual (2015), p.1033, which requires combatants to assess in good faith the information that is available to them, when conducting attacks.

Appendix A to Annex 16: List of fatalities from Murzuq hospital

Image A.16.1

Murzuq Hospital list of fatalities

التاريخ: 7 8 2019
الرقم الإشاري:



دولة ليبيا
وزارة الصحة
مستشفى مرزق العام

قائمة الوفيات التي وصلت إلى مستشفى مرزق العام
يوم الأحد 2019/8/5 ف نتيجة قصف الطيران

العمر	الاسم	ت
33	أدم أوغني وشة	1
46	فرج محمود دركلت	2
34	عيسى صالح درشوه	3
20	رجب رمضان وردكو	4
19	شعبان سعيد لامين طاهر	5
31	عيسى بركة آدم عثمان	6
28	محمد سوقي حسن	7
17	ونيس سيدى شدة	8
38	جبريل يوسف قدنو	9
35	رمضان بركة صالح	10
20	حسن بركة حسن	11
20	أحمد قدي حسن	12
25	عبد السلام محمود دركلت	13
30	السنوسي تادري حسن	14
19	ابوبكر علي ماي	15
21	عادل صالح بركة	16
23	رمضان صالح بركة	17
19	أسامة محمد يوسف	18
25	محمد اللاشي توشي	19
16	نورالدين محمد علي	20
24	عبد السلام طاهر قدي	21
27	رمضان بركة حسن	22
32	يوسف محمد كوكي	23
31	عبد الرحمن رمضان موسى	24
34	جمعة علي كورمي	25
30	محمد أحمد كوري سيدي	26
46	أحمد توكة حسن أرزي	27
21	ناصر ابوبكر كوري	28
16	بشير رجب آدم	29
22	عبد الحكيم آدم ملغي	30

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التاريخ: 2019 / 8 / 7
الرقم الإشاري:



دولة ليبيا
وزارة الصحة
مستشفى مرزق العام

16	بشير أرزي الأمين	31
20	أحمد رجب إجي	32
29	عبد القادر بوبكر بابي	33
24	سعد كوكي صديق	34
27	عبد الرزاق محمد آدم	35
51	عبد الرحمن مالوما آدم	36
18	أحمد هلال عادل	37
16	سند علي بركة	38
26	بلقاسم طاهر السنوسي	39
19	مصطفى علي ابوبكر	40
23	محمد عبد الله بوعلي	41
29	حسين إبراهيم وردكو	42

ملحوظة: هذا الكشف مبدئي قابل للإضافة والتعديل.

يعتمد
مكتب الشؤون الطبية بالمستشفى

2019/8/7



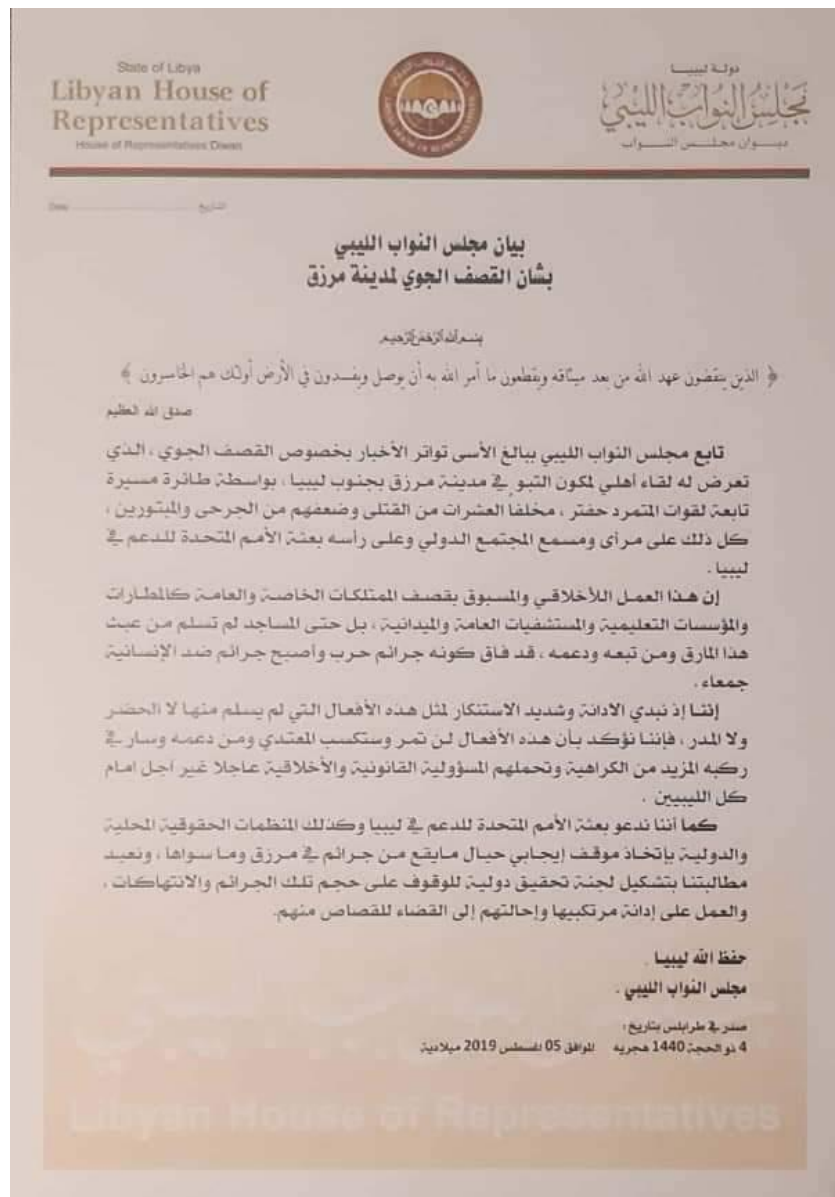
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Source: Confidential

Appendix B to Annex 16: Official Libyan statements

Image B.16.1

Statement of House of Representatives



PANEL SUMMARY

This document denounces the air strikes, the silence of the UN, and calls on UNSMIL and the international human rights NGOs to take action (although it is not specific on what type of action it expects).

Image B.16.2
Statement of Ministry of Interior

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



دولة ليبيا
حكومة الوفاق الوطني
وزارة الداخلية
مكتب الوزير

بيان وزارة الداخلية بحكومة الوفاق الوطني بشأن القصف العشوائي الذي تعرضت له مدينة مرزق

تدين وزارة الداخلية بحكومة الوفاق الوطني وتستنكر بأشد العبارات القصف الجوي العشوائي الذي تعرضت له مدينة مرزق "حي القلعة السكني"، مساء يوم أمس الأحد الموافق 4 أغسطس 2019م، والذي راح ضحيته عشرات القتلى والجرحى المدنيين، مؤكدة بأن المجرم الذي قام بهذا العمل الجبان سينال جزاءه جراء هذه الهجمة الوحشية التي قام بها المجرم حفتر والتي تعتبر من جرائم الحرب، وأن هذه الأعمال تؤكد على وحشية هذا الهجوم الذي لا مبرر له سوى ترهيب وقتل الأمنيين.

وتدعو وزارة الداخلية المجتمع الدولي بكافة مكوناته، وبعثة الأمم المتحدة إلى تحمل مسؤولياتهم عن هذه الأعمال الوحشية التي تقوم بها المجموعات المسلحة الخارجة عن الشرعية، وإجراء تحقيق في جرائم الحرب التي يرتكبها حفتر وأتباعه ليتم تقديم ومحاسبة مرتكبيها والواقفين وراءها.

كما تدعو الوزارة حكماء ومشائخ المنطقة إلى الحوار والإحتكام لصوت العقل ونبذ العنف والخروج بالمنطقة من هذا النفق المظلم وألا يبقوا أسرى لأحقاد الماضي.

وتتقدم الوزارة بأحر التعازي للأسر التي فقدت أقرباءها، داعية الله عز وجل أن يتقبلهم بواسع رحمته وأن يلهم أهلهم وذوئهم جميل الصبر والسلوان، وأن يعجل بالشفاء للجرحى والمصابين، مؤكدة بأن مثل هذه الأعمال لا يمكن أن يقوم بها شخص يحمل ذرة إنسانية.



حفظ الله ليبيا وشعبها

وزارة الداخلية
حكومة الوفاق الوطني

صدر في 2019/8/5م

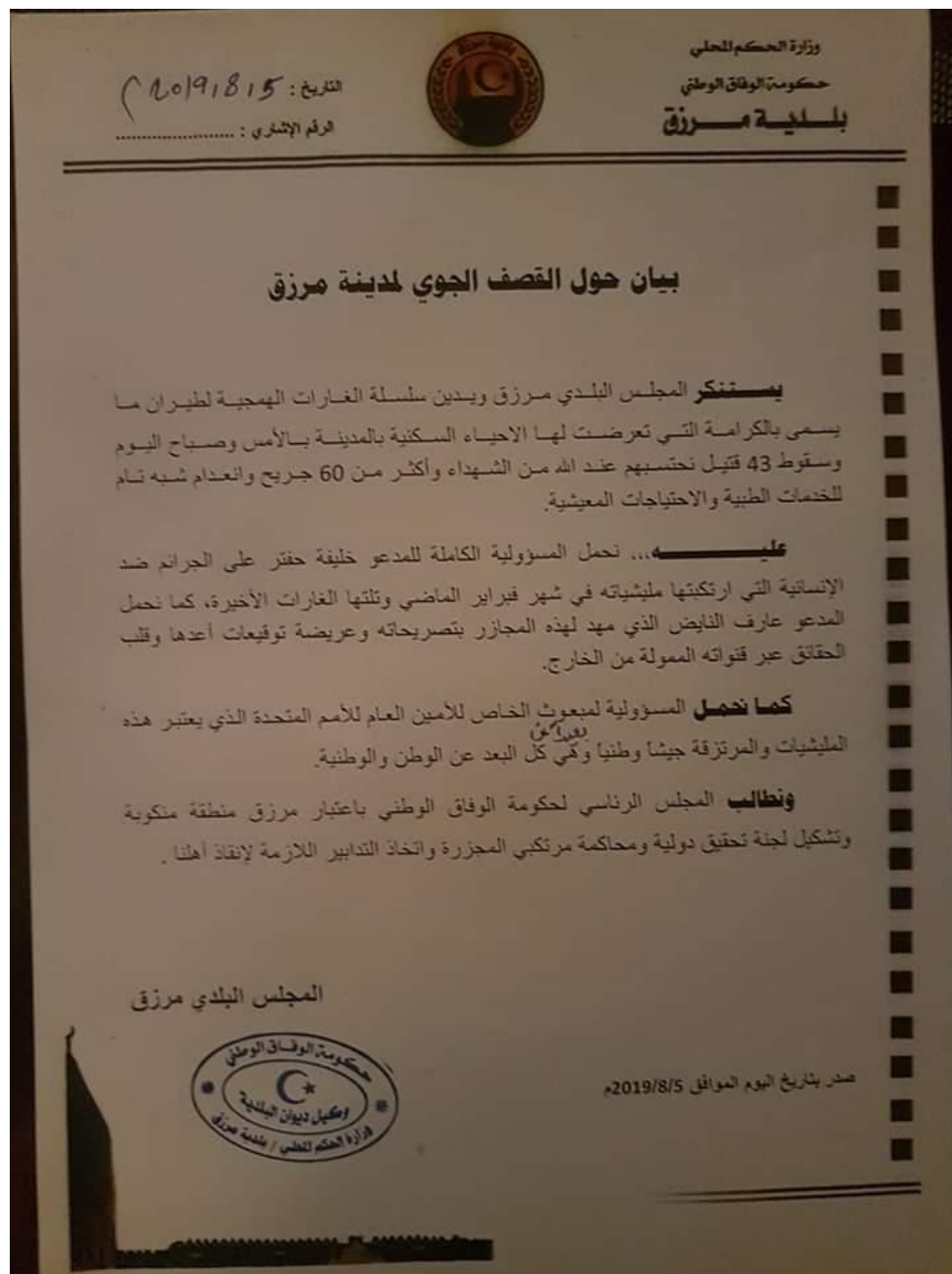
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+218 21 480 3783-84

PANEL SUMMARY

This document denounces the raid (naming the location as the Al Kalaa neighbourhood), requests dialogue between the elders to reduce tensions and calls for a UN investigation into the “war crime”.

Image B.16.3
Statement of Mayoralty of Murzuq



PANEL SUMMARY

This document denounces the attack, states casualties of 43 dead and 60 injured, and accuses the HAF. It also holds the SRSG, Ghassan Salame, responsible as they allege he considers “Haftar’s militia as an army”.

Annex 17: Attack on Zuwarah airport (15/16 August 2019)

Incident details

1. The HAF air force attacked Zuwarah international airport⁷⁶ with air delivered explosive ordnance (EO) at 07:09 hours (local time) on 15 August and at 07:30 hours (local time) on 16 August 2019,⁷⁷ reportedly delivered by a Sukhoi SU-22 fighter ground attack (FGA) aircraft. On 15 August 2019 the HAF spokesperson, Ahmad al-Mismari stated that they had targeted the airport as it was being used as base for Turkish unmanned aerial vehicles (UAV).⁷⁸ In his statement he claimed that the strikes had avoided the runway (see later). The airport was closed until 18 August 2019, and all air operations suspended until the runway had being repaired.

2. UNSMIL deployed an inspection team to the airport on 17 August 2019, and much of the information contained in this annex is from that visit. UNSMIL determined the following damage (also see figure 17.1):

Table 17.1
Damage to Zuwarah international airport from EO impact

<i>Air strike date</i>	<i>Impact point</i>	<i>Geo-coordinates</i>	<i>Damage</i> ^a
15 Aug 2019	Runway 06/24 (NE)	32°57'20.6"N, 12°01'17.2"E	▪ Crater
15 Aug 2019	Off edge of Runway 06/24 (NE)	32°57'19.6"N, 12°01'18.9"E	▪ Crater (1.6m)
15 Aug 2019	Off edge of Runway 06/24 (NE)	32°57'19.6"N, 12°01'18.5"E	▪ Crater (1.0m)
15 Aug 2019	Off edge of Runway 06/24 (NE)	32°57'29.5"N, 12°01'17.3"E	▪ Crater (1.4m)
16 Aug 2019	Building under construction for new fire station	32°57'01.6"N, 12°01'05.7"E	▪ Virtually no damage to building ▪ Pre-fabricated guard building severely damaged
16 Aug 2019	Guard building	32°57'01.8"N, 12°01'06.1"E	▪ Three civilian vehicles damaged ▪ One military vehicle damaged

^a Crater dimensions are for diameter in m.

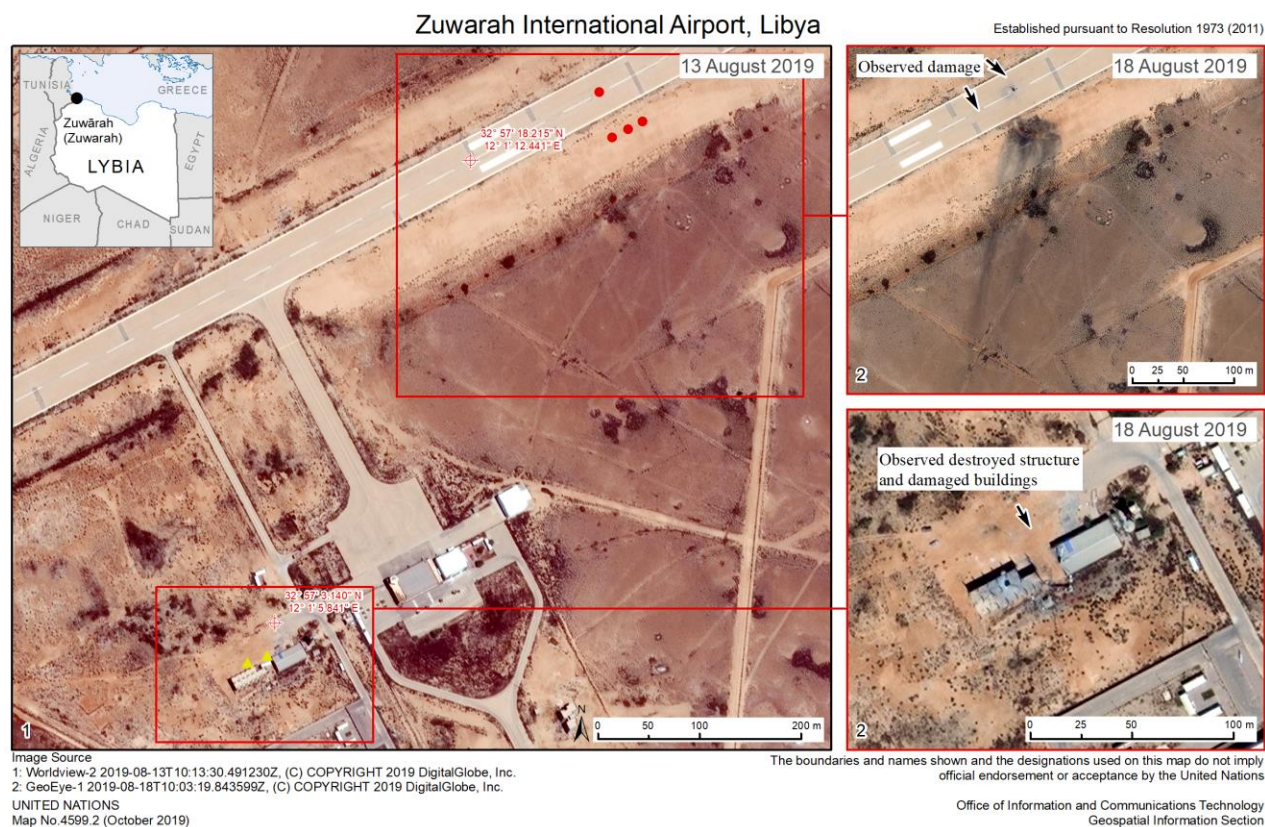
⁷⁶ Centred on 32°57' 22.22"N, 12° 01' 23.61"E.

⁷⁷ UNSMIL information.

⁷⁸ <https://twitter.com/spoxlna/status/1161997777917947904>, 15 August 2019. Accessed 25 August 2019.

Figure 17.1

Location of EO impact points at Zuwarah international airport (15 and 16 August 2019)



Technical analysis of physical evidence and determination of EO type

3. The UNSMIL inspection team measured the crater to the side of the runway as 1.0m, 1.4m and 1.6m.

4. Initial reports were that RBK cluster bomb units (CBU) were the EO used for the strike. The Panel supports this reporting based on:

(1) One recovered fragment (figures 17.2 and 17.3) has a virtually identical profile, shape and approximate dimensions (400mm v 450mm) as that of the nose of an RBK-500 CBU (example at figure 17.4).

(2) Other recovered fragments (figures 17.5 and 17.6) have the same shape and approximate dimensions (30cm v 25cm) as the ZAB-2.5M incendiary bomblet dispensed by the RBK-500 CBU (example at figure 17.7), which contains 117 bomblets.

Figure 17.2

Recovered fragment ^a

Figure 17.3

Recovered fragment ^b

Figure 17.4

RBK-500 CBU ^c

Figure 17.5

Recovered fragments ^d

Figure 17.6

Recovered fragment ^e

Figure 17.7

RBK-500 CBU ^f^a UNSMIL.^b UNSMIL. (Image rotated for comparative effect).^c UNMAS Libya.^d UNSMIL.^e Ibid^f UNMAS Libya

5. It is highly likely that the crater damage was due to the impact of CBUs that had not dispensed their bomblets during flight. This could be due to either: 1) a failure within the expulsion system within the CBU itself; or 2) the delivery aircraft attack profile was too fast and at too low level to allow correct functioning of the expulsion unit.

6. The RBK-500 CBU is one of the ordnance types that are ballistically paired to be delivered from a SU-22 FGA, has been seen in Libya before and is known to be in the possession of the HAF air force.

Casualties

7. The airport manager reported that there were two casualties from the air strike on 16 August 2019 among the guards from GNA-AF 105 battalion.

Attribution of responsibility

8. HAF has taken responsibility for this air strike.

Analysis of violations of IHL

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

By the HAF

10. The Panel is unconvinced of the veracity of the HAF claim that they conducted air strikes against the airport due to UCAV usage as:

- (1) The only hanger large enough to store or hide a UCAV was untouched and over 280m from the buildings damaged;
- (2) The buildings damaged were not large enough to store or hide a UCAV in; and
- (3) It is not logical to hit one end of the runway, as the UCAV have short take-off profiles and could easily use the rest of the runway.

11. The airframe that delivered the explosive ordnance in this attack is known by the Panel to be operational with the HAF, and the HAF air operations centre almost certainly planned, directed and ordered these attacks. The HAF thus bears the command and operational responsibility for these attacks.

12. IHL requires that parties follow the IHL principle of distinction⁷⁹ and take all feasible precautions to distinguish between civilian objects and military objectives. The Panel finds that the civilian airport was a civilian object and not a legitimate military objective at that time, and thus the HAF failed to respect relevant principles of IHL, including those relating to proportionality,⁸⁰ as the likelihood of excessive harm to civilian objects could have reasonably been anticipated in the circumstances as the HAF air operations organization must have been aware of the status of the location as a civilian international airport.

⁷⁹ CIHL Rule 7 – The Principle of Distinction between Civilian Objects and Military Objectives.

⁸⁰ Under IHL “launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects,

13. It is reasonable to expect that the HAF commander planning, directing and ordering these air strikes was aware of the civilian status of the airport, given that this information is readily available, and the HAF commander should have taken this into consideration when assessing if there were any ‘concrete and direct military advantage’ to the air strikes.⁸¹

14. IHL requires military commanders and those responsible for planning and executing decisions regarding attacks to take all feasible precautions to avoid, and in any event to minimize (...) damage to civilian objects.⁸² The fact that the HAF were aware that this was a civilian location, where there would ordinarily be a congregation of civilians (see above), meant that they should have been particularly vigilant when undertaking a proportionality assessment and making use of available precautionary measures to minimize the incidental loss of civilian life and damage to civilian property.⁸³ It is also not yet clear what precautionary measures were taken, if any, by the HAF and/or Member State. If taken, then the precautionary measures were ineffective.

Panel findings

15. The Panel finds that by attacking Zuwarah international airport at that time that the HAF were in violation of CIHL Rule 7 - The Principle of Distinction between Civilian Objects and Military Objectives,⁸⁴ CIHL Rule 14 – Proportionality in Attack⁸⁵ and CIHL Rule 15 – Principle of Precautions in Attack.⁸⁶

or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited”. (Emphasis added). See CIHL Rule 14.

⁸¹ See CIHL Rule 14.

⁸² See 1) CIHL Rule 15; and 2) Article 13(1) of Additional Protocol II to the Geneva Conventions.

⁸³ See commentary to CIHL Rule 14, and the United States Department of Defense Law of War Manual (2015), p.1033, which requires combatants to assess in good faith the information that is available to them, when conducting attacks.

⁸⁴ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule7.

⁸⁵ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule14.

⁸⁶ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule15.

Annex 18: Attack on Mitiga airport (6 September 2019)⁸⁷

Incident details

1. At approximately 03:30 hours (local) on 6 September 2019, one item of explosive ordnance (EO) detonated on the perimeter wall north area of the airport and the other two EO impacted in the sea. This was followed at 04:45 hours (local) by the detonation of three more items of EO on the runway⁸⁸ and two taxiways⁸⁹ (see figure 18.1).

Figure 18.1

Location of EO impact points at Mitiga airport (6 September 2019)



Source: Base image from Google Earth Pro, 23 July 2019.

⁸⁷ Information from UNSMIL supported by multiple media sources.

⁸⁸ EO 1 at 32°53'59.61"N, 13°16'32.57"E.

⁸⁹ EO 2 at 32°53'38.43"N, 13°16'9.91"E, and EO 3 at 32°53'44.18"N, 13°16'54.95"E.

2. This attack was the latest in a series of attacks against Mitiga airport using land service ammunition⁹⁰ since the conflict started on 4 April 2019. UNSMIL has numerous attacks during the current conflict additional to HAF air strikes.⁹¹

3. UNSMIL deployed an inspection team to the airport on 6 September 2019, and determined the damage reported at table 18.1. The UNSMIL technical assessment of the impact areas was assisted by the fact that no physical forensic evidence prior had been removed prior to their visit.

Table 18.1

Damage to Mitiga airport from EO impact (6 September 2019)

<i>Impact point</i>	<i>Impact point</i>	<i>Geo-coordinates</i>	<i>Damage</i> ^a
1	Aircraft parking apron	32°53'59.61"N, 13°16'32.57"E	▪ Minor crater in aircraft pan (2.08m x 1.49m). ▪ Remnants of 122mm free flight rocket (FFR) main body in crater at 30° angle of entry.
2	Taxiway	32°53'38.43"N, 13°16'9.91"E	▪ Tail unit of 9M22U 122mm FFR in tarmac.
3	Taxiway	32°53'44.18"N, 13°16'54.95"E	▪ Minor damage. ▪ Fragmentation probably from a 122mm FFR.

^a As reported by UNSMIL.

Technical analysis of physical evidence and determination of EO type

5. At impact point 1, the dimensions of the crater (2.08m x 1.49m) and the distinctive “splatter” pattern identified by UNSMIL technical specialists on the ground at the aircraft parking pan are highly indicative of the impact detonation of an indirect fire weapon system, in this case a 122mm FFR (figure 18.2). The direction of fire was identified from this splatter pattern as being along a bearing of 180° (+/- 15°). The 30° angle of entry indicates that the rocket was fired at near maximum range.

6. The tail unit of a 9M22U 122mm FFR was positively identified by the UNSMIL ammunition specialist at the scene of impact point 2, whereas there was little useful fragmentation for identification purposes at impact point 3.

⁹⁰ Using ground based weapons systems as opposed to the HAF air strikes.

⁹¹ Covered in annex 13.

Figure 18.2
Crater at impact point 1 (6 September 2019)



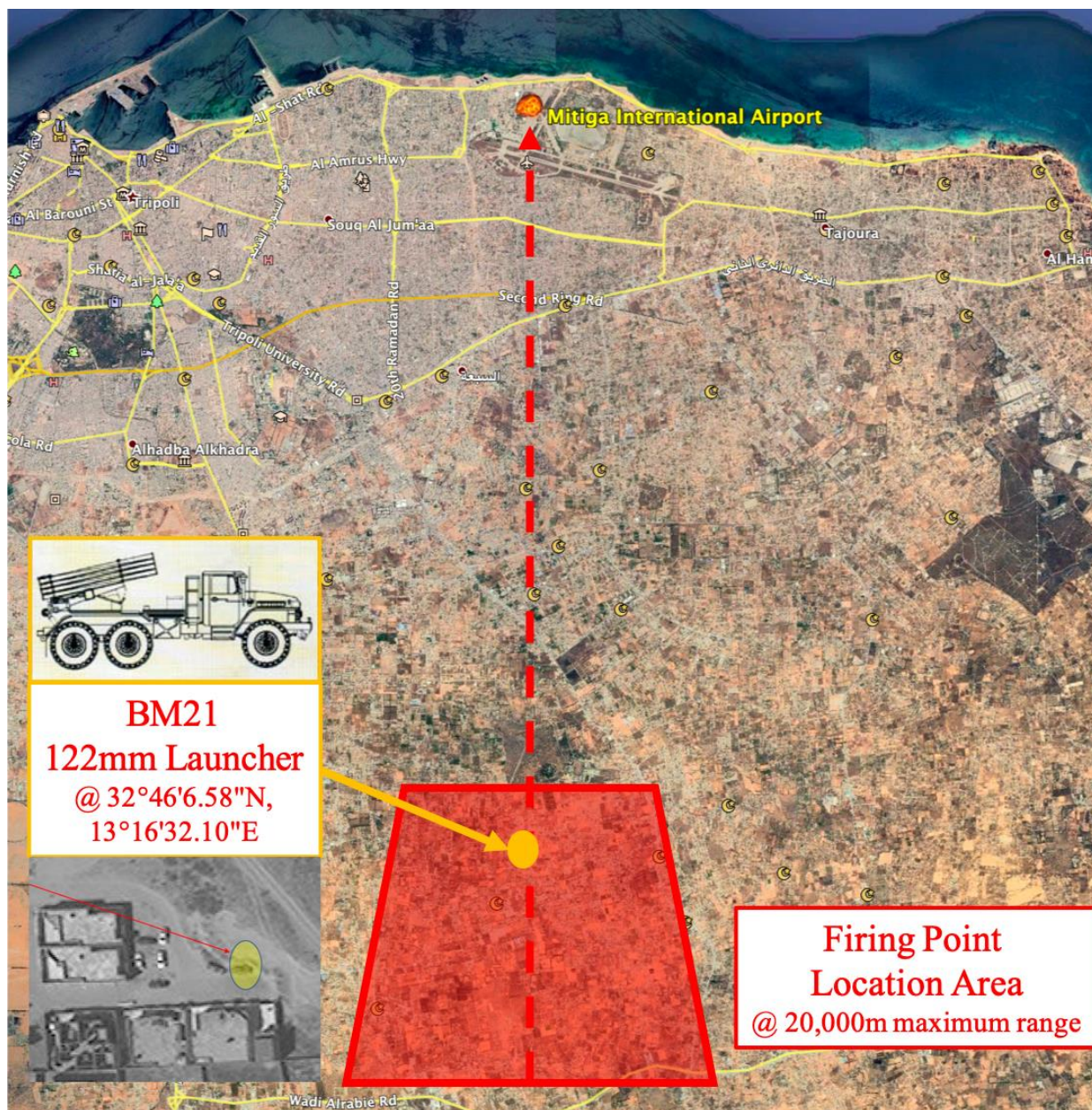
Source: Base image from Google Earth Pro, 23 July 2019.

7. The standard 9M22U 122mm FFR (often referred to as the “Grad”) is fired from the BM21 multi-barrel rocket launcher (MBRL) to a maximum range of 20,380m. From this, and the analysis of the crater dimensions and “splatter” pattern, the Panel finds it almost certain that the explosive ordnance was firing from a location along an approximate back bearing of 180° ($\pm 15^{\circ}$) using a centre line between the impact points as shown in figure 18.3. The location area has previously been identified as one in which the BM21 MBRL system has been based and operated from.

8. A confidential source provided information and satellite imagery of the launcher location for this attack being at 32°41'52.45"N, 13°18'30.59"E (also see figure 18.3).

Figure 18.3

Location of firing point (6 September 2019)



Source: Base image from Google Earth Pro, 23 July 2019. BM21 location is from confidential satellite imagery.

Subsequent attacks

18. A further FFR strike against the airport took place at 23:49 hours on 9 September 2019. One 9M22U 122mm FFR impacted in the proximity of the control tower and the other next the Air Afriqiyah hanger.

Figure 18.4
Mitiga airport under attack (9 September 2019)



Figure 18.5
Impact damage (9 September 2019)



Source: Confidential.

GNA-AF response

8. As part of the “drone propaganda war” the GNA-AF released heavily edited video imagery of a UCAV strike against a BM21 MBRL on 8 September 2019 that the GNA-AF alleged had been used in the attacks on Mitiga. The Panel geo-located the position of the BM21 MBRL⁹² and established it was 23,120m from the impact point of the 6 September 2019 attacks. Therefore it could not have initiated the attack against Mitiga on 6 September 2019 from this particular location as it would have been outside the maximum range of the system (see figures 18.6 and 18.7). Notwithstanding that, the GNA-AF strike against this particular BM21 MBRL raises potential IHL concerns.

⁹² 32°41'52.45"N, 13°18'30.59"E.

Figure 18.6

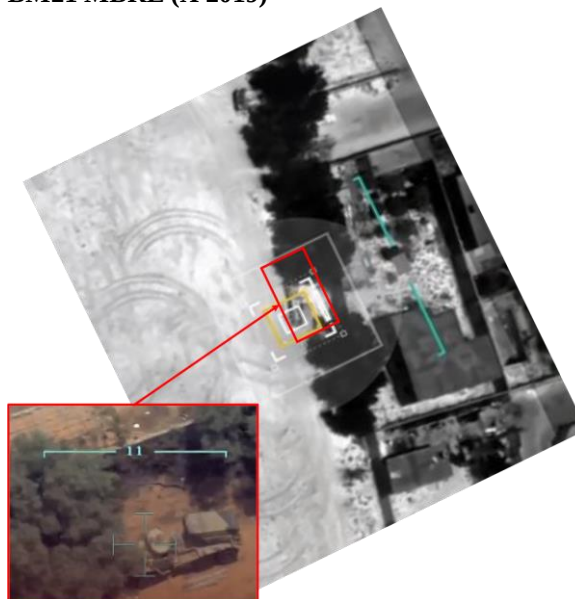
Location of BM21 MBRL (10 July 2019)



Source: Google Earth Pro (10 July 2019)

Figure 18.7

GNA-AF imagery of UCAV strike against BM21 MBRL (X 2019)



Source: Extract from video (2.21 to 2.40min) at https://www.youtube.com/watch?v=d65m6F-r_AY&feature=youtu.be (Imagery orientated to face north).

9. Although imagery of the UCAV strike was almost certainly released for internal propaganda reasons, it illustrates an operational limitation of the Turkish supplied and operated *Bayraktar* TB2 UCAV. This UCAV is limited in the quantity and size of explosive ordnance that it can deliver, and thus the amount of net explosive mass that can be delivered onto a target. In this case, although the precision guided munition destroyed the BM21 MBRL, there was insufficient explosive mass to ensure total destruction of the payload of 9M22U 122mm FFRs. After the initial explosion (see figure 18.8) at least three 9M22U 122mm FFR were launched ballistically (see figures 18.9 and 18.10) as a result of this initial explosion. On launch the missiles were subjected to the forces of firing, as in a planned launch, and thus the fuzing systems would have been armed as designed. These rockets would then fly in a ballistically stable profile, then impact and detonate indiscriminately within the surrounding civilian area. Although the maximum range of the system is 20,380m, it is much more likely that the missiles would land and detonate at lesser ranges.

Figure 18.8
UCAV initial missile strike on BM21 MBRL



Source: Extracted from video at https://www.youtube.com/watch?v=d65m6F-r_AY&feature=youtu.be, (@ 2.31 min).

Figure 18.9
Resultant uncommanded 9M22U 122mm FFR launch BM21 MBRL (3 seconds after strike)



Source: Extracted from video at https://www.youtube.com/watch?v=d65m6F-r_AY&feature=youtu.be, (@ 2.34 min).

Figure 18.10
Resultant uncommanded 9M22U 122mm FFR launch BM21 MBRL (10 seconds after strike)



Source: Extracted from video at https://www.youtube.com/watch?v=d65m6F-r_AY&feature=youtu.be, (@ 2.41 min).

Casualties

10. None reported.

Attribution of responsibility

11. Although the 122mm BM21 MBRL is ubiquitous in Libya the location of the firing point area makes it certain the HAF was responsible for this attack. The following HAF units were known to be in vicinity of the launch area at the time:⁹³

- (1) 9th brigade (formerly the 7th brigade, a.k.a. the Kanyat);
- (2) 155th brigade;
- (3) 192nd brigade; and
- (4) Tariq bin Ziyad battalion.

Analysis of violations and potential violations of IHL

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

By the HAF affiliated armed group

13. The use of FFR in the indirect fire role against populated areas is a violation of IHL no matter the circumstances. Many factors affect the accuracy⁹⁴ and precision⁹⁵ of an indirect fire weapon system, including meteorological conditions, the suspension system of the launcher, knowledge of the ballistic trajectories for differing ranges, the condition of the rocket motor propellant, accuracy of sighting system, and the professionalism of the crew. All these require substantial modelling, field testing, statistical analysis of fall of shot under known conditions, and training. From this a Circular Error Probability (CEP)⁹⁶ can be derived. For the BM21 MBRL firing the 9M22U 122mm FFR at a range of

nearly 20km the CEP and variables mean that a deflection error of 160m either side of the target and a range error of 300m would not be untypical.⁹⁷

14. IHL requires that parties follow the IHL principle of distinction⁹⁸ and take all feasible precautions to distinguish between civilian objects and military objectives. The Panel finds that the

⁹³ Confidential source.

⁹⁴ The ability to hit a designated target.

⁹⁵ The ability to hit the designated target consistently.

⁹⁶ The CEP is the radius of a circle around a mean point of impact in which over 50% of the rounds fired will impact. A large CEP indicates the level of precision of the weapons system.

impact areas at the civilian airport were civilian objects and not legitimate military objectives at that time, and thus HAF failed to respect relevant principles of IHL, including those relating to proportionality,⁹⁹ as the likelihood of excessive harm to civilian objects could have reasonably been anticipated in the circumstances as the HAF were certainly aware of the status of the location as a civilian international airport.

15. It is reasonable to expect that the HAF commander planning, directing and ordering this attack was aware of the civilian status of this part of the airport, given that this information is readily available, and the HAF commander should have taken this into consideration when assessing if there were any ‘concrete and direct military advantage’ to the attack.¹⁰⁰

16. IHL also requires military commanders and those responsible for planning and executing decisions regarding attacks to take all feasible precautions to avoid, and in any event to minimize (...) damage to civilian objects.¹⁰¹ The fact that the HAF were aware that this was a civilian location, where there would ordinarily be civilians working shifts, meant that they should have been particularly vigilant when undertaking a proportionality assessment and making use of available precautionary measures to minimize the incidental loss of civilian life and damage to civilian property.¹⁰² It is also not yet clear what precautionary measures were taken, if any, by the HAF. If taken, then the precautionary measures were ineffective.

⁹⁷ GICHD. February 2017. *Explosive Weapon Effects*. pp32-33. (ISBN: 978-2-940369-61-4). Geneva: GICHD.

⁹⁸ CIHL Rule 7 – The Principle of Distinction between Civilian Objects and Military Objectives.

⁹⁹ Under IHL “*launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited*”. (Emphasis added). See CIHL Rule 14.

¹⁰⁰ See CIHL Rule 14.

¹⁰¹ See 1) CIHL Rule 15; and 2) Article 13(1) of Additional Protocol II to the Geneva Conventions.

¹⁰² See commentary to CIHL Rule 14, and the United States Department of Defense Law of War Manual (2015), p.1033, which requires combatants to assess in good faith the information that is available to them, when conducting attacks.

Potentially by the GNA-AF

17. IHL requires military commanders and those responsible for planning and executing decisions regarding attacks to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.¹⁰³

18. If the uncommanded launches of 9M22U 122mm FFRs as a result of the *Bayraktar* TB2 UCAV strike against the BM21 MBRL was an isolated incident (paragraphs 8 and 9), then it could not have been “reasonably foreseen” by the GNA-AF and is thus not a violation of IHL.

19. However, if uncommanded launches of 9M22U 122mm FFRs are a frequent or routine occurrence whenever BM21 MBRL are attacked by the precision guided munitions from a *Bayraktar* TB2 UCAV, then the situation could be “reasonably foreseen”. The impact of the 9M22U 122mm FFRs would then be considered as indiscriminate, and routine violations of IHL would be occurring.

Panel findings

20. The Panel finds that by attacking the civilian area of Mitiga airport at that time that a HAF was in violation of CIHL Rule 7 - The Principle of Distinction between Civilian Objects and Military Objectives,¹⁰⁴ CIHL Rule 14 – Proportionality in Attack¹⁰⁵ and CIHL Rule 15 – Principle of Precautions in Attack.¹⁰⁶

¹⁰³ See Article 13(1) of Additional Protocol II to the Geneva Conventions and CIHL Rule 15.

¹⁰⁴ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule7.

¹⁰⁵ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule14.

¹⁰⁶ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule15.

Annex 19: List of DCIM detention centres

Table 19.1

List of DCIM detention centres as of 20 October 2019

<i>Region</i>	<i>Area</i>	<i>Detention centre</i>	<i>Status</i>	<i># Detainees</i>
West	Tripoli	Ain Zara	Non Operational	0
West	Tripoli	Qasr bin Ghashir	Non Operational	0
West	Tripoli	Gharyan	Non Operational	0
West	Tripoli	Zintan	Operational	Unavailable
West	Tripoli	Zliten	Operational	Unavailable
West	Tripoli	Tajura	Operational ¹⁰⁷	200
West	Misrata	Misrata (Karareem)	Non Operational	203
West	Zuwarah	Zuwarah	Operational	278
West	Zawiya	Abu Isa	Operational	105
West	Tripoli	Abu Salim	Operational	677
West	Tripoli	Elsabaa	Operational	516
West	Tripoli	Janzour (Subsidiary DC)	Operational	72
West	Sabratha	Sabratha	Operational	50
West	Zawiya	Shohada' Nasr	Operational	1229
West	Sirte	Sirte	Operational	106
West	Khoms	Suq al Khamis	Operational	191
West	Tripoli	Tariq al Sikka	Operational	257
South	Sebha	Sebha	Operational	Unavailable
South	Sebha	Brak al Shati	Operational	Unavailable
East	Tobruk	Tobruk	Operational	22
East	Benghazi	Ganfouda	Operational	222
East	Bayda	Baya	Operational	16
East	Ajdabiya	Ajdabiya	Operational	Unavailable
East	Shahat	Shahat	Operational	40
East	Kufra	Kufra	Operational	150

Source: Confidential.

¹⁰⁷ Of the three DC ordered closed by the GNA Ministry of Interior on 1 August 2019, the Tajura facility continues to house detainees. There are two DC in Khoms. Khoms "One" DC is not listed as it was previously ordered closed in addition to the 1 August 2019 order, and is confirmed as closed. The Misrata DC is also confirmed closed.

Annex 20: Ministry of Interior statement on DC closures

Figure 20.1

Ministry of Interior statement of 1 August 2019

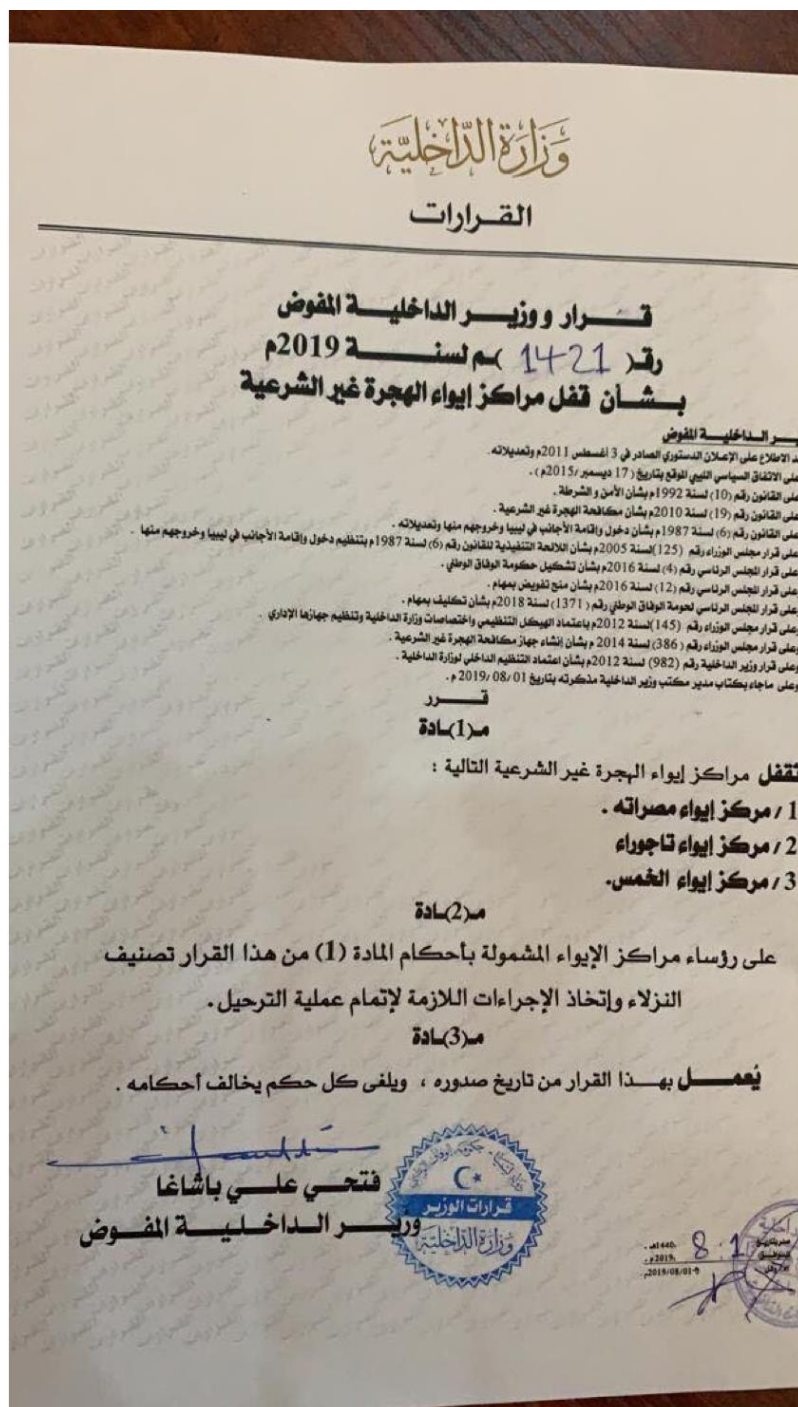


Figure 20.2

Official translation

Issued on 1 August 2019

Ministry of the Interior Decisions

**Decision of the Acting Minister of the Interior
No. 1421 (2019) concerning the closure of illegal migrant shelters**

The Acting Minister of the Interior,

Having reviewed the Constitutional Declaration of 3 August 2011 and its amendments;

The Libyan Political Agreement, which was signed on 17 December 2015;

Act No. 10 (1992) on security and police;

Act No. 19 (2010) on countering illegal migration;

Act No. 6 (1987) on the entry into, residency in and exit from Libya of aliens, and its amendments;

Cabinet Decision No. 125 (2015) regarding the implementing regulation for Act No. 6 (1987) on the entry into, residency in and exit from Libya of aliens, and its amendments;

Presidential Council Decision No. 4 (2016) on the formation of the Government of National Accord;

Presidential Council Decision No. 12 (2016) on the delegation of authority in relation to mandates;

Government of National Accord Presidential Council Decision No. 1371 (2018) on mandates;

Cabinet Decision No. 145 (2012) adopting the organizational structure and the competencies of the Ministry of the Interior and organizing its administrative apparatus;

Cabinet Decision No. 386 (2014) on the establishment of the Department for Combating Illegal Migration;

Minister of the Interior Decision No. 982 (2012) on the adoption of the internal organization of the Ministry of the Interior;

The letter dated 10 August 2019 from the Chief of Staff of the Minister of the Interior;

Decides

Article 1

The following illegal migrant shelters shall be closed: 1. The Misratah shelter;
2. The Tajura' shelter;
3. The Khums shelter.

Article 2

The directors of the shelters covered by article 1 of the present decision shall categorize residents and take appropriate measure to carry out deportation.

Article 3

The present decision shall enter into force on the date of its issuance. All provisions that contravene its provisions are rescinded.

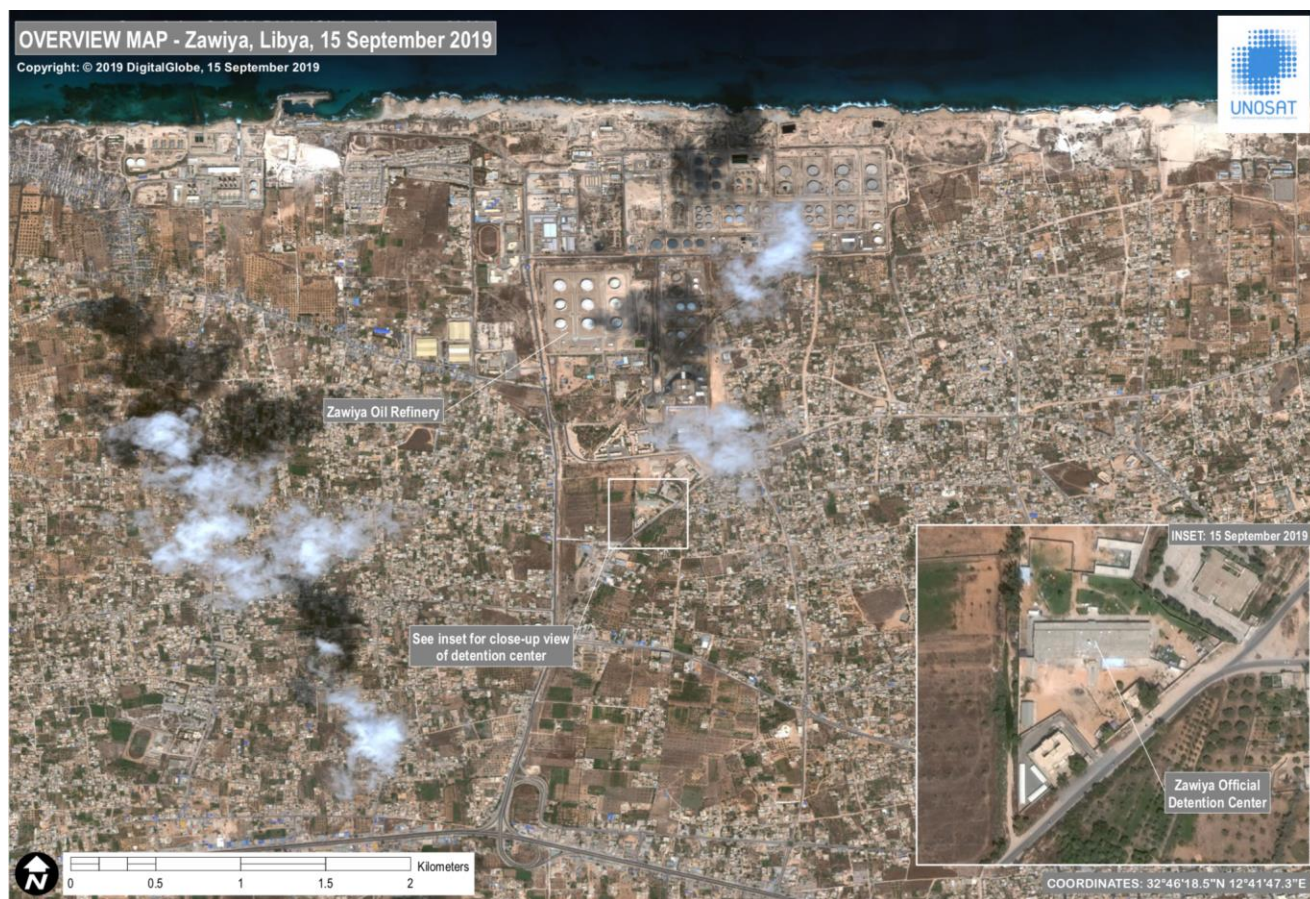
(Signed) Fathi Ali **Bashagha** Acting Minister of the Interior

Annex 21: Al-Nasr brigade, al-Nasr DC and the Zawiyah network

1. On 5 July 2014, the then commander of the Petroleum Facilities Guards, put Mohamed Kashlaf (LYi.025), the head of al-Nasr brigade, in charge of the security of the Zawiyah oil complex. Al-Nasr brigade, with a force of around 3.000 men, has controlled the security of the complex and surrounding areas since 2014. The al-Nasr DC is located on the southern edge of the oil complex.
2. The brigade is involved in a range of illicit activities. It expanded operations to organizing logistics for truck tankers in and out of the oil complex (see paragraph 158 of [S/2018/812](#)). The brigade knows which regional fuel stations in Zawiyah, Surman, Sabratah, Al Ajaylat participate in smuggling, and collects the “taxes” paid by the trucks that load and deliver back and forth.
3. Trafficking and extortion of migrants is another income source for individuals within the brigade’s network. The al-Nasr DC is a known hub for human trafficking where migrants are subject to various forms of human rights abuses. Several migrants interviewed by the Panel named and positively identified the individual who heads the al-Nasr DC as “Osama” or “Osama Zawiyah.” Either he or the individuals under his control facilitated the exploitation, abuse and extortion of migrants. Sexual exploitation and violence, beatings, starvation, and other degrading treatment, including to minors, frequently occur. Osama is a close associate of Mohamed Kashlaf.
4. Despite Libyan authorities’ attempted closure of al-Nasr DC following the designation of Kashlaf in June 2018, it remains fully operational. The adjacent Zawiyah port, approximately 3 km away from the DC, also remains a main disembarkation point for migrants intercepted at sea by the LCG. Abd Al-Rahman al-Milad (LYi.026) a.k.a. Al Bija was previously the commander of that port.
5. Following an attack on the Qasr bin Ghashir DC on 23 April 2019, as a result of the conflict in Tripoli, the al-Nasr DC received approximately 800 transferred migrants. The facility exceeds capacity, housing as of September 2019 approximately 1,230 migrants. The resources provided to the DC by the Libyan authorities are not adequately managed and are overstretched.¹⁰⁸
6. Kashlaf works closely with his brothers Nuri and Abdallah and also with his cousins Walid, Khamza and Samir. Walid Kashlaf plays an essential role in moving and investing the revenues generated by the network. Abd Al-Rahman al-Milad a.k.a. Al Bija is also a known close associate.
7. The Kashlaf clan, from the tribe Awlad Abuhumeira, operates under the umbrella of Ali Boushriba, the tribe’s most influential element in Zawiyah.

¹⁰⁸ Confidential sources.

Figure 21.1
Exact location of the Al-Nasr DC



Source: © 2019 DigitalGlobe Inc.

Annex 22 ISIL (QDe.115) in Libya's killings in Fuqaha (9 April 2019)

Incident details

1. On 9 April 2019, open source media reported¹⁰⁹ that at least thirteen vehicles belonging to ISIL in Libya entered the town of Fuqaha where they immediately cut electricity power and phone communication lines/cell towers. Their first target was Abdelkafi Ahmed Abdelkafi, a member of the municipal guard who was taken by force from his house to the municipality building where he was slaughtered. Once in the Municipality building they abducted Miftah Sasi, Head of the Municipal Guard, and burned the building. Another victim of this assault was Ahmed Sassi, Head of the Municipality, whose house was stormed, and he was murdered in his sleep, then burned along with his house. The group killed at least three other people and burned more than two other buildings, before leaving the town of Fuqaha at 01:45 hours (local time).

2. On 9 April 2019, ISIL in Libya published a statement in its official media branches taking responsibility for the killing of the Head of the Municipal Guard and the Head of the Municipality, together with other “wanted” individuals and arrested others. They also admitted to burning the municipality building and two other civilian houses.

Figure 22.1

Statement of ISIL in Libya on the Fuqaha attack (9 April 2019)



Source: <https://ou7zytv3h2yaosqq.f101.ml/38002>. Accessed 10 June 2019.

¹⁰⁹ <https://www.libyaobserver.ly/news/gunmen-attack-fuqaha-town-al-jufra-central-libya>.

3. On 9 April 2019, open source media quoted the Head of the Municipality of Jufra, who stated that members of HAF, supported by some of the local population, intercepted some members of ISIL Libya, killing five of them and freeing Miftah Sasi.¹¹⁰

4. On 9 April, ISIL media branch 'A'amaq' published a statement claiming the incursion in Fuqaha was aimed against Haftar affiliates. The statement also again claimed the killing of the Head of the Municipal Guard and the Head of the Municipality, as well as the killing and apprehension of other HAF members.

Figure 22.2

Statement of ISIL (Qde.115) on the Fuqaha attack



Source: <https://ou7zytv3h2yaosqq.f101.ml/38007>. Accessed 10 June 2019.

5. On 15 April 2019, ISIL in Libya again released video imagery of their 8 April 2019 incursion into Al Fuqaha, which showed events very similar to the aforementioned crimes. Screenshots of this imagery are at figures 22.3 to 22.7.

¹¹⁰ <http://alldiywan.ly/2019/04/09/عميد-بلدية-الجفرة-مقتل-5-من-مرتكبي-مجزر>.

Figure 22.3
Burning of a civilian house ^a



Figure 22.4
Abduction of civilians



Figure 22.5
Headquarters of the Fuqaha municipal Guard



Figure 22.6
Miftah Sassi in custody of ISIL Libya



^a All imagery (22.3 to 22.6) from video extract. <https://ou7zytv3h2yaosqq.f101.ml/38052>, 15 April 2019. Accessed 10 June 2019.

Annex 23: Arbitrary detention of Deputy Minister of Defence, Ouheida Abdallah Najim

1. On 22 April 2019, GNA Deputy Minister of Defence, Ouheida Abdallah Najim, while returning home from his office, was abducted in Tripoli. An unidentified group of armed men stopped his convoy and took him, his driver and one security member of his team by force. All were transferred to an unknown location in Misrata.
2. Abdallah Najim spent 42 days arbitrarily detained in that unknown location. During this period, no explanation or information was provided for his arbitrary detention.
3. On or about 3 June 2019 he was taken back to Tripoli and abruptly released in the premises of the AGO. This latter office conveyed that it had no grounds for detaining or arresting him.
4. To date, Abdallah Najim is neither aware of the reasons behind his abduction and detention, nor of the identities or affiliations of the perpetrators.
5. It is the Panel's understanding that an official investigation has not yet been launched.

Annex 24: Disruptions to the GMMR

Background

1. Libya's national water supply system is nearly completely derived from underground aquifers in southern desert areas pumped via the GMMR and underground wells. Even though disruptions to supply remain localized, the entire system is growing increasingly fragile due to infrastructure deterioration, theft, and intermittent attack. Two such attacks occurred in May and July 2019, of which one is detailed below.

Figure 24.1

Map of the Great Man-Made River (GMMR)

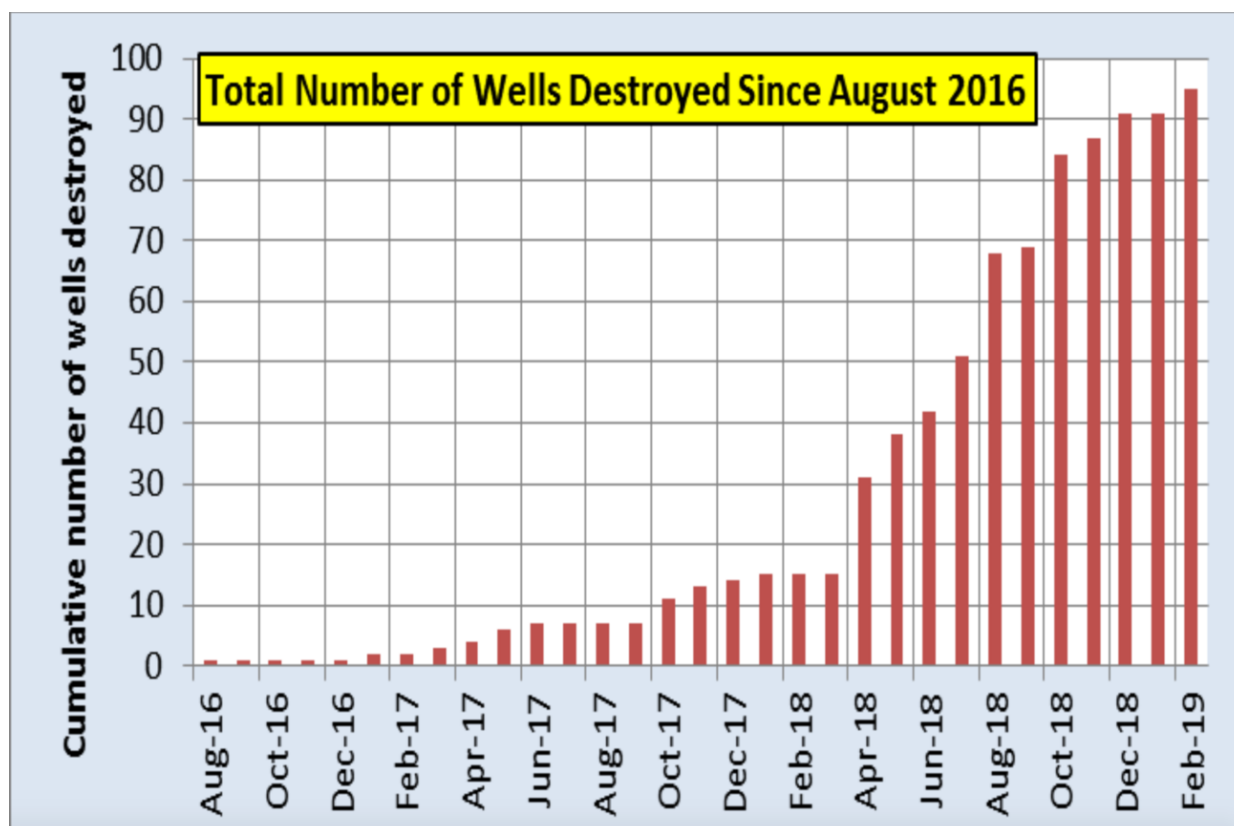


Source: Britannica

2. The gradual stripping of metals from the pumping stations and other wells to sell for scrap has severely degraded infrastructure over time. Attacks on and thefts to wells have dramatically increased since mid-2017 (see figure 24.2). The Panel estimates that 100 wells in the Hasawna area alone have been destroyed. The main pumping station at Qasr bin Ghashir that delivers water to the capital is severely degraded from repeated acts of vandalism.

Figure 24.2

Total number of wells destroyed since August 2016



Source: Libyan Water Authority

Incident details

In October 2017, the SDF arrested al-Mabruk Hneish. In retaliation, HAF 219 brigade purportedly led by his brother, Khalifa Hneish, took control of the southern Hasawna water control station and

threatened to disrupt the supply if al-Mabruk was not released. A negotiation produced the resumption in the water supply, but al-Mabruk remained in detention.

4. On 19 May 2019, 219 brigade took control of the southern Hasawna water control station and then denied supply to the western coastal region including Tripoli (population of approximately 2.5 to 3 million). Water supply was denied for approximately 36 hours (see appendix A). The Panel considers

that such a lengthy denial of supply falls within the ambit of an “attack against an object indispensable to the survival of the civilian population”.

5. Negotiations took place during the period of water denial, resulting in the eventual release of al-Mabruk Hneish in June 2019.

Attribution of responsibility

6. Although 219 brigade was in control of the local area during the time of this incident, and there is little doubt that an incident in non-compliance with CIHL 54 – “attacks against objects indispensable for the survival of the population” took place, the Panel has not yet been able to find compelling evidence of the individual or organization responsible.

System vulnerability

7. The design of the complete water system means that there are vulnerable points throughout the system that if attacked or captured means that Tripoli can easily be threatened with the denial of supply and has been illustrated above.

Appendix A to Annex 24. Documentary evidence

Figure A.24.1

Statement by the United Nations Resident and Human Coordinator, dated 20 May 2019



UN Humanitarian Coordinator for Libya strongly condemns the blockage of the Great Man-Made River, cutting off water supply for hundreds of thousands of Libyans

Tripoli, 20 May 2019

On 19 May 2019, during late night hours, a water control station in the Jabal al-Hasawna – southwestern Libya, was deliberately shut down cutting off water supply from the Great Man-Made River (GMMR) to Tripoli and some cities in the western and middle areas of Libya.

The UN Humanitarian Coordinator, Maria Ribeiro, condemns in the strongest terms this act that aims to deprive hundreds of thousands of already embattled Libyans of safe drinking water. "Such attacks against civilian infrastructure that are essential for the survival of the civilian population may be considered war crimes," Ribeiro stressed.

Continuous attacks on the water system further jeopardise levels of health and hygiene among the civilian population, particularly those most vulnerable, including children, and cause further hardship and possible displacement.

The Humanitarian Coordinator reminds all parties of their obligations under International Humanitarian Law and International Human Rights Law to ensure the safety of all civilians and civilian infrastructure, including schools, hospitals, and public utilities, especially water and electricity.

Note for editors:

Since the beginning of 2018, there has been a dramatic increase in the number of wells being sabotaged. Currently, 96 out of 366 wells feeding the Man-Made River are out of service. This was already creating increasing water shortages for the estimated 1.5 million people, including some 600,000 children, who rely on the MMR as their primary supplier of freshwater.

Figure A.24.2

Statement by the administration of the Great Man Made River dated 21 May 2019

التاريخ : ١٦/٥/٢٠١٩

الموافق : ٢٠١٩/٥/٢٤

الرقم :

جهاز تنفيذ وإدارة مشروع النهر الصناعي

بيان جهاز تنفيذ وإدارة مشروع النهر الصناعي

بشأن حادثة إيقاف ضخ المياه بمنظومة الحسانة سهل الجفارة

تعرض موقع الشويرف التابع لمنظومة الحسانة سهل الجفارة مساء يوم الأحد الموافق 19 مايو 2019 إلى حادثة اعتداء تمثلت في قيام المواطن بلقاسم احتيش بتهديد الموظفين بالموقع من أجل إيقاف عمليات ضخ المياه بالمنظومة الأمر الذي ترتب عليه انقطاع المياه لمراقبة 36 ساعة على كل المدن والمناطق الواقعة بالمنطقتين الغربية والوسطى ، وفي هذا الخصوص فإن جهاز تنفيذ وإدارة مشروع النهر الصناعي يؤكد على ما يلي :-

- أن جهاز تنفيذ وإدارة مشروع النهر الصناعي بنى بنفسه عن كل التجاوزات والخلافات والصراعات وأنه يرفض بشكل واضح وصريح أن تستخدم المياه والتي هي هبة الله للجميع في المساومة أو التلويح باستخدامها لإملاء أية شروط أو مطالب خاصة.
- يمثل مشروع النهر الصناعي الشريان الرئيسي للإمداد المالي بالدولة الليبية حيث يكافح مستخدميه الوطنيين على مدار الساعة وفي ظروف تشغيلية قاهرة من أجل استمرار تدفق مياهه لتغذية كل المدن والمناطق الواقعة على مساراته على حد سواء.
- قام هذا المواطن في عدة مرات سابقة بتهديد الموظفين بقوة السلاح من أجل إيقاف ضخ المياه بمنظومة الحسانة سهل الجفارة كان أولها في شهر أكتوبر 2017 وقام فعليا بتنفيذ تهديده وإيقاف الضخ بالمنظومة في شهر نوفمبر 2017 مطالباً بضرورة إطلاق سراح أخيه المدعو المبروك احتيش والموقوف بمدينة طرابلس ، وفي هذا الصدد ينوه الجهاز إلى ما يلي :-

- * أنه غير معني البتة بمثل هذه المطالب ويستغرب في الوقت ذاته أن يتم إقحامه فيها والتي تطال عواقبها الوخيمة كل الشعب الليبي.
- * قام جهاز تنفيذ وإدارة مشروع النهر الصناعي وفور حدوث الاعتداءات والتهديدات السابقة بمخاطبة وإبلاغ السلطات الرسمية بالدولة للاضطلاع بمسؤولياتها لحماية هذا المشروع الحيوي كما قام بالتواصل مع كل الجهات الشعبية والاجتماعية من أجل معالجة هذه الإشكالية.

طرابلس، فصول غش

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بغازي المواربي

المقر الرئيسي

- إن الوضع الراهن لم يعد يحتمل المزيد من التهاون في حماية هذا المشروع الاستراتيجي والذي يمثل الأمن القومي للدولة وأن الوقت قد حان من أجل تفعيل القانون وتجريم أي اعتداء على هذا المشروع واعتباره جريمة ضد الإنسانية.

- أن جهاز تنفيذ وإدارة مشروع النهر الصناعي يواجه تحديات وعقبات هائلة تجعله غير قادر على الاستمرار في عمليات تشغيله وصيانته وفقاً للمعايير والمواصفات الفنية والقياسية المصممة له وسيتم خلال الأيام القليلة القادمة إصدار بيان لاحق يوضح هذه التحديات بشكل واضح وصريح من أجل قيام الجهات المختصة بالدولة بتحمل مسؤولياتها في هذا الشأن وذلك للحيلولة دون توقف عمليات ضخ مياهه لتأمين الاحتياجات الحضرية والزراعية بالدولة الليبية.

حفظ الله ليبيا



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Panel summary of the above statement

This confirms the stoppage of water supply in May 2019 to the cities in central and western Libya. It identifies the perpetrator as Belqasim Hneish and highlights that there were two previous instances in October and November 2017, where this individual had attacked the Hassawna water complex and disrupted the water flow.

Annex 25: Failure to implement a release order for Prime Minister Baghdadi al Mahmoudi

1. The Panel has identified the failure to implement a release order in favour of former Prime Minister Baghdadi al Mahmoudi, adopted after a severe deterioration of his health condition was medically confirmed.
2. The release order was issued by the Ministry of Justice on 10 July 2019, and endorsed by the President of the Presidency Council on 20 July 2019.
3. The Panel is investigating the kidnapping and later assassination on 7 August 2019 of Walid al Tarhouni, a senior official of the Ministry of Justice, as there are indications that his death is connected to the release decision.

Figure 25.1

Release order issued by the Ministry of Justice on 10 July 2019


دولة ليبيا
حكومة الوفاق الوطني
وزارة العدل
القرارات

قرار وزير العدل المفوض
 رقم (514) لسنة 2019 م
 بشأن الإفراج الصحي

وزير العدل المفوض :-

- بعد الاطلاع على الإعلان الدستوري الصادر بتاريخ 3- أغسطس 2011م، وتعديلاته.
- وعلى الإتفاق السياسي الليبي الموقع بتاريخ 17- ديسمبر 2015م.
- وعلى القانون رقم (5) لسنة 2005م بشأن مؤسسات الإصلاح والتأهيل ولائحته التنفيذية.
- وعلى القانون رقم (12) لسنة 2010م بشأن علاقات العمل ولائحته التنفيذية وتعديلاتهما.
- وعلى قرار مجلس الوزراء رقم (50) لسنة 2012م بإعتماد الهيكل التنظيمي واختصاصات وزارة العدل وتنظيم جهازها الإداري وتعديله.
- وعلى قرار المجلس الرئاسي رقم (4) لسنة 2016م بشأن تشكيل حكومة وفاق وطني.
- وعلى قرار المجلس الرئاسي رقم (12) لسنة 2016م بشأن منح تفويض بمهام.
- وعلى قرار المجلس الرئاسي رقم (256) لسنة 2017م بشأن تفويض بمهام وزير.
- وعلى قرار السيد / وزير العدل رقم (51) لسنة 2018م بشأن إعادة تشكيل لجنة الإفراج الصحي.
- وعلى قرار لجنة الإفراج الصحي رقم (15) لسنة 2019م بشأن الإفراج عن فزيل.
- وعلى كتاب السيد / رئيس لجنة الإفراج الصحي رقم (34) المؤرخ 2019/7/9م.
- وعلى ما عرضه السيد / مدير مكتب الوزير.

ق ر ر

مادة (1)

يُفْرَجُ عن التزويل / البغدادي علي المحمودي بمؤسسة الإصلاح والتأهيل عين زارة (ب) إفراجا صحيا.

مادة (2)

يتولى جهاز الشرطة القضائية متابعة حالة المفرج عنه وإذا تبين أن الأسباب الصحية التي دعت إلى الإفراج عنه قد زالت أصدر المحامي العام قرارا بإلغاء أمر الإفراج.

مادة (3)

يعمل بهذا القرار من تاريخ صدوره - وعلى الجهات المعنية تنفيذه .

محمد عبد الواحد عبد الحميد
 وزير العدل المفوض
 حكومة الوفاق الوطني
 وزارة العدل

10 / 7 / 2019
 تاريخ / شهر / سنة
 رقم / مكتب

Figure 25.2

Release order endorsed by the GNA on 20 July 2019



Annex 26: The enforced disappearance of Ms. Siham Sergewa (17 July 2019)**Incident details**

1. On 17 July 2019, a group of masked and armed men entered the home of Ms. Siham Sergewa, a Member of the House of Representatives and women's rights activist, shot and wounded her husband, physically assaulted one of her sons and abducted her to an unknown location.
2. Media reported that HAF affiliated groups were more likely to be guilty, as her kidnap effectively silenced her opposition to the HAF offensive against Tripoli^{111 112}.
3. On 18 July 2019, UNSMIL released a statement¹¹³ deploring the enforced disappearance of Siham Sergewa and called on the relevant authorities to investigate the matter and for her immediate release.
4. On 4 August 2019, the official Facebook page of the 'interim government' posted a video and a statement¹¹⁴ of Ibrahim Bushnaf, minister of interior of the 'interim government' accusing "terrorist groups" and " sleeper cells" of the kidnapping, but produced no evidence to support their accusation of terrorist entities. Ibrahim Bushnaf indicated that investigations were being conducted on the case.
5. On 7 August 2019, UNSMIL released a statement¹¹⁵ expressing the concern over the continued enforced disappearance of Ms. Siham Sergewa, noting that the statements made by the 'interim government' authorities do "not convey any reassurance about the wellbeing and the whereabouts of Ms. Sergewa".
6. On 17 October 2019, UNSMIL released a statement¹¹⁶ condemning once again the abduction and the disappearance of Ms. Sergewa, and reiterating the legal responsibility of relevant authorities in eastern Libya to establish her fate and whereabouts.
7. Attempts by the Panel to contact Ms. Siham Sergewa's close family members were unsuccessful. The Panel sought details of the ongoing investigations from the 'interim government' and is yet to receive a response. The fate of Siham Sergewa is unknown to date.

Annex 27: Summary of non-compliance with the sanctions measures (arms) in support of GNA¹¹⁷

1. Tables 27.1 to 27.3 summarizes the non-compliances with paragraph 9 of resolution [1970 \(2011\)](#) covering, air and aviation violations, land service equipment violations and maritime violations identified or confirmed during the period of this report. The Panel also finds the GNA to be in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for all these cases.

Table 27.1

Air and aviation non-compliances

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
New equipment	Bayraktar-TB2 UCAV ^a	- Turkey - GNA	- The Member States have not responded to Panel enquiries. - Supply and import.
New equipment	Orbiter-3 UAV ^b	GNA	- The supply chain has yet to be ascertained as Member State has not responded to Panel enquiries. - Import.
Transportation	Ilyushin IL-76TD Registered UR-COZ	- Turkey - Turkish Office of ProAir-Charter-Transport GmbH^c - Plures Air Cargo,^d Turkey	- Destroyed on ground at Misrata international airport on 6 August 2019. - Panel identified 130 tonnes of suspicious freight cargo on five flights between 3 to 6 July 2019 consigned by the Libyan Embassy, Ankara to the Ministry of Interior, Libya.

¹¹⁷ Also included at table 27.4 is a case of illegal import of blank firing pistols by an organised criminal group(s).

Generic Type	Means / Equipment	Responsible party(ies) in non-compliance with paragraph9 to 1970 (2011)	Remarks
Transportation	Ilyushin IL-18 Registered UR-CNT	- Turkey - Ukraine Air Alliance P.J.S.C. ^e - Turkish Office of ProAir-Charter-Transport GmbH - Plures Air Cargo, Turkey	Panel identified 4.1 tonnes and 8.9 tonnes of UAV components consigned on two flights on 28 May 2019, by the Libyan Embassy, Ankara to the Ministry of Interior, Libya.
Transportation	Ilyushin IL-18 Registered UR-CGW	- Turkey - Ukraine Air Alliance P.J.S.C. - Turkish Office of ProAir-Charter-Transport GmbH - Plures Air Cargo, Turkey	Panel identified 5.2 tonnes and 6.9 tonnes of UAV components consigned on two flights on 30 May 2019 by the Libyan Embassy, Ankara to the Ministry of Interior, Libya.
Transportation	Ilyushin IL-18 Registered UR-CAH	- Turkey - Ukraine Air Alliance P.J.S.C. - Turkish Office of ProAir-Charter-Transport GmbH - Plures Air Cargo, Turkey	Panel identified 5.4 tonnes and 5.3 tonnes of UAV components consigned on two flights on 31 May and 2 June 2019 by the Libyan Embassy, Ankara to the Ministry of Interior, Libya.

^a <https://baykarsavunma.com/#en>.

^b <https://aeronautics-sys.com>.

^c <https://www.proair.de/en>.

^d <https://www.plures.com.tr/en>.

^e <http://www.uaa-avia.com/en>.

Table 27.2
Land service non-compliances

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
New equipment	Kirpi 4 x 4 APC ^a	▪ Presidency of Defence Industries, ^b Turkey ▪ Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Limited Sti, ^c Turkey ▪ GNA	▪ The Member States have not responded to Panel enquiries. ▪ Delivery to Libya confirmed verbally by Minister of Interior of Libya to Panel on 31 July 2019. ▪ Supply and import.
New equipment	Toyota armoured trucks	▪ GNA Ministry of Interior, Libya	▪ The Member States have not responded to Panel enquiries. ▪ Delivery to Libya confirmed verbally by Minister of Interior of Libya to Panel on 31 July 2019. ▪ Import.
New equipment	Counter-UAV RF Inhibition and Jamming System	▪	▪ Under investigation

^a <https://www.bmc.com.tr/en>.

^b <https://www.ssb.gov.tr/Default.aspx?LangID=2>.

^c <http://www.akdenizroro.com.tr/en/>.

Table 27.3
Maritime non-compliances

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
Military support	Landing Ship Tank <i>Ibn Ouf</i> (L132)	▪ Italian Navy ^a	▪ Maintenance work to an armed naval vessel in December 2017 and January 2018.
Transportation	MV <i>Amazon</i> (IMO 7702657)	▪ Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Ltd STI (Turkey)	▪ Moldova forcibly removed the vessel's flag status on 25 May 2019. ▪ Provisionally registered with Togo International Registration Bureau on 14 June 2019. ▪ Togo cancelled the provisional registration on 20 August 2019.

^a Italian vessels *Capri* (A5353) and *Tremeti* (A5349).

Table 27.4

Organised crime non-compliances

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
Illegal import by organised criminal group	Atak Zorak Type 2918 blank firing pistols x 5,000	▪ Aykar Makliyat Uluslararsi, ^a Turkey	▪ Seized by customs at Al Khoms on 17 December 2018.
Illegal import by organised criminal group	Ekol P29 blank firing pistols x 20,000	▪ Brother Company for International Trade Toys Shop, ^b Tunisia ▪ Al Kasr Textile Factory, Tripoli, Libya	▪ Seized by customs at Misrata on 30 December 2018.

^a <https://www.aykardenizcilik.com/en/index.php>.^b Mr Nofal Mustafa, +216 24 524XXX.

Annex 28: Summary of non-compliance with the sanctions measures (arms) in support of HAF

1. Tables 28.1 to 28.3 summarizes the non-compliances with paragraph 9 of resolution [1970 \(2011\)](#) covering, air and aviation violations, land service equipment violations and maritime violations identified or confirmed during the period of this report. The Panel also finds HAF to be in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for all these cases.

Table 28.1

Air and aviation non-compliances

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
Confirmed	Wing Loong II UCAV ^a	▪ United Arab Emirates	▪ Paired with the Blue Arrow (BA-7) air to surface missile system.
New equipment	Mohadjer-2 UAV ^b	▪	▪ The supply chain has yet to be fully ascertained as Member State has not responded to Panel enquiries.
New equipment	Orlan-10 UAV ^c	▪	▪ The supply chain has yet to be fully ascertained as Member State has not responded to Panel enquiries.
New equipment	Yabhon-HMD UAV ^d	▪ United Arab Emirates	▪ The supply chain has yet to be fully ascertained as Member State has not responded to Panel enquiries.
Transportation	Antonov AN-26 Displaying UP-AN601	▪ Space Cargo Inc, ^e UAE	▪ De-registered by Kazakhstan aviation registry on 7 September 2015. ▪ UP-AN601 markings were removed from aircraft in May 2015, but have subsequently been remarked as a “false flag” ▪ Now flying illegally within Libya as a “stateless” aircraft.
Transportation	Ilyushin IL-76TD Registered UR-CMP	▪ Deek Aviation FZE, ^g UAE	▪ Destroyed on ground at Jufra air base on 25 July 2019.
Transportation	Ilyushin IL-76TD Registered UR-CRC	▪ Deek Aviation FZE, UAE	▪ Destroyed on ground at Jufra air base on 25 July 2019.
Transportation	Ilyushin IL-76TD Registered UP-17601	▪ Sigma Airlines, ^h Kazakhstan	▪ Identified flying in military support in April and June 2019. ▪ Made suspicious flights from Jordan from 23 to 26 June 2019.

Generic Type	Means / Equipment	Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)	Remarks
Transportation	Ilyushin IL-76TD Registered UP-17645	▪ Sigma Airlines, Kazakhstan	▪ Identified at Tamanhant, Sebha on 29 January 2019.
Transportation	Ilyushin IL-76TD Registered UP-17655	▪	▪ Still under investigation.
		▪	▪

^a <http://enm.avic.com/index.shtml>.

^b Iran Aviation Industries Organization (IAIO). www.mod.ir.

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

^d <http://www.ats-ae.com>. No URL for Adcom Systems.

^e <http://spacecargoinc.com>.

^f <http://www.europeair.kiev.ua>. Ceased trading on 9 August 2019 under Order No908.

^g www.deekaviation.com. URL not operable. Q4-76, Block Q4 Street, Al Ruqa Al Hamra, Sharjah, UAE.

^h <https://airsigma.pro>.

^j Uses www.sonnig.com, which diverts to www.sipj.net.

Table 28.2
Land service non-compliances

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
New equipment	<i>Panthera</i> F9 APC ^a	▪	▪ The supply chain has yet to be ascertained.
New equipment	<i>Mbombe</i> 6 x 6 IAFV ^b	▪ Jordan	▪ South Africa confirmed that it has not transferred to Libya, and that Jordan is the only other manufacturer ▪ Only Jordan manufactures with the “snakehead” turret seen in Libya.
New equipment	<i>Mared</i> 8 x 8 IAFV	▪ Jordan	▪ Jordan has not responded to Panel enquiries, but this system is not manufactured by anyone else, first displayed in 2018 and has not been sold to any other Member State.
New equipment	<i>Caiman</i> 6 x 6 MRAP ^c	▪	▪ The supply chain has yet to be ascertained.
New equipment	<i>Irigiri</i> 8 x 8 IAFV ^d	▪	▪ The supply chain has yet to be ascertained as Member State has not responded to Panel enquiries.
New equipment	<i>Ratel</i> -60 IAFV ^e	▪	▪ Responsibility yet to be ascertained as Member State has not responded to Panel enquiries.
New equipment	MIM-23 <i>Hawk</i> SAM ^f	▪ United Arab Emirates	▪ Providing close air defence at Jufra air base.
New equipment	<i>Pantsir</i> S-1 SAM ^g	▪ United Arab Emirates	▪ Providing close air defence at Al Khadim and Jufra air bases.
New equipment	<i>Blue Arrow</i> (BA-7) air to surface missile ^h	▪ United Arab Emirates	▪ Paired with the <i>Wing Loong</i> II UCAV.
New equipment	<i>Nashshab</i> RPG-32 variant anti-tank rocket launcher ^j	▪ Jordan	▪ Jordan has not responded to Panel enquiries, but this system is not manufactured by anyone else, and has not been sold to any other Member State.
New equipment	155mm High Explosive Laser Guided Projectile GP6 ^k	▪ United Arab Emirates	▪ The supply chain has yet to be fully ascertained as the UAE has not responded to Panel enquiries.

Generic Type	Means / Equipment	Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)	Remarks
New equipment	Radio Frequency (RF) Inhibition and Jammer System ¹	▪	▪ Responsibility yet to be ascertained as Member State could not identify initial export.
Military support	Military training in Jordan ^m	▪ Jordan	▪ Jordan has not responded to Panel enquiries, but the name of the school is on the wall of a building in the imagery.
		▪	▪

^a <http://www.mspv.com>.

^b <http://www.kaddb.com>.

^c <https://www.baesystems.com/en-us/our-company>.

^d <https://www.army.mil.ng/corps-services/>.

^e No URL as company closed.

^f <http://raytheon.com>.

^g www.ump.mv.ru.

^h <http://en.norincogroup.com.cn>.

^j <https://www.jadara.jo>.

^k <http://en.norincogroup.com.cn>.

^l <https://www.samel90.com>.

^m <https://www.jaf.mil.jo>.

Table 28.3
Maritime non-compliances

<i>Generic Type</i>	<i>Means / Equipment</i>	<i>Responsible party(ies) in non-compliance with paragraph 9 to 1970 (2011)</i>	<i>Remarks</i>
New equipment	Offshore Patrol Vessel (OPV) <i>Al Karama</i> ^a	▪ Universal Satcom Services F.Z.Z., UAE ▪ Reema Sami Abdullah Al Omari ▪	▪ CEO, Al Omari, also in non-compliance due to her personal involvement in the transfer. ▪

^a <https://universalsatcom.com>. Closed by UAE authorities for trading outside area of licence permissions.

Annex 29: MV *Esperanza* to Al Khoms (17 December 2019)

- Between 13 to 17 December 2019 the MV *Esperanza* (IMO 9252785) offloaded three containers (serial numbers CSOU 410121-9, CSFU 964715-0 and CSFU 964827-0), which during a subsequent inspection by Al Khoms port customs authorities were found to contain 3,000 *Atak Zoraki* 2918 blank firing pistols.¹¹⁸
- Two Turkish companies consigned the containers to three consignee companies in Libya (table 29.1).

Table 29.1
Consignors and Consignees

<i>Container</i>	<i>Consignor in Turkey</i>	<i>Consignee in Libya</i>
CSFU410121-0	Aykar Makliyat Uluslararsi ^a	Siyavuspasa Man Barbaros 5 SK, Kocksinan Is Hane No: 2/20, Istanbul
CSFU964715-0	Hama Kagit Tekstil Insaat ^b	San Bolgesi Mah Ayrosan 6 Fblok No: 1/49, Ikitelli, Istanbul
CSFU964827-0	Aykar Makliyat Uluslararsi	Qrauln Company

^a <http://www.aykardenizcilik.com/en/iletisim.php>.

^b hamatekstil@gmail.com.

- The Bills of Lading and Cargo Manifests for the three containers do not list the weapons (see appendix A).
- As of 20 October 2019 the Turkish investigation into this incident was still ongoing, and the Panel continues to monitor.¹¹⁹

¹¹⁸ Confidential source in Misrata.

¹¹⁹ Communication from Member State of 5 August 2019.

Appendix A to Annex 29: Shipping documentation

Image A.29.1

Bill of Lading Container CSOU410121-9

Combined Transport BILL OF LADING

Shipper: AYISAR HAKLIYAT UMUSLARARASI
ITH.IHR.LTD.STI.
SIYAVUSPASA MAH.BARBAROS 5.SK.
KOCASINAN IS HANI NO:2/20
SANCHELIEVLER ISTANBUL
Email

Consignee: AL SAHAB
COMPANY

Notify address: SAME AS CONSIGNEE

Place of receipt: QERSZE
Port of loading: QERSZE

Carrier: CONTAZ LINE

Reference No. IST1804449
B/L No.

Carrier: CONTAZ SHIPMENTS DENIZCILIK
SAGLIKLI VE TIC.A.S. HAL YOLDI
CAD. 30/15 BAY PLAZA K:3
34142 KOSYATACI-ISTANBUL
Tel: TEL:+90 216 578 72 72 (Pbx)
Fax: FAX:+90 216 578 72 52

Port Agent: AL VARFA SHIPPING MARITIME CO.
TRIPOLI +21821 4710539/4782193
KISIRATA-21851 2622740/2622659

Place of delivery	Freight payable at	Number of original bill
AL KHUMS	ISTANBUL	3/TREES

Marks and Nos.	Quantity and description of goods	Gross weight, kg.	Measurement, m3
Seals: 196203	CSOU410121-9 10 PACKAGE 40' 20V BRAID PLASTER//PARQUET HS CODE:321400//441113	6120.000 KG	
		6120.000 KG	

10 DAYS FREE 20' 40'
11TH-20TH USD 7,5 15,00
21ST-30TH USD 15,00 30,00
THEREAFTER 30,00 45,00
V10 SPECIAL EQUIPMENT
SURCHARGE TO BE APPLIED
FOR (HC, PW, OT, FR, ... ETC) *

1 x 40' CONTAINER(S) S.T.C. 6120.000 KG
10 PACKAGE

FREE IN-FREE OUT

Particulars above declared by Shipper

Freight and charges: FCL/FCL FREIGHT PREPAID
SHIPPER'S STOW, LOAD AND COUNT

RECEIVED the goods in apparent good order and condition and as far as ascertained by reasonable means of checking, as specified above unless otherwise stated.

The Carrier, in accordance with and to the extent of provisions contained in this B/L and with liberty to sub-contract, undertakes to perform and/or in his own name to procure the performance of the combined transport and the delivery of goods, including all services related thereto. Born the place and time of taking the goods in charge to the place and time of delivery and accepts responsibility for such transport and such services. One of the B/L must be surrendered duly endorsed in exchange for the goods or delivery order.

IN WITNESS whereof TWO (2) original B/L have been signed, if not otherwise stated above, one of which being accomplished the other(s) to be void.

Place and date of issue: ISTANBUL 30.11.2018
Signed for The Carrier

Note: The Merchants attention is called to the fact that according to Clauses 8 to 12 and clause 2.4 of this B/L, the Carrier is not responsible for loss of or damage to the goods.

As agents(s) only

Image A.29.2

Cargo Manifest Container CSOU410121-9

CONTAINERSHIPS ISTANBUL		C A R G O M A N I F E S T		FI	
as agent for		03.12.2018 10:39:35 3 of 17		SPAKE F1002000	
CONTAINERSHIPS OYJ				BFE0118 30.11.2018	
LINNOTUSTIE 6 C				CONTAINERSHIPS OYJ FIACPL11071	
02600 ESPOO FI				Authorized consignor	
EORI: FI0818358-5				Signature waived	

REPORT AND MANIFEST of the cargo laden on board the BF ESPERANZA, VOYAGE BFE0118
 PORT OF LOADING: GEBZE PORT OF DISCHARGE: AL KHUMS
 30.11.2018 Port call id: 05.12.2018

Container no	No & kind of pkgs	Description of goods	Gross Weight	Status	Document
FULL CONTAINERS					
B/L No:	IST1804449	(S): AYKAR NAKLIYAT ULUSLARARASI	(N): SAME AS CONSIGNEE		
Term:	FF GEBZE - AL KHUMS	ITH.IHR.LTD.STI.			
Freight:	Prepaid ISTANBUL	SIYAVUSPAGA MAH.BARDAROG			
Customer:	172380 AYKAR NAKLIYAT ULUSLARARASI	S.S.K.			
Reference:	KENDI/2X40 HC	KOCASINAN IS HANI NO:2/20			
Service:	FCL/FCL	BAHCELEVLER ISTANBUL			
Terminal:	EVYAP	(C): AL SARAB	(D):		
On-Carriage:	Carrier haulage	COMPANY			
Transit:	No				
Release:	3: Original B/L				
CSOU410121-9 10 PACKAGE DRAID PLASTER//DARQUET 6120,000 N None					
40' 2DV Tare: 3940 kgs Seal no's: 198203 TOTAL: 1 x 40 2DV					
B/L No:	IST1804517	(S): CIEMECI GIDA SAN. VE TIC.	(N): AL FADAL COMPANY		
Term:	FF GEBZE - AL KHUMS	A.S.	TEL:218913378599		
Freight:	Prepaid ISTANBUL	GEBZE GUZELLER O.S.S.			
Customer:	788206 YAMAN CIKOLATA GIDA	INONU MAH.EBULFEYZ GEBZE			
Reference:	NAK.KENDI/1X40 HC	34742 KOCALI TR			
Service:	FCL/FCL	(C): AL FADAL COMPANY	(D):		
Terminal:	EVYAP	TEL:218913378599			
On-Carriage:	Carrier haulage	TEL:218925001955			
Transit:	No	2040 ALKHUMS LIBYA			
Release:	3: Original B/L				
40' 2PW Tare: 4200 kgs Seal no's: 198085 TOTAL: 1 x 40 2PW					
B/L No:	IST1804663	(S): HANIMELI MEYIS GIDA URETIM VE	(N): TANTOM FOODS COMPANY		
Term:	QF GEBZE - AL KHUMS	DIS TIC.LTD.STI.	AIRPORT STREET BESIDE OIL		
Freight:	Prepaid ISTANBUL	YENISEHIR MAH.OSMANLI			
Customer:	119839 MTS ULUSLARARASI TASIMACILIK	SULVARI,NO:13,KAT:			
Reference:	NAK VE VGM KENDI 1X40'HC	6 D:615 YENISEHIR FENDIK			
Service:	FCL/FCL	ISTANBUL	(C): TANTOM FOODS COMPANY	(D):	
Terminal:	EVYAP	AIRPORT STREET BESIDE OIL			
On-Carriage:	Carrier haulage	TANKS TRIPOLI PO BOX 6904			
Transit:	No	T:218912141206			
Release:	3: Original B/L				
GESU498527-6 1742 BOX (BS) HAZELNUT CREAM WITH COCOA HONEY 14600,000 N None					
40' 2PW Tare: 4150 kgs Seal no's: 198072 TOTAL: 1 x 40 2PW					

(S)hipper, (C)onsignee, (N)otify, (D)elivery address

Image A.29.3
 Bill of Lading Container CSFU964715-0

Combined Transport BILL OF LADING			
Shipper		Reference No.	
HAMA KAGIT TEKSTIL INSAAT MALEMELEK SAN TIC A.S. IKITELLI ORGANIZASYONU SAN BOLGESI MAH. AYKOSAN 6 FBLOK NO:1/19 IKITELLI VD. 4560580057 BASAKSEHIR ISTANBUL hamatekstil@gmail.com		IST1804654 Reference No.	
Contigree HARDEEN AL HAYA FOR IMPORT AND EXPORT TEL: +216944882023 AL KUMMS LIBYA		 CONTAS LINE CARRIER CONTAS LINE Tel: +90 862145787332 Fax: +90 862145787352 PORT AGENT: AL HAYA SHIPPING MARITIME CO. TRINOL: +21621 470059/4782190 KIBIRTA: 21651 2422140/2422299	
Notify address HARDEEN AL HAYA FOR IMPORT AND EXPORT TEL: +216944882023 AL KUMMS LIBYA		Place of receipt ISTANBUL Port of loading ANBARLI MARDAS	
Goods OF REFERENCE Place of receipt ISTANBUL Port of loading ANBARLI MARDAS		Number of original B/L 1	
Mark and No. 216759		Quantity and description of goods 157 PACKAGE PLASTER (POWDER JOINT) HS CODE 68.09.90.00.00.00 FUMANS ADHESIVE (POWDER JOINT) STYROPOR HS CODE 39.21.90.49.00.00	
Gross weight, kg 28600,000 KG		Measurement, cu m 28600,000 CU	
*DEMURRAGE TARIFF (PCAY/PCMR) 10 DAYS FREE 20' 40' 11TH-20TH USD 7,5 15,00 21ST-30TH USD 15,00 30,00 THEREAFTER 30,00 45,00 *10 SPECIAL EQUIPMENT SURCHARGE TO BE APPLIED FOR (WG, PW, OT, FR, ... ETC) *			
1 x 40' CONTAINER(S) S.T.C. 157 PACKAGE			
FREE IN-FREE OUT			
Freight and charges PCL/PCL FREIGHT FREIGHT SHIPPERS STOW LOAD AND COUNT		ORIGINAL RECEIVED the goods in apparent good order and condition and as far as ascertained by reasonable means of checking, as specified above unless otherwise stated. The Carrier, in accordance with and to the extent of provisions contained in this B/L, and with liberty to sub-contract, undertakes to perform and/or in his own name to procure the performance of the combined transport and the delivery of goods, including all services related thereto to from the place and time of taking the goods in charge to the place and time of delivery and accepts responsibility for such transport and such services. One of the B/L must be surrendered duly endorsed in exchange for the goods or delivery order. IN WITNESS whereof TWO (2) original B/L have been signed, if not otherwise stated above, one of which being accomplished the other(s) to be void.	
Place and date of issue ISTANBUL 01.10.2018 Signed for the Carrier		CONTAINERSHIPS MARITIME TRANSPORT AND TRADE S.A. ISTANBUL - TURKEY	

Image A.29.4

Cargo Manifest Container CSFU964715-0

CONTAINERSHIPS ISTANBUL		CARGO MANIFEST		FI SPAKE F1002006	
as agent for		06.12.2018 13:17:29 4 of 8		BFE0118 01.12.2018	
CONTAINERSHIPS OYJ				CONTAINERSHIPS OYJ FIACPL11071	
LINNOITUSTIE 6 C				Authorized consignee	
02600 RSPOO FI				Signature waived	
EORI: F10818358-5					
REPORT AND MANIFEST of the cargo laden on board the BF ESPERANZA, VOYAGE BFE0118					
PORT OF LOADING: ISTANBUL		PORT OF DISCHARGE: AL KHUMS			
01.12.2018 Port call id:		09.12.2018			
Container no	No & kind of pags	Description of goods	Gross Weight	Status	Document
None					
FULL CONTAINERS					
Tare: 4000 kgs		DOOR CASING PROFILE 50*100 GOLDEN OAK			
Seal no's:		PANEL PROFIL 25 CM,PANEL PROFIL 25 CM			
212288		GOLDEN OAK,DOOR CASING PROFILE 50*130**			
TOTAL: 1 x 40 2DV		Req.collection time: 16.11.2018 08:00			
B/L No:	IST1804654	(S): HAMA KAGIT TEKSTIL INSAAT	(N): NARDEEN AL HAYA		
Term:	FF ISTANBUL - AL KHUMS	MALZEMELERI SAN TIC	FOR IMPORT AND EXPORT		
Freight:	Prepaid ISTANBUL	A.S.IKITELLI ORGANIZ			
Customer:	255331 SISTEM HAZIR GIYIM SAN.VE	SAN BOLGESI MAH.AYKOSAN 6			
Reference:	1X40'HC / 21,11 LIMAN DOLU	FALOK NO:1/49			
Service:	FCL/FCL	IKITELLI VD. 4560580057			
Terminal:	MARDAS	(C): NARDEEN AL HAYA	(D):		
On-Carriage:	Carrier haulage	FOR IMPORT AND EXPORT			
Transit:	No	TEL:+218944882023			
Release:	3: Original B/L	AL KHUMS LIBYA			
CSFU964715-0		157 PACKAGE	PLASTER (POWDER JOINT)	28600,000 N	None
40' 2PW			HS CODE 68.09.90.00.00.00		
Tare: 4200 kgs			FUNANS ADHESIVE (POWDER JOINT)		
Seal no's:			STYROPOR		
226759			HS CODE 39.21.90.49.00.00		
TOTAL: 1 x 40 2PW			Req.collection time: 21.11.2018		
B/L No:	IST1804662	(S): INTERSWEET DIS TICARET A.S.	(N): AL SOROH COMPANY FOR IMPORT		
Term:	FF ISTANBUL - AL KHUMS	MERKEZ MAH.ARIFAGA SOK NO:1	FOODSTUFFES L.L.C JANZOUR 9		
Freight:	Prepaid ISTANBUL	D.			
Customer:	131935 AZHAR ALANDOLAS FOR	ZI YENIBOSNA/BAHCELIEVLER-			
Reference:	KENDI/21.11/1*40'/AL SOROH	ISTANBUL-TURKIYE			
Service:	FCL/FCL	TEL:0090212 552 51 06			
Terminal:	MARDAS	(C): AL SOROH COMPANY FOR IMPORT	(D):		
On-Carriage:	Carrier haulage	FOODSTUFFES L.L.C JANZOUR 9			
Transit:	No	STR,BUILDING 8			
Release:	3: Original B/L	TEL:218942194953/002189160504.			
		63			
		TRIPOLI/LIBYA			
CSOU410190-2		392 BOX (ES)	CANDY/COCOLIN	19620,260 N	None
40' 2DV					
Tare: 3940 kgs					
Seal no's:					
220545					
TOTAL: 1 x 40 2DV					
B/L No:	IST1804663	(S): TRENDDECOL - HASAN CEKIM	(N): LOBDH.CO IMPORTING FURNITURE.		
Term:	FF ISTANBUL - AL KHUMS	KEMALPASA MH. GENCTURK CD.	MINA/KHOMS		
Freight:	Prepaid ISTANBUL	MAHVIL			
Customer:	157355 GEMINI FREIGHT MANAGEMENT	SOK. NO.7 LALELI			
Reference:	VGM KENDI* 1x20	FATIH ISTANBUL			
Service:	FCL/FCL	(C): LOBDH.CO IMPORTING FURNITURE. (D):			
Terminal:	MARDAS	MINA/KHOMS			
On-Carriage:	Carrier haulage	2040 LIBYA			
Transit:	No				
Release:	3: Original B/L				
CSOU125830-7		112 PACKAGE	TEXTIL	11420,000 N	None
20' XDV			HS CODE:540741 491110 630710		
Tare: 2200 kgs			Req.collection time: 23.11.2018		
Seal no's:					
220589					
(S)hipper, (C)onsignee, (N)otify, (D)elivery address					

Image A.29.5

Bill of Lading Container CSFU964827-0

Shipper		Combined Transport BILL OF LADING		B/L No.	
AYKAR NAKLIYAT ULUSLARARASI ITH. IHR. LTD. STI. SIYAVUSPAZA HAN, BARBAROS 5.SK. KOCAKIMAN IS HANI NO:2/2C SANCALIEVLER ISTANBUL Email:		Reference No.		IST1804682	
Consignee GRAULIN COMPANY					
Notify address SAME AS CONSIGNEE					
		CARRIER: CONTAINER SHIPPS DENISCELIK NAKLIYAT VE TIC.A.S. HAL. YOLU CAD.NO:5 BAY PLAZA K:4 34742 KOCYATAGI-ISTANBUL Tel: TEL:+90 216 578 72 72 (PBX) Fax: FAK:+90 216 578 72 52			
		PORT AGENT: AL HAFPS SHIPPING HAN'TIME CO. TRIPOLI +21821 4770539/4782193 NISCRATA-21851 2627140/26272858			
Origin Vessel ESPERANZA YD118	Place of receipt GEBZE	Port of loading EVYAP	Freight payable at ISTANBUL	Number of original B/L 3/THREE	
Place of discharge KHOMS	Place of delivery AL KHOMS				
Marks and Nos.	Quantity and description of goods	Gross weight, kg.	Measurement, m		
Seals: 198092	CSFU964827-0 10 PACKAGE 40' 2PK BRAID PLASTER // PARQUET HS CODE:321490//441113	6120,000 KG			
		6120,000 KG			
10 DAYS FREE 20' 45' 11TH-20TH USD 7,5 15,00 21ST-30TH USD 15,00 30,00 THEREAFTER 30,00 45,00 VIO SPECIAL EQUIPMENT SURCHARGE TO BE APPLIED FOR (RC, PH, OT, FR, ... ETC) *					
					
1 x 40' CONTAINER(S) S.T.C.		6120,000 KG			
10 PACKAGE					
FREE IN-FREE OUT					
Particulars above declared by Shipper					
Freight and charges		COPY			
FCL/FCL (FREIGHT PREPAID) SHIPPER'S STOW LOAD AND COUNT		RECEIVED the goods in apparent good order and condition and as far as ascertained by reasonable means of checking, as specified above unless otherwise stated. The Carrier, in accordance with and to the extent of provisions contained in this B/L, and with liberty to sub-contract, undertakes to perform and/or in his own name to procure the performance of the combined transport and the delivery of goods, including all services related thereto, from the place and time of taking the goods in charge to the place and time of delivery and accepts responsibility for such transport and such services. One of the B/Ls must be surrendered duly endorsed in exchange for the goods or delivery order. IN WITNESS where of TWO (2) original B/Ls have been signed, if not otherwise stated above, one of which being accomplished the other(s) to be void.			
		Place and date of Issue ISTANBUL 30.11.2018 Signed for The Carrier			
Note: The Merchant's attention is called to the fact that according to Clauses 9 to 12 and clause 2.4 of this B/L the liability of the Carrier is in no way increased by reason of loss of or damage to documents.		As agents(s) only			

Image A.29.6
Cargo Manifest Container CSFU964827-0

CONTAINERSHIPS ISTANBUL		CARGO MANIFEST		FI	
as agent for		03.12.2018 10:39:36 4 of 17		SPAKE FI002000	
CONTAINERSHIPS OYJ				BFE0118	
LTNNOITUSTIE & C				30.11.2018	
02600 ESPOO FI				CONTAINERSHIPS OYJ FIACPL11071	
ECRI: FI0818358-5				Authorised consignor Signature waived	
REPORT AND MANIFEST of the cargo laden on board the BF ESPERANZA, VOYAGE BFE0118					
PORT OF LOADING: EVYAP		PORT OF DISCHARGE: AL KHOMS			
30.11.2018 Port call id:		05.12.2018			
Container no	No & kind of pkgs	Description of goods	Gross Weight	Status	Document
FULL CONTAINERS					
B/L No:	IST1804682	(S): AYKAR NAKLIYAT ULUSLARARASI	(N): SAME AS CONSIGNEE		
Term:	FF 0655E - AL KHOMS	ITR .IBR .STD .STI.	SIYAVUSFASA MAH.BARBAGOS		
Freight:	Prepaid ISTANBUL	S.BK.	KOCADINAH IS HANI NO:2/20		
Customer:	172180 AYKAR NAKLIYAT ULUSLARARASI	(C): QRAULIN COMPANY	(D):		
Reference:	KENDI/2K40 HC				
Service:	FCL/FCL				
Terminal:	EVYAP				
On-Carriage:	Carrier haulage				
Transit:	No				
Release:	3: Original B/L				
CSFU964827-0	10 PACKAGE	BRAID PLASTER // PARQUET	6120,000 N	None	
40' 2PW		HS CODE:321490//441113			
Tare: 4200 kgs					
Seal no's:					
198092					
TOTAL: 1 x 40 2PW					
B/L No:	IST1804693	(S): MEDSTAR OIDA SANAYI DIS	(N): ALKHT ALABIAD FOR IMPORTING		
Term:	QF 0655E - AL KHOMS	TIGARET VE	FOOD STUFF		
Freight:	Prepaid ISTANBUL	ULUSLARARASI TASIMACILIK LTD			
Customer:	335588 MEDSTAR KONTEYNER TASIMACILIGI	STI SULTAN			
Reference:	BIZ/26.11/10*40RC/FEITANOGU	SELIM MAH LALEGUL SCH NEF09 A			
Service:	FCL/FCL	(C): TO THE ORDER OF JUMHOURIA	(D):		
Terminal:	EVYAP	BANK			
On-Carriage:	Carrier haulage	BEJMAIR BRANCH TRIPOLI-LIBYA			
Transit:	No	L/C NUMBER:079LC01181960001			
Release:	3: Original B/L				
BSIU931610-4	3900 BOX (KS)	200 ML ONESTAR MIXEDFRUIT DRINK	23480,000 N	None	
40' 2DV		Req.collection time: 26.11.2018 09:00			
Tare: 4000 kgs					
Seal no's:					
223115					
BSIU989328-3	3900 BOX (ES)	200 ML ONESTAR MIXEDFRUIT DRINK	23530,000 N	None	
40' 2DV		Req.collection time: 26.11.2018 08:00			
Tare: 3370 kgs					
Seal no's:					
223127					
BSIU989501-2	3900 BOX (KS)	200 ML ONESTAR GRAPE FRUIT DRINK	23380,000 N	None	
40' 2DV		Req.collection time: 26.11.2018 08:00			
Tare: 3370 kgs					
Seal no's:					
223217					
CSFU964559-0	3900 BOX (ES)	200 ML ONESTAR MIXEDFRUIT DRINK	23800,000 N	None	
40' 2PW		Req.collection time: 26.11.2018 08:00			
Tare: 4200 kgs					
Seal no's:					
223133					
CSOU410461-9	3900 BOX (ES)	200 ML ONESTAR PEACH FRUIT DRINK	23500,000 N	None	
40' 2DV		Req.collection time: 26.11.2018 08:00			
Tare: 4030 kgs					
Seal no's:					
223192					
GESU449507-3	3900 BOX (ES)	200 ML ONESTAR GRAPE FRUIT DRINK	23600,000 N		
		(Shipper, Consignee, Notify, Delivery address)			

Sources: Confidential

Annex 30: MV *Esperanza* to Misrata (30 December 2018)

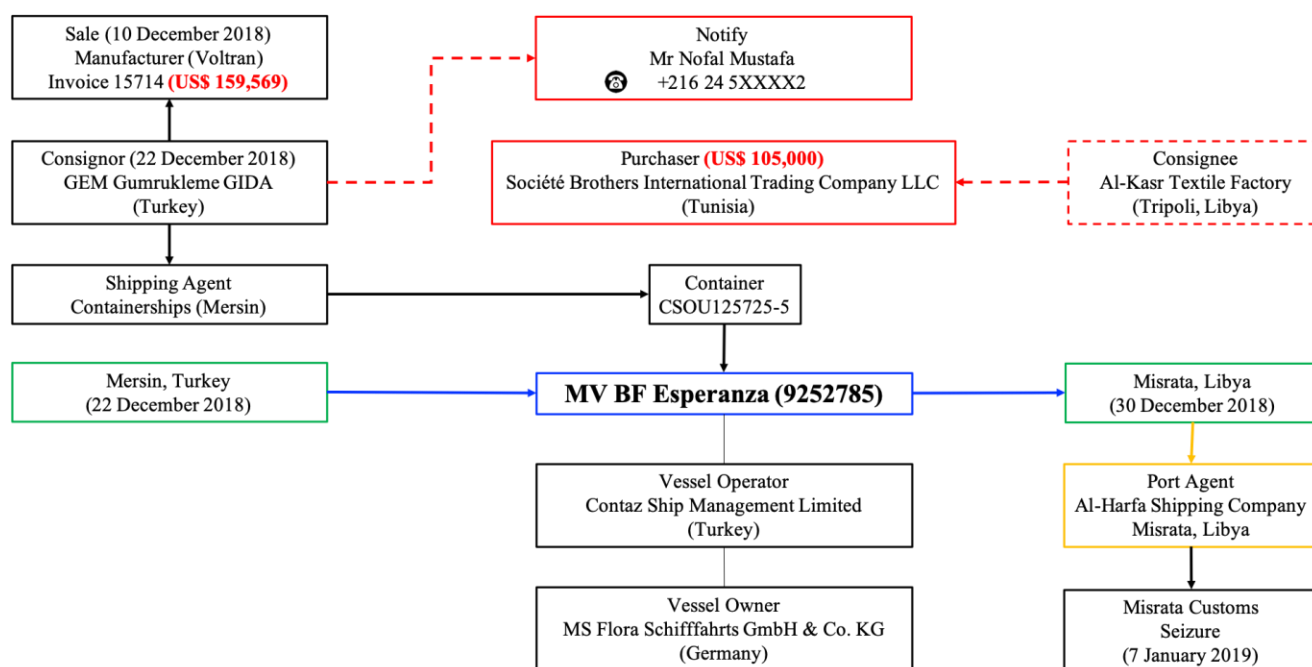
1. On 30 December 2018 the MV *Esperanza* (IMO 9252785) offloaded a container (serial number CSOU 125725-5), which during a subsequent inspection by Misrata port customs authorities on 7 January 2019 was found to contain 20,000 Ekol-Voltran P29 blank firing pistols.
2. The pistols were sold by the manufacturer (Voltran) to a Turkish company, Bahriye Nur Karabilgin / Cem Gumrukleme Gida, on 10 December 2018. The invoice listed the price as TRY 849,600 (US\$ 159,569).¹²⁰ Yet the invoice from Bahriye Nur Karabilgin / Cem Gumrukleme Gida listed the price at US\$ 114,000 to a company listed on their invoice as “Brothers Company for International Trade Toys Shop, Liberty Shipping Logistic (LLC), Tunisa”. Neither the Tunisian authorities nor the Panel could elicit a response from this company.
3. Bahriye Nur Karabilgin / Cem Gumrukleme Gida listed the weapons at US\$ 114,000 on their invoice to the Tunisian company. This equates to a loss of approximately US\$ 45,000 (see appendix A). Panel investigations continue as to the rationale for this, but Bahriye Nur Karabilgin / Cem Gumrukleme Gida has not responded to the Panel enquiries.
3. Analysis of the available shipping documentation (see appendix B) identified a discrepancy between the consignee listed on the Bill of Lading (Alfasr Textile Factory, Libya) and that listed on the Export Customs Declaration (Brothers Company for International Trade).¹²¹
4. Bahriye Nur Karabilgin / Cem Gumrukleme Gida incurred an administrative monetary penalty imposed on them by the Ministry of Trade of Turkey for export irregularities.
5. The full supply chain is at figure 30.1.

¹²⁰ Exchange rate on 10 December 2018 was US\$ 1.00 = TRY 5.32434.

[https://www.xe.com/currencycharts/?from=US\\$&to=TRY](https://www.xe.com/currencycharts/?from=US$&to=TRY).

¹²¹ Company address is Société Brothers International Trading Company L.L.C. (registered number 1223805C), 9 Rue El Amir Abdelkader , Jammal, Monastir, Tunisia. The company is now not located at this address and trading activities have ceased. Owned by Ramiz Arbouk (ID 04190992), 85 Avenue La Liberte, 5020 Jemmel, Monastir, Tunisia. A contact number for Brothers Company for International Trade of +216 24 5XXXX2 was provided on shipping order.

Figure 30.1
Supply chain for 20,000 Ekol-Voltran P29 blank firing pistols



5. The Panel finds Société Brothers International Trading Company LLC of Tunisia in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#).

Image A.30.2

CEM Gumrukleme invoice



BROTHERS COMPANY FOR INTERNATIONAL TRADE TOYS
SHOP(LIBERTY SHIPPING LOGISTIC LLC) TUNUSIA

Bahriye Nur KARABİLGİN

Ferit Paşa Mahallesi Rauf Denktaş Caddesi
Platin Sitesi Platin İş Merkezi No:8 Z/91
Gsm.: 0545 314 94 28 Selpuk/KONYA/TURKEY

MERAM V.D. 149 382 628 36

T.C. SİCİL NO:51288

MERSİS NO: 1493-8262-8360-0001

E-mail: toptatgumrukleme@hotmail.com



İMALATÇI FATURA

Fatura No: 1111111111

Fatura Tarihi: 18.12.2018

Fatura V.D.: 11.12.2018

Fatura No: 1111111111

Fatura Tarihi: 18.12.2018

Fatura V.D.: 11.12.2018

SERİ A SIRA No: 010473

Ambalaj Adedi Number of Packaging	Brüt Kilo Gross Weight	Açıklama (Malin Cinsi) Description	Miktar / Net Kilo Quantity	Birim Fiyat / Döviz Unit Price	Tutar / Döviz Amount
10 KOLİ	65 KG	QUART SOBA(ELKTRK SOBA)	60,00 AD	7,00 USD	420,00 USD
2 KOLİ	15 KG	PLASTİK TEPSİ	72,00 AD	0,11 USD	7,92 USD
1 KOLİ	10 KG	PLASTİK FARAŞ	240,00 AD	0,06 USD	14,4 USD
1 KOLİ	11 KG	PLASTİK ASKI	36,00 AD	0,20 USD	7,2 USD
1 KOLİ	5 KG	PLASTİK MANDAL	45,00 AD	0,25 USD	11,25 USD
1 KOLİ	5 KG	PLASTİK MAŞRAPA	120,00 AD	0,09 USD	10,8 USD
1 KOLİ	20 KG	PLASTİK RENDE	144,00 AD	0,19 USD	27,36 USD
10 KOLİ	300 KG	DİKEY ELEKTİRİKLİ SÜPÜRGE	40,00 AD	12,00 USD	480,00 USD
22 KOLİ	253 KG	ELEKTİRİKLİ SÜPÜRGE	22,00 AD	7,17 USD	157,74 USD
30 KOLİ	105 KG	KATMER SACI	30,00 AD	7,00 USD	210,00 USD
556 KOLİ	16.500 KG	K.S.T. P29 SİYAH	2000,00 AD	5,70 USD	114.000,00 USD
1 KOLİ	10 KG	TRAKTÖR VAK HAYVANLI OYUNCAK	50,00 AD	0,77 USD	38,5 USD
1 KOLİ	5 KG	ARABA SETİ OYUNCAK	30,00 AD	0,73 USD	21,9 USD
2 KOLİ	25 KG	KAMYON OYUNCAK	360,00 AD	0,15 USD	54,00 USD
2 KOLİ	50 KG	PLASTİK OYUNCAK	500,00 AD	0,01 USD	5,00 USD
1 KOLİ	8 KG	OYUNCAK BEBEK	216,00 AD	0,16 USD	34,56 USD
1 KOLİ	6 KG	KUTULU BEBEK	14,00 AD	1,14 USD	15,96 USD
643 KOLİ	17.393 KG		21979 AD		115.516,59 USD
		TOTAL			
		KONTEYNER NO:CSOU 125725-5			
		İBAN NO : TR 63 0020 5000 0945 9804 9001 02			
		BANKA SWIFT CODE :KTEFTRIS			
		KUVEYT TURK KATILIM BANKASI AŞ KONYA YENİ TOPTANCILAR ŞB /TURKI			
		KAP ADEDİ : 643 KOLİ			
		BRUT KG :17,393			
		NET KG :17,393			
		PAYMENT METHOD: %80 PEŞİN %20 MAL MUKABİLİ			
		DELIVERY TERMS : EXWORK KONYA			
		PRODUCT OF TURKEY			
		İMALATÇI: VOLTRAN AV SİLAHLARI İNŞ. SAN. TİC.			
		V.D: 9250162172			
		TOPLAM			
		TD. ŞTİ.			
		KDV %			
		G. TOPLAM			

Bu belgenin sevk edilen malta birlikte bulunması halinde ayrıca sevk iznı alması aranmaz.

Eksiksiz Teslim Eden
İmzaEksiksiz Teslim Alan
İmza

Sources: Confidential

Appendix B to Annex 30: Documentation for blank firing pistol transfer on MV *Experanza* (30 December 2018)

Table B.30.1

Analysis of Ekol P29 blank firing pistol transfers (Misrata) (seized on 7 January 2019)

<i>Date</i>	<i>Document</i>	<i>Purchaser</i>	<i>Shipping Agent</i>	<i>Consignee</i>	<i>Remarks</i>
10 Dec 2018	Voltran Invoice 15714 (Image A.X.1)	Bahriye Nur Karabilgin / Cem Gumrukleme Gida Silah Hiozm, Dis Tic, Feritpaşa Mah. Rauf Denktaş Cad. No: 8/Z091, Konya, Turkey	Contaz Ship Management Ltd, ^a Kat 7, Bay Plaza, Hal Yolu Caddesi 5, Kozyatagi Mah, Kadikoy, 34742 Istanbul, Turkey		
22 Dec 2018	Bill of Lading MER1802199 (Image B.X.2)		Contaz Ship Management	Alfasr Textile Factory Tripoli Libya	No address for consignee Container CSOU125725-5 Declared as toys
22 Dec 2018	Customs Declaration			Brothers Company for International Trade Toys Shop, Tunis, Tunisia	False documentation

^a www.contaz.com.

Image B.30.1

Contaz bill of lading

Konsimento

Combined Transport BILL OF LADING

B/L No.

MER1802189

Reference No.

referans no

Shipper
CEM GUMRUKLEME GIDA HIZMETLERI
TIS TIC
PERITPASA MAH RAUF DENKTAS CAD
PLATIN ISMERKEZI NO:8 791
KONYA

Consignee
ALFASR TEXTILE FACTORY
TRIPOLI/LIBYA

Notify address
BROTHERS COMPANY FOR
INTERNATIONAL TRADE
TUNISIA/TUNIS
TEL:-21



CARRIER:
CONTAINERLINES DENIZCILIK
ISKILYAT VE TICARET A.S.
IKONU BULVARI 101 SOKAK
ANKARA-MERSIN
Tel:
Fax:

PORT AGENT:
AL-HARFA SHIPPING CO
1.EL-JAMAILALI BLKCD. PORT
STREET MISURATA T.C. BOX 1155
TEL:002195.2622740/41
FAX:002195.2622740/41

Ocean Vessel OF ESPERANZA	Place of receipt MERSIN	Port of loading MERSIN	Freight payable at MERSIN	Number of original B/L 3/THREE
Port of discharge MISURATA	Place of delivery MISURATA	Quantity and description of goods	Gross weight, kg.	Measurement, m3

SPECIFICATION ATTACHED

1 x 20'	CONTAINER(S) S.T.C.	17393,000 KG	28,0000 CBM
	643 PACKAGE	17393,000 NET	

FREE IN-FREE OUT

COPY

Freight and charges

ALL INL. FREIGHT PREPAID
SHIPPER'S STOW, LOAD AND COUNT

Particulars above declared by Shipper

RECEIVED the goods in apparent good order and condition and as far as ascertained by reasonable means of checking, as specified above unless otherwise stated.

The Carrier, in accordance with and to the extent of provisions contained in this B/L, and with liberty to sub-contract, undertakes to perform and/or in his own name to procure the performance of the combined transport and the delivery of goods, including all services related thereto, from the place and time of taking the goods in charge to the place and time of delivery and accepts responsibility for such transport and such services. One of the B/Ls must be surrendered duly endorsed in exchange for the goods or delivery order.

IN WITNESS whereof TWO (2) original B/Ls have been signed, if not otherwise stated above, one of which being accomplished the other(s) to be void.

Place and date of issue
MERSIN 22.12.2018
Signed for The Carrier

Note:
The Merchants attention is called to the fact that according to Clauses 8 to 12 and clause 2.4 of this B/L, the liability of the Carrier is, in most cases, limited in respect of loss of or damage to the goods.

As agents(s) only

Sources: Confidential.

Annex 31: BMC Kirpi 4 x 4 on MV Amazon to Tripoli (18 May 2019)

1. On 30 April 2019, Mr Fathi Bashagha, Minister of the Interior and Defence of the Government of National Accord (GNA), reportedly visited Turkey, where military cooperation between the two countries was discussed.¹²²
2. The Panel received confidential information, and then noted subsequent media coverage (see annex A), that at about 12:00 hours (Local)¹²³ on Saturday, 18 May 2019 a consignment of armoured vehicles was unloaded at the Ro-Ro Terminal on Pier 3 in Tripoli port, Libya, from the motor vessel (MV) *Amazon* (IMO 7702657), then a Moldovan-flagged Ro-Ro cargo vessel.¹²⁴
3. The Panel has identified the armoured vehicles as *Kirpi* 4 x 4 Mine Resistant Ambush Protected (MRAP) vehicles manufactured by BMC of Turkey¹²⁵ (see figures 31.1 and 31.2).¹²⁶ Imagery of the interior of the vehicles indicates that these are ‘new’ vehicles (see figure 31.3).

Figure 31.1

BMC Kirpi offloading from Amazon^a



Figure 31.2

BMC company imagery of Kirpi^b



Figure 31.3

Kirpi vehicle interior^c



^a <https://m.facebook.com/100035146145193/posts/130283384819866/#> = .

^b <https://www.bmc.com.tr/en/defense-industry/kirpi>.

^c Confidential source.

4. Although no weapons were observed on the *Kirpi* 4x4 MRAP vehicles, they are designed to be fitted with heavy machine guns if turreted or fitted with specialist weapons mounts. As these vehicles were supplied turreted, the Panel considers that, due to the ease of weapon mounting for the end user, neither paragraph 9 nor paragraph 10 of resolution [2095 \(2013\)](#) applies. Once armed by the GNA their military utility changes from being protective vehicles to vehicles with an offensive capability.

5. Some of the vehicles were then subsequently seen on social media video been driven in convoy

¹²² www.libyaobserver.ly/inbrief/interior-minister-arrives-turkey-discuss-military-and-security-cooperation.

¹²³ All timings are Local.

¹²⁴ Satellite imagery of the vehicle entering port is at appendix A.

¹²⁵ BMC, Oruç Reis Mahallesi Tem Otoyolu, Atış Alanı Mevkii Tekstil Kent Caddesi No.12, Koza Plaza A Blok 4, Kat No:1004, Esenler, İstanbul, Turkey. www.bmc.com.tr.

¹²⁶ All imagery was originally from a confidential source unless otherwise indicated.

through the streets of Tripoli. The Panel has identified that the vehicles were received on behalf of: 1) the Al Somoud Brigade commanded by designated individual Salah Badi (LYi.028) by his assistant Ashraf Mami, of the Al Somoud Brigade; and 2) the Al Marsa militia commanded by Mohamed Bin Ghuzzi, (see figure 31.4).¹²⁷ Vehicles were also supplied to the 33 infantry regiment led by Bashir Khalfalla.

Figure 31.4

Ashraf Mami (L) and Mohammed bin Ghuzzi (R) at Tripoli port on 18 May 2019



Source: https://scontent-mxp1-1.xx.fbcdn.net/v/t1.0-9/60704862_2223762161005751_3543772288954400768_n.jpg?_nc_cat=108&_nc_eui2=AeEv3DBM4WxxRHSAJPkYNi3bdnI6acveHVAai0vOpoXjughTiKR9dD_oZZelABEFbmeqqPzxIsN2P7RfwzrzlHEgd5JBmQ3uhu2ZMaLJjfcQsA&_nc_oc=AQniNnUh1np4_SqOj5d6o2AXmHOPaqlbH2sQqZrQYldN4rbsr_ClgP2Jc9pg8bv_7Tg&_nc_ht=scontent-mxp1-1.xx&oh=aaff8485e7eeca1d1c7d413531912a0a&oe=5E12151E.

6. The Panel also identified that at least two Ford 2533 commercial trucks equipped with gantries and an empty flatbed, and painted in a military olive green, were also discharged from the vessel (figures 31.5 and 31.6). These were equipped with gantries that were almost certainly designed to support the antennae of a command, control, computers and communication (C4) system for unmanned combat aerial vehicles (UCAV) (see figure 31.7 for comparison). The Panel assesses that these were the vehicles to carry the C4 system for the *Bayraktur* TB2 UCAV.

¹²⁷ <https://almarsad.co/en/2019/06/07/the-case-of-the-illegal-ukranian-flights-from-turkey-to-libya-special-rep7ort/>, and confidential source.

Figure 31.5
Ford 2533 truck offloaded from
Amazon



Figure 31.6
Ford 2533 trucks offloaded from
Amazon



Figure 31.7
Ford 2533 trucks with C4 gantry on
manufacturers' website



Source for 31.9: <https://baykarsavunma.com/sayfa-Komuta-Kontrol--Haberlesme-Bilgisayar-ve-Istihbarat-C4I.html>. Accessed 2 September 2019.

7. The Panel identified that the ship's voyage commenced at Samsun, Turkey, on 9 May 2019, with its declared destination being Izmir, Turkey. The vessel transited the Bosphorous on 11 May 2019 and went 'dark' for the night of 14/15 May 2019 after having been last identified in the vicinity of Izmir port. Izmir is also the location of the Pınarbaşı production plant¹²⁸ of the *Kirpi* 4 x 4 armoured vehicles. The vessel re-appeared on its automatic identification system (AIS) at 12:18 hours on 15 May 2019. It then changed its destination to Tripoli at 15:16 hours on 15 May 2019. Table 31.1 shows the timeline for the vessel's voyage, and the route is illustrated at appendix B.

Table 31.1
Timeline and route of *Amazon*

Port	Arrival		Departure		AIS	Remarks
	Time	Date	Time	Date		
Samsun, Turkey	18:25	21 April 2019	20:47	9 May 2019	✓	-
Bosphoros, Turkey	06:53	11 May 2019	08:41	12 May 2019	✓	Transit
Dikili, Turkey	20:47	13 May 2019	18:01	14 May 2019	✓	At anchor
Izmir, Turkey	22:09	14 May 2019	12:48	15 May 2019	✓	-
Izmir port area, Turkey	22:56	14 May 2019	12:18	15 May 2019	Dark	Possible Izmir port visit

¹²⁸ <https://www.bmc.com.tr/en/corporate/about>.

Port	Arrival		Departure		AIS	Remarks
	Time	Date	Time	Date		
Egri Liman Channel	16:06	15 May 2019	-	-	✓	Changed destination to Tripoli
Tripoli, Libya	12:02	18 May 2019	-	-	✓	Last AIS log 4:05 hours, 19 May 2010

Source: Confidential.

8. The Panel has confirmed that the vessel docked at Tripoli port, Ro-Ro Terminal on Pier 3, on 18 May 2019 at 12.02 hours and departed on 20 May 2019 at 12:26 hours. The vessel sailed to Samsun port, Turkey arriving at 14:20 hours on 28 May 2019.

9. The vessel is owned by Maya Roro S.A.,¹²⁹ and was operated by Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Limited Sti.¹³⁰

10. As a result of this illicit shipment the Moldovan Flag Administration forcibly excluded the MV *Amazon*, MV *Beril* (IMO 7600720) and MV *Mira* (IMO 7637319), all owned or operated by Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Ltd STI from the Moldovan Flag Registry, (see appendix C). The MV *Amazon* was subsequently provisionally reflagged under the Togo Maritime Administration on 14 June 2019. On learning of the illicit activities of the MV *Amazon* the Togo Maritime Administration also promptly cancelled the provisional registration on 20 August 2019 (see appendix D).

11. The Panel identified that the vehicles were sold to the Presidency of Defence Industries, as BMC have only directly exported such vehicles to Qatar, Turkmenistan or Tunisia.¹³¹ In a meeting with the Panel on 31 July 2019 the Minister of Interior and Defence, Fathi Bashagha, acknowledged the transfer of *Kirpi* armoured vehicles for the Ministry of Interior through the port of Tripoli on 18 May 2019.

¹²⁹ c/o Akdeniz Roro Deniz Tasimac, Dagilgan Kume Evleri 30/A, Evci Mah, Akdeniz, 33100 Mersin, Turkey.

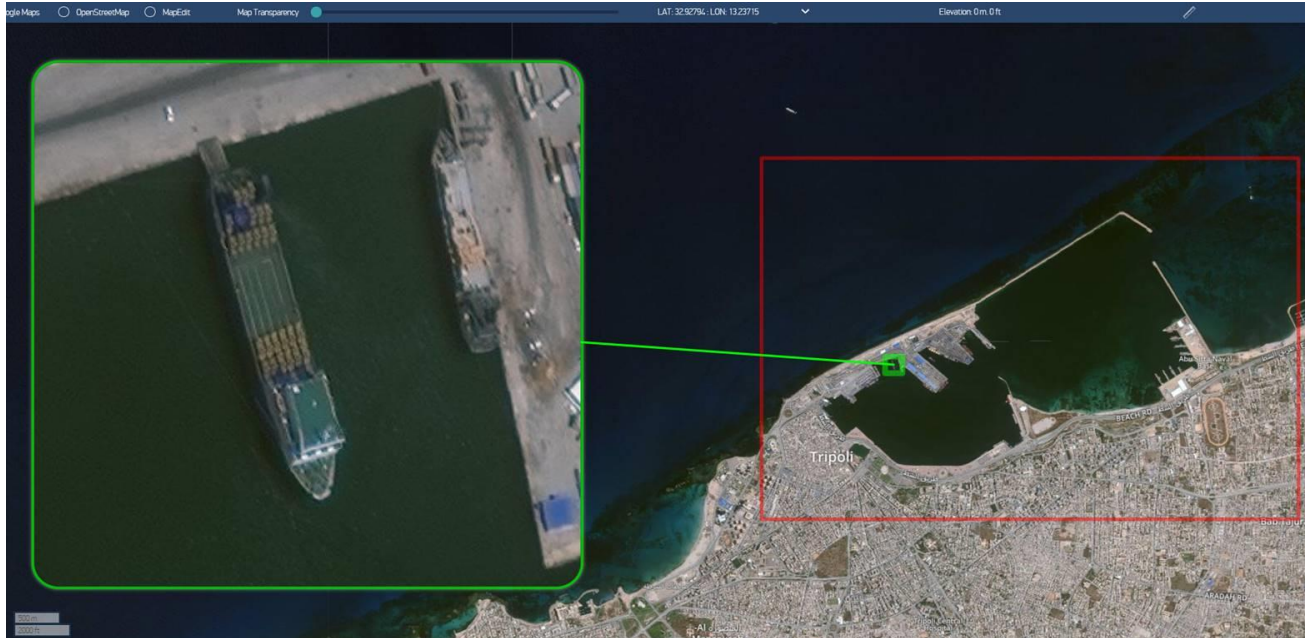
¹³⁰ Akdeniz Roro Deniz Tasimac, Dagilgan Kume Evleri 30/A, Evci Mah, Akdeniz, 33100 Mersin, Turkey. <http://www.akdenizroro.com/filo.html> (the remainder of the website is inaccessible as at 10 June 2019). Note same physical and web address as vessel owner Maya Roro S.A.

¹³¹ Letter to Panel from BMC dated 1 July 2019.

12. The Panel thus finds Turkey, the GNA and Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Limited Sti. in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for their certain involvement in the procurement and physical transfer of military material to the GNA.

Appendix A to Annex 31: Satellite imagery of MV *Amazon* entering Tripoli port

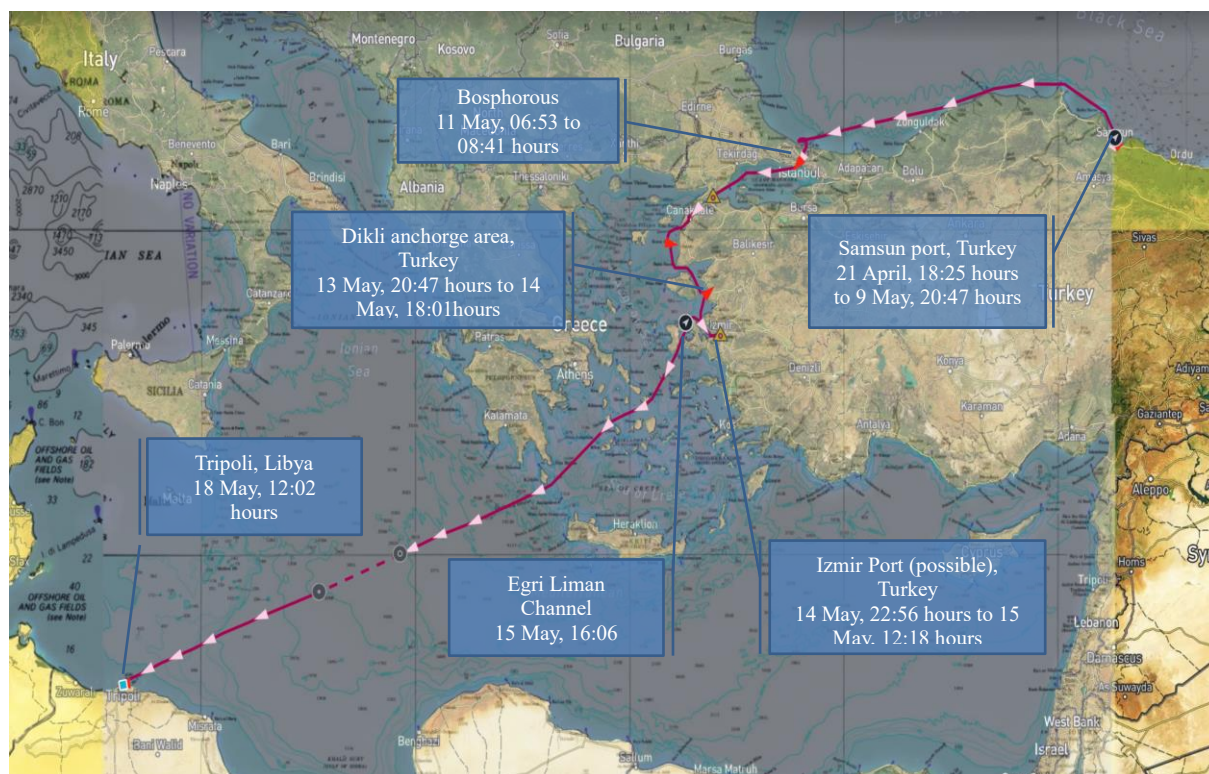
Figure A.31.1
Satellite image of BMC *Kirpi* on deck of MV *Amazon* on docking



Source: Confidential.

Appendix B to Annex 31: Route of MV *Amazon* between 21 April and 18 May 2019

Figure B.31.1
Route of MV *Amazon*



Source: Developed by panel.

Appendix C to Annex 31: Moldovan Flag Administration decision of 25 May 2019

MINISTERUL ECONOMIEI
SI INFRASTRUCTURII
AL REPUBLICII MOLDOVA
AGENȚIA NAVALĂ

șos. Hâncești, 53 et.5
MD-2028 Chișinău
Tel./ Fax.: +37322735345
e-mail info@maradmoldova.md



MINISTRY OF ECONOMY
AND INFRASTRUCTURE
OF REPUBLIC OF MOLDOVA
NAVAL AGENCY

șos. Hâncești, 53 floor 5
MD-2028 Chișinău
Tel./ Fax.: +37322735345
e-mail info@maradmoldova.md

No. 237 from 25th of May 2019

TO OWNER: MAYA RORO S.A.
MARSHALL ISLANDS

TO OWNER: TUNA SHIPPING S.A.
MARSHALL ISLANDS

TO OPERATOR: Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Ltd Sti
Kat 4, Atatürk Bulvarı 140, Kale Mah, İlkadim, 55030 Samsun, Turkey.

To Legal Representant of the owners in Moldova – Lawyers office „Leonid Karagheaur..
Str. Tighina 65, Chisinau, Republic of Moldova

Copy To RO: MARITIME LLOYD

Subject: m/v AMAZON, m/v BERIL, m/v MIRA - Lost Flag of the Republic of MOLDOVA

By present, the Naval Agency of the Republic of Moldova, notifies the owners and operational company of the vessels m/v AMAZON (IMO 7702657), m/v BERIL (IMO 7600720) and m/v MIRA (IMO 7637319) due to illegal actions of transporting 50 military vehicles type KIRPI 4x4 to port Tripoli (Libya) on 18 May 2019 through the vessel AMAZON, against the arms embargo imposed by the Resolution 1970 (2011) Adopted by the Security Council at its 6491st meeting on 26 February 2011, the Naval Agency notifies of the exclusion of mentioned vessels from the State Ship Registry of the Republic of Moldova on basis of:

- 1) Government Decision No. 855 from 30.07.2007 on the approval of the Ships Registration Rules in the Republic of Moldova article. 73, letter d) that stipulates „*shipowner, bareboat-charterer, operator or crew violate international mandatory sanctions for the Republic of Moldova and the provisions of the international treaties to which the Republic of Moldova is a party...*” as mentioned all vessels operated by the Akdeniz Roro Deniz Tasimaciligi Turizm Sanayi ve Ticaret Ltd Sti will be subject for force exclusion of the vessels from the registry;
- 2) Resolution 1970 (2011) Adopted by the Security Council at its 6491st meeting, on 26 February 2011, which impose arms embargo in point 9 „*that all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types.*”

including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories...;

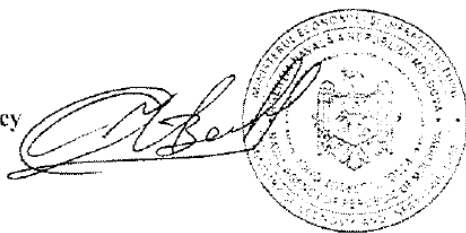
- 3) Letter requests and notifications of the Naval Agency no.223 from 21.05.2019, no.228 from 22.05.2019 and no.235 from 24.05.2019 and refusal of the owner and operational company to cooperate on the mentioned case;
- 4) Confirmation of the transported of armored military vehicles KIRPI 4x4 and „cargo manifest,, copy presented, by the owner of vessel AMAZON (IMO 7702657) on 18 May 2019 by the mentioned operator and owner.
- 5) Internal Order no. 57-P from 25th of May 2019 of the exclusion from the State Ship Registry of the mentioned vessels.
- 6) Owner's declaration of vessel's non-involvement with criminal acts or omissions from 19.10.2016, accordingly to:
 - *point A.1 ..that the aforementioned vessel while registered as Republic of Moldova ship will not be involved in the transportation of any armaments and/or ammunition whatsoever,,*
 - *point B.6 .. will not be involved in any way in the disputes between nations and parties, or support civil unrest in any country..*
 - *point C.7 ..the vessel shall immediately be de-registered to the full cost of vessel's, and the flag state will not be liable for any form of claim arising from de-registration of said vessel...*

Basing on the above mentioned, the Naval Agency as Maritime Administration of the Republic of Moldova notifies the owners and operational company of the forced exclusion of the vessels m/v AMAZON (IMO 7702657), m/v BERIL (IMO 7600720) and m/v MIRA (IMO 7637319) , the exclusion from the State Ship Registry of the Republic of Moldova from 26th of May 2019.

The mentioned ships lost the Flag of the Republic of Moldova, all flag certificates, class and statutory certificates issued in the name of the Government of the Republic of Moldova are no more valid and must be returned back to the Administration in original. All MoUs will be notified about this decision.

Best regards,

Director of Naval Agency
Igor ZAHARIA



Ex. Vadim Pavlachei
Head of Department „Ships registration, seafarers, State Ships Register..
+373 791 12 123

Source: Member State

Appendix D to Annex 31 Togo Flag Administration decision of 20 August 2019

REPUBLIQUE TOGOLAISE TRAVAIL – LIBERTE – PATRIE		TOGOLESE MARITIME AUTHORITY INTERNATIONAL SHIP REGISTRY
---	---	---

Our Ref: 0041NOC/TG/08/19

NOTICE OF CANCELLATION OF REGISTRY

Name of Vessel	IMO	Official Number	Call Sign
AMAZON	7702657	TG-01380L	5 V H N 3

By this notification this Administration has decided to cancel the subject vessel "AMAZON" with IMO No. 7702657 from its International Registry as EX OFFICIO as from 20/AUGUST/2019 due to violation of Security Council Resolutions related to arms embargo on Libya.

Therefore, following certificates issued by our Administration for the vessel "AMAZON" have been **CANCELLED** due to the fact that the vessel's activities are in conflict with certain Security Council Resolutions.

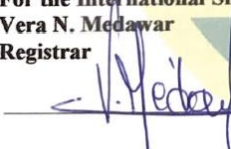
- Provisional certificate of Registry with reference No. TG/REG/139-38512/2236
- Provisional Radio License with reference No. TG/RSL/139-38512/1838
- Provisional Minimum Safe Manning with reference No. TG/MSM/139-38512/1943

Should any Togolese certificate be circulated or used for the subject vessel as of 20TH August 2019, this Administration holds the right to take full and any needed legal action against owners, managers, operators of the vessel.

As well, this notification CAN NOT be used in substitution for deletion certificate.

This cancellation will be validated with immediate effect as from 20TH August 2019.

For the International Ship Registry of Togo
Vera N. Medawar
Registrar




Source: Member State.

Annex 32: OPV *Al Karama***Rationale for classification as military equipment**

1. Naval ships are differentiated from civilian ships by their design, construction and purpose. Generally, naval ships are damage resilient, with the ability to seal off multi-compartments for damage control purposes to enable the vessel to “float and fight” after multiple catastrophic events. Civilian vessels have lesser damage control measures designed in to them, which enables the vessel to “float” after a single catastrophic event. OPV *Al Karama* is a naval ship by design and construction.
2. Naval ships are either armed, or have the capability of being armed, with weapon systems. When decommissioned the vessel has its armaments removed, but the ability to remount armaments on its deck and superstructure generally remains. The design of the vessel specifically includes hard mounting points on the deck and superstructure for naval ordnance that will absorb and safely transfer the forces of firing. Civilian vessels are not designed with the capability to mount naval ordnance, and thus their superstructure may not be capable for weapons use. OPV *Al Karama* was designed to mount one 40mm cannon and two 20mm cannons. On arrival in Benghazi, OPV *Al Karama* was then re-equipped with one 40mm cannon and two 20mm cannons in exactly the same positions that they were in during Irish naval service. OPV *Al Karama* is a naval ship by its capability to mount naval ordnance with no strengthening of deck or superstructure required.
3. Merchant vessels are designed to carry passengers or cargo. OPV *Al Karama* was designed to carry a naval crew not passengers. The storage on OPV *Al Karama* is designed to support its naval operations, e.g. ammunition magazines for the weapons, food supplies for the crew and spare parts. It does not have holds suitable for the efficient and cost-effective movement of civilian cargo. Its accommodation is not designed for passengers.
4. Naval vessels are painted grey. Civilian vessels are not, to avoid confusion for obvious reasons. The then *Avenhorn* was transferred to the new UAE owners still painted naval grey, despite there been time and the capability to repaint a civilian colour. There was time though to paint the new name *Al Karama* (“Dignity”) on the vessel for the voyage, and this is the name that it entered Libyan military service under.
5. Although the Dutch purchasers had drawn up tentative plans for conversion to a “yacht” no work had been done to prepare the vessel for such a conversion before it was sold.

6. The vessel *Avenhorn* was registered by the Dutch purchasers in Belize as a “Patrol Vessel” and sold as such. They were told that it was to be used for counter-piracy operations near Egypt. The vessel then had its registration transferred to Panama by the new UAE owners, where it was declared as a “Pleasure Yacht” and renamed *Al Karama*. This was a deliberate mis-declaration by the new UAE owners. After delivery to the Libyans on 17 May 2018 the OPV *Al Karama* was then removed from the Panama registry on 23 July 2018 by the new UAE owners, who declared it was for “demolition”. Another deliberate mis-declaration by the new UAE owners, and another indication of a deliberate attempt to disguise the transfer of the vessel.

7. The vessel left Rotterdam bound for Alexandria, Egypt on 4 May 2018. When the vessel was south of Sicily on the morning of 15 May 2018 the crew were instructed by the new UAE owners to divert to Benghazi, Libya and deliver the vessel to a Rear Admiral Farag. The crew were falsely told that the vessel had been sold “in transit”.¹³² The vessel arrived in Benghazi on 17 May 2018, flying the Libyan naval flag, and was met by senior naval officers aboard the armed Libyan Coast Guard patrol vessel ‘247 Izrig’.¹³³

Non transmission of AIS or LRIT

8. The offshore patrol vessel (OPV) *Al Karama* (IMO 7820693), is still not transmitting its automatic identification system (AIS) or long-range identification and tracking system (LRIT), which is a requirement for civilian vessels. Signals from these systems were last detected in the port of Benghazi on 22 May 2018 and since then the vessel has remained ‘dark’.

Naval operations

9. The OPV *Al Karama* was next observed leaving harbour on 29 March 2019 when taking part in a joint naval exercise at sea with HAF naval infantry and the ‘247 Izrig’ (figures 32.3 and 32.4).¹³⁴ It was last seen alongside in Ras Lanuf on 26 April 2019 (see appendix 11).

¹³² Confidential source(s).

¹³³ https://www.youtube.com/watch?v=v6SZfyRc_ww.

¹³⁴ https://www.facebook.com/warinformationdivision/posts/2632791356762457?_tn =. Accessed 9 April 2019.

Figure 32.3
OPV *Al Karama* at sea (28 Mar 2019)



Source: www.facebook.com/warinformationdivision/photos/pcb.2632791356762457/2632789716762621/?type=3&theater.

Figure 32.4
OPV *Al Karama* at sea (R) with patrol vessel 247 Izreg (L) (28 Mar 2019)



Source: www.facebook.com/warinformationdivision/photos/pcb.2632791356762457/2632789910095935/?type=3&theater.

Evidence of non-compliance

10. The findings of the Panel are supported by independent and corroborated testimonies of witnesses and the documentary and imagery evidence shown in the appendices at table 32.1:

Table 32.1
Documentary and imagery evidence

Appendix	Evidence Type	Remarks
1	Documentary	International Merchant Marine Registry of Belize registration certificate dated 3 August 2017, which registers the <i>Al Karama</i> (then known as the <i>Avenhorn</i>) as a <u>patrol vessel</u> . Certificate obtained by Russel Ventures.
2	Documentary	Contract of Sale signed 1 February 2018 between Universal Satcom Services F.Z.E. (UAE) and Ahl Ai-Thiqa Security and Safety Equipment Imports Company, Benghazi Libya). Note that this predates the sale of the vessel to Universal Satcom Services F.Z.E. from the then owner, Russell Ventures Limited (Seychelles) (the parent company of Dick van der Kamp Shipsales, Netherlands)
3	Documentary	Memorandum of Agreement dated 26 February 2018 for sale of the <i>Al Karama</i> (then known as the <i>Avenhorn</i>) by Russell Ventures Limited (Seychelles) to Universal Satcom Services FZE
4	Documentary	Bill of Sale dated 29 March 2018 for sale of the <i>Al Karama</i> (then known as the <i>Avenhorn</i>) by Russell Ventures Limited (Seychelles) to Universal Satcom Services FZE
5	Documentary	Invoices from Russell Ventures Limited (Seychelles) to Universal Satcom Services FZE dated 26 February and 9 March 2018

Appendix	Evidence Type	Remarks
6	Documentary	Payments from Universal Satcom Services FZE to Dick van der Kamp Shipsales BV, acting for Russell Ventures Limited (Seychelles) dated 27 February, 26 March, 27 March and 28 March 2018
7	Documentary	Panama Registration Authority Navigation Special Registry certificate of 23 April 2018, which registers the <i>Al Karama</i> (then known as the <i>Avenhorn</i>) as a <u>pleasure yacht</u> . Certificate obtained by Universal Satcom Services FZE
8	Documentary	Email dated 27 May 2018 from Reema Sami Abdullah Al Omari to Dick van den Kamp Shipsales confirming the sale of the vessel to the “Libyan Ministry of Transportation” during its voyage to Alexandria, Egypt
9	Documentary	Government of Fujairah company registration certificate for Universal Satcom Services FZE identifying Reema Sami Abdullah Al Omari as Owner.
10	Documentary	Company certificate for Ahl al-Thiqa Security and Safety Equipment Imports Company, Benghazi.
11	Imagery	Imagery from confidential source showing OPV <i>Al Karama</i> to in Ras Lanuf on 20 April 2019.
12	Imagery	Plan showing retrofitting of weapons to <i>Al Karama</i>

Appendix 1 to Annex 32: International Merchant Marine Registry of Belize registration certificate dated 3 August 2017

Image 32.1.1

Certificate of registration

THIS PATENT IS NOT VALID FOR NAVIGATION
THE VESSEL IS TO REMAIN MOORED IN
DORDRECHT, THE NETHERLANDS



INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE
"IMMARBE"
MERCHANT SHIPS (REGISTRATION) ACT, 2010
PERMANENT PATENT OF NAVIGATION

NAME OF VESSEL
AVENHORN

CALL LETTERS N/A	IMO NUMBER 7820693	REGISTRATION N° 141720373
MMSI NUMBER N/A	OWNERS ID NUMBER 5705934	

NAME AND ADDRESS OF OWNERS
RUSSEL VENTURES LTD., SALAMAT HOUSE, LA POUDRIERE LANE, VICTORIA, MAHE, SEYCHELLES

DESCRIPTION OF VESSEL

HULL	GROSS TONNAGE	NET TONNAGE	UNDER DECK
	995	299	--

NAME OF BUILDERS
VEROLME CORK DOCKYARD LTD - IRELAND HULL #973

YEAR BUILT
1980

THREE	ONE	ONE	ONE
--------------	------------	------------	------------

LENGTH	BREADTH	DEPTH	TYPE OF ENGINES	NAME OF ENGINES MAKERS	SPEED
65,20 M	10,40 M	6,70 M	TWO DIESEL 6PA6L280 8 CYL., 2400 HP EACH	SEMT PIELSTICK S.A.	17 Knots

PREVIOUS NAME: **LE AISLING** PREVIOUS NATIONALITY: **IRELAND**

TYPE OF RADIO EQUIPMENT: **N/A**

ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: **N/A**

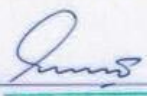
COMPLETE ADDRESS OF ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: **N/A**

SHIPPING AGENT IN BELIZE: **MORGAN & MORGAN (BELIZE) TRUST CORPORATION LTD.**

DATE OF ISSUANCE
AUGUST 3, 2017

The Registrar of the International Merchant Marine Registry of Belize, by the powers vested thereupon by the Merchant Ships (Registration) Act, 2010, hereby authorizes and extends the present Permanent Patent of Navigation.

DESIGNATED OFFICE: 14 ROTTERDAM
POSTBUS 3219 - 3003AE ROTTERDAM
TEL.: +31 10 458 7338 FAX: +31 10 458 7601
E-MAIL: registration@hubelmarine.com


Erik A. de Koning
Deputy Registrar

CONTROL N° 04 - N° 009912 F- 031- PPN

Source: Member State.

18 أن يقوم الطرف الثاني بالتصديق المضمّن في شعارى خلال فترة التّدريب و أن يقوم لاحقاً بتزويد سفره خارج ليبيا

19 يخلى الطرف الأول مسؤوليته عن الباخرة بعد تسليمها للطرف الثاني حيث سيتم إلغاء جميع سجلات الباخرة و العلم منذ لحظة تسليمها و على الطرف الثاني عمل الترتيبات اللازمة لاستصدار التراخيص و الشهادات اللازمة و هذه الشهادات هي

- International Tonnage certificate شهادة حمولة نوتية
- Minimum Safe Manning Certificate شهادة الحد الأدنى من الأمان
- Authorization Letter from Panama Maritime Authority رسالة الموافقة من سلطات سماء البحرية بالبحر البحري
- Seaworthiness Certificate شهادة صلاحية الأبحر
- Navigation Special Registry Certificate شهادة التسجيل الخاصة بالملاحة
- Radio Station Provisional License شهادة ترخيص محطة إذاعة مؤقتة

تدويع العقد و قوله من قبل

الطرف الثاني: شركة أهل الثقة لاستيراد معدات الأمن و السلامة التوقيع: _____ التاريخ: _____ 	الطرف الأول: شركة يونيفرسال ساتكوم التوقيع: _____ التاريخ: _____ 
--	---

Universal Satcom Services FZE
Contract No. 2018/05/001V

Fujairah Free Zone, P. O Box 50482

Source: Confidential

Image 32.2.2

Official translation of the above document

Translated from Arabic

Contract for the sale of a vessel

Universal Satcom Services FZE
17 April 2018

Universal Satcom Services FZE
Fujairah Free Zone, PO Box 50462
Contract No. 2018/05/001V

Contract of sale

On **Thursday, 1 February 2018**, the present contract was concluded between:

1. Universal Satcom Services, a company specialized in technical maritime services, registered in the Fujairah Free Zone, United Arab Emirates, represented in the present contract by Rima Sami al-Umari in her capacity as Director-General of the company, and referred to hereinafter as “the first party”.
2. The Ahl al-Thiqa Safety and Security Equipment Import Company, a company specialized in providing safety and security equipment, registered in Benghazi, Libya, represented in the present contract by Mr. Bushnaf Hasan Hamad and referred to hereinafter as “the second party”.

Introduction

The two parties have agreed that the first party shall provide a maritime vessel with the technical specifications set out in the annex to the present contract, and that the second party shall pay the funds specified in the contract in accordance with the conditions specified therein.

The two parties have agreed to the following:

1. The introduction set forth above shall constitute an inseparable part of the contract.
2. The first party undertakes to supply the maritime vessel and hand it over to the second party within a period of no more than 90 days as of the date of the contract, and to take receipt of the instalment.
3. The value of the contract for the supply of the vessel, under the present contract, shall be US\$ 1,500,000 (one million five hundred thousand United States dollars).
4. Terms of payment:

50 per cent of the value of the contract upon signature;

25 per cent of the value of the contract once the vessel has been shown and inspected at the port of Alexandria by the second party;

25 per cent of the value of the contract upon definitive receipt of the vessel in the port of Benghazi.

5. The prices agreed upon in the present contract shall be final and fixed, and shall not be subject to increase. No changes to the value of the contract may be requested owing to currency fluctuation; or any rise in market prices; or costs of production, labour or transport; or changes in taxes and duties; or the imposition of new taxes or duties; or any other reason.

In addition to the cost, the prices shall include all expenses and fees incurred by the first party in fulfilling the contract, including transport fees; port and dock duties; storage, unloading, assembly, testing and verification expenses, and any other commitments that are needed in order to supply the vessel to which the present contract refers.

6. The first party affirms that the vessel shall be handed over in good and proper condition, and without any flaw.

7. The crew that will convey the vessel to the port of Benghazi shall provide technical training to the crew of the second party, namely general training on how to operate the vessel and the equipment on board, for a period of no more than a week from the date of the handover.

8. The second party shall host the crew in Benghazi during the training period and shall then make arrangements for them to travel out of Libya.

9. The first party disclaims all responsibility for the vessel after it has been handed over to the second party. The vessel's flag and all its registration markings shall be removed from the moment of its handover, and the second party shall make the necessary arrangements to obtain the required licences and certificates, which are as follows:

- International tonnage certificate;
- Minimum safe manning certificate;
- Authorization letter from Panama Maritime Authority;
- Seaworthiness certificate;
- Navigation special registry certificate;
- Radio station provisional licence.

The contract has been signed and accepted by:

The first party: Universal Satcom Services company;	The second party: the Ahl al-Thiqa Safety and Security Equipment Import Company.
---	--

Signed: (*Signature, seal*)

Signed: (*Signature, seal*)

Date:

Date:

PANEL NOTE:

The technical specifications referred to are not included in this document but are in the possession of the Panel.

Appendix 3 to Annex 32: Memorandum of Agreement dated 26 February 2018¹³⁷ for sale of the *Al-Karama*

Image 32.3.1

Memorandum of agreement

MEMORANDUM OF AGREEMENT

Verkoop Memorandum - Agreement of Sale
Memorandum of Agreement for sale and purchase of ship. Adopted by the Dutch and International Maritime Council (DIMS/C) in 1986.
Only valid
SALEFORM 1987
Revised 1988, 1993, and 1998

Dated: 26th February 2018

1 Russell Ventures Ltd, First Floor, Commercial House 1, Eden Island, Seychelles
2 hereinafter called the Sellers, have agreed to sell and
3 Universal Satcom Services Fze, Fujairah Free Zone, P.O.Box 50462 Fujairah, U.A.E.
4 hereinafter called the Buyers, have agreed to buy the MV "AVENHORN".

5 Classification: none
6 Built: 1990 by: Verpine Cork Dockyard Ltd, Cork, Ireland
7 Flag: Belize Place of Registration: Belize
8 Call sign: NA Register tonnage: GT/NT 996/296
9 Register number: 141720373 - IMO number 7820683
10 Hereinafter called the vessel on the following conditions:

11 **1. Price**
12 Price: USD 525,000,- (Say United States Dollars FiveHundredandTwentyFive Thousand)

13 **2. Deposit**
14 As security for the correct fulfillment of this Agreement the Buyers shall pay a deposit of 10 %
15 (ten per cent) of the Purchase Price by swift bank transfer within 2 (two) banking days after this
16 Memorandum of Agreement is signed by both parties.
17 This deposit shall be placed with Dick van der Kamp Shippaers BV - ABN AMRO BANK - SPUJENSSE -
18 IBAN NL79ABNA0584993625 - Swift Code - ABNANL2A

19 **3. Payment**
20 The said Purchase Price shall be paid in full free of bank charges by swift bank transfer to Sellers account
21 to Dick van der Kamp Shippaers BV - ABN AMRO BANK - SPUJENSSE - IBAN NL79ABNA0584993625
22 Swift Code - ABNANL2A on delivery of the Vessel, but not later than 3 banking days after the Vessel is in
23 every respect physically ready for delivery in accordance with the terms and conditions of this Agreement
24 and Notice of Readiness has been given in accordance with Clause 5.

25 **4. Inspections**
26 The Buyers have inspected the Vessel in 'S-Gravendeel', Holland and have accepted the Vessel thus the
27 sale is definite.

28 **5. Place and time of delivery**
29 The vessel shall be delivered and taken over in Holland 'S-Gravendeel', Holland
30 Expected time of delivery: as soon as possible but between 23rd March 2018

31 Date of canceling (see clause 14): 23rd March 2018 - 1700 hrs Dutch time
32 Should the vessel become an actual total, compromised or constructive total loss before delivery the
33 purchase price shall immediately be released to the Buyers and the contract thereafter considered null
34 and void.



Source: Confidential.

¹³⁷ First page only for clarity. Remainder available from the Panel's records.

Appendix 4 to Annex 32: Bill of Sale dated 29 March 2018 for sale of the *Al-Karama*

Image 32.4.1

Bill of Sale**BILL OF SALE (Body Corporate)**

IMO Number	Name of Ship	Number, year and port of registry		Whether a sailing, steam or motor ship	Horse power of engines (if any)
7820693	AVENHORN	Belize / 141720373		Motorvessel	4800
		Metres	Centi-metres	Number of Tons (where dual tonnages are assigned the higher of these should be stated)	
Length		65	20	GT	NT
Breadth		10	40		
Moulded depth		6	70		
				995	299

and as described in more detail in the Register Book.

We, (a) RUSSELL VENTURES LTD (hereinafter called "the transferors") having our principal place of business at First Floor, Commercial House 1, Eden Island, Seychelles in consideration of the sum of US\$ 525,000.- (Say FivehundredTwentyFive Thousand United States Dollars) paid to us by (b) UNIVERSAL SATCOM SERVICES FZE, Fujairah Free Zone, P.O. Box: 50462, Fujairah, UAE (hereinafter called "the transferees") the receipt whereof is hereby acknowledged, transfer 100 % of the shares in the Ship above particularly described, and in her boats and appurtenances, to the said transferees.

Further, we, the said transferors for ourselves and our successors covenant with the said transferees and (c) their assigns, that we have power to transfer in manner aforesaid the premises hereinbefore expressed to be transferred, and that the same are free from all encumbrances (d), mortgages, maritime liens, taxes or any other debts or claims whatsoever.

IN WITNESS whereof we have executed this Bill of Sale on the 29th March 2018

In the presence of (e) Notary Public

(a) Name in full of Body Corporate. (b) Full name(s), and address(es) or transferee(s) with their description in the case of individuals, and adding "as joint owners" where such is the case. (c) "his", "their" or "its". (d) if any subsisting encumbrance add "save as appears by the registry of the said ship". (e) Signatures and description of witnesses, i.e. Director, Secretary, etc. (as the case may be)

Seen for legalization of the signature of Mirjam Waalboer, born in Hellevoetsluis on the thirtieth day of October nineteen hundred sixty nine, holder of Identitycard number IRRJD7L00, on the 29th day of March 2018, by me Mr Ernst Hitzemann, civil law notary practising at Spijkenisse.



E. Hitzemann

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: THE NETHERLANDS
This public document
2. has been signed by **mr. E. Hitzemann**
3. acting in the capacity of notary at Spijkenisse
4. bears the seal/stamp of aforesaid notary

Certified

5. in Rotterdam
6. on 29-03-2018
7. by the registrar of the district court of Rotterdam
8. no. 18/2335

9. Seal/stamp

10. Signature:

M.M. Nijdam - Sibum



m.m. Nijdam

Source: Confidential.

Appendix 5 to Annex 32: Invoices from Russell Ventures Limited (Seychelles) to Universal Satcom Services FZE

Image 32.5.1

Invoices

RUSSELL VENTURES LTD
First Floor, Commercial House 1, Eden Island, Seychelles

INVOICE FOR 10 % DEPOSIT

Universal Satcom Services Fze,
Fujairah Free Zone,
Pobox 50462
Fujairah,
United Arab Emirates

INVOICE NR. AV-01 **DATED: 26th February 2018**

Herewith we debit you for the 10 % deposit of the Vessel "Avenhorn" as per Memorandum of Agreement dated 26th February 2018

Details of Vessel :
Name: Avenhorn
Flag: Belize
IMO nr. 7620693

Amount payable: US\$ 52.500,-
(Say FiftyTwoThousandFiveHundred United States Dollars)

Payment Terms: Payment in full to be made via Telegraphic Transfer

Bank Details:
Beneficiary Name: Dick van der Kamp Shipsales BV
Beneficiary Bank: ABN AMRO Bank
Address: Raadhuislaan 91, 3201 EM Spijkenisse, The Netherlands
IBAN nr. : NL79ABNA0584993625
Account nr : 584993625
Swift Code: ABNANL2A



RUSSELL VENTURES LTD
First Floor, Commercial House 1, Eden Island, Seychelles

INVOICE FOR 90 % BALANCE OF THE PURCHASE PRICE

Universal Satcom Services Fze.
Fujairah Free Zone
Pobox 50462
Fujairah
United Arab Emirates

INVOICE NR. AV-02

DATED: 9th March 2018

Herewith we debit you for the 90 % balance of the purchase price for the Vessel
"Avenhorn" as per Memorandum of Agreement dated 26th February 2018.

Details of the Vessel:

Name : Avenhorn
Flag : Belize
IMO nr.: 7820693

Amount payable US\$ 472,500,-

(Say FourHundredSeventyTwoThousandFiveHundred United States Dollars)

Vat 0

Payment Terms: Payment in full to be made via Telegraphic Transfer

Bank Details

Beneficiary Name : Dick van der Kamp Shipsales BV,
Beneficiary Bank : ABN AMRO Bank
Address : Raadhuislaan 91, 3201 EM Spijkenisse, The Netherlands
IBAN nr. : NL79 ABNA 0584 9936 25,
Account nr. : 584993625
Swift Code : ABNANL2A

RUSSELL VENTURES LIMITED
REP OF SEYCHELLES

Source: Confidential.

Appendix 6 to Annex 32: Example payments from Universal Satcom Services FZE to Dick van der Kamp Shippers BV, acting for Russell Ventures Limited (Seychelles)

1. Four payments were made of US\$ 52,500 (27 February 2018), US\$ 157,500 (22 March 2019), US\$ 157,500 (27 March 2019) and US\$ 157,500 (28 March 2019). Documentation for one payment only is included in the report, the remainder is in the possession of the Panel.

nbf Remittance request form

By Order of Remitter

Account Holder Name: **UNIVERSAL SATCOM SERVICES FZE**

Branch: **AL QUAZ** Date: **220318**

Debit Account/BAN: **012001154808**

We wish to apply for payment: ☒ International Transfer ☐ Domestic Transfer ☐ Draft ☐ Account Transfer ☐ Manager's Cheque

Remittance Details

Remittance Currency (please tick only one box): ☐ UAE Dirham ☒ US Dollar ☐ Euro ☐ Pound Sterling ☐ Others (please specify)

Amount in Foreign Currency (figures): **157500**

(words): **one hundred fifty seven thousand five hundred dollars only.**

Amount in UAE Dirham (figures):

(words):

Charges tick one: ☐ Charge my account for sending bank charges only (SHA) ☐ Charge my account for sending and receiving bank charges (DUA) ☐ Charge from remittance amount (BEN)

Beneficiary Details (CAPITAL letters)

Name: **DICK VAN DER KAMP SHIP SALES BV**

Account/BAN: **NL99ABNA0584993625**

Beneficiary Bank Name: **ABN AMRO BANK**

Beneficiary Bank Address: **KANALHUISLAAN 91 3801 EM SPIJKENISSE, THE NETHERLANDS**

Branch: City: **ABNA NL2A**

State / Country / Province: **THE NETHERLANDS** Bank / Swift Code: **ABNA NL2A**

Local Routing Code: Intermediary Bank Code:

Beneficiary Address:

Purpose of Payment

Transaction Code* (for domestic AED payments only):

Please describe specific Transaction Details, see website for more information.

Purpose/Payment Details* (up to 140 characters): **Partial Payment Avenhorn Vessel**

For international payments, specific purpose of payment must be provided, stating all relevant numbers (NO) in a separate document and not written inside an envelope or attached.

Please print address, telephone, fax and e-mail of remitter and beneficiary in Arabic and English. If the remitter is a company, please also print the name of the company in Arabic and English.

Indemnity

I/We agree to the Terms and Conditions given overleaf.

I/We hereby agree to indemnify National Bank of Fujairah, against any loss, damage, liability, claim, or charges which will be incurred by the Bank on account of any breach and undertake not to make any claim in respect thereof. I/We also hereby irrevocably and unconditionally agree and authorize the Bank at its discretion and without notice to debit my/our account if such account is in credit or overdraft.

In consideration of your agreeing to process this transaction as requested, I/We hereby undertake and agree to indemnify you and hold you harmless against all possible losses that may be suffered by the Bank on account of the transaction/transactions being blocked by correspondence banks due to the United States of America / United Nations / and other sanctions results by any entity worldwide.

Customer's Signature: *[Signature]*

توقيع العميل

Source: Confidential



Rekeningafschrift

Soort rekening (in USD)		Rekeningnummer	Datum afschrift	Aantal bladen	Blad	Volgnr
VREEMDE VALUTA REKENING		58.49.93.625	05-04-2018	2	002	5
Boekdatum (Boekdatum)	Omschrijving	Bedrag af (debet)		Bedrag bij (credit)		
	Deal Ticket ID 4207369					
28-03 (28-03)	ONZE REF: SW2803003324595 OORSPR. USD157500,00 ONTV AAB USD 157.450,00 GEDEELDE KOSTEN OPDR./BEGUNST. /012001154808 UNIVERSAL SATCOM SERVICES FZE FULL PAYMENT AVENHORN VESSEL RFB FT 180871QY2K			157.450,00		
27-03 (27-03)	ONZE REF: SW2703003317790 OORSPR. USD157500,00 ONTV AAB USD 157.450,00 GEDEELDE KOSTEN OPDR./BEGUNST. /012001154808 UNIVERSAL SATCOM SERVICES FZE /RFB/FT180864P4PN PARTIAL PAYMEN T 2ND AVEN HORN VESSE L			157.450,00		
26-03 (26-03)	ONZE REF: SW2603003306867 OORSPR. USD157500,00 ONTV AAB USD 157.450,00 GEDEELDE KOSTEN OPDR./BEGUNST. /012001154808 UNIVERSAL SATCOM SERVICES FZE PARTIAL PAYMENT AVENHORN VESSEL RFB FT18081LB4PN			157.450,00		

ABN-AMRO Bank N.V.
 A.s. v. d. Nieuwmarkt
 9711 HJ Nieuwmarkt



Source: Confidential

Appendix 7 to Annex 32: Panama Registration Authority Navigation Special Registry certificate of 23 April 2018

Image 32.7.1

Panama Registration Certificate

 REPÚBLICA DE PANAMÁ AUTORIDAD MARÍTIMA DE PANAMÁ REPUBLIC OF PANAMA PANAMA MARITIME AUTHORITY			
DIRECTORATE GENERAL OF MERCHANT MARINE / DIRECCION GENERAL DE MARINA MERCANTE INTERNATIONAL SERVICE / SERVICIO INTERNACIONAL			
IMO NUMBER Número OMI	REGISTRATION NO. Número Oficial	Call Sign Distintivo de Llamado	
7820693	D-1992-3192-PEXT	HO9840	
Issued under Law N° 57 dated August 6th, 2008 / Expedido bajo Ley No. 57 de 6 de agosto de 2008			
NAVIGATION SPECIAL REGISTRY / PATENTE ESPECIAL Pleasure Yacht			
Vessel's Information / Información del Buque		Type Vessel / Tipo de Buque	
Name of Vessel / Nombre del Buque ALKARAMA		YATE DE PLACER (PLEASURE YACHT)	
Registered Owner / Propietario UNIVERSAL SATCOM SERVICES FZE			
Resident Agent / Agente Residente LIC. OCTAVIO SAMANIEGO		Radio Accounting Authority / Autoridad de Cuentas de Radio CORRESPONDENCIA PRIVADA	
Former Name / Nombre Anterior AVERHORN		Previous Flag / Nacionalidad a la que Renunció BELICE	
Built in / Construido en IRLANDA	Builder / Constructor VEROLME CORK DOCKYARD LTD.	Hull Material / Material del casco ACERO	Keel Laid / Puesta de Quilla ***** Construction Date / Año de Construcción 1972
Length / Eslora 58.17 MTS	Breadth / Manga 10.40 MTS	Depth / Puntal 6.70 MTS	GRY / TR 995.00 NRY / TN 299.00 Dead Weight / Peso Muerto *****
PROPULSION SYSTEM / SISTEMA DE PROPULSION			
Type of Engines / Tipo de Máquinas MOTOR(ES) DIESEL	Vessel Speed / Velocidad del Buque 17.0 NUDOS	Manufacturer & Cylinders / Fabricante y Cilindros SEMT-PIELSTICK DOS (2) DE SEIS (6) CYLS	Engines Power / Potencia de la Máquina DOS (2) DE 2400.00 HP / 1790.40 KW
Issuance Date / Fecha de Expedición VEINTITRES (23) DE ABRIL DE 2018		Expiration Date / Fecha de Expiración VEINTIDOS (22) DE JULIO DE 2018	
Place of Issuance / Lugar de Emisión PANAMA		Pass / Derechos RO No. 10126828A del 23 de abril de 2018	
REMARKS / OBSERVACION			
This navigation registry is exclusively to permit a voyage to: Este Puesto de Registro, es exclusivamente para realizar un viaje para:			
PORT OF EXIT PUERTO DE SALIDA ROTTERDAM NETHERLANDS LEAVE PORT PUERTO DE LLEGADA ALEXANDRIA EGYPTO.	Sighting / Observar ☐	Delivery / Entrega ☒	Towing / Remolcar ☐




 FERNANDO SOLÓRZANO
 OFFICER SIGNATURE / FIRMA DEL FUNCIONARIO

Image 32.7.2

Extract showing reason falsely declared for deregistration (ORIGINAL)¹³⁸

ALKARAMA

IMO No.7820693; Distintivo de Llamada HO9840; año de construcción 1979; tonelaje bruto 995.00; tonelaje neto 299.00; eslora 59.17 mts.; manga 10.40 mts.; puntal 6.70 mts.

- **CANCELACIÓN:** Clasificación de Yate de Placer, con registro oficial N°D-1992-392-PEXT, cancelada del registro panameño el 23 de julio de 2018, para demolición.
- **Propietario Registrado:** Universal Satcom Services FZE, dirección Fujairah Free Zone, P.O. Box 50462, Fujairah, UAE. Emiratos Árabes Unidos.

Image 32.7.3

Extract showing reason falsely declared for deregistration (OFFICIAL UN TRANSLATION)

Alkarama

International Maritime Organization (IMO) number: 7820693; call sign: HO9840; year of build: 1979; gross tonnage: 995.00; net tonnage: 299.00; length: 59.17 metres; breadth: 10.40 metres; depth: 6.70 metres.

- **Deregistration:** The *Alkarama*, a pleasure yacht with official registration number D-1992-392-PEXT, removal from the Panama Registry on 23 July 2018, for demolition.
- **Registered owner:** Universal Satcom Services FZE; Fujairah Free Zone, P.O. box 50462, Fujairah, United Arab Emirates.

Sources: Member State

¹³⁸ Member State letter to Panel dated 31 October 2018.

Appendix 8 to Annex 32: Email dated 27 May 2018 from Reema Sami Abdullah Al Omari to Dick van den Kamp Shipsales

Image 32.8.1

Email from Reema Al Omari

Re: Alkarama

Onderwerp: Re: Alkarama
Van: reema@universalsatcom.com
Datum: 27-05-18 01:35
Aan: dvdk@vanderkamp.com
CC: johnny pacheco <johnnypacheco1963@yahoo.com>, Mirjam Waalboer <mirjam@vanderkamp.com>

Reema Al Omari

Hello Dick

Hope you are well

I received good offer to sell the ship to the Ministry of Transportation in Libya during its journey to Alexandria... so I decided to sell it.

Please keep me updated with any vessels that you have to sell in the future i might be able to sell it for you

Thanks

Reema Omari
CEO
Universal Satcom

Reema Al Omari

On May 22, 2018, at 2:28 PM, D van der Kamp Shipsales – DVDK <dvdk@vanderkamp.com> wrote:

Dear Reema, Johnny,

We are called by journalists saying vessel is in Libya , there is a you tube film that Libyan Navy is awaiting the vessel.

Please clarify this matter.

Thank you,

regards
--

D. van der Kamp Shipsales BV
The Netherlands
Tel +31-181-321754 – Fax +31-181-322910
shipsales@vanderkamp.com – www.vanderkamp.com
As brokers/ managers only – All offers given in good faith but without guarantee
– Sub unsold

Appendix 9 to Annex 32: Government of Fujairah company registration certificate for Universal Satcom Services FZE

Image 32.9.1

Company registration certificate

GOVERNMENT OF FUJAIRAH
FUJAIRAH FREE ZONE AUTHORITY

حكومة الفجيرة
هيئة المنطقة الحرة الفجيرة

فجيرة
FUJAIRAH
المنطقة الحرة
FREE ZONE

رقم الرخصة
License No. : 3829

اسم الشركة
Company Name : يونيفرسال ساتكوم سيرفيسيز م.م
UNIVERSAL SATCOM SERVICES FZE

المالك
Owner : Mrs. Reema Sami Abdullah Al omari

مقر الشركة
Place of Inc. : المنطقة الحرة - الفجيرة
FUJAIRAH FREE ZONE

نوع الرخصة
Type of License : SERVICES

النشاط
Activity : خدمات الدعم التقنية وخدمات تركيب أجهزة الدعم الملاحة للسفن
Technical Support, Installation of Satellite Equipment for Support Vessels & Ships

العنوان
Address : ص.ب. 50462، الفجيرة، إ.م.
P.O. Box: 50462, Fujairah, UAE

الهاتف
Telephorie : 2282978

الموظف المسؤول
Person in Charge : السيدة / ريم سامي عبد الله العماري
Mrs. Reema Sami Abdullah Al omari

رقم السجل
Registration No. : 16-FZE-1615

تاريخ الانتهاء
Date of Expiry : 31/12/2017

الفاكس
Fax : 2282979

المهنة
Position : مدير عام
General Manager

تأريخ الترخيص
Date of Issue

رمز م.ج.ع
Unified National
Custom Code : 00260

Sharief Habib Al Awadhi
Director General

ج.ب. 1133، الفجيرة، الإمارات العربية المتحدة، مكتب : 971 9 2228000 - فاكس : 971 9 2228888
P.O. Box. 1133, Fujairah, United Arab Emirates T: +971 9 222 8000 F: +971 9 222 8888

E: freezone@emirates.net.ae W: www.fujairahfreezone.com

Source: Confidential.

Appendix 10 to Annex 32: Company certificate for Ahl al-Thiqa Security and Safety Equipment Imports Company, Benghazi

Image 32.10.1

Company certificate

172-3302
تاريخ القيد 2012/12/16

مكتب السجل التجاري

الاسم التجاري للشركة : شركة أهل الثقة لاستيراد معدات الأمن والسلامة

أسست الشركة بموجب عقد التأسيس

مدة الشركة : 25 تبدأ من 2012/12/11 م

رأس المال : المكتتب : 500000 دل

أعضاء مجلس الإدارة :

المدفوع : 150000 دل

نوعها : ذ.م.م

مقرها الرئيسي : بنغازي

وتنتهي في : 2037/12/11 م

عني :

ر.و	الاسم	الجنسية	الصفة	تاريخ التعيين	محل الإقامة	العنوان
1	بوشناق حسن حمد	ليبي	مفوض	2012/12/16	بنغازي	بنغازي
2	هاني فتحي بالقاسم	ليبي	عضوا	2012/12/16	بنغازي	بنغازي

الممثل القانوني :

ر.و	الاسم	الجنسية	الصفة	تاريخ التعيين	محل الإقامة	العنوان
1	بوشناق حسن حمد	ليبي	مفوض	2012/12/16	بنغازي	بنغازي

Source: Confidential.

Image 32.10.2
Panel translation

Copy of the commercial registry

16/12/2012

Commercial name : Ahl al-Thiqa Company for Safety and Security Apparel Imports

Company created by: Contract of establishment Based in Benghazi

Duration of the company: 25 yrs Starting from 11/12/2012 Ending on 11/12/2037

Capital : 500,000 LYD

Paid/Cash : 150,000 LYD

Members of the Board of Directors:

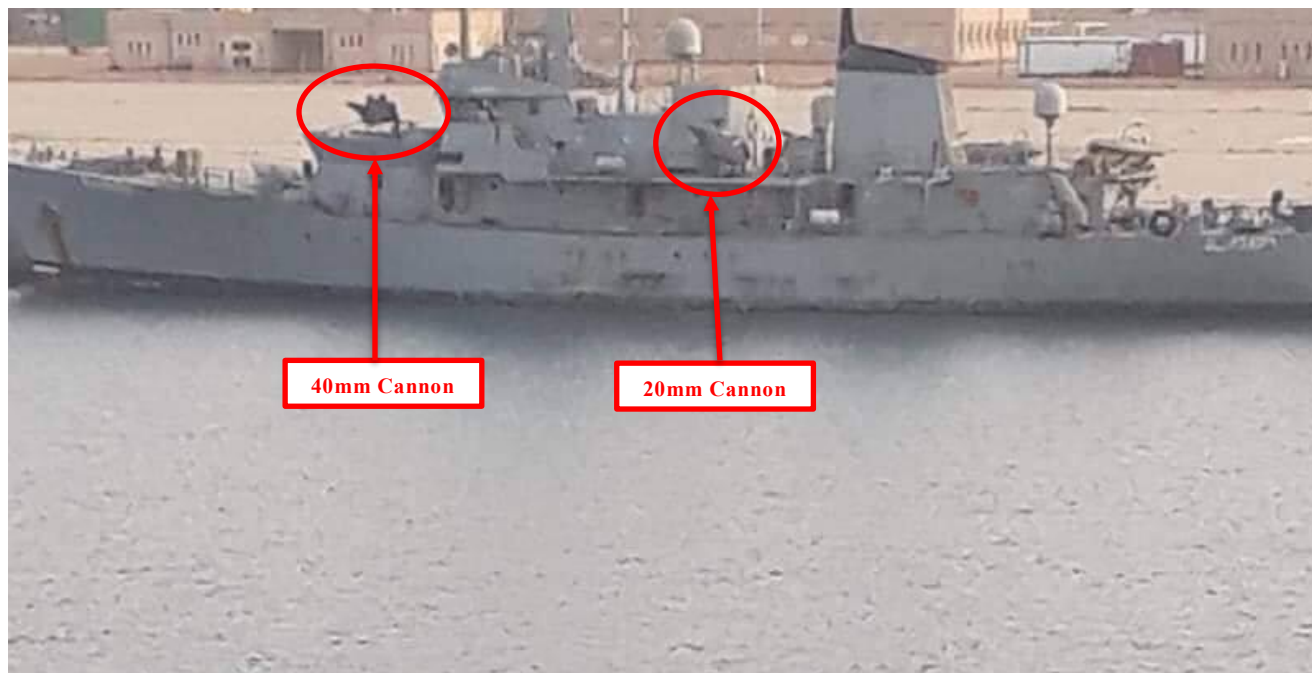
<i>Name</i>	<i>Nationality</i>	<i>Position</i>	<i>Date of nomination</i>	<i>Based</i>	<i>Address</i>
Bushnaf Hasan Hamed	Libyan	Commissioner	16/12/2012	Benghazi	Benghazi
Hani Fathi Belkacem	Libyan	Member	16/12/2012	Benghazi	Benghazi

<i>Name</i>	<i>Nationality</i>	<i>Position</i>	<i>Date of nomination</i>	<i>Based</i>	<i>Address</i>
Bushnaf Hasan Hamed	Libyan	Legal Advisor	16/12/2012	Benghazi	Benghazi

Appendix 11 to Annex 32: OPV *Al Karama* (fitted with weapons) (Ras Lanuf – 26 April 2019)

Image 32.11.1

***Al Karama* in Ras Lanuf**

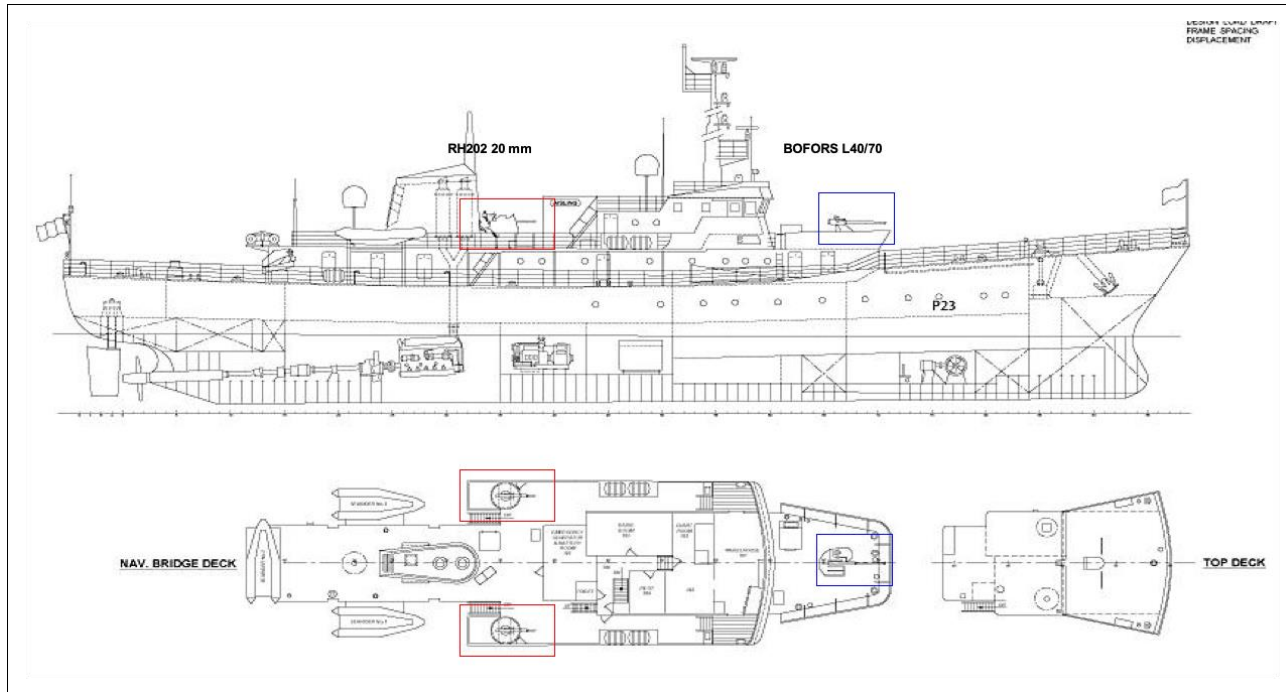


Source: Confidential

Appendix 12: Plan showing retrofitting of weapons to *Al Karama*

Image 32.12.1

Retrofitting of *Al Karama*



Source: Confidential

Annex 33: Non-lethal maritime exceptions

‘Stan Patrol 1605’ Class patrol boats

1. A Member State transferred eight ‘Stan Patrol 1605’ Class patrol boats to the Libyan Coast Guard on 10 January and 22 April 2013. The vessels were manufactured by Damen Shipyard Group of the Netherlands,¹³⁹ and are referred to in paragraph 77 of [S/2018/812](#). Although the vessels were unarmed on transfer, they were fitted with generic equipment mounts,¹⁴⁰ which are also particularly suitable for the mounting of light weapons. The Panel has identified that a number of these vessels have then been armed subsequent to transfer, thus converting them into armed naval vessels.

2. The current names, weaponry mounted on them, and last known locations of the vessels are at table 33.1. Imagery is at figures 33.1 to 33.4.

Table 33.1

Names and last identified locations of Libyan Coast Guard Stan Patrol 1605 Class vessels

#	Name	Location	Coordinates	Date	Remarks
217	Burdi	Tobruk	32°04'36.77"N, 23°58'52.58"E	Oct 2017	
227	Sloug	Ras Al Hilal	32°52'58.06"N, 22°11'22.92"E	May 2018	
237	Besher	Benghazi	32°06'03.31"N, 20°02'51.62"E	Feb 2016	Identified as armed with one BMP-1 73mm Gun.
247	Izreg	Benghazi	32°06'03.31"N, 20°02'51.62"E	Mar 2019	Identified as armed with one ZSU-23-2 cannon.
257	Libda	Al Khoms	32°40'42.56"N, 14°14'25.21"E	Jan 2019	
267	Talil	Zawiyah	32°47'33.45"N, 12°44'52.61"E	Nov 2018	Identified as armed with two 12.7 x 108mm DShK-M variant heavy machine gun.
277	Tukra	Az Zuwaytinah	30°57'15.21"N, 20°06'42.18"E	Mar 2018	
287	Qaminis	Misrata	32°22'20.46"N, 15°12'57.72"E	Dec 2018	Unarmed on 25 April 2016.

Source: Some data from confidential source.

¹³⁹ <https://products.damen.com/en/ranges/stan-patrol/stan-patrol-1605/deliveries/spa-1605-burdi-sloug-besher-izreg>.

¹⁴⁰ Letter from Member State of 16 April 2019.

Image 33.1
237 Beshar (Left)
 Benghazi based



Image 33.2
247 Izreg
 Benghazi based



Image 33.3
247 Izreg
 Benghazi based



Image 33.4
267 Talil
 Zawiya based



Sources: 1) 33.1 and 33.2 from <https://www.albawabhnews.com/show.aspx?id=1789870>; 2) 33.3 from https://www.youtube.com/watch?time_continue=1&v=lp2S4czOoUs. (0.27 min); and <https://www.facebook.com/1431260937150207/photos/a.1835184040091226/1985294058413556/?type=3&theater>; and 4) 33.4 from <https://www.facebook.com/warinformationdivision/photos/pcb.2632791356762457/2632789800095946/?type=3&theater>.

‘Corrubia’ Class patrol boats

3. A Member State has confirmed the transfer of two ‘Corrubia’ Class patrol boats to the Libyan Coast Guard, which were previously in service as G92 ‘Alberti’¹⁴¹ and G115 ‘Zannotti’.¹⁴² The first vessel was delivered on 21 October 2018 and named ‘Fezzan (658)’ by the Libyan Coast Guard. The second vessel was delivered in 24 November 2018 and named ‘Ubari (660)’ (figures 33.5 and 33.6).

¹⁴¹ <http://www.gdf.gov.it/repository/re.t.l.a/centro-navale/bandi-di-gara-e-contratti/anno-2016/affidamento-del-servizio-ordinaria-e-straordinaria-manutenzione-g.-92-alberti>.

¹⁴² <http://www.gdf.gov.it/repository/re.t.l.a/centro-navale/bandi-di-gara-e-contratti/anno-2017/fornitura-materiale-elettrico-occorrente-al-201cg.-115-zanotti201d>.

4. The ‘Corrubia’ Class Patrol Boat is a 27m monohull designed as a multiple role tactical platform, and normally has a standard weapon fit of a 30mm / 82 calibre Breda-Mausser Cannon, 1 x 12.7mm medium machine gun and 2 x 7.62mm medium machine guns. The Panel received details of the demilitarization of these vessels prior to transfer from the Member State,¹⁴³ and that States’ rationale that the transfer fell under the auspices of paragraph 10 of resolution [2095 \(2013\)](#).

Figure 33.5
Fezzan (658) in Tripoli (21 Oct 2018)



Figure 33.2
Ubari (660) in Tripoli (24 Nov 2018)



Sources: 1) www.libyaakhbar.com/libya-news/30905.html and www.libyaobserver.ly/news/italy-sends-libya-boat-“fezzan”; and 2) www.libyaobserver.ly/inbrief/libyan-coast-guard-receives-new-vessel-italy.

Annex 34: Operational naval assets

1. The Panel has compiled an analysis of the current and potentially future operational vessels of the Libyan Navy and Coast Guard. The data, which is at tables 34.1 and 34.2 is not yet exhaustive as research continues.

Table 34.1

Operational Libyan Navy / Coast Guard vessels¹⁴⁴

<i>Generic Type</i>	<i>Type</i>	<i>Hull #</i>	<i>Vessel Name</i>	<i>Location</i>	<i>Remarks</i>
Patrol Vessel	Damen Stan Patrol 1605 ^a	217	<i>Burde</i>	Tobruk	Probable HAF controlled.
		227	<i>Sloug</i>	Ras Al Hilal	Probable HAF controlled
		237	<i>Besher</i>	Benghazi	HAF controlled.
		247	<i>Izreg</i>	Benghazi	HAF controlled.
		257	<i>Libda</i>	Al Khoms	
		267	<i>Talil</i>	Zawiyah	Loose GNA-AF control.
		277	<i>Tukra</i>	Az Zuwaytinah	
		287	<i>Qaminis</i>	Misrata	
Patrol Vessel	Damen Stan Patrol 2606				Delivered in 2013. ^b
Patrol Boat	Raidco RPB20	317	<i>Akrma</i>	Benghazi	HAF controlled. Delivered in April 2013. ^c
		327	<i>Janzur</i>	Benghazi	HAF controlled
Patrol Boat	Corrubia Class	658	<i>Fezzan</i>	Tripoli	Donated 2018 by Italy (ex G115 <i>Zanotti</i>)
		660	<i>Ubari</i>	Tripoli	Donated 2018 by Italy (ex G192 <i>Aliberti</i>)
Patrol Boat	PV30-LS Class	634	<i>Sadadah</i> ^e		Six ordered for Coast Guard from Croatia 2006 - 2008. ^f Reported non-operational.
Patrol Boat	Hameln Class	206	<i>Al-Kifah</i>	Tripoli	Seen 2017. ^g
Patrol Boat	Bigliani Class	644	<i>Zuwarah</i>		Maintained by Italy in May 2017 (ex G83 <i>Macchi</i>).
		648	<i>Ras Al Jadar</i>		Maintained by Italy in May 2017 (ex G86 <i>Buoncore</i>).

¹⁴⁴ Multi source Panel research.

Generic Type	Type	Hull #	Vessel Name	Location	Remarks
		654	<i>Sabratha</i>		Maintained by Italy in May 2017 (ex G82 <i>Galiano</i>).
		656	<i>Zawia</i>		Maintained by Italy in May 2017 (ex G84 <i>Fortuna</i>).
Fast Attack Craft-Missile	Combattente Class II G	534	<i>Shafak</i>	Tripoli	Under request to go to Tunisia for repair.
Fast Attack Craft-Missile	Osa II Class				Not confirmed.
Offshore Patrol Vessel	Aisling Class	P23	<i>Al-Karama</i>	Benghazi	HAF controlled.
Minesweeper	Natya Class (Type 266ME)				Not confirmed
Frigate	Koni II Class	212	<i>Al Hani</i>	Malta	Embargoed.
Landing Ship Tank	PS700 Class	132	<i>Ibn Ouf</i>	Tripoli	Refitted in France 2012. Maintained by Italy in 2017/2018. Plans for refit by France in 2019.
		134	<i>Ibn Haritha</i>	Tripoli	Repaired in Abu Sitta 2018.
Salvage Vessel	Spasilac	722	<i>Al Munjed</i>	Tripoli	Under repair in 2017.

^a Donated by Netherlands in 2013.

^b <http://amiinter.com/pdf/MediterraneanDNavies-Oct2013.pdf>.

^c Ibid.

^d J.Binnie. Janes HIS. 23 June 2013.

^e 634 listed but not confirmed. Alternates are 638 *Marsit*, TBC *Tagreft*. Originally numbered 301 – 306.

^f https://www.adria-mar.hr/index.php?option=com_content&view=article&id=46&Itemid=67&lang=en. Accessed 24 July 2019.

^g <https://twitter.com/jeremybinnie/status/920571076580724736?lang=en>. Accessed 24 July 2019.

Table 34.2

Proposed Libyan Navy / Coast Guard vessels

<i>Generic Type</i>	<i>Type</i>	<i>Qty</i>	<i>Supplier</i>	<i>Remarks</i>
Patrol Boat	FPB 98 Mk1	2	OCEA S.A. France	Under Committee consideration.
Patrol Boat	Tuzla Class	4	Dearsan and Gulhan, ^a Turkey	Under Committee consideration.
Patrol Boat	'500' Class	10	Italy	To be donated by Italy. CP515-CP522, CP526 and CP535. Italy considers the vessels do not fall under the list of embargoed goods (<i>military equipment</i>) referred to in resolution 1973 (2011) and as subsequently amended.

^a <http://www.dearsan.com/en/products/57m-patrol-boat.html>.

Annex 35: *Al Hani* frigate (PF212)

Introduction

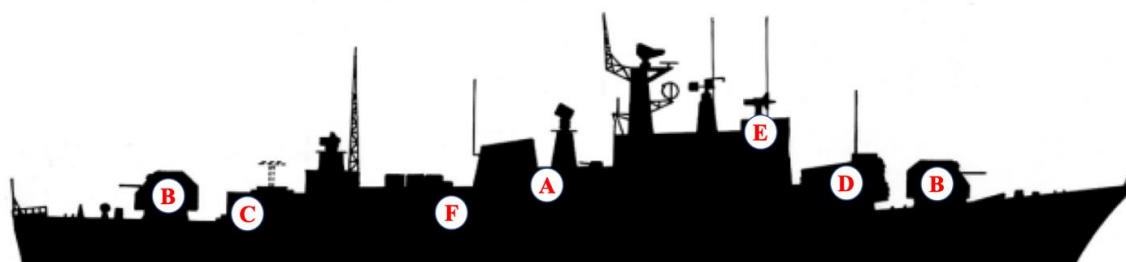
1. The work on the frigate by Cassar Shipyard was primarily focused on ensuring that the vessel is seaworthy with a navigation capability. The two diesel engines have been overhauled, which will now allow the vessel to cruise at 12 knots, with a theoretical top speed of 16 to 18 knots, but the primary single gas turbine is irreparable and is only in the vessel now for ballast and trim requirements. The integrity of the hull was achieved by replacing over 950m² of the steel plate of the hull. The navigational radar is a commercial after-fit and is operational.

Offensive capability

2. It is highly unlikely that the major weapons systems on the frigate can function effectively, even if the ammunition were now available in Libya and in good condition. In 2014 the Libyan Navy plan was for the vessel to go to Cassar Shipyards in Malta for the seaworthiness work, and when complete the vessel was to proceed to Poland for maintenance and overhaul of the major weapon systems. The requirement for the work in Poland being a strong indicator of the ineffectiveness of the weapon systems at that time. There is now no intention that the work planned for Poland will ever take place due to the further degradation of the weapon systems over the last five years.¹⁴⁵

3. Figure 35.1 is a schematic of the vessel showing the location of the major weapons systems cross-reference against Table 1, which summarises the Panel's assessment operability of the weapons systems. The red code letters refer to the weapons systems shown in tables 35.1 and 35.2.

Figure 35.1
Silhouette of Koni II Class frigate



Source: www.janes.ihs.com/. Accessed 5 March 2019.

¹⁴⁵ Interview with the Chief Engineer of *Al Hani*, 9 March 2019.

Table 35.1

Type and status of major weapons systems fitted to *Al Hani* (PF212)

<i>Code</i>	<i>Type</i>	<i>#</i>	<i>Fire Control Radar</i>	<i>Range (m)</i>	<i>Remarks</i>
A	AK-230 30mm 63 Calibre Cannon	4	MR-104 Rhys (Drum Tilt)	2,000	▪ Operable after maintenance. Currently rusted. ▪ Manual line of sight operation only
B	AK726 76mm 59 Calibre Gun	4	MR-105 Turel (Hawk Screech)	15,700	▪ Operable after maintenance. Currently rusted. ▪ Manual line of sight operation only
C	S4K33 Osa-MA2 Surface to Air Missile Twin Launchers (SA-N-4 Gecko)	2	4R33 Baza MPZ-301 (Pop Group)	10,000	▪ Inoperable
D	4K51 P-15M 'Termit' Ship to Surface Missile Launchers (SS-N-2C Styx)	4	3Ts-25 Garpun (Plank Shave)	8,000	▪ Inoperable
E	RBU-6000 Smerch-2 213mm Twelve Tube Anti-Submarine Mortar Launcher	1	Hercules MG322 Sonar	5,500	▪ Possibly operable
F	Type 40 USET-95 400mm Torpedo Twin Tubes	2	Active / Passive Homing	10,000	▪ Possibly operable

Note 1: Status of weapon systems determined during Panel inspection on 9 March 2019.

4. Notwithstanding the Panel's assessment of the weapon systems' operability, the Panel considers that it may be prudent for the vessel to undertake some basic demilitarization of the weapons systems prior to final handover to the Libyan Navy. This would deter any attempts to try and even obtain basic functionality of the weapons systems. Cassar Shipyard have indicated that this could be easily done at low cost. Table 35.2 summarizes the Panel's recommendations for such weapon system demilitarization.

Table 35.2

Panel recommendation for basic demilitarization of major weapons systems fitted to *Al Hani* (PF212)

Code	Type	Remarks
B	AK726 76mm 59 Calibre Gun	Remove and destroy MR-105 Turel (Hawk Screech) control panel from operations room.
C	S4K33 Osa-MA2 Surface to Air Missile Twin Launchers (SA-N-4 Gecko)	- Remove and destroy 4R33 Baza MPZ-301 (Pop Group) control panel from operations room. - Cut a one-metre length out of the umbilical control cable at the launcher end. - Weld a steel bar across the guidance elevation rails inside the launcher. - Manufacture and weld a 10mm thick steel circular plate and fit over top of missile launcher.
D	4K51 P-15M 'Termit' Ship to Surface Missile Launchers (SS-N-2C Styx)	- Remove and destroy 3Ts-25 Garpun (Plank Shave) control panel from operations room. - Cut a one-metre length out of the umbilical control cable at the launcher end. - Full circular weld shut around the forward and rear launch tube covers. - Cut 4 x 200mm diameter holes along inner side of launch tube to act as an escape vent for launch motor gases.
E	RBU-6000 Smerch-2 213mm Twelve Tube Anti-Submarine Mortar Launcher	Remove and destroy launcher.
F	Type 40 USET-95 400mm Torpedo Twin Tubes	- Full circular weld shut around the forward and rear tube covers. - Cut 4 x 200mm diameter holes along inner side of launch tube to act as an escape vent for expulsion gases.

Operational capability

5. Although referred to as a frigate, the age, design, lack of operable major weapons systems means that this vessel presents little threat to other naval vessels, particularly if the recommended demilitarization action is initiated to prevent any attempts to bring major weapons systems back into service. It is only suitable now for the patrolling of littoral coastal waters and seamanship training.

6. Theoretically the 76mm naval guns with their 15.7km maximum range could present a threat to the coastal strip. Their effectiveness though would be very limited unless the vessel had quality communications to well-trained naval gunfire support spotting teams ashore. Even if utilised in this role

the blast effects of the approximate 0.5kg high explosive content of a single 76mm shell are no worse than those of the 82mm mortars in plentiful supply to the major armed groups within Libya. This risk is assessed by the Panel as currently low.

Annex 36: Illicit supply of armoured vehicles to Libya

1. The Panel has compiled a summary of the wheeled armoured vehicle assets available to the armed groups in Libya, and imagery to assist identification is at appendix A. Some of these vehicles may have been transferred to Libya for protective use under the auspices of paragraph 9 of resolution [2095 \(2013\)](#), and have subsequently been modified to provide an offensive military capability (see appendix B).
2. Wheeled armoured vehicles include, wheeled infantry armoured fighting vehicles (IAFV), infantry fighting vehicles (IFV), light armoured vehicles (LAV), light armoured multi-purpose vehicles (LAMV), mine resistant ambush protected (MRAP) vehicles, protected patrol vehicles (PPV) and armoured personnel carriers (APC). The technical differences between type are often minimal and dependent on: 1) armour protection levels; 2) crew capacity; 3) the ability to mount turreted weapons; and 4) the manufacturer's marketing strategy. Their ease of modification with a weapons fit makes them a "force multiplier", and removes them from a "non-lethal" status.

Table 36.1
Armoured vehicle assets

<i>Entity</i>	<i>Name</i>	<i>Type</i>	<i>Manufacturer</i>	<i>State</i>	<i>Supplier</i>	<i>Reported</i>	<i>Remarks</i>
Libyan Government ^a	<i>Cobra</i> ^b	LAMV	Streit	UAE	UAE	Paragraph 118 and annex 26 to S/2016/209	▪ Delivered in August 2012 in violation of para 9(b) of resolution 1970 (2011) .
Libyan Government ^a	<i>Cougar</i> ^c	LAMV	Streit	UAE	UAE	Paragraph 118 and annex 26 to S/2016/209	▪ Delivered in August 2012 in violation of para 9(b) of resolution 1970 (2011) .
Libyan Government ^a	<i>Spartan</i> ^d	LAV	Streit	UAE	UAE	Paragraph 118 and annex 26 to S/2016/209	▪ Delivered in August 2012 in violation of para 9(b) of resolution 1970 (2011) .

<i>Entity</i>	<i>Name</i>	<i>Type</i>	<i>Manufacturer</i>	<i>State</i>	<i>Supplier</i>	<i>Reported</i>	<i>Remarks</i>
Saw'iqa brigade, Zintan	<i>Jais</i> ^e	MRAP	Nimr	UAE	UAE	Paragraph 119 and annex 27 to S/2016/209	▪ Delivered in 2013.
GNA-AF	<i>Kirpi 4X4</i> ^f	MRAP	BMC	Turkey	Turkey	New 2019	▪ Delivered 18 May 2019.
HAF	<i>Al Mared 8 x 8</i> ^g	IAFV	KADDB	Jordan	Jordan	New 2019	▪ First seen 19 May 2019.
HAF	<i>Al Wahsh 4 x 4</i> ^h	PPV	KADDB	Jordan	Jordan	Annex 28 to S/2018/812	▪
HAF	<i>Caiman</i> ^j	MRAP	BAE Systems	UK		Annex 28 to S/2018/812	▪ Seen at Derna, August 2017. ▪ Seen at Benghazi, May 2018.
HAF	<i>Jais</i>	MRAP	Nimr	UAE		Annex 28 to S/2018/812	▪ Seen at Derna, August 2017.
HAF	<i>Mbombe 6 x 6</i> ^k	IAFV	Paramount	South Africa	Jordan	New 2019	▪ First Seen Benghazi 19 May 2019.
HAF	<i>Panthera T6 4 x 4</i>	APC	MSPV ^l	UAE		Paragraph 142 and annex 29 to S/2016/209 and Paragraph 160 and annex 40 to S/2017/466	▪ Delivered April/May 2015. ▪ Delivered 17 April 2016 on <i>Bahro Abha</i> .
HAF	<i>Panthera F9 4 x 4</i>	APC	MSPV ^m	UAE		Annex 28 to S/2018/812	▪ Seen at Derna, June 2018.
HAF	<i>Spartan</i> ⁿ	LAV	Streit	UAE		Annex 28 to S/2018/812	▪ Seen at Derna, June 2018.
HAF	<i>Tygra</i> ^p	APC	Mezcal	UAE		Paragraph 160 and annex 40 to S/2017/466	▪ Supplied 17 April 2016 on <i>Bahro Abha</i> .
HAF	<i>Irigiri</i> ^q	APC	Nigerian Army			New 2019	▪ Single source reported as seen in Tripoli 2015. Also seen in January 2016 in cargo hold of ship. ^s
HAF	<i>Ratel-60</i> ^r	IFV	Sandock Austral	South Africa		New 2019	▪ First seen 18 April 2018 near Tripoli with HAF 302 Battalion. ^t

^a The vehicles supplied to the Libyan government in 2012 are now in use by both parties to the conflict.

^b <https://www.armored-cars.com/cobra-lamv/>.

^c <https://www.armored-cars.com/cougar-lamv/>.

^d <https://www.armored-cars.com/spartan-asv/>.

^e <https://www.nimr.ae/product/jais4x4/>.

^f <https://www.bmc.com.tr/en/defense-industry/kirpi>.

^g <http://www.kaddb.com/en-us/KADDBs-PORTFOLIO/LAND-SYSTEMS>.

^h <http://www.kaddb.com/en-us/KADDBs-PORTFOLIO/LAND-SYSTEMS>.

^j <https://www.baesystems.com/en/product/caiman-mrap-vehicles>.

^k <http://www.paramountgroup.com/capabilities/land/mbombe-6/>.

^l <http://mispv.com/military/>.

^m <http://mispv.com/military/>.

ⁿ <https://www.armored-cars.com/spartan-asv/>.

^p <http://www.mezcalarmor.com/Armored-Personnel-Carriers/Tygra>.

^q <http://www.vanguardngr.com/2012/06/army-to-unveil-first-nigerian-built-apc/>.

^r https://www.armyrecognition.com/south_africa_african_army_wheeled_armoured_vehicle/ratel_20_6x6_armoured_infantry_fighting_vehicle_20mm_cannon_technical_data_sheet_specifications_pictures_video_11601163.html.

^s <https://twitter.com/DonKlericuzio/status/684663686108151808>.

^t <https://twitter.com/Oded121351/status/1118808298491396096>.

Appendix A to Annex 36: Identification imagery of wheeled armoured vehicles

Table A.36.1

Armoured vehicle imagery



Name: COBRA LAMV

Manufacturer: Streit Armoured Cars (UAE)

Affiliation: GNA-AF

First Seen: 2012

First Reported: [S/2016/209](#), para. 118 and annex 26



Name: COUGAR LAMV

Manufacturer: Streit Armoured Cars (UAE)

Affiliation: GNA-AF

First Seen: 2012

First Reported: [S/2016/209](#), para. 118 and annex 26



Name: SPARTAN LAV

Manufacturer: Streit Armoured Cars (UAE)

Affiliation: GNA-AF / HAF

First Seen: 2012

First Reported: [S/2016/209](#), para. 118 and annex 26



Name: KIRPI MRAP

Manufacturer: BMC TURKEY

Affiliation: GNA-AF

First Seen: 2019

First Reported: NEW



Name: RATEL-60 IFV
Manufacturer: Sandcock Austral, South Africa
Affiliation: HAF
First Seen: 2016
First Reported: Not previously reported



Name: JAIS MRAP
Manufacturer: NIMR (UAE)
Affiliation: Saw'iq Brigade, Zintan / HAF
First Seen: 2013
First Reported: [S/2016/209](#), para. 119 and annex 27



Name: MARED 8x8 IAFV
Manufacturer: KADDB (Jordan)
Affiliation: HAF
First Seen: 2019
First Reported: NEW



Name: AL WAHSH 4x4 PPV
Manufacturer: KADDB (Jordan)
Affiliation: HAF
First Seen: 2016
First Reported: [S/2016/209](#), annex 26



Name: CAIMAN MRAP
Manufacturer: BAe Systems / Armor Holdings (UK / USA)
Affiliation: HAF
First Seen: 2012
First Reported: [S/2016/209](#), annex 26



Name: MBOMBE 6 x 6 IAFV
Manufacturer: Paramount (South Africa)
Affiliation: HAF
First Seen: 2019
First Reported: NEW



Name: PANTHERA T6 APC
Manufacturer: MSPV (UAE)
Affiliation: HAF
First Seen: 2016
First Reported: [S/2016/209](#), annex 26



Name: PANTHERA F9 APC
Manufacturer: MSPV (UAE)
Affiliation: HAF
First Seen: 2018
First Reported: [S/2018/812](#), annex 28



Name: TYGRA APC
Manufacturer: Mezcal (UAE)
Affiliation: HAF
First Seen: 2016
First Reported: [S/2017/466](#), para. 160 and annex 40



Name: IGIRIGI APC
Manufacturer: Army (Nigeria)
Affiliation: HAF
First Seen: 2015
First Reported: Not previously reported

Appendix B to Annex 36: Examples of modified wheeled armoured vehicles

1. This appendix provides examples of wheeled armoured vehicles, which may have been transferred to Libya for protective use under the auspices of paragraph 9 of resolution [2095 \(2013\)](#), that have subsequently been modified to provide an offensive military capability.

Figure B.36.1
Streit *Spartan* LAV modified with a Type 63 107mm multi barrel rocket launcher fitted to 'snakehead' cupola^a



Figure B.36.2
Streit *Cougar* LAMV modified with a 9M133 Kornet ATGW^b



Figure B.36.3
KADDB Al Wahsh PPV modified with an 73mm SPG-9 recoilless gun fitted to 'snakehead' cupola^c



^a <https://twitter.com/towersight/status/1169271329033531392>, 4 September 2019.

^b <https://twitter.com/Oded121351/status/1084717353361911808>, 14 January 2019.

^c <https://twitter.com/Oded121351/status/1102829446191558656>, 5 March 2019.

Annex 37: *Nashshab* RPG-32 anti-tank rocket launcher

1. On 28 May 2019 the Panel identified from open source information the possession of the RPG-32 *Nashshab* shoulder-launched anti-tank rocket system by HAF (image 37.1). This weapon system is produced in Jordan by a co-operative venture between the Joint Stock Company “Scientific Production Association “Bazalt” (JSC “SPA “Bazalt”) of Russia (<http://bazalt.ru/en/>) and the King Abdullah II Design and Development Bureau (KADDB) (<http://www.kaddb.com/>) called the Jadara Equipment and Defence Systems (initially the Jordan Russian Electronics Systems Company) (JRESKO) (<https://www.jadara.jo>) (image 37.2). The Panel notes that, according to authoritative open source information,¹⁴⁶ the Royal Jordanian Army is the only known user of this weapons system to date.

Image 37.1

RPG-32 *Nashshab* with HAF (28 May 2019)



Source: <https://twitter.com/Mansourtalk/status/1133996109448253440?s=08>. 30 May 2019.

Image 37.2

Original manufacturers image ^a



Source: <https://www.jadara.jo/jadara-products>. Accessed 11 June 2019.

¹⁴⁶ www.janes.ihs.com.

3. On 27 June 2019, GNA-AF captured a range of ammunition and military equipment from HAF. Among this ammunition was at least one RPG-32 *Nashshab* rocket tube (image 37.3). The image clearly shows all of the markings on the rocket tube, which should assist the Jordanian authorities in assisting the Panel in establishing the supply chain for the RPG-32 *Nashshab* to Libya.

Image 37.3

RPG-32 *Nashshab* captured from HAF at Gharyan (27 June 2019)



Source: Confidential

4. The Panel has written to Jordan requesting clarification of the supply chain for this weapon system but has received no response.

5. The Panel finds Jordan in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military material to the LNA.

Annex 38: 9K-115-M *Metis* RPG-32 ATGW

1. The 9K115-2 *Metis*, or a variant was first observed as possibly being in use in Libya during 2016.¹⁴⁷ The presence was confirmed by open source imagery on 21 December 2018 (figure 38.1) and 14 July 2019 (figures 38.2 and 38.3).

Image 38.1

9K-115-M *Metis* ATGW confirmed in Libya (21 December 2018)



Source: <https://twitter.com/Oded121351/status/1076092905331351552>, 21 December 2018. Accessed 29 August 2019.

¹⁴⁷ <https://twitter.com/Oded121351/status/745852183934033920>, 23 June 2016. Accessed 29 August 2019.

Image 38.2
9K115-2 Metis with GNA-AF(14 July 2019)



Image 38.3
9K115-2 Metis with GNA-AF (14 July 2019)



Sources: 1) <https://twitter.com/rahbaTajura/status/1150532386419089412>. Accessed 29 August 2019. [L]; and 2) <https://twitter.com/rahbaTajura/status/1150532386419089412/photo/4>. Accessed 29 August 2019. [R].

2. This ATGW system is designed and manufactured by the KPB Instrument Design Bureau (www.kpbttula.ru) of the Russian Federation. The Panel has written to the Member State requesting information to assist in the identification of the supply chain of these ATGW to Libya.
3. The Panel identified open source information¹⁴⁸ alleging that the ATGW were supplied by Turkey. The Panel considers this unlikely and investigations continue.
4. Panel investigations into the supply chain of these ATGW continue.

¹⁴⁸ Source: Wolfram Lacher, (2019) "Who is Fighting Whom in Tripoli: How the 2019 Civil War is Transforming Libya's Military Landscape," SANA Briefing Paper, Box 1, Photo 4, p.14, Geneva: Small Arms Survey.
<http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-SANA-BP-Tripoli-2019.pdf>.

Annex 39: 155mm HE Laser Homing Projectile GP6

1. The Panel identified from open source information¹⁴⁹ that on 27 June 2019, forces affiliated to the GNA captured ammunition from the HAF. This ammunition included some projectiles with characteristics virtually identical to the 155mm High Explosive (HE) Laser Homing Projectile (LHP) GP6, which is manufactured by the China North Industries Group Corporation Limited (NORINCO).¹⁵⁰
2. A sealed ammunition container was marked “UAE Armed Forces, Joint Logistics Command C and F Section”. Analysis of the imagery has identified the following markings and documentation, which with the cooperation of the manufacturer’s Member State would allow the supply chain for this particular ammunition to be established.
 - (a) Ammunition container for a Contract Number, (DP3/2/6/1/2006/23/A) with a Lot Number of 3-14-519;
 - (b) Packed 155mm HE LHP Projectile with a Lot Number of 3 356 2014;
 - (c) Unpacked 155mm HE LHP Projectile with a Lot Number of 3 354 2014;
 - (d) Quality Certificate for “GP6 155mm Laser Homing Projectile” dated 25 December 2014 for Lot Number “G6-3-14-356”. Inspected by “Huligiang”; and
 - (e) Packing Note dated 25 December 2014 for “GP6 155mm Laser Homing Projectile”, Code No. “GP6 155/45, for Series No. “G6-3-14-356”. Manufactured by “China North Industries Corporation”.

¹⁴⁹ Video imagery of post capture is at <https://www.facebook.com/138077846597370/videos/2124863734479235/?v=2124863734479235>. (See 1 min 36 sec to 2 min 09 sec)

¹⁵⁰ www.norinco.com.

Image 39.1

Extract from open source video showing ammunition container markings



Image 39.2

Ibid

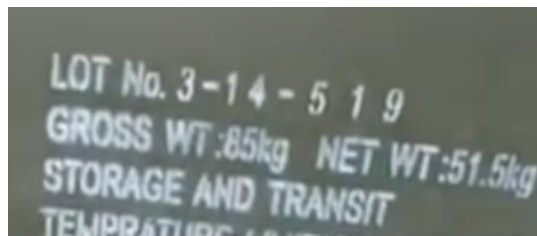


Image 39.3

155mm HE LHP projectile
Lot Number 3 356 2014



Image 39.4

155mm HE LHP projectile
Lot Number 3 354 2014



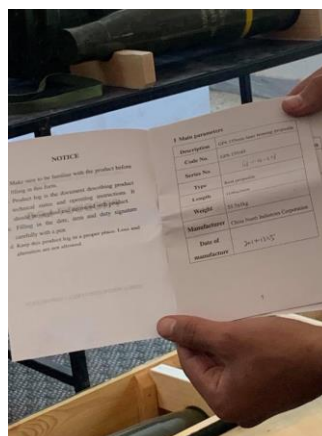
Image 39.5

QC for 155mm HE LHP projectile
Lot Number 3 356 2014



Image 39.6

Packing Note for 155mm HE LHP projectile
Lot Number 3 356 2014



Sources: 1) Extract from video imagery of post capture is at <https://www.facebook.com/138077846597370/videos/2124863734479235/?v=2124863734479235>, and 2) <https://www.facebook.com/138077846597370/posts/567454386993045?s=518287117&sfs=xmq>.

3. The Panel has identified that the United Arab Emirates has previously taken delivery of 155mm HE LHP GP6 ammunition from the manufacturer.¹⁵¹ The Panel thus finds that, based on: 1) it being a confirmed system in Emirati use; 2) the accurate markings on the primary ammunition packaging; 3)

the colour being distinctive of Chinese rather than Russian Federation ammunition; 4) the previous use of Chinese 155mm precision guided munitions in Libya;¹⁵² 5) the fact that the explosive type is marked “A-IX-II” (seen on Chinese ammunition) rather than “A-IX-2” (seen on Russian Federation manufactured ammunition); and 6) the prior use of Chinese manufactured 155 mm precision guided artillery projectiles in Libya,¹⁵³ that this Chinese manufactured ordnance was a post-delivery transfer to Libya by the United Arab Emirates.

4. The Panel has written to the United Arab Emirates requesting clarification of the supply chain for this weapon system but has received no response.

5. The Panel finds the United Arab Emirates in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military material to the HAF.

¹⁵¹ Christopher F Foss. *UAE confirms Chinese 155mm AH4 gun howitzer acquisition*. Jane’s Defence Weekly. <http://www.janes.ihs.com/>. 28 February 2019.

¹⁵² <https://armamentresearch.com/chinese-gp1-series-guided-artillery-projectiles-in-libya/>.

¹⁵³ In paras. 157 to 159 of Panel report [S/2017/446](#) the Panel were inconclusive as to the identity of remnants of a similar projectile. Although a Jane’s report had identified the remnants as being from a Russian manufactured 155mm Krasnopol precision guided artillery projectile, the Panel subsequently, in paras.115 and 117 of Panel report [S/2018/812](#), assessed the projectile remnants as being from a Chinese 155mm GP-1A precision guided artillery projectile.

Annex 40: *Pantsir* S-1 surface to air missile system (SAM)

1. Analysis of open source and confidential satellite imagery identified that at least two *Pantsir* S-1 SAM systems were deployed to provide air defence cover for Jufra air base between 5 March and 19 April 2019 (see figures 40.1 to 40.4).

Figure 40.1
Jufra air base (5 March 2019)^a



Figure 40.2
Jufra air base (19 April 2019)^b



Figure 40.3
Jufra air base (5 March 2019)^c



Figure 40.4
Jufra air base (19 April 2019)^b



^a Google Earth. Accessed 19 August 2019. Location at 29°13'10.0"N, 15°59'44.2"E.

^b Confidential source.

^c Google Earth. Accessed 19 August 2019. Location at 29°12'31.13"N, 16°00'3.64"E.

2. The Panel confirmed from open source imagery (see figure 40.5) the deployment of *Pantsir* S-1 surface to air missile (SAM) systems in support of HAF during a road move north in the area of Gharyan.¹⁵⁴ The Panel also noted an unverified media report¹⁵⁵ that refers to a statement made by a representative of the GNA-AF Joint Operations Room of West Libya on 20 June 2019, which claims that its forces destroyed four *Pantsir* S-1 SAM systems on 18 June 2019.

Figure 40.5

***Pantsir* S-1 in support of HAF near Gharyan (18 June 2019)**



Source: <https://www.jana-ly.co/بالصور-وصول-منظومة-دفاع-جوي-روسية-ممنقل/>.

The *Pantsir* S-1 SAM system(s) seen in Libya use the MAN SX45 Heavy Mobility Truck as the system's ground mobility and transporter erector launcher (TELAR) platform. Only the UAE uses this configuration for their *Pantsir* S-1 systems¹⁵⁶ (figures 40.6 and 40.7). All other export variants are mounted on either a 1) BAZ-6909 8x8; 2) Ural-53234 8x8; 3) KamAZ-6560 8x8; or 4) Asrolog MKZT-79230 chassis.

¹⁵⁴ 32°31'36.67"N, 13°13'2.94"E.

¹⁵⁵ <https://www.libyaobserver.ly/news/libyan-air-force-destroys-russian-air-defense-system-used-haftars-forces>.

¹⁵⁶ Binnie J. UAE may have deployed *Pantsir* S-1 to Libya. *Jane's Defence Weekly*. 19 June 2019. London.

Figure 40.6
Pantsir S-1 in support of HAF near Gharyan
(18 June 2019)^a



^a <https://twitter.com/Oded121351/status/1141224351045443584>.

^b Extracted from UAE military promotional video at <https://www.mod.gov.ae/>.

Figure 40.7
Pantsir S-1 in UAE on MAN SX45 platform^b



The Panel has written to the United Arab Emirates requesting clarification of the supply chain for this weapon system but has received no response.

The Panel finds the United Arab Emirates in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military material to HAF.

Annex 41: Samel-90 electronic countermeasures system

1. In its report [S/2018/812](#)¹⁵⁷ the Panel first reported on the HAF use of a roof mounted electronic countermeasures (ECM) system during a visit to Tunis on 18 September 2017. The Panel identified the system in use again during a visit by the HAF leadership to the Tamanhint air base in Sebha on 13 February 2019.¹⁵⁸
2. The Panel made a preliminary identification of the ECM system and requested the assistance of the manufacturer's Member State in the positive identification of the system. The Member State response was that there were *insufficient identification details (...) to confirm Bulgarian origin*. The Panel then consulted with independent ECM specialists¹⁵⁹ who confirmed that this system was very likely a Bulgarian manufactured Samel-90 mobile improvised explosive device (IED) jammer radio frequency (RF) inhibition system.¹⁶⁰ This finding was based on imagery analysis (figures 41.1 to 41.6), which confirmed that:
 - a. The antenna array is identical in antenna length, separation, and colour coding on the HAF system and that shown on the manufacturer's website; and
 - b. The roof container is identical in size and shape on both systems.
3. An extensive open source search of ECM systems identified no other Radio Frequency (RF) Inhibition and Jammer Systems with these very specific characteristics.
4. The panel considers that the direct supply of this ECM system from the manufacturer, or by the manufacturer's Member State, is highly unlikely. It is almost certainly present due to post-delivery diversion by the initial purchaser, or subsequent owner.
5. The Panel finds the supplier in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military material to HAF. The Panel continues to investigate.

¹⁵⁷ Para. 121 and annex 33.

¹⁵⁸ <https://twitter.com/Oded121351/status/1095925042272260097>.

¹⁵⁹ <https://solutions-ew.com>.

¹⁶⁰ <https://www.samel90.com/en/products/category/jammer-solutions-military-equipment-surveillance-systems/jammer-solutions/mobile-jammer>.

Image 41.1

**HAF ECM equipment at Tamanhint (Sebha) air base
(13 February 2019)**



Note virtually identical type and length of rear antennae array.

Image 41.2

HAF ECM equipment from manufacturers website



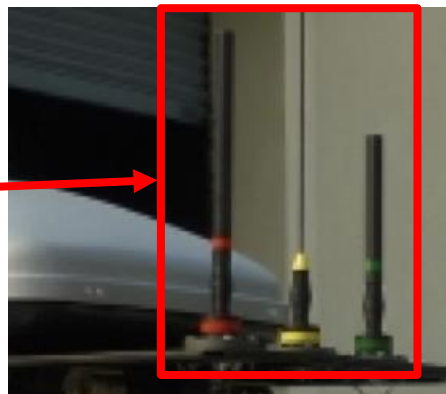
Image 41.3

**HAF ECM equipment at Tamanhint (Sebha) air base
(13 February 2019)**



Image 41.4

HAF ECM equipment from manufacturers website



Note the Red, Yellow and Dark Green colour coding and antennae profiles are identical on the forward antennae array, albeit in a different layout.

Image 41.5

**HAF ECM equipment at Tamanhint (Sebha) air base
(13 February 2019)**



Image 41.6

HAF ECM equipment from manufacturers website



Note the virtually identical profile, colouring and design of the roof mounted containers

Sources: 1) LH images from <https://twitter.com/Oded121351/status/1095925042272260097>, 14 February 2019; and b) RH images from <https://www.same190.com/en/products/product/jammer-solutions-military-equipment-surveillance-systems/jammer-solutions/mobile-jammer/mobile-jammer>, accessed 7 September 2019

Annex 42: UAV inhibition and jamming system

1. The Panel noted a report in open source media¹⁶¹ of the presence of an unusual antennae array on the roof of the Tripoli Security Directorate in Libya. The Panel is unconvinced that the array is for the declared purpose of *enhancing communications with the transmitters of the traffic and licensing unit in Tripoli*, as the antennae are not the type normally used for law enforcement high frequency (HF) or very high frequency (VHF) communications.
2. The suspicious antennae array consists of a V-dipole antenna and a flat plate antennae facing skywards, all connected to the base equipment by, probably, eight coaxial cables. This particular antennae array shares many characteristics with those used for the inhibition and jamming of UAV or UCAV, an example being the Gergedan IHA Anti Drone and RCIED Jammer System manufactured by Aselsan A.S. (www.aselsan.com.tr), see figures 42.1 to 42.4.

Image 42.1

GNA ECM equipment on Tripoli
Security Directorate (3 August 2019)



Image 42.2

ECM equipment from manufacturers website



Note virtually identical angle and length of V-Pole antennae.

¹⁶¹ <https://www.libyaobserver.ly/inbrief/tripoli-security-directorate-denies-installation-drone-antenna-over-its-building>. Accessed 5 August 2019.

Image 42.3

**GNA ECM equipment on Tripoli
Security Directorate (3 August 2019)**

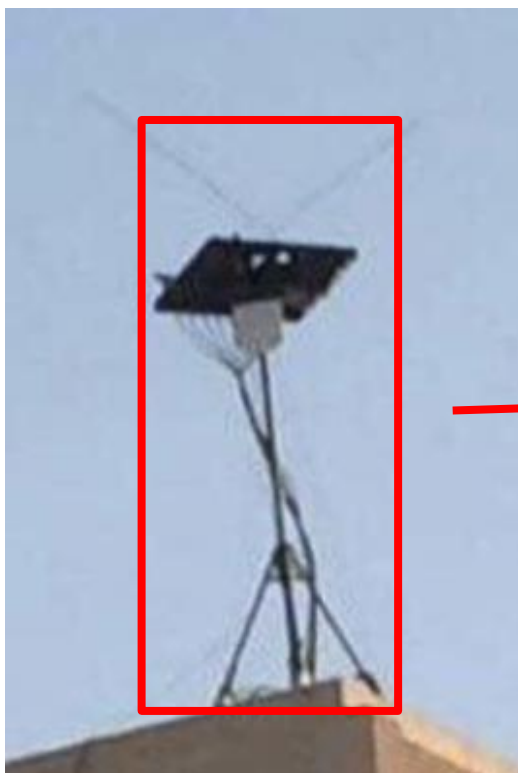
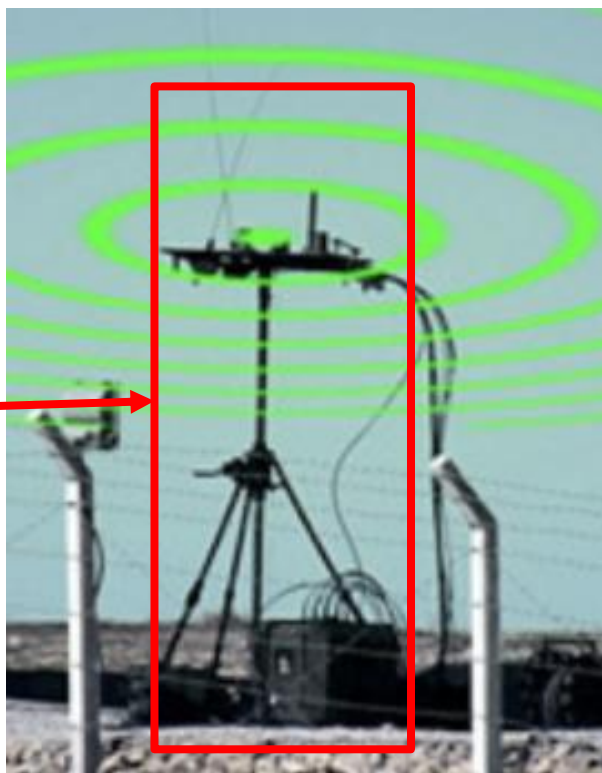


Image 42.4

ECM equipment from manufacturers website



Note the similarity in the plate antenna and tripod.

Sources: 1) LH images from <https://www.libyaobserver.ly/inbrief/tripoli-security-directorate-denies-installation-drone-antenna-over-its-building>, Accessed 5 August 2019; and 2) RH images from Comparison source: Gergedan IHA Anti Drone RCIED Jammer System. https://www.aselsan.com.tr/GERGEDANIHA_AntiDrone_Rcied_Jammer_System_4224.pdf, Accessed 5 August 2019.

3. The Panel consulted with independent ECM specialists¹⁶² who confirmed that this system was very likely designed primarily for the inhibition and jamming of UAVs.
4. The Panel considers that, as this inhibition and jamming system has clear military utility, being specifically designed to decoy or down UAV and UCAV by the emission of active electromagnetic signals, it falls within the category of military equipment pursuant to paragraph 9 of resolution [1970 \(2011\)](#).

¹⁶² <https://solutions-ew.com>.

Annex 43: HAF military training in Jordan

1. A wide range of recent open source imagery (see images 43.1 to 43.6) dated 26 April 2019 showed imagery of individuals from the HAF Tariq Bin Ziyad battalion graduating from a recent military training course(s) at the Prince Hashem bin al Hussein School for Special Operations.¹⁶³
2. The training was visited by general Khayri al Tamimi, Head of the HAF general commander's office (shown circled in images 43.1 and 43.3).

Image 43.1

Jordanian SOF Officers accompany general Khayri al Tamimi



Image 43.2

Vehicle checkpoint (VCP) drills



Image 43.3

HAF general Khayri al Tamimi meets students



Image 43.4

Confidence training



¹⁶³

[https://ipfs.io/ipfs/QmXoypizjW3WknFiJnKLwHCnL72vedxjQkDDP1mXWo6uco/wiki/Joint_Special_Operations_Command_\(Jordan\).html](https://ipfs.io/ipfs/QmXoypizjW3WknFiJnKLwHCnL72vedxjQkDDP1mXWo6uco/wiki/Joint_Special_Operations_Command_(Jordan).html).

Geo-coordinates: 32°0'55"N 36°7'49"E.

Image 43.5
Prisoner handling training



Image 43.6
Unarmed combat training



Sources: 1) <https://twitter.com/Oded121351/status/1122025974743302145/photo/1>; 2) https://m.facebook.com/story.php?story_fbid=847197048962469&id=253215761693937; 3) <https://alurdunyya.net/2757>; https://m.facebook.com/story.php?story_fbid=1187692564722517&id=258861140939002; 4) <https://www.libyaakhbar.com/libya-news/929549.html>; 5) <https://www.alderaaah-news.net/world/4693555/الاردن-في-مهمة-اجتماعات-عقد-عن-يعلن-الليبي-الجيش>; and 6) <https://mena-monitor.org/news/اللواء-الليبي-الضباط-يتفقد-التميمي-اللاء>. Accessed 27 April 2019.

3. The Panel finds Jordan in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military support to HAF.

Annex 44: Operational military aviation assets

1. The panel is compiling an analysis of the current military aviation assets of the GNA-AF and HAF. The data, which is at tables 44.1 and 44.2 is not yet exhaustive as research continues. Aircraft shown in *red italics* have been damaged or destroyed since the start of the conflict on 4 April 2019.

Table 44.1

GNA-AF operational military aviation air assets

Type	Model	Tail #	Serial #	Construction #	Last seen	Remarks
Transport Helicopter	Mi-2	06		529946106	Jun 2018	▪
	Mi-2	86		529913086	Aug 2018	▪
	Mi-8	1464 ^a			2016	▪ From Egypt.
	Mi-8					▪
	Mi-171E	7304		171E00196137304U	Apr 2019	▪ Ex-Air Transport Europe, Slovakia.
	Mi-171E	7305		171E00196137304U	Apr 2019	▪ Ex-Air Transport Europe, Slovakia.
	<i>CH-47 Chinook</i>	<i>LC010</i>			<i>Aug 2018</i>	▪ <i>Damaged on 4 Apr 2019.^b</i>
Attack Helicopter	Mi-24	918			Apr 2019	▪
	Mi-24	962			Apr 2019	▪
	Mi-35 ^c	954				▪ From Sudan.
	Mi-35	959				▪
	KA50/52 Alligator/Hokum				Possible	▪ Single source
Fighter Ground Attack	<i>Mirage F-1AD</i>	<i>403</i>			<i>Apr 2019</i>	▪ Crashed on 24 April 2019 due to engine failure
	<i>Mirage F-1ED</i>	<i>501</i>			<i>May 2019</i>	▪ Shot down May 2019. ^c

<i>Type</i>	<i>Model</i>	<i>Tail #</i>	<i>Serial #</i>	<i>Construction #</i>	<i>Last seen</i>	<i>Remarks</i>
Ground Attack	<i>Mirage F-1ED</i>	<i>508</i>			<i>Apr 2019</i>	▪ Cannibalized at Misrata.
	Mirage F1-BD	205 ?				▪ Missing parts and need engine. At Mitiga.
	MiG-23MLD	117		2960326117/18125	Apr 2019	▪ Tripoli military parade. Probably ex-6117.
	MiG-23MLD	474		2960326474/18418	Apr 2019	▪ Probably ex-6474.
	MiG-23U	8212			Apr 2019	▪
	MiG-23	7202			Apr 2019	▪
	<i>G2A-E Galeb</i>	116			<i>Apr 2019</i>	▪ One shot down on 4 July 2019. Registration number not yet known
	G2A-E Galeb	134			Apr 2019	▪
	G2A-E Galeb	173	10173		Sep 2018	▪
	G2A-E Galeb	182	10182		Feb 2019	▪
	G2A-E Galeb	187	10187		Apr 2019	▪
	G2A-E Galeb	205	10205		Apr 2019	▪
	G2A-E Galeb	207	10207		Apr 2019	▪
	Aero L-39C Albatross	1102			Apr 2019	▪
Trainer / Ground Attack	Aero L-39C Albatross	1108			Apr 2019	▪
	Aero L-39C Albatross	1939		131939	Apr 2019	▪
	Aero L-39C Albatross	1941			Apr 2019	▪
	Aero L-39C Albatross	3602			Apr 2019	▪
	<i>Aero L-39C Albatross</i>	<i>3605</i>			<i>Jul 2019</i>	▪ One shot down on 4 July 2019. ^g ▪ Registration number not yet known.
	<i>Aero L-39C Albatross</i>	<i>9440</i>			<i>Aug 2019</i>	▪ One destroyed at Misrata on 7 Aug 2019. ^h
	Aero L-39C Albatross	9441		931441	Apr 2019	▪
	<i>Aero L-39C Albatross</i>	<i>9443</i>		<i>931443</i>	<i>Apr 2019</i>	▪ One shot down on 10 April 2019. Registration number not yet known.

<i>Type</i>	<i>Model</i>	<i>Tail #</i>	<i>Serial #</i>	<i>Construction #</i>	<i>Last seen</i>	<i>Remarks</i>
	<i>Aero L-39C Albatross</i>	9445			<i>Apr 2019</i>	- One crashed due to engine malfunction. Registration number not yet known.

^a Reported in paragraph 134 to [S/2016/209](#).

^b <https://medium.com/war-is-boring/libyas-chinook-helicopters-are-old-as-hell-97595e4e94ca>. Accessed 24 July 2019.

^c Reported in paragraph 85 to [S/2014/106](#).

^d <https://twitter.com/Oded121351/status/1120921862039642112>. Accessed 25 April 2019.

^e <https://www.independent.co.uk/news/world/middle-east/libya-national-army-pilot-portugal-captured-tripoli-fighter-jet-lna-a8903176.html>. Accessed 24 July 2019.

^f <https://thedefensepost.com/2019/07/05/libya-lna-l-39-downing/>. Accessed 24 July 2019.

^g <https://twitter.com/BabakTaghvaaee/status/1147109862532423680>.

^h <https://www.egypttoday.com/Article/2/73685/LNA-destroys-fighter-jet-on-Misrata-Airport-runway>.

Table 44.2

HAF operational military air assets

<i>Type</i>	<i>Model</i>	<i>Tail #</i>	<i>Serial #</i>	<i>Construction #</i>	<i>Last seen</i>	<i>Remarks</i>
Transport Helicopter	Mi-2	23			Sep 2018	▪
	Mi-2	057		5410225057		▪ Ex Sudan 373.
	Mi-2	089			Oct 2017	▪
	Mi-8/17				May 2018	▪
	Mi-8/17				May 2018	▪
	Mi-8/17				May 2018	▪
Utility Helicopter	AW-109	5A-DTJ			May 2018	▪
Attack Helicopter	Mi-24P	785	2175 ^a		Feb 2019	▪
	Mi-24P	353 ^b			Apr 2019	▪ Painted grey.
	Mi-35P	193			July 2019	▪ Painted grey.
Fighter Ground Attack	MiG-23UB	8008 ^c			July 2019 ^d	▪
	MiG-23UB	7502 ^e			Aug 2019	▪ Two seater. Possibly above.
	Mig-23BN	4136			Aug 2019	▪ Maintenance in Labraq. ^f
	MiG-21F ^g	243 ^h			Apr 2019	▪ Eight MiG-21 delivered from Egypt pre-Mar 2015. ▪
	Mig-21UM				Apr 2019	▪
	<i>Mig-21F</i>	<i>404^j</i>		<i>75066404</i>	<i>Apr 2019</i>	▪ <i>One shot down on 14 Apr 2019.^k</i> ▪ <i>Registration number not confirmed.</i>
	<i>Su-22UM-3K</i>	<i>16</i>			<i>Apr 2019</i>	▪ <i>Al-Watyah.^l</i>
	<i>Su-22UM-3K</i>	<i>23</i>			<i>Oct 2019</i>	▪ <i>One destroyed at Al-Watyah on 19n June 2019.^m Other over Tripoli on 10 October 2019.ⁿ</i>
	<i>Mirage F-1AD</i>	<i>402</i>			<i>Apr 2019</i>	▪ <i>Needs major inspection and is not flying.</i>
	<i>Mirage F-1ED</i>	<i>515</i>				▪ <i>Needs major inspection and is not flying.</i>

Type	Model	Tail #	Serial #	Construction #	Last seen	Remarks
Ground Attack	IOMAX Archangel ^p	2282			Jul 2016	▪ From UAE.
	IOMAX Archangel					▪
	IOMAX Archangel					▪
	IOMAX Archangel					▪
	<i>IOMAX Archangel</i>					▪ Destroyed May 2019.
Trainer / Ground Attack	<i>IOMAX Archangel</i>					▪ Destroyed May 2019.
	Aero L-39C Albatross ^q	N393WA	533623		May 2018	▪ Operated by Sonneg S.A. ^r ▪ Was last seen in 2018 demilitarized.
	<i>Aero L-39C Albatross^s</i>	<i>9444</i>			<i>Jul 2019</i>	▪ Emergency landing in Tunisia on 22 July 2019.
Trainer	Marchetti SF-260WL	310		29-004		▪

^a Reported in paragraph 122 to [S/2017/446](#).

^{b1)} https://twitter.com/Arn_Del/status/1119000886041292801. Accessed 18 April 2018. and 2) https://twitter.com/aldin_ww Accessed 20 April 2018.

^c <https://libya.liveuamap.com/en/2019/13-april-video-preparations-of-lna-air-force-today-for-strikes>. Accessed 13 April 2019; and <https://twitter.com/SaharaNws/status/1153608120708542464/photo/1> Accessed 22 July 2019.

^d Coordinates 29°11'59.43"N, 16°00'18.75"E. Jufra Airbase.

^e <https://twitter.com/Mansourtalk>. Accessed 21 April 2019.

^f <https://twitter.com/Oded121351/status/1155695244828205057>. Accessed 4 August 2019.

^g Reported in paragraph 135 and annex 28 to [S/2016/209](#).

^h https://twitter.com/lina_not. 10 April 2019.

^j https://twitter.com/lina_not. 9 April 2019.

^k <https://southfront.org/pro-gna-forces-shot-down-mig-21-of-libyan-national-army-near-tripoli/>. Accessed 26 July 2019.

^l <https://twitter.com/search?q=aldin&src=typd>. 19 April 2019.

^m <https://twitter.com/Oded121351/status/1154735525393252352>. Accessed 26 July 2019.

ⁿ <https://www.marsad.ly/en/2019/10/09/libyan-army-downs-warplane-for-haftars-forces-in-southern-tripoli/>. Accessed 11 October 2019.

^p Reported in paragraph 128 to [S/2017/446](#) as AT-802i.

^q Reported in paragraph 92 and annex 28 to [S/2018/812](#).

^r Now <http://www.sipj.net>.

^s Reported in paragraph 92 and annex 28 to [S/2018/812](#).

Annex 45: Operational unmanned (combat) aerial vehicle (UAV and UCAV) assets

1. The panel has compiled an analysis of the current UAV and UCAV assets of the GNA-AF and HAF. The data, which is at tables 45.1 and 45.2 is not yet exhaustive as research continues. UAV/UCAV shown in *red italics* have been damaged or destroyed since the start of the conflict on 4 April 2019.

Table 45.1

GNA-AF operational UAV/UCAV assets

Type	Model	Tail #	Serial #	Last seen	Remarks
Unmanned Combat Aerial Vehicle (UCAV)	<i>Bayraktar TB2</i>			<i>Jun 2019</i>	▪ UCAV destroyed at Mintage on 6 Jun 2019. ^a
	<i>Bayraktar TB2</i>			<i>Jun 2019</i>	▪ One destroyed at Mitaga on 6 Jun 2019. ^b
	<i>Bayraktar TB2</i>			<i>Jun 2019</i>	▪ UCAV destroyed at Mitiga on 30 Jun 2019. ^c
	<i>Bayraktar TB2</i>			<i>Jul 2019</i>	▪ Report of 6 Jul 2019 stated four UCAV destroyed. ^d Details not known.
	Bayraktar TB2			Jul 2019	▪ 8 x UCAV delivered 3 - 6 Jul 2019. Highly likely by Sky Aviatrans IL-76 (UR-COZ).
	<i>Bayraktar TB2</i>			<i>Jul 2019</i>	▪ UCAV destroyed on 22 Jul 2019. Details TBC.
	<i>Bayraktar TB2</i>			<i>Jul 2019</i>	▪ Report of 31 Jul 2019 now claims 8 UCAV destroyed. ^e
	<i>Bayraktar TB2</i>			<i>Jul 2019</i>	▪ Ibid
	<i>Bayraktar TB2</i>			<i>Jul 2019</i>	▪ Ibid
	<i>Bayraktar TB2</i>			<i>Aug 2019</i>	▪ UCAV destroyed near Sirte on 3 Aug 2019. ^f
	<i>Bayraktar TB2</i>			<i>Aug 2019</i>	▪ Reported destroyed near Al Nimwah air base on 5 Aug 2019. ^g
	Bayraktar TB2			Jul 2019	▪
Unmanned Aerial Vehicle (UAV)	<i>Bayraktar TB2</i>			<i>Oct 2019</i>	▪ Near Misrata.
	Orbiter 3				▪ Three alleged donated by Turkey.
	<i>Orbiter 3</i>			<i>Jul 2019</i>	▪ UAV destroyed on 29 Jul 2019. ^h
	<i>Orbiter 3</i>			<i>Jul 2019</i>	▪ UAV destroyed on 31 Jul 2019. ⁱ

<i>Type</i>	<i>Model</i>	<i>Tail #</i>	<i>Serial #</i>	<i>Last seen</i>	<i>Remarks</i>
	Possible Vestel Karayel				- Imagery limited.^k

^a <https://www.egypttoday.com/Article/1/71282/Libyan-army-destroys-2nd-Turkish-drone-at-Mitiga-Int-l>. Accessed 24 July 2019.

^b Ibid.

^c <https://www.express.co.uk/news/world/1147321/turkey-news-libya-civil-war-Khalifa-Haftar-Recep-Tayyip-Erdogan-world-war-3>. Accessed 24 July 2019.

^d 1) <https://aawsat.com/english/home/article/1801511/Ina-sarraj-seeking-weapons-turkey-compensate-militia-losses>; and 2) <https://www.egypttoday.com/Article/1/71282/Libyan-army-destroys-2nd-Turkish-drone-at-Mitiga-Int-l>. Accessed 24 July 2019.

^e <https://m.aawsat.com/english/home/article/1837556/libya's-sarraj-admits-receiving-arms-turkey>. Accessed 31 July 2019.

^f <https://twitter.com/libyaalahrartv/status/1157625597687939072?s=12>. Accessed 4 August 2019.

^g <https://www.alaraby.co.uk/english/indepth/2019/8/21/the-significance-of-drones-in-the-libyan-conflict>. Accessed 5 September 2019.

^g <https://twitter.com/BabakTaghvaaee/status/1155930634000318464>. Accessed 29 July 2019

^h <https://twitter.com/Mansourtalk/status/1156901216762421248?ref>. Accessed 8 August 2019

^j <https://twitter.com/Oded121351/status/1146768533281497093>. Accessed 7 August 2019.

Table 45.2

HAF operational UAV/UCAV assets

<i>Type</i>	<i>Model</i>	<i>Tail #</i>	<i>Serial #</i>	<i>Last seen</i>	<i>Remarks</i>
Unmanned Combat Aerial Vehicle (UCAV)	<i>Wing Loong II UCAV</i>				Maintained and operated by UAE. Two identified on satellite image of 23 Jul 2016, IHS 1650890, CNES. Possible up to eight deployed, but unconfirmed.
	<i>Wing Loong II UCAV</i>			<i>Aug 2019</i>	UCAV destroyed near Abugrein on 3 Aug 2019.^a Probably at 31°19'21.10"N, 15°16'25.32"E.
	<i>Wing Loong II UCAV</i>			<i>Oct 2019</i>	Near Tripoli
Unmanned Aerial Vehicle (UAV)	<i>Yabhon-HMD</i>			<i>Jun 2019</i>	Four captured by GNA at Gharyan on 29 Jun 2019.
	<i>Yabhon-HMD</i>			<i>Jun 2019</i>	
	<i>Yabhon-HMD</i>	25		<i>Jun 2019</i>	
	<i>Yabhon-HMD</i>	26		<i>Aug 2019</i>	Inspected by Panel on 4 Aug 2019.
	<i>Possible Orlan-10</i>			<i>Apr 2019</i>	- Destroyed on 29 Apr 2019 east of Sirte by GNA forces.^b

^a <https://twitter.com/libyaalahrartv/status/1157625597687939072?s=12>. Accessed 4 August 2019. Well reported.

^b Twitter, @oded121351. 29 April 2019.

Annex 46: *Blue Arrow (BA-7) air to surface missile*¹⁶⁴

1. During the night of 19/20 April 2019, GNA-AF units were attacked by aerially delivered explosive ordnance whilst 28 km along the road heading south west from Al Azizya to Yefren. The Panel obtained from a confidential source, imagery of missile remnants at the scene and this has been used in this analysis.
2. The Panel also has imagery from two other night strikes near Camp Moz¹⁶⁵ and Wadi Rabia, which show similar component types as the Al Azizya strike.¹⁶⁶ Video imagery¹⁶⁷ shows other air attacks on Tripoli, which are almost certainly from air to surface missiles as: 1) the explosive ordnance is in powered flight, indicating a rocket motor; and 2) the missile trajectory is flat, not parabolic, indicating it is operating under guidance and not in free flight.
3. The Panel identified a range of characteristics that are virtually identical to those of the *Blue Arrow* BA-7 (LJ-7) air to surface missile (ASM) or variant (see table 1 and appendix A for the Al Azizya air strike).¹⁶⁸ The Panel has compared the imagery against a range of known ASM and only the BA-7 ASM has the specific characteristics shown in table 46.1.

Table 46.1

Analysis of recovered components

<i>Images in Annex</i>	<i>Component</i>	<i>Technical comment</i>
A / B	Missile fuselage	▪ Reduction in missile diameter
C / D	Missile fuselage	▪ Eight rearward facing equally spaced securing bolts

4. The only aviation asset currently available to the parties at that time with a known night flying capability were the two HAF Mi-24P attack helicopters. These do not have the capability to fire BA-7 missiles with any degree of accuracy. The BA-7 ASM is ballistically paired¹⁶⁹ to very few delivery

systems, and it is the technical assessment of the Panel that the weapon system has not been ballistically paired with any of the indigenous aviation assets identified in Libya to date.¹⁷⁰ Such ballistic pairing requires a high level of technical skill, supported by extensive live trials on instrumented ranges to validate the ballistic pairing. No such ranges have ever been identified in Libya.

¹⁶⁴ Also see Wing Loong II annex 47.

¹⁶⁵ Near 32°50'47.95"N, 13°16'8.08"E.

¹⁶⁶ Although the Panel is still analysing those images in detail and corroborating the source, the images show other unique characteristics of the BA-7 such as the profile of the rear fins and venturi.

¹⁶⁷ <https://sputniknews.com/middleeast/201904281074523730-air-strike-libya-tripoli/>.

¹⁶⁸ Imagery from Al Azizya air strike on 19/20 April 2019 is at appendix B.

¹⁶⁹ This is a process to integrate the weapons system to an airframe type and then operationally qualify it for use. It requires software upgrades to the delivery system avionics, sighting and release systems to ensure that when the missile is aimed and delivered to a target that it actually follows the correct ballistic trajectory to accurately strike that target. The use of instrumented range facilities is needed for live firing trials to ensure

5. The BA-7 ASM is ballistically paired to fly with the *Wing Loong* II series of unmanned aerial vehicle (UAV) that have been operated in Libya in support of HAF by the United Arab Emirates since 2016.

6. The Panel has written to the United Arab Emirates requesting clarification of the supply chain for this weapon system but has received no response. The Panel thus finds the United Arab Emirates in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military material and support to HAF.

accuracy and confidence in the integrated systems.

¹⁷⁰ See annex 44.

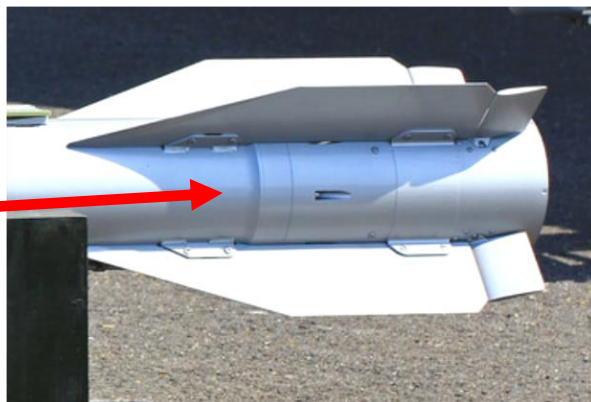
Appendix A to Annex 46: Imagery analysis (Al Azizya air strike 20 April 2019)

Image A.46.1

Comparison of remnants against confirmed BA-7



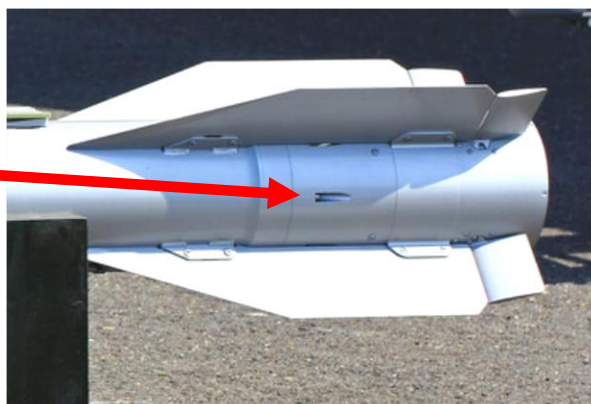
A. Imagery of missile remnant
Note: Reduction in fuselage diameter (identifiable after “trumpeting” due to impact)



B. BA-7 Missile Paris Air Show
Note: Reduction in fuselage diameter



C. Imagery of missile remnant
Note: Rearward facing equally spaced bolt



D. BA-7 Missile Paris Air Show
Note: One of eight rearwards facing equally spaced bolts

Sources: 1) Confidential source; and 2) Janes IHS Defence.

Appendix B to Annex 46: Imagery from Al Aziziya airstrike (20 April 2019)

Image B.46.1

Still imagery showing of BA-7 Blue Arrow remnants



Source: Confidential

Annex 47: UAE *Wing Loong II* UCAV used in support of HAF operations

1. On 3 August 2019, a crashed *Wing Loong II* UCAV being used in support of HAF operations was located near Abughrayn by GNA-AF (see images 47.1 to 47.4).

Image 47.1
Crashed *Wing Loong II* UCAV near Abugrein
(3 August 2019)



Image 47.2
Ibid



Image 47.3
Ibid



Image 47.4
Ibid



Sources: 1) <https://twitter.com/libyaalahrartv/status/1157625597687939072?s=12>; and 2) Confidential source.

2. The serial numbers of three *Blue Arrow* (BA-7) ASM located at the crash site were identified from the imagery as: 1) E-111-002 dated 15 September 2015; 2) E-013-002 dated 15 September 2015; and 3) E-236-001 dated 15 January 2015 (see images 47.5 to 47.7). A tracing request was sent to the country of manufacture.

Image 47.5

**Blue Arrow (BA-7) ASM serial number E-111-002
dated 15 September 2015**



Image 47.6

**Blue Arrow (BA-7) ASM serial number E-013-002
dated 15 September 2015**

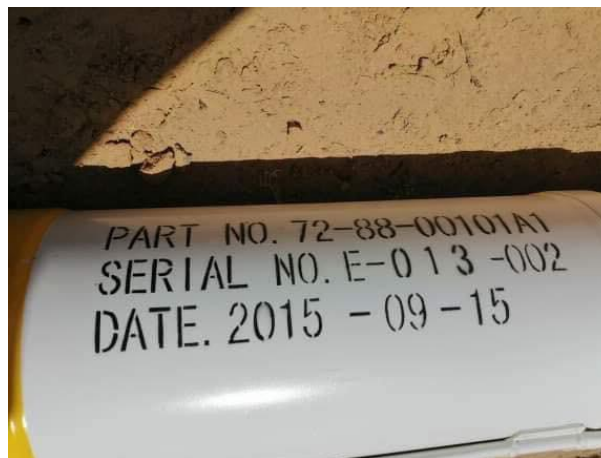


Image 47.7

**Blue Arrow (BA-7) ASM serial number E-236-001
dated 15 September 2015**



Image 47.8

Blue Arrow (BA-7) ASM at crash site



Sources: 1) <https://twitter.com/libyaalahrartv/status/1157625597687939072?s=12>; and 2) Confidential source.

3. The Panel has written to the United Arab Emirates requesting clarification of the supply chain for this weapon system but has received no response.

4. The Panel finds the United Arab Emirates in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military material to the HAF.

Annex 48: Turkish *Bayraktar* TB-2 UCAV operating in support of the GNA

Operations

3. The Panel became aware of the presence of a medium altitude long endurance UAV being operated in support of the GNA-AF on 14 May 2019 when open source information showed the remnants of a UAV that was downed in the area of Jufra. The first clear video imagery of a UAV operating over Tripoli was posted on social media on 4 June 2019 (figure 48.1), which was of a very different design to the *Wing Loong* II UCAV known to be operating in support of HAF at that time. Confirmatory imagery has appeared widely on social media since, including clear video imagery of a *Bayraktar* TB2 UCAV taxiing on Mitiga international airport runway on 28 August 2019.¹⁷¹

Figure 48.1

Probable HAF *Bayraktar* TB2 UCAV over Tripoli (4 June 2019)



Source: Extracted from video at <https://www.youtube.com/watch?v=Fe-cc6jb5uQ&feature=youtu.be>. Accessed 2 September 2019. Also see: https://twitter.com/ly_box/status/1137857595862130688.

2. Until late July 2016 the *Bayraktar* TB2 UCAV operations were primarily against HAF positions on the front line between the two parties around Libya. This was due to their range being line of sight limited to between 150 to 200km. This changed on 26 July 2019 when Jufra air base, which is 360km from Misrata, was attacked and two IL-76TD aircraft were destroyed on the ground.¹⁷² As the strike was obviously conducted using precision guided munitions, and no fixed wing aircraft were identified in the area, this was a very strong indicator that ground based relay units had been placed strategically at the edge of GNA-AF controlled areas. These relay systems would extend the range of a *Bayraktar* TB2 UCAV by another 150km to 200km, thus bringing Jufra within their range.¹⁷³

¹⁷¹ <https://www.addresslibya.com/en/archives/49934>.

Casualty rate

3. HAF has specifically targeted the GNA-AF UCAV capability with some degree of success, but the claimed number of *Bayraktar* TB2 losses (15) now exceeds the twelve reported as been delivered to the GNA-AF. This is illustrative of the major propaganda battle surrounding the “drone war”. Table 48.1 summarises the confirmed and claimed *Bayraktar* TB2 losses to date.

Table 48.1

Summary of HAF *Bayraktar* TB2 UCAV destroyed (14 May 2019 to date)

<i>Date</i>	<i>Location</i>	<i>Confirmed</i>	<i>Claimed</i>	<i>Remarks</i>
14 May 2019	Jufra	Imagery ^a		▪
01 Jun 2019	Gharyan		HAF ^b	▪
06 Jun 2019	Mitiga		HAF ^c	▪ Destroyed on ground by FGA.
06 Jun 2019	Mitiga		HAF ^d	▪ Destroyed on ground.
13 Jun 2019	Mitiga		Media ^e	▪ Destroyed on ground. Date TBC.
13 Jun 2019	Mitiga		Ibid	▪ Destroyed on ground. Date TBC.
30 Jun 2019			Media ^f	▪
25 Jul 2019	Jufra	Imagery	HAF ^g	▪
1 Aug 2019	Mitiga		Media ^h	▪ Destroyed on ground.
5 Aug 2019	Al Nimwah		HAF ⁱ	▪ Destroyed on ground.
3 Sep 2019	Wadi al-Rabie		HAF ^k	▪ Shot down.
13 Sep 2019	Jufra		HAF	▪
13 Sep 2019	Jufra		HAF	▪
13 Sep 2019	Kufra		HAF	▪
19 Oct 2019	Misrata		HAF	▪

^a Includes <https://www.addresslibya.com/en/archives/45885>. Multiple sources.

^b <https://aawsat.com/english/home/article/1750766/Ina-announces-downing-turkish-drone-tripoli-battles>.

^c <https://www.addresslibya.com/en/archives/46875>.

^d <https://www.addresslibya.com/en/archives/46880>.

^e <https://www.africaintelligence.com/mce/corridors-of-power/2019/06/13/recep-tayyip-erdogan-s-drones-fly-to-fayez-sarraj-s-rescue,108361236-art>.

^f <https://www.africaintelligence.com/mce/corridors-of-power/2019/07/04/fayez-sarraj-to-get-eight-more-turkish-drones,108364176-art>.

^g Includes <https://www.addresslibya.com/en/archives/48741>. Multiple sources.

^h <https://www.addresslibya.com/en/archives/49064>.

ⁱ <https://www.alaraby.co.uk/english/indepth/2019/8/21/the-significance-of-drones-in-the-libyan-conflict>.

^k <https://twitter.com/Oded121351/status/1168782590804971520>.

^j <http://english.alarabiya.net/en/News/north-africa/2019/09/13/Libyan-army-destroys-Turkish-aircraft-positions-in-Misrata.html>.

¹⁷² 1) European Space Imaging Press Release of 3 August 2019. Image of 29 July 2019; and 2) https://mobile.twitter.com/Arn_Del/status/1155525947040378880, 28 July 2019; and 3) <https://www.bloomberg.com/news/articles/2019-07-26/tripoli-government-says-it-struck-haftar-s-main-forward-airbase>. Accessed 2 September 2019.

¹⁷³ A confidential source has also confirmed the likely deployment of ground based relay stsems.

Turkish military support to UCAV operations

4. The Panel noted that in a statement to the media on 6 June 2019, the commander of the HAF air force organization, major general Mohammad Al-Manfour, commented on the presence of thirty Turkish fighters working for militias allied to the GNA-AF.¹⁷⁴ A subsequent more extensive media report¹⁷⁵ on 30 June 2019 produced a list of twenty-one names and imagery of eighteen Turkish passports of a claimed Turkish military support team in Libya led by Major General Irfan Tut Ozert. The other three individuals being from Pakistan. The report also showed imagery from a security camera showing the team checking in to their hotel in Tripoli.

5. Supporting documentation for the media report included a handwritten memo (figure 48.2) allegedly from the GNA Minister of Interior and Defence, Fathi Bashagha, to the immigration authority requesting entry facilitation for five members of the team; but the Panel notes that these names do not match any on the eighteen passport copies published.

6. On 23 July 2019, the Panel met with the Turkish Ministry of Foreign Affairs (MFA) in Ankara, Turkey. The MFA stated that the above event was to review the security of their Embassy, but provided no further details. One of the passports published proved to be of an official at the meeting in Ankara. The Panel assesses that most of the team were deployed to operate and maintain the *Bayraktar* TB2 UCAV. Turkey has yet to respond to the Panel request for clarification.¹⁷⁶

¹⁷⁴ <https://www.addresslibya.com/en/archives/46872>. Accessed 2 September 2019.

¹⁷⁵ <https://almarsad.co/en/2019/06/30/bayraktar-killer-drones-run-by-turkish-military-experts-in-tripoli-exclusive-al-marsad-report/>. Accessed 2 September 2019.

¹⁷⁶ Panel letter of 12 July 2019.

Figure 48.2

Handwritten note on headed Ministry of Interior paper allegedly from GNA Minister of Interior

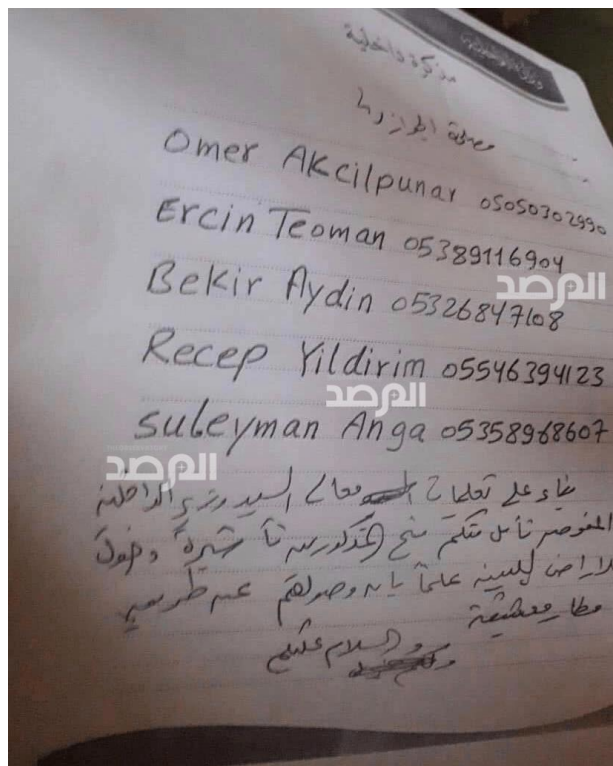


Figure 48.3

Panel translation

On the instructions of the Minister of Interior, please provide the afore mentioned people with access visas to the Libyan territory upon their arrival at Mitiga airport.

Source: Confidential source.

7. A subsequent media report claims that further Turkish military personnel arrived at Misrata international airport on 23 August 2019 on board a Libyan Wings commercial flight from Ankara or Istanbul.¹⁷⁷

8. The Panel has written to Turkey requesting clarification of the supply chain for this weapon system but has received no response.

¹⁷⁷ <https://ahvalnews.com/libya-turkey/mercenaries-arrived-turkey-libyas-misrata-says-lna-spokesperson>.

Annex 49: Transfer of military material to GNA-AF by UAA P.J.S.C. AN-12

1. Three Ukrainian registered Antonov AN-12BK aircraft (registrations UR-CAH, UR-CAJ and UR-CNT) and one Ukrainian registered Antonov AN-12BP aircraft (registration UR-CGW) were identified by the Panel operating in support of the GNA-AF as a military cargo aircraft. The aircraft were operated by Ukraine Air Alliance P.J.S.C.¹⁷⁸ of 21 Vozziednannia Avenue, 02154 Kiev, Ukraine, but owned by Cargo Air Chartering¹⁷⁹ of X1-05, SAIF Zone, PO Box 8408, Sharjah, United Arab Emirates.

2. Ukraine Air Alliance P.J.S.C was approached by the Turkish office of ProAir-Charter-Transport GmbH¹⁸⁰ (ProAir Charter) with a proposal for ten charter flights during May and June 2019 to transfer aviation spare parts to Libya. All cargo on these flights was consigned by the Libyan Embassy in Ankara to the Ministry of Interior in Tripoli. The Panel obtained copies of the Air Waybill and Cargo Manifest for ten flights made between 27 May and 16 June 2019 from Istanbul to Misrata by the Antonov AN-12 aircraft (UR-CAH, UR-CAJ, UR-CGW and UR-CNT) that transported 62.5 tonnes of UAV components (see sample at appendix A). The Panel is in the possession of all the other Air Waybills and Cargo Manifests for these flights.

3. On 29 May 2019 the operations department of Ukraine Air Alliance P.J.S.C sent an Email (at 15:53 hours from to specifically instruct ProAir Charter to ensure that the Air Waybills were all clearly and exactly marked in the handling information part of the form as “*NO DG,¹⁸¹ NO AMMO, NO WEAPON*” (see appendix B). Such information is not routinely submitted, nor required, unless designed to try and disguise the military nature of a cargo. The same Email instructed ProAir Charter to ensure that the nature of the cargo exactly matches “*generator, spare parts, consumer goods etc*” on documentation. The cargo on the flights shown at table 49.1 was all listed as “Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)”. The Panel wrote to Turkey and the GNA-AF requesting clarification of the cargo but received no response.

4. On 29 May 2019 ProAir Charter sent an Email (using same Email addresses) to Ukraine Air Alliance P.J.S.C confirming that “*all unmanned aerial vehicle components (...) are not related to DG, AMMO, WEAPON and dual-use cargo*” (see appendix B). The Panel is unaware of any large commercial unmanned aerial vehicles (UAV) being used by the Ministry of Interior of Libya, and none

have ever been observed at airports or in flight. The only UAV identified as operating from GNA-AF airfields is the Bayraktar TB2 unmanned combat aerial vehicle (UCAV).

5. The Antonov AN-12 has a load capacity of 20 tonnes, yet the flights listed in table 49.1 were for loads of between 4.1 to 8.9 tonnes, which indicates that the cargo “bulked out” the load compartment before maximum weight could be achieved. This is indicative of large bulky items such as the fuselage

¹⁷⁸ <http://www.uaa-avia.com/>.

¹⁷⁹ <http://www.cargoairchartering.aero>.

¹⁸⁰ <https://www.proair.de/en>. Baris Mah, Belediye Cad, Ginza Lavinya Apt 30D, Beylikduzu, Istanbul, Turkey. (Fax: +90 212 872 0780).

¹⁸¹ Dangerous Goods.

or wings of a UAV that are large, yet air filled and relatively light. All flights took place at night between approximately 23:45 hours to 06:30 hours, and the aircraft Mode S transponders were often not seen on commercial aviation tracking websites once the aircraft had left Turkish air space. Both these suggest an attempt to disguise their destination. ProAir Charter also obtained diplomatic clearance from the Ministry of Foreign Affairs of Turkey to fly to Misrata with aviation spare parts. Again this is unusual for a commercial flight.

6. The cargo agent used for all flights was Plures Air Cargo¹⁸² of No 9, Block B3, Egs Business Park, Yeşilköy, Bakırköy, Istanbul, Turkey, who would also certainly have been aware of the true nature of the cargo based on the external packaging. This is the same cargo agent used for the suspicious flights of Ilyushin IL-76TD aircraft (UR-COZ) (see 0 50).

Table 49.1

Ukraine Air Alliance P.J.S.C. AN-12 aircraft flights using flight number UKL4073 from Ankara to Misrata

<i>Departure Date</i>	<i>#</i>	<i>Flight</i>	<i>From</i>	<i>To</i>	<i>Mass (tonnes)</i>	<i>Declared Cargo</i>
28 May 2019	UR-CNT	UKL4073	Ankara	Misrata	4.1	▪ Drone parts ▪ Was initially for 8.9 tonnes but that cargo too big for aircraft.
29 May 2019	UR-CAJ	UKL 4075	Ankara	Misrata	5.2	▪ Furniture parts
30 May 2019	UR-CGW	UKL4073	Ankara	Misrata	5.2	▪ Ground Control Station, Data Terminal System, Aviation Spare Parts, Mobile Tool Case, Drone Fuselage
30 May 2019	UR-CGW	UKL4073	Ankara	Misrata	6.9	▪ Brake Disc Set, Nose Landing Gear, Generator, Wing Pitot, Mechanical Tools
31 May 2019	UR-CAH	UKL4073	Ankara	Misrata	5.4	▪ Generator, UAV Wing and Tail, Fuelling Station
1 June 2019	UR-CAJ	UKL4073	Ankara	Misrata	4.3	▪ Ground Control Station, UAV Fuselage, Radio Tools
2 June 2019	UR-CAH	UKL4073	Ankara	Misrata	5.3	▪ Generator, UAV Fuselage
15 June 2019	UR-CNT	UKL4082	Ankara	Misrata	6.2	▪ UAV Fuselage, UAV Wing, Ground Data Systems, Spare Parts, Tools

¹⁸² <https://www.plures.com.tr/en>. Also listed on the Air Waybill as Plures Travel Akt Turizm Kargo Havacilik Insaat TIC Ltd STI, Istanbul, Turkey.

<i>Departure Date</i>	<i>#</i>	<i>Flight</i>	<i>From</i>	<i>To</i>	<i>Mass (tonnes)</i>	<i>Declared Cargo</i>
15 June 2019	UR-CAJ	UKL4085	Ankara	Misrata	5.9	▪ Ground Control Stations, Fuelling Station, Spare Parts, Tools
16 June 2019	UR-CAJ	UKL4087	Ankara	Misrata	5.1	▪ Drone Fuselage, Drone Wings, Fuel Station, Tripods, Tools
TOTAL					53.6 tonnes	

7. An analysis of the Cargo Manifests for the above flights identified that components for at least three completeUCAV (table 49.2).

Table 49.2

Analysis ofUCAV components shipped between 28 May – 16 June 2019.

<i>Departure Date</i>	<i>#</i>	<i>UAV Fuselage</i>	<i>UAV Wings</i>	<i>Ground Control Station</i>	<i>Data Terminal Station</i>	<i>Other UAV Components</i>
28 May 2019	UR-CNT					1
29 May 2019	UR-CAJ					0
30 May 2019	UR-CGW			1	1	1
30 May 2019	UR-CGW					1
31 May 2019	UR-CAH		1			1
1 June 2019	UR-CAJ	1		1		
2 June 2019	UR-CAH	1				1
15 June 2019	UR-CNT	1	1			1
15 June 2019	UR-CAJ			1		1
16 June 2019	UR-CAJ	1	1			1
TOTALS		4	3	3	1	9

8. On 30 July 2019, the Aviation Security Council of the Aviation Service of Ukraine issued instructions that banned flights by all Ukrainian registered aircraft from conducting flights into Libya due to “the worsening security situation”.

9. The Panel has written to Turkey, Ukraine Air Alliance P.J.S.C., Pro Air Charter and Plures Air Cargo requesting clarification and further information on the activities of these particular aircraft. Only Ukraine Air Alliance P.J.S.C responded.

10. The Panel finds Turkey, Ukraine Air Alliance P.J.S.C., ProAir Charter and Plures Air Cargo in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for their almost certain involvement in the transfer of military material to the GNA-AF.

Appendix A to Annex 49: Air freight documentation (example)

Image A.49.1

Cargo Manifest (UR-CNT) flight UKL 4073 from Istanbul to Misrata

CARGO MANIFEST

I.C.A.O. ANNEX 9 APPENDIX 3

Owner or Operator : UKRAINE AIR ALLAINCE Date : 27 MAY 2019
 Marks of Nationality : UKRAINE / URCNT Flight No : UKL4073
 Point of Loading : (ESB) ANKARA Point of Unloading : (MRA) MISRATA

AWB NO	NUMBER OF PACKAGES	NATURE OF GOODS	GROSS WEIGHT (KG)	FINAL DESTINATION
271 0001 0710	23	DRONE PARTS	4.100	Misrata, Libya
TOTAL		23	4.100	

TRANSFER CARGO

N.I.L

SERVICE CARGO

N.I.L

*23 Boxes 400kg each
 Cables, batteries
 Alibayev Dargin
 Serial No 2155
 Alibayev*



Source: Confidential.

Image A.49.2
Air Waybill (UR-CNT) flight UKL 4073 from Istanbul to Misrata

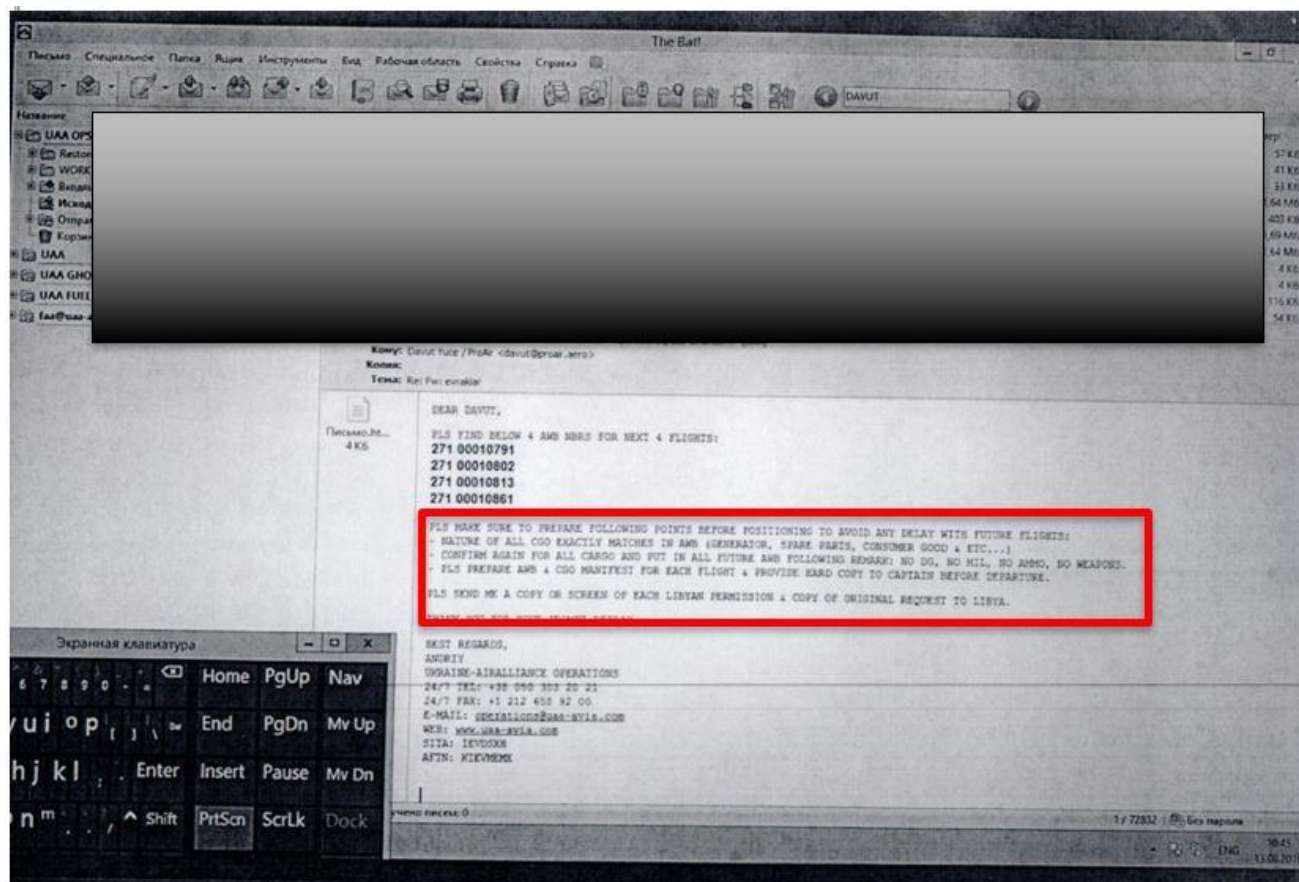
271 IST 0001 0710		271 IST 0001 0710	
Shipper's Name and Address LIBYAN EMBASSY (ANKARA) CINNAH CAD. NO:60 06690 CANKAYA / ANKARA / TURKEY		Shipper's Account Number UKRAINE AIR ALLIANCE	
Consignee's Name and Address LIBYA MINISTRY OF INTERIOR TRIPOLI / LIBYA		Not Negotiable Air Waybill Issued by	
Issuing Carrier Agent Name and City PLURES AIR CARGO ISTANBUL / TURKIYE		Accounting Information //FREIGHT PREPAID//	
Agent's Reference Number 8847176 001 6		Reference Number 0000000000	
Airport of Origin MISURATA AIRPORT		Optional Shipping Information Declared Value for Carriage N.V.D. Declared Value for Customs N.C.V.	
To MISURATA AIRPORT		By UKRAINE AIR ALLIANCE	
Date 27.05.2019		Flight UKL 4073	
Amount of Insurance XXX		Insurance INSURANCE - If Carrier offers insurance, and such insurance is requested in accordance with the conditions thereof, indicate amount to be insured in figures in box marked "Amount of Insurance."	
Handling Information NO DG, NO AMMO, NO WEAPON			
No. of Pieces 23	Gross Weight 4100.0	Rate Class K Q	Chargeable Weight 4100
Commodity AS AGREED		Rate AS AGREED	
Description of Goods DRONE PARTS		Description of Goods DRONE PARTS	
Description of Goods NOT RESTRICTED		Description of Goods NOT RESTRICTED	
Prepaid		Collect	
Valuation Charge		Other Charges	
AS AGREED		AS AGREED	
Total Other Charges Due Agent		Total Other Charges Due Carrier	
AS AGREED		AS AGREED	
Total Prepaid		Total Collect	
AS AGREED		AS AGREED	
Currency Conversion Rates		CO charges in Dest. Currency	
For Carrier's Use only at Destination		Charges at Destination	
Total Collect Charges		Total Collect Charges	

Source: Confidential.

Appendix B to Annex 49: Email correspondence

Image B.49.1

Ukraine Air Alliance P.J.S.C Email to ProAir Charter (29 May 2019)



PLS MAKE SURE TO PREPARE FOLLOWING POINTS BEFORE POSITIONING TO AVOID ANY DELAY WITH FUTURE FLIGHTS:

- NATURE OF ALL CGO EXACTLY MATCHES IN AMB (GENERATOR, SPARE PARTS, CONSUMER GOOD & ETC...)
- CONFIRM AGAIN FOR ALL CARGO AND PUT IN ALL FUTURE AMB FOLLOWING REMARK: NO DG, NO MIL, NO AMMO, NO WEAPONS.
- PLS PREPARE AMB & CGO MANIFEST FOR EACH FLIGHT & PROVIDE HARD COPY TO CAPTAIN BEFORE DEPARTURE.

PLS SEND ME A COPY OR SCREEN OF EACH LIBYAN PERMISSION & COPY OF ORIGINAL REQUEST TO LIBYA.

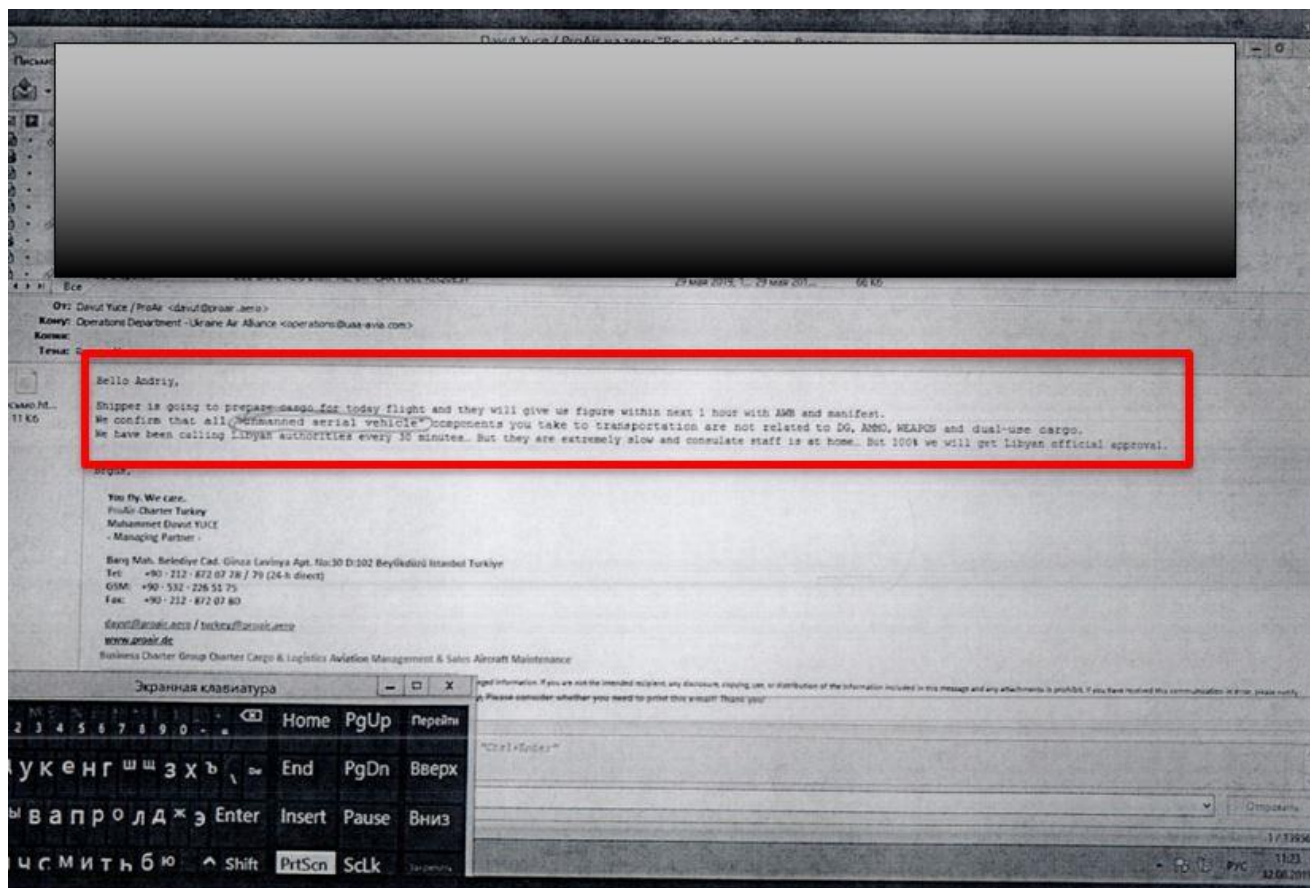
THANK YOU FOR YOUR PROMPT REPLAY.

BEST REGARDS

Source: Confidential.

Image B.49.2

ProAir Charter Email to Ukraine Air Alliance P.J.S.C (29 May 2019)



Hello Andriy,

Shipper is going to prepare cargo for today flight and they will give us figure within next 1 hour with AWB and manifest.

We confirm that all unmanned aerial vehicle components you take to transportation are not related to DG, AMMO, WEAPON and dual-use cargo.

We have been calling Libyan authorities every 30 minutes. But they are extremely slow and consulate staff is at home. But 100% we will get Libyan official approval.

Brqds,

Source: Confidential.

Annex 50: Transfer of military material to the GNA-AF by Sky AviaTrans L.L.C. IL-76

1. The panel identified a Ukrainian registered Ilyushin IL-76TD (registration UR-COZ) operating in support of the GNA-AF as a military cargo aircraft. The aircraft was operated by Sky AviaTrans L.L.C. of 37/97 Jilanskaya Str, 01033 Kiev, Ukraine,¹⁸³ but owned by Volaris Business LP of Suite 4199, 5 Mitchel House, Edinburgh, EH6 7BD.
2. On 1 August 2018 Sky AviaTrans L.L.C. and Volaris Business LP concluded an agreement on the provision of air services, in which Sky AviaTrans L.L.C. would transport cargo for Volaris Business LP. The contract¹⁸⁴ places the onus on Volaris Business LP obtaining the relevant flight documentation, import/export permits and customs clearances, and makes it clear that the aircraft shall not be used to transport military related cargo. The document was signed on behalf of Volaris Business LP by O.M. as a director of the company. O.M. is also listed as an “individual person with significant control” on Form SLP PSC01 received at Companies House, Scotland on 6 June 2018, where Volaris Business LP is registered as a “wholesale” business. The document was signed on behalf of by Sky AviaTrans L.L.C. by O.K. as the Finance Director, as O.M. is also a Director of Sky TransAvia L.L.C.¹⁸⁵
3. On 4 June 2019 Sky AviaTrans L.L.C. was approached by the Turkish office of ProAir-Charter-Transport GmbH¹⁸⁶ (ProAir Charter) with a proposal for five charter flights during May and June 2019 to transfer car spare parts to Libya. For all these flights the Libyan Embassy in Ankara consigned the cargo to the Ministry of Interior in Tripoli. All the Air Waybills were marked in the Handling Information part of the form as “NO DG,¹⁸⁷ NO AMMO, NO WEAPON”. Such information is not routinely submitted, nor required, unless designed to try and disguise the military nature of the cargo.
4. The Panel obtained examples of the Air Waybill and Cargo Manifest for the flights made between 3 – 21 July 2019 from Ankara to Misrata by the Ilyushin IL-76TD aircraft (UR-COZ) (see sample at appendix A). The Panel is in the possession of all the other Air Waybills and Cargo Manifests for these flights.

¹⁸³ <http://skyaviatrans.com.ua/about-us/>. Although their Air Operator Certificate lists a different address of 6 Mykola Shepekliev St, 03062 Kiev, Ukraine. Tel +38 44 287 5707.

¹⁸⁴ No 03-08/18 dated 1 August 2018.

¹⁸⁵ Company directorship identified from the signatory of a letter (reference 164/1) from Sky AviaTrans L.L.C to the Libyan Embassy dated 12 August 2019.

¹⁸⁶ <https://www.proair.de/en>. Baris Mah, Belediye Cad, Ginza Lavinya Apt 30D, Beylikduzu, Istanbul, Turkey. (Fax: +90 212 872 0780).

¹⁸⁷ Dangerous Goods.

5. The cargo on the flights shown at table 50.1 was all listed as “Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)”. The Panel wrote to Turkey and the GNA requesting clarification of the cargo but received no response. The Panel considers it neither realistic nor credible that the GNA would either fly, nor need, a total of 138.1 tonnes of vehicle parts over such a short period, and would be highly unlikely to use such an expensive delivery means. Additionally, it would be unusual to specifically charter an aircraft with a payload of 48 to 52 tonnes dependant on type, and then only use approximately 50% capacity on each flight. The tonnages shipped, if vehicle parts as claimed, would not “bulk out” the cargo space.¹⁸⁸ Thus the veracity of the documentation is not accepted by the Panel as a true reflection of the cargo. Due to the duplicity documentation surrounding these flights, combined with the identity of the consignor and consignee, and the low cargo payloads for the aircraft type the Panel considers that the cargo was military material of high volume and relatively low mass, such as the fuselage and wings of unmanned combat aerial vehicles (UCAV).¹⁸⁹

6. The cargo agent used for all flights was Plures Air Cargo¹⁹⁰ of No 9, Block B3, Egs Business Park, Yeşilköy, Bakırköy, Istanbul, Turkey, who would also certainly have been aware of the true nature of the cargo based on the external packaging. This is the same cargo agent used for the suspicious flights of Antonov AN-12 aircraft (UR-CAH, UR-CGW and UR-CNT) (see 0 49).

Table 50.1

Sky AviaTrans IL-76TD (UR-COZ) aircraft flights from Ankara to Istanbul

<i>Departure Date</i>	<i>#</i>	<i>From</i>	<i>To</i>	<i>Mass (tonnes)</i>	<i>Declared Cargo</i>
3 July 2019	UR-COZ	Ankara (Esenboga)	Misrata	21.2	▪ Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)
3 July 2019	UR-COZ	Ankara (Esenboga)	Misrata	31.1	▪ Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)
4 July 2019	UR-COZ	Ankara (Esenboga)	Misrata	27.5	▪ Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)
5 July 2019	UR-COZ	Ankara (Esenboga)	Misrata	25.1	▪ Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)
6 July 2019	UR-COZ	Ankara (Esenboga)	Misrata	25.1	▪ Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)
21 July 2019	UR-COZ	Ankara (Esenboga)	Misrata	8.1	▪ Spare Parts (Mirrors, Lights, Indicators, Brake Systems, Tyres)
TOTAL				138.1 tonnes	

¹⁸⁸ The distance from Ankara to Misrata is 1,810km, and the maximum range of a IL-76TD with maximum load of 50 tonnes is 4,000km, so the Panel has discounted any argument that the differential between the actual cargo loads and the maximum cargo load was required for fuel to negate refuelling in Misrata.

¹⁸⁹ Also see allegation in paragraph 7 of <https://www.al-monitor.com/pulse/originals/2019/09/turkey-gulf-libya-is-becoming-a-scene-of-proxy-war.html>, 11 September 2019.

¹⁹⁰ <https://www.plures.com.tr/en>. Also listed on the Air Waybill as Plures Travel Akt Turizm Kargo Havacilik Insaat TIC Ltd STI, Istanbul, Turkey.

7. On 30 July 2019, the Aviation Security Council of the Aviation Service of Ukraine issued instructions that banned flights by all Ukrainian registered aircraft from conducting flights into Libya due to “the worsening security situation”. Sky AviaTrans L.L.C. obtained an exemption from this instruction and on 5 August 2019 the aircraft was destroyed on the ground at Misrata air academy.

Figure 50.1

Sky AviaTrans IL-76TD (UR-COZ) destroyed at Misrata (5 August 2019)



Source: <https://hyser.com.ua/community/105551-molniya-sbit-ukrainskiy-transportnyy-samolet-il-76-otorvalo-hvost-pervye-podrobnosti-chnogo-vtornika>.

8. The Panel has written to Turkey, Volaris Business LP, Sky AviaTrans L.L.C., Pro Air Charter and Plures Air Cargo requesting clarification and further information on the activities of this particular aircraft. Only Sky AviaTrans L.L.C. responded.

9. The Panel finds Turkey, Pro Air Charter and Plures Air Cargo in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for their involvement in the transfer of military material to the GNA.

10. Although the Panel has not found Volaris Business LP and Sky AviaTrans L.L.C. in non-compliance, the companies' system of due diligence requires significant revision. There were enough indicators surrounding these flights to suggest that this contract was not as it seemed (see paragraph 5 above). Even a simple analysis of the declared cargo would have revealed to the company that you cannot physically fit 40 car tyres in a 0.35m x 1.22m x 1.22 m package; the maximum would be 10. Similarly a declared weight of a package of 4,000kg is 3,500kg more than the weight of 40 car tyres.

Appendix A to Annex 50: UR-COZ sample Cargo Manifest and Air Waybill

Image A.50.1

Cargo Manifest (UR-COZ) flight KTR7721 from Ankara to Misrata

 SKYAVIATRANS OperatorSKY..AVIATRANS.....		Cargo Manifest		
Marks of Nationality and Registration. UR-COZFlight No..... KTR7721Date..... 04.06.2019				
Point of loading..... LTAC - ANKARAPoint of unloading..... HLMS - MISURATA (Place) (Place)				
Air Waybill Number	Number of packages	Nature of goods*	For use by operation only	For official use only
000-1000 0327	37 PCS 27500 KG	SPARE PARTS (MIRRORS, LIGHTS, INDICATORS, BRAKE SYSTEMS, TYRES)	TAYFUN TEKELIOGLU SN	0603

Emrahmed Ahamed
4/7/2019

Source: Confidential.

Image A.50.2

Air Waybill (UR-COZ) flight KTR7721 from Ankara to Misrata ^a

000 ESB 1000 0327		000 ESB 1000 0327	
Shipper's Name and Address LIBYAN EMBASSY (Ankara) Cinnah Cad. No:60 06690 Cankaya - Ankara TURKEY		Not Negotiable Air Waybill Issued by SKY AVIATRANS	
Consignee's Name and Address Libya Ministry of Interior Tripoli LIBYA		Copies 1, 2 and 3 of this Air Waybill are originals and have the same validity. It is agreed that the goods described herein are accepted in apparent good order and condition (except as noted for carriage) SUBJECT TO THE CONDITIONS OF CONTRACT ON THE REVERSE HEREOF. ALL GOODS MAY BE CARRIED BY ANY OTHER MEANS INCLUDING ROAD OR ANY OTHER CARRIER UNLESS SPECIFIC CONTRARY INSTRUCTIONS ARE GIVEN HEREON BY THE SHIPPER, AND SHIPPER AGREES THAT THE SHIPMENT MAY BE CARRIED VIA INTERMEDIATE STOPPING PLACES WHICH THE CARRIER DEEMS APPROPRIATE. THE SHIPPER'S ATTENTION IS DRAWN TO THE NOTICE CONCERNING CARRIER'S LIMITATION OF LIABILITY. Shipper may express such limitation of liability by declaring a higher value for carriage and paying a supplemental charge if required.	
Issuing Carrier's Agent Name and City PLURES AIR CARGO		Accounting Information FREIGHT PREPAID	
Airport of Departure (Place of First Carrier and Reclassified Routing) ESENBOGA AIRPORT ANKARA		Reference Number 04 JUL 19	
To (By First Carrier) (Terms of Contract) MRA SKY AVIATRANS (KTR)		Declared Value for Carriage N.V.D.	
Region of Destination MISURATA		Declared Value for Customs N.C.V.	
Handling Information NO DG, NO AMMO, NO WEAPON		Insurance - If Carrier offers insurance and such insurance is requested in accordance with the conditions thereof, indicate amount to be insured in figures in box marked Amount of insurance.	
No. of Pieces 37	Gross Weight 27500	Rate Class K	Commodity Item No. Q
Chargeable Weight 27500		Rate AS AGREED	
Total AS AGREED		Nature and Quantity of Goods SPARE PARTS (MIRRORS, LIGHTS, INDICATORS, BRAKE SYSTEMS, TYRES)	
Prepaid AS AGREED		Other Charges NOT RESTRICTED	
Weight Charge AS AGREED		Valuation Charge AS AGREED	
Tax AS AGREED		Total Other Charges Due Agent AS AGREED	
Total Other Charges Due Carrier AS AGREED		Signature of Shipper or its Agent PLURES TRAVEL AKT TURIZM KARGO HAVACILIK PASAJAT TIC LTD ŞTI ISTANBUL TURKIYE	
Total Prepaid AS AGREED		Signature of Issuing Carrier or its Agent PLURES AIR CARGO INTERNATIONAL TRANSPORT 04.07.2019 ANKARA ESENBOGA AIRPORT	
Currency Conversion Rates AS AGREED		Excluded on (date) at (place) (signature)	
For Carrier's Use only at Destination AS AGREED		Total collect Charges AS AGREED	

ORIGINAL 3 (FOR SHIPPER)

Source: Confidential.

Annex 51: Small ISR UAV in Libya

A. Orbiter-3

1. On 29 July 2019 an unarmed ISR UAV was downed near Surt by GNA-AF.¹⁹¹ The remnants from the UAV on the imagery analysed by the Panel have characteristics virtually identical to those of the Orbiter-3 UAV variants designed and manufactured by Aeronautics Limited.¹⁹²

Image 51.1 to 51.4

Remnants of downed Orbiter-3 UAV



Sources: 1) <https://twitter.com/BabakTaghvaei/status/1155930634000318464>, 29 July 2019; and 2) Extract from video imagery at <https://twitter.com/Mansourtalk/status/1156901216762421248>, 1 August 2019.

2. The panel considers that the direct supply of this UAV from the manufacturer, or by the Member State, is unlikely. It is more likely present due to post-delivery diversion by the original purchaser, or subsequent owner, and is certainly a non-compliance with paragraph 9 of resolution 1970 (2011) by the supplier and the GNA-AF. Panel investigations continue and a response from the manufacturer's Member State is awaited.

B. Orlan-10

3. The remnants shown in images 51.5 to 51.7 are from an unarmed ISR UAV that was downed by militia affiliated to the HAF on the outskirts of Sirte on, or about, 29 April 2019. The UAV is fitted with the same electro-optical payload that has a distinctive array of twelve lens (image 51.7) and has

¹⁹¹ A second was reportedly shot down near Al-Azizya on 30 July 2019, but the Panel has been unable to obtain imagery to verify this. <https://www.marsad.ly/en/2019/08/08/israel-made-drones-downed-over-libya/>. Accessed 22 August 2019.

¹⁹² <https://aeronautics-sys.com>.

been seen on Orlan-10 UAV recovered from other conflict zones.¹⁹³ The remnants shown in images 51.8 to 51.10 are from an unarmed ISR UAV that crashed in Ain Zara and was recovered by the GNA-AF affiliated 27 Brigade on, or about, 20 September 2019. The remnants from the UAV on the imagery of both incidents analysed by the Panel have characteristics virtually identical to those of the *Orlan-10* UAV variants designed and manufactured by the Special Technological Centre,¹⁹⁴ Saint Petersburg, Russian Federation.

Images 51.5 to 51.7

Remnants of downed Orlan-10 UAV (29 April 2019) ^{a b}



Images 51.8 to 51.10

Remnants of downed Orlan-10 UAV (20 September 2019) ^c



^a <https://twitter.com/Oded121351>, 29 April 2019.

^b https://twitter.com/imp_navigator/status/1123126784059428864, 30 April 2019.

^c <https://www.facebook.com/447617966027848/posts/510190706437240/>, 20 September 2019.

¹⁹³ Binnie J. *Russian UAV recovered in Libya*. Janes Defence Weekly. 30 April 2019. London.

¹⁹⁴ <https://www.stc-spb.ru>.

4. The panel considers that the direct supply of this UAV from the manufacturer, or by the Member State, is unlikely. It is more likely present due to post-delivery diversion by the original purchaser, or subsequent owner and is certainly a non-compliance with paragraph 9 of resolution 1970 (2011) by the supplier and HAF. Panel investigations continue and a response from the manufacturer's Member State is awaited.

C. *Mohadjer* variant

5. Images 51.13 is of an unarmed ISR UAV identified in the possession of the HAF in late 2017.¹⁹⁵ The Panel has identified characteristics on the UAV virtually identical to those of a *Mohadjer* UAV variant designed and manufactured by Qods Aviation Industry Company,¹⁹⁶ Tehran, Iran (image 51.14).

Image 51.13
Mohadjer-10 variant UAV with HAF
(October 2017)



Image 51.14
Mohadjer-10 variant UAV manufacturers image
(October 2017)



Sources: 1) <https://warisboring.com/who-gave-iranian-made-drones-to-libyas-tobruk-regime/>, 16 October 2017 [L]; and 2) <https://thearkenstone.blogspot.com>, Photographer Hossain Zohrevand, [R].

5. The panel considers that the direct supply of this UAV from the manufacturer, or by the Member State, is unlikely. It is more likely present due to post-delivery diversion by the original purchaser, or subsequent owner, or battlefield capture from the GNA-AF. The Islamic State of Iran, in response to Panel enquiries, stated that “(...) similar variants can be easily built by any party who has the necessary knowhow”. Their response did not explicitly deny that the pictured UAV was a *Mohadjer* variant UAV. The transfer of the UAV to Libya is certainly a non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) by the HAF and a supplier yet to be identified. Panel investigations continue.

¹⁹⁵ www.africaintelligence.com/MCE/power-brokers/2017/10/05/haftar-s-strage-iranian-drone,108274620-BRC, 5 October 2017. Accessed 22 August 2019.

¹⁹⁶ Now incorporated within the Iran Aviation Industries Organization (IAIO). www.mod.ir.

D. Yabhon-HMD

6. On 1 June 2019 an unarmed ISR UAV was downed near Surt¹⁹⁷ by the GNA-AF.¹⁹⁸ On 27 June 2019 components for three UAV of the same type were captured by the GNA-AF at Gharyan (image 51.15). From imagery the Panel identified characteristics virtually identical to those of the Yabhon-HMD variant designed and manufactured by Adcom Systems, Mussafah, Abu Dhabi, United Arab Emirates (<https://adcomsystems.weebly.com/>). The Panel wrote to the United Arab Emirates who stated that the imagery was not that of a Yabhon-HMD variant UAV.

7. On 4 August 2019 the Panel inspected remnants from one of these captured UAV, that had been subsequently recovered to Tripoli (images 51.15 to 51.22). The Panel identified characteristics virtually identical to those of the Yabhon-HMD variant, and a parachute and fuel control unit (FCU) designed and manufactured by Adcom Systems, and identified components marked Advanced Target Systems, Abu Dhabi, United Arab Emirates.

Image 51.15
UAV components captured at Gharyan
(27 June 2019)



Image 51.16
UAV inspected by Panel
(4 August 2019)



Image 51.17
UAV inspected by Panel
(4 August 2019)



¹⁹⁷ Video imagery of the UAV immediately after capture is at https://twitter.com/TurkishAF_/status/1135129231367778304, 2 June 2019. Accessed 22 August 2019.

¹⁹⁸ A second was reportedly shot down near Al-Azizya on 30 July 2019, but the Panel has been unable to obtain imagery to verify this. <https://www.marsad.ly/en/2019/08/08/israel-made-drones-downed-over-libya/>. Accessed 22 August 2019.

Image 51.18
Parachute marked ATS, Abu Dhabi

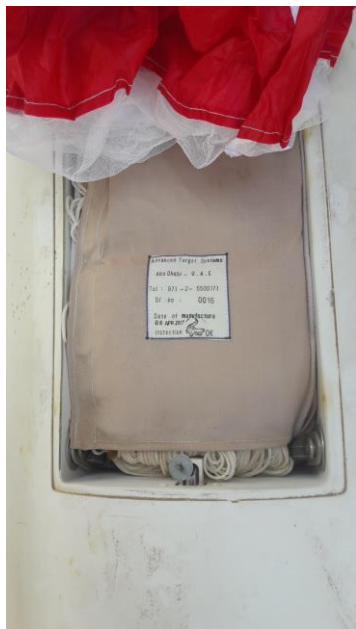


Image 51.19
Enhanced image of parachute markings

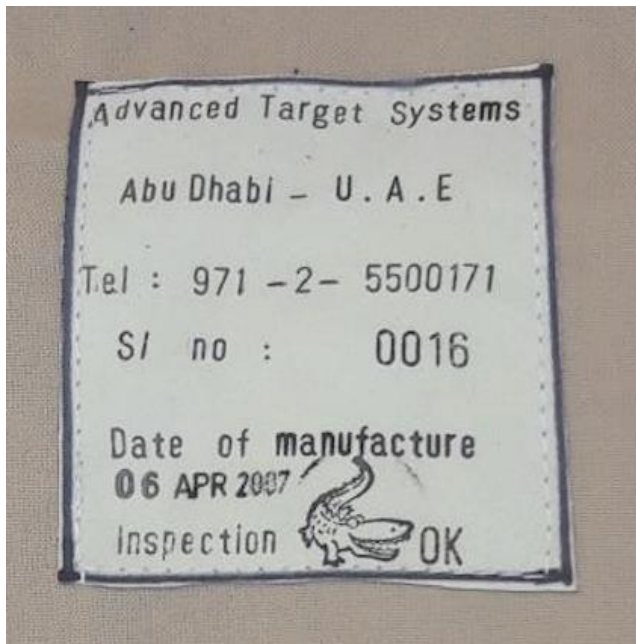


Image 51.20
ATS Fuel Control Unit
Serial Number N2 039



Image 51.21
ATS RF Transceiver 1/5U
Serial Number RT 2027

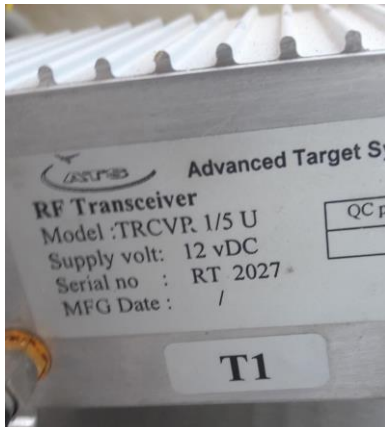


Image 51.22
ATS Servo Control Unit



Sources: 1) 51.15 from <https://twitter.com/Oded121351/status/1144301014771818501>, 27 June 2019. Accessed 22 August 2019; and 2) Images 51.16 to 51.22 taken by Panel. 4 August 2019.

8. The Panel challenges the initial assessment of the United Arab Emirates, and in light of the additional evidence finds that these UAV are almost certainly a variant of the Yabhon-HMD UAV. The Panel finds that the transfer of this UAV type to Libya is a non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) by HAF and a supplier yet to be confirmed. Panel investigations continue.

E. Sea Cavalry SD-60B

9. The Panel identified from open source information¹⁹⁹ that a UAV was captured near Benina, Libya on 17 August 2019 by HAF. The remnants from the UAV on the imagery analysed by the Panel (images 51.23 and 51.24) have characteristics very similar to those of the Sea Cavalry SD-60B UAV designed and manufactured by Xiamen Hanfeiyang Aviation Technologies (probably also trading as Xiamen Han's Eagle Aviation Technology Company Limited)²⁰⁰ (image 51.25).

Image 51.23

UAV captured near Benina (17 August 2019)

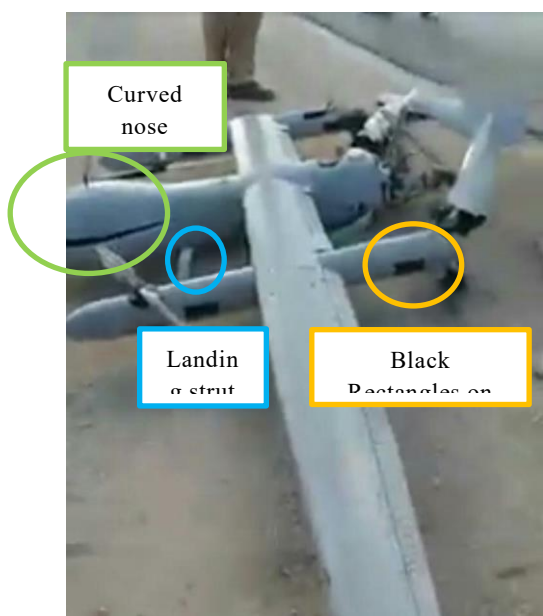
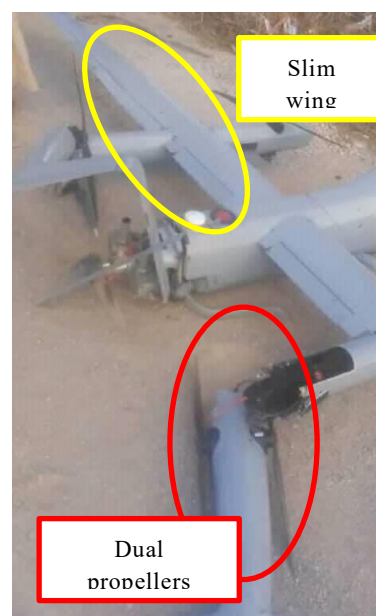


Image 51.24

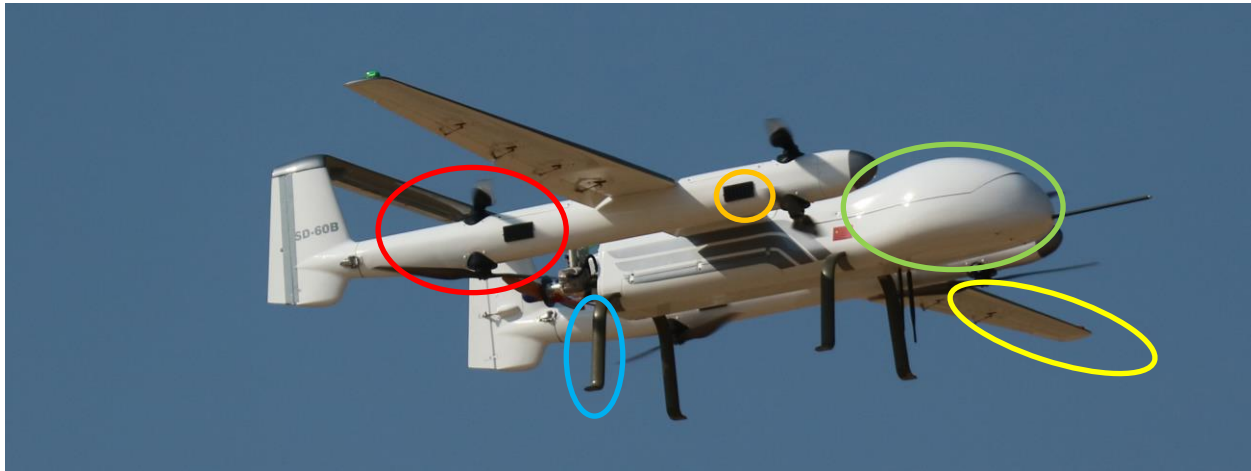
UAV captured near Benina (17 August 2019)



¹⁹⁹ <https://twitter.com/Oded121351/status/1162959265830723584>, 17 August 2019.

²⁰⁰ <http://www.hans-eagle.com/EN/products/hqbyd/4.html>.

Image 51.25
Sea Cavalry SD-60B manufacturers image



Sources: 1) 51.23 and 51.24 from <https://twitter.com/Oded121351/status/1162959265830723584>, 17 August 2019; and 2) 51.25 from <http://www.hans-eagle.com/EN/products/hqbyd/4.html>.

10. Sea Cavalry UAV Intelligence Surveillance and Reconnaissance (ISR) variants are known to be either on trial or in use by the Chinese People's Liberation Army Navy (PLAN).²⁰¹ Open source information²⁰² placed the PLAN frigate Xi'an (Hull No 153) of the 32nd Naval Escort Fleet in transit off the coast of Benghazi on 14 and 15 August 2019. The vessel was in transit from Malta to Alexandria. The Panel assesses it as likely that the UAV was lost over Libya during maritime environmental and operational trials as to the UAV's ISR capabilities. The Panel does not consider this to be a non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) by the Member State.

²⁰¹ <https://www.janes.com/article/87009/chinese-navy-deploys-new-vtol-uav>.

²⁰² <https://www.africaintelligence.com/mce/corridors-of-power/2019/09/05/the-chinese-army-loses-its-first-drone-in-libya.108371106-eve?CXT=PUB>.

Annex 52: Civilian aircraft in support of HAF operations

1. This annex contains further information on aircraft either confirmed as, or very highly suspected of, providing military aviation transport support to HAF.

Space Cargo Inc - Antonov AN-26 (UP-AN601)

2. An Antonov AN-26 aircraft (flying under registration UP-AN601) has been observed routinely operating in support of HAF as a military cargo aircraft (figures 52.1 and 52.2). The Panel has identified that this aircraft was removed from Kazakhstan national aircraft registry (see appendix A) on 22 June 2015 after sale to Space Cargo Inc (PO Box 7812, Sharjah Airport International Free Zone, A4-703, Sharjah, United Arab Emirates) (<http://spacecargoinc.com>). The Libyan Civil Aviation Authority have also confirmed that the aircraft is not on their registry.²⁰³

Figure 52.1

**Antonov AN-26 UP-AN 601 at Bani Walid
(1 November 2017)**



Figure 52.2

**Antonov AN-26 UP-AN 601 at Sharara oil field
(18 February 2019)**



Sources: 1) 52.1 from <https://twitter.com/MOHBENLAMMA/status/925780874662170625>. Accessed 23 February 2019; and 2) 52.2 from <https://twitter.com/Oded121351/status/1097582983542919168>. Accessed 23 February 2019.

3. The aircraft is marked with the logo of a United Arab Emirates based company, H.A.D Jet Cargo LLC (Office 805, Prime Tower, Al Abraj Street, Business Bay, Dubai (PO Box 214995), (www.hadjetcargo.com). The company has confirmed to their authorities that they have never owned, operated, lease or otherwise dealt with this aircraft.²⁰⁴

²⁰³ LCAA letter of 15 May 2019.

²⁰⁴ HADJet letter of 2 August 2019.

4. The aircraft is therefore flying in Libya with false markings under a false national air registry number, (UP-AN601), which is in contravention with the requirements of the Convention on International Civil Aviation (the Chicago Convention).²⁰⁵

5. The Panel has written to Space Cargo Inc requesting information relating to the activities of this aircraft in Libya but has received no response.

6. The Panel notes that the Antonov AN-26 is also designed to be used in the light bomber role when fitted with four BDZ-34 weapon hard points on its fuselage. The Panel is monitoring this matter.

Sky Prim Air S.R.L. - Ilyushin IL-18D (ER-ICS)

7. An Ilyushin IL-18D aircraft (flying under Moldovan registration ER-ICS) is still routinely flying in support of HAF as a military cargo aircraft (figures 52.3 and 52.4). This aircraft was removed from the Moldovan national aircraft registry on 8 July 2015 (see appendix B).

8. The LCAA have confirmed to the Panel that this aircraft does not hold a Libyan registration.²⁰⁶ This aircraft is therefore also flying in Libya with false markings under a false national air registry number, (ER-ICS), which is in contravention with the requirements of the Chicago Convention.

Figure 52.3

Ilyushin IL-18D in Benghazi (June 2017)^a



Figure 52.4

Ilyushin IL-18D in Gharyan (May 2019)^a



Sources: 1) 52.3 from <http://www.airliners.net/photo/Untitled/Ilyushin-IL-18D/4434469/L>; 2) 52.4 from <https://m.facebook.com/100013292748991/posts/678218769297875?sfns=xmo>.

9. It was reported on the AeroTransport DataBase (www.atdb.org) that the aircraft had been transferred to the Kazakhstan national air registry as UP-18496. The Kazakh authorities have investigated this and found that an Ilyushin IL-18GR is registered with their registry as IL-**I**8496 by

Southern Sky, but it is not the same aircraft. ER-ICS has serial number 099-03, whereas IL-**I**8496 has serial number 092-02.

²⁰⁵ <https://www.icao.int/publications/pages/doc7300.aspx>.

²⁰⁶ LCCA letter to Panel of 10 July 2019.

10. The Panel identified in its report [S/2017/466](#)²⁰⁷ that aircraft ER-ICS is owned and operated by Sky Prim Air S.R.L of Moldova. The Panel has written to Moldova to request any relevant information arising as the result of a reported investigation by their national authorities into Sky Prim Air S.R.L. owned by Grigore Ghilan. Notwithstanding this, the Panel finds Sky Prim Air S.R.L in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military support to HAF, and continues to investigate.

Deek Aviation F.Z.E. - Ilyushin IL-76TD (UR-CMC and UR-CMP)

11. Two Ilyushin IL-76TD aircraft (registered UR-CMP and UR-CRC) were destroyed by a GNA air strike against Jufra air base on 26 July 2019 (see figures 52.5 and 52.6).

Figure 52.5

Destroyed IL-76TD at Jufra air base (26 July 2019)

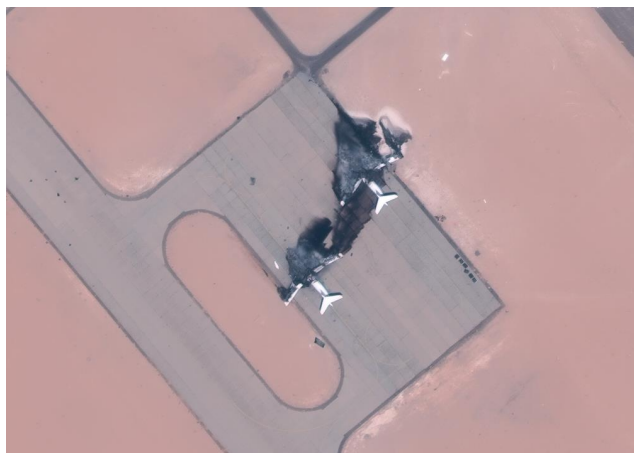


Figure 52.6

Ibid



Sources: 1) 52.5 European Space Imaging Press Release of 3 August 2019. Image of 29 July 2019. [L]; and 2) 52.6 https://mobile.twitter.com/Arn_Del/status/1155525947040378880, 28 July 2019. Accessed 4 September 2019 [R].

12. The panel has identified that although the aircraft were owned by Infinite Seal Incorporated (British Virgin Islands),²⁰⁸ and operated by Europe Air L.L.C. of Ukraine, on 1 October 2014 Europe Air L.L.C. concluded a general agreement on cargo transportation with Deek Aviation F.Z.E.²⁰⁹ (Q4-76, Block Q4 Street, Al Ruqa Al Hamra, Sharjah, United Arab Emirates). The contracts²¹⁰ place the onus on the relevant flight documentation and customs clearances being obtained by Deek Aviation F.Z.E and makes it clear that the aircraft shall not be used to transport military related cargo.

13. Deek Aviation F.Z.E were contracted by Global Aviation Services Group (<http://www.global-aviationgroup.com>)²¹¹ to transport humanitarian aid. The Panel has a copy of the Cargo Manifest and Air Waybill for the flight made by these aircraft on 25 July 2019 immediately prior to their destruction. The documentation is completed for a flight from Fujairah (OMFJ), United Arab Emirates to Labraq airport (HLTQ), Al Bayda, Libya and then onward to Jufra air base (HL69). The aircraft manifest states

²⁰⁷ Paras. 3 and 4 to annex 35.

²⁰⁸ Trident Chambers, PO Box 146, Road Town, Tortola, British Virgin Islands.

²⁰⁹ The company website (www.deekaviation.com) has lapsed. General Manager is Rajiv Kumar Sharma. +971 6 57XXXX2.

that the cargo for UR-CMP was 15.785 tonnes of Medicinal Equipment, Medicine and Food Stuff and for UR-CRC was four ambulance vehicles with a mass of 12.1 tonnes; both cargos to be delivered to Labraq airport. The cargo capacity of a single IL-76TD is 52 tonnes, which means both loads could probably have been carried on a single aircraft.²¹² No documentation was provided for any cargo that may have been carried from Al Bayda to Jufra. Deek Aviation F.Z.E has not yet responded to the Panel's requests for further information and the investigation continues.

14. Europe Air L.L.C. had its Air Operating Certificate suspended by the Ukrainian civil aviation authorities on 27 July 2019,²¹³ the lease agreement with Infinite Seal Incorporated was terminated on 9 August 2019²¹⁴ and the Europe Air L.L.C. ceased trading that day.²¹⁵

Sigma Airlines – Ilyushin IL-76TD (UP-I7601 and UP-I7645)

15. Two Ilyushin IL-76TD aircraft (registered UP-I7601 and UP-I7645) have been identified as flying in support of HAF as a military cargo aircraft (figures 52.7 and 52.8 for UP-I7601, and figures 52.9 and 52.10 for UP-I7645).

²¹⁰ No 28052014-1013407230 dated 28 May 2014 for UR-CCMC, and No 27042018-1013409303 dated 27 April 2018 for UR-CRP.

²¹¹ PO Box 2828, Tripoli, Libya, aradi@global-aviationgroup.com, +218 21 351 4068.

²¹² A standard ambulance is 6m long x 2.3m wide. The load compartment of an IL-76TD is 24.5m long x 3.4 m wide. This would leave a floor cargo space free of 26m², highly probably enough space for 15.8 tonnes of other cargo at one tonne per m².

²¹³ <https://open4business.com.ua/ukraine-suspends-operator-certificate-of-europe-air-carrier/>.

²¹⁴ Letter 181-IS

²¹⁵ Order No: 908.

Figure 52.7
IL-76TN (UP-I7601) (April 2019)



Figure 52.8
IL-76TN (UP-I7601) (June 2019)



Sources: 1) Original – confidential source; then 2) reproduced on <https://twitter.com/DavidBiutitaman/status/1144498937329438720>, 17 June 2019. [L]; and 2) https://twitter.com/Arn_Del/status/1144981837212717056, 29 June 2019. [R].

Figure 52.9
IL-76TN (UP-I7645) at Tamanhint air base (Sebha),
(29 January 2019)



Figure 52.10
IL-76TN (UP-I7645) at Tamanhint air base
(Sebha), (29 January 2019)⁹



Source: Extracted from video imagery from HAF media office at <https://www.youtube.com/watch?v=llUD4rD1jfA&feature=youtu.be>, 29 January 2019 in which the HAF themselves refer to the aircraft as a “military cargo plane”.

16. The Ilyushin IL-76TD aircraft (UP-I7601 and UP-I7645) are owned by Air Almaty J.S.C. (LMY) of Kazakhstan, but have been leased to, and operated by, Sigma Airlines²¹⁶ (SGL) of Kazakhstan since October 2017.²¹⁷

17. The Panel finds Sigma Airlines in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of military support to HAF.

18. The Panel also continues to maintain an overview of the activities of one other Ilyushin IL-76TD aircraft operated by Sigma Air (registration UP-17655).

²¹⁶ <https://airsigma.pro/>. Markov Str 11, Almaty, 050013, Kazakhstan. The company also has an office in Ajman, United Arab Emirates.

²¹⁷ <http://www.aerotransport.org/php/go.php?query=operator&qstring=Sigma+Airlines&where=126307&luck=>. Restricted access.

Appendix A to Annex 52: Removal of Antonov AN-26 (UP-AN601) from Kazakhstan Civil Aviation Authority register

Figure A.52.1
Certificate of removal



ҚАЗАҚСТАН РЕСПУБЛИКАСЫ
ИНВЕСТИЦИЯЛАР ЖӘНЕ ДАМУ МИНИСТРЛІГІ
АЗАМАТТЫҚ АВИАЦИЯ КОМИТЕТІ
MINISTRY OF INVESTMENTS AND DEVELOPMENT
OF THE REPUBLIC OF KAZAKHSTAN
CIVIL AVIATION COMMITTEE

КУӘЛІК
CERTIFICATE

ӘУЕ КЕМЕСІНІҢ ҚАЗАҚСТАН РЕСПУБЛИКАСЫНЫҢ
АЗАМАТТЫҚ ӘУЕ КЕМЕЛЕРІНІҢ МЕМЛЕКЕТТІК ТІЗІЛІМІНЕН ШЫҒУЫ ТУРАЛЫ
OF DE-REGISTRATION FROM CIVIL AVIATION AUTHORITY REPUBLIC OF KAZAKHSTAN

№ 196

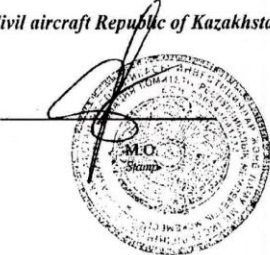
Осымен куәландырамыз, әуе кеме түрі: АН-26
Hereby is confirm that present Aircraft type: An-26

Сериялық (зауыттық) нөмірі: 0503
Serial Number: 0503

Меншік иесі: SPACE CARGO INC.
Which belong to: SPACE CARGO INC.

Қазақстан Республикасының азаматтық әуе кемелерінің мемлекеттік тізілімнен ШЫҚТЫ.
was taken the State Register Civil aircraft Republic of Kazakhstan off.

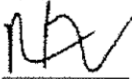
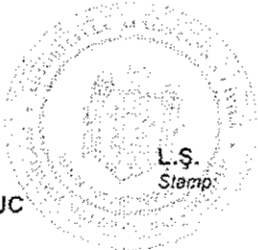
Төраға
Chairman


Б. Сейдахметов
B. Seidakhmetov

2015 жыл 08 қазан
October 08, 2015

Appendix B to Annex 52: Removal of Ilyushin IL-18D (ER-ICS) from Moldova Civil Aviation Authority register

Figure B. 52.1
Certificate of removal

REPUBLICA MOLDOVA AUTORITATEA AERONAUTICĂ CIVILĂ		REPUBLIC OF MOLDOVA CIVIL AVIATION AUTHORITY
CERTIFICAT DE RADIERE A ÎNMATRICULĂRII CERTIFICATE OF DEREGISTRATION No./Nr. <u>CD-0418</u>		
Prin prezentul se certifică că aeronava de tipul <u>ILYUSHIN IL-18D</u>, nr. de serie 187009903, cu înmatriculare anterioară <u>ER-ICS</u>, a fost radiată din Registrul Aerian al Republicii Moldova, iar însemnele de înmatriculare <u>ER-ICS</u> au fost anulate. <i>This is to certify that the aircraft type <u>ILYUSHIN IL-18D</u>, serial number 187009903, formerly bearing nationality and registration marks <u>ER-ICS</u>, has been removed from the Aviation Register of the Republic of Moldova and the marks <u>ER-ICS</u> have been cancelled.</i>		
Data eliberării: 08.07.2015 Date of issue:	Director interimar Acting director Semnătura:  Signature: Radu BEZNIUC	 L.S. Stamp:

Annex 53: Summary of parallel currency security features

1. Annex 56 to Panel report [S/2017/416](#) summarised the difference in security features between the CBL 20LYD and CBL 50LYD denomination notes printed by De La Rue Limited in 2013 and the parallel ECBL currency 20 LYD and 50 LYD denomination notes printed by *Goznak J.S.C.* in 2016.
2. Tables 53.1 and 53.2 are an update to that report,²¹⁸ and summarize the security features of the higher denomination CBL 50 LYD notes printed by De La Rue Limited in 2013 and the parallel ECBL currency 50LYD denomination notes printed by *Goznak J.S.C.* in 2016 and 2019. The specialist report concluded that “the noticeable differences between the notes may cause uncertainty to the people and result in a reduced public acceptability”. The currency is vulnerable to counterfeiting. Some of the security features are not fully explained in order to protect the security of the currency. In general bank notes have three levels of security features: 1) Level 1 for public recognition; 2) Level 2 for bank tellers; and 3) Level 3 for Central Banks.

Table 53.1

Summary of publicly recognisable (Level 1) security features CBL 50 LYD denomination notes v *Goznak* 50 LYD denomination notes

#	Feature	CBL 50 LYD (2013)	“Goznak” 50LYD (2016)	Remarks
1	SPARK® Orbital™ feature printed in silk screen with optical variable ink.	Present.	Missing, replaced with an inferior Moon and Star printed in offset, which is fluorescent under ultra-violet (UV) light.	▪ Key public recognition feature (Level 1).
2	Position and size of serial number figures.	Vertical and to the right of the holographic stripes with increasing size figures.	Two horizontal serial numbers with equal size figures.	▪ Public recognition is compromised by differences in appearance.

²¹⁸ Based on a security analysis by an internationally accredited and recognized testing laboratory used widely by Central Banks; Ugra (www.ugra.ch). 2013 CBL note serial number 0073446 and 2016 ECBL parallel note serial number 183001 were tested. ECBL 2019 notes serial numbers 1080001 and 1080002 were then compared against the 2016 results.

#	Feature	CBL 50 LYD (2013)	“Goznak” 50LYD (2016)	Remarks
3	Obverse design in intaglio Printing: Lighthouse image.	Original size.	Reduced in size.	Reduction necessary to accommodate the horizontal, red serial number.
4	Embossed latent image with denomination value in metallic ink on front side.	Present.	Missing.	Key public recognition feature (Level 1).
5	Windowed security thread.	Present (lenticular).	Different to original (holographic).	Significant change.
6	Embedded security thread.	Appears as a continuous black line when viewed against the light.	Missing.	Key public recognition feature (Level 1).
7	Holographic foil stripe.	Demetallized design.	Non demetallized. Different colours. Holographic images switch at different angles.	Key public recognition feature (Level 1).

Figure 53.1
2013 CBL LYD50 (Obverse)



Figure 53.2
2016 "Goznak" LYD50 (Obverse)



Figure 53.3
2013 CBL LYD50 (Reverse)



Figure 53.3
2016 "Goznak" LYD50 Reverse)



Table 53.2

Summary of Machine and Central Bank recognisable (Levels 2 and 3) security features CBL 50 LYD notes v “Goznak” 50 LYD denomination notes

#	Feature	CBL 50 LYD (2013)	“Goznak” 50LYD (2016)	Remarks
A	Infra-red @900nm.	Right half of rock arch visible.	Rock arch split into two images.	This will affect machines that validate notes by reading the infra-red pattern.
B	Level 3 Covert feature - Enigma® feature.	Present.	Not Present.	Required for Central Bank only authentication.
C	Gemini® feature.	Present.	Yellow/Green in daylight. Yellow/Red under UV light.	Professional recognition is compromised by differences in appearance.
D	Detectable magnetic ink on horizontal serial number on left of notes.	Normal.	Lower levels detected.	- Level 3 security feature - This could affect the set-up of note sorting machines.
E	Embedded magnetic thread.	Present.	Uses a windowed thread with magnetic properties.	This could affect the set-up of note sorting machines.
F	Cornerstone® on corners to strengthen notes	Present.	Not present.	This will reduce the life cycle of the ECBL parallel currency.

Figure 53.5
2013 CBL LYD50 (Obverse)



Figure 53.7
2013 CBL LYD50 (Reverse)

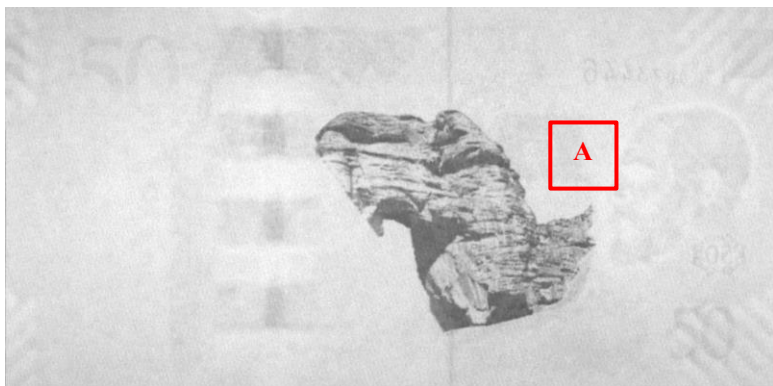
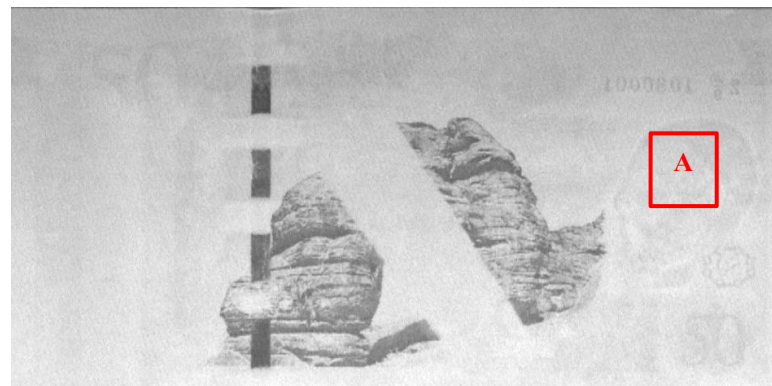


Figure 53.6
2016 "Goznak" LYD50 (Obverse)



Figure 53.8
2016 "Goznak" LYD50 Reverse)



Annex 54: Communication from the Eastern NOC

Figure 54.1

Communication from the Eastern NOC



المؤسسة الوطنية للنفط
NATIONAL OIL CORPORATION

التاريخ :

الموافق :

الإشاري :

الملف :

NOC Circulation No 1-2019

Date: 12-05-2019

Dear

The board of directors of the Libyan National Oil Corporation (NOC) is deeply concerned by the false statements circulated by Mr. Mustafa Sanallah, it's previous chairman who has recently been relieved from his responsibility by the internationally and nationally recognized Libyan House of Representative.

Such disruptive statement can only compromise our objectives of maintaining operation of unified and sustainable oil and gas production and export of oil and gas and our commitment to our international partner.

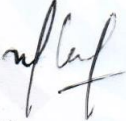
At this juncture of widening conflict we wish to assure all our associates and clients of our on-going commitment to maintaining unified efficient operations and ask that measures be taken by the UN and international community to deter Sanallah from his divisive actions and disruptive allegations and demand effective supervisory consultation to assure transparency and accountability of our NOC operations which has been seriously breached during Sanallah's tenor.

For explanation of current administrative structure and events leading to NOC decision to change its leadership please see attached document.

Sincerely,

Board of Directors,

National Oil Corporation




بنغازي - البركة (00218)614782560 - (00218)614782561

info@libya-noc.org <https://m.facebook.com/NOCL.LIBYA/>



المؤسسة الوطنية للنفط
NATIONAL OIL CORPORATION

التاريخ :
الموافق :

الإشاري :
الملف :

Attachment A:

1. First of all it is pertinent to know that the current formal chairman of the board of NOC is Mr. Almaghrub Sultan and not Mr M. Sanallah. Mr. Sultan was appointed by the Libyan Government, which is endorsed by Libyan House of Representatives (The parliament) on 26/12/2018. Sanallah, on the other hand was only appointed by an unrecognized acting minister of oil during the era of the Libyan Dawn government which is neither recognized internationally nor had any legitimacy in Libya. He was relieved from his position by the legitimate Libyan government and Parliament in 2014.
2. The official NOC Headquarter is in the city of Benghazi according to Parliament Law No.4 (2018) and not in Tripoli as alleged by Sanallah.
3. The on going presence of criminal militias in Tripoli and its persistent influence and control of how Libyan oil and gas revenue is handled was in part one of the main reasons that the government and its principal institutions, including NOC was relocated to Benghazi.
4. Our concern with splitting the NOC and the implications of this on the unity of the country and its governance was the main reason we felt that a graded peaceful transition of the leadership of NOC was needed. However it soon became obvious that pressure from various Tripoli region Militias continued to permit unabated the smuggling of subsidized petroleum products. Militias in Tripoli were also allowed to protect the NOC building in Tripoli and to oversee much of its transactions and embezzle it to pay enormous salaries and fees for shady security operations.
5. Despite the success of Libyan National Army (LNA) in recapturing and securing most of the Oil Fields and operations in Libya, Sanallah failed to acknowledge this to our international oil partners and continued to deal in his principal with criminal militias. There is no question that our company could not have increased and sustained its oil production at the 1.2 million daily barrels if it was not for the security achieved by LNA.
6. Our headquarters and its official board in Benghazi continued to tolerate much of the illegal measures taken by Mr. Sanallah so not to disturb production or compromise confidence with our international partners. However more recently we have noticed that Sanallah was losing his presumed neutrality and making statements contrary to the realities on the ground and the delicacy needed to navigate around the risky potential of splitting the NOC, which we categorically refuse.



1

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info@libya-noc.org https://m.facebook.com/NOCL.LIBYA/



المؤسسة الوطنية للنفط
NATIONAL OIL CORPORATION

التاريخ :

الموافق :

الإشاري :

الملف :

7. As the war to liberate Tripoli from the wrath of controlling criminal militias commenced, Sanallah put the essential principal of neutrality in jeopardy by allowing our Libyan Petro-Air carriers to fly militias and their casualties from Misratah and Tripoli to Turkey, a country blatantly engaged in illegal weapon and fighter transfers to Libya.

8. There are many illegal and suspicious decisions made by Mr. Sanallah such as signing an inappropriate exclusive contract with Glencore to market Sarir-Messla blend and others. These have resulted in opening several investigations by us, the legitimate NOC based in Benghazi and by the energy oversight committee of the Libyan Parliament.

9. Despite numerous investigations and reports by the Libyan Audit Bureau, including one of 2017 (The annual report of Libyan Audit Bureau (LAB2017), page 209- year 2017) where it was clearly expressed that Sanallah's solo decision making and the lack of transparency has lead to suspicious transactions and potential kick backs which could be accountable under international and US laws.

10. Unexplained transactions; in the same report (LAB2017), page 219- line 21, Sanalla covered for paid business trips for 77 persons, expected to be militia members.

11. In his hungry quest for staying in the position illegally, Sanallah accusing the legitimate and legal NOC of participating in smuggling operations, ignoring intentionally that NOC is the only legitimate and legal body according to Libyan Laws and regulations.

12. NOC will take all required legal actions against Sanallah's actions and his disruptive and irresponsible statements.

National Oil Corporation



2

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info@libya-noc.org https://m.facebook.com/NOCL.LIBYA/

Annex 55: Letter on the status of Chairman of the NOC

Figure 55.1

Letter from the Permanent Mission of Libya to the United Nations

MINISTRY OF FOREIGN AFFAIRS
LIBYAN MISSION
TO THE UNITED NATIONS - NEW YORK



وزارة الخارجية
بعثة ليبيا
لدى الأمم المتحدة - نيويورك

No. 000572

18 June 2019

Excellency,

I have the honor to refer to your letter no. S/AC.52/2019/PE/OC.186 dated 17 June 2019, regarding a communication dated 12 May 2019, signed by an unnamed individual on behalf of a Board of Directors of the "Libyan Interim Government" National Oil Corporation located in Benghazi.

In this regard, the Mission would like to reiterate and affirm that the National Oil Corporation in Tripoli, presided by Mr. Mustafa Sanaallah is the sole legitimate authority recognized by and works under the auspices the Government of National Accord to export crude oil and refined petroleum products.

Henceforth, I would like to express my gratitude for your kind information and humbly urge the Panel not to merit communications that are not course through the Permanent Mission of the State of Libya to the United Nations.

Please accept the assurances of my highest consideration.

Elmahdi Elmajerbi
Ambassador & Chargé d'Affaires



Lipika Majumdar Roy Choudhury
Coordinator
Panel of Experts Established
Pursuant to resolution 1973 (2011)
Concerning Libya

309 East 48th Street, New York, NY 10017 • Tel: 212-752-5775 • Fax: 212-593-4787 • Email: info@libyanmission-un.org

Annex 56: Statement by the eastern National Oil Corporation

Figure 56.1

Undated statement issued by the eastern NOC, received by the Panel on 9 October 2019

National Oil Corporation

Statement No. 4 by the National Oil Corporation for 2019

The National Oil Corporation is concerned about statements made repeatedly by the Head of the United Nations Support Mission in Libya (UNSMIL), Ghassan Salamé, in connection with his interference in Libyan internal affairs in general and oil-related issues in particular; in doing so, he is clearly overstepping the terms of reference of his mandate in Libya.

In that regard, the Corporation, which is an agency of the Libyan Interim Government and sanctioned by the House of Representatives, wishes to stress that it is the sole sovereign institution charged with all administrative and technical aspects of the management of the oil sector, in accordance with the country's current regulations and laws.

It also wishes to underline that, under Libyan law, claims by Mustafa San'allah that he is the Chair of the National Oil Corporation and has the support of the so-called international community will avail him nothing when he is called to account before the Libyan courts, in particular given that he has thrown in his lot with the government of the militias.

UNSMIL and its head, to the extent that they have the right at all, should focus above all on combating the smuggling of fuel and oil derivatives that is going on in the west and south-west of the country, which amounts to the squandering of oil revenue, and having all those responsible placed under international sanctions.

Moreover, the head of UNSMIL should not turn a blind eye to the violations being committed by the parallel corporation in Tripoli by blocking the delivery of fuel to the civilian airports of Benghazi, Abraq and Zintan. Those violations amount to crimes against humanity.

In conclusion, the task with which the head of UNSMIL has been entrusted is to act impartially and without breaching the laws of the State of Libya.

God save Libya!

Board of Directors
[Stamp of the National Oil Corporation,
Statements, Board of Directors]

Annex 57: New board of directors of Brega in the east

Figure 57.1

Decision of the eastern NOC appointing a new board of directors of Brega in the east

المؤسسة الوطنية للنفط - بنغازي
NATIONAL OIL CORPORATION - BENGHAZI

الحكومة الليبية المؤقتة

القرارات

نقط

قرار مجلس الإدارة
رقم (125) لسنة 2019م

بشأن إعادة تشكيل مجلس إدارة شركة البريقة لتسويق النفط

مجلس الإدارة

بعد الاطلاع على الإعلان الدستوري المؤقت الصادر في (3) أغسطس 2011 وتعديلاته
وعلى القانون رقم (25) لسنة 1955م بشأن البترول وتعديلاته
وعلى القرار رقم (10) لسنة 1979م في شأن إعادة تنظيم المؤسسة الوطنية للنفط
وعلى القرار رقم (75) لسنة 2007 بشأن مميزات العاملين الوطنيين في المؤسسة الوطنية للنفط
وعلى القرار رقم (17) لسنة 2007 بشأن القواعد والشروط لشغل الوظائف بالمؤسسة الوطنية للنفط
وعلى القرار رقم (267) لسنة 2007 بشأن اعتماد اللائحة المالية للمؤسسة الوطنية للنفط
وعلى القانون رقم (12) لسنة 2010 في شأن علاقات العمل ولائحته التنفيذية
وعلى القرار رقم (247) لسنة 2013 بشأن تحديد المقار الرئيسية لبعض الجهات
وعلى قرار مجلس النواب رقم (24) لسنة 2014 بشأن منح الثقة للحكومة الليبية المؤقتة
وعلى قرار مكتب رئاسة مجلس النواب رقم (4) لسنة 2017 بشأن تعديل القرار رقم (10) لسنة 1979م
وعلى قرارات مجلس الوزراء رقم (276-277) لسنة 2017م بشأن تقرير حكم يتعلق بالمؤسسة الوطنية للنفط
وعلى قرار مجلس الوزراء رقم (879) لسنة 2018 بشأن إعفاء من مهام وتقرير حكم
وعلى كتاب رئيس مجلس الوزراء رقم (أ-669-18) المؤرخ في 2018/2/11م بشأن إعادة تشكيل مجالس إدارات الشركات
الناشطة التابعة للمؤسسة الوطنية للنفط.

وعلى اجتماع مجلس الإدارة باعتباره الجمعية العمومية العاشر والمنعقد بتاريخ 2019/9/4م.

قرر

المادة (1)

يعاد تشكيل مجلس إدارة شركة البريقة لتسويق النفط من السادة المذكورين أدناه:-

رئيس	السيد / م.خير الله صالح عبد السلام
عضو	السيد / م.فتح الله محمد خير القزاني
عضو	السيد / م.عبد السلام فرج عبد الله اسماعيل
عضو	السيد / فرج عبد الله زمر

المادة (2)

يحل مجلس الإدارة الجديد المشكل بموجب هذا القرار طبقاً للقوانين والتشريعات الناهضة وأحكام النظام الأساسي للشركة
تحقيق أهدافها وأهداف قطاع النفط وفقاً للخطة المعتمدة بالخصوص.

المادة (3)

يعمل بهذا القرار من تاريخ صدوره وعلى الجهات المعنية وضعه موضع التنفيذ

مجلس الإدارة

المؤسسة الوطنية للنفط

بنغازي بتاريخ (8 - 9 - 2019م)

البريقة 9 (00218)614782561 - (00218)614782560 ق. ليبيا/NOCLLIBYA/ <https://www.facebook.com/NOCLLIBYA/> @libya-noc.org

Figure 57.2
Official translation

Translated from Arabic

Libyan Interim Government

National Oil Corporation - Benghazi

Decisions

Decision No. 125 (2019) of the Board of Directors concerning the reconfiguration of the Board of Directors of the Brega Petroleum Marketing Company

The Board of Directors

- Having considered the interim Constitutional Declaration of 3 August 2011, as amended, and:
- Act No. 25 (1955) concerning petroleum, as amended;
- Decision No. 10 (1979) reorganizing the National Oil Corporation;
- Decision No. 75 (2007) concerning the salaries of national employees of the National Oil Corporation;
- Decision No. 17 (2007) concerning rules and conditions of employment of the National Oil Corporation;
- Decision No. 267 (2007) concerning rules and conditions of employment of the National Oil Corporation;
- Act No. 12 (2010) concerning work relations and its implementing regulation;
- Decision No. 247 (2013) identifying the headquarters of certain entities;
- Decision No. 24 (2014) of the House of Representatives expressing confidence in the Libyan Interim Government;

- Decision No. 4 (2017) of the Office of the Presidency of the House of Representatives amending Decision No. 10 (1979);
- Decisions No. 276 and No. 277 (2017) of the Cabinet recording a judgment regarding the National Oil Corporation;
- Decision No. 879 (2018) of the Cabinet containing a dismissal and recording a judgment;
- Memorandum *ra-mim-alif*-669-18 of 11 February 2018 concerning the reconfiguration of the boards of directors of the subsidiary oil companies of the National Oil Corporation;
- The meeting of the tenth plenary assembly of the Board of Directors on 4 September 2019;

Decides:

Article 1

The Board of Directors of the Brega Petroleum Marketing Company is hereby reconfigured with the following membership:

Mr. Khaynullah Salih Abdulsalam	Chair
Mr. Eathullah Muhammad Khayr al-Fazzani	Member
Mr. Abdulsalam Faraj Abdullah Isma'il	Member
Mr. Faraj Abdullah Zammut	Member

Article 2

The new Board of Directors appointed by virtue of the present Decision shall act in accordance with the laws and regulations in force and the Basic Statute of the company with a view to achieving its goals and those of the oil sector and shall comply with the plans adopted for that purpose.

Article 3

This decision shall enter into force on the date of its issuance, and the relevant parties shall be required to implement it.

Board of Directors

Issued in Benghazi on 8 September 2019

Figure 57.3

Decision from the “interim government” endorsing the above decision adopted by the eastern NOC

الحكومة الليبية المؤقتة

رئاسة مجلس الوزراء

القرارات

قرار رئيس مجلس الوزراء رقم (90) لسنة 2019م
 بتقرير حكم يتعلق بقرار مجلس إدارة المؤسسة الوطنية للنفط رقم 125 لسنة 2019م بشأن
 إعادة تشكيل مجلس إدارة شركة البريقة لتسويق النفط

رئيس مجلس الوزراء
 بعد الإطلاع :

- على الإعلان الدستوري المؤقت الصادر في 3 أغسطس لسنة 2011م وتعديلاته
- وعلى قانون النظام المالي للدولة
- وعلى القانون رقم 25 لسنة 1955م بشأن البترول وتعديلاته
- وعلى القانون رقم 10 لسنة 1979م في شأن إعادة تنظيم المؤسسة الوطنية للنفط
- وعلى القانون رقم 12 لسنة 2010م بشأن إصدار قانون علاقات العمل ولائحته التنفيذية
- وعلى القانون رقم 3 لسنة 2019م بشأن اعتماد الميزانية العامة للدولة لسنة 2019م
- وعلى قرار مجلس النواب رقم 22 لسنة 2014م بشأن تكليف رئيس الحكومة الليبية المؤقتة
- وعلى قرار مجلس النواب رقم 24 لسنة 2014م بشأن منح الثقة للحكومة الليبية المؤقتة
- وعلى قرار مجلس النواب رقم 10 لسنة 2018م بشأن منح الثقة لبعض الوزراء
- وعلى قرار مجلس النواب رقم 3 لسنة 2019م بشأن منح الثقة لبعض الوزراء
- وعلى قرار اللجنة الشعبية العامة / سابقا رقم 10 لسنة 1979م بشأن إعادة تنظيم المؤسسة الوطنية للنفط وتعديله
- وعلى قرار مجلس الوزراء رقم 526 لسنة 2016م بشأن اعتماد الهيكل التنظيمي وتنظيم الجهاز الإداري لديوان مجلس الوزراء
- وعلى قرار مجلس إدارة المؤسسة الوطنية للنفط رقم 125 لسنة 2019م بشأن إعادة تشكيل مجلس إدارة شركة البريقة لتسويق النفط
- وعلى كتاب السيد/ رئيس مجلس إدارة المؤسسة الوطنية للنفط رقم 38/2/1 بتاريخ 2019/9/9م

فقر
مادة (1)
 بموجب هذا القرار وللمقتضيات المصلحة العامة يعتمد قرار مجلس إدارة المؤسسة الوطنية للنفط رقم 125 لسنة 2019م بشأن إعادة تشكيل مجلس إدارة شركة البريقة لتسويق النفط

مادة (2)
 يعمل بهذا القرار من تاريخ صدوره وعلى الجهات المعنية تنفيذه وينشر في الجريدة الرسمية

عبد الله عبد الرحمن الثني
 رئيس مجلس الوزراء

صدر في تاريخ 13 / 12 / 2019م
 الموافق 12 / 9 / 2019م
 القابلية

القرارات

رئاسة مجلس الوزراء

www.lpms.ly +218 69 525 2187 +218 69 525 2194 info@lpms.ly قرنادي

Figure 57.4
Official translation

Libyan Interim Government

Presidency of the Cabinet

Decisions

Decision No. 90 (2019) of the Prime Minister containing the record of a judgment on Decision No. 125 (2019) of the Board of Directors of the National Oil Corporation regarding the reconfiguration of the Board of Directors of the Brega Petroleum Marketing Company

The Prime Minister

Having considered:

- The interim Constitutional Declaration of 3 August 2011, as amended;
- The Financial Regulation Act of the State;
- Act No. 1 (1955) concerning petroleum, as amended;
- Act No. 10 (1979) reorganizing the National Oil Corporation;
- Act No. 12 (2010) enacting the Work Relations Act and its implementing regulation;
- Act No. 3 (2019) adopting the 2019 General Budget of the State;
- Decision No. 22 (2014) of the House of Representatives appointing the Head of the Libyan Interim Government;
- Decision No. 24 (2014) of the House of Representatives expressing confidence in the Libyan Interim Government;
- Decision 10 (2018) of the House of Representatives expressing confidence in certain ministers;
- Decision No. 3 (2019) of the House of Representatives expressing confidence in certain ministers;
- Decision No. 10 (1979) of the then General People's Committee reorganizing the National

Oil Corporation;

- Decision No. 526 (2016) of the Cabinet endorsing the organizational structure and regulating the administration of the Cabinet Office;
- Decision No. 125 (2019) of the Board of Directors of the National Oil Corporation concerning the reconfiguration of the Brega Petroleum Marketing Company;
- Memorandum No. 38/2/1 of the Board of Directors of the National Oil Corporation dated 9 September 2019;

Decides

Article 1

By virtue of the present Decision and the requirements of the public good, Decision No. 125 (2019) of the Board of Directors of the National Oil Corporation concerning the reconfiguration of the Brega Petroleum Marketing Company is hereby endorsed.

Article 2

This decision shall enter into force on the date of its issuance, the relevant parties shall be required to implement it, and it shall be published in the *Official Gazette*.

(Signed) Abdallah Abdulrahman **al-Thinni**

Prime Minister

Issued on 13 Muharram A.H. 1441 (12 September 2019)

Annex 58: Decision of the eastern LIA board of trustees

Figure 58.1

Decision of the eastern NOC appointing a new chairman and board of directors of Brega in the east

Libyan Investment Authority

المؤسسة الليبية للاستثمار

الرقم الإشاري :

التاريخ :

قرار مجلس الأمناء رقم (2) لسنة 2018م
بإعفاء رئيس مجلس إدارة المؤسسة الليبية للاستثمار من مهامه وتكليف بديلا عنه

بعد الاطلاع :

- على قانون النظام المالي للدولة .
- على القانون رقم (12) لسنة 2011م بشأن تأسيس علاقات العمل ولائحته التنفيذية .
- على قرار رقم (208) لسنة 2006م بشأن تأسيس المؤسسة الليبية للاستثمار .
- على القانون رقم (13) لسنة 2010م بشأن التنظيم الإداري للمؤسسة الليبية للاستثمار .
- على قرار مجلس وزراء الحكومة الليبية المؤقت رقم (2) لسنة 2014م بشأن إعادة تشكيل مجلس أمناء المؤسسة الليبية للاستثمار .
- وعلى ما تقرر في اجتماع مجلس أمناء المؤسسة الليبية للاستثمار العادي الثاني للعام 2018م المنعقد بتاريخ 2018/9/17م بمقر ديوان رئاسة مجلس الوزراء بمدينة البيضاء .

(قرار)

مادة (1)

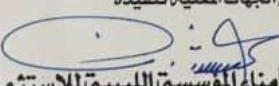
- يعفي د.عبد السلام أحمد الكزه من مهامه كرئيس مجلس إدارة المؤسسة الليبية للاستثمار .

مادة (2)

- يكلف د.حسين محمد حسين بمهام رئيس مجلس إدارة المؤسسة الليبية للاستثمار .

مادة (3)

يعمل بهذا القرار من تاريخ صدوره وعلى الجهات المعنية تنفيذه



مجلس أمناء المؤسسة الليبية للاستثمار



رود الحجازي (تكليف)

شارع سالم سويكر المتفرع من شارع دبي - بنغازي - ليبيا

Mail: info@lia.com.ly

Libyan Investment Authority



المؤسسة الليبية للاستثمار

قرار مجلس الأمناء رقم (2) لسنة 2019 م بإعادة تشكيل مجلس إدارة المؤسسة الليبية للاستثمار

بعد الاطلاع :

- على قانون النظام المالي للدولة
- على القانون رقم (12) لسنة 2011 م بشأن علاقات العمل ولائحته التنفيذية
- على قرار رقم (208) لسنة 2006 م بشأن تأسيس المؤسسة الليبية للاستثمار
- على القانون رقم (18) لسنة 2010 م بشأن التنظيم الإداري للمؤسسة الليبية للاستثمار
- على قرار مجلس وزراء الحكومة الليبية للوقت رقم (25) لسنة 2014 م بشأن إعادة تشكيل مجلس أمناء المؤسسة الليبية للاستثمار
- وعلى مقرر في اجتماع مجلس أمناء المؤسسة الليبية للاستثمار للعام 2018 لتعقد بتاريخ 2018/11/8 م بمقر ديوان رئاسة الوزراء بمدينة البيضاء
- وعلى مقرر في اجتماع مجلس إدارة المؤسسة الليبية للاستثمار للتعقد بتاريخ 2018/11/15 م بمدينة بنغازي

قرر

مادة (1)

يعاد تشكيل مجلس إدارة المؤسسة الليبية للاستثمار على النحو التالي :

رئيساً	د. حسين محمد حسين
عضوا	د. الطاهر عبد الله القلعوز
عضوا	الاستاذ. نجاة محمد يونس
عضوا	السيد محمد أحمد ابوكلكش
عضوا	السيد. حسن خليل حسن
عضوا	السيد. محمد علي زيدان
عضوا	السيد. فوزي فرج موسى

مادة (2)

يعمل به من تاريخ صدوره وعلى الجهات المعنية تنفيذه



مجلس أمناء المؤسسة الليبية للاستثمار

صدر في البيضاء 2019/2/20 م

شارع سالم سويكر المتفرع من شارع دبي - بنغازي - ليبيا

Email: info@lia.com.ly

Source: confidential

Figure 58.2

Panel translation

**Decision of the Board of Trustees n°2 of 2018
On dismissing the Chairman of the Board of Directors of LIA and appointing a new one.**

After reviewing :

- The financial law of Libya.
- Law n°12 of 2011 on establishment of work relations and its executive list
- Decision n°208 of 206 on the establishment of LIA
- Law n°13 of 2010 on the administrative organization of LIA
- Decision n°2 of 2014 of the ministerial council of the interim government on the restructuring of the board of trustees
- On the outcome of the second regular meeting of the board of trustees on 17.9.2018 in Al Bayda

Decides :

Article 1:

To dismiss Dr. Abdessalam Ahmed Al Kezzah from his duties as Chairman of the Board of Directors of LIA

Article 2:

To appoint dr. Hussein Mohamed Hussein as new head of the BOD of LIA.

Article 3:

This decision is valid upon issuance

Signed: Board of trustees of LIA

The Libyan Investment Authority

Decision of the LIA Board of Trustees n°2 of 2019 to restructure its Board of Directors

After reviewing :

- Law n°12 of 2011 on establishment of work relations and its executive list
- Decision n°208 of 206 on the establishment of LIA
- Law n°13 of 2010 on the administrative organization of LIA
- Decision n°2 of 2014 of the ministerial council of the interim government on the restructuring of the Board of Trustees
- The outcome of the second regular meeting of the Board of Trustees on 17.9.2018 in Al Bayda

(d)

(e) Decided to :

Article 1:

Restructure the LIA's Board of Director as follows:

Husein Mohamed Husein	Chairman
Taher Abdallah Al Gala'ouz	member
Najat Mohamed Younis	member
Mohamed Ahmed Abukelch	member
Hasan Khalil Hasan	member
Mohamed Ali Zaydane	member
Fawzi Faraj Musa	member

Article 2:

This decision is valid upon issuance

Signed: Board of Trustees of LIA

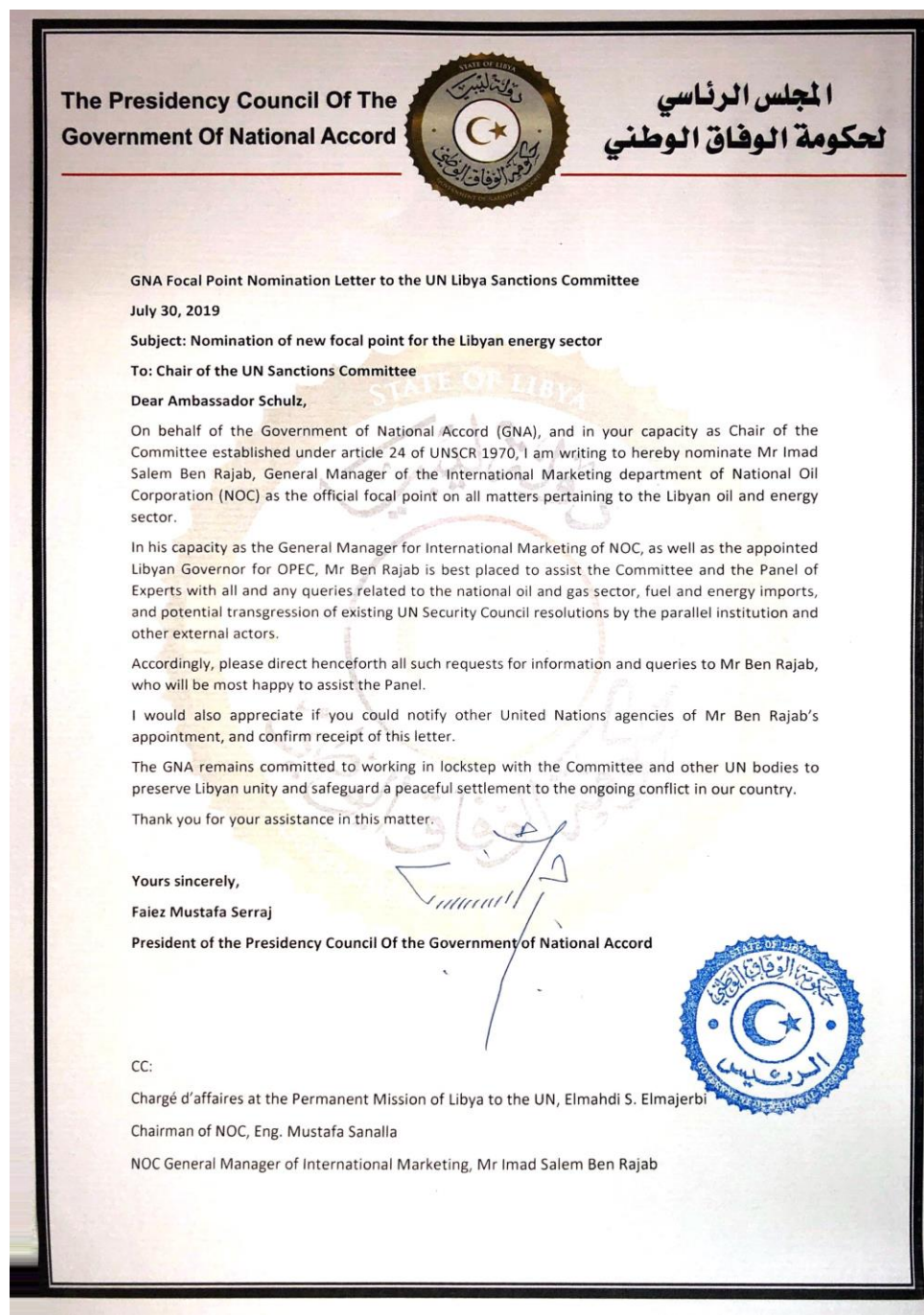
Issued in Al Bayda on 20.2.2019

Source: Confidential

Annex 59: Letter of appointment of new focal point pursuant resolution 2146 (2014)

Figure 59.1

Letter of appointment of new focal point



Annex 60: Documented attempts to illicitly export crude oil from eastern NOC

Figure 60.1

Allocation Certificate dated 8 April 2019

 المؤسسة الوطنية للنفط NATIONAL OIL CORPORATION	
التاريخ : 08/04/2019	الإشعار : C.O.M.19.04.0148
الموافق :	الملف :
To : SULACO GROUP Attention : Mr. "BO" Guy R. Friddell IV Reference No. : C.O.M.19.04.0148 Subject : Allocation Certificate	
<u>Allocation Certificate No 02/04/2019</u> National Oil Corporation of Libya (NOC) has the pleasure to allocate to SULACO GROUP in our call, 2,000,000 bbls of Sarir/Messla blend crude oil loading Marsa El Hariga port On FOB Sulaco Group (2018-C-006) Contract No. [002-March-2019], to be loaded between 5th of May 2019 to 20th of June 2019, as per contract No. SULACO GROUP (2018-C-006)[002-March-2019] And we will accommodate your nominated vessel accordingly.	
Yours Sincerely,  Dr. Farag H. Gaith Acting/ Crude Oil Marketing Manager International Marketing 	
cc: - Member of the Board of Director for marketing, - Crude Dept. - Company file	
بنغازي - البركة (00218)614782560 - (00218)614782561 info@libya-noc.org https://m.facebook.com/NOCL.LIBYA/	

Figure 60.2

Allocation Certificate dated 16 May 2019

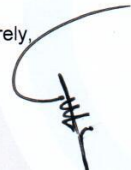
 المؤسسة الوطنية للنفط NATIONAL OIL CORPORATION	
التاريخ : 16/05/2019 الموافق :	الإشاري : C.O.M.19.05.0156 الملف :
To : HASSAN ENERGY LIMITED Attention : Mr. MOHAMMED A. HAY Reference No. : C.O.M.19.05.0156 Subject : Allocation Certificate	
<u>Allocation Certificate No 05/05/2019</u> National Oil Corporation of Libya (NOC) has the pleasure to allocate to HASSAN ENERGY LIMITED in our call, 1,000,000 bbls of Sarir/Messla blend crude oil loading Marsa El Hariga port On FOB HASSAN ENERGY LIMITED (2018-C-007) Contract No. [005-May-2019], to be loaded between 01st of July 2019 to 15th of August 2019, as per contract No. HASSAN ENERGY LIMITED (2018-C-007) [005-May-2019] And we will accommodate your nominated vessel accordingly.	
Yours Sincerely,   Dr. Farag H. Gaith Acting/ Crude, Gas & Products Marketing Manager International Marketing	
CC: - Member of the Board of Director for marketing. - Crude Dept. - Company file	
بنغازي - البركة (00218)614782560 - (00218)614782561 info@libya-noc.org https://m.facebook.com/NOCL.LIBYA/	

Figure 60.3

Terms of reference for a Sales and Purchase contract, valid until 20 July 2019**DEAL TERMS OF REFERENCE**

Producer:

National Oil Company (NOC) – Libya

Seller:

ALLOCATION HOLDER (via NETOIL)

Buyer: TBN

Refinery:

To be notified by the buyer at least 14 days before first day of laycan for loading

Product: Crude oil

Origin: Libya

Grade:

Approx. blend of Sarrir 65% - Messia 35% (+/- operational tolerance)

Specifications:

API 36.5 [Assay Reports Attached]

Contractual Quantity:

Total Quantity 01 million US Barrels (+/- 5% operational tolerance)

Quantity:

Cargo to be 1,000,000 BBL (+/- 5 % Seller's option) Term of Contract:

First cargo Spot & then we agree on a Contract for subsequent deliveries Terms of delivery: CIF

Load-port:

Mersa al Hariga (Libya)

Discharge port: To be notified

Date range for loading:

First Cargo to be available for loading within 15 days after signing of SPA and receipt of Letter of Credit,

Price:

Based on FOB ex El Hariga; dated Brent Per US Barrel plus the freight as actual Pricing period:

05 days around BL date, 2 days before BL, 2 days after BL (1-1-0-1-1) where 0 is BL date; in case of BL

date is non-publication, then three immediate publications prior BL date and two after BL date shall be used for pricing.

Payment:

By Irrevocable, Confirmed Letter of Credit (LC) payable at sight upon presentation of valid shipping

documents: LC to be issued from an acceptable Bank in verbiage provided by the Seller Documents for payment:

1. Commercial Invoice (1 original + 3 copies) 2. Certificate of Origin 3. Original 3/3 Bill of Lading 4.

Certificates of Quality & Quantity issued by jointly appointed surveyor at Load- port 5. Time Chart 6.

Ullage Report 7. Master's Receipt for documents Invoiced Quantity: As per Bill of Lading

Page | 2

Quality:

To be determined at Load-port before loading of the Vessel by jointly appointed surveyors; costs to be

shared equally Survey & Inspections:

By jointly appointed Independent Inspectors at Load-port

Insurance:

Seller to arrange and pay for Insurance of the cargo

Title:

Title of the Oil to pass to the Buyer upon payment received in the Seller's designated bank account

Risk:

Risk of loss or damage shall pass to the Buyer when the Oil passes through the manifold connection of the Performing Vessel at Load-port.

Taxes & Duties:

Each part to pay their respective taxes

Laytime:

36 + 6 Hours SHINC

Vessel Nomination:

To be nominated by the Seller for acceptance of Buyer and Port Authorities, approvals shall not be withheld without assigning valid reasons.

Demurrage:

As per CP of performing vessel

ISPS:

Parties shall comply with the requirements of International Code of Security of Ship & of Port Facilities.

Non-Disclosure:

Parties shall keep all information discreet & confidential and shall not share with third parties.

General Terms & Conditions: INCOTERMS & as agreed in SPA

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Applicable Law:

UN Convention on Contracts for the International Sale of Goods of Vienna, 11 April 1980 Arbitration &

Place:

International Chamber of Commerce at London

Validity:

This Term sheet is valid for signing of SPA between the Buyer & the Seller until 20 July 2019, subject to usual due diligence clearance

PROCEDURE:

1. Seller to issue this TOR/Deal Recap;
2. Buyer to negotiate & agree
3. Seller to issue draft of SPA & LC (open for negotiations) 4. Parties sign SPA & LC verbiage 5. Parties nominate their respective banks for transaction 6. Seller to nominate vessel and share Q-88 7. Seller to obtain approvals of nominated vessel from NOC and Load-port authorities 8. NOC to advise Load date range 9. Nominated vessel to tender NOR within Laydays for Loading 10. NOC shall provide permissions to Inspectors to conduct surveys, take samples and to perform their duties safely.
11. NOC shall issue Documents pertaining to Shipment.
12. Shipping documents are prepared
13. NOC shall let Vessel depart promptly and ensure safety of Vessel to International waters 14. Seller &/or NOC to lodge Shipping Documents in the Bank for Payment 15. Payment affected as agreed 16. Transaction completes We look forward hearing from you a favorable reply and hope to have a mutually beneficial long-term relationship with your esteemed company.

Thanking you in anticipation, Yours truly,

Figure 60.4

Inquiry in the market to charter a tanker to export crude oil from Marsa el Hariga (Tobruk), dated 30 September 2019

From: [REDACTED]
Sent: Monday, September 30, 2019 5:15 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Libya

Below inquiry received bss Libya/Curacao

Begin forwarded message:

Subject: Libya
Date: 30 September 2019 at 15:25:31 EET
To: [REDACTED]

To : [REDACTED]
Kind Attention : Chartering Desk
Date : 30.09.2019

Privately Count Energy
12 X 1 Million barrels crude oil
Load 1/2 sp(s) Libya intention Marsa El Hariga / Tubrok
Discharge 1/2 sp(s) Curacao
Laycan Oct 2019 thru Sept 2020 – first cargo to be lifted 1 Oct / 15 Nov 2019
Laytime 96 hrs shinc
2.5 pct comm

Pls offer firm

Sources: Confidential.

Annex 61: Jet A-1 aviation fuel sold quantities in the east

Figure 61.1

Jet A-1 aviation fuel sold quantities in the East.



Source: Confidential

Figure 61.2
Unofficial translation

Brega Petroleum Marketing Company

Company Internal Communications

From Ali Mohamed Al Magsabi	To Mr. Muftah Salim Salama
Quality: Inventory Control Coordinator	Quality: Supply and Maritime Transport Control Specialist
Date: July 7, 2019	Subject: aviation kerosene sales during the first half of 2019

After greetings,

Upon your request, please find below the sold quantities of aviation kerosene, in the Central region warehouses during the first half of 2019 in Litre regular grade

Sales	Al Mangar warehouse sales	Tobruk warehouse sales	Brega warehouse sales	Sarir warehouse sales	Airports warehouses sales
Month					
January	-	1,022,000	40,000	-	3,478,089
February	-	1,290,000	40,000	-	3,507,958
March	-	925,000	525,000	-	4,487,080
April	2,095,000	1,035,000	199,000	-	6,558,457
May	205,000	1,920,000	180,000	-	8,763,620
June	-	1,170,000	100,000	732,000	7,307,491
Total	2,300,000	7,362,000	811,000	732,000	34,102,695

Overall total = 45,307,695 litres equivalent of 36,000 metric tons

Regards,

Inventory Control Coordinator

Ali Mohamed Al-Magsabi

Source: Confidential

Annex 62: Arrest warrants issued by the Attorney General's Office on 7 February 2019

Figure 62.1

Arrest warrants issued by the AGO on 7 February 2019

1. The Panel holds a copy of the above indicated document.

Figure 62.2

Official translation of the above

2. The Panel holds a copy of the above indicated document.

Annex 63: List of trusted petrol stations issued by Brega

Figure 63.1

List of trusted petrol stations issued by Brega

1. The Panel holds a copy of the list of trusted petrol stations issued by Brega.

Annex 64: Quantities of refined products distributed by Brega since 2012

Table 64.1

Quantities of refined petroleum products distributed by Brega, 2012 to April 2019, in litres.

<i>Year</i>	<i>Region</i>	<i>Gasoline</i>	<i>Diesel</i>	<i>Kerosene</i>
2012	East	1,296,561,000	426,747,200	67,379,000
	Tripoli	1,582,850,000	455,382,600	135,243,000
	Misrata	523,033,000	247,243,500	0
	Zawiyah	764,710,000	326,092,000	0
	Sebha	252,831,000	116,494,650	50,000
2013	East	1,452,890,500	537,694,300	36,640,800
	Tripoli	1,823,994,500	669,305,200	128,400,000
	Misrata	637,079,300	367,286,000	0
	Zawiyah	893,711,000	372,078,000	0
	Sebha	314,360,000	179,614,500	0
2014	East	1,288,186,000	577,309,700	577,309,700
	Tripoli	1,254,861,900	402,610,500	74,834,000
	Misrata	771,646,000	437,767,000	101,000
	Zawiyah	1,175,677,000	472,764,000	0
	Sebha	169,244,200	113,300,000	0
2015	East	1,295,185,500	475,190,750	5,581,650
	Tripoli	1,312,224,000	315,791,500	43,238,000
	Misrata	554,943,000	280,387,000	0
	Zawiyah	1,162,978,000	480,982,000	380,000
	Sebha	252,050,000	90,833,000	0
2016	East	1,353,369,000	469,718,800	25,361,000
	Tripoli	1,781,998,000	531,148,500	45,244,000
	Misrata	660,936,000	335,235,000	0

<i>Year</i>	<i>Region</i>	<i>Gasoline</i>	<i>Diesel</i>	<i>Kerosene</i>
2017	Zawiyah	1,045,820,000	512,660,000	0
	Sebha	356,202,000	134,956,000	0
	East	1,427,195,000	508,418,300	24,621,500
	Tripoli	1,867,226,000	360,732,500	42,172,000
	Misrata	812,916,000	510,133,000	68,000
	Zawiyah	830,990,000	190,300,000	0
2018	Sebha	171,868,000	33,330,000	0
	East	1,541,191,000	570,349,400	21,005,500
	Tripoli	2,01,989,800	237,999,000	6,306,000
	Misrata	911,110,000	475,107,000	120,000
	Zawiyah	739,450,000	179,645,000	0
	Sebha	25,043,000	2,251,000	0
2019	East	519,035,000	217,694,030	12,380,000
(until April)	Tripoli	445,165,000	76,528,000	6,700,000
	Misrata	330,380,000	163,860,000	84,000
	Zawiyah	223,690,000	68,790,000	0
	Sebha	41,908,000	7,838,000	0

^a Brega Petroleum Marketing Company

Annex 65: Letter calling for abolishment of the monopoly of the distribution companies

Figure 65.1

Letter of the Minister of Interior

Translated from Arabic

**State of Libya
Government of National Accord
Ministry of the Interior
Office of the Minister**

Ref. No.: *shin.sin/1154*

Date: 18 August 2019

Sir,

I write in response to the letter of the Chair of the National Oil Corporation (ref. no. 3457/4-1-25) of 13 August 2019 regarding the low level of fuel withdrawals by the four petroleum distribution companies (Sharara Oil Services, Al-Rahila, OiLibya and Highway Service Company) and their failure to monitor petrol stations and their operations.

The low withdrawal rate has led to a crisis in the supply of fuel to petrol stations and the closure of some stations. There is no justification for any of this, given that the Ministry has provided all petrol stations in and around Tripoli with the required protection. Security officials in no way interfere with the operation of those petrol stations and it is believed that the companies may be deliberately holding back from taking delivery of their daily fuel allowances in order to justify requests to increase oil imports from abroad or to reopen petrol stations closed by court order as the Office of the Public Prosecutor conducts a criminal investigation into smuggling activities.

Given all of the above and the fact that the matter relates to a basic necessity that affects security and services, the Ministry deems it necessary to issue a decision on ending the monopoly exercised by the four fuel distribution companies on this activity, in order to ensure that petrol station owners and operators work directly with the Brega Petroleum Marketing Company and obtain their supplies from its depots, without any intermediaries to facilitate operations. This should fully resolve the current crisis.

(Signed) Fathi Ali **Bashagha**
Acting Minister of the Interior

Chair of the Presidential Council
Government of National Accord

cc:
Director of the National Oil Corporation
Classified matters department of the Office

Annex 66: Letters issued by the Municipal Council of Zawiyah

Figure 66.1
Official translation

Translated from Arabic

Municipal Council of Zawiyah

Date approved: 12/11/2018

Re: Response to media statements made by the board of the National Oil Corporation

(a) The oil refining complex in Zawiyah comprises:

1. The Azzawiya Oil Refining Company, with its refinery, oil terminal and oil blending and asphalt production facilities;
2. The Brega Petroleum Marketing Company (fuel and gas supply depots);
3. The Akakus Oil Operations and its oil terminal;
4. The Specific Training Centre for Oil Industries;
5. The Arabian Gulf Oil Company (oil terminals).

(b) We would like to state that:

1. The surface area of the oil complex totals 250 ha and falls within the city limits;
2. The Zawiyah oil refinery was established in 1973 and has not been further developed since;
3. The safety fences have been in a state of disrepair since 2008 and are not fit for purpose;
4. This vast area has no security cameras, alarms or electronic protection systems, and the guards are not authorized to bear arms;
5. The area is not equipped with internal or perimeter gates to control movement within or around the oil complex;
6. Perimeter watchtowers are dilapidated and out of use;
7. The Zawiyah oil complex has not suffered any systematic attacks or sabotage and has not been the scene of armed clashes;
8. Unlike in the central and eastern parts of the country, the oil complex has not been subject to closures; nor have exports been interrupted. On the contrary, any stoppages or strikes have been extremely limited in scope and have been resolved with minimal losses through the use public pressure;
9. All the installations in the oil complex are meeting production targets and the Akakus company is exporting approximately one third of Libyan output through the Zawiyah oil terminal;
10. During the battle of Tripoli International Airport in 2014 and the fire that subsequently engulfed the Tripoli depot, it was the firefighting squad from the Zawiyah oil complex that was first on the scene to contain the fire; the Zawiyah depot and oil tankers were the nearest at hand to tackle the fuel crisis in the capital and to resume work after the recent crisis there;
11. We have referred to the report of the fuel crisis committee on what lies behind the smuggling. Reports by the depot management confirm that the amount of fuel being siphoned off daily has continued to drop and, compared with the Tripoli and Misratah depots, is the lowest in the country;

12. The irregularities and breaches within the oil complex were all carried out by individuals who infiltrated it through the main gate or openings in the perimeter fence;

13. We believe that the timing of these allusions to a possible suspension of operations at the Zawiyah is not conducive to carrying out economic reform, given that production has picked up again and the price of crude has risen.

(c) The Municipal Council of Zawiyah has been taken aback by statements casting the City of Zawiyah, which is responsible for the security of the oil complex, in a bad light before public opinion, both at home and abroad. The daily acts of sabotage, closures and kidnappings of oil workers to which all oil facilities – fields, refineries and terminals – and even the offices of the National Oil Corporation itself are subjected elicit no such response. The City of Zawiyah, however, has been scrupulous about maintaining security at the oil complex. Some 7,000 employees, regular visitors and students enter and leave the complex every day. We must ask, what has the National Oil Corporation done since 2011 to support sustainable development or to remediate harm suffered by the population and the environment? We demand a commission of inquiry to examine these facts closely and verify them so that we might present a true picture of the City of Zawiyah.

Yours sincerely,

(Signed) Eng. Jamal Abdunnasser **Bahr**
Mayor of the Municipality of Zawiyah

Annex 67: Routes employed by fuel smugglers from Zawiyah

Figure 67.1

Routes used and main check points crossed by fuel smugglers



- A. Located at 32°45'29.8"N 12°41'31.3"E, is the first check point after the oil complex, under the control of an armed group affiliated to the Awlad Sagir tribe.
- B. Located at 32°28'37.9"N 12°40'33.0"E, in the town of Bir Bin Shuaib, is the second check-point common to both routes, under the control of an armed group affiliated to Awlad Sagir tribe with some elements from the Al Hिरarat tribe.

South Route:

- C. Located at 32°28'37.9"N 12°40'33.0"E, this check point is known as the "T-Check Point", under the control of Imad al Tarabulsi forces.
- D. Located at 32°01'15.5"N 11°56'45.1"E, in the town of Shakshuk, is under the control of armed groups from Jadu.

West Route:

- E. Located at 32°33'49.3"N 12°25'15.2"E, this check point is known as "roundabaout al-Jeweili" and is under the control of Zinati armed groups.
- F. Located at 32°34'12.9"N 12°20'16.8"E, this check point is known as "South Surman route" and is under the control of Zinati armed groups.
- G. Located at 32°45'33.8"N 12°28'22.5"E, in the city of Sabratah, this check point is under the control of listed individual Mus'ab Mustafa Abu al Qassim Omar (LYi.024), a.k.a. Musa Abu Ghayn.
- H. Located at 32°50'36.1"N 12°14'35.0"E, in the western exit of the city of Sabratah, near the entrance of the Mellitah Oil and Gas complex, this check point was under the control of listed individual, Ahmad Oumar Imhamad al-Fitouri (LYi0.23), a.k.a. Al Ammu Dabbashi, and now is controlled by the Sabratah Military Council.

Annex 68: Specifications of the diesel oil imported by Libya

Figure 68.1

Specifications for diesel oil

Libyan specification for Diesel Oil no. (1)
126/2007

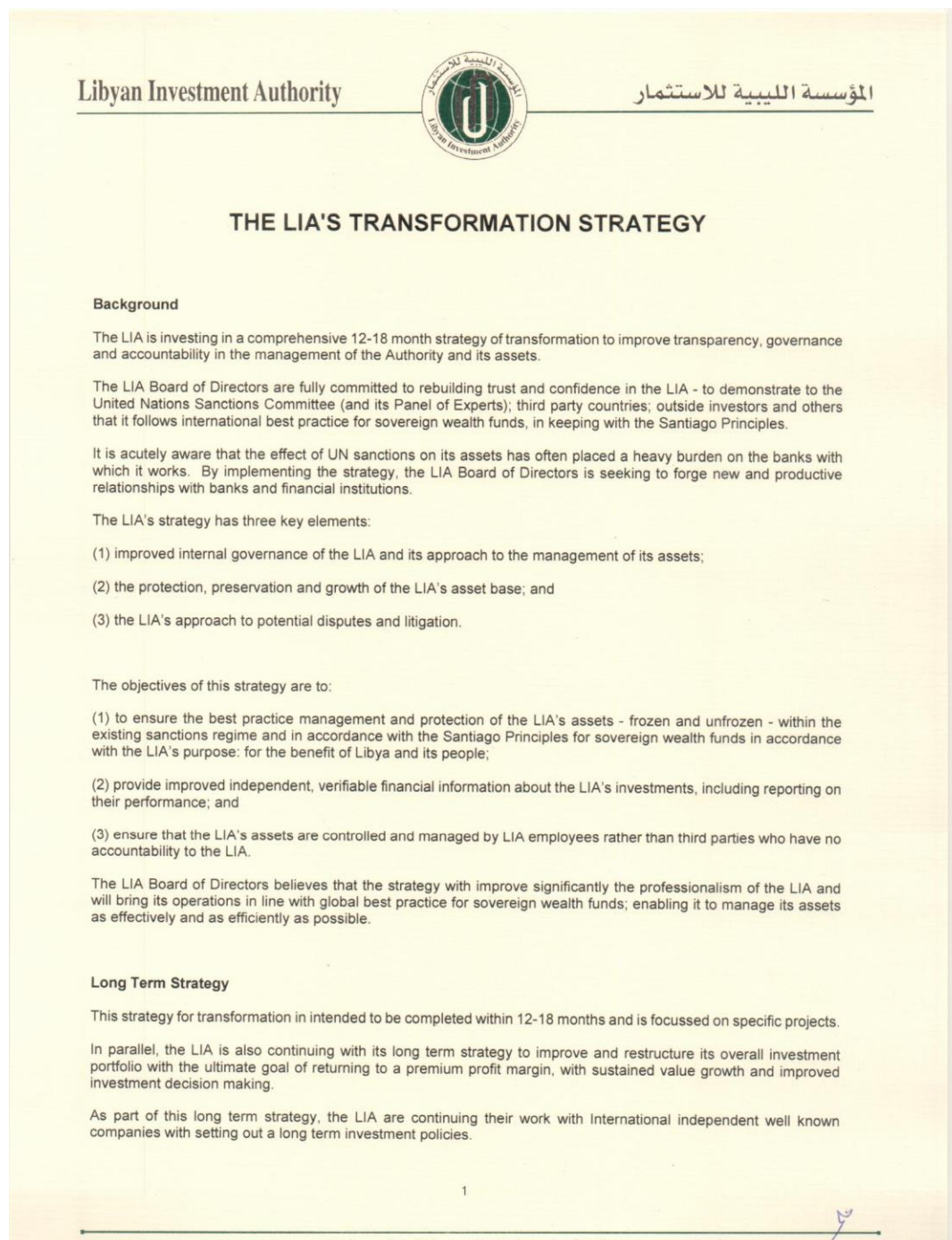
No	TEST NAME	METHOD	UNIT	Limit
1	Specific Gravity @ 15.6 °C	ASTM D-1298		report
2	Distillation	ASTM-D-86	Vol. %	< 65
	Recovery @ 250 °C	ASTM-D-86	Vol. %	85 (min.)
	Recovery @ 350 °C	ASTM-D-86	Vol. %	85 (min.)
	95% vol.	ASTM-D-86	°C	360 (max)
3	Flash point	ASTM-D-93	°C	60 (min.)
4	Viscosity @ 40 °C	ASTM-D-445	cSt	2 - 5
5	Pour Point	ASTM-D-97	°C	Winter -1 (max) Summer +3 (max)
6	Total Sulfur	ASTM-D-4294	Wt%	0.1 (max)
7	Heat of Combustion (Gross)	ASTM-D- 4868	Kcal/kg	10600 (min)
8	Cu Corrosion (3hours@ 50 °C)	ASTM-D-130		No. (1)
9	Acid No. (Total Acidity)	ASTM-D-974	mg/KOH/g	0.1
10	Carbon Residue (CONR)10%RES	ASTM-D-189	Wt%	0.15 (max)
11	Ash Content	ASTM-D-482	Wt. %	0.01 (max)
12	Cetane Index by calculation Cetane index by measuring	ASTM-D-976		46 (min) 51 (min)
13	Cloud Point	ASTM-D-2500	°C	Winter + 3 Summer +6
14	Polyaromatic	ASTM-D-6591	°C	11 (max)

Approximate location of the area where STS transfers. 34°8'25"N, 11°35'25" E

Annex 70: LIA strategy

Figure 70.1

LIA strategy to improve transparency, governance and accountability





Governance and Management

The governance and management reforms element of the LIA's strategy involve an extensive programme to ensure that the LIA is able to observe international best practices for sovereign wealth funds and for the LIA's frozen funds to be managed as effectively and as efficiently as possible within the framework of the United Nations' existing sanctions regime.

Under these reforms, the LIA is committed to taking concrete and practical steps to create more efficient and coherent internal structures and procedures to provide greater transparency to its activities and, ultimately, to protect and grow its investments astutely.

For example, the LIA has commenced in implementing with a high qualified global training institutions for training and development of its staff and is embarking upon a programme in partnership with the international community parities to improve its accountability and internal management systems.

The LIA has also become a member in the International Forum of Sovereign Wealth Funds (IFSWF) to aim for a greater level of governance.

The LIA Board of Directors acknowledge and recognise the size of the task. Implementing the strategy is challenging and the reforms are reliant upon external professional consultants being hired to provide both expert and independent guidance and resource. For example, the LIA Board of Trustees has given permission to the LIA Board of Directors to propose external auditors and experts in forensic review. In addition, international consultants with relevant first class expertise will be appointed over the coming months to advise on internal management reforms, as well as investment reporting; forensic capability and project and process management.

These reforms will require the co-operation of the banks and financial institutions which manage and have custody of the LIA's assets – so that the LIA can properly evaluate its investments and make informed choices with respect to future dealings.

The LIA's strategy is fundamental to the LIA's contribution to economic reform in Libya and has been discussed and adopted by the LIA Board of Directors .

Asset Protection

The asset protection reforms element of the LIA's strategy are designed – within the existing sanctions regimes - to protect the LIA's assets (frozen and unfrozen) becoming subject to unwanted attachment and/or other enforcement orders where parties to disputes have obtained judgments and orders against the State of Libya and/or other Libyan state entities - as has been attempted in certain jurisdictions.

Too often third parties with claims against the State of Libya have simply sought to attack LIA assets by way of court enforcement applications, as such assets are generally of high value and are perceived to be readily available in numerous jurisdictions. However, the LIA is not an emanation of the State of Libya and its assets are not to be used to cover judgments against Libya.

Legal

The LIA recognises that its reputation has been impacted by its involvement as a counterparty in litigation and significant efforts are being made to ensure that the LIA alone (and not third parties with little, if any, accountability) manages and directs its disputes and ensures that, where formal proceedings become necessary, they are handled efficiently and effectively – to serve the LIA's best interests – both long and medium term and legally and commercially.

The intention is also to reduce senior management time in managing a portfolio of international litigation, which in turn distracts from the LIA's ability to deal with its core business.

A significant number of the LIA's disputes involve individuals purporting to act on behalf of, or giving instructions on behalf of, the LIA. This situation has arisen directly out of a dispute concerning the valid Chairman of the Authority, which the LIA Board of Directors (appointed by the Government of Accord's Council of Ministers) is actively seeking to bring to a close in the English Courts.

Libyan Investment Authority**المؤسسة الليبية للاستثمار****Conclusion**

The LIA's reform strategy and long term strategy are both fundamental to ensuring that the Authority remains profitable and that its assets are safeguarded for the future of Libya and its people.

This is imperative because the LIA has a critical contribution to make to economic reform in Libya and it hopes that banks and financial institutions that wish to work in partnership with the LIA share this vision.

The implementation of the reform strategy is being carried out in full co-operation and agreement with the other key economic and political institutions and international community parties has been discussed and adopted by the LIA Board of Directors.

We look forward to working together with world-class banks and financial institutions to further the objectives described above.

Dr. Ali Mahmoud Hassen Mohammed
Chairman&CEO
Libyan Investment Authority

Annex 71: Legal and other issues faced by designated entities**Legal disputes**

1. Supreme Court of Libya - Details of the two appeals, which the Supreme Court of Libya decided on 10 April 2019 were provided in annex 58 to [S/2018/812](#).
2. It should be noted that the Administrative Chamber of the Supreme Court has set aside the two judgments of the Administrative Chamber of the Benghazi Court based on that Court's lack of jurisdiction. The Supreme Court made no findings on the main grounds, viz., the matter of legality of the formation and functioning of the Board of Trustees and, consequently, that of the Board of Directors.

Other legal cases in Libya

3. The court case filed by Mr. Abdulmagid Breish is pending.
4. The Panel has learned that a former Chairman of LIA, Mohsen Derrigia, had filed a case in the Tripoli Court, challenging his removal as he was not formally dismissed. The lower court had turned down his application on the ground that decisions of the Board of Trustees are not subject to legal review. The Supreme Court, in its decision of 20 March 2019, accepted his appeal and overturned the judgment of the lower court.
5. United Kingdom – The case is before Mr. Justice Andrew Baker in the Queen's Bench Division, Commercial Court. The applicant here is Dr. Ali Mahmoud Hassan Mohamed. The respondents are the Receivers, the LIA, Mr. Abdulmagid Breish, former Chairman of the LIA and Dr. Hussein Mohamed Hussein Abdlmola, Chairman of LIA east.
6. The applications before the Court seek: A declaration that Dr. Mahmoud has been since 15 July 2017 and remains validly appointed as Chairman of the LIA with authority, therefore, to exercise control over the property the subject of the receivership order in question; an order that the respective receivership order be discharged with whatever may be the appropriate consequential orders and directions, including for transfers of assets in the hands of the receivers.
7. After detailed discussion, Justice Baker held on the preliminary issues:
 - a. *“The question of which body represents or has at any material time represented the executive authority and Government of Libya falls to be determined, if it arises before this court, under English law; and*

b. The executive authority and Government of Libya is represented today and has been represented since at least 19 April 2017 by the Government of National Accord and the Presidency Council, and that is so if and insofar as relevant to and for the purpose of Article 6 of Law No. 13 of 1378 DP (2010) made by the then General People's Congress of Libya or for any other purpose to which the question might matter if it arises before this court in relation the Applications."

8. By further order of 10 July 2019, the respondents, Breish and Hussein, were given permission to appeal in respect of the above Order of 14 February 2019.

9. The issues to be tried were listed in Annex 1 of the order dated 10 July 2019. Permission was also given for expert evidence in the field of Libyan law. The issues to be considered by the experts are detailed in Annex 1 of the order dated 25 July 2019.

10. Since there was a dispute over authority, the Court appointed receivers who would handle particular assets and pursue the litigation on behalf of LIA (paragraph 16 of Annex 58 to [S/2018/812](#)). The Panel does not have full details of these cases.

11. Proper conduct of litigation is essential as some assets of LIA are subject to attachment, or attempts are being made to attach. The claims leading to such attachments are not against the LIA, but against the Libyan state for pre-2011 contracts. Lack of proper monitoring and defence of these cases risks loss of LIA assets.

Long Term Portfolio (LTP)

12. The LIA authorities explained the difficulties they encounter in managing the assets of the Long Term Portfolio. The Panel has confirmed that the assets (approximately US\$ 10 billion) have been held in the name of LFIC from well before the assets freeze became operative and are all frozen. These assets are generating profit.

13. Representatives of the LTP and of the BoD of the LIA in Tripoli emphasised that the LTP was a separate company and pointed to its registration in 2018 in the Commercial Register of Tripoli to prove this point. The Panel, however, ascertained that decision 767 of 1991 created a committee to manage a portfolio to invest the gains from shares in FIAT, sold for substantial profit in the late 1980s. This decision did not create a legally independent entity. It has neither articles of association nor a certificate of incorporation. This portfolio was run by the LFIC. Currently, all the investments are in the name of the LFIC. Previous Chairmen had recommended the integration of this Portfolio into the LIA but this was not done. The LIA claims that the LTP is a separate legal entity and has appointed a Chairman and BoD for the LTP. Previous Chairmen of the LIA have stated that is not a separate legal entity.

14. The Panel has not yet confirmed the validity or otherwise of the claims above, as these have arisen post 2011 and would not affect the assets freeze. These assets were, and are, still legally in the name of LFIC, which is acknowledged by the LIA. Regardless of whether the LIA chooses to nominate a new BoD, as was done in 2017, the assets cannot be legally transferred, more so as the legal existence of LTP as an independent company, is not free from doubt.

15. The BoD of the LIA in Tripoli reconstituted the board of LTP by decision number 20/2017 issued in December 2017. Sami Mabrouk was removed as chairman of the LTP and Atef Al Bahri was appointed the new chairman per the decision. Sami Mabrouk is resident in Jordan as the head of the representative office of the LTP there. He left Tripoli in 2014 to establish this office, which was registered in Jordan on 6 August 2015. The Panel has seen the decision of the BoD of the LIA, signed by Hassan Bouhadi, then chairman, to establish the office to Jordan.²¹⁹ Sami Mabrouk's refusal to hand over to Atef al Bahri has engendered a dispute between the two offices, with even the Jordanian authorities refusing to recognize the appointment of Atef al Bahri. Sami Mabrouk also challenged his removal in Tripoli courts.

16. The assets in Jordan are apparently frozen, but the Panel awaits supplementary information to determine the proper implementation of the assets freeze. The Panel is further enquiring into the allegations of mismanagement and misappropriation of funds by various Libyan authorities.

17. An audit of the funds, other financial assets and economic resources, belonging to the LTP and its representative office in Jordan may shed light on the effective implementation of the assets freeze. An audit should encompass all assets, which are declared to be not subject to the assets freeze, and all assets controlled directly or indirectly. It is known, for instance, that large sums were transferred in the past for the purported administrative running of the LIA Malta office. It is necessary to verify how these transfers were effected and how these sums were not subject to the assets freeze.

18. This case also illustrates the confusion generated by two boards of LIA, one in Tripoli and one in the east and how this affects the management of LIA assets (see paragraph 23).

Issues with financial institutions and member states

19. Both designated entities face problems with the KYC processes, particularly in HSBC UK and HSBC Luxembourg, and are consequently unable to access to or obtain information on their funds even though the banks are collecting its monthly management fees. The completion of the KYC process,

²¹⁹ Reference to Hassan Bouhadi in paragraphs 217 and 218 of [S/2017/466](#).

which includes updating of LIA's authorised signatory list, is linked to the pending litigation in the United Kingdom.

20. The Panel specifically asked the designated entities if the national regulator had been approached. Their response was that it is time consuming and they cannot afford the delay. This does not appear convincing as the net result is that they still cannot have access to the funds. The Panel advised that they could submit exemption requests as per the provisions of the resolutions. The representatives of the designated entities responded by pointing out instances of considerable delay at the level of the financial institutions and the national authorities in processing the documents and sending onwards to the Committee. This issue could be addressed by simplified and quicker procedures for processing exemption requests.

Implementation Assistance Notice 6

21. LIA is facing problems of financial flow pursuant to issue of IAN 6 as funds which were earlier freely available are now frozen. When access to funds is requested, some financial institutions delay and seek clarification as to whether the funds are free or frozen.

22. LIA also raised the issue of funding of subsidiaries, one being Libyan African Investment Company (LAICO). Earlier, the interest from frozen accounts, which was considered free money, contributed to the debt payments of hotels managed by LAICO. This is no longer possible. LIA now requires approval for release of frozen funds for payment of the outstanding loans of the hotels. LIA is using LFIC funds in Libya to fund the LAICO hotels. This is in terms of a decision of the BoT of LIA. LAICO is not subject to the UN assets freeze. It is, however, subject to the assets freeze under EU regulations. Nevertheless, it appears that LIA had been utilising their funds, which ought to have been frozen, to help LAICO out of its financial difficulties. Now that these funds, being income accrued from frozen funds, have been correctly frozen, LIA is making known its difficulties. This issue is relevant in the context of governance and management issues of LIA and its subsidiaries.

LIA East

23. The 'interim government' continues to appoint a parallel Board of Directors for the LIA. Dr. Hossein is the current Chairman and he is also a party to the court case relating to the removal of the receivers, pending in the United Kingdom. This Board has no control over the LIA assets. Nevertheless, this is one of the issues which make financial institutions wary in allowing access to funds.

Annex 72: Designated individuals

1. On 16 February 2019, the Panel interviewed Mohammed Kashlaf (LYi.025) and Abd Al-Rahman al-Milad (LYi.026) in Libya. The Panel explained the assets freeze and travel ban measures, including the delisting procedure to them.
2. Mohammed Kashlaf (LYi.025) said that he works for the PFG, and he confirmed that he is still receiving his salary from the Ministry of Defence through the PFG. Since 2014 he has been tasked with securing the perimeter of the oil complex in Zawiyah. He requested sight of the evidence submitted for his designation as he cannot prepare a defence without it.
3. Abd Al-Rahman al-Milad (LYi.026) explained that he had been in charge of the Coast Guard port facility at the Zawiyah oil complex since 2013. He also asked for the evidence leading to his designation. He claimed that he had saved many migrants and referred to his role in seizing several vessels. He refused to provide his pay slip or any other documentation.

Annex 73: Suggestions for passenger profiling system

1. Some countries have developed their own system to process passenger information and some others use the Global Travel Assessment System (GTAS), which is a license-free software application, developed by the US Customs and Border Protection and made available by the World Customs Organization (WCO) to member countries free of cost. GTAS is an Open Source web application for improving Global Security by using industry-standard Advance Passenger Information (API) to screen commercial air travellers. It was developed in response to resolution [2178 \(2014\)](#) to help the world combat terrorism and improve travel security for everyone.

2. For this purpose, the following are required:

- c. Legislation mandating the airlines/master of the vessels etc. to electronically submit passenger information in a prescribed format at stipulated time to the competent authorities (Customs/Immigration/Border Force). Some countries may ask for only basic travel information of the passengers, collected before the departure of the aircraft (API- Advance Passenger Information) or it can be more detailed including information furnished by the passenger at the time of purchase of ticket (both API and PNR data).
 - d. The competent authority can screen the passenger information using an automated system, against certain dynamic risk parameters, to identify the targeted or risky passengers. Using this system, persons subject to travel ban can easily be identified, when they enter or leave a country.
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