



Conseil de sécurité

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Lettre datée du 14 septembre 2023, adressée au Président 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 13 de la résolution 2644 (2022), le rapport final sur ses travaux.

Le rapport a été communiqué le 7 août 2023 au Comité du Conseil de sécurité créé par la résolution 1970 (2011) concernant la Libye, qui l'a examiné le 18 août.

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.

Le Coordonnateur du Groupe d'experts
créé par la résolution 1973 (2011)

(Signé) Yassine **Marjane**

(Signé) Marina **de Ramon**
Experte

(Signé) Georg **Kerschischnig**
Expert

(Signé) Ilyas **Oussedik**
Expert

(Signé) Jelena **Plamenac**
Experte

(Signé) Adrian **Wilkinson**
Expert



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

Résumé

Les groupes armés en Libye ont renforcé leur capacité de créer des zones d'immunité pour leurs activités criminelles et d'influencer la politique nationale. Les chefs de groupes armés ont usé de leur influence non seulement pour entraver l'état de la sécurité mais aussi pour contrôler divers aspects de la vie socioéconomique en Libye. L'opération militaire menée à Zaouiya à la fin du mois de mai 2023 a reflété la dynamique en cours parmi les groupes armés dominants dans l'ouest et démontré qu'ils demeuraient des acteurs clés dans le processus politique. L'ascension de Saddam Haftar comme l'une des parties prenantes les plus puissantes dans l'est montre également comment la famille Haftar a renforcé sa prise sur le groupe connu sous le nom de forces armées arabes libyennes. Certains éléments du groupe qui sont postés dans le sud du pays ont participé au transfert d'armes et de munitions au groupe armé soudanais des Forces d'appui rapide, peu après l'éruption du conflit armé au Soudan en avril 2023.

Malgré les tentatives faites sur les plans national et régional d'expulser les combattants étrangers de Libye, l'état de la sécurité continue d'être entravé par la présence de combattants soudanais, syriens et tchadiens, ainsi que de sociétés privées militaires étrangères.

Même si l'action de lutte contre le terrorisme a réduit la capacité des groupes terroristes inscrits sur la Liste de mener des attaques en Libye, le pays est toujours exposé au terrorisme en raison de la porosité de ses frontières avec certains pays voisins et du vide sécuritaire dans le sud.

Les groupes armés libyens ont continué de violer cyniquement et en toute impunité le droit international humanitaire et le droit international des droits de l'homme. Les violations comprenaient le recours systématique à des détentions arbitraires et à des maltraitances d'une grande brutalité et le refus des droits à un procès équitable des personnes retenues dans des centres de détention officiels ou secrets, qui sont sous leur contrôle effectif. Ces actes violents ont visé principalement des civils prétendument opposés à l'autorité territoriale et aux intérêts économiques des groupes armés libyens à Benghazi, Syrte et Tripoli. Les civils ont également été de plus en plus exposés aux dangers découlant de l'intensification des hostilités qui ont opposé des groupes armés durant la période considérée et en particulier de l'emploi d'engins explosifs dans des zones densément peuplées de Tripoli et de Zaouiya.

La traite des êtres humains et le trafic illicite de migrants dans tout le pays ont menacé gravement la sécurité et la stabilité de la Libye. Des personnes appartenant à huit groupes armés libyens, dont trois individus visés par des sanctions, ont engendré des ressources financières et autres considérables à partir d'opérations complexes de traite d'êtres humains le long de huit itinéraires internationaux au moyen d'entreprises illégales bien organisées qui ont augmenté leurs capacités militaires et leur influence politique sur les parties prenantes nationales et internationales. Des migrants et des demandeurs d'asile qui étaient sous le contrôle effectif de groupes armés et de réseaux privés connus ont été régulièrement soumis à de la torture et à des violences sexuelles. Les enfants ont été particulièrement exposés à de tels sévices et contraints au travail forcé.

Un seul État Membre a engagé à ce jour une action en justice contre des individus et des entités ayant violé l'embargo sur les armes et remplissant les critères

de désignation. Tout effet dissuasif du régime de sanctions est minime, et certains États Membres passent même outre, en toute impunité, aux résolutions applicables du Conseil de sécurité.

Des groupes armés ont continué de mettre à profit des véhicules tout-terrain et des biens de consommation électroniques intelligents qui évoluent rapidement, tels que les drones aériens, à des fins d'utilisation militaire généralisée. Les acteurs maritimes libyens ont vu leurs capacités opérationnelles évoluer, en raison des moyens maritimes qu'ils obtiennent constamment de l'étranger. Les forces affiliées à Haftar ont continué de capturer et de rançonner des navires marchands dans les zones maritimes qu'elles contrôlent.

Le Groupe d'experts a mené deux inspections du matériel militaire saisi à bord de deux navires marchands par les membres de l'opération militaire de l'Union européenne en Méditerranée. Les deux cargaisons militaires étaient destinées à Benghazi. Il a établi que l'un des navires avait déjà livré du matériel à Benghazi. Quatre navires étrangers de quatre États Membres sont entrés en Libye pendant la période considérée. Bien que certains aient livré des marchandises ou fourni des services n'étant pas soumis à l'embargo, le Groupe d'experts continue de considérer l'entrée de ce mode de transport en territoire libyen, sans l'aval préalable du Comité du Conseil de sécurité créé par la résolution 1970 (2011) concernant la Libye, comme une violation de l'embargo sur les armes.

La reprise de l'impression en toute illécitité de billets de banque par la section de la Banque centrale établie dans l'est a entraîné un dysfonctionnement de la politique monétaire en Libye et augmenté le risque d'un détournement de fonds par des parties tierces.

La Libyan Investment Authority (LYe.001) ne peut pas se conformer aux Normes internationales d'information financière, car elle n'est pas en mesure d'établir des états financiers consolidés. Ses liens avec ses filiales continuent d'être problématiques au regard de l'application de la mesure de gel des avoirs, et le conflit d'intérêt au sein de sa direction augmente le risque de détournement de biens.

Pendant la période considérée, le Groupe d'experts a répertorié 24 pétroliers qui chargeaient des produits pétroliers raffinés à Benghazi. Selon la National Oil Corporation et la Brega Petroleum Marketing Company, il s'agirait là d'exportations illicites. L'un de ces pétroliers a été saisi, successivement, par deux États Membres. La contrebande de carburant par voie terrestre a également augmenté. Le référent désigné conformément à la résolution 2146 (2014) du Conseil de sécurité a été arrêté en janvier 2023. Jusqu'en juin 2023, date de la nomination d'un nouveau référent, aucun interlocuteur désigné n'était en place pour détecter les exportations illicites de pétrole, à un moment où elles étaient effrénées.

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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.

I. Contexte

A. Introduction

1. Le présent rapport, soumis au Comité du Conseil de sécurité en application du paragraphe 13 de la résolution 2644 (2022), porte sur la période écoulée depuis la présentation, le 25 avril 2022, du précédent rapport du Groupe d'experts (S/2022/427)¹ jusqu'au 17 juillet 2023² et comprend une mise à jour des enquêtes en cours qui y étaient citées. On trouvera un aperçu de l'évolution du régime des sanctions concernant la Libye dans l'annexe 1 au présent rapport³. On trouvera un tableau des sigles et des abréviations à l'annexe 2.

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.

3. Le Groupe d'experts s'est fié à des éléments de preuve confirmés et a adhéré à ses normes pour ce qui est du droit de réponse⁴. On trouvera un complément d'information sur ses méthodes de travail à l'annexe 3. Il a mené ses enquêtes de manière transparente, objective, impartiale et indépendante.

B. Coopération avec les parties prenantes et les institutions

4. On trouvera à l'annexe 4 la liste des États Membres, des organisations et des personnes consultées et la correspondance du Groupe d'experts, à l'annexe 5. Le Groupe d'experts a présenté au Comité neuf lettres comportant des mises à jour ou une analyse concernant des questions d'intérêt. Il s'est rendu dans 21 États Membres pour l'exécution de son mandat. Il a également maintenu des contacts avec les États Membres et d'autres interlocuteurs, dont d'autres groupes d'experts, au moyen de plateformes électroniques.

5. Le Groupe d'experts a tiré profit de l'aide logistique fournie par la Mission d'appui des Nations Unies en Libye (MANUL) et a eu des échanges avec elle. Il a également maintenu le contact avec l'opération militaire de l'Union européenne en Méditerranée (opération IRINI), qui lui a facilité l'accès pour inspecter le matériel saisi.

6. Le 17 novembre 2022, après un suivi assidu de neuf mois avec les autorités libyennes chargées de la délivrance de visas, les membres du Groupe d'experts se sont vu accorder des visas de trois mois. Le Groupe d'experts s'est rendu en Libye du 8 au 16 janvier 2023 et s'est entretenu avec les autorités basées à Tripoli et d'autres interlocuteurs pertinents. La mission qu'il comptait effectuer également à Benghazi pendant ce voyage a dû être avortée, les autorités portuaires de Tripoli lui ayant refusé l'autorisation d'embarquer dans l'avion de la MANUL. Il a déposé une nouvelle demande de visa le 17 mars 2023. Un nouveau visa de trois mois lui a été accordé

¹ Toutes les mentions faites au rapport publié sous la cote S/2022/427 recouvrent également le document S/2022/427/Corr.1.

² Tous les hyperliens ont été vérifiés au 11 juillet 2023 (sauf indication contraire).

³ 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.

⁴ On trouvera de plus amples informations sur la méthode de travail et le droit de réponse à l'annexe 3.

près de quatre mois plus tard, le 10 juillet 2023. Il n'a donc pas pu se rendre de nouveau en Libye, avant l'établissement du présent rapport.

7. À la suite de consultations de fond avec divers ministères à Tripoli, dont ceux des affaires étrangères et de la défense, le Groupe d'experts a établi que des éléments clefs de la correspondance soumise à la Mission permanente de la Libye auprès de l'Organisation des Nations Unies à New York, notamment des communications essentielles à l'application de l'embargo sur les armes et la demande de facilitation de sa visite en Libye, n'étaient pas parvenus aux autorités compétentes à Tripoli.

8. Les forces affiliées à Haftar⁵ ont contacté le Groupe d'experts pendant la période considérée et lui ont fourni 3 089 fichiers constituant 832 dossiers, soit 307 gigaoctets d'information. Le tout consistait virtuellement en documents provenant de sources en libre accès et de médias électroniques. Ils ne comprenaient aucun élément ayant une valeur probante, dont le Groupe d'experts n'avait pas déjà eu vent. L'examen du matériel en avril 2023 a épuisé le budget consacré à la traduction et à l'interprétation dont il disposait pour toute l'année.

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

A. Dynamique des groupes armés libyens

1. Zaouiya, un centre de dynamique de groupes armés dans la région de l'ouest

9. Zaouiya est un important centre pour plusieurs réseaux de criminalité organisée qui contrôlent des activités illégales dans des villes situées le long du littoral à l'ouest de Tripoli (voir annexe 6), dont Zouara, Sabrata et Warchefana. Ces réseaux interconnectés se livrent à diverses activités criminelles, leur degré de coordination étant tributaire de la nature de l'opération illicite. Ils tirent leurs principales sources de recettes des trafics de carburant, du trafic de migrants, de la traite des êtres humains et du trafic de drogue. Les principaux acteurs, derrière ces réseaux criminels, sont des groupes armés qui ont atteint un semblant de légitimité, du fait qu'ils se sont vu accorder des mandats en matière de sécurité par l'État, leur permettant d'opérer en toute impunité.

10. L'enchevêtrement entre les forces de sécurité et les activités criminelles à Zaouiya s'est intensifié progressivement depuis 2020. À titre d'exemple, on peut trouver sur Google Maps un marché notoire de stupéfiants illicites appelé « Sifaw-vente de papier à rouler pour hachisch et tabac Baфра » (voir annexe 7). Le chef de la section antidrogues du Ministère de l'intérieur à Zaouiya, Mohamed Sifaw, est ouvertement associé à ce lieu. Le Groupe d'experts a obtenu la confirmation de sources multiples selon laquelle des voitures du Ministère de l'intérieur servaient à la vente de stupéfiants illicites sous un pont dans le lieu cité.

11. L'atmosphère générale d'impunité a suscité des manifestations, qui se sont déroulées à Zaouiya le 12 et le 22 mai 2023 et durant lesquelles les contestataires ont

⁵ Il s'agit notamment du groupe armé précédemment connu sous le nom d'Armée nationale libyenne de Khalifa Haftar (rebaptisé « forces armées arabes libyennes ») et de groupes armés nationaux et étrangers. Le Groupe d'experts emploie l'expression « forces affiliées à Haftar » pour désigner tous les groupes armés qui lui sont affiliés. 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 leur conférer la légitimité d'une unité militaire gouvernementale constituée. Il emploie de même la minuscule, le cas échéant, pour désigner les autorités de l'est de la Libye.

dénoncé l'inertie des autorités, face à la criminalité, et l'absence de mesures publiques. Ces manifestations ont pesé dans la décision prise par les autorités de lancer une opération militaire le 25 mai 2023 au cours de laquelle des frappes ont été menées à l'aide de drones aériens contre plus de 20 cibles, dont des infrastructures et des petits bateaux. Le Bureau du Premier Ministre à Tripoli a déclaré que l'opération était une initiative des forces de l'ordre⁶.

12. Contrairement aux communications officielles, le Ministère de la défense n'a pas mené l'opération. Le Groupe d'experts a confirmé que le chef d'état-major du Ministère de la défense, le général Mohamed al-Haddad, et le commandement des Forces armées du Gouvernement d'union nationale n'avaient pas participé à la prise de décision ou à l'exécution de l'opération⁷. Le Premier Ministre, Abdulhamid Al Dabiba, en sa qualité de Ministre de la défense, a personnellement autorisé l'emploi de drones aériens et désigné les cibles. Le 24 mai 2022, il a émis un décret portant création de l'Autorité de l'aviation électronique, qui supervise directement l'emploi de drones aériens⁸.

13. Bon nombre de cibles ont été choisies principalement pour affaiblir le contrôle de la raffinerie de Zaouiya, actuellement détenu par Mohamed Al Amin Al-Arabi Kashlaf (LYi.025), visé par des sanctions, qui est le commandant de l'Unité de surveillance des champs pétrolifères dans le district. Il ne relève pas de la hiérarchie de l'Unité à Tripoli et supervise directement l'approvisionnement en carburant de la raffinerie de Zaouiya⁹. Durant l'opération, il aurait menacé de suspendre la chaîne logistique si l'opération se poursuivait. Son autorité sur la raffinerie de Zaouiya fait de lui un personnage clef du réseau lucratif de contrebande dans l'ouest de la Libye¹⁰. Il est à noter qu'une opération terrestre contre la raffinerie ne s'est pas matérialisée et que la raffinerie est demeurée sous son contrôle.

2. Réorganisation des organes militaires et de sécurité dans l'ouest de la Libye

14. Mohamed Bahrun (dit Al Far) est apparu comme le principal acteur au nom des Forces armées du Gouvernement d'unité nationale au cours de l'opération menée à Zaouiya au moyen de drones aériens, laquelle a montré l'étroite collaboration établie entre lui et Dabiba. Au début de l'opération, Bahrun était le chef de l'unité de lutte antiterroriste pour la région de l'ouest, au sein du service libyen de renseignement. Le Groupe d'experts a établi que Bahrun relevait directement du Bureau du Premier Ministre depuis le 2 juillet 2023.

15. Le rôle important joué par Bahrun indique également que l'opération visait principalement le groupe des Busriba et la sphère d'influence de ses alliés, notamment ce que l'on qualifie de Réseau de Zaouiya¹¹. Ali Busriba est un membre influent de la Chambre des députés. Son frère, Hassan Busriba, qui dirige l'Organisme d'appui à la stabilité à Zaouiya, est en rivalité directe avec Bahrun pour le contrôle de la route côtière. Busriba commande l'Organisme à Zaouiya avec une autonomie relative par rapport au commandant en chef, Abdel Ghani Khalifa¹². De plus, un membre de la famille Busriba, Issam Busriba, est le Ministre de l'intérieur dans le Gouvernement

⁶ <https://twitter.com/dabaibahamid/status/1664365500200042501?s=46&t=AJSuGTVn8PWieUi-5AGhcQ>, 1^{er} juin 2023.

⁷ Sources confidentielles des cercles diplomatiques et du secteur de la sécurité en Libye.

⁸ https://twitter.com/address_libya/status/1530183004638760960?s=46&t=AJSuGTVn8PWieUi-5AGhcQ, 27 mai 2022, et https://twitter.com/sholla_al7oria/status/1530070002598027265, 27 mai 2022.

⁹ S/2018/812, par. 156 à 159.

¹⁰ Voir également par. 60 pour des informations sur les activités liées à la traite des êtres humains.

¹¹ Voir par. 60.

¹² Dit Al-Kikli ou Ghenewa.

de stabilité nationale basé à Syrte. Le 26 mai 2023, le Président du Conseil présidentiel, Khaled Mishri, a accusé Dabiba de renforcer les forces de sécurité se trouvant sous le contrôle du Bureau du Premier Ministre, à l'appui de ses ambitions politiques personnelles (voir annexe 8).

16. La nouvelle position de Dabiba en tant que commandant direct d'une force de sécurité mérite d'être signalée. Le 22 mai 2023, le Cabinet a émis une décision portant création de l'Organe national des forces d'appui, une force de sécurité basée à Tripoli relevant directement de Dabiba (voir annexe 9). La composition, le mandat et les capacités de cette nouvelle force demeurent flous. Avec l'ajout de l'Organe national des forces d'appui, le contrôle exercé sur l'emploi de drones aériens et l'appui des combattants de Bahrin à Zaouiya, Dabiba s'est positionné comme le chef d'une force armée considérable.

17. À Tripoli, l'Organe de lutte contre le terrorisme et la criminalité organisée, l'Organisme d'appui à la stabilité et la Brigade 444 ont continué d'exercer la plus grande influence pour ce qui est du contrôle de la capitale (voir annexe 10). Le Groupe d'experts a établi qu'au cours d'une réunion tenue en février 2023, les chefs de l'Organisme d'appui à la stabilité et de l'Organe de lutte contre le terrorisme et la criminalité organisée s'étaient fermement opposés à l'intention manifestée par Dabiba, dans le cadre des préparatifs en vue des prochaines élections, de former un nouveau gouvernement d'unité nationale, qui comprendrait des personnes affiliées au cercle de Saddam Haftar¹³. La capacité militaire croissante dont dispose Dabiba lui a néanmoins donné plus de poids par rapport aux autres groupes armés.

3. Forces affiliées à Haftar

18. À la suite de l'échec de l'offensive de 2019 sur Tripoli, la famille immédiate de Haftar a lancé un plan visant à consolider le contrôle sur les opérations militaires, financières et stratégiques des forces armées arabes libyennes affiliées à Haftar. Le contrôle effectif exercé par la famille de Haftar et notamment par son benjamin, le général de brigade Saddam Haftar, sur des unités des forces armées arabes libyennes et des institutions financières et des organes politiques clefs a atteint des sommets inégalés, durant la période considérée. La famille Haftar a pris le contrôle de la majeure partie de la vie économique et sociale dans l'est de la Libye.

Commandement de Saddam Haftar

19. Le général de brigade Khaled Haftar, fils cadet de Khalifa Haftar, a pris le commandement de la 106^e brigade, les 155^e et 166^e bataillons étant sous le commandement effectif d'Ayoub Bussif al-Farjani (le beau-fils de Khalifa Haftar) et de Bassem Al-Bouaishi (cousin de Khalifa Haftar), respectivement. Ces nominations non seulement renforcent l'emprise de la famille Haftar sur les forces armées arabes libyennes, mais elles réduisent également le risque de voir une personnalité militaire hors du cercle de Haftar se hisser parmi les rangs des forces armées arabes libyennes. L'exemple le plus récent de cette stratégie a été constaté le 3 mai 2023 lorsque Khalifa Haftar a émis un ordre portant intégration de la brigade 115 dans la brigade 106 (voir annexe 11)¹⁴. Par cet ordre, Abdulfatah al-Nadhuri, fils du général Abdulrazek al-Nadhuri, a été placé directement sous la supervision de Khaled Haftar. Abdulrazek al-Nadhuri a cherché en vain à s'y opposer et à réunir un appui tribal¹⁵. Dans certains secteurs étant sous le contrôle des forces affiliées à Haftar, comme Tobrouk, les chefs des tribus locales ont conservé une certaine mesure d'autonomie et d'influence leur

¹³ Sources confidentielles diplomatiques et du secteur de la sécurité en Libye.

¹⁴ Le 8 juillet 2023, il a été annoncé que la brigade Khaled ben Walid basée à Tobrouk avait également été placée sous le commandement de la brigade 106.

¹⁵ Abdulfatah et Abdulrazek al-Nadhuri appartiennent à la tribu des Orfa.

permettant de contester l'autorité des forces armées arabes libyennes¹⁶. Il n'existe cependant, dans la partie est de la Libye, aucune force militaire importante, pour l'heure, opérant en dehors du contrôle direct du cercle intime d'Haftar.

20. Après la signature de l'accord de cessez-le-feu en octobre 2020, Saddam Haftar est apparu comme une personnalité clef au sein des forces armées arabes libyennes. Les chefs de groupes armés dans l'ouest et des membres de la communauté internationale l'ont dépeint comme l'interlocuteur clef dans tout dialogue stratégique avec les forces armées arabes libyennes. Il commande la brigade Tareq ibn Ziyad, qui était constituée de groupes et de combattants armés disparates qui n'avaient pas tous des antécédents militaires. Le 10^e bataillon se composait par exemple de combattants salafistes dénués d'expérience militaire, qui avaient participé à l'opération Karama à Benghazi de 2014 de 2018. Leur base militaire à Sidi Faraj dans l'est de Benghazi est effectivement une petite cité comprenant des centres d'entraînement, de stockage d'armes et de détention, destinés au personnel tant civil que militaire.

21. L'assassinat, le 24 mars 2021, de Mahmoud al-Warfalli, le commandant du groupe 50 des forces alliées à Haftar¹⁷, a entraîné la réorganisation des forces de sécurité à Benghazi, qui ont été placées graduellement sous le commandement effectif de Saddam Haftar. Ali al-Mashai a assumé le commandement du groupe 20/20 (voir par. 55), qui a incorporé la plupart des membres du groupe 50. Cependant, contrairement à Warfalli, Mashai n'a pas le même charisme auprès des membres des forces armées arabes libyennes et ne possède pas de pouvoir politique ou d'appui tribal importants¹⁸. Il est essentiellement « l'homme de Saddam » et participe à l'exécution d'opérations de sécurité illicites qui sont souvent justifiées comme des mesures de répression ou de lutte contre le trafic illicite de migrants. Le groupe 20/20 a également fait respecter la décision prise par l'unité de sécurité des forces affiliées à Haftar de viser physiquement les influenceurs, les militants des médias sociaux et d'autres critiques, en vue de contrôler le discours et d'embellir l'image publique de Saddam Haftar (voir par. 43 et 49). Selon un rapport non confirmé paru dans les médias, un changement a été opéré au niveau de la marque et de la base du groupe 20/20¹⁹, mais le Groupe d'experts n'a pas observé d'indications importantes en ce sens sur le terrain.

Influence économique et participation politique

22. Sous la direction de Saddam Haftar, « l'agence de services et de production Tareq ibn Ziyad »²⁰ a été très active pendant la période considérée. Elle a participé à l'aménagement de routes, à l'enlèvement des ordures et à la construction de bâtiments publics à Benghazi, Sabha, Derna et dans d'autres secteurs étant sous le contrôle des forces armées arabes libyennes. Elle a fait office de prestataire de services et décroché des contrats publics qu'elle a souvent sous-traités à d'autres sociétés. Elle a participé également directement au plan relatif à l'extension future de la métropole de Benghazi (voir annexe 12). Saddam Haftar, qui contrôle par ailleurs indirectement Berniq Airways²¹, a conservé un solide réseau dans le secteur bancaire à Benghazi, qui lui facilite l'accès à des lignes de crédit.

23. Belgacem Haftar a activement renforcé l'influence de la famille Haftar à la Chambre des députés et dans le Gouvernement de stabilité nationale²². Il aurait

¹⁶ Opération de sécurité en juin 2023.

¹⁷ Voir S/2022/427, par. 16.

¹⁸ Documents confidentiels liés aux activités des forces de sécurité à Benghazi.

¹⁹ www.facebook.com/OyaNewsPaper/posts/745483423670197/ (4 janvier 2023).

²⁰ جهاز طارق بن زياد للخدمات والإنتاج.

²¹ <https://berniq.aero/ar/en/>.

²² Voir S/2022/427, par. 11.

manœuvré pour aider la famille Haftar à exercer un plus grand contrôle sur les institutions politiques dans l'est de la Libye²³.

24. La famille Haftar a construit un important réseau de clientélisme, qui lui donne la capacité de contrôler directement les promotions dans l'armée, le secteur public et les prises de décisions politiques. Cela signifie que la famille Haftar bénéficie d'une influence directe sur le processus politique national, qui ne peut se mouvoir sans son aval.

Appui éphémère des forces armées arabes libyennes aux Forces d'appui rapide au Soudan

25. Le conflit armé qui a éclaté au Soudan le 15 avril 2023 a eu une incidence très faible dans l'est de la Libye. Le Groupe d'experts a établi que certains éléments des forces armées arabes libyennes avaient apporté, au début du conflit, un appui militaire aux Forces d'appui rapide par la voie de la fourniture de matériel militaire²⁴. Un pont aérien a été établi entre les aéroports de Benghazi (Benina) et de Koufra. Des vols se sont déroulés du 16 au 18 avril²⁵ et un appareil Iliouchine IL-76 aurait eu une activité aérienne à Koufra²⁶. Un vol a été effectué le 16 avril, qui n'avait pas eu pour point de départ l'aéroport de Benina. Il a néanmoins transité par cet aéroport depuis un lieu situé hors de Libye, que le Groupe d'experts n'a pas réussi à identifier (voir fig. I).

26. L'aéroport de Koufra a été renforcé au début du mois d'avril par le 128^e bataillon des forces armées arabes libyennes²⁷ qui compte bon nombre de Soudanais parmi ses rangs. Le matériel militaire a été transféré par la route, dans le sud, en direction du point de passage frontalier d'Aïn Kazit au Soudan, où les fournitures ont été collectées par les Forces d'appui rapide²⁸. Le 20 avril 2023, les forces armées arabes libyennes ont fermé officiellement le point de passage frontalier d'Aïn Kazit²⁹ et en ont transféré le contrôle aux Forces d'appui rapide (voir fig. II)³⁰. Cette voie terrestre depuis Koufra est un itinéraire lucratif pour la contrebande de drogues, de voitures, voire de trafic d'êtres humains, ce qui fait des Forces d'appui rapide l'un des principaux partenaires commerciaux des unités locales des forces armées arabes libyennes³¹. Le conflit au Soudan a perturbé cette voie de contrebande.

²³ Document confidentiel d'une source diplomatique.

²⁴ Le Groupe d'experts a consulté le Groupe d'experts sur le Soudan créé par la résolution 1591 (2005).

²⁵ Sources confidentielles.

²⁶ https://twitter.com/joseph_ly7/status/1648066174259720192 (17 avril 2023) et sources aéronautiques confidentielles.

²⁷ Le bataillon 128 des forces armées arabes libyennes est commandé par le général de brigade Hassan Maatug Zedma. Sources confidentielles diplomatiques en Libye.

²⁸ Sources confidentielles diplomatiques en Libye.

²⁹ Contrôlé habituellement par le bataillon Souboul el-Salam des forces armées arabes libyennes basé à Koufra.

³⁰ **Error! Hyperlink reference not valid.** (19 avril 2023), <https://libyareview.com/33833/trade-suspended-near-libyan-sudanese-border/> (20 avril 2023) et source confidentielle.

³¹ Sources confidentielles diplomatiques en Libye et www.aljazeera.com/news/2023/5/1/what-does-fighting-in-darfur-mean-for-sudans-western-frontier (1^{er} mai 2023).

Figure I
Opérations des Forces d'appui rapide et des forces armées arabes libyennes,
avril 2023

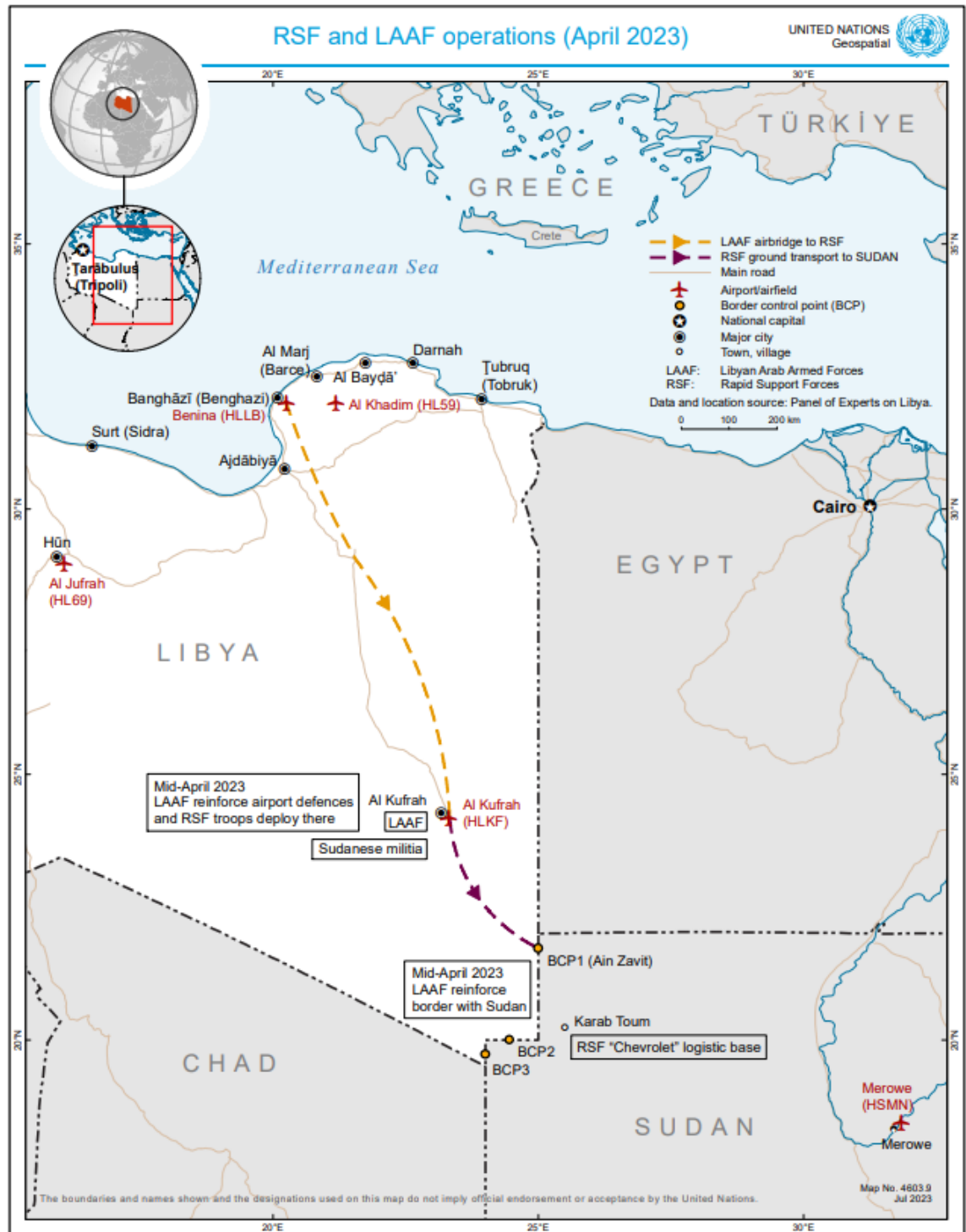
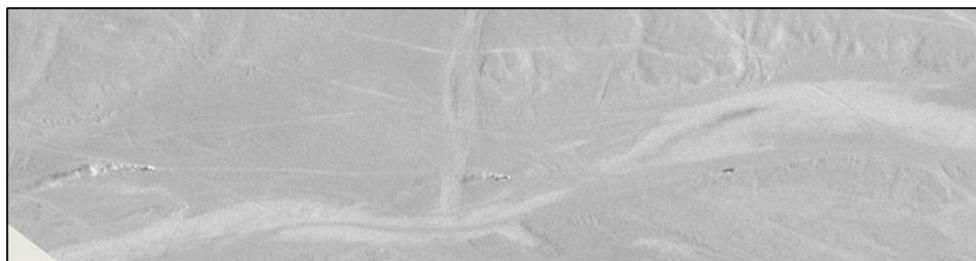


Figure II
**Trafic routier à l'approche du secteur du point de passage frontalier d'Aïn Kazit
 (1^{er} mai 2023)³²**



Source : Google Earth.

27. Le Groupe d'experts a obtenu la confirmation selon laquelle des membres des forces armées arabes libyennes avaient pour le moins facilité le transfert de matériel militaire de l'aéroport de Koufra vers la frontière soudanaise, à l'aide d'avions de combat soudanais affiliés au bataillon 128. Il a établi qu'un capitaine des Forces d'appui rapide avait été enjoint par son commandement de se rendre de Geneina au Darfour occidental (Soudan) à la frontière libyenne pour récupérer le matériel militaire³³. La chronologie de ce mouvement correspond à la livraison du matériel cité aux précédents paragraphes.

28. Les fournitures militaires étaient destinées aux unités des Forces d'appui rapide participant aux combats livrés pour s'arroger le contrôle de l'aéroport de Merowe (Soudan)³⁴, situé à 800 kilomètres de la frontière libyenne. Les Forces d'appui rapide l'avaient capturé le 15 avril, mais les Forces armées soudanaises en avaient repris le contrôle le 16 avril³⁵. Cette activité opérationnelle s'est produite avant le mouvement de fournitures militaires recensé par le Groupe d'experts. Les Forces armées soudanaises ont ensuite désorganisé la principale chaîne d'approvisionnement de Libye en capturant la base logistique des Forces d'appui rapide dite « Chafir Lit » ou « Chevrolet », située près de Karab Toum³⁶ le 20 avril³⁷.

29. Le Groupe d'experts croit savoir que Khalifa Haftar n'a pas directement ordonné cette opération de ravitaillement et en a demandé la fermeture, lorsqu'il l'a appris³⁸. Cette évaluation est appuyée par une déclaration du commandant en chef des Forces armées soudanaises, le général Abdel Fattah al-Bourhane, faite le 23 avril, indiquant que Haftar n'appuyait pas les Forces d'appui rapide³⁹. Le Groupe d'experts estime que seules quelques unités des forces armées arabes libyennes ont facilité cette opération d'appui éphémère et que leur implication n'indique aucunement la fourniture d'un appui à long terme des forces armées arabes libyennes aux Forces d'appui rapide dans le conflit au Soudan.

30. Les éléments du bataillon 128 des forces armées arabes libyennes ont agi au départ de façon autonome pour apporter un soutien aux Forces d'appui rapide,

³² 21° 43' 37.13" N, 24° 59' 1.28" E à 8 h 26 en temps universel coordonné.

³³ Source confidentielle au sein d'un groupe armé soudanais.

³⁴ 18° 26' 35" N, 31° 50' 35" E.

³⁵ www.youtube.com/watch?v=JL6zpY13fs0 (15 avril 2023) et <https://sudantribune.com/article273048/> (16 avril 2023).

³⁶ 20° 13' 34.68" N, 25° 30' 7.99" E.

³⁷ <https://tass.com/world/1606961> (20 avril 2023).

³⁸ Sources confidentielles diplomatiques en Libye.

³⁹ <https://english.ahram.org.eg/News/496267.aspx> (22 avril 2023) et <https://en.alwasat.ly/news/libya/396435> (22 avril 2023).

probablement compte tenu des liens de contrebande qui les unissent. Cela démontre que quelques unités des forces armées arabes libyennes dans le sud du pays n'ont pas besoin d'obtenir l'aval de leur état-major pour mener leurs opérations de contrebande.

31. Le Groupe d'experts constate que bien que certains éléments des forces armées arabes libyennes aient facilité le mouvement interne de matériel militaire en territoire libyen, rien n'indique que les forces armées arabes libyennes, en tant qu'organisation, aient transféré physiquement du matériel militaire hors de Libye. Il ne peut donc pas confirmer une violation de l'embargo sur les armes.

32. Le Groupe d'experts estime que les Forces d'appui rapide ont violé le paragraphe 10 de la résolution 1970 (2011) en achetant du matériel militaire de Libye.

B. Groupes terroristes internationaux et individus terroristes

33. Pendant la période considérée, les Forces armées du Gouvernement d'unité nationale et les forces affiliées à Haftar ont dissous au moins cinq cellules terroristes et appréhendé des membres clefs de groupes terroristes en divers lieux en Libye (voir annexe 13). Les patrouilles menées par les forces affiliées à Haftar dans la région du sud ont entraîné une baisse des capacités opérationnelles des groupes terroristes en Libye. En conséquence, aucune attaque terroriste n'a été revendiquée pendant la période considérée. En revanche, les forces affiliées à Haftar dans le sud avaient été visées de manière répétée lors de telles attaques pendant la précédente période. Les entités libyennes de la sécurité chargées de la lutte antiterroriste dans la région de l'ouest ont confirmé que la zone, en particulier Bani Walid, qui servait notoirement de sanctuaire aux terroristes, n'avait pas connu d'attaques depuis le début des opérations antiterroristes engagées par les Forces armées du Gouvernement d'unité nationale dans cette ville. La menace du terrorisme y demeure cependant élevée, étant donné la porosité des frontières libyennes et l'intensification des conflits dans certains pays voisins du sud.

1. État islamique d'Iraq et du Levant-Libye (QDe.165)

34. Les forces affiliées à Haftar ont mené régulièrement des opérations antiterroristes dans le sud de la Libye, visant tout particulièrement des bases appartenant à l'État islamique d'Iraq et du Levant-Libye (EIIL-Libye, QDe.165). Ces opérations ont non seulement contraint le groupe à se réinstaller dans différentes villes de la région du sud mais ont également entraîné l'élimination de commandants d'opération clefs. Une de ces personnalités était Mehdi Rajab Salem Dango (dit Abou el-Barakat), un ressortissant libyen, qui avait été chargé en 2016 d'établir en Libye l'organisation terroriste affiliée à l'EIIL connue sous le nom d'Armée du Sahara⁴⁰.

35. Dans le résumé public de ses activités dans le monde en 2022 (voir annexe 14), la direction de l'EIIL a affirmé que sa section libyenne avait maintenu une faible présence dans le pays où elle n'avait mené que trois attaques⁴¹. Pendant la période considérée, l'EIIL-Libye n'a revendiqué la responsabilité d'aucune attaque terroriste.

⁴⁰ Point de presse du Bureau du Procureur général, présentant les résultats des enquêtes sur l'EIIL-Libye en 2017. Consultable à l'adresse suivante : www.youtube.com/watch?v=_V22E2z0T3c (29 septembre 2017).

⁴¹ Voir S/2022/427, annexe 13, tableau 12.1.

C. Questions régionales

1. Commission militaire conjointe 5+5

36. La Commission militaire conjointe 5+5 a continué de se heurter à plusieurs obstacles qui ont entravé le retrait effectif des forces étrangères de Libye, tels que l'absence de commandement et de contrôle unifiés en raison de la fragmentation de l'état de la sécurité, la méfiance entre les divers acteurs libyens et les influences et intérêts étrangers. Au moment de l'établissement du présent rapport, aucun combattant étranger, aucune force étrangère et aucun mercenaire affilié aux parties au conflit n'avait quitté la Libye, dans le cadre des efforts faits par la Commission militaire conjointe 5+5.

2. Groupes armés et combattants étrangers

Combattants syriens

37. Le Groupe d'experts a établi que des combattants syriens appuyés par la Türkiye étaient systématiquement présents dans les différents camps militaires des Forces armées du Gouvernement d'unité nationale dans la région de Tripoli. Il a discerné par exemple qu'un groupe d'au moins 300 combattants syriens affiliés au groupe Sultan Souleiman Chah étaient présents dans le camp militaire Sidi Bilal (voir annexe 15) où se déroulait une formation régulière⁴². Tout au long de la période considérée, ces combattants syriens ont fait l'aller-retour entre la Libye et la République arabe syrienne. Ils sont restés dans des camps militaires en Libye et n'ont pas participé à des activités militaires sur le terrain.

Combattants tchadiens

38. Des combattants tchadiens du Front pour l'alternance et la concorde au Tchad, appartenant principalement au groupe ethnique des Tebou, avaient participé à des accrochages armés contre la brigade Tareq ibn Ziyad⁴³. Ils sont restés dans la partie sud de la Libye et ont été tolérés par les forces affiliées à Haftar, dont la brigade Tareq ibn Ziyad et la brigade 128 stationnée à Sabha. Des éléments du Front étaient présents à la frontière nigérienne, près de la localité de Qatroun, où ils tenaient un point de contrôle. La direction du groupe était stationnée dans un lieu reculé, proche de la frontière nigérienne. Ils ont été autorisés par les forces affiliées à Haftar à ravitailler leurs forces dans la localité de Sabha⁴⁴. Le Groupe d'experts a établi que la nouvelle position prise par les forces affiliées à Haftar à l'égard du Front les avait aidés à gérer leurs liens avec les tribus tebou dans le secteur et à sécuriser le contrôle de la frontière et des routes dans la zone.

39. Au début du mois de mars 2023, au moins 30 membres du Front pour l'alternance et la concorde au Tchad étaient retournés de Libye au Tchad et avaient remis leurs armes dans le cadre du processus de réconciliation tchadien⁴⁵. Le Groupe d'experts a écrit aux autorités tchadiennes⁴⁶, demandant un complément d'informations à cet égard, mais n'a pas reçu de réponse.

⁴² Le groupe syrien Sultan Souleiman Chah démontrant les compétences acquises pendant sa formation. Consultable à l'adresse suivante : www.youtube.com/watch?v=oTzkXwTrdww (8 avril 2023).

⁴³ Voir S/2022/427, par. 26 et 27.

⁴⁴ Sources confidentielles d'un groupe armé.

⁴⁵ www.alwihdainfo.com/D-ex-combattants-rebelles-du-FACT-regagnent-le-Tchad-dans-le-cadre-de-la-reconciliation-nationale_a121735.html (2 mars 2023) et <https://libyaobserver.ly/inbrief/chad-announces-return-rebel-group-libya> (6 mars 2023).

⁴⁶ 15 mars 2023.

D. Actes qui entravent ou compromettent la réussite de la transition politique en Libye

40. Le Groupe d'experts a continué de surveiller tout acte susceptible de tomber sous le coup des critères de désignation énoncés au paragraphe 11 de la résolution [2644 \(2022\)](#) et d'en identifier les auteurs. Les actes qui pourraient répondre à ces critères ont été répertoriés et continué de faire l'objet d'enquêtes de la part du Groupe d'experts, comme par exemple le fait de viser des personnes soutenant prétendument la candidature à la présidence de Saif al-Islam Qadhafi (LYi.017) ou étant associées à cette candidature⁴⁷.

E. Actes qui enfreignent les dispositions applicables du droit international des droits de l'homme ou du droit international humanitaire ou qui constituent des atteintes aux droits humains

41. En application de l'alinéa a) du paragraphe 11 de la résolution [2213 \(2015\)](#) et des résolutions ultérieures, le Groupe d'experts a enquêté sur les violations du droit international humanitaire et du droit international des droits de l'homme et sur les atteintes aux droits humains, commises en Libye.

42. Pendant la période considérée, le Groupe d'experts a recensé 22 faits d'hostilités entre des groupes armés dans des secteurs densément peuplés de Tripoli et de Zaouiya, qui ont : a) occasionné plus de 130 morts et blessés parmi les civils ; b) endommagé ou détruit des biens de caractère civil ; c) déplacé des populations civiles ; d) fait peser un risque important de pertes civiles en raison de munitions non explosées. Ces dommages importants causés à des civils sont principalement à imputer à l'utilisation d'engins explosifs dans des lieux qui sont principalement des secteurs résidentiels civils et au fait que les parties belligérantes n'ont généralement pas pris toutes les précautions possibles pour éviter, voire réduire autant que faire se peut, les dommages collatéraux aux civils. Bien que le Groupe d'experts ait identifié les parties à ces faits, des obstacles considérables sur le plan des enquêtes ont entravé l'évaluation de la légalité de chaque attaque et la culpabilité éventuelle des parties au regard du droit international humanitaire. Ces obstacles comprennent : a) le nonaccès physique aux lieux et aux personnes touchés ; b) la faible disponibilité d'informations corroborées relatives aux attaques contre des biens ; c) l'insuffisance de preuves sur les liens établis, pour confirmer l'exactitude de l'analyse portant sur l'incidence des attaques, en raison de la similitude des modes opératoires des parties impliquées ; d) l'absence d'informations crédibles sur le processus de planification des attaques et des décisions prises à ce sujet, si tant est qu'un tel processus ait eu lieu. Par conséquent, à ce stade de l'enquête, il n'est pas possible de déterminer s'il existe suffisamment de preuves pour attribuer l'éventuel comportement proscrit aux entités et personnes responsables.

1. Violations du droit international humanitaire et du droit international des droits de l'homme, commises dans le contexte de la privation de liberté

43. Le Groupe d'experts a recensé 14 cas de violations du droit international humanitaire et du droit international des droits de l'homme qui se sont produites au centre de détention de Mitiga (Tripoli), contrôlé par l'Organe de lutte contre le terrorisme et la criminalité organisée, et dans des centres de détention contrôlés par

⁴⁷ Voir annexe 17.

les forces affiliées à Haftar⁴⁸ situés à Ajdabiya, Beïda, Benghazi et Syrte⁴⁹. Ces groupes armés se sont servis systématiquement des opérations de détention pour : a) punir des civils qui contesteraient supposément l'autorité territoriale de la direction des groupes armés ; b) terrifier les habitants de quartiers résidentiels précis comme mesure visant à en sécuriser le contrôle et à contraindre à l'obéissance ; c) neutraliser les personnes dont on pense qu'elles menaceraient les activités économiques illégales des groupes armés ; d) régler les comptes personnels de membres de groupes armés avec des civils ; e) faire preuve d'autonomie territoriale et administrative par rapport aux institutions nationales officielles chargées de l'examen judiciaire des cas de détention recensés.

Organe de lutte contre le terrorisme et la criminalité organisée

44. Le Groupe d'experts a enquêté sur six cas de détention arbitraire et illégale, de traitements cruels, inhumains et dégradants et de violations graves du droit à un procès équitable de détenus privés de liberté⁵⁰ dans le centre de Mitiga (Tripoli)⁵¹, contrôlé par l'Organe de lutte contre le terrorisme et la criminalité organisée, au cours desquels les autorités procédant à la détention ont cyniquement privé les six détenus de garanties fondamentales sur les plans de la procédure et de la justice. Elles les ont notamment délibérément privés de la protection de la loi en refusant de manière répétée d'appliquer les décisions judiciaires officielles, notamment les ordonnances de justice d'amener les détenus devant un juge (voir annexe 16). Cette tendance constante à isoler délibérément les détenus et à exercer un contrôle autonome sur leur accès à la protection, dont le Groupe d'experts rend compte régulièrement depuis 2015⁵², a transformé le centre de détention de Mitiga en instrument systématique de mauvais traitements.

Forces armées arabes libyennes

45. Le Groupe d'experts a répertorié neuf cas de confinement illicite, de disparition forcée, de torture et de traitements cruels, inhumains et dégradants de civils, dans deux centres non officiels de détention qui sont sous le contrôle de la brigade Tareq ibn Ziyad :

a) un centre de détention situé à la base militaire de la brigade à Sidi Faraj à Benghazi⁵³ ;

b) une section au centre de détention de Beïda⁵⁴ qui est en train d'être agrandie et transformée en installation autonome (voir annexe 16)⁵⁵.

46. Les détenus étaient constamment soumis à : a) des passages à tabac d'une brutalité particulière, à l'aide de tubes en plastique et d'objets en métal ; b) de sévères privations sensorielles pendant de longues périodes pouvant aller jusqu'à 30 jours ; c) des mises au secret prolongées dans des conditions dégradantes et humiliantes, sans accès aux toilettes ou à des vêtements propres ; d) un harcèlement et une intimidation constants, tout en étant exposés aux cris des autres détenus qui étaient passés à tabac.

⁴⁸ On trouvera les lieux connus de tous les centres établis et d'autres lieux servant à la détention aux annexes 16, 18, 19, 20 et 21.

⁴⁹ Au 30 septembre 2020.

⁵⁰ Articles 9 et 14 du Pacte international relatif aux droits civils et politiques.

⁵¹ 32° 54' 05.2" N, 13° 16' 10.0" E.

⁵² Voir par exemple S/2015/128, par. 82, S/2016/209, par. 91, S/2018/812, par. 40, S/2021/229, par. 35, S/2022/427, par. 39 et annexe 21.

⁵³ 32° 04' 02.0" N, 20° 12' 56.9" E.

⁵⁴ 32° 43' 32.4" N, 21° 54' 00.4" E.

⁵⁵ Article 3 commun aux quatre Conventions de Genève de 1949 et articles 7 et 9 du Pacte international relatif aux droits civils et politiques.

Ils subissaient des méthodes physiques et psychologiques de torture et d'autres mauvais traitements d'une cruauté extrême provoquant des traumatismes psychiques et de l'anxiété⁵⁶.

47. Sur la base de preuves documentaires et testimoniales concordantes, le Groupe d'experts a établi que le chef de la section de détention de la brigade Tareq ibn Ziyad de Gernada, Mohammed Salim Mustafa Alhaj Idrees (encore appelé Mohamed al-Tagouri), avait la responsabilité directe de superviser les mauvais traitements infligés régulièrement aux détenus dont il avait la charge depuis 2021.

Réponse des forces armées arabes libyennes aux constatations du Groupe d'experts

48. Le commandement des forces armées arabes libyennes, exerçant son droit de réponse, a réfuté les constatations portant sur : a) l'existence de deux centres de détention non officiels ; b) les violations du droit international humanitaire et du droit international des droits de l'homme qui ont été recensées ; c) la responsabilité des unités impliquées faisant partie des forces affiliées à Haftar et de leurs membres, dont le chef de la section de détention de Gernada, Mohamed al-Tagouri⁵⁷.

49. Premièrement, le commandement des forces armées arabes libyennes a maintenu que les centres de détention à la base militaire de la brigade Tareq ibn Ziyad à Sidi Faraj étaient exclusivement réservés à son personnel militaire. Il a également soutenu qu'il n'existait pas, dans cette base, de centre servant à garder ou à détenir des civils. Concernant le centre de détention de Gernada, il a déclaré que le centre et toutes ses sections relevaient exclusivement de l'autorité du ministère de l'intérieur et qu'il n'existait pas d'aile de détention distincte, placée sous le commandement de la brigade Tareq ibn Ziyad.

50. Deuxièmement, le commandement des forces armées arabes libyennes a déclaré qu'aucun détenu ne subissait de mauvais traitements au centre de détention de Gernada, qui est doté du matériel requis pour dispenser des soins médicaux réguliers aux détenus qui en auraient besoin, et que les observateurs humanitaires indépendants bénéficiaient d'un accès régulier au centre.

51. Troisièmement, le commandement des forces armées arabes libyennes a affirmé que Mohamed al-Tagouri n'était aucunement responsable de questions de détention ou autres, au centre de Gernada, du fait qu'il relevait de la police militaire des forces armées arabes libyennes, chargée d'assurer la sécurité hors des locaux du centre. Dans son droit de réponse aux constatations du Groupe d'experts, Tagouri a confirmé : a) qu'il n'existait aucune section de détention se trouvant sous le contrôle de la brigade Tareq ibn Ziyad au centre de Gernada ; b) qu'il était membre de la police militaire des forces armées arabes libyennes et n'avait aucune fonction de commandement ; c) qu'il s'acquittait, en tant que membre de la police militaire, de tâches de sécurité régulières comme la garde du centre de détention de Gernada et l'escorte des détenus entre les lieux de détention et les tribunaux⁵⁸.

52. Ni le commandement des forces armées arabes libyennes ni Tagouri n'ont fourni de preuves à l'appui pour convaincre le Groupe d'experts de la véracité de leurs dires. En fait, le Groupe d'experts dispose d'amples preuves documentaires et testimoniales, obtenues de manière indépendante, corroborant ses constatations (voir annexe 16).

⁵⁶ Entretiens du Groupe d'experts avec des témoins oculaires (sources confidentielles du droit international humanitaire 28, 29, 30, 33, 34, 73, 74 et 128).

⁵⁷ Réponses du commandement général des forces armées arabes libyennes du 7 juillet 2022 et du 26 juin 2023 et entretien virtuel du Groupe d'experts avec le commandement général des forces armées arabes libyennes (9 juillet 2023).

⁵⁸ Entretien en ligne du Groupe d'experts avec Mohamed Al-Tagouri (9 juillet 2023).

2. Attaques contre des défenseurs des droits humains, d'autres membres de la société civile et des journalistes

53. Le Groupe d'experts a enquêté sur 21 signalements d'attaques contre des défenseurs des droits humains, des agents humanitaires, des activistes sociaux, des universitaires et des journalistes à Ajdabiya, Beïda, Benghazi, Syrte et Tripoli⁵⁹. Les personnes visées ont été privées de leur liberté d'expression par la voie : a) d'actes violents de privation illicite de liberté physique, de mauvais traitements et de destruction de leurs biens privés qui ont été parfois incendiés ; b) d'insultes verbales ; c) de menaces directes selon lesquelles eux et les membres de leur entourage immédiat se verraient infliger des violences répétées s'ils désobéissaient pas aux ordres⁶⁰. Les assaillants ont délibérément détourné des lois nationales pour qualifier les victimes de « criminels », de « trafiquants de drogues », de « mécréants » et « d'espions », dans une tentative de justifier et d'obtenir un appui public en faveur d'actes de violence et d'intimidation dirigés contre les personnes visées.

54. Les entités principalement responsables des attaques comprenaient le bureau de l'Agence de sécurité intérieure à Tripoli, les sections de l'agence de sécurité intérieure contrôlées par les forces affiliées à Haftar à Benghazi et Tobrouq, la brigade Tareq ibn Ziyad et le groupe 20/20. Les membres de ces entités ont recensé les personnes visées au moyen de la surveillance de leurs activités politiques, sociales et professionnelles ou durant de violents raids. Ils les ont ensuite attaquées aux fins d'établir un contrôle total sur leur action (voir annexe 17).

Réponse des forces armées arabes libyennes aux constatations du Groupe d'experts

55. Le commandement des forces armées arabes libyennes a également réfuté les constatations du Groupe d'experts concernant la responsabilité du groupe 20/20 et de son commandant, Ali al-Mashai (encore appelé Ali Abdel Salam Ahmed), dans des opérations de sécurité illicites et des violations connexes des dispositions du droit international des droits de l'homme commises contre des civils à Syrte en août 2022⁶¹. Dans sa réponse, Mashai a affirmé : a) qu'il n'existait pas de groupe 20/20 au sein des forces affiliées à Haftar, mais qu'il était au courant d'une unité militaire du même nom postée à Tripoli ; b) qu'il avait le rang de sergent dans la brigade Tareq ibn Ziyad et n'avait pas responsabilité de supérieur hiérarchique⁶². Ni le commandement des forces armées arabes libyennes ni Mashai n'ont fourni de preuves à l'appui pour convaincre le Groupe d'experts de la véracité de leurs dires. En fait, le Groupe d'experts dispose d'amples preuves documentaires et testimoniales, obtenues de manière indépendante, corroborant ses constatations (voir annexe 17).

3. Attaque contre le personnel des Nations Unies

56. Le Groupe d'experts a répertorié un incident au cours duquel trois membres du personnel de la Mission d'appui des Nations Unies en Libye (MANUL) qui étaient en service commandé ont été privés de manière illicite et arbitraire de leur liberté, le 1^{er} juin 2023, par des membres des forces armées arabes libyennes contrôlant l'aéroport de Benghazi (Benina). Les autorités ayant ordonné la détention ont violé les droits procéduraux des membres du personnel de la MANUL et les ont soumis à

⁵⁹ Entretiens en ligne avec des témoins oculaires (sources confidentielles 31, 32, 62, 63, 64, 79, 83 et 127).

⁶⁰ Articles 7, 9 et 19 du Pacte international relatif aux droits civils et politiques.

⁶¹ Réponses du commandement général des forces armées arabes libyennes du 26 juin 2023 et entretien en ligne du Groupe d'experts avec le commandement général des forces armées arabes libyennes (9 juillet 2023).

⁶² Entretien en ligne du Groupe d'experts avec Ali al-Mashai (9 juillet 2023).

des traitements inhumains et dégradants lorsqu'ils étaient en détention⁶³. Le Groupe d'experts estime qu'en plus des actes énumérés au paragraphe 11 a) de la résolution 2213 (2015), la conduite des responsables répond aux critères de désignation pour ce qui est de planifier, diriger ou commanditer des attaques contre le personnel des Nations Unies, conformément au paragraphe 11 de la résolution 2441 (2018).

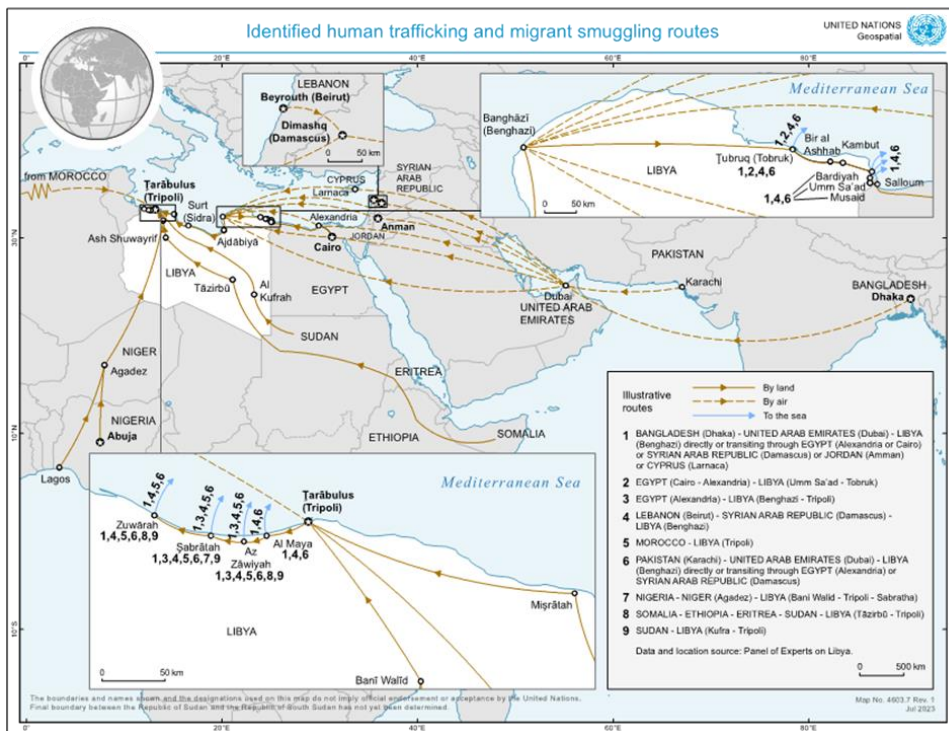
4. Violations des dispositions du droit international humanitaire et du droit international des droits de l'homme commises contre des migrants et des demandeurs d'asile

57. Le Groupe d'experts a recensé en Libye huit itinéraires de traite d'êtres humains et de trafic illicite de migrants. Ces itinéraires sont exploités par des réseaux libyens de traite et de trafic illicite d'êtres humains, qui comptent des éléments internationaux et régionaux dans 17 pays : Allemagne, Bangladesh, Égypte, Émirats arabes unis, Érythrée, Éthiopie, France, Italie, Liban, Maroc, Niger, Nigéria, Pakistan, Portugal, République arabe syrienne, Somalie et Soudan. On trouvera les principaux paramètres de ces routes à l'annexe 18.

58. Le Groupe d'experts a enquêté sur 64 cas de violations des droits humains contre des migrants, dont 26 enfants, qui ont fait l'objet d'une traite et ont été privés de liberté dans des lieux de détention illégaux situés le long des itinéraires (voir fig. III et IV). Les victimes étaient constamment soumises à des actes d'asservissement, à des viols, à un esclavage sexuel, à de la prostitution forcée, à la privation de nourriture délibérée et à de la torture, ainsi qu'à des traitements cruels et extrêmement dégradants (voir annexe 18). Le Groupe d'experts a constaté que ces atteintes aux droits humains étaient commises au cours d'opérations de criminalité organisée. Ces réseaux de traite privés étaient opérés en collaboration avec des groupes armés libyens et utilisaient des entreprises illégales bien développées en Libye et à l'étranger, en vue d'engendrer des profits considérables et d'autres avantages pour ces acteurs.

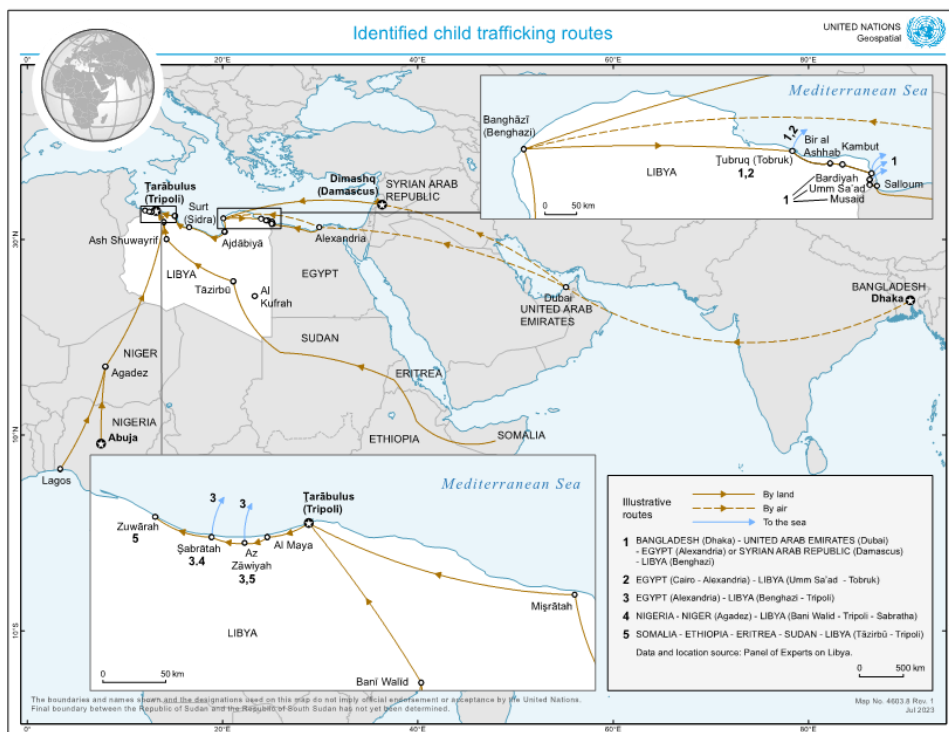
⁶³ Entretiens du Groupe d'experts avec des sources confidentielles 8, 61 et 64 et articles 7 et 9 du Pacte international relatif aux droits civils et politiques.

Figure III
Itinéraires recensés de traite d'êtres humains et de trafic illicite de migrants



Source : Sources confidentielles 18, 25 à 27, 37 à 72, 80 à 82 et 88 à 123.

Figure IV
Itinéraires recensés de traite d'enfants



Source : Sources confidentielles 18, 37 à 39, 41 à 43, 45 à 58 et 107 à 113.

59. Le Groupe d'experts a répertorié trois de ces entreprises illégales opérant en Libye depuis au moins 2021 :

- a) les entreprises de trafic et de traite illicites appartenant au Réseau de Zaouiya et contrôlées par lui⁶⁴ ;
- b) un stratagème commercial illégal élaboré et exploité par des gardes et membres individuels de la Brigade 42 dans les centres de détention de migrants à Tripoli relevant de l'autorité du Service de la lutte contre l'immigration illégale ;
- c) des opérations de racket menées par des membres individuels des forces armées arabes libyennes et des forces affiliées à Haftar à Bardiya, Benghazi, Moussaed, Tobrouq et Oum Saad.

Le Réseau de Zaouiya élargi

60. Le Groupe d'experts a établi que le commandant de l'Unité de surveillance des champs pétrolifères à Zaouiya, Mohamed Al Amin Al-Arabi Kashlaf (LYi.025), et le commandant de la garde côtière libyenne à Zaouiya, Abd al-Rahman al-Milad (LYi.026), ainsi qu'Osama Al-Kuni Ibrahim (LYi.029), continuaient de gérer un vaste réseau de trafic et de contrebande à Zaouiya. Depuis l'inscription des deux commandants sur la liste en 2018, ils ont étendu davantage ce réseau en y intégrant des entités armées opérant dans les secteurs de Warchefana, Sabrata et Zouara. Le Réseau de Zaouiya élargi comprend à présent des éléments de la Brigade 55, le commandement de l'Organisme d'appui à la stabilité à Zaouiya, en particulier ses unités maritimes, et des membres individuels de la garde côtière libyenne, qui s'emploient tous à exécuter le plan commun du Réseau, consistant à tirer des gains considérables, financiers et autres, des activités de traite d'êtres humains et de trafic illicite de migrants.

61. Ce plan recouvre : a) le racket et le contrôle de réseaux privés de trafiquants d'êtres humains et de passeurs de migrants opérant dans des secteurs qui sont sous le contrôle territorial et maritime du Réseau ; b) l'extorsion d'argent aux migrants détenus qu'ils contrôlent et soumettent à des actes de maltraitance d'une grande brutalité ; c) l'exploitation de migrants détenus sous leur contrôle, qui servent de main-d'œuvre forcée pour participer à la fabrication de bateaux, faire des travaux ménagers ou travailler dans d'autres structures du Réseau ; d) la création de possibilités commerciales et la conclusion d'accords avec des groupes armés locaux afin de faciliter l'entreprise criminelle de traite et de trafic illicite de personnes et de marchandises⁶⁵.

62. Le Réseau a établi un système de détention irrégulière qui comprend les centres de détention de Nasr, Maya et Zahra, ainsi que de multiples lieux de détention provisoire de migrants dans des secteurs de Zaouiya et de Harcha où des éléments du Réseau ont commis de graves violations du droit international des droits de l'homme et du droit international des droits de l'homme contre 34 détenus⁶⁶. Ce système de détention a permis au réseau d'exercer un contrôle physique sur les personnes faisant l'objet d'une traite ou d'un trafic, à des fins de gains financiers illicites au profit de ses membres. Cette entreprise recouvre plusieurs phases opérationnelles : a) les événements précédant la détention ; b) la capture et le retour ; c) la détention ; d) la libération, le cas échéant (voir fig. V). Lorsque des membres individuels de la garde côtière libyenne ou d'unités maritimes de l'Organisme d'appui à la stabilité

⁶⁴ S/2018/812 et S/2019/914, par. 57.

⁶⁵ Entretiens du Groupe d'experts avec d'anciens détenus (sources confidentielles 27, 55, 58 et 122).

⁶⁶ Article 3 commun aux quatre Conventions de Genève, articles 4 et 5 du Protocole additionnel II aux quatre Conventions de Genève du 12 août 1949, articles 7, 8 et 9 du Pacte international relatif aux droits civils et politiques et article 37 de la Convention relative aux droits de l'enfant.

capturaient des migrants en mer et les ramenaient sur le rivage, les autorités procédant à la détention les ont examinés en fonction de leur genre, nationalité et origine ethnique, pour déterminer s'ils étaient en mesure de monnayer leur libération. Les migrants dont il a été établi qu'ils pouvaient verser des montants plus élevés en échange de leur libération et qui étaient pour la plupart originaires du Bangladesh et du Pakistan, ont été séparés et transférés par camion aux centres de détention Nasr ou Zahra, tandis que d'autres étaient emmenés au centre de détention Maya (voir annexe 19).

Section Nasr

63. Le Réseau de Zaouiya a continué d'être centralisé au lieu de détention des migrants Nasr⁶⁷ à Zaouiya, géré par Osama Al-Kuni Ibrahim (LYi.029)⁶⁸. Sur la base d'amples preuves d'atteintes systématiques aux droits humains, le Groupe d'experts a trouvé qu'Abd Al-Rahman al-Milad (LYi.026) et Osama al-Kuni Ibrahim (LYi.029) continuaient d'être responsables d'actes de torture, de travail forcé et d'autres maltraitements de personnes confinées illégalement, qui leur ont été infligées au centre de détention Nasr, à des fins d'extorsion de vastes sommes d'argent et comme punition.

Section de Maya

64. Le Groupe d'experts a obtenu de nouvelles preuves de violations persistantes des droits humains, commises contre des détenus au centre Maya⁶⁹, à savoir la privation de liberté illégale, des actes de torture, des passages à tabac d'une grande brutalité et des conditions déplorables de détention, qui ont sévèrement dégradé et traumatisé 24 détenus dont 2 enfants. Onze témoins oculaires ont reconnu Muammar al-Dhawi, le commandant de la Brigade 55, et Mohamed Al-Kabouti, le commandant effectif du centre de détention Maya, comme faisant partie des personnes portant la plus grande part de responsabilité dans les mauvais traitements systématiques infligés aux détenus dans ce centre.

65. Le Groupe d'experts a répertorié le même type d'actes violents commis dans un centre secret de détention de migrants, à savoir le centre Zahra, connu sous le nom de « Prison 55 » à Warchefana⁷⁰. Mohamed Al-Kabouti opérait ce centre, aux côtés d'autres individus gérant le Réseau de Zaouiya, dont Abd al-Rahman al-Milad (LYi.026), pendant la période d'avril 2021 à novembre 2022 (voir annexe 19).

Section Harcha

66. Le Groupe d'experts a établi également qu'Abd al-Rahman al-Milad (LYi.026) et un autre agent de la garde côtière libyenne, Haytham al-Tumi, avaient abusé de leur pouvoir en capturant illégalement des migrants en mer et en les ramenant dans des sites de détention irréguliers, sous le contrôle effectif de Tumi, dans le cadre de leur entreprise lucrative de traite et de trafic de personnes. Ce stratagème était coordonné par des trafiquants d'êtres humains et des passeurs locaux dans les zones côtières de Sabrata, Zaouiya et Zouara. Pendant leur détention illégale, quatre enfants ont été systématiquement contraints à du travail forcé dans des usines de construction de bateaux situées à Harcha et Zaouiya dont Abd al-Rahman al-Milad (LYi.026) et Haytham al-Tumi⁷¹ sont les propriétaires et les exploitants.

⁶⁷ 32° 46' 18.5" N, 12° 41' 46.7" E.

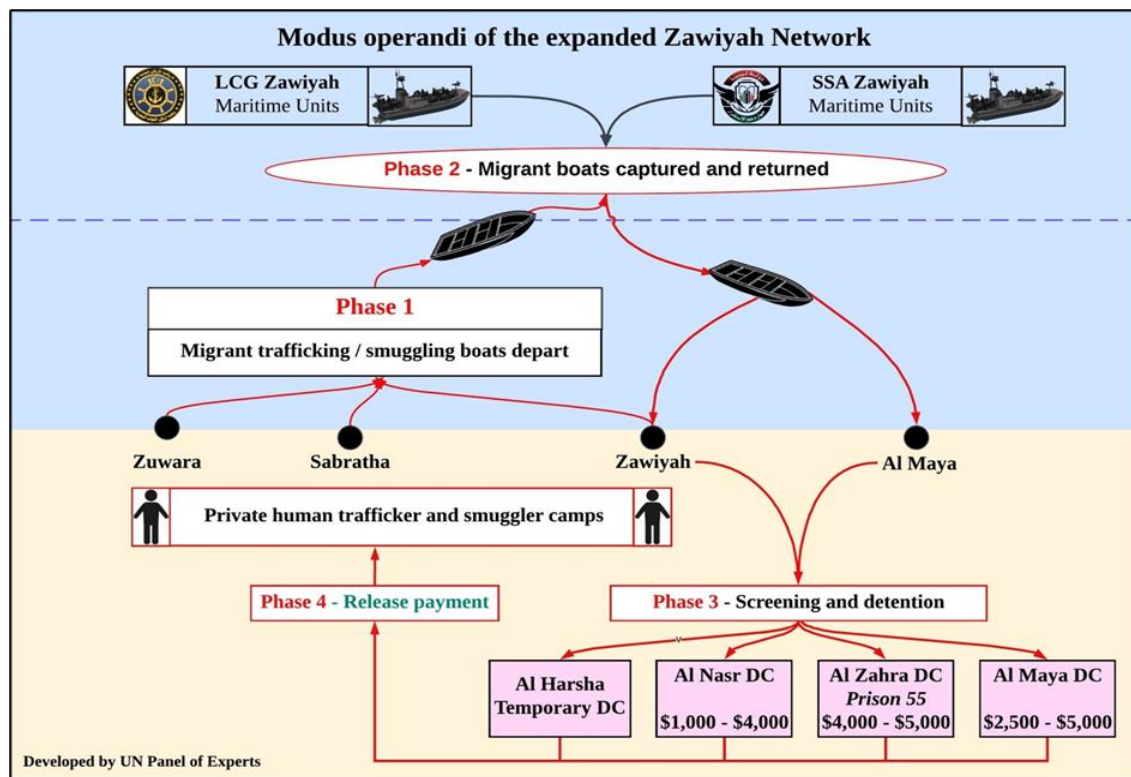
⁶⁸ S/2021/229, par. 46, et entretiens du Groupe d'experts avec d'anciens détenus (sources confidentielles 65 à 68 et 122).

⁶⁹ S/2022/427, par. 50 et 51.

⁷⁰ 32° 41' 34.7" N, 12° 52' 08.2" E.

⁷¹ Entretiens du Groupe d'experts avec d'anciens détenus (sources confidentielles 52 à 55).

Figure V
Modus operandi du Réseau de Zawiyah élargi



Service de la lutte contre l'immigration illégale

67. Pendant la période considérée, le Groupe d'experts a recensé une consolidation accrue des fonctions de supervision et de coordination exercées par les bureaux centraux du Service de la lutte contre l'immigration illégale à Tripoli sur le système officiel de détention des migrants en Libye. L'administration du Service a récemment agrandi le système, créant ou rouvrant six centres de détention dans l'ouest et le sud de la Libye⁷². Le système de détention des migrants compte à présent 30 centres de détention qui accueillent quelque 6 570 migrants⁷³.

68. Depuis le mois de mai 2023, la population de migrants dans les centres de détention du Service de la lutte contre l'immigration illégale a augmenté de 41 % à la suite d'arrestations et de détentions massives de migrants opérées par les entités chargées de la sécurité en Libye et les forces affiliées à Haftar en maints lieux dans les parties est et ouest de la Libye, notamment à Tripoli, Tobrouq et Zouara⁷⁴. Les migrants détenus continuent d'être privés de protection juridique ou humanitaire et n'ont pas d'accès régulier à des inspections administratives ou judiciaires internes ou à des observateurs humanitaires indépendants⁷⁵.

⁷² Situés à Baten el-Jabal, Daraj, Ghat, Sabha, Syrte et Tariq el-Matar.

⁷³ Le Groupe d'experts note que le nombre exact de migrants et de demandeurs d'asile détenus, ainsi que celui des centres de détention du Service de la lutte contre l'immigration illégale et de leur statut, fluctue fréquemment. Il a été communiqué le 25 juin 2023.

⁷⁴ Pour de plus amples informations sur les opérations d'arrestations massives visant des migrants dans la partie est de la Libye, voir annexe 21.

⁷⁵ Entretiens du Groupe d'experts avec les sources confidentielles 4, 5, 8, 9 et 132. Voir également S/2022/427, annexe 24.

69. Dans ce contexte, le Groupe d'experts a répertorié des maltraitances systématiques de détenus infligées pendant la période de mars à novembre 2022⁷⁶ par : a) des gardes individuels dans trois centres de détention relevant de l'autorité du Service de la lutte contre l'immigration illégale, à savoir Aïn Zara, Tariq el-Matar et Tariq el-Sikka, et dans l'aile non officielle du centre de détention d'Aïn Zara ; b) la direction effective des centres de détention officiels et non officiels d'Aïn Zara. Ces sévices ont été commis dans le cadre du montage financier illégal opéré par ce réseau aux fins d'obtenir des gains, pécuniaires et autres, de migrants détenus illégalement dans ces centres. Cinq détenus, dont deux adolescents non accompagnés de 12 et de 13 ans ont dit de manière concordante avoir été transférés entre ces centres de détention, dans le cadre du stratagème, où des gardes individuels les avaient soumis, ainsi que d'autres détenus, à des passages à tabac réguliers et les avaient gardés dans des conditions inhumaines, jusqu'à ce que leurs familles versent un montant en échange de leur libération, en recrutant des intermédiaires⁷⁷.

70. Parmi les individus responsables, Abdul Hakim al-Ramadan al-Sheikh, un directeur effectif du centre de détention d'Aïn Zara et commandant du Bataillon 42⁷⁸, a été identifié par quatre témoins oculaires comme étant directement responsable de la supervision du stratagème dans les ailes officielles et non officielles du centre de détention d'Aïn Zara et comme encadrant le travail forcé des détenus sur les sites de construction situés dans les parages du centre de détention.

71. Le stratagème comprenait quatre phases opérationnelles : a) le fait de chercher et ramener⁷⁹ les migrants en mer ; b) le transfert depuis les points de débarquement jusqu'aux centres de détention du Service de la lutte contre l'immigration illégale ; c) la maltraitance des détenus dans ces centres de détention ; d) la libération des détenus maltraités (voir annexe 20).

Forces affiliées à Haftar

72. Depuis la fin de 2020, des membres individuels des forces affiliées à Haftar ont utilisé un nombre croissant de réseaux de traite et de trafic d'êtres humains dans l'est de la Libye pour élaborer et contrôler un système d'exploitation de ces réseaux en échange de l'autorisation d'utiliser : a) l'aéroport de Benghazi (Benina) comme point d'entrée en Libye ; b) des camps provisoires et d'autres centres dans des lieux se trouvant sous le contrôle territorial des forces affiliées à Haftar ; c) des points de sortie de Libye pour les bateaux de migrants cherchant à atteindre les eaux internationales et à se diriger vers des ports d'Europe (voir annexe 21). Parmi les membres des unités des forces affiliées à Haftar qui percevaient régulièrement des paiements pour ces services se trouvaient : a) des membres des forces armées arabes libyennes contrôlant l'aéroport de Benghazi (Benina) ; b) des membres de l'unité des « hommes-grenouilles » de la garde côtière libyenne dans l'est, en coordination avec des unités maritimes du groupe 20/20 à Tobrouq et Moussaed ; c) des éléments de la brigade Tareq ibn Ziyad à Oum Saad⁸⁰.

⁷⁶ Entretiens du Groupe d'experts avec d'anciens détenus (sources confidentielles 38, 39, 99, 101, 110 et 114).

⁷⁷ Articles 7 à 9 du Pacte international relatif aux droits civils et politiques et article 37 de la Convention relative aux droits de l'enfant.

⁷⁸ Il a également représenté le Service de la lutte contre l'immigration illégale aux réunions du Comité mixte 6+6.

⁷⁹ Pour les définitions de « chercher et ramener » et « chercher et secourir », voir annexe 22.

⁸⁰ Entretiens du Groupe d'experts avec des témoins oculaires (sources confidentielles 25 à 27, 47 à 51, 88 à 95, 96 à 99, 104, 105 et 106).

Réponse des forces armées arabes libyennes aux constatations du Groupe d'experts

73. Le commandement des forces armées arabes libyennes a réfuté les constatations du Groupe d'experts au sujet de l'implication du groupe 20/20 affilié à Haftar, ou d'autres unités des forces armées arabes libyennes ou des forces affiliées à Haftar, dans les activités de traite d'êtres humains et de trafic illicite de migrants et les violations connexes du droit international des droits de l'homme, commises contre des migrants retenus dans des lieux étant sous le contrôle effectif des forces affiliées à Haftar. Le commandement des forces armées arabes libyennes a fait valoir que toutes les questions liées à la situation des migrants, notamment les activités répressives ou opérations de sécurité similaires, relevaient de la responsabilité du ministère de l'intérieur et en particulier des bureaux du Service de la lutte contre l'immigration illégale dans l'est⁸¹. Le commandement des forces armées arabes libyennes n'a fourni aucune preuve à l'appui au Groupe d'experts pour le convaincre de la véracité de ses dires. En fait, le Groupe d'experts dispose d'amples preuves documentaires et testimoniales, obtenues de manière indépendante, corroborant ses constatations (voir annexe 21).

III. Application de l'embargo sur les armes

74. Conformément aux paragraphes 9 à 13 de la résolution 1970 (2011), modifiés par les résolutions ultérieures, le Groupe d'experts a continué de recenser et de surveiller les violations⁸² et le non-respect⁸³ de l'embargo sur les armes et d'enquêter sur ces violations. Il a continué d'affiner et d'utiliser les indicateurs de profil relatifs aux expéditions maritimes ou aériennes pour aider à déterminer la probabilité de violations et d'occurrences et définir ainsi le champ de ses enquêtes (voir annexe 23). De multiples indicateurs sont nécessaires avant de classer un navire, un aéronef ou une compagnie aérienne comme présentant un intérêt pour le Groupe d'experts ou avant de signaler des violations ou un cas de non-respect.

75. L'embargo sur les armes continuera d'être d'une inefficacité totale, tant que des États Membres contrôleront les flux logistiques et les chaînes d'approvisionnement aux parties au conflit qu'ils appuient. Exception faite de quelques saisies de matériel, aucune action n'a été menée contre les personnes et entités signalées comme ayant violé l'embargo sur les armes et qui remplissent les critères cités à l'alinéa e) du paragraphe 11 de la résolution 2213 (2015). Par conséquent, tout effet dissuasif du

⁸¹ Réponse du commandement général des forces armées arabes libyennes du 26 juin 2023 et entretien en ligne du Groupe d'experts avec le commandement général de ces forces (9 juillet 2023).

⁸² Le Groupe d'experts considère qu'une « violation » s'est produite lorsqu'il y a eu un transfert physique d'armes et de matériel militaire, une formation ou la fourniture d'un appui matériel. Il a utilisé précédemment le terme de « violation technique » pour désigner le transfert provisoire de matériel militaire en Libye, comme des navires et des avions-cargos militaires, lorsqu'il n'y a pas d'intention réelle ou crédible de fournir des capacités militaires aux parties au conflit ; par exemple l'emploi d'avions ou de navires militaires par des États Membres pour ravitailler des missions diplomatiques, livrer des articles humanitaires ou fournir une aide humanitaire. La recommandation du Groupe d'experts concernant ces cas de figure dans le rapport S/2022/427 (par. 60 et recommandation 1) n'a pas été adoptée. Par conséquent, ces faits sont signalés comme des « violations » car le terme « violation technique » n'a pas été adopté.

⁸³ Par « non-respect », on entend une situation où une entité n'a pas pris les mesures appropriées imposées par la résolution, par exemple pour empêcher une violation, et n'a pas inspecté les aéronefs ou les navires à destination de la Libye ou fourni les informations requises ou demandées au Comité ou à son groupe d'experts. Par « non-respect technique », on entend les rares situations où l'on ne peut pas raisonnablement s'attendre à ce que la partie responsable sache, au moment du transfert, qu'il pourrait s'agir d'un cas de non-respect et qu'elle devrait agir pour améliorer ses protocoles de diligence raisonnable et sa procédure.

régime des sanctions demeure très faible et les résolutions du Conseil sont traitées par le mépris en toute impunité.

76. Le 9 juin 2023, la Libye a mis à jour sa liste de 2018⁸⁴ des signataires autorisés concernant les certificats d'utilisateur final, conformément à la note de bas de page 3 de la Notice d'aide à l'application n° 2 du Comité du 11 septembre 2014⁸⁵. Malgré les demandes régulières faites par le Comité à la Libye, la liste des forces déclarées placées sous le contrôle du Gouvernement libyen, conformément au paragraphe 6 de la résolution 2278 (2016), rappelé dans le préambule de la résolution 2292 (2016) et énoncé au paragraphe 6 de la résolution 2362 (2017), n'a pas été actualisée depuis le 30 mai 2017⁸⁶. Au moment de l'établissement du présent rapport, les forces déclarées comme étant placées sous le contrôle des autorités continuent d'être la garde côtière libyenne, les unités chargées de la neutralisation des explosifs et munitions et la Garde présidentielle du Gouvernement d'entente nationale, qui n'est plus une unité constituée (voir annexe 24). Cette situation entrave considérablement les options dont dispose le Gouvernement libyen pour l'achat de matériel militaire, en conformité avec l'embargo sur les armes. [Recommandation 1].

77. Plus de 12 ans se sont écoulés depuis l'imposition par le Conseil de sécurité, dans sa résolution 1970 (2011), de mesures restrictives sur la fourniture et le transfert d'armes et de matériel militaire à la Libye. On trouvera à l'annexe 25 un résumé des types d'armes et de matériel militaire qui ont été transférés en Libye pendant cette période, en violation du paragraphe 9 de cette résolution. Il illustre les types et la complexité technique des armes et du matériel militaire qui sont aujourd'hui disponibles en Libye et sert de point de départ pour aider à l'identification de violations futures.

78. Au paragraphe 19 de sa résolution 2213 (2015), le Conseil de sécurité a demandé aux États Membres de faire inspecter sur leur territoire les navires et aéronefs en provenance ou à destination de la Libye, si l'État concerné disposait d'informations donnant des motifs raisonnables de penser qu'ils transportaient des articles interdits au paragraphe 9 de la résolution 1970 (2011). Le Groupe d'experts estime que les détails figurant dans les lettres qu'il avait adressées aux États Membres concernés, ainsi que d'amples informations provenant de sources en libre accès, donnaient des motifs suffisants dans beaucoup de cas pour conduire des inspections. Il estime donc que l'Égypte, les Émirats arabes unis, la Jordanie et la République arabe syrienne ne sont pas en conformité avec le paragraphe 19 de la résolution 2213 (2015), car ils n'ont pas inspecté les cargaisons de navires marchands ou d'avions de ligne suspects à destination de la Libye, qui provenaient de leur territoire ou transitaient par leur territoire, alors qu'ils avaient des motifs raisonnables de le faire.

A. Violations, non-respect et autres questions maritimes

1. Acteurs maritimes libyens

79. Depuis le précédent rapport du Groupe d'experts (voir S/2022/427, par. 65)⁸⁷, les capacités et les chaînes de commandement des entités maritimes libyennes ont évolué. L'unité maritime de l'Organisme d'appui à la stabilité a été intégrée officiellement dans l'Administration générale de la sécurité côtière, sous le contrôle

⁸⁴ Le 21 décembre 2018.

⁸⁵ Consultable à l'adresse suivante : www.un.org/securitycouncil/sites/www.un.org.securitycouncil/files/1970_ian2_f.pdf.

⁸⁶ Le 27 octobre 2020, le 25 mai 2021 et le 31 mars 2023. Voir également S/2022/427, par. 67 et recommandation 2.

⁸⁷ Voir S/2022/427, par. 65.

du Ministère de l'intérieur⁸⁸. L'Organisme d'appui à la stabilité a ajouté à sa flotte au moins quatre petits navires de type civil. L'Administration générale de la sécurité côtière a reçu six embarcations gonflables à coque rigide 900 PRO DPS de l'Italie dans le cadre d'un projet financé par l'Union européenne⁸⁹. L'Italie a informé le Groupe d'experts le 1^{er} juin 2023 qu'elle livrerait trois navires de recherche et de sauvetage de la classe 300 à la garde côtière libyenne dans le cadre du même projet. Elle a fourni à cet égard au Groupe d'experts des spécifications techniques et des détails sur les deux types de navire. Le Groupe d'experts estime que ni l'un ni l'autre ne relève du champ d'application de l'embargo sur les armes. Il a poursuivi son enquête sur la fourniture de navires qu'il range dans la catégorie du matériel militaire (voir annexe 26).

2. Le navire marchand *Luccello/Victory RoRo*

80. Dans son rapport [S/2022/427](#), le Groupe d'experts avait rapporté que 100 véhicules blindés militaires Spartan-2 avaient été livrés à Benghazi le 4 mars 2020⁹⁰ par le navire marchand *Luccello* (numéro Organisation maritime internationale (OMI) d'identification du navire n° 7800112)⁹¹ en violation de l'embargo sur les armes. Le 2 mai 2022, 50 de ces véhicules blindés avaient été transférés de Benghazi à Tripoli à bord du même navire⁹² mais sous un nouveau nom, le *Victory RoRo*, et un nouvel État du pavillon⁹³. Durant la traversée, le navire avait quitté puis réintégré les eaux territoriales libyennes, violant à nouveau l'embargo sur les armes. On voit sur une photographie en accès libre les véhicules se dirigeant vers l'est, depuis le port de Tripoli (voir annexe 27). Une nouvelle cargaison d'armes à destination de la Libye à bord du *Victory RoRo* a été bloquée le 18 juillet 2022 (voir par. 103).

3. Navires étrangers

81. Pendant la période considérée, des navires de pays tiers ont continué d'entrer dans les eaux territoriales libyennes, notamment pour livrer des articles ou mener des activités tombant sous le coup d'une exception ou ayant fait l'objet d'une dérogation de l'embargo sur les armes (voir tableau 1). Le Groupe d'experts continue de suivre la pratique établie par le Comité et lui-même, concernant l'interprétation de l'embargo sur les armes, étant entendu que les exceptions à l'embargo ne s'appliquent explicitement pas aux vecteurs des articles ou aux activités tombant sous le coup d'une exception⁹⁴. Ni les résolutions pertinentes ni les directives émises par le Comité n'autorisent explicitement l'entrée d'un navire, d'un aéronef ou d'un véhicule relevant lui-même de l'embargo sur les armes, dans des cas où un tel navire, aéronef ou véhicule servirait à livrer des articles ou à mener des activités ne relevant pas de l'embargo sur les armes. D'après l'estimation du Groupe d'experts, l'entrée d'un tel mode de transport sur le territoire libyen, sans l'aval préalable du Comité, même pour une durée limitée, constitue une violation⁹⁵ de l'embargo sur les armes (voir

⁸⁸ Voir également annexe 19.

⁸⁹ Programme de soutien à la gestion intégrée des frontières et des migrations en Libye dans le cadre du fonds d'affectation spéciale de l'Union européenne pour l'Afrique.

⁹⁰ Voir [S/2022/427](#), tableau 1 et annexe 30.

⁹¹ Navire sous pavillon comorien.

⁹² Bases de données maritimes et entretien avec un membre de l'équipage du *Victory RoRo* (28 juillet 2022).

⁹³ Navire sous pavillon équato-guinéen.

⁹⁴ [S/2022/427](#), par. 60 et recommandation 1.

⁹⁵ Cela constitue ce que le Groupe d'experts qualifie de « violation technique ». Dans le rapport [S/2022/427](#) (par. 60 et note de bas de page 82), le Groupe d'experts a évoqué la question des « violations techniques ». La recommandation y relative n'a pas été adoptée. Étant donné que la recommandation et le terme « violation technique » sont intrinsèquement liés, le Groupe d'experts ne peut plus logiquement employer ce terme concernant l'utilisation de navires et d'aéronefs

annexe 28). Le Groupe d'experts continuera par conséquent de signaler les navires étrangers qui entrent sur le territoire libyen (voir tableau 1 et annexe 29).

Tableau 1
Navires étrangers entrant sur le territoire libyen

<i>Pays</i>	<i>Navire</i>	<i>Articles livrés ou activité menée</i>
Italie	Navire de transport côtier <i>Tremiti</i> (A5348)	<ul style="list-style-type: none"> • Observé par le Groupe d'experts à la base navale d'Abou Sitta en janvier 2023 • Un des trois navires de la classe Gorgona présent à Abou Sitta par roulement depuis 2018
Malte	Patrouilleur de haute mer (P 61)	<ul style="list-style-type: none"> • Demande de dérogation au titre de l'alinéa c) du paragraphe 9 de la résolution 1970 (2011) concernant le matériel et le vecteur relatifs à une mission diplomatique (navire) • Demande de dérogation approuvée par le Comité ; Malte l'a notifié à nouveau de l'utilisation d'un navire avant livraison
Türkiye	Frégates de classe Gabya (classe-G)	<ul style="list-style-type: none"> • Deux frégates de classe G étaient amarrées par roulement au port militaire et au chantier naval de Khoms durant des mois
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord	Quai de transport amphibie <i>HMS Albion</i> (L 14)	<ul style="list-style-type: none"> • Visite destinée à un entraînement faisant l'objet d'une exception au titre du paragraphe 10 de la résolution 2095 (2013) • Aucune demande de dérogation n'a été présentée au Comité concernant l'entrée du navire dans les eaux territoriales libyennes

4. « Zones d'exclusion » et « zones interdites » des forces affiliées à Haftar

82. Dans rapport S/2022/427, le Groupe d'experts avait signalé les activités de membres d'une unité maritime des forces affiliées à Haftar et les zones maritimes proclamées illégalement par ces forces⁹⁶. Le 9 juin 2022, le président de l'Autorité libyenne des ports et des transports maritimes a informé l'OMI que le secteur cité par le Groupe d'experts comme étant une « zone interdite » avait été « récemment annulé » (voir la lettre à l'annexe 30). L'Autorité a ensuite cherché à rétablir la zone par l'entremise de la Mission permanente de la Libye auprès de l'OMI, avant de retirer sa demande.

83. Le 7 octobre 2022, Antigua-et-Barbuda a déposé une plainte auprès de l'OMI selon laquelle, le 24 mai et le 21 septembre 2022, deux navires marchands battant son pavillon, le *Corona J* (numéro OMI 9238686)⁹⁷ et le *Rogaland* (numéro OMI 9505596), avaient été soumis à des actes que le Groupe d'experts a qualifiés de

militaires visant à livrer des articles à la Libye ou à conduire des activités non visées par l'embargo.

⁹⁶ Par. 68 à 71.

⁹⁷ Voir également S/2022/427, annexe 28, pour des informations sur un incident survenu en 2021 concernant le même navire.

piraterie (voir annexe 31)⁹⁸. Les points d'interception se trouvaient hors des eaux territoriales libyennes et de la « zone interdite ».

84. Le Groupe d'experts a poursuivi son enquête sur la chaîne de ravitaillement des embarcations gonflables à coque rigide utilisées par les unités maritimes des forces affiliées à Haftar, qui étaient impliquées dans les cas précédemment signalés (voir annexe 26).

B. Violations relatives à des transferts d'armes et à une formation militaire

1. Contexte

85. Le Groupe d'experts a établi que 12 transferts d'armes⁹⁹ et 7 activités de formation militaire¹⁰⁰ qui constituaient des violations des dispositions du paragraphe 9 de la résolution 1970 (2011) s'étaient produits durant la période considérée. Il a également recensé cinq violations sur le plan du transfert d'armes et deux sur le plan de la formation, qui n'avaient pas été signalées durant les précédentes périodes considérées ; elles ont été intégrées au présent rapport pour apporter des éléments de preuve concernant les données de référence à l'annexe 25. Le Groupe d'experts a également été en mesure d'attribuer la responsabilité dans deux cas qui avaient été cités comme étant non identifiés dans son rapport S/2021/229.

86. Les violations de l'embargo sur les armes sont présentées dans un tableau chronologique à l'annexe 32, pour en faciliter la consultation. On trouvera des infographies sur les cas de violations dans les annexes 33 à 57.

2. Formation militaire fournie par la Türkiye aux Forces armées du Gouvernement d'unité nationale

87. Dans son rapport S/2022/427, le Groupe d'experts avait rendu compte de la formation fournie aux Forces armées du Gouvernement d'unité nationale par les Forces armées turques¹⁰¹. Cette formation s'est poursuivie pendant la période considérée en Libye et en Türkiye, mais avec une moindre fréquence. Le Groupe d'experts continue d'estimer que si une certaine formation spécialisée fournie par la Türkiye, par exemple dans le domaine de la neutralisation des explosifs et munitions¹⁰², relève de la dérogation à titre humanitaire prévue au paragraphe 9 de la résolution 2095 (2013), le reste, voire le gros, de la formation militaire dispensée aux Forces armées du Gouvernement d'unité nationale constitue clairement une violation du paragraphe 9 de la résolution 1970 (2011).

⁹⁸ Ibid.

⁹⁹ Par « transfert », on entend un transfert d'armes et de matériel militaire.

¹⁰⁰ Par « formation », on entend une formation assurée par une partie tierce et liée à des activités militaires.

¹⁰¹ Par. 76.

¹⁰² Voir <https://twitter.com/tcsavunma/status/1475029180207271942> (26 décembre 2021) et <https://twitter.com/Oded121351/status/1475831938514575365> (28 décembre 2021).

3. Accord de formation des forces spéciales signé avec l'Italie

88. Le Groupe d'experts a noté que les médias sociaux officiels des Forces armées du Gouvernement d'unité nationale¹⁰³ et des médias en accès libre¹⁰⁴ avaient signalé la signature d'un accord technique à Rome le 20 mars 2023 entre de hauts responsables italiens et libyens sur la formation de forces libyennes spéciales. Le Groupe d'experts a demandé à l'Italie et à la Libye des informations sur le type de formation à fournir¹⁰⁵ pour s'assurer qu'elle ne relevait pas des dispositions du paragraphe 9 de la résolution 1970 (2011). Le 31 mai 2023, la Libye a répondu que bien que l'accord ne prévoie pas d'armes, il couvrait la formation des Forces armées libyennes. Elle n'a pas fourni suffisamment d'informations pour indiquer au Groupe d'experts que cette formation ne constituerait pas une violation du paragraphe 9 de la résolution 1970 (2011). L'Italie n'a pas encore répondu.

4. Trafic de fourmis

89. Le trafic de fourmis, signalé par le Groupe d'experts dans son rapport S/2022/427¹⁰⁶, s'est poursuivi, même si les saisies demeurent rares. Pendant la période considérée, une seule saisie de 32 armes a été signalée en Égypte le 9 mai 2022 près de l'oasis de Siwa¹⁰⁷. Le traçage de ces armes n'a pas été possible, les numéros de série ayant été effacés, ce qui porte à croire, selon le Groupe d'experts, qu'elles ont été utilisées par des groupes de criminalité organisée.

C. Violations et non-respect sur le plan de l'aviation

1. Avions-cargos militaires¹⁰⁸

90. Des aéronefs militaires d'États Membres ont continué d'emprunter des aéroports libyens, quoique à des niveaux beaucoup plus réduits, comparé à 2021 et 2022. Le Groupe d'experts a demandé des précisions en novembre 2022 quant à l'objet de ces vols, aux quatre États Membres qui ont le plus souvent procédé à l'atterrissage d'aéronefs militaires en Libye :

a) la Fédération de Russie a répondu le 14 décembre 2022 que « des aéronefs des forces armées russes n'avaient pas livré à la Libye de cargaisons relevant de l'embargo sur les armes » ;

b) la Türkiye a répondu le 30 décembre 2022 que « ces vols avaient trait au transport de matériel provisoire à l'usage des conseillers militaires turcs stationnés en Libye et pour la rotation périodique de leur personnel ». Elle a ajouté que « ces vols entraient dans le champ d'application du mémorandum d'accord du 27 novembre 2019 signé dans le domaine de la sécurité et de la coopération militaire entre la Türkiye et les Forces armées du Gouvernement d'entente nationale¹⁰⁹ ;

c) le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord a répondu le 14 janvier 2023 qu'il avait « examiné les manifestes des cargaisons de ces vols et

¹⁰³ Voir www.facebook.com/The.presidency.of.the.General.Staff.To.Libyan.Army/posts/pfbid02vKqmsCLVseooiiDrTCdjma4Mkb4aM1HNqFbwggNQ78HKfSVniVrdKpbT97CX5ZiFI?_rdc=1&_rdr (20 mars 2023).

¹⁰⁴ Voir www.agenzianova.com/en/news/Difesa-Italia-will-train-Libya%27s-special-forces/ (22 mars 2023) et <https://libyareview.com/32961/italy-libya-sign-agreement-to-train-special-forces/> (23 mars 2023).

¹⁰⁵ Lettre du 23 mars 2023.

¹⁰⁶ Par. 78.

¹⁰⁷ Twitter.com, EgyArmySpox (9 mai 2022). Confirmé par un État Membre.

¹⁰⁸ S/2022/427, par. 60 et recommandation 1.

¹⁰⁹ Voir www.resmigazete.gov.tr/eskiler/2019/12/20191226-3.pdf (26 décembre 2019).

pouvait confirmer qu'elles étaient conformes au paragraphe 9 de la résolution 1970 (2011) ». Il a déclaré qu'il fournirait désormais, à des fins de transparence, des rapports en toute bonne foi au Comité, immédiatement après de tels vols¹¹⁰ ;

d) les États-Unis d'Amérique n'ont pas encore répondu.

91. Le Groupe d'experts a adressé la même demande à l'Italie, le 13 février, ainsi qu'au Maroc, le 23 juin 2023. L'Italie a répondu le 28 avril 2023 que les avions transportaient « du matériel, des effets personnels et des fournitures alimentaires », « des équipements et des matériels destinés au contingent militaire italien » ou servaient au « transport du personnel ». Le Maroc a répondu le 27 juin 2023 qu'il avait affrété un vol pour transporter une équipe de football à Benghazi dans le cadre d'une rencontre sportive¹¹¹.

92. Sur tous les États Membres qui ont donné suite aux demandes d'information sur la question, seul le Maroc était disposé à communiquer les documents demandés par le Groupe d'experts, tels que les lettres de transport aérien et les manifestes de cargaison, pour apporter des précisions sur l'objet de ces vols.

93. Malgré leurs réponses, ces États Membres sont tous en violation des dispositions du paragraphe 9 de la résolution 1970 (2011). Cette question a été soulevée à maintes reprises par le Groupe d'experts¹¹² qui en explique les raisons à l'annexe 28.

2. Violations et non-respect sur le plan de l'aviation

94. Le Groupe d'experts a répertorié la présence constante d'aéronefs sur des aérodromes qui sont sous le contrôle de groupes armés affiliés à Khalifa Haftar et sont probablement munis de faux numéros d'immatriculation. Certains de ces appareils ont été observés utilisant des aérodromes égyptiens et jordaniens. Les enquêtes sur les vols effectués par ces aéronefs se poursuivent. On trouvera des données sur ces aéronefs dans le tableau 2.

Tableau 2

Violations et non-respect sur le plan de l'aviation (y compris les mises à jour)

Date	Utilisateur final	Aéronef	Détails de la violation ou du non-respect	Partie responsable	Observations/source
24 janvier 2021	Forces affiliées à Haftar	AN-12A (2340806) ^a	Le Groupe d'experts convient à présent que Jupiter Jet LLC avait repeint les marques sur un AN-220 avant son transfert à Space Cargo Inc	Jordanie Forces affiliées à Haftar Space Cargo Inc	Confirmé comme volant avec de fausses marques burundaises 9U-BBD Voir S/2022/427, annexes 26, 89 et 97 Voir annexe 58
29 mars 2021	Forces affiliées à Haftar	AN-26 (14209)	Identifié comme opérant à partir de l'aéroport de Khadem (HL59) en Libye après la rupture d'un contrat avec une	Forces affiliées à Haftar Arden Aviation Group	Volait très probablement avec de fausses marques burundaises 9U-BBB Voir annexe 59

¹¹⁰ Le 13 mars et le 15 mai 2023, couvrant quatre vols en tout.

¹¹¹ L'équipe de l'association sportive des Forces armées royales a perdu le match de football de la Coupe des champions des clubs arabes 3 buts à 1, mais s'est qualifiée pour le second tour (5-4) au total des points.

¹¹² S/2022/427, par. 60 et recommandation 1.

<i>Date</i>	<i>Utilisateur final</i>	<i>Aéronef</i>	<i>Détails de la violation ou du non-respect</i>	<i>Partie responsable</i>	<i>Observations/source</i>
			compagnie aérienne africaine		
12 février 2022	Forces affiliées à Haftar	AN-12BP (5342908)	Identifié comme opérant à l'appui des forces affiliées à Haftar à l'aéroport international du Caire	Égypte Forces affiliées à Haftar Space Cargo Inc	Confirmé comme volant avec de fausses marques burundaises 9U-BBC Voir S/2022/427, annexes 26, 89 et 97 Voir annexe 60
24 juin 2022	Forces affiliées à Haftar	IL-76TD (63471147) (EX-76005)	BU Shames FZE, identifié comme un exploitant d'aéronef	BU Shames FZE	Voir S/2022/427, tableau 93.3 et annexe 97 Volant en tant que EX-76005 Voir annexe 61
13 novembre 2022	Forces affiliées à Haftar	IL-76TD	Identifié comme volant dans l'espace aérien jordanien sur les routes 9U-ILO communes avec la Libye. En mars 2023, il a changé de numéro, devenu le 9U-BVU		Volait très probablement avec de fausses marques burundaises 9U-ILO et ensuite 9U-BVU Voir annexe 62
16 avril 2022	Forces affiliées à Haftar	IL-76TD (1023411368) (EX-76006)	Identifié comme opérant depuis Abou Dhabi à Benghazi à l'aide de faux documents de vol	FlySky Airlines (FSQ)	Voir annexe 63

^a Numéro de série du fabricant.

3. Utilisation d'avions d'affaires par Haftar

95. Le Groupe d'experts a surveillé l'utilisation d'avions d'affaires affrétés par Khalifa Haftar durant les trois précédentes périodes. Il considère à présent que ces aéronefs fournissent souvent un appui militaire aux forces affiliées à Haftar. Ils ont servi par exemple à transporter Khalifa Haftar et ses hommes à des manifestations comme le défilé militaire qui s'est déroulé à l'aéroport de Sabha le 18 octobre 2022 (voir annexe 64)¹¹³.

96. Les appareils sont fournis par la société émirienne Falcon Wings LLC¹¹⁴. Elle est totalement contrôlée par Haitem M A Albuashi, un Libyen résidant aux Émirats arabes unis, qui a d'étroits liens familiaux, tribaux et commerciaux avec Khalifa Haftar (voir annexe 65). Dans des communications datées du 24 novembre et du 28 décembre 2022, le Groupe d'experts a offert à Falcon Wings LLC une occasion de répondre par ses conseillers désignés, GA Political Limited (Royaume-Uni)¹¹⁵. Le

¹¹³ D'autres vols comprennent le P4-BAR qui se rendait de Benghazi à Rome le 3 mars 2023 pour emmener Khalifa Haftar à des réunions avec les autorités italiennes.

¹¹⁴ www.falconwings.com/en/.

¹¹⁵ GA Political affirme être le « conseiller juridique » de Falcon Wings LLC, mais son numéro d'immatriculation (11882064) indique que « la nature de son activité relève d'une organisation politique ». Voir <https://ga-political.com>.

10 mars 2023, GA Political a répondu au Groupe d'experts : « Après vérification avec nos avocats, nous ne faisons l'objet d'aucune enquête juridique et ne pouvons donc donner suite à vos demandes ». Le Groupe d'experts considère que la fourniture par Falcon Wings LLC de ces aéronefs aux forces affiliées à Haftar est une violation du paragraphe 9 de la résolution [1970 \(2011\)](#) au titre de la disposition relative à « toute assistance en rapport avec des activités militaires ». Il a également établi que Falcon Wings LLC avait agi en violation des dispositions du paragraphe 14 de la résolution [2644 \(2022\)](#), du fait qu'il n'avait pas coopéré pleinement avec lui, n'ayant communiqué aucune information dont il disposait.

D. Violations par des sociétés militaires privées

1. Mise à jour concernant le « Project Opus »

97. Dans son rapport [S/2021/229](#), le Groupe d'experts avait indiqué que le « Project Opus » avait déployé un Pilatus PC-6, trois hélicoptères AS332L Super Puma et trois hélicoptères SA-341 Gazelle¹¹⁶. Il a établi que tous ces aéronefs étaient à présent pleinement opérationnels et utilisés par les forces affiliées à Haftar (voir annexe 66). La société Lancaster-6 DMCC (ou L-6 FZE) n'a pas répondu aux nouvelles demandes d'informations adressées par le Groupe d'experts, par l'entremise de ses avocats. Il a écrit aux Émirats arabes unis le 25 mai 2023, demandant des précisions au sujet des sociétés du « Project Opus » mais n'a pas encore reçu de réponse.

98. Le Groupe d'experts a également reçu l'imagerie de l'inspection conduite à Chypre en octobre 2021 d'un aéronef LASA T-Bird (numéro d'immatriculation YU-TSH), dont le dernier propriétaire connu était L-6 FZE (Émirats arabes unis). L'imagerie a confirmé que les points d'attache nécessaires avaient été installés sur les ailes de l'avion en vue du transport et du déploiement d'armes, ce qui le définissait comme du matériel militaire au titre de l'embargo sur les armes. Le Groupe d'experts a confirmé qu'Opus Capital Assets Limited FZE¹¹⁷ avait donné pour instruction à une société aéronautique chypriote de rajouter des marques sur l'appareil, afin de lui donner un aspect plus civil. La société de sous-traitance à Chypre a reçu, depuis octobre 2019, des versements d'un montant de 106 810 euros relatifs à des frais de maintenance et de hangar, recouvrant les versements effectués par 8LANG DMCC¹¹⁸ (ou 8-LANG DMCC), une société émirienne agréée au nom de Christian Paul Durrant. Elle n'avait pas été précédemment identifiée en relation avec cet appareil et avait pris la relève à Chypre de Lancaster 6 DMCC au mois octobre 2020¹¹⁹ pour ce qui était des paiements (voir annexe 67).

2. Organisation ChVK Wagner

99. Une enquête menée conjointement avec le Groupe d'experts sur la République centrafricaine créé par la résolution [2127 \(2013\)](#) a établi que les aéronefs-cargos exploités par ChVK Wagner¹²⁰ s'étaient servis d'aérodromes militaires libyens¹²¹ alors qu'ils se rendaient de l'aéroport de Lattaquié (République arabe syrienne) à l'aéroport M'Poko de Bangui¹²². Le Groupe d'experts avait mentionné ces aéronefs

¹¹⁶ [S/2021/229](#), annexe 76.

¹¹⁷ Ibid.

¹¹⁸ www.8-lang.com/.

¹¹⁹ Le Groupe d'experts a établi que Durrant et Lancaster 6 DMCC avaient violé le paragraphe 9 de la résolution [1970 \(2011\)](#). Voir [S/2021/229](#), par. 86 et annexe 76.

¹²⁰ IL-18 (TL-KBR) et IL-76 (TL-KMZ).

¹²¹ Khadem (HL59) et Jouffra (HL69).

¹²² [S/2023/87](#), par. 46 à 48, et [S/2023/360](#), par. 97 à 100.

dans son rapport [S/2022/427](#)¹²³. On trouvera des informations actualisées s'y rapportant aux annexes 68 et 69.

E. Mesures prises face aux tentatives de violation de l'embargo sur les armes

1. Libye

100. Le 4 mars 2023, les autorités à Misrata ont saisi 12 000 pistolets dissimulés parmi des articles ménagers dans un conteneur d'expédition. Le Groupe d'experts a obtenu des documents d'envoi confidentiels et établi que les articles comprenaient des pistolets à blanc Retay Falcon de 9 mm¹²⁴. Le conteneur était destiné au départ à un destinataire à Saint-Kitts-et-Nevis, mais avait été détourné en chemin à Misrata à la demande du vendeur turc, Capra Arms Savunma Ve Silah Sanayi San Tic Ltd. Le nouveau destinataire était la société Al-Takamul Al-Afriqii, sise à Misrata. Si les documents d'exportation et de chargement mentionnaient bien les pistolets à blanc, les documents délivrés après le détournement, eux, les avaient omis. Ni la société ni la Libye n'ont donné suite aux lettres adressées par le Groupe d'experts (voir annexe 70).

2. Malte

101. Le 10 décembre 2022, Malte a pris des mesures, conformément aux dispositions du paragraphe 9 de la résolution [1970 \(2011\)](#), pour veiller à ce que l'activité de formation prévue impliquant un groupe armé¹²⁵ qui avait été demandée par le Gouvernement de stabilité nationale¹²⁶ ne viole pas l'embargo sur les armes. Huit agents privés militaires ont été empêchés, à titre provisoire, d'embarquer dans un avion privé affrété pour Benghazi tant que de nouvelles précisions sur leurs activités n'avaient pas été fournies. Ils ont obtenu l'autorisation de voyager, trois jours plus tard mais ont, depuis, reporté leurs activités en Libye.

3. Réponse régionale

102. Par ses résolutions [2635 \(2022\)](#) et [2684 \(2023\)](#), le Conseil a prorogé au 3 juin 2023 et au 2 juin 2024, respectivement, l'autorité relative à l'inspection des navires en haute mer au large de la Libye¹²⁷. Des inspections régulières ont été entreprises durant la période considérée par l'opération IRINI, ce qui a mené à deux saisies de matériel militaire (voir par. 101 à 108).

Le Victory RoRo (anciennement Luccello)

103. Le 18 juillet 2022, les membres de l'opération IRINI sont montés à bord du navire marchand *Victory RoRo* (numéro OMI 7800112) battant pavillon équato-guinéen alors qu'il se rendait d'Aqaba (Jordanie) à Benghazi et ont saisi 107 des véhicules transportés. Le Groupe d'experts a inspecté les véhicules dans le port de détournement et noté qu'ils avaient été modifiés de telle façon qu'ils pouvaient relever du champ d'application des dispositions du paragraphe 9 de la résolution

¹²³ Voir annexe 95.

¹²⁴ Le Groupe d'experts avait décrit en détail les importations antérieures d'armes à feu à blanc destinées à être transformées en armes à feu réel, voire à être réexportées de Libye. Voir [S/2017/466](#), annexe 46, [S/2018/812](#), par. 123 et annexe 35, [S/2019/914](#), par. 65 et annexes 29 et 30, et [S/2022/427](#), annexe 60.

¹²⁵ Cité dans la documentation d'appui de la Libye en tant que « Forces spéciales libyennes ».

¹²⁶ [S/2022/427](#), note de bas de page 13.

¹²⁷ Autorité accordée pour la première fois dans la résolution [2292 \(2016\)](#), par. 3 et 4.

1970 (2011), s'ils avaient été livrés à Benghazi. Il a établi qu'au moins 13 des véhicules avaient été blindés par la société VIP Armouring Industry Company, sise à Amman. Ni la société ni la Jordanie n'ont donné suite aux lettres adressées par le Groupe d'experts.

104. Le navire marchand *Victory RoRo*, qui naviguait précédemment sous le nom de *Luccello* (voir par. 80), a pour propriétaire et exploitant Yildirim Shipping Co., immatriculé au Libéria, qui a pratiquement la même adresse à Mersin (Türkiye), en tant que propriétaire et exploitant du *Luccello*, Medred Ship Management Co. Ltd.¹²⁸. Selon plusieurs indices, une autre entreprise à Mersin, Legend International Logistic Co. Ltd., est la société associée ou la société mère des deux entreprises.

105. Les véhicules de base ont été vendus par deux fabricants dans des configurations civiles à sept distributeurs dans cinq pays du Golfe, lesquels ont revendu les véhicules à des revendeurs de flotte et à d'autres revendeurs. Le Groupe d'experts n'a pour le moment pas pu remonter la trace de 41 véhicules en Jordanie, notamment les 13 précités. Il continue d'enquêter sur la chaîne d'approvisionnement (voir annexe 71).

Le navire marchand Meerdijk

106. Le 11 octobre 2022, les membres de l'opération IRINI sont montés à bord du *Meerdijk* (numéro OMI 9377925) battant pavillon néerlandais, qui se rendait de Jebel Ali (Émirats arabes unis) à Benghazi et ont saisi 41 véhicules se trouvant à bord. Le Groupe d'experts a inspecté les véhicules dans le port de détournement et noté qu'ils avaient des caractéristiques conformes à des véhicules militaires blindés produits par The Armored Group (TAG). Il a ensuite établi qu'il s'agissait de véhicules militaires blindés de type BATT UMG produits par TAG Middle East FZC, une société immatriculée aux Émirats arabes unis faisant partie de la structure de commercialisation mondiale de TAG LLC (États-Unis).

107. D'après les documents de fret et un membre de l'équipage interrogé par le Groupe d'experts, Benghazi était la destination finale des véhicules. Le propriétaire et exploitant néerlandais du navire marchand *Meerdijk*, Shipping Company Groningen, n'a pas donné suite à la lettre du Groupe d'experts. Le Royaume des Pays-Bas a informé le Groupe d'experts que les autorités avaient ouvert une enquête pénale et ne pouvaient donc communiquer aucun complément d'information.

108. Les Émirats arabes unis ont fourni au Groupe d'experts la copie d'un certificat non valable d'utilisateur final¹²⁹ daté du 12 décembre 2021 qui a été émis par le « Ministère libyen de la défense », dans lequel le Ministère à Tripoli est cité comme la destination finale des véhicules et qui porte la signature de Dabiba, en sa qualité de Ministre de la défense. Pendant un entretien officiel avec le Groupe d'experts le 12 janvier 2023, de hauts responsables du Ministère ont indiqué qu'ils n'étaient pas au courant de l'achat ou d'un certificat d'utilisateur final. Le Groupe d'experts leur a communiqué, à leur demande, toutes les lettres liées à l'embargo sur les armes à compter de janvier 2022. La Libye n'a pas donné suite aux lettres adressées par le Groupe d'experts.

109. TAG Middle East FZC a déclaré avoir vendu les véhicules au Ministère libyen de la défense du Gouvernement d'unité nationale. Après avoir réceptionné le certificat non valable d'utilisateur final, dans lequel il est indiqué que les véhicules seraient utilisés « dans le sud de la Libye dans un rôle, sur le plan de la sécurité intérieure, d'appui aux opérations de lutte contre l'immigration illégale, le terrorisme et la

¹²⁸ S/2022/427, tableaux 2 et 3.

¹²⁹ Voir par. 76 et annexe 24.

criminalité organisée », la société a reçu l'autorisation d'exportation des Émirats arabes unis. Selon la société, les véhicules sont partis de Jebel Ali pour Benghazi.

110. Tant les Émirats arabes unis que la société estiment, à tort, que l'exportation relève de l'exception citée à l'alinéa a) du paragraphe 13 de la résolution 2009 (2011) du Conseil de sécurité, modifié par le paragraphe 10 de la résolution 2095 (2013), autorisant la fourniture de matériel militaire non létal au Gouvernement libyen ayant pour but exclusif l'aide pour la sécurité ou le désarmement. Le Groupe d'experts ne partage pas cet avis. Sur la base des documents de fret, de l'entretien avec le membre de l'équipage et de la confirmation fournie par TAG Middle East FZE, le Groupe d'experts croit que, contrairement à ce qui est indiqué dans le certificat d'utilisateur final non valable, les véhicules étaient censés être livrés à Benghazi. Une telle livraison relèverait du champ d'application des dispositions du paragraphe 9 de la résolution 1970 (2011), étant donné qu'aucune force à Benghazi n'a été déclarée comme étant placée sous le contrôle du Gouvernement libyen. Par conséquent, l'exception relative à la fourniture d'une aide pour la sécurité ou le désarmement au Gouvernement libyen ne peut pas s'appliquer dans ce cas (voir par. 76 et annexes 24 et 72).

F. Résumé des responsabilités en matière de violations et de non-respect

111. Le Groupe d'experts estime que les États Membres, les entités et les personnes cités dans le tableau 3 sont :

- a) en violation des dispositions du paragraphe 9 de la résolution 1970 (2011) ;
- b) dans le non-respect des dispositions du paragraphe 19 de la résolution 2213 (2015) du fait qu'ils n'ont pas inspecté comme il se devait les aéronefs et navires à destination ou en provenance de la Libye ;
- c) dans le non-respect des dispositions des paragraphes 14 ou 15 de la résolution 2644 (2022) du fait qu'ils n'ont pas communiqué les informations dont ils disposaient sur l'application des mesures ou fourni un accès sans entrave aux documents que le Groupe d'experts estime nécessaires à l'exécution de son mandat.

Tableau 3

Résumé des responsabilités en matière de violations et de non-respect

<i>Pays/entité^a</i>	<i>Violation du paragraphe 9 de la résolution 1970 (2011)</i>	<i>Non-respect du paragraphe 19 de la résolution 2213 (2015)</i>	<i>Non-respect des paragraphes 14 ou 15 de la résolution 2644 (2022)^b</i>	<i>Motif</i>
Pays				
Burundi			✓	
Égypte		✓	✓	• Non-inspection à l'arrivée d'un aéronef ayant servi à fournir un appui militaire aux forces affiliées à Haftar
Italie	✓		✓	• Transfert de routine de matériel connexe à destination ou en provenance de la Libye, notamment des vols d'aéronefs-cargos militaires et des navires

<i>Pays/entité^a</i>	<i>Violation du paragraphe 9 de la résolution 1970 (2011)</i>	<i>Non-respect du paragraphe 19 de la résolution 2213 (2015)</i>	<i>Non-respect des paragraphes 14 ou 15 de la résolution 2644 (2022)^b</i>	<i>Motif</i>
Libye (Forces armées du Gouvernement d'unité nationale)	✓		✓	<ul style="list-style-type: none"> • Achat d'armes et de matériel connexe sans avoir obtenu au préalable l'aval du Comité
Jordanie		✓	✓	<ul style="list-style-type: none"> • Non-inspection à l'arrivée d'aéronefs ayant servi à fournir un appui militaire aux forces affiliées à Haftar • Non-inspection au départ de navires ayant servi à transférer des armes et du matériel connexe à la Libye
Maroc	✓			<ul style="list-style-type: none"> • Transfert de routine de matériel connexe à destination et en provenance de la Libye, notamment des vols d'aéronefs-cargos militaires
Fédération de Russie	✓			<ul style="list-style-type: none"> • Transfert de routine de matériel connexe à destination et en provenance de la Libye, notamment des vols d'aéronefs-cargos militaires
République arabe syrienne		✓		<ul style="list-style-type: none"> • Non-inspection au départ de navires et d'aéronefs ayant servi à transférer des combattants étrangers en Libye
Türkiye	✓			<ul style="list-style-type: none"> • Transfert d'armes et de matériel connexe en Libye destinés à être utilisés par les Forces armées du Gouvernement d'unité nationale • Fourniture d'une formation ayant trait à des activités militaires aux Forces armées du Gouvernement d'unité nationale • Transfert de routine de matériel connexe à destination et en provenance de la Libye, notamment des vols d'aéronefs-cargos militaires et des navires
Émirats arabes unis	✓	✓	✓	<ul style="list-style-type: none"> • Transfert d'armes et de matériel connexe en Libye devant servir aux forces affiliées à Haftar • Non-inspection au départ de navires ayant servi à transférer des armes et du matériel connexe à des forces n'étant pas sous le contrôle du Gouvernement libyen
Royaume-Uni	✓			<ul style="list-style-type: none"> • Transfert de routine de matériel connexe à destination et en provenance de la Libye, notamment des vols d'aéronefs-cargos militaires • Déploiement du <i>HMS Albion</i> à Tripoli
États-Unis	✓		✓	<ul style="list-style-type: none"> • Transfert de routine de matériel en provenance et à destination de la Libye, notamment des vols d'aéronefs-cargos militaires

<i>Pays/entité^a</i>	<i>Violation du paragraphe 9 de la résolution 1970 (2011)</i>	<i>Non-respect du paragraphe 19 de la résolution 2213 (2015)</i>	<i>Non-respect des paragraphes 14 ou 15 de la résolution 2644 (2022)^b</i>	<i>Motif</i>
Entité				
Arden Aviation Group DOO (Bulgarie)	✓		✓	• Vols en vue de la fourniture directe et indirecte de matériel militaire et d'une autre assistance à la Libye
Forces affiliées à Haftar (est de la Libye)	✓	✓	✓	• Achat d'armes et de matériel connexe • Non-inspection à l'arrivée de navires et d'aéronefs ayant servi au transfert d'armes et de matériel connexe à la Libye
Société Al-Takamul Al-Afriqii (Libye)	✓		✓	• Achat d'armes et de matériel connexe
Capra Arms Savunma Ve Silah Sanayi San Tic Ltd. (Türkiye)	✓		✓	• Transfert d'armes et de matériel connexe à la Libye
Falcon Wings LLC (Émirats arabes unis) ^c	✓		✓	• Vols en vue de la fourniture directe de matériel militaire et autre assistance aux forces affiliées à Haftar
Fly Sky Airlines ^d (Kirghizistan)	✓			• Vols en vue de la fourniture directe et indirecte de matériel militaire et autre assistance aux forces affiliées à Haftar
Jordan VIP Armouring Industry Company (Jordanie)			✓	
Lancaster-6 DMCC/L-6 FZE (Émirats arabes unis)			✓	
Legend International Co. Ltd. (Türkiye)			✓	
Metatek Group (Royaume-Uni) ^e			✓	• Anciennement Bridgeporth Limited (Royaume-Uni)
Minerva Special Purpose Vehicles LLC (Émirats arabes unis)			✓	
SAKO Limited (Finlande)			✓	
Shipping Company Groningen (Royaume des Pays-Bas)			✓	

<i>Pays/entité^a</i>	<i>Violation du paragraphe 9 de la résolution 1970 (2011)</i>	<i>Non-respect du paragraphe 19 de la résolution 2213 (2015)</i>	<i>Non-respect des paragraphes 14 ou 15 de la résolution 2644 (2022)^b</i>	<i>Motif</i>
Yildirim Shipping Company (Libéria)			✓	<ul style="list-style-type: none"> • Transfert de véhicules militaires blindés à la Libye • Tentative de transfert de véhicules militaires blindés à la Libye

^a Par ordre alphabétique par groupe générique.

^b Pour non-communication d'information au Groupe d'experts à sa demande.

^c www.falconwings.com/en/.

^d <https://flysky.kg>.

^e www.metatek-group.com.

IV. Unité des institutions étatiques

112. Cette question a été examinée à la lumière des exigences du paragraphe 5 de la résolution 2509 (2020).

A. Banque centrale de Libye

113. Le 22 novembre, la Chambre des députés a évincé le Vice-Gouverneur de la Banque centrale, Ali Al-Hibri¹³⁰, et ordonné qu'il soit remplacé par Marei Rahil al-Barassi¹³¹. Cette information a été confirmée à l'époque au Groupe d'experts par plusieurs sources confidentielles. En avril 2022, les réunions officielles entre les deux sections au sujet de la réunification ont été abandonnées et, depuis, le Gouverneur de la Banque, Sadiq al-Kebir, a confirmé au Groupe d'experts en janvier 2023 que seuls des échanges officieux s'étaient déroulés. Le Gouverneur Kebir et le Vice-Gouverneur Barassi ont néanmoins annoncé le 20 août 2023 la réunification de la Banque¹³². Le Groupe d'experts va enquêter à présent sur les conséquences de cette annonce, qui comprendra l'examen de questions comme la présence de faux billets de banque dans la masse monétaire nationale et la réunification du système de règlement et des dépôts bancaires.

B. La National Oil Corporation

114. Le 7 juillet 2002, le Conseil d'administration de la National Oil Corporation a été reconstitué. Il a remplacé Mustafa Sanalla, qui en était le Président depuis 2014, par Farhat Bengdara. Sanalla a contesté son éviction devant les tribunaux et, au moment de l'établissement du présent rapport, l'affaire était en instance devant la Cour suprême de Libye. La nomination de Bengdara a été suivie de la levée de la

¹³⁰ Confirmé par des sources en Libye. Voir également <https://libyaobserver.ly/inbrief/hor-dismisses-parallel-cbl-chief-al-hibri> (23 novembre 2022).

¹³¹ Barassi est l'ancien président de la banque Al Wahda à Derna.

¹³² Banque centrale de Libye, « Central Bank of Libya reunified after almost a decade », 20 août 2023. Disponible à l'adresse suivante : <https://cbl.gov.ly/en/2023/08/20/both-the-governor-and-his-deputy-have-announced-that-the-central-bank-of-libya-has-returned-as-a-unified-sovereign-institution-and-will-continue-to-make-efforts-to-deal-with-the-effects-that-resulted/>. Voir également Mission d'appui des Nations Unies en Libye (MANUL), « UNSMIL welcomes the announcement of the reunification of the Central Bank of Libya », 20 août 2023. Disponible à l'adresse suivante : <https://unsmil.unmissions.org/unsmil-welcomes-announcement-reunification-central-bank-libya>.

force majeure et de la réouverture des installations pétrolières qui avaient été soumises à des arrêts répétés avant sa désignation¹³³. Les taux de production quotidiens de brut sont revenus à 1,2 million de barils par jour et sont restés stables à ce niveau pendant la période considérée¹³⁴, qui a été marquée par l'absence de blocage des installations pétrolières. Les désaccords suscités par les autorités de l'est sur l'utilisation des recettes pétrolières de la National Oil Corporation ont ressurgi à la fin du mois de juin 2023¹³⁵. Le 6 juillet 2023, un comité des parties prenantes a été constitué pour régler ces questions (voir annexe 73), mais il est trop tôt pour en évaluer l'effet.

115. Pendant ce mandat, les communications entre le Groupe d'experts et la National Oil Corporation ont pâti de : a) l'accès très limité du Groupe d'experts à la Libye (voir par. 6) ; b) l'absence pendant six mois d'un référent, conformément à la résolution 2146 (2014) (voir par. 125) ; c) l'hésitation du Groupe de la National Oil Corporation à avoir des concertations, comme le Groupe d'experts en a eu le sentiment. À la fin de juin 2023, il a rétabli une voie de communication avec la National Oil Corporation.

V. Prévention des exportations ou importations illicites de pétrole

A. Exportations illicites de pétrole brut

116. Aucun navire n'a été désigné en application des dispositions du paragraphe 11 de la résolution 2146 (2014). Aucune tentative d'exportation illicite de pétrole brut de Libye n'a été portée à l'attention du Groupe d'experts.

B. Exportations illicites de produits pétroliers raffinés

1. Le vieux port de Benghazi

117. Le 9 mai 2022¹³⁶, le référent désigné en application de la résolution 2146 (2014) a informé le Comité d'une exportation illicite de gazole subventionné en provenance de Benghazi¹³⁷ à bord du pétrolier *TSM Dubhe* (numéro OMI 9249594) battant pavillon tuvaluan. Il a également cité deux autres navires, le pétrolier marchand *Queen Majeda* (numéro OMI 9117806) battant pavillon palaosien et le pétrolier *Aqua Marine* (numéro OMI 9179488) battant pavillon turc, qui avait été « chargé illégalement à Benghazi », sans préciser la nature de la cargaison. Le Comité a répondu au référent en demandant un complément d'information, en particulier si l'État du pavillon avait été contacté. Il n'a pas obtenu de réponse.

118. Depuis mai 2022, 24 petits pétroliers en tout (de 500 à 20 000 tonnes de port en lourd), opérant principalement sans avoir activé leur système d'identification automatique et sans avoir enregistré leurs ports d'escale se sont approchés de

¹³³ S/2022/427, par. 103.

¹³⁴ Les niveaux de production sont régulièrement actualisés sur la page officielle Facebook de la National Oil Corporation. Consultable à l'adresse suivante : www.facebook.com/noclibya.

¹³⁵ www.reuters.com/world/middle-east/eastern-libya-administration-threatens-oil-blockade-2023-06-24/ (24 juin 2023 et <https://twitter.com/Eljarh/status/1674159113779945480> (28 juin 2023)).

¹³⁶ Cette date relève de la précédente période considérée mais le rapport final antérieur du Groupe d'experts (S/2022/427) avait déjà été établi.

¹³⁷ Ce gazole est importé par la National Oil Corporation et distribué ensuite à un prix inférieur au prix à l'importation.

Benghazi et se sont amarrés dans le vieux port¹³⁸, dans une section qui servait précédemment à des exportations illicites de vieux métaux¹³⁹. Il est situé dans le voisinage immédiat du terminal pétrolier marin de Ras el-Minqar de la Brega Petroleum Marketing Company¹⁴⁰, lequel servait à ravitailler en carburant le dépôt de la compagnie à Benghazi¹⁴¹. De là, le carburant est chargé à bord des camions-citernes qui effectuent le trajet d'environ 13 kilomètres jusqu'au vieux port de Benghazi, où les navires en attente sont chargés à leur tour. On voit sur l'imagerie satellite comment le vieux port a été progressivement transformé en terminal de carburant improvisé (voir annexe 74).

119. Le Groupe d'experts a recensé trois modes opératoires utilisés par les réseaux de contrebande de carburant, mais le Groupe d'experts doit encore en évaluer l'ampleur :

a) des navires sont chargés à Benghazi et se dirigent vers les eaux internationales, en particulier autour de Hurds Bank, un lieu de soutage en mer, situé à l'est de Malte. Des opérations de transfert d'hydrocarbures entre navires y sont effectuées. Le navire retourne ensuite à Benghazi pour être chargé de nouveau ;

b) les navires sont chargés à Benghazi et se rendent dans d'autres États Membres pour décharger leur cargaison, à l'aide de certificats d'exportation illicites. Un exemple en est le *Queen Majeda* (numéro OMI 9117806) (voir annexe 75), dont la cargaison a été saisie par l'Italie le 24 mai 2022. Une fois relâché, il a repris ses trajets vers Benghazi et a été saisi le 12 septembre par l'Albanie, où il se trouve toujours en attendant la conclusion de l'enquête ouverte par les autorités de ce pays. Parmi les documents de fret concernant plusieurs voyages de livraison de gazole, on trouve de faux certificats d'origine portant l'en-tête de la National Oil Corporation et de la « Brega Petroleum » (*sic*) (voir annexe 75) ;

c) les navires chargent du carburant dans l'État Membre A, en deçà de leur capacité, déclarent une destination de livraison dans l'État Membre B, qui se trouve de l'autre côté de la Méditerranée. Ils font ensuite une escale non déclarée à Benghazi, où ils chargent à pleine capacité, voire au-delà. Ils poursuivent ensuite leur route vers l'État Membre B et présentent les documents relatifs à la cargaison de l'État Membre A, avec ou sans la quantité exacte, concernant la cargaison.

2. Contrebande par voie maritime depuis l'ouest

120. Le Groupe d'experts a établi que la contrebande de carburant par la mer depuis les zones situées autour de Zaouiya et de Zouara se poursuivait¹⁴². Il avait répertorié les lieux de contrebande de carburant dans ses précédents rapports¹⁴³, parmi lesquels Sidi Ali¹⁴⁴, qui a repris ses opérations, en réponse à l'augmentation des prix du pétrole (voir annexe 76). Le Groupe d'experts a enquêté sur quatre cas de contrebande, dont l'un impliquant le chimiquier *Serdar* (numéro OMI 9062398) battant pavillon kittitien et névicien, qui a été saisi par les autorités libyennes au motif de contrebande de carburant (voir annexe 77).

¹³⁸ 32° 07' 16.07" N, 20° 03' 0.68" E.

¹³⁹ S/2021/229, annexe 12, appendice A, fig. 12.A.6.

¹⁴⁰ 32° 07' 05.27" N, 20° 02' 55.15" E.

¹⁴¹ 32° 10' 23.22" N, 20° 08' 36.09" E.

¹⁴² Sources confidentielles en Libye.

¹⁴³ S/2018/812, par. 165, et S/2019/914, par. 166.

¹⁴⁴ 33° 2' 19.37" N, 11° 55' 1.42" E.

3. Contrebande de carburant par voie terrestre

121. La contrebande de carburant par voie terrestre, principalement par les frontières sud et ouest de la Libye, ainsi que les détournements de carburant en Libye ont augmenté au cours de la période considérée. Par exemple, l'approvisionnement en carburant au point de distribution de Sabha a augmenté progressivement pour passer de 600 000 à 1,2 million de litres par jour depuis août 2022, ce qui ne correspond pas aux besoins réels du marché¹⁴⁵. Cette augmentation différentielle révèle l'ampleur de la contrebande de carburant à travers la frontière.

4. Légalité des exportations de carburant de Libye

122. Les raffineries de Libye couvrent 10 % des besoins intérieurs du pays en gazole et 30 % de ses besoins intérieurs en diesel. Seul le carburant aviation est raffiné en quantités suffisantes pour couvrir les besoins du marché local. Les données du commerce indiquent que du carburant aviation a également été exporté¹⁴⁶. Le fuel lourd, ou mazout léger, est exporté de Zaouiya lorsque le marché intérieur est saturé. La National Oil Corporation a le monopole de l'importation et de l'exportation de pétrole brut et de produits pétroliers raffinés. Elle a confirmé au Groupe d'experts qu'elle n'exportait pas de gazole, de diesel ou d'essence automobile, étant donné que ces produits étaient principalement importés et ensuite subventionnés, ce qui entraînerait une perte financière s'ils étaient exportés. Elle a souligné que toute exportation de ces produits était illégale, au regard de la législation libyenne¹⁴⁷.

123. La responsabilité de stocker et de distribuer le carburant destiné au marché intérieur relève de la Brega Petroleum Marketing Company. Le carburant est conservé dans les centres de stockage de la compagnie et distribué ensuite par huit sociétés qui sont agréées par le Ministère de l'économie et du commerce. La compagnie a souligné au Groupe d'experts qu'elle ne procédait à aucune exportation¹⁴⁸.

C. Référent en application de la résolution 2146 (2014)

124. Le 12 janvier 2023, le Groupe d'experts a été informé par le Ministère du pétrole et du gaz, Mohamed Aoun, d'une lettre datée du 29 novembre 2022 dans laquelle le Ministère des affaires étrangères était prié d'informer le Comité de la nomination de Mustafa Abdullah Bin Issa comme nouveau référent, en application de la résolution 2146 (2014)¹⁴⁹. Le Groupe d'experts a informé le Comité en conséquence, mais a noté qu'il devait continuer de se concerter avec le référent officiellement notifié, Imad Ben Rajeb, tant qu'il n'avait pas obtenu de notification officielle. Ce n'est que cinq mois plus tard, le 16 juin 2023, que le Représentant permanent de Libye auprès de l'Organisation des Nations Unies a officiellement notifié le Comité de la désignation de Bin Issa. Le Groupe d'experts note que le référent ne travaille pas pour la National Oil Corporation et n'a pas de vue d'ensemble des opérations d'importations et

¹⁴⁵ Entretien du Groupe d'experts avec la Brega Petroleum Marketing Company à Tripoli (12 janvier 2023).

¹⁴⁶ S&P Global, Global Trade Analytics Suite.

¹⁴⁷ Entretiens multiples du Groupe d'experts avec le référent désigné en application de la résolution 2146 (2014), notamment au moment de la notification, et entretien du Groupe d'experts avec la National Oil Company (26 juin 2023).

¹⁴⁸ Réunion du Groupe d'experts avec la Brega Petroleum Marketing Company à Tripoli (12 janvier 2023) et réunion en ligne du Groupe d'experts avec la National Oil Company le 26 juin 2023.

¹⁴⁹ Mustafa Abdullah Bin Issa est le directeur général des affaires techniques au Ministère du pétrole et du gaz et gouverneur pour la Belgique auprès de l'Organisation des pays exportateurs de pétrole.

d'exportations quotidiennes de la société. Cette situation compliquera les échanges techniques revêtant un caractère urgent avec le Comité et le Groupe d'experts.

125. Pendant ce mandat, l'ancien référent désigné en application de la résolution 2146 (2014), Imad Ben Rajeb, a réduit graduellement ses contacts avec le Groupe d'experts. Il a déclaré que c'était en partie sur l'instruction de la direction de la National Oil Corporation et en partie en raison d'inquiétudes relatives à sa propre sécurité. La visite du Groupe d'experts en Libye s'est produite au moment de son arrestation le 10 janvier 2023, deux jours avant l'entretien prévu avec lui dans les locaux de la National Oil Corporation. Cette dernière a ensuite annulé la réunion et délibérément refusé toute demande d'entretien à Tripoli ou en ligne, sans motif raisonnable, jusqu'au 26 juin, au moment de l'organisation en ligne d'un entretien au cours duquel la National Oil Corporation a confirmé qu'une voie de communication serait désormais maintenue ouverte. Le Groupe d'experts relève cependant que le mutisme observé pendant six mois par la National Oil Corporation l'a privé, ainsi que le Comité, de tout référent, comme le prévoit la résolution 2146 (2014) (voir annexe 78).

D. Efficacité de la réponse à la contrebande

126. Chaque intervenant de la chaîne d'approvisionnement en carburant avec lequel le Groupe d'experts s'est entretenu durant la période considérée (le Ministère du pétrole et du gaz, la National Oil Corporation et la Brega Petroleum Marketing Company) a constaté que la contrebande de carburant depuis la Libye était préjudiciable à la stabilité du pays. Le Groupe d'experts a établi qu'aucune partie prenante concernée n'accepterait de rôle influent ou de premier plan dans la lutte contre les exportations illicites de carburant. Il estime que seule une réponse cohérente et intégrée de toutes les parties prenantes nationales permettra de régler la question de manière effective.

VI. Application du gel des avoirs à des entités désignées

A. Libyan Investment Authority (LYe.01)

1. Contexte

127. Tout au long de la période considérée, le Groupe d'experts a noté que la Libyan Investment Authority (LYe.01) avait fait preuve d'une coopération et d'une disponibilité de plus en plus marquées pour faciliter la majeure partie des informations demandées. Il constate cependant qu'elle n'est pas en mesure de communiquer d'état financier consolidé précis qui soit conforme aux normes internationales, ou encore des états financiers concernant ses filiales.

2. Questions de gestion

Défaillances constatées dans un audit de la Libyan Investment Authority

128. Dans le rapport S/2021/219¹⁵⁰, il est noté que la Libyan Investment Authority s'est engagée à appliquer les diverses recommandations communiquées par la firme britannique Oliver Wyman Limited dans le cadre de sa stratégie de transformation, ainsi qu'à respecter les principes de Santiago relatifs aux fonds souverains¹⁵¹. La firme britannique Ernst and Young Global Limited apporte son aide dans l'audit des

¹⁵⁰ Par. 133 et 134.

¹⁵¹ Voir www.ifswf.org/santiago-principles-landing/santiago-principles.

états financiers de la Libyan Investment Authority de 2018 et de 2019, conformément aux Normes internationales d'information financière. Ces états financiers audités sont les derniers à être disponibles.

129. Bien que le Groupe d'experts ait lu les constatations du rapport d'audit d'Ernst and Young, il n'a pas vu le rapport intégral et ne peut donc pas en tirer de conclusions. L'actif et le passif des auditeurs, par exemple, n'ont pas été établis sur une base consolidée. Il est indiqué dans le rapport que l'investissement dans les filiales était de 27,1 milliards de dollars à la fin de 2018 et de 8,4 milliards de dollars à la fin de 2019. Compte tenu des gros montants en jeu, il est fondamental d'avoir des états consolidés afin de pouvoir évaluer la gestion des filiales (voir par. 132).

130. Le Groupe d'experts a recensé des questions clés en cours. Premièrement, les « audits » de 2018 et de 2019 enfreignent le principe 11 de Santiago, qui exige « l'établissement en temps utile d'un rapport annuel et d'états financiers correspondants ». À cet égard, au titre de l'article 11.7 de la loi libyenne n° 13 de 2010¹⁵², les directeurs de la Libyan Investment Authority sont tenus d'établir les comptes définitifs et le bilan annuel dans un délai maximal de trois mois à compter de la fin de l'exercice financier, ce qui n'a pas été fait. Deuxièmement, le libellé type d'un rapport d'audit comporte une définition des états financiers¹⁵³. Les rapports d'audit de 2018 et de 2019 ne semblent comprendre qu'une synthèse du total de l'actif de l'Autorité. Ils ne comportaient donc pas les quatre rapports connexes clés : a) un état des recettes et des dépenses ; b) un état de la situation financière ; c) un état des variations des capitaux propres ; d) les notes correspondantes.

131. En résumé, le Groupe d'experts considère que si une amélioration limitée a été constatée dans l'établissement de rapports financiers, la Libyan Investment Authority n'est pas en mesure de veiller à faire respecter les normes internationales applicables. Tant que l'Autorité ne respecte pas pleinement ces normes, les enquêtes du Groupe d'experts liées à toute violation éventuelle des avoirs gelés de l'Autorité seront entravées.

Décisions conflictuelles à la Libyan Investment Authority et dans ses filiales

132. Le 16 juin 2023, l'un des directeurs de la Libyan Investment Authority a été nommé président d'une filiale (la Compagnie des exploitations réunies). Du fait de cette nomination, une personne participant à la gestion au plus haut niveau d'une société holding visée exerce également un contrôle direct effectif sur une filiale. Bien qu'il s'agisse d'une pratique courante, elle est susceptible d'influencer les processus décisionnels. Au regard de la Notice d'aide à l'application n° 1 du Comité¹⁵⁴, les filiales ne sont pas soumises à la mesure de gel des avoirs, alors que la Libyan Investment Authority l'est. Le Groupe d'experts considère qu'un tel conflit d'intérêts au niveau de la gestion pourrait augmenter le risque de détournement d'actifs. Il s'était penché sur la question dans le rapport S/2021/229¹⁵⁵. Il souligne à nouveau que la mesure de gel des avoirs devrait également s'appliquer aux filiales.

¹⁵² Voir <https://lia.ly/wp-content/uploads/2021/08/LAW-13-Lia.pdf>.

¹⁵³ Selon les Normes internationales d'information financière et les Normes comptables internationales, les états financiers comprennent l'état des recettes (ou profits et pertes), l'état de la situation financière (ou bilan), l'état des variations des capitaux propres, l'état des flux de trésorerie et les notes connexes.

¹⁵⁴ D'après la Notice d'aide à l'application n° 1, « les filiales de la Libyan Investment Authority et du Libyan Africa Investment Portfolio ne sont pas assujetties au gel des avoirs ».

¹⁵⁵ Par 135 à 137.

3. Questions juridiques

Questions juridiques externes : l'affaire Euroclear en Belgique

133. Le Groupe d'experts a continué de surveiller la procédure judiciaire dans le cadre de l'affaire Euroclear en Belgique. Elle concerne la saisie pénale, ordonnée par un juge d'instruction, d'un montant de règlement de 16 milliards d'euros qui devait être transféré sur un compte gelé appartenant à la Libyan Investment Authority à Bahreïn. Au lieu de cela, le paiement a été officiellement saisi et confisqué en Belgique dans le cadre d'une enquête pénale pour détournement de fonds et blanchiment d'argent portant sur 2 milliards d'euros de fonds gelés appartenant à la Libyan Investment Authority. Le 7 juillet 2023, un tribunal belge a rejeté la demande de l'Autorité de classer le dossier et de lever la saisie.

Questions juridiques internes : l'affaire Mohsen Derrigia c. la Libyan Investment Authority

134. Le 20 mars 2019, la Cour suprême libyenne a tranché en faveur de Mohsen Derrigia dans une affaire l'opposant au Conseil d'administration de la Libyan Investment Authority au sujet de son renvoi et a donné une direction juridique au circuit administratif de la cour de cassation à Tripoli, laquelle a décidé le 16 juin 2021 que Derrigia avait été illégalement démis de ses fonctions de Président de l'Autorité avant la fin de son mandat de trois ans et annulé la décision relative à sa révocation. Elle a estimé qu'il n'y avait pas de fondement légal pour son renvoi en tant que fonctionnaire par le Conseil d'administration. Le Président de l'Autorité, Ali Mahmoud, a contesté la décision, mais la cour de cassation a statué de nouveau le 22 décembre 2021 en faveur de l'application de son ordonnance. Le 10 août 2022, la Cour suprême libyenne a avalisé la décision de la cour de cassation. La décision de la Cour suprême n'a pas encore été appliquée et Ali Mahmoud est toujours le Président de l'Autorité (voir annexe 79).

4. Impression de faux billets de banque

135. Le Gouverneur de la Banque centrale de Libye, Sadiq al-Kebir, a informé le Groupe d'experts que la Banque centrale savait que sa filiale, établie dans l'est, s'était remise à imprimer de nouveaux billets de banque. Il a également informé le Groupe d'experts que la Banque centrale avait renvoyé l'affaire au Bureau du Procureur général pour enquête (voir annexe 80).

136. Le 3 janvier 2023, la société britannique De La Rue Limited a établi un rapport d'analyse technique sur les contrefaçons, à l'intention de la Banque centrale de Libye, dans lequel elle a conclu que « le niveau de complexité requis pour produire ces faux billets révélait un travail de contrefaçon effectué par des experts, nécessitant des encres, du papier aluminium et du matériel spécialisés, peut-être par un groupe de criminalité organisée ».

137. Le Groupe d'experts a établi que jusqu'en 2020, le Conseil d'administration de la filiale établie à l'est avait approuvé la fabrication de 18 milliards¹⁵⁶ de dinars libyens. D'après l'article 30 de la loi bancaire libyenne, de nouveaux billets ne peuvent être produits qu'avec l'aval du Conseil d'administration. Le Groupe d'experts a noté que le Conseil d'administration de la section de la Banque centrale siégeant à Tripoli n'avait pas approuvé la production de ces billets de banque. Par conséquent, en l'absence de consensus entre les sections de la Banque centrale, cette production est illégale aux yeux de la législation bancaire libyenne.

¹⁵⁶ S/2017/466, par. 213 et annexe 56.

138. Cette impression unilatérale de billets, qui diffère des billets « officiels » produits par la section de la Banque centrale à Tripoli, signifie qu'une politique monétaire cohérente ne peut être appliquée dans tout le pays, étant donné qu'il n'existe pas de contrôle central de la masse monétaire. Plus important encore, cette monnaie illégale est produite dans la région du pays dominée par Haftar. Il existe donc un risque réel que la devise illégale serve à financer des activités de groupes armés qui compromettent la stabilité et la sécurité de la Libye.

VII. Application du gel des avoirs et de l'interdiction de voyager à des personnes désignées

A. Sayyid Mohammed Qadhaf Al-Dam (LYi.003)

139. Le Groupe d'experts a établi que Sayyid Mohammed Qadhaf Al-Dam (LYi.003) était décédé le 16 mars 2023. L'Égypte, citée comme son pays de résidence dans l'entrée de la Liste, a confirmé son décès dans la ville de Gizeh à l'âge de 75 ans. On trouvera son acte de décès à l'annexe 8 (voir recommandation 2).

B. Saadi Qadhafi (LYi.015)

140. Le Groupe d'experts a confirmé que Saadi Qadhafi comptait vendre au Canada une propriété faisant l'objet d'un litige. Pour faciliter la vente, il a signé un pouvoir qui a été enregistré au consulat de Libye à Istanbul (Türkiye) le 11 novembre 2022 sous la référence n° 75/1. Il y avait déclaré qu'il résidait à Istanbul à l'époque (voir annexe 82). Le 27 juin 2023, le Groupe d'experts a écrit une lettre à la Türkiye au sujet de l'application des mesures relatives au gel des avoirs et à l'interdiction de voyager. Il n'a reçu aucune réponse.

141. Dans son rapport (S/2022/427), le Groupe d'experts avait indiqué que Saadi Qadhafi avait quitté la Libye pour aller en Türkiye et n'avait pas pu établir à l'époque si ce dernier était resté en Türkiye ou s'était rendu dans un pays tiers¹⁵⁷. Le Groupe d'experts estime à présent que sa signature sur le pouvoir, comportant une déclaration légale de résidence en Türkiye, donne la preuve que cette dernière ne respecte la mesure d'interdiction de voyager, en application des dispositions du paragraphe 15 de la résolution 1970 (2011) (voir recommandation 3).

C. Mohammed Al Amin Al-Arabi Kashlaf (LYi.025)

142. Le Groupe d'experts a établi que l'Unité de surveillance des champs pétrolifères à Zaouiya était une entité qui était symboliquement sous le contrôle du Gouvernement d'unité nationale. Pour préciser l'emploi de Mohammed Al Amin Al-Arabi Kashlaf (LYi.025) (encore appelé Al-Qasab), le Groupe d'experts a demandé que les autorités libyennes fournissent des informations actualisées sur l'application des mesures de gel des avoirs et d'interdiction de voyager, concernant cette personne, notamment des détails sur le statut actuel et la chaîne de commandement de l'Unité de surveillance des champs pétrolifères à Zaouiya, ainsi que ses avoirs financiers et moyens économiques personnels. Les autorités libyennes n'ont pas encore répondu.

¹⁵⁷ Par. 126.

D. Abd Al-Rahman al-Milad (LYi.026)

143. Le Groupe d'experts a établi qu'Abd Al-Rahman al-Milad (LYi.026) (dit Al-Bija) avait utilisé des documents falsifiés de l'ONU dans une tentative de faire lever les sanctions relatives au gel des avoirs et à l'interdiction de voyager, qui lui avaient été imposées comme personne désignée en Libye. Il a visé des entités du Gouvernement libyen et des interlocuteurs privés en Libye, cherchant à obtenir un appui du Gouvernement en faveur de sa demande de radiation de la Liste.

144. Le Groupe d'experts est en possession d'un document officiel libyen, émis le 28 septembre 2022 par le Bureau du Procureur général, dans lequel les autorités responsables sont enjointes de supprimer le nom de Milad du système de surveillance des arrivées et des départs sur le territoire. Il estime que cet acte permettrait à Milad de quitter la Libye avec les biens qui sont en sa possession, en violation de la mesure de gel des avoirs.

145. Le 25 janvier 2023, le Groupe d'experts a demandé que les autorités libyennes fournissent des informations actualisées sur l'application effective à Milad des mesures de gel des avoirs et d'interdiction de voyager. La demande a été formulée à la suite de la reprise de ses fonctions professionnelles dans les Forces armées libyennes, notamment de sa désignation comme officier de l'école navale à Janzour après sa libération, à l'issue de sa détention provisoire, le 11 avril 2021 (voir annexe 83)¹⁵⁸. Une telle désignation signifie qu'il reçoit un salaire militaire de l'État, en violation des mesures de gel des avoirs, à moins que les avoirs ne soient déposés dans un compte gelé. Les autorités libyennes n'ont pas encore répondu.

E. Mise à jour concernant des personnes visées

146. Le Groupe d'experts donne des informations supplémentaires ou actualisées sur trois personnes inscrites sur la liste à l'annexe 84 (voir recommandation 4).

VIII. Recommandations

147. Le Groupe d'experts recommande :

Au Conseil de sécurité :

Recommandation 1. de rappeler le paragraphe 6 de la résolution [2278 \(2016\)](#) dans laquelle il prie le Gouvernement libyen de fournir au Comité des informations utiles pour ses travaux sur la structure des forces de sécurité [voir par. 76] ;

Au Comité des sanctions :

Recommandation 2. d'actualiser l'entrée de la liste relative aux sanctions concernant Sayyid Mohammed Qadhaf Al-Dam (LYi.003) pour indiquer son décès [voir par. 139] ;

Recommandation 3. d'actualiser l'entrée de la liste relative aux sanctions concernant Saadi Qadhafi (LYi.015) pour indiquer sa nouvelle adresse (Türkiye) [voir par. 141] ;

Recommandation 4. d'actualiser les entrées de la Liste relative aux sanctions concernant Mohammed Al Amin Al-Arabi Kashlaf (LYi.025), Abd Al-Rahman Salim Ibrahim al-Milad (LYi.026) et Osama

¹⁵⁸ [S/2022/427](#).

Al-Kuni Ibrahim (LYi.029) avec les informations actualisées fournies par le Groupe d'experts [voir par. 146] ;

- Recommandation 5. de considérer les informations fournies séparément par le Groupe d'experts durant la période considérée sur les personnes répondant aux critères de désignation, comme énoncé dans les résolutions pertinentes du Conseil de sécurité.

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Annex 1 Overview of the evolution of the Libya sanctions regime

1. By resolution [1970 \(2011\)](#), the Council expressed grave concern at the situation in Libya, condemned the violence and use of force against civilians and deplored the gross and systematic violation of human rights. Within that context, the Council imposed specific measures on Libya, under Chapter VII of the Charter of the United Nations, including the arms embargo, which relates to arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, in addition to the provision of armed mercenary personnel. The arms embargo covers both arms entering and leaving Libya. The Council also imposed travel ban and asset freeze measures, and listed individuals as subject to one or both measures, in the resolution. Furthermore, the Council decided that the travel ban and the asset freeze were to apply to the individuals and entities designated by the Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya involved in or complicit in ordering, controlling or otherwise directing the commission of serious human rights abuses against persons in Libya.
2. By resolution [1973 \(2011\)](#), the Council strengthened the enforcement of the arms embargo and expanded the scope of the asset freeze to include the exercise of vigilance when doing business with Libyan entities, if States had information that provided reasonable grounds to believe that such business could contribute to violence and use of force against civilians. Additional individuals subject to the travel ban and asset freeze were listed in the resolution, in addition to five entities subject to the freeze. The Council decided that both measures were to apply also to individuals and entities determined to have violated the provisions of the previous resolution, in particular the provisions concerning the arms embargo. The resolution also included the authorization to protect civilians and civilian populated areas under threat of attack in Libya. In addition, it included a no-fly zone in the airspace of Libya and a ban on flights of Libyan aircraft.
3. On 24 June 2011, the Committee designated two additional individuals and one additional entity subject to the targeted measures. By resolution [2009 \(2011\)](#), the Council introduced additional exceptions to the arms embargo and removed two listed entities subject to the asset freeze, while allowing the four remaining listed entities to be subjected to a partial asset freeze. It also lifted the ban on flights of Libyan aircraft.
4. By resolution [2016 \(2011\)](#), the Council terminated the authorization related to the protection of civilians and the no-fly zone. On 16 December 2011, the Committee removed the names of two entities previously subject to the asset freeze.
5. In resolution [2040 \(2012\)](#), the Council directed the Committee, in consultation with the Libyan authorities, to review continuously the remaining measures with regard to the two listed entities – the Libyan Investment Authority and the Libyan Africa Investment Portfolio – and decided that the Committee was, in consultation with the Libyan authorities, to lift the designation of those entities as soon as practical.
6. In resolution [2095 \(2013\)](#), the Council further eased the arms embargo in relation to Libya concerning non-lethal military equipment.
7. By resolution [2144 \(2014\)](#), the Council stressed that Member States notifying to the Committee the supply, sale or transfer to Libya of arms and related materiel, including related ammunition and spare parts, should ensure such notifications contain all relevant information, and should not be resold to, transferred to, or made available for use by parties other than the designated end user.
8. By resolution [2146 \(2014\)](#), the Council decided to impose measures, on vessels to be designated by the Committee, in relation to attempts to illicitly export crude oil from Libya and authorized Member States to undertake inspections of such designated vessels.
9. By resolution [2174 \(2014\)](#), the Council introduced additional designation criteria and requested the Panel to provide information on individuals or entities engaging or providing support for acts that threaten the peace, stability of security of Libya or obstructing the completion of the political transition. The resolution strengthened the arms embargo, by requiring prior approval of the Committee for the supply, sale or transfer of arms and related materiel, including related ammunition and spare parts, to Libya intended for security or disarmament assistance to the Libyan government, with the exception of non-lethal military equipment intended solely for the Libyan government. The Council also renewed its call upon Member States to undertake inspections related to the arms embargo, and required them to report on such inspections.
10. By resolution [2213 \(2015\)](#), the Council extended the authorizations and measures in relation to attempts to illicitly export crude oil from Libya until 31 March 2016. The resolution further elaborated the designation criteria listed in resolution [2174 \(2014\)](#).

11. By resolution [2214 \(2015\)](#), the Council called on the 1970 Committee on Libya to consider expeditiously arms embargo exemption requests by the Libyan government for the use by its official armed forces to combat specific terrorist groups named in that resolution.
12. By resolution [2259 \(2015\)](#), the Council confirmed that individuals and entities providing support for acts that threaten the peace, stability or security of Libya or that obstruct or undermine the successful completion of the political transition must be held accountable, and recalled the travel ban and asset freeze in this regard.
13. By resolution [2278 \(2016\)](#) the Council extended the authorizations and measures in relation to attempts to illicitly export crude oil, while calling on the Libyan Government of National Accord (GNA) to improve oversight and control over its oil sector, financial institutions and security forces.
14. By resolution [2292 \(2016\)](#), the Council authorized, for a period of twelve months, inspections on the high seas off the coast of Libya, of vessels that are believed to be carrying arms or related materiel to or from Libya, in violation of the arms embargo.
15. By resolution [2357 \(2017\)](#), the Council extended the authorizations set out in resolution [2292 \(2016\)](#) for a further 12 months.
16. By resolution [2362 \(2017\)](#), the Council extended until 15 November 2018 the authorizations provided by and the measures imposed by resolution [2146 \(2014\)](#), in relation to attempts to illicitly export crude oil from Libya. These measures were also applied with respect to vessels loading, transporting, or discharging petroleum, including crude oil and refined petroleum products, illicitly exported or attempted to be exported from Libya.
17. By resolution [2420 \(2018\)](#), the Council further extended the authorizations, as set out in resolution [2292 \(2016\)](#) and extended by resolution [2357 \(2017\)](#), for a further 12 months from the date of adoption of the resolution.
18. By resolution [2441 \(2018\)](#), the Council extended until 15 February 2020 the authorizations provided by and the measures imposed by resolution [2362 \(2017\)](#), in relation to attempts to illicitly export crude oil from Libya.
19. By resolution [2473 \(2019\)](#), the Council further extended the authorizations, as set out in resolution [2292 \(2016\)](#) and extended by resolutions [2357 \(2017\)](#) and [2420 \(2018\)](#), for a further 12 months from the date of adoption of the resolution.
20. By resolution [2509 \(2020\)](#), the Council extended until 30 April 2021 the authorizations and the measures in resolution [2146 \(2014\)](#), as amended by paragraph 2 of resolutions [2362 \(2017\)](#) and [2441 \(2018\)](#), and modified the designation period in paragraph 11 of resolution [2146 \(2014\)](#) to be one year, and requested the Panel to report any information relating to the illicit export from or illicit import to Libya of petroleum, including crude oil and refined petroleum products.
21. By resolution [2526 \(2020\)](#), the Council further extended the authorizations, as set out in resolution [2292 \(2016\)](#) and extended by resolutions [2357 \(2017\)](#), [2420 \(2018\)](#), and [2473 \(2019\)](#), for a further 12 months from the date of adoption of the resolution.
22. By resolution [2571 \(2021\)](#), the Council extended until 30 July 2022 the authorizations and the measures in resolution [2146 \(2014\)](#), as amended by paragraph 2 of resolutions [2362 \(2017\)](#), [2441 \(2018\)](#) and [2509 \(2020\)](#), in relation to attempts to illicitly export petroleum, including crude oil and refined petroleum products, from Libya.
23. By resolution [2578 \(2021\)](#), the Council further extended the authorizations, as set out in resolution [2292 \(2016\)](#) and extended by resolutions [2357 \(2017\)](#), [2420 \(2018\)](#), [2473 \(2019\)](#), and [2526 \(2020\)](#) for a further 12 months from the date of adoption of the resolution.
24. By resolution [2635 \(2022\)](#), the Council further extended the authorizations, as set out in resolution [2292 \(2016\)](#) and extended by resolutions [2357 \(2017\)](#), [2420 \(2018\)](#), [2473 \(2019\)](#), [2526 \(2020\)](#) and [2578 \(2021\)](#) for a further 12 months from the date of adoption of the resolution.
25. By resolution [2644 \(2022\)](#), the Council extended until 30 October 2023 the authorizations and the measures in resolution [2146 \(2014\)](#), as amended by paragraph 2 of resolutions [2362 \(2017\)](#), [2441 \(2018\)](#), [2509 \(2020\)](#) and [2571 \(2021\)](#) in relation to attempts to illicitly export petroleum, including crude oil and refined petroleum products, from Libya.
26. By resolution [2684 \(2023\)](#), the Council further extended the authorizations, as set out in resolution [2292 \(2016\)](#) and extended by resolutions [2357 \(2017\)](#), [2420 \(2018\)](#), [2473 \(2019\)](#), [2526 \(2020\)](#), [2578 \(2021\)](#) and [2635 \(2022\)](#) for a further 12 months from the date of adoption of the resolution.

27. To date the Committee has published six implementation assistance notices which are available on the Committee's website.¹⁵⁹

¹⁵⁹ <http://www.un.org/sc/committees/1970/notices.shtml>.

Annex 2 Abbreviations and acronyms

AGO	Attorney General's Office
AIS	Automatic Identification System
a.k.a	Also known as
BPD	Barrels Per Day
BCP	Border Crossing Point
CBL	Central Bank of Libya
ChVK	Russian language abbreviation for private military enterprise
Committee	Committee established pursuant to Security Council resolution 1970 (2011) concerning Libya
CRC	Convention on the Rights of the Child
DACOT	Deterrence Apparatus for Combating Crime and Terrorism
DC	Detention Centre
DCIM	Directorate for Combating Illegal Migration
DOB	Date of Birth
DWT	Deadweight Tonnage
EOD	Explosive Ordnance Disposal
EU	European Union
EUBAM	EU Border Assistance Mission in Libya
EUNAVFOR MED IRINI	European Union Naval Force Mediterranean Operation Irini
EUC	End-user Certificate
EUR	Euro
FACT	Front pour l'Alternance et la Concorde au Tchad
FZC	Free Zone Company
FZE	Free Zone Enterprise
GACS	General Administration for Coastal Security
GNA	Government of National Accord
GNA-AF	Government of National Accord - Armed Forces
GNU	Government of National Unity
GNS	Government of National Stability
HAF	Haftar affiliated forces
HFO	Heavy Fuel Oil
HoR	House of Representatives
IAN	Implementation Assistance Notice
IFRS	International Financial Reporting Standards
ICCPR	International Covenant on Civil and Political Rights
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IMO	International Maritime Organization
IAN	Implementation Assistance Notice
ISA	Internal Security Agency
ISIL	Islamic State in Iraq and the Levant
JMC	Joint Military Commission
Km	Kilometre(s)
LAAF	Libyan Arab armed forces
LAIP	Libyan Africa Investment Portfolio
LCG	Libyan Coast Guard
LIA	Libyan Investment Authority
LIS	Libyan Intelligence Service
LLC	Limited Liability Company
LYD	Libyan Dinar(s)
m	Metre(s)
MOI	Ministry of Interior
MT	Motor Tanker
MV	Motor Vessel

NFSA	National Support Force Authority
nm	Nautical Miles
NOC	National Oil Corporation
OHCHR	Office of the UN High Commissioner for Human Rights
OPEC	Organization of Petroleum Exporting Countries
Panel	Panel of Experts on Libya
PFG	Petroleum Facility Guard
PMC	Private Military Company
RHIB	Rigid Hulled Inflatable Boats
RSF	Rapid Support Forces
SAF	Sudanese Armed Forces
SAR	Search and Rescue
SARU	Search and Return
SF	Special Forces
SSA	Stability Support Apparatus
TAG	The Armored Group
TBZ	Tariq Ibn Ziyad (brigade)
UAE	United Arab Emirates
UAV	Uncrewed Aerial Vehicle
UN	United Nations
UNODC	UN Office on Drugs and Crime
UNSMIL	UN Support Mission in Libya
USD	United States Dollars

Annex 3 Methodology

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

Appendix A to Annex 3: UN GIS place name identification

Figure 3.A.1
UN GIS place names Libya



Map No. 3787 Rev. 10 United Nations
November 2015

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

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 entity¹⁶⁰ in a Panel’s report could have adverse effects on the individual. As such, where possible, individuals concerned should be provided with an opportunity to provide their account of events and to provide concrete and specific information/material in support. Through this interaction, the individual is given the opportunity to demonstrate that their alleged conduct does not fall within the relevant listing criteria. This is called the ‘opportunity to reply’.
2. The Panel’s methodology on the opportunity to reply is as follows:
 - (a) Providing an individual with an ‘opportunity to reply’ should be the norm;
 - (b) The Panel may decide not to offer an opportunity of reply if there is credible evidence that it would unduly prejudice its investigations, including if it would:
 - (i) Result in the individual moving assets if they get warning of a possible recommendation for designation;
 - (ii) Restrict further access of the Panel to vital sources;
 - (iii) Endanger Panel sources or Panel members;
 - (iv) Adversely and gravely impact humanitarian access for humanitarian actors in the field; or
 - (v) For any other reason that can be clearly demonstrated as reasonable and justifiable in the prevailing circumstances.
3. If the circumstances set forth in 2 (b) do not apply, then the Panel should be able to provide an individual an opportunity to reply.
4. The individual should be able to communicate directly with the Panel to convey their personal determination as to the level and nature of their interaction with the Panel.
5. Interactions between the Panel and the individual should be direct, unless in exceptional circumstances.
6. In no circumstances can third parties, without the knowledge of the individual, determine for the individual its level of interaction with the Panel.

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

¹⁶⁰ Hereinafter just the term individual will be used to reflect both.

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

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

- (a) All Panel investigations are initiated based on verifiable information being made available to the Panel, either directly from sources or from media reports.
- (b) In carrying out any investigations on the use of explosive ordnance against the civilian population, the Panel will rely on at least three or more of the following sources of information:
 - (i) At least two eye-witnesses or victims;
 - (ii) At least one individual or organization (either local or international) that has also independently investigated the incident;
 - (iii) If there are casualties associated with the incident, and if the casualties are less than ten in number, the Panel obtains copies of death certificates and medical certificates. In incidents relating to mass casualties, the Panel relies on published information from the United Nations and other organizations;
 - (iv) Technical evidence, which includes imagery of explosive events such as the impact damage, blast effects, and recovered fragmentation. In all cases, the Panel collects imagery from at least two different and unrelated sources. In the rare cases where the Panel has had to rely on open-source imagery, the Panel verifies that imagery by referring it to eye or by checking for pixilation distortion;
 - a. In relation to air strikes, the Panel often identifies the responsible party through crater analysis or by the identification of components from imagery of fragmentation; and
 - b. The Panel also analyses imagery of the ground splatter pattern at the point of impact from mortar, artillery, or free flight rocket fire to identify the direction from which the incoming ordnance originated. This is one indicator to assist in the identification of the perpetrator for ground fire when combined with other source information.
 - (v) The utilisation of open source or purchased satellite imagery wherever possible, to identify the exact location of an incident, and to support analysis of the type and extent of destruction. Such imagery may also assist in the confirmation of timelines of the incident;
 - (vii) Access to investigation reports and other documentation of local and international organizations that have independently investigated the incident;
 - (vii) Other documentation that supports the narrative of sources, for example, factory manuals that may prove that the said factory is technically incapable of producing weapons of the type it is alleged to have produced;
 - (viii) In rare instances where the Panel has doubt as to the veracity of available facts from other sources, local sources are relied on to collect specific and verifiable information from the ground. (For example, if the Panel wished to confirm the presence of an armed group in a particular area);
 - (ix) Statements issued by or on behalf of a party to the conflict responsible for the incident; and/or
 - (x) Open-source information to identify other corroborative or contradictory information regarding the Panel's findings.

(c) In carrying out its investigations on deprivation of liberty and associated violations the Panel relies on the following sources of information:

- (i) The victims, where they are able and willing to speak to the Panel, and where medical and security conditions are conducive to such an interview;
- (ii) The relatives of victims and others who had access to the victims while in custody. This is particularly relevant in instances where the victim dies in custody;
- (iii) Interviews with at least one individual or organization (either local or international) that has also independently investigated the incident;
- (iv) Medical documentation and, where applicable, death certificates;
- (v) Documentation issued by prison authorities;
- (vi) Interviews with medical personnel who treated the victim, wherever possible;
- (vii) Investigation and other documentation from local and international organizations that have independently investigated the incident. The Panel may also seek access to court documents if the detainee is on trial or other documentation that proves or disproves the narrative of the victim;
- (viii) Where relevant, the Panel uses local sources to collect specific and verifiable information from the ground, for example, medical certificates;
- (ix) Statements issued by the party to the conflict responsible for the incident; and/or
- (x) Open-source information to identify other corroborative or contradictory information regarding the Panel's findings.

(d) In carrying out its investigations on other violations, which can include forced displacement and threats against medical workers, the Panel relies on information that includes:

- (i) Interviews with victims, eyewitnesses, and direct reports where they are able and willing to speak to the Panel, and where conditions are conducive to such an interview;
- (ii) Interviews with at least one individual or organization (either local or international) that has also independently investigated the incident;
- (iii) Documentation relevant to verify information obtained;
- (iv) Statements issued by the party to the conflict responsible for the incident; and/or
- (v) Open-source information to identify other corroborative or contradictory information regarding the Panel's findings.

(e) Upon completion of its investigation, wherever possible, the Panel provides those responsible with an opportunity to respond to the Panel's findings in so far as it relates to the attribution of responsibility. Detailed information on incidents will not be provided when there is a credible threat that would threaten Panel sources.

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

2. The Panel will not include information in its reports that may identify or endanger its sources. Where it is necessary to bring such information to the attention of the Council or the Committee, the Panel may include more source information in confidential annexes.

3. The Panel will not divulge any information that may lead to the identification of victims, witnesses, and other particularly vulnerable Panel sources, except: (a) with the specific permission of the sources; and (b) where the Panel is, based on its own assessment, certain that these individuals would not suffer any danger as a result. The Panel stands ready to provide the Council or the Committee, on request, with any additional imagery and documentation to 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 individuals and certain organisations or entities with whom the Panel met, in order to protect source(s) confidentiality.

Table 4.1
Member States, organizations and institutions consulted ^{a b c}

<i>Country/ Location</i>	<i>Government</i>	<i>Representative or International Organization</i>	<i>Institution / NGO</i>
Albania ^b	Ministry of Interior, Finance, Justice, Transport Permanent Mission		
Australia	Australian Federal Police ^d		
Austria	Ministry of Foreign Affairs ^d	UNODC ^d	
Bangladesh	Ministry of Foreign Affairs		
Belgium	Permanent Mission	European Commission	
Brazil ^c	Permanent Mission		
Burundi	Permanent Mission		
China ^a	Permanent Mission		
Cyprus	Ministry of Foreign Affairs		
Egypt	Ministries of Foreign Affairs, Interior, Defence, Justice, and Civil Aviation Permanent Mission		
France ^a	Ministries of Foreign Affairs, Finance and Defence Permanent Mission		NGOs
Greece	Ministries of Foreign Affairs, Finance and Defence Permanent Mission		
India ^b	Permanent Mission		
Ireland ^b	Permanent Mission		
Italy	Ministry of Foreign Affairs, Interior, Finance, Defence and Justice Permanent Mission		EUNAVFOR MED Op IRINI NGOs
Japan ^c	Permanent Mission		
Jordan	Ministries of Foreign Affairs and Finance Permanent Mission		LTP
Liberia	Permanent Mission		Liberian Shipping Registry ^d
Libya	Ministry of Foreign Affairs, Defence, Justice, Oil and Gas CBL SSA	EU Delegation Turkish Embassy UNSMIL	Brega Petroleum Marketing Company LIA NOC ^d NGOs
Liechtenstein			FAST Initiative ^d
Malta ^c	Ministry of Foreign Affairs ^d Permanent Mission		

<i>Country/ Location</i>	<i>Government</i>	<i>Representative or International Organization</i>	<i>Institution / NGO</i>
Mexico ^b	Permanent Mission		
Morocco	Permanent Mission		
Mozambique	Permanent Mission		
Netherlands	Permanent Mission		
Niger	Permanent Mission		
Russian Federation ^a	Ministry of Foreign Affairs Permanent Mission		
Spain	Ministry of Foreign Affairs	World Bank	
Switzerland ^c	Ministry of Foreign Affairs Permanent Mission	OHCHR Special Rapporteur ^e	NGOs
Tunisia	Ministry of Foreign Affairs and Interior	EUBAM German Embassy Netherlands Embassy Switzerland Embassy United States Embassy	NGOs
Türkiye	Permanent Mission		
United Arab Emirates ^b	Ministry of Foreign Affairs, Interior and Justice Permanent Mission		
United Kingdom ^a	Ministry of Foreign Affairs ^d Treasury Permanent Mission	IMO	NGOs
USA ^a	State Department and Treasury Mission		

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

^b Countries indicated ‘b’ are elected members of the Security Council (2022).

^c Countries indicated ‘c’ are elected members of the Security Council (2023).

^d Via VTC or other electronic platform.

^e Violence against Women and Girls

Annex 5 Summary of Panel correspondence (2571 (2021) and 2644 (2022)) mandates¹⁶¹

Table 5.1
Correspondence with Member States (2571 (2021) Mandate)
(27 April 2022 to 12 July 2022) ^a

<i>Member State / country</i>	<i># letters sent by the Panel</i>	<i># replies from Member State</i>	<i># awaiting reply from Member State</i>
Belarus	1	0	1
Burundi	1	0	1
Central African Republic	2	0	2
Egypt	3	3	0
Equatorial Guinea	1	0	1
Italy	1	1	0
Japan	1	1	0
Jordan	1	0	1
Libya	2	0	2
Republic of South Africa	1	0	1
Syrian Arab Republic	1	1	0
Tanzania	1	0	1
Tunisia	2	0	2
Türkiye	1	0	1
Ukraine	1	1	0
United States of America	1	0	1
Total	21	7	14

^a 27 April 2022 being the last date that letters were included in annex 5 to [S/2022/427](#) and 12 July 2022 being the end of the resolution [2571 \(2021\)](#) mandate.

Table 5.2
Correspondence with Member States (2644 (2022) Mandate)
(13 July 2022 to 17 July 2023) ^a

<i>Member State / country</i>	<i># letters sent by the Panel ^b</i>	<i># replies from Member State</i>	<i># awaiting reply from Member State</i>
Albania	1	1	0
Bangladesh	1	1	0
Belgium	1	1	0
Bulgaria	4	4	0
Burundi	4	0	4
Central African Republic	1	0	1
Chad	1	0	1
Cyprus	1	1	0
Egypt	8	6	2
Finland	1	0	1

¹⁶¹ Excluding updates to the Committee, letters to the Chair or visit/visa requests to Member States.

<i>Member State / country</i>	<i># letters sent by the Panel ^b</i>	<i># replies from Member State</i>	<i># awaiting reply from Member State</i>
France	2	2	0
Greece	2	2	0
Italy	6	4	2
Japan	1	1	0
Jordan	5	2	3
Kyrgyz Republic	2	2	0
Liberia	1	0	1
Libya	20	2	18
Morocco	2	2	0
Netherlands	2	2	0
Poland	1	0	1
Republic of South Africa	1	0	1
Russian Federation	3	1	2
Tunisia	2	0	2
Türkiye	18	4	14
Ukraine	2	2	0
United Arab Emirates	3	1	2
United Kingdom of Great Britain and Northern Ireland	4	4	0
United States of America	8	2	6
Total	108	47	61

^a 13 July 2022 being the commencement of the resolution [2644 \(2022\)](#) mandate and 17 July 2023 being the last date for which replies were requested and could be included in the final report.

^b Includes all letters sent with a requested reply date by 17 July 2023.

Table 5.3

**Correspondence with regional organizations and other entities (2571 (2021) Mandate)
(27 April 2022 to 12 July 2022) ^a**

<i>Organization or entity</i>	<i># letters sent by the Panel</i>	<i># replies</i>	<i># awaiting reply</i>
European Union	1	1	
Euro Control	2	2	
Total	3	3	0

^a 27 April 2022 being the last date that letters were included in annex 5 to [S/2022/427](#) and 12 July 2022 being the end of the resolution [2571 \(2021\)](#) mandate.

Table 5.4

**Correspondence with regional organizations and other entities (2644 (2022) Mandate)
(13 July 2022 to 17 July 2023) ^a**

<i>Organization or entity</i>	<i># letters sent by the Panel</i>	<i># replies ^b</i>	<i># awaiting reply</i>
Attorney General's Office (Libya)	2	0	2
Euro Control	2	2	0
International Atomic Energy Agency	1	1	0

<i>Organization or entity</i>	<i># letters sent by the Panel</i>	<i># replies^b</i>	<i># awaiting reply</i>
HAF	6	3	3
Judiciary (Belgium)	1	0	1
National Oil Corporation (Libya)	1	1	0
Total	13	7	6

^a 13 July 2022 being the commencement of the resolution [2644 \(2022\)](#) mandate and 12 July 2023 being the last date for which replies were requested and could be included in the final report.

^b Includes all letters sent with a requested reply date by 17 July 2023.

Table 5.5
Correspondence with commercial companies (2571 (2021) Mandate)
(27 April 2022 to 12 July 2022)^a

<i>Organization or entity</i>	<i># letters sent by the Panel</i>	<i># replies</i>	<i># awaiting reply</i>
Barrett Firearms Manufacturing Inc (USA)	1	1	0
Minerva Special Purpose Vehicles LLC (UAE)	1	0	1
SAKO Limited (Finland)	1	0	1
Zaiwalla and Co (UK)	1	1	0
Total	4	2	2

^a 27 April 2022 being the last date that letters were included in annex 5 to [S/2022/427](#) and 12 July 2022 being the end of the resolution [2571 \(2021\)](#) mandate.

Table 5.6
Correspondence with commercial companies 2644 (2022) Mandate)
(13 July 2022 to 12 July 2023)^a

<i>Organization or entity</i>	<i># letters sent by the Panel</i>	<i># replies^b</i>	<i># awaiting reply</i>
Abdul Latif Jameel Import and Distribution Co., Ltd. (Saudi Arabia)	1	1 ^c	0
Accuracy International Limited (UK)	1	1	0
Air Libya (Libya)	1	0	1
Al Futtaim (UAE)	1	1	0
Al Rajeeb and Al Refai for Cars (Kuwait)	1	1	0
Al-Takamul Al-Afriqii Company (Libya)	1	0	1
Almutakss Cars FZE (UAE)	1	1	0
Amsterdam Global Shipping (Netherlands)	1	1	0
Aviation Company (South Sudan)	1	1	0
Boies Schiller Flexner LLP (USA)	4	1	3
Boustany United Machineries Co, S.A.L. (Lebanon)	1	0	1
Capra Arms Savunma ve silah sanayi tic. Ltd. (Turkiye)	1	0	1
Daimler Truck AG (Germany)	1	1	0
Ebrahim K. Kanoo B.S.C. (Bahrain)	1	0	1
Falcon Wings LLC (UAE)	1	1	0
Ford Motor Company (USA)	1	1	0
Fursan Al Khaleej (Kuwait)	1	1	0

<i>Organization or entity</i>	<i># letters sent by the Panel</i>	<i># replies^b</i>	<i># awaiting reply</i>
General Motors Limited (USA)	1	1	0
Hilton Group (USA)	2	1	1
Holman Fenwick Willam MEA LLP (UAE)	2	0	2
Kratol Aviation FZC (UAE)	1	1	0
M&A Shipping and Trading (Marshall Islands)	1	0	1
Mercedes-Benz Group AG (Germany)	1	1	0
Mohamed Saud Bahwan Trading (FZC) LLC (Oman)	1	0	1
Muthana Al Battawi Motors (UAE)	1	1	0
SILC (Japan)	1	0	1
Shipping Company Groningen (Netherlands)	1	0	1
Squire Patton Bogs (MEA) LLP	1	1	0
Streit Group (UAE)	1	0	1
The Armored Group (UAE)	1	1	0
The Armored Group (USA)	1	1	0
VIP Armouring Industry Company (Jordan)	2	0	2
Yildirim Shipping (Türkiye)	1	0	1
Zaiwella and Co (UK)	2	2	0
Total	41	22	19

^a 13 July 2022 being the commencement of the resolution [2644 \(2022\)](#) mandate and 12 July 2023 being the last date for which replies were requested and could be included in the final draft report.

^b Includes all letters sent with a requested reply date by 17 July 2023.

^c Member State was copied on letter responded to the Panel.

Annex 6 Context of Zawiyah since August 2022

1. Zawiyah represents one of the main hubs for migrant smuggling and human trafficking in western Libya. The criminal networks based in the Zawiyah area are supported by armed groups and individuals with State legitimacy and political influence. These networks formed links with criminal groups based in the south of the country, increasing their reach to essentially enhance their revenues. Their influence over the governmental authorities gave them an important level of impunity that enabled them not only to prevent armed group members from facing prosecution, but also to develop a business model based on systematic human rights abuses aimed at generating revenue and facilitate transportation by land or sea, for the conduct of other criminal activities, such as drug trafficking and fuel smuggling.
2. The Panel met with individuals trafficked or smuggled through Libya, who at some point of their journey had fallen victim to the criminal networks based in Tripoli, Sabratah and Zawiyah.¹⁶² Their accounts provide evidence of un-uniformed armed actors openly carrying weapons and driving vehicles mounted with machine guns and holding the victims against their will in large warehouses, subjected to various forms of human rights violations (see annex 19).
3. In addition, fighters from the al-Nawasi Brigade and 777 Brigade who were not incorporated in other Tripoli-based armed groups arrived in the Zawiyah area following the August 2022 clashes in Tripoli (see annex 10). Their presence contributed to the deterioration of the security situation as they have been hosted by local armed groups involved in human trafficking, migrant smuggling and fuel smuggling.¹⁶³
4. Rival armed groups based in Zawiyah took opposing stands during those clashes in Tripoli. They did not directly participate in the fighting, but Dbeibah's prevalence had an impact on their respective influence on the authorities in Tripoli. Mohammed Bahrin (a.k.a al-Far), who supported Dbeibah, has since used his position¹⁶⁴ to reduce the influence of rival armed groups led by Hassan Busriba.¹⁶⁵

¹⁶² E.g. Panel interviews with former detainees (IHL Confidential Sources (CS) 25-27, 52-58, 65-72).

¹⁶³ Panel Meetings of 6 and 12 October 2022, and 10 and 17 January 2023.

¹⁶⁴ As head of the Office of Combatting Terrorism and Subversive Activities in the Western Region.

¹⁶⁵ Panel Meetings with Armed group representatives and actors from the security sectors of 10, 12 and 17 January 2023. Busriba was named deputy commander of the SSA by former Prime Minister Fayez al-Sarraj in 2021.

Annex 7 Narcotics Marketplace in Zawiyah

1. On Google Maps, the marketplace is labelled Sifaou after Mohamed Sifaou. Mohamed Sifaou is the head of the Ministry of Interior (MoI) Anti-Drug Unit in Zawiyah, who is openly associated with this location. The Panel has received confirmation from multiple sources that MoI vehicles are trading in illicit narcotics under a bridge called the “Bir Al ghanam Bridge” (كوبري بئر الغنم) at this location.

Sifaou hashish selling place
(Zawiyah, Libya)
(32°44'47.52"N, 12°43'1.68"E)

Labelled on Google Maps as *Al-Sifaw for the sale of hashish and Bafra rolling papers*.




Primary sources

1. Google Earth Pro, June 2023.

Developed by UN Panel of Experts

Official UN Translation 2311918E

Al-Sifaw for the sale of hashish and Bafra rolling papers

Annex 8 Declaration of the High Council of State on Zawiyah Operation

<p>STATE OF LIBYA THE HIGH COUNCIL OF STATE</p> <p>دولة ليبيا المجلس الأعلى للدولة</p> <p>بيان رئيس المجلس الأعلى للدولة بشأن قصف الطيران المسير لبعض المناطق بمدينة الزاوية</p> <p>إننا نؤكد رفضنا التام والقاطع لكل أشكال التهريب والجريمة بأنواعها، ونؤكد على أن مواجهة هذه الجرائم تتم عبر سلسلة من الإجراءات والخطوات، التي منها أن يتم استبدال الدعم السلعي بالدعم النقدي، والحكومة المتخصصة بالصراف فقط لم تتخذ أية خطوات إصلاحية في هذا الشأن، علماً أن تهريب النفط والوقود يتم على مستوى كبير وواسع وبشكل شبه رسمي عن طريق شخصيات ومستشارين لرئيس الحكومة.</p> <p>إن القصف بالطيران المسير لبعض مناطق مدينة الزاوية جاء بعد أيام قليلة من حراك شباب وأهالي الزاوية الراضين لانتشار الجريمة، وتقصير الحكومة الذي نتج عنه تشكيل لجنة من الحكماء والأعيان والجهات العسكرية والأمنية وشباب الحراك بمدينة الزاوية لإطلاق خطة لمكافحة الجريمة والتهريب، كما أنه بعد التواصل تبين لنا أن القصف تم بدون علم المجلس الرئاسي بصفته القائد الأعلى للجيش الليبي وبدون علم رئاسة الأركان والمنطقة العسكرية الغربية واللجنة العسكرية والأمنية التي تم تشكيلها مؤخراً.</p> <p>كما أننا نعلن رفضنا لتوظيف السيد عبد الحميد الدبيبة، بصفته وزير الدفاع، لسلح الطيران المسير لتصفية حسابات سياسية ضد أطراف مختلفة معه سياسياً بحجة نبيلة كمكافحة الجريمة.</p> <p>صدر في طرابلس، 26 مايو 2023.</p> <p>2\1</p>	<p>STATE OF LIBYA THE HIGH COUNCIL OF STATE</p> <p>دولة ليبيا المجلس الأعلى للدولة</p> <p>نحن نطالب المجلس الرئاسي بصفته القائد الأعلى للجيش الليبي بسحب صلاحيات الطيران المسير وقيادته من رئيس الحكومة الذي أصبح يستغله سياسياً لإرهاب خصومه السياسيين ومواجهتهم.</p> <p>ونؤكد على أن إدارة الطيران المسير لا علاقة لها بالأشقاء في تركيا، وأنه يدار بشكل مباشر من قبل وزير الدفاع عبدالحميد الدبيبة، وأنه يسوق لهذا الأمر للزج بالحليف التركي في الصراع الداخلي، ونرفض أي إشارة من أي طرف تمس بحياد الحليف التركي.</p> <p>خالد عمار المشري رئيس المجلس الأعلى للدولة</p> <p>صدر في طرابلس، 26 مايو 2023.</p> <p>2\2</p>
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Source: <https://twitter.com/MuhammedAhmedJ2/status/1662165334722215951/photo/3>, 26 May 2023.

Official UN translation
Reference no 2314271E
Translated from Arabic

Statement of the President of the High Council of State on the drone bombardment of certain areas in the city of Zawiyah

We affirm that we categorically reject all forms of smuggling and crimes of any kind. Confronting such crimes should be done through a series of measures and steps that would include replacing commodity subsidies with cash subsidies. The government, which specializes in disbursal only, has not taken any reform steps in this connection. It is well known that oil and fuel are smuggled on a wide scale and semi-officially through prominent personages and advisers to the Prime Minister.

The drone bombardment of certain areas of the city of Zawiyah came a few days after the stirrings of a movement by the youth and people of Zawiyah to reject the spread of crime and government negligence. It led to the formation of a committee of elders, notables, military and security parties, and activist youth in the city of Zawiyah to launch a plan to combat crime and smuggling. After making some contacts, it became clear to us that the bombing took place without the knowledge of the Presidency Council, which functions as the Commander-in-Chief of the Libyan army, and without the knowledge of the Chief-of-Staff, the western military zone command or the recently formed military and security committee.

We declare that we reject the use of drones by Minister of Defence Abdulhamid Al Dabiba to settle political scores with political parties that differ with him under the noble pretext of fighting crime.

We call on the Presidency Council, in its capacity as Commander-in-Chief of the Libyan army, to take command and control of drones away from the Prime Minister, who been using that power to terrorize and confront his political opponents.

We stress that drone oversight has nothing to do with our brothers in Turkey. It is done directly by Defence Minister Abdulhamid Al Dabiba. He is using this issue to drag our Turkish ally into the internal conflict. We reject any suggestion from any party that impugns the neutrality of our Turkish ally.

Khalid Ammar Al-Mashri
President of the High Council of State

Issued in Tripoli
26 May 2017

Annex 9 Decree establishing the National Force Support Authority (NFSA)



 جمهورية الوحدة الوطنية
 Federal Democratic Republic of Ethiopia
 Agaba ndurondru yamali
 Government of National Unity

قرار مجلس الوزراء
رقم (313) لسنة 2023 ميلادية
بإنشاء الجهاز الوطني للقوى المساندة

مجلس الوزراء :

بعد الاطلاع على الإعلان الدستوري الصادر بتاريخ 3/ أغسطس /2011 م، وتعديلاته.
 - وعلى الاتفاق السياسي الليبي الموقع بتاريخ 17 ديسمبر/ 2015 ميلادي.
 - وعلى مخرجات ملتقى الحوار الليبي المنعقد بتاريخ 9/ نوفمبر/2020 م.
 - وعلى قانون النظام المالي للدولة ولانحة الميزانية والحسابات والمخازن وتعديلاتهما.
 - وعلى القانون رقم 40 لسنة 1974 م بشأن الخدمة بالجيش الليبي وتعديلاته.
 - وعلى القانون رقم (12) لسنة 2010 م ، بشأن إصدار قانون علاقات العمل
 - وعلى ما قرره مجلس النواب في 10/ مارس /2021 م بمنح الثقة لحكومة الوحدة الوطنية.
 - وعلى كتاب أمين شؤون مجلس الوزراء رقم (10284) المؤرخ في 22/05/2023 م.
 - وعلى اجتماع مجلس الوزراء العادي الثالث لسنة 2023 م.

ق ر ر

مادة (1)

ينشأ جهاز يسمى الجهاز الوطني للقوى المساندة يتبع مجلس الوزراء يتمتع بالشخصية الاعتبارية والذمة المالية المستقلة مقره الرئيسي طرابلس .

مادة (2)

يضم الجهاز أفراد القوى المساندة من تشكيلات وكتائب ثوار 17 فبراير لإعادة تنظيمها وتنظيم تحركها ووضع الآليات والأسلحة والذخيرة الموجودة بحوزتها وفق إجراءات إدارية وقانونية وتشريعات معمول .

مادة (3)

يعني بأفراد القوى المساندة :-

1. ثوار 17 فبراير .
2. المشاركين في العمليات العسكرية للدفاع عن الوطن من المدنيين .
3. المدربين من العسكريين والأجهزة الأمنية الذين سيتم نديهم للجهاز .

مادة (4)

يتولى الجهاز الاختصاصات الآتي :-

1. المحافظة على أهداف ثورة 17- فبراير وفق التشريعات القانونية المعمول بها بالدولة الليبية.
2. حماية شرعية الدولة والمؤسسات السيادية والمحافظة على أمن واستقرار البلاد وأمنها القومي.





Official UN translation
Reference no 2311914E
Translated from Arabic

Government of National Unity
Cabinet Decision No. 313 (2023) establishing a National Support Forces Authority

The Cabinet,

Having considered the following:

- The Constitutional Declaration and amendments thereto;
- The Libyan Political Agreement signed on 17 December 2015;
- The outcomes of the Libyan Dialogue Forum held on 9 November 2020;
- The Act concerning the State financial system and regulations for the budget, accounts and reserves, and amendments thereto;
- Act No. 40 (1974) concerning service in the Libyan army, and amendments thereto;
- Act No. 12 (2010) concerning labour relations;
- The decision taken by the House of Representatives 10 March 2021 to grant confidence to the Government of National Unity;
- Secretary of Cabinet Affairs letter No. 10284 dated 22 May 2023;
- The third ordinary meeting of the Cabinet of 2023,

Does hereby decide the following:

Article 1

An Authority to be called the National Support Forces Authority shall be established subsidiary to the Cabinet with a legal personality and financial resources, with headquarters in Tripoli.

Article 2

The Authority shall bring together members of support forces and the 17 February Revolutionaries' Brigades with a view to restructuring them and regulating their movements and the deployment of their vehicles, weapons and munitions in accordance with administrative and legal measures and legislation in force.

Article 3

"Members of the support forces" shall mean the following:

1. The 17 February Revolutionaries;
2. Civilians who take part in military operations to defend the homeland;
3. Trainers from the military and security services assigned to the Authority.

Article 4

The Authority shall have the following competencies:

1. Preserving the objectives of the 17 February revolution in accordance with legislation in force in the Libyan State;
2. Protecting the legitimacy of the State and sovereign institutions, and maintaining the security and stability of the country and national security.
3. Supporting the army as needed to help secure and protect the Libyan border and entry points, and securing vital and strategic targets and facilities;
4. Supporting the Ministry of Interior as needed in protecting sovereign installations and the premises of diplomatic missions;
5. Providing support in emergencies, natural disasters and rescue operations;
6. Providing support in securing infrastructure projects and archaeological and tourist sites;
7. Any other competencies assigned to the Authority at a later date.

Article 5

The Authority shall be managed by a chief nominated by decision of the Prime Minister.

Article 6

The Authority shall have subsidiary branches in Libyan cities in accordance with proposals submitted by the chief of the Authority and decisions issued by the Prime Minister.

Article 7

The chief of the Authority shall be responsible for implementing tasks under the Authority's terms of reference and shall be responsible before the law for any violations by the Authority of the law.

Article 8

The financial resources of the Agency shall consist of the following:

1. What is allocated to it in the general budget of the State;
2. Any other resources that it is legally authorized to receive.

Article 9

The Agency shall have one or more bank accounts in one of the banks operating in Libya in which its funds shall be deposited in accordance with legislation in force.

Article 10

The present decision shall enter into force on the date of its issuance, and the relevant parties shall be required to implement it.

(Signed) [Illegible]
[Prime Minister]

Done on 9 Dhu al-Qa'dah A.H. 1444
22 May 2023

Annex 10 Tripoli-based armed groups since August 2022

1. On 27 and 28 August 2022, armed groups supporting the installation of Fathi Bashagha as Prime Minister attempted to press for the resignation of the Abdul Hamid Dbeibah government, triggering intense clashes in Tripoli. The fighting resulted in the withdrawal from Tripoli of the armed groups supportive of Bashagha. Those events marked changes in the armed groups' balance of power in the Libyan capital.
2. The aftermath of the clashes led to the dismantling of the Al-Nawasi Brigade and 777 Brigade, formerly the Tripoli Revolutionary Brigade (TRB), and the departure of their respective leaders, Mustafa Qaddour and Haitham Al-Tajouri, from Tripoli. Osama Al-Juwaili, former commander of the western military region, also had to relocate to his stronghold of Zintan after his participation in the pro-Bashagha offensive on Tripoli. Following the clashes, most of the Al-Nawasi brigade fighters were integrated in other security forces supporting the government, mainly the Stability Support Apparatus (SSA) and the Deterrence Apparatus for Combating Organized Crime and Terrorism (DACOT), formerly known as Special Deterrence Force (SDF). While the process of re-affiliation remains unclear at the moment, the Panel noted the considerable increase of territory under SSA and DACOT control, making them key actors for any future political process. The Panel assessed that Tripoli-based armed groups not only control the security forces in their territories, but also the local authorities that are likely to play a key role in the organization of future elections.
3. The posture of 444 Brigade also had an impact on the current security dynamics in Tripoli. The brigade is officially under the authority of the Minister of Defence. The brigade commander and former DACOT officer, Colonel Mahmud Hamza, presented to the Panel the brigade as a neutral military force willing to be a buffer between armed groups to avoid clashes in the city. It played a major role in the retreat of the Bashagha-affiliated forces in August 2022. 444 Brigade also extended its operational area to Bani Walid, which serves as a patrol base for its operations to the south.
4. Except for the clashes that occurred on 15 January 2023 at the defunct Tripoli International Airport (HLLT), and the ones on 28 May 2023 between 444 Brigade and DACOT, no significant clashes occurred in Tripoli after August 2022. The remaining armed groups based in the capital were keen to secure control over their territories and avoid being perceived as factors of destabilization.

Annex 11 Official LAAF orders reinforcing 106 brigade

Figure 11.1

Order to integrate 116 unit into 106 brigade

القيادة العامة للقوات المسلحة الليبية

القرارات

ق ر ر

القائد العام للقوات المسلحة العربية الليبية

رقم (170) لسنة 2023م بشأن ضم وحدة إلى اللواء 106 مجحفل

القائد العام للقوات المسلحة

بعد الاطلاع على :-

- قانون رقم (40) لسنة 1974 م بشأن الخدمة بالقوات المسلحة وتعديلاتها.
- وعلى القانون رقم (01) لسنة 2000 بإصدار قانون الإجراءات الجنائية العسكرية وتعديلاته.
- قانون رقم (01) لسنة 2015م بشأن تعديل القانون رقم (11) لسنة 2012م بشأن تحديد صلاحيات المستويات القيادية بالقوات المسلحة العربية الليبية.
- قرار مجلس النواب رقم (20) لسنة 2014 م بشأن تفويض رئاسة مجلس النواب باختصاصات القائد الأعلى.
- قرار القائد الأعلى رقم (20) لسنة 2015 م بشأن تعيين قائداً عاماً للقوات المسلحة العربية الليبية.

ق ر ر

مادة (1)

قُضِم الكتيبة 115 مشاة مجحفلة إلى اللواء 106 مجحفل وذلك بكامل قوتها العمومية من أفراد واليات وأسلحة وذخائر ومهمات.

مادة (2)

يعمل بهذا القرار من تاريخ صدوره وعلى الجهات المعنية تنفيذه.

المشير أركان حرب / /

خليفة أبو القاسم حفة

القائد العام للقوات المسلحة العربية الليبية

القرارات

في - الجمعة / بتاريخ 03 / 05 / 2023م
بإذن القيادة العامة للقوات المسلحة العربية الليبية

Source: Confidential

OFFICIAL UN TRANSLATION

Reference no. 2311914E

Translated from Arabic

General command of the Libyan Arab armed forces

Decision of the general commander of the Libyan Arab armed forces No. 170 (2023) concerning integration of a unit into the 106th brigade group

The General commander of the armed forces,

Having considered the following:

- Act No. 40 (1974) concerning service in the armed forces and amendments thereto;
- Act No. 1 (2000) promulgating the Code of Military Criminal Procedure and amendments thereto;
- Act No. 1 (2015) amending Act No. 11 (2012) concerning the powers and leadership ranks of the Libyan Arab armed forces;
- House of Representatives Decision No. 20 (2014) concerning delegation by the Office of the Speaker of the House of Representatives of the competences of the commander-in-chief of the Libyan army;
- And Commander-in-Chief Decision No. 20 (2015) appointing a general commander of the Libyan Arab armed forces,

Does hereby decide as follows:

Article 1

The 115th infantry battalion shall be integrated into 106 brigade group, with its full general force of personnel, vehicles, weapons, ammunition and missions;

Article 2

The present decision shall enter into force on the date of its issuance, and the relevant parties shall be required to implement it.

(Signed) Khalifah Abulqasim Haftar
Staff field marshal
general commander of the Libyan Arab armed forces

Figure 11.2
Order to integrate Khaled Ben Walid brigade into 106 brigade

القائد العام للقوات المسلحة العربية الليبية

قـرـار

القائد العام للقوات المسلحة العربية الليبية

رقم (220) لسنة 2023 م بشأن إنشاء رئاسة أركان الوحدات الأمنية

القائد العام :-

بعد الاطلاع على :-

- قانون رقم (40) لسنة 1974 م بشأن الخدمة بالقوات المسلحة وتعديلاته .
- قانون رقم (1) لسنة 2015 م بشأن تعديل القانون رقم (11) لسنة 2012 م بشأن تحديد صلاحيات المستويات القيادية بالقوات المسلحة العربية الليبية .
- قرار القائد الأعلى رقم (20) لسنة 2015 م بشأن تعيين قائداً عاماً للقوات المسلحة العربية الليبية .

قـرـر

مادة (1)

تُشأ بالقوات المسلحة العربية الليبية رئاسة تسمى [رئاسة أركان الوحدات الأمنية] وتكون تبعيتها للقيادة العامة.

مادة (2)

تضم الوحدات التالية إلى رئاسة أركان الوحدات الأمنية :-

1- اللواء 106 مجفحل	2- اللواء خالد بن الوليد
---------------------	--------------------------

مادة (3)

يُعيّن الرقم: 37825/ عميد ركن/ خالد خليفة أبو القاسم أمراً لها.

مادة (4)

على هيئة العمليات إعداد الهيكل التنظيمي لها

مادة (5)

يعمل بهذا القرار من تاريخ صدوره وعلى الجهات المختصة تنفيذه.

المشير أركان حرب //

خليفة أبو القاسم حفتـر

القائد العام للقوات المسلحة العربية الليبية

صدر في: الجمعة / بتاريخ 8 / 7 / 2023 م
بالتوقيع: القائد العام للقوات المسلحة العربية الليبية

Source: https://twitter.com/wady_dynar/status/1678508865346781189?s=46&t=AJSuGTvN8PWieUi-5AGhcQ, 10 July 2023.

OFFICIAL UN TRANSLATION
Reference no 2313572E
Translated from Arabic

General commander of the Libyan Arab armed forces

Decisions

Decision of the General commander of the Libyan Arab armed forces No. 220 (2023) concerning the establishment of an Office of chief of staff of Security Units

The general commander,

Having considered the following:

- Act No. 40 (1974) concerning service in the armed forces and amendments thereto;
- Act No. 1 (2015) amending Act No. 11 (2012) concerning the powers and leadership ranks of the Libyan arab armed forces;
- And commander-in-chief Decision No. 20 (2015) appointing a general commander of the Libyan arab armed forces,

Does hereby decide the following:

Article 1

The Libyan Arab armed forces shall establish an office to be called the Office of chief of staff of Security Units, which shall be subordinate to the general command.

Article 2

The following units shall be included in the Office of chief of staff of Security Units

1. The 106th brigade group

2. The Khalid ibn al-Walid army

Article 3

Staff brigadier Khalid Khalifah Abu al-Qasim (no. 37825) is hereby appointed as its commander.

Article 4

The Operations Authority shall design its organizational structure.

Article 5

The present decision shall enter into force on the date of its issuance, and the relevant parties shall be required to implement it.

(Signed) Khalifah Abu al-Qasim Haftar
Staff field marshal
general commander of the Libyan Arab armed forces

Done at Rajmah on 8 July 2023

Annex 12 TBZ Agency activities in LAAF controlled territories.

1. Sample of the news report titled “وصول معدات حديثة لكنس الشوارع تابعة لجهاز طارق بن زياد للخدمات والإنتاج -بنغازي”. The Panel translates this as “The arrival of modern equipment for sweeping streets belonging to the Tariq Bin Ziyad Agency for Services and Production – Benghazi”.

Figure 12.1

Road Maintenance in Benghazi



Source: <https://www.youtube.com/watch?v=-rpwdhYut6gM>, 7 May 2023.

2. Sample of the news report titled “جهاز طارق بن زياد يواصل عمليات الصيانة والنظافة في سيها”. The Panel translates this as “Tariq bin Ziyad Agency continues maintenance and cleaning operations in Sebha.”

Figures 12.2 - 12.3

Waste Management in Sebha





Source: <https://www.youtube.com/watch?v=KvXGIB1dwVA>, 17 May 2023.

3. Sample of a news report titled "جهاز طارق بن زياد للخدمات والإنتاج التابع للقيادة العامة ينتهي من إنجاز مشروع توسعة و تطوير " و إعادة رصف طريق المطار". The Panel translates this as "The Tariq bin Ziyad Service and Production Agency of the General Command finishes the completion of the project of expanding, developing and re-paving the airport road."

Figures 12.4 - 12.5

Road Building in Benghazi



Source: <https://www.libyaakhbar.com/breaking/2081637.html>, 14 February 2023.

4. Sample of the news report titled "للدعم قطاع الصحة جهاز طارق بن زياد للخدمات والإنتاج يفتتح مُستشفى بنغازي التخصصي". The Panel translates this as "To support the health sector, the Tariq Bin Ziyad Agency for Services and Production opens the Benghazi Specialized Hospital".

Figures 12.6 - 12.7

Construction of a hospital in Benghazi inaugurated by the head of the TBZ Agency, Jibril Daoud Al Badri



Source: <https://www.youtube.com/watch?v=dvdgBB-r9Xc>, 6 May 2023.

5. Sample of the news report titled "شهدت مدينة درنة حملة خدمية كبيرة تحت تنفيذ "جهاز طارق بن زياد" للخدمات والإنتاج". The Panel translates this as "The city of Derna witnessed a large service campaign under the implementation of the "Tariq bin Ziyad Agency" for services and production."

Figures 12.8

Road extension in Derna



Source: <https://twitter.com/alsaaa24/status/1588988508101828612?s=46&t=AJSuGTvN8PWieUi-5AGhcQ>,
5 November 2023.

6. Sample of a report from LAAF media titled "جانب من زيارة وفد القيادة العامة على راسه العميد صدام حفتر إلى مدينة سبها" "للاطلاع على المشاريع". The Panel translates this as "Excerpt of the visit of the General Command delegation, headed by brigadier general Saddam Haftar, to the city of Sebha to see the projects".

Figures 12.9 - 12.10

Saddam Haftar's visit to Sebha to see TBZ agency work





Source: <https://www.youtube.com/watch?v=npIloMyW18E>, 30 May 2023.

Annex 13 Reported counterterrorism related events in Libya

Table 13.1
Reported counterterrorism related events in Libya

Date	Event
18 Jun 2022	The GNU-AF 444 Brigade announced the arrest, in Bani Walid, of an alleged leader of ISIL-Libya named Mustafa bin Dallah, against whom an arrest warrant was issued in 2016 by the AGO. ^a
28 Jul 2022	The GNU-AF Counter Terrorism Force (CTF) reportedly arrested, in Gharyan, an Iraqi individual suspected of being a member of ISIL-Libya. ^b
8 Aug 2022	The Libyan judicial authorities in Misrata initiated the trial of 56 individuals suspected of being ISIL-Libya members. ^c
7 Sep 2022	The HAF Tareq Bin Ziyad brigade (TBZ) announced the killing of Mehdi Dango, a senior ISIL-Libya operative, during a security operation in Qatrun. Dango is responsible for the killing of the Egyptian Copts in Sirte, in 2015. ^d
16 Nov 2022	HAF's spokesperson Ahmed al-Mismari announced that the LAAF's Southwestern Security Operations Room had conducted a security operation against suspected ISIL-Libya operatives south of Qatrun, near the Libyan-Chadian border. According to the spokesperson, the operation resulted in the reported killing seven alleged ISIL-Libya members and two arrests. ^e
21 Nov 2022	The GNU-AF "information, investigation and apprehension unit" published a video of recently captured ISIL-Libya members who were active in different cities of Libya since 2016 according to their recorded testimonies. ^f
27 Nov 2022	The trial of suspected ISIL-Libya members accused of involvement in the occupation of Sirte in 2016 resumed in Misrata. 12 suspects, field commanders, witnesses gave statements to judges. ^g
19 Dec 2022	Tripoli Criminal Court issued sentences against 41 people, including death sentences against 17 of them, who were convicted of joining ISIL-Libya, committing murders, kidnappings, and vandalizing public property in the city of Sabratha and its environs. ^h
1 Jan 2023	Libya's Missing Persons Authority reported that 18 bodies were found buried in a mass grave in the Sabaa area of Sirte, a former stronghold of ISIL-Libya. ⁱ
8 Jan 2023	ISIL published the results of its terrorist operations in the world for the year 2022, including in Libya. ISIL admitted in its report having a small presence in Libya and reported to have carried three attacks in Libya, in 2022, which would have resulted in a total of 9 casualties. ^j
26 Feb 2023	The Misrata Court of Appeal held the eleventh session, and the first in 2023, to try more than forty accused of belonging to ISIL-Libya. The verdict was postponed to a later date. ^k
5 May 2023	Tunisia has received four women and five children, wives and children of ISIS fighters from Libya, at the Ras Jedir border crossing. The women had been acquitted by the Libyan judiciary while nine others were sentenced to twelve years in prison. ^l
29 May 2023	The Misrata Court of Appeal sentenced to death at least 35 ISIL-Libya suspects, both Libyans and foreign nationals; others were sentenced to life in prison. The sentences relate to incidents attributed to ISIL in 2015 and 2016 in cities like Zliten and Sirte. ^m

^a <https://ar.libyaobserver.ly/article/19649>, 18 June 2022.

^b <https://lana.gov.ly/post.php?lang=ar&id=249993>, 28 July 2022.

^c <https://arabic.euronews.com/2022/08/08/libya-misrata-tries-dozens-suspected-belonging-daesh-group-jihadist-killings>, 8 August 2022.

^d <https://www.alarabiya.net/north-africa/2022/09/08/ليبيا-عملية-تصفية-زعيم-داعش-في-ليبيا>, 7 September 2022.

^e <https://www.aa.com.tr/ar/2740418/2-الذول-العربية-ليبيا-قوات-حقت-تعليق-مقتل-7-مسلحين-من-داعش-وأسر>, 16 November 2022.

^f <https://www.facebook.com/100323058386315/videos/508062901380547>, 21 November 2022.

^g <https://arabic.euronews.com/2022/08/08/libya-misrata-tries-dozens-suspected-belonging-daesh-group-jihadist-killings>, 27 November 2022.

^h <https://arabic.rt.com/middle-east/1418568-ليبيا-جنايات-طرابلس-تقضي-بإعدام-17-شخصا-بتهمة-الانضمام-إلى-تنظيم-داعش>, 19 December 2022.

ⁱ <http://arabic.news.cn/20230102/3debb2ef85ac4f62a91f6e3c809f6950/c.html>, 1 January 2023.

^j <https://libyaobserver.ly/news/isis-admits-faltering-activities-libya>, 8 January 2023.

^k <https://libyaalhadath.net/?p=152712>, 26 February 2023.

^l <https://www.alaraby.co.uk/society/ليبيا/تونس-تستعيد-دفعة-من-اطفال-ونساء-مقاتلي-داعش-في-ليبيا>, 5 May 2023.

^m <https://www.maghrebvoices.com/cve/2023/05/29/ليبيا/أدينوا-إبارة-تكاب-جرانم-قتل-حكم-قضائي-بإعدام-35-عضوا-داعش-في-ليبيا>, 29 May 2023.

Annex 14 2022 ISIL’s summary of terrorist activities in the world

Figure 14.1
Summary of ISIL activities in different countries during 2022



NOTE: Framed in red, claim of three attacks in Libya, resulting in the killing and wounding of nine people.

Source: <https://ent.siteintelgroup.com/Jihadist-Threat-Statements/is-amaq-tallies-over-2000-attacks-in-2022-more-than-6800-casualties-in-22-countries.html>, 8 January 2023.

Annex 15 Syrian Presence in Libya

Sidi Blal Camp, Tripoli
(32°49'09.1"N 12°57'02.8"E)
(15 April 2023)

On 15 April 2023, the official Youtube page of the Syrian group *Sultan Suleiman Shah* published a video of a large number of its members marching and demonstrating in Sidi Blal camp in the area of Janzour in Tripoli, in celebration of the 12th year of the “Syrian revolution”.

Primary sources

1. <https://www.youtube.com/watch?v=E0sZrTQiYv4>, 15 April 2023
2. Confidential satellite imagery.



Annex 16 Incidents of violations of international humanitarian law (IHL) and international human rights law (IHRL) committed in the context of deprivation of liberty

1. This annex presents evidence of serious violations of IHL and IHRL against individuals detained: (a) in the detention centre under the control of the DACOT (appendix 16.A); and (b) in detention centres under the control of HAF (appendix 16.B and confidential appendix 16.C).

Appendix A to Annex 16: Violations of international human rights law committed in the detention centre under the control of DACOT

1. The Panel identified six incidents of arbitrary and unlawful detention, and serious violations of fair trial rights of detainees deprived of liberty in the Mitiga detention facility (see figure 16.A.1) in Tripoli under the control of the DACOT.¹⁶⁶ Five out of six detainees were consistently: (a) detained over a period of months without any judicial review of their detention; (b) denied adequate access to legal assistance; (c) denied access to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law; and (d) not given the opportunity to examine and have examined witnesses in court proceedings against them.¹⁶⁷ The detaining authority blatantly deprived detainees of these judicial guarantees and repeatedly refused to implement court orders to bring detainees before a judge, and in one case to enforce the Attorney General's order for release. This unlawful conduct is consistent with accounts of four Panel witnesses who testified that the DACOT detaining authorities have regularly refused to execute official judicial orders in violation of detainees' rights to a fair trial, and to liberty and security of the person.¹⁶⁸

2. This consistent pattern of a deliberate isolation of detainees and an exercise of an autonomous control of their access to protection, on which the Panel has reported regularly since 2015,¹⁶⁹ has turned the Mitiga detention facility into a systemic tool of mistreatment itself. Allied armed actors have increasingly utilised this punitive function to transfer civilians under their control to the Mitiga facility with the knowledge that judicial authorities would have been unable to enforce orders for release in those cases.

Figure 16.A.1

Satellite imagery of the Mitiga detention facility in Tripoli



Source: Google Earth.

¹⁶⁶ Articles 9 and 14 of the International Covenant on Civil and Political Rights. See also [S/2022/427](#), paragraph 39 and annex 21.

¹⁶⁷ Panel interviews with eyewitnesses (CS 61, 62 and 63).

¹⁶⁸ Panel interviews with family members (CS 20, 24 and 127) and eyewitnesses (CS 31 and 64). See also annex 20 of [S/2022/427](#).

¹⁶⁹ See e.g. 1) [S/2015/128](#), paragraph 82; 2) [S/2016/209](#), paragraph 91; 3) [S/2018/812](#), paragraph 40; 4) [S/2020/229](#), paragraph 35; and 5) [S/2022/427](#), paragraph 39 and annex 21.

Appendix B to Annex 16: Violations of IHL and IHRL committed in detention centres under the control of HAF

1. The Panel interviewed nine victims and their family members¹⁷⁰ in regard to alleged violations of IHL and IHRL that took place during the period from October 2020 to August 2022 in two unofficial places of detention under the exclusive responsibility and control of the TBZ brigade:

(a) The detention facility in the military base of the TBZ brigade in Sidi Faraj in Benghazi (see figures 16.B.1 and 16.B.2); and

(b) The detention section within the Gernada detention facility in Al Bayda' currently being expanded into a larger stand-alone building (see figures 16.B.3 and 16.B.4).¹⁷¹

2. The detention facility located inside the military base of the TBZ brigade in Sidi Faraj¹⁷² included: (a) a building divided in compartments with rooms and a section with solitary confinement cells; (b) a prison yard inside the detention compound; and (c) a detention wing with specialised dark isolation cells where detainees were held as part of a designed method of torture (see below paragraph 4). The detention section within the building of the Gernada detention facility had two blocks of cells. Block A contained group rooms while block B was reserved for solitary confinement cells. Summary information is at the confidential table 16.C.1.

3. The TBZ brigade used the two facilities for the detention of civilians who were unlawfully abducted and in other ways deprived of liberty by armed units under the control and command of LAAF and other HAF in multiple locations in Ajdabiya, Benghazi, and Sirte; and transferred to the two facilities either directly upon the arrest or from other detention facilities under HAF control, including the HAF internal security agency premises in Ajdabiya and Benghazi, the Kweifiya detention facility in Benghazi, and the Gernada detention facility in Al Bayda'. Two detainees were transferred from Sirte to Benghazi by military cargo airplanes administrated by Russian private military operatives while under the complete control of the detaining authorities. The Panel received a list of names of another eight civilians who were in the same manner transferred to the two detention facilities under the control of TBZ, after they were unlawfully deprived of liberty by HAF group 20/20 in the context of raids on local civilians' dwellings in the area of Sirte (see annex 17).

4. Two detainees were severely beaten with plastic tubes and metal objects (see confidential figures 16.C.2 and 16.C.3), suspended by the wrists, denied access to food and potable water, and held in prolonged incommunicado detention. Four detainees were confined in a special detention wing of the military base in Sidi Faraj in Benghazi in a dark isolation cell for lengthy periods of time intentionally designed as a method of psychological torture. They testified to the Panel that the cell resembled a sealed black box without windows and with walls and the ceiling painted in black colour to induce the painful effects of prolonged sensory deprivation. While in there, detainees were periodically exposed to the repeated sound of a ventilator hitting a plastic bottle intentionally placed against it. This manipulation of sensory environment disoriented, traumatized and caused mental harm to the four detainees.

5. The Panel found that the TBZ detaining authorities were responsible for:

(a) Violating detainees' right to liberty and security of person by arresting and imprisoning them on arbitrary and unlawful grounds; and intentionally depriving them of core procedural guarantees; and

(b) Acts that amounted to torture, cruel and degrading treatment.¹⁷³

¹⁷⁰ Where a victim was deceased or unable to give testimony due to an ongoing detention, the Panel interviewed an immediate family member.

¹⁷¹ Panel interviews with former detainees (CS 28, 29, 30, 34, 73, and 74) and family members (CS 22, 33 and 128).

¹⁷² 32°04'02.0"N, 20°12'56.9"E.

¹⁷³ Common Article 3; Articles 7, 9 and 14 of the ICCPR; UN Human Rights Committee, *General Comment No. 35*, CCPR/C/GC/35, 16 December 2014.

LAAF response to the Panel's findings

6. In their opportunity to reply, the LAAF command contested the Panel's findings with regard to: (a) the existence of the two unofficial detention facilities; (b) the identified IHL and IHRL violations; and (c) the responsibility of involved HAF units and their members, including the head of the Gernada detention section, Mohamed Al-Tagouri.¹⁷⁴

7. Firstly, the LAAF command argued that the military base of the TBZ brigade in Sidi Faraj has detention facilities exclusively reserved for its military personnel. No facilities for the holding or detention of civilians existed within the base. They stated that with regard to the Gernada detention facility, the facility and all its sections fall exclusively under the authority of the ministry of interior. No separate detention wing under the TBZ brigade's command existed.

8. Secondly, focusing on the Gernada detention facility, the LAAF command stated that no mistreatment of detainees has taken place in this facility, which is equipped to provide regular medical care to detainees in need, and regular access is granted to independent humanitarian monitors.

9. Thirdly, the LAAF command claimed that Mohamed Al-Tagouri had no responsibility for detention-related or any other matters inside the Gernada detention facility. They stated that this is because he is in the LAAF military police with responsibility for providing external security outside the premises of the Gernada detention facility. In his statement of reply to the Panel's findings, Al-Tagouri confirmed that: (a) there is no detention section under TBZ control within the Gernada detention facility; (b) he is in the LAAF military police without any command function; and (c) in his role as a member of the military police, he carries out regular security tasks such as guarding the Gernada detention facility and escorting detainees between custody and court.¹⁷⁵

10. Neither the LAAF command or Al-Tagouri provided any supporting evidence to convince the Panel of the veracity of their statements. To the contrary, the Panel has extensive independent, corroborative documentary and testimonial evidence to support its findings.

11. Having examined the relevant testimonial and documentary evidence, the Panel is persuaded by the consistent, detailed and credible statements of six former detainees who were detained in concerned locations for prolonged periods of time, and family members of other three detainees who were unable to provide their evidence because they were deceased or due to an ongoing detention. The Panel corroborated these testimonies with independent sources and available documentary evidence, including satellite and other imagery, that confirmed the location and the description of the two facilities, and the patterns of mistreatment there.

Figures 16.B.1 and 16.B.2

Satellite imagery of the detention wing in the military base under the TBZ control in Sidi Faraj, Benghazi



Source: Google Earth.

¹⁷⁴ 1) LAAF general command responses of 7 July 2022 and 26 June 2023; and 2) Panel online meeting with LAAF general command, 9 July 2023.

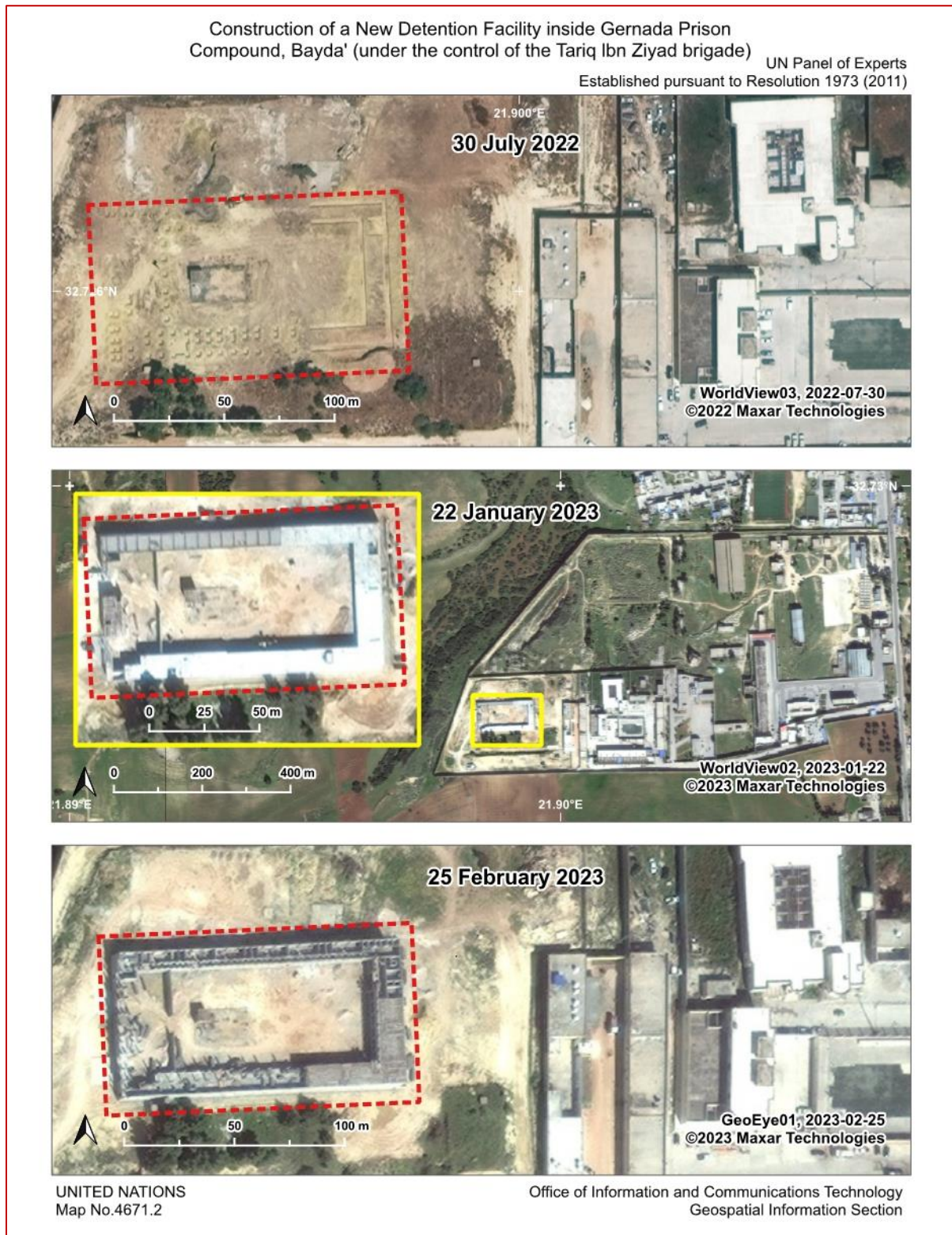
¹⁷⁵ Panel online meeting with Mohamed Al-Tagouri, 9 July 2023.

Figure 16.B.3
Satellite imagery of the detention section in the Gernada facility under the TBZ control in Al Bayda'



Source: Google Earth.

Figure 16.B.4
Satellite imagery of the construction of the new TBZ detention section within the Gernada facility in Bayda



CONFIDENTIAL Appendix C to Annex 16: Summary of investigated incidents

Annex 17 Targeted attacks against members of civil society and journalists

1. The Panel investigated 21 incidents of attacks against human rights defenders, humanitarian workers, social and political activists, and journalists, in Ajdabiya, Al Bayda', Benghazi, Sirte, and Tripoli.¹⁷⁶ Individuals belonging to the Internal Security Agency (ISA) office in Tripoli, and HAF ISA offices in Benghazi and Tobruk, the TBZ brigade, group 20/20, deprived targeted persons of their freedom of expression through violent acts of unlawful deprivation of physical liberty, mistreatment in detention, denial of fair trial rights, burning and destruction of their private property, and intimidation.¹⁷⁷ Samples of documentary evidence of these attacks are presented in confidential appendix 17.A.

2. The Panel identified a consistent pattern of these human rights abuses targeting persons: (a) who were engaged in community-based human rights or political projects unapproved by the leadership of the above involved entities; or (b) who publicly criticised various components of local governance institutions affiliated with those entities.¹⁷⁸ The attackers identified individuals through the surveillance of their digital or offline public activities and attacked them with the purpose of establishing complete control over their actions. Upon identification, 85% of cases investigated by the Panel resulted in arbitrary detention and transfer of targeted persons to the detention facilities under the control of HAF in Benghazi or the DACOT in Tripoli where they were subjected to ill-treatment and deplorable material conditions (see annex 16).

3. The attackers further organised and directed a public defaming campaign against the victims that was primarily based on a misuse of national legislation to characterise victims as “criminals”, “drug dealers”, “apostates”, and “spies” in an attempt to justify and obtain public support for the acts of violence and intimidation inflicted against the targeted persons. Female human rights defenders and social activists were particularly vulnerable to such stigmatisation in the context of detrimental gender stereotypes and discrimination. Having been subjected to these violent acts that imposed immediately danger to their and their immediate family members’ lives and wellbeing, four targeted persons were forced to withdraw from their participation in public life and to displace from their immediate communities out of fear that the attackers would repeat or escalate violent acts against them and their relatives.

4. In this context, the Panel identified an emerging pattern of attacks since August 2022, found in nine incidents of unlawful abductions of persons perceived as supporters of or associated with the candidacy of Saif al-Islam Qadhafi to the presidential elections. Individuals belonging to the HAF ISA, the TBZ brigade and HAF group 20/20 targeted victims on political grounds as a direct infringement upon their freedoms of expression.¹⁷⁹ They carried out these attacks in an organised manner reflected in coordination of joint raids and other operational activities between designated units, including regular transfers of abducted persons from the custody of one HAF unit to the other (see also annex 16). Two outspoken individuals were attacked in the context of raids on civilians’ houses that HAF group 20/20 under the command of Ali Al Mashai (a.k.a. Ali Abdel Salam Ahmed) and the TBZ brigade carried out jointly as a form of punishment against persons belonging to the Qadhafa tribe.

LAAF response to the Panel's findings

5. The LAAF command also contested the Panel’s findings regarding the responsibility of group 20/20 and its commander, Ali Al Mashai (a.k.a. Ali Abdel Salam Ahmed), for unlawful security operations and related violations of international human rights law against civilians in Sirte in August 2022.¹⁸⁰ In his statement of reply, Ali Al Mashai claimed: (a) that group 20/20 does not exist within HAF but he is aware of a military unit of the same name based in Tripoli; and (b) that he is a sergeant in the TBZ brigade with no command function.¹⁸¹ Neither the LAAF command or Ali Al Mashai provided any supporting evidence to convince the Panel of the veracity of their statements. To the contrary, the Panel has extensive independent, corroborative documentary and testimonial evidence to support its findings.

¹⁷⁶ Panel interviews with eyewitnesses (CS 31, 32, 62, 63, 64, 79, 83 and 127).

¹⁷⁷ Articles 7, 9, 14 and 19 of the ICCPR.

¹⁷⁸ See also paragraph 44 of [S/2022/427](#).

¹⁷⁹ Article 19 of the ICCPR.

¹⁸⁰ 1) LAAF general command response of 26 June 2023; and 2) Panel online meeting with LAAF general command, 9 July 2023.

¹⁸¹ Panel online meeting with Ali Al Mashai, 9 July 2023.

CONFIDENTIAL Appendix A to Annex 17

Annex 18 Human trafficking and migrant smuggling routes in Libya under the Panel investigation

1. The Panel identified eight human trafficking and migrant smuggling routes in Libya operated by Libyan networks of human traffickers and smugglers with regional and international elements in seventeen countries, including Bangladesh, Egypt, Eritrea, Ethiopia, France, Germany, Italy, Lebanon, Morocco, Niger, Nigeria, Pakistan, Portugal, Somalia, Sudan, Syria, and the United Arab Emirates. Key parameters of these routes are presented in table 18.1.

Table 18.1

Key parameters of international and regional human trafficking and migrant smuggling routes with operations centres in Libya¹⁸²

<i>Departure point</i>	<i>Means of transport</i>	<i>Transit countries</i>	<i>Entry points Libya</i>	<i>Transit points Libya</i>
Bangladesh (Dhaka)	Aircraft	United Arab Emirates (Dubai); Syria (Damascus); Kuwait (Kuwait City); Jordan (Amman); Cyprus (Larnaca); Egypt (Alexandria or Cairo); Qatar (Doha).	Benghazi (Benina airport)	Misrata, Tripoli, Sabrathah, Zawiyah, Zuwarah
Egypt (Alexandria)	Aircraft	Direct route to Libya	Benghazi (Benina airport)	Tobruk, Sabrathah, Zawiyah, or Zuwarah
Egypt (Cairo - Alexandria)	Land	Direct route to Libya	Salloum	Umm Sa'ad, Bir al Ashhab, Bardiyah, Musaid, Kambut, Tobruk, Derna, Kufra, Sabrathah, Zawiyah, or Zuwarah
Lebanon (Beirut)	Aircraft	Syria (Damascus)	Benghazi (Benina airport)	Tripoli, Sabrathah, Zawiyah, Zuwarah
Morocco (multiple locations)	Aircraft	Direct route to Libya	Tripoli (Mitiga airport)	Tripoli, Zawiyah, Zuwarah
Nigeria (multiple locations)	Land	Niger	Tazirbu, Kufra	Bani Walid, Tripoli, Sabrathah
Pakistan (Karachi)	Aircraft	United Arab Emirates (Dubai)	Benghazi (Benina airport)	Tobruk, Bardiyah, Musaid, Sabrathah, Zawiyah, or Zuwarah
Syria (Damascus)	Aircraft	Direct route to Libya	Benghazi (Benina airport)	Tripoli, Sabrathah, Zawiyah, Zuwarah
Somalia (multiple locations)	Land	Ethiopia, Eritrea, Sudan	Tazirbu, Kufra	Bani Walid, Shuwayrif desert, Tripoli
Sudan (multiple locations)	Land	Direct route to Libya	Tazirbu, Kufra	Bani Walid, Tripoli, Sabrathah, Zawiyah, Zuwarah

2. The Panel interviewed 64 witnesses, including 26 children, who were trafficked along these routes. 56% of them, and in particular those on routes from Bangladesh, Egypt, Morocco, Pakistan, and Syria, started their journey in the context of migrant smuggling schemes. These schemes were organised by local elements of the investigated trafficking and smuggling networks responsible for the recruitment and logistics in the country of origin. In these cases, the principle motive of the migrants for deciding to take the journey was for economic gain. Migrants were lured into believing that they would

¹⁸² Panel interviews with CS 19, 25-27, 37-72, 80-82, and 88-123.

have access to labour opportunities in the destination country - Libya or one of the European countries - that would have generated sufficient earnings to financially support their immediate family members back home. Having departed from the country of origin, smuggled migrants came, however, under the full control of well-organised human trafficking organisations and deprived of their liberty. Those who wanted to return were coerced to continue the journey under the threat of death. The other 44% were victims who were vulnerable to human trafficking in their countries of origin primarily due to the situations of protracted armed conflicts and other coercive factors that put them at the real risk of serious human rights abuses.

3. The Panel identified nineteen locations of operation centres run by human trafficking and migrant smuggling networks in the south, the west and the east of Libya: Ajaylat, Ajdabiya, Al-Khums, Bani Walid, Bardiyah, Benghazi, Kufra, Misrata, Musaid, Sabrathah, Shuwayrif desert, Sirte, Tazirbu, Tripoli, Tajoura, Tobruk, Umm-Sa'ad, Zawiyah, and Zuwarah (see figure 18.1). These centres were used as: (a) coordination points from where network leaders coordinated the operational phases of the trafficking scheme using elements of the network in multiple locations inside and outside Libya; (b) logistic bases where drivers changed vehicles and other transportation resources necessary to continue the journey; and (c) short and long-term detention places where trafficked migrants were unlawfully deprived of liberty and subjected to acts of torture and other ill-treatment for the purpose of sexual and labour exploitation, extortion of money and/or disciplinary control over detainees. Depending on the size of the operation centre, such detention places ranged from temporary spaces, such as houses and apartments belonging to the network's leaders, to more permanent facilities in the form of warehouses.

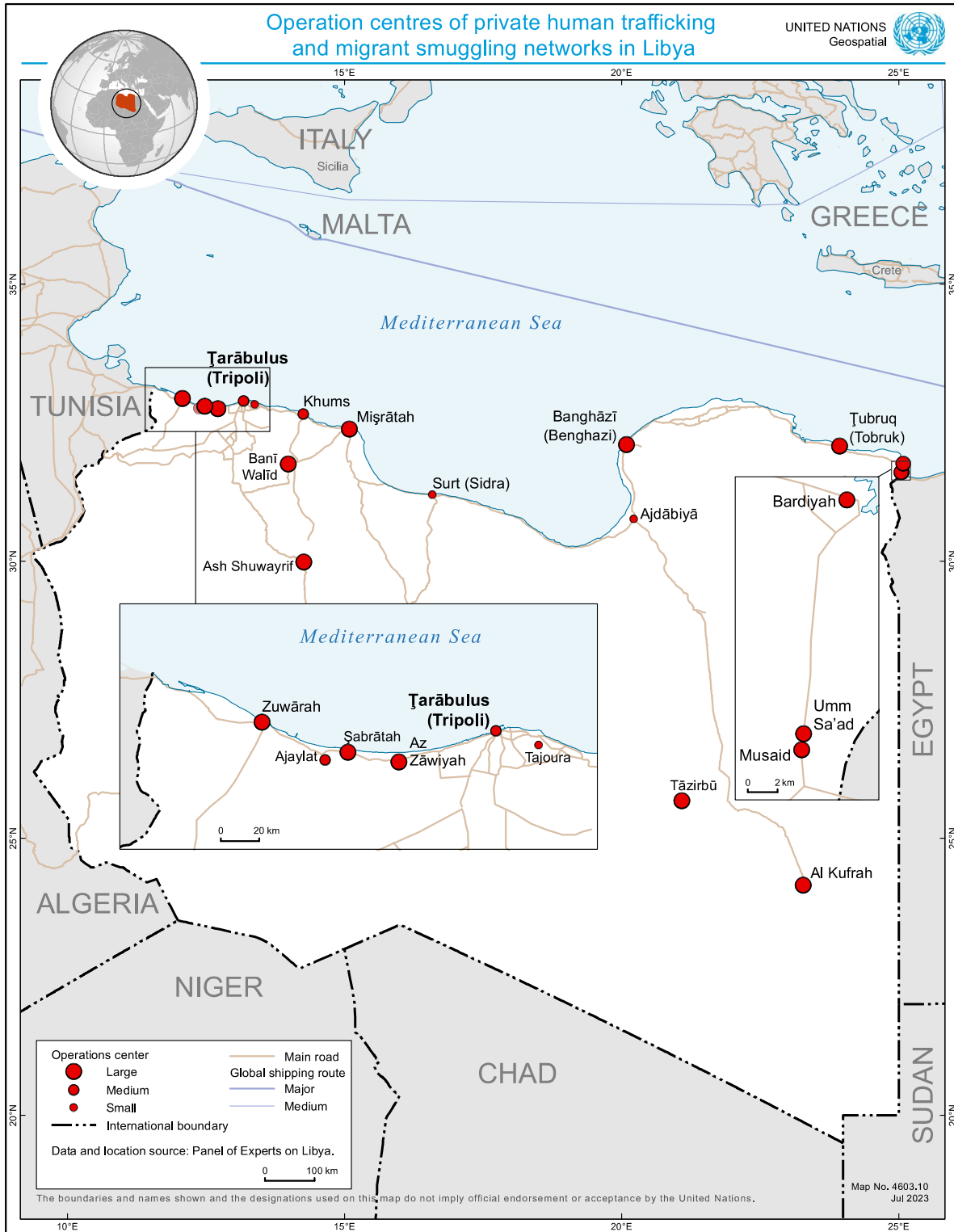
4. The detention was consistently characterized by inhuman and degrading treatment, unhygienic conditions, overcrowding, and starvation. Illegal detention facilities in Bani Walid, Tazirbu and Shuwayrif desert were particularly notorious for inhuman and degrading conditions of life, brutal beatings and severe sexual violence, including rape, sexual enslavement and enforced prostitution.¹⁸³ Two witnesses, identified by the pseudonyms CS42 and CS43, 16 and 17 year old boys at the time, testified to the Panel that elements of the private networks operating centres in Bani Walid and Shuwayrif desert repeatedly subjected them to extremely violent acts of physical and psychological torture, slavery, and starvation for the purpose of extorting amounts of around USD 12,000 – USD 12,500 per person during the period of nine months in 2020. The regularly applied methods of torture included stress positions for prolonged periods of time, beatings, *submarino*,¹⁸⁴ sleep deprivation, applied cumulatively with deprivation of food and water, verbal abuse, and intimidation. Witnesses were further forced to clean, cook and serve the elements of the network running the detention facility. CS42 was raped daily by multiple perpetrators.

5. The Panel notes that the majority of identified survivors of torture and rape had limited, if any, access to adequate medical or psychological support in countries of origin or temporary residence. The lack of such specialized rehabilitation programmes has caused a serious protection gap that has left the victims feeling traumatised, disoriented, depressed, and often ashamed of the violence and abuse to which they were subjected.

¹⁸³ Panel interviews with former detainees (CS 41, 42, 43, 70, 71 and 72). See also paragraph 46 of [S/2022/427](#).

¹⁸⁴ Detainee's head was dunked into a toilet bowl filled with water and excrement.

Figure 18.1.
Operation centres of private human trafficking and migrant smuggling networks in Libya



Annex 19 IHL and IHRL violations associated with the operating methods of the expanded Zawiyah Network in Zawiyah and Warshafana

1. The Panel previously reported on six incidents of unlawful deprivation of life and liberty, torture and other severe ill-treatment, and forced labour, committed in the Al-Maya DC, and identified Mohamed Al-Kabouti as directly responsible for the said human rights abuses.¹⁸⁵ During the reporting period, the Panel identified additional eighteen incidents of unlawful and arbitrary detention, torture and other ill-treatment committed in the Al-Maya detention centre (Al-Maya DC). This DC is located in a former medicine factory in the coastal area of Wershafana under the direct command and control of 55 Brigade.¹⁸⁶ The Panel also identified the existence of a secret detention facility for migrants known as “Prison 55” (or Al-Zahra DC) that the leadership of 55 Brigade ran in Al-Zahra during the period from April 2021 until November 2022.

2. The Panel established that Muammar al-Dhawi, the commander of 55 Brigade, Mohamed Al-Kabouti, and their subordinates were responsible for the management and operation of the Al-Maya DC and Prison 55. The Panel found that since October 2021 these individuals were directly responsible for acts committed against detained migrants under their effective control in the two detention facilities that violated applicable IHRL and IHL.¹⁸⁷

3. The leadership of 55 Brigade operated the Al-Maya and Al-Zahra DCs as part of the illegal detention system for migrants established and controlled by individuals within the core Zawiyah network. These individuals include Abd Al Rahman al-Milad (LYi.026), Mohamed Al Amin Al-Arabi Kashlaf (LYi.025) and Osama Al-Kuni Ibrahim (LYi.029). Other detention centres for migrants in Zawiyah and Al-Harsha – Al-Nasr DC and temporary detention facilities in Al-Harsha – were operated by the Network for the purpose of executing a common plan to gain substantive financial assets from criminal activities related to trafficking and smuggling in persons in and through Libya.

4. This plan entailed: (a) racketeering and controlling private networks of human traffickers and migrant smugglers operating in areas under the Network’s territorial and maritime control; (b) extorting money from detained migrants under their control through acts of brutal mistreatment; (c) exploiting detained migrants under their control by deploying them as forced labour force to carry out construction work at boat factories, households and other facilities owned by the Network; and (d) creating business leverages and deals with local armed groups in control of areas in western and eastern parts of Libya to facilitate their criminal activities of trafficking and smuggling illicit items and persons, including by selling them boats and other necessary equipment.¹⁸⁸

The establishment of the Al-Maya DC

5. The Panel identified that the Al-Maya DC had several functions in support of 55 Brigade and its military coalition in Zawiyah, including: (a) generating regular financial profits through extorting remittance from detained migrants by acts of torture and other ill-treatment; (b) exploiting detained migrants through forced labour for the logistic needs of 55 Brigade and allied local armed groups, such as construction work, everyday maintenance tasks, and domestic labour; (c) supporting interdiction maritime operations under SSA command in Zawiyah with the necessary infrastructure and logistics, in particular when capturing migrants at sea and returning them to detention locations under 55 Brigade’s command and control; (d) strengthening the ability of 55 Brigade’s internal capabilities to exercise effective control over strategic territorial points in Zawiyah for protracted time periods; and (e) serving as a façade for the 55 Brigade leadership to gain political influence and legitimacy among the national and international stakeholders as a relevant security actor combating human trafficking and migrant smuggling in Libya.

¹⁸⁵ [S/2022/427](#), paragraph 51.

¹⁸⁶ [S/2022/427](#), paragraphs 50 – 51. 55 Brigade may also now appear under the name of 55 Infantry Battalion integrated in the military structures of the Libyan Ministry of Defence on 28 November 2022. Ministry of Defence Decision No. 32 of 2022 regarding the establishment of an infantry battalion.

¹⁸⁷ Common Article 3; articles 4, 5 and 13 of Additional Protocol II; articles 6, 7, 8, 9, of the ICCPR, and article 37 of the CRC.

¹⁸⁸ Panel interviews with former detainees (CS 27, 55, 58 and 122).

6. Between December 2021 and February 2023, the Al-Maya DC operated under an unofficial institutional framework of the SSA-controlled Department for Combating Settlement and Illegal Immigration (DCSII),¹⁸⁹ which existed in parallel with the Libyan government's detention system for migrants under the authority of the Department for Combatting Illegal Migration (DCIM).¹⁹⁰ On 2 February 2023, the SSA commander, Brigadier Abdel Ghani Belgasim Khalifah (a.k.a. Ghenewa or al-Kikli), issued an order to close down the Al-Maya DC for the reason that "it overstepped its mandate several times and owing to lack of coordination and failure to respond to the relevant communications of the Director of the Apparatus" (see figure 19.3).¹⁹¹ Shortly after, on 8 March 2023, Major General Issam Busriba, the Minister of Interior in the Government of National Stability (GNS) and a family member of Hassan Busriba – the SSA deputy commander in charge of the SSA Zawiyah command - issued an executive decision to re-establish the Al-Maya DC under GNS auspices in an attempt to provide this detention facility with some semblance of legitimacy (see figure 19.4). The Al-Maya DC is operational to this date.

Description of the Al-Maya DC

7. The Al Maya detention facility¹⁹² is located in the north-west of Libya in the al-Mayah coastal area of Wershafana, around 27 km west of Tripoli (see figures 19.5 and 19.6). In October 2021, at around the time when the Al-Maya DC officially opened, it consisted of a large warehouse exclusively utilised for the detention of around 1,500 – 2,000 migrants. By March 2023, the DC developed into a detention complex with an additional six to seven large barracks and warehouses detaining in total between 3,500 and 4,000 migrants.¹⁹³ 55 Brigade forced detainees to build these expanded components of the compound under deplorable material conditions.

Description of Prison 55

8. Prison 55 was part of a military compound located in al-Zahra, Wershafana¹⁹⁴ that served as 55 Brigade's military quarters until November 2022 (see figure 19.7). The compound comprised of several barracks and buildings with an old alley road dividing the compound in two parts ("part A" and "part B"). The functional military quarters buildings were located in part A while most of the barracks and buildings located in part B were used as detention locations for migrants. At the entrance gate, on the left side was a guardroom and on the right was a room with toilets and showers. A large two-storey building was located in the centre of the compound ("Main Building"). Four rooms on the ground floor of the Main Building were used for detention of migrants, while Mohamed Al-Kabouti's offices were located on the second floor.¹⁹⁵ Beside the Main Building was a weapon storage area. To the north-west, beside the wall, another small building was used for detention of migrants. On the other side of the alley road, in Part B, around five minutes walking distance from the Main Building, was an abandoned building under construction ("Isolated Building") and a long metal building with several rooms ("Hangar"). A plan of the compound indicating the layout of Prison 55 is at figure 19.8.

The arrival, management and release of detainees

9. The two detention facilities, the Al Maya DC and Prison 55, were at the heart of the expanded Zawiyah Network's *modus operandi*. These facilities enabled the Network to exercise physical control of trafficked or smuggled persons for the purpose of gaining from them financial and other profits for the benefits of the Network's members. This enterprise model encompassed several operational phases: (Phase 1) *pre-detention*; (Phase 2) *capture and return*; (Phase 3) *detention*; and (Phase 4) *release*, where applicable (see figure 19.1).

¹⁸⁹ Official DCSII webpage is available at: https://www.facebook.com/profile.php?id=100076437379692&ref=page_internal.

¹⁹⁰ S/2022/427, paragraph 47.

¹⁹¹ Decision No. (17) of 2023 of the Director of the Stability Support Apparatus concerning the operations of the Department for Countering Settlement and Illegal Migration shelter in Mayah, 1 February 2023, Article 1. Under the same order, the SSA central command closed the entire DCSII and excluded the SSA maritime units from its military structure. As of May 2023, the SSA maritime units have been integrated into the Libyan General Administration for Coastal Security (GACS) under the authority of the Libyan Ministry of Interior.

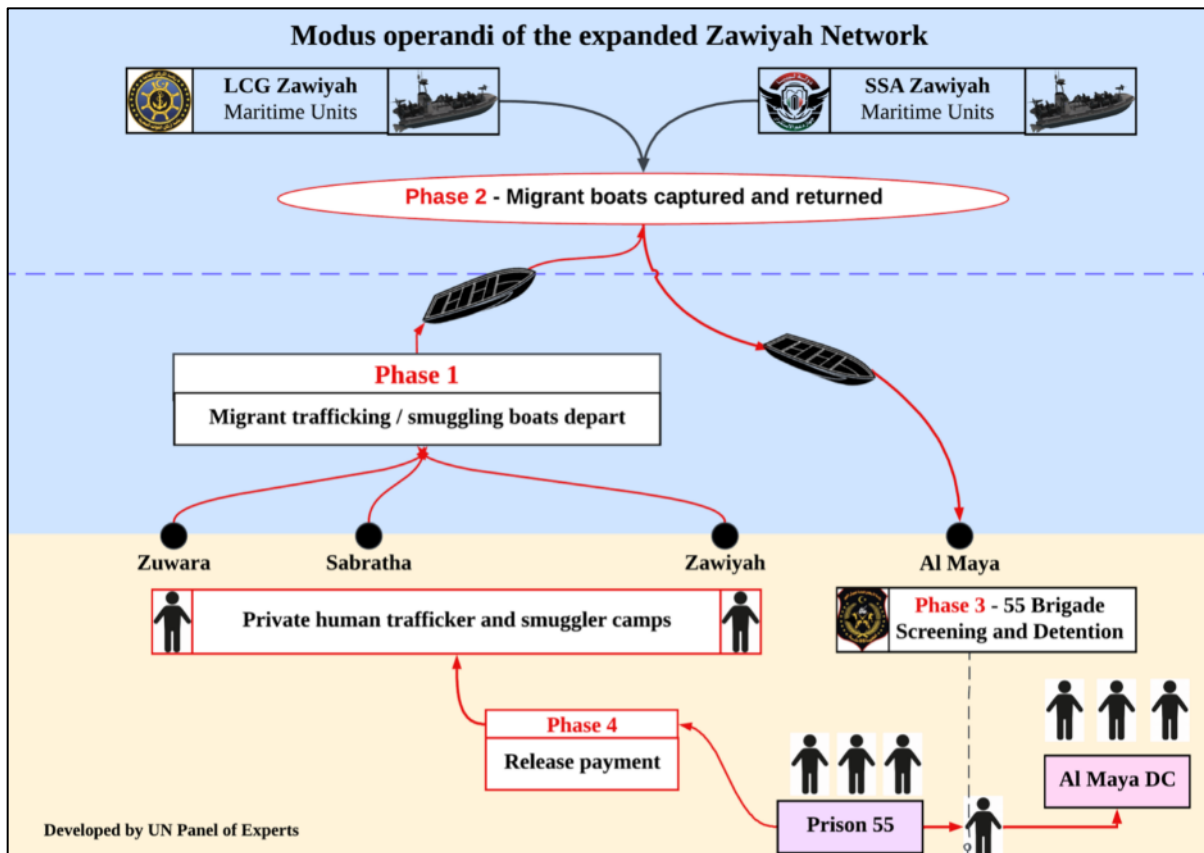
¹⁹² 32°80'83.67"N, 12°90'07.51"E.

¹⁹³ Panel interviews with former detainees (CS100 and 122).

¹⁹⁴ 32°41'34.7"N, 12°52' 08.2"E.

¹⁹⁵ Following heavy armed clashes with a rival local armed group on 30 July 2021, Al-Kabouti moved his offices to a small building behind the Main Building.

Figure 19.1
Expanded Zawiya Network's *modus operandi*



Sources: CS 08, 19, 25-27, 55, 58, 84-100, 122-125.

10. *Phase 1 Pre-detention:* Private networks of human traffickers and smugglers, operating migrant camps mainly in Zawiya, Zuwarah and Sabratha, played a key role in facilitating the Network's access to migrants. As part of their trafficking and smuggling operations, these networks regularly arranged transportation and other logistics for migrant boats destined to European ports via the Mediterranean Sea. Once migrants embarked and started the journey, the networks tipped off the migrant boats' location to the responsible individuals of the Network belonging to the Libyan Coast Guard (LCG) and/or SSA maritime units stationed in the coastal areas of Zawiya and al-Mayah (see also annex 18).

11. *Phase 2 Capture and return:* Shortly after the departure, in a time range between 30 minutes and several hours, individual members of the LCG and/or SSA maritime units (see figures 19.9 and 19.10): (a) interdicted the migrant boat in question; (b) physically captured the boarded migrants; and (c) returned them to shore. These units most often used a disembarkation point close to the Al-Maya DC. Upon disembarkation, captured migrants were searched for personal belongings and other valuables that the detaining authorities unlawfully confiscated. Females were separated from males. The detaining authorities further screened males for their nationality and ethnical background, on which basis they determined the detained migrants' capacity to pay for the release. Those migrants who were identified as able to pay higher release fees, of whom the vast majority were from Bangladesh and Pakistan, were separated and transferred in trucks to Prison 55. Others were taken to the Al-Maya DC.

12. Captured females were either transferred to unknown locations or were kept in separate barracks within the Al-Maya DC compound. The Panel has yet to determine whether the selection of females allocated to Al-Maya DC was systematic in nature.

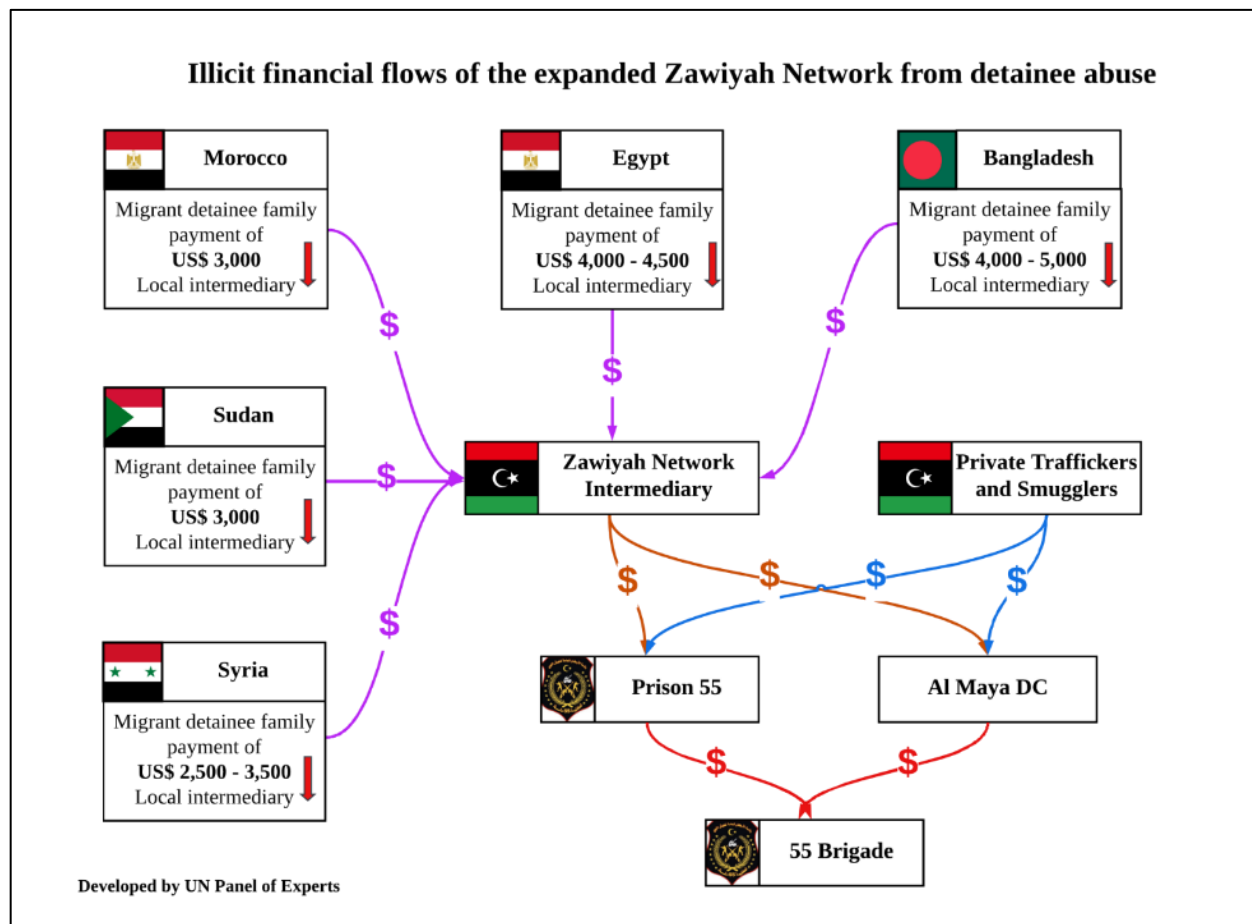
13. *Phase 3 Detention:* Detainees were not afforded any procedural safeguard throughout the entire duration of their detention. In the Al-Maya DC, migrants from the region of Sub-Saharan Africa were held separately from migrants coming from Arab countries such as Egypt, Morocco, Sudan and Syria. On average, around 600 - 700 migrants were placed in each of the six storehouses without windows and only two toilets. Twenty-seven former detainees and eyewitnesses consistently testified to the brutality and extreme violence to which detainees were directly subjected and which they witnessed daily. Each group of migrants divided per nationality was assigned a foreign national, often from the same ethnical or national background, tasked to mistreat detainees until the breaking point of agreeing to pay for the release. Three detainees described incidents where senior guards deliberately left dead bodies of detainees killed from beatings and other acts of torture or starvation to lie on the floor in front of other detainees for lengthy time periods, with the intention to induce an atmosphere of terror and despair among detainees that would force them to pay their way out.¹⁹⁶

14. *Phase 4 Release:* The release system in the Al-Maya DC and Prison 55 was essential to the Network's ability to generate substantive financial revenue from detainee abuse. Detainees were released from the Al-Maya DC: (a) after their relatives paid the requested amount, which varied based on the detainees' nationality in a range between USD 2,500 and 5,000 (see figure 19.2); or (b) when they were sold to private smugglers and traffickers who were paid by the detainees' families to arrange the release. Payments were made in cash to an intermediary located in the detainee's country of origin (Intermediary 1) and further channelled to an intermediary located in Libya (Intermediary 2) directly working for the Al-Maya DC and Prison 55 management (see figure 19.2). The Panel identified only one exceptional case where a group of 262 Bangladeshi nationals was released upon the intervention of the Bangladeshi Embassy in Libya in 2022. In a few sporadic cases, detainees managed to escape from the detention facility.

15. As a matter of illustration, based on the evidence of 24 identified cases, the Panel estimates that 55 Brigade profited by approximately USD 500,000 from the release payments of around 130 detainees over the period of six months.

¹⁹⁶ Panel interviews with former detainees (CS 55, 114 and 122).

Figure 19.2
Expanded Zawiyah Network's illicit financial flows from detainee abuse



Source: CS 19, 25-27, 55, 58, 89-100, 114, 122-123.

16. Twenty-one survivors gave consistent accounts of severe mistreatment and extremely inhumane living conditions to which the detention management of the Al-Maya DC and Prison 55 facilities under Muammar al-Dhawi's and Mohamed Al-Kabouti's command subjected them.¹⁹⁷ They suffered acute hunger and exhaustion from being deprived of adequate food and potable water, sleeping and toilet facilities. When the food was provided, it was of poor quality and often inedible.¹⁹⁸ Detainees endemically suffered from skin diseases and stomach infections caused by rotten food and poor hygiene without access to medical assistance.¹⁹⁹ Among the victims, the Panel identified two 16-year-old boys.

17. Detainees were routinely beaten several times a day and in particular when they cried out for food and water. The Panel identified two senior guards under Al-Kabouti's direct command known for particularly brutal beatings of detainees - "Abd al-Sattar" and "Ashkara". Guards often used plastic pipes to inflict physical pain upon detainees, causing permanent physical injuries to their bodies. Other methods of torture and cruel treatment included the use of stress positions, exposing detainees to extreme temperatures for prolonged hours,²⁰⁰ and mock executions. In three identified cases, detainees died under acts of torture.²⁰¹

¹⁹⁷ Panel interviews with former detainees (CS 26, 27, 28, 55, 58, 85-100, 114, 122-123) and eyewitnesses (CS 04, 09, 19 and 124).

¹⁹⁸ For instance, witness CS95 lost 20 kilogrammes in several months of his detention at the Al-Maya DC.

¹⁹⁹ Panel interviews with former detainees (CS 25-27, 93-95, 100, 122 and 123) and eyewitnesses (CS 19 and 124).

²⁰⁰ Panel interviews with former detainees (CS 93 and 122).

²⁰¹ S/2022/427, paragraph 51.

18. Three eyewitnesses confirmed that rape and other sexual violence of detained females was systematic in Al-Maya DC.²⁰² CS 122 testified that he regularly heard cries of women being raped and tortured in the DC as a “normal practice”, and that women were often “offered to guards and other men who worked there”. The Panel further identified one case of rape of a male detainee with a wooden stick as a form of punishment for an attempted escape from Prison 55.

19. By being deliberately placed in the proximity of legitimate military targets, detainees were constantly exposed to the dangers of armed attacks that belligerent armed groups occasionally carried out against 55 Brigade’s military positions within the Prison 55 compound and in a close vicinity of the Al-Maya DC.²⁰³

²⁰² Panel interviews with witnesses (CS 08, 100 and 122).

²⁰³ *See e.g.* paragraphs 11 - 13 of the Report.

Figure 19.3.1
Decision no. 17 of the SSA command to close down the Al-Maya DC – part 1



Source: https://twitter.com/nchr_ly/status/1627611203349381120?s=20, (authenticated with the SSA command), 20 February 2023.

Official UN Translation
Reference 2304210E
Translated from Arabic

State of Libya
Presidency Council
Stability Support Apparatus

Decision No. (17) of 2023 of the Director of the Stability Support Apparatus concerning the operations of the Department for Countering Settlement and Illegal Migration shelter in Mayah

The Director of the Apparatus,

- Having reviewed the act concerning the financial system of the State and the regulations for the budget, accounts and reserves, and the amendments thereto;
- Act No. 5 (2018), as amended by Act No. 6 (2019), concerning the Police Service, and the amendments thereto;
- Act No. 40 (1974) concerning military service, and the amendments thereto;
- Act No. 12 (2010), concerning labour relations, and its implementing regulations;
- Act No. 13 (1980) concerning social insurance, and the amendments thereto;
- Presidency Council decision No. 4 (2016) concerning the formation of a government of national accord;
- Presidency Council decision No. 26 (2021) concerning the establishment of the Stability Support Apparatus;
- Presidency Council decision No. 32 (2021) concerning the assignment of duties;
- Presidency Council decision No. 40 (2021) concerning a ruling on Presidency Council decision No. 26 (2022) regarding the establishment of the Stability Support Apparatus;
- Presidency Council decision No. 92 (2021) concerning the adoption of the organizational structure of the Stability Support Apparatus and its management structure;
- Presidency Council decision No. 20 (2022) concerning the amendment of decision No. 92 (2021) on the organizational structure of the Stability Support Apparatus and its management structure;
- Communication No. 894.4.2 dated 29 September 2022 from the Director of the Stability Support Apparatus addressed to the President of the Presidency Council concerning reporting on the humanitarian conditions of migrants in Apparatus detention facilities;
- The presentation of the Director of the Office of Apparatus Affairs;
- Operational requirements;

Decides

Article 1

Pursuant to the provisions of the present decision, the shelter for illegal migrants in Mayah operated by the Department for Countering Settlement and Illegal Migration shall be closed because has it overstepped its mandate several times and owing to lack of coordination and failure to respond to the relevant communications of the Director of the Apparatus.

Article 2

Further to the provisions of article 1 of the present decision, all authorizations and approvals for the use of boats registered in the name of the Apparatus and that are in the possession of the Department for Countering Settlement and Illegal Migration are hereby cancelled and considered to be null and void.

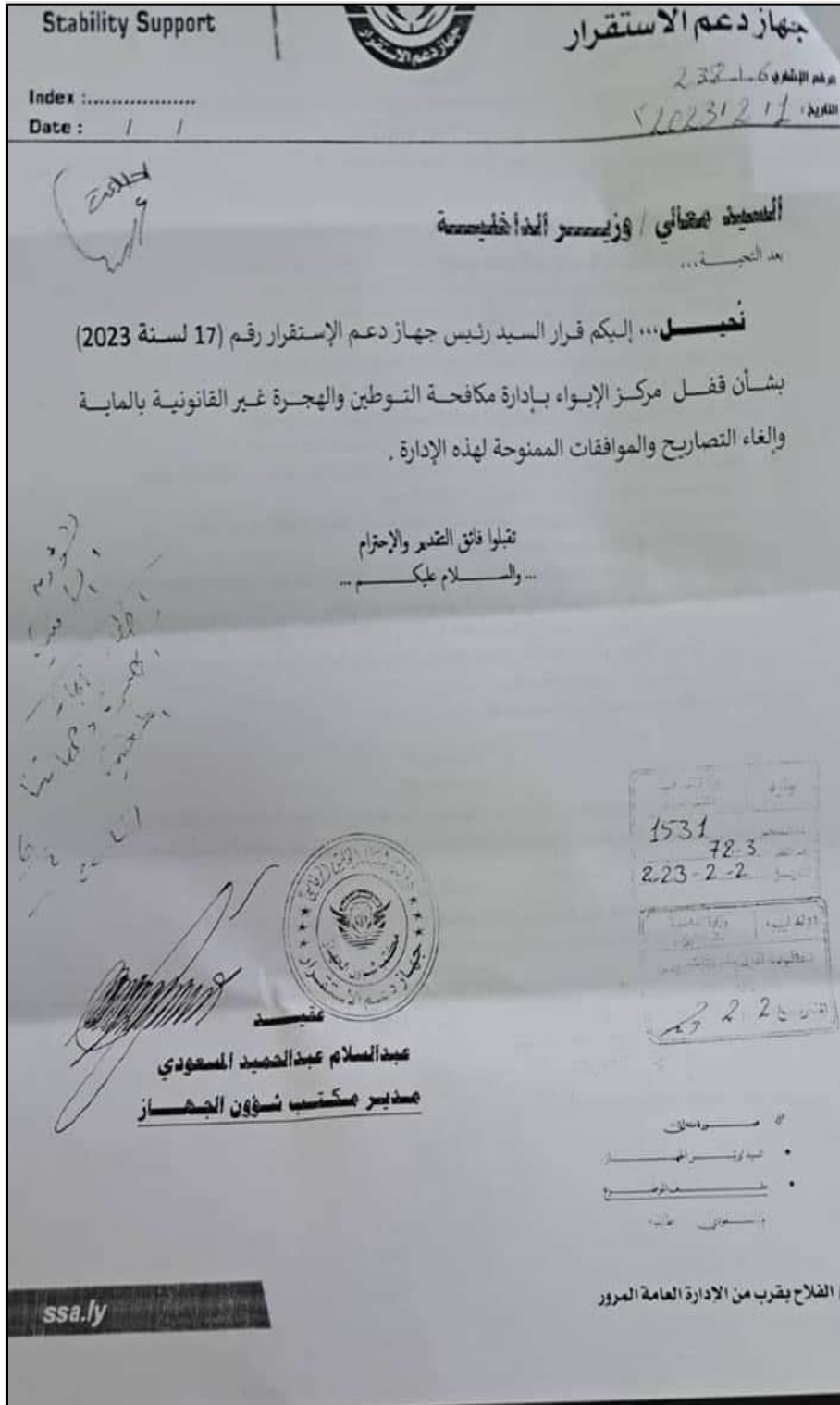
Article 3

Pursuant to the provisions of articles 1 and 2 of the present decision, the operations of the Department for Countering Settlement and Illegal Migration shall be suspended, and the Administrative Affairs Department of the Authority shall address the employment situation of the staff of the shelter and the Department [for Countering Settlement and Illegal Migration], in accordance with the laws in force.

The present decision shall enter into force on the date of its issuance, and the relevant parties shall be required to implement it.

(Signed) [illegible]
Brigadier Abdulghani Belgasim **Khalifah**

Figure 19.3.2
Decision no. 17 of the SSA command to close down the Al-Maya DC – part 2



Source: https://twitter.com/nchr_ly/status/1627611203349381120?s=20, (authenticated with the SSA command), 20 February 2023.

Official UN Translation
Reference 2304210E
Translated from Arabic

State of Libya
Presidency Council
Stability Support Apparatus

Ref.: 238-1-6
Date: 1 February 2023

To: His Excellency the Minister of the Interior

Sir,

We transmit to you decision No. (17) of 2023 of the Director of the Stability Support Apparatus concerning the closure of the shelter operated by the Department for Countering Settlement and Illegal Migration in Mayah and the cancellation of all authorizations and approvals given to the Department.

Accept, Sir, the assurances of my highest consideration.

(Signed) [illegible]
Colonel Abdulsalam Abdulhamid **al-Mas'udi**
Director of the Office of Apparatus Affairs

Figure 19.4
Decision no. 57 of the GNS Minister of Interior to reopen the Al-Maya DC

وزارة الداخلية
القرارات

قرار وزير الداخلية
رقم (57) م لسنة 2023م 1444هـ
بشأن إنشاء مركز إيواء للمهاجرين غير الشرعيين

وزير الداخلية

- بعد الاطلاع على الإعلان الدستوري الصادر في (3) أغسطس 2011م وتعديلاته
- وعلى القانون رقم (12) لسنة 2010م بشأن علاقات العمل واللائحة التنفيذية
- وعلى القانون رقم (5) لسنة 2018م المعدل بالقانون رقم (6) لسنة 2019م بشأن هيئة الشرطة
- وعلى قرار مجلس النواب رقم (1) لسنة 2022م بشأن تكليف رئيسا للحكومة الليبية
- وعلى قرار مجلس النواب رقم (2) لسنة 2022م بشأن اعتماد التشكيلة الوزارية
- وعلى قرار اللجنة الشعبية العامة سابقا رقم (106) لسنة 2007م بشأن إنشاء
مديريات أمن بالتنسيق الإداري
- وعلى قرار مجلس الوزراء رقم (145) لسنة 2012م باعتماد الهيكل التنظيمي واختصاصات وزارة
الداخلية وتنظيم جهازها الإداري
- وعلى قرار السيد وزير الداخلية رقم (982) لسنة 2012م باعتماد التنظيم الداخلي
لوزارة الداخلية
- وعلى قرار مجلس الوزراء رقم (386) لسنة 2014م بشأن إنشاء جهاز مكافحة الهجرة غير الشرعية
- ولتتسيات الصلاحيات العامة.

ق
مادة (1)

ينشأ بموجب أحكام هذا القرار مركزا لإيواء المهاجرين غير الشرعيين بالمنطقة
الغربية ويكون مقره بمنطقة الماي

مادة (2)

يمارس المركز اختصاصاته وفقا للتشريعات النافذة

مادة (3)

يعمل بهذا القرار من تاريخ صدوره وعلى الجهات المختصة تنفيذه

لواء
عصام محمد أبو زبيدة
وزير الداخلية



صدر في 16 جمادى الأولى 1444هـ
الواثق 08/03/2023م

Source: CS125.

Official UN Translation
Reference no. 2308679E
Translated from Arabic

Ministry of the Interior
Decisions

Decision of the Minister of the Interior

Decision No. 57 (A.D. 2023 / A.H. 1444) concerning the establishment of a shelter for illegal migrants

The Minister of the Interior

Having considered the following: The Constitutional Declaration of 3 August 2011 and amendments thereto;

- Act No. 12 (2010) concerning employment relations and implementing regulations thereto;
- Act No. 5 (2018), as amended by Act No. 6 (2019), concerning the Police Service, and the amendments thereto;
- House of Representatives Decision No. 1 (2022) concerning the appointment of a Head of the Libyan Government;
- House of Representatives Decision No. 2 (2022) concerning the adoption of the ministerial structure of the Government of Libya;
- Former General People's Committee Decision No. 106 (2007) concerning the establishment of the security directorates for administrative purposes;
- Cabinet Decision No. 145 (2012) concerning the adoption of the organizational structure, responsibilities and administrative system of the Ministry of Interior;
- Cabinet Decision No. 982 (2012) concerning the adoption of the internal structure of the Ministry of Interior;
- Cabinet Decision No. 386 (2014) concerning the establishment of the Directorate for Combating Illegal Migration;

Mindful of public interest considerations;

Hereby decides as follows:

Article 1 A shelter for illegal immigrants shall be established in the western region pursuant to the present Decision. It shall be located in the Mayah area.

Article 2

The shelter shall operate in accordance with the laws in force.

Article 3

The present decision shall enter into force on the date of its issuance, and the relevant parties shall be required to implement it.

(Signed) Major General Isam Muhammad **Abu Zaribah**
Minister of the Interior

16 Sha'ban, A.H. 1444
8 March, A.D. 2023

Figure 19.5
Satellite imagery of Al-Maya DC^a



Figure 19.6
Exterior of Al-Maya DC^b



^a Source: Google Earth.

^b Source: <https://www.youtube.com/watch?v=Lv9ZuX36ggU> (authenticated), 11 February 2022.

Figure 19.7
Panel spatial analysis of Prison 55 geolocation



Source of photographs of 55 Brigade headquarters used in the spatial analysis to corroborate witnesses' description of Prison 55: <https://www.facebook.com/photo/?fbid=299295555093231&set=pcb.299296671759786>, 9 May 2021.

Figure 19.8
Plan of Prison 55

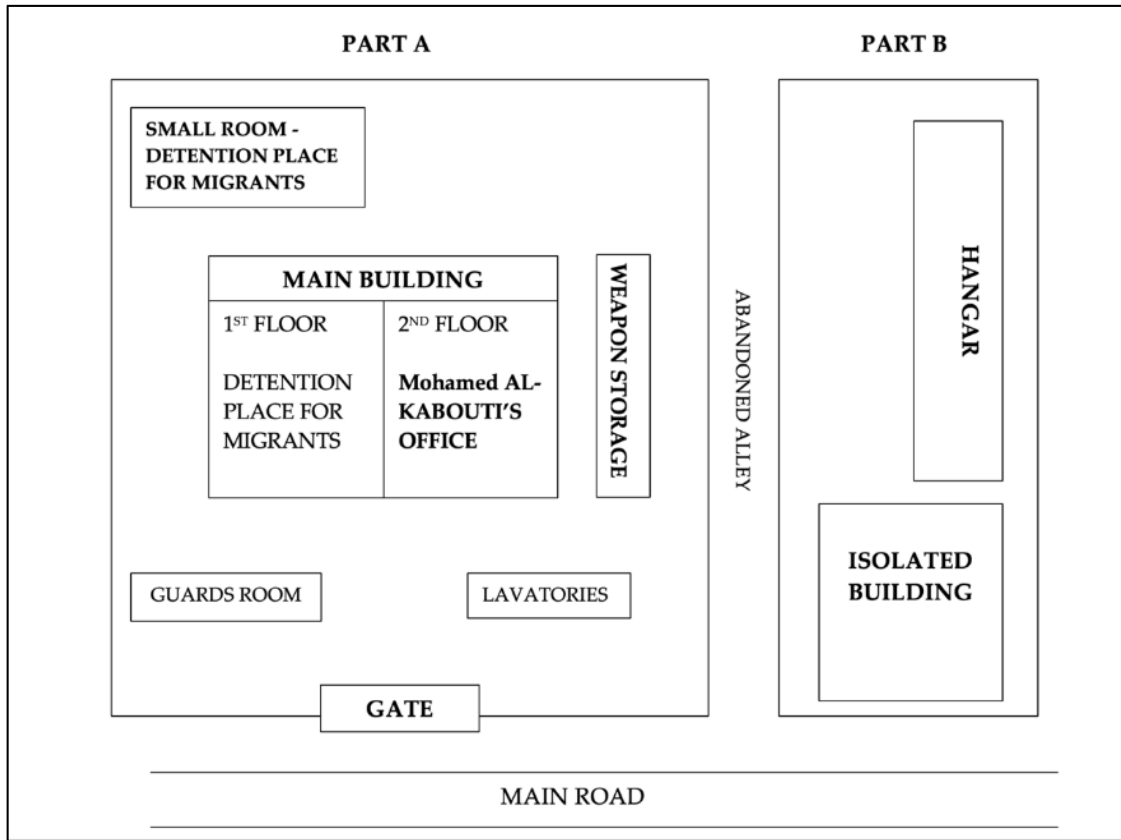


Figure 19.9
SSA Lambro Olympic D74 Fast Patrol Boat^a



Figure 19.10
SSA Alqayid 1^b



Figure 19.11
SSA Alqayid 2^c



Figure 19.12
LCG Bigliani Class Patrol Boat hull no. 656 “Zawiyah”^d



^a Source: Confidential; see also [S/2022/427](#), annex 27. Recognised by CS 91, 92 and 93.

^b Source: <https://twitter.com/SARwatchMED/status/1485711494633472000>, 24 January 2022; see also [S/2022/427](#), annex 27. Recognised by CS 88-93.

^c Source: <https://twitter.com/SARwatchMED/status/1485711494633472000>, 24 January 2022; see also [S/2022/427](#), annex 27. Recognised by CS 88, 89 and 90.

^d Source: Confidential; recognised by CS 91 and 122.

Annex 20 Detainee abuse of migrants in detention centres under the authority of the Directorate for Combating Illegal Migration (DCIM)

1. During the reporting period, the Panel identified an increased unification of the supervision and coordination functions exercised by the Headquarters of the Directorate for Combating Illegal Migration (DCIM) in Tripoli over the official detention system for migrants in Libya. The DCIM administration has recently enlarged this system with six (re)opened detention centres (DCs) in the west and the south of Libya.²⁰⁴ Until July 2023, the detention structure for migrants was composed of 30 DCs holding approximately 6,570 migrants.²⁰⁵
2. Since May 2023, the migrant population in DCIM DCs has increased by 41% as a result of mass arbitrary arrests and detentions of migrants by Libyan security actors and HAF in multiple locations in western and eastern parts of Libya, including in Tripoli, Tobruk, and Zuwarah (see also annex 21). Detained migrants remained left outside the legal and humanitarian protection without a regular access to internal administrative and judicial inspections, and independent humanitarian monitors.²⁰⁶
3. In this context, the Panel identified systemic detainee abuse committed by: (a) individual guards of three DCs under the authority of the DCIM – Ain Zarah, Tarik Al Matar, and Tarik al-Sikka DCs, and in the unofficial section of Ain Zarah DC; and (b) the *de facto* leadership of the official and unofficial Ain Zarah detention facilities, as part of the illegal business scheme that this network operated with the purpose of obtaining financial and other gains from unlawfully detained migrants in the identified detention facilities. This scheme encompassed four operational phases: (Phase A) *search and return (SARU)*²⁰⁷ of migrants at sea; (Phase B) *transfer* from disembarkation points to DCIM detention centres; (Phase C) *detainee abuse* in the said detention centres; and (Phase D) *release* of abused detainees (see figure 20.1 later).
4. The leadership of Ain Zarah DC under the *de facto* authority of Abdul Hakim al-Ramadan al-Sheikh, the commanding officer of the 42nd Battalion, operated an advanced model of this illegal business plan that encompassed an additional phase of *transfer* (Transfer 1) from disembarkation points to the unofficial part of the Ain Zarah DC, where migrants were unlawfully detained until they paid to be transferred to the official part of that DC (Transfer 2). In addition, migrants were occasionally transferred between the three official DCs without any established transfer standards or regulatory procedures.
5. *SARU* phase: all victims were searched and returned to Libya by the LCG units. Their eyewitness accounts also confirmed the same pattern of conduct in cases of detainees who were held with them in the identified DCIM detention facilities. The Panel notes that during this phase, the type of maritime operation may also involve search and rescue (SAR) operation if a migrant boat was in distress. The Libyan maritime actors mandated to carry out SARU or SAR activities other than the LCG included the Libyan Navy and the GACS.²⁰⁸
6. *Transfer 1* phase: from the official disembarkation points, detained migrants were transferred in buses to either Tarik al-Sikka, Ain Zarah or Tarik Al Matar DCs in Tripoli. Three victims testified that buses transporting migrants to Tarik al-Sikka stopped at this DC to unload migrants from specific national backgrounds, including those that had some level of consular protection in Libya through their respective diplomatic representations in Tripoli, such as Bangladeshi nationals. Others remained on the buses and were then transferred to the unofficial section of the Ain Zarah DC.
7. *Detainee abuse* phase: Upon arrival in all three official DCIM DCs and in the unofficial section of the Ain Zarah DC, detaining authorities unlawfully confiscated personal belongings from detained migrants and subjected them to acts that amounted to unlawful detention, cruel, inhuman and degrading treatment, and forced labour.²⁰⁹ This treatment was found in regular beatings of detainees by individual guards, deliberate deprivation of adequate food and potable water, and other forms of horrendous material conditions. The systemic detainee abuse in the unofficial part of Ain Zarah DC was particularly characterised by systematic forced labour. Detained migrants were forced to work on construction and reconstruction sites nearby the detention facility under a constant threat of physical violence and other forms of intimidation.

²⁰⁴ Baten al Jabal, Daraj, Ghat, Sabha, Sirte, and Tarik Al-Matar DCs.

²⁰⁵ The Panel notes that the exact number of detained migrants and asylum seekers as well as the number and status of DCIM detention centres fluctuates on a regular basis. As at 25 June 2023.

²⁰⁶ Panel interviews with CS 04, 05, 08, 09, and 132. See also [S/2022/427](#), annex 24.

²⁰⁷ For definitions of terms “search and return” and “search and rescue”, see annex 22.

²⁰⁸ For protection and operational challenges, see [S/2022/427](#), paragraph 52.

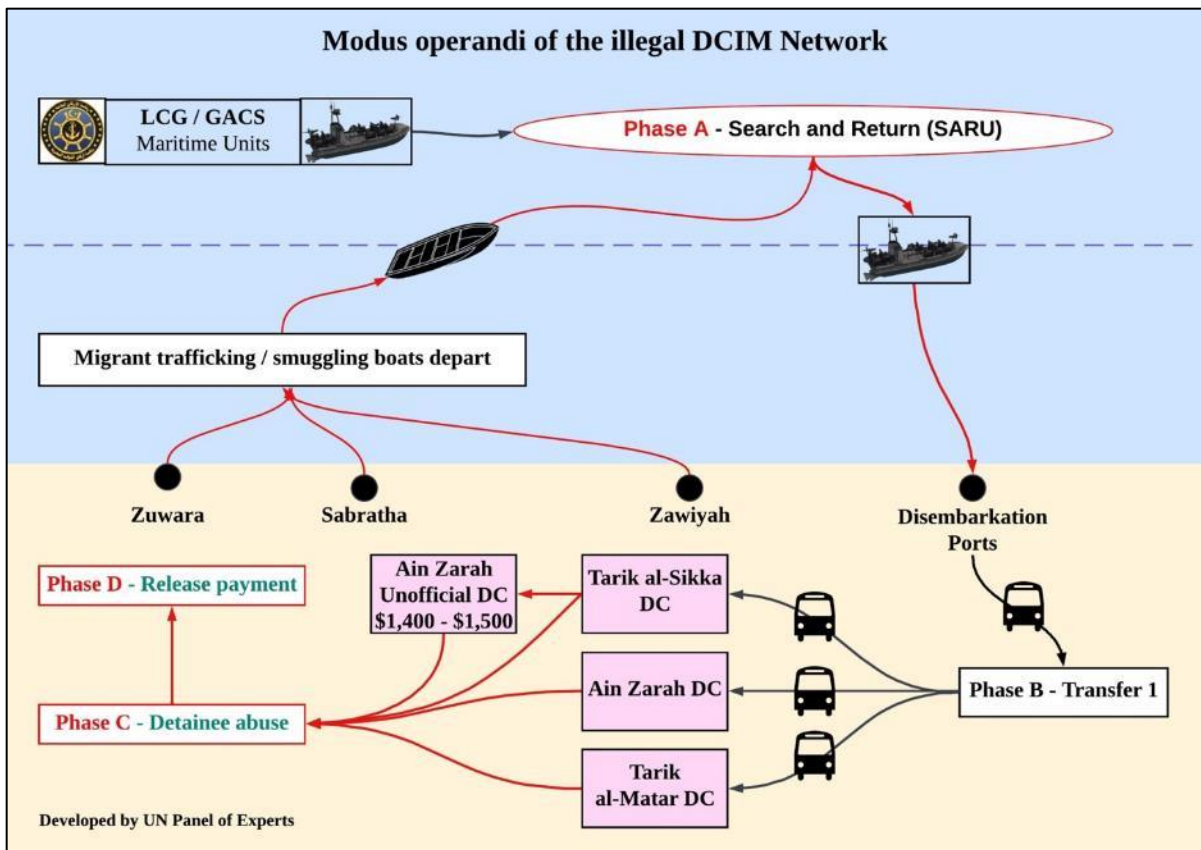
²⁰⁹ Articles 7, 8 and 9 of the ICCPR, article 37 of the CRC.

8. Witnesses also gave consistent accounts that individual guards diverted humanitarian aid provided by international and local humanitarian actors to the DCs for detainees with the purpose of selling the embezzled items, including food items, blankets, and hygienic kits, on the black market; and/or keeping these items for their personal use.²¹⁰ Because of these systemic illegal practices, the majority of detainees: (a) suffered from malnutrition; (b) had no bed or even a mattress, with insufficient blankets; and (c) lived in poor hygienic conditions with sporadic access to baths or showers due to insufficient hygienic products and toiletries.

9. *Transfer 2* from the unofficial to the official section of Ain Zarah DC: detainees held in the unofficial section of Ain Zarah DC were forced to pay on average between USD 1,400 and USD 1,500 to an intermediary who was tasked by the facility’s *de facto* leadership to collect extortion payments for the release. After their relatives paid the requested amount through the informal *hawala* system, detainees were moved to the official part of the Ain Zarah DC from where they either: (a) had to again pay for the release to individual guards (see paragraph 10); or (b) were released without the addition payment.²¹¹

10. *Release* phase: individual guards in the three official DCIM DCs applied a well-organised scheme of paid releases of detainees through Libyan intermediaries hired by detainees’ family members. The intermediaries followed an agreed scenario as they: (a) physically entered the DC in question; (b) paid the involved guards for the release in cash; (c) enter the detention cell; (d) identified the detainee by name and photograph; and (e) physically released the detainee from the detention facility to freedom.

Figure 20.1
Modus operandi of the illegal DCIM Network



²¹⁰ Panel interviews with CS 37, 38, 75, 101, 114, and 132.

²¹¹ Panel interviews with CS 37, 38, 62, 101, and 114.

Annex 21 HAF racketeering system of human trafficking and migrant smuggling networks in Libya

1. The Panel identified that HAF units operating in Benghazi, Tobruk and the surrounding coastal areas, including in Bardiyah, Musaid, and Um Sa'ad, developed and now run an organised system of racketeering private human trafficking and migrant smuggling networks (private networks) active in these locations as a significant source of their funding. In return for paying the racket fee, the private networks were permitted to use for their criminal activities: (a) entry points into Libya through Benghazi (Benina) airport; (b) temporary camps and other facilities in locations under the HAF territorial control; and (c) exit points out of Libya for migrant boats to reach international waters into the direction of European ports. Elements profiting from the racket belonged to HAF units controlling the Benina airport in Benghazi; and HAF maritime and land units, including "Frogman" personnel of LCG East ("Dafadaa' al-Bashariya"), group 20/20 and the TBZ brigade.²¹²

HAF individuals controlling the Benghazi airport

2. Individuals of HAF controlling the Benghazi (Benina) airport received regular payments from operative elements of private networks in Benghazi to permit trafficked and smuggled migrants to enter Libya through the Benina airport since at least June 2021. Migrants were trafficked and smuggled along the routes originating from Bangladesh, Egypt, Pakistan, and Syria (see annex 18).

3. Elements of the networks responsible for organizing the travel of trafficked and smuggled nationals of Bangladesh, Egypt and Pakistan, followed a similar pattern of securing the necessary travel documentation, including the flight tickets and visa, in countries of their operations. Bangladeshi and Pakistani nationals were provided with this documentation in the transiting hubs in Dubai (UAE), where they were deprived of their liberty in rented apartments and buildings until the visa papers were issued in the period between several days to up to two weeks. Costs for this documentation were included in the initial smuggling fee that ranged on average between USD 4,000 and USD 6,000 for Bangladeshi nationals; and between USD 8,000 and USD 8,800 for nationals of Pakistan. Egyptian nationals obtained the required documentation directly from elements of the networks operating in Egypt (Alexandria or Cairo).²¹³ All payments were made in cash.

4. Syrian migrants consistently used a smuggling scheme facilitated by the Cham Wings offices in Damascus and Beirut to book direct flight tickets with this airline company and obtain the visa papers. For those services, Syrian nationals paid between USD 1,700 and USD 2,000 at the official Cham Wings offices. Syrian nationals who entered Lebanon by land without travel documents paid USD 7,000 for a package that included forged Syrian national passports, in addition to the flight tickets and visa papers.

5. In all investigated cases, migrants were issued questionable Libyan visas on a piece of paper that stated their name and passport number without a photograph and that did not resemble the official Libyan visa stamp. Syrian and Egyptian nationals used direct flights to Benghazi. Some Bangladeshi and Pakistani nationals were trafficked and smuggled further from Dubai through Damascus (Syria) into Benghazi on flights operated by Cham Wings; or through Alexandria (Egypt) on charter flights operated by Air Libya, at least in the period from June 2022 until March 2023, without an adequate border control.²¹⁴

6. Once migrants on these routes reached Benina airport, individuals belonging to HAF retained the visa papers and confiscated the migrants' passports until elements of the network based in Benghazi²¹⁵ paid an unspecified amount to involved HAF. Upon payment, the identity documents were returned with an entry stamp into Libya and the networks were enabled to continue the next phase of their trafficking and smuggling operation.²¹⁶

²¹² Panel interviews with eyewitnesses (CS 15, 16, 17, 18-21, 102-106, and 111-121).

²¹³ Egyptian nationals that entered Libya either by air or land paid a fixed smuggling fee of approximately USD 4,500 [EGP 140,000] to the private networks in eastern Libya for the boat trip to one of the European ports.

²¹⁴ For other transiting hubs on the trafficking and smuggling routes originating from Bangladesh and Pakistan, see annex 18.

²¹⁵ Elements of the private networks based in Benghazi were responsible for coordination and logistics of that phase of the trafficking and smuggling operations.

²¹⁶ Samples of Libyan entry stamps produced by HAF are on record with the Panel.

HAF maritime and land units

7. From Benghazi, migrants were transferred to isolated warehouses, private dwellings and similar facilities in the areas of Bardiyah, Musaid, Tobruk, and Um Sa'ad (see figures 21.1, 21.1 and 21.3). These locations were also used to smuggle: (a) Egyptian nationals who enter into Libya by land (see annex 18); and (b) migrants of various nationalities who fled trafficking and smuggling hubs in the western coastal areas, including Tripoli, Zawiyah, Zuwarah and Warshafana, where they were at real risk of serious human rights violations (see annexes 19 and 20).
8. Elements of the private networks kept migrants deprived of liberty in temporary facilities in intolerably unhygienic conditions and subjected them to regular physical mistreatment primarily in a form of beatings that the traffickers used as a control measure to impose discipline (see figures 21.4 and 21.5). Migrants were forced to stay there for periods of several days to up to several weeks until the trafficking and smuggling boats were prepared for departure from nearby embarkation points.
9. Racketeering fees varied based on the temporal framework of the payment, the size of the migrant boats, and the HAF unit involved. To grant a free passage for larger fishing boats from Tobruk and Musaid into international waters, before the boat's departure, individuals of HAF LCG were paid around USD 100 [LYD 500] in local currency per migrant under the condition that not more than 250 migrants were carried on the boat. This limitation was often not respected and for an additional fee, the traffickers and smugglers were permitted to embark on average between 300 and 550 persons per boat in life-threatening conditions (see figures 21.6 and 21.7). Individuals belonging to the group 20/20 maritime units demanded around USD 80,000 [LYD 400,000] in local currency to provide security for larger fishing boats carrying migrants.²¹⁷
10. Those boats, mainly smaller in size, for which the traffickers and smugglers did not pay the racket fee prior to departure, were interdicted by the LCG East or group 20/20 maritime units and returned to the port of Tobruk or the surrounding disembarkation sites. Individuals belonging to involved HAF maritime units unlawfully confiscated personal belongings and valuables of migrants and unlawfully deprived them of liberty for several hours on shore until the responsible traffickers and smugglers arrived to pay the racket fee and collected the captured migrants.²¹⁸ The racket fee for the release of all migrants was on average USD 4,500 per boat. Upon payment, traffickers and smugglers returned the migrants to the initial locations of warehouses where they waited for the next trafficking operation.
11. As of May 2023, trafficking and smuggling operations from the eastern coastal sites towards European ports have subsided in numbers in comparison to the previous months of 2023. This decrease is partially a result of land and maritime interdiction operations carried out by the same HAF units involved in facilitating the trafficking and smuggling of persons through the above racketeering system, including the TBZ brigade and group 20/20, triggered by the tribal conflict in areas under their effective control over the killing of an Egyptian boy in May 2023. These operations were in particular characterised by arbitrary arrests and detention of migrants in the DCs under the authority of the DCIM in the east, and collective expulsions of Egyptian migrants to Egypt.²¹⁹ Yet, the HAF racketeering system has continued to function under the general agreement between individuals belonging to HAF units and the private networks in Tobruk. The agreement entailed that the networks would operate a lower number of trafficking and smuggling boats per week from the port of Tobruk. The Panel has yet to determine the operational patterns and variations in the implementation of this agreement.

LAAF response to the Panel's findings

12. LAAF general command contested the Panel's findings on the involvement of HAF group 20/20 or other LAAF or HAF units in the human trafficking and migrant smuggling activities and related violations of international human rights law committed against identified cases of migrants in locations under the HAF effective control. The LAAF general command argued that all matters related to the situation of migrants, including law enforcement and similar security operations, are the responsibility of the ministry of interior and in particular the DCIM offices in the east.²²⁰ The LAAF general command did not provide any supporting evidence to convince the Panel of the veracity of their statements.

²¹⁷ Panel interviews with CS 102, 104, 105 and 106.

²¹⁸ Article 9 of the ICCPR.

²¹⁹ See e.g. 1) <https://twitter.com/ConflictTR/status/1664621578682867712?t=EtAZipn6lqUfYLqHFdeP9w&s=08>, 2 June 2023; and 2) https://www.facebook.com/Tkyroogkshytk/videos/1962646380787550/?extid=WA-UNK-UNK-UNK-AN_GK0T-GK1C&mibextid=2Rb1fB (corroborated with Panel sources witnessing the events), 30 May 2023.

²²⁰ 1) LAAF general command response of 26 June 2023; and 2) Panel online meeting with LAAF general command, 9 July 2023.

13. On the contrary, the Panel based its findings on the testimonies of 24 victims and eyewitnesses and over 20 elements of documentary evidence, including imagery, that provided consistent, detailed, and verifiable accounts of identifying the responsible HAF units for facilitating human trafficking and migrant smuggling activities in locations under their territorial control; and engaging in acts that violate applicable international human rights law in Libya.

Figure 21.1

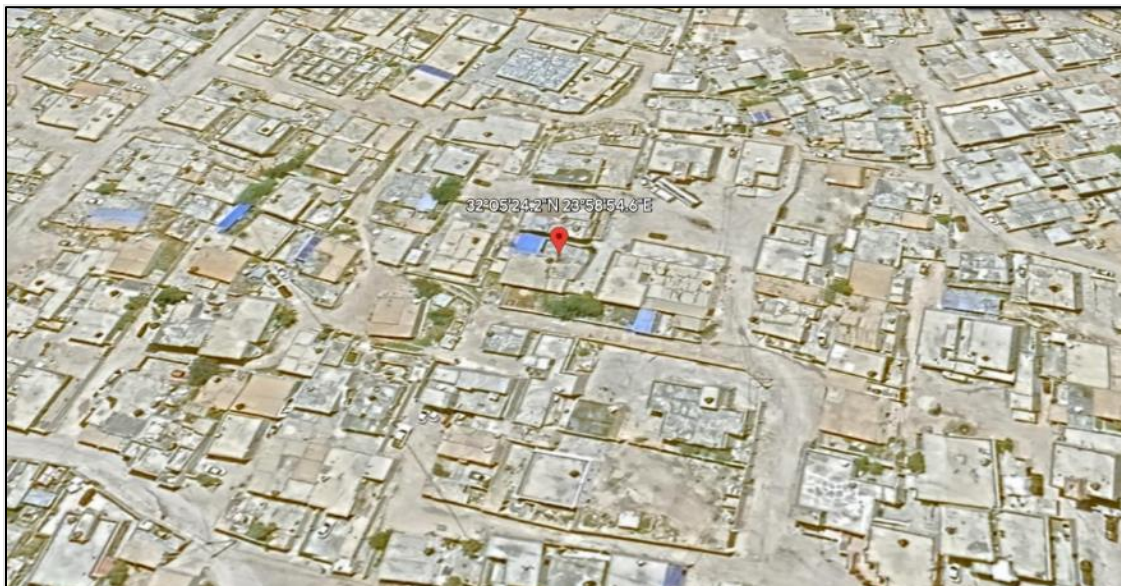
Satellite imagery of the trafficking and smuggling facilities near Kambut, eastern Libya



Source: Google Earth.

Figure 21.2.

Satellite imagery of the trafficking and smuggling facilities in Tobruk, eastern Libya



Source: Google Earth.

Figure 21.3
Satellite imagery of the trafficking and smuggling facilities in Um Sa'ad, eastern Libya



Source: Google Earth.

Figures 21.4 and 21.5
Sample of imagery of poor living conditions in trafficking and smuggling facilities in eastern Libya



Source: CS119.

Figures 21.6 and 21.7

Sample of imagery of fishing boats²²¹ used for trafficking and smuggling migrants from Bardiyah



Source: Panel of Experts, 30 March 2023.

²²¹ Both fishing boats in the photographs originated from Egypt.

Annex 22 Law enforcement and other maritime operations in the context of human trafficking and migrants smuggling in Libya

1. The Panel identified three categories of maritime activities conducted by multiple Libyan authorities in relation to vessels carrying migrants and asylum seekers at sea: (a) search and rescue (SAR) operations related to vessels in distress conducted by the Libyan Coast Guard (LCG), the Libyan Navy and the General Administration for Coastal Security (GACS), (b) search and return (SARU) operations in relation to vessels not in distress carried out by the LCG, the Libyan Navy, and the GACS,²²² and (c) illegal maritime activities in relation to either vessels in or not in distress conducted by individual members of the LCG, the SSA and the HAF as part of illegal business schemes of human trafficking and migrant smuggling operations in multiple locations in the western and eastern coasts of Libya (see annexes 18, 19 and 21).

2. The Panel defines the terms “human trafficking”; “migrant smuggling”; “search and rescue”; and “search and return” as follows:

(a) “*Human trafficking*” or “*trafficking in persons*” is the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.²²³

(b) “*Migrant smuggling*” or “*smuggling of migrants*” is the facilitation, for financial or other material gain, of irregular entry into a State of which the person is not a national or a permanent resident.²²⁴

(c) “*Search and rescue*” (SAR) is an operation using available personnel and facilities to locate and retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety.²²⁵ The Panel received consistent evidence that shows that rescued persons were often not delivered to a place of safety but to a place where they were at a real risk of human rights abuses (see annex 20).²²⁶

(d) “*Search and return*” (SARU) is an operation using available personnel and facilities, normally conducted by Libyan law enforcement agencies and naval forces, to locate and return persons not in distress to a place of departure where the returned persons are deprived of their liberty pending legal or administrative proceedings.²²⁷ The Panel received consistent evidence that shows that returned persons were often transferred to detention centres for migrants where they were at a real risk of human rights abuses (see annex 20).²²⁸

²²² [S/2022/427](#), paragraph 52.

²²³ Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000).

²²⁴ Article 3(a) of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention against Transnational Organized Crime (2000).

²²⁵ Chapter 1 of the SAR Convention (1979).

²²⁶ See e.g. [S/2022/427](#), paragraph 48.

²²⁷ Panel definition. While primarily maritime focused, SARU operations may also encompass land activities (e.g. border patrols’ activities).

²²⁸ See e.g. [S/2022/427](#), paragraph 48.

Annex 23 Maritime and air delivery non-compliance profile indicators

1. The Panel has continued to use a set of profile indicators²²⁹ of suspicious activities and documentation that, when considered collectively, indicate that a vessel or aircraft is likely to be carrying illicit cargo (see tables 23.1 and 23.2). Multiple indicators are required before a vessel, aircraft or airline is classified as of interest to the Panel or reported as being a violation of or non-compliance with the arms embargo. This annex summarises these indicators.

Table 23.1

Maritime non-compliance profile indicators

#	Type	Indicator	Remarks
1	Visibility	Automatic Identification System(AIS) ^a	<ul style="list-style-type: none"> ▪ “Dark activity” periods.
2	Route(s)	Destination Ports and routing	<ul style="list-style-type: none"> ▪ False declaration of destination. ▪ Unusual routing from past voyages. ▪ Uneconomical routing.
3	Ownership	Frequent change of vessel’s owners	<ul style="list-style-type: none"> ▪ Single-fleet owner ▪ Lack of corporate on-line presence.
4	Operators/managers	Frequent change of vessel’s operators/managers	<ul style="list-style-type: none"> ▪ Single-fleet operator/manager ▪ Lack of corporate on-line presence.
5	Vessel Name	Frequent change of vessel’s name	
6	Vessel Tonnage	Tonnage Range	<ul style="list-style-type: none"> ▪ Comparison to historical tonnage of non-compliant vessels .
7	Vessel Draught	Change of Draught	<ul style="list-style-type: none"> ▪ Comparison of draught at loading and discharge. ▪ No registered draught change despite confirmed loading activities.
8	Commercial Relationships	Linkages	<ul style="list-style-type: none"> ▪ Links between owners / operators / managers.
9	Commercial Activity	Uneconomic behaviour	<ul style="list-style-type: none"> ▪ Low utilization profile
10	Flag of Registry	Flags of convenience and multiple flag changes	<ul style="list-style-type: none"> ▪ Registration overlaps. ▪ Operation under false flag. ▪ Includes Flag refusal to allow inspections when requested.
11	Documentation	Accuracy and appropriateness	<ul style="list-style-type: none"> ▪ Transparency in information supplied to Panel. ▪ Accuracy of completion.
12	Cargo Shielding	Container layout on weather deck	<ul style="list-style-type: none"> ▪ Containers used to line the edge of the weather deck to shield the remainder of the deck from external view.
		Container layout on port dock	<ul style="list-style-type: none"> ▪ Containers used to shield offloading sites at ports from external view.
		Cargo cover	<ul style="list-style-type: none"> ▪ Other cargo or tarps used to conceal cargo.
13	Cargo Analysis	Volumetric and mass analysis	<ul style="list-style-type: none"> ▪ Do reported weight and packaging match declaration on documentation?

²²⁹ First developed for use in [S/2021/229](#).

#	Type	Indicator	Remarks
14	Vessel compliance history	Sanctions designated or reported vessel	<ul style="list-style-type: none"> ▪ Previous reports by other UN Panels and Monitoring Groups. ▪ Sanctions notices by subscription-based resources.

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

Table 23.2

Profile indicators of airbridge and air delivery

#	Activity	Details	Remarks
1	Flight volume	The number of unscheduled flights on a previously little used route	<ul style="list-style-type: none"> ▪ For example, a significant number of flights over a short period indicates a centrally organized supply chain.
2	Flight timings	Most flights are planned so that the cargo aircraft are unloaded during darkness	<ul style="list-style-type: none"> ▪ Disguises the nature of cargo being offloaded from onlookers in areas where access is difficult to control.
3	Flight routing	The flights often take off from a civilian airport, then land at a military airbase before departing on a flight track directly towards Libya	<ul style="list-style-type: none"> ▪ Civilian cargo aircraft require time in civilian airports where the appropriate servicing and maintenance capabilities exist. ▪ Indicative of the loading of military related equipment.
4	Flight safety	Signals from the aircraft ADS-B ^a transponders are not visible on open-source ADS-B monitoring shortly after entering Egyptian airspace	<ul style="list-style-type: none"> ▪ Airline captains sometimes “go dark” when approaching Libyan airspace as a countermeasure against being targeted by air defence systems, but usually not for the majority of the flight. ▪ Deliberately switched off due to the covert nature of these flights. ▪ Other legitimate flights (for example the scheduled Afriqiyah Airlines A320 from Benghazi to Alexandria always displays ADS-B data).
5	Flight safety	Signals from the aircraft ADS-B transponders are switched to MLAT (multi-lateration) mode ²³⁰ for the whole flight	<ul style="list-style-type: none"> ▪ MLAT mode only transmits aircraft code, heading, altitude and speed but NOT current location.

²³⁰ Aircraft without, or that are not broadcasting on, ADS-B transponders do not broadcast their latitude/longitude, so flight monitoring software uses multi-lateration of 1090 MHz Mode S transponder signals to determine the aircraft's location by using the time difference of arrival (TDOA) when an aircraft is detected across four or more receivers/ground stations.

#	Activity	Details	Remarks
6	Flight transparency	Signals from aircraft ADS-B transponders are not available for all flights	<ul style="list-style-type: none"> ▪ Airlines have utilised a “blocking” service provided by some of the open-source ADS-B monitoring providers. ▪ A deliberate attempt by the airline to avoid scrutiny and disguise covert or illicit flights.
7	Flight availability	Scheduled or non-scheduled route	<ul style="list-style-type: none"> ▪ Ticket unavailability from the air operator for passenger aircraft flights suggests movement of military personnel. For example: Cham Wings flights from Syria to Benghazi.
8	Aircraft documentation	The use of fake Air Operating Certificates (AOC)	<ul style="list-style-type: none"> ▪ The Panel has identified the use of at least one fake AOC used to justify an ADS-B signal blocking service.
9	Flight documentation	<p>The submission of incomplete or inaccurate Cargo Manifests and Air Waybills</p> <p>The lack of detailed flight documentation submitted</p>	<ul style="list-style-type: none"> ▪ Fake consignees listed. ▪ Fake consignors listed. ▪ Used to disguise the true nature of the actual cargo. ▪ Customs value listed as zero. ▪ Failure to supply, for example: 1) Flight Plan; 2) Aircraft Technical Logbook; 3) Journey Flight Log; 4) Weight and Balance Report; 5) Take-off and Landing Balance; and 6) General Declaration.
10	Air operator transparency	Limited, inaccurate or no information provided to requests for information	<ul style="list-style-type: none"> ▪ Indicative of covert or illicit activity.
11	Air operator web presence	Lack of corporate website or very limited contact information on website	<ul style="list-style-type: none"> ▪ A reputable cargo aircraft company would have an easily sourced online presence as part of the company marketing strategy.
12	Cargo agency web presence	Lack of corporate website	<ul style="list-style-type: none"> ▪ A reputable cargo agent would have an easily sourced online presence as part of the company marketing strategy.
13	Air operator’s relationships	Corporate links	<ul style="list-style-type: none"> ▪ Change of ownership or operating conditions for aircraft between linked companies.
14	Sanctions Listings	Current or previous listings of owner, operator, or aircraft	<ul style="list-style-type: none"> ▪ Previous reports by other UN Panels and Monitoring Groups. ▪ Sanctions notices by subscription databases.

Annex 24 Procedural history of Libyan declaration of forces under government control and authorized signatories for EUCs

A. Structure of security forces under the control of the Libyan government

1. On 7 July 2016, the Presidency Council of the Government of National Accord issued a decree appointing Elmahdi Al-Barghathi, the then Minister of Defence of Libya, as the focal point pursuant to paragraph 6 of resolution [2278 \(2016\)](#). On 17 April 2017, the Presidency Council replaced Al-Barghathi with Mohamed Siala, then Minister of Foreign Affairs. On 27 May 2017, Siala briefed the Committee in writing pursuant to paragraph 6 of resolution [2278 \(2016\)](#).
2. That briefing declared three forces as under the control of the Government of National Accord, including their chains of command and structures. These units were:
 - (a) The Libyan Coast Guard (LCG) under the Ministry of Defence, consisting of the Central Sector (LCG Misrata), Tripoli Sector (Tripoli naval base), and Western Sector (LCG Zawiyah);
 - (b) Explosive Ordnance Disposal (EOD) Units, consisting of
 - 12 teams (60 operators) of the National Safety Authority under the Ministry of Interior;
 - the EOD and Improvised Explosive Device Disposal (IEDD) Bureau under the command of the Criminal Investigation Department Forensics Unit, under the Ministry of Interior;
 - the Organized Crime Fighting Unit under the Ministry of the Interior;
 - 4 teams (12 operators) of the Misrata EOD section of the General Intelligence Service under the Presidency Council; and
 - The Military Engineering Corps under the Ministry of Defence;
 - (c) The (then existing) Presidential Guard under the Presidency Council, which was tasked with securing key government installations in Tripoli.
3. In paragraph 6 of resolution [2362 \(2017\)](#) the Security Council welcomed the appointment by the Government of National Accord of a focal point pursuant to paragraph 6 of resolution [2278 \(2016\)](#), and took note of the briefing provided by the focal point to the Committee on the structure of the security forces under its control.
4. The Committee has received no further update from the Libyan government in this regard.

B. Authorised signatories for end-user certificates (EUC)

5. A further guidance document for the arms embargo is Implementation Assistance Notice (IAN) No. 2.²³¹ It mainly provides details to exemption requests under the arms embargo. One element covers EUCs. In order to assist the Committee and Member States to establish the veracity of EUCs issued by Libya, Libya provided names and signature samples of the officials authorized to sign EUCs. The IAN's footnote 3 refers to the Libyan focal points that had been identified by the government as authorized to sign such certificates. Over the years, the list was periodically updated by the Libyan government and included signatories from different ministries, however always named specific individuals in their official capacity rather than identifying only the position the individual held. Despite the GNU having taken over government duties from the GNA, no update was submitted to the Committee between 21 December 2018 and 9 June 2023. On 21 December 2018, the Permanent Mission of Libya to the United Nations informed the Committee that only Faiez Serraj, in his capacity as Minister of Defence, and Major-General Ayad Abudher, the director of the Military Procurement Department, were authorized to sign EUCs. On 9 June 2023, the Permanent Representative of Libya to the United Nations informed the Committee that Abdulhamid Dbeibah, in his capacity as Minister of Defence, was the new authorized signatory for EUCs.
6. From this follows that in the time period from the formation of the GNU in March 2021 until 9 June 2023, Libya could *de jure* not issue EUCs that would have been compliant with the arms embargo.

²³¹ https://www.un.org/securitycouncil/sites/www.un.org.securitycouncil/files/1970_ian2.pdf, 11 September 2014.

Annex 25 Baseline summary of arms embargo equipment violations (26 Feb 2011 – 10 July 2023)

1. Tables 25.1 and 25.2 summarise confirmed arms and military materiel transferred into Libya in violation of paragraph 9 of resolution [1970 \(2011\)](#), as modified by subsequent resolutions.²³² It does not include arms and military materiel transferred to Libya for which exemptions were provided for by the Committee.

Table 25.1

Confirmed arms and military materiel transferred to Libya (26 Feb 2011 - 10 July 2023) (weapon systems and equipment)²³³

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
Aircraft (FGA) ²³⁴	IOMAX AT-802i	S/2017/466	UAE	▪
	Dassault <i>Mirage 2000/9</i>	S/2021/229	UAE	▪ Operated from Sidi Barani airbase in Egypt.
	General Dynamics F-16	S/2021/229	Türkiye ²³⁵	▪ Overflight.
	** MiG-21MF	S/2015/128 S/2016/209	Egypt	▪
	MiG-23ML(D)	S/2022/427 ²³⁶	UID ²³⁷	▪ Identification from 2017 imagery and unreported by Panel. ▪ Other aircraft restored to flight status by cannibalization. ²³⁸
	MiG-29	S/2021/229	Russian Federation	▪
	Su-24	S/2021/229	Russian Federation	▪
Aircraft (ISR) ²³⁹	<i>Pilatus PC-6</i>	S/2021/229	Lancaster6	▪ UAE based. ▪ Project Opus.
Aircraft (Rotary Wing)	** AS332L <i>Super Puma</i> Medium Utility	S/2021/229	Lancaster6	▪ Project Opus.
	Mi-8	S/2015/128 S/2016/209	Egypt	▪
	Mi-24	S/2016/209	Sudan	▪
	Mi-24V	S/2016/209	UID	▪
	Mi-24P	S/2017/466	UAE	▪
	SA341 <i>Gazelle</i> Light Utility	S/2021/229	Lancaster6	▪ Project Opus.
	UH-60M <i>Blackhawk</i>	S/2017/466	UAE	▪
Aircraft (Transport)	Airbus A400B <i>Atlas</i>	S/2021/229	Türkiye	▪ For transfer of military materiel into Libya.

²³² This annex updates and clarifies information within the previous original work at <https://www.oryxspioenkop.com/2020/06/types-of-arms-and-equipment-supplied-to.html>, 23 March 2021.

²³³ Items marked ** appeared in the 29 May 2021 7th Anniversary of Operation Dignity parade in Benghazi.

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

²³⁴ Fighter Ground Attack.

²³⁵ On 4 December 2021 the President announced that his country's name would subsequently be referred to as Türkiye. Thus all events in this report post 4 December 2021 will use Türkiye.

²³⁶ <https://medium.com/war-is-boring/it-looks-like-russia-gave-a-fighter-jet-to-libyas-warlord-1a564098b223>, 1 March 2017.

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

²³⁷ UID, in all uses, means unidentified, or low evidential levels, and responsibility has yet to be attributed by the Panel.

²³⁸ <https://www.africanmilitaryblog.com/2019/08/libya-frankenstein-mig-23-flogger-fighter-jet-take-flight>, 3 August 2019.

²³⁹ Intelligence, Surveillance and Reconnaissance.

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
	Antonov AN-12A [#2340806] ²⁴⁰	S/2022/427	Space Cargo Inc	<ul style="list-style-type: none"> Operating in Libya in direct support of HAF. UAE based.
	Antonov AN-12BP [#5342908]	S/2022/427	Space Cargo Inc	<ul style="list-style-type: none"> Operating in Libya in direct support of HAF.
	Antonov AN-12BP [#5343005]	S/2021/229	Space Cargo Inc	<ul style="list-style-type: none"> Operating in Libya in direct support of HAF.
	Antonov AN-26 [#503]	S/2017/466 S/2019/914	Space Cargo Inc	<ul style="list-style-type: none"> Operating in Libya in direct support of HAF.
	Antonov AN-32B [#2009]	S/2021/229	Space Cargo Inc	<ul style="list-style-type: none"> Operating in Libya in direct support of HAF.
	C-17A <i>Globemaster</i>	S/2021/229	Türkiye	<ul style="list-style-type: none"> For transfer of military materiel into Libya.
	C-130E <i>Hercules</i>	S/2015/128 S/2016/209	Sudan	<ul style="list-style-type: none"> For transfer of military materiel into Libya.
	C-130E <i>Hercules</i>	S/2021/229	Türkiye	<ul style="list-style-type: none"> For transfer of military materiel into Libya.
	Ilyushin IL-18D [#172001401]	S/2021/229	Space Cargo Inc	<ul style="list-style-type: none"> Operating in Libya in direct support of HAF.
	Ilyushin IL-18D [#187009903]	S/2017/466	Space Cargo Inc	<ul style="list-style-type: none"> Operating in Libya in direct support of HAF.
	Ilyushin IL-76TD [#73479367]	S/2021/229	Space Cargo Inc	<ul style="list-style-type: none"> Operating in Libya in direct support of HAF.
	Ilyushin IL-76TD [#1013405167]	S/2021/229	Space Cargo Inc	<ul style="list-style-type: none"> Operating in Libya in direct support of HAF.
	Ilyushin IL-76TD [#1013409282]	S/2021/229	Green Flag Aviation	<ul style="list-style-type: none"> Operating in Libya in direct support of HAF. Sudan based
	Ilyushin IL-76TD [#1023411378]	S/2021/229	Space Cargo Inc	<ul style="list-style-type: none"> Operating in Libya in direct support of HAF.
	** Ilyushin IL-76TD [5A-ILA]	S/2022/427	UID	<ul style="list-style-type: none">
	Ilyushin IL-76TD Various	S/2021/229	Russian Federation	<ul style="list-style-type: none"> For transfer of military materiel into Libya.
Air Defence (Guns)	** 23mm ZSU-23-2CP	S/2022/427	UID	<ul style="list-style-type: none">
	35mm <i>Korkut</i> Cannon	S/2021/229	Türkiye	<ul style="list-style-type: none">
Air Defence (Missiles)	MIM-23 <i>Hawk</i>	S/2021/229	Türkiye	<ul style="list-style-type: none">
	MIM-104 <i>Patriot</i>	S/2022/427 ²⁴¹	UAE	<ul style="list-style-type: none">
	<i>Pantsir</i> S1	S/2021/229	Russian Federation	<ul style="list-style-type: none"> On KaMAZ platform.
	<i>Pantsir</i> S1	S/2021/229	UAE	<ul style="list-style-type: none"> On MAN platform.
Anti-Tank (ATGW) ²⁴²	9K115-2 <i>Metis-M</i>	S/2019/914	UID	<ul style="list-style-type: none"> With GNU-AF.
	9M133 <i>Kornet</i>	S/2019/914	UID	<ul style="list-style-type: none"> With GNU-AF.
	<i>Dehleyvah</i>	S/2021/229	UID	<ul style="list-style-type: none"> With GNU-AF.
Armoured Vehicles (APC) ²⁴³	AMN 233114 <i>Tigr-M</i>	S/2022/427	UID PMC	<ul style="list-style-type: none"> Likely Russian Federation based.
	<i>Irigiri</i> 4x4	S/2019/914	UID	<ul style="list-style-type: none"> First seen 2015.
	Inkas <i>Titan-DS</i> 4x4	S/2021/229	UAE	<ul style="list-style-type: none">

²⁴⁰ These are the manufacturer's serial numbers (MSN).

²⁴¹ In a single open-source report in <https://www.oryxspioenkop.com/2020/06/types-of-arms-and-equipment-supplied-to.html>, 23 March 2021. A confidential source informed the Panel that the system was only very briefly deployed to Libya and soon withdrawn.

²⁴² Anti-Tank Guided Weapon.

²⁴³ Armoured Personnel Carriers. Sometimes also referred to as Protected Patrol Vehicles (PPV).

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
	Inkas Titan-S 6x6	S/2022/427	UID	▪
	** KADDB <i>Al Wahsh</i> 4x4	S/2016/209	Jordan	▪
	KADDB <i>Al Wahsh</i> 4x4	S/2018/812	Jordan	▪ "Snake Head" Turret fitted.
	Katmerciler <i>Kirac</i>	S/2022/427	Türkiye	▪
	LC79 <i>SH Fighter-2</i> 4x4	New	UID	▪
	Lenco <i>Bearcat G3</i> 4x4	S/2021/229	UID	▪ With GNU-AF.
	Mezcal <i>Tygra</i> 4x4	S/2017/466	UAE	▪
	MIC VPK <i>Tigr-M</i>	S/2021/229	UID PMC	▪ Likely Russian Federation based.
	** MSPV <i>Panthera T6</i> 4x4	S/2016/209 S/2017/466 S/2018/812 S/2021/229	UAE	▪ From different shipments.
	MSPV <i>Panthera T8</i> 4x4	New	UID	▪
	MSPV <i>Panthera F9</i> 4x4	S/2018/812	UAE	▪
	** Streit <i>Cobra</i> 4x4	S/2016/209	UAE	▪ Transferred in 2012.
	Streit <i>Cougar</i> 4x4	S/2016/209	UAE	▪ Transferred in 2012.
	** Streit <i>Cougar</i> 4x4	S/2019/914	Jordan	▪ "Snake Head" Turret fitted.
	Streit <i>Spartan</i> 4x4	S/2016/209 S/2018/812 S/2021/229 New	UAE	▪ From different shipments.
	TAG BATT APC	S/2022/427	UID	▪
	** TAG <i>Terrier LT-79</i> 4x4	S/2021/229	UAE	▪
	<i>Tundra</i> Variant	S/2021/229	UID	▪
Armoured Vehicles (IAFV) ²⁴⁴	FNSS <i>ACV-15</i>	S/2021/229	Türkiye	▪
	KADDB <i>Mared</i> 8x8	S/2019/914	Jordan	▪
	** KADDB <i>Mared</i> 8x8	S/2021/229	Jordan	▪ "Snake Head" Turret fitted.
	Paramount <i>Mbombe</i> 6x6	S/2019/914	UID	▪ With HAF.
	<i>Ratel-60</i>	S/2019/914	UID	▪ With HAF.
Armoured Vehicles (MRAP) ²⁴⁵	BAe <i>Cayman</i>	S/2016/209	UID	▪ First seen 2012.
	BMC <i>Kirpi</i> 4x4	S/2019/914	Türkiye	▪
	BMC <i>Vuran</i> 4x4	New	Türkiye	▪ See annex AEX.
	Evro-Polis <i>Valkyrie</i> 4x4	S/2021/229	ChvK Wagner	▪ Based on a Ural-432007 platform. ▪ New attribution. ▪ Russian Federation based.
	NIMR <i>Jais</i> 4x4	S/2016/209	UAE	▪ First seen 2013.
	Streit <i>Typhoon</i> 4x4	S/2022/427	UID	▪

²⁴⁴ Infantry Armoured Fighting Vehicles.

²⁴⁵ Mine Resistant Armoured Protected.

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
Artillery (Towed)	** 122mm M1938 M-30 Howitzer	S/2022/427	UID	<ul style="list-style-type: none"> ▪ This weapon system was NOT reported in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo.²⁴⁶ ▪ Identified with HAF 106 brigade.
	** 155mm G5 Howitzer	S/2021/229	UID	<ul style="list-style-type: none"> ▪ With HAF.²⁴⁷
Artillery (Self-Propelled)	155mm <i>Firtina</i> T-155	S/2021/229	Türkiye	<ul style="list-style-type: none"> ▪
Artillery (MLRS)	** 128mm LSRVM <i>Morava</i>	S/2021/229	UID	<ul style="list-style-type: none"> ▪ Now confirmed from imagery.²⁴⁸
	Rocketsan 122mm <i>Sakarya</i> T-122	S/2021/229	Türkiye	<ul style="list-style-type: none"> ▪
	** 128mm LSRVM <i>Morava</i>	S/2021/229	UID	<ul style="list-style-type: none"> ▪
	122mm Hybrid Version	S/2022/427	UAE	<ul style="list-style-type: none"> ▪
Logistic Vehicles	** CFORCE All-Terrain Vehicle	S/2022/427	UID	<ul style="list-style-type: none"> ▪
	** Jeep Gladiator	S/2022/427	UID	<ul style="list-style-type: none"> ▪ Militarised.
	KamAZ 6x6 Truck	S/2022/427	UID	<ul style="list-style-type: none"> ▪ Identification from 2018 and unreported by Panel. ▪ Also delivered to Libya on <i>MV Fehn Calypso</i> in 2020.²⁴⁹
	KamAZ 8x8 Truck	S/2021/229	UID PMC	<ul style="list-style-type: none"> ▪ Identified as the mobility platform for the ChVK Wagner operated Pantsir-1. ▪ Russian Federation based.
	Militarised Toyota Land Cruiser 79 4x4	S/2022/427	UID	<ul style="list-style-type: none"> ▪
	** Toyota 6x6 Light Utility Vehicle	S/2022/427	UID	<ul style="list-style-type: none"> ▪
	UAZ-469 Light Communications Vehicle	S/2022/427	UID	<ul style="list-style-type: none"> ▪
	Ural-4320 Truck	S/2022/427	UID	<ul style="list-style-type: none"> ▪ Some identified on deck of <i>MV Fehn Calypso</i> on 25 April 2020 during transit of Bosphorus, but these offloaded in Alexandria according to shipping company.
	Ural-4320 Truck (Armoured)	S/2022/427	UID	<ul style="list-style-type: none"> ▪
Mortars (Field)	120mm 120-PM-43 M1943	S/2022/427	UID	<ul style="list-style-type: none"> ▪
	120mm M-74	S/2022/427	UID	<ul style="list-style-type: none"> ▪ With HAF Tariq bin Ziyad brigade.
Naval Vessels	<i>Corrubia</i> Class patrol boats	S/2019/914	Member State	<ul style="list-style-type: none"> ▪ Converted to naval vessels post-delivery.
	<i>Damen Stan Patrol 1605</i> Class patrol boats	S/2018/812		<ul style="list-style-type: none"> ▪
	<i>Gabya</i> Class Frigates	S/2021/229	Türkiye	<ul style="list-style-type: none"> ▪

²⁴⁶ Pre-2011 Libyan inventory based on that equipment reported in Jane's publications and the IISS Military Balance (<https://www.iiss.org/publications/the-military-balance-plus>).

²⁴⁷ Also <https://twitter.com/Oded121351/status/1328016339072638978>, 15 November 2020.

²⁴⁸ <https://www.oryxspioenkop.com/2022/08/photo-report-haftars-last-parade.html>, 27 August 2022.

²⁴⁹ Information from shipping company.

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
	Lambro Olympic D74 Fast Patrol Boat	S/2022/427	Libya SSA	<ul style="list-style-type: none"> ▪ In use with SSA ▪ a.k.a. <i>Javelin</i> Class.
	MRC-1250 Rigid Hulled Inflatable Boats	S/2021/229	Lancaster6	<ul style="list-style-type: none"> ▪ Project Opus.
	Offshore Patrol Vessel <i>Alkarama</i>	S/2018/812 S/2019/914	Universal Satcom Services	<ul style="list-style-type: none"> ▪ UAE based.
	Patrol Boat <i>Alqayid Saqar</i>	S/2022/427	Libya SSA	<ul style="list-style-type: none"> ▪ Type UID. ▪ Classed as military as dual use and subsequently armed.
	<i>Raidco</i> RPB 20 class patrol boats	S/2019/914	Member State	<ul style="list-style-type: none"> ▪ Converted to naval vessels post-delivery.
Radars and EW	Aselsan <i>Koral</i> Electronic Warfare System	S/2021/229	Türkiye	<ul style="list-style-type: none"> ▪
	** 1RL131 P-18 Early Warning Radar	S/2022/427	UID	<ul style="list-style-type: none"> ▪
	LEMZ 96L6/E Target Acquisition Radar	S/2021/229	UID	<ul style="list-style-type: none"> ▪
	Samel-90 Mobile IED Jammer	S/2019/914	UID	<ul style="list-style-type: none"> ▪
	Aselsan <i>Ihasavar</i> UAV Jammer	New	Türkiye	<ul style="list-style-type: none"> ▪
Small Arms and Light Weapons	5.56mm AK-103 Assault Rifles	S/2022/427	UID PMC	<ul style="list-style-type: none"> ▪ Russian Federation based.
	5.56mm JAWS-556 Assault Rifles	S/2022/427	Jordan	<ul style="list-style-type: none"> ▪
	5.56mm MFR Multi-Functional Rifles	S/2022/427	Türkiye	<ul style="list-style-type: none"> ▪
	5.56mm MPT 55K Assault Rifles	S/2022/427	Türkiye	<ul style="list-style-type: none"> ▪
	5.56mm KCR 556 7.5" infantry rifle	New	Türkiye	<ul style="list-style-type: none"> ▪
	7.62 x 39mm AK-103-1 Assault Rifles	S/2022/427	UID	<ul style="list-style-type: none"> ▪
	7.62 x 39mm AR-M9F Assault Rifles	S/2016/209	UAE	<ul style="list-style-type: none"> ▪
	7.62 x 39mm Type 63-1 Assault Rifle	S/2022/427	UID	<ul style="list-style-type: none"> ▪
	7.62 x 51mm FN FAL Assault Rifle	S/2013/99	UAE	<ul style="list-style-type: none"> ▪
	7.62 x 51mm JNG-90 <i>Bora -12</i> Sniper Rifle	S/2022/427	Türkiye	<ul style="list-style-type: none"> ▪
	7.62mm KNT-76 Sniper Rifle	New	Türkiye	<ul style="list-style-type: none"> ▪
	7.62 x 51mm MPT 76 Assault Rifles	S/2022/427	UID	<ul style="list-style-type: none"> ▪
	7.62 x 54mmR Type-80 General Purpose Machine Gun ²⁵⁰	S/2022/427	UID	<ul style="list-style-type: none"> ▪
	0.308" <i>Accuracy International</i> AW308 Sniper Rifle	New	UID	<ul style="list-style-type: none"> ▪
	0.308" <i>Sako</i> TRG 22 Sniper Rifles	New	UID	<ul style="list-style-type: none"> ▪
	0.338 <i>Orsis</i> T-5000 Sniper Rifle	S/2022/427	UID	<ul style="list-style-type: none"> ▪ Chambered for <i>Lapua</i> rounds.

²⁵⁰ https://twitter.com/r_u_vid/status/1221227142911905793, 26 January 2020.

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
	0.338 Steyr SSG-08 Sniper Rifle (Variant or Copy)	S/2022/427	UID PMC	<ul style="list-style-type: none"> ▪ Chambered for <i>Lapua</i> rounds. ▪ Russian Federation based.
	0.50" Barrett M82 Anti Material Rifle	New	UID	▪
	9mm Caracal F Pistols	S/2015/128	UAE	▪
	9mm <i>EKOL</i> P29 Blank Firing Pistols	S/2019/914	UID	▪
	9mm <i>SUR</i> BRT M9 Blank Firing Pistols	S/2022/427	UID	▪
	12.7 x 108mm W-85 Heavy Machine Gun	S/2022/427	UID	▪
	AGS 30mm Grenade Launcher	S/2021/229	UID PMC	<ul style="list-style-type: none"> ▪ Either AGS-17 or AGS-30 based on ammunition recovered. ▪ Russian Federation based.
	VOG-25 40mm Grenade Launcher	S/2021/229	UID PMC	<ul style="list-style-type: none"> ▪ Based on ammunition recovered. ▪ Russian Federation based.
	40 x 46mm <i>Akdas</i> AK-40-GL Grenade Launchers	S/2022/427	Türkiye	▪
	RPG-32 <i>Nashbab</i> Rocket Launcher	S/2019/914	Jordan	▪
	** SPG-9 73mm Recoilless Rifle	S/2022/427	UID	▪
	Type-69 85mm Rocket Launcher	S/2022/427	UID	▪
Tanks (MBT)	M-60 <i>Patton</i> ²⁵¹	S/2022/427	Türkiye	▪
	T-62MV	S/2021/229	UID PMC	<ul style="list-style-type: none"> ▪ Also see annex 56. ▪ Russian Federation based.
Uncrewed Aerial Vehicles (UAV)	Adcom <i>Yabhon-HMD</i>	S/2019/914	UAE	▪
	Aeryon <i>Scout Micro</i>	S/2013/99	Zariba Security Corporation	▪ Canadian based.
	Aselsan <i>Serce-2</i> UAV	New	Türkiye	▪
	Chilong CL-11 VTOL	S/2019/914	UID	▪ Dual use system.
	** DJI Inspire	S/2022/427	UID	▪
	Mohajer-2	S/2019/914	UID	▪
	Orbiter-3	S/2019/914	GNA-AF	▪ Dual use system.
	Orlan-10	S/2019/914	HAF	▪ Possibly from ChVK Wagner.
	Schiebel Camcopter S-100	S/2017/466	UID	▪ With a UID Militia.
	Xiamen <i>Mugin 4450</i>	S/2021/229	UID	▪ Dual use system.
	Zala 421-16E	S/2022/427	UID	▪ With HAF.
UAV (Loitering Munition)	IAI <i>Harpy</i>	S/2021/229	UID	▪ With GNU-AF.
	STM <i>Kargu-2</i>	S/2021/229	Türkiye	▪
	WB <i>Warmate</i>	S/2021/229	UID	▪

²⁵¹ Also <https://twitter.com/MiddleEastWatc1/status/1281616199957323776>, 10 July 2020.

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
Uncrewed Aerial Combat Vehicles (UACV)	Bayraktar TB2	S/2019/914	Türkiye	▪
	TAI <i>Anka</i>	S/2021/229	Türkiye	▪
	Wing Loong I	S/2017/466	UAE	▪
	Wing Loong II	S/2019/914	UAE	▪
Miscellaneous	AN/PEQ-15 Advanced Target Pointer Illuminator Aiming Laser (ATPIAL)	S/2022/427	UID	▪
	AN/PVS-7 Night Vision Goggles	S/2022/427	UID	▪
	Aselsan A100 Night Vision Monocular	S/2022/427	Türkiye	▪
	Aselsan A940 Night Vision Weapon Sights	New	Türkiye	▪
	Aselsan A940 Weapon Sights	New	Türkiye	▪
	Dahua DHI-UAV-D-1000JHV2 Anti Drone Gun	S/2021/229	UID	▪
	Holographic Weapon Sights (HWS)	S/2022/427	Türkiye	▪
	Sordin Supreme Pro-X Hearing Protectors	S/2022/427	UID	▪

Table 25.2
Confirmed arms and military materiel transferred to Libya (26 Feb 2011 - 10 July 2023) (ammunition and explosive ordnance)

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
Air to Ground Missiles (AGM)	BA-7 Blue Arrow	S/2019/914	UAE	▪
Anti-Tank (ATGM)	FGM-148 <i>Javelin</i>	S/2019/914	Member State	▪ Present under resolution 2214 (2015) .
	<i>Rocketsan</i> UMTAS	S/2021/229	Türkiye	▪
Anti-Tank (Rockets)	M-79 Osa	S/2022/427	UID	▪
Engineer Stores	ML-8 anti-lift initiators	S/2021/229	UID PMC	▪ Russian Federation based.
Free Flight Rockets (FFR)	122mm <i>Rocketsan</i> FFR	S/2022/427	Türkiye UAE	▪
Grenades	F1 Fragmentation	S/2022/427	ChVK Wagner	▪
	30mm VOG-17M Grenades	S/2021/229	ChVK Wagner	▪
	40mm OGi-7MA projected grenades	New	UID	▪
	40mm VOG-25 Grenades	S/2021/229	ChVK Wagner	▪
	<i>Tanin</i> TBG-7 Thermobaric Grenade	New	HAF	▪
Laser Guided Bombs (LGB) or Smart Micro Munition (SMM)	GBU-12 <i>Paveway</i> II	S/2017/466	UAE	▪
	<i>Rocketsan</i> MAM-C	New	Türkiye	▪
	<i>Rocketsan</i> MAM-L	New	Türkiye	▪
Laser Guided Projectiles (LGP)	155mm GP-1A	S/2017/466 S/2018/812	UAE	▪
	155mm GP-6	S/2019/914	UAE	▪
Mines (Anti-personnel)	MON-50	S/2022/427	ChVK Wagner	▪

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Panel Report</i>	<i>Responsible</i>	<i>Remarks</i>
	MON-90	S/2022/427	ChVK Wagner	▪
	MON-200	S/2022/427	ChVK Wagner	▪
	OZM-72	S/2022/427	ChVK Wagner	▪
	PMN-2	S/2021/229	ChVK Wagner	▪
	POM-2R	S/2021/229	ChVK Wagner	▪
Mines (Anti-Tank)	TM-62M	S/2022/427	UID PMC	▪ Russian Federation based.
Mortar Bombs	120mm high explosive	S/2021/229	UID	▪
	120mm M62P8 high explosive	S/2021/229	UAE	▪
	120mm M62P10 high explosive	S/2022/427	UAE	▪
Small Arms and Cannon Ammunition	7.62 x 39mm	S/2015/128 S/2016/209	Belarus UID	▪ For Ministry of Interior. ▪
	7.62 x 39mm	S/2016/209	Sudan	▪
	7.62 x 39mm TulAmmo	S/2021/229	UID PMC	▪ Lot A421/2019. ▪ Russian Federation based.
	7.62 x 51mm M80	S/2016/209	Qatar	▪
	7.62 x 54Rmm	S/2016/209	UID	▪ Manufactured in 2012.
	12.7 x 108mm	S/2013/99 S/2015/128	UAE Belarus	▪ ▪ For Ministry of Interior.
	14.5 x 114mm	S/2015/128	Belarus	▪ For Ministry of Interior
	23 x 115mm	S/2015/128	Belarus	▪ For Ministry of Interior.
Thermobaric Munitions	KBP RPO-A <i>Shmel</i>	S/2021/229	ChVK Wagner	▪

2. Tables 25.3 and 25.4 summarise arms and military materiel that have been reported in open-sources as new transfers. The Panel is still investigating these alleged transfers as: (a) in some cases the arms and military materiel were in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo; and/or (b) the imagery was not of high enough resolution to identify serial numbers or lot/batch numbers to confirm post-2011 manufacture, and thus enable the initiation of tracing requests to identify supply chains. The Panel continues to investigate to find confirmatory information to the appropriate evidential standards.

Table 25.3

Reported but not yet confirmed arms and military materiel transferred to Libya (26 Feb 2011 – 10 July 2022) (weapon systems and equipment)²⁵²

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Remarks</i>
Air Defence (Missiles)	S-125 (SA-3)	<ul style="list-style-type: none"> ▪ This system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. ▪ Reports in June 2020 of supply from Ukraine to Türkiye,²⁵³ and then deployed to Al Watiya.²⁵⁴ No S-125 appear on satellite imagery of Al Watiya at that time, only <i>HAWK MIM</i>.
Anti-Tank (ATGW)	9M113 <i>Konkurs</i> ²⁵⁵	<ul style="list-style-type: none"> ▪ This system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. ▪ Also seen with HAF 106 brigade in November 2020 exercise, but resolution of imagery insufficient to identify if post-2011 production. ▪ More confirmatory evidence required before post-2011 transfer to Libya can be proven.

²⁵² Listed primarily in <https://www.oryxspioenkop.com/2020/06/types-of-arms-and-equipment-supplied-to.html>, 23 March 2021.

²⁵³ <https://avia-pro.net/news/na-vooruzhenii-livii-poyavilis-ukrainskie-s-125-protiv-rossiyskih-mig-29-i-su-24>, 8 July 2020.

²⁵⁴ <https://www.youtube.com/watch?v=mPg5CTUJHQ>, 12 July 2020.

²⁵⁵ Reported capture. <https://twitter.com/AnalystMick/status/1249681644933599233>, 13 April 2020.

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Remarks</i>
Armoured Vehicles (APC)	<i>NIMR II</i> ²⁵⁶	<ul style="list-style-type: none"> This vehicle was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. The unit badge on the vehicle dates back to 1970. Supplied under a contract signed in 2009 between Libya and the Bin Jamr Group, UAE.²⁵⁷ The imagery was not sufficient to allow for confirmation of a new transfer to Libya without other confirmatory evidence.
Armoured Vehicles (IAFV)	BRDM-2	<ul style="list-style-type: none"> This weapon system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. S/2016/209 reported the transfer of these APC types from Libya to Mali. Ukraine sold 108 BRDM to a UAE customer in 2017.²⁵⁸ More confirmatory evidence required before post-2011 transfer to Libya can be proven.
Artillery (Towed)	** 122mm D-30 Howitzer ²⁵⁹	<ul style="list-style-type: none"> This weapon system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. More confirmatory evidence required before post-2011 transfer to Libya can be proven.
	152mm 2A65 Msta-B Howitzer	<ul style="list-style-type: none"> This weapon system was NOT in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. The open-source imagery that initially referred to this weapon was later updated to attribute the gun as a G5 Howitzer.²⁶⁰ The Panel has yet to find any imagery of the weapon system deployed in Libya.
	155mm Norinco AH4 Gun-Howitzer	<ul style="list-style-type: none"> This weapon system was NOT in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. Procured by UAE in 2019.²⁶¹ Ammunition for the weapon system reported in S/2017/466, S/2018/812 and S/2019/914, but this may be compatible with the 155mm G5 Howitzer known to have been transferred. The Panel has yet to find any imagery of the weapon system proving deployment in Libya.
Artillery (MLRS)	107mm LSRVM <i>Morava</i>	<ul style="list-style-type: none"> The 128mm version was reported in S/2021/229. Also see table 26.1.
	107mm <i>Taka</i>	<ul style="list-style-type: none"> Copy of Chinese Type-63 manufactured in Sudan. The single source imagery cannot confirm the weapon type, nor deployment in Libya.²⁶²
Logistic Vehicles	Safir Light Utility Vehicle	<ul style="list-style-type: none"> This vehicle was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. More confirmatory evidence required before post-2011 transfer to Libya can be proven.
Mortars (Field)	60mm Type-32	<ul style="list-style-type: none"> Image resolution insufficient for 100% identification.²⁶³
	82mm 82-BM-37 ²⁶⁴	<ul style="list-style-type: none"> This weapon system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. More confirmatory evidence required before post-2011 transfer to Libya can be proven.
Mortars (Self-propelled)	120mm <i>Boragh</i> Armoured Mortar Vehicle	<ul style="list-style-type: none"> The single source imagery identified is insufficient to allow for confirmation of a new transfer to Libya.²⁶⁵

²⁵⁶ <https://twitter.com/oded121351/status/966794267585925120>, 22 February 2018.

²⁵⁷ <http://www.army-guide.com/eng/product.php?prodID=3936&printmode=1>. Accessed 21 January 2022.

²⁵⁸ <https://defence-blog.com/ukraine-sold-108-brdm-2-armoured-reconnaissance-vehicles-to-uae/>, 1 August 2017.

²⁵⁹ <https://twitter.com/Oded121351/status/1328016339072638978>, 15 November 2020.

²⁶⁰ <https://twitter.com/Oded121351/status/1328016339072638978/photo/1>, 15 November 2020; and

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

²⁶¹ https://www.armyrecognition.com/march_2019_global_defense_security_army_news_industry/norinco_ah4_155_mm_howitzers_for_united_arab_emirates_army.html, 1 March 2019.

²⁶² <https://postimg.cc/fkz4Rqhp>, undated. Accessed 23 January 2022.

²⁶³ <https://twitter.com/libyatogether20/status/1378031351132254209>, 2 April 2021.

²⁶⁴ <https://twitter.com/Oded121351/status/1328012799948312576>, 15 November 2020.

²⁶⁵ <https://twitter.com/tariqgibre/status/601900388267208704>, 23 May 2015; and <https://postimg.cc/4K7MjVH>, undated.

Accessed 23 January 2022.

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Remarks</i>
Radars and EW	Grozna-S Counter UAV	<ul style="list-style-type: none"> The single source imagery identified is insufficient to allow for confirmation of a new transfer to Libya.²⁶⁶
	Grozna-6	<ul style="list-style-type: none"> The single source image is of a Grozna-6 deployed in the UAE,²⁶⁷ but the Panel has yet to see imagery of the system deployed in Libya.²⁶⁸
	Krasuha	<ul style="list-style-type: none"> Single source on 18 May 2020 with no supporting high-resolution imagery to allow for confirmation of type or location in Libya.²⁶⁹
Small Arms and Light Weapons	7.62 x 54mmR PKM General Purpose Machine Gun	<ul style="list-style-type: none"> This system was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. More confirmatory evidence required before post-2011 transfer to Libya can be proven.
Tanks (MBT)	T-55E	<ul style="list-style-type: none"> The T-55 was in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. HAF official social media showed a T-55 variant with the Tariq bin Ziyad brigade in 2020.²⁷⁰ ChvK Wagner personnel also repaired 16 and overhauled 31 T-55 variants in 2019, so possible these are from that work.²⁷¹ More confirmatory evidence required before post-2011 transfer to Libya can be proven.
	T-62M	<ul style="list-style-type: none"> T-62 variants were in the inventory of the Libyan Armed Forces prior to the 2011 arms embargo. ChvK Wagner personnel also repaired 4 and overhauled 9 T-62 variants in 2019.²⁷² The imagery was not sufficient to allow for confirmation of a new transfer to Libya.
UAV	Ababil-2	<ul style="list-style-type: none"> Reported as operated by HAF. Image resolution insufficient for 100% identification of type or location.²⁷³
	Zagil	<ul style="list-style-type: none"> The Panel has identified a single-source report alleging Sudan supplied this UAV type in 2014.²⁷⁴ The imagery shows Libyan officers but is insufficient to prove the presence of this UAV type in Libya. No open-source imagery of a "Zagil" UAV could be found to allow for confirmation of UAV type.

Table 25.4

Reported but not confirmed arms and military materiel transferred to Libya (26 Feb 2011 – 10 July 2023) (ammunition and explosive ordnance)

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Remarks</i>
Artillery	155mm 2K25 Krasnopol laser guided projectile.	<ul style="list-style-type: none"> Reported as being for the 152mm 2A65 Msta-B Howitzer (see table 26.3), so possible calibre error in report. Imagery insufficient to confirm calibre or transfer to Libya.²⁷⁵ The imagery could equally be of a GP1, which is a direct copy.²⁷⁶ GP1 reported in in S/2017/466 and S/2018/812.
Engineer Stores	Fateh-4 mine clearance line charge	<ul style="list-style-type: none"> The single source imagery identified is insufficient to allow for confirmation of a transfer to Libya.²⁷⁷

²⁶⁶ <https://twitter.com/towersight/status/1292885386902069249>, 10 August 2020.

²⁶⁷ <https://www.menadefense.net/mideast/les-emirats-arabes-unis-se-dotent-de-brouilleurs-bielorusses-groza-6/>, 25 June 2020.

²⁶⁸ <https://army-tech.net/forum/index.php?threads/الحرب-الالكترونية-البيلاروسية-groza-18194-أو-العاصفة>, 25 April 2020.

²⁶⁹ <https://libya.liveuamap.com/en/2020/18-may-gna-turkish-uav-airstrike-on--electronic-warfare-system>, 20 May 2020.

²⁷⁰ <https://www.youtube.com/watch?v=LXt5dliacEk>, 14 November 2020. [14min 29sec].

²⁷¹ Table 77.2 to [S/2021/229](#).

²⁷² Table 77.2 to [S/2021/229](#).

²⁷³ <https://postlmg.cc/3dNhpry1>. Accessed 23 January 2022.

²⁷⁴ <https://m.facebook.com/1445146409065850/photos/a.1445154462398378/1484269561820201/?type=3&source=54>, 9 August 2014.

²⁷⁵ <https://twitter.com/lostweapons/status/1243787785724542976?lang=he>, 28 March 2020.

²⁷⁶ Confidential source analysis.

²⁷⁷ https://vk.com/wall-98555648_224885?lang=en, 10 August 2021.

<i>Generic type</i>	<i>Nomenclature / Calibre</i>	<i>Remarks</i>
Mines (Anti-personnel)	MON-100	<ul style="list-style-type: none"> ▪ The Libyan Mine Action Centre (LibMAC) have confirmed that no mines of this type have been reported, identified or rendered safe in Libya to date.²⁷⁸ ▪ The single source imagery identified is insufficient to allow for confirmation of a transfer to Libya.²⁷⁹
Mines (Anti-Tank)	TM-83	<ul style="list-style-type: none"> ▪ LibMAC have confirmed that no mines of this type have been reported, identified or rendered safe in Libya to date.²⁸⁰ ▪ The single source imagery is insufficient to confirm type or transfer to Libya.²⁸¹

²⁷⁸ Email to Panel of 25 January 2022.

²⁷⁹ https://www.libyaobserver.ly/news/libyas-interior-ministry-urges-south-tripoli-residents-not-return-home-just-yet?qt-libya_weather=1&qt-sidebar_tabs=1, 8 June 2020.

²⁸⁰ Ibid.

²⁸¹ <https://twitter.com/analystmick/status/1125785280626200576>, 7 May 2019.

Annex 26 Supplies of maritime assets to Libyan armed groups

A. Lambro Olympic D74

1. In [S/2022/427](#),²⁸² the Panel reported on a patrol boat in use by the GNU-affiliated Stability Support Apparatus (SSA) maritime units based in Zawiyah with design features consistent with the Lambro Olympic D74 (Javelin 74) fast patrol boat. The Panel established that the vessel is a former Hellenic Coast Guard vessel.
2. The vessel was one of three Lambro Olympic D74 fast patrol boats decommissioned by the Hellenic Coast Guard between 2014 and 2021, namely vessel “ΠΑΣ 194”. The Greek authorities told the Panel that the vessels never had weapons systems, and that the decommissioning comprised the removal of communications and electronic systems. No structural changes had been made to its glass-reinforced plastic hull. All three vessels had been auctioned off. Vessel ΠΑΣ 194, was auctioned to a Greek national.
3. On 15 January 2022, the vessel, then registered as a civilian vessel under the flag of Palau and named LS *Marta*, sailed from the port of Pilos, Greece with a destination of Libya. There were three individuals on board, including the abovementioned Greek national who had purchased the vessel at the auction.²⁸³ Four days later, on 19 January 2022, the vessel was first identified by eyewitnesses in use by the SSA units based in Zawiyah.²⁸⁴ This timeline indicates that the three individuals were involved in the transfer of the vessel to Libya.
4. On 2 June 2023, the Panel wrote to Greece and requested the technical specifications of the Lambro Olympic D74, in particular, details of its hull construction and any hardening or damage control design features for naval tasks. While Greece replied to the Panel’s letter, the requested information was not provided to a level of detail that would enable the Panel to assess the vessel as civilian in nature. The Panel therefore relies on the initial build purpose of the vessel as a main indicator, which was naval in nature. The Panel continues to consider the vessel as non-lethal military materiel. Such materiel can only be transferred to forces declared under the control of the Libyan government. The SSA is not part of these forces. The transfer of this vessel therefore is, in the Panel’s assessment, a violation of paragraph 9 of resolution [1970 \(2011\)](#). This updates table 1 of [S/2022/427](#), which registered the violation as “highly probable”. The Panel’s investigations into the identification of individuals and entities responsible for the transfer continues.

B. Haftar-affiliated forces rigid-hulled inflatable boats (RHIB)

1. RHIBs identified at HAF parade

5. In [S/2022/427](#),²⁸⁵ the Panel reported on naval-type RHIBs in use by a HAF maritime unit. In video footage of a 2021 parade by the Libyan Arab armed forces (LAAF).²⁸⁶ The Panel observed four RHIBs with plaques with a logo of the “Pisces” zodiac sign and the word “Apollon” in Greek letters, as well as the writings “*Apollon I*”, “*Apollon II*” and “*Apollon III*” on the right tube.²⁸⁷ The Panel established that the RHIBs had design features identical to RHIBs produced by Double Action Defense, based in Greece.²⁸⁸ On its Facebook page, the company links to a YouTube video showcasing its RHIBs,²⁸⁹ among them one with identical design features with that shown during the HAF parade (appendix 26.A).
6. Owing to their design (colour, seating arrangements, communications suite, weapons mounts), the Panel considers the RHIBs in question as arms and related materiel. The transfer of these RHIBs was a violation of paragraph 9 of resolution [1970 \(2011\)](#). The Panel’s investigation into the identification of individuals and entities responsible for the transfer continues.

²⁸² Paragraph 68.

²⁸³ The identity of the other two individuals is known to the Panel. The Panel has not yet been able to contact them for the purpose of an opportunity to reply.

²⁸⁴ [S/2022/427](#), annex 24, appendix C, figure 24.C.3.

²⁸⁵ Paragraph 66, table 1 and annex 27.

²⁸⁶ Starting at minute 2:14:34 here: <https://www.youtube.com/watch?v=mbIDXxITPa0>, 31 May 2021.

²⁸⁷ Marking of forth vessel of the same type not legible.

²⁸⁸ <https://doubleaction.gr>.

²⁸⁹ 1) <https://www.facebook.com/doubleactionshop/posts/welcome-aboard-genesis-12-by-double-action-defence/2433710443421658/>, 19 December 2019; and 2) https://www.youtube.com/watch?v=yT2P_EJv4ho, 19 December 2019.

2. RHIB “*Apollon 15*” and arms and related materiel transfer

7. In the late hours of 1 July 2020, the Hellenic Coast Guard stopped a Panama-flagged RHIB by name of “*Apollon 15*” west of Crete, with a crew of seven (six Greek nationals, one Spanish national).²⁹⁰ From the documents on the vessel it appeared that the Greek captain had sailed from Lavrio, Greece, with destination Egypt on 12 May 2020, without declaring any passengers. The captain stated to the Hellenic Coast Guard that he had sailed from Ras El Hilal, Libya, on 1 July 2020, with destination Porto Rafti, Greece. Upon inspection of the vessel, the Hellenic Coast Guard found two pistols, including one Glock, small arms magazines of different types, small amounts of various small arms ammunition and contraband. The crew was arrested, and the vessel was confiscated. Greece informed the Panel that the trial of the case had started on 14 October 2022 in the Plenipotentiary Court of Chania, Greece.

8. Having independently investigated the incident, the Panel identified among the arrested crew members an individual acting on behalf of Double Action Defense. On at least one occasion, that individual travelled to Libya where he met with personnel of the Libyan navy. The Panel’s documentary evidence shows the individual armed with a holstered pistol with design features identical to a Glock pistol. That is consistent with the inspection report by the Hellenic Coast Guard (see figure 26.B.1).

9. The Panel further determined that the identified individual, in a representative role for Double Action Defense, developed business relations with the International Golden Group, based in the United Arab Emirates (appendix 26.B).²⁹¹ Given that the International Golden Group has previously been identified by the Panel for repeated arms embargo violations, the Panel continues to investigate potential culpability for violations of the arms embargo that may have resulted from this cooperation between the two entities.²⁹²

10. On 30 September 2020, the vessel “*Apollon 15*” was assigned to an attorney and on 23 December 2020 sailed from the port of Chora Sfakion, Greece, with new shipping documents and a crew of two with destination Egypt. Greece informed the Panel on 30 June 2023 that the location of the released “*Apollon 15*” RHIB was unknown.

11. Owing to their design (colour, seating arrangements, communications suite, weapons mounts), the Panel considers the RHIBs in question as arms and related materiel. The entry into Libyan territorial waters by the “*Apollon 15*” RHIB was a violation of paragraph 9 of resolution [1970 \(2011\)](#).

12. The Panel’s investigation into the current whereabouts of the released “*Apollon 15*” RHIB continues. The Panel noted on satellite imagery of May 2021 that two vessels of around 11 metres length with the same colour and shape as the *Apollon* RHIBs were moored in Ras El Hilal. That harbour is close to the two interception points of MV *Corona J* and MV *Rogaland* (see paragraph 83 of the report, annex 31, and appendix 26.C). The Panel also continues its investigation into whether, based on the seizure of arms and related materiel from “*Apollon 15*” on 1 July 2020, the crew also violated paragraphs 9 or 10 of resolution [1970 \(2011\)](#) for transferring arms and related materiel to Libya or exporting arms and related materiel from Libya.

²⁹⁰ Meeting with Greek authorities, 22 November 2023.

²⁹¹ The Panel’s confidential eyewitness recognised the individual on relevant photographs: 1) with a member of the Libyan Navy in Libya, <https://1.bp.blogspot.com/-If733jaLePQ/Xwnkqa928TI/AAAAAAAAAyQ/g4zSth1gai8zfhBsAGESINAGL3hpAnM7ACLcBGAsYHQ/s1600/unnamed.png>; and 2) while signing a document with a representative of the International Golder Group, <https://doubleaction.gr/international-presence/>. Double Action Defense also lists that company as one of its international partners; <https://doubleaction.gr/en/the-company/>.

²⁹² 1) [S/2013/99](#), paragraphs 79 to 81; and figure 3; 2) [S/2016/209](#), annex 27, paragraph 4; and 3) [S/2022/427](#), annex 42.

Appendix 26.A

Figure 26.A.1
RHIBs at LAAF parade



Source: <https://www.youtube.com/watch?v=mbIDXxITPa0>, 31 May 2021, starting at 2:14:34.

Figure 26.A.2
Comparison RHIBs LAAF parade and Double Action Defense



Top row: RHIBs produced by Double Action Defense

Lower row: RHIBs at LAAF Parade

Identical design features:

- Bow and stern weapon emplacements
- Anchor
- Cockpit
- Roll bar
- Communications and navigation suite and antenna arrangement
- Overall hull design
- Seating configuration

Sources: 1) <https://www.youtube.com/watch?v=mbIDXxITPa0>, 31 May 2021, at 2:14:41; and 2) https://www.youtube.com/watch?v=yT2P_EJv4ho, 19 December 2019, starting at 2:14.

Figure 26.A.3
Comparison logo plaque RHIB displayed on LAAF parade (top) and displayed in Double Action Defense promotional video (bottom)



Sources: 1) <https://www.youtube.com/watch?v=mbIDXxITPa0>, 31 May 2021 @ at 2:14:58; and 2) https://www.youtube.com/watch?v=yT2P_EJv4ho, 19 December 2019, @ 2:35 minutes.

Appendix 26.B

Figure 26.B.1

Individual representing Double Action Defense with Libyan naval officer (left) and signing a document on a table with International Golden Group logo (right)



Sources: 1) <https://1.bp.blogspot.com/-If733jaLePQ/Xwnkqa928TI/AAAAAAAAAyQ/g4zSth1gai8zfhBsAGESINAGL3hpAnM7ACLcBGAsYHQ/s1600/unnamed.png>; and 2) <https://doubleaction.gr/en/the-company/>.

Annex 27 Renewed transport of Spartan-2 MAV by MV *Luccello* / MV *Victory RoRo*

1. In [S/2022/427](#),²⁹³ the Panel reported on the 4 March 2022 delivery of 100 Spartan-2 military armoured vehicles (MAV) to Benghazi, in violation of paragraph 9 of resolution [1970 \(2011\)](#), by the MV *Luccello* (IMO: 7800112; flag State: Comoros). The Panel continues to investigate the supply chain of these vehicles.
2. Following the delivery of the vehicles to Benghazi, the vessel sailed to Mersin, Türkiye, where it stayed at the anchorage area off the port (TRMER) for a little under two days. She then sailed to international waters off Latakia, Syrian Arab Republic, where she “went dark” by turning off its Automatic Identification System (AIS) between 12 and 19 March 2022. During that time frame, the vessel changed its name, flag State, owner and operator.
3. The vessel’s name changed from *Luccello* to *Victory RoRo*. Its flag changed from the Comoros to Equatorial Guinea. Its owner and operator changed from Medred Ship Management Co. Ltd. (Türkiye) to Yildirim Shipping Co. (Liberia). Like Medred, Yildirim only owns and operates one vessel.
4. Yildirim Shipping Company is incorporated in Liberia, but uses an address in Mersin, Türkiye. The company uses an email address that is hosted on the domain of Legend Logistic. Under the section “news” on Legend Logistic’s web presence, two postings dated 24 November and 2 December 2021, respectively, refer to activities of the MV *Luccello*, the MV *Victory RoRo*’s previous name.²⁹⁴ Furthermore, according to Legend Logistic’s website and maritime databases, Yildirim Shipping Company and Legend Logistic have almost identical addresses at 5306 Sokak, Yeni Mah, Akedniz, Mersin, Türkiye.²⁹⁵ Legend Logistic has the same address as the previous registered owner and operator of the vessel, Medred Ship Management Co Ltd., which the Panel reported as having previously violated the arms embargo.²⁹⁶ The founder of Legend Logistic (a.k.a. Legend Logistic International or Legend Logistics) is Murat Yildirim.²⁹⁷ This suggests that Yildirim Shipping Company and Medred Ship Management Co Ltd are both subsidiaries of Legend Logistic.
5. After these changes, the vessel, then sailing as MV *Victory Roro*, sailed back to Mersin, Türkiye, and called at the port on 19 March 2022, where she remained for about eight hours. The address of the vessel’s owner and operator is in the port area. A crew member told the Panel that the new and the old owner of the vessel were identical. After changing the vessel’s name and flag, the owner removed from the vessel all documents related to the vessel’s voyages under her old identity.
6. The vessel then sailed to Crete, Greece, where she failed technical inspections and remained at Heraklion port (GRHER) for repairs, until 15 April 2022. She then called at Tobruk (LYTOB), Khoms (LYKHM), Misrata (LYMIS), before sailing to Benghazi (LYBEN) on 26 April 2022, where she loaded 50 of the 100 vehicles she had offloaded there on 4 March 2022.
7. She left Benghazi in the evening of 30 April 2022 in a north-eastern direction and left Libyan territorial waters in the early morning of 1 May 2022. She proceeded eastwards and re-entered Libyan territorial waters in the early morning of 2 May 2022 [at 33°06’11”N, 13°20’46”E]. This represents another violation of paragraph 9 of resolution [1970 \(2011\)](#). She entered Tripoli port (LYTIP) in the morning of 2 May 2022, where she unloaded the vehicles. She left Tripoli on 3 May 2022 and returned to Mersin. In July 2022, the vessel was again used in an attempt to deliver armoured vehicles to Benghazi, but was stopped by EUNAVFOR Operation Irini, see paragraph 103 of the report and annex 71.
8. A summary of events and obfuscation techniques used for the vessel are in annex 71, table 71.1. The voyage from Benghazi to Tripoli is in figure 27.1. Open-source imagery of the *Spartan-2* MAV in Tripoli is at figure 27.2 and annex 36.

²⁹³ [S/2022/427](#), table 1 and annex 30.

²⁹⁴ 1) <https://legend-logistic.com/1396-2/>; and 2) <https://legend-logistic.com/1433-2/>.

²⁹⁵ Yildirim Shipping Company is at 2/7 whereas Legend Logistic is at 1/5.

²⁹⁶ [S/2022/427](#), tables 2 and 3 and annex 30.

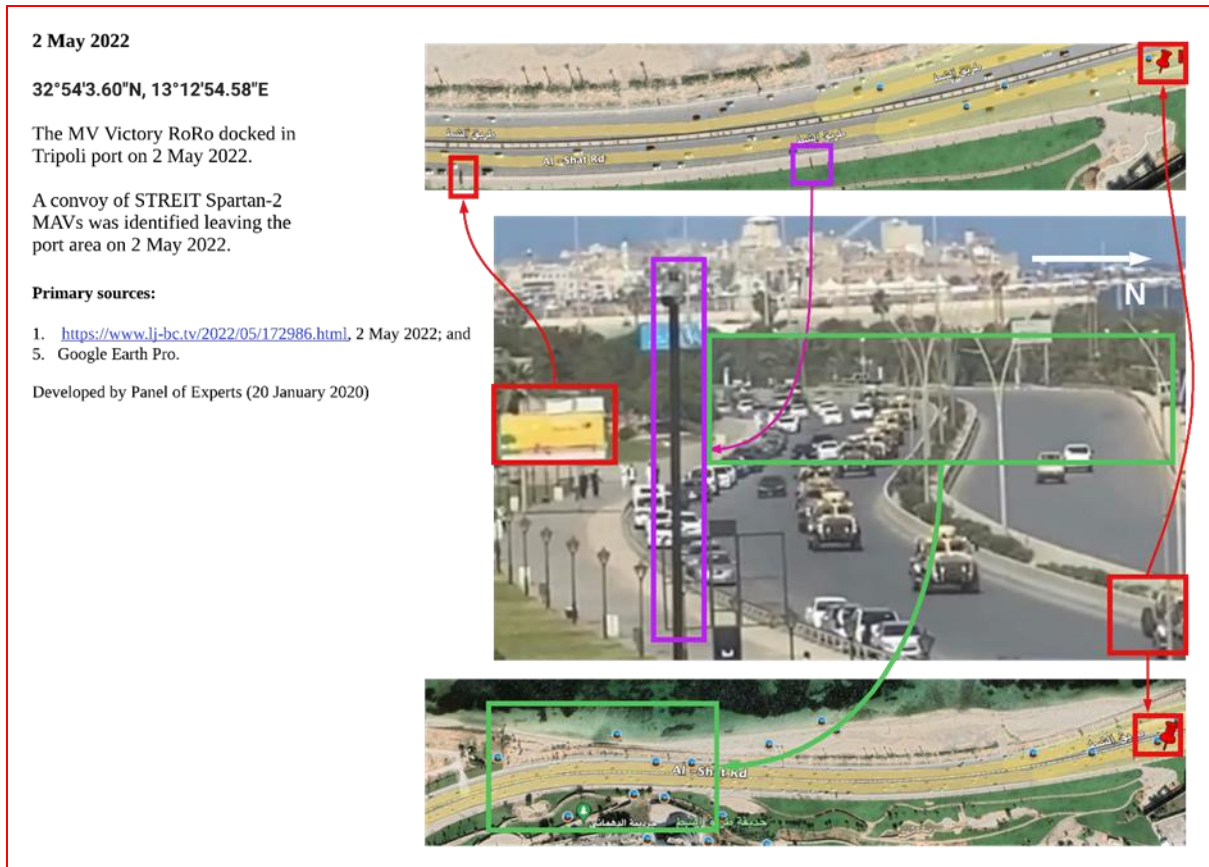
²⁹⁷ https://legend-logistic.com/?page_id=415.

Figure 27.1
MV Victory Roro (ex- Luccello) (IMO: 7800112) delivers 50 Spartan-2 MAV from Benghazi to Tripoli (26 April – 2 May 2022)



Source: S&P Maritime.

Figure 27.2
Movement of Spartan-2 MAV from Tripoli port eastwards (2 May 2022)



Annex 28 Deliveries of items or activities not subject to the arms embargo by vessels, aircraft or vehicles subject to the embargo

1. Paragraph 9 of resolution [1970 \(2011\)](#) contains three elements for application of the arms embargo: supply, sale, and transfer to Libya. Paragraph 10 of the same resolution speaks of “export” and “procurement” from Libya. “Supply”, “sale”, “export” and “procurement” all insinuate some form of change of possession, ownership or control. “Transfer”, on the other hand, is a more open concept, and, by definition, can also refer to a change in location without a change of possession, ownership, or control.²⁹⁸ This interpretation is also reflected by past Committee and Panel practice. There are numerous examples of past Committee approvals under paragraph 9 (c) for temporary transfers to Libya of arms and related materiel for diplomatic missions or demonstration purposes. The Panel has also consistently reported on temporary entries of military materiel, including on military overflights, deliveries by military cargo flights, and entry of naval vessels into Libyan territory.
2. At first glance there appears to be an innate shortcoming of the “catch-all” exemption of paragraph 9 (c), namely that it contains the words “sales and supply” but not the word “transfer”. This would suggest that the exemption cannot be requested for temporary transfers. But past Committee practice, as noted above, and the wording of Implementation Assistance Notice number 2,²⁹⁹ which explicitly refers to “transfers” also in the context of advance approval by the Committee, suggest otherwise. Paragraph 9 (c) is therefore a suitable vehicle to request Committee approval for temporary transfers, i.e. where the embargoed vessel, aircraft or vehicle serves as a means of delivery.
3. The Panel therefore disagrees with any interpretation of the term “transfer” that would: 1) require a change in possession, ownership, or control, and/or 2) introduce a temporal element, which would require arbitrariness on part of the Panel to determine when a transfer would be limited in time and when it would have to be considered permanent.
4. The Panel last highlighted the issue in [S/2022/427](#).³⁰⁰ Since the Panel’s last report, similar cases arose, some of which are presented in annex 29; this demonstrates the relevance of the issue.

²⁹⁸ <https://www.merriam-webster.com/dictionary/transfer>.

²⁹⁹ https://www.un.org/securitycouncil/sites/www.un.org.securitycouncil/files/1970_ian2.pdf.

³⁰⁰ Paragraph 60, recommendation 1 and annex 31.

Annex 29 Naval vessels entering Libya

A. Overview

1. During the reporting period, several naval vessels entered Libyan territory, including to deliver items or undertake activities that are not subject of the arms embargo. The Panel continues to monitor such entries as potential violations³⁰¹ of the arms embargo if they are undertaken without prior Committee approval.

B. Italian Gorgona-class vessel

2. In [S/2022/427](#),³⁰² the Panel reported on rotating Italian Navy Gorgona-class vessels in Abu Sitta port, Tripoli [32°54'24.68"N, 13°13'12.48"E]. On 12 January 2023, during its last visit to Tripoli, the Panel visited Abu Sitta and observed the Gorgona-class coastal transport vessel *Tremiti* (pennant number: A5348) moored there.

3. The Panel followed up with Italy on 16 June 2023 on an unanswered 21 March 2022 letter on this subject. No response was received. In the Panel's view, the entry of the vessel a violation of paragraph 9 of resolution [1970 \(2011\)](#).

C. Maltase armed forces vessel

4. By letter dated 11 October 2022, the Permanent Mission of the Republic of Malta submitted an arms embargo exemption request, invoking paragraph 9 (c) of resolution [1970 \(2011\)](#), to the Committee. Malta requested approval for transfer to Libya of arms and related materiel for the protection of Malta's diplomatic mission in Tripoli. Malta provided elements regarding the delivery, in line with Implementation Assistance Notice number 2. This included that the materiel would be delivered to Tripoli port by a naval vessel in the first week of January 2023. The Committee approved the exemption request. The items were delivered on 8 January 2023 on board the Maltese armed forces vessel P61.

5. In the Panel's view, Malta was in full compliance with the arms embargo by seeking and obtaining approval from the Committee under paragraph 9 (c) of resolution [1970 \(2011\)](#), both for the arms and related materiel and for the means of delivery by naval vessel.

D. Turkish G-class frigates

6. The Panel has obtained confidential satellite imagery showing one or two vessels at a time with the characteristics of Turkish Gabya (G-class) frigates berthed at Al-Khoms port, Libya (LYKHM) [32°41'10.05"N, 14°14'42.97"E] between November 2022 and 12 February 2023 (table 29.1)

Table 29.1

Turkish G-class frigates in Al-Khoms

<i>Date observed</i>	<i>Number of vessels</i>
5 Nov 2022	2 vessels
7 Feb 2023	2 vessels
9 Feb 2023	2 vessels
12 Feb 2023	2 vessels
14 Mar 2023	1 vessel

7. The Panel wrote to Türkiye on 26 May 2023 on this issue. No response was received. In the Panel's view, the entry of these vessels are violations of paragraph 9 of resolution [1970 \(2011\)](#).

³⁰¹ This includes what the Panel previously referred to as a "technical violation". In paragraph 60 and FN 82 of [S/2022/427](#), the Panel covered the issue of "technical violations". The related recommendation was not adopted, and since that recommendation and the term of "technical violation" are intrinsically linked, the term can no longer be reasonably used by the Panel for use of military vessels and aircraft delivering non-embargoed items and undertaking non-embargoed activities.

³⁰² Paragraph 72.


E. HMS Albion

8. On 28 September 2022, the United Kingdom's Amphibious Transport Dock HMS Albion (pennant number: L14) entered Tripoli commercial port (LYTIP) for a day-long visit. The United Kingdom informed the Panel that "*the ship's visit was used to enhance the goodwill between the mariners of both our countries, as well as to enhance diplomatic relations*". During the visit, the crew also "*conducted training and shared best practices with the Libyan Navy covering the maritime safety topics of hydrography, seamanship, navigation and marine engineering*", and conducted medical training "*regarding patient management and health procedures*". The United Kingdom further informed the Panel that no cargo or personnel had been embarked or disembarked.


9. In its letter to the Panel, the United Kingdom holds that they "take note of the Panel of Expert's final report ([S/2022/427](#)), in particular paragraph 60, recommendation 1 and Annex 31, which states that, in relation to an Italian vessel, in the Panel's view "the entering and exit of Libyan territory by the vessel is by itself a technical violation of paragraph 9 to resolution [1970 \(2011\)](#), even if there is no intent to transfer arms and related materiel to Libya". We take this opportunity to clarify that the United Kingdom does not share the Panel of Expert's interpretation in this regard. Specifically, HMS Albion's visit did not involve the direct or indirect supply, sale or transfer to Libya of arms or related materiel. Further, paragraph 10 of resolution [2095 \(2013\)](#) exempted the provision of training to the Libyan government without the need for notification. We also take this opportunity to recall that the Security Council has not acted upon recommendation 1 in the Panel of Experts final report ([S/2022/427](#))."

10. The explanation given by the United Kingdom, however, does not address the fact that HMS Albion itself falls under the category of arms and related materiel. Neither the relevant resolutions, nor the implementation assistance guidance issued by the Committee provide a basis for extending the delivery of non-embargoed goods or services by an embargoed mode of transportation (see annex 28). The Panel is satisfied that the training provided by the crew of the HMS Albion falls under the exception of paragraph 10 of resolution [2095 \(2013\)](#). However, the entry of the vessel itself, does, in the Panel's view, not fall under the same exception, but represents a violation of paragraph 9 of resolution [1970 \(2011\)](#).

Annex 30 Libyan Maritime Authority cancels “prohibited zone” - Attachment to IMO Circular Letter no. 4585 (10 June 2022)



دولة ليبيا
STATE OF LIBYA
وزارة المواصلات والنقل البحري
مصلحة الموانئ والنقل البحري
Ports & Maritime Transport Authority



مكتب الرئيس

الرقم الاشاري: ٥٩٥٦/٣/٤١
التاريخ: ٢٠٢٢/١٠/٠٩ م

Ref No : _____
Date : _____

**TO : Mr. Kitac Lim ,
Secretary- General
International Maritime Organization (IMO)
4 Albert Embankment
London SE1 7 SR-U.K**

Subject Cancellation of a previously Declared Restricted Area due to ongoing Military Operations

Dear Mr.lim,

Libyan Ports & Maritime Transport Authority (L.P&M.T. A) would like to take this opportunity to present its compliments to your Excellency Please be advised that the previously Declared Restricted Area due to the ongoing Military Operations under the Navigational Warning (225/2016) relating to Area III along part of the Libyan Eastern coastline defined by the under indicated coordinates (as illustrated in the attached image), HAS RECENTLY BEEN CANCELLED.

Therefore, Navigation of ships is now permitted within the said area and Maritime Trading and derna port now are ready to receive any kind of vessels and Is absolutely safe.

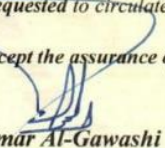

The boundaries of the mentioned Area are indicated according to the following positions:-

Position No. 1 (32 54 42 N , 022 04 22 E)	Position No. 2 (33 04 11 N , 022 01 55 E)
Position No. 3 (32 59 22 N , 022 40 59 E)	Position No. 4 (32 56 12 N , 023 14 40 E)
Position No. 5 (32 36 21 N , 023 07 57 E)	

Kindly, requested to circulate this letter and the contained information to all IMO Member States

Please accept the assurance of my highest consideration.
Yours Sincerely,

Eng. / Omār Al-Gawashi
President of Libyan Ports & Maritime Transport Authority (L.P&M.T.A)

م. صورة إلى :
 السيد / وزير المواصلات
 السيد / وكيل الوزارة لشؤون الموانئ والنقل البحري
 السيد / مدير إدارة الشؤون البحرية
 السيد / مدير عام ميناء درنة البحري
 السيد / مدير إدارة الموانئ البحرية
 م. زايد

+218 21 489 7668 President@lma.ly
 +218 21 489 1415 www.lma.ly
 +218 21 489 3436 Tripoli, Libya 81890 ليبيا - طرابلس

Source: International Maritime Organization

Annex 31 Antigua and Barbuda complaint as flag State - attachment to IMO Circular Letter no. 4641 (12 October 2022)

THE OFFICE OF THE PERMANENT REPRESENTATIVE TO THE
INTERNATIONAL MARITIME ORGANIZATION (IMO)
GOVERNMENT OF ANTIGUA & BARBUDA



October 07, 2022

HIS EXCELLENCY KITACK LIM
Secretary-General
International Maritime Organization (IMO)
4 Albert Embankment
London SE1 7SR

URGENT:
Incidents of questionable interception and detention of Antigua & Barbuda flagged ships off the coast of Libya.

Dear Secretary General,

On behalf of the government of Antigua and Barbuda, I would like to draw your kind attention to two incidents involving our ships transiting off the coast of Libya, which we have deemed to be deliberate violations of the International Law of the Sea and applicable IMO Conventions.

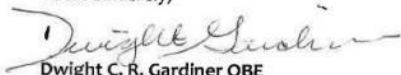
The first incident occurred on 24 May 2022 at around 09:00 UTC, the Antigua and Barbuda flagged vessel M/V Corona J (IMO 9238686) was at 33-14.5N, 22-17.3E, enroute from Port Said, Egypt to the port of Misrata, Libya. The vessel was approached and boarded by armed forces claiming to be the Libyan Coast Guard. The guards accused the vessel of entering a military restricted area and proceeded to seize all the passports and ship documents and certificates. The vessel was ordered to anchor at 32-54N, 022-11E, and the crew was detained on the bridge under the supervision of two armed guards while other guards conducted a search of the vessel. The vessel had to pay a "fine" of USD 41,000 for the release of the vessel and the return of crew passports and ship documents.

The second incident was on 21 September 2022 at around 10:20 UTC, the Antigua and Barbuda flagged vessel M/V Rogaland (IMO 9505596) was at 33-09.3N, 021-59.4E, approximately 13nm from the coast of Libya enroute from the port of Alexandria, Egypt, to the port of Zarzis, Tunisia. The vessel was approached and boarded by armed forces claiming to be the Libyan Coast Guard who alleged that there were problems with the paperwork although the master was not given any specific details on the alleged issues. The ship documents and all the passports of the crew were forcibly seized by the group and the vessel was ordered to proceed to the port of Benghazi "to clarify the matter". The operators and P&I Club opted to settle the matter by paying a fine of USD 41,600 to secure the release of the vessel and return of the ship and crew documents.

Based on the amplified information presented in the appendix to this missive, Antigua and Barbuda consider that these actions pose a significant threat to the safety and security of shipping transiting this area. Further, as an IMO member State, we strongly condemn these incidents and kindly ask that this information is brought to the attention of all IMO Member States, Intergovernmental Organizations, and Non-governmental Organization in consultative status.

Please accept the assurances of my highest consideration.

Yours sincerely,



Dwight C. R. Gardiner OBE
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Antigua and Barbuda to the IMO

Appendix

Incidents of questionable interception and detention of Antigua & Barbuda flagged ships off the coast of Libya.**BACKGROUND**

There have been two unusual incidents this year involving Antigua & Barbuda flagged vessels operating in the Mediterranean Sea around the State of Libya. The incidents involved the boarding and detention of the vessels by armed personnel claiming to be officers of the Libyan Coast Guard.

The first incident was on 24 May 2022 at around 09:00 UTC, the Antigua and Barbuda flagged vessel M/V Corona J (IMO 9238686) was at 33-14.5N, 22-17.3E, enroute from Port Said, Egypt to the port of Misrata, Libya.

The vessel was approached and boarded by armed forces claiming to be the Libyan Coast Guard. The guards accused the vessel of entering a military restricted area and proceeded to seize all the passports and ship documents and certificates. The master was aware of the restricted zone and the vessel had in fact passed approximately 10nm north of the zone. The vessel was ordered to anchor at 32-54N, 022-11E, and the crew was detained on the bridge under the supervision of two armed guards while other guards conducted a search of the vessel. It was later discovered by the crew that all their money as well as other personal belongings were missing.

The master then informed the operating company and European Naval Forces (EUNAVFOR) of the incident. The operator contacted the P&I Club agent in Benghazi who then contacted the Libyan Coast Guard to inquire. The agent was informed that the vessel had to pay a "fine" of USD 41,000 for the release of the vessel and the return of crew passports and ship documents. When the guards were questioned on whether any money or other property was taken, they denied any involvement, and the crew and owners were forced to write an apology letter for falsely accusing the guards of theft. In order to de-escalate the matter and secure its release, the vessel agreed to pay the fine and write an apology letter.

The second incident was on 21 September 2022 at around 10:20 UTC, the Antigua and Barbuda flagged vessel M/V Rogaland (IMO 9505596) was at 33-09.3N, 021-59.4E, approximately 13nm from the coast of Libya enroute from the port of Alexandria, Egypt, to the port of Zarzis, Tunisia.

The vessel was approached and boarded by armed forces claiming to be the Libyan Coast Guard who alleged that there were problems with the paperwork although the master was not given any specific details on the alleged issues. The ship documents and all the passports of the crew were forcibly seized by the group and the vessel was ordered to proceed to the port of Benghazi "to clarify the matter".

The operating company instructed the master to lock the vessel at security level 3, remain drifting in its present position and await further instructions. The local P&I agent reached out to the Coast Guard and informed them of the matter. The Coast Guard responded that the vessel entered a restricted military area in the east coast

of Libya thus it was detained for illegal entry and a “fine” of USD 41,600 is required to be paid for the release of the vessel. The operators and P&I Club opted to settle the matter by payment of the fine to secure the release of the vessel and return of the ship and crew documents.

PERSPECTIVE ON THE POLITICAL INSTABILITY IN LIBYA

Since the overthrow of Colonel Muammar Gaddafi in 2011 Libya has been in turmoil as rival factions vie for control of the country. As of today, the Tripoli-based Government of National Accord (“GNA”) which is an interim government backed by the United Nations is considered the legitimate government of Libya and is in control of the western portions of the country (Image 1: Green Area). Their current main opposition is the Libyan National Army (“LNA”) which is in control of the east and central parts of the country and is considered an illegitimate government (Image 1: Red Area).

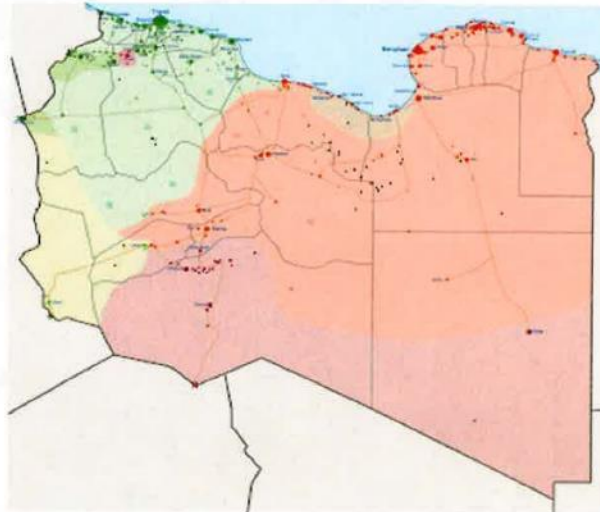


Image 1: Military Situation in Libya 2020

It should be noted that both incidents involved persons claiming to be members of the Libyan Coast Guard and the local P&I Club negotiated with personnel in Benghazi claiming to be the administration of the Libyan Coast Guard, and both ships were detained off the eastern coast of Libya on a westbound route it is likely that it was the connection to the illegitimate Libyan National Army led eastern government as Benghazi is under the control of rival forces.

LEGAL CONSIDERATIONS

The alleged military zone is the one established by the State of Libya in its *Navigational Warning 225/2016* relating to an area designated as *Area III* along parts of the eastern coastline of Libya which was in force until 9 June 2022 when notice of its cancellation was published in IMO Circular No. 4585.

In the Case of the M/V Corona J in May 2022, the zone was in effect at the time and the vessel was aware of its existence as it was noted in NAVAREA III notices for Libya. The vessel also conducted the required reporting and obtained confirmation from the Misrata agent that the port is safe and operational, thus it avoided the area.

In the case of the M/V Rogaland in September 2022, the zone had already been canceled thus there was no basis for the arrest of the ship. This incident also has wider consequences as unlike the M/V Corona J, the vessel was not calling at a Libyan port but was in transit to another State.

At the time of its detention, the vessel was approximately 13nm from the coast which is outside of the territorial sea in the Exclusive Economic Zone ("EEZ"). UNCLOS Art 58 extends the freedom of navigation on the high seas to the EEZ with the caveat of the due regard principle. This means that freedom of navigation in the EEZ can be limited to an extent by the laws of the coastal State. This due regard principle is what legally underpins the ability of the State to declare a military exclusion zone extending into the EEZ.

However, as the M/V Rogaland was in transit to a third State and the exclusion zone was canceled by the authorities there were no legal grounds for the detention of the ship and the act was a flagrant violation of the vessel's right to freedom of navigation.

Even if the alleged Coast Guard officers believed that the M/V Rogaland was in Libya's territorial waters, or in the case of the M/V Corona J which was on route to a Libyan port, they still would have no jurisdiction as the right of innocent passage applies in the territorial sea. As under UNCLOS Article 17-19 a vessel in transit or proceeding to or from internal water which is not prejudicial to the peace, good order, or security of the coastal State enjoys the protection of innocent passage. Both vessels are cargo ships carrying on their ordinary course of business of transporting goods and there were no allegations of any other illicit activities.

ANTIGUA AND BARBUDA'S PERSPECTIVE ON THE INCIDENTS

The detention of both vessels without just causes on the pretense of violating a military exclusion zone which the vessel either did not enter or no longer exists is likely to be a fraud perpetrated by rebellious actors in the eastern portion of Libya to extract money from ships doing business in the area. The threat of violence and seizure of personal documents of the crew are paired with a "fine" that is low enough that owners and P&I Clubs would lose more to further delays in order to exert pressure to pay quickly.

The matter is not one that Antigua & Barbuda can address on its own and should be brought to the attention of the international community through the IMO. Our flagged ships are unlikely to be the only targets of the fraud and a coordinated response from Mediterranean stakeholders is necessary to address the matter of safety while the UN conducts its work to address the political instability.

Source: International Maritime Organization; first two pages condensed into one.

Annex 32 Summary of newly identified arms embargo equipment transfer and training violations and non-compliances

- Sources for tables 32.1 and 32.2, which are shown in the appropriate annexes, are primarily from a combination of: (a) Member States responses to Panel enquiries; (b) entity responses to Panel enquiries; (c) official social media of national armed forces; (d) official social media of armed groups; (e) other social media; (f) authoritative specialist military media; (g) imagery supported by geo-location; and/or (h) imagery supported by technical analysis.
- Transfer violations that took place and went unreported during previous mandates are included in table 32.1 to provide the evidence for the baseline data necessary to assist in the identification of any future violations.

Table 32.1

Summary of equipment transfer violations

<i>Annex</i>	<i>Date identified in Libya or by Panel</i>	<i>End User</i>	<i>Equipment nomenclature</i>	<i>Responsible</i>	<i>Cross-references</i>
Previously unreported					
AE4	26 Nov 2019	GNU	BMC <i>Vuran</i> 4x4	Türkiye	▪
During resolution 2571 (2021) reporting period and unreported or unattributed					
AE5	13 Apr 2022	GNU-AF	Barrett 0.50" M82 Anti Material Rifle	UID	▪
AE6	13 Apr 2022	GNU-AF	Sako 0.308" TRG 22 Sniper Rifle	UID	▪
AE7	22 May 2022	GNU-AF	Streit <i>Spartan</i> APC	UAE	▪
AE8	22 Jun 2022	HAF	MSPV <i>Panthera T8</i> 4x4 APC	UID	▪
During resolution 2644 (2022) reporting period (all new identifications)					
AE9	29 Aug 2022	Türkiye	<i>Roketsan</i> MAM-C Smart Micro Mmunition (SMM)	Türkiye	▪
AE10	29 Jan 2023	HAF	<i>Tanin</i> TBG-7 Thermobaric Grenade	UID	▪
AE11	5 Feb 2023	GNU-AF	LC79 <i>SH Fighter-2</i> APC	UID	▪
AE12	8 Feb 2023	GNU-AF	0.308" <i>Accuracy International</i> AW308 Sniper Rifle	UID	▪
AE13	25 May 2023	GNU-AF	<i>Roketsan</i> MAM-L Smart Micro Mmunition (SMM)	Türkiye	▪
AE14	31 May 2023	GNU-AF	40mm OGi-7MA projected grenades	UID	▪
AE15	31 May 2023	GNU-AF	5.56mm KCR 556 7.5" infantry rifle	Türkiye	▪
AE16	13 Jun 2023	GNU-AF	<i>Aselsan</i> A600 Weapon Sights	Türkiye	▪
AE17	13 Jun 2023	GNU-AF	<i>Aselsan</i> A940 Weapon Sights	Türkiye	▪

<i>Annex</i>	<i>Date identified in Libya or by Panel</i>	<i>End User</i>	<i>Equipment nomenclature</i>	<i>Responsible</i>	<i>Cross-references</i>
AE18	13 Jun 2023	GNU-AF	MKEK 7.62mm KNT-76 Sniper Rifle	Türkiye	▪
AE19	14 Jun 2023	GNU-AF	Aselsan Ihasavar UAV Jammer	Türkiye	▪
AE20	14 Jun 2023	GNU-AF	Aselsan Serce-2 UAV	Türkiye	▪

^a Unidentified as yet.

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

3. The Panel has determined that none of the training listed in table 32.2 falls under the exception contained in paragraph 10 of resolution [2095 \(2013\)](#), which is for disarmament and security purposes only.

Table 32.2
Summary of training violations

<i>Annex</i>	<i>Date identified in Libya or by Panel</i>	<i>End User</i>	<i>Type of training support</i>	<i>Responsible</i>	<i>Cross-references</i>
During resolution 2571 (2021) reporting period and unreported or unattributed					
AE21	18 May 2022	GNU-AF	Libyan Armed Forces participating in NATO exercise EFES-2022 in Türkiye.	Libya (GNU)	▪
AE22	17 Jun 2022	GNU-AF	53 Independent Infantry Brigade training in Türkiye	Türkiye	▪
During resolution 2644 (2022) reporting period (all new identifications)					
AE23	20 Jul 2022	GNU-AF	Naval training in Türkiye	Türkiye	▪
AE24	22 Aug 2022	GNU-AF	Military small boat training in Türkiye.	Türkiye	▪
AE25	27 Nov 2022	GNU-AF	Military diver training.	Türkiye	▪ <i>Non violation and reported to show some training by Türkiye. is legitimate.</i>
AE26	13 Dec 2022	GNU-AF	UID UAV training	Libya (GNU)	▪
AE27	13 Jun 2023	GNU-AF	Sniper training	Türkiye	▪
AE28	14 Jun 2023	GNU-AF	Small UAV training	Türkiye	▪

<i>Annex</i>	<i>Date identified in Libya or by Panel</i>	<i>End User</i>	<i>Type of training support</i>	<i>Responsible</i>	<i>Cross-references</i>
N/A	14 Jun 2023	GNU-AF	<i>Aselsan Ihasavar UAV Jammer training</i>	Türkiye	▪ See annex 45
N/A	4 Jul 2023	GNU-AF	<i>Aselsan Serce-2 UAV</i>	Türkiye	▪ See annex 46

^a Unidentified as yet.

Annex 33 BMC *Vuran* T8 MPAV
**BMC *Vuran* T8 Multi-Purpose Armoured Vehicle (MPAV)
(GNU Joint Operations Force near Zintan)
(26 October 2019)**

The Panel has identified from open source media the presence of destroyed BMC *Vuran* multi-purpose armoured vehicles (MPAV) being used by an armed group affiliated to the Government of National Accord (GNA-AF). These vehicles are designed and manufactured by the BMC company in Türkiye.

The destroyed *Vuran* 4 x 4 MPAV, was factory-fitted with a specialist weapons mount. The Panel identified the weapons mount as being a *Stabilised Advanced Remote Platform (SARP)* remote controlled weapons system (RCWS) mount manufactured by Aselsan A.S., of Türkiye. The SARP RCWS is designed to mount either 7.62mm or 12.7mm medium machine guns.

The Panel noted an authoritative source that stated that the *Vuran* 4 x 4 MPAV only entered Turkish military service in July 2019, yet the vehicle was operational in Libya by October that same year.

The Panel offered Libya, Türkiye and BMC an opportunity to respond in letters dated 29 October 2019. No responses were received from Libya or Türkiye, and BMC referred the Panel to the Ministry of Foreign Affairs of Türkiye.

This transfer of military equipment to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).

Primary sources

- <https://twitter.com/Oded121351/status/1539485251063451648>, 26 October 2019.
- <https://www.saadaonline.net/world/104736/سيسي-خ-ى-ل-ا-ي-ب-ي-ل-ي-ف-ت-ل-و-ح-ت-س-ي-ج-ل-ة-ك-ر-ت-ا-ل-ة-ع-ر-د-م-ل-ا-ر-و-ص-ل-ا-ب/>, 26 October 2019;
- <https://www.bmc.com.tr/en/defense-industry/vuran>. Accessed 14 March 2023;
- <https://www.aselsan.com.tr/en/capabilities/weapon-systems/remote-weapon-platforms/sarp-stabilized-advanced-remote-weapon-platform>, 28 October 2019; and
- <https://janes.ihs.com/Janes/Display/jafv0059-jafv>. Subscription access only.

Developed by UN Panel of Experts



Destroyed *Vuran* 4x4 MPAV
26 October 2019.



Destroyed *Vuran* 4x4 MPAV
26 October 2019.



Destroyed SARP RCWS
26 October 2019.



Manufacturers' Image



Manufacturers' Image

Annex 34 *Barrett 0.60in M82 Anti-Materiel Rifle*

Barrett 0.50in M82 Anti-Materiel Rifle (AMR) (Unit 444 GNU-AF) (13 April 2022)

The Panel has identified from official social media the presence of *Barrett* 0.50in Anti-Materiel Rifles in the possession of Unit 444 of the GNU-AF on 13 April 2022.

These are the first sightings of this weapons system in Libya. This weapon type has been manufactured since 1990 and exported to at least 41 countries.

The Panel requested further information from Barret Firearms Manufacturing Inc in a letter of 13 May 2022. On 26 May 2022 the company replied that it had not sold, transferred or exported such weapons to Libya, nor could it indentify the exact model type from the imagery.

The transfer of this weapon type to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).

Primary sources

1. www.facebook.com/الوطني-444-الجنرال-115065407070788/videos/953350445371764/, 13 April 2022; and
2. customer.janes.com, 22 September 2020. (Subscription).

Developed by UN Panel of Experts



Annex 35 SAKO TRG variant Sniper Rifle

SAKO TRG variant Sniper Rifle (Unit 444 GNU-AF) (13 April 2022)

The Panel has identified from official social media the presence of *Sako* 7.62mm TRG variant Sniper Rifles in the possession of Unit 444 of the GNU-AF on 13 April 2022.

These are the first sightings of this weapons system in Libya. This weapon type has been manufactured since 2000 and exported to at least 15 countries. The weapon can be supplied in 7.62mm, 0.300 Winchester Magnum, 0.308in Winchester or 0.338 Lapua Magnum calibres. The calibre can not be identified from the available imagery.

The Panel requested further information from Sako Limited in a letter of 13 May 2022. No response was received.

The transfer of this weapon type to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).

Primary sources

1. <https://www.facebook.com/Unit444ly/videos/953350445371764/>, 15 April 2022.;
2. customer.janes.com, 8 October 2020. (Subscription); and
3. Identification confirmed by confidential source.

Developed by UN Panel of Experts



Annex 36 *Streit Spartan-2 Multi-role Armoured Vehicles***Streit Spartan-2 Multi-role Armoured Vehicle (MAV)
(GNU-AF Tripoli)
(2 May 2022)**

The Panel has identified from a confidential source and open source media fifty *Streit Spartan* MAV being delivered to the Government of National Accord (GNA-AF) on board the MV *Victory Roro* through Tripoli docks on 2 May 2022. These vehicles are designed and manufactured by the Streit company in UAE.

In table 1 and annex 30 of [S/2022/427](#), the Panel reported on the transfer of 100 Spartan-2 military armoured vehicles delivered on 4 March 2022 to Benghazi by the Comoros-flagged MV *Luccello* (IMO 7800112), which was renamed MV *Victory Roro* prior to the Tripoli voyage from Benghazi, on 2 May 2022. These vehicles form part of that 100 vehicles.

The vehicles were reportedly distributed to the SDF and Al Nawasi Brigade.

This transfer of military equipment to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).



Streit Spartan 4x4 MAV
Tripoli - 22 May 2023



Streit Spartan 4x4 MAV
Tripoli - 22 May 2023



Manufacturers' Image

Primary sources

1. <https://www.lj-bc.tv/2022/05/172986.html>, 3 May 2022;
2. <https://twitter.com/218news/status/1521068263316369409?t=iK1Z-q9toojnJ1sH8TwLhQ&s=08>, 3 May 2022; and
3. <https://www.mspv.com/project/panthera-8-5dr/>. Accessed 9 April 2023.

Developed by UN Panel of Experts

Annex 37 MSPV *Panthera T8* APC

MSPV *Panthera T8* Armoured Personnel Carriers (APC) (GNU Joint Operations Force near Zintan) (22 June 2022)

The Panel has identified from open source media the presence of MSPV *Panthera T8* armoured personnel carriers (APC) being used by the GNU Joint Operations Force near Zintan. These vehicles are designed and manufactured by the Minerva Special Purpose Vehicles (MSPV) company in the UAE.

The *Panthera T8* was first seen in the international defence media in 2021 and no foreign sales have, as yet, been announced in the usual defence sales publications.

The Panel offered Libya and MSPV an opportunity to respond in letters dated 11 July 2022. No responses have yet been received.

This transfer of military equipment to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).



MSPV Panther T8 APC near Zintan 22 June 2022.



MSPV Panther T8 APC near Zintan 22 June 2022.



MSPV Manufacturers Image

Primary sources

1. <https://twitter.com/Oded121351/status/1539485251063451648>, 22 June 2022. and
2. <https://www.mspv.com/project/panthera-t8-5dr/>. Accessed 22 June 2022.

Developed by UN Panel of Experts

Annex 38 *Roketsan MAM-C smart micro munitions*

Roketsan MAM-C smart micro munition (SMM) (Tripoli) (29 August 2022)

The Panel has identified from social media the use of *Roketsan MAM-C SMM* against anti-Dabiaba forces near Tripoli on 29 August 2022. These weapons are laser-guided and designed to be used from an uncrewed aerial vehicle (UAV) platform. They are operationally paired to be used with the *Bayraktar TB2* and TAI *Anka* UAV, both known to be operational in Libya under control of the GNU-AF. These are the first sightings of this weapon system in Libya.

This ammunition entered service with the Turkish Armed Forces in April 2018. Foreign exports to Algeria, Qatar, Poland, Saudi Arabia and Ukraine have now been reported in the authoritative defence journals.

The Panel wrote to Türkiye on 12 April 2023 requesting information to assist in the supply chain tracing. No response was received.

The transfer of this ammunition and weapon type to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).

Primary sources

1. <https://twitter.com/Eljarh/status/1564554153753468930>, 30 August 2022; and
2. <https://www.roketsan.com.tr/en/products/mam-c-smart-micro-munition>. Accessed 31 January 2023; and
3. [customerjanes.com](https://www.customerjanes.com). (Subscription). Accessed 27 May 2023.

Developed by UN Panel of Experts



Annex 39 *Tanin* TBG-7V Thermobaric Fuel Air Grenade

***Tanin* TBG-7V Thermobaric Fuel Air Grenade (106 reinforced brigade LAAF) (26 January 2023)**

The Panel has identified from HAF official social media the presence of *Tanin* TBG-7V Thermobaric Fuel Air Grenades in the possession of the HAF 106 reinforced brigade on 26 January 2023.

These are the first sightings of this weapon system in Libya. The grenade can only be effectively fired from RPG-7V1 and RPG-7D2 rocket launchers, which have the weapon sights paired to this grenade type. It is thus highly likely that the appropriate weapon system has also recently been transferred to Libya.

As this ammunition has reportedly been produced prior to 2011 and has been seen in a number of conflict arenas a tracing request would be unlikely to elicit any useful information on the supply chain.

The transfer of this ammunition and weapon type to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).

Primary sources

1. <https://www.facebook.com/LMideavision128/posts/pfbid0Z9Xamw1vUuQdunjECM5YVybyNh93QS4JQhYxTMbnokW9UfHGbwDMfq6QCQGMNZR4L>, 26 January 2023;
2. <http://roe.ru/eng/catalog/land-forces/strelkovoe-oruzhie/grenade-launchers/tbg-7v/>. Accessed 31 January 2023.

Developed by UN Panel of Experts



Annex 40 LC79 SH Fighter-2 APC

LC79 SH Fighter-2 Armoured Personnel Carriers (APC) (Unit 444 GNU-AF) (5 February 2023)

The Panel has identified from the official social media of the Presidency of the Libyan Armed Forces the presence of *LC79 SH Fighter-2* armoured personnel carriers (APC) being used by 444 Unit of the GNU-AF. These vehicles are based on the Toyota 79 chassis, but the manufacturer of the armour retrofit has yet to be identified.

The Panel offered Libya an opportunity to reply, and sent a tracing request to the United States in letters dated 13 February 2023. No responses have yet been received.

This transfer of military equipment to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).



Primary sources

1. <https://www.facebook.com/photo.php?fbid=501927438776008&set=pb.100068762684011.-2207520000.&type=3>, 5 February 2023.

Developed by UN Panel of Experts

Annex 41 Accuracy International AW308 Sniper Rifle

Accuracy International AW308 variant Sniper Rifle (GNU-AF) (08 February 2023)

The Panel has identified from official GNU social media the presence of an *Accuracy International AW308* variant Sniper Rifle in use at the GNU-AF Central Military Region Falcons Nest Training Centre on 08 February 2023.

These are the first sightings of this weapon in Libya. The Panel requested further information on the supply chain for this weapon from Accuracy International Limited in letters of 1 March and 30 May 2023. Accuracy International Limited responded on 31 May 2023 that the company had not supplied any such weapons to Libya, but could not assist in any further supply chain tracing.

The transfer of this weapon type to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).

Primary sources

1. <https://www.facebook.com/almntqhalskryalwsty/photos/155106840668227>, 08 February 2023;
2. customer.janes.com, 14 October 2022. (Subscription);
3. <https://accuracyinternational.com/at308.html>. Accessed 14 May 2023; and
4. Identification confirmed by confidential source.

Developed by UN Panel of Experts



Annex 42 Roketsan MAM-L smart micro munition

Roketsan MAM-L smart micro munition (SMM) (Zawiyah) (25 May 2023)

The Panel has identified from official GNU MOD social media the use of Roketsan MAM-C SMM against "the hideouts of fuel smugglers, drug traffickers and of illegal immigration" near Zawiyah on 25 May 2023. These weapons are laser-guided and designed to be used from an uncrewed aerial vehicle (UAV) platform. They are operationally paired to be used with the Bayraktar TB2 and TAI Anka UAV, both known to be operational in Libya under control of the GNU-AF. These are the first sightings of this weapon system in Libya.

This ammunition entered service with the Turkish Armed Forces in the mid-2010s. Foreign exports to ten countries have now been reported in the authoritative defence journals.

The Panel wrote to Libya and Türkiye on 30 May 2023 requesting information to assist in the supply chain tracing. No response was received.

The transfer of this ammunition and weapon type to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#) by Türkiye.



Manufacturer's Image

Primary sources

- https://www.facebook.com/LibyanGovernment/posts/pfbid06L.mdfZW2TYtq8igUzPRDbWgx114hZZjia36fpSsTGcU8M3PpsRNngGFBCWs6C6TScI?locale=ar_AR, 25 May 2023;
- https://twitter.com/emad_badi/status/1661746616301400068, 25 May 2023;
- https://www.facebook.com/watch/?extid=CL-UNK-UNK-UNK-IOS_GK0T-GK1C&mibextid=2Rb1fB&v=524524549726036, 25 May 2023;
- <https://www.roketan.com.tr/en/products/mam-l-smart-micro-munition>, Accessed 27 May 2023; and
- [customer.janes.com](https://www.customer.janes.com). (Subscription). Accessed 27 May 2023.

Developed by UN Panel of Experts

Annex 43 *Arsenal JSC 40mm OGi-7MA Improved Fragmentation Grenade*

Arsenal JSC 40mm OGi-7MA Improved Fragmentation Anti-Personnel Round (111 Brigade, GNU-AF) (31 May 2023)

The Panel has identified from official GNU social media the use of *Arsenal JSC 40mm OGi-7MA Improved Fragmentation Anti-Personnel Rounds* by the GNU-AF 111th Brigade at the Hamza ibn Abdul-Muttalib Training Centre on 31 May 2023.

This is the first sighting of this ammunition type in Libya. The Panel requested further information on the supply chain for this ammunition from Bulgaria on 27 June 2023. Bulgaria replied on 14 July 2023 that the ammunition had been produced since 2015 and had not been exported direct to Libya. Supply chain tracing continues.

The transfer of this ammunition to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).

Primary sources

1. <https://www.facebook.com/Brigade111Ly/posts/pfbid0i693sgAwmzLLndfm1ZCUj6gUMEQxPTzkYF993kh1DrJC9Q9rxsEqsxPTaET8y18Vl> (2.16min), 31 May 2023;
2. [customerjanes.com](https://www.customerjanes.com), 11 March 2022. (Subscription); and
3. <https://www.arsenal-bg.com/c/rounds-for-light-anti-tank-recoilless-systems-atgl-l-family-and-russian-rpg-7v-67/40-mm-ogi-7ma-76>. Accessed 26 June 2023.

Developed by UN Panel of Experts



Annex 44 *Kale Kalip 5.56mm KCR 556 S1 Infantry Rifle****Kale Kalip 5.56mm KCR 556 S1 Infantry Rifle***
(111 Brigade, GNU-AF)
(31 May 2023)

The Panel has identified from official GNU social media the use of *Kale Kalip 5.56mm KCR 556 S1 Infantry Rifles* by the GNU-AF 111th Brigade at the Hamza ibn Abdul-Muttalib Training Centre on 31 May 2023.

This is the first sighting of this weapon in Libya. The Panel requested further information on the supply chain for this weapon from Türkiye on 27 June 2023.

The transfer of this weapon type to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).

**Primary sources**

1. https://www.facebook.com/Brigade111Ly/posts/pfbid0i693sgAwzmLLndfm1ZCUj6gUMEQxPTzkYF993kh1DrJC9Q9rxsEqsxPTaET8y18Vl_0.59min, 31 May 2023;
2. [customer.janes.com](https://www.janes.com), 16 April 2018. (Subscription); and
3. <https://www.kalekalip.com.tr/products/kcr-556>. Accessed 26 June 2023.

Developed by UN Panel of Experts

Annex 45 *Aselsan A600 Night Vision Weapon Sight*

Aselsan A600 Night Vision Sights (GNU-AF) 13 June 2023

The Panel has identified from official GNU social media the use of of *Aselsan A600* night vision weapon sights by the GNU-AF Central Military Region.

This is also the first sighting of this weapon ancilliary in Libya. The Panel requested further information on the supply chain for this weapon ancilliary from Türkiye on 5 July 2023.

The transfer, and training in the use of, this weapon ancilliary to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).



Primary sources

1. <https://www.facebook.com/photo/?fbid=221783993990616&set=pcb.221784267323922>, 13 June 2023;
2. <https://www.aho.com.tr/en/products/night-vision/a600-night-vision-attachment-clip-> Accessed 4 July 2023.

Developed by UN Panel of Experts

Annex 46 *Aselsan A940 Weapon Sight*

Aselsan A940 Weapon Sights (GNU-AF) 13 June 2023

The Panel has identified from official GNU social media the use of Aselsan A940 weapon sights by the GNU-AF Central Military Region.

This is also the first sighting of this weapon ancilliary in Libya. The Panel requested further information on the supply chain for this weapon ancilliary from Türkiye on 5 July 2023.

The transfer, and training in the use of, this weapon ancilliary to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).



Primary sources

1. <https://www.facebook.com/photo/?fbid=221783897323959&set=pcb.221784267323922>, 13 June 2023;
2. <https://www.aho.com.tr/en/products/day-sight/a940-1x-4x-day-sights>. Accessed 4 July 2023.

Developed by UN Panel of Experts

Annex 47 **MKEK 7.62mm KNT-76 Sniper Rifle****MKEK 7.62mm KNT-76 Sniper Rifle
(GNU-AF Central Military Region)
(13 June 2023)**

The Panel has identified from official GNU social media the use of MKEK 7.62mm KNT-76 Sniper Rifles by the GNU-AF Central Military Region on 13 June 2023.

This is the first sighting of this weapon system in Libya. The Panel requested further information on the supply chain for this weapon from Türkiye on 5 July 2023.

The transfer of this weapon type to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).

**Primary sources**

1. <https://www.facebook.com/photo?fbid=221710497331299&set=pcb.221710810664601>, 13 June 2023; and
2. [https://urunler.mke.gov.tr/urunler/KNT-76-\(7.62-mm-x-51\)-Semi-Automatic-Sniper-Rifle/37/1837](https://urunler.mke.gov.tr/urunler/KNT-76-(7.62-mm-x-51)-Semi-Automatic-Sniper-Rifle/37/1837). Accessed 4 July 2023.

Developed by UN Panel of Experts

Annex 48 *Aselsan Ihasavar* UAV Jammer and Training

***Aselsan Ihasavar* UAV Jammer and Training (GNU-AF) 14 June 2023**

The Panel has identified from official GNU social media the training of GNU-AF individuals by Turkish Armed Forces personnel in the use of the *Aselsan Ihasavar* UAV Jamming System.

This is the first sighting of this military system in Libya. The Panel requested further information on the training and the supply chain for this military system from Türkiye on 3 July 2023.

The transfer, and training in the use of, this military system to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).



Primary sources

1. <https://www.facebook.com/almntqhalskryalwsty/posts/pfbid0xBgtj2KJkNqTWf4iEqwnR1sxMrfJVq2HTBewzhZZyc4gVDz6aGf684HAAg8sBom1l>, 14 June 2023;
2. [customer.janes.com](#), 27 June 2022. (Subscription).

Developed by UN Panel of Experts

Annex 49 *Aselsan Serce-2 UAV and Training*

Aselsan Serce-2 UAV and Training

(GNU-AF)

14 June 2023

The Panel has identified from official GNU social media the training of GNU-AF individuals by Turkish Armed Forces personnel in the use of the *Aselsan Serce-2* UAV.

This is also the first sighting of this military system in Libya. The Panel requested further information on the training and the supply chain for this military system from Türkiye on 5 July 2023.

The transfer, and training in the use of, this military system to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).



Primary sources

1. <https://www.facebook.com/photo?fbid=222263907275958&set=a.166366872865662>, 14 June 2023;
2. <https://www.aselsan.com/en/savunma/product/1710/serce2>. Accessed 4 July 2023.

Developed by UN Panel of Experts

Annex 50 GNU-AF Deployment on NATO Exercise EFES-2022

GNU-AF Deploy on NATO Exercise EFES-2022 (Foca and Izmir, Türkiye) (18 May to 16 June 2022)

On 18 and 27 May, and 2 June 2022 the official social media of the Turkish Armed Forces and the Presidency of the General Staff of the Libyan Armed Forces (GNU-AF) respectively announced the participation of elements of the Libyan Armed Forces in the NATO exercise EFES-2022 held in Foca and Izmir, Türkiye.

The Panel identified that the following units participated in the exercise: (1) *Combattante* Class II G Fast Attack Craft Missile *Shafak* (534); (2) Naval Land Forces (-); and (3) 111 Brigade.

The Naval Land Forces element returned to Libya on board a Turkish Air Force Airbus A400M *Atlas* (registration# 21-0018) (call sign TUAF221) and a Turkish Air Force C-130E *Hercules* (registration# 63-1388) (call sign TUAF222) from Ankara and Çiğli Air Base (LTBL) respectively in Türkiye to Al-Watiya Air Base (HL77) on 10 June 2022. The *Shafak* returned to Tripoli on 19 June 2022.

The Panel offered Libya an opportunity to respond in a letter dated 6 July 2022. No response was received.

This deployment of these forces outside Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#).

Primary sources

- <https://www.facebook.com/profile.php?id=100068958918251>, 18 May 2022;
- <https://twitter.com/tcavunma/status/1530214614872489984>, 27 May 2022;
- <https://www.facebook.com/The.presidency.of.the.General.Staff.To.Libyan.Army/>, 2 and 16 June 2022;
- <https://www.facebook.com/profile.php?id=100068958918251>, 10 June 2022; and
- <https://twitter.com/Oded121351/status/1538479516431142912>, 19 June 2022.

Developed by UN Panel of Experts



18 May 2022: Libyan forces deploy to Exercise EFES-2022 on a Turkish Air Force C-130 *Hercules*.



27 May 2022: Libyan Naval vessel *Shafak* deploys to Exercise EFES-2022 escorted by Turkish Navy frigate TCG *Giresun*.



June 2022: 111 Brigade participating in Exercise EFES-2022 .

Annex 51 GNU-AF 53 Independent Infantry Brigade Training in Türkiye

GNU-AF 53 Independent Infantry Brigade Training in Türkiye (Türkiye) (17 June 2022)

On 17 June 2022 imagery was published on the official social media of the Presidency of the General Staff of the 53rd Independent Infantry Brigade of the Libyan Armed Forces (GNU-AF) receiving low level tactical command training in Türkiye. Brigadier General Hussain Al-Shaltat, the Brigade Deputy Commander, accompanied these officers.

The Panel offered Türkiye an opportunity to reply in a letter dated 1 July 2022. No response was received.

This training undertaken within the scope of the Military Training, Cooperation and Consultancy Agreement between Türkiye and the GNA-AF is a violation of paragraph 9 of resolution [1970 \(2011\)](#).

Primary sources

1. <https://www.facebook.com/The.presidency.of.the.General.Staff.To.Libyan.Army/posts/pfbid0oSJkuUtsvsY5p2ZectQMjw8BumikWB4fHWofVHLNxxWIt47MxMfMsXKicRPtEvp4L>, 17 June 2022.
2. <https://twitter.com/Oded121351/status/1538482384244461569>, 19 June 2022.

Developed by UN Panel of Experts



Annex 52 GNU-AF Naval Training in Türkiye

GNU-AF Naval training (Türkiye) (20 July 2022)

On 20 July 2022 imagery was published on the official social media of the Presidency of the General Staff of the Libyan Armed Forces (GNU-AF) of GNU-AF officers receiving naval training in Türkiye.

The Panel offered Türkiye an opportunity to respond in a letter dated 8 September. On 12 October 2022 Türkiye responded that this naval training was undertaken within the scope of the 27 November 2019 'Memorandum of Understanding on Security and Military Cooperation between Türkiye and the GNA-AF'.

This naval training undertaken within the scope of the Military Training, Cooperation and Consultancy Agreement between Türkiye and the GNA-AF is a violation of paragraph 9 of resolution [1970 \(2011\)](#).

Primary sources

1. <https://www.facebook.com/The.presidency.of.the.General.Staff.To.Libyan.Army/>, 20 July 2022.

Developed by UN Panel of Experts



Annex 53 GNU-AF Small Boat Training in Türkiye

GNU-AF Small Boat training in Türkiye (Urla/Izmir, Türkiye) (21 August 2022)

On 21 August 2022 imagery was published on the official social media of the Ministry of Defence of Türkiye of GNU-AF personnel receiving small boat training in Türkiye.

The Panel offered Türkiye an opportunity to respond in a letter dated 8 September 2022. On 12 October 2022 Türkiye responded that the military training was undertaken within the scope of 1) the Memorandum of Understanding between the Government of the Republic of Turkey and the Government of Libya on Military Education Cooperation of 4 April 2012; and 2) the Memorandum of Understanding between the Government of the Republic of Turkey and the Government of the State of Libya on Security and Military Cooperation of 27 November 2019.

The Panel holds the view that this training undertaken within the scope of the 27 November 2019 Military Training, Cooperation and Consultancy Agreement between Türkiye and the then GNA-AF is a violation of paragraph 9 of resolution [1970 \(2011\)](#).

Primary sources

- https://www.facebook.com/photo/?fbid=391887059798676&set=pcb.391887153132000&_rdc=1&_rdr, 21 August 2022.

Developed by UN Panel of Experts



Annex 54 Libyan Coast Guard Diver Training

Libyan Coast Guard diving training (Khoms, Libya) (27 November 2022)

On 27 November and 11 December 2022 imagery was published on the Turkish Armed Forces official social media of the Turkish Armed Forces Libya Task Group Command HOMS Joint Maritime Training Center Command providing diving training in Khoms to members of the Libyan Coast Guard (LCG). The training took place between 9 October to 1 December 2022.

The Panel offered Türkiye an opportunity to respond in a letter dated 23 January 2023. On 13 February 2023 Türkiye responded that "training is provided to the Libyan Coast Guard in order to build capacity to combat illegal activities such as irregular migration and human smuggling. The training involves search & rescue, pollution prevention and maritime law, first aid, communications, ship machinery maintenance and ship operation training".

Although this diving training is similar to that provided to the GNU-AF reported in annex 78 of Panel report [S/2022/427](#), as it is provided to the civilian LCG the Panel considers that it is not a violation of paragraph 9 of resolution [1970 \(2011\)](#).

It has, unusually, been included in this report to acknowledge that some training provided by Türkiye under the 2019 Military Training, Cooperation and Consultancy Agreement is not a violation of the arms embargo.

Primary sources

1. <https://www.facebook.com/profile/100069321545148/search/?q=homs>, 27 November 2022;
2. <https://www.facebook.com/photo/?fbid=478732714447443&set=pcb.478733201114061>, 11 December 2022.

Developed by UN Panel of Experts



Annex 55 GNU-AF Unidentified UAV Training

Unidentified Uncrewed Aerial Vehicle (UAV) (GNU-AF Exercise HURRICANE) (13 December 2022)

The Panel has identified from HAF official social media the use of unidentified (UID) uncrewed aerial vehicles (UAV) by the GNU-AF 53 Infantry Brigade during the GNU-AF Exercise HURRICANE 1. The UAV were being used in a tactical reconnaissance role.

The now ubiquitous use of military and commercial UAV systems has meant the Panel has been unable to identify the exact type, so a supply chain can not be identified.

The Panel reported on the use of fast moving consumer goods technology and their military use in paragraph 61 to [S/2022/427](https://www.un.org/pressdocs/2022/S/2022/427).

The transfer of this system to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](https://www.un.org/pressdocs/2011/S/1101970).

Primary sources

- <https://twitter.com/Oded121351/status/1602592667787034626>, 13 December 2022.
- <https://twitter.com/Oded121351/status/1621027853541474304?ctx=HHwWgIDU1dCPhv8sAAAA>, 2 February 2023.

Developed by UN Panel of Experts



Annex 56 GNU-AF Sniper Training from Turkish Armed Forces

GNU-AF Sniper training from Turkish Armed Forces (Libya Central Military Region) (13 June 2023)

On 13 June 2023 imagery was published on official social media of the Government of National Unity Armed Forces (GNU-AF) of the Turkish Armed Forces providing sniper training in the Central Military Region to members of the GNU-AF.

The Panel offered Libya and Türkiye an opportunity to respond in letters dated 19 June 2023. No response has been received to date.

The Panel continues to hold the view that this training undertaken within the scope of the Military Training, Cooperation and Consultancy Agreement between Türkiye and the GNA-AF is a violation of paragraph 9 of resolution [1970 \(2011\)](#).



Primary sources

1. <https://www.facebook.com/photo/?fbid=221710300664652&set=pcb.221710810664601>, 13 June 2023.

Developed by UN Panel of Experts

Annex 57 GNU-AF Small UAV Training

GNU-AF Small UAV training from Turkish Armed Forces (Libya Central Military Region) (14 June 2023)

On 14 June 2023 imagery was published on official social media of the Government of National Unity Armed Forces (GNU-AF) of the Turkish Armed Forces providing small UAV training in the Central Military Region to members of the GNU-AF.

The Panel offered Libya and Türkiye an opportunity to respond in letters dated 19 June 2023. No response has yet been received.

The Panel continues to hold the view that this type of training is a violation of paragraph 9 of resolution [1970 \(2011\)](#) by Türkiye .



Primary sources

1. <https://www.facebook.com/almntqhalskryalwsty>, 14 June 2023.

Developed by UN Panel of Experts

Annex 58 Update on Antonov AN-12A [#2340806]

1. The Panel reported on the illicit activities of this aircraft in S/2022/427 when operated by Space Cargo LLC of the UAE.³⁰³ The Panel stated in para. 5 of annex 97 that *the aircraft was clearly marked with a Kazakhstan registration UP-AN220 at this time (see appendix A). This is contrary to a statement made by the then operator, Jupiter Jet LLC to the Aviation Authority of Kazakhstan that the Kazakhstan markings had been overpainted on 25 January 2021.*
2. The General Manager of Jupiter Jet LLC, Erikzhan Satenovich Kozbagarov, has since provided the Aviation Authority of Kazakhstan with substantial evidence that the markings were initially overpainted on 24 January 2021 (see figures 58.1 to 58.4) and that the engineering crew responsible departed Amman, Jordan for Istanbul on 27 January 2021. The Panel accepts this additional evidence as convincing.

Figures 58.1 to 58.4

AN-12A (#2340806) UP-AN220 markings removed on 24 January 2021



Source: Confidential.

3. At 13:00 hours on 28 January 2021 the Antonov AN-12A cargo aircraft (MSN#2340806) departed Amman (Marka) airport, Jordan (ICAO: OJAM) bound for Benghazi (Benina) airport, Libya (ICAO: HLLB). It was then again displaying the UP-AN220 markings (see figure 58.5). The only logical explanation is that these were illicitly added by the new owners to allow for the departure from Jordan.

³⁰³ Annex 97.

Figure 58.5
AN-12A (#2340806) UP-AN220 on 28 January 2021 with markings repainted



Source: Confidential.

Annex 59 Antonov AN-26 [#14209]

1. The Panel identified from confidential satellite imagery the presence of a yellow and blue painted AN-26 at Al Khadim military airport (HL59) on 21 March 2021 (see figure 58.1).³⁰⁴

Figure 58.1
AN-26 (#14209) at Al Khadim (HL59) on 21 March 2021



Source: Confidential.

2. There is only one known AN-26 aircraft with a yellow body colour and blue tail, that being AN-26 (serial number 14209), which has been seen operating displaying a Burundi registration 9U-BBB (figure 58.2). The AeroTransport Database (www.atdb.org) reported that the aircraft was then operated by a South Sudanese aviation company.³⁰⁵

Figure 58.2
AN-26 (#14209) displaying 9U-BBB on 4 November 2020



Source: <https://www.facebook.com/101703631749929/photos/pb.100027966535372.-2207520000../104976498089309/?type=3>, 4 November 2020.

3. The Panel wrote to the reported air operator in South Sudan on 8 November 2022 requesting clarification of the aircraft's activities. The Antonov AN-26 (#14209) was leased by a Bulgarian company, Arden Aviation Group OOD,³⁰⁶ to the South Sudanese company on 3 September 2020 for one year. A Ukrainian national, Denys STRILETS (Ukrainian passport # FX157240) (last known contact number +34603147991) purported to be the Chief Executive Officer of Arden Aviation Group and led the negotiations.

³⁰⁴ 31°59'45.49"N, 21°12'01.16"E.

³⁰⁵ The Panel is aware of the identity of the company but considers it is not necessary to report its identity at this stage and expose the company to any reputational risk resulting from its cooperation with the Panel and being named in a UN report on sanctions violations. The Panel has copies of all correspondence from the South Sudanese company that is supporting as evidence of fact.

³⁰⁶ 19 Dobri Voynikov, Apartment 3, Floor 2, Sofia 1164, Bulgaria.

4. The flight request³⁰⁷ for the transfer of the aircraft from Bulgaria to South Sudan, via Egypt, on 27 October 2020 listed the air operator as Gateway Export S.A.³⁰⁸ The Panel has identified an official note from the Civil Aviation Authority of Burundi concerning a *false air operator certificate and the registration of aircraft committed by Gateway Export against the State of Burundi*.³⁰⁹ This official note stated that Gateway Export S.A. had used forged documents, forged logos and forged signatures and a fake address to illegally register another aircraft (9U-BBU) in Burundi and to grant itself a Burundi air operator certificate. The schemes were discovered on investigation of an email from "Aleksandra" of Space Cargo Inc. The Panel considers that it is highly likely that this was Aleksandra Isamova, who was reported in Panel Report [S/2022/427](#).³¹⁰ Panel investigations into the Space Cargo Inc links continue.

5. On 17 December 2020 Arden Aviation informed the South Sudanese company that the registration of the aircraft had changed to EK-26009. This is another "false flag" as that is an Armenian registration allocated to another Antonov AN-25 (#1509).

6. At 09:00 local time on 4 March 2021 the aircraft took off from Juba to Renk in South Sudan loaded with humanitarian aid. The aircraft landed at Renk, South Sudan and the aid was offloaded. The captain then reported a technical condition and requested the South Sudanese company crew member to disembark during an engine test. The aircraft then took off and was reportedly next seen in Sudan during a transit flight North to Benghazi. It was next physically seen in Libya on 21 March 2021 at a Haftar controlled military airport, Al Khadim. Denys STRILETS told the South Sudanese company he had had a "better offer" and was therefore breaking his lease agreement. The delivery crew were instructed to fly from Benghazi to Al Khadim on the aircraft's arrival in Libya, where the crew stayed for three weeks before departing on a Russian Air Force IL-76 to the Syrian Arab Republic. Table 58.1 is a summary of main events.

Table 58.1

Timeline of main events for AN-26 cargo aircraft (#14209) (displaying 9U-BBB)

<i>Date</i>	<i>Event</i>	<i>Remarks</i>
20 Dec 2019	Aircraft first seen in unique yellow and blue colour scheme at Sofia airport. ³¹¹	▪
3 Sep 2020	Aircraft leased to a South Sudanese aviation company ³¹² by Arden Aviation Group (Bulgaria). ³¹³	▪ One year lease. ▪ Using 9U-BBB registration.
27 Oct 2020	Aircraft flies from Sofia, Bulgaria (LBSF) to Juba, South Sudan (HSSJ). ³¹⁴	▪ Via Alexandria, Egypt (HEBA) and Khartoum (HSSS).
17 Dec 2020	South Sudan operator informed by Arden Aviation Group (Bulgaria) that the registration had changed to EK-26009. ³¹⁵	▪ False flagging as EK-26009 is allocated to an Antonov AN-25 (#1509).
21 Mar 2021	Aircraft identified at Al Khadim (HL59) from satellite imagery.	▪ Due to its unique Yellow upper body colour scheme.

³⁰⁷ Confidential source, 16 November 2022.

³⁰⁸ Comite National & Roheroi Avenue du 18 Septembre, B.P.356, Bujumbura. Burundi (info@gatewayexport.com) (+257 310 15001).

The phone number, URL and email listed are non-operational.

³⁰⁹ Note in French from the Director of the Burundi Civil Aviation Authority dated 20 September 2020.

³¹⁰ See paragraphs 28 and 36 to annex 97.

³¹¹ <https://gerjon.substack.com/p/9u-bbb-the-mysterious-yellow-and>, October 2022.

³¹² The Panel is aware of the identity of the company but considers it is not necessary to report its identity at this stage and expose the company to any reputational risk resulting from its cooperation with the Panel and being named in a UN report on sanctions violations. The Panel has copies of all correspondence from the South Sudanese company that is supporting evidence of fact.

³¹³ 19 Dobri Voynikov, Apartment 3, Floor 2, Sofia 1164, Bulgaria. CEO Denys Strilets. The number used, +34603147991, is now unavailable.

³¹⁴ Multi sourced. Aviation flight databases.

³¹⁵ Confidential source in South Sudan aviation community.

7. Although owned by Arden Aviation Group OOD, Bulgarian transit fees for the aircraft reflected the owner / operator as Gateway Export S.A. of Burundi.

8. The Panel finds Arden Aviation Group OOD, Bulgaria in non-compliance with paragraph 9 of resolution [1970 \(2011\)](#) for the provision of ... *other assistance, related to military activities...*, that being military transport support to HAF, and continues to investigate their activities.

Annex 60 Antonov AN-12BP (#5342908)

1. The Panel reported on the activities of this aircraft operating in support of armed groups affiliated to Khalifa Haftar in Panel report [S/2022/427](#).³¹⁶ On 11 February 2022 open-source media³¹⁷ published imagery of this aircraft on a visit to Cairo International Airport (HECA). figure 60.1). The aircraft was displaying a Burundi Civil Aviation registration, 9U-BBC.

Figure 60.1
AN-12 BP (#5342908) at Cairo in early 2022



Source: See paragraph 1.

2. The Panel requested information on the aircraft's presence from the Egyptian authorities.³¹⁸ The response from Egypt on 3 October 2022 was that *there was no indication of the presence of the aforementioned aircraft at Cairo airport on the date cited in your letter*. As the Panel had confirmed the presence of this aircraft in Egypt beyond doubt by geo-referencing (figure 60.2) it requested further clarification from the Egyptian authorities on 12 October 2022.³¹⁹ The Panel has not yet received a response. The Panel considers it inconceivable that records of this aircraft's arrival and departure from Cairo International Airport, or that flight plans of its presence in Egyptian airspace do not exist, so the Panel continues to engage with Egypt for further clarification.

³¹⁶ Paras. 12 to 16 of annex 97 and table 93.3.

³¹⁷ 1) <https://www.instagram.com/p/CZ2CFZEMKhM/>, 11 February 2022 (subsequently deleted from the internet, but the Panel has a copy of the original post); and 2) https://twitter.com/Gerjon_/status/1492474455913865216, 12 February 2022.

³¹⁸ Panel letter of 24 August 2022.

³¹⁹ Panel letter of 12 October 2022.

Figure 60.2
Georeferencing of AN-12 BP (#5342908) to Cairo in early 2022



3. The Panel finds Egypt in non-compliance with paragraph 9 of resolution 1970 (2011) for failing to prevent provision of ... *other assistance, related to military activities...*, that being military transport support to HAF. The activities of this aircraft operating in support of armed groups affiliated to Khalifa Haftar having been notified to Member States in Panel report [S/2022/427](#).³²⁰

4. As it is inconceivable that records of this aircrafts arrival and departure from Cairo International Airport, nor flight plans of its presence in Egyptian airspace do not exist, the Panel also finds Egypt in non-compliance with paragraph 14 of resolution 2644 (2022) by failing to *cooperate fully with ... Panel, in particular by supplying any information at their disposal on the implementation of the measures decided in resolutions 1970 (2011), 2571 (2021).*

³²⁰ Paragraphs 12 to 16 of annex 97 and table 93.3.

Annex 61 Ilyushin IL-76TD (#63471147)

1. The Panel reported on the activities of Sapsan Airlines aircraft operating in support of armed groups affiliated to Khalifa Haftar in Panel report [S/2022/427](#).³²¹ The Panel has now identified³²² that this aircraft is being operated by BU Shames FZE,³²³ a company reported in [S/2022/427](#) as violating the arms embargo (see figure 61.1). This updates the information in table 96.1 of annex 96 to [S/2022/427](#).

Figure 61.1

Ilyushin IL-76TD (#63471147) (EX-76005) operated by BU Shames FZE



Source: <https://twitter.com/Gerjon/status/1551968153592385536>, 24 June 2022.

³²¹ Annex 97 and table 93.3.

³²² <https://twitter.com/Gerjon/status/1551968153592385536>, 24 June 2022.

³²³ www.bushamesfze.com, accessed 10 March 2023.

Annex 62 Ilyushin IL-76TD (#73479367) (9U-ILO and 9U-BVU)

1. The Panel initially identified an Ilyushin IL-76TD cargo aircraft displaying a Burundi registration 9U-ILO (see figure 62.1) and a Mode S Hex Code 020000. The colour scheme of this aircraft is identical to an Ilyushin IL-76TD cargo aircraft (MSN#73479367) previously registered in Kazakhstan as UP-I7651. The operator of the Ilyushin IL-76TD cargo aircraft (MSN#73479367), Space Cargo LLC (UAE), was reported in Panel report [S/2021/229](#)³²⁴ for having repeatedly violated paragraph 9 of resolution [1970 \(2011\)](#) for the *direct, and indirect, supply of (...) military(...) equipment and (...) other assistance (...)* to Libya. Updated information on its activities were provided in Panel report [S/2022/427](#).³²⁵

Figure 62.1

IL-76TD (#73479367) displaying 9U-ILO



Source: https://twitter.com/Gerjon_/status/1592948095519981568, 16 November 2022.

2. The aircraft was identified flying near Amman airport as 9U-ILO on 13 November 2022 (see appendices 62.1 and 62.2). The aircraft was then identified arriving and leaving Jordanian airspace on 16 November 2022 (see appendices 62.3 and 62.4).

3. The Panel requested information on the aircraft's activities from the Jordanian authorities.³²⁶ The response from Jordan on 28 December 2022 stated that the aircraft had not landed at any Jordanian military airbases and that their technical team assessed that figure 62.1 was taken on 5 April 2016 at Vnukovo airport, Russia. They also stated that the location declared for figure 1 was incorrect as *it is impossible for such images to be taken from the Amman Citadel, considering the altitude of the aircraft, and the angle of the image.*

4. The Panel responded to the Jordanian authorities on 9 January 2023 and provided further explanations of its evidence and requested clarification from the Jordanian authorities. A response is awaited

(a) The Panel requested sight of the evidence from the Jordanian authorities technical team (the specific URL), which concluded that the image was taken on 5 April 2016 at Vnukovo airport in the Russian Federation. The Panel did conduct reverse image searches on www.tineye.com and www.yandex.com before writing to the Jordanian authorities on 29 November 2022 and found similar images of an IL-76TD in the same flight profile, but none of the aircraft had the 9U-ILO registration clearly visible. Additionally, the image supplied by the Panel was only one of five taken of the aircraft (see appendix 2). The EXIF data for the imagery is openly shared by the independent source.

³²⁴ Appendix F to annex 55.

³²⁵ Annex 97.

³²⁶ Panel letter of 29 November 2022.

(b) The Panel noted the Jordanian response regarding the location of the imagery. The Panel requested further explanation of this response as: 1) there are no visible ground references; 2) there is no indication of the altitude of the aircraft when the image was taken; and 3) there is no indication of its heading during the landing approach. This information would be required to validate the Jordanian response.

(c) The Panel shared the evidence from a commercial aircraft tracking website, FlightRadar24, which clearly shows that the same aircraft emitting the ICAO 24bit address 020000 was in Jordanian airspace on 16 November 2022.³²⁷ This code is known to be often used by the IL-76TD (9U-ILO). The flight profiles and timings strongly indicate that a landing and take-off by this aircraft took place in Jordan between 12:14 and 14:15 hours (see appendices 62.3 and 62.4). As such this aircraft would certainly require, as a minimum, overflight, and landing permissions from the Jordanian Civil Aviation Regulatory Commission (CARC).³²⁸ The Panel considers it highly unlikely that such an aircraft could operate within Jordanian airspace without the knowledge and approval of the CARC.

5. The Mode S Hex Code, 020000, used by the aircraft is one allocated to the Civil Aviation Authority of Morocco by the ICAO. The Morocco Civil Aviation Authority confirmed to the Panel on 23 December 2022 that the code was not allocated for use by this, or any other, aircraft.

6. The Panel also considers that the 9U-ILO registration displayed is a false flag and has requested clarification from the Burundi Civil Aviation Authority.

7. An aircraft with a virtually identical colour scheme displaying a Burundi registration 9U-BVU, and transmitting the same false Mode S Hex Code, 020000, was identified in Jordanian air space on 2 March 2023 (see appendices 62.5 and 62.6). Examination of the images in the appendices shows an area of overpaint under the 9U-BVU registration, which is not painted parallel to the centre line of the aircraft; these being indicators of an unprofessional repaint. This being a further indicator of disguised registration and flight operations contrary to the International Civil Aviation Organization (ICAO) regulations.³²⁹ Again such a flight would certainly require, as a minimum, overflight and landing permissions from the Jordanian Civil Aviation Regulatory Commission (CARC).³³⁰ The Panel considers it highly unlikely that such an aircraft could operate within Jordanian airspace without the knowledge and approval of the CARC. The Panel requested information on these flight activities from the Jordanian authorities on 8 March 2023 and no response has been received to date.

8. More imagery of this aircraft was identified from an open source on 25 April 2023 and geo-referencing proved that it was certainly operating over Amman, Jordan (appendices 62.7 and 62.8). The Panel requested information on these flight activities from the Jordanian authorities on 4 May 2023 and no response has been received to date.

9. The Panel finds that:

(a) The IL-76TD Ilyushin IL-76TD cargo aircraft (MSN#73479367) has changed its displayed registration from 9U-ILO to 9U-BVU. This change been made between 16 November 2022 and 2 March 2023, which is after the Panel expressed an interest to Jordan in the activities of this aircraft.

(b) Jordan is in non-compliance with paragraph 14 of resolution [2644 \(2022\)](#) for failing to *cooperate fully with the (...) Panel by not (...) supplying any information at their disposal (...)*.

(c) Jordan is in non-compliance with paragraph 15 of resolution [2644 \(2022\)](#) for failing to *provide unhindered and immediate access, in particular to (...) documents (...) the Panel deems relevant to the execution of its mandate.*

³²⁷ The aircraft was only transmitting using MLAT (multi-lateration) mode during the flight. In this mode the transponder only emits the aircraft's code, heading, altitude and speed, it does not transmit the current latitude and longitude. However, this can be estimated from the time differences between signals reaching the various ADS-B ground transponders. It is highly unusual for a civil aircraft not to emit ADS-B or Mode-S data and the Panel considers that this aircraft is using this technique to disguise or conceal flights.

³²⁸ Example of such requirements from: 1) <https://carc.gov.jo/en>; 2) <https://flytag.co/locations/middle-east/jordan-overflight-and-landing-permits.html>; and 3) <https://www.worldairops.com/permits/jordan.html>.

³²⁹ Article 20, Convention on International Civil Aviation, Ninth Edition, 2006. "The Chicago Convention".

³³⁰ Example of such requirements from: 1) <https://carc.gov.jo/en>; 2) <https://flytag.co/locations/middle-east/jordan-overflight-and-landing-permits.html>; and 3) <https://www.worldairops.com/permits/jordan.html>.

Appendix 1 to Annex 62: IL-76 (9U-ILO) near Amman airport on 13 November 2022

Figure 62.1.1

IL-76TD (#73479367) displaying 9U-ILO on 13 November 2022



Source: <https://twitter.com/Gerjon/status/1592948095519981568>, 16 November 2022;
<https://twitter.com/jhelebrant/status/1595880398315290626/photo/1>, 24 November 2022.

Appendix 2 to Annex 62: IL-76 (9U-ILO) near Amman airport on 13 November 2022

Figures 62.2.1 to 62.2.5

Imagery of IL-76TD (#73479367) displaying 9U-ILO on 13 November 2022

Time: 16:32.33



Time: 16:32.37



Time: 16:32.43



Time: 16:32.45



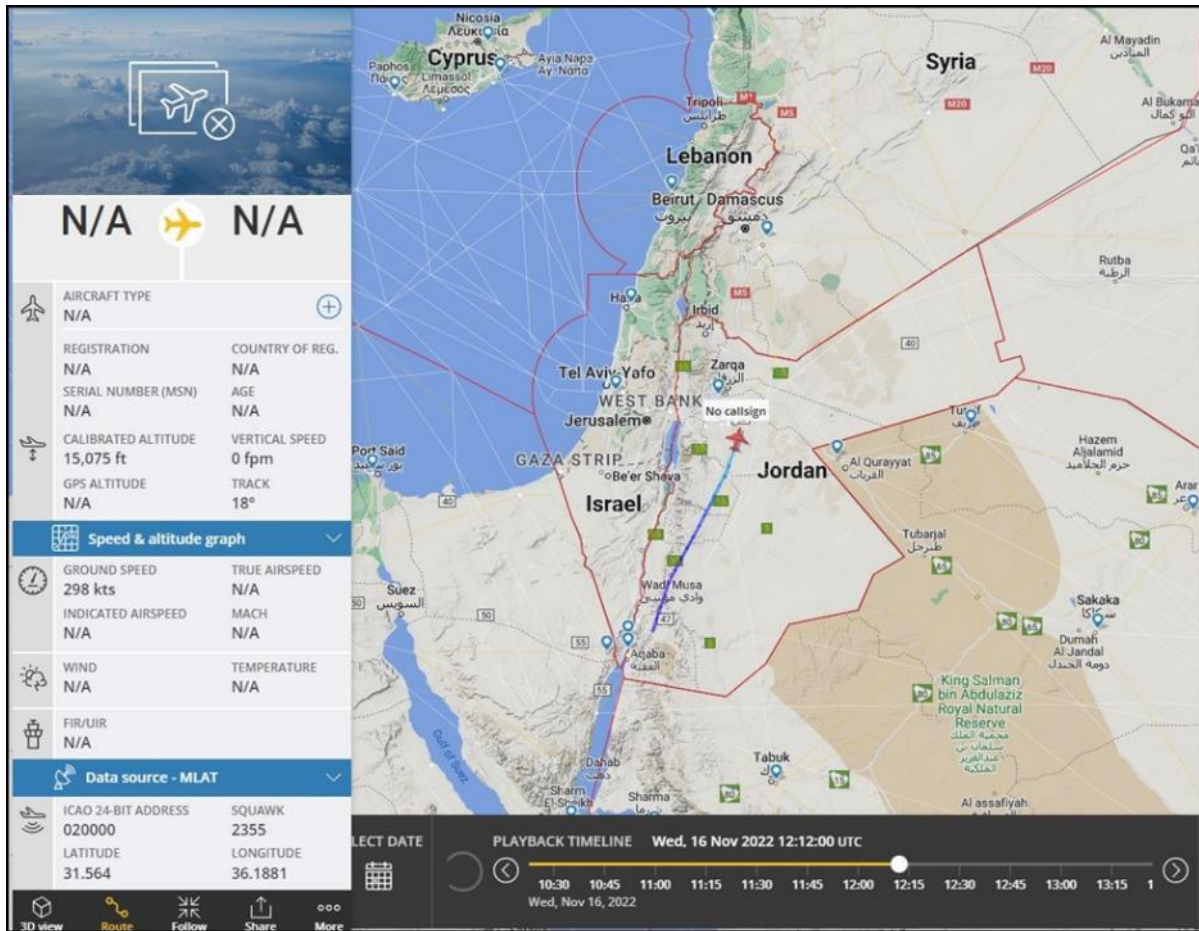
Time: 16:32.48

Source: <https://www.flickr.com/photos/96541566@N06/52530696733/in/photostream/>. Accessed on 24 November 2022.

1. The imagery EXIF data records that the images were taken at 832m above sea level on a Ricoh Pentax K70 camera with an f8.0, 135⁰ SLR lens. The Amman Citadel is reported as being 850m above sea level, so the camera data correlates with the declared location.

Appendix 3 to Annex 62: IL-76 (9U-ILO) arriving in Jordan airspace on 16 November 2022

Figure 62.3.1
FR24 track of IL-76TD (#73479367) 9U-ILO on 16 November 2022



Source: <https://twitter.com/Gerjon/status/1592952001822085120/photo/1>, 16 November 2022.

1. The data in the image above is from the www.flightradar24 data in the table below. Note the decreasing speed and altitude of the aircraft indicating a landing approach to an airfield near Amman, Jordan.

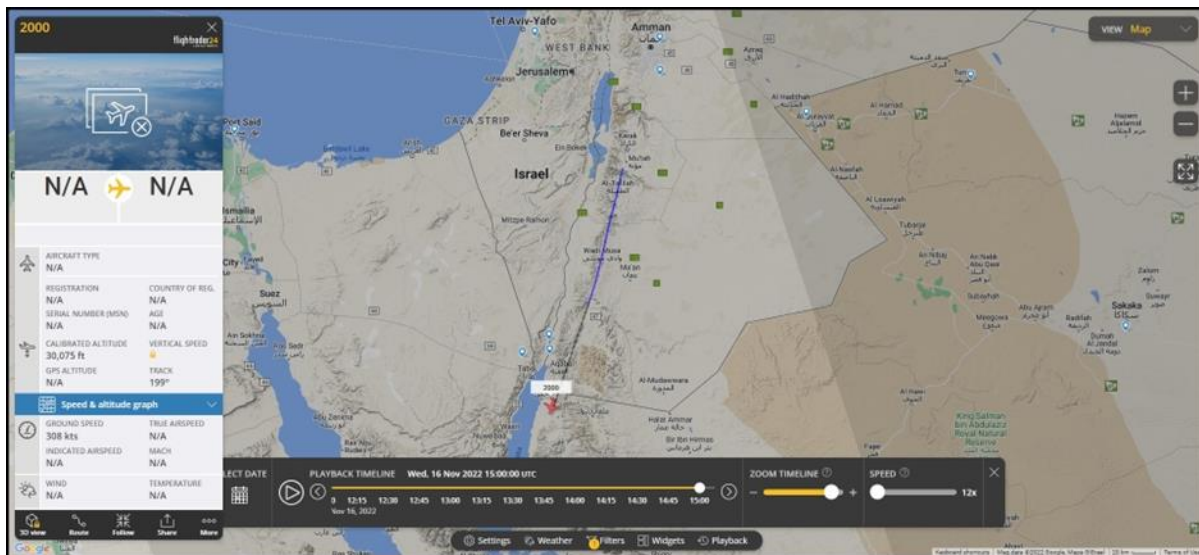
Timestamp	UTC	Callsign	Position	Altitude	Speed	Direction
1668599561	2022-11-16T11:52:41Z		29.80661,35.27961	31000	386	16
1668599622	2022-11-16T11:53:42Z		29.915525,35.321198	31000	388	19
1668599690	2022-11-16T11:54:50Z		30.033728,35.364178	31000	390	17
1668599757	2022-11-16T11:55:57Z		30.149538,35.40757	31025	392	17
1668599817	2022-11-16T11:56:57Z		30.259748,35.452328	31050	410	23
1668599881	2022-11-16T11:58:01Z		30.368757,35.520084	29850	408	28
1668599946	2022-11-16T11:59:06Z		30.473511,35.586803	28350	406	28
1668600010	2022-11-16T12:00:10Z		30.580759,35.652248	26850	400	27
1668600073	2022-11-16T12:01:13Z		30.685555,35.716	25400	398	27
1668600137	2022-11-16T12:02:17Z		30.78861,35.778244	24175	384	27

Timestamp	UTC	Callsign	Position	Altitude	Speed	Direction
1668600205	2022-11-16T12:03:25Z		30.886681,35.837498	22825	372	26
1668600269	2022-11-16T12:04:29Z		30.988937,35.899643	21750	360	26
1668600329	2022-11-16T12:05:29Z		31.075111,35.952431	20450	350	26
1668600394	2022-11-16T12:06:34Z		31.16515,36.007618	19325	336	26
1668600458	2022-11-16T12:07:38Z		31.251324,36.060371	18025	322	26
1668600518	2022-11-16T12:08:38Z		31.333508,36.097424	17025	308	18
1668600525	2022-11-16T12:08:45Z		31.345533,36.101921	16900	308	17
1668600578	2022-11-16T12:09:38Z		31.35111,36.103943	15875	308	17
1668600633	2022-11-16T12:10:33Z		31.489084,36.157948	15125	294	17
1668600669	2022-11-16T12:11:09Z		31.525311,36.172394	15075	298	18
1668600686	2022-11-16T12:11:26Z		31.55698,36.185291	15075	298	18
1668600741	2022-11-16T12:12:21Z		31.631294,36.216053	14850	294	18
1668600757	2022-11-16T12:12:37Z		31.651892,36.224438	14525	294	18
1668600825	2022-11-16T12:13:45Z		31.656744,36.226444	13000	300	18

Appendix 4 to Annex 62: IL-76 (9U-ILO) departing Jordan airspace on 16 November 2022

Figure 62.4.1

FR24 track of IL-76TD (#73479367 9U-ILO on 16 November 2022



Source: @SomeFrench1991, <https://twitter.com/SomeFrench1991/status/1592902436699922433>, 16 November 2022.

1. The data in the image above is from the www.flightradar24 data in the table below. Note the increasing speed and altitude of the aircraft indicating a departure from an airfield near Amman, Jordan.

Timestamp	UTC	Callsign	Position	Altitude	Speed	Direction
1668608889	2022-11-16T14:28:09Z	2000	31.037905,35.661686	22800	316	194
1668608949	2022-11-16T14:29:09Z	2000	30.952087,35.637589	24100	318	194
1668609013	2022-11-16T14:30:13Z	2000	30.859989,35.611897	24925	326	194
1668609081	2022-11-16T14:31:21Z	2000	30.77721,35.588955	25600	330	194
1668609141	2022-11-16T14:32:21Z	2000	30.670216,35.559032	26200	336	194
1668609205	2022-11-16T14:33:25Z	2000	30.573555,35.532055	26950	338	194
1668609265	2022-11-16T14:34:25Z	2000	30.481001,35.506592	27575	342	194
1668609329	2022-11-16T14:35:29Z	2000	30.38282,35.479477	28150	344	193
1668609389	2022-11-16T14:36:29Z	2000	30.289169,35.45372	28600	348	193
1668609461	2022-11-16T14:37:41Z	2000	30.188387,35.424999	29425	342	195
1668609534	2022-11-16T14:38:54Z	2000	30.084669,35.38604	29825	348	199
1668609590	2022-11-16T14:39:50Z	2000	30.01153,35.358284	30075	346	199
1668609901	2022-11-16T14:45:01Z	2000	29.968012,35.346008	30075	308	199

Appendix 5 to Annex 62: IL-76 (9U-BVU) in Jordan airspace on 2 March 2023

Figure 62.5.1

FR24 track of IL-76TD (#73479367) displaying 9U-BVU on 2 March 2023

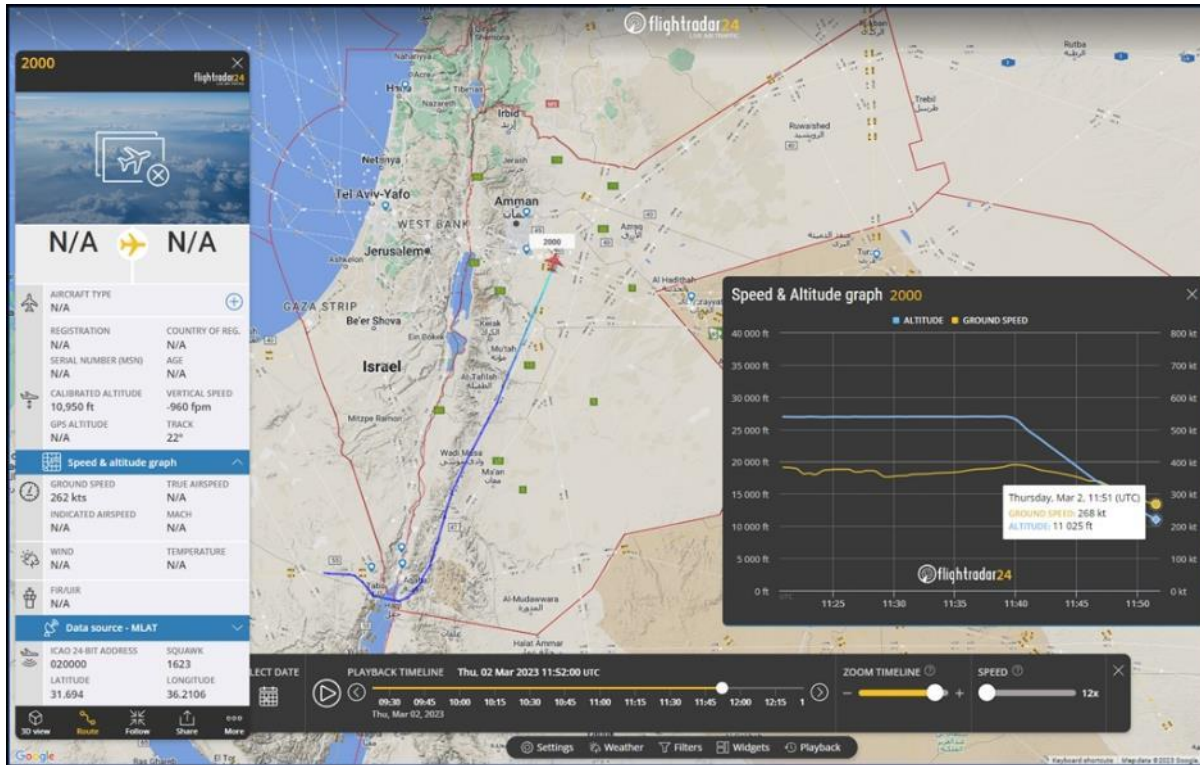


Source: <https://twitter.com/SomeFrench1991/status/1631359789568606208>, 2 March 2023.

Appendix 6 to Annex 62: Track of IL-76 (9U-BVU) in Jordan airspace on 2 March 2023

1. Track of 9U-BVU in Jordanian airspace on normal flight track to Amman from Libya

Figure 62.6.1
FR24 track of IL-76TD (#73479367) 9U-BVU on 2 March 2023



Source: Flightradar 24.

2. The data in the image above is from the www.flightradar24 data in the table below. Note the decreasing speed and altitude of the aircraft indicating an approach to an airfield near Amman, Jordan.

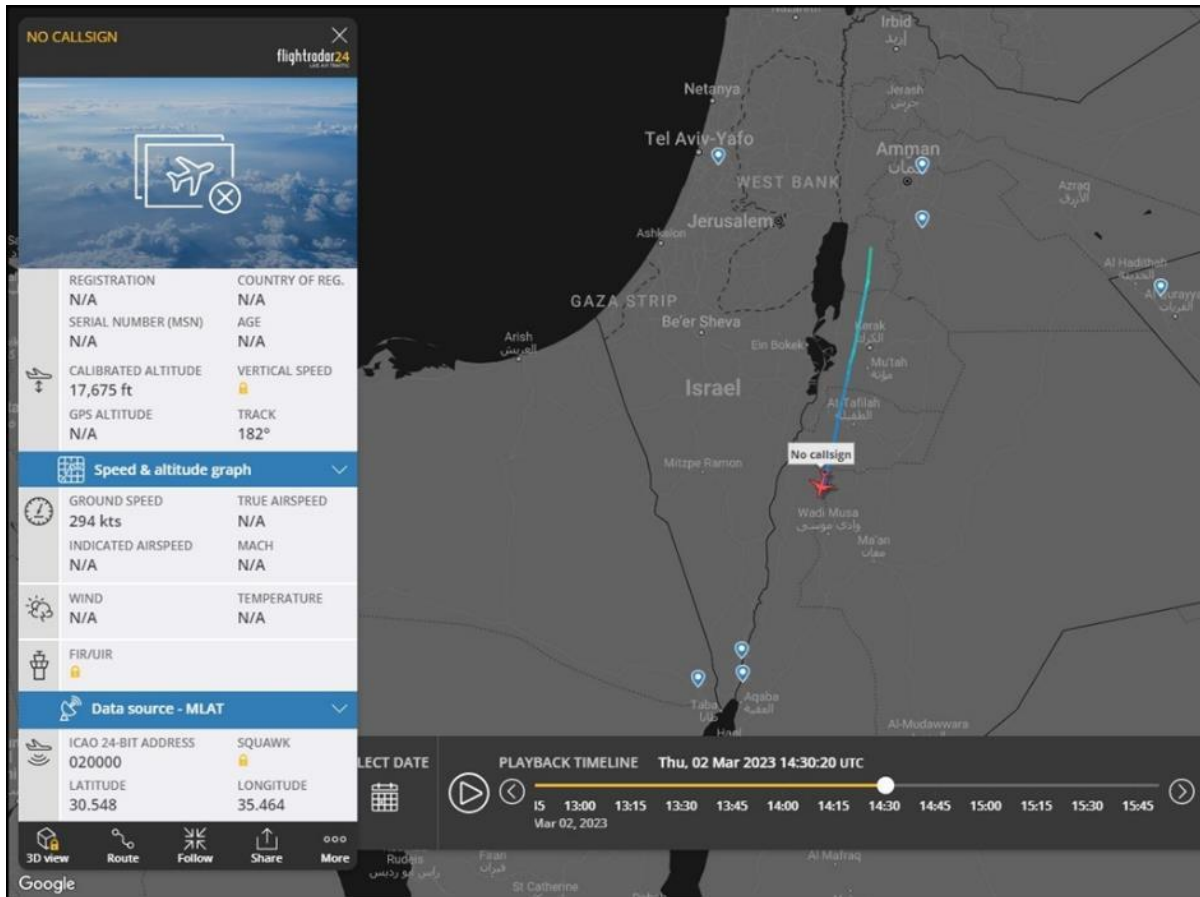
Timestamp	UTC	Callsign	Position	Altitude	Speed	Direction
1677756053	2023-03-02T11:20:53Z	2000	29.605553,34.403374	26950	382	0
1677756122	2023-03-02T11:22:02Z	2000	29.602541,34.439709	26925	378	0
1677756157	2023-03-02T11:22:37Z	2000	29.59794,34.602345	26925	362	90
1677756182	2023-03-02T11:23:02Z	2000	29.587549,34.646477	26975	364	90
1677756209	2023-03-02T11:23:29Z	2000	29.543627,34.703423	26950	360	141
1677756262	2023-03-02T11:24:22Z	2000	29.461754,34.784187	26900	374	157
1677756269	2023-03-02T11:24:29Z	2000	29.456329,34.78614	26925	374	157
1677756309	2023-03-02T11:25:09Z	2000	29.447025,34.795307	26950	376	157
1677756377	2023-03-02T11:26:17Z	2000	29.415993,34.981163	26925	376	96
1677756409	2023-03-02T11:26:49Z	2000	29.417917,34.993301	26975	368	96
1677756438	2023-03-02T11:27:18Z	2000	29.439291,35.062237	26950	368	51
1677756461	2023-03-02T11:27:41Z	2000	29.501715,35.123741	26950	372	31
1677756465	2023-03-02T11:27:45Z	2000	29.507936,35.129723	26950	372	37

Timestamp	UTC	Callsign	Position	Altitude	Speed	Direction
1677756489	2023-03-02T11:28:09Z	2000	29.546267,35.168774	26950	372	42
1677756491	2023-03-02T11:28:11Z	2000	29.549522,35.171562	26950	372	42
1677756496	2023-03-02T11:28:16Z	2000	29.563774,35.168003	26950	372	21
1677756561	2023-03-02T11:29:21Z	2000	29.653769,35.233833	26950	352	19
1677756633	2023-03-02T11:30:33Z	2000	29.755896,35.268726	26975	356	10
1677756657	2023-03-02T11:30:57Z	2000	29.806171,35.284328	26950	356	12
1677756685	2023-03-02T11:31:25Z	2000	29.813158,35.286407	26975	360	12
1677756769	2023-03-02T11:32:49Z	2000	29.984699,35.346443	26975	362	16
1677756801	2023-03-02T11:33:21Z	2000	29.991287,35.348778	26975	364	16
1677756873	2023-03-02T11:34:33Z	2000	30.14526,35.405609	26975	366	17
1677756918	2023-03-02T11:35:18Z	2000	30.158291,35.410507	26950	368	17
1677757001	2023-03-02T11:36:41Z	2000	30.354097,35.510632	27000	376	27
1677757065	2023-03-02T11:37:45Z	2000	30.445539,35.569305	26975	378	28
1677757129	2023-03-02T11:38:49Z	2000	30.551752,35.635021	27000	382	27
1677757193	2023-03-02T11:39:53Z	2000	30.651648,35.695339	26650	390	26
1677757257	2023-03-02T11:40:57Z	2000	30.754593,35.757797	24925	386	26
1677757321	2023-03-02T11:42:01Z	2000	30.859251,35.805698	23475	374	18
1677757381	2023-03-02T11:43:01Z	2000	30.9548,35.850777	22050	368	22
1677757447	2023-03-02T11:44:07Z	2000	31.060297,35.903286	20525	360	22
1677757509	2023-03-02T11:45:09Z	2000	31.150852,35.947174	19050	351	21
1677757571	2023-03-02T11:46:11Z	2000	31.247036,35.992466	17575	340	20
1677757605	2023-03-02T11:46:45Z	2000	31.292839,36.012615	16850	340	20
1677757637	2023-03-02T11:47:17Z	2000	31.338955,36.035934	16300	332	24
1677757681	2023-03-02T11:48:01Z	2000	31.398647,36.07008	15125	320	27
1677757722	2023-03-02T11:48:42Z	2000	31.44656,36.095497	14150	316	23
1677757753	2023-03-02T11:49:13Z	2000	31.494732,36.118977	13475	302	20
1677757785	2023-03-02T11:49:45Z	2000	31.535809,36.137413	12950	294	22
1677757819	2023-03-02T11:50:19Z	2000	31.57963,36.158287	12250	284	20
1677757850	2023-03-02T11:50:50Z	2000	31.614332,36.172596	11725	274	18
1677757865	2023-03-02T11:51:05Z	2000	31.632463,36.180908	11450	272	19
1677757881	2023-03-02T11:51:21Z	2000	31.651648,36.189342	11200	268	19
1677757893	2023-03-02T11:51:33Z	2000	31.665188,36.196529	11025	268	22
1677757954	2023-03-02T11:52:34Z	2000	31.673811,36.200718	10100	242	22

3. Track of 9U-BVU departing Jordanian airspace.

Figure 62.6.2

FR24 track of IL-76TD (#73479367) 9U-BVU on 2 March 2023



Source: www.flightradar24.com, 3 March 2023.

Appendix 7 to Annex 62: Imagery of IL-76 (9U-BVU) near Amman airport on 25 April 2023

1. The Panel has geo-located the image in figure 62.7.1 to Amman, Jordan. Reference Point A is at $31^{\circ}58'07.1544''\text{N}$, $36^{\circ}00'9.8244''\text{E}$ and Point B is at $31^{\circ}58'02.4924''\text{N}$, $36^{\circ}00'01.4328''\text{E}$.

Figure 62.7.1

IL-76TD (#73479367) 9U-BVU over Amman, Jordan on 25 April 2023

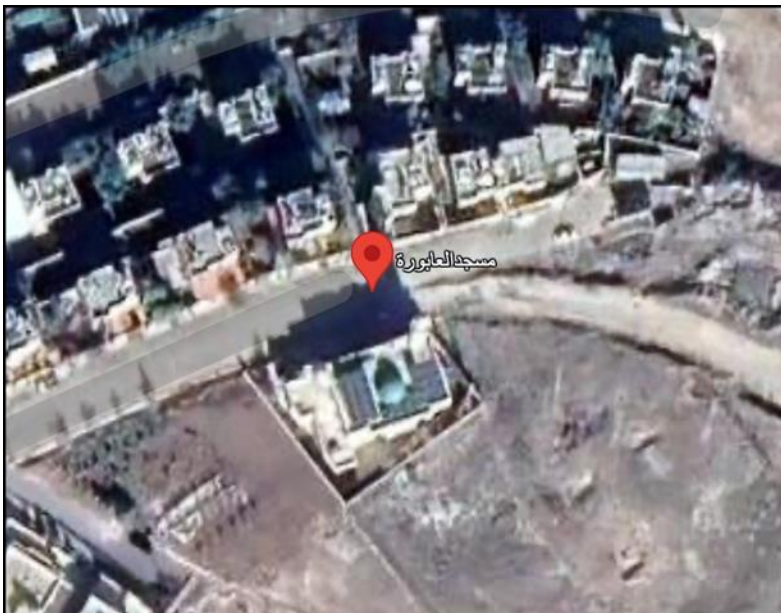
Figure 62.7.2

Point A ($31^{\circ}58'07.1544''\text{N}$, $36^{\circ}00'09.8244''\text{E}$) and Point B ($31^{\circ}58'02.4924''\text{N}$, $36^{\circ}00'01.4328''\text{E}$)

Figure 62.7.3
Compound at Point A (31°58'07.1544"N, 36°00'09.8244"E)



Figure 62.7.4
Mosque at Point B (31°58'02.4924"N, 36°00'01.4328"E)



Source: <https://www.google.com/maps/place/مسجد%الطابورية%E2%80%AD/@31.9676358,36.0000146,251m/data=!3m1!1e3!4m6!3m5!1s0x151b617e28ee68bd:0xb7917f1d70b56da5!8m2!3d31.967549!4d36.0004324!16s%2Fg%2F11fml39rsj>. Accessed 30 April 2023.

2. The Panel has also geo-located the image in figure 62.7.5 to Amman, Jordan. Point D is at 31°58'24.5388"N, 36°00'47.1204"E, Point E is at 31°57'59.3676"N, 35°58'58.674"E, Point F is at 31°57' 42.8904"N, 35°57'54.9756"E and Point G is at 31°57'27.7812"N, 35°56'51.2664"E.

Figure 62.7.5
IL-76TD (#73479367) 9U-BVU over Amman, Jordan on 25 April 2023



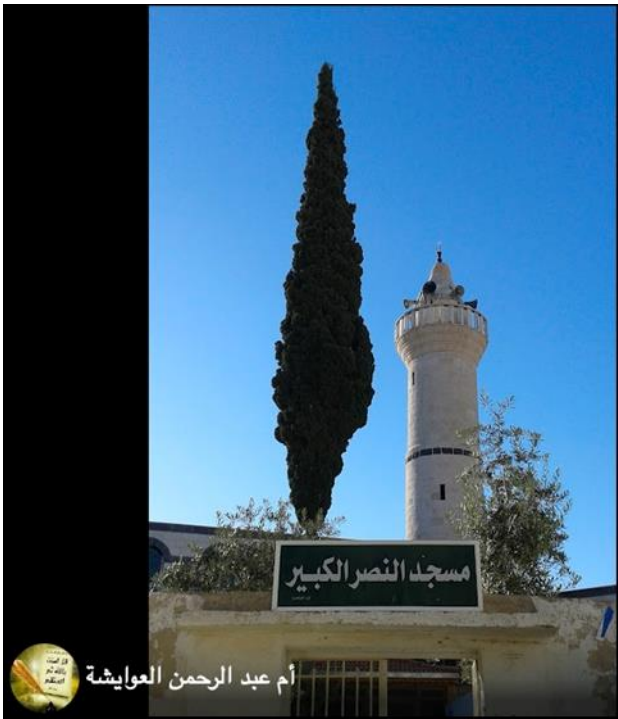
Figure 62.7.6
Geo-Reference points from Google Earth Pro



Figure 62.7.7
Building at Point D (31°58'24.5388"N, 36°00'47.1204"E)



Figure 62.7.8
Minaret at Point F (31°57' 42.8904"N, 35°57'54.9756"E)



Source: <https://www.google.com/maps/contrib/100066568425417900610/photos/@0.0,3a,75y,90t/data=!3m8!1e2!3m6!1sAF1QipMK9iT7ZofocFSDSmYTMCRqukx192FdfREnlf9J!2e10!3e12!6shttps:%2F%2Fh5.googleusercontent.com%2Fp%2FAF1QipMK9iT7ZofocFSDSmYTMCRqukx192FdfREnlf9J%3Dw365-h>. Accessed on 30 April 2023.

Figure 62.7.9
Red Roof at Point G (31°57'27.7812"N, 35°56'51.2664"E)



Figure 62.7.10
IL-76TD (#73479367) 9U-BVU over Amman, Jordan on 25 April 2023



Source: <https://twitter.com/SomeFrench1991/status/1650935052023242759>, 25 April 2023.

Figure 62.7.11
IL-76TD (#73479367) 9U-BVU over Amman, Jordan on 25 April 2023



Source: <https://twitter.com/SomeFrench1991/status/1650935052023242759>, 25 April 2023.

Appendix 8 to Annex 62: Track of IL-76 (9U-BVU) in Jordan airspace on 25 April 2023

1. Track of 9U-BVU in Jordanian airspace on normal flight track to Amman from Libya

Figure 62.8.1
FR24 track of IL-76TD (#73479367) 9U-BVU on 25 April 2023



Source: Flightradar 24.

2. The data in the image above is from the www.flightradar24 data in the table below. Note the decreasing speed and altitude of the aircraft indicating an approach to an airfield near Amman, Jordan.

Timestamp	UTC	Callsign	Position	Altitude	Speed	Direction
1682418509	2023-04-25T10:28:29Z		30.126835,35.458981	26975	352	24
1682418581	2023-04-25T10:29:41Z		30.21113,35.503651	26975	352	24

Timestamp	UTC	Callsign	Position	Altitude	Speed	Direction
1682418633	2023-04-25T10:30:33Z		30.309906,35.556389	26950	350	24
1682418721	2023-04-25T10:32:01Z		30.441877,35.626259	26250	372	24
1682418790	2023-04-25T10:33:10Z		30.58053,35.689018	25075	370	24
1682418794	2023-04-25T10:33:14Z		30.584713,35.692543	25000	370	41
1682418798	2023-04-25T10:33:18Z		30.587168,35.695087	24925	370	41
1682418802	2023-04-25T10:33:22Z		30.590431,35.697918	24875	368	38
1682418805	2023-04-25T10:33:25Z		30.593618,35.700542	24825	368	38
1682418809	2023-04-25T10:33:29Z		30.595831,35.702599	24750	366	36
1682418826	2023-04-25T10:33:46Z		30.613625,35.715134	24325	366	31
1682418873	2023-04-25T10:34:33Z		30.678411,35.753872	23225	364	25
1682418918	2023-04-25T10:35:18Z		30.739037,35.777378	22150	352	10
1682418925	2023-04-25T10:35:25Z		30.757601,35.780846	21975	350	10
1682418967	2023-04-25T10:36:07Z		30.824236,35.786835	21000	344	269
1682418974	2023-04-25T10:36:14Z		30.833948,35.787262	20800	344	269
1682418978	2023-04-25T10:36:18Z		30.846273,35.788013	21050	342	269
1682418985	2023-04-25T10:36:25Z		30.851133,35.787369	20650	344	269
1682418989	2023-04-25T10:36:29Z		30.862082,35.787876	20550	340	67
1682418994	2023-04-25T10:36:34Z		30.868656,35.787594	20450	338	67
1682418997	2023-04-25T10:36:37Z		30.877151,35.788025	20400	340	16
1682419001	2023-04-25T10:36:41Z		30.881805,35.787807	20325	338	16
1682419006	2023-04-25T10:36:46Z		30.888628,35.787933	20225	338	4
1682419013	2023-04-25T10:36:53Z		30.895906,35.788017	20075	334	4
1682419017	2023-04-25T10:36:57Z		30.90695,35.788609	20000	334	4
1682419021	2023-04-25T10:37:01Z		30.912453,35.788837	19900	332	4
1682419029	2023-04-25T10:37:09Z		30.91975,35.788891	19750	330	1
1682419094	2023-04-25T10:38:14Z		31.027479,35.79491	18700	316	3
1682419158	2023-04-25T10:39:18Z		31.113579,35.810406	17500	308	6
1682419161	2023-04-25T10:39:21Z		31.120041,35.813812	17425	308	21
1682419165	2023-04-25T10:39:25Z		31.122934,35.816254	17375	306	21
1682419169	2023-04-25T10:39:29Z		31.129,35.819469	17325	306	26
1682419177	2023-04-25T10:39:37Z		31.133614,35.82235	17200	304	26
1682419213	2023-04-25T10:40:13Z		31.179352,35.849411	16575	298	31
1682419246	2023-04-25T10:40:46Z		31.18766,35.855694	16050	296	31
1682419273	2023-04-25T10:41:13Z		31.252598,35.903393	15600	300	37
1682419301	2023-04-25T10:41:41Z		31.257231,35.907043	15150	290	37
1682419361	2023-04-25T10:42:41Z		31.358316,35.970875	14200	300	37
1682419394	2023-04-25T10:43:14Z		31.395044,35.992287	13675	300	37

Timestamp	UTC	Callsign	Position	Altitude	Speed	Direction
1682419429	2023-04-25T10:43:49Z		31.428753,36.012054	13125	287	25
1682419461	2023-04-25T10:44:21Z		31.469788,36.036606	12750	278	25
1682419501	2023-04-25T10:45:01Z		31.514341,36.063847	12175	274	26
1682419545	2023-04-25T10:45:45Z		31.551428,36.086681	11625	280	26
1682419566	2023-04-25T10:46:06Z		31.573868,36.10043	11375	282	26
1682419585	2023-04-25T10:46:25Z		31.608593,36.122353	11150	282	26
1682419688	2023-04-25T10:48:08Z		31.624395,36.131641	9925	268	26

3. Track of 9U-BVU departing Jordanian airspace.

Figure 62.8.2
FR24 track of IL-76TD (#73479367) 9U-BVU on 25 April 2023



Source: www.flightradar24.com.

Annex 63 FlySky Airlines LLC (FSQ), Kyrgyz Republic flights in support of HAF

1. The flight activity of FlySky Airlines LLC (FSQ)³³¹ aircraft continued to be of interest to the Panel during this mandate. FlySky Airlines LLC (FSQ) were previously reported on in Annex 92 to [S/2022/427](#) as violating paragraph 9 of resolution [1970 \(2011\)](#). The flight activity of the aircraft listed in table 63.1 was of interest to the Panel.

Table 63.1

FlySky Airlines LLC (FSQ) aircraft

Type	MSN#	Current Registration #	Previous Registration #	Current Owner	Previous Operators
Ilyushin IL-76TD	1023411368	EX-76006	UP-I7660 UR-FSD	Infinite Seal Inc, BVI ^{a b}	▪ Azee Air LLC

^a Trident Chambers, PO Box 146, Road Town, Tortola, British Virgin Islands.

^b The company also owns or owned other aircraft previously reported as being used in violation of paragraph 9 to resolution [1970 \(2011\)](#). 1) IL-76TD (#73479367) (sold to Space Cargo Inc on 20 March 2020); and 2) IL-76TD (#1023414450) (now UP-I7654)

2. Table 63.2 summarises the recent history of this aircraft. Note that it was previously operated by Azee Air LLC (AZL) of Kazakhstan who were reported for violating paragraph 9 of resolution [1970 \(2011\)](#) in Panel report [S/2021/229](#).³³²

Table 63.2

IL-76TD (MSN# 1023411368) recent history

Date	Activity	Panel Evidence / Remarks ^a
1 Jul 2018	Registered by Kazakhstan as UP-I7660.	▪
21 Apr 2020	Azee Air LLC (AZL) Air Operating Certificate suspended for six months.	▪ Until 20 October 2020.
28 Aug 2020	FlySky Airlines LLC (FSQ) receive Air Operating Certificate from Kyrgyz Republic CAA.	▪ AOC Certificate #53.
1 Sep 2020	Registered by Ukraine as UR-FSD.	▪ Now operated by FlySky LLC (FSQ).
1 Feb 2021	Azee Air LLC Air Operating Certificate revoked by Kazakhstan	▪ Revocation Order #0047.
29 Mar 2021	FlySky Airlines LLC (FSQ) receive company registration.	▪
1 Jan 2022	Registered by Kyrgyz Republic as EX-76006	▪
16 Apr 2023	Flight activity identified in violation of paragraph 9 of resolution 1970 (2011) .	▪

^a The Panel has evidentiary copies of the documentation listed in this table on file.

3. The Panel identified that the FlySky Airlines LLC (FSQ) flight FSQ 4921 from Abu Dhabi, UAE (OMAA) to Benghazi, Libya (HLLB) on 16 April 2023³³³ met at least five of the air delivery profile indicators (see annex 23) that when considered collectively indicate that an aircraft is almost certainly carrying illicit cargo: (a) an unscheduled charter flight; (b) flights landed in darkness for concealment of offloads; (c) false flight documentation; (d) air operator transparency is opaque; and (e) the links to previous arms embargo violators Azee Air LLC (AZL).

4. The Panel has examined the documentation for the flight on 14 April 2023, which reported that the cargo was humanitarian aid and foodstuffs. The flight documentation is inaccurate, suspicious and very similar to the documentation used in an arms embargo violation reported in Figure 55.D.4, Appendix D, Annex 55 of [S/2021/229](#). 1) The consignee on

³³¹ Office No 6, Ch Aitmatova Avenue 82A, Bishkek 720044, Kyrgyz Republic. +996 312 979300. office@flysky.kg.

³³² Annex 55.

³³³ See appendix A.

the air waybill,³³⁴ IFRC Libya did not receive any humanitarian aid from the UAE on 14 April 2023;³³⁵ 2) the cargo manifest was on a UAE Armed Forces, General Headquarters Air Force form;³³⁶ 3) the agent on the cargo manifest was the same as used on previous fake documentation identified by the Panel and referred to above.

5. The Panel offered FlySky Airlines LLC (FSQ) an opportunity to respond through their national authorities on 30 May 2023. The Panel does not consider that their response of 25 May 2023 addressed any of the profile indicators (paragraph 3) nor the documentary evidence (appendices) identified by the Panel.

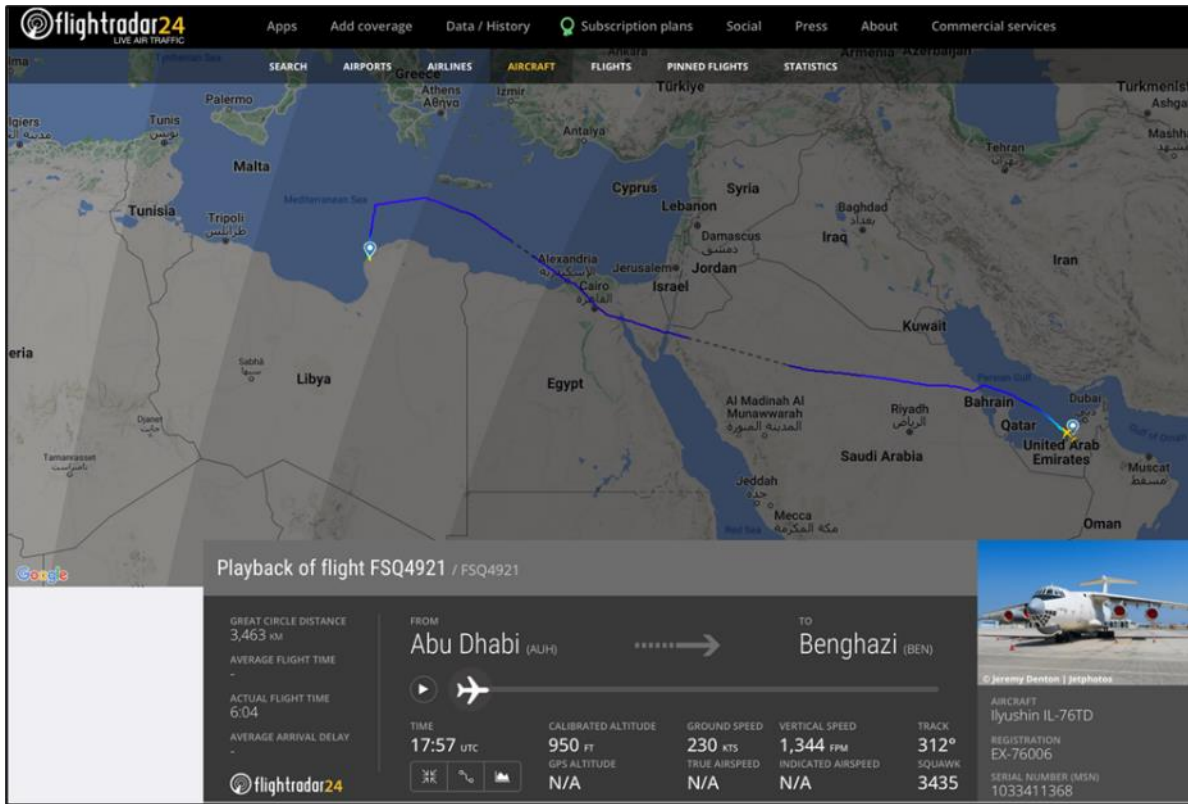
6. The Panel finds that FlySky Airlines LLC (FSQ) conducted flight operations on 14 April 2023 from UAE to Benghazi in violation of paragraph 9 of resolution [1970 \(2011\)](#) for the *direct, and indirect, supply of (...) military (...) equipment* and (...) *other assistance* (...) to Libya.

³³⁴ See appendix B.

³³⁵ Confidential source in the humanitarian aid community on 29 May 2023. Also, nothing reported on the IFRC web platforms.

³³⁶ See appendix C.

Appendix A to Annex 63: Route of Flight FSQ 4921 (14 April 2023)³³⁷



³³⁷ The Panel has higher quality imagery available on request. The imagery resolution is poor in some of the remaining appendices due to the infographics being compressed to make the overall document a more manageable size.

Appendix B to Annex 63: Panel analysis of Air Waybill for Flight FSQ 4921 (14 April 2023)³³⁸

SHIPPER / CONSIGNEE
Fake Shipper and Consignee.
No contact details.
Confidential source confirmed that NO aid had been received by IFRC Libya via Benina (HLLB).

CARRIER
Not listed, but cargo manifest on a UAE military form.

DECLARED VALUE
No Customs value is highly unusual.

GOODS
Insufficient information provided.


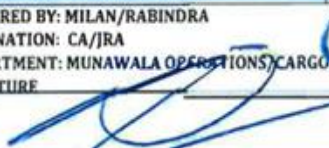


UNSIGNED

The image shows an Air Waybill form with several red boxes and arrows highlighting specific areas of interest. The form includes fields for Shipper's Account Number, Consignee's Account Number, Agent's IATA Code, and various shipping details. A large blue stamp is visible in the lower right quadrant, and a signature is present in the bottom right corner.

No. of Pieces	Gross Weight	Net Weight	Rate Class	Commodity Description	Chargeable Weight	Rate	Total	Address and Country of Goods
40	20020	K			AS AGREED		AS AGREED	HUMANITARIAN ATD (40 SKIDS)
40	20020	K			AS AGREED		AS AGREED	

³³⁸ The Panel has higher quality imagery available on request. The imagery resolution is poor in some of the remaining appendices due to the infographics being compressed to make the overall document a more manageable size.


Appendix C to Annex 63: Panel analysis of Cargo Manifest for Flight FSQ 4921 (14 April 2023)

AIRPORT OF DEPARTURE	OMAA	 UAE ARMED FORCES / GHQ AIRFORCE AIRCRAFT LOAD MANIFEST CARGO AND MAIL	AIRCRAFT TYPE	IL76				
AIRPORT OF DESTINATION	HLLB		AIRCRAFT TAIL NO	EX-76006				
TOTAL PASSENGERS			DATE	16-Apr-23				
L.NO	PLT/VEH	IDG NUMBER	NATURE OF GOOD	QTY	SENT BY	RECEIVER	CLASS HAZARD TYPE	GROSS WEIGHT KGS
1	LOOSE	720	12 SKIDS(HUMANITARIAN AID & FOOD STUFFS)	12	P.G		NIL	7200
2	LOOSE	720	14 SKIDS(HUMANITARIAN AID & FOOD STUFFS)	14	P.G		NIL	4760
3	LOOSE	720	09 SKIDS(HUMANITARIAN AID & FOOD STUFFS)	9	P.G		NIL	4990
4	LOOSE	720	04 SKIDS(HUMANITARIAN AID & FOOD STUFFS)	4	P.G		NIL	2240
5	LOOSE	720	01 SKIDS(HUMANITARIAN AID & FOOD STUFFS)	1	P.G		NIL	830
				40	TOTAL WEIGHT IN KGS			20020
PREPARED BY: MILAN/RABINDRA DESIGNATION: CA/JRA DEPARTMENT: MUNAWALA OPERATIONS/CARGO SIGNATURE		RECEIVED BY  	AT DESTINATION RECEIVED BY: RANK UNIT AND DEPT: SIGNATURE					

FREIGHT FORWARDER
 Munawala operate from Al Bateen airport (OMAD) and not Abu Dhabi international airport (OMAA). The same company name was used in flight documentation for violations reported in Figure 55.D.4, Appendix D, Annex 55 of S/2021/229.

RECIPIENT
 Not listed.

RECIPIENT
 Illegible initials and no details or stamp.

 **UAE ARMED FORCES / GHQ AIRFORCE**
AIRCRAFT LOAD MANIFEST
CARGO AND MAIL

Annex 64 Military support to HAF by Falcon Wings LLC

Military support to Haftar by Falcon Wings LLC (Sebha International Airport (HLLS)) (17 October 2022)

On 18 October 2022 imagery was published on the official social media of the Libyan Arab Armed Forces (LAAF) of field marshal Khalifa Haftar attending a military rally in uniform on 17 October 2022. He was transported to the military event by a chartered Gulfstream G450 (P4-BTR), owned by AHM Investment LLC, and operated by Falcon Wings LLC, both of the UAE.

The Panel offered Falcon Wings LLC an opportunity to reply through their appointed advisors, GA Political Limited (UK registered #11882064) in communications dated 24 November and 28 December 2022. On 10 March 2023 GA Political replied to the Panel that "*After checking with our lawyers, we are not under any legal investigation and I cannot comply with your requests*".

This aircraft makes regular flights to and from Al Abraq International Airport (HLLQ), which is used by Haftar. The flights were all blocked from tracking on the normal aviation flight tracking platforms at the request of Falcon Wings LLC on 25 January 2022. This is another indicator of suspicious flight activity. The Panel has evidence of other suspicious Falcon Wings LLC flights in support of field marshal Khalifa Haftar.

The use of this aircraft to provide support to field marshal Khalifa Haftar is a violation of paragraph 9 of resolution [1970 \(2011\)](#) by Falcon Wings LLC as the company has provided "... *other assistance, related to military activities* ...".

Primary sources

1. <https://www.youtube.com/watch?v=cvetrSDwgMc>, 18 October 2022.

Developed by UN Panel of Experts



Haftar at Sebha Military Rally
on 17 October 2022



Paris - 25 October 2022.
Note distinctive orange
colour scheme.

**Support to Haftar by Falcon Wings LLC
(Kufra Airport (HLKF))
(30 August 2022)**

On 30 August 2022 imagery was published on the official social media of the Libyan Arab Armed Forces (LAAF) of field marshal Khalifa Haftar attending a rally in Kufra on 30 August 2022. During the rally he met with civilian individuals. He was transported to the event by a chartered Gulfstream G550 (P4-BAR), owned and operated by Falcon Wings LLC, both of the UAE.

The Panel offered Falcon Wings LLC an opportunity to respond through their appointed advisors, GA Political Limited (UK registered #11882064) in communications dated 24 November and 28 December 2022. On 10 March 2023 GA Political replied to the Panel that "After checking with our lawyers, we are not under any legal investigation and I cannot comply with your requests".

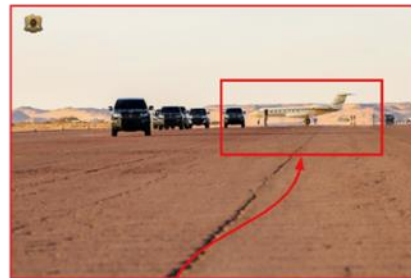
This aircraft makes regular flights to and from Benghazi International Airport (HLLB), which is controlled by Haftar's organization. On 7 April 2022 Falcon Wings LLC requested a flight tracking platform to block data on their flights from public view. This is another indicator of suspicious flight activity.

The use of this aircraft to provide support to field marshal Khalifa Haftar forms a pattern of support by Falcon Wings LLC to the military regime of Khalifa Haftar.

Primary sources

1. <https://www.facebook.com/General.official.leadership/posts/pfbid0R2ryLttKyZ8idFjCKWV01FTTw46hzUzUKNihV2uaQfdMQiX6LResa7s2QQ6bJGdfL>, 30 August 2022.

Developed by UN Panel of Experts

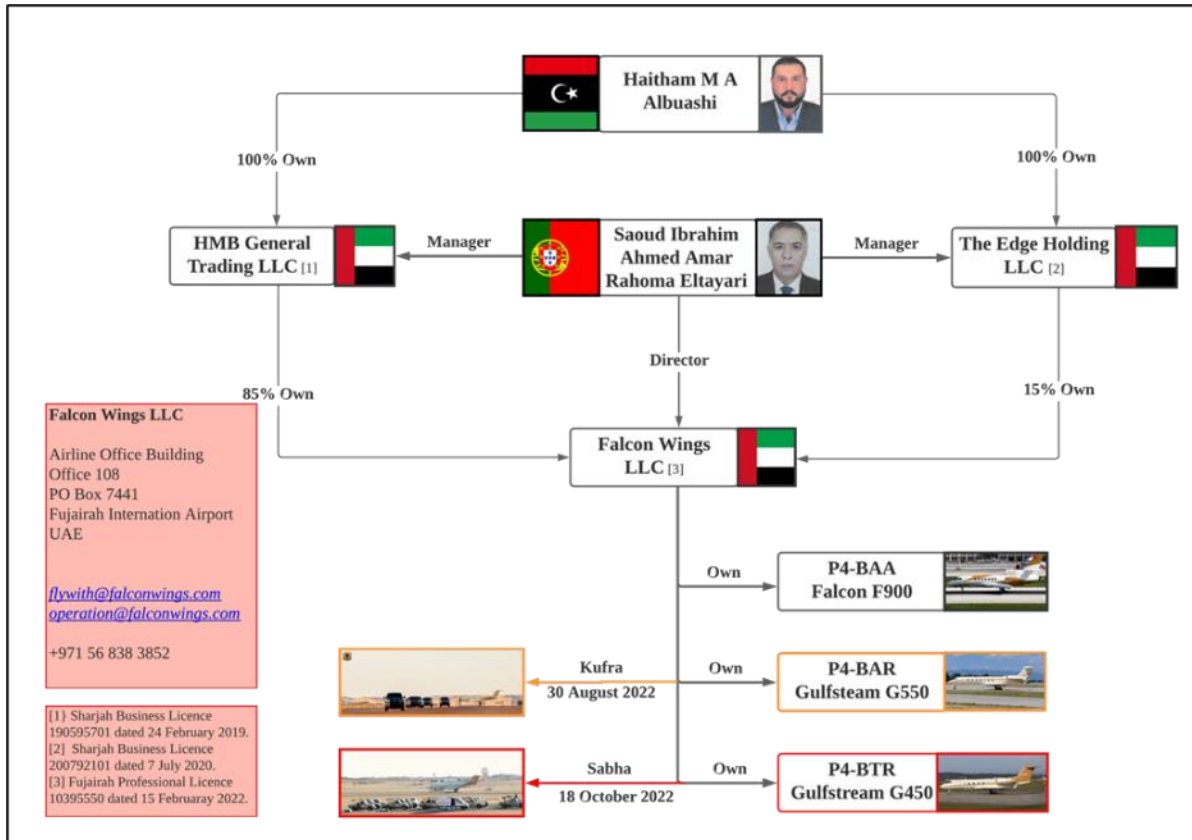


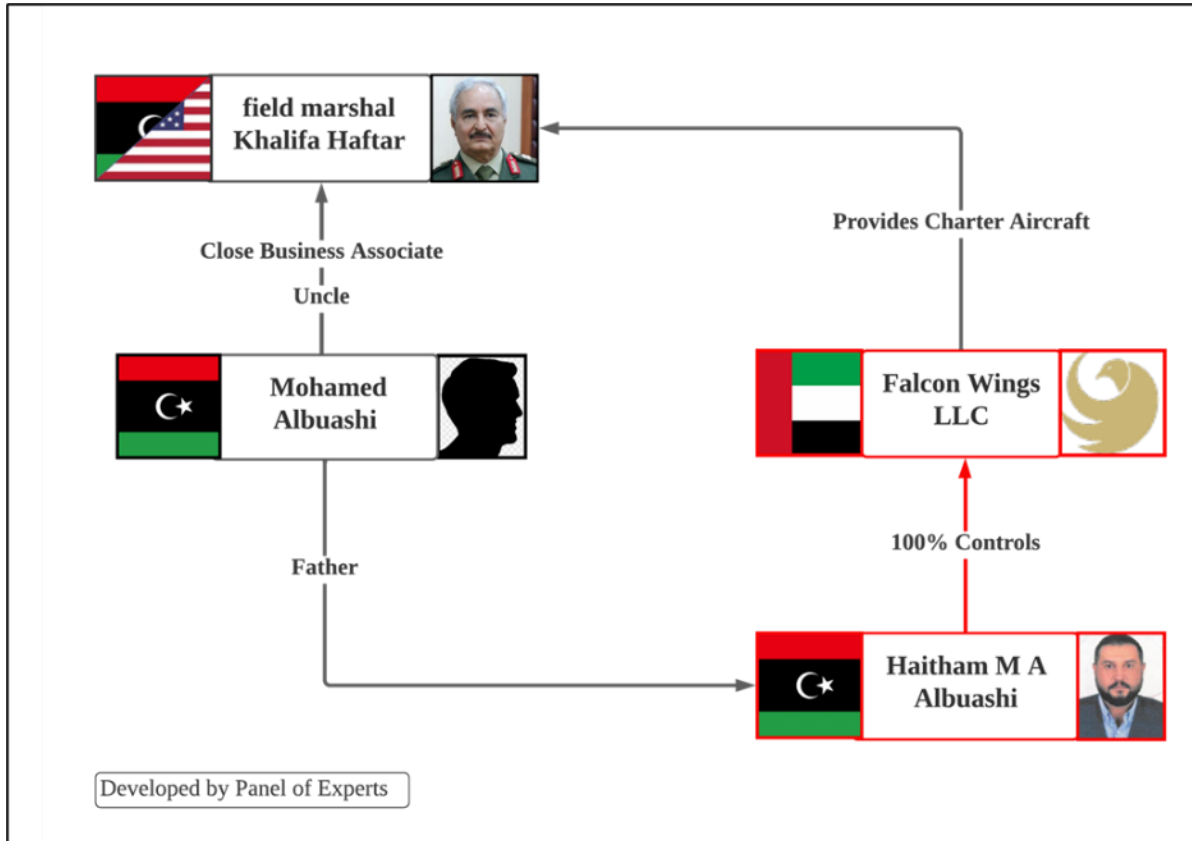
Haftar at Kufra Rally
on 30 August 2022



Geneva - 21 July 2022.
Note distinctive orange
colour scheme.

Annex 65 Ownership of Falcon Wings LLC and familial link to Haftar





Annex 66 Project *Opus* supplied military surveillance aircraft and helicopters

Project *Opus* supplied military surveillance aircraft and helicopters (HAF near Benghazi) (30 December 2022)

The Panel has identified from official HAF social media that Pilatus PC-6, three AS332L Super Puma helicopters and three SA341 Gazelle helicopters deployed by the Project Opus organization, and reported in annex 76 of Panel report [S/2021/229](#), remain fully operational and in use by HAF. The aircraft were all featured in an official HAF 106 brigade promotional video.

The Panel wrote to the lawyers representing Lancaster-6 DMCC, Holman Fenwick Willan MEA LLP, on 7 January 2022, 15 September 2022, 23 December 2022 and 6 April 2023 regarding the current ownership of these aircraft. No response was received.

The Panel thus finds Lancaster-6 DMCC in non-compliance with paragraph 14 of resolution [2644 \(2022\)](#) by failing to *cooperate fully with ... Panel, in particular by supplying any information at their disposal on the implementation of the measures decided in resolutions 1970 (2011), 2571 (2021).*

This transfer of this military equipment to Libya in 2019 was a violation of paragraph 9 of resolution [1970 \(2011\)](#).

Primary sources

1. https://www.youtube.com/watch?v=GB2_jaFfC8Y, 30 December 2022.

Developed by UN Panel of Experts



SA 341 *Gazelle* helicopter
Benghazi, 30 December 2022



AS 332L *Super Puma* helicopter
Benghazi, 30 December 2022



Pilatus PC-6 ISR aircraft
Benghazi, 30 December 2022

Annex 67 LASA T-Bird (YU-TSH) in Cyprus

**LASA T-Bird (YU-TSH)
(Paphos, Cyprus)
(October 2021)**


In annex 76 to [S/2021/239](#) the Panel reported on the purchase and deployment of a LASA T-Bird light attack and surveillance aircraft to Jordan as part of Project OPUS on 26 June 2019, and subsequently to Larnaca, Cyprus on 18 July 2019.

The aircraft was then moved to an aviation support company in Paphos, Cyprus on 31 July 2019. The company were then instructed to add blue markings to the wings and paint "GLOBAL GEO SURVEY" on the aircraft in an attempt to civilianise its appearance.

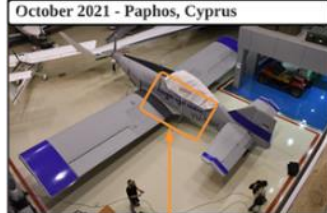
During the inspection the weapon hard point mount fixing points on the wings could be clearly identified.


Inside the cockpit there is a bank of 6 x 2 unmarked on/off switches which correlate to weapon hard point mounting fixings and the red buttons on the control column would likely have weapons roles were weapons fitted. There is no doubt that the aircraft is designed and fitted for the delivery of weapons.


18 July 2019 - Larnaca, Cyprus





October 2021 - Paphos, Cyprus











Primary sources

1. Confidential inspection imagery. Received June 2023.

Developed by UN Panel of Experts

1. The Panel has identified that bank accounts held by Lancaster 6 DMCC (a.k.a L6 FZE) were used to pay the Cyprus aviation support company until at least August 2020. These were paid from previously unidentified bank accounts of the that company.³³⁹ By October 2020 the payments were taken over by a company has not been identified in connection with this aircraft before. This UAE based company, 8LANG DMCC (a.k.a 8-LANG DMCC), is licensed to Christian Paul Durrant, who was named in [S/2021/229](#) as having violated paragraph 9 to resolution [1970 \(2011\)](#). Details of these accounts are as follows in table 67.1:

Table 67.1

New Opus related bank accounts used for payments in Cyprus³⁴⁰

<i>Payment date</i>	<i>Account holder</i>	<i>Bank</i>	<i>IBAN / Account #</i>
June 2020	Lancaster 6 DMCC	Commercial Bank of Dubai	AE 16 023 0000001002XXXX51
August 2020	Lancaster 6 DMCC	Commercial Bank of Dubai	AE 11 023 0000001002XXXX44
October 2020	8-LANG DMCC	Commercial Bank of Dubai	AE 94 023 0000001002XXXX39
February 2021	8-LANG DMCC	Commercial Bank of Dubai	AE 94 023 0000001002XXXX39
April 2021	8-LANG DMCC	Commercial Bank of Dubai	AE 77 023 0000001002XXXX54

³³⁹ Known accounts were reported in [S/2021/229](#), table 76.4.

³⁴⁰ Full account numbers amended by the Panel to ensure financial security.

2. The Panel also notes that at the time of Project OPUS in July 2019 8-LANG was advertising itself as an “Air, Land & Sea Security” provider, whereas it now advertises itself as “Oil and Gas Logistics Specialists”.³⁴¹ “Oil and Gas Logistic Services” were one of the cover stories used by the Project Opus team during the Panel’s investigations.³⁴²

³⁴¹ <https://www.8-lang.com>.

³⁴² See [S/2021/229](#), paragraphs 61 to 67 of annex 76.

Annex 68 Ilyushin IL-18D (MSN# 186009403)

Converted Ilyushin IL-18D cargo aircraft at Al Jufra (HL69) (29°12'10.78"N, 16°00'09.15"E) (31 January 2022)

In annex 95 to [S/2022/429.Corr.1](#) the Panel reported on the presence of cargo aircraft IL-18TD (MSN# 186009403) operating from Al Khadim airbase (HL59) during 2022. The Panel reported that the aircraft was registered in the Central African Republic as TL-KBR, with the air operator being reported as ChvK Wagner.

Satellite imagery has now identified that the aircraft was operating from Al Jufra airbase (HL69) in Libya on at least 31 January and 17 May 2022.

The Panel wrote to the Central African Republic on 5 July 2022 requesting details of the aircraft registration. A response is still awaited. A source has confirmed though that in 2021 the aircraft was flying under a false registration of TL-ARN.

The use of this aircraft in support of HAF is a violation of paragraph 9 of resolution 1970 (2011).

Primary sources

1. Satellite imagery and Google Earth Pro;
2. Annex 95 to [S/2022/429.Corr.1](#), 27 June 2022; and
3. <https://gerjon.substack.com/p/from-russia-to-libya-and-the-central>, 2 July 2022.

Developed by UN Panel of Experts



1. On 29 January 2023 satellite imagery showed that the aircraft was likely destroyed by fire.

Ilyushin IL-18D cargo aircraft (TL-KBR) destroyed at Al Khadim (HL59) (31°59'47.64"N, 21°12'03.43"E) (29 January 2023)

In annex 95 to [S/2022/429.Corr.1](#) the Panel reported on the presence of cargo aircraft IL-18TD (MSN# 186009403) operating from Al Khadim airbase (HL59) during 2022. The Panel reported that the aircraft was registered in the Central African Republic as TL-KBR, with the air operator being reported as ChvK Wagner.

Satellite imagery has now identified that the aircraft was destroyed at Al Khadim airbase (HL59) in Libya on 29 January 2023.

On 23 April 2023 the Washington Post referenced a confidential US document which attributed the damage to a "successful unattributed attack", whereas other Libyan sources claimed a fire during refuelling operations. The Panel has been unable to verify either claim.

The use of this aircraft in support of HAF was a violation of paragraph 9 of resolution 1970 (2011).

Primary sources

1. WorldView-3, (09:25:54Z, 29 January 2023);
2. Google Earth Pro;
3. Annex 95 to [S/2022/429.Corr.1](#), 27 June 2022; and
4. <https://www.washingtonpost.com/world/2023/04/23/wagner-russia-africa-leaked-documents/>, 23 April 2023.

Developed by UN Panel of Experts



Annex 69 Ilyushin IL-76TD (TL-KMZ)

Ilyushin IL-76TD cargo aircraft at Al Khadim (HL59) (31°59'46.30"N, 21°12'03.43"E) (16 March 2021)

On 12 March 2021 an IL-76 cargo aircraft registered as EW-510TH flew from Moscow towards Benghazi. Satellite imagery and independent OSINT identified the aircraft as being present at Al Khadim airbase (HL59) from 16 March to 23/25 May 2021.

The aircraft was reported in the www.airhistory.net as being registered as TL-ART at that time, although it flew using the Mode-S code (5100FE) allocated to EW-510TH. A source has since informed the Panel that the TL-ART was a false flag.

Independent OSINT analysis subsequently identified the aircraft at Bangui M'Poko airport displaying the registration TL-KMZ from October 2021. ATDB (www.aerotrtransport.org) then reported the aircraft as being operated by ChvK Wagner.

The Panel wrote to the Republic of Belarus and the Central African Republic on 11 July 2022 requesting details of the aircraft deregistration and subsequent registration. A response is still awaited.

The use of this aircraft in support of HAF is a violation of paragraph 9 of resolution 1970 (2011).

Primary sources

1. <https://twitter.com/YorukIsik/status/1370441371924987907>, 12 March 2021;
2. FlightRadar 24, 12 March 2021;
3. <https://gerjon.substack.com/p/from-russia-to-libya-and-the-central>, 2 July 2022; and
4. Satellite imagery and Google Earth Pro.
Developed by UN Panel of Experts



Annex 70 Seizure of blank-firing pistols in Misrata

1. On 4 March 2023, customs authorities in Misrata reportedly seized 12,000 pistols hidden in a shipping container among household items.³⁴³ Available imagery shows pistols with design features similar to Retay Falcon 9mm blank-firing pistols. The Panel has reported on a regular basis about exports of blank-firing pistols to Libya, which have been converted to live-fire pistols for the domestic market or onwards illicit transfer.³⁴⁴ The container arrived in Misrata onboard the MV *Belitaki* (IMO 9152923) on 2 February 2023. Container tracking shows the initial port of loading as Mersin, Türkiye, on 10 November 2022. The voyage took the container via Valencia, Spain; Pointe-à-Pitre, Guadeloupe; Cartagena, Colombia; and Valletta, Malta, before arriving in Misrata, a highly indirect voyage lasting almost three months. Container tracking records show that the port of discharge initially was Nevis, Saint Kitts and Nevis, but was changed to Misrata between 15 and 31 December 2022, while the container was in trans-shipment in Guadeloupe.
2. The Panel obtained the Turkish export declaration, loading instructions, draft waybill, and cargo manifests issued following the rerouting of the container.³⁴⁵
3. The export declaration dated 22 October 2022 identifies the shipper as “Capra Arms Savunma Ve Silah Sanayi [Tic Ltd]”, literally spelled out as “Capra Arms Defense and Weapons Industry and Trade limited” (from now “Capra Arms”), of Konya, Türkiye, and the consignee as what appears to be a letter-box company³⁴⁶ registered in Saint Kitts and Nevis. The container is declared as being loaded with 148 boxes of various listed kitchenware and blank-firing pistols (all in the Turkish language). The only Harmonized System (HS)³⁴⁷ item code given in the export declaration is the code for miscellaneous furniture,³⁴⁸ making it more difficult for non-Turkish speakers to identify that the cargo included blank-firing pistols. The loading instructions, also dated 22 October 2022, however, do contain the appropriate HS code for blank-firing pistols,³⁴⁹ as well as several HS codes for kitchenware.³⁵⁰
4. The draft Waybill dated 16 November 2022, the day the container was loaded on a ship in Mersin, and the cargo manifest issued after Capra Arms requested the rerouting of the container to Misrata on 28 November 2022, in contrast, only referred to “148 boxes of kitchenware HS Code 392490”,³⁵¹ thereby obfuscating the real content of the container. The draft Waybill and Cargo Manifest indicated the shipper only as “Capra San Tic Ltd”, literally spelled out as “Capra Industry and Trade limited”, omitting the words “arms” and the Turkish words for “defense and weapons”. The address given is identical to that of Capra Arms. The consignee in Misrata was “Al-Takamul Al-Afriqii Company”. The Panel wrote to Libya and both companies. No responses were received.
5. The carrier informed the Panel that the change of the name of the shipper and the misdeclaration of the cargo ensured that the shipment passed due diligence checks undertaken by the carrier. More attention in cross-checking also secondary information such as company addresses is a step the Panel would recommend carriers to undertake for transports to Libya. Had the carrier discovered that the company’s real name included the words “arms” in English and “Defense” in Turkish, secondary due diligence procedures might have stopped the shipment.
6. The rerouting of a cargo of arms and related materiel from a destination without an arms embargo to Libya en route is problematic from an enforcement point of view, and in particular for materiel such as blank-firing weapons that usually do not require an EUC. Türkiye issued an export license for the destination of Saint Kitts and Nevis, and not Libya. By the time the cargo had left Türkiye en route to Saint Kitts and Nevis, its duty of care under the relevant resolutions ended, notwithstanding any legal action being taken after discovery of the export irregularity.

³⁴³ <https://libyareview.com/32450/12000-smuggled-weapons-seized-in-libya/>, 5 March 2023;

<https://libyaobserver.ly/inbrief/customs-misrata-seize-12000-handguns-citys-seaport>, 5 March 2023.

³⁴⁴ See also [S/2014/106](#), paragraphs 62 and 68; [S/2015/128](#), paragraph 153; [S/2016/209](#), paragraphs 8 and 10; [S/2017/466](#), paragraph 266 and annex 46; [S/2018/812](#), paragraph 123; [S/2019/914](#), paragraph 65 and annexes 29 and 30; and [S/2022/427](#), annex 60.

³⁴⁵ Confidential source.

³⁴⁶ Company not named as investigation is ongoing.

³⁴⁷ World Customs Organization Harmonized Commodity Description and Coding System (“Harmonized System”).

³⁴⁸ HS 940169.

³⁴⁹ HS 9304.

³⁵⁰ In particular variations of HS 392490.

³⁵¹ The generic HS code for kitchenware.

7. The transfer of these weapons to Libya is a violation of paragraph 9 of resolution [1970 \(2011\)](#) by Capra Arms Savunma Ve Silah Sanayi San Tic Ltd and the Al-Takamul Al-Afriqii Company.

Annex 71 Materiel seized from MV Victory RoRo (IMO 7800112)

A. Introduction

1. On 18 July 2022, EUNAVFOR Operation IRINI boarded the Equatorial Guinea-flagged MV *Victory RoRo* (IMO 7800112) during a voyage from Aqabah, Jordan, to Benghazi, and subsequently seized 107 vehicles that were being transported on the vessel (see also annex 27 on a violation of the arms embargo by the same vessel).

B. Panel inspection

2. In accordance with its mandate established by paragraph 24 of resolution [1973 \(2011\)](#) and modified by subsequent resolutions, a member of the Panel travelled to Marseille, France, the port of diversion, from 27 to 28 July 2022, to examine items seized onboard the MV *Victory RoRo* by EUNAVFOR Operation IRINI under the authority of resolution [2292 \(2016\)](#), as extended by subsequent resolutions.

3. The Panel inspected the cargo, consisting exclusively of vehicles. The Panel observed the vehicles both onboard the MV *Victory RoRo*, as well as a large sample of the vehicles as they were being offloaded onto the quayside. The Panel also interviewed a member of the crew of the vessel.

4. The Panel's inspection established that the MV *Victory RoRo* transported 127 vehicles, 105 of which the Panel considers falling under the category of arms and related materiel, see table 71.1. For a full list of vehicles, see appendix 71.A. Examples images are in appendix 71.B.

Table 71.1

Overview of vehicles falling under the category of arms and related materiel

<i>Number</i>	<i>Type of vehicle</i>	<i>Armoured</i>	<i>Features</i>
3	Crew cab/flatbed 4x4 utility vehicle	Yes	2. Window gun ports 3. Separate armoured gunner cabin with 360 degrees turret and ballistic shield
7	Crew cab/flatbed 4x4 utility vehicle	Yes	4. Window gun ports 5. Gunner hatch 6. 360 degrees movable turret with ballistic shield
10	Crew cab/flatbed 4x4 utility vehicle	Yes	7. Window gun ports 8. Gunner hatch 9. 360 degrees movable turret
13	Crew cab/flatbed 4x4 utility vehicle	Yes	10. Window gun ports 11. Gunner hatch 12. with 360 degrees gun mount ring
62	Crew cab/flatbed 4x4 utility vehicle or 4x4 utility vehicle	Yes	13. Window gun ports
10	Heavy duty utility chassis cab 4x4 vehicle	No	14. Command and control superstructure with design features identical to command and control or diver support trucks observed in use by HAF

5. The cargo manifest indicated that the destination of the shipment was Benghazi (LYBEN). This was the declared destination of the vessel and was also confirmed by the interview with the crew member.

6. The Panel also recovered documentation, including armour rating certificates and vehicle identification numbers. The 13 armour rating certificates recovered were issued by Jordan VIP Armouring Industry Company, based in Jordan. The corresponding vehicles showed the company's logo in the glass of their armoured windshields. See appendix 71.B, figure 71.A.9.

C. Member State responses

7. On 31 August 2023, the Panel wrote to Liberia, the country of incorporation of the owner and operator of the MV *Victory RoRo*, Yildirim Shipping Company. No response was received.

8. On 13 January 2023, the Panel wrote to Jordan, the country of incorporation of Jordan VIP Armouring Industry Company and point of departure of the MV *Victory RoRo* for the intercepted voyage. No response was received.

D. Company responses and actions

9. Yildirim Shipping Company is the owner and operator of the MV *Victory RoRo*. The company is incorporated in Liberia, but uses an address in Mersin, Türkiye. The company uses an email address that is hosted on the domain of Legend Logistic. Under the section “news” on Legend Logistic’s web presence, two postings dated 24 November and 2 December 2021, respectively, refer to activities of the MV *Luccello*, the MV *Victory RoRo*’s previous name.³⁵² Furthermore, according to Legend Logistic’s website and maritime databases, Yildirim Shipping Company and Legend Logistic have almost identical addresses at 5306 Sokak, Yeni Mah, Akedniz, Mersin, Türkiye.³⁵³ Legend Logistic has the same address as the previous registered owner and operator of the vessel, Medred Ship Management Co Ltd., which the Panel reported as having previously violated the arms embargo.³⁵⁴ The founder Legend Logistic (a.k.a. Legend Logistic International or Legend Logistics) is Murat Yildirim.³⁵⁵ This suggests that Yildirim Shipping Company and Medred Ship Management Co Ltd are both subsidiaries of Legend Logistic.

10. On 31 August 2022, the Panel wrote to Yildirim Shipping Company and copied Legend Logistic and Türkiye in the letter. The company did not reply to the Panel.

11. The Panel initiated tracing requests to the two producers of the civilian base versions of the vehicles. The results showed that the civilian base vehicles had been sold to distributors in Bahrain, Kuwait, Lebanon, Saudi Arabia and the United Arab Emirates. The distributors that responded to the Panel’s letters said that they had sold the vehicles to other resellers in Kuwait, Saudi Arabia and the United Arab Emirates. Of the 107 vehicles, the Panel could ultimately trace 17 to a company in Jordan, Al Fia’a for Cars and Spare Parts. The Panel could not establish the contact details of that company. The 13 vehicles that had the logo and armour certificate of Jordan VIP Armouring Industry Company were part of the lot on which the Panel did not receive replies from the resellers. The status of the supply chains tracing as at the drafting of this report is found at appendix 71.C figures 71.C.1 and 71.C.2.

12. The Panel determined that at least the 13 vehicles that bore the logo of Jordan VIP Armouring Industry Company and had the company’s armour certificates on board were converted from a civilian base version to armoured vehicles by that company. Jordan VIP Armouring Industry Company did not reply to the Panel’s 13 January 2023 letter. The identity of the company that up-armoured the remaining 82 armoured vehicles, as well as the identity of the company that added the command and control superstructure to the remaining ten vehicles, has yet to be established.

E. After the vehicles had been offboarded from the MV *Victory RoRo*, the vessel was released and left the Marseille on 29 July 2022. She sailed to Latakia, Syria, where she remained while being renamed and registered under a different flag State.³⁵⁶ Since 19 August 2022 the vessel operates as the Cameroon-flagged MV *Lady Roz*; the third name in two years. Since then, she has only been active in the eastern Mediterranean and the Red Sea. Panel’s assessment

13. The Panel assesses that had the vehicles been delivered to Libya, it would have been a violation of paragraph 9 of resolution [1970 \(2011\)](#).

14. Some of the resellers that were part of the supply chain in the present case are the same as in a case reported by the Panel in 2021, regarding a previous delivery of 4x4 vehicles from Aqabah to Benghazi.³⁵⁷ That previous and the current investigation exemplify how companies that engage in after-market conversions of civilian base vehicles circumvent re-export and conversion restrictions implemented by car manufacturers: The producers of the base vehicles informed the Panel that they had measures in place to restrict re-export and modifications for unauthorized military conversions. Jordan VIP Armouring Industry Company did not procure the base vehicles directly from the manufacturers, nor from official distributors. Instead, the company procured the civilian base vehicles from the used cars market. The tracing of the vehicles revealed that they had at least two, but likely even more than four previous owners. This put obfuscating distance between

³⁵² <https://legend-logistic.com/1396-2/> and <https://legend-logistic.com/1433-2/>.

³⁵³ Yildirim Shipping Company is at 2/7 whereas Legend Logistic is at 1/5.

³⁵⁴ [S/2022/427](#), tables 2 and 3 and annex 30.

³⁵⁵ https://legend-logistic.com/?page_id=415.

³⁵⁶ This is the same location the vessel sailed to when being renamed from MV *Luccello* to MV *Victory RoRo*.

³⁵⁷ MV Sunrise Ace (IMO 9338840), see [S/2021/229](#), annex 35, appendix A, figure 35.A.2.

the distributors and the company, and created conditions to circumvent re-export and conversion restrictions put in place by the car manufacturers.³⁵⁸

15. The investigation also exposed a common obfuscation technique employed by carriers that are cognizant of breaking sanctions measures. Such carriers tend to be single-fleet owners and operators. For specific illicit business transactions, they create a separate company that is not openly identified as a subsidiary in a permissive jurisdiction, that is, in most cases investigated by the Panel, either Liberia or the Marshall Islands. The actual contact details, in particular phone numbers, are in other jurisdictions, often the one of the hidden parent company. The single vessel is then registered under the name of that subsidiary; the parent company never officially operates as vessel owner or operator. After a sanctions violation has been discovered, vessels are immediately being re-named and registered under a different flag State, in an effort to make the vessel less visible for future transactions. The subsidiary is terminated or at least its use is suspended, and a new subsidiary is being created. The vessel is further being registered under the new subsidiary, under which the vessel then engages in licit transactions until it is reactivated for an illicit one – which is not always the case. The history of MV *Victory RoRo*, as an example, is in table 71.2.

16. The case of the MV *Victory Roro* is particularly brazen, as the same vessel was repeatedly used to transport arms and related materiel to Libya in non-compliance with the arms embargo. Jurisdictional gaps in Member States' sanctions enforcement resulted in the vessel, the crew and the company not being subjected to punitive consequences. Except for losing a cargo, being deviated to another port and having been held for several days, to the Panel's knowledge no legal action has been taken by any Member State in follow-up to the repeated violations.

Table 71.2

Vessel IMO 7800112 change of flag, name, ownership and operator

<i>Date</i>	<i>Vessel name</i>	<i>Vessel flag</i>	<i>Owner / Operator</i>	<i>Activity</i>
4 March 2022	Luccello	Comoros	▪ Medred Ship Management Co Ltd, Turkey (owner and operator)	▪ Arms embargo violation in Benghazi
Between 12 and 19 March 2022	Victory RoRo	Equatorial Guinea	▪ Yildirim Shipping Co, Turkey (owner and operator)	▪ Reflagged and renamed ▪ Owner change ▪ Operator change
2 May 2022	Victory RoRo	Equatorial Guinea	▪ Yildirim Shipping Co, Turkey (owner and operator)	▪ Arms embargo violation on voyage to Tripoli
18 July 2022	Victory RoRo	Equatorial Guinea	▪ Yildirim Shipping Co, Turkey (owner and operator)	▪ Operation IRINI seizure
19 Aug 2022	Lady Roz	Cameroon	▪ Yildirim Shipping Co, Turkey (owner and operator)	▪ Reflagged and renamed

³⁵⁸ Such as age of vehicles and minimum mileage driven before a vehicle can be considered a second-hand vehicle. Each vehicle was several months old and had been driven for some distance.

Appendix A to annex 27: List of vehicles

#	Make and model	Armoured	Gun ports	Gun mount	Colour	Type
1	GMC Sierra chassis cab	x	x	x	white	command and control
2	GMC Sierra chassis cab	x	x	x	white	command and control
3	GMC Sierra chassis cab	x	x	x	white	command and control
4	GMC Sierra chassis cab	x	x	x	white	diver support
5	GMC Sierra chassis cab	x	x	x	white	diver support
6	GMC Sierra chassis cab	x	x	x	white	diver support
7	GMC Sierra chassis cab	x	x	x	white	diver support
8	GMC Sierra chassis cab	x	x	x	white	diver support
9	GMC Sierra chassis cab	x	x	x	white	diver support
10	GMC Sierra chassis cab	x	x	x	white	diver support
11	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
12	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
13	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
14	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
15	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
16	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
17	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
18	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
19	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
20	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
21	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
22	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
23	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
24	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
25	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
26	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
27	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
28	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
29	Toyota Hilux	✓	✓	x	white	dual-cab flatbed
30	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
31	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
32	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
33	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
34	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
35	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
36	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
37	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
38	Toyota Land Cruiser 79 DC	✓	✓	x	sand	dual-cab flatbed
39	Toyota Land Cruiser 79 DC	✓	✓	360 degrees gun mount ring	sand	dual-cab flatbed

#	Make and model	Armoured	Gun ports	Gun mount	Colour	Type
40	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
41	Toyota Land Cruiser 79 DC	✓	✓	✗	white	dual-cab flatbed
42	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
43	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
44	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
45	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
46	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
47	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
48	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
49	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
50	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
51	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
52	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
53	Toyota Land Cruiser 79 DC	✓	✓	360 degrees gun mount ring	sand	dual-cab flatbed
54	Toyota Land Cruiser 79 DC	✓	✓	360 degrees gun mount ring	sand	dual-cab flatbed
55	Toyota Land Cruiser 79 DC	✓	✓	360 degrees gun mount ring	sand	dual-cab flatbed
56	Toyota Land Cruiser 79 DC	✓	✓	360 degrees gun mount ring	sand	dual-cab flatbed
57	Toyota Land Cruiser 79 DC	✓	✓	360 degrees gun mount ring	black rhinohide	dual-cab flatbed
58	Toyota Land Cruiser 79 DC	✓	✓	360 degrees gun mount ring	sand	dual-cab flatbed
59	Toyota Land Cruiser 79 DC	✓	✓	360 degrees gun mount ring	black rhinohide	dual-cab flatbed
60	Toyota Land Cruiser 79 DC	✓	✓	360 degrees gun mount ring	black rhinohide	dual-cab flatbed
61	Toyota Land Cruiser 79 DC	✓	✓	360 degrees gun mount ring	black rhinohide	dual-cab flatbed
62	Toyota Land Cruiser 79 DC	✓	✓	360 degrees gun mount ring	black rhinohide	dual-cab flatbed
63	Toyota Land Cruiser 79 DC	✓	✓	360 degrees gun mount ring	black rhinohide	dual-cab flatbed
64	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
65	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
66	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
67	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
68	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
69	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
70	Toyota Land Cruiser 79 DC	✓	✓	360 degrees gun mount ring	sand	dual-cab flatbed
71	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
72	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
73	Toyota Land Cruiser 79 DC	✓	✓	✗	sand	dual-cab flatbed
74	Toyota Hilux	✓	✓	✗	white	dual-cab flatbed
75	Toyota Land Cruiser 76	✓	✓	✗	sand	passenger 4x4
76	Toyota Land Cruiser 76	✓	✓	✗	sand	passenger 4x4
77	Toyota Land Cruiser 76	✓	✓	✗	sand	passenger 4x4
78	Toyota Land Cruiser 76	✓	✓	✗	sand	passenger 4x4
79	Toyota Land Cruiser 76	✓	✓	✗	sand	passenger 4x4
80	Toyota Land Cruiser 76	✓	✓	✗	white	passenger 4x4
81	Toyota Land Cruiser 76	✓	✓	✗	white	passenger 4x4

#	Make and model	Armoured	Gun ports	Gun mount	Colour	Type
82	Toyota Land Cruiser 79 SC	✓	✓	armoured gunner cabin	sand	single-cab flatbed
83	Toyota Land Cruiser 79 SC	✓	✓	armoured gunner cabin	sand	single-cab flatbed
84	Toyota Land Cruiser 79 SC	✓	✓	armoured gunner cabin	sand	single-cab flatbed
85	GMC Sierra Pickup	✓	✓	360 degrees movable turret	black rhinohide	technical
86	Chevrolet Silverado	✓	✓	360 degrees movable turret with ballistic shield	black rhinohide	technical
87	GMC Sierra Pickup	✓	✓	360 degrees movable turret	black rhinohide	technical
88	Chevrolet Silverado	✓	✓	360 degrees movable turret with ballistic shield	sand	technical
89	GMC Sierra Pickup	✓	✓	360 degrees movable turret	black rhinohide	technical
90	Chevrolet Silverado	✓	✓	360 degrees movable turret with ballistic shield	sand	technical
91	Chevrolet Silverado	✓	✓	360 degrees movable turret with ballistic shield	black rhinohide	technical
92	Chevrolet Silverado	✓	✓	360 degrees movable turret with ballistic shield	sand	technical
93	Chevrolet Silverado	✓	✓	360 degrees movable turret with ballistic shield	sand	technical
94	GMC Sierra Pickup	✓	✓	360 degrees movable turret	black rhinohide	technical
95	GMC Sierra Pickup	✓	✓	360 degrees movable turret	black rhinohide	technical
96	GMC Sierra Pickup	✓	✓	360 degrees movable turret	black rhinohide	technical
97	GMC Sierra Pickup	✓	✓	360 degrees movable turret	black rhinohide	technical
98	GMC Sierra Pickup	✓	✓	360 degrees movable turret	black rhinohide	technical
99	GMC Sierra Pickup	✓	✓	360 degrees movable turret	black rhinohide	technical
100	GMC Sierra Pickup	✓	✓	360 degrees movable turret	black rhinohide	technical
101	Toyota Land Cruiser 79 DC	✓	✓	*	*	dual-cab flatbed
102	Toyota Land Cruiser 79 DC	✓	✓	*	*	dual-cab flatbed
103	Toyota Land Cruiser 79 DC	✓	✓	*	*	dual-cab flatbed
104	Chevrolet Silverado	✓	✓	*	*	*
105	Toyota Hilux	✓	✓	*	*	*

* Seen, but not documented in detail by the Panel.

Appendix B to annex 71: Sample images of seized vehicles

Figures 71.1 to 71.8

Sample images of vehicles seized from MV Victory RoRo



Source: Panel of Experts.

Figure 71.9
Jordan VIP Armouring Industry Company logo



Source: Panel of Experts.

Appendix C to annex 71: Results of supply chain tracing for civilian base versions of the seized vehicles

1. Companies not identified by name in figures 71.C.1 and 71.C.2 responded to the Panel's requests for information and provided adequate data enabling the Panel to identify the next link in the supply chain. Companies identified by name either did not respond or did not provide information to a level that the Panel could identify the next link in the supply chain. General Motors Company and Toyota Motor Corporation fully complied with the Panel's requests and provided all requested information. They are only named as they are easily identifiable as manufacturers of the civilian base versions on the photographs contained in Annex B.

Figure 71.C.1

General Motors Company vehicles

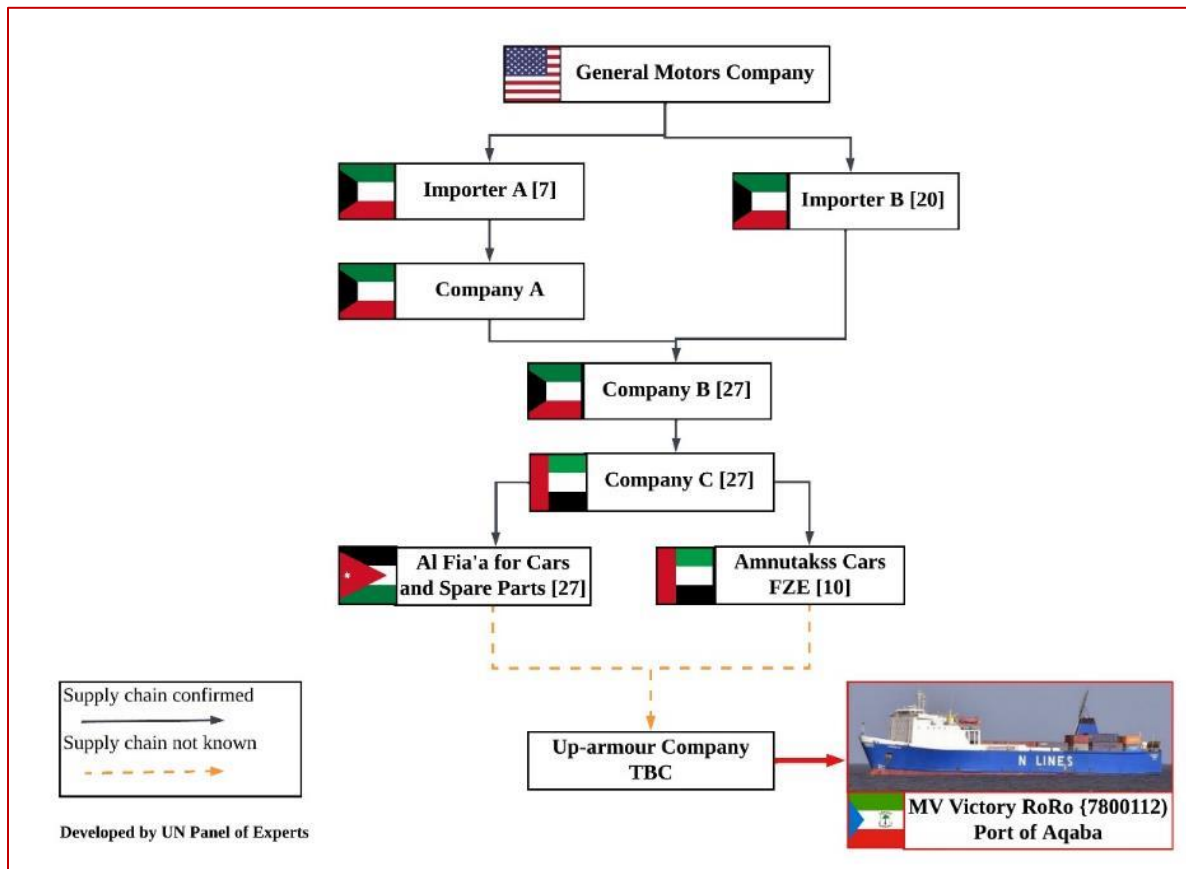
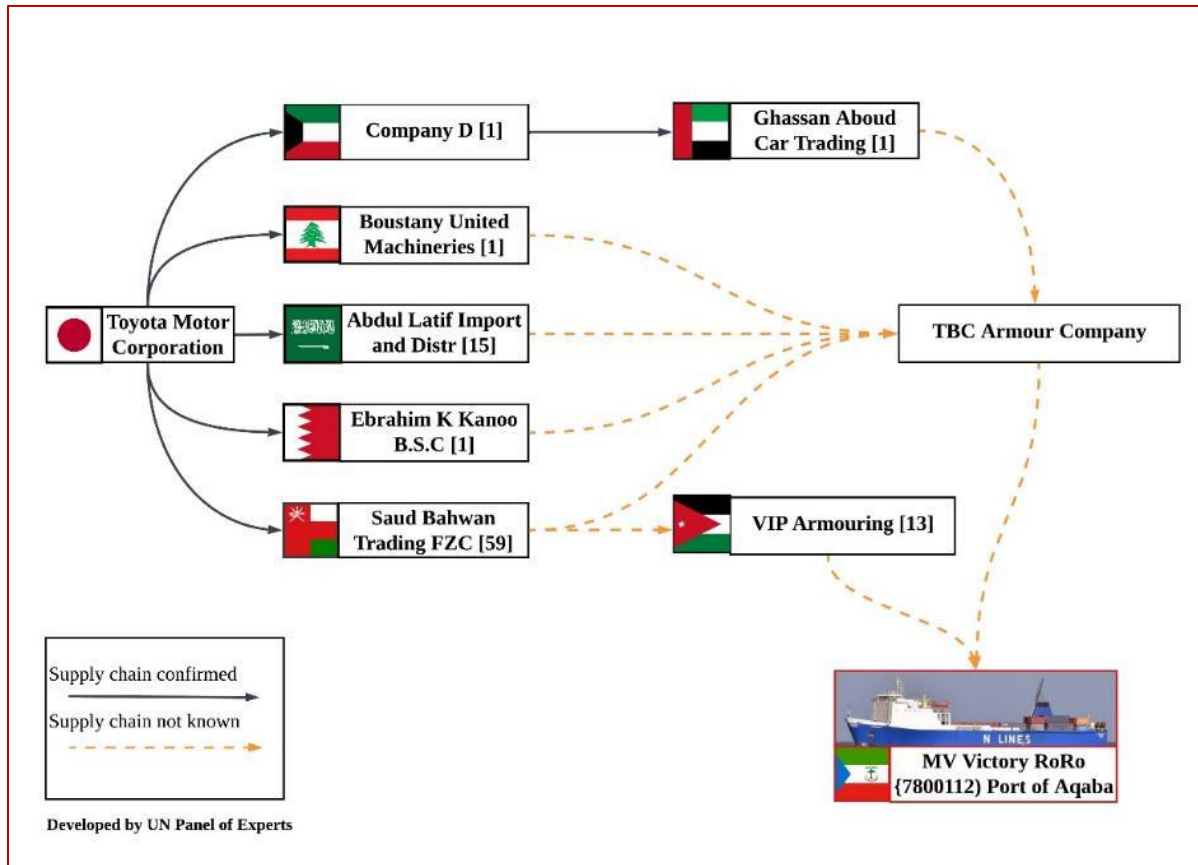


Figure 71.C.2
 Toyota Motor Corporation vehicles



Annex 72 Materiel seized from MV Meerdijk (IMO 9377925)

C. Introduction

1. On 11 October 2022, EUNAVFOR Operation IRINI boarded the Netherlands-flagged MV *Meerdijk* (IMO 9377925) during its declared voyage from Jebel Ali, United Arab Emirates, to Benghazi, and subsequently seized 41 vehicles that were being transported on the vessel.

B. Panel inspection

2. In accordance with its mandate established by paragraph 24 of resolution [1973 \(2011\)](#) and modified by subsequent resolutions, a member of the Panel travelled to Marseille, France, the port of diversion, on 18 October 2022 to examine items onboard the MV *Meerdijk* seized by Operation IRINI under the authority of resolution [2292 \(2016\)](#), as extended by subsequent resolutions.

3. The Panel inspected the part of the cargo that consisted of vehicles. The Panel observed 26 vehicles in the cargo hold and 15 vehicles on the bow section of the weather deck. The Panel chose a representative sample size of 17 vehicles (41 per cent) for more in-depth inspection, as most vehicles were identical. The Panel interviewed a crew member and also obtained documentary evidence.

4. The Panel's inspection established that:

(a) The MV *Meerdijk* transported 41 vehicles. The vehicles were all of the same generic type, with 39 vehicles having identical design and configuration (for ease of reference hereon referred to as "Design A"), one vehicle having identical exterior design but a different interior configuration ("Design B"), and one vehicle closely resembling the others in design and dimensions, but having exterior design and interior configuration differences ("Design C"). The Panel chose 15 vehicles of Design A, the vehicle of Design B and the vehicle of Design C as the sample size. See appendix 72.1 for sample images of the vehicles.

(b) All vehicles were armoured (4 to 5 mm thick steel hull) and were of camouflaged sand colour. All vehicles except Design C had nine window gun ports; Design C only had three. All vehicles had a top hatch; Design C had three top hatches. Design B had a height-adjustable observer/gunner podium. None of the vehicles had weapon mounts at the top hatch, but the top hatches were reinforced through an extra layer of hull steel, providing the necessary structural strength for post-delivery mounting of weapons. All vehicles had external storage boxes, suitable for the storage of ready ammunition.

(c) The doors of all vehicles among the sample had hydraulically supported internal locking latches, allowing for quick dismantling in uneven ground conditions when used in a cross-country mode.

(d) All vehicles inspected had two top-mounted remote controlled LED search lights. They also had small LED blue and red strobe lights in the front and the back, except for Design C, which only had them in the front. They had a public address intercom and siren, except for Design C. All vehicles among the sample featured red tactical internal lights.

(e) All vehicles were based on Ford F550 4x4 chassis cabs. All vehicles except Design C had external features consistent with the *BATT UMG* armoured military vehicle shown on the The Armoured Group (TAG) website under the category of armoured military vehicles.³⁵⁹ The close similarity of key design features of Design C suggests that this vehicle is likely an earlier variant of the *BATT* vehicle. Documentation shared with the Panel by the crew member included a ballistic certificate (CEN B6 standard) including the vehicle identification numbers observed by the Panel among the sample it inspected closely. That certificate was issued by The Armoured Group, TAG Middle East FZC, with an address in the United Arab Emirates. CEN B6 offers protection against high-powered rifles, and is the second highest CEN-rated ballistic standard.

(f) Both the bill of lading and the cargo manifest identified TAG Middle East FZC as the shipper, the "Ministry of Defense, Benghazi, Libya" as consignee, the port of loading as Jebel Ali and the port of discharge as Benghazi. The bill of lading and the cargo manifest differed in the notify entity, which the bill of lading identified as "Ministry of Defense, Government of National Unity, Benghazi, Libya" and the cargo manifest as "Ministry of Defense, Government of National

³⁵⁹ <https://www.armoredcars.com/vehicles/batt-umg/> .

Unity, Tripoli, Libya”. The destination of Benghazi for the discharge of the vehicles was confirmed in the interview with the crew member.

(g) The documentation for the shipment, did not include an End User Certificate (EUC), which would be a normal requirement for such cargo shipments.

C. Member State responses

5. The Panel considered that a 28 January 2022 communication to the Committee from the UAE regarding the future delivery of armoured vehicles did not contain sufficient detailed information about the vehicles to enable the Panel to make a determination if the exception to the arms embargo of paragraph 13 (a) of resolution 2009 (2011), as modified by paragraph 10 of resolution 2095 (2013), applied. The Panel provided the information that would be necessary to make such determination, including that compliance with the arms embargo would require that military materiel is only delivered to forces declared to the Committee to be under the control of the government (see also annex 24). At this time it was not clear when such a transfer may take place, and the number of vehicles referred to in the communication, were not the same as the number seized.

6. After the seizure the Panel wrote to Libya on 7 November 2022, requesting confirmation that the Libyan Ministry of Defence had ordered the vehicles, and why and to which unit the vehicles were supposed to be delivered in Benghazi. No response was received.

7. On 11 November 2022 and 19 May 2023, the Panel wrote to the Netherlands, the flag State and State of incorporation of the owner and operator of the MV *Meerdijk*. The Netherlands responded on 17 July 2023 that its authorities had started a criminal investigation and could therefore not yet provide any further information.

8. On 1 December 2022, the United Arab Emirates provided a copy to the Panel of an “end-user certificate (EUC)”, issued by the “Libyan Ministry of Defence”. That “EUC” names the Ministry of Defence in Tripoli as final destination for the vehicles. The United Arab Emirates informed that Tripoli, Libya, was the final destination of the vehicles. The “EUC” was not signed by the authorized person to sign EUCs for Libya, as communicated to the Committee. Therefore, the “EUC” is invalid (see also annex 24). The United Arab Emirates also clarified that the vehicles had been “part of the transfer of 77 armoured vehicles” that the Committee were informed about on 28 January 2022.

9. The Panel wrote again to Libya on 22 December 2022, requesting verification of the invalid EUC and clarification about the end user and the discrepancy between the vehicles’ destination in the cargo documents and in the invalid EUC. No response was received.

10. In its meeting with the Libyan Ministry of Defence in Tripoli on 12 January 2023, the Ministry informed the Panel that it had not received the Panel’s letters on the subject. The Panel provided copies of the relevant letters to the Ministry. The Ministry confirmed that they were not aware of the order of the vehicles, or the invalid EUC. The Ministry informed the Panel that it would follow-up on the letters. None was received.

D. Company responses

11. On 9 November 2022, the Panel wrote to the Netherlands-based owner and operator of the MV *Meerdijk*, “Shipping Company Groningen”. No response was received.

12. The Panel wrote to The Armoured Group, LLC (USA), who informed the Panel on 16 January 2023 that the vehicles had not been manufactured or sold by the company, and that TAG Middle East FZC (TAG UAE) was a company formed in the United Arab Emirates and owned by a third party. TAG (USA) has no ownership interest nor control or influence over TAG UAE. It only markets an affiliation with TAG UAE and other globally dispersed TAG companies to expand its global recognition.

13. It is notable, however, that, on its website, The Armored Group, LLC (USA) speaks of “manufacturing locations in key positions around the globe”³⁶⁰ and links TAG Middle East FZC as “Middle East Office for The Armored Group (TAG)”,³⁶¹ despite TAG Middle East FZC having its own website.³⁶² The website of TAG Middle East FZC further gives

³⁶⁰ <https://www.armoredcars.com/about/>.

³⁶¹ <https://www.armoredcars.com/armored-cars-uae/>.

³⁶² <https://armoredcarsme.com/military>.

the impression that they are part of “TAG Global”, a name that does not appear to exist as a registered company. It is also notable that in their letters to the Panel, both companies use the exact same design, typeset, font and logo.

14. TAG Middle East FZC informed the Panel on 15 March 2023 that in October 2021 it had entered into an agreement with the Libyan Ministry of Defence of the GNU on the sale of vehicles. It further stated that in December 2021, the Libyan Ministry of Defence had issued an “EUC” for the vehicles, which had been attested by the Libyan Ministry of Foreign Affairs and the Libyan Embassy in the United Arab Emirates, confirming that the GNU would use the vehicles in Southern Libya for the internal security role of supporting operations countering illegal immigration, terrorism, and organized crime. In addition, the Ministry also certified that the vehicles would not be sold, exported, or re-exported without written permission from the relevant government authorities. On 6 September 2022, the company received a “Non-Objection Certificate and a clearance certificate from the UAE authorities for the export of 41 vehicles”. On 26 September 2022 the vehicles departed from Jebel Ali port bound for Benghazi port.

15. In practice this demonstrates that its brand structure enables The Armoured Group LLC (USA) to avoid eventual export restrictions in its home jurisdiction by producing, marketing and exporting its products in/from more permissible jurisdictions.

E. Panel’s assessment

16. Both the United Arab Emirates and TAG Middle East FZC invoke the exception of paragraph 13 (a) of resolution [2009 \(2011\)](#), as modified by paragraph 10 of resolution [2095 \(2013\)](#), which allows the supply of non-lethal military equipment, when intended solely for security or disarmament assistance to the Libyan government.

17. While the United Arab Emirates and the invalid EUC both list Tripoli as final destination of the vehicles, cargo documentation, crew interview and most importantly TAG Middle East FZC indicated Benghazi as their final destination. The Panel has not been able to establish the reason for the discrepancy in the location of the intended delivery of the vehicles.

18. The exception of paragraph 13 (a) of resolution [2009 \(2011\)](#), as modified by paragraph 10 of resolution [2095 \(2013\)](#) requires that the materiel is supplied to the Libyan government. To minimize the risk of deliveries to forces not under the control of the government, the Security Council requested by paragraph 6 of resolution [2278 \(2016\)](#) that the Libyan government “appoint a focal point to brief the Committee at its request and provide information relevant to the Committee’s work on the structure of the security forces under its control, the infrastructure in place to ensure the safe storage, registration, maintenance and distribution of military equipment by the Government security forces, and training needs”.

19. A delivery of military armoured vehicles to “the Ministry of Defence, Tripoli, Libya”, with destination Benghazi and an invalid EUC not signed by a signatory that was an authorized signatory at the time of seizure of the vehicles (see annex 24), would not have been in compliance with the arms embargo. In particular, the destination Benghazi makes it clear that the vehicles would not have been delivered to forces under the control of the GNU. Therefore, it is the Panel’s assessment that had the vehicles been delivered to Libya, it would have been a violation of paragraph 9 of resolution [1970 \(2011\)](#).

20. Even with the notification of Dbeibah as new signatory for EUCs on 9 June 2023, any deliveries of non-lethal military materiel would need to be clearly destined to notified forces under the control of the government to comply with the arms embargo.

Appendix A to annex 72: Sample imagery³⁶³ of vehicles seized from MV *Meerdijk*

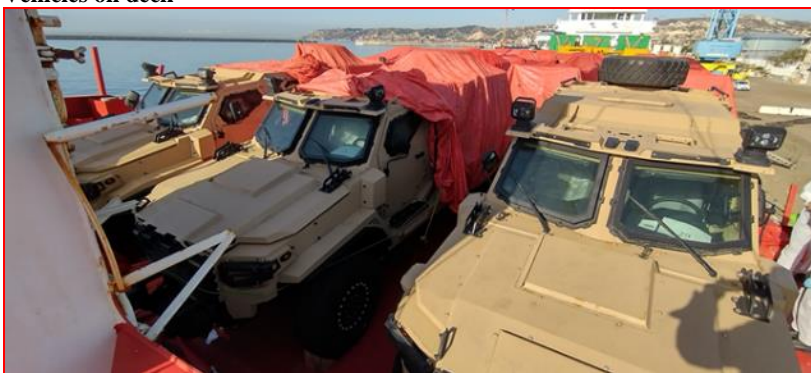
Figure 72.A.1
MV *Meerdijk* with covered vehicles on weather deck



Figure 72.A.2
Vehicles in cargo hold³⁶⁴



Figure 72.A.3
Vehicles on deck



³⁶³ Source: Panel of Experts.

³⁶⁴ The cargo hold was enclosed and no lighting was available.

Figures 72.A.4 to 72.A.5

Design A



Figure 72.A.6

Design C



Annex 73 Creation of High Financial Oversight Committee by the Presidential Council



LIBYAN PRESIDENTIAL COUNCIL
Decisions

المجلس الرئاسي الليبي
القرارات

قرار المجلس الرئاسي الليبي
رقم (18) لسنة 2023م
بشأن تنظيم ومتابعة الإنفاق العام وتعزيز الشفافية

المجلس الرئاسي:-

- بعد الإطلاع على الإعلان الدستوري الصادر بتاريخ 03/ أغسطس/2011م، وتعديلاته.
- وعلى الاتفاق السياسي الليبي الموقع بتاريخ 17/ ديسمبر/2015م، والمضمن بالإعلان الدستوري.
- وعلى مخرجات ملتقى الحوار السياسي الليبي المنعقد بتاريخ 09/ نوفمبر/2020م.
- وعلى مقررات لجنة المسار الاقتصادي المنبثقة عن مخرجات ملتقى برلين .
- وعلى قرار المجلس الرئاسي رقم(15) لسنة 2021م، بشأن اعتماد الهيكل التنظيمي وتنظيم الجهاز الإداري بديوان المجلس الرئاسي.
- وعلى ما تم إقراره في اجتماع المجلس الرئاسي (الثالث عشر) لسنة 2023م.
- وعلى ما تقتضيه المصلحة العامة وضرورات المرحلة.

قـــــــــــــــــرر

مادة (1)

تعد الأحكام الواردة بهذا القرار أحكاماً مؤقتة تهدف لاعتماد ترتيبات مالية ومتابعة الإنفاق الحكومي وضمان توزيعه العادل، في ظل الظروف الاستثنائية للدولة.

مادة (2)

تشكل بموجب أحكام هذا القرار لجنة مالية عليا برئاسة السيد/ رئيس المجلس الرئاسي وعضوية السادة الآتي ذكرهم:-

1. فرحات عمر بن قـــــــــــــــــدارة	نائباً للرئيس .
2. محمد مصباح أبو غمجة	عضوا
3. علي إبراهيم السويح	عضوا
4. رضا امحمد قرقــــــــــــــــاب	عضوا
5. حاتم علي مفتاح حــــــــــــــــسن	عضوا
6. أحمد عبد الله المرتضى	عضوا
7. علي حامد أرحومة نصــــــــــــــــر	عضوا
8. مرعي مفتاح البرعصــــــــــــــــي	عضوا
9. مصطفى محمد المانــــــــــــــــع	عضوا
10. فاخر مفتاح بوفرنــــــــــــــــة	عضوا
11. عبد الله علي عبــــــــــــــــد الله	عضوا
12. خالد المبروك عبــــــــــــــــد الله	عضوا
13. بدر الدين الصادق التومــــــــــــــــي	عضوا




LIBYAN PRESIDENTIAL COUNCIL
Decisions

المجلس الرئاسي الليبي
القرارات

14. محمد سالم الشهور
عضوا

15. عادل جمعة عامر
عضوا

16. ناصر محمد سعيد مسعود
عضوا

17. حسام ادريس اسبيق
عضوا ومقررا

مادة (3)

تختص اللجنة المشكّلة بموجب أحكام المادة (2) من هذا القرار بالمهام التالية:-

1. إقرار أوجه الإنفاق العام للدولة، وأبواب الصرف وفقاً لمبدأ الرشد المالي والتوزيع العادل.
2. متابعة الإيرادات العامة للدولة للتحقق من سلامة وكفاءة تحصيلها وفقاً للنظم المعمول بها .
3. متابعة سلامة الإنفاق الحكومي وكفاءته وفقاً لمخرجات اللجنة.
4. الاستعانة بالمؤسسات الدولية والمحلية ذات الاختصاص، لغرض التطوير المالي ورسم السياسات وتعزيز الشفافية .

مادة (4)

تلتزم اللجنة في إطار الوصول إلى المهام الموكّلة إليها بما يلي:-

1. تحقيق مبدأ الرشد المالي.
2. تعزيز مبدأ الشفافية والإفصاح في جاني المالية العامة للدولة - الإيرادات والنفقات - .
3. تهيئة المال العام عن الصراع السياسي وخلق بيئة مالية ملائمة لإجراء الانتخابات.
4. ضمان مبدأ التوزيع العادل للموارد السيادية للدولة خلال المرحلة السياسية الانتقالية.

مادة (5)

تضع اللجنة في اجتماعها الأول نظام عملها، وآلية انعقاد اجتماعاتها .

مادة (6)

تتخذ اللجنة قراراتها فيما يتعلق بالمهام الموكّلة إليها بأغلبية ثلثي أعضائها.

مادة (7)

يعد من قبل التعدي على المال العام كل إنفاق أو تخصيص لأموال يتم بالمخالفة لأحكام هذا القرار، ويعرض مرتكبه للمساءلة القانونية.

مادة (8)

يعمل بهذا القرار من تاريخ صدوره، وعلى الجهات المعنية تنفيذه.

المجلس الرئاسي الليبي

صدر في 18 ذو الحجة 1444 هجري .
الموافق 07 / 06 / 2023 م
بمقامه رقم (20)

Source: <https://twitter.com/libyapress2010/status/1677092766579343365?s=46&t=AJSuGTvN8PWieUi-5AGhcQ>, 7 July 2023.

Official UN translation
Reference no 2314043E
Translated from Arabic

Libyan Presidential Council

Decisions

Decision of the Libyan Presidential Council No. 18 (2023) on regulating and following up public spending and promoting transparency

The Presidency Council,

Having considered the following:

- The Constitutional Declaration of 3 August 2011 and amendments thereto
- The Libyan Political Agreement signed on 17 December 2015, which included the Constitutional Declaration
- The outcomes of the Libyan Political Dialogue Forum held on 9 November 2020
- The decisions of the Economic Track Committee that emerged from the Berlin Conference
- Presidency Council decision No. 15 (2021) concerning the adoption of an organizational structure for the bureau of the Presidency Council
- What was approved at the 13th meeting of the Presidency Council for the year 2023
- And what is required by the public interest at this stage,

Does hereby decide as follows:

Article 1

The provisions of this resolution shall be considered temporary provisions for approving financial arrangements, following up on government expenditures, and ensuring equitable disbursement in the light of the exceptional circumstances of the State.

Article 2

Under the provisions of this resolution, a Supreme Financial Committee shall be formed, chaired by the President of the Presidency Council and made up of the following members:

- | | | |
|-----|--------------------------------|------------|
| 1. | Farhat Umar bin Qaddarah | Vice-Chair |
| 2. | Muhammad Misbah Abu Ghamjah | Member |
| 3. | Ali Ibrahim al-Suwayh | Member |
| 4. | Rida Muhammad Qarqab | Member |
| 5. | Hatim Ali Miftah Hasan | Member |
| 6. | Ahmad Abdullah al-Murtada | Member |
| 7. | Ali Hamid Arhumah Nasr | Member |
| 8. | Mar'i Miftah al-Bar'asi | Member |
| 9. | Mustafa Muhammad al-Mani' | Member |
| 10. | Fakhir Miftah Bufurnah | Member |
| 11. | Nuruldin Abdullah Ali Abdullah | Member |
| 12. | Khalid al-Mabruk Abdullah | Member |
| 13. | Badruldin al-Sadiq al-Tumi | Member |

[Begin page 2]

- | | | |
|-----|-----------------------------|-----------------------|
| 14. | Muhammad Salim al-Shahhubi | Member |
| 15. | Adil Jum'ah Amir | Member |
| 16. | Nasir Muhammad Sa'id Mas'ud | Member |
| 17. | Hussam Idris Asbik | Member and Rapporteur |

Article 3

The Committee formed under the provisions of article 2 of this Decision shall have the following competencies:

1. It shall approve aspects of the State's public expenditure and disbursal items in accordance with the principles of financial integrity and equitable distribution.
2. It shall follow up the State's public revenues to verify that they are soundly and efficiently collected in accordance with regulations in force.
3. It shall follow up the soundness and efficiency of Government spending in accordance with the outputs of the Committee.
4. It shall seek the assistance of the relevant international and local institutions for the purposes of financial development, policy-making and promotion of transparency.

Article 4

In the course of going about the tasks with which it is charged, the Committee shall comply with the following:

1. Realizing the principle of financial integrity;
2. Promoting the principle of transparency and disclosure of the State's public finances on both the revenues and expenditures sides;
3. Maintaining the neutrality of public assets in political conflict and creating a financial environment conducive to holding elections;
4. Ensuring the principle of equitable distribution of the sovereign resources of the State during the political transition.

Article 5

At its first meeting, the Committee shall set forth its working methods and a mechanism for holding meetings.

Article 6

The Committee shall take decisions on the tasks entrusted to it by a two-thirds majority of its members.

Article 7

Any expenditure or allocation of funds made in violation of the provisions of this Decision shall be deemed an infringement on public assets for which the perpetrator shall be legally accountable.

Article 8

The present Decision shall enter into force on the date of its issuance, and the relevant parties shall be required to implement it.

(Signed) [Illegible]
Libyan Presidency Council

Done on 18 Dhu al-Hijjah A.H. 1444
6 July 2021

Annex 74 Exports of fuel from Benghazi old harbour

A. 2146 focal point and NOC communications about illicit exports

1. On 9 May 2022, the focal point pursuant to resolution [2146 \(2014\)](#) (2146 focal point) notified the Committee of three vessels illicitly exporting petroleum products from Benghazi. No designation on the sanctions list resulted, as Libya had not confirmed that it had “*contact[ed] the concerned vessel’s flag State, in the first instance, to resolve the issue*”, as required by resolution [2146 \(2014\)](#).

2. On 18 October 2022, the 2146 focal point shared with the Panel a letter dated that same day, addressed “to whom it may concern”, informing about unspecified attempts to illicitly export petroleum products from the port of Benghazi. That letter was signed by him in his capacity as general manager of the international marketing department of the NOC, and the NOC leadership was a copy addressee (see annex 78, appendix 78.A). A few days later, the focal point’s letter appeared on social media, where speculation about the involvement of Saddam Haftar surfaced.³⁶⁵ According to the 2146 focal point, the letter was sent in agreement with the NOC leadership to commercial partners to ensure their vessel did not approach Benghazi to load product. Shortly thereafter, the NOC denied smuggling operations from Libyan ports and the authenticity of the document.³⁶⁶

3. On 19 October 2022, the focal point informed the Panel, but not the Committee,³⁶⁷ about another vessel loading illicitly refined product at the Benghazi port outside the umbrella of the NOC. The focal point further stated that he had requested the Libyan Ministry of Foreign Affairs to contact the flag State, so he could ultimately inform the Committee to request the vessel’s designation under resolution [2146 \(2014\)](#), but that the Ministry was slow to react to his request for reasons unknown to him. The focal point ultimately did not notify the Committee. After that exchange between the Panel and the 2146 focal point, the communication channel with the focal point considerably decreased (see annex 78).

4. These circumstances, in particular the NOC’s denial of the authenticity of the 2146 focal point’s open letter, created uncertainty about the legality of the exports. During the Panel’s visit to Libya in January 2023, the NOC was unwilling to meet the Panel. It was only on 31 May 2023 that the Panel received confirmation in writing from the NOC that Benghazi old harbour is a commercial harbour and that the NOC had never used Benghazi port for any exports.³⁶⁸ The NOC also informed the Panel that it had no affiliation with the tankers listed by the Panel in its letter, all of which (until the date of the letter, 26 May 2023) are also contained in appendix 74.B, table 74.B.1. In an online meeting with the Panel on 26 June 2023, the NOC confirmed that all exports of gasoil, diesel and gasoline from Libya were illicit.

B. Overview of illicit exports from Benghazi

5. The Panel established that fuel exports from the old harbour of Benghazi port (LYBEN) [32° 07'16.07"N, 20° 03'0.68"E] started in late March 2022, which is when the first tanker vessel arrived there. Previously, between late 2019 and early 2022, that area was used to export scrap metal (see appendix A, figure 74.A.1 and [S/2021/229](#)).³⁶⁹

6. The Panel identified that since late March 2022, at least 36 visits were undertaken by 24 tanker vessels (appendix 74.B, table 74.B.1). Seven tankers visited more than once, the MT *Queen Majeda* (IMO 9117806) undertaking the most visits (four) (see annex 75). The most commonly used flag under which tankers operated was that of Cameroon. The capacity of the tanker vessels was between 566 and 19,924 deadweight tonnage (DWT), averaging at about 5,700 DWT and falling in the extra small (under 10,000 DWT) to small (10,000 - 24,999 DWT) tanker categories. In all instances, tankers switched off their automatic identification system (AIS) upon approach to and/or upon leaving from Benghazi, in some cases more than 100 nautical miles off the port, to mask their visit. In 15 instances, sporadic AIS signals identified vessels in Benghazi old harbour. In 21 cases, movement profiles in combination with open-source and confidential satellite imagery identified those vessels that did not emit AIS signals from Benghazi old harbour at all.

³⁶⁵ See, for example, https://twitter.com/HA_REPORTER2/status/1583713384117460992, 22 October 2022.

³⁶⁶ <https://thelibyantimes.com/libyas-noc-denies-fuel-smuggling/>, 24 October 2022.

³⁶⁷ Pursuant to resolution 2146 (2014), the 2146 focal point is the counterpart of the Committee, not the Panel. The Panel’s mandate derives from paragraph 13 of that resolution, which tasks the Panel with the monitoring of the measures decided in that resolution. For practical reasons, this also includes exchanges with the 2146 focal point.

³⁶⁸ NOC letter of 31 May 2023, in response to a letter from the Panel inquiring about the activities at Benghazi old harbour.

³⁶⁹ [S/2021/229](#), annex 12, appendix A, figure 12.A.6.

7. Loading of the tanker vessels has been undertaken by tanker trucks, which collect their cargo at the Brega Company's Benghazi depot.³⁷⁰ This is a lengthy process requiring, depending on the size of the vessel's available cargo capacity and the size of the tanker truck, between a dozen and several hundred tanker truck loads. Therefore, tanker vessels remain in Benghazi old harbour for several days, making them identifiable via satellite imagery despite deactivated AIS. The fuel stains on the quayside in Benghazi old harbour bear testimony to countless coupling and decoupling of tanker trucks. The tanker trucks used to operate mainly at night,³⁷¹ but more recently shelters were built on the quayside to hide trucks from view (see appendix 74.A, figures 74.A.1 through A.3).

8. Owing to the timing of the confirmation by the NOC that enables the Panel to treat all fuel exports from Benghazi as illicit under paragraph 2 of resolution [2362 \(2017\)](#), and to the complexity involving investigations into tanker vessels, each with several stakeholders (flag State, State of cargo discharge, vessel owner, operator, charterer, etc.), the Panel only presents one exemplary case in annex 75 and presents generalized findings about the *modus operandi* in paragraph 119 of the report. The Panel's investigations are ongoing.

³⁷⁰ 32° 07'5.27"N, 20° 02'55.15"E.

³⁷¹ Confidential source.

Appendix A to annex 74

Figure 74.A.1
Schematic overview of Benghazi fuel export infrastructure



Source: Google Earth Pro, 16 April 2023; developed by Panel of Experts.

Figure 74.A.2
Development of Benghazi old harbour from a scrap export to a fuel export hub



Figure 74.A.3
Example of tanker vessels loading from fuel trucks in Benghazi



Appendix B to annex 74: Tanker vessels identified by the Panel in Benghazi old harbour

Table 74.B.1

Tanker vessels identified by the Panel in Benghazi old harbour

<i>Visit</i>	<i>Date observed</i>	<i>Name of vessel</i>	<i>IMO number</i>	<i>DWT</i>	<i>Flag State</i>
1	28 March 2022	<i>Victory</i>	7128227	2,007	Cameroon
2	13 April 2022	<i>Maya I</i>	9046758	1,200	Cameroon
3	14 April 2022	<i>Queen Majeda (renewed visit)</i>	9117806	2,547	Libya
4	22 April 2022	<i>Aqua Marine</i>	9179488	3,522	Türkiye
5	1 May 2022	<i>Queen Majeda (renewed visit)</i>	9117806	2,547	Libya
6	8 May 2022	<i>TSM Dubhe</i>	9249594	19,924	Tuvalu
7	26 May 2022	<i>MAC Jakarta (ex TSM Dubhe, renewed visit)</i>	9249594	19,924	Panama
8	8 June 2022	<i>Victory (renewed visit)</i>	7128227	2,007	Cameroon
9	18 July 2022	<i>Roschem-2</i>	8862935	2,754	Russian Federation
10	16 August 2022	<i>Queen Majeda (renewed visit)</i>	9117806	2,547	Cameroon
11	20 August 2022	<i>Beauty Queen</i>	9133393	3,710	Russian Federation
12	26 August 2022	<i>Unicom Alpha</i>	9133393	4,282	Russian Federation
13	1 September 2022	<i>Angelo I</i>	7946942	566	Cameroon
14	4 September 2022	<i>Queen Majeda (renewed visit)</i>	9117806	2,547	Cameroon
15	9 September 2022	<i>Sophia</i>	7113375	3,184	Comoros
16	12 September 2022	<i>Anna</i>	9118159	4,972	Comoros
17	12 September 2022	<i>Sea Fortune</i>	9427275	13,023	Marshall Islands
18	13 September 2022	<i>Uni Trader</i>	9175169	6,623	Panama
19	19 September 2022	<i>Efe</i>	9558763	7,623	Vanuatu
20	4 October 2022	<i>Beauty Queen</i>	9133393	3,710	Russian Federation
21	3 November 2022	<i>Roschem-2 (renewed visit)</i>	8862935	2,754	Russian Federation
22	10 November 2022	<i>Sidra</i>	9057551	1,950	Tanzania
23	11 November 2022	<i>Princess Noria</i>	9196448	12,181	Panama
24	12 November 2022	<i>Istra</i>	9632088	4,500	Russian Federation
25	16 November 2022	<i>Uni Trader (renewed visit)</i>	9175169	6,623	Panama
26	6 December 2022	<i>Istra (renewed visit)</i>	9632088	4,500	Russian Federation
27	1 January 2023	<i>Beauty Queen (renewed visit)</i>	9133393	3,710	Cameroon
28	31 January 2023	<i>Kavkaz</i>	8884476	3,742	Guinea-Bissau
29	31 January 2023	<i>Almuntazah</i>	8860834	4,056	Cameroon
30	31 January 2023	<i>Jessica</i>	9140853	9,385	Comoros
31	8 March 2023	<i>Tony (ex Kavkaz, renewed visit)</i>	8884476	3,742	Guinea-Bissau
32	15 April 2023	<i>Alma Marine</i>	9438250	9,057	Barbados
33	27 April 2023	<i>Marisa N</i>	8004090	1,714	Cameroon
34	4 May 2023	<i>Alisa</i>	9113135	11,980	Comoros
35	17 May 2023	<i>Saeed 5</i>	8821759	7,030	Tanzania
36	14 June 2023	<i>Piero A</i>	9010955	2,698	Palau

Annex 75 MT *Queen Majeda* (IMO 9117806)

A. Overview

15. The Panel established that the MT *Queen Majeda* (IMO 9117806) berthed at Benghazi old harbour at least four times between April and September 2022 to load fuel and illicitly export it from Libya. The vessel's cargo was seized by Italy after the vessel entered Italian territorial waters on 24 May 2022. The vessel and cargo were then seized by Albania on 12 September 2022 when attempting to sell its cargo in Albania using forged documentation. The vessel remains in Albania as at the writing of this report.

B. 2146 focal point notification

2. On 9 May 2022,³⁷² the focal point pursuant to resolution [2146 \(2014\)](#) (2146 focal point) informed the Committee that the Palau-flagged MT *Queen Majeda* (IMO 9117806) (see table 75.1 for vessel particulars) had “*illegally loaded from Benghazi*”, without specifying the cargo. The Committee responded to the focal point by requesting more information, and in particular if the flag State had been contacted. No response was received.³⁷³

3. The Panel noticed a discrepancy between extant maritime databases as to the flag State of the vessel. While some identified Palau as the flag State, others identified Libya. The 2146 focal point told the Panel that while a Libyan registration was possible, that was difficult to establish as Libyan shipping registry also operated from the east of the country. At the time, the Panel was unable to confirm that Libya was indeed the flag State (see paragraph 17 of this annex). The Panel notes that had that been established at the time, the 2146 focal point could have requested that the Committee designate the vessel on the sanctions list, given that the requirement for flag State consultations would have become moot.

Table 75.1
MT *Queen Majeda* particulars

Name	Queen Majeda
IMO	9117806
Flag	Libya (until June 2022) ³⁷⁴ / Cameroon (since June 2022)
Ship type	Products Tanker
Deadweight	2,547 tonnes ³⁷⁵
Registered Owner	Eldawadi Shipping Ltd., Marshall Islands
Operator	Eldawadi Shipping Ltd., Marshall Islands
Manager	Morrigan Shipping SA, Greece (until 20 May 2022) / Eldawadi Shipping Ltd., Marshall Islands (since 21 May 2022)

C. Timeline of events

1. First identified loading from Benghazi old port

4. The vessel only irregularly registered draft changes and travelled at most times with a medium load level registered. The Panel categorizes this as suspicious behaviour. In this annex, the Panel only mentions draft changes when they were registered.

5. The vessel left Piraeus (GRPIR) on 30 March 2022 and remained at anchor for several days in Greek littoral waters about three nautical miles (nm) from Piraeus. She left her anchoring position on 8 April 2022 and sailed to Benghazi (LYBEN) old harbour [32° 07'16.07"N, 20° 03'0.68"E], where she called in the port on 11 April 2022 and berthed at Quay

³⁷² This date falls into the previous mandate, but the Panel's last report, [S/2022/427](#), had already been finalized by that date.

³⁷³ Pursuant to paragraph 2 of resolution [2146 \(2014\)](#), [Libya needs to consult the flag State in the first instance before submitting a notification to the Committee](#).

³⁷⁴ Previously flagged by Palau, which deleted the vessel from its register in May 2022, at a time when she was already flagged by Libya (double-flagging).

³⁷⁵ Tonnes (metric tons) are used throughout the report as this is the SI unit used by the International Standards Organization (ISO).

no.3 (figure 75.1) On 14 April 2022, she “went dark” by disconnecting her automatic identification system (AIS). Satellite imagery shows that on 21 April, 2022 she was still berthed at quay no.3 (appendix 75.A).

Figure 75.1

Benghazi old harbour quay numbering



Source: Google Earth Pro, 16 April 2023; developed by Panel of Experts.

6. The vessel’s AIS signal reappeared in the early afternoon of 25 April 2022, 240nm north-west of Benghazi. The vessel’s top speed is a little under 9 knots, that means she can travel that distance in under 30 hours. She then immediately disappeared again and appeared again on in the morning of 28 April, 160nm north-west of Benghazi. This means that the vessel’s location was unaccounted for around 4 days between 21 and 25 April, and a little over two days between 25 and 28 April. This would have allowed for sufficient time to travel the additional 115nm to Hurd Bank just outside of Maltese territorial waters, a well-known bunkering location [35° 53' 52" N, 14° 45' 37" E] and undertake ship-to-ship (STS) loading operations there, or to undertake STS operations while not under way. On 29 April 2022, the vessel called again at Benghazi old harbour, this time at Quay no. 2. On 1 May, she again “went dark”, (figure 75.2).

Figure 75.2

First identified Benghazi voyage of MT *Queen Majeda* with distance indicator from last known position to Hurd Bank



Source: S&P Maritime.

2. Second identified loading from Benghazi old port and Italy seizure

7. In the night of 21 May 2022, the vessel's AIS signal appeared for a brief moment 132nm north-north-west of Benghazi. Italy informed the Panel that on 24 May 2022, the captain of the MT *Queen Majeda*, then flying the Libyan flag, contacted the Italian authorities and requested entry into Italian waters, affirming that the ship was transporting illicit cargo. Although authorization was not given, the vessel entered Italian territorial waters. The Italian authorities inspected the vessel and found 3 million litres of undocumented marine gasoil (around 2,550 tonnes). The vessel was deemed as not seaworthy, as she was significantly overloaded. Crew members informed the Italian authorities that the ship had sailed from Benghazi and had been told that cargo documents would be provided while en route. They claimed to have entered Italian waters as they were being pursued by unspecified Libyan vessels.

8. The Italian authorities proceeded to temporarily seize the vessel in the port of Taranto (ITTAR). The vessels' owner subsequently requested the return of vessel and cargo, presenting cargo papers indicating that the final destination of the shipment was Albania. The vessel and cargo were released after payments of administrative fines. A criminal case is pending.

3. Release from Italy and Albania delivery

9. On 20 June 2022, the vessel changed its flag State to Cameroon. On 8 July 2022, the vessel left Taranto, Italy, with a draft of 5.5m, indicating a fully loaded, but not overloaded condition. The Panel has seen documentation suggesting that the vessel left Italy with around 2,178 tonnes of marine gasoil. She left on a southern course and "went dark" on 10 July 2022 around 60nm south-east of Sicily. The Panel has received documentation showing that on 11 and 13 of July 2022, the vessel supplied two other vessels via STS transfers at unknown locations, potentially Hurd Bank, which was only 80 nm from its last known location. On 25 July 2023, the AIS signal appeared in the port of Romano, Albania (ALROM), at the Europetrol maritime berth. The vessel then discharged 1,750 tonnes of marine bunker gasoil (figure 75.3).

10. The Panel obtained the vessel's cargo documents, created by Eldawadi Shipping Ltd, for the delivery on 25 July 2022 of 1,750 tonnes of marine bunker gasoil. The documentation showed the oil was loaded in Benghazi on 8 May 2022, with a certificate of origin by the "Ras El Mungar Terminal", and a stamp containing the word "Lybia" (sic) (appendix 75.B). The Panel notes that the cargo documentation is most certainly fake or forged. This is because (a) the stamp with the typographical error is unconvincing; (b) the Ras El Mungar marine terminal in Benghazi is only used for discharging fuel to the Brega Petroleum Marketing Company's Benghazi depot and it has no loading functionality;³⁷⁶ and (c) Benghazi old harbour is not part of the Ras El Mungar marine terminal.

³⁷⁶ Panel meeting with Brega Petroleum Marketing Company, Tripoli (12 January 2023); and Panel online meeting with NOC on 26 June 2023.

Figure 75.3
Voyage after seizure by Italy



Source: S&P Maritime

4. Third identified loading from Benghazi

11. On 27 July 2022, the vessel left Romano and sailed directly to Benghazi. Once in Libyan territorial waters, on 1 August 2022 and 5nm from Benghazi, she went dark on AIS. On 6 and 7 August 2022, satellite imagery showed the vessel berthed at Quay no. 3 in Benghazi old harbour (figure 75.4 and appendix 75.A). The AIS signal reappeared on 16 August 2022, at Quay no. 3. On 18 August 2022, the vessel left Benghazi and sailed due north. On 20 August 2022, the AIS “went dark” around 230nm south of Albania. She reappeared on 24 August 2022, 8nm from Romano, Albania, and the vessel berthed at the Europetrol berth that same day. Of note is that on that voyage, a draught of 5.8 metres was registered, which is 0.3 metres above the vessel’s maximum draft of 5.52 metres. This indicates a significantly overloaded condition, almost certainly to increase cargo capacity and thus profit.

12. The Panel obtained the vessel’s cargo documents, issued by Eldawadi Shipping Ltd, for the delivery on 23 August 2022 of 2,236 tonnes of marine bunker gasoil, loaded in Benghazi on 7 August 2022, again with a certificate of origin by “Ras El Mungar Terminal”, with a stamp containing the word “Lybia” (sic) (appendix 75.C).

Figure 75.4
MT *Queen Majeda* at Benghazi old port, quay no.3



Source: Google Earth Pro, 6 August 2023.

5. Fourth identified loading from Benghazi and Albanian seizure

13. The vessel left Romano on 25 August 2022 and sailed directly to Benghazi, without no AIS interruptions. She arrived in Benghazi old port on 28 August 2022 and berthed at Quay no. 3. The vessel left Benghazi on 8 September 2022, with a registered draught of 5.6 metres; a moderately overloaded condition. She sailed north heading for Albania, where the vessel was seized by Albania authorities in the port of Durres (ALDRZ) on 12 September 2022. A criminal case was opened by the Albanian authorities; investigations are ongoing.

14. According to the cargo papers, all issued by the vessel's owner and operator, Eldawadi Shipping Ltd., the vessel was transporting 2,275 tonnes of gasoil (roughly 2.6 million litres). The documents also contained a certificate of origin with a letterhead featuring "Brega Petroleum" (sic), the National Oil Corporation and "Ras El Mungar Terminal Benghazi Lybia" (sic) (see appendix 75.D). Apart from the typographical errors, the following makes clear that the document is forged:

(a) The Brega Petroleum Marketing Company has no mandate for any exports, as it is only mandated to distribute fuel within Libya. This was confirmed by the Company's leadership in its meeting with the Panel on 12 January 2023 in Tripoli. At that meeting, the Panel handed over a copy of the certificate of origin; the company's leadership identified the document as fake.

(b) The 2146 focal point confirmed to the Panel that the National Oil Corporation does not export any product that is subsidized in Libya, that is gasoil, diesel and gasoline. This was confirmed a member of the board of the National Oil Corporation in an online meeting with the Panel on 26 June 2023.

(c) The Ras El Mungar marine terminal in Benghazi is only used for discharging fuel to the Brega Petroleum Marketing Company's Benghazi depot. It has no loading functionality.³⁷⁷ This is why the export took place via loading by 54 tanker trucks, which was even mentioned in the cargo documents the Panel obtained for this voyage (see appendix 75.D). Benghazi old harbour is not part of the Ras El Mungar marine terminal.

15. The Albanian authorities had doubts about the authenticity of cargo documentation. For that reason, on 6 October 2022 the Albanian Ministry for Europe and Foreign Affairs (MEFA) requested that the Libyan Ministry of Foreign Affairs confirm the authenticity of the cargo documentation. A request for legal assistance was submitted to Libya through MEFA on 7 November 2022. On 10 January 2023, MEFA was informed by the legal counsel for the detained Libyan crew members of the MT *Queen Majeda* that the Libyan authorities had sent their reply, authenticating the documents, to MEFA, through the Libyan Embassy in Tirana. MEFA had, however, not received any communication from the Libyan authorities and wrote to the Libyan Embassy in Tirana on 18 January 2023, informing about the claim of the legal counsel and noting that that they had not received a reply to their initial request. On 24 January 2023, the Libyan embassy to Tirana responded that it had not received any reply from the Libyan authorities, and was continuing to follow up. The MEFA sent a reminder 31 January 2023, recalling that also the request for legal assistance remained unanswered. A reminder was sent on 6 February 2023.

16. The Panel obtained from a confidential source a document to which the legal counsel was likely referring. It is a letter dated 27 December 2022, which was sent via email from the address "int.orgs.dir@foreign.gov.ly",³⁷⁸ addressed to a "Foreign Department".³⁷⁹ The letter claims to be from the Libyan Ministry of Foreign Affairs' Department of Consular Affairs, and confirms the authenticity of "shipping documents issued by "Brega Oil Marketing Company No. 091004/091003/091005" and the "Certificate of Origin issued by the Military Investment Authority No. 00335".³⁸⁰ The letter requests the Albanian authorities to release the vessel. The Panel has not been able to establish to which documents the letter refers (see appendix 75.E).

³⁷⁷ 1) Panel meeting with Brega Petroleum Marketing Company, Tripoli (12 January 2023); and 2) Panel online meeting with NOC on 26 June 2023.

³⁷⁸ This is the official domain of the Libyan Ministry of Foreign Affairs.

³⁷⁹ Email address unknown to the Panel.

³⁸⁰ The Panel previously reported on the HAF-controlled Military Investment Authority's involvement into the illicit sale of fuel, see [S/2021/229](#), paragraphs 24, 127 and annex 85.

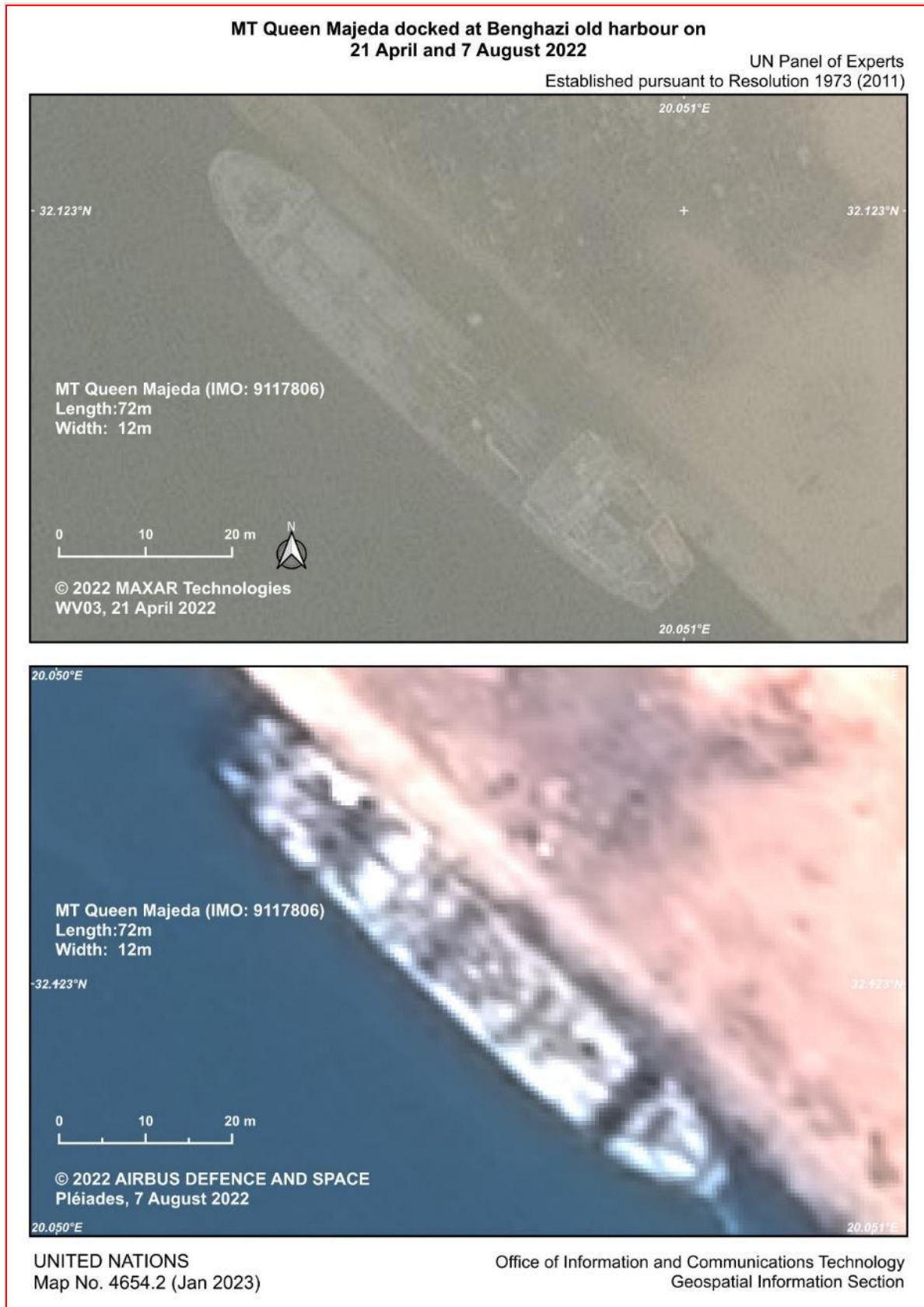
17. On 30 June 2023, Albania informed the Panel in a note verbale dated 29 March 2023, that the Libyan Embassy in Tirana had written to the MEFA informing them that; (a) the Libyan Port and Maritime Authority had deregistered the vessel on 24 May 2022;³⁸¹ (b) the tanker was illegally carrying fuel and oil cargoes from the port of Benghazi, outside the umbrella of the National Oil Corporation”; and (c) that flag States should take responsibility for vessels that conduct illicit activities.

D. Panel assessment


18. The Panel found that the MT *Queen Majeda* illicitly exported petroleum products from Libya at least four times. The investigations into the networks involved in the illicit exports continue.

³⁸¹ Thereby confirming that the vessel was indeed flagged by Libya.

Appendix 75.A Satellite imagery of MT *Queen Majeda* in Benghazi old harbour



Appendix 75.C Cargo documents for 7 August 2022 loading



RAS EL MUNGAR TERMINAL

CERTIFICATE OF ORIGIN

Shipment No:15/22 Date: 07/08/2022

This is to Certify that the cargo of Gasoil loaded: 2.235,90 MT

Port of discharge: DURRES ALBANIA

M/T : QUEEN MAJEDA

Consignor : ELDWADI SHIPPING LTD


Consignee : To the ored of ELDWADI SHIPPING LTD

Destination : FOR ORDERS PORTO ROMANO DURRES ALBANIA

Is a product of : LYBIA

MT QUEEN MAJEDA
KRIBI


RAS EL MUNGAR TERMINAL



MT QUEEN MAJEDA
KRIBI

Source: Confidential.

Appendix 75.D Cargo documents for 5 September 2022 loading

BREGA PETROLIUM	 البنسمة الوطنية للنفط National Oil Corporation	RAS EL MUNGAR TERMINAL BENGHAZI LYBIA
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CERTIFICATE OF ORIGIN

Shipment No:16/22 Date: 05/09/2022

This is to Certify that the cargo of Gasoil loaded: **2.272,7172 MT**

Port of discharge: **DURRES ALBANIA**

S/S : **QUEEN MAJEDA**


M/T


Consignor : **ELDWADI SHIPPING LTD**

Consignee : **To the order of ELDWADI SHIPPING LTD**

Destination : **FOR ORDERS PORTO ROMANO DURRES ALBANIA**

Is a product of : **LYBIA**





Annex 77 Maritime fuel smuggling in the west

A. MT *Xelo* (IMO: 7618272)

16. In the night of 14 April 2022, the Equatorial Guinean-flagged MT *Xelo* (IMO: 7618272), a 1,010 deadweight tonnage (DWT) oil bunkering tanker, sank in Tunisian waters off the Port of Gabes (TNGAE).³⁸² This was her first visit to Tunisia, having previously mostly operated around Hurd Bank [35°53'52.00"N, 14°45'37.00"E] and other locations just outside Maltese territorial waters. She had numerous instances of “going dark” by deactivating her automatic identification system (AIS). The vessel was once, on 28 September 2021, seen anchored in littoral waters at the Sidi Ali pumping station in Abu Kammash, Libya [33° 02'19.37"N, 11°55'01.42"E], where the Panel suspects that she illicitly loaded fuel (see also paragraph 120 of the report).

2. On 21 March 2022, the vessel was at Hurd Bank when she “went dark” by deactivating her AIS. Her AIS signal reappeared on 28 March south-south-east of Malta and returned to Hurd Bank. The six days she was unaccounted for would have been sufficient for a voyage to Abu Kammash.

3. On 31 March 2022, the vessel left for Tunisia, where she made a port call in Sfax port, Tunisia (TNSFA). On 4 April 2022, coming from Hurd Bank near Malta, and left with a declared destination of Damietta port, Egypt (EGDAM) on 8 April 2022. She loitered just outside Sfax for a day and then disconnected her automatic identification system (AIS) on 9 April. On 14 April, her AIS signal reappeared 6 nautical miles (nm) off Djerba, Tunisia, having been unaccounted for almost five days. That time would again have allowed a visit to Abu Kammash. She sank the same night 3nm off Gabes, Tunisia.

4. The vessel fulfilled several of the Panel’s indicators for suspicious behaviour, and the Panel’s investigation into whether the vessel illicitly exported refined petroleum products from Libya previously and in particular between 8 and 14 April 2022,³⁸³ continues. Neither Equatorial-Guinea nor Tunisia responded to the Panel’s letters.

B. MT *Serdar* (IMO: 9062398)

5. Libya informed the Panel on 5 July 2023, in response to its letter dated 17 March 2023, that on 1 March 2023, the Libyan Coast Guard, the General Administration for Coastal Security (GACS) and the Petroleum Facilities Guards seized the MT *Serdar* (IMO: 9062398) in a joint mission, as she was smuggling fuel out of Abu Kammash. The vessel was brought to Tripoli port (LYTIP), where the crew was handed over to Deterrence Apparatus for Combating Organized Crime and Terrorism (DACOT).

6. The Panel established that the vessel had sailed from Tuzla, Türkiye (TRTUZ), on 23 February 2023 with declared destination Valetta, Malta (MTMLA), when its AIS was disconnected at Hurd Bank, just outside Maltese territorial waters on 27 February. Malta informed the Panel that the vessel had not notified the relevant Maltese authority of any entry into its territorial waters and ports and had also not requested vessel traffic services (VTS). No service vessels reported having provided services to the vessel.

7. The vessel is a 1,629 DWT oil/chemical tanker that previously operated under the name *Munis*. Since 31 January 2023 she operates under the name *Serdar*, flagged by Saint-Kitts and Nevis. The vessel’s owner is M&A Shipping and Trading Ltd., a company based in Marshall Islands with a contact address in Istanbul, Türkiye. Its operator is a company based in Istanbul, Türkiye, Fortuna Gemi Isletmeciligi Denizcilik ve Teknik Danismanlik Ticaret Ltd Sti. The Panel wrote to the owner on 22 March 2023, and copied Saint Kitts and Nevis (flag State), the Marshall Islands (State of incorporation) and Türkiye (State of additional company address). No response was received. The Panel could not contact the operator, as its email address was dysfunctional, and its website appeared to be infected with a virus.³⁸⁴

C. Other cases under investigation

8. The Panel is also investigating potential smuggling of fuel by another tanker, the MV *Alkareem* (IMO: 7359149), which was reportedly seized by Libyan authorities on 24 April 2022 for smuggling petroleum.³⁸⁵ Furthermore, the Panel is

³⁸² S&P Maritime.

³⁸³ 1) <https://www.agenzianova.com/en/news/tunisia-oil-tanker-xelo-sunk-the-crew-ends-up-in-jail/>, 27 April 2022; and 2) <https://www.middle-east-online.com/en/commercial-ail-tanker-runs-aground-tunisian-coast>, 16 April 2022.

³⁸⁴ trinfo@fortunashipping.com.tr; website not replicated in linkable format for IT safety reasons.

³⁸⁵ <https://twitter.com/ObservatoryLY/status/1518024276242223105?t=t4rw6Cw2jvG3pzSYtfQSow&s=09>, 24 April 2022.

investigating reports³⁸⁶ that authorities in Misrata had seized diesel fuel hidden in cargo containers that were supposed to be exported from Libya. Reports speak of 14 20-foot containers, which equals about 280,000 litres (238 tonnes) in total.³⁸⁷ A confidential source told the Panel that there were as many as 20 containers, which would equal around 400,000 litres (340 tonnes).

³⁸⁶ Confidential source; see also 1) <https://libyaherald.com/2023/06/attempt-to-smuggle-20000-litres-of-diesel-from-misrata-free-zone-thwarted-by-authorities/>, 12 June 2023; and 2) <https://libyaobserver.ly/inbrief/authorities-foil-attempt-smuggle-diesel-fuel-misrata-port>, 13 June 2023.

³⁸⁷ <https://twitter.com/TheLibyaUpdate/status/1668286975449735171>, 12 June 2023.

Annex 78 2146 focal point

A. October 2022: Focal point's notification on illicit exports of refined product from Benghazi

17. On 18 October 2022, the focal point pursuant to resolution [2146 \(2014\)](#), Imad Ben Rajeb shared with the Panel his notification letter, dated that same day, "to whom it may concern", informing about attempts to illicitly export petroleum products from the port of Benghazi (see appendix 78.A). According to the focal point, the letter was sent in agreement with National Oil Corporation (NOC) leadership to commercial contacts, to ensure they do not approach Benghazi. Shortly after, the focal point's letter appeared on social media, where speculation about the involvement of Saddam Haftar surfaced.³⁸⁸ A few days later, although its leadership was put in copy on the letter, the NOC denied smuggling operations from Libyan ports and the authenticity of the document.³⁸⁹

2. On 19 October 2022, the focal point informed the Panel about a specific vessel, the MT *Sea Fortune* (IMO 9427275, flag State: Marshall Islands), loading illicitly refined product at the Benghazi port outside the umbrella of the NOC. The focal point further stated that he requested the Libyan Ministry of Foreign Affairs to contact the flag State to ultimately inform the Committee to request the vessel's designation under resolution [2146 \(2014\)](#), but that the Ministry was slow to react to his request for reasons unknown to him. The focal point ultimately did not notify the Committee.

B. Incremental withdrawal of the focal point

3. Until 23 November 2022, the Panel was unable to reach the focal point. On that day, the focal point informed the Panel that he had been instructed not to engage with the Panel about any ports not under the purview of the NOC because, following the leak of his letter to the media, "Saddam Haftar had complained" about the focal point's activities. For this reason, the focal point said, he was concerned about his safety and had offered to resign as 2146 focal point. He also stated that he was exploring various technical measures to prevent further attempts of fuel smuggling, such as by adding dyes, to make fuel more difficult to market by smugglers.

4. The conversation on 23 November 2022 was the last that the Panel had with the focal point, until a few days before the Panel's visit to Tripoli in early January 2023. On 3 January 2023, the focal point informed the Panel that the Libyan government had nominated a new 2146 focal point as his replacement. The Panel noted that the Committee had not received a notification about this change. The Panel asked Ben Rajeb for a meeting in Tripoli with the new focal point, as well as with Ben Rajeb himself, in his capacity as head of the marketing department of the NOC. The Panel also sent several requests for a meeting with the chairman of the NOC, Farhat Bengdara, through Ben Rajeb, through the Permanent Mission of Libya to the UN, and through Bengdara's assistant, all to no avail.

C. Peculiar phone call and arrest of the focal point

5. In the late evening of 6 January 2023, Ben Rajeb called a member of the Panel and said that he had an individual on another telephone line claiming to belong to the "Sanctions Committee". He inquired if that person, calling himself "Sam", was part of the Panel. The Panel member denied and Ben Rajeb connected the two telephone lines to confront "Sam". During the joint call, the individual introduced himself with the name of an UNSMIL staff member (who later confirmed that he was not the caller). Asked about his affiliation, he pretended that he would be part of upcoming UN activities relevant for the Panel's work, such as attending "next week's meeting with Ben Rajeb" and sharing the flight from Tunis to Tripoli with the Panel "the next day" (the flight was in reality scheduled for two days later). "Sam" then, referring to the earlier part of the conversation the Panel member had not witnessed, asked Ben Rajeb if he was "sure that he was not in Libya" (Ben Rajeb was abroad at the time). Ben Rajeb then ended the conversation. In a follow-up call, the seemingly puzzled Ben Rajeb said that before the Panel member joined the call, "Sam" had advised him against returning to Libya, as he would be arrested "by unknown actors" there. Ben Rajeb said he would not heed that warning.³⁹⁰

6. On 10 January 2023, the Panel agreed with Ben Rajeb to meet him at NOC premises in Tripoli on 12 January 2023. Ben Rajeb noted that at the time of the conversation he was at the Office of the Attorney General (AGO). In the evening of

³⁸⁸ See, for example, https://twitter.com/HA_REPORTER2/status/1583713384117460992, 22 October 2022.

³⁸⁹ <https://thelibyantimes.com/libyas-noc-denies-fuel-smuggling/>, 24 October 2022.

³⁹⁰ "Sam" was calling from a Lebanese phone number.

10 January, the Panel learned that Ben Rajeb had been arrested pursuant to an arrest warrant issued by the Attorney General.³⁹¹

7. During the meeting with the Panel on 16 January 2023, the Attorney General confirmed that Ben Rajeb had presented himself at his office the day he was arrested. The Attorney General further explained to the Panel that Ben Rajeb and other staff of the NOC and of Brega Oil Marketing Company had been arrested based on charges of violating national obligatory quality standards for the fuel in the Libyan market by procuring substandard fuel to Libya (under 95 Octane) and then adding excessive amounts of manganese and dyes to make the fuel appear of higher quality. The manganese had damaged a large number of consumers' engines. The investigations had started in mid-2021. By the time of the writing of this report, the trial had already taken place, and judgement was expected to be rendered around mid-July 2023. In an online meeting with the Panel on 26 June 2023, the NOC expressed doubts about the veracity of the allegations.

D. Meetings in Tripoli

8. On 11 January 2023, Bengdara's assistant confirmed Ben Rajeb's arrest and informed the Panel that he would meet the Panel instead, with colleagues from the NOC's marketing department, however not at the agreed meeting time on 12 January, as he was abroad that day. Instead, he offered to meet the Panel on 15 January. In the following days, the Panel continued to try to confirm the meeting time, however Bengdara's assistant did not respond. In the evening of 15 January, the Panel offered to meet the NOC on 16 January, the last day of its stay in Libya. Again, Bengdara's assistant did not react. The Ministry of Foreign Affairs was also unable to arrange a meeting with the NOC.

9. On 12 January 2023, the Panel met the Minister of Oil and Gas, Mohammed Aoun, who informed the Panel that the new focal point pursuant to resolution [2146 \(2014\)](#) was with his Ministry. He handed the Panel a letter dated 29 November 2022, which requested the Libyan Ministry of Foreign Affairs to inform the Sanctions Committee of the nomination of Mustafa Abdullah Bin Issa as new focal point pursuant to resolution [2146 \(2014\)](#) (see annex 31). The nomination was officially conveyed to the Committee by Libya's Permanent Representative to the United Nations by letter dated 16 June 2023.

E. Panel's assessment

10. Over most of the mandate, not only the Panel, but also the Committee, were lacking a reliable counterpart in Libya to implement the mandated activities of resolution [2146 \(2014\)](#). Since summer 2022 the former focal point incrementally reduced the level of contact with the Panel. The weekly or bi-weekly communications of previous mandates were reduced to monthly or bi-monthly ones, and the quality of information decreased. During this time, the focal point conveyed to the Panel several times that he had personal security concerns. Since the former focal point's arrest, attempts to re-establish a line of communication with the NOC failed until the Panel ultimately sent a formal letter to the NOC on 26 May 2023, to which the NOC responded on 31 May 2023. This led to its first substantive meeting with NOC representatives since summer 2022, on 26 June 2023, by virtual means.

11. The new 2146 focal point, Ben Issa, is the Director General of Technical Affairs at the Ministry of Oil and Gas, and also serves as Libya's Governor at the Organization of Petroleum Exporting Countries (OPEC). The Panel previously engaged intensively with the Libyan government and the NOC to identify the best-suited position an individual should hold to most effectively serve as 2146 focal point. From these discussions at the time resulted that the focal point should be located in the NOC's Marketing Department, as that department is at the forefront of all matters relating to imports and exports of petroleum to and from Libya. Ben Issa is part of Ministry of Oil and Gas, which by its own account is "responsible for executing government policies and regulations regarding Gas and Oil, such as managing production and exporting processes".³⁹² In his meeting with the Panel on 12 January 2023 in Tripoli, the Minister of Oil and Gas explained to the Panel that his Ministry's main responsibilities were the monthly pricing of petroleum; strategic planning; and the collection of oil revenue. He noted that while he was aware of fuel smuggling "in Zuwarah and other places", this was not the responsibility of the oil sector, but that of law enforcement.


12. In the 26 June 2023 meeting with the Panel, the NOC noted that the organizational placement of the new 2146 focal point was removed from the daily import and export business of the NOC. Whether this will impact the effective

³⁹¹ <https://twitter.com/TheLibyaUpdate/status/1612922380170547203?t=4IRz0S0MEdSosxDHca8G0g&s=09>, 10 January 2022.

³⁹² <https://csc.gov.ly/en/portfolio/ministry-of-oil-and-gas/>.

implementation of resolution [2146 \(2014\)](#), which requires time-sensitive and technically detailed exchanges on individual import and export activities, remains to be seen.

Appendix A to Annex 78: Open letter from Imad Ben Rajeb to commercial contacts



المؤسسة الوطنية للنفط
NATIONAL OIL CORPORATION

Date: 18/10/2022
Ref No:

TO WHOM IT MAY CONCERN
Dear Sir/Madam,,,

With reference to the series of clear resolutions and statements of the United Nations, including UN Security Council Resolution 2278, regarding the prevention of illicit oil exports, and UNSCR 2259 which is strongly opposes activities which could damage integrity and unity of the NOC, and UNSCR 2213 which implement sanctions against individuals or entities that support criminal networks through the illicit exploitation of crude oil or any other natural resources in Libya, and paragraph 10 of resolution 2146 (2014) as extended and modified by paragraph 2 of resolution 2362 (2017).

Also, we make reference to the capture of several vessels which involved in illicit activities such as (Levante, Captain Khayyam, San Gwann , Distya Ameya and Morning Glory).

We hereby inform you that National Oil Corporation of Libya (NOC), with its official headquarter at Bashir Sadawi St. – Tripoli, is the sole owner of title of all Libyan hydrocarbons and we're entitled to sell all crude oil , petroleum products and petrochemicals in Libya.

Moreover, it came to our attention that an unknown source is illicitly looking for JET KERO and/or Gasoil to load from Benghazi terminal and discharge elsewhere.

Please be informed that Benghazi terminal is a commercial port and any request for chartering any petroleum product vessel shall be considered as illicit activity, and any involvement in these illicit activities will expose your vessel to capturing, in addition, will expose your company and all involved individuals to stern legal action by NOC and international community.

Therefore, please ignore all chartering requests through unlawful channels which implies transportation of Libyan hydrocarbon outside the umbrella of NOC.

Yours sincerely

IMAD A. SALEM
General Manager
International Marketing Department- NOC

CC: Chairman of the Board of Directors.
CC: General Manager of Legal Department

سعداوي - (ميدان جنة العريف) طرابلس - ليبيا - هاتف : 09 - 218 21 334 5700 / + 218 21 333 7141 - 44
ir Sadawi st r . P .o Box : 2655 - 5335 Tripoli - Libya Tel : + 218 21 334 5700 - 09 / + 218 21 3

Source: 2146 focal point (submitted to Panel as displayed).

Annex 79 Mohsen Derregia court case against the Board of Trustees of the LIA

المحكمة العليا
إدارة التسجيل قلم المحفوظات
صورة طبق الأصل
الاسم: المحكمة العليا
التاريخ: 19/10/2013

دولة ليبيا
المحكمة العليا

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
« الدائرة الإدارية »

بالجلسة المنعقدة علناً صباح يوم الاربعاء 13 رجب 1440 هـ الموافق 2019.03.20 ميلادية بمقر المحكمة العليا بمدينة طرابلس .
برئاسة السيد المستشار الأستاذ : د. نور الدين علي العكري . " رئيس الدائرة "
وعضوية السادة المستشارين الأساتذة : نصر الدين محمد العاقل .
: عبدالقادر عبدالسلام المنساز .

ويحضور المحامي العام
بنيابة النقض الأستاذ : د. عثمان سعيد المحيشي .
ومسجل الدائرة السيد : موسى سليمان الجدي .

أصدرت الحكم الآتي

في قضية الطعن الإداري رقم 65/26 ق
المقدم من : محسن علي الدرجة
« وكيله المحامي / عبدالهادي علي العزومي »
ضد : 1- رئيس مجلس الوزراء بصفته .
2- وزير المالية بصفته . 3- وزير التخطيط بصفته . 4- وزير الاقتصاد بصفته .
5- محافظ مصرف ليبيا المركز بصفته .
« تنوب عنهم / إدارة القضايا »

عن الحكم الصادر من محكمة استئناف طرابلس الدائرة الإدارية بتاريخ 2013.6.17 م في الدعوى الإدارية رقم 2013/79 م .

1



بعد الإطلاع على الأوراق ، وتلاوة تقرير التلخيص ، وسماع المرافعة الشفهية ، ورأي نيابة النقض والمداولة .

الوقائع

أقام الطاعن الدعوى رقم 79 لسنة 2013 م ، أمام دائرة القضاء الإداري بمحكمة استئناف طرابلس في مواجهة الجهات المطعون ضدها طعناً في قرار مجلس أمناء المؤسسة الليبية للاستثمار رقم 2 لسنة 2013 م ، الصادر في 2013.01.30م ، والقاضي بتكليف السيد علي محمد سالم الحبري مؤقتاً رئيساً لمجلس الإدارة ومديراً تنفيذياً للمؤسسة الليبية للاستثمار وبيّاشر مهام مجلس الإدارة إلى حين تعيين رئيس المجلس والمدير التنفيذي ، كما نص على إلغاء قرار مجلس أمناء المؤسسة المذكورة رقم 14 لسنة 2012 م ، وأن يعمل به من تاريخ صدوره ويلغى كل حكم يخالفه . وأضاف أن القرار المطعون فيه مسّ مركزه القانوني كرئيس لمجلس إدارة المؤسسة فأقام طعنه المائل ناعياً عليه بعدة مناع ، طالباً بقبول طعنه شكلاً ، وبصفة مستعجلة وقف تنفيذ القرار ، وفي الموضوع بإلغائه .. والمحكمة قضت بعدم اختصاصها ولائياً بنظر الطعن .

وهذا هو الحكم المطعون فيه

الإجراءات

صدر هذا الحكم بتاريخ 2013.6.17م ، ولا يوجد بالأوراق ما يفيد إعلانه ، وبتاريخ 2017.12.04م ، قرر محامي الطاعن فيه بالنقض لدى قلم كتاب المحكمة العليا ، مسدداً الرسم مودعاً الكفالة والوكالة ، ومذكرة بأسباب الطعن وأخرى شارحة ، وصورة من الحكم المطعون فيه ، وبتاريخ 2017.12.14م ، أودع أصل ورقة إعلان الطعن معلنة إلى إدارة القضايا في 2017.12.06م .

أودعت إدارة القضايا بتاريخ 2018.01.03م ، مذكرة دفاع .

أودع محامي الطاعن مذكرة رادة بتاريخ 2018.01.25م .

أودعت نيابة النقض مذكرة انتهت فيها إلى الرأي بقبول الطعن شكلاً ونقض الحكم المطعون فيه والإعادة .

بتاريخ 2018.10.29م ، قررت دائرة فحص الطعون بالمحكمة إحالة الطعن إلى هذه الدائرة وبالجلسة المحددة لنظرها تمسكت نيابة النقض برأيها ، وحجزت الدعوى للحكم لجلسة اليوم .





الأسباب

حيث إن الطعن استوفى أوضاعه القانونية فهو مقبول شكلاً .

وحيث إنه من بين ما ينعي به الطاعن على الحكم المطعون فيه الخطأ في تطبيق القانون والفساد في الاستدلال والقصور في التسيب ، ذلك أنه حجب نفسه عن الكشف عن طبيعة القرار المطعون فيه قبل أن يقضى بعدم اختصاصه ، واعتبره قرار تكليف بمهام ، وكان عليه أن يخضع القرار لرقابته الكاملة ، ويزنه بميزان القانون غير مقيد بأسباب الطعن ودفاع الخصوم إعمالاً لمبدأ الشرعية وسيادة القانون ، حتى يتأكد من اختصاصه ولائياً بنظره أو عدم اختصاصه ، خاصة وأن القرار قد أضر بالطاعن أشد الضرر ، حيث فصله من العمل ، وهو ما أكدته الكتاب الذي وجهه أمين سر مجلس الأمناء بالمؤسسة الى الطاعن يخبره فيه بانتهاء تكليفه بالمهام داخل المؤسسة الليبية للاستثمار ، وبالتالي انتهاء العلاقة الوظيفية بين المؤسسة والطاعن ، وإذ قضى الحكم بعدم اختصاصه ولائياً للتبريرات التي أوردها في أسبابه ، فإنه يكون قاصر التسيب ، فضلاً عن عدم إحاطته بوقائع الدعوى وعدم إلمامه بها إلماماً كاملاً بما يعيبه ويتعين نقضه .

وحيث إن هذا النعي في مجمله شديد ، ذلك أن العبرة في التكييف القانوني للدعوى يكون بما يقصده المدعي ويرمي إليه في عموم طلباته ، وأن يكون ذلك بعد بحث واقعة الدعوى وتمحيصها والتحقيق منها والتدليل عليها بأدلة سائغة ولها أصلها الثابت من الأوراق .

وحيث إنه الواقع في الدعوى أن الطاعن - وكما أورده الحكم المطعون فيه في مدوناته - قد نعى على القرار المطعون فيه أنه أنهى مركزه الوظيفي قبل مدته ، وبوصفه موظفاً عاماً وفقاً لقانون علاقات العمل رقم 12 لسنة 2010 لا يجوز إنهاء خدمته إلا وفقاً للشروط المنصوص عليها في المادتين 42 ، 172 من القانون المذكور ، وأن القرار الطعن جاء مخالفاً للقانون وتعسفياً وألحق به أضراراً جسيمة ، وتسبب في حرمانه من مرتبه وهو مصدر رزقه الوحيد .. وقد أرفق الطاعن بملف طعنه رسالة موجهة إليه من أمين سر مجلس الأمناء ومجلس إدارة المؤسسة الليبية للاستثمار مؤرخة في 2013.2.7 تبلغه بالقرار المطعون فيه وتشير الى انتهاء تكليفه بمهام داخل المؤسسة ، وهي مؤشر عليها بما يفيد أنها كانت مودعة ضمن حافظة مستنداته المودعة بالمحكمة مصدرة الحكم كما أرفق الطاعن صورة من عقد توظيف مبرم بينه وبين المؤسسة المذكورة مؤشر عليه من الموظف المختص بأنه كان مودعا بملف الطعن أمام المحكمة سألقة الذكر ، ومقتضى ما تقدم أن الطاعن تربطه علاقة وظيفية مع المؤسسة منشؤها العقد المبرم معه بتاريخ 2012.4.6 والذي نظمت نصوصه الحقوق والالتزامات بين الطرفين ، حيث أشارت المادة الثانية منه الى الوظيفة المتعاقد عليها وهي وظيفة رئيس مجلس إدارة المؤسسة الليبية للاستثمار ، وبنيت مادته الزايفة أن مدة العقد سنتان قابلة



التجديد ، فيما حددت المادة الخامسة منه المرتب والمزايا ... الخ ، وحيث إن القرار المطعون فيه بعد أن نص في مادته الأولى على تكليف السيد علي محمد سالم حبري رئيس المجلس الإدارة ومديراً تنفيذياً للمؤسسة ونص في مادته الثانية على إلغاء قرار مجلس أمناء المؤسسة رقم 14 لسنة 2012 والذي تنفيذاً له وجه أمين سر المؤسسة خطابه المشار إليه أعلاه بتاريخ 2013.2.7 م إلى الطاعن يفيد فيه بانتهاك تكليفه بمهام داخل المؤسسة ، فإن القرار المطعون فيه والحال هذه لا يصح اعتباره قراراً من قرارات التكليف التي تصدرها جهة الإدارة بالنسبة لموظفيها لشغل وظائف بها - كما كيفه الحكم المطعون فيه - بل إنه يشكل في حق الطاعن قراراً بإنهاء خدماته مع المؤسسة ، ولما كان الطاعن مستخدماً بعقد مع جهة عامة ، فإنه يعتبر في نظر القانون موظفاً عاماً ، ويكون القضاء الإداري مختصاً بنظر دعواه بشأن إلغاء قرار إداري نهائي يتعلق بإنهاء خدماته .

وحيث إن الحكم المطعون فيه قضى بعدم اختصاصه ولائياً بنظر دعواه دون أن يتحقق من ماهية القرار الطعين بالنسبة للطاعن من خلال طلباته وعقد التوظيف والمستندات التي قدمها ، فإن نعي الطاعن عليه بالقصور وعدم الامام بواقعة الدعوى إماماً كاملاً ، يكون في محله ، بما يتعين معه نقضه ، دون حاجة لبحث السبب الآخر من الطعن .

فلهذه الأسباب

حكمت المحكمة بقبول الطعن شكلاً ، ونقض الحكم المطعون فيه ، وإعادة الدعوى إلى محكمة استئناف طرابلس - دائرة القضاء الإداري - لنظرها مجدداً من هيئة أخرى .

المستشار	المستشار	المستشار
عبد القادر عبدالسلام المنساز	نصر الدين محمد العاقل	د. نورالدين علي العكرمي
عضو الدائرة	عضو الدائرة	(رئيس الدائرة)



مسجل الدائرة
موسي سليمان الجدي

14/2/2013

**State of Libya
Supreme Court**

In the name of God, the Merciful, the Compassionate

The Administrative Chamber

In open session on the morning of Wednesday, 13 Rajab, A.H. 1440 (20 March, A.D. 2019), in the High Court building in Tripoli

Presided over by Justice Nur al-Din Ali al-Ikrimi, President of the Chamber

Comprising the following members:

Justice Nasr al-Din Muhammad al-Aqil
Justice Abd al-Qadir Abd al-Salam al-Munsaz

In the presence of the attorney-general of the Review Office: Uthman Sa`id al-Mahishi

Registrar: Musa Sulayman al-Jiddi

**Has issued the following judgement
in administrative appeal 26/65 qaf**

Brought by: Mohsen Ali Derregia
Represented by Abd al-Hadi Ali al-Azumi

Against:

1. The Prime Minister, in that capacity
2. The Minister of Finance, in that capacity
3. The Minister of Planning, in that capacity
4. The Minister of the Economy, in that capacity
5. The Governor of the Central Bank of Libya, in that capacity

All represented by the Litigation Department

Concerning the judgment issued by the Court of Appeals of Tripoli, Administrative Chamber, on 17 June 2013, in administrative case No. 79/2013.

This Court has reviewed the documents and heard the summary report, the oral briefs and the views of the Review Office.

The facts

The Appellant filed case No. 79 (2013) before the Administrative Chamber of the Court of Appeals of Tripoli against the respondents, contesting decision No. 2 (2013) of the Board of Trustees of the Libyan Investment Authority (LIA), dated 30 January 2013, appointing Ali Muhammad Salim al-Hibri as temporary Chair of the Board of Directors and Executive Director of LIA, to fulfil the functions of the Board of Directors pending the appointment of a Chair of the Board and an

Executive Director. That decision rescinded decision No. 14 (2012) of the Board of Trustees of LIA; it was effective from the date of its adoption and superseded any provision to the contrary.

The Appellant maintained that the contested decision infringed his legal position as Chair of the Board of Directors of LIA. He raised several grievances; asked for his appeal to be accepted in form; asked for an urgent stay on the decision; and asked for the decision to be rescinded on substantive grounds. The Court ruled that it was not competent to consider his appeal. That judgment is the subject of the current appeal.

Procedure

The judgment was rendered on 17 June 2013. There is nothing in the case file to state that it was announced. On 4 December 2017, the Appellant's representative decided to file an appeal with the Registrar of the High Court. He settled the fee and filed power-of-attorney documents; a brief setting out the reasons for the appeal; an explanatory brief; and a copy of the appealed judgment. On 14 December 2017, he added the original copy of the public declaration of appeal submitted to the Litigation Department on 6 December 2017.

The Litigation Department filed a defence brief on 3 January 2018.

The Appellant's lawyer filed a response brief on 25 January 2018.

The Review Office filed a brief finding that the appeal was receivable in form, that the appealed judgment should be overturned and that the case should be remanded.

On 29 October 2018, the Appeals Analysis Chamber referred the appeal to the present Chamber. At the appointed hearing, the Review Office confirmed its earlier view, and the case was scheduled for consideration at today's session.

Reasons

The appeal meets the legal requirements and is therefore receivable in form.

The Appellant's grievances against the appealed judgment include an error in application of the law, flawed reasoning and insufficient motivations. [He argues] that the Court declined to examine the nature of the appealed decision before declaring itself not competent to hear the case. It deemed the contested decision to be a matter of assigning duties. In accordance with the principle of legality and the rule of law, it ought, rather, to have subjected the decision to full scrutiny and assessed it from a legal standpoint, without limiting itself to the grounds set out in its reasoning and the respondents' defence, in order to ascertain whether or not it was competent. That is particularly true given that the decision caused the Appellant significant harm: it caused him to be dismissed from his job, as was stated in the letter sent to the Appellant by the Secretary of the Board of Trustees of LIA informing him of the termination of his functions in LIA and, hence, the end of his contract with LIA. Because the Court held that it was not competent based on the justifications set out in the reasoning, its judgment is insufficiently motivated. Moreover the judgment does not mention the facts of the case, and does not give them due attention. It is therefore flawed and should be overturned.

That grievance is broadly correct. The legal approach in a case should be conditioned by what the applicant seeks and the object of their motions. The Court should examine the facts of the brief, put them to the test, and apply reasoned arguments that are solidly based on the case documents.

The Appellant's grievance, as can be seen from the appealed judgment, concerns the premature end of his employment contract. As a public servant, in accordance with the Labour Relations Act (Act No. 12 (2010)), his service could be terminated only subject to the conditions set forth in articles 42 and 172 thereof. The contested decision is arbitrary and contrary to the law, and it did the Appellant great harm, causing him to lose his salary, which was his only means of livelihood. In his appeal file, the Appellant includes a letter dated 7 February 2013 sent to him by the Secretary of the Board of Trustees and the Board of Directors of LIA informing him of the contested decision and indicating that his duties in LIA were being terminated. The letter has marking showing that it was added to his file deposited with the Court that handed down the judgment. The Appellant also attached a copy of his employment contract with LIA, which has markings from the competent official showing that it was included in the appeal file before the aforementioned Court. It follows that the Appellant had a contractual relation with LIA further to the contract drawn up on 6 April 2012, which sets out the rights and duties of both parties. Article 2 thereof states that the contracted position is that of Chair of the Board of Directors of LIA.

Article 4 states that the duration of the contract is two years, subject to renewal. The salary and benefits are set out in article 5. By virtue of article 1 of the contested decision, Mr. Ali Muhammad Salim Hibri was appointed Chair of the Board of Directors and Executive Director of LIA. By virtue of article 2, Board of Trustees decision No. 14 (2012) was rescinded. Accordingly, the Secretary of the Board of Trustees wrote to the Appellant on 7 February 2013 informing him that his duties at LIA had been terminated. Given that situation, the contested decision was not, as the appealed judgment deemed it to be, an administrative decision assigning duties. Instead, it was a decision to terminate the Appellant's service with LIA. However, the Appellant was employed under a contract with a public entity and, in the eyes of the law, he was a public employee. The administrative justice system was therefore competent to examine his claim that the final administrative decision terminating his service should be rescinded.

In the appealed judgment, the Court deemed itself not competent to consider the case, but it did so without verifying the substance of the contested decision affecting the Appellant, as laid out in his motions, the employment contract and the documents which he provided. The Appellant's grievance that his claim received insufficient and incomplete consideration is thus apt, and the decision must be overturned, without there being any need to examine the other grounds for the appeal.

For those reasons,

This Court finds the appeal receivable in form, overturns the appealed judgment, and remands the claim to the Court of Appeals of Tripoli, Administrative Chamber, to be considered again by different judges.

Justice
Nur al-Din Ali al-Ikrimi
President of the Chamber

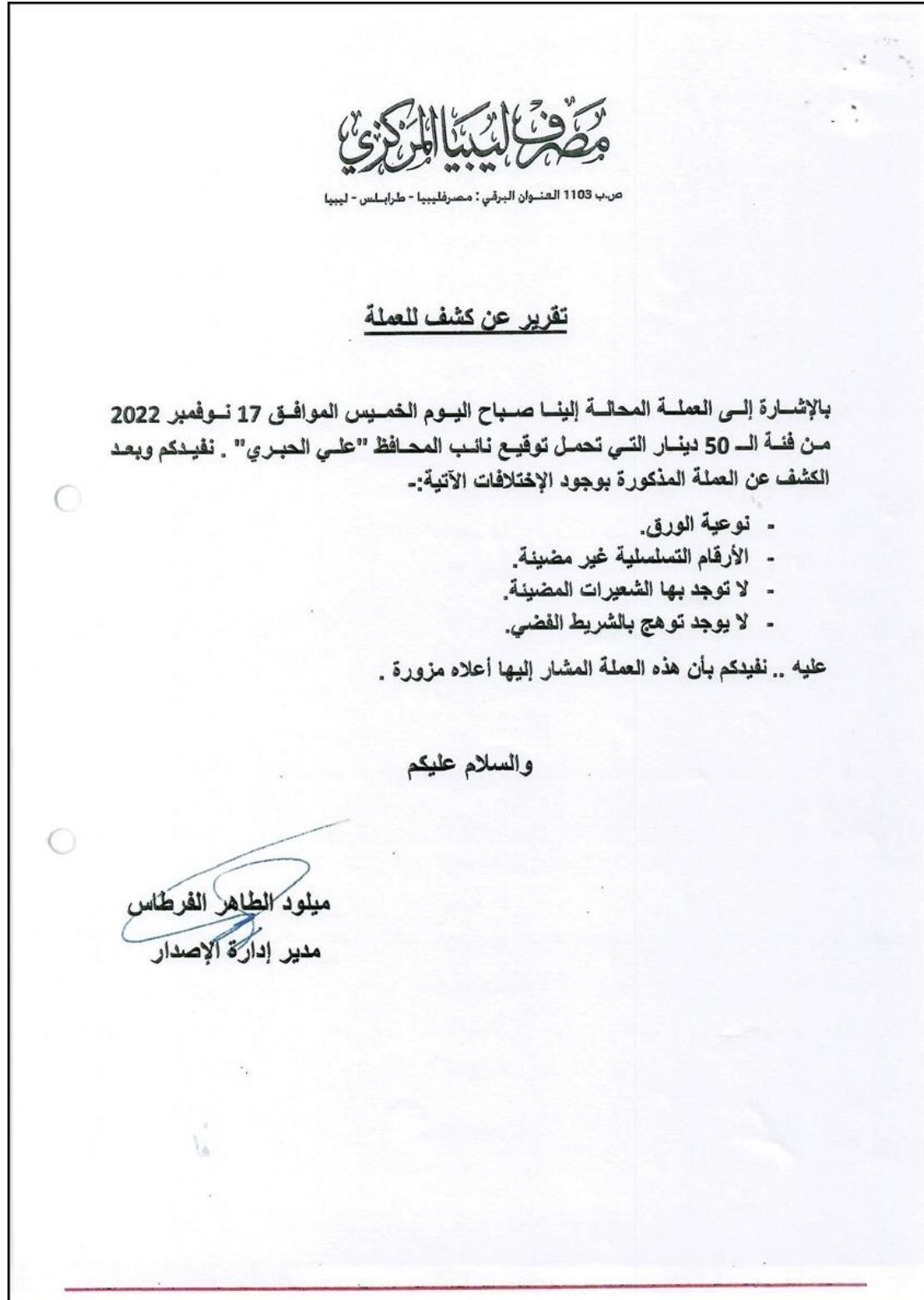
Justice
Nasr al-Din Muhammad al-Aqil
Member of the Chamber

Justice
Abd al-Qadir Abd al-Salam al-
Munsaz
Member of the Chamber

Registrar of the Chamber
Musa Sulayman al-Jiddi

Annex 80 Communication from the CBL to the Office of the Public Prosecutor informing about the counterfeit bank notes

1. The source for all documents in this annex is the Central Bank of Libya



OFFICIAL UN TRANSLATION

Reference 2300048E

Translated from Arabic

Central Bank of Libya

P.O. Box 1103 | Telegraphic address: Bank of Libya, Tripoli, Libya

Banknote inspection report

We are writing to you with regard to the 50-dinar banknotes bearing the signature of the Deputy Governor, Ali al-Habri, that were sent to us this morning, Thursday, 17 November 2022. After inspecting those banknotes, we should like to inform you of the following differences:

- The quality of the paper
- The serial numbers are not reflective
- They do not contain reflective fibres
- The silver ribbon is not reflective
- Accordingly, the above-mentioned banknotes are counterfeit.

Accept, Sir, the assurances of my highest consideration.

(Signed) Maylud al-Tahir **al-Fartas**
Director, Issuance Department

مَصْرِفَ لِيْبِيَا الْمَرْكَزِي

ص.ب 1103 العنوان البرقي : مصرفليبيا - طرابلس - ليبيا

(هام وعاجل)

التاريخ: 17 نوفمبر 2022
الإشاري: 18/2022

السيد المستشار/ النائب العام - المحترم

بعد التحية...

أبلغكم بأنه تم مساء الأربعاء الموافق 16 نوفمبر 2022 ضبط أوراق نقدية مزورة تحمل توقيع نائب المحافظ "علي الحبري" وتختلف في مواصفاتها عن ورقة الـ 50 دينار المطبوعة في روسيا التي تحمل أيضاً توقيع نائب المحافظ، وفق تقرير إدارة الإصدار "المرفق"، ولم يتسن لنا العلم بمصدر هذه العملة، ولا مكان طباعتها، ولا كميتها. وقد قمنا بإصدار تنويه للجمهور ولل مصرف التجارية بالحد من التعامل مع هذه الأوراق النقدية. عليه.. نأمل منكم إتخاذ الإجراءات التي خولها لكم القانون.

والسلام عليكم

الصديق عمر الكبير
المحافظ



صورة للسادة المحترمين/

- رئيس المجلس الرئاسي
- رئيس مجلس الوزراء
- مدير الإدارة القانونية
- مدير إدارة الإصدار
- مدير إدارة الرقابة على المصارف والنقد
- مدير وحدة المعلومات المالية الليبية

OFFICIAL UN TRANSLATION
Reference 2300048E
Translated from Arabic

Central Bank of Libya

P.O. Box 1103 | Telegraphic address: Bank of Libya, Tripoli, Libya

Important and urgent

Date: 17 November 2022

Ref.: 18/1262

To: His Excellency the Public Prosecutor

Sir,

I should like to inform you that counterfeit banknotes bearing the signature of the Deputy Governor, Ali al-Habri, were seized in the evening of Wednesday, 16 November 2022. According to the Issuance Department, the specifications of the seized banknotes differ from those of 50-dinar notes printed in Russia, which also bear the signature of the Deputy Governor. We have not been able to determine the source of those banknotes, where they were printed or their number.

We have issued a notice directed to the members of the public and commercial banks and urged them to be on guard.

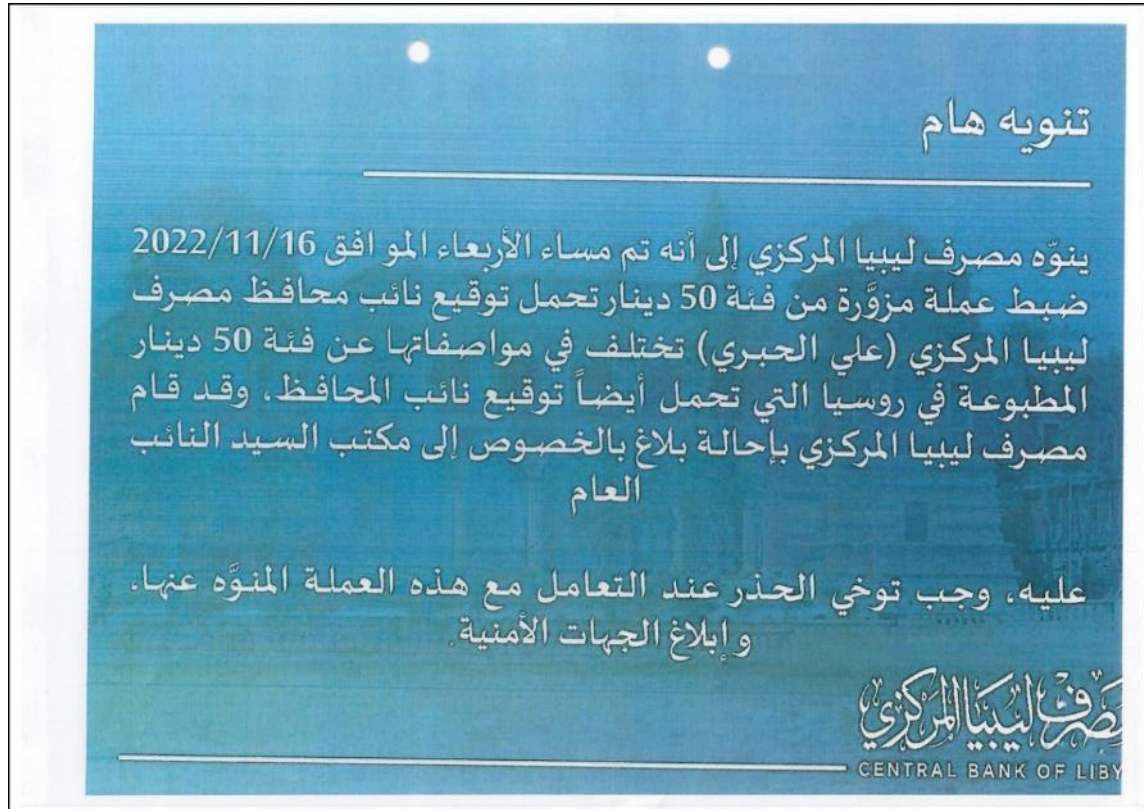
We trust that you will take the actions that you are authorized to take under the law.

Accept, Sir, the assurances of my highest consideration.

(Signed) Al-Siddiq Umar **al-Kabir**
Governor

cc:

President of the Presidency Council
Prime Minister
Director, Legal Department
Director, Issuance Department
Director, Banking and Monetary Control Department
Director, Financial Intelligence Unit



OFFICIAL UN TRANSLATION

Reference 2300048

*Translated from Arabic***Important notice**

The Central Bank of Libya states that counterfeit 50-dinar banknotes bearing the signature of the Deputy Governor, Ali al-Habri, of the Central Bank of Libya were seized on Wednesday evening, 16 November 2022. The specifications of those banknotes differ from those of the 50-dinar banknotes printed in Russia, which also bear the signature of the Deputy Governor. The Central Bank of Libya has transmitted a report regarding this matter to the Office of the Public Prosecutor.

Therefore, caution must be exercised when handling these banknotes, of which the security authorities must be informed.

Central Bank of Libya

التاريخ: 17 كانون الأول 1444هـ
الموافق: 11 ديسمبر 2022 م

السيد/ نائب النيابة بمكتب النائب العام - المحترم

بعد التحية،،،

إيماءً الى كتابكم إشاري رقم 4-8-17636، بتاريخ 2022/12/05، الموجهة للسيد/ محافظ
مصرف ليبيا المركزي، بشأن طلبكم إحالة عينات من العملة المضبوطة المزورة من فئة 50 دينار
التي تحمل توقيع نائب المحافظ (علي الحبري) مختلفة في مواصفاتها عن تلك العملة المطبوعة
في روسيا والحاملة لنفس التوقيع.

عليه ارفق إليكم طي كتابنا هذا، عدد (5) ورقات تحمل الأرقام التالية (4554383 - 2/15 هـ)
(2155612 - 2/15 هـ)، (4557987 - 2/15 هـ)، (2155315 - 2/15 هـ)، (4558133 - 2/15 هـ)
كعينة من أوراق العملة المضبوطة (المزورة) المنوه عنها أعلاه.

يؤمل التكرم بالاستلام،،

والسلام عليكم والسلام،،،

"ميلود الطاهر الفرطاس"
مدير إدارة الإصدار
2022

صورة إلى :-

- السيد / المحافظ
- السيد / مدير إدارة الشؤون القانونية .

OFFICIAL UN TRANSLATION

Reference 2300048E

Translated from Arabic

Date: 17 Jumada I A.H. 1444
Corresponding to: 11 December A.D. 2022

To: His Excellency the Deputy Prosecutor at the Office of the Public Prosecutor (4)

Sir,

I am writing in response to your communication dated 5 December 2022 (ref. No. 4-8-17636) addressed to the Governor of the Central Bank of Libya, in which you request samples of the seized counterfeit 50-dinar banknotes bearing the signature of the Deputy Governor, Ali al-Habri, the specifications of which are different from those that were printed in Russia and bear the same signature.

Accordingly, I transmit herewith five banknotes bearing the serial Nos. 2 *ha*'/15-4554383, 2 *ha*'/15-2155612, 2 *ha*'/15-4557987, 2 *ha*'/15-2155315 and 2 *ha*'/15-4558133. They are representative of the counterfeit banknotes that were seized.

You are kindly requested to accept the present communication.

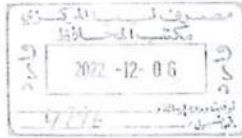
Accept, Sir, the assurances of my highest consideration.

(Signed) Maylud al-Tahir **al-Fartas**
Director, Issuance Department

cc:

The Governor
Director, Department of Legal Affairs

دولة ليبيا
مكتب النائب العام



السيد / محافظ مصرف ليبيا المركزي .

بعد التحية

بالإشارة إلى التحقيق الجاري بمكتب النائب العام في البلاغ المقدم من / محافظ مصرف ليبيا المركزي بشأن ضبط أوراق نقدية مزورة من فئة (50) دينار . تحمل إمضاء نائب المحافظ (علي العمري) من مختلفه في مواصفاتها عن تلك المطبوعة في روسيا والحامله لنفس التوقيع .

عليه

يطلب منكم إحالة عينات من العملة المضبوطه .

والسلام عليكم ورحمة الله وبركاته

منصطفى خليفة القيصه
نائب النيابة بمكتب النائب العام



صورة السي .
السيد المستشار النائب العام
السيد مدير مكتب النائب العام
السيد العمري العام

ك.ب.ا. القيصه □ مروة
20221251

OFFICIAL UN TRANSLATION
Reference 2300048E
Translated from Arabic

State of Libya
Office of the Public Prosecutor

Date:
Corresponding to:
Ref.:

To: Governor of the Central Bank of Libya

Sir,

I am writing to you with regard to the ongoing investigation being conducted by the Office of the Public Prosecutor that is mentioned in the communication from the Governor of the Central Bank of Libya concerning the seizure of counterfeit 50-dinar banknotes. These counterfeit banknotes, which bear the signature of the Deputy Governor, Ali al-Habri, have specifications that differ from the banknotes that are printed in Russia and bear the same signature.

You are therefore requested to transmit samples of the seized banknotes.

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

(Signed) **Mustafa Khalifah al-Qaysah**
Deputy Prosecutor at the Office of the Public Prosecutor

cc:

The Public Prosecutor
Director of the Office of the Public Prosecutor
Archive



Source: Central Bank of Libya (CBL)

Annex 81 Certificate of death of Sayyid Mohammed Qadhaf Al-Dam (LYi.003)

جمهورية ليبيا
وزارة الداخلية
قطاع الأحوال المدنية
صوارة قيد الوفاة
الرقم القومي:

بيان السنوي

الاسم : سيد محمد قذاف الدم
النوع : ذكر
الجنسية : ليبيا
اسم الأم :
الحالة الاجتماعية : متزوج

تاريخ الوفاة : ستة عشر من مارس
عام الفان و ثلاثة و عشرون
مكان الوفاة : الجيزة

العمر عند الوفاة : ٧٥ سنة .. شهر ٢٢ يوم
مكان الميلاد :

م. صحه :
م. مدني :
م. اصدار :

ر. القيد : ٤٧٧
ت. القيد : ٢٠٢٣/٠٣/١٧
ت. اصدار : ٢٠٢٣/٠٤/٠٩

رقم مسلسل : ١٦٨١٧٥٠٤٣

تاكلا من وجود العلامة المائية ونشر شعار الجمهورية - وثيقة أحوال مدنية

وزارة الداخلية
قطاع الأحوال المدنية
اسم طالب الخدمة :

طلب استفراج صورة قيد وفاة
التاريخ :

(نموذج ٤٠/٣)
V 1.1

Source: Egypt.

UN Official Translation
Reference 2313577E
Translated from Arabic

Arab Republic of Egypt
Ministry of the Interior
Civil Status Division

**Copy of death record
National ID:
Particulars of deceased**

Name:	Sayyid Mohammed Qadhaf Al-Dam		
Gender:	Male	Religion:	Muslim
Nationality:	Libya		
Mother's name:			
Social status:	Married		
Date of death:	16 March 2023		
Place of death:	Gizah		
Age upon death:	75 years	00 months	22 days
Place of birth:			

Health office:	*****	Record No.:	477
Civil registry:	*****	Date of record:	17 March 2023
Record issued:	*****	Date of issue:	9 April 2023

Serial number: 168175043

Check for watermark and eagle emblem of the Republic - Civil status document

**Ministry of the Interior
Civil Status Division**

Request to obtain copy of death registration

**(Form 40/3)
V 1.1**

**Name of person
requesting service:**

Date:

Annex 82 Power of attorney signed by Saadi Qadhafi (LYi.015)



وزارة الخارجية والاعمال الدبلوماسية

Libya Başkonsoloslugu - İstanbul

التفخينة العامة الليبية - اسطنبول

Tarih: 2022/11/19 التاريخ

REF. 1/75 رقم الترخيص

توكيل (خاص)

أنا الموقع أدناه : الساعدي معمر محمد القذافي

الحامل جواز سفر رقم [REDACTED] الصادر بمدينة طرابلس بتاريخ 2021/05/19 م وينتهي بتاريخ 2026/11/25م والمقيم بمدينة اسطنبول.

أقر وأنا بكامل اراضي المعيرة شرعاً وقانوناً باتني وكنت السيد / [REDACTED] حامل جواز سفر رقم [REDACTED] الصادر بتاريخ 2019/04/23 ليقوم مقامي وتبليغني عنى بتمثيلي ومتابعة واتمام كافة الاجراءات الادارية والقانونية الخاصة بي لدى الدوائر والمؤسسات الحكومية وغير الحكومية بما فيهم المحاكم ودوائر التسجيل العقاري بدولة كندا بخصوص الشقة المملوكة لي والمسجلة باسمي في كندا وله الحق في استلام المستندات وتسديد كل المستحقات الخاصة بالشقة واستلامها، وكما له حق التصرف في البيع والاستثمار وقبض الثمن، وبيانات الشقة كالتالي :-

10 NAVY WHARF COURT/SUITE 4603- TORONTO ON MV 3V2 وهذا
توكيلاً خالصاً بما ذكر.

توقيع وبصمة الموكل : الساعدي معمر محمد القذافي

أصديق أنا صلاح الدين فرج الكاسح - القنصل العام لدولة ليبيا بمدينة اسطنبول عنى صحة توقيع الموكل دون أدنى مسؤولية عما ورد في هذا التوكيل.

قيد هذا التوكيل لدينا تحت رقم [REDACTED] بتاريخ 2022/11/19

İnönü Cad. Miralay Şehit Bey Sk. No: 3 Güneşçuyu - Takasım / İSTANBUL, Tel: (+90 212) 251 81 00 - 01
Fax: (+90 212) 252 55 15 E-mail: libyahankonsole@ictp.gov.tr

Source: Confidential

UN OFFICIAL TRANSLATION
Reference 2311246E
Translated from Arabic

State of Libya
Government of National Unity
Ministry of Foreign Affairs and International Cooperation

Libyan Consulate General, Istanbul

Reference number: 75/1

Date: 11 November 2022

Power of Attorney (Special)

I, the undersigned, Saadi Muammar Mohammed Qadhafi,

Holder of passport number xxxxxxxxxxxx, issued in Tripoli on 19 May 2021 with an expiration date of 25 November 2026, and residing in Istanbul,

Declare, of my own free will and in my full legal capacity, that I have authorized xxxxxxxxxxxxxxxxxxxxxxxx, holder of passport number xxxxxxxxxxxxxxxx, issued on 23 July 2019, to represent me and act on my behalf and to follow up on and complete all my administrative and legal procedures before governmental and non-governmental departments and institutions, including courts and real estate registers, in Canada, with respect to the apartment that I own and is registered in my name in Canada. He has the right to receive documents and to pay and receive all sums related to the apartment and has the right of disposal through sale, investment and receipt of payment. The apartment details are as follows:

10 NAVY WHARF COURT, SUITE 4603, TORONTO, ON, MV 3V2. This is a special power of attorney for the above-named.

Signature and fingerprint of the client: Saadi Muammar Mohammed Gaddafi (*Signed*)

I, Salah al-Din Faraj Al-Kasih, Consul General of the State of Libya in Istanbul, certify the authenticity of the signature of the client without bearing any responsibility for what is stated in this power of attorney. (*Signed*)

This power of attorney is registered under No. 75, dated 11 November 2022

**Annex 83 Photographs of Abd Al-Rahman al-Milad (LYi.026) (a.k.a al-Bija) active in
Libyan Coast Guard**



Source: <https://twitter.com/libyapress2010/status/1587460263405568000?s=20&t=BbULt9tJ85gCPp5XL4vw7w>, 01 November 2022.

Annex 84 New identifying information for listed individuals

A. LYi.025

Change a.k.a: c) Keslaf from good quality to low quality

B. LYi.026

Change name to: 1: Abd, 2: Al-Rahman, 3: Salim, 4: Ibrahim 5: al-Milad.

Title: Navy Major.

Add good quality a.k.a.: Abdulrahman Salim Milad Kashlaf.

National identification no (Libya): 2519910.

Other information: 1) Name of mother Huriyah Al-A'ib; and 2) Military ID is 36479.

C. LYi.029

Change DOB: From 04 April 1976 to 02 April 1976.
