



安全理事会

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2015 年 2 月 23 日第 1973(2011)号决议所设专家小组给安全理事会主席的信

安全理事会第 1973(2011)号决议所设专家小组谨依照安理会第 2144(2014)号决议第 13(d)段，转递专家小组工作的最后报告。

报告已于 2015 年 2 月 4 日提交给安全理事会关于利比亚的第 1970(2011)号决议所设委员会，并由委员会在 2 月 20 日进行了审议。

请提请安全理事会成员注意本函及报告并将其作为安理会的文件分发给荷。

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安全理事会第 1973(2011)号决议所设专家小组的最后报告

摘要

安全理事会第 1973(2011)号决议所设专家小组的任期最近经安全理事会第 2144(2014)号决议续延。专家小组的最后报告分析了自 2014 年 4 月 17 日专家小组被重新任命至本报告编写之日期间第 1970(2011)号决议所定措施的执行情况,包括武器禁运、资产冻结和旅行禁令的执行情况,以及随后通过的第 1973(2011)号、第 2009(2011)号、第 2016(2011)号、第 2040(2012)号、第 2095(2013)号、第 2144(2014)号、第 2146(2014)号和第 2174(2014)号决议载列的修改内容的执行情况。报告还概述了专家小组的结论,并向安全理事会、第 1970(2011)号决议所设委员会和会员国提出了改进相关措施执行工作的 18 项建议。专家小组还力求以获取的已核实数据和信息为依据,重点指出不遵守决议的事例。

专家小组的评估以会员国、相关联合国机构、区域组织及其他有关方面在本报告所述期间提供的信息为基础。专家小组还在这一期间对利比亚进行了多次评估考察,会晤了包括联合国利比亚支助团(联利支助团)在内的主要利益攸关方。在此期间,专家小组访问了 24 个国家,两次前往利比亚。自 2014 年 7 月 11 日以来,专家小组一再试图再次访问利比亚,但由于安全局势恶化,所有联合国工作人员于 2014 年 7 月 13 日和 14 日撤离,迄今未能成行。

安全事态发展和相关制裁标准

专家小组认定,伊斯兰教法虔信者组织或其下属部队在班加西和德尔纳的大肆杀戮,包括特别是频繁使用简易爆炸装置,构成对和平的严重威胁。

专家小组认定,2014 年 5 月和 8 月之间开展的“卡拉迈行动”的参加者与其对手一样,都不能被视为“政府军”。行动引起局势的有限升级,但没有造成重大国家安全影响。

专家小组证实,在其目前任务期间,班加西革命舒拉委员会的行动至少部分是出于在班加西实行严格的伊斯兰法统治的愿望。专家小组认为,班加西革命舒拉委员会是破坏利比亚稳定的一个重要因素,因其以暴力挑战任何不符合其宗教意识形态的国家权力。

专家小组认定,黎明行动的发起引发了一系列进一步升级事件。黎明行动实际上使得短期内不可能有任何有效协作或甚至对话。

专家小组认定,黎明行动有针对性的行动和不加区分地使用武力,均造成重大物质损失和机构破坏以及平民伤亡。此外,黎明行动若干主要人物还涉及严重侵犯人权问题。专家小组还得出结论认为,在黎波里活动的津坦和 Warshefana 部队对 2014 年 7 月至 9 月期间的一些破坏和平民伤亡负有责任。

11月下旬利比亚军队的反攻使局势进一步升级。专家小组调查发现,行动使其他一些城镇也卷入了冲突,并蓄意以一些关键的民用基础设施为目标,对于这在军事上是否必要,专家小组表示怀疑。专家小组注意到,尽管黎明行动在持续进行,利比亚政府反应迟缓,这使得有大约两个月时间可供进行可能的对话。

关于另一个问题,即2014年10月15日之后利比亚军队/卡拉迈在班加西几个地区的行动,专家小组继续调查各方造成的广泛破坏,包括关于盲目袭击的指控。

专家小组调查发现,在南部,一些冲突与沿海岸线武装冲突各方的战略利益有关系。专家小组继续收到进一步报告,确认在费赞存在本国和外国极端主义团体。

政治过渡和有关制裁标准

专家小组调查发现,2014年初,津坦民兵加强了其在的黎波里的实力和影响力,并使用这一军事力量来干涉政治进程,从而进一步加剧紧张局势,迟滞了过渡进程。在此之前,自2011年以来就发生了一系列事件,涉及支持政治对抗的另一派的武装团体。专家小组认为这些袭击同样给过渡进程造成了损害。

尽管有这许多障碍,在众议院选举之后,过渡进程仍可重新恢复。然而,黎明行动的发动和随后的抵制新议会行动宣示了政治冲突的严重升级。专家小组无法在利比亚革命后历史中找到有类似规模和影响的先例。因此,专家小组得出结论认为,黎明行动领导人对政治进程的崩溃负有最终责任。

到2014年下半年,政治升级日趋严重,以致很难将正在进行的进程称为过渡进程。专家小组认为,该国重新陷入战争局势。

武器禁运的执行情况

利比亚武装团体继续在过渡阶段囤积军事物资,在利比亚境内收集武器和弹药,或从境外采购。由于没有正常运作的国家安全部队,革命后,向利比亚转让军用物资,不论是否获得委员会的豁免,都有助于加强民兵力量。

自2014年以来所有交战各方对军事物资的需求增加,以及由此产生的非法军事物资转让,正在促成无止境的冲突,其中没有任何一方占有明显的军事优势。

尽管第2174(2014)号决议强化了武器禁运规定,但其执行软弱无力。没有禁运的普遍执行,对物资的大量需求,以及交战各方采购物资所能获得的资源和支助,表明大规模非法贩运的持续发生是不可避免的。

尽管该国境内对武器弹药存在大量需求,物资从利比亚扩散继续构成对利比亚的近邻和萨赫勒地区的重大安全挑战,特别是从反恐怖主义的角度。目前对利比亚的军用物资转让有可能进一步强化这种状况。

旅行禁令执行情况

在阿曼开展的调查显示,2014年1月,旅行禁令措施指认的个人 Safia Farkash Al-Barassi 从阿尔及利亚前往阿曼,事先未经委员会核准,事后也未通知委员会。

据指控,有人密谋在2011年把 Saadi Qadhafi 及其家人偷运到墨西哥,这一行为违反了旅行禁令,专家小组继续对此进行调查。

专家小组约谈了旅行禁令措施指认的另一个人 Quren Salih Quren Al Qadhafi。他说他已于2011年10月离开利比亚,前往阿尔及利亚。他随后经由摩洛哥前往埃及。他说,每次有关国家当局都知道他的行踪。埃及和摩洛哥都说:他未曾以该名入境。旅行没有得到委员会批准,也未事后通知。

为实现平衡和公平,正在努力设法对根据各种措施列入名单的个人中尽可能多的人进行约谈。2014年10月,专家小组成员约谈了两名受旅行禁令限制的个人——在阿曼的 Mohammed 和 Aisha Qadhafi。

旅行禁令和资产冻结措施指认的一些个人的所在地已经发生变化,专家小组建议对制裁名单进行几处更新。

资产冻结的执行情况

专家小组目前的工作重点是名单所列个人。在本报告所述期间,在现有和新的调查方面均取得了进展。进程缓慢是因为难以从会员国获取信息。但不懈的调查正在产生有意义的成果,而这反过来又为查明应予以冻结的资产以及掩盖资产的企图提供了新的线索。

一些试图追回据称从利比亚政府盗走的该国资产的欺诈性尝试已曝光。这些尝试涉及可能应予冻结的资产,因此属于专家小组的管辖范围,专家小组正在对此进行调查。

经进一步调查会员国适当执行资产冻结的能力,确定了由于其本国立法存在漏洞或宪法框架有障碍而没有能力执行这些措施的其他一些会员国。这些问题导致在有关会员国无法执行资产冻结,因此,应引起安理会的关注。

对被指认船只的制裁的执行

在2014年3月“牵牛花”号事件发生后,安理会通过了第2146(2014)号决议,使委员会能够应利比亚政府的请求,指认企图从利比亚非法出口原油的船只。在本报告所述期间没有收到任何此类请求,因此没有指认任何船只,尽管从不受利比亚政府控制的港口出口原油的现象确有发生。

专家小组认为,请求指认船只的机制不能有效运作,应加以修订。专家小组还调查发现,不仅原油,而且其衍生物都在被非法出口,这有可能为正在发生的冲突提供资金。

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* 由于监测机制报告的字数限制，专家小组在本文件附件中提供了与一系列调查有关的进一步细节，附件均原文照转，不作正式编辑，并仅以来件语文分发。

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一. 背景

1. 专家小组的前几次报告介绍了第 2144(2014)号决议通过前的利比亚制裁制度演变情况(见 S/2013/99 和 S/2014/106)。设立这一任务及随后修改其范围的各项决议见附件一。

A. 任务和任命

2. 安理会在第 2144(2014)号决议中将第 1973(2011)号决议所设专家小组的任务期限延长 13 个月,以执行下列任务:协助委员会执行第 1970(2011)号决议第 24 段规定的任务:收集、审查和分析各国、联合国相关机构、区域组织和其他有关各方提供的关于第 1970(2011)号和第 1973(2011)号所定并经第 2009(2011)、2040(2012)、2095(2013)和 2144(2014)号决议修订的各项措施执行情况,尤其是不遵守决议的事件;就安理会、委员会、利比亚政府或其他国家为更好地执行相关措施而可能考虑采取的行动提出建议;至迟在小组任命后 180 天内向安理会提交一份临时工作报告,并至迟在 2015 年 3 月 10 日提交载有其结论和建议的最后报告。

3. 安理会还鼓励专家小组在考虑到联合国利比亚支助团(联利支助团)有责任协助利比亚当局打击各类军火和相关材料,特别是轻重武器、小武器和便携式地对空导弹的非法扩散及保障和管理利比亚边界的同时,继续加快调查不遵守制裁的行为,包括非法向利比亚和从利比亚转移军火和相关材料以及受到第 1970(2011)号和第 1973(2011)号决议规定并经第 2009(2011)、2040(2012)和 2095(2013)号决议修订的资产冻结的个人资产,鼓励联利支助团和利比亚政府支持专家小组在利比亚境内开展调查工作,包括酌情交流信息,提供交通便利和允许进出武器存储设施。

4. 安理会在第 2146(2014)号决议中扩大了专家小组的任务,列入监测与企图非法出口原油有关的措施。此外,安理会还将专家小组成员增至六人。

5. 安理会第 2174(2014)号决议要求专家小组提供关于符合本决议增设的指认标准的个人和实体的资料。

6. 在第 2144(2014)号和第 2146(2014)号决议获得通过后,2014 年 4 月 17 日任命了专家小组的六名成员。

B. 方法

7. 专家小组继续沿用以往任务中使用的相同方法。全部详细情况见附件 2。

8. 按照对监督机构报告设定的字数限制, 专家小组决定将本报告某些部分, 包括一些(可能的)违反行为放入附件, 以便将可能对利比亚稳定危害最大的行为保留在报告正文之中。

C. 与利益攸关方和各组织的合作

9. 自专家小组提交上一次最后报告(S/2014/106)以来, 该小组访问了比利时、中非共和国、乍得、塞浦路斯、埃及、法国、加纳、希腊、意大利、黎巴嫩、马耳他、荷兰、尼日尔、阿曼、南非、新加坡、瑞典、瑞士、阿拉伯叙利亚共和国、突尼斯、阿拉伯联合酋长国、大不列颠及北爱尔兰联合王国和美利坚合众国, 并两次访问利比亚。在访问利比亚期间, 由于安全局势的限制, 专家小组仅在的黎波里活动。在本次任务期限内曾与专家小组进行协商的机构和个人清单见附件 3。

10. 自专家小组最近在 7 月访问利比亚以来, 该小组一直努力前往该国境内若干地点, 特别是 9 月以来以及的黎波里局势初步升级之后。在以往任务期间, 专家小组在利比亚时得到了联利支助团的后勤支助。然而, 自联利支助团于 7 月撤离以来, 专家小组一直未能前往利比亚, 因为其依赖在利比亚的联利支助团和联合国秘书处安全和安保部提供支助和审查。经过在工作层面提出若干援助请求后, 委员会就此问题致信秘书长特别代表贝尔纳迪诺·莱昂, 但未获答复且没有取得具体成果, 此后, 专家小组于 10 月下旬在突尼斯会见了秘书长特别代表及其团队, 特别代表在会见中承诺提供支持, 包括考虑可以使用调配给联利支助团的一架飞机。

11. 虽然秘书处多次跟进此事, 但截至 2015 年 1 月 19 日, 在安全审查或后勤支助方面未取得任何进展。专家小组感到遗憾的是, 由于在专家小组看来联利支助团和安全和安保部驻利比亚分支机构无所作为, 专家小组在五个多月的时间里无法前往利比亚。专家小组虽收到利比亚政府的正式邀请却未能成行。利比亚政府代表对专家小组无法访问感到惊讶, 因为联利支助团的各代表团在此期间多次访问利比亚(见建议 6)。

12. 专家小组自提交其上一次最后报告以来发出了 172 份正式通知(见附件 4)。专家小组感谢就其索要资料的请求做出答复并同意其访问要求的会员国。专家小组仍在等待一些会员国答复其访问要求, 包括阿尔及利亚、加拿大、墨西哥、摩洛哥、尼日利亚和苏丹。

D. 区域背景

1. 概览

13. 利比亚向民选机构和政治稳定过渡面临的挑战包括: 2014 年 6 月选举产生新议会后, 在的黎波里成立了相互敌对的理事机构; 该区域一些国家支持利比亚境内

不同派别。¹ 这些因素的相互关联性加深了关于当前政治实体和程序合法性的争端,并扩大了两个政府和两个议会之间的冲突:设在贝达省(“利比亚政府”)、前国民议会宣布的黎波里 Al-Hassi 政府(“Al-Hassi 政府”)、托布鲁克的众议院(“众议院”)以及的黎波里的自封的国民议会(“国民议会”)。尽管区域各国承诺“促进全国共识和和解”并“拒绝在利比亚进行任何外部干涉”,² 利比亚危机仍从政治角逐转为武装冲突,其中民兵领导人成为了真正的权力掮客。³

14. 利比亚国内局势恶化给其邻国造成了安全、政治和人道主义问题,因为该国武装团体间的零星对抗升级为最终围绕“黎明行动”和“卡拉迈行动”形成的各联盟间的重大武装冲突。在 2014 年期间,有 2 825 人丧生,394 000 多人被迫逃离家园,成为生活在该国各地 25 个城市的境内流离失所者。⁴ 利比亚难民在突尼斯等邻国面临挑战,其在那里安居的难度日增。同样,突尼斯官员也对收容利比亚难民产生的长期费用表示了关切。突尼斯收容了约 200 万利比亚难民,占利比亚人口的近三分之一。⁵

15. 联利支助团再次呼吁立即停止军事行动,以便进行利比亚政治对话。2014 年 9 月 29 日在加达米斯举行首次会议后,秘书长特别代表继续开展外交努力,于 2015 年 1 月 14 日和 15 日在日内瓦召集若干政治利益攸关方举行了第二轮政治对话,寻求结束利比亚政治、安全和体制危机的途径。⁶ 这轮对话点燃了解决利比亚危机的希望,与会者同意于 2015 年 1 月第三周返回日内瓦参加新一轮对话。

2. 区域事态发展

16. 最近区域事态发展概览见附件 6。

二. 安全事态发展和相关制裁标准

¹ “El-Sissi denies Egyptian military intervention in Libya”, Deutsche Welle, 28 August 2014. 见 www.dw.de/el-sissi-denies-egyptian-military-intervention-in-libya/a-17874752。

² United States Department of State, Office of the Spokesperson, “Joint communiqué on Libya”, Washington, D.C., 22 September 2014. 见 <http://www.state.gov/r/pa/prs/ps/2014/09/231985.htm>。

³ Mary Fitzgerald, “Libya’s new power brokers?”, Foreign Policy, 27 August 2014. 见 <http://foreignpolicy.com/2014/08/27/libyas-new-power-brokers/>。

⁴ 来自指控利比亚政府“拒绝”进行死亡统计的非政府网站“利比亚死亡统计”(见 <http://www.libyabodycount.org>)。

⁵ Monji Saidani, “Tunisia fears impact of Libyan refugees on subsidies system”, Al-Sharq al-Awsat, 3 August 2014. 见 www.aawsat.net/2014/08/article55335019。

⁶ “联合国主持的利比亚政治对话在日内瓦结束第一轮会谈”,联合国利比亚支助团(联利支助团)新闻稿,2015 年 1 月 15 日。见 <http://unsmil.unmissions.org/Default.aspx?tabid=3543&ctl=Details&mid=6187&ItemID=1992911&language=en-US>。

17. 专家小组谨就自安全理事会第 2174(2014)号决议扩大其调查范围以来的工作情况进行一些说明。

18. 鉴于目前局势升级,必须提到本报告的研究工作在 2014 年 12 月停止。因此,报告未反映进一步的事态发展。

19. 专家小组注意到,第 2174(2014)号决议使当前武装冲突中的所有利益攸关方产生了具体期望。

20. 专家小组还注意到,迄今为止,第 2174(2014)号决议一直主要被用作防止局势进一步升级的威慑和鼓励交战派别参与谈判的激励。

21. 专家小组谨着重指出,Ansar Al Charia Derna 和 Ansar Al Charia Benghazi 是在另一个制裁制度下被列名,与专家小组的调查和报告无关。

22. 专家小组指出,所涉任何行为体作出的任何制裁声明均与专家小组工作无关,专家小组开展调查完全独立于目前政治和外交进程之外。

23. 专家小组是根据第 2174(2014)号决议从纯粹技术角度来调查可能违反行为的技术性机构。

24. 为便于清晰分析 2014 年期间在利比亚发生的复杂的系列安全事件,专家小组用六节介绍事态发展,并分析具体地区和时间段发生的一系列事件。为提供进一步的参考,专家小组建立了一个安全事件数据库,并配有带地理参照和时间标记的可点击地图。上述地图的若干屏幕截图已插入本报告附件。地图见以下网址:www.annexmap.net/libya/, 密码: PoEL2014 (更多说明见附件 7)。

A. 2014 年初的班加西不安全局势

25. 2014 年头几个月,昔兰尼加的安全局势进一步急剧恶化,班加西和德尔纳尤其如此。针对政治家、安全部门成员、记者、法官、人权活动分子和其他社区领袖的袭击仍在继续,导致局势总体上不安全。这在班加西引发了一些公开抗议,包括 2014 年 2 月 26 日在国防部大楼发生的骚乱、4 月 2 日的总罢工以及 5 月 9 日在 2 月 17 日旅军营举行的平民集会。

1. 对和平、稳定或安全的威胁,包括侵犯人权行为

26. 附件 8 中地图上的标志代表 2014 年 1 月至 5 月期间在班加西和德尔纳发生的 100 多起所报实际或未遂暗杀,这证实此类罪行几乎每天都在发生。虽然在一些案件中(不到 10 起),受害者据报是所谓“伊斯兰民兵组织”成员或支持者,但大多数袭击据报是针对班加西安全部门、特别是“军队”的成员。至少在十几起袭击中使用了简易爆炸装置,多为车载简易爆炸装置。根据这些事件的描述、文件记载及专家小组与逃离班加西人员进行的访谈,一些杀戮似乎特别残酷或恐怖。还有若干绑架事件报告。

27. 根据所述情况, 专家小组认为班加西和德尔纳的日常生活受到严重干扰。由于大多数袭击发生在公共场所并往往涉及爆炸物的使用, 普通公民持续面临危险。不安全局势的激化程度使许多公众人物及其家人决定离开班加西。因此, 专家小组的结论是, 大面积发生的杀害安全机构人员和平民事件对上述两个城镇, 乃至整个利比亚的和平构成严重威胁。

28. 频繁使用简易爆炸装置表明, 掌握必要专门知识的组织是众多上述杀戮行为的元凶, 而且这些行动有一定程度的规划和组织。虽然专家小组无法认定具体事件的犯罪人, 但一直遭受威胁和袭击的班加西居民证实, 策划和实施上述袭击的主要组织是伊斯兰教法虔信者组织民兵。同时, 班加西和德尔纳的伊斯兰教法虔信者组织已被基地组织制裁委员会列名为伊斯兰教法虔信者组织——班加西(QE.A.146.14)和伊斯兰教法虔信者组织——德尔纳(QE.A.145.14)。列名理由特别提到该民兵组织针对班加西当地安全部队的袭击造成了数百名受害者。⁷

29. 在同一时期, 伊斯兰教法虔信者组织据报在伊斯兰战斗人员当中获得了极高的威望, 这也因为该组织队伍中有一些国际圣战者。这促进了该民兵组织的招募, 并使其成为后来被称为班加西革命者舒拉委员会的组织内部的主要力量。

30. 伊斯兰教法虔信者组织的势力超出东部, 特别是渗入到苏尔特、塞布拉塔和奥拜利。伊斯兰教法虔信者组织的部队最近参加了日出行动。2014年4月15日约旦驻利比亚大使遭遇绑架的一系列有意思的事件揭开了伊斯兰教法虔信者组织的全国和国际网络。据约旦当局所述, 得到利比亚革命军作战室和利比亚之盾支持的绑架者将大使从黎波里带到西部的塞布拉塔, 并在一个月后将其释放, 明显与因恐怖主义罪名被关押在约旦的利比亚好战分子 Mohamed Dersi 进行了交换。然而, 2014年12月29日, 专家小组看到此人重新出现在伊斯兰教法虔信者组织分发的视频中, 参加班加西革命者舒拉委员会对利比亚军队在东部的基地展开的行动。

B. 2014年上半年的黎波里的重大安全事件(黎明行动前)

31. 专家小组在附件八中提供了关于2014年上半年的黎波里安全事态发展的进一步详情(见附件9)。

C. 卡拉迈行动与班加西革命者舒拉委员会的设立, 2014年5月至8月

32. 2014年5月16日, 自称“利比亚国民军”的陆军部队、前革命团体和部落民兵联盟对其声称造成班加西不安全局势的伊斯兰教法虔信者组织及其他武装团体发动名为“卡拉迈(尊严)行动”系列袭击中的首轮袭击。卡拉迈行动的指挥官是哈利法·哈夫塔尔, 此人在当年早些时候的疑似未遂政变中曾呼吁国民议会和政府

⁷ 安全理事会关于基地组织及与之有关联的个人和实体的第1267(1999)号和第1989(2011)号决议所设委员会, 伊斯兰教法虔信者组织——班加西(QE.A.146.14)列名理由简述。见 www.un.org/sc/committees/1267/NSQE14614E.shtml。

停止运作。⁸ 利比亚国民军获得了空军最高指挥部、海军和班加西 Sa'iqah 特种部队的支持。空军的支持尤为明显，因为利比亚国民军战术的显著特点是空袭。

33. 卡拉迈行动的主要目标是伊斯兰教法虔信者组织、2 月 17 日旅、Rafallah Al-Sahati 民兵组织以及利比亚之盾东部旅(盾一)的基地和活动。在发起卡拉迈行动后，这些武装团体联手设立班加西革命者舒拉委员会，公开推进伊斯兰议程(见附件 13)。在夏季，班加西革命者舒拉委员会在反抗卡拉迈行动部队的若干关键战役中获胜，最重要的是 2014 年 7 月 29 日占领了“霹雳”特种部队营地。

34. 2014 年 12 月，德尔纳的一些伊斯兰民兵组织试图效仿班加西联盟建立一个类似组织，德尔纳圣战者舒拉委员会。这一倡议是由 Salim Derby 领导的阿卜萨利姆烈士旅提出的。德尔纳极端主义团体将在多大程度上团结在德尔纳圣战者舒拉委员会旗帜下尚待观察，特别是鉴于德尔纳最强的派别之一“伊斯兰青年舒拉委员会”已在 10 月承诺与伊斯兰国结盟。尽管如此，2014 年 12 月 24 日，德尔纳圣战者舒拉委员会宣称与伊斯兰国在利比亚对拉卜拉克机场开展了联合行动。⁹

35. 据一位利比亚政府高级成员向专家小组证实，哈利法·哈夫塔尔在 2014 年 8 月 25 日承诺效忠新当选的参谋长 Abdel Razzak Nadhuri，并将其指挥结构“编入”托布鲁克众议院领导的利比亚军队。自此以后，卡拉迈行动作为一个单独实体在名义上不复存在。¹⁰ 虽然哈夫塔尔和卡拉迈行动的立场获得利比亚政府的支持，但是众议院部分成员仍对它们的立场提出异议，因而出现一系列不成熟声明以及众议院议长最终单方面决定重新招募 127 名前军队官员。

1. 对和平、稳定或安全的威胁(卡拉迈行动，2014 年 5 月中旬至 8 月中旬)

36. 卡拉迈行动的代表向专家小组辩称其行动正当，声称他们是同恐怖主义分子及伊斯兰极端分子作战。专家小组与卡拉迈行动支持者约谈期间以及在媒体报道中反恐话题占据了显著篇幅。虽然武装团体毋庸置疑地在班加西造成严峻的安全挑战并实施恐怖主义行为，但充满争议的行动可谓进一步威胁了利比亚稳定并使政治过渡更为复杂。

37. 最为重要的是，的黎波里的任何一级军事机关均未批准卡拉迈行动，该行动也未获得任何官方政治支持。从技术角度而言，这是针对民兵组织战斗人员的不良行动，因为这些战斗人员中许多都是受雇于利比亚政府，负责“守卫”某些地

⁸ “Attempted coup d'état in Libya”, Voltaire Network, 15 February 2014, 见 www.voltairenet.org/article182192.html; “Libya Major General Khalifa Haftar claims gov't suspended in apparent coup bid; PM insists Tripoli 'under control'”, CBS News, 14 February 2014, 见 www.cbsnews.com/news/libya-major-general-khalifa-haftar-declares-govt-suspended-in-apparent-coup-bid/.

⁹ 拉卜拉克是利比亚东部的唯一机场，不经常对商业航班开放。

¹⁰ 专家小组将 2014 年 8 月 25 日后由前卡拉迈行动军官指挥或执行的任何行动称为利比亚军队与卡拉迈行动联合开展的行动。

区或设施的前革命者。¹¹ 因此，卡拉迈行动的部队与其对手一样，都不能被视为“政府军”。

38. 此外，卡拉迈行动被怀疑有超出保障班加西安全的野心。该行动无可争议的领导人哈利法·哈夫塔尔此前曾宣布停止国民议会的运作(该议会最近充满争议地延长了任期)，企图干预的黎波里的政治进程。此外，就在对班加西发动卡拉迈行动的同一天，声称代表利比亚国民军的津坦民兵短暂攻击了黎波里国民议会大楼并宣布解散议会(见附件 16)。

39. 最后，卡拉迈行动大量使用飞机，特别是在以城市战为主的情况下，这引发了社交媒体上关于其滥用武力的指控。

40. 专家小组调查了上述每项指控。虽然黎波里对话者的确证实卡拉迈行动及其首席指挥官的无良状况，但专家小组无法确认该行动具有决定性的全国破坏效应，也未发现证明空中轰炸造成大量平民伤亡的证据。

41. 2014 年 5 月至 8 月期间的冲突事件数据表明，5 月 16 日至 8 月中旬，卡拉迈行动仅限于班加西和德尔纳，另外有一例在艾季达比耶的袭击报告(见附件 10 中的地图)。直至 8 月底，即卡拉迈行动“编入”利比亚军队前的一周，卡拉迈行动才在进攻首都一个多月后进入该城。事实上，2014 年 7 月初专家小组访问的黎波里时，所有对话者均将卡拉迈行动称为与国家政治争斗无关的安全问题。

42. 卡拉迈行动没有解决“东部”安全问题，相反使“当地”局势进一步升级。冲突事件数据表明，班加西许多地区的局势在此期间严重升级，包括哈夫塔尔的空军指挥官 Saqr Geroushi 下令进行一系列空中轰炸及交战双方经常发动导弹和(或)迫击炮袭击。此外，虽然冲突事件数据表明暗杀浪潮和简易爆炸装置袭击有所减少，但这种行为仍在发生，其中包括自杀性爆炸事件。

43. 专家小组未发现显示卡拉迈行动系统性滥用武力的媒体报道。此外，在卡拉迈行动进行之际，专家小组在会见的黎波里当局时没有收到任何此类指控。同样，随后几个月的专家小组对话者不认为卡拉迈行动滥杀滥伤(受访者包括班加西的 1 名治安法官、1 名人权活动家和一些其他民间社会人士)。

2. 对和平、安全或稳定的威胁(班加西革命者舒拉委员会)

44. 班加西革命者舒拉委员会名义领导人 Al-Zahawi(伊斯兰教法虔信者组织)、Wissam Bin Hamid(利比亚之盾一)及 Jalal Makhzoum(Rafallah al-Sahati 旅)在军事行动期间或之后拍摄的若干照片和视频中共同出境，表明这一联盟也体现在行动

¹¹ Wolfram Lacher and Peter Cole, *Politics by Other Means, Conflicting Interests in Libya's Security Sector*, Small Arms Survey Working Paper 20 (Geneva, Small Arms Survey, Graduate Institute of International and Development Studies, October 2014). 见 www.smallarmssurvey.org/fileadmin/docs/R-SANA/SAS-SANA-WP20-Libya-Security-Sector.pdf.

一级。他们的录音发言和书面声明证实该联盟无意看到利比亚国实现稳定。班加西革命者舒拉委员会已多次发表声明反对利比亚“民主”，并强调必须实行“真主的统治”。由上所述，且从其行动中得以证实，这些团体似乎更希望建立严格的伊斯兰法统治，而无意参加的黎波里的政治进程。¹²

45. 该组织极端主义潮流的另一个迹象是在班加西对卡拉迈行动目标进行的自杀性爆炸日益增多。许多外国战斗人员照片和姓名被贴到社交媒体，称其实施了这些袭击，有时对他们进行赞美。¹³

46. 虽然班加西革命者舒拉委员会在 2014 年的安全影响主要局限在班加西，但专家小组认为它对利比亚政治未来和重新稳定的潜在破坏远远超过卡拉迈行动。事实上，如果班加西革命者舒拉委员会的立场不变，它将继续以暴力挑战任何不符合其宗教意识形态的国家权力。

3. 对和平、稳定或安全的威胁，包括侵犯人权行为

47. 专家小组收到报告称，一些班加西革命者舒拉委员会指挥官此前曾卷入严重侵犯人权的行为。

48. 东部利比亚之盾旅指挥官 Wisam Bin Hamid 此前被科普特基督徒指控，称其设有一个对他们施以酷刑的拘留设施。包括一名受害者在内的消息来源向专家小组证实，Bin Hamid 经常进行任意逮捕，有时索要赎金以获取经济利益。

49. 此外，专家小组在社交媒体上看到一些照片，据称是伊斯兰青年舒拉委员会举办支持伊斯兰国的集会。与此同时，该委员会长期有类似做法和侵犯人权行为。例如，2014 年 8 月 19 日，在社交媒体上发布的一段视频显示在一个足球场上公开处决一名埃及人。这名男子被控谋杀，并受到伊斯兰青年舒拉委员会所属委员会在利比亚司法系统外进行的法外“审判”。¹⁴

4. 对和平、稳定或安全的威胁，包括代表被列名个人或实体或按其指示行事

50. 由于班加西革命者舒拉委员会的一个成员组织“伊斯兰教法虔信者组织”在 2014 年 11 月被列入基地组织制裁名单，指挥或参加班加西革命者舒拉委员会行动的任何个人或实体都可能同样面临制裁。

¹² 伊斯兰教法虔信者组织领导人 Mohammed al-Zahawi 据报通过 Tawahid(伊斯兰统一)电台宣布成立一个伊斯兰酋长国。

¹³ Ayat Mneina, “Horrible developments: terrorists growing desperate in Libya”, Libyan Youth Voices, 26 November 2014. 见 <http://lyvoices.org/horrific-developments-terrorists-growing-desperate-in-libya/>。

¹⁴ “‘Public execution’ in football stadium shows Libya’s descent into lawlessness”, Amnesty International, 22 August 2014. 见 www.amnesty.org/en/news/public-execution-football-stadium-shows-libya-s-descent-lawlessness-2014-08-21。

D. 黎明行动(2014年7月至12月)

51. 2014年7月13日,的黎波里和米苏拉塔武装团体在的黎波里的一些地区对的黎波里和津坦的敌对团体发动袭击。袭击者宣布其行动为“利比亚黎明”行动,并将津坦 Qa'qa 旅和 Sawaiq 旅确定为主要目标。经过两周的战斗,该行动获得米苏拉塔提供的大批增援,局势迅速升级为公开武装冲突,并蔓延至西部若干地区。

52. 2014年8月7日,自称为“部族军队”但主要由 Warshefana 战斗人员组成的一个民兵组织袭击并占领黎明行动盟军第 27 号营地。在其后数周,黎明行动炮火及 Zuwaya、的黎波里、兹利坦/米苏拉塔的地面部队席卷位于的黎波里西南的整个 Warshefana 区域,包括人口稠密的居民区。

53. 在此期间,他们还进一步向南部推进,在盖尔扬附近奈富塞山区与津坦部队多次发生冲突。10月初,当黎明行动进一步逼近津坦镇,并试图与基克莱和也福里恩被政治边缘化的柏柏尔居民就通行和支助问题进行谈判时,津坦对基克莱发动了先发制人的袭击。在这个山区城镇经历了最近冲突中最激烈的几次战斗后,黎明行动在南部的挺进终于停止。

54. 在的黎波里塔尼亚以外,黎明行动加剧了南部费赞省的脆弱安全局势(见附件 15)。12月,黎明行动宣布在袭击的黎波里的基础上采取名为“日出”的后续行动,战斗由此延伸至东部(见附件 11 中的地图)。米苏拉塔和苏尔特的民兵组织以及中部之盾参与了新行动,目标是锡德拉和拉斯拉努夫的运油码头。这次袭击得到自封的国民议会剩余分子的政治支持,并对刚选举产生的托布鲁克众议院形成挑战。黎明行动武装力量特别提到议会主席 Nuri Abu Sahmain 2013 年发布的第 42 号决定,其中指示武装力量打破忠于 Ibrahim Jadhran 的石油设施卫队对石油港口的封锁。

1. 对和平、稳定或安全的威胁,包括对公共设施和外交使团的攻击

55. 2011 年革命之后,利比亚的政治过渡一直非常艰难,安全局势仍然始终岌岌可危。黎明行动的发起致使已取得的有限进展大部分付诸东流,并引发了一系列进一步升级的事件。在数周内,利比亚政府停止运作,新选出的议会撤离首都,联合国撤离,国际航班中断,大多数大使馆关闭。与以往小规模升级事件相反,黎明行动有效地在各政治派别及附属民兵之间打入了楔子,致使短期内不可能进行任何合作甚至对话。

56. 此外,黎明行动既采取有针对性的行动,也不加区分地使用武力,两种做法均造成重大物质损失和机构破坏,导致大量人口流离失所。最突出的物质损失情况如下。

57. 该行动摧毁了的黎波里国际机场和邻近建筑，并损毁了 28 架可使用的飞机。¹⁵ 附近一个据报存有 9 000 万公升燃料的燃料储存站被几枚导弹击中，起火燃烧。¹⁶ 利比亚民用航空管理局称，在这次战斗期间，对机场造成的损失超过 20 亿美元。黎明部队在 2014 年 8 月 23 日最终占领机场时，对机场放火，造成进一步的破坏。

58. 一个有组织运动以 Alassema 电视台为目标，期间数人遭绑架、办公室被抢劫，设备被烧毁，雇员、所有人及其家人的私人住宅遭到袭击。¹⁷ 袭击主要发生于 2014 年 8 月 24 日和 25 日，但据报告以前也曾发生过一些事件，包括 8 月 2 日在 Abu Salim 社区附近暗杀一名雇员未遂。几名受害者以往曾受到威胁并指认了袭击者，这些袭击者在其中一些行动中拍摄了自己的视频，自称黎明行动的支持者。11 月，据报告，国际新闻频道法国 24 台在其记者收到来自的黎波里新当局的书面和口头威胁后，暂停其在的黎波里的活动(见附件 14)(见建议 4)。¹⁸

59. 的黎波里的行政大楼被占领、掠夺，有时还有档案和记录被盗。此外，黎明行动的有关人员参与了进一步攻击疑为津坦支持者的住宅的行为。例如，2014 年 8 月 25 日，他们袭击并放火烧毁了总理阿卜杜拉·阿勒萨尼的住宅，两天后烧毁了代理运输部长 Abdelgader Al-Zintani 的住宅。¹⁷ 的黎波里地方理事会 8 月 25 日报告，至少有 12 600 个家庭因暴力事件而流离失所。

60. 外交使团被非法占据，外交使团及其人员遭到袭击。8 月份黎明民兵拍摄了自己在的黎波里美国使馆大院附属住宅内的视频。同一个月，身份不明的民兵曾强行进入摩洛哥领事馆。在一些更为严重的事件期间，埃及和阿拉伯联合酋长国使馆于 2014 年 11 月 13 日遭到身份不明的袭击者汽车炸弹袭击，这两个国家的外交官均向专家小组证实了此事。驻的黎波里的埃及外交官之前也曾遭到袭击。2014 年 1 月黎明行动内的一个主要民兵组织利比亚革命军作战室绑架了 5 名大使馆雇员，要求用人质交换他们在亚历山大被捕的领导人 Shaban Hadiya，大使馆

¹⁵ “List of aircraft damaged during fighting at Tripoli Airport, Libya”, Aviation Safety Network, 31 August 2014, 见 <http://news.aviation-safety.net/2014/08/31/list-of-aircraft-damaged-during-fighting-at-tripoli-airport-libya/>。此外，已停用的 6 架飞机遭到严重损坏。

¹⁶ Summer Said and Benoît Faucon, “Rockets fired by Libyan militia hit Tripoli fuel depot”, Wall Street Journal, 2 August 2014, 见 www.wsj.com/articles/rocket-fired-by-libyan-militia-hits-tripoli-fuel-depot-on-fire-1406989950。人权观察公布的卫星图像显示了破坏的程度: “Libya: Spiraling Militia Attacks May Be War Crimes”, Human Rights Watch, 8 September 2014, 见 www.hrw.org/news/2014/09/08/libya-spiraling-militia-attacks-may-be-war-crimes。

¹⁷ “Libya: spiraling militia attacks may be war crimes”, Human Rights Watch, 8 September 2014。

¹⁸ “France 24 ferme son bureau à Tripoli après des menaces”, AfriqueJet.com, 20 November 2014。见 www.afriquejet.com/afrique-nord/13676-france-24-ferme-son-bureau-a-tripoli-apres-des-menaces.html。

自此一直关闭。约旦当局也确认，利比亚革命军作战室参与了4月绑架约旦大使的事件。

61. Warshefana 地区的基础设施和平民财产受到广泛破坏。

62. 锡德拉港口的七个储油罐被纵火焚烧。在E出行动中，黎明部队以往也曾将运油码头区作为导弹袭击目标，但没有造成重大损害。然而，2014年12月25日，据报告黎明部队在火箭弹掩护下，在夜间使用十几艘小型船只从海上袭击了锡德拉。在冲突中一个储油罐被击中，并导致其后另外几个储油罐起火。据报告共计180万桶石油已被烧毁，损失共计2.13亿美元。¹⁹

63. 专家小组从访谈和报告中得出结论认为，参与袭击的黎波里的主要黎明行动指挥官包括：Salah Badi、Shaban Hadiya、Saleh Alburki 和 Abdelghani Kikli(别名 Ghaniwa)。Abdelraouf Kara 至少提供了后勤支援。据报告，西部护盾(Western Shield)指挥官 Mohammed Al-Kilani 在随后的冲突中被打死。对于日出行动，专家小组正在调查穆罕默德·穆萨和伊斯兰教法虔信者组织苏尔特支队的指挥官参与情况。

64. 虽然专家小组不能排除在上述一些情况下，一些基础设施的破坏可能是黎明行动的对手造成的，但专家小组得出结论认为，这一破坏的主要责任在于袭击者。下文讨论了津坦部队不加区分地开火一事(见第84段及其后各段)。

2. 对和平、稳定或安全的威胁，包括侵犯人权行为

65. 黎明行动内部的几名领导人及其民兵曾在行动过程中及之前涉入严重侵犯人权行为。²⁰ 最重要的是，各指挥官一再参与针对特定社区的袭击，他们指控这些社区在支持前政权期间犯下严重罪行和侵犯人权行为(见建议2)。

塔沃加(Tawergha)

66. 塔沃加就是其中一个社区。国际和利比亚人权活动者向专家小组介绍了该镇人民持续不断遭受袭击的情况，特别是遭受米苏拉塔民兵袭击的情况。最近一次此类袭击发生在2014年8月30日，黎明行动战斗人员进入 al-Fallah 的塔沃加人境内流离失所者营地开枪射击。社区成员指出，至少有13人受到枪伤，1人死亡，近100名年轻人被逮捕并移交米苏拉塔的一个拘留中心。共有1233个流离失所家庭被迫逃离营地。这次袭击是由西部和中部护盾部队实施的。

¹⁹ “Fire at Libyan oil port destroys up to 1.8 million barrels of crude”, Hellenic Shipping News, 31 December 2014. 见 www.hellenicshippingnews.com/fire-at-libyan-oil-port-destroys-up-to-1-8-million-barrels-of-crude/.

²⁰ 国际大赦宣称，其记录的一些民兵袭击事件可构成战争罪(见“Libya: rule of the gun—abductions, torture and other militia abuses in western Libya”(London, Amnesty International, 2014)，见 www.amnesty.org/en/library/asset/MDE19/009/2014/en/57d72884-d2a4-4a4d-b6cb-317f82595823/mde190092014en.pdf).

67. 之前塔沃加难民营也曾数次遭到袭击。一起尤其致命的例子于 2012 年 2 月 6 日发生在 Janzour 营地，当时营地收容了 2 000 名国内流离失所者。受害者称，全副武装的民兵乘坐车辆从米苏拉塔来，在袭击及其后打死 7 人。²¹

68. 自 2011 年 8 月塔沃加人逃离家乡后，米苏拉塔的前革命者一直以他们为袭击目标。这些暴行如此严重，以致联合国利比亚问题国际调查委员会于 2012 年 3 月得出结论认为，米苏拉塔对塔沃加人的迫害可构成危害人类罪。²² 塔沃加活动人士和受害者解释说，许多袭击是由青年和低级别士兵实施的，但他们的行动得到了更高级别的协调。事实上，人权监察站分析了塔沃加卫星图像，表明从革命结束至 2012 年 8 月期间，有 1 690 个建筑遭到系统性的焚烧和爆破，这表明存在某种程度的规划。²³ 专家小组了解到，一些黎明行动指挥官从始至终都卷入了这些袭击。

69. 专家小组收到了书面和录像/录音陈述，其中称有几个人应对袭击负责，包括 Mohammed Musa 和 Al Swehli 家几名成员。虽然不能绝对肯定这些人参与或命令实施了一些事件，专家小组的理解是，鉴于其在所处社区的地位和职位，他们原本可以在任何时候防止、制止或谴责这些事件。

巴尼瓦利德

70. 另一个臭名昭著的针对整个社区的“报复袭击”是针对居住在巴尼瓦利德镇的 Warfallah 居民发动的。该镇的居民在 2011 年革命之后曾遭受迫害。据大赦国际称，截至 2012 年，数百名 Warfallah 人已被逮捕，其中许多人未经审判或甚至指控就被逮捕。²⁴ 据报释放米苏拉塔人质过程出现意外，一名米苏拉塔人质因此死亡，为此发动了一次惩罚性的远征，以报复这名人质的死亡，袭击于 2012 年 9 月 25 日开始。²⁵ 存在争议的是，新当选的国民议会通过了利比亚第 7 号法律，授权内务部和国防部使用其所有权力，逮捕在革命期间和之前涉嫌犯下罪行的巴尼瓦利德人。在第 7 号法律公布之后，米苏拉塔护盾部队包围该城，并在一个月内夺取该城。

Warshefana

²¹ “Libya: bolster security at Tawergha camps”, Human Rights Watch, 5 March 2012. 见 www.hrw.org/news/2012/03/05/libya-bolster-security-tawergha-camps。

²² 见 A/HRC/19/68。

²³ “Revenge crimes against Tawerghans in Libya”, Human Rights Watch. 见 <http://www.hrw.org/revenge-crimes-against-tawerghans-libya>。

²⁴ Amnesty International, “Libyan authorities urged to protect Bani Wali residents from clashes” (London, 12 October 2012). 见 www.amnesty.org/en/library/asset/MDE19/021/2012/en/71353f6e-b970-46bc-bfdc-67a1c3a3d681/mde190212012en.html。

²⁵ 见 S/2013/104。

71. 关于最近 Warshefana 发生事件的信息很少。当联利支助团争取在 10 月访问该地区时, 的黎波里新当局不准予通行, 理由是此地被宣布为战区。²⁶ 他们还于 11 月下旬, 在一系列恐吓事件之后, 关闭了利比亚国家人权机构办事处。然而, 从现有资料看, 专家小组发现黎明行动对 Warshefana 的袭击与以前针对特定社区的袭击事件存在一些相似之处。

72. 首先, 以往就发生过针对 Warshefan 部落的袭击, 专家小组获悉, 该族居民已经部分流离失所。2014 年 1 月, 他们的居住区遭遇了出动坦克的维持治安行动, 据称是为了逮捕共计 177 名列名罪犯。²⁷ 据报发生了纵火和掠夺事件, 此后局势迅速演变成公开冲突。大穆夫提 Gheriani 发表声明, 称“宗教和先知”为所有革命者规定了“消灭这些歹徒”并将所有没有离开冲突地区的人视为罪犯的“义务”, 这显然使局势雪上加霜。²⁸

73. 第二, 黎明行动袭击之后, 平民大规模流离失所。八月下旬, 利比亚高级应急委员会(Libyan Higher Emergency Committee)和国际红十字会和红新月会报告至少 100 000 名 Warshefana 人逃离,²⁹ 但当专家小组 10 月与部落代表谈话时, 他们声称这一数字已大大增加。

74. 第三, 专家小组收到了关于黎明行动有针对性地和不加区分地攻击的实例概述, 据称他们袭击了民用基础设施, 包括私人住所、水电设施和行政大楼。

75. 最后, 一些指挥官参与了袭击其他社区。专家小组从访谈和报告中得出结论认为, 参与 Warshefana 行动的黎明行动指挥官包括: Salah Badi、Shaban Hadiya 和 Abdelghani Kikli(别名 Ghaniwa)。

最近发生的事件

76. 2014 年 12 月 17 日, 14 名士兵在未参与武装对抗的情况下, 在苏尔特被打死。据报告, 除其他指控外, 这些士兵大多数与哈夫塔尔将军拥有相同部落背景

²⁶ United Nations Support Mission in Libya and Office of the United Nations High Commissioner for Human Rights, “Update on violations of international human rights and humanitarian law during the ongoing violence in Libya”, 23 December 2014. 见 www.ohchr.org/Documents/Countries/LY/UNSMIL_OHCHRJointly_report_Libya_23.12.14.pdf.

²⁷ Ashraf Abdul Wahab, “Fighting in Warshefana area of Tripoli continues”, Jamahiriya News Agency, 21 January 2014. 见 <https://jamahiriyanewsagency.wordpress.com/2014/01/21/fighting-in-warshefana-area-of-tripoli-continues/>.

²⁸ Ashraf Abdul Wahab, “Grand Mufti calls on revolutionaries to “eliminate” criminals and insurgents in Warshefana and Sebha”, Libya Today, 24 January 2014. 见 www.libya-today.com/grand-mufti-calls-on-revolutionaries-to-eliminate-criminals-and-insurgents-in-warshefana-and-sebha/.

²⁹ Office for the Coordination of Humanitarian Affairs, “Libya humanitarian appeal: September 2014–February 2015”. 见 https://docs.unocha.org/sites/dms/CAP/2014_Libya_Humanitarian_Appeal.pdf.

(Ferjan), 这表明可能存在族裔动机。利比亚武装部队前“最高指挥官” Abu Nuri Sahmain 仍然得到黎明行动和 Al-Hassi 政府的承认, 他宣布将调查该事件。专家小组将进一步调查这个问题, 特别是因为 2015 年 1 月初报告了更多大规模杀害士兵案件(据称“利比亚伊斯兰国”宣布为此负责)。

拘留中心

77. 专家小组收到大量详细证据表明, 如上文所述, 若干民兵行动导致大量人被关押在拘留设施中, 并往往遭到酷刑。2014 年 7 月, 司法部长向专家小组解释说, 17 000 名狱警中有 11 000 名为前民兵成员。专家小组的访谈证实了联合国人权事务高级专员办事处(人权高专办)和国际人权组织先前的报告, 即对许多拘留设施的有效控制权完全在民兵手中。自黎明行动以来这一状况更加恶化。

78. 专家小组已收到、审查并存档了关于此类中心存在大量骇人酷刑和虐待事件的陈述, 包括受害者的陈述, 特别是对被控支持前政权者的酷刑和虐待。几所监狱被特别点名。在一些调查中, 专家小组发现在黎明行动内发挥领导作用的人涉嫌参与这些事件。

79. 首先, 专家小组持续收到关于的黎波里哈德巴监狱严重侵犯人权行为的报告。该监狱由 Khaled Alsharif 手下的民兵控制, 这些民兵通常被称为“国民警卫队”, 是 Alsharif 在革命期间指挥的武装团体。哈德巴设施也许是利比亚最有名的设施, 因为阿卜杜拉·塞努西和萨阿迪·卡扎菲等前政权的关键人物被囚禁在此处。

80. 第二, 专家小组持续收到关于在 Abu Salim 监狱设施内发生严重侵犯人权行为的报告, 联利支助团/人权高专办和非政府组织的报告中也特别提到该设施。³⁰ 一名受害者报告说被狱警以酸液袭击。若干对话者报告说, 控制该设施的民兵由 Abdelghani Kikli(别名 Ghaniwa)指挥。

81. 第三, 专家小组收到关于在 Tomina(又称 Benissa)和 Al Dafnia 监狱内的塔沃加居民遭到虐待的信息和文件, 据报告这两所监狱是由 Issa Benissa Lasfar Al-Sarkasi 和 Faraj Al-Swehli 控制的。

82. 第四, 专家小组收到关于 Abdelraouf Kara 控制的 Mitiga 机场拘留设施发生的严重虐待行为的资料, 其中一些报告自承其罪。

³⁰ United Nations Support Mission in Libya, “Torture and deaths in detention in Libya”, October 2013, 见 <http://unsmil.unmissions.org/Portals/unsmil/Documents/Torture%20Report%20Libya%20En%2001Oct2013.pdf>; Amnesty International, “Libyan militias fighting to hold on to their grip on power”, LiveWire, 30 April 2013, 见 <http://livewire.amnesty.org/2013/04/30/libyan-militias-losing-their-grip-on-power/>.

83. 民兵对拘留中心的控制不限于参加黎明行动的武装团体，酷刑和虐待案件据报也发生在其他地区。专家小组收到关于一起 Khaled Abd El-Hafiz el-Blaiji 领导的津坦“10 烈士连”施加酷刑案件及一人随后死亡的文件。³¹

3. 对和平、稳定或安全的威胁，包括对公共设施的攻击和践踏人权行为（津坦民兵）

84. 如上所述，那些回击黎明行动的袭击的人同样采用了不加区分地开火的做法。专家小组得出结论认为，在黎波里活动的津坦和 Warshefara 部队因而可能要对 2014 年 7 月和 8 月的一些设施破坏和平民伤亡负责。

85. 2014 年 8 月 24 日后在黎波里国际机场附近发现了“大约 600 枚”杀伤人员地雷，因此特别对津坦民兵提出了关于滥用武力的指控。³²

86. 此外，津坦对基克莱发起的“先发制人”的行动和与黎明行动部队的激烈战斗，导致大规模的破坏和当地居民大规模流离失所。³³ 在津坦一方，有消息来源称，Sawaiq 指挥官 Imad Trabelsi 参与了此事。³⁴

87. 专家小组继续调查指挥官个人对于所有上述事件的责任。

E. 将卡拉迈编入利比亚军队及有关行动（2014 年 9 月至 2015 年 1 月）

88. 黎明行动攻占的黎波里并在托布鲁克建立众议院之后，武装冲突再次发生重大升级。这一事态发展大大提高了哈夫塔尔的部队的政治重要性，并为总理提供了一支可以用来打击黎明行动部队的军队。8 月 18 日，该行动“编入”利比亚军队一周之前，已有报告称卡拉迈参与了黎波里冲突，当时其空军指挥官 Saqr Geroushi 宣称对黎波里发动了一系列有争议的空袭。9 月中旬这一状况短暂地再次发生。但是，哈夫塔尔的部队在两个月之后才真正卷入利比亚西部的冲突。

89. 冲突事件数据显示，9 月和 10 月，卡拉迈部队继续将其军事行动集中在班加西和东部其他地区。当 10 月 15 日开始人民起义的广泛呼吁在社交媒体迅速流传时，卡拉迈迅速利用该“倡议”，宣布向解放班加西发出最后一击。³⁵ 的确，冲突事件数据表明，10 月底班加西的地面战斗明显增加，但未取得预期结果。虽然

³¹ 题为“[……]被酷刑折磨致死”的录像，在专家小组档案内。

³² “Libya: evidence of new landmine use in Tripoli”, Human Rights Watch, 5 November 2014, 见 www.hrw.org/news/2014/11/04/libya-evidence-new-landmine-use-tripoli。

³³ 联合国难民事务高级专员公署引述“民间团体”的说法，报告称共有 38 640 人流离失所（见“New displacement in east, south and west of Libya”, Briefing Notes, 14 November 2014, 见 www.unhcr.org/5465ff2b9.html）。

³⁴ 在黎明行动一方，据报告指挥官 Abdelghani Kikli（别名 Ghaniwa）卷入此事。

³⁵ “Haftar says he will retire after liberation of Benghazi”, Libya Herald, 15 October 2014. 见 www.libyaherald.com/2014/10/15/haftar-says-he-will-retire-after-liberation-of-benghazi/。

地图显示 11 月和 12 月班加西中心地区安全事件显著减少，但战争局势继续妨碍众议院迁往班加西(见附件 12 中的地图)。此外，图片和录像显示，作为“最后一击”重点的班加西居民区，包括 Al Layti 和 Sabri 地区，蒙受了重大物质损失。

90. 阿勒萨尼政府在卡拉迈协助下针对黎明行动部队的实际反击战役到 11 月底才发动，对的黎波里、米苏拉塔和兹利坦发起了一系列空袭。攻击的规模和造成的破坏似乎是有限的。更重要的是，“利比亚军队”于 12 月初将其行动进一步扩大到西部。攻击使用了陆军和空军，表明卡拉迈飞机与地面部队之间至少有一定程度的协调。利比亚军队以 Ras Jadir 边界过境点以及扎维耶、Sabratah 和 Zuwara 镇为目标。加上军队对针对东部运油港口的日出行动的回击，这实际上将武装冲突扩大到几乎整个利比亚海岸线。

91. 由于造成平民伤亡，特别是 2014 年 12 月 2 日对 Zuwara 一个粮食仓库的袭击，以及 2015 年 1 月初轰炸德尔纳沿海的一艘希腊油轮，最近的一些空袭对军队的声誉产生了不利影响。

1. 对和平、稳定或安全的威胁，包括对公共设施的攻击

92. 不足为奇的是，尽管一再呼吁停火，包括第 2174(2014)号决议中的呼吁，黎明行动仍遭到反击，这特别是由于黎明行动在的黎波里周围持续开展。然而，利比亚政府直到几个月之后，才对黎明行动的进攻和在的黎波里另立政府作出军事反应。导致出现这种情况可能有几个因素，但决定性事件似乎是最高法院 2014 年 11 月 6 日的决定(见附件 16)削弱了政府的谈判立场。两个星期后，政府发动了反攻。

93. 针对黎明行动采取的军事行动对武装冲突的升级分两个阶段。第一次局势升级出现在 2014 年 8 月，当时的黎波里仍在遭受袭击，卡拉迈声称对一系列精确空中轰炸首都的事件负责。哈夫塔尔过去就国民议会和相关民兵作了一些大胆讲话，因而非常不受黎明行动支持者欢迎，他们在接受专家小组和媒体访谈时非常明确地指出了这一点。哈夫塔尔的空军指挥官声称负责的空袭的黎波里事件，强化了黎明行动的决心，减少了调解成功的机会。

94. 无论 2014 年 8 月之后政府最初不愿发动反攻背后的动机是什么，专家小组注意到，这导致大约有两个月时间可进行对话。在此期间，对和平的进一步威胁仍可归因于黎明行动，该行动继续在 Warshefana 和奈富塞山区开展行动。

95. 其后是 11 月下旬，利比亚军队开始发动反攻，黎明行动的反派使军事局势升级，这一次造成了更大的影响。这次行动不仅使更多的城镇卷入冲突，而且一些空袭是挑衅性的，蓄意将关键的基础设施作为袭击目标。一方面，专家小组注意到，对的黎波里和米苏拉塔的多数袭击程度有限。另一方面，攻击港口、机场和钢铁厂的军事必要性令人质疑。此外，据报告在其中一些地点发生平民伤亡。

96. 专家小组未能确定具体是谁下令发动这些攻击。专家小组回顾，自 2014 年 8 月 25 日起，卡拉迈空中资产的使用权名义上落入利比亚政府手中。但是，毫无疑问，卡拉迈行动总指挥官哈夫塔尔原本可以阻止他们。

97. 关于 2014 年 10 月 15 日之后卡拉迈在班加西的几个地区的行动这另一个问题，专家小组继续调查所有各方造成的广泛破坏，包括关于不加区分地使用武力的指控。

F. 南部的事件(2014 年 1 月至 12 月)

98. 专家小组在附件 15 中提供了关于南部安全事态发展的进一步详情。

三. 利比亚政治过渡和相关制裁标准

99. “阻碍或破坏利比亚顺利完成政治过渡”，是安全理事会在第 2174(2014)号决议中制订的一个新标准，用于认定应受旅行禁令和资产冻结制裁的个人或实体。不过，这种过渡是 2011 年以来的一个持续过程。2014 年 8 月之前的事件已经干扰了这个进程。因此，专家小组全面评估了附件 16 中有可能破坏利比亚过渡的个人和实体过去和最近的行动，重点是最近的行动。

100. 因监督机制报告的字数限制，评估移至附件。不过，评估包含了专家小组的重要发现，如欲了解详情，应参阅该附件。

四. 武器禁运的实施

A. 武器转移情况

101. 2011 年底革命至 2014 年中，大部分违反军火禁运的情况涉及从利比亚非法运出武器弹药。在武器弹药向外扩散的同时，利比亚武装行为体在过渡阶段继续囤积武器，要么收集利比亚境内的军火，要么从境外采购。

102. 武器库的加强，巩固了某些民兵组织的力量，强化了其对其地盘的控制，增强了其在政治领域的影响，并最终导致造成当前冲突的军事行动。目前战斗各方对军火的需求增加，从而带来军事物资的非法转让，这助长了旷日持久的冲突，没有一方在军事上占明显优势。

103. 自 2014 年冲突升级以来，利比亚境内武器大量转手，有的是通过军事对抗夺取了对库存军火的控制，有的是战事各方结盟，通过海运、空运、陆运转移了军火。³⁶

³⁶ 例如，Misrata 与的黎波里，或 Tobruk 与 Zintan 之间就发生了物资转让。

104. 当前武器贩运到利比亚境内的情况，反映出革命时期建立的网络和联盟。一些海湾和非洲国家支持某些武装行为体；革命期间或之后建立的代理人网络正积极争取军火交易。目前向利比亚转运军火，有可能进一步助长物资扩散，继续给区域内其他国家带来严重安全挑战，特别是从反恐角度来看。

105. 虽然安理会第 2174(2014)号决议加强了武器禁运的规定，但其执行不力。禁运措施阻止了负责任的会员国和企业向利比亚出口军用物资，但并没有阻止其他不遵守禁运措施的会员国、企业和个人转移军火。迄今为止，尽管专家小组前三次报告都报告了违禁情况，但对大多数违禁者并没有采取任何行动。更有甚者，还有人进一步违反禁运措施。

106. 利比亚几乎无力实际防止军火转运，也无权象 2011 年革命期间那样在公海或空中执行武器禁运。决议尤其呼吁邻国实施武器禁运，但一些邻国的实施能力非常有限，有些甚至自己也违反武器禁运(见建议 1)。

107. 武器禁运实施不力，对物资的大量需求，以及交战各方拥有的购买物资所需的资源和支持，都表明大规模的非非法贩运很可能会继续下去。

B. 革命期间向利比亚的转运

1. 调查可能来自意大利的转运

108. 专家小组 2014 年报告解释说，正在询问意大利当局据称 2011 年 5 月在班加西向利比亚反政府武装运送军用物资，包括武器一事。TransArms 就此事所作调查称，出口的物资源自因图谋违反联合国另一项武器禁运而没收的一批货物，而且在法院判决后该批货物本应销毁。³⁷ 意大利在 2014 年 2 月 20 日的一封信中答复，其认真研究了该报告，但没有发现任何信息证实所指控的出口。

109. 专家小组向以前曾跟踪此事的民间社会人士咨询后，³⁸ 力求独立核实新闻报道中的信息。专家小组能够证实许多单独的指控，并继续开展调查，以理清所有报告事件的联系。专家小组的调查情况见附件 17。

110. 专家小组认为，在发生 Nour M 号船只遭扣押(见第 142 段及其后各段)、上述案例以及塞浦路斯 Zygi 海军基地的不幸事件之后，³⁹ 需要采取由联合国牵头的措施，安全处置联合国不同制裁制度下查获的物资，并就其状态和地点做出说明(见建议 10)。

³⁷ Sergio Finardi, "Le armi segrete dal Belpaese ai conflitti", *Altreconomia*, 25 August 2014. 见 www.altreconomia.it/site/fr_contenuto_detail.php?intId=2942.

³⁸ TransArms and Rete Italiana per il Disarmo.

³⁹ "Cyprus: Zygi naval base munitions blast kills 12", BBC News, 11 July 2011. 见 www.bbc.co.uk/news/world-europe-14102253.

C. 革命结束至 2014 年中期间发生的向利比亚的转让

111. 革命后违反军火禁运的情况包括，向武装团体、官方安全机构和民间黑市转让物资。专家小组先前报告了几个违反案情，下文详述在此期间经证实的违反案情。

112. 革命后的转让还包括经批准向国家当局的转让，但这些转让都按照安全理事会第 2009(2011)号决议向委员会提交了通知。这就引起了对物资的实际最终用户的身份的关切。

113. 专家小组有理由相信，革命以来向利比亚的大多数转让，特别是小武器和轻武器及有关弹药，无论通知与否，最终都通过直接转让或挪转落入了武装团体之手。这在很大程度上在革命后使民兵的力量得到增强，阻碍了安全部门的改革。

114. 最后，在由各旅控制的机场挪转物资，所盯上的目标也包括批准转让给欧洲边界援助团的物资。

1. 向国家当局提供安全援助：预先通知的武器转让

115. 自第 2009(2011)号决议通过之日起，直到第 2174(2014)号决议通过，如果提前向委员会通报，利比亚可以购买军用物资。通知程序的局限很快显现出来，尤其是因为各部门拥有多个采购渠道，最终用户身份不明，也缺少对预先通知的武器转让情况的监测。这让人担忧物资在国内转手和被滥用的高风险。

116. 为支持利比亚政府加强其对武器采购的控制，委员会要求利比亚政府指定采购协调人。

117. 提供这一信息后，委员会向会员国发出执行援助通知，以确保武器转让更负责任，监测更有力。⁴⁰ 仅通知的最新版本才要求会员国提供有关物资运送和送后记录的全部信息，包括确切交货地点，因为革命结束后利比亚大多数机场和海港都在非国家武装人员控制之下，一些在名义上由国家机构掌控。如先前就获得这些信息，委员会就可以确定在越来越乱的安全环境下物资是向谁交付的。

118. 直至 2014 年 8 月，包含向利比亚政府运送物资的所有相关信息的通知，都按 5 天内无异议程序分发给委员会。这类通知无一受到正式拒绝。

119. 对此类通知的分析表明，大量物资都需经过这一通知程序，包括 60 000 多支手枪、65 000 支步枪、15 000 支冲锋枪和 4 000 挺各种口径的机枪，以及 6 000 多万发小型武器和机枪(9x19 毫米至 14.5 毫米)的弹药。然而，因为直到最近才有

⁴⁰ 执行援助通知最新版本见：www.un.org/sc/committees/1970/pdf/implementation_assistance_notice_2.pdf。

交付后通知制度，而以前一直没有，很难评估实际有多少发过通知的物资运至利比亚。

120. 利比亚签署采购文件的官员人数较多，物资多种多样(如北大西洋公约组织和华沙条约组织的不同口径、新物资和剩余物资)，反映了特别是国防部没有按照需求进行评估和采购的战略。没有对军人人数的准确评估，但专家小组 2013 年在利比亚约谈的几位安全部门改革和存储管理专家都强调，军队或警察都没有吸收、存储和管理这样大量物资的能力。专家们还都担忧政府拥有的军用物资被转给名义上属国防部或内务部但基本自治的各旅，他们填补了有效的军队或警察机构缺位所造成的真空。

2. 调查向内务部转让物资一事(2012 年至 2014 年中)

121. 自革命以来，内务部与国防部一样，各个部门，包括最高安全委员会或打击犯罪部相互竞争，一些部门严重依赖基本上自治的民兵，并向其提供装备。

122. 自安全理事会第 2009(2011)号决议通过以来，向内务部转让通知物资就令人严重关注，尤其是在物资的最终用户问题上。例如，仅在 2012 年，一些会员国就通知，向内务部销售了 40 000 多支手枪。当时，专家小组会晤了作为该国主要警察机构的黎波里警察的局长，他解释说，警方从未收到任何手枪，尽管他们急需这类装备，也多次向内务部提出要求。他提到，警方在 2013 年获发少量突击步枪，但这对警务工作而言是不够的。他认为，40 000 支手枪很可能提供给了最高安全委员会。

123. 最高安全委员会是革命后内务部创建的一个安全机构，是为了“整合”正规安全部门的武装旅(见附件 16)。而实际上，各旅基本上保持自治地位和完整建制，“更名”后他们便获得正式地位、薪酬、培训和军用物资，这有助于进一步巩固其能力和影响力。最高安全委员会在 2013 年正式解散前，一直作为一支平行的警察部队，主要的黎波里和班加西执勤。其中一些部队与当前的黎明行动头目有明确联系，并参加了黎明行动。¹¹

124. 专家小组此前曾报告，内务部一些工作人员在黑市上出售自己的官配手枪，这是由于革命以来，利比亚民众有大量需求。下文案例不仅说明，代表国家机关进行的采购如何满足了民兵的需要，而且还表明，缺乏武器管理导致这些装备被出售给第三方。

阿拉伯联合酋长国向最高安全委员会转让军火

125. 专家小组获得了关于 2013 年阿拉伯联合酋长国生产的枪械被非法出口至利比亚的信息，这批物资没有向委员会提交通知。专家小组要求提供信息，阿拉伯联合酋长国向专家小组提供了有关文件副本，证明违反了禁运措施。

转让过程

126. 这批物资是在美利坚合众国注册的经纪公司 Temax 公司代表最高安全委员会向阿拉伯联合酋长国制造商“Caracal International LLC”购买的(见附件 18)。

“Caracal International LLC”是政府机构 Tawazun 的一家附属公司。

127. 专家小组要求美国提供信息证明是否向 Temax 公司颁发了出口许可证,并要求其银行账户开立地匈牙利提供信息。美国尚未回应,但匈牙利回复说,国家法律不允许公布银行信息。专家小组再次致函匈牙利,重申该公司违反了武器禁运,这一信息对专家小组的调查很重要。然而,第二次答复仍拒绝提供信息。

物资

128. 2012 年 12 月 18 日,该经纪公司与利比亚内务部代表签署了一份合同,转让 5 000 支 Caracal F 式手枪和 100 万发子弹。

129. 2013 年 1 月 12 日签署的最终用户证书提到 15 000 支 Caracal F 式手枪和 500 万发 9 毫米子弹。最终用户证书被提交利比亚驻阿拉伯联合酋长国大使馆批准。2014 年 2 月 6 日,大使馆联系了 Caracal 公司,要求该公司终止这笔交易,因为内务部并不知情。第一批 1 500 支手枪已交给米提加的最高安全委员会(见附件 18 空运单)。专家小组正力求查清其余物资的情况。

运输

130. 空运单是由在利比亚注册的全球航空服务集团签发的。航班信息只标明“5S”,这是国际航空运输协会给这家公司的代码。承运代理是迪拜的“Aranex Emirates LLC”公司。专家小组要求阿拉伯联合酋长国提供更多关于运输的信息,现正等待答复。

131. 2014 年 11 月,军备研究所记录了黎波里一家珠宝店主使用的 Caeca F 式手枪。店主说从最高安全委员会官员处购买的,价钱是 4 000 美元。⁴¹ 专家小组向阿拉伯联合酋长国提交了对这支手枪的追踪请求,并要求提供运至利比亚的手枪的编号清单。迄今为止无任何回应。专家小组还注意到,另一些 Caacal F 式手枪被在脸书上出售,价格为 5 000 多美元(每支手枪卖给利比亚的价格不到 400 美元)。

⁴¹ Hassan Morajea and Michael Smallwood, “Arms diversion: a Caracal Model F pistol in Libya”, Armament Research Services, 13 November 2014. 见 www.armamentresearch.com/arms-diversion-a-caracal-model-f-pistol-in-libya/。

图一

2013 年在的黎波里记录的 Caracal F 式手枪



资料来源：军备研究所，2013 年 11 月，的黎波里

3. 调查向国防部的转让(2012 年至 2014 年中)

132. 革命后，国防部内通过各种相竞渠道采购武器，妨碍了安全部门的改革，更加剧了各部门间的分歧，加强了革命期间建立起的各组织，包括在签署采购订单的官员庇护下的组织。

133. 下面介绍的情况大致说明了豁免程序自设立以来面临的问题和挑战，包括：官方军购渠道之外当局的采购；利比亚市场对有不良记录的军火商的吸引力；通知国对货物交付没有任何实际监测；以及由此导致的挪转和滥用风险。

134. 下文详述的两次转让都没有经国防部军事采购司正式签署，该司根本不知晓这一情况。转让由国防部当时的副部长 Khaled Alsharif 和利比亚伊斯兰战斗团前成员(现与黎明行动有明确联系)签字。2013 以来，与军事采购司、国防部工作人员和国际官员进行了访谈，结果表明 Alsharif 先生绕过军事采购司，利用职务之便争取军火交易，并向其青睐的安全机构提供物资。分析了提交给制裁委员会的通知，结果表明，2013 年 10 月至 2014 年 5 月间，其中 5 份通知包括 Alsharif 先生签署的采购大量小武器、轻武器及其弹药的文件。

白俄罗斯的通知

135. 2013 年 7 月，白俄罗斯通知向国防部出售 3000 多吨小武器和轻武器及机枪弹药，其中包括 1000 万发 7.62x39 毫米子弹、150 万发 7.62x54 毫米子弹、720 万发 12.7x108 毫米子弹、425 万发 14.5x114 毫米子弹和 300 万发 23 毫米子弹。最终用户证书是由 Khaled Alsharif 签署的，这笔交易是由经纪人 Slobodan • Tešić 通过 Charso 有限公司做成的。详情见附件 19。

135. 白俄罗斯通知的物资的一部分在运抵的黎波里国际机场时被控制机场的各旅截留,但一些物资似乎已经直接交付自治的武装团体。

Zintan 旅挪转来自白俄罗斯的一批物资

137. 通知中物资的交付自 2014 年 2 月 6 日开始,第一批由 Trans Avia Export 公司交付(至 5 月)。后几批由 Ruby Star 公司交付。两家公司都在白俄罗斯注册。2014 年 2 月 28 日,据报交付的物资中有一批在的黎波里国际机场被盗。国防部在机场工作的一名代表、利比亚航空业人士、国际安全人士和一名目击者证实了此事。

138. 从革命结束到 2014 年 8 月 24 日,的黎波里国际机场由 Zintani 旅控制。目击者表示,弹药是由民兵卸下的,被运到机场附近的一个军营。

139. 白俄罗斯当局告诉专家小组,他们对此一无所知。又有 15 个多架次航班从白俄罗斯向的黎波里国际机场运送了物资。因此 Zintani 旅有可能挪转了更多的物资,对此委员会仍在调查之中。

白俄罗斯通知物资的交付

140. 在接报的黎波里国际机场物资被挪转,且军事采购司对这些货物一无所知后,专家小组利用一个官方机构提供的数据,仔细研究了物资的交付时间表。白俄罗斯证实,截止 2014 年 5 月 20 日,共飞了 29 个架次,但没有提供关于交货地点和收货人的任何信息。飞行数据表明,一些架次飞往非由利比亚政府或政府阵营的团体控制之下的机场,这表明自治武装团体得到了物资。详见附件 19。

141. 白俄罗斯向专家小组解释,因为局势不断恶化,6 月之后便再无物资交付,但专家小组获得了 Ruby Star 公司 7 月和 9 月请求在 Zintan 和卡拉迈行动控制下的机场降落的申请书副本(见第 160 和 165 段)。

乌克兰未通知的转让

142. 2014 年 11 月,专家小组视察了 2013 年 11 月在希腊截获的开往的黎波里的 Nour M 号船上的货物(详见第 89-93 段和 S/2014/106 号文件保密附件一),其中包括 55 个集装箱和 3200 多万发突击步枪和机枪子弹(1103 吨)。希腊当局向委员会和专家小组提供了全套资料 and 文件。文件显示,发货人 UKRINMASH 是一家乌克兰国营公司;收货人是利比亚国防部;中间人是一家土耳其公司: TSS SILAH VE SAVUNMA SANAYI DIS TICARET LIMITED SIRKETI。该船属于另一家土耳其公司: TSS GROUP TUTUN SIGARA SANAYI VE。到目前为止,希腊尚未就此违反禁运案件着手起诉。

143. 利比亚当局向乌克兰当局发出照会,确认利比亚当局准备接受这批货物。照会是由 Khaled Alsharif 签字的。

144. 在截获该船时,专家小组联系了军事采购司,他们表示并不知晓这批货物,并对这批货物的最终用户表示关切。

图二

Nour M 号上运载的弹药



资料来源：专家小组，2014 年 11 月，希腊。

145. 专家小组与乌克兰进行了联系，以了解 UKRINMASH 所起的作用、详细付款信息，并查明是否做了最终结算。乌克兰回应称，Nour M 号船上装载的物资是根据 UKRINMASH 公司与 TSS SILAH VE SAVUNMA SANAYI DIS TICARET LIMITED SIRKETT 公司 2013 年签订的合同，运往利比亚的第一批货物，已经结算完毕。2014 年 8 月，土耳其公司和利比亚国防部代表访问了乌克兰，查看了储放剩余物资(突击步枪及小武器和轻武器弹药)的仓库。迄今并未请求委员会给予这批物资豁免，专家小组将再次联系乌克兰，以澄清有关情况。

146. 专家小组收到的指控称，Khaled Alsharif 和 Shaban Hadiya 于 2014 年 8 月前往乌克兰，洽谈军火交易。乌克兰证实了他们的访问，并指出，“他们当时没有察看特定出口商，以洽谈武器转让一事”。

147. 专家小组还联系了土耳其，以获取更多有关该经纪公司和船只所属公司的更多信息，并查明该经纪公司是否曾就此转让向土耳其当局申请出口许可。专家小组还要求提供全部付款信息和文件。土耳其答复称，未对经纪活动进行监管，只要货物不在土耳其落地，经纪公司就无需申请许可。土耳其目前正在调整立法，以使其与武器贸易条约的有关规定一致(见建议 12)。

148. 最后，希腊当局还解释，这次扣押带来了很大的物流和财政负担，因而引发了一个问题，即如何在联合国未就物资的处置提供适当支助的情况下管理根据联合国禁运措施扣押的物资(见建议 10)。

向空军的转让和潜在转让

149. 革命结束后，利比亚空军损失殆尽，急需飞机，特别是直升机。专家小组先前曾报告几架苏丹拥有的米-24 直升机被转交空军(见 S/2014/106，第 85

段),目前正在调查在几个会员国注册的公司可能进行的米-35的转让。详见附件 19。

非致命物资的转让

150. 关于武器、弹药和零部件,专家小组认为,非致命物资的转让,如装甲车和通信设备,也应得到委员会的批准(见建议 8)。专家小组调查情况见附件 19。

4. 挪转运往欧洲边界援助团的物资

151. 4 月 16 日,马耳他告知委员会,用于保护欧洲边界援助团的 23 支突击步枪、70 支手枪和 42 000 多发子弹丢失,马耳他曾于 2014 年 2 月 21 日为这些“专用于保护欧洲联盟官员”的物资请求豁免,最终用户证书由欧洲联盟驻利比亚代表团签署。调查结果显示,这批物资在运至的黎波里国际机场后被盗,控制机场的民兵很可能对此负有责任。该案详细报告见附件 19。

152. 因利比亚安全局势恶化,各外交使团和国际组织仓促撤离,专家小组感到关切的是,根据第 1970(2011)号决议第 9 段或第 2009(2011)号决议第 13(b)段批准的武器、弹药和相关物资目前是怎样管理和控制的。

5. 向民间黑市的转移

153. 专家小组的调查以及希腊、马耳他和土耳其最近报告的查获情况,均证实了专家小组上次报告中详述的与民间黑市有关的贩运趋势(见 S/2014/106, 第 60 至第 80 段)。贩运的武器主要有霰弹枪、猎枪、手枪、空包弹手枪及相应弹药,这些东西自革命以来在利比亚很受欢迎(见图片三和四)。这些物资大多是经的黎波里、米苏拉塔和胡姆斯等港口从马耳他和土耳其运到利比亚的。附件 21 详细介绍了对在希腊、马耳他和土耳其境内查获的运往利比亚的货物进行调查的最新情况。

图三
的黎波里拉希德街上的空包弹手枪摊位



资料来源：保密，2014年2月。

图四
的黎波里拉希德街上的霰弹枪摊位



资料来源：保密，2014年2月。

D. 卡拉迈行动和黎明行动发动之后的转让(2014年5月至12月)

154. 2014年爆发武装冲突后，对武器尤其是弹药的需求猛增，冲突各方都大肆购买军事物资，因此专家小组的调查数目大幅增长。

155. 虽然专家小组仍在寻求确凿证据，但调查表明，现下进入利比亚的军事物资得到若干会员国的支持。专家小组还发现，私营中介也在设法达成军火交易。根据会员国及其他消息来源提供的情况，革命期间新出现的利比亚军火商以及老

牌国际军火商都到利比亚国外去为冲突各方争取军火交易(见建议 12)。本节介绍专家小组截至 2014 年 12 月的调查结论。

1. 与卡拉迈行动、利比亚军队及结盟团体有关的调查

加强军火禁运与通知物资的转让

156. 鉴于 2014 年 7 月利比亚安全局势急剧恶化, 专家小组于 2014 年 8 月 12 日致信委员会, 认为应暂停所有向利比亚转让军事物资的活动, 并建议委员会向会员国强烈建议, 在未接到进一步通知前, 暂停交付以前根据第 2009(2011)号决议第 13(a)段已通知的物资。2014 年 9 月 25 日, 委员会向所有会员国发出普通照会, 敦促会员国对于尚未交付的此前已通知物资时要审慎尽责行事, 并将有待交付的物资数量告知委员会。尽管专家小组知道数个会员国仍有物资有待转让, 但委员会没有收到任何这类信息, 所以很难监测这些物资的交付情况。因此, 专家小组正力求全盘了解目前的通知状况, 并为此联系了一些会员国。

157. 专家小组欢迎通过安全理事会第 2174(2014)号决议。决议规定以一个新的要求替代了以前的通知程序, 即要求供应、出售或转让武器和有关材料(包括相配的弹药及零部件)需先经委员会批准, 从而加强了军火禁运。专家小组认为, 这一机制也应适用于非致命物资的提供(见建议 8)。

158. 过去六个月来, 利比亚军队及结盟团体一直在积极购买军事物资。专家小组收到会员国、利比亚及国际信息来源提供的大量情报, 谈到已达成或正在谈判的军火交易。在的黎波里频道 2014 年 12 月播放的一次电视访谈中, 空军司令 Geroushi 确认众议院已拨付 1.5 亿利比亚第纳尔预算用于为利比亚军队购买所需军事物资, 下一笔预算拨款将达到 10 亿利比亚第纳尔。

159. 迄今为止, 有若干会员国询问过批准程序(包括大额订单的批准程序), 这表明利比亚军队正设法购买物资, 但委员会尚未收到任何豁免申请。

先前已通知物资的交付

160. 2014 年 8 月 26 日, 委员会收到一个会员国的指导请求, 事关白俄罗斯为利比亚国防部运送弹药的飞机的飞越请求。所提供的文件显示, 8 月 31 日至 9 月 21 日期间将飞行 20 个航次, 共计运载 900 多吨弹药。白俄罗斯的飞越请求中表示, 关于这些物资的通知已提交委员会。

161. 专家小组向委员会表示了关切, 着重指出了武装冲突业已升级的状况、最终用户身份不明以及这些物资很有可能被交战各方挪转和滥用。专家小组还解释说, 目的地机场拉卜拉克机场 2014 年 8 月 25 日曾遭袭击, 表明该地区的战斗仍在继续。⁴² 专家小组最后报告说, 2014 年 7 月曾与军事采购司的代表会晤, 这些代表表示, 他们不知道有任何白俄罗斯运来的物资。

⁴² “Rockets strike lifeline airport in eastern Libya”, Reuters, 25 August 2014. 见 <http://af.reuters.com/article/commoditiesNews/N0QV19A20140825>。

162. 委员会致信白俄罗斯及提出询问的会员国，请他们审慎行事。白俄罗斯在给专家小组的最后一封信中提到，自 2014 年 6 月以来再未运送过任何物资。提出询问的会员国在最后一封信中说，没有签发飞越许可。

163. 利比亚政府一名高级代表 2014 年底向专家小组表示，利比亚军队亟需物资，以“打击恐怖主义”，但是利比亚政府在获取军事物资方面却面临重重困难。

对空军的物资转让

164. 专家小组注意到，过去几个月里，空军的能力大增，从空中行动的地域分布范围(见附件 22 中的地图)和使用的飞机数量种类来说都是如此。有些飞机是在利比亚翻新的，不过有些飞机和零部件看来来自国外。专家小组收集的情况显示，利比亚机队中增加了新飞机(尽管是从第三国得来的二手货)，包括米格-21MF、米-8 和苏霍伊战斗机。例如，空军司令宣布空军已收到苏霍伊战斗机，目前正在培训利比亚飞行员。⁴³ 专家小组最近致信俄罗斯联邦，询问其能否协助专家小组确定这些飞机和零部件是从哪里采购的。

可能从白俄罗斯向加达米斯进行的未通知转让

165. 2014 年 7 月，专家小组收到情报，称可能会有一批军火由白俄罗斯运往当时处于津坦团体控制下的加达米斯机场。情报中包括利比亚民航局给国防部的一封信，其中提及为国防部边防人员运送一台“野战医院医疗设备”。信中为白俄罗斯航空公司 Rubystar 的两架飞机申请 2014 年 7 月 24 日、26 日、28 日、29 日、30 日和 31 日的着陆许可(见附件 23)。Ruby Star 这家公司一直在运送白俄罗斯和塞尔维亚所通知的大量军用物资，这些交易均由 Charso 有限公司撮合。据专家小组的消息来源称，国防部的一名代表批准了这些货物的运输。

166. 一名利比亚航空专家告诉专家小组，2014 年 7 月 24 日飞了一个航次，运送武器弹药。专家小组还联系到加达米斯机场的一名工人，但他不愿就此事发言。专家小组仍在调查此案。

据称由埃及当局转让的军事物资

167. 与利比亚官员、情报部门代表和外交人士约谈的结果显示，埃及一直在支持托布鲁克的众议院，方式包括将军事物资转让给卡拉迈行动和/或利比亚军队。此外，专家小组注意到五角大楼发言人的一个声明⁴⁴ 及一些媒体报道都提到埃及染指了 2014 年 8 月在利比亚实施的空袭。

⁴³ 例如，Geroushi 12 月 22 日在的黎波里频道电视节目中证实，“利比亚空军收到若干将用于空袭的苏-27 飞机”。据报空军司令 Geroushi 2014 年 8 月 20 日说过，用于战斗的苏-24 飞机在俄罗斯联邦检修过。2014 年 12 月 2 日，利比亚国家电视台报道称，俄罗斯的苏霍伊飞机就要投入战斗，且据空军司令 Geroushi 说，一架苏-22 飞机已编入现役。

⁴⁴ “Pentagon: Egypt, UAE attacking Islamists in Libya differs from US bombing ISIS in Iraq”, CNSNews.com, 26 August 2014. 见 <http://cnsnews.com/news/article/patrick-goodenough/pentagon-egypt-uae-attacking-islamists-libya-differs-us-bombing-isis>。

168. 2014 年 10 月, 各当地和国际媒体都报道了一艘埃及船只在托布鲁克港军用码头卸载武器弹药的新闻。专家小组调查了此事, 并询问了卸载之时驻在或位于托布鲁克的保密消息来源。港口的卡拉迈行动官员和工人向这些消息来源直接证实, 该船曾在此停靠, 并卸载了包括小武器和轻武器在内的军事物资。

169. 这些消息来源还确认, 2014 年 9 月第 3 周, 一批军事物资在卡拉迈军官的护送下从埃及运往利比亚。

170. 专家小组 2014 年 12 月与开罗当局会晤时请他们澄清这些指控。埃及当局否认曾向利比亚转让任何军事物资。

171. 最后, 利比亚空军使用的新飞机中, 有一些与埃及空军所用飞机的特征一致, 例如一些米格-21MF 飞机和一架米-8 直升机。例如, 米-8 直升机的识别特征(尾翼编号、国旗和军徽, 见图片五)显然已被有意喷涂遮盖, 但这些标记的位置与埃及的飞机完全相符。专家小组还注意到埃及飞机使用非常与众不同的颜色、尾翼编号使用的印度数字(利比亚飞机使用阿拉伯数字或西式数字), 还有埃及米-8 直升机特有的其他十几个特征(见图一和表 1)。专家小组致信埃及, 询问埃及是否曾将米-8 直升机转让给利比亚。埃及答复称, 从未向利比亚提供任何米-8 直升机或米格-21 MF 飞机。尽管如此, 专家小组从上述分析得出结论认为, 这架米-8 直升机最初来自于埃及机队。

图五

利比亚使用的米-8 直升机, 其军徽、国旗和部分尾翼编号已被喷涂遮盖(见图 1 下方的飞机)



资料来源: 托布鲁克, Quryanew, 2014 年 11 月 5 日。众议院及托布鲁克市危机委员会的成员在直升机前合影。他们刚刚乘坐这架飞机从托布鲁克的海军基地来到贝达。

图六

埃及米-8 直升机的尾翼编号 $\Sigma \Sigma \gamma$ (1443)-在埃及拍摄的照片 (见图 1 上方的飞机)



资料来源: Milspotters-www.milspotters.nl/forum/viewtopic.php?f=19&t=6909。

图一: 尾翼编号为 $\Sigma \Sigma \gamma$ (1443) 的埃及米-8 直升机 (见图片六) 与在利比亚记录下的尾翼编号被部分喷涂但尾数为 $\Sigma \nu$ 的米-8 直升机 (见图片五) 之间的对照 (另见附件 24)。

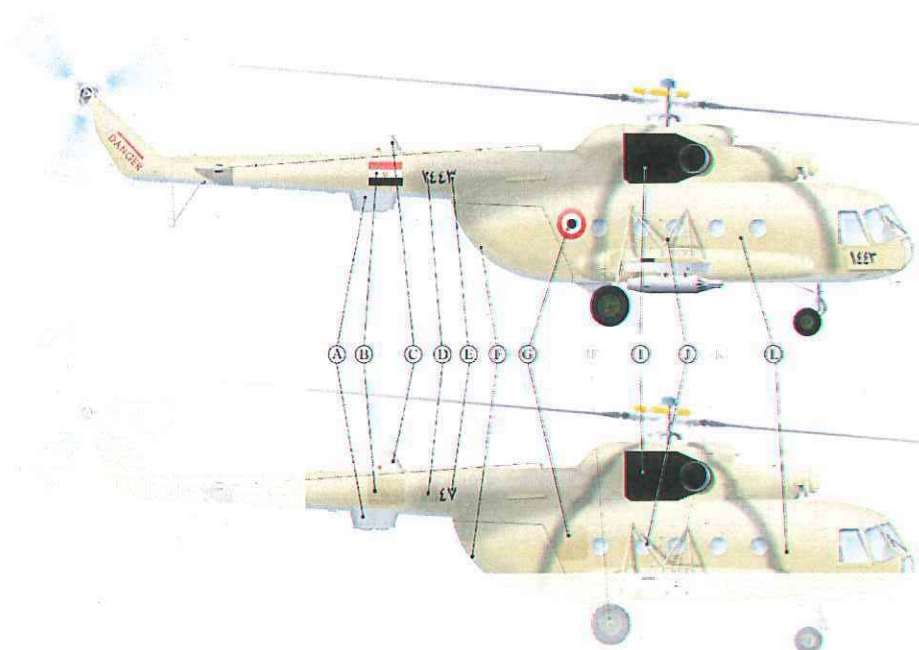


表 1

两架直升机均有的埃及米-8 的明显识别特征摘要

-
- A 机腹外表为浅灰色
 - B 埃及国旗的位置；在利比亚记录到的直升机上，这个位置被喷涂过
 - C 相似的甚高频天线
 - D 尾翼编号(军事序列编号)位于尾翼根部，这是埃及现役米-8 直升机的典型位置；在利比亚记录到的直升机上，这个位置上新刷了一层漆
 - E 四位印度数字，埃及现役米-8 直升机的典型特征；在利比亚记录到的直升机上也有印度数字，而利比亚“本土”的米-8 直升机是以阿拉伯数字(西式)标记
 - F 灰色下表面与迷彩上表面之间的分界线很低
 - G 在利比亚记录的直升机上，埃及空军军徽(国籍标志)的位置上可以看到被涂盖了一层油漆的一块。在同一架直升机上，在喷涂的这一块上又手绘了一个利比亚军徽(见附件 24)
 - H 橄榄色轮轴
 - I 正方形排气罩面，这是埃及空军某一批米-8 直升机的典型特征
 - J 武器架支撑框，是米-8T 直升机的典型特征；利比亚空军从未使用过装有这些武器架的米-8 直升机(见附件 24)
 - K 带有 2x2 挂点的武器架，可挂载 UB-16 57 毫米火箭发射器或如 ZAB-100 那样的轻型炸弹，在利比亚记录的直升机上也可以看到
 - L 上表面迷彩是均匀(单色调)的沙色，这是埃及空军所有米-8 直升机的典型迷彩色，埃及空军使用的“奇努克人”式和 Commando 直升机也是如此。
-

据称由阿拉伯联合酋长国转让的军事物资

172. 若干媒体报道及五角大楼发言人的一份声明指控说，来自阿拉伯联合酋长国的军用飞机 2014 年 8 月在利比亚实施了空袭。⁴⁵ 来自于利比亚对立政治派别的各一名官员、外交人士及情报机构代表都向专家小组证实，空袭确曾发生。专

⁴⁵ 见例如 David D. Kirkpatrick and Eric Schmitt, “Arab Nations Strike in Libya, surprising U.S.” The New York Times, 25 August 2014, 见 www.nytimes.com/2014/08/26/world/africa/egypt-and-united-arab-emirates-said-to-have-secretly-carried-out-libya-airstrikes.html?_r=0; “Pentagon: Egypt, UAE attacking Islamists in Libya differs from US bombing ISIS in Iraq”, CNS News.com, 26 August 2014.

家小组在 2014 年 9 月访问阿布扎比期间向阿拉伯联合酋长国官员提出了这个问题，但他们否认了这一指控。

173. 另外，专家小组还收到信息，称 Veteran Avia⁴⁶ 执行的飞行 2014 年 10 月和 11 月曾从阿拉伯联合酋长国的 Al-Minhad 空军基地飞往托布鲁克，据称是为了运送军事物资。专家小组联系了阿拉伯联合酋长国和约旦(其中一些航次在往返利比亚途中曾经停约旦)，请它们提供更多情况。约旦的答复是“未发现任何目的地为利比亚的阿拉伯联合酋长国的飞机进入约旦”。阿拉伯联合酋长国当局没有答复专家小组的信。

174. 2014 年 9 月，专家小组还收到指控称，由一家在巴基斯坦注册的公司运营的往返于比利时和阿拉伯联合酋长国之间的包机将军事物资运往利比亚的多个机场，包括黎明行动结盟团体控制的机场。经手其事的利比亚本地公司是 Global Aviation，该公司以前曾违反过武器禁运(见第 130 段)。专家小组获得的一些货单中列有可疑物品，因此专家小组与飞机始发地所在会员国联系，请求提供更多信息。比利时答复说，知道有这些航次，但对其中一架飞机进行检查时未发现任何禁运商品。阿拉伯联合酋长国尚未答复。专家小组正继续开展调查。

2. 有关向黎明行动转让军事物资的调查

苏丹进行的军事物资转让

175. 专家小组此前报告过，苏丹在革命期间和革命之后曾数次违反武器禁运。目前的转让行为看来与以往做法一致，涉及革命期间苏丹非法运送军事物资的一些行为体。违反行为摘要见附件 25。

176. 自 2014 年爆发冲突以来，苏丹一直违反武器禁运，将军事物资转让给利比亚。与消息灵通的利比亚及国外消息来源约谈的结果显示，苏丹一直在支持与利比亚黎明行动结盟的武装团体，方式之一是将军事物资空运到革命后由这些团体控制的米提加机场。

177. 过去六个月里，数次有人在社交媒体平台上报告说苏丹 C-130 军用飞机飞抵利比亚。目击者证实，2014 年 7 月和 2014 年 10 月都有苏丹军用飞机出现在米提加机场。专家小组致信苏丹，以获取关于这些军用航次的更多情况，但尚未收到任何答复。

⁴⁶ Veteran Avia 于 2014 年被加入美国联邦登记册的实体清单。

图七
苏丹 C-130，米提加机场，2014 年 10 月



资料来源：保密。

178. 利比亚及国外消息来源还报告称，有飞机降落在库夫拉机场，所载物资要接着转运到米提加或米苏拉塔机场。2014 年 9 月 6 日，利比亚政府声明，拦截了一架飞往米提加机场在库夫拉中途加油的苏丹飞机。声明说，飞机上运载的军事物资没有得到利比亚政府的批准(见附件 26)。第二天，苏丹外交部发表正式声明，确认了这起事件，并表示，“这架飞机一直在定期飞行，为苏丹-利比亚联军提供食品和弹药”，但这架飞机没有飞到米提加。⁴⁷ 专家小组立即将此事告知委员会，因为这些转让活动没有申请武器禁运豁免。委员会随后给苏丹发了一封信。

179. 专家小组 2014 年 9 月 17 日会晤了苏丹常驻联合国代表，他确认了苏丹政府发布的信息。同日，苏丹常驻代表致信委员会，讲述了更多情况。信中说，提供军事物资依据是苏丹与利比亚国防部长 Abdullah Al-Thinni 2012 年 8 月签订的《军事与安全联合合作议定书》。专家小组注意到，Abdullah Al-Thinni 先生 2012 年并不在任。苏丹代表的信还解释说，在收到利比亚当局(即“库夫拉行动组”组长 Suleiman Hamid Hassan 上校)的放行许可后，一架安-74 飞机运送了“军用后勤物资”。委员会联系了苏丹和利比亚，请它们澄清运送的军事物资的种类，但至今未收到任何答复。

180. 专家小组还致信苏丹以了解更多情况(包括 2011 年以来运送物资的次数)，并请求访问喀土穆。然而，除苏丹常驻联合国代表口头上确认访问一事外，专家小组尚未接到任何正式答复。专家小组还联系了 Suleiman Hamid Hassan 上校。他解释说，边境联合部队属利比亚国防部管辖，部队仅收到苏丹援助的非致命物资。这与苏丹 9 月 17 日提供的情况相抵触。

⁴⁷ Sudan, Ministry of Foreign Affairs, “Sudan affirms its keenness for security and stability in Libya”, 7 September 2014. 见 http://mofa.gov.sd/new/en/more.php?main_id=6&sub_id=0&id=3655.

131. 最后, 专家小组还收到可靠消息称, 属利比亚所有的飞机将军事物资从苏运到米苏拉塔机场。不过, 截至本报告撰写之时, 专家小组尚未能独立核实这一信息。

据称从卡塔尔转让的军事物资

132. 革命期间, 卡塔尔一直染指利比亚, 包括为若干反对派团体提供金融和后勤支持及武器(见 S/2012/163, 第 95 段; S/2013/99, 第 59-73 段)。

133. 具体而言, 与利比亚官员、情报机构代表及外国外交人士约谈的结果显示, 卡塔尔一直在为黎明行动结盟武装团体提供武器和资金。专家小组目前正在调查这些指控, 包括一架卡塔尔军用飞机 2014 年飞往利比亚的正式飞行控制数据。专家小组已就据报飞往与黎明行动结盟团体控制地区的飞机致信卡塔尔, 请其提供关于飞行日期、地点和货单的更多情况, 但至今没有收到任何答复。

据称从土耳其转让的军事物资

134. 专家小组收到信息称, 泛非航空公司的一架定期商业客运航班 2014 年 9 月 17 日将军事物资从伊斯坦布尔运往的黎波里。专家小组约谈了机上的一位乘客, 他证实说, 曾看到从飞机上卸下一箱箱军事物资。空中客车 A320 一般能容纳 150 名乘客, 但目击者解释说, 从飞机上仅卸下 15 个行李袋。乘客对行李滞留在伊斯坦布尔表示抗议, 一个有名的黎明行动指挥官手下正在监督卸货的民兵命令他们离开机场。

135. 专家小组还收到信息称, 利比亚另一家航空公司的一架飞机 2014 年 11 月 13 日由伊斯坦布尔飞往米苏拉塔, 据称运输的是军事物资。专家小组致信土耳其, 请其提供有关货单。专家小组还询问土耳其, 2014 年是否防止了任何其他从土耳其向利比亚运送军事物资的企图? 土耳其证实这些航次确有发生, 并称已向海关索取货单。

136. 对据称从海上向黎明行动转让物资的调查, 见附件 25。

3. 有关向恐怖团体转让的调查

137. 专家小组有关可能从国外向利比亚境内恐怖组织转让物资的调查进展甚微。2014 年 7 月以来, 专家小组未能访问该国, 未能找到能接触到相关行为体的可信国外来源。此外, 对伊斯兰教法虔信者组织等团体发布的资料的分析表明, 他们主要在利比亚境内寻求并成功采购物资, 包括通过缴获其他武装行为体的物资。例如, 伊斯兰教法虔信者组织 2014 年 7 月在班加西接管 Sa'iqa Thunderbolt 营地时, 缴获了卡拉迈部队控制的多种军事物资, 包括便携式防空系统和装甲车。

E. 资助武装团体

138. 依照安全理事会第 1970(2011)号决议第 9 段并根据安理会第 2009(2011)号决议第 13 段和第 2095(2013)号决议第 10 段, 专家小组开始调查资助武装团体情况,

特别是鉴于 2014 年 8 月 27 日通过了安理会第 2174(2014)号决议,其中列入更多有关威胁利比亚和平、稳定或安全行为的指认标准。对这些团体军事活动的任何支持,都将会对利比亚岌岌可危的安全和人道主义局势产生进一步负面影响。

189. 专家小组约谈的所有来源都同意民兵及其领导人资金充足。他们有多种收入来源,提到的数额往往很大。这是解释民兵可以轻而易举地招募和购买军用物资的原因之一。

1. 政府薪金和革命奖金

190. 各武装团体的最大资金来源是利比亚公共资金(见建议 9)。许多参战的武装团体仍是军队、警察或挂靠内务部、国防部或可能司法部的许多平行部队的名义成员,无论这些武装团体是否与卡拉迈部队、黎明部队、班加西革命者舒拉委员会或津坦结盟,尽管它们相互交战,许多团体继续在 2014 年全年每月领取薪金。武装团体或平行部队还常常索要目的不明的大笔款项。除了与利比亚官员的访谈外,专家小组还收到几份文件,似乎证实这些做法(见附件 27)。

191. 除了薪金外,自 2011 年以来,许多民兵因参加革命或“整编”到利比亚革命后安全机构而收到“奖金”或“赠款”(见附件 28)。专家小组获得的文件显示,到 2014 年 4 月,由国防部分发,向各革命旅转交了 250 余万利比亚第纳尔(见附件 29)。

2. 犯罪活动所得收入

192. 为了补充国家提供的资金,武装团体经常从事犯罪活动,在某些情况下也可能为了谋取私利。专家小组收到许多民兵参与绑架勒索赎金的指控。据证人称,赎金从 100 000 利比亚第纳尔到 1 000 000 利比亚第纳尔不等。专家小组收到被班加西革命者舒拉委员会指挥官 Wissam Bin Hamid 劫为人质以换取巨款的一名受害者的详细陈述。

193. 许多被绑架者最终被关押在拘留设施中,有的在那里一待几年。管理“政府”监狱的民兵从司法部领取囚犯生活费,但是一些被拘留者的家人向专家小组解释说,他们必须额外付钱给民兵,因为要么公共资金不够,要么民兵将其用于其他目的。每月 100 利比亚第纳尔是一些设施的常见数额。在 Tomina 设施这个较小的监狱(收押了 100 至 150 名囚犯),每月“收入”将达到约 10 000 美元。

194. 此外,专家小组收到可信指控称,民兵对一些经常发生的武装抢劫银行和现金运输案件负有责任。例如,一名以前交际广泛的苏尔特居民指称,臭名昭著的 2013 年 10 月在其家乡武装抢劫中央银行现金运输 5 400 万美元事件是伊斯兰教法虔信者组织的一支别动队所为。2014 年也经常发生抢劫银行事件,特别是在大的黎波里地区,在苏尔特和塞卜哈也有发生(见附件 31 中的地图)。冲突事件数据显示,至少有 6 起 100 多万利比亚第纳尔(750 000 美元)被盗事件。袭击者往往配备突击步枪和火箭榴弹(见附件 30)。

195. 专家小组约谈了几名经地中海向欧洲非法移徙问题专业人员。他们说，组织人口贩运的跨国网络在控制走私路线沿线地区的利比亚武装团体内安插了代理人。武装团体提供通行自由，帮助确保这些行动的安全，以换取一定费用。大多数非法移民被意大利海军和海岸警卫队从不适航的船只上带走。利比亚在非法移民方面的作用至关重要。意大利官员向专家小组解释说，2014年在海上获救的167 184名移民中，有141 484人，即85%从利比亚沿海启程。

196. 人口贩运“生意”的收益颇丰。主要来自西非和非洲之角的移民必须在其航程的不同阶段付钱给贩运者。在意大利接受质询的移民解释说，仅最后一段旅程，即乘船“渡海”的价格就在800美元至2 000美元之间，这取决于海上条件、船舶种类、启运港和“舱位等级”等。这意味着如果每名移民平均价格1 200美元，贩运链的最后一段在2014年便产生总额近1.70亿美元的营业额。大多数非法移徙者从利比亚西海岸启程。专家小组未能证实有关民兵和民兵领导人的姓名，但继续调查此事。

197. 在一个相关问题上，武装团体控制边境上的几个重要过境点和入境点，使他们能够从持续不断的毒品、武器、商品和燃料等贸易和走私活动中抽取一定百分比。最后，专家小组已经讨论了几起在军事行动后洗劫公共和私人建筑的案件。

3. 支持者的资助或其他支持

198. 专家小组收到一些指控称，有“富裕”的个人为武装团体提供资金支持，包括通过境外洗钱。记录和文件证据表明，2011年革命期间民兵突然获得往来自前政权支持者的大量现金和黄金(见附件32)。专家小组正在调查这些事件，并将在适当时候就此提出报告。

F. 来自利比亚的武器转让

199. 根据监测机制报告的字数限制，专家小组决定将有关本节的所有调查和结论列入附件33。不过，其中载有重要的专家小组调查结果，包括违反禁运措施案件详情，如欲详细了解利比亚境外扩散问题，应参阅该附件。

200. 专家小组的研究指出，尽管利比亚境内需求很大，武器和弹药仍在向利比亚境外扩散。根据任务规定，专家小组访问了乍得、埃及、尼日尔、突尼斯和阿拉伯叙利亚共和国。自利比亚起义以来，这些国家都受到武器扩散的影响。

201. 收集的资料表明，来自利比亚的军火大大加强了在该区域不同国家，包括特别是阿尔及利亚、埃及、马里和突尼斯活动的恐怖团体的军事能力。武器贩运只是过去几年利比亚团体和区域恐怖实体之间发展合作的一个明显表现。

202. 经西部边界转移：在本任务期间继续向阿尔及利亚和突尼斯贩运武器。突尼斯当局告诉专家小组，用于恐怖活动的军用物资大多来自利比亚。

203. 经东部边界转移：埃及继续是利比亚武器的主要目的地之一。经埃及向加沙转移仍在继续。尽管在冲突头两年阿拉伯叙利亚共和国是利比亚武器的一个重要目的地，但这一趋势似乎在过去 12 至 24 个月中已经消失。

204. 经南部边界转移：自革命以来，几个军火贩运网络在利比亚南部站稳脚跟，继续利用革命期间和之后挪转的库存。⁴⁸ 这确保了利比亚境外扩散的持续性，特别是向阿尔及利亚南部、尼日尔、乍得和苏丹扩散。

205. 由于革命以来利比亚南部没有国家控制，该地区的恐怖主义得到发展，人们日益担忧南部地区成为恐怖团体在萨赫勒的一个战略地区，特别是在培训、供资、休养、招募和购买军用物资方面。2014 年，由法国主导的 Barkhane 行动在尼日尔多次缉获或销毁了从利比亚运送给马里恐怖团体的物资。

206. 最后，媒体和西欧其他来源报道了几次缉获，但是专家小组迄今为止未能找到任何证据来证实这一信息，它将继续调查这一发展趋势。

五. 旅行禁令执行情况

207. 安全理事会在第 1970(2011)号决议第 15 段和第 1973(2011)号决议第 22 段中，对安理会或委员会指认的个人施加了旅行禁令，第 1970(2011)号决议第 16 段所述情况例外。卡扎菲的若干家庭成员和核心盟友被禁止旅行。2014 年 9 月 26 日更新的利比亚制裁名单载有 20 名个人的名字(其中 5 人仅受旅行禁令制裁，而 15 人受到旅行禁令加上冻结资产制裁)。

208. 专家小组注意到若干其他被指认人员的状况有变或是不正确的。在旅行禁令最初列名的 20 人中，有 6 人死亡，5 人目前在利比亚，其中 4 人证实被羁押，5 人在其他国家，还有 4 人仍下落不明。

209. 2014 年 5 月 19 日，专家小组致函利比亚，要求提供制裁名单已知更新细节，并要求提供被指认个人的现有生物识别细节，协助成员国辨认他们。迄今尚未收到答复。

210. 制裁名单显示，Saadi Qadhafi 在尼日尔居住。据报，他在 2014 年 3 月被从尼日尔引渡到利比亚，目前在利比亚关押接受审判。与此同时，有几个来源向专家小组证实了他在利比亚在押。专家小组从若干来源得到情报，Abdulqader Mohammed Al-Baghdadi 已经死亡。Quren Salih Quren Al-Qadhafi 目前在埃及。因此制裁名单需要进一步修订(见建议 5)。

⁴⁸ Fezzan 走私网络详细分析见 Rafaa Tabih, “Factions armées et dynamiques des réseaux de contrebande d’armes dans le Fezzan occidental”, Small Arms Survey(即将出版)。

211. 在本任务期间, 专家小组发现旅行禁令和资产冻结措施指认的 Safia Farkash Al-Barassi 曾从阿尔及利亚前往阿曼。委员会没有收到豁免请求或通知。这是 Al-Barassi 女士和阿曼不遵守旅行禁令的行为。

212. 一项单独调查揭示了 Safia Al-Barassi 使用的另一个姓名、出生日期和阿曼护照号码。专家小组建议用这些新的信息对制裁名单进行更新(见建议 5)。

213. 旅行禁令措施指认的个人 Quren Saleh Quren Al-Qadhafi 在一次访谈中告知专家小组, 2011 年他曾从利比亚前往阿尔及利亚, 从那里前往摩洛哥, 从摩洛哥前往埃及。委员会没有收到有关这次旅行的通知或豁免请求, 因此这是 Quren Al Qadhafi、阿尔及利亚、摩洛哥和埃及不遵守旅行禁令的行为。埃及答复专家小组的信说, 他入境所用护照上的姓名与名单上记录的姓名不同。摩洛哥否认他以名单所列姓名入境。专家小组建议用其护照上的姓名更新制裁名单(见建议 5)。

214. 上述案件的全部详情, 连同其他被指认个人可能违反旅行禁令行为的最新调查情况以及在马斯喀特约谈 Aisha 和 Mohammed Qadhafi 的详情见附件 34。

六. 执行冻结资产

A. 概况

215. 利比亚当局在有效调查和追回“被盗资产”方面的进展甚微。由于出现许多人事变动, 包括在 2014 年 7 月更换总检察长, 进行中的努力无法得到帮助。专家小组与前总检察长的讨论表明, 他对为追回这些资产设立的机构如一盘散沙感到不满, 也不信任为追查这些资产雇佣的各种私人公司。

216. 专家小组的询问表明, 虽然世界各地很可能有大量以假名和幌子公司持有的资产, 但对于上述资产的数量和地点也有相当多的猜测和不知情的评论。必须重申, 利比亚政府只能追回那些非由资产冻结措施指认个人拥有或控制的资产, 除非主管法院裁定, 这些资产是非法持有的, 因此不是这些人的财产, 从而不受资产冻结限制。

被指认实体

217. 根据安全理事会第 2095(2013)号决议第 13 段的规定, 在维持第 1970(2011)号和第 1973(2011)号决议规定并经第 2009(2011)号决议修订的资产冻结措施的同时, 安理会还要求委员会不断审查这些决议规定的有关利比亚投资管理局和利比亚非洲投资局的其余资产冻结措施, 根据实际情况尽早将这些实体从名单上除名, 以确保它们的资产可用于造福利比亚人民。

218. 2011 年 9 月 16 日之前冻结的属于指认实体的资产仍应冻结, 但须取决于安理会是否打算尽快解冻并将这些资产返还利比亚人民。鉴于利比亚当前的政治

和安全局势，专家小组认为，这些资产应继续冻结，直至实现政治稳定，资产能够安全返还利比亚人民。

219. 2014 年 12 月，前总理阿里·扎伊丹解雇的利比亚投资管理局前首席执行官向专家小组证实，他被任命为利比亚非洲投资局首席执行官。他强调，任命他的委员会成立于 2014 年 4 月，是在当前动乱之前，媒体报道说他武力接管是完全不真实的。

220. 但是，利比亚非洲投资局现任主管根据其众议院任命继续留任，与他的团队在马耳他的一个办事处工作。

221. 这使得更有必要继续冻结上述资产，直到形成一个统一和稳定的政府架构(见建议 14)。

B. 执行挑战

222. 如以往报告所述，专家小组发现，由于一些区域国家立法中的漏洞，普遍无力按照与恐怖主义无关的联合国资产冻结措施冻结资产。这种情况似乎很普遍，是有效执行联合国所有此类措施，包括那些涉及利比亚的措施的一个严重障碍。

223. 专家小组对若干会员国这一情况的调查详情见附件 35。

224. 因此，专家小组建议，鼓励具备相关能力的会员国向由于国内立法缺失而缺乏执行资产冻结的法律能力的会员国提供援助(见建议 15)。

1. 资产冻结豁免

225. 会员国如果希望使用其中所列任何豁免规定，可以向委员会提出请求或通知委员会，在本任务期间仅根据第 1970 号决议第 19(a)段向委员会提交了一项通知。

2. 请求提供指导

226. 2014 年 5 月，一个设在百慕大的资产管理公司的代理律师事务所与专家小组联系，请求提供指导。该公司正在申请许可证，以管理被指认实体利比亚投资管理局所实益拥有的资金，从而履行信托责任，即保护投资和最大限度地提高其回报，同时按照资产冻结措施确保这些资金不被被指认实体使用。

227. 曾在其他法域成功获得如此管理这些资产其他部分的许可证，但巴哈马当局似乎不了解正确程序，因此，没有给予许可证，导致被冻结资产恶化。

228. 虽然是否发放许可证由每个会员国决定，但此案情表明，未发放许可证不是因为申请质量，而是因为不能有效适用程序。因此，专家小组致函委员会主席，建议巴哈马政府遵循其中所载程序。随后，制裁委员会主席就此向巴哈马发出了一封信函，回顾相关豁免程序。

C. 目前的调查

1. 正在进行的调查和询问的最新情况

229. 对与 Saadi 和 Hannibal Qadhafi、Abdulla Al-Senussi 有关的实际和可能违反资产冻结行为的调查仍在继续。若干会员国的金融和公司记录提供了有用资料。这些资料正在分析中。专家小组相信会发现重要证据，以查明应按措施予以冻结的其他资产。

230. 正如以前所报告的那样，似乎一些公司多次企图谎称自己是利比亚政府代理人，任务是追回“被掠夺的”利比亚资产。这一趋势仍在继续，专家小组还发现了其他企图，尤其是涉及据称位于南非的应冻结资产的企图。

231. 各次调查的详细情况见附件 36。

七. 对被指定船只实施制裁

232. 在第 2146(2014)号决议通过后，安全理事会扩大了专家小组的任务。决议规定，专家小组应监测对试图从利比亚非法出口原油的被指认船只实施制裁的情况，包括禁止为这些船只提供补给或禁止它们在码头停泊等措施的情况。

A. 利比里亚协调中心

233. 根据安全理事会第 2146(2014)号决议第 3 段，设在利比亚政府内的协调中心应向委员会通报从利比亚非法出口原油的任何船只。利比亚当局指定了一个协调中心，由两名官员组成，一名来自国家石油公司，一名来自交通部。专家小组向委员会报告了这些任命。专家小组于 2014 年 7 月 7 日在黎波里会晤了这两名官员，以建立工作关系，并讨论有关该决议的实际问题。

B. 措施的背景

234. 在一艘从巴恰委员会控制的锡德拉港装载出口原油的油轮突破利比亚海军封锁后不久，安全理事会在 2014 年 3 月 19 日通过了第 2146(2014)号决议。悬挂朝鲜民主主义人民共和国国旗的“牵牛花”号油轮载有 234 000 桶原油。在朝鲜民主主义人民共和国收回其国旗后，这艘船在塞浦路斯沿海被美利坚合众国特种部队扣押并遣返利比亚。

235. 尽管这些事件发生在第 2146(2014)号决议通过之前，专家小组还是决定对此案件进行调查，以了解组织这些非法出口的网络及其作案手法。

C. “牵牛花”号案件

236. “牵牛花”号的货物清单和其他相关单据表明，走私网络可能与不同国家的公司有联系。国家石油公司解释说，几个不同国籍的中介个人也参与了。在 2014

年7月专家小组访问的黎波里期间,检察长指出,所涉个人正在接受调查,可能会披露进一步信息。不过,迄今为止尚未向专家小组提供任何这类信息。

237. 专家小组调查了石油走私网络与违反军火禁运资助军火转让行为之间的潜在关联。在这方面,专家小组发现了 Ibrahim Jadhraan 的代表与利比亚其他个人和实体以及游说公司之间的协定。⁴⁹ 他们商定,“游说公司应努力向利比亚实体和个人提供经济援助,需要时为你的石油寻求买主以及运载石油的油轮”。

238. 这项协定从2013年底至2014年底生效,众议院就是在这期间成立的。2014年8月以来,众议院只保留了对利比亚东部油田的控制,对黎波里的国家石油公司没有控制。在2014年期间开放港口和石油码头后,利比亚原油产量达到2011年以来最高每日产出率。⁵⁰ 但是,原油生产、储存控制和出口全年都在波动。

239. 专家小组与两名利比亚高级政府官员举行了两次会议。专家小组在会上询问从西部港口出口原油的合法性,但无法得到确定答复。显然双方依赖石油和其他自然资源为支出提供资金(见建议18)。专家小组虽然2014年7月后无法访问利比亚,但收集了从2014年3月19日到编写本报告时的利比亚港口船只停靠数据。此期间共有2 607艘商业船只停靠利比亚港口。这些船只的详情载于附件37。表2所载为用于运载石油和自然资源的船只简况。

⁴⁹ Joan Tilouine, “Libye : pétro-polar en eaux troubles”, Jeune Afrique, 27 May 2014, 见 www.jeuneafrique.com/Article/1A2784p064.xml#0/; Brian Hutchinson, “Notorious Canadian lobbyist signs \$2M contract to promote Libya militants aiming to divide country”, National Post, 6 January 2014, 见 <http://news.nationalpost.com/2014/01/06/notorious-canadian-lobbyist-hired-by-militants-seeking-breakaway-from-libya/>; United States Department of Justice, “Amendment to Registration Statement Pursuant to the Foreign Agents Registration Act of 1938, as amended”, 见 www.fara.gov/docs/6200-Amendment-20131219-1.pdf.

⁵⁰ Saleh Sarrar, “Libya plans to resume output at biggest oil field today”, Bloomberg, 10 November 2014.

表 2
用于运载石油和自然资源的船只移动情况

港口	化学品 运输船	散货石油 两用船	化学品和 石油两用船	原油轮	浮式生 产油轮	液化石油 气运输船	成品油轮	油轮(具体 未说明)
Az Zawiyah	—	—	1	1	—	—	1	—
班加西	7	—	27	—	—	15	21	3
Benghazi Anch	11	—	27	2	—	13	20	—
Bouri 码头	—	—	—	2	—	—	—	—
德尔纳	—	—	—	—	—	—	—	—
Es Sider 码头	—	—	1	6	—	—	1	—
Farwah 码头	2	—	6	15	4	1	6	—
Khoms	2	—	1	1	—	1	1	—
Marsa el Brega	14	1	18	25	—	10	2	—
Mellitah	—	1	3	37	—	39	14	—
米苏拉塔	7	1	34	—	—	15	20	4
Ras Lanuf	—	—	1	14	—	—	—	—
苏尔特	—	—	2	—	—	—	—	—
托布鲁克	4	—	4	25	—	1	7	—
的黎波里	8	—	8	1	—	23	15	—
Zawia 码头	14	—	20	29	—	—	14	—
Zuara	—	—	1	—	—	—	—	—
Zueitina 码头	—	—	—	7	—	—	—	—
共计	69	3	154	165	4	118	122	7

来源：劳氏情报。

240. 在本报告所述期间，635 艘用于运载石油和自然资源的船只在利比亚东部和西部港口和码头停靠。专家小组尚未收到利比亚政府就哪些港口在其控制之下这一问题的答复。因此，专家小组无法确定哪些石油出口是非法的。利比亚石油港口和设施图见附件 38。

241. 由于石油设施警卫队的封锁，利比亚主要东部石油港口近一年无法出口石油。这些封锁从 2013 年 7 月下旬开始实施，在 2014 年 4 月就重新开放 Zueitina 港和 Marsa al-Hariga 港达成交易后结束，而 Es Sidra 和 Ras Lanuf 于 2014 年 6 月重新开放。最近，利比亚最大的油田之一 El Sharara 油田受到黎明行动部队的袭击，油田随后部署了由来自米苏拉塔的军官指挥的警卫，把守着其储油区、油泵和油管。与众议院结盟的 Zintanis 在与黎明部队发生战斗后从的黎波里撤出。为了确保黎明部队不受益于石油，Zintani 部队关闭了位于其地盘上的 El Sharara 管道阀门。Al-Hassi 政府还试图重新启动在 El Feel 的另一个油田，但其管道也横穿

Zintani 的地盘。利比亚实地局势不断变化，很难预测，形势多变而脆弱，因此石油生产、出口或储油罐储存的确切数量难以估计。

242. 在听说众议院指定了一个新的公司与外国买家交易和订立合同出售利比亚石油，从而绕过国家石油公司后，专家小组要求众议院予以澄清，目前在等待答复。此外，专家小组还在等待众议院对另一封信的答复，该信询问从所有利比亚港口和码头出口石油的情况。

D. 可能的指认

243. 随着必要机制已经到位，2014 年 8 月 5 日收到利比亚协调中心的电子邮件，告知有一艘船因为涉嫌从利比亚非法运输原油而被利比亚和马耳他的主管部门扣押。专家小组致函马耳他要求提供更多资料，但马耳他否认该事件。所收到的其他资料表明，提单记载的是船到船装运，证明该船不是在利比亚港口而是在公海装船的。根据提单，该船从另一艘船上转装了“2 845.380”吨粗柴油。协调中心告诉专家小组，此事没有得到国家石油公司的许可，因此是在没有得到利比亚政府批准的情况下运走利比亚的自然资源。

244. 虽然装运的货物不是原油，在技术上不属于安全理事会第 2146(2014)号决议规定的范围，但专家小组认为此类转运是一种新现象，而且有可能形成趋势，这印证了专家小组与其会见的不同对话者的讨论内容。为了获得更多关于贸易模式和潜在违规做法的资料，专家小组已查明一些船只有可能从不受众议院控制的港口出口原油，并致函运营这些船只的航运公司以查明贸易的详细情况，包括客户、卖方和资金流。正在陆续收到答复，并将在适当时予以分析。

245. 另一个复杂因素是，众议院和国民议会各自为国家石油公司任命了两个单独的负责人。鉴于国家石油公司处于分裂状态，利比亚中央银行也存在管理分歧，不清楚原油出口的付款是如何处理的。由于目前的政治和安全局势，很难成功指认出口原油的船只(见建议 17)。

246. 专家小组认为，解决从利比亚非法出口原油和其他自然资源，包括汽油、机油和润滑油产品的问题对冲突解决具有重大意义，应将该事项纳入安全理事会今后关于利比亚的决议(见建议 16)。

E. 执行方面的挑战

247. 利比亚薄弱的国家机构以及当前面临的不稳定和不安全局势带来了一些固有挑战，影响了安全理事会第 2146(2014)号决议的执行工作。

248. 考虑到冲突持续不断，专家小组的结论是利比亚政府已经丧失了对许多石油港口和石油设施的控制。显然，西部港口由哈西政府控制，而东部港口和码头则由利比亚政府控制，但局势仍有可能变化。

249. 走私活动在利比亚久已有之，已形成广泛的贩运网络。专家小组从多个来源获取了有关利用渔船将液体燃料(汽油、机油和润滑油产品)走私到马耳他和邻国的情报。这些船只拥有离港和返港的一揽子许可。

250. 目前的安全形势进一步阻碍了加强边境管理的努力。同样，继欧洲联盟于2014年7月从利比亚撤出后，原由欧洲联盟主导的这方面努力受到限制。此外，由于战斗激烈，根据第2146(2014)号决议任命的驻黎波里协调中心的利比亚官员一直无法投入工作，严重制约了对石油出口运输的监督。之前石油设施警卫队朝令夕改的行为以及监督的缺失也增加了勒索和非法出口的可能性。专家小组希望尽快访问利比亚，分析实地局势并会晤相关官员。值得考虑的现象是，在整个冲突期间各种船只仍能继续停靠其在利比亚的方便港，从哈西政府控制下的利比亚西部港口出口石油时尤其如此。这意味着无法确定有多少船只装载了多少石油，也无法确定这些石油及相关收入是否已正确记账。

251. 专家小组注意到，尽管安全局势动荡，利比亚原油生产仍在继续，油轮继续停靠港口和码头，增加了石油、汽油、机油和润滑油产品以及其他自然资源通过其港口或采取船到船装运方式被非法出口的可能性。

八. 建议

252. 专家小组建议如下：

一般性建议

给安全理事会的建议：

- 建议 1. 建立一支海上监测部队，协助利比亚政府确保其领水安全，防止违反军火禁运的武器或相关物资进出利比亚，防止非法出口原油及其衍生产品和其他自然资源[见第 106 段]。
- 建议 2. 对革命开始以来在利比亚发生的严重违反人权和国际人道主义法事件进行摸底调查，为此利用利比亚问题国际调查委员会所做工作和其他国家的摸底调查经验[见第 65 段]。
- 建议 3. 与利比亚政府合作，采取适当措施指定免受空中轰炸和炮击且不部署重型武器的非军事区域并公布这些安全区[见第 56、95 和 97 段]。
- 建议 4. 建立由联合国主持、记者遍布全国各地的媒体渠道，推动独立报道[见第 58 段]。

给委员会的建议：

建议 5. 对制裁名单作如下更新：[见第 208 段及其后各段]

Abdulqader Mohammed Al-Baghdadi: 现状——已死亡

Quren Salih Quren Al Qadhafi: 所在地——埃及, 常用别名——Akrin Sa'eh Akrin

Saadi Qadhafi: 所在地——拘押在利比亚境内

Safia Farkash Al-Barassi: 常用别名——Safia Farkash Mohammed Al-Hadad, 出生日期——1953 年 1 月 1 日, 阿曼护照号码——03825239

建议 6. 协助专家小组努力尽快获准进入利比亚[见第 11 段]。

建议 7. 考虑专家小组单独提供的关于符合指认标准的个人的信息。

武器禁运

给安全理事会的建议:

建议 8. 不仅是供应、出售或转让武器和有关物资包括相关弹药和备件需要得到委员会事先核准, 而且向利比亚供应非致命性军事装备和提供安保培训也需经委员会事先核准[见第 150 和 157 段]。

建议 9. 与利比亚政府协调, 在利比亚中央银行的监管工作中引入国际审计制度, 以防止向参与破坏公共财产或侵犯人权的民兵支付薪金和其他资金[见第 190 段]。

建议 10. 制定一项由联合国牵头的举措, 应会员国要求协助其处置根据联合国武器禁运规定被扣押的武器和弹药, 以期增强处置工作的透明度、成效和安全性[见第 110 和 148 段]。

建议 11. 在后续决议中整合关于武器禁运的规定和豁免情形, 避免模糊和碎片化解释。

给会员国的建议:

建议 12. 通过国家立法来管制武器中介活动, 已经实施此类法律的国家则应更有效地管制武器中介活动[见第 147 和 155 段]。

- 建议 13. 如果根据有关国家掌握的情报可合理认为货物中包含安全理事会第 2174(2014)号决议第 9 段所述禁运物资，则应系统地检查进出利比亚的货物，在涉及航空运输的情况下尤其如此，但并不局限于航空运输[见第 174 和 184 段]。

资产冻结

给安全理事会的建议：

- 建议 14. 对于利比亚制裁名单上所列在 2011 年 9 月 16 日之前已被冻结资产的实体，继续维持资产冻结，直到利比亚形成一个稳定统一的政府[见第 210 段]。

给委员会的建议：

- 建议 15. 鼓励拥有资产冻结所需专门知识和资源的会员国提供援助，帮助因缺乏相关国内立法而没有法律能力来执行资产冻结的会员国[见第 224 段]。

制止非法出口原油企图的措施

给安全理事会的建议：

- 建议 16. 将第 2146(2014)号决议的规定纳入关于利比亚一般性制裁的决议，将制裁措施扩大适用于石油衍生物和其他自然资源[见第 244 段及其后各段]。
- 建议 17. 修改指认程序，使委员会能在利比亚未作事先通知的情况下进行指认[见第 245 段]。

给委员会的建议：

- 建议 18. 为避免滥用利比亚石油收入，鼓励利比亚政府定期向委员会提供关于其控制下的港口、油田和石油设施的最新资讯，并向委员会通报原油合法出口认证机制的情况[见第 239 段及其后各段]。

Annex 1 Resolutions extending the mandate and adopted during the course of the mandate

1. 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.
2. 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.
3. By resolution 2174 (2014), the Council introduced additional designation criteria and 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. The Council also called upon Member States to undertake inspections related to the arms embargo, and required them to report on such inspections.

Annex 2 Methodology

1. Following the renewal of its mandate, the Panel agreed to adopt the methodology set out below, consistent with its past approach.
2. The Panel is determined to ensure compliance with the standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its report (S/2006/997). Those standards call for reliance on verified, genuine documents and concrete evidence and on-site observations by the experts, including taking photographs, wherever possible. When physical inspection is not possible, the Panel will seek to corroborate information using multiple, independent sources to appropriately meet the highest achievable standard, placing a higher value on statements by principal actors and first-hand witnesses to events. While the Panel wishes to be as transparent as possible, in situations where identifying sources would expose them or others to unacceptable safety risks, the Panel will withhold identifying information and place the relevant evidence in United Nations secure archives.
3. The Panel is committed to impartiality in investigating incidents of non-compliance by any party.
4. The Panel is equally committed to the highest degree of fairness and will endeavour to make available to parties, where appropriate and possible, any information available in the report for which those parties may be cited, for their review, comment and response within a specified deadline. To further uphold the right of reply and in the interest of accuracy, the Panel will consider annexing to its reports any rebuttals, with a summary and assessment of their credibility.
5. The Panel safeguards the independence of its work against any efforts to undermine its impartiality and any attempts to create a perception of bias.

Annex 3 List of institutions consulted

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

Chad	
<i>Government:</i>	Ministry of Foreign Affairs, Ministry of Interior, Ministry of Defence, Ministry of Foreign Affairs, Intelligence Service, Anti-Terrorist Unit, Police
<i>Diplomatic Missions:</i>	France, United States
<i>Other:</i>	Operation Barkhane
Cyprus	
<i>Government:</i>	Ministry of Foreign Affairs, Central Bank, Police Service, Company Registrar, Department of Merchant Shipping
Egypt	
<i>Government:</i>	Ministry of Defence, Ministry of the Interior, Ministry of Foreign Affairs
France	
<i>Organizations:</i>	FATF
Ghana	
<i>Organizations:</i>	GIABA
Greece	
<i>Government:</i>	Ministry of Foreign Affairs, Ministry of Finance, Anti-Money Laundering and Countering the Financing of Terrorism Unit, Army, Navy, Coastguard, Customs
Italy	
<i>Government:</i>	Ministry of Foreign Affairs, Ministry of Economy & Finance, Ministry of Economic Development, Ministry of Interior, Ministry of Infrastructure and Transportation, Guardia di Finanza, Central Bank, Customs, Coastguard, Ministry of Defence
Lebanon	
<i>Government:</i>	Army Intelligence, Ministry of Interior, Security Services, Military Tribunal
Niger	
<i>Government:</i>	Gendarmerie Nationale, Gendarmerie Territoriale, Army, Anti-Terrorism Unit, Central Bank, External intelligence (DGDSE), CNCCA (SALW Commission)
<i>Diplomatic Missions:</i>	France
Oman	
<i>Government:</i>	Deputy Minister of Foreign Affairs, International Cooperation Department

South Africa	
<i>Government:</i>	Department of International Relations and Cooperation, National Treasury, Financial Intelligence Centre, Department of Transport (Civil Aviation), Department of Home Affairs, Department of Justice, National Prosecuting Authority, South African Police Service, South African Revenue Service, South African Reserve Bank, National Intelligence Coordinating Committee, State Security Agency
Syria	
<i>Government:</i>	Ministry of Foreign Affairs, Military Intelligence, Customs
<i>Organisations:</i>	Office of the United Nations Resident/Humanitarian Coordinator
Tunisia	
<i>Government:</i>	Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Justice, Customs, Army, Counter-Terrorism Unit
<i>Organizations:</i>	UNSMIL
<i>Diplomatic Missions:</i>	European Union
United Arab Emirates	
<i>Government:</i>	Ministry of Foreign Affairs, Ministry of the Interior, Intelligence service, Central Bank
United Kingdom	
<i>Government:</i>	Foreign & Commonwealth Office, Home Office, Ministry of Defence, Financial Intelligence Unit, Police
<i>Organizations:</i>	IMO
Libya	
<i>Government:</i>	Ministry of Defence, Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Transport, Attorney General
<i>Organizations:</i>	UNSMIL, NGOs
<i>Diplomatic missions:</i>	Belgium, France, United Kingdom
USA	
<i>Diplomatic missions:</i>	Representatives from the following Permanent Missions to the United Nations in New York: Algeria, Australia, Canada, Chad, China, France, Jordan, Italy, Libya, Lithuania, Luxembourg, Niger, Nigeria, Russian Federation, South Africa, Serbia, Syria, Turkey, United Arab Emirates, United Kingdom and United States

Annex 4 Panel official outgoing correspondence

Panel official outgoing correspondence to Member States since the submission of its last final report

2014

OC no.	Member State	date	measure
40	Niger	12-Mar-14	Assets Freeze
41	Libya	12-Mar-14	Assets Freeze
42	Egypt	13-Mar-14	all
43	Canada	13-Mar-14	Assets Freeze
44	Switzerland	28-Mar-14	Assets Freeze
45	United Republic of Tanzania	23-Apr-14	Assets Freeze
46	United Kingdom	30-Apr-14	all
47	South Africa	29-Apr-14	Assets Freeze
48	Belarus	02-May-14	Arms Embargo
49	Libya	07-May-14	n/a
50	Malta	03-May-14	Arms Embargo
51	European Union	08-May-14	Arms Embargo
52	Greece	14-May-14	Arms Embargo
53	Malta	14-May-14	Arms Embargo
54	Libya	14-May-14	n/a
56	Libya	19-May-14	Assets Freeze, Travel Ban
57	Nigeria	19-May-14	Arms Embargo
58	Chad	12-Jun-14	all
59	United States	30-May-14	Oil
60	Oman	04-Jun-14	Travel Ban
61	Canada	04-Jun-14	Assets Freeze
62	Switzerland	04-Jun-14	Assets Freeze
63	Mexico	04-Jun-14	Travel Ban, Assets Freeze
64	South Africa	03-Jun-14	Assets Freeze
66	Algeria	12-Jun-14	all
67	United Arab Emirates	23-Jun-14	Assets Freeze
68	Libya	12-Jun-14	Oil
69	Egypt	12-Jun-14	Arms Embargo
72	Chad	19-Jun-14	Assets Freeze
73	Mauritius	20-Jun-14	All
74	Oman	20-Jun-14	Travel Ban, Assets Freeze
75	Egypt	25-Jun-14	Travel Ban
76	Tunisia	25-Jun-14	Travel Ban
79	Niger	30-Jun-14	Assets Freeze
80	Italy	01-Jul-14	all
81	Chad	02-Jul-14	n/a
83	Turkey	11-Jul-14	n/a
84	Cyprus	15-Jul-14	Assets Freeze
85	Tunisia	15-Jul-14	Assets Freeze
86	Switzerland	15-Jul-14	Assets Freeze

OC no.	Member State	date	measure
87	Libya	17-Jul-14	Travel Ban. Assets Freeze
88	Oman	16-Jul-14	Travel Ban. Assets Freeze
89	Italy	23-Jul-14	Assets Freeze
90	Belarus	24-Jul-14	Arms Embargo
91	South Africa	23-Jul-14	n/a
92	Oman	23-Jul-14	n/a
93	Russian Federation	25-Jul-14	Arms Embargo
94	Syrian Arab Republic	25-Jul-14	Arms Embargo
95	Morocco	25-Jul-14	Travel Ban. Assets Freeze
96	Ukraine	01-Aug-14	Arms Embargo
97	United Arab Emirates	01-Aug-14	Assets Freeze
98	Chad	07-Aug-14	all
99	Algeria	07-Aug-14	all
100	Nigeria	07-Aug-14	all
101	Sudan	07-Aug-14	all
102	Chair	12-Aug-14	n/a
103	Mexico	14-Aug-14	Assets Freeze
104	Cyprus	15-Aug-14	Assets Freeze
105	Malta	19-Aug-14	Oil
106	Lebanon	20-Aug-14	Arms Embargo
107	Algeria	20-Aug-14	Travel Ban
108	Egypt	20-Aug-14	Travel Ban
109	United Republic of Tanzania	20-Aug-14	Assets Freeze
110	Niger	20-Aug-14	all
111	Syrian Arab Republic	22-Aug-14	all
112	United States	22-Aug-14	Assets Freeze
113	Tunisia	26-Aug-14	Assets Freeze, Arms Embargo
114	United Arab Emirates	26-Aug-14	Assets Freeze
115	South Africa	05-Sep-14	Assets Freeze, Arms Embargo
118	Libya	10-Sep-14	all
119	United Arab Emirates	23-Sep-14	Assets Freeze, Arms Embargo
120	Niger	24-Sep-14	Assets Freeze, Arms Embargo
121	Cyprus	30-Sep-14	all
122	Egypt	30-Sep-14	all
123	United Arab Emirates	01-Oct-14	all
124	France	03-Oct-14	Arms Embargo
125	South Africa	07-Oct-14	Assets Freeze, Arms Embargo
126	Oman	08-Oct-14	Assets Freeze, Travel Ban
127	Tunisia	14-Oct-14	all
128	Niger	10-Oct-14	Assets Freeze
129	Syrian Arab Republic	13-Oct-14	Arms Embargo
130	Nigeria	14-Oct-14	Arms Embargo
131	United States	16-Oct-14	all
132	North Atlantic Treaty Organization	20-Oct-14	Arms Embargo
133	Italy	20-Oct-14	Arms Embargo

OC no.	Member State	date	measure
134	United States	20-Oct-14	Arms Embargo
135	United Kingdom	20-Oct-14	Arms Embargo
136	France	20-Oct-14	Arms Embargo
137	Belgium	20-Oct-14	Arms Embargo
138	Syrian Arab Republic	23-Oct-14	Arms Embargo
139	Libya	23-Oct-14	all
140	Egypt	29-Oct-14	Arms Embargo
141	Niger	27-Oct-14	Arms Embargo
143	United States	03-Nov-14	Arms Embargo
144	United Arab Emirates	03-Nov-14	Arms Embargo
145	Hungary	03-Nov-14	Arms Embargo
147	Sudan	06-Nov-14	Arms Embargo
148	France	06-Nov-14	Arms Embargo
149	Tunisia	06-Nov-14	Assets Freeze
151	United Arab Emirates	12-Nov-14	Arms Embargo
152	Belgium	12-Nov-14	Arms Embargo
154	Lebanon	17-Nov-14	n/a
155	Bulgaria	17-Nov-14	Arms Embargo
156	Seychelles	17-Nov-14	Arms Embargo
157	Libya	19-Nov-14	n/a
159	United States	20-Nov-14	Assets Freeze
160	South Africa	24-Nov-14	Assets Freeze/Arms Embargo
161	Algeria	26-Nov-14	Arms Embargo
162	Malta	28-Nov-14	Arms Embargo
164	Libya	30-Nov-14	all
165	Italy	02-Dec-14	Arms Embargo
166	Hungary	05-Dec-14	Arms Embargo
167	Serbia	05-Dec-14	Arms Embargo
168	Cyprus	05-Dec-14	Arms Embargo
169	Algeria	08-Dec-14	Travel Ban
170	Egypt	08-Dec-14	Travel Ban
171	Morocco	08-Dec-14	Travel Ban
172	Russian Federation	10-Dec-14	Arms Embargo
173	Ukraine	10-Dec-14	Arms Embargo
174	South Africa	10-Dec-14	Assets Freeze
175	Romania	10-Dec-14	Arms Embargo
179	South Africa	15-Dec-14	Assets Freeze
180	Jordan	16-Dec-14	Arms Embargo
181	Tunisia	16-Dec-14	Arms Embargo
182	Germany	30-Dec-14	Travel Ban
183	Turkey	16-Dec-14	Arms Embargo
184	United Arab Emirates	22-Dec-14	Arms Embargo
185	Qatar	22-Dec-14	Arms Embargo
186	United Arab Emirates	22-Dec-14	Arms Embargo
187	Egypt	22-Dec-14	Arms Embargo
188	UNITED	22-Dec-14	Arms Embargo

OC no.	Member State	date	measure
189	Libya	23-Dec-14	Oil

2015

OC no.	Member State	date	measure
1	Sudan	02-Jan-15	Arms Embargo
2	Egypt	06-Jan-15	Arms Embargo
3	Belgium	06-Jan-15	Arms Embargo
4	Libya	06-Jan-15	Assets Freeze
5	Libya	07-Jan-15	Oil
12	Austria	07-Jan-15	Arms Embargo
13	Libya	07-Jan-15	Arms Embargo
14	Malta	08-Jan-15	Assets Freeze
15	United Kingdom	09/01/2015	Arms Embargo
16	United Kingdom	09/01/2015	Assets Freeze
18	South Africa	12/01/2015	All
19	Oman	13/01/2015	Travel Ban
20	United States	13/01/2015	Arms Embargo
21	Russian Federation	16/01/2014	Arms Embargo

Annex 5 Responsiveness table

Table showing level of responsiveness to requests for information and/or visit from the Panel from 12 March 2014 until 7 January 2015

Country	Number of letters sent*	Requested info fully supplied	Info partially supplied	No answer / information not supplied	Request for visit
Algeria	4			4	Not granted
Belarus	2		2		
Belgium	2				
Bulgaria	1				
Canada	2		1	1	Not granted
Chad	2			1	Granted
Cyprus	4		1		Granted
Egypt	8			3	Granted
European Union	1				
France	3				
Greece	1				Granted
Hungary	2		1	1	
Italy	4		1	1	Granted
Jordan	1				
Lebanon	1				Granted
Libya	9			7	
Malta	4		1		
Mexico	2			2	Not granted
Morocco	1			1	Not granted
NATO	1			1	
Niger	3			2	Granted
Nigeria	3			2	Not granted
Oman	4				Granted
Qatar	1			1	
Romania	1				
Russian Federation	2			1	
Serbia	1				
Seychelles	1			1	
South Africa	7			2	Granted
Sudan	2			2	Not granted
Switzerland	2			1	
Syrian Arab Republic	2				Granted
Tanzania	2			2	
Tunisia	5			2	Granted
Turkey	1				
UAE	9			7	Granted
Ukraine	2				
UNHCR	1			1	
United Kingdom	2			1	Granted
United States	6		1	4	

* This figure does not include letters providing an opportunity for rebuttal or letters concerning logistical issues related to a visit.

Annex 6 Regional developments

1. Libya continued to be under the influence of clashes of interest between regional supporters and detractors of various political factions inside the country. Most States in the region have viewed the Libyan conflict as a binary one between 'Islamists' and 'anti-Islamists'. However, many Libyans interviewed are not vested in the ideology of either side; and hope their country does not become a failed state.

2. Some regional governments provided financial and military logistical aid to various armed groups inside Libya. A number of foreign aircraft and vessels delivered suspicious cargoes to Tobruk and Tripoli, under the cover of humanitarian assistance, which the Panel is investigating. Senior officials in Cairo and Al-Bayda reaffirmed publicly their mutual coordination in "combating terrorism" as a common enemy.⁵¹ Since mid-2014, there has been close military coordination between the governments in Al-Bayda and Cairo. Egyptian Defence Minister General Sedki Sobhi stated that Egypt was ready to offer "all support" to the Libyan army, especially in "combating terrorism".⁵² Senior Libyan military officials also confirmed Egypt's readiness to supply training and technical assistance.⁵³

3. The United Arab Emirates has been concerned with the growing level of violence in Libya. It blamed *Fajr* for attacking the Emirati and Egyptian embassies in Tripoli on 13 November 2014.⁵⁴

4. Some former Libyan officials briefed the Panel on how Qatar has sustained its political and financial support for the Misratan notables and revolutionaries in western Libya, who were clustered around the Doha-based cleric Ali Sallabi. The Qatari government has denied accusations of interference inside Libya and maintained its policy of "mutual respect and non-interference in the internal affairs of other countries".⁵⁵ In October 2014, Qatar was among the signatories of a 13-country statement pledging non-interference in Libya's internal affairs.⁵⁶

5. Turkey showed some level of political support to the self-declared Prime Minister Omar Al-Hassi, when its envoy, Emrullah Isler, was the first foreign envoy to meet with him in Tripoli.

⁵¹ Jared Malsin, "Egyptian Involvement Sparked Libya Oil Port Battle", Time, 19 December 2014 <http://time.com/3642616/libya-oil-egypt-tobruk-tripoli/>; "Egypt to 'fight its own battle': Shoukry", Daily News Egypt, 11 September 2014, <http://www.dailynewsegypt.com/2014/09/11/egypt-fight-battle-shoukry/>.

⁵² Omar Almosmari, "Egypt warplanes hit Libya militias", Associated Press, 15 October 2014, <http://www.cnsnews.com/news/article/egypt-warplanes-hit-libya-militias-officials-say>.

⁵³ Al-Masry Al-Youm, "Libyan Chief of Staff: Sisi promised to support Libyan army", Egypt Independent, 27 August 2014, <http://www.egyptindependent.com/news/libyan-chief-staff-sisi-promised-support-libyan-army>.

⁵⁴ "ليبيا في سفارتها استهداف مسؤولي المصلحة العسكرية بحمل الزنار", Alhayat, 12 November 2014, <http://alhayat.com/Articles/5681109>.

⁵⁵ "Qatar rejects accusation it sent weapons to Libya", Reuters, 16 September 2014, <http://www.reuters.com/article/2014/09/16/us-qatar-libya-idUSKBN0HB0HI20140916>.

⁵⁶ "Libya's neighbors won't intervene in 'domestic affairs'", Deutsche Welle, 25 August 2014, <http://www.dw.de/libyas-neighbors-wont-intervene-in-domestic-affairs/a-17878298>.

Turkey has remained keen to revive its strong economic ties with Libya, with USD 19 billion in construction projects alone.⁵⁷

6. While arms proliferation to the Sahel and Egypt remains significant, transfers to Syria seemed to have declined. At the same time, an estimated 1,000 Libyan jihadists were fighting with radical groups in Syria and 145 of them were killed in the battlefield in the first five months of 2014.⁵⁸ Meetings with authorities of regional countries confirmed to the Panel that weapons proliferation remained a primary security challenge for them. Resolution 2174 (2014) calls on neighbouring States, in particular to enforce the arms embargo. In this context, the Committee held a meeting with Libya and regional States on 14 November 2014, discussing implementation challenges.

7. Tunisia has been grappling with the security threat along its border with Libya. Libya has become a training ground for Tunisian and other foreign fighters. Links between Ansar Al-Sharia organizations in both countries have developed over the past months.⁵⁹ Tunisia has also been challenged by the economic and social impact of the two million Libyan refugees, while the flux into Tunisia peaked when between 5,000 and 6,000 Libyan refugees were crossing its border each day in the summer of 2014. Tunisian Foreign Affairs Minister Mongi Hamdi stated that his country's economic situation was precarious, and Tunisia could not cope with hundreds of thousands of refugees, and his government would close the border if the national interest requires it.⁶⁰

8. To the West, Algeria decided to build a 120 kilometre-long electric fence as part of its upgraded measures of policing the 900 kilometre-long land border with Libya. On the political front, Algeria proposed a new initiative, as a basis for the Libya Neighbouring Countries Initiative in September 2014, to mediate an intra-Libyan dialogue towards national reconciliation.

9. While in Khartoum on 27 October 2014, Prime Minister Al-Thinni accepted Sudan's initiative of hosting peace talks between Libyan political rivals, but on the condition that there would be concessions from "all sides".⁶¹ This Sudanese proposal came a few weeks after the

⁵⁷ Turkey Karadeniz, "Turkey urges remaining citizens to leave Libya after airline threat", Reuters, 8 January 2015, <http://www.reuters.com/article/2015/01/08/libya-security-turkey-idUSL6N0UN11320150108>.

⁵⁸ Aaron Zelin/EwanKobak/Anna/Laila al-Khouri, "Convoy of Martyrs in the Levant", FlashPoint Partners, June 2013, <http://www.washingtoninstitute.org/uploads/Documents/oped/Zelin20130601-FlashpointReport-v2.pdf>.

⁵⁹ International Crisis Group, "La Tunisie des Frontières: Terrorisme et Polarisation Régionale", 21 October 2014 <http://www.crisisgroup.org/-/media/Files/Middle%20East%20North%20Africa/North%20Africa/Tunisia/b041-la-tunisie-des-frontieres-a-terrorisme-et-polarisation-regionale.pdf>.

⁶⁰ Mikaila Dumbau, "Tunisia May Close Border to Libyan Refugees", AFK Insider, 30 June 2014, <http://afkinsider.com/66905/tunisia-may-close-border-to-libyan-refugees/>.

⁶¹ "Libya PM 'ready for talks with rivals'", The National, 29 October 2014, <http://www.thenational.ae/world/middle-east/libya-pm-ready-for-talks-with-rivals>.

Libyan government had accused Sudan of sending aircraft carrying ammunition into Kufra, bound for armed groups there (see paragraphs 178 et seq.).⁶²

10. With the growing security threats in the Sahel region, military units from Mauritania, Mali, Burkina Faso, Niger and Chad, or the “Sahel G-5”, coordinated their efforts in the French-led counter-terrorism Operation *Barkhane*. By the end of 2014, this operation has expanded its scope to cover the desert land between Northern Niger and Chad, close to the Libyan southern border.⁶³ At the same time, other African countries like Senegal called for action by western countries in Libya.

11. Several States and international organizations, including France, Germany, Italy, Malta, Spain, the United Kingdom, the United States, the African Union, the Arab League and the European Union, appointed special envoys to Libya. After their meeting in Paris on 30 October 2014, they called for an immediate and unconditional ceasefire throughout Libya that would allow the immediate resumption of humanitarian assistance.⁶⁴ They also underscored the legitimacy of the House of Representatives (HoR) as the sole legislative authority in Libya.⁶⁵

⁶² James Butty, “Sudan Claims to Have Brokered Plan for Libyan Peace Talks”, The Voice of America, 30 October 2014, <http://www.voanews.com/content/sudan-official-says-bashir-desires-nobel-peace-prize/2501660.html>.

⁶³ Andrew McGregor, “Operation Barkhane: France’s New Military Approach to Counter-Terrorism in Africa”, Aberfoyle International Security, 24 July 2014, <http://www.aberfoylesecurity.com/?p=909>.

⁶⁴ “Meeting of the Special Envoys for Libya in Paris”, Foreign and Commonwealth Office, 1 November 2014, <https://www.gov.uk/government/news/meeting-of-the-special-envoys-for-libya-in-paris>.

⁶⁵ “Joint Communiqué on Libya”, Office of the Spokesperson, United States Department of State, 22 September 2014, <http://www.state.gov/r/pa/prs/ps/2014/09/231985.htm>.

Annex 7 Map disclaimer

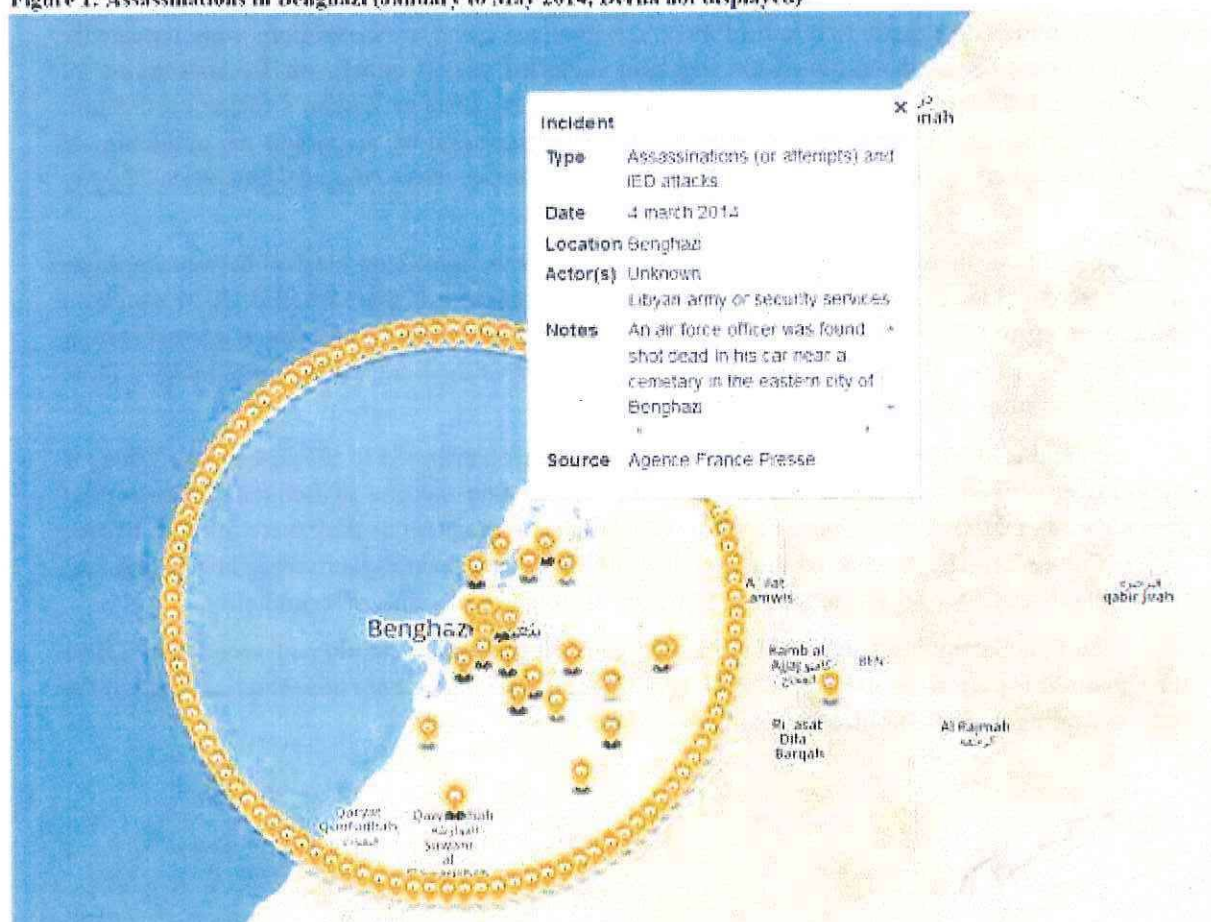
Conflict event data and maps used by the Panel

1. By the end of 2014, most major Libyan towns had witnessed acts threatening the peace, stability and security of the country. Armed conflicts escalated as the year progressed, involving an increasing number of conflict parties. To enable the Panel to analyse the exact sequence and scope of these complex events, it has developed a database of security incidents with geographic references and timestamps. The Panel's dataset combines information from pre-existing datasets, developed by research institutes specialised in crisis mapping,⁶⁶ with entries based on the Panel's own data collection.
2. All sources used to build this dataset are publicly available from (social) media and the descriptions of the security incidents are summaries of events as described in the original reports. It should be stressed that the language used or analysis made in those descriptions do not necessarily reflect the findings of the Panel. However, this approach provides a maximum of transparency and a sufficiently large volume of data that allows for a significant overall assessment of security developments throughout 2014. The Panel has not used, nor will it use, media reports of individual incidents from the dataset as evidence to support its analysis. However, the dataset reveals more general trends which it could and has used to that effect.
3. The Panel has made a careful selection of incidents, trying as much as possible to avoid misinformation, disinformation and the double reporting of incidents. Nevertheless, the Panel cannot entirely exclude some unintentional bias or the underreporting of certain developments. However, without the effort to systematically collect such data and present it transparently, the risk of bias and/or underreporting could potentially have been far greater.
4. The Panel has used the dataset to produce a digital and interactive map of security incidents. Throughout the report the Panel has included several screenshots of these maps, confirming some of its key findings. For further reference, the Panel has made the map available online at: <http://www.annexmap.net/libya/>, password: PoEL2014.
5. Given the difficulty of gathering precise geographic data, the map inevitably contains inaccuracies and therefore, is to be considered indicative and limited, rather than an exact representation of the geographic features presented. The incidents shown certainly cannot be considered to be exhaustive. A similar caveat applies to the summary statistics of the violent incidents presented in the legend of the map.

⁶⁶ ACLED, a well-known crisis mapping project covering the whole of Africa, had published partial conflict event data on Libya for 2014, a selection of which was included in the Panel's dataset. <http://www.acleddata.com/>.

Annex 8 Map of assassinations in Benghazi

Figure 1: Assassinations in Benghazi (January to May 2014, Derna not displayed)



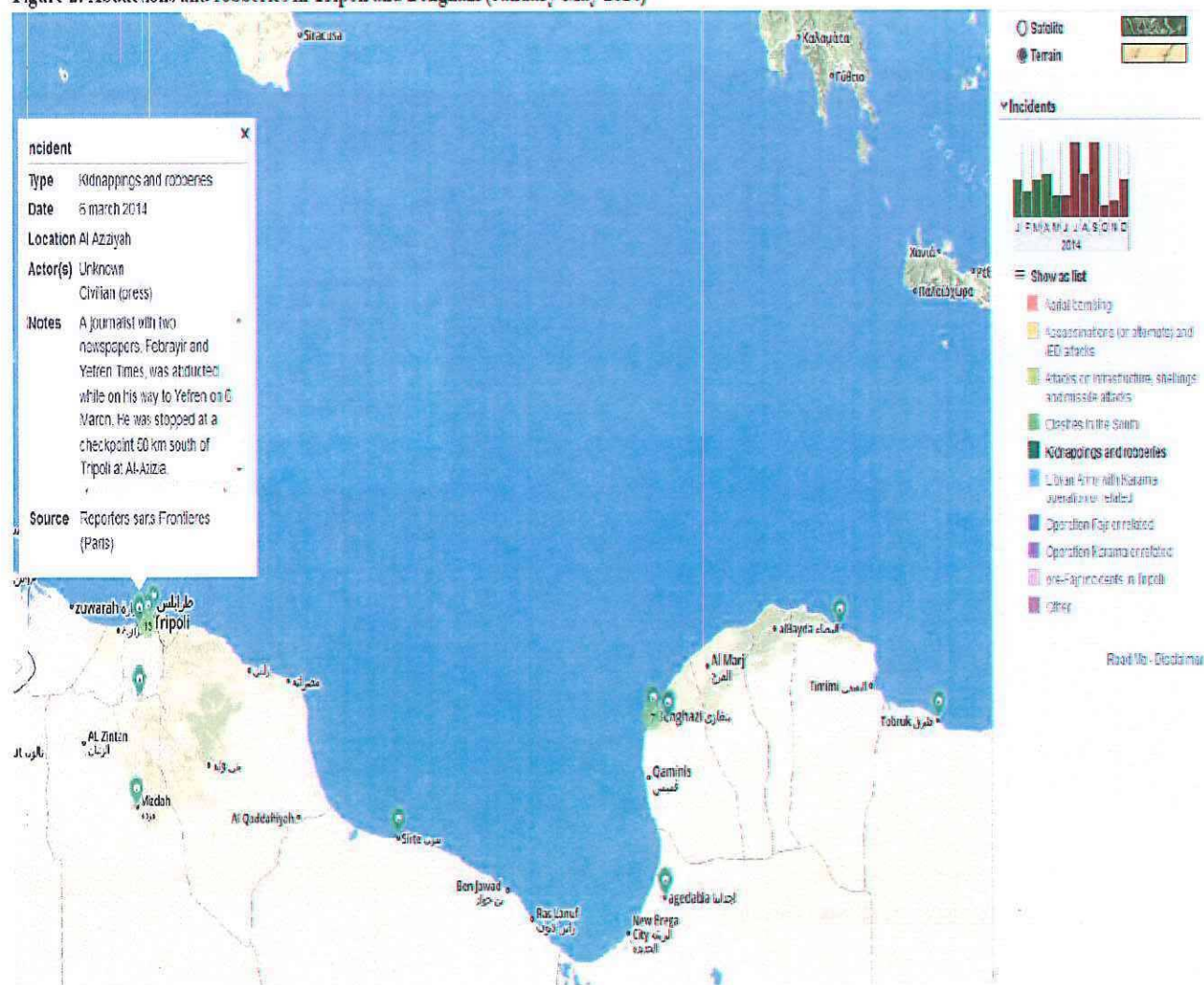
Source: <http://www.annexmap.net/libya/>, password: PoEL2014

Annex 9 Security developments in Tripoli in the first half of 2014

1. The 2013 trend of violent incidents related to the ongoing political power struggle in the capital continued during the first half of 2014. Civilian and key State institutions were repeatedly attacked. Some of the more significant incidents included missile attacks on TV stations on 12 February and 4 March, a two-hour armed attack on Prime Minister Zeidan's office on 6 April, another on 18 May on the GNC building that was accompanied by arson and the abduction of several lawmakers, and another on the home of Prime Minister-elect Ahmed Meiteer on 27 May 2014.
2. In addition, there were a limited number of short but significant clashes between militias from different sides of the main political divide. One example was the 14 March 2014 attack on the Libyan army's 2nd Division camp, reportedly executed by militias from Zintan against former SSC units.⁶⁷ A few other significant clashes did not follow this divide, most importantly a large military operation in Warshefana areas in January 2014.
3. A number of assassinations and abductions further contributed to the insecurity. Whereas the number of assassinations in Tripoli is clearly lower than the one in Benghazi, the conflict data suggests that abductions in the capital were at least as frequent as they were in the East (see below Figure 2). The targets of those abductions included several journalists and diplomats, indicating that many of these actions could not be attributed to 'common' criminality.
4. The Panel's findings on acts that have threatened the peace, stability or security of Libya throughout this period are more related to its political transition, and are therefore included in the section dealing with the political transition (see Annex 16).

⁶⁷ Wolfram Lacher/Peter Cole, "Politics by Other Means, Conflicting Interests in Libya's Security Sector", Small Arms Survey, 20 October 2014, <http://www.smallarmssurvey.org/fileadmin/docs/R-SANA/SAS-SANA-WP20-Libya-Security-Sector.pdf>.

Figure 2: Abductions and robberies in Tripoli and Benghazi (January-May 2014)

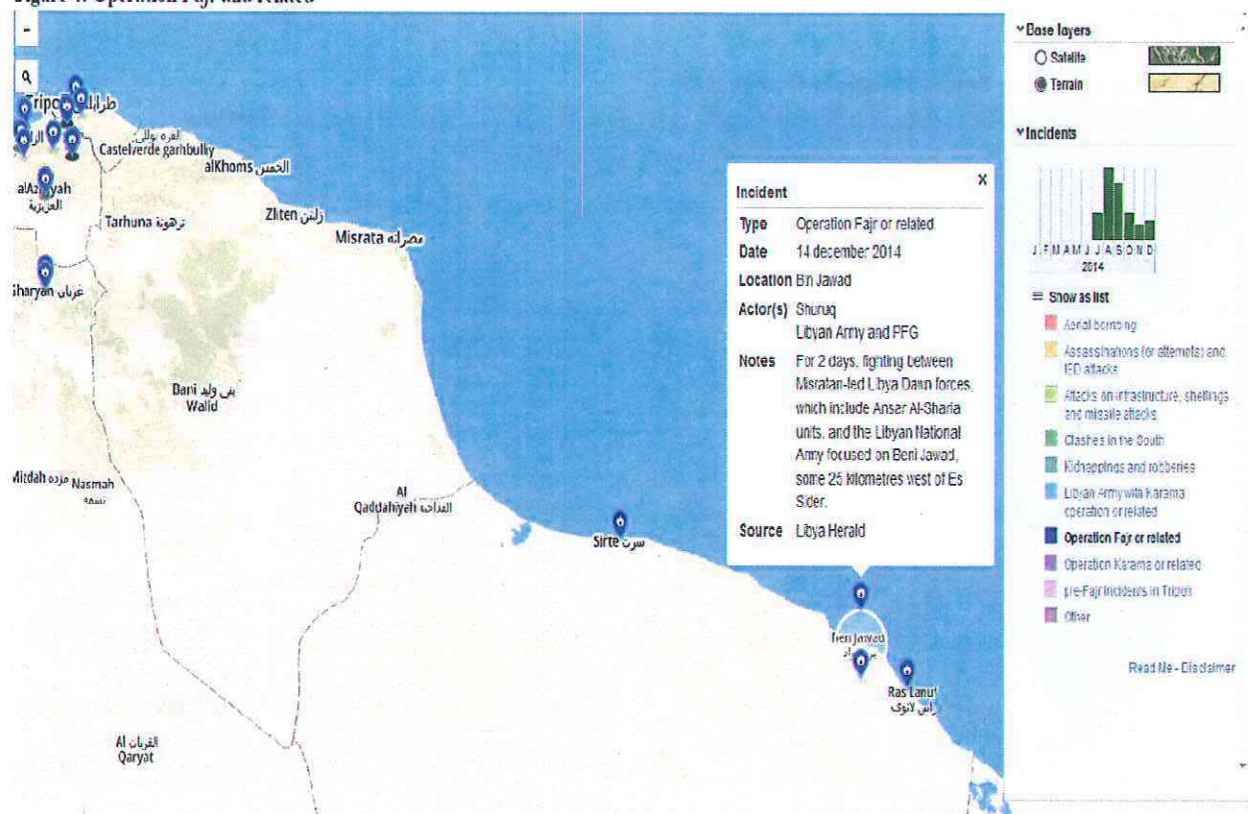
Source: <http://www.annexmap.net/libya>, password: PoEL2014

15-00822 (C)



Annex 11 Map of Operations Fajr, Shuruq and related

Figure 4: Operation *Fajr* and related

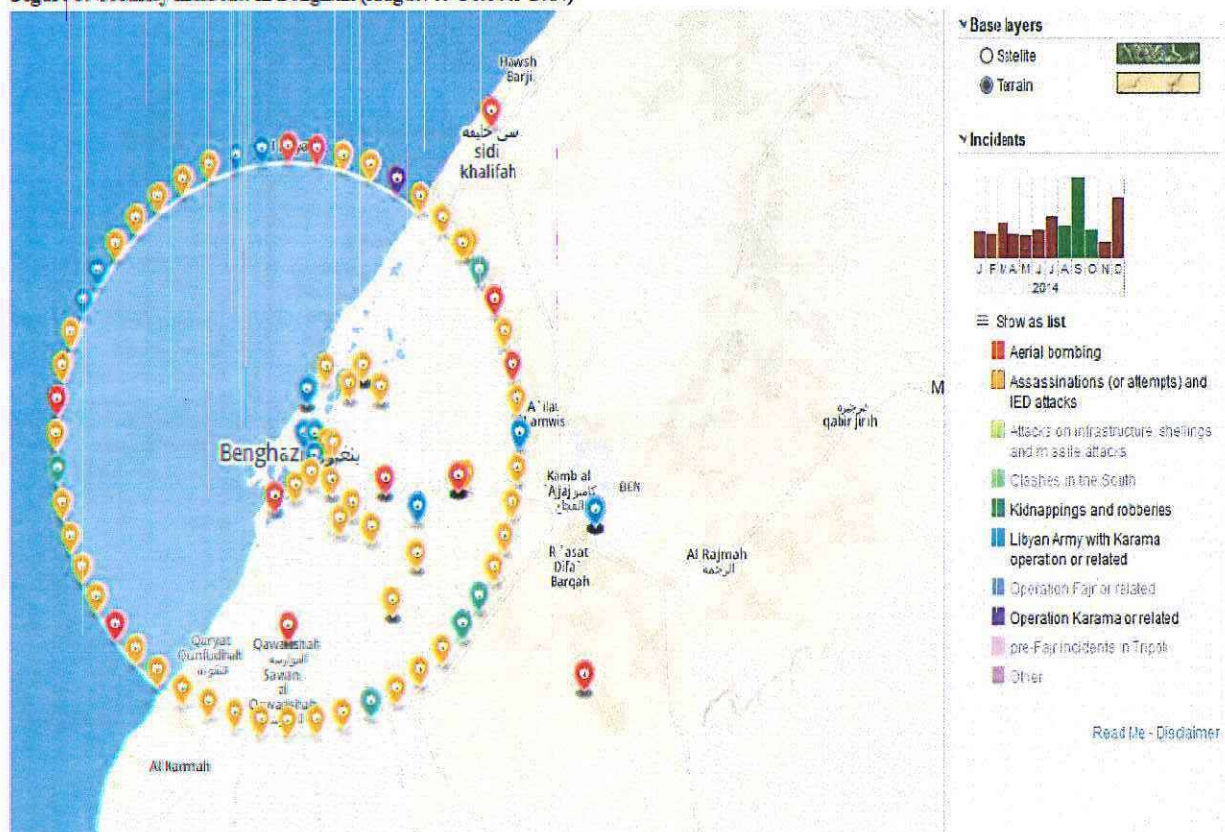


Source: <http://www.annexmap.net/libya/>, password: PoEL2014

Annex 12 Map of security incidents in Benghazi (August-December 2014)

Figure 5 shows that the reported number of security incidents in the centre of Benghazi remains high.

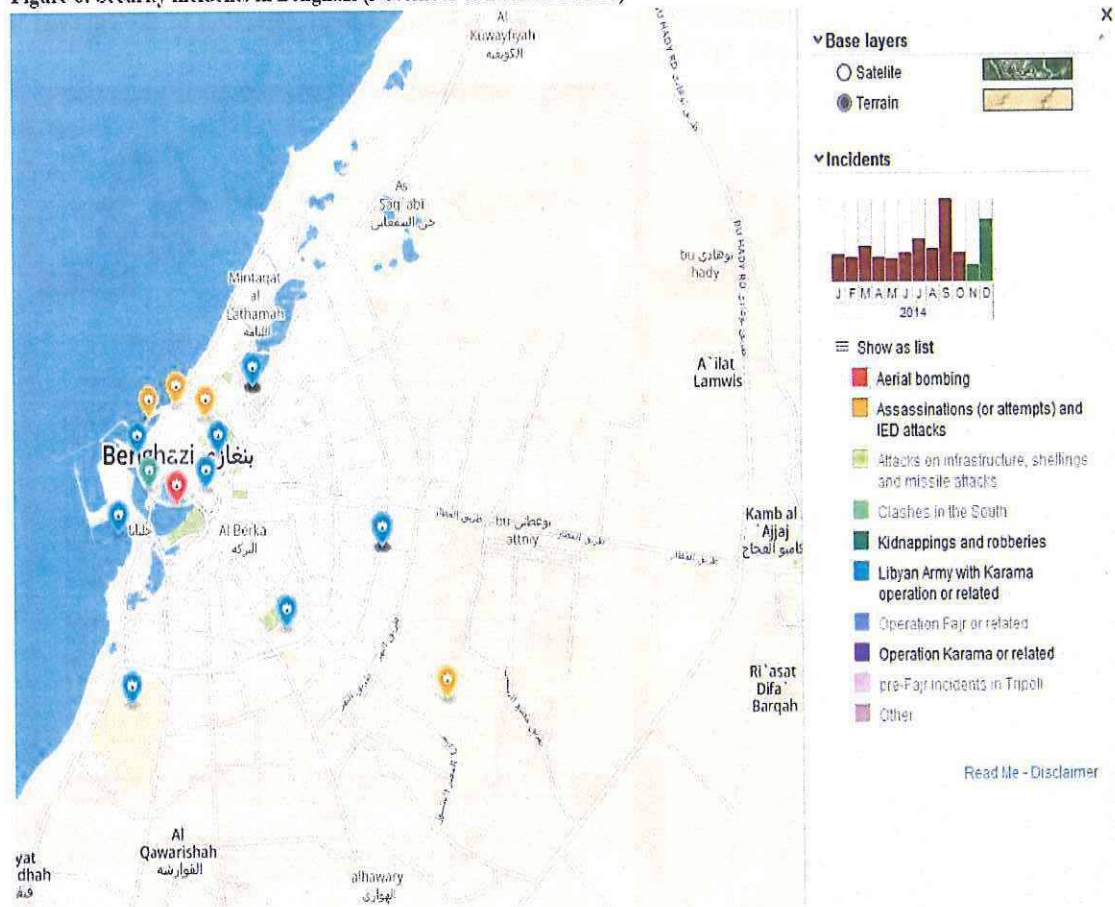
Figure 5: Security incidents in Benghazi (August to October 2014)



Source: <http://www.annexmap.net/1-bva/>, password: PoEL2014

Figure 6 shows much less reported security incidents in the central districts of Benghazi, but ongoing clashes in surrounding areas.

Figure 6: Security incidents in Benghazi (November to December 2014)



Source: <http://www.annexmap.net/libya/>, password: PoEL2014

Annex 13 Benghaz Revolutionaries Shura Council political declaration

Political declaration of the Benghazi Revolutionaries Shura Council, including a clear rejection of the current 'de and the stated intent to install a society ruled by the Sharia

مَجْلِسُ شُورَى بَنْغَازِي



19 ربيع الثانی 1437

إن مجلس شورى بنغازي هدفه حماية المدينة وتأمينها وإرجاع الحقوق لأهلها ورد المقاتلين وإعادة الاستقرار والحياة الطبيعية لمدينة تحت ظل الشريعة الإسلامية دين لائق أو تكون قن فريضة بالمشاريع الديمقراطية أو الأحزاب العلمانية أو الأحزاب التي تدعي زورا وبهتانا القضية الإسلامية وأنها تمثلها.

المدينة لن تخرج وتحتل حتى تخرج كل هذه المشاريع الحزبية والجهوية منها لأنها لم تقدم للمسلمين في السابق شيئا وإن تقدم في المستقبل بل سيجعلون المدينة ميدان لصراعاتهم وتجاهلاتهم السياسية ولورس الناس لهم سيستمسك العناء وعدم الاستقرار في المدينة.

إن كل من يحاول أن يحجب مجلس شورى بنغازي عليه أو على مشروع قضيته أنه مخلف وأنه مكشوف معلوم لدينا. فمن لا يملك من أجل الديمقراطية أو من أجل مؤتمر وطني أو أجل رجوع مجلس النواب لبنغازي. بل قتالنا في سبيل الله ودفاعا عن الأرض والعرض ولنا لنسج المدينة مرة أخرى. فمن مكافآت وجوته ومصدرة هذا فمرحبا به بين أبنائه وأخواته منا وأما من اعتاد القس والذوران والتكون في المواقف فهو مرفوض لك. الرقش وإن نسج بذلك في المدينة أبدا.

نقول هذا ببيان للناس وتوضيحا لهم لكي لا تخلفوا الأوراق وتلبس الأمور ويدخل الخناس يعملون أعمالا لا علاقة لنا بها فتحسب علينا ونسب لنا.

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مَجْلِسُ شُورَى بَنْغَازِي



19 ربيع الثانی 1437

بشأن تأسيس مجلس شورى بنغازي

الحمد لله والصلاة والسلام على رسول الله وعلى آله وصحبه ومن وآله

هنا في مدينة بنغازي نعيش معاناة هذه المدينة العظيمة التي كثر فيها المدينة في وجه عدويها الكرامنة وعدوهم علينا. فبنازكم بصلون الليل والنهار مرابطين على الجبهات يدحسون المعارك ويدلون الأنفس والأرواح وينزلون الدم دودا ودفاعا عنكم. انصف الشورى مال الأبرياء الأمنيين وشرابات المثيرين لم تتركه منقطة لم تستهدها وبشك الله ثم دعائكم ومساندتكم لنا بسر الله ذخيرهم ونسك العديد من مقاتلهم وإصغارهم والتفيل من أفعالهم ومن معاناتكم.

وفي الوقت الذي نسعى فيه لإعادة الروح لمدينتنا وإعطائها وتفعيل إمكاناتها بسواعد أبنائها وبشعنا نستمر المعارك ونسج جبهاتها لدى من لا زال يحاول التهازل والفرس وسرقة دعاء الشهداء وبذلهم ومقاتلتهم دون أدنى مراعاة لعناء المدينة وأهلها. لا يرى إلا مصلحة الحزبية أو السياسية الشخصية. وليته قدم وقائل ودافع وشارك أخوانه في جهادهم بل هم يشعرون أنفسهم معهم في خاتمة واحدة حال الشدة عليهم ويتهربون منهم في الرخاء.

فهاهو مجلس شورى بنغازي يعلن عن تأسيسه والذي تسمى بنفس اسم مجلس شورى بنغازي واختار قريسة انشغاله في جبهات القتال ليعلم عن نفسه محاربا لا كسكران نفس الأسلوب الحالي إبان فترة التحرير متجاهلا الثوار المجاهدين. والآنكم من ذلك بعدد ينسج الأسماء والصفات الحزبية (أعضاء حزب العدالة والبناء التابع للأخوان المسلمين وحزب الجبهة الوطنية لانتقال ليبيا وتحالف القوى الوطنية) وغيرها من الأحزاب السياسية التي أطلقت البلاد وأهبطتها وأدخلتها في أتون حرب مصالحها السياسية في الوقت الذي كنا ننتظر فيه منه ومن الجميع أن يمدوا يد المعون للهنوس بالمدينة وراع المعاناة عن أهلها.

وها نحن نجدد النداء لتكفل شريف مجلس ولأصحاب النوايا الصادقة ولكل من يحمل هذه المدينة. أهديتا ممدودة للجميع وسدورنا متوجهة لكل فاضح مشاركه في بناء مدينتنا ونقاضها.

ونقول لكل من يقدم مصلحة الشخصية أو الحزبية أو الجهوية على بنغازي وأهلها إن ما حصل في يد أمة الثورة من الثأمر على المجاهدين والانتكاف على مقاتلهم وإدخال الشرقة بينهم إن يتكرر وإن يعود فالدوم لا يندع من جحر مرتين.

(1)

Annex 15 Security developments in the south

1. Fighters from all major tribes in Libya's South were involved in armed confrontations in the course of 2014. A lot of the fighting appears to have been organised around tribal affiliation. The Panel previously reported how such clashes are caused by rivalries over the control of borders, smuggling routes and other interests (see S/2014/106).
2. In the East, Tebu militias clashed on several occasions with Zway militiamen in January and early February 2014. Much of the fighting was concentrated around the town of Kufra, but another significant hotbed was the oilfield of Sarir where a PFG unit, mainly composed of Tebu, clashed with a Zway unit stationed at the power plant nearby.
3. Security incidents in the south-west persisted throughout the year. Tebu and Awled Suleiman militias clashed during most of January 2015 around Sebha. During the same period, the temporary takeover of the nearby Tacmanlant military base, involving members of the Qadhafi tribe, was ascribed by local authorities to "pro-Qadhafi militias". However, the Panel did not identify any convincing evidence of such a counter revolution throughout its mandate, nor did it note any such claim from the former regime loyalists it has interviewed.
4. Clashes between some Tuareg and Tebu units around Awbari, from September onwards and occasionally flaring up, were also attributed to external interests, namely the ongoing *Fajr* and *Karama* operations. Although the Panel cannot exclude local dynamics, there are several elements supporting this analysis. Firstly, until September 2014, the relationship between the two tribes has been mostly peaceful. Even during the 2011 revolution both groups adhered to a truce referred to as "mudi-mudi". Secondly, in the course of the fighting the involvement of Misratan units from the Shield III Brigade, stationed in the South, was reported. Significantly, local oil workers alleged that an attack of Tuareg militiamen on the nearby Sharara oilfield, until 5 November under the control of Zintani PFG, also involved fighters from Misrata.⁶⁸ Finally, in the wake of Operation *Shawraq*, Tebu⁶⁹ units from the South moved to the oil crescent to fight alongside the Libyan army, while the Shield III forces re-joined their fellow townsmen on the *Fajr* side.
5. The Panel continued to receive further reports confirming the presence of local and foreign extremist groups in Fezzan. Several sources from security services in Niamey explained to the Panel that Ansar Al-Sharia had approached several tribes around Awbari to gain a foothold in the area, offering significant amounts of cash. Furthermore, local and international intelligence sources asserted that Algerian terrorist Mokhtar Belmokhtar stayed in close proximity to the town of Awlani. The Panel received allegations from several sources that one particular GNC

⁶⁸ Ulf Laessle, "Struggle for Libyan oilfield reflects fractured nation's conflict", Reuters, 11 November 2014, <http://www.reuters.com/article/2014/11/11/ls-libya-security-oil-insight-idUSKCN0IV1KZ20141111>.

⁶⁹ Earlier in the year, the predominantly Tebu *Kanba* 25 at the Sarir oil field had already pledged its support to *Karama*.

member from Fezzan is supporting extremist attempts to build a presence in the area. The Panel is investigating the matter.

6. On 28 December 2014, a series of explosions was heard near the town of Tanaghm, in what was reported to have been a military operation by unknown forces against a camp used by extremists. The Panel is investigating this case.

Annex 16 Political developments and related sanctions criteria

A. Political transition before 2014

1. "Obstructing or undermining the successful completion of Libya's transition" is a new criterion defined by the Council in resolution 2174 (2014) to designate individuals or entities as subject to the travel ban and assets freeze. However, this transition is an ongoing process since 2011. Events prior to August 2014 had already interfered with the process. They had shaped the positions and strategies of all the parties involved, and on several occasions the transitional roadmap itself. Moreover, at the core of the transition lies a clear struggle for power. On several occasions, changes in the balance of power have changed the roadmap as well as internal and external perceptions on state authority.

2. As a consequence, the Panel could not fully assess the recent actions of individuals and entities that have potentially undermined Libya's transition without taking into account the key political developments since 2011. It has listed some of those below; most of the information is based on previous reporting by the Panel⁷⁰ and UNSMIL reports.⁷¹

1. Political institution building

3. The roadmap for political transition has changed several times. On 16 September 2011, the National Transitional Council (NTC) was granted Libya's seat in the United Nations General Assembly. It had previously committed in its founding declaration to establish an interim Government within 30 days and subsequently organize legislative elections and a referendum on the constitution within a year. On 22 November 2011, the NTC appointed Abdurrahim el-Keib as its Prime Minister.

4. The power balance within the new Libya became only apparent after the successful elections of 7 July 2012. The National Forces Alliance (NFA), perceived to be a more 'liberal' political formation under the leadership of Mahmoud Jibril, became the strongest political party. However, the loose coalition would never manage to take control of the newly elected GNC. Islamist-leaning politicians built a rival bloc from parties and 'independent' candidates that would increasingly come to dominate the assembly. On 9 August 2012, the GNC elected Muhammad Yusuf al-Maqarif from the small National Front Party, as its President.

5. Positions within the government were, at first, equally distributed between the two blocs. According to the 21 February 2013 UNSMIL report, the two main political blocs in the General National Congress – the NFA and the Justice and Construction Party⁷² – received an equal number of seats within Prime Minister Ali Zeidan's government on 31 October 2012. Throughout 2013, that balance would remain under constant pressure from the GNC.

⁷⁰ Previous reports of the Panel can be found here: <http://www.un.org/sc/committees/1970/experts.shtml>.

⁷¹ The reports of the Secretary-General on the United Nations Support Mission in Libya can be found here: <http://unsmil.unmissions.org/Default.aspx?tabid=3549&language=en-US>.

⁷² The Justice and Construction Party is commonly referred to as the Libyan wing of the Muslim Brotherhood.

6. The event that would eventually disrupt the functioning of both branches of government was the 5 May 2013 adoption by the GNC of a 10 year Political and Administrative Isolation Law that would exclude individuals previously associated with the Qadhafi regime from holding a wide range of public offices. In the run-up to the vote, armed militias in favour of the law were involved in a series of security incidents in Tripoli, in an attempt to influence the vote through the intimidation of politicians, administrators and the press.

7. Following the adoption of the law, GNC President al-Maqarif resigned and was replaced by Nuri Abu Sahmain. Several ministers from the Zeidan government resigned as well. Furthermore, the NFA decided to suspend its participation in the GNC.⁷³ In an attempt to restore the balance of power in their favour, NFA politicians stressed the urgent need to prepare for a new road map.

2. The constitution drafting process and the issue of federalism

8. From the earliest preparations for a constitution drafting process by the NTC, federalists from the Eastern region of Cyrenaica were very vocal on equal representation among the drafters. Pressure included threats of the use of force and strong political declarations by the 'Barqah Military Council'. Subsequently, on 16 July 2013, the GNC approved an electoral law allowing the regions of Tripolitania, Cyrenaica and Fezzan to delegate 20 drafters each. Meanwhile, the Zeidan government made several promises to re-establish in due course the headquarters of the NOC and a number of other State institutions in Benghazi.

3. Transitional justice

9. The NTC tried to launch several initiatives to promote transitional justice, such as the establishment on 14 February 2012 of a fact-finding and reconciliation commission to investigate human rights violations since 1969. This commission has remained largely inactive. Overall, there has been little process during the GNC legislature as well, the main achievement being the promulgation of a new law on transitional justice in December 2013. This law required that detainees be released or handed over to the judiciary within 90 days and re-established the fact-finding and reconciliation commission but its implementation made little headway.

10. Actions of several revolutionary militias and politicians have undermined the issue of transitional justice. This was illustrated by several developments. A first example is the adoption of Act No. 38 of May 2012, granting amnesty to acts performed by revolutionaries with the goal of promoting or protecting the revolution. A second is the adoption of the political isolation law, resulting in the reassignment of 400 judges and prosecutors, which further encumbered a justice system that was understaffed and under constant threat of armed militias.

11. Potentially the biggest impediment has been the lack of state control over detention facilities run by armed militias. Large groups of detainees in these facilities were arrested in operations targeting supporters of the former regime, but many have never seen a judge or heard

⁷³ Except for discussions related to the adoption of an electoral law for the Constitution Drafting Assembly.

the charges against them. Moreover, reports of practices of torture and ill-treatment of detainees are rife.

4. Efforts to build state security institutions

112. As reported by the Panel in previous mandates, while some attempts were made to build a national army, the majority of military power remained with various militias, mostly associated with local councils. Chief among these were militias from Zintan and Misrata, but also other militias from the wider Tripoli area remained influential. In recognition of this influence, they received key security sector positions within consecutive governments. Given the large number of positions that were created, most militias had almost immediate access to funding and arms (see paragraphs 190 et seq.).⁷⁴ The distribution of key positions between what would soon become rival factions created further difficulties to establish a unified chain of command and led to an arms race between and within different ministries.

113. To complicate matters, several ad hoc measures for militia integration have provided varying degrees of legitimate authority to militias without actually bringing them under national control. One of these attempts has been the 2011 creation of a Supreme Security Committee (SSC) in Tripoli, a registration exercise under the Ministry of the Interior that provided up to 149,000 "fighters" with a salary and therewith an official status. The lack of real integration led to in-fighting after which incomplete attempts were made to dissolve the units.⁷⁵

114. Within the Ministry of Defence, the Libya Shield units enjoy a similar status to that of the SSC since early 2012. Organizing themselves as 'peacekeepers' in local conflicts, coalitions of former revolutionaries were awarded contracts with the Defence Ministry. The 'Shields' never fully integrated in the army, maintaining a parallel status as temporary forces directly under the Chief of Staff, whose real control over them was limited.⁷⁶

115. In December 2012, the formal decision was taken to place the entity responsible for guarding the borders, petroleum facilities and critical infrastructure under the authority of the Ministry of Defence and the command of the Chief of General Staff. In June 2013, Decision 53 was adopted by the GNC, calling for the integration of all 'legitimate' armed groups. Many more initiatives were launched, but most failed.

116. The struggle of control over the security sector was reflected in several developments. An important indicating event was the military operation against Bani Walid in September 2012. The decision to attack was taken by the GNC speaker in public disagreement with the Minister of

⁷⁴For example: Minister of Defence and 2 deputies, Minister of the Interior and 2 deputies, Chief of Staff, speaker of the GNC and several more.

⁷⁵Wolfram Lauther-Peter Cole, "Politics by Other Means: Conflicting Interests in Libya's Security Sector", Small Arms Survey, 20 October 2014, <http://www.smallarmssurvey.org/fileadmin/docs/R-SANA/SAS-SANA-WP20-Libya-Security-Sector.pdf>.

⁷⁶Wolfram Lauther-Peter Cole, "Politics by Other Means: Conflicting Interests in Libya's Security Sector", Small Arms Survey, 20 October 2014, <http://www.smallarmssurvey.org/fileadmin/docs/R-SANA/SAS-SANA-WP20-Libya-Security-Sector.pdf>.

Defence. Another revealing chapter on the different power centres has been the creation of the Libya Revolutionaries Operations Room (LROR) on 27 July 2013, immediately after the adoption of the political isolation law and the NFA retreat from the GNC. The LROR was created by GNC President and 'Supreme Commander of the armed forces' Nuri Abu Sahmain, who claimed the army and the police were unable to protect Tripoli, following repeated clashes between Defence Ministry-supported militias from Zintan and Interior Ministry-supported units from the SSC.

17. However, the creation of the LROR and the deployment of Misratan units to Tripoli in the same period were soon challenged by the Zeidan government and wider public opinion, following several serious security incidents in the following months. On 10 October 2013, Prime Minister Zeidan was briefly abducted by armed men he identified as LROR members during an operation that was caught on video.⁷⁷ Another major incident occurred on 15 November, when Misratan troops killed 46 people and injured 516 after a violent confrontation with protesters in the Tripoli District of Ghargour. Shortly thereafter, several ex-revolutionary units withdrew from the capital, thereby increasing the Zintani control over the security sector.

18. Meanwhile, the failure to rebuild and reform State security institutions impacted on the security in the east as well and vice-versa. When ex-revolutionary units nominally operating under the Libyan Shield forces killed dozens of protesters in Benghazi, army Chief of Staff Yusuf Mangoush resigned and the Ministry of Defence called on the Benghazi-based Special Forces to assume control over Libya Shield barracks.

B. Prior to the inauguration of the House of Representatives

19. At the start of 2014, attempts were made to break Libya's political stalemate, but failed to resolve the country's political crisis. The GNC extended its mandate beyond the original 7 February deadline until December 2014, but subsequently also decided on a new 'road map', including the organization of early elections. Soon thereafter, preparations for parliamentary elections were made, including the approval of a new electoral law by the GNC on 30 March 2014.

20. The House of Representatives (HoR, *Majlis al-Nuwaab*), was eventually elected on 25 June 2014. As elections could not be held in some parts of the country, twelve seats remained vacant. After a relatively uneventful voting process with low turnout, Islamist candidates scored significantly worse than during the July 2012 GNC elections. Subsequently, 30 members of parliament, many of them from Misrata, boycotted the HoR's inauguration session on 4 August 2014 in the town of Tobruk.

21. On the executive side, Prime Minister Ali Zeidan was dismissed by the GNC in March after several previous attempts to do so. He was replaced by the NFA-supported politician Abdullah Al-Thinni, who also kept his post of Minister of Defence. Al-Thinni's nomination was

⁷⁷ Video on archive with the Panel.

quickly contested by the Islamist caucus of the GNC, which advanced its own candidate, Ahmed Meiteeg, a businessman from Misrata. In a controversial vote on 4 May 2014, the GNC replaced Al-Thinni by Meiteeg. Following a ruling by the constitutional court on 9 June 2014, Mr. Meiteeg stepped down peacefully, allowing for Al-Thinni to remain in charge of a caretaker government until the future HoR would appoint a replacement.

22. Meanwhile, in a move that may have been linked to events in Tripoli or the launch of Operation *Kanama* in the East, Zintani militias attacked the GNC on 18 May 2014.

23. In line with previous episodes, the Islamist-leaning caucus of the GNC and the first Al-Thinni government (April to June 2014) have each tried to advance their interests through military proxies, while 'outlawing' the others. Nuri Abu Sahmain declared Zintan and their allies to be 'rogue groups outside the legitimacy of the state' and 'remains of the former regime'.⁷⁸ Likewise, Prime Minister Al-Thinni declared that the GNC-supported brigades are 'outside the control of the state'.⁷⁹

24. During this period, and because of the persistent climate of political conflicts, UNSMIL started preparations for the launch of a national dialogue, a project that would only gain traction at the end of the year.

1. Transitional justice efforts

25. Judicial proceedings against supporters of the former regime continued despite growing instability. A Libyan court started the trial of Saif al-Islam Qadhafi for war crimes in April 2014, via video-link from the city of Zintan and in defiance of a transfer request from the International Criminal Court (ICC). A fellow defendant is former head of intelligence Abdullah Al Senussi, whose case was rejected by the ICC, judging that Libya was 'willing and able genuinely to carry out such investigation'.⁸⁰ The same trial also includes Sadi Qadhafi, who was extradited from Niger to Libya in March 2014. Other defendants accused of war crimes are reportedly being tried via video-link from Misrata.

26. Libyan judicial authorities and police are also struggling to deal with several other post-revolution issues. In July 2014, the Minister of Justice explained to the Panel that out of 17,000 prison guards, 11,000 are former members of militias. The Ministry of Interior tried to implement a law requiring permits for firearms purchases but could not enforce it.

⁷⁸ "The GNC and government split on legality of militia attacks on Tripoli", Libya Herald, 4 August 2014, <http://www.libyaherald.com/2014/08/04/the-gnc-and-government-split-on-legality-of-militia-attacks-on-tripoli/#:~:sz=3A%20NPdZ%20>.

⁷⁹ "PM Thinni blames GNC head Abu Sahmain for Tripoli fighting", Libya Herald, 12 August 2014, <http://www.libyaherald.com/2014/08/12/pm-thinni-blames-gnc-head-abu-sahmain-for-tripoli-fighting/#:~:sz=3A%20npdZ%20>.

⁸⁰ "Al-Senussi case: Appeals Chamber confirms case is inadmissible before ICC", Press Release, International Criminal Court, 24 August 2014, http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/pages/pr_084.aspx.

2. The issue of federalism

27. Meanwhile, the issue of eastern demands for federalism has faded into the background. Overall, the conflict has manifested itself more economically than politically, the main point of contention being the control of oil facilities and exports. The first half of 2014 saw several attempts by federalist figurehead Ibrahim Jadhran to export crude oil outside of Tripoli's control (see paragraphs 236 et seq.), as well as persistent blockades organised by units of the PFG with loyalties to different commanders. In July 2014, representatives of the NOC explained to the Panel that the Libyan government had reached an agreement with the Barqa Council to reopen the key ports of Sidra and Ras Lanuf, which together produce more than 600,000 barrels per day (similar to current total production). At the height of Jadhran's manoeuvring, national crude oil output dropped at times to as low as 150,000 barrels per day.

3. Acts that obstruct or undermine the successful completion of Libya's political transition

28. 2013 had been a turbulent year for Libya, and at the beginning of 2014, the status and road map of its political transition had become unclear. Ongoing power struggles had bogged down the process and because of this impasse the new road map adopted by the GNC created more clarity and a potential way out of the crisis.

29. However, the new road map did not stop the ongoing conflicts. Confrontations between politicians and between militias continued. In early 2014, different from the previous year, Zintan militias had increased their power and influence in Tripoli, after the retreat of units from Misrata. They used that military power to interfere with political affairs, potentially receiving political backing to do so. The Panel considers that these actions undermined the political process because of their very nature, further escalating tensions and thereby stalling the transition.

30. However, the Panel understands that these acts followed a chain of previous events and provocations. Libya's political institutions have been attacked by several armed groups on many occasions since 2011, many of those attacks featuring militias supporting the other side of the political divide. The Panel considers these attacks equally damaging to the transition. The Panel notes that several figures and groups were repeatedly involved in armed attacks against political opponents.

31. Despite these many obstructions, the transition could still have been revived after the HoR elections. However, the launch of operation *Fajr* and subsequent boycott of the new parliament announced a total escalation of the political as well as the military conflict. The Panel cannot find a precedent in post-revolution Libya with a similar scale and impact. Therefore, it concludes that the leadership of *Fajr* are ultimately responsible for the implosion of the political process.

C. After the inauguration of the House of Representatives

32. The new parliament voted several drastic acts during its first weeks in office, including a decree on direct presidential elections. Its call for foreign intervention on 13 August 2014, on which it later backtracked, was especially controversial within Libya and led to widespread popular protests. On 24 August 2014, the HoR replaced Army Chief of Staff Major-General Abdussalam Jadallah Al-Obeidi by Colonel Abdul Razzaq Al-Nazuri, a change contested by several senior commanders.

33. In Tripoli, some of the remaining GNC members were reluctant to transfer their powers, challenging the legitimacy of the HoR meetings in Tobruk. GNC speaker Nuri Abu Sahmain refused to step down. At the GNC's request, the Constitutional Circuit of the Supreme Court set itself a deadline to rule on the legality of these meetings by 24 August 2014. It was not until 6 November 2014 that the Tripoli-based Supreme Court reached a verdict stating that the roadmap leading to the election new parliament had been "unconstitutional".⁸¹ The ruling caused controversy involving allegations on the replacement of judges and intimidation of the court, which relies on *Fajr* units for its security. Unsurprisingly, HoR Speaker Agila Saleh Issa reaffirmed that the HoR and the Libyan government would continue to operate.

34. Internationally, the decision was – and continues to be – 'studied', and diplomatic interlocutors of the Panel refrained from commenting. Throughout, the HoR in Tobruk and the Al-Thinni government in Al Bayda continued to be recognized by the international community as the only legitimate legislative and executive branches of government, as shown in statements from the the Arab League, OPEC, Algeria, Egypt, France, Germany, Italy, Qatar, Saudi Arabia, Spain, Tunisia, Turkey, the United Arab Emirates, the United Kingdom, the United States, the European Union, and United Nations..

35. On the executive side, the HoR was quick to re-appoint Prime Minister Al-Thinni on 1 September 2014, but took much longer to approve his fellow ministers, insisting that Al-Thinni propose a small crisis cabinet. In Tripoli, 70 GNC members 'appointed' Omar Al-Hassi as prime minister of a 'national salvation government' on 25 August 2014.

36. Concerning the military, the Hassi government continued to recognize General Abdulsalam Al-Obaidi as Chief of Staff. He claimed to maintain a neutral position but appears to have a limited control on events. *Karama's* 'integration' into the Libyan army continued to create division within the HoR. However it appears to have been further consolidated in January 2015 after HoR speaker Aqila Saleh Qoweidar, announced that he had reinstated 127 retired army officers, including Haftar and Geroushi, under his authority as 'supreme commander of the armed forces'. Haftar's reenlisting provides a certain degree of legitimacy to the significant influence he has had on the Libyan government's military decision making process.

⁸¹ The Panel is not in a position, nor does it have the expertise, to explain the ruling, which some observers consider to be opaque.

1. The influence of religious authority

37. The complex correlation between politics and religion deepened the political and military conflict. Sadiq Al-Ghariani was appointed *Mufti* (highest religious authority) by the National Transitional Council (NTC) in February 2012. His speeches and religious decrees have reinforced the power of religious hardliners and their allied militias. After the fall of Tripoli into the hands of Operation *Fajr*, he congratulated “the revolutionaries in their victory”, and gave “his blessing to the martyrs”.⁸² He urged *Fajr* to use “a firm hand to consolidate the victory” they gained on the battlefield.⁸³ In a television interview in early June, he stated that those who were fighting on the side of Haftar were “dying ignorant”. As for those who died fighting him, “they are martyrs, who sacrificed their lives for God”.⁸⁴ Several vocal HoR members have accused him of inciting terrorism through his *fatwas*.

38. Al-Ghariani’s advocacy of conservative social values and the manipulation of Islamic teachings in his *Fatwas* (religious decrees) in favour of one faction against another had turned him into a polarizing figure in Libyan public life. His public statements also showed explicit support for the GNC and the Al-Hassi government. Earlier in 2014, he had called for gender segregation at schools and universities, and also issued a *fatwa* prohibiting Libyan women from marrying foreigners. He also condemned the UN Report on Violence Against Women and Girls.⁸⁵ Apart from ideological motivations, the Panel received several allegations that Al-Ghariani received large sums of money in exchange for his *fatwas* and public statements. Mustafa Abdel Jalil, who had appointed him as Grand Mufti in 2012, said “The Mufti has lost the confidence of Libyans and according to the law that brought him into office, he is no longer eligible to serve as Mufti”.⁸⁶

39. The HoR summoned Al-Ghariani for a hearing in Tobruk in September 2014, but he did not attend. On 9 November 2014, the HoR decided to relieve him of his post and to dissolve the Dar Al-Ifta (religious decree authority). Previously, an “increased interest in his activities” by the United Kingdom government was reported in the British press in August 2014. In the same period, Al-Ghariani had “fled” the United Kingdom for Qatar.⁸⁷

⁸² Chris Stephen/Josh Halliday, “UK accused of harbouring Libyan cleric who helped aid Islamist insurgency”, The Guardian, 29 August 2014, <http://www.theguardian.com/politics/2014/aug/29/uk-accused-libyan-grand-mufti-sadiq-al-ghariani>

⁸³ Patrick Sawyer, “Radical cleric uses UK as base to preach in support of violent Islamists”, The Telegraph, 30 August 2014, <http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11065715/Radical-cleric-uses-UK-as-base-to-preach-in-support-of-violent-Islamists.html>.

⁸⁴ “Libya’s grand mufti calls for jihad against Hifter”, AlMonitor, 11 June 2014, <http://www.al-monitor.com/pulse/ar/security/2014/06/libya-grand-mufti-fatwa-jihad-hifter.html#ixzz3PIE9PreH>.

⁸⁵ Susan Jones, “Libya’s Grand Mufti Issues Fatwa against U.N. Report on Women’s Rights”, CNS News, 12 March 2013, <http://www.cnsnews.com/news/article/libyas-grand-mufti-issues-fatwa-against-un-report-womens-rights>.

⁸⁶ Interview with Mustafa Abdel Jalil on Libya Channel, GoodMorningLibya, Youtube, 10 June 2014, <https://www.youtube.com/watch?v=3gbkOkjBzeQ>.

⁸⁷ “Libya’s spiritual leader leaves UK after directing Islamist takeover of Tripoli”, The Guardian, 31 August 2014, <http://www.theguardian.com/world/2014/aug/31/libya-spiritual-leader-leaves-uk-islamist-tripoli-exeter>

2. Struggle over Libya's other institutions

40. The struggle over the country's legislative and executive power was quickly followed by further competition over other key state institutions. Attempts were made on both sides to replace diplomats in order to seize control over diplomatic missions including the United Nations, Malta, Turkey, Jordan, Uganda and several others.⁸⁸

41. Early September, the HoR also announced the dismissal of Central Bank Governor Saddek Elkaber who had stayed in Tripoli. However, the Panel understands from well-informed sources that Mr. Elkaber retains the power of signature, leaving his HoR replacement, Ali Hibri, with limited influence. The Central Bank continues to pay the salaries of 1.7 million public employees, including armed militias on both sides of the political divide.⁸⁹

42. The renewed GNC, on the other hand, appointed rival management for the major state owned businesses NOC, LIA and LAIP. The GNC's attempts to take control over the oil sector have been especially persistent, including military operations against oilfields and terminals.

3. The Constitutional Drafting Assembly

43. The constitutional drafting process, which was initiated on 20 April 2014, is caught in the middle of the ongoing struggles. That said, it is potentially the only uncontested process within Libya's transition that remains. Libya's elected Constitutional Drafting Assembly (CDA), headed by Ali Tarhouni, was originally supposed to complete its task within 120 days but it interpreted the HoR's amendment of the Constitutional Declaration as an implicit extension of its deadline from 120 days to eighteen months.

44. The CDA was subjected to pressure from both Tripoli and Tobruk. In late November, both the GNC and HoR requested an update on the progress of its work. On 24 December 2014, the Assembly announced that it would publicly distribute a preliminary text of key elements of the constitution.

4. Acts that obstruct or undermine the successful completion of Libya's political transition

45. By the second half of 2014, the political escalation had reached such a level that it became difficult to describe ongoing processes as a transition. In fact, after months of increasing difficulties, *Fajr* effectively brought Libya's transition to a halt and the country relapsed into a war situation. The HoR's response to the crisis, including several 'unhelpful' decisions, shows that the situation on both sides has become thoroughly entrenched.

46. Furthermore, the Panel concludes from conversations with international diplomats that the attempts by both conflict parties to gain control over additional state institutions, within the

⁸⁸ The Panel witnessed scenes related to these dynamics on three different occasions and locations.

⁸⁹ David Kirkpatrick, "Wider Chaos Threatens as Fighters Seize Branch of Libya's Central Bank", The New York Times, 22 January 2015, http://www.nytimes.com/2015/01/23/world/africa/libyan-fighters-seize-benghazi-branch-of-central-bank.html?_r=0.

sphere of influence of the other 'camp', further undermine Libya's credibility as a political entity. Consequently, this is likely to slow down future efforts to restart the country's political transition.

Annex 17 Potential transfers from Italy

1. Having interviewed two individuals who were involved in an official investigation, the Panel established that a large quantity of military materiel, confiscated in 1994 from a vessel called *Jadran Express* by Italy following a violation of the United Nations arms embargo against the former Yugoslavia, was not destroyed despite a court ruling to that effect. The materiel, all Warsaw Pact standard, was stocked for several years at a naval base on the island of Santo Stefano, off the northern coast of Sardinia. The same sources also confirmed that the items on the list in the press article were brought to and stored in Santo Stefano.
2. The presence of Warsaw Pact standard materiel at this base was further confirmed when the Italian government announced in August 2014 that it would deliver AK-47 assault rifles and RPG missile launchers to Kurdish Peshmerga fighters in Iraq, while revealing San Stefano as the source of this weaponry.
3. Furthermore, following discussions with a judge and a journalist who have both conducted extensive investigations into the event, the Panel was able to confirm that four army trucks loaded a cargo at the same army base on 19 May 2011, shortly after the start of the Libyan revolution. The Panel obtained further details about how the transport on the island of Sardinia and to Italy's mainland was organized, indicating that the cargo constituted a security risk. The same sources claimed that no precedent of such a transport had previously been reported. Furthermore, a judicial investigation into the final destination of these transports was blocked after army commanders in both Cagliari and Civitavecchia invoked "state security".
4. Finally, three well-placed sources (two in Italy and one in Libya), claimed to have received inside information of Italian arms deliveries to Libyan rebels, during the early stages of the 2011 revolution. The Panel is in the process of corroborating this information. However, one source provided information linking the ex-Jadran Express arms stocked at Santo Stefano with an alleged delivery of arms by Italy to Benghazi in June 2011, claiming that the shipment included Fagot missiles. This weapon type features on the list of ex-Jadran weapons previously stocked at Santo Stefano and was not part of the 2014 delivery of ex-Jadran Express arms to the Peshmerga.
5. The Panel sent a second request for information to Italy, after which it met with a senior representative of the Italian Ministry of Defence in January 2015. The representative confirmed the information under paragraphs 1 and 2 above. He added that the *Jadran Express* arms were only transferred from the Ministry of the Interior to the Ministry of Defence on 20 August 2014. He confirmed that the events under paragraph 3 are subject to state security, which complicated the sharing of information with the Panel. Finally, he denied the allegations under paragraph 4, stating that there were no records of any such events in the archives of the Ministry of Defence.

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Annex 19 Transfers to the Ministry of Defence (2012 to mid-2014)

Charso Limited

1. Charso Limited, a company registered in Cyprus, has brokered numerous arms contracts between various companies and the Libyan authorities in the past two years. Transfers related to these contracts were notified by Belarus and Serbia. Charso's representative, Slobodan Tešić, a Serbian national, travelled several times to Libya in 2013 to meet representatives of the Ministry of Defence. At the time, he was subject to the travel ban measure contained in resolution 1521 (2003) concerning Liberia. He was de-listed on 29 November 2013.

2. The Panel made enquiries with Cyprus about the brokering firm. Cyprus responded that Charso Limited had been registered in Cyprus since 2012 and that the authorities had contacted the director of the company. The latter stated that she did not know Mr. Tešić and that the company had not requested any export licences for any transfers for the export of military materiel to Libya. She explained that she does not possess any documents such as invoices, bills of lading, cargo manifests or any payment information regarding such transactions. This contradicts information provided by the Libyan, Serbian and Belarus authorities which all confirmed that Charso Limited has brokered several transfers of military materiel to Libya since 2013. This illustrates how arms brokering companies exploit the traditional lack or weaknesses of regulations and control over brokering activities to conduct business (see Recommendation 12).

Deliveries of notified materiel by Belarus

3. The Panel contacted Belarus twice and requested detailed records, including precise dates and locations of all deliveries, the materiel delivered and the identity of the recipient of the cargo in each potential location. Belarus responded that as of 20 May 2014, 29 flights had taken place from Belarus to Libya (this was confirmed by the flight data obtained by the Panel from an official source; some flights making several stops in Libya). Furthermore, Belarus reported that Charso Limited had provided delivery certificates, signed by the Libyan Ministry of Defence. However, Belarus did not share these delivery certificates or any details of the delivery location(s), which has prevented monitoring by the Panel. The Panel discussed the issue with representatives of the MPD in early July 2014, who stated that while the MPD had representatives in charge of overseeing the unloading process of materiel for the Ministry of Defence in most airports, they had not been aware of any of these deliveries. This raises questions about the real end-users of many of these shipments.

4. From February to May 2014, the data indicated that while some deliveries were made to Tripoli, Tobruk and Labraq, numerous deliveries had been made to airports which were not under the control of the national authorities or of armed groups aligned with them. These

included five flights each to Misrata, and Sabha, which were at that time under the control of groups which are now aligned to *Fajr*.⁸⁰

5. Since May 2014 and the launch of Operation *Karama*, the Panel has witnessed a change in the pattern of deliveries: flights were solely made to airports under the control of groups aligned with the Libyan government (two to Benghazi two days before the launch of the Operation and fifteen to Tripoli International Airport), indicating a clear change in management of the Belarus deliveries.

6. The Panel also asked Cyprus where the brokering company was registered, whether they could provide information regarding the places of delivery, and who the recipients of the shipments were. Cyprus did not provide any information about this (see paragraph 2 above).

Transfers and potential transfers to the air force

7. The Panel obtained procurement documents regarding Mi-35 helicopters, contracts for which were being negotiated between a procurement Committee of the Ministry of Defence, a different body from the MPD, and several companies registered in Bulgaria, the Seychelles and South Africa. The Committee has received no notifications involving these companies, so the Panel contacted the three mentioned Member States to establish whether any materiel had been transferred to Libya, and to obtain relevant documentation. While Bulgaria stated that the company registered in Bulgaria had not applied for an export licence since February 2011, the Seychelles and South Africa have not yet responded.

8. Finally, in order to identify post-embargo transfers of aircraft, the Panel requested NATO and some of the countries which participated in the NATO Operation *Unified Protector* to provide information about the status of the Libyan air force fleet at the end of the revolution. To date, while France and Belgium have responded with some details, NATO, Italy, the United States and the United Kingdom have not yet shared any such information with the Panel.

Non-lethal transfers to the Ministry of Defence

9. Since the adoption of resolution 2095 (2013), transfers of non-lethal military materiel to the Libyan government are no longer subject to the arms embargo. However, this type of materiel, including armoured vehicles and communications equipment, is of significant interest to armed groups, as these increase their military capabilities. Diversions to non-state actors of such materiel purchased by the Libyan government through direct transfers or theft have been reported by Libyan and international sources.

10. In this regard, the Panel contacted several companies which transferred armoured vehicles to unclear end-users.

11. The Panel has received information about transfers of armoured vehicles by Streit Group, a company based in the United Arab Emirates, to the Ministry of Defence, which do not constitute

⁸⁰ One flight (same type II, 76) can transport around 45 tons of military materiel.

a violation of the arms embargo. However, the identity of the final end-user of the transfers remains unclear and the Panel decided to investigate the matter further. Documents provided by a second source indicate that Streit has been transferring a significant number of armoured vehicles, including Typhoon armoured personnel carriers (APC), to Libya over the past few years through a range of broker agents to end-users that are not yet clearly identified.

12. The Panel contacted Streit to clarify the chain of custody of this materiel, including which parts of the Libyan national authorities were eventually delivered to. To date, Streit has not responded.

13. The Panel is also investigating transfers of armoured vehicles from another Gulf based company which have been documented in Libya under the control of armed actors, including Zintan brigades.

14. Furthermore, there has been a high demand for vehicles such as pick-up trucks during recent conflicts in Libya. Analysis of maritime traffic data indicates that the number of Roll-On-Roll-Off (RO-RO) vessels, which carry wheeled cargo, docking at Libyan ports has significantly increased since the resurgence of the armed conflict in Libya. Although not a military asset, pick-up trucks are mounted with many types of weapon systems by belligerents, converting them into 'technicals' that are key to warfare. The proliferation of pick-up trucks from Libya was also raised as a security challenge by the Chadian authorities, who have forbidden the use of certain models of the vehicles by civilians (see Recommendation 8).

Annex 20 Diversion of materiel destined for the European Border Assistance Mission

1. Following a request from the Panel, the EU provided detailed information regarding the circumstances of the theft, both in writing and during a meeting with the Panel in Tripoli in July.
2. The private company that arranged the export from Malta to Libya, GardaWorld, informed EUBAM that the cargo had arrived at Tripoli International Airport on 10 March 2014. However, the shipment was blocked by customs owing to missing clearance documents, which had not been required on previous occasions. On 17 March 2014, GardaWorld returned to collect the shipment with the requested documents, but the materiel had been removed by person or persons unknown.
3. The stolen materiel includes: 23 Oberland OA-15 assault rifles and accessories, 70 9mm Glock handguns, 21,200 rounds of .223 Remington and 20,850 rounds of 9x19mm ammunition.
4. From the location of the theft, and from discussions with GardaWorld, it appears that members of the brigades that controlled the airport were likely to have been involved. The EU sent several notes verbales to the Libyan authorities, but no known follow-up investigation has been conducted.
5. While the end-user certificate was signed by the EU delegation to Libya, the purchase was managed by GardaWorld, and during the Panel's meeting with both parties in Tripoli, they expressed different views about the ownership of the weapons. While GardaWorld asserted that the weapons were only to be used for the protection of the EU delegation, it was not clear what would become of them once the contract with the EU ended or the EU left Libya.
6. During the meeting in Tripoli, the EU delegation informed the Panel of the additional loss of two handguns under their control. The first was stolen from a close protection officer in 2013, and the second from a car at the airport in 2014.

Annex 21 Transfers to the civilian black market

1. In its previous reports, the Panel mentioned the significant illicit trafficking of hunting rifles/shotguns and cartridges, blank firing pistols, handguns and related ammunition for the Libyan civilian black market (see S/2013/99 paragraphs 108 to 111 and S/2014/106 paragraphs 60 to 80). The Panel visited several stalls and shops during the previous mandate and reported several seizures of this type of materiel on its way to Libya by Greece, Malta and Turkey.

2. Blank pistols have been a very popular item since the end of the revolution. Interviews with shop keepers in Misrata and Tripoli in 2013 and 2014 indicate that one stall can sell up to 25 pieces a day and that prices are around 100 to 150 dollars which is roughly 50 times cheaper than a live pistol. Blank pistols, such as Blow 92s (see below Picture 1), are often transformed in Libya to fire live ammunition; this type of materiel is therefore of significant concern.

3. In Tripoli, Rachid Street is one of the main locations in which this type of arms and ammunition can be found for sale (see Picture 3 and Picture 4 in main body of the text). Shopkeepers stated that most of the materiel was entering Libya from Turkey through the ports of Khoms and Misrata.

4. Such materiel is also prone to proliferation outside the country: the Panel has documented smuggling of such materiel to Tunisia in 2013 and 2014 and the Egyptian authorities also reported similar seizures in 2014 (see Annex 33). Information provided to the Panel also indicates that such materiel coming by boat into the north of Libya is being sold in cities in the south and smuggled onwards to neighbouring Niger, Chad and Sudan.

5. Some countries do not require licenses for the export of hunting rifles, shotguns and related cartridges, or blank pistols and related materiel, and therefore do not control transfers of such materiel (see paragraph 8 below). The Panel made a recommendation to Member States about this issue in its previous report (see paragraph 285 (b) of S/2014/106). The Committee issued a press release on 13 October 2014 in this context.⁹¹

Reported case of seizure in Benghazi

6. On 20 April 2014, a media article reported the seizure of two containers of hunting cartridges in the port of Benghazi.⁹² The Panel met with the Maritime Affairs Department of the Libyan Ministry of Transport in July 2014 and requested additional information regarding the seizure. A response is still awaited.

⁹¹ "Security Council Committee Concerning Libya Issues Additional Guidance on Arms Embargo Related Matters", Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya, 13 October 2014, SC/11597, <http://www.un.org/press/en/2014/sc11597.doc.htm>.

⁹² "الوساطة بولاية"، *بنغازي في قفود بحظيرة ذخيرة حاويته ضبط*، *العبيدي سالم*, 20 April 2014, <http://www.alwasat.ly/ar/news/libya/14149/>.

Update about the seizure of the Alexandretta's cargo (Greece, January 2013)

7. During this mandate, the Panel was granted access to the materiel seized in 2013 from the vessel *Alexandretta* (hunting rifles, shotguns, hunting cartridges, blank pistols and ammunition, sodium bicarbonate), a ship belonging to Khafaji Company which had previously been involved in another violation of the arms embargo reported by the Panel (see S/2013/99 paragraphs 171 to 182). No prosecution has been initiated by Greece regarding this violation. According to documents provided by the Greek and the Turkish authorities, the materiel was exported from Turkey and the consignee was a Turkish company, Ozkursan.⁹³

8. Turkey confirmed that this export was made by Ozkursan and explained that such equipment is not considered by Turkish law as 'war materiel' and is therefore not subject to licencing. In May 2013, Turkey contacted the Committee to clarify whether this type of materiel was subject to the arms embargo. Following the response of the Committee, Turkey drafted 'guidelines regarding the restrictions and procedures to be followed on transfers of arms and military materiel to Libya'. These guidelines were distributed to all producers and exporters of such materiel.

9. According to Turkey, Ozkursan submitted four export notifications in 2012 and two in 2013 to Al Sayad For Hunting Equipment (a Libyan company based in Khoms), the consignee of the materiel found onboard the *Alexandretta*. They also mentioned that no transfer to Libya has been made by Ozkursan since January 2013.

10. The Panel provided Turkey with sample pictures of the inspected materiel. Turkey confirmed that while several of the items were of Turkish production,⁹⁴ some materiel was also of Italian manufacture. The Panel will contact Italy in this regard.

11. The Panel notes that Blow 92 blank pistols produced by Zira Silah Sanayi Tic. Ltd. Sti.⁹⁵ (see Picture 1) are very popular in Libya where people use them with live ammunition. Blow 92s have been documented in Tripoli, in Sebha and in seizures made in Tunisia of materiel coming from Libya.

⁹³ <http://www.ozkursan.com.tr/>.

⁹⁴ Including from the following companies: MKE, <http://www.mkek.gov.tr/tr/default.aspx>; Kralav Sanayii, <http://www.kralav.com/>; Doruk Silah, <http://www.doruksilah.com.tr/>; Yavascular for Cheddite cartridges.

⁹⁵ <http://zirasilah.com.tr/index.php?trKurumsal#>.

Picture 1: Samples of materiel seized from the Alexandretta



Source: Panel of Experts, Greece, November 2014

Seizures in Malta

12. In 2013 and 2014, Malta prevented two smuggling operations of ammunition to Libya.

13. In its previous report, the Panel documented the seizure of 22,000 rounds of ammunition (9x19mm and .38) manufactured in Malta and intended to be delivered to Libya in September 2013 (see S/2014/106 paragraphs 77 to 80). The smuggling network involved a Libyan national, Feraj Yacoub, and two Maltese nationals, Mario Farrugia and Michael Azzopardi. The latter had already been involved in violation of the arms embargo reported by the Panel in 2013 (see S/2013/99 paragraphs 109 to 111). Malta provided an update about the case in December 2014, and explained that while Mr. Farrugia has already been tried and found guilty of firearms offences, the case against Mr. Yacoub and Mr. Azzopardi was still *sub-judice*. Malta also confirmed that this network had already undertaken two or three transfers of ammunition to Libya prior to this seizure. Malta informed that it was still trying to identify the vessel and the individuals responsible for the transportation of the ammunition to Libya and would update the Panel in due course.

14. Following a 7 May 2014 media report of the arrest of a Libyan citizen trying to smuggle ammunition to Benghazi,⁹⁶ the Panel contacted the Maltese authorities to obtain additional information. The Maltese authorities confirmed the arrest and explained that on 6 May 2014, 1,000 rounds of 9x19mm ammunition had been discovered in luggage during the screening process at Malta International Airport. The luggage was checked onto flight KM698 to Benghazi and belonged to a Libyan national, Aiman Saleh Farag El Lawati, born in Benghazi and living in Malta. He admitted his intention to collect the ammunition upon arrival at Benghazi airport. In an update provided to the Panel in December, Malta explained that the case was still *sub-judice* and that the investigations had so far not yielded any further information about the provenance of the ammunition. The Libyan citizen confessed that he had planned to use the ammunition to ensure the protection of his family in Libya.

⁹⁶ "Libyan denies trying to smuggle bullets to Benghazi", Times of Malta, 7 May 2014, http://www.timesofmalta.com/articles/view/20140507/local/libyan-denies-trying-to-smuggle-bullets-to-benghazi_518069.

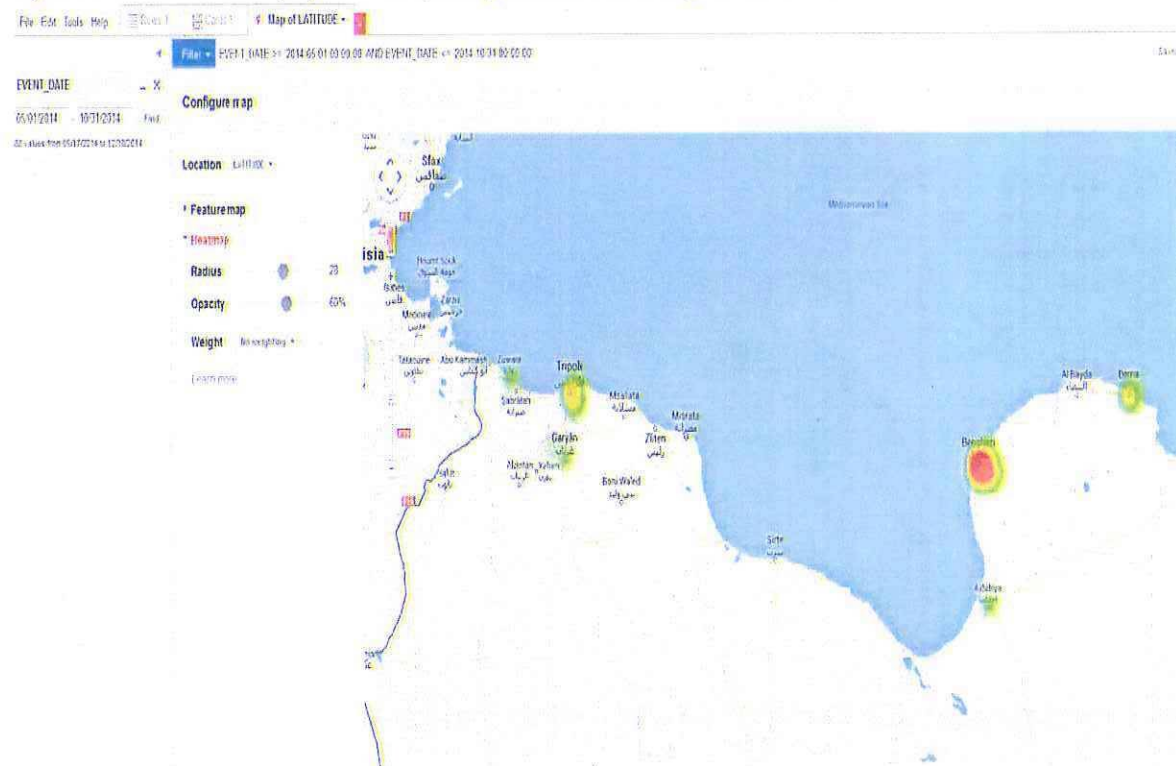
Seizures in Turkey

115. On 29 May 2014, Turkey submitted an inspection report to the Committee regarding the seizure of embargoed goods destined for Libya made in April 2014 in Ambarli Port in Istanbul. Turkey had inspected two containers declared as containing "plastic nightstands", and discovered 496 "air/sound pistols", 490 gun barrels and related spare parts, and 335,000 shotgun cartridges. While the consigner was a Turkish-based company, the two consignees were based in Misrata. The Panel unsuccessfully tried to contact them on several occasions. The report stated that a legal procedure was initiated and that Turkey would share additional information when available. The Panel asked Turkey for additional information.

116. Turkey provided the Panel with an update regarding the case of the vessel Al-Entisar, which was apprehended in Istanbul in April 2013 while transporting embargoed goods to Libya (see paragraphs 1183 to 1188 of S/2013/99). It was explained that in March 2014, the captain of the ship, Isam Mohammed Abdurrahman Abuzaid, a Libyan citizen, and his collaborator were found guilty of violating Turkish law, and sentenced to 10 years imprisonment and a fine. These individuals appealed the judgement and Turkey indicated that further information would be shared once available. Turkey also provided additional documents, including the Port Clearance which indicates that the port of destination was Tripoli. The Panel still awaits information regarding the origin of the materiel and continues to wish to access the materiel.

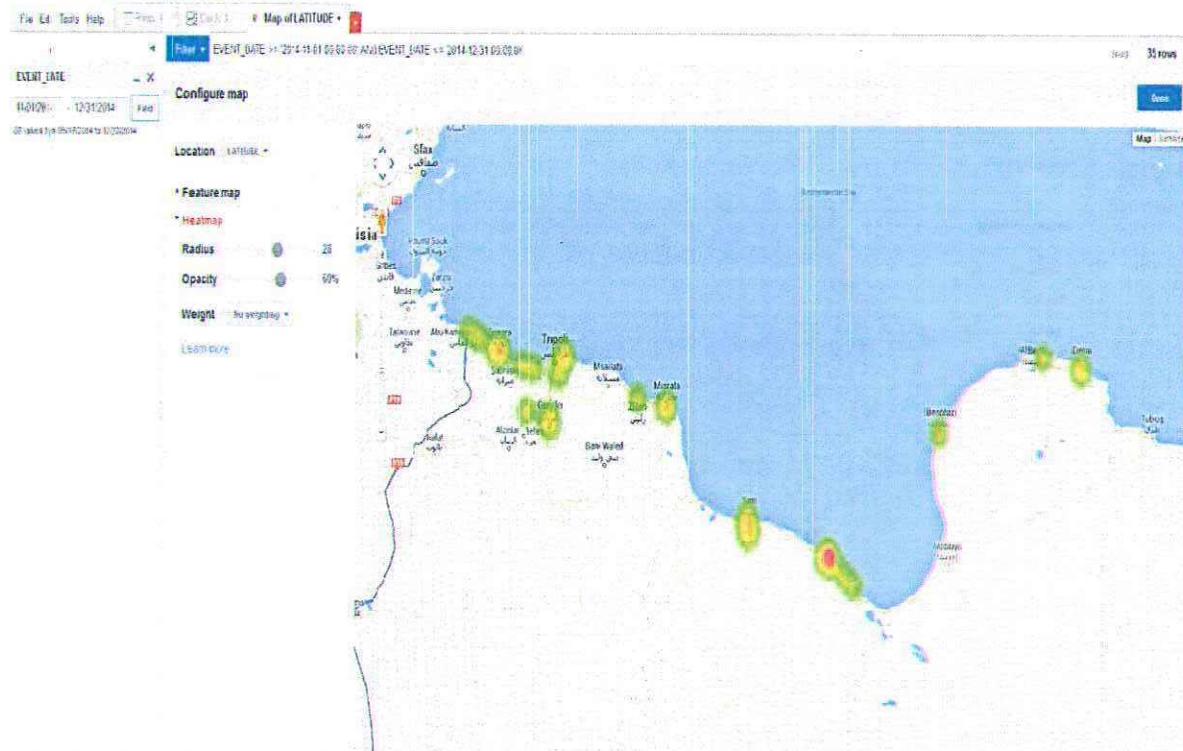
Annex 22 Map of air strike concentration – time comparison

Figure 7: Air strike concentration (May-October 2014) – 44 reports of strikes executed by *Karama*, 9 claimed



Source: data taken from <http://www.annexmap.net/libya/> (password: PoEL2014), displayed via Google Fusion Tables

Figure 8: Air strike concentration since the counter-offensive against *Fajr* in West (November-December 2014) – 35 reports of strikes executed by *Karama* (see paragraph 90)



Source: data taken from <http://www.annexmap.net/libya/> (password: PoEL2014), displayed via Google Fusion Tables

Annex 24 Mi-8 originating from Egypt

Comprehensive comparison between aircraft photographed in Egypt and in Libya

Figure 9: Comparison between the Egyptian Mi-8 bearing tail number 1443 (1443) and an Mi-8 documented in Libya with tail number partly painted over but finishing by 47 (47)



Picture 2: Mi-8 helicopter with Libyan roundel



Source: Twitter⁹⁷

⁹⁷ <https://twitter.com/oryxspioenkop/status/547083046042611712/photo/1>

Annex 25 Investigations relating to transfers to Fajr

Summary of previously reported transfers of military materiel by Sudan

1. The Panel previously reported that during the revolution, Sudan sent military materiel to rebel groups in Benghazi by air, or through Kufra, from where the materiel was transported by road (see paragraph 106 of S/2012/163). Interviews conducted with Libyan revolutionary military leaders and diplomats from countries involved in supporting the opposition during the uprising confirmed that Qatar had assisted in organizing and had financially supported some of the deliveries operated from Sudan in 2011.
2. In the aftermath of the revolution, the Panel documented several transfers of military materiel from Sudan for which no exemptions from the arms embargo had been sought. In its last final report, the Panel documented the use of Sudanese ammunition, used by Libyan militias and manufactured in 2012 (see paragraph 82 of S/2014/106). The Panel also reported the transfer of several Mi-24 helicopters from Sudan to the Libyan Air Force (see paragraphs 85 to 88 of S/2014/106). While some of these aircraft have since crashed, those remaining have been used in the aerial operations conducted by *Karama* forces.
3. In 2014, Sudan has been delivering military materiel to Kufra in violation of the arms embargo. In addition, the Panel is investigating military flights operated by Sudan in 2014 to an airport controlled by groups aligned with *Fajr*.

Investigations related to alleged transfers by sea to Fajr

4. The Panel is currently investigating several cases of potential transfers by sea, but at this stage is only in a position to provide details on the cases listed below.
5. On 20 October 2014, Libya informed the Committee that an illicit shipment of arms and ammunition from Bulgaria was on its way to Misrata on the vessel 'Express One'. The Mission requested the help of the Committee to prevent the delivery.
6. The Panel immediately investigated the matter and wrote to the Committee, informing that the ship, named 'Express 1' (not 'Express One') was a double-decked livestock-carrying vessel that had left the port of Misrata on 13 October 2014. The Express 1 had not called at any Bulgarian port since June 2014. The last port of call at the time had been Midia in Romania.
7. The Committee contacted Bulgaria, quoting Libya's letter. Bulgaria responded that between January and October 2014, there had been no recorded export of defence products to Libya on the basis of export licenses issued by the competent authority. Bulgaria stated that it could not find any data regarding a shipment of arms and ammunition on a ship called 'Express One'. The Committee also wrote to Libya to obtain more information but has had no response to date.

8. The Panel communicated with the Libyan Permanent Mission and wrote to Romania to obtain more information. The latter confirmed that the ship had called in Midia port on 5 October 2014 and had been heading to Misrata. Romania further provided documents indicating that the ship was transporting 18,000 sheep.

9. To date the Panel found no evidence of a violation but will continue its investigations and hopes to receive additional information from Libya in this connection.

10. More recently, media reports have reported that a ship carrying 450 containers loaded with arms and ammunition to Misrata had been seized in Libyan territorial waters and taken to Tobruk.⁹⁸ The Panel contacted Libya about this and is awaiting a response.

⁹⁸ "مصرقة لميناء متجهة تركية لسفحة تحمل سفينة ضبط"، *المصرق*، 27 December 2014, <http://www.alarabiya.net/ar/north-africa/libya/2014/12/27/مصرقة-لميناء-متجهة-تركيا-سفن-حاملة-الاسلحة-محملة-بالبخر-ضبط>.
 "ت. اسلحة تحمل سفينة ضبط"، *ليبيا اخبار*, 28 December 2014, <http://www.dawia.com/news/76242/>.

Annex 26 Statement by the Libyan Government on Sudanese deliveries to Kufra

Statement by the Libyan government on Sudanese delivery of ammunition to Libya, 06 September 2014

ديوان رئاسة الوزراء

التاريخ: 2014/09/06



الحكومة الليبية المؤقتة

بيان بشأن اختراق طائرة نقل عسكرية سودانية لفضاء جوي لليبيا وفيها شحنة غائر غير معلومة رسمياً لصالح الدولة الليبية

تود الحكومة الليبية لأوقفت أن تعبر عن شديد استنكارها ورفضها التام لدخول طائرة نقل عسكرية سودانية لفضاء جوي لليبيا من دون إذن أو طلب رسمي من مصلحة الطيران المدني الليبي ما بعد حرقها للسيادة الوطنية إضافة إلى أنها جثثت محملة بشحنة من الذخائر لم تطلبها الدولة الليبية ولم تكن على علم بها أو تم التنسيق فيها مع السلطات السودانية وقد ثبت أن هذه الشحنة مكثت متوجهة إلى مطار معيتقة بمرابلي بعد أن تراجعت الطيار السوداني برفضته بالتزود بالوقود والتجهيز بمطار المنقطة وتم فحص الطائرة السودانية حيث تبين أنها تحمل ذخائر.

إن هذا العمل من قبل الدولة السودانية يتجاوز الدولة الليبية ويتعدى في شؤنها ويهضم السيادة ككامل داعم بالأسلحة لجماعة إرهابية تعتدي على مقدرات الدولة، وهو يمثل أيضاً مخالفة صريحة للقرارات الدولية وأنها قرار مجلس الأمن الدولي بحظر توريد الأسلحة إلى ليبيا، وتطالب المجتمع الدولي ومجلس الأمن الدولي بمساعدة ليبيا في مراقبة أحوالها لمنع تكرار مثل هذه الانتراكات التي تعمل على تأجيج الصراع.

إن الحكومة الليبية تدعو السلطات السودانية إلى التوقف عن التدخل في الشأن السياسي الليبي وعدم الانحياز لأي من أطراف الأزمة في ليبيا والتوقف عن مثل هذه الإجراءات الترفعية بشكلها ومنعونا وتطالب بحل الحق العسكري السوداني باعتداءه شخصاً غير موقوف فيه مع اعتدائنا بالحق في اتخاذ تدابير الإجراءات لفضح أمر واستفزاز وسرقة البلاد.



خليفة الله ليبيا
الحكومة الليبية المؤقتة

مراجعة: طارق العبد - هاتف: 1941710 - 219, 214, 218 - فاكس: 218, 219, 20932

www.pmr.gov.ly

Statement Regarding Violation by a Sudanese Military Transport Plane of Libyan Airspace and the Shipment of Munitions not Officially Solicited in the Interest of Libyan State

The Libyan Interim Government would like to express its strong condemnation and complete rejection of the entry of a Sudanese military transport plane into Libyan airspace without permission or official request from the Libyan Civil Aviation Authority which is a violation of national sovereignty. Added to which, it was loaded with a cargo of munitions not requested by the Libyan state, and was not aware of it or had coordinated with the Sudanese authorities. It has been proven that this shipment was headed to Mitiga Airport in Tripoli, after the Sudanese pilot claimed he wanted to refuel, and landed at Kufra Airport. The Sudanese plane was then inspected and found to be carrying munitions. This act by the Sudanese state encroaches upon the Libyan state and is an interference in its affairs, and Sudan is interposing itself by providing arms to a terrorist group that is attacking the headquarters of the state. This also represents a clear violation of international resolutions, and the latest UN Security Council resolution, prohibiting the supply of arms to Libya. We call upon the international community and the UN Security Council to assist Libya control its airspace, to prevent recurrence of such intrusions that work to fuel the conflict.

The Libyan government calls on the Sudanese authorities to desist from interfering in Libyan political affairs and not align itself with any of the parties to the crisis in Libya, and to stop such objectionable actions, both in form and substance. It requests the full withdrawal of the Sudanese military attaché as persona non grata, while retaining the right to take all measures to maintain the security and the stability of the country.

Annex 27 Examples of State funding

Examples of State funding of various (parallel) units operating under the Ministries of the Interior or Defense (2013-2014)

1. The Panel received the following documents, which appear to be genuine, from reliable and well-placed sources. However, given the existence of two decision-making centres in Libya, neither of which the Panel was able to visit after July 2014, the Panel could not confirm their veracity with the departments or individuals involved.

Letter dated 10 February 2014 from Major Imad Mustafa Abdulsalam, Chief of the Special Operations Force, addressed to the Deputy Prime Minister with responsibility for development affairs and Minister of the Interior. The letter requests the disbursement of LYD 600,000 to the Special Operations Force.

2014 2
33 33
33 33



إلى / السيد نائب رئيس الوزراء لشؤون التنمية ووزير الداخلية / المكلف

وبإشارة .. إلى قرار مجلس الوزراء رقم (14) لسنة 2014 م القاضي بتأجيل

14 02 2014 م يحثه على اتخاذ التدابير اللازمة لتغطية النفقات الخاصة

وزارة الداخلية

عليه .. بأمر تخصيص مبلغ (600.000) لخدمة نفقات كثرية القوة

العمليات الخاصة

والسلام عليكم

رائد عماد مصطفى عبد السلام
رئيس قوة العمليات الخاصة



2014-02-25

رائد عماد مصطفى عبد السلام

2014-02-25

Letter of 19 February 2014 from Salih Maziq Abdulrahim al-Bar'asi, Deputy Minister of the Interior, addressed to the Prime Minister. The letter asks the Prime Minister to disburse funds in order to pay a monthly salary of LYD 1,000, for one year, to each of the 5,000 members of the Special Operations Force, which answers directly to the Minister of the Interior.

السيد/ رئيس مجلس الوزراء

بعد النجدة

بالإشارة إلى قرار السيد (مجلس الوزراء) رقم (14) لسنة (2014م) بأنشاء قوة للعمليات الخاصة تتمتع بالشخصية الاعتبارية والذمة المالية المستقلة تتبع وزارة الداخلية وتعمل تحت الأشراف المباشر للوزير.

وإلى قرار السيد النائب رئيس الوزراء لشؤون التنمية ووزير الداخلية - المكلف رقم (352) لسنة (2014م) الصادر بتاريخ: 2014/1/19م بشأن منح مكافأة مالية شهرية للأعضاء التابعين لقوة العمليات الخاصة التابعة لوزارة الداخلية بقيمة (1000) فئة ألف دينار ليبي لأشهر لكل عضو.

عليه شامل منكم التفضل بتفويضنا بقيمة المكافأة المطلوبة لعدد (5000) خمسة آلاف عضو وتمسدة مذمة وذلك حتى تتمكن من صرفها مستحقيا.

والسلام عليكم

انعميد: صالح مزيق عبد الرحيم البرعصي
وكيل وزارة الداخلية والمكلف

الوزارة

وزارة الداخلية

3770
2014/2/23
المن

Decision No. 352 of 2014 approving the salary referred to above. The decision dated 19 November 2014 and signed by Sadiq Abdulkarim Abdulrahman Karim, Deputy Prime Minister with responsibility for development affairs and acting Minister of the Interior.

**قرار نائب رئيس الوزراء لشؤون التنمية
ووزير الداخلية / المكلف**

**رقم 352 لسنة 2014م
بشأن صرف مكافأة مالية شهرية**

نائب رئيس الوزراء لشؤون التنمية ووزير الداخلية / المكلف

- بعد الإطلاع على الإعلان الدستوري الصادر في (03) أغسطس 2011.
- وعلى قانون النظام المالي للدولة وألحقة الميزانية والحصوات والمخزون وتحولاتها.
- وعلى القانون رقم (10) لسنة 1992م بشأن الأمن والشرطة.
- وعلى قرار المؤتمر الوطني رقم (10) لسنة 2012م بشأن منح الثقة للحكومة المؤقتة.
- وعلى قرار المؤتمر الوطني العام رقم (48) لسنة 2013م بشأن منح الثقة للوزير.
- وعلى قرار مجلس الوزراء رقم (145) لسنة 2012م باعتماد الهيكل التنظيمي والاختصاصات لوزارة الداخلية وتنظيم جهازها الإداري.
- وعلى قرار وزير الداخلية رقم (582) لسنة 2012م بشأن اعتماد التنظيم الداخلي لوزارة الداخلية.
- وعلى قرار رئيس مجلس الوزراء رقم (278) لسنة 2013م بتكليف نائب رئيس مجلس الوزراء بمهام وزارة الداخلية.

فـ


مادة (1)

تمنح مكافأة مالية شهرية للأعضاء التابعين لقوة العمليات الخاصة التابعة لوزارة الداخلية بقيمة ألف دينار (1000 د.ل) شهرياً.

مادة (2)

يعمل بهذا القرار من تاريخ صدوره ، وعلى الجهات المختصة تنفيذه

د. الصديق عبد الكريم عبد الرحمن كريم
نائب رئيس الوزراء لشؤون التنمية
ووزير الداخلية / المكلف



صادر بتاريخ 1434 هـ
الموافق 11 / 11 / 2014
رقم 12

Letter from Major Imad Mustafa Abdulsalam, Chief of the Special Operations Force, referring to a plan to secure Tripoli and requesting urgent payment of LYD 13 million for that purpose. The date of the letter is unclear, but a stamp shows that it was filed in an archive on 15 June 2014.

التاريخ: ١٥ يونيو ٢٠١٤
الموقع: ...
رقم الاكتردي: ...



السيد / رئيس مجلس الوزراء ...

بالإشارة .. إلى تعليماتكم المماسة إلىنا بشأن ومتسع منطقة أمنية مشرقة برئاسة **(رئيس قوة العمليات الخاصة)** لتأمين مدينة طرابلس بما في ذلك مصارف وضبط المفلولين المهاجرين والمخالفات البرورية ...

عليه .. تأمل تخصيص مبلغ مالي وقدره 13 مليون دينار كثرية لتنفيذ الخطة وبصورة عاجلة جداً ...

والسلام عليكم ...

راند عماد مصطفى عبد السلام
رئيس قوة العمليات الخاصة



التوقيع: ...
...
...

مرفق لوجدي ... (225)

مرفق لوجدي

Letter marked "Wikileaks Libyan State" dated 30 January 2014 and signed by Muhammad Abdullah Salim Al-Shitaywi, Director-General of the Directorate-General of Military Accounts, and by his deputy Abdulhamid Ayid al-Qarquti. The letter is addressed to the Central Bank of Libya, Tripoli. It asks for the sum of LYD 2 million to be transferred from Central Bank of Libya account No. 291-169 to the Military Council of Revolutionaries of Zintan, North Africa Bank Zintan account No. 8726.

الرقم التسلسلي
1435/113
التاريخ
2014/01/30
الوقت
الرقم الإداري من 113



رئيس الجمهورية
رئاسة الأركان العامة
الإدارة العامة للحسابات العسكرية

الحزب الوطني... منتصر في ليبيا

إدارة الحسابات المصرفية بمصرف ليبيا المركزي طرابلس

بعد التحية والاحترام ..

فأمل العمل على تحويل بريقاً من حساباً رقم (291-169) طرفكم ودفعه المالكين أدناه
وذلك حسب ما هو مذكور أمام أسمه .. وعلى إن يخصم العمولة من حساباً
علماً بأن المبلغ يمثل «(بند التجهيزات)» .

ت	أسم المستفيد	أسم الممرق	رقم الحساب	العدد
1	القسم العسكري لواء البرية	م. محمد لواء البرية	8726	2006000 000

عدد مليونين مائة ألف فقط

شاكرين حسن تعاونكم معنا

.. والسلام عليكم ورحمة الله وبركاته ..

"عن الإدارة العامة للحسابات العسكرية"

عبد الحميد عبد القادر قاضي
معاون مدير إدارة الحسابات العسكرية

محمد عبد الله سالم الشنوي
المدير العام للإدارة العامة للحسابات العسكرية



لزاماً
أ. محمد

ويكيليكس
الدولة
الليبية

Page from a national report from 2013 alleging that inappropriate payments were made to the Der'a Libya [Shield of Libya] militia in violation of the 2013 budget, and that the Comptroller was not given enough staff to fulfil his functions.

التقرير السنوي لسنة 2013 م

الوطني باعتمادات إضافية، ولم يتم إدراج هذه القيمة وقتها
تطلب مخصصات إضافية أو طلب مناقلة التمويل سداد هذا
المبلغ.

- أعطى السيد رئيس المؤتمر الوطني العام الإذن، بموجب كتابه
رقم 2013/7/1 بتاريخ 2013/7/3 م، وذلك بالمخالفة للقانون
الآلي للدولة، وقانون اعتماد الميزانية العامة للدولة، لسنة
2013 م.

- بناء على كتاب السيد رئيس الأركان المكلف رقم (راع 118)
بتاريخ 2013/7/7 م، تمت إعادة وزارة المالية ببيانات الحساب
المصري رقم 203 1002 للمصرف التجاري الوطني - فرع
الظهرة، الخاص بإدارة شئون الدروع، بأنه لا مانع من إيداع المبلغ
المخصص لهم في الحساب المذكور.

- تم تحويل القيمة من حساب الباب الأول لوزارة المالية في مصرف
ليبيا المركزي رقم 190134 إلى حساب إدارة شئون الدروع -
رقم 203 1002 بالمصرف التجاري - فرع الظهرة، وبدون
صدور تفويضات بالقيمة ما نتج عنه عجز في مرقبات العاملين
بالدولة.

- تم تعيين مراقب مالي للإشراف على الصرف، إلا أنه لم يتمكن
من مباشرة عمله نظرا لعدم وجود موظفي إدارة شؤون الدروع
ونمت إجراءات الصرف دون اعتماده للإجراءات.

- أكد وزير المالية بكتابه رقم م/377/1 بتاريخ 2013/7/30 م
الموجه إلى السيد رئيس ديوان المحاسبة قيام أمر الدروع بتحويل
القيمة من الحساب المذكور إلى حساب إدارة الدروع إلى حسابات
الدروع رقم 722 مليوناً.

[Page from a national report from 2013, alleging that the Der'a Libya [Shield of Libya] received LYD 900,000,000 between 1 January 2012 and 31 December 2013, and detailing some of those payments.

المتسبين لهذا الجهاز.

- لم يتم الصرف بناءً على إجراءات مالية واضحة، بإحالة كشوفات تتضمن أسماء المنتسبين وبيانات أرقام حساباتهم لصرف القيمة.

14- مرتبات الدروع :-

صرف مرتبات الدروع بقيمة (900,000,000) دل، عن الفترة من 2012\1\1م، إلى 2013\12\31م ، لوحظ بشأنها :-

- بناءً على كتاب السيد رئيس الأركان العامة - رقم (راع 112) بتاريخ 2013\3\26م، الموجه إلى وزير الدفاع، تمت إحالة كتوف (63687) فرداً من وحدات قوة درع ليبيا، حدد فيه قيمة مرتباتهم المتأخرة بمبلغ (764,244,000) دل.

- بناءً على كتاب السيد رئيس مجلس الوزراء - رقم م(راو 369) بتاريخ 2013\7\3م، طلب الإذن من السيد رئيس المؤتمر الوطني العام نصرف 900 مليون، الخاصة بمرتبات الثوار من الدروع، وكتائب الثوار (وذلك بفارق قدره 135,756,000 دل، عن القيمة المطلوبة) إلى حين صدور قرار من المؤتمر

Annex 28 Bonuses paid to revolutionary brigades

1. The Panel received the following document, which appears to be genuine, from reliable and well-placed sources. However, given the existence of two decision-making centres in Libya, neither of which the Panel was able to visit after July 2014, the Panel could not confirm its veracity with the departments or individuals involved.

Letter dated 3 November 2011 from Ali Tarhuni, Minister of Finance and Petroleum, to the Governor of the Central Bank of Libya. The letter states that Sulayman Ahmad Al-Faqih, Salim Ahmad Abu Zayyan and Nidal Ahmad Ahniyu were awarded LYD 14 million, and that LYD 500 should be paid to each of a list of revolutionaries not included in the document.



التاريخ 3 / 11 / 2011 م
الرقم الاشاري 87 ط - 11

إلى السيد / محافظ مصرف ليبيا المركزي

بعد التهمة:

نفيدكم علماً بأن السادة الآتية أسمائهم :

- السيد / سليمان محمد الفقيه . - مصراتة.
- السيد / سالم أحمد أبو زيان . - مصراتة.
- السيد / نضال محمد أهنيو . - مصراتة.

مخولون من المجلس العسكري مصراتة لاستلام مبلغ وقدره (14,000,000) أربعة عشر مليون دينار على أن تصرف مكافأة مالية وقدرها (500) دينار لكل فرد على النحو المشار إليه في كتابتنا رقم (77. ط . 2011) بتاريخ: 2011/11/03 على أن تخصم المبالغ من حساب الخزنة.



وتفضلوا بقبول فائق الاحترام والتقدير

والسلام عليكم...

د. علي الترهوني

وزير المالية والنقد

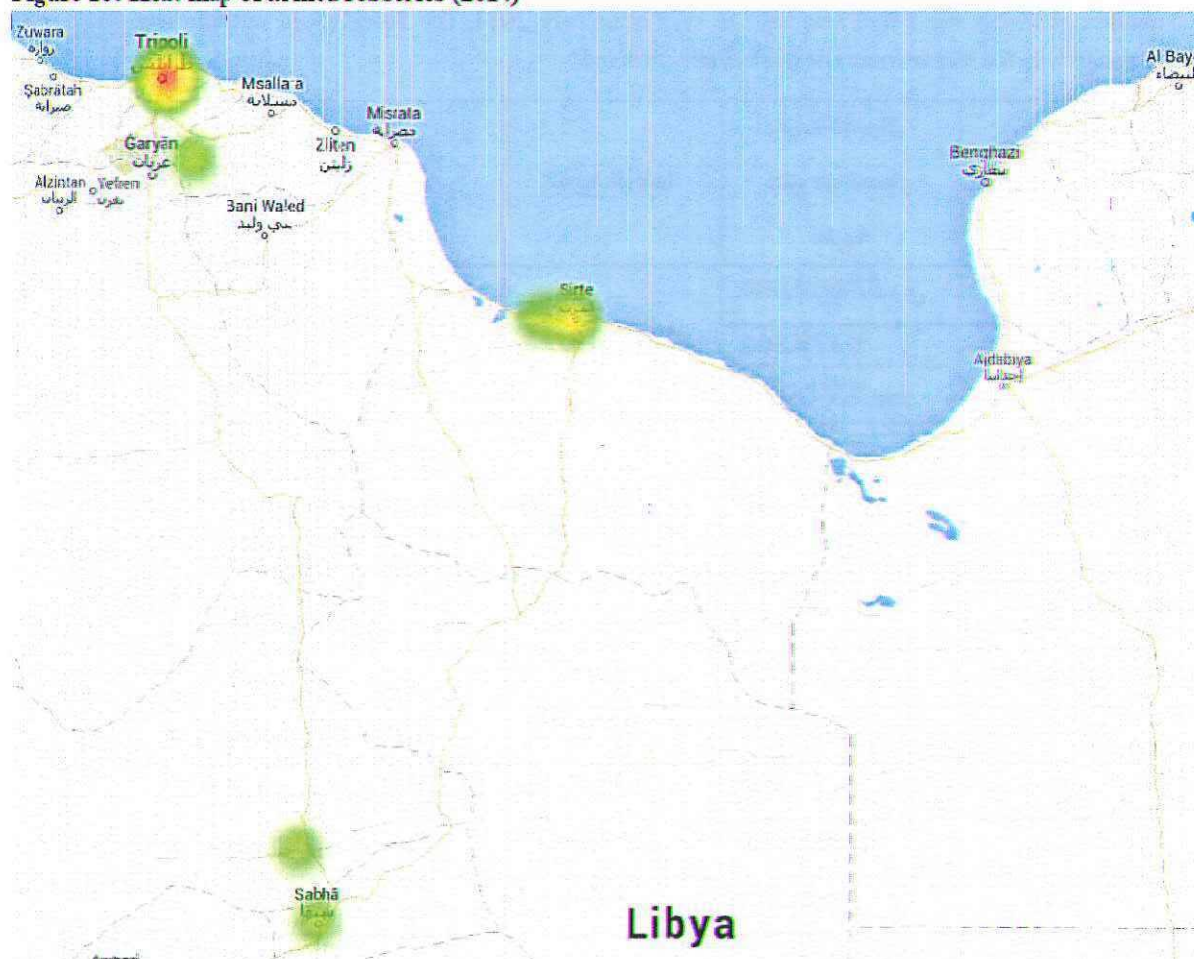
Annex 30 Table showing amounts stolen from banks in 2012 and 2013

1. The Panel received the following document, which appears to be genuine, from reliable and well-placed sources. However, given the existence of two decision-making centres in Libya, neither of which the Panel was able to visit after July 2014, the Panel could not confirm its veracity with the departments or individuals involved.

رقم	المصرف	تاريخ الواقعة	قيمة الأموال التي تم السطو عليها	ما تم استرجاعه
1	ليبيا المركزي فرع سرت	2013/10/28 م	53,000,000 دولار	لا شيء
			\$ 128,000	لا شيء
			5,000,000 يورو	لا شيء
2	الجمهورية / بوهادي		91,600 دولار	91,600
3	شمال أفريقيا / سرت	2013/7/10 م	411,673 دولار	لا شيء
4	الجمهورية / النجمة - مرزق	2013/12/8 م	2,000,000 دولار	962,200 دولار
5	الجمهورية / مرزق	2012/10/8 م	491,919 دولار	245,597 دولار
6	الجمهورية / تراغن	2013/5/8 م	1,064,251 دولار	344,000 دولار
7	الجمهورية / وكالة شدة	2013/5/22	21,580 دولار	لا شيء
8	شمال أفريقيا / أوياري	2013/6/2 م	500,000 دولار	لا شيء
9	شمال أفريقيا / أوياري	2013/10/20 م	1,500,000 دولار	لا شيء
10	شمال أفريقيا / بنغازي	2012/5/6 م	1,672,000 يورو	لا شيء
			\$ 2,521,000	لا شيء
11	الصحاري / براك الشاطئ	2013/8/18 م	635,000 دولار	لا شيء
12	شمال أفريقيا / براك الشاطئ	2013/11/19 م	1,500,000 دولار	لا شيء
14	الجمهورية / بني وليد	2012 م	11,221,148 دولار	لا شيء

Annex 31 Heat map of armed robberies

Figure 10: Heat map of armed robberies (2014)



Source: data taken from <http://www.annexmap.net/libya/> (password: PoEL2014), displayed via Google Fusion Tables

Screenshots of a video⁹⁹ showing militiamen allegedly under the command of Ibrahim Jadhran digging up gold and cash from a private residence in Sirte



⁹⁹ <https://www.youtube.com/watch?v=12htMe1SCvA>

Annex 33 Arms transfers from Libya

1. Transfers of military materiel through western borders

Illicit weapons trafficking to Tunisia

1. The Tunisian authorities have met the Panel every year since 2011 to discuss the impact of the situation in Libya on their internal security. Over this period, they reported significant challenges related to immigration issues, border control, terrorism dynamics and weapons trafficking. As every year the Panel was granted access to some of the seizures operated by the Tunisian forces.

2. The Panel visited Tunis in December 2014 and conducted interviews with a range of Tunisian and international interlocutors. All shared their concerns about the impact of the deteriorating security situation in Libya, particularly the interaction between Tunisian and Libyan terrorist and trafficking networks, which are increasingly intertwined. Tunisian terrorist groups have been using Libya as a source of military materiel, funding, training and as safe haven for some of their leaders.¹⁰⁰

3. Terrorist attacks in Tunisia have increased in 2014 and specifically targeted members of security forces. Judicial authorities responsible for terrorism-related matters explained that most military materiel used in terrorist activities comes from Libya. Groups such as Ansar Al-Sharia Tunisia and Okba Ibn Nafa'c have been procuring and using materiel originating from Libya.

4. The Panel was first given access to the materiel entering the country in 2014, seized by several entities and now under the control of the army. The quantity of materiel seized was much smaller than in the previous two years: one FN FAL assault rifle,¹⁰¹ which was recovered in the south of Tunisia, two rifle grenades discovered near Sousse, several Turkish-made blank pistols, ammunition, and arms-related accessories (see Table 1). All the 7.62x39mm ammunition rounds were seized from a car in Ben Guerdane in January 2014.

¹⁰⁰ Sabratah and Derna in particular are identified by Tunisia as being significant hubs for training of young Tunisians jihadist and for onward transfer to Syria. Some Tunisians who engaged in terrorist attacks in 2014 in Tunisia had spent time in Libya. The head of Ansar Al-Sharia Tunisia, Abu Iyadh is believed to be in Libya.

¹⁰¹ The Panel sent a tracing request to Belgium for this item.

Table 1: Arms and ammunition seized in 2014 and currently under the control of the army

Arms	Quantity
FAL assault rifle	01
Blank pistol IKOL Tuna	01
Blank pistol BLOW F92	01
Various hunting rifles	09
Bayonets and daggers	31
Magazines for AK type rifles	12
Ammunition	Quantity
9x19mm	56
7.62x39mm	144
7.62x51mm	28
Hunting cartridges	114

Source: Tunisian authorities, January 2015

5. Materiel identified from counter-terrorism operations is under the control of a different security body while the prosecution is ongoing. This body provided the Panel with the details of several terrorist-related cases involving arms and ammunition coming from Libya and granted the Panel access to some of the materiel.

6. In February 2014, an important operation took place in Raoued,¹⁰² during which 5 AK-type rifles, 600kg of TNT and 5,986 rounds of ammunition were recovered. While the Panel was unable to inspect the materiel, the authorities' investigations concluded that it was coming from Libya.

7. On 3 September 2014, Tunisian authorities seized a pick-up truck between the Libyan border and Ben Guerdane. The Panel was not allowed to inspect the materiel, but it was provided with a list of its content: 30 detonators, 28 defensive grenades, 4 rockets for RPGs and 7 charges, more than 6,000 7.62x39mm cartridges, 1 AK rifle and a very large sum in Tunisian dinars. The car had a Tunisian licence plate and only Tunisian nationals were arrested in this case.

8. The Panel inspected the arms and ammunition recovered from the Oued Elil operation of October 2014.¹⁰³ Two of the three assault rifles recovered after the operation were AK 103-2 (see Picture 2), which are very typical of Libyan arsenals. The Panel sent a tracing request to the Russian Federation, whose response is still pending. Analysis of the 237 rounds of 7.62x39mm recovered at the site show 7 different types of head stamps, of which 5 have been documented in Libya by the Panel, strongly indicating that the ammunition originated in Libya. Data recovered from a cell phone found at the site indicates that the group was in regular contact with individuals in Libya.

¹⁰² "Tunisie, fin des opérations à Raoued: 7 terroristes abattus, dont probablement Gadhagadhi (vidéo)", Business News, 4 February 2014, <http://www.businessnews.com.tn/Tunisie---Fin-des-op%C3%83%C2%A9rations-%C3%83%C2%A0-Raoued--7-terroristes-abattus,-dont-probablement-Gadhagadhi-%28vid%C3%83%C2%A9o%29.520.44045.3>.

¹⁰³ "Oued Elil: 6 terroristes morts dont 5 femmes", Shems FM, <http://www.shemsfm.net/fr/actualite/oued-elil-6-terroristes-morts-dont-5-femmes-94091>.

Picture 3: Assault rifles recovered after the operation in Oued Elil



Source: Panel of Experts, Tunis, December 2014

9. According to interviews conducted in Tunisia, terrorists are continuously seeking to procure SALW, explosives and ammunition. While some degree of illicit trafficking still appears to occur in the south of the country, the authorities are currently particularly concerned about smuggling along the Tunisian/Libyan border in the north, involving trafficking networks from the area of Ben Guerdane.

Reported transfers of weapons to Algeria

10. During the current mandate, the Panel has regularly noted press articles reporting weapons trafficking. The Panel contacted Algeria to obtain additional information and requested a visit. As previous Panel letters to Algeria, it has remained unanswered.

2. Transfers through eastern borders

Transfers of arms from Libya to Egypt

11. Since the revolution, Libya has presented an increasing challenge to Egypt's internal security, particularly in terms of weapons trafficking and terrorism. The Panel has visited Egypt several times since its creation in 2011, and twice during this mandate.

2. While the authorities have reinforced security measures along the border with Libya, the amount of illicit trafficking remains significant. The Panel noted numerous reports of seizures and anti-smuggling operations published in the media in 2014.¹⁰⁴

Materiel originating from Libya and seized by the authorities

3. The Panel was provided with lists of materiel seized in 2014, which includes hundreds of SALW (blank pistols, handguns, hunting rifles, assault rifles, RPGs, machine guns), tens of thousands of rounds of ammunition for SALW, as well as missiles, explosives and grenades (at Egypt's request the list is not included in the report). Egypt did not grant the Panel access to examine materiel.

Routes

4. According to Egypt, arms enter through three main border crossings: from Ghaghbub, Libya to Siwa in the desert south; from Musaid to Salum in the north, where the authorities have mainly seized materiel in 2014; and by sea from Bardiyah to Marsa Matrouh. Smuggling networks have also been identified operating out of southern Libya to Sudan and onwards to Egypt.

End-users

5. Libya is a pre-eminent source of arms used in criminal and terrorist activities in Egypt. Groups including Ansar Beit El Makkess receive support from some Libyan actors, including military materiel. Transfers of arms to Gaza through Egypt are also continuing.

6. While the information provided by Egypt since 2011 has been useful in assessing the ongoing proliferation from Libya, the Panel has faced difficulty in obtaining detailed information relating to specific cases of illicit trafficking. Details of the networks and individuals involved are crucial to identify parties involved in committing violations. The Panel hopes that cooperation on the matter will develop further.

¹⁰⁴ 2 December 2014, "الموجز"، "بنذكية مهربة من ليبيا 500 ضبطت بقرن سلاح بالصحراء بحري"، محمد بخات، <http://almogaz.com/news/politics/2014-12-02/1753227>; "ليبيا من مهربة تركية بشان بضبط مطروح امن"، الاخبارية افريقيا بوابة، 4 December 2014, <http://www.afriganews.net/content/ليبيا-من-مهربة-تركيا-بشان-بضبط-مطروح-امن>.

Picture 4: Seizure of arms and ammunition operated on the Egyptian/Libyan border, August 2014



Source: Facebook page of the Egyptian Army¹⁰⁵

Investigations related to transfers to Syria

17. In its previous reports, the Panel noted that transfers of arms to Syria had occurred since the beginning of the Syrian revolution. Cases investigated included transfers by sea and by air to countries neighbouring Syria, and involving a range of Libyan and foreign actors (see S/2013/99 and S/2014/106). The Panel obtained additional details and intelligence regarding cases of transfers between 2012 and 2013. However, the Panel received very little information about movements in 2014, possibly indicating a declining trend.

18. In order to investigate confirmed and potential cases of transfers from 2011 to 2013, the Panel conducted research in Libya, Lebanon and Turkey during the previous mandates. The Panel interviewed a range of stakeholders, including representatives of national authorities, security organs, foreign intelligence services, Libyan members of Syrian armed groups and representatives of the Syrian opposition. For some time, the Panel had been requesting a visit to Syria to obtain further information about trafficking trends of military materiel from Libya.

19. The Panel was finally able to visit Syria in December 2014, where it met the Ministry of Foreign Affairs and security forces. They briefed the Panel about military support provided to the Syrian opposition groups, including from Libya, either organized by Libyans or by third countries. Syria confirmed that transfers from Libya had been among the most significant military support provided to the opposition at the beginning of the uprising. They explained that

¹⁰⁵ https://www.facebook.com/Egy.Army.Spox/photos/pb.217455035052153.-2207520000.1417853402_521125954685058/?type=3&permPage=1.

transfers had been made to various groups of the Syrian opposition, including Jabhat al Nusra and ISIS.

20. Syria provided information regarding numerous cases of transfers from Libya, in 2012 and 2013 by sea through Tripoli in Lebanon, Jordan and Turkey. The information included names of actors believed to be linked to smuggling operations, and their methods. They also provided a list of arms that may have originated from Libya that were seized by the Syrian army on the borders and within the country. As the information provided was not detailed enough for the Panel to pursue its investigations, Syrian officials in Damascus and in New York promised to provide more complete details, which have not been received to date.

21. Syria also confirmed that the vessel Al Entisar brought 400 tons of materiel into Turkey for onward transfer to Syria in September 2012. This case appeared in the Panel's previous reports and the investigation is still ongoing (see paragraphs 183 to 188 of S/2013/199). The same vessel was involved in a violation of the arms embargo in April 2013, regarding a transfer of embargoed goods to Libya, prevented by the Turkish authorities (see Annex 21). In a letter to the Committee dated 2 December 2014, Turkey informed that the vessel had been released and had left Istanbul on 28 May 2014.

22. In May 2014, Syria arrested three Syrian individuals from the island of Arwad, who had reportedly organised arms transfers from Benghazi to Syria in 2012. The Panel is waiting for additional details regarding the judicial case.

23. Another Member State confirmed that several transfers from Libya to Syria took place in 2013, and provided details regarding the types of materiel involved: small arms, light weapons (KONKURS launchers, SA-7 MANPADS), 81mm mortar launchers, 14.5mm and 23mm anti-aircraft machine guns and 106mm recoilless guns. The transfers had been prepared in military facilities in Libya, including Souq el Ahad and Ben Gashir, as well as Islamist training camps in Derna.

24. The Panel also obtained documents from confidential sources regarding coordination meetings focusing on the supply of arms and ammunition to the Syrian opposition, which took place in Syria's neighbouring countries. Attendees included Libyan nationals, Syrian opposition leaders, as well as Saudi, Jordanian, and Turkish nationals. The Panel is still investigating this information.

25. Finally, the Panel obtained information from a Member State regarding a potential transfer of materiel from Libya to Syria in January 2014. However, to date the Panel has been unable to acquire any further information, and Syria was unable to confirm this shipment.

26. The Panel also asked Turkey, Jordan and Lebanon whether they had intercepted or had information about any transfers of arms from Libya since 2013. All three Member States responded that they had not.

Investigations related to transfers of weapons to Lebanon

27. In its previous report (see paragraph 195 of S/2014/106), the Panel noted that at the beginning of the Syrian uprising, weapons were smuggled from Libya through Lebanon and onward to Syria, with entry points changing according to the evolution of territorial control. With the evolution of the Syrian crisis, the transfer of arms operated both ways across Lebanon's northern and north-eastern borders. The Panel visited Lebanon in December 2014 to discuss these issues and to obtain an update regarding the investigations conducted on the case of the vessel *Letfallah II*.

28. On 9 and 12 December 2014, meetings were held with the military prosecutor and head of the Military Court, and with officials from the Lebanese Army Intelligence Directorate, the Division of Information in the Lebanese Internal Security Forces Directorate, and the General Security Directorate.

29. Lebanon confirmed that arms transfers in both directions decreased when the Syrian army succeeded in dominating most of the border with Lebanon. The Lebanese army made strenuous efforts to control the Lebanese border, and to stop the smuggling operations from regions and villages allied to the Syrian revolutionaries. Several seizures of arms, ammunition, and explosives occurred along the borders and inside Lebanese territory. Lebanon declined the Panel's request to inspect the seized arms, indicating that this materiel was still *sub-judice*.

30. The Panel received information from several sources concerning arms smuggling operations by sea from Libya into Lebanon, occurring since 2011. Arms on ships were being smuggled into Lebanon, mainly through the port of Tripoli, under the pretext of carrying non-lethal materiel or humanitarian aid to the Syrian people. In 2012, one of these ships, the *Letfallah II*, was seized in the port of Tripoli, loaded with arms and ammunition from Libya. Other sources reported that some ships anchored off the Lebanese coast and unloaded arms into smaller boats, which in turn smuggled them into Lebanon. During meetings with the Panel, the Lebanese authorities dismissed this as rumour, stating that no seizures had occurred at Lebanese ports other than of the *Letfallah II*. Concerning that case, they stated that there was no information additional to that previously provided (see paragraphs 171 to 182 of S/2013/99 and paragraphs 197 et seq. of S/2014/106).

31. The Panel requested UNIFIL to confirm and clarify the information regarding the alleged illicit trafficking of arms by sea, and to indicate whether any ship transporting military materiel into the UNIFIL Area of Maritime Operations had been detected. A response is awaited.

3. Transfers through southern borders

32. Several arms trafficking networks have emerged and established themselves in the south of Libya since the revolution, which continue to draw on stockpiles diverted during and after the revolution. Trafficking networks in Libya are still 'harvesting' materiel inside Libya for onward

sale in the region, and are using caches to store materiel for eventual later use. This guarantees sustained proliferation outside the country.¹⁰⁶

33. Traffickers rely on local smuggling networks, including Tebu and Tuareg clans and families who control smuggling activities of different kinds of goods and the territories and routes by which this materiel is moved. Traffickers either buy materiel which they think is of interest to groups in other countries and then reach out to potential clients (see paragraph 38 below), or they purchase specific materiel in Libya using a 'shopping list' given to them by their 'customers', including armed groups (see paragraph 48 below).

34. With the absence of State control over the south of Libya, which has prevailed since the revolution, and the development of regional terrorist groups in the region, concerns have been growing about the southern region becoming a strategic zone for terrorist groups in the Sahel, particularly in terms of training, acquisition of military materiel, funding, rest and recuperation, and potentially recruitment.

35. Finally, in Niger and Chad the Panel received additional information about potential transfers of military materiel from Libya to Boko Haram in Nigeria. The Panel sent several requests for visit to Nigeria in the past two years. However, despite preliminary approval for a visit, none has yet materialized.

Illicit weapons trafficking to Chad

36. During the Panel's visit to Njamena in November 2014, Chad explained that the south of Libya represented a significant security threat, particularly with regard to the presence of Sahelian terrorist groups and weapons trafficking. Despite the development of border control, Chad reported that it had suffered from arms smuggling from Libya since the beginning of the uprising, and the loss of state control of national stockpiles (see S/2013/99 and S/2014/106).

37. Reported cases indicate that traffickers from the regions of Tibesti, Borkou and Ennedi, Tebu smuggling networks in particular, have been trafficking significant quantities of military materiel from Libya to Chad, mainly for onward sale to groups outside Chad. Materiel brought into Chad by traffickers included assault rifles, heavy machine guns, MANPADS, recoilless 106mm guns, mines and different types of ammunition. Stocks of materiel were in particular identified in the areas around Faya and Gouro.

38. Tebu arms traffickers have been buying materiel in Libya that they consider is in demand in the wider region, and then seeking potential clients for it, with lists of products and prices; photographs are also often sent by phone. Examples of such lists have been provided to the Panel and indicate, for example, that SA-7 MANPADS are being sold for between USD 10,000 and 12,000 (see Table 2).

¹⁰⁶ For a detailed analysis of smuggling networks in the Fezzan, see Rafia Tabib, 'Factions armées et dynamiques des réseaux de contrebande d'armes dans le Fezzan occidental', Small Arms Survey, forthcoming.

Table 2: Prices of arms originating from Libya sold by traffickers in the Sahel region

Type	Price in CFA	Price in USD
106mm recoilless gun	10,000,000	17,000
14.5mm machine gun	5,000,000	8,500
12.7mm machine gun	3,000,000 to 4,000,000	5,000 to 7,000
SA-7 MANPADS	6,000,000 to 7,000,000	10,000 to 12,000
RPG	1,000,000	1,700
Anti-tank Mines (e.g. PRB M3)	85,000	150

Source: Chadian and Nigerien authorities

39. In 2012 and 2013, the Chadian authorities, with external support, operated a buy-back scheme, focusing mainly on MANPADS, to prevent transfers of this particularly sensitive materiel to armed groups in the Sahel region. The Panel reported in 2013 that the Chadian authorities had seized more than 30 MANPADS (see paragraph 142 of S/2014/106).

40. Chad has continued to seize materiel coming from Libya and is in particular worried about transfers to Boko Haram. The Panel asked for detailed information regarding specific cases which took place in 2014, but this was not provided.

Illicit weapons trafficking to Sudan

41. Since the revolution, the trafficking of weapons from Libya to Sudan has consistently been identified as a significant security challenge for Sudan. This was again stressed by the Permanent Representative of Sudan to the United Nations during his meeting with the Panel in New York in September 2014.

42. Trafficking networks operating in the Fezzan are collecting weapons in the south of Libya, and moving them from Kufra to Sudan for onward transfers throughout the region.¹⁰⁷ Since 2011, the Panel has made numerous requests to visit Sudan to discuss the issue and obtain information. However, access has never been granted.

43. According to recent media reports, the Sudanese authorities made several seizures of arms and ammunition coming out of Libya. On 23 November 2014, a press article quoted the local director of the security and intelligence services of the locality of Shendi, stating that arms and ammunition coming from Libya had been seized between Shandi and Metema. On 17 December 2014, another media article reported the Sudanese foreign minister claiming that the Joint Sudanese-Libyan forces succeeded in seizing 25 vehicles loaded with weapons and ammunition on the border with Libya.¹⁰⁸ The Panel contacted Sudan to obtain additional information and to have access to the materiel. A response is awaited.

¹⁰⁷ For detailed information about the smuggling route to Dongola, see Rafaa Tabib, "Factions armées et dynamiques des réseaux de contrebande d'armes dans le Fezzan occidental", Small Arms Survey, forthcoming.

¹⁰⁸ "التبليغ السودانية الحدود على اسلحة تهريب ليبيا", الوطن, 17 December 2014.

http://www.alwatan.com.sa/Politics/News_Detail.aspx?ArticleID=209141&CategoryID=1.

Trafficking through south western borders to terrorist groups in the Sahel

44. In order to support the countries of the region (G5 Sahel) to fight against cross-border terrorism, the French authorities launched Operation *Barkhane* in August 2014. While the current operation centres are in Mali and Chad working on jihadist movements and their supporting networks in the five countries, areas immediately surrounding southern Libya are a primary focus. One of the aims of the operation is to disrupt trafficking networks and the movements of armed groups between Mali and southern Libya to prevent further consolidation of 'terrorist sanctuaries' in the area.

45. The Panel visited Niger in October 2014 and met representatives of Operation *Barkhane* in Ndjamena in November. Following its meeting with *Barkhane*, the Panel was also provided with additional technical information by the French authorities.

46. In its previous reports, the Panel indicated that arsenals of terrorist groups in Mali included arms and ammunition stolen from Malian national stockpiles as well as materiel coming from Libya (see paragraphs 113 to 130 of S/2014/106). According to France, materiel originating from Libya has been increasing in terrorist groups' arsenals and Libya has become the main source of procurement for these groups.

47. Operation *Barkhane* has intercepted several convoys of materiel coming out of Libya since August 2014, amounting to several tons of materiel which was destined for terrorist groups in the region, in particular Northern Mali. A number of members of terrorist groups, including the spokesperson of the Al Murabitun, have been killed or arrested during these operations.

48. In order to procure military materiel from Libya, terrorist groups either use established traffickers or send their own people in with a list of materiel. The convoys neutralised by Operation *Barkhane* included individuals of various nationalities from the sub-region, reflecting the cross-border nature of trafficking and terrorist networks, which are very much intertwined.

49. Sahelian terrorist groups rely on the cooperation of a number Libyan brigades who share elements of the same ideology, in particular around Awbari. Some of these brigades have been conducting border control activities since the revolution and taxing convoys going through the area they control.

50. Information provided indicates that routes and dynamics identified in the Panel's previous report are still in use. However, as surveillance has increased, traffickers' *modus operandi* has evolved and transfers are increasingly made in several stages. Smugglers use caches or hideouts in areas just before the border or at a junction or crossroads, including in the Air Mountains in Niger and in the Tanezrouft, from where another group picks up the consignment at a suitable opportunity.

51. For instance, on 9 October 2014, Operation *Barkhane* intercepted a convoy of vehicles belonging to Al-Qaida in the Islamic Maghreb (AQIM) in northern Niger, which was transporting military materiel from Libya to Mali. The convoy included six vehicles transporting

over three tons of arms and ammunition, including assault rifles, ammunition, mortar bombs, RPGs and complete SA-7 MANPADS.

Annex 34 Current investigations regarding the travel ban

1. Designated Qadhafi family members

Aisha, Mohammed and Hannibal Qadhafi, and Safia Farkash Al-Barassi

1. As previously reported (see paragraphs 202 et seq. of S/2014/106), media reports indicated that three children of Muammar Qadhafi subject to the travel ban, Aisha, Mohammed, and Hannibal Qadhafi, along with Muammar Qadhafi's widow Safia Farkash Al-Barassi, had left Algeria and travelled to the Sultanate of Oman in October 2012. In response to the Panel's letter requesting information about the status of the four individuals named in the press reports, the Permanent Representative of the Sultanate of Oman to the United Nations indicated that Aisha Qadhafi and Mohammed Qadhafi were present in Oman. No notification or exemption request had been made to the Committee, and this lack of compliance was addressed in the Panel's last Final Report (S/2014/106).

2. In August 2014, the Panel visited Muscat and inquired about further reports that Safia Farkash Al-Barassi had recently travelled to Oman. The Omani authorities confirmed that she had travelled from Algeria to Oman on 9 January 2014 to receive treatment for cancer. While resolution 1970 (2011) contains a humanitarian exemption to the travel ban measures, in order to enact this, exemption must be sought from the Committee in advance of the entry. Although the Omani authorities posited humanitarian grounds for the entry of the abovementioned designated individuals, Oman failed to secure approval pre-entry, and this represents a further non-compliance with the measures by Oman. The travel of Safia Farkash Al-Barassi from Algeria to Oman therefore represents a violation of the travel ban.

3. The Omani authorities stressed that their shelter of the listed individuals was based on humanitarian grounds, and to attempt to ease tensions by removing the individuals from the region to minimise their influence on Libyan politics. They stated that they had consulted with both the governments of Libya and Algeria on this matter. They explained that all such individuals had to sign a document agreeing to refrain from any political activity. An unsigned copy of this agreement was promised to the Panel, and is still awaited at the time of writing.

4. The Omani authorities stated that all designated individuals' expenses for education and medical costs were met by the Omani government. They were not aware of any assets held by designated individuals, and had not had cause to freeze any such assets in Oman.

5. In response to an enquiry about the location of Hannibal Qadhafi, the Omani authorities disclosed that he had been offered the opportunity of relocating to Oman, subject to the signing of the agreement mentioned above. They stated that he had declined to sign such a document, and had therefore been refused entry. This may indicate his ongoing involvement in attempts to undermine the current regime. The Omani authorities stated that they did not know his current location.

6. As previously reported, the Panel wrote to Algeria on 13 April 2013 regarding the reported travel of listed individuals. On 17 and 28 May 2013, the Panel sent further letters to Algeria enquiring about the status of Hannibal Qadhafi and Safia Farkash Al-Barassi. By letter dated 5 June 2013, the Permanent Representative of Algeria informed the Committee that Aisha Qadhafi and Mohammed Qadhafi had travelled to Oman with their families. The list of the Qadhafi family members who had left Algeria for Oman, which was part of the letter to the Committee, did not include Hannibal Qadhafi and Safia Farkash Al-Barassi. No response has been received to the latter enquiries. On 20 August 2014, the Panel sent a further letter regarding the current location of Hannibal Qadhafi, which still awaits reply. On 2 October 2014, the Committee, in follow-up to a recommendation contained in the Panel's interim report, wrote a letter to Algeria inquiring about the whereabouts of Hannibal Qadhafi. As of this writing, a response to the Committee is still outstanding.

7. A media report in December 2014,¹⁰⁹ supported by a letter dated 30 May 2015, purportedly from the former Libyan Prime Minister, Ali Zeidan, to the Foreign Minister of Germany, alleged that Safia Farkash Al-Barassi had travelled from Oman to Germany for further cancer treatment in June/July 2014. Despite the Panel specifically asking about any possible further travel of Safia Farkash Al-Barassi during its visit in August 2014, it was given no indication by the Omani authorities that she had travelled to Germany. As no exemption request for this travel was received by the Committee, such travel would have represented a further violation of the travel ban.

8. The Panel sent a letter requesting information about this allegation to Germany, and in response, Germany stated that Safia Farkash Al-Barassi had applied for a Schengen visa in May 2014 at the German consulate in Oman. She used the name Safia Farkash Mohammed Al-Hadad, date of birth 1 January 1953, and Oman passport 03825239. The application was refused. However, Germany cannot be certain that she did not obtain a Schengen visa by other means. Their enquiries continue. The Panel recommends that the Libya Sanctions List be updated with the additional identifiers contained herein.

9. The Panel recently sent a letter on this matter to Oman and received a reply stating that Ms. Al-Barassi had attempted to obtain a visa for such travel at the German Embassy in Oman, but was refused. As a result she did not travel, and received treatment in Oman. There is therefore no violation of the travel ban in this case.

Interview of Aisha and Mohammed Qadhafi

10. In the interest of fairness and balance, the Panel decided to interview those listed individuals that agreed to be interviewed and to whom it could get access. Consequently, after consultation with her lawyer, an interview was arranged with Aisha Qadhafi in November 2014. Members of the Panel visited Muscat with the cooperation of the Omani authorities, and

¹⁰⁹ *الحالي العام منتصف الماتيا في جراحة لعلية خضعت القاذفي ار ملة*, 12 December 2014, الأوسد الشرق, <http://www.aawsat.com/home/article/242411-الحالي العام منتصف الماتيا في جراحة لعلية خضعت القاذفي ار ملة>.

interviewed her and her brother Mohammed Muammar Qadhafi in the presence of a representative of the Ministry of Foreign Affairs of Oman.

11. During the interview, they both described how they travelled first to Algeria, then to Oman. They stated that they had not travelled elsewhere since the imposition of the measures, and that they had few assets, all of which were currently frozen in various Member States. Aisha Qadhafi, upon being asked about the charity she supported, the Wa'atissimu Foundation, promised to provide documentation which would illustrate the benign nature of the charity and its finances.

12. Subsequently, an intermediary in another Member State gave the Panel some historical bank statements on her behalf. Preliminary examination of the statements reveals nothing falling under the Panel's mandate.

13. On 17 July 2014 the Panel wrote to Libya, asking to interview the various individuals currently in custody in Libya, but no response has yet been received (see Recommendation xx).

14. On 2 October 2014 the Committee wrote a further letter to Libya, following up the Panel's recommendation to this effect in its interim report. No response has yet been received.

Saadi Qadhafi

15. During the previous mandates, numerous media reported an alleged plot to smuggle Saadi Qadhafi, who is subject to both the assets freeze and the travel ban, and his family to Mexico in 2011. The plot allegedly involved senior staff of the Canadian company SNC-Lavalin, and another Canadian citizen who spent 18 months in custody in Mexico on charges of conspiracy to smuggle Saadi Qadhafi and his family to Mexico, using forged passports and Mexican documents.

16. As previously reported (see S/2014/106), the Panel sent letters to the authorities in Mexico, Switzerland and Canada asking for more information on this alleged plot. During the current mandate, the Panel continued to exchange letters with these three Member States, with varying levels of responsiveness. The Panel continues to investigate this case.

Quren Salih Quren Al-Qadhafi

17. The Panel received information from a confidential source, stating that Quren Salih Quren Al-Qadhafi, an individual designated under the travel ban measure, was resident in Egypt and had travelled to one and possibly two other Member States. In December 2014, the Panel met and interviewed Quren Al-Qadhafi in Cairo. During that interview he stated that he was living in Egypt, but denied having left the country since his arrival. However, he did state that he left Sabha in Libya on 26 October 2011, and travelled to Algeria via the border crossing at Ghat, using his personal passport. Once in Algeria, he took a flight from a local airport to Algiers, where he spent two days. Then, on 29 October 2011, he flew from Algiers to Casablanca with Royal Air Maroc. He flew from Casablanca to Egypt with Egypt Air around five days later. He

also stated that after having been in Cairo about a week, he presented himself to the security services and confirmed to them that he was now living in Egypt.

18. As no relevant notification or request for exemption from the travel ban measures has been received by the Committee, his travel from Libya to Algeria, from Algeria to Morocco, and from Morocco to Egypt represents three separate violations of the measure by Mr. Al-Qadhafi, and non-compliance by the Member States mentioned. Letters inviting rebuttal were sent to Algeria, Morocco and Egypt.

19. On 5 January 2015, a response was received from Egypt, stating that *"Mr. Quren Salih Quren Al-Qadhafi entered Egypt without the knowledge of Egyptian authorities, short of prior or later notification."* Egypt further stated that that *"Mr. Quren Salih Quren Al-Qadhafi used a different name: "أقرين صالح أقرين" [transliterates as 'Akrin Saleh Akrin'], to enter the Egyptian territories in November 2011."*

20. This would explain why he was able to enter the country undetected, however it does not explain why no notification was made to the Committee following Mr. Al-Qadhafi's alleged presentation of himself to the authorities.

21. On 6 January 2015, a response was received from the Kingdom of Morocco, stating that Mr. Al-Qadhafi has never entered Morocco under that identity. This suggests that his name in his passport has the slightly different spelling noted by the Egyptian authorities above. Efforts to contact Mr. Al-Qadhafi for confirmation of this since receipt of the Egyptian response have so far been unsuccessful. The relevant entry in the Libya Sanctions List should therefore be updated to note the different spelling (see Recommendation 5).

Annex 35 Asset freeze implementation challenges

African Central Banks

1. As previously reported, the Panel has continued to seek information regarding the implementation of the assets freeze by countries supervised by the two Central Banks serving several African countries, namely the *Banque Centrale des Etats de l'Afrique de l'Ouest* (BCEAO) and the *Banque des Etats de l'Afrique Centrale* (BEAC). Letters were sent to every relevant Member State, but none have replied. Likewise, no response has been received to letters sent to both Central Banks. The Panel visited Niger, one of the Member States concerned, in September 2014 to discuss the case of Saadi Qadhafi. During that visit, Niger confirmed that at that time, it did not have any legal capacity to freeze assets, but that new legislation had just been passed to freeze criminal assets, and was going to be put before parliament in the ensuing months. A copy of the law was promised to the Panel, but despite a reminder of this and other matters sent on 10 October 2014, it has yet to be received. It has been reported that such a law was adopted by parliament on 23 October 2014,¹¹⁰ but this does not appear to include the power to freeze assets in compliance with United Nations asset freeze measures, but only those involved in crime.

United Republic of Tanzania

2. The Panel previously reported on both the assistance provided to it by Tanzania in respect of its enquiries into the affairs of Saadi Qadhafi (see below), and to its lack of legal capacity to implement the asset freeze measure owing to a lack of domestic legislation enabling United Nations sanctions. This information was provided to the Panel by the Tanzanian authorities during the Panel's visit to Dar-es-Salaam in 2013. Despite the official quality of the source of the information, the representatives of the Permanent Mission of Tanzania challenged this finding when the Panel was in New York to present its last Final Report (S/2014/106). The Panel therefore requested that the Permanent Mission provide a reference to the relevant legislation, and encouraged Tanzania to submit an Implementation Report to the Committee as required by paragraph 25 of resolution 1970 (2011). A further letter to that effect was sent on 23 April 2014, also requesting that Litali Holdings Ltd, and Al-Albani Islamic Centre Ltd, which are 99% owned by Saadi Qadhafi, be frozen in accordance with the asset freeze measure, along with their bank accounts. No response has yet been received.

3. In a further development (see paragraph 2 of Annex 36) it appears that despite the above, the assets of Ms. Dalene Sanders, suspected of involvement in assisting Saadi Qadhafi to violate the assets freeze measure, have been frozen since February 2013. It is not clear under what

¹¹⁰ "Conseil des ministres: le Gouvernement adopte plusieurs projets de lois et des mesures nominatives", *Le Sahel*, 22 October 2014, <http://www.lesahel.org/index.php/component/k2/item/7021-conseil-des-ministres-le-gouvernement-adopte-plusieurs-projets-de-lois-et-des-mesures-nominatives>.

measure, or by what legislation, this has happened. See abovementioned paragraph for further details.

Republic of South Africa

4. The Panel visited Pretoria, mainly to enquire into allegations that there were assets in South Africa that should be frozen under the asset freeze measure, but also to examine the capacity for freezing of assets in accordance with the relevant resolutions relating to Libya, and United Nations resolutions in general. In this respect, the Panel was provided with a comprehensive overview of the sophisticated laws pertaining to financial crime, and the *confiscation* of terrorist finance and the proceeds of crime.

5. It was, nevertheless, acknowledged that there was no domestic capacity to *freeze* assets purely in response to an assets freeze in a Council resolution, where there was no evidence of crime or terrorism. The government is aware of the deficiency, and has been attempting to draft the required legislation for some time. The South African authorities explained to the Panel that it was, however, as a result of historical abuses by previous regimes concerning the freezing and confiscation of property, hampered by parts of the constitution designed to protect the public from such abuses.

6. To counter this deficiency in the cases being investigated in South Africa by the Panel, the authorities were confident that should any hidden assets that ought to be frozen be discovered, the circumstances would enable alternative legislation to be used to freeze and retain the assets.

7. A letter was sent to South Africa indicating that this finding would be included in this report. In response, South Africa stated that it did not agree that it was unable to comply with the assets freeze measure.

8. However this is contrary to what the Panel was told in Pretoria in response to a direct question about the matter, and also to the explanation given by a Foreign Ministry official as to the constitutional reasons for the situation. This is reinforced by the assertion in the rebuttal letter that the Financial Intelligence Centre Act Amendment Bill is now at an advanced stage, indicating that while the matter is being addressed, it is still not yet in place.

Republic of Uganda

9. In response to a letter sent to Uganda before submission of the Panel's last Final Report (S/2014/106), inviting comment on the fact that the Panel intended reporting Uganda's lack of capacity to freeze assets in compliance with Council resolutions, a reply was received that was unfortunately too late for inclusion therein. The reply stated that Uganda was able to freeze assets in response to Council resolutions by virtue of section 118 of the Financial Institutions Act No. 2 of 2004, which states:

118. (1) The Central Bank shall if it has reason to believe that any account held in any financial institution has funds on the account which are the

proceeds of crime, direct in writing the financial institution at which the account is maintained to freeze the account in accordance with the direction.

10. As can be seen, this section refers only to the proceeds of crime, not to United Nations asset freeze measures. As such measures are not dependent upon the assets in question being the proceeds of crime, this section does not address the matter at issue.

11. However, as mentioned in paragraph 3 of this Annex, a communication from Ms. Dalene Sanders states that the Uganda assets of her company, Aurelius Holdings Ltd, have been frozen since February 2013. Again it is unclear upon what basis these assets have been frozen, and further details are contained in paragraph 4 of Annex 36.

Annex 36 Update of ongoing asset freeze investigations and enquiries

Saadi Qadhafi

United Republic of Tanzania

1. As previously reported, the Tanzanian police are in possession of a considerable amount of documentation regarding the accounts that are essential to the Panel in further investigating the violations perpetrated by Saadi Qadhafi and others, as well as in attempting to establish where the money has gone. The police and Ministry of Foreign Affairs agreed to provide this information to the Panel upon receipt of a further request letter. This was sent immediately following the mission in May 2013, and two reminders have been sent since, but to date no response has been received.

2. The Panel recently received a communication from Ms. Dalene Sanders (previously reported as being suspected of involvement in assisting Saadi Qadhafi to violate the assets freeze measure, see S/2014/106), stating that all of her assets in Tanzania have been frozen since February 2013. This is contrary to the information supplied by Tanzania during the Panel's visit in May 2013. Urgent enquiries are in hand.

Republic of Uganda

3. Following the Panel's visit in June 2013, the authorities provided bank statements for the accounts of Ms. Sanders's company, Aurelius Holdings Ltd, suspected of being involved in the illicit movement of Saadi Qadhafi's assets in violation of the assets freeze measures. Four deposits totalling USD 1,231,949 were made into the account between April and August 2012. Further enquiries revealed the source of these funds, and preliminary examination suggests a potential link with another designated individual, Hannibal Qadhafi. Investigations continue with several Member States into this information, and replies are still awaited.

4. Similarly to paragraph 2 above, Ms. Sanders's communication stated that the assets of Aurelius Holdings Ltd in Uganda have also been frozen since February 2013. This is again contrary to the information provided to the Panel during its visit to Uganda in June 2013, and reported previously (see S/2014/106). Urgent enquiries are in hand.

Republic of Niger

5. Following the Panel's visit to Niamey in September 2014, and as a result of information provided by the Nigerien authorities, a letter requesting documentation related to individuals concerned with the believed movement of assets belonging to Saadi Qadhafi was sent to Niger on 23 October 2014. No response has yet been received.

Mexico

6. In furtherance of the investigation into the plot to smuggle Saadi Qadhafi and his family into Mexico in 2011, the Panel has been trying to establish the source of the finances used by Mr. Qadhafi in the attempt, which are likely to be assets liable to freezing. Letters have been sent to Mexico requesting details of such finances, but no response has been received to date (see paragraph 16 of Annex 34).

Canada

7. Similarly, and as described above (see paragraph 16 of Annex 34), letters have been sent to Canada requesting information concerning the financing of this plot, in particular concerning the finances of three Canadian nationals and an Australian national then resident in Canada. This was initially refused on the basis that the matter was *sub-judice*. Despite the fact that the criminal investigation now appears to be concluded, the Canadian authorities have continued to refuse to supply the requested information.

Other matters related to Saadi Qadhafi

8. Sensitive supplementary information concerning persons associated with Saadi Qadhafi and others connected with the investigation continues to be sought from confidential sources, and will be reported upon in due course.

Abdullah Al-Senussi

9. As a result of the exemption request by the United Kingdom in 2013 for the receipt by a British law firm of GBP 500,000 for legal expenses for Abdullah Al-Senussi, full details of the transfer have been obtained by the Panel. Further enquiries indicate that these funds were remitted by a family member living in Egypt, from a bank in the United Arab Emirates. The Panel visited the United Arab Emirates in September to establish the true ownership of these assets, believed to be that of the designated individual. Banking documents were supplied by the Emirati authorities, and they are currently undergoing analysis.

10. As has been previously reported, according to information received from Morocco, Abdullah Al-Senussi visited several clinics whilst in Casablanca under the false name of Abdullah Ould Ahmed. The Panel is keen to visit Morocco to follow up on this information and to establish whether or not bank accounts and other assets have been established in the name of this false identity. The Panel has made several requests to visit Morocco for this purpose, the latest on 25 July 2014, but has received no response.

Assets in the Republic of South Africa

11. As previously reported, the Panel has been investigating allegations that a cargo of assets belonging to designated individuals is at Oliver Tambo airport in Johannesburg. The composition

of the assets is alleged to be cash, precious metals and stones, and the value in the tens of billions of United States dollars.

12. The Panel's initial enquiries suggested that these supposed assets belong to designated entities and/or individuals and are located in four banks and two storage facilities in South Africa. The Panel was keen to establish whether these assets actually exist, and if so, by whom they are owned. In the event they are owned by designated individuals or entities the assets should be immediately frozen by the South African government.

13. In order to assist with the identification of these assets, the Panel was supplied with a South African Reserve Bank account number and a supposed air waybill referring to the cargo of assets at Oliver Tambo airport by the investigation company retained by the Libyan Asset Recovery Committee, Sam Serj Ltd, of Malta.

14. The Panel contacted the transport company mentioned on the air waybill, who examined it and stated that they knew nothing of the cargo, and that the reference numbers were unknown to it, confirming the Panel's own assessment that the air waybill was a forgery.

15. Following several requests, the Panel visited Pretoria in August 2014 to discuss this and other matters with the South African authorities. The investigating officer in charge of this case confirmed that the document was a forgery, and said that there was insufficient evidence to obtain a warrant to search the many large warehouses at the airport. The authorities were satisfied that the alleged cargo did not exist.

16. Furthermore, the Ministry of Finance representative explained that the South African Reserve Bank, being South Africa's Central Bank, does not operate personal accounts of any description. They added that the account number did not match the format of any other South African bank and was likely to be false.

17. The Panel raised the matter of a believed conspiracy to defraud, centred on a South African company registered in Pretoria, Poviwize (Pty) Ltd. This company purported to be acting on behalf of the Government of Libya to investigate, identify and recover stolen Libyan government funds. It claimed to have authority from the 'National Board for the Following-up and Recovering of Libyan Looted and Disguised Funds', established by Libyan government decree no. 378. Enquiries with the Government of Libya established that neither the Board nor the Decree legitimately exist. Coincidentally, in May 2014, the Panel was contacted by a representative of the United Kingdom Home Office, who had received an email from a representative of this company, stating that their company was authorised to deal with Libyan funds as described above, attaching a 'Memorandum of Understanding' between it and the 'Board' along with other, clearly forged documents (see Annex 36.1 and Annex 36.2 below).

18. The South African authorities confirmed that they are aware of this company, and are conducting an investigation, details of which will be shared with the Panel upon the signing of a confidentiality agreement (which currently awaits ratification). Among the people involved,

some appear to be well connected in Libyan political circles, while others are known to have previously been involved in the arms trade, further ensuring the Panel's continued interest.

19. In December 2014, a United States-registered company also purporting to act for said Board came to the Panel's notice. Enquiries revealed that the company was made up of some of the same individuals concerned with the South African company, and that it also relied on the forged 'Libyan Decree 378' as a basis for its engagement. The aim of the company is to identify Libyan assets in the United States, South Africa and elsewhere. What it intends to do with them if identified is unclear, but the Panel further emphasises that any such assets identified as owned or controlled by any designated entities or individuals must be immediately frozen in accordance with the asset freeze measure. Enquiries into this matter continue with various Member States, including Libya.

Hannibal Qadhafi

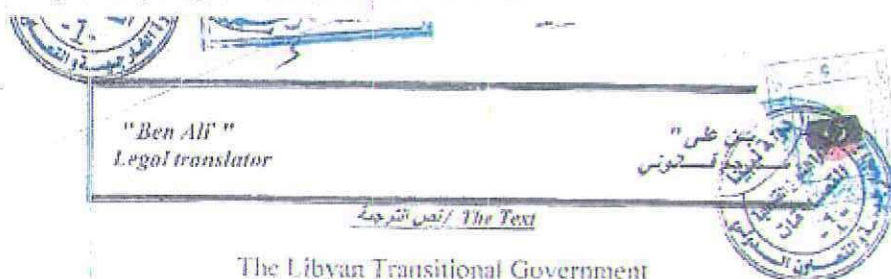
20. Following the provision of extensive financial documentation from a Member State, analysis thereof indicates the strong possibility that Hannibal and Aisha Qadhafi, individuals designated under the asset freeze measure, have moved very large sums of money from their bank accounts to what are believed to be 'front companies' in other Member States. The Panel has sent letters to those Member States requesting information and visits to further this investigation, and awaits response.

21. Another Member State has provided significant information in response to the Panel's enquiry, which is currently being analysed under the terms of a confidentiality agreement with the Member State concerned. This analysis has led to further enquiries in other states.

Other enquiries

22. A number of other enquiries of a confidential nature are underway, which will be reported upon should they reveal any relevant matters.

Annex 36.1: Forged Libyan government decree no. 378



The Libyan Transitional Government
The Ministers Presidency's Office

Assikka (Railway) Rd. /Tripoli/Libya

Decree of the Council of Ministers No. 378...for the Year 2014

Concerning the Issuance of the Decision for the Constitution of
The Board for Following-up and Recovering of
the Libyan Looted and Disguised Funds

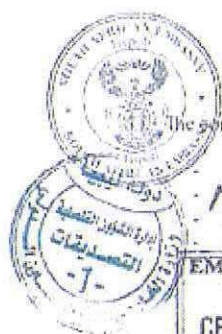
The Council of Ministers

- Upon the Constitutional Announcement and its amendments,
- The decree of the Transitional Council No. 147/2011 concerning the Transitional Government,
- The decree of the Transitional Council No. 148/2011 concerning the approval of Transitional Government,
- The law No. 12/2010 concerning the Work Code,
- The Financial Law of the State,
- The law No. 2/2011 concerning the political work,
- The decree of the General national Congress No. 9/2012 concerning the nomination of the Prime Minister and the Transitional Government,
- The decree of the General national Congress No. 10/2012 concerning the award of confidence to the Transitional Government,

Has Decreed :

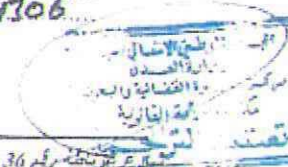
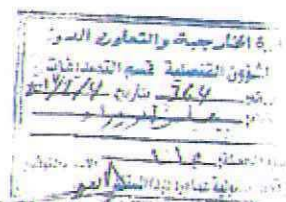
Article No. I

The constitution of a Board as follows:



MOHAMED BELBASE M. TA9 468184
MOHAMED ABDALLAH BAKSHI Passport No. 591966
Smitheid yauset ALI Passport No. 964306

EMBASSY OF THE REPUBLIC
OF SOUTH AFRICA
TRIPOLI (LIBYA)
CERTIFIED AS THE ORIGINAL
2014-01-27
6, Gurnatio street, Tripoli/Libya
Tel: +218-21-509101/2 & +218-21-5500106 / te-mail: atar@2008@yaaliga.com
NAME: Hennie Chauke
RANK: 3rd secretary consular



BEN ALI OFFICE



Article No. 2

The Board will perform its activities under the name of "The National Board for The Following-up and Recovering of the Libyan Looted and Disguised Funds".

Article No. 3

The constituted board will perform, as per the regulations of the previous article of this decree - the necessary procedures and steps so as to know the Libyan looted and disguised funds abroad and for such purpose it can proceed as follows:

- The inventory of the Libyan smuggled and disguised funds abroad or which has been invested into projects or delusive and unreal investment portfolios for the purpose of its smuggling, whether fixed or transferrable assets, and to collect the proofing documentations.
- To remove the camouflage methods of such funds and method of disguising, the places of existence, its movements and state the rights of its concern and the ways of its possession.
- The Board has the authority to recover the smuggled funds according to the legal procedures as legally decided and in accordance with the international stipulated conventions and agreements.

Article No. 4

The Board has the authorities to the assistance of whom thinks suitable from advocates, lawyers, auditors, accountants, businessmen and others so as to realize the objectives of this duty and task.

Article No. 5

The Board has the right to request from the competent authorities the supply of documents, contracts and filing regarding the projects and investments, the developmental programmes which had been stipulated during the precedent regime.

Article No. 6

The Board has the authorities to award the percentage of Ten Percent (10%) from the value of the recovered funds i.e. as a fee in favour of those with whom has agreed with from advocates, lawyers, consultants and others immediately after issuing the possession documentations and the recovery of these funds or projects.



EMBASSY OF THE REPUBLIC
OF SOUTH AFRICA
TRIPOLI (LIBYA)
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الجمهورية الجزائرية الديمقراطية الشعبية
وزارة الخارجية
مركز البحوث والدراسات
مكتب الدراسات والبحوث
تتبع الممتلكات المهربة
رقم 36 - طرابلس / ليبيا



"Ben Ali"
Legal translator

"بن علي"
مترجم قانوني

النص المترجم / The Text

Article No. 7

The Board has the right to open bank accounts outside or inside Libya so as to facilitate the operation of collecting and transferring of the funds and hence it legally authorized to communicate with banks and sign all banking transactions and documentations.

Article No. 8

The authorities invested to the members of The Board are of equal entity so as to being authorized to sign the banking operations and the issued decision in solidarity but not individually.

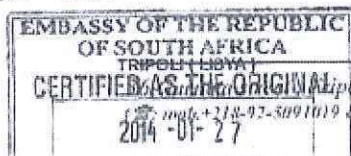
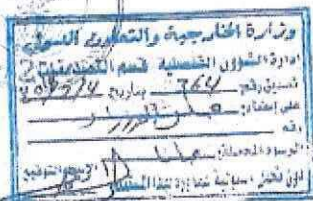
Article No. 9

This decision enters into force since the date of its issuance and revoke any other decree or entrustment of the same competencies and conditions.

Approval of/

The Libyan Transitional Government
The Council of Ministers
The Decrees Unit
Tripoli/Libya

Issued on :



NAME: Chauke

Annex 362: Forged note verbale purportedly by the Libyan Ministry of Foreign Affairs

Ministry of Foreign Affairs and
International Cooperation

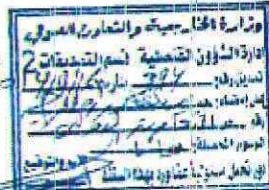
Libya



وزارة الخارجية والتعاون الدولي

ليبيا

TO:
DEPARTMENT OF INTERNATIONAL
RELATIONS AND COOPERATION



الموافق: 14/4/2014
Libya, 14 April 2014

NOTE VERBALE

The Libyan Ministry of Foreign Affairs, Libya, presents its compliments to the South African Embassy in Libya and has the honour to present to you the Decree of the Council of Ministers of Libya, Decree No 378 of 2014 signed on 21st of January 2014 under reference no 14/T/108 and attached to this note, by which Decree the National Board for The Following-up and Recovering of the Libyan Looted and Disguised Funds has been established.

The Decree promulgates the Board as the sole autonomous body authorising it to investigate and resolve all matters pertaining to alleged Libyan assets hidden and held in jurisdictions outside of Libya, and to enter into discussions and agree with all and any sovereign states, including South Africa, on how such Libyan Assets are to be dealt with.

We humbly request the Department of International Relations and Cooperation to assist the Board and its appointee in all matters pertaining to the Libyan Hidden Assets and further assist the Board Members to meet with the relevant South African authorities in compliance with their duties and responsibilities.

The Board, in terms of and under the Decree, has full authority to amend, agree, conclude and execute the Memorandum of Understanding should such be deemed the correct course of action in order to bring the matter under consideration to a successful and timeous conclusion.

We trust the above to be in order and the Board avails itself of this opportunity to renew to the Department of International Relations and Cooperation the assurance of its highest consideration.

Director Of The Office

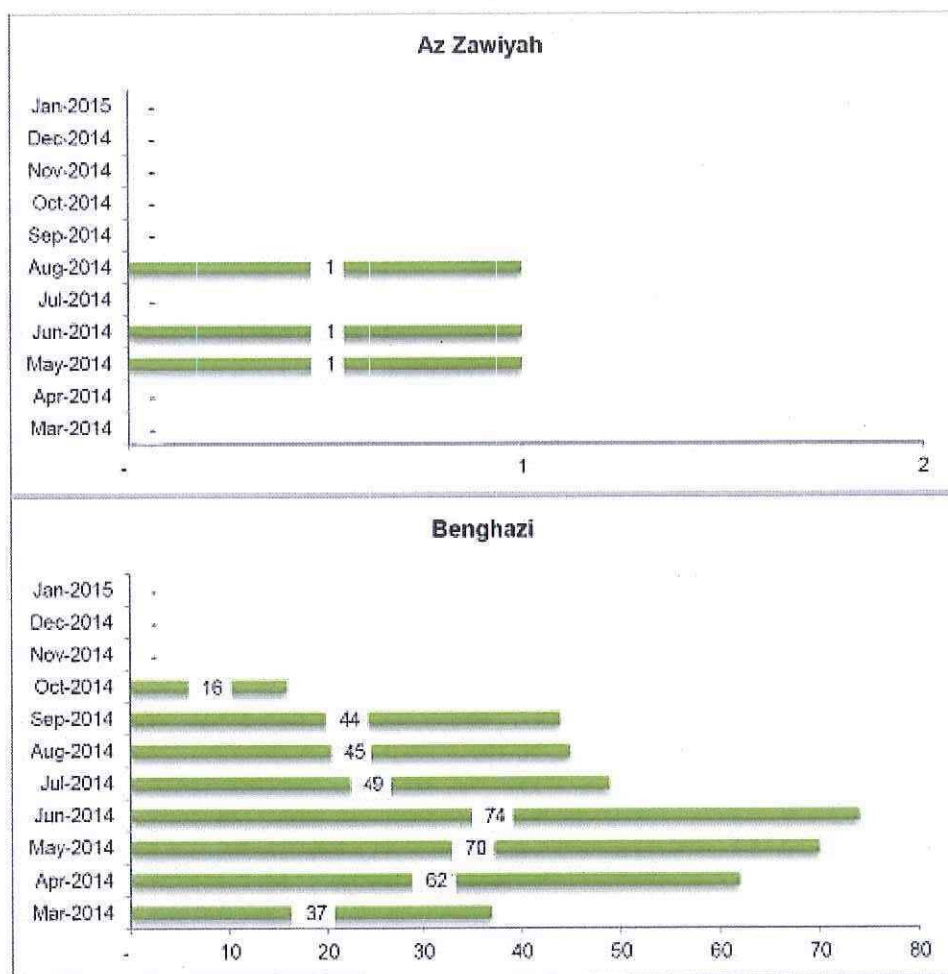
Ministry of Foreign Affairs and International Cooperation



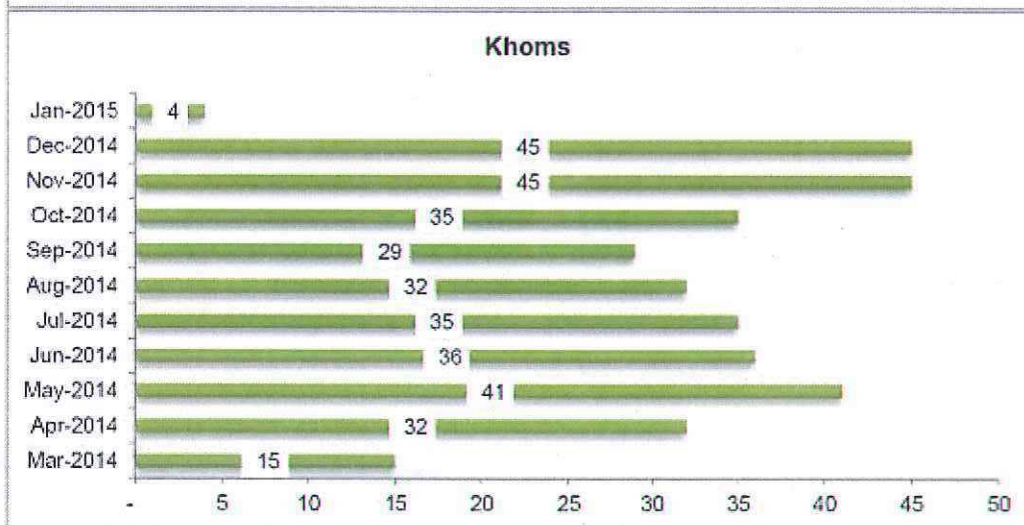
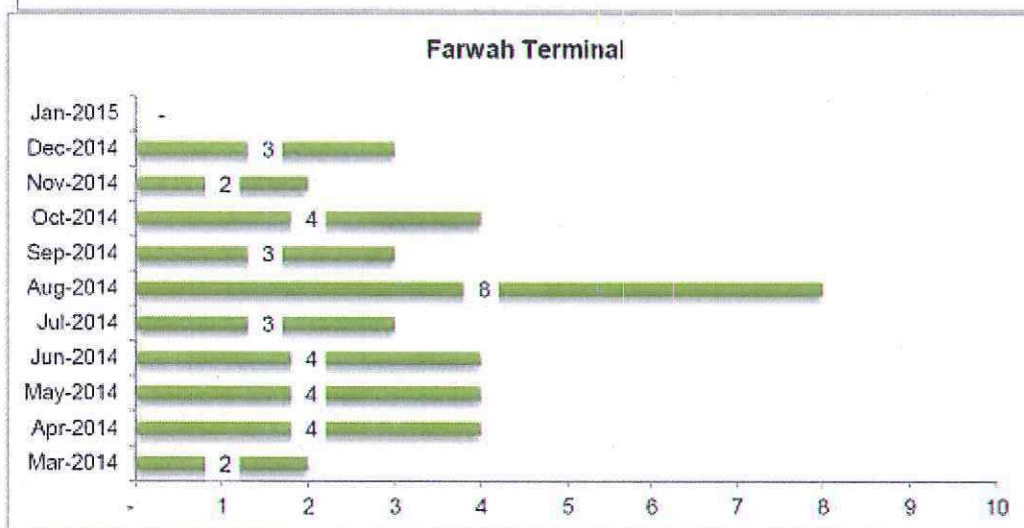
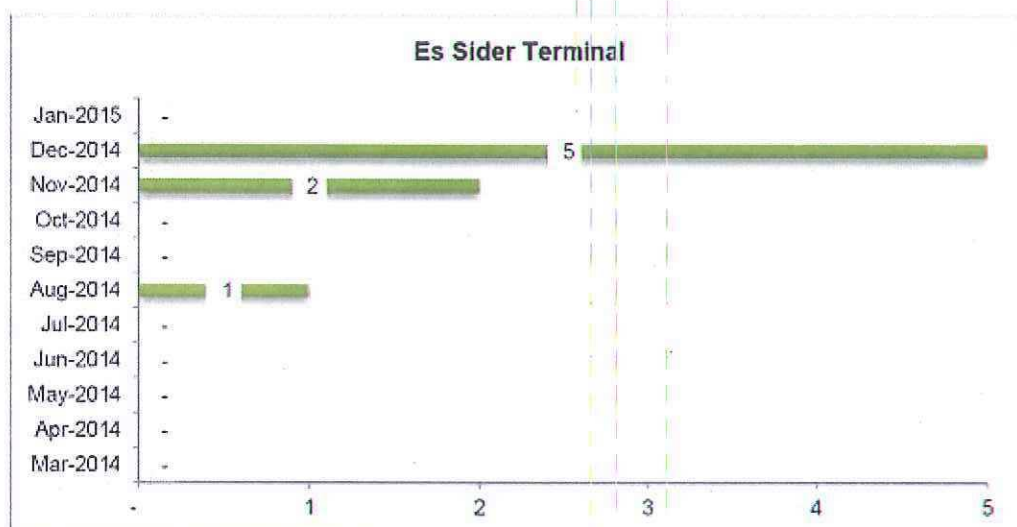
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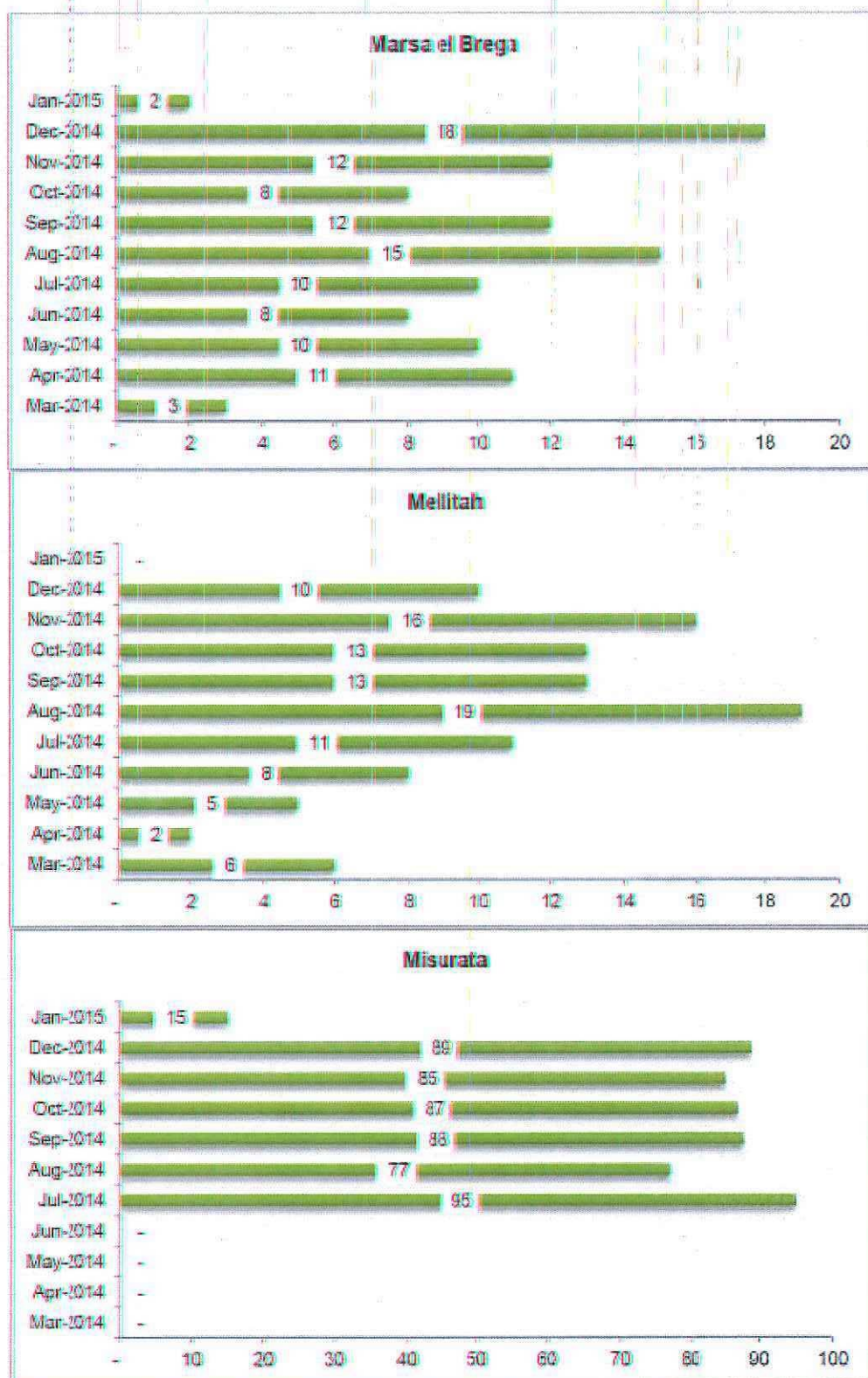
Annex 37 Vessel movements at Libyan ports

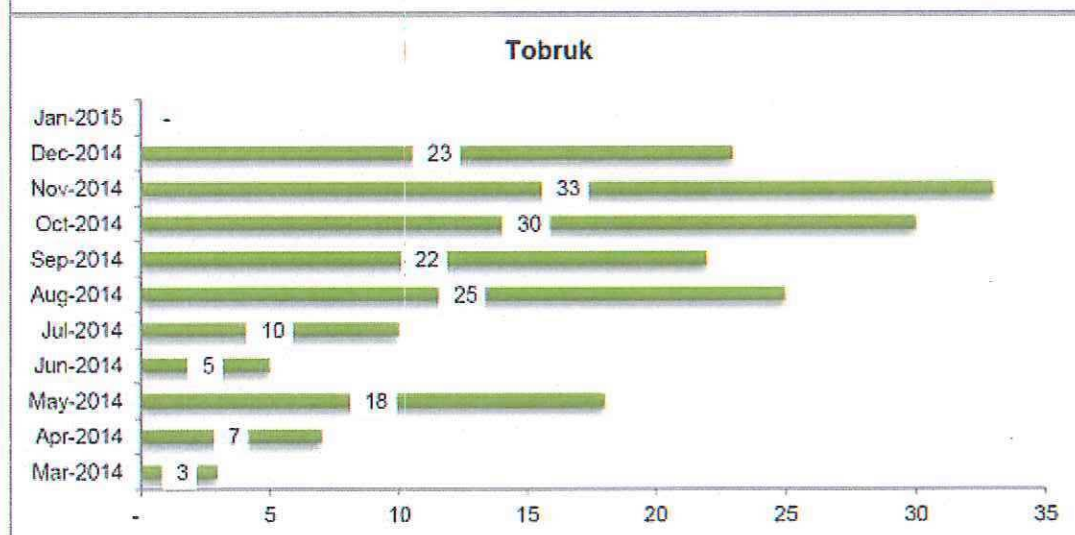
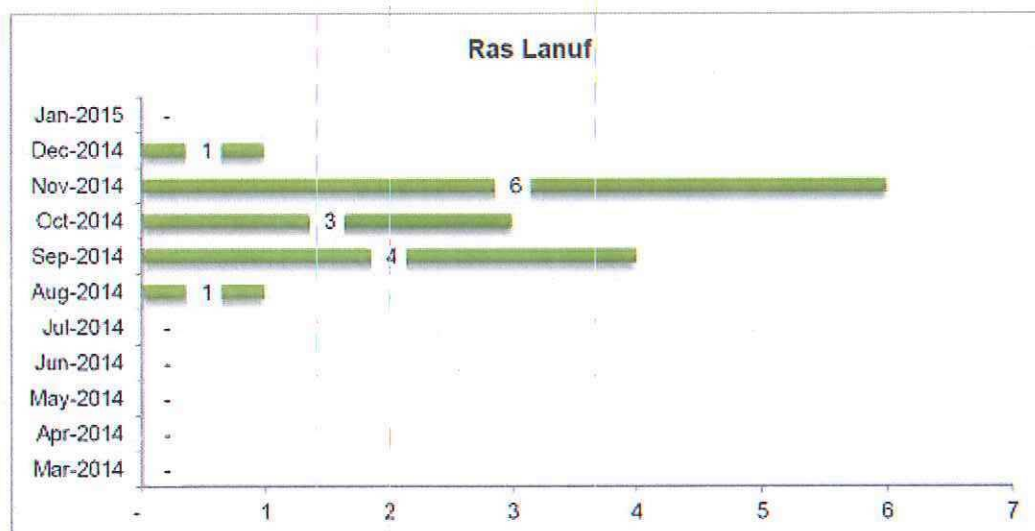
Graphic representation of port- and month-wise movement of vessels at Libyan ports from 19 March 2014 to 6 January 2015

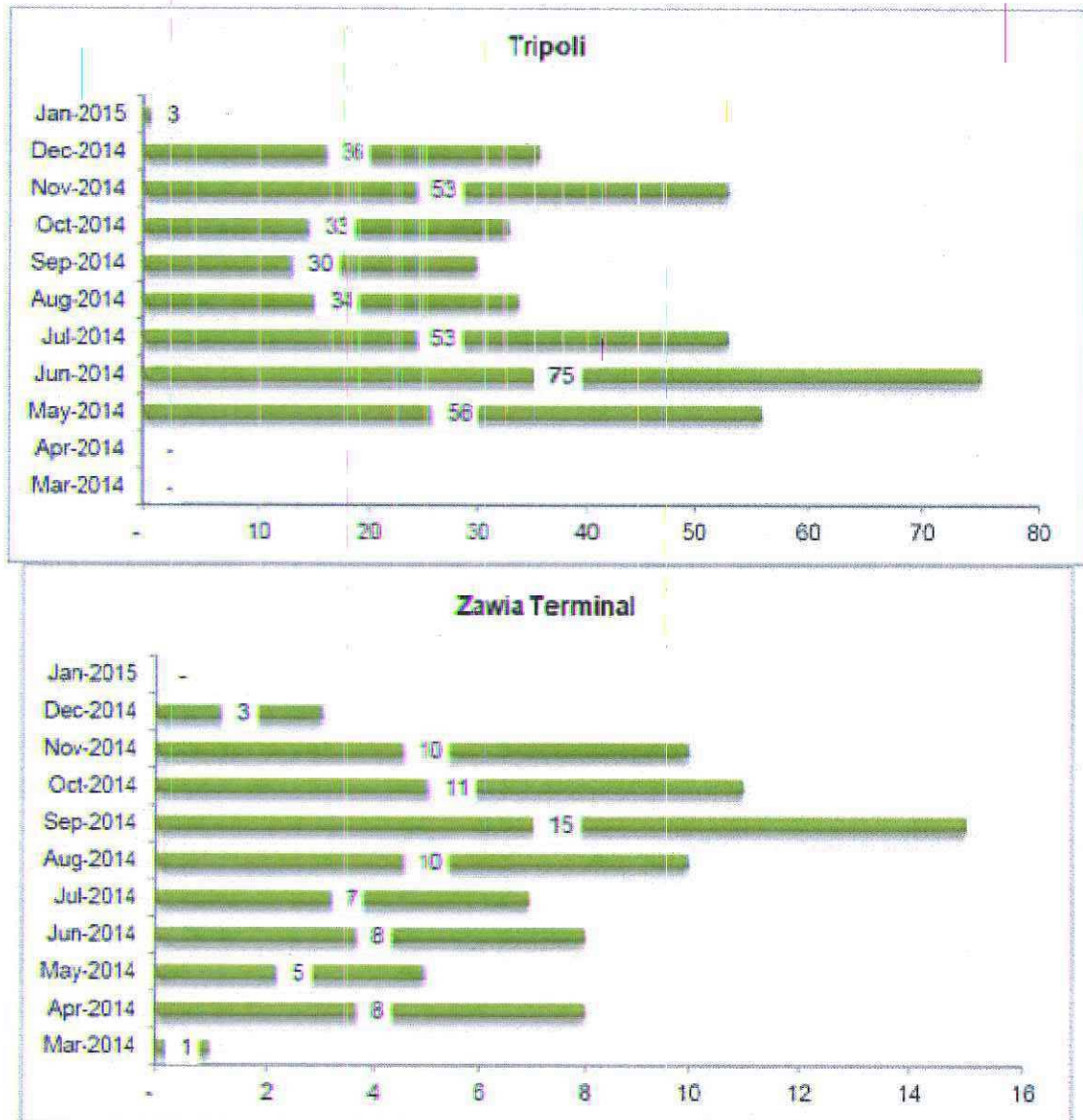


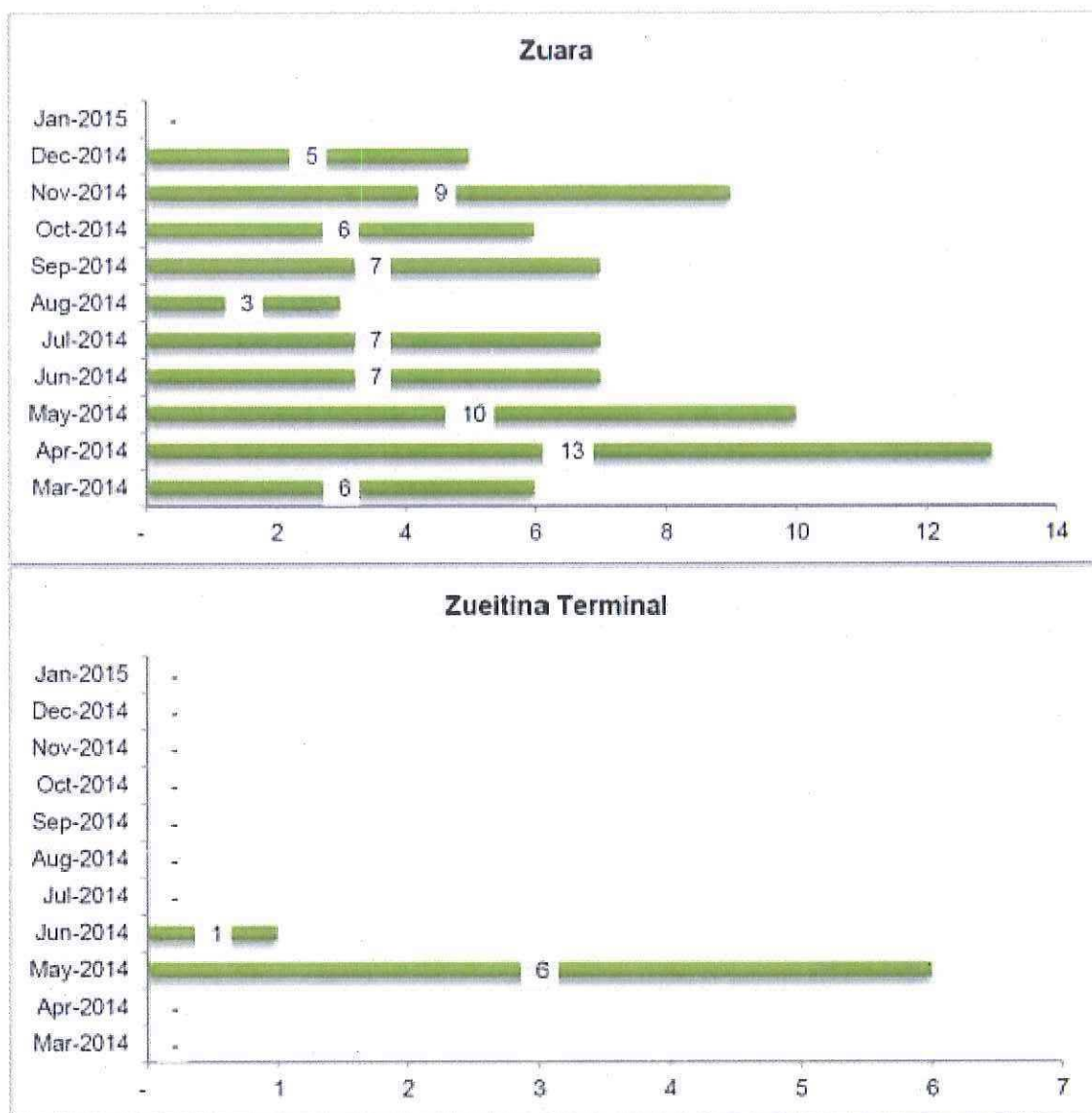




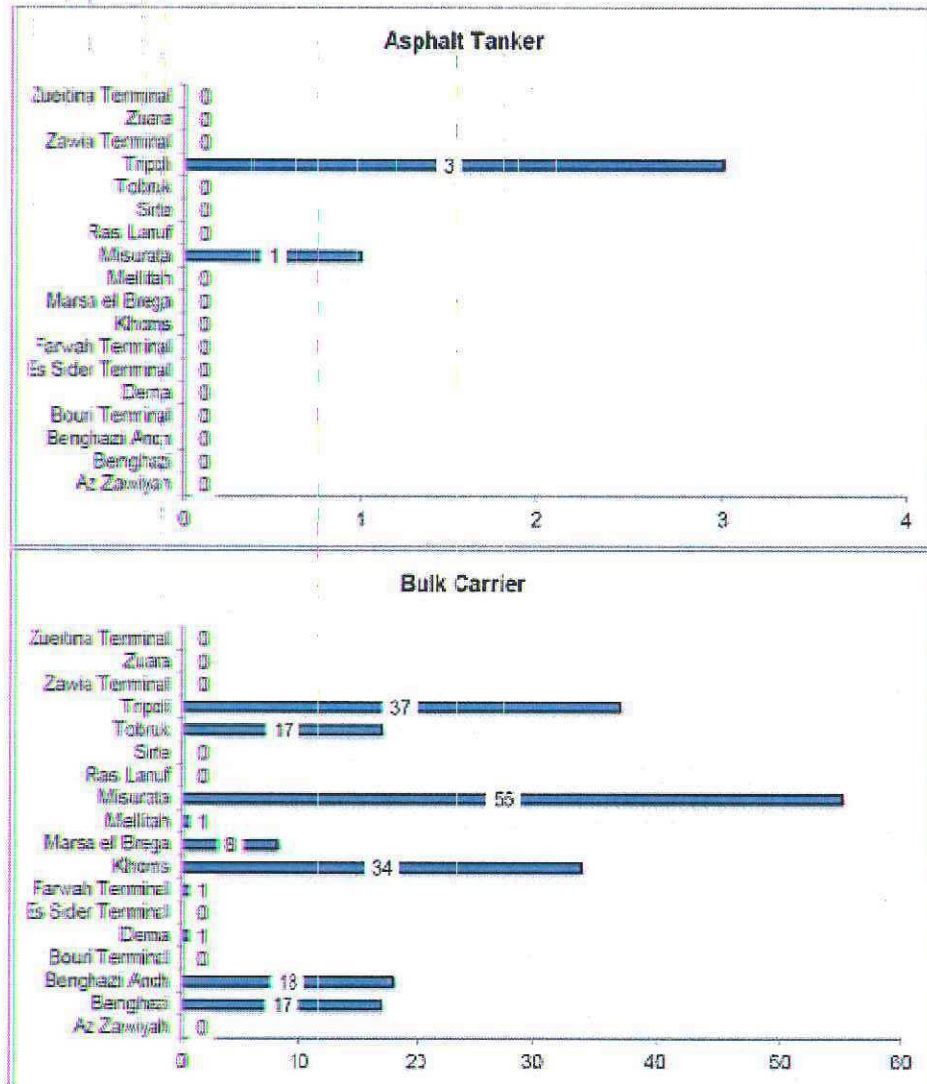


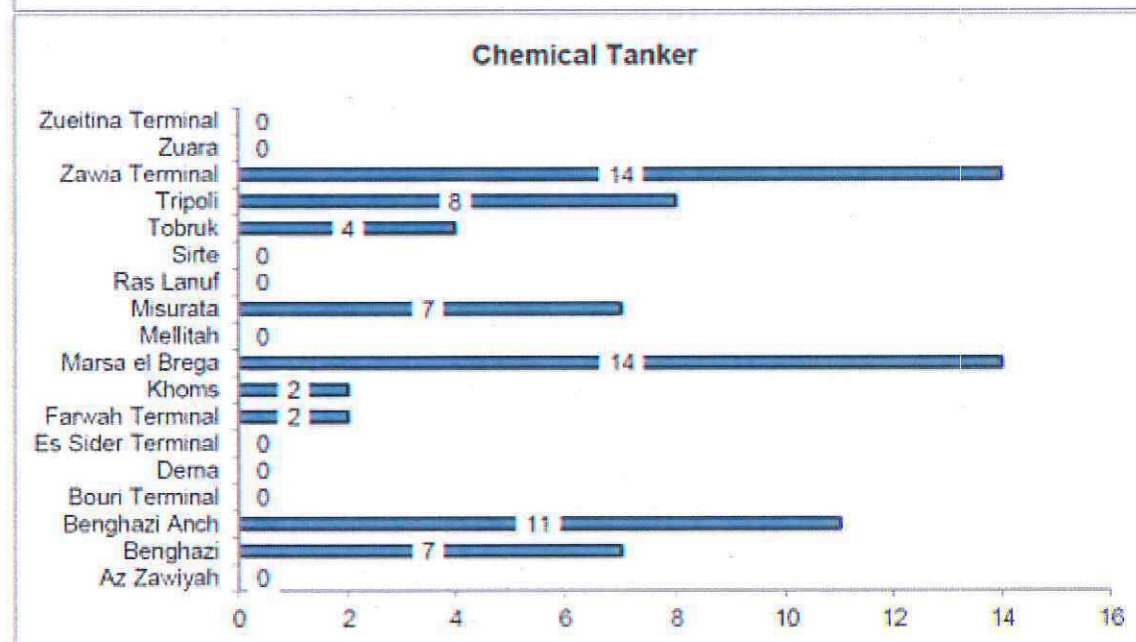
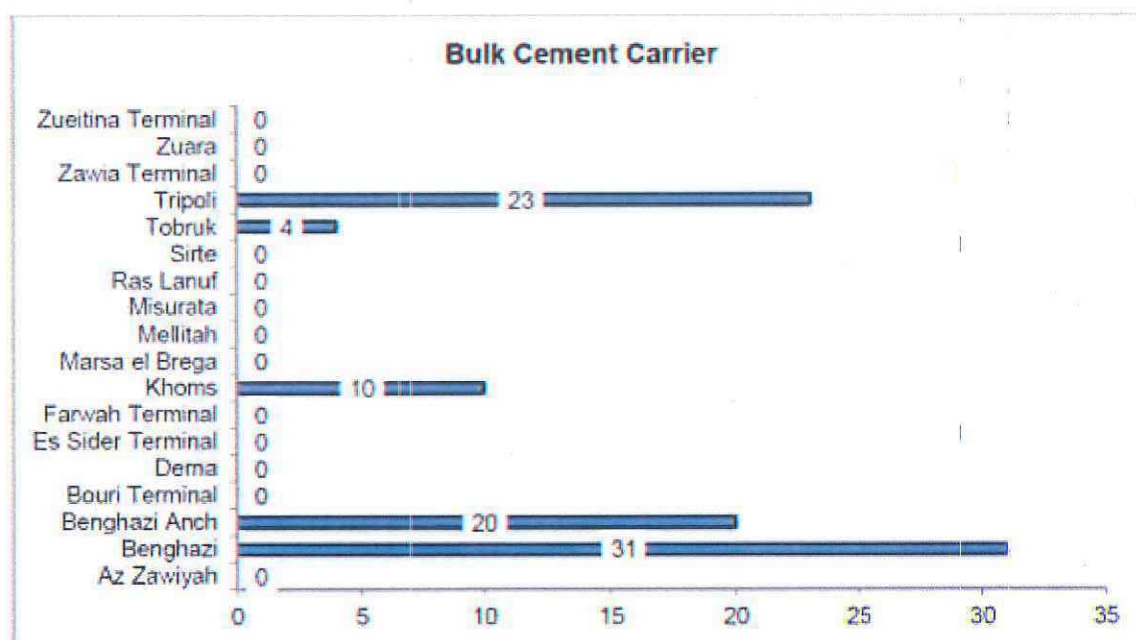


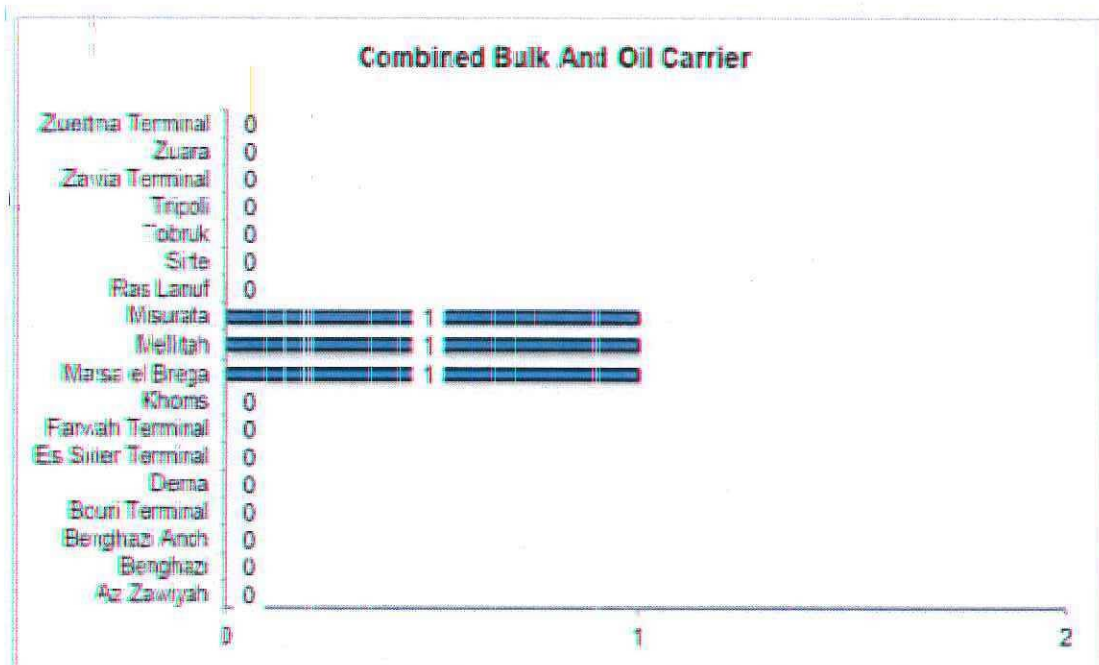


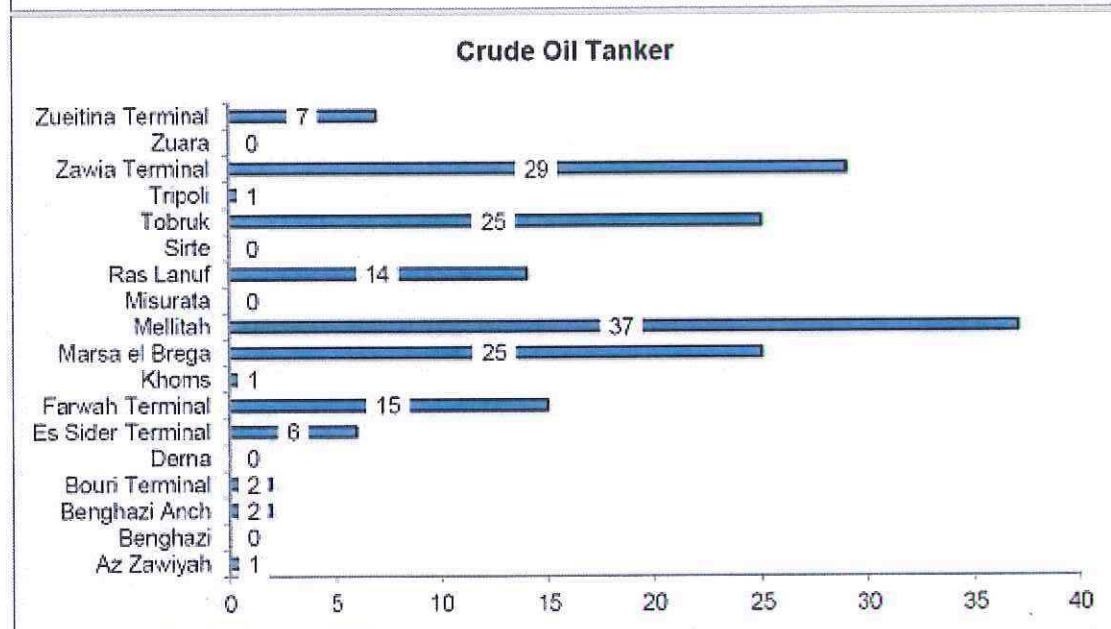
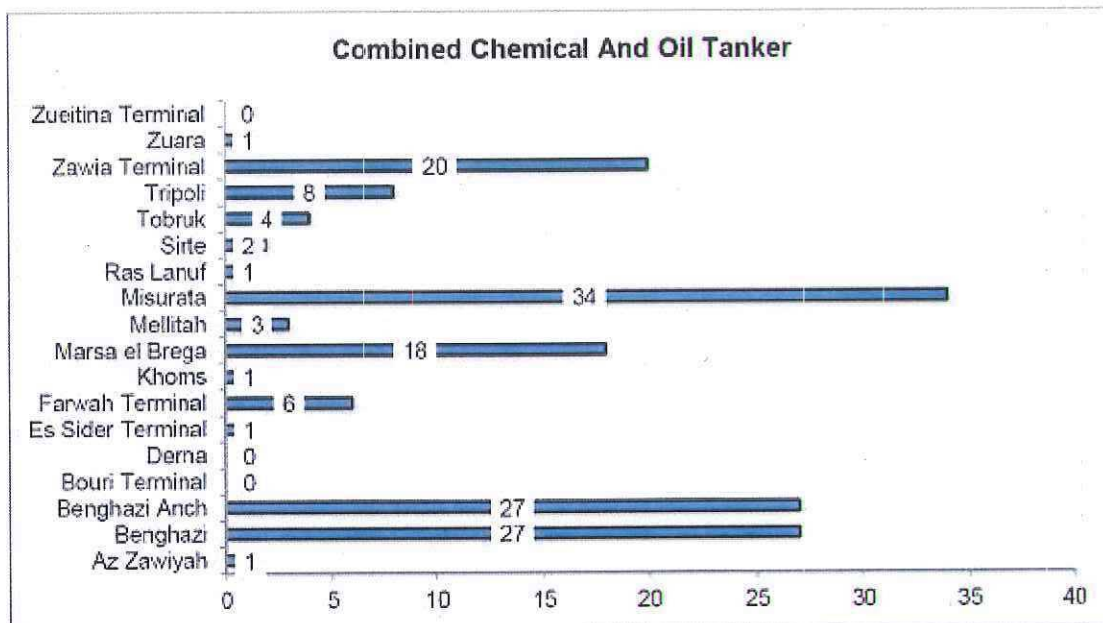


Graphic representation of commodity and month-wise movement of vessels at Libyan ports from 19 March 2014 to 6 January 2015



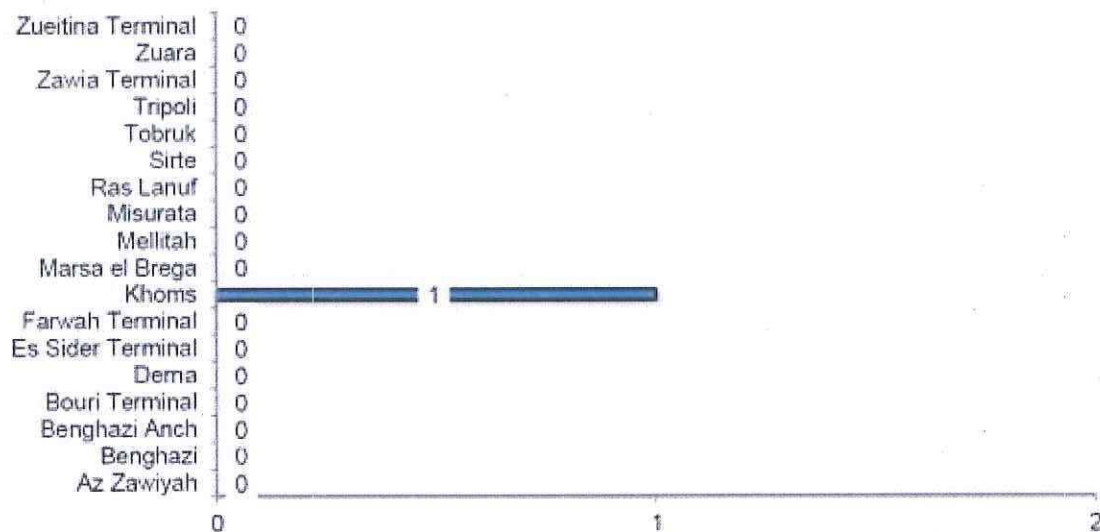




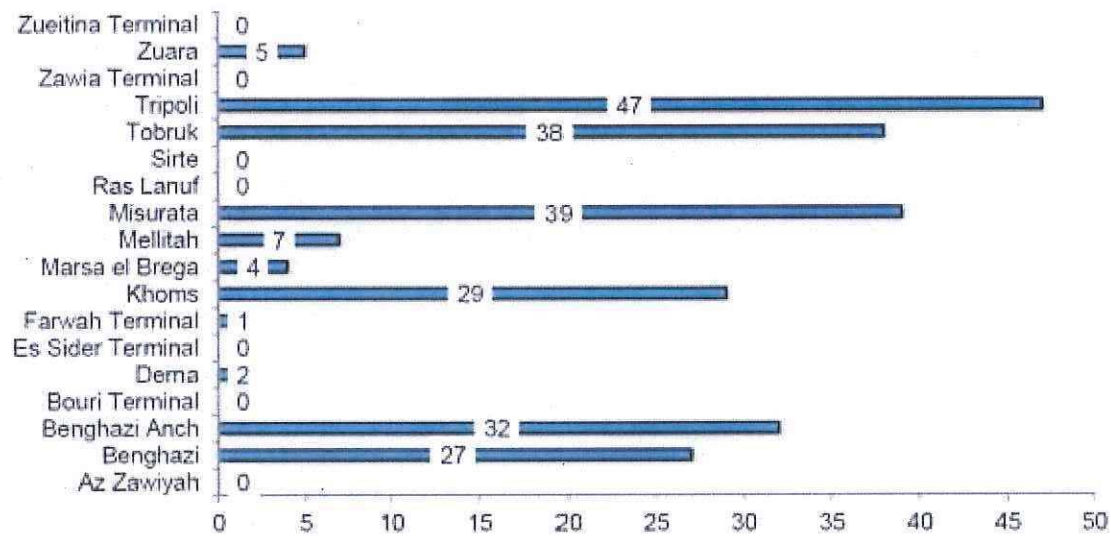


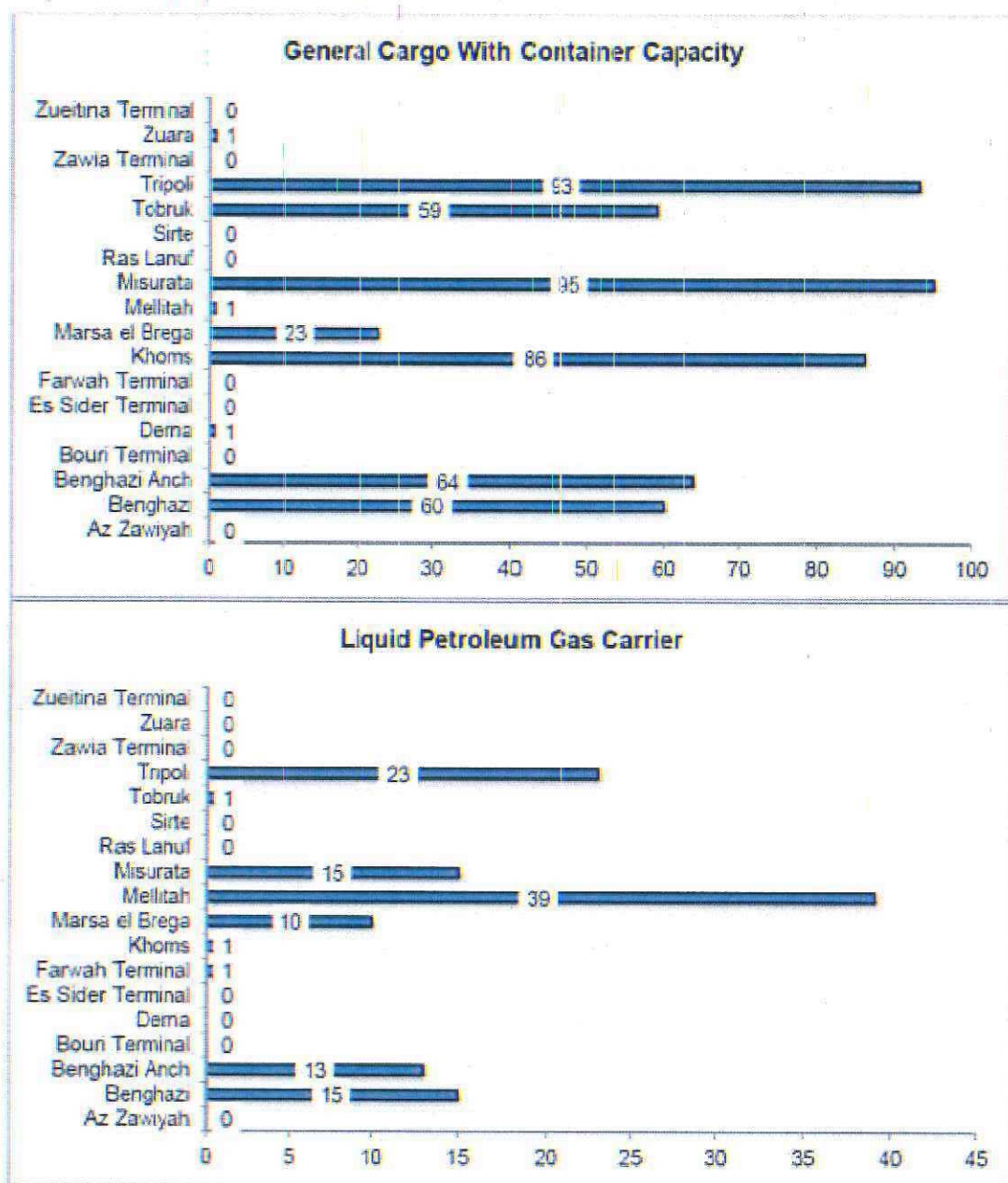


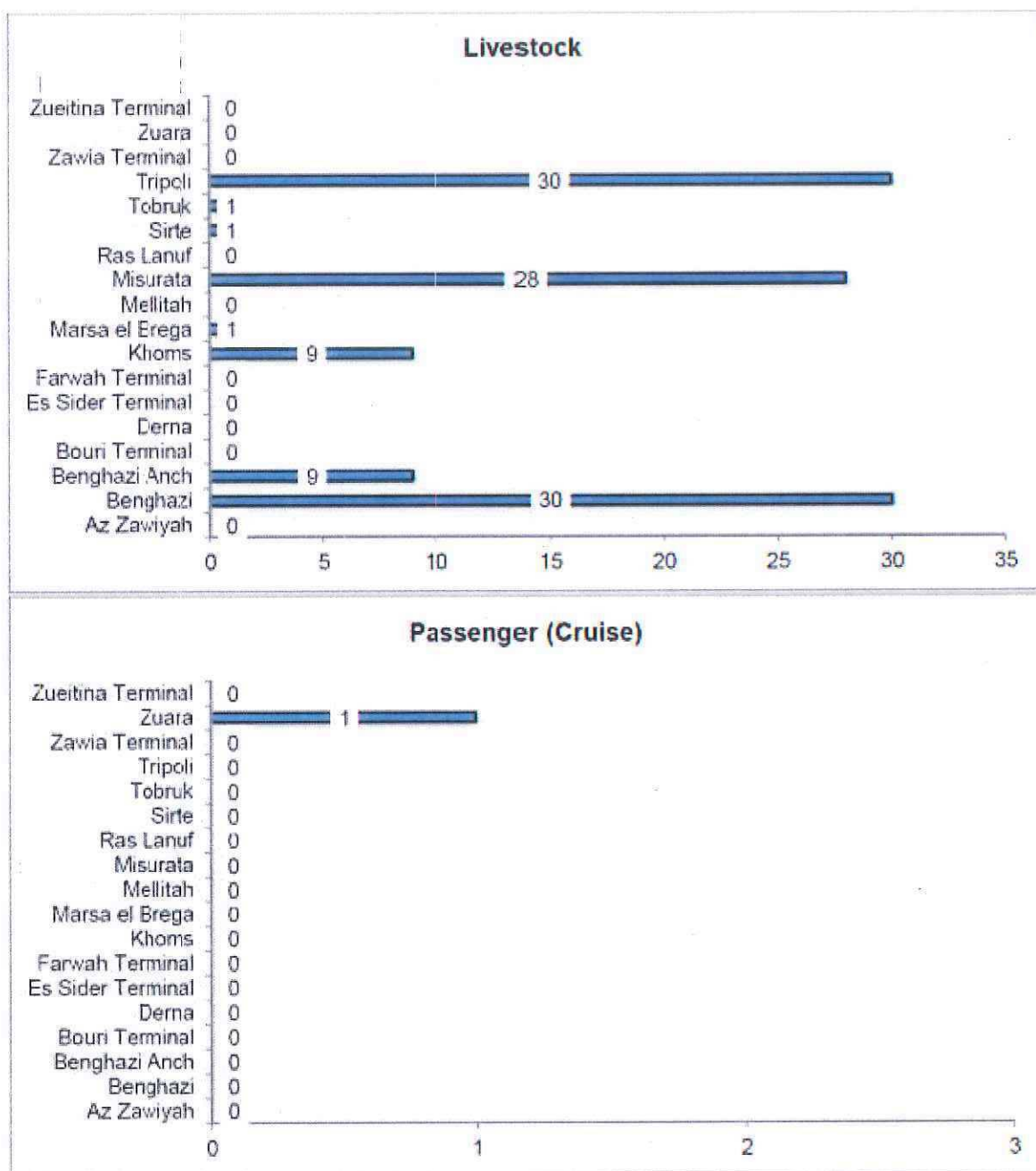
Fully Cellular Refrigerated

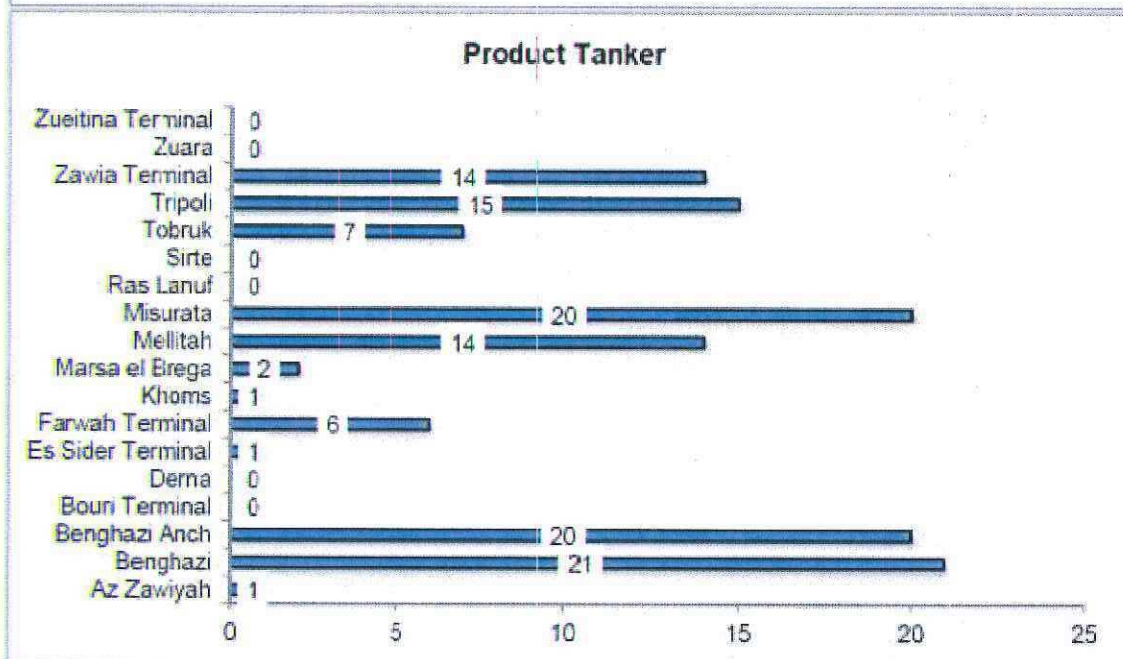
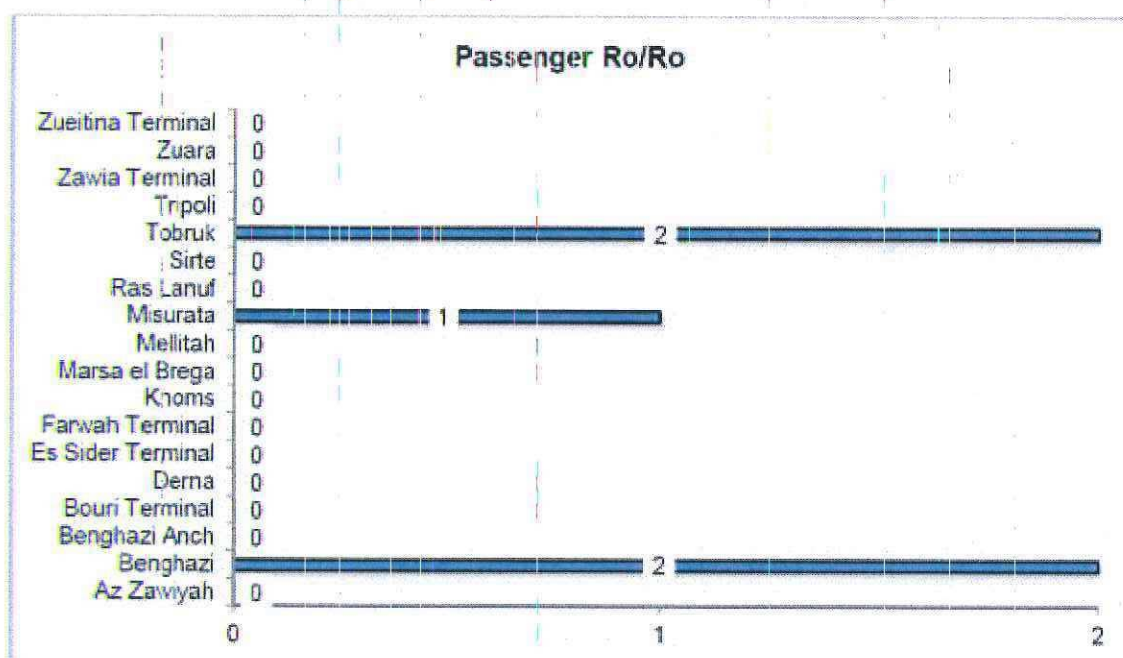


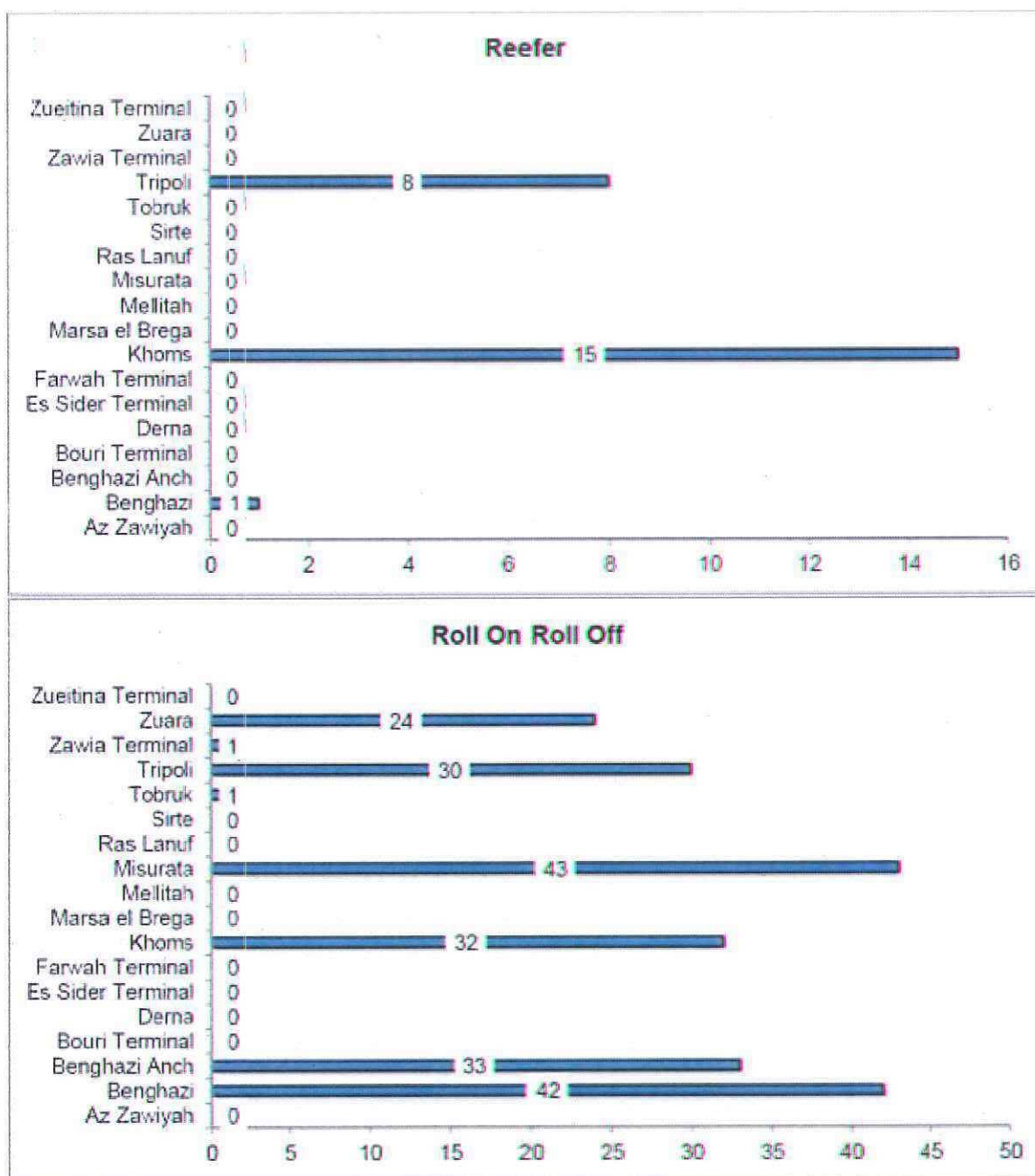
General Cargo

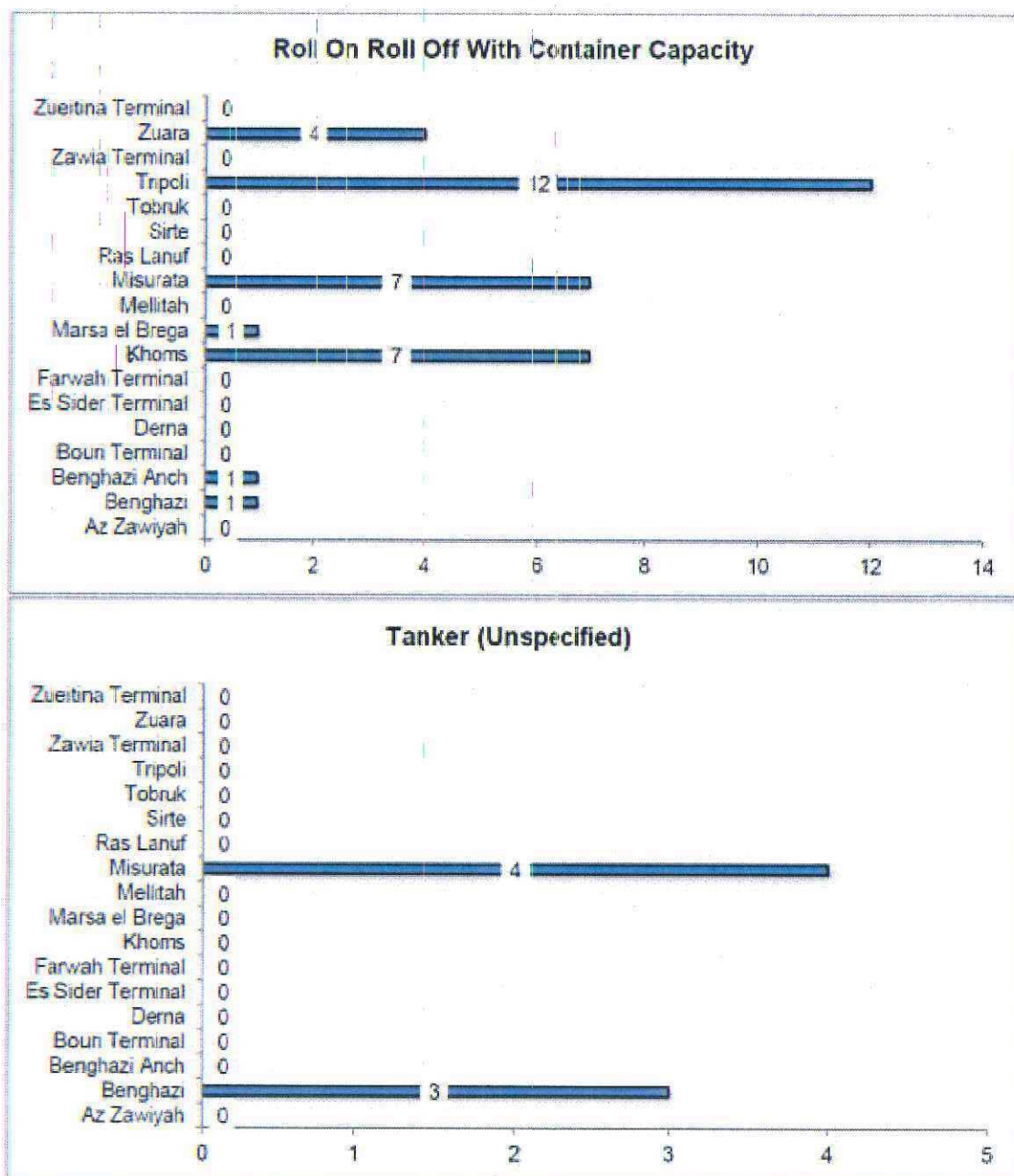


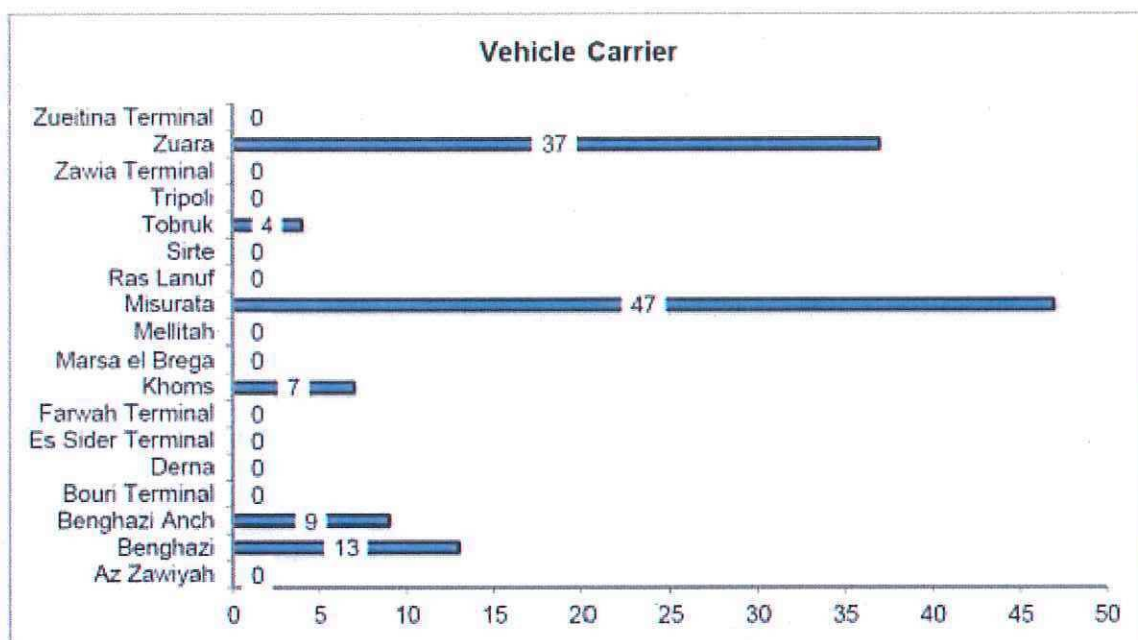












Annex 38 Map of Libyan ports, terminals and oil fields

Map provided to the Panel by the NOC showing Libyan ports, terminals and oil fields (July 2014)

Libya country map

