

EU LIMITE



Operation EUNAVFOR MED IRINI

INITIAL WRITTEN REPORT

1. Time and date of report: 1200Z – 24 May 2021
2. From: **OPERATION COMMANDER EUNAVFOR MED IRINI – Rear Admiral Fabio AGOSTINI.**
 - Phone: +39 0646919494
 - Email: fabio.agostini@marina.difesa.it
3. To: **SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1970 (2011) CONCERNING LIBYA**
4. **DESCRIPTION OF SUSPECT VESSEL**
 - Vessel's name: **MV MATILDE A**
 - Flying the flag of: **TURKEY**
 - IMO ship identification number: **9292448**
 - Type of vessel: **CONTAINER SHIP**
 - Port of registry: **IZMIR (TURKEY)**
 - Registered owner: **ARKAS HOLDING AS**
 - Operator: **ARKAS DENIZCILIK VE NAKLIYAT**
 - Ports of origin: **AMBARLI (TURKEY)**
 - Port of destination: **MISRATA (LIBYA)**
 - MMSI: **271043163**
 - CALL SIGN: **TCUP2**

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5. Explanation of the grounds which led to the inspection of the vessel believed to be carrying arms and/or related materiel:

Based on the information gathered by EUNAVFOR MED IRINI from various sources and also provided by Member States, MV MATILDE A was suspected of transporting weapons and related material in violation of the arms embargo on Libya.

According to intelligence from MS, MV MATILDE A is a vessel that undertakes frequent port callings in Libya and in countries suspected of illegal arms trafficking or military support to factions involved in the Libyan conflict. The most frequent port callings of the vessel are Turkish (BORUSAN, AMBARLI, YARIMCA, GEMLIK, IZMIR) and Libyan (MISURATA, AL KHOMS, TRIPOLI).

The vessel departed from the port of AMBARLI on 18th May 2021 and was directed to MISURATA, in order to arrive on 21st May 2021.

This assessment indicates that there were reasonable grounds to suspect that MV MATILDE A could have been involved in the illegal weapons trafficking and that a further investigation had to be conducted on board the vessel, in accordance with UNSCR 2292 (2016) and 2526 (2020).

6. Good faith efforts made by Member States and regional organizations to obtain the consent of the vessel's Flag State prior to using the authority

EUNAVFOR MED IRINI submitted a request for the Flag State's consent to inspect MV MATILDE A to the REPUBLIC OF TURKEY - MINISTRY OF FOREIGN AFFAIRS. In particular, the consent request was sent on 19th May 2021 at 0900Z by email (ANNEX A) to the following competent Ministry of Foreign Affairs of the Republic of Turkey points of contact:

- Head of the Maritime Department
- Duty Officer of Ministry of Foreign Affairs
- Republic of Turkey - Maritime Rescue Coordination Center (MRCC).

At 0938Z on 19 May 2021, EUNAVFOR MED IRINI received an email from the Ministry of Foreign Affairs of the Republic of Turkey – Head of Maritime Department communicating that *“To Whom It May Concern: I hereby confirm that MATILDE A (IMO 9292448) does fly the flag of Turkey and convey that the Turkish Government does NOT grant flag-state consent for any inspection of this vessel” (ANNEX B)*. Consequently, on 19th May 2021, at 0950Z, EUNAVFOR MED IRINI informed by e-mail the Head of the Maritime Department that *“Operation EUNAVFOR MED IRINI has received the Flag State denial in relation to the request for the inspection in accordance with UNSCR 2292 (2016) and UNSCR 2526 (2020). Therefore, the Operation, respecting the Flag State Authority and international law, will NOT proceed with any further actions”*.

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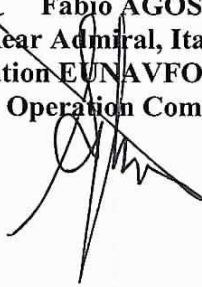
7. Description of the event

Based on denial of Flag State Consent Operation IRINI did not take any measures to proceed with an inspection in accordance with UNSCR 2292 (2016) and international law.

8. Closing remarks.

EUNAVFOR MED IRINI was acting according to UNSCR 2292 (2016) and UNSCR 2526 (2020). The reasonable grounds for the inspection were based on information collected by the Operation from various sources and from Member States. Due to the Flag State denial from the Ministry of Foreign Affairs of the Republic of Turkey - Head of Maritime Department EUNAVFOR MED IRINI could not proceed with the inspection.

Fabio AGOSTINI
Rear Admiral, Italian Navy
Operation EUNAVFOR MED IRINI
Operation Commander

A handwritten signature in black ink, appearing to be 'F. Agostini', is written over the printed name and title of the signatory.

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LIST OF ANNEX

- **ANNEX A: Flag State Consent Request**
- **ANNEX B: Flag State Denial.**



REQUEST FOR FLAG STATE CONSENT REQUEST

1. Date: 19/05/2021 Time of request/transmission: 09:00 (GMT)
2. From: **DEPUTY OPERATION COMMANDER EUNAVFOR MED IRINI (OHQ)**
Tel. +39 (0) 646 919 612
E-mail: deputyopcdr@euohq.difesa.it
3. To:
REPUBLIC OF TURKEY – MINISTRY OF FOREIGN AFFAIRS, Head of the Maritime Department, Ms. Feyza Barutçu:
E-mail: feyza.barutcu@mfa.gov.tr
REPUBLIC OF TURKEY – MINISTRY OF FOREIGN AFFAIRS, Duty Officer:
E-mail: nobetci.kim@mfa.gov.tr
TURKISH MRCC
E-mail: trmrcc@uab.gov.tr, trmcc@uab.gov.tr
4. Description of suspect vessel (fill in available and/or appropriate information):
Vessel's name: **MV MATILDE A**
Flying the flag of: **TURKEY**
IMO ship identification number: **9292448**
Type of vessel: **CONTAINER SHIP**
Port of registry: **TURKEY**
Ports of origin and destination: **AMBARLI (TURKEY) to MISURATA (LIBYA)**
Other relevant information about the vessel: **MMSI Number 271043163**
5. Location: **Mediterranean Sea**
6. Reason for request: the Operation Commander of operation EUNAVFOR MED IRINI presents its compliments to the REPUBLIC OF TURKEY – MINISTRY OF FOREIGN AFFAIRS and has the honour to request, acting in accordance with UNSC Resolution 2292 (2016) and 2526 (2020), the authorisation to inspect MV MATILDE A, flagged in TURKEY, IMO number 9292448.
The vessel is suspected of violating the arms embargo on Libya.
7. According to UNSCR 2526 (2020) and UNSCR 2292 (2016) (par. 3-6), Operation EUNAVFOR MED IRINI naval assets are allowed to inspect, seize, dispose and take further actions against vessels going to and coming from Libya which they have reasonable grounds to believe are carrying arms or related materiel to or from Libya directly or indirectly. Actions are admitted providing that good faith efforts are made by Member States and regional organisations to obtain the consent of the vessel's flag state prior to using the authority.

8. You are hereby requested to confirm nationality to the following detailed contact within Operation EUNAVFOR MED IRINI:

- Mario CONSERVA, Phone: +39 06 46919603
E-mail: legad@euohq.difesa.it
- Stanislas FRENZEL, Phone: +39 06 46919612
E-mail: legad3@euohq.difesa.it
- Marika JARVENPAA, Phone: +39 0646919612
E-mail: legad2@euohq.difesa.it

9. Should you confirm the ship flies your flag, you are hereby asked to authorise Op. EUNAVFOR MED IRINI to conduct the following actions:

- Inspection of the vessel (stop, board, visit and search);
- If it is confirmed that the vessel is carrying arms and related materiel, to seize and dispose such items;
- Divert the ship to harbour.

10. The request is made on the basis that action taken pursuant to any authorization provided will be carried out only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

11. A reply is requested within 4 (four) hours of the sending of this message; after mentioned deadline, intervention takes place under the provisions of UNSCR 2526 (2020) and UNSCR 2292 (2016).

**OPERATION EUNAVFOR MED IRINI
DEPUTY OPERATION COMMANDER
Rear Admiral Jean-Michel MARTINET**



RE: EUNAVFORMED - FLAG STATE CONSENT REQUEST for inspection MATILDE A - IMO 9292448 - TURKEY FLAG

Feyza Barutçu <feyza.barutcu@mfa.gov.tr>

mer 19/05/2021 11:39

A:legad3@euohq.difesa.it <legad3@euohq.difesa.it>; Nöbetçi Memur KIM <nobetci.kim@mfa.gov.tr>; trmrcc@uab.gov.tr <trmrcc@uab.gov.tr>;

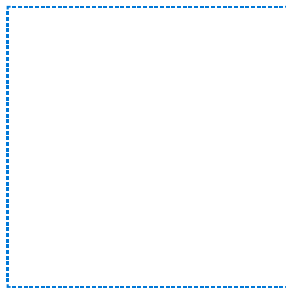
Cc:Çağatay Erciyes <cagatay.erciyes@mfa.gov.tr>; Barış Kalkavan <baris.kalkavan@mfa.gov.tr>; Melih Bora Kerimoğlu <bkerimoglu@mfa.gov.tr>; Permanent Delegation of Turkey to the EU <tr-delegation.eu@mfa.gov.tr>; Ambasciata di Turchia a Roma <ambasciata.roma@mfa.gov.tr>; Barbaros Dicle <bdicle@mfa.gov.tr>; Denizcilik Dairesi <deniz@mfa.gov.tr>; legad2@euohq.difesa.it <legad2@euohq.difesa.it>; legad@euohq.difesa.it <legad@euohq.difesa.it>;

To Whom It May Concern:

I hereby confirm that MATILDE A (IMO 9292448) does fly the flag of Turkey and convey that the Turkish Government does NOT grant flag-state consent for any inspection of this vessel.

Best regards,

Feyza Barutçu
Head of Maritime Department
Ministry of Foreign Affairs of the Republic of Turkey



----- Original message -----

From: legad3@euohq.difesa.it

Date: 5/19/21 12:04 (GMT+03:00)

To: Feyza Barutçu <feyza.barutcu@mfa.gov.tr>, Nöbetçi Memur KIM <nobetci.kim@mfa.gov.tr>, trmrcc@uab.gov.tr

Cc: Çağatay Erciyes <cagatay.erciyes@mfa.gov.tr>, Barış Kalkavan <baris.kalkavan@mfa.gov.tr>, Melih Bora Kerimoğlu <bkerimoglu@mfa.gov.tr>, Permanent Delegation of Turkey to the EU <tr-delegation.eu@mfa.gov.tr>, Ambasciata di Turchia a Roma <ambasciata.roma@mfa.gov.tr>, Barbaros Dicle <bdicle@mfa.gov.tr>, Denizcilik Dairesi <deniz@mfa.gov.tr>, legad2@euohq.difesa.it, legad@euohq.difesa.it

Subject: EUNAVFORMED - FLAG STATE CONSENT REQUEST for inspection MATILDE A - IMO 9292448 - TURKEY FLAG

To whom it may concern,

Please find attached a request for flag state from EU Operation EUNAVFOR MED IRINI in order to seek consent for the inspection in accordance with UNSCR 2292 (2016) and 2526 (2020) onboard of **MV MATILDE A - IMO 9292448 - TURKEY FLAG**.

We have reasonable grounds to believe that MV MATILDE A could be transporting weapons and related material in violation of the arms embargo on Libya.

Please provide us with a reply.

If the Operation does not receive an answer from TURKEY within 4 HOURS, the operation will be then considered authorized to inspect the vessel.

Very Respectfully,

LCDR Stanislas FRENZEL (OF-3/FRA N) ■ ■
Legal advisor



Via di Centocelle 301 00175 Rome (IT)
Tel. +39 (0) 06 46 91 96 12

Email legad3@euohq.difesa.it

Website www.operationirini.eu

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