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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.**

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3. To: **SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1970 (2011) CONCERNING LIBYA**

4. DESCRIPTION OF SUSPECT VESSEL

- Vessel's name: **MV GAUJA**
- Flying the flag of: **ZAMBIA**
- IMO ship identification number: **7612474**
- Type of vessel: **GENERAL CARGO SHIP**
- Port of registry: **LUSAKA (ZAMBIA)**
- Registered owner: **ILLYRA AG**
- Operator: **INGRIA SHIPPING LTD**
- Port of origin: **AGADIR (MOROCCO)**
- Port of destination: **MISRATA (LIBYA)**
- MMSI: **678765000**
- CALL SIGN: **9I30A**

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5. Position, course and speed

3637N – 01136E, 160, 8 kts at 110452Z MAY 21.

6. 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 PORHOV sailing as GAUJA was suspected of being possibly involved in the transportation of weapons and related materiel in violation of the arms embargo on Libya and that further investigation was appropriate.

According to MS intelligence report the vessel is reported possibly involved in illegal weapons and ammunition (in particular on sensitive materials) trafficking from or to Libya and that since Jan 2016 have accomplished commercial operation between EAST MED and LIBYA.

According to IHS Intelligence Maritime Risk Suite (Sea-web), the vessel changed frequently flag in last years.

The vessel 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 (TUZLA, DILER-HEREKE, ISTANBUL, BARTIN), and Russian (ROSTOV-ON-DON, TEMRYUK).

This assessment indicates that there were reasonable grounds to believe that MV GAUJA 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).

7. 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 consent to inspect MV GAUJA to the ZAMBIA - MINISTRY OF FOREIGN AFFAIRS, to the ZAMBIA EMBASSY IN ROME and to Permanent Mission of the Zambia to the United Nations (ANNEX A).

In particular, the consent request was sent on 10th May 2021 at 0900Z by email.

However, other good-faith efforts were made in order to seek the flag State consent for the inspection of the suspected vessel. At 1212Z on 10th May 2021 EUNAVFOR MED IRINI made a phone call to the Zambia Embassy in Rome reminding about Flag State Consent

EU LIMITE

request just sent. Embassy confirmed the receipt of the flag State consent request; according to their answer they were making an assessment.

At 1300Z on 10th May 2021, the time limit (4 hours) for the good faith efforts expired without any answer.

8. Description of the event

On 11st May 2021, EUNAVFOR MED IRINI detected and monitored MV GAUJA sailing from AGADIR (MOROCCO) and expected to arrive in MISRATA (LIBYA) in the morning of 12nd May 2021. Based on information gathered by EUNAVFOR MED IRINI from various sources and provided by Member States, MV GAUJA was suspected of transporting weapons and related materiel in violation of the arms embargo on Libya.

On 11st May 2021, at 0452Z, the EUNAVFOR MED IRINI naval assets (HS LIMNOS) executed an Initial Hailing Call towards MV GAUJA.

On 11st May 2021, at 0452Z, HS LIMNOS reported the hailing call outcome on MV GAUJA. The vessel had 8 containers and was carrying hazardous materials.

On 11st May 2021, at 0729Z, HS LIMNOS started the boarding operation.

On 11st May 2021, at 0845Z, the whole HS LIMNOS Boarding Team fully boarded the vessel and started the inspection of MV GAUJA.

On 11st May 2021, at 0957Z, HS LIMNOS reported that Master was not aware what the dangerous cargo listed on the Cargo Manifest was and how it was packed (all the containers were described in the cargo manifest as SOC – shipper owned containers type). HS LIMNOS also reported that after the Master contacted his Company, the Next Port of Call (NPoC) was changed to Valetta - Malta.

On 11st May 2021, at 1014Z, HS LIMNOS reported that all areas of the ship were clear and the Boarding Team started to inspect the accessible containers.

On 11st May 2021, at 1105Z, HS LIMNOS reported that four (4) containers were classified 1.1B hazardous material and two (2) containers were classified 1.1D hazardous material. HS LIMNOS reported also that the vessel had no UN clearance for shipping explosives to Libya.

On 11st May 2021, at 1109Z, HS LIMNOS reported that only the 4 containers were accessible.

On 11st May 2021, at 1256Z, HS LIMNOS reported that Boarding Team completed the inspection of the 4 accessible containers. At the end of the aforementioned activity were found 2880 boxes (720 boxes in each container) of water gel explosive (TOVEX A), each box weighing 25 kg, for a total of 72 tons.

To verify the nature of MV GAUJA's cargo and whether it fell under UN Arms Embargo on Libya, EUNAVFOR MED examined the UN D&G on arms embargo (based on Wassenaar

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Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies) and the EU Common Military List including also Annex I regarding dual-use materials.

On the basis of these references and considering overall explosive's composition elements, its technical data and its dual-use purpose, no matches were found.

Furthermore, according to the provisions of UNSCR 2292(2016) and on the basis of the Procedures to Exchange information between EUNAVFOR MED and the Panel of Experts dated 1st April 2021, EUNAVFORMED contacted the PoE, in order to share information on the on-going cases.

On 11st May 2021, at 1453Z UN PoE reported to have contacted the shipping company, and that MV GAUJA was a regular cargo and the consignee (100% owned by the Libyan Ministry of Interior) was the entity responsible for the import of commercial explosives.

On 11st May 2021, at 1555Z the inspection of MV GAUJA was completed and for the aforementioned reasons at 1617Z the vessel was declared clear to proceed on her journey.

9. Results of inspections

The following documents were provided by the Master of MV GAUJA:

- **ANNEX C: Cargo Manifest;**
- **ANNEX D: Bill of lading;**
- **ANNEX E: Cargo Mate's Receipt;**
- **ANNEX F: Crew List;**
- **ANNEX G: International Ship Security Certificate;**
- **ANNEX H: Master document Receipt;**
- **ANNEX I: Port Clearance;**
- **ANNEX J: Provisional Registration Certificate;**

All actions took place pursuant to the legal provision of the UNCLOS (Art. 92,110) and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Art. 6). In accordance with UNSCR 2526 (2020) via UNSCR 2292 (2016) (par. 3-6), EUNAVFOR MED IRINI naval assets are allowed to inspect, seize, dispose and take further actions against vessels going to and coming from Libya when there are reasonable grounds to believe that the vessels in question are carrying arms or related materiel to or from Libya directly or indirectly.

Out of 8 containers loaded on board, 4 were accessible (50% of the whole cargo). All of the 4 accessible containers were inspected. In each accessible container were found water gel explosive named TOVEX A, composed of material classified hazardous by the International Maritime Dangerous Goods Code (IMDG Code, published by IMO) but not included in the

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EU Common Military List nor in the Wassenaar Arrangement. At the end of the aforementioned activity were found 2880 boxes of this explosive (720 boxes in each container), each box weighing 25 kg, for a total of 72 tons. Despite the fact that these items were stowed in containers classified with two different codes (1.1B and 1.1D), all of the materials found were of the same code 1.1D.

10. Closing remarks.

Operation EUNAVFOR MED IRINI acted according to the para 3 of the UNSCR 2292 (2016) and UNSCR 2526 (2020) and carried out INSPECTION of the MV GAUJA on the high seas off the coast of LIBYA. The reasonable grounds for the inspection were based on information collected by the Operation and also provided by Member States.

The Master and the whole crew remained calm, friendly and patient as the inspection was taking place

The inspection of MV GAUJA was carried out meticulously, discovering the aforesaid explosive materials. After checking that regarding these explosives non matches were found on EU Common Military List and Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, MV GAUJA was free to proceed towards its next port of call.


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

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LIST of ANNEXES

- **ANNEX A: Flag State Consent Request**
- **ANNEX B: Clearance Certificate;**
- **ANNEX C: Cargo Manifest;**
- **ANNEX D: Bill of lading**
- **ANNEX E: Cargo Mate's Receipt;**
- **ANNEX F: Crew List;**
- **ANNEX G: International Ship Security Certificate;**
- **ANNEX H: Master document Receipt;**
- **ANNEX I: Port Clearance;**
- **ANNEX J: Provisional Registration Certificate;**
- **ANNEX K: Ship and Cargo photo**