

The smuggling of fuel from Libya to Europe

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Since 2011, with the end of the Gaddafi era, instability has been reigning in Libya. The vacuum was filled by armed groups and militias, sometimes supported also with international funds and military supplies. The poor internal economy pushed at least one group, the Nasr Brigade, to go transnational. This militia has become stronger in a context of the Global South: the endless Libyan civil war. Its local relevance has increased thanks to its connections to the Global North (Italy and Malta). The fragmentation of the context suggests following an actor-based approach in order to depict the rise of a local group through its transnational connections. Until at least the end of 2018, the group's main sources of income included fuel smuggling. This illicit economy stole the scarce resources of the Libyan state. It is one of the sources of permanent instability in Libya because it channels state revenues to non-state actors who are fighting against the central state which is highly contested in its authority. At the time of writing, in January 2022, it is still uncertain whether and when elections in Libya will take place. The Government of National Unity (GNU) is a weak entity, but it is arguable whether the possible vote will elect a stable government. The most powerful actors currently shaping the power structure in Libya are the militias, including the Nasr Brigade. An analysis of the actors involved in this smuggling ring from Libya to Italy shows how it relied on the transnational actors involved in the illicit economy to increase its power locally. The Nasr Brigade cooperated with two Maltese businessmen in contact with oil traders and shipping companies all over Europe, legal companies keen to buy cheap fuel with forged bills of lading. These criminal actors could rely on a lack of laws in Libya, lax regulation in Malta and allegedly the complicity of some top officials in both countries.

The phenomenon subsided due to the law enforcement response in Libya and abroad, and COVID-19 reduced all the fuel flows, both legal and illegal. Still, the problem is that smuggling in Libya is among the main sources of income. The present article begins with a description of the Libyan state capture. The country is contested between factions and militias. Despite the promise of elections in the near future, stability

still seems far off in Tripoli. Libya is a strategically important country because of its geographical location and its resources, such as oil and gas. The Libyan economy still depends on crude oil and oil products. Local consumption has been subsidised by the central government in order to make fuel affordable for the local population. This subsidised fuel has turned into one of the main products on the Libyan black market. This illicitly traded commodity is also lucrative for oil companies and traders in the northern part of the Mediterranean because it is tax-free. The article investigates the functioning of the Nasr Brigade in Zawiyah in Western Libya. This militia represents an interesting case study because of its mafia-like structure and its international connections, especially to Malta. This island state in the centre of the Mediterranean Sea is a natural bridge between North Africa (and the Global South) and Southern Europe (and the Global North). The Maltese intermediaries set up a network to trade illicit fuel in Europe.

This criminal network has been investigated in several operations led by Italian prosecutors. The first and main one, in October 2017, was dubbed Dirty Oil. The trial is still ongoing, and it is the most important investigation into transnational fuel smuggling across the Mediterranean Sea. The UN Panel of Experts on Libya contributed extensively to revealing the existence of this parallel black market, but the United Nations are still struggling with the bigger goal of stabilising Libya. Without stability in Libya, there are still many opportunities for criminal networks to team up with international criminal groups to smuggle Libyan commodities elsewhere.

Libya, a crossroads for smuggling

The corridor of the Central Mediterranean is a crossroads for smuggled goods. Along this sea route, Libya has emerged as the main hub for transnational trafficking towards Europe, in particular human smuggling and trafficking. Since Muammar Gaddafi's fall in 2011, Libya has split into two main factions: the UN-backed government in Western Libya and the rival Libyan National Army (LNA) led by Marshal Khalifa Haftar in Cyrenaica, the eastern region of Libya. The chaotic situation has been the main driver of forced migration and a perfect environment for the rise of organised crime groups / militias.

“The fall of [Gaddafi's] regime brought open competition to the control of smuggling routes, as decades-old concessions no longer held sway and previous understandings among groups over the division of territory were

re-contested. Competition over smuggling routes has contributed to the outbreak of localised conflict across the country. Individuals, networks and communities – ethnic, tribal and city-based – all compete for primacy in Libya’s dynamic illicit marketplace.” (Eaton 2018)

Among the different kinds of illicit flows from Libya towards Europe, human smuggling raised the most concerns in Europe because of the immediate social and political consequences, such as human rights violations and the rise of far-right movements on the continent. To tackle it, in 2017 the Italian Ministry of the Interior signed a controversial Memorandum of Understanding with the UN-backed government (led by Fayeze al-Sarraj until 2021) in Tripoli, the capital of Libya (Libyan Government of National Accord and Government of Italy 2017). The main aim was to provide training and new naval assets to the Libyan Coast Guard in order to curb migration (El Zaidy 2017).¹ As we will see, among the alleged beneficiaries there are also criminal groups in Tripolitania in Western Libya. Known to the European public for their role in human smuggling, they were actually involved in various kinds of smuggling, including fuel smuggling.

The smuggled goods which affect the Libyan economy by far the most are the oil products, crude and its derivatives: “The practice of smuggling heavily subsidised fuel from Libya (fuel there costs as little as US\$0.02c/0.03c per litre) is costing the country an estimated US\$750 million a year” (Micallef 2018). “[S]ome of the same criminal actors and/or networks involved in the smuggling of people or fuel have also been able to use the criminal infrastructure they built to become involved in drug trafficking”, according to Micallef (2019). Fuel smuggling is among the main sources of income that economically support their power structure, which is very strong in Western Libya. Several militias are involved in the business, and their activities were investigated by the UN Panel of Experts on Libya in the period between 2016 and 2018. These militias were allied with the UN-backed government in Tripoli at the time, the Government of National Accord, in its fight against Marshal Khalifa Haftar’s Libyan National Army over control of the country. Among these militias, this paper will focus on the Nasr Brigade of Zawiya, which was investigated in Italy for its international connections. As argued by Mark Micallef (2019: 29):

“[E]ven when there is no direct convergence of actors or networks, there is a symbiotic relationship between different smuggling trades.

1 Among the weaknesses of the memorandum, El Zaidy (2017: 5) mentions that it is “rather superficial” and “not transparent”, “reflects short-term thinking” and lacks “legitimacy”.

The withdrawal of militias from human and fuel smuggling activities in coastal areas has been linked to the involvement of a growing number of actors in the import and export of drugs.”

In the same report, Micallef (2019: 11) explains: “Pressure on both migration and fuel smuggling increased in 2015 and 2016, with a turning point coming in 2017”, when the Memorandum of Understanding was completely implemented. Regardless of the implications for human rights abuses, from a merely political perspective the backlash of this measure was the political and financial recognition obtained by some of the militia groups, including the ones involved in fuel smuggling from Western Libya.

Since 2014, the main institution deeply engaged in tackling fuel smuggling has been the Libyan National Oil Corporation (NOC). The NOC succeeded in obtaining support from the UN for three years, through the Panel of Experts reports and proposed regulations. Further pressure on smugglers in the Mediterranean Sea came from the European Union law enforcement agencies and military operations such as Operation IRINI. The effort to “tackle migration”, as the EU institutions say, from the southern side to Europe has been massive compared to the little effort made to stop fuel smuggling, but still there was at least one operation that was a game changer: Operation Dirty Oil.

In any case, since July 2017, the departure of migrants from Libya suddenly dropped by around 80 %, while seaborne fuel smuggling decreased considerably on account of commercial fuel tankers ceasing to operate in Libya between 2016 and 2017 (Micallef 2019). Given the instability in Libya, these dynamics change very quickly; for instance, the number of arrivals on the Central Mediterranean route started to increase again in 2020 (35,600) (EASO 2021: 44), and the trend is the same for 2021, when according to Frontex (2022) the arrivals from January to December reached 65,362. The main promoter of the Memorandum of Understanding and the other above migration policies in Libya was the Italian government because of its direct interest in preventing migration towards the Italian island of Lampedusa (Varvelli and Villa 2019). On the Italian side, different governments have always backed and supported the fight against irregular migration.

The dependence on the oil industry

Libya's per capita income is among the highest in Africa thanks to high oil revenues, which remain Libya's main source of income and are split among a small number of people (Libya has less than 7 million inhabitants). According to OPEC, the oil and gas sector accounts for about 60 per cent of the country's total GDP (OPEC n.d.), despite the 2020 drop due to the COVID-19 crisis. The zenith in the fight on fuel smuggling was in 2016, according to Tim Eaton (2018) of Chatham House. Despite the fact that Libya is an oil-rich country, it has structural deficits in processing oil products and in its internal demand calculation (Eaton 2019). There are just a few refineries in the country:

"The country's 120,000 b/d Zawiya oil refinery restarted operations on Oct. 20, according to state-owned National Oil Corporation. The two smaller refineries in the East – the 20,000 b/d Tobruk and 10,000 b/d Sarir – also restarted recently, sources at NOC subsidiary Arabian Gulf Oil Company said. The 220,000 b/d Ras Lanuf remained offline without any timeline for restart. The refinery has been closed since 2013 due to an arbitration dispute." (Turner 2021)

Especially since the beginning of the COVID-19 crisis, by far the largest part of the Libyan sources of revenue is crude oil and its export. According to the figures released by the NOC (2016), the state-owned Libyan entity which controls the oil and gas sector, the petroleum products sold by the state company only account for 4 % of the October 2020 oil revenues. Still, the domestic market is dominated by petroleum products, often sold on the black market by individuals across the Libyan-Tunisian border.² The pandemic has certainly contributed to exacerbating the ongoing economic crises, but it is not clear what impact this has had on black market activities.

Despite the EU member states and the European Union strengthening their presence in the coastal cities – which are highly populated and have more connections abroad – since the eruption of the Libyan civil war in 2011, the plague of fuel smuggling has become more pervasive. In the Global North, the transnational aspect of this illicit activity has been the main focus. This biased view doesn't take into account the Global South dimension of this phenomenon. Coastal networks are one among other actors. The result is a shortage of fuel with severe impact, "forcing citizens

2 In November 2020 there were media reports of the reopening of the borders after seven months of shutdown (Arab News 2021).

to turn to the same black market and pay well above the official subsidised rate for fuel”, as argued by Mark Micallef (2019: 11). Still, the interest shown by the international community is restricted to the transnational and not the internal dynamics.

International responses to illicit trade

With its Resolution 2509 (2020),³ approved in a 5-minute meeting with 14 votes in favour and one abstention by Russia (United Nations 2020), the UN Security Council expressed its concern that “the illicit export of petroleum, including crude oil and refined petroleum products, from Libya undermines the Government of National Accord (GNA) and National Oil Corporation and poses a threat to the peace, security and stability of Libya” and noted with concern “the reports of the illicit import of petroleum, including crude oil and refined petroleum products to Libya” (UN Security Council 2020: 1). The export of oil and fuel threatens the stability in the country because it provides “support for armed groups or criminal networks” (UN Security Council 2020: 1). The resolution grants member states authority to inspect vessels suspected of exporting illicit oil goods in international waters. The resolution remained in force until 30 April 2021, with the UN Panel of Experts providing its report on 8 March 2021 (UN Panel of Experts 2021).

In the Mediterranean Sea, starting from October 2015 (Italian Ministry of Defense n.d.), the European Council approved a joint naval operation named IRINI from March 2020.⁴ Its top priorities are to strengthen the arms embargo and to intercept and dismantle vessels carrying smuggled oil products. The mission has been criticised as biased, flawed and equipped with a limited mandate since its launch (Pietz 2020).

In its activity report from August, IRINI states (EEAS 2021):

“Since its launch, Operation EUNAVFOR MED IRINI has boarded and inspected 18 suspect vessels. One vessel out of 18 was diverted to a port of an EU Member State where its cargo was seized.”

3 The first resolution applying to this issue was Resolution 2146 in 2014, modified in 2018 by Resolution 2441.

4 The operation takes up the baton from Operation Sophia, which was labelled as a failure by the United Kingdom (a participating country) in a report published by the House of Lords in July 2017 (UK Parliament – European Union Committee 2017).

On several occasions, the inspected vessels were flying a Turkish flag. At least in six occasions, Turkey denied the consent to board and inspect suspect vessels. The report states that 3,789 vessels were inspected.

The report continues:

“Furthermore, EUNAVFOR MED IRINI investigated 574 suspect flights, 25 airports and 16 ports, and provided 28 special reports to the UN Panel of Expert [sic] on Libya, 23 of which referred to violations or possible violations of the arms embargo and oil smuggling activities in the West and in the East of the Country. Finally, through the embedded Crime Information Cell, the operation issued to the relevant Law Enforcement agencies 41 recommendations of inspection of suspect vessels in EU Member States’ ports, 32 of which were conducted.”

These figures do not explain the impact of the mission on the criminal activities. No data are presented to assess whether criminal groups have been dismantled due to the investigative support of IRINI. The extent of the activities suggests that IRINI is fulfilling its mandate, compared to past missions, but it does not provide more substantial arguments to assess the impact.

This evaluation is crucial not just from an EU perspective but also from a Libyan one. The country is expected to elect a government, but it is not clear when. IRINI is not intervening in the Libyan national waters (EEAS 2022), but it is still an external actor operating with the Libyan navy and coastguards.

Despite the efforts, there are several signs of the difficulties to be overcome by the international presence in Libya. On 5 February 2021, the UN-led Libyan Political Dialogue Forum selected Abdul Hamid Mohammed Dbeibah as prime minister *ad interim*, until the election. The new prime minister is tasked to appoint members of the government from the three regions of Libya – Tripolitania, Cyrenaica and Fezzan – with the purpose to have only one central body (UN News 2021). Currently, Western Libya is under the influence of Turkey while Eastern Libya is under the control of the Wagner Group, a military group from Russia (Barabanov and Ibrahim 2021). As reported by La Repubblica, between the end of 2020 and January 2021 Russian mercenaries built a fortified trench in the proximity of Sirte to defend Cyrenaica from the Turkish influence (Di Feo 2021). On top of these external influences, there is the fragmented political landscape, as reported by Al Jazeera (2021): “Libya’s eastern-based parliament has passed a no-confidence vote in the country’s unity government in a new blow to UN-backed peace efforts, but said the administration would continue

to operate in a caretaker role”. The withdrawal of confidence from the interim prime minister Abdul Hamid Dbeibah received 89 out of 113 votes.

The mechanism of the subsidies and the dynamic of the market flows

After the COVID-19 contraction of the oil production and 10 years of civil war, the economy in Libya is in increasing peril. As reported by Tim Eaton in May 2020: “Until now, the Interim Government has fused revenues from an annual budget settlement with Tripoli with the issuance of over 32 billion dinars (roughly \$23 billion) of debt in the form of bonds to pay salaries and finance its spending. The bonds were initially sold directly to three banks headquartered in the eastern region” (Eaton 2020).

Given the situation, the central government and the National Oil Corporation of Libya are supposed to provide the citizens with subsidised fuel. This economic measure is meant to provide affordable energy to the population. Since October 2019, the GNU, led by the prime minister Abdul Hamid Dbeibeh and formed in March 2021, has been reducing the subsidies, particularly on fuel (Coface n.d.), because they are one of the main drivers of the local and regional illicit economy. Indeed, subsidised fuel from Libya is sold by smugglers at a higher price in neighbouring countries such as Tunisia and Egypt. The size of the illicit market is a threat to the future stability of the country. According to the latest estimates, “up to one-third [of fuel] goes missing from official supply chains each year, fuelling a black market that ultimately steals from state coffers at the expense of the population” (Eaton 2019).

The price of subsidised fuel is officially US\$0.11 per litre (The Global Economy n.d.). The price Libyan citizens pay is often quite different, depending on the area where they fill their tank. According to research by Chatham House in August 2019, prices in cities such as Tripoli, Sebha or Ubari can vary from US\$4.50 to US\$53 to fill the same tank (Eaton 2019). This discrepancy implies that even internally the Libyan fuel market is very volatile: it depends on the capacity of the UN-backed government in Tripoli to impose the price. In early 2020, petrol stations beyond the coastal area from east to west went dry (Westcott 2020).

The country is constantly short of fuel because Libya only has few refineries and the oil-rich region known as the Oil Crescent – always unstable – only has petroleum facilities at risk of being locked down by

militias,⁵ and no refinery capacity. This has led to the paradox that Libya has to import roughly three-quarters of the fuel consumed domestically despite having massive crude oil resources in the country. The Libyan economy depends on the export of oil, but at the same time the energy demand depends on fuel imports. These two opposite forces inflate the black market for fuel. Given the higher profit margins for the export, black market products – including fuel – are often also sold abroad. The land borders with Tunisia and Egypt are the main gateways of this smuggling. These countries have a high demand for fuel. The other borders are in a desert area, which makes smuggling harder. The results of the UN Panel of Experts on Libya suggest that Europe became a market for fuel smugglers in Libya only when a local criminal network met a foreign one in need of the commodity (Rubino, Anesi and Bagnoli 2018).

The Petroleum Facility Guard of Zawiyah: the local criminal network

Several analysts (e.g., Martín 2020) regard some of the Libyan criminal groups as something in between traditional militias and the Italian mafia groups in terms of internal structures. The main reasons are their familial ties (in Libya it is more accurate to call them clan-based/ethnic ties) and their capacity to blackmail local politicians, to control local councils and to provide social services with the aim of replacing the central state. Among them, the most noticeable in terms of the transnational connection is the Nasr Brigade (Nasr Martyrs Brigade) based in Zawiyah, a coastal city where the Amazigh tribe is in the majority. This Libyan organised crime group is based at the Az Zawiyah Oil Refinery, where some compounds are used either as prisons or as detention centres for migrants (Malakooti 2019). Their familial ties and their political scope are reminiscent of the Italian mafia. Some of the main pillars of a mafia clan are: the oath which binds the affiliates to the mafia family; violence as a tool to increase business and power; the command of silence; the hierarchical structure aimed to control both the politics and the economy; and a political agenda aimed at expanding the political influence of the criminal group, locally and nationally. All of the features but the first one, the oath, also characterise the Nasr Brigade (Bagnoli 2020). This group

5 The latest episode occurred in early 2020, before the peace conference of Berlin (Middle East Eye 2020). The oil blockade constitutes political leverage for militias.

is not the only one structured in this way, but it is the most prominent because of its transnational connections.

The group's involvement in the fuel smuggling industry was exposed by both the UN Panel of Experts and the public prosecutor's office of Catania. The operation which disrupted the smuggling network took place in October 2017 and was led by the Guardia di Finanza of Catania, an Italian law enforcement agency that deals with economic crime. The code-name was Dirty Oil. The investigation started in Italy because of the international protocol of collaboration in the framework of the larger Libeccio International operation in the Mediterranean Sea and because the Sicilian shore was the final destination of the smuggled fuel. However, the core of the crime occurred on the high seas, close to Maltese territorial waters. The alleged smugglers came from Libya and Malta, while the buyers were mainly Italians (Tribunale di Catania 2017). The smuggled product was bunkered using improvised bunkering facilities set up in the small port of Abu Kammash, 100 kilometres from Zawiya. "The area of Zuwarah and Abu Kammash has been the main launch pad for illicit exports of refined petroleum products (principally, marine gasoil 0.1 per cent sulphur (ISO 8217)) by sea", the UN Panel of Experts on Libya noted in a 2018 report (UN Panel of Experts 2018: 42).

The members of the group have been exposed not just in the Italian operation but also in several reports issued by the UN Panel of Experts on Libya. They have been placed on sanctions lists by the European Council, the US Department of State and the British Office of Financial Sanctions Implementation. The NOC also claimed that the group was dedicated to fuel smuggling. Like the entire city of Zawiya, the refinery is under the control of the Nasr Brigade, an armed group formed in 2011 and rebranded as a PFG unit in 2014. "PFG" stands for Petroleum Facility Guards, the militia-style security body of the oil plants in Libya (Eaton 2019). The PFG are divided into several "chapters", each with a leader. In Zawiya, the leader is Mohammed Kachlaf, a.k.a. al-Qasab, code LYi.025 on the UN sanctions list. Born in 1985, he is described as "the head of the Nasr brigade in Zawiya, Western Libya. His militia controls the Zawiya refinery, a central hub of migrant smuggling operations. Kachlaf also controls detention centres, including the Nasr detention centre – nominally under the control of the DCIM. As documented in various sources, the network of Kachlaf is one of the most dominant in the field of migrant smuggling and the exploitation of migrants in Libya. Kachlaf has extensive links with the head of the local unit of the coast guard of Zawiya, [Abd] al-Rahman al-Milad, whose unit intercepts boats with migrants,

often of rivalling migrant smuggling networks.⁶ Migrants are then brought to detention facilities under the control of the Al Nasr militia, where they are reportedly held in critical conditions. The Panel of Experts for Libya collected evidence of migrants that were frequently beaten, while others, notably women from Sub-Saharan countries and Morocco, were sold on the local market as ‘sex slaves’. The Panel has also found that Kachlaf collaborates with other armed groups and has been involved in repeated violent clashes in 2016 and 2017” (UN Security Council 2018). The Kachlaf brothers are still popular in Zawiya, and al-Milad still holds a high position in the chain of command of the local coast guard (Scavo 2021). The Kachlaf militia “has been accused of using its control of the refinery to divert fuel to the black market and has frustrated the NOC’s attempts to push it out”, Tim Eaton (2019) reports.

The Petroleum Facility Guards are reported by NOC chairman Mustafa Sanalla to have been responsible on several occasions for fuel smuggling and oil blockades. Historically, since 2011, the different “chapters” have been organised as militias, with different affiliations with the GNA or the LNA. More recently, the oil facilities mainly came under the control of Marshal Haftar and consequently the PFG. Zawiya remains an exception, always allied to the GNA. On 16 November 2020, the acting Special Representative of the Secretary-General for Libya, Stephanie Williams, together with NOC chairman Mustafa Sanalla launched a reunification process to merge all the different chapters into a new petroleum facility force (UN-SMIL 2020a). The aim of the process is to disarm the PFGs, which turned into militias during the conflict, and to reunify the body in charge of the security of Libya’s most vulnerable and most profitable asset. Oil production was blocked for almost a year, with severe economic consequences. The control of the Libyan oil facilities is leverage in the hands of warlords and militias and is undoubtedly one of the major sources of instability in the country (International Crisis Group 2018). The roadmap of the peace process was established at the Berlin conference in January 2020 and envisaged shutting down the illicit market for fuel. Without these revenues – given the drop in the human smuggling profits with the decrease in the voyages towards Europe – militia groups are underfinanced and unable to maintain their territorial dominance. With the approaching promised elections and the renewed increase in migration from Libya to Europe (“The number of illegal border crossings at Europe’s external borders in the first

6 To get an idea of the patrol boats used by smugglers in the Zuwarah and Abu Kammash area, see UN Panel of Experts 2018: Annex 52.

seven months of 2021 reached over 82 000, 59 % more than the total from a year ago, according to preliminary calculations” (Frontex 2021)), since late August new clashes have been reported in the country, mainly in Tripoli and Zawiya (Il Fatto Quotidiano 2021).

In early January 2021, all across Libya the PFG chapters started threatening an oil blockade if the government failed to pay their salaries. Protests were reported in both Eastern Libya (Ras Lanuf, Marsa el-Hariga and Es Sider) (Hellenic Shipping News Worldwide 2021) and Western Libya (Zawiya) (ANSA 2021). “The feud between the state-owned National Oil Corporation and the Central Bank of Libya on the distribution of oil revenues has resulted in a delay of oil payments. NOC has refused to release its oil revenues to the Central Bank, which are currently deposited with a foreign bank, until a unity government is formed”, Hellenic Shipping News (2021) reported.

The importance of the intermediaries

The smuggling of fuel requires that the commodity is smuggled illegally from the legitimate producer to the legitimate consumer. Why illegally? Because the earnings from trade are higher for both counterparts when the trade is tax-free. The money saved in taxes is the origin of the crime.

The intermediation between supply and demand is brokered by professionals, who charge their own fees. These professionals are the brokers of the illicit activity. They bridge the needs of the sellers and the buyers. This role is typical in every kind of smuggling. The professional is the facilitator of the trade, a link in the chain which makes the connection possible. As on the legal market, the broker is the figure the counterparts rely on. In the illicit economy, specific trade channels exist only because of the brokers. The drug market shows that it takes time for big brokers to be substituted when they are arrested. Already from a geographical point of view, Malta is the natural bridge between the Global South and the Global North in the Mediterranean region. The histories of Libya and Malta are intertwined: Malta became independent from the United Kingdom in 1964 (and became a Republic in 1974) (Encyclopedia Britannica n.d.-b), while the Libyan revolution led by Muammar Gaddafi started in 1969 (Encyclopedia Britannica n.d.-a). When the British Royal Air Force left the island, the first cargo plane to land came from Libya with “44 men in civilian clothes who were lugging 4-ft.-long wooden crates. Government spokesmen insisted that the Libyans were ‘technicians’ who had come to operate Luqa when British air-traffic controllers leave; their crates

merely contained technical gear”, TIME reported in 1972. The Libyan leader Gaddafi also loaned millions of dollars to support the newborn government, which had to overcome the lack of income from the British.

The relationship between the two countries has remained close ever since. There is a vital and large Libyan community in Malta, some of the Libyan financial authorities are based or have branches in Malta, and the Maltese public bank Bank of Valletta (BOV) is currently under scrutiny by the local financial authority because of loans granted to Libyan citizens without due diligence and because it hid money diverted from Libya by the Gaddafi family (ANSAmEd 2021). This long and solid relationship between the two countries was reported after the Libyan revolution of 2011.

When the Maltese came in: who are the intermediaries who made the smuggling between Libya and Europe possible

It is not clear exactly when the former Maltese football player Darren Debono met the Libyan kingpin Fahmi Slim Ben Khalifa, alias Malem (Arabic for “boss”), but certainly between 2015 and 2016 their business flourished.

The business opportunity in Libya came along with the chaos in Western Libya and the emerging power of the Nasr Brigade in the area. At the same time, Darren Debono seemed to be looking for a new opportunity for business. He was joined by another Maltese oil trader interested in expanding his business network in Libya: Gordon Debono (not a relative of Darren).

Ben Khalifa was reportedly “affiliated”⁷ to the Kachlaf crime group. His criminal record is long: he fled a prison in 2011, during the Libyan uprising against Gaddafi. He was convicted for drug trafficking at the time. He was nicknamed the King of Zuwarah, which at the time was one of the main hotspots of the human trafficking between Libya and Italy. According to business records, he also owned shipping companies

7 The term would fit more accurately for a mafia clan rather than a Libyan crime group. Yet, as mentioned before, this Libyan group has similarities with the mafia-style groups in Italy. Ben Khalifa was prominently connected to the Kachlaf clan by ethnic ties.

in Tunisia and Libya at the time of his business association with Darren Debono.⁸

In Libya, Ben Khalifa succeeded in providing the bunkering facilities used in the smuggling ring at Abu Kammash, Sidi Ali and his pumping station at Marsa Tiboda, the harbour where the Italian navy docked its warships in the war against the local population back in 1912 (La Confédération 1912).

The UN Panel of Experts (2018: 42) described these smuggling facilities⁹:

“The gasoil comes from the Zawiya refinery along a route parallel to the coastal road [...]. The fuel is usually delivered to illegal fuel depots, of which there are about 40 in the area. From those facilities, the fuel is transferred in smaller tanker trucks to the port of Zuwarah, where it is loaded into small tanker ships or fishing boats with modified tanks. They then supply larger ships smuggling the fuel out of Libya. About 70 boats, either small tankers or fishing trawlers, were dedicated solely to this activity. The trucks also transport the fuel to one of three pumping stations located on the coast between Zuwarah and Abu Kammash. These are Marsa Tiboda, Sidi Ali and the Abu Kammash Chemical Factory [...]. From the pumping stations, smugglers use dedicated pipes to load the fuel into ships waiting between 1 and 2 nautical miles offshore. It is, however, not clear how many of those pumping stations are currently functioning.”

8 Indictment based on Operation Dirty Oil: “Indice del coinvolgimento di BEN KHALIFA nel traffico illecito in esame è dato innanzitutto dalla sua partecipazione nella società maltese ADJ TRADING Ltd., unitamente a Darren DEBONO e al cittadino egiziano Ahmed Ibrahim Hassan Ahmed ARAFA, oggetto già alla fine del 2015 di attenzione mediatica e nel mese di marzo del 2016 del rapporto degli esperti nominati dal Consiglio di Sicurezza dell'ONU in quanto ritenuto al centro dei traffici illeciti di combustibili nel Mediterraneo.” (Tribunale di Catania 2017: 24) – Own translation: “BEN KHALIFA’s involvement in the illicit trafficking was revealed above all by his participation as a shareholder in the Maltese company ADJ TRADING Ltd., together with Darren DEBONO and the Egyptian citizen Ahmed Ibrahim Hassan Ahmed ARAFA, already exposed in the media at the end of 2015 and in March 2016 mentioned in the report by the UN Security Council as he was considered to be at the centre of illicit fuel trafficking in the Mediterranean.”

9 For satellite pictures of the smuggling facilities, see UN Panel of Experts 2018, Annex 51, pg. 215.

In 2017, the criminal fuel smuggling industry comprised 500 people employed in around 20 criminal networks, but they were predominantly focused on the local market, except for the Nasr Brigade, which was also providing sea patrolling for the groups allied with it.

Darren Debono was relatively new in the oil business. After his football career, he managed a small fleet of fishing boats and a fancy restaurant, Scoglitti. In ADJ Trading Ltd., the first company of their entire network, Darren Debono and Ben Khalifa were associated with an Egyptian businessman already involved in different kinds of smuggling. Ben Khalifa also had a tanker at his disposal due to his role as a board member of the Libyan company Tiuboda Oil and Gas (Frattini 2016).

According to the Italian police, even if formally the PFG in Zawiya had been dissolved in January 2017, the fuel smuggling business was carried on by Ben Khalifa and his brothers: Nabil, Hafiz, Hakim and Fatimi. According to a leaked UN interim report from 2017, they were still operating at the time.

The duo wasn't able to go beyond Libya at that time. The addition of a proper oil broker, who is still in the business, was a game changer, according to the investigators. Gordon Debono gave the group the capacity to export Libyan fuel with forged certifications to circumvent the lack of national authorisation, according to the findings of the Guardia di Finanza. Moreover, the size of the ships at his disposal and his commercial network brought the group to the next level.

Fahmi Slim was arrested in August 2017, before the warrant issued in the course of Operation Dirty Oil, and is still in jail. According to confidential sources close to the investigation, his network dried out. Darren and Gordon Debono were arrested, but they are still operating. Darren Debono was granted bail in another case of money laundering in April 2021 (Agius 2021), while Gordon Debono was charged in another case of money laundering in November 2020 (Martin 2020) and is claiming in Malta that he is not a business associate of Darren Debono (Brincat 2021). Now they are waiting for the final trial in Italy. These three persons are still under sanctions by the US, the UK, the EU and the UN.

*The modus operandi: faking the bill of lading*¹⁰

The criminal network used the Maltese-Libyan Chamber of Commerce, the entity tasked with promoting business between the two countries, to label the fuel as Saudi. The camouflage allowed them to sell a product with a supposed higher quality (and price) and circumvent the export licence system. According to the Dirty Oil indictment, the Maltese network worked with the help of notaries and employees at the Maltese Ministry of Foreign Affairs.

The gasoline with the forged certificates¹¹ was bunkered in both Malta and Italy. The provider of the Italian customers was Darren Debono, who knew Nicola Orazio Romeo, a Sicilian fishing businessman indicted in Dirty Oil. According to the Italian investigators, Romeo controlled part of the Acireale fish markets, which were deeply infiltrated by the Sicilian mafia, the *cosa nostra*. He was connected to the clan of the Santapaolas of Catania as well. According to the investigators' hypothesis, the possibility to introduce Darren Debono to the Italian oil traders mentioned in Dirty Oil was provided by Romeo. According to the investigation, the price of the product was very competitive.

The Swiss NGO TRIAL International investigated a Swiss oil trading company which received over 50,000 metric tons of gasoil from the Zawiya refinery in Libya from spring 2014 to summer 2015. According to bank statements collected by the NGO, “[the company] transferred over USD 11 million to the small Maltese company Oceano Blu Trading Ltd from 18 June to 22 July 2015. At the time, the company was managed by Darren Debono” (TRIAL International 2020) and owned by Nicola Orazio Romeo.

When stored in legitimate companies, the illicit products entered the legitimate market. The ongoing trial for Operation Dirty Oil will have to establish whether the oil companies involved were aware of the origin of the fuel, as alleged in the Guardia di Finanza findings.

10 The following section is based on Rubino, Anesi and Bagnoli (2018)

11 For an example of such a forged certificate, see “Are the papers in order?” in Public Eye/TRIAL International (2020).

The case of the Temeteron

The disruption of the Debonos' network began with an event: the interception by the Libyan coastguard of Zawiya of a vessel called Temeteron, which occurred in June 2016. At that time, the equilibrium among the group broke down. Gordon Debono, the professional broker, wanted to take control of part of Darren's fleet. According to some wiretaps collected by the Guardia di Finanza of Catania, Gordon Debono had plans to expand the smuggling ring into Eastern Libya. There is no evidence that it had connections on the ground, nor evidence of the existence of a crime group dedicated to fuel smuggling in Eastern Libya. In any case, he succeeded in organising the bunkering of smuggled fuel through one of the most frequently used vessels of the group, the Temeteron.

This is one of the 70 vessels exposed by the UN for their role in the smuggling ring. Both Dirty Oil and the UN Panel of Experts investigations established the connection between the ship and Gordon Debono. However, the role played by the intermediary chartering company based in Greece is still not clear. The structure of the shipping industry and the extensive use of charters made assessing the level of complicity among different actors of the network more complex than in other sectors.

In each of its reports, the UN Panel of Experts on Libya updates a list of vessels spotted smuggling different goods, from weapons to fuel. The Temeteron was first named by the panel in the report S/2017/466. Many of these vessels are subsequently included in sanctions lists all around the world. Litigation for unpaid salaries or about the responsibility for incidents that occurred at sea is frequent. As a result, it is impossible to assess the actual involvement of the shipping companies in the fuel smuggling ring from Zawiya.

In June 2016, the Temeteron was heading to Zuwarah to load oil products. In an area near the Maltese territorial waters known as Hurd's Bank, the products were meant to be transhipped to other vessels and stored in either Italy or Malta. The chief operations officer on board, Sergey Samaylov, told IрпиMedia what he experienced on board the Temeteron when the ship was intercepted by the Libyan Coast Guard and later assaulted. As is usual, he was not aware of the kinds of products the ship was supposed to carry. He remembered that the first journey to Libya, with an associate of Darren Debono on board, went smoothly while a second one, a few days later, without anyone from Darren's network on board, caused the intervention of the Libyan Coast Guard. Sergey Samaylov provided evidence of the assault of the Libyan Coast Guard on the ship and the beating of the crew. After disembarking, the crew were imprisoned first at

the Nasr Brigade compound close to the Zawiya refinery and later in the Mitiga prison of Tripoli, where they spent three years before their release. The trial against the crew of the *Temeteron* in Tripoli ended up with a conviction for conspiracy, illegal migration and fuel smuggling.

The head of the negotiations to release the (mainly Russian) crew was Lev Dengov, entrepreneur, chairman of the board of the Russian-Libyan Trade House and a close associate of Chechen leader Ramzan Kadyrov. In 2015, when the number of Russian seafarers arrested in Libya became significant, Dengov was appointed special advisor to the Ministry of Foreign Affairs in Russia. He also led the initial interactions with Khalifa Haftar, whose main foreign sponsor Russia later became, along with the UAE. Dengov failed to secure the release of the *Temeteron*'s crew, and his replacement corresponded with a change in the Russian diplomatic strategy on Libya. The Ministry of Defence became Russia's main representative in Libya. Despite a public denial by the Kremlin, several investigations showed that the Russian military contractor Wagner Group, already used by Russia in other conflicts, had boots on the ground. At that point, the Russian diplomatic dialogue with the western part of Libya was over, and Eastern Libya and Haftar became the main ally.

The most notorious of the smugglers: Abd Al-Rahman Milad, a.k.a. al-Bija

As Sergey Samaylov recalls, the *Temeteron* was boarded by Abd Al-Rahman Milad, a.k.a. al-Bija (UNSMIL 2020b), a member of the Libyan Coast Guard affiliated with the Nasr Brigade. He became notorious in Italy thanks to several investigations on his abuses against migrants (Mannocchi 2017; Porsia 2017). As reported by Nello Scavo in the Italian newspaper *Avvenire* in a series of articles (Scavo 2019), al-Bija was also invited to visit a migrant facility in Mineo, Sicily, by the Italian government in May 2017. The event and his training in Italy were in line with what was established in the Memorandum of Understanding between Libya and Italy. As noted by the UN Panel of Experts and many other analysts, al-Bija was at the same time the guard and the felon beating people. According to the Dirty Oil investigation, al-Bija intervened to stop the *Temeteron* in response to a call by Darren Debono. This event shows the synergy between the Maltese and the Libyan smugglers and the role played by the Libyan Coast Guard of Zawiya in this context.

On 15 October 2020, al-Bija was arrested by the RADA Special Deterrence Forces, the armed group who brought the *Temeteron* crew from the Nasr Brigade prison to Mitiga in Tripoli. According to a UNSMIL (2020b)

press report, al-Bija was “subject to a special bulletin of the International Criminal Police Organization (INTERPOL) and an arrest warrant issued in April 2019 by the Tripoli Public Prosecution Office on charges of human trafficking and fuel smuggling”, in addition to the UN, UK, US and EU sanctions lists where he appears. This is the latest available report about him. It is not clear why he lost the support which allowed him to work with the Nasr Brigade as chief of the Libyan Coast Guard in Zawiya.

Conclusions

In Libya, the local militias are gaining power locally through their transnational networks. The instability of the country is fuelled by sanctioned businessmen and companies also operating in the European Union. On the side of the Global South, there are militias and criminal groups who are among the producers of instability in the country. Yet, Libya is an important oil and gas producer and a strategically important country to partner with for the European powers, so it is important to stay in dialogue and negotiations with the different factions, from the European perspective. The problem is that this dialogue legitimised actors who work on the black market, often in contact with transnational groups of criminals and alleged criminals with a background in fuel smuggling. On the side of the Global North, there are companies and businessmen eager to participate in a tax-free fuel trade, taking advantage of lax regulations and the lack of controls in the international waters outside Libya. Between these two poles, there are the brokers, the intermediaries who make smuggling rings possible. The external actors are the international powers who are supporting different factions, including the smugglers, in the Libyan civil war.

The Libyan turmoil is a perfect environment for the growth of organised crime groups. The chess game about the stabilisation of Libya between international actors such as Turkey, Russia, Egypt, the United Arab Emirates and the European Union – and the resulting split of its resources – has so far been another factor of instability. In this context, the main concern of the European Union has been to tackle human smuggling, perceived as the major crime occurring in Libya. Despite the intentions to disrupt other smuggling networks, the sea patrolling missions coordinated by the European Council failed to obtain the expected results in every sector. The consequences are a booming black market and a suffering legal economy. The unification of the country at this stage still seems a dream. Without a discernible diplomatic result, any fight against the group

of smugglers will be useless. In the Balkanised situation that currently exists, smuggling is often a way to survive. Especially between 2014 and 2016, some of the groups more keen to expand their power found new allies in Europe, such as Gordon and Darren Debono in Malta. Strong coordination among more law enforcement agencies at the EU level made it possible to tackle that specific group. Still, in terms of the legal consequences it is not clear what will be the outcome of the investigations, due to the ongoing trial in Catania. The petroleum sector is under scrutiny because of its environmental impact. Countries such as Libya where the petroleum sector has a very high impact on the GDP will suffer the worst consequences. It is likely that the black market for oil derivatives will survive longer in Libya. It is not realistic to imagine any sort of transition from oil into renewable energies in a country where the central state is not able to govern. Rather than targeting local criminal actors, who sometimes smuggle to survive, the international community should sanction legal actors in the Global North and in the Global South who trade with smuggling networks. This strategy at least creates a deterrent for the companies who are buying smuggled fuel, even if the success of the sanctions also in other regions such as Iran or North Korea is still debatable (O'Sullivan 2010). The UN should keep its dominant role for the sanctions and the stabilisation of Libya to succeed. The UN should focus on how to dismantle the illegal structure providing earnings to economic actors who are stealing resources from Libya. The UN Panel of Experts has already collected much evidence of how the looting works; now it is time to determine the countermeasures, along with a Libyan government. Without a stable and elected parliament, every effort could harm the sovereignty of Libya. This is one of the reasons why the elections are a potential game changer in this context.

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