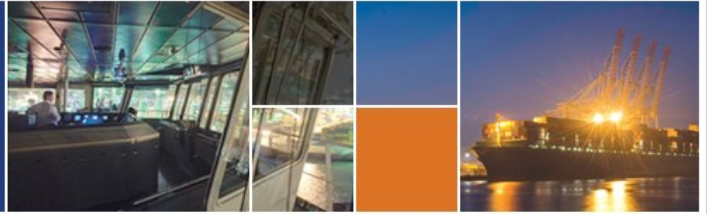




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Libya: Risks for tanker owners and crew when trading in Libya

May 2018

Club correspondents Shtewi Legal and Pandi Services of Tripoli have recently updated the Club about the risks involved in trading with Libya.

Since the fall of the Gaddafi regime and the subsequent formation of a Government recognised by the UN, there have been reports that certain factions have been taking advantage of the uncertain political climate and have been engaged in selling government oil assets on the black market. The legitimate Government based in Tripoli is determined to stop this practice and to take measures against any vessel and crew thought to be involved in such operations.

Tankers suspected of being en route to a clandestine loading port are at risk of being boarded by the Libyan Navy, and the crew and vessel being seized and taken to Tripoli to await a further investigation, which may lead to a trial.

The Libyan legal system operates very slowly, and the investigation itself could take up to two years. There have been reports of crewmembers being held in custody for over 2 years without any prospect of imminent release. During the course of investigations, the vessels involved remain at anchor.

There is a case pending where a vessel, having discharged fuel oil in October 2017, dropped anchor in the Gulf of Sirte awaiting orders. The vessel was then seized by the Libyan Navy and the crew removed. The vessel was then taken to Tripoli, where it remains.

Shtewi Legal and Pandi acting for the owners were able to obtain the release of the crew who were flown back to the Philippines. However, the officers are still detained in prison. Despite many representations to the Prosecutors office there is still no date set for the trial or even any indication whether a trial will take place or when the officers and the vessel might eventually be released.

It is imperative therefore for the safety of the ship and crew that ship owners and charterers take special measures to avoid risk of experiencing similar consequences. The following steps are recommended:

1. When considering accepting a charter fixture for a voyage to Libya, obtain assurances from the charterer that the cargo they are about to lift has been purchased through the National Oil Company of Libya, the entity which has sole rights over and control of any oil exports.
2. Any charterer approached by cargo interests should establish their legitimacy and their right to load oil from Libya and should be provided with documentary evidence to that effect.
3. Product tankers delivering fuel oil to Libya, should, after delivery operations have been completed and the vessel given permission to leave the port, sail directly out of Libyan waters without deviation or delay. Such deviation or delay has in the past been interpreted by the Authorities as suspicious, and given rise to allegations that the Master is waiting to load an illegal cargo.
4. When leaving the Libyan coast, all vessels should not follow the coast line but proceed on a course that will result in the vessel leaving Libyan territorial waters as quickly as possible.

It is hoped that by following the procedures outlined, shipowners might avoid the potentially disastrous consequences of the vessel and crew being detained indefinitely in Libya.

Our thanks to Taher Shtewi, of Shtewi Legal and Pandi Services, Tripoli for providing this information.

