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WATCH

# “They Killed Us from the Inside”

An Investigation into the August 4 Beirut Blast



**“They Killed Us from the Inside”**  
An Investigation into the August 4 Beirut Blast

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## Summary

Following decades of government mismanagement and corruption at Beirut's port, on August 4, 2020, one of the largest non-nuclear explosions in history pulverized the port and damaged over half the city. The explosion resulted from the detonation of tonnes of ammonium nitrate, a combustible chemical compound commonly used in agriculture as a high nitrate fertilizer, but which can also be used to manufacture explosives. The cargo of ammonium nitrate had entered Beirut's port on a Moldovan-flagged ship, the *Rhosus*, in November 2013, and had been offloaded into hangar 12 in Beirut's port on October 23 and 24, 2014.

The Beirut port explosion killed 218 people, including nationals of Lebanon, Syria, Egypt, Ethiopia, Bangladesh, Philippines, Pakistan, Palestine, the Netherlands, Canada, Germany, France, Australia, and the United States. It wounded 7,000 people, of whom at least 150 acquired a physical disability; caused untold psychological harm; and damaged 77,000 apartments, displacing over 300,000 people. At least three children between the ages of 2 and 15 lost their lives. Thirty-one children required hospitalization, 1,000 children were injured, and 80,000 children were left without a home. The explosion affected 163 public and private schools and rendered half of Beirut's healthcare centers nonfunctional, and it impacted 56 percent of the private businesses in Beirut. There was extensive damage to infrastructure, including transport, energy, water supply and sanitation, and municipal services totaling US\$390-475 million in losses. According to the World Bank, the explosion caused an estimated \$3.8-4.6 billion in material damage.

The explosion also resulted in ammonia gas and nitrogen oxides being released into the air, potentially with toxins from other materials that may have also ignited as a result of the explosion. Ammonia gas and nitrogen oxides are harmful to the environment as well as to the respiratory system. The destruction is estimated to have created up to 800,000 tonnes of construction and demolition waste that likely contains hazardous chemicals that can damage health through direct exposure, or soil and water contamination. The United Nations Development Programme (UNDP) has estimated that the cost of cleaning up the environmental degradation from the explosion will be over \$100 million.

The evidence, as currently known, raises questions regarding whether the ammonium nitrate was intended for Mozambique as the *Rhosus's* shipping documents stated or whether Beirut was the intended destination for the material. The evidence currently available also indicates that multiple Lebanese authorities were, at a minimum, criminally negligent under Lebanese law in their handling of the *Rhosus's* cargo. The actions and omissions of Lebanese authorities created an unreasonable risk to life. Under international human rights law, a state's failure to act to prevent foreseeable risks to life is a violation of the right to life.

In addition, evidence strongly suggests that some government officials foresaw the death that the ammonium nitrate's presence in the port could result in and tacitly accepted the risk of the deaths occurring. Under domestic law, this could amount to the crime of homicide with probable intent, and/or unintentional homicide. It also amounts to a violation of the right to life under international human rights law.

A chronology of events related to the *Rhosus* and its cargo, starting in September 2013, can be found in Annex 1 of this report.

In this report, Human Rights Watch details the evidence of omissions and actions by officials that, in a context of longstanding corruption and mismanagement at the port, allowed for such a potentially explosive compound to be haphazardly stored there for nearly six years. The very design of the port's management structure was developed to share power between political elites. It maximized opacity, and allowed corruption and mismanagement to flourish.

Drawing on official correspondence regarding the *Rhosus* and its cargo, some of which has not been published before, the report outlines what is currently known about how the ammonium nitrate arrived in Beirut and was stored in hangar 12 in the port. Through a review of dozens of official documents sent from and to officials working under the Ministry of Finance, including customs officials; the Ministry of Public Works and Transport, including port officials; members of the judiciary; the Case Authority (a body at the Ministry of Justice which acts as the legal representative of the Lebanese state in judicial proceedings); members of the Higher Defense Council, including the president and prime minister; the Ministry of Interior; General Security; and State Security, among others, the report provides insights into which government officials knew about the ammonium

nitrate and what actions they took or failed to take to safeguard the population from its dangerous long-term presence there. Interviews with government, security, and judicial officials, defense lawyers for officials who have been charged, investigative journalists, and others, provided further insights into the actions government officials took or failed to take despite being informed of the risks.

Evidence indicates that many of Lebanon's senior leaders, including President Michel Aoun, then-Prime Minister Hassan Diab, the Director General of State Security, Major General Tony Saliba, former Lebanese Army Commander, General Jean Kahwaji, former Minister of Finance, Ali Hassan Khalil, former Minister of Public Works and Transport, Ghazi Zeaitar, and former Minister of Public Works and Transport, Youssef Fenianos, among others, were informed of risks posed by the ammonium nitrate and failed to take the necessary actions to protect the public.

Official correspondence reflects that once the ship arrived in Beirut, Ministry of Finance and Ministry of Public Works and Transport officials failed to correctly communicate or adequately investigate the potentially explosive and combustible nature of the ship's cargo, and the danger it posed. Ministry of Public Works and Transport officials inaccurately described the cargo's risks in their requests to the judiciary to offload the merchandise and knowingly stored the ammonium nitrate in Beirut's port alongside flammable or explosive materials for nearly six years in a poorly secured and ventilated hangar in the middle of a densely populated commercial and residential area. Their practices contravened international ammonium nitrate safe storage and handling guidance. Neither they, nor any security agency operating in the port, took adequate steps to secure the material or establish an adequate emergency response plan or precautionary measures, should a fire break out in the port. They also reportedly failed to adequately supervise the repair work undertaken on hangar 12 that may have triggered the explosion on August 4, 2020.

Official correspondence also indicates that port, customs, and army officials ignored steps they could have taken to secure or destroy the material.

Customs officials repeatedly took steps to sell or re-export the ammonium nitrate that were procedurally incorrect. But instead of correcting their procedural error, they persisted with these same incorrect interventions despite repeatedly being told of the procedural

problems by the judiciary. Legal experts even state that customs officials could have acted unilaterally to remove the ammonium nitrate and that they could have sold it at public auction or disposed of it without a judicial order, which they never took steps to do.

The Lebanese Army Command brushed off knowledge of the ammonium nitrate in hangar 12, saying they had no need for the material, even after learning its nitrogen grade classified it under local law as material used to manufacture explosives and required army approval to be imported and inspection. Despite being responsible for all security issues related to munitions at the port, and being informed of the ammonium nitrate in hangar 12, Military Intelligence took no apparent steps to secure the material or establish an appropriate emergency response plan or precautionary measures.

All of this was done despite repeated warnings about the dangerous nature of ammonium nitrate and the devastating consequences that could follow from its presence in the port.

Even after security officials from the Lebanese General Directorate of State Security, the executive agency of the Higher Defense Council chaired by the president, completed an investigation into the ammonium nitrate at the port, there was an unconscionable delay in reporting the threat to senior government officials, and the information they provided about the threats posed by the material was incomplete.

Both the then-Minister of Interior and the Director General of General Security have acknowledged that they knew about the ammonium nitrate aboard the *Rhosus*, but have said that they did not take action after learning about it because it was not within their jurisdiction to do so.

Once they were informed by State Security, other senior officials on Lebanon's Higher Defense Council, including the president and the prime minister, also failed to act in a timely way to remove the threat.

Relying on public sources and interviews with impacted individuals, the report recounts the devastating events of August 4 that led to violations of the right to life and other human rights abuses, such as violations of the rights to education and to an adequate standard of living, including the rights to food, housing, health, and property.

Finally, the report documents the failings of the Lebanese domestic investigation into the blast.

In the aftermath of the blast, Lebanese officials vowed that the cause of the explosion would be investigated vigorously and expeditiously. In August 2020, 30 UN experts publicly laid out benchmarks, based on international human rights standards, for a credible inquiry into the blast, noting that it should be “protected from undue influence,” “integrate a gender lens,” “grant victims and their relatives effective access to the investigative process,” and “be given a strong and broad mandate to effectively probe any systemic failures of the Lebanese authorities.”

In the year since the blast, however, a range of procedural and systemic flaws in the domestic investigation have rendered it incapable of credibly delivering justice. These flaws include a lack of judicial independence, immunity for high-level political officials, lack of respect for fair trial standards, and due process violations.

Lebanese authorities have ensured that the domestic investigation that they authorized would remain carefully circumscribed. On August 13, the justice minister named Fadi Sawan the judicial investigator responsible for the investigation. Judge Sawan brought charges against 37 people, but with the exception of the heads of the customs administration and port authority, those detained were mostly mid- to low-level customs, port, and security officials.

While only relatively lower-level officials were detained, senior officials knew of the ammonium nitrate being stored in the port, had a responsibility to act to secure and remove it, and failed to do so. However, investigations of their responsibility have been stymied due to various types of immunities applicable to ministers, parliamentarians, lawyers, and others.

In November 2020, Judge Sawan wrote to parliament asking them to investigate 12 current and former ministers for their role in the August 4 explosion and then refer them to a special body that Lebanese law empowers to try ministers. However, Nabih Berri, the speaker of the parliament, refused to act.

In December 2020, in the absence of parliamentary action, Judge Sawan charged the Caretaker Prime Minister Hassan Diab, and three former government ministers – Ghazi Zeaiter, former Minister of Public Works and Transport; Ali Hassan Khalil, former Minister of Finance; and Youssef Fenianos, former Minister of Public Works and Transport –with criminal negligence related to the blast. The judge was immediately challenged for not having accepted the immunity that politicians typically enjoy in Lebanon. Two of the former ministers, who are also members of Parliament, filed a complaint before the Court of Cassation, the country’s highest court, for Judge Sawan to be removed from the case and in February 2021, the court removed him. His replacement, investigative judge Tarek Bitar, is operating under the same prosecutorial limitations.

On July 2, 2021, Judge Bitar submitted a request to parliament to lift parliamentary immunity for former ministers Khalil, Zeaiter, and Nohad Machnouk, the former Minister of Interior. They are all currently parliamentarians. He also wrote to the Beirut and Tripoli Bar Associations, requesting permission as required by Lebanese law to prosecute former ministers Khalil, Zeaiter, and Fenianos, all of whom are lawyers. Both the Tripoli and Beirut Bar Association approved Bitar’s request to prosecute Khalil, Zeaiter, and Fenianos. As of July 29, 2021, parliament has still not lifted the immunity of these parliamentarians.

Bitar also requested permission to prosecute Major General Abbas Ibrahim, the Director General of General Security, from the Interior Minister, and he requested permission from Caretaker Prime Minister Hassan Diab to interrogate Major General Tony Saliba, the head of State Security, as a suspect. Judge Sawan had previously charged Saliba. On July 9, 2021, Caretaker Interior Minister Mohammad Fehmi refused Bitar’s request to prosecute Ibrahim, but Bitar appealed Fehmi’s decision and referred the case to the Cassation Public Prosecution. Cassation Attorney General Ghassan Khoury told Human Rights Watch that he denied Bitar’s request to prosecute Ibrahim. As of July 29, 2021, neither Prime Minister Diab nor President Aoun nor the Higher Defense Council had responded to Bitar’s request to interrogate Saliba as a suspect.

Bitar brought charges against former Lebanese Army Commander, General Jean Kahwaji, and three former senior officials in Military Intelligence.

The right to life is an inalienable right, enshrined in the International Covenant on Civil and Political Rights (ICCPR) (article 6), which Lebanon ratified in 1972. The Human Rights

Committee, which interprets the ICCPR, has stated that states must respect and ensure the right to life against deprivations caused by persons or entities, even if their conduct is not attributable to the state. The Committee further states that the deprivation of life involves an “intentional or otherwise foreseeable and preventable life-terminating harm or injury, caused by an act or omission.” States are required to enact a “protective legal framework which includes criminal prohibitions on all manifestations of violence...that are likely to result in a deprivation of life, such as intentional and negligent homicide.” They are also obligated to investigate and prosecute potential cases of unlawful deprivations of the right to life, and to provide an effective remedy for human rights violations.

Survivors of the explosion and the families of the victims have been vocal in calling for an international investigation, expressing their lack of faith in domestic mechanisms. They also argue that the steps taken by the Lebanese authorities so far are wholly inadequate to achieve accountability as they rely on flawed processes that are neither independent nor impartial.

As one year passes since the explosion, the case for such an international investigation has only strengthened. The Human Rights Council (HRC) has the opportunity to assist Lebanon to meet its human rights obligations by mandating an investigative mission into the August 4, 2020 explosion to identify the causes of, and responsibility for, the blast, and what steps need to be taken to ensure an effective remedy for victims.

The independent investigative mission should identify what triggered the explosion and whether there were failures in the obligation to protect the right to life that led to the explosion at Beirut’s port on August 4, 2020, including failures to ensure the safe storage or removal of a large quantity of combustible and potentially explosive material. It should also identify failures in the domestic investigation of the blast that would constitute a violation of the right to an effective remedy and the right to life. It should make recommendations on measures necessary to guarantee that the authors of these violations and abuses, regardless of their affiliation or seniority, are held accountable for their acts and to address the underlying systemic failures that led to the explosion and to the limited scope of the domestic investigation.

The independent investigative mission should report on the other human rights impaired or violated by the explosion and failures by the Lebanese authorities and make

recommendations to Lebanon and the international community on steps that are needed both to remedy the violations and to ensure that similar violations do not occur in the future.

In addition, countries with Global Magnitsky and other human rights and corruption sanction regimes should sanction officials implicated in ongoing violations of human rights related to the August 4 blast and efforts to undermine accountability. Human rights and corruption sanctions would reaffirm states' commitments to promoting accountability for perpetrators of serious human rights abuse and provide additional leverage to those pressing for accountability through domestic judicial proceedings.

## Methodology

Human Rights Watch has compiled over 100 documents related to the *Rhosus* and its cargo, some of which have not been published before (See Annex 2 and English translations in Annex 3). These include documents sent to and from officials working under the Ministry of Finance, including customs officials; the Ministry of Public Works and Transport, including port officials; members of the judiciary; the Case Authority (a body at the Ministry of Justice that acts as the legal representative of the Lebanese state in judicial proceedings); members of the Higher Defense Council; General Security; State Security; and others. These documents were obtained via open-source research and from the investigative unit at Al-Jadeed television, the Samir Kassir Foundation, and six confidential sources.

Human Rights Watch wrote to 43 Lebanese government officials and six political parties regarding the role that they and their institutions played in the August 4, 2020 explosion and to eight companies and two law firms to request information pertaining to the *Rhosus* and its cargo and their work (see Annex 4). Six officials, one company, and one law firm responded to our correspondence on the record before publication and their responses have been incorporated into this report (see Annex 5).

For this report, Human Rights Watch also conducted ten interviews with Lebanese government, security, and judicial officials, including the caretaker prime minister, the director general of State Security, and the former head of the Case Authority. Human Rights Watch also interviewed three lawyers representing individuals who have been charged for the August 4 explosion at Beirut's port, as well as seven of their relatives. In addition, we interviewed a lawyer representing a group of victims of the blast, a former shipping company employee, someone who saw the ammonium nitrate in hangar 12 in early 2020, an investigative journalist, a researcher with expertise in the structure of Beirut's port, and seven people who were impacted by the August 4 explosion.

Most interviews were conducted in person, but some were conducted over the phone. Researchers informed all interviewees about the purpose and voluntary nature of the interviews and the ways in which Human Rights Watch would use the information and obtained consent from all interviewees. Human Rights Watch has withheld the names of

some individuals featured in the report at their request. Interviews were conducted in Arabic or English without the assistance of a translator.

Human Rights Watch also reviewed local and international media and other reports related to the August 4 blast and Beirut's port.

## Port of Beirut: A Case Study in Lebanese Authorities' Mismanagement and Corruption

The port of Beirut is Lebanon's main commercial port and a hub for maritime trading on the Mediterranean Sea. In 2019, the port handled an estimated US\$20 billion of trade, comprising 78 percent of Lebanon's imports and 48 percent of its exports.<sup>1</sup> It has also played a significant role in transit traffic, especially to Syria and Iraq.<sup>2</sup>

However, Beirut's port, sardonically referred to by some Lebanese as "the cave of Ali Baba and the 40 thieves," has been rife with corruption, negligence, and mismanagement, and is emblematic of the failures of post-war state building and political sectarianism in Lebanon.<sup>3</sup>

From 1960 until 1990, Beirut's port was managed by a private company, the 'Compagnie d'Exploitation et de Gestion du Port de Beyrouth' (CEGPB).<sup>4</sup> In 1990, after the end of the civil war, management of the port reverted to the state, as the company's 30-year concession also ended in December 1990.<sup>5</sup> But, former warlords and political leaders who had a financial stake in how the port was managed could not agree on how to manage it, including whether the port should be a private or public institution.<sup>6</sup>

In 1993, the Council of Ministers established a provisional administrative body, the "Temporary Committee for Management and Investment of the Port of Beirut" (hereafter

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<sup>1</sup> World Bank, "Reforming and Rebuilding Lebanon's Port Sector: Lessons from global Best Practices," December 2020, <https://documents1.worldbank.org/curated/en/823691609795908583/pdf/Reforming-and-Rebuilding-Lebanons-Port-Sector-Lessons-from-Global-Best-Practices.pdf> (accessed June 24, 2021), p. 17.

<sup>2</sup> Ibid.

<sup>3</sup> "تحقيق ناشونال انتريست - خبايا القوة التي دمرت بيروت" August 9, 2020, *DW*, <https://bit.ly/3xZrsTe> (accessed June 24, 2021); Ben Hubbard, Maria Abi-Habib, Mona El-Naggar, Allison McCann, Anjali Singhvi, James Glanz, and Jeremy White, "How a Massive Bomb Came Together in Beirut's Port," *New York Times*, September 9, 2020, <https://www.nytimes.com/interactive/2020/09/09/world/middleeast/beirut-explosion.html> (accessed June 22, 2021); Reinoud Leenders, "Timebomb at the Port: How Institutional Failure, Political Squabbling and Greed Set the Stage for Blowing up Beirut," Arab Reform Initiative, September 16, 2020, <https://www.arab-reform.net/publication/timebomb-at-the-port-how-institutional-failure-political-squabbling-and-greed-set-the-stage-for-blowing-up-beirut/> (accessed June 22, 2021).

<sup>4</sup> Leenders, "Timebomb at the Port," Arab Reform Initiative.

<sup>5</sup> Ibid.

<sup>6</sup> Human Rights Watch Interview with Reinoud Leenders, Reader in International Relations and Middle East Studies at King's College, via Microsoft Teams, June 25, 2021. See also Leenders, "Timebomb at the Port," Arab Reform Initiative.

referred to as the Port Authority).<sup>7</sup> Its seven seats were divided among the country's main political factions, thereby making the port's management subject to power struggles between them, which in turn paralyzed decision-making.<sup>8</sup> The Port Authority, despite its intended temporary nature, has continued to operate to this day.

By default, the port became part of the state under the Port Authority, but it was operating without an institutional framework, which led to a scathing critique by the World Bank when it wrote:

[T]he Temporary Committee does not publish balance sheets or financial statements. It is not in itself a legal entity. The absence of a real port authority, coupled with mismanagement by the Temporary Committee have involved serious governance, transparency, and accountability issues. This has also resulted in a lack of focus on socioeconomic development, a lack of planning, poor safety and declining efficiency of operations.<sup>9</sup>

Dr. Reinoud Leenders, a researcher who has written a book about corruption and state building in post-war Lebanon, aptly explained how this structure is problematic:

The Ministry of Public Works and Transport came to 'supervise' the port, but it fell short of having the authority to effectively control it. The port's dealings with the private sector suffered from legal problems as it lacked clear legal powers only a full-fledged state agency could exercise. As the port never appeared on any organizational chart stipulating political and administrative authority, its dealings with other state entities – such as the customs authority, security agencies and ministries – were left to the discretion and inclinations of politicians and officials involved. The port's ambiguous legal status confused judges tasked to intervene in legal

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<sup>7</sup> World Bank, "Reforming and Rebuilding Lebanon's Port Sector: Lessons from global Best Practices," December 2020, p. 15; Leenders, "Timebomb at the Port," Arab Reform Initiative; United States Agency for International Development (USAID), "Middle East Economic Growth Best Practices Project: Port of Beirut Assessment," February 15, 2020, <https://www.usaid.gov/sites/default/files/documents/EXTENDED-USAID-MEG-POBAssessment.pdf> (accessed July 25, 2021), p. 104.

<sup>8</sup> Leenders, "Timebomb at the Port," Arab Reform Initiative; "Dockside dealings: smuggling, bribery and tax evasion at Beirut port," *Bangkok Post*, September 16, 2020, <https://www.bangkokpost.com/world/1986363/dockside-dealings-smuggling-bribery-and-tax-evasion-at-beirut-port> (accessed June 22, 2021).

<sup>9</sup> World Bank, "Reforming and Rebuilding Lebanon's Port Sector: Lessons from global Best Practices," December 2020, p. 15.

disputes involving it, more often than not prompting them to declare that they lacked jurisdiction or to endlessly pass on complex issues to other branches of the judiciary or state agencies. In a few cases where judges (mostly judges of ‘Urgent Matters’ responsible for immediate execution of court orders) did take a stand, politically backed port officials simply ignored or overruled them. Given its diffuse, contested and ambiguous institutional environment, the port was hit by corruption scandals as it provided ample opportunity for abuse and plenty of ambiguity to cover it up.<sup>10</sup>

Indeed, the port’s governance structure created the conditions for corruption and mismanagement to flourish.<sup>11</sup>

Lebanon’s main political parties, including Hezbollah, the Free Patriotic Movement, the Future Movement, the Lebanese Forces, the Amal Movement, and others, have benefited from the port’s ambiguous status and poor governance and accountability structures.<sup>12</sup> As described below, political parties have installed loyalists in prominent positions in the port, often positioning them to accrue wealth, siphon off state revenues, smuggle goods, and evade taxes in ways that benefit them or people connected to them.

A 2019 study by two Harvard academics found that 17 out of Lebanon’s 21 shipping line companies have links to politicians via their board members, managers, or shareholders.<sup>13</sup> In September 2020, AFP obtained a report, seen by Human Rights Watch, that named five customs officials who “cannot be replaced” and noted their political affiliations with the

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<sup>10</sup> Leenders, “Timebomb at the Port,” Arab Reform Initiative.

<sup>11</sup> Leenders, “Timebomb at the Port,” Arab Reform Initiative; Rohan Advani, “Blame Game at the Port of Institutional Corruption,” *Jadaliyya*, September 30, 2020, <https://www.jadaliyya.com/Details/41785> (accessed July 6, 2021); Samia Nakhoul, Ellen Francis, Michael Gregory, “In Beirut port, all of Lebanon’s ills are laid bare,” Reuters, October 28, 2020, <https://www.reuters.com/article/uk-lebanon-crisis-port-insight/in-beirut-port-all-of-lebanons-ills-are-laid-bare-idUKKBN27D1JF> (accessed June 24, 2021); Human Rights Watch Interview with former shipping company employee, via phone, July 8, 2021.

<sup>12</sup> Rouba El Husseini, “Dockside dealings: smuggling, bribery and tax evasion at Beirut port,” *Yahoo News*, September 16, 2020, <https://news.yahoo.com/dockside-dealings-smuggling-bribery-tax-024240497.html> (accessed June 22, 2021).

<sup>13</sup> Ishac Diwan and Jamal Ibrahim Haidar, “Clientelism, Cronyism and Job Creation in Lebanon,” in: Adeel Malik and Izak Atiyas (eds), *Crony Capitalism in the Middle East – Business and Politics from Liberalization to the Arab Spring*, (Oxford University Press, 2019), p. 134; Nakhoul, Francis, Gregory, “In Beirut port, all of Lebanon’s ills are laid bare,” Reuters.

Free Patriotic Movement, the Future Movement, the Amal Movement, Hezbollah, and the Lebanese Forces, respectively.<sup>14</sup>

Bribery and petty crime have been rife at the port. A *New York Times* investigation enumerated the chain of kickbacks required to move cargo into and out of the port: “to the customs inspector for allowing importers to skirt taxes, to the military and other security officers for not inspecting cargo, and to Ministry of Social Affairs officials for allowing transparently fraudulent claims.”<sup>15</sup>

Riad Kobeissi, an investigative journalist who has been investigating corruption at the port for almost a decade, told Human Rights Watch that “the port was not intended as something that will bring in revenue to the state, but it acts to fill the pockets of the mafias running the country... therefore, in the port you appoint people whose job is not to collect money for state coffers, but to collect money for you.”<sup>16</sup>

Over the years, Kobeissi has filmed several customs officials alleging that they regularly receive bribes or actually receiving bribes, including in return for turning a blind eye to errors in declaration forms or circumventing the customs risk software, which determines the clearance track and levels of scrutiny over the goods.<sup>17</sup> In the majority of cases, those officials have not been held accountable.<sup>18</sup> Kobeissi has also uncovered multi-million dollar customs duty evasion schemes where politically-connected individuals, including the children of senior politicians, security officials, public servants, and judges, were able to purchase luxury items at significantly discounted prices without paying all the customs duties and registration taxes.<sup>19</sup>

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<sup>14</sup> “Dockside dealings: smuggling, bribery and tax evasion at Beirut port,” *Bangkok Post*.

<sup>15</sup> Hubbard, Abi-Habib, El-Naggar, McCann, Singhvi, Glanz, and White, “How a Massive Bomb Came Together in Beirut’s Port,” *New York Times*.

<sup>16</sup> Human Rights Watch interview with Riad Kobeissi, investigative journalist at Al-Jadeed television, Beirut, Lebanon, June 23, 2021.

<sup>17</sup> “تحت طائلة المسؤولية - العنبر 19 - الحلقة الكاملة,” April 15, 2014, video clip, YouTube, <https://www.youtube.com/watch?v=eASBj9a-1qs> (accessed June 25, 2021); “ريالي الجمارك: سباق التهرب الضريبي - رياض قبيسي,” March 8, 2017, video clip, YouTube, <https://www.youtube.com/watch?v=DLguov4RaN4> (accessed June 25, 2021); “2021-2-26 يسقط حكم الفاسد,” February 26, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=vspDGF-FcZc> (accessed June 24, 2021), at 35:00.

<sup>18</sup> “2021-2-26 يسقط حكم الفاسد,” February 26, 2021, YouTube, at 35:00.

<sup>19</sup> “ريالي الجمارك: سباق التهرب الضريبي - رياض قبيسي,” March 8, 2017, video clip, YouTube, <https://www.youtube.com/watch?v=DLguov4RaN4> (accessed June 25, 2021).

Corruption at the port is so pervasive that in 2012, the Minister of Public Works and Transport estimated that the losses resulting from tax evasion at the port amounted to more than \$1.5 billion per year.<sup>20</sup> Julien Courson, the head of the Lebanon Transparency Association, estimates that today Lebanon loses around \$2 billion in customs revenue each year due to corruption.<sup>21</sup>

The mismanagement and corruption at the port has not only enriched party loyalists and others at the expense of the state, but it has also allowed illicit and dangerous goods to enter the country undetected. A former shipping company employee described to Human Rights Watch the security vacuum and web of bribery at the port that allows for dangerous goods to enter or leave the country without any monitoring. He said that companies or individuals who want to bring in any type of goods, including prohibited goods, can do so if they pay customs officials enough. He underscored that the state rarely, if ever, apprehends those goods.<sup>22</sup> “All of these busts that you hear about in the media are either the result of a targeted attack on someone, a betrayal, or an accident,” he said.<sup>23</sup>

In April 2019, the port’s main cargo scanner fell into disrepair, but it was never replaced, reportedly due to political considerations over who would get the contract, leaving all goods to be manually searched.<sup>24</sup>

Hezbollah in particular has been accused of using Beirut’s port for its own purposes. According to one former judicial official who spoke with AFP, Hezbollah has a “free pass” to transport goods at the port because of its ties to customs and port officials.<sup>25</sup> The United States government sanctioned Wafiq Safa, a Hezbollah security official, in 2019, asserting that he used “Lebanon’s ports and border crossings to smuggle contraband and facilitate travel on behalf of Hizballah, undermining the security and safety of the Lebanese people,

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<sup>20</sup> “Customs brushes off claims of tax evasion at Beirut port,” *The Daily Star Lebanon*, November 24, 2012, <http://www.dailystar.com.lb/Business/Lebanon/2012/Nov-24/196038-customs-brushes-off-claims-of-tax-evasion-at-beirut-port.ashx> (accessed June 24, 2021).

<sup>21</sup> “Lebanon: Ensure Aid Goes Directly to Those in Need,” Human Rights Watch news release, September 16, 2020, <https://www.hrw.org/news/2020/09/16/lebanon-ensure-aid-goes-directly-those-need> (accessed June 24, 2021).

<sup>22</sup> Human Rights Watch interview with former shipping company employee, via phone, July 8, 2021.

<sup>23</sup> Ibid.

<sup>24</sup> “Dockside dealings: smuggling, bribery and tax evasion at Beirut port,” *Bangkok Post*.

<sup>25</sup> Ibid.

while also draining valuable import duties and revenue away from the Lebanese government.”<sup>26</sup>

The Lebanese General Directorate of State Security, which is an arm of the Higher Defense Council chaired by the president, established an office at the port in April 2019 tasked with fighting corruption there.<sup>27</sup> The Director General of State Security, Major General Tony Saliba, told Human Rights Watch that “there was a battle to establish this office.”<sup>28</sup> He said all the other security agencies at the port, as well as customs and port officials, did not want State Security to be looking into corruption.<sup>29</sup> Saliba said that State Security wrote various reports on corruption at the port, including on the payment of bribes and the assigning of bids.<sup>30</sup>

Several major political parties in Lebanon have acknowledged the massive scale of corruption at the port, and particularly by customs, and blamed the state for failing to address it. For example, Hezbollah MP Hassan Fadlallah in May 2020 said:

The corruption and wastage at the customs, how many times did we speak about this? How many complaints and lawsuits have been filed? Until now, we haven’t seen anything substantive...the state is present, and its institutions are present. Let the state do its full duty at all its ports and border crossings, and if anyone obstructs it, it should do what it is legally necessary.<sup>31</sup>

Similarly, in late 2012, while President Michel Aoun was still heading the Free Patriotic Movement, he acknowledged the problems of smuggling and disorder at Beirut’s port,

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<sup>26</sup> Ibid.; “Treasury Targets Iranian-Backed Hezbollah Officials for Exploiting Lebanon’s Political and Financial System,” US Department of the Treasury press release, July 9, 2019, <https://home.treasury.gov/news/press-releases/sm724> (accessed June 22, 2021).

<sup>27</sup> “A Brief History,” Lebanese General Directorate of State Security webpage, <https://bit.ly/3eKa3q2> (accessed June 22, 2021); “أمن الدولة: القانون سينصف من يعمل بصمت وسيعاقب من ضلّل التحقيق ومن نقّاس عن القيام بواجباته,” *NNA*, August 11, 2020, <http://nna-leb.gov.lb/ar/show-news/496152/> (accessed June 22, 2021); “سرّ العنبر 12,” *Sky News Arabic*, August 11, 2020, <https://bit.ly/3wW6cFR> (accessed June 22, 2021).

<sup>28</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> “النائب حسن فضل الله يتّهم ”جريدة حساب“ لملفات الفساد في مؤتمر صحفي,” February 26, 2021, YouTube, at 18:23; “يسقط حكم الفاسد 2021-2-26,” May 8, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=lcvjTs7q39Q> (accessed July 12, 2021).

following an investigation aired by Al-Jadeed television. He said “I consider the state responsible for this smuggling, but not just in terms of negligence. Customs doesn’t have a director general.”<sup>32</sup> He blamed the state for failing to appoint a director general, and he said that this gap in leadership obstructed efforts at accountability.<sup>33</sup>

When Aoun became president in 2016, he vowed to “eradicate corruption.”<sup>34</sup> However, he has continued to support the director general of Lebanese Customs, Badri Daher, whom the Cabinet appointed on March 8, 2017, even though he has been accused of corruption.<sup>35</sup> In an interview on January 8, 2020, Gebran Bassil, Aoun’s son-in-law and the head of the Free Patriotic Movement, publicly acknowledged that the party backed Daher’s appointment.<sup>36</sup>

Daher has been charged for his role in the August 4, 2020 explosion and has been in detention since August 2020.<sup>37</sup> Although Daher promised to eradicate the practice of bribing customs officials when he took office, he has since been prosecuted multiple times for corruption.<sup>38</sup> Daher was prosecuted in November 2019 for “wastage of public funds” after investigative journalists uncovered transgressions within the Customs Administration and at the Beirut port, including with regard to public auctions he organized.<sup>39</sup> In 2020, he was also charged with unlawfully lifting a travel ban on Abdul Mohsen Bin Walid Bin Abdul

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<sup>32</sup> “يسقط حكم الفاسد 2021-2-26,” February 26, 2021, YouTube, at 14:05.

<sup>33</sup> Ibid.

<sup>34</sup> “لبنان: ميشال عون يتعهد باستئصال الفساد ويعدم الارتهاق لأي بلد آخر,” *France 24*, November 6, 2016, <https://bit.ly/3roT9CB> (accessed June 23, 2021).

<sup>35</sup> “السيرة الذاتية للمدير العام الجديد للجمارك بدري ضاهر,” *NNA*, March 8, 2017, <http://nna-leb.gov.lb/ar/show-news/272941/nna-leb.gov.lb/ar> (accessed June 23, 2021); “Ibrahim charges Customs chief with wasting public funds,” *The Daily Star Lebanon*, November 7, 2019, <https://www.dailystar.com.lb/News/Lebanon-News/2019/Nov-07/495169-ibrahim-charges-customs-chief-with-wasting-public-funds.ashx> (accessed June 23, 2021); “أبو سمرا أصدر مذكرة توقيف وجاهية في حق ضاهر بملف الكبتاغون,” *NNA*, November 3, 2020, <http://nna-leb.gov.lb/ar/show-news/511871/> (accessed July 22, 2021).

<sup>36</sup> “حساب جبران,” January 8, 2020, video clip, YouTube, <https://www.youtube.com/watch?v=lyMf7i08Ec> (accessed June 25, 2021), at 3:08:22.

<sup>37</sup> Marie Jo Sader, “Justice served? 25 people were detained after the port explosion, but don’t know the charges against them,” *L’Orient Today*, January 22, 2021, <https://today.lorientlejour.com/article/1249152/justice-served-twenty-five-people-indicted-after-the-port-explosion-remain-in-detention-but-dont-know-the-charges-against-them-part-i-of-ii.html> (accessed June 22, 2021); “الكبتاغون بملف أبو سمرا أصدر مذكرة توقيف وجاهية في حق ضاهر,” *NNA*, November 3, 2020, <http://nna-leb.gov.lb/ar/show-news/511871/> (accessed July 22, 2021).

<sup>38</sup> “الكبتاغون بملف ضاهر حق في وجاهية توقيف مذكرة أصدر سمرا أبو,” *NNA*, November 3, 2020, <http://nna-leb.gov.lb/ar/show-news/511871/> (accessed July 22, 2021).

<sup>39</sup> “Ibrahim charges Customs chief with wasting public funds,” *The Daily Star Lebanon*; “عشرات الملايين الضائعة بالصوت والصورة,” January 29, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=Qt5HP4IB7As> (accessed June 25, 2021); “ضاهر بدري الجمارك عام مدير فساد يكشف قبيسي رياض الصوتية والتسجيلات بالأدلة,” November 5, 2019, video clip, YouTube, <https://www.youtube.com/watch?v=sU6EqdVYE0w> (accessed June 25, 2021); “أبو سمرا أصدر مذكرة توقيف وجاهية في حق ضاهر بملف,” *NNA*, الكبتاغون.

Aziz al-Saud, a Saudi prince who had been detained in 2015 while attempting to smuggle 1.9 tonnes of Fenethylamine, an amphetamine used in the prohibited drug Captagon, aboard his private jet.<sup>40</sup> Daher said President Aoun personally asked him to lift the ban.<sup>41</sup> The president's office denied these claims in a tweet by the Lebanese Presidency Twitter account.<sup>42</sup> In October 2020, for the second time, Aoun refused to sign off on Daher's dismissal from his post, following charges against the director in relation to the August 4, 2020 explosion, without a full Cabinet vote.<sup>43</sup>

In addition, despite promising to stamp out corruption at the port, the Minister of Finance between 2014 and 2020, Ali Hassan Khalil, a member of the Amal Movement, was sanctioned by the United States government for alleged material support to Hezbollah, including through corruption.<sup>44</sup> The Ministry of Finance oversees the Customs Administration, which controls the entry of goods into Lebanon including through the Beirut port.<sup>45</sup> The US sanctioned Khalil, in part, for allegedly using his position to exempt a Hezbollah affiliate from paying taxes on imports, noting that in 2019 he also allegedly refused to "sign checks payable to government suppliers in an effort to solicit kickbacks."<sup>46</sup>

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<sup>40</sup> "بدري ضاهر يعترف خلال التحقيق: الرئيس ميشال عون طلب رفع منع السفر عن أمير الكبتاغون" October 16, 2020, video clip, YouTube, [https://www.youtube.com/watch?v=clC0y7\\_Yxs](https://www.youtube.com/watch?v=clC0y7_Yxs) (accessed June 23, 2021); Riad Kobaissi's Twitter page, October 10, 2020, <https://twitter.com/riadkobaissi/status/1314959271109505026/photo/3> (accessed June 25, 2021); "Saudi Prince Reportedly Caught With Two Tons of Speed on Private Plane in Beirut," *Vice News*, October 26, 2015, <https://www.vice.com/en/article/9kjq3z/saudi-prince-reportedly-caught-with-two-tons-of-speed-on-private-plane-in-beirut> (accessed June 28, 2021); "Saudi prince charged with multi-million-euro drugs smuggling in Lebanon," *DW*, November 2, 2015, <https://www.dw.com/en/saudi-prince-charged-with-multi-million-euro-drugs-smuggling-in-lebanon/a-18822374> (accessed July 21, 2021); "Lebanon court convicts Saudi prince who tried to smuggle drugs," *Middle East Monitor*, March 19, 2019, <https://www.middleeastmonitor.com/20190329-lebanon-court-convicts-saudi-prince-who-tried-to-smuggle-drugs/> (accessed June 23, 2021).

<sup>41</sup> "بدري ضاهر يعترف خلال التحقيق: الرئيس ميشال عون طلب رفع منع السفر عن أمير الكبتاغون" October 16, 2020, YouTube, at 00:45-00:56.

<sup>42</sup> *Ibid.*, at 1:27.

<sup>43</sup> "Lebanon court convicts Saudi prince who tried to smuggle drugs," *Middle East Monitor*; "عون يرفض إقالة ثلاثة مسؤولين عن مرفأ"، *Euro News*, October 5, 2020, <https://arabic.euronews.com/2020/10/05/aoun-refuses-to-remove-three-officials-of-the-port-of-beirut-from-their-posts> (accessed July 23, 2021); "بالوثائق - عون لم يوقع مرسوم إعفاء بدري ضاهر"، *Kataeb*, September 11, 2020, <https://bit.ly/3zIDUo2> (accessed July 23, 2021).

<sup>44</sup> "Beirut port committee to be scrapped," *Zawya*, September 7, 2019, [https://www.zawya.com/mena/en/business/story/Beirut\\_port\\_committee\\_to\\_be\\_scrapped-SNG\\_153365255/](https://www.zawya.com/mena/en/business/story/Beirut_port_committee_to_be_scrapped-SNG_153365255/) (accessed July 6, 2021); "Treasury Targets Hizballah's Enablers in Lebanon," US Department of the Treasury press release, September 8, 2020, <https://home.treasury.gov/news/press-releases/sm1116> (accessed June 23, 2021).

<sup>45</sup> Lebanese Customs, Imports and Exports Report, January 2014, <http://www.finance.gov.lb/en-us/Finance/EDS/TS/Documents/LITE%202013-12.pdf> (accessed July 21, 2021); Lebanese Customs, "الهيكل التنظيمي الحالي للجمارك"، *ضمن ورادة المالية*, <https://www.lebanesecustoms.gov.lb/uploads/xorg-chart-customs.jpg.pagespeed.ic.AbnnwvuAApl.jpg> (accessed July 23, 2021).

<sup>46</sup> "Treasury Targets Hizballah's Enablers in Lebanon," US Department of the Treasury press release.

In September 2020, the US government also sanctioned Youssef Fenianos, a member of the Marada Movement, who was the Minister of Public Works and Transport between 2016 and 2020, for alleged material support to Hezbollah, including through corruption.<sup>47</sup> The Ministry of Public Works and Transport oversees the port. The US government statements on the sanctions asserted that Fenianos used his position as minister to funnel money from government budgets to Hezbollah-owned companies and diverted ministry funds to “offer perks to bolster his political allies.”<sup>48</sup>

The general inefficiency, mismanagement, corruption, and political malfeasance that has plagued the Beirut port for decades all contributed to the devastating blast there on August 4, 2020.

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<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

## The *Rhosus*: Arrival in Beirut

The widely reported narrative regarding the arrival of the *Rhosus*, a Moldovan-flagged ship, in the port of Beirut in November 2013 carrying 2,750 tonnes of high-density ammonium nitrate is as follows: the ship's cargo was ultimately bound for Mozambique; it entered Beirut's port to load seismic equipment it was then meant to deliver to Jordan before traveling onward to Mozambique; the ship's owner was a Russian national, Igor Grechushkin; and the owner of the ammonium nitrate on board, Savaro Limited, was a chemical trading company in the United Kingdom.<sup>49</sup> Upon examination, however, it is not clear that any of these assertions are true.

In fact, the *Rhosus* was rented to transport an estimated 160 tonnes of seismic equipment when it was already overloaded and not equipped to do so. While Savaro Limited is registered in the UK, reporting by investigative journalist Firas Hatoum indicates that it's a shell company that shares a London address with other companies linked to two Syrian-Russian businessmen who have been sanctioned by the US government for acting on behalf of the Syrian government of President Bashar al-Assad. The identity of Savaro Limited's beneficial owner is unknown. The identity of the actual owners of the ship has also been in question. At least until shortly after its arrival in Beirut's port, the ship was owned by an individual who had links to a bank accused of having dealings with the Syrian government and Hezbollah.

Once the ship arrived in Beirut, evidence suggests officials failed to disclose the potentially explosive and combustible nature of the ship's cargo, and the danger it posed, and inaccurately described its risks in their requests to the judiciary to offload the merchandise (see section on "Ministry of Public Works and Transport" below).

That evidence, combined with evidence suggesting the ammonium nitrate was being siphoned off from the port, the clear inability of the *Rhosus* to perform the task it was hired

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<sup>49</sup> Rami Ruhayem and Paul Adams, "The inferno and the mystery ship," BBC, August 8, 2020, <https://www.bbc.co.uk/news/extra/x2iutcqf1g/beirut-blast> (accessed June 23, 2021); Alison Tahmizian Meuse, "Lebanon probes procurement of 'death ship' Rhosus," *Asia Times*, <https://asiatimes.com/2020/08/lebanon-probes-procurement-of-death-ship-rhosus/> (accessed June 25, 2021); Maria Vasilyeva, Lisa Barrington, and Jonathan Saul, "Who owned the chemicals that blew up Beirut? No one will say," Reuters, August 11, 2020, <https://www.reuters.com/article/uk-lebanon-security-blast-ship-insight-idUKKCN2571CD> (accessed July 23, 2021).

to do, the lack of clarity regarding the ownership of both the ship and its cargo, and the half-truths that contributed to the offloading of the ammonium nitrate into hangar 12, raises questions regarding whether the ammonium nitrate was intended for Mozambique as the *Rhosus's* shipping documents stated or whether there were individuals with control of the cargo and ship who wanted the ammonium nitrate to remain in Beirut.

## Beirut Port: An Ill Fated or Planned Destination?

The *Rhosus* arrived in Beirut carrying 2,750 tonnes of high-density ammonium nitrate.<sup>50</sup>

According to the ship's captain, Boris Prokoshev, the *Rhosus* docked in Beirut after Igor Grechushkin, a Russian national described as the ship's owner or operator, ordered him to make a last-minute stop in Beirut, to pick up additional cargo to be used to pay for passage through the Suez Canal.<sup>51</sup> The *Rhosus* was set to carry the additional cargo—seismic survey equipment, which included trucks and was estimated to weigh up to 160 tonnes—from Beirut's port to Jordan.<sup>52</sup> Experts have noted, however, that the *Rhosus* was not a “roll-on/roll-off ship,” and would not have usually been used to transport vehicles.<sup>53</sup> Additionally, the ship was already at capacity.<sup>54</sup>

Indeed, while attempting to load the cargo, the ship's hatches covering the ammonium nitrate began to buckle under the cargo's weight because the ship's maximum capacity had already been exceeded.<sup>55</sup> When the ship docked in Beirut's port, the ship was also

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<sup>50</sup> See Annex 2, *Rhosus's* Bill of Lading.

<sup>51</sup> Organized Crime and Corruption Reporting Project, “A Hidden Tycoon, African Explosive, and a Loan from a Notorious Bank: Questionable Connections Surround Beirut Explosion Shipment,” August 21, 2020, <https://www.occrp.org/en/investigations/a-hidden-tycoon-african-explosives-and-a-loan-from-a-notorious-bank-questionable-connections-surround-beirut-explosion-shipment> (accessed June 22, 2021). Muriel Rozelier, “From the *Rhosus's* Departure to the Port Explosion, Chronicle of a Disaster Foretold,” *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercedulevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021).

<sup>52</sup> See Annex 2, August 5, 2020 Baroudi and Associates Law Firm Press Statement; Meuse, “Lebanon probes procurement of ‘death ship’ *Rhosus*,” *Asia Times*.

<sup>53</sup> Meuse, “Lebanon probes procurement of ‘death ship’ *Rhosus*,” *Asia Times*; See Annex 2, February 13, 2013 Letter from Energy Ministry to Customs and September 6, 2013 Letter from Energy Ministry to Customs.

<sup>54</sup> *Ibid.*; Rozelier, “From the *Rhosus's* Departure to the Port Explosion, Chronicle of a Disaster Foretold,” *Le Commerce Du Levant*.

<sup>55</sup> Meuse, “Lebanon probes procurement of ‘death ship’ *Rhosus*,” *Asia Times*; Organized Crime and Corruption Reporting Project, “A Hidden Tycoon, African Explosive, and a Loan from a Notorious Bank: Questionable Connections Surround Beirut Explosion Shipment;” Rozelier, “From the *Rhosus's* Departure to the Port Explosion, Chronicle of a Disaster Foretold,” *Le Commerce Du Levant*.

found to not be seaworthy.<sup>56</sup> Making matters worse, there were outstanding debts against the ship, causing it to be impounded by Lebanon’s Enforcement Department on December 20, 2013.<sup>57</sup>

The seismic survey equipment that the *Rhosus* was supposed to load in Beirut was in Lebanon as a result of a contract between Spectrum, a UK company, and then-Minister of Energy and Water Gebran Bassil.<sup>58</sup> Letters from Bassil to Lebanese customs officials reflect that Spectrum had subcontracted “GSC,” or Geophysical Services Center, a Jordanian company, to do the work, and that Spectrum’s agent in Lebanon was Cogic Consultants.<sup>59</sup>

Cogic Consultants wanted to move the equipment it had used during the oil and gas exploration missions for the minister back to Jordan, since the equipment was owned by GSC.<sup>60</sup>

The Spectrum employee who is reported to have signed the contract with Minister Bassil told the media that Spectrum subcontracted the movement of machinery.<sup>61</sup>

Human Rights Watch wrote to each of the companies involved to ask whether they selected the ship to transport the seismic equipment to Jordan, and if so, on what basis they made the selection but did not receive any on the record responses.

Another UK company, Savaro Limited, owned the ammonium nitrate, which it purchased from a Georgian chemicals factory, Rustavi Azot.<sup>62</sup>

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<sup>56</sup> Rozelier, “From the *Rhosus*’ Departure to the Port Explosion, Chronicle of a Disaster Foretold,” *Le Commerce Du Levant*.

<sup>57</sup> See Annex 2, December 20, 2013 Enforcement Department impounds *Rhosus*.

<sup>58</sup> Meuse, “Lebanon probes procurement of ‘death ship’ *Rhosus*,” *Asia Times*; “Lebanese Government renews Spectrum Multi-Client licence,” Spectrum press release, January 18, 2012, <https://www.spectrumgeo.com/wp-content/uploads/2011-01-18-Lebanese-Government-Renews-Spectrum-Deal-FINAL.pdf> (accessed July 12, 2021); See Annex 2, February 13, 2013 Letter from Energy Ministry to Customs and September 6, 2013 Letter from Energy Ministry to Customs.

<sup>59</sup> See Annex 2, February 13, 2013 Letter from Energy Ministry to Customs and September 6, 2013 Letter from Energy Ministry to Customs.

<sup>60</sup> Rozelier, “From the *Rhosus*’ Departure to the Port Explosion, Chronicle of a Disaster Foretold,” *Le Commerce Du Levant*; See Annex 2, February 13, 2013 Letter from Energy Ministry to Customs and September 6, 2013 Letter from Energy Ministry to Customs; Meuse, “Lebanon probes procurement of ‘death ship’ *Rhosus*,” *Asia Times*.

<sup>61</sup> Meuse, “Lebanon probes procurement of ‘death ship’ *Rhosus*,” *Asia Times*.

<sup>62</sup> Lynn Sheikh Moussa, “What is Savaro Ltd and how is it linked to the Beirut Blast,” *Beirut Today*, February 11, 2021, <https://beirut-today.com/2021/02/11/what-is-savaro-ltd-and-how-is-it-linked-to-the-beirut-blast/> (accessed June 25, 2021).

While Savaro Limited is registered as a chemical trading company in the UK, in January 2021, investigative journalist Firas Hatoum revealed that it was a shell company, and that the company shared a London address with other companies linked to two Syrian-Russian businessmen who have been sanctioned by the US government for acting on behalf of the Syrian government of President Bashar al-Assad.<sup>63</sup> One of the men was sanctioned by the US government in 2015 for “materially assisting, sponsoring, or providing financial, material, or technological support for, or goods or services in support of his brother,” who was previously sanctioned by the US government for “an attempted procurement of ammonium nitrate in late 2013.”<sup>64</sup>

Two British lawmakers called for the company to be investigated in early 2021, after a media investigation revealed that the beneficial owner registered with the government was acting as an agent for the ultimate beneficial owner who had not been disclosed.<sup>65</sup>

Human Rights Watch wrote to Savaro Limited on July 8 and asked about its ownership, scope of business, relationship to the 2,750 tonnes of high-density ammonium nitrate on board the *Rhosus*, and what actions it took to retrieve its cargo. The company did not respond to the correspondence prior to publication.

Further, while it was widely reported that the *Rhosus* was owned by Grechushkin, the Organized Crime and Corruption Reporting Project (OCCPR) reported that Cypriot documents listed the true owner as Charalambos Manoli. Manoli has publicly denied being the owner, saying that before the *Rhosus*'s last voyage, he transferred all the shares in

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<sup>63</sup> Ibid.; United Kingdom Companies House, Savaro Limited entry, <https://find-and-update.company-information.service.gov.uk/company/05841913> (accessed July 12, 2021); Martin Chulov, “Businessmen with ties to Assad linked to Beirut post blast cargo,” *The Guardian*, January 14, 2021, <https://www.theguardian.com/world/2021/jan/15/businessmen-with-ties-to-assad-linked-to-beirut-port-blast-cargo> (accessed June 23, 2021); “Treasury Sanctions Networks Providing Support to the Government of Syria, Including For Facilitating Syrian Government Oil Purchases from ISIL,” US Department of the Treasury press release, November 25, 2015, <https://www.treasury.gov/press-center/press-releases/Pages/jlo287.aspx> (accessed June 29, 2021).

<sup>64</sup> Ellen Francis, Tom Bergin, and Maria Tsvetkova, “Beirut blast chemicals possibly linked to Syrian businessmen - report, company filings,” Reuters, January 27, 2021 <https://www.reuters.com/article/uk-lebanon-crisis-blast-idUSKBN29MoAJ> (accessed June 29, 2021); “Treasury Sanctions Networks Providing Support to the Government of Syria, Including For Facilitating Syrian Government Oil Purchases from ISIL,” US Department of the Treasury press release; “Treasury Sanctions Networks Providing Support to the Government of Syria,” US Department of Treasury, July 21, 2016, <https://www.treasury.gov/press-center/press-releases/Pages/jlo526.aspx> (accessed July 12, 2021).

<sup>65</sup> Tom Bergin, “British lawmakers seek investigation into UK-registered firm possibly linked to Beirut blast,” Reuters, <https://www.reuters.com/article/uk-lebanon-crisis-blast-britain-idUKKBN29So14> (accessed July 12, 2021); United Kingdom Companies House, Savaro Limited entry..

Briarwood Corporation, which owned the *Rhosus*, to Grechushkin.<sup>66</sup> In a communication with Human Rights Watch, Manoli shared, on a confidential basis, contracts and other documents between Briarwood Corporation and Teto Shipping, that he said showed that possession and control of the *Rhosus* was transferred to Teto Shipping in 2012, before the *Rhosus*'s voyage, and that the shares of Briarwood were handed over to Grechushkin on November 28, 2013—while the ship was docked in Beirut's port. Human Rights Watch was unable to verify the authenticity of the documents before this report went to publication.

OCCPR also reported that at the time of the ship's last journey, Manoli reportedly owed nearly a million dollars to FBME, a Lebanese-owned bank sanctioned by the US government in 2014.<sup>67</sup> Manoli has publicly denied this, and denied it in his communication to Human Rights Watch, stating that the debt was paid by the time of the ship's last voyage and that in 2018 a court dismissed proceedings that FBME had brought against him and companies he had an interest in.<sup>68</sup> Human Rights Watch was unable to verify these statements before publication.

FBME was sanctioned, in part, for allegedly facilitating the activities of international terrorist financiers, including for Hezbollah, and for having a customer that was a front company for a US-sanctioned Syrian entity, which was designated as a proliferator of weapons of mass destruction.<sup>69</sup>

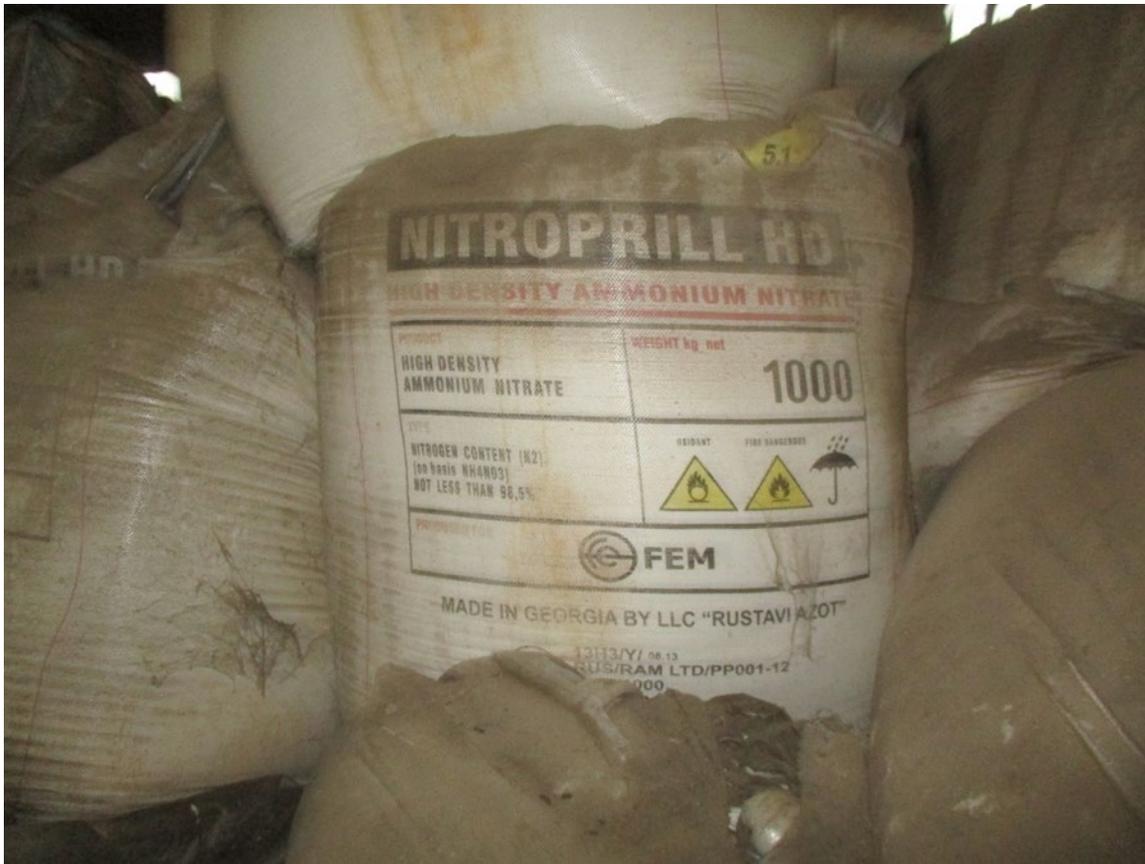
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<sup>66</sup> Organized Crime and Corruption Reporting Project, "A Hidden Tycoon, African Explosive, and a Loan from a Notorious Bank: Questionable Connections Surround Beirut Explosion Shipment;" "Charalambos Manoli insists relationship with Beirut ship *Rhosus* ceased in June 2012," *Insurance Marine News*, September 9, 2020, <https://insurancemarineneews.com/insurance-marine-news/charalambos-manoli-insists-relationship-with-beirut-ship-rhosus-ceased-in-june-2012/> (accessed July 21, 2021).

<sup>67</sup> Organized Crime and Corruption Reporting Project, "A Hidden Tycoon, African Explosive, and a Loan from a Notorious Bank: Questionable Connections Surround Beirut Explosion Shipment;" Rozelier, "From the *Rhosus*' Departure to the Port Explosion, Chronicle of a Disaster Foretold," *Le Commerce Du Levant*.

<sup>68</sup> "Charalambos Manoli insists relationship with Beirut ship *Rhosus* ceased in June 2012," *Insurance Marine News*. "Charalambos Manoli insists relationship with Beirut ship *Rhosus* ceased in June 2012," *Insurance Marine News*; Manoli also stated that in November 2013 there was no indebtedness to FBME, and he shared an October 18, 2013 ruling by Limassol District Court in Cyprus that he said supported his position.

<sup>69</sup> Organized Crime and Corruption Reporting Project, "A Hidden Tycoon, African Explosive, and a Loan from a Notorious Bank: Questionable Connections Surround Beirut Explosion Shipment;" US Department of the Treasury, Financial Crimes Enforcement Network, Notice of Finding That FBME Bank Ltd., Formerly Known as Federal Bank of the Middle East, Ltd., Is a Financial Institution of Primary Money, July 8, 2014, Federal Register vol. 79, no. 140, <https://www.federalregister.gov/documents/2014/07/22/2014-17171/notice-of-finding-that-fbme-bank-ltd-formerly-known-as-federal-bank-of-the-middle-east-ltd-is-a> (accessed July 21, 2021).



A photograph taken in 2020 of the ammonium nitrate bags, some of which are ripped and partly empty, stored haphazardly in hangar 12 in Beirut's port. © 2020 Private

Finally, some experts have called into question whether there were 2,750 tonnes of ammonium nitrate in hangar 12 when it exploded on August 4, 2020, estimating that the amount that remained in the hangar at the time of the explosion may have been 700-1,000 tons.<sup>70</sup> In an interview with Human Rights Watch on June 8, 2021, caretaker Prime Minister Hassan Diab also said that according to the US Federal Bureau of Investigations (FBI) report, only 500 tons of ammonium nitrate exploded on August 4, 2020.<sup>71</sup> However, two experts who spoke to the *New York Times* said that based on their calculations most or all of the ammonium nitrate remained in the hangar and detonated.<sup>72</sup> Human Rights Watch also interviewed someone who saw the ammonium nitrate in hangar 12 in early 2020 and raised questions regarding whether there were still 2,750 bags of the material in the

<sup>70</sup> Organized Crime and Corruption Reporting Project, "A Hidden Tycoon, African Explosive, and a Loan from a Notorious Bank: Questionable Connections Surround Beirut Explosion Shipment."

<sup>71</sup> Human Rights Watch interview with caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

<sup>72</sup> Hubbard, Abi-Habib, El-Naggar, McCann, Singhvi, Glanz, and White, "How a Massive Bomb Came Together in Beirut's Port," *New York Times*.

hangar, noting that the 5,000 square meter hangar should have been fuller if there were 2,750 bags, 1 square meter each, in the space.<sup>73</sup> However, he noted that some of the bags were stacked on top of each other, so it would have been hard for him to estimate the number of bags in the hangar.<sup>74</sup>

On October 1, 2020, Lebanon asked Interpol to issue arrest warrants for Igor Grechushkin and Boris Prokoshev, the *Rhosus's* captain.<sup>75</sup>

## Excusing the Failure to Correctly Identify the Cargo

Ships carrying freight are issued a bill of lading, which is an official document between the shipper and the carrier that includes details of the shipment itself. The *Rhosus's* Bill of Lading issued on September 23, 2013 in Batumi, Georgia identifies the goods on board the ship as 2,750.4 tonnes of high density ammonium nitrate IMO 5.1 in 2,750 “big bags.”<sup>76</sup> IMO 5.1 is a hazard classification under the International Maritime Organization shipping standards.<sup>77</sup> The *Rhosus* cargo manifest, dated September 27, 2013, lists the same description of the goods.<sup>78</sup>

While the maritime agent, the National Trading and Shipping Agency, a Lebanese company, identified the cargo on the transit manifest they prepared on November 16, 2013 as “2755.500 tons of High-Density Ammonium Nitrate,” they incorrectly identified it as IMO 5.0, not IMO 5.1.<sup>79</sup> However, they correctly identified the cargo on the “Notice and Recognition” form of the ship’s arrival, which they sent to the Customs Manifest

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<sup>73</sup> Human Rights Watch interview with source, Beirut, Lebanon, June 8, 2021.

<sup>74</sup> Ibid.

<sup>75</sup> “Lebanon asks Interpol to arrest Russian ship captain, owner overt port explosion,” Reuters, October 1, 2020, <https://www.reuters.com/article/lebanon-crisis-blast-ship-int-idUSKBN26M7MG> (accessed July 22, 2021).

<sup>76</sup> See Annex 2, *Rhosus's* Bill of Lading. See Trans-Service Maritime Agency’s list of Common English abbreviation and terms used in description of vessels, [https://www.trans-service.org/en.php?section=info&page=sokr\\_os](https://www.trans-service.org/en.php?section=info&page=sokr_os) (accessed July 21, 2021). MTS stands for metric tons.

<sup>77</sup> Fertilizers Europe, “Guidance for Sea Transport of Ammonium Nitrate Based Fertilizers,” 2004, [https://maritimecyprus.files.wordpress.com/2016/10/guidance\\_for\\_sea\\_transport\\_of\\_ammonium\\_nitrate\\_based\\_fertilizers\\_2014.pdf](https://maritimecyprus.files.wordpress.com/2016/10/guidance_for_sea_transport_of_ammonium_nitrate_based_fertilizers_2014.pdf) (accessed July 12, 2021); “Class 5.1: Oxidizing substances (agents) by yielding oxygen increase the risk and intensity of fire.” Searates website, <https://www.searates.com/reference/imo/5.1/> (accessed July 12, 2021).

<sup>78</sup> See Annex 2, *Rhosus's* Transit Manifest

<sup>79</sup> Lebanon Business Database, National Trading & Shipping Agency webpage, <https://lbn.bizdirlib.com/node/45285> (accessed July 6, 2021); See Annex 2, *Rhosus's* Transit Manifest.

Detachment.<sup>80</sup> A maritime, or shipping, agent is responsible for managing the transactions of a ship in port.<sup>81</sup>

After the ship docked in Beirut, however, officials in the Manifest Department at the General Directorate of Customs determined that the maritime agent incorrectly excluded a description of the ship's cargo on the Unified List they prepared, which they said was a customs violation.<sup>82</sup> Riad Kobeissi, an investigative journalist who has been investigating corruption at the port, noted that the Unified List is akin to a ship's "passport" and was used by security agencies to identify whether any cargo included prohibited or monopolized goods, thus warranting further scrutiny.<sup>83</sup> Yet, customs officials excused this violation without a proper investigation and despite having been alerted to the dangerous nature of the ammonium nitrate on board the ship by a customs official, on February 21, 2014.<sup>84</sup>

On February 22, 2014, having been alerted the day before about the dangerous nature of the ammonium nitrate on board the ship by a customs official, the Manifest Department at the General Directorate of Customs sent a letter to the National Trading and Shipping Agency requesting the agency appear before the department to explain why they did not describe the nature of the cargo on the ship's Unified List.<sup>85</sup>

In its response to the Manifest Department on February 28, 2014, the agency claimed that as far as they knew, the Unified List only had to mention the quantity, weight, and destination country of the cargo and requested an exemption from the violation.<sup>86</sup> They added that they provided a copy of the ship's transit manifest, which includes all the information about the ship's cargo, to the Customs Manifest Detachment.<sup>87</sup>

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<sup>80</sup> See Annex 2, November 16, 2013 Notice and Recognition.

<sup>81</sup> "Who is a Shipping Agent?" *Mariners Insight News Network*, October 7, 2019, <https://www.marineinsight.com/careers-2/who-is-a-shipping-agent/> (accessed July 6, 2021)

<sup>82</sup> See Annex 2, February 22, 2014 Letter Noting *Rhosus's* Unified List Does Not List Ammonium Nitrate.

<sup>83</sup> Human Rights Watch interview with Riad Kobeissi, Beirut, Lebanon, June 23, 2021.

<sup>84</sup> See Annex 2, February 21, 2014 Letter from Head of Anti-Narcotics and Anti-Money Laundering Section in Customs to Customs Administration Anti-Smuggling Department.

<sup>85</sup> *Ibid*; See Annex 2, February 22, 2014 Letter Noting *Rhosus's* Unified List Does Not List Ammonium Nitrate.

<sup>86</sup> "رياض قبيسي و ليال بو موسى يكشفان معطيات جديدة وصور تعرض للمرة الاولى عن حادثة مرفأ بيروت" August 15, 2020, video clip, YouTube, <https://www.youtube.com/watch?v=shvxEAUWhKY> (accessed June 23, 2021), at 46:18; See Annex 2, February 28, 2014 Letter from the National Trading and Shipping Agency.

<sup>87</sup> See Annex 2, February 28, 2014 Letter from the National Trading and Shipping Agency.

The head of the Manifest Department then asked the head of the Beirut Brigades, which is a security entity under the General Directorate of Customs and supervises the Manifest Detachment, whether the ship's transit manifest was shown to the Beirut Brigades and whether the manifest correctly identified the material on board, as the customs law requires.<sup>88</sup> The head of the Beirut Brigades reportedly refused to receive this request for information.<sup>89</sup> The Manifest Department then escalated the issue to the Customs Regional Directorate of Beirut, who once again "invited" the Beirut Brigades to submit the required information.<sup>90</sup>

The Manifest Detachment (under the Maritime Section, which is under the Beirut Brigades) then responded on March 31, 2014, saying that the *Rhosus*'s captain provided them with the Unified List, and then several days later provided them with the transit manifest, upon the request of the head of the Maritime Section. In his response, the head of the Manifest Detachment refers to a customs regulation (26036/2004; December 16, 2004) from the General Directorate according to which the manifest for cargo remaining on board a ship does not need to be shown unless there is information about the presence of prohibited or monopolized goods on the ship not declared on the Unified List, and after obtaining approval from the Director General of Customs.<sup>91</sup>

On April 1, 2014, the head of the Maritime Section, then-Captain Nidal Diab, who supervises the Manifest Detachment, sent this report to the head of the Beirut Brigades, adding that the type of merchandise on the *Rhosus* was not considered "prohibited or monopolized," but it may be used "in certain proportions to produce prohibited substances, and it is considered a hazardous, restricted substance if used locally."<sup>92</sup>

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<sup>88</sup> See Annex 2, August 11, 2020 General Directorate of Customs Report to the Minister of Finance.

<sup>89</sup> Ibid.

<sup>90</sup> See Annex 2, August 11, 2020 General Directorate of Customs Report to the Minister of Finance; March 27, 2014 Acting Customs Beirut Regional Director forwards file to Beirut Brigades.

<sup>91</sup> See Annex 2, March 31, 2014 Manifest Detachment Responds to Beirut Maritime Section; August 11, 2020 General Directorate of Customs Report to the Minister of Finance. See also Annex 2, March 31, 2014 Manifest Detachment Responds to Beirut Maritime Section, for a copy of the General Directorate of Customs regulation.

<sup>92</sup> See Annex 2, April 1, 2014 Letter from Head of Maritime Section to the Head of the Beirut Brigades; August 11, 2020 General Directorate of Customs Report to the Minister of Finance

He cites a document that states that “ammonium nitrate with a nitrogen grade of 34.5% or less is no longer subject to the provisions of legislative decree no. 137/59 [Weapons and Ammunition Law], since it is not an ingredient in the manufacturing of explosives...”<sup>93</sup>

This report was sent to the Acting Head of the Beirut Brigades Colonel Ibrahim Shamseddine, who referred it on the same day to the Acting Head of the Regional Directorate of Beirut Moussa Hazimeh, who referred it to the Head of the Port of Beirut Service, who duly referred it to the Head of the Manifest Department on April 9, 2014.<sup>94</sup>

On April 22, 2014, based on the information above, the head of the Manifest Department at the time, Badri Daher, recommended excusing the violation of not identifying the type of cargo on the Unified List, saying it was correctly identified on the transit manifest.<sup>95</sup> On May 6, 2014, the head of the Customs Regional Directorate of Beirut approved Daher’s recommendation.<sup>96</sup>

However, it is not clear on what basis Diab identified the nitrogen content of the ammonium nitrate as being below 34.5 percent, as the samples were not analyzed until February 2016, when it was found that the nitrogen grade of the ammonium nitrate was in fact 34.7 percent.<sup>97</sup> The Weapons and Ammunition Law states that ammonium nitrate with a nitrogen grade of 33.5 percent or more is covered as another form of gunpowder and explosive material and, as such, its procurement, assembly, trade, and possession in Lebanon is restricted.<sup>98</sup>

Under the Customs Law, restricted merchandise is not allowed to be imported or exported without a license, permit, or special approval issued by a competent authority, which lifts the restriction on this merchandise, and any such merchandise without the relevant

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<sup>93</sup> See Annex 2, April 1, 2014 Letter from Head of Maritime Section to the Head of Beirut Brigades.

<sup>94</sup> Ibid.; August 11, 2020 General Directorate of Customs Report to the Minister of Finance.

<sup>95</sup> See Annex 2, August 11, 2020 General Directorate of Customs Report to the Minister of Finance.

<sup>96</sup> Ibid.

<sup>97</sup> See Annex 2, February 1, 2016 Letter from Manifest Department.

<sup>98</sup> Library of Congress, “Firearms-Control Legislation and Policy: Lebanon,” <https://www.loc.gov/law/help/firearms-control/lebanon.php> (accessed June 25, 2021); Legislative Decree 137 (Weapons and Ammunition Law), June 12, 1959, <http://77.42.251.205/LawView.aspx?opt=view&LawID=180890> (accessed June 25, 2021).

permits must be treated like prohibited goods and should be seized.<sup>99</sup> The law further states these restrictions could apply to goods in transit.<sup>100</sup>

The Lebanese army is responsible for giving prior approval for importing military equipment and ammunition, including ammonium nitrate with a nitrogen grade above 33.5 percent, and must inspect explosive substances that arrive to the country through its ports (see section on the “Lebanese Army” below), but there is no indication that they did so in this case, even after testing confirmed that the material fell under the scope of the Weapons and Ammunition Law.

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<sup>99</sup> Lebanese Customs Law <https://www.lebanesecustoms.gov.lb/post/219/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%AC%D9%85%D8%A7%D8%B1%D9%83> (accessed July 21, 2021), art. 57 and art. 59.

<sup>100</sup> *Ibid.*, art. 57.

## State Negligence or Malfeasance? February 2014-August 2020

Official responsibility for the Beirut port is shared between the Ministry of Public Works and Transport, which oversees the Port Authority, and the Ministry of Finance, which oversees the Customs Administration. Within customs, two parallel institutions govern: the Higher Council for Customs and the General Directorate of Customs. Responsibilities between these and other government and security agencies operating in the port are overlapping (see “Port of Beirut: Mismanagement and Corruption” section above). In addition, a range of security services are also present at the port with overlapping mandates, including from the Lebanese Armed Forces (Military Intelligence), State Security, General Security, and customs.<sup>101</sup>

The legal and regulatory framework governing the port is outdated and inefficient, and the port’s ambiguous legal status has created confusion regarding which judges have jurisdiction to rule on matters related to the port.<sup>102</sup> The World Bank, in a December 2020 report on governance over Beirut’s port, concluded that the port “is a patchwork of ad-hoc institutions, structures, laws and regulations” that is inefficient, subject to political exploitation and corruption, opaque, and one which has resulted in serious governance and accountability issues.<sup>103</sup> The World Bank correctly identifies the mismanagement and lack of accountability in the Beirut port as having contributed to the August 4 explosion.<sup>104</sup>

This section reviews the decisions (and often, inaction) of government officials concerning the *Rhosus* and its cargo between February 2014 and the explosion on August 4, 2020,

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<sup>101</sup> World Bank, “Reforming and Rebuilding Lebanon’s Port Sector: Lessons from global Best Practices,” p. 20 and para. 23; “أمن الدولة: القانون سينصف من يعمل بصمت وسيعاقب من ضلل التحقيق ومن تقاعس عن القيام بواجباته”, *NWA*; See also Annex 2, May 13, 2014, General Security Office’s Information Report; April 1, 2014 Letter from Head of Maritime Section to the Head of the Beirut Brigades; Nadine Khairallah, “عسكري تحقيق”, Lebanese military webpage, July 2018, <https://www.learmy.gov.lb/ar/content/%D9%85%D8%AF%D9%8A%D8%B1%D9%8A%D9%91%D8%A9-%D8%A7%D9%84%D8%B9%D8%AA%D8%A7%D8%AF> (accessed June 25, 2021); United States Agency for International Development (USAID), “Middle East Economic Growth Best Practices Project: Port of Beirut Assessment,” February 15, 2020, p.135-138.

<sup>102</sup> World Bank, “Reforming and Rebuilding Lebanon’s Port Sector: Lessons from global Best Practices,” p. 20 and para. 22; Leenders, “Timebomb at the Port,” Arab Reform Initiative.

<sup>103</sup> World Bank, “Reforming and Rebuilding Lebanon’s Port Sector: Lessons from global Best Practices,” p. 7, 20, and para. 22.

<sup>104</sup> *Ibid.*, p. 12 and para. 10.

breaking down the actions of each government ministry or agency operating in the Beirut port. An analysis of government documents and interviews conducted by Human Rights Watch indicates that multiple Lebanese authorities were, at a minimum, criminally negligent under Lebanese law in their handling of the *Rhosus*'s cargo.<sup>105</sup> Their actions and omissions created an unreasonable risk to life. Under international human rights law, a state's failure to act to prevent foreseeable risks to life is a violation of the right to life.<sup>106</sup>

In addition, evidence strongly suggests that some government officials foresaw the death that the ammonium nitrate's presence in the port could result in and tacitly accepted the risk of the deaths occurring.<sup>107</sup> Under domestic law, this could amount to the crime of homicide with probable intent, and/or unintentional homicide.<sup>108</sup> It also amounts to a violation of the right to life under international human rights law.<sup>109</sup>

Official correspondence reflects that once the ship arrived in Beirut, Ministry of Finance (see section on "Excusing the Failure to Correctly Identify the Cargo" above) and Ministry of Public Works and Transport officials failed to correctly communicate or adequately investigate the potentially explosive and combustible nature of the ship's cargo, and the danger it posed. Ministry of Public Works and Transport officials inaccurately described the cargo's risks in their requests to the judiciary to offload the merchandise and knowingly stored the ammonium nitrate in Beirut's port alongside flammable or explosive materials for nearly six years in a poorly secured and ventilated hangar in the middle of a densely populated commercial and residential area (see "Ministry of Public Works and Transport

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<sup>105</sup> Lebanese Penal Code Articles 190 and 564 set out that there is liability when a harmful act results from negligence, recklessness, or the failure to comply with laws or regulations and that resulting deaths are punishable by six months to three years imprisonment. Lebanese Penal Code, Decree no. 340, March 1, 1943,

<http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=244611> (accessed July 23, 2021), art. 190 and art. 564.

<sup>106</sup> UN Human Rights Committee (HRC), General comment no. 36 (Right to Life), September 3, 2019, para. 21, UN Doc CCPR/C/GC/35, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1\\_Global/CCPR\\_C\\_GC\\_36\\_8785\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf) (accessed July 9, 2021).

<sup>107</sup> The former investigative judge charged some officials, and Tarek Bitar is attempting to prosecute others, with a form of intentional homicide classified under Lebanese law as "homicide with probable intent" (i.e., the accused foresaw the occurrence of the crime and accepted the risk of its occurrence). Human Rights Watch interview with defendants' lawyer 1, June 11, 2021; Human Rights Watch interview with defendant's lawyer 2, June 8, 2021; Human Rights Watch interview with defendant's lawyer January 28, 2021. "بيروت مرفأ انفجار قضية في وعسكر بين وأمنيين سياسيين بملاحقة يبدأ بيطار القاضي," *NNA*, July 2, 2021, <http://nna-leb.gov.lb/ar/show-news/552654/> (accessed July 6, 2021).

<sup>108</sup> Lebanese Criminal Code Chapter III, Section II, Subsection 1, Article 189 and Chapter VIII, Section I, Subsection 1, [https://www.stl-tsl.org/sites/default/files/documents/legal-documents/relevant-lebanese-law/CHATC-150903-2\\_OAR\\_T\\_EN.pdf](https://www.stl-tsl.org/sites/default/files/documents/legal-documents/relevant-lebanese-law/CHATC-150903-2_OAR_T_EN.pdf) (accessed July 21, 2021).

<sup>109</sup> UN HRC, General comment no. 36.

Section” below). Their practices contravened international ammonium nitrate safe storage and handling guidance. Neither they, or any security agency operating in the port, took adequate steps to secure the material or establish an adequate emergency response plan or precautionary measures, should a fire break out in the port. They also reportedly failed to adequately supervise the repair work undertaken on hangar 12 which may have triggered the explosion on August 4, 2020 (see section on “August 4, 2020” below).

Official correspondence also indicates that port, customs, and army officials ignored steps they could have taken to secure or destroy the material.

Customs officials repeatedly took steps to sell or re-export the ammonium nitrate that were procedurally incorrect. But instead of correcting their procedural error, they persisted with these same incorrect interventions despite repeatedly being told of the procedural problems by the judiciary. Legal experts even state that customs officials could have acted unilaterally to remove the ammonium nitrate and that they could have sold it at public auction or disposed of it without a judicial order, which they never took steps to do (See “Ministry of Finance” section below).

The Lebanese Army Command brushed off knowledge of the ammonium nitrate in hangar 12, saying they had no need for the material, even after learning its nitrogen grade classified it under local law as material used to manufacture explosives and required army approval to be imported and inspection. Despite being responsible for all security issues related to munitions at the port and being informed of the ammonium nitrate in hangar 12, Military Intelligence took no apparent steps to secure the material or establish an appropriate emergency response plan or precautionary measures (see section on the “Lebanese Army” below).

All of this was done despite repeated warnings about the dangerous nature of ammonium nitrate and the devastating consequences that could follow from its presence in the port.

Even after security officials from the Lebanese General Directorate of State Security, an arm of the Higher Defense Council chaired by the president, completed an investigation into the ammonium nitrate at the port, there was an unconscionable delay in reporting the threat to senior government officials, and the information they provided about the threats posed by the material was incomplete (see “State Security” section below).

Both the then-Minister of Interior and the Director General of General Security have acknowledged that they knew about the ammonium nitrate aboard the *Rhosus*, but have said that they did not take action after learning about it because it was not within their jurisdiction to do so.

Once they were informed by State Security, other senior officials on Lebanon's Higher Defense Council, including the president and the prime minister, also failed to act to remove the threat (see "Higher Defense Council" section below).

## Ministry of Public Works and Transport

Representatives of the Ministry of Public Works and Transport were warned about the serious danger presented by the ammonium nitrate, yet failed to investigate the threat the material posed and mischaracterized what they were told about the danger in their communications with the Case Authority.

The Case Authority falls under the Directorate General of the Ministry of Justice per Legislative Decree 151/1983 (later amended by Decree 23/1985). It acts as the legal representative of the Lebanese State in all judicial and administrative proceedings, with the Minister of Justice assigning judges and lawyers to assist the judge presiding over the Case Authority.<sup>110</sup>

Based on the incorrect information the ministry provided to the Case Authority, the judge of urgent matters subsequently ordered that the ministry offload the ship's cargo. After the cargo was offloaded, the ministry continued to misrepresent the danger it posed.

Further, ministry officials failed to properly execute a June 27, 2014 judicial ruling to store the ammonium nitrate in a suitable place and to take the necessary precautions in doing so. Instead, they knowingly stored the ammonium nitrate in hangar 12 alongside flammable or explosive materials for nearly six years in a poorly secured and ventilated hangar in the middle of a densely populated commercial and residential area. Their

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<sup>110</sup> Legal Decree No. 151, September 16, 1983,

<http://www.legallaw.ul.edu.lb/LawView.aspx?opt&LawID=194091&TYPE=PRINT&language=ar> (accessed June 25, 2021); Arab Center for the Development of the Rule of Law and Integrity (ACRLI) and UNDP, "الاختناق القضائي في لبنان", 1994, [https://arabruleoflaw.org/files/judiciary\\_backlog\\_in\\_lebanon\\_book.pdf](https://arabruleoflaw.org/files/judiciary_backlog_in_lebanon_book.pdf) (accessed June 25, 2021).

practices contravened international ammonium nitrate safe storage and handling guidance. They also failed to take adequate steps to secure the material or establish an adequate emergency response plan or precautionary measures should a fire break out in the port.

All of the actions taken by ministry officials appear to have been limited to seeking court approval to sell or re-export the ammonium nitrate and appear to have excluded measures they could have taken to store the dangerous material in a secure manner. Even the attempts to sell or re-export the cargo were badly managed, resulting in unnecessary delays and the continued presence of the hazardous material in Beirut's port.

Finally, they also reportedly failed to adequately supervise the repair work undertaken on hangar 12 that may have triggered the explosion on August 4, 2020 (see section on "August 4, 2020" below).

### *Failure to Investigate and Communicate the Danger*

On April 7, 2014, Baroudi and Associates Law Firm, representing the captain of the *Rhosus*, Boris Prokoshev, addressed a letter to the "head of Beirut's port," and delivered and registered it at the Directorate of Land and Maritime Transport, which falls under the Ministry of Public Works and Transport, on April 9.<sup>111</sup> The firm, which was seeking the repatriation of the ship's crew to Russia and Ukraine, urged that the ministry take all necessary measures to avoid "a maritime catastrophe," and to sell the ship and its cargo to pay the debts owed to the crew and others.<sup>112</sup>

In this letter, the firm states that ammonium nitrate is "considered an extremely hazardous material due to its high flammability and because it is used in the manufacture of explosives" and that as a result it "requires taking due diligence and precaution while stocking or moving it."<sup>113</sup> They further state that "the interaction of ammonium nitrate with

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<sup>111</sup> In some documentation, the captain of the *Rhosus* signed his name as "Prokoshev Borys." See for example Annex 2, April 7, 2014 Letter from Baroudi and Associates Law Firm to Head of Beirut Port.

<sup>112</sup> See Annex 2, April 7, 2014 Letter from Baroudi and Associates Law Firm to Head of Beirut Port. The Beirut Harbor Master is sometimes referred to in documentation as the "Head of Beirut Port." It is likely that this communication was sent to the Beirut Harbor Master.

<sup>113</sup> *Ibid.*

water exposes the cargo to the risk of explosion.”<sup>114</sup> The lawyers attach a 16-page “Timeline of major disasters” caused by ammonium nitrate explosions.<sup>115</sup>

Some of the information provided by the firm incorrectly described the risks posed by the cargo. Ammonium nitrate is non flammable, but it can cause combustible materials to ignite, and under extreme conditions of heat and pressure in a confined space it will explode.<sup>116</sup> It can be used to make explosives but is principally used as a fertilizer.<sup>117</sup> While ammonium nitrate is hygroscopic, meaning it absorbs moisture, and water absorption does cause it to decompose, degrade and become more unstable, mixing it with water would not on its own have exposed the cargo to the risk of explosion.<sup>118</sup>

On July 8, 2021, Human Rights Watch wrote to Baroudi and Associates asking how they first became aware of the ammonium nitrate on board the *Rhosus* and the dangers that the cargo posed. Baroudi and Associates responded on July 12, 2021, saying that they are legally prohibited from answering the questions.

Further, the Beirut harbor master, Mohammad al-Mawla, sent two letters in 2014, one of which was addressed directly to Abdel Hafiz al-Kaissi, director general of Land and Maritime Transport, warning that the ammonium nitrate on board the *Rhosus* was hazardous and that the ship was at risk of sinking, and requesting further instructions on how to proceed.<sup>119</sup>

Correspondence between Baroudi and Associates, the Ministry of Public Works and Transport, the Case Authority, and a Beirut judge of urgent matters, suggests that the ministry did not undertake any investigation into the danger posed by the ammonium nitrate, and instead shared only a portion of the information they received with the Case Authority that implied that the risk the material posed would be neutralized if it were

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<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> “The Hazards and Dangers of Ammonium Nitrate,” Nortech Labs press release, <https://nortechlabs.com/customer-service/articles-press-releases/hazards-ammonium-nitrate/> (accessed July 12, 2021).

<sup>117</sup> Ibid.

<sup>118</sup> “Ibid.; Ammonium nitrate compound summary, National Library of Medicine (National Center for Biotechnology Information), <https://pubchem.ncbi.nlm.nih.gov/compound/Ammonium-nitrate#section=DSSTox-Substance-ID> (accessed July 12, 202).

<sup>119</sup> See Annex 2, March 17, 2014, Letter from Beirut Harbor Master to the Head of Maritime Transport Service; April 2, 2014 Letter from Beirut Harbor Master to the Director of the Directorate General of Land and Maritime Transport.

offloaded from the ship. Even after the cargo was offloaded, the ministry continued to incorrectly represent the dangers presented by the material.<sup>120</sup>

After receiving the April 7, 2014 letter from Baroudi and Associates Law Firm, al-Kaissi responded on April 17, fully reciting the risks identified by the firm.<sup>121</sup> In contrast with his letter to the firm, in his correspondence with the Case Authority he fails to note that ammonium nitrate is potentially explosive, that it can be used to make explosives, and that it must be secured, instead focusing only on the risk of the ship sinking with the cargo onboard. On April 8 and April 14, 2014, he requested that the *Rhosus* be sold at public auction to avoid it sinking with its dangerous cargo which, as he states in the April 8 letter, would pollute the seawater and obstruct maritime traffic, and, as he writes in the April 14 letter, “threatens the safety of the maritime navigation and ecosystem in the port.”<sup>122</sup>

On June 2, 2014, he writes that if the ship sinks, it could cause an explosion due to the hazardous material on board.<sup>123</sup> He does not relay other information contained in the April 7, 2014 letter from Baroudi and Associates law firm, including that ammonium nitrate is used to manufacture explosives; that it has caused devastating explosions, resulting in hundreds of deaths; and that precautions must be taken while storing or moving it.<sup>124</sup>

Al-Kaissi also sends the Case Authority a report prepared by the Ship Inspection Service.<sup>125</sup> On April 2, 2014, the Ship Inspection Service staff under the Directorate General of Land and Maritime Transport, had inspected the *Rhosus* and concluded conditions on the ship had deteriorated and it was at risk of sinking. Captain Haitham Chaaban of the Inspection Services recommended the ship leave Lebanese waters, noting it was a hazard for the safety of maritime navigation and a water pollution risk. He noted the cargo was dangerous and could potentially cause a chemical reaction, could expire, or could leak into the sea.<sup>126</sup>

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<sup>120</sup> The judge of urgent matters is a civil judge that is competent to rule on urgent issues, but whose rulings are temporary and “without prejudice to the right of the following matters.” See Articles 30 – 33, Lebanon’s Code of Criminal Procedure, Act No. 328, <https://bit.ly/3zrLs1r> (accessed July 21, 2021).

<sup>121</sup> See Annex 2, April 17, 2014 Directorate General of Land and Maritime Transport Response to Baroudi and Associates Law Firm Letter.

<sup>122</sup> See Annex 2, April 8, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority and April 14, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority.

<sup>123</sup> See Annex 2, June 2, 2014 Letter from the Directorate General of Land Maritime Transport to the Case Authority.

<sup>124</sup> See Annex 2, April 7, 2014 Baroudi and Associates Law Firm letter to head of Beirut Port.

<sup>125</sup> See Annex 2, April 30, 2014 Letter from Case Authority to Urgent Matters Judge; April 2, 2014 Ministry of Public Works and Transport Ship Inspection and Report.

<sup>126</sup> See Annex 2, April 2, 2014 Ministry of Public Works and Transport Ship Inspection and Report.

The report did not reflect that the material is a combustible chemical compound or that it can be used for explosives.

After receiving al-Kaissi's request, the Case Authority appointed Omar Tarabah to represent the Ministry of Public Works and Transport in the matter.<sup>127</sup> On April 30, 2014, Tarabah sent a letter to the judge of urgent matters regarding the *Rhosus*. In the correspondence, he reiterated the dangers outlined by al-Kaissi and by the Ship Inspection Service's report, stating that the ship was leaking and in danger of sinking, that it is carrying ammonium nitrate, which is a hazardous substance, and that its cargo could trigger a chemical reaction that would lead to "environmental pollution."<sup>128</sup> He requested that the judge give the Directorate General of Land and Maritime Transport the authorization to refloat the ship, transport the ammonium nitrate to a safe place and guarantee its security, and sell the ship and the cargo in order to settle the debts incurred by the ship's owners.<sup>129</sup>

Following the April 30, 2014 petition, on May 7, a judge of urgent matters appointed the court's clerk to investigate the matter and to take a statement from the ship's owners, the maritime agent, and the captain.<sup>130</sup>

On June 2, al-Kaissi reiterated the urgency of the request to sell the ship to the Case Authority, noting the dangers of it sinking but once again failing to mention other risks posed by the material, including that it is potentially explosive and combustible and that it can be used to make explosives.<sup>131</sup> On June 5, the Case Authority wrote to the judge of urgent matters again, asking the latter to authorize the requested measures as soon as possible.<sup>132</sup>

On the basis of the inaccurate and incomplete information that the Ministry of Public Works and Transport provided, on June 27, 2014, a judge of urgent matters ordered that the *Rhosus's* cargo be offloaded from the ship.

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<sup>127</sup> Human Rights Watch interview with Marwan Karkabi, the former head of Case Authority, Beirut, Lebanon, June 16, 2021.

<sup>128</sup> See Annex 2, April 30, 2014 Letter from Case Authority to the Urgent Matters Judge.

<sup>129</sup> Ibid.

<sup>130</sup> See Annex 2, May 7, 2014 Urgent Matters Judge Decision.

<sup>131</sup> See Annex 2, June 2, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority.

<sup>132</sup> See Annex 2, June 5, 2014 Letter from Case Authority to the Urgent Matters Judge.

The judge's June 27, 2014 ruling authorized the Ministry of Public Works and Transport to refloat the ship after "moving the material onboard and storing it in an appropriate place under its custody, after taking the necessary measures given the hazardous material onboard the ship." The judge refused to authorize the sale of the ship for lack of jurisdiction. He appointed the court's clerk to enforce the ruling.<sup>133</sup>

The Case Authority was informed of the decision on July 11, 2014 through Tarabah, who requested that the Case Authority inform the Directorate General of Land and Maritime Transport.<sup>134</sup> The General Directorate of Customs and the Directorate General of Land and Maritime Transport were also informed on September 26, 2014 of the judge's decision.<sup>135</sup>

The cargo was offloaded into hangar 12 in the port in October 2014. After the cargo was offloaded, correspondence between the Ministry of Public Works and Transport and the Case Authority continued to mischaracterize the threat posed by the ammonium nitrate.

Ghazi Zeaiter was the Minister of Public Works and Transport from February 2014 until December 2016.<sup>136</sup> He was replaced by Youssef Fenianos, who held the position until January 2020.<sup>137</sup>

Zeaiter was informed about the ammonium nitrate on at least two occasions. The Director General of General Security, Major General Abbas Ibrahim sent Zeaiter a letter on May 16, 2014 informing him of the presence of "several tonnes of a very dangerous substance," high density ammonium nitrate, on board the *Rhosus*.<sup>138</sup> Zeaiter also received an August 20, 2014 letter from the Ministry of Foreign Affairs and Emigrants attaching the June 27,

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<sup>133</sup> See Annex 2, June 27, 2014 Ruling by the Urgent Matters Judge.

<sup>134</sup> See Annex 2, July 11, 2014 Letter from Case Authority Lawyer to Case Authority.

<sup>135</sup> See Annex 2, September 26, 2014 Urgent Matters Judge Ledger.

<sup>136</sup> Ghazi Zeaiter was preceded by Ghazi Aridi, who was the Caretaker Minister of Public Works and Transport when the *Rhosus* docked, until his resignation in December 2013. Jana El Hassan, "Aridi resigned from caretaker Cabinet," *Daily Star Lebanon*, December 16, 2013, <https://www.dailystar.com.lb/News/Lebanon-News/2013/Dec-16/241261-aridi-testifies-over-embezzlement-following-floods.ashx> (accessed July 23, 2021).

<sup>137</sup> Fenianos was the Minister of Public Works and Transport in Prime Minister Saad Hariri's government, which resigned in October 2019. However, Fenianos remained acting minister until Prime Minister Hassan Diab's government was formed in January 2020. "Lebanon announces new government, protesters far from impressed," *France 24*, January 21, 2020, <https://www.france24.com/en/20200121-lebanon-beirut-hassan-diab-saad-hariri-new-government-protests-cabinet> (accessed July 22, 2021); "Declaration of New Cabinet: 30 Ministers, 5 Innovative Ministries," *NNA*, December 18, 2016, <http://nna-leb.gov.lb/en/show-news/72621/> (accessed July 23, 2021).

<sup>138</sup> See Annex 2, May 16, 2014 Letter from the Director General of General Security; See Annex 5, Letter from Abbas Ibrahim.

2014 ruling by the judge of urgent matters authorizing the ministry to refloat the ship after “moving the material onboard and storing it in an appropriate place under its custody, after taking the necessary measures given the hazardous material onboard the ship.”<sup>139</sup>

As minister, Fenianos sent letters to the Case Authority regarding the ammonium nitrate at the port on December 18, 2017, March 5, 2018, and September 12, 2018, asking the Case Authority to ask the Enforcement Department to take the necessary steps to sell the ship and cargo or re-export the materials.<sup>140</sup>

The letters reference the danger posed by the sinking ship to maritime navigation (correspondence from the minister on March 5, 2018 reflects that the *Rhosus* did sink on February 18, 2018), public safety, and the environment, but are silent on the dangers posed by the ammonium nitrate stored in hangar 12.<sup>141</sup> Instead, Fenianos highlighted the costs that had been incurred from moving and storing the ammonium nitrate at the port and requested that the Enforcement Department take the necessary measures to sell the ship and the ammonium nitrate at public auction or re-export the cargo.<sup>142</sup>

After the August 4, 2020 explosion, Fenianos said he personally signed eight letters regarding the ammonium nitrate and the Directorate General of Land and Maritime Transport sent another eight.<sup>143</sup> Human Rights Watch has obtained three letters the Ministry of Public Works and Transport sent to the Case Authority before the cargo was unloaded and four from after, three of which were signed by the minister.<sup>144</sup> None of these letters accurately describe the risk posed by the ammonium nitrate at the port. Human

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<sup>139</sup> See also “الجديد” تحصل على بريد سري أرسله اللواء عباس ابراهيم عن حجز الباخرة روسوس في مرفأ بيروت” July 3, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=ylregfaHnDc> (accessed July 21, 2021) at 00:56-2:05; See Annex 2, August 20, 2014 Letter from the Ministry of Foreign Affairs and Emigrants Received by the Minister of Public Works and Transport and June 27, 2014 Ruling by the Urgent Matters Judge.

<sup>140</sup> See Annex 2, December 18, 2017 Letter from Minister of Public Works and Transport to Case Authority; March 5, 2018 Ministry of Public Works and Transport Letter to Case Authority; September 12, 2018 Minister of Public Works and Transport Letter to Case Authority.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> “رياض قبيسي و ليال بو موسى يكشفان معطيات جديدة وصور تعرض للمرة الاولى عن حادثة مرفأ بيروت” August 15, 2020, YouTube, at 11:00.

<sup>144</sup> See Annex 2, April 8, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority; April 14, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority; June 2, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority; March 9, 2015 Letter from Directorate General of Land and Maritime Transport; December 18, 2017 Letter from Minister of Public Works and Transport to Case Authority; March 5, 2018 Ministry of Public Works and Transport Letter to Case Authority; and September 12, 2018 Minister of Public Works and Transport Letter to Case Authority.

Rights Watch also wrote to Fenianos to request copies of the letters he referenced but did not receive a response prior to publication.

Michel Najjar, the Minister of Public Works and Transport at the time of the blast, said in the days following the blast that he learned that since 2014, the ministry had sent at least 18 letters to the Beirut judge of urgent matters asking that the ammonium nitrate be disposed of.<sup>145</sup> None of these letters came from Najjar, who was alerted to the dangers posed by the ammonium nitrate on August 3, 2020, the day before the explosion, when he received a copy of a State Security report outlining the threat.<sup>146</sup> Upon receiving the letter, Najjar reportedly instructed his advisor to contact Hassan Koraytem, the port's director general, and request all relevant documents from him.<sup>147</sup> In a letter to Najjar on July 7, 2021, Human Rights Watch asked the caretaker minister to provide information about the communication with Koraytem. He did not respond to the correspondence prior to publication.

Journalists from the local television station Al-Jadeed presented evidence that an advisor to Najjar removed documents from the Ministry of Public Works and Transport on August 9, 2020, the Sunday following the blast. Najjar and his advisor gave conflicting accounts of what those documents were on live television.<sup>148</sup> In its correspondence, Human Rights Watch asked Najjar about the nature of the documents but did not receive a response.

### *Failure to Store the Ammonium Nitrate in a Secure Manner*

The judge's June 27, 2014 ruling called on the Ministry of Public Works and Transport to store the ammonium nitrate in an "appropriate place under its custody, after taking the necessary measures given the hazardous material onboard the ship."<sup>149</sup> In clear contravention of this, ministry officials stored the ammonium nitrate in a poorly secured

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<sup>145</sup> Timour Azhari, "Lebanese officials deflect blame as anger grows over Beirut blast," *Al Jazeera*, August 6, 2020, <https://www.aljazeera.com/news/2020/8/6/lebanese-officials-deflect-blame-as-anger-grows-over-beirut-blast> (accessed June 24, 2021).

<sup>146</sup> "Beirut blast: who knew what, when?," *RFI*, August 12, 2020, <https://www.rfi.fr/en/wires/20200812-beirut-blast-who-knew-what-when> (accessed June 23, 2021); Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

<sup>147</sup> "Beirut blast: who knew what, when?," *RFI*.

<sup>148</sup> "الجديد توثق تهريب مستندات من وزارة الأشغال العامة والنقل بعد حادثة مرفأ بيروت - هادي الأمين," August 13, 2020, video clip, YouTube, [https://www.youtube.com/watch?v=n\\_CvqiTKdsU](https://www.youtube.com/watch?v=n_CvqiTKdsU) (accessed June 24, 2021).

<sup>149</sup> See Annex 2, June 27, 2014 Ruling by the Urgent Matters Judge.

hangar in Beirut's port alongside flammable and other hazardous material in a congested and haphazard way, just a few hundred meters from a densely populated residential area.

The judge appointed the court's clerk to enforce the ruling in his June 27, 2014 decision.<sup>150</sup> But according to an Al-Jadeed television news report, when the clerk went to the port on June 27 to examine the cargo, authorities told him they wanted to delay the removal of the cargo from the ship until a future date.<sup>151</sup> When he returned on the agreed date, November 13, 2014, it had already been placed in hangar 12 at the port.<sup>152</sup>



A photograph taken in 2020 of the ammonium nitrate bags stored haphazardly in hangar 12 in Beirut's port. © 2020 Private

<sup>150</sup> Ibid.

<sup>151</sup> "بيروت مرفأً حادثه رياض قبيسي و ليال بو موسى يكتشفان معطيات جديدة وصور تعرض للمرة الاولى عن" August 15, 2020, YouTube, at 8:48-9:06.

<sup>152</sup> Ibid., at 9:06-9:50; See Annex 2, November 14, 2014 General Security Office's Information Report.

Following the judicial decision, on September 3, 2014, in a letter addressed to the port authority, Al-Kaissi requests the assignment of a location for the cargo to be stored. Al-Kaissi wrote that the material was hazardous, but did not specify the dangers posed by the ammonium nitrate.<sup>153</sup>

Koraytem assigned part of the hangar “designated for the storage of hazardous substances” as the location for the ammonium nitrate to be stored, and on October 23 and 24, 2014, the Port Authority, along with two companies, transferred the ammonium nitrate from the *Rhosus* to hangar 12.<sup>154</sup>

On November 13, 2014, the court’s clerk appointed Mohammad al-Mawla, the Beirut harbor master, as the “judicial guard” of the cargo in hangar 12, as he was the representative of the General Directorate of Land and Maritime Transport in the port, which had petitioned the court to transfer the material.<sup>155</sup> The judicial guard would bear legal responsibility if the material were damaged or went missing. However, al-Mawla signed with reservations, stating that he has no authority over the warehouses, as they are under the authority of the customs administration and the port authority.<sup>156</sup>

On November 26, 2014, al-Kaissi once again asked the Case Authority to “take all the necessary measures” to sell the *Rhosus* and its cargo under auction “in a prompt and immediate manner” because the ship was at risk of sinking, which would pose a danger to the maritime environment.<sup>157</sup> In a response, Omar Tarabah, the lawyer acting on behalf of Case Authority, stated that the ministry had failed to properly and fully implement the June 27 decision of the judge of urgent matters, because they were supposed to refloat the ship and transport the hazardous goods to an appropriate place for storage, and therefore the

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<sup>153</sup> See Annex 2, September 3, 2014 Letter from the Directorate General of Land and Maritime Transport to Beirut’s Port Authority.

<sup>154</sup> See Annex 2, October 21, 2014 Letter from Beirut Port’s Director General to the Directorate General of Land and Maritime Transport; October 23, 2014 General Security Office’s Information Report; October 24, 2014 Letter from Head of the Manifest Department to the Head of the Customs Port of Beirut Service; November 26, 2014 Letter from Directorate of Land and Maritime Transport to Case Authority. See also “رياض قببسي و ليال بو موسى يكشفان معطيات جديدة وصور تعرض للمرة الاولى عن حادثة مرفأ بيروت” August 15, 2020, YouTube, at 8:10-8:18.

<sup>155</sup> See Annex 2, November 14, 2014 General Security Office’s Information Report.

<sup>156</sup> Ibid.; See Annex 2, May 28, 2020 Head of State Security at Beirut Port Report.

<sup>157</sup> See Annex 2, November 26, 2014 Letter from Directorate of Land and Maritime Transport to Case Authority.

danger should have ceased.<sup>158</sup> There is no apparent response to this letter from the ministry.

Hangar 12 is a warehouse designated for hazardous and flammable materials. At the time of the explosion, the ammonium nitrate was reportedly stored alongside kerosene, hydrochloric acid, 23 tons of fireworks, 50 tons of ammonium phosphate, and 5 rolls of slow burning detonating cord, among other items.<sup>159</sup> In September 2020, the *New York Times* reported, “Bags of ammonium nitrate were piled haphazardly near the fuel and fuses and on top of some of the fireworks.”<sup>160</sup> The facility was not adequately guarded (see “State Security” section below).<sup>161</sup>

The Ammunition Management Advisory Team (AMAT), which is an initiative of the Geneva International Center for Humanitarian Demining (GICHD) and the United Nations Office for Disarmament Affairs (UNODA) and provides guidance on the implementation of the International Ammunition Technical Guidelines (IATG), warns that ammonium nitrate can “react violently with incompatible materials” and that it is therefore “very important to handle, store and monitor ammonium nitrate correctly.”<sup>162</sup> They recommend that ammonium nitrate be stored in well-ventilated spaces away from sources of heat, fire, and explosion, including fuels and fireworks, and other combustible materials such as wooden pallets.<sup>163</sup>

The national regulations of several countries, including the United Kingdom, Australia, Canada, and the United States, concerning ammonium nitrate storage and handling

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<sup>158</sup> See Annex 2, December 18, 2014 Response from Case Authority Lawyer to the Directorate General of Land and Maritime Transport.

<sup>159</sup> Hubbard, Abi-Habib, El-Naggar, McCann, Singhvi, Glanz, and White, “How a Massive Bomb Came Together in Beirut’s Port,” *New York Times*; Samaneh Moafi et al, “The Beirut Port Investigation,” Forensic Architecture report, November 17, 2020, <https://forensic-architecture.org/investigation/beirut-port-explosion> (accessed June 22, 2021).

<sup>160</sup> Hubbard, Abi-Habib, El-Naggar, McCann, Singhvi, Glanz, and White, “How a Massive Bomb Came Together in Beirut’s Port,” *New York Times*.

<sup>161</sup> See Annex 2, July 20, 2020 State Security Report.

<sup>162</sup> Geneva International Center for Humanitarian Demining, “AMAT Insights: Reducing Risks Associated with Ammonium Nitrate,” September 2020, [https://www.gichd.org/fileadmin/GICHD-resources/rec-documents/AMAT\\_Insights\\_Issue\\_1\\_Reducing\\_Risks\\_Associated\\_with\\_Ammonium\\_Nitrate.pdf](https://www.gichd.org/fileadmin/GICHD-resources/rec-documents/AMAT_Insights_Issue_1_Reducing_Risks_Associated_with_Ammonium_Nitrate.pdf) (accessed July 22, 2021), p. 2

<sup>163</sup> *Ibid.*, at p. 14.

requirements, also prohibit the storing of explosive and combustible material in proximity to ammonium nitrate.<sup>164</sup>

The concentrated storage of the ammonium nitrate in Beirut's port and the storage facility's proximity to residential areas also contravened safe storage and handling standards. AMAT guidance states that ammonium nitrate stacks should be no more than two meters high and three meters wide, and there should be at least one-meter-wide aisles between the ammonium nitrate stacks and between the stack and the walls of the storage building. AMAT estimated that based on the amount of ammonium nitrate in Beirut's port, the closest inhabited building should have been 2,292 meters away, instead of the 480 meters distance that they were.<sup>165</sup> According to UK standards, stacks of ammonium nitrate must be limited to 300 tonnes with at least one meter between stacks.<sup>166</sup> Australian standards state that stacks can be 500 tonnes but should be 890 meters away from the closest residential buildings.<sup>167</sup>

Al-Kaissi, while aware of Koraytem's selection of hangar 12 to store the ammonium nitrate, took no action to remove the material to another facility.<sup>168</sup> This is despite the fact that al-Kaissi had been warned by Baroudi and Associates that the material was dangerous and had caused devastating explosions in other parts of the world.

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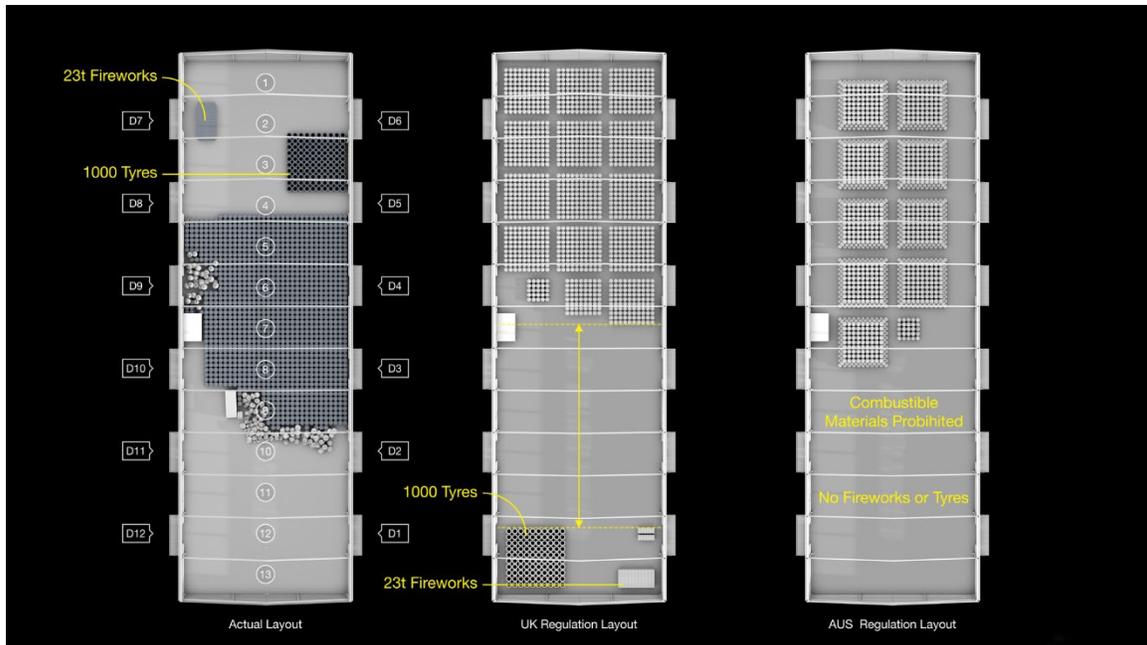
<sup>164</sup> Samaneh Moafi et al, "The Beirut Port Investigation," Forensic Architecture report; UK Health and Safety Executive, "Storing and Handling Ammonium Nitrate," <https://www.hse.gov.uk/pubns/indg230.pdf> (accessed June 22, 2021), p. 3-4; Government of Canada, Ammonium Nitrate Storage Facilities Regulations, CRC c. 1145, June 18, 2015, [https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,\\_c.\\_1145/FullText.html](https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1145/FullText.html), SCHEDULE II (s. 32) Storage Hazards of Ammonium Nitrate 2 (c); United States Department of Labor Occupational Safety and Health Administration, Regulations (Standards – 29 CFR), July 1993, <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/>, 1910.109 1910.109(i)(5)(i)(a), 1910.109(i)(5)(ii)(b), 1910.109(i)(5)(ii)(c); Government of Western Australia, Department of Mines, Industry Regulation and Safety, "Code of Practice: Safe storage of solid ammonium nitrate," 3<sup>rd</sup> ed, [https://www.dmp.wa.gov.au/Documents/Dangerous-Goods/DGS\\_COP\\_StorageSolidAmmoniumNitrate.pdf](https://www.dmp.wa.gov.au/Documents/Dangerous-Goods/DGS_COP_StorageSolidAmmoniumNitrate.pdf) (accessed June 22, 2021), p.6.

<sup>165</sup> Geneva International Center for Humanitarian Demining, "AMAT Insights: Reducing Risks Associated with Ammonium Nitrate," p. 14 – 18.

<sup>166</sup> UK Health and Safety Executive, "Storing and Handling Ammonium Nitrate," p. 4-5.

<sup>167</sup> Government of Western Australia, Department of Mines, Industry Regulation and Safety, "Code of Practice: Safe storage of solid ammonium nitrate," 3<sup>rd</sup> ed, p. 7-8.

<sup>168</sup> See Annex 2, October 21, 2014 Letter from Beirut Port's Director General to the Directorate General of Land and Maritime Transport.



Using published photos and videos from inside hangar 12, Forensic Architecture built a model contrasting how port authorities stacked the ammonium nitrate in Beirut with UK and Australian stacking standards. © Forensic Architecture 2020

International guidance on safe storage and handling of ammonium nitrate also calls for authorities to develop an appropriate emergency response plan and safety precautions, should a fire break out in the port.<sup>169</sup> However, Human Rights Watch has uncovered no evidence that port authorities developed such a plan or precautions at any point between October 23-24, 2014 and the August 4, 2020 explosion.

The danger of storing ammonium nitrate in hangar 12 at the port was immediately clear. In October 2014, while the cargo was being offloaded, Nehme Brax, the head of the Manifest Department at the port, sent a letter to his superior, Hanna Fares, the head of the Port of Beirut Service, recommending the ammonium nitrate be handed over to the Lebanese Army or re-exported “to avoid any potential disaster resulting from the ignition of the material, and given that their storage requires special facilities that are not available on

<sup>169</sup> Geneva International Center for Humanitarian Demining, “AMAT Insights: Reducing Risks Associated with Ammonium Nitrate,” p. 12-18.

the port premises.”<sup>170</sup> He adds that “it remains a duty to bring the dangerousness of the matter to the attention of the judge of urgent matters.”<sup>171</sup>

A July 20, 2020 State Security report on the ammonium nitrate in hangar 12 also concluded that port officials were negligent by not securing hangar 12 “which made it easy for individuals to go in and out and steal the dangerous material in it.”<sup>172</sup>

### *Profit not Protection: Ministry Interventions Unduly Limited*

Under the Lebanese Harbors and Ports Regulations, Harbor Masters have a duty to monitor dangerous goods on ships and in docks and to take the measures necessary to preserve public safety.<sup>173</sup>

Nearly all of the actions taken by ministry officials appear to have been limited to trying to get a judicial decision to sell or re-export the ammonium nitrate and appear to have excluded measures they could have unilaterally taken to safely store or secure the material. Even the attempts to sell or re-export the cargo were badly managed, resulting in unnecessary delays and the ongoing presence of the hazardous material in Beirut’s port.

An internal Port Authority memo obtained by Human Rights Watch from January 2015 reflects that port officials could prepare lists of abandoned goods for consideration of removal and destruction by customs, including goods abandoned in port warehouses for longer than six months.<sup>174</sup> Human Rights Watch has uncovered no evidence, however, that this was done for the ammonium nitrate in hangar 12.

In December 2014, al-Kaissi was told by Omar Tarabah, the lawyer acting on behalf of Case Authority, that the Lebanese state was owed no outstanding dues by the ship owners and could not sell it, and that if there was an ongoing danger it meant that the administration

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<sup>170</sup> See Annex 2, October 24, 2014 Letter from Head of the Manifest Department to the Head of the Customs Port of Beirut Service.

<sup>171</sup> Ibid.

<sup>172</sup> See Annex 2, July 20, 2020 State Security Report.

<sup>173</sup> Article 73 of the Ministry of Public Works and Transport, Resolution 31/1, Certification of the Lebanese port and port system, January 26, 1966, [http://transportation.gov.lb/ar/Karar31\\_1](http://transportation.gov.lb/ar/Karar31_1) (accessed July 6, 2021).

<sup>174</sup> See Annex 2, January 12, 2015 Internal Port Management Memo.

did not properly or fully implement the judge of urgent matters' June 27, 2014 decision.<sup>175</sup> Al-Kaissi apparently then stopped engaging with the Case Authority. Instead, months later, in March 2015, al-Kaissi requested that the College of Industrial Studies inspect and analyze the nature of the goods and determine whether they could be disposed of in Lebanon or elsewhere, and at what cost.<sup>176</sup>

When the judge of urgent matters summoned the ministry and the maritime agent of the *Rhosus* to a session on September 16, 2015, to discuss the repeated requests to sell or re-export the ammonium nitrate, the Case Authority-appointed lawyer representing the ministry and the agent reportedly did not attend.<sup>177</sup>

Through the course of its investigation, Human Rights Watch found no evidence that then-Minister of Public Works and Transport Zeaiter made any interventions regarding the ammonium nitrate on the *Rhosus* or later at the port despite being informed about the presence of “several tonnes of an extremely hazardous substance,” high-density ammonium nitrate, on board the *Rhosus*, and being informed of the judicial decision to move this material off the ship.<sup>178</sup>

Efforts by the ministry to sell or re-export the ammonium nitrate appear to have lapsed for some time. After Youssef Fenianos took office as minister in 2016, he resumed them.

In letters Fenianos sent to the Case Authority regarding the ammonium nitrate at the port on December 18, 2017, March 5, 2018, and September 12, 2018, he asked the Case Authority to ask the Enforcement Department to take the necessary steps to sell the ship and cargo or re-export the materials.<sup>179</sup>

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<sup>175</sup> See Annex 2, December 18, 2014 Response from Case Authority Lawyer to the Directorate General of Land and Maritime Transport.

<sup>176</sup> See Annex 2, March 9, 2015 Letter from Directorate General of Land and Maritime Transport.

<sup>177</sup> See Annex 2, September 11, 2015 Urgent Matters Judge Decision; “2021-3-5 يسقط حكم الفاسد,” March 5, 2021, video clip, YouTube, <https://www.youtube.com/watch?app=desktop&v=VtsXxAShKAE> (accessed June 23, 2021), at 35:05-36:00.

<sup>178</sup> See Annex 2, May 16, 2014 Letter from the Director General of General Security; See also “الجدید "تحصل على بريد سري أرسله"" اللواء عباس ابراهيم عن حجز الباخرة روسوس في مرفأ بيروت,” July 3, 2021, YouTube, at 00:56-2:05; Annex 2, August 20, 2014 Letter from the Ministry of Foreign Affairs and Emigrants Received by the Minister of Public Works and Transport.

<sup>179</sup> See Annex 2, December 18, 2017 Letter from Minister of Public Works and Transport to Case Authority; March 5, 2018 Ministry of Public Works and Transport Letter to Case Authority; September 12, 2018 Minister of Public Works and Transport Letter to Case Authority.

Continuing to act on behalf of the ministry to sell the ship and ammonium nitrate or re-export the cargo, the lawyer appointed by the Case Authority made at least two additional requests to the judge of urgent matters in Beirut, on July 20, 2015 and February 15, 2018, to authorize the sale of the ship and the cargo or compel the maritime agent to re-export the cargo, despite the rejection of earlier requests for lack of jurisdiction.<sup>180</sup> After the ship sank on February 18, 2018, on April 17, 2018 he also wrote directly to the Enforcement Department requesting that they declare jurisdiction over the sale of the shipwreck and the cargo and approve the request to sell the material given the hazardous nature of the material and the state of the ship, with the proceeds going to creditors and priority going to the state.<sup>181</sup>

On October 15, 2018, the Enforcement Department approved the Case Authority's request to sell the shipwreck in an auction and to appoint an expert to inspect and appraise the shipwreck, and pay them 700,000 Lebanese pounds (US\$466 the official exchange rate) to begin their work. The Enforcement Department's decision, however, did not include the cargo in hangar 12.<sup>182</sup> Article 9 of Decision 98 (30/04/1941) on shipwrecks gives the Enforcement Department the authority to sell shipwrecks in a public auction.<sup>183</sup>

Despite its repeated, years-long attempts to get approval to sell the ship and its cargo, the Ministry of Public Works and Transport refused to pay the expert in advance, as stipulated by the Enforcement Department.<sup>184</sup> This resulted in the Enforcement Department needing to appoint a second expert, which was not done until June 18, 2019.<sup>185</sup> This expert did not enter the port until February 7, 2020 and was never able to conduct the evaluation because he was not given an inventory of the goods he was supposed to assess.<sup>186</sup> Al-Jadeed reports that in his statement to Ghassan Oueidat, the Cassation Public Prosecutor, the

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<sup>180</sup> See Annex 2, July 20, 2015, Letter from Case Authority to Urgent Matters Judge; February 15, 2018 Request from Case Authority Lawyer to Urgent Matters Judge.

<sup>181</sup> See Annex 2, March 5, 2018 Ministry of Public Works and Transport Letter to Case Authority; See Annex 2, April 17, 2018 Request from Case Authority Lawyer to Enforcement Department..

<sup>182</sup> See Annex 2, October 15, 2018 Decision by the Enforcement Department of Beirut.

<sup>183</sup> Article 9 of Decision 98 (30/04/1941) on shipwrecks, <http://77.42.251.205/LawView.aspx?opt=view&LawID=188816> (accessed July 23, 2021).

<sup>184</sup> See Annex 2, March 26, 2019 Request from Case Authority Lawyer to the Ministry of Public Works and Transport.

<sup>185</sup> See Annex 2, June 18, 2019 Enforcement Department Decision.

<sup>186</sup> “بيروت مرفأ حادثه عن الاولى للمرة تعرض رياض قبيسي و ليال بو موسى يكتشفان معطيات جديدة وصور” August 15, 2020, YouTube, at 28:08-30:05 and 53:00-53:27.

expert said he was shocked by the catastrophes and the level of negligence inside the hangar as this material could pose a danger to public safety.<sup>187</sup>

### *Judicial Charges for the August 4, 2020 Explosion*

Al-Kaissi, Koraytem, and al-Mawla have all been charged by the judicial investigator responsible for the investigation into the August 4 explosion.<sup>188</sup>

Ghazi Zeaiter and Yousef Fenianos were also charged by Judge Fadi Sawan, the initial judicial investigator, with criminal negligence that led to the blast on December 10, 2020.<sup>189</sup> Citing a “judicial source,” AFP reported that Sawan charged Zeaiter and Fenianos with “negligence and causing death to hundreds and injuries to thousands more.”<sup>190</sup> According to AFP, the source said that the suspects had received “several written notices warning them against postponing the disposal of ammonium nitrate fertiliser” and that they “also did not take the necessary measures to avoid the devastating explosion and its enormous damage.”<sup>191</sup>

Zeaiter refused to appear before Sawan for questioning as a suspect.<sup>192</sup>

After being charged, Fenianos said that he “decided to appear before the judge but at my own timing. My conscience is clear and I will therefore meet the judge to tell him he violated article 40, 70, and 71 of the constitution.”<sup>193</sup> Those articles relate to the immunity of parliamentarians and ministers from prosecution by the judiciary.<sup>194</sup> When Fenianos

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<sup>187</sup> “بيروت مرفأ حادثه عن الاولى للمرة تعرض رياض قبيسي و ليال بو موسى يكتشفان معطيات جديدة وصور” August 15, 2020, YouTube, at 53:44-54:22.

<sup>188</sup> Sader, “Justice served? 25 people were detained after the port explosion, but don’t know the charges against them,” *L’Orient Today*.

<sup>189</sup> Waseem Saifeddin, “Lebanese premier charged over Beirut port blast,” *Andalou Agency*, December 10, 2020, <https://www.aa.com.tr/en/middle-east/lebanese-premier-charged-over-beirut-port-blast/2072768> (accessed June 23, 2021).

<sup>190</sup> “Lebanon PM Diab, ex-ministers indicted over port blast,” *France 24*, December 10, 2020, <https://www.france24.com/en/live-news/20201210-lebanon-pm-diab-ex-ministers-indicted-over-port-blast> (accessed June 23, 2021).

<sup>191</sup> *Ibid.*

<sup>192</sup> Najia Houssari, “Lebanese ministers refuse questioning in Beirut blast investigation,” *Arab News*, December 16, 2020, <https://www.arabnews.com/node/1778491/middle-east> (accessed June 28, 2021).

<sup>193</sup> “Fenianos: According to My Own Timing I Will Appear Before Judge,” *Naharnet*, December 16, 2020, <http://www.naharnet.com/stories/en/277687> (accessed June 28, 2021).

<sup>194</sup> Lebanese Constitution, ratified 1926, with amendments through 2004, [https://www.constituteproject.org/constitution/Lebanon\\_2004.pdf?lang=en](https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en) (accessed July 22, 2021).

went to his questioning session on December 15, 2020, he was told the session was postponed to a later date.<sup>195</sup>

However, Fenianos refused to submit to questioning in February 2021 after being contacted by telephone by the Central Criminal Investigation Department, saying that the notification was a violation of criminal procedure.<sup>196</sup>

Sawan's charging of Zeaiter and another parliamentarian, Ali Hassan Khalil, the former Minister of Finance, resulted in his removal from the case in February 2021.<sup>197</sup>

On July 2, 2021, Sawan's replacement, investigative judge, Tarek Bitar, submitted a request to parliament to lift parliamentary immunity for former minister Zeaiter, who is a sitting parliamentarian, and requested that the Beirut and Tripoli Bar Associations give permission to prosecute Zeaiter and Fenianos, who are both lawyers.<sup>198</sup> According to the National News Agency, Bitar is seeking to charge both former ministers with "homicide with probable intent" and negligence.<sup>199</sup> On July 28, the Beirut Bar Association gave Bitar permission to prosecute Zeaiter, and on July 29, the Tripoli Bar Association gave Bitar permission to prosecute Fenianos.<sup>200</sup> As of July 29, 2021, parliament had not yet decided on whether or not to lift these parliamentarians' immunity (see "The Domestic Investigation" section below).

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<sup>195</sup> "Fenianos: According to My Own Timing I Will Appear Before Judge," *Naharnet*, December 16, 2020, <http://www.naharnet.com/stories/en/277687> (accessed June 28, 2021); "MPs summoned, a new plan for subsidies, warning over medical supplies: Everything you need to know to start your Wednesday," *L'Orient Today*, December 16, 2020, <https://today.lorientlejour.com/article/1245084/mps-summoned-a-new-plan-for-subsidies-warning-over-medical-supplies-everything-you-need-to-know-to-start-your-wednesday.html> (accessed June 28, 2021).

<sup>196</sup> Youssef Fenianos' Twitter page, February 17, 2021, <https://twitter.com/youssefenianos/status/1362090019276664841> (accessed June 24, 2021)

<sup>197</sup> Ellen Francis, "Lebanese court removes investigator who charged politicians over Beirut blast," Reuters, February 18, 2021, <https://www.reuters.com/article/lebanon-crisis-blast-int-idUSKBN2Al1GP> (accessed July 24, 2021).

<sup>198</sup> "القاضي بيطار يبدأ بملاحقة سياسيين وأمنيين وعسكريين في قضية انفجار مرفأ بيروت" *NNA*.

<sup>199</sup> Ibid. Lebanese law provides that no legal proceedings can be undertaken against a lawyer for an action resulting from the practice of their profession without a decision by the Bar Association authorizing those proceedings.

<sup>200</sup> Nizar Saghieh's Twitter Account, July 28, 2021, <https://twitter.com/nsaghieh/status/1420392443451748353> (accessed on July 28, 2021); Nizar Saghieh's Twitter Account, July 29, 2021, <https://twitter.com/nsaghieh/status/1420706489216475140> (accessed on July 29, 2021).

## Ministry of Finance

Official correspondence between customs officials, who operate under the Ministry of Finance, and to and from customs officials and other official entities, reflects that a range of officials, including up to the then-Minister of Finance, Ali Hassan Khalil, were informed of the dangers posed by the ammonium nitrate in hangar 12. It also reveals that they failed to take the necessary actions within their power and responsibility to remove the threat.

The steps Ministry of Finance officials took to sell or re-export the ammonium nitrate were procedurally incorrect, but they persisted in these same incorrect steps despite repeatedly being told this by urgent matters judges. All the legal experts and judicial sources with whom Human Rights Watch spoke said that the Customs Administration did not need judicial authorization to sell, re-export, or destroy the material, but one said that whether or not the Customs Administration could have done this without removing the judicial guardianship over the material was still under study.

In all cases, however, removing the judicial guardianship over the material was a straightforward measure that any judge of urgent matters could have taken, but the Customs Administration never requested that a judge do so.

### *Repeated Warnings about Danger*

Customs officials were first warned of the dangers posed by the ammonium nitrate on February 21, 2014. On that day, Colonel Joseph Skaf, Chief of the Anti-Narcotics and Money Laundering Section in the Customs Administration, wrote to the Customs Administration's anti-smuggling service, copying various other officials, warning that the *Rhosus's* cargo was "highly dangerous and explosive Ammonium Nitrates that threaten public safety" and proposing moving "the ship away from Quay No. 11 and closer to the breakwater, and if possible...[putting] it under the supervision of the authorities present at the port."<sup>201</sup> Skaf died in March 2017 under suspicious circumstances, leading some to believe he was assassinated (see "The Domestic Investigation" section below).<sup>202</sup>

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<sup>201</sup> See Annex 2, February 21, 2014 Letter from Head of Anti-Narcotics and Anti-Money Laundering Section in Customs to Customs Administration Anti-Smuggling Department.

<sup>202</sup> "Officials long warned of explosive chemicals at Beirut port," *CNBC*, August 7, 2020, <https://www.cnbc.com/2020/08/08/officials-long-warned-of-explosive-chemicals-at-beirut-port.html> (accessed June 23, 2021); Nakhoul, Francis, and Gregory, "In Beirut port, all of Lebanon's ills are laid bare," Reuters; Hussein Yassine,

Skaf's letter was sent or referred to:

- Hanna Fares, on behalf of the head of the Audit and Anti-Smuggling Services;
- Moussa Hazimeh, the head of the Regional Directorate of Beirut (acting);
- Colonel Pierre al-Hajj, head of the Beirut Brigades;<sup>203</sup>
- Head of the Port of Beirut Service;
- Captain Nidal Diab, head of Beirut's Maritime Section (acting).<sup>204</sup>

The letter also lists the Head of Central Station as someone to whom it should be referred, but the copy of the letter obtained by Human Rights Watch does not have his signature on it. In a phone call with Human Rights Watch, Ibrahim Shamseddine confirmed that he was the Head of Central Station at the time when the letter was sent, but he denied ever receiving a letter from Joseph Skaf.<sup>205</sup>

The danger that the ammonium nitrate in hangar 12 posed was also articulated by Nehme Brax, the head of the Manifest Department at the port, shortly after it was moved off the ship in October 2014. In a letter to Hanna Fares, the head of the Port of Beirut Service, Brax stated that the material was dangerous and that there were no appropriate facilities to store it at the port, and he requested the approval of the judge of urgent matters to immediately transfer the material to the competent security authorities or to re-export it to "avoid any potential disaster resulting from the ignition of the material."<sup>206</sup> Brax warned of the dangers of the ammonium nitrate catching fire or exploding on at least three other occasions, on May 9, 2015, February 1, 2016, and March 14, 2018, each time reiterating his request to ask the judge of urgent matters to hand over the material to the Lebanese Army or re-export it.<sup>207</sup>

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"Lebanese Colonel Asked That Ammonium Nitrate Be Moved, Then Died Suddenly," *The 961*, August 17, 2020, <https://www.the961.com/lebanese-colonel-ammonium-nitrate-died/> (accessed July 24, 2021).

<sup>203</sup> Human Rights Watch made several attempts to correspond with Colonel Pierre al-Hajj between July 19-July 30, 2021 regarding the findings of this report, including via fax, phone, courier, and the website of the company his LinkedIn profile identifies as his place of business, but was unable to reach him.

<sup>204</sup> See Annex 2, February 21, 2014 Letter from Head of Anti-Narcotics and Anti-Money Laundering Section in Customs to Customs Administration Anti-Smuggling Department.

<sup>205</sup> Human Rights Watch Interview with Ibrahim Shamseddine, former Head of Central Station, by phone, July 23, 2021.

<sup>206</sup> See Annex 2, October 24, 2014 Letter from Head of the Manifest Department to the Head of the Customs Port of Beirut Service.

<sup>207</sup> See Annex 2, May 9, 2015 Letter from Head of the Manifest Department.; February 1, 2016 Letter from Manifest Department; March 14, 2018 Letter from Head of the Manifest Department.

The danger is also articulated in a letter on June 16, 2016 from then-Customs Director General Shafik Merhi to the Case Authority via the Ministry of Finance where he cites “the extreme risk of the presence of this merchandise in the hangar, in unfavorable climatic conditions” and requests immediate action “to ensure the safety of the Port and the persons working there.”<sup>208</sup> Then-Minister of Finance Ali Hassan Khalil signed the letter on September 10, 2016 and referred it directly to the judge of urgent matters rather than the Case Authority.<sup>209</sup>

### *Repeated Requests for Judicial Authorization to Sell or Reexport the Ammonium Nitrate*

All of the known interventions of the two customs directors between 2014 and 2020 appear to be aimed at asking the judge of urgent matters to either sell or re-export the ammonium nitrate in hangar 12. In making these requests, they both repeatedly ignored judicial decisions from the urgent matters judges. They also failed to take other actions they could have to unilaterally eliminate or mitigate the risks presented by the ammonium nitrate at the port.

Between December 5, 2014 and December 28, 2017, customs directors sent at least six letters to urgent matters judges requesting they re-export or sell the ammonium nitrate.<sup>210</sup>

From 2014 to 2016 the letters were sent from Shafik Merhi, the then customs director. The 2017 letters were sent by Badri Daher, who was appointed as director general of Customs in March 2017.<sup>211</sup> Merhi also sent the June 16, 2016 letter addressed to the Case Authority via the Ministry of Finance.<sup>212</sup> In the letter, he asked the Case Authority to intervene with the judge of urgent matters to allow for re-exporting of the ammonium nitrate or its sale to the Lebanese Explosives Company (Majid Shammam & Co.).<sup>213</sup> While addressed to the Case Authority, Khalil forwarded it instead directly to the judge of urgent matters.<sup>214</sup>

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<sup>208</sup> See Annex 2, June/September 2016 Customs-Ministry of Finance Letter to Case Authority.

<sup>209</sup> Ibid.

<sup>210</sup> See Annex 2, December 5, 2014 Letter from Customs Officials to Urgent Matters Judge; May 20, 2016 Letter from Customs to Urgent Matters Judge; December 28, 2017 Letter from Customs to Urgent Matters Judge.

<sup>211</sup> “Cabinet approves military, judicial appointments,” *NNA*, March 8, 2017, <http://nna-leb.gov.lb/en/show-news/76328/nna-leb.gov.lb/en> (accessed July 24, 2021).

<sup>212</sup> The Case Authority represents the state in legal proceedings. Only ministries can address the Case Authority directly. All other state institutions must address the Case Authority through their relevant ministries.

<sup>213</sup> See Annex 2, June/September 2016 Customs-Ministry of Finance Letter to Case Authority.

<sup>214</sup> Ibid.

In each case, following receipt of a letter from the customs directors requesting the goods be re-exported or sold, the urgent matters judges returned the letters on procedural grounds; referred them to the Case Authority, in some cases, requesting that the Case Authority assess whether the court of urgent matters was authorized to look into the matter; or noted they did not have jurisdiction to approve the sale or re-export of the material.<sup>215</sup>

Procedurally, customs did not log their requests in the registrar of the court as provided for in the Code of Civil Procedure, but sent the communications by mail.<sup>216</sup> Further, customs officials could not get a judgment from the judge of urgent matters because the Ministry of Public Works, through the Case Authority, already had an ongoing case regarding the ammonium nitrate, and the judge had put the material under the ministry's "judicial guardianship." Only parties to the case can submit requests.<sup>217</sup>

To cure the procedural error, customs officials would have either needed to put in a request to lift the Ministry of Public Works' judicial guardianship over the material or refer to the Case Authority so that both parties could agree on the necessary course, and the Case Authority could put forward the request.<sup>218</sup>

In addition to the procedural errors, judicial sources told Human Rights Watch that the urgent matters judges could not have authorized the sale or re-export of the material, as they can only take temporary measures in urgent situations and are not empowered to issue permanent rulings, like deciding on the ownership of the material, that would touch on the fundamentals of entitlements.<sup>219</sup>

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<sup>215</sup> See Annex 2, December 8, 2014 Urgent Matters Judge Returns Customs Letter; July 1, 2015 Urgent Matters Judge Response to Customs; June 1, 2016 Urgent Matters Judge Response to Customs; October 17, 2016 Urgent Matters Judge Decision; August 14, 2017 Urgent Matters Judge Decision; See Annex 2, December 28, 2017 Judge of Urgent Matters Responds to Customs.

<sup>216</sup> Human Rights Watch interview with judicial source 1, Beirut, Lebanon, July 7, 2021.

<sup>217</sup> Lebanon's Code of Civil Procedure, Legislative Decree No. 90.83. <http://legiliban.ul.edu.lb/LawArticles.aspx?LawArticleID=982018&LawId=244565&language=ar> (accessed July 29, 2021), art. 363.

<sup>218</sup> Human Rights Watch interview with judicial source 1.

<sup>219</sup> Human Rights Watch interview with judicial source 1; Human Rights Watch interview with judicial source 2; Human Rights Watch interview with former head of Case Authority, Judge Marwan Karkabi, June 16, 2021; Human Rights Watch interview with high-level judicial source 1, Beirut, Lebanon; Human Rights Watch interview with high-level judicial source 2, Beirut, Lebanon.

Some commentators have asserted that the Customs Administration did not need judicial authorization to remove or dispose of the ammonium nitrate and that they could have done so unilaterally.<sup>220</sup>

In one example in which customs appears to have exercised or attempted to exercise this type of authority, in September 2018, Director General of Customs Daher sought a line of credit from the Minister of Finance to pay a company that treats medical and chemical waste to pack, transfer, and treat expired medicines and chemicals in the port.<sup>221</sup> Notably, hangar 12 was apparently excluded from this company's site visit to the port in November 2017, when they assessed how much material needed to be removed and destroyed.<sup>222</sup>

Human Rights Watch consulted five judicial sources on this issue.<sup>223</sup> All agreed that the Customs Administration did not need judicial authorization to remove the cargo after six months, either by selling it, destroying it, or re-exporting it, but one said that whether or not the Customs Administration could have done this without removing the judicial guardianship over the material was still under study.<sup>224</sup>

Three of the sources confirmed to Human Rights Watch that removing the judicial guardianship over the material was a straightforward measure that any judge of urgent matters could have done, but that the Customs Administration never requested this.<sup>225</sup> By

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<sup>220</sup> Noting that Daher kept asking for judicial authorization to remove the ammonium nitrate when he had the authority to do so himself. Leenders, "Timebomb at the Port," Arab Reform Initiative; *Le Commerce Du Levant* reported that Daher could have disposed of the ammonium nitrate but instead persisted in asking for an authorization of sale from the urgent matters court even though the judge informed him they did not have jurisdiction over the matter. Rozelier, "From the Rhosus' Departure to the Port Explosion, Chronicle of a Disaster Foretold," *Le Commerce Du Levant*. Lebanese legal experts told the Asia Times that when it comes to hazardous materials, no permission is required to order their removal. See also Meuse, "Lebanon probes procurement of 'death ship' Rhosus," *Asia Times*.

<sup>221</sup> "رياض قببسي بالمستندات الإهمال الذي سبب حادثة مرفأ بيروت لم يكن عفويًا," February 19, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=Fl3g2fqz7D4> (accessed June 23, 2021) at 28:10; See Annex 2, September 12, 2018 Letter from Customs Director to Ministry of Finance..

<sup>222</sup> See Annex 2, August 16, 2018 Treveria Environment Letter.

<sup>223</sup> Human Rights Watch interview with former head of Case Authority, Judge Marwan Karkabi, June 16, 2021; Human Rights Watch interview with high-level judicial source 1, Beirut, Lebanon; Human Rights Watch interview with high-level judicial source 2, Human Rights Watch interview with judicial source 1; Human Rights Watch interview with judicial source 2.

<sup>224</sup> Human Rights Watch interview with former head of Case Authority, Judge Marwan Karkabi, Jeita, Lebanon, June 16, 2021; Human Rights Watch interview with high-level judicial source 1, Beirut, Lebanon; Human Rights Watch interview with high-level judicial source 2, Beirut, Lebanon; Human Rights Watch interview with judicial source 1, Beirut, Lebanon, July 7, 2021; Human Rights Watch interview with judicial source 2, Beirut, Lebanon, July 13, 2021.

<sup>225</sup> Human Rights Watch interview with high-level judicial source 2, Beirut, Lebanon; Human Rights Watch interview with judicial source 1, Beirut, Lebanon, July 7, 2021; Human Rights Watch interview with judicial source 2, Beirut, Lebanon, July 13, 2021.

law, civil judges in Lebanon can rule only on what is requested by the parties, so the judge of urgent matters could not, of his own accord, have suggested this measure to the Customs Administration.<sup>226</sup>

### *Judicial Charges for the August 4, 2020 Explosion*

Ali Hassan Khalil was the Minister of Finance between February 2014 and January 2020.<sup>227</sup> On December 10, 2020, Investigative Judge Fadi Sawan charged Khalil with negligence that led to the blast.<sup>228</sup> Citing a “judicial source,” AFP reported that Sawan charged Khalil with “negligence and causing death to hundreds and injuries to thousands more.”<sup>229</sup> According to AFP, the source said that the suspects had received “several written notices warning them against postponing the disposal of ammonium nitrate fertiliser” and that Khalil and others charged “also did not take the necessary measures to avoid the devastating explosion and its enormous damage.”<sup>230</sup>

Khalil took to Twitter and local news stations to defend himself, largely by blaming other government officials, but he did not deny that he was aware of the ammonium nitrate at the port and the danger that it posed to the public.<sup>231</sup>

As was the case with Zeaiter, charging the former minister resulted in the removal of Judge Sawan from the case in February 2021.<sup>232</sup>

On July 2, 2021, Judge Sawan’s replacement, investigative judge Tarek Bitar, submitted a request to parliament to lift parliamentary immunity for former minister Khalil, who is a sitting parliamentarian, and, since Khalil is a lawyer, also requested that the Beirut Bar

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<sup>226</sup> Lebanon’s Code of Civil Procedure, Legislative Decree No. 90.83, art. 366.

<sup>227</sup> Ali Hassan Khalil was preceded by Mohammad Safadi who was Caretaker Finance Minister at the time that the *Rhosus* docked in Beirut’s port.

<sup>228</sup> Waseem Saifeddin, “Lebanese premier charged over Beirut port blast,” *Andalou Agency*, December 10, 2020, <https://www.aa.com.tr/en/middle-east/lebanese-premier-charged-over-beirut-port-blast/2072768> (accessed June 23, 2021).

<sup>229</sup> “Lebanon PM Diab, ex-ministers indicted over port blast,” *France 24*, December 10, 2020, <https://www.france24.com/en/live-news/20201210-lebanon-pm-diab-ex-ministers-indicted-over-port-blast> (accessed June 23, 2021).

<sup>230</sup> *Ibid.*

<sup>231</sup> Ali Hassan Khalil’s Twitter page, December 10, 2020, <https://twitter.com/alihassankhalil/status/1337085721484664834> (accessed June 24, 2021); *Ibid.*, <https://twitter.com/alihassankhalil/status/1337118809522659329> (accessed July 22, 2021); *Ibid.*, <https://twitter.com/alihassankhalil/status/1337119411237498884> (accessed July 22, 2021).

<sup>232</sup> Ellen Francis, “Lebanese court removes investigator who charged politicians over Beirut blast,” Reuters.

Association give permission to prosecute him.<sup>233</sup> According to the National News Agency Bitar is seeking to charge Khalil with “homicide with probable intent” and negligence.<sup>234</sup> On July 28, the Beirut Bar Association gave Bitar permission to prosecute Khalil.<sup>235</sup> As of July 29, 2021, parliament had not yet decided on whether or not to lift Khalil’s immunity (see “The Domestic Investigation” section below).

Other customs officials have been detained and charged, including former Director General of Customs Shafik Merhi and Director General of Customs Badri Daher, Head of the Manifest Department at the Port Nehme Brax, and Head of the Port of Beirut Service Hanna Fares.<sup>236</sup> Senior customs officials Hani Haj Shehadeh and Moussa Hazimeh, who was in charge of customs at the port, were also charged in November 2020 but have not been detained.<sup>237</sup>

## Lebanese Army

Under the Weapons and Ammunition Law, the Lebanese army is responsible for giving prior approval for importing military equipment and ammunition, including ammonium nitrate with a nitrogen grade above 33.5 percent, and must inspect explosive substances that arrive to the country through its ports.

Evidence indicates that the Lebanese Army Command and the head of the Military Intelligence office at the port had knowledge of the ammonium nitrate in hangar 12 and knew or should have known the danger that it posed to the public. Through testing, it was confirmed that this was explosive material that fell under the Weapons and Ammunition Law and was therefore subject to the army’s regulation and supervision. Despite this, the Lebanese Army Command brushed off knowledge of the ammonium nitrate in hangar 12, saying they had no need for the material, and failed to act to remove, secure, or destroy

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<sup>233</sup> “القاضي بيطار يبدأ بملاحقة سياسيين وأمنيين وعسكريين في قضية انفجار مرفأ بيروت” *MVA*. Lebanese law provides that no legal proceedings can be undertaken against a lawyer for an action resulting from the practice of their profession without a decision by the Bar Association authorizing those proceedings.

<sup>234</sup> *Ibid.*

<sup>235</sup> Nizar Saghieh’s Twitter Account, July 28, 2021, <https://twitter.com/nsaghieh/status/1420392443451748353> (accessed on July 28, 2021).

<sup>236</sup> Sader, “Justice served? 25 people were detained after the port explosion, but don’t know the charges against them,” *L’Orient Today*.

<sup>237</sup> “Judge files charges against 2 over Lebanon port blast,” Associated Press, November 24, 2020, <https://apnews.com/article/beirut-lebanon-16f64c53e32e0f139e7841c36f834a38> (accessed June 24, 2021).

the material, while Military Intelligence took no apparent steps to secure the material or establish an appropriate emergency response plan or precautionary measures.

Jean Kahwaji was the commander of the armed forces when the ammonium nitrate entered the port in 2013 and remained in that role until 2017.<sup>238</sup>

### *Knowledge of the Danger*

Kahwaji, in his statement to judicial investigator Sawan, claimed that in late 2015, the General Customs Directorate at Beirut Port corresponded with the army to ask whether they needed the ammonium nitrate in hangar 12.<sup>239</sup> However, Human Rights Watch found no record of such a communication.

The army learned about the ammonium nitrate in hangar 12, however, sometime before November 19, 2015, when Kahwaji's chief of staff, acting on Kahwaji's behalf, requested laboratory testing to confirm the nitrogen grade of the ammonium nitrate.<sup>240</sup>

In correspondence to customs officials, Nehme Brax, the head of the Manifest Department at the port, had proposed immediately handing the ammonium nitrate over to the army as the appropriate security authorities as early as October 24, 2014 and again on May 9, 2015 "due to the risk they pose and the disaster that might arise if they catch fire or blow up."<sup>241</sup>

Evidence indicates that Brigadier General Antoine Salloum, the head of the army's Military Intelligence office in the port, responsible for all security issues related to munitions, drugs, and violence there, was also informed of the ammonium nitrate in hangar 12, by at least early 2020.<sup>242</sup> According to the director general of State Security and a State Security

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<sup>238</sup> General Joseph Aoun succeeded Kahwaji as the commander of the Lebanese Armed Forces on March 8, 2017.

<sup>239</sup> "مكتب بقرادوني: العماد قهوجي حضر امام المحقق العدلي كشاهد في انفجار المرفأ واكد ان الجيش قام بكل واجباته عملاً بالقوانين" *NNA*, February 11, 2021, <http://nna-leb.gov.lb/ar/show-news/529118/> (accessed June 25, 2021); "Lebanese ex-army chief testifies in Beirut port blast probe," *ABC News*, February 11, 2021, <https://abcnews.go.com/International/wireStory/lebanese-army-chief-testifies-beirut-port-blast-probe-75831554> (accessed June 25, 2021).

<sup>240</sup> See Annex 2, November 19, 2015 Army Request for a Sample to be Analyzed.

<sup>241</sup> See Annex 2, October 24, 2014 Letter from Head of the Manifest Department to the Head of the Customs Port of Beirut Service and May 9, 2015 Letter from Head of the Manifest Department.

<sup>242</sup> "تعيين العميد الركن انطوان سليمان منصور مديراً للمخابرات" Lebanese Army website, April 11, 2017, <https://www.lebarmy.gov.lb/ar/content/%D8%AA%D8%B9%D9%8A%D9%8A%D9%86-%D8%A7%D9%84%D8%B9%D9%85%D9%8A%D8%AF-%D8%A7%D9%84%D8%B1%D9%83%D9%86-%D8%A7%D9%86%D8%B7%D9%88%D8%A7%D9%86-%D8%B3%D9%84%D9%8A%D9%85%D8%A7%D9%86-%D9%85%D9%86%D8%B5%D9%88%D8%B1-%D9%85%D8%AF%D9%8A%D8%B1%D8%A7%D9%8B->

report seen by Human Rights Watch, a State Security officer contacted Salloum on January 27, 2020 after discovering the ammonium nitrate in hangar 12 to inquire about the material and the danger it posed.<sup>243</sup>

### *Responsibility to act*

Legislative Decree 137/1959 (also known as the Weapons and Ammunition Law) places restrictions on the procurement, assembly, trade, and possession of military equipment, weapons, ammunition, and explosives in Lebanon.<sup>244</sup> Ammonium nitrate with a nitrogen grade of 33.5 percent or more is covered by the decree as another form of gunpowder and explosive material and, as such, its procurement, assembly, trade, and possession in Lebanon is restricted.<sup>245</sup> According to Lebanese customs officials, the ammonium nitrate stored at the port had a nitrogen grade of 34.7 percent.<sup>246</sup>

Under the Weapons and Ammunition Law, regulatory and supervisory tasks related to it are entrusted to the Ministry of Defense, the Ministry of Interior, and Army Command.<sup>247</sup> The law states that the import, export, and re-export of military equipment and ammunition, including ammonium nitrate with a nitrogen grade above 33.5 percent, is subject to prior authorization from the Ministry of Economy after the approval of the Army Command and the Council of Ministers.<sup>248</sup> Additionally, the Directorate of Equipment under the Lebanese Armed Forces must inspect explosive and chemical substances that arrive to the country through its ports of entry, including sea, land, and air ports.<sup>249</sup>

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%D9%84%D9%84%D9%85%D8%AE%D8%A7%D8%A8%D8%B1%D8%A7%D8%AA (accessed July 24, 2021); Radwan Murtada, “كازنة المرفأ..بالأسماء والحقائق: هؤلاء كانوا يعلمون,” *Lebanon 24*, August 11, 2020, <https://bit.ly/3eJWarZ> (accessed June 25, 2021); Human Rights Watch interview with high-level judicial source 1, Beirut, Lebanon; Human Rights Watch interview with security source, July 1, 2021; United States Agency for International Development (USAID), “Middle East Economic Growth Best Practices Project: Port of Beirut Assessment,” February 15, 2020, p. 136; See Annex 2, July 20, 2020 State Security Report.

<sup>243</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021; See Annex 2, July 20, 2020 State Security Report.

<sup>244</sup> Legislative Decree 137 (Weapons and Ammunition Law), June 12, 1959, <http://77.42.251.205/LawView.aspx?opt=view&LawID=180890> (accessed June 25, 2021).

<sup>245</sup> *Ibid.*

<sup>246</sup> See Annex 2, February 1, 2016 Letter from the Manifest Department; February 27, 2016 Response from Customs to the Army.

<sup>247</sup> Legislative Decree 137 (Weapons and Ammunition Law), June 12, 1959, <http://77.42.251.205/LawView.aspx?opt=view&LawID=180890> (accessed June 25, 2021).

<sup>248</sup> *Ibid.*, art. 17.

<sup>249</sup> Nadine Khairallah, “تحقيق عسكري,” Lebanese military webpage, July 2018.

In addition to conducting security surveillance at the port, and being responsible for all security issues related to munitions, drugs, and violence there, Military Intelligence also operates a cargo inspection for goods exiting the port where they check for unlicensed imports, including weapons, ammunition, and other goods that could impact national security.<sup>250</sup>

### *Failure to Act*

On February 27, 2016, the then-Customs Director General Shafik Merhi informed the Army Command that based on tests conducted by an expert, the nitrogen grade of the ammonium nitrate at the port was 34.7 percent.<sup>251</sup>

Despite this test confirming that this material fell under the Weapons and Ammunition Law and was therefore subject to the army's regulation and supervision, Kahwaji's chief of staff, writing on Kahwaji's behalf, responded to customs on April 7, 2016, stating that the army had no need for the ammonium nitrate and suggested contacting the Lebanese Explosives Company (Majid Shammam & Co.), to determine whether it could benefit from it, or re-exporting the material to the source country at the expense of the owner.<sup>252</sup>

According to the *National News Agency*, on February 11, 2021 Judge Sawan interviewed Kahwaji as a witness regarding the ammonium nitrate at the port.<sup>253</sup> Through his lawyer's office, Kahwaji issued a statement after the interview claiming the army had carried out all its duties in accordance with the law and that the army declined to take custody of the ammonium nitrate in hangar 12 for several reasons, including because it degrades over time, which poses a danger when stored for a long time, and because the army did not have a place to store it and was unable to destroy or dispose of it.<sup>254</sup>

Despite these assertions, after the August 4, 2020 explosion, the Army Command released several statements announcing that it had removed and safely destroyed dangerous and

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<sup>250</sup> USAID, "Middle East Economic Growth Best Practices Project: Port of Beirut Assessment," February 15, 2020, p. 137.

<sup>251</sup> See Annex 2, February 27, 2016 Response from Customs to the Army.

<sup>252</sup> See, April 7, 2016 Letter from the Army to Customs.

<sup>253</sup> "Sawan listens to Kahwaji's testimony," *NNA*, February 11, 2021, <http://nna-leb.gov.lb/en/show-news/124829/Sawan-listens-to-Kahwaji-39-testimony-as-witness> (accessed June 25, 2021).

<sup>254</sup> "مكتب بقرادوني: العماد قهوجي حضر امام المحقق العدلي كشاهد في انفجار المرفأ واكد ان الجيش قام بكل واجباته عملا بالقوانين" *NNA*; "Lebanese ex-army chief testifies in Beirut port blast probe," *ABC News*.

hazardous material at Beirut's port, including "4,350 kilograms of ammonium nitrate," "1,320 kilograms of explosives packed in 120 carton boxes," and "hazardous and inflammable materials...which could lead to a blast if exposed to high temperature."<sup>255</sup> This suggests that the Army Command could have acted similarly to secure and remove the ammonium nitrate when they had been informed of its presence. Indeed, Cassation Public Prosecutor Ghassan Oueidat has said the military had the legal authority to remove the ammonium nitrate.<sup>256</sup>

Human Rights Watch has also uncovered no evidence that Military Intelligence personnel undertook to develop or recommend others develop an appropriate emergency response plan or safety precautions, should a fire break out in hangar 12, even though international guidance on safe storage and handling of ammonium nitrate calls for developing such a plan and adopting precautions.<sup>257</sup>

### *Judicial Charges for the August 4, 2020 Explosion*

Brigadier General Antoine Salloum has been charged for his role in the August 4, 2020 explosion and has been in detention since September 1, 2020.<sup>258</sup>

On July 2, 2021, investigative judge Tarek Bitar charged Kahwaji, along with the former Director of Military Intelligence Brigadier General Kamil Daher, former Brigadier General in Military Intelligence Ghassan Gharzeddine, and former Brigadier General in Military Intelligence Jawdat Oueidat.<sup>259</sup>

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<sup>255</sup> "Different Chemicals Found in Ward No. 15 at the Port of Beirut and Handled Safely," Lebanese Army webpage, September 11, 2020, <https://www.lebarmy.gov.lb/en/content/different-chemicals-found-ward-no-15-port-beirut-and-handled-safely> (accessed June 25, 2021); "Destroying of Quantities of Fireworks Found in the Port of Beirut," Lebanese Army webpage, September 18, 2020, <https://www.lebarmy.gov.lb/en/content/destroying-quantities-fireworks-found-port-beirut> (accessed June 25, 2021); "Inspecting Containers Filled with an Amount of Ammonium Nitrate," Lebanese Army webpage, September 3, 2020, <https://www.lebarmy.gov.lb/en/content/inspecting-containers-filled-amount-ammonium-nitrate> (accessed June 25, 2021).

<sup>256</sup> Hubbard, Abi-Habib, El-Naggar, McCann, Singhvi, Glanz, and White, "How a Massive Bomb Came Together in Beirut's Port," *New York Times*.

<sup>257</sup> Geneva International Center for Humanitarian Demining, "AMAT Insights: Reducing Risks Associated with Ammonium Nitrate," p. 12-18.

<sup>258</sup> Sader, "Justice served? 25 people were detained after the port explosion, but don't know the charges against them," *L'Orient Today*.

<sup>259</sup> "القاضي بيطار يبدأ بملاحقة سياسيين وأمنيين وعسكريين في قضية انفجار مرفأ بيروت" *NNA*.

## State Security

The General Directorate of State Security, which is an arm of the Higher Defense Council chaired by the president, established an office at the port in April 2019.<sup>260</sup> Major Joseph Naddaf headed this office.<sup>261</sup>

State Security has two principal functions at the port: first, to fight corruption, and second, to inform the Higher Defense Council about security issues in the port and to make recommendations for mitigating and addressing any threats.<sup>262</sup>

A source told Human Rights Watch that State Security was made aware of the ammonium nitrate in September 2019.<sup>263</sup> Official documents indicate that State Security was aware of the existence of the ammonium nitrate and the dangers that it posed since at least December 2019.<sup>264</sup> However, the first correspondence that State Security sent to the president and the prime minister warning of the dangers was not until July 20, 2020.<sup>265</sup> It sent a report to the judiciary on June 1. Further, the reports that State Security sent to the judiciary, the president, and the prime minister regarding the ammonium nitrate focused on the risk of the material being stolen, rather than the risks associated with it potentially exploding, even though they were aware of these risks.

Major General Tony Saliba has been the director general of State Security since March 8, 2017.<sup>266</sup> He frequently attends meetings at the Higher Defense Council. He did not bring up the topic of the ammonium nitrate in any of the Council's meetings.

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<sup>260</sup> "A Brief History," Lebanese General Directorate of State Security webpage, <https://bit.ly/3eKa3q2> (accessed June 22, 2021); "أمن الدولة: القانون سينصف من يعمل بصمت وسيعاقب من ضلل التحقيق ومن تقاعس عن القيام بواجباته", *NNA*.

<sup>261</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021.

<sup>262</sup> "A Brief History," Lebanese General Directorate of State Security webpage, <https://bit.ly/3eKa3q2> (accessed June 22, 2021); "أمن الدولة: القانون سينصف من يعمل بصمت وسيعاقب من ضلل التحقيق ومن تقاعس عن القيام بواجباته", *NNA*; USAID, "Middle East Economic Growth Best Practices Project: Port of Beirut Assessment," February 15, 2020, p. 138.

<sup>263</sup> Human Rights Watch interview with confidential source, Beirut, Lebanon, July 6, 2021.

<sup>264</sup> See Annex 2, May 28, 2020 Head of State Security at Beirut Port Report.

<sup>265</sup> See Annex 2, July 20, 2020 State Security Report.

<sup>266</sup> Webpage of Major General Tony Saliba, Lebanese General Directorate of State Security, <https://bit.ly/2Uy4wMx> (accessed June 25, 2021).

### *Investigation without Urgency: Delayed and Incomplete Warnings*

The official State Security narrative, which Saliba repeated to Human Rights Watch in an interview on June 16, 2021, was that Major (then Captain) Joseph Naddaf started investigating the ammonium nitrate in hangar 12 after he was on a patrol and noticed a broken door and hole in the wall of the hangar sometime between December 2019 and January 2020.<sup>267</sup> However, State Security documents seen by Human Rights Watch indicate that they began investigating the material first, and examined the outside of hangar 12 as part of that investigation.<sup>268</sup> A high-level judicial source and a security source confirmed to Human Rights Watch that Naddaf first received the information about the ammonium nitrate from a confidential source.<sup>269</sup> Another source told Human Rights Watch that it was Nehme Brax, the head of the Manifest Department at the port, who informed Naddaf about the ammonium nitrate in hangar 12 in September 2019 after no action was taken to resolve the issue despite his repeated warnings since 2014.<sup>270</sup>

According to the report that Naddaf sent to the judiciary on June 1, 2020, he first alerted Saliba to the presence of the ammonium nitrate in a memo that he submitted in early December 2019.<sup>271</sup>

Saliba also told Human Rights Watch that on January 27, 2020, Naddaf met with the head of the Military Intelligence office at the port, Brigadier General Antoine Salloum, to tell him about what he saw and ask for more information.<sup>272</sup> Saliba said that Salloum referred Naddaf to Nehme Brax, the head of the Manifest Department at the port, who confirmed that the ammonium nitrate was very dangerous and said that he had sent several requests to resolve the situation but had not gotten a response.<sup>273</sup> An undated, internal State Security document prepared after the explosion that outlines the steps that the agency

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<sup>267</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021; Hubbard, Abi-Habib, El-Naggar, McCann, Singhvi, Glanz, and White, "How a Massive Bomb Came Together in Beirut's Port," *New York Times*.

<sup>268</sup> See Annex 2, Undated State Security Internal Report; May 28, 2020 Head of State Security at Beirut Port Report.

<sup>269</sup> Human Rights Watch interview with high-level judicial source 1, Beirut, Lebanon; Human Rights Watch interview with security source, Beirut, Lebanon, July 1, 2021.

<sup>270</sup> Human Rights Watch interview with confidential source, Beirut, Lebanon, July 6, 2021.

<sup>271</sup> See Annex 2, May 28, 2020 Head of State Security at Beirut Port Report.

<sup>272</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021. See also Annex 2, Undated State Security Internal Report.

<sup>273</sup> *Ibid.*

took since discovering the ammonium nitrate confirms Saliba's account of the discussions with Salloum and Brax.<sup>274</sup>

Saliba ordered a full investigation on January 27, 2020 and instructed Naddaf to send his findings to the relevant judicial authority when completed.<sup>275</sup> Naddaf completed his investigation on May 28, 2020.<sup>276</sup> Saliba told Human Rights Watch that Naddaf's report took months to complete due to the outbreak of the Covid-19 pandemic and the various movement restrictions that were put in place to stem the spread of the virus.<sup>277</sup>

Naddaf's May 28, 2020 report, seen by Human Rights Watch, details the circumstances that led to the *Rhosus* docking in Beirut and the ammonium nitrate being stored in hangar 12. Although Naddaf's report had some inaccuracies, including an error in the date that the *Rhosus* docked in Beirut, incorrectly referring to the name of the company that owned the ammonium nitrate as "Safari Limited" rather than "Savaro Limited," and an error in the name of the judge of urgent matters who ordered the cargo to be moved off the ship, the report clearly warns of the ammonium nitrate's dangers. Naddaf writes:

After consulting with one of our chemical specialists, they confirmed to us that ammonium nitrate, in case it caught fire, would cause a huge explosion with catastrophic consequences on the port of Beirut. We also fear that this material would get stolen, because the thief could use it to make explosives.<sup>278</sup>

Naddaf also writes that they found that door number 9 in hangar 12 had sustained a strong blow that led it to detach from the wall and allowed any person to enter the hangar and steal the material. Naddaf also found a 50- by- 50-centimeter hole in the hangar's southern wall and noted that the hangar was not guarded.<sup>279</sup>

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<sup>274</sup> See Annex 2, Undated State Security Internal Report.

<sup>275</sup> Ibid.

<sup>276</sup> See Annex 2, May 28, 2020 Head of State Security at Beirut Port Report.

<sup>277</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021.

<sup>278</sup> See Annex 2, May 28, 2020 Head of State Security at Beirut Port Report.

<sup>279</sup> Ibid.



Photograph of the ammonium nitrate spilling out of ripped bags, which are piled haphazardly on top of each other in hangar 12 in Beirut's port, taken in 2020. © 2020 Private

Naddaf's report includes pictures of the broken door and the cargo inside the hangar.<sup>280</sup> The pictures show bags marked "NITROPRILL HD" and "High density ammonium nitrate," piled haphazardly on top of each other, with some bags ripped or looking partly empty.<sup>281</sup> Photos taken inside of the hangar in 2020 by another individual also show ripped bags of ammonium nitrate, with ammonium nitrate pouring out.

Naddaf's report states that on May 1, 2020, a State Security patrol found that a big container had been placed blocking door 9 and preventing anyone from entering the hangar.<sup>282</sup>

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<sup>280</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021.

<sup>281</sup> See Annex 2, May 28, Head of State Security at Beirut Port Report.

<sup>282</sup> See Annex 2, May 28, 2020 Head of State Security at Beirut Port Report.

According to Saliba and an internal, undated State Security report, on May 28, 2020, Naddaf presented his findings to the then-military prosecutor, Peter Germanos. Saliba said that Germanos refused to take over the case, because the judge of urgent matters had already issued a decision on the matter.<sup>283</sup> However the reason may have been that Judge Germanos had submitted his resignation in February 2020. President Aoun accepted it in June 2020.<sup>284</sup> Naddaf then contacted the Cassation Public Prosecutor, Ghassan Oueidat, who instructed Naddaf to summon and interrogate two port officials, who provided additional details about the ammonium nitrate in hangar 12.<sup>285</sup> The report indicates that Naddaf continuously apprised Oueidat of the progress of the investigation by phone.<sup>286</sup>

Naddaf wrote that he concluded his investigation on June 1, 2020 and referred a copy to the Cassation Public Prosecution and another to the General Directorate of State Security.<sup>287</sup> The stamp on the document indicates that the report was sent to the General Directorate of State Security on June 3, 2020.<sup>288</sup>

On June 1, Oueidat instructed Naddaf to instruct the port authority to provide security for hangar 12, appoint a warehouse keeper, and fix the doors and walls.<sup>289</sup> Saliba relayed Oueidat's instructions to the port authority in a request on June 4, 2020 that states:

Commission whoever needed at the Port of Beirut to secure guards to hangar 12, to appoint a warehouse manager to the abovementioned hangar, to ensure the maintenance of all the doors, and to close the cavity/hole in the southern wall and the other cavities if present, in addition to closing all the doors tightly due to the presence of hazardous material, "Ammonium Nitrate" which is used to manufacture explosives.<sup>290</sup>

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<sup>283</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021; See also Annex 2, Undated State Security Internal Report.

<sup>284</sup> Malak Aqeel, "عون يقبل استقالة جرمانوس... ويتسلف التشكيلات," *Asas Media*, June 8, 2020, <https://www.asasmedia.com/news/386262>; "Germanos to resign from judicial duties: source," *Daily Star Lebanon*, February 7, 2020, <http://dailystar.com.lb/News/Lebanon-News/2020/Feb-07/500709-germanos-to-resign-from-judicial-duties.ashx> (accessed July 22, 2021).

<sup>285</sup> See Annex 2, May 28, 2020 Head of State Security at Beirut Port Report.

<sup>286</sup> *Ibid.*

<sup>287</sup> *Ibid.*

<sup>288</sup> *Ibid.*

<sup>289</sup> *Ibid.*

<sup>290</sup> See Annex 2, June 4, 2020 Request from State Security to the Port Authority of Beirut.

A port authority stamp confirms they received the document on June 4, 2020.<sup>291</sup>

Saliba told Human Rights Watch that he first informed Caretaker Prime Minister Diab about the ammonium nitrate on June 3, 2020 (see “Higher Defense Council” section below).<sup>292</sup>

In an interview with Human Rights Watch on June 8, 2021, Caretaker Prime Minister Diab said that he did not speak with Saliba on June 3, 2020 about the ammonium nitrate, but that his advisor informed him about hazardous materials at the port and that that same evening he asked the head of the ministerial guard, Colonel Mohammad Abdallah to task Saliba’s men with preparing a report about the material within days.<sup>293</sup> Saliba told Human Rights Watch that Diab did not ask for such a report.<sup>294</sup> However, it is not clear why Saliba did not send Diab Naddaf’s finalized report. Human Rights Watch sent Saliba a letter on July 7 asking for an explanation but had not received a response prior to publication.

Instead, nearly six weeks later, on July 20, 2020, State Security sent a report about the ammonium nitrate to the president and the prime minister. It is unclear why it took almost six weeks between Naddaf’s report being finalized and a report being sent to the president and prime minister, particularly given the grave warnings contained in it.

The three-page report sent to the president and prime minister, seen by Human Rights Watch, reiterated the findings of Naddaf’s investigation and warned that the ammonium nitrate “could be used to make explosives as it is highly explosive and very flammable.”<sup>295</sup> However, while Naddaf warned in the report he prepared that if the ammonium nitrate were to ignite, “it would cause a huge explosion with catastrophic consequences on the port of Beirut,” that sentence was not in the July 20, 2020 State Security report.<sup>296</sup>

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<sup>291</sup> Ibid.

<sup>292</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021.

<sup>293</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

<sup>294</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021.

<sup>295</sup> See Annex 2, July 20, 2020 State Security Report.

<sup>296</sup> Ibid.; See Annex 2, May 28, 2020 Head of State Security at Beirut Port Report.

Although the State Security report acknowledged the explosive nature of the ammonium nitrate, it focused on the risk that the ammonium nitrate could be stolen. The report concluded that:

There was negligence and dereliction of duty on the part of the Beirut port authority in securing hangar 12, which made it easy for individuals to go in and out and steal the dangerous material in it. It was also noted that [there was no action] on the part of the official institutions to resolve this situation in order to stave off the danger that this material would cause if it was stolen or ignited.<sup>297</sup>

When asked why Saliba did not put this issue on the agenda of the Higher Defense Council, he told Human Rights Watch that it is not State Security's role to put this on the agenda, as they were acting as judicial police in this investigation, which was under the authority of the public prosecutor. Saliba added that members of the Higher Defense Council have known since 2013 about the ammonium nitrate, and that the material is very clearly under the jurisdiction of the army under the Weapons and Ammunition Law (see sections on the "Higher Defense Council" and the "Lebanese Army").<sup>298</sup>

At no point between September 2019 and the August 4, 2020 explosion did State Security officials recommend the development of an appropriate emergency response plan, as international guidance on safe storage and handling of ammonium nitrate recommends.<sup>299</sup>

Tragically, according to a media report, the head of the Karantina Fire Station, First Lieutenant Raymond Farah, said he sent his firefighters to put out the fire that had erupted in hangar 12 on the day of the explosion, on August 4, 2020, after a state security officer called and said that the hangar only contained fireworks.<sup>300</sup> It is not clear who that officer was and whether he had knowledge of what was inside the hangar, but state security

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<sup>297</sup> See Annex 2, July 20, 2020 State Security Report.

<sup>298</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021.

<sup>299</sup> Geneva International Center for Humanitarian Demining, "AMAT Insights: Reducing Risks Associated with Ammonium Nitrate," p. 13.

<sup>300</sup> Timour Azhari, "How Beirut firefighters were sent into disaster," *Al Jazeera*, August 8, 2020, <https://www.aljazeera.com/news/2020/8/8/how-beirut-firefighters-were-sent-into-disaster> (accessed July 21, 2021).

leadership should have been aware of the devastating consequences of sending first responders to the scene based on their investigation.

### *Judicial Charges for the August 4, 2020 Explosion*

On August 10, 2020, Cassation Attorney General Judge Ghassan Khoury questioned Saliba for several hours and then released him to resume the investigation at a later date.<sup>301</sup>

Judge Sawan charged Saliba in relation to the August 4, 2020 explosion and interrogated him on December 10, 2020, for three hours.<sup>302</sup>

Local media reported that Saliba did not know he was charged, but thought he was attending a questioning session as a witness and was surprised to learn that he was being interrogated as a suspect. He did not have a lawyer during his questioning, but media reported that he was told he could postpone the session to bring a lawyer.<sup>303</sup>

Sawan scheduled another interrogation session with Saliba on December 17, 2020, but that session did not take place.<sup>304</sup> On that day, Sawan paused the blast investigation for 10 days due to the complaint filed against him by former ministers Khalil and Zeaiter.<sup>305</sup>

On July 2, 2021, Judge Tarek Bitar requested that the prime minister grant him approval to interrogate Saliba as a suspect.<sup>306</sup> Under Lebanese law, to prosecute state employees for a crime resulting from their official duties, judges need to obtain approval from the entity to

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<sup>301</sup> "ترك اللواء صليبا رهن التحقيق بإشارة من المحامي العام التمييزي" *NNA*, August 10, 2020, <http://nna-leb.gov.lb/ar/show-news/495961/> (accessed June 25, 2021); "القاضي الخوري يستمع الى إفادة اللواء صليبا حول انفجار المرفأ" *NNA*, August 10, 2020, <http://nna-leb.gov.lb/ar/show-news/495877/> (accessed June 25, 2021).

<sup>302</sup> "انفجار المرفأ: استدعاء وزير سابق كمدعى عليه" *Tayyar*, February 12, 2021, <https://www.tayyar.org/News/Lebanon/399699/> (accessed June 25, 2021); "استجواب صليبا لم يتم وصوّان رفع يده" *Mahkama*, December 17, 2020, <https://bit.ly/3xYYJoV> (accessed June 25, 2021); Maroun Nassif, "تفاصيل الساعات الثلاث بين القاضي صوان واللواء"، *El Nashra*, December 10, 2020, <https://bit.ly/3iPeVf5> (accessed June 25, 2021); "الطائفة السننية تتكفل لحماية "المتبج" الذي دمر"، *El Nashra*, December 10, 2020, <https://bit.ly/3iPeVf5> (accessed June 25, 2021); "الطائفة السننية تتكفل لحماية "المتبج" الذي دمر بيروت"، *Lebanon Debate*, December 15, 2020, <https://www.lebanondebate.com/news/510890> (accessed June 25, 2021).

<sup>303</sup> Maroun Nassif, "تفاصيل الساعات الثلاث بين القاضي صوان واللواء صليبا"، *El Nashra*, December 10, 2020, <https://bit.ly/3iPeVf5> (accessed June 25, 2021); "الطائفة السننية تتكفل لحماية "المتبج" الذي دمر بيروت"، *Lebanon Debate*, December 15, 2020, <https://www.lebanondebate.com/news/510890> (accessed June 25, 2021).

<sup>304</sup> Radwan Murtada, "صليبا لن يحضر جلسة الاستجواب خشية توقيفه | التحقيق في انفجار المرفأ: هل يُنحى المحقق العدلي؟"، *Al-Akhbar*, December 17, 2020, <https://al-akhbar.com/Politics/297777> (accessed July 25, 2021).

<sup>305</sup> "Sawan suspends investigations into Beirut Port explosion case for ten days," *LBC International*, December 17, 2020, <https://www.lbcgroup.tv/news/d/news-bulletin-reports/565798/sawan-suspends-investigations-into-beirut-port-exp/en> (accessed June 25, 2021).

<sup>306</sup> "القاضي بيطار يبدأ بملاحقة سياسيين وأمنيين وعسكريين في قضية انفجار مرفأ بيروت" *NNA*.

which the employee belongs.<sup>307</sup> According to media reports both the president and the prime minister have said the other has the authority to grant or deny permission to prosecute Saliba.<sup>308</sup> On July 29, the Prime Minister’s office released a statement saying that the office of the presidency had consulted with the Legislation and Consultation Authority at the Ministry of Justice on who had jurisdiction to approve this request, and was told that this power belonged to the Higher Defense Council.<sup>309</sup> However, Legal Agenda, a research and advocacy organization, has argued that Bitar was not bound by the opinion of the Legislation and Consultation Authority, and that both the president and the prime minister could give Bitar permission to interrogate Saliba as a suspect.<sup>310</sup> As of July 29, 2021, neither the president nor the prime minister nor the Higher Defense Council had issued a decision in the matter.

## Ministry of Interior and Municipalities

The Ministry of Interior and Municipalities oversees the work of the Internal Security Forces (ISF) and the General Directorate for General Security.<sup>311</sup> The Interior Minister sits on the Higher Defense Council (see “Higher Defense Council” section below).

The General Directorate for General Security has an office at the port, which is responsible for monitoring the entry and exit of individuals and registering them and conducting surveillance on the activity of ships entering the port and the movement of sailors and

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<sup>307</sup> Lebanese Employee Law, Decree No. 112, June 12, 1959,

<http://www.legiliban.ul.edu.lb/LawView.aspx?opt=view&LawID=179571> (accessed July 27, 2021), art. 61.

<sup>308</sup> “تقائف المسؤولين بخصوص منح إذن ملاحقة صليبا”: ابدوا عنا كأس الحصانات” Legal Agenda, July 17, 2021, <https://legal-agenda.com/%D8%AA%D9%82%D8%A7%D8%B0%D9%81->

[%D8%A7%D9%84%D9%85%D8%B3%D8%A4%D9%88%D9%84%D9%8A%D8%A7%D8%AA-%D8%A8%D8%AE%D8%B5%D9%88%D8%B5-%D9%85%D9%86%D8%AD-%D8%A5%D8%B0%D9%86-%D9%85%D9%84%D8%A7%D8%AD%D9%82%D8%A9/](https://legal-agenda.com/%D8%A7%D9%84%D9%85%D8%B3%D8%A4%D9%88%D9%84%D9%8A%D8%A7%D8%AA-%D8%A8%D8%AE%D8%B5%D9%88%D8%B5-%D9%85%D9%86%D8%AD-%D8%A5%D8%B0%D9%86-%D9%85%D9%84%D8%A7%D8%AD%D9%82%D8%A9/) (accessed July 22, 2021).

<sup>309</sup> The Grand Serail’s Official Twitter Account, July 29, 2021, <https://twitter.com/grandserail/status/1420645657799536640> (accessed July 29, 2021).

<sup>310</sup> “تقائف المسؤولين بخصوص منح إذن ملاحقة صليبا”: ابدوا عنا كأس الحصانات” Legal Agenda, July 17, 2021; Nizar Saghie’s Twitter Account, July 29, 2021, [https://twitter.com/grandserail/status/1420645659603001344/retweets/with\\_comments](https://twitter.com/grandserail/status/1420645659603001344/retweets/with_comments) (accessed July 29, 2021).

<sup>311</sup> Lebanese General Directorate of General Security webpage, Historical Overview, <https://www.general-security.gov.lb/en/posts/2> (accessed July 25, 2021); Ministry of the Interior webpage, organization chart, <http://www.interior.gov.lb/hierarchie.aspx> (accessed July 25, 2021).

crews within the port.<sup>312</sup> The General Security office at the port is comprised of four sections, including an Investigations Section.<sup>313</sup>

The ISF has no presence or role at the port.

Both the then-Minister of Interior and the Director General of General Security have acknowledged that they knew about the ammonium nitrate aboard the *Rhosus*, but have said that they did not take action after learning about it because it was not within their jurisdiction to do so.

### *Knowledge of the Ammonium Nitrate*

On May 13, 2014, the General Security office at Beirut's port prepared an Information Report explaining the circumstances that led to the *Rhosus* remaining in Beirut's port and describing the dire humanitarian situation of the crew, who were trapped onboard and who had been abandoned by the ship's owner.<sup>314</sup> The report noted that 2,755.5 tons of ammonium nitrate, which are "extremely hazardous," were still on board the ship.<sup>315</sup>

The Director General of General Security, Major General Abbas Ibrahim, said he sent then-President Michel Sleiman, then-Prime Minister Tammam Salam, then-Public Works and Transport Minister Ghazi Zeaiter, and then-Interior Minister Nohad Machnouk a letter on May 16, 2014 noting the presence of "several tonnes of an extremely hazardous substance," high-density ammonium nitrate, on board the *Rhosus*, which was impounded and not allowed to leave Beirut's port "until further notice."<sup>316</sup>

Although much of the content in Ibrahim's letter was identical to that in the May 13 Information Report, Ibrahim omitted the quantity of the ammonium nitrate on board the *Rhosus*.

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<sup>312</sup> "مؤتمر صحفي للوزير السابق نهاد المشنوق حول ملف نيترات الامونيوم في حادثة مرفأ بيروت" July 23, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=nDqmyhmaV74> (accessed July 25, 2021), at 5:12; USAID, "Middle East Economic Growth Best Practices Project: Port of Beirut Assessment," February 15, 2020, p. 138. See also Annex 5, Letter from Abbas Ibrahim.

<sup>313</sup> Human Rights Watch interview with confidential source, by phone, June 9, 2021.

<sup>314</sup> See Annex 2, May 13, 2014 General Security Office's Information Report; See also Annex 5, Letter from Abbas Ibrahim

<sup>315</sup> Ibid.

<sup>316</sup> See Annex 5, Letter from Abbas Ibrahim; See Annex 2, May 16, 2014 Letter from the Director General of General Security; See also "الجديد" تحصل على بريد سري أرسله اللواء عباس ابراهيم عن حجز الباخرة روسوس في مرفأ بيروت"" July 3, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=ylregfaHnDc> (accessed July 21, 2021); Radwan Murtada, "المحقق العدلي يوقف ضبط مرفأ بيروت:", *Al-Akhbar*, September 3, 2020, <https://al-akhbar.com/Politics/293380> (accessed July 22, 2021).

During a press conference on July 23, 2021, Machnouk confirmed having received this letter on May 21 or May 22, 2014, as he was outside of the country until May 20, 2014.<sup>317</sup> However, Machnouk said that the letter did not catch his attention because the *Rhosus* was only transiting through Lebanon and the letter predominantly focused on the situation of the crew.<sup>318</sup> He also said that given that the ship was impounded by a judicial order, as Minister of Interior, he did not have any authority to intervene.<sup>319</sup>

In a letter to Human Rights Watch on July 17, 2021, Machnouk said that the abovementioned report, “dated May 16, 2014, was the only correspondence received by the Ministry of Interior during the period I was at office and it was issued by the General Security since it is the authority responsible about the entry/exit of persons in the Port of Beirut and does not have any executive functions in following-up with the security and customs issues in the port according to its competences. I did not receive any other correspondence to inform me about the unloading of the ammonium nitrate from the ship and its storage in the port.”<sup>320</sup>

Machnouk told Human Rights Watch that he only found out the quantity of the ammonium nitrate, the fact that it was being stored in Beirut’s port, and the risks posed by the storage of the ammonium nitrate after the explosion from media reports.<sup>321</sup>

Machnouk added that the president convened a meeting of the Higher Defense Council on May 18, 2014, which was attended by the prime minister and the heads of the security agencies, but that the issue of the ammonium nitrate onboard the *Rhosus* was not discussed during the meeting.<sup>322</sup>

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<sup>317</sup> “مؤتمر صحفي للوزير السابق نهاد المشنوق حول ملف نيترات الامونيوم في حادثة مرفأ بيروت” July 23, 2021, YouTube, at 6:25; Tala Ramadan, “MP and former Interior Minister Nohad Machnouk reveals ‘the only report’ he claims to have received regarding the shipment that brought the ammonium nitrate that exploded at the port on Aug. 4 to Beirut,” *L’Orient Today*, July 23, 2021, <https://today.lorientlejour.com/article/1269272/mp-and-former-interior-minister-nohad-machnouk-reveals-the-only-report-he-claims-to-have-received-regarding-the-shipment-that-brought-the-ammonium-ni.html> (accessed July 25, 2021); Nohad Machnouk’s Twitter page, <https://twitter.com/NohadMachnouk/status/1418562271505174531> (accessed July 25, 2021). See also Annex 5, Letter from Nohad Machnouk.

<sup>318</sup> “مؤتمر صحفي للوزير السابق نهاد المشنوق حول ملف نيترات الامونيوم في حادثة مرفأ بيروت” July 23, 2021, YouTube, at 3:53 and 4:00.

<sup>319</sup> *Ibid.*, at 4:50.

<sup>320</sup> See Annex 5, Letter from Nohad Machnouk.

<sup>321</sup> *Ibid.*

<sup>322</sup> *Ibid.*

Between 2014 and 2020, the General Security office at the port prepared at least five more reports about the ammonium nitrate.<sup>323</sup> According to a confidential source, reports are prepared by the Investigations Section of General Security at the port and sent to the head of the General Security office at the port, who in turn sends them to the Office of Information Affairs at the General Security headquarters.<sup>324</sup>

The General Security office at the port reported on the transfer of the ammonium nitrate from the *Rhosus* into hangar 12; the appointment of Mohammad al-Mawla, the Beirut harbor master, as judicial guard for the cargo in November 2014; a 2018 Ministry of Environment visit to the site where the *Rhosus* sank; the February 2020 inspection of the ammonium nitrate conducted by an expert appointed by the Enforcement Department; and the June 2020 investigation into the ammonium nitrate in hangar 12 by Major Joseph Naddaf from State Security.<sup>325</sup>

In the first two reports, the General Security office at the port described the ammonium nitrate as a “hazardous substance used in the demolition of rocks and the production of agricultural fertilizers.”<sup>326</sup> In its February 7, 2020 report, General Security stated that ammonium nitrate can be used to make dynamite, and in its June 9, 2020 report described it as material that is used to make explosives.<sup>327</sup>

In a letter to Human Rights Watch on July 29, 2021, Major General Abbas Ibrahim said that he first found out that the ammonium nitrate on the *Rhosus* had been moved to hangar 12 from a communication in June 2020 from the General Security office at the port regarding State Security’s investigation.<sup>328</sup> He added that although the Office of Information Affairs at General Security had been aware of the ammonium nitrate in hangar 12 since 2014, when

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<sup>323</sup> See Annex 2, October 23, 2014 General Security Office’s Information Report; November 14, 2014 General Security Office’s Information Report; February 22, 2018 General Security Office Information Report; February 7, 2020 General Security Office’s Information Report; June 9, 2020 General Security Office Information Report.

<sup>324</sup> Human Rights Watch interview with confidential source 2, by phone, June 9, 2021.

<sup>325</sup> See Annex 2, May 28, 2020 Head of State Security at Beirut Port Report; See Annex 2, October 23, 2014 General Security Office’s Information Report; November 14, 2014 General Security Office’s Information Report; February 22, 2018 General Security Office Information Report; February 7, 2020 General Security Office’s Information Report; June 9, 2020 General Security Office Information Report.

<sup>326</sup> See Annex 2, October 23, 2014 General Security Office’s Information Report; November 14, 2014 General Security Office’s Information Report.

<sup>327</sup> See Annex 2, February 7, 2020 General Security Office’s Information Report; June 9, 2020 General Security Office Information Report.

<sup>328</sup> See Annex 5, Letter from Abbas Ibrahim.

they received the port office's report about the judicial decision to refloat the ship and move its cargo to hangar 12, the Office of Information Affairs did not present this report to him because "first, there is a judicial decision regarding [the cargo] and other competent [security] agencies working at the port were mandated with handling it."<sup>329</sup> Ibrahim added that "General Security did not receive direct information because it is not the competent authority in this regard. We received this information indirectly upon working on the ship crew's case, since General Security is responsible only for the entry of people into the port and [monitoring] the entry and exit of sea travellers."<sup>330</sup>

Ibrahim said that he was not aware of the dangers posed by the ammonium nitrate, as none of the reports sent to him mentioned the material's nitrogen grade. "Hence, we only knew that it was a hazardous substance used in the demolition of rocks and the production of agricultural fertilizers," he said.<sup>331</sup> He said that the General Security office at the port also did know of the dangers posed by the ammonium nitrate "because it is not the competent authority in that regard and has no jurisdiction over merchandise."<sup>332</sup> Ibrahim said that General Security's role in the matter ended when it decided to allow the *Rhosus's* stranded crew members to leave, before the ship was refloated and its cargo moved to hangar 12.<sup>333</sup>

In response to a question from Human Rights Watch regarding why he did not add this issue to the agenda of the Higher Defense Council, Ibrahim said that he sent a letter regarding the *Rhosus* and its cargo to the then-president and prime minister, "who decide to include what they deem important on the Higher Defense Council's agenda." He said that General Security "does not have the authority to set or amend this council's agenda, because the Directorate General [of General Security] is not an integral member; it is only invited to its meetings when necessary."<sup>334</sup>

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<sup>329</sup> Ibid.

<sup>330</sup> Ibid.

<sup>331</sup> Ibid.

<sup>332</sup> Ibid.

<sup>333</sup> Ibid.

<sup>334</sup> Ibid.

### *Judicial Charges for the August 4, 2020 Explosion*

Judge Sawan charged and detained Major Daoud Fayad, the head of General Security's office at the port, and Major Charbel Fawaz, the head of the Investigations Section at the port, on September 1, 2020.<sup>335</sup> Judge Tarek Bitar released Fawaz on April 15, 2021 and Daoud on July 2, 2021.<sup>336</sup>

On July 2, 2021, the new judicial investigator, Tarek Bitar, requested that parliament lift former Interior Minister Nohad Machnouk's immunity in order to allow him to be prosecuted on charges of "homicide with probable intent" and negligence related to the August 4 explosion.<sup>337</sup> Machnouk is a sitting parliamentarian and therefore enjoys immunity from prosecution during parliament's term (See "The Domestic Investigation" section below).

On the same day, Bitar requested that the Interior Minister allow him to charge Director General of General Security Major General Abbas Ibrahim.<sup>338</sup> Under Lebanese law, to prosecute state employees for a crime resulting from their official duties, judges need to obtain approval from the entity to which the employee belongs (See "The Domestic Investigation" section below).<sup>339</sup>

On July 9, 2021, in a letter to the justice minister, the Caretaker Interior Minister Mohammad Fehmi rejected the judge's request to question Major General Abbas Ibrahim.<sup>340</sup> Judge Bitar appealed Fehmi's decision. As per Lebanese law, the request then

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<sup>335</sup> "معلوف عن مذكرة التوقيف بحق جوزيف النداف: حذر من خطورة نترات الأمونيوم المكسدة بالعنبر 12" *El Nashra*, September 1, 2020, <https://www.elnashra.com/news/show/1442826/%D9%85%D8%B9%D9%84%D9%88%D9%81-%D9%85%D8%B0%D9%83%D8%B1%D8%A9-%D8%A7%D9%84%D8%AA%D9%88%D9%82%D9%8A%D9%81-%D8%A8%D8%AD%D9%82-%D8%AC%D9%88%D8%B2%D9%8A%D9%81-%D8%A7%D9%84%D9%86%D8%AF%D8%A7%D9%81:-%D8%AD%D8%B0%D9%91%D8%B1-%D8%AE%D8%B7%D9%88%D8%B1%D8%A9-%D9%86> (accessed July 25, 2021).

<sup>336</sup> "Judge Bitar releases six people held for Beirut blast," *The Daily Star Lebanon*, April 15, 2021, <https://www.dailystar.com.lb/News/Lebanon-News/2021/Apr-15/519361-judge-bitar-releases-six-people-held-for-beirut-blast.ashx> (accessed June 22, 2021); "تخليه فياض والحاج في ملف المرفأ," *NNA*, July 2, 2021, <http://nna-leb.gov.lb/ar/show-news/552629/nna-leb.gov.lb> (accessed July 6, 2021).

<sup>337</sup> "القاضي بيطار يبدأ بملاحقة سياسيين وأمنيين وعسكريين في قضية انفجار مرفأ بيروت," *NNA*.

<sup>338</sup> *Ibid.*

<sup>339</sup> Lebanese Employee Law, Decree No. 112, June 12, 1959, art. 61.

<sup>340</sup> "Lebanese minister denies request to quiz security chief over Beirut blast," Reuters, July 9, 2021, <https://www.reuters.com/world/middle-east/lebanon-interior-minister-rejects-request-question-security-chief-over-beirut-2021-07-09/> (accessed July 21, 2021).

moves to the Cassation Public Prosecutor, who is given 15 days to decide whether or not to allow the prosecution to move forward.<sup>341</sup>

Cassation Public Prosecutor Ghassan Oueidat claimed that he does not have the authority to make a decision regarding this request, as he had recused himself from the investigation after Sawan charged Zeaiter, who is his brother-in-law.<sup>342</sup> The request was sent to Cassation Attorney General Ghassan Khoury. The media reported that Khoury responded to Bitar on July 24 asking for more information, but neither explicitly approving nor denying the request.<sup>343</sup> However, Khoury told Human Rights Watch that he denied Bitar's request to prosecute Ibrahim.<sup>344</sup>

Nizar Saghieh, a Lebanese lawyer and executive director of Legal Agenda, has argued that Khoury's response has no legal merit, as he is not the authority with the jurisdiction to make that decision.<sup>345</sup> He claims that Oueidat, as the Cassation Public Prosecutor, is the only authority capable of making this decision, and that his lack of response within the legal timeframe should be understood as tacit approval to move ahead with Ibrahim's prosecution, as the law stipulates.<sup>346</sup>

During the press conference on July 23, 2021, Machnouk argued that the charges against him were political, as he was the only minister charged whose testimony Bitar had not taken.<sup>347</sup> He said that the charge of homicide with probable intent "should be directed

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<sup>341</sup> Lebanese Employee Law, Decree No. 112, June 12, 1959, art. 61.

<sup>342</sup> النيابة العامة اللبنانية : القاضي عويدات لم يتولّ البتّ بالخلاف "، *Mahkama*, December 14, 2020; Al Jadeed, "عويدات يتنحى عن ملف انفجار المرفأ"، You Tube, July 21, 2021; The Public Prosecutor's Twitter Page, July 21, 2021, <https://twitter.com/ProsecutorGenLB/status/1417853711716585484> (accessed on July 29, 2021).

<sup>343</sup> Nader Fawz, "السلطة تُسقط التحقيق وتحاصر البيطار : لا ملاحقة لابراهيم وصليبيا"، *Al Modon*, July 26, 2021, <https://www.almodon.com/politics/2021/7/26/%D8%A7%D9%84%D8%B3%D9%84%D8%B7%D8%A9-%D8%AA%D8%B3%D9%82%D8%B7-%D8%A7%D9%84%D8%AA%D8%AD%D9%82%D9%8A%D9%82-%D9%88%D8%AA%D8%AD%D8%A7%D8%B5%D8%B1-%D8%A7%D9%84%D8%A8%D9%8A%D8%B7%D8%A7%D8%B1-%D9%84%D8%A7-%D9%85%D9%84%D8%A7%D8%AD%D9%82%D8%A9-%D9%84%D8%A7%D8%A8%D8%B1%D8%A7%D9%87%D9%8A%D9%85-%D9%88%D8%B5%D9%84%D9%8A%D8%A8%D8%A7> (accessed on July 28, 2021).

<sup>344</sup> Human Rights Watch interview with Cassation Attorney General Ghassan Khoury, by phone, July 29, 2021.

<sup>345</sup> Nizar Saghieh's Twitter page, July 27, 2021, <https://twitter.com/nsaghieh/status/1420098373181444103> (accessed July 29, 2021).

<sup>346</sup> Ibid. See also Lebanese Employee Law, Decree No. 112, June 12, 1959, art. 61.

<sup>347</sup> "مؤتمر صحفي للوزير السابق نهاد المشنوق حول ملف نيترات الامونيوم في حادثه مرفأ بيروت" July 23, 2021, YouTube, at 11:36, 15:39, 20:21, and 23:05.

against the one who agreed to the unloading of hazardous cargo in Beirut's port and putting it in hangar 12.”<sup>348</sup>

Machnouk said that one of Bitar's allegations against him is that he did not convene a meeting of the Central Security Council, a body composed of representatives from the main security agencies that meets at the discretion of the Interior Minister.<sup>349</sup> “So why would I convene the central security council?” Machnouk said. “What would I tell them? There is a ship impounded by the judiciary and it has cargo that is heading to Mozambique? I am not responsible for the security of Mozambique.”<sup>350</sup>

Machnouk also said that if immunity is to be lifted from the ministers, then the Constitution should be amended so as to lift immunity for everyone in serious cases, “from the top of the pyramid to the last state employee.”<sup>351</sup>

As of July 29, 2021, parliament had not yet decided on whether to lift Machnouk's immunity (see “The Domestic Investigation” section below).

## Higher Defense Council

The Higher Defense Council, established in accordance with Law 102/1983 “The National Defense Law,” is chaired by the president, vice-chaired by the prime minister, and convenes at the president's request or that of one third of the members. Its members include the ministers of Defense, Interior and Municipalities, Foreign Affairs, Finance, and Economy and Trade. The president has the authority to invite other officials to attend the meetings.<sup>352</sup> The heads of the security agencies frequently attend the Higher Defense

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<sup>348</sup> Ibid., at 9:38.

<sup>349</sup> See for example “Interior Minister Chairs Central Security Council's Meeting, Talks Cooperation with UNDP,” *NNA*, September 23, 2019, <http://nna-leb.gov.lb/en/show-news/107850/nna-leb.gov.lb/nna-leb.gov.lb> (accessed July 25, 2021); “Lebanon Central Security Council demands strict sentences against random gunfire suspects,” *Daily Star*, May 11, 2017, <https://dailystar.com.lb/News/Lebanon-News/2017/May-11/405434-lebanon-central-security-council-demands-strict-sentences-against-random-gunfire-suspects.ashx> (accessed July 25, 2021).

<sup>350</sup> “مؤتمر صحفي للوزير السابق نهاد المشنوق حول ملف نيترات الامونيوم في حادثة مرفأ بيروت” July 23, 2021, YouTube, at 7:20

<sup>351</sup> Ibid., at 7:13.

<sup>352</sup> “المجلس الأعلى للدفاع,” Lebanese Presidency webpage, <https://www.presidency.gov.lb/Arabic/HigherDefenseCouncil/Pages/HigherDefenseCouncil.aspx> (accessed June 25, 2021).

Council's meetings.<sup>353</sup> The president presents the issues for discussion that necessitated the meeting.<sup>354</sup>

The council is tasked with the implementation of the country's defense policy and military and civil mobilization. The council's secretary general is appointed to carry out the affairs of the general secretariat of the council, including gathering information, preparing the necessary dossiers and studies, relaying decisions to public administrations, and advising the council on the progress made.<sup>355</sup> The General Directorate of State Security is an arm of the Higher Defense Council.<sup>356</sup>

Between the *Rhosus's* arrival in Beirut in 2013 and the August 4, 2020 explosion, several members of the Higher Defense Council were informed of the existence of the ammonium nitrate in hangar 12 and the dangers that the material posed. However, Human Rights Watch found no evidence to indicate that any of these members brought up the issue for discussion in a council meeting or took action to remedy the danger in a timely manner.

### *Knowledge of the Danger*

The leadership of the Higher Defense Council at the time of the August 4 explosion, President Michel Aoun and Prime Minister Hassan Diab, along with the council's secretary general, Major General Mahmoud al-Asmar were informed of the ammonium nitrate's presence in the port.

Evidence indicates that Prime Minister Hassan Diab was made aware of the ammonium nitrate in Beirut's port and the dangers they posed on two occasions. He was first informed on June 3, 2020. Diab told Human Rights Watch that his advisor, Khodr Taleb, attended a private dinner that evening with Saliba, where he pressed the latter about corruption files

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<sup>353</sup> See for example "Sleiman Chairs Higher Defense Council Meeting, Meets Mikati," *NNA*, February 27, 2013, <http://www.nna-leb.gov.lb/en/show-news/6029/nna-leb.gov.lb/fr> (accessed July 25, 2021); "Aoun Chairs Higher Defense Council's Meeting, Stresses Necessity of Strengthening Measures to Combat Smuggling," *NNA*, May 26, 2021, <http://nna-leb.gov.lb/en/show-news/128154/nna-leb.gov.lb/en> (accessed July 25, 2021); "المجلس الأعلى للدفاع قرر ضبط الحدود واقفال المعابر غير"، *الشريعة ووضع خطة لاستحداث مراكز مراقبة عسكرية وأمنية وجمركية*, May 13, 2020, PCM webpage, <http://www.pcm.gov.lb/arabic/subpg.aspx?pageid=17528> (accessed July 25, 2021);

<sup>354</sup> "المجلس الأعلى للدفاع," Lebanese Presidency webpage, <https://www.presidency.gov.lb/Arabic/HigherDefenseCouncil/Pages/HigherDefenseCouncil.aspx> (accessed June 25, 2021).

<sup>355</sup> *Ibid.*

<sup>356</sup> "A Brief History," Lebanese General Directorate of State Security webpage, <https://bit.ly/3eKa3q2> (accessed June 22, 2021).

that the prime minister's office was not aware of. After raising this question several times, one of the attendees told Saliba to tell him about the port. Saliba told Taleb that the investigation was not finalized yet, Diab said, but that Taleb kept insisting until Saliba told him that 2,700 kilograms of TNT were seized at the port.<sup>357</sup> Human Rights Watch wrote to Taleb on July 19 requesting information regarding his knowledge of the ammonium nitrate in hangar 12 at the port but did not receive a response before publication.

"This is what my advisor understood, maybe they said 2,700 tonnes, I don't know, but that's what he understood. He telephoned me in front of them. It was around 8 pm," Diab told Human Rights Watch.<sup>358</sup>

Saliba disputed Diab's account and said that he personally spoke with Diab on the phone that night, and that on the call he told Diab that 2,700 tonnes of ammonium nitrate were in the port and that they were explosive. Saliba said Diab then asked how he knew this, and Saliba replied based on the chemical expert's findings, which indicated the nitrogen grade in the ammonium nitrate. Saliba said that he told Diab that every 1 kilogram of this ammonium nitrate was as explosive as 600 grams of TNT.<sup>359</sup> It is not clear why Saliba did not send Diab the investigation prepared by State Security Major Naddaf, which was finalized on June 1, 2020, in light of the significant risk he knew the material posed (See "State Security" section above).

Diab said that based on the information he received from his advisor, he decided to go to the port the next day, on June 4, 2020. He sent the head of the ministerial guard, Colonel Mohammad Abdallah, to go to the port that night and get more information from State Security. At around 10 pm, he said, Abdallah called him and told him that the information he was given by his advisor was not accurate.<sup>360</sup>

Diab said that there were three pieces of information that were different to what Taleb told him, including that it was 2,700 tonnes, not kilograms, that it was ammonium nitrate, not TNT, and that it had been there for seven years, since 2013. He said he told Abdallah to

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<sup>357</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

<sup>358</sup> Ibid.

<sup>359</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021.

<sup>360</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

inform Saliba's men to finalize the report within a few days and then send him a report so that he could conduct an informed visit.<sup>361</sup>

Saliba denied that Diab asked for such a report. He also said that Diab knew the quantity and nature of the material that night, as Naddaf sent Abdallah the ship's entry form, which stated that 2,750 tonnes of ammonium nitrate, which were classified on the form as "explosives," were stored in hangar 12.<sup>362</sup> Saliba showed Human Rights Watch a record of a WhatsApp message that he said was between Naddaf and Abdallah showing the ammonium nitrate's entry form, that was sent on June 3 at 11:31 pm, but it does not include sender or recipient information.<sup>363</sup>

Diab said that due to the conflicting accounts that he received from his advisor, Taleb, and his security detail, Abdallah, he decided to cancel his visit to the port.<sup>364</sup>

Saliba said that Diab cancelled his visit to the port after Abdallah had a call with an unknown person, who said that the issue was nothing serious.<sup>365</sup> Human Rights Watch wrote to Abdallah to inquire about the events of June 3, 2020 but did not receive a response prior to publication.

Local newspapers *Al-Akhbar* and *Aljournhouria*, as well as the local media outlet *Megaphone*, also reported that the night before the scheduled visit, at 11:30 p.m., the prime minister was informed by a "trusted source" that the issue "was not worth it" and that the stored material were not explosives, but rather agricultural fertilizers.<sup>366</sup>

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<sup>361</sup> Ibid.

<sup>362</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021; See Annex 2, June 3, 2020 WhatsApp Message from the Head of the State Security Office in the Port to the Head of the Ministerial Guard with an image of the *Rhosus's* Entry Form Noting Ammonium Nitrate is Explosive.

<sup>363</sup> See Annex 2, June 3, 2020 WhatsApp Message from the Head of the State Security Office in the Port to the Head of the Ministerial Guard with an image of the *Rhosus's* Entry Form Noting Ammonium Nitrate is Explosive.

<sup>364</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

<sup>365</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021.

<sup>366</sup> Imad Marmal, "هل تم تضليل دياب؟ وكيف طارت زيارة المرفأ؟" *Al Jounhouria*, August 14, 2020, <https://bit.ly/3hROU9c> (accessed June 24, 2021); "Hassan Diab and the port explosion: what does he know?" May 29, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=c099Hy31wPA> at 02:17-3:02 (accessed June 24, 2021); Radwan Murtada, "أولي توزيع، يعلمون كانوا هؤلاء: المرفأ انفجار عن للمسؤوليات" *Al Akhbar*, August 12, 2020, <https://al-akhbar.com/Politics/292583> (accessed June 24, 2021).

Diab was once again informed about the ammonium nitrate in Beirut's port and the dangers they posed in July 2020.

On July 20, 2020, State Security sent a three-page report about the ammonium nitrate to President Michel Aoun and Prime Minister Hassan Diab. Human Rights Watch obtained a copy of this report.<sup>367</sup> President Aoun's office said that he first found out about the ammonium nitrate in hangar 12 on July 21, after receiving this State Security report.<sup>368</sup> Diab told Human Rights Watch that he received the State Security report on July 22, 2020 from Major General Mahmoud al-Asmar, the secretary general of the Higher Defense Council, who receives the council's mail and then brings him the files about various security issues, including the Islamic State and war in the south. "Three quarters of the time, the information is incorrect," Diab said.<sup>369</sup>

"So we read [the report], and there were two main issues. One that has to do with the judiciary, according to the letter, and the other has to do with a ship that has unloaded ammonium nitrate into hangar 12," he said.<sup>370</sup>

The report summarized the findings of State Security's investigation into the matter, which began in December 2019 (see "State Security" section above). While the report contained the same errors contained in the earlier report completed by the head of State Security's office at the port on May 28, 2020, including the date during which the *Rhosus* ship entered Lebanon, the name of the company that owned the ammonium nitrate, and the name of the judge who ordered the material be unloaded off the ship, the report warned that the 2,750 tonnes of ammonium nitrate, which were on board the *Rhosus* and were subsequently placed in hangar 12, "are used to make explosives, as they are very explosive and highly flammable."<sup>371</sup> The report noted the results of a test conducted by a chemical expert, which found that the nitrogen grade of the ammonium nitrate was 34.7 percent and is therefore classified as "dangerous material."

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<sup>367</sup> See Annex 2, July 20, 2020 State Security Report.

<sup>368</sup> Lebanese Presidency's Twitter page, December 12, 2020, <https://twitter.com/LBpresidency/status/1337722267967647749> (accessed June 24, 2021).

<sup>369</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

<sup>370</sup> *Ibid.*

<sup>371</sup> See Annex 2, July 20, 2020 State Security Report; May 28, 2020 Head of State Security at Beirut Port Report.

The State Security report further said that one of their chemical specialists “confirmed that this material is dangerous and is used to make explosives, and in case this material was stolen, the thief could use it to make explosives.”<sup>372</sup>

The State Security report concluded that there was negligence on the part of the Beirut port authority in securing hangar 12 and that no action was taken on the part of the official institutions to stave off the danger of the material being stolen or ignited.<sup>373</sup>

Additionally, the Director General of General Security, Major General Abbas Ibrahim said he sent a letter on May 16, 2014, noting the presence of “several tonnes of a very dangerous substance,” high-density ammonium nitrate, on board the *Rhosus* to former President Michel Sleiman and former Prime Minister Tammam Salam, both of whom were members of the Higher Defense Council.<sup>374</sup>

In a response to a letter from Human Rights Watch, on July 15, 2021 former Prime Minister Tammam Salam said that he first learned about the presence of the ammonium nitrate in hangar 12 from media reports that referenced letters sent from State Security to the president and prime minister shortly before the August 4, 2020 explosion and that he learned about the danger the material’s storage in hangar 12 posed after the explosion. He denied ever having been informed in any official correspondence about the matter while he was prime minister.<sup>375</sup>

Human Rights Watch wrote to the former prime ministers who held the post between 2013 and 2020, Saad Hariri and Najib Mikati, asking about when they were made aware of the presence of the ammonium nitrate in Beirut’s port and the dangers that the material posed to public safety. Only former Prime Minister Najib Mikati responded prior to publication. Mikati said that he did not receive any reports or correspondence informing him of the entry of a ship carrying hazardous material, including ammonium nitrate, to Beirut’s

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<sup>372</sup> See Annex 2, July 20, 2020 State Security Report.

<sup>373</sup> Ibid.

<sup>374</sup> See Annex 5, Letter from Abbas Ibrahim; see also “الجديد” تحصل على بريد سري أرسله اللواء عباس ابراهيم عن حجز الباخرة روسوس في مرفأ “” July 3, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=ylregfaHnDc> (accessed July 21, 2021); Radwan Murtada, “المحقق العدلي يوقف ضبط مرفأ بيروت: ما هي المسؤوليات التي حتمهم إياها؟”, *Al-Akhbar*; See Annex 2, May 16, 2014 Letter from the Director General of General Security.

<sup>375</sup> See Annex 5, Letter from Tammam Salam to Human Rights Watch.

port.<sup>376</sup> Human Rights Watch also wrote to former President Michel Sleiman, who was president until May 2014, but did not receive a response prior to publication.

### *Failure to Act*

After Diab cancelled his port visit on June 3, 2020, he instructed his ministerial guard to ask Saliba's men to prepare a report for him within days about the ammonium nitrate so that he could have an informed visit to the port.<sup>377</sup>

However, Diab told Human Rights Watch, "I then forgot about it, and nobody followed up. There are disasters every day. They had been writing this report since January, when Naddaf started it. Why did it take eight months to send the report?"<sup>378</sup>

There was a Higher Defense Council meeting on June 4.<sup>379</sup> The ammonium nitrate in Beirut's port was not mentioned during the meeting.

After receiving the July 20, 2020 report from State Security, Diab said, "I knew nothing about ammonium nitrate...I told al-Asmar [Secretary-General of the Higher Defense Council] to send the report to the Justice Ministry and the Public Works Ministry to study it and send me their recommendations."<sup>380</sup> Diab stressed that he is not an explosives expert.<sup>381</sup>

In a statement dated August 8, 2020, the Secretary General of the Higher Defense Council Mahmoud al-Asmar stated that the Higher Defense Council Secretariat:

Confirms that, in its capacity as the authority that receives and refers security reports to the prime minister, it has not received any correspondence on this issue [of the ammonium nitrate], except for correspondence received on July 22, 2020, which the Secretariat, acting on His Excellency the prime minister's instructions, duly referred to the

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<sup>376</sup> See Annex 5, Letter from Najib Mikati to Human Rights Watch.

<sup>377</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

<sup>378</sup> Ibid.

<sup>379</sup> المجلس الاعلى للدفاع انهى بإعادة تمديد حالة التعبئة العامة لغاية الخامس من تموز والابقاء على الأنشطة الاقتصادية التي سمح لها بإعادة العمل تدريجياً مع التشدد في "قمع المخالفات", Presidency of Lebanon's website, June 4, 2020, <http://www.presidency.gov.lb/Arabic/HigherDefenseCouncil/Pages/Details.aspx?nid=25990> (accessed July 25, 2021).

<sup>380</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

<sup>381</sup> Ibid.

Ministry of Justice and Ministry of Public Works and Transport on July 24, 2020 to take appropriate action.<sup>382</sup>

Diab said that the Ministry of Public Works received the report on August 3 and stamped it on August 4, and the Justice Minister received the report after the explosion, as she was out of the country at the time. Diab attributed the delay in the ministries receiving the report to the public holidays and Covid-19 lockdown during this period. “So the report was with me for one day, not like Saliba,” he said.<sup>383</sup>

Diab told Human Rights Watch that he was not aware of how explosive ammonium nitrate was until after the blast, when he found out from television. Asked why he did not know this given that the State Security report explicitly mentioned the dangers posed by ammonium nitrate, Diab appeared to contradict his statement that he read the report by saying: “the Saliba report did say ammonium nitrate was explosive, but I didn’t go through the 30 pages. I gave it to my security advisor.”<sup>384</sup> However, in response to a letter from Human Rights Watch asking for clarification as to why he did not read the report, Diab said that he did in fact read it.<sup>385</sup>

The State Security report, which Human Rights Watch reviewed, was three pages long with six pages of annexes.<sup>386</sup> It was written in non-technical language and the third sentence of the report states that ammonium nitrate “is used to manufacture explosives since it is highly explosive and highly flammable.”

In response to a letter from Human Rights Watch asking for clarification about this statement, Diab said that he did in fact read the report, and his office later said that his comment about the report being 30 pages was hyperbole.<sup>387</sup>

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<sup>382</sup> Major General Mahmoud al-Asmar’s Facebook page, Photo of Letter to the Ministry of Public Works and Transport and Ministry of Justice, August 8, 2020, <https://www.facebook.com/masmarofficial/photos/a.2425079864192687/3515251855175477/> (accessed July 21, 2021).

<sup>383</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

<sup>384</sup> Ibid.

<sup>385</sup> See Annex 5, Letter from Caretaker Prime Minister Hassan Diab to Human Rights Watch.

<sup>386</sup> See Annex 2, July 20, 2020 State Security Report.

<sup>387</sup> Correspondence from Prime Minister Diab’s Advisor received on July 24, 2021 on file with Human Rights Watch said that he did read the report but did not go through its “technicalities” because he is not an explosives expert. See also, Correspondence from Prime Minister Diab’s Advisor received on July 31, 2021 on file with Human Rights Watch.

If Diab did read the report prior to August 4, 2020, he should have been aware of the explosive nature of the material prior to the explosion.

Diab insisted that he acted as soon as he received the State Security report, while previous administrations and the security officials had knowledge since 2013 and failed to act. “The army, customs, all security forces, and the judiciary knew. Former prime ministers knew... They are all represented on the Higher Defense Council. None of them mentioned it in any of the hundreds of meetings since 2013. No one said to the president, put it on the agenda,” Diab told Human Rights Watch.<sup>388</sup>

Asked why he did not mention this issue during the July 28 Higher Defense Council meeting, Diab said he was waiting for the ministers’ responses.<sup>389</sup>

President Aoun was also informed about the ammonium nitrate in hangar 12 via the July 20, 2020 State Security report and responded by tasking his security advisor to follow up. In a tweet from his official Twitter account on December 12, 2020, Aoun’s information office wrote:

President Aoun asked his security advisor to follow up on the State Security report regarding the presence of ammonium nitrate in hangar 12 with the Secretary General of the Higher Defense Council, who informed him that he sent a letter about the matter to the Ministry of Public Works, which was received on Monday, August 3, 2020.<sup>390</sup>

On August 7, Aoun admitted that he became aware of the chemicals stored at the port in July, but claimed he was not responsible, saying:

The material had been there for seven years, since 2013. It has been there, and they said it is dangerous and I am not responsible. I don’t know where it was placed. I don’t even know the level of danger...There are ranks that

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<sup>388</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

<sup>389</sup> Ibid.

<sup>390</sup> Lebanese Presidency’s Twitter page, December 12, 2020, <https://twitter.com/LBpresidency/status/1337722333365153792> (accessed June 24, 2021) (translated from Arabic).

should know their duties, and they were all informed...When you refer a document and say, 'Do what is needed,' isn't that an order?<sup>391</sup>

Asked whether he should have followed up on his order to the Secretary General of the Higher Defense Council, Aoun replied, "Do you know how many problems have been accumulating?"<sup>392</sup>

Paradoxically, in an interview with a local news station on August 31, Aoun claimed that when he found out about the ammonium nitrate at the port it was "too late" ("c'etait trop tard").<sup>393</sup> "If you want to hold me accountable, that means that you must also hold those responsible for all who are under the President of the Republic," he said. "The President is watching over the implementation, and he cannot ensure the implementation of something he does not know. I was not aware of the issue of explosives. When I got the news, it was too late."<sup>394</sup> Aoun stressed that "my hands and my conscience are clean."<sup>395</sup>

As the president of the Higher Defense Council, Aoun has the power to unilaterally convene a meeting of the council, but he never did so regarding the ammonium nitrate before the explosion. Human Rights Watch wrote to President Aoun on July 7, 2021 inquiring about why he did not put this issue on the agenda of the Higher Defense Council but did not receive a response prior to publication. During a meeting that Aoun convened on July 28, the council instead discussed the Covid-19 pandemic and the government's response, a reported Israeli attack in south Lebanon on July 27, the economic situation, and the then-forthcoming Special Tribunal for Lebanon verdict, among other matters.<sup>396</sup>

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<sup>391</sup> Zeina Karam, "Lebanon president says he knew of explosive chemicals at port in July," *PBS*, August 7, 2020, <https://www.pbs.org/newshour/world/lebanon-president-says-he-knew-of-explosive-chemicals-at-port-in-july> (accessed June 24, 2021).

<sup>392</sup> Bel Trew, "Beirut explosions: Lebanon's president admits knowing about stockpile nearly three weeks ago," *The Independent*, August 7, 2020, <https://www.independent.co.uk/news/world/middle-east/beirut-explosion-lebanon-stockpile-president-aoun-ammonium-nitrate-a9660596.html> (accessed June 24, 2021).

<sup>393</sup> "الرئيس ميشال عون لدريكاردو كرم: لا أطلع على مجريات التحقيق بحادثة المرفأ فالتحقيقات سرية," August 30, 2020, video clip, YouTube, <https://www.youtube.com/watch?v=6VxZdrS3jXs> at 48:05-48:53 (accessed June 24, 2021).

<sup>394</sup> "Aoun in an interview upon Greater Lebanon centenary: Sectarian system in Lebanon established limits for action," *NNA*, August 31, 2020, <http://nna-leb.gov.lb/en/show-news/119518/nna-leb.gov.lb/en> (accessed June 24, 2021).

<sup>395</sup> *Ibid.*

<sup>396</sup> Major General Mahmoud al-Asmar's Facebook page, <https://www.facebook.com/masmarofficial/posts/3482775661756430> (accessed July 21, 2021).

In an interview with local media, the secretary general of the Higher Defense Council, Major General Mahmoud al-Asmar, acknowledged receiving the July 20 report from State Security regarding the ammonium nitrate.<sup>397</sup> He stated that the ammonium nitrate in Beirut's port was never discussed in the council before the blast.<sup>398</sup>

In August 2020, he declined to answer a question from the media on camera regarding why he did not put the issue of the ammonium nitrate on the agenda of the Higher Defense Council, choosing instead to say off camera "I am a graduate of the school of Honor - Sacrifice - Loyalty [Motto of the Lebanese Army]. I neither cheat, nor lie, nor commit treachery, nor disobey my superior... it is not true, it is not true, it is not true."<sup>399</sup>

In January 2021, during a televised interview, al-Asmar disputed that he could have acted on the basis of the State Security report and stated that:

I do not have the authority to add any issues to the agenda. And anyway, there is no agenda per se like there is in the council of ministers, where they distribute the agenda 24 hours in advance, or like in the Military Council...In the Higher Defense Council, there is no agenda...I get a call from Dr. Antoine Choucair from the presidential palace, who tells me that there is a Higher Defense Council meeting, and this is the subject. That is it. And I inform the members and those invited.<sup>400</sup>

Diab also told Human Rights Watch that there is no agenda for the Higher Defense Council meetings, but that attendees can bring up topics. He added that it is not within the prerogative of the secretary general of the Council to add items to the agenda for discussion.<sup>401</sup>

An Al-Jadeed television news report in August 2020 had alleged that al-Asmar had "deleted" the ammonium nitrate item from a meeting agenda because there was "no

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<sup>397</sup> "اللواء الركن محمود الأسمر: وصلنا تقرير أمن الدولة عن وجود النيترات في المرفأ في 20 تموز الماضي" January 17, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=ExZdPCdpZ2U> (accessed June 23, 2021) at 14:30-14:35.

<sup>398</sup> *Ibid.*, at 10:43-11:23.

<sup>399</sup> "كيف برر اللواء محمود الأسمر للجديد عدم وضعه ملف الامونيوم نيترات على جدول اعمال المجلس الاعلى" August 26, 2020, video clip, YouTube [https://www.youtube.com/watch?v=hjWcZLKto\\_g](https://www.youtube.com/watch?v=hjWcZLKto_g) (accessed July 28, 2021), at 00:00-1:38 (accessed June 23, 2021).

<sup>400</sup> "اللواء الركن محمود الأسمر: وصلنا تقرير أمن الدولة عن وجود النيترات في المرفأ في 20 تموز الماضي" January 17, 2021, YouTube, at 11:33-12:55.

<sup>401</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

value” in discussing it during the Covid-19 pandemic, quoting anonymous sources with knowledge of the investigation into the explosion.<sup>402</sup> Human Rights Watch wrote to al-Asmar inquiring about these allegations on July 7, 2021, but did not receive a response prior to publication.

According to another media report, in September 2020, judicial investigator Fadi Sawan, tasked with investigating the blast, questioned al-Asmar about withdrawing the issue of the ammonium nitrate in the port from the council’s agenda.<sup>403</sup>

The Al-Jadeed news report also aired documentation sent by al-Asmar to various security agencies after the blast explosion, where al-Asmar warns about the dangers posed by other hazardous chemicals and about potential terrorist activities in the country. Al-Jadeed argued that these documents showed that al-Asmar could have acted when he received State Security’s report regarding the dangers posed by the ammonium nitrate in Beirut’s port.<sup>404</sup>

### *Judicial Charges for the August 4, 2020 Explosion*

On December 10, 2020, investigative judge Fadi Sawan charged Diab and three former ministers— two of whom were also parliamentarians—with negligence that led to the blast.<sup>405</sup> The judge was immediately challenged for not having accepted the immunity that politicians typically enjoy in Lebanon.<sup>406</sup> He was removed from the case in February 2021.<sup>407</sup>

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<sup>402</sup> “الاسمر اللواء دور عن فتش للدفاع الاعلى من حذف بند متفجرات المرفأ عن جدول أعمال المجلس” August 15, 2020, video clip, YouTube, <https://www.youtube.com/watch?v=aQPnW7A1VTo> (accessed June 23, 2021).

<sup>403</sup> Youssef Diab, “Lebanese Judges Could be Summoned for Questioning over Port Blast,” *Asharq Al-Awsat*, September 16, 2020, <https://english.aawsat.com/home/article/2511396/lebanese-judges-could-be-summoned-questioning-over-port-blast> (accessed June 23, 2021); “خبراء المتفجرات الأجانب يغادرون لبنان بعينات من موقع الانفجار للتحليل,” *Asharq Al Aawsat*, September 17, 2020, <https://bit.ly/2W1aupr> (accessed July 9, 2021).

<sup>404</sup> “الاسمر اللواء دور عن للدفاع فتش الاعلى من حذف بند متفجرات المرفأ عن جدول أعمال المجلس” August 15, 2020, video clip, YouTube, <https://www.youtube.com/watch?v=aQPnW7A1VTo> (accessed June 23, 2021).

<sup>405</sup> Waseem Saifeddin, “Lebanese premier charged over Beirut port blast,” *Andalou Agency*, December 10, 2020, <https://www.aa.com.tr/en/middle-east/lebanese-premier-charged-over-beirut-port-blast/2072768> (accessed June 23, 2021).

<sup>406</sup> “Charges in Beirut blast investigation hit political pushback,” Reuters, December 11, 2020, <https://www.reuters.com/article/lebanon-crisis-blast-idUSKBN28L13C> (accessed July 6, 2021).

<sup>407</sup> Sarah Dadouch and Nader Durgham, “Six months after massive Beirut explosion, official investigation has been upended,” *Washington Post*, February 21, 2021, [https://www.washingtonpost.com/world/middle\\_east/beirut-explosion-blast-investigation/2021/02/20/632f75a6-72ba-11eb-8651-6d3091eac63f\\_story.html](https://www.washingtonpost.com/world/middle_east/beirut-explosion-blast-investigation/2021/02/20/632f75a6-72ba-11eb-8651-6d3091eac63f_story.html) (accessed June 22, 2021); Najia Houssari, “Beirut blast investigation falters as judge removed from case,” *Arab News*, February 18, 2021, <https://www.arabnews.com/node/1811686/middle-east> (accessed July 6, 2021).

Diab told Human Rights Watch that:

I was the only leader that opened my door voluntarily. Sawan said he would see the president and others, but he didn't see anyone else. Very strange. Especially in light of the letter that he sent to parliament saying there was suspicion about the roles of various ministers and then only me and three old ministers were charged. This was a political charge.<sup>408</sup>

The president has not been charged for crimes related to the August 4, 2020 explosion and enjoys immunity from any prosecutions by the regular judiciary during his term, which is set to end in 2022.<sup>409</sup> According to Lebanon's constitution, the Supreme Council for Trying Presidents and Ministers has the exclusive right to prosecute the president even after his term.<sup>410</sup> While he has reportedly been questioned, al-Asmar has also not been charged.

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<sup>408</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

<sup>409</sup> Tess Graham and Elena Hodges, " 'Red Lines' in Beirut Blast Investigation: How Exactly Lebanese Politicians Escape Accountability," *Just Security*, March 9, 2021, <https://www.justsecurity.org/75252/red-lines-in-beirut-blast-investigation-how-exactly-lebanese-politicians-escape-accountability/> (accessed June 23, 2021).

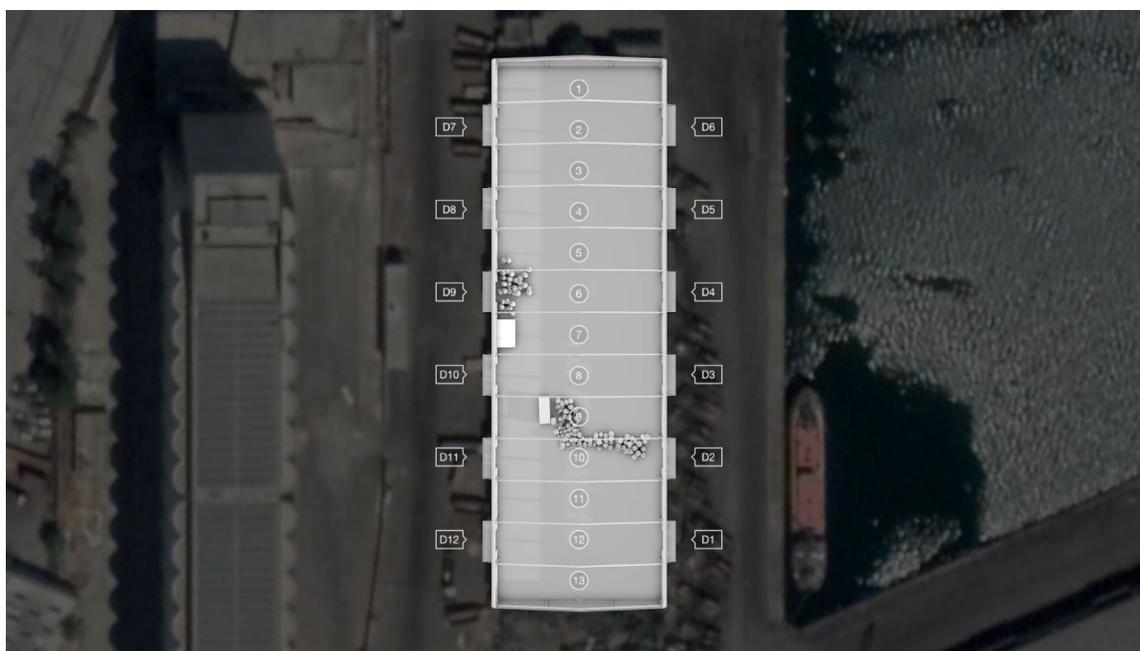
<sup>410</sup> Lebanese Constitution, ratified 1926, with amendments through 2004, [https://www.constituteproject.org/constitution/Lebanon\\_2004.pdf?lang=en](https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en) (accessed July 22, 2021), art. 60.

## August 4, 2020

On August 4, port authorities sent a team to hangar 12, where the ammonium nitrate was being stored, “to plug a hole in the southern wall that was leaving the highly volatile -- but also highly valuable -- chemical compound exposed.”<sup>411</sup>

Salim Chebli’s company was hired to do the repair work, and on August 4, the fourth day of their work, three workers reportedly did welding work on doors 3 and 11 in hangar 12 at around 4 p.m. and then went to another site to do repairs and left the port around 5 p.m.<sup>412</sup> The fire started about 50 meters from where the workers were working.<sup>413</sup>

Forensic Architecture mapped 243 bags of ammonium nitrate in bays 5,6,9, and 10 based on published photos and videos.<sup>414</sup>



A reconstruction produced by Forensic Architecture using published photos and videos showing 243 bags of ammonium nitrate in bays 5,6,9, and 10. © 2020 Forensic Architecture

<sup>411</sup> “Beirut Blast: Who Knew What, When?,” *Barron’s*, August 12, 2020, <https://www.barrons.com/news/beirut-blast-who-knew-what-when-01597245304> (accessed June 23, 2021).

<sup>412</sup> Marie Jo Sader, “What started the fateful fire at Beirut port on Aug. 4? An investigation into the leading theories,” *L’Orient-Today*, April 26, 2021, <https://today.lorientlejour.com/article/1259921/what-started-the-fateful-fire-at-beirut-port-on-aug-4-an-investigation-into-the-leading-theories.html> (accessed June 22, 2021).

<sup>413</sup> *Ibid.*

<sup>414</sup> Samaneh Moafi et al, “The Beirut Port Investigation,” Forensic Architecture report, at 8:05



Photograph of the ammonium nitrate bags stored haphazardly on top of each other in hangar 12 in Beirut's port, with some bags looking partly empty, taken in 2020. © 2020 Private

In April 2021, *L'Orient-Today* reported that based on information they obtained, the workers saw large open sacks stored haphazardly in the building but did not know the material was ammonium nitrate and that it was potentially explosive.<sup>415</sup>

The workers were reportedly never instructed to take any security precautions and worked unsupervised all day on August 3 even though a port employee was assigned to accompany them during the maintenance work. At the end of the day the door they were working on was left unlocked so they could continue the repairs on August 4. Media reported that while port management ordered the workers to leave by 2:30 p.m., they stayed until about 5:00 p.m. on August 4 to finish their work, leaving them unaccompanied during the last hours before the explosion.<sup>416</sup>

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<sup>415</sup> Sader, "What started the fateful fire at Beirut port on Aug. 4? An investigation into the leading theories," *L'Orient-Today*.

<sup>416</sup> Sader, "What started the fateful fire at Beirut port on Aug. 4? An investigation into the leading theories," *L'Orient-Today*.

According to an unnamed security official quoted in the media, sparks from the welding started the fire that triggered the ammonium nitrate to ignite.<sup>417</sup> Other media reports suggest a fire started in hangar 9 and spread to hangar 12.<sup>418</sup> The proximate cause of the ignition is unknown and debated. In October 2020, the United States Federal Bureau of Investigation (FBI) also reportedly did not come to a firm conclusion about what caused the blast.<sup>419</sup>

The first video showing the fire at the port was uploaded to Twitter at 5:54 p.m. and Forensic Architecture has identified that it shows a smoke plume at the northeast corner of hangar 12.<sup>420</sup> Between 5:54 p.m. and 5:55 p.m. firefighters were alerted a fire had broken out at the port but were not advised about the ammonium nitrate.<sup>421</sup> After arriving on the scene four minutes later, the firefighters called for backup as they tried to open the hangar, but the fire set off explosions.<sup>422</sup> At 5:59 p.m. sounds of fireworks can be heard in videos shot of the hangar.<sup>423</sup> Another video taken from the Saint George Hospital shows a new “intense heat source” at 6:07 p.m. on the northwest side of the hangar followed by sparks and a large plume.<sup>424</sup>

Then at 6:08 p.m. a massive detonation took place creating a “large spherical plume” above the center of the hangar, suggesting an explosion that originated in one particular area of the hangar.<sup>425</sup>

The judge is investigating several possible theories, including that the explosion was caused when welding sparks caused a fire in hangar 12, eventually igniting the ammonium

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<sup>417</sup> “Beirut explosion: PM and president knew about 2,750 tonnes of chemicals last month,” *Al Arabiya*, August 10, 2020, <https://english.alarabiya.net/2020/08/11/Beirut-explosion-PM-and-president-knew-about-2-750-tonnes-of-chemicals-last-month> (accessed June 23, 2021); “Beirut blast: who knew what, when?,” *RFI*.

<sup>418</sup> Samia Nakhoul, “Initial investigations point to negligence as cause of Beirut blast, source says,” Reuters, <https://www.reuters.com/article/us-lebanon-security-blast-warehouse-idUSKCN2511G7> (accessed June 23, 2021).

<sup>419</sup> “FBI says it has reached no conclusion on cause of Beirut blast,” Reuters, October 13, 2020, <https://uk.reuters.com/article/uk-lebanon-crisis-fbi-idUKKBN26Y31H> (accessed July 6, 2021); “Judge probing Beirut blast receives FBI’s investigation,” *ABC News*, October 13, 2020, <https://abcnews.go.com/International/wireStory/judge-probing-beirut-blast-receives-fbis-investigation-73580972-73580972> (accessed July 6, 2021).

<sup>420</sup> Moafi et al, “The Beirut Port Investigation,” Forensic Architecture report, at 0:39.

<sup>421</sup> *Ibid.*; Sader, “What started the fateful fire at Beirut port on Aug. 4? An investigation into the leading theories,” *L’Orient-Today*.

<sup>422</sup> Moafi et al, “The Beirut Port Investigation,” Forensic Architecture report, at 5:41.

<sup>423</sup> *Ibid.*, at 5:15.

<sup>424</sup> *Ibid.*, at 2:15.

<sup>425</sup> *Ibid.*

nitrate. Another is that the explosion may have been caused by an Israeli airstrike.<sup>426</sup> The Lebanese Directorate General of Civil Aviation reported however that local radar systems had not spotted any military aircraft over Lebanese airspace between 5:00-6:10 p.m. on August 4, and Israeli officials have denied any Israeli involvement.<sup>427</sup> Investigative judge Bitar told journalists in June 2021 that he was 80 percent certain that the explosion was not caused by a missile.<sup>428</sup>

A third theory under investigation by Bitar is that the explosion was an intentional act.<sup>429</sup> Speculation that Hezbollah may have wanted to destroy the ammonium nitrate at the port supposedly to hide that some of the ammonium nitrate in the stockpile had been used by Hezbollah's ally Bashar al-Assad in Syria to produce barrel bombs increased as reporting emerged regarding the connection between the cargo owners and individuals sanctioned by the US for alleged links to Assad.<sup>430</sup>

The Organized Crime and Corruption Reporting Project also reported in August 2020 that three European intelligence sources told reporters the size of the explosion was equivalent to 700 -1,000 tons of ammonium nitrate and that the amount that remained in the hangar at the time of the explosion may have been smaller than 2,750 tonnes.<sup>431</sup> Caretaker Prime Minister Hassan Diab also told Human Rights Watch that according to the FBI report, only 500 tons of ammonium nitrate exploded.<sup>432</sup> However, experts who spoke to the *New York Times* denied this:

As to a later suggestion that a significant portion of the ammonium nitrate had been stolen or removed from the warehouse, independent calculations

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<sup>426</sup> Nader Fawz, "القاضي البيطار لـ"المدن": استدعاء السياسيين بعد إنهاء التحقيق التقني", *Al-Mondon*, June, 3, 2021, <https://bit.ly/3kJo2gS> (accessed July 22, 2021).

<sup>427</sup> Sader, "What started the fateful fire at Beirut port on Aug. 4? An investigation into the leading theories," *L'Orient-Today*; "Israel not involved in Beirut blast, Israeli official says," Reuters, August 4, 2020, <https://www.reuters.com/article/us-lebanon-security-blast-israel/israel-not-involved-in-beirut-blast-israeli-official-says-idUSKCN2502C2> (accessed July 23, 2021).

<sup>428</sup> "Which Theory Behind The Beirut Port Explosion is Correct?," *Albawaba*, June 6, 2021, <https://www.albawaba.com/news/which-theory-behind-beirut-port-explosion-correct-1431607> (accessed July 23, 2021).

<sup>429</sup> Ibid.; Nader Fawz, "القاضي البيطار لـ"المدن": استدعاء السياسيين بعد إنهاء التحقيق التقني", *Al-Mondon*, June, 3, 2021, <https://bit.ly/3kJo2gS> (accessed July 22, 2021).

<sup>430</sup> Sader, "What started the fateful fire at Beirut port on Aug. 4? An investigation into the leading theories," *L'Orient-Today*.

<sup>431</sup> Organized Crime and Corruption Reporting Project, "A Hidden Tycoon, African Explosive, and a Loan from a Notorious Bank: Questionable Connections Surround Beirut Explosion Shipment."

<sup>432</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

by Dr. Glumac and Dr. Oxley, based on the speed and destructiveness of the shock wave, estimated that it had not, and that most or all of it remained in the warehouse and had detonated.<sup>433</sup>

Human Rights Watch also interviewed someone who saw the ammonium nitrate in hangar 12 in early 2020 and raised questions regarding whether there were still 2,750 bags of the material in the hangar, noting that the 5,000 square meter hangar should have been fuller if there were 2,750 bags, 1 square meter each, in the space.<sup>434</sup> However, he noted that some of the bags were stacked on top of each other, so it would have been hard for him to estimate the number of bags in the hangar.<sup>435</sup>

Whether the explosion was caused by an accidental fire sparked by maintenance work or an intentional fire or attack, culpability for the explosion still rests with those officials who knew the ammonium nitrate was being stored at the port in an unconscionable and dangerous manner and failed to do what was within their authority and under their responsibility to secure or remove it.

Even after it was clear that a fire had broken out in hangar 12, no warnings about the presence of the potentially explosive ammonium nitrate were ever given to the public or to the firefighters who responded to the scene and were tragically killed.<sup>436</sup>

“We know for a fact that most of the key responsible politicians from the president to the prime minister to the army...were aware about the ammonium nitrate,” Paul Naggear, whose 3-year-old daughter Alexandra was killed in the explosion. “We had a lot of politicians...just standing there watching the news, watching the situation unravel, and waiting for us to die... We were killed in our homes on this day, by people who were aware of the consequences and the risk of having a fire erupting next to ammonium nitrate and just watching us and waiting for us to die.”<sup>437</sup>

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<sup>433</sup> Hubbard, Abi-Habib, El-Naggar, McCann, Singhvi, Glanz, and White, “How a Massive Bomb Came Together in Beirut’s Port,” *New York Times*.

<sup>434</sup> Human Rights Watch interview with source, Beirut, Lebanon, June 8, 2021.

<sup>435</sup> Human Rights Watch interview with source, Beirut, Lebanon, June 8, 2021.

<sup>436</sup> Samia Nakhoul and Imad Creidi, “Months after Beirut blast, victims await answers,” Reuters, December 24, 2020, <https://www.reuters.com/article/us-lebanon-crisis-blast-victims-idUSKBN28YoR6> (accessed July 25, 2021).

<sup>437</sup> Human Rights Watch interview with Paul Naggear, via phone, July 25, 2021.

The Ammunition Management Advisory Team (AMAT), which provides guidance on the implementation of the International Ammunition Technical Guidelines (IATG), recommends that in cases involving ammonium nitrate and out of control fires that the area be evacuated.<sup>438</sup> Instead, first responders were called to the scene.

Karlin Hitti lost three of her family members, all of whom were firefighters, in the first seconds of the explosion. She lost her husband, Charbel Karam; her brother, Najib Hitti; and her cousin, Charbel Hitti. She said that the firefighters were not told about the ammonium nitrate in the hangar when they were sent to put out the fire.<sup>439</sup>

“Charbel called me at exactly 6 p.m.,” Karlin told Human Rights Watch.

He showed me he was in the fire truck, he was talking to my daughter who was sitting here in her highchair. He told her, ‘Look, Daddy’s with the firefighters. We’re going down to put out the fire... Then he said ‘I’d better go, I’ll call you when we’re done. Don’t worry, we’re going down to the port to put out a fire.’ After quarter of an hour they put it on TV. There was an explosion in the center. Everyone freaked out...At about 8:30 the mayor of Beirut went on TV from inside the port. He was crying, and said ‘the best firefighters on the frontlines are dead.’ Everyone went crazy... My uncle was in the port looking for them, calling, shouting for them. They tried to stop him but they couldn’t... Their funeral was on August 17. There were three white coffins... but almost empty. Not one of them contained more than maybe a hand or a chest or a scrap of thigh bone.<sup>440</sup>

In the hours after the explosion, the state was noticeably absent from emergency relief efforts. Volunteers and passersby transported injured residents to nearby hospitals and removed debris from the streets.<sup>441</sup>

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<sup>438</sup> Geneva International Center for Humanitarian Demining, “AMAT Insights: Reducing Risks Associated with Ammonium Nitrate,” p. 16.

<sup>439</sup> Human Rights Watch interview with Karlin Hitti, Qartaba, Lebanon, July 14, 2021.

<sup>440</sup> Ibid.

<sup>441</sup> Abbie Cheeseman, “After Beirut explosion, Lebanese volunteers flock to help clean up,” *NBC*, August 12, 2020, <https://www.nbcnews.com/news/world/after-beirut-explosion-lebanese-volunteers-flock-help-clean-n1236403> (accessed July 22, 2021); Sarah Dadouch, “They return to homes damaged in Beirut’s blast to discover someone has already cleaned them,” *Washington Post*, August 10, 2020, [https://www.washingtonpost.com/world/middle\\_east/they-return-to-homes-](https://www.washingtonpost.com/world/middle_east/they-return-to-homes-)

“How many lives could have been saved had they deployed a first response relief effort to be ready to be there after the blast, from the fire departments to the security forces to traffic control to obviously Red Cross ambulances?” Naggear told Human Rights Watch. “There was nothing of the sort. There was not one single official body that was there on the ground to help us get to hospitals...perhaps my daughter would have survived.”<sup>442</sup>

Mirna Habboush, who was driving past the port with her two-year-old son, lost her right eye in the explosion and severely damaged her right arm. “We couldn't see anything. We were stepping on blood. You're stepping on people's torn body parts...I heard voices calling out, ‘help me help me.’ But we couldn't help anyone. We barely helped ourselves,” Mirna told Human Rights Watch. A volunteer rushed Mirna’s son to a nearby hospital on a motorcycle and Mirna followed him in another passerby’s car.<sup>443</sup>

“You can't delete it from my head. You can't cancel it from my memories. You can't cancel it. The hour and a half I lived. An hour and a half of fear. An hour and a half of pain. The explosion itself, there's a difference when you see it in videos and when you see it with your eyes,” Habboush said. “My life changed. The first month I couldn't accept myself. My son didn't come near me for two months. He was afraid of me...There's no life even though we're still alive, but we're dead inside. They killed us from the inside. They slaughtered us from the inside.”<sup>444</sup>

In the days following the blast the prime minister confessed that the blast was the result of endemic political corruption and that the “system of corruption is bigger than the state.”<sup>445</sup>

For his part, the Speaker of Parliament, Nabih Berri, proclaimed, “The most dangerous thing that the port disaster revealed... is the total collapse of the political and economic system's structure... there must be a change to this confessional [sectarian] system, which is the cause of all ills.”<sup>446</sup>

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damaged-in-beirut-blast-to-discover-someone-has-already-cleaned-them/2020/08/10/85c3bdao-dbo4-11ea-b4f1-25b762cbbf4\_story.html (accessed July 22, 2021).

<sup>442</sup> Human Rights Watch interview with Paul Naggear, via phone, July 25, 2021.

<sup>443</sup> Human Rights Watch interview with Mirna Habboush, Beirut, Lebanon, July 19, 2021.

<sup>444</sup> Ibid.

<sup>445</sup> “Lebanon government resigns as anger mounts,” *Financial Times*, August 10, 2020, <https://www.ft.com/content/1341b818-03ac-4f57-88eb-ddf4ef252685> (accessed June 22, 2021).

<sup>446</sup> “Lebanon Speaker Nabih Berri urges change to confessional system,” *Ahram* online, August 31, 2020, <https://english.ahram.org.eg/News/378995.aspx> (accessed June 22, 2021).

The blast, one of the largest non-nuclear explosions in history, pulverized the port and damaged over half the city. The explosion killed 218 people, including nationals of Lebanon, Syria, Egypt, Ethiopia, Bangladesh, Palestine, Philippines, Pakistan, the Netherlands, Canada, Germany, France, Australia, and the United States.<sup>447</sup> Thirty-four of those killed were refugees.<sup>448</sup> It wounded 7,000 people, of whom at least 150 acquired a physical disability, caused untold psychological harm, and damaged 77,000 apartments, displacing over 300,000 people.<sup>449</sup> At least three children between the ages of 2 and 15 lost their lives.<sup>450</sup> Thirty-one children required hospitalization, 1,000 children were injured, and 80,000 children were left without a home.<sup>451</sup> The explosion affected 163 public and private schools and rendered half of Beirut's healthcare centers nonfunctional, and it impacted 56 percent of the private businesses in Beirut.<sup>452</sup> There was extensive damage to infrastructure, including transport, energy, water supply and sanitation, and municipal

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<sup>447</sup> "التحقيق في مجزرة المرفأ : معركة ضد افلات من العقاب" Ibrahim Hoteit, contribution to panel discussion July 26, 2021, attended by Human Rights Watch researcher, <https://www.facebook.com/Justice4Beirut/videos/215981350421660> (accessed on July 29, 2021).

<sup>448</sup> List of those killed from the Republic of Lebanon Ministry of Health, <https://www.moph.gov.lb/userfiles/files/News/Final%20Death%20List%203-9-2020.pdf>; "Beirut blast death toll includes dozens of refugees, emergency response ramps up," UNHCR briefing note, August 11, 2020, <https://www.unhcr.org/uk/news/briefing/2020/8/5f32469f4/beirut-blastdeath-toll-includes-dozens-refugees-emergency-response-ramps.html> (accessed June 22, 2021); "UNICEF: At Least 3 Children Dead, 1,000 Injured, in Beirut Explosions," *VOA News*, August 11, 2020, <https://www.voanews.com/middle-east/unicef-least-3-children-dead-1000-injured-beirut-explosions> (accessed June 22, 2021); Alaa Abolenin, "Foreigners among victims of Beirut explosion," *Andalou Agency*, August 5, 2020, <https://www.aa.com.tr/en/middle-east/foreigners-among-victims-of-beirut-explosion/1932054> (accessed June 22, 2021); Nadda Osman, "Beirut explosion: Who were the victims of the catastrophic blast?," *Middle Easy Eye*, August 11, 2020, <https://www.middleeasteye.net/news/beirut-explosion-names-and-faces-victims> (accessed June 22, 2021).

<sup>449</sup> Moafi et al, "The Beirut Port Investigation," Forensic Architecture report; Arwa Ibrahim, "Scarred for life: Beirut blast victims and life-altering wounds," *Al Jazeera*, August 25, 2020, <https://www.aljazeera.com/news/2020/08/25/scarred-for-life-beirut-blast-victims-and-life-altering-wounds/> (accessed June 22, 2021); Legal Action Worldwide, "Report on Behalf of Victims of the Beirut Explosion of 4 August 2020," November 13, 2020, <http://www.legalactionworldwide.org/wp-content/uploads/2020/11/REPORT.pdf> (accessed July 9, 2021), p. 4; "Beirut explosion: Tens of thousands of new homeless face winter crisis," Norwegian Refugee Council press release, August 31, 2020, <https://www.nrc.no/news/2020/august/beirut-explosion-tens-of-thousands-of-new-homeless-face-winter-crisis/> (accessed June 22, 2021).

<sup>450</sup> "UNICEF: At Least 3 Children Dead, 1,000 Injured, in Beirut Explosions," *VOA News*, August 11, 2020, <https://www.voanews.com/middle-east/unicef-least-3-children-dead-1000-injured-beirut-explosions> (accessed June 22, 2021)

<sup>451</sup> "80,000 children displaced due to Beirut explosions – UNICEF," UNICEF press release, August 6, 2020, <https://www.unicef.org/press-releases/80000-children-displaced-due-beirut-explosions-unicef> (accessed June 22, 2021)

<sup>452</sup> UNESCO, "Fact Sheet on Schools Rehabilitation in Beirut," September 5, 2020, <https://en.unesco.org/news/fact-sheet-schools-rehabilitation-beirut-september-5-2020> (accessed June 22, 2021); Louisa Loveluck, Loveday Morris, and Erin Cunningham, "Half of Beirut's health-care centers are out of commission after the explosion," *Washington Post*, August 12, 2020, [https://www.washingtonpost.com/world/half-of-beiruts-health-care-centers-are-out-of-commission-after-the-explosion/2020/08/12/8e52b552-dca8-11ea-b4f1-25b762cddbfb4\\_story.html](https://www.washingtonpost.com/world/half-of-beiruts-health-care-centers-are-out-of-commission-after-the-explosion/2020/08/12/8e52b552-dca8-11ea-b4f1-25b762cddbfb4_story.html) (accessed June 22, 2021); World Bank Group, "Beirut Rapid Damage and Needs Assessment," August 2020, <https://documents1.worldbank.org/curated/en/650091598854062180/Beirut-Rapid-Damage-and-Needs-Assessment.pdf> (accessed June 22, 2021).

services totaling between US\$390 and 475 million in losses.<sup>453</sup> According to the World Bank, the explosion caused an estimated \$3.8-4.6 billion in material damage.<sup>454</sup>

The explosion also resulted in ammonia gas and nitrogen oxides being released into the air, potentially with toxins from other materials that may have also ignited as a result of the blast.<sup>455</sup> Ammonia gas and nitrogen oxides are harmful to the environment as well as to the respiratory system.<sup>456</sup> Ammonium nitrate is widely used and its production is energy-intensive.<sup>457</sup> As a result, it is a contributor to climate change.<sup>458</sup> The destruction is estimated to have created up to 800,000 tonnes of construction and demolition waste that likely contains hazardous chemicals that can damage health through direct exposure, or soil and water contamination.<sup>459</sup> The United Nations Development Programme has estimated that the cost of cleaning up the environmental degradation from the explosion will be over \$100 million.<sup>460</sup>

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<sup>453</sup> World Bank Group, “Beirut Rapid Damage and Needs Assessment,” August 2020, p. 31.

<sup>454</sup> “Decisive Action and Change Needed to Reform and Rebuild a Better Lebanon,” World Bank press release, August 31, 2020, <https://www.worldbank.org/en/news/press-release/2020/08/30/beirut-explosion-decisive-action-and-change-needed-to-reform-and-rebuild-a-better-lebanon> (accessed June 22, 2021).

<sup>455</sup> Federica Versea, “Beirut: Children’s Rights Threatened by an Environmental Disaster,” *Humanium*, October 12, 2020, <https://www.humanium.org/en/beirut-childrens-rights-threatened-by-an-environmental-disaster/> (accessed July 25, 2021).

<sup>456</sup> Sajid ur Rehman, Rida Ahmed, Kun Ma, Shuai Xu, Muhammad Adnan Aslam, Hong Bi, Jianguo Liu, Junfeng Wang, “Ammonium nitrate is a risk for environment: A case study of Beirut (Lebanon) chemical explosion and the effects on environment,” *Ecotoxicology and Environmental Safety*, Volume 210 (2021), <https://doi.org/10.1016/j.ecoenv.2020.111834>, <https://www.sciencedirect.com/science/article/pii/S0147651320316705> (accessed July 21, 2021); Abdallah, Wael et al. “Beirut blast: creating our expectations through heartbreak,” *Future science OA* vol. 7,2 FSO653, November 9, 2020, doi:10.2144/fsoa-2020-0171, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7787176/> (accessed July 21, 2021).

<sup>457</sup> Tullis, Paul, “How Fertilizer Is Making Climate Change Worse,” *Bloomberg Green*, September 2020, <https://www.bloomberg.com/news/articles/2020-09-10/synthetic-fertilizer-ammonium-nitrate-makes-climate-change-worse> (accessed July 21, 2021).

<sup>458</sup> Haitao Wang, Sarah Köbke, Klaus Dittert, “Use of urease and nitrification inhibitors to reduce gaseous nitrogen emissions from fertilizers containing ammonium nitrate and urea,” *Global Ecology and Conservation*, Volume 22 (2020) <https://doi.org/10.1016/j.gecco.2020.e00933>, available via:

<https://www.sciencedirect.com/science/article/pii/S2351989419306961>; Orellana, Marcos, “Beyond the Beirut explosion: The many dangers of ammonium nitrate,” *Al Jazeera*, February 2021, <https://www.aljazeera.com/opinions/2021/2/4/beyond-the-beirut-explosion-the-dangers-of-ammonium-nitrate-use> (accessed July 25, 2021).

<sup>459</sup> “Beirut facing acute environmental crisis, warns UN energy specialist,” United Nations news release, September 1, 2020, <https://news.un.org/en/story/2020/09/1071462> (accessed July 21, 2021).

<sup>460</sup> *Ibid.*

## The Domestic Investigation

The domestic investigation into the August 4, 2020 explosion has failed to meet international standards. Human Rights Watch has documented a range of procedural and systemic flaws in the domestic investigation that render it incapable of credibly delivering justice, including immunity for high-level political officials, lack of respect for fair trial standards, and due process violations. These problems are compounded by a structural lack of independence in the judiciary.<sup>461</sup>

On August 10, the Lebanese government referred the August 4, 2020 explosion file to the Judicial Council. The Judicial Council is a special court whose decisions are not subject to appeal, violating fundamental fair trial safeguards. Referrals to the court are made on a discretionary basis via a cabinet decree, on the recommendation of the justice minister, relating to cases that are considered especially serious.<sup>462</sup> The justice minister appoints the judicial investigator after approval by the Higher Judicial Council (HJC).<sup>463</sup> The judicial investigator leads the investigation and issues an indictment before the case is referred to the Judicial Council for trial. The Judicial Council is headed by the head of the HJC, and the cabinet appoints four other Judicial Council judges by decree based on the justice minister's proposal and approval by the HJC.<sup>464</sup>

The HJC, the body responsible for recommending the appointment of judges to specific courts, however, lacks independence. Eight of its ten members are appointed by the executive branch – i.e., the government whose actions are to be scrutinized – and the HJC

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<sup>461</sup> In 2018, the Human Rights Committee of the International Covenant on Civil and Political Rights noted its concern about the undue political pressure exerted on the judiciary. See, International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhstoEqMtyqQ%2BAVhHZipQtX7YClXY%2BNLLWgRz7B7DByyyVaC6o%2B1n%2BtiD%2FoTvppjSxeM3q43F5g5aAG58UffTRjtRD4JA%2BK9D9FANv2759gxx> (accessed July 23, 2021), para. 41.

<sup>462</sup> Lebanon's Code of Criminal Procedure, Act No. 328, August 7, 2001, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/89874/103351/F-330451556/LBN89874%20Eng.pdf> (accessed July 23, 2021), art. 355.

<sup>463</sup> *Ibid.*, art. 360.

<sup>464</sup> *Ibid.*, art. 357.

lacks financial independence, as funds are allocated to it annually through the Justice Ministry's budget.<sup>465</sup>

On August 13, the justice minister named Fadi Sawan the judicial investigator.<sup>466</sup> Judge Sawan's appointment process was opaque and the Higher Judicial Council rejected at least one judge whom the justice minister had initially proposed, but refused to explain why, asserting that their deliberations are confidential.<sup>467</sup>

Between August 2020 and February 2021, Sawan brought charges (though not a formal indictment) against 37 people, 25 of whom were detained.<sup>468</sup> Six were released from custody on April 15, 2021, and two were released on July 2, 2021, leaving 17 people in pre-trial detention.<sup>469</sup> With the exception of the heads of the customs administration and port authority, those detained are mostly mid- to low-level customs, port, and security officials, as well as employees of a maintenance company contracted to do some work on hangar 12, where the ammonium nitrate was stored.<sup>470</sup>

Despite the relatively low rank of the people detained, senior officials knew of the ammonium nitrate being stored in the port, had a responsibility to act to secure and remove it, and failed to do so. But when Sawan wrote to parliament in November 2020

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<sup>465</sup> International Commission of Jurists, "The Lebanese High Judicial Council in Light of International Standards," February 2017, <https://www.icj.org/wp-content/uploads/2017/03/Lebanon-Memo-re-HJC-Advocacy-Analysis-Brief-2017-ENG.pdf> (accessed July 23, 2021), p. 4, 9, 10, 11.

<sup>466</sup> "Lebanon: No Justice 6 Months After Blast," Human Rights Watch news release, February 13, 2021, <https://www.hrw.org/news/2021/02/03/lebanon-no-justice-6-months-after-blast#> (accessed June 22, 2021).

<sup>467</sup> Nizar Saghie, "Twelve Bad Signs at the Outset of the Beirut Massacre Investigation," Legal Agenda, September 28, 2020, <https://english.legal-agenda.com/twelve-bad-signs-at-the-outset-of-the-beirut-massacre-investigation/> (accessed June 22, 2021).

<sup>468</sup> The 25 people who were detained are: Badri Daher, Shafic Merhi, Nehme Brax, Hanna Fares, Khaled al-Khatib, Elias Chahine, Abdel Hafiz El-Kayssi, Hassan Koraytem, Mohammad al-Mawla, Mohammad al-Awf, Samer Raad, Moustapha Farchoukh, Michel Nahoul, Mikhael Murr, Johnny Gerges, Wajdi al-Karkafi, Army Brig. Gen. Antoine Salloum, General Security Maj. Daoud Fayad, General Security Maj. Charbel Fawaz, State Security Maj. Joseph Naddaf, Nayla al-Hage, Salim Chebli, Ahmad al-Rajab, Khodr al-Ahmad, and Raed al-Ahmad. Sader, "Justice served? 25 people were detained after the port explosion, but don't know the charges against them," *L'Orient Today*; "A Legal Guide for Victims of the Beirut Port Blast of August 4, 2020," Legal Agenda, March 2021, [https://english.legal-agenda.com/wp-content/uploads/LA\\_Legal-Guide-Blast\\_Eng.pdf](https://english.legal-agenda.com/wp-content/uploads/LA_Legal-Guide-Blast_Eng.pdf) (accessed July 23, 2021), p. 20.

<sup>469</sup> The six released on April 15, 2021 are: Elias Chahine, Mikhael al-Murr, Johnny Gerges, General Security Maj. Charbel Fawaz, State Security Maj. Joseph Naddaf, and Khaled al-Khatib (source misspelled the last name). "Judge Bitar releases six people held for Beirut blast," *The Daily Star Lebanon*. The two released on July 2, 2021 are: Major Daoud Fayad and Nayla el Hage. "تخليّة فياض والحاج في ملف المرفأ," *NNA*, July 2, 2021, <http://nna-leb.gov.lb/ar/show-news/552629/nna-leb.gov.lb> (accessed July 6, 2021).

<sup>470</sup> Sader, "Justice served? 25 people were detained after the port explosion, but don't know the charges against them," *L'Orient Today*.

asking them to investigate 12 current and former ministers for their role in the August 4 explosion and then refer them to the “Supreme Council,” a special body that Lebanese law empowers to try ministers, the speaker of the parliament dismissed the allegations and refused to act.<sup>471</sup>

Under a conservative reading of Lebanese law, ministers have legal immunity and can only be prosecuted by the “Supreme Council for Trying Presidents and Ministers,” a body consisting of seven parliamentarians and eight judges. Activating this Supreme Council requires a two-thirds vote in parliament, and parliament has never activated this body.<sup>472</sup>

However, both the Beirut Bar Association and the Lebanese Judges’ Association have disputed this reading of the law.<sup>473</sup> The Lebanese Judges’ Association contended that the crime of killing or causing the death of citizens is not subject to immunity, as it is not directly related to the exercise of duties in office.<sup>474</sup> The Judges’ Association further stated that prosecution by the “Supreme Council” was virtually impossible due to the “existing political corruption and sectarian divisions in the country, as well as the record of the parliament that is devoid of any prosecutions.”<sup>475</sup>

Legal precedents also indicate that parliament does not have the exclusive right to indict ministers, and therefore the regular judiciary can try ministers as long as parliament has not done so.<sup>476</sup>

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<sup>471</sup> “Lebanon judge wants ministers investigated over port blast,” *Daily Star Lebanon*, November 25, 2020, <https://www.dailystar.com.lb/News/Lebanon-News/2020/Nov-25/514674-lebanon-judge-wants-ministers-investigated-over-port-blast.ashx> (accessed June 25, 2021); Ellen Francis and Tom Perry, “Lebanese judge charges PM, ex-ministers over Beirut port blast,” Reuters, December 10, 2020, <https://www.reuters.com/article/lebanon-crisis-blast-idUSKBN28K1KG> (accessed on July 25, 2021). See also Annex 2, November 24, 2020 Letter from Former Judicial Investigator to Parliament.

<sup>472</sup> Zeina Karam, “Lebanese PM slams ‘diabolical’ move to charge him over blast,” Associated Press, December 29, 2020, <https://apnews.com/article/middle-east-beirut-lebanon-explosions-5bcd217639ede5ae0508d92656616cd2> (accessed July 6, 2021); Kareem Chehayeb, “Lebanese MPs accused of Beirut blast ‘cover up’ over trial move,” *Al Jazeera*, July 21, 2021, <https://www.aljazeera.com/news/2021/7/21/lebanese-mps-accused-of-beirut-blast-cover-up-over-trial-move> (Accessed July 23, 2021).

<sup>473</sup> Lebanese Judges’ Association Facebook page, [https://www.facebook.com/permalink.php?story\\_fbid=621198155485541&id=152231329048895](https://www.facebook.com/permalink.php?story_fbid=621198155485541&id=152231329048895) (accessed June 22, 2021); Nizar Saghieh, “تحقيقات مجزرة مرفأ بيروت: ماذا بعدما دقت نقابة محامي بيروت ناقوس الخطر؟”, *Legal Agenda*, November 16, 2020, <https://bit.ly/36OJSdH> (accessed June 22, 2021).

<sup>474</sup> Lebanese Judges’ Association Facebook page.

<sup>475</sup> *Ibid.*

<sup>476</sup> Nizar Saghieh, “Lebanon’s Battle Over Ministerial Immunity is Threatened by Impunity Politics,” *Legal Agenda*, January 18, 2021, <https://english.legal-agenda.com/lebanons-battle-over-ministerial-immunity-is-threatened-by-impunity-politics/> (accessed June 22, 2021).

In December 2020, after parliament refused to initiate investigations into the role of the ministers that Sawan identified, Sawan surprised the public by charging Caretaker Prime Minister Hassan Diab, and three former ministers, Ghazi Zeaiter, Ali Hassan Khalil, and Youssef Fenianos, with criminal negligence related to the blast.<sup>477</sup>

The judge was immediately challenged for not having accepted the immunity that politicians typically enjoy in Lebanon, and the prime minister, former prime ministers, former ministers, speaker of parliament, and Hezbollah all rejected Sawan's charges.<sup>478</sup> Diab, Zeaiter, Fenianos and Khalil refused to appear for questioning, and Caretaker Interior Minister Mohammad Fahmi, said that he would not ask the security forces to arrest them, even if the judiciary issued arrest warrants.<sup>479</sup>

In December 2020, two of the former ministers, who are sitting parliamentarians, filed a complaint before the Court of Cassation, the country's highest court, for Judge Sawan to be removed from the case.<sup>480</sup> In February 2021, he was. On February 18, 2021, the court concluded that there was "legitimate suspicion" regarding Sawan's impartiality, in part because he said he would not recognize the parliamentary immunity claimed by the officials and because he had received 13 million Lebanese pounds in compensation after his home was damaged in the blast, even though he shared that fate with hundreds of thousands of other Beirut residents.<sup>481</sup>

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<sup>477</sup> Ellen Francis and Tom Perry, "Lebanese judge charges PM, ex-ministers over Beirut port blast," Reuters, December 10, 2020, <https://www.reuters.com/article/lebanon-crisis-blast-idUSKBN28K1KG> (accessed June 22, 2021).

<sup>478</sup> "Charges in Beirut blast investigation hit political pushback," Reuters, December 11, 2020; Maysam Rizk, "بزي يرد على «القاضي المنكور»؟", *Al Akhbar*, November 27, 2020, <https://al-akhbar.com/Politics/296948> (accessed on July 25, 2021).

<sup>479</sup> "PM declines to be questioned in Beirut blast probe, official source says," Reuters, December 14, 2020, <https://www.reuters.com/article/lebanon-crisis-blast-investigation-int/pm-declines-to-be-questioned-in-beirut-blast-probe-official-source-says-idUSKBN28O17Z> (accessed June 22, 2021); Ellen Francis, "Two ex-ministers snub judge after being charged over Beirut blast," Reuters, December 16, 2020, <https://www.reuters.com/article/us-lebanon-crisis-blast-investigation-idUSKBN28Q1GF> (accessed June 22, 2021). Youssef Fenianos' Twitter page, February 17, 2021, <https://twitter.com/youssefenianos/status/1362090019276664841> (accessed June 24, 2021).

<sup>480</sup> "صوان علق التحقيقات في ملف انفجار مرفأ بيروت عشرة أيام", *NNA*, December 17, 2021, <http://nna-leb.gov.lb/ar/show-news/519753/> (accessed July 23, 2021).

<sup>481</sup> Sarah Dadouch and Nader Durgham, "Six months after massive Beirut explosion, official investigation has been upended," *Washington Post*; Najia Houssari, "Beirut blast investigation falters as judge removed from case," *Arab News*.

One day later, the justice minister appointed Judge Tarek Bitar to replace Sawan.<sup>482</sup> Investigative judge Bitar is operating under the same prosecutorial limitations as his predecessor.

On July 2, 2021, Bitar issued a series of requests to lift immunities that apply to parliamentarians and lawyers and allow for the prosecution of high-level officials. Bitar requested that parliament lift the immunities of several former ministers, who are currently sitting parliamentarians, so that he can charge them for “homicide with probable intent,” as well as criminal negligence.<sup>483</sup> Article 40 of the Lebanese Constitution states that no parliamentarian may be “prosecuted or arrested, during the session, for committing a crime, unless authorized by the Chamber, except in case he is caught in the act.”<sup>484</sup>

At the time of this report’s publication, parliament was in session. Following the prime minister’s resignation on August 10, 2020, parliament will be considered in session until a new government is formed and acquires a vote of confidence.<sup>485</sup>

The parliamentarians whom Bitar is seeking to charge are former Interior Minister Nohad Machnouk, former Finance Minister Ali Hassan Khalil, and former Public Works Minister Ghazi Zeaiter.<sup>486</sup>

In addition, Bitar requested that the Beirut and Tripoli Bar Associations allow him to prosecute Khalil and Zeaiter, both of whom are lawyers, as well as former Public Works Minister Youssef Fenianos, also for the felony of homicide with probable intent and the misdemeanor of criminal negligence.<sup>487</sup> Lebanese law provides that no legal proceedings can be undertaken against a lawyer for an action resulting from the practice of their profession without a decision by the Bar Association authorizing those proceedings.<sup>488</sup>

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<sup>482</sup> “Lebanon appoints new judge to lead Beirut blast investigation: justice minister,” Reuters, February 19, 2021, <https://www.reuters.com/article/uk-lebanon-crisis-blast-idUKKBN2AJ2E3> (accessed June 22, 2021).

<sup>483</sup> “القاضي بيطار يبدأ بملاحقة سياسيين وأمنيين وعسكريين في قضية انفجار مرفأ بيروت” *NNA*.

<sup>484</sup> Lebanese Constitution, ratified 1926, with amendments through 2004, art. 40.

<sup>485</sup> *Ibid.*, art. 69.

<sup>486</sup> “القاضي بيطار يبدأ بملاحقة سياسيين وأمنيين وعسكريين في قضية انفجار مرفأ بيروت” *NNA*.

<sup>487</sup> *Ibid.*

<sup>488</sup> Law Organizing the Profession of Lawyers, No. 8/70 with amendments, <https://bba.org.lb/content/uploads/Syndicate/141020111552894~Law%20organizing%20the%20profession%20of%20the%20lawyers%20on.8-70%20and%20its%20amendments.pdf> (accessed July 23, 2021), art. 79.

Bitar also requested that the prime minister allow him to interrogate the Director General of State Security, Major General Tony Saliba, as a suspect, and that the Interior Minister allow him to charge the Director General of General Security, Major General Abbas Ibrahim.<sup>489</sup> Under Lebanese law, to prosecute state employees for a crime resulting from their official duties, judges need to obtain approval from the entity to which the employee belongs.<sup>490</sup>

Bitar has not publicly addressed the issue of ministerial immunities. It may be the case that he is either adhering to the interpretation that states that the crime of killing or causing death is not subject to immunity or relying on the legal precedent which states that parliament does not have the exclusive right to indict ministers.

Without parliament lifting the immunity of the sitting parliamentarians, and without permission to prosecute the high-level security officials, Bitar cannot move forward with prosecutions of these individuals.

On July 9, 2021, in a letter to the justice minister, the Caretaker Minister of Interior Mohammad Fehmi rejected the judge's request to question Major General Abbas Ibrahim.<sup>491</sup> Judge Bitar appealed Fehmi's decision. As per Lebanese law, the request then moves to the Cassation Public Prosecutor, who is given 15 days to decide whether or not to allow the prosecution to move forward.<sup>492</sup> Cassation Public Prosecutor Ghassan Oueidat claimed that he does not have the authority to make a decision regarding this request, as he had recused himself from the investigation after Sawan charged Zeaiter, who is his brother-in-law.<sup>493</sup> The request was sent to Cassation Attorney General Ghassan Khoury. The media reported that Khoury responded to Bitar on July 24 asking for more information, but neither explicitly approving nor denying the request.<sup>494</sup> However, Khoury told Human Rights Watch that he denied Bitar's request to prosecute Ibrahim.<sup>495</sup>

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<sup>489</sup> "القاضي بيطار يبدأ بملاحقة سياسيين وأمنيين وعسكريين في قضية انفجار مرفأ بيروت" *NNA*.

<sup>490</sup> Lebanese Employee Law, Decree No. 112, June 12, 1959, art. 61.

<sup>491</sup> "Lebanese minister denies request to quiz security chief over Beirut blast," Reuters, July 9, 2021, <https://www.reuters.com/world/middle-east/lebanon-interior-minister-rejects-request-question-security-chief-over-beirut-2021-07-09/> (accessed July 21, 2021).

<sup>492</sup> Lebanese Employee Law, Decree No. 112, June 12, 1959, art. 61.

<sup>493</sup> النيابة العامة اللبنانية : القاضي عويدات لم يتولّ البتّ بالخلاف "، *Mahkama*, December 14, 2020; *Al Jadeed*, "حول الإذن بملاحقة اللواء إبراهيم"، YouTube, July 21, 2021; The Public Prosecutor's Twitter Page, July 21, 2021, <https://twitter.com/ProsecutorGenLB/status/1417853711716585484> (accessed on July 29, 2021).

<sup>494</sup> Nader Fawz, "السلطة تُسقط التحقيق وتحاصر البيطار: لا ملاحقة لإبراهيم وصليبا"، *Al Modon*, July 26, 2021, <https://www.almodon.com/politics/2021/7/26/%D8%A7%D9%84%D8%B3%D9%84%D8%B7%D8%A9->

Nizar Saghieh, a Lebanese lawyer and executive director of Legal Agenda, a research and advocacy organization, has argued that Khoury's response has no legal merit, as he is not the authority with the jurisdiction to make that decision.<sup>496</sup> He claims that Oueidat, as the Cassation Public Prosecutor, is the only authority capable of making this decision, and that his lack of response within the legal timeframe should be understood as tacit approval to move ahead with Ibrahim's prosecution, as the law stipulates.<sup>497</sup>

According to media reports, both the president and the prime minister have said the other has the authority to grant or deny permission to prosecute Saliba as a suspect.<sup>498</sup> On July 29, the Prime Minister's office released a statement saying that the office of the presidency had consulted with the Legislation and Consultation Authority at the Ministry of Justice on who had jurisdiction to approve this request, and was told that this power belonged to the Higher Defense Council.<sup>499</sup> However, Legal Agenda has argued that Bitar was not bound by the opinion of the Legislation and Consultation Authority, and that both the president and the prime minister could give Bitar permission to interrogate Saliba as a suspect.<sup>500</sup> As of July 29, 2021, neither the president nor the prime minister nor the Higher Defense Council had issued a decision in the matter.

On July 28, the Beirut Bar Association gave Bitar permission to prosecute Khalil and Zeaiter, and on July 29, the Tripoli Bar Association gave Bitar permission to prosecute Fenianos.<sup>501</sup>

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<sup>495</sup> Human Rights Watch interview with Cassation Attorney General Ghassan Khoury, by phone, July 29, 2021.

<sup>496</sup> Nizar Saghieh's Twitter page, July 27, 2021, <https://twitter.com/nsaghieh/status/1420098373181444103> (accessed July 28, 2021).

<sup>497</sup> Ibid. See also Lebanese Employee Law, Decree No. 112, June 12, 1959, art. 61.

<sup>498</sup> "قائفة المسؤوليات بخصوص منح إذن ملاحقة صليبا: "ابعدوا عنا كأس الحصانات"" Legal Agenda, July 17, 2021.

<sup>499</sup> The Grand Serail's Official Twitter Account, July 29, 2021, <https://twitter.com/grandserail/status/1420645657799536640> (accessed July 29, 2021).

<sup>500</sup> "قائفة المسؤوليات بخصوص منح إذن ملاحقة صليبا: "ابعدوا عنا كأس الحصانات"" Legal Agenda, July 17, 2021; Nizar Saghieh's Twitter Account, July 29, 2021, [https://twitter.com/grandserail/status/1420645659603001344/retweets/with\\_comments](https://twitter.com/grandserail/status/1420645659603001344/retweets/with_comments) (accessed July 29, 2021).

<sup>501</sup> Nizar Saghieh's Twitter Account, July 28, 2021, <https://twitter.com/nsaghieh/status/1420392443451748353> (accessed on July 28, 2021); Nizar Saghieh's Twitter Account, July 29, 2021, <https://twitter.com/nsaghieh/status/1420706489216475140> (accessed on July 29, 2021).

In July 2021, at least 50 parliamentarians signed a petition calling for parliament, rather than the judicial investigator, to investigate the prime minister and former ministers and refer the case to the “Supreme Council for Trying Presidents and Ministers” – a body which has never been convened.<sup>502</sup> After Legal Agenda made public the names of around 30 parliamentarians who signed the petition, several withdrew their support.<sup>503</sup>

As of July 29, Parliament had not lifted parliamentary immunities for August 4 suspects.

On July 2, 2021, Bitar charged the former army commander General Jean Kahwaji, the former head of Military Intelligence Brigadier General Kamil Daher, and two former brigadier generals in Military Intelligence, Ghassan Gharzeddine and Jawdat Oueidat.<sup>504</sup>

The domestic investigation has been tainted by serious due process violations.

Human Rights Watch spoke with one detainee who was released, as well as the families and lawyers of six detained people. Most have been held at the headquarters of the military police in Rihaniye since their arrest in August and September. Their lawyers said that their clients, as well as the others behind bars, are charged with the same litany of crimes despite their varying roles and responsibilities.<sup>505</sup>

The crimes include homicide with probable intent (i.e., the accused foresaw the occurrence of the crime and accepted the risk of its occurrence), unintentional homicide, causing an explosion, storing dangerous goods, disrupting the security of the port and the country, and polluting the environment.<sup>506</sup>

Lawyers said that neither Sawan nor Bitar told them or their clients which charges applied to them or the evidence against each of the accused, citing the secrecy of the investigations. The lawyers said that they will only find out what evidence and specific

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<sup>502</sup> “لائحة العار: أسماء النواب المتورّطين في تهريب زملائهم من العدالة” Legal Agenda, July 21, 2021, <https://bit.ly/2TBaBYc> (accessed July 23, 2021); Kareem Chehayeb, “Lebanese MPs accused of Beirut blast ‘cover up’ over trial move,” Al Jazeera.

<sup>503</sup> Ibid.

<sup>504</sup> “القاضي بيطار يبدأ بملاحقة سياسيين وأمنيين وعسكريين في قضية انفجار مرفأ بيروت” *NNA*.

<sup>505</sup> Human Rights Watch interview with defendants’ lawyer 1, Beirut, Lebanon, June 11, 2021; Human Rights Watch interview with defendant’s lawyer 2, Beirut, Lebanon, June 8, 2021; Human Rights Watch interview with defendant’s lawyer, by phone, January 28, 2021.

<sup>506</sup> Ibid.

charges apply to their clients at the end of the investigation, when the judge can either stay the prosecution or indict the defendants.<sup>507</sup>

Two guards are always in the room during their meetings with their clients, the lawyers said, and they noted that their clients had been detained 10 to 16 days before Sawan issued an arrest warrant. They also said that Sawan rejected all their requests to release their clients on bail without any justification.<sup>508</sup> Bitar approved the release requests of six detainees on April 15 and two others on July 2, 2021.<sup>509</sup>

Lebanon's Code of Criminal Procedure gives the judicial investigator, whose decisions are not subject to appeal, the authority to hold suspects in pre-trial detention indefinitely.<sup>510</sup> But that violates their rights against arbitrary detention, as well as their due process rights, including the right of anyone held in pretrial detention to a speedy trial or release and an independent judicial review of a decision to detain them.

Lebanon cannot invoke a provision of domestic law to justify violating an international treaty it has ratified. International law automatically forms part of Lebanon's domestic law, and article 2 of the Code of Civil Procedure provides that international treaties ratified by Lebanon prevail over domestic law.<sup>511</sup>

Lawyers and journalists familiar with the case have said that it is unclear whether Lebanon has the resources or technical capacity to conduct a comprehensive investigation, including into how the ammonium nitrate landed in Beirut and how the explosion was triggered.<sup>512</sup> Sawan's staff consisted only of two trainee judges and two clerks,<sup>513</sup> and Bitar's staff currently consists of four trainee judges.<sup>514</sup> Lawyers for defendants added that

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<sup>507</sup> Ibid.

<sup>508</sup> Ibid;

<sup>509</sup> "Judge Bitar releases six people held for Beirut blast," *The Daily Star Lebanon*); "القاضي بيطار يبدأ بملاحقة سياسيين وأمنيين وعسكريين" *NNA*, "في قضية انفجار مرفأ بيروت

<sup>510</sup> Lebanon's Code of Criminal Procedure, Act No, 328, art. 362 and art. 363.

<sup>511</sup> Lebanon's Code of Civil Procedure, Legislative Decree No. 90.83, art. 2.

<sup>512</sup> Human Rights Watch interview with defendants' lawyer 1, Beirut, Lebanon, June 11, 2021; Human Rights Watch interview with defendant's lawyer 2, Beirut, Lebanon, June 8, 2021; Human Rights Watch interview with defendant's lawyer January 28, by phone, 2021; Sarah El Deeb, " 'Not like every time': Beirut blast victims want the truth," Associated Press, February 4, 2021, <https://apnews.com/article/middle-east-lebanon-crime-assassinations-beirut-dbbca633772c33b88612c075bf258329> (accessed June 22, 2021).

<sup>513</sup> Sarah El Deeb, " 'Not like every time': Beirut blast victims want the truth," Associated Press.

<sup>514</sup> Human Rights Watch interview with victims' lawyer, Beirut, Lebanon, July 26, 2021.

although Bitar’s investigation is wider in scope, and is looking into potential intentional acts, Sawan’s investigation focused solely on the negligence leading to the blast, ruling out theories of an intentional act, without any investigation.<sup>515</sup>

In two instances, there are indications that the judicial investigator has failed to take action on allegations that evidence has been tampered with, further decreasing confidence in the investigation’s credibility. There have been two fires in the Beirut port since the explosion, on September 8 and September 10, prompting many allegations of tampering with the crime scene.<sup>516</sup> Further, journalists from the local television station Al-Jadeed presented evidence that officials removed documents from the Ministry of Public Works and Transport– which oversees the port – on the Sunday following the blast, on August 9.<sup>517</sup>

In addition to the lack of independence, improper immunities, and serious due process violations that have tainted the domestic investigation, a number of suspicious deaths connected to the August 4 explosion have gone unsolved.

Colonel Joseph Skaf, Chief of the Anti-Narcotics and Money Laundering Division in the Customs Administration, who wrote to the Customs Administration’s anti-smuggling department, copying various other officials, warning about the *Rhosus*’s cargo on February 21, 2014, died in March 2017 under suspicious circumstances. Although the official medical report found that Skaf died in an accidental fall, a second report, commissioned

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<sup>515</sup> Nizar Saghieh, “Bar Association Sounds the Alarm about Beirut Port Investigation: What’s Next?,” *Legal Agenda*, December 10, 2020, <https://english.legal-agenda.com/bar-association-sounds-the-alarm-about-beirut-port-investigation-whats-next/> (accessed June 22, 2021); BBA Lebanon’s Facebook Page, <https://www.facebook.com/bbalebanon/posts/1646657578839531> (accessed July 23, 2021); Nader Fawz, “القاضي البيطار “لـ”المدن: “استدعاء السياسيين بعد إنهاء التحقيق التقني” Human Rights Watch interview with defendants’ lawyer 1, Beirut, Lebanon, June 11, 2021; Human Rights Watch interview with defendant’s lawyer 2, Beirut, Lebanon, June 8, 2021; Human Rights Watch interview with defendant’s lawyer, by phone, January 28, 2021.

<sup>516</sup> Zeina Karam and Hassan Ammar, “Fires at Beirut port sows panic after last month’s blast,” Associated Press, September 10, 2020, <https://apnews.com/article/lebanon-fires-ap-top-news-middle-east-international-news-81089cc24f6d426751beae56f9aa3c30> (accessed June 22, 2021); Ghazi Balkis, Tamara Qiblawi, and Eliza Mackintosh, “Beirut port ablaze, weeks after massive blast,” *CNN*, September 10, 2020, <https://edition.cnn.com/2020/09/10/middleeast/beirut-port-fire-intl/index.html> (accessed June 22, 2021); Joanne Serrieh, “Firefighters extinguish new Beirut port fire, cause remains unknown: Reports,” *Al-Arabiya News*, September 8, 2020, <https://english.alarabiya.net/News/middle-east/2020/09/08/New-fire-breaks-out-at-Beirut-port-cause-remains-unknown-Reports> (accessed June 22, 2021); “نقيب محامي بيروت يدعو صوان إلى التحقيق في حريق المرفأ الأخير,” *France 24*, September 15, 2020, <https://bit.ly/3rst8m4> (accessed June 28, 2021).

<sup>517</sup> “الجديد توثق تهريب مستندات من وزارة الأشغال العامة والنقل بعد حادثة مرفأ بيروت - هادي الأمين,” August 12, 2020, YouTube.

by his family, concluded that Skaf was attacked.<sup>518</sup> On August 8, 2020, Skaf's son tweeted that "a crime was committed in March 2017. My father did not slip and fall. He was brutally assaulted and murdered in front of his own house. The case was never closed and our family has been waiting for three years."<sup>519</sup>

At least three other murders of people thought to have information about the ammonium nitrate or the August 4 explosion have also been reported.<sup>520</sup> Mounir Abou Rjeily, a retired anti-smuggling customs colonel who was friends with Skaf, was reportedly assassinated on December 2, 2020 in Kartaba.<sup>521</sup> On December 21, 2020 Joseph Bejjani, a freelance photographer who was reportedly one of the first people to take photos at the port following the blast, was executed in front of his home in Kahale.<sup>522</sup> Long time Hezbollah critic, Lokman Slim, was also assassinated on February 4, 2021.<sup>523</sup> In a media interview in January, Slim had suggested that Hezbollah had brought the ammonium nitrate to Lebanon for the Syrian government to use.<sup>524</sup>

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<sup>518</sup> Nakhoul, Francis, and Gregory, "In Beirut port, all of Lebanon's ills are laid bare," Reuters.

<sup>519</sup> Michael Skaf's Twitter page, August 8, 2020, [https://twitter.com/mish\\_skaf/status/1292199557250482176](https://twitter.com/mish_skaf/status/1292199557250482176) (accessed July 6, 2021).

<sup>520</sup> Makram Rabah, "What photographer Joe Bejjani's death says about the dark days to come for Lebanon," *Al Arabiya*, December 23, 2020, <https://english.alarabiya.net/views/news/middle-east/2020/12/23/What-photographer-Joe-Bejjani-s-death-says-about-the-dark-days-to-come-for-Lebanon> (accessed June 23, 2021); Souad Lazkani, "4 Suspicious Deaths and Killings in Lebanon That We Still Have No Answers For," *The 961*, December 22, 2020, <https://www.the961.com/suspicious-deaths-in-lebanon-with-no-answers/> (accessed June 23, 2021).

<sup>521</sup> Nader Fawz, "قتل العقيد أبو رجيلي..مسلسل جرائم 'جمركية'", *Al-Mondon*, December 5, 2020, <https://bit.ly/2Uy7ErL> (accessed July 21, 2021); Souad Lazkani, "4 Suspicious Deaths and Killings in Lebanon That We Still Have No Answers For," *The 961*; Souad Lazkani, "Video: Army Photographer Was Just Assassinated Using Silenced Pistols in Front of Daughters," *The 961*, December 21, 2020, <https://www.the961.com/joseph-bejjani-assassinated-video/> (accessed June 23, 2021); Rawad Taha, "Lokman Slim's assassination adds to a series of recent murders in Lebanon," *Al Arabiya*, February 5, 2021, <https://english.alarabiya.net/features/2021/02/05/Lokman-Hakim-s-assassination-adds-to-a-series-of-recent-murder-in-Lebanon> (accessed June 23, 2021).

<sup>522</sup> Ghada Alsharif, "A man was murdered in broad daylight, shocking the country and sparking calls for a quick investigation," *L'Orient Today*, December 21, 2020, <https://today.lorientlejour.com/article/1245775/a-man-was-murdered-in-broad-daylight-shocking-the-country-and-sparking-calls-for-a-quick-investigation.html> (accessed July 6, 2021); Makram Rabah, "What photographer Joe Bejjani's death says about the dark days to come for Lebanon," *Al Arabiya*.

<sup>523</sup> Ben Hubbard and Hwaida Saad, "Prominent Lebanese Critic of Hezbollah is Killed," *New York Times*, February 4, 2021, <https://www.nytimes.com/2021/02/04/world/middleeast/lokman-slim-killed-hezbollah.html> (accessed June 23, 2021); Rawad Taha, "Lokman Slim's assassination adds to a series of recent murders in Lebanon," *Al Arabiya*.

<sup>524</sup> Stefan Tarnowski, "Confirming the Already Confirmed," *London Review of Books*, February 10, 2021, <https://www.lrb.co.uk/blog/2021/february/confirming-the-already-confirmed> (accessed June 23, 2021); "Lebanese journalist found shot dead in car," *Reporters Without Borders* news release, February 4, 2021, <https://rsf.org/en/news/lebanese-journalist-found-shot-dead-car> (accessed July 6, 2021).

The Lebanese authorities have opened investigations into all four cases, but to date, no substantive results have been made public.<sup>525</sup>

Ayman Mhanna, the executive director of the Samir Kassir Foundation, told the media after Slim's assassination that "we do not expect anything going properly on the side of the investigation...It is exactly what we predicted, the fact that there would be claims about an ongoing investigation but that nobody would actually take it seriously among security forces and the judiciary because they have never done it in the past, and it's as if political assassinations in Lebanon enjoy a level of impunity and enjoy a level of protection."<sup>526</sup>

Nadim Houry, the executive director of the Arab Reform Initiative, similarly told the media that "trust in the local judicial system is non-existent – they've never resolved a single political assassination."<sup>527</sup>

Human Rights Watch has for years investigated grave human rights abuses in Lebanon for which there has been no accountability in the judicial system, including allegations of torture, the killing and excessive use of force against protesters by security agencies, abuses against migrant domestic workers, and the silencing of dissent.<sup>528</sup>

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<sup>525</sup> Fady Noun, "L'assassinat d'un colonel des Douanes à la retraite soulève de nouvelles questions," *L'Orient Le Jour*, December 4, 2020, <https://www.lorientlejour.com/article/1243531/l-assassinat-dun-colonel-des-douanes-a-la-retraite-souleve-de-nouvelles-questions.html> (accessed July 6, 2021); "A mass for the repose of Joe Bejjani's soul, six months after his assassination," *LBC International*, June 20, 2021, <https://www.lbcgroup.tv/news/d/news-bulletin-reports/595893/a-mass-for-the-repose-of-joe-bejjanis-soul-six-mon/en> (accessed July 6, 2021); "Saydet el-Jabal demande aux cinq Grands de financer le TSL," *L'Orient Le Jour*, June 21, 2021, <https://www.lorientlejour.com/article/1265848/saydet-el-jabal-demande-aux-cinq-grands-de-financer-le-tsl.html> (accessed July 6, 2021); Rawad Taha, "Lokman Slim's assassination adds to a series of recent murders in Lebanon," *Al Arabiya News*; Makram Rabah, "What photographer Joe Bejjani's death says about the dark days to come for Lebanon," *Al Arabiya*; Rawad Taha, "Beirut Blast: Mystery over murder of two customs colonels killed three years apart," *Al Arabiya*, December 5, 2021, <https://english.alarabiya.net/News/middle-east/2020/12/05/Beirut-Blast-Mystery-over-murder-of-two-customs-colonels-killed-three-years-apart> (accessed July 6, 2021); "Lebanese journalist found shot dead in car," Reporters Without Borders news release.

<sup>526</sup> Nicholas Frakes, "One month on: Lokman Slim assassination investigation yields little results," *Al Arabiya*, March 4, 2021, <https://english.alarabiya.net/perspective/features/2021/03/04/Lebanon-crisis-One-month-on-Lokman-Slim-assassination-investigation-yields-little-results> (accessed July 23, 2021).

<sup>527</sup> David Enders, "In Publisher's Death, Lebanese See One More Unsolved Murder," *Foreign Policy*, February 13, 2021, <https://foreignpolicy.com/2021/02/13/assassination-lebanon-lokman-slim-hezbollah/> (accessed July 23, 2021).

<sup>528</sup> See for example, "Lebanon: Judiciary Ignoring 2017 Anti-Torture Law," Human Rights Watch news release, September 19, 2019, <https://www.hrw.org/news/2019/09/19/lebanon-judiciary-ignoring-2017-anti-torture-law>; "Lebanon: Lethal Force Used Against Protesters," Human Rights Watch news release, August 26, 2020, <https://www.hrw.org/news/2020/08/26/lebanon-lethal-force-used-against-protesters>; Human Rights Watch, *Without Protection: How the Lebanese Justice System Fails Migrant Domestic Workers*, (New York, 2010), <https://www.hrw.org/report/2010/09/16/without-protection/how-lebanese-justice-system-fails-migrant-domestic-workers>; Human Rights Watch, "There is a Price to Pay": *The Criminalization of Peaceful Speech in Lebanon*, (New York, 2019), <https://www.hrw.org/report/2019/11/15/there-price-pay/criminalization-peaceful-speech-lebanon>.

These structural weaknesses in the Lebanese judiciary, as well as its track record of failing to investigate and hold accountable perpetrators of grave crimes and rights abuses, make clear that there is little likelihood of justice for the victims of the explosion and the Lebanese public in the domestic courts as they are today.

# International Human Rights Law

## Right to Life and Right to an Effective Remedy

The right to life is an inalienable right, enshrined in the International Covenant on Civil and Political Rights (ICCPR) (article 6), which Lebanon ratified in 1972.<sup>529</sup> The Human Rights Committee, which interprets the ICCPR, has stated that states must both respect the right to life and protect it including from foreseeable threats to life, including threats caused by private persons or entities, even if their conduct is not attributable to the state.<sup>530</sup> The committee further states that the deprivation of life involves an “intentional or otherwise foreseeable and preventable life-terminating harm or injury, caused by an act or omission.”<sup>531</sup> States are required to enact a “protective legal framework which includes effective criminal prohibitions on all manifestations of violence...that are likely to result in a deprivation of life, such as intentional and negligent homicide.”<sup>532</sup>

The storage of more than 2,750 tonnes of ammonium nitrate, alongside jugs of oil, kerosene, and hydrochloric acid, five miles of fuse on wooden spools, and 15 tons of fireworks, in a poorly secured and ventilated hangar in the middle of a busy commercial and residential area of a densely populated capital city is contrary to international guidance and best practices in many countries and created an unacceptable risk to life.<sup>533</sup>

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<sup>529</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Lebanon on [November 3, 1972], <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (accessed July 25, 2021), art. 6.

<sup>530</sup> UN Human Rights Committee (HRC), General comment No. 36, Right to Life, U.N. Doc. CCPR/C/GC/35 (2019), [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1\\_Global/CCPR\\_C\\_GC\\_36\\_8785\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf) (accessed July 9, 2021), para. 21.

<sup>531</sup> *Ibid.*, para. 6

<sup>532</sup> *Ibid.*, para. 20

<sup>533</sup> Hubbard, Abi-Habib, El-Naggar, McCann, Singhvi, Glanz, and White, “How a Massive Bomb Came Together in Beirut’s Port,” *New York Times*; United Kingdom Health and Safety Executive, “Storing and Handling Ammonium Nitrate,” <https://www.hse.gov.uk/pubns/indg230.pdf> (accessed June 22, 2021); Government of Western Australia, Department of Mines, Industry Regulation and Safety, “Code of Practice: Safe storage of solid ammonium nitrate,” 3<sup>rd</sup> ed, [https://www.dmp.wa.gov.au/Documents/Dangerous-Goods/DGS\\_COP\\_StorageSolidAmmoniumNitrate.pdf](https://www.dmp.wa.gov.au/Documents/Dangerous-Goods/DGS_COP_StorageSolidAmmoniumNitrate.pdf) (accessed June 22, 2021). Geneva International Center for Humanitarian Demining, “AMAT Insights: Reducing Risks Associated with Ammonium Nitrate,” September 2020, [https://www.gichd.org/fileadmin/GICHD-resources/rec-documents/AMAT\\_Insights\\_Issue\\_1\\_Reducing\\_Risks\\_Associated\\_with\\_Ammonium\\_Nitrate.pdf](https://www.gichd.org/fileadmin/GICHD-resources/rec-documents/AMAT_Insights_Issue_1_Reducing_Risks_Associated_with_Ammonium_Nitrate.pdf) (accessed July 22, 2021), p. 2; Government of Canada, Ammonium Nitrate Storage Facilities Regulations, CRC c. 1145, June 18, 2015, [https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,\\_c.\\_1145/FullText.html](https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1145/FullText.html), SCHEDULE II (s. 32) Storage Hazards of Ammonium Nitrate 2 (c); United States Department of Labor Occupational Safety and Health Administration, Regulations (Standards – 29 CFR), July 1993, <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/>, 1910.109 1910.109(i)(5)(i)(a), 1910.109(i)(5)(ii)(b), 1910.109(i)(5)(ii)(c).

Further, the Human Rights Committee has stated: “The duty to protect by law the right to life also requires States parties to organize all State organs and governance structures through which public authority is exercised in a manner consistent with the need to respect and ensure the right to life, including by establishing by law adequate institutions and procedures for preventing deprivation of life, investigating and prosecuting potential cases of unlawful deprivation of life, meting out punishment and providing full reparation.”<sup>534</sup> The investigations into violations of the right to life must be “independent, impartial, prompt, thorough, effective, credible, and transparent,” and they should explore “the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates.”<sup>535</sup>

The Committee specifies that “immunities and amnesties provided to perpetrators of intentional killings and to their superiors, and comparable measures leading to de facto or de jure impunity, are as a rule, incompatible with the duty to respect and ensure the right to life, and to provide victims with an effective remedy.”<sup>536</sup> The failure to investigate, and where appropriate, prosecute also violates Article 2(3) of the ICCPR, which protects the right to an effective remedy for violations of human rights.<sup>537</sup>

The impact and aftermath of the explosion also violated the rights of many affected people to security of person, education, the highest attainable standard of health, property, and an adequate standard of living, including the right to housing.<sup>538</sup> Lack of accountability would also infringe on their right to an effective remedy for these abuses.

Lebanon’s domestic investigation into the August 4, 2020 explosion has to date failed to meet the international standards on the right to a remedy, in part due to immunity for high-level political officials. Lebanon’s parliament has never constituted the body responsible for trying presidents and ministers, and therefore immunity from prosecution by the courts

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<sup>534</sup> HRC General Comment 36, para. 19.

<sup>535</sup> HRC General Comment 36, para. 27 and para. 29.

<sup>536</sup> *Ibid.*

<sup>537</sup> ICCPR, art. 2(3).

<sup>538</sup> See International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A(XXI), 21 U.N. GAOR Supp (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, arts. 11, 12, and 13. See ICCPR, art. 9. Universal Declaration of Human Rights, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>, art. 17.

cannot be considered proportionate or reasonable. The failure to investigate and prosecute high-level political officials is thus a violation of the right to an effective remedy.

In August 2020, 30 UN experts publicly laid out benchmarks, based on international human rights standards, for a credible inquiry into the August 4, 2020 blast at Beirut's port, noting that it should be "protected from undue influence," "integrate a gender lens," "grant victims and their relatives effective access to the investigative process," and "be given a strong and broad mandate to effectively probe any systemic failures of the Lebanese authorities."<sup>539</sup> The domestic investigation into the August 4, 2020 explosion has failed to meet those international benchmarks. Structural weaknesses in the Lebanese judiciary, as well as its track record of failing to investigate and hold accountable perpetrators of grave crimes and rights abuses, make it highly unlikely that there will be justice for the victims of the explosion and the Lebanese public in the domestic courts as they are today.

International standards on the right to an effective remedy also make clear that victims of gross human rights violations are entitled to equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant information concerning violations and reparation mechanisms.<sup>540</sup> This requires, among other measures, that states take appropriate steps to assist victims seeking access to justice and minimize the inconvenience to them, and establish effective means to provide information to them.<sup>541</sup>

States should provide proportionate reparation for violations attributable to them, and ensure that other parties found liable provide reparation. States should create national reparations programs for the victims in situations where liable parties do not meet their obligations.<sup>542</sup>

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<sup>539</sup> "UN human rights experts call for justice and accountability in response to Beirut explosion," OCHCR press release, August 13, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26163&LangID=E> (accessed July 9, 2021).

<sup>540</sup> UN General Assembly, Basic Principles on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, March 21, 2006, UN doc A/RES/60/147, <https://www.ohchr.org/en/professionalinterest/pages/remedyandrepairation.aspx> (accessed July 22, 2021), art. 11.

<sup>541</sup> *Ibid.*, art. 12 and art. 24.

<sup>542</sup> *Ibid.*, para. 15 and para. 16.

Reparation includes the following forms:

- **Restitution:** measures to restore the situation that existed before the wrongful act(s) were committed, such as restoration of liberty, employment and return to the place of residence and return of property.
- **Compensation:** monetary payment for “economically assessable damage” arising from the violation, including physical or mental harm, material losses, and lost opportunities.
- **Rehabilitation:** provision of “medical and psychological care as well as legal and social services.”
- **Satisfaction:** includes a range of measures involving truth-telling, statements aimed at ending ongoing abuses, commemorations or tributes to the victims, and expressions of regret or formal apology for wrongdoing.
- **Guarantees of non-repetition:** includes institutional and legal reform as well as reforms to government practices to end the abuse.<sup>543</sup>

## Independence of Judges

Lebanon is party to the International Covenant on Civil and Political Rights, which requires it to safeguard the independence of its judiciary.<sup>544</sup> The Basic Principles" on the Independence of the Judiciary endorsed by the United Nations General Assembly elaborate on this obligation.<sup>545</sup> These principles include:

- The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.<sup>546</sup>
- Any method of judicial selection shall safeguard against judicial appointments for improper motives.<sup>547</sup>

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<sup>543</sup> Ibid., paras 19, 20, 21, 22, 23.

<sup>544</sup> The International Covenant on Civil and Political Rights (art. 14, para. 1) indicates the importance of the independence of the judiciary by establishing that: "All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law."

<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (accessed July 26, 2021).

<sup>545</sup> Basic Principles on the Independence of the Judiciary, endorsed by United Nations General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx> (accessed July 22, 2021).

<sup>546</sup> Ibid., art. 2

<sup>547</sup> Ibid., art. 10.

- The assignment of cases to judges within the court to which they belong is an internal matter of judicial administration.<sup>548</sup>
- The term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions and the age of retirement shall be adequately secured by law.<sup>549</sup>
- Judges, whether appointed or elected, shall have guaranteed tenure until a mandatory retirement age or the conclusion of their term of office, where such exists.<sup>550</sup>
- A charge or complaint made against a judge in his/her judicial and professional capacity shall be processed expeditiously and fairly under an appropriate procedure. The judge shall have the right to a fair hearing.<sup>551</sup>
- Judges shall be subject to suspension or removal only for reasons of incapacity or behavior that renders them unfit to discharge their duties.<sup>552</sup>
- All disciplinary, suspension or removal proceedings shall be determined in accordance with established standards of judicial conduct.<sup>553</sup>

Despite millions of dollars spent and numerous UN interventions over a period of more than two decades, corruption, impunity, and political interference in Lebanon’s justice system are pervasive.<sup>554</sup> In 2018, the United Nations Human Rights Committee expressed concern about the “political pressure reportedly exerted on the [Lebanese] judiciary, particularly in the appointment of key prosecutors and investigating magistrates, and about allegations that politicians use their influence to protect supporters from prosecution” and urged Lebanon to “take all measures necessary to safeguard, in law and in practice, the full independence and impartiality of the judiciary, including by ensuring that the procedures for the selection, appointment, promotion, suspension, disciplining and removal of judges are in compliance with the principles of independence and impartiality.”<sup>555</sup>

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<sup>548</sup> Ibid., art. 14.

<sup>549</sup> Ibid., art. 11.

<sup>550</sup> Ibid., art. 12.

<sup>551</sup> Ibid., art. 17.

<sup>552</sup> Ibid., art. 18.

<sup>553</sup> Ibid., art. 19.

<sup>554</sup> Legal Action Worldwide, “Report on Behalf of Victims of the Beirut Explosion of 4 August 2020,” November 13, 2020, <http://www.legalactionworldwide.org/wp-content/uploads/2020/11/REPORT.pdf> (accessed July 9, 2021), para. 116.

<sup>555</sup> UN HRC, *Concluding observations on the third periodic report of Lebanon*, May 9, 2018, UN doc CCPR/C/LBN/CO/3, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhstoEqMtyqQ>

## Due Process and Fair Trial

The International Covenant on Civil and Political Rights, which Lebanon ratified in 1972, guarantees the due process rights of detainees, including the right to be informed of the reasons for an arrest, promptly informed of any criminal charges against them and the evidence on which such criminal charges are based, as well as exculpatory evidence.<sup>556</sup>

It also obligates governments to ensure that anyone held in pretrial detention is afforded a speedy trial or else released, and is afforded an independent judicial review of the decision to detain them.<sup>557</sup> Delays in the trial process could result in a violation of the rights of an accused person to be brought promptly before a judge to review the necessity and legality of a decision to detain them, and the right to a trial within a reasonable time or to release.<sup>558</sup> Prolonged pre-trial detention may also result in a violation of the presumption of innocence, particularly where it has the effect of punishing the accused prior to trial.<sup>559</sup> The Convention prohibits arbitrary arrest or detention and the routine use of pretrial detention.<sup>560</sup>

The ICCPR affords criminal defendants the right to appeal: “Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.”<sup>561</sup>

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%2BAVhHZipQtX7YClXY%2BNLLw9Rz7B7DByyVaC6o%2B1n%2BtiD%2FoTvvpjSxeM3q43F5g5aAG58UffTRjtRD4JA%2BK9D9FANv2759gxx (accessed June 22, 2021).

<sup>556</sup> ICCPR, arts. 9(2), 9(3), and 14(3)(b). The Human Rights Committee has stated that the right to have adequate facilities for the preparation of a defense includes access to all materials the prosecution plans to introduce as evidence, as well as exculpatory materials. See also UN HRC, General Comment No. 32, The Right to equality before courts and tribunals and to fair trial, U.N. Doc. CCPR/C/GC/32 (2007), <https://www.refworld.org/docid/478b2b2f2.html> (accessed July 28, 2021). para. 33.

<sup>557</sup> ICCPR, art. 9(3). See also Human Rights Committee, General Comment No. 35, Liberty and Security of Person, U.N. Doc. CCPR/C/GC/35 (2014), Section IV, Judicial Control of Detention with Criminal Charges, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrdBoH1l5979OVGGB%2bWPAXjdnG1mwFFFPYGIInfb%2f6T%2fqw77%2fKU9JkoeDcTWWPlpCoePGBcMsRmFtoMu58pgnmzjyiyRGkPQekcPKtaaTG> (accessed July 28, 2021).

<sup>558</sup> HRC, General Comment 35, Section IV, Judicial Control of Detention with Criminal Charges. See also the Basic Human Rights Reference Guide on Detention in the Context of Countering Terrorism, Guideline 7, <https://www.ohchr.org/EN/newyork/Documents/DetentionCounteringTerrorism.pdf> (accessed on July 26, 2021).

<sup>559</sup> UN HRC, General Comment 35, Section IV, Judicial Control of Detention with Criminal Charges, Report of the United Nations High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism (A/HRC/22/26), para. 35.

<sup>560</sup> ICCPR, art. 9(3). Human Rights Committee, General Comment 35, Section IV, Judicial Control of Detention with Criminal Charges.

<sup>561</sup> ICCPR, art. 14(5).

In addition, the UN Human Rights Committee has stated that article 14(3)(b) of the ICCPR, which protects the right of a defendant “to communicate with counsel of his own choosing” requires “counsel to communicate with the accused in conditions giving full respect for the confidentiality of their communications”.<sup>562</sup>

Lebanon cannot invoke a provision of domestic law to justify violating an international treaty it has ratified. International law automatically forms part of Lebanon’s domestic law, and article 2 of the Code of Civil Procedure provides that international treaties ratified by Lebanon prevail over domestic law.<sup>563</sup>

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<sup>562</sup> ICCPR, art. 14(3)(b). See also UN Committee on Economic, Social and Cultural Rights, General Comment No. 13, The Right to Education, U.N. Doc. E/C.12/1999/10 (1999), [https://www.legislationline.org/download/id/4093/file/UN\\_Equality\\_before\\_courts\\_General\\_Comment\\_13\\_1984.pdf](https://www.legislationline.org/download/id/4093/file/UN_Equality_before_courts_General_Comment_13_1984.pdf), (accessed July 28, 2021), para. 9.

<sup>563</sup> Lebanon’s Code of Civil Procedure, Legislative Decree No. 90.83, art. 2.

# Recommendations

## To the Lebanese Government

- Ensure that areas affected by the blast are reconstructed in a comprehensive, inclusive, accessible, sustainable, and rights-respecting manner, including by:
  - Setting a comprehensive plan for the reconstruction of damaged areas in which affected residents play a leadership role in the planning, design, and implementation phases;
  - Ensuring that the plan guarantees everyone’s right to affordable housing and does not discriminate on any grounds, including age, socioeconomic status, gender, disability, nationality, and sexual orientation;
  - Ensuring that all reconstructed buildings, public spaces, and infrastructure are accessible and respect the rights of older people and people with disabilities, in line with Law 220/2000 on the rights of persons with disabilities;
  - Reducing the environmental impact of reconstruction at all levels of the planning and implementation, including by increasing access to renewable energy, energy efficiency measures, and climate resilient building designs.
- Provide adequate, effective and prompt reparation, including appropriate compensation for any economically assessable damage, in accordance with international standards to all victims and affected residents for the harms suffered through an objective, clear, accessible and transparent mechanism, that does not discriminate on any grounds, including socioeconomic status, gender, disability, nationality, residency status, sexual orientation, gender expression, and marital status;
- Ensure that people who have been injured or acquired a disability have access to services needed specifically because of their disabilities, including medical interventions, services designed to minimize and prevent further disabilities, and rehabilitation services and programs, particularly in the areas of health, employment, education, and social services;
- Ensure people who have acquired a disability have their right to accommodations protected when returning to work, applying for a new employment, and accessing services and support;
- Ensure access to quality, appropriate, free, and rights-respecting psychosocial and mental health support to victims and the community impacted by the blast;

- Establish an effective and accessible system through which people affected by the blast can submit requests for compensation and/or social services, as well as submit complaints. Make sure the system is accessible to people with different types of accessibility needs;
- Ratify the United Nations Convention on the Rights of Persons with Disabilities;
- Appoint the members of the Anti-Corruption Commission in accordance with the 2020 Anti-Corruption Law, to investigate allegations of corruption in the public sector, refer cases to the judiciary, and oversee the enforcement and compliance of all anti-corruption laws, including the Access to Information law, Whistleblowing law, and the Financial Disclosure and Punishment of Illicit Enrichment law;
- Strengthen the capacity and oversight role of the state inspection bodies, including over the Customs Administration;
- Submit a sufficient budget for the National Human Rights Institute to allow it to fulfill its mandate;
- Conduct an environmental assessment of the impact and aftermath of the August 4, 2020 explosion, including the effects of chemicals on air, water, and soil quality, required clean up, and support the capacity building of medical workers to identify signs and symptoms of chemical toxicity; inform people of the risks; and commence clean-up efforts;
- Formulate and enact a comprehensive port strategy that develops sound management and good governance principles and delineates clear accountability processes;
- Improve security at Beirut’s port through:
  - clearly delineating the hierarchy and responsibilities of the various security agencies operating in the port;
  - instituting clear guidelines and responsibilities for handling risky or potentially dangerous cargo;
- Develop and implement clear policies for the handling, storage, removal, and disposal of toxic, chemical, and hazardous substances and waste, in line with international best practices.

## To the Lebanese Parliament

- Promptly lift the immunity of parliamentarians that the judicial investigator indicates he wants to charge with crimes related to the August 4 explosion, while also pursuing revision of articles 40, 60, 70, and 71 of the Lebanese Constitution to ensure that all officials who are implicated in serious criminal offenses that contribute to or amount to human rights violations are promptly investigated,

prosecuted and punished as appropriate in accordance with international human rights law standards and to make clear that impeachment is also appropriate for grave violations of human rights;

- Pursue revision of article 61 of the Employee Law to ensure that all officials who are implicated in serious criminal offenses that contribute to or amount to human rights violations are promptly investigated, prosecuted and punished as appropriate in accordance with international human rights law standards;
- Reform the Code of Criminal Procedure, and particularly the provisions related to the Judicial Council, such that they comply with the principles of a fair trial or else consider abolishing the Judicial Council;
- Amend the Law 220/2000 on the rights of persons with disabilities to bring it in line with international law and standards, in particular the definition of disability;
- Pass a law guaranteeing the independence of the judiciary, and in particular:
  - Change the system for the appointment of judges to the Higher Judicial Council such that the members are elected or appointed by their peers rather than appointed by the executive;
  - Ensure that judges are appointed or elected based on competence and merit, and without discrimination or interference by the executive;
  - Ensure that judges are promoted based on objective factors, in particular ability, integrity, and experience, rather than any political or sectarian calculations or interference by the executive;
  - Grant the judiciary financial independence from the Justice Ministry;
  - Ensure the financial and administrative autonomy of judicial institutions, including the Judicial Inspection Authority, which monitors the performance of judges, and the Institute of Judicial Studies which trains judges;
  - Safeguard the freedom of expression, belief, association, and assembly of judges provided that judges act in a manner so as to preserve the dignity of their office and the impartiality and independence of the judiciary;
  - Allow judges to form and join associations or other organizations to represent their interests, promote their professional training, and protect their judicial independence;
  - Amend Article 95 of Decree-Law No. 150/83 on the organization of the judiciary so that, consistent with the UN Basic Principles on the Independence of the Judiciary, judges can only be suspended or removed from office “for reasons of incapacity or behavior” that make them unfit to discharge their duties, following a transparent and fair procedure;
  - Ensure that judges receive a fair trial in any disciplinary action or evaluation process, and that any proceedings are subject to an independent review.

- Amend the Law for the Protection of Areas Damaged as a Consequence of the Blast in the Port of Beirut and for the Support of their Reconstruction (Law 194/2020) such that:
  - The protection of damaged real estate, including restrictions on the sale and transfer of ownership, encompasses all affected neighborhoods without any discrimination;
  - The Reconstruction Committee established by the law includes representatives from the residents affected by the blast;
  - The law includes guarantees that affected residents will be given access to adequate shelter, accessible to their needs, during the repair and reconstruction of their houses;
  - The law amends the discriminatory provisions related to compensation such that Lebanese and non-Lebanese victims of the blast are accorded the same treatment.
- Issue a law exempting victims of the blast and affected residents from the payment of legal fees related to their compensation claims;
- Enact a new Port Sector Law, that:
  - Establishes a new Port Authority and a transparent governance structure for the port, including a clear definition of officials' qualifications, responsibilities, and accountabilities;
  - clearly delineates the mandates and roles of all relevant entities, including the port authority, customs administration, security agencies, central government, and commercial operators;
  - ensures transparency in the port's activities, including through the public disclosure of meeting minutes, independent audits, and key decisions and performance indicators;
  - meets international standards in terms of environmental and security policies.
- Reform the Customs Law such that it:
  - Meets internationally recommended best practices;
  - Reforms the inefficient customs structure, including by removing the decision-making duality between the Customs Directorate and the Higher Council for Customs;
  - Establishes clear reporting lines and accountability processes;
  - Ensures transparency in the customs administration's activities, including through mandating the publication of standard operating procedures, customs regulations, and export, import, or transit procedures.

## To the Judicial Investigator

- Ensure that all the suspects know of the charges and the evidence against them;
- Publicly provide the justifications for continuing to detain suspects in relation to the August 4, 2020 explosion, who have been held in pre-trial detention for almost a year. If their continued detention is not legally justified and consistent with international standards, release the detainees;
- Ensure that all detainees are able to meet or speak with their legal representatives in private.

## To Lebanon's International Partners and Donors

- Publicly and privately insist that Lebanese authorities and lawmakers implement the recommendations set out above;
- Impose targeted sanctions against individuals and entities responsible for grave violations:
  - As provided for under the US Global Magnitsky Act, the EU Global Human Rights Sanctions Regime, and other similar human rights sanctions instruments in the United Kingdom, Canada and elsewhere, impose targeted sanctions against individuals and entities implicated in gross violations of international human rights law resulting from the August 4 explosion, including violations of the right to life, who remain in positions of government authority from which they are engaged in further abuses or efforts to secure their own impunity. Such targeted sanctions will be more effective if pursued collectively by international partners and would reaffirm their commitments to promoting accountability among perpetrators. They would also provide important leverage to aid diplomatic efforts pressing for justice through domestic judicial proceedings in Lebanon.

## To the United States Government

- Support an independent international investigation into the August 4, 2020 explosion;
- Publicly clarify the role and mandate of the United States Federal Bureau of Investigation's participation in the domestic investigation into the August 4, 2020 explosion, and commit to making its findings public.

## **To the French Government**

- Support an independent international investigation into the August 4, 2020 explosion;
- Publicly clarify the role and mandate of the French forensic police officers and gendarmes who participated in the domestic investigation into the August 4, 2020 explosion, and commit to making their findings public;
- Publish the list of Lebanese officials against whom the French government has already imposed sanctions.

## **To the UN Human Rights Council**

- Adopt a resolution establishing an international, independent investigative mission, into the August 4, 2020 explosion mandated to:
  - conduct a thorough investigation into human rights violations and abuses related to the August 4, 2020 explosion and the domestic judicial investigation, including collecting and reviewing information, establishing the facts, preserving evidence and identifying alleged perpetrators of such human rights violations and abuses, with a view to ensuring full accountability; and
  - formulate recommendations on measures necessary to guarantee that the authors of these violations and abuses, regardless of their affiliation or seniority, are held accountable for their acts and to address the underlying systemic failures that led to the explosion and to the failure of the domestic investigation.

## **To the Special Procedures Mechanisms of the UN Human Rights Council:**

- Continue to monitor and report on the impairment of human rights resulting from the August 4, 2020 explosion and to support efforts to identify those responsible and ensure accountability for the rights violations and abuses leading to and following the explosion.

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## Annex 1: Chronology of Events

Date	Summary of Correspondence
February 13, 2013	Then-Minister of Energy and Water Gebran Bassil sends a letter to the General Directorate of Customs requesting that they facilitate the temporary entry of 2-D land seismic survey machinery and equipment before February 20, 2013, as per the contract concluded between the ministry and Spectrum, dated March 30, 2012. <sup>1</sup>
September 6, 2013	Then-Minister of Energy and Water Gebran Bassil sends a letter to the General Directorate of Customs requesting that they facilitate the temporary entry of 2-D land seismic survey machinery and equipment before February 20, 2013, as per the contract concluded between the ministry and Spectrum, dated March 30, 2012, and noting that the letter acts as a guarantee for the taxes and fees that may apply. <sup>2</sup>
September 23, 2013	The <i>Rhosus's</i> bill of lading is issued in Batumi, Georgia. It identifies the goods on board the ship as 2,750.4 MTS of High Density Ammonium Nitrate IMO 5.1 in 2,750 big bags. It lists the port of loading as Batumi Port, Port of the Black Sea, and lists the port of discharge as Beira Port-Mozambique. <sup>3</sup>
September 27, 2013	The <i>Rhosus's</i> cargo manifest, dated September 27, 2013, lists the same port of loading and destination and description of the goods as the <i>Rhosus's</i> bill of lading. <sup>4</sup>
November 16, 2013	The National Trading and Shipping Agency, the <i>Rhosus's</i> maritime agent, prepares a transit manifest identifying the cargo as 2,755.5 tonnes of High Density Ammonium Nitrate IMO 5.0. <sup>5</sup> It also prepares a Notice and Recognition form of the ship's arrival, identifying the cargo as 2,755.5 tonnes of Ammonium Nitrate IMO 5.1. <sup>6</sup>
November 21, 2013	The National Trading and Shipping Agency, the <i>Rhosus's</i> maritime agent, produces a Unified List stating that the <i>Rhosus</i> departed from Piraeus, Greece, carrying cargo in transit to Beira, Mozambique. The cargo is identified as "2750 Big Bags" weighing "2755.500 M/Tons". <sup>7</sup> The Unified List failed to identify the cargo as ammonium nitrate. <sup>8</sup>

<sup>1</sup> See Annex 2, February 13, 2013 Letter from Ministry of Energy to Customs.

<sup>2</sup> See Annex 2, September 6, 2013 Letter from Ministry of Energy to Customs.

<sup>3</sup> See Annex 2, September 23, 2013 *Rhosus's* Bill of Lading.

<sup>4</sup> See Annex 2, September 27, 2013 *Rhosus's* Cargo Manifest.

<sup>5</sup> See Annex 2, November 16, 2013 *Rhosus's* Transit Manifest.

<sup>6</sup> See Annex 2, November 16, 2013 *Rhosus's* Notice and Recognition Form.

<sup>7</sup> See Annex 2, November 21, 2013 *Rhosus's* Unified List.

<sup>8</sup> *Ibid.*; See Annex 2, February 22, 2014 letter noting *Rhosus's* Unified List does not include ammonium nitrate; August 11, 2020 Ministry of Finance, General Directorate of Customs Report.

November 21, 2013	The <i>Rhosus</i> ship arrives in Beirut's port, ostensibly to pick up additional cargo. While the cargo is being loaded onto the ship, the ship's hatches covering the ammonium nitrate begin to buckle under the weight because the ship's maximum capacity has already been exceeded. <sup>9</sup>
November 25, 2013	The Ship Inspection Service staff of the Directorate of Land and Maritime Transport examines the <i>Rhosus</i> and detains it, finding that it did not comply with Lebanese and international maritime safety regulations. <sup>10</sup>
December 20, 2013	The <i>Rhosus</i> is impounded by Lebanon's Enforcement Department due to outstanding debts to two maritime fuel oil suppliers by judicial order 2013/1031 on December 20, 2013. <sup>11</sup>
February 21, 2014	Colonel Joseph Skaf, head of the Anti-Narcotics and Money Laundering Section in the Customs Administration, writes to the Customs Administration's Anti-Smuggling Service on February 21, 2014, warning about the ammonium nitrate on the ship. He writes:  "We hereby notify you that our Section has received information about a ship called <i>RHOSUS</i> docked in Quay No. 11 of the Port of Beirut and carrying highly dangerous and explosive Ammonium Nitrates that threaten public safety. Noting that the ship had entered the port on 19/11/2013, loaded with the mentioned cargo, and was headed to an African country, Mozambique.  Therefore, we hereby propose instructing the head of the Beirut Brigades and the head of the Manifest Department to work with the ground control authorities to move the ship away from Quay No. 11 and closer to the breakwater, and if possible, to put it under the supervision of the authorities present at the port." <sup>12</sup>
February 22, 2014	The General Directorate of Customs sends a letter to the National Trading and Shipping Agency, the <i>Rhosus's</i> maritime agent, noting that on November 21, 2012, the <i>Rhosus</i> arrived to Beirut Port with 2,750 bags of High Density Ammonium Nitrate on board but that the agency did not describe the nature of the cargo on the ship's Unified List. The General Directorate requests the agency appear before the department to explain the reason for the violation. <sup>13</sup>

<sup>9</sup> See Annex 2, April 2, 2014 Ministry of Public Works Ship Inspection and Report. See also Alison Tahmizian Meuse, "Lebanon probes procurement of 'death ship' Rhosus," *Asia Times*, <https://asiatimes.com/2020/08/lebanon-probes-procurement-of-death-ship-rhosus/> (accessed June 25, 2021); Organized Crime and Corruption Reporting Project, "A Hidden Tycoon, African Explosive, and a Loan from a Notorious Bank: Questionable Connections Surround Beirut Explosion Shipment," August 21, 2020, <https://www.occrp.org/en/investigations/a-hidden-tycoon-african-explosives-and-a-loan-from-a-notorious-bank-questionable-connections-surround-beirut-explosion-shipment> (accessed June 22, 2021); Muriel Rozelier, "From the Rhosus' Departure to the Port Explosion, Chronicle of a Disaster Foretold," *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercedulevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021).

<sup>10</sup> See Annex 2, April 2, 2014 Ministry of Public Works Ship Inspection and Report; April 8, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority.

<sup>11</sup> See Annex 2, December 20, 2013 Enforcement Department impounds *Rhosus*.

<sup>12</sup> See Annex 2, February 21, 2014 Letter from Head of Anti-Narcotics and Anti-Money Laundering Section in Customs to Customs Administration Anti-Smuggling Department.

<sup>13</sup> See Annex 2, February 22, 2014 Letter Noting *Rhosus's* Unified List Does Not List Ammonium Nitrate.

<p>February 28, 2014</p>	<p>The National Trading and Shipping Agency responds to the Customs Manifest Department, asking to be exempted from the violation. They describe the ammonium nitrate on the <i>Rhosus</i> as “2755.500 tons of High Density Ammonium Nitrate IMO 5.1 in 2750 big bags” and write:</p> <p>“As far as we know, the Unified List of the ship does not mention the type of merchandise but mentions only its number, weight and the destination country, noting that we mentioned the content and type of these goods in the Notice and Recognition ((علم وخبر) and in the application we attached with the Notice and Recognition and in NAJEM [Custom's software] in the Transit section. The maritime [manifest] detachment was given a copy of the transit manifest upon the ship's arrival in which the content of the merchandise was mentioned. We kindly ask you to exempt us from this violation since we did not know that we should mention the type of the merchandise on the Unified List.”<sup>14</sup></p> <p>The head of the Customs Manifest Department then asked the head of the Beirut Brigades, who supervises the Manifest Detachment, whether the ship’s transit manifest was shown to them and whether the manifest correctly identified the material on board, as the customs law requires.<sup>15</sup> According to the Manifest Department, the head of the Beirut Brigades refused to receive this request for information.<sup>16</sup> The Manifest Department then escalated the issue to the Customs Regional Directorate of Beirut, who once again “invited” the Beirut Brigades to submit the required information.<sup>17</sup></p>
<p>March 17, 2014</p>	<p>The Beirut Harbor Master, Mohammad al-Mawla, sends a letter to the Maritime Transport Service Head about the dire humanitarian situation of the crew on board the <i>Rhosus</i>. However, he states that the crew cannot leave the ship before their replacements are secured, as the ship’s cargo, ammonium nitrate, is hazardous. He says that he has informed the director general at the Ministry of Public Works and Transport about the ship and its cargo. However, he adds, it is not possible to deal with the goods or place the ship outside the port and requests further instructions.<sup>18</sup></p>
<p>March 31, 2014</p>	<p>The Manifest Detachment (under the Maritime Section, which is under the Beirut Brigades) responds to the Maritime Section on March 31, 2014, saying that the <i>Rhosus’s</i> captain provided them with the Unified List, and then several days later provided them with the transit manifest, upon the request of the head of the Maritime Section. The head of the Manifest Detachment refers to a customs regulation (26036/2004; December 16, 2004) from the General Directorate according to which the manifest for cargo remaining on board a ship does not need to be shown unless there is information about the</p>

<sup>14</sup> See Annex 2, February 28, 2014 Letter from the National Trading and Shipping Agency.

<sup>15</sup> See Annex 2, August 11, 2020 General Directorate of Customs Report to the Minister of Finance.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.; March 27, 2014 Acting Customs Beirut Regional Director forwards file to Beirut Brigades.

<sup>18</sup> See Annex 2, March 17, 2014 Letter from Beirut Harbor Master to the Head of Maritime Transport Service.

	presence of prohibited or monopolized goods on the ship not declared on the Unified List, and after obtaining approval from the director general of customs. <sup>19</sup>
April 1, 2014	<p>The head of the Maritime Section, Captain Nidal Diab, sends a report to the head of the Beirut Brigades, justifying the infraction, in response to a request from the Manifest Department. He finds that the type of merchandise on the <i>Rhosus</i> was not considered “prohibited or monopolized,” but it may be used “in certain proportions to produce prohibited substances, and it is considered a hazardous, restricted substance if used locally.”</p> <p>He cites a document that states that “ammonium nitrate with a nitrogen grade of 34.5% or less is no longer subject to the provisions of legislative decree no. 137/59 [Weapons and Ammunition Law], since it is not an ingredient in the manufacturing of explosives, and hence is classified under the agricultural fertilizers category, which are subject to provisions of the Ministry of Agriculture’s decision no. 13, dated November 23, 1992, included on page 14 of the present circular.” Lebanon’s Weapons and Ammunition Law states that ammonium nitrate with a nitrogen grade of 33.5% or more – not 34.5% or more – is covered by the law as another form of gunpowder and explosive material and, as such, its procurement, assembly, trade, and possession in Lebanon is restricted.<sup>20</sup></p> <p>This report is sent to the acting head of the Beirut Brigade, Colonel Ibrahim Shamseddine, who refers it on the same day to the acting head of the Regional Directorate of Beirut, Moussa Hazimeh, who refers it to the Head of the Port of Beirut Service, who duly refers it to the head of the Manifest Department on April 9, 2014.<sup>21</sup></p>
April 2, 2014	Ship Inspection Service staff from the Ministry of Public Works and Transport, under the Directorate General of Land and Maritime Transport, carry out an inspection of the <i>Rhosus</i> and find conditions have deteriorated. In his report, Inspection Services Captain Haitham Chaaban states that the cargo on board the <i>Rhosus</i> is hazardous material that could cause a chemical reaction, or the material may be not fit for use, or it could leak into the sea. He recommends contacting the ship’s owners and doing what is necessary to ensure that the ship leaves Beirut’s port and Lebanese waters, “since it poses a permanent threat to the safety of maritime navigation and to the protection of the marine ecosystem from pollution.” <sup>22</sup>
April 2, 2014	The Beirut Harbor Master, Mohammad al-Mawla, sends a letter to the director of the Directorate General of Land and Maritime Transport at the Ministry of Public Works and Transport informing him

<sup>19</sup> See Annex 2, March 31, 2014 Manifest Detachment Responds to Beirut Maritime Section; August 11, 2020 General Directorate of Customs Report to the Minister of Finance; August 17, 2020 Letter from Customs to Finance Minister.

<sup>20</sup> Library of Congress, “Firearms-Control Legislation and Policy: Lebanon,” <https://www.loc.gov/law/help/firearms-control/lebanon.php> (accessed June 25, 2021); Legislative Decree 137 (Weapons and Ammunition Law), June 12, 1959, <http://77.42.251.205/LawView.aspx?opt=view&LawID=180890> (accessed June 25, 2021).

<sup>21</sup> See Annex 2, April 1, 2014 Letter from Head of Maritime Section to the Head of the Beirut Brigades; August 11, 2020 Ministry of Finance, General Directorate of Customs Report; August 17, 2020 Letter from Customs to Finance Minister.

<sup>22</sup> See Annex 2, April 2, 2014 Ministry of Public Works and Transport Ship Inspection and Report.

	that seawater is leaking into the <i>Rhosus</i> , which contains ammonium nitrate, a hazardous substance, and that the ship is at risk of sinking. Al-Mawla requests that the director general instruct the Inspection Team to inspect the ship and report back so that the ship does not sink with the hazardous substance on board. <sup>23</sup>
April 7, 2014	Baroudi and Associates law firm, as representatives of the ship’s captain Boris Prokoshev, <sup>24</sup> addresses a letter to the head of Beirut’s Port and delivers and registers it at the Directorate General of Land and Maritime Transport on April 9, 2014, requesting measures be taken to avoid a “maritime catastrophe.” In this letter, the firm states that ammonium nitrate is “considered an extremely hazardous material due to its high flammability and because it is used in the manufacture of explosives” and that as a result it “requires taking due diligence and precaution while stocking or moving it.” It further states that “the interaction of ammonium nitrate with water exposes the cargo to the risk of explosion.” The lawyers attach a 16 page “Timeline of major disasters” caused by ammonium nitrate explosions. <sup>25</sup>  Some of the information provided by the firm incorrectly described the risks posed by the cargo. <sup>26</sup>
April 8, 2014	Abdel Hafiz al-Kaissi, the director of the Directorate General of Land and Maritime Transport in the Ministry of Public Works and Transport, sends a letter to the Case Authority, a body at the Ministry of Justice which acts as the legal representative of the Lebanese State in all judicial and administrative proceedings, requesting that the latter take the necessary measures “to avoid the sinking of the ship loaded with hazardous cargo in Beirut Port, thus avoiding the pollution of the seawater and obstruction of the maritime traffic in Beirut Port, and to speed up the adjudication of the case of the ship and selling it at auction.” <sup>27</sup>  Al-Kaissi fails to mention that ammonium nitrate is combustible or potentially explosive and that it must be secured.
April 14, 2014	Al-Kaissi sends another letter marked very urgent to the Case Authority asking the latter to urgently follow up on the <i>Rhosus</i> ’s case, stating:

<sup>23</sup> See Annex 2, April 2, 2014 Letter from Beirut Harbor Master to the Director of the Directorate General of Land and Maritime Transport.

<sup>24</sup> In some documentation, the captain of the *Rhosus* signed his name as “Prokoshev Borys.” See, for example, Annex 2, April 7, 2014 Letter from Baroudi and Associates Law Firm to Head of Beirut Port.

<sup>25</sup> See Annex 2, April 7, 2014 Letter from Baroudi and Associates Law Firm to Head of Beirut Port.

<sup>26</sup> Ammonium nitrate is non flammable, but it can cause combustible materials to ignite, and under extreme conditions of heat and pressure in a confined space, it will explode. It can be used to make explosives but is principally used as a fertilizer. While ammonium nitrate is hygroscopic, meaning it absorbs moisture, and water absorption does cause it to decompose, degrade, and become more unstable, mixing it with water would not on its own have exposed the cargo to the risk of explosion. See Nortech Labs press release, “The Hazards and Dangers of Ammonium Nitrate,” <https://nortechlabs.com/customer-service/articles-press-releases/hazards-ammonium-nitrate/> (accessed July 12, 2021); Ammonium nitrate compound summary, National Library of Medicine (National Center for Biotechnology Information), <https://pubchem.ncbi.nlm.nih.gov/compound/Ammonium-nitrate#section=DSSTox-Substance-ID> (accessed July 12, 2021).

<sup>27</sup> See Annex 2, April 8, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority.

	<p>“We would like to inform you that the mentioned ship is at high risk of sinking which necessitates that you take the appropriate action as soon as possible to adjudicate its case and sell it in a public auction to prevent the ship from sinking in the Beirut Port waters, especially that it is loaded with ammonium nitrate, which threatens the safety of the maritime navigation and ecosystem in the port.”</p> <p>In the letter, al-Kaissi identifies the ammonium nitrate as a “hazardous substance” but fails to mention that it is potentially explosive and combustible and that it can be used to make explosives.<sup>28</sup></p>
April 17, 2014	Al-Kaissi responds to the April 7, 2014 letter from the Baroudi and Associates law firm. The response recites the risks identified by the firm, including that the ammonium nitrate is highly flammable and used to manufacture explosives, and that precautions must be taken while storing or moving it. Al-Kaissi states that he has written to the Case Authority to take the appropriate actions. <sup>29</sup>
April 30, 2014	After receiving al-Kaissi’s request, the Case Authority appoints Omar Tarabah to represent the Ministry of Public Works and Transport in the matter. <sup>30</sup> On April 30, 2014, Tarabah sends a letter to the judge of urgent matters regarding the <i>Rhosus</i> . In the correspondence, he reiterates the dangers outlined by al-Kaissi and by the Ship Inspection Service’s report, stating that the ship is leaking and in danger of sinking, that it is carrying ammonium nitrate, which is a hazardous substance, and that its cargo could trigger a chemical reaction that would lead to “environmental pollution.” He requests that the judge give the Directorate General of Land and Maritime Transport the authorization to refloat the ship, transport the ammonium nitrate to a safe place and guarantee its security, and sell the ship and the cargo in order to settle the debts incurred by the ship’s owners. <sup>31</sup>
April 30, 2014	Omar Tarabah, the Case Authority’s lawyer, sends a letter to the head of Case Authority where he argues that based on his reading of the law, the head of the port can unilaterally decide to move and secure the ship’s cargo in order to prevent a maritime disaster, and asks whether this is correct and whether he should proceed with this route. <sup>32</sup> There is no apparent response to this from the Case Authority.
May 5, 2014	The Beirut Enforcement Department writes to the head of the Beirut port informing him that the <i>Rhosus</i> would be provisionally impounded and banned from leaving Lebanese waters. <sup>33</sup>
May 7, 2014	Following the Case Authority’s April 30, 2014, request, on May 7, a judge of urgent matters appoints the court’s clerk to investigate the matter and to take a statement from the ship’s owners, the maritime agent, and the captain. <sup>34</sup>

<sup>28</sup> See Annex 2, April 14, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority.

<sup>29</sup> See Annex 2, April 17, 2014 Directorate General of Land and Maritime Transport Response to Baroudi and Associates Law Firm Letter.

<sup>30</sup> Human Rights Watch interview with Marwan Karkabi, the former head of Case Authority, Beirut, Lebanon, June 16, 2021.

<sup>31</sup> See Annex 2, April 30, 2014 Letter from Case Authority to the Urgent Matters Judge.

<sup>32</sup> See Annex 2, April 30, 2014 Letter from Case Authority Lawyer to Case Authority.

<sup>33</sup> See Annex 2, May 5, 2014 Letter from the Beirut Enforcement Department to the Head of the Beirut Port.

<sup>34</sup> See Annex 2, May 7, 2014 Urgent Matters Judge Decision.

<p>May 13, 2014</p>	<p>The General Security office at Beirut’s port prepares an Information Report explaining the circumstances that led to the <i>Rhosus</i> remaining in Beirut’s port and describing the dire humanitarian situation of the crew. The report notes that 2,755.5 tons of ammonium nitrate, which are "extremely hazardous," are still on board the ship. The report notes that one of the companies that is owed debts by the <i>Rhosus’s</i> owner and that filed the request to impound the ship is represented by the Baroudi and Associates law firm.<sup>35</sup> The law firm also represents the <i>Rhosus’s</i> captain.</p>
<p>May 16, 2014</p>	<p>The Director General of General Security, Major General Abbas Ibrahim sends a letter to several officials noting the presence of “several tonnes of an extremely hazardous substance,” high-density ammonium nitrate, on board the <i>Rhosus</i>.<sup>36</sup> The letter reiterates the information in the May 13, 2014, General Security office’s Information Report.<sup>37</sup></p> <p>During a press conference on July 23, 2021, former Interior Nohad Machnouk confirms having received this letter on May 21 or May 22, 2014.<sup>38</sup></p> <p>Ibrahim’s letter was also sent to former President Michel Sleiman, former Prime Minister Tammam Salam, and former Public Works and Transport Minister Ghazi Zeaiter.<sup>39</sup></p> <p>In a response to a letter from Human Rights Watch, on July 15, 2021 former Prime Minister Tammam Salam said that he first learned about the presence of the ammonium nitrate in hangar 12 from media reports that referenced letters sent from State Security to the President and Prime Minister shortly before the August 4, 2020 explosion and that he learned about the danger the material’s storage in hangar 12 posed after the explosion. He denied ever having been informed in any official correspondence “about the matter” while he was Prime Minister.<sup>40</sup></p>
<p>June 2, 2014</p>	<p>Al-Kaissi sends a letter marked “very urgent” to the Case Authority, reiterating the urgency of the request to sell the ship in a public auction in order to avoid “a maritime disaster” that would threaten “public safety, notably the safety of life in addition to the safety of the maritime navigation and the marine ecosystem.”</p>

<sup>35</sup> See Annex 2, May 13, 2014 General Security Office’s Information Report.

<sup>36</sup> See Annex 2, May 16, 2014 Letter from the Director General of General Security; See also “اللواء أرسله سري بريد على تحصل ”الجديد““ بيروت مرفأ في روسوس الباخرة حجز عن ابراهيم عباس مرفأ ضبطا يوقف العدلي المحقق“، July 3, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=yIregfaHnDc> at 1:26 (accessed July 21, 2021); Radwan Murtada, “بيروت مرفأ ضبطا يوقف العدلي المحقق“، *Al-Akhbar*, September 3, 2020, <https://al-akhbar.com/Politics/293380> (accessed July 22, 2021).

<sup>37</sup> See Annex 2, May 16, 2014 Letter from the Director General of General Security.

<sup>38</sup> “مؤتمر صحفي للوزير السابق نهاد المشنوق حول ملف نيتيرات الامونيوم في حادثة مرفأ بيروت“، July 23, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=nDqmyhmaV74> (accessed July 25, 2021), at 6:25.

<sup>39</sup> “بيروت مرفأ في روسوس الباخرة حجز عن ابراهيم عباس اللواء أرسله سري بريد على تحصل ”الجديد““، July 3, 2021, YouTube; Radwan Murtada, “إياها؟ حملهم التي المسؤوليات هي ما: بيروت مرفأ ضبطا يوقف العدلي المحقق“، *Al-Akhbar*, September 3, 2020.

<sup>40</sup> See Annex 5, Letter from Tammam Salam to Human Rights Watch.

	He states that the material is “hazardous” and inaccurately writes that the ship may explode if it sinks with the ammonium nitrate on board. <sup>41</sup> He states this would lead to a “humanitarian, maritime, and environmental catastrophe at the port.” <sup>42</sup> He fails to mention that ammonium nitrate is combustible, that it can be used to make explosives, and that it must be secured.
June 5, 2014	The Case Authority writes to the judge of urgent matters again, asking the latter to authorize the requested measures as soon as possible and reiterating the dangers listed by al-Kaissi. <sup>43</sup>
June 25, 2014	On June 25, 2014, the Urgent Matters Court’s clerk adds his investigation to the case file. <sup>44</sup>
June 27, 2014	A judge of urgent matters issues a ruling authorizing the Ministry of Public Works and Transport to refloat the ship after “moving the material onboard and storing it in an appropriate place under its custody, after taking the necessary measures given the hazardous material onboard the ship.” The judge refuses to authorize the sale of the ship for lack of jurisdiction. He appoints the court’s clerk to enforce the ruling. <sup>45</sup> The ledger prepared by the judge of urgent matters reflects that on July 8, 2014, Omar Tarabah, the Case Authority’s lawyer, appeared on behalf of the petitioner and obtained a true copy of the decision issued on June 27, 2014 and signed it. <sup>46</sup> On July 11, 2014, Tarabah informs the Case Authority of the decision and requests that the Case Authority inform the Directorate General of Land and Maritime Transport. <sup>47</sup> The General Directorate of Customs and the Directorate General of Land and Maritime Transport receive official notification on September 26, 2014 of the judge’s decision. <sup>48</sup>
June 27, 2014	According to an Al-Jadeed TV news report, on this date the Urgent Matters Court clerk goes to the port to examine the cargo, but authorities tell him they want to delay the removal of the cargo until a future date. <sup>49</sup>
August 20, 2014	The Director of Political and Consular Affairs at the Ministry of Foreign Affairs sends a letter to the Ministry of Public Works and Transport attaching a letter from the Ukrainian embassy requesting that the embassy be apprised of the measures taken in implementing the judge of urgent matter’s June 27,

<sup>41</sup> See, Nortech Labs press release, “The Hazards and Dangers of Ammonium Nitrate.” See also, Ammonium nitrate compound summary, National Library of Medicine (National Center for Biotechnology Information).

<sup>42</sup> See Annex 2, June 2, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority.

<sup>43</sup> See Annex 2, June 5, 2014 Letter from Case Authority to the Urgent Matters Judge.

<sup>44</sup> See Annex 2, June 25, 2014 the Court’s Clerk Adds His Investigation to Case File.

<sup>45</sup> See Annex 2, June 27, 2014 Ruling by the Urgent Matters Judge; June 27, 2014 Ruling by the Urgent Matters Judge to Task Clerk.

<sup>46</sup> See Annex 2, July 8, 2014 Urgent Matters Judge Ledger.

<sup>47</sup> See Annex 2, July 11, 2014 Letter from Case Authority Lawyer to Case Authority.

<sup>48</sup> See Annex 2, September 26, 2014 Urgent Matters Judge Ledger.

<sup>49</sup> “بيروت مرفأ حادثه عن الاولى للمرة تعرض وصور جديدة معطيات يكثفان موسى بو لبال و قبيسي رياض” [August 15, 2020. video clip. YouTube.](https://www.youtube.com/watch?v=shvxEAUWhKY) <https://www.youtube.com/watch?v=shvxEAUWhKY> (accessed June 23, 2021), at 8:48-9:06.

	2014 decision, which was attached to the letter. <sup>50</sup> The Minister of Public Works and Transport, Ghazi Zeaiter, receives this letter on August 22, 2014. <sup>51</sup>
September 3, 2014	In a letter addressed to the port authority, Al-Kaissi requests the assignment of a location for the cargo to be stored. Al-Kaissi states that the material is hazardous. <sup>52</sup>
October 21, 2014	The port's director general, Hassan Koraytem responds to al-Kaissi, assigning part of a hangar "designated for the storage of hazardous substances." The response leaves blank the number of the hangar. <sup>53</sup>
October 23-24 2014	The Port Authority and two companies transfer the ammonium nitrate from the <i>Rhosus</i> to hangar 12. <sup>54</sup>
October 23, 2014	The General Security office prepares a Confidential Information Report confirming that the transfer of the ammonium nitrate has begun, and it describes the material as a "hazardous substance used in the demolition of rocks and the production of agricultural fertilizers." <sup>55</sup>
October 24, 2014	Nehme Brax, the head of the Manifest Department at the port, sends a letter to Hanna Fares, the director of Customs' Port of Beirut Service, warning about the dangers of storing the ammonium nitrate in hangar 12. He writes: "to avoid any potential disaster resulting from the ignition of the material, and given that their storage requires special facilities that are not available on the port premises, we propose to approve handing them over immediately to the competent security authorities, hence the 'Lebanese Army Command,' or re-exporting them, in both cases, requesting the approval of the Court of Urgent Matters. It remains a duty to bring the dangerousness of the matter to the attention of the judge of urgent matters." <sup>56</sup>
November 13, 2014	The urgent matters court's clerk tasked with implementing the judge's ruling goes to the port and finds the ammonium nitrate has already been placed in hangar 12. <sup>57</sup> The clerk writes an "implementation report" confirming that the material has been moved and appoints Mohammad al-Mawla, the Beirut harbor master, as the "judicial guard" over the material. On the same day, Al-Mawla signs with

<sup>50</sup> See Annex 2, August 20, 2014 Letter from the Ministry of Foreign Affairs and Emigrants Received by the Minister of Public Works and Transport.

<sup>51</sup> Ibid.

<sup>52</sup> See Annex 2, September 3, 2014 Letter from the Directorate General of Land and Maritime Transport to Beirut's Port Authority.

<sup>53</sup> See Annex 2, October 21, 2014 Letter from Beirut Port's Director General to the Directorate General of Land and Maritime Transport.

<sup>54</sup> See Annex 2, October 23, 2014 General Security Office's Information Report; October 24, 2014 Letter from Head of the Manifest Department to the Head of the Customs Port of Beirut Service; November 26, 2014 Letter from Directorate of Land and Maritime Transport to Case Authority; "بيروت مرفأ حادثه عن الأولى للمرة تعرض وصور جديدة معطيات يكشفتان موسى بو ليال و قبيسي رياض," August 15, 2020, [YouTube](#), at 8:10-8:18.

<sup>55</sup> See Annex 2, October 23, 2014 General Security Office's Information Report.

<sup>56</sup> See Annex 2, October 24, 2014 Letter from Head of the Manifest Department to the Head of the Customs Port of Beirut Service.

<sup>57</sup> "بيروت مرفأ حادثه عن الأولى للمرة تعرض وصور جديدة معطيات يكشفتان موسى بو ليال و قبيسي رياض," August 15, 2020, [YouTube](#), at 9:06-9:50; See Annex 2, November 14, 2014 General Security Office's Information Report.

	reservations, stating that he has no authority over the warehouses, as they are under the authority of the customs administration and the port authority. <sup>58</sup>
November 14, 2014	The General Security office at the port prepares an Information Report in which they confirm that the court’s clerk came to port, prepared an “implementation report” that the goods had been moved to hangar 12, and appointed Mohammad al-Mawla as the judicial guard. The General Security office’s report identifies the ammonium nitrate as a “hazardous substance used in the demolition of rocks and the production of agricultural fertilizers.” <sup>59</sup>
November 26, 2014	Al-Kaissi sends a letter to the Case Authority asking them to “take all the necessary measures” to sell the <i>Rhosus</i> and its cargo under auction “in a prompt and immediate manner” because the ship is at risk of sinking, which would pose a danger to the “marine navigation, public safety, and the environment.” He writes that the money from the sale would go towards paying the fees accrued in the process of moving and storing the cargo. Again, he fails to mention any other dangers posed by the ammonium nitrate, and, unlike with the letters he sent before the cargo was offloaded, his letters are no longer marked “very urgent.” <sup>60</sup>
December 5, 2014	The Director General of Customs, Shafik Merhi, sends a letter to the judge of urgent matters asking him to request that the <i>Rhosus</i> ’s maritime agent re-export the ammonium nitrate currently stored in hangar 12, as it is “extremely hazardous and poses a danger to the place in which it is stored.” He adds that it is imperative for the cargo to be re-exported to “preserve the safety of the port and those who work in it.” <sup>61</sup> The judge of urgent matters receives the letter on December 6, 2014. <sup>62</sup>
December 8, 2014	The judge of urgent matters returns the customs director’s December 5, 2014 letter on December 8, 2014 on procedural grounds. <sup>63</sup>
December 18, 2014	Omar Tarabah, the Case Authority lawyer, responds to al-Kaissi’s November 26, 2014 letter where al-Kaissi requested that the <i>Rhosus</i> and its cargo be sold to preserve safety. Tarabah notes that the administration did not properly or fully implement the judge of urgent matters’ June 27, 2014 decision, as it was supposed to refloat the ship and transport the hazardous goods to an appropriate place for storage, and therefore the danger should have ceased. He notes further that the Lebanese state is “owed no outstanding dues by the ship owners and does not have an enforcement deed or court ruling to legally submit a request to enforce and collect a debt bond by selling the ship, to collect the debt if

<sup>58</sup> See Annex 2, November 14, 2014 General Security Office’s Information Report; May 28, 2020 Head of State Security at Beirut Port Report.

<sup>59</sup> See Annex 2, November 14, 2014 General Security Office’s Information Report.

<sup>60</sup> See Annex 2, November 26, 2014 Letter from Directorate of Land and Maritime Transport to Case Authority.

<sup>61</sup> See Annex 2, December 5, 2014, Letter from Customs Officials to Urgent Matters Judge.

<sup>62</sup> See Annex 2, December 5, 2014 Letter from Customs Officials to Urgent Matters Judge Logged as Received on December 6, 2014.

<sup>63</sup> See Annex 2, December 8, 2014 Urgent Matters Judge Returns Customs Letter.

	matured, and there is no collection order issued by the Administration in this regard.” <sup>64</sup> There is no apparent response to this letter from the Ministry of Public Works and Transport.
January 12, 2015	Port officials refer lists of abandoned goods that have been stored in the warehouses longer than the legally permissible six months to Hassan Koraytem, the port authority director. The port officials note that these lists were sent to the Customs Administration on their due date. Koraytem refers the document and lists to the operations department at the port and requests an inventory and a new report with pictures of each warehouse. <sup>65</sup>
January 14, 2015	Port officials request the inspection and repair of several warehouses and their doors, including warehouse 12, in an internal memo. Koraytem approves the request on January 15 and instructs the port authorities to do what is necessary. On the same day, port officials request increasing the lighting around several warehouses, including warehouse 12. Koraytem approves the request on January 15 and instructs the port authorities to do what is necessary. <sup>66</sup>
January 23, 2015	<p>The lawyer in Lebanon for Savaro Limited, which owns the cargo and is registered as a chemical trading company in the United Kingdom, requests that the judge of urgent matters appoint an expert to inspect the quality and quantity of the ammonium nitrate. Savaro Limited’s lawyer writes:</p> <p>“The petitioning company [Savaro Limited] requests to know the status of these merchandise [the ammonium nitrate in hangar 12] present in the port to take the adequate decision in that regard, notably since the incurred damage is huge and since the company pays daily storage fees at the port. Therefore, we ask your esteemed judgeship to appoint an expert to inspect the merchandise, determine their condition and quantity, <i>and specify whether they are fit for use.</i>”<sup>67</sup></p> <p>The judge appoints the expert on the same day. Customs is informed of this decision on January 26 and the expert is informed on January 28.<sup>68</sup></p>
February 16, 2015	<p>The Ministry of Justice receives the report of the expert assigned to inspect the ammonium nitrate on February 16, 2015. She writes in her report that she visited the port on February 4, 2015, but that Savaro Limited’s lawyer did not come. She found:</p> <p>“After inspection of the merchandise, it turned out that the merchandise is in dire condition, the bags were torn, and the material was leaking outside the bags and its color changed. The following photos are proof of the merchandise conditions.</p>

<sup>64</sup> See Annex 2, December 18, 2014 Response from Case Authority Lawyer to the Directorate General of Land and Maritime Transport.

<sup>65</sup> See Annex 2, January 12, 2015 Internal Port Management Memo.

<sup>66</sup> See Annex 2, January 14, 2015 Internal Port Management Memo.

<sup>67</sup> [See Annex 2](#), January 23, 2015 Petition from Savaro Limited’s Lawyer.

<sup>68</sup> Human Rights Watch interview with confidential source, July 13, 2021.

	<p>It was impossible to count the bags because of the way in which they are stored and because they were placed in an unorganized way that they cannot be counted. But according to the Bill of Lading, the number of the bags is 2,750.</p> <ul style="list-style-type: none"> <li>- Attached hereto is a copy of the Bill of Lading</li> </ul> <p>Furthermore, and according to the Entry form, 1,950 out of the 2,750 bags were torn.</p> <ul style="list-style-type: none"> <li>- Attached hereto is a copy of the entry form</li> </ul> <p>Ammonium nitrates are used primarily as fertilizers, and they can be used in the manufacture of explosives.</p> <p>Whether the goods in the untorn bags were fit for use, these goods are usually fit for use if they did not absorb humidity but to make sure of that, they need to be analyzed. However, the petitioner [Savaro Limited] refused that.</p> <p>Thus, the material in the torn bags should be disposed of according to the local environmental control regulations.”<sup>69</sup></p>
March 9, 2015	The Directorate General of Land and Maritime Transport requests that the College of Industrial Studies inspect and analyze the ammonium nitrate to determine its nature, uses, date of manufacture and expiry date, and whether it can be disposed of in Lebanon or elsewhere, and at what cost. <sup>70</sup>
May 9, 2015	Nehme Brax, the head of the Manifest Department at the port, sends a letter to his superior, the head of the Port of Beirut Service, explaining that even though the customs director general had sent a request to the judge of urgent matters on December 5, 2014, they have yet to receive a decision related to the fate of the ammonium nitrate held in hangar 12. Brax requests instructions on how to proceed, “to avoid the liability that might arise from the ignition of these materials.” <sup>71</sup>
June 5, 2015	The Customs Administration reportedly sends a letter to the judge of urgent matters on June 5, 2015, asking that the judge request from the “concerned Maritime Agency to re-export the quantity of ammonium nitrate unloaded from the ship <i>RHOSUS</i> and stored in the customs hangar number 12 of the Port of Beirut.” <sup>72</sup> This letter is referenced in a letter that the customs director general sends to judge of urgent matters on December 28, 2017. <sup>73</sup> However, there is no record of this letter in the judge of urgent matters’ ledger. <sup>74</sup>

<sup>69</sup> See Annex 2, February 16, 2015 Cargo Inspection Expert’s Report.

<sup>70</sup> See Annex 2, March 9, 2015 Letter from Directorate General of Land and Maritime Transport.

<sup>71</sup> See Annex 2, May 9, 2015 Letter from Head of the Manifest Department.

<sup>72</sup> “Beirut Blast: Who Knew What, When?,” *Barron’s*, August 12, 2020, <https://www.barrons.com/news/beirut-blast-who-knew-what-when-01597245304> (accessed June 23, 2021); “Officials long warned of explosive chemicals at Beirut port,” CNBC, August 7, 2020, <https://www.cnbc.com/2020/08/08/officials-long-warned-of-explosive-chemicals-at-beirut-port.html> (accessed June 23, 2021); See Annex 2, December 28, 2017 Letter from Customs to Urgent Matters Judge.

<sup>73</sup> See Annex 2, December 28, 2017 Letter from Customs to Urgent Matters Judge.

<sup>74</sup> See Annex 2, July 1, 2015 Urgent Matters Judge Response to Customs.

June 30, 2015	Customs Director General Shafik Merhi sends a letter to a judge of urgent matters on June 30, 2015, which reiterates the request from the December 2014 letter. <sup>75</sup> The judge’s ledger reflects that on June 30, 2015, a letter requesting the re-export of merchandise is received from the General Directorate of Customs, and it is appended to the file. <sup>76</sup>
July 1, 2015	The judge of urgent matters responds to Merhi’s June 30, 2015 letter by referring the request to the Case Authority, the original petitioner in the case, to take a position and submit a request in the correct legal manner. <sup>77</sup>
July 3, 2015	Nehme Brax, the head of the Manifest Department at the port, sends to the head of the Port of Beirut Service an inventory of all the goods stored in customs warehouses that customs is requesting to destroy. Brax notes that the inventory does not include the goods in hangar 12, as “it was impossible to do an inventory because it is filled with bags of impounded ammonium nitrate.”  Brax recommends exceptionally getting approval to destroy the material only from the Customs Administration and the Cassation Public Prosecution, rather than all the relevant ministries, administrations, and municipalities, given the danger that these goods pose to public health and the surrounding environment. <sup>78</sup>
July 20, 2015	The Case Authority sends a letter to the judge of urgent matters on July 20, 2015 requesting that the judge compel the <i>Rhosus’s</i> maritime agent to move the ammonium nitrate outside Lebanese territories at its expense and under its responsibility. <sup>79</sup>
July 22, 2015	In response to the July 20 letter, the judge of urgent matters sends a letter to the Case Authority on July 22, 2015 asking the petitioner to clarify whether the cargo had been seized by the Enforcement Department. The judge also requests information within three days from the maritime agent about the ship’s owner and charterer, the cargo owner, means to contact them, and whether they have been contacted. <sup>80</sup>  The judge of urgent matters’ ledger reflects that on August 4, 2015, Tarabah, the Case Authority’s lawyer, is informed of the July 22, 2015 decision. Further, it states that on August 5, 2015, the petitioner, i.e., the Case Authority, demonstrated that they had executed the judge’s order. On the same day, the maritime agent was notified of the judge’s decision. <sup>81</sup>

<sup>75</sup> “ضاهر؟ بدري ل قال ماذا . المشتعلة المواد عن المسؤولين ويكشف المرفأ في 12 العنبر ملف يفتح قبيسي رياض” August 5, 2020, video clip, YouTube, <https://www.youtube.com/watch?v=ZoBgZ3cNgfk> (accessed June 24, 2021) at 19:19-19:25.

<sup>76</sup> See Annex 2, June 30, 2015 Urgent Matters Judge Ledger.

<sup>77</sup> See Annex 2, July 1, 2015 Urgent Matters Judge Response to Customs.

<sup>78</sup> See Annex 2, July 3, 2015 Letter from Head of the Manifest Department.

<sup>79</sup> See Annex 2, July 20, 2015 Letter from Case Authority to Urgent Matters Judge.

<sup>80</sup> See Annex 2, July 22, 2015 Urgent Matters Judge Decision.

<sup>81</sup> Ibid.

	According to the ledger, on September 7, 2015, the court received the requested information from the maritime agent. <sup>82</sup>
September 11, 2015	The judge of urgent matters decides to summon the petitioner, i.e., the Case Authority, and the maritime agent, to a session on September 16, 2015 to provide clarifying information and to address pending issues. <sup>83</sup> Reportedly, neither one appears for the session. <sup>84</sup>
November 19, 2015	The Lebanese Army Command informs the General Directorate of Customs that, upon inspection, the nitrogen content of the 2,755.5 tons of ammonium nitrate in hangar 12 is unmarked and requests laboratory testing to confirm its nitrogen grade. The letter is signed by Walid Salman, Jean Kahwaji's chief of staff, on the commander's behalf. <sup>85</sup>
December 8, 2015	Nehme Brax, head of the Manifest Department at the port, sends a letter to the head of the Port of Beirut Service, Hanna Fares, recommending that they invite the relevant parties, as well as the chemical expert previously appointed by a judge of urgent matters, to extract new samples and provide the results to the Army Command. Fares receives the letter on December 9, registers it, approves it, and forwards it to the head of the Regional Directorate of Beirut, Hani Hajj Shehadeh, on December 11. Shehadeh receives it on December 12, registers it, approves it, and forwards it to the General Directorate of Customs, which receives it on December 18. <sup>86</sup>
February 1, 2016	Nehme Brax, head of the Manifest Department at the port, sends a letter to the head of the Customs Regional Directorate of Beirut explaining that an expert extracted a sample of the ammonium nitrate on January 20, 2016 and found that the nitrogen grade of the ammonium nitrate was 34.7 percent. Brax references earlier requests from October 24, 2014 and May 9, 2015 and reiterates his proposal to "to hand over the material immediately to the competent security authorities, the Lebanese Army Command, or re-export them due to the risk they pose and the disaster that might arise if they catch fire or explode." <sup>87</sup>
February 27, 2016	The director general of the Customs Administration, Shafik Merhi, responds to the Army Command informing them that the nitrogen grade of the ammonium nitrate at the port is 34.7 percent. <sup>88</sup>  Ammonium nitrate with a nitrogen grade of 33.5 percent or more falls under Legislative Decree 137/1959 (also known as the Weapons and Ammunition Law) as another form of gunpowder and

<sup>82</sup> See Annex 2, September 11, 2015 Urgent Matters Judge Decision.

<sup>83</sup> Ibid.

<sup>84</sup> "الفاقد حكم يسقط"، March 5, 2021, video clip, YouTube, <https://www.youtube.com/watch?app=desktop&v=VtsXxAShKAE> (accessed June 23, 2021), at 35:05-36:00.

<sup>85</sup> [See Annex 2](#), November 19, 2015 Army Request for a Sample to be Analyzed.

<sup>86</sup> [See Annex 2, December 8, 2015 Letter from the Manifest Department](#).

<sup>87</sup> [See Annex 2, February 1, 2016 Letter from Manifest Department](#).

<sup>88</sup> [See Annex 2](#), February 27, 2016 Response from Customs to the Army.

	explosive material and, as such, its procurement, assembly, trade, and possession in Lebanon is restricted. <sup>89</sup>
April 7, 2016	In a letter signed by the chief of staff, Walid Salman, on behalf of Jean Kahwaji, then-Commander of the Lebanese Army, he informs the Customs Administration that it has no need for the ammonium nitrate and suggests selling the material to Lebanese Explosives Company (Majid Shammas & Co.), or re-exporting the material to the source country at the expense of the owner. <sup>90</sup>
May 20, 2016	The director general of customs, Shafik Merhi, sends a letter to the judge of urgent matters on May 20, 2016, informing him that the Lebanese Army did not have a need for the material, and stating that “given the extreme danger caused by the cargo remaining in the warehouse in unfavorable climatic conditions,” customs reiterates its request that the judge ask the maritime agent to re-export the material immediately “to preserve the safety of the port and those who work in it,” or approve selling the ammonium nitrate to the company identified by the army. <sup>91</sup>  The judge confirms receipt of the request from customs on May 21, 2016. <sup>92</sup>
June 1, 2016	The judge of urgent matters responds to the director general of customs Shafik Merhi’s letter on June 1, 2016 confirming his previous responses and also referring a copy of the request to the Case Authority, who is the original petitioner in this case, requesting that they assess whether the court of urgent matters is authorized to look into the matter. The judge writes:  “We have decided to reconfirm the previous decisions to return the letters sent directly by the administration on procedural grounds, and to refer a copy of the current request, once again, to the Case Authority to follow up on the proceedings, and implement the decision dated September 11, 2015, and to discuss whether the court [of Urgent Matters] is competent to look into the request, and the legal basis.” <sup>93</sup>
June 16, 2016	The director general of customs, Shafik Merhi, sends a letter on June 16, 2016 to the Case Authority via the Ministry of Finance. In the letter, he requests that the Case Authority transfer his letter to the judge of urgent matters so he can request that the Maritime Agency re-export the ammonium nitrate or approve the sale to the company identified by the Army. He cites “the extreme risk of the presence of this merchandise in the hangar, in unfavorable climatic conditions” and requests immediate action “to ensure the safety of the Port and the persons working there.” Then-Minister of Finance Ali Hassan Khalil signs the letter on September 10, 2016 and refers it directly to the judge of urgent matters rather than to the Case Authority. <sup>94</sup>

<sup>89</sup> Library of Congress, “Firearms-Control Legislation and Policy: Lebanon”; Legislative Decree 137 (Weapons and Ammunition Law), June 12, 1959.

<sup>90</sup> See Annex 2, April 7, 2016 Letter from the Army to Customs.

<sup>91</sup> See Annex 2, May 20, 2016 Letter from Customs to Urgent Matters Judge.

<sup>92</sup> See Annex 2, May 21, 2016 Urgent Matters Judge Receives Request from Customs.

<sup>93</sup> See Annex 2, June 1, 2016 Urgent Matters Judge Response to Customs.

<sup>94</sup> See Annex 2, June/September 2016 Customs-Ministry of Finance Letter to Case Authority.

October 13, 2016	<p>Customs officials send another request regarding the ammonium nitrate to the judge of urgent matters on October 13, 2016, requesting that the ammonium nitrate be re-exported or sold to Lebanese Explosives Company (Majid Shamma &amp; Co.), according to Badri Daher.<sup>95</sup></p> <p>The judge of urgent matters' ledger confirms the receipt of the letter.<sup>96</sup></p>
October 17, 2016	<p>The judge of urgent matters issues his decision in response to customs' October 13, 2016 request on October 17, 2016. In it, he reiterates his previous response and delegates the clerk to send a copy to the Case Authority to do what is necessary. He writes:</p> <p>“Further to all the previous decisions, and in light of the letters sent repeatedly and directly from the Administration and the failure to enforce any of the previous decisions, we decide to underline the previous decision and task the clerk with sending a copy of the record to the competent authority and the Case Authority to take the necessary action and to submit the requests procedurally, to be enforced as soon as possible.”<sup>97</sup></p> <p>On October 18, 2016, a notification document is sent to the Case Authority at the Ministry of Justice and the General Directorate of Customs.<sup>98</sup></p>
March 2017	<p>Shafik Merhi is replaced by Badri Daher as the director general of the Customs Administration.<sup>99</sup></p>
July 19, 2017	<p>The Customs Administration sends a letter to the judge of urgent matters on July 19, 2017, reportedly asking that the judge request from the “concerned Maritime Agency to re-export the quantity of ammonium nitrate unloaded from the ship <i>RHOSUS</i> and stored in the customs hangar no. 12 of the Port of Beirut.”<sup>100</sup></p>

<sup>95</sup> Timour Azhari, “Beirut blast: Tracing the explosives that tore the capital apart,” *Al Jazeera*, August 5, 2020, <https://www.aljazeera.com/news/2020/8/5/beirut-blast-tracing-the-explosives-that-tore-the-capital-apart> (accessed June 29, 2021); “Beirut Blast: Who Knew What, When?,” *Barron’s*, August 12, 2020; Samia Nakhoul, “Initial investigations point to negligence as cause of Beirut blast, source says,” *Reuters*, August 5, 2020, <https://www.reuters.com/article/us-lebanon-security-blast-warehouse/initial-investigations-point-to-negligence-as-cause-of-beirut-blast-source-idUSKCN2511G7> (accessed June 29, 2021); “Officials long warned of explosive chemicals at Beirut port,” *CNBC*, August 7, 2020; See Annex 2, December 28, 2017 Letter from Customs to Urgent Matters Judge.

<sup>96</sup> See Annex 2, October 13, 2016 Judge of Urgent Matters Receives Letter from Customs.

<sup>97</sup> See, Annex 2, October 17, 2016 Urgent Matters Judge Decision

<sup>98</sup> *Ibid.*

<sup>99</sup> “Cabinet approves military, judicial appointments,” *NNA*, March 8, 2017, <http://nna-leb.gov.lb/en/show-news/76328/nna-leb.gov.lb/en> (accessed July 24, 2021).

<sup>100</sup> “Beirut Blast: Who Knew What, When?,” *Barron’s*, August 12, 2020; “Officials long warned of explosive chemicals at Beirut port,” *CNBC*, August 7, 2020; See Annex 2, December 28, 2017 Letter from Customs to Urgent Matters Judge.

	This letter is referenced in a letter that the Customs Director General Badri Daher sends to the judge of urgent matters on December 28, 2017. <sup>101</sup> The judge of urgent matters' ledger confirms receipt of this letter on July 19, 2017. <sup>102</sup>
August 14, 2017	<p>The judge of urgent matters issues a decision in response to Daher's July 19, 2017 letter on August 14, 2017, saying the court has no authority and to follow up with the Case Authority. He writes:</p> <p>"We decide to notify the petitioner [the Case Authority on behalf of the Ministry of Public Work and Transport] once again, given they have capacity to move forward with the case and that no decision can be made before notifying the petitioner which initially submitted the petition. We also decide to task the petitioner with taking a position and discussing the competence of the iudge of urgent matters to determine the responsibility for or to transfer the ownership of the cargo, within one week from the date of notification, and tasking the clerk to notify."<sup>103</sup></p> <p>The judge of urgent matters' ledger reflects that Omar Tarabah, the Case Authority lawyer, appeared before the court clerk on August 14 and the judge notified him of the decision, but that he said that, based on the instructions of the head of the Case Authority, he could not receive any documents directly from the clerk, and that a notification should be sent to the Case Authority.<sup>104</sup></p> <p>On September 13, 2017, the Case Authority is notified of the August 14, 2017 decision.<sup>105</sup></p>
December 18, 2017	Minister of Public Works and Transport Youssef Fenianos sends a letter to the Case Authority reiterating previous requests for the Case Authority to ask the Enforcement Department to take the necessary measures to sell the ship and its cargo at auction or to re-export the materials via the maritime agent. <sup>106</sup> The letter only mentions the dangers posed by the ship sinking to maritime safety and the environment, but again, does not mention any dangers posed by the cargo in the hangar.
December 28, 2017	The director general of the Customs Administration, Badri Daher, sends another letter to the judge of urgent matters on December 28, 2017, referencing five letters customs sent between 2014 and 2017. He reiterates the request to the judge to either ask the maritime agency to re-export the material or to approve a sale to the Lebanese Explosives Company. <sup>107</sup>
December 28, 2017	A new urgent matters judge responds to the letter from Daher in the same way as her predecessor. She writes:

<sup>101</sup> See Annex 2, December 28, 2017 Letter from Customs to Urgent Matters Judge.

<sup>102</sup> See Annex 2, July 19, 2017 Judge of Urgent Matters Receives Request from Customs.

<sup>103</sup> See Annex 2, August 14, 2017 Urgent Matters Judge Decision.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

<sup>106</sup> See Annex 2, December 18, 2017 Letter from Minister of Public Works and Transport to Case Authority.

<sup>107</sup> See Annex 2, December 28, 2017 Letter from Customs to Urgent Matters Judge.

	<p>“It was decided to notify the petitioner [i.e. the Case Authority] of the request issued on December 28, 2017, as it is the relevant party to proceed with the file,” and “tasking it with taking a decision and [illegible] discussing the extent of this court’s competence in settling the issue of transferring ownership of the merchandise within one week from the date of notification and tasking the clerk with completing the notification.”<sup>108</sup></p> <p>The Case Authority is informed of this decision on January 31, 2018.<sup>109</sup></p>
February 15, 2018	Acting on behalf of the Case Authority, Tarabah responds to the judge of urgent matters’ request to discuss the court’s competence on February 15, 2018, arguing that the judge has jurisdiction to authorize the sale of the ship and the cargo, and requesting that the judge approves this sale. <sup>110</sup> The letter is received by the judge of urgent matters on the same day, but there is no apparent response from the court.
February 20, 2018	The Customs Manifest Detachment sends a report to the head of the Maritime Section alerting him that the <i>Rhosus</i> sank on February 18, 2018. <sup>111</sup>
February 22, 2018	The General Security office prepares an Information Report noting that a committee from the Ministry of Environment went to the site where the <i>Rhosus</i> sank and will file a detailed report to the Ministry of Environment regarding the necessity to pull the shipwreck out to avoid further polluting the seawater. The committee is accompanied by members of the Military Intelligence branch at the port, General Security’s office’s Investigative Unit, and the Marine Forces of the Lebanese Army. <sup>112</sup>
March 5, 2018	Minister of Public Works and Transport Youssef Fenianos notifies the Case Authority that the ship has sunk and requests that it ask the Enforcement Department to urgently take the necessary measures to sell the ship and the cargo under auction or to re-export the materials via the maritime agent. Once again, Fenianos only mentions the dangers posed by the shipwreck on maritime safety and the environment, and does not mention any dangers posed by the ammonium nitrate in the hangar. <sup>113</sup>
March 8, 2018	Tarabah is informed via the Case Authority that the Directorate General of Land and Maritime Transport said that the <i>Rhosus</i> sank on February 18, 2018 and that they requested that the shipwreck and the material that was on board be sold immediately via the Enforcement Department given “the dangers of the shipwreck staying in the water and the ammonium nitrate staying in the port.” <sup>114</sup>
March 14, 2018	Nehme Brax, the head of the Manifest Department at the port, sends a letter to his superior, the head of the Port of Beirut Service, outlining all of the steps that the Customs Administration and he personally have taken to resolve the case of the <i>Rhosus</i> . He states that on three previous occasions, he

<sup>108</sup> See Annex 2, December 28, 2017 Judge of Urgent Matters Responds to Customs.

<sup>109</sup> “الفاقد حكم يسقط” 5-3-2021,” March 5, 2021, YouTube, at 39:11.

<sup>110</sup> Ibid.

<sup>111</sup> See Annex 2, February 20, 2018 Customs Report Related to the Sinking of *Rhosus*.

<sup>112</sup> See Annex 2, February 22, 2018 General Security Office Information Report.

<sup>113</sup> See Annex 2, March 5, 2018 Ministry of Public Works and Transport Letter to Case Authority.

<sup>114</sup> See Annex 2, April 17, 2018 Request from Case Authority Lawyer to Enforcement Department.

	has requested that customs seek approval from the judge of urgent matters to re-export the ammonium nitrate or hand them over to the army “given its hazardous nature and the catastrophe that might occur if it catches fire or explodes.” He reiterates his request to get approval from the judge of urgent matters to settle the fate of the cargo, “to avoid any liability that might arise from the ignition of the material, especially that summer is coming.” <sup>115</sup>
April 10, 2018	Following a Customs Directorate request to provide the army with diesel engines, Brax informs the Head of Port of Beirut Service that the engines cannot be retrieved as they are stored in warehouse 12, which is filled with ammonium nitrate bags. Brax reiterates his March 14, 2018 request to ask the judge of urgent matters to settle the case. <sup>116</sup>
April 17, 2018	Tarabah writes to the Enforcement Department requesting that they declare jurisdiction over the sale of the shipwreck and the cargo that was on board, and approve the request to sell the material to the Lebanese Explosives Company or in a public auction given “the dangers posed by the material and the state of the ship.” <sup>117</sup>
August 16, 2018	In a letter from Treveria Environment, a company that treats medical and chemical waste, to Customs Director Badri Daher, the company states that although their field inspection in November 2017 of the customs warehouses revealed 200 tons of medical and chemical waste, that number has likely increased to 300 tons. <sup>118</sup> Given the ammonium nitrate in hangar 12 upon arrival was over 2,750 tons, this letter suggests that hangar 12 was not part of Treveria Environment’s field inspection. <sup>119</sup>
September 12, 2018	Minister of Public Works and Transport Youssef Fenianos sends a letter to the Case Authority referencing the previous requests, which the ministry says have gone unanswered, noting that the ship sank near the breakwater at the port and requesting to sell the shipwreck in public auction. <sup>120</sup> Once again, Fenianos does not mention any of the dangers posed by the ammonium nitrate in hangar 12.
September 12, 2018	Customs Director Badri Daher writes to the finance minister requesting that funds be transferred to the Customs Administration in order to pay Treveria Environment for their services in packing, transferring, and treating expired medicines and chemicals in the custody of customs. <sup>121</sup>
October 4, 2018	In a letter responding to Daher’s September 12, 2018 letter, the head of the Higher Customs Council, Assad al- Tufayli, writes that after securing the necessary funds from the Finance Ministry, a special committee should be formed to draft a contract with Treveria Environment. <sup>122</sup>
October 15, 2018	The Enforcement Department approves the Case Authority’s request to sell the shipwreck in an auction and to appoint an expert to inspect and appraise the shipwreck and pay him 700,000 Lebanese

<sup>115</sup> See Annex 2, March 14, 2018 Letter from Head of the Manifest Department.

<sup>116</sup> See Annex 2, April 10, 2018 Letter from Head of the Manifest Department.

<sup>117</sup> See Annex 2 April 17, 2018 Request from Case Authority Lawyer to Enforcement Department.

<sup>118</sup> See Annex 2, August 16, 2018 Treveria Environment Letter.

<sup>119</sup> “عفوياً يكن لم بيروت مرفأً حادثة سبب الذي الإهمال بالمستندات : قبيسي رياض,” February 19, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=Fl3g2fqz7D4> (accessed June 23, 2021) at 28:59-29:19.

<sup>120</sup> See Annex 2, September 12, 2018 Minister of Public Works and Transport Letter to Case Authority.

<sup>121</sup> See Annex 2, September 12, 2018 Letter from Customs Director to Ministry of Finance.

<sup>122</sup> “عفوياً يكن لم بيروت مرفأً حادثة سبب الذي الإهمال بالمستندات : قبيسي رياض,” February 19, 2021, YouTube, at 27:14.

	pounds (US\$466 at the official exchange rate) to begin his work. The Enforcement Department's decision, however, does not include the cargo in hangar 12. <sup>123</sup>
March 26, 2019	Omar Tarabah sends a request, for the third time, via the Case Authority to the Ministry of Public Works and Transport, asking them to abide by the decision of the Enforcement Department on October 15, 2018, which stipulates the ministry should pay the expert the Enforcement Department appointed 700,000 Lebanese pounds (US\$466 at the official exchange rate) in advance to cover his fees in appraising the shipwreck. <sup>124</sup>
April 2019	The Lebanese General Directorate of State Security, which is the executive agency of the Higher Defense Council chaired by the President, establishes an office at the port tasked with fighting corruption there. <sup>125</sup> The office is led by Major (then-Captain) Joseph Naddaf. <sup>126</sup>
April 11, 2019	Omar Tarabah sends a letter to the Enforcement Department, explaining that despite several requests to the Ministry of Public Works and Transport to pay the expert appointed by the Enforcement Department in advance of him commencing his work, the Ministry has refused. He asks the Enforcement Department to either request that the expert conduct the inspection before getting paid or appoint a new expert. <sup>127</sup>
April 15, 2019	The Enforcement Department forwards a copy of the Case Authority's letter to the expert and requests that he indicate his position within five days. <sup>128</sup>
April 18, 2019	The expert responds to the Enforcement Department, declining to begin his inspection before getting paid. <sup>129</sup>
April 23, 2019	The Enforcement Department appoints a second expert, after the first expert they identified had declined to appraise the shipwreck on April 18, 2019. <sup>130</sup> The newly designated expert is formally informed on June 18, 2019. <sup>131</sup>

<sup>123</sup> See Annex 2, October 15, 2018 Decision by the Enforcement Department.

<sup>124</sup> See Annex 2, March 26, 2019 Request from Case Authority Lawyer to the Ministry of Public Works and Transport.

<sup>125</sup> "بواجباته القيام عن تقاسع ومن التحقيق ضلل من وسيعاقب بصمت يعمل من سينصف القانون: الدولة أمن" *NMA*, August 11, 2020, <http://nna-leb.gov.lb/ar/show-news/496152/> (accessed June 22, 2021); "12 العنبر "سر" يكشف اللبناني الدولة أمن..بيروت انفجار", *Sky News Arabic*, August 11, 2020, <https://www.skynewsarabia.com/middle-east/1368228-%D8%A7%D9%86%D9%81%D8%AC%D8%A7%D8%B1-%D8%A8%D9%8A%D8%B1%D9%88%D8%AA-%D8%A7%D9%94%D9%85%D9%86-%D8%A7%D9%84%D8%AF%D9%88%D9%84%D8%A9-%D8%A7%D9%84%D9%84%D8%A8%D9%86%D8%A7%D9%86%D9%8A-%D9%8A%D9%83%D8%B4%D9%81-%D8%B3%D8%B1-%D8%A7%D9%84%D8%B9%D9%86%D8%A8%D8%B1-12> (accessed June 22, 2021).

<sup>126</sup> "12 العنبر "سر" يكشف اللبناني الدولة أمن..بيروت انفجار", *Sky News Arabic*, August 11, 2020; Ben Hubbard, Maria Abi-Habib, Mona El-Naggar, Allison McCann, Anjali Singhvi, James Glanz, and Jeremy White, "How a Massive Bomb Came Together in Beirut's Port," *New York Times*, September 9, 2020, <https://www.nytimes.com/interactive/2020/09/09/world/middleeast/beirut-explosion.html> (accessed June 22, 2021).

<sup>127</sup> See Annex 2, April 11, 2019 Request from Case Authority Lawyer to Enforcement Department.

<sup>128</sup> See Annex 2, April 15, 2019 Enforcement Department Letter to Cargo Inspection Expert.

<sup>129</sup> See Annex 2, April 23, 2019 Enforcement Department Decision.

<sup>130</sup> Ibid.

<sup>131</sup> See Annex 2, June 18, 2019 Enforcement Department Decision.

September 2019	According to a confidential source, Nehme Brax, the head of the Manifest Department at the port, informs Joseph Naddaf, the head of the State Security office in the port, about the ammonium nitrate in hangar 12. <sup>132</sup>
December 7, 2019	Joseph Naddaf sends a letter to his superiors alerting them about the ammonium nitrate in hangar 12, that it is dangerous, and that hangar 12 is not secure. <sup>133</sup>
December 18, 2019	State Security takes video of ammonium nitrate in hangar 12 showing some bags are torn and partially emptied. <sup>134</sup>
January 27, 2020	Major General Tony Saliba, the director general of State Security, orders a full investigation into the ammonium nitrate and instructs Joseph Naddaf to send his findings to the competent judiciary when completed. <sup>135</sup>
February 7, 2020	<p>The expert appointed by the Enforcement Department enters the port for the first time.<sup>136</sup> According to a General Security office’s Information Report compiled on the same day, the expert and Tarabah, the Case Authority’s lawyer, went to hangar 12 to inspect the ammonium nitrate, which the report describes as “hazardous material used to make dynamite but can be used as fertilizer.” The expert states that the material would be assessed by specialized committees and valued before being placed in auction.<sup>137</sup></p> <p>The expert never compiles his report on the ammonium nitrate, reportedly because he was unable to conduct the appraisal as he was not given an inventory of the goods he was meant to assess.<sup>138</sup></p> <p>According to an Al-Jadeed TV news report, in his statement to Cassation Public Prosecutor Ghassan Oueidat after the blast, the expert said he was shocked by the catastrophes and the level of negligence inside the hangar as this material could pose a danger to public safety. He reportedly said there was a big black box in the hangar that the officials refused to let him inspect.<sup>139</sup></p>
May 28, 2020	Joseph Naddaf completes the investigation that Major General Tony Saliba, the director general of State Security, had tasked him with conducting into the ammonium nitrate. Naddaf’s report details the circumstances that led to the <i>Rhosus</i> docking in Beirut and the ammonium nitrate being stored in hangar 12. Although Naddaf’s report has some inaccuracies, the report clearly warns of the ammonium nitrate’s dangers. Naddaf writes:

<sup>132</sup> Human Rights Watch interview with confidential source, July 6, 2021.

<sup>133</sup> See Annex 2, May 28, 2020 Head of State Security at Beirut Port Report.

<sup>134</sup> “لحظات قبل 12 رقم العنبر في الأمتونيوم يظهر خاص وفيديو جديدة معطيات يكشفان الأمين وهادي قبيسي رياض” August 22, 2020, video clip, YouTube, <https://www.youtube.com/watch?v=F8vv1L-A6DE> (accessed June 28, 2021) at 40:00-40:30.

<sup>135</sup> See Annex 2, Undated State Security Internal Report.

<sup>136</sup> See Annex 2, February 7, 2020 General Security Office’s Information Report.

<sup>137</sup> Ibid.

<sup>138</sup> “بيروت مرفأ حادثه عن الأولى للمرة تعرض لصور جديدة معطيات يكشفان موسى بولبال و قبيسي رياض” August 15, 2020, YouTube, at 28:35-30:05.

<sup>139</sup> Ibid, at 54:20.

	<p>“After consulting with one of our chemical specialists, they confirmed to us that ammonium nitrate, in case it caught fire, would cause a huge explosion with catastrophic consequences on the port of Beirut. We also fear that this material would get stolen, because the thief could use it to make explosives.”</p> <p>Naddaf presents his findings to the then-military prosecutor, Peter Germanos. However, Germanos allegedly refuses to take over the case.<sup>140</sup> As a result, Naddaf contacts the Cassation Public Prosecutor, Ghassan Oueidat on the same day, who instructs Naddaf to summon and interrogate two port officials.<sup>141</sup></p>
June 1, 2020	<p>Naddaf concludes his investigation, contacts Judge Oueidat by phone, and refers a copy to the Cassation Public Prosecution and another to the Directorate General of State Security.<sup>142</sup> On the same day, Oueidat instructs Naddaf via phone to instruct the port authority to provide security for hangar 12, appoint a warehouse keeper, and fix the doors and walls.<sup>143</sup> The stamp on the document indicates that the official report was sent to the Directorate General of State Security on June 3, 2020.<sup>144</sup> Judge Oueidat receives the report on June 4, 2020.</p>
June 3, 2020	<p>Prime Minister Hassan Diab is first made aware of the ammonium nitrate in Beirut’s port. That evening, his advisor, Khodr Taleb, attends a private dinner with Major General Tony Saliba, the director general of State Security, and while there calls Diab and tells him that Saliba said that there were 2,700 kilograms of TNT seized at the port.<sup>145</sup> He says that Saliba told him that his investigation into the matter is ongoing and that they are preparing a report.<sup>146</sup></p> <p>Diab said that based on the information he received from his advisor, he decided to go to the port, and that evening he contacted the head of the ministerial guard, Colonel Mohammad Abdallah to arrange his visit. Abdallah went to the port and called Diab back the same evening to tell him that some of the information he received was incorrect: that it was 2,700 tons, not kilograms, that it was ammonium nitrate, not TNT, and that it had been there since 2013. Since he was given contradictory information, Diab said he asked Abdallah to inform Saliba’s men to finalize their report on the matter within days</p>

<sup>140</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021; See also Annex 2, Undated State Security Internal Report. Saliba said that Germanos refused to take over the case, because the judge of urgent matters had already issued a decision on the matter, However the reason may have been that Judge Germanos had submitted his resignation in February 2020. President Aoun accepted it in June 2020. Malak Aqeel, “جرمانوس استقالة يقبل عون” *Asas Media*, June 8, 2020, <https://www.asasmedia.com/news/386262>; “Germanos to resign from judicial duties: source,” *Daily Star Lebanon*, February 7, 2020, <http://dailystar.com.lb/News/Lebanon-News/2020/Feb-07/500709-germanos-to-resign-from-judicial-duties.ashx> (accessed July 22, 2021).

<sup>141</sup> See Annex 2, May 28, 2020 Head of State Security at Beirut Port Report.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

<sup>145</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021; Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021.

<sup>146</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

	<p>and send it to him so he could have an informed visit. Diab said that, at the time, he did not know what ammonium nitrate was.<sup>147</sup></p> <p>Saliba disputed Diab’s account and said that he personally spoke with him by phone that night and told him that 2,700 tonnes of ammonium nitrate were in the port and that they were explosive.<sup>148</sup> He also said that Diab knew the quantity and nature of the material that night, as Naddaf sent Abdallah the ammonium nitrate’s Entry Form, which clearly stated that 2,750 metric tons of ammonium nitrate, which were classed on the form as “explosives,” were stored in hangar 12.<sup>149</sup> Saliba showed Human Rights Watch a record of a WhatsApp message that he said was between Naddaf and Abdallah showing the ammonium nitrate’s Entry Form, that was sent on June 3 at 11:31 pm, but it does not include sender or recipient information.<sup>150</sup> Saliba denied that Diab asked for a report on the matter.<sup>151</sup></p>
June 4, 2020	<p>On the order of Cassation Public Prosecutor Ghassan Oueidat, State Security sends a letter to the Port Authority, requesting that they:</p> <p>“Commission whoever needed at the Port of Beirut to secure guards to hangar 12, to appoint a warehouse manager to the abovementioned hangar, to ensure the maintenance of all the doors, and to close the cavity/hole in the southern wall and the other cavities if present, in addition to closing all the doors tightly due to the presence of hazardous material, "Ammonium Nitrate" which is used to manufacture explosives.”<sup>152</sup></p>
June 9, 2020	<p>The General Security office at the port writes a report about the investigation that Naddaf conducted into the ammonium nitrate, which Naddaf concluded on June 1, 2020. The report states that State Security’s Port Office summoned Mohammad Al-Mawla, the Beirut Harbor Master, to take his statement regarding the ammonium nitrate in hangar 12. The report also mentions that State Security communicated with Judge Oueidat because the goods were still unsupervised even after al-Mawla’s appointment as a judicial guard. Al-Mawla filed a letter with the general prosecution explaining that he is unable to fulfill his role as judicial guard, as warehouses fall under the authority of customs and the port’s administration. According to the report, Judge Oueidat delegates the duty of guarding the seized goods to the port’s administration.<sup>153</sup></p>

<sup>147</sup> Ibid.

<sup>148</sup> Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021.

<sup>149</sup> Ibid.

<sup>150</sup> See Annex 2, June 3, 2020 WhatsApp Message from the Head of the State Security Office in the Port to the Head of the Ministerial Guard with an image of the *Rhosus*’s Entry Form Noting Ammonium Nitrate is Explosive.

<sup>151</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021; Human Rights Watch interview with Major General Tony Saliba, Director General of State Security, Beirut, Lebanon, June 16, 2021.

<sup>152</sup> See Annex 2, June 4, 2020 Request from State Security to the Port Authority of Beirut.

<sup>153</sup> See Annex 2, June 9, 2020 General Security Office Information Report.

June 17, 2020	Ziad Awf, whose title appears to be Head of Service and Lead Auditor, sends a letter to the head of the Port Authority, Hassan Koraytem, informing him that based on State Security's request, the relevant entities have been contacted to provide hangar 12 with security, supervise the hangar, and issue orders to intensify the patrols around hangar 12 to five per day. <sup>154</sup>
July 20, 2020	<p>State Security sends a three-page report about the ammonium nitrate to President Michel Aoun and Prime Minister Hassan Diab. The report summarizes the findings of State Security's investigation into the matter. While the report contains the same errors that are in Naddaf's May 28, 2020 report, the report warns that the 2,750 tonnes of ammonium nitrate that were on board the <i>Rhosus</i> and subsequently placed in hangar 12 "are used to make explosives." The report notes the results of the test conducted by the chemical expert which found that the nitrogen grade of the ammonium nitrate was 34.7 percent and that it was therefore classified as "dangerous material."<sup>155</sup></p> <p>The State Security report further states that one of their chemical specialists "confirmed that this material is dangerous and is used to make explosives, and in case this material was stolen, the thief could use it to make explosives."<sup>156</sup> The report concludes that there was negligence on the part of the Beirut port authority in securing hangar 12 and that no action was taken on the part of the official institutions to stave off the danger of the material being stolen or ignited.<sup>157</sup></p>
July 21, 2020	President Aoun's office said that he first found out about the ammonium nitrate in hangar 12 on July 21, 2020 after receiving the State Security report. <sup>158</sup>
July 22, 2020	Prime Minister Hassan Diab told Human Rights Watch that he received the State Security report on July 22, 2020 from Major General Mahmoud al-Asmar, the secretary general of the Higher Defense Council. Diab said he instructed al-Asmar to send the report to the Justice Ministry and the Public Works Ministry to study it, send their recommendations, and take the necessary measures. During an interview with Human Rights Watch on June 8, 2021, he said he read the report but then appeared to contradict this by saying he did not "go through the 30 pages" of the report. <sup>159</sup> In response to a letter from Human Rights Watch asking for clarification about this statement, Diab said that he did in fact read the report, and his office later said that his comment about the report being 30 pages was hyperbole. <sup>160</sup>

<sup>154</sup> See Annex 2, June 17, 2020 Port Authority of Beirut's Measures Following State Security's Letter.

<sup>155</sup> See Annex 2, July 20, 2020 State Security Report.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> Lebanese Presidency's Twitter page, December 12, 2020, <https://twitter.com/LBpresidency/status/1337722267967647749> (accessed June 24, 2021).

<sup>159</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

<sup>160</sup> Correspondence from Prime Minister Diab's Advisor received on July 24, 2021 and July 31, 2021 on file with Human Rights Watch.

July 24, 2020- August 3, 2020	On July 24, the secretary general of the Higher Defense Council sends a letter to the Ministry of Public Works and Transport and Ministry of Justice calling on them to “take appropriate action.” <sup>161</sup> The Minister of Public Works and Transport, Michel Najjar, did not receive the letter until ten days later on August 3, noting, “I was informed [of the ammonium nitrate at the port] 24 hours before the explosion, when I got a letter from the Supreme Defence Council.” <sup>162</sup> Upon receiving the letter, Najjar reportedly instructed his advisor to contact Hassan Koraytem, Beirut Port general manager, and request all relevant documents from him. <sup>163</sup> The Ministry of Justice receives the correspondence on July 27 and issues a statement on August 8 in which they said they had no authority to intervene in the matter because the “dossier was referred to the general prosecution.” <sup>164</sup> According to Prime Minister Diab the Justice Minister received the report after the explosion, as she was out of the country at the time. <sup>165</sup>
August 4, 2020	At 6:08 p.m. there is a devastating explosion in Beirut, destroying or damaging half the city. The explosion kills 218 people, wounds over 7,000 people, and forcibly displaces over 300,000 people. According to the World Bank, the explosion causes an estimated US\$3.8-4.6 billion in material damage.
August 5, 2020	Baroudi and Associates law firm issues a press statement regarding its work related to the representation of the <i>Rhosus’s</i> captain and crew. It says, in part: “our firm, as the captain’s representative, was writing to officials at the Beirut port and Ministry of Transport, urging them to take urgent measures to prevent threats resulting from the condition of the ship and its cargo, which could have sunk [or] exploded at any moment.” <sup>166</sup>
August 6, 2020	The Cassation Public Prosecutor sends a letter to the Commander of the Military Police, asking that the latter support and facilitate the work of the French technical team, who had been assigned to provide technical support in the investigation, in accessing the scene of the explosion and conducting technical studies. <sup>167</sup>
August 8, 2020	The secretary general of the Higher Defense Council confirms that “as the authority that receives and refers security reports to the prime minister,” prior to July 22, 2020, the Higher Defense Council Secretariat had not received any correspondence regarding the ammonium nitrate. <sup>168</sup>

<sup>161</sup> Facebook, Major General Mahmoud al-Asmar, Photo of Letter to the Ministry of Public Works and Transport and Ministry of Justice, August 8, 2020, <https://www.facebook.com/masmarofficial/photos/a.2425079864192687/3515251855175477/> (accessed July 22, 2021).

<sup>162</sup> “Beirut Blast: Who Knew What, When?,” *Barron’s*, August 12, 2020.

<sup>163</sup> “Beirut blast: who knew what, when?,” *RFI*, August 12, 2020, <https://www.rfi.fr/en/wires/20200812-beirut-blast-who-knew-what-when> (accessed June 23, 2021).

<sup>164</sup> “للتنفيذ المرفقاً إدارة إلى أحيل قضائي قرار تنفيذ إجراءات في التدخل صلاحياتنا من ليس: العدل وزارة” *NNA*, August 8, 2020, <http://nna-leb.gov.lb/ar/show-news/495618/nna-leb.gov.lb/en> (accessed June 29, 2021).

<sup>165</sup> Human Rights Watch interview with Caretaker Prime Minister Hassan Diab, Beirut, Lebanon, June 8, 2021.

<sup>166</sup> See Annex 2, August 5, 2020 Baroudi and Associates Law Firm Press Statement.

<sup>167</sup> See Annex 2, August 6, 2020 Letter from Public Prosecutor to the Commander of the Military Police.

<sup>168</sup> See Annex 2, August 8, 2020 Statement from the Secretary General of the Higher Defense Council.

August 10, 2020	The Customs Manifest Detachment sends to the Maritime Section a copy of the "entire file" of the <i>Rhosus</i> ship, along with "all correspondence" since its entry into Beirut's port on November 21, 2013 until August 4, 2020. <sup>169</sup>
August 11, 2020	<p>The General Directorate of Customs sends a confidential report to the finance minister about the ammonium nitrate that was stored in hangar 12, based on a request for information by the finance minister. In the report, customs states that they attached 48 pages of correspondence that had been sent by the Customs Regional Directorate of Beirut about the ammonium nitrate. The report states that even before the ammonium nitrate was unloaded into the port, the Anti-Narcotics and Money Laundering Section had received information about the ammonium nitrate and recommended that the ship be pushed back to the breakwater.</p> <p>The report goes on to describe an internal customs investigation into whether or not the ammonium nitrate was correctly identified on shipping documents, including the ship's manifest.<sup>170</sup> The report states that as part of the investigation, on April 1, 2014, the head of the Central Section referred the case to the head of Beirut Brigades, indicating that the type of merchandise on the <i>Rhosus</i> was not considered "prohibited or monopolized, but it may be used in certain amounts to produce prohibited material that are considered dangerous and under restrictions if they are to be locally consumed." Based on this information, the Manifest Department recommended excusing the violation of not correctly identifying the ammonium nitrate on the ship's Unified List.<sup>171</sup></p>
August 17, 2020	The acting head of customs sends a letter to the finance minister making a correction in the August 11, 2020 report saying that the letter should have identified the head of the Maritime Section instead of the head of the Central Section as having claimed that the merchandise on the <i>Rhosus</i> was not considered "prohibited or monopolized." <sup>172</sup> The head of the Maritime Section at that time was Captain Nidal Diab. <sup>173</sup>

<sup>169</sup> See Annex 2, August 10, 2020 Ministry of Finance, General Directorate of Customs Request.

<sup>170</sup> See Annex 2, August 11, 2020 General Directorate of Customs Report to the Minister of Finance.

<sup>171</sup> Ibid.

<sup>172</sup> See Annex 2, August 17, 2020 Letter from Customs to Finance Minister.

<sup>173</sup> See signature "عفوياً يكن لم بيروت مرفأً حادثه سبب الذي الإهمال بالمستندات : قبيسي رياض" February 19, 2021, YouTube, at 10:04.

## Annex 2: Source Documents

February 13, 2013 Letter from Ministry of Energy to Customs



الجمهورية اللبنانية  
وزارة الطاقة والمياه  
السويد

ترقم الصادر: ٥/٧.١٦  
لتاريخ: ٢٠١٣/٢/٢٠

جانب المديرية العامة للجمارك

الموضوع: إدخال مؤقت لأليات ومعدات المسح الزلزالي الثنائي الأبعاد في البر.

المرجع: العقد تاريخ ٢٠١٢/٠٣/٣٠ فيما بين وزارة الطاقة والمياه وشركة SPECTRUM .

بالإشارة إلى الموضوع والمرجع المبينان أعلاه،

بناء على العقد المبرم مع شركة SPECTRUM من أجل القيام بأعمال المسوحات الزلزالية الثنائية الأبعاد في البر.

بناء على التكاليف المعطى من قبل شركة SPECTRUM لشركة GSC الأردنية من أجل القيام بتنفيذ الأعمال المذكورة أعلاه.

وحيث أن تنفيذ الأشغال المذكورة أعلاه يحتاج إلى إدخال المعدات والأليات المذكورة في الجدول المرفق ربطاً لفترة مؤقتة قبل تاريخ ٢٠١٣/٢/٢٠. على أن يتم الإدخال المؤقت لصالح شركة "كوجيك ش.م.ل." وكيل شركة SPECTRUM في لبنان.

وبناء لمقتضيات المصلحة العامة،

يرجى من جانبكم إعطاء التعليمات اللازمة لتسهيل وتسريع الدخول المؤقت لهذه المعدات والأليات

شاكرين تعاونكم،

وزير الطاقة والمياه

المهندس جبران ياسين

نقطا .

## September 6, 2013 Letter from Ministry of Energy to Customs



رئاسة اللبنيّة  
وزارة الطاقة والمياه  
الوزير

الرقم الصادر: ٨٢٥٣/م  
التاريخ: ٦/٩/٢٠١٣

جانب المديرية العامة للجمارك

الموضوع: إدخال مؤقت لآليات ومعدات المسح الزلزالي الثنائي الأبعاد في البر.

المرجع: العقد تاريخ ٢٠١٢/٠٣/٣٠ فيما بين وزارة الطاقة والمياه وشركة SPECTRUM.

بالإشارة إلى الموضوع والمرجع المبينين أعلاه،

بناء على العقد المبرم مع شركة SPECTRUM من أجل القيام بأعمال المسوحات الزلزالية الثنائية الأبعاد في البر.

بناء على التكاليف المعطى من قبل شركة SPECTRUM لشركة GSC الأردنية من أجل القيام بتنفيذ الأعمال المذكورة أعلاه.

وحيث أن تنفيذ الأشغال المذكورة أعلاه يحتاج إلى إدخال المعدات والآليات المذكورة في الجدول المرفق ربطاً لفترة مؤقتة. على أن يتم الإدخال المؤقت لصالح شركة "كوجيك ش.م.ل." وكيل شركة SPECTRUM في لبنان.

وبناء لمقتضيات المصلحة العامة،

يرجى من جانبكم إعطاء التعليمات اللازمة لتسهيل وتسريع الدخول المؤقت لهذه المعدات والآليات وإعتبار هذا الكتاب بمثابة ضمانات للضرائب والرسوم التي قد تتوجب.

شاكرين تعاونكم.

وزير الطاقة والمياه

المهندس جبران باسيل



٤٠١

September 23, 2013 *Rhosus's* Bill of Lading

CODE NAME: "CONGENBILL". EDITION 1994		Page
Shipper "RUSTAVI AZOT" LLC		<b>BILL OF LADING</b> TO BE USED WITH CHARTER-PARTIES
Consignee TO THE ORDER OF BANCO INTERNACIONAL DE MOCAMBIQUE		B/L No.1
Notify FABRICA DE EXPLOSIVOS AV.SAMORA MACHEL, PARCELA 10 MATOLA-MOCAMBIQUE		<b>FIRST ORIGINAL</b>
Vessel	Port of loading	
M/V "RHOSUS"	BATUMI PORT, PORT OF BLACK SEA	
Port of discharge BEIRA PORT-MOZAMBIQUE		
Shipper's description of goods: HIGH DENSITY AMMONIUM NITRATE IMO 5.1		GROSS WEIGHT: 2750,40 MTS NET WEIGHT: 2750,00 MTS NUMBER OF FULL BIG BAGS - 2750 PCS
"CLEAN ON BOARD" "FREIGHT PAYABLE AS PER CHARTER PARTY"		
(of which on deck at Shipper's risk, the Carrier not being responsible for loss or damage howsoever arising)		
Freight payable as per CHARTER-PARTY dated 04/ 09 /2013  FREIGHT ADVANCE. Received on account of freight:  Time used for loading ..... Days.....hours		SHIPPED at the Port of Loading in apparent good order and condition on board the Vessel for carriage to the Port of Discharge or so near thereto as she may safely get the goods specified above. Weight, measure, quality, quantity, condition, contents and value unknown. IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of Bills of Lading indicated below all of this tenor and date, any one of which being accomplished the others shall be void.  FOR CONDITIONS OF CARRIAGE SEE OVERLEAF
Freight payable at AS PER C/P Number of original Bs/L 3/3		Place and date of issue Batumi, Georgia on 23 /09/ 2013  Signature The Master of m/v "RHOSUS" Capt. ABAKUMOV VIACHESLAV

Printed and sold by  
Fr.G. KnudtzonsBogtrykkari A/S, 61 Vallensbaekvej,  
DK-2625 Vallensbaek, Telefax +45 43 66 07 08  
by authority of The Baltic and International Maritime Council,  
(BIMCO), Copenhagen



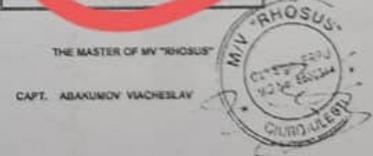
September 27, 2013 *Rhosus's* Cargo Manifest

"RUSTAVI AZOT" LLC  
RUSTAVI, GEORGIA, MSHVIDOBIS STR. 2

CARGO MANIFEST

Shipped per m/v : "RHOSUS"  
Port of Loading : BATUMI PORT, PORT OF BLACK SEA  
Destination : BEIRA PORT, MOZAMBIQUE  
Date : 27.09.2013

Nº B/L	SHIPPER	CONSIGNEE	NOTIFY	FREIGHT/MARKS	DESCRIPTION OF GOODS	WEIGHT MT
1	"RUSTAVI AZOT" LLC, FOR AND ON BEHALF OF DREYMOOR FERTILIZERS OVERSEAS PTE LTD	TO THE ORDER OF BANCO INTERNACIONAL DE MOCAMBIQUE	FABRICA DE EXPLOSIVOS AV.SAMORA MACHEL, PARCELA 10 MATOLA-MOCAMBIQUE	"CLEAN ON BOARD" "FREIGHT PAYABLE AS PER CHARTER PARTY"	HIGH DENSITY AMMONIUM NITRATE - IMO 5.1	GROSS WEIGHT: 2755,500 MTS NET WEIGHT: 2750,800 MTS NUMBER OF FULL BIG BAGS: 2750



November 16, 2013 Rhosus's Transit Manifest

## الوكالة الوطنية للتجارة والشحن

بيروت في: 2013/11/16

حضرة السيد رئيس المفزة الجمركية المحترم

تحية و احترام

المستدعي: الوكالة الوطنية للتجارة و الشحن  
الموضوع: الباخرة "RHOSUS"

نعلمكم بوصول الباخرة "RHOSUS" الرافعة العلم "MOLDOVA"  
مرفاً بيروت بتاريخ 2013/11/20-19 وعلى متنها 2755.500 طن  
(HIGH DENSITY AMMONIUM NITRATE IMO 5.0)  
برسم الترانزيت ، البضاعة مشحونة من مرفاً - BATUMI  
الى مرفاً GEORGIA - MOZAMBIQUE BEIRA - لصالح  
شركة BANCO INTERNACIONAL DE MOCAMBIQUE

فالرجاء اخذ العلم بذلك  
نسخة عن المانيفست مرفقة بالطلب

وتفضلوا بقبول الاحترام



# November 16, 2013 *Rhosus's* Notice and Recognition Form

Directorate General of Land & Maritime Transport  
 المديرية العامة للنقل البري والبحري

علم وخبر بوصول سفينة

التاريخ: 16/11/2013

حضرة السيد رئيس المفزة الجمركية المحترم

Agent Name:	الوكالة الوطنية للتجارة والشحن	اسم الوكيل:	Agent Sing:	196	رمز الوكيل:
Registered Owner:	BRIAWOOD CORPORATION, PANAMA	المالك المسجل:	Name of Ship:	RHOSUS	اسم السفينة:
Gross Tonnage:	1900 T	الحمولة القسمة:	Voyage ID:	NTS-I-5	رقم المنظمة الدولية:
Net Tonnage:	964 T	الحمولة الصافية:	IMO Nr:	8630344	رقم السفينة:
Dead Weight:	3226 T	الحمولة الوزنية:	Flag:	MOLDOVA	جنسيتها:
Draught:	4.9 M	الفاطس:	Type:	GENERAL CARGO	نوعها:
LOA:	86.6 M	الطول الكلي:	Year Of Built:	1986	تاريخ البناء:
TUZLA / TURKEY	المرقا ما قبل الاخير:	Class Society:	MARITIME LLYOD	هيئة التصنيف:	
PIRAEUS / GREECE	قائمة من:	NoOf ISSC:		رقم الشهادة الدولية لامن السفينة:	
AQABA / JORDAN	مغادرة الر:	Registration Port:	GIURGIULESTI	ميناء التسجيل:	
8:00 الساعة:	19-20 /11/2013	Call Sign:	ERPU	حروف النداء:	
13:00 الساعة:	TO ORDER	MMSI:	214181621	MMSI:	
	التاريخ المتوقع للمغادرة:	Captain Name:	ABAKUMOV VACHESLAV	اسم القبطان:	

أقر كشف لدولة المرقا ضمن مظرة تفاهم دول البحر المتوسط (المكان و التاريخ):

Fast P.S.C Inspection Within Mediterranean MOU (PLACE & DATE):

عدد الحاويات:	عدد البضائع المتوي تريفها (طن):	198 طن
عدد البضائع المتوي:	عدد البضائع المتوي تحتها (طن):	5 CONTAINERS + 8 TRUCKS
نوع البضاعة:	عدد ايام التفرغ المتوقعة:	
عدد ايام الشحن المتوقعة:	عدد ايام الشحن المتوقعة:	يوم واحد

( CORRECT TECHNICAL NAME / PROPER SHIPPING NAME الاسم التجاري )

خاص بالادارة:

علمت بواسطة:	اسم المستلم:	التاريخ:
اسم الملحق:	تاريخ التخليط:	الرقم:

Looking Number: (تدخل بواسطة الملحق)

November 21, 2013 Rhosus's Unified List

M/V RHOSSUS  
 FLAG MOLDOVA

PIRAEUS ON: 16/11/2013  
 BEIRUT ON : 21/11/2013

VOYAGE NO : NTS-I-5

GOODS RECAPITULATION

CARGO FOR BEIRUT/LEBANON

<u>PORT OF LOADING</u>	<u>PACKAGES</u>	<u>WEIGHT</u>	<u>NO.OF MANIFEST</u>
PIRAEUS / GREECE =====	N I L =====	N I L =====	N I L =====

CARGO IN TRANSIT

BEIRA / MOZAMBIQUE =====	2750 BIG BAGS =====	2755.500 M/TONS =====
-----------------------------	------------------------	--------------------------



رئيس مفرزة المانيفست البحرية

M/V : RHOSSUS

THE MASTER  
 CAPT.ABAKUMOV VIACHEL SAV

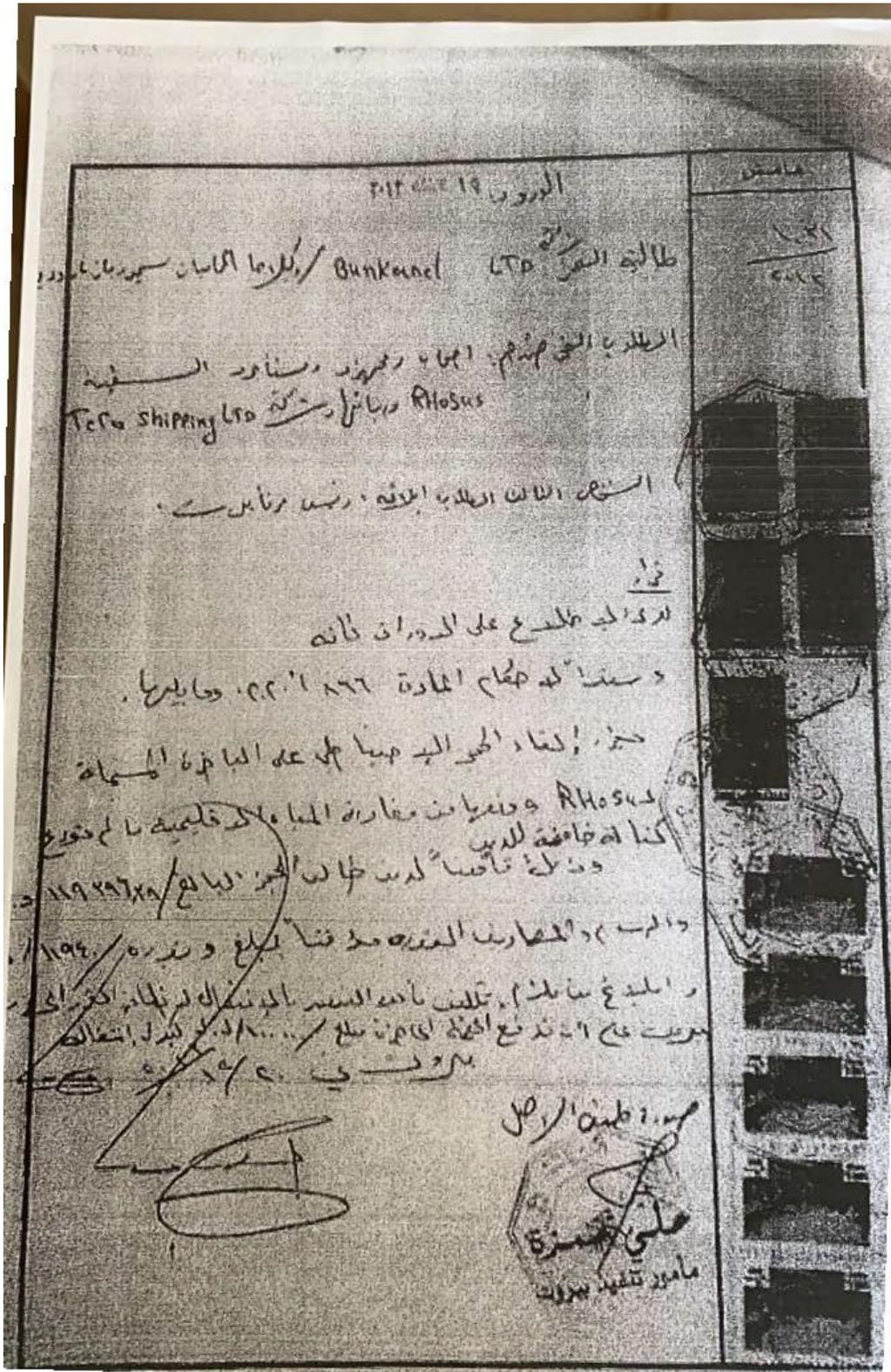


شاهد عند الوصول بالساحة  
 وجرى التوقيع على  
 مانيفستو غير قابل للتغيير  
 في بيروت في 21/11/2013

على لائحة يتم وفقاً لبروتوكول  
 صادر البعثات وبعثات رعية طرد يتم الترانزيت

الرجاء الى  
 11/11/2013

December 20, 2013 Enforcement Department Impounds *Rhosus*



February 21, 2014 Letter from Head of Anti-Narcotics and Anti-Money Laundering Section in Customs to Customs Administration Anti-Smuggling Department

وزارة المالية  
ادارة الجمارك

رقم الخفوظات: /  
رقم الصادر: ٢٠١٤/٤٥٥  
بيروت في ٢١ شباط ٢٠١٤

جانب راسه وصلة التذمة والتمتع  
عن الزبير  
الموضوع: حلويات

المرجع: /

خط جانبيكم علما انه وردت لهذه السعة معلومات  
عن وجود البافرة RHOSSUS وهي راسية عن الزبير  
رقم ١١ فيون فايدوت ومحملة ببيروت انه مونيوم  
الذي يتعمل للتعبير وهو زيد الكفور ويملك  
خطر على السلامة العامة علما انه هذه البافرة كانت  
قد دخلت اطرنا بتاريخ ١٤/١١/٢٠١٤ بالمحملة المذكورة  
حيث كانت متوجهة الى المطور البيق احد دول افريقيا  
لذلك نفتح البديع الى راسه نهاية بيروت ورئاسة  
دائرة المانية للتعرف مع السلطات انه مينة لإيجاد  
هذه البافرة عن الزبير رقم ١١ الى كاسر الموج  
وانا افكن ونفتح في الرقابة من قبل تلك انه حمزة  
المواجد في اطرنا.

للتفضل بالاطلاع  
رئيسا، مودة عن المانية

بيروت في ٢١ شباط ٢٠١٤  
رئيس شعبة مكافحة المخدرات  
مكتبة آبيش التحوال  
العقيد  
جوزيف بشولا سكاف

١  
٤٧٤  
تعاليم في...  
بيروت في ٢٤ شباط ٢٠١٤  
رئيس شعبة بيروت البحرية  
النقيب نضال زياب

عدد ١٩ / ٠١٤

مصلحة التفتق والبحث عن التهريب  
تاريخ الاستلام: ٢٢ شباط ٢٠١٤  
رقم التسجيل: ٥٤٤

تعاليم في...  
بيروت

٢٢ شباط ٢٠١٤

من رئيس مصلحة التفتق  
والبحوث عن التهريب

حشاشات

٤٧٤ / ٠١٤

فواصل

٢٢ شباط ٢٠١٤  
بيروت في  
مصلحة التفتق والبحوث عن التهريب

٢٢ شباط ٢٠١٤  
بيروت في  
مصلحة التفتق والبحوث عن التهريب

مصلحة التفتق والبحوث عن التهريب

٤٧٤ / ٠١٤

مصلحة التفتق والبحوث عن التهريب

مصلحة التفتق والبحوث عن التهريب

مصلحة التفتق والبحوث عن التهريب

٢٢ شباط ٢٠١٤  
بيروت في

مصلحة التفتق والبحوث عن التهريب

مصلحة التفتق والبحوث عن التهريب

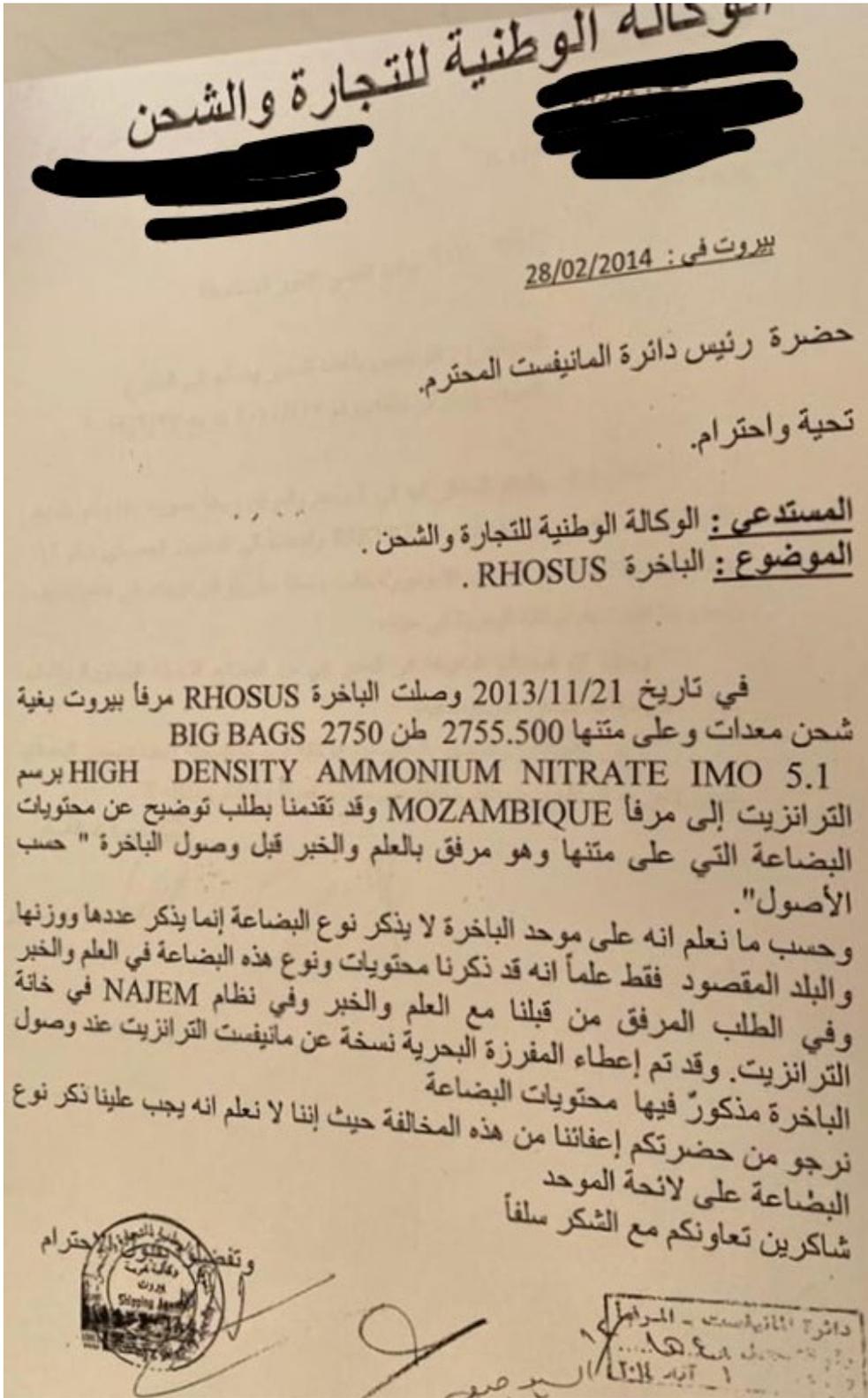
February 22, 2014 Letter Noting *Rhosus's* Unified List Does Not List Ammonium Nitrate

الجمهورية اللبنانية  
الجلس الأعلى للمبارك  
المديرية العامة للمبارك  
عدد ١٥٤ / م / ٢٠١٤ / ٢٠١٤  
٣ / ٩ / ٢٠١٤  
٢٠١٤ / ٢٠١٤ / ٢٠١٤

بمالة الولاية الوطنية للثبات والتضامن  
مطلبة الى وزارة الخارجية بتاريخ ١١ / ١٢ / ٢٠١٤  
البافرة Rhosus القائمة لولاية الكويت  
High density مادة  
ammonium nitrate  
على القائمة المرفوعة القائمة للبافرة المذكورة  
في هذه القائمة /  
وهذه بطلب البعث التفتيش في هذه البافرة  
لتحديد موقعها في القائمة الكاملة /

بالتاريخ ١١ / ١٢ / ٢٠١٤

February 28, 2014 Letter from the National Trading and Shipping Agency





March 27, 2014 Acting Customs Beirut Regional Director Forwards File to Beirut Brigades

الجمهورية اللبنانية  
المجلس الاعلى للجمارك  
المديرية العامة للجمارك  
عدد ٤٤٤٤ / ٢٠١٤

يحال الى رئاسة المصالح في بيروت  
مفاتيح المفاتيح  
رئيس المفاتيح

بيروت في ٢٧ آذار ٢٠١٤  
مدير اقليم جمارك بيروت بالإنابة  
موسى شريفة

٢٠١٤ / ١٤١١  
يحال الى رئاسة الشعبة البرية في بيروت  
للمفتش  
بيروت في ٢٩ آذار ٢٠١٤  
رئيس ضباطة بيروت بالإنابة  
القائد ابراهيم شمس الدين

يحال الى رئاسة فرع المرافئ البحرية  
للمفتش والمفتش

بيروت في ٢٩ / ٢٠١٤  
رئيس شعبة بيروت البحرية بالمفتش  
القيب نضال نيايب

عدد ٤٤٤١ / ٢٠١٤

March 29, 2014 Acting Beirut Brigades Head Forwards File to the Beirut Maritime Section

الجمهورية اللبنانية  
المجلس الأعلى للجوارك  
المديرية العامة للجوارك

عدد ٤٤٤٤ / ٢٠١٤

يحال الى رئاسة المديرة العامة في بيروت  
مفاد العنبر  
رؤس الاف

بيروت في ٢٧ آذار ٢٠١٤  
مدير اقليم جوارك بيروت بالانابة  
موسى هزيمسة

٢٠١٤ / ١٢ / ١١  
يحال الى رئاسة الشعبة البحرية في بيروت  
للإقتضى

بيروت في ٢٦ آذار ٢٠١٤  
رئيس شعبة بيروت بالانابة  
العميد انور العبدون

٤٤٤٤ / ٢٠١٤  
يحال الى رئاسة فوجزة المارينس البحري  
للعلم والمقتضى

بيروت في ٢٩ / ٤ / ٢٠١٤  
رئيس شعبة بيروت البحرية بالانابة  
القيب نضال نزياب

عدد ٤٤٤١ / ٢٠١٤

March 29, 2014 Beirut Maritime Section Forwards File to the Manifest Detachment

الجمهورية اللبنانية  
المجلس الاعلى للجهاك  
المديرية العامة للجهاك  
عدد ٤٤٤٤ / ٢٠١٤

بحال الى رئاسة الشعبة البحرية في بيروت  
مذات المرفق  
رئيس المرفق  
بيروت في ٢٧ آذار ٢٠١٤  
مدير اقليم جهاك بيروت بالانابة  
موسى هزيمسة

٢٠١٤ / ١٢١١  
بحال الى رئاسة الشعبة البحرية في بيروت  
للقتضى  
بيروت في ٢٩ آذار ٢٠١٤  
رئيس شعبة بيروت بالانابة  
القائد (البحري) / (البحري) / (البحري)

٤٤٤٤ / ٢٠١٤  
بحال الى رئاسة الشعبة البحرية في بيروت  
للعلم والمقتضى

بيروت في ٢٩ / ٢٠١٤  
رئيس شعبة بيروت البحرية بالتفويض  
القيب نضال نيايب  
عدد ٤٤٤٤ / ٢٠١٤

March 31, 2014 Manifest Detachment Responds to Beirut Maritime Section

عدد ١٢ / ٢٢١

بغداد الى جانب رئاسة الصحة البحرية  
 مع الاشارة بان الوكالة الوطنية للبحار والشحن قد قدمت اليها بتاريخ ١٧/١٦/٢٠١٢  
 علم فيزبول الباك RHOSSUS و صودت عليه انه يوجد مشربا بضعه OMMONIUM  
 NITRATE HOSa في الاثرية وعند وصولها بتاريخ ١٨/١٢/٢٠١٢ الى ميناء بيروت تحت مغطيتها  
 بعد ان قدم لنا النجباء لائحة الموصوفه  
 ولا حقا وبعد عدة أيام وبنسبة للعليا جانبا رئاسة الصحة عنها بالاشتمال على نسخة مايفت  
 الاثرية صنفها من الباك  
 مع اشارة الى مذكرة جانبا صيرت الاجراء العامة لثم ٢٦/٤/٢٠١٤ بتاريخ ١٤/٤/٢٠١٤  
 الغفر اليه من المرفق فوراً وفقاً لما تفضل به عدم الكافية بالارز المانيفت  
 العائد للمولة الباقية على عشي الضيقة الا عند توريد معلوماث عن وجود بضعه كمشوعة أو  
 مختبره على مشربا غير مريح من ان المرصه

بيروت في ١٢/٤/٢٠١٤  
 رئيس مفرزة المانيفست البحرية  
 المفضل  
 رقم

عدد ١٤ / ٢٢١

بغداد الى جانب رئاسة صحة بيروت  
 لتتقبل بالاطلاع على شهادات رئاسة المفرزة  
 مع الاشارة الى ان نوع البضاعة المذكور لا يقد صنفوا  
 او مختبراً من ان يثبت معلوماثا فانه قد يستعمل  
 في نيت معينة في اشاح عواد صمومة و مختبر مواداً  
 فطرية فانها لقيت في حال دخولها الاستهلاك المحلي

بيروت في: ١٤/٤/٢٠١٤  
 رئيس مفرزة بيروت البحرية  
 المختبر

ب.ض.ال.ح

٨٠٥ / عمار  
٢٠٠٤ / ٢٦٠٣٦

مديرية الجمارك العامة

رقم المحفوظات :

رقم الصادر : ٢٠٠٤ / ٢٦٠٣٦

بيروت ، فسي : ١٦ / ٢٠٠٤

مذكرة

إلى مديرية الاقليم في بيروت

- الموضوع : معاينة الحاويات الباقية على متن السفينة .  
المرجع : المواد ٦٧ و ٦٨ و ٧٥ من قانون الجمارك .

بمناسبة بدء العمل بمحطة الحاويات المستحدثة في مرفأ بيروت ، وتشجيعا لشركات الملاحة العالمية لاعتماد هذه المحطة ، وحرصا من هذه المديرية العامة لتتقدم جميع التسهيلات الممكنة وعدم تقييد الحركة الملاحية ، يقتضى :

- ١- التقيد التام باحكام المواد القانونية المذكورة في المرجع أعلاه ، وبالتالي يحظر معاينة المستوعبات الباقية على السفن التي يزيد حمولها عن ٥٠٠ طن بحري الا في حال وجود معلومات اكيده وثابته عن وجود بضاعة ممنوعة أو محتكرة على ظهرها غير مصرح عنها في الموحدة ، وبشرط اخذ موافقة مدير الجمارك العام المسبقة .
- ٢- عدم المطالبة بابراز المانفست العائد للحمولة الباقية على السفينة موضوع الفقرة ج من المادة ٧٥ من قانون الجمارك للسفن التي يزيد حمولها عن ٥٠٠ طن بحري الا عند توفر معلومات اكيده وثابته عن وجود بضاعة ممنوعة أو محتكرة على متنها ، غير مصرح عنها في الموحدة وبعد اخذ موافقة مدير الجمارك العام .
- ٣- الاكتفاء بالمستندات الواجب تقديمها من قبل ربان السفينة أو وكيل شركة للملاحة المؤمن على السفينة ، والتنصوص عنها في المادة ٧٥ من القانون %

مدير الجمارك العام

أسعد عاتم

مديرية اتشيس  
تاريخ التسجيل  
رقم تسجيل  
٢٠٠٤ / ١٨٤٩٤

٢٠٠٤ / ٢٦٠٣٦  
مذكرة  
مهل طي

فانك  
رئيس  
للعلم والمنطق

April 1, 2014 Letter from Head of Maritime Section to the Head of Beirut Brigades

عدد ١٤ / ٤٤٤

لغا دال جانب رئاسة الشرطة البحرية  
 مع الأمانة بأن الوكالة الوطنية للبحر والشحن قد قدمت لنا بتاريخ ١٦ / ١٢ / ٢٠١٢  
 علم فير يوصل الباطون RHOUS و صدون عليه أنه يوجد في مشربا بضاة OHHONIUM  
 NITRATE HOSa في الأثرية وعند وصولها بتاريخ ١٢ / ١٢ / ٢٠١٢ إلى مرفأ بيروت تحت معاينة  
 بعد أن قدم لنا الإخطار لائحة الموصوفه  
 ولا حقا وبعد عدة أيام وبناءً لعلينا جانباً رئاسة الشرطة عننا بالاشتمال على شحة مايفقت  
 الأثرية صانجها من الباطون .

مع الإشارة إلى مذكرة جانباً مدير المرفأ الجمركي العامة رقم ٢١ / ٤٦ / ٢٠١٤ بتاريخ ١٦ / ١٢ / ٢٠١٤  
 الفقرة الثانية من المرفأ فوراً بضاة مشربا التي تفصل على عدم الخطابة بالبراز المايفقت  
 العائد للمولة الباقية على مشربا البضاة الأثمة فوراً معلوماً عن وجود بضاة مشربا أو  
 مشربا على مشربا غير مرفأ من المرفأ

بيروت في ١٤ / ٤ / ٢٠١٤  
 رئيس مفرزة المايفقت البحرية  
 المؤهل  
 رقم ١٤ / ٤ / ٢٠١٤

عدد ١٤ / ٤٤٤

تفاد الى جانب رئاسة جانباً بضاة بيروت  
 لتتقبل بالاطلاع على شربايات رئاسة المفرزة  
 مع الاشارة الى ان نوع البضاة المذكور لا يبدد صحتاً  
 او ممتلكاتاً غير ان بحسب معلوماتنا فإنه قد يستعمل  
 في صنع عينة من اشراج عواد عمودية ، و تعتبر عواداً  
 مظهرها مايفقت لقيده على حال دخولها الاستهلاك المحلي

بيروت في: ١٤ / ٤ / ٢٠١٤  
 رئيس مفرزة المايفقت البحرية  
 المايفقت

الاجازة المسبقة فيما يتعلق بالأسلحة  
والذخائر والبارود والمتفجرات ولوازمها ( ١ ) .

نسورده فيما يلي نص المادتين ١٢ و ٧٠ من المرسوم الاشتراعي رقم ١٣٧ ، تاريخ  
١٢ حزيران ١٩٥٩ ، اللتين تفرغان الحصول على اجازة مسبقة بشأن أصناف المعدات  
الحريرية والأسلحة والذخائر والمتفجرات والالعاب النارية المحددة في سبع فئات في المادة ٢  
من المرسوم الاشتراعي المذكور:

- المادة ١٢ - ( المعدلة بموجب القانون رقم ٣٤٧ ، تاريخ ١٦ حزيران ١٩٩٤ ) .

ان استيراد وتصدير وإعادة تصدير المعدات الحربية والأسلحة والذخائر وقطعها المنفصلة  
وجميع المواد المذكورة في الفئات الأربع الاولى تخضع لاجازة مسبقة من وزارة الاقتصاد  
الوطني بعد موافقة وزارة الدفاع الوطني ( قيادة الجيش ) وموافقة مجلس الوزراء .

أما أسلحة الصيد وذخائرها والأسلحة والمواد المذكورة في الفئات الخمس الاخرى فتخضع  
لاجازة مسبقة من وزارة الاقتصاد الوطني بعد موافقة وزارة الداخلية . غير أن نترات  
الأمونيوم التي تحتوي على الأزوت بنسبة تتجاوز ٥ ٣٤ × فانها تخضع للاجازة المسبقة  
المنصوص عليها في الفقرة الاولى من هذه المادة .

ان الاجازة المسبقة هي الاجازة التي تعطى للمستورد من قبل طلب بضاعتهم من الخارج  
أى قبيل التعاقد مع المصدر .

- المادة ٧٠ -

لا يجوز عقد صفقة العاب نارية على اختلاف انواعها ولا استيرادها الا بعد الحصول على  
اجازة استيراد تمنحها وزارة الداخلية - قسم البارود .

لا يمكن سحب هذه البضائع من المستودعات الجمركية الا بعد تقديم اجازة الاستيراد الممنوحة  
للمستورد من .

أما المادة ٦٤ فهي تحظر صنع الالعاب النارية المعروفة بالفرقعات واستيرادها وبيعها .

- وضع نترات الأمونيوم .

ان القانون رقم ٣٤٧ ، تاريخ ١٦ حزيران ١٩٩٤ ، الذي تمّ برجه تعديل  
المادة ٢ من المرسوم الاشتراعي رقم ١٣٧ / ٥٩ ، قد اعتبر ان نترات الأمونيوم المحتوي على  
الازوت بنسبة تفوق ٥ ٣٤ × هو من اللوازم المعدة لصنع المتفجرات ، وأخضعه للاجازة  
المسبقة وفقاً لما هو مبين في المادة ١٢ الوارد نصها اعلاه .

وعليه ، فان نترات الأمونيوم المحتوي على الازوت بنسبة ٥ ٣٤ × أو أقل ، أصبح غير معني  
بأحكام المرسوم الاشتراعي رقم ١٣٧ / ٥٩ ، باعتباره ليس من اللوازم المعدة لصنع المتفجرات ،  
وبات بذلك داخل ضمن مفهوم الاسلحة الزراعية التي تخضع لأحكام قرار وزارة الزراعة رقم ١٣ ،  
تاريخ ٢٣ تشرين الثاني ١٩٩٢ ، المدرجة في الصفحة ١٤ من التعميم الحاضر .

( ١ ) - يراجع ايضا الملحق رقم واحد للجدول الخاص بالخطر عند الاستيراد ، في التعميم  
رقم ٢٠ / ٦٢ ، المعد طبعه بعد تنقيحه لغاية ٢٨ كانون الاول ١٩٩٣ .

April 2, 2014 Ministry of Public Works and Transport Ship Inspection and Report

← تقرير فني من جهاز الرقابة على السفن التابع  
للمديرية العامة للنقل والكهرباء أرفق بإحالة  
وزارة الأشغال والإسكان  
والذي لا يوضح حقيقة  
خطورة الحادث

وزارة الأشغال العامة والنقل  
المديرية العامة للنقل البري والبحري  
مصلحة النقل البحري  
دائرة الملاحة البحرية

بل يصف الخطورة في  
القائمة (أ) أنه  
قد أُنزِلت قذرات تفاعل  
كيميائية، إذا تربة للمياه  
وتشكل خطر على سلامة  
الملاحة البحرية  
وعلى البيئة البحرية  
من التلوث

تقرير  
بشأن السفينة  
**RHOSUS**  
الراسية على حاجز أمواج مرفأ بيروت

بيروت، ٢٠١٤

1

مقدمة	القسم ١
تفاصيل السفينة	القسم ٢
الوقائع	القسم ٣
التحقيق	القسم ٤
التحليل	القسم ٥
التوصيات	القسم ٦
المرفق	القسم ٧

## القنم ١ مقدمة

تم الكشف على السفينة Rhosus المتواجدة في مرفأ بيروت منذ تاريخ ٢١ تشرين ثاني ٢٠١٣، وذلك يوم الخميس الموافق في ٠٢ نيسان ٢٠١٤، بغرض تقييم حالتها، ووضع تصور يبنى على أساسه القرار المناسب الذي يضمن إستمرارية سلامة حركة الملاحة في مرفأ بيروت وحقوق الدولة اللبنانية وطاقم السفينة المذكورة، وواجبات مالك السفينة ووكيلها وكل الأطراف المتعلقة بها.

القسم ٢  
تفاصيل السفينة

RHOSUS  
مولدوفيا  
Maritime Lloyd Georgia  
ERPU  
8630344  
بضائع عامة  
١٩٨٦  
١٩٠٠ طن  
٩٦٤ طن  
٣٢٢٦,١٢٣ طن  
٨٦,٦ م  
٤,٩ م  
٦,٥ م  
HANSHIN / 6LU32GD POWER BHP 1300  
٨ عقدة  
باتومي، جورجيا  
High Density Ammonium Nitrate  
BRIARWOOD CORP  
INTERFLEET SHIPMANAGEMENT EOOD  
روسية وأوكرانية  
Prokoshev Borys  
National Trading & Shipping Agency

الإسم:  
العلم:  
هيئة التصنيف:  
أحرف النداء:  
رقم الإيمو:  
نوع السفينة:  
سنة البناء:  
الحمولة الحجمية G.T.:  
الحمولة الصافية N.T.:  
الحمولة الساكنة Dwt:  
طول السفينة الإجمالي:  
الغاطس عند دخول الميناء:  
العمق:  
نوع المحرك وقدرته:  
سرعة السفينة:  
قادمة من:  
نوع الحمولة:  
إسم المالك:  
إسم إدارة السفينة:  
جنسيات الطاقم:  
اسم الوكيل:  
اسم الريان:

### القسم ٣ الوقائع

وصلت سفينة البضائع العامة RHOSUS، الرافعة علم مولدوفيا، صباح يوم الخميس الموافق ٢٠١٣/١١/٢١، إلى مرفأ بيروت وحمولتها ٢٧٥٠ كيس High Density Ammonium Nitrate بوزن إجمالي ٢٧٥٥,٥ طن، وهي بضاعة خطيرة وفق تصنيف المنظمة البحرية الدولية ٥,١، حيث كانت هذه البضاعة محملة من مرفأ باتومي، جورجيا، وفق مستندات الشحنة، إلى ميناء التفريغ وهو مرفأ بايرا في الموزمبيق.

بعد مغادرة السفينة مرفأ باتومي، أمر مالك السفينة RHOSUS الربان بالتوجه إلى مرفأ بيروت لشحن ١٢ شاحنة كبيرة، و ١٥ شاحنة صغيرة وحاوية كبيرة ٤٠ قدم، وحاويتين صغيريتين ٢٠ قدم، لمرفأ العقبة في الأردن.

وكون عنبري البضاعة في السفينة ممثلين بحمولة High Density Ammonium Nitrate، فقد كان المكان الوحيد لشحن البضاعة في مرفأ بيروت هو على غطاء عنبري البضاعة.

عند وضع أول شاحنة على غطاء عنبر البضاعة رقم ١، لاحظ الربان أن وزن الشاحنة قد أثر بشكل كبير على غطاء العنبر وأدى إلى انبعاجه، فأمر بإيقاف عملية الشحن، كون استمرار شحن كامل البضاعة المنوي تحميلها من بيروت، سيؤدي إلى انهيار غطاء العنبرين، وبالتالي ضرر كبير على السفينة والبضاعة.

تم إبلاغ جهاز الرقابة على السفن بهذه الواقعة، حيث توجه فريق من الجهاز يوم الإثنين الموافق ٢٥ تشرين ثاني ٢٠١٣، للكشف على السفينة وتم حجزها، لعدم إستيفائها شروط سلامة الملاحة البحرية وفق القوانين الوطنية والدولية المرعية الإجراء، وتم إبلاغ مالك السفينة وعلمها والمنظمة البحرية الدولية بهذا الحجز.

وبسبب عدم وجود أي رد فعل أو تحرك من قبل مالك السفينة أو علمها لمعالجة وضع السفينة وطاقمها والبضاعة المتواجدة على متنها، تم نقل السفينة إلى حاجز أمواج مرفأ بيروت، وتخفيض عدد الطاقم إلى ٤: قبطان، كبير مهندسين، مهندس ثالث، وباش ريس.

وفي يوم الخميس الموافق في ٠٢ نيسان ٢٠١٤، صعد جهاز الرقابة على السفن مرة أخرى بغرض تقييم حالتها، ووضع تصور يبنى على أساسه القرار المناسب الذي يضمن إستمرارية سلامة حركة الملاحة في مرفأ بيروت وحقوق الدولة اللبنانية وطاقم السفينة المذكورة، وواجبات مالك السفينة ووكيلها وكل الأطراف المتعلقة بها.

#### القسم ٤ الكشف

صعد جهاز الرقابة على السفن يوم الخميس الموافق في ٠٢ نيسان ٢٠١٤، على السفينة حيث تم استجواب الربان عن وضع السفينة الحالي، قبل الكشف عليها، وكانت إفادته على النحو التالي:

"بعد مغادرة السفينة مرفأ باتومي في جورجيا وهي بكامل حمولتها (٢٧٥٠ كيس High Density Ammonium Nitrate بوزن إجمالي ٢٧٥٥,٥ طن)، تم تغيير بعض من الطاقم، ومنهم أنا القبطان، حيث طلب مني المالك التوجه إلى مرفأ بيروت لشحن ١٢ شاحنة كبيرة، و ١٥ شاحنة صغيرة وحاوية كبيرة ٤٠ قدم، وحاويتين صغيرتين ٢٠ قدم، وذلك بحجة أن أجرة شحنة بيروت ستغطي كلفة عبور قناة السويس، وكانت هذه البضاعة إلى مرفأ العقبة في الأردن .

وصلنا إلى بيروت يوم الخميس الموافق ٢٠١٣/١١/٢١، لتبدأ عملية شحن البضاعة المذكورة على ظهر غطائي العنبرين، كون العنبرين ممثلين، لكنني طلب فوراً إيقاف عملية الشحن بعد أن تضرر وانبعج غطاء عنبر البضاعة رقم ١، عند شحن أول شاحنة عليه.

بعدها صعد جهاز رقابة الميناء وحجز السفينة، وأبلغت المالك ووكيل السفينة الذين لم يبديا إى اهتمام حتى هذه اللحظة لا بالسفينة، وبضاعتها، وطاقمها، وطلب الوكيل منا بعد فترة بنقل السفينة إلى حاجز الأمواج في ميناء بيروت ولا زلنا هنا على نفس الحال، وقد تم تقليل عدد الطاقم حتى أربعة أنا، كبير مهندسين، المهندس الثالث، والباش ريس.

قامت بإرسال عدة طلبات بالمساعدة من سفارتي روسيا وأوكرانيا، إضافة إلى الإتحاد الدولي للنقل لكن دون جدوى، كوننا نريد العودة إلى بيوتنا مع الأخذ بعين الاعتبار أننا لم نقبض رواتبنا منذ أيلول ٢٠١٣.

تم الإتصال بمكتب المحامي بارودي الذي أخذ شهادات السفينة الأصلية لمتابعة وضعها ونحن بانتظار معلومات منه عن سير القضية"

قام جهاز التفتيش بالكشف على السفينة وكانت النتيجة كما يلي:

١. أسطح السفينة في حالة إهتراء شديد.
٢. غطائي عنبري البضاعة في حالة إهتراء شديد.
٣. مواسير الهيدروليك المخصصة لفتح غطائي العنبر مهترئة، وقد أفاد الربان أن غطاء العنبر بحاجة إلى ٣ ساعات تقريبا ليتم فتحه، ما يعني وجود قصور شديد في نظام فتح هذه الأغطية.
٤. آخر صعود للسفينة على الحوض الجاف وقياس لسماكات الحديد هو بتاريخ ٣١ آذار ٢٠١٠.
٥. هناك إحتمال كبير بوجود شرخ في الحديد الخارجي من خزان مقدمة السفينة Forepeak، كونه ممتلئ بالمياه وعند محاولة سحب المياه منه، تعود المياه وترتفع.
٦. أنظمة سحب مياه الصابورة من خزان المقدمة وبقية الخزانات لا تعمل.
٧. يوجد شرخ في كل من خزان الصابورة الأيمن والأيسر وتم وضع صندوق إسمنتي داخل كل من الخزائين لمنع تدفق مياه البحر إليهما (وفق إفادة الربان كون هناك استحالة في دخول الخزائين بسبب وجود المدخل لهما في عنبر البضاعة رقم ١ الممتلئ بالبضاعة).

## القسم ٦ التوصيات

١. الإتصال بمالك السفينة والزامه بدفع أجور الميناء ورواتب البحارة وغيرها من المصاريف.
  ٢. الإتصال بعلم السفينة والطلب منها إجراء ما يلزم لوتحمل مسؤوليتها تجاه سفينة ترفع علمها والطاقم الذي يعمل على متنها.
  ٣. السفينة المذكورة تخطت الفترة المسموح لها بالصعود على الحوض، ويجب أن تصعد على الحوض الجاف لإجراء الإصلاحات اللازمة، وقياس سماكات حديد بدنها، خاصة مع وجود شك كبير بالشرخ الأمامي في خزان المقدمة، وتأكيد الربان بوجود شرخ في خزاني الصابورة رقم ١ أيمن وأيسر، إضافة إلى الإهتراء الشديد في أسطحها الخارجية والداخلية.
  ٤. البضاعة الموجودة داخل العنبرين منذ تاريخ ٢٧ أيلول ٢٠١٣، هي بضاعة خطيرة وفق تصنيف المنظمة البحرية الدولية ٥،١، وبالتالي قد يحدث تفاعل كيميائي ما، أو قد تكون البضاعة غير صالحة بعد كل هذه المدة للإستخدام، أو قد تتسرب إلى البحر نتيجة حالة حديد بدن السفينة المهترئ والذي لم يخضع لعملية قياس لسماكته منذ أكثر من ٤ سنوات.
  ٥. القمامة المتراكمة على السفينة قد تؤدي إلى نفسي الأمراض والجراثيم على السفينة ومن عليها.
  ٦. نتيجة لعدم قبض الطاقم لرواتبهم وعدم وجود المال والغذاء والوضع المعيشي الطبيعي على السفينة قد يقدم الطاقم على أي تصرف يؤدي السفينة أو يؤذيهم شخصياً.
  ٧. حالة غرفة المحركات قد تؤدي لحدوث حريق في أي لحظة، وكون الطاقة الكهربائية على السفينة لا تعمل فسيكون هناك استحالة في مكافحة الحريق الفورية ما يؤدي إلى كارثة.
- بناء على ما تقدم نقترح القيام بما يلزم لمغادرة السفينة مرفأ بيروت والمياه الإقليمية اللبنانية، كونها تشكل خطر مستدام على سلامة الملاحة البحرية وحماية البيئة البحرية من التلوث.

جهاز الرقابة على السفن  
الربان هيثم شعبان

٨. الأكل المتوفر للطاقم لا يكفي لأكثر من أسبوع.
٩. الطاقم لم يتسلم راتبه منذ شهر تشرين ثاني ٢٠١٣.
١٠. الحالة النفسية للطاقم سيئة.
١١. يوجد على السفينة ٢٠ طن من الديزل حيث يتم تشغيل مولد الكهرباء فقط ٤ ساعات في اليوم، بمصرف ٥٠ كلغم/اليوم).
١٢. عدم وجود طاقة كهربائية دائمة لضمان أن بطاريات الطوارئ جاهزة للإستخدام في أي وقت.
١٣. يوجد ٣٥ طن مياه عذبة، ومصرف يومي مقدر ب ٤٠٠ كيلو في اليوم.
١٤. المحرك الكهربائي رقم ٢ لا يعمل.
١٥. غرفة المحركات متسخة وهناك تسرب زيتي في مختلف أرجائها مع تسرب دخان من عادم محرك الكهرباء رقم ١.
١٦. القمامة متراكمة على سطح السفينة الخلفي.
١٧. الوضع المعيشي على السفينة غير متوافق مع أحكام القوانين المرعية الإجراء.
١٨. بعض معدات السلامة ستنتهي صلاحيتها في نيسان ٢٠١٤.
١٩. الكتب والخرائط الملاحية غير محدثة.

April 2, 2014 Letter from Beirut Harbor Master to the Director of the Directorate General of Land and Maritime Transport

وثيقة  
وزارة الأشغال العامة والنقل  
المديرية العامة للنقل البري والبحري  
الرقم: ٢٨٧٢  
التاريخ: ٢ نيسان ٢٠١٤

تتعلق بالمعاملة الواردة من  
تاريخها  
موضوعها  
تحت رقم تاريخ تسجيلها الذي

التاريخ	أسباب الاحالة	جهة الارسال	تسجيل
	عظيمة صغر حجم عليا بان الباطنة والتي كانت متواجدة على الرصيف رقم ١١	خضرة المرسى العام للنقل البري والبحري	١٠/٤/١٤
	منذ اربعة اشهر وذلك لوجود حجز قضاة بقرارهم نقل ملك الرصيف وهو ممنوع على مورد فطرة (Nizakal) وتبين لنا ان عناصر الباطنة قد يسرقون بعض الماء مما يول على وجود شرب مياه انما يتم اكل وافل الباطنة وهذا لا قدر موجودي اكل مخزونها لنا طلب مني صرنا عدم الاعطاء اذ بها التفتيش للكل على الباطنة واعطاءنا تقريراً عن ذلك		
	يلزمنا وذلك لعدم حصولنا على حرق لها على السنون وبراكها هذه المواد الخطرة		

رئيس مرفأ بيروت  
محمد النولسي

April 7, 2014 Letter from Baroudi and Associates Law Firm to Head of Beirut Port

بَارُودِي وَمُشَارِكُوهُ  
مَكْتَبُ مَحَامَاةٍ

بيروت، في ٧/٤/٢٠١٤

حضرة رئيس مرفأ بيروت المحترم

طلب اتخاذ تدابير مستعجلة

رئيس مرفأ بيروت (١٩١٤-٢٠٠٠)  
سمير بارودي  
حيات بارودي  
ريشارد سادور  
جيموزيان كحود  
رونل فتايسر  
ساهر مراد  
سمير صندسا  
ساندرا مهندسا  
بندليم الحاصل  
زيدنة واكيم  
هدى الشعار  
بيرا الهاشم  
شربيل داغر  
كريتين مقصود  
ناتالي حويرت  
ليا النرزوت  
سيريل دكاشن

بوكالة المحامين سمير بارودي  
وجان بارودي بموجب صورة  
وكالة مصدقة حسب الأصول  
ومبرزة ربطاً (مستند رقم ١)

المستدعي: PROKOSHEV BORYS  
بصفته ريان الباخرة Rhosus

الموضوع: طلب اتخاذ تدابير لتجنب حدوث كارثة بحرية

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بوكالتنا عن السيد Prokoshev Borys بصفته ريان الباخرة "Rhosus"، ندلي

بما يلي:

بما ان الباخرة المذكورة اعلاه راسية في مرفأ بيروت برسم الترانزيت منذ شهر كانون الاول من عام ٢٠١٣ وعلى متنها عدد من البحارة، وهي مستأجرة ومشغلة من قبل شركة "Teto Shipping LTD" وتحمل على متنها ٢٧٥٠ (ألفان وسبعمئة وخمسون) طن متري من مادة نترات الامونيوم (Nitrate d'Amonium) مشحونة لأمر بنك موزامبيك الدولي "Banco International de Mozambique" والمطلوب ابلاغه شركة "Fabrica de explosives"

وبما ان البحارة اصبحوا سجناء في الباخرة لا يستطيعون مغادرتها وتأمين قوتهم اليومي بعد ان تخلّى عنهم وعن الباخرة اصحابها ومجهزوها ومستأجروها وقد توقف هؤلاء عن دفع اجور البحارة منذ اكثر من خمسة اشهر، وانقطعوا عن دفع نفقات وديون السفينة، كما أنّ الجهة المرسله اليها البضاعة تخلّت بدورها عن البضاعة، وان هذه الامور ثابتة من الرسالة الموجهة عبر البريد الالكتروني من قبل شركة Teto Shipping Ltd بواسطة الوكيل البحري الى جانبكم (مستند رقم ٢).

وبما ان الباخرة وحمولتها تهددان سلامة السفينة وسلامة المرفأ على حدّ سواء، فمادة نترات الامونيوم المحمّلة على متنها تعتبر خطرة جداً نظراً لقابليتها العالية للاشتعال وهي تُستخدم في صناعة المتفجرات، ما يوجب اخذ الحيطة والحذر عند تخزينها او نقلها. هذا بالإضافة الى ان الباخرة اصبحت مهترئة بسبب تأكلها بالصدأ مما يهدد بتسرب المياه الى العنابر، علماً ان اختلاط مادة نترات الامونيوم بالماء يعرض الحمولة لخطر الانفجار (نبرز ربطاً افادة عن واقع الحال الباخرة المذكورة موقّعة وممهورة من المستدعي - مستند رقم ٣)،

ونشير الى ان العالم شهد العديد من الكوارث الناجمة عن مادة نترات الامونيوم، فعلى سبيل المثال عام ١٩٤٧ في ميناء تكساس انفجرت باخرة تحمل ٢٦٠٠ طناً من المادة المذكورة واودت الى مقتل المئات والى حطام واضرار بقطر ٤٠ ميلاً (نبرز ربطاً صورة عن تقرير حول الحوادث بسبب المادة المذكورة والمنشورة في موقع الويكيبيديا - مستند رقم ٤)،

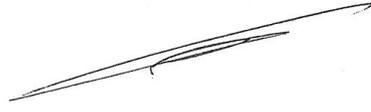
وبما انه، عملاً باحكام القوانين المرعية الاجراء، لاسيما المادة ٧٣ من نظام المرافئ والموانئ، يدخل في صلاحياتكم "مراقبة البضائع الخطرة على البواخر مع اتخاذ التدابير الضرورية لحفظ السلامة العامة"،

لذلك

نرجو من جانبكم اتخاذ جميع الإجراءات والتدابير اللازمة على وجه السرعة من اجل تفادي ودرء المخاطر الناجمة عن الوضع المذكور آنفاً، وفي ضوء موقف كل من اصحاب

الباخرة واصحاب الحمولة لجهة التخلي عن الباخرة والحمولة الموجودة على متنها، اتخاذ الاجراءات لبيع كل من الباخرة والحمولة وفقاً للقوانين المرعية وتسديد الديون المترتبة لطاقم السفينة وللغير.

وتفضلوا بقبول الاحترام  
مع الاحتفاظ بكافة الحقوق  
بالوكالة



المحامي جان بارودي

..... مستند رقم

KIND REMINDER

TOP URGENT PLEASE

BRGDS, TETO SHIPPING LTD

**From:** Teto Shipping Ltd [mailto:[tetoship@gmail.com](mailto:tetoship@gmail.com)]  
**Sent:** Thursday, March 13, 2014 2:35 PM  
**To:** '[explosivos@teledata.mz](mailto:explosivos@teledata.mz)'; '[brunocid11@gmail.com](mailto:brunocid11@gmail.com)'; '[b.cid@fem.co.mz](mailto:b.cid@fem.co.mz)'; '[chartering@agroblend.co.uk](mailto:chartering@agroblend.co.uk)'; 'JOSE VAZ'; 'PASCOAL SAMO'; 'YARA JULAIA'; 'RUI TINGOTE'; 'AMELIA SARANGA'; 'ASSUNCAO RUNGO'; 'ELISA CARSSANE'; 'FLORENTINA SOUSA'; 'Bassam Baghdadi'  
**Cc:** '[Romanyuk\\_Oleg@itf.org.uk](mailto:Romanyuk_Oleg@itf.org.uk)'; '[abgor60@mail.ru](mailto:abgor60@mail.ru)'; '[emb\\_lb@mfa.gov.ua](mailto:emb_lb@mfa.gov.ua)'; '[ukrembassy@inco.com.lb](mailto:ukrembassy@inco.com.lb)'; '[ananina@sur.ru](mailto:ananina@sur.ru)'; 'Boris Prokoshev'  
**Subject:** MV RHOSUS – CREW REPATRIATION

TO: HARBOUR MASTER P. BEIRUT VIA AGENTS MESSRS NATRAD

CC: CHARTERES MESSRS\* AGROBLEND

CC: CARGO OWNERS MESSRS Fabrica de Explosivos, Mozambique

CC: CARGO CONSIGNEE MESSRS BIM - BANCO INTERNACIONAL DE MOZAMBIQUE

CC: ITF, UK

CC: UKRAINIAN EMBASSY

CC: MASTER MV RHOSUS

RE: MV RHOSUS – CREW DISEMBARKATION

TOP URGENT PLEASE!!

DEAR SIRs,

WE ARE OWNERS MV RHOSUS HEREBY REQUEST YOU KINDLY PERMIT REPATRIATION CREW WITHOUT REPLACEMENTS DUE OUR COMMERCIAL DEFAULT CAUSED BY FAILING OF LOADING PART CARGO AT P.BEIRUT AND CONSIDER THAT CHARTERERS WITH CARGO OWNERS OF EXTREMELY DANGEROUS CARGO ON BOARD MV RHOSUS, AFTER WE ARRANGED SAFE STORE ALREADY ABOUT 4 MONTHS PASSED FROM OUR ABANDON VOYAGE DECLARATION ACTUALLY ABANDON THEY CARGO FROM 05/03/2014 AND TOTALLY IGNORE SITUATION AS PER BELOW CORRESPONDENCE.

WE ARE WAITING YRS POSITIVE DECISION GRANTED URGENTLY CONSIDER THAT CREW ON BOARD READY FOR EXTREMAL ACTIONS AS YOU ALREADY MOST PROBABLY WAS INFORMED BY SHIPS AGENTS MESSRS NATRAD AS PER OUR MESSAGE ATTACHED.

BRGDS, TETO SHIPPING LTD

**From:** Teto Shipping Ltd [<mailto:tetoship@gmail.com>]

**Sent:** Thursday, March 13, 2014 11:32 AM

**To:** 'explosivos@teledata.mz'; 'brunocid11@gmail.com'; 'b.cid@fem.co.mz'; 'chartering@agroblend.co.uk'; 'JOSE VAZ'; 'PASCOAL SAMO'; 'YARA JULAIA'; 'RUI TINGOTE'; 'AMELIA SARANGA'; 'ASSUNCAO RUNGO'; 'ELISA CARSSANE'; 'FLORENTINA SOUSA'

**Cc:** 'Bassam Baghdadi'; 'Romanyuk\_Oleg@itf.org.uk'; 'abgor60@mail.ru'; 'emb\_lb@mfa.gov.ua'; '

..... مستند رقم

KIND REMINDER

TOP URGENT PLEASE

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**Cc:** 'Romanyuk Oleg@itf.org.uk'; 'abgor60@mail.ru'; 'emb\_lb@mfa.gov.ua'; 'ukrembassy@inco.com.lb'; 'ananina@sur.ru'; 'Boris Prokoshev'  
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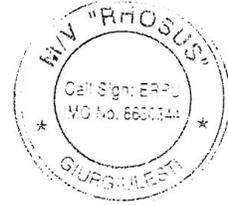
TO WHOM IT MAY CONCERN

I, Master of the m/v Rhosus, Mr. Prokoshev Borys, under the flag of Moldova, owned and operated by Teto Shipping Ltd, sailed from Piraeus Port to Beirut Port, with a full cargo of Ammonium Nitrate.

We hereby inform you that the ship-owner has abandoned the above vessel and is no longer paying the crew salaries and dues. The cargo owner likewise has abandoned the cargo on board the vessel. No bunkers or provision are available on board and the state of the cargo is such that it puts in peril anybody within the harbor and the ship-owner is taking no action in this respect and is no longer communicating with us.

We would therefore urge you to take all necessary steps to prevent any potential damage to the vessel and to avert any risk to the environment, to public safety and to the port facilities.

*Prokoshev Borys*  
01.04.2014



## Ammonium nitrate disasters

From Wikipedia, the free encyclopedia

When heated, **ammonium nitrate** decomposes non-explosively into gases including oxygen; however, ammonium nitrate can be induced to decompose explosively by **detonation**. Large stockpiles of the material can be a major fire risk due to their supporting oxidation, and may also detonate, as happened in the Texas City disaster of 1947, which led to major changes in the regulations for storage and handling.

There are two major classes of incidents resulting in explosions:

- In the first case, the explosion happens by the mechanism of shock to detonation transition. The initiation happens by an explosive charge going off in the mass, by the detonation of a shell thrown into the mass, or by detonation of an explosive mixture in contact with the mass. The examples are Kriewald, Morgan, Oppau, Tessenderlo and Traskwood.
- In the second case, the explosion results from a fire that spreads into the ammonium nitrate (AN) itself (Texas City, Brest), or to a mixture of an ammonium nitrate with a combustible material during the fire. The fire must be confined at least to a degree for successful transition from a fire to an explosion (a phenomenon known as "deflagration to detonation transition", or DDT). Pure, compact AN is stable and very difficult to initiate. However, there are numerous cases when even impure AN did not explode in a fire.

Ammonium nitrate decomposes in temperatures above 210 °C. Pure AN is stable and will stop decomposing once the heat source is removed, but when catalysts are present (combustible materials, acids, metal ions, chlorides. ..) the reaction can become self-sustaining (known as self-sustaining decomposition, SSD). This is a well-known hazard with some types of NPK fertilizers, and is responsible for the loss of several cargo ships.

## Timeline of major disasters

[http://en.wikipedia.org/wiki/Ammonium\\_nitrate\\_disasters](http://en.wikipedia.org/wiki/Ammonium_nitrate_disasters)

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Country	City/Location	Date	Deaths	Notes
United Kingdom	Faversham, Kent	April 2, 1916	120	<b>The Great Explosion:</b> On April 2, 1916 a factory in Uplees, Faversham, exploded after a fire spread to a store of 15 tons of TNT and 150 tons of ammonium nitrate. The blast at the Explosives Loading Company killed 120 people and shattered windows in Southend-on-Sea across the Thames Estuary while the tremor was felt in Norwich. <sup>[1]</sup>
United States	Morgan, New Jersey (now Sayreville)	October 4, 1918	0	<b>T. A. Gillespie Company Shell Loading Plant explosion:</b> On October 4, 1918, an explosion at the Morgan Depot occurred leading to many artillery shells being launched into the air, some of which landed on a neighbouring warehouse where 4000 tonnes of ammonium nitrate were stored in barrels. One of the shells caused a large explosion, but the majority of the ammonium nitrate did not detonate.
Germany	Kriewald	July 26, 1921	19	On July 26, 1921, in this railway town (now in Poland) workers tried to dislodge 30 tonnes of ammonium nitrate that had aggregated (solidified into one mass) in two wagons. When mining explosives were used on this solid mass the wagons exploded and killed nineteen people. <sup>[2]</sup>

Country	City/Location	Date	Deaths	Notes
Germany	Oppau	September 21, 1921	561	<b>Explosion at BASF plant Oppau:</b> Another attempt at disaggregation of a fertilizer mix with industrial explosives caused the death of 561 people and left more than 2000 injured. The fertilizer was a 50:50 mixture of ammonium nitrate and ammonium sulfate and the factory had used this method of disaggregation over 20,000 times without incident. It is thought that, on this occasion, poor mixing had led to certain parts of the mass containing more ammonium nitrate than others. Only 450 tonnes exploded, out of 4500 tonnes of fertilizer stored in the warehouse. <sup>[3]</sup>
United States	Nixon, New Jersey (now Edison Township)	March 1, 1924	20	<b>1924 Nixon Nitration Works disaster:</b> On March 1, 1924, a fire and several large explosions destroyed a warehouse containing ammonium nitrate at the Nixon Nitration Works. The explosiveness of the product was perhaps enhanced, as it had been prepared using nitric acid that had previously been used for the production of TNT.

Country	City/Location	Date	Deaths	Notes
United States	Muscle Shoals, Alabama	1925	0	On April 4, 1925, and May 3, 1925, two carloads, each containing 220 barrels of ammonium nitrate, were dispatched from Muscle Shoals, Alabama and caught fire in transportation. The barrels had been stored in a warehouse with varying humidity for 6 years, so it is believed that they were ignited by friction with their nitrate-impregnated manila paper lining. Other shipments were reportedly more successful. <sup>[4]</sup>
France	Miramas	August 5, 1940	0	240 tonnes of ammonium nitrate in sacks exploded after being hit by a shell from a nearby fire in a munitions train. <sup>[5]</sup>
Belgium	Tessengerlo	April 29, 1942	189	Another attempt to disaggregate a pile of 150 tonnes of ammonium nitrate with industrial explosives ended tragically on April 29, 1942: 189 people were killed, 900 wounded. <sup>[6]</sup>

Country	City/Location	Date	Deaths	Notes
United States	Texas City	April 16, 1947	581	<p><b>Texas City Disaster:</b> The cargo ship <i>Grandcamp</i> was being loaded on April 16, 1947, when a fire was detected in the hold: at this point, 2600 tonnes of ammonium nitrate in sacks were already aboard. The captain responded by closing the hold and pumping in pressurised steam. One hour later, the ship exploded, killing several hundred people and setting fire to another vessel, the <i>High Flyer</i>, which was moored 250 metres away and which contained 1050 tonnes of sulfur and 960 tons of ammonium nitrate. The Grandcamp explosion also created a powerful earthshock that broke windows as far as 40 miles away and knocked two small planes flying at 1,500 feet (460 m) out of the sky. The <i>High Flyer</i> exploded the next day, after having burned for sixteen hours. 500 tonnes of ammonium nitrate on the quayside also burned, but without exploding, probably because it was less tightly packed. All but one member of the Texas City fire department died.</p>

[http://en.wikipedia.org/wiki/Ammonium\\_nitrate\\_disasters](http://en.wikipedia.org/wiki/Ammonium_nitrate_disasters)

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Country	City/Location	Date	Deaths	Notes
France	Brest	July 28, 1947	29	The cargo ship <i>Ocean Liberty</i> was loaded with 3300 tonnes of ammonium nitrate and various inflammable products when it caught fire at 12:30 July 28, 1947. The captain ordered the hold to be sealed and pressurised steam was pumped in. As this did not stop the fire, the vessel was towed out of the harbour at 14:00, and exploded at 17:00. The explosion caused 29 deaths and serious damage to the port of Brest. <sup>[7]</sup>
-	Red Sea	1954	0	A fire was detected on the cargo ship <i>Tirrenia</i> on January 23, 1954, while it was carrying 4000 tonnes of ammonium nitrate. Attempts to extinguish the fire with steam were unsuccessful, and the ship was abandoned before it exploded later in the night. <sup>[8]</sup>
United States	Roseburg, Oregon	August 7, 1959	14	<b>The Roseburg Blast:</b> A truck carrying dynamite and ammonium nitrate caught fire early in the morning of August 7, 1959. When it exploded it killed 14 people and injured 125 more. Several blocks of downtown Roseburg were destroyed. The accident is locally referred to as "The Blast".

Country	City/Location	Date	Deaths	Notes
United States	Traskwood, Arkansas	December 17, 1960	0	On December 17, 1960, a 96 freight car train suffered partial derailment, in which the last 23 cars were derailed. The derailed cars included: four fuel oil tank cars, two tank cars of gasoline, three tank cars of petroleum oil, four cars of lube oil drums, three cars of liquid fertilizer, one car of fuming nitric acid and two cars of fertilizer grade ammonium nitrate. In this particular accident, neither car of ammonium nitrate exploded. <sup>[9]</sup> However, the nitric acid reacted with the fuel oil, essentially creating ANFO to feed the conflagration, resulting in the spread of the ammonium nitrate material around the incident site. <sup>[10]</sup>

[http://en.wikipedia.org/wiki/Ammonium\\_nitrate\\_disasters](http://en.wikipedia.org/wiki/Ammonium_nitrate_disasters)

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<p>United States</p>	<p>Kansas City, Missouri</p>	<p>November 29, 1988</p>	<p>6</p> <p>On November 29, 1988, at 4:07 am two trailers containing approximately 50,000 lb (23,000 kg) of the explosive ANFO (ammonium nitrate with fuel oil) exploded at a construction site located near the 87th street exit of Highway 71 in Kansas City, Missouri. The explosives were to be used in the blasting of rock while constructing Highway 71. The result of the explosions were the deaths of six firemen from the Kansas City Fire Department's Pumper Companies 30 and 41. Both companies were dispatched after 911 calls indicated that a fire had been set to a pickup truck located near the trailers. The responding companies were warned that there were explosives on-site; however, they were unaware that the trailers were essentially magazines filled with explosives. At 4:07 am one of the "magazines" caught fire and a catastrophic explosion occurred, killing all six firemen instantly — only sparing remains were found. A second blast occurred 40 minutes later, although all fire crews had been pulled back at this time. The blasts created two craters, each approximately 100 feet (30 m) wide and 8 feet (2.4 m) deep. The explosions also shattered windows within a 10-mile (16 km) area and could be heard 40 miles (64 km) away. It was later determined that the explosions were acts of arson, set by individuals embroiled in a labor dispute with the construction company contracted to build the</p>
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07/04/2014

Country	City/Location	Date	Deaths	Notes
Papua New Guinea	Porgera Gold Mine	August 2, 1994	11	<p>At 9:45 am, 2 August 1994, 11 workers were killed when the sensitised AN emulsion plant they were working on exploded at the Porgera Gold Mine. The fatal explosion involved at most a few tonnes of explosive. A larger explosion of about 80 tonnes of emulsion (Ammonium Nitrate Emulsion, ANE, UN 3375) was caused by fires under storage facilities at the site at 11:02 am. There were no fatalities in the second explosion because the site had been evacuated. A mushroom cloud was seen to rise.<sup>[13]</sup></p> <p>ANE is an emulsion of ammonium nitrate, fuel and water.</p>
United States	Port Neal, Iowa	December 13, 1994	4	<p><b>Port Neal fertilizer plant explosion:</b> At about 6:06 am on December 13, 1994, two explosions rocked the Port Neal, Iowa, ammonium nitrate processing plant operated by Terra Industries. Four people were killed and 18 injured. Approximately 5,700 tons of anhydrous ammonia were released and releases of ammonia continued for six days after the explosions. Groundwater under the processing plant was contaminated by chemicals released as a result of the blast. The timing of the explosion occurred prior to the start of the arrival of the 8:00 am shift personnel, or the death toll may have been larger.<sup>[14][15]</sup></p>

Country	City/Location	Date	Deaths	Notes
China	Xingping, Shaanxi	January 6, 1998	22	At midnight on January 6, 1998, the Xinghua Fertilizer company had a series of explosions in the plant. About 27.6 tons of Ammonium nitrate liquor was in a container there. The explosion claimed 22 lives, with a further 56 wounded. The explosion was officially announced as an accident. <sup>[16]</sup> <sup>[citation needed]</sup>
France	Toulouse	September 21, 2001	31	<b>AZF</b> : On September 21, 2001, at 10:15 am, in the AZF (Azote de France) fertiliser factory in Toulouse, France, an explosion occurred in a warehouse where the off-specification granular AN was stored flat, separated by partitions. About 200–300 tons is said to be involved in the explosion, resulting in 31 people dead and 2,442 injured, 34 of them seriously. The blast wave shattered windows up to 3 kilometres away, and the resulting crater was 10 metres deep and 50 metres wide. The exact cause remains unknown. The material damage was estimated at 2.3 billion euros. France's Environment Minister concluded the explosion "may have been a terrorist attack" as it was soon after the September 11 attacks and linked to worker with militant views.
Spain	Cartagena, Murcia	January 2003	0	The fertilizer storage facility of Fertiberia held a self-sustained decomposition (SSD) fire in January 2003. The fire was controlled after most of the material was removed by mechanical means. <sup>[citation needed]</sup>

Country	City/Location	Date	Deaths	Notes
France	Saint-Romain-en-Jarez	October 2, 2003	0	<p>A fire broke out in Saint-Romain-en-Jarez (Loire) in a barn, which at the time of the accident contained: a gasoline-powered forklift, a battery charger, two 13-kg gas bottles, miscellaneous farm machinery, 500 kg of quicklime, 500 wooden crates, 6,000 to 7,000 plastic crates, and between 3 and 5 tonnes of ammonium nitrate packaged in big-bags. Bales of hay and straw were being stored on the mezzaanine and ~500kg apples kept in the cold storage rooms. The fire started around 3pm, and fire-fighters were notified of the blaze at 4:02 pm. They arrived on the scene at 4:23 and started to extinguish the fire. At 5:12 pm the explosion occurred. Twenty six people were injured from the blast, most of them fire-fighters.<sup>[17]</sup></p>
Spain	Barracas	March 9, 2004	2	<p>A truck carrying 25 tonnes of ammonium nitrate fertilizer exploded half an hour after a traffic accident on March 9, 2004, killing two people and injuring five others. The explosion, which could be heard at a distance of several kilometers caused a crater five metres deep.<sup>[18]</sup></p>

[http://en.wikipedia.org/wiki/Ammonium\\_nitrate\\_disasters](http://en.wikipedia.org/wiki/Ammonium_nitrate_disasters)

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Country	City/Location	Date	Deaths	Notes
Romania	Mihăilești, Buzău	May 24, 2004	18	<b>Mihăilești explosion:</b> A truck carrying 20 tones of ammonium nitrate tipped over on the European road E85 near Mihăilești at 4:57 am on May 24, 2004. Shortly afterwards, a fire started in the cabin. Two reporters got to the site of the accident and started filming while firemen were trying to stop the fire. Around 5:50 am the truck exploded, killing 18 and wounding 13 people. A crater 6.5 meters deep and 42 meters in diameter was formed by the explosion.
North Korea	Ryongchŏn	April 22, 2004	162	<b>Ryongchon disaster:</b> A freight train carrying ammonium nitrate exploded in this important railway town near the Chinese border on April 22, 2004, killing 162 people and injuring over 3,000 others. The train station was destroyed, as were most buildings within 500 metres, and nearly 8,000 homes were destroyed or damaged. Two craters of about ten metres in depth were seen at the site of the explosion. The authorities blamed "human error" for the explosion, although rumours persist that it was in fact an attempt to assassinate the North Korean leader Kim Jong -Il, who was due to be passing through the station at the time.

Country	City/Location	Date	Deaths	Notes
Spain	Estaca de Bares	2007	0	The NPK fertilizer cargo of the ship <i>Ostedijk</i> sustained a self-sustained decomposition (SSD) fire for 11 days. The fire plume reached 10 m in diameter and several hundred meters in length. Special water spears were inserted inside the cargo to extinguish the fire. <sup>[19]</sup>
Mexico	Monclova, Coahuila	September 10, 2007	40	On September 10, 2007, near Monclova, Coahuila, México, a pick-up truck lost control and crashed into a trailer loaded with 22 tons of ammonium nitrate and fuel oil explosives (ANFO) leaving three occupants in the pick-up truck dead in the crash. A fire then started in the trailer's cabin and approximately 40 minutes after that, a huge explosion occurred, resulting in around 150 people injured and 37 more dead. A crater 30 ft (9.1 m) wide and 6 ft (1.8 m) deep was created due to the explosion. <sup>[20]</sup>
United States	Bryan, Texas	July 30, 2009	0	A plant in Bryan, Texas (El Dorado Chemical Company), which processes ammonium nitrate into fertilizer, caught fire at about 11:40 am on July 30, 2009. Over 80,000 residents in the Bryan/College Station area were asked to evacuate south of town due to the toxic fumes this fire generated. Texas A&M University provided shelter at Reed Arena, a local venue on campus. Only minor injuries were reported. <sup>[21][22]</sup>

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Country	City/Location	Date	Deaths	Notes
United States	West, Texas	April 17, 2013	15	<b>West Fertilizer Company explosion:</b> A fertilizer company in West, Texas, caught fire. Around 20 minutes later, ammonium nitrate stored there exploded, leveling roughly 80 homes and a middle school. 133 residents of a nearby nursing home were trapped in the ruins. In all, 15 were killed, and about 200 injured. There were reports that the facility had stored more ammonium nitrate than it was allowed to, without regulation by the Department of Homeland Security. <sup>[23][24]</sup>

## See also

- List of the largest artificial non-nuclear explosions, many of which involved ammonium nitrate

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  23. ^ <http://abcnews.go.com/US/west-texas-fertilizer-plant-explosion-residents-allowed-return/story?id=19006786#.UXM290rNnTo>
  24. ^ [http://www.huffingtonpost.com/2013/04/20/west-fertilizer-company\\_n\\_3121110.html](http://www.huffingtonpost.com/2013/04/20/west-fertilizer-company_n_3121110.html)
- Retrieved from "[http://en.wikipedia.org/w/index.php?title=Ammonium\\_nitrate\\_disasters&oldid=601852712](http://en.wikipedia.org/w/index.php?title=Ammonium_nitrate_disasters&oldid=601852712)"
- Categories: Nitrates | Explosives | Industrial fires and explosions

- 
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April 8, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority

REPUBLIC OF LEBANON  
Ministry of Public Works & Transport  
Directorate General of  
Land & Maritime Transport



الجمهورية اللبنانية  
وزارة الأشغال العامة والنقل  
المديرية العامة للنقل البري والبحري

جانب وزارة العدل  
- هيئة القضاة -

٧٢٨٢٢  
٨ نيسان ٢٠١٤

**الموضوع:** طلب الاسراع في البت بقضية الباخرة " RHOSUS " الراسية في مرفأ بيروت وبيعها بالمزاد العلني.

**المرجع:** ملف الباخرة "RHOSUS".

بالإشارة إلى الموضوع والمرجع المبينين اعلاه، نعرض على جانبكم ما يلي:

١- وصلت الباخرة " RHOSUS " الى مرفأ بيروت بتاريخ ٢٠١٣/١١/٢١ محملة بمادة نترات الامونيوم (AMMONIUM NITRATE وهي مادة مصنفة على انها خطيرة) لشحن بضاعة من مرفأ بيروت، وعلى اثر خلاف بين شركة BUNKERNET LTD واصحاب السفينة صدر عن دائرة تنفيذ بيروت القرار رقم ٢٠١٣/١٠/٣١ تاريخ ٢٠١٣/١٢/٢٠ قضى بالقاء الحجز الاحتياطي على السفينة ومنعها من مغادرة المياه الاقليمية اللبنانية ما لم تقدم كفالة ضامنة للدين تأميناً لدين طالب الحجز. (ربطاً بصورة عن القرار المذكور)

٢- بتاريخ ٢٠١٣/١١/٢٥ قام جهاز الرقابة على السفن الوطنية والاجنبية العامل لدى المديرية العامة للنقل البري والبحري بالكشف على السفينة للتأكد من سلامتها للملاحة ومدى التزامها بتطبيق الانظمة المحلية والدولية المتعلقة بسلامة الملاحة البحرية وسلامة الارواح في البحار وسلامة البيئة والسلامة العامة، وقد تبين بنتيجة الكشف وجود بعض العيوب في السفينة التي تحول دون توفر سلامة الملاحة البحرية وقد جرى منعها من السفر لحين اصلاح هذه العيوب وابلاغ ربانها ووكيلها البحري بذلك ومن اهم هذه العيوب وجود تآكل وصدأ في بدن السفينة وفي فتحات عنابرها، كما ان بعض الاجهزة الملاحية لا تعمل بصورة سليمة.

٣- افاد رئيس مرفأ بيروت بموجب حالته رقم ٣٥٧/ب بتاريخ ٢٠١٤/٣/١٧ ان الباخرة راسية على الرصيف رقم ١١ في مرفأ بيروت وهي محملة بمادة نترات الامونيوم وهي مادة خطيرة وانه طلب من وكيل الباخرة البحري اكثر من مرة تأمين الطعام والشراب للبحارة الموجودين على متنها ولكن دون جدوى، وقد طلب رئيس مرفأ بيروت اتخاذ الاجراءات اللازمة لاجبار الوكيل البحري على تأمين المأكّل والمشرب لبحارة السفينة وعدم السماح للوكيل البحري بانزال البحارة من على متن السفينة الا بعد تأمين بديل لهم حرصاً على سلامة السفينة وسلامة الملاحة البحرية والسلامة العامة في المرفأ.

٤- افاد رئيس مرفأ بيروت بموجب حالته رقم ٣٩١/ب تاريخ ٢٠١٤/٤/٢ ان الباخرة " RHOSUS " المتواجدة في مرفأ بيروت تم نقلها من الرصيف رقم ١١ الى سنسول المرفأ وهي تحتوي على مواد خطيرة (نترات الامونيوم)، وانه تبين له وجود بعض المياه في

سقاغ جوج سبكو. بناية ستاركو، ط ٣ - بيروت، لبنان - هاتف: ٩٦١ ١ ٣٧١٤٤/٥/٦ - فاكس: ٩٦١ ١ ٣٧١ ٤٤٧  
Georges Binal Street - STARCO Building 3rd floor - Beirut, Lebanon Tel: +961 1 371 644/5/6 Fax: +961 1 371 647

عناصر السفينة مما يدل على تسرب المياه من الخارج الى داخل السفينة الامر الذي قد يؤدي الى غرق السفينة، وقد طلب تكليف جهاز الرقابة على السفن الوطنية والاجنبية بالكشف على السفينة واعداد تقرير عن وضعها وسلامتها بغية اتخاذ الاجراءات اللازمة لتلافي غرقها في المرفأ.

٥- بتاريخ ٢٠١٤/٤/٢ عاد جهاز الرقابة على السفن الوطنية والاجنبية العامل لدى المديرية العامة للنقل البري والبحري وقام بالكشف على السفينة للتأكد من سلامتها للملاحة ومدى التزامها بتطبيق الانظمة المحلية والدولية المتعلقة بسلامة الملاحة البحرية وسلامة الارواح في البحار وسلامة البيئة والسلامة العامة ولمعرفة ما اذا تم اصلاح العيوب التي تم اكتشافها عند الكشف السابق، وقد تبين بالنتيجة انه لم يتم اصلاح هذه العيوب المذكورة بل وجود عيوب اضافية في السفينة وفقاً لتقرير كشف جهاز الرقابة على السفن الوطنية والاجنبية العامل لدى المديرية العامة للنقل البري والبحري (ربطاً بصورة عن تقرير الكشف).

٦- لا تزال الباخرة "RHOSUS" راسية على السنسول في مرفأ بيروت وهي بحاجة ماسة الى صيانة فورية وعاجلة وهي مهددة بالغرق نتيجة اهمالها من اصحابها، مما يشكل خطراً على سلامة السفينة وعلى سلامة الملاحة البحرية والبيئة البحرية وعلى حركة الملاحة في المرفأ الامر الذي يقتضي معه اتخاذ الاجراءات اللازمة والعاجلة لتلافي هذه الاخطار.

لذلك نرجو جانبكم اخذ العلم بما تقدم واتخاذ الاجراءات اللازمة لتلافي غرق السفينة المحملة ببضائع خطيرة في مرفأ بيروت وبالتالي تلافي حدوث تلوث لمياه البحر وعرقلة حركة الملاحة البحرية في مرفأ بيروت، والتعجيل في البت بقضيتها وبيعها بالمزاد العلني.

ربطاً:

صورة عن كامل الملف.

كلمة المدير العام للنقل البري والبحري

  
المهندس عبد الحفيظ القيسي



## April 14, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority

REPUBLIC OF LEBANON  
Ministry of Public Works & Transport  
Directorate General of  
Land & Maritime Transport

- ٣ -



الجمهورية اللبنانية  
وزارة الأشغال العامة والنقل  
المديرية العامة للنقل البري والبحري

عاجل جداً

جانب وزارة العدل  
- هيئة القضايا -

٢٠١٤

١٤ نيسان ٢٠١٤

**الموضوع:** طلب اتخاذ الإجراءات اللازمة للبت بقضية الباخرة "RHOSUS" الراسية في مرفأ بيروت بشكل سريع وفوري وبيعها بالمزاد العلني لتفادي غرق الباخرة

**المرجع:** - كتابنا رقم ٦/٢٨٣٢ تاريخ ٢٠١٤/٤/٨  
- ملف الباخرة "RHOSUS"

بالإشارة إلى الموضوع والمرجع المبينين اعلاه،

والحافاً لكتابنا رقم ٦/٢٨٣٢ تاريخ ٢٠١٤/٤/٨ المرفق ريبطاً والذي تم بموجبه الطلب إليكم الإسراع في البت بقضية الباخرة "RHOSUS" الراسية في مرفأ بيروت والمحملة بمادة AMMONIUM NITRATE وهي مادة خطيرة وقد لقي عليها حجز قضائي بموجب قرار صادر عن دائرة تنفيذ بيروت رقم ٢٠١٣/١٠٣١ تاريخ ٢٠١٣/١٢/٢٠ وبالتالي اتخاذ الإجراءات اللازمة لعرضها بالمزاد العلني لتلافي غرق الباخرة المذكورة بسبب وجود عيوب فيها يستوجب إصلاحها، وهذا يسبب خطراً على سلامة الملاحة البحرية والبيئة البحرية،

فإننا نود إفادتكم أن الباخرة المذكورة معرضة بشكل كبير للغرق الأمر الذي يتطلب معه اتخاذ الإجراءات اللازمة من قبلكم بأقصى سرعة ممكنة للبت بقضيتها وعرضها بالمزاد العلني من أجل تفادي غرق هذه الباخرة في مياه مرفأ بيروت لا سيما وأنها محملة بمادة AMMONIUM NITRATE وهذا ما يعرض سلامة الملاحة البحرية وسلامة البيئة البحرية في مرفأ بيروت للخطر،

للتفضل بالإطلاع وأخذ العلم راجين إيلاء هذا الموضوع أقصى درجات الاهتمام من جانبكم،

المدير العام للنقل البري والبحري

المهندس عبد الحفيظ القيسي



ربطاً: نسخة عن كتابنا رقم ٦/٢٨٣٢ تاريخ ٢٠١٤/٤/٨

April 17, 2014 Directorate General of Land and Maritime Transport and  
Transport Response to Baroudi and Associates Law Firm Letter

REPUBLIC OF LEBANON  
Ministry of Public Works & Transport  
Directorate General of  
Land & Maritime Transport



الجمهورية اللبنانية  
وزارة الأشغال العامة والنقل  
المديرية العامة للنقل البري والبحري

حضرة ريان الباخرة "RHOSUS" المحترم  
وكيلاه المحاميان سمير وجان بارودي المحترمين

٦/٤.١٧  
٢٠١٤ نيسان ١٧

**الموضوع:** طلب اتخاذ تدابير لتجنب حدوث كارثة بحرية.

**المرجع:** - كتابكم تاريخ ٢٠١٤/٤/٧ المسجل لدى المديرية العامة للنقل  
البري والبحري برقم ٦/٣٠١٧ تاريخ ٢٠١٤/٤/٩ ومرفقاته.

بالإشارة إلى كتابكم المبين في المرجع اعلاه، والذي تعرضون بموجبه ما يلي:

- ١- ان الباخرة " RHOSUS " راسية في مرفأ بيروت برسم الترايزيت منذ شهر كانون الاول ٢٠١٣ وعلى متنها عدد من البحارة، وهي مستأجرة ومشغلة من قبل شركة " Teto Shipping LTD " وتحمل على متنها ٢٧٥٠ طن متري من مادة نترات الامونيوم (Nitrate D'amonium) مشحونة لأمر بنك موزامبيك الدولي " Banco Fabrica de " International de Mozambique " والمطلوب ابلاغه شركة " explosives ".
- ٢- ان البحارة اصبحوا سجناء في الباخرة لا يستطيعون مغادرتها وتأمين قوتهم اليومي بعد ان تخلى عنهم وعن الباخرة اصحابها ومجهزوها ومستأجروها وقد توقف هؤلاء عن دفع اجور البحارة منذ اكثر من خمسة اشهر، وانقطعوا عن دفع نفقات وديون السفينة، كما ان الجهة المرسله اليها البضاعة تخلت بدورها عن البضاعة وان هذه الامور ثابتة من الرسالة الموجهة عبر البريد الالكتروني من قبل شركة " Teto Shipping LTD " بواسطة الوكيل البحري الى جانبنا.
- ٣- ان الباخرة وحمولتها تهددان سلامة السفينة وسلامة المرفأ على حد سواء، فمادة نترات الامونيوم المحملة على متنها تعتبر خطرة جدا لقابليتها العالية للاشتعال وهي تستخدم في صناعة المتفجرات، ما يوجب اخذ الحيطة والحذر عند تخزينها او نقلها. وان الباخرة اصبحت مهترئة بسبب تاكلها بالصدأ مما يهدد بتسرب المياه الى العنابر، وان اختلاط مادة نترات الامونيوم بالماء يعرض الحمولة لخطر الانفجار.
- ٤- انه عملا باحكام القوانين المرعية الاجراء لا سيما المادة ٧٣ من نظام المرافئ والموانئ، يدخل ضمن صلاحية ادارتنا مراقبة البضائع الخطرة على البواخر مع اتخاذ التدابير الضرورية لحفظ السلامة العامة.

وقد طلبتم بالنتيجة من جانبنا اتخاذ جميع التدابير اللازمة على وجه السرعة لتفادي ودرء المخاطر الناجمة عن الوضع المذكور، ولبيع كل من الباخرة والحمولة وفقا للقوانين المرعية وتسديد الديون المترتبة اداءً اليه.

شارع جورج بيك  
٣ - بيروت، لبنان - هاتف: ٩٦١ ٣٧١٦٤٤/٥/٦ - فاكس: ٩٦١ ٣٧١ ٦٤٧  
Georges Picot Street - STARCO Building 3<sup>rd</sup> floor - Beirut, Lebanon Tel: +961 3 716 445 Fax: +961 3 71 647  
e-mail: Ministry@transportation.gov.lb

فعلية،

تفيدكم هذه الإدارة أنها وجهت كتابين الى وزارة العدل-هيئة القضاة(كتاب رقم ٦/٢٨٣٢ تاريخ ٢٠١٤/٤/٨ و ٦/٣١٧٨ تاريخ ٢٠١٤/٤/١٤) تم بموجبهما عرض حثيات موضوع الباخرة " RHOSUS " ومن بين هذه الحثيات ان السفينة محملة بمادة نترات الامونيوم وهي مادة خطيرة، وان السفينة مهددة بالغرق في مرفأ بيروت نتيجة اهمالها من اصحابها، وقد تم الطلب اليها اتخاذ الاجراءات اللازمة لتلافي غرق السفينة المحملة ببضائع خطيرة في مرفأ بيروت وتلافي تعرض سلامة الملاحة البحرية والبيئة البحرية للخطر، والتعجيل في البت بقضيتها وبيعها بالمزاد العلني وايلاء هذا الموضوع اقصى درجات الاهتمام. كما تم توجيه كتاب رقم ٦/٣١٧٩ تاريخ ٢٠١٤/٤/١٤ الى وكيل الباخرة البحري (الوكالة الوطنية للتجارة والشحن) للطلب اليه اجراء ما يلزم لجهة اصلاح وصيانة الباخرة بشكل فوري وسريع لتلافي غرقها وابلاغنا في خلال مهلة اربع وعشرين ساعة بالاجراءات التي سيخذها الوكيل البحري.

للتفضل بالاطلاع.

٢٢

السيد المدير العام للنقل البري والبحري

السيد

المهندس عبد الحفيظ القيسي



## April 30, 2014 Letter from Case Authority to Urgent Matters Judge

١٠٤٩٤٩  
٢٠١٤/٤/٣٠ - ٣  
٢٠١٤/٤/٣٠  
عمير زفيق طرباه  
محامي الدولة اللبنانية  
في القضايا المدنية والتحكيم  
ماجستير في القانون الخاص

رئيس القلم  
حضرة قاضي الأمور المستعجلة في بيروت المحترمة  
طلبه أمر عاجل عرضة  
مقتدم من

بيروت في ٢٠١٤/٤/٣٠

المستدعية: الدولة اللبنانية - وزارة الأشغال العامة  
والنقل (المديرية العامة للنقل البري  
والبحري).

وكيلها المحامي عمر طرباه  
بموجب المرسوم ٢٠١٣/٩٧٨٧  
المرفق صورة عنه ربطاً (مستند رقم ١)

الموضوع: طلب الترخيص بتعويم أو بيع الباخرة "RHOSUS" سنداً وسنداً للمادتين /١٣/  
و/١١/ من القرار المذكور أعلاه معطوفتين على المادة /٥٨٩/ أصول مدنية .

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أولاً: في الوقائع

١) بتاريخ ٢٠١٣/١١/٢١ رست الباخرة "RHOSUS" في مرفأ بيروت محملة بمادة نيترات  
الأمونيوم (وهي مادة مصنفة على أنها خطيرة) لشحن بضاعة من مرفأ بيروت، وعلى اثر  
تخلاف بين شركة Bunker net LTD وأصحاب السفينة صدر عن حضرة  
رئيس دائرة تنفيذ بيروت القرار رقم ٢٠١٣/١٠٣١ بتاريخ ٢٠١٣/١٢/٢٠ قضى بإلقاء الحجز  
الإحتياطي على السفينة ومنعها من مغادرة المياه الإقليمية اللبنانية ما لم تقدم كفالة ضامنة للدين  
تأميناً لدين طالب الحجز كما هو ثابت في صورة القرار المرفق ربطاً (مستند رقم ٢).

٢) بتاريخ ٢٠١٣/١١/٢٥ قام جهاز الرقابة على السفن الوطنية والأجنبية العامل لدى المديرية  
العامة للنقل البري والبحري بالكشف على السفينة للتأكد من سلامتها للملاحة ومدى إلتزامها  
بتطبيق الأنظمة المحلية والدولية المتعلقة بسلامة الملاحة البحرية وسلامة الأرواح في البحار  
وسلامة البيئة والسلامة العامة، وقد تبين بنتيجة الكشف وجود بعض العيوب في السفينة التي  
تحول دون توفر سلامة الملاحة البحرية وقد جرى منعها من السفر لحين إصلاح هذه العيوب

1

وإبلاغ ربانها ووكيلها البحري بذلك ومن أهم هذه العيوب وجود تآكل وصدأ في بدن السفينة وفي فتحات عنبرها كما أن بعض الأجهزة الملاحية لا تعمل بصورة سليمة.

(٣) إن رئيس مرفأ بيروت أفاد بأن الباخرة راسية على الرصيف رقم ١١ في مرفأ بيروت وهي محملة بمادة نيترات الأمونيوم وأنها مادة خطيرة ، وأنه طلب من وكيل الباخرة البحري أكثر من مرة تأمين الطعام والشراب للبحارة الموجودين على متنها ولكن دون جدوى، وقد طلب رئيس مرفأ بيروت إتخاذ الإجراءات اللازمة لإجبار الوكيل البحري على تأمين المأكل والمشرب لبحارة السفينة وعدم السماح للوكيل البحري بإنزال البحارة من على متن السفينة إلا بعد تأمين بديل لهم حرصاً على سلامة السفينة وسلامة الملاحة البحرية والسلامة العامة في المرفأ، كما أفاده أنه بعد ذلك تم نقلها من الرصيف ١١ الى سنسول المرفأ وهي تحتوي على مواد خطيرة (نيترات الأمونيوم) ، وتبين لرئيس مرفأ بيروت وجود بعض المياه في عنابر السفينة مما يدل على تسرب المياه من الخارج الى داخل السفينة ، الأمر الذي قد يؤدي الى غرق السفينة ، وطلب إعداد تقرير جديد عن وضعها وسلامتها بغية إتخاذ الإجراءات اللازمة لتلافي غرقها في المرفأ.

(٤) بتاريخ ٢٠١٤/٤/٢ عاد جهاز الرقابة على السفن الوطنية والأجنبية العامل لدى المديرية العامة للنقل البري والبحري وقام بالكشف على السفينة للتأكد من سلامتها للملاحة ومدى إلتزامها بتطبيق الانظمة المحلية والدولية المتعلقة بسلامة الملاحة البحرية وسلامة الأرواح في البحار وسلامة البيئة والسلامة العامة، ولمعرفة ما إذا تم إصلاح العيوب التي تم اكتشافها عند الكشف السابق، وقد تبين بالنتيجة أنه لم يتم إصلاح هذه العيوب المذكورة، بل تفاقمت العيوب في السفينة إضافة الى وجود مواد خطيرة على متنها يمكن ان تتفاعل كيميائياً وتسبب تلوثاً بيئياً وفقاً لما جاء في تقرير كشف جهاز الرقابة على السفن الوطنية والاجنبية العامل لدى المديرية العامة للنقل البري والبحري المرفق ريبطاً (كتاب الوزارة مرفق بتقرير فني، مستند رقم ٣) ، مع العلم أن الباخرة "RHOSUS" مازالت راسية على السنسول في مرفأ بيروت وهي مهددة بالغرق نتيجة إهمالها من أصحابها، مما يشكل خطراً على سلامة السفينة وعلى سلامة الملاحة البحرية والبيئة البحرية وعلى حركة الملاحة في المرفأ، الامر الذي استوجب تقديم الإستدعاء الراهن.

## ثانياً: في القانون

حيث أنه قد ثبت من خلال المعطيات المثارة في باب الوقائع بأن أصحاب السفينة ووكيلها البحري وربانها المبينة أسماؤهم في التقرير المرفق أعلاه قد أهملوا إصلاح العيوب اللاحقة بها ، وهي العيوب التي تحول دون توفر سلامة الملاحة البحرية، لاسيما وأنها تحتوي على مادة نيترات الأمونيوم الخطرة ، وهي معرضة للغرق لا محالة إذا بقي الوضع على ما هو عليه الآن، مع ما يسببه ذلك من خطر داهم على البيئة البحرية.

وحيث أن المادة /١٣/ من القرار /١٦٦/ تاريخ ١٩٤١/٧/٣ المتعلقة بالكوارث البحرية أولت قاضي الأمور المستعجلة بموجب نص خاص، "في حال غرقت السفينة أو كانت عرضة للغرق أو جنحت في المرفأ فأصبحت سبباً لعرقلة الملاحة أو خطراً عليها"، صلاحية الترخيص لمستشار الشؤون البحرية في أن يقوم مقام صاحب السفينة بعد ثبوت تهاونه بأن يجري وينجز أعمال التعويم أو الهدم على نفقة ومسؤولية صاحب السفينة ضمن حدود القيم المنقذة، كما أجازت المادة ١١ من القرار المذكور لدى تعرض السفينة لكارثة بحرية أو عطل جعلها غير صالحة للنقل بيعها على اعتبارها حطاماً.

وحيث أنه وفي هذا السياق وإعمالاً للمادة ١٣ من القرار ٤١/١٦٦ ، فقد اعتبر :

"حيث أن المادة /١٣/ من القرار ١٩٤١/١٦٦ أعطت الحق لقاضي الأمور المستعجلة بأن يعطي الترخيص للمسؤول عن الشؤون البحرية كي يقوم مقام صاحب السفينة ويجري أو ينجز أعمال التعويم أو الهدم وعلى نفقة ومسؤولية صاحب المركب، وحيث أن وجود المركب الغارق يشكل عائقاً دون حرية الملاحة ويلحق الضرر، لذلك تقرر الترخيص للمديرية العامة للنقل بأن تقوم مقام صاحب السفينة بإجراء أو إنجاز أعمال التعويم أو الهدم على نفقة ومسؤولية صاحب المركب ضمن حدود القيم المنقذة.

(يراجع بهذا الشأن قرار قاضي الأمور المستعجلة في بيروت رقم ٢٥ ، تاريخ ١٩٧٢/١/٨، الرئيس منصور، دعوى وزارة الأشغال العامة والنقل، حاتم ج ١٢٣، ص ٦٤، منشور في صادر قضاء الأمور المستعجلة، صفحة ٧٣٥).  
(يراجع بذات المعنى القرار رقم /١٠٤/ تاريخ ٢٠٠٣/٢/٧، منشور في مؤلف الدليل الى قضاء الأمور المستعجلة القاضي محمود مكية، ٢٠٠٤، صفحة ٤٨٩).

وحيث أنه وبعد ثبوت تضرر السفينة وعدم صلاحيتها للملاحة البحرية وتفاقم العيوب فيها ودخول المياه اليها عبر العنابر وثبوت احتوائها على مواد خطيرة جداً على البيئة البحرية وذلك بموجب تقرير صادر عن ادارة مرفأ بيروت، وحفاظاً على حقوق طالب الحجز .

وحيث أنه وبناءً على كل ما تقدم ، وسنداً للمادتين /١٣/ و /١١/ من القرار المذكور أعلاه معطوفتين على المادة /٥٨٩/ أصول مدنية .

## لذلك

تطلب المستدعية من محكمتكم الكريمة اصدار قرار في غرفة المذاكرة بما يلي:

أولاً: الترخيص لها من خلال المديرية العامة للنقل البري والبحري بإنجاز أعمال تعويم السفينة "RHOSUS" بصورة لا تشكل أي مساس بالملاحة البحرية وخطراً عليها ، كما والترخيص لها على وجه السرعة بنقل المواد المشحونة على متنها وهي مواد نيترات الأمونيوم نظراً لخطورتها على سلامة البيئة البحرية الى مكان أمين وتأمين حراستها.

ثانياً: الترخيص لها أيضاً عند الإقتضاء وبعد انتشال السفينة والمواد التي على متنها وتبعاً للضرورة وللمقتضيات التي تقدرها الإدارة ببيع السفينة وما عليها ، على أن يحفظ الثمن الناجم عن بيعها ، حتى يتسنى لصاحب كل حق على السفينة من إستيفاء حقه وفقاً لأحكام قانون التجارة البحرية سواء كانت المستدعية أو الحاجز أو أصحاب الحقوق الآخرين.

بكل تحفظ واحترام

بالوكالة

انجامي عمر طرياه



April 30, 2014 Letter from Case Authority Lawyer to Case Authority

- ٤ -

كتاب المطالعة الى رئيس هيئة  
القضاة

عمر وفيق طرباه  
محامي الدولة اللبنانية  
في القضايا المدنية والتحكيم  
ماجستير في القانون الخاص

بيروت في 2014/4/30

حضرة رئيس هيئة القضاة في وزارة العدل المحترم

**الموضوع:** إحالة كتاب وزارة الأشغال العامة والنقل المتضمن طلب إتخاذ الإجراءات اللازمة للبت بقضية الباعرة "RHOSUS" الراسية في مرفأ بيروت بشكل سريع وفوري وبيعها بالمزاد العلني لتفادي غرقها.

تحية طيبة وبعد،

1 بتاريخ 2014/4/17 تلغتنا من جانبكم كتاب من وزارة الأشغال العامة والنقل، تعرض فيه الوزارة بشخص المدير العام للنقل البري والبحري المهندس عبد الحفيظ القيسي بأن هناك باخرة باسم "RHOSUS" راسية حالياً في مرفأ بيروت وهي محتملة بمادة نترات الأمونيوم وهذه المادة مصنفة على أنها خطيرة .

2) تبين أن هناك حجزاً احتياطياً ملقى على السفينة المذكورة لدى دائرة تنفيذ بيروت برقم أسس 1031/ وذلك من قبل شركة Bunkernet LTD ضماناً لحقوقها، والتي هي عبارة عن ثمن كميات مبيعة من الوقود (Fuel oil) بموجب أربع فواتير بيع الى أصحاب ومجهزوا ومستأجرو السفينة وربانها وشركة TITO SHIPPING LTD الممثلين بوكيل السفينة.

3) بناءً على طلب الحجز صدر قرار عن رئيس دائرة التنفيذ بتاريخ 2013/12/20 قضى بإلقاء حجز احتياطي على السفينة ومنعها من مغادرة المياه الإقليمية ما لم تودع كفالة ضامنة للدين البالغ مقداره /\$119396,38/، إضافة الى اللوائح المقدرة بمبلغ /\$11940/.

[Redacted Signature]

4) بموجب كتاب الوزارة يتضح انه قد جرى الكشف على السفينة أكثر من مرة وكان آخرها بتاريخ 2014/4/2 وذلك من قبل جهاز الرقابة على السفن الوطنية والأجنبية العامل لدى المديرية العامة للنقل البري والبحري، وبتيجة الكشف تبين وجود عيوب في السفينة تفاقم تدريجياً وتحول دون سلامة الملاحة البحرية، نظراً لوجود تآكل وصدأ في بدن السفينة وفي فتحات عابرها وتسرب المياه من الخارج الى داخل السفينة، الأمر الذي يؤدي الى غرقها، إضافة الى ان هناك بعض الأجهزة الملاحية لا تعمل فيها بصورة سليمة.

5) أفاد رئيس مرفأ بيروت بموجب الإحالة رقم 391/ب تاريخ 2014/4/2 أن الباخرة تم نقلها من الرصيف رقم 11 الى سنسول المرفأ وهي تحتوي على مواد خطيرة (نيترات الأمونيوم) مشيراً الى تسرب المياه لداخلها.

6) بناءً على هذه المعطيات خلص كتاب الوزارة الى ما مفاده، بأن السفينة بحاجة ماسة الى صيانة فورية وعاجلة كونها مهددة بالغرق نتيجة إهمال أصحابها على الرغم من الإيعاز لوكيل الباخرة البحري أكثر من مرة باتخاذ الإجراءات اللازمة، مما يشكل خطراً على سلامة السفينة وعلى سلامة الملاحة البحرية وعلى حركة الملاحة في المرفأ، وخطراً على سلامة البيئة البحرية نظراً لما تحتويه من مواد خطيرة، طالباً الكتاب من جانبكم أخذ العلم واتخاذ الإجراءات الكفيلة اللازمة لتفادي غرق السفينة المحملة ببضائع خطيرة والتعجيل بالبت في قضيتها وبيعها بالمواد العلتى.

(نرفق رفقاً صورة عن كتاب الوزارة، مستند رقم 1)

بناءً على ما تقدم، وعلى ضوء القرار رقم 166/ل.ر الصادر في 1941/7/3 المتعلق بالكوارث البحرية، ونظراً لعدم إمكانية ترحيلها كونها موضوع حجز احتياطي، فإننا نعلم جانبكم بأننا سنتقدم على وجه السرعة بطلب من لدن قاضي الأمور المستعجلة في بيروت للترخيص للمديرية العامة للنقل باتخاذ التدابير اللازمة من تعويم السفينة وانتشالها من المياه، منعاً من تفاعل المواد التي على متنها كيميائياً وهو ما حذر منه تقرير وزارة الأشغال والقيام بإصلاحها، وتعويم البضاعة المحملة عليها ونقلها الى مكان آمن نظراً لخطورتها، وبيع السفينة عند الإقتضاء على نفقة ومسؤولية أصحابها بعد تعويمها، وذلك سندا للمادتين 11/ و 13/ من القرار رقم 166/المتين تمنحان بصورة خاصة قاضي الأمور المستعجلة إتخاذ مثل هذه التدابير في الكوارث

البحرية، معطوفتين على نص المادة /589/ أصول مدنية والتي تميز لقاضي الأمور المستعجلة اتخاذ التدابير المؤقتة والإحتياطية التي من شأنها حفظ الحقوق ومنع الضرر وجرم الموجودات وبيع الأموال القابلة للتلف .

إلا أنه ومع ذلك نرى، ونظراً للمعوقات الإدارية ومن بينها توقع حصول تأخير في تنفيذ أي قرار قضائي ، أو في الإجراءات الآيلة لإنفاذه ومن بينها على سبيل المثال تسديد أية سلفة قد تقرر لكاتب المحكمة أو لخبير معين مكلف من قبل القضاء المذكور للتحقق من واقع الحال ، وحرصاً على سلامة البيئة البحرية في ظل وجود مواد خطيرة جداً على متن السفينة ، وعطفاً على الصلاحيات المعطاة لرئيس المرفأ بموجب المادة /6/ من القرار 1941/166 التي تولي هذا الأخير من تلقاء نفسه بحكم القانون دون انتظار أي قرار قضائي و في حال تعرض السفينة لكارثة بحرية أو ما شابه صلاحية وضع البضائع والأشياء المنقذة في محل أمين وتأمين حراستها ، كما له اتخاذ التدابير اللازمة لإنقاذ السفينة والمعدات الأخرى والبضائع المشحونة فيها على أن ينظم في الحال محضر ضبط بجرم البضائع المنقذة.

وحيث أنه وسنداً للمادة /6/ المذكورة وتلافياً للأخطار الداهية الناجمة عن غرق السفينة وتفشي السواد الضارة بالبيئة في البحر مع الحفاظ ومراعاة لحقوق الحاجز في أن معاً جئنا بموجب كتابنا هذا نطلب من جانبكم :

1) إبداء موافقتكم المسبقة على تقديم طلب من لدن القضاء المستعجل لاتخاذ التدابير اللازمة وذلك سنداً للمادتين /13/ و /11/ من القرار 1941/166 معطوفتين على المادة /589/ أصول مدنية .

2) ترفق ريثماً صورة عن الطلب الموجه الى قاضي الأمور المستعجلة في بيروت قبل المبادرة الى تقديمه، مستد رقم 2).

2) نلتبس من جانبكم في حال رأيتم ذلك صائباً ، الإيعاز فوراً واستباقاً لأي ضرر حال ، وسنداً للصلاحيات الممنوحة لرئيس المرفأ وفقاً للمادة /6/ من القرار /166/ المشار اليه أعلاه ، وتلافياً لتلوث البيئة البحرية ، باتخاذ جميع التدابير اللازمة بنقل المواد الخطرة الموجودة على متنها بالسرعة القصوى من دون حاجة لإنظار أي

الموجودة على متنها بالسرعة القصوى من دون حاجة لإنظار أي قرار قضائي بهذا الخصوص ، إضافة إلى نقل معدات وأجهزة السفينة إلى محل أمين ، وتأمين حراستها وعلى أيدي إخصائين ، بانتظار صدور قرار عن قاضي الأمور المستعجلة يقرر وفقاً للمعطيات المتوافرة لديه ، بانتشال السفينة مؤقتاً أوبعها على أن يكون الضمن الناتج عن البيع بديلاً عن العين وضماناً لأصحاب الحقوقي ،  
هنا ما ترصلنا إليه ترفعه لجنايتكم أملين تزويدنا بإرشاداتكم وإبداء موافقتكم على الإجراءات المنوي اتخاذها على الصعيد القضائي وذلك بالتأشير على هذا الكتاب ، وإحالة نسخة عنه للوزارة في حال ارتأيتم ذلك ، على أن تتضمن إحالتكم الإيعاز لرئيس المرفأ بالحد الأدنى نقل مادة نيترات الأمونيوم من السفينة إلى محل آمن وفقاً للصلاحيات الممنوحة لرئيس المرفأ عملاً بالمادة ٦ من القرار ٤١/١٦٦

وتفضلوا بقبول الاحترام

الحامي عمر طرباه



May 5, 2014 Letter from the Beirut Enforcement Department to the Head of the Beirut Port

الجمهورية اللبنانية  
وزارة العدل  
دائرة التنفيذ

الاشعار تهايب معجز ا. ص. ص. ج. ا.  
صادر عن دائرة تنفيذ بيروت  
ال شخصية رئيسي مرفأ بيروت

رقم الاوراق: ١٥٥١  
التاريخ: ١٤٠٨/١٤/٢٠١٤

المحاضرة: حسن آت  
المحجوز عليها: شركة ريموتيا Tetoshipping Ltd (Rhosus)  
الشخص الثالث: الشركة الملاحية: شركة ريموتيا (Rhosus)

تاريخ قرار المحجز: ١٤٠٥/٠٥/٢٠١٤ رقمه: ١٤٠٥/٠٧/٢٠١٤ الصادر عن رئيس دائرة تنفيذ

بما ان هذه الدائرة قررت بتاريخ ١٤٠٥/٠٥/٢٠١٤ المحجز الاصلي على السفينة (Rhosus) ومقرها في معادنة المسيرة اللبنانية

فالها تبغلك نسخة طبق الاصل عن قرار المحجز المذكور ونسخة عن كل من مستنداته المرفقة ربطاً بهذا الاشعار علماً بأن قرار المحجز المذكور هو قابل للطعن في مهلة خمسة ايام من تاريخ التبليغ.

مأمور التنفيذ  
١٤٠٥/٠٥/٢٠١٤

عن رئيس مرفأ بيروت  
حسن صعب

May 7, 2014 Urgent Matters Judge Decision

هامش  
عدد  
٤٢٩ / ٤٠٤

٢٠ / ٤ / ١٤  
عدد ٤٢٩ / ٤٠٤

المستعملة: الدولة اللبنانية - وزارة الأشغال العامة والنقل  
الموضوع: طلب الترخيص بتعويض البافرة RHOSUS

أول

قرار

بعد الاستماع  
تقرر تعليق الكاتب زياد شعبان بإجراء  
تحقيق حول موضوع الاستدعاء والاشارة الى  
ملاحظات كل من اصحاب الضميمة والوكيل المسمى  
والربان اذا امكن للتحقق من مهامهم في اتخاذ  
الاجراءات المطلوبة.

في ١٤ / ٥ / ١٤  
قاضي الأمور المستعجلة في بيروت  
جاد معلوف

١٤ / ٥ / ٢٠١٤  
لوقته عند فتح الملف

تقرير معلومات		سري
نسبة الصحة	مصدر المعلومات	رقم الصادر ٤٢٠٠٠٠ / ١٢٠٠٠٠ تاريخ ١٢ / ١٢ / ٢٠١٣
<input checked="" type="checkbox"/> أكيدة	<input checked="" type="checkbox"/> تحقق شخصي	رقم الوارد / / تاريخ / / /
<input type="checkbox"/> محتملة	<input type="checkbox"/> وثيقة	تاريخ المعلومات.
<input type="checkbox"/> مشكوكة	<input checked="" type="checkbox"/> مخبر	
	<input type="checkbox"/> رأي عام	
	<input type="checkbox"/>	

الموضوع: معلومات عن وضع الباقرة! RHOSUS  
 بتاريخ ٢٠١٣/١١/٢١ دخلت الى مطار بيروت الباقرة التجارية RHOSUS رافعة الطير المولدوني والنابعة للوكالة الوطنية للتجارة والتحن حيث كان على قضاها اربع بحارة تحم عن الجنسية الاوكرانية وقبطان روسي.  
 بتاريخ ٢٠١٣/١٢/٣ حصل تخريب خمس بحارة وبتاريخ ٢٠١٣/١٢/٢٤ تخريب بحار وبعث على قضاها اربع بحارة.  
 انزل الحجز الدخيل عليها بناءً لقرار دائرة تنفيذ بيروت رقم ١٠٢١ / ٢٠١٣ بتاريخ ٢٠١٣/١٢/١٩ الذي يحظر عليها مغادرة المنفذ حتى شعاع آخر لادب باب مادية ديوت تبلغ ٣٩٦,٢٨ ليرة إضافة الى ديون تبلغ ١١٩٤ ليرة وذلك لصالح شركة BUNKER NET LTD وكلها الكمان سمير وجان بارودي. جاء هذا القرار بعد ما قامت الباقرة الموكورة بتفريغ حمولتها في مطار بيروت وبقي على قضاها ٥٥,٥٠٠ طن من AMMONIUM NITRATE ١٢٥٠ الى MOZAMBIQUE (PORT BEIRA) لصالح شركة BRANCO INTER NACIONAL DE MOZAMBIQUE (BATAUNI - GEORGA) الى MOZAMBIQUE مع الدشارة الى انها مواد شديدة الخطورة.  
 هناك طاقم الباقرة في ارضاع اناسية من ارضة تنلخص بالنالي!  
 لم تلتقى الطاقم البصري معاشا تص من قبل تاريخ دخول الباقرة الى لبنان.  
 يرفض مالك الباقرة تعيين اي طاقم يد يد على قضاها او تخريب حمولتها عليها.

# تقرير معلومات

سري

نسبة الصحة	مصدر المعلومات	رقم الصادر	تاريخ / /
<input type="checkbox"/> أكيدة	<input type="checkbox"/> تحقق شخصي	رقم الوارد	تاريخ / /
<input type="checkbox"/> محتملة	<input type="checkbox"/> وثيقة	تاريخ المعلومات:	
<input type="checkbox"/> مشكوكة	<input type="checkbox"/> غير		
	<input type="checkbox"/> رأي عام		
	<input type="checkbox"/>		

الوضوح:

- ٣- لم يحفل سلطان الباهرة الروسي على ابي نضر بن لزيارة المدينة منذ دخولها الخياط  
رغم ان حضره اللواء مدير عام الامن العام بموجب وثيقة اتصال رقم ٢٣٤٩ من ١٩٧٧/٩/٢٠١٣). جعل اشكال بينه وبين باقي طاقم الباهرة في التمسك الدوكر انبسط  
ثبت معالجته سريعاً بالتشيق مع مندوب من السفارة الدوكر انبسط مما يمكن  
ان يؤدي ان يلقا مشاكل اخرى على الباهرة مستقبلاً بسبب وضع القبطان النفسي
- ٤- طلب القنصل الدوكر ابي من الوكيل البحري تخريج التجارة الدوكر ابي بن تسمية  
هذا الوضع المتردي لكنه رفض بسبب وضع المالك كمانصر التعليمات على الرافعة  
بقاء طاقم السفينة على مشنها لا يقل عدد عن خمس بحارة وبالتالي لم يعد بالامكان  
تخريج ابي بحار او القبطان الا بعد تعيين بديل عنه.
- ٥- ان طاقم بحارة الباهرة يعيش في وضع مدي كونه لاثمون الباهرة غنائماً الذي طارح  
لا يتعدى بالكل حال حصة تموينية (مرقان فقط في الشهر الماضي) وقد قام بحارة بجمع مواد  
تجارية وبيعها في اهل امراء اتصالات مائتة.
- ٦- يدعي الوكيل البحري المدعو مصطفى بغدادي ان لديه ديون بقيمة ١١٧٧٠٠٠  
رغم ان صرفاً - تلبس - معدات لانزال البضاعة مستخدمها بناءً لطلب مالك  
الباهرة - علاج ووداء) وقد راجع سابقاً مدير عام النقل البري والبحري المهندس  
عبد الحفيظ القبي لستاره مجلس شورى الدولة بهذا الشأن.
- ٧- فازالت الباهرة رئيسية على سنون الرضا حتى تاريخ اعداد هذا التقرير

سري للغاية

تاريخ : ٢٠١٤/٥/١٦

الموضوع : حجز الباخرة التجارية "RHOSUS" في مرفأ بيروت

( ١ ) دخلت بتاريخ ٢٠١٣/١١/٢١ الى مرفأ بيروت الباخرة التجارية "RHOSUS" التابعة للوكالة الوطنية للتجارة والشحن رافعة العلم المولدوفي وعلى متنها ٩ بحارة من الجنسية الاوكرانية اضافة الى قبطان من الجنسية الروسية .

( ٢ ) تم لقاء الحجز الاحتياطي على الباخرة المذكورة بناءً لقرار قضائي صادر عن دائرة تنفيذ بيروت والذي يحظر على الباخرة مغادرة المرفأ حتى اشعار آخر لأسباب مادية بفعل ديون مستحقة لصالح شركة "BUNKER NET LID" (وكيلها المحاميان سكير وجان بارودي) ، وقد جاء قرار الحجز بعد افرغ الباخرة حمولتها وابقاء على متنها عدة اطنان من المواد الشديدة الخطورة ( AMMONIUM NITRATE HIGH DENSITY ٥٠١ ١M٥ ) برسم الترانزيت مشحونة من مرفأ " BATUMI " الى مرفأ " GEORGIA MOZAMBIQUE PORT BEIRA " لصالح شركة . BANCO INTERNACIONAL DE MOCAMBIQUE

( ٣ ) تسبب قرار حجز الباخرة بأزمة لدى طاقمها تتلخص بالتالي :

\* عدم تلقي طاقم الباخرة رواتبهم منذ ما قبل تاريخ دخول الباخرة الى

لبنان.

\* رفض مالك الباخرة المدعو "ايغور" تعيين طاقم جديد او تخريج الطاقم

الموجود عليها.

\* عدم حصول قبطان الباخرة الروسي على اي تصريح لمغادرة الباخرة منذ

دخولها المرفأ .

\* رفض مالك الباخرة "ايغور" طلب القنصل الاوكراني بتخريج البحارة

الاوكرانيين كون التعليمات تقضي ببقاء ما لا يقل عن خمسة بحارة على متن الباخرة

وعدم السماح لهم بالمغادرة الا بعد تعيين بدلاء عنهم .

\* عدم تمويل الباخرة بالمواد الغذائية الا في حالات نادرة حيث يتم تأمين حصص تموينية للبحارة بقيمة لا تتعدى ٣٠ دولاراً مرتين في الشهر ، ما دفع هؤلاء الى بيع بعض الخرضوات لتأمين مواد غذائية لهم .

٤ ( يذكر الى ان الوكيل البحري المدعو مصطفى بغدادى ادعى ايضاً بأن لديه مستحقات مالية مترتبة على مالك الباخرة والتي تفوق المليون دولار اميركي (مصاريف مرفأ - تلبيص - معدات وغيرها) وقد قام المذكور بمراجعة مدير عام النقل البري والبحري المهندس عبد الحفيظ القيسي بهدف رفع مراجعة الى مجلس شورى الدولة بهذا الشأن ، علماً ان الباخرة المذكورة لا تزال راسية داخل مرفأ بيروت لغاية تاريخه .

June 2, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority

REPUBLIC OF LEBANON  
Ministry of Public Works & Transport  
Directorate General of  
Land & Maritime Transport



الجمهورية اللبنانية  
وزارة الأشغال العامة والنقل  
المديرية العامة للنقل البري والبحري

عاجل جداً

جانب وزارة العدل  
- هيئة القضاة -

٤٤٤١

٢ حزيران ٢٠١٤

**الموضوع:** طلب اتخاذ صفة العجلة لجهة بيع الباخرة "RHOSUS" الراسية في مرفأ بيروت بالمزاد العلني لتفادي وقوع كارثة بحرية

**المرجع:** - كتابنا رقم ٦/٢٨٣٢ تاريخ ٦/٢٨٣٢ تاريخ ٢٠١٤/٤/٨ ورقم ٦/٣١٧٨ تاريخ ٢٠١٤/٤/١٤  
- ملف الباخرة "RHOSUS"

بالإشارة إلى الموضوع والمرجع المبينين اعلاه،

والحاقاً لكتابنا رقم ٦/٢٨٣٢ تاريخ ٦/٢٨٣٢ تاريخ ٢٠١٤/٤/٨ ورقم ٦/٣١٧٨ تاريخ ٢٠١٤/٤/١٤ المرفقين ربطاً واللذين تم بموجبهما الطلب إليكم الإسراع في البت بقضية الباخرة "RHOSUS" الراسية في مرفأ بيروت والمحملة بمادة AMMONIUM NITRATE وهي مادة خطيرة وقد إلقي عليها حجز قضائي بموجب قرار صادر عن دائرة تنفيذ بيروت رقم ٢٠١٣/١٠٣١ تاريخ ٢٠١٣/١٢/٢٠، وبالتالي اتخاذ الإجراءات اللازمة لعرضها بالمزاد العلني لتفادي غرق الباخرة المذكورة بسبب وجود عيوب فيها يستوجب إصلاحها، مما يعرض سلامة الملاحة البحرية وسلامة البيئة البحرية في مرفأ بيروت للخطر،

وحيث أن القضية أصبحت بين أيدي قاضي الأمور المستعجلة في بيروت بعد أن وردنا من وكيل الباخرة "الوكالة الوطنية للتجارة والشحن" نسخة مرفقة ربطاً عن طلب أمر على عريضة بالترخيص برّد طاقم الباخرة "RHOSUS" إلى وطنهم المقدم من وكيلي طاقم الباخرة إلى قاضي الأمور المستعجلة في بيروت، ونسخة مرفقة ربطاً عن الملاحظات التي أبدتها الوكالة المذكورة على هذا الاستدعاء بناءً على طلب القاضي المذكور،

وحيث أن وجود الباخرة المذكورة بات يشكل خطراً كبيراً بحيث أصبح من غير الممكن الإبقاء عليها نظراً لوجود مواد خطيرة على متنها وكون الباخرة مهددة بالغرق مما قد يتسبب بانفجار الباخرة الذي سيؤدي إلى كارثة إنسانية وبحرية وبيئية في المرفأ سيما وأنه يوجد على متنها طاقم مؤلف من أربعة أشخاص وهم في وضع إنساني صعب ولا تدفع لهم أية رواتب، كما أن الوكيل البحري لا يقوم بأية إجراءات لترحيلهم واستبدالهم بأخرين ريثما يتم البت بموضوع الباخرة مما يجعلهم في وضع كسجناء على متن هذه الباخرة المهددة بالغرق، وهذا يشكل خطراً على الأرواح ويتنافى مع القوانين الدولية بهذا الشأن،

حل



شارع جورج سكو - بناية ستاركو - بيروت - لبنان - هاتف: ٦/٣٧١٦٤٤/٥/٦ +٩٦١ ٣٧١ ٦٤٤ فاكس: ٣٧١ ٦٤٤ +٩٦١  
Georges Picot Street - STARCO Building 3rd floor - Beirut, Lebanon Tel: +961 T 371 644/5/6 Fax: 371 644 +961

وحيث أن المواد الخطرة المحملة على متن الباخرة تزيد من المخاطر المحدقة بالسلامة العامة كما وأن العيوب في الباخرة تزداد يوماً بعد يوم وهذا ما أظهرته نتائج الكشف الذي قام به جهاز التفتيش التابع لهذه الإدارة حيث أفاد في تقريره أن الباخرة تعاني من عيوب كثيرة أبرزها وجود شرخ في خزان المقدمة وخزاني الصابورة مما يعرضها للغرق وبالتالي يقتضي معالجة هذا الأمر في أسرع وقت لتفادي تفاقم وضع الباخرة نحو الأسوأ إلا وهو الغرق خاصة وأن الوكيل البحري لا يقوم بأية إجراءات لإصلاح هذه العيوب في الباخرة بحجة أن أصحاب/ مجهزي الباخرة لا يدفعون المال لهذه الغاية. (ربطاً كتابنا إلى الوكيل البحري بهذا الشأن)

هذا وقد وردنا عبر البريد الإلكتروني رسالة من شركة TETO SHIPPING LTD وهي الشركة المستأجرة للباخرة المذكورة تطلب بموجبها السماح بترحيل طاقم الباخرة دون استبدالهم بطاقم آخر الأمر الذي يتعدى معه الاستجابة لطلبها بسبب مخالفته للقوانين والأنظمة المتعلقة بهذا الشأن رغم إننا نتعاطف مع الطاقم الموجود حالياً الذي يعيش في وضع محفوف بالمخاطر ويتنافى وأبسط حقوق الإنسان في العيش ببيئة سليمة وأمنة مع توفر متطلبات العيش لناحية المأكل والمشرب،

وبناءً لما تقدم،

نرجو إعطاء هذا الطلب صفة العجلة لجهة بيع الباخرة بالمزاد العلني بأقصى سرعة ممكنة حتى يصار إلى تفادي الكارثة التي باتت محتمة الحصول وفق المعطيات التي تم تبينها أعلاه والتي تهدد السلامة العامة لا سيما سلامة الأرواح وسلامة الملاحة البحرية وسلامة البيئة البحرية،

للتفضل بالإطلاع،

المدير العام للنقل البري والبحري

  
المهندس عبد الحفيظ القيسي



ربطاً نسخة عن:

- كتبنا رقم ٦/٢٨٣٢ تاريخ ٢٠١٤/٤/٨
- ورقم ٦/٣١٧٨ تاريخ ٢٠١٤/٤/١٤
- ورقم ٦/٣١٧٩ تاريخ ٢٠١٤/٤/١٤
- طلب أمر على عريضة
- ملاحظات الوكالة البحرية على الطلب

June 5, 2014 Letter from Case Authority to the Urgent Matters Judge

عمر وفيق طرباه  
محامي الدولة اللبنانية  
في القضايا المدنية والحكم  
ماجستير في القانون الخاص

بيروت في ٢٠١٤/٦/٥

حضرة قاضي الأمور المستعجلة في بيروت المحترم  
لاحقة مع مستند  
مقدمة من

رقم الأساس: ٢٠١٤/٤٢٩  
رقم القضايا: ٢٠١٤/١٣٧  
وكيلها المحامي عمر وفيق طرباه  
بموجب وكالة ثابتة في الملف.

المستدعية: الدولة اللبنانية  
وزارة الأشغال العامة والنقل  
(المديرية العامة للنقل البري والبحري)

عطفًا على طلب الأمر على عريضة المقدم من المستدعية والمتضمن طلب الترخيص بتعويم أو بيع الباخرة RHOSUS سنداً للمادتين ١٣ و ١١ من القرار ٩٤١/١٦٦

وحيث أنه قد صدر قرار عن محكماتكم الكريمة قضى بتكليف الكاتب زياد شعبان بإجراء تحقيق والاستماع إلى ملاحظات كل من أصحاب السفينة والوكيل البحري والريان للتحقق من تهاونهم في إتخاذ الإجراءات.

ولما كان قد ورد لهيئة القضايا في وزارة العدل بتاريخ ٢٠١٤/٦/٢ أي بعد تقديم الطلب التراهن كتاب عاجل جداً من وزارة الأشغال العامة والنقل تطلب بموجبه إتخاذ الإجراءات الرامية إلى بيع الباخرة بالمزاد العلني بأقصى سرعة ممكنة تقادياً للكارثة التي يمكن أن تنتج جراء المواد الخطرة المحملة على متن الباخرة والتي تهدد السلامة العامة بحيث أمسى وجود الباخرة يشكل خطراً كبيراً كونها مهددة بالغرق مع الإشارة إلى أن وكيل الباخرة "الوكالة الوطنية للتجارة والشحن" قد تقدمت من قاضي الأمور المستعجلة بطلب رد طاقم الباخرة إلى وطنهم، كما هو ثابت من الكتاب والمستندات المرفقين ربطاً (مستند رقم ١)

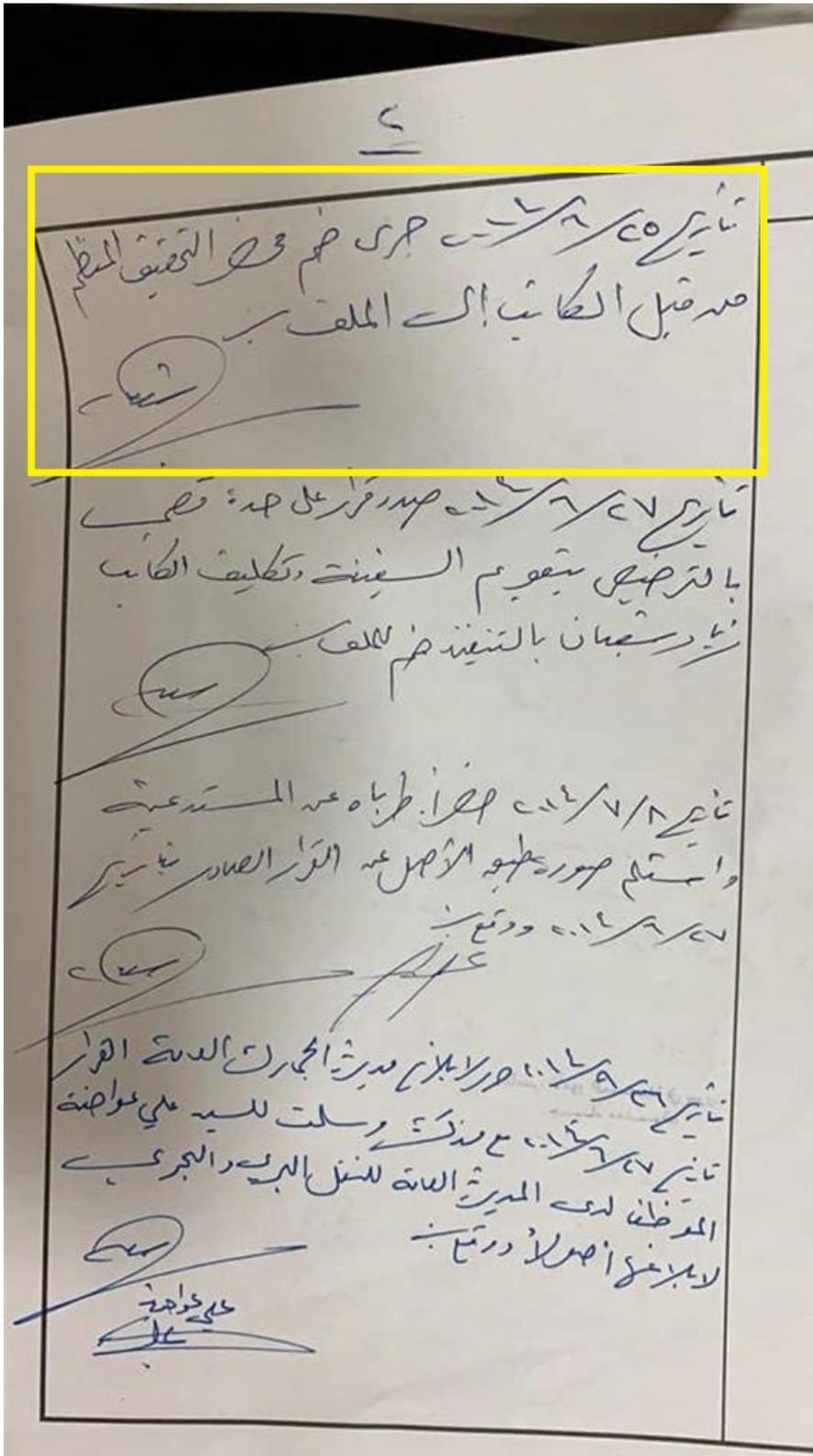
لذلك

تؤكد المستدعية على مطالبتها السابقة الواردة في الاستدعاء باتخاذ التدابير الاحتياطية المذكورة وبيع السفينة وما عليها ، وإجراء المقتضى القانوني.

بكل تحفظ واحترام  
بالوكالة  
المحامي عمر طرباه

سج - جادة بشارة الحوري

June 25, 2014 the Court's Clerk Adds His Investigation to Case File



## June 27, 2014 Ruling by the Urgent Matters Judge

٢٠١٤/٢٧  
قرار  
مديرتك: الدولة اللبنانية - وزارة  
المسائل العاتية والنقل

باسم الشعب اللبناني  
إن قاضي الأمور المستعجلة في بيروت

بعد الاطلاع على الأوراق كافة،  
ولدى التدقيق،

وحيث تطلب المستدعية الدولة اللبنانية، الترخيص لها من خلال المديرية العامة للنقل البري والبحري بإنجاز أعمال تعويم السفينة RHOSUS بصورة لا تشكل أي مساس بالملاحة البحرية وخطراً عليها، والترخيص لها بنقل المواد المشحونة على متنها نظراً لخطورتها على البيئة، إلى مكان أمين وتأمين حراستها، والترخيص عند الاقتضاء وبعد انتشارال السفينة والمواد التي على متنها ببيع هذه السفينة،

وحيث تبين من تقرير جهاز المراقبة على السفن الوطنية والأجنبية العامل لدى المديرية العامة للنقل البري والبحري وجود العديد من العيوب في السفينة التي تحول دون توفر سلامة الملاحة البحرية وقد تم على إثر ذلك منعها من السفر، إلا أن السفينة بقيت راسية في مرفأ بيروت وهي محملة بمواد خطيرة دون أن يتم اتخاذ أي من الإجراءات المطلوبة، مع العلم أنها باتت معرضة للغرق، وقد تفاقمت العيوب وفق ما يتبين من التقرير الثاني المعد من جهاز المراقبة المذكورة،

وحيث تنص المادة ١٣ من القرار رقم ١٦٦ تاريخ ١٩٤١/٧/٣ على أنه يعود لقاضي الأمور المستعجلة الترخيص لمستشار الشؤون البحرية بأن يقوم مقام صاحب السفينة وأن يجري أو ينجز أعمال التعويم أو الهدم على نفقة ومسؤولية صاحب السفينة التي تفرق أو تجنح في المرفأ وتصبح سبباً لعرقلة الملاحة،

وحيث يتبين من مجمل المستندات المبرزة في الملف ومن تقرير جهاز المراقبة على السفن الوطنية والأجنبية العامل لدى المديرية العامة للنقل البري والبحري والتحقيق المخري من قبل كاتب المحكمة، أن السفينة موضوع الطلب باتت بوضع خطر يعرض سلامة الملاحة في المرفأ، إن لجهة وضعها المعرض لخطر الغرق وفق ما يتبين من التقريرين المذكورين أو لجهة حملتها المؤلفة من مواد خطيرة، كما وأن مالك السفينة ومن يمكن أن يحل محله متقاعسين عن اتخاذ أية إجراءات للحؤول دون

وقوع الأضرار، ما يقتضي معه، سنداً لأحكام المادة ١٣ المذكورة أعلاه، الترخيص للمستدعية بتعويم  
الباخرة موضوع الطلب، بعد نقل البضائع الموجودة على متنها وتخزينها في مكان مناسب تحدده، على  
أن تكون تحت حراستها، وبعد اتخاذ الإجراءات اللازمة بالنظر لخطورة المواد الموجودة على متن  
الباخرة،

وحيث إن المستدعية تطلب كذلك الترخيص لها ببيع السفينة، سنداً لأحكام المادة ١١ من القرار

٤١/١٦٦،

وحيث إن المادة المذكورة أعلاه لا تولي صلاحية تقرير البيع لقاضي الأمور المستعجلة وتحيل  
إلى أحكام القرار ٤١/٩٨، ما يقتضي معه رد الطلب لعدم الاختصاص،

لذلك

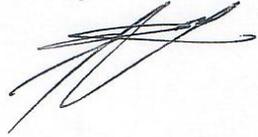
يقرر:

- ١/ الترخيص للمستدعية بتعويم السفينة موضوع الاستدعاء وفق ما جرى شرحه أعلاه،  
بعد نقل المواد الموجودة على متنها إلى مكان مناسب لتخزينها تحت حراستها،
- ٢/ رد طلب الترخيص ببيع السفينة لعدم الاختصاص،
- ٣/ تكليف الكاتب زياد شعبان بالتنفيذ.

قراراً نافذاً على الأصل في بيروت بتاريخ ٢٧/٦/٢٠١٤

القاضي

جاد معلوف



الكاتب





July 11, 2014 Letter from Case Authority Lawyer to Case Authority

- ٧ -

عمر وفتيق طرباه  
محامي الدولة اللبنانية  
في القضايا المدنية والتحكيم  
ماجستير في القانون الخاص

بيروت في ٢٠١٤/٧/١١

جانب رئيس هيئة القضايا في وزارة العدل المحترم  
طلب إحالة قرار للإدارة المعنية

قضايا رقم: ٢٠١٤/٧٧٧

بتاريخ ٢٠١٤/٦/٢٧ صدر قرار نافذ على أصله عن قاضي الأمور المستعجلة في بيروت  
- الرئيس جاد معلوف - بالترخيص للدولة اللبنانية من خلال المديرية العامة للنقل البري والبحري  
بتعويم السفينة RHOSUS بعد نقل المواد الخطرة الموجودة على متنها الى مكان مناسب لتخزينها  
تحت حراستها.

لذا

نحننا بكتابنا هذا نطلب من جانبكم إحالته الى المديرية العامة للنقل البري والبحري - وزارة النقل  
مرفقاً بصورة طبق الأصل عن القرار المذكور سالفاً حتى يتسنى بعد الترخيص لها القيام بما يلزم لرفع  
الخطر المحدق.

استلمت بتاريخ ٢٠١٤/٧/١٤  
ابن عبد الله

بكل تحفظ واحترام  
المحامي عمر طرباه



[Redacted signature area]

August 20, 2014 Letter from the Ministry of Foreign Affairs and Emigrants  
Received by the Minister of Public Works and Transport

الجمهورية اللبنانية  
وزارة الخارجية والمغتربين

مديرية الشؤون السياسية والقنصلية

الرقم: ٥/٣٦٠٤

التاريخ: ٢٠١٤/٨/٢٠

جاناب وزارة الأشغال العامة والنقل

عدد الصفحات: ١+٤

رقم: ٢٧ آ ٢٠١٤

٦٦٥١

الموضوع: قضية السفينة الأوكرانية "Rhosus"

إشارة إلى الموضوع والمرجع أعلاه، نودعكم ربطاً نسخة من مذكرة سفارة أوكرانيا في لبنان رقم ٧٦٥-٥٤٠-٦٦٧/٢٢ بتاريخ ١٤/٨/٦. المرفق بها نسخة من المذكرة رقم ٧٦٣-٥٤٠-٦٦٧/٣٦ بتاريخ ٢٠١٤/٨/٦ والتي تطلب فيها إحاطتها علماً بما آلت إليه ترتيبات تحقيق قرار المحكمة المرفق الصادر بتاريخ ٢٠١٤/٦/٢٧ حول تعويم السفينة "Rhosus".

للتفضل بالإطلاع، وإجراء المقتضى والإفادة.

وزير الخارجية والمغتربين  
مدير الشؤون السياسية والقنصلية  
السفير شمائل وهيبه

نسخة إلى وزارة العدل

19

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الجمهورية اللبنانية  
وزارة الأشغال العامة والنقل

7-27-00  
14-7-18  
وثيقة إحالة

موضوع المعاملة قضية السفينة الأوكرانية Rhosus

رقم المعاملة 2018/251

جهة الإرسال	أسباب الإحالة	التاريخ والتوقيع
المديرية العامة للنقل البري والبحري	للإطلاع والمتابعة	وزير الأشغال العامة والنقل غسازي / محسن 2018-7-27

## September 3, 2014 Letter from the Directorate General of Land and Maritime Transport to Beirut's Port Authority

جانب ادارة واستثمار مرفأ بيروت

٧/٥٩

٢٠١٤

**الموضوع:** طلب تأمين أماكن لتخزين حمولة الباخرة "RHOSUS"  
المحملة ببضائع خطيرة (مادة نترات الامونيوم)  
**المرجع:** ملف الباخرة "RHOSUS"

بالإشارة إلى الموضوع والمرجع المبينين اعلاه، نعرض على جانبكم ما يلي:

١- وصلت الباخرة "RHOSUS" الى مرفأ بيروت بتاريخ ٢٠١٣/١١/٢١ محملة بمادة نترات الامونيوم (AMMONIUM NITRATE) وهي مادة مصنفة على أنها خطيرة) لشحن بضاعة من مرفأ بيروت. وعلى أثر خلاف بين شركة BUNKERNET LTD وأصحاب السفينة صدر عن دائرة تنفيذ بيروت للقرار رقم ٢٠١٣/١٠٣١ تاريخ ٢٠١٣/١٢/٢٠ قسماً بالقضاء الحجز الاحتياطي على السفينة ومنعها من مغادرة المياه الإقليمية اللبنانية ما لم تقدم كفالة ضامنة للدين تأميناً للدين طالب الحجز.

٢- وجهت هذه الإدارة عدة كتب الى وزارة العدل - هيئة القضاة تم بموجبهم عرض حثييات موضوع الباخرة "RHOSUS"، ومن بين هذه الحثييات أن السفينة محملة بمادة نترات الامونيوم وهي مادة خطيرة، وأن السفينة مهددة بالغرق في مرفأ بيروت نتيجة إهمالها من أصحابها، سيما وأنه يوجد على متنها طاقم مؤلف من أربعة أشخاص وهم في وضع إنساني صعب ولا تدفع لهم أية رواتب. كما أن الوكيل البحري لا يقوم بأية إجراءات إن لجهة معالجة مسألة حجز الباخرة أو لجهة ترحيل الطاقم الذي على متنها واستبدالهم بأخرين ريثما يتم البت بموضوع الباخرة، وهذا يشكل خطراً على الأرواح ويتناقى مع القوانين الدولية بهذا الشأن.

٣- وحيث أنه صدر مؤخراً عن قاضي الأمور المستعجلة قرار يقضي بالترخيص للدولة اللبنانية ممثلة بالمديرية العامة للنقل البري والبحري بتعويم الباخرة "RHOSUS" بعد نقل المواد الخطرة التي على متنها إلى مكان مناسب لتخزينها تحت حراستها لحين طرح هذه المواد والباخرة بالمزاد العلني.

لذلك نرجو جانبكم أخذ العلم بما تقدم والمساعدة على تأمين أماكن لتخزين البضائع الخطرة المشار إليها اعلاه في إحدى المخازن ضمن حرم مرفأ بيروت حتى يتسنى استكمال الإجراءات اللازمة لطرح البضائع والباخرة بالمزاد العلني.

شاكرين لكم حسن تعاونكم،

مدير العام للنقل البري والبحري

المهندس عبد الحفيظ القيسي



شارع جورج بيكو - بناية ستاركو ط ٣ - بيروت، لبنان - هاتف: ٩٦١ ١ ٣٧١٦٤٤/٥/٦ + فاكس: ٩٦١ ١ ٣٧١ ٦٤٤  
Georges Picot Street - STARCO Building 3<sup>rd</sup> floor - Beirut, Lebanon Tel: +961 1 371 644/5/6 Fax: +961 1 371 644  
e-mail: Ministry@transportation.gov.lb

1

<sup>1</sup> "رياض قبيسي: بالمستندات الإهمال الذي سبب حادثة مرفأ بيروت لم يكن عفويًا" September 3, 2014

February 19, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=Fl3g2fqz7D4> (accessed June 23, 2021) at 15:55-16:02.

September 26, 2014 Urgent Matters Judge Ledger

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تأثيره / ١٤/١٠/٢٠١٤  
صدر قبل الكاتب الى الملف ب

تأثيره / ١٤/١٠/٢٠١٤  
صدر قرار على حدة قلب  
بالترتيب يتقوم السيفت وتكليف الكاتب  
بدرجهان بالتسليم للملف

تأثيره / ١٤/١٠/٢٠١٤  
صدر قرار على حدة طرأه عن السيفت  
والتسليم صدر على الأهل عن القرار الصادر بتأثيره  
بدرجهان ودرجهان

تأثيره / ١٤/١٠/٢٠١٤  
صدر القرار بدرجة الجرح الدنة القرار  
تأثيره / ١٤/١٠/٢٠١٤  
صدر القرار بدرجة الجرح الدنة  
الموظفة لدى المديرة الدنة للنقل البرية والبحرية  
لا يبرهنوا أصلاً درجهان

صدر  
صدر

October 21, 2014 Letter from Beirut Port's Director General to the Directorate General of Land and Maritime Transport



18

République Libanaise  
 جمهورية اللبنانية  
 وزير النقل  
 إدارة واستثمار  
 مرفأ بيروت  
 Gestion et Exploitation du  
 PORT DE BEYROUTH

وزارة الأشغال والنقل  
 المديرية العامة للنقل البري والبحري  
 الرقم: ٥٦٦  
 التاريخ: ٢٢ تشرين الأول ٢٠١٤

٥٦٦  
 21 OCT 2014

جانب المديرية العامة للنقل البري والبحري

الموضوع: تأمين مكان لتخزين حمولة الباكسة "RHOSUS" ذات المواصفات الخطرة  
 (ليتران الأمونيوم)  
 المرجع: كتابكم رقم ٦/٥٩٦٦ تاريخ ٢٠١٤/٩/٣ والمسجل لدينا تحت رقم ٤٦٩١  
 تاريخ ٢٠١٤/٩/٤

بالإشارة الى الموضوع والمرجع المبينين اعلاه ، نفيديكم بما يلي :  
 مع الموافقة على مضمون كتابكم المنوه عنه اعلاه ، ونبلغكم بإمكانية اعتماد جزء من المستودع رقم  
 المخصص لتخزين المواد الخطرة ، لاستقبال حمولة الباكسة "RHOSUS" ، الى حين استكمال  
 الاجراءات اللازمة لطلب طرح هذه البضاعة والباكسة بالمزاد العلني .

وتفضلوا بقبول الاحترام

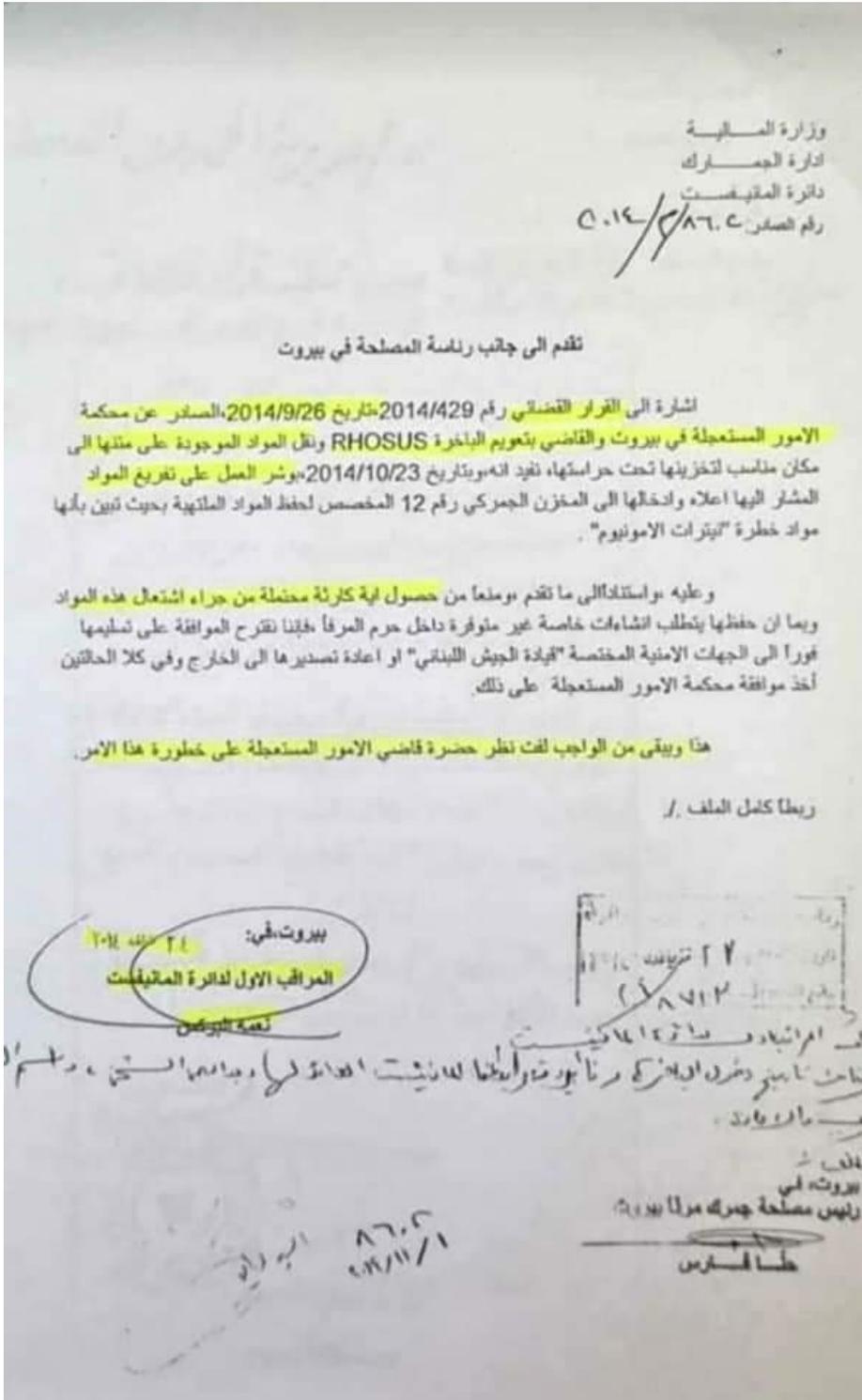
بيروت في ٢٠١٤/١٠/٩  
 الرئيس المدير العام

حسن كامل قرطوم

س.ج.أ.ف.  
 ٧٤٠



October 24, 2014 Letter from Head of the Manifest Department to the Head of the Customs Port of Beirut Service



وزارة المالية

ادارة الجمارك

دائرة الماتيفست

رقم الصادر: ٥٠١٤/٢١٦٠.٢

### تقدم الى جانب رئاسة المصلحة في بيروت

اشارة الى القرار القضائي رقم 2014/429، تاريخ 2014/9/26، الصادر عن محكمة الامور المستعجلة في بيروت والقاضي بتعويم الباخرة RHOSUS ونقل المواد الموجودة على متنها الى مكان مناسب لتخزينها تحت حراستها، نفيد انه، بتاريخ 2014/10/23، بوشر العمل على تفريغ المواد المشار اليها اعلاه وادخالها الى المخزن الجمركي رقم 12 المخصص لحفظ المواد الملتهبة بحيث تبين بانها مواد خطرة "تبيترات الامونيوم".

وعليه، واستنادا الى ما تقدم، ومنعاً من حصول اية كارثة محتملة من جراء اشتعال هذه المواد وبما ان حفظها يتطلب انشاءات خاصة غير متوفرة داخل حرم المرفأ، فإننا نقترح الموافقة على تسليمها فوراً الى الجهات الامنية المختصة "قيادة الجيش اللبناني" او اعادة تصديرها الى الخارج وفي كلا الحالتين أخذ موافقة محكمة الامور المستعجلة على ذلك.

هذا ويبقى من الواجب لفت نظر حضرة قاضي الامور المستعجلة على خطورة هذا الامر.

ربطاً كامل الملف ./.

بيروت، في: ٢٤ من شهر ٢٠١٤

المراقب الاول لدائرة الماتيفست

نعمة البروكس

تقرير معلومات		سري
<p>نسبة الصحة</p> <p><input checked="" type="checkbox"/> أكيدة</p> <p><input type="checkbox"/> محتملة</p> <p><input type="checkbox"/> مشكوكة</p>	<p>مصدر المعلومات</p> <p><input type="checkbox"/> تحقق شخصي</p> <p><input checked="" type="checkbox"/> وثيقة</p> <p><input checked="" type="checkbox"/> مخبر</p> <p><input type="checkbox"/> رأي عام</p> <p><input type="checkbox"/></p>	<p>رقم الصادق ١٩٩٣ / ١١ / ١٤ / ٢٠١٤ تاريخ</p> <p>رقم الوارد / / تاريخ</p> <p>تاريخ المعلومات، ٢٠١٤ / ١١ / ١٣</p>
<p>الموضوع: نقل المواد المرهورة على البافورس RHOSSUS إلى الضبر في زنا بيروت إلى قاعة لتقارير سابقة حول وضع البافورة RHOSSUS حفرة في زنا بيروت بتاريخ ٢٠١٤ / ١١ / ١٣ الكاتب زياد شعبان المملكت بالتنفيذ من قبل قاضي البافور المستعجلة في بيروت القاضي جاد معلوف وترجمه برشفة الخبير الجرمي ربيع الشاعري إلى الضبر ١٤ للتأكد من افراغ الحفرة التي كانت على طرف البافورة التي تزن ٢٧٥.٠ طن من نترات الامونيوم (مواد فطره تستعمل في تفجير الصخور وفي صناعة الاسمدة الزراعية).</p> <p>نظم محضر تنفيذي شبع نقل المواد المرهورة على البافورس RHOSSUS وتم تعيين السيد محمد المولى (رئيس الميناء) حارساً قضايياً على البضاعة المذكورة مع الإشراف إلى أن محمد المولى ابلغ الكاتب المملكت بالتنفيذ بأن العناصر تقع تحت مسؤولية الجمارك وإدارته واستشار زنا بيروت وليس لديه أي سلطة على العناصر ولا يمكن ممارسة الرقابة على البضاعة داخلًا فوقه المحضر مع التفتظ</p>		
<p>رأي رئيسة البافورة مكتب شؤون المعلومات</p>		<p>منظم التقرير</p>

November 26, 2014 Letter from Directorate of Land and Maritime Transport  
to Case Authority

REPUBLIC OF LEBANON  
Ministry of Public Works & Transport  
Directorate General of  
Land & Maritime Transport



الجمهورية اللبنانية  
وزارة الأشغال العامة والنقل  
المديرية العامة للنقل البري والبحري

جانب وزارة العدل  
- هيئة القضايا -

٨٤٤٥  
٢٢ تشرين الثاني ٢٠١٤

**الموضوع:** طلب اتخاذ الاجراءات اللازمة لبيع السفينة " RHOSUS " الراسية في مرفأ بيروت وحمولتها بالمزاد العلني بشكل سريع وفوري

**المرجع:** - كتابنا رقم ٦/٢٨٣٢ تاريخ ٢٠١٤/٤/٨ ومرققاته  
- كتابنا رقم ٦/٣١٧٨ تاريخ ٢٠١٤/٤/١٤ ومرققاته  
- كتابنا رقم ٦/٤٤٣١ تاريخ ٢٠١٤/٦/٢ ومرققاته  
- ملف القضية

بالاشارة الى الموضوع والمرجع المبينين أعلاه، وعطفاً على كتابينا رقم ٦/٢٨٣٢ تاريخ ٢٠١٤/٤/٨ ورقم ٦/٣١٧٨ تاريخ ٢٠١٤/٤/١٤ بشأن الاسراع في البت بقضية السفينة "RHOSUS" الراسية في مرفأ بيروت،

وحيث أنه صدر عن قاضي الامور المستعجلة في بيروت القرار رقم ٢٠١٤/٤/٢٩ تاريخ ٢٠١٤/٦/٢٧ الذي قضى بالترخيص لوزارة الاشغال العامة والنقل - المديرية العامة للنقل البري والبحري بتعويم السفينة " RHOSUS " ونقل المواد الموجودة على متنها الى مكان مناسب لتخزينها تحت حراستها،

وحيث أن رئيس مرفأ بيروت أفاد بموجب إحالته رقم ١٠٢٠/ب تاريخ ٢٠١٤/١٠/٢٧ أنه تم تفريغ المواد الخطرة (نيترات الامونيوم) الموجودة على متن السفينة في العنبر رقم ١٢ التابع لإدارة واستثمار مرفأ بيروت. وقد قام بعملية التفريغ كل من إدارة واستثمار مرفأ بيروت والشركة اللبنانية للتفريغ ومتعهد ستيفادوريا، مما رتب رسوم وأجور لكل من هؤلاء لم تسدد لحينه، فضلاً عن رسوم خزن البضائع التي تترتب يومياً لصالح إدارة واستثمار مرفأ بيروت،

وحيث أن السفينة أصبحت مهترئة بسبب تآكلها بالصدأ وتعاني من عيوب كثيرة أبرزها وجود شرخ في خزان المقدمة وخزاني الصابورة وهذه العيوب تزداد يوماً بعد يوم سيما وأنا قادمين على فصل الشتاء مما يعرضها للغرق سيما وأن الوكيل البحري لا يقوم بأية إجراءات لإصلاح عيوب السفينة بحجة أن أصحابها ومجهزيها قد تخلوا عنها ولا يدفعون له المال لهذه الغاية، مما يهدد سلامة الملاحة البحرية في المرفأ وسلامة البيئة البحرية،

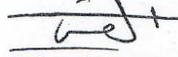


شارع جورج بيكو، ط ٣ - بيروت، لبنان - هاتف: ٩٦١ ١ ٣٧١٦٤٤/٥/٦ + فاكس: ٩٦١ ١ ٣٧١ ٦٤٧ +  
Georges Picot Street - STARCO Building 3<sup>rd</sup> floor - Beirut, Lebanon Tel: +961 1 371 644/5/6 Fax: +961 1 371 647  
e-mail: Ministry@transportation.gov.lb

وحرصاً على سلامة الملاحة البحرية في المرفأ والسلامة العامة، وعلى حقوق أصحاب الحق  
على السفينة والبضائع،

نرجو جانبكم التفضل بالإطلاع والطلب الى دائرة التنفيذ في بيروت الإسراع في الإعلان عن  
بيع السفينة والبضائع بالمزاد العلني لتفادي خطر غرقها في المرفأ نتيجة الاهتراء الذي أصابها  
وبالتالي لتلافي تعريض سلامة الملاحة البحرية والسلامة العامة وسلامة البيئة للخطر،

✉ المدير العام للنقل البري والبحري

  
المهندس عبد الحفيظ القيسي



ربطاً:  
نسخة عن كامل الملف

## December 5, 2014 Letter from Customs Officials to Urgent Matters Judge

أ.ح.ش/ل.ح

مديرية الجمارك العامة

رقم المحفوظات :

رقم الصادر : ٢٠١٤/١٩٣٢٠

بيروت ، في

٥ - كانون الأول ٢٠١٤ جانب قاضي الامور المستعجلة

الموضوع : الترخيص باعادة تصدير بضائع الى الخارج

المرجع: قرار جانبكم رقم ٢٠١٤/٤٢٩ تاريخ ٢٠١٤/٦/٢٧

عملاً بقرار جانبكم المشار اليه في المرجع والمرفق ربطاً بصورة عنه، تم بتاريخ ٢٠١٤/١٠/٢٣ افراغ حمولة الباخرة RHOSUS وادخلت الى المخزن الجمركي رقم ١٢، حيث تبين انها كناية عن "نيترات الامونيوم"، كانت محملة بطريق الترانزيت الى الموزامبيق، بحسب ما افادت به الوكالة البحرية في حينه،

وحيث ان البضائع المفرغة في العنبر هي من البضائع الشديدة الخطورة وتشكل خطراً على سلامة المكان الموجوده فيه،

يرجى الاطلاع، والتفضل بالطلب من الوكالة البحرية المعنية اعادة تصدير البضائع بصورة فورية الى الخارج وذلك حفاظاً على سلامة المرفأ والعاملين داخله %

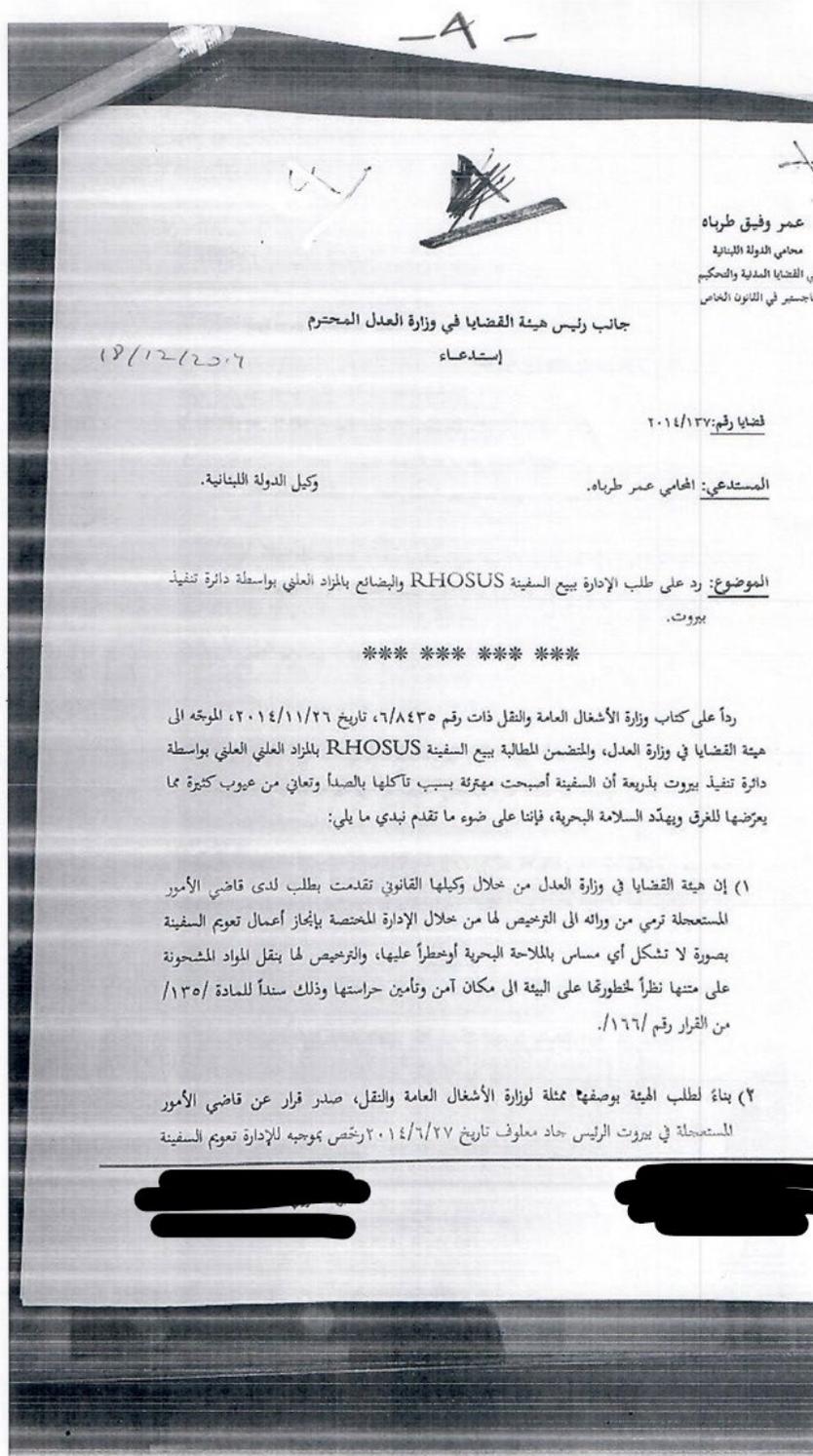
مدير الجمارك العام

شفيق مرعي





December 18, 2014 Response from Case Authority Lawyer to the Directorate  
General of Land and Maritime Transport



بعد نقل المواد الخطرة الموجودة على متنها الى مكان مناسب لتخزينها وحراستها، وقد تم تنفيذ القرار المذكور وفقاً لمضمونه وحزّر محضر بذلك من كاتب المحكمة السيد زياد شعبان، مما يفيد أن المواد الخطرة تم نقلها الى مكان آمن كما تم تعويم السفينة، الأمر الذي يتفي معه الخطر بعد تنفيذ القرار الصادر عن قاضي العجيلة.

٣) من جهة ثانية، إن الدولة اللبنانية ليست دائمة لأصحاب السفينة وليست بموزّعة سند تنفيذي أو حكم قضائي حتى يتسنى لها قانوناً التقدم بطلب تنفيذ سند دين وتحصيله من خلال بيع السفينة إستيفاءً للدين في حال توجبه، كما ليس هناك أمر تحصيل صادر عن الإدارة بهذا الصدد.

٤) إن الجهة التي يعود لها طلب بيع السفينة هي شركة Bunkernet LTD كونها تقدمت بطلب حجز احتياطي ومنع سفر للسفينة لدى دائرة التنفيذ حفاظاً على حقوقها المالية البالغة مئة وتسعة عشر ألفاً وثلاثمائة وستة وتسعون دولاراً أميركياً، تحت رقم أسلس ٢٠١٣/١٠٣١، وذلك بطبيعة الحال بعد أن تستحصل على حكم قضائي صالح للتنفيذ ويتحوّل المحجز الاحتياطي لتنفيذي.

٥) أخيراً لا بدّ من الإشارة، إن طلب الإدارة ببيع السفينة لأنها تشكل خطراً على السلامة البحرية يفيد أن الإدارة لم تنفذ القرار بشكل سليم أو أنها لم تنفذه بكافة بنوده، إذ أن القرار يخصّ الإدارة بتعويم السفينة أي رفعها بعد نقل المواد الخطرة على متنها الى مكان مناسب لتخزينها، فكيف بعد ذلك تدلي الإدارة أن وضع السفينة يعرضها للغرق في فصل الشتاء في ظل العيوب التي تشوبها، مما يعني أنه لم يتم تعويم السفينة، أو أن التعويم لم يحصل بشكل أصولي.

لذلك

وبناءً لما تقدم، فإن هيئة القضايا في وزارة العدل ممثلة بوكيلها توجز ردها على طلب الإدارة بما يلي:

(١) لا صفة للدولة اللبنانية للتقدم بطلب تنفيذ بوجه أصحاب السفينة RHOSUS لعدم حيازتها على سند تنفيذي.

(٢) إن إستناد الإدارة لطلبها على ما مفاده: "أن العيوب في السفينة تزداد يوماً بعد يوم لا سيما وأنها قادمة على فصل الشتاء ما يعرضها للغرق" بحمل إدارة المرفأ مسؤولية عدم تنفيذ القرار القضائي وفقاً للأصول، إذ أن تعويم السفينة يفترض سحبها كما أن نقل البضاعة الى مكان آمن وفقاً لمضمون القرار يؤدي الى إبعاد خطر المواد السامة عن الملاحاة البحرية وبالتالي إن قيام الإدارة بتنفيذ القرار بشكل سليم وأصولي كافياً يحد ذاته لزوال الخطر.

بكل تحفظ واحترام

بالوكالة

المحامي عمر طرياه



January 14, 2015 Internal Port Management Memo

الجمهورية اللبنانية Libanaise

إدارة واستثمار  
هرفاً بيروت  
Gestion et Exploitation du  
PORT DE BEYROUTH

وثيقة إحالة

رقم التسجيل في مصلحة الميناء: 201

تاريخ التسجيل: 14 JAN 2015

الموضوع: الطلب من الجيرة المختصة بالكشف على ابواب المستودعات والقيام بالتطبيقات اللازمة بـ:

الجهات المرسل اليها	التوجيهات او ملخص الاحالة	التاريخ	توقيع المرسل
حضرة مدير العمليات	نرجو من حضرتكم الطلب من الجيرة المختصة بالكشف على جميع ابواب المستودعات والقيام بالتطبيقات اللازمة وترتيب جميع النواصب مع دهاء نظري وإعادة ترتيب المستودع والابواب المستودعات التالية: 9-10-11-12-13-14-15-16-17-18-19 %	رقم تسجيل المرسل: 98	مصلحة البضائع العامة المستخلص رقم 98
الرئيس لمتابعة	نرجو كما نتم صفاً البديع هو المداومة على مهامه جميع ابواب المستودعات تحت برامجه مدية الصيانة	رقم تسجيل المرسل: 98	مدير العمليات المستخلص رقم 98
		رقم تسجيل المرسل:	
		15 JAN 2015	رقم تسجيل المرسل: المستخلص رقم 98

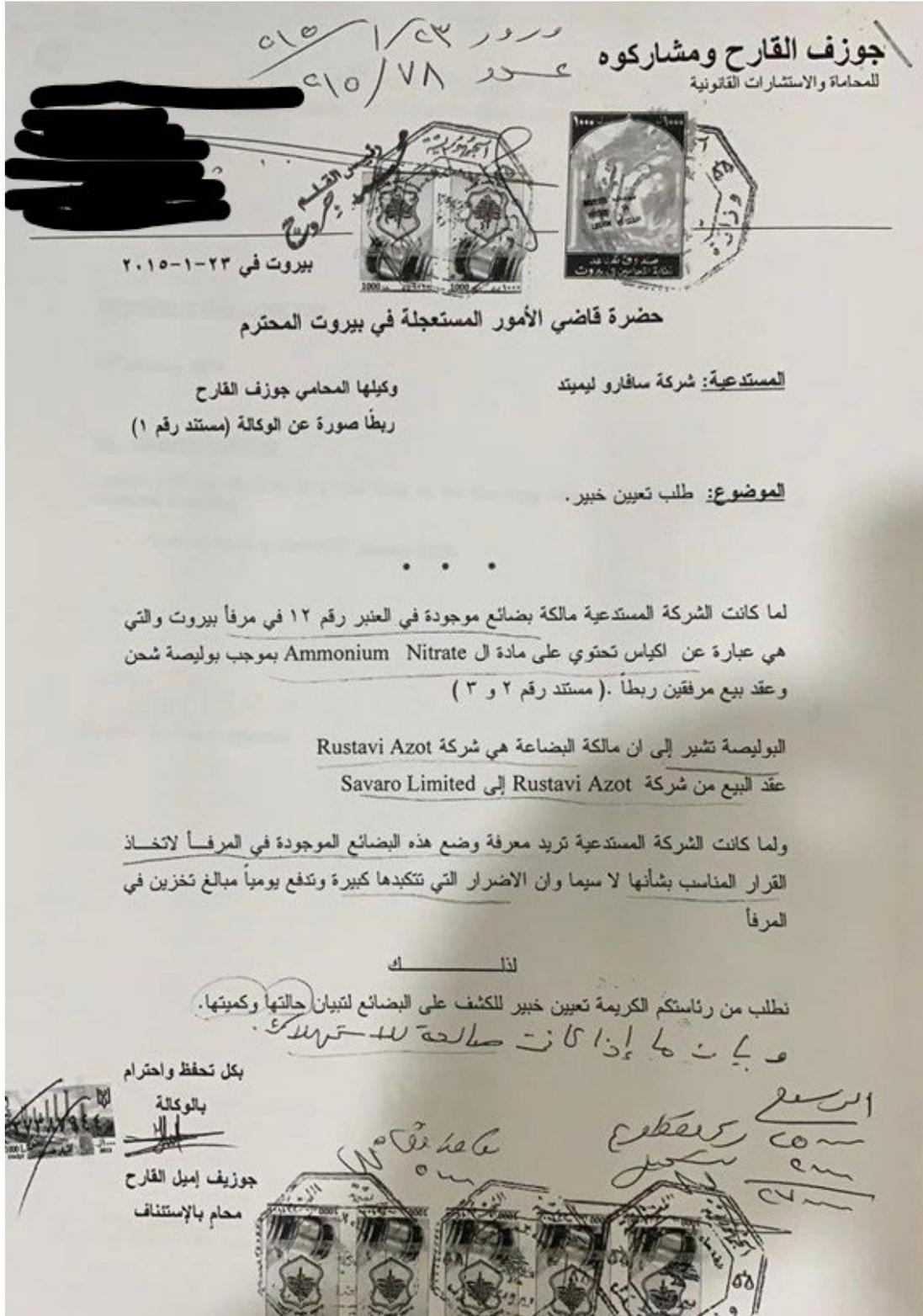
تصوير تقرير	مراجعة
تحضير كتاب	اجراء اللازم
المتابعة	ابناء الراي
عدم المخالفات	الحمد العظم
هام وعاجل	

حفاً من

10 - 1/1



January 23, 2015 Petition from Savaro Limited's Lawyer



February 16, 2015 Cargo Inspection Expert's Report

← تقرير الخبيرة الذي تبنته لدى الاصل في مرفأ الموار

- ١٧ -

٢١٥  
مرفأ  
على الجس القلم



تقرير مرفوع زادة العنبر

ميراي انطوان مكرزل

خبير كيميائي شرعي  
لدى ادارة الجمارك اللبنانية  
خبير كيميائي وبتترول  
لدى المحاكم اللبنانية

من الخبير الكيميائي والبتترول ميراي مكرزل

لحضرة قاضي الأمور المستعجلة في بيروت الرئيس تديم قطين  
المحترم

استدعاء رقم ٢٠١٥/٧٨

أولاً: في المهمة

بتاريخ ٢٠١٥/١/٢٨ تبليت أنا الخبير ميراي مكرزل قرار حضرة  
قاضي الأمور المستعجلة في بيروت رقم القرار ٢٠١٥/٧٨ بناءً على الاستدعاء  
المقام من شركة سافارو ليميتد وكليلها المحامي جوزف القارح والأيل إلى :  
الكشف على البضائع الموجودة في العنبر رقم ١٢ في مرفأ بيروت وهي  
عبارة عن أكياس تحتوي على مادة الـ Ammonium Nitrate بموجب  
بوليصة الشحن لتبيان حالتها وكميتها وما اذا كانت صالحة للاستهلاك.  
- ربطاً صورة عن بوليصة الشحن

ثانياً: في تنفيذ المهمة

فور تبليغي المهمة الموكلة التي، اطلعت على مضمونها واتصلت بوكيل  
المستدعية لتعين موعداً للكشف على البضائع موضوع البحث في مرفأ بيروت.  
بعد ابلاغ الإدارات المعنية في مرفأ بيروت، تم تعيين موعداً للكشف على  
البضائع المذكورة أعلاه وذلك نهار الأربعاء الواقع فيه ٤ شباط ٢٠١٥.

ميراي انطوان مكرزل  
خبير كيميائي وبتترول  
لدى المحاكم اللبنانية

وفي الموعد المحدد وفي تمام الساعة ٤٥:١٠ حضرت أنا الخبير الكيميائي والبتروول ميراي مكرزل الى مرفأ بيروت حيث توجد البضاعة موضوع البحث وكان حاضرًا الرقيب الأول في الجمارك محمود ابراهيم ورئيس المستودع حيث توجد البضاعة جورج ضاهر (مستودع رقم ١٢).

وقد تعذر عن الوصول الأستاذ جوزف القارح ممثلًا الجهة المستدعية بسبب زحمة سير خانقة.

قام الرقيب الأول في الجمارك محمود ابراهيم ورئيس المستودع جورج ضاهر بفتح المستودع حيث توجد البضاعة (مستودع رقم ١٢).

تمّ الكشف على البضاعة وأخذ عينات بغية تحليلها.

- ربطًا أصل المحضر تاريخ ٤ شباط ٢٠١٥.

### ثالثًا: في نتيجة الخبرة

بعد الكشف على البضائع موضوع البحث، تبين أنها بحالة مزرية حيث أن الأكياس ممزقة والمادة الموجودة داخل تلك الأكياس أصبحت خارجها وتغير لونها. الصور التالية خير دليل على ذلك:

ميراي انطوان مكرزل  
خبير كيميائي وبتروول  
لدى المحاكم اللبنانية

أما فيما خصّ عدد الأكياس، لا يمكن عدّها بسبب وضع الأكياس بطريقة غير منظمة حيث لا يمكن احصاؤها. لكن حسب بوليصة الشحن، ان عدد تلك الأكياس هو ٢٧٥٠.

- ربطاً صورة عن بوليصة الشحن

كما أن حسب قسيمة الادخال هناك ١٩٥٠ كيساً ممزقاً من أصل ٢٧٥٠.

- ربطاً صورة عن قسيمة الادخال

ان المواد Ammonium Nitrate تستعمل أساساً كأسمدة كما يمكن استعمالها في صناعة المتفجرات.

أما اذا كانت المواد الموجودة داخل الأكياس الغير ممزقة صالحة للاستهلاك، ان هذه المواد تكون عادة صالحة اذا لم تمتص رطوبة لكن للتأكد من ذلك منة بالمئة يجب تحليلها غير أن الجهة المستدعية رفضت ذلك.

من كل ذلك

يتبين أن المواد الموجودة أصلاً في الاكياس الممزقة يجب التخلص منها وفقاً للأنظمة المتعلقة بالرقابة البيئية المحلية.



مراي انطوان مكرزل  
خبير في التحليل والتفويض  
لدى المحاكم اللبنانية

ملاحظة لجهة زيادة تنمة بدل الأتعاب:

بالنظر للجهود المبذولة لإجراء الكشف على البضائع الموجودة في العنبر رقم ١٢ في مرفأ بيروت واخذ صور فوتوغرافية والاطلاع على جميع المستندات المبرزة لي والقيام بدراسات علمية في سبيل الإجابة على بنود المهمة بشكل دقيق وواضح،

لذا، أطلب من الرئاسة الكريمة زيادة بدل أتعابي لمبلغ وقدره مليون سبعمائة ألف ل.ل. بما فيه السلفة المعجلة ضمناً.

ومع جزيل الشكر والامتنان.

الخبيرة ميراي مكرزل



CODE NAME: "CONGENBILL", EDITION 1994

Shipper  
"RUSTAVI AZOT" LLC

**BILL OF LADING**  
TO BE USED WITH CHARTER-PARTIES

Consignee  
TO THE ORDER OF  
BANCO INTERNACIONAL DE MOZAMBIQUE

FIRST ORIGINAL

Notify  
FABRICA DE EXPLOSIVOS  
AV. SAMORA MACHEL, PARCELA 10  
MATOLA MOZAMBIQUE

Vessel Port of loading  
M/V "RHOSUS" BATUMI PORT, PORT OF BLACK SEA

Port of discharge  
BEIRA PORT-MOZAMBIQUE

Shipper's description of goods:  
HIGH DENSITY AMMONIUM NITRATE  
IMO 5.1

GROSS WEIGHT: 2750,40 MTS  
NET WEIGHT: 2750,00 MTS  
NUMBER OF FULL BIG BAGS - 2750 PCS

"CLEAN ON BOARD"  
"FREIGHT PAYABLE AS PER CHARTER PARTY"

Freight payable as per  
CHARTER PARTY dated 04/09/2013  
FREIGHT ADVANCE  
Received on account of freight  
Time used for loading..... Days..... hours

SHIPPED at the Port of Loading in apparent good order and condition on board the Vessel for carriage to the Port of Discharge or so near thereto as she may safely get the goods specified above.  
Tare, measure, quality, quantity, condition, contents and value unknown.  
IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of Bills of Lading indicated below all of this tenor and date, any one of which being accomplished the others shall be void.  
FOR CONDITIONS OF CARRIAGE SEE OVERLEAF

Freight payable at  
AS PER C/P  
Number of original B/L  
3/3

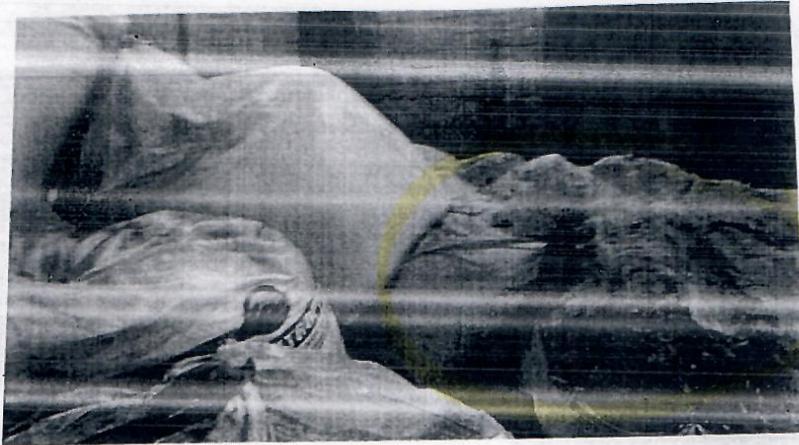
Place and date of issue  
Batumi, Georgia on 23/09/2013  
Signature  
The Master of m/v "RHOSUS"  
Capt. ABAKUMOV VIACHESLAV

Handed and held by  
E. G. Mitsouris & Co. S.A.S.  
10, Rue de la République, 75001 Paris  
By authority of The Baltic & Caspian (B/C) Convention  
3









میرای انطوان مکرزل  
خبیر کیمیا و پترول  
لدى المحاكم اللبنانية



مدیر انطوان مکرزل  
حیبر کیسکس ویتروول  
لدى المحاکم اللبناىة

March 9, 2015 Letter from Directorate General of Land and Maritime Transport

REPUBLIC OF LEBANON  
Ministry of Public Works & Transport  
Directorate General of  
Land & Maritime Transport

الجمهورية اللبنانية  
وزارة الأشغال العامة والنقل  
المديرية العامة للنقل البري والبحري

1801  
9 آذار 2015

جانب معهد البحوث الصناعية

**الموضوع:** طلب فحص وتحليل بضاعة من مادة نترات الأمونيوم ،  
"AMMONIUM NITRATE" مصنفة خطرة ، ومفرغة من  
على متن السفينة "RHOSUS" المحجوزة في مرفأ بيروت ،  
ومودعة مخازن إدارة واستثمار هذا المرفأ

**المرجع:** - القرار الصادر عن قاضي الأمور المستعجلة في بيروت رقم  
٢٠١٤/٤٢٩ تاريخ ٢٠١٤/٦/٢٧ بشأن السفينة والبضاعة معاً  
- ملف السفينة  
- النصوص المرعية

37

إشارة إلى الموضوع والمرجع أعلاه،

ولما كانت السفينة المسماة "RHOSUS" رست في مرفأ بيروت بتاريخ ٢٠١٣/١١/٢١ وعلى متنها  
٢٥٧٠/ طناً من بضاعة نترات الأمونيوم ، "AMMONIUM NITRATE" المصنفة خطرة، وما لبثت  
فيه إلى أن أقيمت عليها حجوزات احتياطية عدة، وترتبت عليها ديون مختلفة، فتردّت أوضاعها وخلت  
من بحارتها، وبانت بحالة سيئة، ما يحتم الإسراع في معالجة قضيتها مع بضاعتها، وحيث أن وزارة  
الأشغال العامة والنقل - المديرية العامة للنقل البري والبحري، قد استصدرت من قاضي الأمور  
المستعجلة في بيروت قراراً برقم ٢٠١٤/٤٢٩ تاريخ ٢٠١٤/٦/٢٧، يقضي بالترخيص لها بتعويم  
السفينة، ونقل بضاعتها إلى مكان مناسب لتخزينها تحت حرارتها،

وحيث أن بضاعة السفينة قد تكون معرضة للتلف، في ضوء وقائع خصائصها ولاسيما لجهة تاريخ  
انقضاء مهلة إمكانية استعمالها، ما يقتضي معه استعجال بيعها بالمزاد العلني وفقاً للأصول، إننا إذ نرفق  
ربطاً نسخة من وثيقة شحن البضاعة والمانيفست العائدة لها،

نرجو جانبكم التفضل بالاطلاع، واتخاذ ما يلزم من الاجراءات العاجلة بل الفورية، بصدد مهمة فحص  
وتحليل البضاعة المذكورة في مخازن إدارة واستثمار مرفأ بيروت لجهة: نوعها، وخصائصها، ووجهة  
أو ووجهات استعمالها، وتاريخ تصنيعها ومهلة انتهاء صلاحيتها، وفرص إمكانية إتلافها في لبنان عند  
الانقضاء، أو في الخارج، ونفقات مثل هذا الإتلاف ومحاويره، فضلاً عما ترونه مناسباً من معطيات  
ومعلومات إضافية، وإيداعنا النتيجة فور جهوزها.

علماً أن الاعتمادات اللازمة متوفرة لدى المديرية العامة للنقل البري والبحري، وسيتم تسديدها وفقاً  
للأصول بموجب حوالة مصرفية صادرة عن وزارة المالية.

شعار جويج بيكو - بناية ساركو، ط ٣ - بيروت، لبنان - هاتف: ٩٦١ ١ ٣٧١ ٦٤٤/٥/٦ - فاكس: ٩٦١ ١ ٣٧١ ٦٤٤/٥/٦  
Beirut, Lebanon Tel: +961 1 371 644/5/6 Fax: +961 1 371 647

## May 9, 2015 Letter from Head of the Manifest Department

الإدارة المالية  
إدارة الجمارك  
دائرة المانيقست  
رقم الصادر: ٢٠١٤/م/٨٦٠٢

### تقدم الى جانب رئاسة المصلحة

لاحقا لاحتلتنا بذات الرقم ، تاريخ ٢٤/١٠/٢٠١٤ ، المرفق في طيه صورة عنها ، نشير الى انه ، وحتى تاريخه ، وبالرغم من الكتاب الموجه من سعادة مدير الجمارك العام رقم ٢٠١٤/١٩٣٢٠ ، تاريخ ٥/١٢/٢٠١٤ ، الى حضرة قاضي الامور المستعجلة ، لم يردنا اي قرار في ما يتعلق بالمصير النهائي الذي سيعطى للبضاعة (نيترات الامونيوم ) المحجوزة في المخزن رقم ١٢ .

يرجى التفضل بالاطلاع ، واعطائنا التوجيهات اللازمة ، وذلك رفعا للمسؤولية التي قد تنتج من جراء اشتعال هذه المواد .

ربطاً كامل الملف ./.

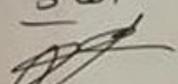
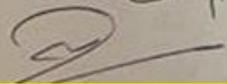
٩ أيار ٢٠١٥

بيروت، في:

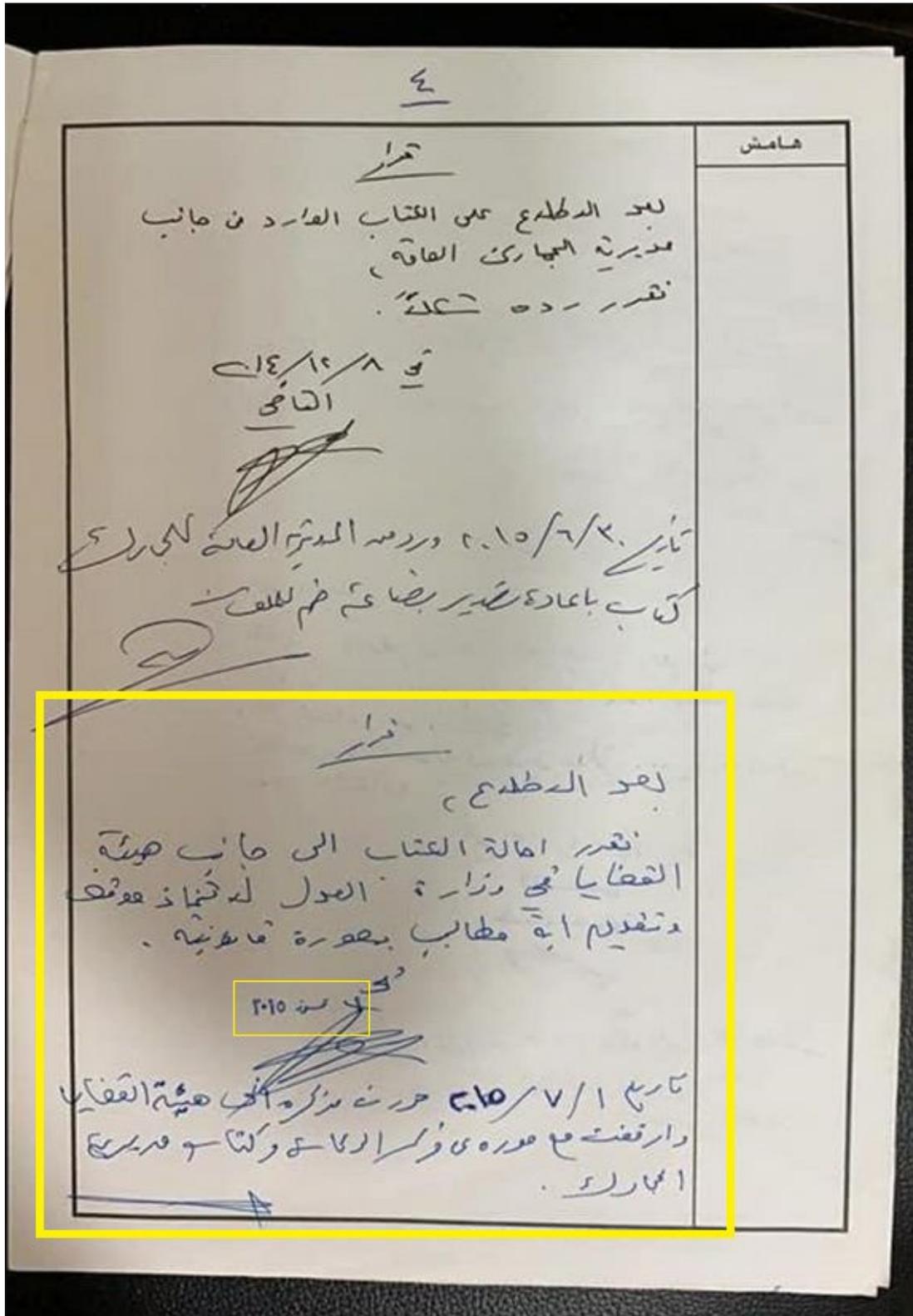
المراقب الاول لدائرة المانيقست

نعمة البركسي

June 30, 2015 Urgent Matters Judge Ledger

	هامش
<p style="text-align: center;"><u>٤</u></p> <p style="text-align: center;"><u>قرار</u></p> <p>بعد الاطلاع على الكتاب الصادر من جانب مديرية البحري العقاب تقرر - دة - حدة .</p> <p style="text-align: center;">في ٨ / ١٤ / ٢٠١٥ التام</p> <p style="text-align: center;"></p>	
<p>تاريخ ٢٠١٥ / ٦ / ٢٠ ودراسة المدير العامة لكي راجع كتاب بعامدة مدير بضا في ضم الملف</p> <p style="text-align: center;"></p>	
<p style="text-align: center;"><u>قرار</u></p> <p>بعد الاطلاع تقرر اعادة الكتاب الى جانب هيئة التضام في وزارة العدل له التنازح موقف وتقديم اية مطالب بصورة قانونية .</p> <p style="text-align: center;">في ٢٠١٥</p> <p style="text-align: center;"></p> <p>تاريخ ٢٠١٥ / ٧ / ١٥ حوزة مذكرة التي هيئة العقاب وارفضت مع عودة في وزارة العدل وكتا في مدير البحري .</p>	

July 1, 2015 Urgent Matters Judge Response to Customs



## July 3, 2015 Letter from the Head of the Manifest Department

الجمهورية اللبنانية

إدارة الجمارك

دائرة المانيفست

رقم الصادر: ١٦٨٤ / م / ٢٠١٥

تعاد الى جانب رئاسة المصلحة

إشارة الى إحالة جانب مديرية الجمارك العامة رقم ٢٣٥٤/٢٠١٥، تاريخ ٢٠١٥/٤/٢٨ لاحالة حضرة النائب العام لدى محكمة التمييز رقم ٨٦٠/٢٠١٥، تاريخ ٢٠١٥/٤/٢١، المتعلقة بتزويد قسم المباحث الجنائية المركزية بكافة المعلومات المتعلقة بالمواد والبضائع المطلوب الموافقة على اتلافها والموجودة في المخازن الجمركية في مرفأ بيروت، لا سيما تلك التي يعود تاريخ حفظها للعام ٢٠١٠ وما قبل، نودعكم، ربطاً، جداول بالبضائع التالفة مع بعض المعلومات المتوفرة لدينا بشأنها باستثناء محتويات المخزن رقم ١٢ الذي تعذر اجراء جردة بالبضائع التالفة بسبب امتلائه بشوالات نيترات الامونيوم المحجوزة بموجب كتاب حضرة قاضي الامور المستعجلة رقم ٤٢٩/٢٠١٤، تاريخ ٢٠١٤/٩/٢٦، والمخزن رقم ٩ مزاد بحيث ان البضائع المفرغة فيه يعود امر تحديد مصيرها لاقتراح الدائرة المعنية في ضوء البيع بالمزاد العلني.

اما البضائع التالفة موضوع الجداول المرفقة فهي مفصلة على الشكل التالي:

- بضائع ما تزال قيودها مفتوحة حتى تاريخه.
- بضائع منقولة من المخزنين المقلين ٢٠ و ٢١ بموجب تذاكر نقل نظامية.
- بضائع مجهولة القيود.

كما ان هذه البضائع تنقسم بدورها الى عدة أقسام:

١. بضائع متروكة من قبل اصحابها وقد عرضت للبيع بالمزاد العني ولم يتم تحديد مصيرها النهائي من قبل المرجع الصالح في حينه.
٢. بضائع محجوزة من قبل الجمارك بموجب قضايا جمركية او مأخوذة في سجل الايداع الجزائي بسبب مخالفتها للقوانين والانظمة المرعية الاجراء.
٣. بضائع تم نقلها منذ زمن بعيد من المخزنين المقلين رقم ٢٠ و ٢١ الى بقية المخازن الجمركية.

٤. بضائع تم فصلها من اصل هبات وردت الى لبنان على اثر حرب تموز ٢٠٠٦ اما لانتهاء صلاحيتها او لعدم مطابقتها للمواصفات بحيث ان اغلبيية هذه البضائع تركت في حينه دون قيود نظرا للظروف المشار اليها اعلاه.
٥. بضائع محجوزة بموجب قرارات قضائية حيث لا يمكن التصرف بها الا لحين صدور قرار قضائي يسمح بذلك.
٦. ادوية ومتممات غذائية محجوزة .
٧. بضائع مجهولة القبول بعد ان تلفت واصبحت معالمها غير واضحة بسبب المدة الطويلة لخبزها او بسبب تبديل مكان حفظها من مخزن الى آخر.

وعليه واستنادا الى ما تقدم ، وبما ان البضاعة مدار البحث اصبحت تشكل خطرا على الصحة العامة وكذلك على البيئة المحيطة، وحيث اننا ومنذ تولينا مهام هذه الدائرة ونحن نسعى جاهدين الى تفعيل عملية ائتلاف البضاعة التي تستوجب وقتا" طويلا" للتنفيذ وذلك عائد لاختلاف موافقات جميع الجهات المعنية بالائتلاف من وزارات وادارات وبلديات وغيرها فضلا" عن النفقات المترتبة عن هذا الائتلاف، لذلك فاننا نقترح الموافقة على ما يلي:

اولا": أخذ، فقط، موافقة كل من جانب النيابة العامة التمييزية والادارة بصورة استثنائية على ائتلاف جميع البضاعة المشار اليها في الجداول المرفقة دون الرجوع الى باقي الجهات لاختصار الوقت والاسراع بعملية الائتلاف.

ثانيا": ائتلاف البضاعة على نفقة ادارة واستثمار مرفأ بيروت المعنية مباشرة بادارة المخازن وبحفظ البضاعة داخلها على ان يترك أمر تحديد مكان الائتلاف الى جانب وزارة البيئة .

ثالثا": في ما خص الادوية والمتممات الغذائية، نكرر اقتراحنا السابق بموجب إحالتنا بذات الرقم ، تاريخ ٢٠١٥/٣/٦، لجهة التعاقد مع دولة اجنبية بغية ائتلاف الادوية على مختلف انواعها والمتممات الغذائية وكذلك البضاعة الفاسدة والتي يتعدى ائتلافها في لبنان لعدم توفر الامكانيات اللازمة لذلك.

ربطاً" صورة عن احالتنا رقم ١٦٨٤/م/٢٠١٥، تاريخ ٢٠١٥/٣/٦ و كامل الملف ./.

بيروت في: ٢٠١٥/٧/٣

المراقب الأول لدائرة الماكيفست

نعمة البركس



وحيث أنه وفقاً لكتاب إدارة الجمارك فإن بقاء البضائع والمواد في المخزن يشكل خطراً على سلامة المرفأ والعاملين داخله لإحتوائه على نيترات الأمونيوم.  
وحيث ان المادة /589/ معطوفة على المادة /593/ أ.م.م. تسولي قاضي الأمور المستعجلة إتخاذ كافة التدابير المؤقتة والإحتياطية لمنع الضرر بدون دعوة الخصم وسماعه ووفقاً للأصول المتعلقة بالأوامر على العرائض في الأحوال التي تستدعي ذلك.  
وحيث أنه إزاء إهمال صاحب السفينة والوكيل البحري ونظراً لخطورة بقاء هذه المواد على السلامة العامة.

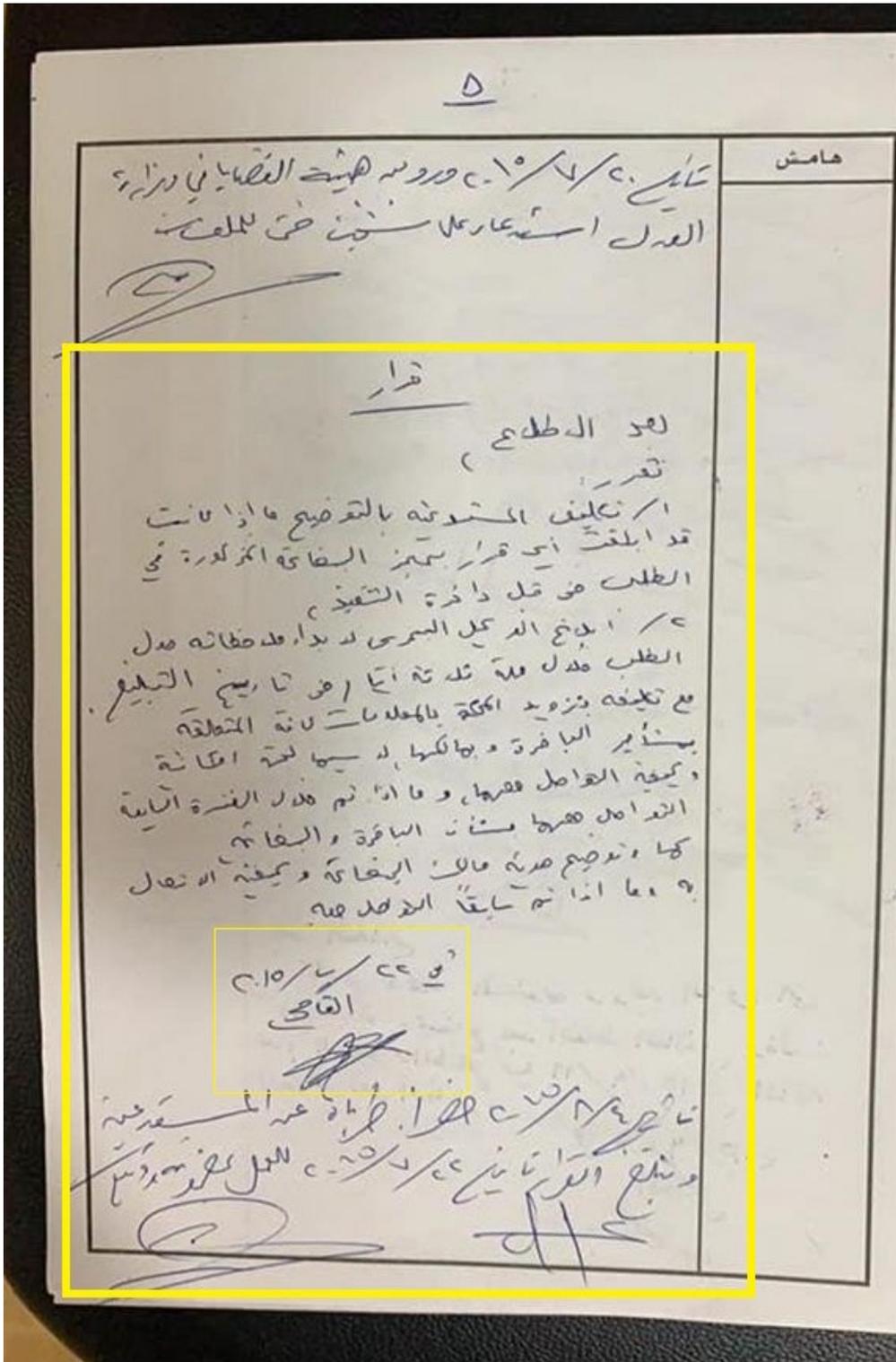
لذلك

تطلب الجهة المستدعية من جانبكم:  
إتخاذ قرار يقضي بإلزام الوكالة البحرية بإخراج المواد والبضائع من الأراضي اللبنانية على نفقتها ومسؤوليتها ووفقاً للأصول المعتمدة قانوناً وذلك بدون دعوة الوكالة البحرية أو من يمثلها سنداً للمادة /589/ أ.م.م. معطوفة على المادة /593/ أ.م.م.

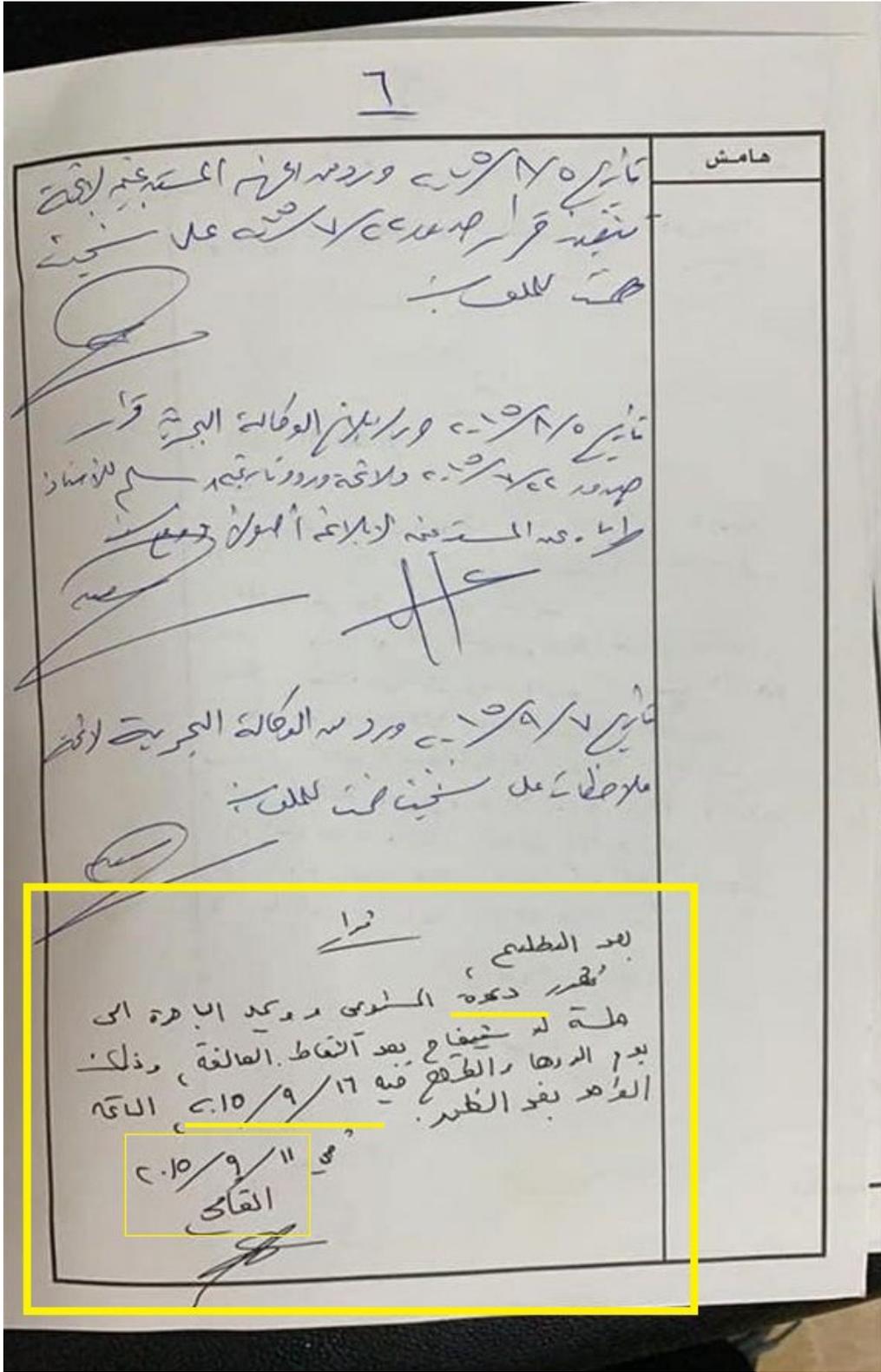
التوقيع

المحامي عمر طرباه

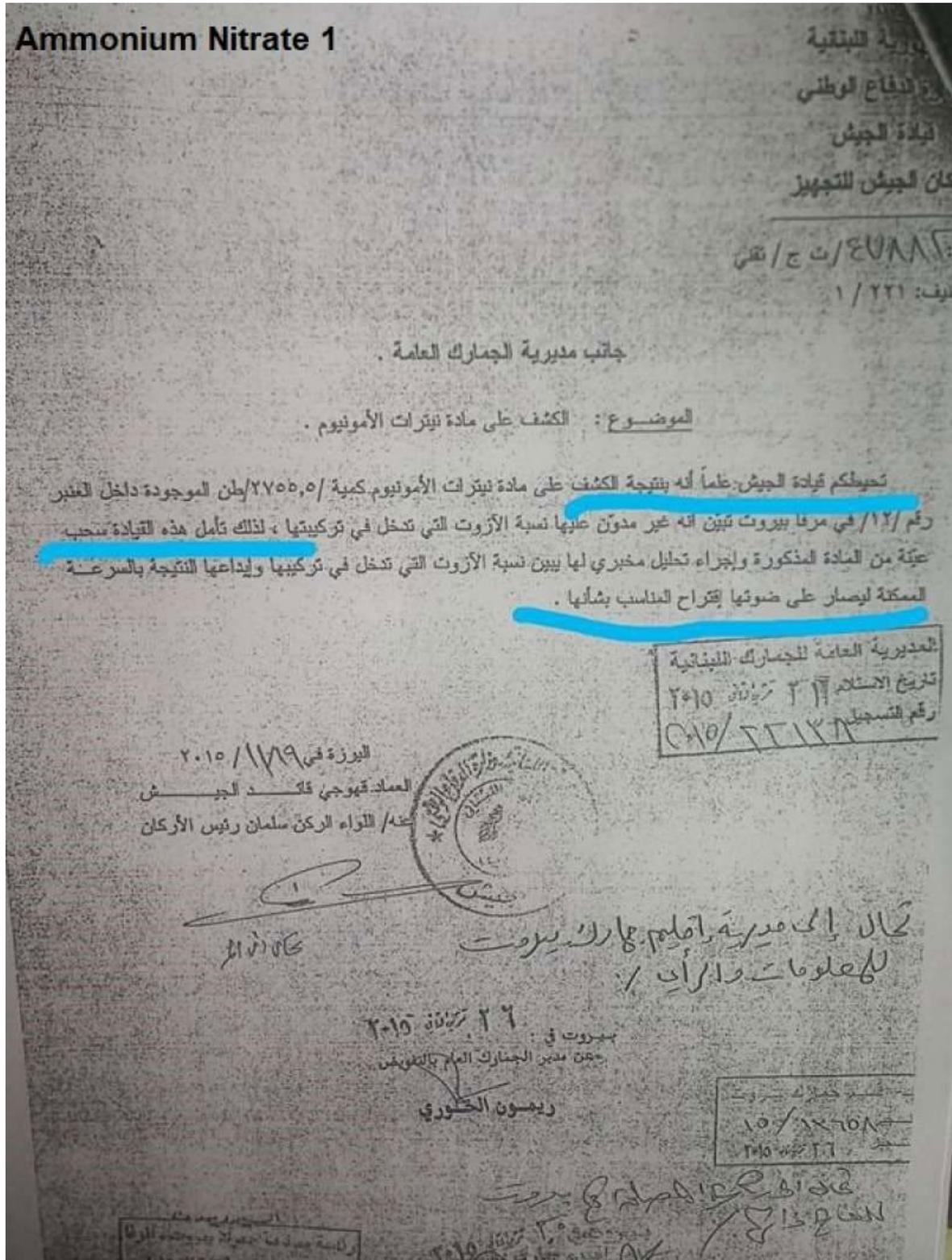




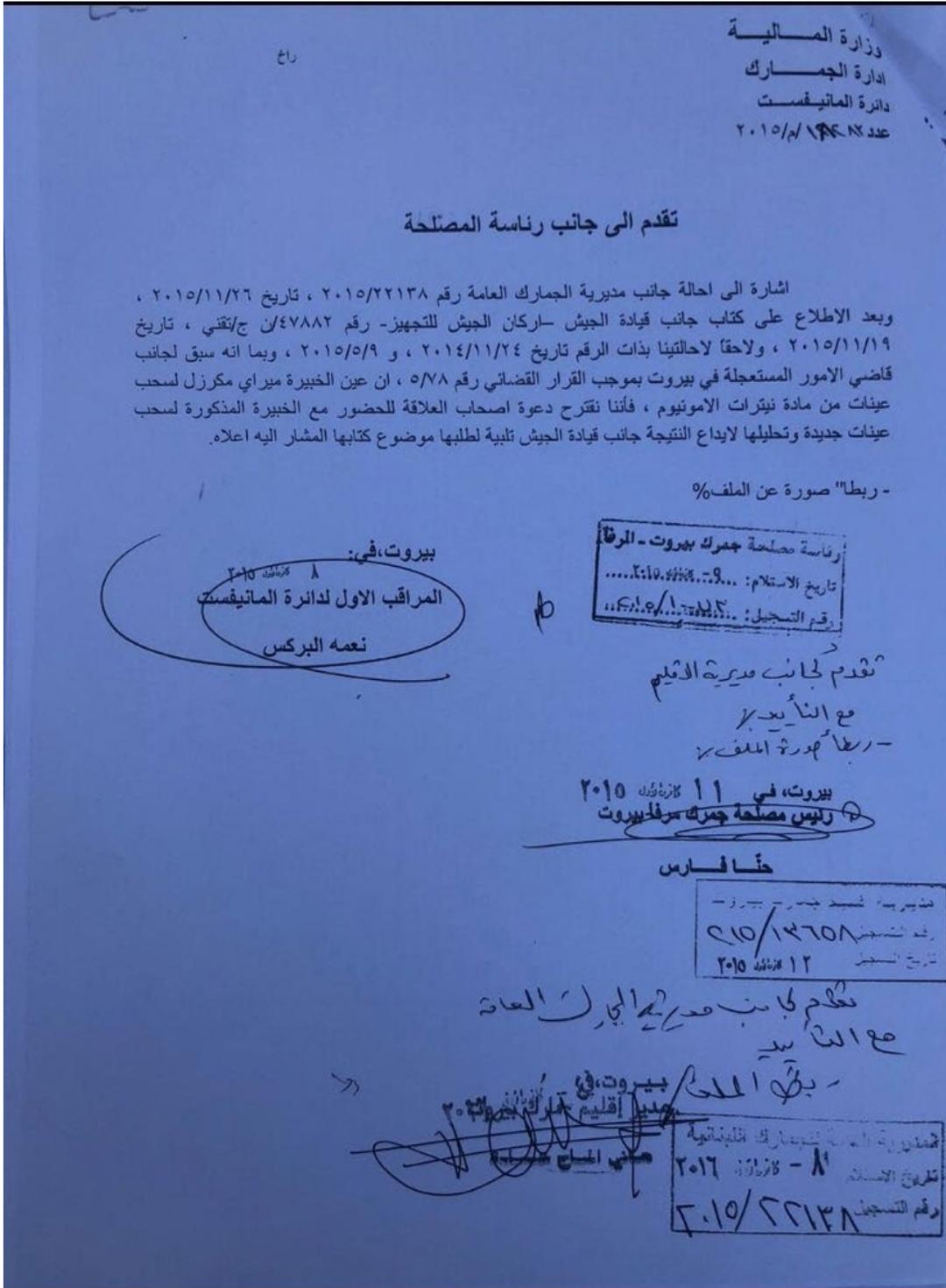
September 11, 2015 Urgent Matters Judge Decision



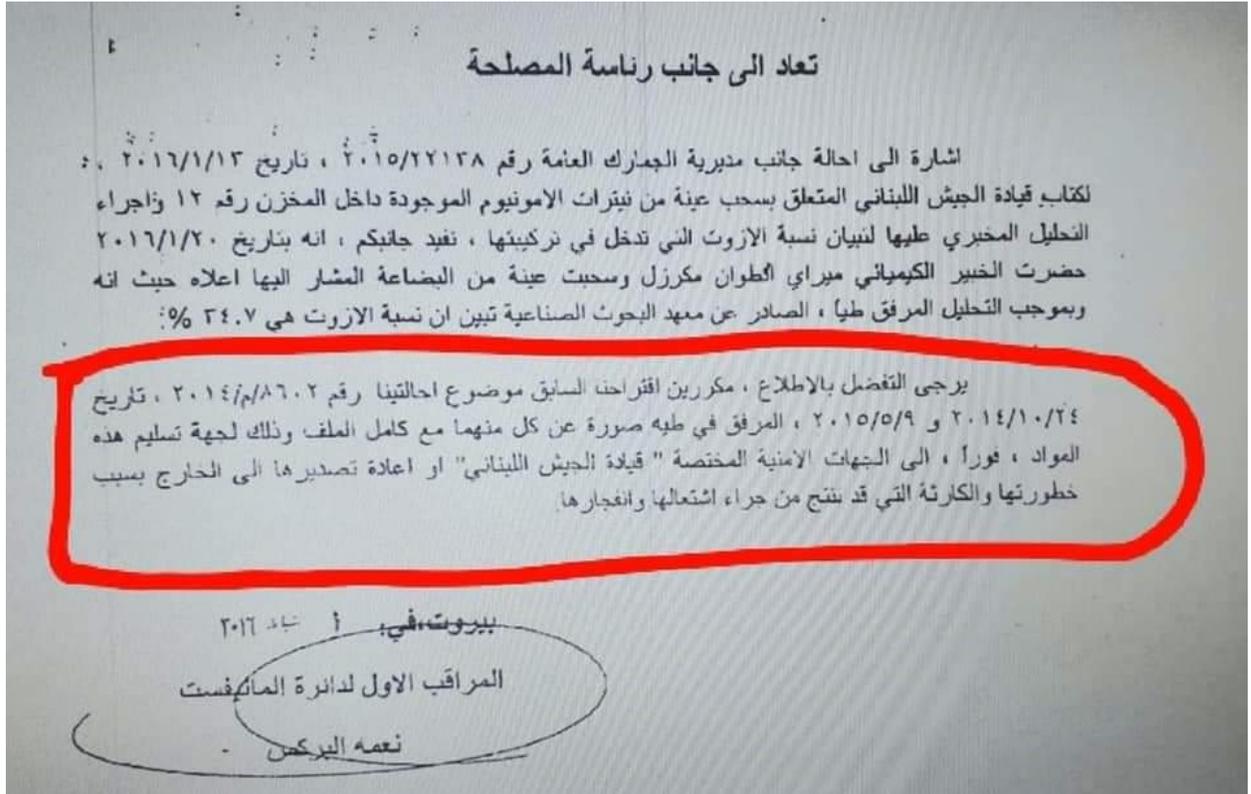
November 19, 2015 Army Request for a Sample to be Analyzed



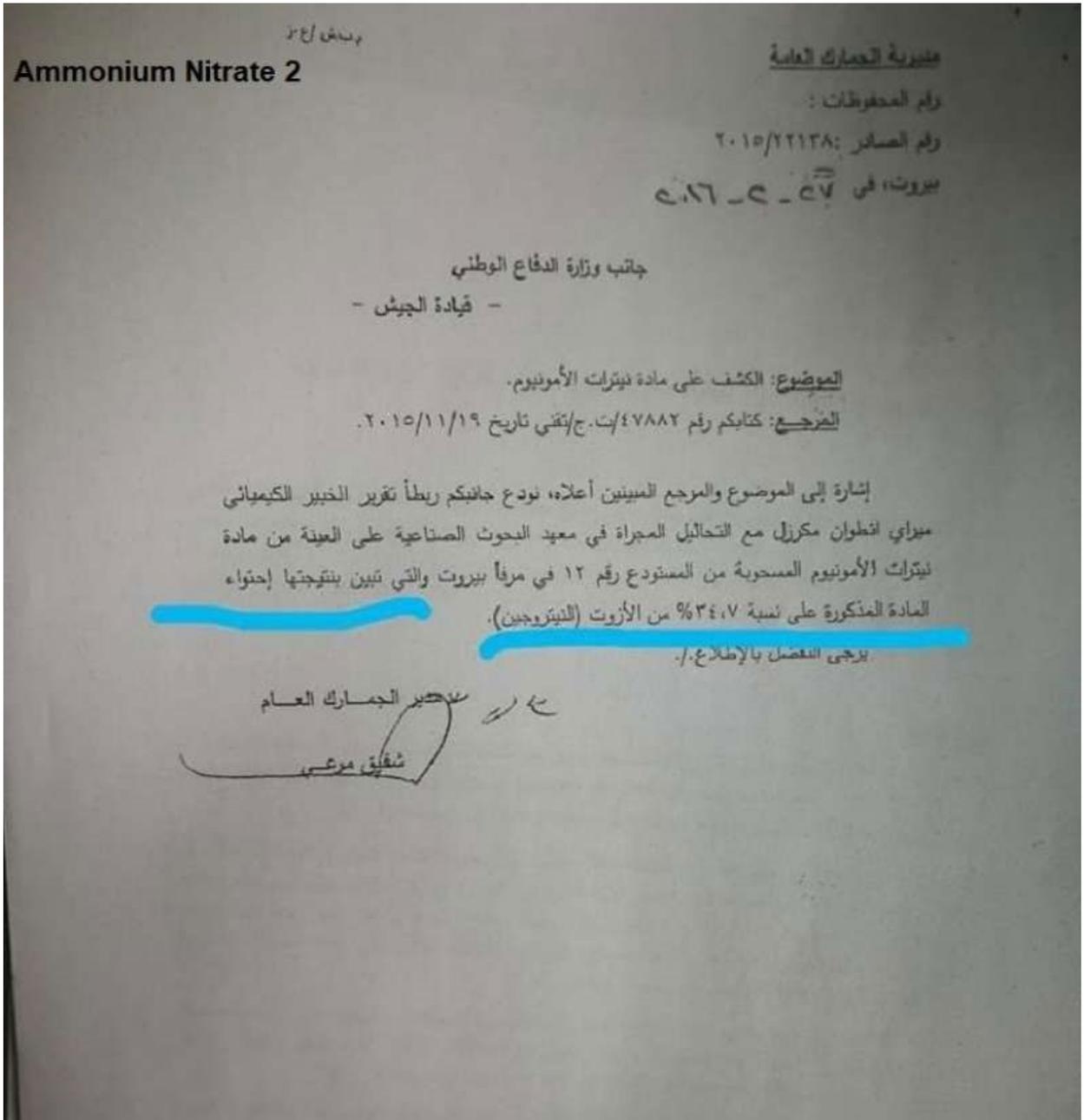
# December 8, 2015 Letter from the Manifest Department



## February 1, 2016 Letter from Manifest Department

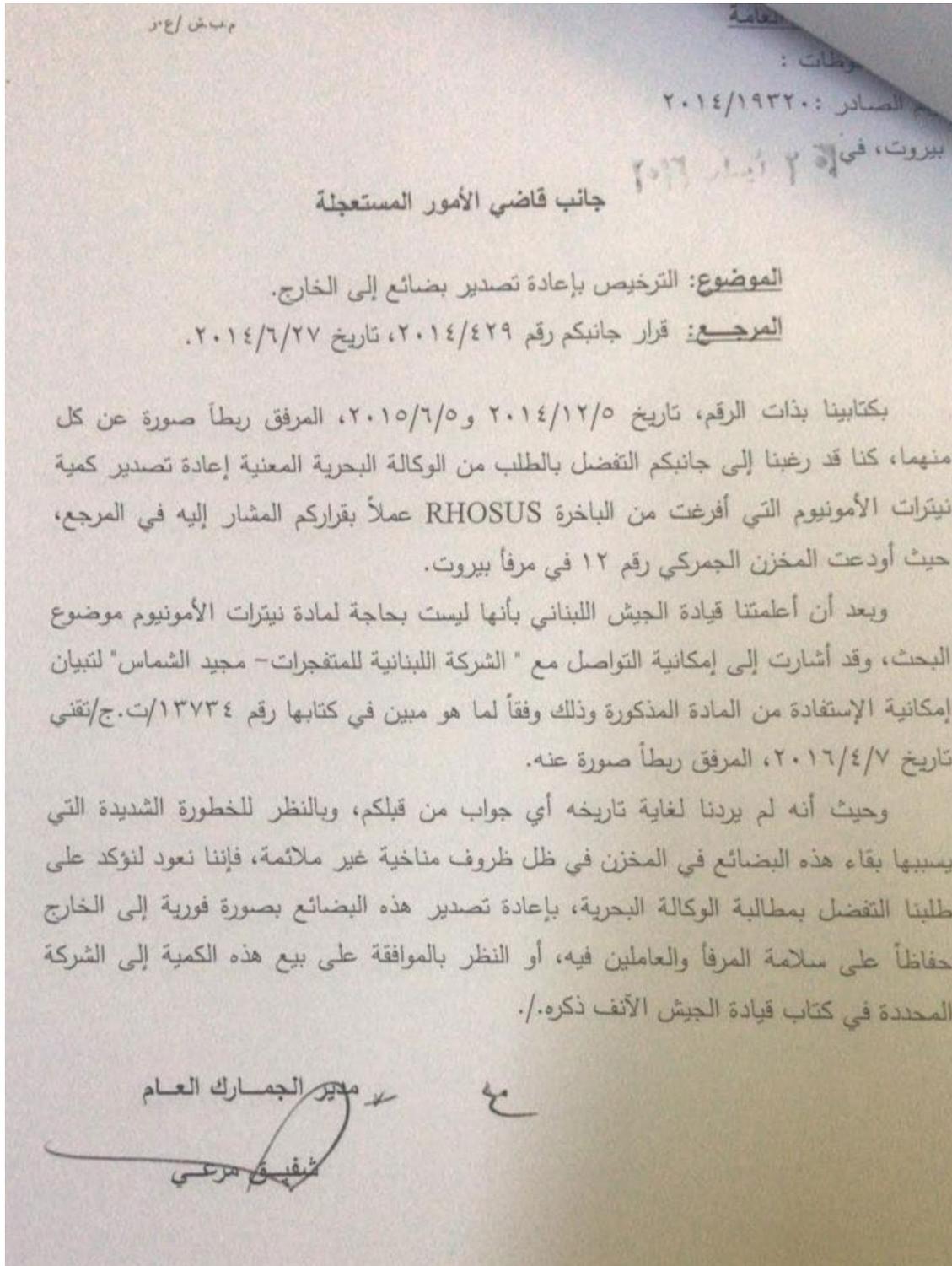


February 27, 2016 Response from Customs to the Army

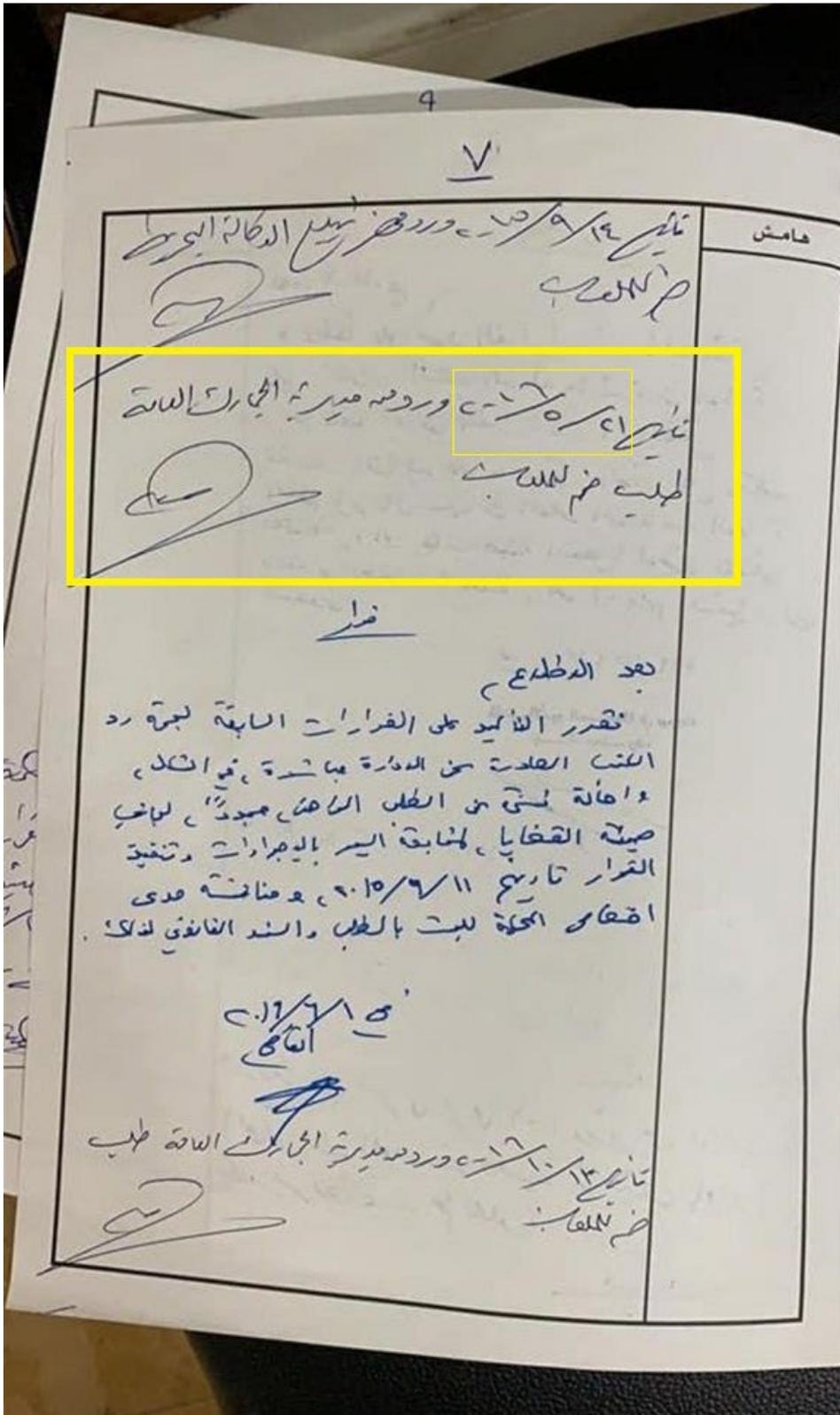




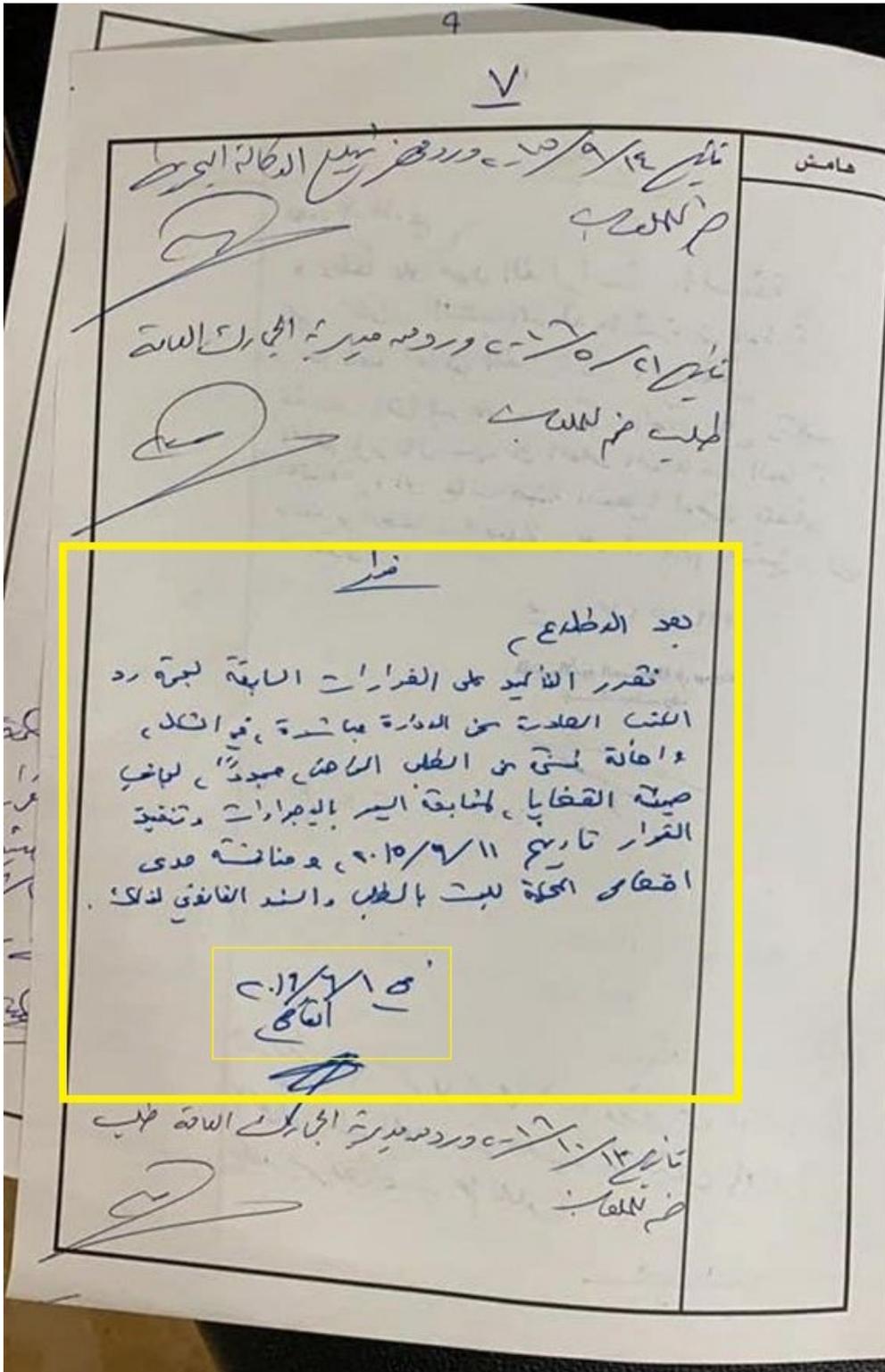
## May 20, 2016 Letter from Customs to Urgent Matters Judge



May 21, 2016 Urgent Matters Judge Receives Request from Customs



June 1, 2016 Urgent Matters Judge Response to Customs



June/September 2016 Customs and Ministry of Finance Letter to Case Authority

رقم المستطاب ٢٠١٤/٢٢٧  
رقم الصادر ٢٠١٤/٢٢٧  
٢٠١٤/٢٢٧

جانب هيئة القضاة  
بواسطة جانب وزارة المالية

الموضوع: الترخيص بإعادة تصدير بضائع إلى الخارج.  
المرجع: قرار جانب قاضي الأمور المستعجلة في بيروت رقم ٢٠١٤/٢٢٧  
تاريخ ٢٠١٤/٦/٢٧.

بكتابتنا بذات الرقم، تاريخ ٢٠١٤/١٢/٥ و ٢٠١٥/٦/٥، المرفق ربطاً صورة عن كل منهما، كنا قد رغبنا إلى جانب قاضي الأمور المستعجلة في بيروت للتفضل بالطلب من الوكالة البحرية المعنية إعادة تصدير كمية نيترات الأمونيوم التي أفرغت من الباخرة RHOSUS صلاً بقراره المشار إليه في المرجع، والذي نرفق أيضاً صورة عنه حيث أودعت المخزن الجمركي رقم ١٢ في مرفأ بيروت.

وبعد أن أعلمنا قيادة الجيش اللبناني أنها ليست بحاجة لمادة نيترات الأمونيوم موضوع البحث، وأشارت إلى إمكانية التواصل مع ' الشركة اللبنانية للمتفجرات - مجيد الشماس' لتبيان إمكانية الاستفادة من المادة المذكورة وذلك وفقاً لما هو مبين في كتابتها رقم ١٣٧٣٤/ت.ج/نقبي تاريخ ٢٠١٦/٤/٧، المرفق ربطاً صورة عنه.

وبالنظر للخطورة الشديدة التي يسببها بقاء هذه البضائع في المخزن في ظل ظروف مناخية غير ملائمة.

فإننا نرجوا إحالة كتابتنا هذا إلى حضرة قاضي الأمور المستعجلة في بيروت للتفضل بمطالبة الوكالة البحرية، بإعادة تصدير هذه البضائع بصورة فورية إلى الخارج حفاظاً على سلامة المرفأ والعاملين فيه، أو النظر بالموافقة على بيع هذه الكمية إلى الشركة المحددة في كتاب قيادة الجيش الأتف ذكره./.

مدير الجمارك اتعام  
شوقي برص

للموافقة على التصدير إلى مرفأ بيروت  
الهيئة للإدارة العامة  
بيروت

المندوبية العامة للتجارة الخارجية  
تاريخ التصدير ١٢/٦/٢٠١٦  
رقم التصدير ٢٢٦٢٨/٢٠١٦

٢٠١٦ - ٤٤١٠

رقم المرفق ٢٠١٤/٢٢٩  
رقم الملف ٢٠١٤/٢٢٩

٢٠١٤ - ١٢ - ١٧

١٥١٦٦

جانب هيئة القضاة  
بواسطة جانب وزارة المالية ✓

الموضوع: الترخيص بإعادة تصدير بضائع إلى الخارج.

المرجع: قرار جانب قاضي الأمور المستعجلة في بيروت رقم ٢٠١٤/٢٢٩  
تاريخ ٢٠١٤/٦/٢٧.

بكتائينا بذات الرقم، تاريخ ٢٠١٤/١٢/٥ و ٢٠١٥/٦/٥، المرفق ربطاً بصورة عن كل منهما، كنا قد رغبنا إلى جانب قاضي الأمور المستعجلة في بيروت التفضل بالطلب من الوكالة البحرية المعنية بإعادة تصدير كمية نيترات الأمونيوم التي أفرغت من لباخرة RHOSUS صلاً بقراره المشار إليه في المرجع، والذي نرفق أيضاً صورة عنه حيث أودعت المخزن الجمركي رقم ١٢ في مرفأ بيروت.

وبعد أن أعلمنا قيادة الجيش اللبناني أنها ليست بحاجة لمادة نيترات الأمونيوم موضوع البحث، وأشارت إلى إمكانية التواصل مع " الشركة اللبنانية للمتفجرات - مجيد الشماس" لتبيان إمكانية الاستفادة من المادة المذكورة وذلك وفقاً لما هو مبين في كتابها رقم ١٣٧٣٤/ت.ج/تقني تاريخ ٢٠١٦/٤/٧، المرفق ربطاً بصورة عنه.

وبالنظر للخطورة الشديدة التي يسببها بقاء هذه البضائع في المخزن في ظل ظروف مناخية غير ملائمة.

فإننا نرجوا إحالة كتابنا هذا إلى حضرة قاضي الأمور المستعجلة في بيروت للتفضل بمعالجة الوكالة البحرية، بإعادة تصدير هذه البضائع بصورة فورية إلى الخارج حفاظاً على سلامة المرفأ والعاملين فيه، أو النظر بالموافقة على بيع هذه الكمية إلى الشركة المحددة في كتاب قيادة الجيش الأتف ذكره./.

مدير الجمارك العام

شوقي برعي

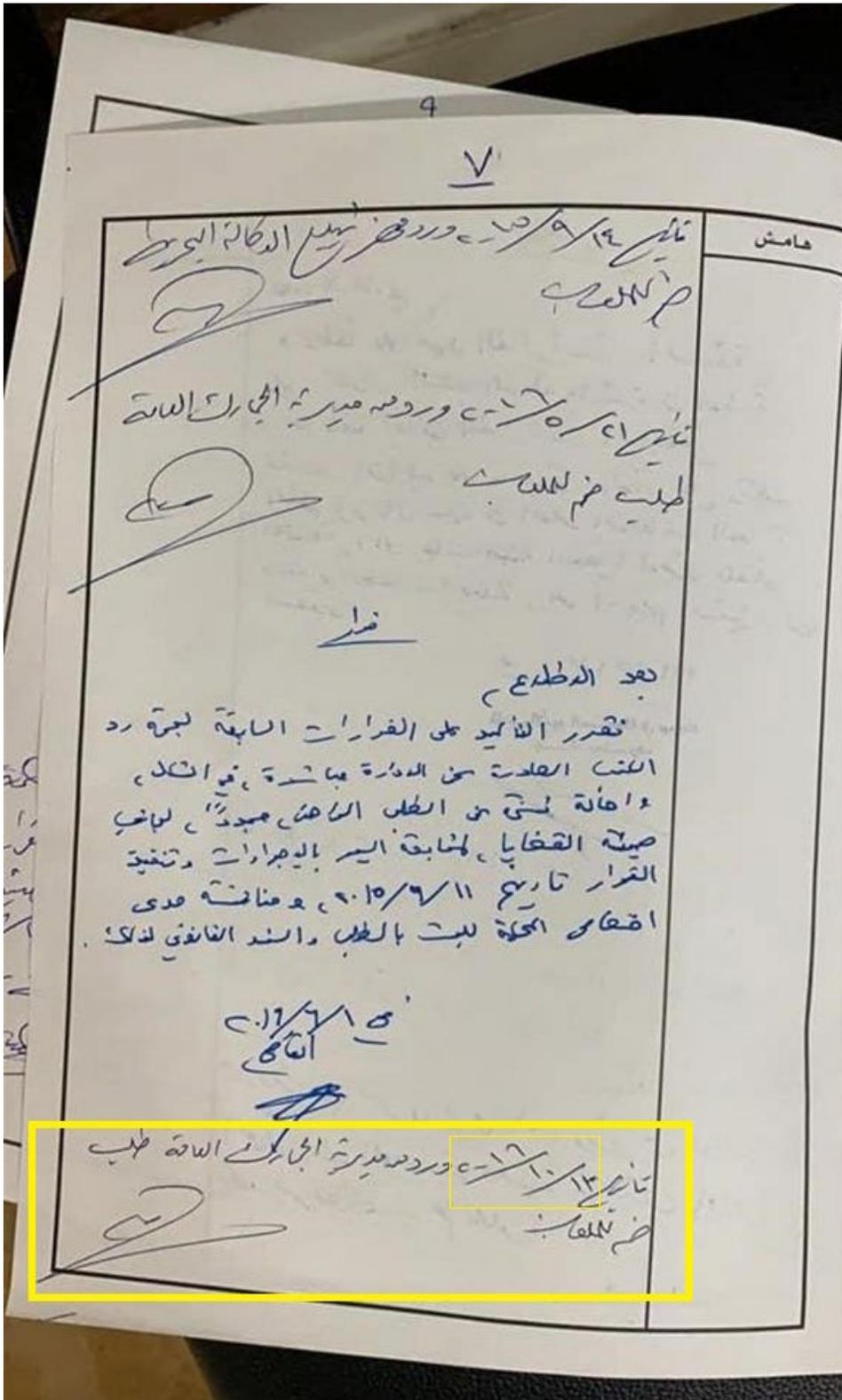


لإفادته إلى السيد مدير  
الهيئة لإدارة المرفأ

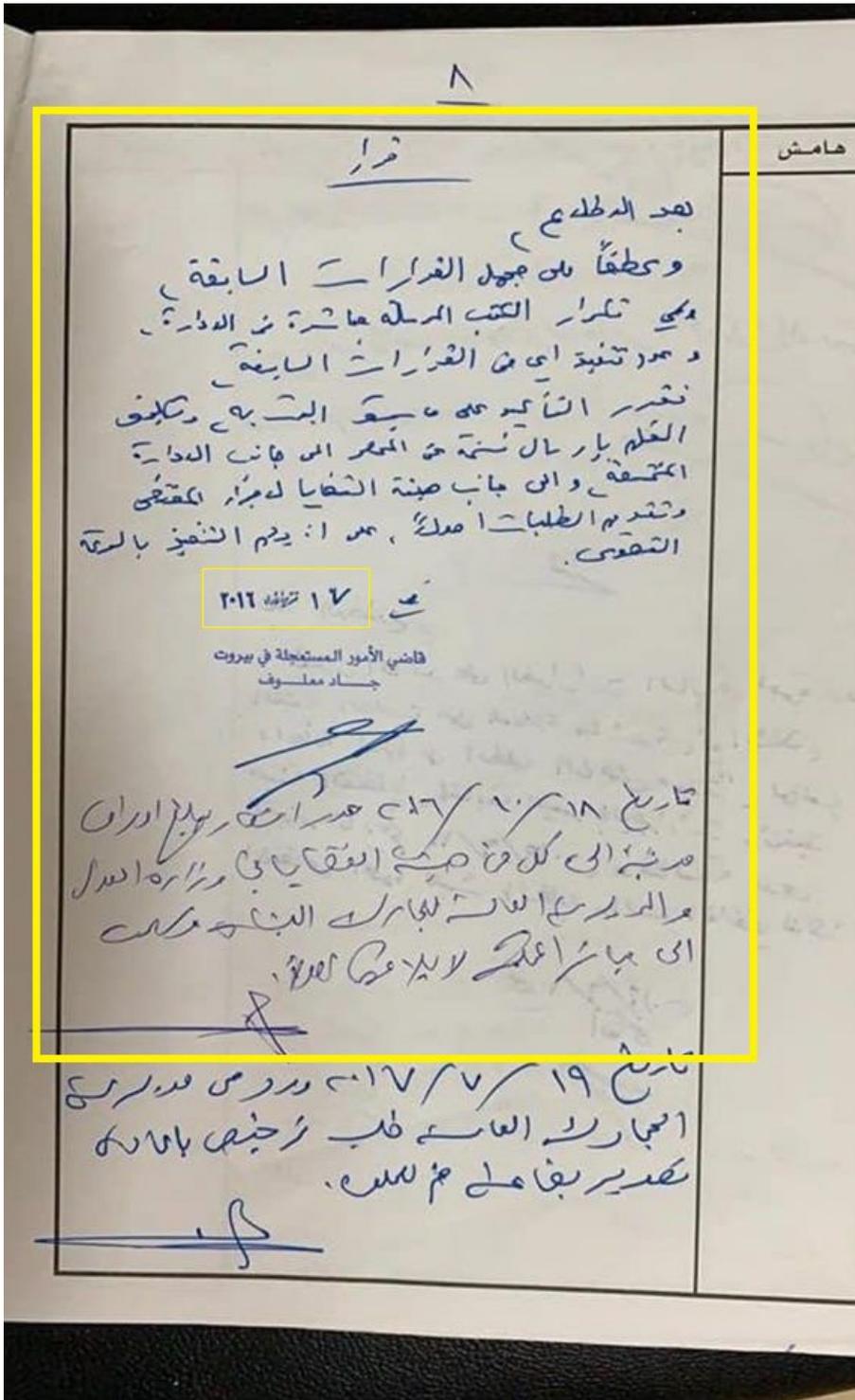
العمودية  
تاريخ الترخيص ١٧ أيار ٢٠١٦  
رقم التصريح ٢٢١٢٨/١٦

٢٠١٦ - ١٠ - ١٠

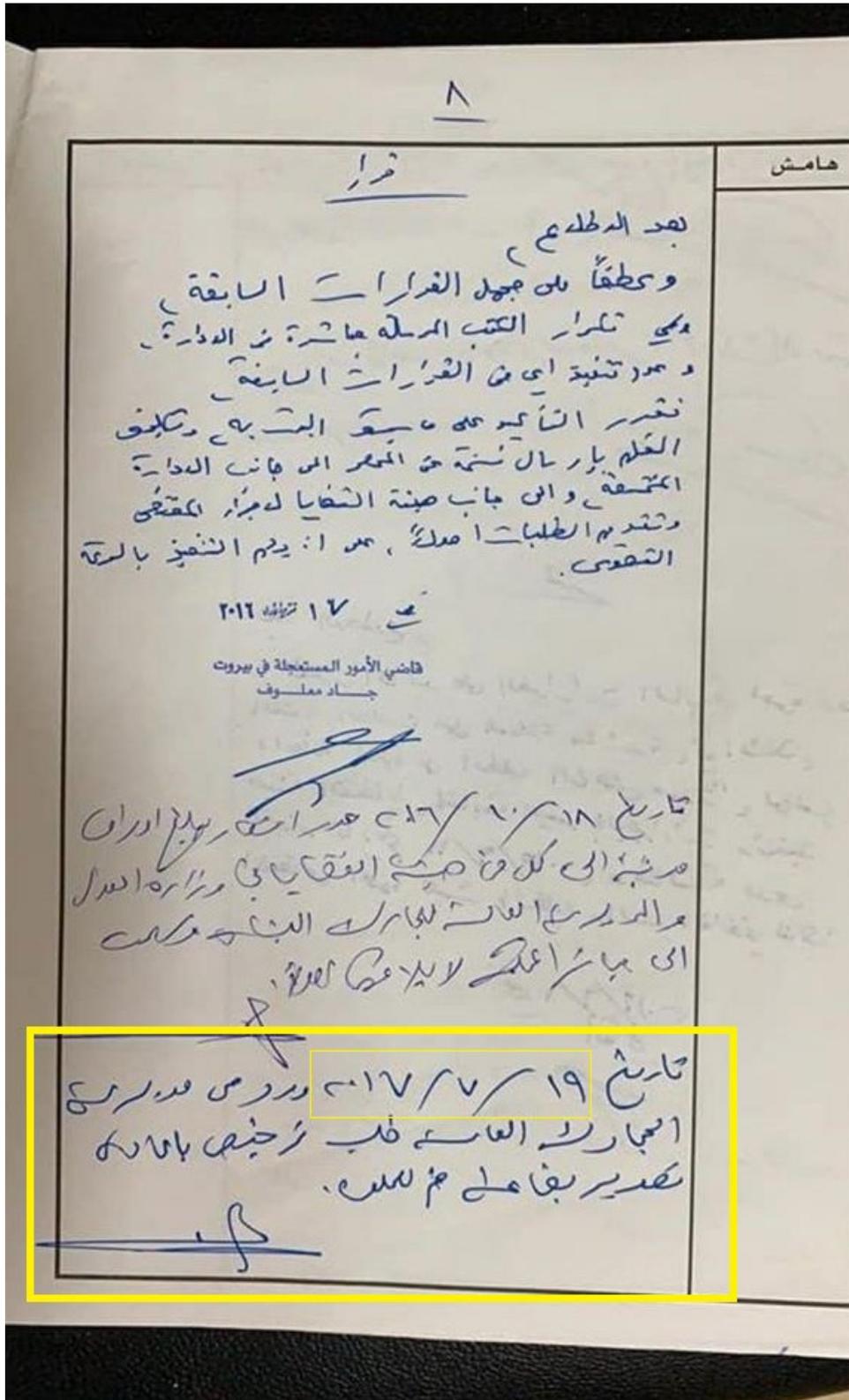
October 13, 2016 Judge of Urgent Matters Receives Letter from Customs



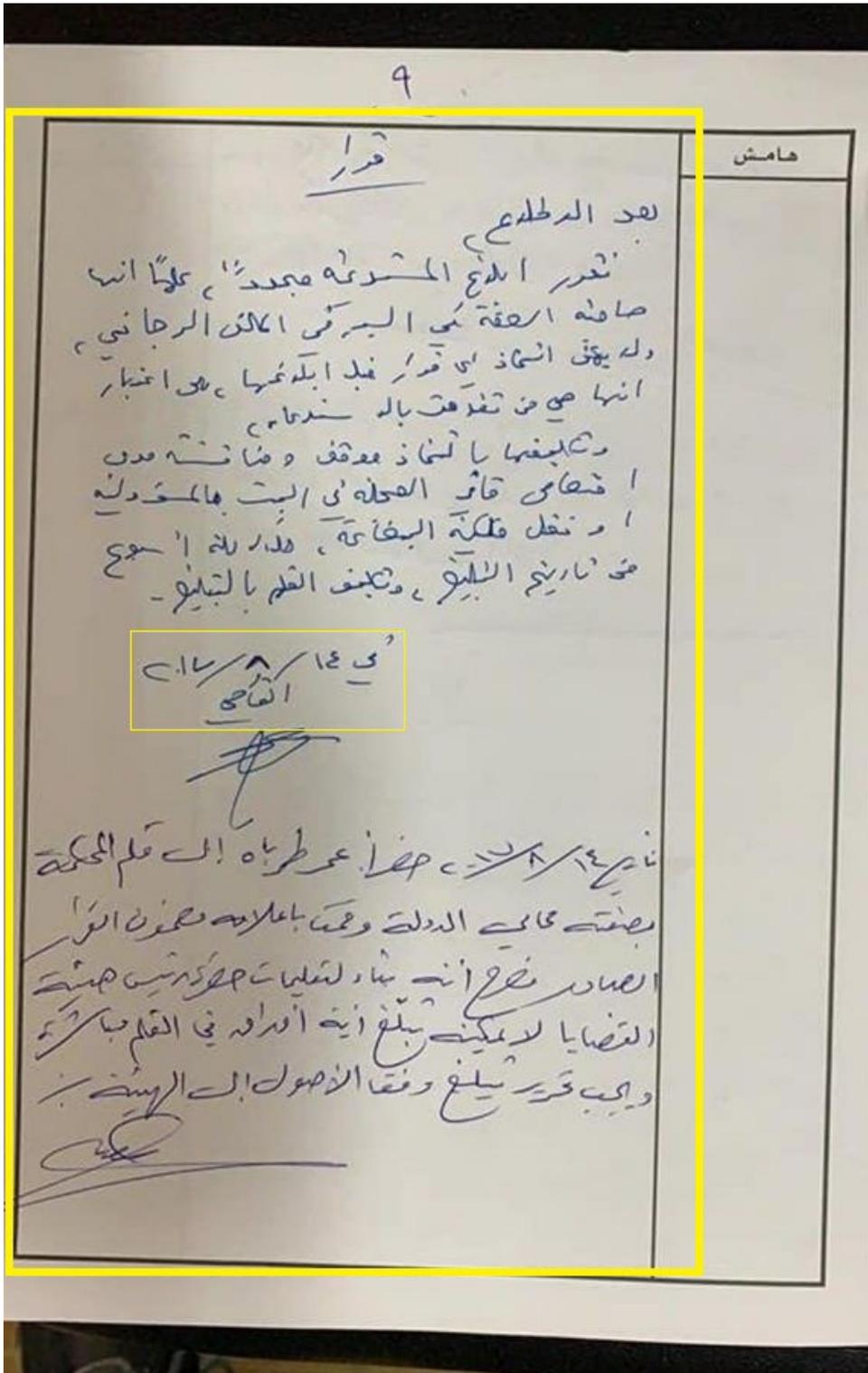
October 17, 2016 Urgent Matters Judge Decision



July 19, 2017 Urgent Matters Judge Receives Request from Customs



August 14, 2017 Urgent Matters Judge Decision



١٠

تاريخ ١٣/١٠/٥٠١٧  
 ورد من السيد / الشيخ السيد عبد طيب  
 ورد من السيد / عبد الرحمن محمد ١٤/١٠/٥٠١٧  
 بوالحكمة المأثورة موفق يا سيدي

تاريخ ٢٨/١٥/٥٠١٧ ورد من السيد /  
 العاتق للحجار في الشاشية طلب تحديد  
 مصدر بفاضة في المرفأ.

مؤاد

بعد الإطلاع

نور الإبداع المستعنى الطلب ورد ٢٨/٥/٥٠١٧  
 كقول صاحبة الصفة في البري هذه  
 وبقول ابدعنا الطلبة = مثل اقاذا  
 مؤاد ، مستجابا لا لم يتلقوا أصلا نقابة  
 تاريخ الطلب ورد ١٩/٥/٥٠١٧ والقب  
 الصاد في ١٤/٥/٥٠١٧ في هذه الحالة  
 وتكليف باقذا معترف ومناقحة منق ابدعنا  
 هذه الحالة في البيت ونقل ملكية الشبان  
 طلب اجمع في تاريخ العال وتكليف الحكم  
 بتاريخ السليح مؤاد ورد في اليد = ٥/٥/٥٠١٧  
 القا في ماري - كرسية عبد

December 18, 2017 Letter from Minister of Public Works and Transport to  
Case Authority

- ١٠ -

**الجمهورية اللبنانية**  
وزارة الأشغال العامة والنقل  
الوزير

جانب وزارة العدل  
- هيئة القضاة -

١٤٥٤  
١٨ كانون الأول ٢٠١٧

وزارة العدل  
قسم هيئة القضاة  
الرقم: ١٠٩٨٠/٢٠١٧  
التاريخ: ١٤/١٢/٢٠١٧

**الموضوع:** طلب اتخاذ الاجراءات اللازمة للبت بقضية الباخرة " RHOSUS " الراسية في مرفأ بيروت وحمولتها بشكل سريع وفوري وبيعها بالمزاد العلني لتفادي غرقها

**المرجع:** - كتابكم رقم ٢٠١٤/١٣٧ تاريخ ٢٠١٧/٩/١٩ المسجل لدى المديرية العامة للنقل البري والبحري برقم ٦/٧٤٣٠ تاريخ ٢٠١٧/١٠/٥ ومرفقاته.  
- كتابنا رقم ٦/٢٨٣٢ تاريخ ٢٠١٤/٤/٨ ومرفقاته.  
- كتابنا رقم ٦/٣١٧٨ تاريخ ٢٠١٤/٤/١٤ ومرفقاته.  
- كتابنا رقم ٦/٤٤٣١ تاريخ ٢٠١٤/٦/٢ ومرفقاته.  
- كتابنا رقم ٦/٨٤٣٥ تاريخ ٢٠١٤/١١/٢٦ ومرفقاته.  
- ملف القضية.

إشارة الى الموضوع والمرجع المبينين أعلاه، وعطفاً على كتبنا المبينة أعلاه لا سيما كتابنا رقم ٦/٨٤٣٥ تاريخ ٢٠١٤/١١/٢٦ الذي تم بموجبه الطلب الى دائرة التنفيذ في بيروت الإسراع في بيع السفينة والبضائع بالمزاد العلني لتفادي خطر غرق السفينة في المرفأ نتيجة الاهتراء الذي اصابها وبالتالي لتلافي تعريض سلامة الملاحة البحرية والسلامة العامة وسلامة البيئة للخطر،

وحيث أن الباخرة لا تزال راسية على كاسر الموج في مرفأ بيروت وهي مهترئة بسبب تأكلها بالصدأ وتعاني من عيوب كثيرة، مما يعرضها للغرق بعد ان تقاعس اصحابها ومجهزيها عن إصلاحها وقد تخلوا عنها، مما يهدد سلامة الملاحة البحرية في المرفأ وسلامة البيئة البحرية،

وحيث أنه تم تفريغ المواد الخطرة (نيترات الامونيوم) الموجودة على متن السفينة في العنبر رقم ١٢ التابع لإدارة واستثمار مرفأ بيروت وقد قام بعملية التفريغ كل من إدارة واستثمار مرفأ بيروت والشركة اللبنانية للتفريغ ومتعهد ستيفادوريا، مما رتب رسوم وأجور لكل من هؤلاء لم تسدد لحينه، فضلا عن رسوم التليبص ورسوم خزن البضائع التي تترتب يوميا لصالح ادارة واستثمار مرفأ بيروت(ربطاً كتاب ادارة واستثمار مرفأ بيروت رقم ١٠٤٨ تاريخ ٢٠١٥/٢/٢٠ ومرفقاته)، بالإضافة الى الرسوم المستحقة لصالح صندوق رئاسة مرفأ بيروت، شركة التفريغ، محطة ارشاد السفن في مرفأ بيروت و شركة حراسة السفن وفقا لاحالة رئيس مرفأ بيروت رقم ٢١٤/ب تاريخ ٢٠١٥/١/٢٨ ومرفقاتها(ربطاً نسخة عنها).

وحيث أن الرسوم والاجور المترتبة على السفينة والبضائع لصالح خزينة الدولة يقتضي تحصيلها عن طريق البيع بالمزاد العلني ضمن الشكل القانوني للسفينة والبضائع،

عل  
ك  
ك

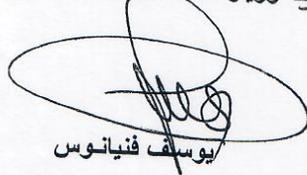
وحيث أن الباخرة معطلة وغير صالحة للملاحة وهي تعتبر خطاماً وفقاً لأحكام المادة ١١ من القرار ١٦٦/ل.ر تاريخ ١٩٤١/٧/٣ بحيث يقتضي بيعها بالمزاد العلني وفقاً لأحكام المادة ٧ من القرار ٩٨/ل.ر تاريخ ١٩٤١/٤/٣٠ عن طريق دائرة التنفيذ.

وحرصاً على سلامة الملاحة البحرية في المرفأ والسلامة العامة، وعلى حقوق الدائنين في السفينة والبضائع،

للتفضل بالاطلاع مكررين طلباتنا السابقة الطلب الى دائرة التنفيذ في بيروت ضرورة اتخاذ الإجراءات اللازمة وفق القوانين والأنظمة المرعية الإجراء لبيع السفينة والمواد التي على متنها بالمزاد العلني أو بإعادة تصدير هذه المواد بواسطة الوكيل البحري إلى الخارج، وذلك لتفادي خطر غرق السفينة في المرفأ نتيجة الاهتراء الذي أصابها وبالتالي لتلافي تعريض سلامة الملاحة البحرية والسلامة العامة وسلامة البيئة للخطر.

IS AK

عل وزير الأشغال العامة والنقل

  
يوسف فنيانوس

١٨ كانون الثاني ٢٠١٧

رِطاً:  
- كامل الملف

December 28, 2017 Letter from Customs to Urgent Matters Judge

م.م.ش.ل.س

صادر: ٢٠١٦/٩٣٨-٢٠١٤/١٩٣٢٠  
٢٠١٥/٢٢١٣٨

٢٨ كازة ورق ٢٠١٢

في:

جانب قاضي الأمور المستعجلة

**الموضوع:** طلب تحديد مصير كمية من نترات الامونيوم موجودة في احد عنابر مرفأ بيروت.

**المرجع:** - قرار جانبكم رقم ٢٠١٤/٤٢٦، تاريخ ٢٠١٤/٦/٢٧.  
- كتيبنا رقم ٢٠١٤/١٩٣٢٠، تاريخ ٢٠١٤/١٢/٥، ٢٠١٥/٦/٥، ٢٠١٦/٥/٢٠، ورقم ٢٠١٥/٢٢١٣٨، تاريخ ٢٠١٦/١٠/١٣، ٢٠١٧/٧/١٩.

بكتابيننا رقم ٢٠١٤/١٩٣٢٠ تاريخ ٢٠١٤/١٢/٥ و ٢٠١٥/٦/٥، المرفق ربطاً صورة عن كل منهما، كما قد رغبتنا إلى جانبكم التفضل بالطلب من الوكالة البحرية المعنية إعادة تصدير كمية نترات الامونيوم التي افرغت من الناحية RHOSUS عملاً بقراركم المشار إليه في المرجع والمرفق ربطاً صورة عنه، والتي اودعت المخزن الجمركي رقم ١٢ من مرفأ بيروت.

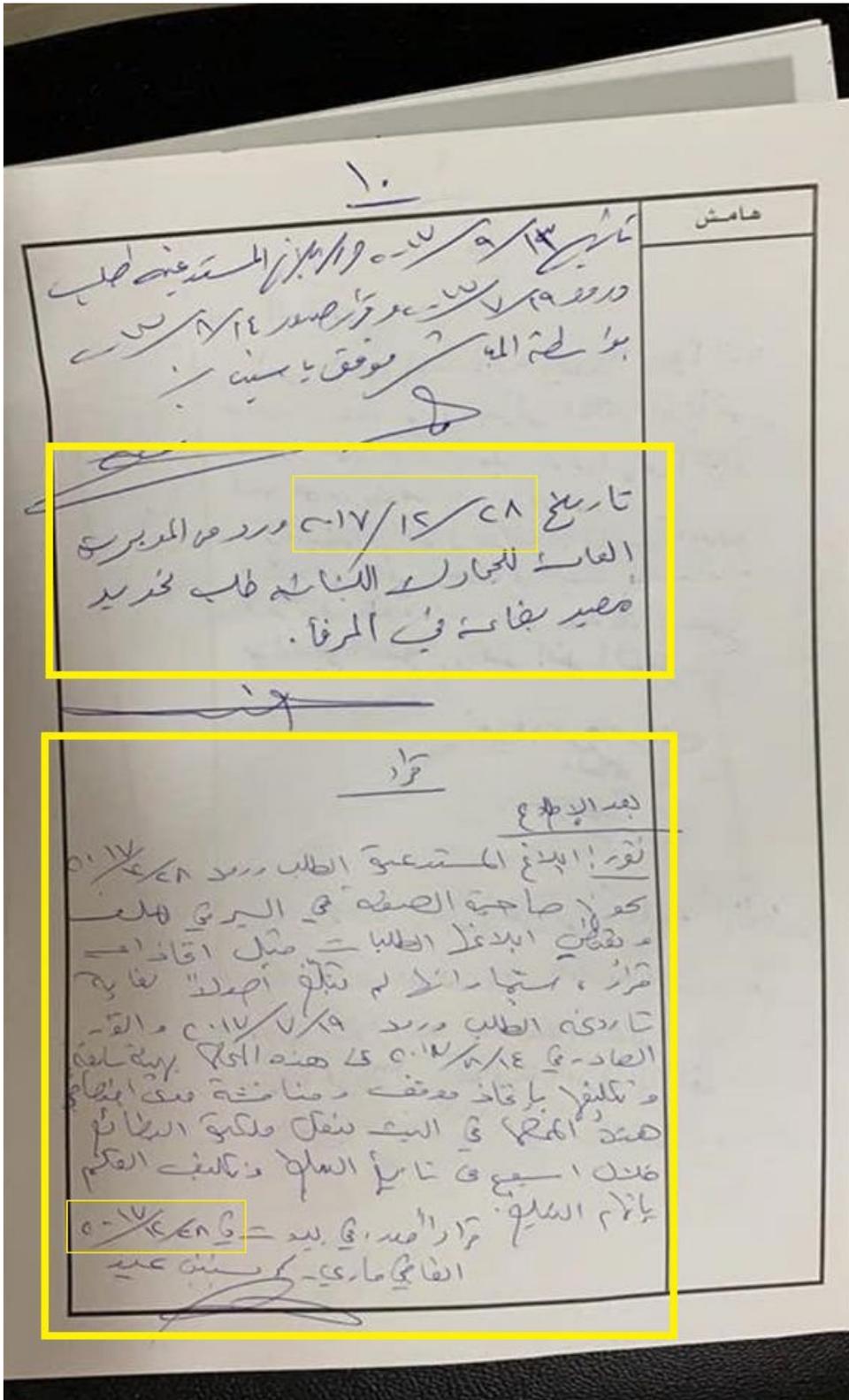
وبكتابيننا رقم ٢٠١٤/١٩٣٢٠ تاريخ ٢٠١٦/٥/٢٠، المرفق ربطاً صورة عنه، أكدنا على مطالبة الوكالة البحرية المعنية إعادة تصدير الإرسالية أو النظر بالموافقة على بيع هذه الكمية الى الشركة اللبنانية للمتفجرات- مجيد الشماس وفق لما هو مبين في كتاب قيادة الجيش رقم ١٣٧٣٤/ت.ج.تقني تاخي ٢٠١٦/٤/٧ المرفق ربطاً صورة عنه.

وأعدنا التأكيد على هذا الأمر بكتابيننا رقم ٢٠١٥/٢٢١٣٨-٢٠١٤/١٩٣٢٠، تاريخ ٢٠١٦/١٠/١٣ و ٢٠١٧/٧/١٩، المرفق ربطاً عن كل منهما، وبالنظر لذات الأسباب التي سبق وذكرناها بكتيبنا المذكورة أعلاه، لاسيما الخطورة التي تنتج عن بقاء هذه الكمية على المكان الموجودة فيه وعلى العاملين هناك، فإننا نأمل إيداعنا قراركم بالموضوع./.

المدير العام  
بدر ضاهر

بيروت- لبنان- ساحة رياض الصلح  
هاتف: 01-980060/1/2/3 فاكس: 01-643826 الموقع الإلكتروني: www.customs.gov.lb

December 28, 2017 Urgent Matters Judge Responds to Customs



February 15, 2018 Request from Case Authority Lawyer to Urgent Matters Judge

- 11 -

لا تحه ١٥/٢/٢٠١٨

عمر وافيح طرباه  
محامي الدولة اللبنانية  
في القضايا المدنية والحكيم  
ماجستير في القانون الخاص

**حضرة القاضي الأمور المستعجلة في بيروت الموقر**  
**لائحة إنفاذ قرار إعدادي**

عدد رقم ٢٠١٤/٤٢٩  
قضايا رقم: ٢٠١٧/١٣٧

بيروت في ٢٠١٨/٢/١٣

المستدعية: الدولة اللبنانية

وكيلها المحامي عمر طرباه  
بموجب المرسوم رقم ٢٠١٧/٨٧٨ (مستند رقم ١).

- ٢ -

**إنفاذاً للقرار الإعدادي تاريخ ٢٠١٧/١٢/٢٨ تبدي الدولة اللبنانية ما يلي:**

١- بتاريخ ٢٠١٤/٤/٣٠ تقدمت المستدعية من لدن قاضي الأمور المستعجلة في بيروت بطلب الترخيص لها بتعميم السفينة RHOSUS وينقل المواد المشحونة على متنها نظراً لخطورتها إلى مكان آمن والترخيص ببيع السفينة والبضاعة.

٢- بتاريخ ٢٠١٤/٦/٢٧ أصدر قاضي الأمور المستعجلة في بيروت قراراً يقضي بالترخيص بتعميم السفينة وذلك بعد نقل المواد الموجودة على متنها إلى مكان مناسب لتخزينها ، وبالمقابل قضى ببرد طلب الترخيص ببيع السفينة معتبراً أن المادة ١١/ من القرار ٤١/١٦٦ المتعلق الكوارث البحرية تخيل بهذا الشأن إلى القرار رقم LR/٩٨ المتعلق بالحطام البحري.

وحيث إن القرار المذكور رد طلب الترخيص ببيع السفينة لوجود نص خاص في القرار ٤١/١٦٦ يجيل الى القرار LR/٩٨.

٣- وحيث أن المادة ١١/ من القرار ١٦٦ تنص على أنه : "إذا أصابت السفينة على أثر كارثة بحرية عطل فأصبحت غير صالحة للنقل إعتبرت السفينة حطاماً وعمّلت وفقاً لأحكام القرار عدد LR/٩٨ تاريخ ٣٠ نيسان سنة ١٩٤١ " (نرفق ربطاً صورة عن القرار ٤١/١٦٦ ، مستند رقم ٢).

وحيث من الرجوع للمادة ٧/ المعطوفة على المادة ٩/ من القرار رقم LB/٩٨ ، نرى بأنها وإن كانت قد أولت دائرة التنفيذ صلاحية البيع ، إلا أنه وبالمقابل يجب التنبيه بأن المشترع عندما أحال في القرار ٤١/١٦٦ الى القرار LR/٩٨، فإن هذا الأخير وبعد أن عرّف في المادة الأولى منه

---

تلفاكس: ٠٠٩٦١-١-٦٣٠٠٠١  
بريد الكتروني: info@alliedlegals.com  
ص.ب: ١١٦/٢٠٩٨ بيروت . لبنان

رأس النبع . جادة بشارة الخوري  
بنية البناء . ط: ٢ . فوق بنك عودة  
خليوي: ٠٠٩٦١-٣-٦١٧٢٥٤

الحطام البحري استثنى من الحطام البحري السفن التي توجد وقد تركها بحارتها إما في عرض البحر وإما جانحة على الشاطئ. (نرفق ربطاً القرار رقم LR/٩٨، مستند رقم ٣).  
وحيث أنه ومن الثابت أن الباخرة RHOSUS رست على الميناء اللبناني مع كامل طاقهما وبحارتها وبالتالي فهي لا تخضع لأحكام القرار LR/٩٨ .  
وحيث أنه وعلى ضوء ما تقدم،

ونظراً لخطورة بقاء البضاعة في العنبر رقم ١٢ في المرفأ لكونها من المواد المشعة والمسببة للتلوث وللأمراض، إضافة الى ما يسببه بقاء السفينة بحالتها المهترئة من تلوث ومشاكل على صعيد الملاحة البحرية.

وحيث أنه ووفقاً للقواعد العامة فإن صلاحية إتخاذ التدابير المستعجلة هي من صلب إختصاص القضاء المستعجل، ومن بين هذه التدابير بيع الأموال الخطيرة والقابلة للتلف سناً للمادة ٥٨٩ أ.م.م. <

لذا ،

نتقدم بهذه اللائحة من جانب محمكتكم الموقرة إنفاذاً للقرار الإعدادي ، طالبين في الوقت عينه الترخيص ببيع السفينة RHOSUS والبضاعة التي كانت على متنها والموجودة حالياً في العنبر رقم ١٢ في المرفأ ، وبالتالي الرجوع عن قرار رد طلب الترخيص بالبيع خاصة على ضوء الوقائع المستجدة والمتمثلة باستمرار الخطر الداهم وذلك على الرغم من نقل البضاعة إلى عنبر في المرفأ وفي ظل استمرار تفاقم إهتراء السفينة ومع ثبوت صلاحية القضاء المستعجل بناء على ما تم بيانه في متن اللائحة وذلك سناً للمادة ٥٧٩ معطوفة على المادة ٥٨٩ أ.م.م.، علماً أن الإدارة أشارت الى وجود مشتري للبضاعة ، وعلى أن يصار الى إبداع الثمن في صندوق المحكمة لإستيفاء أصحاب الحقوق حقوقهم بما في ذلك حقوق الدولة باعتبارها من الديون الممتازة .

بكل تحفظ وإحترام

بالوكالة

المحامي عمر طرباه





بسم الله الرحمن الرحيم  
بشور من قبلهم لسد الديون المرانة على  
للتفضل بالطلوع

- رطباً :-
- صورة من المانيت
- صورة من المانيت
- صورة من قرأ - الخبز
- صورة من قرأ - القضاى بسفر الجارة
- صورة من قرأ - القضاى بسفر الجارة
- وصيغة اتصال غزله كليات مدينة البارك

بيروت في ٢٠ شباط ٢٠١٨  
رئيس مفرزة المانيت البحرية  
الرفيق الاكبر البحري  
وسام ابورحيماني

٢٠١٨

تقدم لجانب رئاسة جامعة بيروت  
للتفضل بالطلوع على شروعات ريادة المانيت البحرية  
رطباً: الملت

بيروت في ٢ شباط ٢٠١٨  
رئيس شعبة بيروت البحرية

٢٠١٨/٢٥٧٢  
نتم لجانب مديرية الماركات  
بإشارة إلى  
إحالة غزوة العمليات لدى  
مديرية الماركات العامة  
٢٠١٨/٢٥٦، تاريخ ٢٠١٨/٢٥٧  
٤ بيروت في  
مدير إقليم جمارك بيروت

الرفيق عادل الرفيق

٢٠١٨

تقدم لجانب رئاسة جامعة بيروت  
للتفضل بالطلوع على شروعات ريادة مفرزة  
المانيت البحرية في بيروت  
رطباً: المرفقات  
بيروت في ٢١ شباط ٢٠١٨  
رئيس شعبة بيروت بالريادة

الرفيق عادل الرفيق

٢٠١٨  
٢٣ شباط ٢٠١٨  
٢٠١٨/٢٦٢٦



March 5, 2018 Ministry of Public Works and Transport Letter to Case Authority

جانب، وزارة العدل  
- هيئة القضايا -

٥ - آذار ٢٠١٨

**الموضوع:** طلب اتخاذ الاجراءات اللازمة للبت بقضية السفينة "RHOSUS" الراسية في مرفأ بيروت بشكل سريع وفوري وبيعها بالمزاد العلني بعد أن غرقت في مياه البحر

**المرجع:**

- كتابكم رقم ٢٠١٤/١٣٧ تاريخ ٢٠١٨/٢/٧ المسجل لدى المديرية العامة للنقل البري والبحري تحت رقم ٦/١٨٣١ تاريخ ٢٠١٨/٢/١٩
- برقية غرفة العمليات البحرية المشتركة رقم ٤/ع م تاريخ ٢٠١٨/٢/١٨ المسجلة لدى المديرية العامة للنقل البري والبحري تحت رقم ٦/١٧٨٤ تاريخ ٢٠١٨/٢/١٩
- تقرير رئيس مرفأ بيروت رقم ٣٦٩ تاريخ ٢٠١٨/٢/١٩ المسجل لدى المديرية العامة للنقل البري والبحري تحت رقم ٦/١٨٦٦ تاريخ ٢٠١٨/٢/٢٠
- كتاب معالي وزير الأشغال العامة والنقل رقم ١٤٥٩/ص تاريخ ٢٠١٧/١٢/١٨
- كتابنا رقم ٦/٢٨٣٢ تاريخ ٢٠١٤/٤/٨ ومرفقاته
- كتابنا رقم ٦/٣١٧٨ تاريخ ٢٠١٤/٤/١٤ ومرفقاته
- كتابنا رقم ٦/٤٤٣١ تاريخ ٢٠١٤/٦/٢ ومرفقاته
- كتابنا رقم ٦/٨٤٣٥ تاريخ ٢٠١٤/١١/٢٦ ومرفقاته
- ملف القضية

إشارة الى الموضوع والمرجع المبينين أعلاه، وعطفاً على كتبنا المبينة أعلاه لا سيما كتاب معالي وزير الأشغال العامة والنقل رقم ١٤٥٩/ص تاريخ ٢٠١٧/١٢/١٨ الذي تم بموجبه تكرار الطلب الى دائرة التنفيذ في بيروت ضرورة الاسراع في اتخاذ الإجراءات اللازمة وفق القوانين والأنظمة المرعية الإجراء لبيع السفينة "RHOSUS" والمواد التي على متنها بالمزاد العلني أو بإعادة تصدير هذه المواد بواسطة الوكيل البحري إلى الخارج، وذلك لتفادي خطر غرق السفينة في المرفأ نتيجة الاهتراء الذي أصابها وبالتالي لتلافي تعريض سلامة الملاحة البحرية والسلامة العامة وسلامة البيئة للخطر.

وحيث أنه وردتنا البرقية المشار إليها أعلاه من غرفة العمليات البحرية المشتركة التي تعلمنا أن زورقاً تابعاً للقوات البحرية قد أفاد أنه بتاريخ ٢٠١٨/٢/١٨ وعند الساعة ٦:٣٠ تعرضت السفينة "RHOSUS" والمتواجدة داخل حرم مرفأ بيروت على كاسر الأمواج (السنسول) للغرق باستثناء مقدمتها ومن ثم أفادت قاعدة بيروت البحرية عند الساعة ١٠:٠٠ من اليوم نفسه أن السفينة المذكورة قد غرقت كلياً.

ع

وبالاستناد إلى تقرير رئيس مرفأ بيروت المشار إليه أعلاه الذي يفيد بموجبه عن غرق السفينة "RHOSUS" المتواجدة على المنسول البحري منذ أكثر من أربع سنوات حيث تم إخراجها من ملقمها بعد أن تخلى عنها أصحابها وأصحاب البضاعة التي على متنها وقد تم تثبيتها وتربيطها على المنسول لعدة مرات كان آخرها منذ شهر بمساعدة محطة إرشاد السفن في مرفأ بيروت إلا أن السفينة تعرضت للإهتراء والتآكل مع مرور الزمن مما أدى إلى تراكم المياه داخل السفينة سيما وأنه لا يوجد أي غطاء لعنابرها وبالتالي فقد غرقت خلال العاصفة الأخيرة وما رافقها من غزارة في مياه الأمطار.

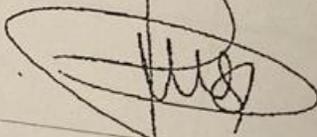
وحيث أن السفينة المذكورة قد غرقت في مياه المرفأ بحيث تعتبر حطاماً وفقاً لأحكام المادة ١١ من القرار ١٦٦ / ل.ر تاريخ ١٩٤١/٧/٣ ويقتضي بيعها بالمزاد العلني وفقاً لأحكام المادة ٧ من القرار ٩٨ / ل.ر تاريخ ١٩٤١/٤/٣٠ عن طريق دائرة التنفيذ، مع الإشارة إلى أنه تم تفريغ المواد الخطرة (نيترات الأمونيوم) الموجودة على متن السفينة في العنبر رقم ١٢ التابع لإدارة واستثمار مرفأ بيروت وقد قام بعملية التفريغ كل من إدارة واستثمار مرفأ بيروت والشركة اللبنانية للتفريغ ومتعهد ستيفادوريا، مما رتب رسوم وأجور لكل من هؤلاء لم تسدد لحينه، فضلاً عن رسوم التليص ورسوم خزن البضائع التي تترتب يومياً لصالح إدارة واستثمار مرفأ بيروت، بالإضافة إلى الرسوم المستحقة لصالح صندوق رئاسة مرفأ بيروت، شركة التفريغ، محطة إرشاد السفن في مرفأ بيروت وشركة حراسة السفن،

وحيث أن الرسوم والاجور المترتبة على السفينة والبضائع لصالح خزينة الدولة يقتضي تحصيلها عن طريق البيع بالمزاد العلني ضمن الشكل القانوني للسفينة والبضائع،

وحرصاً على سلامة الملاحة البحرية في المرفأ والسلامة العامة، وعلى حقوق الدائنين في السفينة والبضائع،

للتفضل بالاطلاع مكررين طلباتنا السابقة الطلب إلى دائرة التنفيذ في بيروت ضرورة اتخاذ الإجراءات اللازمة وفق القوانين والأنظمة المرعية الإجراء وذلك بشكل فوري لبيع السفينة والمواد التي تم تفريغها منها (نيترات الأمونيوم) وخزنها في العنبر رقم ١٢، بالمزاد العلني أو بإعادة تصدير هذه المواد بواسطة الوكيل البحري إلى الخارج، وذلك بعد أن غرقت السفينة وباتت تشكل خطراً على سلامة الملاحة البحرية والسلامة العامة وسلامة البيئة.

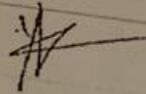
هل وزير الأشغال العامة والنقل



يوسف فنيانوس

نسخة تبلغ إلى المديرية العامة  
ورسل البري  
والبحري

٥ - آذار ٢٠٢١



رابطاً  
- كامل الملف

## March 14, 2018 Letter from Head of the Manifest Department

ج ز

Rhosus

الجمهورية اللبنانية

إدارة الجمارك

دائرة المانيست

رقم المحفوظات : 6/ي

• الرقم الصادر : 2018/م/1956

تعاد الى جانب رئاسة المصلحة

إشارة إلى إحالتكم رقم 2018/1839 ،تاريخ 2018/2/21، نعرض لجانبتكم ملف الباخرة RHOSUS وفقاً لما يلي:

بتاريخ 2014/6/27 ،أصدر قاضي الأمور المستعجلة في بيروت قرار رقم 2014/429 قضى بالسماح بتعويم السفينة مدار البحث بعد نقل الحمولة الموجودة على متنها إلى مكان مناسب لتخزينها ، حيث جرى إدخالها إلى المستودع رقم (12) المخصص للبضاعة الملتهبة والقابلة للإشتعال، وذلك بموجب قسيمة إدخال رقم 353832 ، تاريخ 2014/10/29، و مازالت موجودة في المخزن المذكور حتى تاريخه .

بقراره رقم 2014/565 ،تاريخ 2014/9/1،سمح قاضي الأمور المستعجلة في بيروت للبخارة الموجودين على متن السفينة بالمغادرة إلى وطنهم.

بتاريخ 2015/1/26 ،أصدر قاضي الأمور المستعجلة في بيروت قرار رقم 2015/78 قضى بتعيين السيدة ميراى مكرزل خبيرة للكشف على البضاعة حيث نفذت المهمة ووضعت تقريراً بذلك.

بإحالاتنا رقم 2014/م/8602 ،تاريخ 2014/10/24 و 2015/5/9، و رقم 2015/م/18283، تاريخ 2016/2/1، كنا قد إقترحنا على جانبكم الطلب إلى قاضي الأمور المستعجلة في بيروت السماح بإعادة تصدير البضاعة إلى الخارج أو تسليمها إلى الجيش اللبناني نظراً إلى خطورتها والكارثة التي قد تنتج من جراء إشتعالها وإنفجارها.

بإحالاتنا رقم 2014/19320،تاريخ 2014/12/5 و 2015/6/5 و 2016/5/20 ،طلبت جانب مديرية الجمارك العامة من جانب قاضي الأمور المستعجلة في بيروت التفضل بمطالبة الوكالة البحرية بإعادة تصدير البضاعة أو النظر بالموافقة على بيعها للشركة اللبنانية للمتفجرات – مجيد الشماس بعد أن أبدت قيادة الجيش بكتابها رقم 13734/ت.ج/تقني ،تاريخ 2016/4/7 ،عدم حاجتها إليها.

بتاريخ 2016/6/17، وبكتابتها رقم 2014/19320 إلى جانب هيئة القضايا بواسطة جانب وزارة المالية، كررت مديرية الجمارك العامة طلبها بإحالة الكتاب إلى قاضي الأمور المستعجلة في بيروت لتتفضل بمطالبة الوكالة البحرية بإعادة تصدير هذه البضاعة بصورة فورية إلى الخارج حفاظاً على سلامة المرفأ والعاملين فيه، أو النظر بالموافقة على بيع هذه الكمية إلى الشركة المحددة في كتاب قيادة الجيش الأنف ذكره ثم عادت وكررت طلبها بإحالتها رقم 2015/22138، تاريخ 2016/10/13 .

وعليه، واستناداً إلى ما تقدم ، ورفعاً للمسؤولية التي قد تنتج من جراء اشتعال المواد مدار البحث خاصة وإنما على ابواب فصل الصيف ، فإننا نكرر إقتراحنا موضوع كتابنا رقم 2014/م/8602 ، تاريخ 2015/5/9 ، والقاضي بأخذ موافقة جانب محكمة الأمور المستعجلة في بيروت للبت بمصير البضاعة النهائي وإعطائنا التوجيهات اللازمة بذلك .

ربطاً كامل الملف %

بيروت ، في

المراقب الأول لدائرة المائيفست

نعمة البركس



April 17, 2018 Request from Case Authority Lawyer to Enforcement Department

- ١١٢ -

بيع حطام السفينة  
المواد المرفوعة  
في المرفأ  
تنفيذ

عمر و فيق طرباه  
محامي الدولة اللبنانية  
في القضايا المدنية والتحكيم  
ماجستير في القانون الخاص

حضرة رئيس دائرة تنفيذ بيروت المحترم  
طلب بيع حطام سفينة

رقم قضايا: ٢٠١٧/١٢٧  
رقم الأساس: ٢٠١٧/١١٩  
طالبة البيع: الدولة اللبنانية

بيروت في ٢٠١٨/٤/١٧  
وكيلها المحامي عمر طرباه  
بموجب المرسوم رقم ٢٠١٧/٧٨٧ (مستند رقم ١)

المطلوب البيع بوجههم: ١- BUNKERNET LTD  
وكيلها الأستاذين سمير بارودي وجان بارودي

٢- اصحاب ومجهزو ومستأجرو السفينة RHOSUS وربانها وشركة TETO SHIPPING LTD  
ممثلين بوكيل السفينة في مرفأ بيروت مخلص بصرى والليلة لاسنادا براد  
الموضوع: طلب بيع حطام سفينة والمواد التي كانت على متنها وذلك سنداً للمادة ١١١/ من القرار  
٤١/١٦٦٦ معظوفة على المادتين ٩٧ و ٩٨ من القرار LR/٩٨ .

أولاً: في الوقائع:

١- بتاريخ ٢٠١٣/١١/٢١ رست الباحرة "RHOSUS" في مرفأ بيروت محملة بمادة نيترات الأمونيوم (وهي مادة مصنفة على أنها خطيرة) لشحن بضاعة من مرفأ بيروت، وعلى اثر خلاف بين شركة Bunkernet LTD وأصحاب السفينة بسبب توريد Bunkernet LTD كميات من الوقود للسفينة وترتب دين للشركة بذمة أصحاب السفينة ومجهزها ومستأجرها وزيائنها ممثلين بوكيل السفينة في مرفأ بيروت، وقدره /\$١١٩,٣٩٦/ صدر عن حضرة رئيس دائرة تنفيذ بيروت القرار رقم ٢٠١٣/١٠٣١ بتاريخ ٢٠١٣/١٢/٢٠ قضى بإلقاء الحجز الإحتياطي على السفينة ومنعها من مغادرة المياه الإقليمية اللبنانية ما لم تقدم كفالة ضامنة للدين، تأميناً لدين طالب الحجز كما هو ثابت في صورة القرار المرفق ربطاً (مستند رقم ٢).

٢- بتاريخ ٢٠١٤/٤/١٢ تبلفت هيئة القضايا في وزارة العدل كتاباً من المدير العام للنقل البري والبحري يفيد أنه وبتاريخ ٢٠١٣/١١/٢٥ قام جهاز الرقابة على السفن الوطنية والأجنبية العامل لدى المديرية

العامّة للنقل البري والبحري بالكشف على السفينة للتأكد من سلامتها للملاحة ومدى التزامها بتطبيق الأنظمة المحلية والدولية المتعلقة بسلامة الملاحة البحرية وسلامة الأرواح في البحار وسلامة البيئة والسلامة العامة، وقد تبين بنتيجة الكشف وجود بعض العيوب في السفينة التي تحول دون توفر سلامة الملاحة البحرية، فجرى منعها من السفر لحين إصلاح هذه العيوب وإبلاغ ربانها ووكيلها البحري بذلك، ومن أهم هذه العيوب وجود تآكل وصدأ في بدن السفينة وفي فتحات عنابرها كما أن بعض الأجهزة الملاحية لا تعمل بصورة سليمة، كما تضمن الكتاب أن جهاز الرقابة المذكور آنفاً عاد وبتاريخ ٢٠١٤/٤/٢ بالكشف على السفينة لمعرفة ما إذا تم إصلاح العيوب التي تم اكتشافها عند الكشف السابق، وقد تبين بالنتيجة أنه لم يتم إصلاح هذه العيوب المذكورة، بل تفاقمّت العيوب في السفينة إضافة الى وجود مواد خطيرة على متنها يمكن ان تتفاعل كيميائياً وتسبب تلوثاً بيئياً طالباً أخذ العلم واتخاذ الإجراءات الكفيلة لتلافي غرق السفينة المحملة ببضائع خطيرة والتعجيل ببيت قضيتها وبيعها بالمزاد العلني، نرفق ربطاً الكتاب الموجه من المدير العام للنقل البري والبحري (مستند رقم ٣).

٣- تقدمت المستدعية الدولة اللبنانية من خلال وكيلها بطلب رجائي من لدن القضاء المستعجل سجل تحت رقم عدد ٢٠١٤/٤٢٩ تطلب بمقتضاه الترخيص للمستدعية من خلال المديرية العامة للنقل البري والبحري بإنجاز أعمال تعويم السفينة "RHOSUS" للحوال دون المساس بالملاحة البحرية والترخيص لها أيضاً وعلى وجه السرعة بنقل المواد المشحونة على متنها وهي مواد نترات الأمونيوم نظراً لخطورتها على سلامة البيئة البحرية وذلك الى مكان أمين وتأمين رقابة لها والترخيص ببيعها.

٤- بتاريخ ٢٠١٤/٦/٢٧ صدر عن حضرة قاضي الأمور المستعجلة في بيروت قراراً قضى بالترخيص بتعويم السفينة وفقاً لما ورد في استدعاء الدولة بعد نقل المواد الموجودة على متنها الى مكان مناسب لتخزينها تحت حراستها، رافضاً الإستجابة لطلب بيعها لعدم إختصاص القضاء المستعجل معللاً قراره أن البيع يخضع لأحكام خاصة واردة في القرار ٤١/٩٨، (نبرز ربطاً صورة عن القرار، مستند رقم ٤).

٥- تم تفريغ البضاعة من السفينة وإيداعها العنبر رقم ١٢/ التابع لإدارة إستثمار مرفأ بيروت إنفاذاً للقرار القضائي وبيت السفينة راسية على كاسر الموج في مرفأ بيروت بحالتها المهترئة.

٦- بتاريخ ٢٠١٨/٣/٨ تبليغنا من جانب هيئة القضايا في وزارة العدل مطالعة من الإدارة محالة الى الهيئة تفيد فيها أنه وبتاريخ ٢٠١٨/٢/١٨ تعرضت السفينة "RHOSUS" الموجودة داخل حرم مرفأ بيروت على كاسر الامواج (السنسول) للغرق كلياً، طالبة التقدم بطلب بيع حطام السفينة والمواد التي تم تفريغها منها وذلك من خلال دائرة تنفيذ بيروت بشكل فوري نظراً لخطورة بقاء حطام السفينة في البحر والمواد الأمونيوم في المرفأ، مع حفظ حقوق الدولة الناجمة عن عمليات التفريغ وسائر أصحاب الحقوق. (نرفق ربطاً مطالعة الإدارة، مستند رقم ٥).

ثانياً: في القانون:

حيث إن المادة /١١/ من القرار رقم /١٦٦/ تنص على انه " إذا أصابت السفينة على أثر كارثة بحرية عطل بأصبحت غير صالحة للنقل اعتبرت السفينة حطاماً وعملت وفقاً لأحكام القرار عدد LR/٩٨ تاريخ ٣٠ نيسان سنة ١٩٤١"، (نرفق ريبطاً صورة عن القرار رقم ٤١/١٦٦، مستند رقم ٦).

وحيث إن المادة (٧) من القرار LR/٩٨ تنص على ان الحطامات تباع بمهمة مستشار الشؤون البحرية ضمن الشكل المحدد في المادة /٩/ وإذا كان الحطام معرضاً للفساد والتلف أو أن تخزينه يسبب أخطاراً يمكن بيعه قبل انتظار أي مهلة بناء على قرار معلل من رئيس دائرة الإجراء يصدره بناء لطلب مستشار الشؤون البحرية.

وحيث إن المادة (٩) من القرار المذكور أعطت صلاحية بيع الحطامات لدائرة إجراء المحلة المودعة فيها هذه الحطامات وضمن الشكل المنصوص عليه في القوانين المحلية بشأن أصول البيع بالمزاد العلني للاموال المنقولة المادية. كما أن المادة /٩/ تضيف أنه إذا اقتضت الظروف جاز لرئيس دائرة الإجراء بناء على طلب مستشار الشؤون البحرية الترخيص بقرار معلل في إجراء البيع بالرضى .

(نرفق ريبطاً صورة القرار رقم LR/٩٨، مستند رقم ٧).

وحيث إن إدارة الجمارك سبق لها أن وجهت كتاباً الى وزارة الدفاع الوطني تطرح عليها شراء مواد النيترات الأمونيوم كمية /٢٧٥٥٠,٥/ طن الموجودة داخل المعبر رقم ١٢ في مرفأ بيروت، فجاء رد قيادة الجيش لدى وزارة الدفاع أنها ليست بحاجة لها، مضيفاً أنه يمكن التواصل مع الشركة اللبنانية للمتفجرات " مجيد الشماس " لشراؤها. (نرفق ريبطاً صورة عن جواب قيادة الجيش على كتاب الإدارة، مستند رقم ٨).

لذلك

تتقدم الدولة اللبنانية بهذا الطلب سنداً للمادة /١١/ من القرار ٤١/١٦٦ معطوفة على المادتين ٩ و٧ من القرار LR/٩٨ طالبة:

أولاً: إعلان صلاحية دائرة تنفيذ بيروت للنظر بالطلب سنداً للمادة /٩/ من القرار LR/٩٨ وبالتالي قبوله في الشكل.

ثانياً: في الطلب الأصلي، ونظراً لخطورة المواد والحالة السفينة تطلب الدولة بيع المواد وحطام السفينة بصورة رضائية سنداً للفقرة (٢) من المادة /٩/ من القرار LR/٩٨ للشركة اللبنانية للمتفجرات " مجيد الشماس ".  
وإلا واستطراداً، بيع حطام السفينة والمواد الموجودة في العنبر /١٢/ من مرفأ بيروت بالمزاد العلني وفقاً للأصول.  
ثالثاً: إيداع الثمن في صندوق المحكمة لإستيفاء أصحاب الحقوق حقوقهم بما في ذلك حقوق الدولة باعتبارها من الديون الممتازة ولها الأولوية.

بكل تحفظ واحترام

بالوكالة



## August 16, 2018 Treveria Environment Letter

**TREVERIA**  
ENVIRONMENT

بيروت في 16 اب 2018

جانب المديرية العامة للجمارك،

سعادة المدير العام الجنرال بدري ضاهر المحترم،

الموضوع : تقدير كميات الأدوية والمواد الكيميائية المصادرة والمنتبهة الصلاحية.  
المرجع: CDG/1001-2018

تحية طيبة و بعد،

بالاشارة الى الموضوع أعلاه و الى كتابنا الموجه لسعادتكم بتاريخ 29 تشرين الثاني 2017، حيث أتم فريقنا الفني الكشف الميداني لمعاينة الأدوية والمواد الكيميائية الخطيرة الموجودة في مخازنكم في المواقع المتعددة حيث تم تقدير اجمالي المواد ب 200 طن.

هذا التقرير قد أعد منذ فترة زمنية طويلة وحسب تقدير اتنا ان هذه الكميات مرجحة للزيادة، و ان كميات الأدوية والمواد الكيميائية الخطيرة المقطرة وجودها في مخازنكم حاليا هي بحدود/على ان لا تتعدى ال 300 طن.

من الجدير بالذكر أنه و استنادا الى العرض المفصل الذي سبق و قدمناه الى ادارتكم الموقرة، ان تكلفة فرز، توضيب و تلف الأدوية والمواد الكيميائية الخطيرة مقدره ب 5.5 دولار أميركي للكيلوغرام الواحد بعد احتساب الوزن الفعلي و النهائي.

تفضلو بقبول فاتق الاحترام،

عبد الحميد ميقاتي  
رئيس مجلس الإدارة

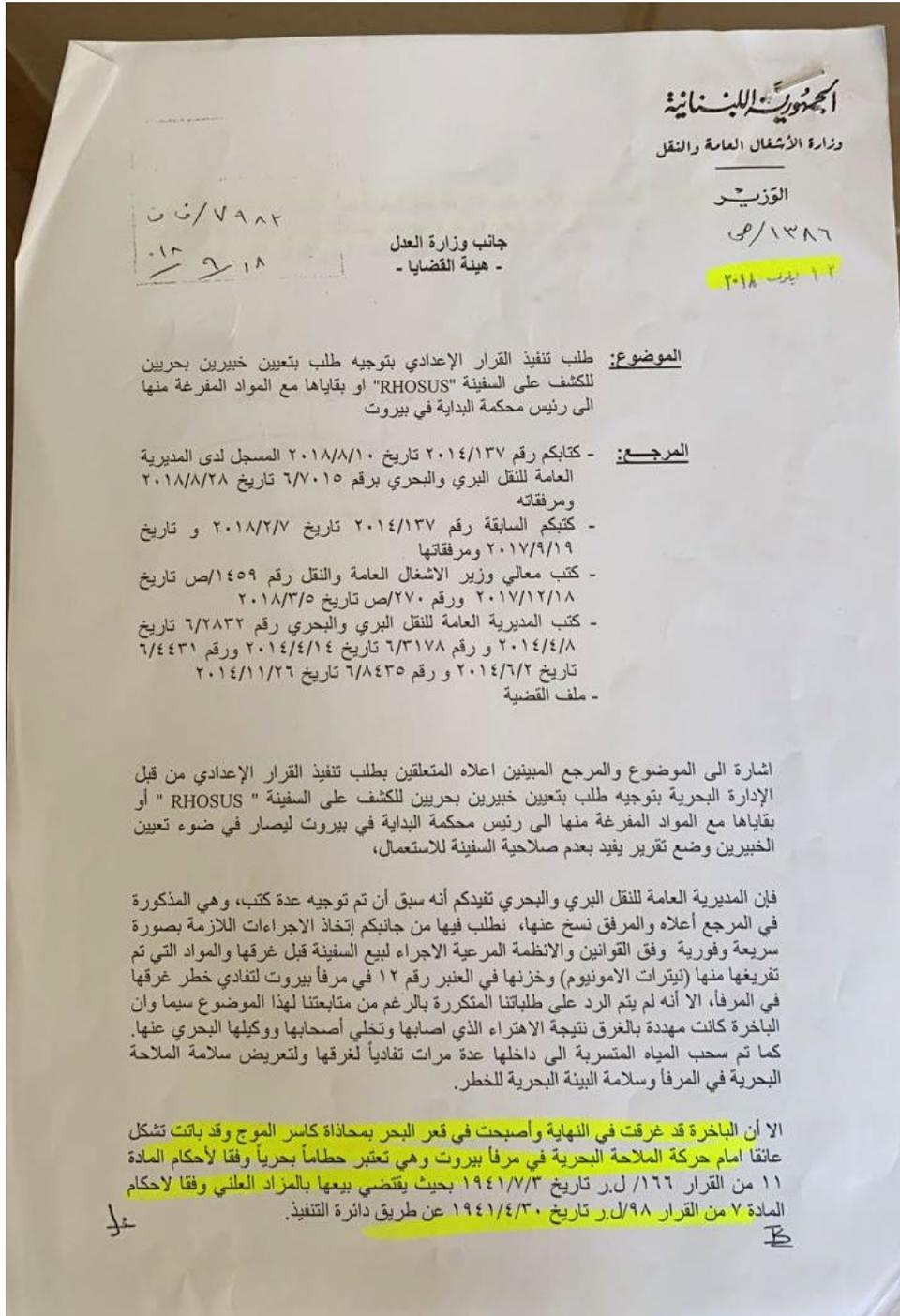


المديرية العامة للجمارك - نسفوية  
تاريخ التماس: ١٢ آب ٢٠١٨  
رقم التسجيل: ١٢٩٤٢  
٥٦٤٤

2

<sup>2</sup> "رياض قبيسي: بالمستندات الإهمال الذي سبب حادثة مرفأ بيروت لم يكن عفويا" February 19, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=Fl3g2fqz7D4> (accessed June 23, 2021) at 28:59

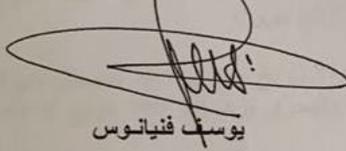
September 12, 2018 Minister of Public Works and Transport Letter to Case Authority



لذلك نكرر طلبنا المتعلق باتخاذ الاجراءات اللازمة لبيع السفينة الغارقة بالمزاد العلني كما هي في حالتها الراهنة أي عالقة في قعر البحر في مرفأ بيروت بمحاذاة كاسر الموج وفقا لاحكام المادة ٧ من القرار ل.ر/٩٨ تاريخ ١٩٤١/٤/٣٠ واحكام المادة ١١ من القرار ل.ر/١٦٦ تاريخ ١٩٤١/٧/٣

للتفضل بالإطلاع،  
ط

ع.ل وزير الأشغال العامة والنقل



يوسف فنيانوس

١٢ ايار ٢٠١٨

ربطاً: كتبنا السابقة

September 12, 2018 Letter from Customs Director to Ministry of Finance



الجمهورية اللبنانية  
وزارة المالية  
المديرية العامة للجمارك

رقم المحفوظات: ن/٢  
رقم الصادر: ٢٠١٨/٢٦٤٤  
بيروت، في: ١٢ أيلول ٢٠١٨

جانب المجلس الأعلى للجمارك

الموضوع: طلب نقل اعتماد.

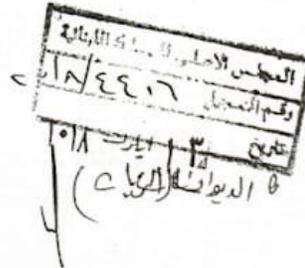
المرجع: إحالة معالي وزير المالية رقم ٢٣٠٤٠/أ، تاريخ ٢٠١٨/٦/٢٠.

لما كانت شركة Treveria Environment قد تقدمت بعرض لتوضيب ونقل ومعالجة الادوية والمواد الكيميائية المنتهية الصلاحية والمحجوزة لدى ادارة الجمارك بكلفة تقريبية //٢,٤٨٨,٢٠٠,٠٠٠// ل.ل. (فقط) ملياران واربعماية وثمانية وثمانون مليوناً ومايتا الف ليرة لا غير)، ولما كان معالي وزير المالية بإحالته المبينة في المرجع أعلاه، قد وافق على تأمين المبلغ اللازم نظراً للمخاطر البيئية لهذه المواد،

نقترح الطلب الى جانب وزارة المالية نقل الاعتماد المذكور أعلاه من احتياطي الموازنة الى موازنة وزارة المالية- ادارة الجمارك على التتسيب ١/٨/٣/١٢٥/١٦/٩ (نفقات شتى متنوعة)، على أن يُصار بعد تأمين الاعتماد اللازم الى تشكيل لجنة خاصة لاعداد مشروع عقد الاتفاق الرضائي مع شركة Treveria استناداً الى الفقرة ٤ من المادة ١٤٧ من قانون المحاسبة العمومية، عند تقديمها الوكالة الحصرية المصدقة وفقاً للأصول. ربطاً كامل الملف./.

مدير عام الجمارك

بشري طاهر





March 26, 2019 Request from Case Authority Lawyer to the Ministry of Public Works and Transport

- ١٣ -

سبر وسبق صرياه  
مجلس الدولة اللبنانية  
في القضاء إمامة المحاكم  
ذكوره في الحقوق

حضرة رئيس هيئة القضايا في وزارة العدل المحترم  
إستدعاء  
مقدم من

رقم التظايا: ٢٠١٤/١٣٧  
رقم الأسس: ٢٠١٨/١٠١٩

بيروت في ٢٦/٣/٢٠١٩

المستدعي: المحامي عمر طرباه

وكيل الدولة اللبنانية

**الموضوع:** طلب احالة للمرة الثالثة إلى وزارة الأشغال العامة والنقل لإنفاذ القرار الإعدادي الصادر عن رئيس دائرة تنفيذ بيروت بتاريخ ٢٠١٨/١٠/١٥ وذلك في القضية المتعلقة بالسفينة RHOSUS والقاضي بإيداع سلفة الجبير البالغة سبعمائة ألف ليرة لبنانية في ملف للمعاملة التنفيذية ذات رقم أسس ٢٠١٨/١٠١٩.

\*\*\* \*\*

١- بتاريخ ٢٠١٨/٤/١٧ تقدمت الدولة اللبنانية من لدن دائرة تنفيذ بيروت بطلب بيع حطام سفينة والمواد التي كانت على متنها والتي كانت قد أفرشت نظراً لتطورها وأودعت السبر رقم ١٢ التابع لإدارة استثمار مرفأ بيروت بناء على قرار صادر عن قاضي الأمور المستعجلة في بيروت، وقد سجل الطلب لدى دائرة التنفيذ تحت رقم أسس ٢٠١٨/١٠١٩.

٢- بتاريخ ٢٠١٨/١٠/١٥ صدر قرار إعدادي يقضي ببيع حطام السفينة RHOSUS بالمزاد العلني على ان يسبق ذلك تعيين الجبير فواد الشعار وتكليفه بالكشف على حطام السفينة المذكورة وتحميله على أن تسلف الجهة المنفذة مبلغ وقدره سبعمائة ألف ليرة لبنانية على حساب أتعاب الجبير. ( نرفق ربطاً صورة عن القرار الإعدادي، مستند رقم ١).

٣- تم ابلاغ الإدارة بالقرار وبدلاً من أن تعمد إنفاذاً للقرار المذكور الى إيداع السلفة البالغة سبعمائة ألف ليرة لبنانية أحالت إلينا كتاب تشير فيه الى أنها حجزت المبلغ المذكور على أن يبرز الجبير للإدارة لاحقاً فاتورة بالمبلغ.

٤- تم ضم كتاب الإدارة في ملف للمعاملة التنفيذية وأبلغ الجبير بمضمونه.

٥- لم يباشر الجبير بتنفيذ المهمة وتم الإتصال بنا من دائرة التنفيذ في بيروت لإعلامنا أنه بموجب قرار دائرة التنفيذ والقاضي بتسليف الجبير مبلغ /٧٠٠,٠٠٠ ل.ل/ يقتضي على الإدارة وفقاً للأصول المعتمدة إيداع المبلغ المشار إليها حتى يقوم الجبير بإحجاز مهمته وأن قرار السلفة كافٍ لإيداع المبلغ، وأن

[Redacted Signature]

المسألة لا تتعلق بشراء بضاعة لإبراز فاتورة من الخبير، وأن من يقرر سلفة الخبير هي دائرة التنفيذ ما  
يوجب على الإدارة إيداع مبلغ السلفة في ملف المعاملة التنفيذية ليصار الى متابعة إجراءات التنفيذ.  
٦- أرسلنا كتاب عاجل للإدارة سجل في قلم الهيئة بتاريخ ٢٠١٩/١/٩ نطلب فيه من الإدارة بإيداع قيمة  
السلفة بملف المعاملة التنفيذية، الا انه ولغاية تاريخه لم تستجب الإدارة ( نرفق ربطاً طلب الاحالة  
ورود ٢٠١٩/١/٩، مستند رقم ٢).

لذا

نطلب من جابتكم وبناء لطلب دائرة التنفيذ وعلى ضوء ما تقدم والمتابعة التنفيذ وتلافياً للتأخير مع يترتب  
عليه من نتائج إحالة الطلب المذكور لوزارة الإشغال والنقل مجدداً ليصار الى ايداع سلفة الخبير على وجه  
السرعة لدى دائرة تنفيذ بيروت في ملف المعاملة التنفيذية رقم ٢٠١٨/١٠١٩.

بكل تحفظ واحترام

بالوكالة

المحامي عمر طرباه

April 11, 2019 Request from Case Authority Lawyer to Enforcement Department

١٤٤٠

عمر وفيق طرباه  
مجلس التولية اللبنانية  
في القضايا المدنية والتحكيم  
دكتوراه في الحقوق

حاضرة رئيس دائرة تنفيذ بيروت المحترمة  
استدعاء

للمدعي في ٢٤/٤/٢٠١٩

رقم قضايا: ٢٠١٤/١٣٧  
رقم الأسس: ٢٠١٨/١٠١٩٠

طالبة البيع: التولية اللبنانية  
المطلوب البيع بوجههم: ١- BUNKERNET LTD  
وكيلها الأستاذين سمير بارودي وجان بارودي  
٢- اصحاب ومجهزو ومستأجرو السفينة RHOSUS وربانها وشركة TETO SHIPPING LTD  
ممثلين بوكيل السفينة في مرفأ بيروت

\*\*\*\* \* \* \* \* \*

١- بتاريخ ٢٠١٨/١٠/١٥ صدر قرار إعدادي يقضي ببيع حطام السفينة RHOSUS بالمراد العلني على ان يسبق ذلك تعيين الخبير فؤاد الشعار وتكليفه بالكشف على حطام السفينة المذكورة وتخمينه على أن تسلف الجهة المفقة مبلغ وقدره سبعمائة ألف ليرة لبنانية على حساب أتعاب الخبير.

٢- تم ابلاغ الإدارة بالقرار وبدلاً من أن تعتمد الى إنفاذ القرار المذكور وإيداع السلفة البالغة سبعمائة الف ليرة لبنانية أحالت إبننا كتاب تشير فيه الى أنها حجزت المبلغ المذكور على أن يبرز الخبير للإدارة لاحقاً فاتورة بالمبلغ.

٣- تم ضم كتاب الإدارة في ملف للمعاملة التنفيذية وأبلغ الخبير بمضمونه.

٤- لم يباشر الخبير بتنفيذ المهمة وتم الإتصال بنا من دائرة التنفيذ في بيروت لإعلامنا أنه بموجب قرار دائرة التنفيذ والقاضي بتسليف الخبير مبلغ /٧٠٠,٠٠٠ ل.ل/ يقتضي على الإدارة وفقاً للأصول المعتمدة إيداع السلفة حتى يقوم الخبير بإتمام مهمته، وأن من يقرر سلفة الخبير هي دائرة التنفيذ ما يوجب على الإدارة إيداع مبلغ السلفة في ملف للمعاملة التنفيذية ليصار الى متابعة إجراءات التنفيذ.

٥- أرسلنا كتاب عاجل للإدارة أكثر من مرة نطلب فيه من الإدارة إيداع قيمة السلفة بملف للمعاملة التنفيذية، الا أن الإدارة وموخرأ أفادت أنه لا يمكنها وإدارة عامة دفع أي نفقة الا وفق أحكام قانون المحاسبة العمومية أي

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الشفقة. ومن ثم وبعد قيام الخبير بالمهمة وإيداع المستند المثبت للشفقة كقرار الخبير بقرار إلى تصفية الشفقة  
وإرسالها إلى وزارة المالية لصرحتها، ولا يمكنها بالتالي إيداع السلفة لدى دائرة التنفيذ.  
( ترفق ربطاً بجواب الإدارة، مستند رقم ١ ).

لذا

نطلب من جانبكم وعلى ضوء ما تقدم، إما الإيعاز للخبير فؤاد الشعار المكلف من قبلكم إجراء الخبرة قبل قبض  
سلفته وعلى أن يصر إلى تسديدها من الإدارة لاحقاً وفقاً للأصول، أو استبداله بخبير آخر.

بكل تحفظ واحترام

بالوكالة

المحامي عمر طرياب



١٢/٤/١٩  
رئيس هيئة القضاة  
القاضي هيلانة إسكندر

April 15, 2019 Enforcement Department Letter to Cargo Inspection Expert

الجمهورية اللبنانية  
وزارة العدل  
دائرة التنفيذ

عدلية - النموذج رقم ٤١٠٠

رقم الاوراق ٥١٩/٤

محضر تنفيذي

تاريخ ورود

طالب التنفيذ الدولة اللبنانية  
النفذ عليها BUNKER NET LTD  
محل العمل مخبر ومستودع الباز RHOSSUS وشركة TETD SHIPPING LTD  
البند التنفيذي  
نوعه ، تاريخه ، مضمونه ،  
بتاريخه تقدم طالب التنفيذ المدرج اسمه باستدعاء يطلب به تنفيذ

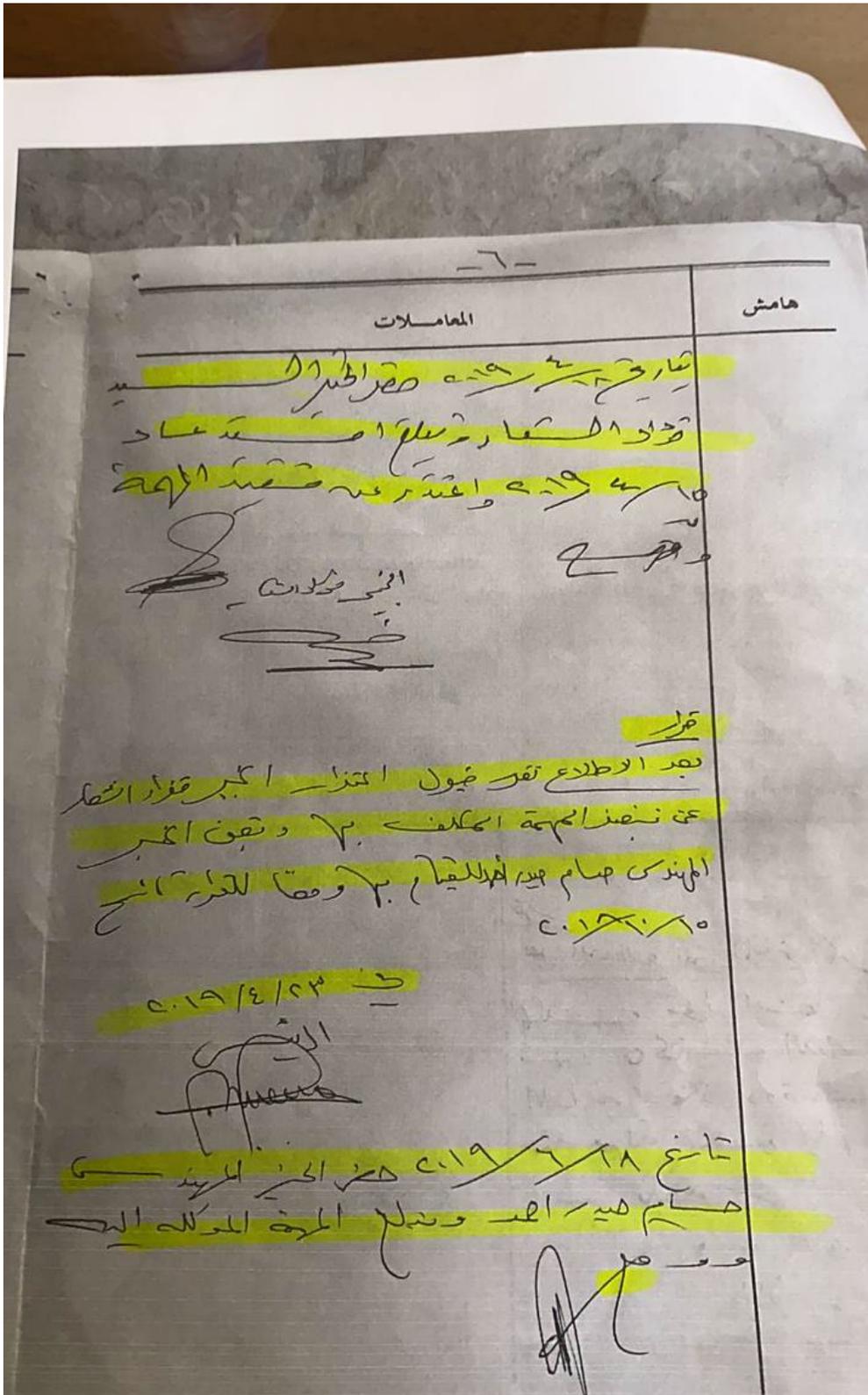
الموصوف أعلاه وقد استوفيت الرسوم المتوجبة على الوجه المبين ادناه

بيان الاوراق المرزوة	بيان مقدار الرسوم المدفوعة تبعاً منذ ابتداء المعاملة حتى انتهاءها ورقم الايصال وتاريخه ، وضريبة الفائدة
قرار بعد الاطلاع نظر الملائح الخبر المكلف في قوار استصدار شحة من كتاب الدعاية المبالة لادخا موقوف منه تمهلة فمسة ايام اسبق بلفه ٥١٩/٤/١٥ التشريع	كتاب ورود ٥١٩/٤/١٥

April 23, 2019 Enforcement Department Decision

المعاملات	هامش
<p>تعارف في حقه صقر المظفر  تداول السكك وبيعها  والتجارة وبيعها  التجارة وبيعها</p>	
<p>بعد الاطلاع تقر فيون المتزا  عن تنفيذ المهمة المكلف بـ  الهندى صام هيدو القليان بـ  ووفقا للقرار السابق</p>	
<p>٢٠١٩/٤/٢٣</p>	
<p>٢٨/٦/٢٠١٩  صام هيدو القليان  ووفقا للقرار السابق</p>	

June 18, 2019 Enforcement Department Decision



## February 7, 2020 General Security Office's Information Report

<p>أمني - سياسي - اجتماعي - إقتصادي - إقليمي - دولي          درجة السرية: سري للغاية - سري - علني          درجة الأفضلية: فوري - عاجل جداً - علني</p>	<p>تقرير ليصل لهيئة المخابرات (سري)          رقم الصادر: ١٧٧ / م ب ص من تاريخ ٢٠٢٠ / ٠٢ / ٠٧</p>
<p>المستند (اسم):</p>	
<p>المصدر</p> <p>○ شخصي، مخبر، إنترنت، وسائل إعلام، وثيقة. أحداث متداولة، رأي عام، إشاعات، مختلفة،.....</p> <p>○ إمكانية وصول المصدر على المعلومة: (قريب) مباشر (وسيط) غير مباشر (بعيد) تواتر</p> <p>○ مدى المصداقية: موثوق - قيد التجربة - مشكوك فيه - غير موثوق</p> <p>○ مدى التناول بالمعلومة - ضيق - محدود - واسع</p>	
<p>الموضوع: معلومات عن احتمال بيع مواد خطيرة بالمزاد العلني.</p> <p>المختصون:</p> <p>- إلحاقاً للتقرير رقم ١٣٩/م ب ص س تاريخ ٢٠٢٠/٠١/٣١ المتعلق بغرق الباخرة R'IOSUS تنفيذكم أنه بتاريخ ٢٠٢٠/٠٢/٠٧ دخل إلى حرم مرفأ بيروت عبر المدخل رقم ٣/كل من المحامي عمر طرباه والمحامية مايا عبلة والخبير حسام حيدر من قبل هيئة القضايا التابعة لوزارة العدل لإنفاذ القرار الإعدادي الصادر عن دائرة تنفيذ بيروت بتاريخ ٢٠١٨/١٠/١٥ متوجهين إلى العنبر رقم ١٢/ وذلك للكشف على المواد (نيترات دي سوديوم مواد خطيرة تستعمل لإنتاج الديناميت) ويمكن استعمالها كمواد زراعية وبعد الكشف عليها من قبل الخبير المذكور صرح بأنه سيتم عرضها على النجان المختصة قبل وضعها في المزاد ليتم تخمينها %</p> <p>-تابع ونفيد-</p>	



وجود عمود كبير في مكانه حول دون توفير سلامة الملاحة  
 البحرية بتاريخ ١٤/٩/٢٠١٤ سمع قاضي الامر المستعجل  
 في بيروت نديم زوين للعبارة التي كانوا على ضد الباهرة  
 بالمقابلة ان بلادهم بتاريخ ١٤/٨/٢٠١٤ حضر الكاب  
 القفافي زيارت سعيان ان هم من بيروت وطلب من القفافي  
 الخريفة مرافقتهم الى بيروت في ٩ تموز ٢٠١٤ في بيروت  
 محمد الموط الذي افاده ان حمولة الباهرة هي مواد مخدرة  
 فتم الكشف عليه وطلب تفكيك ان فستويج خاصه للتحريز  
 وتم ذلك من قبل ادارة المجرمات ونقلت البقعة المذمومة  
 من الباهرة ووجهت داخل عنبر رقم ١٤ في مرنا بيروت  
 وتم تعيين رئيس الميناء محمد الموط حارساً قفانياً على  
 البقعة داخل العنبر رقم ١٤ ليتمتع بصولة اي شخص  
 او تلف وفي حال جعل ذلك سيترجم للملاحقة القضائية  
 عندما حفظ المدعي محمد الموط على ذلك لان الضمير  
 الموجود داخل مرنا بيروت تقع تحت سلطة ادارة وادارة  
 المرفأ وليس تحت سلطته بتاريخ ١٤/١/٢٠١٥ عين  
 قاضي الامر المستعجل في بيروت نديم زوين الخبير صراحي  
 عن ذلك للكشف على المواد المذكورة فتم ذلك حيث لفتت  
 عينات لتعريف فتم ان نسبة الانزوت ٣٦,٧٪ ونسبة  
 من المواد المحترقة عندما اقترعت ادارة المانيفست في  
 مرنا بيروت تسليم هذه المواد فوراً الى قيادة الجيش اللبناني  
 او اعادة تقديرها الى الخارج بسبب خطورتها والنتائج  
 الكارثية التي قد تنتج جراء استعمالها او انفجارها

فوق اول طاب  
 نقيب صحفي

ملاحظة عامة

يتنص على الصيغة الحالي القائل  
 بتحقق على البلاغ المشتبه به أو  
 الشكوك منه حقوق المتهمين منها في  
 المادة ٤٧ من لائحة أصول  
 المحاكمات الجزائية قبل ضبط آثاره  
 وتعيين المصير هذا الاجراء  
 وهي

- ١- الاتصال بأحد أفراد عائلته أو  
 بصاحب العمل أو بجماع يقاربه أو  
 بأحد معارفه
- ٢- مقابلة معام يعينه بتصريح بدون  
 على المصير دون الحاجة الى وكالة  
 وفقاً للأصول
- ٣- الاستشارة بترجم مختلف اذا لم  
 يكن بحسن اللغة العربية
- ٤- تقديم طلب مباشر أو بواسطة  
 وكيله أو أحد أفراد عائلته الى  
 النائب العام بمرعه عن طوبى  
 لعدائته

بعد ان علمت قيادة الجيش بهذه الاحرف رفضت لسلام المواد  
المذكورة واقترحت التعامل مع الشركة اللبنانية المتفجرات  
"محمد السماوي" لتبيان امكانه الاستفاد من قنبلة بتاريخ 18/11/01  
تقرضه المافرة المذكورة للزق على كاسد الاموال في دواير  
القطر البحر امامادة النترات الامونيوم المذكورة الاتزان  
موجودة داخل غير رقم 19 في دوايروت كما علمنا ان دائرة  
المانيفست في دوايروت ارسلت عدة طلبات خطية الى مديرية  
المحاركة منذ تاريخ وضع مادة نترات الامونيوم داخل غير رقم  
19 حتى عام 9/16 للطلب من قاضي الاقصر المستجلة في بيروت  
وطالبة الوطالة البرية اعادة تصدير المادة المذكورة بصورة  
فورية الى الخارج حفاظا على سلامة اطرافها والعاملة فيها  
كما طلبت البت النكري واتخاذ تدابير تغيير المادة واعطائها  
التوجيهات اللازمة بذلك وعند تاريخه لم يرد اي قرار بهذا  
الشيء وبعد مراجعة احد عناصر المختبرين في الكيمياء الدلتا  
ان مادة نترات الامونيوم وفي حال اشتعالها لا تستسبب انفجار  
فهم ستكون نتاجه نسبة صغيرة من دوايروت كما يتخوف عند تعرض  
هذه المواد للسرقه لان المارق يستعملها ان يستعملها لصناعة  
المتفجرات تم الكشف عن قبلنا على الانبوب المؤدية للدخول  
الذي غير رقم 19 تبين ان الباب رقم 9 تعرض له سرقة قوبله  
من الوسط مما ادى الى اجاره عن الحائط بشكل يسمح لاي  
شخص الدخول الى داخل الضمير المذكور وسرقه المادة الموجودة  
بما قلنا كما تبين وجود فتحة في الحائط الجنوبي للضمير يقياس  
5 x 5 سم تقريبا تسمح لدخول اي شخص الى داخل الضمير

جوهل اوله كما نصبت حقق

*(Handwritten signatures)*

مصر في المادة المذكورة وبما تم مصر من الجانب المصري والتصرف  
 في الحد ذاته وتقرير الأكل من (التي) هو من جهة غير منصوص  
 كما تبين ان لا توجد اي دراسة على العبر المدعومة بالاسناد  
 عليه السيرة ويتبين من ١/٥/٢٠٠٩ وان لا يوجد في مكتبنا  
 ايام الصبر المدعوم لوقف وجود مستودع كبر في وجود اتمام  
 الجانب المدعوم للتصوير بدون فتح امر من جهة المدعى في العبر  
 اما الفتحة في الجدار الخوي، الصبر لا يوجد في مكتبنا بل في  
 الساحة ١٠٠/٥/٢٠٠٨ انزلنا جرة الجانب  
 اللام التمييز القاعين عنان عويبات وتم اتمام اعمار على المدعى  
 فاشارة جفته المتواصلة مع اذرة في مكتبنا لاستدعاء  
 المسؤولة عن الان في العبر للاسقاط الى امانته حول هبة  
 المدعى وقايرته محدد، تم استدعاء المدعى بدار الخوف  
 المسؤولة عن الان في العبر للاسقاط الى مكتبنا الساحة ١٠٠/٥/٢٠٠٩  
 تاريخ ١٠٠/٥/٢٠٠٩ للاسقاط الى امانته الساحة ١٠٠/٥/٢٠٠٩  
 تاريخ ١٠٠/٥/٢٠٠٩ من المدعى محمد بدار الخوف الى مكتبنا  
 بنفسه نفسا دفينا فلم يقره على اي شيء عنون لنا على  
 حقوق المدعى عن في المادة ١٤٤ من قانون احوال المحاكمات الجزائية  
 فلم يطلب شيئا باسترنا الاسقاط الى امانته دفينا  
 الموصل اول زيد فياخذ رقم ١٧٥٧ كتابا للتفتيش در لل  
 على المثال الثاني

امارة المدعى محمد بدار الخوف

اسد  
 قولد عام  
 مستمع  
 محمد بدار الخوف والدفى  
 رقم البول  
 فوهل اول كتاب  
 نصيب حنفق



تقاطع امانة المدعو محمد زيار راتب العون

السارسة (٦)

موظف فرستونج وسالته عن الموضوع مره ففهم حلف  
يتعلق بهذا الشأن فبالفعل انه عند حواطي الخه مسون  
رستت عند فرنا يروت باخرة محملة بكمية كبيرة من نيرات  
الامونيوم وبعثت الباخرة عند الاخراج بسبب الاعطال والعيوب  
في اعيانها وعند ما علمت ادارة المرفأ بذلك قامت باطلاع  
السلطات الادارية والرقابية بهذا الامر فصدر حينئذ قرار  
توقيف يقضي بافراغ حمولة الباخرة المدلورة داخل غير  
رقم ١٤ وتم تنفيذ التزوير المدلور حين صدر قراره فحقاق  
مخالفة محمد كينج اعادة اقرار نيرات الامونيوم عن الغير  
ولغايم تاريخه لم يهدر اي قرار بهذه الشأن والحق  
ايضا ان جميع الملفات والمستندت المتعلقة بهذه الموضوع  
موجوده لدى رئيس الميناء محمد الموط

ملاحظة هامة

في على الضابط العملي القائم  
تق على ابلع المكتبة به او  
تورته حقوق المنصوص عنها في  
٤٧ من قانون أصول  
كمات الجزائية قبل ضبط امارته.  
بين المحضر هذا الاجراء.

تعمال بأحد أفراد عائلته أو  
ب العمل أو بمحام يفتلح أو  
عارفه.

بلة صحام بعينه بتصريح بدون  
محضر دون الحاجة الى وكالة  
سول.

شخصا بمتروحم مطلق اذا لم  
من اللغة العربية

مع طلب مباشر. أو بواسطة  
خمس أفراد عائلته التي  
مقام بعرضه على طبيب

بم توافق ما نفيا مع المدعو محمد الموط وسالته عن غير  
رقم ١٤ وكلمة نيرات الامونيوم الموجوده بداخله فالحق  
انتم وضع هذه المادة داخل الضير بقرار قضائي حين  
اجراء قراره فحقاق مخالفة يقضي بافراغ حمولة الباخرة  
تاريخه لم يهدر اي قرار بهذه الشأن كما ان جميع  
المستندت والوثائق المتعلقة في موضوع الباخرة المدلورة  
موجوده كجوزته

ان رئيس مصلحة الدفاع الحاف في ادارة واستمار فرنا يروت  
المستندت فموظف فرستونج على علم واطلاع عند ما حثت  
وانواع وكليات الدفاع داخل الضير ونوعه لدى كل  
غير مستحق فتقول عند فتح واقفال ابواب الضير  
مستحق فوهل ابل حلت نسب محتم

مستحق فوهل ابل حلت نسب محتم

المادة (١٧) - شاح امانه الموقوفه راجع لاسب العيوب

شاح لادارة العمليات على جواز عيوب

كلام يتلوه احد من الضباط المرخصين عند وجود اش  
تنبه في عايشه غير رقم ١٤ كما علم يتلوه احد عند وجود  
اشباب مسورة او متعمق في غير رقم ١٤

مكلا ليدري ما الجديد على امانه في خلاف ذلك  
تلتبي عليه امانه عند تركه ووجهه في ما ذكره

موقعه لادارة العمليات  
موقعه لادارة العمليات  
موقعه لادارة العمليات

[REDACTED SECTION]

موقعه لادارة العمليات  
موقعه لادارة العمليات

السبعه والاربعون تاريخ ٢٩/٥/٢٠٢١ انقلنا عرقه الثاني  
العام التمييزي القا في عسان عربيات والاطفاله على عربيات  
المتفحصين فاستار حوزته بتترك المدرس محمد زيار عروف حرا  
والتعامل مع النباه العاقبة الاستثنائية في بيروم لتتبعه القرار الجزائي  
المتلوه والتفيد استار لادارة العمليات

موقعه لادارة العمليات  
موقعه لادارة العمليات

محمد الموطى للاستشارات افادته ومخاطبته كدرأ ،  
قوله اول كتاب

الساعة 11:4 من تاريخ 29/5/2009 احضرتا امامنا المدعو  
محمد بن طار لاني عوف واقربنا اشارة التقاد انتم في  
وتدريج فضا على الملاحمة اشارة الواف

قوله اول كتاب  
الساعة 11:4 من تاريخ 29/5/2009 احضرتا امامنا المدعو  
محمد بن طار لاني عوف واقربنا اشارة التقاد انتم في

تم نلتد بلان القرار الجزائي الصادر عن محكمة سريه من  
المدعو محمد بن طار لاني عوف وتم ان يستفد بسبب اقامة  
واورد مع المحو المذكور طاب النبا العامة الاستثنائية في  
بيروت

قوله اول كتاب  
الساعة 11:4 من تاريخ 29/5/2009 احضرتا امامنا المدعو  
محمد بن طار لاني عوف واقربنا اشارة التقاد انتم في

تم استدعاء الابع رئيس عينا برضا بيروت محمد الموطى كالمصدر  
الذي مكثنا الابع 9 من تاريخ 1/7/2009. نفس البلاغ  
المذكور عن المدعو محمد رابع الموطى الذي مكثنا فضا فضا فضا  
دقيقا لم نعرفه على اي شيء يمنع علينا عليه حقوقه المصروفها  
عز في المادة 14 من قانون اجود المحامات الجزائية لم يلب  
شيئا ما سرنا الاستماع افادته وذلك على الشلل الذي  
لنارده رئيسه فضا برضا بيروت محمد رابع الموطى

الساعة 11:4 من تاريخ 29/5/2009 احضرتا امامنا المدعو  
محمد بن طار لاني عوف واقربنا اشارة التقاد انتم في  
قوله اول كتاب



ملاحظة عامة (١٠)

تتبع امانة رئيسه مينا و برون محمد رابع الموط

القائمة للفعل العرفي والبري تكليف عمارة نفسية السقف الناج  
 للبرية المذكورة بالانكشاف على المارة وورد النفاذ وصور  
 المواد المذكورة ارسلت المديرية العامة كتابا الى تاي  
 الامير المسيحية في بيروت الذي بدوره عين صبرا  
 لانكشاف على جملة المارة فبين لاحقا ان عمل المستند  
 المبررة في الملل وفي تفريده مركز المراقبة على السقف  
 الوطنية والاجنبية العامل لدى المديرية العامة للفعل البري  
 والعربي والمصريين المتري من قبل كاتب المحكمة ان السفينة  
 مرفوع الطل بابت بوضع ظهر بعرضه سلافة المارص  
 المرغبا ان لم يجرى وضعي المرفوع طر الغرق وفق ما بين في  
 التقريرين المذكورين كما تبين ان مالك السفينة وبتناحل  
 فكانت متفاعسين عن اتخاذ اي امر بالحوادث ووقوع  
 الاضرار لذلك قررنا في الامور المسيحية في بيروت  
 المرفوع السفينة وخبرنا راجل المرافعة ذلك استراحي  
 حث صبا ووجهت راجل عشر رقم ١٤ بعد طاقمنا تكليفي  
 علمنا ففانما على الموارد المذكورة راجل عشر رقم ١٢ موقفت

ملاحظة عامة

يقصر على الضابط العادي القسام  
 يتطوق على ابلع المشتبه به او  
 المشكوك منه حقوقه المتضمن عنها في  
 المادة ١٤ من قانون اصول  
 المحاكمات الجزائية قبل غيب الفاعل  
 وتضمن المتضمن هذا الاجراء  
 وهي

١- الاتصال بأحد أفراد عائلته أو  
 بحساب العمل أو بجماع يقاربه أو  
 بأحد معارفه

٢- طابفة تعام بعينه بتصريح يدين  
 على المتضمنين الحاجة الى وكالة  
 وفقا لأصول

٣- الاستماعة بترجم مطلق اذا لم  
 يكن يحسن اللغة العربية

٤- تقديم طلب مباشر أو بواسطة  
 وكيله أو أحد أفراد عائلته التي  
 تتألف العمام بعرضه على طبيب  
 مسابته

سراج

مع كاتب المحكمة على ذلك يستعمل  
 نعم ووقف على المحر الذي اعدته كاتب المحكمة بزيارة تفصيلية  
 تتحقق وذلك لانه لا سلطه لرئاسة المرنا على العناصر  
 الموصورة راجل المرنا ولا بحق ط الدصول البري او الخريج  
 من ايد الامور اعتم اذ ادره واستعمار عن برون الحوالة  
 علمنا ومرافعة راجل العناصر الموصورة راجل مرنا برون  
 علمنا ان الادارة المذكورة مستقلة في عملها استقلال تام

موقول الكاتب  
 فبالحق  
 ٢٢







رأسه كثر (١٤)

بمزم ٣٧٧/٢١٤ تاريخ ٥/٥/١٤٠٥

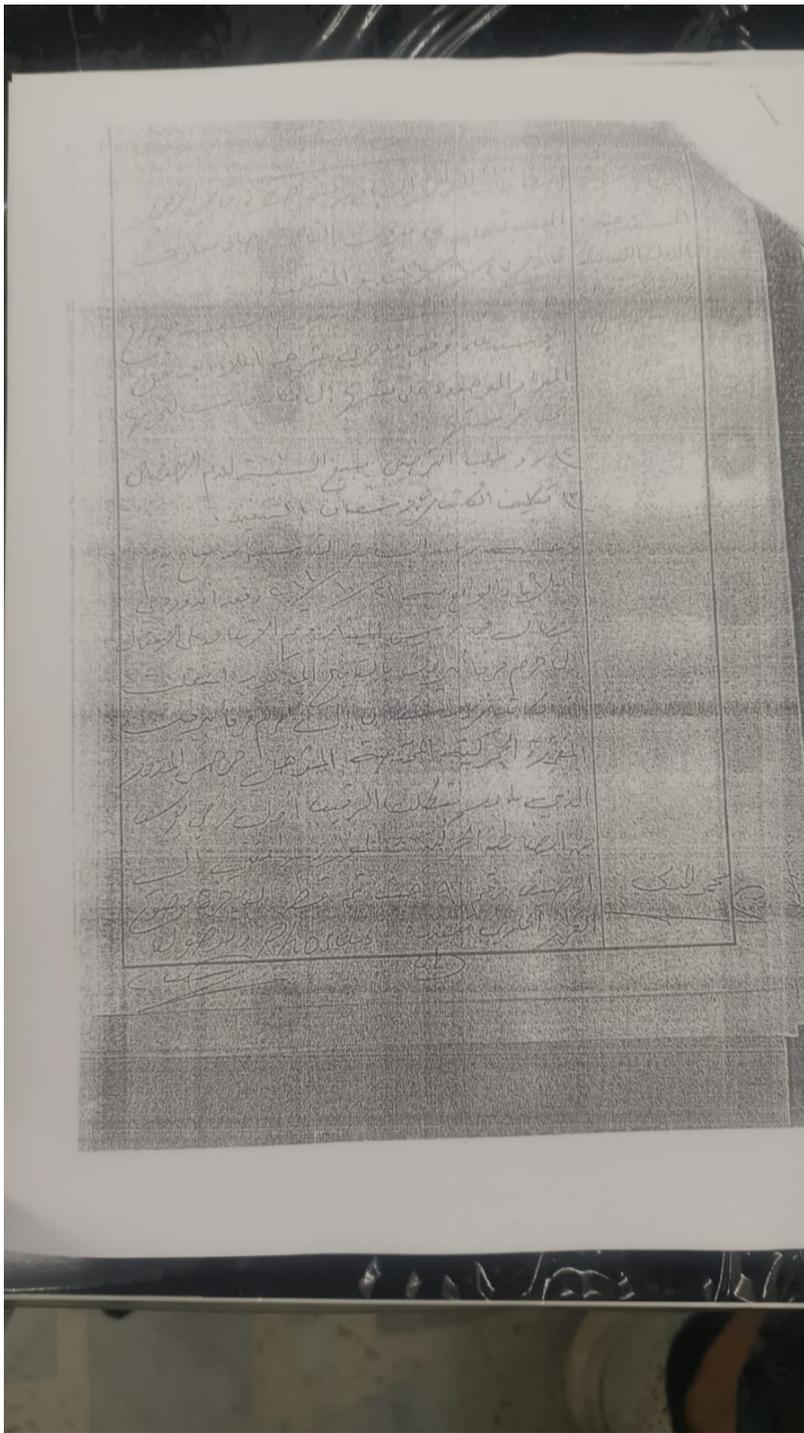
جمهورية عن باب رقم ١٩ في خبر رقم ١٩ بعداً عن الخدمات  
على سهل الدفول والخراب الى الغير المذكور  
جمهورية عن العجوة الموصولة في الحانف الجوى للغير رقم ١٩  
جمهورية عن بعض الأديب الكيرة داخل الخبر رقم ١٩ والمصرح  
بإعلامارة البنات

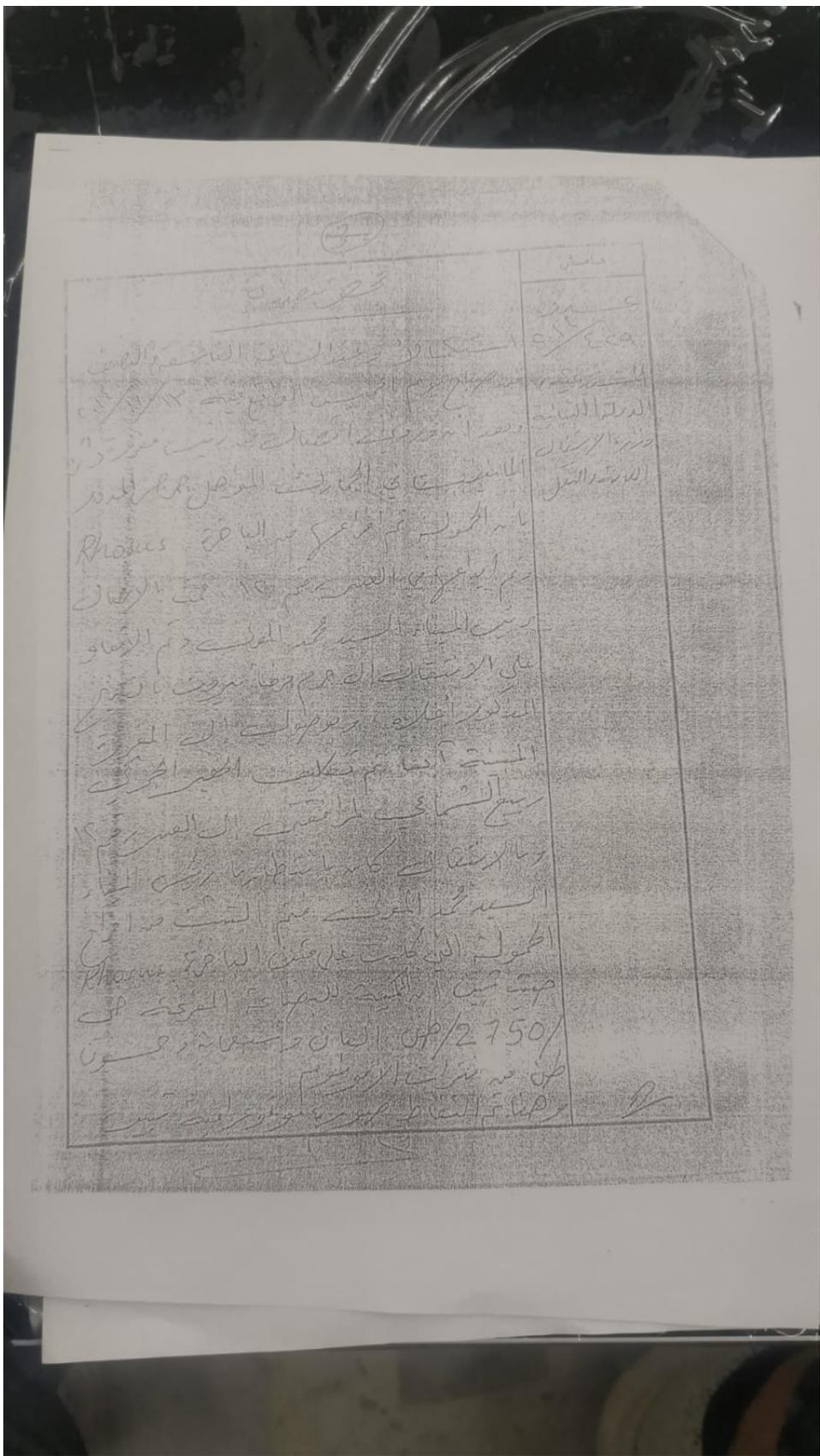
فوزل اول كاسيا      نقيب محفنا

ملاحظة عامة

- ١- يقتضى على الضابط العربي القائم بتخليق على اذاع التكتيه به أو التكونه حقوقه المتضمن منها من المادة ٤٧ من قانون أصول المحاكمات الجزائية قبل ضبط المذات. وتضمن المتضرر هذا الاستواء وهو:
- ١- الاتصال بأحد أفراد عائلته أو صاحب العمل أو بعمام بقتاره أو بأحد معارفه.
- ٢- تقابله بعمام بعمته بتصرف بدون على التفتيش دون الحاجة الى وكالة وفقاً لأصول.
- ٣- الاستعانة بترجم محلف اذا لم يكن بحسن اللغة العربية.
- ٤- تقديم طلب مباشر أو بواسطة وكيله أو أحد أفراد عائلته الى النائب العام بقرضه على طيب لمعالجته.

٤٣١



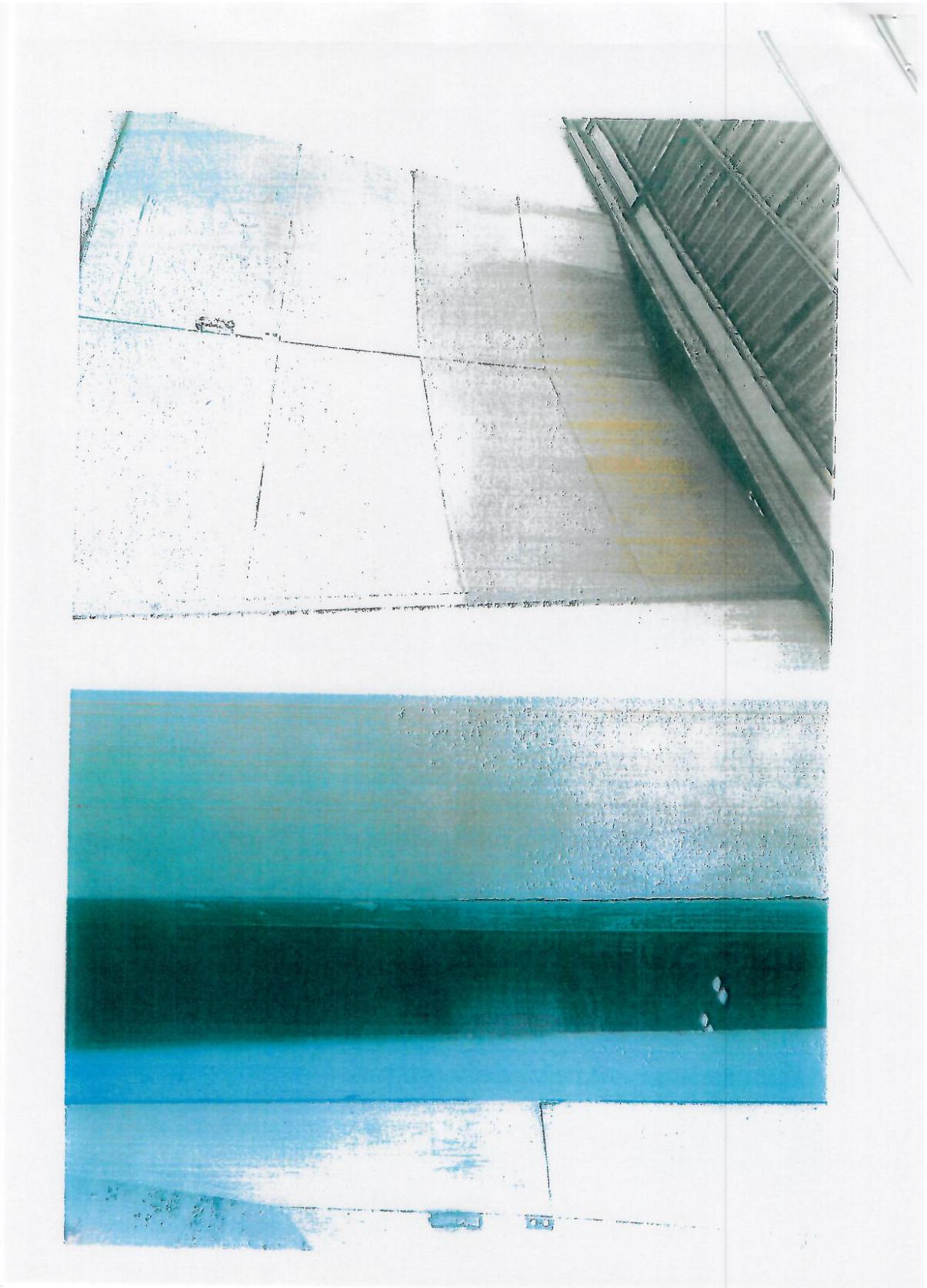


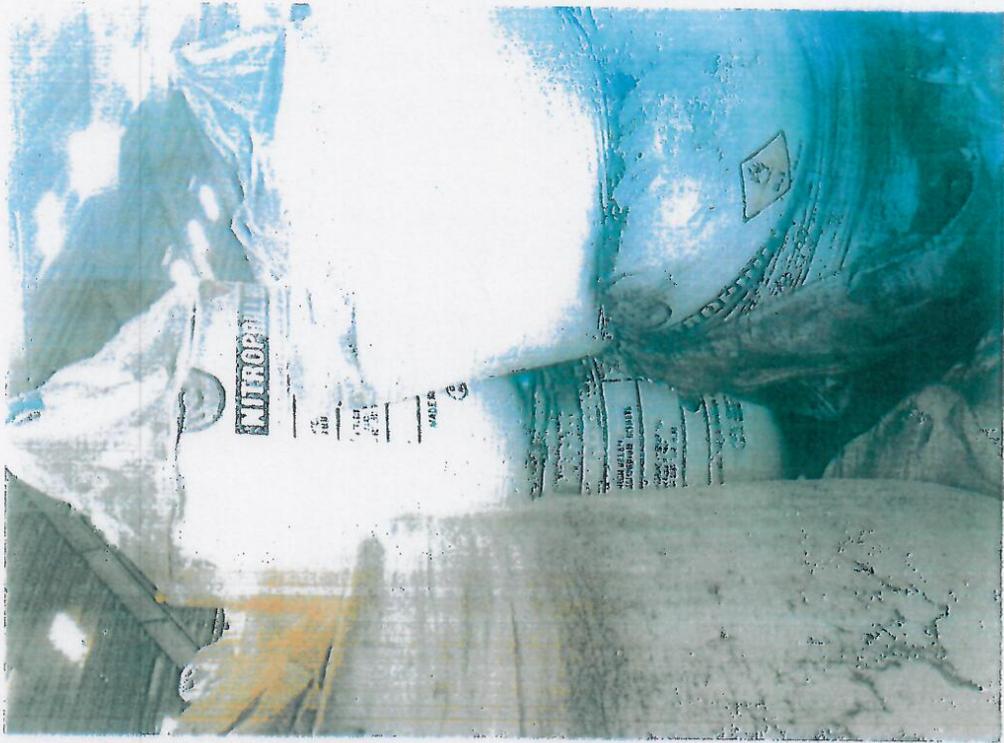
(3)

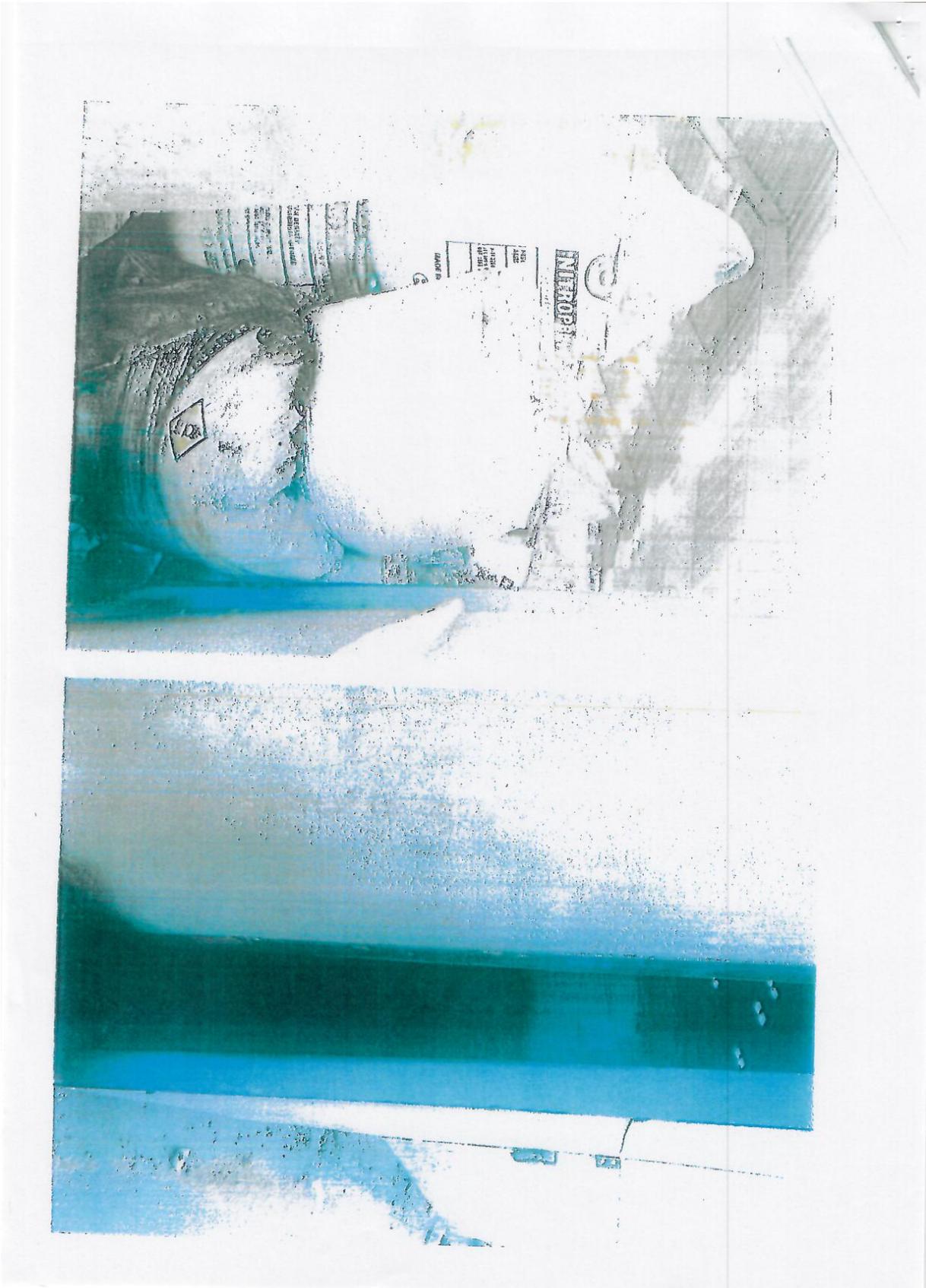
ملاحظات	ملاحظات
ع ١٥٠	استكمال في التسمية الهدف
المستند	المستند
لدراسة التسمية	ويعاد في كل مرة انصاف في بيت مؤرخ
من وزارة الإسكان	الماسوية في الممارسات المؤهل للمؤهل
الادارة العامة	بانه المؤهل تم اعتماده من الـ Rhodus
	من ايداع في العنصر رقم ١٥ تحت الإسكان
	وتم الميطانية المستند المؤهل وتم الإسكان
	على الإسكان انهم هم وما شئت بالحق
	التي ذكر اعلاه وخصوصيات في المؤهل
	المستند أيضا تم تكليف المصنف المحرك
	سبع الشماخ لم تقتض الى العنصر رقم ١٥
	وما لا يقتض ان كانه باسنادها في بيت الإسكان
	السيد محمد البركة من التست من اقران
	المؤهل الذي كتبت على مكتب النافذة Rhodus
	حيث تبين ان الكيفية للاصناف المرفوعة في
	2750/ طن البان وسمانه ورسول
	طن من مزارع الإسكان
	وتمت التفتيش في بيت الإسكان

التي تروى في التاريخ والسير والسيرات  
محمد المولى الكليل في الميراث والسير  
البريد البحر في ما ذكره الاستاذ الراحل  
والسير في سيرته في ما ذكره  
وهي مع السيرة الموكلة بانه عمولة الصادرة من  
مؤرخ مطروحة في النظر للوقت الطويل الذي  
لم يتم الكشف على اجلاء محبة الباقين  
لحين صفاة السير في كنف طبع عشر  
منه في سلم في القصة لا نقل عن  
الاستاذ في سنة ربه في الكنف  
على الصفاة الموكلة في كل السير للسير  
على سير ال مستوفى ما في السير من ربه  
ستوفى في سير من الميراث المطروحة  
وهي وما في كنف السيد محمد المولى في تنظيم  
تحرير اركب التواريخ والسير في وقت لاحق  
لائحة ما في سلم  
وعلى على السير في السير في الحارة في  
السير في السير في السير في السير في السير  
السير في السير في السير في السير في السير

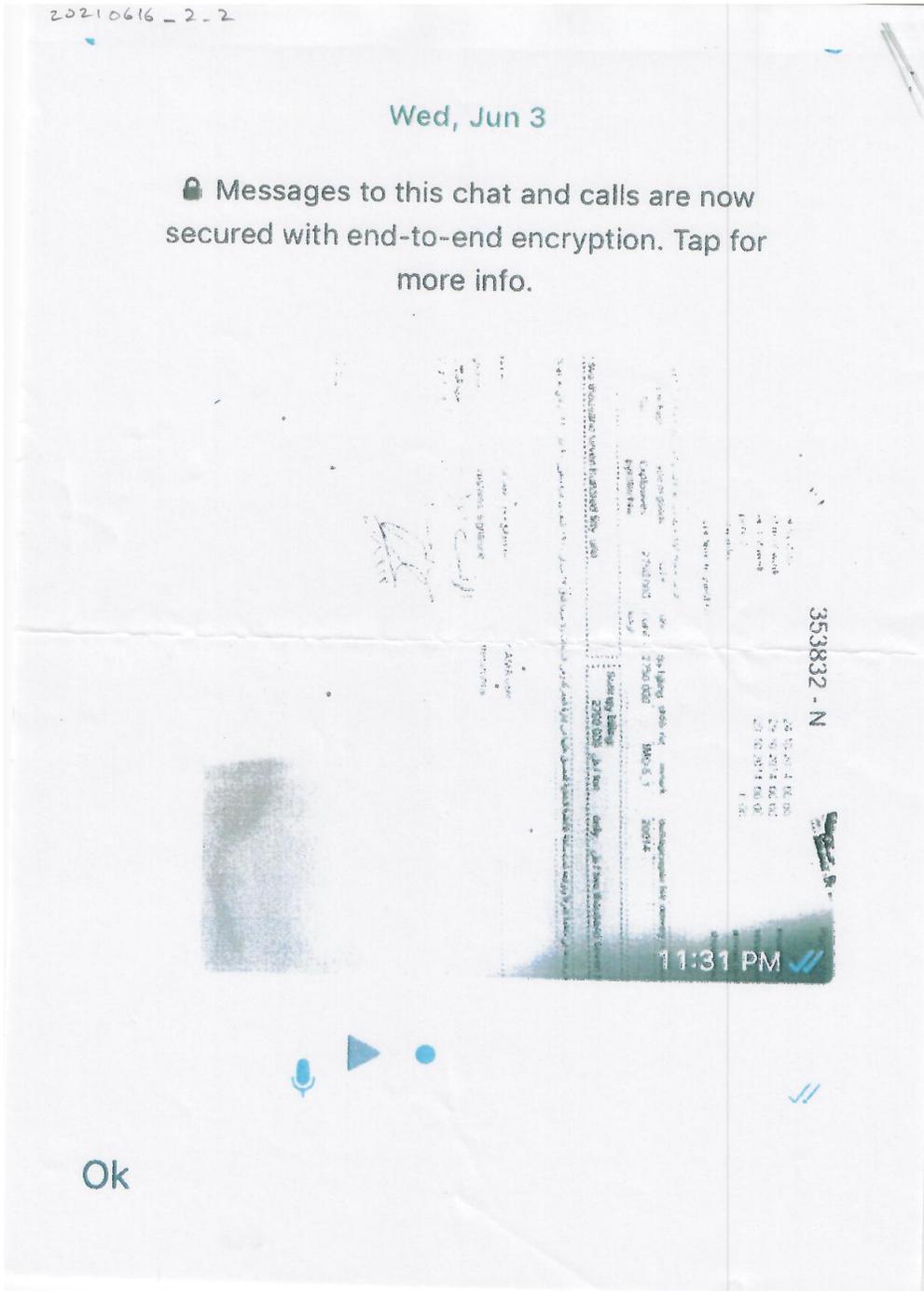








June 3, 2020 WhatsApp Message from the Head of the State Security Office in the Port to the Head of the Ministerial Guard with an image of the *Rhosus's* Entry Form Noting Ammonium Nitrate is Explosive



## June 4, 2020 Request from State Security to the Port Authority of Beirut

سياسة الجودة  
يهدف سياستنا إلى تطوير قدرات مرفأ بيروت وتلبية متطلبات الزبائن بسرعة وكفاءة مع مراعاة القوانين والتشريعات وذلك من خلال التزامنا بما يلي:  
- المحافظة على التجهيزات الحديثة والموارد اللازمة - تدريب

République Libanaise  
الجمهورية اللبنانية  
إدارة  
مرفأ بيروت  
Ministère du  
Port du  
Liban

الجمهورية اللبنانية  
المديرية العامة لأمن الدولة  
مديرية أمن الإدارة العامة والمؤسسات

عدد: ٥٠٥/٢٤٠

جانب هيئة إدارة واستثمار مرفأ بيروت

الموضوع: تأمين حراسة للعبير رقم ١٢  
وتعيين رئيس مستودع.

رئاسة واستثمار مرفأ بيروت  
الديوان  
2020  
- 4 JUN 2020

تهدي المديرية العامة لأمن الدولة تحياتها لجانب إدارتكم الموقرة ،  
بناءً لإشارة النائب العام التمييزي القاضي غسان عويدات،  
يُطلب إليكم تكليف من يلزم في مرفأ بيروت بغية تأمين حراسة للعبير رقم ١٢  
وتعيين رئيس مستودع للعبير المذكور آنفاً وصيانة كافة الأبواب ومعالجة الفجوة  
الموجودة في الجدار الجنوبي وباقي الفجوات إذا وُجدت بالإضافة الى إقفال كافة  
الأبواب بإحكام، بسبب وجود مواد خطيرة من نوع "نيترات الأمونيوم" التي يتم  
استخدامها لصناعة المتفجرات،  
وذلك بهدف استكمال موضوع عالق لدينا .

بيروت في ١٦/٦/٢٠٢٠  
اللواء طوني ضلبيبا  
المدير العام لأمن الدولة

June 9, 2020 General Security Office Information Report

رقم الملف: ٢٠٢٠/١٠٦/١٠٩ تاريخ: ٠٩/٠٦/٢٠٢٠ (مصري)  
 أتم - مديري - إجماع - إلكتروني - إلكتروني - إلكتروني  
 درجة الأفضلية: (الرجاء) - جدول جداول

الموضوع: (الترافق، وسائل الإعلام، وإيقاظ الخواص مكالمة، رأي عام، إشاعات، مستقلة)

المعلومات وحسب المعسور على المعلومات: (الترافق، وسائل الإعلام، وسائل الإعلام، وسائل الإعلام)

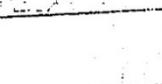
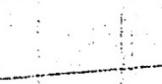
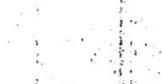
ما بين أمثلة: موقوف - قيد التجربة - مشكوك فيه - غير موقوف  
 مدى التناول: ممتددة - ضيق - محدود - واسع

الموضوع: (مطارماتة عين مناد مفاخرة واستعداد وزيرين المرفق من قبل أمن الدولة)

تضمنت: علمنا أن مكتب جواز أمن الدولة في مرفأ قام باستدعاء رئيس مرفأ بيروت محمد المولى للإستماع إلى المرفأ حول الموانع المتقدمة (تيرات الامونوم) والتي تستعمل في صناعة المتفجرات حيث تم حجزها داخل العنبر رقم ١٧/١٢ في مرفأ بيروت منذ ٢٧/٦/٢٠١١. (موضوع تقارير سابقة)

فقد تمكنا من البضاعة المذكورة كانت على متن الباطنة RHOSUS التي تم حجزها بقرار قضائي بتاريخ ٢٠١٢/١٢/٣٠ على اثر خلاف بين شركة BUNKER NET LTD وأصحاب السفينة مع العلم بأنه بتاريخ ٢٠١٢/١٢/٣٠ تم توجيه كتاب من المديرية العامة للقتل الجري والبحري إلى صاحب وزارة العمل لإتخاذ الإجراءات اللازمة لسحب السفينة وإيقافها بالواد العلمي.

أشارت الدراسات أن مكتب أمن الدولة في المرفأ قام بمخاطبة النيابة العامة القضائية بشخص القاضي غسان عويدات معتبراً أن البضاعة المخبوة قللت الأمن والسلامة العامة كونها موضوعة داخل العنبر ١٧/دون حرس ومراقبة وأنا مسؤولي وقبس مرفأ عليه. قرر الحجز بعد تعيينه حارس قضائي على البضاعة المذكورة مع العلم أنه قدم كتاب للنيابة العامة بأنه يستدر قيامه بإحصاء البضاعة كونها غير متبرهن. صلاحية الجمارك وإدارة المرفأ ، وقد أوكل القاضي عويدات إدارة واستثمار مرفأ بيروت إلى إدارة البضاعة المخبوة.

المديرية العامة للقتل الجري والبحري  
 مدير:   
 مدير:   
 مدير:   
 مدير:   
 مدير: 

June 17, 2020 Port Authority of Beirut's Measures Following State Security's Letter

سياسة الجودة

تهدف سياستنا إلى تطوير قدرات مرفأ بيروت وتلبية متطلبات كفاءة وكفاءة مع مراعاة القوانين والتشريعات. وذلك من خلال التزامنا بما توفر البنية التحتية المتطورة والتجهيزات الحديثة والموارد اللازمة. العاملون بكافة مستوياتهم لتطوير قدراتهم وتحسين أدائهم. وإشراكهم التطوير المستمر. -مراجعة وتقييم جميع الخدمات باستمرار. وتطويرها استمرارية جودتها والعمل على تبسيطها وتسريعها. -إيلاء الاهتمام لبقاجات الزبائن والعمل على الاستجابة لها. -تطبيق نظام الأيزو 15:2015 والذي يشمل جميع العمليات والأنشطة ومراجعتها من أجل تطوير فعال-مراجعة أهداف الجودة دورياً وإصدار مجموعة جديدة أو منقحة وإبلاغ جميع الإدارات. -مراجعة هذه السياسة دورياً للتأكد من ملاءمتها.

République Libanaise

إدارة واستثمار  
مرفأ بيروت  
Gestion et Exploitation du  
PORT DE BEYROUTH

رقم التسجيل في مصلحة الديوان	تاريخ التسجيل

الموضوع :

كتاب من المديرية العامة لأمن الدولة بناء لإشارة النائب العام  
القاضي عثمان عويدات لتكليف من يلزم في مرفأ بيروت  
بتأمين حراسة للعنبر رقم ١٢

رقم التصنيف :	حقل مخصص للديوان
رقم الحفظ :	
الإدارة أو المصلحة المعنية	
الاسم	الرقم

الجهات المرسل اليها	التوجيهات أو ملخص الإحالة	توقيع المرسل	التاريخ
حضرة الرئيس المدير العام	بناء لكتاب المديرية العامة لأمن الدولة بضرورة تكليف من يلزم في المرفأ بتأمين حراسة للعنبر رقم ١٢، تم الإتصال بالمهندس مصطفى فرشوخ في إدارة العمليات والذي أفادني بأنه تم تكليف السيد وجدي قرقفي بمتابعة الإشراف على العنبر رقم ١٢ كما وأنه تم إصدار تعليمات من قبلي بتكثيف الدوريات على العنبر رقم ١٢ من قبل عناصر الحرس التابعين لمصلحة الأمن والسلامة في المرفأ بمعدل ٥ دوريات في اليوم.	مهندس مصطفى فرشوخ رئيسي المهندس زياد حورف ٢٠٢٠/٦/١٧	
		رقم تسجيل المرسل	
		رقم تسجيل المرسل	

## July 20, 2020 State Security Report

20210616\_2\_3

التاريخ: ٢٠٢٠ / ٧ / ٢٠

٢٠١٧/٢٠٢٠

في شهر حزيران من العام ٢٠١٤، دخلت الى مرفأ بيروت باخرة يطلق عليها اسم "RHOSUS" قادمة من مالدوزيا لشحن جرافتين كبيرتين، ولدى وصولها على المرفأ، انكسر عنبر الباخرة المذكورة مما أدى الى تعطلها وعدم قدرتها على الإبحار مجدداً، وكان على متنها أربعة بحارة من جنسيات أجنبية مختلفة:

بعد الكشف عن الحمولة المتبقية في الباخرة، تبين أنها تحمل كمية كبيرة (حوالي ٢٧٥٠ طن) من مادة نيترات الأمونيوم والتي تُستعمل لتصنيع المتفجرات كونها شديدة الانفجار وسريعة الإشتعال، مرسلت الى أحد البلدان الإفريقية وتحديداً الموزمبيق وعائدة لشركة "SAFARI LIMITED" (وكيلها القانوني في لبنان المحامي جورج القارج)، وبعد مراجعة القاضي نديم زوين وإطلاعه على الموضوع، أصدر قراراً قضى بموجبه حجز الباخرة وحجز البحارة الذين كانوا على متنها وذلك بسبب صدور إشعار تبليغ حجز احتياطي صادر عن وزارة العدل دائرة التنفيذ في بيروت تحت رقم ١٠٣١/٢٠١٣ تاريخ ٢٠١٣/١٢/٢٠، والذي يقضي بحجز الباخرة لوجود دين عائد لشركة Bunkernet LTD ومنعها من مغادرة المياه الإقليمية ما لم تودع كفالة ضامنة للدين البالغ قيمته ١١٩٣٩٦,٣٨ دولار أميركي بالإضافة الى اللواحق المقدرة بـ ١١٩٤، وبعدها صدر إشعار تبليغ ثان صادر عن دائرة تنفيذ بيروت رقم ٣٧٧/٢٠١٤ تاريخ ٢٠١٤/٥/٥ لصالح شركة "كريكو ابريا" ومنعها من مغادرة المياه الإقليمية اللبنانية بسبب وجود دين قيمته ٢٣ ألف يورو لصالح الشركة المذكورة، عندها قامت المديرية العامة للنقل البري والبحري بالطلب من قاضي الأمور المستعجلة في بيروت نديم زوين إنجاز أعمال تعويم الباخرة والترخيص بنقل المواد المشحونة على متنها الى مكان آمن نظراً لخطورتها على البيئة، وتأمين حراستها والترخيص عند الإقتضاء.

قامت فرقة متخصصة بالكشف على الباخرة فتبين بنتيجته وجود عيوب كبيرة في هيكلها تحول دون توفر سلامة الملاحة البحرية، فمنعت من السفر وأعيد تعويمها داخل المرفأ تمهيداً لنقل البضائع الموجودة على متنها وتخزينها في مكان مناسب تحدده إدارة الجمارك وتبقى تحت حراستها.

بتاريخ ٢٠١٤/٩/١٦ سمح القاضي نديم زوين للبحارة الذين كانوا على متن الباخرة بالمغادرة الى مواطنهم. بتاريخ ٢٠١٤/١٠/٢١ انتقل الكاتب القضائي زياد شعبان الى حرم مرفأ بيروت وطلب من الضابطة الجمركية مرافقته الى الرصيف رقم ٩ حيث تمّ قطر الباخرة، والتقى رئيس الميناء محمد المولى الذي أفاده أن حمولة الباخرة هي مواد خطيرة ونظراً الى الوقت الطويل الذي لم يتمّ الكشف عليها يجب إخلاء محيط الباخرة ونهوية العنبر مدة لا تقل عن اثني عشر ساعة، يتمّ بعدها الكشف على البضائع داخل العنبر والعمل على نقلها الى مستودع خاص للتخزين، فتمّ ذلك من قبل إدارة الجمارك حيث نُقلت البضائع المذكورة الى العنبر رقم ١٢ داخل حرم مرفأ بيروت المُعد لحفظ المواد الخطرة.

بتاريخ ٢٠١٤/١١/١٣ حضر الكاتب القضائي زياد شعبان وتأكّد من تنفيذ قرار القاضي زوين، وتمّ تعيين المدعو محمد المولى حارساً قضائياً على البضائع داخل العنبر لتحتمل مسؤولية أي نقص أو تلف وفي حال حصل ذلك يتعرّض للملاحقة القانونية، عندها تحفّظ المدعو محمد المولى على ذلك لأن العنابر داخل المرفأ تقع تحت سلطة إدارة واستثمار مرفأ بيروت وليست تحت سلطته.

تقدّمت شركة "SAFARI LIMITED" بوكيلها المحامي جورج القارج الى القاضي زوين بطلب تعيين خبير للكشف على البضائع المذكورة، وبتاريخ ٢٠١٥/١/٢٦ عيّن القاضي زوين المدعوة ميراى مركزل خبيرة الكشف على البضائع فتمّ ذلك، وبتاريخ ٢٠١٥/٢/٤ كشفت المدعوة مركزل على البضائع وأخذت عينات منها لتحليلها فتبين أن نسبة الأزوت بلغت ٧,٣٤% وتصنّف من المواد الخطرة، عندها اقترحت إدارة المانيفست في المرفأ تسليم هذه المواد فوراً للجهات الأمنية المختصة (قيادة الجيش اللبناني) أو إعادة تصديرها الى الخارج بسبب خطورتها والكارثة التي قد تنتج من جراء إشتعالها أو إنفجارها.

بعد أن علمت قيادة الجيش اللبناني بذلك، رفضت إستلامها وصرّحت أنه ليست بحاجة الى هذه المادة المذكورة ويمكن التواصل مع الشركة اللبنانية للمتفجرات بشخص المدعو مجيد الشماس لتبيان إمكانية الإستفادة من المادة المذكورة، وفي حال عدم رغبتها بذلك إعادة تصديرها الى بلد المنشأ على نفقة مستورديها نظراً للخطورة الشديدة التي ينتج عن بقائها داخل المخزن في ظل ظروف مناخية غير ملائمة وحفاظاً على سلامة العاملين فيه.

بتاريخ ٢٠١٨/٢/١٨ تعرّضت الباخرة المذكورة للغرق داخل حرم مرفأ بيروت على كاسر الأمواج ولا تزال قابعة في قعر البحر، أما مادة نيترات الأمونيوم فهي لا تزال داخل العنبر رقم ١٢ في المرفأ. إن دائرة المانيقست في مرفأ بيروت أرسلت عدة طلبات خطية الى مديرية الجمارك منذ تاريخ دخول الباخرة المياه الإقليمية حتى العام ٢٠١٦ للطلب من القاضي زوين بمطالبة الوكالة البحرية إعادة تصدير البضائع المذكورة بصورة فورية الى الخارج حفاظاً على سلامة المرفأ والعاملين فيه، كما طلبت البت النهائي بمصير البضائع وإعطائها التوجيهات اللازمة بذلك، لكنه وحتى تاريخه لم يصدر أي قرار بهذا الشأن. بعد مراجعة أحد مصادرنا المختصين في الكيمياء، أكد أن هذه المواد خطيرة وتُستعمل لصناعة المتفجرات، وفي حال تعرّضت هذه المواد لأي عملية سرقة يستطيع السارق أن يستعملها لصناعة المتفجرات. بعد الكشف على العنبر رقم ١٢ من الخارج، تبين أن الباب رقم ٩ للعنبر المذكور مخلوع وتوجد فجوة في الحائط الجنوبي للعنبر تسمح لأي شخص بالدخول إليه، كما لاحظنا أنه لا يوجد أي حراسة.

إنفاذاً لقرار اللواء المدير العام لأمن الدولة الصادر عن مديرية أمن الإدارة العامة والمؤسسات برقم ٣١/٥٠٥ تاريخ ٢٠٢٠/١/٢٧ القاضي بمراجعة القضاء المختص حول ما ذكر أعلاه، في الساعة ١٠,٣٠ من تاريخ ٢٠٢٠/٥/٢٨، تمّ الإتصال بمفوض الحكومة لدى المحكمة العسكرية القاضي بيتر جرماتوس وإطلاعه على الملف فأبلغنا عدم اختصاص النيابة العامة العسكرية بهذا الملف كون قاضي الأمور المستعجلة نديم زوين أصدر قراراً قضى بإفراغ المادة المذكورة داخل العنبر رقم ١٢ في مرفأ بيروت وأجرى المقتضى القانوني. في الساعة ١١,٣٠ من تاريخ ٢٠٢٠/٥/٢٨، تمّ الإتصال بالنائب العام التمييزي القاضي غسان عويدات وإطلاعه على كامل الملف فأشار حضرته بالتواصل مع إدارة المرفأ واستدعاء الموظف المسؤول عن الأمن داخل المرفأ المكلف رسمياً من الإدارة المذكورة والإستماع إلى إفادته بهذا الشأن ومخبرته مجدداً.

تمّ استدعاء الموظف محمد زياد راتب العوف حيث أفاد أنه ضابط أمن المرفأ ورئيس مصلحة الأمن والسلامة في إدارة واستثمار مرفأ بيروت ومسؤول أمن وسلامة السفن الراسية على أرصفة المرفأ وسلامة المنشآت الموجودة داخل المرفأ، لكنه لم يكن على علم أبداً بوجود كمية من نيترات الأمونيوم داخل العنبر رقم ١٢، وتفاعلاً بهذا الأمر كون مادة نيترات الأمونيوم تعتبر من المواد السامة والخطرة حسب قوله. كما أفاد المدعو محمد العوف أنه تواصل مع المهندس مصطفى فرشوخ (نائب مدير العمليات في المرفأ) ورئيس الميناء محمد المولى للحصول على معلومات عن الموضوع فأفادته أن هذه الكمية تمّ وضعها في العنبر رقم ١٢ منذ خمس سنوات تقريباً بناءً على قرار قضائي صادر عن قاضي الأمور المستعجلة في بيروت بانتظار صدور قرار قضائي مخالف لإخراجها من العنبر، ومنذ ذلك الحين ولغاية تاريخه لم يصدر أي قرار قضائي بهذا الشأن.

كما أفاد المدعو محمد العوف أن المدعو محمد المولى لديه كافة المعلومات الوثائق عن هذا الموضوع، كما أنه لم يكن على علم بأن الباب رقم ٩ في العنبر رقم ١٢ مخلوع وأن هناك فجوة في الحائط الجنوبي للعنبر المذكور الذي يمكن من خلاله الدخول بسهولة الى العنبر وسرقة محتوياته، ولدى سؤاله عن معرفته بوجود هذه المادة داخل العنبر المذكور أجاب أنه لم يبلغه أحد بهذا الأمر. تمّ الإتصال بالنائب العام التمييزي القاضي غسان عويدات وإطلاعه على مجريات التحقيق، فأشار بترك الموظف محمد زياد العوف حراً واستدعاء رئيس الميناء محمد المولى للإستماع الى إفادته ومخبرته مجدداً.

تمّ استدعاء رئيس الميناء في مرفأ بيروت محمد راحم المولى فأفاد أنه رئيس ميناء تابع لوزارة الأشغال العامة والنقل والمسؤول عن المنطقة البحرية الممتدة من ١٢ ميل حتى مكان رسو السفن على الأرصفة فقط، أما العنابر والمنشآت الموجودة داخل المرفأ فهي تخضع لسلطة إدارة واستثمار مرفأ بيروت، كما أفاد أنه بتاريخ ٢٠١٣/١١/٢١ دخلت الى مرفأ بيروت باخرة محملة بمادة نيترات الأمونيوم وهي مادة خطيرة تُستعمل

لصناعة المتفجرات قادمة من اليونان الى الموزمبيق، وبعد تعطل الباخرة على الرصيف وعدم قدرتها على الإبحار مجدداً ورد الى رئيس الميناء من دائرة تنفيذ بيروت قرار احتياطي رقم ١٠٣١/٢٠١٣ تاريخ ٢٠١٣/١٢/٢٠ يقضي بحجز الباخرة المذكورة لوجود دين عائد لشركة "بنكرنت" ومنعها من مغادرة المياه الإقليمية ما لم تودع كفالة للدين البالغ ١١٩,٣٩٦ دولار أميركي إضافة الى اللواحق المقدرة بـ ١١٩٤٠ دولار أميركي، بعدها ورد إشعار تبليغ حجز احتياطي ثان صادر عن دائرة تنفيذ بيروت رقم ٣٧٧/٢٠١٤ تاريخ ٢٠١٤/٥/٥ لصالح شركة "الكريكو ابريا" ومنعها من مغادرة المياه الإقليمية اللبنانية بوجود دين قيمته ٢٣ ألف يورو لصالح الشركة المذكورة فتم حجز الباخرة من قبلهم، وبناءً لقرار قاضي الأمور المستعجلة تم إفراغ حمولتها من مادة نيترات الأمونيوم والتي تقدر بـ ٢٧٥٠ طن داخل العنبر رقم ١٢ المعد لتخزين المواد الخطرة، عندها قام الكاتب القضائي زياد شعبان بتنظيم محضر بهذا الشأن حيث عين محمد المولى حارساً قضائياً على المادة المذكورة، فتحفظ الأخير على المحضر كون حراسة العنبر لإدارة واستثمار مرفأ بيروت وليست عائدة له ولا يحق له دخول العنبر ساعة يشاء أو مفاتيح الأبواب العائدة له بحوزته، كما أفاد أنه لا يعلم بوجود أحد أبواب العنبر المذكور مخلوعاً ولا يعلم بوجود فجوة في حائط العنبر، وأن المديرية العامة للنقل البحري والبري أرسلت عدة كتب الى القضاء المختص لبيع مادة نيترات الأمونيوم بالمزاد العلني ولكن لغاية تاريخه لم يصدر أي قرار بهذا الشأن.

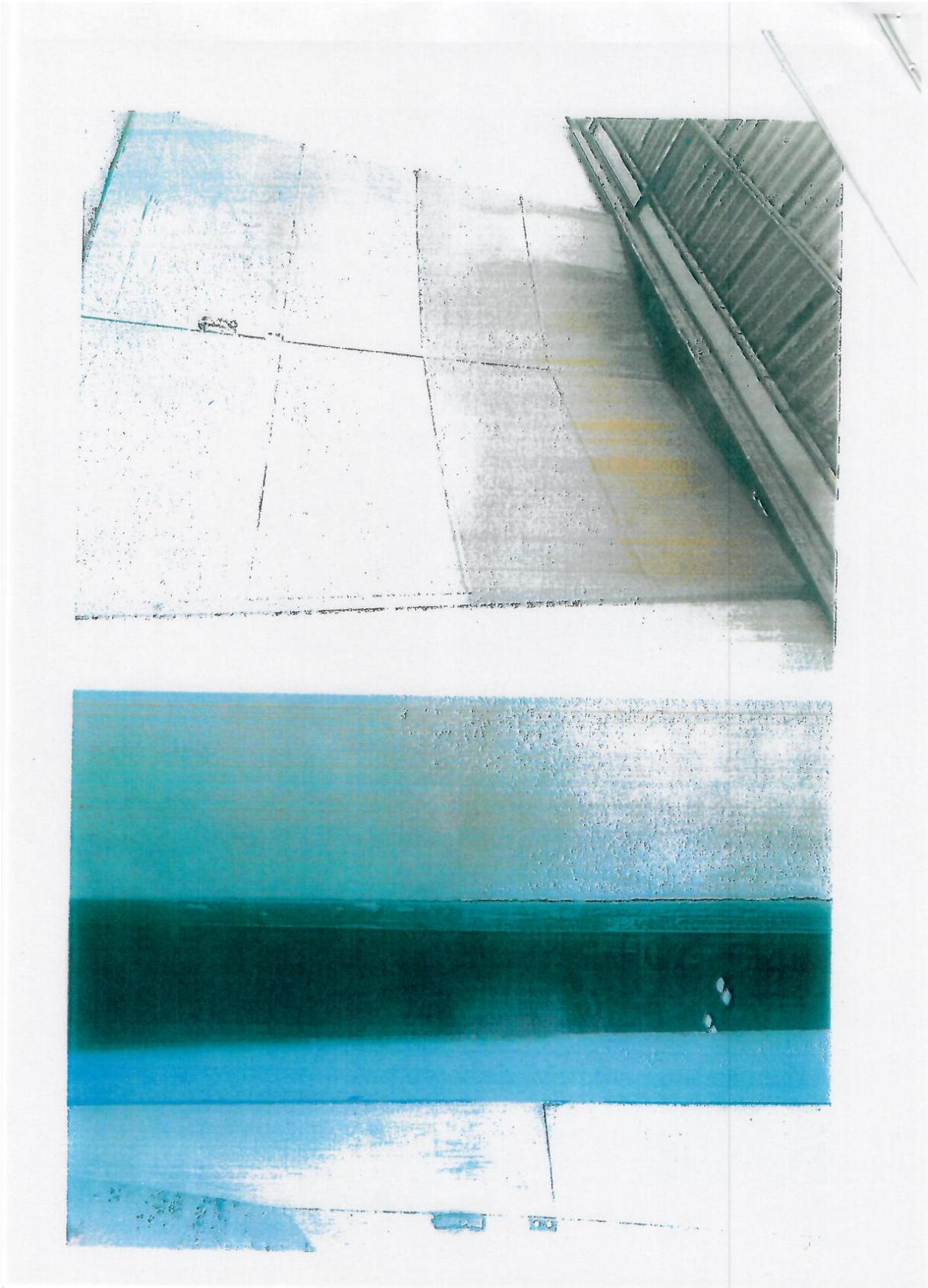
بعد مراجعة النائب العام التمييزي القاضي غسان عويدات وإطلاعه على مجريات التحقيق، أشار حضرته بترك رئيس الميناء محمد المولى حراً وتوجيه كتاب الى إدارة واستثمار مرفأ بيروت لتأمين حراسة للعنبر رقم ١٢ وتعيين رئيس مستودع للعنبر المذكور وصيانة كامل الأبواب ومعالجة الفجوة الموجودة في الجدار الجنوبي وباقي الفجوات إذا وجدت وإقفال أبوابه بإحكام وختم المحضر وإيداعه إياه.

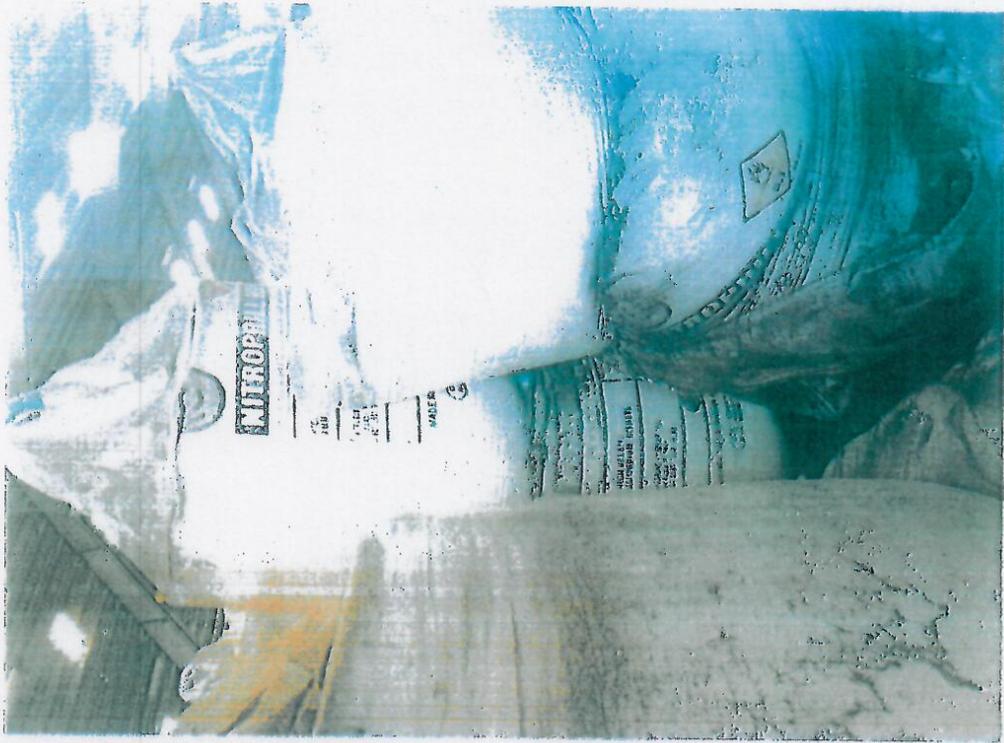
ثانياً: في الإستنتاج:

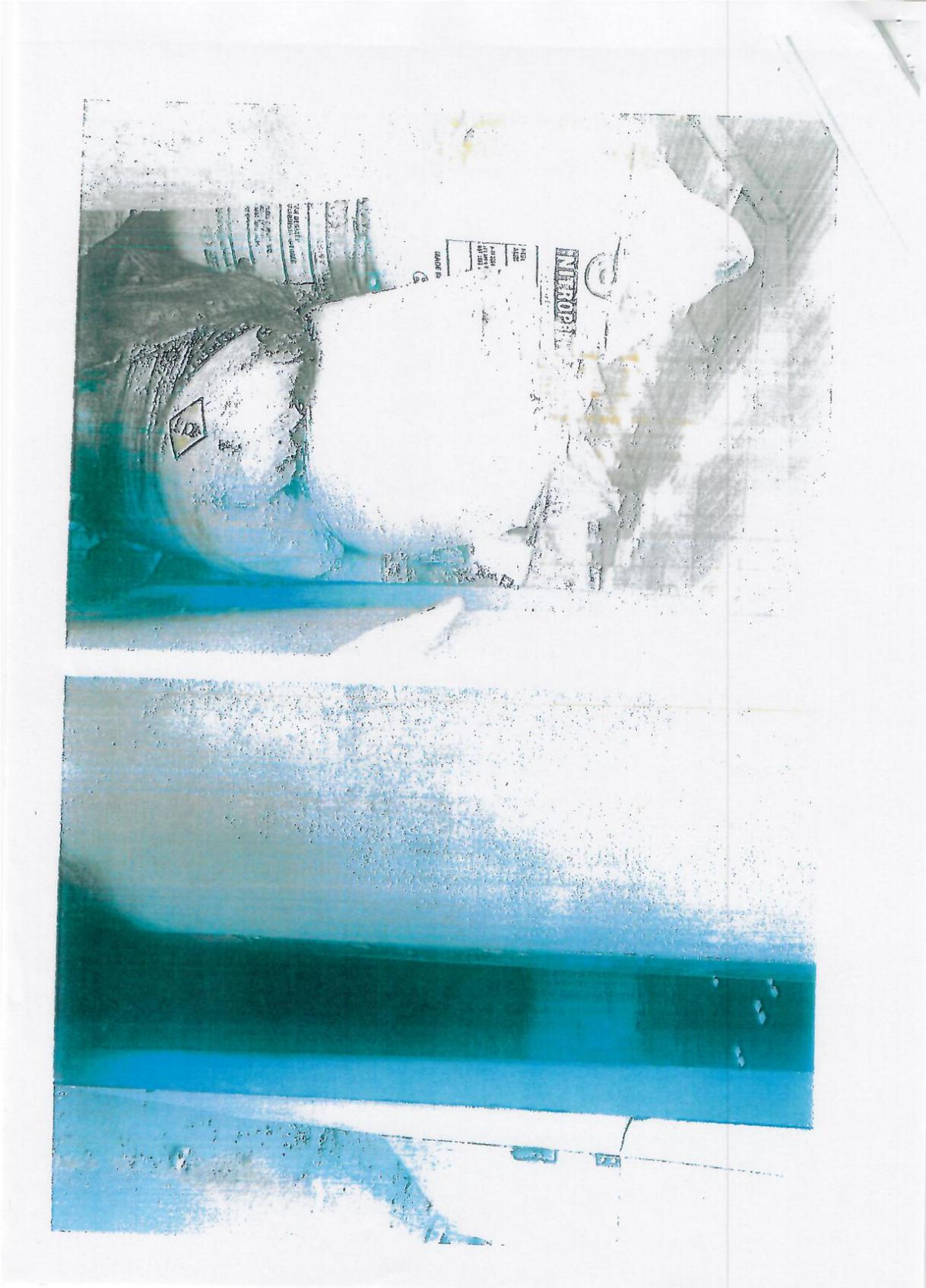
- لوحظ وجود إهمال وتقصير من قبل إدارة واستثمار مرفأ بيروت في حراسة العنبر رقم ١٢ مما يسهل دخول وخروج الأشخاص إليه وسرقة المواد الخطرة الموجودة بداخله.
- لوحظ أن الإدارات الرسمية لم تقم بأي إجراء لمعالجة هذا الوضع بغية إبعاد الخطر التي تتسببه هذه المواد في حال تعرضت للسرقة أو الحريق.

ربطاً:

- صورة عن إشعار تبليغ حجز احتياطي رقم ٢٠١٣/١٠٣١. (مستند رقم ١)
- صورة عن إشعار تبليغ حجز احتياطي رقم ٢٠١٤/٣٧٧. (مستند رقم ٢)
- صورة عن الباب رقم ٩ المخلوع. (مستند رقم ٣)
- صورة عن مادة الأمونيوم. (مستند رقم ٤ - صفحة عدد ٢)
- صورة عن قسيمة إدخال نيترات الأمونيوم الى مرفأ بيروت. (مستند رقم ٥)







## August 5, 2020 Baroudi and Associates Law Firm Press Statement

### بيان

يتوجّه مكتب "بارودي ومشاركوه" بهذا البيان لتوضيح بعض الأمور المتعلقة بالسفينة "Rhosus" وحمولتها والتي جرى تداولها على وسائل الإعلام وشبكات التواصل الاجتماعي، وبالأخصّ لتوضيح الإجراءات التي إتخذها المكتب بوكالته عن الطاقم (أي الرّبان والبحارة).

بتاريخ ٢٠/١١/٢٠١٣، رست السفينة "Rhosus" في مرفأ بيروت قادمة من مرفأ باتومي Batumi – البحر الأسود، وهي تحمل على متنها ٢٧٥٠ طناً مترياً من مادة نيترات الأمونيوم High Density Ammonium Nitrate مشحونة لأمر بنك موزمبيك الدولي Banco Internacional De Mocambique ومرسلة إلى شركة Fabrica de Explosives. وكانت السفينة "Rhosus" معدة لتحميل بضائع من مرفأ بيروت إلى الأردن. إلا أنّ جهاز مراقبة السفن في مرفأ بيروت (Port State Control) وبعد أن كشف عليها، منعها من السفر لسبب وجود عيوب تقنية فيها ولعدم إستيفائها لشروط سلامة الملاحة البحرية.

وبعد عدّة أشهر على وجود السفينة في المرفأ، توجّب عليها ديون بحريّة لمصلحة عدّة دائنين ومنهم الطاقم الموجود على متنها، وقد تركها أصحابها ومستأجروها وتوقّفوا عن دفع أيّة نفقات أو ديون عليها، كما إنقطعوا عن دفع أجور البحارة وتأمين الماء والغذاء والطبابة لهم. كذلك، تخلّت الجهة المرسل إليها Fabrica de Explosives عن حمولة نيترات الأمونيوم المشحونة على متن السفينة.

بتاريخ ٢٠/٤/٢٠١٤، توكلّ مكتب "بارودي ومشاركوه" عن أربعة من طاقم السفينة المتروكة، من بينهم الرّبان، وهم من الجنسية الأوكرانية، الذين كانوا لا يزالون محتجزين على متنها، ولا يملكون المال للعودة إلى موطنهم وفي حالة إنسانية يُرثى لها. وكان مكتب بارودي وكيلاً أيضاً عن دائنين آخرين يتوجّب لهم ديوناً بدمّة اصحاب ومستأجري السفينة واتخذ إجراءات قضائية ضدّهم لمصلحة هؤلاء الدائنين.

بادر مكتب "بارودي ومشاركوه" إلى إتخاذ الإجراءات اللازمة لتحصيل حقوق البحارة وتدبير عملية ترحيلهم. وفي الوقت نفسه، كان مكتبنا، بوكالته عن الربان، يُناشد المسؤولين في مرفأ بيروت ووزارة النقل بموجب كتب خطية، لإتخاذ الإجراءات والتدابير المستعجلة من أجل تفادي ودرء المخاطر الناجمة عن وضع السفينة وحمولتها المعرضة لمخاطر الغرق والإنفجار في كل لحظة. حتى أننا في كتاب تاريخ ٢٠١٤/٤/٧ معنون "طلب إتخاذ تدابير مستعجلة" موجّه إلى رئيس مرفأ بيروت بوكالتنا عن الربان، ومسجّل لدى المديرية العامة للنقل البري والبحري برقم ٦/٣٠١٧ تاريخ ٢٠١٤/٤/٩، شرحنا خطورة وضع السفينة وحمولتها ونبّهنا إلى أن العالم شهد العديد من الكوارث الناجمة عن إنفجار مادة نيترات الأمونيوم، وذكرنا على سبيل المثال كارثة إنفجار سفينة محمّلة ٢٦٠٠ طناً مترياً من هذه المادة في ميناء تكساس سنة ١٩٤٧، وأرفقنا بكتابنا المذكور تقرير عن الحوادث الحاصلة في العالم بسبب المادة المذكورة، منشور على موقع ويكيبيديا.

وبتاريخ ٢٠١٤/٧/١٤، تلقينا رداً من المدير العام للنقل البري والبحري يُعلمنا فيه أنّه وجّه كتابين إلى وزارة العدل - هيئة القضايا، وطلب منها إتخاذ الإجراءات اللازمة لتلافي غرق السفينة المحمّلة بضائع خطيرة في مرفأ بيروت وتلافي تعريض سلامة الملاحة البحرية والبيئة البحرية للخطر، والتعجيل في البت بقضيّتها وبيعها بالمزاد العلني، كما أعلمنا مدير عام النقل أنّه وجّه كتاباً إلى الوكيل البحري يطلب منه إجراء ما يلزم لإصلاح وصيانة السفينة لتلافي غرقها. وكان قد صدر قرار عن قاضي الأمور المستعجلة في بيروت بتاريخ ٢٠١٤/٦/٢٧ بناءً على إستدعاء مقدّم من الدولة اللبنانية من خلال المديرية العامة للنقل البري والبحري، بالترخيص لها بتعويم السفينة "Rhosus" بعد نقل المواد الموجودة على متنها إلى مكان مناسب لتخزينها تحت حراستها.

بتاريخ ٢٠١٤/٦/٢٣، وبعد ان إنتهت عقود إستخدام البحارة المحتجزين على متن السفينة المتروكة والمنوعة من الإبحار، تقدّمنا بدعوى أمام قاضي الأمور المستعجلة ضد وكيل السفينة في مرفأ بيروت،

طلبنا بنتيجتها إصدار القرار بالسماح لهؤلاء البحّارة بالعودة إلى وطنهم، وذلك لعدم وجود أيّ مبرر لإحتجازهم، وقد تمّ إدخال الدولة اللبنانية - وزارة الأشغال العامة والنقل - المديرية العامة للنقل البرّي والبحري في هذه الدعوى التي تمثّلت بأحد محاميها وقدمت دفاعها.

بتاريخ ٢٧/٨/٢٠١٤، وبعد إجراء التحقيق عن وضع السفينة، أصدر قاضي العجلة قراراً نافذاً على أصله "بإعادة البحّارة فوراً إلى وطنهم والترخيص لهم بالقيام في سبيل ذلك، مباشرةً أو بواسطة وكيلهم القانوني، حتّى نيابةً عن المجهّز أو الوكيل البحري، بما يلزم من إجراءات ومعاملات لتأمين مغادرتهم الفورية للأراضي اللبنانية وعودتهم إلى وطنهم".

تمّ تنفيذ القرار المذكور بعد تسطير مذكرة بهذا الخصوص إلى كلّ من المديرية العامة للأمن العام ومديرية الجمارك ومديرية النقل البري والبحري، بحيث تمّ تسفير البحّارة إلى وطنهم في شهر أيلول ٢٠١٤.

أمّا في ما يتعلّق بدعوى المطالبة بأجور البحّارة التي كنّا قد تقدّمنا بها ضدّ أصحاب ومستأجري السفينة "Rhosus" أمام مجلس العمل التحكيمي في بيروت فقد صدر قرار بردها لعدم الإختصاص.

هذا هو ملخّص الإجراءات التي قام بها مكتب "بارودي ومشاركوه" بوكالته عن ربّان السفينة "Rhosus" وبحارتها، ولم يكن لمكتبنا أيّة علاقة بمالكها ومستأجريها أو بحمولتها، لذلك يطلب مكتب "بارودي ومشاركوه" من وسائل الإعلام ومواقع التواصل الإجتماعي كافّة عدم تداول اسمه بمعلومات مغلّوبة وغير مدقّق فيها.

مكتب "بارودي ومشاركوه"

المحامي جان بارودي

August 6, 2020 Letter from Public Prosecutor to the Commander of the Military Police

وزارة العدل  
النيابة العامة التمييزية  
الرقم: ٢٠٢٠/م/٤٤٧٦

حضرة قائد الشرطة العسكرية في الجيش اللبناني

المرجع : النائب العام لدى محكمة التمييز  
الموضوع : تكليف بالمواظرة للفريق الفني الفرنسي

بما أنه تم تكليف فريق فني فرنسي بموضوع الانفجار الحاصل في مرفأ بيروت تاريخ ٢٠٢٠/٨/٤  
لقيام بأعمال الخبرة الفنية ، وإيداعنا تقرير بذلك وفقا للمهمة المحددة من قبنا،

لذلك

نكلفكم مواظرة الفريق الفني الفرنسي المشار اليه وتسهيل اعماله بالدخول الى مسرح الجريمة وقيامه  
بأعمال الخبرة الفنية وتأمين اللوازم اللوجستية وكل ما يلزم لتنفيذ المهمة ومخابرتنا بكل الاجراءات  
المتعلقة بتلك المواظرة ، على ان يتم التنسيق مع رئيس الفريق فابرس غروسير *Fabrice Grossir*  
على الرقم ٠٠٣/٣٠٣٠٠٨ .

بيروت في ٢٠٢٠/٨/٦

النائب العام لدى محكمة التمييز

القاضي غسان منيف عويدات



## August 8, 2020 Statement from the Secretary General of the Higher Defense Council



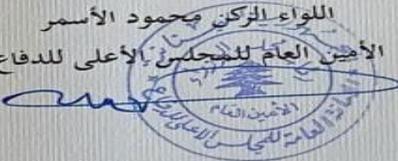
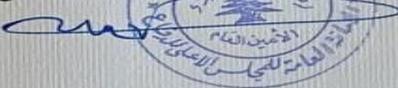
الجمهورية الفلسطينية  
رئاسة مجلس الوزراء  
الأمانة العامة للمجلس الأعلى للدفاع

### بيان توضيحي من الأمانة العامة للمجلس الأعلى للدفاع

رداً على ما تناقلته بعض مواقع التواصل الإجتماعي من أن المديرية العامة لأمن الدولة رفعت تقريراً إلى رئاسة الحكومة يتعلق بشحنة نيترات الأمونيوم بتاريخ ١٠ كانون الأول ٢٠١٩ توضح الأمانة العامة للمجلس الأعلى للدفاع ان هذه المعلومات المدسوسة عارية عن الصحة وتؤكد انها وبصفتها المرجع الذي يتلقى ويحيل لرئيس الحكومة التقارير الأمنية لم تتلق أي مراسلة بهذا الخصوص بإستثناء تلك التي وردت بتاريخ ٢٢/٧/٢٠٢٠ وقامت بإجراء المقتضى وإحالتها بناءً لتوجيهات دولة رئيس مجلس الوزراء الى وزارتي العدل والأشغال العامة والنقل بتاريخ ٢٤/٧/٢٠٢٠ لإجراء المقتضى.

بيروت ٢٠٢٠/٨/٨

اللواء الزكن محمود الأسمر  
الأمين العام للمجلس الأعلى للدفاع





August 11, 2020 General Directorate of Customs Report to the Minister of Finance



وزارة المالية  
المديرية العامة للجمارك

رقم المحفوظات: ي/٦- ت  
رقم الصادر: ١٥٨/سري/٢٠٢٠  
بيروت، في: ١١ آب ٢٠٢٠

جانب معالي وزير المالية

**الموضوع:** طلب معلومات عن كمية نيترات الأمونيوم التي كانت مخزنة في العنبر رقم ١٢.  
**المرجع:** - كتابنا رقم ١٥٨/سري/٢٠٢٠، تاريخ ١٠/٨/٢٠٢٠.  
- إحالة مديرية إقليم جمارك بيروت دون رقم تاريخ ١٠/٨/٢٠٢٠.

إشارة الى الموضوع أعلاه، وعطفاً على كتابنا المنوه به في المرجع أعلاه والذي كنا أودعناكم طيه تقريراً عن الاجراءات التي اتخذتها هذه المديرية العامة بشأن إرسالية نيترات الأمونيوم التي كانت مخزنة في العنبر ١٢، فإننا نودعكم ربطاً الملف المتضمن صور المستندات التي وردتنا من مديرية إقليم جمارك بيروت بتاريخ اليوم، وعددها تسعة وأربعون ورقة (٤٨) ورقة مرسله من قبل مفرزة دائرة المانيفست البحرية إضافة إلى كتاب هذه المفرزة الوارد بطريق التسلسل الإداري، والتي تبين بمراجعتها أنه بتاريخ ٢١/٢/٢٠١٤، وقبل عملية التفريغ، وردت معلومات إلى شعبة مكافحة المخدرات ومكافحة تبييض الاموال وتمويل الارهاب بشأن الباخرة التي كانت راسية على الرصيف رقم ١١ تفيد بأن حمولتها هي من مادة نيترات الأمونيوم، حيث اقترحت الشعبة المذكورة حينها على رئاسة مصلحة التدقيق والبحث عن التهريب الإيعاز إلى ضابطة بيروت ورئاسة دائرة المانيفست للعمل مع السلطات الامنية لإبعاد هذه الباخرة عن الرصيف رقم ١١ إلى كاسر الموج وإذا أمكن وضعها تحت الرقابة من قبل تلك الأجهزة المتواجدة في المرفأ، حيث أحيلت هذه المعلومات مباشرة من قبل رئاسة مصلحة التدقيق والبحث عن التهريب إلى مديرية إقليم جمارك بيروت بذات الغاية والتي أحالته بدورها الى رئاسة مصلحة جمارك مرفأ بيروت وكذلك إلى رئاسة ضابطة بيروت.

وقد أفادت مفرزة دائرة المانيفست بوجود الباخرة فعلاً على الرصيف رقم ١١، حيث أحال المراقب أول لدائرة المانيفست الملف إلى رئاسة ضابطة بيروت للإفادة ما إذا كان مانيفست البضائع الباقية على السفينة قد قدم إليها في حينه ومدون فيه البضاعة بتسميتها الحقيقية وأجناسها وأنواعها عملاً بالمادتين ٦٨ و٧٥ من قانون الجمارك، إلا أن رئاسة الضابطة بحسب إحالة دائرة المانيفست رفضت إستلام المخابرة حيث رفع الملف الى رئاسة مصلحة جمارك مرفأ بيروت التي رفعت الى مديرية إقليم جمارك بيروت لدعوة رئاسة ضابطة بيروت لتقديم المعلومات التي كانت قد طلبتها رئاسة دائرة المانيفست. أحيل الملف الى رئاسة ضابطة بيروت بتاريخ ١٦/١١/٢٠١٣ علم  
فئة المانيفست البحرية أن الوكالة الوطنية للتجارة والشحن قدمت بتاريخ ١٦/١١/٢٠١٣ علم  
على متنها بضاعة Ammonium Nitrate برس

الترانزيت، وعند وصول الباخرة بتاريخ ٢٠١٣/١١/٢١ إلى مرفأ بيروت، تمت معاينتها بعد ان قدم القبطان أيضاً، وأشارت للمفرزة المذكورة لائحة الموحدة وتم لاحقاً الإستحصال على مانيفست الترانزيت من القبطان أيضاً، وأشارت رئاسة المفرزة الى مذكرة هذه المديرية العامة رقم ٢٦٠٣٦/٢٠٠٤، تاريخ ٢٠٠٤/١٢/١٦، التي تنص على عدم المطالبة بإبراز المانيفست العائد للحمولة الباقية على متن السفينة إلا عند توفر معلومات عن وجود بضاعة ممنوعة او محتكرة على متنها غير مصرح عنها في لائحة الموحدة.

بتاريخ ٢٠١٤/٤/١، رفعت رئاسة الشعبة المركزية الملف الى رئاسة ضابطة بيروت مشيرة إلى أن نوع البضاعة المذكور لا يعتبر ممنوعاً او محتكراً غير أنه قد يستعمل بنسب معينة في إنتاج مواد ممنوعة وتعتبر مواداً خطيرة خاضعة لقيود في حال دخولها للإستهلاك المحلي.

رئاسة ضابطة بيروت قدمت الشروحات إلى مديرية إقليم جمارك بيروت بتاريخ ٢٠١٤/٤/١ والتي حولتها إلى مصلحة جمارك مرفأ بيروت للعلم والمقتضى والتي أحالتها بدورها الى دائرة المانيفست بذات الغاية بتاريخ ٢٠١٤/٤/٩.

بتاريخ ٢٠١٤/٤/٢٢، أعادت دائرة المانيفست الملف الى رئاسة مصلحة جمارك بيروت مقترحة، إستناداً إلى شروحات مفرزة المانيفست البحرية، صرف النظر عن مخالفة عدم ذكر جنس البضاعة بتسميتها الحقيقية كونها ذكرت صراحة على مانيفست الترانزيت.

رئاسة مصلحة جمارك مرفأ بيروت أبدت الإقتراح بإحالتها رقم ٢٠١٤/٢١١٧، تاريخ ٢٠١٤/٤/٣٠، الى مديرية إقليم جمارك بيروت التي أعادت الملف الى دائرة المانيفست بإحالتها رقم ٢٠١٤/٣٢٢٤، تاريخ ٢٠١٤/٥/٦، مع الموافقة على إقتراح المراقب أول لدائرة المانيفست.

يرجى التفضل بالاطلاع، وضم هذا الكتاب إلى تقريرنا المرسل إليكم بكتابنا بذات الرقم بتاريخ ٢٠٢٠/٨/١٠ واعتباره جزءاً لا يتجزأ منه./.

بيروت، في: ٨/١١  
مدير الجمارك العام بالإتابة  
ريسون الشوري

الموضوع: ملخص عن الكتاب الوارد الى وزارة المالية بتاريخ ٢٠٢٠/٠٨/١١ يتضمن  
كامل الملف العائد للباخرة rhosus

(١) بتاريخ ٢٠١٣/١١/١٦ صدر عن الوكالة الوطنية للتجارة والشحن كتاب يتضمن علم وخبر لصالح رئيس المفزة الجمركية للافادة بوصول الباخرة "Rhosus" الى مرفأ بيروت بتاريخ ٢٠١٣/١١/٢٠-١٩ وعلى متنها ٢٧٥٥,٥ طن (high density ammonium nitrate IMO ٥,٠) برسم الترانزيت، والبضاعة مشحونة من جورجيا الى مرفأ موزنيق لصالح شركة Banco Internacional de Mocambique.

(٢) بتاريخ ٢٠١٣/١٢/٢١ صدر عن المديرية العامة للنقل البري والبحري، رئاسة مرفأ بيروت، كتاب لجانب مديرية الجمارك اللبنانية للافادة بأنه صدر قرار عن دائرة التنفيذ في بيروت بطلب الحجز الاحتياطي على الباخرة "Rhosus" الراسية في مرفأ بيروت والتابعة للوكالة الوطنية للشحن والتجارة وذلك بناء على طلب حجز مقدم من شركة BUNKERNET LTD بتاريخ ٢٠١٣/١٢/٢٠.

(٣) في شهر ٢٠١٤/٠٢ صدر كتاب عن المديرية العامة للجمارك محال الى الوكالة الوطنية للتجارة والشحن يتضمن ابلاغها للتقدم من دائرة الجمارك للبت بمخالفة مفادها ان الباخرة RHOSUS التي وصلت الى بيروت بتاريخ ٢٠١٣/١١/٢١ على متنها ٢٧٥٠ كيس من مادة High Density Ammonium Nitrate لم يتم ذكر على اللائحة الموحدة العائدة للباخرة عن جنس هذه البضاعة.

- بتاريخ ٢٨/٠٢/٢٠١٤ تقدمت شركة الوكالة الوطنية للتجارة والشحن بجوابها الى دائرة المانيفست حيث صرحت انه على موحد الباخرة لا يذكر نوع البضاعة، انما يذكر عددها ووزنها والبلد المقصود فقط، علما انهم قد ذكروا محتويات ونوع البضاعة في العلم والخبر وفي نظام NAJEM في خانة الترانزيت وقد تم اعطاء المفرزة البحرية نسخة عن مانيفست الترانزيت عند وصول الباخرة، مذكور فيها محتويات البضاعة وطلبت اعفائها من هذه المخالفة.
- بتاريخ ٠٢/٠٣/٢٠١٤ ارسل المراقب الاول لدائرة المانيفست احالة الى جانب رئاسة ضابطة بيروت بطلب الافادة عما اذا كانت مانيفست البضائع الباقية على السفينة قد قدم اليهم في حينه وحددت فيه البضائع المذكورة، تسميتها الحقيقية، اجناسها وانواعها عملا بالمادتين ٦٨ و ٧٥ من قانون الجمارك.
- بتاريخ ٠٤/٠٣/٢٠١٤ ارسل المراقب الاول لدائرة المانيفست احالة الى رئاسة مصلحة جمرک مرفأ بيروت يعلمها ان رئاسة الضابطة رفضت استلام المخابرة وعليه رفعت رئاسة المصلحة الاحالة الى مديرية اقليم جمارك بيروت لدعوة رئاسة ضابطة بيروت تقديم المعلومات المطلوبة باحالة المراقب الاول لدائرة المانيفست.
- بعد احالة الملف الى رئاسة ضابطة بيروت، ورد بتاريخ ٣١/٠٣/٢٠١٤ جواب رئيس مفرزة المانيفست البحرية ان الوكالة الوطنية للتجارة والشحن قدمت بتاريخ ١٦/١١/٢٠١٧ علم وخبر بوصول الباخرة RHOSUS ومدون عليها انه يوجد على متنها بضاعة OMMONIUM NITRATE برسم الترانزيت وعند وصولها بتاريخ ٢١/١١/٢٠١٣ الى مرفأ بيروت تمت معاينتها بعد ان قدم القبطان لائحة موحدة ولاحقا بعد عدة ايام تم الاستحصال على نسخة مانيفست الترانزيت من قبطان الباخرة.
- كما انه تم الاشارة الى مذكرة مديرية الجمارك رقم ٢٦٠٣٨/٢٠٠٤ التي نصت على عدم المطالبة بابرار المانيفست العائدة للحمولة الباقية على متن السفينة الا عند توفر معلومات عن وجود بضاعة ممنوعة او محتكرة على متنها غير مصرح عنها في الموحدة.

- بتاريخ ٢٠١٤/٠٤/٠١ رفعت رئاسة الشعبة المركزية الملف الى جانب رئاسة ضابطة بيروت مستندة الى الشروحات المذكورة اعلاه، كما اشارت ان نوع البضاعة المذكورة لا يُعدّ ممنوعا او محتكرا غير انه بحسب معلوماتهم فانه قد يستعمل في نسب معينة في انتاج مواد ممنوعة وتعتبر مواد خطيرة خاضعة للقيود في حال دخولها الاستهلاك المحلي.

- بتاريخ ٢٠١٤/٠٤/٢٢ اعادت دائرة المانيفست الملف الى رئاسة مصلحة جمارك بيروت مقترحة صرف النظر عن مخالفة عدم ذكر جنس البضاعة بتسميتها الحقيقية، كونها ذكرت صراحة على مانيفست الترانزيت، وايدت مصلحة جمارك بيروت هذا الاقتراح.

(٤) بتاريخ ٢٠١٤/٠٢/٢١ رفع العقيد جوزيف نقولا سكاف رئيس شعبة مكافحة المخدرات ومكافحة تبييض الاموال تقريرا الى جانب رئاسة مصلحة التدقيق والبحث عن التهريب يفيد بموجبه عن وجود باخرة RHOSUS راسية على الرصيف رقم ١١ من مرفأ بيروت ومحملة بنيترات الامونيوم الذي يستعمل للتفجير ويشكل خطرا على السلامة العامة واقترحت الشعبة الابعاز الى رئاسة ضابطة بيروت ورئاسة دائرة المانيفست للعمل مع السلطات الامنية لابعاد هذه الباخرة عن الرصيف رقم ١١ الى كاسر الموج واذا امكن وضعها تحت الرقابة من قبل تلك الاجهزة المتواجدة في المرفأ.

(٥) نتيجة دعوى مقدمة من السادة Lupol Valeriy ، Prokoshev Borys ، Musinchak Borys ، goloveshkin Andriy بوجه المدعي عليه السيد مصطفى بغدادى بصفته صاحب المحل التجاري المعروف باسم الوكالة الوطنية للتجارة والشحن طلبوا بموجبها الزام المدعي عليه باعادتهم الى وطنهم، صدر حكم عن قاضي الامور المستعجلة جاد معلوف يقضي باعادة المذكورين فورا الى وطنهم، والترخيص لهم بالقيام في سبيل ذلك، مباشرة او بواسطة وكيلهم القانوني بما يلزم من اجراءات ومعاملات بموجب القرار .

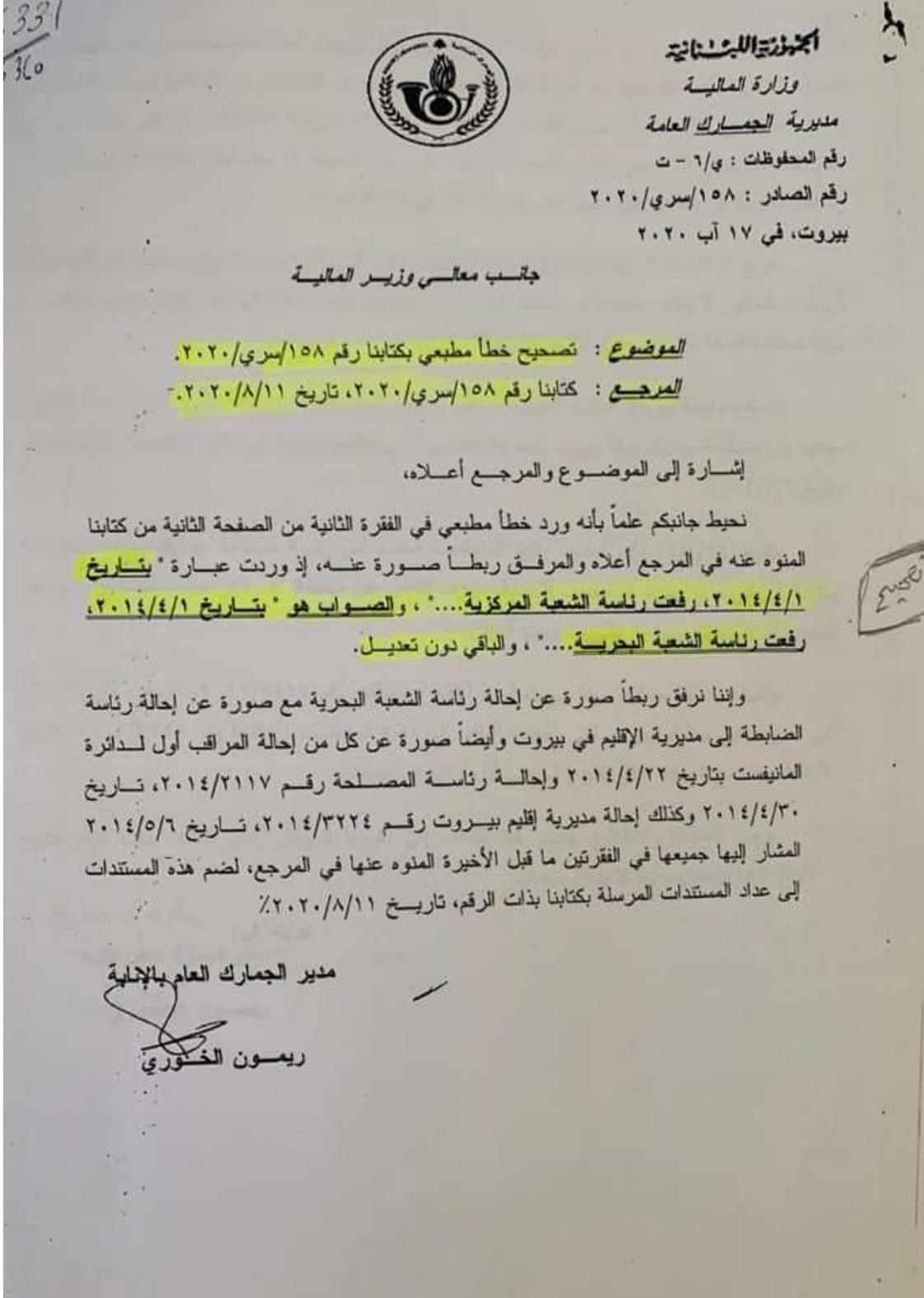
(٦) بتاريخ ٢٠١٤/٠٩/٠١، ارسلت وزارة العدل الى المديرية العامة للجمارك قرار يقضي بتنفيذ القرار المشار اليه اعلاه.

(٧) بتاريخ ٢٠١٨/٠٢/٢٠ صدر عن وزارة المالية- ادارة الجمارك، كتاب الى جانب رئاسة شعبة البحرية افادت فيه ان السفينة Rhosus التي تم افراغ حمولتها في العنبر رقم ١٢، في حين ان الباخرة التي كانت معطلة، رست مقابل الحوض ٢ لامست الصخور في مربطها الاخير عام ٢٠١٦ وعرقت بتاريخ ٢٠١٨/٠٢/١٨ جراء هبوب عاصفة، علما ان الباخرة ما زالت محجوزة دون مبالاة وكيلاها منذ حجزها اما السبب الذي ادى الى الغرق هو عدم اغلاق ابواب العنابر باحكام لسوء حالتهم وان ادارة واستثمار مرفأ بيروت ورئاسة المرفأ يحاولوا الاستحصال على امر من هيئة القضايا من وزارة العدل لانتشال الباخرة من المياه بعد تقطيعها الى اجزاء ليصار الى بيعها من قبلهم لسد الديون المتراكمة عليها.

(٨) بتاريخ ٢٠١٨/٠٣/٠٢ وردت وثيقة اتصال من غرفة العمليات البحرية المشتركة الى جانب وزارة البيئة والمديرية العامة للنقل البري والبحري تفيد بأنه بتاريخ ٢٠١٨/٠٢/٢٧ تم الكشف من قبل القوات البحرية على محيط الباخرة المذكورة وتبين وجود كمية قليلة من المازوت بقطر ٨ امتار وهي محصورة داخل الطفافات ولم تخرج منها وقد تم احضار عينة تلوث وتسليمها الى غرفة العمليات البحرية المشتركة.

(٩) بتاريخ ٢٠١٨/٠٣/١٦ وردت وثيقة اتصال من غرفة العمليات المشتركة لصالح رئاسة الضابطة العدلية لأخذ العلم بأنه حضر السيد ادغار ضو من شركة eddy home engineering and contracting الى غرفة العمليات البحرية المشتركة حيث افاد ان لديه موافقة على اجراء تخطيط للغوص ومسح بحري للباخرة rhosus اعتبارا من تاريخ ٢٠١٨/٠٣/١٩ لمدة ١٠ ايام.

August 17, 2020 Letter from Customs to Finance Minister



## November 24, 2020 Letter from Former Judicial Investigator to Parliament

لما كانت المادة /٧٠/ من الدستور اللبناني تنص على ما يأتي: "المجلس النواب أن يتهم رئيس مجلس الوزراء والوزراء  
بارتكابهم الخيانة العظمى أو بإخلالهم بالواجبات المترتبة عليهم، ولا يجوز أن يصدر قرار الإتهام إلا بغالبية الثلثين من  
مجموع أعضاء المجلس، ويحدد قانون خاص شروط مسؤولية رئيس مجلس الوزراء والوزراء الحقيقية."  
ولما كانت المادة /٧١/ من الدستور اللبناني تنص على ما يأتي: "تحاكم رئيس مجلس الوزراء والوزير المتهم أمام المجلس  
الأعلى."  
ولما كان المجلس النيابي لم يمارس صلاحية الدستورية "بالإتهام"، حتى اليوم، بالرغم من النقص أكثر من ثلاثة أشهر  
على تاريخ انفجار مرفأ بيروت، الواقع فيه ٢٠٢٠/٨/٤.  
ولما تبين من التحقيقات الاستطافية التي قام بها المحقق العدلي في ملف انفجار مرفأ بيروت، وجود شبهات جدية، على كل  
رؤساء الحكومات والوزراء، الذين تعلّقوا على رئاسة الحكومات وعلى توكلي حقائب المال والأشغال والعدل، منذ سنة  
٢٠١٣ حتى سنة ٢٠٢٠، بأنهم "أخلوا بالواجبات المترتبة عليهم"، (على الأقلّ لجهة معرفتهم وعلمهم بوجود مادة نيترات  
الأمونيوم المتفجرة في مرفأ بيروت وامتناعهم عن اتخاذ أي قرار أو تدبير مجدٍ وفعال من شأنه إبعاد خطر هذه المادة عن  
العاصمة ومرفأها).  
فإنه يقتضي إحالة جميع المستندات والأوراق التي من شأنها إثبات هذه الشبهات، إلى المجلس النيابي، إفساحاً في المجال  
أمامه لممارسة صلاحية الدستورية "بالإتهام" المذكورة أعلاه، ضمن مهلة معقولة، تمهيداً لإحالة "المتهمين" أمام المجلس  
لأعلى لمحكمة رؤساء الحكومات والوزراء، للمحاكمة وفقاً للأصول.

مع التتويه بأن الوزراء المعنئين بهذا القرار هم:

المادة :

- غازي العريضي

- محمد الصفدي

- علي حسن خليل

- غازي زعبي

- يوسف فنيانوس

- غازي وزني

- ميشال نجار

- شكيب قرطبيوي

- اشرف ريمي

- سليم جريصقي

- البرت سرحان

- ماري كلود نجم

لذلك،

نقرر إحالة هذا القرار ومرفقاته إلى المجلس النيابي، للتفضل بالإطلاع واتخاذ القرار الذي يراه مناسباً، مع حفظ حقنا بممارسة صلاحياتنا على اللبائين كافة.

قراراً صدر بتاريخ ٢٠٢٠/١١/٢٤.

قاضي التحقيق لدى المجلس العدلي  
فادي صوان

بيروت في ٢٠٢٠/١١/٢٤

المحقق العدلي

القاضي فادي صوان



## Undated State Security Internal Report

20210616\_2\_1

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### تقرير المديرية العامة لأمن الدولة حول وجود مادة نيترات الأمونيوم في العنبر رقم (١٢) في مرفأ بيروت

- إنفاذاً لمقررات المجلس الأعلى للدفاع ٢٠١٧/٥/٢٦ تم تكليف المديرية العامة لأمن الدولة وضع دراسة لاستحداث نقاط آمنة عند النقاط الحدودية بدءاً من المرفأ.
- بموجب كتاب مدير عام رئاسة مجلس الوزراء رقم ٤٧٦/ض تاريخ ٢٠١٨/٣/١٩ تمت الموافقة على إنشاء مكتب في مرفأ بيروت تابع للمديرية العامة لأمن الدولة .
- بموجب المذكرة العامة رقم ٥٠٤/٥٨٢ ط تاريخ ٢٠١٨/١١/١٩ تم إنشاء مكتب في مرفأ بيروت .
- خلال شهر آذار من العام ٢٠١٩ تم وضع الغرف الجاهزة لتمرکز العسكريين وتمت المباشرة بالعمل في أواخر شهر أيار في المكتب المذكور.
- بتاريخ ٢٠١٩/١٢/١٠ نظمت مديرية أمن الإدارة العامة والمؤسسات تقرير حول وجود كمية كبيرة من مادة نترات الأمونيوم موجودة في العنبر رقم (١٢) على المرفأ تضمن ما يلي:
- في شهر حزيران من العام ٢٠١٤، دخلت الى مرفأ بيروت باخرة يطلق عليها إسم "RHOSUS" قادمة من مالدوفيا لشحن جرافتين كبيرتين، ولدى وصولها على المرفأ انكسر عنبر الباخرة المذكورة مما أدى الى تعطلها وعدم قدرتها على الإبحار مجدداً، وكان على متن الباخرة أربعة بحارة من جنسيات أجنبية مختلفة.
- بعد الكشف عن الحمولة المتبقية في الباخرة، تبين أنها تحمل حوالي ٢٧٥٠ طن من مادة نترات الأمونيوم الشديدة الانفجار والسريعة الإشتعال والتي تُستعمل لتصنيع المتفجرات، مرسله الى أحد البلدان الأفريقية وتحديداً الموزمبيق وعاندة لشركة "SAFARI LIMITED" (وكيلها القانوني في لبنان المحامي جوزف القارح) وبعد مراجعة قاضي الأمور المستعجلة في بيروت وإطلاعه على الموضوع، أصدر قراراً قضى بموجبه حجز الباخرة وحجز البحارة الذين كانوا على متنها وذلك بسبب صدور إشعار تبليغ حجز إحتياطي صادر عن وزارة العدل (دائرة التنفيذ في بيروت تحت رقم ٢٠١٣ / ١٠٣١ تاريخ ٢٠١٣/١٢/٢٠ والذي يقضي بحجز الباخرة لوجود دين عائد لشركة BUNKARNET LTD ومنعها من مغادرة المياه الإقليمية ما لم تودع كفالة ضامنة للدين البالغ قيمته ١١٩٣٩٦.٣٨ دولار أميركي، بالإضافة إلى اللواحق المقدره بـ : ١١٩٤٠ دولار أميركي، وبعدها صدر إشعار تبليغ ثان صادر عن دائرة تنفيذ بيروت رقم

- ٣٧٧/٢٠١٤ تاريخ ٢٠١٤/٥/٥ لصالح شركة " أكريكو أبريا" ومنعها من مغادرة المياه الإقليمية اللبنانية بسبب وجود دين قيمته ٢٣٠٠٠ يورو لصالح الشركة المذكورة، عندها قامت المديرية العامة للنقل البري والبحري بالطلب من قاضي الأمور المستعجلة في بيروت إنجاز أعمال تعويم الباخرة والترخيص بنقل المواد المشحونة على متنها إلى مكان آمن نظراً لخطورتها على البيئة وتأمين حراستها والترخيص عند الإقتضاء.
- قامت فرقة متخصصة بالكشف على الباخرة المذكورة فتبين بنتيجته وجود عيوب كبيرة في هيكلها تحول دون توفر سلامة الملاحة البحرية، فمُنعت من السفر وأعيد تعويمها داخل المرفأ تمهيداً لنقل البضائع الموجودة على متنها وتخزينها في مكان مناسب تحدده إدارة الجمارك وتبقى تحت حراستها.
- بتاريخ ٢٠١٤/٩/١ سمح قاضي الأمور المستعجلة للبحارة الذين كانوا على متن الباخرة بالمغادرة الى موطنهم.
- بتاريخ ٢٠١٤/١٠/٢١ انتقل الكاتب القضائي زياد شعبان الى حرم مرفأ بيروت وطلب من الطابطة الجمركية مرافقته الى الرصيف رقم ٩ حيث تمّ قطر الباخرة، والتقى رئيس الميناء محمد المولى الذي أفاده أن حمولة الباخرة هي مواد خطيرة ونظراً الى الوقت الطويل الذي لم يتمّ الكشف عليها، يجب إخلاء محيط الباخرة وتهوئة العنبر مدة لا تقل عن إثني عشر ساعة على أن يتمّ بعدها الكشف على البضائع داخل العنبر والعمل على نقلها الى مستودع خاص للتخزين، فتمّ ذلك من قبل إدارة الجمارك حيث نُقلت البضائع المذكورة الى العنبر رقم ١٢ داخل حرم مرفأ بيروت المعد لحفظ المواد الخطرة.
- بتاريخ ٢٠١٤/١١/١٣ حضر الكاتب القضائي زياد شعبان وتأكد من تنفيذ قرار القاضي، وتمّ تعيين المدعو محمد المولى حارساً قضائياً على البضائع داخل العنبر لتحمل مسؤولية أي نقص أو تلف وفي حال حصل ذلك يتعرض للملاحقة القانونية، عندها تحفظ المدعو محمد المولى على ذلك لأن العنابر داخل المرفأ تقع تحت سلطة إدارة واستثمار مرفأ بيروت وليست تحت سلطته.
- تقدّمت شركة "SAFARI LIMITED" بوكيلها المحامي جوزف القارح الى القاضي بطلب تعيين خبير للكشف على البضائع المذكورة، وبتاريخ ٢٠١٥/١/٢٦ عين القاضي المدعوة ميراى مكرزل خبيرة الكشف على البضائع فتمّ ذلك، وبتاريخ ٢٠١٥/٢/٤ كشفت المدعوة مكرزل على البضائع وأخذت عينات منها لتحليلها فتبين أن نسبة الأزوت بلغت ٣٤,٧% وتصنّف من المواد الخطرة، عندها اقترحت إدارة المانيفست في المرفأ تسليم هذه المواد فوراً للجهات الأمنية

- المختصة (قيادة الجيش اللبناني) أو إعادة تصديرها الى الخارج بسبب خطورتها والكارثة التي قد تنتج من جراء اشتعالها أو انفجارها.
- بعد أن علمت قيادة الجيش اللبناني بذلك، رفضت إستلامها وصرّحت أنها ليست بحاجة إلى هذه المادة المذكورة ويمكن التواصل مع الشركة اللبنانية للمتفجرات بشخص المدعو مجيد الشماس لتبيان إمكانية الإستفادة من المادة المذكورة، وفي حال عدم رغبتها بذلك إعادة تصديرها الى بلد المنشأ على نفقة مستورديها نظراً للخطورة الشديدة التي ينتج عن بقائها داخل المخزن في ظل ظروف مناخية غير ملائمة وحفاظاً على سلامة العاملين فيه.
  - بتاريخ ٢٠١٨/٢/١٨ تعرّضت الباخرة المذكورة أعلاه للغرق داخل حرم مرفأ بيروت على كاسر الأمواج ولا تزال قابعة في قعر البحر، أمّا مادة نيترات الأمونيوم فهي لا تزال داخل العنبر رقم ١٢ في المرفأ.
  - إن دائرة المانيفست في مرفأ بيروت أرسلت طلبات خطية الى مديرية الجمارك منذ تاريخ دخول الباخرة المياه الإقليمية حتى العام ٢٠١٦ للطلب من قاضي الأمور المستعجلة بمطالبة الوكالة البحرية إعادة تصدير البضائع المذكورة بصورة فورية الى الخارج حفاظاً على سلامة المرفأ والعاملين فيه، كما طلبت البت النهائي بمصير البضائع وإعطائها التوجيهات اللازمة بذلك، لكنه وحتى تاريخه لم يصدر أي قرار بهذا الشأن.
  - بعد مراجعة أحد مصادرنا المختصين في الكيمياء، أكد أن هذه المواد وفي حال اشتعالها ستسبب انفجار ضخم وستكون نتائجه مدمرة لمرفأ بيروت، وفي حال تعرّضت هذه المواد لأي عملية سرقة يستطيع السارق أن يستعملها لصناعة المتفجرات.
  - بعد الكشف على العنبر رقم ١٢ من الخارج، تبين أن الباب رقم ٩ للعنبر المذكور مخلوع وتوجد فجوة في الحائط الجنوبي للعنبر تسمح لأي شخص بالدخول إليه، كما لاحظنا أنه لا يوجد أي حراسة.
  - إنفاذاً لقرار اللواء المدير العام لأمن الدولة الصادر عن مديرية أمن الإدارة العامة والمؤسسات برقم ٥٠٥/٣١ تاريخ ٢٠٢٠/١/٢٧ القاضي بمراجعة القضاء المختص حول ما ذكر أعلاه، في الساعة ١٠.٣٠ من تاريخ ٢٠٢٠/٥/٢٨ تم الإتصال بمفوض الحكومة لدى المحكمة العسكرية وإطلاعه على الملف فأبلغنا عدم إختصاص النيابة العامة العسكرية بهذا الملف منعاً لتضارب الصلاحيات، كون قاضي الأمور المستعجلة أصدر قراراً قضى بإفراغ المادة المذكورة داخل العنبر رقم ١٢ في مرفأ بيروت وأجرى المقتضى القانوني. (أكدت داتا الإتصالات صحة الإتصال المذكور).

- في الساعة ١١.٣٠ من تاريخ ٢٨/٥/٢٠٢٠ تم الإتصال بالنائب العام التمييزي القاضي غسان عويدات وإطلاعه على كامل الملف فأشار حضرته بالتواصل مع إدارة المرفأ واستدعاء الموظف المسؤول عن الأمن داخل المرفأ والمكلف رسمياً من الإدارة المذكورة والإستماع إلى إفادته بهذا الشأن ومخابرتة مجدداً.
- تم استدعاء الموظف محمد زياد راتب العوف، حيث أفاد أنه ضابط أمن المرفأ ورئيس مصلحة الأمن والسلامة في إدارة وإستثمار مرفأ بيروت ومسؤول أمن وسلامة السفن الراسية على أرصفة المرفأ وسلامة المنشآت الموجودة داخل المرفأ ، لكنه لم يكن على علم أبداً بوجود كمية من نيترات الأمونيوم داخل العنبر رقم ١٢ ، وتفاجأ بهذا الأمر كون مادة نيترات الأمونيوم تعتبر من المواد السامة والخطرة حسب قوله، كما افاد المدعو محمد العوف أنه تواصل مع المهندس مصطفى فرشوح نائب مدير العمليات في المرفأ ورئيس الميناء محمد المولى للحصول على معلومات عن الموضوع فأفاده أن هذه الكمية تم وضعها في العنبر رقم ١٢ منذ خمس سنوات تقريباً بناء على قرار قضائي صادر عن قاضي الأمور المستعجلة في بيروت بانتظار صدور قرار قضائي مخالف لإخراجها من العنبر، ومنذ ذلك الحين ولغاية تاريخه لم يصدر أي قرار قضائي بهذا الشأن.
- كما افاد المدعو محمد العوف أن المدعو محمد المولى لديه كافة المعلومات والوثائق عن هذا الموضوع كما أنه لم يكن على علم بأن الباب رقم ٩ في العنبر رقم ١٢ مخلوع وأن هناك فجوة في الحائط الجنوبي للعنبر المذكور الذي يمكن من خلاله الدخول بسهولة إلى العنبر وسرقة محتوياته، ولدى سؤاله عن معرفته بوجود هذه المادة داخل العنبر المذكور أجاب أنه لم يبلغه أحد بهذا الأمر.
- تم الإتصال بالنائب العام التمييزي القاضي غسان عويدات وإطلاعه على مجريات التحقيق، فأشار بترك الموظف محمد زياد العوف حراً وإستدعاء رئيس الميناء محمد المولى للإستماع إلى إفادته ومخابرتة مجدداً.
- تم إستدعاء رئيس الميناء في مرفأ بيروت محمد راميح المولى فأفاد أنه رئيس ميناء تابع لوزارة الأشغال العامة والنقل والمسؤول عن المنطقة البحرية الممتدة من ١٢ ميل حتى مكان رسو السفن على الأرصفة فقط، أما العنابر والمنشآت الموجودة داخل المرفأ فهي تخضع لسلطة وإدارة وإستثمار مرفأ بيروت، كما أفاد أنه بتاريخ ٢٠١٣/١١/٢١ دخلت إلى مرفأ بيروت باخرة محملة بمادة نيترات الأمونيوم وهي مادة خطيرة تستعمل لصناعة المتفجرات قادمة من اليونان إلى الموزمبيق، وبعد تعطل الباخرة على الرصيف وعدم قدرتها على الإبحار مجدداً ورد إلى رئيس الميناء من دائرة تنفيذ بيروت قرار إحتياطي رقم ٢٠١٣/١٠٣١ تاريخ ٢٠١٣/١٢/٢٠ يقضي بحجز الباخرة المذكورة لوجود دين عائد لشركة "بنكرنت"

ومنعها من مغادرة المياه الإقليمية ما لم تودع كفالة للدين البالغ ١١٩.٣٩٦ دولار أميركي إضافة إلى اللواحق المقدرة بـ : ١١٩٤٠ دولار أميركي ، بعدها ورد إشعار تبليغ حجز احتياطي ثان صادر عن دائرة تنفيذ بيروت رقم ٢٠١٤/٣٧٧ تاريخ ٢٠١٤/٥/٥ لصالح شركة "أكريكو أبريا" ومنعها من مغادرة المياه الإقليمية اللبنانية لوجود دين قيمته ٢٣٠٠٠ يورو لصالح الشركة المذكورة، فتم حجز الباخرة من قبلهم ، وبناءً لقرار قاضي الأمور المستعجلة تم إفراغ حمولتها من مادة نيترات الأمونيوم والتي تقدر بـ : ٢٧٥٠ طن داخل العنبر رقم ١٢ المعد لتخزين المواد الخطرة، عندها قام الكاتب القضائي زياد شعبان بتنظيم محضر بهذا الشأن، حيث عيّن محمد المولى حارساً قضائياً على المادة المذكورة، فتحفظ الأخير على المحضر كون حراسة العنبر هي من صلاحية إدارة واستثمار مرفأ بيروت وليست عائدة له ولا يحق له دخول العنبر ساعة يشاء أو مفاتيح الأبواب العائدة له بحوزته، كما أفاد أنه لا يعلم بوجود أحد أبواب العنبر المذكور مخلوعاً ولا يعلم بوجود فجوة في حائط العنبر وأن المديرية العامة للنقل البحري والبري أرسلت عدة كتب إلى القضاء المختص لبيع مادة نيترات الأمونيوم بالمزاد العلني ، ولكن لغاية تاريخه لم يصدر اي قرار بهذا الشأن.

- بعد مراجعة النائب العام التمييزي القاضي غسان عويدات وإطلاعه على مجريات التحقيق اشار حضرته بترك رئيس الميناء محمد المولى حراً وتوجيه كتاب إلى إدارة واستثمار مرفأ بيروت لتأمين حراسة للعنبر رقم ١٢ وتعيين رئيس مستودع للعنبر المذكور وصيانة كامل الأبواب ومعالجة الفجوة الموجودة في الجدار الجنوبي وباقي الفجوات إذا وجدت وإقفال أبوابه بإحكام وختم المحضر وإيداعه إياه.
- في الإستنتاج : لوحظ وجود إهمال وتقصير من قبل إدارة واستثمار مرفأ بيروت في حراسة العنبر رقم ١٢ ، مما يسهل دخول وخروج الأشخاص إليه وسرقة المواد الخطرة الموجودة بداخله، كما لوحظ أن الإدارات الرسمية بأي إجراء لمعالجة هذا الوضع بغية إبعاد الخطر التي تسببه هذه المواد في حال تعرضت للسرقة أو الحريق.

- تجدر الإشارة الى أنه لا توجد أي حراسة على العنبر مما يسهل عمليات السرقة، وإن الحراسة هي من مسؤولية إدارة واستثمار مرفأ بيروت كما جاء في إفادة المدعو محمد المولى المبيّنة في محضر التحقيق رقم ٦٠١/٥ تاريخ ٢٠٢٠/٥/٢٨ وتحفظته على ذلك بموجب القرار الصادر عن حضرة قاضي الأمور المستعجلة في بيروت بتاريخ ٢٠١٤/٦/٢٧.

### ربطاً:

- صورة للباب رقم ٩ مخلوع وبعيداً عن الحائط، مستند رقم (١)
- صورة عن المواد موضّبة داخل أكياس مدوّن عليها نوع المواد، مستند رقم (٢)
- صورة لجدران حائط العنبر المذكور مثقوب بشكل يستطيع أي شخص الوصول الى المواد، مستند رقم (٣)
- صورة عن إشعار تبليغ حجز احتياطي رقم ٢٠١٣/١٠٣١، مستند رقم (٤)
- صورة عن تبليغ حجز احتياطي رقم ٢٠١٤/٣٧٧، مستند رقم (٥)
- صورة عن قسيمة إدخال مادة نيترات الأمونيوم إلى مرفأ بيروت، مستند رقم (٦)

أشارت قيادة مديرية أمن الدولة بالتنسيق مع مديرية المخابرات للوقوف على رأيها ليصار إلى اتخاذ القرار المناسب، وبتاريخ ٢٠٢٠/١/٢٧ تواصل النقيب جوزف النداف (رئيس مكتب مرفأ بيروت) مع العميد أنطوان سلوم (رئيس مكتب أمن مرفأ بيروت في مديرية المخابرات) للتنسيق معه عن خطورة المستودع الذي يحتوي على كمية كبيرة من نيترات الأمونيوم التي تستعمل للمتفجرات وتحديد مدى خطورتها، فطلب من النقيب النداف التواصل مع المدعو نعمه البراكس (رئيس دائرة المانيفست في الجمارك في مرفأ بيروت) لسؤاله عن الموضوع، حيث تواصل النقيب النداف مع المدعو البراكس الذي أكد مدى خطورة مادة نيترات الأمونيوم مشيراً إلى أنه أرسل عدة طلبات لحل هذا الأمر لكنه حتى تاريخه لم يلق أي جواب حول الموضوع.

بتاريخ ٢٠٢٠/٧/٢٠ تم إرسال بريد خاص إلى كل من فخامة رئيس الجمهورية ودولة رئيس مجلس الوزراء سجّل تحت عدد ١٤٥.

**ملاحظة :** بتاريخ ٢٠٢٠/٦/٣ تم التنسيق بين الرائد محمد عبد الله (قائد سرية الحرس الحكومي) والرائد جوزيف النداف (رئيس مكتب مرفأ بيروت في المديرية العامة لأمن الدولة) للتحضير لقيام دولة رئيس مجلس الوزراء الدكتور حسان دياب بزيارة إلى المرفأ بتاريخ ٢٠٢٠/٦/٤ لاستطلاع العنبر رقم ١٢ وما يحتويه من مادة نيترات الأمونيوم وفقاً للمعلومات التي وردت إليه من اللواء طوني صليبا المدير العام لأمن الدولة، وبذات التاريخ تم إلغاء الزيارة بناءً لرغبة دولة رئيس مجلس الوزراء.

## **Annex 3: Translations of Source Documents**

Annex 3 contains unofficial translations of source documents in Annex 2 prepared by Human Rights Watch.

### **February 13, 2013 Letter from Ministry of Energy to Customs**

**Lebanese Republic**

**Ministry of Energy and Water**

**The Minister**

No: 7016/3

Date: February 13, 2013

**To: General Directorate of Customs**

**Re: Temporary Entrance of 2-D Land Seismic Survey Machinery and Equipment**

**Reference: Contract dated March 30, 2012 between the Ministry of Energy and Water and Spectrum**

In reference to the abovementioned subject and reference,

As per the contract concluded with SPECTRUM to conduct 2-D land seismic survey works,

As per the mandate given by SPECTRUM to the Jordanian company GSC to conduct the above-mentioned works,

And given that the execution of the abovementioned works

requires the temporary entrance of the machinery and equipment mentioned in the attached table before February 20, 2013, noting that the temporary entrance should be accorded to COGIC S.A.L, the agent of SPECTRUM in Lebanon.

Based on the requirements of the public interest,

you are kindly requested to give the necessary instructions to facilitate and expedite the temporary entrance of these machinery and equipment.

Thank you to your kind cooperation.

**Minister of Energy and Water**

**[Signature]**

**Eng. Gebran Bassil**

## September 6, 2013 Letter from Ministry of Energy to Customs

**Lebanese Republic**

**Ministry of Energy and Water**

**The Minister**

No: 8352/س

Date: September 6, 2013

**To: General Directorate of Customs**

**Re: Temporary Entrance of 2-D Land Seismic Survey Machinery and Equipment**

**Reference: Contract dated March 30, 2012 between the Ministry of Energy and Water and Spectrum**

In reference to the abovementioned subject and reference,

As per the contract concluded with SPECTRUM to conduct 2-D land seismic survey works,

As per the mandate given by SPECTRUM to the Jordanian company GSC to conduct the above-mentioned works,

And given that the execution of the abovementioned works requires the temporary entrance of the machinery and equipment mentioned in the attached table before February 20, 2013, noting that the temporary entrance should be accorded to COGIC S.A.L, the agent of SPECTRUM in Lebanon.

And based on the requirements of the public interest,

You are kindly requested to give the necessary instructions to facilitate and expedite the temporary entrance of these machinery and equipment, and to consider this letter as a guarantee for the taxes and fees that may apply.

Thank you to your kind cooperation.

**Minister of Energy and Water**

**[Signature]**

**Eng. Gebran Bassil**

## November 16, 2013 *Rhosus's* Transit Manifest

The National Trading and Shipping Agency

Beirut: November 16, 2013

**To:** The Head of Customs Detachment

**Petitioner:** The National Trading and Shipping Agency

**Re:** The “Rhosus”

Greetings,

We hereby inform you of the arrival of the “Rhosus”, a Moldovan flagged ship, to Beirut Port on November 19-20, 2013, carrying onboard 2755.500 tons of High-Density Ammonium Nitrate IMO 5.0, in transit. The cargo is shipped from Batumi Port in Georgia to Beira Port in Mozambique for “Banco Internacional de Mocambique”.

Please take note of the above.

A copy of the Manifest is attached hereto.

Faithfully,

The National Trading and Shipping Agency

[Signature]

## December 20, 2013 Enforcement Department Impounds *Rhosus*

*[Date of Receipt]: December 19, 2013*

*1031/2013 : Margin*

**Impounding Company:** Bunkernet LTD/ represented by lawyers Samir and Jean Baroudi

**Impounded:** Owners, equippers, and charterers of the Ship “Rhosus”, its captain, and Teto Shipping LTD

**Third person:** To the informed: Head of Beirut Port [Beirut Harbor Master]

### **Decision:**

After perusal of all the documents,

And pursuant to the provisions of article 866 [illegible] and [illegible]

A decision was taken to provisionally impound the ship called “Rhosus” and ban it from leaving the territorial waters unless it pays bail as a guarantee for the debt owed to the impounding company, amounting to USD 119,396.38 in addition to the fees and expenses estimated temporarily at USD 11,940, and to notify whomever necessary. [The decision stipulates as well] mandating the execution officer to commute [illegible] and the impounding company has to pay LBP 100,000 as transportation allowance.

Beirut, December 20, 2013

[Signature]

True Copy

Ali Hamzeh

Beirut Enforcement Officer

## February 21, 2014 Letter from Head of Anti-Narcotics and Anti-Money Laundering Section in Customs to Customs Administration Anti-Smuggling Department

Ministry of Finance  
Customs Administration  
Issued Document No.: 455/2014  
Beirut, on February 21, 2014

To: Head of the Audit and Anti-Smuggling Service  
Subject: Inquiry

### Reference:

We hereby notify you that our Section has received information about a ship called RHOSUS docked in Quay no 11 of the Port of Beirut and carrying highly dangerous and explosive Ammonium Nitrates that threaten public safety. Noting that the ship had entered the port on 19/11/2013, loaded with the mentioned cargo, and was headed to an African country, Mozambique.

Therefore, we hereby propose instructing the head of the Beirut Brigades and the head of the Manifest Department to work with the ground control authorities to move the ship away from Quay No. 11 and closer to the breakwater, and if possible, to put it under the supervision of the authorities present at the port.

For your information, attached is a copy of the manifest.

Beirut, on February 21, 2014  
Chief of the Anti-Narcotics and Money Laundering Section  
Col. Joseph Nicolas Skaf

### Page 2 Right

Audit and Anti-Smuggling Services  
Date of Receipt: February 22<sup>nd</sup>, 2014  
Registration No.: 0534/2014  
To be referred to the Regional Directorate [of Customs] of Beirut  
[illegible]  
February 22<sup>nd</sup>, 2014  
On behalf of the head of the Audit and Anti-Smuggling Services [illegible]

Hanna Fares

2234/2014 Immediate

February 22<sup>nd</sup>, 2014

To be referred to the head of the Port of Beirut Service and the head of the Brigade in Beirut, for information and action

February 22<sup>nd</sup>, 2014

Head of the Regional Directorate of Beirut [acting]

Moussa Hazimeh

743/2014

Copy and to be referred for information and action to:

Head of Central Section

Head of Maritime Section

Beirut, February 24<sup>th</sup>, 2014

Head of the Beirut Brigades

Col. Pierre Al-Hajj

**Page 2 Left**

To be referred to the [illegible] for their information.

Beirut, on February 24, 2014

Head of Beirut's Maritime Section [acting]

Captain Nidal Diab

No: 89/2014

## February 22, 2014 Letter Noting *Rhosus's* Unified List Does Not List Ammonium Nitrate

Lebanese Republic  
Higher Council of Customs  
General Directorate of Lebanese Customs  
2013/m/9496 Prior  
2014/m/1450 Subsequent

To be sent to: The NATIONAL TRADING & SHIPPING AGENCY

On November 21, 2012, The *Rhosus* belonging to your agency arrived to Beirut Port with onboard 2750 bags of High Density Ammonium Nitrate. However, you did not define the nature of this merchandise on the Unified List of the aforementioned ship.

Therefore, you are requested to appear before this department to clarify your position concerning the violation.

We were notified on February 22, 2014.

## February 28, 2014 Letter from the National Trading and Shipping Agency

To: Head of the Manifest Department

On November 21, 2013, "Rhosus" arrived to Beirut Port to ship equipment. It was carrying 2755.500 tons of High Density Ammonium Nitrate IMO 5.1 in 2750 big bags.

As far as we know, the Unified list of the ship does not mention the type of merchandise but mentions only its number, weight and the destination country, noting that we mentioned the content and type of these goods in the Notice and Recognition (علم وخبر), and in the application we attached with the Notice and Recognition and in NAJEM [Custom's software] in the Transit section. The maritime detachment was given a copy of the transit manifest upon the ship's arrival in which the content of the merchandise was mentioned.

We kindly ask you to exempt us from this violation since we did not know that we should mention the type of the merchandise on the Unified List.

Thank you for your cooperation.

## March 17, 2014 Letter from Beirut Harbor Master to the Head of Maritime Transport Service

Referral Document

Ministry of Public Works and Transport  
Directorate General of Land and Maritime Transport

**No:** 2386/6

**Date:** March 17, 2014

**Registration No:** [illegible]/375

**Addressee:** Head of Maritime Transport Service

### **Causes of the Referral:**

We would like to inform you that the ship “Rhosus” has been docked at Quay 11 for over 4 months and is carrying a hazardous substance (Ammonium Nitrate) and it was impounded by the Enforcement Department in Beirut and the Inspection Service at the ministry, and since then the ship has been berthed at Quay 11 since it is not possible to dock it outside the vicinity of the port because it is provisionally impounded. The agent was notified more than once to supply the sailors onboard with food, without any response until now. Thus, I had to supply them with some food from the ships present nearby and I notified the director general about the ship situation and about the presence of hazardous material onboard. However, it is impossible to dispose of the merchandise or put the ship outside the port. That is why we refer this report, so you provide us with the necessary guidance about the agent, how to force him to supply the sailors with food and not allow him to make them leave the ship until he ensures a replacement pursuant to the applicable laws.

Head of Beirut Port [Beirut Harbor Master]

Mohamad al-Mawla

[Signature]

March 17, 2014

## **March 27, 2014 Acting Customs Beirut Regional Director Forwards File to Beirut Brigades**

**Lebanese Republic  
Higher Council of Customs  
Directorate General of Customs**

No: 3224/2014

To be referred to: the head of the Beirut Brigades for the same purpose.

A copy of the file is hereto attached.

Beirut, March 27, 2014

Acting Head of the Regional Directorate [of Customs] of Beirut

[Signature]

Moussa Hazimeh

## **March 29, 2014 Acting Beirut Brigades Head Forwards File to the Beirut Maritime Section**

1211/2014

To be referred to the head of Maritime Section in Beirut for action.

Beirut, March 29, 2014

Acting head of Beirut Brigades

Colonel Ibrahim Shamseddine

[Signature]

## **March 29, 2014 Beirut Maritime Section Forwards File to the Manifest Detachment**

462/2014

To be referred to the head of the Maritime Manifest Detachment for information and action.

Beirut, March 29, 2014

Acting Head of the Maritime Section in Beirut

Nidal Diab

221/2014

## March 31, 2014 Manifest Detachment Responds to Beirut Maritime Section

No: 221/2012

To be returned to the Head of the Maritime Section

Please note that the National Trading and Shipping Agency has submitted to us on November 16, 2013 a notice and recognition of the arrival of the ship Rhosus, in which it was stated that there is onboard the ship Ammonium Nitrate IMO 5.1 under transit. Upon its arrival on November 21, 2013 to Beirut Port, the ship was inspected after the captain submitted the Unified List.

Later, after a few days, and at the request of the Head of the Section, we obtained a copy of the transit manifest from the captain.

Please refer to the memo no: 26036/2004 dated December 16, 2004 from the Directorate General of Customs, the second paragraph, a copy of which is hereto attached, which states that the manifest of the remaining cargo onboard of the ship is not required unless there is information about the presence onboard of banned or monopolized merchandise not declared in the Unified [List].

Beirut, March 31, 2014

Head of the Maritime Manifest Department

[Name not clear]

Page 2

Directorate General of Customs

Issuance No: 26036/2004

Beirut, December 16, 2004

*bis /809*

*2004 ,December 22*

### **Memorandum to the Regional Directorate in Beirut**

#### **Re: Inspection of the remaining containers onboard of the ship**

#### **Reference: Articles 67, 68 and 75 of the Cutoms Regulations**

With the start of work at the new container terminal in Beirut Port, and to encourage the international maritime companies to adopt this terminal, and given that the Directorate General is keen to offer all the possible facilities and not of constraint the maritime traffic, the following should be implemented:

1. Strict adherence to the legal provisions mentioned in the above reference, thus the inspection of the containers remaining on the ship that carry more than 500 dwt is banned unless there is certain and proven information about

the presence of prohibited or monopolized merchandise onboard the ship not declared in the Unified [List], provided that the prior approval of the Director General of Customs is obtained.

2. The manifest of the remaining cargo onboard of the ship subject to paragraph c of article 75 of the Customs Regulations concerning the ships carrying more than 500 dwt, is not required unless there is certain and proven information about the presence of prohibited or monopolized merchandise not declared on the Unified [List] onboard the ship and after obtaining the prior approval of the Director General of Customs.

3. Asking only for the documents which the captain of the ship or the agent of the shipping company in charge of the ship are required to submit, pursuant to article 75 of the regulations.

Director General of Customs

Assaad Ghanem

[Signature]

Beirut Regional Directorate

Date: December 17, 2004

Registration Number: 18494/2004

1849/2004

To be referred to Customs service at Beirut Port

Head of Beirut Brigades

For information and action

December 20, 2004

Suhail Ali [illegible]

## April 1, 2014 Letter from Head of Maritime Section to the Head of Beirut Brigades

462/[ illegible]

To be returned to the Head of the Beirut Brigades for information about the explanations of the head of the Detachment, noting that the mentioned type of merchandise is not prohibited or monopolized. However, and according to our information, it could be used in certain proportions to produce prohibited substances, and it is considered a hazardous, restricted substance if used locally.

Beirut, April 1, 2014

Head of Beirut Maritime Section

[Signature]

Nidal Diab

### Page 2 – [Selected Paragraphs Translated]

#### **Prior permission concerning the weapons, ammunition, gunpowder, explosives and accessories**

Please find below the text of articles 17 and 70 from the Legislative Decree no 137 dated June 12, 1959, which impose obtaining a prior permission concerning the types of military equipment, weapons, ammunition, explosives and fireworks specified in 9 categories in Article 2 of the mentioned Legislative decree.

- **Ammonium nitrate status**

Ammonium nitrate with a nitrogen grade of 34.5% or less, is no longer subject to the provisions of legislative decree no. 137/59, since it is not a component used in the manufacturing of explosives, and hence is classified under the agricultural fertilizers category, which are subject to the provisions of the Ministry of Agriculture's decision no. 13, dated November 23, 1992, included in page 14 of the present circular.

# April 2, 2014 Ministry of Public Works and Transport Ship Inspection and Report

Ministry of Public Works and Transport  
Directorate General of Land & Maritime Transport  
Maritime Transport Administration  
Maritime Navigation Department

Report concerning the ship “RHOSUS” docked at the Beirut Port Breakwater  
Beirut, 2014

## Page 2

Section 1	Introduction
Section 2	Ship Details
Section 3	Facts
Section 4	Investigation
Section 5	Analysis
Section 6	Recommendations
Section 7	Annexes

## Page 3

### Section 1 Introduction

On Thursday, April 2, 2014, the ship “Rhosus” docked at Beirut Port since November 21, 2013, was inspected in order to assess its status, and develop a plan upon which an appropriate decision could be made to guarantee the sustainability of the maritime traffic safety in Beirut Port and uphold the rights of the Lebanese State and the crew of the mentioned ship, in addition to the obligations of the ship owner and agent and all the relevant parties.

## Page 4

### Section 2 Ship Details

<b>Name:</b>	<b>Rhosus</b>
<b>Flag:</b>	<b>Moldovia</b>
<b>Classification Body:</b>	<b>Maritime Llyod – Georgia</b>
<b>IMO number:</b>	<b>8630344</b>
<b>Ship Type:</b>	<b>General Cargo</b>
<b>Construction year:</b>	<b>1986</b>
<b>Gross Tonnage (GT):</b>	<b>1900 tons</b>
<b>Net Tonnage (NT):</b>	<b>964 tons</b>
<b>Deadweight tonnage (DwT):</b>	<b>3226,123 tons</b>
<b>Total Ship Length:</b>	<b>86,6 meters</b>
<b>Vessel draught upon entrance to the port:</b>	<b>4,9 meters</b>
<b>Depth:</b>	<b>6,5 meters</b>
<b>Engine Type and Load:</b>	<b>HANSHIN / 6LU32GD POWER</b>
<b>BHP 1300</b>	
<b>Vessel Speed:</b>	<b>8 [nautical] miles</b>
<b>Coming from:</b>	<b>Batumi, Georgia</b>
<b>Cargo Type:</b>	<b>High Density Ammonium Nitrate</b>
<b>Owner Name:</b>	<b>BRIARWOOD CORP</b>
<b>Ship Management [company] Name:</b>	<b>INTERFLEET SHIP MANAGEMENT</b>
<b>EOOD</b>	
<b>Crew Nationalities:</b>	<b>Russian and Ukrainian</b>
<b>Agent Name:</b>	<b>Prokoshev Borys</b>
<b>Captain Name:</b>	<b>National Trading &amp; Shipping</b>
<b>Agency</b>	

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### Section 3 The Facts

The “RHOSUS”, a general cargo vessel, flying Moldova’s flag arrived in Beirut Port on Thursday, November 21, 2013 in the morning, carrying 2,750 bags of High Density Ammonium Nitrate, with a total weight of 2755,5 tones. The merchandise is considered hazardous according to the International Maritime Organization (IMO) Regulation 5.1, and was loaded in Batumi Port, Georgia, according to the cargo documents and was meant to be unloaded at Beira Port, Mozambique.

After the ship left Batumi Port, the owner of the RHOSUS ordered the captain to head towards Beirut Port to ship 12 big trucks, 15 small trucks, a big container (40 feet), and two small containers (20 feet) to Aqaba Port in Jordan.

And since both cargo holds in the ship were full of the High Density Ammonium Nitrate cargo, the only place to load the merchandise at Beirut port was the hatch cover of the two cargo holds.

After placing the first truck on the hatch cover of Hold 1, the captain noticed that the truck weight had a heavy impact on the hatch cover which became dented, so he ordered the loading process to stop, because continuing to load all the merchandise that was to be loaded in Beirut would lead to the collapse of both Holds' hatch covers, causing the ship and merchandise to incur heavy damage.

The Ship Inspection Service was notified about this incident and a team from the authority went to inspect the ship on Monday November 25, 2013, and it was seized because it did not comply with the Maritime Safety requirements as per the national and international applicable laws. The owner of the ship, in addition to the flag state, and the IMO were notified about this seizure.

In light of the absence of any action or reaction from the ship owner or flag to deal with the ship situation, crew and merchandise on board, the ship was moved to the breakwater at Beirut Port, and the crew was downsized to 4: a captain, head engineer, third engineer and first mate.

On Thursday April 2, 2014, the Ship Inspection Service went onboard again to assess the situation of the ship and collect information upon which an appropriate decision could be made to guarantee the sustainability of the maritime traffic in Beirut Port and uphold the rights of the Lebanese State and the crew of the mentioned ship, in addition to the obligations of the ship owner and agent and all the relevant parties.

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#### **Section 4 Investigation**

On Thursday April 2, 2014, the Ship Inspection Service went onboard of the ship and the captain was interrogated about the current situation of the ship, before the inspection [conducted by the Port State Control], and he stated the following:

“After the ship left Batumi Port in Georgia fully loaded (2,750 bags of High Density Ammonium Nitrate with a total weight of 2755,5 tons), some members of the crew were replaced, including me the captain, and the owner asked me to head towards Beirut Port to ship 12 big trucks, 15 small trucks, a big container (40 feet) and two small containers (20 feet), arguing that the Beirut shipment will cover the costs of crossing Suez Canal. The shipment was bound to Aqaba port in Jordan.

We arrived in Beirut on Thursday, November 21, 2013 and the loading of the mentioned merchandise on the hatch cover of the two cargo holds resumed since the two holds were full, but I ordered them to stop the process immediately after the hatch cover of cargo hold no:1 was damaged and dented when the first truck was loaded on it.

After that, the Ship Inspection Service went onboard and seized the ship. I notified the ship owner and agent who till now did not show any interest in either the ship nor its crew. The agent told us after a while to move the ship to the breakwater in Beirut Port and we are still here in the same situation. The crew was downsized to 4: Me, the senior engineer, the third engineer and the first mate.

I sent several requests for help to the Russian and Ukrainian embassies, and to the International Transport Federation, without any answer. We want to go back home, especially since we have not received our wages since September 2013.

We contacted Baroudi’s office who took the original documents of the ship to follow-up with the situation, and we are waiting for his feedback concerning the case.”

The Ship Inspection Service inspected the ship, and the results were the following:

- 1- The ship deck was extremely corroded.
- 2- Both cargo holds were extremely corroded.
- 3- The hydraulic pipes used to open the hatch covers of the hold were corroded and the captain said that opening the hold hatch cover takes around three hours, which means that there is a severe failure in the unlocking system of these covers.
- 4- The last time the ship was in dry dock and underwent a measurement of the iron thickness was on March 31, 2010.
- 5- It is highly probable that there is a significant fissure in the external hull of the forepeak, since it is filled with water, and even after withdrawing the water from it, the water level rises again.
- 6- The ballast water withdrawal systems from the Forepeak and the remaining tanks are not working.
- 7- There is a fissure in the right and left ballast water tanks, and a cement box was installed inside both tanks to prevent the seawater from leaking into them

(according to the captain statement, since it is impossible to penetrate into the tanks because their entrance is located inside the cargo hold no:1 filled with merchandise).

## Page 8

- 8- The food available to the crew is enough for one week only.
- 9- The crew have not received their wages since November 2013.
- 10- The psychological situation of the crew is bad.
- 11- There are 20 tons of diesel on the ship, the power generator is working only 4 hours daily, with a daily consumption of 50 kg per day.
- 12- There is no permanent electric power to ensure that emergency batteries are ready to use at any given time.
- 13- There are 35 tons of freshwater, and the daily consumption is about 400 kg per day.
- 14- The electric engine no:2 is not working.
- 15- The engine room is dirty and there are oil spills all over the room in addition to smoke exhaust from the electric engine no:1.
- 16- There are piles of garbage on the aft deck.
- 17- The living conditions on board of the ship are not compatible with applicable laws.
- 18- Some safety equipment will expire in April 2014.
- 19- The maritime books and maps are not up to date.

## page 7

### Section 6

#### Recommendations

- 1- Contact the ship owner and obligate him to pay the port fees, the sailors' wages and the remaining expenses.
- 2- Contact the flag state of the ship and request them to take the necessary action to uphold their responsibility towards a ship that flies their flag, and the crew onboard.
- 3- The mentioned ship exceeded the period it is allowed to stay in the dock and it must go to dry dock to undergo needed repairs, and measurement of the thickness of it is hull, especially with the suspected big fissure in the forepeak, and given that the captain highlighted the presence of a fissure in the right and left ballast

water tanks no:1, in addition to the extreme corrosion of the internal and external decks.

- 4- The merchandise present in the two holds since September 27, 2013, is a hazardous material according to the IMO Regulation 5.1 and a chemical chain reaction might happen, and the merchandise might be unfit for consumption after all this time and might leak into the sea given the situation of the corroded hull, the thickness of which has not been measured for over 4 years.
- 5- The garbage piles onboard of the ship might lead to disease outbreaks and proliferation of germs.
- 6- Since the wages of the crew were not paid and they do not have money and food and given the lack of normal living standards onboard the ship, the crew might damage the ship or even hurt themselves.
- 7- The situation of the engine room might lead to a fire at any moment, and since the electricity onboard is not working, it would be impossible to extinguish the fire immediately which would lead to a disaster.

Based on the above, we suggest doing the necessary to ensure that the ship leaves Beirut Port and the Lebanese territorial waters, since it poses a permanent threat to the safety of maritime navigation and to the protection of the marine ecosystem from pollution.

Captain Haitham Shaaban  
Ship Inspection Service

## April 2, 2014 Letter from Beirut Harbor Master to the Director of the Directorate General of Land and Maritime Transport

Registration no: [illegible]

Addressee: Director General of Land and Maritime Transport

We would like to inform you that the ship “Rhosus” which was berthed at Quay 11 for 4 months because it was provisionally impounded, was transferred from the Quay. It is carrying a hazardous substance (Ammonium Nitrate) and we found that there is water in the cargo holds which indicates that water is leaking [from the sea] into the ship and which might lead to its sinking. Therefore, we respectfully ask you to instruct the Inspection Service to examine the ship and provide us with a report about its situation and safety to prevent it from sinking with the hazardous material onboard.

Head of Beirut’s Port [Beirut Harbor Master]

Mohammad al-Mawla

[signature]

## April 7, 2014 Letter from Baroudi and Associates Law Firm to Head of Beirut Port

Baroudi & Associates

Beirut, April 7, 2014

**To: Head of Beirut Port** [Beirut Harbor Master]

**Re: Request for Urgent Action**

**Petitioner:** PROKOSHEV BORYS in his capacity as captain of the Rhosus

**By power of attorneys:** Samir Baroudi and Jean Baroudi under a duly certified true copy and hereto attached (**Document 1**)

**Re:** Request for Urgent Action to avoid a maritime catastrophe

Acting for Mr. Prokoshev Borys in his capacity as captain of the “Rhosus”, we state the following:

Whereas the “RHOSUS” is docked in Beirut Port in transit since December 2013 with onboard several seafarers. And since the ship is leased and operated by “Teto Shipping LTD”, and it is carrying 2,750 metric tons of Ammonium Nitrate shipped for “Banco International de Mozambique” and the “Fabrica de Explosives” company which should be notified.

Whereas the seafarers became prisoners on board of the ship and could not leave it and make a living after the ship owner, operators and leasers abandoned them and the ship, and stopped paying their wages more than 5 months ago and stopped as well paying the ship’s expenses and debts. And since the consignee to which the merchandise was shipped abandoned the merchandise as well, and these issues are proven in the letter sent via email from “Teto Shipping LTD” via the maritime agent to us. (**Document 2**)

Whereas the ship and its cargo are threatening the safety of the ship as well as the safety of the port. And since the ammonium nitrate carried on board of the ship is considered an extremely hazardous material due to its high flammability and because it is used in the manufacture of explosives, which requires taking due diligence and precaution while stocking or moving it. And since the ship became worn-out because it is corroded to rust which might cause water leaking into the holds and given that the interaction of ammonium nitrate with water exposes the cargo to the risk of explosion (a status report of the mentioned ship is hereto attached, duly signed and stamped by the petitioner **Document 3**).

We point out that the world has witnessed many catastrophes caused by ammonium nitrate, for example a ship carrying 2,600 tons of Ammonium Nitrates exploded in a port in

Texas in 1974, which caused hundreds of deaths, and debris and damage in a 40 mile radius (a copy of a report about incidents caused by ammonium nitrates and published on Wikipedia is hereto attached – **Document 4**).

And since, pursuant to the provisions of the applicable laws, especially article 73 of the Ports and Harbors Regulations, “monitoring the hazardous goods onboard of ships and taking the necessary actions to maintain public safety” is within the competence of your authority.

Therefore, we respectfully ask you to promptly take all the necessary measures and actions to prevent and avoid the risks imposed by the mentioned situation, given that the ship owners and the cargo owners abandoned the ship and the cargo onboard, and to take the measures to sell the ship and its cargo as per the applicable laws, and to pay the debts owed to the crew and others.

Respectfully,

With all rights conferred by the power of attorney retained,

Lawyer Jean Baroudi

[Signature]

[Attachments in English]

## April 8, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority

Republic of Lebanon

**Ministry of Public Works and Transport**

**Directorate General of Land & Maritime Transport**

6/2832

April 8, 2014

**To:** Ministry of Justice – Case Authority

**Re:** Request to speed up the adjudication of the case of the ship “Rhosus” docked in Beirut Port and selling it at auction

**Reference:** the casefile of the ship “Rhosus”

As per the abovementioned subject and reference, we respectfully inform you about the following:

- 1- The ship RHOSUS arrived in Beirut Port on November 21, 2013, loaded with Ammonium Nitrate, classified as hazardous substance, to ship merchandise from the port. Following a dispute between BUNKERNET LTD and the ship owners, the Beirut Enforcement Department issued decision no. 1031/2013, dated December 20, 2013, as per which the ship was impounded provisionally and forbidden from leaving the Lebanese territorial waters, unless it pays a bail covering the outstanding debt to the party requesting its impoundment (a copy of the decision is hereto attached).
- 2- On December 25, 2013, the National and Foreign Ship Control Service at the Directorate General of Land and Maritime Transport inspected the ship to make sure it is safe for navigation and ensure that it is complying with local and international regulations related to the safety of the maritime navigation and the safety of life at sea, and the environmental and public safety. The inspection revealed the presence of some flaws in the ship that jeopardize the maritime navigation safety and it was banned from leaving [the territorial waters] until the

- flaws are repaired. The captain and the maritime agent were notified about this. The most notable flaws were the presence of corrosion and rust in the ship's hull and hold hatches and some navigation equipment was not working properly.
- 3- In his letter no 357/b dated March 17, 2014, the head of Beirut Port [Beirut harbor master] noted that the ship is berthed at Quay 11 at Beirut Port, and it was carrying ammonium nitrate, a hazardous material, and that he requested from the maritime agent of the ship more than once to supply the seafarers present onboard of the ship with food and water to but in vain. The Beirut harbor master requested taking the necessary measures to force the maritime agent to supply the seafarers with food and water and ban the maritime agent from evacuating them from the ship until the crew is replaced by a new one to ensure the safety of the ship, the maritime navigation and the public safety in the port.
  - 4- The Beirut harbor master, noted in his letter no: 391/b dated April 2, 2014, that the ship "Rhosus" present in Beirut Port was moved from Quay 11 to the breakwater and that it was carrying hazardous substance (ammonium nitrate) and it was found that there is water in the ship's holds which indicates that water is leaking into the ship which might lead to the sinking of the ship. He asked to task the National and Foreign Ship Inspection Service to inspect the ship and prepare a report about its situation and safety to take the necessary measures to avoid its sinking in the port.
  - 5- On April 2, 2014, the Ship Inspection Service at the Directorate General of Land and Maritime Transport came back to inspect the ship and examine its safety for navigation, its compliance with the national and international regulations related to the safety of maritime navigation, the safety of life at sea in addition to the environmental and public safety, and to examine whether the flaws discovered during the previous inspection were repaired. It was found that the mentioned flaws were not repaired, instead additional flaws were discovered according to report of the Ship Inspection Service at the Directorate General of Land and Maritime Transport (a copy of the inspection report is here to attached).
  - 6- The "Rhosus" is still berthed at the breakwater in Beirut Port and requires urgent and immediate maintenance and it is at risk of sinking because of the negligence of its owners which jeopardizes the safety of the ship, the safety of the maritime navigation and the marine ecosystem and threatens the maritime traffic at the Port and which requires taking the necessary and immediate measures to eliminate these risks.

Therefore, we respectfully ask you to take note of the above and take the necessary measures to avoid the sinking of the ship loaded with hazardous cargo in Beirut Port, thus avoiding the pollution of the seawater and obstruction of the maritime traffic in Beirut Port, and to speed up the adjudication of the case of the ship and selling it at auction.

Director General of Land & Maritime Transport

[signature]

Eng. Abdel Hafiz El-Kaissi

Attachment: a copy of the entire file

## April 14, 2014 Letter from the Directorate General of Land and Maritime Transport to the Case Authority

Republic of Lebanon  
Ministry of Public Works and Transport  
Directorate General of Land & Maritime Transport

Extremely Urgent

6/3187

April 14, 2014

To: The Ministry of Justice  
- Cases Authority -

**Re:** Request to take the necessary action to adjudicate the case of the “Rhosus” ship docked in Beirut Port in a prompt and immediate manner and selling it under auction to avoid the sinking of the ship

**Reference:** Our letter no: 6/2832, dated April 8, 2014  
The file of “The Rhosus”

In reference to the abovementioned subject and reference, further to our letter no: 6/2832, dated April 8, 2014, attached hereto, and in which we requested you to quickly adjudicate the case of the Rhosus ship docked in Beirut Port, and loaded with ammonium nitrate, which is a hazardous substance and was seized according to ruling no: 2013/1031 issued by the Enforcement Department in Beirut and dated December 20, 2013, and accordingly to take the necessary action to auction the ship in order to avoid the sinking of the ship because of defects that should be repaired, and since this would threaten the safety of the maritime navigation and ecosystem. We would like to inform you that the mentioned ship is at high risk of sinking which necessitates that you take the appropriate action as soon as possible to adjudicate its case and sell it in a public auction to prevent the ship from sinking in the Beirut Port waters, especially since it is loaded with ammonium nitrate, which threatens the safety of the maritime navigation and ecosystem in the port.

This is to respectfully inform and request you to give this case the utmost attention.

Director General of Land & Maritime Transport  
Eng. Abdel Hafiz al-Kaissi

[Signature]

Attached is a copy of our letter no: 6/2832, dated April 8, 2014

## April 17, 2014 Directorate General of Land and Maritime Transport and Transport Response to Baroudi and Associates Law Firm Letter

Republic of Lebanon

Ministry of Public Works & Transport

Directorate General of Land & Maritime Transport

6/3017

April 17, 2014

**To:** Captain of Rhosus and his representatives, lawyers Samir and Jean Baroudi

**Re:** Request to take action to avoid a maritime catastrophe

**Reference:** Your letter, dated April 7, 2014, registered at the Directorate General of Land & Maritime Transport under no: 6/3017 dated April 9, 2014, with its annexes

In reference to your letter mentioned in the “reference” field above, and in which you propose the following:

- 1- The “RHOSUS” is docked at Beirut Port in transit since December 2013 with onboard several seafarers. The ship is leased and operated by “Teto Shipping LTD”, and it is carrying 2,750 metric tons of Ammonium Nitrate shipped for “Banco International de Mozambique” and the “Fabrica de Explosives” company which should be notified.
- 2- The seafarers became prisoners on board of the ship and could not leave it and make a living after the ship owner, operators and leasers abandoned them and the ship, and stopped paying their wages for more than 5 months and stopped as well paying the ship expenses and debts. The consignee to which the merchandise was shipped abandoned the merchandise as well, and these issues are proven in the letter sent via email from “Teto Shipping LTD” via the maritime agent to us.
- 3- The ship and its cargo are threatening the ship safety as well as the port safety. Ammonium nitrate carried on board of the ship is considered an extremely hazardous material due to its high flammability and it is used in the manufacture of explosives, which requires taking due diligence and precaution while storing or moving it. Furthermore, the ship has become worn-out because it is corroded to rust which might lead to water leaking into the holds, and the interaction of Ammonium Nitrate with water exposes the cargo to the risk of explosion.
- 4- Pursuant to the provisions of the applicable laws, especially article 73 of the Ports and Harbors Regulations, it is within the jurisdiction of our administration to

monitor hazardous goods on ships and to take the necessary measures to maintain public safety.

Therefore, you asked us to promptly take all the necessary measures to prevent and avoid the risks imposed by the abovementioned situation, and to sell the ship and its cargo as per the applicable laws, and to pay the debts incurred to the crew and others.

**Page 2**

Accordingly,

This administration would like to inform you that two letters were sent [by the administration] to the Case Authority at the Ministry of Justice (Letter no:6/2832 dated April 8, 2014 and letter no: 6/3178 dated April 14, 2014), in which the merits of the “RHOSUS” case were presented, including that the ship is carrying ammonium nitrate, a hazardous substance, and that it is at risk of sinking in Beirut Port due to the negligence of its owners, and [the Case Authority] was asked to take the necessary action to avoid the sinking of the ship loaded with hazardous merchandise in Beirut Port and avoid the risks imposed to the safety of the maritime navigation and the marine ecosystem, and expedite the adjudication of the ship case and selling it at auction, and give the utmost priority to this issue. A letter no:6/3179 dated April 14, 2014, was sent to the maritime agent of the ship (“**The National Trading & Shipping Agency**”) to ask them again to take the necessary action to repair and maintain the ship in a prompt and immediate manner to prevent the ship from sinking and to notify us within 24 hours about the actions to be taken by the maritime agent.

For information.

Director General of Land & Maritime Transport

Eng. Abdel Hafiz El-Kaissi

[signature]

## April 30, 2014 Letter from Case Authority to the Urgent Matters Judge

Omar Wafik Tarabah  
Lawyer of the Lebanese State  
Civil and Arbitration Cases  
Masters in Private Law

*Date of Receipt: April 30, 2014*

*No: 429/214*

Beirut, April 30, 2014

### HH Judge of Urgent Matters in Beirut Request for a writ on Petition

**Petitioner:** Lebanese State – Ministry of Public Works and Transfer (Directorate General of Land and Maritime Transport)

**Represented by:** Lawyer Omar Tarabah according to decree 9787/2013 a copy of which is hereto attached (Doc no.1)

**Re:** Request to authorize the refloating or sale of the ship “Rhosus” pursuant to articles 13 and 11 of the above-mentioned decision, together with article 589 of the [code] of Civil Procedures.

#### First – On the facts:

1. On November 21, 2013, the ship “Rhosus” docked in Beirut Port carrying onboard Ammonium Nitrate (a substance classified as hazardous), to ship cargo from the Port. Following a dispute between “Bunkernet LTD” and the ship owners, the head of the Enforcement Department in Beirut issued decision no 1031/2013 dated December 20, 2013, to impound provisionally the ship and ban it from leaving the Lebanese Territorial Waters unless it posts a bail as a guarantee for the debt of the impounding company as proofed in the copy of the decision hereto attached (Document no.2).
2. On November 25, 2013, the foreign and national ship control service at the Directorate General of Land and Maritime Transport inspected the ship to make sure it is safe for navigation and ensure that it is complying with local and international regulations related to the safety of the maritime navigation and the safety of life at sea, and the environmental and public safety. The inspection revealed the presence of some flaws in the ship that jeopardize the

maritime navigation safety and it was banned from leaving [the territorial waters] until the flaws are repaired. The captain and the maritime agent were notified about this. The most notable flaws were the presence of corrosion and rust in the ship's hull and hold hatches and some navigation equipment was not working properly.

1. The Beirut harbor master noted that the ship is berthed at Quay 11 at Beirut Port, and it was **carrying ammonium nitrate, a hazardous substance**, and that he requested from the maritime agent of the ship more than once to supply the sailors present onboard of the ship with food and water to but in vain. The Beirut harbor master requested taking the necessary measures to force the maritime agent to supply the sailors with food and water and ban the maritime agent from evacuating them from the ship until the crew is replaced by a new one to ensure the safety of the ship, the maritime navigation and the public safety in the port. **He [the Beirut harbor master] notified him as well that later on the "Rhosus" was transferred from Quay 11 to the breakwater and that it was carrying a hazardous substance (ammonium nitrate) and the Beirut harbor master found that there is water in the ship's holds which indicates that water is leaking into the ship which might lead to the sinking of the ship.** He asked to prepare a new report about the situation and safety of the ship to take the necessary measures to avoid its sinking in the port.

2. On April 2, 2014, the Ship Inspection Service at the Directorate General of Land and Maritime Transport returned to inspect the ship and examine its safety for navigation, its compliance with the national and international regulations related to the safety of maritime navigation, the safety of life at sea in addition to the environmental and public safety, and to examine whether the flaws discovered during the previous inspection were repaired. It was found that the mentioned flaws were not repaired, and the flaws in the ship further deteriorated according to the inspection report of the National and Foreign Ship Inspection Service at the Directorate General of Land and Maritime Transport (the letter of the ministry to which was attached a technical report, is hereto attached). It should be noted that the "Rhosus" is still berthed at the breakwater in Beirut Port and it is at risk of sinking because of the negligence of its owners, which jeopardizes the safety of the ship, the safety of the maritime navigation and the marine ecosystem and threatens the maritime traffic at the Port, which is an issue that requires filing this petition.

Second: On the Law

Whereas It is established by the information submitted under “Facts” that the owners of the ship, the Maritime Agent and the captain, whose names are mentioned in the report attached above, neglected to repair the flaws in the ship, which are flaws that jeopardize the safety of the maritime navigation, especially since the ship contains the hazardous material ammonium nitrate, and it will inevitably sink if it remains as it is now, and this would endanger the marine ecosystem.

Whereas, by virtue of a special text, Article 13 of Decision 166 dated July 3, 1941, on maritime disasters grants to the Judge of Urgent Matters “in the event that the ship sinks, or is likely to sink or is stranded in the port and becomes a hindrance to navigation or a danger thereto”, the power to authorize the Counselor of Maritime Affairs to take the place of the ship’s owner (if the latter is proven to be negligent), to perform and complete works of refloating and demolition at the expense and responsibility of the ship’s owner within the limits of salvage value. Furthermore, if the ship suffers a maritime disaster or is incapacitated so as to render it unfit for transportation, Article 11 of the said decision allows the ship to be sold as wreckage.

Whereas in this context and pursuant to Article 13 of Decision 166/41, it has been decided: **“Whereas Article 13 of Decision 166/1941 gives the Judge of Urgent Matters the right to grant authorization to the entity responsible for maritime affairs to take the place of the ship’s owner and perform and complete works of refloating and demolition at the expense and responsibility of the vessel’s owner. Whereas the presence of the sunken vessel constitutes a hindrance to the free navigation and causes harm, it is decided to grant the General Directorate of Transport authorization to take the place of the ship’s owner to perform and complete works of refloating or demolition at the expense and responsibility of the vessel’s owner within the limits of salvage value.**

(In this regard, see the decision of the Judge of Urgent Matters in Beirut No. 25, dated January 8, 1972, Judge Mansour, Case filed by the Ministry of Public Works and Transport, Hatim part 123, p. 64, published in Rulings of the Judiciary of Urgent Matters, p. 735)

(See in the same context Decision No. 104 dated February 7, 2003, published in the Guide to the Jurisprudence of Urgent Matters, Judge Mahmoud Makkieh, 2004, p. 489).

Whereas after it has been proven that the ship is damaged and unfit for maritime navigation, the flaws have worsened and water has entered the ship through the cargo hold and the ship contains materials that are hazardous to the marine ecosystem, by virtue of the decision issued by the Compagnie de Gestion et d’Exploitation du Port de Beyrouth, and to preserve the rights of the impounding company.

Whereas, according to all the above, and pursuant to articles 13 and 11 of the aforementioned decision, together with article 589 of the [code] of Civil Procedures.

**Therefore,**

**The petitioner respectfully requests your Honorable Court to issue a decision in the deliberation room about the following:**

**First:** Authorize the petitioner through the Directorate General of Land and Maritime Transport to complete the refloating of the Rhosus in a manner that does not affect or threaten the maritime navigation and authorize the petitioner as well to transfer the material carried onboard, namely Ammonium Nitrates, given the risk it poses on the safety of the marine ecosystem, to a safe and guarded location.

**Second:** Authorize the petitioner as appropriate, and after recovering the ship and the material onboard, as deemed appropriate and necessary by the Administration, to sell the ship and what is onboard, on condition that the sale proceeds to be saved, as a guarantee of the amounts due to all rights holders pursuant to the provisions of the Maritime trade law, whether the right holders were the petitioner, the entity requiring the impoundment or other rights holders.

**Respectfully by the power of attorney**

**Lawyer Omar Tarabah**

**[Signature]**

## April 30, 2014 Letter from Case Authority Lawyer to Case Authority

Omar Wafik Tarabah  
Lawyer of the Lebanese State  
Civil and Arbitration Cases  
Masters in Private Law

Beirut, April 30, 2014

**To:** HH. Head of the Case Authority at the Ministry of Justice

**Re:** In reference to the letter of the Ministry of Public Works and Transport including a request to take the necessary measures to adjudicate the case of the “Rhosus” ship docked in Beirut Port in an urgent and immediate manner and to sell it at auction to avoid the ship sinking.

Your Honor,

- 1- On April 17, 2014, we were notified by your office about a letter from the Ministry of Public Works and Transport, in which the ministry, represented by Eng. Abdel Hafiz al-Kaissi, Director-General of Land and Maritime Transport, stated that there is a ship called “Rhosus” docked currently in Beirut Port and carrying Ammonium Nitrates, a substance classified as hazardous.
- 2- It turned out that the ship is provisionally impounded by the Enforcement Department in Beirut under no: 1031 at the request of “Bunkernet LTD” company as a guarantee for the company’s rights, namely the proceedings of the sale of quantities of fuel oil, according to four invoices billed to the owners and equippers of the ship, its captain and TITO SHIPPING LTD, represented by the ship agent.
- 3- Pursuant to the preventive seizure request, the head of the Enforcement Department issued a decision on December 20, 2013, to put the ship under preventive seizure and ban it from leaving the territorial waters unless a bail amounting USD 119,396.38 was posted in addition to additional credits of USD 11,940.
- 4- According to the ministry’s letter, the ship was inspected several times, the last was on April 2, 2014, by the National and Foreign Ship Inspection Service in the Directorate General of Land and Maritime Transport. The inspections revealed several flaws in the ship that are rapidly deteriorating which jeopardize the maritime navigation safety, given the corrosion and rust of the ship’s hull and its

- holds hatches, and the water leaking into the ship which might lead to its sinking, in addition to some navigation equipment that are not working properly.
- 5- The Beirut harbor master stated according to reference no: 391/b dated April 2, 2014, that the ship was moved from Quay 11 to the breakwater, and it was carrying hazardous material (ammonium nitrate) pointing out that water is leaking into it.
  - 6- According to these inputs, the ministry's letter concluded that the ship is in dire need of urgent and immediate maintenance since it is at risk of sinking due to the negligence of its owners despite the fact that the maritime agent was instructed several times to take the necessary action, which could jeopardize the safety of the ship and the maritime navigation in addition to the maritime traffic at the port and the marine ecosystem given the hazardous material onboard. The letter asked your honor to take cognizance of these inputs and to take the necessary action to avoid the sinking of the ship loaded with hazardous material and expedite the adjudication of the case and selling it at auction.  
[a copy of the ministry's letter is hereto attached: Document 1)

Based on the above, and in light of decision 166/l.r dated July, 3 1943 on marine catastrophes, and since the deportation of the ship is impossible because it is under preventive seizure, we hereby inform your honor that we will submit urgently a request from the Urgent Matters judge in Beirut to authorize the Directorate General of Land and Maritime Transport to take the necessary action to refloat the ship and pull it from the water, to avoid a chemical reaction of the material onboard, which the report of the Ministry of Public Works and Transport warned about and recommended to repair the ship, or floating the material carried onboard and moving it to a safe storage given it is hazardous, and selling the ship where necessary at the expenses and responsibility of its owner after floating it, according to articles 11 and 13 of Decision no 166 which confer to the urgent matters judge namely the competence to take such actions in cases of maritime catastrophes, together with article 589 of the Code of Civil Procedure which allows the urgent matters judge to take temporary and preventive measures in order to uphold the rights, prevent the damage, prepare the inventory, and sell the perishable goods. However, we find, in light of the administrative obstacles, including the expected delays in the enforcement of judicial decisions and in the measures taken to enforce such decisions, including for example paying any advance that might be decided for the court clerk or for a specific expert assigned by the mentioned court in order to investigate the situation, and in the interest of the marine ecosystem

safety and in light of the extremely hazardous material present onboard of the ship, and further to the competences of the port head pursuant to article 6 of the decision 166/1946 which gives him *suo motu* without waiting for any judicial decision, and in case the ship is exposed to a maritime catastrophe or something similar, the competence to store the merchandise and recovered goods in a secure and guarded place, and to take the necessary measures to save the ship and other equipment and the merchandise carried onboard, provided that that he prepares immediately a report with an inventory of the merchandise that was recovered. And since pursuant to article 6, and to avoid the imminent threats that might arise from the sinking of the ship and the spreading of substances harmful to the environment into the sea, while preserving and taking into considerations the rights of the entity impounding the ship, we kindly request from your honor as per our letter to:

- 1- Give a prior approval to submit a request to the urgent matters judge to take the necessary measures, according to articles 13 and 11 of the decision no 166/1946, together with article 589 of the Code of Civil Procedure.  
[please find attached a copy of the request sent to the Urgent Matters Judge in Beirut, before submitting the request – Document 2).
- 2- We request from your honor if you deem this appropriate to immediately instruct and in anticipation of any damage, and according to the competences of the port head pursuant to article 6 of the decision mentioned above, and so as to prevent the pollution of the marine environment, to take all the necessary measures to transport the hazardous material onboard of the ship urgently without having to await any judicial decision to this end, in addition to moving the ship equipment and machinery to a safe, guarded place, to be done by experts, awaiting for a decision to be made by the urgent matters judge to rule as per the available inputs, to recover the ship temporarily or sell it, on condition that sale proceedings are considered as a substitute for the assets and guarantee for right holders.
- 3- We are submitting our findings to your honor in the hope that you will provide us with your guidance and approve the measures to be taken judicially, by signing this letter and referring a copy to the ministry if you deem this appropriate, your reference should include instructions to the harbor master to at least move the ammonium nitrate from the ship to a safe place as per his competences under article 6 of decision 166/1941.

**Lawyer Omar Tarabah**

Faithfully,  
Layer of the Lebanese State  
[Signature]

## May 5, 2014 Letter from the Beirut Enforcement Department to the Head of the Beirut Port

Lebanese Republic  
Ministry of Justice  
Enforcement Department

Notice of Provisional Impoundment  
Issued by the Beirut Enforcement Department  
To: Head of Beirut Port [Beirut Harbor Master]

[illegible]  
Number: [illegible]  
Date: May 28, [year not clear]

No of documents: 377/2014

**Impounding Company:** Aggreko Iberia S.OC.

**Impounded:** [illegible] Teto Shipping Ltd and the owners, [illegible] and leasers of Rhosus

**Third person:** To the informed: Head of Beirut Port [Beirut Harbor Master]

Date of the Impoundment Decision: May 5, 2014, no: 377/2014 issued by the head of the Enforcement Department in Beirut:

Since the department decided on May 5, 2014 to impound provisionally the Rhosus and to ban it from leaving the Lebanese [territorial] waters,

The department hereby notify you of a true copy of the said impoundment decision and a copy of all the [relevant] documents attached to this notice, noting that the said impoundment decision is can be appealed within five days of the notice date.

The Execution Officer  
May 5, 2014  
[signature]

I was notified on May 28, 2014 at 12:20  
On behalf of the Head of Beirut Port [Beirut Harbor Master]  
Hassan Saab

[Signature]

## May 7, 2014 Urgent Matters Judge Decision

Margin Number: 429/2014

Issued on: April 30, 2014

Number: 429/2014

Petitioner: Lebanese State – Ministry of Public Works and Transport

Subject: Request for permit to refloat RHOSUS ship

After review [of the documents],

We have decided to task the court clerk Ziad Chaaban with conducting an investigation about the summoning, and listening to the remarks of the ship owners, the maritime agent and the captain, if possible, to verify their [illegible] in taking the requested measures.

May 7, 2014

Judge of Urgent Matters in Beirut

Jad Maalouf

## May 13, 2014 General Security Office's Information Report

Information Report

Confidential

Issuance Number: 869/ [illegible] Date: May 13, 2014

Source of Information: Personal verification

Degree of accuracy: Definite

RE: information about the situation of the ship "Rhosus"

On November 21, 2013, a commercial ship, the "Rhosus", entered Beirut port, flying the Moldavan flag and affiliated with the National Trading and Shipping Agency, with onboard [illegible] seafarers, including 9 Ukrainian nationals and a Russian captain.

On December 3, 2013, 5 seafarers were evacuated and on December 12, 2014, a seafarer was evacuated. 4 seafarers remained onboard of the ship.

The ship was impounded provisionally pursuant to the decision no 1031/2013, dated December 19, 2013, issued by the Enforcement Department in Beirut, which banned the ship from leaving the port until further notice for financial reasons and debts amounting USD [illegible] in addition to debts amounting USD [illegible] due to Bunkernet LTD, represented by lawyers Samir and Jean Baroudi. The decision came after the cargo of the ship was unloaded in Beirut Port and 2,755.500 tons of high-density Ammonium Nitrate, IMO 5.1, which was in transit and shipped from Batumi Port, Georgia to Beira Port in Mozambique for "Banco International de De Mocambique", noting that [ammonium nitrate] is an extremely hazardous substance.

[illegible] the ship crew is in dire humanitarian situation summarized in the following:

- 1- The crew has not received their wages since before the ship entered Lebanon.
- 2- The ship owner is refusing to appoint a new crew onboard of the ship or to evacuate the crew already onboard.
- 3- The captain of the ship, a Russian national, did not get any authorization to visit the city after the ship entered the port (decision of the director general of general security according to communication document no 3349 dated September 7, 2013. A dispute occurred between him and the remaining members of the crew who are Ukrainian nationals. The dispute, solved quickly in coordination with a delegate from the Ukrainian embassy, might lead to other problems onboard the ship in the future because of the psychological situation of the captain.
- 4- The Ukrainian consul asked the maritime agent to evacuate the Ukrainian seafarers because of this dire situation but he refused because the owner did not accept. The

- instructions include the necessity to maintain a staff composed of 5 persons minimum onboard of the ship, thus it became impossible to evacuate any seafarer or the captain until substitutes are appointed.
- 5- The ship crew live in dire conditions since the ship is not supplied by food with the exception of [illegible] that does not exceed USD 30 for each food ration (twice only during last month). The seafarers gathered copper material and sold it to afford making phone calls.
  - 6- The maritime agent, Mustafa Baghdadi argues that he has debts amounting USD [illegible] (Port fees, berthing, equipment to unload the cargo he brought at the owners request, treatment, and medication). He contacted previously Abdel Hafiz al-Kaissi, Director-General of Land and Maritime Transport to consult the Lebanese State Council in this regard.
  - 7- The ship is still berthed at the port breakwater as of the date of the preparation of the present report.

## May 16, 2014 Letter from the Director General of General Security

Top Secret

Date: May 16, 2014

### Re: Impounding the commercial ship “Rhosus” in Beirut Port

1. On November 21, 2013, the “Rhosus”, a Moldovan-flagged commercial ship affiliated to the National Trading and Shipping Agency, entered Beirut Port with onboard 9 sailors who were Ukrainian nationals, in addition to a Russian captain.
2. The ship was provisionally impounded pursuant to a judicial order issued by the Enforcement Department in Beirut, and which banned the ship from leaving the port until further notice for financial reasons because of outstanding debts due to “BUNKERNET LTD” (represented by lawyers Samir and Jean Baroudi). The impoundment decision was taken after the cargo was unloaded from the ship and several tonnes of extremely hazardous substance (Ammonium Nitrate High Density IMO 5.1) in transit, remained onboard. Ammonium Nitrate was shipped from Batumi Port, Georgia to Beira Port, Mozambique for “Banco International De Mocambique”.
3. The decision to impound the ship caused a crisis for the crew, summarized as per the below:
  - a. The crew have not received their wages since before the ship entered Lebanon.
  - b. The ship owner, called Igor, refused to appoint a new crew, or evacuate the crew that was onboard of the ship.
  - c. The Russian captain of the ship was denied the authorization to leave the ship since it entered the port.
  - d. The ship owner, Igor, refused the Ukrainian Consul’s request to evacuate the Ukrainian sailors since the instructions stipulate that five sailors at least should stay onboard of the ship, and ban them from leaving unless replacements [a new crew] were appointed.
  - e. The ship was seldom supplied with food; the sailors were supplied twice a month with food rations worth USD 30, which led them to sell some hardware to get food supplies.
4. It should be noted that Mustafa Baghdadi, the maritime agent, claimed as well that he had financial dues owed to him by the ship owner, exceeding USD 1 million (Port Expenses – birthing, equipment, etc...). The agent turned to the Director General of Land and Maritime Transport Eng. Abdel Hafiz al-Kaissi

to submit a recourse to the State Council in this regard, noting that the ship is still docked in Beirut Port to date.

## June 2, 2014 Letter from the Directorate General of Land Maritime Transport to the Case Authority

Lebanese Republic  
Ministry of Public Works and Transport  
Directorate General of Land & Maritime Transport

*Extremely Urgent*

6/4431

June 2, 2014

**To:** Ministry of Justice – Case Authority

**RE:** Prioritization of selling the ship “Rhosus” docked in Beirut Port at auction to avoid the occurrence of a maritime disaster

**Reference:**

- our letters no 6/2832/6 dated April 8, 2014 and no 6/3178 dated April 14, 2014
- File of the ship “Rhosus”

Further to our two letters no 6/2832 dated April 8, 2014 and no 6/3178 dated April 14, 2014 hereto attached, and according to which we requested to speed-up the adjudication of the case of the Rhosus docked in Beirut Port, and carrying ammonium nitrate, a hazardous substance, that was provisionally impounded pursuant to decision no 1031/2013 dated December 20, 2014 by the Beirut Enforcement Department, and thus taking the necessary measures to sell the ship at auction and avoid the sinking of the ship due to the flaws that need to be repaired and which might jeopardize the safety of the maritime navigation and the marine ecosystem in Beirut port.

Whereas the case is now with the judge of urgent matters in Beirut after we received from “the National Trading and Shipping Agency”, the maritime agent, a copy hereto attached of a writ on petition to extradite the Rhosus crew that was submitted by the two lawyers representing the ship crew to the judge of urgent matters in Beirut. A copy of the Agency’s notes on the petition are hereto attached as per the request of the judge.

Whereas the presence of the ship became a major threat and it became impossible to keep it [in the port] given the hazardous material it is carrying, and since the ship is at risk of sinking which may cause the explosion of the ship that will lead to a maritime, humanitarian and environmental catastrophe at the port, especially with the presence onboard of the ship of a crew of 4 persons who are in a dire humanitarian situation and without wages. Furthermore, the maritime agent is not taking any measures to evacuate them and replace them pending the adjudication of the case of the ship, which has turned the crew into prisoners onboard of the ship at risk of sinking, and this is a risk to life and is in contravention of the relevant international laws.

Whereas the hazardous material carried by the ship increases the risks to public safety and since the flaws in the ship are becoming worse with time according to the findings of the inspection done by the inspection service affiliated with this administration. The report of the service stated that the ship suffers from several flaws, most notably a fissure in the forepeak and in both ballast water tanks, which put the ship at risk of sinking. Therefore, the issue must be addressed as soon as possible to prevent the deterioration of the ship's situation, notably the sinking of the ship, especially that the maritime agent is not taking any measures to repair these flaws claiming that the ship owners/ equippers are not paying for these repairs (our letter to the maritime agent is hereto attached).

We received by email a letter from "TETO Shipping LTD", the charterer of the ship, requesting the authorization to extradite the ship crew without replacing it with a new one. The request cannot be accepted because it is in contravention of the relevant laws and regulations even though we empathize with the crew currently onboard who live in a risky situation which does not uphold the most basic human rights to live in a safe and secure environment, including livelihood requirements such as food and water. Therefore, we respectfully ask to prioritize this request concerning the sale of the ship at auction as soon as possible to avoid the imminent catastrophe according to the abovementioned inputs and which threatens the public safety, notably the safety of life in addition to the safety of the maritime navigation and the marine ecosystem.

For your information,

Director General of Land & Maritime Transport

[signature]

Eng. Abdel Hafiz El-Kaissi

Copies of the following are hereto attached:

- Our letters no: 6/2832 dated April 8, 2014, and no 6/3178 dated April 14, 2014, and no 6/3179 dated April 14, 2014
- A writ on petition
- The notes of the maritime agent on the request

## June 5, 2014 Letter from Case Authority to the Urgent Matters Judge

**Beirut, June 5, 2014**

**To:** HH Urgent Matters Judge in Beirut

**Re:** List with a document

Since the Case Authority at the Ministry of Justice received on June 2, 2014, after submission of the current request, a letter labelled extremely urgent from the Ministry of Public Works and Transport in which the ministry required taking the necessary measures in order to sell the ship at auction ASAP to avoid the catastrophe that might happen due to the hazardous material carried by the ship which threatens the public safety to a point that the presence of the ship imposes a heightened risk since it is at risk of sinking. Please note that “**The National Trading & Shipping Agency**”, maritime agent of the ship, submitted a request to the urgent matters judge to send the crew back home, as proven in the letter and documents hereby attached (Document 1).

Therefore,

The petitioner confirms its previous requests mentioned in the petition to take the precautionary measures, sell the ship and what is onboard of the ship, and meet the legal requirements.

Respectfully,

By the power of attorney

Lawyer Omar Tarabah

[Signature]

## June 25, 2014 the Court's Clerk Adds His Investigation to Case File

On June 25, 2014, the investigation report prepared by the court clerk was appended to the file.

[Signature]

## June 27, 2014 Ruling by the Urgent Matters Judge

429/2014

Petitioner: The Lebanese State – Ministry of Public Works and Transport

### **Ruling**

**On behalf of the Lebanese People**

**The Judge of Urgent Matters in Beirut,**

After review of the documents,

And after scrutiny,

Whereas the Lebanese State (the petitioner) requests the authorization, through the Directorate General of Land and Maritime Transport, to complete the floating works of the “Rhosus” in a manner that does not jeopardize and threaten the maritime navigation, and the authorization to move the material onboard the ship given the risks it poses to the environment, to a safe and guarded place, and the authorization as appropriate, and after recovering the ship and the material onboard, to sell the ship,

And since as per the findings of the report of the national and foreign ship inspection service affiliated with the Directorate General of Land and Maritime Transport, there are many flaws in the ship that threatens the safety of the maritime navigation, and it was afterwards banned from leaving the country. However, the ship remained docked in Beirut port while carrying hazardous material and none of the requested action was done, knowing that it became at risk of sinking, and the flaws deteriorated as per the second report prepared by the above-mentioned authority,

Whereas article 13 of decision no 166 dated July 3, 1942, stipulated that the urgent matters Judge has the competence to authorize the adviser for maritime affairs to act on behalf of the ship owner, and to execute or complete the floating and disposal works at the expense and responsibility of the owner of the ship that sinks or drifts in the port and may obstruct the navigation,

Whereas the documents in the case file and both reports of the Ship Inspection Service affiliated to the Directorate General of Land and Maritime Transport, and the investigation conducted by the court clerk, reveal that the situation of the ship became dangerous and threatens the navigation in the port, whether because it is at risk of sinking as both reports mentioned, or due to the hazardous material the ship is carrying. Furthermore, the shipowner and his agent, are failing to take any action to prevent the damage, which

requires, pursuant to the abovementioned article 13, authorizing the petitioner to refloat the concerned ship, after moving the material onboard and storing it in an appropriate place under its custody, after taking the necessary measures given the hazardous material onboard the ship,

And since the petitioner requests as well the authorization to sell the ship pursuant to article 11 of decision 41/166,

And whereas the mentioned article does not give the urgent matters judge the competence to take a decision concerning the sale, and refers to the provisions of decision 41/98, which requires rejecting the request because of lack of jurisdiction,

Therefore,

The following decisions were taken [by the judge of urgent matters]:

- 1- Authorize the petitioner to refloat the ship that is the subject of the petition according to what was explained above after moving the material onboard to an appropriate place to store it under its custody.
- 2- Reject the request to sell the ship because of lack of jurisdiction.
- 3- Mandate the [court] clerk Ziad Shaaban to enforce [the decisions].

Effective Immediately. Beirut, June 27, 2014

Judge Jad Maalouf

[Signature]

[Court] Clerk

[Signature]

## July 8, 2014 Urgent Matters Judge Ledger

On July 8, 2014, O. Tarabah [Lawyer] appeared on behalf of the petitioner and obtained a true copy of the decision issued on June 27, 2014 and signed as per the below:

[Signature]

## July 11, 2014 Letter from Case Authority Lawyer to Case Authority

**Omar Wafik Tarabah**  
**Lebanese State Lawyer**  
**Civil and Arbitration Cases**  
**Masters in Private Law**

Beirut, July 11, 2014

**To:** HH Head of the Case Authority at the Ministry of Justice

**RE:** Request to refer a decision to the relevant authority

**Case No:** 137/2014

On June 27, 2014, HH Jad Maalouf, judge of urgent matters in Beirut, issued a decision, effective immediately, to authorize the Lebanese State through the Directorate General of Land and Maritime Transport to refloat the ship “Rhosus” after moving the hazardous material onboard to an appropriate place to store it under its custody.

To this end,

We hereby request your honor to refer this letter to the Directorate General of Land and Maritime Transport at the Ministry of [Public Works] and Transport, together with a true copy of the aforementioned decision, in order, after approval, to do the necessary to lift the imminent threat.

**Respectfully,**

**Lawyer Omar Tarabh**  
**Lawyer of the Lebanese State**

[Signature]

Received on July 14, 2014

Amal [illegible]

[Signature]

## August 20, 2014 Letter from the Minister of Foreign Affairs and Emigrants Received by the Minister of Public Works and Transport

The Republic of Lebanon  
Ministry of Foreign Affairs and Emigrants  
Directorate of Political and Consular Affairs  
Number: 3604/5  
Date: August 20, 2014  
To the Ministry of Public Works and Transport  
[Stamped date] August 27, 2014  
6651

Subject: The case of the Ukrainian ship Rhosus

In reference to the subject and referral above, we are hereby sending a copy of the memo from the embassy of Ukraine in Lebanon, number 765-540-22/6167 dated August 6, 2014, along with a copy of memo number 763-540-36/6167, dated August 6, 2014, in which the embassy requests a briefing about the implementation of the attached court decision, dated June 27, 2014, regarding refloating the ship Rhosus.

Please review, take needed action, and send us feedback.

Director of Political and Consular Affairs

6602/6

Ambassador Charbel Wehbeh

8

[Signature]

Copy to the Ministry of Justice

[Attachment]

The Republic of Lebanon  
Ministry of Public Works and Transport  
6602/6

Referral

Subject: The case of Ukrainian ship Rhosus

Number: 6651/2014

Sender	Referral Reasons	Date and Signature
The Directorate General of Land and Maritime Transport	For information and follow up	Minister of Public Works and Transport [SIGNATURE]

		Ghazi Zeiter August 22, 2014
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## September 3, 2014 Letter from the Directorate General of Land and Maritime Transport to Beirut's Port Authority

September 3, 2014

5961/6

**To :** 'Compagnie d'Exploitation et de Gestion du Port de Beyrouth' (CEGPB)

**Re:** Request to secure premises to store the cargo of the RHOSUS loaded with hazardous merchandise (ammonium nitrate)

**Reference:** The RHOSUS file

- 1- The ship RHOSUS arrived to Beirut Port on November 21, 2013, loaded with Ammonium Nitrate, which is classified as a hazardous substance, to ship merchandise from the port. Due to a dispute between BUNKERNET LTD and the shipowners, Beirut Enforcement Department issued judicial order no. 1031/2013, dated December 20, 2013, as per which the ship was impounded and forbidden from leaving the Lebanese territorial waters, unless it paid a bail covering the outstanding debt to the party requesting its impoundment.
- 2- Since the urgent matters judge issued a decision recently to allow the Lebanese state represented by the Directorate General of Land and Maritime Transport to refloat the RHOSUS, after transferring the dangerous material onboard to an adequate storage place under its supervision, until the material and the ship are auctioned,

We kindly request that you take note of the above and help provide places to store the indicated hazardous merchandise in one of the Beirut Port warehouses to allow for the resumption of the necessary measures to request auctioning the merchandise and ship.

Director General of Land and Maritime Transport,  
Engineer Abdel Hafiz el-Kaissi

## September 26, 2014 Urgent Matters Judge Ledger

On September 26, 2014, the Directorate General of Customs was notified of the decision of June 27, 2014, and a notification memorandum was duly delivered to Mr. Ali Awada, employee at the Directorate General of Land and Maritime Transport, in order to notify the Directorate General of Land and Maritime Transport procedurally and he signed as per the below.

[Signature – Ali Awada]

## October 21, 2014 Letter from Beirut Port's Director General to the Directorate General of Land and Maritime Transport

**To:** The Directorate General of Land and Maritime Transport

Re the abovementioned subject and reference, we hereby inform you of the following:

With our approval of the content of your abovementioned letter, we inform you that it is possible to use a part of Hangar [blank] designated for the storage of hazardous substances, to store the cargo of the Rhosus, until the completion of the necessary measures to auction this cargo and the ship.

Respectfully,

Beirut, October 21, 2014

Director General

Hassan Kamel Koraytem

## October 23, 2014 General Security Office's Information Report

Information Report Confidential

Issuance No: [illegible] Date: October 23, 2014

Source of Information: Personal Investigation

Degree of Accuracy: Definite

Re: Follow-up and Information

Further to previous reports about the situation of the ship "Rhosus", we learned that on [date not clear] at 8 AM, the 'Compagnie d'Exploitation et de Gestion du Port de Beyrouth' (CEGPB) started enforcing decision 429/2014 dated June 27, 2014, issued by HH Jad Maalouf, judge of Urgent Matters in Beirut, to float the ship that is the subject of the petition after moving the material onboard to an appropriate place to store it under its custody. The company unloaded 2,700 tons of nitrates, a hazardous substance used to blast rocks and produce agricultural fertilizers, directly from the ship docked in Quay 9 to Hangar 12 near the Quay. The quay was closed by the containers and all access points leading to [illegible] were closed.

A copy of the Judge's decision is hereto attached.

## October 24, 2014 Letter from Head of the Manifest Department to the Head of the Customs Port of Beirut Service

Ministry of Finance  
Customs Administration  
Manifest Department  
Issued Doc. No.:8602/2/2014

### **To: Head of Customs Authority in Beirut**

In reference to the judicial decision no. 429/2014, dated September 26, 2014, issued by the Court of Urgent Matters in Beirut and the presiding judge, to float the RHOSUS ship and transport the material on board to an adequate place for storage under guard, we hereby note that, on October 23, 2014, work was initiated to unload the aforementioned material and store them in customs' hangar no. 12, designated for the storage of flammable material, as it turned out that the stored material, namely "Ammonium Nitrate," was hazardous.

Based on the above, and to avoid any potential disaster resulting from the ignition of the material, and given that their storage requires special facilities that are not available on the port premises, we propose to approve handing them over immediately to the competent security authorities, hence the "Lebanese Army Command," or re-exporting them, in both cases, requesting the approval of the court of urgent matters.

It remains a duty to bring the dangerousness of the matter to the attention of the judge of urgent matters.

Attached is the complete file.

Beirut, on October 24, 2014  
Director of the Manifest Department  
Nehme Brax

October 27, 2014  
8713/21  
[illegible] Manifest Department  
[illegible] Date of entry of the ship to Beirut Port, in addition to its manifest, the shipping...  
the name [illegible]...

Beirut,  
Head of the Customs Authority in Beirut  
Hanna Fares

8602

November 1, 2014

[Signature not clear]

## November 14, 2014 General Security Office's Information Report

### Information Report

Confidential

**Issuance Number:** 1939/ [illegible] **Date:** November 14, 2014

**Date of Information:** November 13, 2014

**Source of Information:** Document – Laboratory

**Degree of accuracy:** Definite

**RE:** Transferring the material onboard of the ship “Rhosus” to hangar 12 in [Beirut] Port  
Further to previous reports about the situation of the “Rhosus”, Ziad Shaaban, court clerk appointed by enforcement by HH Jad Maalouf, Urgent Matters Judge in Beirut, came to Beirut Port and went accompanied by Rabih Shamaay, customs expert, to hangar 12 to make sure that the cargo that was onboard the ship, 2,750 tons of ammonium nitrate (Hazardous material used to blast rocks and to manufacture agricultural fertilizers), was unloaded.

An implementation report was prepared to prove that the material onboard of the Rhosus were transferred and Mr. Mohamad al-Mawla (harbor master) was appointed as the judicial guard of the mentioned cargo, noting that Mr. Mawla told the clerk tasked with the enforcement that the hangars are within the responsibility of the customs and the Gestion et Exploitation du Port de Beyrouth and that he does not have any authority over the hangars, and it is not possible to control the cargo inside them, so he signed the record with reservations.

Report prepared by: [Name does not appear in the image]

Opinion of the head of the Department: Office of Information Affairs

## November 26, 2014 Letter from Directorate of Land and Maritime Transport to Case Authority

Republic of Lebanon  
Ministry of Public Works and Transport  
Directorate General of Land & Maritime Transport  
6/8435

November 26, 2014

To: Ministry of Justice – Case Authority

Re: Request to take the necessary action to sell the “Rhosus” docked in Beirut Port and its cargo at auction in an immediate and prompt manner

**Reference:**

- Our letter no: 6/2832 dated April 8, 2014 and its annexes
- Our letter no: 6/3178 dated April 14, 2014 and its annexes
- Our letter no: 6/4431 dated June 2, 2014 and its annexes
- The case file

As per the above-mentioned subject and references, and further to our letters no 6/2832 dated April 8, 2014 and no: 6/3178 dated April 14, 2014 requesting to expedite the adjudication of the case of “Rhosus” docked in Beirut Port,

Whereas the urgent matters judge in Beirut issued the decision 429/2014 dated June 27, 2014 in which he ruled to authorize the Ministry of Public Works and Transport – the Directorate General of Land and Maritime Transport to refloat the “Rhosus” and to move the merchandise on board to an appropriate place to store it under its custody,

Whereas the Head of Beirut Port stated in his reference no: 1020/b dated October 27, 2014 that the hazardous material (Ammonium nitrates) onboard of the ship was unloaded in Hangar 12 affiliated to the ‘Compagnie d’Exploitation et de Gestion du Port de Beyrouth’ (CEGPB), and that the unloading of the material was done by the CEGPB, the Lebanese Company for Unloading, and the contractor Stevadoria, which resulted in fees and wages to all the aforementioned [entities] that are still not paid until today, in addition to merchandise storing fees incurred daily to the CEGPB,

Whereas the ship is worn out because it is corroded to rust and suffers from many flaws, notably a fissure in the forepeak and both ballast water tanks, and these flaws are becoming worse with time, and as winter approaches, the ship is at risk of sinking, especially that the maritime agent is not taking any measures to repair the flaws, arguing that the shipowners and equippers abandoned it and are not paying for the repairs, which jeopardize the safety of the maritime navigation in the port and the safety of the marine ecosystem,

And in the interest of the safety of the maritime navigation in the port and the public safety, and of the rights of the rights holders on the ship and merchandise,  
We respectfully inform you about this issue and ask you to instruct the Enforcement Department in Beirut to announce rapidly selling the ship and the merchandise in auction, to avoid its sinking in the port due to the rust, and therefore avoid jeopardizing the safety of the maritime navigation, the public safety and the safety of the environment.  
Eng. Abdel Hafiz al-Kaissi  
Director-General of Land and Maritime Transport  
A copy of the whole file is hereto attached.

**December 5, 2014 Letter from Customs Officials to Urgent Matters Judge  
Logged as Received on December 6, 2014**

On December 6, 2014, a request to re-export [the merchandise] was received from the Directorate General of Customs and it was appended to the file.

[Signature]

## December 8, 2014 Urgent Matters Judge Returns Customs Letter

### Decision

After review of the letter issued by the Directorate General of Customs, we have decided to dismiss it in form.

December 8, 2014,

Judge [Signature]

## December 18, 2014 Response from Case Authority Lawyer to the Directorate General of Land and Maritime Transport

Omar Wafik Tarabah  
Lawyer of the Lebanese State  
Civil and Arbitration Cases  
Masters in Private law

To: HH the Head of Case Authority at the Ministry of Justice  
Petition

December 18 ,2014

**Case no:** 137./2014

**Petitioner:** Omar Tarabah, lawyer acting on behalf of Case Authority

**RE:** Response to the Request of the Administration to sell the “Rhosus” and the merchandise [onboard of the ship] in a public auction through the Enforcement Department in Beirut

In response to the letter of the Ministry of Public Works and Transport no:6/8435 dated November 26, 2014 sent to the Case Authority at the Ministry of Justice, concerning a request to sell the “Rhosus” in a public auction through the Enforcement Department in Beirut, on the grounds that the ship is worn out because it has corroded to rust and suffers from many flaws which expose it to the risk of sinking and threatens the maritime safety, therefore in light of the above we state the following:

- 1- The Case Authority at the Ministry of Justice submitted a request to the urgent matters judge in order to authorize the [Case] Authority through the competent administration to complete the refloating of the ship in a manner that does not jeopardize or threaten, by any means, the safety of the maritime navigation, and authorize it to move the merchandise onboard of the ship given the risks its impose to the environment to a safe and guarded place, pursuant to article 135 of decision no: 166.
- 2- At the request of the [Case] Authority in its capacity as representative of the Ministry of Public Works and Transport, HH Jad Maalouf, judge of urgent matters in Beirut, issued a decision dated June 27, 2014, in which he authorized the Administration to refloat the ship after transferring the hazardous material onboard

- to an appropriate place to store it and guard it. The mentioned decision was enforced, and a record was prepared by Ziad Shaaban, court clerk, stating that the hazardous material was transferred to a safe place and that the ship was refloated, which eliminates the danger after the decision issued by the urgent matters judge was enforced.
- 3- The Lebanese state is owed no outstanding dues by the ship owners and does not have an enforcement deed or court ruling to legally submit a request to enforce and collect a debt bond through selling the ship, to collect the debt if matured, and there is no collection order issued by the Administration in this regard.
  - 4- The party who can request selling the ship is “Bunkernet LTD” since it submitted a request to provisionally impound the ship and ban it from leaving the country to the Enforcement Department to preserve its financial rights amounting to USD 119,396 under no: 1031/2013, naturally after obtaining an enforceable court ruling and then the provisional impoundment becomes an executive impoundment.
  - 5- Finally, it must be noted that the request of the Administration to sell the ship because it threatens the maritime safety means that the Administration did not enforce the decision properly or it did not enforce all of its provisions, since the decision authorized the Administration to refloat the ship, which means lifting it after moving the hazardous material onboard to an appropriate place to store it, so how come the Administration states that the ship’s situation might lead to its sinking during winter given the flaws it suffers from, which means that the ship was not refloated or the refloating did not occur properly.

Therefore,

And per the above, the Case Authority at the Ministry of Justice represented by its lawyer, summarizes its reply to the Administration request as per the following:

- 1- The Lebanese State has no competence to submit an enforcement request against the “Rhosus” owners since it does not have an enforcement deed.
- 2- By invoking that “the flaws of the ship are becoming worse with time, and as winter approaches, the ship is at risk of sinking” in its request, the Administration holds the port management responsible for not duly enforcing the court order, since refloating the ship implies removing it and given that transferring the cargo to a safe place pursuant to the decision eliminates the risk imposed by the toxic substance to the maritime safety, thus duly and

properly enforcing the decision by the administration is enough to eliminate the risk.

Respectfully,

By the power of Attorney

Lawyer Omar Tarabah

## January 12, 2015 Internal Port Management Memo

Lebanese Republic

Gestion et d'Exploitation du Port de Beyrouth

### Referral Document

Registration Number at the Cabinet of the Port of Beirut: 163

Registration Date: January 12, 2015

Re: Merchandise abandoned in the port warehouses, and which stayed there for a period that exceeded the legal time limit

Addressee	Instructions or Summary of the referral	Date	Signature of the Sender
Director of Commercial Affairs	Please find attached the lists of abandoned merchandise in the port warehouses, and which stayed there for a period that exceeds the legal time limit. Noting that this merchandise was classified according to the warehouses they are stored in.	January 12, 2015	Head of Customer Service Suheil [illegible] [Signature]
President/Director General	Please find attached the lists of merchandise abandoned in the hangars for more than six months and classified according to the hangars [they are stored in]. We	12/1/2015 Registration number of the sender: [Signature]	Acting Director for Commercial Affairs Fawzi Allam [signature]

	inform you as well that this is the second part of the lists and that they were sent to the Customs Administration when due.		
		Head/Director General Hassan Kamel Koraytem [signature] January 12, 2015	
[illegible] Operations			
Original		Taking the necessary action	

To make an inventory on the ground and [illegible] with the attached list and prepare a new report with pictures of each hangar

## January 14, 2015 Internal Port Management Memo

Lebanese Republic

Gestion et d'Exploitation du Port de Beyrouth

### Referral Document

Registration Number at the Cabinet of the Port of Beirut: 201

Registration Date: January 14, 2015

Re: Request the competent authority to inspect the doors of the warehouses and to undertake the necessary repairs

Addressee	Instructions or Summary of the referral	Date	Signature of the Sender
Director of Operations	We respectfully ask you to request that the competent authority inspects all the doors of the warehouses, conducts the necessary reparations, install all the missing parts and paint them, and renumber the warehouse and the doors for the following warehouses: 9-10-11-12-13-14-15-17-18-19 %	January 12, 2015 Registration No: 98	Head of General Cargo Service Eng Mustafa Farchoukh
President/Director General	We hereby submit this proposal to your kind attention with our approval for the	January 14, 2015 Registration no: [illegible] 98 [illegible]	Director of Operations Eng Sami Hussein [Signature]

	maintenance of all the warehouses doors through the Directorate of Maintenance		
[illegible] Maintenance [illegible] Operations	Taking the necessary action with approval	January 15, 2015 Registration No:	President/Director General [Signature] Hassan Kamel Koraytem

## January 23, 2015 Petition from Savaro Limited's Lawyer

Joseph Kareh and Associates  
For Law and Legal Consultations  
[Redacted]

Beirut, on 23/1/2015

**Honorable Judge of Urgent Matters in Beirut,**

Petitioner: Savaro Limited

Represented by: Lawyer Joseph Kareh

Attached is an image of the power of attorney (Document 1)

Subject: Request to appoint an expert

Whereas the petitioning company that owns merchandise in hangar no. 12 in Beirut Port, notably bags containing Ammonium Nitrate, as per a shipping policy and sales contract, attached hereto (Documents 2 and 3);

Whereas the policy indicates that the company which owns the merchandise is Rustavi Azot and the sales contract was concluded from Rustavi Azot to Savaro Limited;

And, whereas the petitioning company requests to know the status of this merchandise present in the port to take the adequate decision in that regard, notably since the incurred damage is huge and since the company pays daily storage fees at the port,

Therefore, we ask your esteemed judgeship to appoint an expert to inspect the merchandise, determine their condition and quantity, *and specify whether they are fit for use.*

Respectfully yours,

By virtue of the Power of Attorney,

Joseph Emile Kareh

Appeals Lawyer

## February 16, 2015 Cargo Inspection Expert's Report

Mireille Antoine Moukarzel

Forensic Chemical Expert at the Lebanese Customs Authority

Chemical and Petroleum Expert at the Lebanese Courts

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### **Report Prepared by the Chemical and Petroleum Expert Mireille Moukarzel to the attention of his HH Mr. Nadim Zouein, Urgent Matters Judge in Beirut**

Petition No: 78/2015

#### **First – The Mission**

On January 28, 2015, I, the expert Mireille Moukarzel, was notified of the decision of the Urgent Matters Judge in Beirut (Decision No: 78/2015) based on the petition files by Savaro Limited represented by Mr. Joseph El-Kareh (Lawyer) concerning the following:

To inspect the merchandise present in hangar 12 at the Port of the Beirut which consist of bags containing ammonium nitrate according to the ship manifest in order to examine the status of the material, its quantity and determine whether it is fit for consumption.

- The ship manifest is hereby attached.

#### **Second – The mission Execution**

As soon as I got notified about my mission, and after review of its content, I communicated with the petitioner's lawyer to schedule an appointment in order to inspect the merchandise at Beirut Port.

After notifying the relevant administrations at the port, an appointment was set to examine the abovementioned merchandise on Wednesday, February 4, 2015.

Mireille Antoine Moukarzel

Chemicals and Petroleum Expert at the Lebanese Courts

[Signature]

#### **Page 2**

At 10:45 am on the set date, I, the Chemical and Petroleum Expert Mireille Moukarzel, came to Beirut Port where the merchandise is stocked, in the presence of Mahmoud

Ibrahim, Staff Sergeant, and Georges Daher, head of the hangar where the merchandise is stocked (hangar 12).

Attorney Joseph El-Kareh who represents the petitioner was not able to arrive due to a heavy traffic jam.

Mahmoud Ibrahim, Staff Sergeant, and Georges Daher, head of the hangar, opened the hangar (hangar 12) where the merchandise is stocked.

The merchandise was examined, and samples were taken for analysis.

Attached hereto is the original record on February 4, 2015

### **Third – The Inspection Result**

After inspection of the merchandise, it turned out that the merchandise is in a dire condition, the bags were torn, and the material was leaking outside the bags and its color had changed. The following photos are proof of the merchandise conditions.

#### **Page 3**

It was impossible to count the bags because of the way in which they are stored and because they were placed in an unorganized way that they cannot be counted. But according to the Bill of Lading, the number of the bags is 2,750.

- Attached hereto is a copy of the Bill of Lading

Furthermore, and according to the Entry Form, 1,950 out of the 2,750 bags were torn.

- Attached hereto is a copy of the Entry Form

Ammonium nitrate is used primarily as fertilizer, and it can be used in the manufacture of explosives.

Whether the goods in the untorn bags were fit for use, these goods are usually fit for use if they have not absorbed humidity but to make sure of that, they need to be analyzed.

However, the petitioner [Savaro Limited] refused that.

Thus, the material in the torn bags should be disposed of according to the local environmental control regulations.

Mireille Antoine Moukarzel

Chemicals and Petroleum Expert at the Lebanese Courts

#### **Page 4**

#### **Note concerning the fees' increase:**

Given the efforts deployed by the expert to inspect the goods stocked in hangar 12 at the Port of Beirut, to take photos, and to peruse all the presented documents and the scientific studies done to fulfill the mission points accurately and clearly,

I hereby request the Court to increase my fees to LBP 1,700,000, including the expedited advance.

Faithfully

Expert Mireille Moukarzel

## March 9, 2015 Letter from Directorate General of Land and Maritime Transport

6/1851

March 9, 2015

**To: The Industrial Research Institute**

**RE:** Request for inspection and analysis of a cargo of ammonium nitrate, a substance classified as hazardous, unloaded from the ship “Rhosus” impounded in Beirut Port and stored in the warehouses of the Gestion et Exploitation du Port de Beyrouth

Reference :

- The ruling of the Urgent Matters Judge in Beirut no 429/2014 dated June 27, 2014 concerning both the ship and the cargo
- The ship file
- The applicable [legal] texts

As per the above-mentioned subject and reference,

Whereas the ship called “Rhosus” docked in Beirut Port on November 21, 2013 with 2,570 tonnes of Ammonium Nitrate onboard, [a substance] classified as hazardous, and whereas just afterwards the ship was subject to multiple provisional impoundments, and incurred different debts, thus its situation deteriorated and the sailors onboard left and it became in a bad situation, which requires expediting the adjudication of the case of the ship and the cargo, and whereas the Ministry of Public Works and Transport – Directorate General of Land and Maritime Transport has obtained from the Judge of Urgent Matters in Beirut a decision no. 429/2014 dated June 27, 2014, authorizing the Directorate to refloat the ship and transfer the cargo to an appropriate place to store it under its custody,

And whereas the cargo of the ship is prone to damage, given its characteristics, especially concerning the expiry of its usability date, which requires selling it at auction duly and in an expeditious manner, and whereas we attach to this letter a copy of the ship’s bill of lading and manifest,

We respectfully ask you to get acquainted with the subject and take the necessary urgent and immediate measures, concerning the inspection and analysis of the merchandise present in the Gestion et Exploitation du Port de Beyrouth warehouses, notably the : type, characteristics, end use(s), manufacture date, expiry date, the possibility of disposing of the merchandise in Lebanon as necessary, or abroad, and the cost of such disposal and its

constraints, in addition to any inputs and additional information you deem appropriate, and to provide us with the results as soon as they are ready.

Knowing that the necessary funds are available at the Directorate General of Land and Maritime Transport and will be duly paid by a bank transfer issued by the Ministry of Finance.

## May 9, 2015 Letter from Head of the Manifest Department

Ministry of Finance  
Customs Administration  
Manifest Department  
Issuance Number: 8602/m/2014

To be submitted to the Head of Service

Further to our letter under the same number and dated October 10, 2014, a copy of which is hereto attached”, we note that until present, and in spite of letter no: 19320/2014, dated December 5, 2014 sent by HE the Customs Director, to HH Judge of Urgent Matters, we did not receive any report related to final fate of the cargo (ammonium nitrate) impounded at Warehouse 12.

This is to kindly inform you and ask you to provide us with the necessary guidance, to avoid the liability that might arise from the ignition of these materials.

Beirut, May 9, 2015

First Controller at the Manifest Department

[signature]

Nehme Brax

## June 30, 2015 Urgent Matters Judge Ledger

On June 30, 2015, a letter for re-export of merchandise was received from the Directorate General of Customs, and it was appended to the file.

[Signature]

## July 1, 2015 Urgent Matters Judge Response to Customs

### Decision

After review,

We have decided to refer the letter to the Case Authority at the Ministry of Justice to take a position and present any demands in a legal manner.

July 1, 2015

[Signature]

On July 1, 2015, a memorandum was sent to the Case Authority, and it was attached, along with a photo of the [illegible] and the letter of the Directorate General of Customs.

[Signature]

## July 3, 2015 Letter from the Head of the Manifest Department

Lebanese Republic

Customs Administration

Manifest Department

Issuance No: 1684/2015/أ

### To be returned to the Head of Service

In reference to the referral of the Directorate General of Customs no: 2354/2015 dated April 28, 2015, [and] to the referral of the Public Prosecutor at the Court of Cassation no: 860/2015 dated April 21, 2015, concerning supplying the Central Criminal Investigations Department with the all the information related to the material and merchandise which we need an approval to destroy and which are present in the customs warehouses in Beirut Port, especially those stored there since 2010 and before, we hereby attach lists of the damaged goods with some of the available information with the exception of Warehouse no 12 where it was impossible to do an inventory because it is filled with bags of impounded ammonium nitrate, there pursuant to the letter no 429/2014 dated September 26, 2014 issued by the Urgent Matters Judge, and the Warehouse no 9 auction since the fate of the merchandise unloaded there is in the hands of the competent department given that they are meant to be sold at public auction.

The damaged goods mentioned in the attached lists are detailed as per the following:

- Goods which records are still open to date.
- Goods transferred from the closed warehouses 20 and 21 according to the official transport receipt.
- Goods with unknown records.

These goods are in turn divided into:

- 1- Goods abandoned by their owners, and which were put on sale at public auction and their fate was not determined by the competent party back then.
- 2- Goods impounded by the customs pursuant to customs cases or placed in the penal consignment record for violating the applicable laws and regulations.
- 3- Goods transferred long ago from the two closed warehouses 20 and 21 to the remaining customs warehouses.
- 4- Goods separated from grants offered to Lebanon in the aftermath of the War of July 2006 because they expired or for non-conformity issues, that is why most of these

goods were abandoned without registration at that time given the above-mentioned circumstances.

- 5- Goods impounded pursuant to judicial decisions, and which cannot be destroyed until a judicial decision allowing this is issued.
- 6- Impounded medicines and food supplements.
- 7- Goods with unknown origin that were damaged, and it was impossible to determine their nature since they were stocked since long time, or they were moved from a warehouse to another.

Therefore, and according to the above, and since the merchandise at stake is threatening the public health and the environment, and given that since we assumed the functions of this department, we are striving to activate the goods destruction process which is time consuming because we need to obtain the approval of all the parties concerned with the destruction, including ministries, administrations, municipalities, etc, in addition to the related expenses, therefore we propose to approve the following:

**First:** obtaining just the approval of the Public Prosecutor at the Court of Cassation on an exceptional basis to destroy all the goods mentioned in the attached lists without recourse to other stakeholders, to save time and accelerate the destruction process.

**Second:** Destroy the goods at the expense of the 'Gestion et Exploitation du Port de Beyrouth' since it is directly involved in the management of the warehouses and the preservation of the goods stored there, however the ministry of environment should determine the place where the destruction process should take place.

**Third:** Concerning the medicines and food supplements, we reiterate our suggestion in our referral with the same number dated March 6, 2015, to contract a foreign country to destroy the various types of medicines and food supplements, in addition to the damaged goods which is not possible to destroy in Lebanon given the lack of necessary resources.

Please find attached a copy of our referral no: 1684/,2015/أ dated March 6, 2015 in addition of the entire file.

Beirut, July 3, 2015

First Controller of the Manifest Department

Nehme Brax

[Signature]

## July 20, 2015 Letter from Case Authority to Urgent Matters Judge

Omar Wafik Tarabah  
Lawyer of the Lebanese State  
Civil and Arbitration Cases  
Masters in Private law

Beirut, July 20, 2015

To: HH Judge of Urgent Matters in Beirut  
Petition  
Submitted by

Cases no: 137/ 2014

**Petitioner:** The Lebanese Republic represented by the Head of the Case Authority at the Ministry of Justice, represented by Lawyer Omar Tarabah pursuant to decree no: 1580/2015

**Re:** Taking a summary decision with immediate effect from the deliberation chamber pursuant to a writ on petition to oblige the maritime agent to remove the merchandise from the Lebanese territory

Whereas according to the referral you sent to the Case Authority at the Ministry of Justice to adopt a stance concerning the letter of the Customs Administration in which the Administration requested the maritime agency through you to remove the material and merchandise unloaded from the ship “Rhosus” from Beirut Port.

Whereas your esteemed court had previously taken a decision dated June 27, 2014 which ruled to authorize the Port Authority to refloat the ship and transfer the material onboard to an appropriate place to store it given its hazardous nature.

Whereas these material and merchandise were stored in the Customs Warehouse no 12 at Beirut Port.

Whereas according to the letter of the Customs Administration, the presence of the merchandise and material in the warehouse is threatening the safety of the port and those working there since it contains ammonium nitrate.

Whereas article 589 together with article 593 of the Lebanese Code of Civil Procedure, give the Urgent Matters Judge the competence to take all the interim and precautionary

measures to avoid damage without having to call or hear the litigant in accordance with the due process related to the writs on petition which require this,

Whereas given the negligence of the ship owner and maritime agent, and given the dangers imposed by the presence of these material on the public safety.

Therefore,

the petitioner respectfully requests from your honor,

Taking a decision to oblige the maritime agent to remove the material and merchandise from the Lebanese territories at its expense and responsibility in accordance with the due process without calling the maritime agency or its representatives according to article 589 together with article 593 of the Code of Civil Procedure.

Signature

Omar Tarabah

## July 22, 2015 Urgent Matters Judge Decision

### Decision

After review,

The following was decided:

- 1) Task the petitioner with clarifying whether it was notified of any decision by the Enforcement Department to seize the cargo mentioned in the request;
- 2) Notify the maritime agent to give his remarks regarding the request within three days, counting from the date of notification, and task him with providing the court with all information related to the ship charterer and owner, notably in terms of the possibility and method of communicating with them and whether they had been recently contacted about the ship and the merchandise, in addition to clarifying the identity of the merchandise owner and how to communicate with him and whether he has already been contacted.

On July 22, 2015

Judge

[Signature]

On August 4, 2015, O. Tarabah [Lawyer] appeared on behalf of the petitioner, and he has been informed of the decision of July 22, 2015 to act upon it [the decision] and he signed as per the below.

[Signature]

[Signature]

## September 11, 2015 Urgent Matters Judge Decision

On August 5, 2015, an enforcement notice for the decision dated 22/7/2015 [illegible] was received from the petitioner, and it was appended to the file.

On August 5, 2015, the maritime agent was notified of the decision dated July 22, 2015 [illegible], and it was handed to Mr. Tarabah [Lawyer] on behalf of the petitioner [illegible] to duly notify him and Mr. Tarabah signed as per the below.

[Signatures]

On September 7, 2015, a remarks' list was received from the maritime agent on???, which was appended to the file.

[Signature]

### Decision

After review,

It was decided to call the petitioner and the ship agent to a hearing to elucidate some pending issues on September 16, 2015, at 1 pm.

On September 11, 2015

Judge

[Signature]

## November 19, 2015 Army Request for a Sample to be Analyzed

Ammonium Nitrate 1

**Lebanese Republic**

**Ministry of National Defense**

**Army Command**

**Directorate of Equipment**

[illegible] 47882/TG/Technical

[illegible] 1/221

**To: Directorate General of Customs**

**RE: Inspection of Ammonium Nitrate**

The Lebanese Army Command hereby inform you that upon inspection, it was proved that the nitrogen grade of the Ammonium Nitrates (2755,5 tons) stored in Hangar 12 at Beirut Port was unmarked. Therefore, the Army Command hopes to take a sample of the mentioned merchandise and perform laboratory testing to confirm its nitrogen grade, and communicate the results to the Army Command as soon as possible in order to propose the appropriate [measure] to be taken accordingly.

**Al-Yarzeh, November 19, 2015**

**General Jean Kahwaji, Commander of the Lebanese Armed Forces**

**On his behalf,**

**Major General [Walid] Salman, Chief of Staff**

General Directorate of Lebanese Customs

Date of receipt: November 21, 2015

Reg. No: 295/22138

To be transferred to Regional Directorate of Beirut [Customs] for information and an opinion.

Beirut, November 26, 2015

On the behalf of Customs Director General

Raymond Khoury

Regional Directorate of Beirut [Customs]

No: 15/13658

November 26, 2015

To be referred to the Administration in Beirut for the same purpose

Beirut, November [illegible], 2015

## December 8, 2015 Letter from the Manifest Department

Ministry of Finance  
Customs Administration  
Manifest Department  
No: 1828[illegible] /2015

### **To: Head of Service**

Concerning the reference of the Directorate General of Customs no:22138/2015 dated November 26, 2015, and after review of the letter of the Chief of Staff for Equipment – Lebanese Army Command no:47882/n g/technical dated November 19, 2015, and further to our two references under the same number dated November 24, 2014 and May 9, 2015, and since HH the judge of urgent matters in Beirut has appointed the Expert Mireille Moukarzel as per the judicial decision no: 78/5 to take samples of the ammonium nitrate, we suggest asking the relevant parties to come with the mentioned expert to take new samples and analyze them in order to provide the Army Command with the results upon its request in the abovementioned letter.

- A copy of the file is attached hereto.

Beirut, December 8, 2015  
Nehme Brax  
First Controller in the Manifest Department

Head of Beirut Customs Service – the Port  
Receipt Date: December 9, 2015  
Registration No: [illegible]/2015

To be submitted to the Regional Directorate  
With Approval

- A copy of the file is attached hereto

Beirut, December 11, 2015  
Head of Beirut Port Customs Service

Hanna Fares  
[Signature]

Regional Directorate [of Customs] of Beirut  
Registration no: 13658/2015  
Registration Date: December 12, 2015

To be submitted to Directorate General of Customs  
With approval

- A copy of the file is hereto attached.

Regional Director [of customs] of Beirut  
Hani Haj Shehadeh [Signature]

Directorate General of Lebanese Customs  
Receipt Date: January 8, 2016  
Registration number: 22183/2015

## February 1, 2016 Letter from the Manifest Department

**To: Head of the Service**

In reference to the referral to General Directorate of Customs no. 2015/22138, dated January 1, 2016, and the letter of the Lebanese Army Command related to extracting a sample of the ammonium nitrate in Hangar 12 and carrying out laboratory testing to confirm its nitrogen grade, we would like to inform you that, on January 20, 2016, the chemical expert Mireille Antoine Moukarzel extracted a sample from the merchandise. According to the attached testing results issued by the Industrial Research Institute, the nitrogen grade is 34.7%.

Please take note of the above. We hereby reiterate our previous proposal, subject of our two referrals no. 8602/m/2014, dated October 24, 2014 and May 9, 2015, copy of each attached hereto with the complete file, to hand over the material immediately to the competent security authorities, the Lebanese Army Command, or re-export them due to the risk they pose and the disaster that might arise if they catch fire or explode.

Beirut, February 1, 2016

First Controller of the Manifest Department

Nehme Brax

## February 27, 2016 Response from Customs to the Army

Ammonium Nitrate 2

**Directorate General of Customs**

**No. of Issued Document: 22138/2015**

**Beirut, on February 27, 2016**

**To: Ministry of National Defense**

- **Army Command** -

**Subject:** Examination of Ammonium Nitrate

**Reference:** Your letter no. 47882/Technical, dated November 11, 2015

In reference to the above subject and reference, we attach, for your information, the report of the chemical expert Mireille Antoine Moukarzel, along with the testing carried out at the Industrial Research Institute on the ammonium nitrate sample extracted from Hangar 12 at Beirut Port. The results show that the mentioned material's nitrogen grade is 34.7%.

Kindly take note of the above,

Director of Lebanese Customs

Shafik Merhi

## April 7, 2016 Letter from the Army to Customs

Ammonium Nitrate 4  
Lebanese Republic  
Ministry of National Defense  
Army Command  
Equipment Department of the Army Staff

[No: 83734 /TG/Technical  
Classification: 1/20879

To the Directorate General of Customs  
Re: Taking a stance regarding the need for ammonium nitrate

Following its letter no: 47882/TG/Technical on November 19, 2019, and further to your letter no:22138/2015 on June 26, 2016, the Army Command hereby informs you that the Army do not need the Ammonium Nitrate (2755,5 tons) present in Hangar 12 at Beirut Port and whose nitrogen grade is 34.7%. You may contact the "Lebanese Company for Explosives, Majid al-Shammas", to determine whether it could benefit from it, or re-export the material to the source country at the expense of the importers if the aforementioned company does not want material.

Yarzeh, April 7, 2017  
Jean Kahwaji  
Commander of the Lebanese Armed Forces  
On his behalf,  
Major General Salman, Chief of Staff

Stamp:  
Lebanese Republic  
Ministry of National Defense  
Army Command

To the right

**Directorate General of Lebanese Customs.**

**April 8, 2016**

**Registration No: 2015/22138**

[February 27, 2016]

## May 20, 2016 Letter from Customs to Urgent Matters Judge

Issuance No: 19320/2014

Beirut, May 20, 2016

**To: Judge of Urgent Matters**

**Re:** Authorization to re-export merchandise

**Reference:** Your decision no: 429/2014, dated June 27, 2014

In our letters under the same number dated December 5, 2014 and June 5, 2015, a copy of each is hereto attached, we respectfully asked your honor to request from the concerned maritime agency to re-export a quantity of ammonium nitrate that was unloaded from the ship Rhosus pursuant to your decision mentioned in the reference, and which was stored in the Customs Warehouse 12 in Beirut Port.

After the Lebanese Army Command informed us that they have no need for the ammonium nitrate and suggested communicating with the “Lebanese Company for Explosive, Majid al-Shammas” to determine whether it is possible to use the mentioned substance, according to the Army Command letter no: 13734/ج.ت./ technical dated April 7, 2016, a copy of which is hereto attached.

And since we did not receive any response from your honor till now, and given the extreme danger caused by the cargo remaining in the warehouse, in unfavorable climatic conditions we hereby reiterate our request to force the maritime agency to re-export the merchandise immediately to ensure the safety of the port and the persons working there, or to consider approving the sale of this quantity to the company indicated in the aforementioned letter of the Army Command.

Director General of Customs

Shafic Merhi

[Signature]

## May 21, 2016 Urgent Matters Judge Receives Request from Customs

On September 14, 2015, confirmation of the notification of the Maritime Agency was received and appended to the file.

[Signature]

On May 21, 2016, a request was received from the Directorate General of Customs, it was appended to the file.

[Signature]

## June 1, 2016 Urgent Matters Judge Response to Customs

### Decision:

After review,

We have decided to reconfirm the previous decisions to return the letters sent directly by the administration on procedural grounds, and to refer a copy of the current request, once again, to the Case Authority to follow up on the proceedings, and implement the decision dated September 11, 2015, and to discuss whether the court [of Urgent Matters] is competent to look into the request, and the legal basis.

June 1, 2016

Judge

[Signature]

## June/September 2016 Customs and Ministry of Finance Letter to Case Authority

Issuance No: 201[illegible]

Beirut, June 17, 2016

**To:** Case Authority

Via the Ministry of Finance

**Re:** Authorization to reexport merchandise

**Reference:** Decision of the Judge of Urgent Matters in Beirut no: 2014/429 on June 27, 2014

In our two letters with the same number, on December 5, 2014 and June 5, 2015, a copy of each attached hereto, we kindly asked the Judge of Urgent Matters to request the relevant maritime agency to reexport the Ammonium Nitrate offloaded from the Rhosus, pursuant to the Judge's decision mentioned in the reference, a copy of which is attached hereto, and which was stored in Customs' Hangar 12 at Beirut Port.

And after the Lebanese Army Command informed us that it does not need the Ammonium Nitrate, and mentioned the possibility of communication with " Lebanese Explosives Co. -- Majid Shammass Trading Co. --" to determine whether they can benefit from the aforementioned material, according to the content of its letter no: 13734/TG/Technical on April 7, 2016, of which a copy is hereto attached.

And given the extreme risk of the presence of this merchandise in the Hangar, in unfavorable climatic conditions,

We kindly request to transfer this letter to HH the Judge of Urgent Matters in Beirut in order to request from the Maritime Agency to re-export the merchandise immediately to ensure the safety of the Port and the persons working there, or to approve the sale of this merchandise to the Company cited in the Army Command Letter.

Customs' General Director

Shafik Merhi

**Stamp:**

Lebanese Republic

General Directorate of Customs

Customs Authority

General Directorate of Customs

Date of Receipt: September 17, 2016

Registration Number: 2015/22138

To be referred to the Judge of Urgent Matters for appropriate action

Minister of Finance

Ali [illegible]

10 September 2016

## October 13, 2016 Judge of Urgent Matters Receives Letter from Customs

On October 13, 2016, a request was received from the Directorate General of Customs, and it was appended to the file.

## October 17, 2016 Urgent Matters Judge Decision

### Decision

After review,

Further to all previous decisions, and in light of the letters directly sent repeatedly and directly from the Administration and the failure to enforce any of the previous decisions, we decide to underline the previous decision and task the clerk with sending a copy of the record to the competent authority and the Case Authority to take the necessary action and to submit the requests procedurally, to be enforced as soon as possible.

October 17, 2016

Judge of Urgent Matters,

Jad Maalouf

[Signature]

On October 18, 2016, a notification document was sent to the Case Authority at the Ministry of Justice and the Directorate General of Customs, and they were delivered to [illegible] to notify the Authority procedurally.

[Signature]

## July 19, 2017 Urgent Matters Judge Receives Request from Customs

On July 19, 2017, a request for permission to re-export the merchandise was received from the Directorate General of Customs, and it was appended to the file.

[Signature]

## August 14, 2017 Urgent Matters Judge Decision

### Decision

After review,

We decide to notify the petitioner once again, given they have capacity to move forward with the case and that no decision can be made before notifying the petitioner which initially submitted the petition. We also decide to task the petitioner with taking a position and discussing the competence of the urgent matters judge to determine the responsibility for or to transfer the ownership of the cargo, within one week from the date of notification, and tasking the clerk to notify.

August 14, 2017

Judge

[Signature]

On August 14, 2017, Omar Tarabah appeared before the court clerk, in his capacity as the state lawyer, and I notified him of the content of the issued decision. He stated that, based on the instructions of the head of the Case Authority, he cannot receive any documents directly from the clerk, and that a notification must be duly drafted to the Authority.

[Signature]

On September 13, 2017, the petitioner was notified of the request received on July 19, 2017 and the decision issued on August 14, 2017 through the clerk Mwaffak Yassine.

[Signature]

## December 18, 2017 Letter from Minister of Public Works and Transport to Case Authority

The Republic of Lebanon  
Ministry of Public Works and Transport  
The Minister

ص/1459  
December 18, 2017

To the Ministry of Justice

[STAMP] Ministry of Justice Number

10482[ILLEGIBLE]

- The Case Authority –

Date: December 26, 2017

### **Subject:**

Request for necessary procedures leading to a final decision to urgently and swiftly auction off the ship Rhosus, anchored at the Beirut port, as well as its cargo, to avoid its sinking

### **Reference:**

- Your letter number 137/2014 dated September 19, 2017 registered at the Directorate General of Land and Maritime Transport under number 7430/6 on October 5, 2017 and its annexes.
- Our letter number 2832/6 dated April 8, 2014 and its annexes.
- Our letter number 3178/6 dated April 14, 2014 and its annexes.
- Our letter number 4431/6 dated June 2, 2014 and its annexes.
- Our letter number 8435/6 dated November 26, 2014 and its annexes.
- The case file.

In relation to the abovementioned subject and references, and pursuant to our abovementioned letters, especially our letter number 8435/6 dated November 26, 2014, which requests from the Beirut Enforcement Department to expedite auctioning off the ship Rhosus and its cargo or reexport the cargo through the maritime agent in order to avoid the risk [resulting] from the sinking of the ship as a result of its erosion, and hence avoiding threats to maritime navigation, public safety and the environment, Whereas the ship remains anchored near the breakwater in the Beirut port and has been eroded by rust and suffers several flaws, which makes it prone to sinking after its owners and suppliers have abandoned it and failed to fix it, which threatens the safety of maritime navigation in the port and the maritime ecosystem,

Whereas the hazardous material (ammonium nitrate) on board ship has been unloaded into hangar 12, which belongs to Gestion et Exploitation du Port de Beyrouth [GEPB] – the unloading was performed by GEPB, The Lebanese Unloading Company, and the contractor Stevadoria, which incurred costs and fees for each of the aforementioned that have not been paid to date, in addition to berthing and merchandise storage fees that are incurred daily for the benefit of GEPB (attached is GEPB's letter number 1048 dated February 20, 2015 and its annexes); the Beirut port harbor master's fund; the unloading company; the pilotage station at the Beirut port; and the ship security company as per the Beirut port harbor master's referral number 214/ب dated January 28, 2018 and its annexes (copies are attached),

Whereas the fees and wages incurred by the ship and cargo for the benefit of the state treasury should be collected through an auction within legal frameworks.

Whereas the ship is in disrepair and unfit for navigation, and is therefore considered a shipwreck according to the provisions of article 11 of decision 166/ر.ل dated July 3, 1941, which dictates that it should be sold in an auction through the Enforcement Department, as per the provisions of article 7 of decision 98/ر.ل dated April 30, 1941, Navigation and public safety at the port as well as the rights of creditors in relation to the ship and cargo should be protected,

We therefore ask you to review the abovementioned and we reiterate our previous requests to request from the Beirut Enforcement Department to urgently take necessary and legally due procedures to auction off the ship and its cargo or reexport the cargo through the maritime agent to avoid the risk [resulting] from the sinking of the ship because of its erosion, and hence avoiding threats to maritime navigation, public safety and the environment.

December 18, 2017

[signature]

Youssef Fenianos

Attachment: the complete file

## December 28, 2017 Letter from Customs to Urgent Matters Judge

Issued: 19320/2014-938/2016

22138/2015

[Beirut,] December 28, 2017

### **For the attention of: The Judge of Urgent Matters**

**Subject:** Request to determine the fate of a quantity of ammonium nitrate in one of the Beirut Port hangars.

### **Reference:**

Your decision no. 429/2014, dated 27/6/2014

Our letters no. 19320/2014 dated 5/12/2014, 5/6/2015 and 20/5/2016 and no. 22138/2015, dated 13/10/2016 and 19/7/2017

In our letters no. 19320/2014, dated 5/12/2014 and 5/6/2015, with a copy of each attached hereto, we had kindly asked you to request from the concerned Maritime Agency to re-export the quantity of ammonium nitrate unloaded from the ship RHOSUS and stored in the customs hangar no. 12 of the Port of Beirut, pursuant to your indicated decision in the reference, with a copy attached hereto.

In our letter no. 19320/2014, dated 20/5/2016, with its copy attached hereto, we confirmed requesting from the concerned Maritime Agency to re-export the material or consider approving to sell the stored quantity to Lebanese Explosives Co. -- Majid Shammās-- as per the Army Command Letter no. 13734/T.G./Technical, dated 7/4/2016, with a copy attached hereto.

We reaffirmed the above in our two letters no. 22138/2015 and no. 19320/2014, dated 13/10/2016 and 19/7/2017, with a copy of each attached hereto.

In light of the same reasons we have already stated in our abovementioned letters, especially in regard to the risk arising from retaining these amounts on the site where they are stored and on the workers,

We hope you can communicate your decision to us on the matter.

Director General Badri Daher

Beirut-Lebanon, Riad al-Solh

Phone number: 01- 980060/1/2/3 – Fax: 01-643826 – Website: [www.customs.gov.lb](http://www.customs.gov.lb)

## December 28, 2017 Urgent Matters Judge Responds to Customs

On December 28, 2017, a request to determine the fate of the merchandise at the Beirut Port was received from the Directorate General of Customs.

[Signature]

### Decision:

After review,

It was decided to notify the petitioner of the request issued on December 28, 2017, as it is the relevant party to proceed with the file, and it must be notified of requests before taking any decisions, knowing that it has not yet been duly notified of the request dated July 19, 2017 and of the decision issued on August 14, 2017 until now about this situation and tasking it with taking a decision and [illegible] discussing the extent of the court's competence in settling the issue of transferring ownership of the merchandise within one week from the date of notification and tasking the clerk with completing the notification.

Decision issued in Beirut on December 28, 2017.

Judge Marie-Christine Eid

[Signature]

## February 22, 2018 General Security Office Information Report

Information Report (Confidential)

Issuance no.: 309/[illegible] Date: February 22, 2018

Subject: Information about inspection of the site of the ship Rhosus' sinking performed by a Ministry of Environment committee

### Content:

On the abovementioned date, at 15:00, a committee from the Ministry of Environment accessed the premises of the Beirut port through entrance no. 3. The committee, composed of Ali Sabra, Cindy Ardoud, Bilal Ismail and Najat Jirjis, was there to inspect the site where the commercial ship Rhosus sank – facing dock number 8 – because diesel was leaking from its tanks. [The inspection was performed] using a Civil Defense speedboat and [the committee] was accompanied by a member of the [Military] Intelligence at the port, General Security's Investigations Section, and Lieutenant Mohammad Assaf of the Lebanese Army's Naval Forces. The committee will submit a separate report to the Minister of Environment stating that the ship should be pulled out so it does not cause further water pollution.

## March 5, 2018 Ministry of Public Works and Transport Letter to Case Authority

270/S [ص/270]

March 5, 2018

To the Ministry of Justice

- The Case Authority –

### **Subject:**

Request for necessary and immediate action to issue a decision to auction off the ship Rhosus, which was docked at the Beirut port, after it sank

### **Reference:**

- Your letter number 137/2014 dated February 7, 2018 registered in the Directorate General of Land and Maritime Transport under number 1831/6 and dated February 19, 2018
- The telegram from the Joint Maritime Operations Room number 4/Ain Ghain B [ب غ ع /4] dated February 18, 2018, registered at the Directorate General of Land and Maritime Transport under number 1784/6 and date February 19, 2018
- The report of the Beirut port harbormaster number 369 dated February 19, 2018, registered at the Directorate General of Land and Maritime Transport under number 1866/6 and date February 20, 2018
- His Excellency the Minister of Public Works and Transport's letter number 1459/S [ص/1459] dated December 18, 2017
- Our letter number 2832/6 dated April 8, 2014 and its annexes
- Our letter number 3178/6 dated April 14, 2014 and its annexes
- Our letter number 4431/6 dated June 2, 2014 and its annexes
- Our letter number 8435/6 dated November 26, 2014 and its annexes
- The case file

In relation to the abovementioned subject and in reference to and pursuant to our abovementioned letters, especially the letter from His Excellency the Minister of Public Works and Transport number 1459/S [ص/1459] dated December 18, 2017, which reiterated the request addressed to the Beirut Enforcement Department to expedite due measures to auction off the ship Rhosus and its cargo or re-export the cargo through the maritime agent in order to avoid the risk [resulting] from the sinking of the ship as a result

of its erosion, and hence avoiding threats to maritime navigation, public safety and the environment,

Whereas we have received the abovementioned telegram from the Joint Maritime Operations Room, informing us that a Naval Forces boat reported that on February 18, 2018, at 6:30, the ship Rhosus, present within the Beirut port near the breakwater, sank [entirely] except for the bow, and then the Beirut Naval Base reported that at 10:00 on the same day the abovementioned ship sank entirely,

And based on the abovementioned report by the head of Beirut's port [Beirut harbor master], stating that the ship Rhosus, which had been near the breakwater for more than four years and whose crew had been evacuated after it was abandoned by its owners and the owners of the cargo it was carrying, was secured and tied to the breakwater several times, the last of which was with the assistance of the pilotage station at the Beirut port. The ship eroded with time, leading to water accumulating inside of it, especially as its cargo holds were not covered. The ship sank during the recent storm, which brought heavy rain,

Whereas the abovementioned ship sank in the port waters and is therefore considered a shipwreck according to the provisions of article 11 of decision 166/L.R [ج.ل/166] dated July 3, 1941, which requires it to be auctioned off according to the provisions of article 7 of decision 98/L.R [ج.ل/98] dated April 30, 1941 through the Enforcement Department, given that the hazardous substance (ammonium nitrate) that was on board the ship was off-loaded into Hangar 12, which belongs to Gestion et Exploitation du Port de Beyrouth. The off-loading was performed by Gestion et Exploitation du Port de Beyrouth, The Lebanese Unloading Company and the contractor Stevadoria, which incurred costs and fees for each of the aforementioned that have not been paid to date, in addition to berthing and merchandise storage fees that are incurred daily for the benefit of Gestion et Exploitation du Port de Beyrouth, the Beirut port harbormaster's fund, the stevedoring company, the pilotage station at the Beirut port, and the ship security company,

Whereas the fees and wages incurred by the ship and cargo for the benefit of the state treasury should be collected through an auction of the ship and cargo, within the correct legal measures.

And for the sake of navigation and public safety at the port as well as the rights of creditors in relation to the ship and cargo,

Please take note of the aforementioned. Now that the ship has sunk and poses a threat to maritime navigational safety, public safety and environmental safety, we reiterate our

previous requests to the Beirut Enforcement Department to immediately take necessary due measures to auction off the ship and the cargo that was removed from it (ammonium nitrate) and stored in Hangar 12, or re-export this substance through a maritime agent.

CC: Directorate General of Land and Maritime Transport

The Minister of Public Works and Transport

[signature]

Youssef Fenianos

March 5, 2018

Attaching:

- All the file

## March 14, 2018 Letter from Head of the Manifest Department

Lebanese Republic

Customs Administration

Manifest Department

Archive no: 6/ي

Issuance No: 1956/2015 /ا

To be returned to: **Head of Service**

In reference to your referral no 1839/2018 dated February 21, 2018, we hereby submit the file of the “Rhosus” for your attention:

On June 27, 2014, the urgent matters judge in Beirut issued decision no: 429/2014 which authorized the refloating of the mentioned ship after transferring the cargo that was onboard to an appropriate place to store it. The merchandise was moved to Hangar 12 designated for the combustible and inflammable merchandise, according to entry voucher no: 353832 dated October 29, 2014, and it is still in the abovementioned warehouse to date.

In his ruling no 565/2014 dated September 1, 2014, the urgent matters judge in Beirut authorized the sailors onboard of the ship to return to their countries.

On January 26, 2015, the urgent matters judge in Beirut issued decision no 78/2015 pursuant to which an expert, Mrs. Mireille Moukarzel, was appointed to inspect the merchandise, a task she fulfilled, and she prepared a report concerning this.

In our referrals no 8602/2014 /ا dated October 24, 2014 and May 9, 2015, and no: 18283/2015/ا dated February 1, 2016, we have proposed that you request that the urgent matters judge in Beirut authorize the re-exportation of the merchandise or handing it to the Lebanese Army given its hazardous nature and the catastrophe that might occur if it catches fire or explodes.

In letters no: 19320/2014 dated December 5, 2014, June 5, 2015 and May 20, 2016, the Directorate General of Customs asked the urgent matters judge in Beirut to request that the Maritime Agent re-export the merchandise or consider selling it to the “Lebanese Company for Explosive, Majid al-Shammas” after the Army Command stated that the Army has no need for it in their letter no: 13734/ج.ب./ technical, dated April 7, 2014.

On June 17, 2016, and in its letter no 19320/2014 to the Case Authority through the Ministry of Finance, the Directorate General of Customs reiterated its request to refer the

letter to the Urgent Matters Judge in Beirut to request that the Maritime Agent re-export the merchandise immediately to ensure the safety of the port and those working there, or consider approving the sale of this quantity to the company specified in the aforementioned letter of the Army Command, and it reiterated its request in its letter no 22138/2015 dated October 13, 2016.

Therefore, and as per the above, and in order to avoid any liability that might arise from the ignition of the material, especially that summer is coming, we reiterate our proposal in our letter no:8602/,2014/أ dated May 9, 2015, which requests getting the approval of the Urgent Matters Court in Beirut to decide the fate of the merchandise and provide us with the necessary guidance.

A copy of the entire file is hereto attached.

Beirut, in [blank]

First Controller in the Manifest Department

Nehme Brax

[signature]

## April 10, 2018 Letter from Head of the Manifest Department

Lebanese Republic  
Customs Administration  
Manifest Department

Issuance Number: 1001/2011/أ Prior  
857/2012/أ Subsequent

### To Be Returned to the Head of Service

In reference to the referral of the Directorate General of Customs no 19582/2017, dated February 15, 2018, related to putting diesel engines at the disposal of the Army Command, we would like to inform you that these engines are present in Hangar 12 and it is impossible to hand them over since the warehouse is full of ammonium nitrate bags stored there pursuant to the decision of HH the Urgent Matters Judge no 429/2014 dated September 26, 2014, reiterating what we proposed in our referral no 1956/2018/أ dated March 14, 2018, a copy of which is hereto attached.

A copy of the entire file is hereto attached.

Beirut, April 10, 2018

First Controller at the Manifest Department

[Signature]

Nehme Brax

## September 12, 2018 Letter from Customs Director to Ministry of Finance

The Republic of Lebanon

Ministry of Finance

Directorate General of Customs

Archive no.: 2/٥

Issuance no.: 2644/2018

Beirut September 2, 2018

### To the Higher Council of Customs

**Subject:** Request for credit line transfer

**Reference:** Referral by Minister of Finance no. 23040/أ, June 20, 2018

Whereas Treveria Environment has submitted an offer to package, remove, and process expired medications and chemicals withheld with the Customs Administration for an approximate fee of L.L. 2,488,200,000 only,

And whereas his Excellency the Minister of Finance, in his abovementioned referral, has agreed to provide the needed sum given the environmental hazards of these substances, We therefore suggest requesting from the Ministry of Finance to move the abovementioned credit line from the budget reserve to the Ministry of Finance's budget – Customs Authority under the budget line 1/8/3/125/16/9/9 (various expenditures). After providing the needed credit line, and once the company has duly provided a certificate proving it is an exclusive agent, a special committee should be formed to draft a consensual agreement with Treveria as per paragraph 4 of article 147 of the Public Accounting Law. Attached is the complete file.

[stamp]

Higher Council of Customs

Registration no. 4406/2018

Date: September 13, 2018

[signature]

Customs Director General

Badri Daher

## March 26, 2019 Request from Case Authority Lawyer to the Ministry of Public Works and Transport

Omar Wafik Tarabah  
Lebanese State Lawyer  
Civil and Arbitration Cases  
Doctorate in Law

To HH Head of the Case Authority at the Ministry of Justice

Petition

Filed by

Case No.: 137/2014  
2019

Beirut, March 26,

Reference No.: 1019/2018

Petitioner: Lawyer Omar Tarabah

Lawyer of the Lebanese State

Re: **Seeks referral for the third time** to the Ministry of Public Works and Transport to implement the preliminary decision issued by the Beirut Enforcement Department on October 15, 2018 in the case involving the ship RHOSUS, ruling to deposit the advance due to the expert, seven hundred thousand Lebanese lira, in the executive transaction file Ref. No. 1019/2018.

\*\*\* \*\*

1. On April 17, 2018, the Lebanese State filed with the Beirut Enforcement Department a request to sell a shipwreck and the materials that were on board of the ship and which were unloaded due to their danger and deposited in Hangar No. 12 affiliated to the Gestion et Exploitation du Port de Beyrouth (GEPB), pursuant to a decision issued by the Judge of Urgent Matters in Beirut. The request was recorded with the Enforcement Department under Reference Number 1019/2018.
2. On October 15, 2018, a preliminary decision was issued to sell the wreckage of the ship RHOSUS at public auction. This was to be preceded by appointment of the expert Fouad al-Shaar and tasking him to inspect the said shipwreck and appraise it, provided that the implementing body provide an advance in the amount of seven hundred thousand Lebanese lira for the expert's fees.

**(Attached is a copy of the Preliminary Decision, Document No. 1)**

3. The GEPB was notified of the decision, and instead of depositing the advance of seven hundred thousand Lebanese lira pursuant to the said decision, it referred to us a letter stating that it was retaining the amount and that the expert should subsequently produce an invoice for the amount to the administration.

4. The administration's letter was attached to the executive transaction file and the expert was notified of its content.
5. The expert has not started performing the task, and we received a call from the Beirut Enforcement Department to inform us that, pursuant to the Enforcement Department's decision to provide an advance of LBP 700,000 to the expert, the administration is duly required to deposit the aforementioned amount so that the expert completes his task and the advance decision is sufficient to deposit the amount. The issue is not related to buying goods such as to require an invoice from the expert, and the body that decides the expert's advance is the Enforcement Department. This requires the administration to deposit the advance amount in the executive transaction file in order to proceed with implementation.
6. We sent an urgent letter to the administration recorded with the court registrar dated January 9, 2019 asking the administration to deposit the advance amount in the executive transaction file, but as of today's date the administration has not responded (we are attaching here the referral request received on January 9, 2019, Document No. 2)

Therefore,

At the request of the Enforcement Department and in light of the foregoing, in order to follow up on enforcement and to avoid delay and the ensuing consequences, we ask you to refer the said request to the Ministry of Public Works and Transport again to deposit the expert's advance in an expedited manner with the Beirut Enforcement Department in Executive Transaction File No. 1019/2018.

Respectfully,

By power of attorney  
Lawyer Omar Tarabah  
[Signature]

## April 11, 2019 Request from Case Authority Lawyer to Enforcement Department

Omar Wafiq Tarabah  
Lebanese State Attorney  
Civil and Arbitration Cases  
Phd in law

[Handwriting] *received on April 15, 2019*

[Ministry of Justice Stamp]

*April 12, 2019*

*Signed by the head of the case authority based on a memo from the administration dated April 1, 2019, received by the registrar on April 3, 2019. The memo was referred by Jad al-Hashem on January 9, 2019 [illegible] Filed on April 24, 2019*

Case number: 137/2014

Basic number: 1019/2018

Party requesting the sale: The Lebanese State, represented by lawyer Omar Tarabah

Parties of the sale:

1. BUNKERNET LTD

Represented by Mr. Samir Baroudi and Mr. Jean Baroudi

2. Owners, suppliers, renters and captain of the ship RHOSUS and TETO SHIPPING LTD corporation

Represented by the ship's agent in Beirut's port

\*\*\*\*\*

1. A preliminary injunction was issued on October 15, 2018, stipulating that the Rhosus shipwreck be auctioned off after appointing expert Fuad al-Shaar and mandating him with inspecting and evaluating the said shipwreck, provided that the enforcer is given an advanced payment of seven hundred thousand Lebanese liras as part of expert's fees.
2. The decision has been communicated to the administration, and instead of implementing the said decision and depositing the advance payment of seven hundred thousand Lebanese liras, it sent us a letter indicating that it has reserved the said amount pending an invoice for this amount that the expert would later submit to the administration.

3. The administration's letter was added to the enforcement transaction file and communicated to the expert.
4. The expert has not proceeded with the mission. We were contacted by the Beirut Enforcement Department to notify us that pursuant to the Enforcement Department's decision stipulating to pay /700,000 L.L./ in advance to the expert, the administration should, as per due procedures, deposit the advance payment in the enforcement transaction file until the expert has finished his mission, and that it is the Enforcement Department who decides regarding the expert's advance payment, which requires the administration to deposit the advance payment in the enforcement transaction file to proceed to continue the enforcement procedures.
5. We have sent several urgent letters to the administration asking it to deposit the advance amount in the enforcement transaction file. However, the administration has lately stated that in its [official] capacity it could only pay an expense according to the provisions of the Public Accounting Law [ILLEGIBLE] and then after the expert has performed the mission and presented a document to prove the expense, the expense would be settled and sent to the Ministry of Finance to be paid. Hence, it cannot deposit the payment at the Enforcement Department.  
(We are attaching the administration's reply, document number 1)

Hence,

Based on the aforementioned, we request that you either notify expert Fuad al-Shaar, whom you have assigned, to perform the inspection before receiving the advance payment and then settle the payment later according to due procedures, or replace him with another expert.

Respectfully and with reservation

Representative

Authority

Attorney Omar Tarabah

[STAMP]

April 19, 2019

Head of Case

Judge Helena Iskandar

[SIGNATURE]

## **April 15, 2019 Enforcement Department Letter to Cargo Inspection Expert**

The Republic of Lebanon

Ministry of Justice

Enforcement Department

**Enforcement Report**

**Documents number: 1019/2018**

Party requesting the enforcement: The Lebanese State

Parties subject to the enforcement:

1- Bunkernet LTD

2- Owners, suppliers and renters the ship RHOSUS and TETO SHIPPING LTD corporation

Letter received on April 15, 2019

Decision

Upon review, we have decided to send the appointed expert Fuad al-Shaar a copy of the Lebanese State's letter to allow him to take a decision within five days of receipt.

April 15, 2019

Head

[Signature]

## **April 23, 2019 Enforcement Department Decision**

On April 18, 2019, expert Mr. Fuad al-Shaar was present and was notified of the petition dated April 15, 2019. He stated that he will not perform the task.

[Fuad al-Shaar's signature]

### **Decision**

Upon review, we decided to accept expert Fuad al-Shaar's decision not to perform the assigned task, and to appoint expert Hussam Haidar Ahmed to perform it according to the decision dated October 15, 2018.

April 23, 2019

Head

[Signature]

## **June 18, 2019 Enforcement Department Decision**

On June 18, 2019, expert Hussam Haidar Ahmed was present. He was informed of the task assigned to him and signed.

[SIGNATURE]

## February 7, 2020 General Security Office's Information Report

Subject: Information about potential auction to sell hazardous substances

Content:

- As a follow-up to report number 139/م ب ص س, January 31, 2020, in relation to the sinking of the ship Rhosus, we inform you that on February 7, 2020, the following people accessed the port of Beirut's premises through door 3: attorney Omar Tarabah, attorney Maya Abla and expert Hussan Haidar on behalf of the Ministry of Justice's Case Authority to enforce the preparatory decision issued by the Beirut Enforcement Department on October 15, 2018. They headed to hangar 12 to inspect the substance (sodium nitrate [sic], which is a hazardous substance used to produce dynamite) which could be used in agriculture. After the abovementioned expert inspected the substance, he stated that it will be reviewed by special committees for appraisal before being auctioned off.
- to be continued -

## May 28, 2020 Head of State Security at Beirut Port Report

[NOTE: This document has been translated in parts, excluding sections that are illegible or not central to the investigation about the ammonium nitrate. The report contains factual errors, some of which have been commented on in *They Killed Us from the Inside.*]

[HEADER] [illegible] Judge Ghassan Oueidat  
The Directorate General of State Security

[RIGHT HAND MARGIN]

The Directorate General of State Security  
Directorate of Public Administration and Institutions Security  
Vital Facility Security Division  
Beirut Port Office  
No. 5/601 [illegible]  
Date: May 28, 2020

Subject: [Several parts are illegible, but the following could be understood] An investigation based on instructions from Cassation Attorney General Ghassan Oueidat regarding nearly 2,750 tons of hazardous ammonium nitrate, in hangar 12 of the Beirut port and a dislodged door and hole in the southern wall that facilitates theft.

[MAIN TEXT]

At 10 o'clock, Thursday, May 28, 2020, we, Captain Joseph Naddaf, the head of Beirut Port's State Security office [illegible], in plain clothes, confirm that in the implementation of the State Security director general's decision, issued by the Directorate of Public Administration and Institutions [Security] under number 31/505 on January 27, 2020, based on a summary information report from the port [State Security] office no. 151/505 [illegible] on December 6, 2019, referred to us from the Vital Facility Security Division under no. 19/507, dated January 29, 2020 and registered in our office under no. 17/507 dated January 1, 2020, which stipulates to investigate, in coordination with competent judicial authorities, regarding information that in June 2014, a ship called RHOSUS entered Beirut port in provenance from Moldova, carrying two large [illegible]. While the cargo was being unloaded to the port dock, the cargo hold of the abovementioned ship broke, causing it to fall in disrepair and be unfit for navigation. On board were four sailors of various nationalities. After inspecting the ship's remaining cargo, it was found it was carrying a large amount, about 2,750 tons, of ammonium nitrate, which is used to manufacture explosives since it is very explosive and flammable, which was sent to

Mozambique, Africa, and belong to the company Safari Limited, legally represented in Lebanon by lawyer Georges al-Kareh. At the time, the Customs Authority consulted the judge of urgent affairs Nadim Zwein and informed him about this issue. [The judge] issued a decision to detain the sailors and impound the ship who were on board and inspect the substance [carried by] the ship. The judge also issued a decision to finish the procedures to refloat the abovementioned ship to refloat the ship and authorize removing the cargo to a safe location given the risk it causes to the environment. The ship was also prohibited from leaving due

### page 2

to serious structural flaws that threaten maritime navigation safety. On September 1, 2014, the Beirut judge of urgent affairs Nadim Zwein allowed the sailors to return home. On October 21, 2014, judicial clerk Ziad Shaaban came to the premises of the Beirut port and asked the Customs Brigades to accompany him to dock 9, where he met harbor master Mohammad al-Mawla, who informed him that the ship was carrying a hazardous substance. It was inspected and he requested that it be removed and stockpiled in a special warehouse. That was done by the Customs Authority, and the abovementioned goods were removed from the ship and placed in Beirut port's hangar 12. Harbor master Mohammad al-Mawla was appointed judicial guardian of the cargo placed in hangar 12, where he would be responsible for any loss or damage, and if such a thing happened, he would be prosecuted. At that point, Muhammad al-Mawla expressed his reservation because the hangars inside the Beirut port are under the authority of Gestion et Exploitation du Port de Beyrouth [GEPB] and not his. On January 26, 2015, the Beirut judge of urgent matters appointed expert Mireille Moukarzel to inspect the said substance, which was done. She took samples for analysis, which showed that the substance has a 34.7% nitrogen composition and is classified as hazardous. At that point, the Manifest Department suggested that this substance be handed over to the Lebanese Army or reexported due the risk it poses and the catastrophic consequences it could cause upon catching fire or exploding

### page 3

After learning about this, the army leadership refused to receive the abovementioned substance and suggested that the Lebanese Explosives Company – Majid Shammas – should be contacted to check if it could make use of the substance. On February 18, 2018, the ship sank to sea bottom near the breakwater in the Beirut port. The abovementioned ammonium nitrate is still inside hangar 12 at the Beirut port. We also learnt that the

Manifest Department in the Beirut port sent several written letters to the Directorate of Customs starting when the ammonium nitrate was placed inside hangar 12 until 2016, asking the Beirut judge of urgent matters to demand that the National Trading and Shipping Agency immediately re-export the abovementioned substance to guarantee the safety of the port and its workers. [The Manifest Department] requested that a final decision be taken regarding the fate of the substance along with necessary instructions. After consulting with one of chemical specialists, they confirmed that to us that ammonium nitrate, in case it caught fire, would cause a huge explosion with catastrophic consequences on the port of Beirut. We also fear that this material would get stolen, because the thief could use it to make explosives. We inspected the doors leading to hangar 12 and found that door 9 had received a strong impact in the middle, and as a result it was pushed away from the wall in such a way to allow anyone to enter the abovementioned hangar and steal the substance within. We also found that there was an opening in the hangar's southern wall, measuring approximately 50 [cm] x 50 cm, which would allow anyone to enter the hangar

page 4

and steal the abovementioned substance. Photographs were taken of the impacted door, the hole in the wall, and the bags containing ammonium nitrate. It was also found that the abovementioned hangar is not being guarded, which facilitates theft. On January 5, 2020, while a patrol from our office was in front of the abovementioned hangar, a large container was seen in front of the impacted door the purpose of which is to prevent anyone from trying to access the hangar, while the hole in the southern wall was still present. Based on the aforementioned, at 11:30 on May 28, 2020 [illegible] cassation attorney general Ghassan Oueidat and we informed him about the issue. He communicated with the port's management to summon the port's security official to hear his statement about this issue and [illegible]. Ziad al-Awf, the port's security official, was summoned to our office at 9 o'clock, on May 29, 2020 to hear his statement. At 9 o'clock, on May 29, 2020, Mohammad Ziad al-Awf came to our office. We searched him thoroughly and did not find anything prohibited. We read his rights as stated in article 47 of the law of criminal procedures and he did not request anything. We started hearing his statement after appointing Petty Officer Zayd Fayyad, no. 1757, as investigation clerk, as follows:

Statement of Mohammad Ziad Rateb al-Awf

Q&A – my name is Mohammad Ziad bin Rateb al-Awf, [personal details redacted].

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I work in GEPB's quality assurance and security and safety departments. My phone number is [redacted]

Q&A – Yes, you have read me my legal rights and I have not made any request.

Q&A – Yes, on April 1, 2019, in addition to my principal duties, I was appointed as security officer and head of the security and safety department in GEPB to oversee the security of anchored ships at the Beirut port docks and the safety of facilities within the port. I have [illegible] assistants on the port ground, who perform patrols to monitor and control any infraction or security and safety gap inside the port.

Q&A – Yes, I divided the port into four areas and appointed an assistant to monitor each area and report any infraction.

Q&A – Hangar 12 is part of the port area for which port security officer Ali Jahjah is responsible.

Q&A – Yes, inside hangar 12, there is a large amount of ammonium nitrate that was placed inside the hangar approximately five years ago, when Mohammad [illegible] was the head of the security and safety department at the port, and whose phone number is [redacted]. He retired around three years ago. I am aware, as a result of my studies, that ammonium nitrate is a toxic and dangerous substance.

Q&A – No, I was not aware at all that hangar 12 contains ammonium nitrate, but when I was summoned yesterday, I consulted the official responsible for general goods and warehouses engineer

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Mustapha Farshoukh. I asked him about this issue to prepare a file about it, and he told me that about five years ago, a ship carrying a large amount of ammonium nitrate docked in the Beirut port. The ship was prohibited from leaving due to flaws and disrepairs in its cargo hold and when GEPB found out, it informed administrative and judicial authorities about this issue. A judicial decree was issued then to unload the abovementioned cargo into hangar 12, and the said judicial decision was executed pending another overriding judicial decision to determine how to remove the ammonium nitrate from the hangar. To date, no such decision has been issued. He also informed me that all the files and documents related to this issue are with harbor master Mohammad al-Mawla.

Yes, I spoke over the phone with Mohammad al-Mawla and asked him about hangar 12 and the amount of ammonium nitrate placed in it. He informed me that this substance was

placed in the hangar due to a judicial decision pending an overriding decision to remove it from the hangar. To date, no decision has been issued in this regard. He also informed me that he possessed all the documents regarding the abovementioned ship.

Q&A – GEPB’s head of public goods engineer Mustapha Farshoukh is aware of the nature and amount of goods inside hangars. Each hangar has a person affiliated with the operations administration at the port who’s assigned to open and close the hangar doors.

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Q&A – No, none of the [illegible] informed me about any hole in the wall of hangar 12. Also, nobody informed me about any broken or impacted door in hangar 12.

Q&A – No, I have nothing else to add to my statement.

His statement was read to him [illegible]

[Verification of al-Awf’s judicial record redacted].

Note: At 11:15, on May 29, 2020, we contacted cassation public prosecutor Ghassan Oueidat and informed him about the proceedings of the investigation. His instructions were to release Mohammad Ziad al-Awf and communicate with the Beirut appeals prosecution office to execute the abovementioned criminal sentence and follow its instruction, and to summon the Beirut port harbor master

page 8

Mohammad al-Mawla to hear his statement.

[Two notes explain the bureaucratic procedures by which al-Awf was released on May 29, 2020].

Note: The Beirut port harbor master Mohammad al-Mawla was summoned to our office at 9:00 on June 1, 2020. On the same date, Mohammad Rameh al-Mawla came to our office. We thoroughly searched him and did not find him in possession of anything prohibited. We read him his rights as per article 47 of the law of criminal procedures. He did not make any request. We heard his statement as follows.

The statement of the Beirut port harbor master Mohammad Rameh al-Mawla

My name is Mohammad Rameh al-Mawla, [personal details redacted]

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I work as the Beirut port harbor master. My phone number is [redacted].

Q&A – Yes, my rights were read to me, and I made no request.

Q&A – [illegible] the Beirut port harbor master reports to the Ministry of Public Works and Transport, the Directorate General of Land and Maritime Transport. It should be known that

the Beirut harbor master's authority covers the maritime area starting at 12 nautical miles within the port until the place where the ships are anchored at the dock, and that the authority of the harbor master does not extend beyond the dock.

Q&A – Yes, on November 21, 2013, a ship reached the Beirut port in provenance from Greece and was anchored at dock 14, carrying a hazardous substance, ammonium nitrate, which was sent to an African country, specifically Mozambique. It docked at the Beirut port to carry a large bulldozer, and when the maritime agent placed the bulldozer aboard the ship, the cargo hold broke, putting it in disrepair and rendering it unfit for navigation until it has been repaired. On December 21, 2013, I received a precautionary impounding decision from the Beirut Enforcement Department -decision number 1031/2013, dated December 20, 2013 - ordering the ship to be impounded because of a debt owed to Bunkernet. A second precautionary impounding decision also arrived, number 377/2014, issued by the Enforcement Department for the benefit of the company [illegible] because of an amount of [illegible] for the benefit of the abovementioned. We impounded the ship.

Q&A – After examining the ship's manifest, it was found to be carrying around 2,750 tons of ammonium nitrate, which is a hazardous substance used in manufacturing explosives. Hence, the Directorate...

page 10

...General of Land and Maritime transport mandated the Ship Inspection Service affiliated with the said directorate, to inspect the ship. After verifying the presence of the said substance, the directorate general sent a letter to the Beirut judge of urgent matters, who, in his turn, appointed an expert to examine the ship's cargo. It was later found that as per the [illegible] documents [illegible] on file; the two reports prepared by the ship inspection service done by the department that monitors national and foreign ships and which reports to the Directorate General of Land and Maritime Transport; and the investigation done by the court clerk that the ship in question was in a perilous condition – it jeopardizes navigational safety at the port because it could sink. It was also found that the owner of the ship and his representative had failed to take any measure to prevent damage. Hence, the Beirut judge of urgent matters decided to unload the ship and store its cargo inside the port, which took place under my supervision. Then, I was appointed judicial guard of the said substance inside hangar 12. I signed that [document] alongside the court clerk with reservation.

Q&A – Yes, I signed the report prepared by court clerk Ziad Shaaban with reservation because a harbor master has no authority over port hangars. I have no right to go into or

out of the hangars without approval from GEPB, which is responsible for guarding and monitoring the entrances of the hangars inside the port. Its work is entirely independent of

page 11

the harbor master. GEPB does not follow the Directorate General of Land and Maritime Transport's regulations and has its own security apparatus, whose responsibility is to guard and monitor the hangars around the clock. A security officer affiliated with GEPB is tasked with monitoring hangars, especially the hazardous material hangar.

Q&A – Yes, as the harbor master, I regularly examine [illegible] in the morning and afternoon all the docks as well as hangars from the outside.

Q&A – Yes, the authority of the harbor master is limited to the docks. Within the premises of the port, it is the GEPB who is responsible for administrative and logistical procedures.

Q&A – Yes, the Directorate General of Land and Maritime Transport sent several letters to competent judiciary authorities requesting action to be taken regarding the ship and requesting that the substance in hangar 12 be auctioned off according to applicable laws. To date, no judicial decision has been issued in this regard.

Q&A – Yes, I was appointed judicial guard to [oversee] the unloading of the ship and placing the goods in hangar 12, which is reserved for hazardous substances only, and I expressed my reservation about this because it is not within my authority to monitor the hangars.

Q&A – No, I am not aware that one of the hangar 12 doors is not completely shut, nor am I aware that there is a hole in one of the walls of the said hangar because this supervision is the responsibility of GEPB port guards.

Q&A – Yes, when we unloaded the cargo into hangar 12, several chemical experts were present and they all said that this substance is not toxic if inhaled or touched, but that the danger it causes lies in the fact that it is used to manufacture explosives.

page 12

Q&A – Yes, upon a judicial decision in this regard, this substance can be sold to factories that manufacture explosives used to blow up rocks and tunnels.

Q&A – No, I have nothing further to add.

We read him his statement [illegible], which he signed.

[A note describes that a telegram was sent to Internal Security Forces about other judicial decisions.]

Note: At 12:30, on June 1, 2020, we contacted the cassation public prosecutor Judge Ghassan Oueidat and informed him about the investigation proceedings. He instructed to

release harbor master Mohammad al-Mawla; and to send a letter to the GEPB requesting that it provides guards for hangar 12 and appoints a warehouse keeper, to perform maintenance on the doors and walls and seal them tightly, and to close the investigation report and submit it to him.

Note: At 12:45, on June 1, 2020 the Beirut port harbor master Mohamad al-Mawla came to the office

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and we explained to him the judicial decision to release him [illegible].

Note: As per our telegram number 122 dated June 1, 2020, we informed the Vital Facility Security Division about the proceedings of the investigation, as a result we requested to direct whomever necessary to send a letter to Gestion... to provide guards for hangar 12 and appoint a keeper for the said hangar and to maintain all the doors and fix the hole in the southern doors and any other doors, and to seal the doors tightly.

This report was drafted at the time and date mentioned in the introduction and sealed at 13:00 of June 1 2020 in three copies, the first of which is presented with the entire file to the cassation prosecution office, the second to the directorate general of State Security – Central Investigation Directorate along with a summary of the investigation, and the third to be kept in the records.

Attachments:

- a copy of the decision by the Beirut judge of urgent matters Jad Maalouf, no. 429/2014, dated June 27, 2014
  - A copy of a precautionary impounding notice issued by the Beirut Enforcement Department no. 1031/2013, dated December 20, 2013
  - A copy of a precautionary impounding notice issued by the Beirut Enforcement Department no.377/2014, dated May 5, 2014
  - A photograph of door 9 in hangar 12 being far from the walls, which facilitates going into and out of the said hangar
  - A photograph of the hole in hangar 12's southern wall
  - A photograph of some of the large bags inside hangar 12 containing [ammonium] nitrate

[The last four pages are illegible]

## June 4, 2020 Request from State Security to the Port Authority of Beirut

Lebanese Republic

General Directorate of State Security

Directorate of Public Administrations and Institutions Security

No: 240/505

To: **Compagnie d'Exploitation et de Gestion du Port de Beyrouth (CEGPB)**

Re: Secure guards to Hangar 12 and appoint a Warehouse Manager

CEGPB

Cabinet of the Port of Beirut

2040

June 4, 2020

Greetings from the General Directorate of State Security to your Honorable Administration  
According to the instruction of Ghassan Oueidat, Public Prosecutor at the Court of  
Cassation,

You are respectfully requested to commission whoever is needed at the Port of Beirut to  
secure guards for hangar 12, to appoint a warehouse manager to the aforementioned  
hangar, to ensure the maintenance of all the doors, and to close the cavity/hole in the  
southern wall and the other cavities if present, in addition to closing all the doors tightly  
due to the presence of hazardous material, "Ammonium Nitrate" which is used to  
manufacture explosives.

This is in order to deal with a subject pending at our directorate.

**Beirut, June 4, 2020**

**Major General Tony Saliba**

**General Director of State Security**

[Signature]

## June 9, 2020 General Security Office Information Report

Information Report (confidential)

Date: June 9, 2020

Subject: Information about the presence of explosive material and the summoning of the Beirut port harbor master

Content: We have learned that the State Security office at the [Beirut] port summoned the harbor master of Beirut port Mohammad al-Mawla to take his statement about the hazardous substance (ammonium nitrate), used to manufacture explosives, which has been held inside hangar 12 in the Beirut port since June 27, 2014 (subject of previous reports).

[illegible] the said substance on board of the ship RHOSUS, which was impounded pursuant to a judicial decision dated [illegible] following a dispute between BUNKERNET LTD corporation and the owners of the ship. On [illegible] the Directorate General of Land and Maritime Transport sent a letter to the Ministry of [Justice] to take necessary measures to auction off the ship and its cargo.

[illegible] the State Security office at the port communicated with the cassation prosecution office, represented by Judge Ghassan Oueidat, saying that the seized goods are a risk to security and public safety because they are placed in hangar 12 without being guarded and supervised, and that it is the responsibility of the harbor master to implement the impounding decision after he has been appointed judicial guard of the said goods. Though, he wrote to the prosecution office saying that he is unable to guard the said goods since the hangar is under the authority of customs and port management [Gestion et Exploitation du Port de Beyrouth, GEPB]. Judge Oueidat tasked GEPB with guarding the seized goods.

## June 17, 2020 Port Authority of Beirut's Measures Following State Security's Letter

**The Lebanese Republic**

**Gestion et Exploitation du Port de Beyrouth**

**Re:** Letter from the Directorate General of State Security upon an instruction issued by prosecutor general Ghassan Oweidat to appoint whoever is needed at Beirut Port to ensure that Hangar 12 is guarded

**Addressee:** The Director General

**Instructions or Summary of the Assignment:**

Based on the letter from the Directorate General of State Security requiring us to mandate whoever is necessary at the port to ensure that hangar 12 is guarded, I communicated with Engineer Mustafa Farchoukh at the Operations Administration who told me that Mr. Wajdi Karkafi was assigned to continue to provide oversight of hangar 12. Furthermore, I gave instructions to intensify patrols of hangar 12 by the guard officers affiliated to the Security and Safety Service at the Port at a frequency of 5 patrols per day.

**Date:** June 17, 2020

Signature:

[Signature]

Engineer Ziad Awf

Head of Service and Lead Auditor

## July 20, 2020 State Security Report

[NOTE: This report contains factual errors, some of which have been commented on in *They Killed Us from the Inside*.]

Date: July 20, 2020

In June 2014, a ship called RHOSUS entered the port of Beirut in provenance from Moldova to carry two large bulldozers. When it arrived, said ship's cargo hold broke, causing the ship to fall into disrepair and be unfit for navigation again, with four sailors from various foreign nationalities being on board.

After inspecting the remaining cargo, it was found to be carrying a large amount (about 2,750 tons) of ammonium nitrate, which is used to manufacture explosives since it is highly explosive and highly flammable, sent to an African country, specifically Mozambique, and belonging to SAFARI LIMITED, legally represented in Lebanon by lawyer George al-Kareh. After reviewing the case and apprising himself of the necessary information, Judge Zwein decided to impound the ship and detain the sailors on board because a notice for precautionary impounding had been issued by the Ministry of Justice's Enforcement Department under number 1031/2013, dated December 20, 2013, stipulating that the ship should be impounded due to a debt owed to Bunkarnet LTD and prevented from leaving territorial waters unless an amount of 119,396.38 US dollars to cover the debt is deposited, in addition to estimated amount of 11,940 [US dollars] to cover additional costs. Then, a second notice was issued by the Beirut Enforcement Department numbered 377/2014, dated May 5, 2014, for the benefit of Agrico Abria corporation, stipulating that [the ship] should be prevented from leaving Lebanese territorial waters due to a debt amounting to 23,000 Euros owed to the said firm. Then, the Directorate General of Land and Maritime Transport requested from the judge of urgent matters Nadim Zwein to finalize the necessary procedures to refloat the ship and authorize the removal of the cargo on board to another location given the environmental risk it poses, and ensure it is being guarded, in addition to issuing any authorization as needed. A team of specialists inspected the ship, and as a result, found that the body had serious flaws that threaten navigational safety. Hence, it was prevented from traveling, and instead was refloated inside the port in preparation for the cargo on board to be removed and stored in an adequate location assigned by the Customs Authority and where it would be guarded by the Customs Authority.

On September 1, 2014, judge Nadim Zwein allowed the sailors on board of the ship to return home. On October 21, 2014, judicial clerk Ziad Shaaban accessed the port and

requested from the Customs Brigade to accompany him to dock 9 to which the ship had been tugged. He met the harbor master, Mohammad al-Mawla, who informed him that the ship's cargo was a hazardous substance, and that given that it had not been inspected for a long time, the surroundings of the ship needed to be evacuated and the cargo hold should be ventilated for no less than 12 hours, after which the cargo inside the hold would be inspected and removed for storing in a special warehouse. This was done by the Customs Authority; the said goods were transported to hangar 12, within the precinct of the Beirut port, which is designated to store hazardous substances.

On November 13, 2014, judicial clerk Ziad Shaaban arrived and ensured judge Zwein's decision was implemented. Mohammad al-Mawla was appointed judicial guard for the goods inside the hangar, as a result of which he would be held responsible for anything going missing or damaged and if that occurred he would be prosecuted. Then, Mohammad al-Mawla expressed his reservation because the hangars inside the port are under the authority of Gestion et Exploitation du Port de Beyrouth [GEPB], not his.

SAFARI LIMITED, through its legal counsel George al-Kareh, requested from judge Zwein to appoint an expert to examine the said goods. On January 5, 2015, judge Zwein appointed Mireille Moukarzel as an expert to inspect the goods, which was done. On February 4, 2015, Moukarzel inspected the goods and took a sample from them for analysis. It was found that the goods had a 34.7% nitrogen composition and fell under the classification of a hazardous substance. Then, the port's Manifest Department suggested that this substance be immediately handed over to competent security authorities (the leadership of the Lebanese Army) or reexported abroad due to the risk it poses and the disaster it could cause if it catches fire or explodes.

Once the army leadership learned about this, it refused to receive [the cargo] and stated that it does not need the said substance, and that the Lebanese Explosives Company, represented by Majid al-Shammas, could be contacted to find out if they could make use of the said substance, and that in the event that the company does not wish [to take the cargo], the cargo should be reexported to its country of origin at the importers' expense, given the great risk resulting from keeping it in the warehouse in unfavorable climatic conditions and in order to keep the [warehouse] workers safe.

On February 18, 2018, the said ship sank within the precinct of the Beirut port near the breakwater and is still at the bottom of the sea, whereas the ammonium nitrate is still inside hangar 12 in the port.

The Beirut port's Manifest Department sent several written requests to the Customs Directorate, starting when the ship entered Lebanese territorial waters until 2016, requesting from Judge Zwein to require the maritime agent to immediately reexport the

said merchandise abroad to protect the safety of the port and its workers, and asked for a final decision regarding the fate of the merchandise and to be given needed instructions, but to date no decision in that regard has been issued.

After consulting with a source who is a chemistry specialist, he confirmed that this substance is hazardous and used in manufacturing explosives, and that if this substance was stolen, the burglar could use it to manufacture explosives.

After inspecting hangar 12 from the outside, it was found that door 9 of said hangar is dislodged and there is a hole in the hangar's southern wall that would allow anyone to access it. We also observed that there are no guards.

In implementation of the decision of the State Security director general, issued by the Directory of Public Administration and Institutions Security no. 505/31, dated January 27, 2020, stipulating that competent judicial authorities should review the abovementioned, at 10:30 on May 28, 2020, the Government's Commissioner at the Military Court [Military Prosecutor] Peter Germanos was contacted and informed about the file. He informed us that the military prosecution office has no jurisdiction over this issue, since the judge of urgent matters Nadim Zwein had issued a decision to unload the said substance into Beirut port's hangar 12 and taken necessary legal measures.

At 11:30 on May 28, 2020, the Cassation Public Prosecutor Ghassan Oueidat was contacted and informed about the entire case. He instructed that the GEPB should be contacted and the security official inside the port, who is officially mandated by the said management, should be summoned and have his statement taken with regards to this, and that [judge Oueidat] should be contacted again.

Employee Mohammad Ziad Rateb al-Awf was summoned and stated that he is the port's security officer and head of the department for security and safety within GEPB and is responsible for the security and safety of anchored ships at the port's dock and the safety of the structures within the port, but that he had absolutely no knowledge that a certain amount of ammonium nitrate was inside hangar 12. He said that he was surprised to know that given that ammonium nitrate is considered a poisonous and hazardous substance. Mohammad al-Awf also stated that he communicated with engineer Mustapha Farshoukh (the port's operations deputy director) and harbor master Mohamad al-Mawla in order to obtain information about this issue, so they informed him that this material was placed in hangar 12 approximately five years ago based on a judicial decision issued by the Beirut judge of urgent matters, waiting for an opposing judicial decision to remove the substance from the hangar, and since then, no judicial decision in this regard has been issued.

Mohamad [Ziad] al-Awf also stated that Mohammad al-Mawla has all the documents about this issue, and that he [al-Awf] was not aware that the door is dislodged or that there is a

hole in the southern wall in the said hangar through which one could easily enter and steal its contents. When asked whether he knew that this substance was inside the said hangar, he answered that no one had told him about it.

Attorney general judge Ghassan Oueidat was contacted and told about the proceedings of the investigation, and he instructed that employee Mohammad Ziad al-Awf should be released and that harbor master Mohamad al-Mawla should be summoned and have his statement taken, and that [prosecutor Oueidat] should be contacted again.

Beirut port's harbor master Mohammad Rameh al-Mawla was summoned. He stated that the harbor master reports to the Ministry of Public Works and Transport and is responsible only for the maritime region extending from [the point at] 12 miles to the where ships are anchored at the docks. He stated that the hangars and structures within the port are under GEPB's authority. He also stated that on November 21, 2013, a ship entered the port of Beirut carrying ammonium nitrate, which is a hazardous substance used to manufacture explosives. [He said] that the ship arrived from Greece and was heading to Mozambique, and after the ship fell in disrepair and was unfit for navigation, the harbor master received from the Beirut Enforcement Department the precautionary decision no. 1031/2013, dated December 20, 2013, stipulating that said ship should be impounded due to a debt owed to Bunkernet corporation, and that it should be stopped from leaving territorial waters unless it deposits a guarantee for the debt, which amounts to 119,396 US dollars plus additional costs estimated to be 11,940 US dollars. Then a second precautionary impounding decision was received, issued by the Beirut Enforcement Department under no. 377/2014, dated May 5, 2014, for the benefit of Agrico Abria, stipulating that it should be prevented from leaving the Lebanese territorial waters due to a debt amounting to 23,000 Euros owed to the said corporation, and the ship was impounded [on behalf of the two corporations]. Based on a decision by the judge of urgent matters, the ammonium nitrate that was carried by the ship, estimated to weigh 2,750 tons, was unloaded into hangar 12, which is assigned to store hazardous substances. Then, judicial clerk Ziad Shaaban wrote a report about this issue and assigned Mohamad al-Mawla a judicial guard for said substance, and the latter expressed reservation because guarding the hangar was part of GEPB's authorities and not his, and he does not have the right to enter the hangar whenever he wishes to, nor does he possess the hangar's door keys. He also stated that he is not aware that one of the hangar doors is dislodged or that there is a hole in the hangar door, and that the Directorate General of Land and Maritime Transport has sent several letters to competent judicial authorities to auction off the ammonium nitrate, but to date no decision has been issued in this regard.

After consulting Cassation Public Prosecutor Ghassan Oueidat and informing him about the proceedings of the investigation, he instructed the release of the harbor master Mohammad al-Mawla and that a letter should be sent to GEPB asking it to provide guards for hangar 12; appoint a warehouse keeper for the said hangar; perform maintenance on all the doors and repair the hole in the southern wall and the rest of the holes if any, and tightly seal the doors; and close the investigation report and hand it over to him.

Second: conclusion:

- It has noted that GEPB has neglected guarding hangar 12, which facilitates for people to go in and out and steal the hazardous substances within.
- It has been noted that official institutions have not taken any measure to address this situation in order to eliminate the risk caused by this substance in case it got stolen or caught fire.

Attachments:

- Copy of precautionary impounding notice no. 1031/2013 (document no. 1)
- Copy of precautionary impounding notice no. 377/2014 (document no. 2)
- Photograph of dislodged door 9 (document no. 3)
- Photograph of ammonium nitrate (document no. 4 – page 3).
- Copy of form of entry of ammonium nitrate into Beirut port (document no. 5).

## August 5, 2020 Baroudi and Associates Law Firm Press Statement

### Statement

Baroudi & Associates would like to clarify some issues that have been circulated on media outlets and social media in relation to the ship Rhosus, especially the actions taken by the law firm in its capacity as representative of the crew – the captain and sailors.

On November 20, 2013, the ship Rhosus docked at Beirut port in provenance from the Black Sea port of Batumi, carrying 2,750 metric tons of high-density ammonium nitrate that were shipped to the order of Banco Internacional De Mocambique and sent to the firm Fabrica de Explosivos. Rhosus was set to carry merchandise from the Beirut port to Jordan. However, the Beirut Port State Control, after examining the ship, stopped it from sailing because it had technical problems and did not meet maritime navigation safety requirements.

Several months after the ship had been at the port, it owed maritime debts to several creditors, including the crew on board. Its owners and renters abandoned it and stopped paying any due expenses or debts, and ceased to pay the sailors' wages or provide them with water, food, or health care. Also, the recipient, Fabrica de Explosivos, ceded the ammonium nitrate cargo carried by the ship.

On April 20, 2014, Baroudi & Associates was retained to represent four of the abandoned ship's crew, including the captain, who are Ukrainian nationals and were detained on board in deplorable conditions with no money to return home. Baroudi & Associates was also retained on behalf of other creditors to whom the ship's owners and renters owed debts and took action against them for the benefit of these creditors.

Baroudi & Associates took necessary actions to fulfill the sailors' rights and arrange for their deportation. Meanwhile, our firm, as the captain's representative, was writing to officials at the Beirut port and Ministry of Transport, urging them to take urgent measures to prevent threats resulting from the condition of the ship and its cargo, which could have sunk [or] exploded at any moment. In the letter dated April 4, 2014, titled "Requesting Urgent Measures," which we addressed to the head of Beirut port [Beirut Harbor Master] in our capacity as the captain's representative, registered at the Directorate General of Land and Maritime Transport under no. 6/3017 – date: April 9, 2014, we explained the danger resulting from the condition of the ship and its cargo, flagging that the world has seen many catastrophes resulting from the explosion of ammonium nitrate. We invoked, for example, the catastrophe of the explosion of a ship carrying 2,600 metric tons of this substance in [a Texas port] in 1947. We attached to our letter a report published on Wikipedia of the incidents that have taken place in the world due to this substance.

On July 14, 2014, we received a reply from the director general of land and maritime transport informing us that he had sent two letters to the Ministry of Justice –Case Authority, asking it to take needed measures to prevent the ship at the Beirut port, which was loaded with hazardous merchandise, from sinking, hence preventing risks to maritime navigation and environment, and to expedite the case and auction the ship off. The general director of transport also informed us that he had written to the maritime agent asking him to take necessary measures to repair and maintain the ship to prevent it from sinking. Beirut’s judge of urgent matters ruled on June 27, 2014, based on a petition presented by the Lebanese government through the Directorate General of Land and Maritime Transport, to authorize the [government] to refloat the ship Rhosus after transferring its cargo to an appropriate location under [the government’s] custody. On June 23, 2014, after the expiration of the hire contracts of the sailors, who were detained on board of the abandoned ship that was prohibited from sailing, we filed a case before the judge of urgent matters against the ship’s agent at the Beirut port, asking for a decision to allow these sailors to return home because there was no justification for their detention. The Lebanese government -Ministry of Public Works and Transport - Directorate General of Land and Maritime Transport was joined to this case; it was represented by a lawyer and presented its defense.

On August 27, 2014, after investigating the ship’s situation, the judge of urgent matters issued an enforceable decision “to immediately return the sailors’ to their home and, to that end, allow them, directly or through their legal counsel, even on behalf of the maritime supplier or agent, to perform needed measures and paperwork to secure their immediate departure from Lebanese territories and return to their home.”

The aforementioned decision was implemented after a memo was written to the General Directorate of General Security, General Directorate of Customs and Directorate General of Land and Maritime Transport. The sailors were sent home in September 2014. As for the case demanding sailors’ wages, which we had filed against Rhosus’ owners and renters before the Beirut Labor Arbitration Council, it was rejected for lack of subject-matter jurisdiction.

This is the summary of actions taken by Baroudi & Associates on behalf of Rhosus’ captain and sailors. Our firm has no relation to its owners, renters, or cargo, hence Baroudi & Associates requests from all media outlets and social media [users] not to mention its name in association with false and unverified information.

Baroudi & Associates  
Jean Baroudi, Esq.

## **August 8, 2020 Statement from the Secretary General of the Higher Defense Council**

Clarification Statement by the Higher Defense Council Secretariat

In response to information circulating on social media saying the State Security General Directory sent a report on December 10, 2019 to the prime minister's office regarding the ammonium nitrate shipment, the Higher Defense Council Secretariat wishes to clarify that this is intentionally fake information. The Secretariat confirms that, in its capacity as the authority that receives and refers security reports to the prime minister, it has not received any correspondence on this issue, except for correspondence received on July 22, 2020, which the Secretariat, acting on His Excellency the prime minister's instructions, duly referred to the Ministry of Justice and Ministry of Public Works and Transportation on July 24, 2020 to take appropriate action.

Beirut, August 8, 2020

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**August 10, 2020 Ministry of Finance, General Directorate of Customs  
Request**

**Ministry of Finance**

**Customs Administration**

**Issuance No:** 474/202

Beirut, August 10, 2020

**To:** Head of Maritime Section

**RE:** Documents of the “Rhosus”

**Reference:** Army Command - Chief of Staff for Equipment – Telegraph Message:  
24930/[illegible]/[illegible]/[illegible]

In reference to the above-mentioned subject and reference, please find attached of the entire file of the “Rhosus” in addition to all the correspondence since the ship entered Beirut Port on November 21, 2013 until August 4, 2020.

For information

**Beirut, August 10, 2020**

**Head of Maritime Manifest Detachment**

**First Sergeant**

**Wissam Abou Rjeili**

**[signature]**

Attached: the entire file

[illegible]/2014 Prior

[illegible]/2020 Ulterior

To be submitted to the Head of Beirut Brigade

For information. A copy of the entire file is hereto attached from 1 until Page 48

Beirut, August 10, 2020

Acting Head of Beirut Maritime Section

Major Abdel Salam Zarzour

**[signature]**

1211/2014

29/confidential/ 2020

To be submitted to the Regional Directorate in Beirut

For Information

A copy of the entire file is hereto attached from Page 1 to Page 48

Beirut, August 10, 2020  
Acting Head of Beirut Brigade  
Lieutenant Colonel Ali al-Haj

## August 11, 2020 General Directorate of Customs Report to the Minister of Finance

Ministry of Finance

**General Directorate of Customs**

**Archive No: 3-6/٤**

**Beirut, August 11, 2020**

**To: HE Minister of Finance**

**Re:** Request for information about the quantity of Ammonium Nitrate stored in Hangar 12

**Reference:**

- Our referral no 158/Top Secret/2020, Dated August 10, 2020
- The referral of the Customs Regional Directorate of Beirut, without number and dated August 10, 2020

In reference to abovementioned subject, and in addition to our referral mentioned in the reference section in which we have submitted to you a report about the measures taken by the General Directorate about the ammonium nitrate shipment which was stored in hangar 12, please find attached a file containing copies of the documents we received from the Customs Regional Directorate of Beirut dated today, composed of 49 pages (48 pages sent by the Manifest Department's Maritime Detachment in addition to the referral of this detachment we received through the reporting lines) and which we found after review, that on February 21, 2014 and before the unloading had taken place, the Anti-Narcotics and Anti-Money Laundering and Terrorism Financing section received information about the ship docked at Quay 11, that the ship was carrying Ammonium Nitrate. The aforementioned section suggested back then to the Head of the Audit and Anti-Smuggling Service to instruct the Beirut Brigades and the Head of the Manifest Department to cooperate with the security authorities to transfer the ship from Quay 11 to the Breakwater, and if possible, to put it under the surveillance of the [security] agencies at the Port. The head of Audit and Anti-Smuggling Service transmitted immediately the information to the Customs Regional Directorate of Beirut with the same purpose, and the Directorate transmitted it to the Head of the Port of Beirut Customs Service and to the Head of the Beirut Brigades.

The Manifest Department Detachment stated that the ship is docked already at Quay 11, whereas the first controller of the Manifest Department referred the file to the Head of the Beirut Brigades to ask whether the manifest of the merchandise remaining onboard the

ship was submitted to the Beirut Brigades under its real designation, type and nature pursuant to articles 68 and 75 of the Customs Regulations. However, the Head of the Brigades, according to the referral of the Manifest Department, refused to receive the “call” and the file was transmitted to the head of the Port of Beirut Customs Service which in turn transmitted it to the Customs Regional Directorate of Beirut inviting the head of the Beirut Brigades to provide the information that was requested by the head of the Manifest Department.

The file was transmitted to the head of the Beirut Brigades [picture of original file cropped] Maritime Manifest Detachment that The National Trading and Shipping Agency submitted on November 16, 2013 [picture cropped] carrying onboard cargo of Ammonium Nitrate in transit and upon the ship’s arrival on November 21, 2013 to Beirut Port, it was inspected after the [captain] submitted a unified list to the mentioned detachment, and later on the transit manifest was obtained from the captain as well. The head of the detachment mentioned the memo no 26036/2004 dated December 2004 of the General Directorate, which states that the manifest of the remaining cargo onboard of the ship should not be required unless there is information about the presence onboard of prohibited or monopolized cargo not declared on the Unified List.

On April 1, 2014, the head of the Central Section submitted the file to the head of the Beirut Brigades noting that the type of merchandise cited is not considered prohibited or monopolized, however it may be used in certain proportions to produce prohibited substances and is considered a hazardous substance that must be restricted should it be used locally. The head of the Beirut Brigades submitted the explanations to the Customs Regional Directorate of Beirut on April 1, 2014 which referred it to the Port of Beirut Customs Service for information and action, which in turn referred it to the Manifest Department with the same purpose on April 9, 2014.

On April 22, 2014, the Manifest Department returned the file to the head of the [Port of] Beirut Customs Service, suggesting as per the explanations of the Maritime Manifest Detachment, to excuse the violation of not identifying the type of cargo by its real designation since it was correctly and explicitly identified on the transit manifest.

The head of the Port of Beirut Customs Service approved the suggestion in the letter no 2117/2014 dated April 30, 2014, sent to the Customs Regional Directorate of Beirut which returned the file to the Manifest Department in its letter no 3224/2014 dated May 6, 2014, with the approval of the suggestion of the First Controller of the Manifest Department.

This is for your information and to request to add this letter to our report that we submitted to you in our letter with the same number dated August 10, 2020 and to consider it as an integral part of the mentioned report.

Beirut August 11, 2020

Acting General Director of Customs

Raymond al-Khoury

[Signature]

**Re: Summary of the letter received by the Ministry of Finance dated August 11, 2020 including the entire file of the “Rhosus” ship**

- 1) On November 16, 2013, the National Trading & Shipping Agency sent a letter containing a notice and recognition to the Head of the Customs Detachment to inform him about the arrival of the “Rhosus” ship to Beirut Port on November 19-20, 2013, carrying 2755,5 tonnes (High Density Ammonium Nitrate IMO 5.0) in transit. The cargo was shipped from Georgia to a port of Mozambique for “Banco Internacional de Mocambique”.
- 2) On December 21, 2013, the Directorate General of Land and Maritime Transport – head of Beirut Port [Beirut Harbor Master], issued a letter to General Directorate of Lebanese Customs to inform the Directorate about the decision taken by the Enforcement Department in Beirut to provisionally impound the “Rhosus” docked in Beirut Port and affiliated to the National Trading and Shipping Agency, pursuant to an impoundment request submitted by “Bunkernet LTD” on December 20, 2013.
- 3) During February 2014, the General Directorate of Customs issued a letter addressed to the National Trading and Shipping Agency to ask the Agency to appear before the Manifest Department to look into a violation which is that the Unified List of the “Rhosus” which arrived in Beirut on November 21, 2013 and carrying 2750 bags of High Density Ammonium Nitrate, did not include the type of cargo.
  - On February 28, 2014, the National Trading and Shipping Agency submitted its response to the Manifest Department in which it stated that Unified [List] of the ship does not identify the type of merchandise however it mentions its count, weight and destination country, noting that the content and type of the merchandise were mentioned in the notice and recognition and on NAJEM system under the “Transit” section, and that a copy of the transit manifest was submitted upon the ship’s arrival to the Maritime Detachment in which the content of the cargo was cited, thus the Agency asked to be exempted from the violation.

- On March 2, 2014, the first controller of the Manifest Department sent a letter to the head of the Beirut Brigades asking whether the manifest of the cargo remaining on board of the ship was submitted to the Brigades back then and whether the concerned cargo, its real designation, type and nature were cited pursuant to articles 68 and 75 of the Customs Law.
- On March 4, 2014, the first controller of the Manifest Department sent a letter to the Port of Beirut Customs Service to inform the Service that the Brigades refused to receive the “call”, and accordingly the head of Service referred the letter to the Customs Regional Directorate of Beirut to ask the head of the Brigades to provide the information requested in the letter of the First Controller of the Manifest Department.
- After transferring the file to the head of the Beirut Brigades, the response of the head of Maritime Manifest Detachment was received on March 31, 2014, which stated that the National Trading and Shipping Agency submitted on November 16, 2014 a notice and recognition of the arrival of the “Rhosus” in which it stated that there are onboard of the ship Ommonium [sic] Nitrate in transit, and upon the arrival of the ship to Beirut Port, the ship was inspected after the captain submitted a Unified List, and later after several days, a copy of the transit manifest was obtained from the captain.
- A mention was made as well to the memorandum no 26038/2004 of the Customs Directorate which stipulated that the manifest of the cargo remaining aboard the ship should not be requested unless there is information about the presence of prohibited or monopolized cargo on board of the ship and that was not declared in the Unified [List].
- On April 1, 2014, the head of the Central Section referred the file to the head of the Beirut Brigade based on the abovementioned explanations, noting that the type of the cargo is not considered prohibited or monopolized. However according to their information, it could be used in certain proportions to produce prohibited substance and is considered a hazardous, restricted substance if used locally.
- On April 22, 2014 [sic], the Manifest Department returned the file to the head of the [Port of] Beirut Customs Service suggesting dismissing the violation of not identifying the type of cargo under its real designation, since it is identified correctly on the transit manifest, and the Beirut Customs Service approved this suggestion.

- 4) On February 21, 2014, Colonel Joseph Nicolas Skaf, Head of the Anti-Narcotics and Anti-Money Laundering section submitted a report the head of Audit and Anti-Smuggling Service in which he stated the presence of the “Rhosus” ship docked at Quay 11 in Beirut Port and carrying Ammonium Nitrate which is used for detonation purposes and threatens the public safety. The section suggested to instruct the head of Beirut Brigades and the head of the Manifest Department to work with the security authorities to move the ship from Quay 11 to the Breakwater and if possible, to put the ship under the surveillance of these security agencies present at the port.
- 5) Following a case filed by Mr Prokoshev Borys, Lupol Valeriy, Goloveshkin Andriy and Musinchak Borys, against Mr. Mustafa Baghdadi, in his capacity as owner of the commercial entity known as the National Trading and Shipping Agency, pursuant to which they requested to oblige the defendant to repatriate them, a ruling was issued by Jad Maalouf, judge of urgent matters, to repatriate the abovementioned persons immediately, and authorize them to take to this end, directly or through their legal representative, the necessary measures and formalities pursuant to the ruling.
- 6) On September 1, 2014, the Ministry of Justice sent to the General Directorate of Customs a decision to enforce the above-mentioned ruling.
- 7) On February 20, 2018, the Ministry of Finance- Directorate of Customs, sent a letter to the Head of the Maritime Section in which they stated that the cargo of the “Rhosus” was unloaded in hangar 12 while the broken ship was berthed in front of Basin 2, and it reached the rocks in the last place at which it was berthed in 2016 and sank on February 18, 2014 in the aftermath of a storm, noting that the ship was still impounded amid a total indifference from its agent since it was impounded. The ship sank because the cargo holds were not closed tightly because of their dire situation, and the ‘Gestion et de Exploitation du Port de Beyrouth’ (GEPB) was trying to obtain an order from the Case Authority at the Ministry of Justice to recover the ship from water after cutting it into several parts to be sold by them to pay the outstanding debts on the ship.
- 8) On March 2, 2018, a communication document from the Common Naval Operations Room was received by the Ministry of Environment and the Directorate General of Land and Maritime Transport stating that on February 27, 2018 the Naval Forces inspected the surroundings of the mentioned ship and they found a small amount of Diesel on a surface of 8 meters, trapped between the buoys and did not

leak outside, and a sample of the pollution was collected and handed to the Common Naval Operations Room.

- 9) On March 16, 2018, a communication document from the Common Naval Operations Room was received by the head of Judicial Brigade for information that Mr. Edgar Daw from “Eddy Home Engineering and Contracting” appeared before the Common Naval Operations Room stating that he had an approval to do dive planning and a marine survey of the ship “Rhosus” starting March 19, 2018 for a period of 10 days.

## August 17, 2020 Letter from Customs to Finance Minister

Lebanese Republic

Ministry of Finance

General Directorate of Customs

Archive no: ي/6-ت

Issuance Number: 158/confidential/2020

Beirut: August 17, 2020

### To: HE Minister of Finance

**Re:** Correction of a typographical error in our letter no 158/confidential/2020

**Reference:** Our letter no 158/Confidential/2020, Dated August 11, 2020

Pursuant to the above-mentioned subject and reference,

We would like to inform you that a typographical error had occurred in the second paragraph of the second page of our letter mentioned in the reference section above, a copy of which is hereto attached. There were in the letter the following expression “on April 1, 2014, the head of the Central Section submitted...”. However, the expression should be “On April 1, 2014, the head of the Maritime Section”. There is no amendment to the rest. We hereby attach a copy of the letter of the Head of the Maritime Section together with a copy of the letter of head of the Brigade to the Regional Directorate in Beirut, a copy of the letter of the first controller of the Manifest Department dated April 22, 2014 and the letter of the Head of Service no 2117/2014 dated April 30, 2014, in addition to the letter of the Regional Directorate in Beirut no 3224/2014 dated May 6, 2014, all of which are mentioned in the two paragraphs before the last one mentioned in the reference, to annex these documents to the documents sent in our letter under the same number, dated August 11, 2020.

Acting General Director of Customs

Raymond al-Khoury

[Signature]

## Undated - State Security Report

[NOTE: This report contains factual errors, some of which have been commented on in *They Killed Us from the Inside*.]

### Report of General Directorate of State Security about the presence of Ammonium Nitrate in Hangar 12 at Beirut Port

- To give effect to the decisions of the Higher Council of Defense dated May 26, 2017, the General Directorate of State Security was tasked to prepare a study concerning the establishment of security points at the border crossings, starting with the ports.
- Pursuant to the letter of the General Director of the Council of Ministers no 476/ص dated March 19, 2018, the establishment of an office at Beirut Port, to be affiliated to the General Directorate of State Security, was approved.
- According to the General Memorandum no 582/504ط dated November 19, 2018, an office was established in Beirut Port.
- During March 2019, prefabricated units were installed for the militaries and the work resumed in the aforementioned office in late May.
- On December 10, 2019, the Directorate of Public Administrations and Institutions prepared a report about the presence of a big quantity of Ammonium Nitrate in Hangar 12 in the Port. The report included the following:
  - In June 2014, a ship called “Rhosus”, coming from Moldava to ship two big trucks entered the Port of Beirut. And upon the arrival of the ship, the cargo holds broke, and as a result the ship which broke down and was not able to sail again. There were onboard of the ship four sailors from different foreign nationalities.
  - After inspecting the remaining cargo onboard of the ship, it has been found that it carries 2750 tonnes of Ammonium Nitrate, a highly explosive and flammable substance and which is used to manufacture explosives, sent to an African country, namely Mozambique, and affiliated to a company called “SAFARI LIMITED” (its legal representative in Lebanon is Joseph al-Qareh). After consulting with the judge of urgent matters in Beirut and informing him about the issue, the judge issued a decision to impound the ship and the sailors who were onboard, after a precautionary impounding notice issued by the Ministry of Justice (Enforcement Department in Beirut no 2013/1031) dated December 12, 2013) which impounded the ship because of outstanding debts due to “BUNKARNET LTD” and banned it from leaving the territorial waters unless it posted a bail as guarantee for the debt amounting USD 119,396.38, and an additional amount of USD 11,940. After that, a second notice was issued from the Enforcement Department in Beirut, no 2014/377

- dated May 5, 2015 to “Akriko Abriya” to ban the ship from leaving Lebanese territorial waters because of debts amounting to Euro 23,000 owed to the mentioned company. Back then, the Directorate General of Land and Maritime Transport asked the judge of urgent matters in Beirut to complete the refloating of the ship and authorize the removal of the cargo on board to another location given the environmental risk it poses, and ensure it is being guarded and as well as authorization as needed
- A specialized taskforce inspected the ship. Upon inspection, they discovered significant flaws in the ship hull that jeopardized the safety of the maritime navigation. Hence, the ship was banned from leaving and it was refloated inside the port in preparation for the cargo on board to be removed and stored in an adequate location that would be chosen by the Customs Administration and where it would be guarded by the Customs Administration.
  - On September 1, 2014, the judge of urgent matters authorized the sailors who were onboard of the ship to leave and return to their countries.
  - On October 21, 2014, the judicial clerk Ziad Shaaban accessed the port and requested the Customs Brigade accompany him to dock 9 to which the ship had been docked. He met the harbor master, Mohammad al-Mawla, who informed him that the ship’s cargo was a hazardous substance, and that given it had not been inspected for a long time, the surroundings of the ship need to be evacuated and the cargo hold should be ventilated for not less than 12 hours, after which the cargo inside the hold would be inspected and removed for storing in a special warehouse. This was done by the Customs Administration; the said goods were transported to hangar 12, inside the precinct of the Beirut port, which is designated for the storage of hazardous substances.
  - On November 13, 2014, the Judicial Clerk Ziad Shaaban came, and he made sure that the decision of the judge was enforced, and Mohammad al-Mawla was appointed as a judicial guard for the goods inside the hangar and he would be held responsible for anything going missing or damaged and if that occurred he would be prosecuted. Then, Mohamad al-Mawla expressed his reservation because the hangars inside the port are under the authority of CEGPB and not his authority.
  - SAFARI LIMITED, through its legal counsel George al-Qareh, requested from the judge [of urgent matters] to appoint an expert to examine the said goods. On January 26, 2015, the judge appointed Mireille Moukarzel as the expert to inspect the goods, which was done. On February 4, 2015, Moukarzel inspected the goods and took a sample from them for analysis, and it was found that the nitrogen grade was 34.7% and it was classified as a hazardous substance. Then, the Manifest Department at the port suggested that this substance be immediately handed over

- to competent security authorities (the Lebanese Army Command) or re-exported due to the risk it poses and the disaster it could cause if it catches fire or explodes.
- Once the army command took knowledge of this, it refused to receive the cargo and stated that it has no need for the said substance, and that the Lebanese Explosives Company, represented by Majid al-Shammas, could be reached to find out if they could make use of the said substance, and that in the event that the company does not wish [to take the cargo], then the cargo should be reexported to the country of origin at the importers' expense given the severe risk resulting from keeping it in the warehouse in unfavorable climatic conditions and in order to guarantee the safety of the persons working there [in the warehouse].
  - On February 18, 2018, the said ship sank within the vicinity of the Port of Beirut near the breakwater and is still at the bottom of the sea, whereas the ammonium nitrate is still inside hangar 12 in the port.
  - The Manifest Department at the port sent several written requests to the Customs Directorate since the ship entered Lebanese territorial waters until 2016, requesting from the judge of urgent matters require the maritime agent to immediately reexport the merchandise abroad to protect the safety of the port and the persons working there, and asked for a final decision regarding the fate of the merchandise and to be given necessary instructions, but to date no decision in that regard has been issued.
  - After consulting with one of our sources who is a chemical specialist, he confirmed that if this substance catches fire, it would cause a huge explosion and its consequences would be devastating to Beirut Port, and that in the event that this substance is stolen, the thief could use it to manufacture explosives.
  - After inspecting hangar 12 from the outside, it turned out that door 9 of the said hangar was dislodged and there is a cavity in the hangar's southern wall that would allow anyone to access it. We also observed that there are no guards.
  - In implementation of the decision of the State Security director general, issued by the Directory of Public Administration and Institutions Security no. 505/31, dated January 27, 2020, stipulating that the competent judicial authorities review the abovementioned, at 10:30 [am] on May 28, 2020, the Government's Commissioner at the Military Court [Military Prosecutor] was contacted and informed about the file. He informed us that the military prosecution office has no jurisdiction over this issue to avoid a conflict of competences, since the judge of urgent matters had issued a decision to unload the said substance inside hangar 12 in Beirut Port and had taken necessary legal measures (The communications data confirmed the validity of the said communication).

- At 11:30 on May 28, 2020, Ghassan Oueidat, Prosecutor General at the court of Cassation, was contacted and informed about the entire case. He instructed that the port management should be contacted and the security official inside the port who is officially mandated by the said management should be summoned and have his statement taken with regards to this, and contact [judge Oueidat] again.
- Employee Mohamad Ziad Rateb al-Awf was summoned and stated that he is the port's security officer and head of the department for security and safety within the CEGPB and is responsible for the security and safety of the anchored ships at the port's docks and the safety of the structures within the port, but that he had absolutely no knowledge that a certain amount of ammonium nitrate was inside hangar 12. He said he was surprised to know that, given ammonium nitrate is considered a poisonous and hazardous substance. Mohamad al-Awf also stated that he communicated with engineer Mustapha Farchoukh (the port's operations deputy director) and harbor master Mohammad al-Mawla in order to obtain information about this issue, so they informed him that this material was placed in hangar 12 approximately five years ago based on a judicial decision issued by the judge of urgent matters in Beirut, awaiting an opposing judicial decision to remove the substance from the hangar, and since then, no judicial decision in this regard has been issued.
- Mohamad al-Awf stated as well that Mohammad al-Mawla has all the documents about this issue, and that he [al-Awf] was not aware that the door was dislodged or that there is a cavity in the southern wall in the said hangar through which one could easily enter and steal its contents. When asked whether he knew that this substance was inside the said hangar, he answered that no one had told him about it.
- Prosecutor General Judge Ghassan Oueidat was contacted and told about the proceedings of the investigation, and he instructed that the employee Mohamad Ziad al-Awf should be released and that harbor master Mohammad al-Mawla should be summoned and have his statement taken, and that [prosecutor Oueidat] should be contacted again.
- Mohammad Rameh al-Mawla, harbor master of Beirut Port, was summoned. He stated that the harbor master reports to the Ministry of Public Works and Transport and is responsible only for the maritime region extending from Mile 12 to the location where ships are anchored at the docks. He stated that the hangars and the structures within the port are under the authority of the CEGPB. He also stated that on November 21, 2013, a ship entered Beirut Port carrying ammonium nitrate, which is a hazardous substance used to manufacture explosives. [He said] that the ship arrived from Greece and was heading to Mozambique, and after the ship fell in

- disrepair and became unfit for navigation, the harbor master received from the Enforcement Department in Beirut the provisional decision no. 1031/2013, dated December 20, 2013, stipulating that the said ship should be impounded due to a debt owed to Bunkernet corporation, and that it should be banned from leaving the territorial waters unless it deposits a guarantee for the debt, which amounts to USD 119,396 plus additional costs estimated to be USD 11,940 US dollars. Then a second provisional impounding decision was received, issued by the Enforcement Department in Beirut under no. 377/2014, dated May 5, 2014, for the benefit of Acrico Abria, stipulating that it should be prevented from leaving the Lebanese territorial waters due to a debt amounting to 23,000 Euros owed to the said corporation, and the ship was impounded [on behalf of the two corporations].
- Based on a decision by the judge of urgent matters, the ammonium nitrate that was carried by the ship, estimated to weigh 2,750 tons, was unloaded into hangar 12, which is designated to store hazardous substances. Then, judicial clerk Ziad Shaaban wrote a report about this issue and assigned Mohammad al-Mawla as a judicial guard for the said substance; the latter expressed reservation because guarding the hangar is within the purview of the CEGPB authorities and not his, and he does not have the right to enter the hangar whenever he wishes to, nor does he possess the hangar's door keys. He also stated that he is not aware that one of the hangar doors is dislodged or that there is a cavity in the hangar door, and that the Directorate General of Land and Maritime Transport has sent several letters to competent judicial authorities to auction off the ammonium nitrate, but to date no decision has been issued in this regard.
- After consulting Ghassan Oueidat, Prosecutor General at the Court of Cassation, and informing him about the proceedings of the investigation, he instructed that Mohammad al-Mawla, the harbor master, be released and that a letter should be sent to the CEGPB asking it to provide guards for hangar 12 and appoint a warehouse manager for the said hangar, and perform maintenance on all the doors and repair the cavity in the southern wall and the rest of the cavities if any, and tightly seal the doors, and close the investigation report and hand it over to him.
  - Conclusion: It has been noted that there is negligence from the CEGPB in guarding hangar 12, which makes it easier for people to go in and out and steal the hazardous substances inside, and that official administrations have not taken any measures to address this situation in order to eliminate the risk caused by this substance in case it was stolen or burnt.
  - It should be noted that hangar 12 was not guarded and this facilitates theft. It should also be noted that guarding operations are the responsibility of the CEGPB

according to the statement of Mohammad al-Mawla in the investigation record no 5/601 dated May 28, 2020 and the reservations he expressed on it, pursuant to the decision issued by the HH the judge of Urgent Matters in Beirut dated June 27, 2014.

- **Attachments:**

- A photo of the door no 9 [in which it appears] dislodged and away from the wall (document no.1)
  - A photo of the material packed in bags and on which the type of the substances is written (document no.2)
  - A photo of the wall of the said hangar [in which appears] a cavity through which anyone can access the substances (document no. 3)
  - A copy of precautionary impounding notice no. 1031/2013 (document no. 4)
  - A copy of precautionary impounding notice no. 377/2014 (document no. 5)
  - A copy of the ammonium nitrate Entry Voucher to Beirut Port (document no. 6)
- 
- The head of the Directorate of State Security instructed to coordinate with the Directorate of Intelligence to know its views in order to take the appropriate decision. And on January 27, 2020, Major Joseph Naddaf (Head of Office at Beirut Port) contacted Brigadier General Antoine Salloum (head of Military Intelligence at the port) to coordinate with him concerning the dangerous [situation of] the warehouse in which is stored a significant quantity of ammonium nitrate used [to manufacture] explosives, and determine the gravity [of the risks it poses]. Major Naddaf was asked to contact Nehme Brax (Head of the Manifest Department at the Customs in Beirut Port) to inquire about the subject. Naddaf communicated with Brax who confirmed the gravity [of the risks posed by] the ammonium nitrate and mentioned that he sent several requests to address this issue but with no avail until date.
  - On July 20, 2020, a special correspondence was sent to HE the President of the Republic and HE the Prime Minister registered under no:145.

**Note:** On June 3, 2020, Colonel Mohammad Abdallah, the head of the ministerial guard, coordinated with Major Joseph Naddaf (head of the office of General Directorate of State Security at the Port of Beirut) to prepare the visit of HE Hassan Diab, Prime Minister, to the port on June 4, 2020, to inspect hangar 12 and its content of Ammonium Nitrate, according to the information he received from Major General Tony Saliba, director general of State Security. On that date, the visit was cancelled at the request of the prime minister.

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## Annex 4: Letters to Officials, Companies, and Political Parties

### Letter to General Michel Aoun, President

July 7, 2021

General Michel Aoun  
President of Lebanon  
Baabda, Lebanon

Dear Mister President, Your Excellency General Michel Aoun,

I am writing on behalf of Human Rights Watch (HRW) to request information about the role of the presidency in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your excellency's replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?



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- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?
- 3) What steps did you take after finding out about the ammonium nitrate? Do you feel like you did everything in your power in this situation? We kindly request a copy of any official records that reflect actions you took related to this matter.
- 4) Why did you not convene a Higher Defense Council meeting to discuss the ammonium nitrate?
- 5) Why did you not include the ammonium nitrate on the agenda of the Higher Defense Council during the July 28 meeting?
- 6) Upon acceding to the Presidency in 2016 you vowed to “eradicate corruption.”
  - a. Please describe any and all measures you have taken as president to combat corruption at Beirut’s port and within the Ministries of Finance and Public Works and Transport. We kindly request a copy of any official records that reflect what steps your excellency has taken.
  - b. According to media statements, the Free Patriotic Movement backed Badri Daher’s appointment as Director General of Lebanese Customs. Although Daher promised to eradicate the practice of bribing customs officials when he took office, he has since been prosecuted multiple times for corruption and was prosecuted in November 2019 for “wastage of public funds.” In 2020, he was also prosecuted for unlawfully lifting a travel ban on Abdel Al Muhsen Bin Walid Bin Abdel Muhsen Bi Abdel Aziz Al Saud, something he claimed you personally asked him to do, and which the presidency has denied. Despite his record of criminal behavior and role in the August 4, 2020 explosion, in October 2020, for the second time, your excellency refused to sign off on Daher’s dismissal from his post without a full cabinet vote. Kindly explain your rationale for this decision.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih

Conflict and Crisis Director

Beirut Office Director

Human Rights Watch

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Andrew Zolli

## Letter to Hassan Diab, Caretaker Prime Minister

July 7, 2021

H.E. Hassan Diab  
Prime Minister  
Grand Serail  
Beirut, Lebanon

Dear Prime Minister Diab,

Thank you for meeting with us on June 8, 2021 to provide us with information about the sequence of events that led to the explosion in Beirut's port on August 4, 2020. Following on our interview, we are writing to share our questions in writing and to invite you to provide any further information you may have related to the events that led to the Beirut port explosion. It is Human Rights Watch's practice to give relevant entities the opportunity to provide information and respond to written questions originating from our research and we reflect timely answers in the reports that we publish.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) What measures, if any, did you take to secure, remove, or destroy the ammonium nitrate and to mitigate the dangers that it posed? We kindly request a copy of any official records that reflect actions you took related to this matter.
- 3) During our meeting on June 8, 2021, you noted that on June 3, 2020, at a social gathering, Tony Saliba, Director General of State Security, told your advisor that the investigation into the ammonium nitrate in hangar 12 was still ongoing and that the report State Security was preparing was

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not final yet and that he would advise you when the investigation was complete. In our meeting you also stated that on the same day you told Colonel Mohammad Abdallah to inform Director General Saliba's men to finalize the report within 2-3 days and send you a copy. Based on the chronology of events currently known to HRW, State Security Major Joseph Naddaf completed the investigation Public Prosecutor Oueidat ordered on June 4, 2020, and acting on behalf of State Security, Director General Saliba began executing the Public Prosecutor's orders on the same day.

- a. Did you know that State Security completed their investigation on June 4, 2020? Do you know why it took State Security another six weeks to inform you of the findings of their investigation? We would welcome any additional information you have regarding this matter.
- 4) In an interview with HRW on June 16, 2021, Director General Saliba said that he spoke with you by phone on June 3, 2020 and told you that the material in hangar 12 was explosive. He said he told you every 1 kg of the ammonium nitrate in hangar 12 was equivalent to 600 grams of TNT.
  - a. To the best of your recollection, is this information accurate?
- 5) In the same interview with HRW, Director General Saliba said he ordered Major Naddaf to begin his investigation into the ammonium nitrate in hangar 12 on January 27, 2020. He said that his fear at the time was that the material was being stolen or used.
  - a. Have you seen, either before the explosion at the port or after, any evidence to suggest that the ammonium nitrate in hangar 12 was being stolen or used?
- 6) During our meeting on June 8, 2021, you stated that on July 22, 2020 Major General Mahmoud al-Asmar, the Secretary General of the Higher Defense Council, brought you a copy of the July 20, 2020 State Security report on the ammonium nitrate in hangar 12. You said you then instructed Major General al-Asmar to send the report to the Ministers of Justice and Public Works and Transport and for them to send their recommendations on the matter. The State Security report states that the ammonium nitrate is dangerous, flammable, used to produce explosives, presents a high risk to the port and the port's workers, and could lead to a disaster, but you stated in our meeting that you did not know it was explosive until after August 4, 2020, because you did not read the report. Please explain your reasons for not reading the report.
- 7) Why did you not include the ammonium nitrate on the agenda of the Higher Defense Council during the July 28 meeting?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,



Lama Fakhri  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Major General Mahmoud al-Asmar, Secretary General of the Higher Defense Council

July 7, 2021

Major General Mahmoud al-Asmar  
Secretary-General of the Higher Defence Council  
Beirut, Lebanon

Dear Major General al-Asmar,

I am writing on behalf of Human Rights Watch (HRW) to request information about the role of the Higher Defense Council in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) Can you describe the duties of the Secretary General of the Higher Defense Council?
- 2) Can you describe the way in which meetings of the Council are convened and items are added to the agenda of the Council for discussion?
- 3) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?

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- 4) What steps did you take after finding out about the ammonium nitrate?
  - a. Why did you not instruct security agencies to take measures to secure, remove, or destroy the ammonium nitrate given the levels of danger indicated in State Security's July 20 report?
- 5) Why did you not mention the ammonium nitrate during the July 28 meeting of the Higher Defense Council?
- 6) An *Al-Jadeed* report in August 2020 alleged that you deleted the ammonium nitrate from the meeting agenda of the Higher Defense Council because there was "no value" in discussing it during the Covid-19 pandemic. Can you respond to this allegation?
- 7) We kindly request copies of any records you have regarding the Rhosus ship or its cargo.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

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## Letter to General Joseph Aoun, Lebanese Armed Forces Commander

July 7, 2021

General Joseph Aoun  
Commander-in-Chief  
Lebanese Armed Forces  
Beirut, Lebanon

Dear General Aoun,

I am writing on behalf of Human Rights Watch (HRW) to request information about the role of the Lebanese Armed Forces in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?

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- 3) What are the duties of the Military Intelligence office in Beirut's port?
  - a. To the best of your knowledge, was Brigadier General Antoine Salloum, the head of Military Intelligence at the port, aware of the ammonium nitrate in hangar 12? If so, what actions did he take to address the risk posed by the ammonium nitrate?
- 4) Why did the army not take custody of, secure, or destroy the ammonium nitrate given that it fell under the scope of the Weapons and Ammunitions Law and the danger that it posed?
- 5) Why did you not raise the issue of the ammonium nitrate in the port during any of the Higher Defense Council meetings you attended before August 4, 2020?

Thank you in advance for considering our request. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

[REDACTED]

Lama Fakhri  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

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## Letter to General Jean Kahwaji, former Lebanese Armed Forces Commander

July 7, 2021

General Jean Kahwaji  
Former Commander-in-Chief  
Lebanese Armed Forces  
Beirut, Lebanon

Dear General Kahwaji,

I am writing on behalf of Human Rights Watch (HRW) to request information about the role of the Lebanese Armed Forces in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?



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- 3) What are the duties of the Military Intelligence office in Beirut's port?
  - a. To the best of your knowledge, was Brigadier General Antoine Salloum, the head of Military Intelligence at the port, aware of the ammonium nitrate in hangar 12? If so, when and how did he become aware of it? What actions did he take to address the risk posed by the ammonium nitrate?
- 4) After receiving the results of the testing on the ammonium nitrate, and the testing revealing that the ammonium nitrate fell under the scope of the Weapons and Ammunitions Law, why did the army not take custody of, secure, or destroy the ammonium nitrate given that it fell under the scope of the Weapons and Ammunitions Law and the danger that it posed?
- 5) After you personally were informed of the ammonium nitrate in hangar 12, why did you not raise the danger the material posed during any of the Higher Defense Council meetings you attended?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Major General Tony Saliba, Director General of State Security

July 7, 2021

Major General Tony Saliba  
Director General of State Security  
Beirut, Lebanon

Dear Major General Saliba,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of State Security in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?
- 3) Contradictory statements have been made and published regarding how State Security Major Joseph Naddaf learned about the ammonium



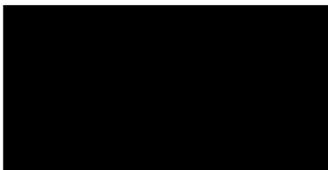
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- nitrate in hangar 12. To the best of your knowledge, how did Major Naddaf discover the ammonium nitrate in hangar 12?
- 4) When you learned about the ammonium nitrate in hangar 12 and the dangers it posed, what steps did you take to secure, remove, or destroy it? We kindly request a copy of any official records that reflect actions you took related to this matter.
  - 5) In a meeting with HRW on June 16, 2021, you stated that you ordered Major Naddaf to write a report regarding the ammonium nitrate on January 27, 2020, and to then present it to the competent judiciary.
    - a. What was the scope of the investigation you asked Major Naddaf to pursue?
    - b. What was the purpose of the investigation?
    - c. When did Major Naddaf complete this investigation and submit it to the competent judiciary? Why did his investigation take months to complete?
    - d. We kindly request a copy of any official records that corroborate your answers to the above.
  - 6) In a meeting with HRW on June 16, 2021, you stated that on May 28, 2020, Cassation Public Prosecutor Ghassan Oueidat ordered Major Naddaf to continue his investigation.
    - a. What was the scope of the investigation order by Public Prosecutor Oueidat?
    - b. What was the purpose of the investigation?
    - c. When did Major Naddaf submit the completed investigation?
    - d. What orders did Public Prosecutor Oueidat give State Security on the basis of the investigation and when were these given?
    - e. We kindly request a copy of any official records that corroborate your answers to the above.
  - 7) In a meeting with HRW on June 8, 2021, caretaker-Prime Minister Hassan Diab said that on June 3, at a social gathering, you told his advisor that the investigation into the ammonium nitrate was still ongoing and that the report you were preparing was not yet final and that you would advise the Prime Minister when the investigation was complete. He also stated that he told Colonel Mohammad Abdallah to inform your men to finalize the report within 2-3 days and send him a copy. Based on the chronology of events currently known to HRW, Major Naddaf completed the investigation Public Prosecutor Oueidat ordered on June 4, and acting on behalf of State Security, you began executing the Public Prosecutor's orders on the same day. In light of the above, why didn't you share the report of the investigation with the Prime Minister?
  - 8) In addition to the report prepared by Major Naddaf, after the conclusion of his investigation, State Security prepared a second report on July 20, 2020, which was

- shared with the President and Prime Minister. Why did it take State Security so long to share this written report with the President and the Prime Minister?
- 9) The report prepared by Major Naddaf and the State Security report from July 20, 2020 that was shared with the President and Prime Minister differ in important ways. In particular, Major Naddaf wrote that he has been informed by a chemistry expert that if the ammonium nitrate were to ignite, it would lead to “a huge explosion with catastrophic consequences on the port of Beirut.” Why was that sentence edited out of State Security’s July 20 report?
  - 10) The July 20, 2020 State Security report places emphasis on preventing the ammonium nitrate from being stolen. But given the dangers posed by the ammonium nitrate itself and the reckless way that they were stored, why did State Security not recommend that the material be stored in a safe manner that would mitigate the risk of it igniting, or removed altogether?
  - 11) From the time you learned about the presence of the ammonium nitrate in hangar 12 and the danger that it posed until the time of the explosion on August 4, 2020, why didn’t you mention the security risk it posed during a meeting of the Higher Defense Council?
  - 12) To the best of your knowledge, on what date did investigative judge Fadi Sawan charge you in relation to the August 4, 2020 explosion? How were the charges communicated to you? Do you know the charges against you? According to media reports, Judge Sawan questioned you on December 10, 2020. Did you have a lawyer present with you during your questioning? Did you request that a lawyer be present? Have you been questioned by an investigative judge in this matter since?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,



Lama Fakih  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Ghassan Oueidat, Cassation Public Prosecutor

July 7, 2021

Ghassan Oueidat  
Cassation Public Prosecutor  
Beirut, Lebanon

Dear Judge Oueidat,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of the judiciary in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, so that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?
- 3) What were you told or what did you understand about the hazards presented by the ammonium nitrate in hangar 12?

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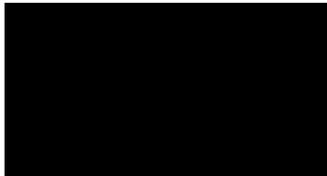
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- 4) What steps did you take after learning about the ammonium nitrate in hangar 12 and the dangers the material posed? Who did you inform and when? What orders did you give related to the ammonium nitrate in hangar 12? Who was responsible for executing your orders? What orders did they or did they not execute?
- 5) According to a July 2020 State Security report obtained by Human Rights Watch, one step you took after learning about the ammonium nitrate in hangar 12 was to order an investigation.
  - a. What was the scope of the investigation?
  - b. What was the purpose of the investigation?
  - c. Who did you task with conducting the investigation?
  - d. When did you receive the completed investigation?
  - e. What measures did you take in response?
  - f. Who did you inform and when?
  - g. What orders did you issue and when?
  - h. We kindly request a copy of any official records that reflect orders you issued in this matter.
- 6) Human Rights Watch has obtained a copy of a report prepared by State Security Major Joseph Naddaf, dated May 28, 2020, regarding the ammonium nitrate in hangar 12. According to the July 2020 State Security report, State Security shared the contents of this report with you on May 28. The report reflects that it was subsequently updated with information gathered on the basis of your orders. The report states that if the ammonium nitrate were to ignite it would cause a huge explosion.
  - a. Did you order State Security to share this report with the president and the prime minister, or to the Higher Defense Council? Did you refer the report to the same? If not, why not?
- 7) Based on the July 2020 State Security report, your orders in response to the findings of the investigation they conducted appear to have focused on securing and repairing hangar 12.
  - a. We kindly request a copy of any official records that reflect orders you issued to secure and repair hangar 12.
  - b. In light of the hazardous and flammable material inside the hangar, what precautions did you take, if any, to ensure that the proper safety protocols were in place for the repairs? Who was responsible for overseeing the repairs and ensuring that the appropriate safety precautions were in place? In your opinion, and to the best of your knowledge, did they perform their duty?

- c. Did you, at any time, order any measures to ensure that the ammonium nitrate itself was properly stored, removed from the port, or destroyed? If so, what were your orders? If not, why not?
- 8) To the best of your knowledge, how much ammonium nitrate was being stored in hangar 12 in 2020? Have you seen any evidence to suggest that the material was being siphoned off or used at any point between 2014-2020 while it was being stored there? If so, what is the evidence and what does it suggest?
- 9) You have stated<sup>1</sup> that the military and the customs authority had the legal authority to remove the ammonium nitrate from hangar 12. Despite their knowing about it, neither did anything to remove the danger. In your opinion, who is responsible for the failure to secure, remove, or destroy the ammonium nitrate in hangar 12?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,



Lama Fakih  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

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<sup>1</sup> Ben Hubbard, Maria Abi-Habib, Mona El-Naggar, Allison McCann, Anjali Singhvi, James Glanz, and Jeremy White, “How a Massive Bomb Came Together in Beirut’s Port,” New York Times, September 9, 2020, <https://www.nytimes.com/interactive/2020/09/09/world/middleeast/beirut-explosion.html> (accessed June 22, 2021).

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## Letter to Najib Mikati, Former Prime Minister

July 7, 2021

H.E. Najib Mikati  
Former Prime Minister  
Mikati Residence  
Tripoli, Lebanon

Dear Prime Minister Mikati,

I am writing on behalf of Human Rights Watch (HRW) to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) Did you know that a ship carrying 2,750 tons of ammonium nitrate docked in Beirut's port in November 2013?
- 2) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 3) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?

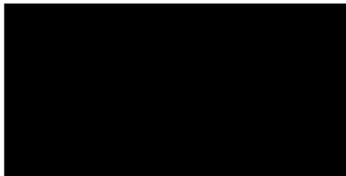
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- 4) If you had knowledge about the material during your tenure as Prime Minister,
  - a. What steps did you take to address the risk that the material posed?
  - b. Why did you not add this issue to the agenda of the Higher Defense Council?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,



Lama Fakhri  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
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## Letter to Tammam Salam, Former Prime Minister

July 7, 2021

H.E. Tammam Salam  
Former Prime Minister  
Mousaytbeh Residence  
Beirut, Lebanon

Dear Prime Minister Salam,

I am writing on behalf of Human Rights Watch (HRW) to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?
- 3) If you had knowledge about the material during your tenure as Prime Minister,
  - a. What steps did you take to address the risk that the material posed?



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b. Why did you not add this issue to the agenda of the Higher Defense Council?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] by phone on [REDACTED].

Sincerely,

A large black rectangular redaction box covering the signature area.

Lama Fakih  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
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## Letter to Saad Hariri, Former Prime Minister

July 7, 2021

H.E. Saad Hariri  
Former Prime Minister  
Bayt al-Wasat  
Beirut, Lebanon

Dear Prime Minister Hariri,

I am writing on behalf of Human Rights Watch (HRW) to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?
- 3) If you had knowledge about the material during your tenure as Prime Minister,
  - a. What steps did you take to address the risk that the material posed?

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b. Why did you not add this issue to the agenda of the Higher Defense Council?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

A large black rectangular redaction box covering the signature of Lama Fakih.

Lama Fakih  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
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## Letter to Nohad Machnouk, former Minister of Interior

July 7, 2021

Nohad Machnouk  
Member of Parliament and former Minister of Interior  
Beirut, Lebanon

Dear Mr. Machnouk,

I am writing on behalf of Human Rights Watch (HRW) to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?
- 3) If you had knowledge about the material during your tenure as Minister of Interior,
  - a. What steps did you take to address the risk that the material posed?

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b. Why did you not add this issue to the agenda of the Higher Defense Council?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

A large black rectangular redaction box covering the signature area.

Lama Fakih  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

350 Fifth Avenue, 34<sup>th</sup> Floor  
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## Letter to Michel Najjar, Caretaker Minister of Public Works and Transport

July 7, 2021

Michel Najjar  
Caretaker Minister of Transport and Public Works  
Beirut, Lebanon

Dear Mr. Najjar,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of the Ministry of Transport and Public Works and the Port Authority in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you personally learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?
- 3) What steps did you personally take after finding out about the ammonium nitrate? Do you feel like you did everything in your power in

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- this situation? We kindly request a copy of any official records that reflect actions you took related to this matter.
- 4) In statements to the media, you noted that since 2014 the ministry had sent at least 18 letters to the Beirut urgent matters judge asking that the ammonium nitrate be disposed of. We kindly request copies of these letters.
  - 5) The media reported that you met with Hasan Koraytem, the port's director, on August 3, 2020, following your receipt of the State Security report about the ammonium nitrate.
    - a. What was the purpose of your meeting?
    - b. What information did Koraytem provide you regarding the ammonium nitrate in hangar 12 and the judicial orders communicated to port officials by State Security? Did Koraytem inform you that port authorities had tasked a company to do welding work to repair the doors of hangar 12? If so, did you inquire about what security precautions were being taken?
    - c. What instructions did you give to Koraytem?
  - 6) The July 2020 State Security report about the ammonium nitrate, which was sent to the president and the prime minister, concluded that "there was negligence on the part of the Beirut port authority in securing hangar 12, which made it easy for individuals to go in and out and steal the dangerous material in it." Can you comment on this allegation?
  - 7) Journalists from Al Jadeed presented evidence that your advisor removed documents from the Ministry of Public Works and Transport on August 9, the Sunday following the blast. What were the documents that were removed, and why were they removed? Has the ministry launched an investigation into the incident?
  - 8) Please describe any and all measures you have taken as minister to combat corruption within the ministry and at Beirut's port. We kindly request a copy of any official records that reflect what steps you took, if any.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih

Conflict and Crisis Director

Beirut Office Director

Human Rights Watch

350 Fifth Avenue, 34<sup>th</sup> Floor  
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Andrew Zolli

## Letter to Ghazi Zaiter, former Minister of Public Works and Transport

July 7, 2021

Ghazi Zaiter

Member of Parliament and former Minister of Transport and Public Works  
Beirut, Lebanon

Dear Mr. Zaiter,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of the Ministry of Transport and Public Works and the Port Authority in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you personally learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?



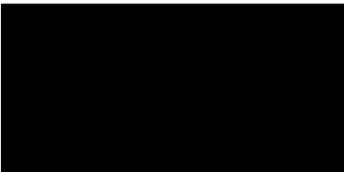
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- 3) How many written notices did you receive about the ammonium nitrate in hangar 12 and the dangers that it posed?
- 4) What actions did you take, if any, to secure the ammonium nitrate and mitigate the dangers that it posed? Do you feel that you discharged your full duties in this matter? We kindly request a copy of any official records that reflect actions you took related to this matter.
- 5) In statements to the media, caretaker Minister of Public Works and Transport, Michel Najjar, said that since 2014 the ministry had sent at least 18 letters to the Beirut urgent matters judge asking that the ammonium nitrate be disposed of. We kindly request copies of any of these letters in your possession.
- 6) Your ministry had been aware of the dangers posed by the ammonium nitrate since at least April 7, 2014, when the Baroudi Law Firm sent a letter to the Directorate General of Land and Maritime Transport explaining that ammonium nitrate is very flammable and used to manufacture explosives, attaching also a 16-page “timeline of major disasters” caused by ammonium nitrate explosions. Why did your ministry not reflect those dangers in any subsequent communications to the Case Authority?
- 7) In a June 27, 2014 ruling, Beirut’s urgent matters judge placed the ammonium nitrate under the ministry’s guardianship and called on your ministry to store the ammonium nitrate in “a suitable place that it chooses.” Noting that all international regulations prohibit the storing of explosive and combustible material in proximity to ammonium nitrate, your ministry elected to store the material in a hangar with such goods. What measures did your ministry take, if any, to ensure that the ammonium nitrate was stored in a suitable place that mitigated against the dangers it posed?
- 8) On November 26, 2014, the Director General of Land and Maritime Transport, sent a letter to the Case Authority in which he asks them to take all the necessary measures to sell the Rhosus and its cargo. In response, the lawyer appointed by the Case Authority to represent the ministry noted that the administration did not properly and fully implement the urgent matters judge’s June 27, 2014 decision as it was supposed to transport the hazardous goods to an appropriate place for storage.
  - a. Did the ministry respond to the lawyer’s November 26, 2014 letter? If so, we kindly request a copy of the correspondence. If not, why not?
- 9) The July 2020 State Security report about the ammonium nitrate, which was sent to the president and the prime minister, concluded that “there was negligence on the part of the Beirut port authority in securing hangar 12, which made it easy for individuals to go in and out and steal the dangerous material in it.” Can you comment on this allegation?

- 10) Please describe any and all measures you took as minister to combat corruption within the ministry and at Beirut's port. We kindly request a copy of any official records that reflect what steps you took, if any.
- 11) Why did you refuse to appear for questioning after Judge Fadi Sawan charged you with negligence that led to the explosion on August 4, 2020?
- 12) Do you think ministers and parliamentarians should be granted immunity from judicial investigation?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,



Lama Fakih  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Yousef Fenianos, former Minister of Public Works and Transport

July 7, 2021

Youssef Fenianos  
Former Minister of Transport and Public Works  
Member of Parliament  
Beirut, Lebanon

Dear Mr. Fenianos,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of the Ministry of Transport and Public Works and the Port Authority in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?

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- 3) How many written notices did you personally receive about the ammonium nitrate in hangar 12 and the dangers that it posed? What actions did you take, if any, to secure, remove, or destroy the ammonium nitrate and mitigate the danger that it posed? Do you feel that you discharged your full duties in this matter? We kindly request a copy of any official records that reflect actions you took related to this matter.
- 4) You told the media that you personally signed eight letters regarding the ammonium nitrate and the directorate sent another eight. Human Rights Watch has obtained seven letters the ministry sent to the Case Authority, three of which were signed by you.
  - a. We kindly request copies of any of these 16 letters in your possession.
- 5) Your ministry had been aware of the dangers posed by the ammonium nitrate since at least April 7, 2014, when the Baroudi Law Firm sent a letter to the Directorate General of Land and Maritime Transport explaining that ammonium nitrate is very flammable and used to manufacture explosives, attaching also a 16-page “timeline of major disasters” caused by ammonium nitrate explosions. Why did your ministry not reflect those dangers in any subsequent communications to the Case Authority?
- 6) In a June 27, 2014 ruling, Beirut’s urgent matters judge placed the ammonium nitrate under the ministry’s guardianship and called on your ministry to store the ammonium nitrate in “a suitable place that it chooses.” Noting that all international regulations prohibit the storing of explosive and combustible material in proximity to ammonium nitrate, your ministry elected to store the material in a hangar with such goods.
  - a. What measures did your ministry take, if any, to ensure that the ammonium nitrate was stored in a suitable place that mitigated against the dangers it posed?
  - b. Were you personally aware that the ammonium nitrate was stored alongside kerosene, hydrochloric acid, 23 tons of fireworks, 50 tons of ammonium phosphate, and 5 rolls of slow burning detonating cord, among other items?
- 7) The July 2020 State Security report about the ammonium nitrate, which was sent to the president and the prime minister, concluded that “there was negligence on the part of the Beirut port authority in securing hangar 12, which made it easy for individuals to go in and out and steal the dangerous material in it.” Can you comment on this allegation?
- 8) Why did your ministry refuse to pay the expert hired to appraise the shipwreck in advance, as ordered by the Enforcement Authority in 2018, thus delaying the process?

- 9) In September 2020, the United States government sanctioned you for material support to Hezbollah and corruption, in part, because they allege you used your position as minister to funnel money from government budgets to Hezbollah-owned companies and by diverting ministry funds to “offer perks to bolster his political allies.”
- a. Please describe any and all measures you took as minister to combat corruption within the ministry and at Beirut’s port. We kindly request a copy of any official records that reflect what steps you took, if any.
- 10) Why did you refuse to appear for questioning after Judge Fadi Sawan charged you with negligence that led to the explosion on August 4, 2020?
- 11) Do you think ministers and parliamentarians should be granted immunity from judicial investigation?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

[REDACTED]

Lama Fakhri  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

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Andrew Zolli

## Letter to Ghazi Wazni, Caretaker Minister of Finance

July 7, 2021

Ghazi Wazni  
Caretaker Minister of Finance  
Beirut, Lebanon

Dear Dr. Wazni,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of the Finance Ministry and the Customs Administration in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?



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- 3) For the purposes of the Customs Law what constitutes a “public warehouse”? What constitutes a “customs warehouse”? Which category does hangar 12 in Beirut’s port fall under?
- 4) What parts of the Beirut port are part of the Free Zone?
- 5) Article 144 of the Customs Law sets out that customs may destroy goods inconsistent with applicable laws and regulations. In light of this, why didn’t customs destroy the ammonium nitrate in hangar 12?
- 6) Customs has the authority to sell any goods that have been left in customs warehouses after 6 months and one day (Articles 434 and 435 of the Customs Law). In light of this, why did customs repeatedly request authorization to sell or re-export the material from the urgent matters judge?
- 7) What is the process by which customs sells or re-exports material that has been abandoned as defined by Articles 434 and 435 of the Customs Law? Is the process different if the material is considered dangerous or covered under the Weapons and Ammunitions Law?
- 8) Article 437 of the Customs Law sets out goods which should not be sold by auction, including prohibited goods like explosives. In these cases, what should happen with the goods?
- 9) Did the ammonium nitrate, which falls under the Weapons and Ammunitions Law, require a special permit to arrive at Beirut’s port, even if the ship carrying it was only supposed to transit through Beirut? Who is responsible for securing this permit?
- 10) Did the ammonium nitrate require a special permit (Article 249 of the Customs Law) to be stored in Beirut’s port? Who is responsible for securing this permit?
- 11) In the absence of a special permit when one is required what is customs mandated to do with goods that arrive in the port or are moved to customs’ warehouses?
- 12) Please describe any and all measures you have taken as minister to combat corruption within the ministry and at Beirut’s port. We kindly request a copy of any official records that reflect what steps you took, if any.
- 13) Do you think ministers and parliamentarians should be granted immunity from judicial investigation?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

[REDACTED]

Lama Fakhri  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Ali Hassan Khalil, former Minister of Finance

July 7, 2021

Ali Hassan Khalil  
Member of Parliament and former Minister of Finance  
Beirut, Lebanon

Dear Mr. Khalil,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of the Finance Ministry and the Customs Administration in the events that led to the Beirut Blast.

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We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?
- 3) In a June 16, 2016 letter that Human Rights Watch has obtained, then-Customs Director Chafic Merhi warned you personally about the



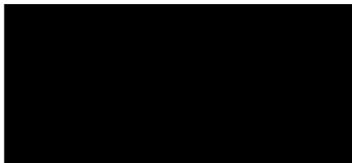
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- “extreme risk of the presence of this merchandise in the hangar, in unfavorable climatic conditions” and requested immediate action “to ensure the safety of the port.” What measures, if any, did you take to secure, remove, or destroy the ammonium nitrate and to mitigate the dangers that it posed? We kindly request a copy of any official records that reflect actions you took related to this matter.
- 4) While Merhi addressed his June 16, 2016 letter to the Case Authority, the stamps on the letter reflect that you forwarded it instead to the urgent matters judge. Why did you forward the letter to the urgent matters judge and not to the Case Authority?
  - 5) How many written notices did you receive about the ammonium nitrate in hangar 12 and the dangers that it posed? Who were these sent by and when were they received? What was the content of the communications? Do you feel that you discharged your full duties in this matter?
  - 6) For the purposes of the Customs Law what constitutes a “public warehouse”? What constitutes a “customs warehouse”? Which category does hangar 12 in Beirut’s port fall under?
  - 7) What parts of the Beirut port are part of the Free Zone?
  - 8) Article 144 of the Customs Law sets out that customs may destroy goods inconsistent with applicable laws and regulations. In light of this, why didn’t customs destroy the ammonium nitrate in hangar 12?
  - 9) Customs has the authority to sell any goods that have been left in customs warehouses after 6 months and one day (Articles 434 and 435 of the Customs Law). In light of this, why did customs repeatedly request authorization to sell or re-export the material from the urgent matters judge?
  - 10) What is the process by which customs sells or re-exports material that has been abandoned, as defined by Articles 434 and 435 of the Customs Law? Is the process different if the material is considered dangerous or covered under the Weapons and Ammunitions Law?
  - 11) Article 437 of the Customs Law sets out goods which should not be sold by auction, including prohibited goods like explosives. In these cases, what should happen with the goods?
  - 12) Did the ammonium nitrate, which falls under the Weapons and Ammunitions Law, require a special permit to arrive at Beirut’s port, even if the ship carrying it was only supposed to transit through Beirut? Who is responsible for securing this permit?
  - 13) Did the ammonium nitrate require a special permit (Article 249 of the Customs Law) to be stored in Beirut’s port? Who is responsible for securing this permit?
  - 14) In the absence of a special permit when one is required what is customs mandated to do with goods that arrive in the port or are moved to customs warehouses?

- 15) In September 2020, the United States government sanctioned you for material support to Hezbollah and corruption, in part, because they allege you used your position to exempt a Hezbollah affiliate from paying taxes on imports and for refusing to “sign checks payable to government suppliers in an effort to solicit kickbacks.”
  - a. Please describe any and all measures you took as minister to combat corruption within the ministry and at Beirut’s port. We kindly request a copy of any official records that reflect what steps you took, if any.
- 16) Why did you refuse to appear for questioning after Judge Fadi Sawan charged you with negligence that led to the explosion on August 4, 2020?
- 17) Do you think ministers and parliamentarians should be granted immunity from judicial investigation?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,



Lama Fakhri  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Gebran Bassil, former Minister of Energy

July 7, 2021

Gebran Bassil  
Member of Parliament and former Minister of Energy and  
Water  
Batroun, Lebanon

Dear Minister Bassil,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of the Ministry of Energy and Water in procuring the services of the Rhosus ship, carrying the ammonium nitrate that exploded on August 4, 2020, to Beirut's port.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) Two letters leaked in the media signed by you on February 13, 2013 and September 6, 2013 addressed to the General Directorate of Customs request that customs facilitate the temporary entry of 2-D Land Seismic Survey Machinery and Equipment, as per a contract concluded between the ministry and Spectrum, dated March 30, 2012. The media reported that under the terms of the March 2012 contract with Spectrum, Spectrum was responsible for any breach of safety standards by third parties.
  - a. Can you kindly share with us the contract the ministry signed with Spectrum?



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- 2) What role did the ministry play in facilitating the entry and exit of the seismic equipment into and out of Beirut's port? Kindly provide us with all relevant documentation.
- 3) Who chose the maritime agent, the National Trading and Shipping Agency, to facilitate the movement of the equipment? How was the decision made?
- 4) Who chose the Rhosus as the ship to carry the seismic equipment from Beirut's port to Jordan in November 2013? What role did the maritime agent play in this decision? What role did Spectrum play in this decision? What role did the ministry play in this decision?
- 5) What information did the ministry have about the Rhosus? Was the ministry aware of the Rhosus's specifications and its substandard condition? Was the ministry aware that the ship was already at capacity? Was the ministry aware that the Rhosus was carrying 2,750 tons of high-density ammonium nitrate?
- 6) Did the ministry facilitate the exit of the seismic equipment from Lebanon after the Rhosus was unable to complete the operation? If so, which company was contracted to move the equipment? On what date was the equipment moved out of Beirut's port?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED]

Sincerely,

[REDACTED]

Lama Fakih  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

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Andrew Zolli

## Letter to Suhail Abboud, Head of the Higher Judicial Council

July 7, 2021

Suhail Abboud  
Higher Judicial Council  
Beirut, Lebanon

Dear Judge Abboud,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of the judiciary in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

1) In the ruling of the urgent matters judge on June 27, 2014, and in several subsequent rulings, the urgent matters judges rejected the Case Authority's requests, on behalf of the Ministry of Transport and Public Works, to sell the Rhosus ship for lack of jurisdiction. But on October 15, 2018, the Enforcement Authority approved Case Authority's request to sell the shipwreck. Can you explain the legal basis for the urgent matters judges' decisions and for the Enforcement Authority's decision?

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- 2) Urgent matters judges also rejected multiple requests from customs officials to ask the maritime agent to re-export or sell the ammonium nitrate, citing a procedural violation, or they forwarded them to the Case Authority, requesting that the Case Authority assess whether the court of urgent matters was authorized to look into the matter:
  - a. What procedures were the customs officials violating in sending the requests to the urgent matters judges? What, if anything, could customs officials have done to remedy the procedural violations?
  - b. On what basis were the urgent matters judges referring the letters to the Case Authority, and what action could the Case Authority have taken in this regard?
- 3) Did the Ministry of Public Works and Transport properly and fully implement Judge Jad Maalouf's June 27, 2014 decision regarding floating Rhosus ship and securing its cargo? If not, how did they fail to do so?
- 4) Did either the Port Authority or the Customs Administration have the authority to sell or re-export the ammonium nitrate without resorting to the judiciary? If so, can you explain the legal basis?
- 5) Did either the Port Authority or the Customs Administration have the authority to destroy the ammonium nitrate without resorting to the judiciary? If so, can you explain the legal basis?
- 6) At any point after being offloaded from the Rhosus, did ownership of the ammonium nitrate transfer from Savaro Limited to the Customs Administration? If so, when?
- 7) Why was Mohamad al-Mawla, the harbor master, appointed as the judicial guard for the ammonium nitrate in November 2014, especially in light of the reservations that he expressed? What are the responsibilities of the judicial guard? Were they properly executed in this case?
- 8) For the purposes of the Customs Law what constitutes a "public warehouse"? What constitutes a "customs warehouse"? Which category does hangar 12 in Beirut's port fall under?
- 9) What is the process by which customs sells or re-exports material that has been abandoned, as defined by Articles 434 and 435 of the Customs Law? Is the process different if the material is considered dangerous or covered under the Weapons and Ammunitions Law?
- 10) Article 437 of the Customs Law sets out goods which should not be sold by auction, including prohibited goods like explosives. In these cases, what should happen with the goods?
- 11) Did the ammonium nitrate, which falls under the Weapons and Ammunitions Law, require a special permit to arrive at Beirut's port, even if the ship carrying it was

- only supposed to transit through Beirut? Who is responsible for securing this permit?
- 12) Did the ammonium nitrate require a special permit (Article 249 of the Customs Law) to be stored in Beirut's port? Who is responsible for securing this permit?
  - 13) In the absence of a special permit when one is required what is customs mandated to do with goods that arrive in the port or are moved to customs warehouses?
  - 14) We kindly request copies of any records you have regarding the Rhosus ship or its cargo.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED]

Sincerely,

[REDACTED]

Lama Fakih  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Jad Maalouf, Urgent Matters Judge

July 7, 2021

Jad Maalouf  
Urgent Matters Judge  
Beirut, Lebanon

Dear Judge Maalouf,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of the judiciary in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) Can you explain how you came to know about the ammonium nitrate on the Rhosus ship? What were you told regarding the dangerous nature of the goods, if anything? How and when did you learn that ammonium nitrate is flammable and that it is used to make explosives?
- 2) Please provide a summary of decisions you took in relation to the ammonium nitrate in hangar 12.
- 3) In your ruling on June 27, 2014, and in several subsequent rulings, you rejected the Case Authority's request, on behalf of the Ministry of Transport and Public Works, to sell the Rhosus ship for lack of

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- jurisdiction. But on October 15, 2018, the Enforcement Authority approved Case Authority's request to sell the shipwreck. Can you explain the legal basis for your decision and for the Enforcement Authority's decision?
- 4) You also rejected multiple requests from customs officials to ask the maritime agent to re-export or sell the ammonium nitrate, citing a procedural violation, or you forwarded them to the Case Authority, requesting that the Case Authority assess whether the court of urgent matters was authorized to look into the matter:
    - a. What procedures were the customs officials violating in sending you the requests? What, if anything, could customs officials have done to remedy the procedural violations?
    - b. On what basis were you referring the letters to the Case Authority, and what action could the Case Authority have taken in this regard?
  - 5) Did the Ministry of Public Works and Transport properly and fully implement your June 27, 2014 decision? If not, how did they fail to do so?
  - 6) Did either the Port Authority or the Customs Administration have the authority to sell or re-export the ammonium nitrate without resorting to the judiciary? If so, can you explain the legal basis?
  - 7) Did either the Port Authority or the Customs Administration have the authority to destroy the ammonium nitrate without resorting to the judiciary? If so, can you explain the legal basis?
  - 8) At any point after being offloaded from the Rhosus, did ownership of the ammonium nitrate transfer from Savaro Limited to the Customs Administration? If so, when?
  - 9) Why was Mohamad al-Mawla, the harbor master, appointed as the judicial guard for the ammonium nitrate, especially in light of the reservations that he expressed? What are the responsibilities of the judicial guard? Were they properly executed in this case?
  - 10) We kindly request copies of any records you have regarding the Rhosus ship or its cargo.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

[REDACTED]

Lama Fakhri  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

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Andrew Zolli

## Letter to Marie-Christine Eid, Urgent Matters Judge

July 7, 2021

Marie-Christine Eid  
Urgent Matters Judge  
Beirut, Lebanon

Dear Judge Eid,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of the judiciary in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) Can you explain how you came to know about the ammonium nitrate in hangar 12? What were you told regarding the dangerous nature of the goods, if anything? How and when did you learn that ammonium nitrate is flammable and that it is used to make explosives?
- 2) Please provide a summary of decisions you took in relation to the ammonium nitrate in hangar 12.
- 3) In your decision on December 28, 2017, you rejected the Customs Administration's request to ask the maritime agent to re-export or sell the

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ship and its cargo, citing that Case Authority had not been informed and asking Case Authority to determine the judge's competence in settling the issue of transferring ownership of the merchandise.

- a. On what basis were you referring the letters to the Case Authority, and what action could the Case Authority have taken in this regard?
- 4) At any point after being offloaded from the Rhosus, did ownership of the ammonium nitrate transfer from Savaro Limited to the Customs Administration? If so, when?
- 5) On February 15, 2018, the Case Authority sent a request to an urgent matters judge arguing that the judge had jurisdiction to authorize the sale of the ship and the cargo.
  - a. Did you respond to this request? If so, we kindly request a copy of this correspondence. If so, why did you act on the basis that you had no jurisdiction to authorize the sale of the ship and cargo, even when requested to do so by the initial petitioner?
- 6) On what legal basis did the Enforcement Authority declare jurisdiction and authorize the sale of the shipwreck?
- 7) Did either the Port Authority or the Customs Administration have the authority to sell or re-export the ammonium nitrate without resorting to the judiciary? If so, can you explain the legal basis?
- 8) Did either the Port Authority or the Customs Administration have the authority to destroy the ammonium nitrate without resorting to the judiciary? If so, can you explain the legal basis?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

350 Fifth Avenue, 34<sup>th</sup> Floor  
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Andrew Zolli

## Letter to Spectrum/TGS

July 7, 2021

TGS

10451 Clay Road

Houston, Texas

77041, USA

To whomever it may concern,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of Spectrum in the selection of the Rhosus ship, which carried the ammonium nitrate that exploded in Beirut on August 4, 2020. We understand TGS acquired Spectrum in August 2019.

Human Rights Watch is an independent, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions related to our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020. As part of this investigation, we have reviewed open-source information that indicates that the Rhosus, a Moldovan-flagged ship, entered Beirut's port in November 2013 carrying 2,750 tons of ammonium nitrate as a result of a contract Spectrum entered into with Lebanon's then-Minister of Energy and Water to conduct onshore oil and gas exploration missions.<sup>1</sup> The ammonium nitrate was offloaded into Beirut's port and held there until August 4, 2020 when it ignited and exploded.

<sup>1</sup> Muriel Rozelier, "From the Rhosus' Departure to the Port Explosion, Chronicle of a Disaster Foretold," *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercedulevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021).



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Two letters from Lebanon’s former Minister of Energy and Water, Gebran Bassil, to the General Directorate of Customs from February 13, 2013 and September 6, 2013 (attached below) have been leaked in the media. In these letters, Minister Bassil requests that the General Directorate of Customs facilitate the temporary entry of 2-D Land Seismic Survey Machinery and Equipment, as per a contract concluded between the ministry and Spectrum, dated March 30, 2012.

According to the Ministry of Energy and Water letters attached below and media reports, Spectrum subcontracted the seismic imaging for the onshore oil and gas exploration to a Lebanese company, Cogic Consultants. The equipment used in the seismic imaging belonged to the Jordanian Company, Geophysical Services Center (GSC).<sup>2</sup>

According to the captain of the Rhosus, Boris Prokoshev, the ship docked in Beirut after Igor Grechushkin, a Russian national described as the ship’s owner or operator, ordered him to make a last-minute stop in Beirut, to pick up additional cargo to be used to pay for passage through the Suez Canal, even though the ship’s maximum capacity had already been exceeded.<sup>3</sup> The Rhosus’s maritime agent in Lebanon was the National Trading and Shipping Agency. This cargo was the 2-D Land Seismic Survey Machinery and Equipment covered by the contract between Spectrum and the ministry, which was being returned from Lebanon to Jordan.

The Spectrum employee who signed the contract with Minister Bassil told the media he did not know the Rhosus had been contracted to remove the equipment from Lebanon and that Spectrum subcontracted the movement of machinery.<sup>4</sup>

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<sup>2</sup> Muriel Rozelier, “From the Rhosus’ Departure to the Port Explosion, Chronicle of a Disaster Foretold,” *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercedulevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021); Alison Tahmizian Meuse, “Lebanon probes procurement of ‘death ship’ Rhosus,” *Asia Times*, <https://asiatimes.com/2020/08/lebanon-probes-procurement-of-death-ship-rhosus/> (accessed June 25, 2021).

<sup>3</sup> Organized Crime and Corruption Reporting Project, “A Hidden Tycoon, African Explosive, and a Loan from a Notorious Bank: Questionable Connections Surround Beirut Explosion Shipment,” August 21, 2020, <https://www.occrp.org/en/investigations/a-hidden-tycoon-african-explosives-and-a-loan-from-a-notorious-bank-questionable-connections-surround-beirut-explosion-shipment> (accessed June 22, 2021). Muriel Rozelier, “From the Rhosus’ Departure to the Port Explosion, Chronicle of a Disaster Foretold,” *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercedulevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021).

<sup>4</sup> Alison Tahmizian Meuse, “Lebanon probes procurement of ‘death ship’ Rhosus,” *Asia Times*, <https://asiatimes.com/2020/08/lebanon-probes-procurement-of-death-ship-rhosus/> (accessed June 25, 2021).

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 7) Which company did Spectrum subcontract to move the seismic equipment into and out of Lebanon? How did you make the decision regarding which company to use? Who made that decision? What role did the subcontractor have in choosing to use the Rhosus ship to transport the equipment to Jordan?
- 8) What steps did Spectrum take to ensure safety in selecting the subcontractor who was responsible for moving the equipment?
- 9) The media reported that the cargo that was meant to be loaded onto the Rhosus, which included trucks, weighed up to 160 metric tons.<sup>5</sup> However, experts have stated that the Rhosus was not a “roll-on/roll-off ship,” and would not have usually been used to transport vehicles.<sup>6</sup> Additionally, the ship’s captain told the media that the ship was already at capacity.<sup>7</sup> When the ship docked in Beirut’s port, the ship was also found to be in violation of international standards for maritime safety.<sup>8</sup>
  - a. Who made the decision to rent the Rhosus ship to transport the seismic equipment from Lebanon to Jordan? How was the decision made?
  - b. What role did the National Trading and Shipping Agency play in the selection of the ship? What is Spectrum’s relationship to the National Trading and Shipping Agency?
  - c. What information did Spectrum have about the Rhosus ship? Was Spectrum aware of the Rhosus’s specifications and its substandard condition? Was Spectrum aware that the ship was already at capacity?
  - d. Was Spectrum aware that the Rhosus was carrying 2,750 tons of high-density ammonium nitrate? Was Spectrum aware of the dangers posed by the ammonium nitrate? Was Spectrum aware that the material was offloaded in Beirut and, if so, what role, if any, did the company have in the decision to do so?

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<sup>5</sup> Alison Tahmizian Meuse, “Lebanon probes procurement of ‘death ship’ Rhosus,” *Asia Times*, <https://asiatimes.com/2020/08/lebanon-probes-procurement-of-death-ship-rhosus/> (accessed June 25, 2021).

<sup>6</sup> Alison Tahmizian Meuse, “Lebanon probes procurement of ‘death ship’ Rhosus,” *Asia Times*, <https://asiatimes.com/2020/08/lebanon-probes-procurement-of-death-ship-rhosus/> (accessed June 25, 2021).

<sup>7</sup> Alison Tahmizian Meuse, “Lebanon probes procurement of ‘death ship’ Rhosus,” *Asia Times*, <https://asiatimes.com/2020/08/lebanon-probes-procurement-of-death-ship-rhosus/> (accessed June 25, 2021); <sup>7</sup> Muriel Rozelier, “From the Rhosus’ Departure to the Port Explosion, Chronicle of a Disaster Foretold,” *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercedulevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021).

<sup>8</sup> Muriel Rozelier, “From the Rhosus’ Departure to the Port Explosion, Chronicle of a Disaster Foretold,” *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercedulevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021).

- 10) The media reported that under the terms of the March 2012 contract with Lebanon's Energy Ministry, Spectrum was responsible for any breach of safety standards by third parties.<sup>9</sup>
- a. Can you kindly share with us the contract Spectrum signed with Lebanon's Energy Ministry?
  - b. Has Spectrum conducted an internal investigation into the potential breaches of safety standards by the subcontractor in this matter? If so, can you share the results of the investigation with Human Rights Watch? If not, why has an investigation not been conducted into this matter?
  - c. Has anyone at Spectrum been held accountable for the potential breach of safety standards in this matter? If so, who and what measures were taken?
  - d. Has Spectrum amended any internal policies following the potential breach of safety standards in this matter to avoid potential breaches in the future? If so, which policies and how?
- 11) Did Spectrum facilitate the exit of the seismic equipment from Lebanon after the Rhosus was unable to complete the operation? If so, which company was contracted to move the equipment? On what date was the equipment moved out of Beirut's port?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

[REDACTED]

Lama Fakhri  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

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<sup>9</sup> Alison Tahmizian Meuse, "Lebanon probes procurement of 'death ship' Rhosus," *Asia Times*, <https://asiatimes.com/2020/08/lebanon-probes-procurement-of-death-ship-rhosus/> (accessed June 25, 2021).



الجمهورية اللبنانية  
وزارة الطاقة والمياه  
السوزير

الرقم الصادر: ٥/٧،١٦  
التاريخ: ٢٠١٣/٤/١٤

جانب المديرية العامة للجمارك

الموضوع: إدخال مؤقت لآليات ومعدات المسح الزلزالي الثنائي الأبعاد في البر.

المرجع: العقد تاريخ ٢٠١٢/٠٣/٣٠ فيما بين وزارة الطاقة والمياه وشركة SPECTRUM .

بالإشارة إلى الموضوع والمرجع المبينان أعلاه،

بناء على العقد المبرم مع شركة SPECTRUM من أجل القيام بأعمال المسوحات الزلزالية الثنائية الأبعاد في البر.

بناء على التكاليف المعطى من قبل شركة SPECTRUM لشركة GSC الأردنية من أجل القيام بتنفيذ الأعمال المذكورة أعلاه.

وحيث أن تنفيذ الأشغال المذكورة أعلاه يحتاج إلى إدخال المعدات والآليات المذكورة في الجدول المرفق ربطاً لفترة مؤقتة قبل تاريخ ٢٠١٣/٢/٢٠. على أن يتم الإدخال المؤقت لصالح شركة "كوجيك ش.م.ل." وكيل شركة SPECTRUM في لبنان.

وبناء لمقتضيات المصلحة العامة،

يرجى من جانبكم إعطاء التعليمات اللازمة لتسهيل وتسريع الدخول المؤقت لهذه المعدات والآليات

شاكرين تعاونكم،

وزير الطاقة والمياه

المهندس جبران ياسين

..

February 13, 2013 Letter from Energy Minister to Customs – English Translation

**Lebanese Republic**  
**Ministry of Energy and Water**  
**The Minister**

No: 7016/9

Date: February 13, 2013

**To: General Directorate of Customs**

**Re: Temporary Entrance of 2-D Land Seismic Survey Machinery and Equipment**  
**Reference: Contract dated March 30, 2012 between the Ministry of Energy and Water and Spectrum**

In reference to the abovementioned subject and reference,

As per the contract concluded with SPECTRUM to conduct 2-D land seismic survey works,  
As per the mandate given by SPECTRUM to the Jordanian company GSC to conduct the above-mentioned works,

And given that the execution of the abovementioned works requires the temporary entrance of the machinery and equipment mentioned in the attached table before February 20, 2013, noting that the temporary entrance should be accorded to COGIC S.A.L, the agent of SPECTRUM in Lebanon.

Based on the requirements of the public interest,

you are kindly requested to give the necessary instructions to facilitate and expedite the temporary entrance of these machinery and equipment.

Thank you to your kind cooperation.

**Minister of Energy and Water**  
**[Signature]**  
**Eng. Gebran Bassil**



رئاسة المبنائية  
وزارة الطاقة والمياه  
الوزير

الرقم الصادر: ٨٢٥٣/و  
التاريخ: ٦/٩/٢٠١٣

جانب المديرية العامة للجمارك

الموضوع: إدخال مؤقت لأليات ومعدات المسح الزلزالي الثنائي الأبعاد في البر.

المرجع: العقد تاريخ ٢٠١٢/٠٣/٣٠ فيما بين وزارة الطاقة والمياه وشركة SPECTRUM.

بالإشارة إلى الموضوع والمرجع المبينين أعلاه،

بناء على العقد المبرم مع شركة SPECTRUM من أجل القيام بأعمال المسوحات الزلزالية الثنائية الأبعاد في البر.

بناء على التكاليف المعطى من قبل شركة SPECTRUM لشركة GSC الأردنية من أجل القيام بتنفيذ الأعمال المذكورة أعلاه.

وحيث أن تنفيذ الأشغال المذكورة أعلاه يحتاج إلى إدخال المعدات والأليات المذكورة في الجدول المرفق ربطاً لفترة مؤقتة، على أن يتم الإدخال المؤقت لصالح شركة "كوجيك ش.م.ل." وكيل شركة SPECTRUM في لبنان.

وبناء لمقتضيات المصلحة العامة،

يرجى من جانبكم إعطاء التعليمات اللازمة لتسهيل وتسريع الدخول المؤقت لهذه المعدات والأليات وإعتبار هذا الكتاب بمثابة ضمانات للضرائب والرسوم التي قد تتوجب.

شاكرين تعاونكم.

وزير الطاقة والمياه

المهندس جبران باسيل



September 6, 2013 Letter from Energy Ministry to Customs

**Lebanese Republic**  
**Ministry of Energy and Water**  
**The Minister**

No: 8352/9

Date: September 6, 2013

**To: General Directorate of Customs**

**Re: Temporary Entrance of 2-D Land Seismic Survey Machinery and Equipment**  
**Reference: Contract dated March 30, 2012 between the Ministry of Energy and Water and Spectrum**

In reference to the abovementioned subject and reference,

As per the contract concluded with SPECTRUM to conduct 2-D land seismic survey works,  
As per the mandate given by SPECTRUM to the Jordanian company GSC to conduct the above-mentioned works,

And given that the execution of the abovementioned works requires the temporary entrance of the machinery and equipment mentioned in the attached table before February 20, 2013, noting that the temporary entrance should be accorded to COGIC S.A.L, the agent of SPECTRUM in Lebanon.

And based on the requirements of the public interest,

You are kindly requested to give the necessary instructions to facilitate and expedite the temporary entrance of these machinery and equipment, and to consider this letter as a guarantee for the taxes and fees that may apply.

Thank you to your kind cooperation.

**Minister of Energy and Water**  
**[Signature]**  
**Eng. Gebran Bassil**

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: +1-212-290-4700  
Fax: +1-212-736-1300; 917-591-3452

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Andrew Zolli

## Letter to the National Trading and Shipping Agency

July 7, 2021

National Trading and Shipping Agency

PO Box 8339-11

Rebeiz Property

Saifi, Beirut

Tel: +961 1 446743

To whomever it may concern,

I am writing on behalf of Human Rights Watch (HRW) to request information about the role of the National Trading and Shipping Agency in bringing the Rhosus ship to Beirut's port in 2013.

Human Rights Watch is an independent, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions related to our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020. As part of this investigation, we have reviewed open-source information that indicates that the Rhosus, a Moldovan-flagged ship, entered Beirut's port in November 2013 carrying 2,750 tons of ammonium nitrate in order to transport seismic equipment from Lebanon to Jordan, as a result of a contract Spectrum entered into with Lebanon's then-Minister of Energy and Water.<sup>1</sup> The

<sup>1</sup> Muriel Rozelier, "From the Rhosus' Departure to the Port Explosion, Chronicle of a Disaster Foretold," *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercelevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021); Alison Tahmizian Meuse, "Lebanon probes procurement of 'death ship' Rhosus," *Asia Times*, <https://asiatimes.com/2020/08/lebanon-probes-procurement-of-death-ship-rhosus/> (accessed June 25, 2021).

HUMAN  
RIGHTS  
WATCH

HRW.org

ammonium nitrate was offloaded into Beirut's port and held there until August 4, 2020 when it ignited and exploded.

According to the captain of the Rhosus, Boris Prokoshev, the ship docked in Beirut after Igor Grechushkin, a Russian national described as the ship's owner or operator, ordered him to make a last-minute stop in Beirut, to pick up additional cargo to be used to pay for passage through the Suez Canal, even though the ship's maximum capacity had already been exceeded.<sup>2</sup>

The Notice and Recognition of the Rhosus's arrival (attached below) lists the National Trading and Shipping Agency as the ship's maritime agent.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) Was your company responsible for selecting the Rhosus as the ship to use to transport the seismic equipment to Jordan for Spectrum, and if so, on what basis did it make the selection?
- 2) What information did you have about the ship and the ship's cargo before deciding to use it?
- 3) What steps did your company take to ensure the safety of the ship and its capacity to carry the cargo in question? Were you aware that the Rhosus was not seaworthy and was already overweight?
- 4) The Rhosus's manifest and the "Notice and Recognition of the Ship's Arrival" identified the cargo on board the ship as 2,755.5 tons of High Density Ammonium Nitrate IMO 5.0. However, the description of the cargo was excluded from the Unified List that your company prepared. Can you explain why you did not include the description of the cargo on the Unified List?
- 5) What happened to the seismic equipment that the Rhosus was supposed to ship to Jordan?

---

<sup>2</sup> Organized Crime and Corruption Reporting Project, "A Hidden Tycoon, African Explosive, and a Loan from a Notorious Bank: Questionable Connections Surround Beirut Explosion Shipment," August 21, 2020, <https://www.occrp.org/en/investigations/a-hidden-tycoon-african-explosives-and-a-loan-from-a-notorious-bank-questionable-connections-surround-beirut-explosion-shipment> (accessed June 22, 2021). Muriel Rozelier, "From the Rhosus' Departure to the Port Explosion, Chronicle of a Disaster Foretold," *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercedulevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021).

Thank you in advance for considering our request. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

Lama Fakhri  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

November 16, 2013 Notice and Recognition

Directorate General of Land & Maritime Transport  
 وزارة الإسكان والنقل البحري  
 المديرية العامة للشحن البحري والبري

علم وخبر بوصول سفينة

التاريخ: 16/11/2013

حضرة السيد رئيس المفزة الجمركية المحترم

Agent Name:	الوكالة الوطنية للتجارة والشحن	اسم الوكيل:	Agent Sing:	196	رمز الوكيل:
Registered Owner:	BRIAWOOD CORPORATION, PANAMA	المالك المسجل:	Name of Ship:	RHOSUS	اسم السفينة:
Gross Tonnage:	1900 T	الحمولة القلعة:	Voyage ID:	NTS-I-5	رقم المنظمة الدولية:
Net Tonnage:	964 T	الحمولة الصافية:	IMO Nr:	8530344	رقم المنظمة الدولية:
Dead Weight:	3226 T	الحمولة الوزنية:	Flag:	MOLDOVA	جنسيتها:
Draught:	4.9 M	الغاطس:	Type:	GENERAL CARGO	نوعها:
LOA:	86.6 M	الطول الكلي:	Year Of Built:	1986	تاريخ البناء:
TUZLA / TURKEY	المرفأ ما قبل الاخير:	Class Society:	MARITIME LLYOD	هيئة التصنيف:	
PIRAEUS / GREECE	قادمة من:	NoOf ISSC:		رقم الشهادة الدولية لأمن السفينة:	
AQABA / JORDAN	مغادرة الي:	Registration Port:	GIURGIULESTI	ميناء التسجيل:	
6:00 الساعة:	19-20 /11/2013	Call Sign:	ERPU	حروف النداء:	
13:00 الساعة:	TO ORDER	MMSI:	214181621	MMSI:	
	التاريخ المتوقع للمغادرة:	Captain Name:	ABAKUMOV VACHESLAV	اسم القبطان:	

آخر كشف للولة المرفأ ضمن مذكرة تقاهم دول البحر المتوسط ( المكان و التاريخ ):

last P.S.C Inspection Within Mediterranean MOU (PLACE & DATE ):

عدد الحاويات:	عدد البضائع المنوي لتفريغها (طن):	198 طن
عدد البضائع:	كمية البضائع المنوي شحنتها (طن):	2755.500 طن
نوع البضاعة:	نوع البضاعة:	5 CONTAINERS + 8 TRUCKS
عدد ايام التفريغ المتوقع:	عدد ايام الشحن المتوقع:	يوم واحد

الاسم التجاري \* ( CORRECT TECHNICAL NAME / PROPER SHIPPING NAME )

خاص بالادارة:

التاريخ:	اسم المستلم:	علمت بواسطة:
التاريخ:	تاريخ التدفيل:	اسم الملحق:

Looking Number: (تدخل بواسطة الملحق)

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: +1-212-290-4700  
Fax: +1-212-736-1300; 917-591-3452

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Meenakshi Ganguly, *South Asia*  
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Siri Stolt-Nielsen  
Marie Warburg  
Isabelle de Wismes  
Masa Yanagisawa  
Andrew Zolli

## Letter to Baroudi and Associates

July 7, 2021

BAROUDI & ASSOCIATES

Achrafieh 5585 Building

P. Gemayel Avenue

P.O. Box 11-7236

Beirut, Lebanon

To whomever it may concern,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of Baroudi & Associates in the events that led to the August 4, 2020 explosion in Beirut's port.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

According to media reports, you represented Bunkernet and Dan Bunkering in their request to seize the Rhosus after it arrived in Beirut because of outstanding dues owed to them.<sup>1</sup> On this basis, the ship was impounded by Lebanese authorities by judicial order 2013/1031 in December 2013.<sup>2</sup>

<sup>1</sup> Muriel Rozelier, "From the Rhosus' Departure to the Port Explosion, Chronicle of a Disaster Foretold," *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercedulevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021).

<sup>2</sup> Samia Nakhoul and Laila Bassam, "Exclusive: Lebanon's leaders were warned in July about explosives at port – documents," Reuters, August 10, 2020, <https://www.reuters.com/article/us-lebanon-security-blast-documents-excl-idUSKCN2562L7> (accessed June 23, 2021).



HRW.org

Your firm has also stated that Baroudi and Associates was the legal representative of four members of the Rhosus's crew, and that you made representations on their behalf to various Lebanese officials to take the necessary measures to avoid the dangers resulting from the ship's bad state and the ammonium nitrate on board, which was at risk of sinking or exploding.

In your April 7, 2014 letter addressed to the Beirut harbor master, which was leaked to the media, you stated that you were the legal representatives of the ship's captain and were acting on his behalf. You explain that ammonium nitrate is very flammable and used to manufacture explosives, and that care needs to be taken in transporting and storing it. You also allege that mixing ammonium nitrate in water can risk the material exploding.<sup>3</sup> You attach a 16-page "Timeline of major disasters" caused by ammonium nitrate explosions.<sup>4</sup>

According to the Rhosus's captain, then Minister of Public Works and Transport Ghazi Zaiter's son, Mohammed Ghazi Zaiter, was a lawyer assigned to represent the crew from your firm.<sup>5</sup>

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) What circumstances led to your firm representing Bunkernet and Dan Bunkering and the Rhosus crew members?
- 2) What did you know about the Rhosus and its cargo when you took up the cases?
- 3) What actions did you take on behalf of Bunkernet and Dan Bunkering? What actions did you take on behalf of the crew? Can you kindly provide the documentation that you sent to all the Lebanese entities on their behalf, as well as any responses you received?
- 4) What role did Mohammed Zaiter play in the representation of Bunkernet and Dan Bunkering and/or the Rhosus crew members?
- 5) In the April 7, 2014 letter that you addressed to Beirut's harbor master, you explain that ammonium nitrate is very flammable and used to manufacture explosives, and that care needs to be taken in transporting and storing it. How did you first become

---

<sup>3</sup> "يسقط حكم الفاسد 2021-3-5," March 5, 2021, video clip, YouTube, <https://www.youtube.com/watch?app=desktop&v=VtsXxAShKAE> (accessed June 23, 2021) at 15:40-16:44; See Annex 2 April 7, 2014 Baroudi Law Firm Letter to Head of Beirut Port.

<sup>4</sup> "يسقط حكم الفاسد 2021-3-5," March 5, 2021, video clip, YouTube, <https://www.youtube.com/watch?app=desktop&v=VtsXxAShKAE> (accessed June 23, 2021) at 15:40-16:44.

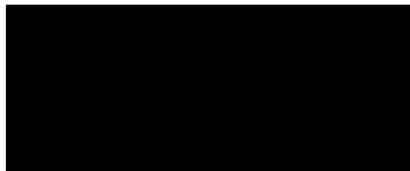
<sup>5</sup> "قبطان سفينة روسوس التي نقلت نترات الامونيا الى مرفأ بيروت يروي لـ الجديد مسار الرحلة وماذا حصل" August 9, 2020, YouTube, video clip, <https://www.youtube.com/watch?app=desktop&feature=youtu.be&v=BXNgPi8nkpo> at 6:00.

aware of the ammonium nitrate on board the Rhosus, and how did you become aware of the dangers posed by the ammonium nitrate?

- 6) In the April 7, 2014 letter, you allege that mixing ammonium nitrate in water can risk the material exploding. How did you come to that conclusion, and what evidence did you find to support that allegation?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

A large black rectangular redaction box covering the signature area.

Lama Fakhri  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: +1-212-290-4700  
Fax: +1-212-736-1300; 917-591-3452

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Marie Warburg  
Isabelle de Wismes  
Masa Yanagisawa  
Andrew Zolli

## Letter to Savaro Limited

July 7, 2021

Savaro Limited  
14 Cotton's Gardens  
London, England  
E2 8DN

To whomever it may concern,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of Savaro Limited in procuring the ammonium nitrate that exploded in Beirut's port on August 4, 2020.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

The Rhosus, a Moldovan-flagged ship, which entered Beirut's port in November 2013, was carrying 2,750 tons of ammonium nitrate which were subsequently offloaded into hangar 12 in Beirut's port and held there until August 4, 2020 when they ignited and exploded. Based on publicly available information, Savaro Limited has been identified as the owner of the ammonium nitrate.<sup>1</sup>

In January 2021, investigative journalist Firas Hatoum revealed that Savaro Limited was a shell company, and that the company shared a

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WATCH

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<sup>1</sup> Lynn Sheikh Moussa, "What is Savaro Ltd and how is it linked to the Beirut Blast," *Beirut Today*, February 11, 2021 <https://beirut-today.com/2021/02/11/what-is-savaro-ltd-and-how-is-it-linked-to-the-beirut-blast/> (accessed June 25, 2021).

London address with other companies linked to two Syrian-Russian businessman who are close to Syrian President Assad.<sup>2</sup>

According to Reuters, the Companies House register identifies a Cypriot national, Marina Psyllou, as director and majority owner of Savaro since 2016. However, Psyllou told Reuters that she was acting as an agent on behalf of another beneficial owner, whose identity she could not disclose.<sup>3</sup>

The Rhosus's Bill of Lading (attached) issued on September 23, 2013 in Batumi, Georgia, identifies the goods on board the Rhosus ship as 2750.4 MTS of High Density Ammonium Nitrate IMO 5.1 in 2750 big bags. It identifies the shipper as Rustavi Azot, the consignee as Banco Internacional de Mocambique, and under Notify lists Fabrica de Explosivos de Mozambique (FEM).

The goods were offloaded into hangar 12 in Beirut's port on October 23-24, 2014.<sup>4</sup>

On January 23, 2015, Joseph Kareh and Associates, a Lebanese law firm representing Savaro Limited sent a letter (attached) to a local urgent matters judge noting that Savaro Limited owns the bags containing Ammonium Nitrate in hangar 12 in Beirut's port. The letter states that the law firm attached a shipping policy and sales contract indicating that the ownership of the material had transferred from Rustavi Azot to Savaro Limited.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) Please list all shareholders (include corporate entities) and beneficial owners – that is natural persons with effective control – of Savaro Limited. Why has Savaro Limited not publicly disclosed its shareholders and beneficial owners?
- 2) What type of business does your company do?

---

<sup>2</sup> Martin Chulov, "Businessmen with ties to Assad linked to Beirut post blast cargo," *The Guardian*, January 14, 2021, <https://www.theguardian.com/world/2021/jan/15/businessmen-with-ties-to-assad-linked-to-beirut-port-blast-cargo> (accessed June 23, 2021).

<sup>3</sup> Tom Bergin, "British lawmakers seek investigation into UK-registered firm possibly linked to Beirut Blast," *Reuters*, January 23, 2021, <https://www.reuters.com/article/uk-lebanon-crisis-blast-britain-idAFKBN29So14> (accessed July 2, 2021).

<sup>4</sup> Ben Hubbard, Maria Abi-Habib, Mona El-Naggar, Allison McCann, Anjali Singhvi, James Glanz, and Jeremy White, "How a Massive Bomb Came Together in Beirut's Port," *New York Times*, September 9, 2020, <https://www.nytimes.com/interactive/2020/09/09/world/middleeast/beirut-explosion.html> (accessed June 22, 2021); Samia Nakhoul and Laila Bassam, "Exclusive: Lebanon's leaders were warned in July about explosives at port – documents," *Reuters*, August 10, 2020, <https://www.reuters.com/article/us-lebanon-security-blast-documents-excl-idUSKCN2562L7> (accessed June 23, 2021); "رياض قبيسي و لبال بو موسى يكشفان معطيات جديدة وصور تعرض للمرة الاولى عن حادثة مرفأ بيروت" August 15, 2020, [video clip, YouTube](https://www.youtube.com/watch?v=shvxEAUWhKY), <https://www.youtube.com/watch?v=shvxEAUWhKY> (accessed June 23, 2021) at 7:30; "رياض قبيسي و لبال بو موسى يكشفان معطيات جديدة وصور تعرض للمرة الاولى عن حادثة مرفأ بيروت" August 15, 2020, [video clip, YouTube](https://www.youtube.com/watch?v=shvxEAUWhKY), <https://www.youtube.com/watch?v=shvxEAUWhKY> (accessed June 23, 2021), at 8:48.

- 3) Why did Marina Psyllou, who is listed as Savaro Limited's sole director and majority owner, file a request to dissolve Savaro Limited in January 2021?
- 4) Please confirm who owned the ammonium nitrate on the Rhosus when it docked in Lebanon in November 2013.
- 5) For what reason did you purchase 2,750 tons of high-density ammonium nitrate? Please confirm who you purchased the ammonium nitrate from and kindly provide us with a record of the transaction.
- 6) Has Savaro Limited ever done business with or on behalf of Syrian President Bashar al-Assad?
- 7) What actions did Savaro Limited take to retrieve its cargo after the Rhosus was impounded by Lebanese authorities? Kindly provide us with all the relevant documentation.
- 8) In its February 2015 letter, the law firm representing Savaro Limited petitioned a court to inspect the condition and the quantity of the ammonium nitrate held in hangar 12 and specify whether it is fit for consumption. However, the report prepared by the expert conducting the inspection states: "Whether the goods in the untorn bags were fit for use, these goods are usually fit for consumption if they did not absorb humidity but to make sure of that, they need to be analyzed. However, the petitioner [Savaro Limited] refused that."
  - a. Why did Savaro Limited refuse to test the material?
- 9) Did Savaro Limited take any steps to mitigate the danger posed by the ammonium nitrate at any point after it was offloaded in Beirut? If so, please describe the nature and provide the date of the actions it took.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

[REDACTED]

Lama Fakh  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

CODE NAME: "CONGENBILL". EDITION 1994		Page
Shipper "RUSTAVI AZOT" LLC		<b>BILL OF LADING</b> TO BE USED WITH CHARTER-PARTIES
Consignee TO THE ORDER OF BANCO INTERNACIONAL DE MOCAMBIQUE		B/L No. 1
Notify FABRICA DE EXPLOSIVOS AV. SAMORA MACHEL, PARCELA 10 MATOLA-MOCAMBIQUE		<b>FIRST ORIGINAL</b>
Vessel	Port of loading	
MV "RHOSUS"	BATUMI PORT, PORT OF BLACK SEA	
Port of discharge BEIRA PORT-MOZAMBIQUE		
Shipper's description of goods: HIGH DENSITY AMMONIUM NITRATE IMO 5.1		GROSS WEIGHT: 2750,40 MTS NET WEIGHT: 2750,00 MTS NUMBER OF FULL BIG BAGS - 2750 PCS
"CLEAN ON BOARD" "FREIGHT PAYABLE AS PER CHARTER PARTY"		
(of which on deck at Shipper's risk; the Carrier not being responsible for loss or damage howsoever arising)		
Freight payable as per CHARTER-PARTY dated 04/ 09 /2013  FREIGHT ADVANCE: Received on account of freight:  Time used for loading..... Days.....hours		SHIPPED at the Port of Loading in apparent good order and condition on board the Vessel for carriage to the Port of Discharge or so near thereto as she may safely get the goods specified above. Weight, measure, quality, quantity, condition, contents and value unknown. IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of Bills of Lading indicated below all of this tenor and date, any one of which being accomplished the others shall be void.  FOR CONDITIONS OF CARRIAGE SEE OVERLEAF
Freight payable at AS PER C/P	Place and date of issue Batumi, Georgia on 23 /09/ 2013	
Number of original Bs/L 3/3	Signature The Master of m/v "RHOSUS" Capt. ABAKUMOV VIACHESLAV	

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بيروت في ٢٣-١-٢٠١٥

حضرة قاضي الأمور المستعجلة في بيروت المحترم

المستدعية: شركة سافارو ليميتد  
وكيلها المحامي جوزف القارح  
ربطاً بصورة عن الوكالة (مستند رقم ١)

الموضوع: طلب تعيين خبير.

لما كانت الشركة المستدعية مالكة بضائع موجودة في العنبر رقم ١٢ في مرفأ بيروت والتي هي عبارة عن اكياس تحتوي على مادة الـ Ammonium Nitrate بموجب بوليصة شحن وعقد بيع مرفقين ربطاً (مستند رقم ٢ و ٣)

البوليصة تشير إلى ان مالكة البضاعة هي شركة Rustavi Azot  
عقد البيع من شركة Rustavi Azot إلى Savaro Limited

ولما كانت الشركة المستدعية تريد معرفة وضع هذه البضائع الموجودة في المرفأ لاتخاذ القرار المناسب بشأنها لا سيما وان الاضرار التي تتكبدها كبيرة وتدفع يومياً بمبالغ تخزين في المرفأ

لذلك

نطلب من رئاستكم الكريمة تعيين خبير للكشف على البضائع لتبيان حالتها وكميتها.

و بياتها اذا كانت صالحة للاستعمال.

بكل تحفظ واحترام  
بالوكالة  
جوزيف اميل القارح  
محام بالاستئناف

١٥٠٠٠

١٥٠٠٠

١٥٠٠٠

Joseph Kareh and Associates  
For Law and Legal Consultations  
[Redacted]

Beirut, on 23/1/2015

**Honorable Judge of Urgent Matters in Beirut,**

Petitioner: Savaro Limited

Represented by: Lawyer Joseph Kareh

Attached is an image of the power of attorney (Document 1)

Subject: Request to appoint an expert

Whereas the petitioning company that owns merchandise in Hangar no. 12 in Beirut Port, notably bags containing Ammonium Nitrate, as per a shipping policy and sales contract, attached hereto (Documents 2 and 3);

Whereas the policy indicates that the company which owns the merchandise is Rustavi Azot and the sales contract was concluded from Rustavi Azot to Savaro Limited;

And, whereas the petitioning company requests to know the status of these merchandise present in the port to take the adequate decision in that regard, notably since the incurred damage is huge and since the company pays daily storage fees at the port,

Therefore, we ask your esteemed judgeship to appoint an expert to inspect the merchandise, determine their condition and quantity, *and specify whether they are fit for use.*

Respectfully yours,

By virtue of the Power of Attorney,

Joseph Emile Kareh

Appeals Lawyer

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: +1-212-290-4700  
Fax: +1-212-736-1300; 917-591-3452

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Heather Barr, *Women's Rights (Acting)*  
Shantha Rau Barriga, *Disability Rights*  
Richard Dicker, *International Justice*  
Lama Fakhri, *Crisis and Conflict*  
Bill Frelick, *Refugees' Rights*  
Arvind Ganesan, *Business and Human Rights*  
Steve Goose, *Arms*  
Amanda Klasing, *Women's Rights (Acting)*  
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Masa Yanagisawa  
Andrew Zolli

## Letter to Treveria Environment

July 7, 2021

Treveria Environment

To whomever it may concern,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the role of Treveria Environment in identifying and treating chemical and hazardous waste in Beirut's port.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

An August 16, 2018 document from Treveria Environment to the Director General of the Customs Administration in Lebanon, aired on Lebanese television station *Al-Jadeed* (screenshot attached below), shows that Treveria Environment conducted a field visit to customs hangars in November 29, 2018 and found 200 tons of medicines and dangerous chemical substances. In the letter, Treveria Environment states that as per their estimation, the quantities of these substances in customs hangars has increased to 300 tons as of the time the letter was written.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:



HRW.org

- 1) Between 2013-2020, did the Lebanese Customs Administration or another government entity ever hire Treveria Environment to pack, transfer, or treat hazardous material at Beirut's port? If so, which government entity did you contract with? What was the scope of your work? What was the total amount of medical and/or chemical waste that was removed or treated, and from where? Kindly provide us with a copy of any contracts or agreements.
- 2) The media has reported that Treveria Environment conducted a field visit to Beirut's port in 2017, where you found an estimated 200 tons of medical and other dangerous chemical substances. An August 16, 2018 letter from Treveria Environment published by a local news network estimated that the quantities had increased to 300 tons.
  - a. What was the scope of Treveria Environment's site visit to Beirut's port in 2017? Which areas of the port did you inspect? Who were the customs or port officials accompanying you on your visit? Who were the customs or port officials that delineated the contours of your inspection?
  - b. What did you see in Beirut's port during the site visit? On what basis did you estimate that between 200-300 tons of medical and other dangerous chemical substances were in Beirut's port?
  - c. Following your site visit in 2017 did you pack, transfer, or treat any hazardous materials at Beirut's port? If yes, please describe the scope of your work. If not, why not?
- 3) Did Treveria Environment conduct a site visit to hangar 12 or remove any hazardous materials from there at any time between 2013 and 2020? If so, please provide details as to the date and nature of the site visit, and any actions that you took as a result. Please share any communication with port or customs officials about hangar 12 between 2013 and 2020.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

[REDACTED]

Lama Fakhri  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: +1-212-290-4700  
Fax: +1-212-736-1300; 917-591-3452

Kenneth Roth, *Executive Director*

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Andrew Zolli

## Letter to Cogic Consultants

July 7, 2021

Cogic Consultants

Badaro, Beirut

Tel: +9613866679

To whomever it may concern,

I am writing on behalf of Human Rights Watch (HRW) to request information about the role of the Cogic Consultants in bringing the Rhosus ship to Beirut's port in 2013.

Human Rights Watch is an independent, nongovernmental organization that reports on human rights conditions in over 90 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions related to our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020. As part of this investigation, we have reviewed open-source information that indicates that the Rhosus, a Moldovan-flagged ship, entered Beirut's port in November 2013 carrying 2,750 tons of ammonium nitrate in order to transport seismic equipment from Lebanon to Jordan, as a result of a contract Spectrum entered into with Lebanon's then-Minister of Energy and Water.<sup>1</sup> According to the captain of the Rhosus, Boris Prokoshev, the ship docked in Beirut after Igor Grechushkin, a Russian national described as the ship's owner or operator, ordered him to make a last-minute stop in Beirut, to pick up additional cargo to be used to pay for passage through



HRW.org

<sup>1</sup> Muriel Rozelier, "From the Rhosus' Departure to the Port Explosion, Chronicle of a Disaster Foretold," *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercedulevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021).

the Suez Canal, even though the ship's maximum capacity had already been exceeded.<sup>2</sup>

After arriving in Beirut, the Rhosus was impounded by Lebanese authorities by judicial order 2013/1031 in December 2013, and the ammonium nitrate was subsequently offloaded from the Rhosus into Beirut's port and held there until August 4, 2020 when it ignited and exploded.<sup>3</sup>

According to the Ministry of Energy and Water letters attached below and media reports, Spectrum subcontracted the seismic imaging for the onshore oil and gas exploration to a Lebanese company, Cogic Consultants. The equipment used in the seismic imaging belonged to the Jordanian Company, Geophysical Services Center (GSC).<sup>4</sup> The Notice and Recognition of the Rhosus's arrival (attached below) lists the National Trading and Shipping Agency as the ship's maritime agent.

We respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) The media reported that the cargo that was meant to be loaded onto the Rhosus, which included trucks, weighed up to 160 metric tons.<sup>5</sup> However, experts have stated that the Rhosus was not a "roll-on/roll-off ship," and would not have usually been used to transport vehicles.<sup>6</sup> Additionally, the ship's captain told the media that the ship was already at capacity.<sup>7</sup> When the ship docked in Beirut's port, the

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<sup>2</sup> Organized Crime and Corruption Reporting Project, "A Hidden Tycoon, African Explosive, and a Loan from a Notorious Bank: Questionable Connections Surround Beirut Explosion Shipment," August 21, 2020, <https://www.occrp.org/en/investigations/a-hidden-tycoon-african-explosives-and-a-loan-from-a-notorious-bank-questionable-connections-surround-beirut-explosion-shipment> (accessed June 22, 2021). Muriel Rozelier, "From the Rhosus' Departure to the Port Explosion, Chronicle of a Disaster Foretold," *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercedulevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021).

<sup>3</sup> Samia Nakhoul and Laila Bassam, "Exclusive: Lebanon's leaders were warned in July about explosives at port – documents," Reuters, August 10, 2020, <https://www.reuters.com/article/us-lebanon-security-blast-documents-excl-idUSKCN2562L7> (accessed June 23, 2021).

<sup>4</sup> Muriel Rozelier, "From the Rhosus' Departure to the Port Explosion, Chronicle of a Disaster Foretold," *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercedulevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021); Alison Tahmizian Meuse, "Lebanon probes procurement of 'death ship' Rhosus," *Asia Times*, <https://asiatimes.com/2020/08/lebanon-probes-procurement-of-death-ship-rhosus/> (accessed June 25, 2021).

<sup>5</sup> Alison Tahmizian Meuse, "Lebanon probes procurement of 'death ship' Rhosus," *Asia Times*, <https://asiatimes.com/2020/08/lebanon-probes-procurement-of-death-ship-rhosus/> (accessed June 25, 2021).

<sup>6</sup> Alison Tahmizian Meuse, "Lebanon probes procurement of 'death ship' Rhosus," *Asia Times*, <https://asiatimes.com/2020/08/lebanon-probes-procurement-of-death-ship-rhosus/> (accessed June 25, 2021).

<sup>7</sup> Alison Tahmizian Meuse, "Lebanon probes procurement of 'death ship' Rhosus," *Asia Times*, <https://asiatimes.com/2020/08/lebanon-probes-procurement-of-death-ship-rhosus/> (accessed June 25, 2021); <sup>7</sup> Muriel

ship was also found to be in violation of international standards for maritime safety.<sup>8</sup>

- a. Who made the decision to rent the Rhosus ship to transport the seismic equipment from Lebanon to Jordan? On what basis was the decision made?
  - b. What role did the National Trading and Shipping Agency play in the selection of the ship? What is Cogic Consultant's relationship to the National Trading and Shipping Agency?
  - c. What information did Cogic Consultants have about the Rhosus ship? Was Cogic Consultants aware of the Rhosus's specifications and its substandard condition? Was Cogic Consultants aware that the ship was already at capacity?
  - d. Was Cogic Consultants aware that the Rhosus was carrying 2,750 tons of high-density ammonium nitrate? Was Cogic Consultants aware of the dangers posed by the ammonium nitrate? Was Cogic Consultants aware that the material was offloaded in Beirut and, if so, what role, if any, did the company have in the decision to do so?
- 2) What steps did your company take to ensure the safety of the ship and its capacity to carry the cargo in question?
  - 3) Did Cogic Consultants facilitate the exit of the seismic equipment from Lebanon after the Rhosus was unable to complete the operation? If so, which company was contracted to move the equipment? On what date was the equipment moved out of Beirut's port?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 20, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED] or by phone on [REDACTED].

Sincerely,

[REDACTED]

[REDACTED] "Departure to the Port Explosion, Chronicle of a Disaster Foretold," *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercedulevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021).

<sup>8</sup> Muriel Rozelier, "From the Rhosus' Departure to the Port Explosion, Chronicle of a Disaster Foretold," *Le Commerce Du Levant*, September 15, 2020, <https://www.lecommercedulevant.com/article/30040-from-the-rhosus-departure-to-the-port-explosion-chronicle-of-a-disaster-foretold> (accessed June 23, 2021).

Lama Fakhri  
Conflict and Crisis Director  
Beirut Office Director  
Human Rights Watch



الجمهورية اللبنانية  
وزارة الطاقة والمياه  
السوزير

رقم الصادر: ٥/٧،١٦  
التاريخ: ٢٠١٣/٤/١٢

جانب المديرية العامة للجمارك

الموضوع: إدخال مؤقتة لآليات ومعدات المسح الزلزالي الثنائي الأبعاد في البر.

المرجع: العقد تاريخ ٢٠١٢/٠٣/٣٠ فيما بين وزارة الطاقة والمياه وشركة SPECTRUM .

بالإشارة إلى الموضوع والمرجع المبينان أعلاه،

بناء على العقد المبرم مع شركة SPECTRUM من أجل القيام بأعمال المسوحات الزلزالية الثنائية الأبعاد في البر.

بناء على التكاليف المعطى من قبل شركة SPECTRUM لشركة GSC الأردنية من أجل القيام بتنفيذ الأعمال المذكورة أعلاه.

وحيث أن تنفيذ الأشغال المذكورة أعلاه يحتاج إلى إدخال المعدات والآليات المذكورة في الجدول المرفق ربطاً لفترة مؤقتة قبل تاريخ ٢٠١٣/٢/٢٠. على أن يتم الإدخال المؤقت لصالح شركة "كوجيك ش.م.ل." وكيل شركة SPECTRUM في لبنان.

وبناء لمقتضيات المصلحة العامة،

يرجى من جانبكم إعطاء التعليمات اللازمة لتسهيل وتسريع الدخول المؤقت لهذه المعدات والآليات

شاكرين تعاونكم،

وزير الطاقة والمياه

المهندس جبران ياسين

١٠٠٠

**Lebanese Republic**  
**Ministry of Energy and Water**  
**The Minister**

No: 7016/3

Date: February 13, 2013

**To: General Directorate of Customs**

**Re: Temporary Entrance of 2-D Land Seismic Survey Machinery and Equipment**

**Reference: Contract dated March 30, 2012 between the Ministry of Energy and Water and Spectrum**

In reference to the abovementioned subject and reference,

As per the contract concluded with SPECTRUM to conduct 2-D land seismic survey works,  
As per the mandate given by SPECTRUM to the Jordanian company GSC to conduct the above-mentioned works,

And given that the execution of the abovementioned works requires the temporary entrance of the machinery and equipment mentioned in the attached table before February 20, 2013, noting that the temporary entrance should be accorded to COGIC S.A.L, the agent of SPECTRUM in Lebanon.

Based on the requirements of the public interest,  
you are kindly requested to give the necessary instructions to facilitate and expedite the temporary entrance of these machinery and equipment.

Thank you to your kind cooperation.

**Minister of Energy and Water**  
**[Signature]**  
**Eng. Gebran Bassil**



رئاسة المبنائية  
وزارة الطاقة والمياه  
الوزير

الرقم الصادر: ٨٢٥٣/و  
التاريخ: ٦/٩/٢٠١٣

جانب المديرية العامة للجمارك

الموضوع: إدخال مؤقت لأليات ومعدات المسح الزلزالي الثنائي الأبعاد في البر.

المرجع: العقد تاريخ ٢٠١٢/٠٣/٣٠ فيما بين وزارة الطاقة والمياه وشركة SPECTRUM.

بالإشارة إلى الموضوع والمرجع المبينين أعلاه،

بناء على العقد المبرم مع شركة SPECTRUM من أجل القيام بأعمال المسوحات الزلزالية الثنائية الأبعاد في البر.

بناء على التكاليف المعطى من قبل شركة SPECTRUM لشركة GSC الأردنية من أجل القيام بتنفيذ الأعمال المذكورة أعلاه.

وحيث أن تنفيذ الأشغال المذكورة أعلاه يحتاج إلى إدخال المعدات والأليات المذكورة في الجدول المرفق ربطاً لفترة مؤقتة. على أن يتم الإدخال المؤقت لصالح شركة "كوجيك ش.م.ل." وكيل شركة SPECTRUM في لبنان.

وبناء لمقتضيات المصلحة العامة،

يرجى من جانبكم إعطاء التعليمات اللازمة لتسهيل وتسريع الدخول المؤقت لهذه المعدات والأليات وإعتبار هذا الكتاب بمثابة ضمانات للضرائب والرسوم التي قد تتوجب.

شاكرين تعاونكم.

وزير الطاقة والمياه

المهندس جبران باسيل



**Lebanese Republic**  
**Ministry of Energy and Water**  
**The Minister**

No: 8352/٥

Date: September 6, 2013

**To: General Directorate of Customs**

**Re: Temporary Entrance of 2-D Land Seismic Survey Machinery and Equipment**

**Reference: Contract dated March 30, 2012 between the Ministry of Energy and Water and Spectrum**

In reference to the abovementioned subject and reference,

As per the contract concluded with SPECTRUM to conduct 2-D land seismic survey works,  
As per the mandate given by SPECTRUM to the Jordanian company GSC to conduct the above-mentioned works,

And given that the execution of the abovementioned works requires the temporary entrance of the machinery and equipment mentioned in the attached table before February 20, 2013, noting that the temporary entrance should be accorded to COGIC S.A.L, the agent of SPECTRUM in Lebanon.

And based on the requirements of the public interest,

You are kindly requested to give the necessary instructions to facilitate and expedite the temporary entrance of these machinery and equipment, and to consider this letter as a guarantee for the taxes and fees that may apply.

Thank you to your kind cooperation.

**Minister of Energy and Water**

**[Signature]**

**Eng. Gebran Bassil**

November 16, 2013 Notice and Recognition

Directorate General of Land & Maritime Transport  
 المديرية العامة للشحن البحري والبحري

علم وخبر بوصول سفينة

التاريخ: 16/11/2013

حضرة السيد رئيس المفزة الجمركية المحترم

Agent Name:	الوكالة الوطنية للتجارة والشحن	اسم الوكيل:	Agent Sing:	196	رمز الوكيل:
Registered Owner:	BRIAWOOD CORPORATION, PANAMA	المالك المسجل:	Name of Ship:	RHOSUS	اسم السفينة:
Gross Tonnage:	1900 T	الحمولة القلعة:	Voyage ID:	NTS-I-5	
Net Tonnage:	964 T	الحمولة الصافية:	IMO Nr:	8530344	رقم المنظمة الدولية:
Lead Weight:	3226 T	الحمولة الوزنية:	Flag:	MOLDOVA	جنسيتها:
Draught:	4.9 M	الغاطس:	Type:	GENERAL CARGO	نوعها:
LOA:	86.6 M	الطول الكلي:	Year Of Built:	1986	تاريخ البناء:
TUZLA / TURKEY	المرفأ ما قبل الاخير:	Class Society:	MARITIME LLYOD		هيئة التصنيف:
PIRAEUS / GREECE	لقائمة من:	NoOf ISSC:			رقم الشهادة الدولية لامن السفينة
AQABA / JORDAN	مغفارة الي:	Registration Port:	GIURGIULESTI		ميناء التسجيل:
6:00 الساعة:	19-20 /11/2013	Call Sign:	ERPU		حروف النداء:
13:00 الساعة:	TO ORDER	MMSI:	214181621		MMSI
	التاريخ المتوقع للمغفارة:	Captain Name:	ABAKUMOV VACHESLAV		اسم القبطان:

آخر كشف للدولة المرفأ ضمن مذكرة تفاهم دول البحر المتوسط ( المكان و التاريخ ):

Last P.S.C Inspection Within Mediterranean MOU (PLACE & DATE):

عدد الحاويات:	198 طن	كمية البضائع المنوي لتفريغها (طن):
عدد مستوعبات:	5 CONTAINERS + 8 TRUCKS	كمية البضائع المنوي لتحميتها (طن):
خطرة:	AMMONIUM NITRATE IMO 5.1 (IN TRANSIT)	نوع البضاعة:
		عدد ايام التفريغ المتوقع:
		عدد ايام الشحن المتوقع:

اسم التجاري \* ( CORRECT TECHNICAL NAME / PROPER SHIPPING NAME )

خاص بالادارة:

التاريخ:	اسم المستلم:	علمت بواسطة:
التاريخ:	تاريخ التدفيل:	اسم الملقن:

Looking Number: (تدخل بواسطة الملقن)

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: +1-212-290-4700  
Fax: +1-212-736-1300; 917-591-3452

Kenneth Roth, *Executive Director*

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Heather Barr, *Women's Rights (Acting)*  
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Karen Herskovitz  
Judith Heumann  
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Ambassador Robin Sanders  
Bruce Simpson  
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Donna Slaight, C.M.  
Siri Stolt-Nielsen  
Marie Warburg  
Isabelle de Wismes  
Masa Yanagisawa  
Andrew Zolli

## Letter to Igor Grechushkin

July 19, 2021

Igor Grechushkin  
Teto Shipping Limited

Dear Mr. Grechushkin,

I am writing on behalf of Human Rights Watch to request information regarding your relationship to the Rhosus ship that carried the ammonium nitrate that exploded in Beirut's port on August 4, 2020.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research for a publication on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

The Rhosus, a Moldovan-flagged ship that entered Beirut's port in November 2013, was carrying 2,750 tons of ammonium nitrate which were subsequently offloaded into hangar 12 in Beirut's port and held there until August 4, 2020, when they ignited and exploded.

According to an August 12, 2020 document from the Moldova Naval Agency (below), Briarwood Corporation was registered as the owner of the Rhosus on February 23, 2012. Through court records in Cyprus, investigative journalists have reported having established Charalambos Manoli's ownership of Briarwood Corporation.<sup>1</sup>

<sup>1</sup> [Organized Crime and Corruption Reporting Project, "A Hidden Tycoon, African Explosive, and a Loan from a Notorious Bank: Questionable Connections Surround Beirut Explosion Shipment," August 21, 2020, https://www.occrp.org/en/investigations/a-hidden-tycoon-african-explosives-and-a-loan-from-a-notorious-bank-questionable-connections-surround-beirut-explosion-shipment \(accessed June 22, 2021\).](https://www.occrp.org/en/investigations/a-hidden-tycoon-african-explosives-and-a-loan-from-a-notorious-bank-questionable-connections-surround-beirut-explosion-shipment)



HRW.org

According to the August 12, 2020 Moldova Naval Agency document, Teto Shipping entered into a chartering agreement with Briarwood Corporation for the Rhosus on June 21, 2012. Teto Shipping was reportedly directed or owned by you.<sup>2</sup> Manoli has reportedly made public statements claiming that before the Rhosus's last voyage he transferred all the shares in Briarwood Corporation to you, making you the owner of the ship.<sup>3</sup>

The Rhosus's Bill of Lading for its final journey (below) was issued on September 23, 2013. It identifies the port of loading as Batumi port, Georgia and the port of discharge as Beira port, Mozambique.

In addition, on April 7, 2014 Baroudi and Associates law firm, representing the captain of the Rhosus, Boris Prokoshev, addressed a letter to the head of Beirut's port seeking the repatriation of the ship's crew. The firm attaches emails to their letter purportedly from Teto Shipping, in which Teto Shipping states it is the owner of the Rhosus.<sup>4</sup>

We respectfully request your replies to our questions by July 30, 2021, so that we can reflect them in our planned public reporting on this issue:

- 1) Who were the beneficial owners of Teto Shipping Limited between September 23, 2013 and November 2013, when the ship arrived in the port of Beirut?
- 2) Who were the beneficial owners of Briarwood Corporation between September 23, 2013 and November 2013, when the ship arrived in the port of Beirut?
- 3) Are you now or have you ever been the beneficial owner of Briarwood Corporation? If so, during what time period? Kindly provide any documents that corroborate your statements in this regard.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by email at [REDACTED].

---

<sup>2</sup> Ibid; Maria Vasilyeva, Lisa Barrington, and Jonathan Saul, "Who owned the chemicals that blew up Beirut? No one will say," Reuters, August 11, 2020, <https://www.reuters.com/article/us-lebanon-security-blast-ship-insight-idUSKCN2571CP> (accessed July 16, 2021).

<sup>3</sup> Organized Crime and Corruption Reporting Project, "A Hidden Tycoon, African Explosive, and a Loan from a Notorious Bank: Questionable Connections Surround Bierut Explosion Shipment."

<sup>4</sup> Letter on file with Human Rights Watch.

Sincerely,



Lama Fakhri

Crisis and Conflict Director

Beirut Office Director

Human Rights Watch

MINISTERUL ECONOMIEI  
SI INFRASTRUCTURII  
AL REPUBLICII MOLDOVA  
AGENȚIA NAVALĂ



MINISTRY OF ECONOMY  
AND INFRASTRUCTURE  
OF REPUBLIC OF MOLDOVA  
NAVAL AGENCY

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EXTRAS DIN REGISTRUL DE STAT  
AL NAVELOR

*M/V RHOSUS, IMO No 8630344  
No. 373 din 12 August 2020*

Prin prezenta se certifică că conform datelor introduse în Registrul de Stat al Navelor din Republica Moldova cu nr. de înregistrare **MD-M-12-630** din **23 februarie 2012**, nava **RHOSUS** aparține proprietarului **BRIARWOOD CORPORATION** cu adresa de înregistrare **Toree ADR, Avenida Samuel Lewis, Panama, Republica Panama**, în baza Contractului de Vînzare-Cumpărare din **24 aprilie 2008**.

**Caracteristicile navei:**

1. Tipul navei **GENERAL CARGO**
2. Semnal de apel **ERPU**
3. **IMO No 8630344**
4. Portul de înregistrare **GIURGIULESTI**
5. Locul și anul construcției **1986 JAPONIA**
6. Materialul principal al corpului **OȚEL**
7. Numărul și puterea mașinilor **UNU, DIESEL HANSHIN/6LU32GD, 1300 BHP**
8. Dimensiunile principale conform certificatului de tonaj, eliberat de

**MARITIME LLOYD**

Lungimea **81.00**  
Lățimea **12.00**  
Pescajul **6.50**  
Tonajul brut **1900**  
Tonajul net **964**

9. Denumirea precedentă a navei, dacă aceasta a navigat sub pavilionul statului străin, și portul precedent de înregistrare

**RHOSUS, BATUMI, GEORGIA**

**Alte grevări/interdicții:**

- La data de **21 iunie 2012** a fost înregistrat **Contract de Navlosire** dintre proprietar și navlositorul **TETO SHIPPING LIMITED** cu adresa de înregistrare **Trust Company Complex, Ajeltake Road Ajelake Island, Majuro, Marshall Islands, MH96960**.

- Înregistrarea navei este **radiată** din **24 mai 2014** în baza pct.73 lit.h) Hot. Gov. Nr. 855 din 30.07.2007 cu privire la aprobarea Regulilor de înregistrare a navelor maritime în Republica Moldova.

**Datele menționate mai sus sunt date exacte din Registrul de Stat al Navelor din Republica Moldova.**

Director Agenția Navală



**Igor ZAHARIA**

CODE NAME: "CONGENBILL". EDITION 1994

Page

Shipper  
"RUSTAVI AZOT" LLC

**BILL OF LADING**  
TO BE USED WITH CHARTER-PARTIES

B/L No.1

Consignee  
TO THE ORDER OF  
BANCO INTERNACIONAL DE MOCAMBIQUE

**FIRST ORIGINAL**

Notify  
FABRICA DE EXPLOSIVOS  
AV. SAMORA MACHEL, PARCELA 10  
MATOLA-MOCAMBIQUE

Vessel Port of loading  
M/V "RHOSUS" BATUMI PORT, PORT OF BLACK SEA

Port of discharge  
BEIRA PORT-MOZAMBIQUE

Shipper's description of goods:  
HIGH DENSITY AMMONIUM NITRATE  
IMO 5.1

GROSS WEIGHT: 2750,40 MTS  
NET WEIGHT: 2750,00 MTS  
NUMBER OF FULL BIG BAGS - 2750 PCS

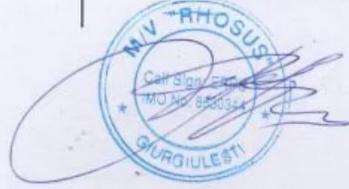
"CLEAN ON BOARD"  
"FREIGHT PAYABLE AS PER CHARTER PARTY"

(of which on deck at Shipper's risk, the Carrier not being responsible for loss or damage howsoever arising)

Freight payable as per CHARTER-PARTY dated 04/ 09 /2013  FREIGHT ADVANCE. Received on account of freight:  ..... Time used for loading..... Days.....hours	<b>SHIPPED</b> at the Port of Loading in apparent good order and condition on board the Vessel for carriage to the Port of Discharge or so near thereto as she may safely get the goods specified above. Weight, measure, quality, quantity, condition, contents and value unknown. IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of Bills of Lading indicated below all of this tenor and date, any one of which being accomplished the others shall be void.  FOR CONDITIONS OF CARRIAGE SEE OVERLEAF
---	---

Freight payable at AS PER C/P	Place and date of issue Batumi, Georgia on 23 /09/ 2013
Number of original Bs/L 3/3	Signature The Master of m/v "RHOSUS" Capt. ABAKUMOV VIACHESLAV

Printed and sold by  
Fr.G. KnudtzonsBogtrykkari A/S, 61 Vallensbaekvej,  
DK-2625 Vallensbaek, Telefax +45 43 66 07 08  
by authority of The Baltic and international Maritime Council,  
(BIMCO), Copenhagen



350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: +1-212-290-4700  
Fax: +1-212-736-1300; 917-591-3452

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## Letter to Shafik Merhi

July 19, 2021

Shafik Merhi

Former Director General of Lebanese Customs

Dear Mr. Merhi,

I am writing on behalf of Human Rights Watch to request information regarding the role of the Customs Administration in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We understand that you may not be able to respond to our questions at this time. However, we wish to bring them to your attention in the event that you or one of your representatives might be able to comment on them. We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

Between December 5, 2014 and December 28, 2017, customs directors sent at least six letters to urgent matters judges requesting they re-export or sell the ammonium nitrate.<sup>1</sup> From 2014-2016 the letters were sent by you in your capacity as Customs director.

On February 27, 2016, you also informed the Army Command that based on tests conducted by an expert, the nitrogen grade of the ammonium

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<sup>1</sup> December 5, 2014 Letter from Customs Officials to Urgent Matters Judge, May 20, 2016 Letter from Customs to Urgent Matters Judge, and December 28, 2017 Letter from Customs to Urgent Matters Judge on file with Human Rights Watch.

nitrate in hangar 12 at the port was 34.7 percent.<sup>2</sup> You also sent a June 16, 2016 letter addressed to the Case Authority via the Finance Ministry. In the letter, you asked the Case Authority to intervene with the urgent matters judge to allow for re-exporting of the ammonium nitrate or its sale to Majid Shammam Trading Co.<sup>3</sup> While addressed to the Case Authority, the Minister of Finance forwarded it instead directly to the urgent matters judge.

Based on records obtained by Human Rights Watch, in each case, following receipt of a letter from you or your successor requesting the goods be re-exported or sold, the urgent matters judges returned the letters on procedural grounds; forwarded them to the Case Authority, in some cases, requesting that the Case Authority assess whether the court of urgent matters was authorized to look into the matter; or noted they did not have jurisdiction to approve the sale or re-export of the material.<sup>4</sup>

Customs did not log requests in the registrar of the court as provided for in the Code of Civil Procedure, but sent the communications by mail. Further, the Ministry of Public Works, through the Case Authority, already had an ongoing case regarding the ammonium nitrate, and the judge had put the material under the ministry's "judicial guardianship." Given only parties to the case can submit requests, you could not get a judgment from the urgent matters judge.<sup>5</sup>

To cure the procedural error, you would have either needed to put in a request to lift the Ministry of Public Works' judicial guardianship over the material or refer to the Case Authority so that both parties could agree on the necessary course, and the Case Authority could put forward the request.<sup>6</sup>

Should you be able to respond, we respectfully request any replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate on the Rhosus? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?

---

<sup>2</sup> Letter on file with Human Rights Watch.

<sup>3</sup> Letter on file with Human Rights Watch.

<sup>4</sup> Decisions and correspondence on file with Human Rights Watch.

<sup>5</sup> Article 363 Lebanon's Code of Civil Procedure, <http://legiliban.ul.edu.lb/LawArticles.aspx?LawArticleID=982018&LawId=244565&language=ar>

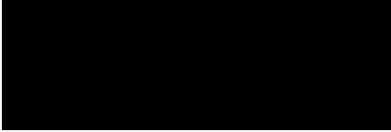
<sup>6</sup> Human Rights Watch interview with judicial source 1; Human Rights Watch interview with judicial source 2.

- 3) What actions did you take, if any, to eliminate the dangers posed by the ammonium nitrate? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.
- 4) Article 144 of the Customs Law sets out that customs may destroy goods inconsistent with applicable laws and regulations. In light of this, why didn't customs destroy the ammonium nitrate in hangar 12?
- 5) Customs has the authority to sell any goods that have been left in customs warehouses after six months and one day (Articles 434 and 435 of the Customs Law). In light of this, why did customs repeatedly request authorization to sell or re-export the material from the urgent matters judge?
- 6) What is the process by which customs sells or re-exports material that has been abandoned, as defined by Articles 434 and 435 of the Customs Law? Is the process different if the material is considered dangerous or covered under the Weapons and Ammunitions Law?
- 7) Article 437 of the Customs Law sets out goods which should not be sold by auction, including prohibited goods like explosives. In these cases, what should happen with the goods?
- 8) How many notifications did you receive from the urgent matters judges that your requests to sell or re-export the ammonium nitrate were procedurally incorrect?
- 9) Why didn't customs submit its requests to the urgent matters judge in the legally correct way?
- 10) Why didn't customs put in a request to lift the Ministry of Public Works' judicial guardianship over the ammonium nitrate or refer to the Case Authority so that both parties could agree on the necessary course, and the Case Authority could put forward the request?
- 11) Did the ammonium nitrate, which falls under the Weapons and Ammunitions Law, require a special permit to arrive at Beirut's port, even if the ship carrying it was only supposed to transit through Beirut? Who is responsible for securing this permit?
- 12) Did the ammonium nitrate require a special permit (Article 249 of the Customs Law) to be stored in Beirut's port? Who is responsible for securing this permit?
- 13) In the absence of a special permit when one is required what is customs mandated to do with goods that arrive in the port or are moved to customs warehouses?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this

matter. Any questions and your response can be directed to my colleague Aya Majzoub,  
Lebanon Researcher, by [REDACTED].

Sincerely,



Lama Fakh  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
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## Letter to Badri Daher

July 19, 2021

Badri Daher  
Director General of Lebanese Customs

I am writing on behalf of Human Rights Watch to request information regarding the role of the Customs Administration in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We understand that you may not be able to respond to our questions at this time. However, we wish to bring them to your attention in the event that you or one of your representatives might be able to comment on them.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

After the Rhosus docked in Beirut, officials in the Manifest Department at the General Directorate of Customs determined that the maritime agent incorrectly excluded a description of the ship's cargo on the Unified List they prepared.<sup>1</sup> On April 22, 2014, the head of the Manifest Department recommended excusing the violation, saying it was correctly identified on

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<sup>1</sup> [February 22, 2014 Letter Noting Rhosus Unified List Does Not List Ammonium Nitrate on file with Human Rights Watch.](#)

the transit manifest.<sup>2</sup> Media reports stated that you were the head of the Manifest Department at the time.<sup>3</sup>

Between December 5, 2014 and December 28, 2017, customs directors sent at least six letters to urgent matters judges requesting they re-export or sell the ammonium nitrate. From 2014-2016 the letters were sent from Shafik Merhi, the then Customs director. After your appointment as Customs director in March 2017, the letters were sent by you.<sup>4</sup>

Based on records obtained by Human Rights Watch, in each case, following receipt of a letter from you or your predecessor requesting the goods be re-exported or sold, the urgent matters judges returned the letters on procedural grounds, forwarded them to the Case Authority, in some cases, requesting that the Case Authority assess whether the court of urgent matters was authorized to look into the matter, or noted they did not have jurisdiction to approve the sale or re-export of the material.<sup>5</sup>

Customs did not log requests in the registrar of the court as provided for in the Code of Civil Procedure, but sent the communications by mail. Further, the Ministry of Public Works, through the Case Authority, already had an ongoing case regarding the ammonium nitrate, and the judge had put the material under the ministry's "judicial guardianship." Given only parties to the case can submit requests, you could not get a judgment from the urgent matters judge.<sup>6</sup>

To cure the procedural error, you would have either needed to put in a request to lift the Ministry of Public Works' judicial guardianship over the material or refer to the Case Authority so that both parties could agree on the necessary course, and the Case Authority could put forward the request.<sup>7</sup>

In September 2018, in your capacity as Customs director you sought a line of credit from the Minister of Finance to pay a company that treats medical and chemical waste to pack, transfer, and treat expired medicines and chemicals in the port.<sup>8</sup> Notably, hangar 12 was

---

<sup>2</sup> August 11, 2020 General Directorate of Customs Report to the Minister of Finance on file with Human Rights Watch.

<sup>3</sup> "رياض قبيسي و ليال بو موسى يكتشفان معطيات جديدة وصور تعرض للمرة الاولى عن حادثة مرفأ بيروت" August 15, 2020, video clip, YouTube, <https://www.youtube.com/watch?v=shvxEAUWhKY> (accessed June 23, 2021).

<sup>4</sup> Letters on file with Human Rights Watch.

<sup>5</sup> Decisions and correspondence on file with Human Rights Watch.

<sup>6</sup> Article 363 Lebanon's Code of Civil Procedure, <http://legiliban.ul.edu.lb/LawArticles.aspx?LawArticleID=982018&LawId=244565&language=ar>

<sup>7</sup> Human Rights Watch interview with judicial source 1; Human Rights Watch interview with judicial source 2.

<sup>8</sup> "رياض قبيسي: بالمستندات الإهمال الذي سبب حادثة مرفأ بيروت لم يكن عفونياً" February 19, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=Fl3g2fqz7D4> (accessed June 23, 2021) at 28:10; September 12, 2018 Letter from Badri Daher on file with Human Rights Watch.

apparently excluded from this company's site visit to the port in November 2017, when they assessed how much material needed to be removed and destroyed.<sup>9</sup>

Should you be able to respond, we respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate on the Rhosus? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) What actions did you take, if any, to eliminate the dangers posed by the ammonium nitrate? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.
- 4) What steps did you take to investigate the maritime agent's error in excluding a description of the ship's cargo on the Unified List before excusing the violation?
- 5) Article 144 of the Customs Law sets out that customs may destroy goods inconsistent with applicable laws and regulations. At least on one occasion in 2018, you undertook the transfer and treatment of chemicals in the port. In light of this, why didn't customs destroy the ammonium nitrate in hangar 12? Why was hangar 12 excluded from Treveria Environment's site visit in November 2017?
- 6) Customs has the authority to sell any goods that have been left in customs warehouses after six months and one day (Articles 434 and 435 of the Customs Law). In light of this, why did customs repeatedly request authorization to sell or re-export the material from the urgent matters judge?
- 7) What is the process by which customs sells or re-exports material that has been abandoned, as defined by Articles 434 and 435 of the Customs Law? Is the process different if the material is considered dangerous or covered under the Weapons and Ammunitions Law?
- 8) Article 437 of the Customs Law sets out goods which should not be sold by auction, including prohibited goods like explosives. In these cases, what should happen with the goods?
- 9) How many notifications did you receive from the urgent matters judges that your requests to sell or re-export the ammonium nitrate were procedurally incorrect?

---

<sup>9</sup> August 16, 2018 Treveria Environment Letter on file with Human Rights Watch.

- 10) Why didn't customs submit its requests to the urgent matters judge in the legally correct way?
- 11) Why didn't customs put in a request to lift the Ministry of Public Works' judicial guardianship over the ammonium nitrate or refer to the Case Authority so that both parties could agree on the necessary course, and the Case Authority could put forward the request?
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- 13) Did the ammonium nitrate require a special permit (Article 249 of the Customs Law) to be stored in Beirut's port? Who is responsible for securing this permit?
- 14) In the absence of a special permit when one is required what is customs mandated to do with goods that arrive in the port or are moved to customs warehouses?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

Lama Fakhri  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

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Andrew Zolli

## Letter to Abdel Hafiz al-Kaissi

July 20, 2021

Abdel Hafiz al-Kaissi

Director-General of Land and Maritime Transport

I am writing on behalf of Human Rights Watch to request information regarding the role of the Directorate General of Land and Maritime Transport in the Ministry of Transport and Public Works in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We understand that you may not be able to respond to our questions at this time. However, we wish to bring them to your attention in the event that you or one of your representatives might be able to comment on them.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

Should you be able to respond, we respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you personally learn about the ammonium nitrate on the Rhosus? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with

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- you? What were you told or what did you know about the hazardous nature of the material?
- 3) How many written notices did you receive about the ammonium nitrate in hangar 12 and the dangers that it posed?
  - 4) What actions did you take, if any, to secure the ammonium nitrate and mitigate the dangers that it posed? Do you feel that you discharged your full duties in this matter? We kindly request a copy of any official records that reflect actions you took related to this matter.
  - 5) In statements to the media, caretaker Minister of Public Works and Transport, Michel Najjar, said that since 2014 the ministry had sent at least 18 letters to the Beirut urgent matters judge asking that the ammonium nitrate be disposed of. We kindly request copies of any of these letters in your possession.
  - 6) You became aware of the ammonium nitrate by at least April 7, 2014, when the Baroudi Law Firm sent a letter to the Directorate General of Land and Maritime Transport identifying a number of risks posed by the material and attaching a 16-page “timeline of major disasters” caused by ammonium nitrate explosions. In subsequent communications with the Case Authority, however, you described the risks posed by the ship and the cargo as being limited to the ship sinking, which would “threaten the safety of the maritime navigation and ecosystem” or cause an explosion due to the hazardous material on board. Why did you fail to investigate the risk posed by the ammonium nitrate? Why did you fail to relay the information you had received about the dangers posed by the ammonium nitrate as illustrated by the disasters that have occurred elsewhere in the world?
  - 7) In a June 27, 2014 ruling, Beirut’s urgent matters judge placed the ammonium nitrate under the guardianship of the Minister of Public Works and Transport and called on the ministry to store the ammonium nitrate in “a suitable place that it chooses.” On September 2, 2014, you requested that the port’s director-general, Hassan Koraytem, assign a location for the cargo to be stored but did not specify the dangers posed by the material. Noting that all international regulations prohibit the storing of explosive and combustible material in proximity to ammonium nitrate, Koraytem assigned the hangar “designated for the storage of hazardous substances” as the location for the ammonium nitrate to be stored, and on October 23 and 24, 2014 the Port Authority, along with the Lebanese Company for Unloading and a private company “Stevadoria,” transferred the ammonium nitrate from the Rhosus to hangar 12. What measures did you take, if any, to ensure that the ammonium nitrate was stored in a suitable place that mitigated against the dangers it posed?
  - 8) On November 26, 2014, you sent a letter to the Case Authority in which you ask them to take all the necessary measures to sell the Rhosus and its cargo. In

- response, the lawyer appointed by the Case Authority to represent the ministry noted that the administration did not properly and fully implement the urgent matters judge's June 27, 2014 decision as it was supposed to transport the hazardous goods to an appropriate place for storage. What actions did you take after being informed of the administration's failure to implement the urgent matters judge's decision? Did you respond to the lawyer's November 26, 2014 letter? If so, we kindly request a copy of the correspondence. If not, why not?
- 9) The July 2020 State Security report about the ammonium nitrate, which was sent to the president and the prime minister, concluded that "there was negligence on the part of the Beirut port authority in securing hangar 12, which made it easy for individuals to go in and out and steal the dangerous material in it." Can you comment on this allegation?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Hassan Koraytem

July 19, 2021

Hassan Koraytem  
Former Beirut Port Director-General

Dear Mr. Koraytem,

I am writing on behalf of Human Rights Watch to request information regarding the role of the Port Authority in the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We understand that you may not be able to respond to our questions at this time. However, we wish to bring them to your attention in the event that you or one of your representatives might be able to comment on them.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

In a June 27, 2014 ruling, Beirut's urgent matters judge placed the ammonium nitrate under the guardianship of the Ministry of Public Works and Transport and called on the ministry to store the ammonium nitrate in "a suitable place that it chooses." On September 2, 2014, the Director General of Land and Maritime Transport requested you assign a location for the cargo, stating that the material was hazardous. Noting that all international regulations prohibit the storing of explosive and combustible material in proximity to ammonium nitrate, you assigned the



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hangar “designated for the storage of hazardous substances” as the location for the ammonium nitrate to be stored.

The State Security investigation, which was completed on June 1, 2020, found that the ammonium nitrate in hangar 12 was not guarded and that door number 9 in hangar 12 had sustained a strong blow that led it to detach from the wall and allowed any person to enter the hangar and steal the material.<sup>1</sup> Photos taken inside the hangar in 2020 show bags of ammonium nitrate piled haphazardly on top of each other, with ammonium nitrate pouring out of ripped bags.<sup>2</sup> In response to the State Security investigation, on the order of Cassation Public Prosecutor Ghassan Oueidat, on June 4, 2020 State Security sent a letter to the Port Authority, requesting that they:

commission whoever needed at the Port of Beirut to secure guards to hangar 12, to appoint a Warehouse manager to the abovementioned hangar, and to ensure the maintenance of all the doors, and close the cavity/hole in the southern wall and the other cavities if present, in addition to closing all the doors tightly due to the presence of hazardous material, "Ammonium Nitrate" which is used to manufacture explosives.<sup>3</sup>

On June 17, 2020, Ziad Awf sent a letter to you as the head of the Port Authority, informing you that based on State Security’s request, the relevant entities had been contacted to provide hangar 12 with security, supervise the hangar, and issue orders to intensify the patrols around hangar 12 to five per day.<sup>4</sup>

Salim Chebli’s company was hired to do the repair work on hangar 12, which reportedly took four days and concluded on August 4 at around 5:00 pm. According to media reports, the workers were not informed of the hazardous nature of the material, they worked without protective equipment, and were unsupervised.<sup>5</sup>

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<sup>1</sup> May 28, 2020 Naddaf Report on file with Human Rights Watch

<sup>2</sup> Photos on file with Human Rights Watch.

<sup>3</sup> June 4, 2020 Request from State Security to the Port of Beirut (GEPB) on file with Human Rights Watch.

<sup>4</sup> June 17, 2020 GEPB’s Measures Following State Security’s Letter on file with Human Rights Watch.

<sup>5</sup> Marie Jo Sader, “Explosion au port de Beyrouth : ce qui pourrait avoir déclenché l’incendie,” *L’Orient-Le Jour*, April 17, 2021, <https://www.lorientlejour.com/article/1258904/explosion-au-port-de-beyrouth-ce-qui-pourrait-avoir-declenche-lincendie.html> (accessed June 22, 2021).

Should you be able to respond, we respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you personally learn about the ammonium nitrate on the Rhosus? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) What actions did you take, if any, to secure the ammonium nitrate and mitigate the dangers that it posed? In particular, before assigning the location for the ammonium nitrate to be stored did you take any steps to assess the hazardous nature of the material? What measures did you take, if any, to ensure that the ammonium nitrate was stored in a suitable place that mitigated against the dangers it posed? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.
- 4) What role did you play in the decision to conduct welding work on hangar 12 in August 2020? What role did you play in hiring the welders? What steps did you take to ensure the welding work was conducted in a safe manner, if any?
- 5) In a meeting with Human Rights Watch on June 8, 2021, caretaker prime minister Hassan Diab said that you met with the Minister of Public Works and Transport, Michel Najjar, on August 3, 2020, following his receipt of the State Security report about the ammonium nitrate.
  - a. What was the purpose of your meeting?
  - b. What information did you provide the minister regarding the ammonium nitrate in hangar 12 and the judicial orders communicated to port officials by State Security? Did you inform the minister that port authorities had tasked a company to do welding work to repair the doors of hangar 12?
  - c. What instructions did the minister give you?
- 6) The July 2020 State Security report about the ammonium nitrate, which was sent to the president and the prime minister, concluded that “there was negligence on the part of the Beirut port authority in securing hangar 12, which made it easy for individuals to go in and out and steal the dangerous material in it.” Can you comment on this allegation?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this

matter. Any questions and your response can be directed to my colleague Aya Majzoub,  
Lebanon Researcher, by [REDACTED] .

Sincerely,

[REDACTED]

Lama Fakhri

Crisis and Conflict Director

Beirut Office Director

Human Rights Watch

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## Letter to Former President Michel Sleiman

July 19, 2021

Former President Michel Sleiman

Dear President Sleiman,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

According to a media report, and a partial, leaked letter (see below) purportedly sent by the Director General of General Security, Major General Abbas Ibrahim, on May 16, 2014 to you and other officials, you were allegedly informed about the Rhosus in Beirut's port and its hazardous cargo.<sup>1</sup> The letter notes that the Rhosus, docked in Beirut's port, had "several tonnes of a very dangerous substance," which were identified as High Density Ammonium Nitrate.

We respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

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<sup>1</sup> Radwan Murtada, "بيروت مرفأ ضباط يوقف العدلي المحقق"، Al Akhbar, September 3, 2020, <https://al-akhbar.com/Politics/293380> (accessed July 19, 2021).

- 1) When did you learn about the ammonium nitrate on the Rhosus and later in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) Is the letter below, purportedly from Major General Abbas Ibrahim to you and other identified officials, authentic?
- 4) If you had knowledge about the ammonium nitrate on the Rhosus and later in hangar 12 during your tenure as President,
  - a. What steps did you take to address the risk that the material posed?
  - b. Why did you not add this issue to the agenda of the Higher Defense Council?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

الموضوع : حجز الباخرة التجارية 'RHOSUS' في مرفأ بيروت

١ ( دخلت بتاريخ ٢٠١٣/١١/٢١ الى مرفأ بيروت الباخرة التجارية 'RHOSUS' التابعة للوكالة الوطنية للتجارة والشحن رافعة العلم المولدوفي وعلى متنها ٩ بحارة من الجنسية الاوكرانية اضافة الى قبطان من الجنسية الروسية .

٢ ( تم لقاء الحجز الاحتياطي على الباخرة المذكورة بناء لقرار قضائي صادر عن دائرة تنفيذ بيروت والذي يحظر على الباخرة مغادرة المرفأ حتى اشعار آخر لأسباب مادية بفعل ديون مستحقة لصالح شركة "BUNKER NET LID" (وكيلها المحاميان سكير وجان بارودي) ، وقد جاء قرار الحجز بعد افرغ الباخرة حمولتها وابقاء على متنها عدة اطنان من المواد الشديدة الخطورة ( AMMONIUM NITRATE HIGH DENSITY ٥٠١ ١M٥ ) برسم الترانزيت مشحونة من مرفأ " BATUMI " الى مرفأ " MOZAMBIQUE PORT BEIRA " لصالح شركة . BANCO INTERNACIONAL DE MOCAMBIQUE

٣ ( تسبب قرار حجز الباخرة بأزمة لدى طاقمها تتلخص بالتالي :

\* عدم تلقي طاقم الباخرة رواتبهم منذ ما قبل تاريخ دخول الباخرة الى

لبنان .

\* رفض مالك الباخرة المدعو "ايغور" تعيين طاقم جديد او تخريج الطاقم

الموجود عليها .

\* عدم حصول قبطان الباخرة الروسي على اي تصريح لمغادرة الباخرة منذ

دخولها المرفأ .

\* رفض مالك الباخرة "ايغور" طلب القنصل الاوكراني بتخريج البحارة

الاوكرانيين كون التعليمات تقضي ببقاء ما لا يقل عن خمسة بحارة على متن الباخرة

وعدم السماح لهم بالمغادرة الا بعد تعيين بدلاء عنهم .

\* عدم تمويل الباخرة بالمواد الغذائية الا في حالات نادرة حيث يتم تأمين حصص تموينية للبحارة بقيمة لا تتعدى ٣٠ دولاراً مرتين في الشهر ، ما دفع هؤلاء الى بيع بعض الخرضوات لتأمين مواد غذائية لهم .

٤ ( يذكر الى ان الوكيل البحري المدعو مصطفى بغدادى ادعى ايضاً بأن لديه مستحقات مالية مترتبة على مالك الباخرة والتي تفوق المليون دولار اميركي (مصاريف مرفأ - تلبيص - معدات وغيرها) وقد قام المذكور بمراجعة مدير عام النقل البري والبحري المهندس عبد الحفيظ القيسي بهدف رفع مراجعة الى مجلس شورى الدولة بهذا الشأن ، علماً ان الباخرة المذكورة لا تزال راسية داخل مرفأ بيروت لغاية تاريخه .

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Andrew Zolli

## Letter to Major General Abbas Ibrahim

July 19, 2021

Major General Abbas Ibrahim

Dear Major General Ibrahim,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

According to a media report, you purportedly sent a letter (below) to former President Michel Sleiman, former Prime Minister Tammam Salam, former Interior Minister Nohad Machnouk, and former Minister of Public Works Ghazi Zaiter on May 16, 2014 informing them about the Rhosus in Beirut's port and its hazardous cargo. The leaked purported letter notes that the Rhosus, docked in Beirut's port, had "several tonnes of a very dangerous substance," which were identified as High Density Ammonium Nitrate.

We respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

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- 1) When did you learn about the ammonium nitrate on the Rhosus and later in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) Is the letter below, purportedly from you to former President Michel Sleiman, former Prime Minister Tammam Salam, former Interior Minister Nohad Machnouk, and former Public Works Minister Ghazi Zaiter authentic?
- 4) If you had knowledge about the ammonium nitrate on the Rhosus and later in hangar 12 before the August 4, 2020 explosion,
  - a. What steps did you take to address the risk that the material posed?
  - b. Why did you not add this issue to the agenda of the Higher Defense Council?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

الموضوع : حجز الباخرة التجارية 'RHOSUS' في مرفأ بيروت

( ١ ) دخلت بتاريخ ٢٠١٣/١١/٢١ الى مرفأ بيروت الباخرة التجارية 'RHOSUS' التابعة للوكالة الوطنية للتجارة والشحن رافعة العلم المولدوفي وعلى متنها ٩ بحارة من الجنسية الاوكرانية اضافة الى قبطان من الجنسية الروسية .

( ٢ ) تم لقاء الحجز الاحتياطي على الباخرة المذكورة بناء لقرار قضائي صادر عن دائرة تنفيذ بيروت والذي يحظر على الباخرة مغادرة المرفأ حتى اشعار آخر لأسباب مادية بفعل ديون مستحقة لصالح شركة "BUNKER NET LID" (وكيلها المحاميان سكير وجان بارودي) ، وقد جاء قرار الحجز بعد افرغ الباخرة حمولتها وابقاء على متنها عدة اطنان من المواد الشديدة الخطورة ( AMMONIUM NITRATE HIGH DENSITY ٥٠١ ١M٥ ) برسم الترانزيت مشحونة من مرفأ " BATUMI " الى مرفأ " MOZAMBIQUE PORT BEIRA " لصالح شركة . BANCO INTERNACIONAL DE MOCAMBIQUE

( ٣ ) تسبب قرار حجز الباخرة بأزمة لدى طاقمها تتلخص بالتالي :

\* عدم تلقي طاقم الباخرة رواتبهم منذ ما قبل تاريخ دخول الباخرة الى

لبنان .

\* رفض مالك الباخرة المدعو "ايغور" تعيين طاقم جديد او تخريج الطاقم

الموجود عليها .

\* عدم حصول قبطان الباخرة الروسي على اي تصريح لمغادرة الباخرة منذ

دخولها المرفأ .

\* رفض مالك الباخرة "ايغور" طلب القنصل الاوكراني بتخريج البحارة

الاوكرانيين كون التعليمات تقضي ببقاء ما لا يقل عن خمسة بحارة على متن الباخرة

وعدم السماح لهم بالمغادرة الا بعد تعيين بدلاء عنهم .

\* عدم تمويل الباخرة بالمواد الغذائية الا في حالات نادرة حيث يتم تأمين حصص تموينية للبحارة بقيمة لا تتعدى ٣٠ دولاراً مرتين في الشهر ، ما دفع هؤلاء الى بيع بعض الخرضوات لتأمين مواد غذائية لهم .

٤ ( يذكر الى ان الوكيل البحري المدعو مصطفى بغدادى ادعى ايضاً بأن لديه مستحقات مالية مترتبة على مالك الباخرة والتي تفوق المليون دولار اميركي (مصاريف مرفأ - تلبيص - معدات وغيرها) وقد قام المذكور بمراجعة مدير عام النقل البري والبحري المهندس عبد الحفيظ القيسي بهدف رفع مراجعة الى مجلس شورى الدولة بهذا الشأن ، علماً ان الباخرة المذكورة لا تزال راسية داخل مرفأ بيروت لغاية تاريخه .

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Andrew Zolli

## Letter to Colonel Pierre al-Hajj

July 20, 2021

Colonel Pierre al-Hajj  
Former Head of the Beirut Brigades

Dear Colonel al-Hajj,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

On February 21, 2014, Colonel Joseph Skaf, Chief of the Anti-Narcotics and Money Laundering Section in the Customs Administration, wrote to the customs authority's anti-smuggling service, copying various other officials, warning that the Rhosus's cargo was "highly dangerous and explosive Ammonium Nitrates that threaten public safety" and proposing "moving the ship away from Quay No. 11 and closer to the breakwater, and if possible....[putting] it under the supervision of the authorities present at the port." This letter was sent and referred to a number of individuals, including you, as the Head of the Beirut Brigades.<sup>1</sup>



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<sup>1</sup> February 21, 2014 Letter from Joseph Skaf on file with Human Rights Watch.

We respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate on the Rhosus? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) What steps did you take, if any, to address the risk that the material posed? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

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Andrew Zolli

## Letter to Colonel Ibrahim Shamseddine

July 20, 2021

Colonel Ibrahim Shamseddine  
Former Head of Central Section

Dear Colonel Shamseddine,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

On February 21, 2014, Colonel Joseph Skaf, Chief of the Anti-Narcotics and Money Laundering Section in the Customs Administration, wrote to the customs authority's anti-smuggling service, copying various other officials, warning that the Rhosus's cargo was "highly dangerous and explosive Ammonium Nitrates that threaten public safety" and proposing "moving the ship away from Quay No. 11 and closer to the breakwater, and if possible....[putting] it under the supervision of the authorities present at the port." This letter was apparently sent to the Head of Central Section.<sup>1</sup>

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<sup>1</sup> February 21, 2014 Letter from Joseph Skaf on file with Human Rights Watch.

On March 27, the Acting Head of the Regional Directorate of Beirut, Moussa Hazimeh, also sent you a letter as the then Acting Head of the Beirut Brigades regarding an internal investigation that was being conducted about whether the Rhosus's cargo was correctly identified on shipping documents.<sup>2</sup> On March 29, 2014, you forwarded this file to the Beirut Maritime Section.<sup>3</sup> On April 1, 2014, the head of the Maritime Section, Captain Nidal Diab, sent you his responses regarding the investigation, which you forwarded on the same day to the head of the Regional Directorate of Beirut.<sup>4</sup>

We respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate on the Rhosus? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) Did you receive the February 21, 2014 letter from Colonel Joseph Skaf as the Head of the Central Section? If you dispute that you received this correspondence, please provide an explanation as to why it was not received.
- 4) What steps did you take, if any, to address the risk posed by the ammonium nitrate? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

---

<sup>2</sup> March 27, 2014 Acting Customs Beirut Regional Director Forwards File to Beirut Brigades on file with Human Rights Watch

<sup>3</sup> March 29, 2021 Acting Beirut Brigades Head Forwards File to the Beirut Maritime Section on file with Human Rights Watch

<sup>4</sup> April 1, 2014 Letter from Nidal Diab to the Chief of Beirut Brigades on file with Human Rights Watch.

Lama Fakhri  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Hanna Fares

July 20, 2021

Hanna Fares  
Head of the Port of Beirut Service

Dear Mr. Fares,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We understand that you may not be able to respond to our questions at this time. However, we wish to bring them to your attention in the event that you or one of your representatives might be able to comment on them.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

On February 21, 2014, Colonel Joseph Skaf, Chief of the Anti-Narcotics and Money Laundering Section in the Customs Administration, wrote to the customs authority's anti-smuggling service, copying various other officials, warning that the Rhosus's cargo was "highly dangerous and explosive Ammonium Nitrates that threaten public safety" and proposing "moving the ship away from Quay No. 11 and closer to the breakwater, and if possible....[putting] it under the supervision of the authorities

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present at the port.” This letter was sent and referred to a number of individuals, including you, on behalf of the head of the Audit and Anti-Smuggling Service.<sup>1</sup>

In October 2014, while the cargo was being offloaded from the Rhosus, Nehme Brax, the head of the Manifest Department at the port, sent you a letter recommending the ammonium nitrate be handed over to the Lebanese Army or re-exported “to avoid any potential disaster resulting from the ignition of the material, and given that their storage requires special facilities that are not available on the port premises.” He adds that “it remains a duty to bring the dangerousness of the matter to the attention of the judge of urgent matters.”<sup>2</sup> Brax warned of the dangers of the ammonium nitrate catching fire or exploding on at least three other occasions, on May 9, 2015, February 1, 2016, and March 14, 2018, each time reiterating his request to ask the urgent matters judge to hand over the material to the Lebanese Army or re-export them.<sup>3</sup>

On December 8, 2015, Brax also wrote a letter to you suggesting the relevant parties go with an expert to take samples of the ammonium nitrate and analyze them in order to provide the Army Command with the results.<sup>4</sup>

Should you be able to respond, we respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate on the Rhosus? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) What steps did you take, if any, to address the risk posed by the ammonium nitrate on the Rhosus and later in hangar 12 in Beirut’s port, particularly in light of Brax’s repeated warnings? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly

---

<sup>1</sup> February 21, 2014 Letter from Joseph Skaf on file with Human Rights Watch.

<sup>2</sup> October 24, 2014 Letter from Nehme Brax to the Head of the Port of Beirut Service on file with Human Rights Watch.

<sup>3</sup> May 9, 2015 Letter from Nehme Brax; February 1, 2016 Letter from Nehme Brax; March 14, 2018 Letter from Nehme Brax on file with Human Rights Watch.

<sup>4</sup> December 8, 2015 Letter from Nehme Brax on file with Human Rights Watch.

request a copy of any official records that reflect actions you or your superiors took related to this matter.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

Lama Fakhri  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Moussa Hazimeh

July 20, 2021

Moussa Hazimeh

Former Acting Head of the Regional Directorate of Beirut

Dear Mr. Hazimeh,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We understand that you may not be able to respond to our questions at this time. However, we wish to bring them to your attention in the event that you or one of your representatives might be able to comment on them.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

On February 21, 2014, Colonel Joseph Skaf, Chief of the Anti-Narcotics and Money Laundering Section in the Customs Administration, wrote to the customs authority's anti-smuggling service, copying various other officials, warning that the Rhosus's cargo was "highly dangerous and explosive Ammonium Nitrates that threaten public safety" and proposing "moving the ship away from Quay No. 11 and closer to the breakwater, and if possible....[putting] it under the supervision of the authorities

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present at the port.” This letter was sent and referred to a number of individuals, including you.<sup>1</sup>

On April 1, 2014, the head of the Maritime Section, Captain Nidal Diab, also sent a report regarding the Rhosus’s cargo to Ibrahim Shamseddine as the then Acting Head of the Beirut Brigades. He then referred it to you as the Acting Head of the Regional Directorate of Beirut.<sup>2</sup>

Should you be able to respond, we respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate on the Rhosus? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) What steps did you take, if any, to address the risk posed by the ammonium nitrate on the Rhosus and later in hangar 12 in Beirut’s port? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

Lama Fakh

---

<sup>1</sup> February 21, 2014 Letter from Joseph Skaf on file with Human Rights Watch.

<sup>2</sup> April 1, 2014 Letter from Nidal Diab to the Chief of Beirut Brigades and August 11, 2020 General Directorate of Customs Report to the Minister of Finance on file with Human Rights Watch.

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## Letter to Hani Haj Shehadeh

July 19, 2021

Hani Haj Shehadeh

Member of the Higher Customs Council  
Former Head of the Regional Directorate of Beirut

Dear Mr. Shehadeh,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We understand that you may not be able to respond to our questions at this time. However, we wish to bring them to your attention in the event that you or one of your representatives might be able to comment on them.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

On December 8, 2015, Nehme Brax, the head of the Manifest Department at the port, wrote a letter to Hanna Fares, Head of the Port of Beirut Service, suggesting the relevant parties go with an expert to take samples of the ammonium nitrate and analyze them in order to provide the Army Command with the results.<sup>1</sup> You also received a copy of the letter.



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<sup>1</sup> December 8, 2015 Letter from Nehme Brax on file with Human Rights Watch.

Should you be able to respond, we respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate on the Rhosus? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 4) What steps did you take, if any, to address the risk posed by the ammonium nitrate on the Rhosus and later in hangar 12 in Beirut's port? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih  
Crisis and Conflict Director  
Beirut Office Director  
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## Letter to Mohammad al-Mawla

July 19, 2021

Mohammad al-Mawla  
Beirut Harbor Master

Mr. al-Mawla,

I am writing on behalf of Human Rights Watch to request information regarding the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We understand that you may not be able to respond to our questions at this time. However, we wish to bring them to your attention in the event that you or one of your representatives might be able to comment on them.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

On March 17, 2014 and April 3, 2014, in your capacity as the Beirut Harbor Master, you sent two letters to the Directorate General of Land and Maritime Transport, warning that the ammonium nitrate on board the Rhosus was hazardous and that the ship was at risk of sinking, and requesting further instructions on how to proceed.<sup>1</sup>

<sup>1</sup> March 17, 2014 Letter from Mohammad al-Mawla to the Head of Maritime Transport Service and April 3, 2014 Letter from Mohammad al-Mawla to the Director General of Land and Sea Maritime Transport on file with Human Rights Watch.



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On November 13, 2014, the urgent matters court’s clerk appointed you as the “judicial guard” of the cargo in hangar 12. However, you signed with reservations.<sup>2</sup>

Under the Lebanese Harbors and Ports Regulations, Article 73, Harbor Masters have a duty to monitor dangerous goods on ships and in docks and to take the measures necessary to preserve public safety.<sup>3</sup>

Should you be able to respond, we respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate on the Rhosus? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) What steps did you take, if any, to address the risk posed by the ammonium nitrate on the Rhosus and later in hangar 12 in Beirut’s port? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.
- 4) Given that you signed your appointment as the judicial guard over the ammonium nitrate in hangar 12 with reservations, what steps did you take, if any, to request that you be relieved of this responsibility?
- 5) The July 2020 State Security report about the ammonium nitrate, which was sent to the president and the prime minister, concluded that “there was negligence on the part of the Beirut port authority in securing hangar 12, which made it easy for individuals to go in and out and steal the dangerous material in it.” Can you comment on this allegation?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem [REDACTED] tion to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

---

<sup>2</sup> November 14, 2014 General Security Information Report and May 28, 2020 Naddaf Report on file with Human Rights Watch.

<sup>3</sup> Ministry of Transportation and Public Works, Resolution 31/1, Certification of the Lebanese port and port system, January 26, 1966, [http://transportation.gov.lb/ar/Karar31\\_1](http://transportation.gov.lb/ar/Karar31_1) (accessed July 6, 2021).

Sincerely,



Lama Fasih  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Nehme Brax

July 20, 2021

Nehme Brax  
Head of the Manifest Administration

Dear Mr. Brax,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We understand that you may not be able to respond to our questions at this time. However, we wish to bring them to your attention in the event that you or one of your representatives might be able to comment on them.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

In October 2014, while the cargo was being offloaded from the Rhosus, as the head of the Manifest Department at the port, you sent Hanna Fares, Head of the Port of Beirut Service, a letter recommending the ammonium nitrate be handed over to the Lebanese Army or re-exported "to avoid any potential disaster resulting from the ignition of the material, and given that their storage requires special facilities that are not available on the port premises." You added that "it remains a duty to bring the dangerousness of the matter to the attention of the judge of urgent

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matters.”<sup>1</sup> You warned of the dangers of the ammonium nitrate catching fire or exploding on at least three other occasions, on May 9, 2015, February 1, 2016, and March 14, 2018, each time reiterating a request to ask the urgent matters judge to hand over the material to the Lebanese Army or re-export them.<sup>2</sup>

On December 8, 2015, you also wrote a letter to Fares suggesting the relevant parties go with an expert to take samples of the ammonium nitrate and analyze them in order to provide the Army Command with the results.<sup>3</sup>

In an interview with Human Rights Watch in June 2021, Tony Saliba, the Director General of State Security, told Human Rights Watch that Major Joseph Naddaf met with you during the course of his investigation into the ammonium nitrate in hangar 12 and that you confirmed that the ammonium nitrate was very dangerous and said that you had sent several requests to resolve the situation but had not gotten any decision.<sup>4</sup>

Should you be able to respond, we respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate on the Rhosus? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) What steps did you take, if any, to address the risk posed by the ammonium nitrate on the Rhosus and later in hangar 12 in Beirut’s port? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this

---

<sup>1</sup> October 24, 2014 Letter from Nehme Brax on file with Human Rights Watch.

<sup>2</sup> May 9, 2015 Letter from Nehme Brax; February 1, 2016 Letter from Nehme Brax; March 14, 2018 Letter from Nehme Brax on file with Human Rights Watch.

<sup>3</sup> December 8, 2015 Letter from Nehme Brax on file with Human Rights Watch.

<sup>4</sup> Human Rights Watch interview with Tony Saliba, June 16, 2021 and undated State Security internal report on file with Human Rights Watch.

matter. Any questions and your response can be directed to my colleague Aya Majzoub,  
Lebanon Researcher, by .

Sincerely,



Lama Fakhri  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Nidal Diab

July 19, 2021

Captain Nidal Diab  
Head of the Maritime Section

Captain Diab,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

On February 21, 2014, Colonel Joseph Skaf, Chief of the Anti-Narcotics and Money Laundering Section in the Customs Administration, wrote to the customs authority's anti-smuggling service, copying various other officials, warning that the Rhosus's cargo was "highly dangerous and explosive Ammonium Nitrates that threaten public safety" and proposing "moving the ship away from Quay No. 11 and closer to the breakwater, and if possible....[putting] it under the supervision of the authorities present at the port." This letter was sent and referred to a number of individuals, including you.<sup>1</sup>



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<sup>1</sup> February 21, 2014 Letter from Joseph Skaf on file with Human Rights Watch.

On April 1, 2014, you sent a report to the head of the Beirut Brigades, stating that the type of merchandise on the Rhosus was not considered “prohibited or monopolized,” but it may be used “in certain proportions to produce prohibited substances, and it is considered a hazardous, restricted substance if used locally.” You cited a document that states that “ammonium nitrate with a nitrogen grade of 34.5% or less is no longer subject to the provisions of legislative decree no. 137/59 [Weapons and Ammunitions Law], since it is not an ingredient in the manufacturing of explosives...”<sup>2</sup>

We respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate on the Rhosus? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) On what basis did you identify the nitrogen content of the ammonium nitrate as being below 34.5%, as the samples were not analyzed until February 2016, when it was found that the nitrogen grade of the ammonium nitrate was in fact 34.7%?
- 4) The Weapons and Ammunitions Law states that ammonium nitrate with a nitrogen grade above 33.5% is subject to its provisions. On what basis did you claim that ammonium nitrate with a nitrogen grade of 34.5% or less is no longer subject to the provisions of this law?
- 5) What steps did you take, if any, to address the risk posed by the ammonium nitrate on the Rhosus and later in hangar 12 in Beirut’s port? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

---

<sup>2</sup> April 1, 2014 Letter from Nidal Diab to the Chief of the Beirut Brigades and August 11, 2020 General Directorate of Customs Report to the Minister of Finance on file with Human Rights Watch.



Lama Fakh  
Crisis and Conflict Director  
Beirut Office Director  
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## Letter to Dr. Antoine Choucair

July 20, 2021

Antoine Choucair  
Director-general of the Lebanese Presidency

Dear Dr. Antoine Choucair,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

In January 2021, during a televised interview, Major General Mahmoud al-Asmar, Secretary General of the Higher Defense Council, disputed that he could have acted on the basis of the State Security report and stated that:

I do not have the authority to add any issues to the agenda. And anyway, there is no agenda per se like there is in the council of ministers, where they distribute the agenda 24 hours in advance, or like in the Military Council... In the Higher Defense Council, there is no agenda... I get a call from Dr. Antoine Choucair from the presidential palace, who tells me that there is a Higher Defense Council meeting, and this is the subject. That is it. And I inform the members and those invited.<sup>1</sup>

<sup>1</sup> "كيف برر اللواء محمود الاسمر للجديد عدم وضعه ملف الامونيوم نيترات على جدول اعمال المجلس الاعلى" August 26, 2020, video clip, YouTube [https://www.youtube.com/watch?v=hjWcZLkto\\_g](https://www.youtube.com/watch?v=hjWcZLkto_g) (accessed June 23, 2021) at [11:36](#).



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In an interview with Human Rights Watch in June 2021, a high-level source alleged that you had removed the ammonium nitrate from the Higher Defense Council's agenda after it had been included.

We respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) Can you describe the way in which meetings of the Council are convened and items are added to the agenda of the Council for discussion?
- 2) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 3) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 4) Can you respond to the allegation that you removed the ammonium nitrate from the Higher Defense Council's agenda after it had been included?
- 5) We kindly request copies of any records you have regarding the Rhosus ship or its cargo.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Brigadier General Antoine Salloum

July 20, 2021

Brigadier General Antoine Salloum,  
Former Head of the Army's Military Intelligence office in the  
port

Dear Brigadier General Salloum,

I am writing on behalf of Human Rights Watch to request information  
about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that  
reports on human rights conditions in over 100 countries, including  
Lebanon. We give relevant entities the opportunity to provide information  
and respond to questions originating from our research and we reflect  
timely responses in the reports that we publish.

We understand that you may not be able to respond to our questions at  
this time. However, we wish to bring them to your attention in the event  
that you or one of your representatives might be able to comment on  
them.

We are currently conducting research on the circumstances that led to the  
explosion in Beirut's port on August 4, 2020.

ACCORDING TO THE DIRECTOR GENERAL OF STATE SECURITY AND A STATE SECURITY  
REPORT SEEN BY HUMAN RIGHTS WATCH, YOU KNEW ABOUT THE AMMONIUM NITRATE IN  
HANGAR 12 AT BEIRUT'S PORT IF FOR NO OTHER REASON THAN BECAUSE A STATE

HUMAN  
RIGHTS  
WATCH

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SECURITY OFFICER CONTACTED YOU ON JANUARY 27, 2020 AFTER DISCOVERING IT TO INQUIRE ABOUT THE MATERIAL AND THE DANGER IT POSED.<sup>1</sup>

Should you be able to respond, we respectfully request your replies to our questions by July 20, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) Contradictory statements have been made and published regarding how State Security Major Joseph Naddaf learned about the ammonium nitrate in hangar 12. To the best of your knowledge, how did Major Naddaf discover the ammonium nitrate in hangar 12?
- 4) When you learned about the ammonium nitrate in hangar 12 and the dangers it posed, what steps did you take, if any, to address the risk posed by the ammonium nitrate? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih  
Crisis and Conflict Director

---

<sup>1</sup> Human Rights Watch interview with Major General Tony Saliba, June 16, 2021; July 20, 2020 State Security Report on file with Human Rights Watch.

Beirut Office Director  
Human Rights Watch

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## Letter to Major Joseph Naddaf

July 19, 2021

Major Joseph Naddaf  
Head of the Port Office, State Security

Dear Major Naddaf,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We understand that you may not be able to respond to our questions at this time. However, we wish to bring them to your attention in the event that you or one of your representatives might be able to comment on them.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

We respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared



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- this information with you? What were you told or what did you know about the hazardous nature of the material?
- 4) When you learned about the ammonium nitrate in hangar 12 and the dangers it posed, what steps did you take to secure, remove, or destroy it? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.
  - 3) In a meeting with Human Rights Watch on June 16, 2021, Tony Saliba, Director General of State Security, stated that he ordered you to write a report regarding the ammonium nitrate on January 27, 2020, and to then present it to the competent judiciary.
    - a. What was the scope of the investigation he asked you to pursue?
    - b. What was the purpose of the investigation?
    - c. When did you complete this investigation and submit it to the competent judiciary? Why did his investigation take months to complete?
    - d. We kindly request a copy of any official records that corroborate your answers to the above.
  - 4) In the same meeting with Human Rights Watch, Saliba stated that on May 28, 2020, Cassation Public Prosecutor Ghassan Oueidat ordered you to continue your investigation.
    - a. What was the scope of the investigation order by Public Prosecutor Oueidat?
    - b. What was the purpose of the investigation?
    - c. When did you submit the completed investigation?
    - d. What orders did Public Prosecutor Oueidat give State Security on the basis of the investigation and when were these given?
    - e. We kindly request a copy of any official records that corroborate your answers to the above.
  - 5) The July 20, 2020 State Security report places emphasis on preventing the ammonium nitrate from being stolen.
    - a. Do you have any evidence to suggest that the ammonium nitrate was being stolen?
    - b. Given the dangers posed by the ammonium nitrate itself and the reckless way that they were stored, why did State Security not recommend that the material be stored in a safe manner that would mitigate the risk of it igniting, or removed altogether?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this

matter. Any questions and your response can be directed to my colleague Aya Majzoub,  
Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

Lama Fakh  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Mohammad Ziad al-Awif

July 20, 2021

Mohammad Ziad al-Awif

Head of the safety and security authority/port's head of security

Dear Mr. al-Awif,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We understand that you may not be able to respond to our questions at this time. However, we wish to bring them to your attention in the event that you or one of your representatives might be able to comment on them.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

A June 17, 2020 letter signed by Engineer Ziad Awf was sent to the head of the Port Authority, Hassan Koraytem, informing him that based on State Security's request, the relevant entities had been contacted to provide hangar 12 with security, supervise the hangar, and issue orders to intensify the patrols around hangar 12 to five per day.<sup>1</sup>



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<sup>1</sup> June 17, 2020 GEPB's Measures Following State Security's Letter on file with Human Rights Watch

Should you be able to respond, we respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate being stored in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) When you learned about the ammonium nitrate in hangar 12 and the dangers it posed, what steps did you take to secure, remove, or destroy it? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you took related to this matter.
- 4) Did you sign the June 17, 2020 letter to the head of the Port Authority, Hassan Koraytem?
- 5) The July 2020 State Security report about the ammonium nitrate, which was sent to the president and the prime minister, concluded that "there was negligence on the part of the Beirut port authority in securing hangar 12, which made it easy for individuals to go in and out and steal the dangerous material in it." Can you comment on this allegation?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Captain Haitham Chaaban

July 20, 2021

Captain Haitham Chaaban  
Ship Inspection Services

Dear Captain Chaaban,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

On April 2, 2014 the Ship Inspection Service staff under the Directorate General of Land and Maritime Transport, inspected the Rhosus and concluded conditions on the ship had deteriorated and it was at risk of sinking. You signed the report and recommended the ship leave Lebanese waters, noting it was a hazard for the safety of maritime navigation and a water pollution risk. You noted the ship's cargo, the ammonium nitrate, was dangerous and could potentially cause a chemical reaction, could expire, or could leak into the sea. The report does not reflect that the material is a combustible chemical compound or that it can be used for explosives.<sup>1</sup>

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<sup>1</sup> April 2, 2014 Ministry of Public Works Ship Inspection Report on file with Human Rights Watch.

We respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 5) When did you learn about the ammonium nitrate on the Rhosus? How did you learn about it? Who shared this information with you?
- 6) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 7) What steps did you take, if any, to investigate the dangers posed by the ammonium nitrate on board the Rhosus? Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Khodr Taleb

July 20, 2021

Khodr Taleb  
Advisor to the Prime Minister

Dear Mr. Taleb,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

In an interview with Human Rights Watch, caretaker Prime Minister Hassan Diab said that you attended a dinner on June 3, 2020 with Major General Tony Saliba, the director general of State Security. During that dinner, Diab said that you pressed Saliba about corruption files that the Prime Minister's office was not aware of. After raising this question several times, one of the attendees told Saliba to tell you about the port. Saliba told you that the investigation was not finalized yet, Diab said, but that you kept insisting until Saliba told you that 2,700 kilograms of TNT were seized at the port.<sup>1</sup>

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<sup>1</sup> Human Rights Watch interview with Hassan Diab, June 8, 2021.

“THIS IS WHAT MY ADVISOR UNDERSTOOD, MAYBE THEY SAID 2700 TONNES, I DON’T KNOW, BUT THAT’S WHAT HE UNDERSTOOD. HE TELEPHONED ME IN FRONT OF THEM. IT WAS AROUND 8 PM,” DIAB TOLD HUMAN RIGHTS WATCH.<sup>2</sup>

Diab then sent his security detail to the port to gather more information. Diab said that due to the conflicting accounts that he received from you and from his security detail, he decided to cancel his visit to the port.<sup>3</sup>

We respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate in hangar 12 in Beirut’s port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) What did Saliba tell you on June 3, 2020 regarding the hazardous material in the port? What did he tell you about the status of State Security’s investigation into the matter?
- 4) Did you speak with Prime Minister Hassan Diab on the phone on the night of June 3, 2020? What information did you share with him about the hazardous material at the port at that time or on any other date? Did Saliba also speak with the Prime Minister about this material in your presence? If so, what information did he share with the Prime Minister?
- 5) Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

---

<sup>2</sup> Human Rights Watch interview with Hassan Diab, June 8, 2021.

<sup>3</sup> Human Rights Watch interview with Hassan Diab, June 8, 2021.



Lama Fakhri  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

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Andrew Zolli

## Letter to Peter Germanos

July 20, 2021

Judge Peter Germanos  
Former Military Prosecutor

Dear Judge Germanos,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

Major General Tony Saliba, the director general of State Security, told Human Rights Watch that on May 28, 2020, Major Joseph Naddaf contacted you as the then-military prosecutor and presented the findings of his investigation into the ammonium nitrate that was stored in hangar 12 of Beirut's port. However, according to Saliba and a July 20, 2020 State Security report, you allegedly refused to take over the case, as you said that the urgent matters judge had already issued a decision on the matter.<sup>1</sup>

<sup>1</sup> Human Rights Watch interview with Major General Tony Saliba, June 16, 2021 and July 20, 2020 State Security report on file with Human Rights Watch.

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We respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) Did Major Joseph Naddaf contact you on May 28, 2020 regarding the findings of his investigation into the ammonium nitrate? And did you refuse to take over the case? If so, what was your legal justification for refusing to take over the case?
- 2) We kindly request a copy of any official records that reflect actions you took related to this matter.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

[REDACTED]

Lama Fakih  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

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## Letter to Colonel Mohammad Abdallah

July 20, 2021

Colonel Mohammad Abdallah  
Head of the Ministerial Guard

Dear Colonel Abdallah,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

In an interview with Human Rights Watch, caretaker Prime Minister Hassan Diab said that he asked you to go to the port on the evening of June 3, 2020, as the head of the ministerial guard, to get more information from State Security about the ammonium nitrate in the port. At around 10 pm, Diab said that you called him and told him that the information given to him by his advisor, Khodr Taleb, about the presence of explosives at the port was inaccurate.<sup>1</sup>

"He gave me three pieces of information that were different to what Khodr told me," Diab said. "It was 2,700 tonnes, not kilograms. It was not TNT but ammonium nitrate...I told him to please inform Saliba's men to finalize the report within days and then send me a report so that I can

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<sup>1</sup> Human Rights Watch interview with caretaker Prime Minister Hassan Diab, June 8, 2021.

conduct an informed visit.”<sup>2</sup> Major General Tony Saliba later denied to Human Rights Watch that Diab had asked for such a report.<sup>3</sup>

Saliba also told Human Rights Watch that Major Joseph Naddaf shared with you the Rhosus’s “Entry Form” which stated that 2,750 metric tons of ammonium nitrate, which were classified on the form as “explosives”, were stored in hangar 12.<sup>4</sup> Saliba showed Human Rights Watch a record of a WhatsApp message (attached below) that he said was between Naddaf and yourself showing the ammonium nitrate’s Entry Form, that was sent on June 3 at 11:31 pm but it does not include sender or recipient information.

Diab said that due to the conflicting accounts that he received from his advisor, Taleb, and yourself, he decided to cancel his visit to the port.<sup>5</sup>

Saliba said that Diab cancelled his visit to the port after you called an unknown person, who said that the issue was nothing serious.<sup>6</sup>

We respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) When did you learn about the ammonium nitrate in hangar 12 in Beirut’s port? How did you learn about it? Who shared this information with you?
- 2) When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?
- 3) Did Prime Minister Hassan Diab ask you on June 3, 2020 to task members of State Security with finalizing a report on the ammonium nitrate within days? If so, did you relay this request to the members of State Security? We kindly request a copy of any official records that reflect actions you took related to this matter.
- 3) Did Major Joseph Naddaf send you via WhatsApp the Rhosus’ Entry Form, which indicated that the goods moved into hangar 12 were classified as “explosives”? If so, did you share this form with Prime Minister Diab? If so, when did you share it and how?

---

<sup>2</sup> Human Rights Watch interview with caretaker Prime Minister Hassan Diab, June 8, 2021.

<sup>3</sup> Human Rights Watch interview with Major General Tony Saliba, June 16, 2021.

<sup>4</sup> Human Rights Watch interview with Major General Tony Saliba, June 16, 2021.

<sup>5</sup> Human Rights Watch interview with Hassan Diab, June 8, 2021.

<sup>6</sup> Human Rights Watch interview with Tony Saliba, June 16, 2021.

- 4) Did you have a call on the evening of June 3, 2020 with an individual alleging that the ammonium nitrate in the port was nothing serious? Who was this individual? On what basis did they allege that the issue was not serious? Did you share this information with the Prime Minister?
- 5) Do you feel that you discharged your full duties in this matter? Do you feel your superiors fully discharged their duties in this matter? We kindly request a copy of any official records that reflect actions you or your superiors took related to this matter.

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by [REDACTED].

Sincerely,

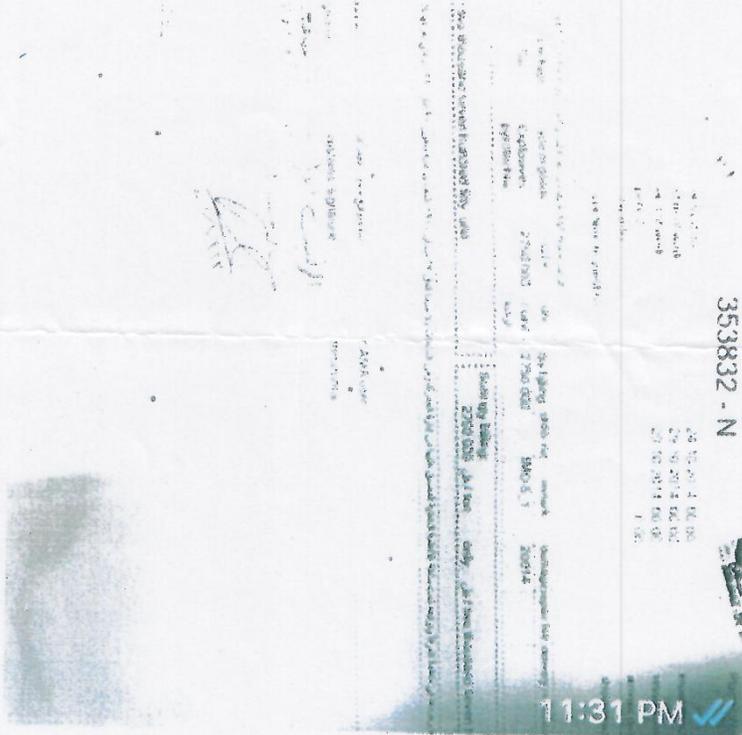
[REDACTED]

Lama Fakhri  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

20210616\_2\_2

Wed, Jun 3

🔒 Messages to this chat and calls are now secured with end-to-end encryption. Tap for more info.



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## Letter to Salim Chebli

July 19, 2021

Salim Chebli  
Chebli Contracting and Maintenance Company

Dear Mr. Chebli,

I am writing on behalf of Human Rights Watch to request information about the events that led to the Beirut Blast.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Lebanon. We give relevant entities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish.

We understand that you may not be able to respond to our questions at this time. However, we wish to bring them to your attention in the event that you or one of your representatives might be able to comment on them.

We are currently conducting research on the circumstances that led to the explosion in Beirut's port on August 4, 2020.

Your company was hired to do the repair work on hangar 12 in Beirut's port. According to media reports, on August 4, the fourth day of their work, three workers did welding work on doors 3 and 11 in hangar 12 at around 4 pm and then went to another site to do repairs and left the port around 5 pm. The fire in hangar 12 reportedly started about 50 meters from where the workers were working.<sup>42</sup>

<sup>42</sup> Marie Jo Sader, "Explosion au port de Beyrouth : ce qui pourrait avoir déclenché l'incendie," *L'Orient-Le Jour*, April 17, 2021, <https://www.lorientlejour.com/article/1258904/explosion-au-port-de-beyrouth-ce-qui-pourrait-avoir-declenche-lincendie.html> (accessed June 22, 2021).



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According to media reports, the workers were never instructed to take any security precautions. They worked unsupervised all day on August 3 even though a port employee was assigned to accompany them during the maintenance work. At the end of the day, the door they were working on was reportedly left unlocked so they could continue the repairs on August 4. While port management ordered the workers to leave by 2:30 pm, they stayed until about 5 pm on August 4 to finish their work, leaving them unaccompanied during the last hours before the explosion.<sup>43</sup>

According to an unnamed security official quoted in the media, sparks from the welding started the fire that triggered the ammonium nitrate to ignite.<sup>44</sup> Other media reports suggest a fire started in hangar 9 and spread to hangar 12.<sup>45</sup> The proximate cause of the ignition is unknown and debated. In October 2020, the US Federal Bureau of Investigation also reportedly did not come to a firm conclusion about what caused the blast.<sup>46</sup>

Should you be able to respond, we respectfully request your replies to our questions by July 30, 2021, in order that we can reflect them in our planned public reporting on this issue:

- 1) Who hired you to conduct repairs in hangar 12 at Beirut port? What was the agreed upon scope of your work? Who was assigned to supervise or oversee this work? When did you enter into this contract? We kindly request a copy of any records that relate to the agreement that was entered into.
- 2) To the best of your knowledge, whose decision was it to conduct welding work on hangar 12?
- 3) Were you or your team informed about the contents of hangar 12 before commencing your work? What were you told about the hangar's contents and the hazardous nature of the material inside, and by whom? Were you asked to take any special precautions given the

---

<sup>43</sup> Ibid.

<sup>44</sup> "Beirut explosion: PM and president knew about 2,750 tonnes of chemicals last month," *Al Arabiya*, August 10, 2020, <https://english.alarabiya.net/2020/08/11/Beirut-explosion-PM-and-president-knew-about-2-750-tonnes-of-chemicals-last-month> (accessed June 23, 2021); "Beirut blast: who knew what, when?," *RFI*, August 12, 2020, <https://www.rfi.fr/en/wires/20200812-beirut-blast-who-knew-what-when> (accessed June 23, 2021).

<sup>45</sup> [Samia Nakhoul, "Initial investigations point to negligence as cause of Beirut blast, source says," Reuters,](https://www.reuters.com/article/us-lebanon-security-blast-warehouseidUSKCN2511G7?taid=5f2a9aba9139ad0001b9ca05&utm_campaign=trueAnthem:+Trending+Content&utm_medium=trueAnthem&utm_source=twitter) [https://www.reuters.com/article/us-lebanon-security-blast-warehouseidUSKCN2511G7?taid=5f2a9aba9139ad0001b9ca05&utm\\_campaign=trueAnthem:+Trending+Content&utm\\_medium=trueAnthem&utm\\_source=twitter](https://www.reuters.com/article/us-lebanon-security-blast-warehouseidUSKCN2511G7?taid=5f2a9aba9139ad0001b9ca05&utm_campaign=trueAnthem:+Trending+Content&utm_medium=trueAnthem&utm_source=twitter) (accessed June 23, 2021).

<sup>46</sup> "FBI says it has reached no conclusion on cause of Beirut blast," October 13, 2020, Reuters, <https://uk.reuters.com/article/uk-lebanon-crisis-fbi-idUKKBN26Y31H> (accessed July 6, 2021); "Judge probing Beirut blast receives FBI's investigation," *ABC News*, October 13, 2020, <https://abcnews.go.com/International/wireStory/judge-probing-beirut-blast-receives-fbisinvestigation-73580972> (accessed July 6, 2021).

hazardous nature of the goods in the hangar? Were you provided with any personal protective equipment?

- 4) Were the workers supervised by a port employee while carrying out their maintenance work? If so, which employee(s)? If not, why not?

As mentioned above, we would be grateful for your response, as well as any additional information that you deem to be relevant, by July 30, 2021. Thank you for your attention to this matter. Any questions and your response can be directed to my colleague Aya Majzoub, Lebanon Researcher, by

[REDACTED]

Sincerely,

[REDACTED]

Lama Fakhri  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

## Annex 5: Responses to Human Rights Watch

### Letter from Baroudi and Associates to Human Rights Watch

**From:** Josiane Lahoud <[REDACTED]>  
**Sent:** Monday, July 12, 2021 2:19 PM  
**To:** HRW Beirut <[REDACTED]>  
**Subject:** RE: رسالة من هيومن رايتس ووتش

بعد التحية،

بالإشارة الى كتابكم الموجّه الى مكتبنا بتاريخ 8 تموز 2021 ، نعلمكم ان القانون يحظر علينا كمحامين الاجابة على أسئلتكم الواردة في كتابكم المذكور، لا سيما وأن التحقيقات التي تجريها السلطات القضائية المختصة لا تزال جارية. ونفضلوا بقبول الاحترام،  
المحامية جوزيان لحدود

Greetings,

With reference to the letter that you sent to our office on July 8, 2021, we would like to inform you that the law prevents us as lawyers from answering questions in your abovementioned letter, especially that investigations by competent authorities are still ongoing.

Sincerely,

Josiane Lahoud, Esq.

Josiane Lahoud

Partner



Baroudi & Associates

## Letter from Tammam Salam to Human Rights Watch

تمّام سلام

حضرة السيدة لما فقيه المحترمة  
مديرة قسم النزاعات والازمات  
مديرة مكتب بيروت  
هيومن رايتس ووتش

تحية طيبة وبعد،

عطفاً على رسالتكم لي بالثيابة عن "هيومن رايتس ووتش" لطلب معلومات عن الاحداث التي أدت الى انفجار مرفأ بيروت، وحرصاً مني على ابداء تقديري وامتناني لمساعدكم الكيلة الى إجراء بحث عن الظروف التي قادت الى الانفجار في مرفأ بيروت في 4 أغسطس / آب 2020.

يهمني في البدء أن اؤكد على نبل الدور الذي تقومون به في العالم، واهتمامكم بالحدث الكارثي الذي حلّ في مرفأ بيروت وفي المدينة وأهلها.

أما بالنسبة الى استئلتكم فردي هو التالي:

1- علمت للمرة الاولى بوجود نيترات الامونيوم مخزنة في العنبر 12 بمرفأ بيروت من وسائل الاعلام التي تداولت في الرسائل الموجهة من المديرية العامة لامن الدولة إلى فخامة رئيس الجمهورية ودولة رئيس مجلس الوزراء قبل فترة من وقوع الانفجار.

2- بالنسبة للمخاطر التي يمثلها تخزين نيترات الامونيوم في العنبر 12، علمت بها مثل ما علم كل اللبنانيين، وذلك بعد حدوث الانفجار وتداعياته.

3- أما إذا كان لدي معلومات بشأن هذه المادة ، فإنه لم يتم إطلاعي لا من قريب ولا من بعيد على هذا الأمر، ولقد سبق لي أن أعلنت أنني لم أطلع على أي مراسلة رسمية بهذا المعنى أثناء تولي رئاسة مجلس الوزراء، وبالتالي ينتهي تعليقي على الفقرتين أ و ب.

إنني أحيي جهودكم، متمنياً لكم كل التوفيق، أملاً تزويدي بنسخة عن بحثكم عند نشره.

مع احترامي وتقديري

تمّام سلام

بيروت، في 15 تموز 2021

# Tammam Salam

To Ms. Lama Fakih  
Crisis and Conflict Director  
Beirut Office Director

Dear Ms. Fakih,

In response to the letter that you sent me on behalf of Human Rights Watch seeking information about the events that lead to the Beirut port explosion, I am keen to express my appreciation for your efforts to investigate the circumstances that lead to the Beirut port explosion on August 4, 2020.

First, I would like to highlight that your work worldwide and your concern with the catastrophe that befell the Beirut port, as well as the city and its people, is noble.

Concerning your questions, my response is the following:

- 1- I learned for the first time about the presence of ammonium nitrate in hangar 12 at the Beirut port from media outlets, which circulated the letters addressed by the Directorate General of State Security to His Excellency the President and His Excellency the Prime Minister a while before the explosion took place.
- 2- Concerning the risks posed by ammonium nitrate in hangar 12, I learned about them as all the Lebanese people did – after the explosion and its repercussions took place.
- 3- Concerning whether I had information about this substance, I was not informed about the matter in any way. I have previously stated that I have not seen any official correspondence in this regard during my premiership, hence I cannot comment on paragraphs a and b.

I salute your efforts and wish you the best of luck, hoping to be provided with a copy of the report upon its release.

Sincerely,

[SIGNATURE]

Tammam Salam

Beirut, July 15, 2021

## Letter from Nijab Mikati to Human Rights Watch

بيروت في ١٥ تموز ٢٠٢١

السيدة لما فقيه  
مديرة قسم النزاعات والأزمات  
مديرة مكتب بيروت  
هيومن رايتس ووتش

**الموضوع:** أجوبة على أسئلتكم عن تسلسل الأحداث التي أدت إلى انفجار مرفأ بيروت في 4 آب 2020.

تحية طيبة

بالإشارة إلى الموضوع أعلاه والرسالة التي وصلتني بالبريد الإلكتروني، اود ان أؤكد لكم انني خلال الفترة التي تولايت فيها مهام رئاسة الحكومة اللبنانية، لم يصلني أي تقرير يعلمني او اية مراسلة تفيدني بدخول باخرة محملة بمواد خطرة، مثل نيترات الامونيوم، الى مرفأ بيروت

وعليه، تجدون في ما يلي اجوبيتي على الأسئلة المطروحة في رسالتكم

-هل علمتم أن سفينة تحمل 2,750 طن من نيترات الأمونيوم رست في مرفأ بيروت في نوفمبر/تشرين الثاني ١ 2013؟

كلا لم اكن اعلم.

-متى علمتم بأن نيترات الأمونيوم مخزنة في العنبر 12 بمرفأ بيروت؟ كيف علمتم بذلك؟ من زودكم بهذه ٢ المعلومات؟

علمت بذلك من الصحف بعد كارثة ٤ آب

-متى علمتم بالمخاطر التي يمثلها تخزين نيترات الأمونيوم في العنبر 12؟ كيف علمتم بذلك؟ من زودكم بهذه ٣ المعلومات؟

علمت بذلك من خلال التقارير والمعلومات الصحفية التي تلت كارثة ٤ آب

،-إذا كانت لديكم معلومات بشأن هذه المادة خلال توليكم رئاسة مجلس الوزراء ٤  
أ. ما الخطوات التي اتخذتموها للتصدي للمخاطر التي تشكلها هذه المادة؟  
ب. لماذا لم تضيفوا هذه المسألة إلى جدول أعمال المجلس الأعلى للدفاع؟

كما ذكرت آنفاً لم اكن اعلم بوجود هذه المواد الخطرة داخل أي من عنابر مرفأ بيروت خلال تولي المسؤولية حيث دخلت مرفأ بيروت بعد قبول استقالة حكومتي وتشكيل الحكومة الجديدة

أتمنى ان تكون اجوبتي واضحة لكم مع املي ان تؤدي ملاحظتكم لهذه القضية الى مساعدة التحقيق على جلاء حقيقة ما جرى.

مع تحياتي

نجيب ميقاتي

Best regards  
Najib Mikati

Beirut, July 15, 2021

Ms. Lama Fakih  
Crisis and Conflict Director  
Beirut Office Director  
Human Rights Watch

Subject: Answers to your questions regarding the chain of events that led to the Beirut port explosion on August 4, 2020

Dear Ms. Fakih,

In reference to the subject above and the letter that I received by email, I would like to confirm that during my mandate as Lebanon's prime minister, I did not receive any report or correspondence informing me that a ship carrying a hazardous substance, such as ammonium nitrate, had entered the Beirut port.

Hence, you will find below my answers to the questions in your letter:

- 1) Did you know that a ship carrying 2,750 tons of ammonium nitrate docked in Beirut's port in November 2013?

**No, I did not know.**

- 2) When did you learn about the ammonium nitrate being stored in hangar 12 in the Beirut port? How did you learn about it? Who shared this information with you?

**I learned about this from newspapers following the August 4 catastrophe.**

- 3) When did you learn about the dangers the ammonium nitrate being stored in hangar 12 posed? How did you learn about them? Who shared this information with you?

**I learned about this from media reports following the August 4 catastrophe.**

- 4) If you had knowledge about the material during your tenure as Prime Minister,

- a. What steps did you take to address the risk that the material posed?
- b. Why did you not add this issue to the agenda of the Higher Defense Council?

**As I mentioned earlier, I was not aware of the presence of this hazardous substance inside any of the Beirut port hangars during my mandate. I entered the Beirut port after the resignation of my cabinet and the formation of a new cabinet.**

I hope that my answers are clear to you and that your pursuit of this case helps the investigation to uncover the truth of what happened.

Sincerely,  
Najib Mikati

## Letter from Nohad Machnouk to Human Rights Watch



السيدة نما فقيه

مدير قسم النزاعات والأزمات – مكتب بيروت هيومن رايتس ووتش

سلام وبعد ،

تلقيت رسالتكم مؤرخة في 7 تموز 2021 ، وهذه أجوبتي على اسئلتكم :

- 1- المرة الاولى و الوحيدة التي علمت فيها بوجود نيترات أمونيوم و بهذه الكمية مخزنة في العنبر 12 في مرفأ بيروت هي بعد إنفجار الرابع من آب 2020، حين أصبحت هذه المعلومة متوفرة لجميع في وسائل الإعلام.
  - 2- لم أعلم على الإطلاق بالمخاطر التي يمثلها تخزين نيترات الأمونيوم في العنبر رقم 12 قبل الانفجار لأنني لم أكن على اطلاع أصلاً بأنه تم تخزين هذه المواد في العنبر المذكور إلا بعد الرابع من آب 2020.
  - 3- المعلومات التي تلقيتها حول هذه المادة خلال وجودي في وزارة الداخلية لخمس أعوام من 2014/2/14 الى 2019/1/31 هي من خلال تقرير سري واحد تاريخ 2014/5/16 صادر عن الأمن العام تحت عنوان : حجز الباخرة التجارية "MV Rhosus" في مرفأ بيروت، هدفه إضاعي على مفاعل قرار الحجز على القبطان و الطاقم وهم من التابعة الروسية.
- و في مستهل التقرير، تمت الإشارة الى انه، و نتيجة لنزاع قضائي، أُلقي الحجز الاحتياطي على الباخرة Rhosus وعلى متنها عدة أطنان من المواد الشديدة الخطورة مشحونة من جورجيا الى مرفأ الموزمبيق وهي تمر في بيروت ترافزيت الى وجهتها الأخيرة. أي ان هذه المواد ستكمل طريقها بطبيعة الحال الى مرفأ موزمبيق ولن تفرغ أو تخزن داخل مرفأ بيروت.

هذا التقرير تاريخ 2014/5/16 يشكّل المراسلة الوحيدة التي وصلت الى وزارة الداخلية خلال تولّي مهامى كوزير و هو صادر عن جهاز الامن العام كونه الجهاز المعنى بمسألة دخول وخروج الأفراد في مرفأ بيروت وليس له مهام تنفيذية في متابعة الشأن الأمني او الجمركي في المرفأ بحسب صلاحياته. لم يصلني أي مراسلة أخرى لإطلاعي عن إفراغ مادة نيترات الأمونيوم من الباخرة أو تخزينها في المرفأ.

يفترض أنني أطلعت على هذا التقرير في الواحد والعشرين من شهر 5 / 2014 بسبب وجودي بين 16 و 20 / 5 / 2014 في الإمارات العربية المتحدة بدعوة رسمية في مسعى بالسماح للمواطنين الإماراتيين بالسفر إلى لندن.

وقد عنمت لاحقاً بعد الانفجار طبعاً، أنه وخلال فترة وجودي خارج الاراضي اللبنانية، انعقد مجلس الدفاع الأعلى بتاريخ 2014/5/18 برئاسة رئيس الجمهورية وبحضور رئيس الحكومة وقادة الأجهزة الأمنية، وبمراجعة محضر الاجتماع تبين أنه لم يُدرج موضوع الباخرة وحصولها على جدول أعمال الاجتماع المذكور كذلك لم يتعلّق أي من المشاركين الى هذا الموضوع.

وفي الخامس والعشرين من شهر أيار انتهت ولاية رئيس الجمهورية السابق العماد ميشال سليمان ولم يعقد المجلس الأعلى للدفاع طيلة مدة الفراغ الرئاسي، أي لحوالي 3 سنوات تقريباً لأن رئيس الجمهورية هو رئيس مجلس الدفاع الأعلى وهو الذي يدعو قانوناً الى عقد المجلس.

في الخلاصة يتّضح ممّا سبق أنّ هذه المرسلة بقيت الوحيدة خلال 59 شهراً وهي المدة التي تولّيت فيها مهام وزارة الداخلية ، ممّا يؤكد أنّ المعلومات الواردة في التقرير في حينه التي تشير إلى أنّ الباخرة تمر في المرفأ ترازييت لم تقتض أي متابعة من قبلي كوزير للداخلية ، والدليل أنّ المرجح نفسه أو غيره من المراجع الأمنية الذي وجّه التقرير لم يزوّدني لاحقاً بأي معلومة تتعلق بهذا الموضوع

**Nohad Machnouk**  
**Deputy of Beirut**

**To:** Mrs. Lama Fakih  
Director – Crisis & Conflicts Division – Beirut Office  
Human Rights Watch

Greetings,

I received your letter dated July 7, 2021. Please find below my answers to your questions:

- 1- The first and only time I knew about the presence of ammonium nitrate, and in this quantity, in hangar 12 at Beirut Port, was after the explosion of August 4, 2020, given that the information became available to everyone in the media.
- 2- I never knew about the risks posed by the storage of ammonium nitrate in hangar 12, before the explosion because I was not aware about the storage of these substances in the aforementioned hangar except after August 4, 2020.
- 3- The information I received about these substances when I was in office at the Ministry of Interior for 5 years from February 14, 2014 to January 31, 2019, was from one confidential report dated May 16, 2014 issued by General Security under the title: “Impounding the Commercial Ship ‘MV Rhosus’ in the Port of Beirut”, whose objective was to inform me about the effects of the decision to impound the captain and the crew, who were Russian nationals.

It was mentioned at the beginning of the report that as a result of a judicial dispute, the “Rhosus” was provisionally impounded with several tonnes of extremely hazardous substances onboard shipped from Georgia to the port of Mozambique and was passing in Beirut in transit to its final destination, which means that these substances will consequently continue all the way to the port of Mozambique and will not be unloaded or stored in the Port of Beirut.

The report, dated May 16, 2014, was the only correspondence received by the Ministry of Interior during the period I was in office and it was issued by General Security since it is the authority responsible of the entry/exit of individuals in the Port of Beirut and does not have any executive functions in following-up on security and customs affairs

in the port according to its competences. I did not receive any other correspondence to inform me about the unloading of the ammonium nitrate from the ship and its storage in the port.

I assume I saw the report on May 21, 2014 since between May 16 and 20, 2014 I was on an official visit to the United Arab Emirates in an attempt to obtain an authorization allowing Emirati nationals to travel to Lebanon.

I knew later on, after the explosion of course, that during my stay outside the Lebanese territory, the Higher Defense Council convened on May 18, 2014 under the presidency of the President of the Republic and in the presence of the Prime Minister and the heads of the security agencies, and after reviewing the meeting minutes, it has been found that the subject of the ship and its cargo was not listed on the agenda of that meeting, and none of the participants mentioned it as well.

On May 25, [2014], the mandate of the former president General Michel Sleiman ended, and the Higher Defense Council did not convene during the entire period of the presidential void, that is around 3 years, given that the President of the Republic is as well the president of the Higher Defense Council and he is the one who can legally invite the Council to convene.

To conclude, it is clear from the above that this correspondence remained the only one for 59 months, which is the period during which I was assuming my role at the Ministry of Interior. This confirms that the information in the report back then, which indicated that the ship was **transiting** through the port, did not require any follow-up from my side as Minister of Interior and, as proof, neither the same **agency [General Security]** nor the other security authorities who sent the report provided me subsequently with any information related to this subject.

Please accept my apologies for the delay [in sending the answers]

[Signature]

## Letter from Major General Abbas Ibrahim to Human Rights Watch

### جانب منظمة هيومن رايتس ووتش

١. متى علمتم بأن نيترات الأمونيوم مخزنة في العنبر رقم ١٢ بمرقأ بيروت؟ كيف علمتم بذلك؟ من زودكم بهذه المعلومات؟

علمنا بأن نيترات الأمونيوم مخزنة في العنبر رقم ١٢ في مرقأ بيروت عندما وردنا عبر مكتب شؤون للمعلومات في حزيران ٢٠٢٠ تقرير دائرة أمن عام مرقأ بيروت يفيدنا عن قيام جهاز أمن الدولة بإستدعاء رئيس مرقأ بيروت بناءً لإشارة النيابة العامة التمييزية وذكر بمنتهى أنه تم حجزها داخل العنبر رقم ١٢، لكن مكتب شؤون المعلومات علم عام ٢٠١٤ بوضعها في العنبر رقم ١٢ لدى ورود التقرير إليهم من دائرة أمن عام مرقأ بيروت لإعلامهم أنه بموجب قرار قضائي تم تعويم السفينة ونقل المواد الموجودة المحظرة والتي تستعمل في "تفجير الصخور وصناعة الأسمدة الزراعية" ولم يتم المكتب بعرضها على المدير العام كونه أولاً يوجد قرار قضائي بما ومكلف بما أجهزة أخرى صاحبة الصلاحية العاملة في المرقأ، ولم ترد إلى الأمن العام للمعطيات مباشرة لعدم الصلاحية بل بالتواتر وبمعرض معالجتنا لطاغم السفينة، كون الأمن العام مسؤول فقط عن دخول الأشخاص إلى المرقأ وإيجاز حركة دخول وخروج للمسافرين بجزراً. علماً أن وزارة الأشغال العامة والنقل مكلفة بحراستها وليس للأمن العام أي دور أو صلاحية أو سلطة عليها وبالتالي قام مكتب شؤون المعلومات بحفظ التقرير لديه للأسباب المذكورة أعلاه.

٢. متى علمتم بشأن المخاطر التي تشكلها نيترات الأمونيوم؟ كيف علمتم بذلك؟ من زودكم بهذه المعلومات؟ ماذا قيل لكم أو ماذا كنتم تعرفون عن خطورة المادة؟

لم تتضمن أي من التقارير الواردة إلينا عبر أمن عام مرقأ بيروت لدى تدخله لمعالجة أوضاع طاقم الباخرة عن أن النيترات تتضمن نسبة Azote مرتفعة، وبالتالي علمنا فقط أنما مواد خطرة تستعمل في تفجير الصخور وصناعة الأسمدة الزراعية. مع الإشارة إلى أن أمن عام مرقأ بيروت لم يعلم بشدة ونسبة خطورتها لعدم إختصاصه ولعدم صلاحيته بالضائع وليس لديه أي دور أو سلطة إلا فقط على الأشخاص وفق ما ذكرنا أعلاه.

إضافة إلى أنه صدر القرار القضائي بإخراج البحارة والسماح بمغادرتهم وتم التنفيذ من قبلنا وذلك قبل تعويم السفينة ونقل البضائع التي على متنها إلى أحد مستودعات مرقأ بيروت، عندها انتهى أي دور للمديرية العامة للأمن العام فيما يتعلق بقضية الباخرة Rhosus.

٣. هل الرسالة أدناه، التي يزعم أنها موجهة منكم إلى الرئيس السابق ميشال سليمان، ورئيس الوزراء السابق تمام سلام، ووزير الداخلية السابق نهاد المشنوق، ووزير الأشغال العامة السابق غازي زعيتر، صحيحة؟

نعم هي صحيحة.

٤. إذا كنتم قد علمتم بشأن نيترات الأمونيوم على متن روسوس ولاحقاً عنبر ١٢ قبل انفجار ٤ أغسطس ٢٠٢٠،

أ- ما الخطوات التي اتخذتموها للتصدي للمخاطر التي تشكلها هذه المادة؟

رفعنا إلى السلطات السياسية المعنية مراسلة تتضمن وجود الباخرة في المياه على المرقأ بعدما علمنا بذلك بمعرض التدخل لمعالجة أوضاع ركاب الباخرة وذكرنا أنما تحمل مادة النيترات.

علماً أنه كانت المعلومات المتعلقة بمذة المواد بعهدة:

- ١ . القضاء من جهة، تبعاً للقرار الصادر عنه بإلقاء الحجر على الباخرة روسوس الناقلة لمذة المواد.
- ٢ . إدارة الجمارك في المرفأ تبعاً لكون المواد هي بضائع، وهذا هو اختصاص الجمارك الأساسي.
- ٣ . وزارة الأشغال العامة والنقل بنتيجة تعيينها كحارس قضائي على هذه المواد من قبل قاضي الأمور المستعجلة في بيروت.
- ٤ . إدارة المرفأ التي عينها مدعي عام التمييز حارساً قضائياً على تلك المواد.
- ٥ . قيادة الجيش تبعاً لصلاحية الجيش الحصرية في المواد المتفجرة.
- ٦ . المديرية العامة لأمن الدولة بموجب التكليف القضائي المبني على إشارة النيابة العامة التمييزية، والحضر المنظم بموجبها وفقاً للأصول.

وبالتالي ليس للأمن العام أي دور على هذا الصعيد كون البضائع تخرج عن صلاحيته ومهامه وتقتصر على الأجهزة والإدارات المذكورة أعلاه والعاملة على المرفأ والمعنية بالبضائع وفق القوانين والأنظمة المرعية الإجراء.

لا سيما وأنه تم إخراج البحارة وطاقم الباخرة والسماح بمغادرتهم انفاذاً للقرار القضائي بمذا الخصوص وذلك قبل أن يتم تفريغ الباخرة من حولتها وتعميمها.

ب- لماذا لم تضيفوا هذه المسألة الى جدول أعمال المجلس الأعلى للدفاع؟

تم توجيه مراسلة بخصوص الباخرة وموادها الى كل من فخامة رئيس الجمهورية، ودولة رئيس مجلس الوزراء، واللذين يعود إليهما إدراج ما يريانه ضرورياً على جدول أعمال المجلس الأعلى للدفاع، وليس من صلاحية المديرية العامة للأمن العام تنظيم جدول أعمال هذا المجلس ولا تعديله، ذلك أن هذه المديرية العامة ليست عضواً أصيلاً فيه بل هي تُدعى الى اجتماعاته عندما يكون هناك ضرورة تستوجب دعوتها.

## To Human Rights Watch

- 1- When did you learn about the ammonium nitrate on the *Rhosus* and later in hangar 12 in Beirut's port? How did you learn about it? Who shared this information with you?**

We knew that ammonium nitrate was being stored in Beirut port's hangar 12 when we received, through the Information Affairs Office in June 2020, a report prepared by the Beirut port's General Security department, informing us that State Security had summoned the Beirut port harbor master based on the cassation general prosecution's instructions. The instructions mention that [ammonium nitrate] had been held inside hangar 12. However, the Information Affairs Office knew this in 2014 upon receiving the report from the Beirut port's General Security department, which informed them that, based on a judicial decision, the ship had been refloated and the dangerous substance, used "to blast rocks and manufacture fertilizers," had been removed. The office did not present the report to the director general because, first, there is a judicial decision regarding [the cargo] and other competent [security] agencies working at the port were mandated with handling it. General Security did not receive direct information because it is not the competent authority in this regard. We received this information indirectly upon working on ship crew's case, since General Security is responsible only for the entry of people into the port and [monitoring] the entry and exit of sea travelers. The Ministry of Public Works and Transport is responsible for guarding the [cargo] and General Security has no role or authority. Hence, the Information Affairs Office kept the report with it for the abovementioned reasons.

- 2- When did you learn about the dangers the ammonium nitrate posed? How did you learn about them? Who shared this information with you? What were you told or what did you know about the hazardous nature of the material?**

None of the reports that the Beirut port's General Security office sent to us, while it addressed the ship crew's situation, mentioned that [the ammonium nitrate cargo] had a high nitrogen grade. Hence, we only knew that it is a hazardous substance used in the demolition of rocks and the production of agricultural fertilizers. The Beirut port's General Security office did not know how dangerous it was because it is not the competent authority in that regard and has no jurisdiction over merchandise. As mentioned above, the only role or authority has is over persons.

Also, the final judiciary decision had been issued, stipulating that the sailors should be removed and allowed to leave. We executed that decision before the ship had been refloated and its cargo removed into a Beirut port warehouse. At that point, General Security's role had ended regarding the Rhosus ship.

- 3- Is the letter below, purportedly from you to former President Michel Sleiman, former Prime Minister Tammam Salam, former Interior Minister Nohad Machnouk, and former Public Works Minister Ghazi Zaiter authentic?**

Yes, it is true.

- 4- If you had knowledge about the ammonium nitrate on the Rhosus and later in hangar 12 before the August 4, 2020 explosion,**
- a. What steps did you take to address the risk that the material posed?**

We sent a letter to competent political authorities mentioning the presence of the ship in the port after we knew about this while addressing the situation of people on board the ship, and we mentioned that it was carrying nitrate.

The following parties had information regarding this substance:

- 1- The judiciary, as a result of its decision to impound the ship Rhosus, which was carrying this substance.
- 2- Customs Authority at the port, since this substance is a type of merchandise, which is Customs' main specialty.
- 3- The Ministry of Public Works and Transport, because the Beirut judge of urgent matters assigned it as a judicial guard over this substance.
- 4- The port management [Gestion et Exploitation du Port de Beyrouth], which the cassation general prosecutor assigned as a **judicial guard** over this substance.
- 5- The Army leadership, because it has exclusive authority over explosive substances.
- 6- The Directorate General of State Security, as per the judicial mandate based on the cassation general prosecution office's instructions, and the report duly compiled pursuant to these instructions.

Therefore, General Security has no role in this regard since merchandise is not part of its jurisdiction and tasks. [Merchandise] is subject only to the authority of the abovementioned agencies and administrations that operate in the port and whose work covers merchandise pursuant to applicable laws.

The sailors and ship crew had been removed and allowed to leave pursuant to the relevant judicial decision before the ship had been unloaded and refloated.

**b. Why did you not add this issue to the agenda of the Higher Defense Council?**

A letter regarding the ship and its cargo was sent to the His Excellency the President and His Excellency the Prime Minister, who decide to include what they deem important on the Higher Defense Council's agenda. The Directorate General of General Security does not have the authority to set or amend this council's agenda, because the Directorate General [of General Security] is not an integral member; it is only invited to its meetings when necessary.



## “They Killed Us from the Inside”

### An Investigation into the August 4 Beirut Blast

On August 4, 2020, the detonation of tonnes of ammonium nitrate stored in Beirut’s port caused one of the largest non-nuclear explosions in history, killing 218 people, pulverizing the port, and damaging over half the city. “They Killed Us from the Inside” sets out the evidence of official conduct, in a context of longstanding corruption and mismanagement at the port, which allowed for such a potentially explosive compound to be haphazardly and unsafely stored there for nearly six years.

Drawing on official correspondence regarding the *Rhosus*, the ship that brought the ammonium nitrate to the port, and its cargo, some of which has not been published before, as well as interviews with government, security, and judicial officials, the report outlines what is currently known about how the ammonium nitrate arrived in Beirut and was stored in hangar 12 in the port. It also details what government officials knew about the ammonium nitrate and what actions they took or failed to take to safeguard the population from its dangerous long-term presence there. The actions and omissions of Lebanese authorities violated the right to life. In the year since the explosion, procedural and systemic flaws in the domestic investigation have rendered it incapable of credibly delivering justice.

The report calls on the UN Human Rights Council to mandate an investigative mission into the August 4 explosion and calls on governments to impose targeted human rights and corruption sanctions, including travel bans and asset freezes, on those responsible for ongoing violations of human rights related to the August 4 explosion, including violations of the right to life.

*(above) Survivors and relatives of victims of Beirut’s port explosion rally in the Lebanese capital on July 4, 2021, calling for answers and accountability. © 2021 Anwar Amro/AFP via Getty Images*

*(front cover) Graffiti at the damaged port area in the aftermath of a massive explosion in Beirut, Lebanon August 11, 2020. © 2020 Hannah McKay/Reuters*