

List of Accompanying Documents

National legislation

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- Doc. 1. *Law No. 19 of 2010 on combatting illegal immigration*, 2010 [https://security-legislation.ly/sites/default/files/lois/510-%20Law%20No.%20\(19\)%20of%202010_EN.pdf](https://security-legislation.ly/sites/default/files/lois/510-%20Law%20No.%20(19)%20of%202010_EN.pdf) (unofficial translation) p. 2
- Doc. 2. *Law No. 6 of 1987 on organising the entry, residence, and exit of foreigners in Libya*, 1987, [https://security-legislation.ly/sites/default/files/lois/1214-Law%20No.%20\(6\)%20of%201987_EN.pdf](https://security-legislation.ly/sites/default/files/lois/1214-Law%20No.%20(6)%20of%201987_EN.pdf) (unofficial translation) p. 5

United Nations

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- Doc. 3. CERD, *Report of the Committee on the Elimination of Racial Discrimination: Sixty-fourth Session (23 February-12 March 2004), Sixty-fifth Session (2-20 August 2004)*, 1 October 2004, UN Doc A/59/18(SUPP), www.refworld.org/docid/453779670.html p. 11
- Doc. 4. CERD, *UN Committee on the Elimination of Racial Discrimination: State Party Report, Libya*, 18 June 2003, UN Doc CERD/C/431/Add.5, www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=403e07a54&skip=0&query=CERD/C/431/Add.5 p. 21
- Doc. 5. IOM Lybia Office, *News*, accessed on 28 October 2019, <https://libya.iom.int/sitreps?page=1> p. 24
- Doc. 6. IOM, *IOM Learns of 'Slave Market' Conditions Endangering Migrants in North Africa*, 4 November 2017, www.iom.int/news/iom-learns-slave-market-conditions-endangering-migrants-north-africa p. 32
- Doc. 7. IOM, *UN Chiefs Call for International Solidarity to Address Migrant and Refugee Flows in Libya*, 2 October 2017, www.iom.int/news/un-chiefs-call-international-solidarity-address-migrant-and-refugee-flows-libya p. 36
- Doc. 8. IOM, *Voluntary Humanitarian Return (VHR) Assistance & Reintegration Support to Stranded Migrants in Libya*, 12–25 September 2017, www.iom.int/sites/default/files/situation_reports/file/Libya_SR_20170912-25.pdf p. 38
- Doc. 9. IOM, *UN Migration Agency Increases Support for Migrants Rescued off Libyan Coast*, 29 August 2017, <https://reliefweb.int/report/libya/un-migration-agency-increases-support-migrants-rescued-libyan-coast> p. 39
- Doc. 10. OHCHR, *Libya must end "outrageous" auctions of enslaved people, UN experts insist*, 30 November 2017, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22475&LangID=E p. 41
- Doc. 11. UNHCR, *Libya: Activities at Disembarkation, monthly updated*, November 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/2017_11_lby_unhcr_disembarkation.pdf p. 43
- Doc. 12. UNHCR, *Libya: Activities at Disembarkation, monthly updated*, September 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/2017_09_lby_unhcr_registraton_0.pdf p. 44

- Doc. 13. UNHCR, *LIBYA: Disembarkation points*, 27 September 2017, p. 45
<https://data2.unhcr.org/en/documents/download/61005>
- Doc. 14. UNHCR, *Refugee and migrant flows through Libya on the rise – report*, 3 July 2017, p. 46
www.unhcr.org/news/latest/2017/7/595a470d4/refugee-migrant-flows-libya-rise-report.html
- Doc. 15. UNHCR, *Mixed Migration Trends in Libya: Changing Dynamics and Protection Challenges - Executive Summary*, June 2017, p. 51
www.unhcr.org/595a02b44.pdf
- Doc. 16. UNHCR, *UNHCR Position on Returns to Libya*, November 2014, p. 55
www.unhcr.org/jp/wp-content/uploads/sites/34/protect/Libya_position_on_returns_12_November_2014.pdf
- Doc. 17. UNHCR, *Submission by the UNHCR For the Office of the High Commissioner for Human Rights' Compilation Report – UPR: LIBYA*, October 2014, p. 58
www.upr-info.org/sites/default/files/document/libya/session_22_-_mai_2015/unhcr_upr22_lby_e_main.pdf
- Doc. 18. UNHRC, *Situation of human rights in Libya, and the effectiveness of technical assistance and capacity-building measures received by the Government of Libya*, 21 February 2018, UN Doc A/HRC/37/46, p. 60
www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/_layouts/15/WopiFrame.aspx?sourcedoc=/EN/HRBodies/HRC/RegularSessions/Session37/Document s/A_HRC_37_46_EN.docx&action=default&DefaultItemOpen=1
- Doc. 19. UNHRC, *Report of the UN High Commissioner for Human Rights on the situation of human rights in Libya, including on the effectiveness of technical assistance and capacity-building measures received by the Government of Libya*, 13 January 2017, p. 63
UN Doc A/HRC/34/42, <https://undocs.org/A/HRC/34/42>
- Doc. 20. UNHRC, *Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya: detailed findings*, 15 February 2016, UN Doc A/HRC/31/CRP.3, p. 67
www.ohchr.org/Documents/Countries/LY/A_HRC_31_CRP_3.pdf
- Doc. 21. UNICEF, *Libia, al via interventi di UNICEF e OIM per i minori migranti bloccati nel paese*, 19 December 2017, p. 73
www.unicef.it/doc/8029/libia-al-via-interventi-di-unicef-e-oim-per-i-minori-migranti-bloccati-nel-paese.htm
- Doc. 22. UNICEF, *Deadly Journey for Children: The Central Mediterranean Migration Route*, February 2017, p. 75
www.unicef.org/publications/index_94905.html
- Doc. 23. UNICEF, *Danger every step of the way*, June 2016, p. 79
www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=57617f244
- Doc. 24. UN News Service, *African migrants reportedly being sold in 'slave markets' in Libya, UN agency warns*, 12 April 2017, p. 82
www.refworld.org/docid/58eddd694.html
- Doc. 25. UNSC, *Abd Al Rahamn Al-Milad*, accessed on 28 October 2019, p. 85
www.un.org/securitycouncil/sanctions/1970/materials/summaries/individual/abd-al-rahman-al-milad
- Doc. 26. UNSC, *UNSC Consolidated List*, accessed on 28 October 2019, p. 86
www.un.org/securitycouncil/content/un-sc-consolidated-list
- Doc. 27. UNSC, *Report of the Secretary-General on the United Nations Support Mission in Libya*, 12 February 2018, UN Doc S/2018/140, p. 89
<https://unsmil.unmissions.org/sites/default/files/n1803952.pdf>
- Doc. 28. UNSC, *Report of the UNSG on the UNSMIL*, 2017, UN Doc S/2017/726, p. 94
<https://undocs.org/S/2017/726>

- Doc. 29. UNSC, *Statement by the President of the Security Council*, 7 December 2017, UN Doc S/PRST/2017/24, <https://undocs.org/S/PRST/2017/24> p. 96
- Doc. 30. UNSC, *Report of the Secretary-General pursuant to Security Council resolution 2312 (2016)*, 7 September 2017, UN Doc S/2017/761, <https://undocs.org/S/2017/761> p. 99
- Doc. 31. UNSC, *Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011)*, 1 June 2017, UN Doc S/2017/466, <https://undocs.org/en/S/2017/466> p. 102
- Doc. 32. UNSMIL, OHCHR, “*Detained and dehumanised*”: *Report on human rights abuses against migrants in Libya*, 13 December 2016, https://unsmil.unmissions.org/sites/default/files/migrants_report-en.pdf p. 113
- Doc. 33. UNSMIL, *The situation of migrants in transit through Libya in route to Europe*, 10 May 2015, <https://unsmil.unmissions.org/situation-migrants-transit-through-libya-en-route-europe-briefing-note-08-may-2015> p. 134

Other international and regional organizations p. 140

- Doc. 34. AU, *Statement of the Chairperson of the African Union Commission on the plight of African migrants in Libya*, November 2017, https://au.int/sites/default/files/pressreleases/33376-pr-statement_of_the_chairperson_of_the_african_union_commission_on_the_plight_of_african_migrants_in_libya.pdf p. 141
- Doc. 35. EU Commission, EU Emergency Trust Fund for Africa, *Action Fiche of the EU Trust Fund to be used for the decisions of the Operational Committee*, 12 April 2017, <https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/t05-eutf-noa-ly-03.pdf> p. 142
- Doc. 36. F. Bensouda, *Statement of the ICC Prosecutor to the UNSC on the Situation in Libya*, 9 May 2017, www.icc-cpi.int/Pages/item.aspx?name=170509-otp-stat-lib p. 146
- Doc. 37. ICC, *Prosecutor v. Mahmoud Mustafa Busyf Al-Werfalli, Case Information Sheet*, July 2018, www.icc-cpi.int/CaseInformationSheets/al-werfalliEng.pdf p. 151

State non-legislative practice p. 153

- Doc. 38. Central Intelligence Agency, *The World Factbook – Libya*, accessed on 27 October 2019, www.cia.gov/library/publications/the-world-factbook/geos/ly.html p. 154
- Doc. 39. Danish Refugee Council, *Hidden figures: Women on the move in Libya*, 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/Hidden%20figures_Women%20on%20the%20move%20in%20Libya.pdf p. 156
- Doc. 40. Danish Refugee Council, “*We Risk Our Lives for Daily Bread*” - *Findings of the Danish Refugee Council Study of Mixed Migration in Libya*, December 2013, www.refworld.org/docid/53158b7d4.html p. 159
- Doc. 41. Parlamento italiano, Comitato parlamentare di controllo sull’attuazione dell’Accordo di Schengen, di vigilanza sull’attività di Europol, di controllo e vigilanza in materia di immigrazione, *Seduta n. 55, Indagine conoscitiva sulla gestione del fenomeno migratorio nell’area Schengen, con particolare riferimento alle politiche dei Paesi aderenti relative al controllo delle frontiere esterne e dei confini interni*, 2 August 2017, <https://www.camera.it/leg17/1079?idLegislatura=17&tipologia=indag&sotto> p. 165

[tipologia=c30_confini&anno=2017&mese=08&giorno=02&idCommissione=30&numero=0054&file=indice_stenografico](#)

- Doc. 42. Parlamento italiano, Comitato parlamentare di controllo sull'attuazione dell'Accordo di Schengen, di vigilanza sull'attività di Europol, di controllo e vigilanza in materia di immigrazione, *Seduta n. 51, Indagine conoscitiva sulla gestione del fenomeno migratorio nell'area Schengen, con particolare riferimento alle politiche dei Paesi aderenti relative al controllo delle frontiere esterne e dei confini interni*, 14 June 2017, p. 169
[www.camera.it/leg17/1079?idLegislatura=17&tipologia=indag&sottotipologia=c30_confini&anno=2017&mese=06&giorno=14&idCommissione=30&numero=0051&file=indice_stenografico](#)
- Doc. 43. The Netherlands' Office of the Commissioner General for Refugees and Stateless Persons, *Libya: Vulnerable Groups*, 19 December 2014, p. 173
[www.refworld.org/topic,50ffbce4c9,50ffbce4d8,54afd9224,0,,,LIBY.html](#)
- Doc. 44. UK: Foreign and Commonwealth Office, *Human Rights and Democracy Report 2017 – Libya*, 16 July 2018, p. 178
[www.refworld.org/docid/5b9109b8a.html](#)
- Doc. 45. USDOS, *2016 Country Reports on Human Rights Practices – Libya*, 3 March 2017, p. 182
[www.state.gov/reports/2016-country-reports-on-human-rights-practices/libya/](#)
- Non-governmental organizations** p. 184
- Doc. 46. Amnesty International, *Libya's Dark Web of Collusion: Abuses Against Europe-Bound Refugees and Migrants*, 11 December 2017, p. 185
[www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF](#)
- Doc. 47. Amnesty International, *Libya: Rule of Law or Rule of Militias?*, 2012, p. 192
[www.amnesty.org/download/Documents/24000/mde190122012en.pdf](#)
- Doc. 48. Euro-mediterranean Human Rights Network, *Asylum and Migration in the Maghreb – Country Fact Sheet: Libya*, December 2012, p. 202
[https://euromedrights.org/wp-content/uploads/2012/12/EMHRN-Factsheet-Libya_EN.pdf](#)
- Doc. 49. Global Detention Project, *Global Detention Project Submission to the UN Committee on Migrant Workers*, 4-13 September 2017, p. 206
[https://tbinternet.ohchr.org/Treaties/CMW/Shared%20Documents/LBY/INT_CMW_NGO_LBY_28522_E.pdf](#)
- Doc. 50. Global Detention Project, *Immigration Detention in Libya*, February 2015, p. 211
[www.refworld.org/docid/5567387e4.html](#)
- Doc. 51. Global Detention Project, *Libya Immigration Detention Profile*, February 2015, p. 214
[www.globaldetentionproject.org/countries/africa/libya](#)
- Doc. 52. Human Rights Watch, *L'inferno senza scampo. Le politiche dell'Unione Europea contribuiscono agli abusi sui migranti in Libia*, 21 January 2019, p. 227
[www.hrw.org/it/report/2019/01/21/326670](#)
- Doc. 53. MEDU, *Rapporto sulle condizioni di grave violazione dei diritti umani dei migranti in Libia (2014-2017)*, December 2017, p. 238
[www.mediciperidiritiumani.org/wp-content/uploads/2017/12/Rapporto-per-Tribunale-Permanente-dei-Popoli.pdf](#)
- Doc. 54. MHUB, *Detained Youth*, 1 July 2015, p. 240
[www.mixedmigrationhub.org/wp-content/uploads/2015/07/MHUB_2015_Detained-Youth.pdf](#)
- Doc. 55. Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2016 - Libya*, 12 July 2016, p. 250
[www.refworld.org/docid/5796082ac.html](#)

- Doc. 56. MSF, *Human suffering: Inside Libya's detention centres*, 1 September 2017, p. 254
www.msf.org/photo-story-human-suffering-inside-libyas-migrant-detention-centres
- Doc. 57. Regional Mixed Migration Secretariat, *Going West: a contemporary mixed migration trends from the Horn of Africa to Libya and Europe*, July 2014, p. 273
www.mixedmigration.org/wp-content/uploads/2018/05/008_going-west.pdf
- Newspapers and news agencies** **p. 281**
- Doc. 58. A. De Simone, “*Io, prostituta nigeriana: violentata in Libia, picchiata in Italia, ho un debito da 50 mila euro*»: così le ragazze vengono costrette a vendersi”, in *Il Corriere della sera*, 18 July 2017, p. 282
www.corriere.it/video-articoli/2017/07/18/io-prostituta-nigeriana-violentata-libia-picchiata-italia-ho-debito-50-mila-euro-cosi-ragazze-vengono-costrette-vendersi/74516c4c-6bd7-11e7-9094-d21d151198e9.shtml?refresh_ce-cp
- Doc. 59. A. Lewis, S. Scherer, Exclusive: Armed group stopping migrant boats leaving Libya, 21 August 2017, p. 285
www.reuters.com/article/us-europe-migrants-libya-italy-exclusive/exclusive-armed-group-stopping-migrant-boats-leaving-libya-idUSKCN1B11XC
- Doc. 60. BBC, *Guide to key Libyan militias*, 11 January 2016, p. 289
www.bbc.com/news/world-middle-east-19744533
- Doc. 61. B. Trew, T. Kington, *Video shows Libyan Coastguard whipping rescued migrants*, in *The Times*, 14 February 2017, p. 297
www.thetimes.co.uk/article/video-shows-libyan-coastguard-whipping-rescued-migrants-6d8g2jgz6
- Doc. 62. D. Searcey, J.Y. Barry, *Sub-Saharan African Migrants Face Old Enemy in Libya: Bigotry*, in *The New York Times*, 12 September 2017, p. 298
www.nytimes.com/2017/09/12/world/africa/migrants-africa-libya.html
- Doc. 63. *Esclusivo: l'intervista di Francesca Mannocchi a Bija*, in *La7*, 25 October 2019, p. 300
www.la7.it/propagandalive/video/esclusivo-lintervista-di-francesca-mannocchi-a-bija-25-10-2019-289737
- Doc. 64. Federazione Nazionale Stampa Italiana, *Istituzioni silenti su migranti e Libia, appello di un gruppo di giornalisti: “Fateci raccontare quel che accade”*, 13 October 2017, p. 302
www.fnsi.it/istituzioni-silenti-su-migranti-e-libia-appello-di-un-gruppo-di-giornalisti-fateci-raccontare-quel-che-accade
- Doc. 65. F. Mannocchi, *Noi vendute per sesso dalla Nigeria all'Italia*, in *L'Espresso*, 11 September 2017, p. 306
<http://espresso.repubblica.it/attualita/2017/09/11/news/noi-vendute-per-sesso-dalla-nigeria-all-italia-1.309380>
- Doc. 66. Foounten, *As Libya crisis deepens, UNHCR chief steps up assistance*, in *UNHCR News*, 22 May 2017, p. 314
www.unhcr.org/news/latest/2017/5/5922a4df4/libya-crisis-deepens-unhcr-chief-steps-assistance.html
- Doc. 67. F. Paci, *Libia, l'orrore dei 34 centri di detenzione. “Donne e bimbi rinchiusi tra gli escrementi”*, in *La Stampa*, 16 August 2017, p. 319
www.lastampa.it/esteri/2017/08/16/news/libia-l-orrore-dei-34-centri-di-detenzione-donne-e-bimbi-rinchiusi-tra-gli-escrementi-1.34432735?refresh_ce21:06
- Doc. 68. Il Fatto Quotidiano, *Migranti, Le Monde: “Accordo tra l'Italia e i trafficanti libici per fermare i flussi”*, 14 September 2017, p. 322
www.ilfattoquotidiano.it/2017/09/14/migranti-le-monde-accordo-tra-litalia-e-i-trafficanti-libici-per-fermare-i-flussi/3856810/

- Doc. 69. Il Post, *L'Italia ha fatto un accordo con i trafficanti di migranti?*, 30 August 2017, p. 325
www.ilpost.it/2017/08/30/libia-milizie-migranti/
- Doc. 70. Il Post, *Le violenze sui migranti in Libia*, 28 February 2017, p. 329
www.ilpost.it/2017/02/28/rapporto-unicef-libia/
- Doc. 71. J. Gautheret, F. Bobin, *Entre la Libye et l'Italie, petits arrangements contre les migrants*, in *Le Monde*, 14 September 2017, p. 333
www.lemonde.fr/international/article/2017/09/14/entre-la-libye-et-l-italie-petits-arrangements-contre-les-migrants_5185310_3210.html
- Doc. 72. K. Zurutuza, *Europe's Libyan gamble*, in *Politico*, 3 February 2017, p. 336
www.politico.eu/article/europes-libyan-gamble-coast-guard-migration-refugees/
- Doc. 73. La Repubblica, *video: Migranti, racconto dell'inferno libico: venduti come schiavi, picchiati e poi costretti a imbarcarci*, 29 August 2017, p. 342
<https://video.repubblica.it/dossier/immigrati-2015/migranti-racconto-dell-inferno-libico-venduti-come-schiavi-picchiati-e-poi-costretti-a-imbarcarci/283447/284060>
- Doc. 74. L. Misculin, *The Libyan Coast Guard does not exist*, in *Il Post*, 26 August 2017, p. 343
www.ilpost.it/2017/08/26/guardia-costiera-libica/
- Doc. 75. M. Michael, *Backed by Italy, Libya enlists militias to stop migrants*, in *Associated Press*, 29 August 2017, p. 354
<https://apnews.com/9e808574a4d04eb38fa8c688d110a23d>
- Doc. 76. N. Elbagir, R. Razek, A. Platt, B. Jones, *People for sale: where lives are auctioned for \$400*, in *CNN*, November 2017, p. 359
<https://edition.cnn.com/2017/11/14/africa/libya-migrant-auctions/index.html>
- Doc. 77. N. Porsia, *The kingpin of Libya's human trafficking mafia*, in *TRT World*, 20 February 2017, p. 363
www.trtworld.com/magazine/libya-human-trafficking-mafia-in-zawiya-301505
- Doc. 78. N. Scavo, *La trattativa nascosta. Dalla Libia a Mineo, il negoziato tra l'Italia e il boss*, in *L'Avvenire*, 4 October 2019 p. 371
www.avvenire.it/attualita/pagine/dalla-libia-al-mineo-negoziato-boss-libico
- Doc. 79. N. Scavo, *Inchiesta: "Violenze ai migranti, in Libia clima di impunità"*, in *Avvenire.it*, 10 August 2018, p. 376
www.avvenire.it/attualita/pagine/violenze-ai-migranti-libia-impunita
- Doc. 80. O. Belbeisi, *Returned to Libyan shores and held in detention centres: What are the practical alternatives?*, in *Thomson Reuters Foundation News*, 18 August 2018, p. 381
<https://news.trust.org/item/20180816142408-bats4/>
- Doc. 81. O. Spaggiari, *Mediterraneo: tutti gli attacchi della Guardia Costiera libica alle ONG*, in *Vita*, 8 November 2017, p. 384
www.vita.it/it/article/2017/11/08/mediterraneo-tutti-gli-attacchi-della-guardia-costiera-libica-alle-ong/145042/
- Doc. 82. P. Tinti, *Nearly There, but Never Further Away*, in *Foreign Policy*, 5 October 2017, p. 392
<http://europeslamsitsgates.foreignpolicy.com/part-3-nearly-there-but-never-further-away-libya-africa-europe-EU-militias-migration>
- Doc. 83. Redazione Agi, *Duello in mare tra Ong e guardia costiera libica*, in *Agi*, 10 May 2017, p. 406
www.agi.it/cronaca/duello_in_mare_tra_ong_e_guardia_costiera_libica-1759832/news/2017-05-10/
- Think Tanks/Research Institutes** p. 407
- Doc. 84. European Council on Foreign Relations, *A Quick Guide To Libya's Main Players*, December 2016, p. 408
www.ecfr.eu/page/-/Lybias_Main_Players_Dec2016_v2.pdf

- Doc. 85. N. Missaglia, *Chaos in Libya: A Background*, in *Istituto per gli Studi di Politica Internazionale*, 2 February 2017, www.ispionline.it/it/pubblicazione/chaos-libya-background-17108 p. 411
- Doc. 86. N. Porsia, *Stuck in Libya. Migrants and (Our) Political Responsibilities*, in *Istituto per gli Studi di Politica Internazionale*, 2 February 2017, www.ispionline.it/it/pubblicazione/stuck-libya-migrants-and-our-political-responsibilities-16294 p. 422
- Doc. 87. S. Hamood, *African Transit Migration through Libya to Europe: the Human Cost*, January 2006, www.migreurop.org/IMG/pdf/hamood-libya.pdf p. 426

National legislation

**Law No. (19) of 1378 FDP – 2010 AD
on combatting illegal immigration**

The General People’s Congress

- In execution of the resolutions of the Basic People’s Congresses in the annual session of 1377 FDP;

And upon review of:

- The Declaration of the Establishment of the Authority of the People;
- The Great Green Charter of Human Rights of the Jamahiriya Era;
- Law No. (20) of 1991 AD on promoting freedom;
- Law No. (1) of 1375 FDP on the work system of People’s Congresses and People’s Committees;
- Law No. (6) of 1987 AD on organising the entry and residence of foreigners in Libya, and exit therefrom, and its amendments;

drafted the following law:

Article (1)

In application of the provisions of this law, an illegal immigrant shall be anyone who enters the territory of the Great Socialist People’s Libyan Arab Jamahiriya or resides therein without permission or authorisation from the competent bodies, with the intent to settle therein or cross to another country.

Article (2)

The following shall be deemed acts of illegal immigration:

- a. Admission of illegal immigrants into the country or removal therefrom by any means.
- b. Transportation of or facilitating the transportation of illegal immigrants inside the country with knowledge of their illegality.
- c. Harboursing illegal immigrants or concealing them in any way from the competent authorities or concealing information about them in order to enable them to reside in the country or depart therefrom.
- d. Preparing, providing, or acquiring counterfeit travel documents or IDs for them.
- e. Organising, assisting, or instructing other persons to perform any of the acts stipulated in the foregoing paragraphs.

Article (3)

Anyone who employs an illegal immigrant shall be penalised by a fine of no less than 1,000 LYD and not exceeding 3,000 LYD.

Article (4)

Anyone who deliberately obtains for himself or another person a material or non-material benefit, whether directly or indirectly, by commission of any of the acts considered illegal immigration shall be penalised by detention for a period not exceeding one year and a fine of no less than 5,000 LYD and not exceeding 10,000 LYD. If it is proven that the perpetrator

belonged to an organised gang for smuggling immigrants at the time the crime was committed, the penalty shall be imprisonment for a period of no less than five years and a fine of no less than 5,000 LYD and not exceeding 30,000 LYD.

The penalty shall be doubled if the perpetrator was entrusted to guard or monitor ports of entry, crossing points, ports, or borders, whether directly or indirectly.

Article (5)

If a permanent disability results from the transportation of illegal immigrants into or out of the country, the penalty shall be a fine of no less than 20,000 LYD and not exceeding 50,000 LYD. The penalty shall be life imprisonment if the act results in death.

Article (6)

Foreign illegal immigrants shall be penalized by detention with hard labour or by a fine not exceeding 1,000 LYD. In all cases, a foreigner convicted of any of the crimes set forth in this law shall be expelled from the territory of the Great Jamahiriya immediately upon execution of the sentence.

Article (7)

Anyone who deliberately refrains to carry out a legally prescribed measure for the crimes stipulated in this law immediately upon his notification or awareness thereof by virtue of his position shall be penalised by detention for a period of no less than one year and a fine of no less than 1,000 LYD and not exceeding 5,000 LYD. If the act was committed due to neglect, the penalty shall be a fine of no less than 500 LYD and not exceeding 3,000 LYD.

Article (8)

Anyone who notifies the competent authorities of information that enables the detection of a crime before its execution, that mitigates its effects, uncovers its perpetrators, or leads to their arrest, shall be exempted from the penalties.

Article (9)

If several distinct crimes are committed, the perpetrator shall be punished for each crime separately, even if the provisions for joinder of offences set forth in the Penal Code are satisfied.

Article (10)

The General People's Committee for Public Security shall control the crimes mentioned in this law. It may also seize the proceeds from the crime and the means of transport used in smuggling, and it shall refer the arrestees to the competent judicial authorities. In all cases, the court shall rule to confiscate the proceeds from the crime, even if they were falsified, substituted, or converted to legal resources. The court shall also rule to confiscate the means of transport, items, and tools used or prepared for use in the commission of the crimes stipulated in this law, except if they are proven to belong to a third party in good faith. When arresting illegal immigrants, the body mentioned in the foregoing paragraph shall treat them in a humanitarian manner that preserves their dignity and rights and that does not violate their money or moveable property.

Article (11)

All persons who reside in the Great Jamahiriya in violation of the provisions of this law shall seek settlement of their status within a period not exceeding two months from the entry in force of this law. Otherwise, they shall be deemed illegal immigrants and the penalties prescribed in this law shall be applied.

Article (12)

The amounts collected from the fines and funds confiscated under this law shall be deposited in a special account in the Public Treasury.

Article (13)

Any provision contrary to the provisions of this law shall be repealed. Where there is not an applicable text in this law, the provisions of Law No. (6) of 1976 AD and the amendments thereof shall be applied.

Article (14)

This law shall be published in the Legal Register and it shall enter into effect from its date of publication.

General People's Congress – Libya

Issued in Sirte

On: 13 Safar 1378 FDP

Corresponding to: 28 January 2010 AD

Law No. (6) of 1987
on organising the entry, residence, and exit of foreigners in Libya

The General People's Congress

In execution of the resolutions adopted by the General People's Congresses in their third ordinary session of 1396 FDP corresponding to 1986 AD, which were drafted by the General Forum of People's Congresses and People's Committees (General People's Congress) in their twelfth ordinary session held in the period between 26 Jumada al-Akhera and Rajab 1396 FDP corresponding to 25/02 to 02/03/1987 AD.

Upon review of:

- Law No. (17) of 1962 on the entry, residence, and exit of foreigners in Libya and the amendments thereof;

drafted the following law:

Article (1)

Entry and exit from Libyan territory shall be through the prescribed entry and exit areas, and with permission from the competent bodies. Entry and exit shall be with a visa in the passport or its equivalent.

Article (2)

Foreigners may enter, reside in, or exit Libyan territory provided they obtain a valid visa in accordance with the provisions of this Law. It shall be issued on a valid passport or its equivalent document by a certified competent authority. It shall grant the visa holder the right to return to the issuing country.

Article (3)

Citizens of Arab countries shall have the right to enter Libyan territory using personal ID cards. They shall enter through specified entry ports and in accordance with the rules and procedures specified by the General Directorate of Passports and Nationality.

Article (4)

Upon arrival in Libyan territory or departure therefrom, ship and airplane captains must provide a list containing the names and personal information of ship or airplane workers and passengers to the competent passport office. They shall notify the office of any passengers who lack valid entry or transit visas and prevent them from debarking or boarding the ship or airplane without written permission from the aforementioned office. Prior to departure, they shall report any passenger that debarked the ship or airplane and did not return and submit his travel document to the competent passport office. If his absence is not detected until after departure, they must inform the aforementioned office via telegram of the passenger's name and nationality. They must send his travel document as quickly as possible from the first seaport or airport they reach.

Article (5)

The following visas shall be granted by virtue of this law:

- a) Entry visa: Permits entry for the purpose stated in the visa for a period that does not exceed 45 days from the date of issuance. Grants the bearer the right to stay in Libyan territory for a period of three months from the date of entry.
- b) Transit visa: Permits entry for the purpose of crossing Libyan territory to reach the territory of another country. Grants the bearer the right to stay in Libyan territory for a maximum of 15 days from the date of entry.
- c) Exit visa: Grants the bearer permission to exit Libyan territory.
- d) Residency visa: Permits the bearer to stay in Libyan territory for the period and purpose specified therein.

Article (6)

A multiple-entry entry visa may be granted, provided the nature of the foreigner's work so requires, for a maximum period of three months from the date of issuance.

An exit and multiple-entry visa may be granted to foreigners who have obtained a residency visa. It shall be valid for the period of residency and shall not exceed six months.

The executive regulation shall determine the conditions that must be met to grant this visa.

Article (7)

A collective entry visa may be granted to bearers of a collective travel document. They must not exceed fifty people and the passport must contain photos of them and their information. The executive regulation shall determine the other conditions that must be met to grant this visa.

Article (8)

Foreigners subject to the provisions of this law shall meet the following requirements:

- a) Respect the systems and laws in force in the Great Socialist People's Libyan Arab Jamahiriya.
- b) Refer to the nearest passports authority to register within seven days of his arrival date. Present the relevant information and documents for himself and his family members that are granted entry visas as dependents on the form designated for this purpose.
- c) Provide the information requested of him by the dates specified for him. Report the loss, damage, or expiration of his travel document.

Article (9)

Anyone who shelters or houses foreigners in any way must provide information regarding the foreigner or his companions within 48 hours of the sheltering or housing to the nearest passports office or local public security station. This shall be done on the form designated for this purpose. The police station or local public security station must notify the nearest branch or passports office of this.

Article (10)

The foreigner's wife, minor children, unmarried daughters, and parents and minor siblings for which he provides shall be granted the same residency that has been granted to him.

Article (11)

Foreigners permitted entry or residency for a specific purpose may not violate this purpose unless they have obtained written permission from the director of the General Directorate of Passports and Nationality or any persons who he has delegated to perform this task.

Article (12)

Anyone who employs a foreigner shall provide a statement thereof to the competent passport office either directly or through the postal service within seven days of the foreigner's employment. The aforementioned office shall be notified of the completion of his service within the same period.

Article (13)

Foreigners granted residency visas must refer to the General Directorate of Passports and Nationality or one of its branches or offices within one month from the visa's date of issuance in order to obtain a residency permit. The foreigner must present this permit to any competent employee that requests it during the performance of his job. If necessary, the employee may temporarily retain the permit on the condition that they provide the bearer with a receipt.

The executive regulation shall determine the information contained in the residency permit and its period of validity in accordance with the residency type.

The provision of this Article does not apply to foreigners that have obtained a temporary residency visa for a period that does not exceed three months, or to residents below sixteen years of age who are dependents to a foreigner.

Article (14)

A foreigner's legal residency right shall be revoked if he is absent from Libyan territory for a period that exceeds three months. Exceptions may be made to this provision as specified by the executive regulation.

Article (15)

Any foreigner who departs Libyan territory for a period exceeding three consecutive months shall submit his residency permit to the competent passport office in exchange for a receipt. He must register upon return regardless of the duration of his absence in accordance with the provisions of Article (8), Clause (b) of this Law. He shall request that his permit be returned.

Article (16)

Residency visas granted to foreigners may be revoked at any time in the following cases:

- a) If his presence threatens the security, wellbeing, economy, public health, or public morals of the nation domestically or abroad, or if he is a burden on the state.
- b) If he is convicted of a felony or misdemeanour of moral turpitude or of undermining national security or integrity.
- c) If he violates the conditions imposed on him upon being granted the visa.
- d) If the reason for which he was granted the visa has abated.

The visa shall be revoked regardless of its period by virtue of a decree issued by the director of the General Directorate of Passports and Nationality.

Article (17)

Foreigners shall be deported in the following cases:

- a) If he enters the country without a valid visa.
- b) If he refuses to leave the country despite the expiration of his legal residency period and the refusal of the competent authority to renew it.
- c) If the visa granted to him is revoked for one of the reasons specified in Article (16) of this Law.
- d) If a judicial order for deportation is issued in his regard.

Deportation in cases (a, b, c) shall be by virtue of a substantiated decision issued by the director of the General Directorate of Passports and Nationality.

Article (18)

The director of the General Directorate of Passports and Nationality shall require any foreigner that is to be deported to reside in a specific destination or to go to the nearest security authority on the specified date until his deportation. The director may detain the foreigner until the completion of the deportation measures.

Foreigners that have been deported from Libyan territory are not permitted to return without a substantiated decision by the director of the General Directorate of Passports and Nationality.

Article (19)

Without prejudice to any more severe punishment stipulated by any other law, the following persons shall be sentenced to imprisonment and fined an amount of money that does not exceed LYD 200 or either of these two punishments:

- a) Anyone who give false statements before competent authorities or knowingly provides them with false information or papers in order to facilitate the entry, residence, or exit from the country for himself or another person in violation of the provisions of this Law.
- b) Anyone who enters, resides in, or exits the country without a valid visa issued by the competent authorities in accordance with the provisions of this Law.
- c) Anyone who violates the imposed requirements for granting, extending, or renewing a visa.
- d) Anyone who remains in the country after being informed that he must depart by the competent authorities in accordance with the provisions of this Law.
- e) Anyone who employs a foreigner without abiding by the provisions set forth in Article (9) of this Law.

Article (20)

Anyone who violates any other provision of this Law or the regulations issued pursuant thereto shall be sentenced to imprisonment for a period that does not exceed three months and fined an amount of money that does not exceed LYD 100 or either of these two punishments.

Article (21)

Public employees working in the General Directorate of Passports and Nationality selected by virtue of a decree issued by the General People's Committee shall have the capacity of judicial officers in matters concerning the implementation of the provisions of this Law and the regulations issued pursuant thereto.

Article (22)

The provisions of this Law shall not apply to the following categories:

- a) Members of the political and consular corps and their accredited equivalents in the Socialist People's Libyan Arab Jamahiriya, provided that they perform their duties and within the limits of the principle of reciprocity.
- b) Persons exempt by virtue of international treaties to which the Socialist People's Libyan Arab Jamahiriya is signatory and within the limits of those treaties.
- c) Persons exempt by special permission from the General People's Committee for political considerations or considerations related to international courtesies.
- d) Ship or airplane employees arriving in the Socialist People's Libyan Arab Jamahiriya that hold sea or air travel documents issued by competent authorities with which they are affiliated. The visa shall be issued on those documents by the competent passport office in the seaport or airport and shall declare entry, residency, or exit. These visas shall not grant the bearer the right to remain in the country beyond the duration of the ship or airplane's stay.
- e) Passengers of ships or airplanes that anchor or land in a seaport or airport in Libyan territory that are permitted by the competent passport offices to disembark or temporarily remain in Libya for the duration of the ship or airplane's stay.

Article (23)

The executive regulation for this Law shall be issued by virtue of a General People's Committee decree and must specifically include the following:

- a) Determine the Socialist People's Libyan Arab Jamahiriya's entry and exit ports.
- b) Rules and measures for determining the foreigners banned from entry into or exit from the country and how to include or remove their names from lists designated for this purpose.
- c) Deportation procedures and their implementation.
- d) Conditions and procedures for granting visas to foreigners, exemptions, validity period, extensions, renewals, request dates, and specifying competent granting authorities, resulting fees, and cases of exemption from these fees in whole or in part, subject to the principle of reciprocity.
- e) Rules and procedures concerning granting and renewing residency permits, determining their appearance and information contained therein, fees to be paid for granting or renewal, and cases of exemption from these fees in whole or in part, subject to the principle of reciprocity.
- f) Specify the necessary records, forms, and papers for the implementation of the provisions of this Law and their money consideration.
- g) Specify the persons who are required to provide securities or pledges prior to their entry into the Socialist People's Libyan Arab Jamahiriya.
- h) Specify the testimonies that declare the foreigner's completion of obligations prior to departure.

Article (24)

Law No. (17) of 1962 on the entry, residence, and exit of foreigners in Libya and the amendments thereof shall be revoked. The regulations and decrees issued pursuant thereto shall remain in force, provided they do not conflict with the provisions of this Law until they are amended or revoked.

Article (25)

This decree shall enter into force from its date of issuance and shall be published in the Official Gazette.

United nations



United Nations

Report of the Committee on the Elimination of Racial Discrimination

**Sixty-fourth session (23 February-12 March 2004)
Sixty-fifth session (2-20 August 2004)**

**General Assembly
Official Records
Fifty-ninth session
Supplement No. 18 (A/59/18)**

General Assembly
Official Records
Fifty-ninth session
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Report of the Committee on the Elimination of Racial Discrimination

Sixty-fourth session (23 February-12 March 2004)
Sixty-fifth session (2-20 August 2004)



United Nations • New York, 2004

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Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 57/194, in which the General Assembly strongly urges States parties to accelerate their domestic ratification procedures with regard to the amendment, and to notify the Secretary-General expeditiously in writing of their agreement to the amendment. A similar appeal has been reiterated by General Assembly resolution 58/160.

91. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures they have taken to implement the Durban Declaration and Programme of Action at national level.

92. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

93. The Committee recommends that the State party submit its eighteenth periodic report on 12 December 2006, and that it address in this report all points raised in the present concluding observations.

LIBYAN ARAB JAMAHIRIYA

94. The Committee considered the fifteenth to seventeenth periodic reports of the Libyan Arab Jamahiriya, respectively due from 1998 to 2002, submitted as one document (CERD/C/431/Add.5), at its 1626th and 1627th meetings (CERD/C/SR.1626 and 1627), held on 2 and 3 March 2004. At its 1639th meeting (CERD/C/SR.1639), held on 11 March 2003, it adopted the following concluding observations.

A. Introduction

95. The Committee welcomes the reports submitted by the State party and the opportunity to resume its dialogue with the Libyan Arab Jamahiriya, in a context more favourable than in 1998. The Committee was encouraged by the attendance of a delegation and expresses its appreciation for its efforts to respond to the questions asked.

96. The Committee appreciates the efforts made by the State party to comply with the reporting guidelines of the Committee, but regrets the lack of information regarding the practical implementation of the Convention and the lack of answers on issues raised in the previous concluding observations.

B. Positive aspects

97. The Committee notes with appreciation that steps towards the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families have been taken.

98. The Committee also notes with appreciation the steps taken by the State party to ratify the amendments to article 8, paragraph 6, of the Convention.

C. Concerns and recommendations

99. The Committee takes note again of the discrepancy between the assessment of the State party, according to which Libyan society is ethnically homogenous, and information indicating that Amazigh, Tuareg and Black African populations live in the country.

The Committee draws the attention of the State party to its general recommendation IV (1973) as well as to paragraph 8 of its Reporting guidelines, and reiterates its recommendation that information on the ethnic composition of the population be provided in its next periodic report.

100. The Committee regrets that no detailed information was provided by the State party on non-citizens residing in the Libyan Arab Jamahiriya, despite the request made in its previous concluding observations.

The Committee wishes to receive information in the next periodic report relating to documented and undocumented migrant workers and members of their families, as well as refugees, in particular regarding their country of origin, their status and their living conditions. It invites the State party to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

101. The Committee notes that the State party, in its periodic report, categorically maintains that racial discrimination does not exist in the Libyan Arab Jamahiriya. It understands that, in the view of the State party, although incidents of racial discrimination may occur, there is no systematic racial discrimination on the part of the State party.

The Committee recommends that the State party conduct studies with a view to effectively assessing and evaluating the occurrence of racial discrimination in the country, and review its assessment.

102. The Committee further notes the absence of comprehensive legislation to prevent and prohibit racial discrimination, in particular under article 4 of the Convention. It wishes to underline that, although the Convention prevails over the State party's domestic law, article 4 cannot be directly implemented, as it calls for the enactment of specific provisions setting out sanctions to be applied to offences strictly defined under the law.

The Committee recommends to the State party that it enact legislation responding to all requirements of article 4 of the Convention.

103. The Committee is deeply concerned about reported acts of violence, stemming from anti-Black sentiment in the population, which were perpetrated in September 2000 against African migrant workers and led to the death of many persons. The Committee regrets that no updated response was provided by the State party on the action taken to sanction those responsible and prevent the occurrence of such violence in the future.

The Committee requests that the State party submit detailed information about the number of persons who died and their nationality, the results of the inquiry made by the authorities, the prosecution of persons in relation to these events, and sentences, if any, that were pronounced. The Committee also wishes to receive

information about the results of the measures previously announced by the State party in response to these events, in particular the creation of a committee to look into the events and to study all manifestations of xenophobia, as well as measures for the regularization of undocumented migrants.

104. The Committee is concerned that, according to some information, thousands of African migrant workers have been expelled since 2000.

The Committee wishes to receive more detailed information about the rules for return, deportation or expulsion of migrants. It recommends that the State party ensure that the removal of non-citizens does not discriminate amongst them on the basis of ethnic or national origin.

105. The Committee is concerned that, according to some information, deaths of African migrants regrettably occur during transit to settle in the Libyan Arab Jamahiriya or through the Jamahiriya towards Europe.

The Committee recommends that the State party provide information about this issue in its next periodic report, including on the measures it has adopted in this regard.

106. The Committee regrets that information provided on the implementation of article 5 of the Convention is incomplete.

The Committee recommends that the State party focus more precisely on the issue of non-discrimination when reporting on the enjoyment of the rights under article 5 of the Convention, and provide practical information on the enjoyment of these rights by migrants, Blacks, Tuaregs and Amazighs within the jurisdiction of the State party.

107. The Committee is concerned at information that anti-Black sentiment and racially motivated acts against foreign workers have an adverse impact on their employment situation and terms and conditions of employment.

The Committee recommends that the State party ensure that foreign workers are not discriminated against in employment on the basis of their colour or their ethnic or national origin.

108. The Committee notes that, according to some information, there is no recognition of Amazigh language and culture in the Libyan Arab Jamahiriya and Amazighs are impeded from preserving and expressing their cultural and linguistic identity.

The Committee stresses the obligation of the State party, under article 5 of the Convention, to respect the right of Amazighs to enjoy their own culture and to use their own language, in private and public, freely and without discrimination. It invites the State party to enhance the enjoyment of the right of association for the protection and promotion of Amazigh culture, and to take measures especially in the field of education in order to encourage knowledge of the history, language and culture of Amazighs.

109. Noting that the State party has not provided information on the practical implementation of article 6 of the Convention, the Committee recommends that the State party raise the awareness of the population on their rights under the Convention, including their right to an effective remedy, and to sensitize the police and judicial authorities to the issue of racial discrimination.

110. The Committee takes note of the reportedly insufficient human rights education programmes in school curricula, in particular regarding the promotion of tolerance and respect for religious and ethnic minorities.

The Committee encourages the State party to strengthen its efforts in this area, and to submit detailed information on this issue in its next periodic report.

111. The Committee further notes that the State party has not made the optional declaration provided for in article 14 of the Convention, and recommends that it consider the possibility of making such a declaration.

112. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures they have taken to implement the Durban Declaration and Programme of Action at national level.

113. The Committee invites the State party to take advantage of the technical assistance available under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights for the purpose of drafting comprehensive legislation aimed at preventing and prohibiting racial discrimination.

114. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

115. The Committee recommends that the State party submit its eighteenth periodic report jointly with its nineteenth periodic report, due on 4 January 2006, and that the report be comprehensive and address all points raised in the present concluding observations.

NEPAL

116. The Committee considered the fifteenth and sixteenth periodic reports of Nepal, due on 1 March 2000 and 1 March 2002 respectively, submitted in one document (CERD/C/452/Add.2), at its 1630th and 1631st meetings (CERD/C/SR.1630 and 1631), held on 4 and 5 March 2004. At its 1641st meeting (CERD/C/SR.1641), held on 12 March 2003, it adopted the following concluding observations.



**International Convention
on the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/431/Add.5
18 June 2003

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION**

Seventeenth periodic report of States parties due in 2002

Addendum

LIBYAN ARAB JAMAHIRIYA*

[Original : Arabic]
[25 February 2003]

* This document contains the fifteenth, sixteenth and seventeenth periodic reports, submitted in one document, of the Libyan Arab Jamahiriya due on 4 January 1998, 2000 and 2002, respectively. For the eleventh, twelfth, thirteenth and fourteenth periodic reports of the Libyan Arab Jamahiriya and the summary records, see document CERD/C/299/Add.13 and CERD/C/SR.1264, 1265 and 1272.

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21. Slavery and the slave trade are prohibited by the Libyan Penal Code, article 425 of which stipulates that “anyone who enslaves a person or places him in a situation similar to slavery shall be punished by a term of 15 years’ imprisonment.” Article 426 of the same Code further stipulates that “anyone who deals or trades in slaves or in any way disposes of a person held in a state of slavery or a state resembling slavery shall be punished by a term of up to 10 years’ imprisonment. A penalty of 3 to 12 years’ imprisonment shall be imposed on anyone who sells, gives away, possesses or acquires a person held in slavery or in a state similar to slavery or causes him to remain in the said state.”

22. According to article 2 of the Promotion of Freedom Act No. 20 of 1991, every individual has the right to exercise his or her political rights on the basis of equality. The wording of the article runs as follows:

“Every citizen has the right to exercise authority and self-determination in the people’s congresses and the people’s committees. No citizen may be denied the right to be a member thereof or to elect their secretariats, provided that he or she meets the requisite conditions.”

23. The Libyan Arab Jamahiriya is a party to most of the conventions concerning human rights, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which, together with the International Convention on the Elimination of All Forms of Racial Discrimination, are binding in Libya and, in terms of their legal value, prevail over the provisions of domestic legislation. In the event of conflict between the provisions of domestic legislation and those of a convention to which the Libyan Arab Jamahiriya is a party, the provisions of the latter prevail over Libyan legislation. In keeping with this principle, the International Convention on the Elimination of All Forms of Racial Discrimination is binding on the judiciary, and any interested party is entitled to invoke its provisions before the Libyan courts, which have an obligation to rule on such a petition in such a way as to guarantee that priority is given to the application of the provisions of the Convention over any domestic legislation that may conflict therewith. The basic people’s congresses are vested with the authority to ratify international conventions in accordance with laws enacted for that purpose. Once they have done so, these conventions become an integral part of domestic legislation and their provisions are binding on all.

Article 2

24. The Holy Koran, which is the social code in the Libyan Arab Jamahiriya, contains many verses which remind all people that they are of common origin and that they are equal, no distinction being made between one person and another except on the basis of their acts. In general, these verses prohibit mockery of men or women and reject racial discrimination against persons or groups, regardless of whether such discrimination is practised by the ruler or the ruled.

25. The Great Green Document on Human Rights in the Age of the Masses, which was promulgated in 1988, contains many principles designed to sanctify and safeguard human freedom and ensure a decent life for all members of society. The principles of direct relevance in this regard are as follows:

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Libya | Maritime Update Libyan Coast | 1 - 31 March 2018



Libya | Maritime Update Libyan Coast | 1 - 28 February 2018



Libya | Maritime Update Libyan Coast | 1 - 31 January 2018



Libya | Maritime Update Libyan Coast | 29 November 2017 - 29 December 2017



Libya | Maritime Incidents Libyan Coast Update | 25 Oct - 28 Nov 2017



Libya | Maritime Incidents Libyan coast Update | 7 - 24 October 2017



Libya | Voluntary Humanitarian Return (VHR) Assistance & Reintegration Support to Stranded Migrants in Libya | 10 - 23 October 2017



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Libya | Voluntary Humanitarian Return (VHR) Assistance & Reintegration Support to Stranded Migrants in Libya | 26 September - 9 October 2017



Libya | Maritime Incidents Libyan coast Update | 22 September - 6 October 2017



Libya | Maritime Update Libyan Coast | 7 - 21 September 2017



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Libya | Maritime Incidents Libyan Coast Update | 21 August - 6 September



Libya | Maritime Update Libyan Coast | 7 - 21 August 2017



Maritime Incidents Libyan Coast | 21 July - 6 August



Libya | Maritime Update Libyan Coast | 6 - 20 July 2017



Libya | Voluntary Humanitarian Return (VHR) Assistance & Reintegration Support to Stranded Migrants in Libya | 6 July - 19 July 2017



Libya | Monthly Update | June 2017



Libya | Voluntary Humanitarian Return (VHR) Assistance & Reintegration Support to Stranded Migrants in Libya | 21 June - 5 July 2017



Libya | Maritime Update Libyan Coast | 22 June - 5 July 2017



Libya | Voluntary Humanitarian Return (VHR) Assistance & Reintegration Support to Stranded Migrants in Libya | 7 - 21 June 2017



Libya | IOM Libya Monthly Update | May 2017



Libya | Humanitarian Support to Migrants and IDPs Situation Report | March 2017



Libya | Humanitarian Support to Migrants and IDPs Situation Report | February 2017



Libya | Maritime Incidents Libyan Coast Update | 3 - 15 March 2017



Libya | Maritime Incidents Libyan coast Update | 16 February - 2 March 2017



Libya | Maritime Incidents Libyan coast Update | 2 - 15 February 2017



Libya | Humanitarian Support to Migrants and IDPs Situation Report | January 2017



Libya | Humanitarian Support to Migrants and IDPs Situation Report | December 2016



Libya | Humanitarian Support to Migrants and IDPs Situation Report | October 2016



Libya | Maritime Incidents Libyan coast Update | No. 2 | 4 - 18 November 2016



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Europe/Mediterranean | Migration Crisis Response Situation Report | 14 July 2016



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Europe/Mediterranean | Migration Crisis Response Situation Report | 30 June 2016



Libya | IOM Libya Migration and Assistance Overview | 16 June - 30 June 2016



Europe/Mediterranean | Migration Crisis Response Situation Report | 16 June 2016



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Europe / Mediterranean - Migration Crisis Response Situation Report | 17 December 2015



Libya - Situation Report | 30 November 2015



Europe / Mediterranean Response - Situation Report | 12 November 2015



Libya - Situation Report | 8 January 2015

IOM Learns of 'Slave Market' Conditions Endangering Migrants in North Africa

www.iom.int

Libya - Over the past weekend, IOM staff in Niger and Libya documented shocking events on North African migrant routes, which they have described as 'slave markets' tormenting hundreds of young African men bound for Libya.

Operations Officers with IOM's office in Niger, reported on the rescue of a Senegalese migrant (referred to as SC to protect his identity) who this week was returning to his home after being held captive for months.

According to SC's testimony, while trying to travel north through the Sahara, he arrived in Agadez, Niger, where he was told he would have to pay 200,000 CFA (about USD 320) to continue north, towards Libya. A trafficker provided him with accommodation until the day of his departure, which was to be by pick-up truck.

The journey - over two days of travelling - through the desert was relatively smooth for this group. IOM has often heard from other migrants on this route who report seeing the remains of others abandoned by their drivers - and of trucks ransacked by bandits who siphon away their fuel.

SC's fate was different. When his pick-up reached Sabha in southwestern Libya, the driver insisted that he hadn't been paid by the trafficker, and that he was transporting the migrants to a parking area where SC witnessed a slave market taking place. "Sub-Saharan migrants were being sold and bought by Libyans, with the support of Ghanaians and Nigerians who work for them," IOM Niger staff reported this week.

SC described being 'bought' and then being brought to his first 'prison', a private home where more than 100 migrants were held as hostages.

He said the kidnappers made the migrants call their families back home, and often suffered beatings while on the phone so that their family members could hear them being tortured. In order to be released from this first house, SC was asked to pay 300,000 CFA (about USD 480), which he couldn't raise. He was then 'bought' by another Libyan, who brought him to a bigger house – where a new price was set for his release: 600,000 CFA (about USD 970), to be paid via Western Union or Money Gram to someone called 'Alhadji Balde', said to be in Ghana.

SC managed to get some money from his family via mobile phone and then agreed to work as an interpreter for the kidnappers, to avoid further beatings. He described dreadful sanitary conditions, and food offered only once per day. Some migrants who couldn't pay were reportedly killed, or left to starve to death.

SC told IOM that when somebody died or was released, kidnappers returned to the market to 'buy' more migrants to replace them. Women, too, were 'bought' by private individuals – Libyans, according to this witness – and brought to homes where they were forced to be sex slaves.

IOM collects information from migrants returning from Libya and passing through IOM transit centres in Niamey and Agadez. “Over the past few days, I have discussed these stories with several who told me horrible stories. They all confirmed the risks of been sold as slaves in squares or garages in Sabha, either by their drivers or by locals who recruit the migrants for daily jobs in town, often in construction, and later, instead of paying them, sell their victims to new buyers. Some migrants – mostly Nigerians, Ghanaians and Gambians – are forced to work for the kidnappers/slave traders as guards in the ransom houses or in the ‘market’ itself,” said an IOM Niger staffer.

During the past week, IOM Libya learned of other kidnapping cases, like those IOM Niger has knowledge of.

Adam* (not his real name) was kidnapped together with 25 other Gambians while traveling from Sabha to Tripoli. An armed Gambian man and two Arab men kidnapped the party and took them to a 'prison' where some 200 men and several women were being held.

According to this witness, the captives were from several African nations. Adam explained that captives were beaten each day and forced to call their families to pay for their release. It took nine months for Adam's father to collect enough money for Adam's release, after selling the family house.

Adam said the kidnappers took him to Tripoli where he was released. There, a Libyan man found him and due to his poor health condition, took him to the hospital. The hospital staff published a post on Facebook requesting assistance. An IOM colleague saw the post and referred the case to an IOM doctor who visited him in the hospital. Adam spent 3 weeks in the hospital trying to recover from severe malnutrition – he weighed just 35 kilograms – and the physical wounds from torture.

Upon release from the hospital, IOM found a host family who sheltered him for approximately one month, while the IOM doctor and protection colleagues made frequent visits to the host family to provide Adam with food and medication and assist him with his rehabilitation. They also brought him fresh clothes.

Adam was also able to call his family in the Gambia, and after his condition stabilized, he was assisted by IOM Libya's voluntary returns programme. On 4 April, he returned to Gambia.

The IOM doctor escorted Adam to Gambia where he was reunited with his family and immediately hospitalized. IOM Libya will continue to pay for his treatment in Gambia and he will also receive a reintegration grant.

Another case IOM learned of this month, involves a young woman being held in what she describes as a warehouse near the port in Misrata by Somalian kidnappers. She is believed to have been held captive for at least 3 months, although the exact dates are unknown.

Her husband and young son have lived in the United Kingdom since 2012, and they have been receiving demands for money.

It has been reported that this victim is subjected to rape and physical assault. The husband has paid via family and members of the Somalia community USD 7,500, although they have recently been told the kid-nappers are demanding a second payment of USD 7,500.

“The situation is dire,” said Mohammed Abdiker, IOM’s Director of Operation and Emergencies, who recently returned from a visit to Tripoli. “The more IOM engages inside Libya, the more we learn that it is a vale of tears for many migrants. Some reports are truly horrifying and the latest reports of ‘slave markets’ for migrants can be added to a long list of outrages.”

Abdiker added that in recent months IOM staff in Libya had gained access to several detention centres, where they are trying to improve conditions. “What we know is that migrants who fall into the hands of smugglers face systematic malnutrition, sexual abuse and even murder. Last year we learned 14 migrants died in a single month in one of those locations, just from disease and malnutrition. We are hearing about mass graves in the desert.”

He said so far this year the Libyan Coast Guard and others have found 171 bodies washed up on Mediterranean shores, from migrant voyages that foundered off shore. The Coast Guard has also rescued thousands more, he added.

“Migrants who go to Libya while trying to get to Europe, have no idea of the torture archipelago that awaits them just over the border,” said Leonard Doyle, chief IOM spokesman in Geneva. “There they become commodities to be bought, sold and discarded when they have no more value.”

Doyle added: “To get the message out across Africa about the dangers, we are recording the testimonies of migrants who have suffered and are spreading them across social media and on local FM radio. Tragically the most credible messengers are migrants returning home with IOM help. Too often they are broken, brutalized and have been abused, often sexually. Their voices carry more weight than anyone else’s.”

UN Chiefs Call for International Solidarity to Address Migrant and Refugee Flows in Libya

www.iom.int

S witzerland – The Director General of the International Organization for Migration William Lacy Swing, the UN High Commissioner for Refugees Filippo Grandi, the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein and the Special Representative of the UN Secretary-General for Libya Martin Kobler met today in Geneva to underscore the need for a comprehensive approach to address the situation of migrants and refugees in Libya as well as to assist the hundreds of thousands of Libyans displaced and impacted by the crisis.

Along with many Libyans, migrants and refugees are heavily impacted by ongoing conflicts and the breakdown in law and order in Libya. Untold numbers of migrants and refugees, particularly those smuggled or trafficked into Libya and those in detention, are subjected to grave human rights abuses and violations.

Migrants and refugees in detention are held outside of any legal process and in conditions which are generally inhuman. They are exposed to malnutrition, extortion, torture, sexual violence and other abuses.

The four Principals stress the need for close cooperation at the regional and international level, and the need to look at the drivers of migrant and refugee flows while simultaneously improving regular pathways.

The four welcome in this respect initiatives aimed at enhancing the protection of the human rights of migrants and refugees, saving lives at sea and addressing the reasons why individuals are undertaking irregular and precarious migration.

The Principals call for international solidarity to address this crisis, involving not only Libya but also countries of origin, transit and destination.

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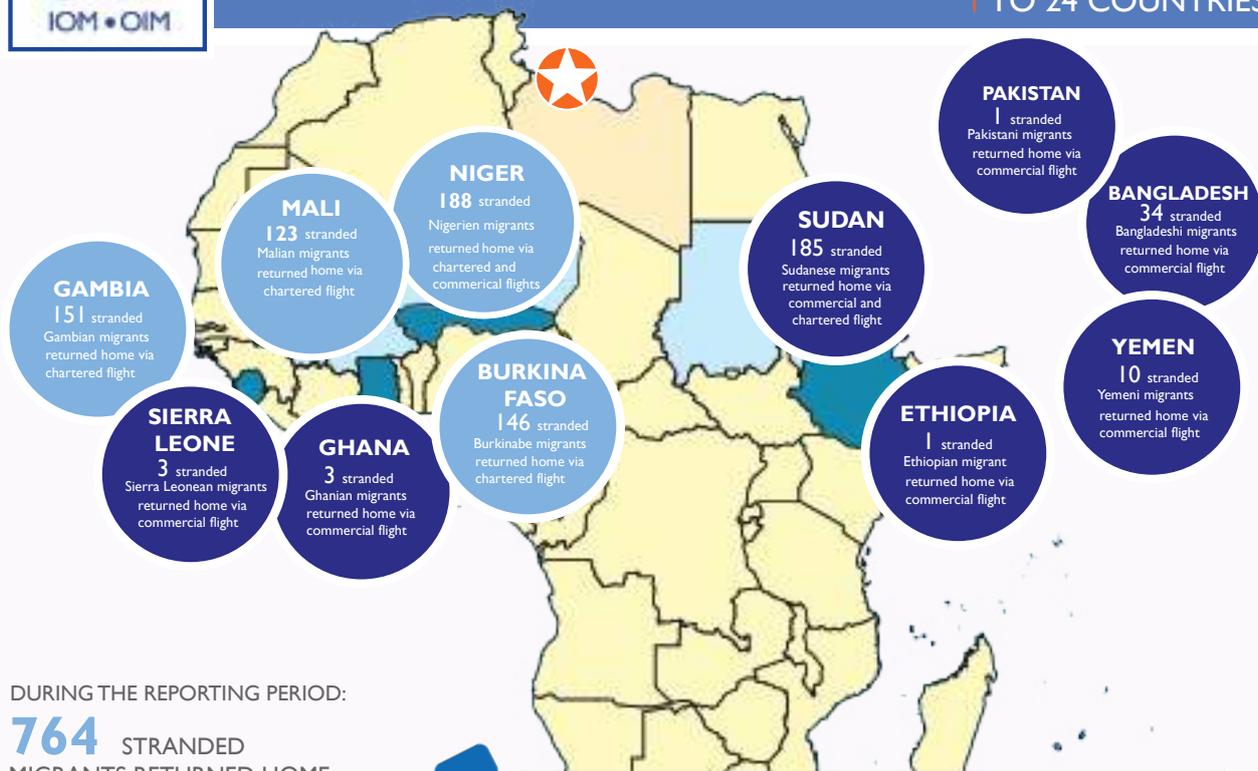




VOLUNTARY HUMANITARIAN RETURN (VHR) ASSISTANCE & REINTEGRATION SUPPORT TO STRANDED MIGRANTS IN LIBYA

12 SEPTEMBER- 25 SEPTEMBER

IN 2017
8,195
RETURNED HOME
TO 24 COUNTRIES



DURING THE REPORTING PERIOD:

764 STRANDED MIGRANTS RETURNED HOME VIA CHARTERED FLIGHTS

81 STRANDED MIGRANTS RETURNED HOME VIA COMMERCIAL FLIGHTS

"I came from Mali to Libya in 2008, but so far, my life here has been very difficult and so I sought assistance to return home. Today, I am happy that I am going back to Mali, but I must say that everyone is having a difficult life in Libya now. Before there was some work opportunities, but now there's nothing" - Oumar*

IN 2017...

5,549 WILL BE ALLOCATED REINTEGRATION ASSISTANCE* *

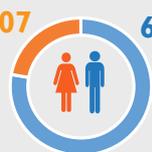
- MICRO BUSINESSES
- EDUCATION/TRAININGS
- MEDICAL SUPPORT
- HOUSING SUPPORT
- COMMUNITY BASED REINTEGRATION



8,195 STRANDED MIGRANTS RETURNED HOME



1,507

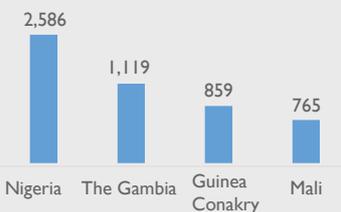


6,688

2,341 FROM OUTSIDE DETENTION CENTRE

5,854 FROM INSIDE DETENTION CENTRE

TOP COUNTRIES OF ORIGIN



83 MEDICAL CASES



159 UNACCOMPANIED MINORS



75 VICTIMS OF TRAFFICKING



In 2016, 2,775 migrants received return assistance and 554 return assistance

*Please note that the migrant's name has been changed to protect his identity

**Under EU Trust Fund funding all migrants receiving return assistance will get reintegration support

ASHRAF HASSAN



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IOMLibya
IOM_Libya



UN Migration Agency Increases Support for Migrants Rescued off Libyan Coast

reliefweb.int

Tripoli – IOM, the UN Migration Agency this week (27-28/08) met with Libyan authorities in Tunis to discuss an initial workplan and the establishment of a coordination body to facilitate rescues at sea. Libyan agencies taking part included the Libyan Coast Guard, the Libyan Red Crescent, the Passport Investigation Department and the General Department for Coast Security and the Border Points.

IOM has provided computer literacy classes and lifesaving equipment to Libyan authorities as part of a wider intervention to strengthen the Government’s humanitarian capacity. Participants have come from the Libyan Coast Guard (LCG), the Directorate for Combatting Illegal Migration (DCIM), as well as the General Department for Coast Security in Azzawya and Zuwara. The classes aim to improve documentation of sea rescue operations, including the registration of migrants at disembarkation points. Thirty participants took part, all involved in rescue operations.

“By better documentation of migrants at the disembarkation points, IOM is hoping to put a registration system in place to help regulate the humanitarian services provided to rescued migrants,” said Maysa Khalil, IOM Libya’s Operations Officer.

IOM also provided information technology equipment, including computers, to the Libyan Coast Guard officers at disembarkation points.

In addition, on 21 August, lifesaving equipment including life buoys, life vests, emergency blankets, torches and protection supplies (gloves, masks, body bags, and disposable suits for retrieving dead bodies) were delivered to the disembarkation points of Abu Setta and Alhamidya. A day later, on 22 August, lifesaving and protection equipment was handed over to the Libyan Coast Guard at the Janzour disembarkation point and Mesfat point in Al-Zawaya and in Zuwara.

“Saving lives remains our highest priority,” emphasized Othman Belbeisi, IOM Libya Chief of Mission. “As it is also a legal obligation, it is important to help the Libyan Coast Guard improve their capacities to save lives and respond in a better way to the needs of the migrants that they rescue.”

IOM recognizes that whilst saving lives remains the top priority, interventions need to be complemented with immediate assistance to rescued migrants following Search and Rescue operations, in particular upon disembarkation on Libyan shores. This includes the provision of humanitarian relief to migrants, as well as regular capacity building training for the Libyan Coast Guard and other stakeholders, particularly in the area of human rights and first aid.

IOM is in the process of rehabilitating three disembarkation points of the planned six. The rehabilitation includes the provision of a shaded area and installation of a water tank, floor cementing, water pumps, lighting systems and cabling networks, as well as toilets and showering facilities, and rehabilitation of the sewage and water piping networks. Migrants can spend anywhere from a few hours to a whole night at these points, following long journeys typically through the Sahara Desert.

IOM’s rescue at sea interventions are funded by the Governments of the Netherlands and Switzerland, and the European Union.

For more information, please contact IOM Libya:

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Libya must end “outrageous” auctions of enslaved people, UN experts insist

GENEVA (30 November 2017) –The Government of Libya must take urgent action to end the country’s trade in enslaved people, UN human rights experts* have said, after shocking images showing an auction of people were captured on video.

“We were extremely disturbed to see the images which show migrants being auctioned as merchandise, and the evidence of markets in enslaved Africans which has since been gathered,” the experts said in a joint statement.

“It is now clear that slavery is an outrageous reality in Libya. The auctions are reminiscent of one of the darkest chapters in human history, when millions of Africans were uprooted, enslaved, trafficked and auctioned to the highest bidder,” they said.

“The Government and the international community, particularly the EU which is the destination of most of the migrants, must take immediate and decisive action to ensure that this crime does not continue. They must also urgently prioritize the release of all those people who have been enslaved. Enslavement is most often an extreme form of racial discrimination,” they added.

The experts welcomed a Libyan Government commitment to start an investigation of the issue, and insisted that the pledge had to be turned into concrete action, such as ensuring protective measures and effective remedies for victims, without delay.

“It is imperative that the authorities urgently locate and rescue the victims of this horrendous crime and that Libya holds the perpetrators accountable,” said the experts.

An estimated 700,000 migrants are in Libya, a major transit country for those trying to reach Europe.

“It is critically important for the Libyan Government to implement measures to protect migrants - among whom are victims of trafficking and minorities from different ethnic backgrounds - in accordance with international human rights laws and standards,” the experts said.

“Migrants in Libya are at high risk of multiple grave violations of their human rights, such as slavery, forced labour, trafficking, arbitrary and indefinite detention, exploitation and extortion, rape, torture and even being killed.

“The enslavement of migrants derives from the situation of extreme vulnerability in which they find themselves. It is paramount that the Government of Libya acts now to stop the human rights situation deteriorating further, and to bring about urgent improvements in the protection of migrants.”

The experts also urged the international community to act in solidarity to support the investigation of atrocious crimes occurring in the country.

“UN Member States must stop ignoring the unimaginable horrors endured by migrants in Libya, must urge countries to suspend any measures, including bilateral agreements with countries of origin and transit, that expose migrants to further risks, and should ensure that any such incidents are expeditiously and thoroughly investigated,” they said.

“It is a dangerous trend that European States are shifting responsibility for migrants to African countries instead of creating regular, safe, affordable and accessible channels for them.

“Any agreement reached with the Libyan authorities needs to be in line with international human rights standards. European states can be held accountable for any human rights violations migrants are subject to.

“We remind the Libyan authorities and all other Governments that compliance with international human rights and humanitarian law norms is essential in the current climate of impunity and that justice must prevail,” they concluded.

ENDS

The UN experts: **Ms. Urmila Bhoola, [Special Rapporteur on contemporary forms of slavery, including its causes and consequences](#); **Ms. Anastasia Crickley**, Chairperson of the [Committee on the Elimination of Racial Discrimination](#); **Mr. Felipe Gonzalez-Morales**, [Special Rapporteur on the human rights of migrants](#); **Ms. E. Tendayi Achiume**, [Special Rapporteur on contemporary forms of racism](#); **Ms. Maria Grazia Giammarinaro**, [Special Rapporteur on trafficking in persons](#); **Ms. Dubravka Šimonović**, [Special Rapporteur on violence against women](#); **Mr. Obiora C. Okafor**, [Independent Expert on human rights and international solidarity](#); **Mr. Fernand de Varennes**, [Special Rapporteur on minority issues](#); **Ms. Maud de Boer-Buquiccio**, [Special Rapporteur on the sale and sexual exploitation of children](#); the [Working Group of Experts on People of African Descent](#).*

The Independent Experts are part of what is known as the [Special Procedures](#) of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council’s independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures’ experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

The [United Nations Voluntary Trust Fund on Contemporary Forms of Slavery \(UNVTFCS\)](#), managed by OHCHR, provides assistance to people who have experienced some form of slavery. It provides direct humanitarian, legal and financial assistance to victims through grants awarded to non-governmental organisations.

Libya continues to be the main transit point for departure from North Africa towards Europe. UNHCR's interventions at disembarkation points in Libya focus on the provision of life-saving assistance and protection monitoring, to identify persons in need of international protection, as well as vulnerable individuals, such as unaccompanied and separated children, elderly, medical cases, women at risk or victims of trafficking.

As of 30 November 2017, the Libyan Coast Guard rescued/intercepted a total of 14,201 people in different locations along the Libyan coast. 1,214 individuals were rescued/intercepted in November, 615 in October and 1,780 in September. Since 1 January 2017, Libyan local authorities have recovered 433 bodies of people who perished while attempting to cross the Mediterranean towards Europe. UNHCR through its partner International Medical Corps provides medical services, rescue kits and rehabilitation of WASH facilities at six disembarkation points, in Azzawya, Tripoli (3), Tajoura (Al Hamidiyah) and Alkhums.

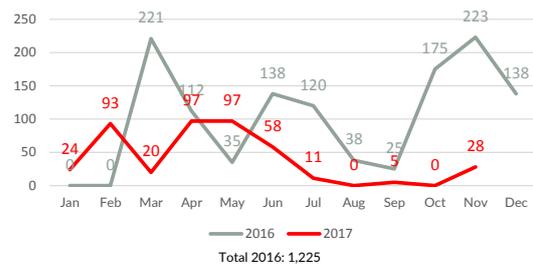
Monthly trends - people rescued/intercepted at sea by the Libyan Coast Guard in 2016-2017

From January to November 2017, 14,201 people were rescued/intercepted at sea by the Libyan Coast Guard, an increase of 1.6% compared to the same period in 2016.



Monthly trends - recorded loss of life in Libyan waters in 2016-2017

From January to November 2017, 433 dead bodies were recovered in Libyan waters, compared to 864 over the same period in 2016.

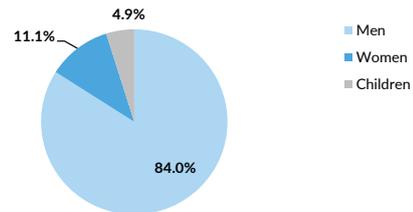


Top 10 nationalities rescued/intercepted at sea by the Libyan Coast Guard in 2017



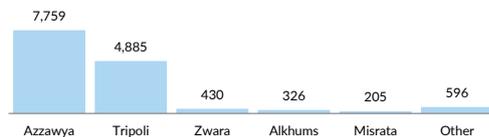
People rescued/intercepted at sea by the Libyan Coast Guard in 2017 by group

Of the total of 14,201 people rescued/intercepted at sea by the Libyan Coast Guard, 11,843 were men, 1,565 women and 685 children.



People rescued/intercepted in 2017 by disembarkation point

Nearly 55% of the total number were rescued/intercepted at Azzawya.



UNHCR health posts at disembarkation points



As of 30 November 2017, UNHCR, through its partner International Medical Corps, provided medical assistance to 2,753 people and distributed 4,545 hygiene kits at six health posts.



Created: 1 December 2017

Sources: UNHCR Libya, Libyan Coast Guard

Contact : lbytunupdate@unhcr.org

Libya continues to be the main transit point for departure from North Africa towards Europe. UNHCR's interventions at disembarkation points in Libya focus on the provision of life-saving assistance and protection monitoring, to identify persons in need of international protection, as well as vulnerable individuals, such as unaccompanied and separated children, elderly, medical cases, women at risk or victims of trafficking.

As of 30 September 2017, the Libyan Coast Guard rescued/intercepted a total of 12,372 people in different locations along the Libyan coast. A total of 1,741 individuals were rescued/intercepted in August and 686 in July. Since 1 January 2017, Libyan local authorities have recovered 405 bodies of people who perished while attempting to cross the Mediterranean towards Europe. UNHCR through its partner International Medical Corps provides medical services, rescue kits and rehabilitation of WASH facilities at six disembarkation points, in Azzawya, Tripoli (3), Tajoura (Al Hamidiyah) and Alkhums.

Monthly trends - people rescued/intercepted at sea by the Libyan Coast Guard in 2016-2017

From January to September 2017, 12,372 people were rescued/intercepted at sea by the Libyan Coast Guard, an increase of 9.8% compared to the same period in 2016.



Monthly trends - recorded loss of life in Libyan waters in 2016-2017

From January to September 2017, 405 dead bodies were recovered in Libyan waters, compared to 664 over the same period in 2016.

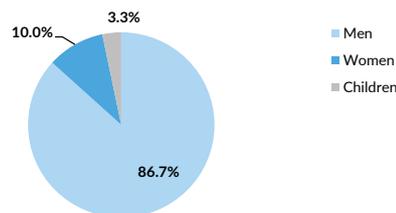


Top 10 nationalities rescued/intercepted at sea by the Libyan Coast Guard in 2017



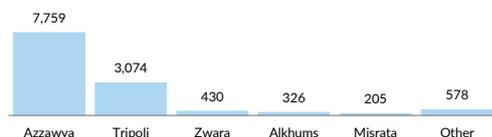
People rescued/intercepted at sea by the Libyan Coast Guard in 2017 by group

Of the total of 12,372 people rescued/intercepted at sea by the Libyan Coast Guard, 10,636 were men, 1,228 women and 400 children.



People rescued/intercepted in 2017 by disembarkation point

Nearly 63% of the total number were rescued/intercepted at Azzawya.



UNHCR health posts at disembarkation points



As of 27 September 2017, UNHCR, through its partner International Medical Corps, provided medical assistance to 2,419 people and distributed 3,133 hygiene kits at six health posts.



Created: 02 October 2017

Sources: UNHCR Libya, Libyan Coast Guard

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Refugee and migrant flows through Libya on the rise – report

www.unhcr.org

UNHCR study finds the North African country is by far the preferred jumping off point for refugees and migrants hoping to reach Europe, yet it is particularly unsafe.





A group of people gather inside a detention facility holding refugees and migrants in Tripoli, May 2017. © UNHCR/Iason Founten

TRIPOLI, Libya – Fleeing death threats in his native Rwanda, 54-year-old Mihigo and his family embarked on an epic journey that took them to Burkina Faso, Mauritania, Morocco and Niger, before eventually reaching Libya four years ago.

Working from time to time in construction jobs in the capital, Tripoli, he has struggled to find a regular work. In his search he has been robbed, assaulted and racially abused, while his wife and daughters suffered sexual abuse.

“I have faced all the problems: theft, bad treatment, discrimination, exploitation (and the) rape attempt of my wife and daughters,” he says.

The family’s desperate plight is unfortunately increasingly common among a growing number of refugees and migrants fleeing wars and hardship in Africa and reaching the North African country.

Among those arriving in Libya is Somali fisherman Hodan, 33, who slipped overland into the country’s southwest from Sudan with a smuggler, after an overland trek that took him through Ethiopia and Djibouti.

Once in the desert town of Rebyana, he was detained by unknown authorities for five days. In desperate need of both food and decent accommodation, he sees no alternative but to continue on his quest to reach Europe.

“I cannot go back home because of the war in Somalia and the absence of the government.”

“I cannot go back home because of the war in Somalia and the absence of the government for over two decades,” he said in interview in the town.

Mihigo and Hodan are among scores of voices in [a new study on mixed migration trends through Libya](#), published today by UNHCR, the UN Refugee Agency, which examines the rising flows of refugees and migrants passing through the North African country, and the multiple hazards they face.

Libya has for decades drawn people from neighbouring countries, as it offered the best employment opportunities and highest salaries in the region – although it has been increasingly roiled by instability and insecurity since the ouster of Muammur Gaddafi in 2011.

The study found that around half of those travelling to Libya do so believing they can find jobs there, but end up fleeing onwards to Europe to escape life-threatening dangers and difficult economic conditions plus widespread exploitation and abuse.

The foreign nationals going to Libya are part of mixed migration flows, meaning that people with different backgrounds and motivations travel together along the same routes. They include refugees, asylum seekers, economic migrants, unaccompanied minors, environmental migrants, victims of trafficking and stranded migrants.

In recent years, the number of people crossing the Mediterranean Sea from North Africa to southern Europe has increased. The indications are that this trend is likely to continue, along with the deadly risks.

This year alone, [at least 2,030 people have died or gone missing](#) on the voyage, with the greatest number of fatalities occurring along the so-called Central Mediterranean Route, through Libya.





A group of migrants and refugees drift in a rubber boat in the Mediterranean Sea, in November 2016. They were intercepted by a Migrant Offshore Aid Station (MOAS) vessel, the Phoenix.

© UNHCR/Giuseppe Carotenuto

To reach Libya, the report found most refugees and migrants arrive irregularly overland. Those setting off from East Africa travel through Sudan, while those from West and Central Africa travel through Niger. To a lesser extent, those from West Africa pass through Algeria.

In a measure of the danger facing migrants and refugees crossing the Sahara Desert, [reports emerged last month of 44 desperate travellers](#), including women and children, who perished after the truck carrying them broke down in northern Niger.

To reach its findings, the new study drew on interviews with hundreds of refugees and migrants themselves, as well as government officials, NGO workers and smugglers in Chad, Niger, Algeria, Tunisia, Libya and Italy.

Of particular concern, it found that almost all refugees and migrants coming to Libya irregularly seek the help of smugglers or criminal networks, who now charge fees of around US\$5,000, just to reach the country.

With higher fees and greater volume, the smuggling industry has grown increasingly professional, transnational in reach, and hazardous, with armed groups playing an increasingly dominant role.

“I have faced all the problems: theft, bad treatment, discrimination, exploitation.”

Countries of origin and profiles of refugees and migrants have also evolved, it found. Many of those on the move are young men. In particular, flows from West Africa have increased, involving individuals usually travelling “step-by-step,” in a series of journeys often organized by the travellers themselves.

As a consequence of this evolving dynamic, the report found that refugees and migrants making the journey are ever more vulnerable, while support services have decreased and the security situation has deteriorated.

Trafficking for sexual exploitation seems to be increasing, affecting Nigerian and Cameroonian women in particular. The number of unaccompanied and separated children travelling alone in Libya is rising, now representing some 14 per cent of total arrivals in Europe via the Central Mediterranean Route, mainly from Eritrea, The Gambia and Nigeria.

To mitigate the growing risks for refugees and migrants passing to and through Libya, recommendations in the report for UNHCR and other organizations include providing direct relief in the form of mobile joint interventions in key hubs in the South – such as Bani Walid, Rebyana, Tazerbu, and Kufra.

Other recommendations include accompanying border monitoring and rescue operations to provide support to refugees and migrants stranded in the desert.





Mixed Migration Trends in Libya: Changing Dynamics and Protection Challenges

Evolution of the Journey and Situations of Refugees and Migrants in Southern Libya



Acknowledgements

This report was prepared by Altai Consulting in partnership with IMPACT Initiatives (IMPACT), for the United Nations Refugee Agency (UNHCR) in Libya. It was written in February 2017 by Marie-Cecile Darne and Tahar Benattia of Altai Consulting, with the support of Hind Kinani and IMPACT.

Data collection in Libya was carried out by Istishari Research, Altai Consulting's local partner, and managed by Karim Nabata and Omar Hunedy. Marie-Cecile Darne conducted fieldwork in Algeria and Niger, while IMPACT conducted fieldwork in Chad and Italy.

We are grateful to UNHCR's Libya office for its role in designing and framing this study, as well as the organisation's offices in Algeria, Chad, Niger and Italy, and the International Organisation for Migration's Libya mission for their valuable input and assistance. We are also indebted to the numerous migrants, refugees, government representatives, humanitarian workers, academic researchers and community members who shared their time and their views with us on the various themes that this study covers.

Photographer Monder Haraga graciously provided the images on the front cover and section pages. All images in this report belong to Altai Consulting, unless otherwise stated. All maps in this report were created by Altai Consulting and IMPACT Initiatives. Layout and graphic design by Marie-Cecile Darne.

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Please note:

For the purposes of this report the expression "refugees and migrants" refers to all people on the move along the routes studied, including migrants, asylum seekers, refugees and other populations (such as victims of trafficking or unaccompanied and separated children), unless a distinction is otherwise made. This study does not include the situation of internally displaced persons (IDPs).

When used separately, the term "refugees" encompasses all persons in need of international protection under UNHCR's mandate. This includes refugees recognised as such following a refugee status determination procedure as well as asylum seekers.

Altai Consulting and IMPACT Initiatives prepared this report for review by the United Nations High Commissioner Refugees (UNHCR). Opinions expressed in the report are those of the authors and do not necessarily reflect the views of the UNCHR.

MIXED MIGRATION IN THE SOUTH

Refugee and Migrant Communities

- Refugees and migrants usually only stay a few days to a maximum of two months in the South before heading for northern Libya.
- Respondents in the southern cities of Sebha, Kufra, Ghatrun, Murzuq, Ubari and Ghat reported staying in shared accommodation in specific neighbourhoods, depending on the tribal background of the smugglers used.
- Relatively few refugees and asylum seekers reside in the South.⁵ Most refugees and asylum seekers settled in Libya (as opposed to transiting through it) are Palestinians, Syrians and Iraqis who arrived many years or decades ago. They are employed and well-integrated, and usually live in northern urban centres.
- People on organised journeys transiting through the South stay for very short period of times in smuggler-controlled locations often on the outskirts of cities, and are particularly vulnerable. They are barely visible and difficult to reach.

Vulnerabilities

- People travelling along the western or eastern routes to and through Libya face harsh environmental conditions, a lack of rule of law and prevalence of criminal networks, unsafe means of transportation (pick-up trucks and rubber boats for instance), and minimal or no access to food, water and medical support.
- Along the route, they often fall victims to extortion and ill-treatment including being insulted, beaten, robbed, or detained until they paid more money. Some end up being subject to trafficking, forced labour, sexual violence and exploitation.
- In Libya, respondents cited additional issues – many of which attributable to the current instability – such as: insecurity and armed violence, racism and discrimination against people of sub-Saharan origin, lack of livelihood, accommodation, healthcare and education opportunities, as well as the degradation of the economic situation.
- Vulnerabilities vary depending on country of origin.
 - In the South, Sudanese, Nigeriens and Chadians are reportedly mostly settled, integrated and therefore less vulnerable. Syrians, Palestinians and Iraqis in the North are in a comparable situation: they are usually well settled but they do face specific difficulties such as administrative obstacles when renewing official documents.
 - Eritreans, Somalis and Ethiopians are usually only in transit through the South, in most cases using “organised journeys” offered by transnational and structured smuggling networks. They are vulnerable because they are under the constant control of smugglers during their stay in Libya and it is difficult for them to reach support organisations. They are thought to be at particular risk of trafficking, as trafficking networks that operate in North Africa tend to offer the kind of full package journeys they purchase.

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⁵. Note that this key finding is specific to refugees and asylum seekers, as opposed to migrants.

The high cost of the “organised journey” packages also means that large debts may be built up, increasing the risk of exploitation and coercion for debt repayment.

- West and Central Africans seem to be the main victims of abuse and ill-treatment by smugglers and the local population. They are usually younger than other refugees and migrants, less educated, less skilled and possess fewer resources.

Supporting Refugees and Migrants in the South

- Support to refugees and migrants is very limited in the South. Local civil society organisations (CSOs) struggle to operate and only a few provide services to refugees and migrants. Due to the multiple conflicts, most non-governmental organisations (NGOs) and international organisations (IOs) have left the region. Support by the Libyan authorities and public agencies is also scarce.
- While some refugee and migrant communities have unofficial representatives, there were only three official diplomatic missions open in the South at the time of the research.⁶ Some respondents indicated being reluctant to interact with these for a variety of reasons, including conditions in their country of origin, irregular entry or presence in Libya or reports that some official representatives might collaborate with smugglers. Of note here is that refugees would not normally seek consular protection and assistance from the authorities of their country of origin. Depending on the root causes and specific circumstances of flight, contacting diplomatic or consular authorities might put refugees at risk.
- Approximately half of respondents in Libya declared having been directly supported by other refugees and migrants in the country.
- A large majority of refugees and migrants interviewed in Libya had access to a functioning phone at all times, regardless of their country of origin, and communicated regularly with their relatives. Internet access, on the other hand, was far less widespread and more irregular.
- Numerous gaps were identified in service delivery and assistance, including direct humanitarian and medical assistance and protection against trafficking and other human rights violations. The availability of information on the rights of refugees and migrants was also severely lacking as was legal and other support with administrative processes, such as obtaining/renewing official documents.

CONCLUSIONS

Mixed migratory movements to Libya and from Libya to Europe appear to have significantly increased in 2016. While it is difficult to predict the evolution of migration flows, considerations that factor into the decision of refugees and migrants to make their way to Libya irregularly and stay in the country or leave for Europe can be categorized. Looking at these indicators, it seems likely that Libya will remain the main transit hub for refugees and migrants to reach Europe from Africa in the coming years.

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6. The only consulates functioning in the South at the time of research were those of Chad, Nigeria and Mali, all located in Sebha.



November 2014

UNHCR POSITION ON RETURNS TO LIBYA

Introduction

1. Since the overthrow of Colonel Muammar Gaddafi and his government in October 2011, Libya has been affected by a chronic state of insecurity.¹ In a climate of instability and chaos, the country has seen intense clashes between armed groups and almost daily assassinations, bombings and kidnappings. The presence of numerous militias – some reports indicate that there are up to 1,700 different armed groups² – each reported to control certain areas of territory, have left successive governments struggling to exercise authority in those areas. The many armed groups are reported to be ideologically divided and are said to be split along geographical lines in the country. Analysts have expressed concerns about the risk of Libya descending into civil war.³ Intense fighting between rival armed groups takes its toll on civilians, as hundreds of thousands have been forcibly displaced across the country, vital infrastructure has been destroyed and the humanitarian situation is rapidly deteriorating.⁴

Recent Political Developments (2014)

2. Social unrest, evidenced, *inter alia*, by demonstrations, armed clashes, and an increase in kidnappings and killings has been reported in Libya in a climate of deteriorating security. Since January 2014, Libya has had rapid succession in the Executive branch that is closely linked to the increasingly divided political landscape. In February 2014, protests erupted when the parliament, the General National Congress (GNC), cited the need for drafting a new constitution and extended its mandate beyond 7 February 2014. On 16 May 2014, the situation further deteriorated when a former General, Khalifa Haftar,⁵ launched a military offensive against armed groups in Benghazi.

¹ See UN Security Council, *Security Council resolution 2174 (2014) [on the situation in Libya]*, 27 August 2014, S/RES/2174 (2014), <http://www.refworld.org/docid/5418057d4.html>.

² BBC News, *Why is Libya Lawless?*, 15 July 2014, <http://bbc.in/1tZSPYq>.

³ For reports on and analysis of developments in Libya, see e.g. Foreign Policy, *Who's Running This Joint, Anyway? Two Governments Are Competing to Rule Libya - But It May Be the Militias that Wield the Real Power*, 13 October 2014, <http://atfp.co/10uEFDc>; UN News Service, *For Any Political Progress to Hold, 'The Fighting Has to Stop,' UN Chief Declares in Libya*, 11 October 2014, <http://www.un.org/apps/news/story.asp?NewsID=49060>; UN News Service, *Libya Closer to Brink of Protracted Conflict and Strife, UN Envoy Warns*, 15 September 2014, <http://www.refworld.org/docid/541804de4.html>; Associated Press, *Under Militia Power, Libya Closer to Failed State*, 9 September 2014, <http://wapo.st/1tHGqso>; UN General Assembly, *Report of the Secretary-General on the United Nations Support Mission in Libya*, 5 September 2014, S/2014/653, <http://www.refworld.org/docid/54119b554.html>; New York Times, *Libyan Militias Seize Control of Capital as Chaos Rises*, 1 September 2014, <http://nyti.ms/1Ei6Tjr>; BBC News, *Why is Libya Lawless?*, 15 July 2014, <http://bbc.in/1tZSPYq>; BBC News, *Guide to Key Libyan Militias*, 20 May 2014, <http://bbc.in/1sgf6No>.

⁴ UN News Centre, *Libya: Intensifying fighting continues to take heavy civilian toll, warns UN agency*, 10 October 2014, <http://www.un.org/apps/news/story.asp?NewsID=49054>; UN News Centre, *Libya closer to brink of protracted conflict and strife, UN envoy warns*, 15 September 2014, <http://www.un.org/apps/news/story.asp?NewsID=48712>.

⁵ General Khalifa Haftar served in the Libyan Army under Colonel Muammar Gaddafi and later took part in his overthrow in 2011. On 16 May 2014, he launched *Operation Dignity* against militias allied with Islamist groups in Benghazi. See e.g. Foreign Affairs, *Libya's*

in accordance with the 1951 Convention, for reason of real or imputed political opinion, or for reasons related to other 1951 Convention grounds. Claims need to be considered on an individual basis, carefully taking into account the particular circumstances of each case. Furthermore, where applicable, UNHCR considers that persons fleeing Libya may be in need of international protection in accordance with Article 1(2) of the 1969 OAU Convention, or, if the 1951 Convention criteria are found not to apply in the individual case, may meet the criteria for complementary forms of protection.⁴⁰ There may be individuals who have been associated with acts that bring them within the scope of the exclusion clauses contained in Article 1F of the 1951 Convention.⁴¹ In such cases, it will be necessary to examine carefully any issues of individual responsibility for crimes which may give rise to exclusion from international refugee protection. In addition, to preserve the civilian character of asylum, States would need to assess the situation of arrivals carefully so as to identify armed elements and separate them from the civilian refugee population.⁴²

Access to Territory and UNHCR Position on Returns

12. As the situation in Libya remains fluid and uncertain, UNHCR calls on all countries to allow civilians fleeing Libya access to their territories. UNHCR furthermore commends any measure taken by States to suspend forcible returns of nationals or habitual residents of Libya, including those who have had their asylum claim rejected. UNHCR urges all States to suspend forcible returns to Libya until the security and human rights situation has improved considerably. Any proposed returns in the context of the application of an internal flight or relocation alternative would need to be assessed carefully, taking into account the individual circumstances of the case; UNHCR considers that, in the current circumstances, in most cases the relevance and reasonableness criteria are unlikely to be met.⁴³ Suspension of forcible returns of nationals and habitual residents to Libya serves as a minimum standard and should not replace international protection for persons found to meet the criteria for refugee status under the 1951 Convention and the 1969 OAU Convention. This advice is valid until such time as the security and human rights situation in Libya has improved sufficiently to permit a safe and dignified return.

Refugees and Asylum-Seekers (Third Country Nationals)

13. Libya is not party to the 1951 Refugee Convention. Confronted with increasing insecurity, third country nationals have found themselves compelled to leave Libya in large numbers, many of them resorting to dangerous sea journeys. Among these persons, there are persons who were recognized as refugees or registered as asylum-seekers in Libya by UNHCR, or in other countries where they resided before reaching Libya (by UNHCR or in State refugee status determination or asylum procedures). Syrians, Palestinians, Eritreans and Iraqis are the largest groups of asylum-seekers and refugees registered with UNHCR in Libya.⁴⁴ In addition, there are likely to be third country

⁴⁰ In the context of human rights obligations, or of applicable regional frameworks, such as the EU Qualification Directive.

⁴¹ UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, CR/GIP/03/05, <http://www.unhcr.org/refworld/docid/3f5857684.html>.

⁴² See UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, <http://www.refworld.org/docid/452b9bca2.html>.

⁴³ The decision-maker bears the burden of proof of establishing that an analysis of relocation is relevant to the particular case. If considered relevant, it is up to the party asserting this to identify the proposed area of relocation and provide evidence establishing that it is a reasonable alternative for the individual concerned. See UNHCR, *Guidelines on International Protection No. 4: Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, <http://www.refworld.org/pdfid/3f2791a44.pdf>, and paras. 33-35. For an IFA/IRA to be relevant, the proposed area of relocation must be practically, safely and legally accessible. Further, where the claimant has a well-founded fear of persecution at the hands of the State and its agents, there is a presumption that consideration of an IFA/IRA is not "relevant" for areas under the control of the State. If the applicant fears persecution by a non-state agent of persecution, the ability to pursue the claimant in the proposed area and the State's ability to provide protection there must be considered, See paras. 9 –21. UNHCR considers that a similar analysis would apply when the applicability of IFA is considered in the context of determining eligibility for subsidiary protection.

⁴⁴ Out of the total of 36,984 persons registered, 18,700 are Syrian, 5,300 are Palestinian, 4,687 are Eritrean and 3,105 are Iraqi. Other registered nationalities include Somali, Sudanese, Ethiopian, Congolese and Chadian. Detailed statistics available from UNHCR.

nationals or stateless persons who resided in Libya but who had not or not yet applied with UNHCR for international protection in Libya before moving onwards to seek international protection elsewhere. This category may include persons originating from countries in conflict or otherwise in turmoil who were residing in Libya as migrant workers, but found themselves compelled to leave as a result of insecurity and violence. Upon arrival in another country, third country nationals seeking or otherwise indicating a possible need for international protection should be referred to national asylum procedures, for consideration of their applications for international protection.

Designation of Libya as Safe Third Country

14. UNHCR does not consider it appropriate for States to designate or apply in practice a designation of Libya as a so-called “safe third country”. The designation of a country as a “safe third country” may result in a request for international protection not being considered on its merits but declared inadmissible, or processed in an accelerated procedure with reduced procedural safeguards. Even before the current unrest and insecurity, UNHCR considered that Libya should not be considered as a safe third country, in light of the absence of a functioning asylum system, the widely reported difficulties and abuses faced by asylum-seekers and refugees in Libya, and the absence of protection from such abuses.⁴⁵ UNHCR calls on States not to channel applications for international protection from third country nationals into accelerated procedure or declare them inadmissible, merely on the basis of the fact that they previously resided in or transited through Libya.

Updating and Review

15. UNHCR’s position will be reviewed as the situation evolves and will be updated as necessary.

⁴⁵ See e.g. UNHCR, *UNHCR Intervention Before the European Court of Human Rights in the case of Hirsi and Others v. Italy*, March 2010, Application no. 27765/09, <http://www.refworld.org/docid/4b97778d2.html>. See also footnote 25.

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report –

Universal Periodic Review:

LIBYA

I. BACKGROUND INFORMATION

Libya is not a State party to the 1951 Convention relating to the Status of Refugees, nor to its 1967 protocol. Libya is a State party to the 1969 Convention of the Organization of the African Union (OAU) governing the specific aspects of refugee problems in Africa, which is the regional complement of the 1951 Convention.¹ Libya is a State party to key human rights treaties.² In the absence of a national asylum system, registration, documentation and refugee status determination activities have been carried out by UNHCR. Following the 2011 revolution, a Constitutional Declaration of the National Transitional Council (NTC) guaranteed the right to asylum under Article 10,³ but in practice, there is no legislation that reaffirms these rights.

Libya is also a signatory to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Libya is going through a tumultuous transition period three years after its revolution in 2011. Political polarization backed by armed militias has resulted in a volatile security environment characterized by daily assassinations, kidnappings and armed conflict in the capital of Tripoli and eastern part of the country. This translates into an extremely challenging protection

¹ Convention Governing the Specific Aspects of Refugee Problems in Africa, Article 8, 2nd paragraph: “The present Convention shall be the effective regional complement in Africa of the 1951 United Nations Convention on the Status of Refugee,” available at: http://www.au.int/en/sites/default/files/Convention_En_Refugee_Problems_in_Africa_AddisAbaba_10September1969_0.pdf

² Including the International Covenant on Civil and Political Rights and its Optional Protocol; the International Covenant on Economic Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Libya is also a party to the Arab Charter on Human Rights and the African Charter on Human and Peoples' Rights and has ratified the Protocol establishing the African Court for Human and Peoples' Rights. Libya is also a State party to instruments addressing human trafficking and smuggling, including the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

³ Article 10 of the Constitutional Declaration of the National Transitional Council states: “The State shall guarantee the right of asylum by virtue of the law”.

environment for people of concern to UNHCR. In the absence of any national asylum legislation or framework, refugees and asylum-seekers are generally viewed as illegal migrants and have little to no access to protection mechanisms.

At present, 36,984 refugees and asylum-seekers are registered with UNHCR in Libya, of which the majority is Syrian (18,710), Palestinian (5,300) and Eritrean (4,867).⁴ With the exception of Palestinians, many of whom have resided in Libya for many years, these two groups and other mostly African nationals are part of the ongoing influx of migrants, refugees, and asylum-seekers who continue to arrive in Libya by way of its porous borders with Egypt, Algeria, Sudan, Tunisia, Chad and Niger.

Refugees and asylum-seekers remain easy targets and fall victim to human rights violations including arbitrary arrest, indefinite detention, trafficking, forced labour and other degrading treatment. Sub-Saharan African refugees and asylum-seekers prove to be at greater risk from both the authorities as well as the general host population due to persistent discrimination and a general social perception that they are carriers of disease and moral corruption.

Refugees and asylum-seekers upon arrival in Libya, particularly African nationals, are treated as illegal migrants and are at risk of arbitrary arrest and detention. People detained in detention sites face serious protection concerns ranging from access to food, water, health, physical mistreatment to labour exploitation. This detention practice tends to push newly arrived refugees and asylum-seekers underground out of fear of arrest and impedes their access to UNHCR and other available support structures, and thereby further fuels human trafficking and smuggling towards Europe.

Libya has become the main stepping-stone towards Europe for migrants, refugees and asylum-seekers from much of Africa and the Middle East hoping to cross the Mediterranean by boat. Mixed migrants enter Libya from its many official and unofficial borders and are often exploited by trafficking and smuggling networks, become victims of extortion and violence, risk dehydration and death due to harsh desert conditions or are forcibly pushed back across the borders. Over 43,000 persons arrived in Italy by boat in 2013, already a three hundred per cent increase from 2012. More than 21,719 persons of those people departed from Libya. The scale of sea migration from Libya has been highest in 2014. As of August 2014, over 109,000 have arrived in Europe, of whom over 98,000 persons departed from Libya. The increase in irregular sea migration has also resulted in terrible tragedies at sea whereby over 2,000 lives have been lost in the Mediterranean in the first 8 months of 2014 alone.

II. ACHIEVEMENTS AND BEST PRACTICES

UNHCR welcomes the Government's approaches consisting of granting free public education to nationals of Arabic speaking countries and of providing free access to medical care in public hospitals to Syrian and Palestinian nationals in Libya, while emphasizing that such services should also be extended to other nationals who are refugees and asylum-seekers.

UNHCR also welcome the fact that since the 2011 revolution, Libyan authorities have observed the principle of *non-refoulement* for people from war-torn countries such as

⁴ Since May (in Benghazi) and July (in Tripoli), UNHCR operations have been affected by the deteriorating security situation. UNHCR temporarily suspended registration activities until normal operations can be resumed.

Advance Edited Version

Distr.: General
21 February 2018

Original: English

Human Rights Council

Thirty-seventh session

26 February – 23 March 2018

Agenda items 2 and 10

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Technical assistance and capacity-building

**Situation of human rights in Libya, and the effectiveness of
technical assistance and capacity-building measures received
by the Government of Libya***

Report of the United Nations High Commissioner for Human Rights

Summary

In the present report, the United Nations High Commissioner for Human Rights describes the situation of human rights in Libya and the support provided to key Libyan institutions with regard to the protection of civilians, individuals hors de combat and groups in focus, and concerning the administration of justice, the rule of law and transitional justice. He concludes the report with recommendations addressed to all parties to the conflict, the Government of Libya, the international community and the Human Rights Council.

* The present report was submitted late owing to a technical error in the submission process.

40. As at the end of 2017, 24 unaccompanied children from Tunisia, Egypt and other African countries remained at the Libyan Red Crescent shelter in Misrata following their transfer from Sirte in late 2016, in the context of military operations against ISIL. They had insufficient access to humanitarian assistance, education and psychological support.

C. Migrants

41. While Libya is a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, its legislation and practice contravene international and regional law and standards applicable to migrants,³ including refugees and asylum seekers. Libya criminalizes irregular migration and has no asylum determination system.

42. UNSMIL/OHCHR found that migrants in Libya face gross human rights violations and abuses, both in and outside detention.⁴ Perpetrators include State officials, armed groups, smugglers, traffickers and other criminal gangs. State institutions remain weak and, in some instances, the authorities were unable or unwilling to ensure effective protection for migrants.

43. Migrants faced arbitrary detention in inhuman conditions and continued to be subjected to torture, including rape and other forms of sexual violence, abduction for ransom, extortion, forced labour, forced prostitution, and unlawful killings. Those held in official detention centres run by the Department for Combating Illegal Migration under the Ministry of the Interior were held indefinitely, with no judicial process. UNSMIL/OHCHR gathered information on unlawful killings, rape, torture and other extreme violence in unofficial detention places run by armed groups, smugglers and traffickers in Beni Walid, Sabratha and Sabha. Sub-Saharan Africans were especially vulnerable to abuse as a result of racial discrimination. Rape and other forms of sexual violence against women and girls were widespread.

44. In 2017, UNSMIL/OHCHR visited nine detention centres managed by the Department for Combating Illegal Migration, in Tripoli, Gharyan, Misrata and Surman, and observed inhuman conditions. Detainees were often crammed into hangars with appalling sanitary conditions, little space to lie down, and no or extremely limited access to light, ventilation or appropriate hygiene facilities. Most were denied outdoor time and were not provided with any means to communicate with their families. UNSMIL/OHCHR also received numerous and consistent reports of torture, including beatings, electric shocks and sexual violence, and of forced labour of detainees. At 31 October, nearly 20,000 migrants were detained in facilities run by the Department for Combating Illegal Migration in western Libya. The number of detainees spiked after the authorities arrested thousands of migrants following armed clashes in the city of Sabratha, a smuggling and trafficking hub, in October. By the end of the year, following the repatriation of thousands of migrants to their home countries, an estimated 5,200 migrants were still being held in centres run by the Department of Combating Illegal Migration.

45. UNSMIL/OHCHR received reports of the bodies of hundreds of migrants being washed up on Libyan shores, found in remote areas (such as forests or deserts) or brought to morgues. Some appeared to have died from drowning or thirst; others bore gunshot wounds.

³ OHCHR defines an international migrant as “any person who is outside a State of which he or she is a citizen or national, or, in the case of a stateless person, his or her State of birth or habitual residence”. See OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders, 2014, p. 4.

⁴ See UNSMIL/OHCHR, “Detained and dehumanised”, report on human rights abuses against migrants in Libya, 13 December 2016.

On 7 March, the bodies of at least 13 sub-Saharan Africans were uncovered in the Telil forest, near Sabratha, some bearing gunshot wounds. On 4 June, seven sub-Saharan African migrants suffocated inside a truck after they had been locked in and abandoned by smugglers in the area of Garabulli. Officials from the Ministry of the Interior uncovered the truck with deflated tyres, but apparently did not open the doors until hours later, after it had been towed to Tripoli.

46. UNSMIL/OHCHR documented the use of firearms, physical violence and threatening language by coastguard officials during search-and-rescue operations in Libyan and international waters. For instance, on 10 May, a Libyan Coast Guard patrol boat intervened in an ongoing rescue operation of some 500 people in a wooden vessel run by the German non-governmental organization Sea-Watch, some 20 nautical miles from Libyan shores. According to testimonies by the rescue crew and survivors, members of the Coast Guard pointed their firearms at the migrants, threatened them, and rammed into their wooden boat twice. Survivors were taken to centres run by the Department for Combating Illegal Migration, where some were subjected to torture or ill-treatment. In a similar incident, on 6 November, some 28 nautical miles from Libyan shores, members of the Libyan Coast Guard reportedly beat migrants with a rope as they boarded, threatened Sea-Watch rescuers and instructed them to leave the location. The Coast Guard reportedly engaged in reckless behaviour during search-and-rescue operations and did not provide life jackets, further endangering the lives of people in distress at sea.

D. Media professionals, activists and human rights defenders

47. Media professionals, activists and human rights defenders had their rights to freedom of expression and association restricted and were subjected to abductions, arbitrary detention, intimidation and threats. Armed groups, including those nominally affiliated to State institutions, were the main perpetrators of such acts, with weak State institutions unable or, at times, unwilling to provide effective protection.

48. Activists and journalists who criticized armed groups, or who reported on human rights issues, were threatened and attacked. In July, a journalist fled Al-Zawiya following death threats by members of local armed groups, reportedly because of his coverage of political and humanitarian developments in the city. In August, armed men apprehended a human rights defender in Tripoli after they discovered his field of work; he was forced to unlock his computer and was questioned on his activities before being released hours later. On 8 October, an armed group affiliated to the Libyan National Army arrested four journalists, their driver and another woman in Hun, some 640 km south-east of Tripoli; they were questioned about their work and political affiliation, and were released two days later. On 9 October, armed men beat a woman journalist and broke her camera and other equipment during her coverage of a protest in Tobruk.

49. On 28 August, in Tripoli, an event marking the launch of a collection of short stories and poems by Libyan authors was suspended following warnings that members of the Special Deterrence Force were moving in armoured vehicles towards the venue. On 30 August, the General Committee of Culture of the Government criticized the publication's alleged "pornographic" and "immoral" content, and called for legal action against those involved. The writers, organizers and publishers faced threats and intimidation on their social media pages. Several consequently went into hiding, while others fled the country. The Faqih centre, the venue that hosted the event, was shut down.

50. On 3 November, in another attack on public events in Tripoli, the Special Deterrence Force raided the Comic-Con exhibition and arrested dozens of participants and organizers. Most participants were released within 24 hours after their parents or guardians were

**Human Rights Council**

Thirty-fourth session

27 February-24 March 2017

Agenda items 2 and 10

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Technical assistance and capacity-building

**Report of the United Nations High Commissioner for Human
Rights on the situation of human rights in Libya, including
on the effectiveness of technical assistance and capacity-
building measures received by the Government of Libya***Summary*

The present report, submitted pursuant to resolution 31/27 of the Human Rights Council, was prepared in cooperation with the United Nations Support Mission in Libya. It describes the situation of human rights in Libya and sets out the support provided to key Libyan institutions with regard to the protection of civilians, groups in focus, administration of justice, the rule of law and transitional justice. It concludes with recommendations addressed to all parties to the conflict, the Government, the international community and the Human Rights Council.

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unknown assailants in Surman, remain missing. Other children have been abducted and killed, as outlined in section III above.

41. The ongoing violence has led to the destruction and damage of schools, the displacement of schoolchildren, and a lack of school books. According to the Ministry of Education, 558 out of 4,200 schools in Libya are not functioning, affecting 279,000 school-aged children.

42. Child health has also been affected, with the conflict leading to a breakdown in the provision of medical services. On 5 May, it was reported that 12 infants had died from preventable bacterial infection in the Sabha Medical Centre neonatal intensive care unit, while 1 child died and 3 others were admitted to the intensive care unit in the Tripoli Medical Centre after being given expired medication.

C. Migrants⁴

43. While Libya is a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, its legislation and practice are not in line with international and regional standards for migrants, including refugees and asylum seekers. Libya criminalizes irregular migration and has no asylum determination system.

44. UNSMIL/OHCHR has found that migrants in Libya face a host of violations and abuses, both in and outside detention.⁵ Perpetrators include State officials, armed groups and individuals. The State has not been able to ensure effective protection for migrants in Libya.

45. Migrants in Libya are highly vulnerable, facing arbitrary detention in inhuman conditions; torture, including sexual violence; abduction for ransom; extortion; forced labour; and killings. Those held in official detention centres run by the Department for Combating Illegal Migration under the Ministry of the Interior are held arbitrarily, with no judicial process, in violation of Libyan law and international human rights standards. Armed groups, smugglers and traffickers hold others in unofficial places of detention. Sub-Saharan Africans are especially vulnerable to abuse as a result of racial discrimination. Migrant women are also at particular risk of rape and other forms of sexual violence.

46. UNSMIL/OHCHR has documented inhuman conditions in detention centres managed by the Department for Combating Illegal Migration. Detainees are often held in warehouses with appalling sanitary conditions, little space to lie down and extremely limited access to light, ventilation or washing facilities. It has received reports of guards denying access to toilets, forcing migrants to urinate and defecate within the overcrowded warehouses in which they are kept. In some centres, migrants suffer from severe malnutrition, receiving on average around one third of the minimum daily intake of calories required by adult men, leading to or contributing to deaths. It has also received numerous and consistent reports of torture, including beatings and sexual violence, and the forced labour of detainees.

⁴ OHCHR defines an “international migrant” as “any person who is outside a State of which he or she is a citizen or national, or, in the case of a stateless person, his or her State of birth or habitual residence”. See OHCHR, *Recommended Principles and Guidelines on Human Rights at International Borders*, 2014, p. 4.

⁵ See UNSMIL/OHCHR, “‘Detained and dehumanised’. Report on human rights abuses against migrants in Libya”, 13 December 2016.

47. On 1 April, 4 migrants were killed in Al-Nasr detention facility in Al-Zawiya and approximately 20 injured following an apparent escape attempt. One guard was injured. Médecins sans Frontières said that on 17 August unidentified armed men attacked its boat that rescues migrants in international waters, shooting at the bridge and boarding the boat. The Libyan Coast Guard acknowledged encountering the boat, but claimed that they only shot in the air and denied boarding it. On 21 October, a man from a speedboat with “Libyan Coast Guard” written on it reportedly attacked a rubber boat carrying 150 migrants, 14 nautical miles out to sea, causing it to collapse and the migrants to fall into the sea. After the attack, a non-governmental organization, Sea-Watch, was able to rescue 120 persons and recovered 4 bodies. A further 26 persons are presumed dead. Reportedly, Libyan naval forces in Tripoli denied the attack, but admitted an encounter with Sea-Watch on the same day, claiming that it was in Libyan waters.

D. Media professionals, activists and human rights defenders

48. Media professionals, activists and human rights defenders do not enjoy freedom of expression in Libya. They face a range of abuses, including abductions and murder, or summary executions. Armed groups are the main perpetrators. The State has been unable to provide effective protection.

49. Media professionals, activists and human rights defenders continued to be targeted for speaking out on human rights issues or criticizing armed groups. On 28 March, armed groups aligned to Operation Dignity detained two bloggers and held them in the Grenada detention facility in Benghazi. The bloggers were denied access to a lawyer and family visits. They were released after four months. On 30 March, a blogger and journalist was taken by armed groups in Tripoli and questioned regarding his social media posts. While detained, he said that he was beaten with a stick and attacked by a dog. He was released on 3 April.

50. On 3 April, armed groups supportive of the Government of National Accord used heavy weapons to attack the building in Tripoli of the Al-Naba television channel, which was aligned to the General National Congress, in an apparent attempt to stop it broadcasting. The building was badly damaged. Armed groups subsequently entered the building and intimidated the staff.

51. Journalists and media professionals who work in conflict zones also face danger. On 2 July and 2 October respectively, snipers from groups pledging allegiance to ISIL in Sirte killed Abdelkader Fassouk, a Libyan journalist, and Jeroen Oerlemans, a Dutch journalist. On 23 June, a sniper in the Al-Qawarsha neighbourhood in Benghazi, allegedly linked to the Benghazi Revolutionaries Shura Council, killed Libyan journalist Khaled Showiref Al-Zentani.

52. Human rights defenders also faced danger in their work. On 16 March, Abdul Basit Abu-Dahab, was killed in a car bomb attack in downtown Derna. He had advocated for many years for the rule of law and human rights in Libya. He had received numerous death threats for his work and survived two previous assassination attempts in 2013 and 2014.

53. While article 26 (6) of the Libyan Political Agreement commits parties to support the proper functioning of the National Council for Civil Liberties and Human Rights, the country’s national human rights institution has remained largely non-operational. In 2014 and 2015, its staff and board members were subjected to threats and forced to close their offices in Tripoli. Some fled the country. The term of the Council elapsed in late 2014 and has not been renewed by the House of Representatives, as is required by law. The former legislature, the General National Congress appointed a parallel institution in March 2015.

Distr.: General
15 February 2016

English only

Human Rights Council

Thirty-first session

Agenda items 2 and 10

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Technical assistance and capacity-building

**Investigation by the Office of the United Nations High
Commissioner for Human Rights on Libya: detailed findings^{* **}**

Summary

The present document contains the detailed findings of the investigation by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on Libya. The principal findings and recommendations of OHCHR are provided in document A/HRC/31/47.

* Reproduced as received.

** The information contained in this present document should be read in conjunction with the report of the investigation of the Office of the United Nations High Commissioner for Human Rights on Libya (A/HRC/31/47).

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including Syrians, Palestinians, Iraqis and Eritreans.²⁷² The number of migrants arriving to Europe from Libya has substantially increased in recent years. UNHCR estimates that approximately 130,000 individuals arrived in Italy from Libya between January and October 2014.²⁷³ From January to mid-October 2015, more than 140,000 migrants arrived in Italy by sea. The majority departed from Libya.²⁷⁴

250. Migrants travelling by land pass through various routes through Libya. Individuals from Sudan, Ethiopia, Eritrea, and Somalia, often travel the east African route, passing through the city of Al-Kufra. Individuals from west Africa often travel through Niger, while those from western Sudan and Cameroon often travel from Ndjamena, passing through Sabha. Individuals from Syria often travel via Algeria towards the northwest coast of Libya.

251. One challenge in ensuring appropriate treatment of refugees in Libya is the absence of a legal and policy framework. Libyan law criminalizes any foreign national being present in Libya without lawful authority. However, there are no clear procedures for those coming into Libya irregularly to regularize their status, obtain identification documents or ensure their protection as temporary residents,²⁷⁵ leaving many potentially subject to detention or deportation. For those seeking asylum, there is no law dealing with the processing of refugee claims or to guarantee their rights in Libya. Reference to “asylum” in domestic legislation appears in the Constitutional Declaration of the National Transitional Council from 2011.²⁷⁶ However, this has not yet been transposed into legislation.²⁷⁷

(b) Lack of effective control over detention facilities

252. A large number of migrants are currently detained in Libya. According to UNHCR and IOM, as of 4 May 2015, there were at least 3,245 migrants detained in facilities in western Libya alone, including 329 women and 34 children.²⁷⁸

253. While detention centres for migrants existed prior to the armed conflict in 2011, and were managed by the Ministry of the Interior, the Department for Combatting Illegal Migrants was established as a separate unit within the Ministry in 2012.²⁷⁹ Although official confirmation has not been possible to obtain, a number of credible sources referred to administration by the Department for Combatting Illegal Migrants of some 19 facilities across the country, with a particular concentration in the west. International organizations and monitoring groups have faced challenges in accessing the centres as a result of the security situation, such that OHCHR was unable to confirm which facilities remain operational and which are closed. Since its establishment, the control of the Department for

²⁷² UNHCR, *UNHCR position on returns to Libya – update 1*, October 2015, p. 11. This paper notes that a more recent figure was not available owing to the lack of access of UNHCR to Libya and verification.

²⁷³ UNHCR, *UNHCR position on returns to Libya*, November 2014, p. 4.

²⁷⁴ UNHCR, *UNHCR position on returns to Libya – update 1*, October 2015, p. 13.

²⁷⁵ MHub, IOM, *Detained Youth: the Fate of Young Migrants, Asylum Seekers and Refugees in Libya Today*, July 2015, p. 41.

²⁷⁶ *Ibid.*, p. 45.

²⁷⁷ UNHCR, *UNHCR position on returns to Libya – update 1*, October 2015, p. 11.

²⁷⁸ UNSMIL, *The situation of migrants in transit through Libya en route to Europe*, Briefing Note, May 2015. Under international human rights law the detention of children is to be used only as a measure of last resort and for the shortest appropriate period of time: CRC, art. 37(b).

²⁷⁹ Global Detention Project, *Libya Detention Profile*, Feb 2015; also for terms of reference of the Department for Combatting Illegal Migrants see MHub, IOM, *Detained Youth: the Fate of Young Migrants, Asylum Seekers and Refugees in Libya Today*, July 2015, p. 78.

Combatting Illegal Migrants over the detention facilities has itself been interrupted. In 2012, officials acknowledged to Amnesty International that “they had little involvement in the arrest and detention of migrants and that the Ministry of Interior has oversight over detention centres for migrants, but said that since the [2011] conflict the Ministry had had no capacity or resources to continue doing so”.²⁸⁰

254. In 2013, the Department for Combatting Illegal Migrants regained control of some of the detention facilities that had been taken over by armed groups in 2011.²⁸¹ Yet in 2014, a number of the facilities were closed, in particular in southern Libya, owing to the outbreak of violence and the lack of funding from the central government.²⁸² It was reported to OHCHR that many detention facilities of the Department are guarded by armed groups.

255. In parallel to the facilities of the Department for Combatting Illegal Migrants, are a number of unofficial or ad hoc detention facilities, controlled by various armed groups. Although OHCHR was informed of two additional unofficial detention facilities for migrants, the precise number is uncertain as these facilities are not declared.

256. In the course of this investigation, OHCHR was not been able to access migrant detention facilities inside Libya. Nor was it considered possible to speak with migrants who remained in Libya given their vulnerability. The focus has thus been on collecting first-hand accounts from individuals now residing outside Libya. Those individuals have shared their experiences in particular about their detention and treatment in the vicinity of Tripoli in the west, and Sabha in the south, during 2014 and 2015. The findings of OHCHR are consistent with the violations and abuses highlighted in previous UNSMIL/OHCHR reports and the reports of other organizations including IOM.²⁸³

257. In many cases, particularly involving non-Arabic speaking individuals, those who had been detained did not know the precise location of the facility in which they had been detained, or whether it was an official facility of the Department for Combatting Illegal Migrants or an informal facility. What appears to be common however is that migrants are frequently held arbitrarily, without access to due process and fair trial guarantees, and are subject to a wide range of other human rights violations and abuses. The duration of deprivation of liberty is indefinite, and there is a complete lack of judicial or other independent oversight or access to legal assistance.

258. In many cases, release is obtained by either being extorted to pay a “fee”, paying a bribe, or being freed by someone who will pay the appropriate sum. Many persons interviewed who had been detained or otherwise deprived of their liberty stated that they were requested to call family members to ask them to transfer money to secure their

²⁸⁰ Global Detention Project, *Libya Detention Profile*, 2015.

²⁸¹ MHub, IOM, *Detained Youth: the Fate of Young Migrants, Asylum Seekers and Refugees in Libya today*, July 2015, p. 48.

²⁸² Ibid.

²⁸³ In the first half of 2014, UNSMIL/OHCHR teams were able to access various detention centres for migrants in Libya, including in Abu Salim, Al-Zawiya, Al-Tewisha, Al-Hamra, Al-Khoms, Al-Gawiya, Burshada, Gatroun, Surman, Zoo Centre and Zleiten. See *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya and on related technical support and capacity-building needs*, A/HRC/28/51, 12 January 2015, p. 8. See also: MHub, IOM, *Detained Youth: the Fate of Young Migrants, Asylum Seekers and Refugees in Libya today*, July 2015.

release. According to a man who was detained in Sabha,²⁸⁴ “they came to us every day. They would beat those who would not make the call”. After spending a month in detention, he was released once payment had been made. He said others remained in detention for up to nine months, unable to pay the sum requested. OHCHR staff spoke to other former detainees who were forced to undertake unpaid labour in exchange for their release.

259. Migrants held in detention do not have any real access to judicial process or guarantees. Monitoring systems either do not exist or are insufficient. Thus there is no oversight in relation to the uncontrolled discretion of the guards, or the commission of violations and abuses.

(c) Conditions of detention

260. Conditions of detention are inadequate, and feature chronic overcrowding, poor sanitation, insufficient access to healthcare, and inadequate quantity and quality of food.²⁸⁵ A Somali man who had been held for two months in a detention centre near Tripoli in early 2015 said: “the detention room was very dirty, and we slept on the floor without any covers. Everyone was itching and had a skin disease”. An Eritrean man, who was held in Souk Al-Ahad detention facility²⁸⁶ in May 2015, reported the same conditions: “it was too hot, and we were getting very little food. People were falling sick, but there was no medical care”. An Eritrean man held in an informal detention location in Bani Walid mid-2015 said that individuals were suffocating as a result of the overcrowding and absence of ventilation. The guards eventually broke an opening in the ceiling to provide some air.

261. Reports received by OHCHR suggest that ill-treatment at the hands of detention guards (sometimes amounting to torture) is widespread. A Somali woman recounted the beating she suffered in detention: “They counted us every day. If I could not stand fast enough, they would beat me. My left arm was injured and hurt because of the beating”. Children are also detained and not necessarily separated from adults. A former detainee who at the age of 17 was held in a facility in Sabha in 2014, described the physical abuse he suffered and witnessed:

“Men in Khaki uniforms came and took us out of our rooms, forced some of us to take our clothes off, and beat us. They would throw water on us when we lose [consciousness]”.

262. A Nigerian man who was held in a detention centre in Gheryan in early 2014 also described severe ill-treatment of detainees and an unlawful killing at the centre:

“There was lots of beating. If the guards open the door, and the detainees do not move fast, the guards would flog them with a chain. Once, a man – I think he was Ethiopian – spilled his soup. One of the guards took out a gun and shot him dead in front of me. After this incident, I decided I must escape”.

²⁸⁴ It is not known whether the concerned facility was located where the official facility of the Department for Combatting Illegal Migrants is located, or whether it is an informal facility located elsewhere in Sabha.

²⁸⁵ As to the requirement that persons deprived of their liberty be treated with humanity and with respect for their inherent dignity, see ICCPR, art. 10, which complements the prohibition on torture or cruel, inhuman or degrading treatment or punishment discussed in Section D.

²⁸⁶ OHCHR received conflicting reports on whether or not this facility is under the control of the Department for Combatting Illegal Migrants.

317. Although some progress was made prior to the outbreak of conflict, obstacles were also encountered. A recurring theme in many of the evaluations was the lack of reliable data to gauge current operations and evaluate functioning. In addition, some programmes faced difficulties in garnering sufficient buy-in from concerned actors.³¹⁶ Practical safety concerns were also raised as an inhibiting factor. In relation to one UNSMIL training programme, for instance, concerns were expressed by Libyan actors as to the implications of implementing full fair trial procedures, in particular foreseeing that a greater number of acquittals would prompt reprisals by interested armed groups.³¹⁷

318. For any reform of the justice sector to be successful in Libya, support needs to emanate from the highest levels of the political and judicial systems in Libya. With the establishment of the Government of National Accord, it is anticipated that there will be renewed opportunity to review and reinstitute plans for coordinated technical assistance and capacity-building within the justice sector. Areas in which this technical assistance might be focused are further elaborated upon in this present report including in Annex III, specifically in relation to moving forward with respect to criminal justice accountability for those responsible for violations and abuses committed in 2014 and 2015.

2. Moving towards accountability

319. The sheer number of allegations of gross violations of international human rights law, serious violations of international humanitarian law, and serious abuses of human rights, and the fact that they have been committed by so many different parties in disparate geographical areas present enormous challenges, in particular in overcoming the prevailing impunity in Libya and securing accountability. To date, there have been very few investigations and no prosecutions of leaders or members of armed groups or armed forces relating to the events of 2014 and 2015.

320. International efforts are focused on the establishment of the Government of National Accord and bringing an end to the conflict. Justice will be vital to bring about a sustainable peace in Libya. In the Libyan Political Agreement, commitments have been made to end impunity. Strong leadership and support will be required to combat the significant resistance that might be anticipated to realising this commitment, in particular from influential groups or individuals implicated in the violations and abuses.

321. Criminal justice accountability in Libya is currently being pursued through both the International Criminal Court and the Libyan justice system.³¹⁸

(a) International Criminal Court

322. In its resolution 1970 (2011), the Security Council referred the situation of Libya to the Prosecutor of the International Criminal Court. On 25 July 2014, in the context of the worsening situation in Libya, the Prosecutor issued a statement that she “[would] not hesitate to investigate and prosecute those who commit crimes under the Court’s

Rights, A/HRC/25/42, 13 January 2014; and *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya and on related technical support and capacity-building needs*, A/HRC/28/51, 12 January 2015.

³¹⁶ According to an interview with UNSMIL staff member.

³¹⁷ *Ibid.*

³¹⁸ Additional options for accountability exist outside either Libyan or international mechanisms: namely through the exercise of universal jurisdiction by other States. This would, however, depend on other States having the requisite legal frameworks in place to allow for such prosecutions, and for such States to have or gain custody over accused persons.

Libia, al via interventi di UNICEF e OIM per i minori migranti bloccati nel paese.

www.unicef.it

19 dicembre 2017 – In **Libia** almeno **36.000 minorenni migranti**, di cui oltre **14.000 non accompagnati**, hanno bisogno di assistenza umanitaria. Essi rappresentano il 9% dei circa 400.000 migranti che si stima siano attualmente bloccati nel paese nordafricano.

Quest'anno, circa **15.000** minorenni non accompagnati **hanno raggiunto l'Italia** via mare lungo la rotta del Mediterraneo Centrale che parte dalla Libia. Quasi tutti questi viaggi sono stati gestiti da responsabili di **tratta e traffico di esseri umani**. Oltre 400 di questi bambini sono morti durante la traversata, mentre innumerevoli altri sono stati vittime di abusi, sfruttamento, riduzione in schiavitù e detenzione.

L'UNICEF e l'Organizzazione Internazionale per le Migrazioni (**OIM**) hanno unito le loro forze in un Piano di azione per intensificare il loro aiuto ai minorenni migranti in Libia, concentrando il proprio intervento sugli aspetti della protezione, della salute, dell'istruzione, dell'acqua e dell'igiene. Tale collaborazione assicurerà che i diritti dei bambini vengano posti al centro di tutti i servizi di assistenza prestati dalle due organizzazioni in Libia.

«L'obiettivo, per tutta la durata della collaborazione, sarà di raggiungere e proteggere sempre più minorenni migranti»
dichiara **Othman Belbeisi**, Capo Missione OIM in Libia *«I bambini sono tra i più vulnerabili e molti di loro hanno bisogno di protezione e supporto.»*

Per il 2018 l'OIM mira ad assistere **30.000** migranti - fra cui molti minorenni - nel **ritorno volontario** ai paesi di origine. Le due agenzie delle Nazioni Unite assicureranno che venga data priorità al preminente interesse dei bambini prima della partenza, durante il viaggio e al momento del rimpatrio.

«I minorenni migranti sono tra i soggetti più vulnerabili in Libia e l'accordo con l'OIM è fondamentale per il nostro lavoro, per raggiungerli e tutelarli nei loro diritti» afferma a sua volta **Abdel-Rahman Ghandour**, Rappresentante Speciale dell'UNICEF in Libia. *«Lavoreremo insieme per assicurare che tutti i bambini, a prescindere dal loro status legale, possano ricevere un'istruzione, essere protetti e accedere ai servizi di base di cui hanno bisogno».*

In Libia UNICEF e OIM hanno collaborato per le recenti **campagne di vaccinazione** su scala nazionale, di cui hanno beneficiato i bambini più marginali come quelli migranti e rifugiati.

Nel quadro degli accordi di collaborazione stipulati nel 2006 fra le due agenzie delle Nazioni Unite, UNICEF e OIM espanderanno il proprio impegno comune per fornire ai bambini migranti accesso ai servizi di base, assistenza psico-sociale e servizi per l'identificazione e per il ricongiungimento familiare dei minorenni non accompagnati.





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A Deadly Journey for Children

The Central Mediterranean Migration Route

#ChildrenUprooted

SURVEY OF A JOURNEY

UNICEF staff on the ground working with children on this route have heard and documented many cases over many years of this abuse. UNICEF works in the countries of origin, transit and destination protecting children from violence, helping them get an education and meeting their basic needs. To build on this work and to further gauge what was happening to migrant children and women who were making this journey, UNICEF's Libya Country Office commissioned a needs assessment survey in 2016. This gave us a window into the scale of the challenge.

The final sample comprised 122 participants, including 82 women and 40 children. The migrant children interviewed for the study represented 11 nationalities. Some of the child interviewees were born in Libya during their mothers' migration journeys. Among the 40 children interviewed, 25 were boys and 15 were girls between the ages of 10 and 17 years old.

The survey was conducted on the ground by a UNICEF partner, the International Organization for Cooperation and Emergency Aid (IOCEA), with support from Feinstein International Center at Tufts University. The assessment also incorporated interviews with government officials and local non-governmental organizations (NGOs).

Though its scope was affected by security restraints and lack of access to militia-run prisons, the survey still provides important insights into the appalling situation women and children face as they journey along this trail. This child alert is not only based on this survey but also on our wider programme experience in North Africa and with children in Italy, and the stories and testimony our staff on the ground have heard countless times from very vulnerable children and adolescents.

"50 million children are on the move, some fleeing violence, war, poverty and climate change. They shouldn't be forced to put their lives in the hands of smugglers or be left vulnerable to traffickers. We need to address globally the drivers of migration and as importantly put in place stronger measures to protect children on the move through a system of safe passage for all refugee and migrant children. If these were our children, alone and frightened, we would act."

Afshan Khen, UNICEF Regional Director and Special Coordinator for the Refugee and Migrant Crisis in Europe.

Key findings from the survey¹²

1. Three quarters of the migrant children interviewed said they had experienced violence, harassment or aggression **at the hands of adults**.
2. Nearly half the women interviewed reported suffering **sexual violence** or abuse during the journey.
3. Most children and women indicated that they had to rely on smugglers leaving many in debt under 'pay as you go' arrangements and vulnerable to **abuse, abduction and trafficking**.
4. Most of the children reported verbal or emotional abuse, while about half had suffered **beating or other physical abuse**. Girls reported a higher incidence of abuse than boys.
5. Several migrant children also said they **did not have access to adequate food** while on the way to Libya.
6. Women held in detention centres in western Libya, accessed by UNICEF, reported harsh conditions such as **poor nutrition and sanitation**, significant overcrowding and a **lack of access to health care and legal assistance**.
7. Most of the children and women said they had expected to **spend extended periods working in Libya** to pay for the next leg of the journey – either back to their home countries or to destinations in Europe.
8. Although most of the married women (representing three quarters of those interviewed) brought at least one child with them, **more children were left behind**.

DANGEROUS TRAVEL



Pati, 16

"The journey was hard, because we had to walk, no cars, without any drinking water. We crossed the desert walking, it took almost two weeks. Sometimes we had to walk a full day without drinking any water - sometimes we went two days without water - before we arrived in Libya. Without enough water, without enough food."

Pati is from Nigeria.

Children and women making the journey are forced to live in the shadows, unprotected, reliant on smugglers and preyed upon by traffickers.

Transport used by women and children interviewed in the survey were mainly trucks, taxis or private cars. About one third indicated that they had travelled long distances on foot or by motorcycle, boat or animals.

Travel through the desert usually required traversing rough sand roads while exposed to heat, cold and dust. Nearly one third of the women interviewed reported that they had experienced fatigue, disease, insufficient access to food and water, lack of funds, gang robbery, arrest by local authorities and imprisonment.

Children also said they did not have access to adequate food while on the journey.

The primary hazards encountered include sexual violence, extortion and abduction.¹³ Nearly half the women and children interviewed had experienced sexual abuse during migration – often multiple times and in multiple locations.

Women and children were often arrested at the border where they experienced abuse, extortion and gender-based violence.¹⁴ Sexual violence was widespread and systemic at crossings and checkpoints. Men were often threatened or killed if they

intervened to prevent sexual violence, and women were often expected to provide sexual services or cash in exchange for crossing the Libyan border.

More than one third of the women and children interviewed said their assailants wore uniforms or appeared to be associated with military and other armed forces. These violations usually occurred at security checkpoints within cities or along roadways.

Three quarters of child participants in the study said they had experienced harassment, aggression or violence by adults. Most of the child respondents had suffered verbal or emotional abuse, while about half experienced beating or other physical abuse. Girls reported a higher incidence of abuse than boys.

Most of the women and children who suffered such abuse did not report it to the authorities. Many participants cited their fear of being deported or placed in detention centres, and their feelings of shame and dishonour, as reasons not to report sexual violence.

The abuse reported by the children took place in several different contexts, with no definitive trends emerging. About half reported abuse that took place at some point along the journey or at a border crossing.

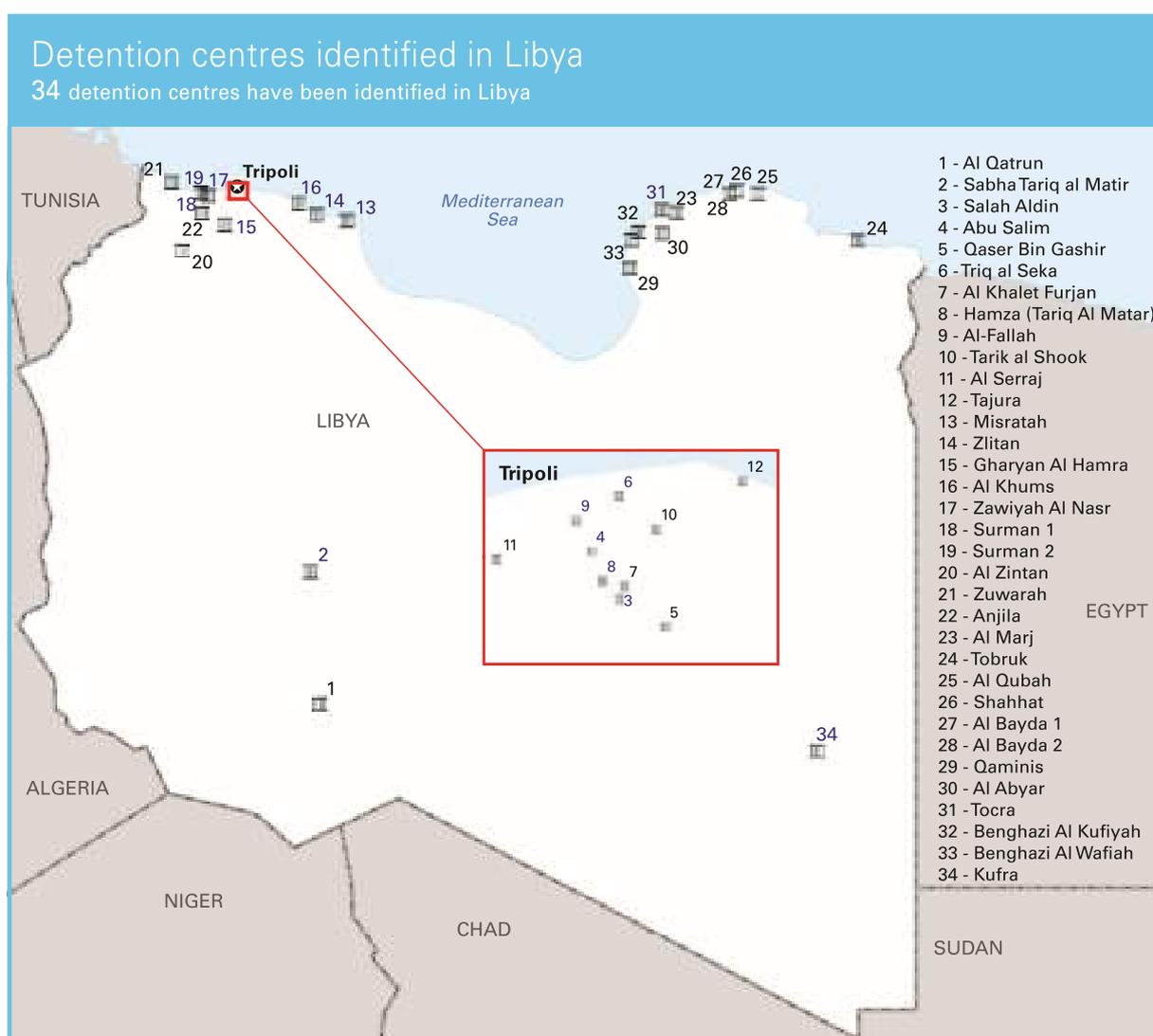
Approximately one third indicated they had been abused in Libya. A large majority of these children did not answer when

asked who had abused them. A few children said they had been abused by people who appeared to be in uniform or associated with military and other armed forces, and several others said that strangers had victimized them.

Many refugee and migrant women and girls were prepared for this possibility and took precautions against it, depending on the routes they planned to travel.¹⁵ Some women and girls from Eritrea, Ethiopia and Somalia who passed through Khartoum, Sudan, got contraception injections and brought emergency contraception with them on the journey.

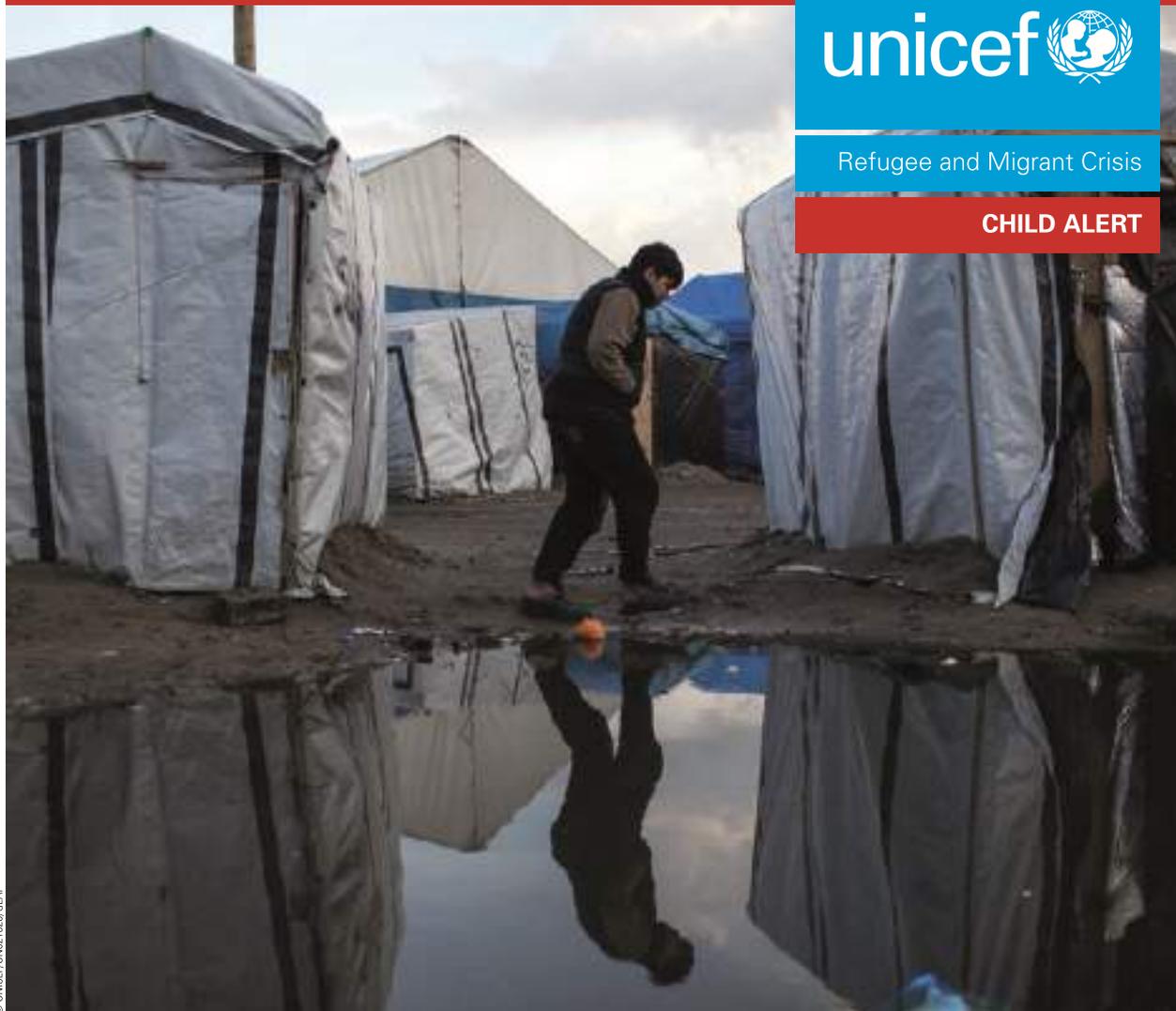
Migrant women and children generally tried to travel together for safety reasons but would often be separated. Many women and children also travelled with men to increase their overall security. Despite these efforts, guards often separated men, women and children from each other, once they arrived at detention centres.

Although it was rarely discussed, men and boys also experienced various forms of sexual violence.¹⁶



Note: This map does not reflect a position by UNICEF on the legal status of any country or territory or the delimitation of any frontiers.

Source: Adapted from UN High Commissioner for Refugees, *Libya, Detention Centres in which UNHCR and Partners are carrying out activities*, January 2017. https://www.humanitarianresponse.info/system/files/documents/files/unhcr_libya_detentioncentres_jan_2017.pdf



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Danger every step of the way

A harrowing journey to Europe for refugee and migrant children

RISKING IT ALL

They risk detention, rape, forced labour, beatings or death. Yet, tens of thousands of children, many of them unaccompanied or separated, are making the dangerous refugee and migrant journey in the hope of finding safety or a better life in Europe. They are fleeing brutal violence, abject poverty, drought, forced early marriage, untold hardship or lack of prospects and hope in dozens of countries in Africa, Asia and the Middle East.

“We should never forget what is driving so many families to risk so much in the hope of gaining sanctuary in Europe. And we should never forget that children on the move are first and foremost children, who bear no responsibility for their plight, and have every right to a better life,”
said Marie-Pierre Poirier, UNICEF Special Coordinator for the Refugee and Migrant Crisis in Europe

From the brutal five-year conflict in Syria or the parched earth of Somalia, to rickety boats and squalid makeshift camps, every step of the journey is fraught with danger, all the more so for the nearly one in four children travelling without a parent or a guardian.¹

The Central Mediterranean route

In recent weeks, the crossing from North Africa to Italy has become the busiest. It is also the deadliest. The death toll rose to 2,427 between January 1 and June 5, 2016, as compared with 1,786 in the first six months of 2015.²

And the number of unaccompanied children making the notoriously dangerous Central Mediterranean crossing more than doubled to over 7,000 in the first five months of 2016 as compared with the same period in 2015, according to the International Organization for Migration (IOM). Unaccompanied children made up over 92 per cent of the 7,567 children who crossed by sea to Italy between January 1 and May 31, 2016.

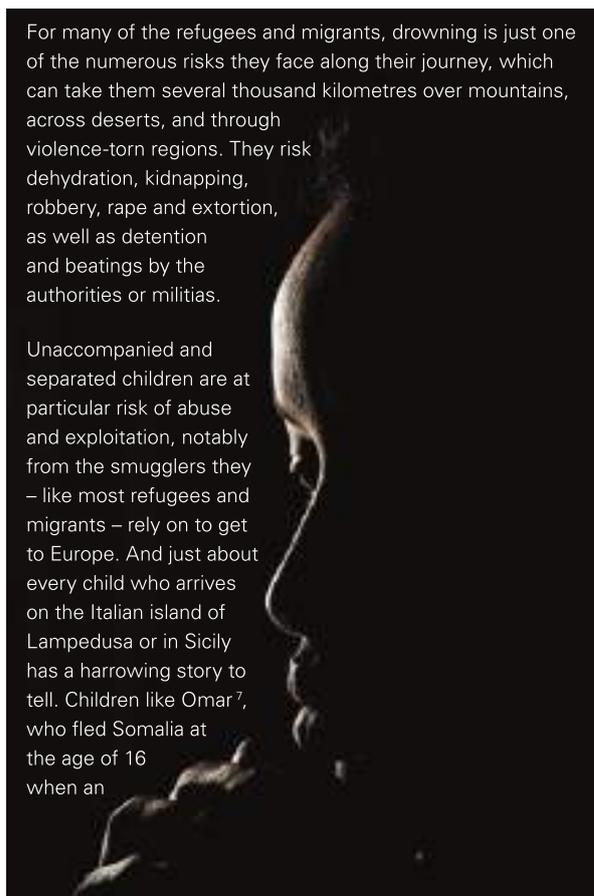
In large part because of the huge risks and hardships involved, comparatively few families take this route, with adult men making up 70 per cent of the approximately 28,000 arrivals in that period.³

Smugglers typically cram people aboard unseaworthy fishing boats or rubber dinghies with unreliable engines and, often, insufficient fuel to reach Europe. There have been numerous reports of smugglers abandoning ship at the limits of Libyan territorial waters – casting their human cargo adrift – in order to avoid arrest by European security forces.

And, with the summer cross-Mediterranean migration season upon us, the numbers may well increase in the coming months. There are currently almost 235,000 refugees and migrants in Libya⁴ and some 956,000 in the Sahel countries,⁵ many – if not most – of them hoping to make their way to Europe. In the last week of May 2016 alone, a total of more than 16,500 were recorded as heading to Libya from Agadez, a major migrant thoroughfare in Niger.⁶

For many of the refugees and migrants, drowning is just one of the numerous risks they face along their journey, which can take them several thousand kilometres over mountains, across deserts, and through violence-torn regions. They risk dehydration, kidnapping, robbery, rape and extortion, as well as detention and beatings by the authorities or militias.

Unaccompanied and separated children are at particular risk of abuse and exploitation, notably from the smugglers they – like most refugees and migrants – rely on to get to Europe. And just about every child who arrives on the Italian island of Lampedusa or in Sicily has a harrowing story to tell. Children like Omar⁷, who fled Somalia at the age of 16 when an



© UNICEF/UN00002/GILBERTSON VII PHOTO

1 Eurostat data retrieved 7 June, 2016

2 IOM 7 June, 2016

3 IOM Mixed Migration flows in the Mediterranean and beyond, 19 May 2016

4 IOM DTM Libya March-April 2016

5 OCHA The Sahel Converging Challenges Compounding pressures Jan 2016 p. 5

6 IOM Niger flow monitoring points 24-30 May 2016

7 Name has been changed to protect his identity.

armed group threatened to kill him because he refused to join their ranks. When he eventually reached Libya, the smugglers demanded more money, detained him and beat him, until his family sent him the funds. He says he can barely remember the boat ride, but does recall seeing people drown as the boat started sinking, and then the welcome sight of an Italian rescue ship.

Some migrants, particularly from sub-Saharan Africa, use a "pay-as-you-go" system, often stopping to work for a few days, weeks or months along the way to pay the smugglers. These migrants are more likely to become stranded and exposed to abuse.

"If you try to run they shoot you and you die. If you stop working, they beat you. It was just like the slave trade," Aimamo, 16, said of the farm in Libya where he and his twin brother worked for two months to pay the smugglers. "Once I was just resting for five minutes, and a man beat me with a cane. After working, they lock you inside." When they first arrived in Libya – after a lengthy journey from The Gambia through Senegal, Mali, Burkina Faso and Niger – the two brothers said they were arrested and beaten before one of the smugglers secured their release.

There is strong evidence that the migration crisis has been exploited by criminal human trafficking networks to target the most vulnerable, in particular women and children. There is concern over a sharp increase in Nigerian women and girls leaving Libya for Italy, with the International Organization for Migration (IOM) estimating 80 per cent of them are victims of trafficking.⁸

"It is so unfair for the kids who have fled horrible situations of war or violence to then have to endure these harrowing journeys," said Poirier.

Italian social workers claim that both girls and boys are sexually assaulted and forced into prostitution while in Libya, and that some of the girls were pregnant when they arrived in Italy, having been raped.

But because of the illicit nature of human smuggling operations, there are no reliable figures to show how many of the refugees and migrants die, disappear into forced labour or prostitution, or linger in detention.



© UNICEF/UNDP/ONGS/ELBERTSON VII PHOTO

"If you try to run they shoot you and you die. If you stop working, they beat you. It was just like the slave trade,"

Aimamo, 16, said of the farm in Libya where he and his fraternal twin brother worked for two months to pay the smugglers. "Once I was just resting for five minutes, and a man beat me with a cane. After working, they lock you inside." When they first arrived in Libya – after a lengthy journey from Gambia through Senegal, Mali, Burkina Faso and Niger – the two brothers said they were arrested and beaten before one of the smugglers secured their release.

⁸ European Commission Report on the progress made in the fight against trafficking in human beings (2016)

African migrants reportedly being sold in 'slave markets' in Libya, UN agency warns

www.refworld.org

Publisher [UN News Service](#)

Publication
Date 12 April 2017

UN News Service, *African migrants reportedly being sold in 'slave markets' in Libya, UN agency warns*, 12 April

Cite as 2017, available at:
<https://www.refworld.org/docid/58eddd694.html> [accessed 6 November 2019]

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Hundreds of migrants along North African migrant routes are being bought and sold openly in modern day 'slave markets' in Libya, survivors have told the United Nations migration agency, which warned that these reports "can be added to a long list of outrages" in the country.

The International Organization for Migration ([IOM](#)) is sounding the alarm today after its staff in Niger and Libya documented over the past weekend shocking testimonies of trafficking victims from several African nations, including Nigeria, Ghana and the Gambia. They described 'slave markets' tormenting hundreds of young African men bound for Libya.

Operations Officers with IOM's office in Niger reported on the rescue of a Senegalese migrant who this week was returning to his home after being held captive for months. According to the young man's testimony, while trying to travel north through the Sahara, he arrived in Agadez, Niger, where he was told he would have to pay about \$320 to continue north, towards Libya. A trafficker provided him with accommodation until the day of his departure, which was to be by pick-up truck.

When his pick-up reached Sabha in southwestern Libya, the driver insisted that he hadn't been paid by the trafficker, and that he was transporting the migrants to a parking area where the young man witnessed a slave market taking place. "Sub-Saharan migrants were being sold and bought by Libyans, with the support of Ghanaians and Nigerians who work for them," IOM Niger staff reported.

Reports of slave markets can be added to a 'long list of outrages' in Libya

"The latest reports of 'slave markets' for migrants can be added to a long list of outrages [in Libya]," said Mohammed Abdiker, IOM's head of operation and emergencies. "The situation is dire. The more IOM engages inside Libya, the more we learn that it is a vale of tears for all too many migrants."

Mr. Abdiker added that in recent months IOM staff in Libya had gained access to several detention centres, where they are trying to improve conditions. "What we know is that migrants who fall into the hands of smugglers face systematic malnutrition, sexual abuse and even murder. Last year we learned 14 migrants died in a single month in one of those locations, just from disease and malnutrition. We are hearing about mass graves in the desert."

He said so far this year, the Libyan Coast Guard and others have found 171 bodies washed up on Mediterranean shores, from migrant voyages that foundered off shore. The Coast Guard has also rescued thousands more, he added.

"Migrants who go to Libya while trying to get to Europe, have no idea of the torture archipelago that awaits them just over the border," said

Leonard Doyle, chief IOM spokesman in Geneva. "There they become commodities to be bought, sold and discarded when they have no more value.

Many describe being sold "in squares or garages" by locals in the south-western Libyan town of Sabha, or by the drivers who trafficked them across the Sahara desert.

Mr. Doyle added: "To get the message out across Africa about the dangers, we are recording the testimonies of migrants who have suffered and are spreading them across social media and on local FM radio. Tragically, the most credible messengers are migrants returning home with IOM help. Too often they are broken, brutalized and have been abused, often sexually. Their voices carry more weight than anyone else's."



ABD AL RAHMAN AL-MILAD

www.un.org

Submitted by PCHANDRA8 on 27 June 2018 - 7:05pm

In accordance with Section 5 (g) of its Guidelines, the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya makes accessible a narrative summary of reasons for the listing for individuals and entities included in the sanctions list.

LYi.026

ABD AL RAHMAN AL-MILAD

Date on which the narrative summary became available on the Committee's website:

7 June 2018

Reason for listing:

Listed pursuant to paragraph 22(a) of resolution 1970 (2011); paragraph 4(a) of resolution 2174 (2014); paragraph 11(a) of resolution 2213 (2015).

Additional information:

Abd al Rahman al-Milad heads the regional unit of the Coast Guard in Zawiya that is consistently linked with violence against migrants and other human smugglers. The UN Panel of Experts claims that Milad, and other coastguard members, are directly involved in the sinking of migrant boats using firearms. Al-Milad collaborates with other migrant smugglers such as Mohammed Kachlaf (also proposed for listing) who, sources suggest, is providing protection to him to carry out illicit operations related to the trafficking and smuggling of migrants. Several witnesses in criminal investigations have stated they were picked up at sea by armed men on a Coast Guard ship called *Tallil* (used by al-Milad) and taken to the al-Nasr detention centre, where they are reportedly held in brutal conditions and subjected to beatings.



United Nations Security Council Consolidated List

Generated on: 6 November 2019

"Generated on refers to the date on which the user accessed the list and not the last date of substantive update to the list. Information on the substantive list updates are provided on the Council / Committee's website."

Composition of the List

The list consists of the two sections specified below:

A. Individuals

B. Entities and other groups

Information about de-listing may be found at:

<https://www.un.org/securitycouncil/ombudsperson> (for res. 1267)

<https://www.un.org/securitycouncil/sanctions/delisting> (for other Committees)

<https://www.un.org/securitycouncil/content/2231/list> (for res. 2231)

A. Individuals

KPi.033 Name: 1: RI 2: WON HO 3: 4: na

Title: na **Designation:** DPRK Ministry of State Security Official **DOB:** 17 Jul. 1964 **POB:** na **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Democratic People's Republic of Korea **Passport no:** 381310014 **National identification no:** na **Address:** na **Listed on:** 30 Nov. 2016 **Other information:** Ri Won Ho is a DPRK Ministry of State Security Official stationed in Syria supporting KOMID.

KPi.037 Name: 1: CHANG 2: CHANG HA 3: 4: na

Title: na **Designation:** President of the Second Academy of Natural Sciences (SANS) **DOB:** 10 Jan. 1964 **POB:** na **Good quality a.k.a.:** Jang Chang Ha **Low quality a.k.a.:** na **Nationality:** Democratic People's Republic of Korea **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 30 Nov. 2016 **Other information:**

KPi.038 Name: 1: CHO 2: CHUN RYONG 3: 4: na

Title: na **Designation:** Chairman of the Second Economic Committee (SEC) **DOB:** 4 Apr. 1960 **POB:** na **Good quality a.k.a.:** Jo Chun Ryong **Low quality a.k.a.:** na **Nationality:** Democratic People's Republic of Korea **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 30 Nov. 2016 **Other information:**

KPi.034 Name: 1: JO 2: YONG CHOL 3: 4: na

Title: na **Designation:** DPRK Ministry of State Security Official **DOB:** 30 Sep. 1973 **POB:** na **Good quality a.k.a.:** Cho Yong Chol **Low quality a.k.a.:** na **Nationality:** Democratic People's Republic of Korea **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 30 Nov. 2016 **Other information:** Jo Yong Chol is a DPRK Ministry of State Security Official stationed in Syria supporting KOMID.

KPi.035 Name: 1: KIM 2: CHOL SAM 3: 4: na

Title: na **Designation:** Representative for Daedong Credit Bank (DCB) **DOB:** 11 Mar. 1971 **POB:** na **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Democratic People's Republic of Korea **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 30 Nov. 2016 **Other information:** Kim Chol Sam is a representative for Daedong Credit Bank (DCB) who has been involved in managing transactions on behalf of DCB Finance Limited. As an overseas-based representative of DCB, it is suspected that Kim Chol Sam has facilitated transactions worth hundreds of thousands of dollars and likely managed millions of dollars in DPRK related accounts with potential links to nuclear/missile programs.

KPi.008 Name: 1: RA 2: KY'ONG-SU 3: na 4: na

Title: na **Designation:** Tanchon Commercial Bank (TCB) official **DOB:** 4 Jun. 1954 **POB:** na **Good quality a.k.a.:** a) Ra Kyung-Su b) Chang Myong Ho **Low quality a.k.a.:** na **Nationality:** Democratic People's Republic of Korea **Passport no:** number 645120196, issued in Democratic People's Republic of Korea **National identification no:** na **Address:** na **Listed on:** 22 Jan. 2013 (amended on 2 Mar. 2016) **Other information:** Ra Ky'ong-Su is a Tanchon Commercial Bank (TCB) official. In this capacity he has facilitated transactions for TCB. Tanchon was designated by the Committee in April 2009 as the main DPRK financial entity responsible for sales of conventional arms, ballistic missiles, and goods related to the assembly and manufacture of such weapons.

KPi.071 Name: 1: MUN 2: KYONG HWAN 3: na 4: na

Title: na **Designation:** Mun Kyong Hwan is an overseas Bank of East Land representative **DOB:** 22 Aug. 1967 **POB:** na **Good quality a.k.a.:** Mun Kyo'ng-hwan **Low quality a.k.a.:** na **Nationality:** Democratic People's Republic of Korea **Passport no:** 381120660 (Expires 25 March 2016) **National identification no:** na **Address:** na **Listed on:** 22 Dec. 2017 **Other information:** Gender: male

KPi.067 Name: 1: KIM 2: KYONG IL 3: na 4: na

Title: na **Designation:** Kim Kyong Il is a Foreign Trade Bank deputy chief representative in Libya **DOB:** 1 Aug. 1979 **POB:** na **Good quality a.k.a.:** Kim Kyo'ng-il **Low quality a.k.a.:** na **Nationality:** Democratic People's Republic of Korea **Passport no:** 836210029 **National identification no:** na **Address:** Libya **Listed on:** 22 Dec. 2017 **Other information:** Location Libya. Gender: male

KPi.045 Name: 1: KIM 2: KYONG OK 3: na 4: na

Title: na **Designation:** Vice Director of the Organization and Guidance Department, which directs key personnel appointments for the Workers' Party of Korea and the DPRK's military **DOB:** a) 1937 b) 1938 **POB:** na **Good quality a.k.a.:** Kim Kyong Ok **Low quality a.k.a.:** na **Nationality:** Democratic People's Republic of Korea **Passport no:** na **National identification no:** na **Address:** Pyongyang, Democratic People's Republic of Korea **Listed on:** 2 Jun. 2017 **Other information:**

KPi.022 Name: 1: KIM 2: KYU 3: na 4: na

Title: na **Designation:** Korea Mining Development Trading Corporation (KOMID) External Affairs Officer **DOB:** 30 Jul. 1968 **POB:** na **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Democratic People's Republic of Korea **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 2 Mar. 2016 **Other information:**

LYi.025 Name: 1: Mohammed 2: al-Hadi 3: al-Arabi 4: Kashlaf

Name (original script): محمد الهادي العربي كشلاف

Title: na **Designation:** Commander of the Shuhada al-Nasr brigade, Head of the Petrol Refinery Guard of Zawiya's refinery **DOB:** 15 Nov. 1988 **POB:** Zawiya, Libya **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Kashlaf b) Koshlaf c) Keslaf d) al-Qasab **Nationality:** Libya **Passport no:** HR8CHGP8, issued on 27 Apr. 2015, issued in Zawiyah **National identification no:** a) 119880210419 b) Personal Identification Card no: 728498, issued on 24 Feb. 2007 **Address:** Zawiya, Libya **Listed on:** 7 Jun. 2018 (amended on 17 Sep. 2018) **Other information:** Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze)

IQi.049 Name: 1: Rashid 2: Taan 3: Kathim 4: na

Name (original script): رشيد طعان كاظم

Title: na **Designation:** na **DOB:** na **POB:** na **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Iraq **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 27 Jun. 2003 **Other information:**

QDi.383 Name: 1: MORAD 2: LAABOUDI 3: na 4: na

Title: na **Designation:** na **DOB:** 26 Feb. 1993 **POB:** Morocco **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Abu Ismail b) Abu Ismail al-Maghribi **Nationality:** Morocco **Passport no:** Morocco UZ6430184 **National identification no:** CD595054 **Address:** Turkey **Listed on:** 29 Feb. 2016 **Other information:** Facilitator for travel of foreign terrorist fighters to join Islamic State in Iraq and the Levant, listed as Al-Qaida in Iraq (QDe.115), in Syrian Arab Republic. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals> [click here](#)

LYi.020 Name: 1: ABDELHAFIZ 2: ZLITNI 3: na 4: na

Title: na **Designation:** a) Minister for Planning and Finance in Colonel Qadhafi's Government. b) Secretary of the General People's Committee for Finance and Planning c) Temporary head of the Central Bank of Libya **DOB:** 1935 **POB:** na **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** na **Passport no:** na **National identification no:** na **Address:** Libya **Listed on:** 24 Jun. 2011 (amended on 11 Nov. 2016, 26 Sep. 2014) **Other information:** Listed pursuant to paragraph 15 of resolution 1970 and paragraph 19 of resolution 1973 (Travel Ban, Asset Freeze). INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals> [click here](#)

QDi.223 Name: 1: MERAI 2: ABDEFATTAH 3: KHALIL 4: ZOGHBI

Name (original script): مرعي عبدفتاح خليل زغبى

Title: na **Designation:** na **DOB:** a) 4 Apr. 1969 b) 4 Apr. 1960 c) 4 Jun. 1960 **POB:** Bengasi, Libya **Good quality a.k.a.:** a) Mohamed Lebachir born 14 Jan. 1968 in Morocco b) Meri Albdelfattah Zgbye born 4 Jun. 1960 in Bendasi, Libya c) Zoghbai Merai Abdul Fattah d) Lazrag Faraj born 13 Nov. 1960 in Libya e) Larzg Ben Ila born 11 Aug. 1960 in Libya f) Muhammed El Besir g) Merai Zoghbai (previously listed as, in Arabic: مرعي زغبى) **Low quality a.k.a.:** a) F'raji di Singapore b) F'raji il Libico c) Farag d) Fredj born 13 Nov. 1960 in Libya **Nationality:** Libya **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 2 Aug. 2006 (amended on 3 Jun. 2009, 1 Sep. 2009, 13 Dec. 2011, 21 Mar. 2017) **Other information:** Considered a fugitive from justice by the Italian authorities and sentenced in absentia to 6 years imprisonment on 20 Nov. 2008. Member of Libyan Islamic Fighting Group (QDe.011). Son of Wanisa Abdessalam. Review pursuant to Security Council resolution 1822 (2008) was concluded on 20 Jul. 2009. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals> [click here](#)

IRi.043 Name: 1: MOHAMMAD BAQER 2: ZOLQADR 3: na 4: na

Title: na **Designation:** a) General b) IRGC officer c) Deputy Interior Minister for Security Affairs **DOB:** na **POB:** na **Good quality a.k.a.:** Mohammad Bakr Zolqadr; Mohammad Bakr Zolkadr; Mohammad Baqer Zolqadir; Mohammad Baqer Zolqader **Low quality a.k.a.:** na **Nationality:** na **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 24 Mar. 2007 (amended on 17 Dec. 2014) **Other information:** [Old Reference # I.47.D.7]

IQi.009 Name: 1: MUHAMMAD 2: HAMZA 3: ZUBAIDI 4: na

Name (original script): محمد حمزة زيبيدي

Title: na **Designation:** na **DOB:** 1938 **POB:** Babylon, Babil, Iraq **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Iraq **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 27 Jun. 2003 **Other information:**

LYi.023 Name: 1: Ahmad 2: Oumar 3: Imhamad 4: al-Fitouri

Name (original script): احمد عمر امحمد الفيتوري

Title: na **Designation:** Commander of the Anas al-Dabbashi militia, Leader of a transnational trafficking network **DOB:** 7 May 1988 **POB:** (possibly Sabratha, Talil neighbourhood) **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Al-Dabachi b) Al Ammu c) The Uncle d) Al-Ahwal e) Al Dabbashi **Nationality:** Libya **Passport no:** na **National identification no:** na **Address:** a) Garabulli, Libya b) Zawiya, Libya **Listed on:** 7 Jun. 2018 (amended on 17 Sep. 2018) **Other information:** Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze) INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals>

LYi.026 Name: 1: Abd 2: Al-Rahman 3: al-Milad 4: na

Title: na **Designation:** Commander of the Coast Guard in Zawiya **DOB:** Approximately (29 years old) **POB:** Tripoli, Libya **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Rahman Salim Milad b) al-Bija **Nationality:** Libya **Passport no:** na **National identification no:** na **Address:** Zawiya, Libya **Listed on:** 7 Jun. 2018 **Other information:** Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze) INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals>



Report of the Secretary-General on the United Nations Support Mission in Libya

I. Introduction

1. The present report, submitted pursuant to Security Council resolution [2376 \(2017\)](#), covers political and security developments in Libya, provides an overview of the human rights and humanitarian situation in the country and outlines the activities of the United Nations Support Mission in Libya (UNSMIL) since the issuance of my previous report on 22 August 2017 ([S/2017/726](#)).

II. Political and security-related developments

2. The reporting period was marked by a renewed dynamism and engagement by all Libyan actors to conclude the transitional process, following the launch on 20 September 2017, during the seventy-second session of the General Assembly, of the United Nations action plan to resume an inclusive political process in Libya. Member States expressed a strong commitment to resolving the crisis in Libya and lending their political backing to the plan, while consolidating their ongoing efforts in support of the facilitation of my Special Representative for Libya, Ghassan Salamé.

3. To kick-start the implementation of the action plan, my Special Representative facilitated two rounds of consultations among representatives of the House of Representatives and the High Council of State to negotiate amendments to the Libyan Political Agreement. At the same time, my Special Representative engaged with a wide range of actors to discuss the next steps of the political transition and broaden support for and engagement in the political process.

4. The resumption of the Libyan political process under United Nations facilitation took place in a volatile security environment. While the ouster from Tripoli of armed groups opposed to the Government of National Accord marked some improvement to the security situation in the city, clashes continued to the west of the city between competing groups, particularly in Warshafanah and Sabratah and in the eastern city of Darnah. In Tripoli, clashes at Mitiga airport on 15 January 2018 were of particular concern owing to the high number of casualties and the fact that the clashes resulted in the closing of direct air traffic to and from Tripoli for a week.

5. At my request, the Under-Secretary-General for Political Affairs, Jeffrey Feltman, visited Libya from 9 to 12 January and met with the Prime Minister, the Speaker of the House of Representatives and the Head of the High Council of State,



On 3 and 4 January 2018, my Special Representative visited Niamey to meet with President Mahamadou Issoufou and N'Djamena to meet with President Idriss Déby, who expressed their concerns about the situation in Libya and their strong commitment to and support for a resolution to the crisis.

13. On 15 January, my Special Representative visited Addis Ababa to engage with officials of the African Union to further strengthen the collaboration on Libya between the African Union and the United Nations. My Special Representative and the Chairperson of the African Union Commission, Moussa Faki Mahamat, discussed concrete ways to reinforce UNSMIL cooperation with the Commission, ahead of the African Union Summit. During my participation in the Summit, I, along with my Special Representative, also had an opportunity to exchange views with many African leaders on the impact of the crisis on the continent and on ways to redouble our efforts to promote a peaceful resolution to the crisis and stable governance.

Situation in the western region

14. There was significant military activity in western Libya during the reporting period. The Anti-ISIL Operations Room, a force affiliated with the Government of National Accord, took control of Sabratah from two militia groups in October 2017, after three weeks of intense fighting which resulted in 43 deaths and more than 300 injuries. On 31 October, the Government of National Accord-affiliated Commander of the western military region launched a military operation against the Libyan National Army-affiliated Fourth Brigade in Warshafanah, south-west of Tripoli, to secure the territory under the command of forces allied with the Presidency Council. The clashes continued for 11 days and resulted in 18 deaths. In January 2018, the same Commander launched an operation to extend the control of forces allied with the Presidency Council along the border area with Tunisia around Ra's Ajdir.

15. There were also a significant number of incidents in and around Tripoli, some of which centred around the airport and caused it to close, most recently in mid-January. In October 2017, clashes erupted between pro-Government of National Accord forces and opposing forces south of Tripoli, which resulted in the arrest of a leader who supported the former regime. In retaliation, the opposing forces seized control of the water network and cut its supply to Tripoli for approximately one week, which also affected the well at the United Nations compound. On 16 and 17 October, in the Ghararat neighbourhood, the Special Deterrence Force conducted a raid to shut down a drug-dealing facility, which devolved into armed clashes that resulted in 7 fatalities, including 1 civilian, and 11 injuries on both sides. Owing to the neighbourhood's proximity to Mitiga airport and the use of light and medium weapons, United Nations air operations were halted from 16 to 18 October.

16. On 17 December, the Mayor of Misratah, Mohamed Eshtewi, was abducted in the vicinity of Misratah airport by unidentified armed men, possibly due to an internal feud. Mr. Eshtewi's body, bearing multiple gunshot wounds and a blow to the head, was later found in front of a local hospital. Investigations are currently under way. UNSMIL strongly condemned the assassination of an elected civilian mayor.

17. On 15 January 2018, there was an escalation in the clashes between the Special Deterrence Force and the Al-Bugra militia, who launched a major assault on Mitiga airport. The attack reportedly was planned to free individuals held at the detention facility operated by the Special Deterrence Force at the airport base, and possibly was also intended to take over control of the airport. The fighting lasted hours and involved tanks and other heavy weapons. At least 23 fatalities and more than 60 injuries were reported. A number of civilian aircraft parked at the airport were lightly damaged in the fighting and the airport was subsequently closed for one week while the area was checked for unexploded ordnance.

Situation in the eastern region

18. There were intermittent clashes between the forces of the Libyan National Army and armed groups in the towns of Benghazi and Darnah. In Benghazi, after further fighting around the Sidi Khuraybish area, the Libyan National Army announced its liberation on 28 December 2017. Tensions between the Government of National Accord Deputy Interior Minister Faraj al-Gaem and Libyan National Army forces led to an outbreak of violence on 10 November when four mortars hit the Interior Ministry building in Benghazi. Libyan National Army brigades took control of the building the following day and arrested the Deputy Interior Minister and his supporters. The Deputy Interior Minister has been held incommunicado since 11 November, amid allegations that he has been tortured. The clashes caused 14 fatalities, including at least 1 civilian, and injured 25 people, including at least 4 civilians. On 24 January 2018, a double vehicle-borne improvised explosive device attack in the Salmani district in Benghazi claimed more than 30 lives, including children, and dozens were injured. The attack targeted senior security figures of Salafist ideology affiliated with the Libyan National Army. I, along with UNSMIL, immediately condemned the bombings and reiterated that there could be no military solution to the Libyan crisis. In retaliation, on 25 January, Libyan National Army Commander Mahmoud al-Werfalli carried out 10 summary executions. UNSMIL condemned the executions and called for the handing over of Mr. Al-Werfalli pursuant to his arrest warrant by the International Criminal Court. In the days that followed, more than 25 bodies, bearing gunshot wounds and with their hands tied, were found in various places in Benghazi. On 9 February 2018, 2 people were killed and 75 were injured in a bombing inside a mosque in the Majuri district in Benghazi.

19. The situation in Darnah continued to be tense and access to the city remained highly restricted, which has resulted in a worsening humanitarian situation. Areas of the town under the control of the Darnah Mujahadin Shura Council remain under siege by Libyan National Army forces. In the aftermath of the Benghazi bombing and retaliation, the Darnah Mujahadin Shura Council carried out three extrajudicial executions against members of a Libyan National Army cell suspected to be planning targeted assassinations.

20. On 30 October 2017, an unidentified aircraft carried out airstrikes on several positions around Darnah. At least 15 people, including 12 civilian women and children, were killed, and 17 others, including 6 civilians, were injured.

Situation in the southern region

21. The security situation in the south remained precarious. Criminal acts such as robbery, carjacking and kidnapping have frequently occurred in an environment marked by tenuous security and a proliferation of arms. On 3 November 2017, a group of unidentified armed men kidnapped four international workers upon their arrival at Awbari airport. Their status remains unknown. On 12 January 2018, an international aid worker and two Libyans were abducted in the neighbourhood of Abdelkafi in south Sabha city upon their return from Tripoli. All three were subsequently released. Also on 12 January, a Ukrainian doctor was abducted in Sabha and released two days later.

22. The Libyan National Army continued its attempts to enforce its presence in the south following the withdrawal of Misratan forces in 2017. On 27 August 2017, the Libyan National Army issued a decree establishing a military presence in Birak al-Shati', 120 km north of Sabha. On 28 September, armed clashes were reported between the 116th and 160th Brigades of the Libyan National Army over the Sabha oil depot.

23. The issue of foreign armed groups in Libya continues to be a destabilizing factor, particularly in the south-west and south-east. Between 19 and 21 September, clashes took place in Umm al-Aranib town, 100 km south of Sabha, between members of the Tebu tribe and rebels from Chad (Zaghawa tribe) and Darfur. The clashes erupted after the rebels attacked Tamsa checkpoint, 250 km south-east of Sabha, and killed five Tebu tribesmen. On 4 December, the city of Sabha witnessed clashes between Chadian mercenaries and armed men from the Qadhadhfa tribe over the allocation of resources. In the south-east, the Libyan National Army continuously targeted Chadian and Darfurian armed groups along the Libya-Chad border.

Islamic State in Iraq and the Levant in Libya

24. Islamic State in Iraq and the Levant (ISIL) intensified its movements around the former stronghold of Sirte. In response, airstrikes were carried out against ISIL elements by forces from Libya and the United States of America. On 22 September 2017, United States Africa Command (AFRICOM) confirmed six airstrikes against positions in the Khushum al-Khayl area, resulting in 17 ISIL fatalities. Four days later, AFRICOM announced that two additional airstrikes against ISIL militants had been conducted in coordination with the Government of National Accord. On 15 November, the Libyan Air Force carried out two airstrikes against ISIL positions in Harawah, a small town east of Sirte. On 17 November, in a desert area south of Sirte, United States airstrikes targeted ISIL positions, resulting in an undisclosed number of casualties. On 28 November, near Al-Fuqaha' town in Jufrah, the Libyan Air Force targeted an ISIL convoy, which resulted in an unspecified number of casualties. The Libyan National Army declared the area south of the Gulf of Sirte to the Black Mountain, including the oil field sites, a "military zone".

25. On 4 October, ISIL claimed responsibility for an attack against the Misratah courthouse. The attack led to the death of the 3 attackers and 4 people, including 2 civilians, and at least 41 others were wounded. On 8 October, an anti-crime police unit, backed by local security forces from Misratah, arrested six members of an alleged ISIL cell at a residence in Ru'aysat district, in eastern Misratah. Significant amounts of arms and ammunition, including man-portable air-defence systems (MANPADS), were discovered and seized.

26. ISIL claimed to be behind two attacks against Libyan National Army checkpoints in central and southern Libya. On 23 August, there was an attack against a Libyan National Army checkpoint (90 km north-west of Al-Fuqaha'), that resulted in the deaths of nine members of the Libyan National Army and two civilians. On 31 August, a vehicle-borne improvised explosive device attack on a Libyan National Army checkpoint in Nawfaliyah caused two Libyan National Army fatalities and injured four people. On 25 October, there was an attack on another Libyan National Army checkpoint, the "60th Gate", 60 km south-west of Ajdabiya. Two guards from the 152nd Brigade were killed in the attack and four others were injured.

27. On 11 January 2018, in Abu Qurayn town in Misratah, Bunyan Marsus forces announced the arrest of an ISIL member with a vehicle-borne improvised explosive device after he failed to detonate it at the security checkpoint. After his arrest, Ministry of Interior forces in Tripoli established checkpoints and arrested two other suspected ISIL members.

28. While no longer in control of territory, ISIL continues to be active in Libya and retains the ability to conduct complex terrorist attacks. ISIL so-called "desert units" continue to operate in the oil crescent, the central region around Jufrah, as well as in the south of Libya. There are sleeper cells in other parts of the country, including the western region. That presence is augmented by a number of ISIL elements moving into Libya following their eviction from Iraq and the Syrian Arab Republic.

48. UNSMIL visited four detention centres overseen by the Department for Combating Illegal Migration, and observed severe overcrowding and appalling hygiene conditions. Detainees were malnourished and had limited or no access to medical care. As at 15 January 2018, there were some 5,200 migrants held in Department centres, down from approximately 19,000 in October 2017, according to the Department.

49. UNSMIL continued to document reckless and violent conduct by the Libyan Coast Guard in the course of rescues and/or interceptions at sea. For instance, on 6 November 2017, members of the Coast Guard beat migrants with a rope and pointed firearms in their direction during an operation at sea. UNSMIL also documented the use of excessive and unlawful lethal force by officials of the Department for Combating Illegal Migration. On 19 November, during a raid on a makeshift migrant camp in the area of Warshafanah, members of the Tajura' and Janzur groups affiliated with the Department for Combating Illegal Migration opened fire on migrants without providing any verbal warning, causing a number of deaths and injuries.

Women

50. Women were arbitrarily detained, often because of family affiliations or for "moral crimes" such as engaging in sexual relations outside of marriage, and were held in facilities without female guards, exposing them to the risk of sexual abuse. Women reported being strip-searched and subjected to intrusive cavity searches by or under the gaze of male guards. Migrant women and girls were subjected to rape, forced prostitution and other forms of sexual violence at the hands of State officials, members of armed groups, smugglers and traffickers. A number of women activists reported facing questioning and harassment when travelling abroad without a male "guardian".

Children

51. UNSMIL continued to receive reports of grave violations against children, including the killing, maiming and abduction of children. During the reporting period, 20 children were killed and 25 were injured. Children were killed as a result of air strikes as well as stray bullets, or were killed or injured in incidents involving explosive remnants of war or unidentified explosive ordnance. The conflict-related abduction of children was reportedly perpetrated by different armed groups, militias and criminal organizations. The recruitment and use of children by armed groups, as well as their detention on the basis of their alleged or actual association with other parties to the conflict, continued to be reported.

Activists and media workers

52. Media professionals, writers and activists faced restrictions to their rights to freedom of expression and association and were subjected to abductions, arbitrary detention, intimidation and threats. On 13 November 2017, fighters affiliated with the Libyan National Army raided the offices of the Libyan Roh Al-Watan television station in Benghazi and confiscated equipment. They also briefly detained two journalists and subjected them to ill-treatment.

53. On 28 August, an event at the "Faqih centre" in Tripoli to launch a collection of short stories and poems by Libyan authors was suspended following warnings that Special Deterrence Force members were heading to the venue with armoured vehicles. On 30 August, the Government's General Committee of Culture criticized the collection's alleged "pornographic and immoral" content and called for legal action against those involved.



Security Council

Distr.: General
22 August 2017

Original: English

Report of the Secretary-General on the United Nations Support Mission in Libya

I. Introduction

1. The present report, submitted pursuant to Security Council resolution [2323 \(2016\)](#), covers political and security developments in Libya, provides an overview of the economic, human rights and humanitarian situation in the country and outlines the activities of the United Nations Support Mission in Libya (UNSMIL) since the issuance of my previous report on 4 April 2017 ([S/2017/283](#)).

II. Political and security-related developments

2. The reporting period was marked by numerous efforts by the United Nations and Member States to revitalize the political process against the backdrop of a highly volatile security environment. Clashes in Tripoli led to the eventual withdrawal of some hardline armed groups and improved security control in the capital by forces supportive of the Presidency Council. Escalating violence took place in Southern Libya, where forces of the two main armed actors, the Libyan National Army and the Misratan-affiliated Third Force clashed over control of strategic positions.

3. Libyan political and security actors continued to engage in dialogue to advance the political process. These activities took place amidst increasing popular debate over the nature and the end state of the transitional period and the possible holding of elections in 2018. Delegations representing the House of Representatives and High State Council were also selected in line with the Libyan Political Agreement to engage in dialogue on possible amendments to the Agreement. The Constitution Drafting Assembly finalized a draft constitution to ensure that a constitutional framework would be in place at the end of the transitional period. On 29 July 2017, the Assembly voted and approved the constitution, which is to be put to popular referendum for adoption.

4. During the reporting period, I appointed Ghassan Salamé (Lebanon) as my new Special Representative and Head of UNSMIL, effective 26 July 2017. He replaced Martin Kobler (Germany), who ended his tenure as my Special Representative and Head of UNSMIL on 30 June.

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cases of torture, ill-treatment, rape and other forms of sexual violence. Detention centres remained overcrowded, and detainees were often malnourished, living in poor hygienic conditions and with limited or no access to medical care.

36. Migrants rescued or intercepted at sea by the Libyan Coast Guard were disembarked at 10 designated points between Ras Ajdir and Misrata, and then transported to detention centres controlled by the Department for Combatting Illegal Migration. UNSMIL received numerous reports of dangerous, life-threatening interceptions by armed men believed to be from the Libyan Coast Guard. UNSMIL has been reviewing its support to the Libyan Coast Guard in line with the United Nations human rights due diligence policy.

Women

37. During the reporting period, women were arbitrarily deprived of their liberty, often because of family affiliations or for prisoner exchanges, and were held in facilities without female guards, exposing them to the risk of sexual abuse. Migrant women and girls were particularly vulnerable to gang rape and other sexual violence and exploitation at the hands of officials, including from staff of the Department for Combating Illegal Migration, members of armed groups, smugglers and traffickers.

Children

38. Children continued to be victims of abductions, arbitrary detention and ill-treatment; and they were often held in detention facilities with adults. They were also caught in indiscriminate attacks or crossfire, with at least 12 killed and 11 injured in hostilities during the reporting period. Lack of access for the monitoring and verification of grave violations against children remains a main concern, resulting in the collection of limited data reflecting the situation on the ground.

Internally displaced persons

39. Many internally displaced persons were subjected to threats, intimidation and targeted attacks. On 31 May 2017, members of the Sbortawat armed group from the Warshafanah region reportedly held and maltreated internally displaced persons of the Tawerghan community at the Janzour Naval Academy camp, impeded their freedom of movement and disrupted the electricity supply to the camp. On 6 June, an internally displaced person from Benghazi was stabbed when an armed group attacked a settlement of internally displaced persons in Misrata. On the same day, a car carrying a family of internally displaced persons from Benghazi came under fire in Misrata by a man allegedly affiliated to a local armed group, resulting in the death of a woman and injury to her two sons.

Activists and media workers

40. During the reporting period, human rights defenders, activists, journalists and other media professionals were victims of targeted attacks and intimidation. The whereabouts of Jabir Zain, a Tripoli-based activist, remained unknown after his abduction on 26 September 2016, ahead of his participation in a seminar on women's rights. UNSMIL received reports that members of the Second Support Brigade, nominally under the Ministry of Interior, carried out the abduction, although the group denies holding him.

Transitional justice and national reconciliation

41. On 14 May 2017, the Presidency Council issued a decree establishing a preparatory committee for national reconciliation tasked with organizing a dialogue process to develop a mandate for a future national reconciliation commission. With

Statement by the President of the Security Council

At the 8122nd meeting of the Security Council, held on 7 December 2017, in connection with the Council's consideration of the item entitled "Maintenance of international peace and security", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council expresses grave concern about reports of migrants being sold into slavery in Libya. The Security Council condemns such actions as heinous abuses of human rights which may also amount to crimes against humanity. The Security Council calls upon all relevant authorities to investigate such activities without delay to bring the perpetrators to justice and hold those responsible to account.

"The Security Council welcomes in this regard the statement by the Presidency Council of the Government of National Accord (GNA) of Libya denouncing trafficking in persons, including for the purpose of slavery, inside or outside Libya, and notes that the GNA has launched an investigation into the reported incidents and committed to hold those responsible for these actions to account. The Council also welcomes the statements by the African Union calling for an immediate end to these practices and welcomes the UN Secretary-General's request for the relevant United Nations actors to actively pursue this matter.

"The Security Council reaffirms its support for the United Nations' Action Plan for Libya, reiterates its call for all Libyans to work together in a spirit of compromise in the inclusive political process facilitated by Special Representative of the Secretary-General, Ghassan Salamé, and emphasizes that a stable Libya is the only way to help improve the living conditions of all people in Libya, including migrants.

"The Security Council reiterates concern at the smuggling of migrants and trafficking in persons, including through Libya, and welcomes the work of the United Nations Support Mission in Libya (UNSMIL) in coordinating and supporting the provision of humanitarian assistance for refugees and migrants through the United Nations Country Team, particularly the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).

"The Security Council further underlines the need for coordination of efforts to tackle the root causes of large movements of people, including forced displacement, unmanaged migration and trafficking in persons, in a comprehensive and holistic manner, to prevent exploitation of refugees and

assistance, and services for the physical, psychological and social recovery care for those who are victims of trafficking, as well as to strengthen Member State and UN assessment where appropriate of those who are vulnerable to trafficking in persons, and further encourages Member States, especially transit and destination States, to develop and use early warning and early screening frameworks.

“The Security Council welcomes ongoing efforts by Members States and regional organisations to assist Libya, on request, in building capacity including to secure its borders and to prevent, investigate and prosecute acts of smuggling of migrants and trafficking in persons through its territory and in its territorial waters and calls on Member States and regional organisations to continue to do so, in partnership with the Presidency Council of the Government of National Accord of Libya and in support of the United Nations Country Team, in particular UNHCR and IOM, while reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya.”



**Report of the Secretary-General pursuant to
Security Council resolution 2312 (2016)****I. Introduction**

1. The present report is submitted pursuant to paragraph 15 of Security Council resolution 2312 (2016), in which the Council requested me to report on the implementation of the resolution, in particular with regard to the implementation of its paragraph 7.

2. The report covers developments since my previous report, of 7 September 2016 (S/2016/766), until 31 August 2017. The information and observations herein are based on submissions by Member States, regional arrangements and other relevant stakeholders. The United Nations system, the International Criminal Police Organization (INTERPOL) and the Panel of Experts established pursuant to Security Council resolution 1973 (2011) were also consulted.

**II. Smuggling of migrants and trafficking in persons in the
Mediterranean Sea off the coast of Libya¹**

3. Since the issuance of my previous report, men, women and children have continued to die or go missing at sea on their way to Europe. As at 31 August 2017, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) had recorded more than 2,410 deaths and disappearances in the Mediterranean Sea and 123,994 arrivals in Europe by sea in 2017. The so-called “central Mediterranean route” from Libya to Italy continues to be the most active migratory route into Europe. In 2016, UNHCR and IOM recorded the arrivals of more than 181,500 people in Italy by sea, 90 per cent of whom had departed from Libya. As at 31 August 2017, some 99,105 people, originating largely from sub-Saharan African countries, had arrived in Italy in 2017.

4. The European Union naval operation (EUNAVFOR MED operation Sophia) has reported that, since the beginning of its mission in June 2015, and until 31 August 2017, the operation has rescued 39,818 persons in the southern central Mediterranean. The operation estimates that since October 2016 around 140,210 persons have been rescued by different vessels in the central Mediterranean Sea.

¹ Referred to herein as “smuggling and trafficking”.



5. According to EUNAVFOR MED operation Sophia, vessels operated by international non-governmental organizations conducted search and rescue operations just outside the Libyan territorial waters limit of 12 nautical miles. Some officials in Europe opined that search and rescue operations to prevent loss of life at sea could present a dilemma, by acting as a pull factor to those crossing irregularly and facilitating the task of smugglers who only require their vessels to reach the high seas. Push and pull factors and the operational context across the Mediterranean remain complex and a strictly evidence-based approach to the issue is needed. It is of paramount importance to underline that the first priority must always be to save lives and that the presence of search and rescue operations has undoubtedly prevented countless deaths.

6. As at 19 July 2017, IOM estimates that 11,122 persons have been intercepted and rescued by the Libyan Coastguard, coastal security and fishermen in 2017, while 348 human remains were retrieved along Libyan shores. The Office of the United Nations High Commissioner for Human Rights (OHCHR) expressed concern about abuses and violations against such persons by the Libyan Coastguard during search and rescue operations, which, in some instances, further endanger the lives of people in distress at sea. Intercepted or rescued migrants are rarely provided with life jackets. The United Nations Support Mission in Libya (UNSMIL) has documented the use of firearms, physical violence and threatening language by Coastguard officials during search and rescue operations, within and beyond the territorial sea of Libya, that induce panic among people in unseaworthy vessels seeking assistance. Other recorded behaviour includes jumping on board migrant vessels without warning, and colliding with vessels in distress. Such acts risk capsizing already unseaworthy boats and cause panic among people in distress, some of whom jump into the water without life jackets. According to UNSMIL and OHCHR, immediately following rescues or interceptions at sea, Coastguard officials routinely fail to identify and meet the specialized needs of migrants and asylum seekers in vulnerable situations, including pregnant women, unaccompanied minors, and those with disabilities or pre-existing medical conditions.

7. Organized transnational criminal networks continued to exploit the conflict and security situation in Libya to conduct their smuggling and trafficking operations, which in turn has fuelled instability and undermined governance structures. Existing networks that are used for the smuggling of migrants and refugees, as well as smuggling infrastructure and logistics, may also be used to clandestinely transport illicit goods such as fuel, drugs or weapons. The Panel of Experts established pursuant to Security Council resolution 1973 (2011) has also separately reported to the Security Council, under its mandate, on the different illicit sources of financing, such as the smuggling of migrants, arms and fuel, by armed groups and criminal networks in Libya (see [S/2017/466](#)). The Libya sanctions regime, in particular its arms embargo, the measures aimed at preventing illicit exports of petroleum, including crude oil and refined petroleum products, and the sanctions designation criteria, may apply to the acts and activities of smugglers and traffickers.

8. According to EUNAVFOR MED operation Sophia, individual fares on an inflatable boat can reach €1,000, while reports on the cost of travel on a wooden boat range from €1,500 to €3,000, depending on their size and the number of persons on board. Each rubber boat can accommodate approximately 120 persons, allowing migrant smugglers to make illicit gains of up to €120,000 for each rubber boat launched. Using larger wooden boats typically embarking 400 persons, it is estimated that migrant smugglers and traffickers could earn between €600,000 and €1.2 million per vessel. Smugglers generally conduct launches of up to five or more vessels at once.

9. The loss of life at sea is largely attributed to the use by smugglers of unseaworthy and overcrowded vessels that lack the capacity to reach European shores. The smugglers continue to profit from migrants seeking to reach Europe and to benefit from the dearth of safe and regular pathways for migration, as well as taking advantage of the desperation of those fleeing from conflict or persecution. Women and girls, and also men and boys, experience serious human rights abuses, including sexual violence at the hands of smugglers, traffickers and other criminal groups in and en route to Libya.

10. In resolution 2312 (2016), the Security Council recognized that among those being smuggled in the Mediterranean, in particular off the coast of Libya, there may be persons who meet the definition of a refugee under the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, and stressed that the rights of migrants and asylum seekers must be respected under international human rights and refugee law. According to Eurostat data for persons arriving in Italy in 2016 from the seven most common source countries in West Africa (Nigeria, Guinea, Côte d'Ivoire, the Gambia, Senegal, Mali and Ghana), the average grant rate of some form of protection was 27 per cent, and among those arriving from Eritrea, Somalia and the Sudan, 70 per cent. This amounted to more than 68,500 nationals of those countries being granted protection in the European Union member States in 2016, including over 54,000 granted refugee status or subsidiary protection. The routes and the composition of groups arriving remain in flux and include persons in vulnerable situations, the majority of children arriving unaccompanied.

11. Since the adoption of Security Council resolution 2312 (2016), Member States have, unilaterally, bilaterally and multilaterally, including through regional organizations, taken measures to counter smuggling and trafficking off the coast of Libya and to strengthen search and rescue efforts in the Mediterranean Sea. These include the strengthening of border control agencies and border management through capacity-building and training, along with targeted deployment of naval assets and operations in the Mediterranean Sea.

III. Inspection and seizure of vessels off the coast of Libya and related efforts

12. As part of efforts to prevent and combat smuggling of migrants and trafficking in persons off the coast of Libya, Member States, both nationally or through regional organizations, have inspected and seized vessels under applicable international law and in the exercise of the specific authority provided through resolution 2312 (2016). States members of the European Union, with the exception of Denmark, are carrying out the naval operation EUNAVFOR MED operation Sophia in the central part of the southern Mediterranean Sea to identify, capture and dispose of vessels and assets used or suspected of being used by smugglers. In addition, in 2016/17 the operation trained 133 members of the Libyan Coastguard and Libyan Navy in coastguard functions, such as maritime law enforcement, and safe search and rescue operations, as well as human rights issues, aimed at ensuring better compliance with applicable human rights standards. The operation is also providing non-military training to enable Libyan Coastguard and Libyan Navy personnel to disrupt all kinds of illicit traffic and to save lives in the territorial sea of Libya. Experts provided by European Union member States, UNHCR, IOM, UNSMIL and the European Union Border and Coastguard Agency (Frontex), among other actors, supported the training.

13. On 25 July 2017, the Council of the European Union extended the mandate of the operation until 31 December 2018, entrusting the operation with additional

**Security Council**

Distr.: General
1 June 2017

Original: English

Letter dated 1 June 2017 from the Panel of Experts on Libya established pursuant to resolution 1973 (2011) addressed to the President of the Security Council

The Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011) has the honour to transmit herewith, in accordance with paragraph 13 of resolution 2278 (2016), the final report on its work.

The report was provided to the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya on 5 May and was considered by the Committee on 19 May 2017.

I would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) Steven **Spittaels**
Coordinator

Panel of Experts on Libya established pursuant to
resolution 1973 (2011)

(Signed) Naji **Abou-Khalil**
Expert

(Signed) Kassim **Bouhou**
Expert

(Signed) Moncef **Kartas**
Expert

(Signed) David **McFarland**
Expert

(Signed) Juan Alberto **Pintos Servia**
Expert

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Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011)

Summary

The Panel's monitoring of the political transition in Libya has focused on the incomplete implementation of the Libyan Political Agreement in the absence of its endorsement by the House of Representatives. This has undermined the legitimacy of the Government of National Accord, nominated by the Presidency Council. The rival Prime Ministers, Abdallah al-Thinni and Khalifa al-Ghweil, continue to challenge the leadership of the country by the Chair of the Presidency Council, Fayeze al-Serraj. The Presidency Council has also had great difficulty in implementing social and economic policies, further strengthening the armed and unarmed opposition to its authority.

To overcome the political stalemate, the United Nations Support Mission in Libya drafted a new road map in October 2016 to amend the Libyan Political Agreement. This led to a regional dialogue initiative sponsored by Algeria, Egypt and Tunisia. However, regional divisions continue to constitute an obstacle to a political solution in Libya.

The political crisis has been further exacerbated by escalating armed conflict. In spite of the liberation of Sirte and segments of Benghazi from Islamic State in Iraq and the Levant, the overall security situation in Libya has deteriorated. Indicative of the insecurity is the growing competition in Tripoli between Misratah- and Tripoli-affiliated armed groups, which has undermined the authority of the Presidency Council and threatened the safety of the capital's residents.

Military operations by the Libyan National Army, the Benghazi Defence Brigades and Misratan armed groups in the south and the oil crescent have exposed local populations to increasing violence, including through air strikes. Further threats to security documented by the Panel have included the recruitment of foreign mercenaries by armed groups and the persistent activity of extremist movements.

Armed groups, some of which have received a mandate or at least recognition from the House of Representatives or the Presidency Council, have not been subject to any meaningful judicial control. This has further increased their involvement in violations of human rights, including kidnappings, arbitrary detentions and summary executions. Cases investigated by the Panel include abuses against Libyan residents of Tripoli and Benghazi, prisoners of war and migrants.

The Panel documented several instances in which armed groups were involved in actual or potential violations of the arms embargo. These groups' continuing access to military equipment and related material is also reflected in the escalation of armed conflicts, notably through air strikes. In that respect, the Panel has documented how armed groups from eastern Libya and Misratah have multiplied their air force capacity through transfers of materiel, the refurbishment of previously unserviceable aircraft and the expansion of military airbases. The foreign support for both factions is also highlighted.

Furthermore, the Panel found evidence of several deliveries, in violation of the arms embargo, of what is often described as non-lethal materiel. The deployment and use of such materiel in the Libyan context has significantly increased insecurity and has undoubtedly led to additional casualties. This is notably the case for (armoured) vehicles and electronic interception equipment.

In the absence of arms and ammunition management capacity, the risk of diversion remains a major concern, justifying the need for a robust arms embargo. Libyan armed groups engage in arms trafficking both within the country and across its borders, and Libya remains an important hub for illicit arms flows to neighbouring countries. The Panel has documented arms seizures in the Niger and Tunisia, while the lack of access to seizures in other countries remains a problem.

The Panel finds that the key financial and economic institutions of Libya remain divided and suffer from a lack of oversight and cases of misappropriation. The Presidency Council has been divided over the organization of and appointments in several institutions, and its decisions have been challenged. As a consequence, the loyalty of staff is still divided between the competing authorities, which have each tried to make their own appointments. The divisions continue to threaten the stability of Libya, as shown by the controversy over Central Bank of Libya policies in Tripoli and several unilateral actions taken by its eastern branch.

The Panel has identified rival managements and their political backers, who continue to attempt to strengthen their position through various strategies, including legal action and support from armed groups. In Tripoli, the interference of armed groups with the management and finances of institutions such as the Libyan Investment Authority and the Libyan Post, Telecommunication and Information Technology Company is worrying and untenable.

In contrast to these negative developments, the country's oil sector has stabilized. The warring parties in the oil crescent have largely refrained from damaging oil installations, and they have consistently given authority over the terminals to the National Oil Corporation management, even though control over the region has changed hands repeatedly. Unfortunately, and despite significant efforts by both their managements, the implementation of an agreement to reunite the eastern and western National Oil Corporations failed. Nevertheless, the efforts have resulted in increased oil production.

The continuing division of the National Oil Corporation will likely lead to renewed attempts to illicitly export crude oil. Sanctions under resolution [2146 \(2014\)](#) were successfully implemented on one occasion. Meanwhile, the eastern National Oil Corporation has made a first attempt to smuggle a shipment of oil derivatives out of Libya.

Armed groups and criminal networks continue to exploit different sources of financing, such as the smuggling of migrants and fuel. The Panel has identified networks along the western coastline, which are active in both.

Several investigations on the asset freeze show the complexity of the finances available to some listed individuals, the beneficiary ownership of which is hidden behind numerous front men and front companies. They also show that transactions in favour of listed individuals are sometimes handled through large sums of cash. In addition, the Panel investigated stolen Libyan assets that were under the control of a listed individual, or at risk of misappropriation, or both. The identification and possible recovery of all these funds will require significant resources and a dedicated effort. This will require the empowerment of Libyan investigators through an indisputable mandate from an uncontested authority.

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* The annexes are being circulated in the language of submission only and without formal editing. Owing to the word limits on reports of monitoring mechanisms, the Panel has provided further details relating to a number of investigations in the annexes. The table of abbreviations and acronyms can be found in annex 1.

Council. They added that the trawler was regularly transporting wounded fighters and wrapped arms (mortars, anti-tank weapons) (see recommendations 1 and 3).

C. Events in Tripoli and western Libya

1. Acts that threaten peace

Competition between Misratah- and Tripoli-affiliated brigades

53. Clashes between Misratah- and Tripoli-affiliated armed groups continue to undermine the authority of the Presidency Council and security in the Libyan capital, causing many civilian casualties. These clashes have several drivers.

54. First, racketeering and kidnappings by groups affiliated with Misratah fuelled tensions. In March 2017, for example, Qurji, Ghawt al-Sha'al and Hay al-Andalus residents blocked roads and attacked buildings protected by Misratah- and Jadu-affiliated brigades. The protests evolved into an armed confrontation between the Tripoli Revolutionaries Brigade and the Abu Salim Brigade on one side and Misratan brigades loyal to Al-Ghweil on the other (see annex 15). The latter were ousted from the Qusur, Fallah and Qarqarish areas.

55. Second, there is an ongoing power struggle over institutions. An example is the takeover by the Tripoli Revolutionaries Brigade of the General Intelligence branch in Hay al-Andalus (where it seized important archives) in August 2016,²³ and the subsequent reaction of Misratah, from where a force led by Salah Badi was sent to recover the positions lost. According to an Operation Bunyan Marsus commander, "Sirte was a trap to weaken us in Tripoli. We lost many men and vehicles during that war. We are trying to address the situation."

56. In the absence of Presidency Council control and authority, this competition is likely to lead to new clashes, notwithstanding the Tripoli Agreement, signed on 15 March 2017 (see annex 16).

High-profile assassinations

57. The assassination of Nader al-Omrani, a prominent Libyan scholar with the Dar al-Ifta', further exacerbated tensions. Several media reports alleged the involvement of Abd al-Hakim Meqdash, a former affiliate of Abd al-Raouf Kara, in the assassination. Such attacks reinforce the division of Tripoli into zones of control under opposing armed groups, limiting the freedom of movement, including of high-profile personalities.

Links with criminal networks

58. Along the coastline between Tripoli and the Tunisian border, many armed groups are involved in trafficking in persons and fuel smuggling, which have allowed them to obtain substantial wealth (see para. 251). Over the past year, these criminal networks clashed repeatedly, directly or through proxies (see annex 17). In Zawiyah, dozens of casualties were reported in 2016 and 2017. Armed groups involved in criminal activities also challenge local authorities, such as the Sabratah Municipal Council, thereby threatening peace (see annex 18).

59. On 17 August 2016, a speedboat attacked a Médecins sans frontières vessel off the Libyan coast. Two coastguard officers from the Dallah coastguard were involved

²³ "Forces loyal to the Government of National Accord take control of a General Intelligence position in Tripoli", Libya Channel, 14 August 2017. Available from www.libyaschannel.com/2016/08/14/مق-على-تسيطر-الوفاق-الحكومة-موالفة-قوات/.

in the attack. The two identified attackers are loyal to Abd al-Rahman Milad (alias Bija), head of the Zawiyah coastguard and involved in smuggling activities.

2. Attacks against any port in Libya or against a State institution or installation

60. On 14 October 2016, a coalition of armed groups helped return Khalifa al-Ghweil to the High State Council seat in the Rixos Hotel in Tripoli.²⁴ On 12 January 2017, the National Salvation Government took control of several ministries, including the Ministries of Defence and Justice. Al-Ghweil made use of the opposition to the Presidency Council of some Tripoli-based armed groups and the ambivalence of other armed groups (including the former Libyan Islamic Fighting Group) towards the Libyan Political Agreement. At the time, the Tripoli Revolutionaries Brigade and the Abu Salim Brigade, supposedly allied with the Presidency Council, refused to oppose Al-Ghweil's return to Tripoli, motivated by financial reward.

61. On 18 March 2017, members of the Buni brigade, in charge of protecting Mitiga airport, attacked the Presidency Council headquarters in Abu Sittah, attempting to evict the Council from Tripoli. The group's leadership is close to Mustafa Nuh and Abd al-Hakim Belhaj.

62. On 10 April 2017, a force of 10 "technicals" attacked the residence of the Central Bank of Libya Governor in Tripoli. According to Central Bank sources, the attack was conducted by the Tripoli Revolutionaries Brigade and the Abu Salim Brigade, with the involvement of Hashim Bishr. Armed groups frequently seek to interfere in the business of financial institutions to promote their political or financial interests, including through intimidation (see paras. 191 ff).

63. On 10 October 2016, an armed group close to Al-Ghweil attacked the Civil Registry Authority and killed the Authority's Director, Sadiq al-Nuhaysi. Armed groups repeatedly attacked the Authority's branches to manipulate its data and be able to produce illegally issued passports.

64. The attack against the Misratah Municipal Council on 13 April 2017 highlights increasing tensions as irreconcilable political trends in the city are turning against each other. Positions diverge with regard to the Libyan Political Agreement, dialogue with eastern constituencies, links with radical movements and the situation in the south of Libya.

3. Acting for or on behalf of or at the direction of a listed individual or entity

65. All Libyan parties, including Ansar al Charia Benghazi (QDe.146) and Ansar al-Shari'ah Sirte, competed to control the Civil Registry Authority and passport administrations. This allowed them to illegally issue passports, including to foreign fighters who subsequently travelled abroad. The Panel has reviewed copies of illegally issued passports and was able to confirm the identity of one Sudanese national, who obtained such a passport in Misratah and travelled to Turkey in May 2015 (see annex 19). In August 2015, Turkish authorities imposed visas on Libyan nationals travelling to Turkey in order to limit security risks posed by the political developments in Libya.²⁵

66. Foreign recruits of Ansar al Charia Benghazi (QDe.146) and Ansar al-Shari'ah Sirte were hosted in several locations, including Tripoli. They have participated in

²⁴ "Khalifa Al-Ghweil, head of the 'revolutionary' Salvation Government", Al Jazeera, 29 October 2017. Available from www.aljazeera.net/encyclopedia/icons/2016/10/27/رئيس-الغوييل-خليفة
التأثر-الليبية-الإنفاد-حكومة

²⁵ "Turkey imposes visa requirements on Libyans", TRT Arabic, 27 August 2015. Available from www.trtarabic.tv/الليبيين-على-الدخول-تأشيرة-تقرض-تركيا/

C. Summary executions of prisoners

99. In Sirte and Benghazi, armed groups conducted summary executions of prisoners of war, in clear violation of the Geneva Conventions.³²

100. Two videos posted on social networks reveal the summary execution of four Benghazi Revolutionaries Shura Council prisoners by LNA personnel, including Colonel Mahmud al-Warfalli. LNA said to the Panel that Al-Warfalli had been placed under arrest. However, as at 9 April 2017, Al-Warfalli appeared to still operate as the front-line commander of the LNA special forces. In June 2016, the Panel had already received reports that Al-Warfalli conducted summary executions (see annex 29). LNA Salafi commanders have publicly called for the execution of “apostates”.³³

101. Operation Bunyan Marsus brigades also conducted summary executions in Sirte. There have been dozens, according to a field commander of the Operation. The Panel is still investigating those cases.

D. Indiscriminate attacks

102. ISIL and the Benghazi Revolutionaries Shura Council repeatedly shelled the civilian neighbourhoods of Benghazi under the control of LNA. They also frequently used improvised explosive devices in residential areas, causing the death and injury of many civilians.³⁴

103. In parallel, the LNA leadership showed disregard for civilians trapped in the areas of Qanfudah and Darnah, causing several civilian deaths. Negotiations to allow for a safe evacuation of civilians trapped in Qanfudah were unsuccessful, owing to the lack of real commitment on the part of LNA and the Benghazi Revolutionaries Shura Council.

E. Human rights violations against migrants

104. Abuses against migrants were widely reported, including executions, torture and deprivation of food, water and access to sanitation. The International Organization for Migration (IOM) also reported enslavement of sub-Saharan migrants.³⁵ Smugglers, as well as the Department to Counter Illegal Migration and the coastguard, are directly involved in such grave human rights violations (see also para. 245).

105. Abd al-Rahman Milad (alias Bija), and other coastguard members, are directly involved in the sinking of migrant boats using firearms. In Zawiyah, Mohammad Koshlaf opened a rudimentary detention centre for migrants in the Zawiyah refinery. The Panel collected information on abuses against migrants by several individuals (see annex 30). In addition, the Panel collected reports of poor conditions in migrant detention centres in Khums, Misratah and Tripoli (see para. 93 and annex 31).

³² Geneva Conventions of 12 August 1949, art. 3, and Additional Protocol II of 8 June 1977, art. 4 (2) (a).

³³ See www.youtube.com/watch?v=wfQJxu2W6Zc.

³⁴ “Three children die in Gwarsha explosion: update”, *Libya Herald*, 2 May 2016. Available from www.libyaherald.com/2016/05/02/four-children-die-in-gwarsha-explosion.

³⁵ IOM, “IOM learns of ‘slave market’ conditions endangering migrants in North Africa”, 11 April 2017. Available from www.iom.int/news/iom-learns-slave-market-conditions-endangering-migrants-north-africa.

254. Recently, it was reported that measures had been taken to reduce illegal flows.⁸³

B. Migrant smuggling and trafficking in persons

255. Migrant smuggling and trafficking in persons is integrated with other smuggling activities, such as smuggling of arms, drugs and gold. Armed groups actively participate in the smuggling or take a cut of the profits. Smuggling occurs virtually uncontested because of the lack of reliable security forces.

1. Western Libya

256. Arriving from Agadez in the Niger, migrants are gathered in warehouses located in Qatrun, Awbari, Sabha and Murzuq, where several groups make a profit from facilitation. Tebu and Tuareg smugglers “facilitate” migrant crossings of the southern border. Tebu leaders, such as Adamu Tchéké and Abu Bakr al-Suqi, collect tolls in cash for travel from the border to Sabha. Tuareg leaders, such as Cherif Aberdine,⁸⁴ control the route to Murzuq.

257. In Sabha, members of the Awlad Suleiman tribe are reportedly organizing the smuggling. From Ghadamis to Bani Walid and Nalut, the Zintanis Mohamed Maatoug and Ali Salek are frequently mentioned as major transporters of migrants (and cannabis).

258. On the coast, the main facilitators are based in Zawiyah, Zuwarah and Sabratah. They include the armed group commanders Mohamed Koshlaf and Ahmed Dabbashi (alias Amu). Coastguard commander Abd al-Rahman Milad (alias Bija) collaborates with Koshlaf (see paras. 59, 105 and 245).⁸⁵ The main departure site appears to be Talil Beach, in the resort complex in Sabratah.

2. Eastern Libya

259. The eastern route is managed by “fixers” from Eritrea, Ethiopia and Somalia, who identify candidates for departure and handle the finances. Libyans organize transportation within their territory. Migrants who have taken this route systematically report that uniformed men were overseeing their movements.

260. The coordination in the border region of Kufrah is supposedly organized among the Tebus, Zways and elements of the Rapid Support Forces in the Sudan deployed along the border with the Sudan.⁸⁶

261. Up until 2016, most of the migrants were taken from Kufrah to Ajdabiya, where they were kept under the authority of the commander of the Petroleum Facilities Guard, Ibrahim Jadhraan. One Eritrean, detained for a year in Ajdabiya, told the Panel that migrants were used by the Petroleum Facilities Guard for

⁸³ Abdulkader Assad, “Fuel and gas crisis committee confirms success of anti-fuel-smuggling campaign”, *Libya Observer*, 1 April 2017. Available from www.libyaobserver.ly/news/fuel-and-gas-crisis-committee-confirms-success-anti-fuel-smuggling-campaign.

⁸⁴ A potential alias; the smuggler might have used the name of the late Niger presidential adviser and notorious smuggler, Cherif Abidine, who died in February 2016.

⁸⁵ Nancy Porsia, “The kingpin of Libya’s human trafficking mafia”, TRT World, 22 February 2017. Available from www.trtworld.com/magazine/the-kingpin-of-libyas-human-trafficking-mafia-301505.

⁸⁶ Suliman Baldo, “Border control from hell: how the EU’s migration partnership legitimizes Sudan’s ‘militia State’” (The Enough Project, April 2017). Available from www.enoughproject.org/files/BorderControl_April2017_Enough_Finals.pdf.

Annex 17 Links between armed groups, criminal groups and the Coast guard in Zawiya

1. Sources provided the Panel with a detailed description of the modus operandi of smuggling networks in Zawiya.
2. Competition over the control of the fuel smuggling business in Zawiya has deepened historic tribal divisions between Awlad Bu Hmeira and Awlad Saqr in Zawiya. Since 2012, the Nasr Brigade, under the command of Mohammad Koshlaf from the Awlad Bu Hmeira tribe, has been in control of the Zawiya refinery. Koshlaf's monopoly over the refinery has since been disputed by Awlad Saqr and the allied armed groups of Othman al-Lahab and al-Khadrawi.
3. In late 2014, the expansion of the migrant smuggling and human trafficking business in Zawiya further increased the competition. The commander of the al-Nasr brigade opened a detention centre in Zawiya. The Panel received information that the detention centre, commanded by a former army Colonel, Fathi al-Far, is used to 'sell' migrants to other smugglers. Meanwhile, Koshlaf also became active in migrant smuggling.
4. Since 2014, Koshlaf's network gained influence over the coast guard operations in Zawiya, notably through the officer Abd al-Rahman Milad (also from the Awlad Bu Hmeira tribe). In 2015, The Zawiya coast guard's patrol boat (see photograph below), operated by Abd al-Rahman Milad (alias al-Bija), was involved in intercepting migrants and transferring them to the al-Nasr detention centre. An armed group from Awlad Saqr, also involved in the migrant smuggling business, attempted to take over control of the boat in March 2016.
5. Repeated violent clashes in Zawiya in 2016 and 2017, between armed groups controlled by Ibrahim Hneish and Mohammad Koshlaf on one side and al-Khadrawi and al-Lahab on the other, show how strong the competition over the criminal business is.
6. According to several sources, competing groups have regularly targeted migrants under the custody of their rivals, provoking death and injury of several migrants.
7. Shaaban Hadiya's armed group involvement in the smuggling business, if any, is unclear. However, a commander of Hadiya's group was seen by Panel's sources fighting alongside Ibrahim Hneish, which might indicate links between Shaaban Hadiya and the Koshlaf clan.
8. Koshlaf's al-Nasr brigade in Zawiya collaborates with the al-Haboutate brigade of Warshafana, in organizing the migrant smuggling. Reportedly, this has led to the opening of the coastal road between Zawiya and Tripoli over the last few weeks.

Annex 30 Human rights violations against migrants in Zawiya

1. Abd al-Rahman Milad (alias al-Bija) is the head of the Zawiya branch of the coast guard. He obtained this position thanks to the support of Mohammad Koshlaf and Walid Koshlaf. Both had leverage over the coast guard hierarchy, according to internal sources in the coast guard.
2. Fathi al-Far, a former army colonel, is the head of al-Nasr detention centre. The centre is under the de facto control of al-Nasr Brigade of Mohammad Koshlaf. The Panel collected testimonies of the inhumane detention conditions at al-Nasr, which is not suitably equipped to hold migrants. Women and children live in critical conditions.
3. In addition, many migrants are frequently beaten, while others, notably women from sub-Saharan countries and Morocco, were sold on the local market as 'sex slaves'.
4. Tareq al-Hengari is also a member of the coast guard. He shot at migrants' boats at sea, causing the death of an unknown number of migrants, in an attempt to undermine the smuggling business of Koshlaf's competitors.



UNITED NATIONS
SUPPORT MISSION IN LIBYA



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

**“DETAINED AND DEHUMANISED”
REPORT ON HUMAN RIGHTS ABUSES AGAINST MIGRANTS IN LIBYA**

13 December 2016

United Nations Support Mission in Libya

Office of the United Nations High Commissioner for Human Rights

“Detained and dehumanised”
Report on human rights abuses against migrants in Libya
13 December 2016

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“Detained and dehumanised”

Report on human rights abuses against migrants in Libya

13 December 2016

1. Executive summary

The situation of migrants in Libya is a human rights crisis. The breakdown in the justice system has led to a state of impunity, in which armed groups, criminal gangs, smugglers and traffickers control the flow of migrants through the country. The United Nations Support Mission in Libya (UNSMIL) has also received credible information that some members of State institutions and some local officials have participated in the smuggling and trafficking process. Libya is a destination and transit country for migrants. Many suffer human rights violations and abuses in the course of their journeys. They are subjected to arbitrary detention, torture, other ill-treatment, unlawful killings, sexual exploitation, and a host of other human rights abuses. Migrants are also exploited as forced labour and suffer extortion by smugglers, traffickers, as well as members of State institutions. Women migrants are the most exposed, amidst numerous and consistent reports of rape and other sexual violence.

Migrants are held arbitrarily in detention centres run mostly by the Department for Combatting Illegal Migration (DCIM). They are brought to the centres where there is no formal registration, no legal process, and no access to lawyers or judicial authorities. Conditions in detention are generally inhuman: severely overcrowded, without adequate access to toilets or washing facilities, food, or clean water. In several detention centres visited by UNSMIL, migrants were observed in large numbers in a single room without even sufficient space to lie down. Amidst severe challenges faced by the health sector in Libya as a result of the conflict, some hospitals have refused to treat migrants, citing a lack of payment and fear of infectious diseases. Information received by UNSMIL shows a consistent and widespread pattern of guards beating, humiliating and extorting migrants, including by taking money for their release. A number of migrants interviewed by UNSMIL had sustained gunshot or knife injuries; several migrants had visible wounds and head injuries.

UNSMIL also received reports that groups pledging allegiance to the so-called Islamic State in Iraq and the Levant (ISIL) have been involved in the abduction and abuse of migrants in Libya.

Migrants, as well as representatives of international non-governmental organizations that carry out search and rescue operations, have also recounted dangerous, life-threatening interceptions by armed men believed to be from the Libyan Coast Guard. After interception, migrants are often beaten, robbed and taken to detention centres or private houses and farms, where they are subjected to forced labour, rape, and other sexual violence.

From 1 January to 22 November 2016, 168,542 migrants arrived in Italy from Libya and 4164

are known to have died at sea. The actual number is likely to be higher. The European Union is seeking to disrupt the smuggling of migrants and trafficking of humans by a number of means including through its naval Operation Sophia¹. Lifesaving search and rescue operations are carried out by ships belonging to the European Union Operations Sophia and Triton², and ships of individual European States such as the Italian Coast Guard, non-governmental organizations, and merchant ships³. Rescued migrants are taken to Italy. Some senior government officials in Europe have called for the establishment of migrant camps in North Africa and the return of boats to Libya. However, European Union policy and international law prohibits the return of any individual to a place where she or he is at risk of torture or other serious human rights abuses. The Libyan Coast Guard has also carried out limited search and rescue operations in Libyan territorial waters.

The Libyan authorities, with the support of the international community, must do all in their power to address this human rights crisis, starting as a matter of urgency with the situation of migrants in detention. In addition, as the issue of migration has a wider regional and international dimension, countries of origin and destination need to play their role in addressing the crisis. In this present report, UNSMIL and the Office of the United Nations High Commissioner for Human Rights (OHCHR) propose immediate and mid-term recommendations, with a view to addressing this situation in a manner which is both comprehensive and human rights-based.

In this regard, recommendations addressed to the Libyan authorities include, with a view to urgently ending the arbitrary detention of all migrants, to release immediately migrants who are in the most vulnerable situations; reduce the number of detention centres; ensure female detainees are held separately from male detainees; improve conditions of detention; facilitate the work of the office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) in the country; and, in the medium-term, to amend Libyan legislation in order to decriminalize irregular migration; ratify the 1951 Refugee Convention and its 1967 Protocol and adopt a national asylum law.

In addition, OHCHR and UNSMIL recommend that countries of destination beyond Libya, including Member States of the European Union, expand safe and regular entry channels and the availability of durable solutions; continue search and rescue operations; and ensure that training and support for Libyan institutions which engage with migrants is accompanied by

¹ See European Union Naval Force - Mediterranean Operation Sophia, Fact Sheet, 30 November 2016, http://eeas.europa.eu/csdp/missions-and-operations/eunavfor-med/pdf/factsheet_eunavfor_med_en.pdf

² Operation Sophia and Operation Triton (the latter conducted by Frontex, the European Border and Coast Guard Agency) form part of the European Union strategy for managing migration, based on the European Agenda on Migration, the Valletta Summit and the Partnership Framework approach, including through promoting cooperation with countries of origin, transit, and destination. Further information is available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm

³ The 1979 International Convention on Maritime Search and Rescue requires States parties to ensure that assistance is provided to any person in distress at sea, regardless of the nationality or status of the person or the circumstances in which the person is found and to provide for his or her initial medical or other needs and deliver him or her to a place of safety.

comprehensive efforts to address the human rights of migrants, including through ending their arbitrary detention and improving their treatment in detention. A number of recommendations are also directed to migrants' countries of origin including to facilitate voluntary, humanitarian and sustainable repatriation of migrants and to work on human rights and development programmes aimed at providing alternatives to irregular migration.

2. Introduction and methodology

This report is published by UNSMIL in accordance with its mandate⁴, in cooperation with OHCHR. It summarizes information on the human rights situation of migrants in Libya, including on abuses and violations of international human rights law, committed in the course of 2016.

The report is based on information gathered primarily in the course of the human rights monitoring activities of UNSMIL. Since its establishment in 2011, UNSMIL has carried out a number of visits to DCIM detention centres in various locations in Libya, although since 2014 the security situation has curtailed UNSMIL's ability to carry out such visits. These challenges notwithstanding, four visits to DCIM detention centres in Tripoli and Misrata were conducted in 2016.

In addition, UNSMIL and OHCHR undertook a monitoring mission to Italy, including Lampedusa, between 27 June and 1 July, visiting the Center for Identification and Expulsion in Ponte-Galeria (Rome); "hotspots" at Lampedusa, Trapani and Pozzallo; the House of Cultures Shelter (Scicili, Sicily); the ex-Casa Marconi (Palermo); and the Rainbow center for unaccompanied minors (Palermo). UNSMIL staff met with rescued migrants, Italian and European Union officials, staff from various United Nations agencies and representatives of international and national non-governmental organizations. UNSMIL interviewed over 50 individuals who described having been subjected to human rights violations and abuses during their transit through Libya. Victims included women, men and children. The majority of those interviewed were nationals of Eritrea, Nigeria, Gambia, Somalia, Côte d'Ivoire, Guinea, Sudan, Mali, Senegal, Bangladesh and Egypt.

UNSMIL also received information from a range of other sources, including media professionals, medical and humanitarian workers, and local authorities. Specific sources are often not indicated and identifying details have been removed in order to protect the safety of witnesses and survivors. Information collected from victims reflected a high level of consistency

⁴ The mandate of UNSMIL, renewed most recently by United Nations Security Council resolution 2291, includes the undertaking of "human rights monitoring and reporting". The Director of the Human Rights, Transitional Justice and Rule of Law Division of UNSMIL is the representative of the High Commissioner for Human Rights in Libya.

3. Background

Libya is both a transit and destination country for migrants.⁹ People on the move include individuals migrating because of conflict and persecution, but also, inter alia, extreme poverty, and lack of access to decent work, education, and healthcare.

From the 1970s to the 1990s, the Government of Libya encouraged migration from other Arab countries but also from all of Africa, to help meet the domestic labour needs. Since the early 2000s, Libya has been a key transit country for reaching Europe irregularly, particularly for migrants from sub-Saharan African countries including Burkina Faso, Ethiopia, Eritrea, Ghana, Mali, Niger, Nigeria, Somalia and Sudan, as well as other countries in North Africa and western Asia. From the 2000s onwards, Libya began to be more restrictive in its approach to migrants, in part in response to pressure from European countries. Visa requirement for all nationalities, except for those from countries in the Maghreb region, were introduced, along with policies of detention and deportation of irregular migrants.¹⁰

Bilateral agreements signed between Italy and Libya from 2007 to 2009 included provisions to address irregular migration, which led to migrants being intercepted in international waters and returned to Libya (otherwise known as “pushbacks”). In 2012, the European Court of Human Rights found that in returning migrants arbitrarily from international waters to Libya and by exposing migrants from Somalia and Eritrea to the risk of ill-treatment in Libya, Italy had violated the European Convention on Human Rights, specifically the right to *non-refoulement* and collective expulsion.¹¹ The current policy of Italy as a State, and the European Union as a regional organisation, is that no person rescued by an Italian or a European Union vessel shall be taken to Libya. As articulated in relation to Operation Sophia, “all of the activities undertaken in each phase adhere to and respect international law, including human rights, humanitarian and refugee law and the ‘*non-refoulement*’ principle meaning that no rescued persons can be disembarked in a third country”.¹²

⁹ For further information see “DTM Libya Flow Monitoring Analysis, September – October 2016” report, p.9, International Organization for Migration, which notes that “Libya was the destination country for the majority of migrants surveyed. 56% of all respondents reported Libya as their destination country, while 17% reported Italy as the country of intended destination. The remaining 27% reported 34 other countries”. The report is available at <http://www.globaldtm.info/dtm-libya-flow-monitoring-survey-analysis-september-october-2016/>

¹⁰ For further background, see *Assessment of Priorities for the Development of Libya’s Migration Policies: A Strategic Vision*, Final Report to the International Organization for Migration (IOM) by Eurasyllum Ltd., November 2014 and *Immigration Detention in Libya* by Mariette Grange and Michael Flynn, Global Detention Project, February 2015, and *Migration Policy Centre- Migration Profile, Libya*, Migration Policy Centre, June 2013.

¹¹ The Case of Hirsi Jamaa and Others v. Italy (Application No. 27765/09), Judgement, European Court of Human Rights, Strasbourg, 23 February 2012. See also Intervener brief filed on behalf of the United Nations High Commissioner for Human Rights (filed pursuant to leave granted by the Court on 4 May 2011), Hirsi et al v Italy (Application No. 27765/09), European Court of Human Rights.

¹² See European Union Naval Force - Mediterranean Operation Sophia, Fact Sheet, 30 November 2016, http://eeas.europa.eu/csdp/missions-and-operations/eunavfor-med/pdf/factsheet_eunavfor_med_en.pdf

The deterioration in the security environment in Libya, starting with the 2011 conflict and followed by a further deterioration in 2014, has led to increasing numbers of migrants smuggled or trafficked through Libya into Europe. The breakdown in the justice system has led to a state of impunity, in which armed groups, criminal gangs, smugglers and traffickers control the movement of migrants through the country.

Bilateral agreements with Chad, Sudan, Algeria, and Tunisia in 2012 and with Egypt in 2013 on security and border controls have not apparently led to systematic cooperation and have had little impact on the flow of migrants and the operation of criminal networks to smuggle and traffic migrants across land borders.¹³

While overall numbers of migrants in Libya are not known, it is estimated that the majority are irregular, arriving in particular from Egypt, Chad and Nigeria.¹⁴ The Displacement Tracking Matrix of IOM tracked 276,957 migrants in the month of August 2016.¹⁵ This figure includes migrants as well as possible refugees and asylum seekers. As at the time of writing UNHCR had registered approximately 38,000 refugees and asylum-seekers, half of whom are from Syria. It is estimated that the total number of migrants, refugees, and asylum seekers currently present in Libya is much higher than these figures.

According to IOM, between 1 January and 22 November 2016, 168,542 migrants reached Italy from North Africa, most from Libya, compared to 144,205 migrants for a similar period in 2015. From 1 January to 22 November 2016, 4,164 migrants who travelled through Libya are known to have died at sea along the central Mediterranean Sea route, compared to 3,565 for a similar period along the Central, Eastern and Western Mediterranean Sea routes.¹⁶ The number of migrants who have died during land journeys while travelling to and through Libya is unknown, although the numbers are thought to be significant.

In June 2015, the European Union launched Operation Sophia in the Mediterranean Sea off the coast of Libya. The core mandate of the operation is to “undertake systematic efforts to identify, capture and dispose of vessels and enabling assets used or suspected of being used by migrant smugglers or traffickers, in order to contribute to wider EU efforts to disrupt the business model of human smuggling and trafficking networks in the Southern Central Mediterranean and prevent the further loss of life at sea”.¹⁷ Since the operation’s inception to November 2016, 101 suspected smugglers and traffickers have been prosecuted by the Italian authorities and 344 boats removed from criminal organization availability.¹⁸ By 27 October 2016 the Operation had also rescued

¹³ *Assessment of Priorities for the Development of Libya’s Migration Policies: A Strategic Vision*, Final report to IOM by Eurasyllum Ltd. 2014, p. 41

¹⁴ *Ibid.* p. 6

¹⁵ See IOM DTM Libya at www.globaldtm.info/libya/

¹⁶ See IOM Missing Migrants Project for further information at <https://missingmigrants.iom.int/>

¹⁷ See European Union Naval Force - Mediterranean Operation Sophia, Fact Sheet, 30 November 2016, http://eeas.europa.eu/csdp/missions-and-operations/eunavfor-med/pdf/factsheet_eunavfor_med_en.pdf

¹⁸ See “*Farewell to the French ship Enseigne de vaisseau Jacoubet*”, press release, 9 November 2016, http://eeas.europa.eu/csdp/missions-and-operations/eunavfor-med/news/20161109_en.htm

over 29,300 persons in 200 rescue operations and had supported other organizations in the rescue of more than 41,200 persons.¹⁹ Rescued migrants are disembarked in Italy.²⁰

In October 2015, the Security Council authorized Member States to inspect and seize vessels in the Mediterranean that are suspected of being used for migrant smuggling or human trafficking.²¹ The authorization was extended for a further year following the adoption of resolution 2312 on 6 October 2016. The Foreign Affairs Council of the European Union decided on 20 June to add two supporting tasks to the mandate, effectively allowing it to contribute to the capacity building and training of the Libyan Coast Guard and Navy and the implementation of the United Nations arms embargo on the high seas off the coast of Libya. Following a request for support from the Libyan authorities, an initial training course took place in October and November 2016 on board two naval assets on the high seas for 78 embarked trainees and their mentors.²² Following a vetting procedure undertaken by the European Union, participants received training in seamanship, coast guard skills, and international human rights and refugee law, the latter with the support of UNHCR.

Operation Sophia forms one element of the migration strategy of the European Union²³. The strategy also includes, inter alia, a partnership framework approach with countries of origin and transit²⁴; the delivery of capacity-building programmes to the Libyan Government; and support for the work of United Nations organizations in the region, including IOM and UNHCR, as well as to other international organizations and non-governmental organizations operating in Libya.

In recent months, some senior government officials in Europe have suggested that refugees and asylum seekers should be held in camps in Libya or elsewhere in North Africa. In September 2016, the Prime Minister of Hungary was quoted as saying that the European Union should establish a “*giant refugee city*” in Libya to process asylum seekers from Africa before they reach Europe.²⁵ In October, the Foreign Secretary of the United Kingdom reportedly said that boats

¹⁹ See “*EUNAVFOR MED Operation Sophia starts training of Libyan Navy Coast Guard and Libyan Navy*”, press release, 27 October 2016”, https://eeas.europa.eu/headquarters/headquarters-homepage/13195/eunavfor-med-operation-sophia-starts-training-of-libyan-navy-coast-guard-and-libyan-navy_en

²⁰ Rescues are also undertaken by the Italian Coast Guard, non-governmental organizations such as Sea Watch and MSF, and merchant vessels among others.

²¹ Security Council resolution 2240, adopted on 9 October 2015, authorized Member States to inspect and seize vessels suspected of migrant smuggling and trafficking for a period of one year.

²² See “*EUNAVFOR MED Operation Sophia starts training of Libyan Navy Coast Guard and Libyan Navy*”, press release, 27 October 2016”, https://eeas.europa.eu/headquarters/headquarters-homepage/13195/eunavfor-med-operation-sophia-starts-training-of-libyan-navy-coast-guard-and-libyan-navy_en

²³ See Communication on a European Agenda on Migration, COM(2015) 240 final of 13.05.2015, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm

²⁴ See Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration, COM (2016) 385 final of 07.06.18, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_ompaact_en.pdf

²⁵ See “*Hungary PM suggests giant migrant city in Libya*”, BBC News, 24 September 2016, <http://www.bbc.com/news/world-europe-37463386>

should be turned back as close to Libya as possible.²⁶ In November, the Ministry of Interior of Germany reportedly proposed that rescued migrants be sent to North African States to apply for asylum there.²⁷ However these declarations do not reflect European Union policy which prohibits the return of any individual to a place where she or he is at risk of torture or other serious human rights abuses.

The United Nations considers that migrants should not be returned to Libya since it is not a safe country for return. IOM has suspended its returns programs to Libya since August 2014, including for Libyan nationals. UNHCR has urged all States to suspend forcible returns to Libya, including Tripoli, until the security and human rights situation has improved considerably. Given the volatility of the current situation, the fragmentation of control, and the plethora of armed groups, UNHCR considers that, in the current circumstances, the relevance and reasonableness criteria for an internal flight or relocation alternative are unlikely to be met. UNHCR also does not consider that Libya meets the criteria for being designated as a place of safety for the purpose of disembarkation following rescue at sea.²⁸ OHCHR considers migrants to be at high risk of suffering serious human rights violations, including arbitrary detention, in Libya and thus urges States not to return, or facilitate the return of, persons to Libya.

In the context of increasing global attention to the plight of migrants, on 19 September 2016, the United Nations General Assembly adopted the New York Declaration for Refugees and Migrants, which initiated a process of intergovernmental negotiations to conclude with the adoption of a global compact on safe, orderly and regular migration, as well as a global compact on refugees based on a comprehensive refugee response framework by 2018.²⁹

4. International legal framework

Libya is a party to the International Covenant on Civil and Political Rights (ICCPR) and its first Optional Protocol; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of all Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; and the Convention on the Rights of the Child and its Optional Protocols on the

²⁶ See “‘Turn them back’ Boris Johnson says migrant boats should be sent straight back to Libya”, Sunday Express, 16 September 2016, www.express.co.uk/news/world/711131/Boris-Johnson-says-migrant-boats-should-be-sent-straight-back-to-Libya

²⁷ See “German ministry wants to return asylum seekers to Africa”, Independent, 6 November 2016, www.independent.co.uk/news/world/europe/german-ministry-refugee-migrants-asylum-seekers-africa-libya-tunisia-egypt-australia-a7400681.html

²⁸ See UNHCR Position on Returns to Libya- Update 1, UNHCR, October 2015, <http://www.refworld.org/docid/561cd8804.html>

²⁹ A/RES/71/1

5. National legal framework and practice

5.1. National legal framework

Libya does not have a comprehensive migration governance framework. Existing laws and regulations, some of which date back to the 1950s, contain significant gaps. They are not sufficient to address the current situation and fall short of international standards.

Law No. 6 of 1987 Regulating Entry, Residence and Exit of Foreign Nationals criminalizes irregular entry into and stay in Libya. It does not distinguish between migrants, refugees, asylum seekers, victims of trafficking,⁴¹ migrants in vulnerable situations, migrant children, or other migrants in need of international human rights protection. Law No. 6 was amended by Law No. 2 of 2004 to tighten visa requirements. The amendment required all non-nationals, with some Arab states excepted, to obtain a valid visa to enter the country. Law No. 6 also regulates the deportation of non-nationals.

In 2010, Law No. 19 on Combatting Irregular Migration was adopted. According to this law, the provisions laid down by previous laws on migration will be voided in case of contradiction. It stipulates that when arrested, migrants are to be treated “in a humane manner, keeping their dignity and rights, without assault on their money or assets” (Article 10). Migrants are allowed two months to regularize their stay from entry into force of the law. After this time, according to the provisions of the law, they face criminal penalties, which include “imprisonment with labour or by a fine not exceeding 1,000 Libyan Dinars” (Articles 6 and 11). It further states that “in all cases, a foreigner convicted of any of the crimes set forth in this law shall be expelled from the territory of the Great Jamahiriya immediately upon execution of the sentence” (Article 6). The person convicted could be exempt from punishment if he/she takes the initiative of informing the authorities provided the information leads to the prosecution of the criminals (Article 8). In addition, Law No. 6 of 1987 stipulates that entry, stay, or exit without a valid visa could be punishable with a sentence of imprisonment. The Penal Code stipulates that a sentence of imprisonment is up to three years (Article 22).

It appears that there are no legal provisions that empower State institutions to undertake the administrative detention of irregular migrants.⁴² However, the public prosecution has the power to suspend criminal actions against any defendant, including those detained under immigration-related criminal proceedings. Therefore, administrative measures foreseen in other laws, such as deportation, can be still implemented.

⁴¹ A draft law on human trafficking was prepared by the Ministry of Justice in 2013. It provided for protection of victims of human trafficking. However, the law has not been adopted.

⁴² See Immigration Detention in Libya, Global Detention Project, February 2015, p 4. <http://www.refworld.org/pdfid/5567387e4.pdf>

Migrant labour laws place a particular burden on employers to ensure compliance with heavy administrative requirements, reportedly leading to high levels of non-compliance and employment of irregular migrants outside of a legal framework.⁴³

While article 10 of the 2011 interim Constitutional Declaration provides that “the State shall guarantee the right to asylum in accordance with the law. The extradition of political refugees shall be prohibited”, Libya has not established an asylum system in law or practice. As a result, asylum seekers or refugees in Libya without appropriate documentation, including those rescued and disembarked, face detention for illegal entry under Law No. 19 of 2010.

5.2. Practice

Increasingly since 2011, and particularly since 2014, the Libyan justice system has been severely hampered due to ongoing fighting and insecurity. Many courts have not been functioning or only partially function. Armed groups have threatened and attacked judges, lawyers, prosecutors and law enforcement officials. Human rights violations and abuses have not been addressed adequately by the formal justice system, impeding the right of victims to effective remedy.⁴⁴ Armed groups have also taken on law enforcement functions, and effectively control many official detention centres or run their own unofficial detention centres, further increasing the vulnerability of those detained.

Armed groups, criminal gangs and networks, smugglers, traffickers have cooperated and competed in the smuggling and trafficking of migrants through Libya, while carrying out serious human rights abuses and violations against migrants. UNSMIL has also received credible information that some members of State institutions and some local officials have participated in the smuggling and trafficking process. Exploitation and the buying and selling of individuals have taken place frequently. Such individuals are often subject to labour exploitation. In the case of those migrants who wish to travel across the sea to Europe, many are compelled to work to earn their onward transport. They are also subjected to extortion by smugglers and traffickers who force them to request additional money from their families through a complex system of money transfers. Migrants are among the most vulnerable people in Libya, as they do not have tribal or other community protections to which others may have recourse. Women are often the most exposed, amidst numerous and consistent reports of rape and other sexual violence.

During the Qadhafi period, the Passport Investigations Department, under the General People’s Committee for Public Security, managed a number of immigration detention facilities, holding thousands of individuals suspected of being irregular migrants, including refugees. Others were

⁴³ See *Assessment of Priorities for the Development of Libya’s Migration Policies: A Strategic Vision*, Final report to IOM by Eurasyllum Ltd. 2014, p. 31

⁴⁴ ICCPR, art. 2

held in regular prisons across Libya. In early 2012, the Passport Investigations Department was largely replaced by DCIM. According to the information available to UNSMIL at least two detention facilities in western Libya are still under the control of the Passport Investigations Department.

DCIM, which operates under the Ministry of Interior, bears the main responsibility for management of migrant detention centres, and represents the key national institution which works with migrants in Libya. Another key institution is the Libyan Coast Guard which is part of the Libyan Navy and operates under the Minister of Defence.⁴⁵ It is responsible for search and rescue at sea operations. Both institutions are subjected to pressure from armed groups, which have proliferated since 2011 and appear to be the most powerful actors in the system of smuggling, trafficking, and abuse. Armed groups have threatened Libyan Coast Guard and DCIM staff to hand over migrants. UNSMIL has received reports indicating that Libyan Coast Guard and DCIM staff members have worked with armed groups, smugglers and traffickers to exploit migrants for profit. Inadequate resources and working conditions, lack of sufficiently trained and disciplined staff, and the activities of armed groups and criminal networks, have contributed to the worsening of conditions in DCIM centres and have affected operations at sea, exposing migrants to further risks and abuses.

Migrants in detention in Libya are usually held arbitrarily for indefinite periods, during which their detention is not reviewed by competent judicial authority. They also have no due process guarantees or access to legal counsel to seek legal recourse. They are held in DCIM immigration detention centres as well as in at least two centres run by the Passport Investigation Department and in unofficial detention centres run by armed groups. There are 24 detention centers run by the DCIM but not all are functional. They hold between 4,000 to 7,000 detainees in total, with numbers varying significantly from one centre to the next. DCIM has granted IOM, UNHCR, and other agencies and NGOs access to detention centres to provide humanitarian assistance such as hygiene kits and other items of immediate necessity, as well as basic medical care.⁴⁶

⁴⁵ In addition to the Libyan Coast Guard, a civilian Shore and Port Security department operates under the Minister of Interior. It does not carry out search and rescue operations at sea.

⁴⁶ IOM and UNHCR are working with the Libyan Coast Guard and DCIM to establish a “Contact Group” for information sharing and to coordinate the response to refugees or asylum seekers and migrants rescued at sea and brought into Libyan territory. The Contact Group will consist of interlocutors at the front-line from the Libyan Coast Guard, the Libyan Red Crescent Society, affected Municipalities, and various other national and international actors. In addition, a Detention Task Force co-chaired by IOM and UNHCR and including UNSMIL and other international organizations meets regularly to coordinate work in detention centres including those managed by DCIM.

6. Human rights violations and abuses against migrants in Libya

Many migrants have described to UNSMIL and others their time in Libya as “*hell*”. They have been subjected to arbitrary detention, torture – including rape and sexual violence – and other ill-treatment, unlawful killings, and forced labour.

6.1. Arbitrary detention and inhuman conditions of detention

International human rights law prohibits arbitrary detention.⁴⁷ Detention is arbitrary if it is not in accordance with the legitimate purpose and procedures established by law, or is otherwise inappropriate, unjust, unreasonable, or unnecessary in the circumstances.⁴⁸ A detained person has a range of due process guarantees, including the right to be informed of the reason of arrest at the time of arrest, to be brought promptly before a judicial authority and trial within a reasonable period or release, as well as the right to prompt and regular access to legal representation and advice.⁴⁹ Persons deprived of their liberty must be treated with humanity and with respect for their inherent dignity.⁵⁰

As stated by the Special Rapporteur on the Human Rights of Migrants, “irregular entry or stay should never be considered criminal offences: they are not per se crimes against persons, property or national security. It is important to emphasize that irregular migrants are not criminal per se and should not be treated as such.”⁵¹ The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families also emphasizes that while irregular entry and stay may constitute administrative offences, they are not crimes: “crossing the border of a country in an unauthorized manner or without proper documentation, or overstaying a permit of stay does not constitute a crime. Criminalizing irregular entry into a country exceeds the legitimate interest of States parties to control and regulate irregular migration, and leads to unnecessary detention.”⁵²

⁴⁷ ICCPR, art. 9 (1). See Human Rights Committee, General Comment No 35, Article 9 (Liberty and security of person), CCPR/C/GC/35. See also the procedural safeguards for persons in detention under the Body of Principles of the Protection of all Persons under any Form of Detention or Imprisonment adopted the General Assembly in its resolution 47/173 on 9 December 1988.

⁴⁸ The Human Rights Committee has clarified that the meaning of the term “arbitrary” must be interpreted “broadly to include elements of inappropriateness, injustice and lack of predictability”: Communication No. 305/1998, *Hugo van Alphen v The Netherlands*, Views adopted by the Human Rights Committee on 23 July 1990, para. 5.8.

⁴⁹ ICCPR, art. 9 (3). Article 9 outlines other due process rights that relate to arrest and detention.

⁵⁰ ICCPR, art. 10.

⁵¹ A/HRC/20/24, para. 13.

⁵² General Comment No. 2, CMW/C/GC/2, para. 24., The United Nations Working Group on Arbitrary Detention has also noted that “criminalizing illegal entry into a country exceeds the legitimate interest of States to control and regulate irregular immigration and leads to unnecessary detention”, A/HRC/7/4, para. 53

According to information received by UNSMIL, armed groups, smugglers and traffickers, private employers, police, the Libyan Coast Guard, and DCIM staff have brought migrants into DCIM detention centres, with no formal registration, no legal process, and no access to lawyers or judicial authorities. Usually their documents and belongings are confiscated. Migrants have been found in detention while still in possession of required documents such as work permits, passports, and visas. Migrants are held indefinitely for periods varying from days to months. The detention of migrants under these circumstances is arbitrary, contravening both Libyan national law and international human rights standards.

Migrants are also held in unofficial places of detention while transiting through Libya, including in detention centres run by armed groups and “connection houses” – places where smugglers and traffickers hold migrants during transit before transfer onto the next location. Migrants are also held in farms, warehouses, houses and apartments secured by smugglers, traffickers and armed groups.

According to information received by UNSMIL, on 19 October, armed men abducted a man from Bangladesh along with a number of other Bangladeshi nationals before they reached passport control at Mitiga international airport in Tripoli before they reached passport control. According to his account, he was held in a warehouse for 12 days where he was beaten and subjected to other forms of ill-treatment. He was released after a payment of 5,000 Libyan Dinars was made by his family through a money transfer. He said there were around 300 people of different nationalities, the majority from Bangladesh, held with him in the warehouse.

Conditions of detention in DCIM centres are generally inhuman, falling far short of international human rights standards. Many of the centres are warehouses or other structures unfit to hold people, characterized by severe overcrowding, lack of light, and very little ventilation. In a number of centres, the overcrowding and a lack of sanitation facilities has led to the spread of infectious diseases, including scabies and chickenpox. Acute diarrhea and respiratory tract infections are common and directly related to the living conditions. Infestation by lice and fleas are often observed. In one centre, more than 200 men were held in a room that could reasonably hold less than 40. Due to lack of access to toilets, detainees were forced to openly defecate and urinate in their cells. Sometimes detainees used cups or other containers for such purpose and waited for an opportunity to empty them outside, or threw urine against walls that are heated by the sun thus facilitating the evaporation of the urine.

Malnutrition is widespread due to the lack of adequate food. Credible reports received by UNSMIL indicated that in some centres, approximately fifty per cent of the detainees were found to be suffering from malnutrition, with ten per cent of male adult detainees suffering acute malnutrition. Information received by UNSMIL indicated that the average number of calories provided to migrants on daily basis recently in detention centres in Tripoli is 35 per cent of the quantity actually required for an adult male. The levels of malnutrition increase with the length of stay in the centres. Migrants have described the water that they receive as salty, dirty, and undrinkable. In some centres, for example the DCIM detention centre in Al-Fallah, a lack of

payment to the food catering providers led to food distribution being suspended, sometimes for days, or to the quantity and quality of the food being reduced.

Access to medical care is generally limited to that provided by international organizations, some of which operate through local implementing partners, and is grossly inadequate in light of the needs. Local hospitals require payment to treat foreign nationals and UNSMIL has received reports that some have refused to treat migrants, citing a lack of payment and fear of infectious diseases. In general, the health system in Libya is close to collapse and faces severe challenges as a result of infrastructural damage, lack of medicines, medical equipment, and personnel.⁵³

Many of the migrants that UNSMIL staff interviewed in Italy were reluctant to talk about their experience in Libya. As one explained: “*We don’t want to remember it, we turned the page of Libya*”.

A 28-year-old migrant from Cameroon told UNSMIL staff that at the end of 2015 he was detained twice in the Al-Zawiya DCIM detention center. He described detention conditions as very crowded, dark, and lacking ventilation. He and the other migrants were usually forbidden to leave their cells. When the guards did allow them to leave, the guards spat on their faces, humiliated them, and beat them. He said the guards forced them to stand still in the sun and punished them if they moved.

A 17-year-old orphan migrant from Guinea said that while he was in Libya in early 2016, he was detained in Al-Qatrun DCIM detention center for three weeks. He said he was beaten and humiliated, but managed to escape when officials forced him to work on a farm.

A 16 year-old boy from Eritrea told UNSMIL staff that he had travelled through Sudan and Libya to Italy, arriving at Pozallo, Sicily on 28 June 2016. He spent a month and a half in Libya, mostly in a detention facility in Tripoli, after being caught by armed and uniformed men. He could not identify the detention facility where he was held, but described his experience. He was held in a metal hangar with approximately 200 men, women and children who were mainly from Somalia and Eritrea. There were no windows and very little ventilation. There was only one toilet, forcing those detained to use bottles for urination. The odor was overwhelming, and many detainees were ill. Some had scabies and others had breathing problems. They were given very little food. He said, “*we black-skinned Africans, we are called animals and are treated as animals.*”

On 29 November, the bodies of 28 migrants were buried in the city of Bani Walid. The bodies were found in the area and the victims appeared to have died from malnutrition. Reports received

⁵³ 80 percent of healthcare workforce, mainly foreign workers, has fled the country; over 60 percent of health facilities have been closed or work on reduced capacity due to infrastructural damage, lack of medicines, medical equipment and medical personnel. This leaves nearly 2 million people (one-third of the population) in need of assistance to access life-saving health services. Humanitarian Bulletin Libya, Issue 08, October 2016, available at https://unsmil.unmissions.org/Portals/unsmil/Documents/Humanitarian%20Bulletin%20Libya%20Issue%208_October%202016_EN.pdf

by UNSMIL indicate that several dead bodies of migrants are found every week in the area. Bani Walid is on one of the smuggling routes from the south to the northern coastal areas.

6.2. Torture and other ill-treatment

UNSMIL has documented numerous accounts of migrants detained in DCIM centres who were subjected to torture and other ill-treatment by DICM guards, compounding the impact of the inhuman conditions described in this report. One migrant interviewed in Italy described being held in a “connection house” and detained in a DCIM detention centre in al-Gwia’. He told UNSMIL staff: “Sometimes we are beaten for no reason, we don’t know whether it’s the effect of alcohol, drugs or they just do it for fun...”

Many of the migrants interviewed by UNSMIL in Italy bore signs of serious injuries. They explained that the injuries had been caused by guards in DCIM detention centres, employers, and those in charge of “connection houses,” beating them with items such as sticks, rocks, and metal bars. A child migrant interviewed in Sicily told UNSMIL staff that “*they beat us with what falls to their hands... it can be a rock, a stick, a brick...*”

A number of migrants interviewed by UNSMIL staff had sustained gunshot or knife injuries; several migrants had visible wounds and head injuries. Some complained that they had lost their eyesight and had hearing problems because of beatings to their heads and ears.

Half of the migrants interviewed who had been detained in official and unofficial places of detention in Libya said that they had witnessed the deaths of other migrants. They attributed the fatalities to the conditions of detention, including severe malnutrition, illness, beatings, or other violence.

Migrants interviewed by UNSMIL staff reported that extortion in DCIM detention centres is often accompanied by violence. Guards would provide a mobile phone and force detainees to call their relatives and ask them to transfer a sum of money, usually to secure their release. During the call the migrants may be tortured to compel their families to transfer the money. Interviewees recounted that several migrants were shot dead or died as a result of torture when they or their families could not pay the amount requested.

A 16-year-old boy from Senegal, who arrived in Italy on 25 May 2016, said that he had been detained for four months in the Garabulli DCIM detention center in greater Tripoli with other migrants, including adults and children. Guards threatened to kill him, beat him, and repeatedly demanded money. He described how DCIM guards cooperated with a group of four Nigerians and three Libyans in extortion and forced labour. He said that the detention center was overcrowded and lacked adequate food and health services.

A 17-year-old boy from Guinea described how he was detained at the Al-Fallah DCIM centre in Tripoli in November 2015. In the following two months he said that he was handed over by

DCIM guards to smugglers for money, returned to the DCIM centre for an unknown reason, and was then handed over to another group of smugglers again for money.⁵⁴ While in detention, he witnessed guards beating his friend, a boy from Senegal aged approximately 17, because his friend was too weak to work hard and so could not be sold for forced labour. DCIM guards demanded that his friend call home to ask relatives to transfer money to them. His friend refused, explaining that his family did not have enough money. The guards beat his friend with sticks, kicked, and punched him. He was then left with the other migrants, unable to move and barely breathing. The guards then took him and never brought him back. The boy assumed his friend had died.

A similar account was given by a 16-year-old boy from Eritrea who was detained in Al-Fallah DCIM detention facility. He told UNSMIL staff that guards beat him and told him to call his family so that they would send money. A few weeks later, his family sent the money. He was then handed over to a smuggler who took him to Sabrata. The boy was told by other detainees that in April 2016, Al-Fallah DCIM centre guards beat a young Eritrean man to death when his family was not able to send him any money.

6.3. Forced labour

The overwhelming majority of migrants interviewed, including those who paid smugglers in other countries, described experiences in Libya of being forced to work in farms, as domestic workers, construction and road paving workers, and rubbish collectors. Those who were forced to work said that they did not receive payment. Others in detention centres were forced to work in order to save enough funds to buy their way out of detention. After working during the day, some are taken back to the detention centres in the evenings; others are held at the workplace for weeks or months at a time. In some cases, employers gave money to smugglers, traffickers, or DCIM guards as payment for the work. Working conditions were often unbearable, with little or no protection against the elements in winter or summer. Employers often provided inadequate food and unpotable water. As a result, the health conditions of these workers deteriorate rapidly.

Migrants also recounted that in order to force them to work, employers, smugglers, traffickers and DCIM staff often threatened to kill them, beat them with sticks, metal bars and gun butts, or shot at them. Survivors also witnessed the killing of friends who were unable to work or had attempted to escape.

A 16-year old boy from Senegal told UNSMIL staff that he was held in a warehouse for a month in Sabha, in southern Libya, with another 80 migrants, including 42 women and children from Mali, Nigeria, and Senegal. He had been looking for a job in Sabha when armed men, some in

⁵⁴ UNSMIL understands that smugglers are prepared to pay DCIM or others in order to take back migrants since they only receive full payment from intermediaries once the migrant arrives in Europe.

uniform and some in civilian clothes, forcibly took him to the warehouse. He described the conditions as inhuman, and explained that there was very little food or potable water. He observed the guards beating people, in particular those who refused or were too weak to work. He said: “... *At night, some armed men come and take away women and 13-year old girls. They bring them back either a few hours later or on the following day. The women and the very young girls are raped, and if they resist, they are beaten and threatened with guns.*”

He recounted that guards took his 16-year-old Senegalese friend to work on a construction site outside. However, in a few days his friend became weak and sick and could not work and so was brought back to the detention centre. An armed guard came and asked his friend to stand up, but he could not. He was lying on the ground. The guard struck his chest with his feet. His friend was crying and begged the guard to leave him alone. A few minutes later, he could neither move nor talk. Then the guard left. The boy said that his friend later died. A few hours later, the guards asked the migrants to take his friend’s body to the courtyard. He did not know what happened to his friend’s body. He said: “*They treated us like animals. This is what they call us, ‘animals’... for our captors it does not matter if we die.*”

Another migrant from Gambia told UNSMIL staff that while he was traveling by road in southern Libya, smugglers forced a group of 23 migrants to work on a farm for three weeks. When one of the migrants attempted to escape because of the ill-treatment and harsh conditions of work, armed men shot him in the leg. He was sent to a hospital in Sabha and survived. He was left at the hospital with no documents, money, or clothes. With the support of a smuggler, he stayed in the hospital for ten days and then left for Sabrata.

In September 2016, UNSMIL received reports that migrants from the Tajura detention centre which is managed by the Passport Investigation Department were forced to collect the bodies of migrants that had washed up on the beach, presumably after drowning during their attempt to cross the Mediterranean Sea.

6.4. Violations related to interception at sea

The boats on which migrants sail are usually unseaworthy, lack standard life-saving equipment, and do not have sufficient fuel to reach European shores. During 2016, inflatable dinghies were the most common types of boats used. They are more prone to sinking or capsizing than wooden boats which are usually old fishing trawlers. Smuggled migrants - who are usually unskilled in crewing boats - are instructed to manoeuvre the boats, which usually carry communication equipment such as a satellite phones to dispatch distress calls directly to rescue centres.

When migrant boats have been intercepted by the Libyan Coast Guard, migrants are typically transferred to DCIM detention facilities or to private houses and farms, sometimes for a fee, where they are often subjected to forced labour and, in the case of women, rape and other sexual

violence. Libyan Coast Guard staff have apparently also seized boats and engines, and then sold them onwards.

A number of migrants interviewed by UNSMIL who were intercepted at sea by armed men believed to be members of the Libyan Coast Guard, said that some were in military camouflage uniforms and others were in civilian clothes. The migrants were brought back to shore and made to queue, sometimes for many hours without adequate shelter. Several migrants recounted being beaten with sticks or gun butts, and robbed of their belongings, usually mobile phones and money.

A 16-year-old boy from Eritrea told UNSMIL staff that in Sabrata he secured passage on a boat with others, including women and girls. A few hours after setting out to sea, a boat carrying armed men in military uniforms intercepted them. The armed men searched the migrants and confiscated their money and other belongings. The migrants were returned to the shore, and after disembarking, they were beaten by the men with metal bars. The men then took the migrants to the DCIM detention centre in Al-Zawiya where DCIM guards beat them again.

A 17-year-old boy from Guinea explained that his first trip in a rubber boat was in March 2016 with approximately 125 other passengers. The boy said they were intercepted by a boat that he believed to be from the Libyan Coast Guard. He described five men in camouflage uniforms shooting at the migrants randomly. At least three migrants were shot dead and several others were injured. Those who survived were then taken to a DCIM detention centre in Al-Zawiya.

In another case, a 14-year-old girl from Eritrea travelled to Libya with her aunt in October 2015. In her first attempt to reach Italy, men believed to be members of the Libyan Coast Guard intercepted the boat she was travelling in. Those on board were beaten upon disembarkation. One man presumed to be the captain was shot in the neck and died. The survivors were then taken to a DCIM detention centre in Al-Zawiya.

On 17 August 2016, forces allegedly belonging to the Coast Guard attacked a boat 24 nautical miles off the Libyan coast. The boat, operated by Médecins Sans Frontières (MSF), rescues migrants in international waters. According to MSF,⁵⁵ a group of armed men in an unidentified speedboat fired shots towards the window of the bridge and boarded the boat for less than one hour before leaving, while the crew locked itself in a safe room. A spokesperson for the Libyan Navy (which oversees the Coast Guard) later reportedly admitted intercepting the boat, but said that they fired warning shots in the air and denied boarding it.⁵⁶

On 21 October 2016, according to the German non-governmental organization Sea Watch,⁵⁷ men

⁵⁵ See *Central Mediterranean: MSF condemns attack on rescue vessel*, Press Release, 25 August 2016, <http://www.msf.org/en/article/central-mediterranean-msf-condemns-attack-rescue-vessel>

⁵⁶ See *Libya navy thought migrant rescuers were smugglers, fired warning shots: spokesman*, Reuters, 30 August 2016, www.reuters.com/article/us-libya-security-migrants-idUSKCN1152Q6

⁵⁷ See *Breaking News: Libyan Coast Guard attack on Sea-Watch rescue operation causes multiple dead*, Press Release, 21 October 2016, Sea Watch, <http://sea-watch.org/en/breaking-news-libyan-coast-guard-attack-on-sea-watch-rescue-operation-causes-multiple-dead/>

onboard a speedboat labelled “Libyan Coast Guard” attacked 150 migrants on board a rubber boat, in international waters 14 nautical miles out to sea. The men boarded the boat hitting the migrants with sticks. The attack caused one of the air-filled tubes to collapse and the migrants fell into the sea. After the attack, Sea-Watch said they were able to rescue 120 persons and recover four bodies. 26 other migrants are presumed to have died. A spokesperson for the Libyan Navy which oversees the Coast Guard, in Tripoli reportedly denied that the boat was attacked, but admitted an incident with Sea-Watch on 21 October whilst maintaining that the boat was in Libyan waters.⁵⁸

6.5. Sexual violence

Survivors and eyewitnesses have described to UNSMIL staff how migrant women and girls have been raped and otherwise sexually abused during their transit through Libya. Survivors have been threatened with guns and knives, and beaten when they resisted. They described their rapists as extremely violent. Survivors also indicated that abuses, including sexual abuse, by armed men and guards became worse noting that: “*once they consume alcohol and drugs. They become unbearable...*”. Women and girls reported that smugglers in Sudan and those in their community appear to be aware of the risks of rape and sexual violence in Libya, and some explained that they had been advised to take a three-month contraception injection before departure.

Abuses also included sexual exploitation. Migrant women travelling without male relatives in Libya are particularly vulnerable to such abuses, including being forced to work as sex workers. The majority of men interviewed by UNSMIL staff who had been detained in “connection houses”, farms and DCIM detention centers, said that they had seen armed men and guards take women and girls away for periods that varied between a few hours and a few days before bringing them back. The interviewees believed that those girls and women had been raped and otherwise sexually abused.

Cultural mediators from UNHCR and international non-governmental organizations in Italy have also reported that boys and men described being subjected to rape and other sexual abuse. They reported that doctors and psycho-social support staff had provided support to migrant men and boys who had been subjected to sexual violence.

A 32-year-old woman from the Comoros Islands told UNSMIL staff that she flew to Tripoli in early 2016 with the intention of travelling to Europe. She contacted a smuggler who was referred to her by a friend. She went to Sabrata where she was held for two weeks on a farm with many other women. Three of the women were from the Comoros Islands; the others were from

⁵⁸ Interview with Navy Spokesperson on Nabaa television at 10 p.m., available at <https://www.youtube.com/watch?v=htcXXCWewnw>

Somalia, Nigeria, Ethiopia, Syria and other countries. One night, two men came to the woman's room and asked her to follow them. They were armed with guns and knives. When she refused to go with them, one of them put a knife to her neck. They dragged her to another room and the two men repeatedly raped her. They kept her there for a week. She had no food and only salty and dirty water to drink. After a week, she began to menstruate and was moved to another room. A week later she boarded a boat to Italy, arriving at Lampedusa in May 2016. She told UNSMIL: *"I can't be expelled back home, for if my brothers figure out that I am no longer a virgin, they will kill me... it does not matter if I was raped or not... it's a matter of honor for them."*

A 27-year-old woman from Cameroon who arrived in Palermo on 22 June 2016, told UNSMIL staff that she left her home to escape forced marriage. She spent three months in Libya in a number of "connection houses" until she reached Sabrata. She was held there in another "connection house" among approximately 25 women from different African countries. Every night, Libyan men came to choose several women and took them to other rooms where they raped them. If a woman resisted she would be forcibly dragged by the armed men. She said that she was forcibly taken at least five times by the men and raped by one of them. Once she was raped by two men at the same time. The men were armed with guns and knives. She also said that she heard other women and girls screaming while they were being sexually abused. At the time of the interview, she was two months pregnant, the result of being raped.

A 27-year-old migrant from Gambia said that he worked in Libya for two years to save money to be smuggled to Italy. He paid a smuggler in Zuwara for travel to Italy. He was housed in a hangar with hundreds of other sub-Saharan Africans, including boys, girls and women for almost a month. At times, he observed the men taking women and girls away and then bringing them back. He believed they were raped.

A 19-year-old woman, part of a group of four women and 10 men from Eritrea, told UNSMIL staff that she left Khartoum for Libya in the first half of 2016. When they reached Sabha, they were held in a "connection house" where they met the Eritrean smuggler who had arranged their travel from Khartoum. Women and men were housed separately. The woman said that the Eritrean man came to their room and raped her and another woman. He threatened to burn them, not let them travel further, and deliver them to Libyans. He raped them several times. A few days later, they all moved to Al-Shuweiref in small cars, hidden among various goods, and covered by a tarpaulin. They were taken to a farm and the women were kept in a barn. During the night a group of Libyan men broke into the barn and raped the four young women, while men with knives and guns guarded them. This was repeated for three nights until they were moved to Tripoli. The smugglers then arranged their transfer to Sabrata where they stayed for three weeks before boarding a boat to Italy. They reached Italy on 26 June 2016.

The situation of migrants in transit through Libya en route to Europe - Breifing Note 08 May 2015

unsmil.unmissions.org

The tragic loss of hundreds of lives in the Mediterranean since mid April highlights the critical importance and urgency of addressing the issue of migrants in transit through Libya en route to Europe, as unseaworthy boats carrying migrants, asylum-seekers and refugees continue to leave the Libyan coast. Despite the escalation of conflict in Libya, migration flows into the country continue amid widespread human rights abuses perpetrated by state and non-state actors against migrants, asylum-seekers and refugees in Libya in a climate of impunity. Those transiting through Libya include individuals seeking better economic opportunities as well as people fleeing conflict or persecution.

Against the backdrop of political crisis, armed hostilities, the absence of national asylum legislation and the breakdown of law and order, migrants, asylum-seekers and refugees in Libya are at risk of abuses including detention in horrific conditions; torture; abduction for ransom; exploitation; and killings. Smugglers and traffickers, who are thriving in the context of lawlessness, are responsible for many such abuses. Women migrants are especially vulnerable to sexual violence and sexual exploitation.

The deteriorating security situation, coupled with limited access to neighbouring countries by land, has compelled unprecedented numbers of migrants, asylum-seekers and refugees to undertake dangerous and frequently deadly journeys across the Mediterranean Sea in unseaworthy boats. At least 3,000 people lost their lives in 2014 in

the Mediterranean, mostly after departing from Libyan shores. In 2015, up to 1,800 people are believed to have perished in the Mediterranean en route to Europe .

Perilous journeys

The scale of sea migration from Libya grew exponentially in the second half of 2014 and the trend continues into 2015. According to UNHCR and IOM, over 141,000 persons travelled from Libya to Italy in 2014. The estimated number of sea arrivals in Italy so far in 2015 stands at 60,000, most of whom departed from Libya. While the vast majority of these are adult males, there are also significant numbers of women and children, particularly unaccompanied minors.

Those transiting through Libya include nationals of Eritrea, Ethiopia, Gambia, Senegal, Sudan, Syria and other Sub-Saharan African countries. Members of well-established communities living permanently in Libya, such as Palestinians and Iraqis, are increasingly considering leaving the country given the dire security situation and ongoing abuses.

Many migrants, asylum-seekers and refugees become victims of brutal violence, coercion and abuse perpetrated by the smugglers along smuggling routes as well as in so-called "connection houses," where they await departure to Europe. Seeking to bypass official borders, many are kidnapped or coerced into dangerous journeys. Many report torture intended to extract more money from their families, in what appears to be a coordinated action from criminal gangs based in countries of origin as well as transit. In some cases, armed smugglers force them to board overcrowded boats and travel below deck in overheated engine rooms without water or ventilation.

According to IOM, last year, 4,868 lost their lives at sea or in remote deserts or mountains. This made 2014 the deadliest year on record, doubling the number of the previous year's deaths. The highest death toll was in the Mediterranean, where some 3,000 people drowned – most of them departing from Libyan shores. Up to 1,800 have lost their lives at sea since the beginning of 2015.

Abuses in detention

Following interception or rescue at sea, house raids or identity checks, thousands of migrants, asylum-seekers and refugees are arrested and detained in Libya for migration-related offences. UNSMIL is concerned that they faced torture and other ill-treatment upon arrest and in detention centres run by the Department of Combatting Irregular Migration (DCIM) and directly by armed groups. Many report beatings and whippings including with metal rods, cables and sticks; racial and other verbal insults; and suspension in contorted positions. In some centres, women are subjected to strip-searches, including intrusive cavity-searches, by male guards.

With the escalation of violence and shortage of resources in 2014, a number of the 20 detention centres as well as additional short-term holding facilities run by the DCIM have shut down. Some are now operational again including Abu Salim in Tripoli, al-Zawiya, Bourashada in Gheryan, Kararim in Misrata, Khoms, Sabrata and Surman in the west and four other centres in the east. A number of centres remain closed due to ongoing fighting including the Tweisha and Barak al-Shati. According to UNHCR and IOM, as of 4 May 2015, there were at least 3,245 migrants detained in western Libya, including 329 women and 34 children.

Foreign nationals are held in substandard detention conditions, in some cases amounting to cruel, inhuman and degrading treatment. Detainees are often crammed in overcrowded cells, without any or regular access to fresh air. Hygienic and sanitation conditions are deplorable, with detainees suffering from inadequate access to washing and sanitary facilities. In centres such as Kararim, detainees have no access to potable water. Shortages of food and other necessities, including those linked to personal hygiene, further exacerbate the situation of detainees. As a result of poor detention conditions, skin diseases have spread at an alarming rate. According to the International Medical Corps (IMC), which still visits detention centres in Libya, some 80% of the detainees suffer from skin diseases. There have also been reports of childbirths inside detention facilities, leading to post-natal complications as well as child deaths during birth or soon after. Detainees face inadequate or non-existent access to medical care, and the refusal of hospitals to admit patients from detention centres.

Abuses outside the context of detention for migration related offenses

Like other civilians in Libya, foreign nationals have been impacted by the ongoing conflicts. In recent months, foreign nationals have been killed including in the shelling of al-Zawiya in western Libya on 29 March and in terrorist bombings in al-Qubba in eastern Libya on 20 February.

Egyptian Copts and other Christians have been abducted and unlawfully killed on account of their religion. The two videos of the killing of 21 and 30 foreign nationals circulated online on 20 February and 19 April, respectively, represent the most horrific, but not the only, incidents. Seven Egyptian Coptic migrant workers were abducted and shot dead in Benghazi, allegedly by Ansar al-Sharia, in February 2014. Another seven Egyptian migrant workers remain missing following their abductions in late 2014. They are believed to be held near Sirte by armed groups.

Foreign nationals have also been abducted by armed groups for ransom or on suspicion of engaging in armed hostilities particularly in the east of the country. In the latter case, they are not brought in front of judicial authorities to enable them to challenge the legality of their detention and are subjected to torture or other ill-treatment including in military and other makeshift detention centres.

Specific concerns facing refugees and asylum seekers

Libya has not ratified the 1951 Convention Relating to the Status of Refugees (Refugee Convention), but it is party to the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, which in spirit incorporates the 1951 Refugee Convention and its 1967 Protocol. However, Libya's international obligations are yet to be implemented through national asylum legislation. Currently refugees and asylum-seekers are often considered illegal migrants. Persons living with HIV are particularly at risk of deportation. The protection and asylum space, already limited, has continued to shrink since the intensification of the conflicts in 2014.

Refugees in Libya do not have the right to work. They are afforded limited access to public education, health care and other social servi-

ces, if they have valid documents. Access has traditionally been easier for groups such as Syrians, Iraqis, and Palestinians, than for sub-Saharan Africans; however, as a result of the escalation of the conflicts and competition for scarce resources, even these groups are reportedly being turned away from schools and hospitals as local authorities run out of funds to support social services. Meanwhile, livelihood opportunities are further diminishing as conflict and insecurity spreads into urban centers.

UN involvement

UNHCR and IOM continue to work closely with governments and other partners to address the mixed and complex migratory challenges and enable the development of protection-sensitive border management practices where feasible. UNHCR and IOM provide relief items and assistance to persons rescued at sea and in migration detention centres. The two UN entities are working with the Libyan Coast Guard, the DCIM and other partners to develop a stronger rescue at sea response, including through the development of protocols for information sharing, safe disembarkation and identification of persons in need of international protection. UNHCR is working with the DCIM to identify persons in need of international protection, and delivering medical assistance and relief items through its partner, IMC. UNHCR's current engagement with refugees in urban centers, primarily Tripoli and Benghazi, is focused on delivery of relief items and cash assistance through partners; border monitoring; and advocacy for alternatives to detention, particularly for individuals with specific needs. IOM continues to support the humanitarian evacuation of stranded migrants.

Recommendations

UNSMIL continues to appeal to all sides of the conflict to cease all armed hostilities and engage in an inclusive political dialogue, seeking to build a State based on democracy and respect for human rights and the rule of law. Pending a resolution of the current crisis, UNSMIL calls on the international community to:

- Effectively uphold the international obligation to save the lives of those seeking help at sea. European governments should dedicate

naval and aerial resources for search and rescue operations on a scale commensurate with foreseeable expected departure trends.

- Increase the number of resettlement opportunities, humanitarian admissions and visas for people in need of international protection and ensure that refugees have effective access to asylum at land borders thereby reducing the number of those taking the sea crossing.

- Encourage countries en-route of these migratory flows to pass laws to crack down on the smugglers and to de-criminalize "irregular" migrants so that they can report smugglers to the police and contribute to efforts against trans-national organized crime.

- Provide sufficient resources and support to organizations working on improving the living and sanitary conditions of detention centres under the DCIM.

- Press Libyan authorities and those with effective control on the ground to refrain from torturing or otherwise ill-treating migrants, asylum-seekers and refugees and to find alternatives to detention, particularly for vulnerable groups and those in need of international protection.



Other international and regional organizations

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**STATEMENT OF THE CHAIRPERSON OF THE AFRICAN UNION COMMISSION
ON THE PLIGHT OF AFRICAN MIGRANTS IN LIBYA**

Addis Ababa, 18 November 2017: The Chairperson of the African Union Commission, Moussa Faki Mahamat, has learned with dismay of reports on the auctioning of African migrants in Libya as slaves. Following the communiqué of the Chairperson of the Union, Professor Alpha Conde, he strongly condemns these despicable acts which are at odds with the ideals of the Founding Fathers of our Organization and relevant African and international instruments, including the African Charter on Human and Peoples' Rights.

The Chairperson of the Commission calls for an immediate end to these practices and other criminal acts of human trafficking. He urges swift action to identify all perpetrators and accomplices, with a view to bringing them to justice. In this regard, he welcomes the announcement by the Libyan authorities of an investigation into these criminal acts and looks forward to a credible outcome. He further urges the Libyan authorities to do everything in their power to improve the conditions of African migrants on their territory.

The Chairperson of the Commission expresses the determination of the African Union to spare no effort to help bring these acts to an end and ensure the respect of the most basic human rights. In this regard, he requests the African Commission on Human and Peoples' Rights to urgently launch an investigation in support of the measures announced by the Libyan authorities and to submit its conclusions as soon as possible to ensure timely follow-up and action.

The Chairperson of the Commission also intends to quickly dispatch an envoy to Libya for consultations with the Government of Libya and other stakeholders, to agree on practical steps in support of efforts to address the plight of the African migrants in Libya.

Action fiche of the EU Trust Fund to be used for the decisions of the Operational Committee

1. IDENTIFICATION

Title/Number	"Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development" (T05-EUTF-NOA-LY-03)
Total cost	Estimated total cost: EUR 95 M Total amount from the EC: EUR 90 M
Aid method/Implementation methods	Indirect management with International Organisations and Member States agencies
DAC code	110, 120, 130, 150, 160, 720

2. GROUNDS AND BACKGROUND

2.1. Summary of the action and its objectives

This Action Fiche captures the interventions in Libya to be committed during 2017 under the *European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa* (i.e. "Trust Fund"), building on the priorities set by the European Commission in the joint Communication "Migration on the Central Mediterranean Route: Managing flows, saving lives" released on 25 January 2017, confirmed and further developed by the European Council in the Malta Declaration issued on 3 February 2017.

The proposed action responds to the effects of the ongoing instability and difficult socio-economic conditions of migrants¹, refugees and host communities in Libya. It aims to respond to current concerns with regards to protection of vulnerable populations in Libya, especially migrants and refugees, through interventions in reception centres at points of disembarkation, in communities, and in migrant detention centres, but also through providing access to voluntary humanitarian return and reintegration² as a durable solution. In order to strengthen resilience through local governance structures, the Action will target municipalities in selected locations to improve socio-economic opportunities for migrants, refugees, and host communities in Libya in an inclusive and comprehensive manner. While municipalities' elected authorities are recognised as legitimate political representatives and interlocutors, the central government institutions remain key stakeholders in order to ensure recovery of the

¹ IOM defines a migrant as any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of the person's legal status; whether the movement is voluntary or involuntary; the causes for the movement; or the length of the stay. IOM (2015), *IOM Definition of 'Migrant'*, available online: <https://www.iom.int/sites/default/files/about-iom/IOM-definition-of-a-migrant-15March2016.pdf>

² As per IOM's terminology, the concept "humanitarian return" is best suitable for the Libyan context, given the crisis situation and the extreme vulnerability of migrants in detention or stranded in communities.

2.2.2. Sectoral background: policies and challenges

Migration and asylum context:

Libya's current migration crisis is characterized by different migratory flows and patterns in and through an increasingly fragile and conflict-ridden country. The roots and drivers of the country crisis are complex, involving underdevelopment, state fragility, marginalization and security threats in West Africa, East Africa and the Middle East. Political insecurity and conflict in Libya has led to failing governance, social and economic inefficiencies, collapse of service provision and direct threats to the life and liberty of all populations within Libya. Economic prosperity pre-2011, porous borders, and the complex realities of the political and economic situation in Libya and other regional countries have seen Libya hosting various mixed migration flows, consisting of forced migrants, labour migrants, migrants seeking onwards travel to Europe and migrants who are long term residents of the country. According to UNHCR, there are currently an estimated 100,000 refugees and asylum seekers, of which 38,670 have been registered by UNHCR. IOM estimates that migrants are ranging between 700,000 and 1 million. Migrants in Libya have highly diversified profiles, and include mainly persons in search of protection and better socio-economic opportunities in the country, while others transit through Libya on their way to Europe.

Following the crisis since 2014, Libya increasingly became a transit country towards Europe. The absence of powerful central authorities, effective border control and lack of rule of law provide fertile ground for international smuggling and trafficking networks in Libya. Migrants and refugees have become another commodity to be exploited for profit. Of the three main sea routes used by refugees and irregular migrants to reach Europe, the central Mediterranean route is currently most used and numbers have been increasing since 2014. Libya is currently the most important migration gate for refugees and irregular migrants aiming to reach Europe by sea, representing over 90% of sea arrivals to Italy.

In 2016, over 181,000 irregular migrants arrived to Italy. Demographics of those arriving by sea to Italy in 2016 remained broadly stable throughout the year: overall, 71% of arrivals are men, 13% are women and 16% are children. The vast majority of children (92%) are unaccompanied and separated children (UASCs). Their numbers have increased by 132% compared to the same period in 2015 (25,846 UASC in 2016 compared to just 11,154 in 2015). Moreover, the route between Libya and Italy was the site of a record number of deaths in 2016. IOM data shows that the number of deaths and missing persons – a rough estimate due to the absence of passenger lists and few bodies recovered – increased from 2,876 in 2015 to over 4,500 in 2016.

Whether or not intending to move onwards, migrants and refugees transiting or remaining in Libya face particularly dire conditions and are victims of physical and mental abuse, discrimination, forced and unpaid labour, financial exploitation, gender based violence, arbitrary arrest and detention, and marginalization.

As per the Libyan law which **criminalises entering, exiting and staying in Libya**⁴, 4,000 to 7,000 refugees and migrants are detained in the 24 centres run by the Department for

⁴ Source: Global detention project, *Immigration Detention in Libya*, February 2015, URL: <http://www.refworld.org/pdfid/5567387e4.pdf>; Global legal monitor (US Govt.): <http://www.loc.gov/law/foreign-news/jurisdiction/libya/>

Combatting Illegal Migration (DCIM⁵). Additionally, armed groups hold migrants in an unknown number of unofficial detention centres across the country. Migrants and refugees do not undergo any kind of formal registration and don't have access to legal process before and while being in detention.

Conditions in detention are generally inhumane: severely overcrowded, without adequate access to toilets or washing facilities, food, or clean water. In several detention centres, migrants are held in large numbers in a single room without sufficient space to lie down.

When migrants and refugees are rescued or intercepted at sea inside Libyan territorial waters by the Libyan Coast Guards, they are returned to points of disembarkation on the shore, before typically being taken to detention centres. The small, underequipped reception centres at points of disembarkation have now become 'transitory' areas for rescued migrants and refugees, and people are staying longer, typically from one to three days. The rising numbers of people put extreme pressure on already under-resourced operations and facilities. The lack of equipment and space results in a minimum level of first aid and primary health assistance available to migrants/refugees who are often in distress and injured after spending hours at sea. Significantly, this means that migrants are not always screened for protection or human rights violations and do not receive appropriate treatment or referrals.

Socio-economic stabilisation and local governance:

In the current context in Libya, needs of different segments of the population are becoming more acute. Insecurity and violence across Libya has created unsafe living conditions and damaged critical infrastructure, placing people at high risk of injury and death, disrupting access to public utilities and services and driving internal displacement.

Many have sought shelter with host communities, however, as the situation becomes protracted, basic resources and services have become scarce and overstretched leading to increased levels of tension between communities. In areas where continued violence has subsided, families who were displaced are trying to return to their homes. Thus socio-economic development as well as cohesion represent key challenges, including for municipalities and local authorities, in order to stabilize host communities, better integrate migrants along the route and prevent possible further displacements.

As municipalities need to work with a wide array of formal and informal actors that play a key role in responding to the immediate needs of the population (e.g. executive organs in delivery public services; tribal structures in reducing local conflicts; private sector in generating jobs), supporting municipal leadership and capacities to deliver tangible results through collective action can help strengthen social peace and deepen the social contract between state and society.

The protracted crises have affected many sectors of the economy. Infrastructure, utilities, health and educational facilities and residential buildings are damaged because of the war in

⁵ The DCIM was initiated in 2002 with the main objective to combat irregular migration in Libya. According to the Council of Ministers Decree N. 386/2014, in 2014 the DCIM became a separate Directorate that holds legal character, has an independent financial liability and works under the Ministry of Interior (MoI). DCIM's main responsibilities include: Participating in the drafting and implementing of joint security plans to ensure the maintenance of security and public order; studying and developing strategic plans leading to the reduction of irregular migration; drafting and implementing security plans to combat the crimes of human trafficking and smuggling; locating irregular immigrants and placing them in migrant reception centers(detention centres) and carrying out deportation; and registering irregular migrants and smugglers in a database.

many cities and there is an overall absence of maintenance to public and social infrastructures. Thus, municipalities are facing challenges in service delivery, coupled with the absence of resources. The challenge for reconstruction and rehabilitation is of paramount concern for local authorities.

So far, the Government of National Accord does not have a strategy for decentralization, despite the 'law 59' which was endorsed by the House of Representatives in 2012. It provides the legal framework for decentralization but the necessary procedures and coherent governance structures for the different levels have not been set up.

The Ministry of Local Governance (MoLG) and associated ministries such as the Ministry of Planning and the Ministry of Finance retain a considerable amount of power over the municipalities, including the right to veto decisions made at the local level. Additionally, the national level is also in charge of approving municipal budgets and allocating funds to the municipalities. Municipal councils are, therefore, dependent on the Ministry of Local Governance for funds, which has created several challenges for them since 2014.

2.3. Lessons learnt

The present Action incorporates a rights-based and development-oriented approach. It builds on experience gained by the EU and its implementing partners in Libya over the last years. This programme incorporates notably the following main lessons learnt from the EU-funded programme "*Stabilizing at-risk communities and enhancing migration management to enable smooth transitions in Egypt, Tunisia and Libya (START)*".

- A flexible and responsive approach to the needs of the target groups and key stakeholders is vital. Fast and sometimes unpredictable changes within the political and security environment can result in changing migration routes, patterns and trends, shifting needs and priorities, and affect the feasibility of engaging in certain activities or regions.
- Given the difficult security situation in Libya, local community groups such as Local Crisis Committees are vital partners, as they are best placed to access, identify and respond to populations' needs. Investing in capacity building and empowering local entities leads to better evidence, monitoring and evaluation, alongside sustainability and resilience.
- It is needed to seek and improve needs assessments and monitoring mechanisms in order to ensure an adequate response to the needs and an accurate targeting, as well as an improved accountability for both implementing partners and donors in a volatile context where remote management adds to the difficulty of delivering aid in an efficient manner.
- Remote management⁶ and communications challenges have been mitigated through solidifying relationships with local NGOs as implementing partners, who have taken

⁶ In July 2014, UN agencies, along with the United Nations Support Mission in Libya, evacuated their staff in Libya due to the deteriorating security conditions in the country as a temporary measure. Implementing partners have different working arrangements in order to allow for international presence on the ground, at least on a temporary basis. IOM is currently considering the permanent redeployment of international staff.

Statement of ICC Prosecutor to the UNSC on the Situation in Libya

New York

8 May 2017

Mr President, Your Excellencies:

1. I welcome this opportunity to engage with the Council on the occasion of my Office's thirteenth report on the situation in Libya pursuant to Resolution 1970.
2. & At the outset, allow me to observe with profound regret that the overall security situation in Libya has deteriorated significantly since my last report to this Council in November of last year.
3. Reports indicate that the country is at risk of returning to widespread conflict. Such an outcome would not bode well for the rule of law in Libya, and will surely aggravate a climate of impunity, which could in turn lead to widespread human rights abuses and violations of international humanitarian law. As is often the case, it is ordinary citizens – innocent men, women and children – who bear the brunt of the suffering caused by this state of insecurity.
4. It is in this context that the International Criminal Court now, more than ever, has an important role to play in Libya. I am convinced that timely and concrete action can make a tangible difference to Libyan lives. With this in mind, and cognisant of my responsibility to pursue the important mandate conferred upon my Office by this Council, I remain committed to prioritising the Libya situation in 2017.
5. Since I last reported to this Council, steady progress has been made in my Office's investigations.
6. This progress has been achieved notwithstanding the prevailing security situation in Libya, which continues to prevent my investigators from carrying out their work on the ground.
7. Undeterred and driven by a firm commitment to fulfil our mandate vis-à-vis Libya, my Office continues to employ innovative methods to collect evidence from outside of the country through secure channels. Such efforts are largely made possible by the cooperation of States and the ongoing assistance of the Libyan Prosecutor-General's office. My Office will continue to explore options for its investigators to resume activities on Libyan territory in a safe and secure environment.
8. As the Council is aware, an existing warrant of arrest issued under seal by the Court against Mr Al-Tuhamy Mohamed Khaled ("Mr Al-Tuhamy") has recently been made public. Mr Al-Tuhamy is the former head of the Libyan Internal Security Agency under Muammar Gaddafi. My Office has alleged the suspect is responsible for crimes against humanity of imprisonment, persecution, torture, and other inhumane acts, and the war crimes of torture, cruel treatment and outrages upon personal dignity. These crimes were allegedly committed by Mr Al-Tuhamy as part of Mr Muammar Gaddafi's response to the events of 2011.

9. In issuing the warrant, the Pre-Trial Chamber of the Court found reasonable grounds to believe that the Internal Security Agency, led by Mr Al-Tuhamy, along with other Libyan military, intelligence and security agencies, arrested and detained persons perceived to be opponents of Mr Gaddafi and his rule. These persons were allegedly subjected to various forms of mistreatment, including severe beatings, electrocution, acts of sexual violence and rape, solitary confinement, deprivation of food and water, inhumane conditions of detention, mock executions, and threats of killing and rape, in various locations throughout Libya.

10. At this juncture, unsealing of the warrant of arrest against Mr Al-Tuhamy will enhance the chances of its execution, and will equally send an important message to would-be perpetrators that the Court remains seized of the situation in Libya and continues to be active in carrying out its judicial work.

11. Furthermore, my Office has recently become aware of reports that Mr Al-Tuhamy is currently residing in Libya. The victims of Mr Al-Tuhamy's alleged crimes deserve justice and yearn to see justice done. State cooperation with the International Criminal Court, and with this Council, is crucial to ensuring justice for these victims can be realized.

12. I thus urge Libya, first and foremost, as well as all States, whether States Parties or non-States Parties, to take immediate action to verify Mr Al-Tuhamy's whereabouts and to take all possible steps to facilitate his arrest and surrender to the Court.

13. I equally hope to count on the tangible assistance and cooperation of this august body for the expeditious execution of this warrant of arrest and for the timely arrest and surrender of Mr Al-Tuhamy to the Court.

14. What message does it send to the victims and the perpetrators, indeed, what is the deterrent impact, if ICC warrants of arrest are issued but are not enforced and the capture of suspects remains elusive?

15. We all have our respective roles to play, and we must deliver on our joint commitment to end impunity for Rome Statute crimes in Libya.

Mr President, Your Excellencies,

16. In my last report, I briefed this Council on my Office's application to the Court's Pre-Trial Chamber for an order directing the Registry to transmit the request for the arrest and surrender of Mr Saif Al-Islam Gaddafi to Mr Al-'Ajami al-'Atiri, Commander of the Zintan militia which had custody of the suspect at that time.

17. My Office has since received reliable information that Mr Gaddafi is no longer under the control of Mr al-'Atiri but rather under the control of the Zintan Revolutionaries' Military Council.

18. I renew my call on the Government of National Accord to take the necessary steps to transfer Mr Gaddafi into its custody so that Libya can surrender him to the Court in accordance with its international legal obligations, the judicial rulings of the International Criminal Court, and repeated calls by members of this Council.

19. With respect to the case of Abdullah Al-Senussi, as this Council will recall, in July 2015, the Tripoli Court of Assize issued its judgment in the trial of Mr Al-Senussi, Mr Gaddafi and 35 other former members allied with Mr Muammar Gaddafi in relation to crimes allegedly committed during

the events of 2011. Mr Gaddafi was tried *in absentia*. Both Mr Gaddafi and Mr Al-Senussi were convicted. The case of Mr Al-Senussi is currently on appeal before the Libyan Supreme Court.

20. On 21 February 2017, the United Nations Support Mission in Libya, in cooperation with the Office of the United Nations High Commissioner for Human Rights, issued its full report on the conduct of this trial. The report acknowledges the challenges inherent in prosecuting a complex case against former officials in the context of an ongoing armed conflict and political polarisation. However, it concludes that the trial fell short of international fair trial standards.

21. It is important to recall that the Appeals Chamber of the International Criminal Court has held that due process violations in a domestic trial must be "so egregious that the proceedings can no longer be regarded as being capable of providing any genuine form of justice to the accused" in order for the case to be deemed admissible before it.

22. My Office has thoroughly reviewed the report and is considering it along with the full Libyan trial judgment within the framework of articles 19(10) and 17(2)(c) of the Rome Statute to determine whether new facts have arisen which negate the basis on which the Pre-Trial Chamber found Mr Al-Senussi's case inadmissible before the Court

Mr President, Your Excellencies,

23. It is undoubtedly disconcerting to this Council that the ongoing political instability and the volatile security situation in Libya have reportedly led to the widespread commission of serious crimes. Reports of continued killings of civilians, abductions, detentions, torture and sexual violence in Libya should be of great concern to all of us.

24. My Office continues to receive and examine information from a variety of sources, including non-governmental organisations and private individuals, with respect to crimes alleged to have occurred throughout Libya since 2011. I welcome the submission of reliable information by concerned groups or individuals regarding crimes that may fall within the Court's jurisdiction.

25. In particular, my Office continues to collect and analyse information relating to serious and widespread crimes allegedly committed against migrants attempting to transit through Libya. My Office is collaborating and sharing information with a network of national and international agencies on this issue.

26. I am deeply alarmed by reports that thousands of vulnerable migrants, including women and children, are being held in detention centres across Libya in often inhumane conditions. Crimes, including killings, rapes and torture, are alleged to be commonplace.

27. I am similarly dismayed by credible accounts that Libya has become a marketplace for the trafficking of human beings. This Council has itself expressed concern that the situation in Libya is exacerbated by the smuggling of migrants and human trafficking into, through and from Libya. These activities could further provide fertile ground for organised crime and terrorist networks in Libya.

28. The situation is both dire and unacceptable, demanding a concerted response by the relevant actors to address these serious trends of criminality.

29. I take this opportunity before the Council to declare that my Office is carefully examining the feasibility of opening an investigation into migrant-related crimes in Libya should the Court's jurisdictional requirements be met. We must act to curb these worrying trends.

30. Additionally, my Office has been closely following events in Ganfouda, Benghazi where civilians have reportedly been heavily impacted by protracted fighting between the Libyan National Army and the Benghazi Revolutionaries Shura Council. Reports indicate that on or around 18 March 2017, forces of the Libyan National Army took over Ganfouda.

31. Following this takeover, disturbing video footage has emerged which appears to depict Libyan National Army forces committing serious crimes, including summary executions of detained persons.

32. I draw the attention of all parties to the conflict to the provisions of the Rome Statute relating to the responsibility of commanders and other superiors to prevent or repress the commission of crimes by their forces, and to submit any such crimes for investigation and prosecution.

33. My Office remains seized of the Libyan situation and continues to monitor events as they unfold in Benghazi and across the country.

Mr President, Your Excellencies,

34. I would be remiss if I did not acknowledge the excellent cooperation my Office receives from a network of states, organisation and entities. First and foremost, I must again express my utmost gratitude to the Libyan Prosecutor-General's office, which has continued to provide invaluable assistance during the reporting period.

35. I am also grateful to the individuals and groups from within the Libyan community who work tirelessly to promote and support the work of the International Criminal Court, in the interests of the victims and in the hopes of building the future of Libya on the pillars of justice and accountability.

36. I equally note the extension of the mandate of UNSMIL and I look forward to our continued fruitful collaboration. I benefit from this opportunity to publicly acknowledge and commend the tireless efforts of the outgoing SRSG Mr Martin Kobler and his team at UNSMIL, and thank them for their continued support.

37. I also express my deep appreciation for the vital support my Office receives from several other States and organisations, including but not limited to: the Netherlands, the United Kingdom, Tunisia, Italy, the European Union, and the European Union Naval Force.

38. Exceptionally, there are some States which have not responded promptly to requests for cooperation and I respectfully urge those States to do so.

Mr President,

39. With your indulgence, I would like to stress one final point, and that is the important issue of resource challenges my Office continues to face.

40. In this regard, I welcome the initiative of the Chair of the Security Council Committee established pursuant to Resolution 1970 concerning Libya to issue a *note verbale* in November

2016, bringing to the attention of all States the need to ensure adequate funding to support ICC investigations.

41. Without adequate resources, the crucial work of the Court is hampered and its ability to impact on the current climate of impunity in Libya is diminished.

42. I once again respectfully call on this Council to promote the work of the International Criminal Court in Libya by supporting efforts aimed at providing financial assistance by the United Nations.

Mr President, Your Excellencies,

43. The Libyan people continue to strive for solutions that will pave the way for sustainable peace, security and prosperity in Libya. Justice and accountability are indispensable in this equation, without which the cycle of violence is at risk of continuing, further entrenching divisions within Libyan society and making national reconciliation ultimately more difficult to achieve. I am heartened by reports of some recent positive developments in the political dialogue.

44. To conclude, I wish to say to those victims and victim-groups who advocate for the International Criminal Court to play a more prominent role in Libya: *I am listening*.

45. To those of you who express to my Office your fears and disappointments, as well as your hopes and aspirations for the future of a Libya grounded on the pillars of justice where gross human rights violations are distant memories of the past, your calls for action do not fall on deaf ears.

46. The Libyan people have endured too much and have suffered for too long. They are deserving of that deeper sense of safety and security that society provides when it is fully immersed in the protective embrace of the law.

47. And while I am under no illusions that the International Criminal Court is a panacea – *it surely is not* – I, along with my team, are committed to playing our part.

48. I thank you, Mr President, Your Excellencies, and all those who are following this session from inside and outside this room, for your attention.

Situation in Libya

ICC-PIOS-CIS-LIB-03-003/18

The Prosecutor v. Mahmoud Mustafa Busyf Al-Werfalli

Updated: July 2018

ICC-01/11-01/17

Mahmoud Mustafa Busyf Al-Werfalli

Suspected of murder as a war crime allegedly committed in Libya in 2016 and 2017. Not in ICC custody.



Date of birth: 1978

Place of birth: Werfalla Tribe, West of Libya

Nationality: Libyan

Title: Major in the Al-Saiqa Brigade

Warrant of arrest: 15 August 2017

Second Warrant of arrest: 4 July 2018

Charges

Pre-Trial Chamber I considers that there are reasonable grounds to believe that, under article 8(2)(c)(i) and 25(3)(a) and (b) of the Rome Statute, Mahmoud Mustafa Busyf Al-Werfalli is criminally responsible for:

- Murder as a war crime allegedly committed in Libya, in the context of seven incidents against 33 persons in the non-international armed conflict in Libya, from on or before 3 June 2016 until on or about 17 July 2017.
- Murder as a war crime in the context of an eighth incident which took place on 24 January 2018, when Mr. Al-Werfalli allegedly shot dead 10 persons in front of the Bi'at al-Radwan Mosque in Benghazi, Libya.

Alleged crimes (non-exhaustive list)

Pre-Trial Chamber I found that there are reasonable grounds to believe that:

- An armed conflict not of an international character has been ongoing on the territory of Libya, from at least early March 2011, between governmental forces and different organized armed groups, or among various such armed groups, which include the Al-Saiqa Brigade. The Al-Saiqa Brigade has been involved in the armed conflict ever since the days of the revolution against the Gaddafi regime and since May 2014.
- The Al-Saiqa Brigade was organized in a hierarchical structure, with field commanders, acting under the overall command of Colonel Bukhmada; (ii) orders circulated down the chain of command and were obeyed; and (iii) the brigade had the ability to plan military operations and put them into effect.
- Mr Al-Werfalli is alleged to have directly committed and to have ordered the commission of murder as a war crime in the context of seven incidents, involving 33 persons, which took place from on or before 3 June 2016 until on or about 17 July 2017 in Benghazi or surrounding areas, in Libya.
- Mr Al-Werfalli personally committed the murders described in Incidents 1, 2, 3 and one of the murders described in Incident 7, and he ordered, as a superior to others in the Al-Saiqa Brigade, the commission of the murders described in Incidents 4, 5, 6, and 19 of the murders described in Incident 7, in Benghazi or surrounding areas, in Libya.
- Mr Al-Werfalli acted with intent and knowledge, and that he was aware of the status of the victims and of the factual circumstances that established the existence of the non-international armed conflict.
- The Chamber noted that after the issuance of the first arrest warrant, armed clashes among forces affiliated with the Government of National Accord, international forces and armed groups have continued to occur on the territory of Libya.
- The Chamber found reasonable grounds to believe that an armed conflict not of an international character has been ongoing on the territory of Libya from at least early March 2011 until at least February 2018 between governmental forces and different organized armed groups or among various such armed groups, including the Al-Saiqa Brigade
- There are reasonable grounds to believe that Mr. Al-Werfalli continued to act as a commander in the Al-Saiqa Brigade and that he had been in a commanding role since at least December 2015.

- The available evidence indicates that there are reasonable grounds to believe that Mr. Al-Werfalli is directly responsible for the killing of 10 persons in front of the same Bi'at al-Radwan Mosque, in the Salmani district of Benghazi on 24 January 2018.

Modes of liability:

The Chamber finds reasonable grounds to believe that Mr Al-Werfalli bears criminal responsibility for:

- His direct participation to the commission of the (article 25(3)(a)); and
- as a superior, for the commission of crimes by his subordinates under his ordering (article 25(3)(b)).

Key judicial developments

REFERRAL AND OPENING OF THE INVESTIGATION

On 26 February 2011, the United Nations Security Council decided unanimously (15 votes in favour) to refer the situation in Libya since 15 February 2011 to the ICC Prosecutor, stressing the need to hold accountable those responsible for attacks, including by forces under the control of those responsible, on civilians.

After conducting a preliminary examination of the situation, the ICC Prosecutor concluded, on 3 March 2011, that there is a reasonable basis to believe that crimes under the ICC's jurisdiction have been committed in Libya, since 15 February 2011, and decided to open an investigation in this situation.

FIRST WARRANT OF ARREST

The arrest warrant against Mahmoud Mustafa Busyf Al-Werfalli was requested by the ICC Prosecutor on 1 August 2017. On 15 August 2017, Pre-Trial Chamber I issued the arrest warrant for Mr Al-Werfalli.

SECOND ARREST WARRANT

On 1 May 2018, the Prosecutor submitted, under seal, a request to amend the warrant of arrest for an additional war crime. On 4 July 2018, Pre-Trial Chamber I issued a second warrant of arrest for Mahmoud Mustafa Busyf Al-Werfalli, complementing the first warrant of arrest against him. The Chamber found the case against Mr. Al-Werfalli to be admissible before the Court, due to the lack of investigative activities in Libya.

The warrant of arrests were both issued publicly and may be communicated to any State or international organisation for the purpose of its execution. The suspect is not in ICC custody

Composition of Pre-Trial Chamber I

Judge Péter Kovács, Presiding Judge
 Judge Marc Perrin de Brichambaut
 Judge Reine Adelaide Sophie Alapini-Gansou

Representation of the Office of the Prosecutor

Fatou Bensouda, Prosecutor
 James Stewart, Deputy Prosecutor

Defence Counsel for Mahmoud Mustafa Busyf Al-Werfalli

-

Legal Representatives of the Victims -

www.icc-cpi.int | This is not an official document. It is intended for public information only.

International Criminal Court : Oude Waalsdorperweg 10, 2597 AK, The Hague, The Netherlands. Postal address : Po Box 19519 ; 2500 CM, The Hague, The Netherlands. Tel. + 31 (0)70 515 8515 ; Fax. +31 (0)70 515 8555. Youtube : www.youtube.com/IntICriminalCourt ; Twitter : www.twitter.com/IntICrimCourt | Flickr: www.flickr.com/photos/icc-cpi

State non-legislative practice

CIA - The World Factbook



AFRICA :: LIBYA

Introduction :: LIBYA

Background:

The Italians supplanted the Ottoman Turks in the area around Tripoli in 1911 and did not relinquish their hold until 1943 when they were defeated in World War II. Libya then passed to UN administration and achieved independence in 1951. Following a 1969 military coup, Col. Muammar al-QADHAFI assumed leadership and began to espouse his political system at home, which was a combination of socialism and Islam. During the 1970s, QADHAFI used oil revenues to promote his ideology outside Libya, supporting subversive and terrorist activities that included the downing of two airliners - one over Scotland, another in Northern Africa - and a discotheque bombing in Berlin. UN sanctions in 1992 isolated QADHAFI politically and economically following the attacks; sanctions were lifted in 2003 following Libyan acceptance of responsibility for the bombings and agreement to claimant compensation. QADHAFI also agreed to end Libya's program to develop weapons of mass destruction, and he made significant strides in normalizing relations with Western nations.

Unrest that began in several Middle Eastern and North African countries in late 2010 erupted in Libyan cities in early 2011. QADHAFI's brutal crackdown on protesters spawned a civil war that triggered UN authorization of air and naval intervention by the international community. After months of seesaw fighting between government and opposition forces, the QADHAFI regime was toppled in mid-2011 and replaced by a transitional government known as the National Transitional Council (NTC). In 2012, the NTC handed power to an elected parliament, the General National Congress (GNC). Voters chose a new parliament to replace the GNC in June 2014 - the House of Representatives (HoR), which relocated to the eastern city of Tobruk after fighting broke out in Tripoli and Benghazi in July 2014.

In October 2015, the UN brokered an agreement among a broad array of Libyan political parties and social groups - known as the Libyan Political Agreement (LPA). Members of the Libyan Political Dialogue, including representatives of the HoR and defunct-GNC, signed the LPA in December 2015. The LPA called for the formation of an interim Government of National Accord or GNA, with a nine-member Presidency Council, the HoR, and an advisory High Council of State that most ex-GNC members joined. The LPA's roadmap for a transition to a new constitution and elected government was subsequently endorsed by UN Security Council Resolution 2259, which also called upon member states to cease official contact with

Terrorist groups - home based:

al-Qa'ida in the Islamic Maghreb (AQIM):

aim(s): overthrow various African regimes and replace them with one ruled by sharia; establish a regional Islamic caliphate across all of North and West Africa

area(s) of operation: leadership headquartered in Algeria; operates in Tunisia and Libya

note: al-Qa'ida's affiliate in North Africa; Tunisia-based branch known as the Uqbah bin Nafi Battalion; Mali-based cadre merged with allies to form JNIM in March 2017, which pledged allegiance to AQIM and al-Qa'ida (2018)

Ansar al-Sharia groups:

aim(s): implement sharia in Libya

area(s) of operation: in the east, mostly in Benghazi and Darnah

note: officially disbanded in June 2017, but fighters and local elements remain; operated as a member of the Benghazi Revolutionaries Shura Council and Darnah Mujahidin Shura Council, a coalition of jihadist groups combating the Libyan House of Representatives-aligned forces (2018)

Islamic State of Iraq and ash-Sham (ISIS)-Libya:

aim(s): prevent the formation of a reunified Libyan state, secure control over the country's critical resources and, ultimately, establish an Islamic caliphate in Libya

area(s) of operation: based in Libya since circa 2015, with its original headquarters in Sirte; no longer controls territory in Libya but does maintain a low-profile presence throughout much of the country (2018)

Terrorist groups - foreign based:

al-Mulathamun Battalion:

aim(s): replace several African governments, including Libya's transitional government, with an Islamic state

area(s) of operation: maintains an operational presence; engages in kidnappings for ransom (November 2018)

Transnational Issues :: LIBYA

Disputes - international:

dormant disputes include Libyan claims of about 32,000 sq km still reflected on its maps of southeastern Algeria and the FLN's assertions of a claim to Chirac Pastures in southeastern Morocco; various Chadian rebels from the Aozou region reside in southern Libya

Refugees and internally displaced persons:

refugees (country of origin): 17,106 (Syria) (refugees and asylum seekers), 12,114 (Sudan) (refugees and asylum seekers), 6,388 (Eritrea) (refugees and asylum seekers) (2019)

IDPs: 301,407 (conflict between pro-QADHAFI and anti-QADHAFI forces in 2011; post-QADHAFI tribal clashes 2014) (2019)

Trafficking in persons:

current situation: Libya is a destination and transit country for men and women from sub-Saharan Africa and Asia subjected to forced labor and forced prostitution; migrants who seek employment in Libya as laborers and domestic workers or who transit Libya en route to Europe are vulnerable to forced labor; private employers also exploit migrants from detention centers as forced laborers on farms and construction sites, returning them to detention when they are no longer needed; some sub-Saharan women are reportedly forced to work in Libyan brothels, particularly in the country's south; since 2013, militia groups and other informal armed groups, including some affiliated with the government, are reported to conscript Libyan children under the age of 18; large-scale violence driven by militias, civil unrest, and increased lawlessness increased in 2014, making it more difficult to obtain information on human trafficking

tier rating: Tier 3 - the Libyan Government does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so; in 2014, the government's capacity to address human trafficking was hampered by the ongoing power struggle and violence; the judicial system was not functioning, preventing any efforts to investigate, prosecute, or convict traffickers,

Hidden Figures

Women on the Move in Libya

Insights from the Mixed Migration Monitoring Mechanism initiative (4Mi) in Libya, Mali and Niger



Introduction

This briefing paper looks at women and girls travelling in mixed migration movements from West Africa to Libya.¹ Based on data collected by the Mixed Migration Monitoring Mechanism Initiative (4Mi) of the Danish Refugee Council in Libya, Mali and Niger,² the article examines the journeys of women and girls from West Africa. It further analyses the ratio of women and girls in these mixed migration movements, and asks whether currently available data captures this ratio accurately.

The data collected by 4Mi shows that the ratio of women could potentially be underestimated in Libya. This undercount could be the result of particularities in travel arrangements, with more women than men taking pre-arranged and guided trips. It could also stem from duration of stop-overs and locations women and girls pass through in Libya. Lack of freedom of movement for women and girls in Libya could be an additional factor.

In an environment where access to those in need is challenging for many reasons, underestimating the number of women and girls among people on the move in Libya could mean that a significant portion of the female migrant population in Libya is invisible and therefore inaccessible to protection and assistance programming.

Women in migration flows from West Africa to Libya

Despite its current security and political situation, Libya is still an important transit and destination country for migrants who arrive searching for employment or trying to reach Europe. Migrants from West Africa are among the largest groups of foreigners recorded in Libya.

As of June 2017, Libya hosted a recorded migrant population of 390,000,³ with estimates of the actual figures being significantly higher.⁴ Women and girls comprise large numbers within these complex mixed migration flows, yet reliable knowledge and data remains scarce.

West Africans are often traveling between cities and working while in Libya to finance onward journeys, they tend to be relatively visible in public spaces.⁵ However, this is more true for male than for female migrants, as women and girls are often more difficult to access in public spaces in Libya. Moreover, if moving as part of an organised journey with smugglers or traffickers, they tend to transit more quickly. Women and girls held in so-called “connection houses” and “ghettos” in Libya are particularly difficult to access.

According to 4Mi monitors in Mali and Niger, Nigerians are the main nationality of women on the move towards Libya. In 2016 and 2017, Nigerian women were also the main nationality to arrive

1 In the text, the term “migrant” is used when referring to all people on the move. This might include potential asylum seekers, refugees and others.

2 This article is based on 198 interviews collected by 4Mi in Libya from May to July 2017 and 446 in Mali and Niger from June to July 2017.

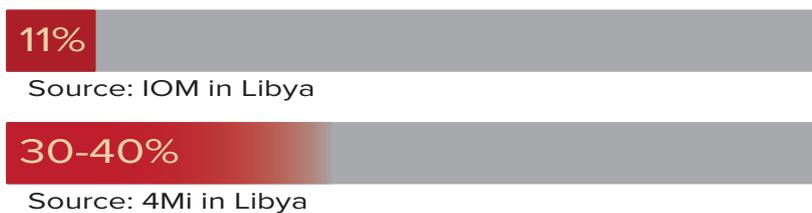
3 IOM (2017). DTM Libya — Migrant report information package 11 (June — July 2017). Available at: <http://www.globaldtm.info/dtm-libya-migrant-report-information-package-11-june-july-2017/> (accessed: 11 September 2017)

4 IOM (2016). *Libya*. International Organization for Migration. The IOM Libya website provides figures for mid-2016. It mentions estimated from Embassies of 700,000 to 1,000,000 migrants present in Libya (with 276,000 recorded by IOM at the time). <https://www.iom.int/countries/libya> (accessed: 8 September 2017)

5 UNHCR (2017). Mixed migration trends in Libya: Changing dynamics and protection challenges, p. 42. Available at: <http://www.unhcr.org/publications/operations/595a02b44/mixed-migration-trends-libya-changing-dynamics-protection-challenges.html> (accessed: 8 June 2017).

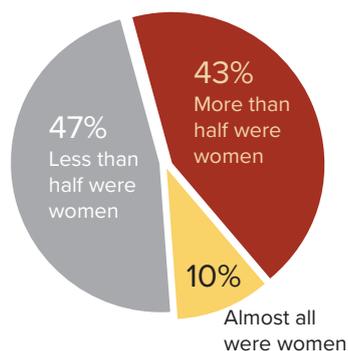
in Italy by sea and the overwhelming majority travelled through Libya. However, 4Mi has so far interviewed women from 19 countries across West and sub-Saharan Africa. The majority of women were from Nigeria, followed by Guinea, Burkina Faso and Ghana.

Figure 1: Estimated percentage of Women in total migrant population according to different sources



While IOM estimates that 11% of migrants in Libya are women,⁶ 4Mi data and observations of local monitors put the overall percentage closer to 30-40%. Of the 37 smugglers interviewed in Libya, in Sabha and Tripoli, 16 (43%) of the smugglers report that half or more than half of their clients are women, and 4 (10%) report that they transport almost only women. 7 of the interviewed smugglers are women themselves. Where Malian, Nigerien, Chadian, Burkinabe women in the 4Mi sample tend to travel with their husband and therefore represent a lower rate in these countries' migration flows (between 10 to 30%), Nigerians, Ghanaians and Ivorians have higher rates of women and girls (up to 40%). In Mali and Niger, monitors estimate the percentage of women and girls in the overall numbers going towards North Africa to be between 30 and 50%. They report that the percentage of female migrants has significantly increased over the last 3 months, which could increase the ratio of women and girls among the migrant population in Libya over time.

Figure 2: Percentage of women among clients of smugglers interviewed by 4Mi



Local NGOs in Sabha report that up to 10% of the women smuggled or trafficked are under 18 with arrivals of girls as young as 11 years old recorded in the second quarter of 2017. 18 of the smugglers interviewed report smuggling children, with 3 reporting that 50% of their clients are minors. 28% of migrants interviewed in Libya report that they observed children making the journey.

These figures seem to indicate that female migrants are more numerous than originally estimated, but less visible than men. While there is no statistical confirmation for the accuracy of these estimates, the fact that 4Mi monitors are integrated members of the communities they observe makes them reliable sources. Nevertheless, further research and data collection are needed to have a more precise breakdown of these numbers and 4Mi will continue to examine the situation.

⁶ IOM (2017). DTM Libya Round 11 Migrant Report June – July 2017, p. 7. Available at: <http://www.globaldtm.info/dtm-libya-migrant-report-information-pack-age-11-june-july-2017/> (accessed: 13 September 2017).

“WE RISK OUR LIVES FOR OUR DAILY BREAD”

**FINDINGS OF THE DANISH REFUGEE COUNCIL STUDY
OF MIXED MIGRATION IN LIBYA**

December 2013



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Acknowledgements

The Danish Refugee Council (DRC) would like to thank the many people who generously shared their personal information and experiences for the survey which forms the main component of this report. We are also grateful for the support of community leaders, Embassy representatives and UN and NGO partners. The bulk of the data collection was conducted by DRC's Protection Teams in Tripoli and Sabha who worked tirelessly to conduct and collate questionnaires over a 4 month period; corresponding survey review and data analysis was conducted by the DRC Database Officer. Finally, we would like to acknowledge funding support from the European Union for our mixed migration program in Libya.

Report Objectives

This report presents the situation and experiences of asylum seekers, refugees and migrants (collectively referred to here as 'mixed migrants') living in the Libyan community in greater detail than has previously been available. Covering many aspects of peoples' lives from security to education, shelter and livelihoods, it draws its findings from data collected through extensive surveys carried out by DRC with people living in Libya across the two locations of Tripoli and Sabha. It is anticipated that this report will engender a more sensitive portrayal of migrants' experiences, recognising in particular their diversity and heterogeneity as a community in Libya. A key theme emerging from this research warranting greater attention is that mixed migrants make an immense contribution to the Libyan economy. Stereotypes widely perpetuated in the popular media of 'all migrants' using Libya as a transit point en route to Europe are also challenged here. Without accurate statistical information on the size and composition of mixed migrant populations in Libya it is not possible to determine demographic profiles of each migrant community. However it is anticipated that the information outlined in this report will set a baseline for future studies.

Introduction

Danish Refugee Council has been working in Libya since 2011 in the areas of mine action, armed violence reduction (AVR) and protection. The core components of its protection work are protection monitoring, legal counselling, individual assistance, and awareness-raising with civil society and government institutions. Libya is one of many countries where DRC works that can be characterised as a *mixed migration context*. DRC's Mixed Migration Policy (2009) defines mixed migration as "complex population movements including refugees, asylum seekers, economic migrants and other migrants". Other populations within mixed migration can include victims of trafficking, stateless persons, unaccompanied minors (UAM) and separated children. This phenomenon, which will be discussed in

more detail in the report, is described by the Regional Mixed Migration Secretariat (RMMS) as an issue of “rising importance, both in terms of sheer numbers and with regard to political significance at national, regional and global levels” (2012). It further “reflects the tendencies for an increasing number of people to migrate with greater risks, in search of a better future in more affluent parts of a globalized world. It also indicates that people are on the move for a combination of reasons that fundamentally are related to safeguarding physical and economic security” (RMMS, 2012).

DRC’s work in Libya focusing on the protection needs of vulnerable populations provides a unique perspective on mixed migration from within the country. Refugees and asylum seekers in Libya are part of a mixed-migration context that includes migrants, asylum seekers and refugees. Libya’s oil-driven economy has long been a magnet for migrants: casual work is plentiful and relatively well paid by African standards. Prior to the Revolution in 2011, former leader Gaddafi at various times encouraged or discouraged this migration according to the prevailing political and economic dynamics. During his leadership Libya acceded to the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2004 although this has not been enacted into domestic legislation. Gaddafi also played an integral role in the foundation in 1998 of the Community of Sahel-Saharan States (CEN-SAD), a regional free trade bloc which promotes the free movement of people amongst other things. At other times he ordered waves of round-ups and deportations of irregular migrants.

This highly changeable policy, with no domestic policy arrangements for migration, led to a situation in which Libyan government officials and the migrants themselves were often uncertain of prevailing migration rules. Irregular migration became the norm for African migrants and the situation became even more chaotic after the Revolution. While not generally accepted publicly, most Libyans tacitly accept the vital role migrant workers fulfil in the economy. European governments, Italy in particular, also see Libya as a conduit for illegal migration into Europe. United Nations High Commissioner for Refugees (UNHCR) estimates that around 32,000 people have arrived by sea to Italy and Malta in 2013; most have departed from Libya (See BBC News, 15 October 2013 and UNHCR, 5 July 2013). Several hundred people have died trying to make the crossing during 2013, and in 2012, almost 500 people were reported dead or missing at sea. Efforts to address this movement of people have included bilateral agreements made in 2008 between Italy and Libya to intercept people before they can reach Italy. Such moves were criticised by both the UN Special Rapporteur on the Human Rights of Migrants and UN Office of the High Commissioner for Human Rights (OHCHR), for pushing back people to Libya and being tantamount to externalising border control (see also Human Rights Watch, 2009). Following a European Court of Human Rights ruling in the case of *Hirsi vs Italy*, so-called ‘push backs’ to Libya were halted. Similarly Malta’s attempts in 2011 to return migrants to Libya were also stopped by the European Court of Human Rights. The disproportionate attention of European governments on illegal migration to Europe has influenced the approach of Libyan authorities who prefer to detain specific groups on the presumption they will try to go to Europe. Even the system of indefinite detention itself has in the past been sponsored by European governments, although this is not the case currently.

As this report will show, the mixed migrant community in Libya is a diverse, heterogeneous population with varying intentions, routes and longer-term plans. Traditionally West Africans stay in Libya for a few years, remitting money to their families back home. Some will come and go on a semi-seasonal basis. Migrants from the Horn and West Africa mainly enter Libya by using informal land routes across the desert from southern Egypt, Sudan, Chad, Niger or Algeria (for more details on migration routes, see ALTAI Consulting, 2013). These journeys are fraught with hardship and risk. It involves paying smugglers who may end up cheating their clients, travelling in open vehicles across the desert, being denied food, water and medical care, the risk of being detained and beaten by smugglers and authorities or militias. Many are also abandoned in the desert, left at points long before their agreed destination locations and some are held by smugglers and other criminal elements for ransom. Violence, rape and other human rights abuse frequently occur when migrants are held to expedite the payment of ransoms. Unknown numbers of people die each year making these perilous journeys.

There are a total of 29,239 asylum seekers and refugees registered in Libya according to UNHCR (as at 31 October 2013). Most asylum seekers originate from Syria, Eritrea and Somalia while refugees come from Palestine and Iraq. Those from the Horn, Eritreans and Ethiopians in particular, have fewer religious, linguistic and cultural ties to North Africa. Many from this region will have left their home due to persecution, conflict or civil strife and are therefore seeking protection. They tend to use the same routes and means of travel as economic migrants, but may see Libya as a country of transit; given the lack of effective protection measures in Libya and the overarching conditions for asylum seekers and refugees. Asylum seekers also include significant numbers of women and children including unaccompanied minors, single females and female-headed households.

Libya has not signed the 1951 Refugee Convention, however it is a state party to the 1969 Organisation of African Unity Convention on Specific Aspects of Refugee Problems in Africa (hereafter 1969 OAU Convention). No domestic refugee law has been enacted however and fact that Libya has no official system for asylum, coupled with the preference of certain refugees to seek asylum in Europe, means the number who register with UNHCR as asylum seekers may be far less than the true number and unrepresentative in terms of country of origin. Mixed migrants trying to reach Malta or the Italian island of Lampedusa by boat from Libya each year are predominantly Somalis, Ethiopians, Eritreans and more recently Syrians intent of claiming asylum in Europe. Significant deaths at sea occur each year and some people are stopped attempting to get boats and are then detained. In one case a group of mainly Syrians and Palestinians claimed they were shot at as their boat left Libya (BBC News, 13 October 2013).

Prejudice towards migrants, and especially sub-Saharan Africans, is widely documented (Al Jazeera, 9 April 2011; Amnesty International, 2013; Human Rights Watch, 2006). Routine abuses and rights violations reported include name-calling, stone-throwing, arbitrary detention, beatings, being robbed, lack of due legal process, extortion, exploitative labour practices (including refusing payment) and forced eviction from lodgings. During the revolution latent xenophobic tendencies were stirred by Gaddafi's practice of recruiting mercenaries from among migrants and ethnic minorities. Across the country new detention camps for irregular migrants and asylum seekers were built and others were

expanded. Thousands of people were forcibly deported. Detention centres are often crowded and insanitary. Centres are either managed by revolutionary brigades (known as *katibas*) or, more recently, the Department for Combatting Illegal Migration (DCIM). The latter comes under the remit of the Ministry of Interior which permits visits by NGOs and provides food and access for medical services. However in both forms of detention, people have little or no recourse to the law and are sometimes even contracted out as informal work gangs – the same irregular labour status they were detained for in the first place. Other migrants report they are detained by criminal gangs and then threatened with extortion.

The Constitutional Declaration of the interim National Transitional Council (Aug 2011) guaranteed the right of asylum, but neither the NTC nor General National Congress has yet established any national legislation or administrative structures to deal with refugees and asylum-seekers. The Libyan Government and UNHCR do not have a MOU which would give legitimacy to UNHCR, their partners and beneficiaries. State institutions are still in the process of being re-established. Key ministries with a stake in migration issues are Foreign Affairs, Interior, Labour, Social Welfare and Justice. There are likely to be mounting pressures on the government to improve the policy environment for migration. Economically, Libya has particular industries (predominantly oil) and other domestic labour demands that means it cannot function without migrants in a range of occupations and there will be internal and external pressures to end the 'open borders' situation which encourages smuggling and irregular migration.

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PRESIDENZA DEL VICEPRESIDENTE
GIORGIO BRANDOLIN

La seduta comincia alle 8.35.

Sulla pubblicità dei lavori.

PRESIDENTE. Avverto che, se non vi sono obiezioni, i processi verbali delle sedute precedenti si intendono approvati.

Avverto che la pubblicità dei lavori della seduta odierna sarà assicurata mediante la trasmissione *web-tv* della Camera dei deputati.

(Così rimane stabilito).

Audizione del direttore dell'Ufficio di coordinamento per il Mediterraneo dell'Organizzazione Internazionale per le Migrazioni (OIM), dottor Federico Soda.

PRESIDENTE. L'ordine del giorno reca l'audizione del direttore dell'Ufficio di coordinamento per il Mediterraneo dell'Organizzazione internazionale per le migrazioni (OIM), Federico Soda, che è accompagnato dalla dottoressa Giulia Falzoi.

Li ringrazio della loro presenza e anche delle parole inviate alla presidente Ravetto e a tutto il Comitato per il lavoro che svolgiamo in questa nostra indagine conoscitiva.

Vado subito alle domande, dottore. Noi ci organizziamo in questa maniera: io farò un'introduzione con alcune domande, dopodiché lascerò la parola a lei per rispondere e fare la relazione sulla sua attività e poi ai colleghi che porranno le domande che riterranno utili.

Preciso anche che, se c'è da segretare qualche informazione che vuol darci, noi possiamo segretarla, altrimenti la pubblicità dei lavori è assicurata mediante la trasmissione sulla *web-tv*.

Vado subito ad alcune domande. Lei sa cosa stiamo facendo, come risulta anche dall'*e-mail* che ci ha mandato. Sa a che punto siamo arrivati e conosce molto bene la situazione. Ovviamente noi ci siamo occupati di diverse cose.

Uno dei temi di cui si è occupato il Comitato, che tra l'altro è di un'attualità assoluta, è la definizione del codice di comportamento per le ONG, di cui si parla.

L'Italia aveva chiesto all'Unione europea, come lei ben sa, di includere tra gli obblighi, su richiesta delle autorità competenti, la presenza di ufficiali di polizia giudiziaria a bordo delle navi delle ONG. Attualmente la parte del Mediterraneo centrale è sotto il controllo di Roma e della guardia costiera italiana.

Si tratta di una delle condizioni introdotte nel codice di condotta per le ONG, che prevedrebbe tra le altre cose l'obbligo di accogliere a bordo ufficiali per le indagini collegate al traffico degli esseri umani, consentendo l'accesso a bordo dei propri assetti navali del personale di polizia che svolgerà le preliminari attività conoscitive e di indagine, anche a seguito di specifiche indicazioni da parte delle autorità giudiziarie.

Prevedrebbe altresì il divieto di ingresso delle ONG nelle acque libiche, l'obbligo di non spegnere i *transponder* di bordo, l'obbligo di non effettuare comunicazioni telefoniche o segnalazioni luminose per agevolare la partenza e l'imbarco dei natanti dei migranti, l'obbligo di non effettuare trasbordi su altre navi italiane e così via.

PRESIDENTE. Cioè il martedì, il venerdì e la domenica?

FEDERICO SODA, *Direttore dell'Ufficio di coordinamento per il Mediterraneo dell'OIM.* Esatto. In Libia provano a prendere un autobus o un pulmino verso Tripoli. Più spesso ci raccontano di rapine e di essere rapiti da trafficanti per dopo essere venduti a Sabha ad arabi.

Infatti, di quelli che abbiamo intervistato in Italia il 60 per cento racconta di essere stato rapito o tenuto in detenzione e tutti dicono che il viaggio è stato più lungo e molto più difficile di quello che si aspettavano.

Dell'Algeria ho già detto qualche parola. Ho detto che si spostano per lavoro nei settori dell'agricoltura e delle costruzioni e ho parlato anche dell'annuncio del primo Pag. 8 ministro. Noi stiamo osservando questo flusso con molta attenzione, perché è quasi inevitabile che con un rafforzamento dei controlli verso la Libia questa rotta si potrebbe spostare.

Per quanto riguarda le vittime di tratta nigeriane, è già da qualche anno che osserviamo che usano anche il Sud dell'Algeria per entrare in Libia.

Le nostre stime ufficiali sono di 400.000 migranti.

PRESIDENTE. Presenti in Libia in questo momento?

FEDERICO SODA, *Direttore dell'Ufficio di coordinamento per il Mediterraneo dell'OIM.* Sì, persone che riusciamo a identificare con delle metodologie scientifiche. Le stime basate sulle informazioni che riceviamo da *partner*, dalle autorità eccetera sono molto più alte: da 800 a un milione di stranieri in Libia.

Abbiamo notato ultimamente un aumento di egiziani, ciadiani, sudanesi, bengalesi e ghanesi e un declino di eritrei, nigeriani e burkinabè.

Questo è un fenomeno difficile da spiegare. Quando intervistiamo i migranti in Libia quasi il 60 per cento ci dice che la loro destinazione quando hanno lasciato casa era proprio la Libia, mentre quando li intervistiamo in Italia una percentuale simile ci dice che la loro destinazione era l'Italia. Ovviamente magari non sono le stesse persone, però penso che quello che dicono i migranti vada analizzato con molta attenzione, perché sono molto a rischio, hanno molte paure, spesso non si fidano di nessuno. Vi do questi dati perché li abbiamo, ma è difficile sapere se sono veri.

Dico ora due parole sui centri di detenzione. Ci sono poco più di 30 centri di detenzione in Libia (mi sembra 31 o 34). Noi abbiamo accesso a una ventina di questi centri, dove le condizioni sono pessime e sospetto fortemente che in quelli a cui non abbiamo accesso le condizioni siano ancora peggiori.

Stiamo lavorando sul miglioramento delle condizioni, però da un punto di vista istituzionale vorremmo chiusi questi centri di detenzione, perché non sono condizioni accettabili.

Stiamo per ricevere un finanziamento di 18 milioni di euro dall'Italia per la Libia, di cui 2 milioni saranno dedicati a un miglioramento delle condizioni in questi centri. Gli altri 16 saranno 8 per attività di stabilizzazione nel Sud e 8 per rimpatri volontari assistiti.

PRESIDENTE. Con stabilizzazione cosa intende?

FEDERICO SODA, *Direttore dell'Ufficio di coordinamento per il Mediterraneo dell'OIM.* Per noi la stabilizzazione è lo sviluppo di attività economiche, a beneficio sia dei libici che di coloro che arrivano.

Questo è importantissimo, perché sia in Libia che in Niger (in tutti i Paesi, ma ora stiamo parlando di questi) dobbiamo stare molto attenti ad avere interventi equilibrati che abbiano un beneficio più ampio e che non si focalizzino solo sui migranti. Come ha affermato il Ministro nigerino a Roma all'inizio di luglio, loro stanno realizzando più controlli e stanno cercando di

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PRESIDENZA DEL VICEPRESIDENTE
GIORGIO BRANDOLIN

La seduta comincia alle 19.45.

Sulla pubblicità dei lavori.

PRESIDENTE. Avverto che, se non vi sono obiezioni, i processi verbali delle sedute precedenti si intendono approvati.

Avverto che la pubblicità dei lavori della seduta odierna sarà assicurata anche mediante la trasmissione diretta sulla *web-tv* della Camera dei deputati.

Audizione di rappresentanti dell'Organizzazione «Medici Senza Frontiere».

PRESIDENTE. L'ordine del giorno reca l'audizione di Loris De Filippi, presidente di Medici Senza Frontiere Italia, e di Marco Bertotto, responsabile Advocacy della medesima organizzazione, nell'ambito dell'indagine conoscitiva sulla gestione del fenomeno migratorio nell'area Schengen, con particolare riferimento alle politiche dei Paesi aderenti relative al controllo delle frontiere esterne e dei confini interni.

Come sempre, farò, a nome del Comitato, un'introduzione con

maltese, in ordine a una sovrapposizione di zone SAR che sono state definite.

Dopodiché, c'è una posizione che ci viene raccontata dalle autorità italiane con cui abbiamo parlato di indisponibilità. Nei fatti, la Guardia costiera maltese, in molte delle occasioni in cui è stata sollecitata ad assumere il comando e il coordinamento dei soccorsi e di cui alcune, peraltro, sono anche oggetto, oggi, di indagini e di procedimenti giudiziari, si è rifiutata di farlo. Sappiamo che la Guardia costiera maltese non ha ratificato le convenzioni e gli accordi internazionali che, praticamente, imporrebbero al soggetto che gestisce il coordinamento anche la determinazione del porto di sbarco.

Questo fa sì, di fatto, che il soccorso si trovi a essere gestito in autonomia dalla Guardia costiera italiana, la quale ovviamente poi è obbligata anche a determinare il porto di sbarco e non lo può determinare in un Paese terzo, in assenza di accordi bilaterali, come credo sia stato anche dichiarato a suo tempo dal Ministro Alfano.

Lascio parlare delle modalità di finanziamento il mio collega, che può entrare più nel merito.

Lo sconfinamento in acque territoriali, di fatto, nel tempo è accaduto anche più di quelle cinque volte che dichiariamo perché questo è recentemente successo almeno un'altra volta, però si tratta di un intervento previsto dalle norme. Quando c'è una situazione di necessità, c'è la possibilità di accedere anche nelle acque territoriali, con la richiesta alle autorità competenti. Noi, quando siamo entrati, lo abbiamo fatto per circostanze in cui non c'è stata un'autorizzazione, magari per mancata risposta delle autorità libiche, perché riteniamo che ci sia un obbligo di soccorso e uno stato di necessità. In qualche misura, attiene alla valutazione del comandante a bordo decidere se sconfinare nelle acque territoriali, in funzione di un intervento salvavita, o non farlo. Pag. 7

A oggi, quello che, come pratica, abbiamo fatto è stato, in circostanze del tutto eccezionali e in situazioni di stato di necessità, informare le autorità competenti e procedere all'ingresso nelle acque territoriali, qualora non ci fosse un intervento da parte di altri soggetti o della Guardia costiera libica.

PRESIDENTE. Avete avuto problemi con la costruenda Guardia costiera libica anche per l'ultimo intervento?

MARCO BERTOTTO, *responsabile Advocacy di Medici Senza Frontiere*. Ci sono stati un po' di problemi e un po' di pallottole e abbiamo avuto qualche incidente.

Nell'agosto 2016, abbiamo avuto un incidente serio con la Guardia costiera libica, nel senso che sono stati sparati dei colpi sul ponte di comando. C'è stata una situazione complessa in cui le persone si sono dovute rifugiare nella *safe room*, quindi in una zona della nave preposta esattamente a quella situazione. Abbiamo interrotto, per un mese e più, le operazioni della *Bourbon Argos* e ci siamo trovati anche nella situazione di valutare l'opportunità di proseguire o meno l'operazione.

Siamo stati, quest'anno, con la nave *Prudence* in un'analogha situazione di colpi di arma da fuoco sparati e con persone che erano in

una situazione di soccorso in essere, nel senso che stavamo operando un soccorso. C'è stato un intervento della Guardia costiera libica, con colpi di arma da fuoco e panico di persone che si sono buttate in mare, quindi il nostro conseguente intervento in emergenza per cercare di togliere persone dall'acqua.

Ci sono stati altri episodi, ormai raccontati, con la nave di Sea-Watch per intercettazioni e situazioni – mi verrebbe da dire – alla Far West da parte della Guardia costiera libica, per cui questo è un elemento per noi di estrema preoccupazione.

Oggi siamo nelle condizioni di avere timore a operare interventi in acque internazionali in presenza di imbarcazioni della Guardia costiera libica, che non sempre segue procedure standard nella gestione dei soccorsi, per usare un eufemismo. Questo è causa di preoccupazione per l'incolumità del nostro personale, per la praticabilità delle nostre operazioni e per le conseguenze per gli accordi, che, nel sostenere l'attività di soccorso e di intercettazione in mare della Guardia costiera libica, provocano situazioni di respingimento delle persone nei centri di detenzione della Libia.

Come organizzazione umanitaria, valutando esattamente l'aspetto umanitario, cioè le conseguenze di determinati accordi politici, non possiamo non essere preoccupati da una situazione che, di fatto, si verifica in un contesto che noi definiamo da evacuazione umanitaria. La Libia ha caratteristiche, da un punto di vista strettamente umanitario, che sono estremamente preoccupanti, per l'esistenza di una categoria vulnerabile di persone, com'è l'intera popolazione migrante, che, prevalentemente, viene da alcune zone dell'Africa. Evidentemente, il ruolo della Guardia costiera libica è più di un ruolo di soccorso e c'è qualcosa in più che è preoccupante.

PRESIDENTE. Come vede l'intervento italiano a sostegno della Guardia costiera libica?

LORIS DE FILIPPI, *presidente di Medici Senza Frontiere Italia*. Dal nostro punto di vista, questo è sicuramente problematico perché, pur rendendoci conto del fatto che la zona SAR libica deve essere rafforzata e che le persone devono essere salvate in mare, finora vediamo una fase assolutamente preoccupante.

Il 23 maggio, ci sono stati spari, fortunatamente in aria, che hanno provocato del panico. Qualche giorno dopo, sembra ci sia stato un conflitto a fuoco addirittura con una corvetta della Marina militare italiana. Poi, ovviamente la Guardia costiera si è prontamente scusata con l'autorità, dicendo che credevano che quelli fossero migranti.

Siamo preoccupati anche dal fatto che le nostre *équipe* sono presenti all'interno dei centri in Libia e vedono quali sono i trattamenti delle persone.

Inoltre, vorrei segnalare il fatto che, da due anni, anzi è dall'inizio della nostra Pag. 8attività, nel maggio del 2015, abbiamo segnalato più volte la presenza a bordo di persone che abbiamo tratto in salvo e che ci raccontavano, in maniera sin troppo precisa, le violenze subite nel loro periodo di presenza in Libia. Si tratta di violenze fisiche subite sia da parte di trafficanti che da parte di persone riferite come autorità libiche. Questo ci fa ovviamente preoccupare.

Report

Libya: Vulnerable Groups

19 December 2014



Ministry of Foreign Affairs



Immigration and Naturalisation
Service
Ministry of Security and Justice



DISCLAIMER

This report is written by country analysts from Belgium, the Netherlands, Norway and Sweden. It covers topics that are relevant for status determination of Libyan and non-Libyan citizens whose asylum claims are based on the situation in Libya. The target audience is case workers/officers within the decision-making authorities handling asylum claims as well as policy makers in the four countries.

The report is based on carefully selected and referenced sources of information. To the extent possible and unless otherwise stated, all information presented, except for undisputed or obvious facts, has been cross-checked.

While the information contained in this report has been researched, evaluated and analysed with utmost care, this document does not claim to be exhaustive, neither is it conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

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The research for this report was finalised in November 2014 and any event or development that has taken place after this date is not included in the report.

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were placed in state-run social rehabilitation facilities with two purposes: “to protect women and girls who have been threatened by their families; and to rehabilitate women and girls deemed to have transgressed socially-accepted norms or Law No. 70 (1973) criminalizing extramarital sexual relations.”⁹⁴ The bleak picture described for women considered to be immoral seems not to have changed after the fall of the Qadhafi regime, as HRW documented in 2013 that these institutions continued to operate in the same way under the new authorities, and that sexual relations outside of marriage remain criminalised.⁹⁵

6.3 Domestic Violence

There are no reliable statistics on domestic violence in Libya. U.S. State Department reports that “Municipalities and local organizations maintained women’s shelters in most major cities.”⁹⁶ We have found no information on how these shelters function. We also note that in 2007, HRW stated that “There are no shelters for victims of violence in Libya. Victims of violence, particularly rape victims, would thus find government-provided “shelter” only in the social rehabilitation facilities described in this report”.⁹⁷

7. CHILDREN

7.1 Changes in Children’s Situation after Qadhafi’s Fall

Changes in children’s situation in post-Qadhafi Libya are a reflection of the general situation for the population. The current instability has consequences for people’s security and humanitarian situation, and children may be particularly vulnerable to disruptions in food supply and health services.

7.2 Orphans

If one group of children can be characterised as particularly vulnerable in Libya, it is orphans of unknown parentage. Children who lose one or both parents, will generally be taken care of by relatives. In Libya, like in many Arab countries, foundlings are generally assumed to be born to unmarried mothers. Therefore they often face a stigma because of common notions that children born out of wedlock inherit their mother’s presumed lack of morals. These children generally grow up in orphanages, run by state authorities or charities, often with limited resources. In addition to the stigma mentioned above, being without a family network – and by extension, tribal affiliation – is a considerable handicap in a society where people rely on their family, relatives and tribe for support in many situations. Still, the situation for orphans with no known family ties is unlikely to have changed since the Qadhafi era.

⁹⁴ Ibid., p. 14.

⁹⁵ HRW, *A revolution for all – Women’s rights in the new Libya*, 27 May 2013, p. 28-29.

⁹⁶ U.S. Department of State, *Country Reports on Human Rights Practices for 2013 – Libya*, 27 February 2014.

⁹⁷ HRW, *Libya: A threat to society? – Arbitrary detention of women and girls for “social rehabilitation”*, 28 February 2006, p. 11.

Human Rights and Democracy Report 2017 - Libya

www.refworld.org

Publisher [United Kingdom: Foreign and Commonwealth Office](#)

Publication Date 16 July 2018

Cite as United Kingdom: Foreign and Commonwealth Office, *Human Rights and Democracy Report 2017 - Libya*, 16 July 2018, available at: <https://www.refworld.org/docid/5b9109b8a.html> [accessed 6 November 2019]

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There were widespread violations and abuses of human rights in 2017 in Libya. This was a consequence of political divisions and the absence of functioning state institutions, which gave rise to a culture of impunity. The proliferation of unaccountable armed groups exacerbated the situation. This bleak picture was compounded by the ongoing humanitarian crisis, with over 400,000 people internally displaced and with serious disruptions in the provision of public services. A critical human rights issue was the abuse of migrants in detention, including credible reports of people being sold into slavery.

At the UN Human Rights Council in March, the UK co-sponsored a resolution on increasing accountability for human rights violations

and abuses in Libya. The resolution called on the UN OHCHR to conduct investigations, and for relevant special procedures mandate holders to visit.

As highlighted in October by the UN High Commissioner for Human Rights, [38] Zeid Ra'ad Al Hussein, armed groups continued to murder civilians and combatants or to hold them hostage. They arbitrarily detained thousands of people, and often subjected them to torture and other mistreatment. One of the worst incidents was the killing of over 100 soldiers after an extremist group attacked Brak al-Shati airbase on 18 May. There were also multiple reports of summary executions around Benghazi. In August, ambassadors to Libya of the UN Security Council P5 (UK, US, France, Russia and China) welcomed [39] the International Criminal Court's issue of a warrant for the arrest of Mahmoud Al-Werfalli, a commander in the Libyan National Army, for suspected war crimes. In November, an armed group kidnapped and murdered Mohamed Eshtewi, the Mayor of Misrata.

Thousands of migrants continued to enter Libya with ease, facilitated by traffickers who were members of Libyan militias or colluding with them. Following reports of migrants being forced into slavery, the Minister for the Middle East and North Africa, Alistair Burt, raised our concerns with the Libyan Deputy Prime Minister, Ahmed Omar Maiteeq, on 1 December. The Libyan government has undertaken to conduct an investigation into this issue. The matter was raised in Parliament in a debate on 18 December in Westminster Hall, in which Alistair Burt set out the UK position. The British Ambassador to Libya has further underlined our concerns about these reports in discussions with the Libyan government. We will continue to monitor the situation closely. The UK is funding projects, bilaterally and via the EU, to provide critical humanitarian assistance and protection, facilitate voluntary returns, protect female migrants from abuse, and address the root causes of migration.

The UK provided humanitarian support to people displaced by the conflict, including supplies and technical support to medical centres, and support to migrants held in detention. We continued to encourage the Government of National Accord to prioritise respect for universal

human rights and do more to protect the most vulnerable such as migrants and members of minority groups. During his visit to Libya in August, the then Foreign Secretary, Boris Johnson, emphasised the importance of offering humanitarian support to migrants.

Libya's long-term stability will be closely linked to the extent to which women are able to participate in public life and are both included in and represented by their government. Women and LGBT people continued to face discrimination. The Libyan authorities, and many traditional elements in Libyan society, view women's rights as a secondary priority. Although quotas for women have helped ensure a growing role for women in the political process, the increasing numbers have not translated proportionately into influence, in part because of cultural obstacles. Violence against women is underreported, but several high-profile incidents of rape provoked strong public reactions. Libya continues to be a focus country in the UK's National Action Plan on Women, Peace and Security. The UK government is funding a £2.75 million programme to support women's participation in peace-making and rebuilding Libya through capacity-building training for over 20 Libyan civil society organisations. The UK is working with the Ministry of Education on areas such as national curriculum reform and teacher training.

Insecurity and the predominance of illiberal currents had a chilling effect on freedom of expression, association, assembly, and religion or belief. For example, Salafist and Jihadist armed groups destroyed Sufi shrines across the country. Libya's national minorities continued to suffer persecution and political exclusion on religious and ethnic grounds. Human rights defenders, journalists and civil society organisations also regularly faced intimidation and violence from armed groups as well as unlawful detention.

The UK sought to raise international awareness of unlawful restrictions of the Libyan people's fundamental freedoms, including in our joint Human Rights Day Statement^[40] on 10 December with other embassies to Libya. Through the Conflict, Stability and Security Fund, we funded programmes in Libya to support peace mediation and local level stability, women's rights, civil society and freedom of speech.

In 2018, the UK will continue to support UN-led efforts towards a sustainable political settlement under the framework of the Libyan Political Agreement, and to advocate for an improvement in the human rights situation in Libya. A stable, unified, inclusive government is the best way to improve the security conditions, the economic fortunes and human rights situation for millions of Libyans. It will also improve our ability to bring an end to the impunity of armed groups and ungoverned spaces which are inextricably linked to the gravely concerning human rights situation, including people trafficking as part of modern slavery.

[38] <https://unsmil.unmissions.org/statement-un-high-commissioner-human-rights-zeid-ra'ad-al-hussein-end-visit-libya>

[39] <https://www.gov.uk/government/news/joint-statement-on-the-recent-violence-around-brak-al-shatti-airbase>

[40] <https://www.facebook.com/ukinlibya/posts/1719470281459914>



US DOS

LIBYA 2016 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Libya is a parliamentary democracy with a temporary Constitutional Declaration, which allows for the exercise of a full range of political, civil, and judicial rights. Citizens elected the Tobruk-based House of Representatives (HoR) in free and fair elections in June 2014. The Libyan Political Agreement, which members of the UN-facilitated Libyan political dialogue signed in December 2015 and the HoR approved in January, created the internationally recognized Government of National Accord (GNA) Presidency Council (PC), headed by Prime Minister Fayez Sarraj. The GNA PC took its seat in Tripoli on March 30. A minority bloc of HoR members prevented a vote on the PC's proposed GNA Cabinet in February, and a quorum of members voted against the proposed cabinet in August, limiting the government's effectiveness. The proposed ministers, however, led their ministries in an acting capacity. The elected Constitutional Drafting Assembly's work has stalled due to infighting and boycotts by some members.

The government did not maintain civilian control over the "Libyan National Army" (LNA) despite efforts to persuade LNA Commander Khalifa Haftar to integrate into civilian-led governmental security forces. Some Libyan forces outside Haftar's command aligned with the government and joined a successful campaign against Da'esh in and around the city of Sirte. During the year the LNA, backed by the HoR, continued its military campaign against violent extremist organizations in the east, occupying cities and replacing elected municipal leaders with military appointees. Other extralegal armed groups continued to fill security vacuums in other places across the country. Neither the GNA nor the HoR had control over these groups. Da'esh maintained presence in the areas around Benghazi and Derna. Sirte was Da'esh's stronghold for most of the year, but a government-aligned Libyan military operation that started in May regained the city in December.

The most serious human rights problems during the year resulted from the absence of effective governance, justice, and security institutions, and abuses and violations committed by armed groups affiliated with the government, its opponents, terrorists, and criminal groups. Consequences of the failure of the rule of law included arbitrary and unlawful killings and impunity for these crimes; civilian casualties in armed conflicts; killings of politicians and human rights defenders; torture and other cruel, inhuman, or degrading treatment or punishment; and harsh and life-threatening conditions in detention and prison facilities.

Other human rights abuses included arbitrary arrest and detention; lengthy pretrial detention; denial of fair public trial; an ineffective judicial system staffed by officials subject to intimidation; arbitrary interference with privacy and home; use of excessive force and other abuses in internal conflicts; limits on the freedoms of speech and press, including violence against and harassment of journalists; restrictions on freedom of religion; abuses of internally displaced persons, refugees, and migrants; corruption and lack of transparency in government; violence and social discrimination against women and ethnic and racial minorities, including foreign workers; trafficking in persons, including forced labor; legal and social discrimination based on sexual orientation; and violations of labor rights.

Impunity was a severe and pervasive problem. The government had limited reach and resources, and did not take steps to investigate, prosecute, and punish those who committed abuses and violations. Intimidation by armed actors resulted in paralysis of the judicial system, impeding the investigation and prosecution of those believed to have committed human rights abuses, including against public figures and human rights defenders.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings

There were numerous reports that pro-GNA militias, anti-GNA militias, LNA units, Da'esh fighters, and other extremist groups committed arbitrary or unlawful killings. Alliances, sometimes temporary, between the government, nonstate militias, and former or current officers in the armed forces participating in extralegal campaigns made it difficult to ascertain the role of the government in attacks by armed groups. In the absence of an effective judicial and security apparatus, perpetrators remained unidentified, and most of these crimes remained unpunished.

Reports indicated extremist and terrorist organizations played a prominent role in targeted killings, kidnappings, and suicide bombings perpetrated against both government officials and civilians. Although many incidents saw no claims of responsibility, observers attributed many to terrorist groups such as Da'esh, Ansar al-Sharia, and their affiliates. Criminal groups or armed elements affiliated with both the government and its opponents may have carried out others. Extremist

Non-governmental organizations



LIBYA'S DARK WEB OF COLLUSION

ABUSES AGAINST EUROPE-BOUND REFUGEES AND MIGRANTS

AMNESTY
INTERNATIONAL 

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DCIM officials in charge of managing and guarding detention centres are often directly involved in torturing and otherwise ill-treating refugees and migrants, in order to extort a ransom from them or their families in exchange for their release from indefinite arbitrary detention. Refugees and migrants detained in DCIM centres have described being held in degrading conditions, within ill-equipped and overcrowded structures. They are deprived of food and water, and exposed to undignified treatment, including strip-searches for any hidden amounts of money to be confiscated. Some have described being forced to call their families while guards torture them to coerce relatives to pay money for their release. Others have described being given the opportunity to speak with a fixer, who will pay DCIM officials for their release and pass them on to smugglers for departure by sea once the debt is paid off. Upon release from detention, the refugee or migrant is left with no money, no personal items including any identification papers or passport, leaving them at risk of facing detention or captivity again.

LCG officials are also responsible for human rights violations and are known to operate in collusion with smuggling networks. LCG officials conducting interception operations have used threats and violence against refugees and migrants on board boats in distress that is the very people they are supposed to rescue, sometimes in order to rob them of their few possessions. They have also caused deaths and put lives at risk by operating with blatant disregard for basic security protocols and standards. Collusion between the LCG and smugglers is frequently described by migrants Amnesty International interviewed. It consists primarily in the LCG allowing boats to depart in exchange for a fee: the LCG may escort one or more boats leaving the coast; or they may let them pass, after intercepting them at sea, if marked with an agreed symbol indicating to the LCG that payment has been provided; or they may let them pass when those on board can confirm payment of the passage fee and the name of the smuggler who has arranged their journey. It is unclear how many members of the LCG collaborate with smugglers and allow their boats safe passage through Libyan territorial waters. However, it is clear that, during 2016 and 2017, the LCG returned thousands of people they had intercepted at sea to Libya's shores and that the LCG's increased capacity, due to support from EU member states, has led to an increasing number of such pull-back operations. So far in 2017, 19,333 people have been intercepted by the LCG and taken back to Libya.

EUROPEAN COMPLICITY IN ABUSES IN LIBYA

Despite being fully aware of the serious violations to which refugees and migrants are subjected in Libya, European governments have decided to implement migration-control policies that, by reinforcing the capacity and commitment of Libyan authorities to stop sea crossings, are trapping thousands of women, men, and children in a country where they are systematically exposed to abuse and where they have little chance to seek and obtain protection. In the absence of any adequate mechanisms to monitor respect for and protection of the human rights of refugees and migrants in Libya, or any meaningful steps to improve the protection of their rights, these policies have directly contributed to worsening the situation of those now trapped in the country.

Since late 2016, Italy and other EU member states have implemented a series of measures aimed at closing off the migratory route through Libya and across the central Mediterranean. Their co-operation with Libyan actors has taken a three-pronged approach. Firstly, they have enabled the LCG to intercept increasing numbers of people at sea by providing them with training, equipment, including boats, and technical and other assistance. Secondly, they have committed to providing technical support and assistance to the DCIM, the Libyan authorities responsible for the management of detention centres where refugees and migrants are held and routinely exposed to serious human rights violations. Thirdly, they have struck deals with Libyan local authorities and the leaders of tribes and armed groups – to encourage them to stop the smuggling of people and to increase border controls in the south of the country.

By providing training, equipment and support in various forms to enhance the LCG's capacity, European governments have empowered the LCG to intercept refugees and migrants at sea, including in international waters, ferry them back to Libya and transfer them to detention centres where their human rights will almost certainly be violated. Furthermore, by hampering the monitoring and rescue operations of NGOs at sea, they have effectively side-lined actors that were disembarking those rescued at sea in safe ports in Italy.

The implementation of this strategy has resulted in a drop in the number of sea crossings, which started in July 2017. Whereas in the first half of 2017 a total of 83,754 people had reached Italy by sea – a significant increase over the same period in 2016, when 70,222 arrivals were recorded – between July and November 2017 a total of 33,288 refugees and migrants arrived in Italy, 67% less than in the same period of 2016. While the lower number of crossings has indeed achieved one of the stated goals of the co-operation – namely a reduction in the number of deaths at sea recorded during the period, on the other hand the increasing sealing of the central Mediterranean route has also led to the containment of refugees and

LIBYA'S DARK WEB OF COLLUSION
ABUSES AGAINST EUROPE-BOUND REFUGEES AND MIGRANTS

Amnesty International

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migrants in a country where they are exposed to violations and abuses and where they have no chance to seek asylum.

The European governments have taken such initiatives without creating safeguards to ensure the protection and human rights of refugees and migrants. Despite current efforts by UN agencies to provide assistance to refugees and migrants at 12 disembarkation points in Libya, the reality remains that those intercepted at sea and sent to Libya are transferred to detention centres where they are held in cruel, inhuman and degrading conditions, with no prospect of judicial review, and exposed to systematic, serious violations and abuses. Many centres remain out of reach to international agencies and where granted, access is on an ad hoc basis.

In the absence of a functioning judicial system and any legal framework or established process for authorizing the detention of migrants, they are deprived of any formal administrative or judicial means of challenging their detention. In light of this, the quickest and surest way to be released is to pay the ransom demands of detention guards. International agencies offer another route to some. UNHCR can secure the release of refugees from a few specific countries in exceptional cases. IOM runs a larger voluntary return programme and various announcements were made around the EU-African Union summit in November 2017 to expand it further. However, while this voluntary return programme certainly offers a lifeline to some, it should not be seen or promoted as the sole evacuation option for those stranded in Libya. Given the alternative of indefinite detention and the torture and other ill-treatment in detention, as well as the absence of an asylum system, the extent to which these returns are genuinely voluntary remains questionable, particularly for those with a claim to asylum. Amnesty International considers that, to ensure the voluntariness of any assisted return programme, there would need to be an end to the automatic detention policy; formal recognition of UNHCR and its mandate by Libya; a significant increase in UNHCR's capacity to conduct refugee status determination; and a large increase in the number of resettlement places and humanitarian visas offered by European – and indeed other – countries.

While European migration policies are clearly both facilitating abuses in Libya, and exposing an increasing number of people to them, it would be wrong to conclude that the alternative to bad co-operation is no co-operation. The situation for refugees and migrants in Libya will not be improved, nor the number of deaths at sea reduced, by the complete withdrawal of international engagement with the Libyan authorities on migration relation issues. However, it is essential – from a legal, practical, moral and political perspective – that the aims and nature of this co-operation be rethought; that the focus shift from preventing arrivals in Europe to protecting the rights of refugees and migrants.

Ultimately the misery of refugees and migrants in Libya is a by-product of bigger economic and political trends on the African continent and bigger flaws in Europe's migration policies. In the absence of adequate safe, legal routes into Europe (for both refugees and migrant workers) and, in light of the low prospect of being returned if found not to have a claim to protection, irregular journeys will continue to be seen both as the only choice and, ultimately, a rational choice by the ambitious and persecuted. This play of forces can only be addressed by increasing the number of safe and legal avenues of entry to – and return from – European countries. It cannot sustainably and conscionably be addressed by enlisting the services of corrupt and abusive actors in transit countries to interrupt routes mid-way, without regard for how they do it, or the impact on those trapped as a result.

had been stopped at sea by the LCG, which asked to whom their boat belonged, and, when they mentioned the right name, allowed them to pass. A recurring name in the interviews conducted was again that of “Mohamed Sabratha”.

“Jacob”, from Nigeria, explained his experience while departing from Sabratha:

“We were pushed on Eid. We were stopped by a flying boat [patrol boat]. He asked us, ‘Are you from so and so?’ (are we pushed by a specific person). We hadn’t heard of him, but we said ‘yes’ anyway, so he said, ‘Go!’ Then we saw a big ship with a Libyan flag; they waved and we continued.”¹⁴⁷

This pattern was further corroborated by “Moussa” from Gambia, who, along with a group of 260 others, was rescued by the Tunisian Coast Guard in May 2017 after his boat ran out of fuel and drifted into Tunisian waters. Moussa told Amnesty International:

“Five mins after leaving Sabratha, 10 boats from the same centre left as well. We were the last boat. When we departed a speedboat stopped us. They wore uniforms. It was the Libyan Coast Guard and they asked us, ‘From which man do you come?’ We told them ‘Mohamed Sabratha’ and they said, ‘OK, go!’”¹⁴⁸

For “Moussa” this was his fifth attempt, following four failed attempts to reach Italy. After being rescued by the Tunisian navy, he was weary and ready to go home.

Another migrant from Senegal, “Marvin”, told Amnesty International that he had also left from the “White House” in Sabratha and that he had been on the boat with around 150 people accompanied by Mohamed Sabratha:

“He [‘Mohamed Sabratha’] went out with us to accompany us. Then I saw a naval ship that came – a boat that goes very fast. They wore official clothes, stars, a hat, the Libyan flag on the jacket... ‘Mohamed Sabratha’ saw this ship of the navy. They said ‘OK?’ and he replied *alhamdulillah* [yes, thank God]. They said, ‘Is the sea good?’ and he said, ‘Yes’. Then they said, ‘Italy is straight ahead.’ ‘Mohamed Sabratha’ escorted us from 6am to 9am and then got back. He gave us a big phone with an antenna and a number. If you dial this number, big boats will recognize you. He left before international water.”¹⁴⁹

“Marvin”, along with everyone else on the boat reached Italy on 17 February 2017.

In another testimony, “Bernard” from Ghana described the level of collaboration between the smugglers and the LCG:

“[In Sabratha] I was in a big compound, 300-400 people. The boss, Libyan, called ‘Bolo’. I pay 350 dinars to go to the sea. I waited one week. We were 120 on the boat, wood boat. We left at 6.30pm. Police with blue light came. They have one big boat, covered of glass. They say, ‘Who pushed you?’ We said ‘Bolo’. They said, ‘Go, go, quickly!’¹⁵⁰

FROM LCG TO DETENTION

It is unclear how many members of the LCG collaborate with smugglers and allow their boats safe passage through Libyan territorial waters. However, it is clear that, during 2016 and 2017, the LCG returned thousands of people they had intercepted at sea to Libya’s shores and that the LCG’s increased capacity, due to support from EU member states, has led to an increasing number of such pull-back operations. So far in 2017, 19,452 people have been intercepted by LCG and taken back to Libya.¹⁵¹

When the LCG intercept boats at sea, they bring refugees and migrants back to Libyan shores and routinely transfer them to DCIM detention centres, where they face serious human rights violations including torture and other ill-treatment.

In eight of the 72 interviews conducted by Amnesty International in July 2017, survivors confirmed that, after interception by the LCG, they were taken to the DCIM’s Nasser detention centre in Zawiya.¹⁵² In two cases,

¹⁴⁷ Interview with “Jacob” (name has been changed to respect the interviewee’s anonymity), Sicily, 28 July 2017.

¹⁴⁸ Interview with “Moussa” (name has been changed to respect the interviewee’s anonymity), Medenine, 7 July 2017.

¹⁴⁹ Interview with “Marvin” (name has been changed to respect the interviewee’s anonymity), Sicily, 28 July 2017.

¹⁵⁰ Interview with “Bernard” (name has been changed to respect the interviewee’s anonymity), Sicily, 31 July 2017.

¹⁵¹ IOM, *Maritime Update Libyan Coast (25 October-28 November 2017)*.

¹⁵² The relationship between the LCG division based in Zawiya and the DCIM’s Nasser detention centre is one grounded in tribal and family alliances. See UN, *Final report of the Panel of Experts on Libya*.

migrants said that, after their boat was intercepted by the LCG, they were handed back to the smugglers instead of being transferred to DCIM detention centres. There are no procedures to track those intercepted, given the lack of a registration system at disembarkation.

There are 16 disembarkation points in western Libya. While UNHCR and IOM are each present at points to provide emergency assistance, they are not permitted to conduct official registration and have no power to avoid the immediate transfer of those disembarked to DCIM centres. Although UNHCR is authorized to carry out a preliminary protection assessment to determine if there are people of concern, that is whether there are any individuals belonging to the seven nationalities identified by the Libyan government as meriting de facto protection, and may subsequently be able to secure their release from DCIM centres, there is very little space for them to advocate against their transfer to detention in the first place.

There is a symbiotic relationship between the LCG and local militias that are involved in the smuggling business. Given Zawiya's influence, sea access and smuggling business, the LCG division in the city works with the militias. The local LCG carry out interceptions at sea, bringing back those intercepted to the DCIM detention centre. Detention authorities profit by extorting payment from the refugees and migrants in their custody in exchange for release. They also help support the local smuggling industry by releasing the groups of migrants into the hands of smugglers. A number of those interviewed confirmed to Amnesty International that, upon securing their release from detention centres, after paying the ransom, the guards provided them with the phone number of an individual who would take them directly to the smugglers for sea departures.

"Edward" from Cameroon told Amnesty International that, when he was on a boat departing from Libya with around 150 people, he was given a quick demonstration and then told to pilot the boat. The smugglers escorted them briefly out to sea but then ordered them to hand over all their possessions, including their phones, money and any other valuables, and disappeared. Shortly after that the LCG appeared, intercepted the boat and took them back to the DCIM's Nasser detention centre in Zawiya. **"Edward"** was detained there along with the others in his group until he could pay the guards to release him so that he could be smuggled again. While in the Nasser detention facility, **"Edward"** recognized one of the soldiers who had initially intercepted them at sea and was this time wearing civilian clothing and accompanying foreigners visiting the detention centre. **"Edward"** recounted:

"We were asked to pay 1,000 dinars to go out. If we wanted to go out and depart at sea, you have to pay 2,500 dinars. The police will take care of that. They are the ones who organize the convoy. They escort and then leave... A soldier wearing military outfits – he has two fingers cut. They stopped us on the sea. One day he came in with the UN people – Americans, Italians... He was in civilian clothes. They come and did not ask us questions. He made the visit. Everyone said that he was the one organizing the departure. Some friends there told me: as soon as they have paid 2,500 dinars, they wait for the navy to launch them. In order to get out, you have to pay 1,000 for men and 1,500 for women. Three girls and one boy refused to go out with a *coxeur* [smuggler]. They paid the police to go out directly, because they themselves will launch them [take them out by boat]. Personally, if I had the money I could have given it to the police directly... I was in cell nine, in 'Ossama prison'..."¹⁵³

In another interview with Amnesty International, **"Moussa"**, a Gambian man, recounted that he had attempted to depart by sea on four separate occasions.¹⁵⁴ During his second attempt, **"Moussa"**, along with around 120 other individuals, had departed from Sabratha but then their dinghy deflated and they were stranded at sea.

"The boat lost air, we didn't have telephones, the water came in and about six hours later fishermen found us and brought us back to shore, to the police. The police gave us back to the man who pushes the boat (Mohamed Zwara is his name). He pays them. They called him when they took us and the smuggler brought a big *camion* [lorry] and took us back to the camp. He took us back to the camp and beat us. He was very angry, said he will stop this [smuggling] work. They beat us all the time."¹⁵⁵

Many of those interviewed described being detained and nearly all described begin subjected to extortion by the guards, who demanded money in order to secure their release.

¹⁵³ Interview with **"Edward"** (name has been changed to respect the interviewee's anonymity), Sicily, 28 July 2017.

¹⁵⁴ Other incidents are also mentioned in this report under separate sections relevant to that particular area of collusion.

¹⁵⁵ Interview with **"Moussa"** (name has been changed to respect the interviewee's anonymity), Medenine, 7 July 2017.

LIBYA: RULE OF LAW OR RULE OF MILITIAS?

**AMNESTY
INTERNATIONAL**



Amnesty International Publications
First published in 2012 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Copyright Amnesty International Publications 2012

Index: MDE 19/012/2012

Original Language: English

Printed by Amnesty International, International Secretariat, United Kingdom

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**AMNESTY
INTERNATIONAL**



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1. INTRODUCTION

‘[The militiamen] would not listen. They beat me with belts on my back, hands, legs. They threatened to kill me. Eventually I said “just write what you want, and I will sign”.’

A 23-year-old man describing his treatment while detained in March 2012 by a militia in eastern Libya

Two sisters aged 27 and 32 were stopped by a militia at a checkpoint in February 2012 and forced at gunpoint to a nearby farm. One was suspended from a door for hours, had boiling water poured over her head, and was beaten and stabbed while being accused of supporting the former government of Colonel Mu’ammar al-Gaddafi. The other was also suspended and beaten. The husband of one of them, who was detained at the same time, has disappeared.

This family is among the mounting toll of victims of an increasingly lawless Libya, where the transitional authorities have been unable or unwilling to rein in the hundreds of militias formed during and after the 2011 conflict that ended the rule of Colonel Mu’ammar al-Gaddafi. The militias are now threatening the very future of Libya and casting a shadow over landmark national elections scheduled for 7 July 2012.¹ They are killing people, making arbitrary arrests, torturing detainees and forcibly displacing and terrorizing entire communities, often solely for reasons of revenge. They are also recklessly using machine-guns, mortars and other weaponry during tribal and territorial battles, killing and maiming bystanders. They act above the law, committing their crimes without fear of punishment.

Government shortcomings and delays in addressing militia abuses are undermining the aspirations of the Libyan people, who bravely took to the streets in early 2011 to end decades of repression and injustice. Unless urgent action is taken to establish the rule of law and respect for human rights, there is a very real risk that the patterns of abuse that inspired the “17 February Revolution” will be reproduced and entrenched.

The militias initially took up arms to overthrow Colonel al-Gaddafi or to fill the security vacuum left after his state collapsed. They quickly accumulated their own caches of weapons and consolidated control over entire neighbourhoods and areas. Many refuse to disarm or join the army or police, and do not answer to the central authorities.

The National Transitional Council (NTC)² and the government it appointed have appeared unable or unwilling to confront the militias. Officials frequently cite security concerns and the widespread availability of weapons to justify their approach of negotiating with the

militias rather than confronting them, and to explain delays. The Deputy Minister of Interior, Omar al-Khadrawi, told Amnesty International that the Ministry of Interior had dismantled four “lawless” armed militias in Tripoli by early June 2012 – a tiny proportion of the total. Efforts that have been made to bring militias under official bodies have not been accompanied by systematic vetting to ensure that those who have ordered, committed or acquiesced to human rights abuses are neither rewarded nor given positions where they can repeat similar crimes. It remains unclear whether any members of militias have been prosecuted for human rights abuses.

During and in the immediate aftermath of the conflict, armed militias captured thousands of suspected al-Gaddafi soldiers and loyalists, as well as alleged foreign “mercenaries”. Militias continue to seize people outside the framework of the law and hold them in secret detention facilities, albeit on a significantly reduced scale.

The Minister of Justice, Ali Ashour, told Amnesty International on 7 June that some 3,000 detainees were being held in prisons under the control of the Directorate of the Judicial Police, but was unable to estimate the number of detainees and detention facilities outside of government control. The UN Support Mission in Libya (UNSMIL) estimated that 4,000 people were held outside of government control in mid-May.³ Exact numbers are difficult to determine, given the fluidity of the situation, but recent estimates put the total at about 7,000.⁴

The transitional government made some progress in bringing prisons under the oversight of relevant ministries. By early June 2012, 33 prisons had been transferred to the Directorate of the Judicial Police, according to the Minister of Justice. Officials at the Ministry of Defence confirmed that the military police prison in Benghazi, holding some 380 individuals in early June, was under its control. Local Supreme Security Committees, which were brought under the umbrella of the Ministry of Interior by decree in December 2011, also oversee a number of detention facilities. The authorities still need to ensure that the transfer of prisons to central government control is accompanied by the establishment of an effective vetting mechanism to exclude any administrators and guards reasonably suspected of committing human rights abuses.

Since March 2011, Amnesty International has visited over 30 places of detention in Libya, including official, semi-official and unrecognized ones. Follow-up visits in 2012 to several facilities confirmed that while treatment generally improves for longer term detainees, new arrivals continue to suffer abuse. In May and June 2012, Amnesty International found evidence of recent abuses, including torture, in 12 of 15 detention facilities where it was allowed to interview detainees in private.

Detainees are particularly vulnerable to revenge beatings and vigilante-style “justice” when held by victims or relatives of victims of human rights violations perpetrated by al-Gaddafi forces or when held in cities where they allegedly committed the violations. The common practice of transferring detainees to such locations increases the risk of torture, and further undermines their right to fair trial.

The most commonly reported methods of torture include suspension in contorted positions and prolonged beatings with various objects, including metal bars and chains, electric

cables, wooden sticks, plastic hoses, water pipes (known locally as Tube PPR) and rifle butts. Some detainees also said they were given electric shocks, burned with cigarettes and had hot metal applied to their flesh. Since late August 2011, when al-Gaddafi forces lost control of the capital and most of the country, Amnesty International has gathered detailed information about at least 20 people who died in custody after they were tortured or shot in detention⁵ by armed militias. The latest victim, whose case was documented by Amnesty International, was taken to a morgue on 6 June. Amnesty International has also received credible information about other cases.

Despite releases and the referral of some suspects to relevant civilian or military prosecution offices, progress in charging detainees with recognizably criminal offences has been extremely slow. Some detainees have been held without charge for a year. With rare exceptions, detainees have no access to lawyers and are interrogated alone, despite guarantees stipulated in the Libyan Code of Criminal Procedure.⁶ The Minister of Justice told Amnesty International that by June 2012, 164 people had been convicted in common law cases since the end of the conflict. To Amnesty International's knowledge, by early June, only three trials have begun in civilian courts in relation to crimes committed in the context of the conflict, leaving thousands of people detained without trial.



Remnants of weapons found by Amnesty International following clashes in the cities of Sabha and Kufra. May 2012. ©Amnesty International

Sporadic clashes between armed militias recklessly using weapons such as machine-guns and mortars in residential areas have led to deaths and injuries of bystanders and others not involved in fighting. Fuelled by long-standing animosities and power struggles over strategic routes or infrastructure, such clashes have the propensity to pit entire communities against each other, entrenching divisions along regional, tribal and ethnic lines. Armed clashes between Arab and black Tabu communities in the south of Libya in February and March 2012 resulted in dozens of deaths, including of men, women and children not involved in armed confrontations, and widespread destruction of property. The clashes are frequently accompanied by arbitrary detention and torture by both sides. Such confrontations are facilitated by the absence of long-term solutions addressing the root causes of the tensions and impunity for violations.

report examined by Amnesty International provided further corroboration as to the cause of death. The family lodged a complaint at the local police station in Harsha and with the general prosecution in al-Zawiya, including against the Jedayem Prison guards who allowed the armed men's entry into the prison.



Imhamad Salem died as a result of torture in February 2012 at the hands of a militia from al-Zawiya. ©Private

According to information available to Amnesty International, at least five other people have died as a result of torture at different detention facilities in al-Zawiya since September 2011 – Mohamed Batour, Haitham al-Daif, Issa Ishkalou, Ali al-Kharbash and Sliman al-Sassi Krim.

In a further case, **Kari Mohamed Ali Kari**, 55 and the father of three children, was apprehended on 21 October 2011 on the road while driving his wife, daughter and two other female relatives from their home in Traghen to Sabha, where he works. They were stopped by Tabu armed militias, who told his relatives that he would be interrogated and released shortly. Six days later, his family received a phone call informing them that his body was at Morzuk hospital. According to the forensic report examined by Amnesty International, he died on 23 October as a result of a "hit to the head with a blunt object". The report indicated that his hands had been tied.

FAMILIES LEFT IN THE DARK

Distraught relatives usually do not know where individuals taken by militias are being detained. They frantically seek information at known places of detention and approach local civil and military councils.³³ In most cases, once individuals are transferred to official or

semi-official facilities, relatives obtain news – usually via unofficial channels – regarding the whereabouts of their loved ones. In other cases, relatives have no news months after the abduction.

Twenty-four-year-old **Bashir Abdel Nabi** last spoke to his family on Eid in September 2011. He was arrested when fighters opposing Colonel al-Gaddafi swept into Tripoli in late August 2011. One of his relative told Amnesty International:

“We have no idea where he is. We were first told that he was captured from the street by thuwwar from Tajoura, who then handed him over to thuwwar from al-Zawiya. We went everywhere, to all the prisons in Tripoli, and al-Zawiya... When he called us on Eid, he did not say who held him... We hear rumours that he is held in Jdeida [Tripoli], Jedayem [al-Zawiya], Awlad Ajina [militia in al-Zawiya]. Some are even saying he has been transferred to Misratah, but wherever we ask, we are not told anything or told that he is not held there... We lodged a complaint with the prosecutor, but still no news. We just want to know if he is dead or alive.”

On around 13 March, a group of armed men believed to be from Souq al-Jumaa entered the office of **Shaaban Tarban**, a 60-year-old engineer, in the Mizran area of Tripoli. His relatives heard about his detention from his driver and secretary, present at the time. One of the men reportedly showed his identity card, confirming his membership of an armed militia from Souq al-Jumaa. Since then, Shaaban Tarban’s relatives have been unable to obtain any information about his whereabouts, despite having approached all known detention centres in Tripoli and its suburbs, and lodged complaints with the prosecution and the NTC. Shaaban Tarban was the former Inspector General of Industry and Minerals, and prior to that the director of the national company of trucks and buses. He left Libya during the conflict, returning with his family in January. Prior to his arrest, he had not been summoned for questioning.

Another distraught family has also knocked on all doors to locate the whereabouts of father of seven, **Bashir Abdallah Badaoui**, 57, the former head of the Tripoli Criminal Investigations Department. He was abducted along with his 19-year-old son Hossam, a student, by an armed militia on 13 April near his Tripoli home in Ain Zara. His 24-year-old son Mohamed was also apprehended near their home on the same day in a separate incident. Bashir Badaoui’s female relatives returned home to find some 15 armed men – who identified themselves first as members of a local Supreme Security Committee and later as members of the Talaee Febrair Brigade – inside the house conducting a search without a warrant. The armed men left after breaking doors and taking gold and money. The following day, they released Mohamed. On 15 April, two armed men identifying themselves as members of the Sabriya Ben Sassi Martyr Brigade (Katibat al-Shahida Sabriya Ben Sassi) from Tajoura came to the house along with a terrified Hossam, demanding keys to Bashir Badaoui’s work car and Criminal Investigations Department documents in Bashir Badaoui’s possession. When the family refused to hand over the documents, the armed men took Hossam away, releasing him three days later. Hossam was in poor shape after his release, having suffered a “traumatic perforation” to the left ear as a result of beatings. A forensic report also indicates that Hossam suffered injuries to the face, head, knees and back. The family lodged several complaints with Ain Zara police station and the General Prosecutor. They also sent complaints to NTC Chairman Mostafa Abdeljalil and several ministers. At the time of writing,

Bashir Badaoui's whereabouts remained unknown. His family told Amnesty International that Katibat al-Shahida Sabrahiya Ben Sassi denied holding him.

DEFECTIVE LEGAL PROCESS

In most detention centres visited by Amnesty International, detainees have been interrogated about their alleged crimes. In some cases interrogations amounted to verbal questioning accompanied by beatings. In other cases, criminal investigations into alleged crimes and decisions to detain or release people fell within the remit of various self-appointed "investigation" or "judicial" committees and individuals – some without any legal or prosecutorial expertise. These interrogations were conducted without the oversight or involvement of the General Prosecution. Lawyers were never present during such interrogations, and those detaining the suspects were either present or within earshot.

Detainees told Amnesty International that they signed "confessions" extracted under torture, or provided self-incriminating evidence in fear of further torture. In some instances, detainees were blindfolded during interrogation.

A 23-year-old Tawargha man, who had lived most of his life in Benghazi, told Amnesty International that he signed a confession when he could no longer withstand the torture while detained by an armed militia in eastern Libya in March 2012. He explained:

"They wanted me to admit that I was at the frontline in Misratah. I kept telling them that I wasn't even in Misratah during the conflict. They would not listen. They beat me with belts on my back, hands, legs. They threatened to kill me. Eventually I said 'just write what you want, and I will sign'."

The man is now detained at an official prison, but has yet to be brought in front of a prosecutor.

A 48-year-old father of eight, detained by the same militia for two months between July and September 2011, also signed a "confession" without reading it. He is accused of being "a fifth columnist" seeking to undermine the "17 February Revolution". He described the circumstances of his confession:

"I was first blindfolded. Then, they took me to an office, I think, and made me lie face down."



Former detainee shows Amnesty International his scars caused by beatings. He was released without charge after three days in the custody of armed militias. May 2012 ©Amnesty International

The fighting and destruction of property led many residents to flee to Morzuk, some 130km away. Some have returned home in an attempt to rebuild their lives and salvage the remainder of their belongings.

TABU STUDENTS UNDER ATTACK

Tabu students in residence at Sabha University told Amnesty International that they had been harassed by Arab militia during the confrontations. They said their rooms were raided and belongings stolen. Several were also detained and tortured.

Mohamed Qasem, 20-year-old law student, told Amnesty International that at about 4pm on 27 March he was apprehended near his student residence by about seven armed men, and taken to an unofficial detention place. He described his treatment:

“I was taken inside a room, where they told me to remove my trousers. I hesitated, so one of them hit me with a rifle butt. He then applied a hot piece of metal to my side... Then, my hands were tied and I was suspended from a window, while they poured water on me... They beat me with a stick on my back and all over my body. They forced me to say on camera that I was not Libyan... They asked me about the number of Tabu fighters and weapons... I told them I was a student. They didn't care.”

Mohamed Qasem told Amnesty International that he was detained for about four days along with 38 other Tabus. During his detention, he was not allowed to leave his cell and had to urinate into a plastic bottle.

Hussein al-Lashi Ramadan Moussa, a 27-year-old medical student, sheltered 13 or 14 Tabu hospital patients at the student residence. He said that he sneaked them out of the Sabha hospital, where they were receiving treatment, including for conflict-related wounds, out of concern for their safety in light of the tribal clashes. He said:

“We stayed at the residence for three days without incident. On the fourth day, some 20 armed Arab men, mostly wearing military fatigues, raided the place. They started insulting us, calling us donkeys and dogs, and hit me with the back of a rifle on my head. They took my laptop. When I protested, one of them said: ‘I wouldn't worry about that, your life is in danger’. We were then taken to a military camp some five kilometres from the city. There were about 35 other people detained there, including nine Chadian migrants who were arrested at farms where they worked. They were beaten and accused of being mercenaries...”

“For four days, I was not beaten but interrogated and forced to sign that I was Chadian and not Libyan... That same day, they told us that we would be freed in a prisoner swap... Then two people from outside [the detention centre] wearing regular clothes entered asking ‘Where are the Tabus? Where is the doctor that hid the injured?’ One of them attacked me with a knife. I later found out that his brother apparently died in the fighting. I tried to run away from him, but he kept stabbing me... The next thing I remember was waking up in the hospital in intensive care.”

Three days later, he was transferred in a military plane to Misratah, and later travelled to Tunisia for physiotherapy. Medical reports examined by Amnesty International indicated that Hussein Moussa suffered from stab wounds to the chest, back and arms.



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ASYLUM AND MIGRATION IN THE MAGHREB

2012



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Bibliographic Information

Title: Asylum and Migration in the Maghreb - Country Fact Sheet: Libya –
Author: Nejla Sammakia – **Corporate author:** Euro-Mediterranean Human Rights Network (EMHRN) – **Publisher:** Euro-Mediterranean Human Rights Network (EMHRN) – **Date of first publication:** September 2010 – **Date of second publication:** December 2012 – **Pages:** 54

ISBN: 978-87-92990-05-1

Original language: English – **Translation into Arabic:** Aiman Haddad –
Translation into French: Pascal Roy – **Translation Coordinator:** Jaime Guitart Vilches – **Layout:** Sarah Raga’ei (Studio Mostafhazan) – **Index terms:** Human Rights, Migration, Asylum, Legal protection, Right to seek asylum, Right to education, Right to employment, Right to health, Detention, Deportation –
Geographical terms: Mediterranean Countries / Maghreb

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It allows migrants to regularize their status within two months of passage of the law.⁴⁶

There have been no new laws issued since the revolution. Moreover, the old laws that remain in place are not fully implemented in the absence of a fully functioning government and legal mechanisms.

What is the possible impact of such sanctions on the rights of migrants?

Irregular migrants have no access to justice, are arrested arbitrarily and may be held in detention indefinitely, mostly in centres that are poorly equipped and run by autonomous militia with no training on migrant rights, and who are not accountable to any government authority.

Registry of births and issuing birth certificates

Children born to irregular migrants are given hospital certificates, as was the case under the previous regime. These may then be used to obtain birth certificates from municipal authorities, but this is not followed on a consistent basis.

Economic and social rights - access to education, health care, employment

Irregular migrants held in detention centres are usually tested for contagious diseases and, if they test positive, placed in quarantine pending deportation (unless they are nationals of Ethiopia, Eritrea or Somalia). Hospital care has been made possible in some cases with the assistance of the UNHCR and other international organizations.

Irregular migrants may be hired by Libyan individuals or companies and eventually legalize their stay if they obtain a work contract. However, this practice is carried out in an informal way and the extent of its success is not known. Moreover, hired irregular migrants are often underpaid or not paid at all, so many attempt to escape and travel by boat to Europe.

Racism and discrimination

Migrants from sub-Saharan Africa have faced discrimination for many years, mainly due to the previous governments' policies swinging from opening up to all people from Africa, to blaming them for crimes and disease. Latent racism has

⁴⁶ See Arabic version at <http://www.carim.org/index.php?callContent=401&callText=1345> (accessed October 30, 2012).

Global Detention Project Submission to the UN Committee on Migrant Workers

27th Session (4-13 September 2017)

List of issues under the simplified reporting procedure – Libya

Geneva, August 2016

Issues concerning immigration detention

The Global Detention Project (GDP) welcomes the opportunity to provide information relevant to the list of issues under the simplified reporting procedure for Libya with respect to the implementation of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, ratified by Libya in 2003. The GDP is an independent research centre based in Geneva that investigates immigration-related detention. Thus submission focuses on the State party's laws and practices concerning detention for immigration- or asylum-related reasons.¹

As Libya has not reported to the CMW since ratification - Libya's initial report has been due since 2005 - the GDP submission includes an introductory historical perspective and a review of key demographics with respect to migration in Libya.

Migration context and demographics

Among the top ten countries in the world for oil reserves, Libya began attracting migrants from neighbouring Arab countries in the 1960s. By 2009, there were around two million Egyptians in Libya, most of whom worked irregularly. In the late 1990s, Muammar Gaddafi's Pan Africanism drew a growing influx of Sub-Saharan migrants. A policy volte-face in 2007 led to the imposition of visas on both Arabs and Africans (the distinction between the two not always being clear), turning thousands of immigrants into "irregulars".

During the 2011 uprising in Libya, close to 800,000 people fled, mainly to Tunisia and Egypt. Libya has been engulfed in civil war since the overthrow of Muammar Gaddafi. This has led to a breakdown of government institutions. The UN Security Council recently "called on Libyan stakeholders to expedite their work on the creation of unified state institutions, including unified national security forces under appropriate civilian control, and to combine their efforts to jointly fight terrorism" in May 2017.²

The violence and insecurity have not deterred migrants and asylum seekers from arriving. Libya's lingering reputation as a wealthy country north of the Sahara desert and as a transit point to Europe continues to attract sub-Saharans. These people fall prey to smuggling and trafficking networks who often forcibly channel them to the Mediterranean coast to embark for Europe. According to UNHCR "around half of those travelling to Libya do so believing they can find jobs there, but end up fleeing onwards to Europe to escape life-threatening

¹ This submission is based on GDP research on immigration detention policies and practices in Libya (available at: <https://www.globaldetentionproject.org/countries/africa/libya>) and on updated information as referenced throughout the document.

² Security Council, Press Statement on Libya, United Nations, SC/12846, 26 May 2017, <https://www.un.org/press/en/2017/sc12846.doc.htm>.

insecurity, instability, difficult economic conditions plus widespread exploitation and abuse.”³ In 2016 an estimated 5,143 migrants died in the Mediterranean Sea including 4,581 in the “Central Mediterranean Route”. From 1 January to 6 August 2017, 2,405 deaths were recorded.⁴

The refugee agency reports that “the collapse of the justice system and reigning impunity have led many armed groups, criminal gangs and individuals to participate in the exploitation and abuse of refugees and migrants.”⁵ The UN High Commissioner for Human Rights has similarly declared that “The list of violations and abuses faced by migrants in Libya is as long as it is horrific. This is, quite simply, a human rights crisis affecting tens of thousands of people.”⁶

In September 2016 a related organization to the United Nations, the International Organization for Migration (IOM), identified 256,000 migrants in Libya, of which 28,031 were women (11 per cent) and 23,102 were children (9 per cent), with a third of this group including unaccompanied children. According to UNICEF “the real figures are believed to be at least three times higher”.⁷ As of May 2017 IOM identified 393,652 migrants in Libya, 9% of whom were children.⁸ The organization identified 38 nationalities: the top three from Egypt, Niger and Chad. Other nationalities on the increase respectively included Bangladesh, Ghana and Sudan; the largest decrease in numbers included Ethiopia, Burkina Faso, Nigeria, Tunisia, Niger and Eritrea. IOM classifies migrants as “Mobile & Visible” and “Mobile & Invisible”. The former reside in Libya for short to extended periods for work and are easiest to monitor and identify according to IOM. The latter are “primarily considered as transiting Libya through smuggling and trafficking networks” and are more difficult to track. IOM also classifies migrants as long-term (mainly nationals of Egypt, Niger, Chad and Sudan), circular (Niger, Egypt, Bangladesh, Chad, Sudan, Tunisia Algeria and Morocco) and transit (West and East Africa).

Immigration detention context

Since the beginning of the conflict in Libya tens of thousands of migrants, asylum seekers, and refugees have systematically been subjected to arbitrary and indefinite detention in conditions described as “abysmal”, “unacceptable” and “unimaginable” by UN and civil society observers.⁹ People from Sub-Saharan countries are most at risk of detention and ill

³ UNHCR. “Insecurity, economic crisis, abuse and exploitation in Libya push refugees and migrants to Europe, new study reveals.” 3 July 2017. <http://www.unhcr.org/news/press/2017/7/595a03bb4/insecurity-economic-crisis-abuse-exploitation-libya-push-refugees-migrants.html>.

⁴ Missing Migrants Project. Recorded deaths in the Mediterranean Sea by route, 2016. IOM. <https://missingmigrants.iom.int/mediterranean>.

⁵ UNHCR. “Insecurity, economic crisis, abuse and exploitation in Libya push refugees and migrants to Europe, new study reveals.” 3 July 2017.

⁶ United Nations Support Mission in Libya/United Nations Office of the High Commissioner for Human rights. “Detained and dehumanised” Report on Human Rights abuses against Migrants in Libya. United Nations. 13 December 2017. <http://www.un.org/apps/news/story.asp?NewsID=55793#.WYxnGWjj-M8>

⁷ UNICEF. “A Deadly Journey for Children : the Central Mediterranean Migration Route. ” February 2017. https://www.unicef.org/publications/index_94905.html .

⁸ International Organization for Migration. “Displacement Tracking Matrix (DTM). Libya’s Migrant Report - Round 10 April-May 2017. ” <http://www.globaldtm.info/dtm-libya-migrant-report-information-package-10-april-may/>.

⁹ Addressing Large Movements of Refugees and Migrants. “UN human rights report urges end to ‘unimaginable abuse’ of migrants in Libya.” United Nations. 13 December 2016. <https://refugeesmigrants.un.org/un-human-rights-report-urges-end-%E2%80%98unimaginable-abuse%E2%80%99-migrants-libya> ; United Nations Security Council. “Report of the Secretary-General on the United Nations; United Nations High Commissioner for Refugees. “UNHCR Position on Returns to Libya.” UN High Commissioner for Refugees. 12 November 2014. <http://www.refworld.org/docid/54646a494.html> United Nations High Commissioner for Refugees. Libya Factsheet. February 2015. <http://reliefweb.int/report/libya/unhcr-factsheet-libya-february-2015> Human Rights Watch Libya: Whipped, Beaten, and Hung from Trees. Human Rights Watch. June 22, 2014. <http://www.hrw.org/news/2014/06/22/libya-whipped-beaten-and-hung-trees>; Amnesty International. (2013b). Scapegoats of fear: rights of refugees, asylum-seekers and migrants abused in Libya. MDE 19/007/2013

treatment as anti-black racism, endemic in Libya, has been exacerbated by the crisis.¹⁰ In the GDP's experience, based on ten years of researching detention systems in more than a 100 countries, persons in immigration detention in Libya are exposed to an extraordinary level of violence, suffering and impunity.

According to the UN migrants are held in 24 detention centres managed by the Department for Combatting Illegal Migration (DCIM): "where there is no formal registration, no legal process, and no access to lawyers or judicial authorities. Conditions in detention are generally inhuman: severely overcrowded, without adequate access to toilets or washing."¹¹ Information received by the UN Support Mission in Libya (UNSMIL, established in 2011 at the request of the Libyan transitional authorities to support their post-conflict efforts), "shows a consistent and widespread pattern of guards beating, humiliating and extorting migrants, including by taking money for their release. A number of migrants interviewed by UNSMIL had sustained gunshot or knife injuries; several migrants had visible wounds and head injuries. "Migrants are also held in detention centres run by armed groups, militias and "connection houses" by smugglers and traffickers during transit. Further, UNSMIL "has received reports that groups pledging allegiance to the so-called Islamic State in Iraq and the Levant (ISIL) have also been involved in the abduction and abuse of migrants in Libya."

I. Concerning implementation of ICRMW Articles 16 and 17

There are no constitutional guarantees against arbitrary detention in Libya as of August 2017. A new Constitutional Drafting Assembly was formed in early 2014 to replace the 2011 transitional Constitutional Declaration amidst a volatile political and security context. The Libyan government fled Tripoli for Tobruk in the summer of 2014 to escape an Islamist led militia.¹² However, in November 2014, Libya's Tripoli-based Supreme Court declared the Parliament unconstitutional. In March 2016 the UN announced the creation of a Tunisia-based interim government which was neither recognized by the Tobruk nor the Tripoli parliaments.¹³ On 1 August 2017, the UN Support Mission in Libya (UNSMIL) welcomed progress by the Constitutional Drafting Assembly (CDA) as "the first milestone on the path towards a referendum of the Libyan people to determine a new constitution."¹⁴

Key norms. Provisions for the deprivation of liberty of non-citizens for immigration-related violations are contained in two laws: Law No. 6 (1987) Regulating Entry, Residence and Exit of Foreign Nationals to/from Libya as amended by Law No. 2 (2004) and Law No. 19 of 2010 on Combating Irregular Migration. Under both laws, violations of migration provisions are criminalized and sanctioned with fines and imprisonment. According to an unofficial translation of Law No. 19, Article 6 provides that "The illegal migrant will be put in jail and condemned to forced labour in jail or a fine of 1,000 Libyan dollars. ... The person must be expelled from Libyan territory once he finishes his time in prison." However, the Global Detention Project has not been able to identify legal provisions unambiguously providing for administrative forms of immigration detention. It appears that detention for immigration

<https://www.amnestyusa.org/reports/scapegoats-of-fear-rights-of-refugees-asylum-seekers-and-migrants-abused-in-libya/> .

¹⁰ Seymour, Richard. "Libya's spectacular revolution has been disgraced by racism." The Guardian. 30 August 2011. <http://www.theguardian.com/commentisfree/2011/aug/30/libya-spectacular-revolution-disgraced-racism>; Amnesty International. 2012. "Libya: Rule of Law or Rule of Militias?" Amnesty International. MDE 19/012/2012. 5 July 2012. <http://www.amnesty.org/en/library/info/MDE19/012/2012> ; Aljazeera. "Libya: The migrant trap." Aljazeera. People & Power. 8 May 2014. <http://www.aljazeera.com/programmes/peopleandpower/2014/05/libya-migrant-trap-20145483310400633.html> .

¹¹ UNSMIL/OHCHR . <http://www.un.org/apps/news/story.asp?NewsID=55793#.WYxnGWj-M8> .

¹² Stephen, Chris. "Libyan parliament takes refuge in Greek car ferry." The Guardian. 9 September 2014. <http://www.theguardian.com/world/2014/sep/09/libyan-parliament-refuge-greek-car-ferry>.

¹³ BBC. Libya profile – Timeline. 13 July 2017. <http://www.bbc.com/news/world-africa-13755445>.

¹⁴ United Nations Support Mission in Libya. "Statement from UNSMIL on the Draft Constitution Vote." United Nations. 1 August 2017. <https://unsmil.unmissions.org/statement-unsmil-draft-constitution-vote>;

During a 2013 visit to the Tweisha “holding centre” outside of Tripoli, Amnesty International found that most of the children held at the facility were at least 16, although it found two unaccompanied Somali children aged 10 and 13. AI researchers also identified approximately 20 unaccompanied children, some as young as 12, from Somalia and Eritrea, detained alongside adults at one of the largest immigration detention centres in the country near Gharyan, which as of November 2014 was run by the 9th Brigade a militia nominally under the control of the Ministry of Defence.³³

Corruption and ill treatment. Corruption is endemic in Libya. Transparency International’s Corruption Perception 2016 Index ranks Libya 170 out of 176 countries. HRW reports that corruption is also rife in Libya’s detention facilities and that smugglers even run some facilities. Former detainees have said that they were forced to pay bribes of around \$500 to officials to be released. One ex-detainee told HRW, “The police said they would deport us, but then they took us to pay money to smugglers to take us to Tripoli. Those without money stayed in Kufra. ... Everything depends on money.”³⁴

Detention Infrastructure. Libya does not appear to have an official catalogue of places of immigration detention (often referred to as “holding centres”). However, according to various sources of information, including lists supplied by DCIM to AI and HRW researchers in 2013 and 2014, and recent information from UNHCR, IOM and UNSMIL/OHCHR some two-dozen facilities have been used since 2013. According to the UN DCIM reportedly managed 24 detention centers for a total capacity of 4,000 to 7,000 persons in 2016.³⁵ UN, civil society and media observers also record two centres run by the Passport Investigation Department and many unofficial detention centres run by armed groups and militias and “connection houses” run by smugglers and traffickers during transit. A UNHCR map issued in January 2017 features 34 detention centres, 15 of which with ongoing activities by UNHCR and partners.³⁶ There are 10 detention centres on the Mediterranean Coast in the Tripoli area next to the Tunisian border and another 10 around Benghazi in the eastern part of the coast.

UNHCR and partners conducted 825 visits to detention facilities in 2016. UNHCR conducted 15 monitoring visits to 30 detention centres from January to 7 August 2017 and recorded the release of 376 detained refugees/asylum seekers.³⁷

Conditions in detention. Detention conditions have been described as “abysmal”, “unacceptable” and “unimaginable” by UN, civil society and media observers. There are reports of torture and ill-treatment of detainees. After visits to nine centres in 2014, HRW reported on allegations that male guards in centres under government control strip-searched women and girls, brutally attacked men and boys, including severe whippings, beatings, and electric shocks. Several dozen detainees, including boys as young as 14, reported being assaulted regularly by guards in eight facilities. In one centre “five detainees said guards suspended them upside down from a tree and then whipped them”.³⁸ Detainees also reported being beaten upon arrest by militiamen and during their first days in detention if they were not

³³ Amnesty International. “Amnesty International’s Submission to the Council of Europe Committee of Ministers: Hirsi Jamaa and Others V. Italy (Application No. 27765/09).” Amnesty International. Ref: B1525. 11 February 2014 <http://www.amnesty.eu/en/news/statements-reports/all/%28%286%29%29/> .

³⁴ Human Rights Watch. Pushed Back, Pushed Around: Italy’s Forced Return of Boat Migrants and Asylum Seekers, Libya’s Mistreatment of Migrants and Asylum Seekers. Human Rights Watch. September 2009. www.hrw.org/en/reports/2009/09/21/pushed-back-pushed-around-0

³⁵ UNSMIL/OHCHR <http://www.un.org/apps/news/story.asp?NewsID=55793#.WYxnGWjj-M8> .

³⁶ UNHCR. Libya, Detention Centres. January 2017.

³⁷ UNHCR. Libya Response in 2017. 7 August 2017. <http://reporting.unhcr.org/node/12003> .

³⁸ Whipped, Beaten, and Hung from Trees. Human Rights Watch. June 22, 2014. <http://www.hrw.org/news/2014/06/22/libya-whipped-beaten-and-hung-trees> .

immediately transferred to migrant “holding centres.”³⁹ Human rights violations continued throughout 2016 and are best illustrated by a testimony received by UN officials:

“A 16 year-old boy from Eritrea told UNSMIL staff that he had travelled through Sudan and Libya to Italy, arriving at Pozallo, Sicily on 28 June 2016. He spent a month and a half in Libya, mostly in a detention facility in Tripoli, after being caught by armed and uniformed men. [...]. He was held in a metal hangar with approximately 200 men, women and children who were mainly from Somalia and Eritrea. There were no windows and very little ventilation. There was only one toilet, forcing those detained to use bottles for urination. The odor was overwhelming, and many detainees were ill. Some had scabies and others had breathing problems. They were given very little food. He said, “*we black-skinned Africans, we are called animals and are treated as animals.*”⁴⁰

In addition UN and NGO reports describe severe overcrowding, lack of ventilation, no outdoor exercise, and inadequate access to food and clean water. UNSMIL has received reports of widespread malnutrition. Medical care is only delivered by international organisations, often through local partners. According to the UN Support Mission this assistance is “grossly inadequate in light of the needs.” Violence is widespread and takes place in impunity due to the breakdown of the justice system. Sub-Saharan migrants report ill-treatment and abuse by guards during detention in AL-Zawiya and Al-Qatrun and other DCIM detention centres: “A child migrant interviewed in Sicily told UNSMIL staff that “*they beat us with what falls to their hands... it can be a rock, a stick, a brick...*”

II. Concerning implementation of ICRMW Part VI – Promotion of sound, equitable, humane and lawful conditions in connection with international migration

Italy began making “often secretive agreements” with Libya as early as 2003 and financed “ex-territorialized migration detention camps near Tripoli in 2003, and in later years in the south at Sebah and Kufra.”⁴¹ Such “cooperation measures” have led to increasing mistreatment of refugees, asylum-seekers, and migrants.⁴² Prior to 2011, Italy’s and the European Union’s arrangements with Colonel Muammar Gaddafi, including multi-million-Euro “migration management” projects, led to mass expulsions and an increase in detention.⁴³ Academic observers argued that these EU externalisation efforts helped spur the creation of “one of the most damaging detention systems in the world.”⁴⁴

In February 2012, in its first judgment on interception-at-sea in *Hirsi Jamaa and Others v. Italy*, the European Court of Human Rights ruled that acts performed by a member State or producing effects outside its territory could constitute an exercise of jurisdiction by this State. It condemned Italy for exposing migrants to the risk of being subjected to ill treatment in Libya and being repatriated to Somalia and Eritrea and observed that “Italy cannot evade its own responsibility by relying on its obligations arising out of bilateral agreements with Libya.”

³⁹ Amnesty International. Amnesty International Report 2013. The State of the World’s Human Rights. London: Amnesty International. Available:

http://files.amnesty.org/air13/AmnestyInternational_AnnualReport2013_complete_en.pdf .

⁴⁰ UNSMIL/OHCHR <http://www.un.org/apps/news/story.asp?NewsID=55793#.WYxnGWjj-M8> .

⁴¹ Mason L. Richey. “The North African Revolutions: A Chance to Rethink European Externalization of the Handling of Non-EU Migrant Inflows.” Hankuk University of Foreign Studies: 16 February 2012. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2109199 .

⁴² Council of Europe. Secretariat of the Committee of Ministers. “Communication from a NGO (Amnesty International) in the case of Hirsi Jamaa against Italy (Application No. 27765/09) and reply of the government (original text in Italian available at the Secretariat).” DH-DD(2012)744. 24 August 2012. <https://wcd.coe.int/ViewDoc.jsp?Ref=DH-DD%282012%29744&Language=lanEnglish&Site=CM> .

⁴³ Global Detention Project. Libya Immigration Detention Profile. February 2015.

<https://www.globaldetentionproject.org/countries/africa/libya> .

⁴⁴ Hélène Van Aelst, “The Humanitarian Consequences of European Union Immigration Policy’s Externalisation in Libya: The Case of Detention and its Impact on Migrants’ Health.” In the BSIS Journal of International Studies, Vol 8 (2011). University of Kent, Brussels School of International Studies. 2011.

Immigration Detention in Libya

Global Detention Project

February 2015

Immigration Detention in Libya

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Introduction

With Libya experiencing large-scale internal displacement as the country becomes increasingly engulfed in civil war, migrants, asylum seekers, and refugees are finding themselves systematically exposed to arbitrary and indefinite detention in conditions described as “abysmal” and “unacceptable” by UN and civil society observers (UNSC 2014, UNHCR 2014 and 2015, HRW 2014, AI 2013). People from Sub-Saharan countries are most at risk of detention and ill treatment as anti-black racism, endemic in Libya, has been exacerbated by the crisis (Seymour 2011, AI 2012, Aljazeera 2014).

Previously, [Italy](#)’s and the European Union’s arrangements with Colonel Muammar Gaddafi, including multi-million-Euro “migration management” projects, led to mass expulsions and an increase in detention (EC 2013, DPA 2008, Tripoli Post 2008, DRC 2014). Observers argued that these EU externalisation efforts helped spur the creation of “one of the most damaging detention systems in the world” (van Aelst 2011).

However, EU countries have continued to negotiate deals providing tens of millions of Euros to Libya to process asylum seekers and irregular migrants expelled from or intercepted en route to Europe (HRW 2009, HRW2014, AI 2013, CEC 2014, Malmström 2014). The deepening chaos in the country—coupled with the ongoing conflicts in the Middle East—has generated a surge in irregular migration from Libya across the Mediterranean. The Libyan coast has become a gateway for mixed migratory flows from Eritrea, Ethiopia, Somalia, Sudan, and Syria.

Human rights groups and international organizations have long criticised the country for its deplorable detention conditions, widespread corruption, flourishing migrant smuggling rings, and more recently the failure to take control of detention centres run by militias. Conditions have worsened as a result of fighting across the country and the breakdown in public services.

Among the top ten countries in the world for oil reserves, Libya began attracting migrants from neighbouring Arab countries in the 1960s. By 2009, there were around two million Egyptians in Libya, most of whom worked irregularly. In the late 1990s, Muammar Gaddafi’s Pan Africanism drew a growing influx of Sub-Saharan migrants. A policy volte-face in 2007 led to the imposition of visas on both Arabs and Africans (the distinction between the two not always being clear), turning thousands of immigrants into “irregulars” (Fargues 2013, Di Bartolomeo/Jaulin/Perrin 2011). During the 2011 uprising in Libya, close to 800,000 migrants fled, mainly to [Tunisia](#) and [Egypt](#) (IOM 2012).

In September 2014, the UN Secretary-General informed the Security Council that “The lack of an adequate asylum system and a proper protection framework in Libya, coupled with the widespread use of detention in deplorable conditions, are factors pushing mixed migration movements underground and fuelling the smuggling market towards Europe” (UNSC 2014). Some 130,000 persons are reported to have arrived in Italy from Libya by boat during January-October 2014, representing nearly 85 percent of all arrivals in the country (UNHCR 2014).



GLOBALDETENTIONPROJECT

COUNTRY REPORT

IMMIGRATION DETENTION IN LIBYA:

"A HUMAN RIGHTS CRISIS"

August 2018

THE GLOBAL DETENTION PROJECT MISSION

The Global Detention Project (GDP) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To promote the human rights of detained migrants, refugees, and asylum seekers;
- To ensure transparency in the treatment of immigration detainees;
- To reinforce advocacy aimed at reforming detention systems;
- To nurture policy-relevant scholarship on the causes and consequences of migration control policies.

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Front cover image: A member of an "Anti-Illegal Immigration" force stands guard during a UN visit to the Abu Saleem detention centre in Tripoli, Libya. © Reuters/ Ismail Zetouni

This report is also available online at www.globaldetentionproject.org

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1. INTRODUCTION

The UN High Commissioner for Human Rights has characterised the plight of refugees and migrants in Libya as a “human rights crisis.”¹ Since the beginning of the 2011 civil war in Libya, the country has experienced on-going armed conflict between rival militias and government forces. The resulting lawlessness has enabled armed groups, criminal gangs, smugglers, and traffickers to control much of the flow of migrants,² sometimes with the direct backing of [Italy](#) and other European countries.³ Those detained—who according to various reports can number between 10,000-20,000 at any given time⁴—often face severe abuses, including rape and torture, extortion, forced labour, slavery, dire living conditions, and extra-judicial execution.⁵

¹ United Nations Office of the High Commissioner for Human Rights (OHCHR), “UN Report Urges End to Inhuman Detention of Migrants in Libya,” <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21023&LangID=E>

² United Nations Support Mission in Libya (UNSMIL), “Remarks of SRSG Ghassan Salame to the United Nations Security Council on the situation in Libya,” 16 July 2018, <https://unsmil.unmissions.org/sites/default/files/srsg-ghassan-salame-briefing-unscl-20180716.pdf>; United Nations Security Council (UNSC), “Report of the Secretary-General on the United Nations Support Mission in Libya,” 5 September 2014, <http://undocs.org/S/2014/653>; United Nations High Commissioner for Refugees (UNHCR). “UNHCR Position on Returns to Libya,” 12 November 2014, <http://www.refworld.org/docid/54646a494.html>; United Nations High Commissioner for Refugees (UNHCR), “Libya Factsheet,” February 2015, www.reliefweb.int/report/libya/unhcr-factsheet-libya-february-2015; Human Rights Watch (HRW), “Libya: Whipped, Beaten, and Hung from Trees,” 22 June 2014, <http://www.hrw.org/news/2014/06/22/libya-whipped-beaten-and-hung-trees>; Amnesty International, “Amnesty International Report 2013: The State of the World’s Human Rights,” 23 May 2013, <https://www.amnesty.org/en/documents/pol10/001/2013/en/>

³ Associated Press, “Italian Effort to Stop Migrants Fuels Bloody Battle in Libya,” 5 October 2017, <https://www.voanews.com/a/libya-militias-migrants-sabratha/4057716.html>

⁴ InfoMigrants, “Up to 10,000 Migrants in 20 Centers Under the Sun, IOM Libya,” 3 July 2018, <http://www.infomigrants.net/en/post/10363/up-to-10-000-migrants-in-20-centers-under-the-sun-iom-libya>; Amnesty International, “Libya’s Dark Web of Collusion: Abuses Against Europe-Bound Refugees and Migrants,” 11 December 2017, <https://www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF>

⁵ Journalist Peter Tinti, in an investigative report for *Foreign Policy* magazine published in October 2017, put it this way: “Eighteen months after the EU unveiled its controversial plan to curb illegal migration through Libya—now the primary point of departure for sub-Saharan Africans crossing the Mediterranean Sea to Europe—migrants have become a commodity to be captured, sold, traded, and leveraged. Regardless of their immigration status, they are hunted down by militias loyal to Libya’s U.N.-backed government, caged in overcrowded prisons, and sold on open markets that human rights advocates have likened to slave auctions. They have been tortured, raped, and killed—abuses that are sometimes broadcast online by the abusers themselves as they attempt to extract ransoms from migrants’ families.” See: P. Tinti, “Nearly There, but Never Further Away,” *Foreign Policy*, 5 October 2017, <http://europeslamsitsgates.foreignpolicy.com/part-3-nearly-there-but-never-further-away-libya-africa-europe-EU-militias-migration>

Among the migrants who are particularly at risk of abuse in Libya are those from sub-Saharan countries, who are subjected to widespread racism, which has been exasperated by the crisis.⁶ The International Organisation for Migration (IOM) has reported on the emergence of burgeoning “slave markets” along migrant routes into Libya where sub-Saharan migrants are “being sold and bought by Libyans, with the support of Ghanaians and Nigerians who work for them.”⁷

“Migrants have become a commodity to be captured, sold, traded, and leveraged. Regardless of their immigration status, they are hunted down by militias loyal to Libya’s U.N.-backed government, caged in overcrowded prisons, and sold on open markets that human rights advocates have likened to slave auctions.” - P. Tinti (Foreign Policy, 2017)

In May 2017, in a sign of how much the situation in Libya had deteriorated, the International Criminal Court (ICC) informed the UN Security Council that it was exploring the feasibility of an investigation into “migrant-related crimes” in the country. The ICC also reported on its efforts to “liaise with Libyan national institutions, interested European organisations ... as well as national judiciaries, to streamline the activities of European and other actors in the investigation and prosecution of crimes against migrants.”⁸ Because many detention centres are under the control of militias, the ICC has called for “all detainees to be transferred to State authority, including ... migrants detained for financial and political motivations.”⁹

⁶ Al Jazeera, “Libya: The Migrant Trap,” 8 May 2014, <http://www.aljazeera.com/programmes/peopleandpower/2014/05/libya-migrant-trap-20145483310400633.html>; R. Seymour, “Libya’s Spectacular Revolution has been Disgraced by Racism,” *The Guardian*, 30 August 2011, <http://www.theguardian.com/commentisfree/2011/aug/30/libya-spectacular-revolution-disgraced-racism>

⁷ International Organisation for Migration (IOM), “IOM Learns of ‘Slave Market’ Conditions Endangering Migrants in North Africa,” 4 November 2017, <https://www.iom.int/news/iom-learns-slave-market-conditions-endangering-migrants-north-africa>

⁸ The Office of the Prosecutor, “Fifteenth Report of the Prosecutor of the International Criminal Court to the United Nations Security Council Pursuant to UNSCR 1979 (2011),” *International Criminal Court*, 9 May 2018; United Nations Security Council (UNSC), “Report of the Security-General on the United Nations Support Mission in Libya,” 22 August 2017, <https://unsmil.unmissions.org/sites/default/files/n1725784.pdf>

⁹ International Criminal Court (ICC), “Eleventh Report of the Prosecutor of the International Criminal Court to the United Nations Security Council Pursuant to UNSCR 1970 (2011),” 26 May 2016, https://www.icc-cpi.int/Pages/item.aspx?name=otp_report_lib_26052016

With one of the world's largest oil reserves, Libya has been an important destination for migrant labourers, attracting workers from neighbouring Arab countries since the 1960s. By 2009, there were some two million Egyptians in the country, most of whom worked irregularly. In the late 1990s, Muammar Gaddafi's shift to Pan-Africanism drew a growing influx of migrants from sub-Saharan African countries. A policy *volte-face* in 2007 led to the imposition of visa regulations for both Arabs and Africans—the distinction between the two not always being clear—and with it, thousands of immigrants suddenly became “irregulars.”¹⁰ During the 2011 uprising and ensuing civil war in Libya, close to 800,000 migrants fled, mainly to Tunisia and Egypt.¹¹

Libya has more recently become a transit country for migrants from across Africa and from as far away as Syria. By late 2017, international organisations estimated that there were more than 400,000 migrants in Libya, among whom some 45,000 were registered as refugees or asylum seekers, according to UNHCR. The majority of migrants—approximately 60 percent—are from sub-Saharan countries.¹² However, the numbers of people embarking from Libya have begun to drop, as reflected in sharp declines of arrivals to Italy. As of mid-2018, some 20,000 people had arrived by sea; while there were nearly 120,000 arrivals in 2017 and more than 180,000 in 2016.¹³ By mid-2018, IOM estimated at least 679,000 migrants in-country.¹⁴

The [European Union](#) (EU) began partnering with Libya in migration control efforts long before the onset of the current “refugee crisis.” Italian and EU arrangements with Gaddafi, including multi-million-Euro “migration management” projects, led to mass expulsions and a sharp increase in detention.¹⁵ Observers argue that these

¹⁰ P. Fargues (ed.), “EU Neighbourhood Migration Report 2013,” *European University Institute, Migration Policy Centre*, 2013, <http://www.migrationpolicycentre.eu/migration-report/>; A. Di Bartolomeo, T. Jaulin, and D. Perrin, “CARIM – Migration Profile Libya,” *Consortium for Applied Research on International Migration (CARIM)*, June 2011, <http://cadmus.eui.eu/handle/1814/22438>

¹¹ International Organisation for Migration (IOM), “Report of the Director General on the Work of the Organization for the Year 2011,” June 2012, http://governingbodies.iom.int/system/files/jahia/webdav/shared/shared/mainsite/about_iom/en/council/101/MC_2346.pdf

¹² Amnesty International, “Libya’s Dark Web of Collusion: Abuses Against Europe-Bound Refugees and Migrants,” 11 December 2017, <https://www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF>

¹³ United Nations High Commissioner for Refugees (UNHCR), “UNHCR Flash Update: Libya, 20-27 July 2018,” 27 July 2018, <https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Libya%20Flash%20Update%2027%20July%202018.pdf>; United Nations High Commissioner for Refugees (UNHCR), “Operational Portal: Mediterranean Situation,” <http://data2.unhcr.org/en/situations/mediterranean/location/5205>

¹⁴ International Organisation for Migration (IOM), “Libya,” Displacement Tracking Mechanism (DTM), June 2018, <http://www.globaldtm.info/libya/>

¹⁵ European Commission (EC), “Annex of the Commission Implementing Decision on the Annual Action Programme for 2013 (Part 2) in Favour of Libya [C(2013) 9196 final]. Action Fiche for Support to Rights-Based Migration Management and Asylum System in Libya,” December 2013, <https://bit.ly/2KA4XzW>; Danish Refugee Council and Danish Demining Group (DRC/DDG), “2014: Strategic Programme Document – DRC/DDG in Libya and Tunisia,” <https://drc.ngo/media/1194589/libya-tunisia-strategic-programme-document-2014.pdf>

“externalisation” efforts helped spur the creation of “one of the most damaging detention systems in the world.”¹⁶

Despite the widespread mistreatment of migrants in Libya and the on-going violence and social unrest since the overthrow of Gaddafi, Europe has continued to negotiate plans with various entities in Libya to check the flow of transiting foreigners.¹⁷ These include an EU commitment to provide hundreds of millions of Euros to bolster the country’s detention infrastructure, to equip maritime forces to intercept smuggling boats, and to provide training on human rights standards to staff of Libya’s Department for Combatting Illegal Immigration (DCIM), which is ostensibly in charge of overseeing the country’s detention system.¹⁸

Deals have also been brokered with tribal authorities and militias linked to smuggling or human trafficking, who are closely interconnected with Libya’s detention system. As one source interviewed for this report said: “You said that some of the [facilities] have links to militias. I would push back and say, ‘Which facility does not have a link to a militia?’ ... It’s impossible today to say that all of these security forces on interim contracts being paid by DCIM who are guarding these facilities are members of a proper security force.”¹⁹

In early 2017, the Italian government signed a Memorandum of Understanding with Libya’s Government of National Accord (GNA) allowing the Libyan coastguard to intercept boats bound for Italy and return all those on-board to disembarkation zones in Libya, where they would subsequently be placed in detention. At the same time, Italy was paying rival militias to stop migrant boats in parts of the country not fully under government control, which have reportedly helped fuel armed conflict in these areas.²⁰

The UN human rights commissioner has levelled severe criticism at these deals, arguing that the “increasing interventions of the EU and its member states have done

¹⁶ H. Van Aelst, “The Humanitarian Consequences of European Union Immigration Policy’s Externalisation in Libya: The Case of Detention and its Impact on Migrants’ Health,” *BSIS Journal of International Studies*, Vol. 8, 2011 University of Kent, Brussels School of International Studies, 2011, <https://www.kent.ac.uk/brussels/>

¹⁷ Human Rights Watch (HRW), “Libya: Whipped, Beaten, and Hung from Trees,” 22 June 2014, <http://www.hrw.org/news/2014/06/22/libya-whipped-beaten-and-hung-trees>; Amnesty International, “Amnesty International Report 2013. The State of the World’s Human Rights,” 23 May 2013, <https://www.amnesty.org/en/documents/pol10/001/2013/en/>; Council of the European Union (CEC), “Council Conclusions on Libya. Foreign Affairs Council meeting 20 October 2014,” October 2014, <http://www.consilium.europa.eu/media/25118/145200.pdf>; C. Malmström, “Answer Given by Ms Malmström on Behalf of the Commission,” *European Parliament*, 12 June 2014, <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2014-002692&language=EN>

¹⁸ European Union, “Factsheet: EU-Libya Relations,” 22 January 2018, https://eeas.europa.eu/headquarters/headquarters-homepage_en/19163/EU-Libya%20relations,%20factsheet; P. Tinti, “Nearly There, but Never Further Away,” *Foreign Policy*, 5 October 2017, <https://bit.ly/2fUztGs>

¹⁹ Anonymous source (representative from international human rights group), Skype call with Tom Rollins (Global Detention Project), May 2018.

²⁰ Associated Press, “Italian Effort to Stop Migrants Fuels Bloody Battle in Libya,” 5 October 2017, <https://www.voanews.com/a/libya-militias-migrants-sabratha/4057716.html>

nothing so far to reduce the level of abuses suffered by migrants.”²¹ Despite the growing international outrage, an EU summit in mid-2018 “handed sea rescue mission responsibility” to the Libyan coastguard just as a new anti-immigrant Italian government began adopting a more heavy-handed approach that included blocking private vessels from docking asylum seekers in Italian ports.²² Italy’s Interior Minister argued that all migrants rescued by European vessels should be sent back to Libya.²³

International organisations have also been criticised for their role in Libya, in particular the IOM, which has been a key implementing partner for EU projects in the country. It has provided “human rights training” for detention centre staff, offered psychosocial support and healthcare, has helped renovate detention centres, and overseen an EU-financed “assisted voluntary return program,” which is one of the few ways migrants can exit detention centres. A journalist who visited Libyan detention centres quipped about the return program: “While many of the detained migrants I spoke with in Libya expressed a desire to go home after months of suffering in decrepit facilities, it’s unclear whether their return could ever be considered voluntary. Treat anyone bad enough and they will beg to make it stop.”²⁴

For its part, the IOM vociferously defends its operations in Libya, arguing that they cannot choose with whom they work in detention centres and that they are “one of a few humanitarian organizations providing aid inside.”²⁵ Said the IOM’s operations officer for Libya, “We are not the body that determines what is a detention center and what is not.”²⁶ The organisation has criticised the automatic confinement of “rescued” migrants in Libyan detention centres and called for finding “alternatives,” including re-opening an IOM-run shelter.²⁷

The proliferation of actors involved in the detention of non-citizens in Libya raises a number of concerns related to oversight, jurisdiction, and accountability, as well as the real possibility that any external support for detention will inexorably amount to

²¹ United Nations Office of the High Commissioner for Human Rights, “UN Human Rights Chief: Suffering of Migrants in Libya Outrage to Conscience of Humanity,” 14 November 2017, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22393&LangID=E>

²² B. Riegert, “Libya Takes Over from Italy on Rescuing Shipwrecked Migrants,” *Deutsche Welle*, 5 July 2018, <https://www.dw.com/en/libya-takes-over-from-italy-on-rescuing-shipwrecked-migrants/a-44546754>

²³ InfoMigrants, “Salvini calls for migrants to go back to Libya,” 17 July 2018, <http://www.infomigrants.net/en/post/10685/salvini-calls-for-migrants-to-go-back-to-libya>

²⁴ P. Tinti, “Nearly There, but Never Further Away,” *Foreign Policy*, 5 October 2017, <http://europeslamsitsgates.foreignpolicy.com/part-3-nearly-there-but-never-further-away-libya-africa-europe-EU-militias-migration>

²⁵ O. Belbesi, “Returned to Libyan Shores and Held in Detention Centres: What are the Practical Alternatives?” IOM Libya/Reuters, 18 August 2018, <https://news.trust.org/item/20180816142408-bats4/>

²⁶ P. Tinti, “Nearly There, but Never Further Away,” *Foreign Policy*, 5 October 2017, <http://europeslamsitsgates.foreignpolicy.com/part-3-nearly-there-but-never-further-away-libya-africa-europe-EU-militias-migration>

²⁷ O. Belbesi, “Returned to Libyan Shores and Held in Detention Centres: What are the Practical Alternatives?” IOM Libya/Reuters, 18 August 2018, <https://news.trust.org/item/20180816142408-bats4/>

support for criminal activities. Pointing to militia involvement in operating detention centres in Libya—in addition to the roles played by the IOM and other non-state actors—one writer argues that the close association between detention and criminality in the country raises disturbing questions about the implications of Europe’s financing of migration control: “In many countries that are targeted for more migration management assistance—like Libya—there appears to be an inevitable connection between legal and illicit forms of detention and removal because of pervasive lawlessness and corruption.”²⁸

²⁸ M. Flynn, “Kidnapped, Trafficked, Detained? The Implications of Non-state Actor Involvement in Immigration Detention,” *Journal on Migration and Human Security*, 2017, <http://cmsny.org/publications/jmhs-kidnapped-trafficked-detained/>



*Migrants are held in a detention centre in the coastal city of Sabratha, Libya. 9 October 2017.
(Reuters/Hani Amara)*

foreign detainees were convicted on immigration related grounds or for other offences).⁷³

2.8 Detaining authorities and institutions. According to Article 21 of Law No.6 (1987) Regulating Entry Residence and Exit of Foreign Nationals to/from Libya, “Specified employees within the immigration authority are authorised to execute” laws concerning migration enforcement. The principal authority operating detention centres is the Libyan Directorate for Combatting Illegal Migration (DCIM), even as numerous other actors, including militias, have taken on this role in various parts of the country.

Until 2011, immigration policies were jointly managed by the Ministry of Foreign Affairs, Ministry of Interior (MOI), Ministry of Justice, and Ministry of Defence; with the MOI serving as the overall coordinator. The police carried out immigration controls, with support from the army, air force, and navy. The navy provided backup assistance to the Coastguard Department from 2007 onwards, while the Coastguard

⁷³ International Committee of the Red Cross (ICRC), “ICRC in Libya: Facts and Figures--2017,” 5 February 2018, <https://www.icrc.org/en/document/libya-providing-assistance-thousands-people-2017>

Department is responsible for maritime border management and surveillance. The MOI departments of Anti-Infiltration and Illegal Immigration “investigated” and “processed” undocumented migrants.⁷⁹

This arrangement has, however, been complicated by realities on the ground following the 2011 uprising and ensuing armed conflict. Between 2011 and 2014, militia groups were absorbed into, or affiliated with, the Ministries of Interior and Defence; meanwhile Libya was developing into something of a “patchwork state” driven by hyper-localisation, militiafication, and the lack of central government control (or, as would be the case later, the lack of a central government at all).⁸⁰ Soon, several detention centres were reportedly managed by revolutionary brigades or militias known as *kata'ib* (singular, *kateeba*).

By 2012, officials from the Ministry of Justice and Ministry of Interior acknowledged to Amnesty International that they had “little involvement in the arrest and detention of migrants ... [and] that ‘in normal times,’ the Ministry of Interior has oversight over detention centres for migrant ... but since the conflict the Ministry has had no capacity or resources to continue doing so.”⁸¹

Some detention facilities are still under the ostensible oversight of the Ministry of Interior. In 2014, Human Rights Watch was allowed to visit nine of the country’s 19 migrant detention centres nominally run by the Ministry of Interior’s DCIM, established in 2012 to oversee places of immigration detention.⁸² Even when INGOs count facilities as official—meaning DCIM-administered—facilities, the reality on the ground can be far more difficult to ascertain. Recently, varying estimates have suggested that there are between 17 and 35 official facilities.⁸³ Detention monitoring conducted as part of the IOM's Displacement Tracking Mechanism (DTM) from 2017 onwards meanwhile counted 25 active facilities, nine recently closed, 18 inactive, and two facilities under maintenance—although it should be noted that this project only monitored facilities under the administration of the DCIM rather than other actors.⁸⁴ Sometimes facilities are run by individuals officially on the pay rolls of the DCIM, but who actually work on behalf of, or are members of, militias. In other cases, centres that the DCIM considered closed may actually be in use by non-state

⁷⁹ Frontex, “Frontex-Led EU Illegal Immigration Technical Mission to Libya 28 May – 5 June 2007,” <http://www.statewatch.org/news/2007/oct/eu-libya-frontex-report.pdf>

⁸⁰ T. Reitano and M. Shaw, “Libya: The Politics of Power, Protection, Identity and Illicit Trade,” *United Nations University Centre for Policy Research*, May 2017, http://globalinitiative.net/wp-content/uploads/2017/05/UNU-CPR-Libya-The-Politics-of-Power_-Protection_-Identity-and-Illicit-Trade-web.pdf

⁸¹ Amnesty International, “Libya: Rule of Law or Rule of Militias?” 5 July 2012, https://www.amnesty.nl/content/uploads/2016/12/libya__rule_of_law_or_rule_of_militias_.pdf?x43196%20

⁸² Human Rights Watch (HRW), “Libya: Whipped, Beaten, and Hung from Trees,” 22 June 2014, <http://www.hrw.org/news/2014/06/22/libya-whipped-beaten-and-hung-trees>

⁸³ Amnesty International, “Libya's Dark Web of Collusion: Abuses Against Europe-Bound Refugees and Migrants,” 11 December 2017, <https://www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF>

⁸⁴ International Organisation for Migration (IOM), “Displacement Tracking Matrix — Libya,” www.globaldtm.info/libya/

actors. Militias have also proved themselves adept at navigating relations with Libyan institutions as well as international actors including the Italian government and EU.

Although INGOs and EU institutions have in the past urged the Libyan government to regain control of all detention facilities, efforts to do so have been complicated by the lack of a political settlement⁸⁵ as well as the broader militiafication of Libyan institutions. In some cases militias even “run town councils and operate the coast guard in coastal cities.”⁸⁶ Since 2017 in particular, and largely spurred on by Italian and EU externalisation policies, the savvier of these militias have adeptly re-marketed themselves in order to receive international support and funding.⁸⁷

One example of this trend is the ([Al Nasr](#)) [Az-Zawiya](#) detention facility in Zawiya in the north west of the country. Although the facility is supposed to be administered by the DCIM, it is in fact under the de facto control of the Al-Nasr Brigade led by Muhammad al-Koshlaf who, with relative Walid al-Koshlaf, sold stolen fuel from the nearby Zawiya Refinery to local smuggling networks. UN investigators described conditions in Az-Zawiya as “inhumane,” with the facility “not suitably equipped to hold migrants” and women and children held in “critical conditions.”⁸⁸ The Koshlafs are connected to local coastguard commander Abdelrahman al-Milad (or “Bija”) who is also known to cooperate with smuggling networks. Bija has been described as the “undisputed leader of the human traffic trade.”⁸⁹ Troublingly, “Bija” receives European funding in his role as local coastguard commander.⁹⁰

Although UNHCR estimates that there are several thousand refugees and/or asylum seekers in official detention facilities, Libyan authorities also estimate that “thousands of refugees and migrants are still held in captivity by traffickers in

⁸⁵ Amnesty International, “Amnesty International’s Submission to the Council of Europe Committee of Ministers: Hirsi Jamaa and Others V. Italy (Application No. 27765/09),” 11 February 2014, , http://www.amnesty.eu/content/assets/Doc2014/B1525_-_second_submission_Hirsi_-_11_Feb_2014.pdf; Human Rights Watch (HRW), “Libya: Whipped, Beaten, and Hung from Trees,” 22 June 2014, <http://www.hrw.org/news/2014/06/22/libya-whipped-beaten-and-hung-trees>; C. Malmström, “Answer Given by Ms Malmström on Behalf of the Commission,” *European Parliament*, 12 June 2014, <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2014-002692&language=EN>

⁸⁶ S. Raghavan, “Libya’s Coast Guard Abuses Migrants Despite E.U. Funding and Training,” *Washington Post*, 11 July 2017, <https://wapo.st/2BZnP7o>

⁸⁷ P. Tinti, “Nearly There, But Never Further Away,” *Foreign Policy*, 5 October 2017, <http://europeslamsitsgates.foreignpolicy.com/part-3-nearly-there-but-never-further-away-libya-africa-europe-EU-militias-migration--intro>

⁸⁸ United Nations Security Council (UNSC), “Final Report of the Panel of Experts on Libya,” 1 June 2017, <https://reliefweb.int/sites/reliefweb.int/files/resources/N1711623.pdf>

⁸⁹ N. Porsia, “The Kingpin of Libya’s Human Trafficking Mafia,” *TRT World*, 20 February 2017, <https://www.trtworld.com/magazine/libya-human-trafficking-mafia-in-zawiya-301505>

⁹⁰ P. Tinti, “Nearly There, But Never Further Away,” *Foreign Policy*, 5 October 2017, <http://europeslamsitsgates.foreignpolicy.com/part-3-nearly-there-but-never-further-away-libya-africa-europe-EU-militias-migration--intro>

undetermined locations, and in dire conditions.”⁹¹ Amnesty International has suggested calling these facilities “places of captivity” as opposed to “unofficial detention facilities”⁹² given the conditions within the centres.

2.9 Non-custodial measures. As Libya lacks explicit administrative immigration detention procedures, “alternatives to detention”—properly understood as non-custodial measures that form a part of legally established detention decision-making procedures—do not exist. However, there have been reports of people being released on the guarantee of an embassy or after payment of a bribe.⁹³ Libyan law also provides restrictions on liberty that fall short of detention. Under Article 18 of Law No 6 (1987), authorities can restrict a foreigner who is to be expelled to a certain area of residence or instruct him to visit the nearest security location—such as a police station—on certain dates until their expulsion.

UNHCR and other agencies have repeatedly called for immigration detention to be used as a measure of last resort, and they regularly lobby the country's authorities for the release of refugees and asylum seekers. Following a visit to Tripoli in mid-2017, the UNHCR head urged Libyan authorities to release all refugees and asylum seekers in immigration detention facilities because “other solutions” could be found for those fleeing countries in conflict.⁹⁴

A camp run by the Libyan Red Crescent in Benghazi served at one point as non-custodial measure. It hosted approximately 600 asylum seekers from Ethiopia, Eritrea, and Somalia in containers that had previously accommodated workers from an Indian company. According to observers, the camp provided “accommodation for asylum-seekers as opposed to imprisonment,” and conditions in the camp were considerably better than in “holding centres.” Restrictions were nevertheless imposed on foreign nationals’ right to liberty and freedom of movement—especially women—since they could only leave the camp for work provided that they were bailed out by a Libyan citizen. A Ministry of Defence brigade controlled movement in and out of the camp and provided security.⁹⁵

In 2018, the IOM’s chief of mission in Libya called for a renewed emphasis on “practical alternatives” to the use of detention centres, arguing that “the practice of

⁹¹ United Nations High Commissioner for Refugees (UNHCR), “UNHCR Libya Alternatives to Detention in Libya, April 2018,” 13 April 2018, <https://reliefweb.int/report/libya/unhcr-libya-alternatives-detention-libya-april-2018-enar>

⁹² Amnesty International, “Libya’s Dark Web of Collusion: Abuses Against Europe-Bound Refugees and Migrants,” 11 December 2017, <https://www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF>

⁹³ Danish Refugee Council (DRC), “‘We Risk our Lives for our Daily Bread’: Findings of the Danish Refugee Council Study of Mixed Migration in Libya,” December 2013, <https://bit.ly/2tVP8Jd>; International Organization for Migration (IOM), “IOM Monitors Italy Arrivals during Busy Smuggling Week in Mediterranean,” 20 February 2015, <https://www.iom.int/news/iom-monitors-italy-arrivals-during-busy-smuggling-week-mediterranean>

⁹⁴ Al Jazeera, “UN Urges Libya to Release All Refugees, Asylum Seekers,” 21 May 2017, <https://www.aljazeera.com/news/2017/05/urges-libya-release-refugees-asylum-seekers-170521203216971.html>

⁹⁵ Amnesty International, “Scapegoats of Fear: Rights of Refugees, Asylum-Seekers and Migrants Abused in Libya,” 2013, <https://www.amnestyusa.org/wp-content/uploads/2017/04/mde190072013en.pdf>



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Le politiche dell'Unione Europea contribuiscono agli abusi sui migranti in Libia



L'inferno senza scampo

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ISBN: 978-1-6231-37007

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L'inferno senza scampo

Le politiche dell'Unione Europea contribuiscono agli abusi sui migranti in Libia

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finiscono nelle reti dei trafficanti, corrompono qualcuno, i miliziani li mettono ai lavori forzati o riescono a evadere. I centri non registrano in modo ordinato nomi, nazionalità ed età di ogni detenuto che ospitano. Per questo è facile che il DCIM, ma anche le agenzie dell'ONU e le varie organizzazioni umanitarie presenti, perdano di vista le persone e non siano più in grado di ritrovarle.⁷³

All'inizio di settembre 2018, l'UNHCR ha pubblicato un comunicato stampa per segnalare la presenza di trafficanti che si spacciavano per suoi dipendenti nei punti di sbarco e in altri luoghi.⁷⁴ Il racconto di Hawa, una diciannovenne del Mali arrivata a Khoms all'inizio di giugno, sembra confermare questa prassi. Hawa si dice “sicura che qualcuno è riuscito a scappare dal porto pagando... Ci hanno dato un cellulare per chiamare un contatto in Libia e organizzare il rilascio. Io ho provato a chiamare, ma poi sono dovuta salire sul bus”.

Anche una delle detenute nel centro di Misurata potrebbe aver incontrato trafficanti che si spacciavano per operatori durante lo sbarco. Come ha detto a Human Rights Watch, “la polizia dell'ONU ci ha preso i soldi” una volta arrivati a Khoms a inizio luglio: “Mio marito aveva 250 euro e glieli hanno tolti”.⁷⁵

Evacuazioni e rimpatri

Parallelamente all'impegno collettivo per fermare le partenze delle imbarcazioni dalla Libia, l'Unione Europea sottoscrive programmi dell'ONU per aiutare i migranti e i richiedenti asilo a uscire dalla detenzione arbitraria. Tuttavia, se è vero che in questo modo un gran numero di persone è riuscito a sfuggire a condizioni di vita disumane, ben poco è stato fatto per risolvere i problemi sistematici della detenzione in Libia, e queste iniziative servono solo a mascherare l'ingiustizia delle politiche di contenimento dell'UE.

Con il sostegno finanziario dell'Europa, a dicembre 2017 l'agenzia dell'ONU per i rifugiati è riuscita a evacuare i richiedenti asilo più vulnerabili spostandoli nel centro di transito di

⁷³ Interviste di Human Rights Watch a due organizzazioni umanitarie che operano in Libia e desiderano restare anonime per non mettere a rischio il loro accesso; intervista di Human Rights Watch al funzionario dell'UNHCR; “Stop arbitrary detention of refugees and migrants disembarked in Libya”, comunicato stampa di MSF, <https://www.msf.org/stop-arbitrary-detention-refugees-and-migrants-disembarked-libya>.

⁷⁴ “UNHCR dismayed as smugglers, traffickers impersonate staff amid clashes in Tripoli”, comunicato stampa dell'UNHCR, 9 settembre 2018, <http://www.unhcr.org/news/press/2018/9/5b93c3924/unhcr-dismayed-traffickers-smugglers-impersonate-staff-libya-amid-clashes.html> (ultimo accesso: 13 settembre 2018).

⁷⁵ Intervista di Human Rights Watch a Kemi, centro di detenzione di Karareem, Misurata, 10 luglio 2018.

Agadez, in Niger. Qui potranno seguire l'iter legale per ottenere lo status di rifugiati e potersi infine reinsediare altrove. Alla fine di novembre 2018 erano state evacuate 2.069 persone, a cui se ne aggiungono altre 312 inviate direttamente in Italia e 95 in un centro di transito di emergenza in Romania.⁷⁶ Dopo un'evacuazione svolta il 16 ottobre, l'UNHCR ha dichiarato che il suo "personale ha dovuto affrontare gravi problemi di sicurezza e limitazioni nei movimenti necessari per completare l'operazione a causa della tensione crescente fra le milizie rivali, che è sfociata in scontri a fuoco intermittenti e nel lancio di missili sull'aeroporto di Tripoli".⁷⁷

Fra dicembre 2017 e metà novembre 2018, solo 860 rifugiati si sono reinsediati fuori dal Niger, in sette paesi dell'UE (Belgio, Finlandia, Francia, Germania, Paesi Bassi, Svezia e Regno Unito), in Svizzera, Canada e negli Stati Uniti. Inoltre, 104 persone sono state evacuate dalla Libia direttamente in Canada, Francia, Italia, Paesi Bassi e Svezia. A metà novembre 2018 nove paesi europei, la Norvegia, la Svizzera e il Canada si sono impegnati ad accogliere 3.886 persone uscite dalla Libia e passate attraverso il Niger.⁷⁸

L'UNHCR deve fare i conti con pesanti limitazioni. In effetti, la Libia fa parte della Convenzione per i Rifugiati dell'Organizzazione per l'Unità Africana del 1969, ma non della Convenzione di Ginevra del 1951, e a tutt'oggi non ha alcun meccanismo ufficiale per proteggere le persone in fuga dalle persecuzioni, senza contare gli ostacoli pratici e di sicurezza legati alla situazione attuale del paese.

Pur essendo presente sul campo sin dal 1991, l'UNHCR non ha ancora un memorandum d'intesa con il governo di unità nazionale che definisca i confini del suo mandato, una procedura standard nelle nazioni in cui opera. I negoziati per raggiungere un accordo proseguono a fatica. Le autorità libiche permettono all'Alto Commissariato di registrare i richiedenti asilo e i rifugiati provenienti solo da nove paesi: Eritrea, Sudan, Sud Sudan, Somalia, Etiopia (solo se appartenenti al gruppo etnico degli Oromo), Iraq, Repubblica

⁷⁶ "UNHCR appeals for more resettlement, end to detention as Libya evacuations near 2,500", comunicato stampa dell'UNHCR, 3 novembre 2018, <https://www.unhcr.org/news/press/2018/11/5bf7e0634/unhcr-appeals-resettlement-end-detention-libya-evacuations-near-2500.html>

⁷⁷ "UNHCR evacuates vulnerable refugees out of Libya as fighting resumes", comunicato stampa dell'UNHCR, 18 ottobre 2018, <http://www.unhcr.org/news/press/2018/10/5bc8494b4/unhcr-evacuates-vulnerable-refugees-libya-fighting-resumes.html> (ultimo accesso: 19 ottobre 2018)

⁷⁸ UNHCR Resettlement update #6, Libya-Niger situation, 19 novembre 2018, <https://reliefweb.int/sites/reliefweb.int/files/resources/66929.pdf> (ultimo accesso: 30 novembre 2018).

Araba di Siria, Yemen e Palestina. I migranti che vengono da queste nazioni non sfuggono alla detenzione: secondo l'UNHCR, nei primi otto mesi del 2018 ne sono sbarcati oltre 3.700 sulla costa occidentale della Libia, per poi finire nei centri.⁷⁹ Questo significa anche che l'agenzia dell'ONU non può registrare richiedenti asilo con nazionalità diverse ed esigenze di protezione che, di conseguenza, non sono candidati per una possibile evacuazione.

Inoltre, l'UNHCR sta lavorando per favorire il ritorno dei richiedenti asilo attualmente detenuti in Libia nel paese in cui sono stati registrati per la prima volta. Tre stati (Sudan, Etiopia e Chad) si dicono disposti a farli rientrare con queste premesse, e la sede libica sta perorando la loro causa anche con altre nazioni.⁸⁰

Gli stati dell'Unione Europea garantiscono il proprio sostegno anche al programma di "ritorno volontario umanitario" dell'Organizzazione Internazionale per le Migrazioni (OIM), che da gennaio 2017 ha aiutato circa 30.000 persone a lasciare la Libia per rientrare nel paese di origine.⁸¹ I beneficiari ricevono una piccola somma di denaro e l'assistenza necessaria per reintegrarsi: consulenza, supporto per la formazione o l'istruzione e, in alcuni casi, il capitale necessario per avviare un'attività e generare reddito. L'entità delle misure di reinserimento varia a seconda del paese di destinazione.⁸²

Il programma offre un servizio fondamentale a chi ha visto il proprio sogno di migrazione trasformarsi in un incubo e desidera rientrare nel paese di origine sano e salvo. Human Rights Watch ha intervistato molti detenuti che hanno subito perdite devastanti e incredibili violenze durante il viaggio, e vogliono tornare a casa.

Tuttavia, il fatto che rappresenti una delle poche alternative dei detenuti per riacquistare la libertà dalle condizioni terribili in cui si trovano non può che minare la natura volontaria del programma.

⁷⁹ Desperate journeys, pag. 17.

⁸⁰ E-mail inviata dall'UNHCR Libia a Human Rights Watch, 26 novembre 2018.

⁸¹ OIM, "UN Migration Agency Helps More Than 30,000 Migrants Return Safely to Over 30 Countries", 14 agosto 2018, <https://www.iom.int/news/iom-un-migration-agency-helps-more-30000-migrants-return-safely-over-30-countries-origin> (ultimo accesso: 16 settembre 2018). Il programma dell'OIM in Libia è finanziato dagli stati membri dell'UE, compresi Italia, Germania, Finlandia, Paesi Bassi e Regno Unito, e da altre nazioni come la Norvegia e la Svizzera.

⁸² E-mail inviata dall'OIM Libia a Human Rights Watch, 30 novembre 2018.

Come ci ha detto Isaac, ventunenne nigeriano detenuto nel centro del DCIM a Zuwara:

Le guardie mi hanno detto che non posso uscire se non accetto di tornare a casa. Quindi non ho scelta. Se resto... è solo questione di tempo prima che cambi idea. È venuta l'OIM, ha detto a tutti i nigeriani di uscire. Dicono che ci daranno 50 euro.⁸³

Hamza, 31 anni, dal Marocco, ci ha raccontato che la brutalità delle guardie a Zuwara l'ha spinto a registrarsi per il rimpatrio con il funzionario dell'ambasciata il giorno prima della nostra intervista: "All'inizio non volevo tornare a casa. Ma adesso ho cambiato idea. Anche gli altri marocchini vogliono andarsene".⁸⁴

Un operatore umanitario in Libia, che ha chiesto di restare anonimo, sostiene che l'OIM stia essenzialmente deportando le persone per conto delle autorità libiche, e gratis. A suo parere, questi rimpatri e le evacuazioni dell'UNHCR non sono vere soluzioni a lungo termine e non bastano a svuotare i centri, visto il numero di intercettazioni seguite dalla detenzione automatica: le chiavi di volta per risolvere gli abusi perpetrati contro i migranti sono la depenalizzazione dell'ingresso e della permanenza irregolare, e la creazione di percorsi per regolarizzare il proprio status in Libia.⁸⁵

Isaac ha iniziato il viaggio con suo fratello, il programma era di lavorare in Italia e risparmiare, per poi studiare nel Regno Unito e diventare avvocato. Voleva aiutare sua madre, vedova e malata. I trafficanti li hanno tenuti prigionieri a Sebha, uno snodo centrale per i migranti nel sud del paese, dove hanno ucciso suo fratello e ustionato Isaac sulla pancia e sul braccio sinistro per estorcere denaro alla sua famiglia. "Ho dovuto chiamare mia madre e chiederle dei soldi, ma non ce li aveva. Piangeva. È l'ultima volta che l'ho sentita. Non sa neanche che mio fratello è morto e io sono vivo".⁸⁶

Dal momento che né la vita né la libertà di Isaac erano in pericolo in Nigeria, ha avuto la possibilità di tornare a casa per sfuggire alla detenzione, anche se questo ha messo fine ai suoi sogni di migrante. Tuttavia, altre persone rischiano di essere costrette a tornare in

⁸³ Intervista di Human Rights Watch a Isaac, centro di detenzione di Zuwara, Zuwara, 9 luglio 2018.

⁸⁴ Intervista di Human Rights Watch ad Hamza, centro di detenzione di Zuwara, 9 luglio 2018.

⁸⁵ Intervista di Human Rights Watch a un operatore umanitario anonimo, Tunisi, Tunisia, 3 luglio 2018.

⁸⁶ Intervista di Human Rights Watch a Isaac, centro di detenzione di Zuwara, Zuwara, 9 luglio 2018.

luoghi ben più rischiosi. L'UNHCR e l'OIM dicono di avere un sistema di riferimento reciproco, ma viste le limitazioni nel campo d'azione dell'agenzia per i rifugiati, è chiaro che ad alcuni detenuti bisognosi di protezione restano poche alternative.

Qualcuno potrebbe scegliere di partecipare al programma di ritorno dell'OIM anziché fare richiesta di asilo: è una procedura più veloce che registrarsi con l'UNHCR e aspettare l'evacuazione. Pare che i somali, che potrebbero registrarsi, stiano invece optando in massa per il rimpatrio. Il 7 novembre 2018, l'OIM ne ha riportati 124 nella capitale Mogadiscio.⁸⁷ L'inviato speciale dell'UNHCR per il Mediterraneo centrale, Vincent Cochetel, ha spiegato su Twitter che l'OIM e l'UNHCR forniscono una consulenza congiunta ai somali, e che molti di essi "hanno lasciato il proprio paese per gravi problemi di sicurezza... L'indigenza, la fame, i timori per la sicurezza [in Libia] e la mancanza di alternative li spingono a tornare".⁸⁸

La sede libica dell'OIM sostiene che il suo programma ha una "natura del tutto volontaria" e il suo personale si accerta che i migranti "prendano una decisione informata sul loro rimpatrio, e che non temano alcun tipo di persecuzione al rientro".⁸⁹

L'UNHCR e l'OIM non sembrano avere le risorse necessarie per rispondere alle enormi necessità dei detenuti. Più volte i migranti e i richiedenti asilo, ma anche le autorità detentive libiche, si sono lamentati nelle interviste con Human Rights Watch del fatto che entrambe le organizzazioni si recano nei centri solo raramente, e non sono in grado di registrare un numero sufficiente di persone. Il 5 luglio 2018 un gruppo di 13 donne ivoriane nel centro di detenzione di Ain Zara ci hanno raccontato di essere state intercettate dalla Guardia Costiera a metà giugno; volevano tornare a casa ed erano irritate per non essere ancora state registrate dall'OIM.⁹⁰ Human Rights Watch ha anche assistito a una protesta nel centro di Tajoura, in cui un gruppo di uomini quasi tutti del Darfur chiedevano di essere registrati dall'UNHCR.

In risposta alle lamentele sulle loro carenze, sia l'OIM che l'UNHCR hanno esposto nel dettaglio il loro mandato e i risultati ottenuti. La sede libica dell'OIM ha riferito che i suoi

⁸⁷ <https://twitter.com/unmigration/status/1060185365804408832> (ultimo accesso: 13 novembre 2018).

⁸⁸ <https://twitter.com/cochetel/status/1060531172026077184> (ultimo accesso: 13 novembre 2018).

⁸⁹ E-mail inviata dall'OIM Libia a Human Rights Watch, 30 novembre 2018.

⁹⁰ Intervista di gruppo di Human Rights Watch nel centro di Ain Zara, Tripoli, 5 luglio 2018.

team si recano nei centri di detenzione a Tripoli ogni giorno, e organizzano regolarmente visite alle strutture in altre città per offrire “assistenza umanitaria diretta, servizi sanitari, controlli sulla protezione (con segnalazione di coloro che richiedono la protezione internazionale all’agenzia per i rifugiati) e registrazioni per il programma di ritorno volontario”.⁹¹ L’UNHCR ha lanciato una campagna in proposito a ottobre del 2018, durante la quale nel solo centro di Tajoura ha registrato 660 persone in due giorni, provenienti anche dal Darfur. La campagna ha toccato tutti i centri di detenzione di Tripoli e la città montuosa di Zintan, e sarà ampliata per coinvolgere le città a ovest della capitale, Misurata e il territorio circostante.⁹²

⁹¹ E-mail inviata dall’OIM Libia a Human Rights Watch, 30 novembre 2018.

⁹² E-mail inviata dall’UNHCR Libia a Human Rights Watch, 26 novembre 2018.



Medici per i Diritti Umani

Rapporto sulle condizioni di grave violazione dei diritti umani dei migranti in Libia (2014-2017)

Sessione del Tribunale Permanente dei Popoli sui migranti
Palermo, 18-20 dicembre 2017

*Appena arrivi in Libia, sei in una grande prigione.
Non puoi tornare indietro, non puoi scappare.
La Libia è un luogo dove l'umanità è scomparsa
A.K., 18 anni dall'Eritrea*

1) I testimoni

Questo rapporto si basa su oltre duemilaseicento testimonianze dirette di migranti transitati dalla Libia, raccolte dagli operatori di Medici per i Diritti Umani (Medu) nell'arco di quattro anni (2014-2017), di cui oltre la metà nel solo 2017.

Le informazioni sono state raccolte in particolar modo in Sicilia - nell'Hotspot di Pozzallo, nei centri di accoglienza straordinaria (CAS) della provincia di Ragusa, nel Centro di accoglienza per richiedenti asilo (CARA) di Mineo (Catania), nel Centro polifunzionale di Ragusa- e a Roma, nei luoghi informali di accoglienza e nel Centro Psychè per la riabilitazione delle vittime di tortura. In tutti questi luoghi Medu opera portando supporto socio-sanitario ai migranti, prima assistenza medica, servizi di riabilitazione medico-psicologica per le vittime di tortura e trattamenti inumani e degradanti.

L'età media dei migranti (92% di sesso maschile e 8% di sesso femminile) assistiti e intervistati da Medu è di 26 anni. Tra di essi oltre 200 minori (13%) quasi tutti incontrati negli insediamenti informali di Roma. I migranti incontrati in Sicilia erano tutti richiedenti asilo accolti nei centri istituzionali, a Roma sia migranti in transito verso altre paesi europei sia richiedenti asilo e rifugiati. Le principali nazionalità dei testimoni sono le seguenti: Eritrea, Nigeria, Gambia, Sudan, Senegal, Etiopia, Mali, Costa d'Avorio, Somalia.

Tra i migranti provenienti dal Corno d'Africa, ed in particolar modo dall'Eritrea, il motivo principale della fuga è il servizio militare obbligatorio a tempo indeterminato, un sistema paragonabile ai lavori forzati. I fattori che spingono alla migrazione dai paesi dell'Africa subsahariana occidentale sono molto più eterogenei; tra le persone intervistate da Medu, la prima

causa è comunque la persecuzione politica mentre le motivazioni economiche vengono addotte solo dal 9% dei migranti.

2) Torture e trattamenti inumani e degradanti

Secondo i dati raccolti da Medici per i Diritti Umani in questi ultimi quattro anni -confermati se non aggravati negli ultimi mesi – l'85% dei migranti giunti dalla Libia ha subito in quel paese torture e trattamenti inumani e degradanti e nello specifico il 79% è stato detenuto/sequestrato in luoghi sovraffollati ed in pessime condizioni igienico sanitarie, il 70% ha subito costanti deprivazioni di cibo, acqua e cure mediche, il 65% gravi e ripetute percosse e percentuali inferiori ma comunque rilevanti stupri e oltraggi sessuali, ustioni provocate con gli strumenti più disparati, *falaka* (percosse alle piante dei piedi), scariche elettriche e torture da sospensione e posizioni stressanti (ammanettamento, posizione in piedi per un tempo prolungato, sospensione a testa in giù, ecc).

Tutti i migranti detenuti hanno subito continue umiliazioni e in molti casi oltraggi religiosi e altre forme di trattamenti degradanti. Nove migranti su dieci hanno dichiarato di aver visto qualcuno morire, essere ucciso o torturato. Alcuni sopravvissuti sono stati costretti a torturare altri migranti per evitare di essere uccisi. Numerosissime le testimonianze di migranti costretti ai lavori forzati o a condizioni di schiavitù per mesi o anni. Questi dati, probabilmente addirittura sottostimati, rappresentano, a nostro avviso, un quadro fedele delle violenze sistematiche a cui vengono sottoposti tutti i migranti che giungono dalla Libia nel nostro paese.

L'80% dei migranti seguiti dai progetti di riabilitazione medico-psicologica per le vittime di tortura di Medu in Sicilia e a Roma (262 pazienti) presentava ancora segni fisici compatibili con le violenze riferite. Oltre ai segni fisici vi sono poi, spesso più insidiose e invalidanti, le conseguenze psicologiche e psico-patologiche della violenza intenzionale. Tra i disturbi psichici più frequentemente rilevati dai medici e dagli psicologi di Medu, vi sono il Disturbo da stress post traumatico (PTSD) e altri disturbi correlati ad eventi traumatici ma anche disturbi depressivi, somatizzazioni legate al trauma, disturbi d'ansia e del sonno. Spesso questi disturbi ricevono meno attenzione delle malattie fisiche, vengono ignorati o diagnosticati in ritardo. Questo, oltre a comportare un peggioramento e una cronicizzazione del quadro clinico, provoca gravi difficoltà al percorso di integrazione dei migranti nei paesi di asilo.

Principali disturbi psichici diagnosticati tra i richiedenti asilo assistiti da Medu (262 migranti)
Pazienti assistiti dai progetti di Medu per la riabilitazione delle vittime di violenze e tortura



DETAINED YOUTH

THE FATE OF YOUNG MIGRANTS,
ASYLUM-SEEKERS AND REFUGEES
IN LIBYA TODAY

STUDY 1
JULY 2015

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On arrival in Libya, 4.4. Legal and administrative framework

Libya has acceded to a number of international human rights instruments,⁷³ including key treaties relevant to the protection of migrants from arbitrary detention as well as commitments to various treaties concerned with forced labour, trafficking, and smuggling as well as regional conventions under the African Union. Table 5 lays out the treaties to which Libya has made a commitment through signature, ratification or accession. A number of Libya's international human rights obligations are reflected in subsequently enacted domestic legislation, such as the Great Green Charter of Human Rights in the Jamahiriya of 1988⁷⁴ (abolished after the 17 February 2011 overthrow of Gaddafi). Various reports continue to express concern over the implementation of Libya's international legal obligations, in particular, as related to civil and political rights. The main issue at this point in time is that despite the fact that Libya has subscribed to various international human rights standards, there is no clear authority responsible given the breakdown of law and order in the country and the control of the internationally 'recognised' authority of only a part of the country.

The lack of asylum safeguards is a gap. Libya is not a signatory to the 1951 Convention relating to the Status of Refugees, and thus not bound by it. However, Libya is party to the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) and thus in effect adheres in spirit to the 1951 Refugee Convention. The main issue is the lack of an implementation framework. No domestic asylum legislation has been adopted, and there are no national asylum institutions and processes. References to asylum in domestic legislation were made in Article 11 of Libya's Constitutional Declaration of 1969⁷⁵ and the Constitutional Declaration of the Transitional National Council post the 2011 armed conflict. However, despite efforts since the 2000s to translate this into domestic legislation, no statute has yet been passed. In the absence of a national asylum system, all asylum-related activities are carried out exclusively by UNHCR and its partners. This includes the examination of any requests for international protection pursuant to UNHCR's mandate. The absence of a cooperation agreement between UNHCR and the Libyan Government formally establishing UNHCR's presence and operations in the country has meant that UNHCR's operating environment remains largely unpredictable, and the execution of its protection functions ad-hoc and unsystematic.⁷⁶

Entry into Libya is regulated by Law No. 6, Regulating Entry, Residence and Exit of Foreign Nationals to and from Libya of 1987. The Law prescribes those persons violating Libya's legislative entry provisions are subject to fines and imprisonment of up to three months. Thus a prison sentence and fine are applicable to the facilitation of irregular entry to the territory and to irregular stay or entry, preceding deportation. This law also stipulates the grounds for the deportation of foreign nationals, including entry without a visa and overstay without a valid residence permit. In reality, very few asylum-seekers enter the country through the airports and other official border entry points with valid documentation. The majority enter the country through irregular means.⁷⁷

Individuals wishing to apply for asylum in Libya may approach UNHCR's representation in Tripoli or its sub-office in Benghazi, where their protection needs and status are determined in accordance with UN-

.....
73 These include: the International Convention on the Elimination of All Forms of Racial Discrimination (in 1969), the International Covenant on Economic, Social and Cultural Rights (1976), the International Covenant on Civil and Political Rights (1976), Convention on the Elimination of All Forms of Discrimination against Women (1989), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1989) and Convention on the Rights of the Child (1993). In 2004, Libya also signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Libya has also acceded to the United Nations Convention against Transnational Organized Crime, and its two Protocols on migrant smuggling and human trafficking.

74 Great Green Charter of Human Rights of the Jamahiriya Era (Libyan Arab Jamahiriya), 12 June 1988. <http://www.unhcr.org/refworld/docid/3dda540f4.html>. The principles of the Charter are supposed to be incorporated into every law in accordance with the Law No. 5 of 1991 on Implementation of the principles of the Great Green Charter for human rights in the Jamahiriya era. (Libyan Arab Jamahiriya), July 1991. <http://www.unhcr.org/refworld/docid/3defab9f2.html>

75 Constitution Proclamation (Libyan Arab Jamahiriya), 11 December 1969. <http://www.unhcr.org/refworld/docid/3ae6b5a24.html>

76 Submission by the Office of the United Nations High Commissioner for Refugees in the Case of Hirsi and Others v. Italy (Application no. 27765/09), p.5. <http://www.refworld.org/pdfid/4b97778d2.pdf>

77 UNHCR, 'Submission by the Office of the United Nations High Commissioner for Refugees in the Case of Hirsi and Others v. Italy, op cit

HCR's mandate. Given the evacuation of UNHCR staff in 2014, the already precarious situation of those wishing to apply for asylum is further undermined although remote operations continue and UNHCR's several partners in Libya continue to work on the ground.

In the absence of a legal framework, different policies are adopted towards various groups of people in need of international protection. For instance, in 2013, the Ministry of Interior allowed Syrian nationals to confirm their status as asylum-seekers, to enable UNHCR to register and provide them with access to medical and educational services.⁷⁸ By contrast the situation of asylum-seekers and refugees of sub-Saharan origin remains precarious. They are given no access to basic services and remain at risk of being detained because of their immigration status.⁷⁹ In the absence of national asylum legislation and procedures, asylum-seekers attempting to enter Libya in an irregular manner are considered "illegal migrants" [sic] as defined by Libyan law and subject to detention in "alien holding/accommodation centres" in accordance with the provisions of Law No. 6, for those who are irregular migrants, the provisions of the law such that it is, are not applied.

Table 5 Libya's commitments under international human rights treaties⁸⁰

International Bill of Human Rights	Signature	Ratification	Accession	Succession	Entry into force
International Covenant on Economic, Social and Cultural Rights			15 May 1970		
International Covenant on Civil and Political Rights			15 May 1970		
Optional Protocol to the International Covenant on Civil and Political Rights			16 May 1989		
International Convention on the Elimination of All Forms of Racial Discrimination			3 Jul 1968		
Convention on the Elimination of All Forms of Discrimination against Women			16 May 1989		
Optional Protocol to the Convention on the Elimination of Discrimination against Women			18 Jun 2004		
United Nations Convention against Transnational Organized Crime	13 Nov 2001	18 Jun 2004			
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime Preamble, supplementing the United Nations Convention against Transnational Organized Crime	13 Nov 2001	24 Sep 2004			
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	13 Nov 2001	24 Sep 2004			
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery			16 May 1989		
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others			3 Dec 1956		
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment			16 May 1989		
Convention on the Rights of the Child			15 Apr 1993		
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts			29 Oct 2004		
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour			4 Oct 2000		

⁷⁸ Amnesty International, 2013, p.9.
⁷⁹ Amnesty International, 2013, p.9.
⁸⁰ Updated treaty information available from University of Minnesota, Human Rights Library <http://www1.umn.edu/humanrts/research/ratification-libya.html> (accessed on 2/3/15)

International Bill of Human Rights	Signature	Ratification	Accession	Succession	Entry into force
Convention concerning Forced or Compulsory Labour		13 Jun 1961			
Abolition of Forced Labour Convention		13 Jun 1961			
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families			18 Jun 2004		
African [Banjul] Charter on Human and Peoples' Rights		19 Jul 1986			
Convention Governing the Specific Aspects of Refugee Problems in Africa	30 May 1985		25 Apr 1981		
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	5 Nov 2003				
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	9 Jun 1998	19 Nov 2003			
African Charter on the Rights and Welfare of the Child	9 Jun 1998	23 Sep 2000			

4.6. Findings from primary research

4.6.1. Introduction

The Libyan authorities (DCIM) say that at any given moment there are between 5,000 and 6,000 persons held in immigration detention facilities in Libya, with some centres accommodating more than 1,000 persons and no more than a few dozen in others⁸⁶. Estimates from 2014 suggested that there were some 5,000-10,000 migrants and refugees held in detention facilities where they faced torture and other abuses, overcrowding, dire sanitation, lack of access to adequate medical care, and inhuman or degrading treatment.⁸⁷

Such reports of human rights abuses are not new: even before the 2011 conflict, most detention centres were of a very low standard, overcrowded and with inadequate sanitation and health facilities.⁸⁸ Detention periods were often set by arbitrary decisions of the relevant centre's administration despite Law No. 6 providing for a maximum detention sentence of three months for illegal entry,⁸⁹ meaning that detainees faced being held on an arbitrary basis for indeterminate periods.⁹⁰ There were accounts from the late 2000s of migrants, asylum-seekers and refugees sometimes being arrested by the police, detained, and then sold by the police to people smugglers, only to be caught, detained, and re-sold again, sometimes repeatedly. This meant that people were forced to pay bribes several times before eventually making it abroad, or face deportation to their country of origin or remain in detention, sometimes for years, if they were unable to pay.⁹¹ Libyan officials were also alleged to have mistreated deported migrants, asylum-seekers and refugees, with multiple accounts of people being dropped off in the desert and left to die.⁹²

The current situation has deteriorated further.⁹³ The descent of Libya into lawlessness has created an environment where police, militias, smugglers, traffickers, criminal gangs, and civilians can detain migrants, asylum-seekers and refugees with impunity, use them to extort money or force them into unpaid labour. As one Eritrean told the study,

**“In Libya everyone can do what he wants, there is no law, there is nothing”.
(21 year old Eritrean male asylum-seeker interviewed in Calais/France in
January 2015)**

Beatings, whippings, and electric shocks and a failure on the part of the authorities to address these abuses and hold perpetrators to account are reported.⁹⁴ According to key informants, women detainees are vulnerable to sexual violence and invasive strip-searches by male guards, and young boys are at risk of rape.⁹⁵ They also allege manifestly discriminatory practices by the Libyan authorities in that almost all detainees are Sub-Saharan Africans, whereas the large populations of Syrians, Palestinians and Iraqis in the country are generally tolerated even without formal legal residence status, and are able to live relatively freely in the community. The prevalence of xenophobic and prejudiced attitudes among staff, particularly towards migrants, asylum-seekers and refugees from Sub-Saharan Africa⁹⁶ is also confirmed in human rights reports. Corruption and ill-treatment is said to be endemic with former detainees typically alleging that they are forced to pay bribes to officials to be released.⁹⁷

.....
86 Eurasyllum, 2014, p.59.

87 Human Rights Watch, 2015b.

88 Submission by the Office of the United Nations High Commissioner for Refugees in the Case of Hirsi and Others v. Italy op cit

89 Submission by the Office of the United Nations High Commissioner for Refugees in the Case of Hirsi and Others v. Italy op cit

90 Human Rights Watch, 'Pushed Back, Pushed Around: Italy's Forced Return of Boat Migrants and Asylum Seekers, Libya's Mistreatment of Migrants and Asylum Seekers' op cit.

91 Global Detention Project, 2015a.

92 Human Rights Watch, 2009.

93 Key informants working with migrant arrivals in Catania, Sicily told the study that situation was worse than it had ever been. (Interview February 2015)

94 Human Rights Watch, 2015b.

95 This was said by key informants on the ground in Libya, although key informants working with people who had arrived in Sicily said this was not a risk for male minors as teenage boys were seen as adult men by their own cultures.

96 Amnesty International, 2013.

97 Human Rights Watch, 2009.

In recent months, the migrant detention population has rapidly increased⁹⁸ (especially in April 2015) and it is reported that several new facilities have opened. On 22 March 2015, UNHCR was aware of 1,219 persons held in DCIM-administered detention facilities. As of 4 May 2015, DCIM was reportedly detaining 3,245 persons, including 329 women and 34 children in various facilities in western Libya, while the numbers for detention centres in the east were yet to be verified. Most detainees were Sub-Saharan Africans, along with several Bangladeshi and Pakistani nationals. There were very few instances of Syrians, Palestinians, or Iraqis being detained, although these nationalities represent the majority of persons of concern registered with UNHCR (together with Eritreans, Somalis, and Sudanese). Many of those in detention facilities were arrested on land owing to lack of a legal residence permit. Since April 2015, more than 1,500 asylum seekers, refugees and other migrants intercepted upon disembarkation or rescued at sea by the Libyan Coast Guard have been detained in Libya.

4.6.2. Profile of Libyan sample

This study focuses on detention in Libya since the vast number of interviewees, 48/51 said they had been held there on the way to Europe.⁹⁹ Detention was found to occur throughout 2013 and 2014, with some cases as recent as October 2014, just prior to the person's arrival in Europe.¹⁰⁰ Moreover, of the 48 people detained in Libya, 45 reported being detained by 'State actors' on the basis described above (only three people reported being exclusively detained by smugglers or criminal gangs) of which 11 of the 45 were minors under 18 years of age.

The study also encountered migrants and refugees from the Syria Arab Republic and Egypt in the project sites, but they did not report detention in Libya. This may be for varying reasons, for instance, that they were better integrated into local communities in Libya and thus less exposed to detention or due to special circumstances. For instance, until recently, Egyptians were often working and did not end up in detention as they had an employers' guarantee while Syrians were able to enter the country without a visa until 2014 and were therefore less likely to be detained. Key informants also say that such groups are generally held for shorter periods of time for identity and sometimes health checks. Informants in the research sites also suggested that Syrians who make it to Europe had the resources to pay bribes and thus avoid detention in Libya. Moreover, the places of origin fluctuate as smugglers seek out new markets. For instance, key informants in Sicily report an increase in arrivals from Gambia despite the lack of any obvious external cause in terms of political or social upheaval.

The following analysis is a detailed perspective on the testimonies of the 45 individuals interviewed who had been detained in Libya by the governing authorities. It describes their journey to Libya, the detention experience, departure from Libya and arrival in Europe. Some of these people will also have been held by smugglers at some stage of their journey. However, this aspect of their experience is not the focus of detailed enquiry here. The report uses the criteria listed in the UNHCR et al. 'Monitoring Immigration Detention Manual'¹⁰¹ as an overall framework of analysis and presentation of findings. This manual is intended for use by those carrying out visits to detention facilities and presents a list of indicators to assess the conditions of detention. This study, which depends on the long distance recollections and testimonies of past experiences cannot answer the specificity of the requirements listed, but nonetheless the manual provides a useful framework for organising findings where relevant information is available.

.....
⁹⁸ There was some conflicting information from key informants on the ground as to whether current numbers are increasing or decreasing. Some say that as at spring 2015, the number of detainees is declining due to the reducing number of detention centres and the forced return of migrants from the north of Libya to the south of the country and then further back into sub-Saharan Africa and put the current number of immigration detainees at 2,300-2500.

⁹⁹ 3/51 interviewees were detained in other countries only (Egypt and Morocco)

¹⁰⁰ The study took account of detention experiences 2 years prior to the research i.e. autumn 2012 as the cut off point to ensure the relative currency of the information gathered. It should be noted that 40% of the cases were in 2014, some as recent as October 2014, a couple of months prior to the interviews in early 2015.

¹⁰¹ UNHCR, 2014c.

Table 10

Monitoring of due process procedures

Monitoring criteria	Findings based on 45 detainees in Libya
<p>Detention procedures</p> <p>Immigration detention is exceptional and permissible only on grounds prescribed by law and in accordance with procedures authorized by law</p>	45/0 report a legal process
<p>Access to a lawyer</p> <p>Detainees have access to a suitably qualified lawyer and in a manner / language they understand of the reasons for arrest and detention</p>	45/0 report access to a lawyer Interviewees were asked about reasons given at time of arrest. 45/21 said they were told that they were arrested for 'illegal entry' or for not having valid identity documents, 17 said they were not given a reason and the rest did not comment on this point or their answers were unclear. 11/2 minors were given 'illegal' presence as a reason, 11/7 were given no reason, and 11/2 did not give a clear answer on this.
<p>Arrival and Reception</p> <p>Immigration detainees are informed of their right to seek asylum and to access other forms of protection and they have effective access to these procedures as appropriate. Detainees can telephone family and legal counsel in private</p>	45/0 were informed of a right to seek asylum. In addition 45/0 were asked if they wanted to return to their country of origin; nor did they feel pressured to return. Only 45/4 said they were able to call family/friends and that was only for the purpose of asking for money for their release.
<p>Cash and possessions</p> <p>There are clear and readily accessible rules and regulations about the retention of property on admission to the place of detention</p>	45/5 said their identify documents were taken off them and not returned, one reported being allowed to keep his documents. The rest of the interviewees said they did not have documents when they arrived in detention.

4.6.5. Conditions in detention

Vulnerable groups

All were detained with large numbers of other people ranging from a few dozen to hundreds depending on the size of the cell. Table 11 sets out the treatment of vulnerable detainees. In 29/45 cases, interviewees said men and women were kept separately, in five cases men and women were kept together, and the remaining instances were inconclusive, either no women were seen or no information was provided. The guards were all male, except for references to female guards at Zawiya detention facility in October 2014; Sabha in April to June 2013; and female soldiers at an un-named military camp near Tripoli in September–October 2012.¹⁰⁶ The detention of minor males with unknown adult men was more commonly reported; 14/45 interviewees said they were aware of the detention of unaccompanied minors, including in principal facilities like Abu Salim, Gharyan, Ganfuda, and Ain Zara. Only a few of these were fathers with sons as only 2/45 reported seeing accompanied children with parents in detention facilities.

In some places, non-nationals were in the same detention facilities as Libyans and had the perception that the Libyans were treated better. One female asylum-seeker recalled,

**“I was in the foreign room with 100 women from Sudan, Ethiopia, and Eritrea. In front of us there was another room for Libyans. We could see that the room was better. The women over there had three meals, better drinking water and access to toilets while we had food once a day, the water they gave us for drinking was salty and the toilets were clogged”.
(23 year old Eritrean female detained in 2014 at an unknown detention facility near Tripoli. Interviewed in Calais/France in January 2015)**

Some Sub-Saharan migrants, asylum-seekers and refugees felt that they were treated differently because they were black, noting that often the only other people in detention were black or that they were separated from other ethnicities, “...[in the first detention centre]...black people were separated from white people (Egyptians, Algerians...) ...[in the second detention centre] there were only black people”.

.....
106 Key informants questioned the testimony about the presence of female guards and soldiers.

Sanitation and hygiene

Sanitation facilities were usually wholly inadequate as shown in table 14. Most, 37/45, described filthy conditions and an insufficient number of toilets, sometimes as few as two or three toilets for 400-500 people. Toilets were often in the cells, afforded no privacy and consisted of little more than a waste bucket. One interviewee described the facilities.

“We had a bucket for a toilet shared between us and used in view of everyone in the room. This was emptied outside in the garden on a daily basis, one of us, usually me since I was small and thought unlikely to run away, was taken out in the early hours of the morning when it was still dark outside to empty it”.

(26 year old Mauritanian male refugee detained in Adjabya in 2012-2013. Interviewed in Calais, France in November 2014)

If the toilets were outside, the time of visits was limited to fixed times once or twice a day with guards refusing access at other times. In the worst cases, people were forced to defecate and urinate in the cells; people described having to urinate in the same glass in which they were given drinking water or having to sleep on floors wet with the urine of other detainees. Access to showers or bathing facilities was rare. Sanitary items were not habitually provided to menstruating women.

Table 14		Monitoring sanitation and hygiene facilities
Monitoring criteria	Findings based on 45 detainees in Libya	
Sanitation and Hygiene Detainees have ready and unrestricted access to well-maintained, clean, decent and private sanitation facilities.	45/37 reported inadequate sanitation facilities, 7 did not give a specific response and only one person reported satisfactory facilities. Concerns included overcrowding, dirty facilities, limited times of access and lack of privacy.	
Detainees have access to adequate and private bathing and shower facilities, at a temperature suitable to the climate and as frequently as necessary for general hygiene	45/4 reported access to a shower or bathing facilities but the adequacy of the facilities was not commented on. This was not commented on by all.	

Activities

There was no outdoor access as a rule (see table 15). In the best case, in one of the larger detention centres, Sabha, detainees had access to the yard four times a day, in the worst case; a migrant was kept imprisoned in an underground cell for a year resulting in lasting damage to his eyesight.

“The problem was light, there was no light and I had problems with my eyes when I came out”. (26 year old Mauritanian male migrant detained in Adjabya in 2012-2013. Interviewed in Calais, France in November 2014)

7/45 said that they had to do unpaid work such as handyman jobs for guards, cleaning weapons or doing household chores, or work on farms and construction projects outside.

Table 15		Monitoring the activities available to detainees
Monitoring criteria	Findings based on 45 detainees in Libya	
Activities Work is not compulsory	45/7 including two minors said they were forced to undertake unpaid work outside	
Immigration detainees are able to move freely within the facility and have at least one hour per day of suitable exercise in the open air	45/3 said they had access to the open air on a daily basis, 3 others said they had occasional access, the rest had no access.	

State of the World's Minorities and Indigenous Peoples 2016 - Libya

www.refworld.org

Publisher [Minority Rights Group International](#)

Publication
Date 12 July 2016

Minority Rights Group International, *State of the World's
Minorities and Indigenous Peoples 2016 - Libya*, 12 July

Cite as 2016, available at:
<https://www.refworld.org/docid/5796082ac.html> [accessed
6 November 2019]

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Events of 2015

Several years after the 2011 uprising that toppled former dictator Muammar Al-Gaddafi, Libya's political landscape remains fractured. The power vacuum that emerged after the fall of Gaddafi has led to the proliferation of armed groups, each fighting for pockets of control across the country. Conflict escalated into open warfare in mid 2014 and led to the establishment of two rival governments in Tobruk and Tripoli, the former with international recognition and backed by armed militias under the 'Operation Dignity' alliance, and the latter backed by 'Libya Dawn' militias. The continuation of fighting

throughout 2015 saw a further deterioration of the human rights situation, as armed groups carried out violations including kidnappings, arbitrary detentions, torture and unlawful executions with impunity. With the signing of an agreement between the two ruling factions in December 2015 to establish a unity government, Libya's future stability hinges upon the new government's ability to establish an inclusive and functional political system. This includes taking measures to end legacies of exclusion and discrimination against Libya's minority groups.

The state of prolonged conflict afflicting Libya has allowed extremist groups, including militias loyal to ISIS, to carve out an increasing presence in parts of the country. This has created a dangerous situation for religious minorities living in the country. On 15 February 2015, a video released by an ISIS-affiliated group – depicting the massacre of 21 Coptic Christians, mostly Egyptian nationals, on a beach on Libya's northern coast – sent shockwaves through the region. An estimated 800,000–900,000 Egyptian nationals were working in Libya at the time, but numerous reports of kidnapping of Egyptian Copts in late 2014 and early 2015 began to create a climate of fear. News of the February massacre caused at least 33,000 Egyptians to return home and prompted the Egyptian government to launch retaliatory airstrikes.

On 19 April 2015, another video was released showing the beheadings and shooting of 28 Ethiopian and Eritrean Christians. On 3 June 2015, a further 86 Eritrean Christians were kidnapped south of Tripoli. Their whereabouts are still unknown. Incidents such as these illustrate the heightened vulnerability faced by sub-Saharan African migrants in Libya, who can be easily targeted by militias due to their ethnicity, undocumented status or religion. Amnesty International has documented widespread abuses against migrants, asylum-seekers and refugees in Libya, ranging from threats, physical assaults and theft to abduction, torture and killing. Female migrants are particularly prone to sexual exploitation.

There are fears that the increased presence of ISIS-affiliated groups in Libya could lead to attacks on historical and religious sites, in attempts to emulate the campaign of destruction unleashed by the

group in Iraq and Syria. There have already been numerous reports of attacks on Sufi shrines, graves, and celebrations since 2011. On 23 April 2015, militants bombed the ancient Al-Quds mosque in Tripoli, a mosque frequented by Sufis.

Black migrants and Libyans alike have also been targeted by rebels due to the perception that they fought on Gaddafi's side in the uprising, based on claims that he used African mercenaries during the conflict. Following the stationing of government forces in the town of Tawergha in 2011, rebel forces retaliated against the town, forcing more than 30,000 residents to flee and leaving it a ghost town. Ever since, the majority of Tawerghans have been forced to live in displacement camps scattered across the country, and face ongoing harassment. The UN documented multiple cases of abduction of Tawerghan internally displaced people (IDPs) in March and April 2015 after their identities were discovered at checkpoints. In March, eight civilians were reportedly killed when Libyan warplanes bombed a Tawerghan IDP camp. However, in a positive development at the end of the year, the Misrata–Tawergha Joint Committee adopted a Road Map Document providing for the reconstruction of Tawergha and the voluntary return of its residents to their homes. Nevertheless, at the time of writing concrete progress on the principles outlined in the document had yet to be seen.

Amid the upheaval that has characterized Libya's tumultuous transition, the country's main ethnic minorities have become more active and begun to assert an independent voice after decades of marginalization under the Gaddafi regime. This includes Tuaregs, who are nomadic pastoralist tribes living along Libya's western border, and black African Tebu tribes inhabiting southern Libya. Nevertheless, relations between minorities have at times turned violent. In the southern town of Awbari, where Tuareg and Tebu live side by side, conflict that began in September 2014 culminated in the displacement of 18,500 people, most of whom were women, children and the elderly. The conflict has been driven by disputes between Tebu and Tuareg militias, who overlap in Awbari, over oil and water resources, as well as control of the lucrative smuggling trade in arms, drugs and migrants. In July, a week of clashes between Tuareg and Tebu in the town of Sebha left over 40 people dead. According to the

Internal Displacement Monitoring Centre (IDMC), there are also 4,800 IDPs in protracted displacement who have been unable to return to their homes since the January 2014 clashes between the Tebu and Awlad Suleiman tribe, who may have been re-displaced during the renewed conflict. Although a ceasefire negotiated with the help of Qatar in November promises to end fighting and provide for the return of displaced people to Awbari, sporadic clashes have continued to erupt.

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Libya

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Photo Story | 1 September 2017

V G O C Y G F

V G H a I G G W B L F T W B C R F B T G S T O G B S R B / J G B P S b G P G F L Y G V V C R G C R B P L I V C Y L S R O L D e C

G B B B B B B B

For more than a year, Médecins Sans Frontières (MSF) has been providing medical care to refugees, asylum-seekers and migrants held inside Tripoli detention centres in conditions that are neither humane nor dignified.

Detainees are stripped of any human dignity, suffer ill-treatment and lack access to medical care. Detention is causing harm and unnecessary suffering. It is directly linked to the majority of the physical and mental health problems for which detainees require medical attention. People are held arbitrarily with no way to challenge the legality of their detention, virtually no access to consular services or to the outside world.

With no rule of law in Libya, the detention system is harmful and exploitative. There is a disturbing lack of oversight and regulation. With no formal registration or proper record-keeping in place, once people are inside a detention centre there is no way to track what happens to them. Some people are held for prolonged periods of time; others are transferred between different detention centres, moved to undisclosed locations or disappear overnight.

MSF witnesses on a daily basis how much unnecessary harm is being caused by detaining people in these conditions. There is only so much medical teams can do to ease the suffering.

MSF calls for an end to the arbitrary detention of refugees, asylum-seekers and migrants in Libya.



March 2017 – Men detained in Janzour detention centre, on the outskirts of Tripoli, Libya. Detainees spend days and months in Libyan detention centres, without any idea when they will be released. Libya is a lawless state fragmented by conflicts, and both a destination and a place of transit for hundreds of thousands of refugees, asylum-seekers and migrants. In migrant detention centres, they face arbitrary detention for prolonged periods of time in unsanitary and inhumane conditions. There is no way to challenge the lawfulness of their detention, virtually no access to the outside world, habitual ill-treatment, and a lack of access to medical care.

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V B B B

In Tripoli, migrants, refugees and asylum seekers are all routinely detained for prolonged periods of time in detention centres nominally under the control of the Ministry of Interior. People are detained arbitrarily with no option to challenge the lawfulness of their detention or treatment.

Few international organisations are able to work in Libya because of widespread violence and insecurity. With no unified government in place, a fragmentation of control and a plethora of armed groups, intense fighting continues in several areas including the suburbs of Tripoli which have seen a number of clashes between heavily armed militias in the past year. The political situation remains fragile, the economy has collapsed, and law and order have broken down.



Men detained in Abu Salim detention centre which has been inaccessible to MSF since June 2017.

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F B B B

With no rule of law in Libya, the detention system is completely unregulated. There is a disturbing lack of oversight and accountability. New detention centres emerge overnight with detainees exploited as forced labour in their construction. Detainees can be forced to work in order to buy their way out of detention or otherwise systematically extorted. Detention centres shut down just as suddenly, with the fate of people detained there unknown.

People end up in detention after being spotted on unseaworthy boats in the Mediterranean and brought back by the Libyan coastguard. Some are detained on suspicion of having HIV, hepatitis B, or hepatitis C. Others are rounded up in night raids, arrested at checkpoints or picked up off the streets. People are dragged out of cars or taxis waiting at red lights and detained. On one occasion, a team from MSF came across a group of well-dressed men, women and young children in a detention centre who had been detained while attending a wedding celebration in Tripoli.

With no formal registration or proper record-keeping in place, once people are inside a detention centre there is no way to track what happens to them. Some detainees are held for prolonged periods of time; others are transferred between different detention centres, moved to undisclosed locations or disappear overnight.



A new group of detainees enters Abu Salim detention centre.

I a L00Ca P GØDLR GY P e S T

C B B B

In a fragmented Tripoli, some detention centres are more firmly under the control of the Ministry of Interior than others. Armed groups and militias that control territory in the capital are de facto in charge of the detention centres located in those areas. As power dynamics shift, so does management of detention centres, which can change rapidly and unexpectedly from one day to the next.

As a result, access to patients detained inside a facility can be denied to MSF and negotiations concerning the importance of humanitarian assistance and the necessity of continuing medical care to detainees must start from scratch.



Men spend months in detention without knowing when they will be released, Abu Salim detention centre.

I a LOOCa P GØDLR GY P eS T

R B B B B

People are detained without knowing if and when the detention will end. They are anxious and fearful about what will happen to them. With virtually no access to the outside world, people are desperate to let their loved ones know they are still alive.



Detainees with suspected HIV, tuberculosis and other infectious diseases are held in a separate cell in Trig Al Matar.

O B B B B

People in detention are not guaranteed access to medical care by the authorities detaining them. Medical care is provided by a handful of humanitarian organisations, such as MSF or UN agencies, which are able to work in highly volatile and insecure environments.

There are severe limitations to the medical care MSF is able to provide. MSF medics do not have unhindered access to men, women and children inside detention centres and are not always given the full freedom to triage patients or decide independently which patients should be seen and treated. At times detainees are concealed from MSF.

It is extremely difficult for MSF doctors to closely monitor patients in detention, as access to detention centres is restricted at times, or patients simply disappear out of the detention centre from one day to the next.



A detainee in Abu Salim detention centre attempts to clean a flooded cell before the arrival of 200 new detainees.

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MSF medics are treating more than a thousand detainees a month for diseases that are the direct result of conditions inside the detention centres, including respiratory tract infections, acute watery diarrhoea, skin diseases and urinary tract infections. The detention centres do not meet any national, regional, or international standards, and lack consistent or adequate medical assistance.



Inside Abu Salim detention centre in Libya.

I a L00Ca P GØDLR GY P e S T

S B

Many detention centres are dangerously overcrowded, with little natural light and ventilation. The buildings where people are detained are often former factories or warehouses, and lack the necessary infrastructure to detain a high number of people for long periods of time. In some facilities, the amount of space per detainee is so limited that people are unable to stretch out at night. Confining a large number of people to such a small space for months on end causes musculoskeletal pain and allows for transmission of diseases and infections such as scabies. The high number of infectious respiratory diseases is also directly influenced by poor ventilation.



A group of new detainees arrive in the yard of Abu Salim detention centre, one man is too unwell to stand.

I a L00Ca P GØDLR GY P eS T

R B B B

Basic legal and procedural safeguards to prevent torture and ill-treatment are not respected. Detained men, women and children are at the mercy of heavily armed guards who lack adequate training and reportedly do not receive regular salaries.

Most detainees are too afraid to speak about violence and ill-treatment they suffer, but medical teams treat trauma-related injuries on a weekly basis and have treated detainees with broken legs and gunshot wounds. Not only are people subjected to violence by guards, they are also at risk of violence from other detainees, including those selected by guards to maintain order inside the cells. People suffering from mental health conditions are at particular risk – on multiple occasions medical teams have witnessed psychotic patients being beaten and kicked.

MSF records all (known) patient deaths whether they occur in a hospital (after an MSF medical referral from a detention centre) or in a detention centre itself. MSF does not have access to the total number of deaths recorded by detention centre authorities if they are recorded at all.



Man detained in Abou Slim detention centre.

I a L00Ca P GØDLR GY P e S T

C B B

In the past year, MSF has treated at least 50 adults suffering from acute malnutrition with some patients needing urgent hospitalisation. This represents an average of one person every week. In addition, significant numbers of detainees have suffered dramatic weight loss and have nutritional deficiencies which make them more susceptible to disease and acute illness. Food rations are mostly not sufficient in quantity or quality, and the delivery of food to detention centres is erratic and prone to ruptures. On occasion, detainees have gone for days at a time without any food at all.



Mother and child in Sorman women's detention centre.

I a L00Ca P GØDLR GY P e S T

I B B B

Children, babies and pregnant women are held in detention centres. There are women in the late stages of pregnancy, but also women in the early stages of pregnancy despite having been detained for several months.

Being held in substandard conditions negatively impacts a woman's health and her chance of survival if she experiences complications during her pregnancy. Women give birth in detention without medical assistance. The youngest patient seen by MSF medics was only five hours old and had been born the previous night in the detention centre.

If a medical emergency occurs at night, or when there is fighting or unrest in the vicinity of the detention centre, it can be too dangerous to provide urgent medical care. This can result in fatal consequences for mother and baby.



Overcrowded main room means that detainees have to sleep on the bathroom floor, Sorman women's detention centre.

I a L00Ca P GØDLR GY P eS T

O B B B B

Sanitation facilities are generally inadequate, with access to latrines and showers severely limited. This results in high rates of skin infections and infestations of lice, scabies, and fleas.



March 2017 – Crowded together with little more than a blanket and the clothes they wear, women detainees are held at the Sorman detention centre, some 60km west of Tripoli, Libya. Detained by Libyan authorities for travelling through the country in the attempt to reach the coast and board a smuggler's boat to Europe, the women face weeks, if not months, of uncertainty whilst held in horrific conditions.

I a L00Ca P GØDLR GY P eS T

R B B B B B

A large number of refugees, migrants and asylum-seekers have already endured alarming levels of violence and exploitation in Libya and during harrowing journeys from their home countries. There are many victims of sexual violence, trafficking, torture and ill-treatment.

Despite being vulnerable and needing protection, the options to assist them are limited and often there is nowhere safe for them to go. Among the vulnerable are children (often without a parent or guardian), pregnant and breastfeeding women, the elderly, disabled, and people with mental disabilities or serious medical conditions.



Woman detained at the Sorman women's detention centre.

I a L00Ca P GØDLR GY P e S T

F B B B

Detention has a direct impact on mental health. Detainees have no way of knowing when their detention will end and many are detained for prolonged periods of time. They have virtually no contact with the outside world and nobody to turn to for help. Many detainees have suicidal thoughts, difficulty sleeping, symptoms of post-traumatic stress disorder and suffer panic attacks, depression and anxiety.



Trig Al Matar detention centre.

I a L00Ca P GØLR GY P e S T

G B

Increased funding alone is not the solution to alleviating the suffering experienced by people held inside detention centres. A narrow focus on improving conditions of detention without taking into account the current realities in Libya risks legitimising and perpetuating a system where people are detained arbitrarily without recourse to the law and are exposed to harm and exploitation.



A woman with burns, caused by a mixture of diesel and sea water, is assisted by another detainee in Sorman women's detention centre.

I a LOOCa P GBDLR GY P eST

c B B B B B B B BB B
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 TJ SYS BC I GRE e

"I don't know her name or even if she is still alive. The guards prevented me from talking to her. She was one of a group of women being held in the yard of a detention centre about 60 kilometres west of Tripoli near the coast. While they were attempting to reach Europe, they were intercepted on the Mediterranean by the Libyan Coastguard and brought back to the detention centre.

Many of the women had severe burns on their legs. Sea water had splashed over the sides of the rubber dinghy and reacted with fuel that had been spilled on the floor of the boat where the women had been sitting. The prolonged exposure to this toxic mixture had caused the chemical burns.

The woman with the pink scarf had extensive injuries over her legs. She sat on the ground silently, her breathing shallow and the pain on her face palpable. The other women swatted away the flies landing on the damaged human tissue with their scarves. There had been an attempt to dress the burns with a dirty bandage.

One of the women whispered to me:

"We're scared. No-one wants to stay here. We want to go back home. They are hurting us. They hit us..."

But she stopped talking when the guards moved in closer.

For some of the women it had been their third attempt to escape Libya by sea only to be intercepted by the Libyan coastguard and returned to a detention centre.

I don't know what happened to the woman with the pink scarf. But without the medical care she so desperately needed, I doubt she is still alive."

- Guillaume Binet, March 2017.

Guillaume Binet is a French photojournalist and the co-founder of Myop photo agency. He travelled independently to Libya in March 2017 to document the plight of migrants, refugees and asylum-seekers detained in Tripoli and its surroundings. He gained rare access to several detention centres, including those where MSF is providing medical care.

MSF has been unable to gain access to the detention centre where this woman, and many others like her, was being held. The surrounding area is too dangerous for the medical team to travel through.



For the past year, Médecins Sans Frontières has been providing lifesaving and primary healthcare to refugees, asylum-seekers and migrants detained in Tripoli. If security conditions allow and if it is considered safe to do so, medical teams visit seven different detention centres nominally under the control of the Ministry of Interior on a weekly basis. Since activities started in June 2016, teams have visited a total of 16 detention centres. There are other detention centres that remain inaccessible for Médecins Sans Frontières teams due to ongoing violence and insecurity.

In Misrata, Médecins Sans Frontières is providing healthcare to refugees and migrants in held in four detention centres. Each month medical teams provide about 100 medical consultations and make around a dozen referrals to secondary and tertiary healthcare facilities so that detainees in need can receive further medical assistance. MSF recently opened mobile clinics in Misrata and further south to provide medical and humanitarian assistance to migrants and refugees outside official detention centres.

Médecins Sans Frontières has worked in Libya since 2011 to support the health system, which has been impacted by the renewed war and the ensuing economic recession. To help public health structures which struggle with shortages of medicines and staff, Médecins Sans Frontières continues to respond with donations and other support. Responding to the needs of communities affected by the conflict, Médecins Sans Frontières is also providing paediatric, gynaecological and obstetric care, as well as mental health services, in Benghazi.





A detainee in Abu Salim detention centre attempts to clean a flooded cell before the arrival of 200 new detainees.

I a L00Ca P GØDLR GY P eS T

F B B

MSF medics are treating more than a thousand detainees a month for diseases that are the direct result of conditions inside the detention centres, including respiratory tract infections, acute watery diarrhoea, skin diseases and urinary tract infections. The detention centres do not meet any national, regional, or international standards, and lack consistent or adequate medical assistance.

mixed migration research series

explaining people on the move

Going West

contemporary mixed migration trends from the
Horn of Africa to Libya & Europe



RMMS

Regional
Mixed Migration
Secretariat



5

Study

June 2014

Going West: contemporary mixed migration trends from the Horn of Africa to Libya & Europe

This is the fifth of a series of studies focusing on different aspects of mixed migration associated with the Horn of Africa and Yemen region. This study is carried out in cooperation with the Danish Refugee Council in Libya office.

Acknowledgements

The research and publication of this report was funded by the British Foreign and Commonwealth Office (FCO) and the European Commission (EC). The lead researchers were Bram Frouws (an independent consultant and RMMS senior research associate), Dr Melissa Phillips (DRC Libya) and Christopher Horwood (coordinator RMMS Nairobi). The writer was Mr Bram Frouws and final editor Ms Noni Munge. The text was developed using statistical data and information developed by the Regional Mixed Migration Secretariat (RMMS) and other listed references. The views and opinions of this report are entirely those of the RMMS, unless otherwise referenced. Moreover, the contents can in no way be taken to reflect the views of the FCO or the EC.

Published: June 2014

The Regional Mixed Migration Secretariat (RMMS).

Formed in 2011 and based in Nairobi, the overall objective of the RMMS is to support agencies, institutions and fora in the Horn of Africa and

Yemen sub-region to improve the management of protection and assistance to people in mixed migration flows in the Horn of Africa and across the Gulf of Aden and Red Sea in Yemen. The co-founders and Steering Committee members for the RMMS include UNHCR, IOM, Danish Refugee Council (DRC), INTERSOS and the Yemen Mixed Migration Task Force. The RMMS is therefore a regional hub aiming to provide support and coordination, analysis and research, information, data management and advocacy. It acts as an independent agency, hosted by the DRC, to stimulate forward thinking and policy development in relation to mixed migration. Its overarching focus and emphasis is on human rights, protection and assistance.

www.regionalmms.org

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2

Going West: contemporary mixed migration trends from the Horn of Africa to Libya & Europe

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"I worked for 2 months with a Libyan employer but didn't get paid, [I] only got USD 80 instead of the USD 980 he owed me".

Eritrean man in Tripoli, Libya

"Libyans have a very racist attitude towards Africans. They spray perfume on you when you enter a bus".

Somali man in the Netherlands who travelled from Somalia to Europe

*[On racism in Libya] "They are [just] looking at your skin, they don't give a sh** [about being the same religion], it's a race problem".*

Three Somali migrants in Tripoli, Libya

holding centre, Tweisha located on the outskirts of Tripoli, is equipped with a fully staffed health clinic, recently opened by IOM with EU funding. The other centres visited by Amnesty International lacked functioning medical services and relied on visits by doctors from nearby hospitals or provided by international humanitarian agencies.²¹³ Most importantly, detention continues to be arbitrary, with no process of appeal and the practices inside some detention centres still include beatings, forced labour and lack of freedom of movement. One centre in Zlitan (currently closed) had 30-40 men confined to a cell with only 2 toilets per cell. The cramped and overcrowded conditions in detention centres have led to fighting, riots and mental health issues. A particular concern is the presence of single women, young children and pregnant women in detention. In one case an Ethiopian woman spent close to one year in detention with her small child.

Hostility and xenophobia

Political transitions, both during the Gaddafi regime as well as after the fall of the regime, had a profound impact on the situation of migrants in Libya. After Gaddafi saw his pan-Arab ambitions fail and pressurized by the embargo and economic sanctions, he embarked on a pan-African political campaign. He encouraged labour migration, which resulted in a massive influx of migrants. However, the lack of a coherent immigration policy rapidly led to confusion, abusive methods and arbitrary arrests. The growing presence of sub-Saharan migrants in conservative coastal cities began to provoke hostile reactions among the local populations.²¹⁴

In a 2006 report, migrants and refugees interviewed by Human Rights Watch reported a litany of violations. Both regular and irregular sub-Saharan Africans staying in Libya said they had experienced xenophobia and racism, including violence and discriminatory treatment by authorities and Libyan citizens.²¹⁵ In late September 2000, the largest incident of anti-foreigner violence took place in Zawiyah, west of Tripoli when a mob of Libyans clashed with foreigners, resulting in up to fifty foreigner deaths (mostly from Sudan, Nigeria, Ghana and Chad but also including other sub-Saharan African states).²¹⁶ The number of Libyans dead or injured remained unclear. The Libyan government did not provide any details of this incident and only informed Human Rights Watch that seven Libyans and foreigners had died.²¹⁷

A more recent report by the Danish Refugee Council in Libya, reported name-calling, stone-throwing, arbitrary detention, beatings, being robbed, lack of due legal process, extortion, exploitative labour practices (including refusing payment), and forced eviction from lodgings as routine abuses and rights violations.²¹⁸ Only 3% of migrants reported any issues to the police in Libya. The other 97% (474) did not report issues to the police, mainly because they thought it would be useless (45%) or because they were afraid (45%).²¹⁹

213 Amnesty International, 2013b, p. 21.

214 FIDH/Migreurop/JSFM, 2012, p. 11.

215 Human Rights Watch, 2006, p. 60.

216 Ibid, p. 63.

217 Ibid, p. 64.

218 DRC, 2013, p. 5.

219 Ibid, p. 30.

Since the fall of the Gaddafi regime, the human rights situation for asylum-seekers, refugees and irregular migrants in the country has further deteriorated. According to Amnesty International, there has been a breakdown of law and order, weapons have proliferated across the country, and racism and xenophobia are on the rise.²²⁰ In the context of political fragmentation, administrative chaos and militarisation that characterize post-conflict Libya, ex-rebel groups (*katibas*) assumed responsibility for maintaining law and order, beyond the control of government authorities.²²¹ These *katibas* conduct patrols near border crossings to monitor the passage of goods and weapons and to intercept irregular migrants who cross the desert border via networks of traffickers. The International Federation for Human Rights quoted one of the *katiba* leaders from "Free Libya" saying "After the war ended, we assumed our responsibilities by specialising in the control of migrants. The most important thing today is to 'cleanse' the country of foreigners without proper papers. We need to put an end to the practices of Gaddafi who let many Africans enter Libya. We don't want these people who bring disease and crime. Now we want all migrants to have valid visas and work permits."²²² In particular migrants of sub-Saharan African origin, appear to suffer severe violations of their basic human rights. The International Federation for Human Rights reports this is "far from being a marginal issue in the country, as evidenced by the number of people affected and the severity of the human rights abuses they experience".²²³

A recent report on mixed migration in Libya found that asylum seekers from the Horn of Africa tend to keep out of sight as much possible and try to live without drawing attention to themselves, out of their fear of being apprehended by militia or authorities and being detained and deported.²²⁴ The most vulnerable remain hidden in their houses, too afraid of being picked up at a checkpoint and detained to risk leaving. What might appear to be a simple taxi journey to an international organisation's office can be dangerous for a black African who might be robbed, extorted or beaten by the driver.²²⁵

Migrants in Libya also experience ill treatment by employers and high levels of racism. The fact that they cannot receive any form of humanitarian protection from the Libyan government encourages them to move on to Europe and few make an attempt to settle in Libya for the long term.²²⁶ To illustrate how desperate people are to leave Libya, Somali women in Libya told RMMS how one woman sent her child alone on a boat.

A complicating factor is that Gaddafi forces used "African mercenaries" to fight the opposition. This has made sub-Saharan Africans – regardless of their migration status – targets of violent attacks, detention and torture.²²⁷ Under Gaddafi, migrants from sub-Saharan Africa were encouraged to settle in Libya and were given identity cards allowing them to live and

"This is why we take the boats to the sea. Even I go to the shops (in Tripoli) they call out at me, even if I stay at home they jump over the gates (of the house) to rob you. They come when they are drunk and touch the girls".

Three Somali migrants in Tripoli, Libya

"Before the war, life in Libya was o.k. After the war, it was a different story. Life is so difficult after the war. The people in Libya think that everybody who is black, is pro-Gadhafi".

Sudanese man in London

220 Amnesty International, 2012b, p. 6.

221 FIDH/Migreurop/JSFM, 2012, p. 30.

222 Ibid, p. 30-31.

223 Ibid, p. 3.

224 Altai Consulting, 2013, p. 34.

225 Urban Refugees, 2014.

226 Altai Consulting, 2013, p. 34.

227 Amnesty International, 2012b, p. 6.

work in the country legally. Moreover, during the revolution many were supportive of the Gaddafi regime and fought alongside him (although many claim to have been abducted and forced to fight with Gaddafi's forces).²²⁸ However, after the revolution sub-Saharan Africans have difficulty in obtaining official documents demonstrating they have the authority to reside in Libya.²²⁹ As such, nearly all migrants from sub-Saharan Africa who arrive at the desert refugee camp in Tunisia have fled in fear of violent reprisals by Libyans who accuse them of being mercenaries.²³⁰

Despite the fact that the true nature of Gaddafi's use of foreign mercenaries, or press-ganged migrants is unclear,²³¹ this research and others highlight that foreign nationals are still associated with this label. The International Crisis Group confirms that since mid-2012 the number of abductions of individuals, including foreigners, with no genuine link to the former regime or to the recent war, appears to have markedly increased.²³² According to the International Federation for Human Rights there have been no effective investigations into these crimes and there is little prospect for justice at the national level. *Law No. 38* on transitional measures, adopted by the National Transitional Council (NTC) in May 2012, provides for an amnesty for those responsible for crimes committed "in the name of protecting or promoting the Revolution". In March 2011, the International Criminal Court (ICC), on the basis of *UN Security Council Resolution 1970*, opened an investigation into the situation in Libya. In May 2011, the ICC Prosecutor stated that one of the main priorities of investigations would be "allegations of attacks against sub-Saharan Africans wrongly perceived to be mercenaries".²³³

Abuses against foreign nationals also appear to be motivated by misguided fears of diseases.²³⁴

BOX 12 Medical tests

Early 2013, Libyan authorities started reintroducing medical tests aimed at identifying viral diseases such as hepatitis B and C and HIV. A valid health certificate issued by the Ministry of Health is a requirement imposed by Libyan legislation on foreign nationals who wish to obtain a work and residency permit. Medical checks are conducted in detention centres and migrants living in the community must carry documentation at all times proving their health status. Libya reportedly carries out deportations on the basis of migrants' medical condition, which violates international human rights standards. ILO Recommendations stipulate that destination countries should not exclude migrant workers "on the basis of their real or perceived HIV

228 Aljazeera, 2011.

229 FCO, 2013, p. 197-198.

230 Aljazeera, 2011.

231 Ibid.

232 International Crisis Group, 2013, p. 23.

233 FIDH/Migreurop/JSFM, 2012, p. 32.

234 Amnesty International, 2013b, p. 6.

status".²³⁵ Nevertheless, the head of the migrant "holding centre" in Zawiyah told Amnesty International that, since March 2012, his office had deported some 350 people diagnosed with hepatitis or HIV, including individuals who had valid travel documents. In Sabha, the director of the facility stated that he had deported at least 200 people identified as HIV and hepatitis positive, including Nigerians and Ghanaians.²³⁶ It is unknown whether there are Horn of Africa migrants amongst these deported migrants. During the course of this research RMMS was made aware of the practice by katiba groups in Tripoli forcing mixed migrants to undergo further blood tests, for which they must pay approximately USD 50, and then demanding that they carry additional documentation to prove their health status. Without clear lines of authority in this area, mixed migrants continue to be singled out for extortion and parallel systems imposed.

Forced labour and sex trafficking

There are reports about migrants becoming victims of 'slave trade' in Libya. In a recent Aljazeera article a Sabha University professor said he saw a farmer sell 20 Somali women. "You can buy one African man for USD 408".²³⁷ According to the 2013 US Department of State *Trafficking in Persons Report* many migrant men in Libya are forced into manual labour. Private employers recruit migrants in detention centres into conditions of forced labour on farms or construction sites; when the work is completed or the employers no longer require the migrant's labour, employers return the migrants to detention.²³⁸ Some of the men interviewed by JRS Malta, confirmed this and said they were used as forced labour. Those running places of detention struck deals with local businessmen who came to pick the strongest men for a range of jobs, particularly in the agriculture and construction sectors. The men were either paid nothing or a pittance and were sometimes abused by those who they were forced to work for. Some were released when they had finished their work or took the opportunity to escape.²³⁹ According to the US Department of State, trafficking networks from Niger, Nigeria, Chad, Eritrea, Somalia, Sudan, and other sub-Saharan states use a variety of techniques to hold people in conditions of forced labour and forced prostitution, including fraudulent recruitment practices, confiscation of identity and travel documents, withholding or non-payment of wages, and debt bondage. There are also credible reports of prostitution rings involved in sex trafficking of sub-Saharan women in brothels, particularly in southern Libya.²⁴⁰

²³⁵ Amnesty International, 2013b, p. 25.

²³⁶ Ibid, p. 23.

²³⁷ Aljazeera, 2012a.

²³⁸ US Department of State, 2013, p. 238.

²³⁹ JRS, 2014, p. 24.

²⁴⁰ US Department of State, 2013, p. 238.

Newspapers and news agencies

«Io, prostituta nigeriana: violentata in Libia, picchiata in Italia, ho un debito da 50 mila euro»: così le ragazze vengono costrette a vendersi

www.corriere.it

Il racconto di una prostituta «In Libia ci violentavano davanti ai bambini. In Italia costretta al marciapiede»

Sono un bancomat di carne per le organizzazioni criminali. La mafia nigeriana le recluta sempre più giovani, possibilmente minorenni: «Agli italiani piacciono esili e molto giovani» si legge in una intercettazione riportata in un provvedimento di arresto del tribunale di Napoli a carico di tre persone che riducevano in schiavitù ragazze nigeriane obbligandole a prostituirsi.

«Secondo l'organizzazione internazionale delle migrazioni nel 2016 in Italia sono entrate 12 mila ragazze nigeriane con il flusso dei rifugiati e richiedenti asilo» spiega Andrea Morniroli della cooperativa sociale Dedalus. «Questo significa per le organizzazioni criminali un investimento pari a 35 mila euro (la quota minima di debito che viene imposto alle ragazze) moltiplicati per 12 mila cioè 420 milioni di euro». Cifre impressionanti che la mafia nigeriana reinveste in droghe e armi alimentando un business criminale spesso sottovalutato. «Va detto che invece il nostro governo sul piano nazionale antitrattra investe circa 20 milioni all'anno - aggiunge Morniroli - è evidente che

c'è una sproporzione enorme e non si riesce a far fronte all'emergenza».

Sarà per questo che guardando il video arrivato ad una delle nostre fonti (un mediatore culturale) mentre giravamo la videoinchiesta sulle prostitute minorenni nigeriane, non ci sorprende più la violenza con cui una madame si scaglia contro una giovane donna che si rifiuta di andare sulla strada. Il video, presumibilmente girato in una connection house a Castelvoturno e inviato da una delle ragazze presenti, mostra un pestaggio molto violento: la madame trascina la ragazza per i capelli, la morde e poi la colpisce con calci e pugni fino a lasciarla a terra, tra il letto e il comodino, priva di sensi.

«Queste ragazze fuggono da una situazione di estrema povertà e arrivano in Italia dove finiscono per diventare schiave del loro stesso sistema» racconta l'operatore sociale Agostino Trinchese . «Una volta nel nostro paese non hanno numeri di telefono se non quello dello sponsor che sono obbligate chiamare. A quel punto la condanna è segnata: l'organizzazione le va a prelevare nei centri di accoglienza e poi le obbliga a prostituirsi finchè non estinguono il loro debito che va da 35 a 55 mila euro. In genere le portano a Castelvoturno e poi le fanno ruotare in giro in varie zone d'Italia o le portano all'estero». In strada, sul litorale tra Lazio e Campania si può notare un'elevata mobilità delle baby prostitute e c'è un ricambio continuo delle ragazze di settimana in settimana. «Dopo essere arrivate a Castelvoturno dai vari centri di accoglienza – aggiunge Morniroli - restano qualche settimana e vengono poi smistate in varie città italiane e in altri paesi europei. Il numero degli arrivi è talmente alto che noi programiamo posti di accoglienza per un anno nell'ambito di alcuni progetti ma poi dopo un mese ce li abbiamo già pieni».

Anche i medici di Emergency hanno notato una corrispondenza tra gli sbarchi e gli arrivi delle piccole schiave sul litorale domizio:

«Sbarcano in Sicilia poi vengono portate nei vari centri di accoglienza straordinaria e dopo un paio di settimane ce le ritroviamo qui a Castelvoturno – dice Sergio Serraino - a volte sono incinte perché in Libia dove sostano prima di imbarcarsi verso l'Italia, subiscono ripetute violenze sessuali». Anche R. è stata violentata in Libia. Lei è fuggita dalla Nigeria per aiutare la sua famiglia ma la sua vita si è

trasformata in un incubo: «In Libia ci hanno messo in una stanza. Ero insieme ad altre donne e con noi c'erano anche dei bambini. Cinque uomini ci hanno violentato davanti ai bimbi, hanno abusato delle loro mamme davanti ai loro occhi. Quando smisero ci andarono a prendere del cibo ma lo fecero solo per rimetterci in forze e poter ricominciare a violentarci». R. vorrebbe lasciare la strada e ci ha già provato un volta ma la sua madame l'ha picchiata e la fa spesso controllare da uomini dell'organizzazione. E' molto bella anche con le sue tante cicatrici e mentre parla alterna risate nervose al pianto diretto. Poi però si fa malinconica quando pensa al suo paese e al viaggio che ha dovuto affrontare: «Ringrazio Dio ogni giorno per non essere morta in mare. Imbarcavamo acqua di continuo. In tanti ci hanno rimesso la pelle. Io ho solo chiuso gli occhi e pregato. Quando li ho riaperti ero a Lampedusa. Il mare non mi ha ucciso, non voglio che mi uccida un destino di schiavitù. Altrimenti tutto questo dolore non sarà servito a niente».

18 luglio 2017 | 18:37

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Exclusive: Armed group stopping migrant boats leaving Libya

www.reuters.com

TUNIS/ROME (Reuters) - An armed group is stopping migrant boats from setting off across the Mediterranean from a city west of Tripoli that has been a springboard for people smugglers, causing a sudden drop in departures over the past month, sources in the area said.

↖ ↗

A member of the Libyan Coast Guard uses a pair of binoculars as he searches for migrants off the coast of Tripoli, Libya, August 9, 2017. REUTERS/Hani Amara

The revelation throws new light on the sharp reduction in migrant arrivals from Italy, which took over from the Aegean route as the main focus of European concerns in the crisis.

Arrivals in Italy from North Africa, the main route for migration to Europe this year, dropped by more than 50 percent in July from a year earlier, and August arrivals so far are down even further. July and August are peak months for migrant boats because of favorable sea conditions.

Sources in Sabratha, 70 km (45 miles) west of the capital, said the sudden drop had been caused by a new force in the seaside city, which is preventing migrants from leaving, often by locking them up.

The group in Sabratha “works on the ground, the beach, to prevent the migrants leaving on boats towards Italy,” said a civil society organizer from the city, speaking on condition of anonymity.

The group is made up of several hundred “civilians, policemen, army figures,” he said. It is conducting a “very strong campaign” that was launched by a “former mafia boss”, said a second Sabratha source who follows smuggling activity closely.

A third source with contacts in Libya, who also asked not to be named, said the Sabratha group was making “a significant effort to police the area”.

The two Sabratha sources said the group was running a detention center for migrants who are turned back or taken from smugglers. One sent a picture of hundreds of migrants sitting in the sand in front of a high wall.

One of the sources said he thought the group was seeking legitimacy and financial support from Tripoli, where European states have tried to partner with a U.N.-backed Government of National Accord (GNA) to stem migrant flows. An official from the interior ministry’s department for combating illegal migration in Sabratha did not respond to a request for comment.

It was not possible to contact the group, which the third source said was called Brigade 48, although other sources did not confirm this.

Italy has been trying to bolster the GNA’s ability to stop people smuggling with cash, training and by sending a ship to help repair Tripoli’s coastguard and navy vessels. Some 600,000 migrants have reached Italy by sea from North Africa since 2014, testing the country’s ability to cope. More than 12,000 have died trying.

Most leave from Libya’s western coast. Following a local backlash against smugglers in Zuwara in the west in 2015, Sabratha became the most frequently used departure point.

Italy wants to replicate a deal with Libya that the EU struck with Turkey last year, largely shutting down the migrant route through Greece and the Balkans.

With a national election looming during the first half of next year, the government in Rome is under pressure to show it can stop, or at least slow, migration.

But any progress in Libya is likely to be fragile, with the country in a state of conflict since Muammar Gaddafi was ousted six years ago. Rival governments are vying for power and local militias battle each other for territory and smuggling profits.

Last week Italy seized on the drop in arrivals, with Interior Minister Marco Minniti saying he saw a “light at the end of the tunnel”.

LEAVING POINT SHIFTS

Migrants rescued last week in the Mediterranean confirmed that conditions had changed in Sabratha, according to a spokesman at the International Organization for Migration, which interviewed migrants who arrived in Trapani, Sicily, on Saturday.

“They said that it was very difficult to depart from Sabratha. There are people stopping the boats before they set out, and if they get out to sea they’re immediately sent back,” said Flavio Di Giacomo, an IOM spokesman in Rome. Some migrants were also turned back before reaching Sabratha, he said.

The European Union’s border control agency Frontex last week said “clashes in Sabratha” contributed to July’s decline, also citing changeable weather and increased Libyan coastguard presence. The Sabratha sources were not aware of any clashes.

Another shift in recent weeks has been a clampdown on smuggling of Bangladeshi and North African migrants through Tripoli’s Mitiga airport, after a militia that controlled the trade was forced out by a GNA-aligned armed group at the start of July, Libyan and European officials said.

But that, like a slowing of flows into Libya through Niger, might take time to take effect. Hundreds of thousands of migrants are already in Libya.

In Sabratha, the changes may not stick.

In the past, with no central authority to constrain them, smugglers have adapted and routes have shifted, as already is happening.

Last week smugglers moved departures to east of Tripoli, near Al Khoms, Chris Catrambone, co-founder of the Migrant Offshore Aid Station (MOAS) charity, told Reuters. Three large rubber boats set out from the east, he said, while only a small boat with 26 people was found west of Tripoli.

“The sea was like a lake last week and yet there were few boats,” Catrambone said.

Everyone on the Phoenix, a rescue vessel operated by MOAS, was taken aback because it was so unusual, he said.

The GNA has little control over armed groups in western Libya, including the capital, and none over factions that control the east of the country.

The civil society member from Sabratha said the new group there might stop working if it does not receive support from Tripoli.

The power of the smuggling networks would not be broken until there was a “legitimate source of order” in Libya, said a senior diplomat, speaking of the change in Tripoli airport and comparing the situation to broken vase.

“In one corner we stuck it together, but everything else is in pieces.”

Additional reporting by Ahmed Elumami; editing by Giles Elgood

Our Standards: [The Thomson Reuters Trust Principles](#).





Guide to key Libyan militias

www.bbc.com



Image copyright Getty Images

Image caption Libya is awash with rival militia groups

Five years after the start of the unrest that culminated in the ousting and killing of Muammar Gaddafi, Libya remains without a single government with authority over the whole country.

The elected and internationally-recognised government has only tenuous control over the eastern region of Cyrenaica where its

fledgling, badly equipped and poorly trained army is battling jihadist militias in Libya's second city of Benghazi and other key towns.

Its authority is challenged by an Islamist-led administration installed by a parliament whose mandate has long run out but which is in control of the capital, Tripoli.

Some elements of the two rival groups have signed up to a United Nations-sponsored power-sharing deal but others remain opposed and peace remains elusive.

It is the militias operating across the country, thought to number nearly 2,000, who are really calling the shots.

Most recently, fighters from the so-called Islamic State (IS) have established a stronghold in the central coastal city of Sirte, and have advanced towards nearby oil sites in Sidra and Ras Lanuf, an attractive source of revenue for the militant group.

NON-JIHADIST GROUPS

Libya Dawn

Image copyright Getty Images

Image caption The Libya Dawn militia was initially dominated by fighters from the city of Misrata

Libya Dawn is a grouping of pro-Islamist militias that in summer 2014 attacked Tripoli International Airport and went on to seize large parts of the capital.

The militia alliance can be viewed as the "armed forces" of the General National Congress (GNC), the former parliament which has been reconvened in Tripoli.

Libya Dawn, which has acquired military planes, controls virtually all coastal cities, from Misrata to the border with Tunisia as well as cities further south, including Gharyan, Nalut and Jadu in the mainly Berber mountain range of Nafusa.

The name Libya Dawn originally referred to the militias' operation to seize Tripoli but soon came to refer to the armed group coming under its umbrella.

Many of its fighters came from the city of Misrata, but in the last year the powerful militias based in that city appear to have drifted from the Libya Dawn coalition.

There appears to have been a rift within the militia over support for the UN-sponsored talks and the proposed Government of National Accord, which seeks to unite the rival governments.

Libya Shield

The Libya Shield grouping is made up of several militias of the same name that operate in various parts of the country.

The Central Libya Shield supports the defunct GNC and is viewed by the unrecognized Tripoli authorities as part of its "Ministry of Defence" forces. The Central Shield is further broken down into smaller groups. Its Third Force seized control of Birak al-Shati airport in central Libya, over 700km south of Tripoli.

The Shield's Benghazi branch (known as Libya Shield Force 1) is led by prominent Islamist commander Wisam Bin-Hamid, who has fought alongside the now deceased commander of the hardline al-Qaeda-linked Ansar al-Sharia group, Muhammad al-Zahawi.

Bin-Hamid is also a field commander in the Benghazi Revolutionaries Shura Council (see below).

Other pro-GNC groups

In addition to Libya Dawn, the GNC also relies on other armed groups that it deems to come under the control of its self-proclaimed "commander-in-chief", GNC Speaker Nuri Abu-Sahmain.

These include Battalion 166, which alongside Libya Dawn forces, has engaged in clashes with IS in and around Sirte.

The militias reportedly withdrew from Sirte ahead of IS's takeover of key swathes of the city in May 2015, prompting the internationally-recognised authorities in the east to accuse them of "collusion" with IS. For their part, supporters of the militias said they had not received enough support from the GNC to fight IS.

The GNC continues to maintain that the chief of staff when the congress was in power, Maj-Gen Jadallah al-Obaidi, continues to hold the post and head the "armed forces".

In recent months, the Libyan Petroleum Facilities Guard (PFG) has become more prominent due to regular clashes with IS militants.

The group's politics are unclear, although it may be described as a parastatal force that is broadly supportive of the GNC. It is led by Ibrahim al-Jadran who has condemned IS, although his brother is said to be an IS commander.

Early in 2016, the PFG distanced itself from the internationally-recognised government and launched a scathing attack on the commander of the Libyan National Army, saying that he and IS were "two sides of the same coin".

Libya's rival power bases (as of August 2015)

JIHADIST GROUPS

Islamic State (IS)

A major development on the ground in Libya in 2015 was the emergence of IS.

IS built on an existing presence in the eastern city of Derna, a long-time jihadist hub, where groups active pledged allegiance to IS and took over local administration buildings.

Although IS was driven out of most areas of Derna in July 2015 it went on to seize "complete control" of the central coastal city of Sirte, the birthplace of former leader Muammar Gaddafi. In June, the

group's official radio station, al-Bayan, which is already operating in Syria and Iraq, reportedly began broadcasting from Sirte.

IS has claimed that it has captured the coastal town of Bin-Jawad, as well as having a "strong presence" in Nofilia, Sidra and Ra's Lanuf, putting it significantly closer to installations in Libya's oil rich region, and leading to repeated clashes with the Petroleum Facilities Guard (see above).

Image copyright Screenshot

Image caption Islamic State first came to prominence in Derna

IS has managed to strike in Tripoli and Benghazi by launching high-profile one-off attacks, for example those targeting embassies and hotels in Tripoli in January and February 2015, and most recently on a police training base in Zliten, near the capital.

The group is also present in Benghazi and has cells in Tripoli.

IS has divided Libya geographically into three "provinces": Barqah (Cyrenaica) in the east, Tripoli (referring to wider Tripolitania) in the west, and Fezzan in the centre and south.

According to a UN report issued in December, IS has between 2,000 and 3,000 fighters in Libya, including 1,500 in Sirte. The group seems to be attracting fighters from sub-Saharan countries.

The main armed militias in the fight against IS in the city are the Derna Mujahidin Shura Council and the Abu-Salim Martyrs Brigade, which are known for their ties to Ansar al-Sharia (see below).

Ansar al-Sharia

Al-Qaeda's Libyan affiliate, Ansar al-Sharia, is most prominent in eastern Libya. In Benghazi, its militants have been present since the overthrow of Gaddafi in 2011 and have been continuously battling the Libyan National Army (LNA) of the internationally recognized government based in Tobruk (see below).

The group also has a presence in Derna and Sabratha in the west.

The militia has been accused of involvement in the attack on the US consulate in September 2012 in which Ambassador Chris Stevens was killed and is listed by the United States as a terrorist organisation.

It uses its Twitter account, which is routinely suspended and reopened, to advertise its attacks on army forces.

Image copyright AFP

Image caption Some former rebels have been integrated into the army

Benghazi Revolutionaries Shura Council

A coalition of Islamist militias, the Benghazi Revolutionaries Shura Council is made up of groups including Ansar al-Sharia, the 17 February Brigade and the Rafallah al-Sahati Brigade.

As with its key component Ansar al-Sharia, the Benghazi Shura Council is another firm opponent of the LNA. It maintains strongholds in parts of the eastern city that army forces have struggled to seize.

IS has criticized the Benghazi Shura Council for not pledging allegiance to the group, accusing it of being loyal to Libya Dawn and the "forces of democracy". IS has cited these as evidence of the council's "apostasy".

Derna Mujahidin Shura Council

Another al-Qaeda-affiliated group, the Derna Mujahidin Shura Council, is a coalition of Islamist militias formed in December 2014.

It came into the spotlight particularly in July 2015, after driving IS militants out of most areas of Derna.

Clashes between the two groups escalated significantly after IS killed two Islamist figures linked to the Derna Mujahidin Shura Council.

Ajdabiya Revolutionaries Shura Council

The Ajdabiya Revolutionaries Shura Council is an Islamist militant group based in Ajdabiya, a coastal town west of Benghazi and is led by Muhammad al-Zawi.

Twice in January the IS-linked "news agency" A'maq reported that al-Zawi and a number of his men had pledged allegiance to IS.

The council issued a statement, dated 2 January, saying it had nothing to do with the matter and the pledge represented an individual acts.

The militia has been engaged mainly in fighting the LNA.

PRO-GOVERNMENT GROUPS

Armed forces and allied units

Image copyright Reuters

Image caption Khalifa Haftar returned from the US to help topple Gaddafi

On the side of the internationally-recognised authorities are various forces comprising the Libyan National Army (LNA) and units supporting it.

Maj-Gen Khalifah Haftar, who in May 2014 launched Operation Dignity against Islamist groups, and had largely operated alongside but outside the military's official ranks, was appointed army commander by the House of Representatives in March 2015.

The LNA is supported by various units, including militias (see below) and the Special Forces, al-Saiqa, which declared their support for Gen Haftar at the time of his announcement of Operation Dignity. Along with the government forces' Tanks Battalion, the al-Saiqa forces have been particularly targeted by Islamist militia attacks.

Zintan, al-Sawaiq, al-Qaqa Battalions

The Zintan, al-Sawaiq and al-Qaqa brigades are anti-Islamist militias that operate especially in the west of Libya.

The powerful Zintan militia supports the internationally-recognised authorities and has clashed on numerous occasions with Libya Dawn. It continues to detain Saif-al-Islam al-Gaddafi, the son of the former leader who was sentenced to death in Tripoli last year, in the western city of Zintan, while most other Gaddafi-era officials are held by pro-Islamist forces in Tripoli.

The al-Qaqa and al-Sawaiq battalions are also pro-official authorities and anti-Islamist. They attacked the GNC in Tripoli soon after Operation Dignity was announced in May 2014.

[BBC Monitoring](#) reports and analyses news from TV, radio, web and print media around the world. For more reports from BBC Monitoring, [click here](#)



Video shows Libyan coastguard whipping rescued migrants

www.thetimes.co.uk

Libyan coastguard officers have been accused of regularly whipping and beating the migrants they rescue, and threatening even to kill them – and the claims are backed up by video footage shown to *The Times*.

It shows heavily armed men in military fatigues repeatedly assaulting the migrants they have fished out of the Mediterranean near Sabratha, west Libya. Dozens of sub-Saharan Africans, including women and children, can be seen cowering in the flimsy boats they set sail in as they are lashed with plastic pipes, kicked in the face and screamed at.

The footage, filmed in September, is the first known recording of the assaults and will put pressure on Britain and the EU to cancel aid programmes intended to equip and train the rescue...





Sub-Saharan African Migrants Face Old Enemy in Libya: Bigotry

www.nytimes.com



Migrants at a detention center in Zawiyah, Libya, in June.

Credit...Taha Jawashi/Agence France-Presse — Getty Images

AKAR, Senegal — When Kalilu Drammeh arrived in Libya he was in many ways similar to thousands of other migrants

D from across Africa, all of them desperate to cross the sea to get to Europe and, they hoped, a better life.

But in Libya, Mr. Drammeh, like many other people from his native Gambia and other sub-Saharan countries, stood out among the swirl of migrants and was an automatic target for abuse for one obvious reason: his skin color is darker.

Libyan smugglers call them “burned,” a racial epithet sometimes used in the country for people whose skin color is black. And while many of the migrants who pass through Libya hoping to set sail for Italy are beaten and otherwise abused by smugglers, Mr. Drammeh believes his treatment was especially harsh because of his skin color.



Esclusivo: l'intervista di Francesca Mannocchi a Bija

www.la7.it

L'intervista esclusiva di Francesca Mannocchi ad Abdul Rhaman Milad detto Bija, l'ex capo della guardia costiera di Zawhia accusato dalle Nazioni Unite di essere un pericoloso trafficante:

"L'invito ci è arrivato tramite IOM, la guardia costiera che fa parte della Marina libica. Il viaggio non riguardava solo l'Italia ma anche Tunisi e la Spagna. Il viaggio è stato molto fruttuoso, abbiamo cambiato posto ogni giorno Roma, Lazio, Sicilia. Il viaggio è stato utile perchè abbiamo visitato le navi dell'Operazione Sofia e della Guardia Costiera italiana e il centro d'accoglienza, è stata una conferenza molto fruttuosa. L'IOM voleva gente esperta che lavorasse sul campo, quando mi hanno chiamato cercavano i più attivi, quelli che lavoravano di più sul campo. C'erano dodici membri, alcuni del Ministero dell'Interno cioè chi si occupa dell'immigrazione illegale, del ministero degli esteri, del ministero della giustizia e un altro membro della Guardia Costiera, uno dell'Ufficio del Procuratore Generale. Sono partito con un visto regolare, ho fatto intervista all'Ambasciata Italiana presso l'ufficio di rappresentanza alla torre di Tripoli, dodicesimo piano. Sono andato e ho fatto la richiesta del visto, mi hanno fotografato e tutti sapevano che Abdul Rhaman sarebbe andato in Italia. Per prima cosa abbiamo visitato il porto di sbarco 9.54 in Italia, non ricordo bene la zona. Abbiamo visto come vengono accolti i migranti quando sbarcano, poi li hanno trasferiti da un centro ad un altro. Abbiamo visitato la Sicilia, c'erano alcuni dei migranti libici, siriani e altri. Ho visitato le motovedette italiane, come sbarcano i migranti e come li trattano, come noi. La trattativa era in corso da anni non da pochi mesi. In quel periodo la Guardia Costiera era debole. Prima dell'arrivo delle motovedette italiane avevamo solo uno Zodiac di sette metri, poi abbiamo rimesso a posto una motovedetta che si chiama Tallil. Quando abbiamo cominciato a

lavorare con due mezzi stavamo sempre in mare per i recuperi. Aggiungo un'altra cosa, le ONG erano a sei/sette miglia dalla spiaggia e dopo due ore che partivano i migranti arrivavano le ONG. Le ONG hanno aumentato il numero di persone che potevano lavorare nel traffico, chiunque poteva lavorare nel traffico, donne anziane, chiunque in Libia. Un incontro con il colonnello Ayub Qassim chiedono di spingere le ONG oltre 60 miglia dalla costa. Quando abbiamo mandato via le ONG l'immigrazione è diminuita, questa era la nostra soluzione. Per sfortuna per noi non ci siamo trovati solo a combattere contro le ONG, anche i Paesi che finanziano le ONG. Vogliono che noi smettiamo per sempre di fermare il traffico, a questo vogliono arrivare. Abbiamo incontrato i membri del Ministero dell'Interno, non ricordo i nomi, non chiederli perchè non ricordo. Siamo andati anche alla Guardia Costiera italiana, Croce Rossa Italiana, centri di accoglienza, Ministero della Giustizia italiano. Siamo andati al Palazzo del Ministero dell'Interno e quelli dell'operazione Sophia, siamo andati in tanti altri posti ufficiali. Non ricordo - di aver incontrato il Ministro Marco Minniti - forse, ma non sono sicuro. Pericoloso trafficante? I report del Consiglio di Sicurezza dell'Onu sono fondati su post di social media tendenziosi. Rispetto la decisione del consiglio di sicurezza però non hanno prove per condannarmi. Possono venire per consultare la Guardia Costiera e lo Stato Libico e io sono disponibile a essere interrogato. Non ho problemi. Nel gomzone ci sono donne, bambini, anziane, ci sono tutti. Quando si avvicinano alla motovedetta Tallil tutti vogliono salvarsi saltando velocemente, però quando ho picchiato uno di loro per fare ordine abbiamo cominciato a prendere i bambini, le donne, gli anziani e poi due alla volta. Quello che dicono i giornali non ci interessa perchè le relazioni tra la guardia costiera Italiana e Libica sono buone"





Istituzioni silenziose su migranti e Libia, appello di un gruppo di giornalisti: «Fateci raccontare quel che accade»

www.fnsi.it

Migranti in viaggio (Foto: cartadiroma.org)





Raccontare e raccogliere informazioni su quel che accade nel Mediterraneo attorno al dramma migranti, è ormai una impresa. Da diversi mesi – anche oltre – non si riescono più ad avere comunicati, interlocuzioni, aggiornamenti e informazioni dagli uffici stampa dei corpi istituzionali.

Le uniche fonti che informano con perizia e rapidità, nonostante le condizioni di emergenza nella c.d. SAR zone (Search and Rescue) in cui si trovano ad operare, sono le ormai poche Ong rimaste in mare; in particolar modo la nave Aquarius di Sos Mediterranee.

Eppure, come è noto, le operazioni di soccorso e salvataggio nel Mediterraneo, sono tutte (e sono ancora oggi) “comandate” e coordinate dall'Mrcc della Guardia Costiera di Roma. Perfino dopo l'interruzione di “Mare Nostrum”, le redazioni venivano aggiornate costantemente con video e informazioni in tempo reale. Da mesi nessuno risponde al telefono o – quando capita che qualcuno lo faccia – non siamo nemmeno alle scene mute della fonte di Woodward e Bernstein per confermare i fatti. Recentemente la Guardia Costiera di Roma stava addirittura per non confermare l'approdo di una propria nave con circa 800 migranti, salme incluse, al porto di Catania. Idem la Marina Militare, che pure ha operato missioni di salvataggio in concerto con la Guardia Costiera. Anche in questo caso: zero comunicati, zero informazioni.

Pari criticità vale anche per i porti di sbarco. Benché i cronisti siano in possesso di accrediti dalle varie Prefetture di competenza, i giornalisti vengono tenuti a debita distanza sui moli. Impossibile dunque – seppur nel pieno rispetto delle operazioni di sbarco e che in nulla si vogliono intralciare – documentare da vicino o raccogliere testimonianze dirette del dramma. Le uniche occasioni rimangono, al momento, nelle disponibilità di quei pochi colleghi che vengono ospitati a bordo delle Ong e che non possono certo riempire una nave

di giornalisti, a discapito di soccorritori e operatori umanitari durante le missioni di soccorso.

Non meno importante il problema delle inesistenti informazioni di terra da e su la Libia, dove peraltro l'Italia ha comunque più di "una gamba" istituzionale sul terreno, in una realtà che oggi riguarda centinaia di migliaia di migranti e di cui non si sa davvero proprio nulla.

Restano solo due riflessioni che riguardano l'informazione nel suo complesso, a cominciare da quella italiana. La prima è che sul tema abbiamo assistito (e assistiamo) a straordinari ed esclusivi reportage, declinati perlopiù sulla stampa estera (Reuters, Le Monde, AP, AFP, Middle East Eye, NYT, etc.).

Significativo infatti come Reuters, sull'Affaire Sabrata e il finanziamento allo "Zio" Dabbashi per un blocco mensile delle partenze, abbia scelto di ripubblicare l'esclusiva in lingua italiana nel proprio portale italiano, generalmente dedicato ai mercati finanziari e dintorni (e verrebbe da segnalare anche la scelta – del tutto inedita – del NYT nel ripubblicare, quattro giorni dopo, l'esclusiva su Regeni in lingua italiana).

La seconda riflessione, seppur con retorico interrogativo, riguarda il dramma in mare. Insomma: se riusciamo ad avere in tempo reale i dettagli su una nave militare americana speronata da un cargo nel Pacifico, perché mai da mesi non riusciamo più ad avere informazioni sulle vite umane salvate in mare dai corpi istituzionali?

Confidiamo che la Fnsi, idem altre associazioni di categoria, possa raccogliere questa istanza, sollecitando tutti gli organi istituzionali preposti: Guardia Costiera per il ripristino delle comunicazioni con la stampa e il Viminale per l'agibilità dei cronisti nei porti di sbarco.

Il tema dei migranti è dramma di portata epocale e internazionale; che oggi non riguarda tanto e solo il problema del paese da cui vengono, ma soprattutto il paese in cui transitano per mesi, anni e dal cui "inferno" cercano di fuggire. Libia: schiavitù, violenze, torture e

morte.

Sergio Scandura (Radio Radicale)

Pino Finocchiaro (RAI News)

Steve Scherer (corrispondente Reuters, Roma)

Annalisa Camilli (Internazionale)

Jérôme Gautheret (corrispondente Le Monde, Roma)

Francesca Mannocchi (Freelance: La7, Rai Tre, SkyTg24, Espresso, Middle East Eye)

Nello Scavo (Avvenire)

Andrea Palladino (freelance)

Amedeo Ricucci (Tg1 RAI)

Daniele Biella (Vita)

Niccolò Zancan (La Stampa)

Angela Caponnetto (Rainews24)

Daniela Fassini (Avvenire)

Andrea Billau (Radio Radicale)

Raffaella Maria Cosentino (Rai Tgr Sicilia)

Giacomo Zandonini, freelance (La Repubblica, Left)





Noi vendute per sesso dalla Nigeria all'Italia

espresso.repubblica.it

Una rete di trafficanti preleva le ragazze ^[L]_[SEP] minorenni in Africa e le costringe a prostituirsi nelle nostre città. Il racconto angosciante ^[L]_[SEP] delle vittime: Blessing, Happiness, Maryam





Maryam, 17 anni, arrivata da Benin City due anni fa

Quando era sul gommone che l'avrebbe portata in Italia, Blessing pensava a un'antica fiaba che le aveva raccontato sua nonna materna qualche anno prima: una divinità del mare che aveva il potere di inghiottire per sempre le anime oppure salvarle. Blessing pensava a questo guardando il mare, appena partita da Zawhia, in Libia. La notte prima un uomo l'aveva svegliata con un calcio mentre dormiva a terra sul cemento di uno dei tanti magazzini nascosti della costa occidentale del Paese, dove i migranti aspettano il proprio turno di partire e le aveva detto che il tempo era buono, il mare era calmo, ed era finalmente arrivato il momento di raggiungere l'Europa.

Il mare di Zawhia era un mostro color antracite, grande più della sua immaginazione, dell'immaginazione di una ragazzina di sedici anni che ha lasciato il suo Paese, da sola per costruire un futuro decente. Blessing sentiva il rumore delle onde nel gommone, le vedeva alzarsi di fronte a sé, schiacciata tra decine di altri uomini, donne e bambini, malati, affamati, disperati come lei.

L'acqua era un muro altissimo e rumoroso, ma Blessing non aveva paura. «Dall'altra parte del mare, al di là della divinità che uccide o perdona, c'è l'Italia», pensava. Pensava ci fosse un lavoro ad attenderla, un futuro possibile.

Invece ad aspettarla c'era la strada. Gli abusi. La prostituzione.

Blessing è nata in Nigeria nel 2001, in un villaggio dell'Imo State, una delle zone più povere del paese. Quando suo padre è morto, lei e i suoi sette tra fratelli e sorelle hanno smesso di andare a scuola perché in casa nessuno portava più soldi. Qualcuno di loro ha cominciato a vendere acqua e pane ai bordi delle strade, qualcun altro a mendicare. Suo fratello più grande lavorava come aiuto meccanico per provvedere alla madre. Blessing, invece, avrebbe solo voluto andare a scuola. Lo

scorso anno una donna l'ha avvicinata, nel mercato del suo villaggio. «So che la tua famiglia ha bisogno di aiuto, che vi servono soldi», le ha detto. «Mia sorella vive in Europa e può aiutarti, c'è tanto bisogno di ragazze disposte a lavorare, fidati di me».



Maryam, 17 anni, arrivata da Benin City due anni fa

Blessing era confusa ed entusiasta. Quella donna aveva parlato anche con una sua amica, Gift, quindicenne: le aveva detto che in Europa molte famiglie avevano bisogno di cuoche ed entrambe le ragazzine amavano cucinare. Quella donna le aveva detto di non dire niente alla sua famiglia, perché avrebbero cercato di farla desistere a causa del viaggio, lungo e faticoso. «Quella donna ha detto a me e Gift di seguire un suo amico, che ci avrebbe accompagnato e protetto nel viaggio dalla Nigeria alla Libia. E così, una notte abbiamo preso uno zaino e siamo partite».

L'uomo che ha scortato Blessing e Gift è uno dei "connection men", figura chiave della tratta: sono gli emissari delle organizzazioni criminali che prendono in carico le nigeriane, minorenni, fino al loro arrivo in Libia, spesso fino all'arrivo in Italia. Garantiscono loro il viaggio gratis, e istruiscono le ragazze nei minimi dettagli, dicendo di dichiarare - una volta in Italia - di essere maggiorenni, per evitare di finire nei centri protetti. Danno loro un numero di telefono da chiamare una volta arrivate nel centro. Il numero è dell'ultimo anello della catena, quello che le porterà fisicamente dalla "madam", la nigeriana adulta che le costringerà, ricattandole, alla strada.

«Quando sono arrivata dalla mia "madam", Friday, la prima cosa che

mi ha detto è stata che avrei dovuto cominciare a lavorare subito per ripagare il debito del viaggio e solo in quel momento ho scoperto che il debito era di 40 mila euro. Ero spaventata, ma pronta a lavorare dal giorno successivo. Invece la “madam” mi ha dato una busta, dentro c’erano dei pantaloni cortissimi e un reggiseno. E mi ha detto: questo è il tuo lavoro. Vai in strada dalle nove di sera e torni la mattina dopo portandomi i soldi. Mi devi ripagare anche gli abiti che ti ho comprato e l’affitto del letto dove ti farò dormire.». Blessing non ha capito quale fosse il suo destino, finché la “madam” non l’ha schiaffeggiata, dicendole che da quel momento lei sarebbe diventata una prostituta. Così Blessing, a sedici anni, si è ritrovata seminuda, in una strada a ridosso di un ponte, nella provincia di Savona. «Non riuscivo a essere arrabbiata, ero solo piena di vergogna. Ero mezza nuda, in strada, sola, e avevo paura. La prima notte mi sono nascosta dietro i cespugli e piangevo. Piangevo, volevo solo chiamare la mia mamma e andare via, tornare a casa. Non volevo che nessun uomo mi vedesse». Invece Blessing è stata picchiata e costretta a vendersi. Ha perso la sua innocenza e la sua verginità tra i cespugli e il cemento di un ponte in disuso. «A volte non passava nessuno, e io ringraziavo Dio. A volte c’erano anche sei uomini in una giornata. Molti di loro erano anziani. Io non sapevo l’italiano, la “madam” mi aveva solo insegnato a dire «venti euro» e «trenta euro» in base a quello che quegli uomini mi chiedevano. Così facevo quello che volevano, poi porgevo loro la mano per chiedere i soldi e tornavo in strada».

Blessing ha venduto il suo corpo per tre mesi, ogni giorno sotto quel ponte, fino a che Princess, nigeriana anche lei, anche lei vittima di tratta tanti anni fa e oggi operatrice di una unità di strada, l’ha avvicinata in strada dicendole solo: «So cosa stai vivendo, perché l’ho vissuto anche io». E così - guadagnando la sua fiducia - l’ha salvata.

Alberto Mossino, fondatore insieme a Princess di Piam Onlus, una ong piemontese che si occupa di assistere ragazze vittime di tratta, sostiene che l’aumento delle ragazzine nigeriane è indicativo del potere crescente dei trafficanti di donne e della fitta rete di interessi e connivenze tra la Nigeria, la Libia e l’Italia. Le inchieste della magistratura e le operazioni delle forze dell’ordine lo confermano: ultima, quella che il 7 giugno scorso ha sgominato una banda

organizzata di trafficanti a Cagliari, Pescara, Perugia, Pistoia e Reggio Calabria. «Negli ultimi due anni», dice Mossino, «ci siamo resi conto che molte ragazzine raggiungono l'Europa in un lasso di tempo relativamente breve, spesso raccontano di un viaggio durato un mese, un mese e mezzo per arrivare sulle coste italiane dal più profondo villaggio della Nigeria. Questo dimostra che la mafia che controlla il traffico di bambine e ragazze ha mezzi e potere per corrompere le tribù e le milizie che incontra lungo il viaggio, per corrompere tutti quelli che controllano frontiere e confini. Il giro di denaro che ruota intorno a queste bambine è inimmaginabile. E i trafficanti sanno di poter sfruttare da un lato la povertà nigeriana e dall'altro il vuoto di potere libico».

Il numero delle donne nigeriane arrivate in Italia dalla Libia è quasi raddoppiato lo scorso anno. Secondo l'Iom (International Organisation for Migration) l'80 per cento delle 11.009 donne nigeriane registrate lo scorso anno in Italia è vittima di tratta. Nel 2015 erano 5.600. Nel 2014 1.450. L'Iom stima che il 71 per cento delle persone che intraprendono la rotta per il Mediterraneo, durante il viaggio, diventi vittima di tratta.

«Quello che le nostre indagini dimostrano», dice Simona Moscarelli, esperta di anti-tratta dell'Iom, «è che le reti di traffico di esseri umani stiano diventando brutali ed efficienti a valorizzare e trarre profitto dalla vulnerabilità dei migranti».

Anche Happiness è una di loro. Anche lei ha sedici anni, e viene da Benin City. Per lei lo stesso viaggio, uguale a quello di tutte le altre ragazze: Auchì, Agadez, Sabha, poi la Libia. «Mia sorella mi aveva fatto parlare con una donna in Germania che mi aveva promesso un posto come parrucchiera nel suo negozio», racconta la ragazza. Ma il giorno della partenza Happiness ha visto parlare sua sorella maggiore con l'uomo che l'avrebbe accompagnata in Libia. Ricorda il loro tono, teso. Ricorda di esserne stata spaventata. Happiness e il suo "connection man" hanno impiegato quasi una settimana per raggiungere Sabha, nel sud della Libia. Lui guidava un minivan che, insieme a lei, trasportava altre sette ragazzine, anche loro minorenni. Happiness era stanca. **«Voglio tornare a casa», gli ha detto**

durante il viaggio. «Impossibile. Tua sorella ti ha venduta, ora imparerai a lavorare qui in Libia».



Happiness, 16 anni, viene da Benin City attirata dal miraggio di un lavoro come parrucchiera

Così è cominciato **l'inferno di Happiness**, costretta a quindici anni a prostituirsi in una "connection house" alla periferia di Tripoli.

«Quando sono arrivata c'erano circa venti, trenta ragazze. Una donna più adulta - avrà avuto trentacinque anni - ci ha spiegato che lì avremmo dovuto fare pratica prima di arrivare in Italia. Che avremmo dovuto imparare a lavorare».

Happiness ha dormito su un materasso buttato a terra per mesi, senza mai poter uscire da quella casa. Abusata ogni giorno, talvolta stuprata da gruppi di uomini. Nessuno di loro le ha mai dato dei soldi. Il corpo venduto di Happiness nella connection house era il prezzo da pagare alla mafia libica, coinvolta nel traffico di migliaia di ragazzine.

«C'erano vermi dappertutto, non c'era acqua pulita, pian piano ho cominciato ad avere piaghe sul corpo e non sapevo come curarmi e quegli uomini continuavano a venire ogni giorno, a violentarmi ogni giorno». Di quelle piaghe Happiness porta ancora i segni sulle braccia e sulle mani, che muove nervosamente mentre mette in fila i ricordi. Quando nella connection house di Tripoli sono arrivate altre ragazze dalla Nigeria,

Happiness è stata accompagnata a Garabulli, in attesa del gommone che l'avrebbe portata in Italia. Anche qui, ad attenderla, ci sarebbero state prostituzione e violenza. Ma una volta in Sicilia, Happiness ha strappato il foglio con il numero di telefono che avrebbe dovuto

chiamare per raggiungere la sua “madam” e ha chiesto aiuto. Oggi vive in una casa protetta della bassa padana, ha colorato i suoi capelli raccogliendoli in larghe trecce. Talvolta pensa alla sua famiglia, e piange. «La sola volta che ho provato a telefonare a mia sorella, per dirle cosa avevo subito, mi ha urlato contro che dovevo fare come mi dicevano, altrimenti le avrebbero chiesto indietro i soldi.». Happiness non ha più telefonato.

Oggi divide la stanza con Maryam, appena diciassettenne, anche lei è arrivata da Benin City, due anni fa. Ha ancora le sembianze di bambina, il pudore di una ragazzina innocente. Come le altre ragazzine, anche Maryam è scappata dalla povertà, dalla mancanza di istruzione, dall'assenza di prospettive. «Talvolta a Benin City arrivavano donne nigeriane», dice. «Tornavano dalle loro case in Europa, bellissime, piene di soldi, e compravano case per i loro familiari. Queste donne sono l'invidia dei villaggi, quando arrivano raccontando della vita qui, in Europa, molte famiglie spingono le proprie figlie a partire, anche se sanno che il viaggio è pericoloso. Anche mia madre mi ha spinto a partire dopo aver parlato con una madam: mi ha detto vai Maryam, lavora e torna come queste donne, con tanti soldi e aiutaci a vivere meglio».

La sera prima di partire la “madam” nigeriana ha sottoposto Maryam e altre bambine a un antico rito voodoo, il ju-ju: «Diceva che avrebbe protetto noi ragazzine dagli spiriti del male. Ci hanno tolto una ciocca di capelli, dei peli dal pube e un pezzo di unghia. E ci hanno solo ripetuto: se non onorerete i vostri debiti, morirete». L'uomo che l'ha portata in Italia l'ha protetta per tutto il viaggio, le diceva che doveva arrivare in ottime condizioni, che la stava aspettando un uomo molto importante che l'avrebbe fatta lavorare.

L'uomo che la aspettava in Italia era in contatto con la “madam” e aveva pagato la sua verginità.

Sono sempre di più i minori non accompagnati che finiscono in strada, secondo l'Iom, che lancia un allarme sull'età sempre più bassa delle ragazzine costrette a prostituirsi, e anche per gli operatori delle unità di strada della Comunità Giovanni XIII, secondo cui metà delle ragazze soccorse negli ultimi mesi sono minorenni. Maryam ricorda

che quando la madre l'ha salutata sulla porta di casa a Benin City le ha detto: «Il corpo è un luogo sacro». **Oggi Maryam non riesce più a guardarsi allo specchio.**

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As Libya crisis deepens, UNHCR chief steps up assistance

www.unhcr.org

During a visit to Tripoli, Filippo Grandi says agency needs to increase its presence in the North African country where 1.3 million people need urgent humanitarian aid.





UN High Commissioner for Refugees Filippo Grandi at the Tariq al-Sikka detention facility in Tripoli on May 21 2017. © UNHCR/Iason Founten

TRIPOLI, Libya – In response to Libya’s growing humanitarian crisis stemming from conflict, insecurity, political instability and a collapsing economy, UNHCR, the UN Refugee Agency, is discussing options to step up its presence and programmes in the country.

This was announced by UN High Commissioner for Refugees, Filippo Grandi, during a visit to Tripoli on Sunday (May 21), where he met with government officials and visited a detention centre holding refugees and migrants.

“I was shocked at the harsh conditions in which refugees and migrants are held, generally due to lack of resources,” Grandi said. “Children, women and men who have suffered so much already should not have to endure such hardship.”

“I was shocked at the harsh conditions in which refugees and migrants are held.”

More than five years of violent upheaval in Libya began with the uprising that removed ruler Muammar Gaddafi in 2011.

Some 300,000 Libyans have since been displaced by ongoing conflict. In all, more than 1.3 million people, including the internally displaced, migrants, refugees and asylum seekers and host communities are now in urgent need of humanitarian assistance.





UN refugee chief, Filippo Grandi, in Libya

Continuing instability, coupled with Libya's location, have energized smuggling rings that prey on mixed flows of desperate refugees and migrants seeking to cross north over the Mediterranean Sea to Europe, a journey during which [at least 1,364 men, women and children have died or gone missing](#) this year.

Grandi saw at first-hand the impact of the crisis at a detention centre in Tripoli, one of dozens in the country where many of those rescued after attempting perilous Mediterranean crossings end up.

Grandi also met with senior government officials in Tripoli on the one-day visit, including the Ministers for Education, Migrants and the Displaced and Social Affairs, to discuss what practical steps can be taken to tackle the growing crisis.

“We are already providing help on the ground and we will be doing much more.”

UNHCR will also continue its close partnerships with the International Organization for Migration, or IOM, and other humanitarian agencies in Libya to help the authorities better manage refugee and migrant flows through the country – something Grandi says is key.

“We are already providing help on the ground and we will be doing much more,” Grandi said. “But these patterns of migration we are seeing are very complex – and tackling the root causes, like poverty, is key. We also need to strengthen ways in which transit countries manage flows. People are ending up here because of a variety of problems elsewhere.”

Since Gaddafi’s ouster in 2011, hundreds of thousands of people in Libya have been hit by the collapse of law and order, inadequate health care and a lack of essential medicines, food, safe drinking water, shelter and education.



A group of people gather inside a detention facility holding refugees and migrants in Tripoli, May 2017. © UNHCR/Iason Founten

“We should not underestimate the challenges of operating in an unstable and volatile environment such as Libya today,” Grandi said.

“Our ability to access and effectively deliver much needed protection and assistance is a constant challenge. The people we are trying to help, as well as my staff and all the other humanitarian workers, live and work under enormous strain and risks.”

In addition to new offices and community development centres for refugees and asylum seekers, UNHCR intends to scale up its presence in disembarkation points for people rescued or intercepted at sea, in close cooperation with IOM and other partners. In the last year and a half, UNHCR has been able to secure the release of more than 800 vulnerable refugees and asylum seekers.

The High Commissioner was accompanied to Tripoli by his newly appointed Special Envoy for the Central Mediterranean Situation, Vincent Cochetel, who will be coordinating UNHCR's cross-regional response to the complexities of mixed migration movements across the Mediterranean, and by UNHCR's Regional Director for the Middle East and North Africa, Amin Awad.





Libia, l'orrore dei 34 centri di detenzione. "Donne e bimbi rinchiusi tra gli escrementi"

www.lastampa.it

L'Unhcr: almeno 8 mila persone trattenute dal governo di Tripoli. Ma le agenzie internazionali: impossibile fare dei campi profughi già nel Paese nordafricano



Di cosa parliamo quando parliamo dei campi libici che il viceministro agli Esteri Mario Giro ha paragonato all'inferno? Attraverso i tre organismi internazionali che vi hanno parzialmente accesso -

l'agenzia Onu per i rifugiati Unhcr, l'Organizzazione internazionale per le migrazioni e Medici senza Frontiere - sappiamo che si tratta di centri di detenzione dove vengono portati gli «irregolari», che tra Tripoli, il Nord-Ovest del Paese e Sebha ne esistono 34 (noti) con una capienza totale di 8 mila persone e che sono ufficialmente sotto il controllo dell'autorità per la lotta all'immigrazione clandestina (Directorate for combating illegal migration) ossia Tripoli. Il resto è la cronaca di chi li visita.

«Entriamo più volte alla settimana in una ventina di centri per organizzare ritorni umanitari e portare kit medici, materassi, aiuti non alimentari ma anche cibo, possiamo testimoniare condizioni inaccettabili», racconta il direttore dell'Ufficio di coordinamento per il Mediterraneo dell'Oim Federico Soda, reduce da un'audizione al Comitato parlamentare su Schengen. Tutte le strutture dipendono dal governo, insiste, ma diverse sono gestite da milizie e si tratta verosimilmente di quelle interdette agli stranieri: «Parliamo della Libia come se fosse un corpo omogeneo con un'unica catena di comando. Non è così. Nei campi vige l'arbitrio, la situazione cambia da un luogo all'altro, alcuni migranti ci dicono di essere stati picchiati per soldi, altri di aver subito torture o abusi sessuali, altri denunciano malnutrizione». L'ultimo in cui è stato ammesso, tre mesi fa, si trova nella capitale libica: «È una specie di caserma con un muro intorno e un cortile a cielo aperto con le baracche. Dentro ci sono decine di uomini, donne, bambini, mamme che partoriscono da sole: tutti insieme, alcuni sulle poche brandine e altri in terra. Non c'è ventilazione, la luce filtra da finestre molto piccole, i bagni sono pochi e gli escrementi sono ovunque. Ero lì per rimpatriare 176 uomini e una trentina di donne: una minima parte dei detenuti stipati in uno spazio più che sovraffollato».

Un'impressione analoga emerge dalle parole dell'Alto commissario Onu per i Rifugiati Filippo Grandi all'indomani della sua visita a Tripoli e ad alcuni centri di detenzione. «Sono rimasto scioccato dalle condizioni in cui sono detenuti migranti e rifugiati», ripete Grandi spiegando di aver visto persone dormire le une sulle altre. Il personale internazionale dell'Unhcr ha lasciato la Libia nel 2014 e è attualmente basato in Tunisia ma, nonostante le forti limitazioni, ha deciso di espandere la propria presenza nel Paese. A oggi ha accesso a

15 centri dai quali nel 2016 ha ottenuto il rilascio di 578 persone ma dei quali denuncia l'assenza di cure mediche, servizi igienici e privacy, il sovraffollamento, la detenzione prolungata.

Il quadro è quello di compound in cui vengono portati i migranti intercettati dalla Guardia Costiera ma anche gente arrestata in blitz notturni o da singole persone. Lo staff di Medici senza Frontiere visita circa 1300 detenuti al mese (nei centri accessibili) e parla di «disponibilità quotidiana d'acqua in quantità minima per bere o lavarsi, correnti interruzioni di corrente elettrica, cure mediche permesse in un ambiente altamente militarizzato e non sempre in piena libertà».

Ma allora perché non creare centri gestiti direttamente dall'Unhcr in collaborazione con gli altri organismi internazionali, una struttura tipo quelle dell'Oim in Niger? La risposta è corale: «In Libia oggi è impossibile raccogliere il consenso per una scelta del genere. Intorno ai centri di detenzione girano troppo soldi, i migranti sono un business da assai prima che raggiungano il Mediterraneo».

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Migranti, Le Monde: "Accordo tra l'Italia e i trafficienti libici per fermare i flussi"

www.ilfattoquotidiano.it



Il quotidiano francese spiega di aver parlato al telefono con una personalità di Sabratha, la città costiera libica da cui fino a poche settimane fa partivano quasi tutti i migranti diretti in Italia. "Roma è sospettata di aver pagato la milizia di Ahmed Al-Dabbashi, l'ex trafficante che ora fa la guerra contro il traffico di esseri umani", scrive il giornale, confermando i reportage di Reuters e Associated Press. La Farnesina ha sempre respinto le accuse piovute nelle scorse settimane

"Fra i **trafficienti libici** e l'Italia sono stati stipulati piccoli **accordi** contro i migranti". Dopo i reportage di *Reuters* e *Associated Press*, anche *Le Monde* accende i riflettori sui motivi che starebbero dietro allo stop delle partenze di migranti dalle coste libiche. Il quotidiano francese dedica all'argomento il titolo di apertura dell'edizione di questo pomeriggio, 14 settembre, e le prime due pagine interne.

Le Monde spiega di aver parlato al telefono con una **personalità di Sabratha**, la città costiera della Tripolitania da cui fino a poche settimane fa partivano quasi tutti i migranti diretti in Italia. “C’è un accordo tra gli italiani e la milizia di **Ahmed Al-Dabbashi**. L’ex trafficante oggi fa la guerra contro il traffico di esseri umani”, scrive il giornalista citando la fonte, che vuole rimanere anonima. L’articolo spiega che “Al-Dabbashi, soprannominato Al-Ammu (lo zio), è il capo della brigata dei martiri Anas al-Dabbashi, che fino a luglio **dominava** il traffico di migranti da Sabratha”. Le informazioni coincidono con quelle contenute nel reportage di Associated Press e anche del *Corriere della Sera*. Una fonte di Ap aveva definito Al-Dabbashi e il fratello “i **re** del traffico” di migranti.

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“Roma è sospettata di aver **pagato** i servizi delle milizie libiche per fermare l’afflusso di migranti sulle sue coste. Il **governo** smentisce. Le imbarcazioni vengono intercettate in mare. Conseguenza: il numero di traversate del Mediterraneo verso Lampedusa è crollato ad agosto”, continua *Le Monde*. “Alcune associazioni umanitarie denunciano trattamenti crudeli e accusano l’Unione europea di lasciar prosperare un ‘sistema predatorio’. Di fronte a questa situazione, chi aspira all’Europa cerca altri punti di ingresso, in particolare attraverso la **Romania**“. È proprio di ieri, 13 settembre, la notizia che un barcone con a bordo **153 migranti**, tra cui 53 bambini, è stato intercettato e bloccato nel **Mar Nero** dalla guardia costiera romena. Il battello, fatiscente, è stato condotto nel porto di Costanza, dove i profughi sono stati identificati.

Nelle ultime settimane si sono **intensificati** i casi di imbarcazioni cariche di migranti fermate nel Mar Nero e partite dalla **Turchia**. Tra il 9 e il 10 settembre sarebbero arrivate in Romania più di 200 per-

sone a bordo di due barconi. Chiusa la **rotta balcanica**, che dalla Turchia proseguiva via terra o via mare verso la Grecia e nei Paesi della ex Jugoslavia, e bloccate, almeno per ora, le partenze dalla Libia, sarebbe il Mar Nero la nuova via battuta dai migranti.

“I Paesi dell’**Unione europea** non fanno che mantenere quest’organizzazione criminale”, continua *Le Monde* citando la presidente di Medici senza frontiere, **Joanne Liu**. Una nuova smentita su questo punto, dopo quella del governo italiano che ha sempre rigettato l’ipotesi di accordi con le milizie libiche, è arrivata dal commissario Ue per le migrazioni **Dimitris Avramopoulos**: “Il calo dei flussi sulla rotta del Mediterraneo centrale è frutto di una **cooperazione** ben coordinata con i Paesi della regione e del ruolo di pioniere dell’Italia, col ministro Minniti. Tutto è stato fatto nella chiarezza e nella trasparenza, non ci sono stati canali nascosti o negoziati dietro le quinte”.

Le Monde traccia anche un ritratto del ministro dell’Interno italiano **Marco Minniti** in cui lo definisce un “apparatchik dell’ombra diventato **Mister Anti-migranti**” e in cui dice che “ha negoziato il blocco del traffico in Libia in condizioni di opacità”. Accuse che il titolare del Viminale ha sempre negato, rivendicando gli accordi stretti con i sindacati libici.

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Prima di continuare

Se sei qui è evidente che apprezzi il nostro giornalismo. Come sai un numero sempre più grande di persone legge *Ilfattoquotidiano.it* senza dover pagare nulla. L’abbiamo deciso perché siamo convinti che tutti i cittadini debbano poter ricevere un’informazione libera ed indipendente.

Purtroppo il tipo di giornalismo che cerchiamo di offrirti richiede tempo e molto denaro. I ricavi della pubblicità ci aiutano a pagare tutti i collaboratori necessari per garantire sempre lo standard di informazione che amiamo, ma non sono sufficienti per coprire i costi de *ilfattoquotidiano.it*.

Se ci leggi e ti piace quello che leggi puoi aiutarci a continuare il nostro lavoro per il prezzo di un cappuccino alla settimana.

Grazie,
Peter Gomez

[Diventa sostenitore](#)





L'Italia ha fatto un accordo con i trafficanti di migranti?

www.ilpost.it

Lo sostiene un'inchiesta molto dettagliata di Associated Press, smentita dal governo ma confermata da una delle milizie coinvolte



(ANGELOS TZORTZINIS/AFP/Getty Images)

Un'inchiesta pubblicata ieri da *Associated Press* [ipotizza](#) che per fermare il flusso di migranti dal Nord Africa il governo italiano abbia stretto degli accordi con due potenti milizie libiche che solo qualche tempo fa erano direttamente coinvolte nello stesso traffico. Il governo italiano ha smentito di avere un accordo di questo tipo e rispondendo ad *AP* ha detto che «non negozia con i trafficanti». L'inchiesta sembra comunque molto solida e cita molte e varie fonti, fra cui il portavoce di una delle due milizie coinvolte che ha confermato l'accordo con le autorità italiane.

L'approccio del governo italiano in Libia – un paese che da circa cinque anni non ha un governo funzionante, e che è diventato la tappa finale di decine di migliaia di migranti diretti in Europa – è stato [molto lodato dagli altri paesi europei](#), e dal punto di vista dei numeri sta portando dei risultati. Nell'agosto 2017 sono sbarcati sulle coste italiane solo 3.507 migranti, contro i 21.294 dell'agosto 2016. In molti però hanno criticato il governo italiano per aver stretto accordi con partner poco affidabili come il governo di Fayezi al Sarraj, che controlla quasi solo il territorio della città di Tripoli, e la sua Guardia costiera, un'accozzaglia di bande armate che [è difficile descrivere come un unico corpo di polizia](#). L'inchiesta di *Associated Press* porta le accuse al governo italiano a un altro livello: lo accusa di aver saltato l'intermediazione di Sarraj e aver stretto accordi direttamente con gli stessi personaggi che fino a poco tempo fa erano in combutta con i trafficanti.

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In Libia le milizie armate hanno riempito il vuoto di potere che si è creato dalla caduta del regime di Gheddafi: [secondo Nancy Portia](#), giornalista esperta di Libia, oggi fanno parte di un sistema che «permea tutta la struttura della società» libica. Fra le altre cose le milizie controllano anche i centri di detenzione per migranti (dove i diritti umani vengono [sistematicamente violati](#)).

Le due milizie di cui parla *Associated Press* si chiamano “Martire Abu Anas al Dabbashi” e “Brigata 48” ed entrambe hanno la sede a Sabraha, una piccola città non distante da Tripoli che negli ultimi mesi è diventata il principale punto di partenza dei barconi e gommoni dei

migranti. La prima milizia è sicuramente nota ai funzionari italiani: dal 2015 si occupa della sicurezza dell'impianto di Eni per l'estrazione di petrolio nel vicino paese di Mellita. La seconda è stata oggetto di un'inchiesta di Reuters pubblicata il 21 agosto, che descriveva l'efficacia della campagna anti-trafficienti in corso a Sabratha. I capi delle milizie sono due fratelli che provengono dal clan che controlla la città, quello dei Dabbashi.

Cinque fonti fra funzionari di sicurezza e attivisti hanno confermato ad *Associated Press* che entrambe le milizie erano coinvolte nel traffico di migranti: una di loro ha definito i fratelli Dabbashi i "re del traffico di migranti" a Sabratha. «I trafficanti di ieri sono le forze anti-trafficienti di oggi», ha raccontato una fonte di sicurezza libica sentita da *Associated Press*. Non sarebbe l'unico caso di autorità libiche coinvolte in questi traffici: secondo un recente rapporto dell'ONU (PDF) il capo della Guardia costiera di Zawiyah, una città vicino a Sabratha, è contemporaneamente a capo di una milizia in combutta coi trafficanti. In questa storia c'è anche un dettaglio piuttosto inquietante: secondo il giornalista del *Foglio* Daniele Raineri, lo stesso clan Dabbashi aveva espresso anche il capo locale dello Stato Islamico, Abdullah "Abu Maria" Dabbashi, poi ucciso ad aprile.

Abdel Salam Helal Mohammed, un dirigente del ministro degli Interni del governo di Tripoli che si occupa di immigrazione, ha raccontato che l'accordo è stato raggiunto durante un incontro fra italiani e membri della milizia Al Ammu, che si sono impegnati a fermare il traffico di migranti (cioè loro stessi o dei loro alleati, in sostanza). Dell'incontro aveva parlato anche la giornalista Francesca Mannocchi in un articolo pubblicato da *Middle East Eye* il 25 agosto, senza però trovare conferme ufficiali. Anche il portavoce di Al Ammu, Bashir Ibrahim, ha confermato ad *Associated Press* che circa un mese fa entrambe le milizie hanno stretto un accordo "verbale" col governo italiano e quello di Sarraj per fermare i trafficanti. Sempre secondo Bashir, l'accordo prevede che in cambio del loro aiuto le milizie ottengano soldi, barche e quello che *Associated Press* definisce "equipaggiamento" (non è chiaro se si tratti o meno di armi).

L'accordo è stato confermato anche da due attivisti locali che si occupano dei diritti umani dei migranti, che hanno aggiunto che le stesse

milizie hanno preso il controllo della prigione della città per ospitare i migranti bloccati e che stavano preparando una pista d'atterraggio nei pressi dell'ospedale per ricevere aiuti umanitari dall'Italia. Sulla sua pagina Facebook, Daniele Raineri ha pubblicato una foto dell'ambasciatore italiano in Libia Giuseppe Perrone vicino a "un aereo carico di aiuti medici italiani" atterrato il 16 agosto in città. Una settimana dopo, il ministero degli Esteri italiano [ha fatto sapere](#) di aver consegnato 5.000 "kit igienico-sanitari e di primo soccorso per migranti" alla città di Zuwara, mentre non viene citata alcuna consegna avvenuta a Sabratha.

«Quello che gli italiani stanno facendo a Sabratha è davvero sbagliato», ha raccontato ad *Associated Press* uno degli attivisti contattati, Gamal al Gharabili: «state accrescendo il potere delle milizie».





Le violenze sui migranti in Libia

www.ilpost.it

Un nuovo rapporto dell'Unicef racconta storie terribili su quello che subiscono donne e bambini africani nei centri di detenzione per migranti in Libia



Un migrante in un centro di detenzione vicino a Tripoli, in Libia (AP Photo/Manu Brabo)

Martedì l'Unicef, l'agenzia dell'ONU che si occupa di dare assistenza umanitaria ai bambini e alle loro madri, ha diffuso un nuovo rapporto sulle violenze che sono costretti a subire i migranti in Libia durante il loro viaggio verso l'Italia. Il rapporto, che si intitola "[A Deadly Journey for Children](#)", racconta come la maggior parte delle donne e dei bambini passati dalla Libia per potersi imbarcare verso l'Italia siano stati picchiati, violentati o ridotti alla fame. Molto spesso le violenze vengono compiute all'interno dei centri di detenzione gestiti dal governo o da una delle tante milizie che controllano delle parti di territorio in Libia, e che l'Unicef descrive come «campi di lavoro forzato e prigioni improvvisate». Altre volte sono compiute ai molti check-point che i migranti sono costretti a superare per arrivare alle città libiche sulla costa, dalle quali partono le barche dirette in Italia.



Una mappa delle rotte dei migranti diretti verso l'Italia, pubblicata nel [rapporto dell'Unicef](#)

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Nel suo rapporto, l'Unicef parla di problemi già noti ma la cui dimensione è spesso difficile da misurare. Dice per esempio che dei 181mila migranti arrivati in Italia nel 2016 usando la rotta del Mediterraneo

centrale, 28mila erano minori, circa il 16 per cento del totale; di questi, il 90 per cento erano minori non accompagnati, un numero due volte più grande rispetto a quello registrato nel 2015.

Finora in Libia sono stati individuati 34 centri di detenzione, all'interno dei quali sono detenute tra le 4mila e le 7mila persone. Di questi, 24 sono gestiti dal dipartimento del governo libico che si occupa dell'immigrazione illegale. L'Unicef ha detto di avere avuto accesso a meno della metà dei centri gestiti dal governo, e a nessuno di quelli controllati dalle milizie. Un funzionario del ministero dell'Interno libico [ha raccontato](#) alla giornalista Francesca Mannocchi e al fotografo Alessio Romenzi che il governo non si avvicina nemmeno alle aree dove si trovano i centri controllati dalle milizie, perché è troppo pericoloso. In generale le istituzioni libiche non sembrano avere le risorse, e in alcuni casi la volontà, per fermare il traffico di essere umani. Mannocchi, che insieme a Romenzi ha visitato cinque centri di detenzione per migranti in Libia, ha raccontato un episodio che descrive bene la situazione:

«Lungo la strada costiera da Tripoli al centro di detenzione numero 2 ci sono diversi checkpoint. Il più critico si trova a Garabulli, una piccola città costiera e un'area da cui si imbarcano migliaia di migranti. “A Garabulli la Guardia Costiera non ha abbastanza risorse”, dice il nostro autista Hassan. “Ma soprattutto sono tutti spaventati dalle minacce delle milizie che controllano il traffico di essere umani. Quando la Guardia Costiera vede una barca che salpa, semplicemente chiude gli occhi, non dice niente, finge di non vedere”.»

Le storie contenute nel rapporto dell'Unicef e raccontate da Mannocchi sono terribili. C'è per esempio quella di Kamis, una bambina di nove anni che ha iniziato insieme a sua madre il viaggio verso l'Europa partendo dalla Nigeria. Kamis e sua madre hanno prima attraversato un pezzo di deserto, poi sono state salvate durante un naufragio in mare e poi si sono ritrovate in un centro di detenzione nella città libica di Sabratha. Kamis ha detto: «Ci picchiavano tutti i giorni. Non c'era nemmeno dell'acqua. Quel posto era molto triste. Non c'era niente». Il rapporto dell'Unicef sostiene che in particolare le violenze sessuali sono diffuse e sistematiche ai checkpoint, cioè i passaggi obbligati che i migranti sono costretti ad attraversare. Molti degli aggressori, hanno raccontato i testimoni, sono uomini in uniforme: «Circa un terzo di quelli intervistati hanno detto di avere subito abusi in Libia. Una grande maggioranza di questi bambini non ha risposto quando gli è stato chiesto chi fossero i responsabili delle violenze», ha scritto l'Unicef.

La crisi dell'immigrazione in Libia e in Italia è stata al centro di diversi negoziati negli ultimi mesi. All'inizio di febbraio l'Italia ha firmato un accordo con il governo libico del primo ministro Fayed al Serraj, l'unico riconosciuto dalla comunità internazionale. L'accordo, che ha l'obiettivo di ridurre il numero dei migranti che arrivano sulle coste italiane attraversando il Mediterraneo centrale, è stato molto criticato da diversi analisti ed esperti di Libia e di immigrazione. I punti principali prevedono che le autorità italiane forniscano «supporto tecnico e tecnologico agli organismi libici incaricati della lotta contro l'immigrazione clandestina», cioè alla Guardia Costiera libica, e migliorino le condizioni dei centri di accoglienza in territorio libico, finanziando l'acquisto di medicine e attrezzature mediche e la formazione del personale che ci lavora. Sono due obiettivi molto complicati da raggiungere: la Guardia Costiera libica è già appoggiata dall'Unione Europea – i suoi dipendenti vengono formati in Europa e le sue attrezzature sono fornite dall'Italia – eppure al suo interno esiste una corruzione “endemica”, [come l'ha definita un recente rapporto dell'ISPI](#). Poi c'è il problema delle condizioni di vita nei centri per i migranti sul territorio libico, come ha sottolineato anche l'Unicef, dove si registrano moltissimi casi di violenze, abusi sessuali e altre violazioni dei diritti umani.



Entre la Libye et l'Italie, petits arrangements contre les migrants

www.lemonde.fr

Rome est accusé d'avoir traité avec des milices de passeurs pour endiguer le flux de migrants au départ des côtes libyennes.

Temps de Lecture 6 min.

Article réservé aux abonnés





Le ministre de l'intérieur italien, Marco Minniti, et le ministre de la défense libyen Mahdi Al-Barghathi, dans le port de Tripoli, le 15 mai 2017. MAHMUD TURKIA / AFP

Pour l'heure, en mer, il ne reste plus que l'*Aquarius* et le navire de l'ONG espagnole Pro Activ -Open Arms. Mardi 12 septembre, le navire affrété conjointement par SOS Méditerranée et Médecins sans frontières, a bien été appelé pour secourir 120 personnes en détresse, à bord d'un canot pneumatique, mais ceux-ci ont finalement été recueillis par un bateau militaire allemand. Pour le reste, au large des côtes libyennes, il règne un calme étrange : avec 3 900 personnes secourues en Méditerranée en août, contre plus de 21 000 l'an passé à la même période, l'afflux de réfugiés a soudainement diminué. La tendance est très nette : sur les huit premiers mois, le nombre de passages de Libye vers l'Italie diminue d'environ 20 % par rapport à 2016.

Lundi 4 septembre, le pionnier des secours dans la zone, MOAS, une ONG créée en 2014 par un riche couple italo-américain et basée à Malte, annonçait son retrait. Son navire, le *Phoenix*, est parti vers l'Asie où il doit aller porter secours aux Rohingya qui cherchent à fuir les persécutions birmanes, en mer d'Andaman. Dans le communiqué annonçant le départ du *Phoenix*, l'ONG en expliquait les raisons : « *Nous ne voulons pas participer à un mécanisme par lequel, tandis que l'on prodigue assistance et secours en mer, il n'y a aucune garantie d'accueil dans des ports et lieux sûrs.* » Plus explicite, elle ajoutait : « *En ce moment, ce qui se passe en Libye n'est pas clair.* »

« L'ancien trafiquant combat aujourd'hui le trafic »

En effet, si le gouvernement italien assure que la principale raison de la spectaculaire diminution des sauvetages est l'équipement – sur fonds européens – des garde-côtes libyens à la fin du printemps, ainsi

que la mise au pas des ONG humanitaires accusées, par leur présence en mer, de constituer un appel d'air pour les candidats à l'émigration, chacun voit bien que l'explication de ce phénomène est à chercher du côté de la Libye. Et plus précisément à Sabratha, cité côtière de la Tripolitaine (ouest) devenue ces dernières années la principale plateforme de départs de migrants vers l'île italienne de Lampedusa, distante d'à peine 300 km.

Depuis son entrée en fonctions en décembre 2016, le ministre de l'intérieur italien, Marco Minniti, n'a pas ménagé ses efforts pour tenter d'arrêter le flux de migrants. Il a multiplié les rencontres avec les dirigeants locaux, maires et chefs de tribu en Libye, assurant chacun de sa volonté d'« *écouter leurs besoins* » et de les « *aider* ». Aurait-il pactisé avec des groupes armés, voire avec les trafiquants eux-mêmes, pour parvenir à ses fins, au risque de renforcer ou même de légitimer certaines milices proches du crime organisé ? C'est ce qu'affirment plusieurs sources libyennes.





Europe's Libyan gamble

www.politico.eu

Brussels bets on a dysfunctional coast guard with few resources to combat people-smuggling in the Med.



Migrants and refugees sit on a rubber boat before being rescued by a ship run by Maltese NGO Moas and Italian Red

Cross off the Libyan coast | Andreas Solaro/AFP via Getty Images

Migrants and refugees sit on a rubber boat before being rescued by a ship run by Maltese NGO Moas and Italian Red Cross off the Libyan coast | Andreas Solaro/AFP via Getty Images

TRIPOLI, Libya — The EU has pinned its hopes on cooperation with a deeply unstable Libya and a ragtag, resource-poor coast guard as it seeks to show it can control migration in a [year of major elections](#) in countries including France, Germany and the Netherlands.

When the first cadets of an EU-sponsored training course for the Libyan coast guard [graduated](#) in Malta earlier this month, no less a figure than Federica Mogherini, the European Union's foreign policy chief, was on hand to celebrate.

The new recruits are part of a multi-million euro program the EU hopes will help it stop the flow of migrants across the Mediterranean — and lower the death toll of a dangerous journey that claimed the lives of [5,000 people](#) last year.

But human rights groups are concerned that the EU's coast guard program and its efforts to beef up Libyan naval resources will inadvertently boost the smugglers and local militias who exploit migrants and refugees desperate to cross into Europe at any cost.

Six years after the uprising that ended Muammar Gaddafi's four-decade rule, Libya has no functioning national security services. Rather, a myriad of militias exert control across the country. [Three governments](#) vie for power in Libya: one in the East and two in the West. Every town has its own local council, its own armed forces and, in the case of the coastal cities, its own coast guard.

The country's coast guard struggles with corruption and infiltration by people smugglers. In a series of

incidents last year, the coast guard was accused of beating refugees.

"We have no resources," Reda Issa, who became chief commander of the Libyan coast guard fleet last November, told POLITICO from the port of Misrata. "We need 10 ships exclusively dedicated to rescue missions as well as helicopters and other equipment."

Much of the fleet was destroyed during the 2011 revolution. Today, three medium-sized ships and three rigid, inflatable rafts patrol the 600-kilometer shoreline between Zuwara and Sirte, according to officials.

The coast guard has so few resources that an offensive to expel the Islamic State from their stronghold in Sirte late last year was forced to rely on private vessels tricked out with anti-aircraft guns mounted on the deck – the naval equivalent of the armored pickup trucks that can be seen ashore.

Germany, Italy, Greece, Belgium and Britain have pledged to provide training and equipment to Libya's coast guard as part of [Operation Sophia](#), the EU's joint naval operation launched in the spring of 2015, aimed at combating human and arms trafficking in the central Mediterranean. At a summit in early February, EU leaders approved an [additional €200 million](#) for projects to tackle illegal migration into Europe, which included an additional €3.2 million toward the Libyan coast guard training program.

Issa acknowledged that collaboration between coastal towns, which currently find themselves on different sides of a civil conflict, "could be better" but expressed optimism over the EU-backed program that has trained 89 Libyan cadets and officials since its inception in October.





Migrants hang from a boat as they wait to be rescued as they drift in the Mediterranean Sea off Libya last October | Aris Messinis/AFP via Getty Images

But Operation Sophia has sparked controversy, partly owing to several incidents between the Libyan fleet and NGOs engaged in search-and-rescue missions in the area.

Corruption and infiltration

The country's coast guard struggles with corruption and infiltration by people smugglers. In a series of incidents last year, the coast guard was accused of beating refugees.

[Sea-Watch](#), a German NGO, asked the EU to reconsider its project to train the coast guard after Libyan sailors [reportedly attacked refugees](#) with clubs last October, killing at least four.

Libyan authorities have rejected the allegations and accused NGOs in the area of "violating Libyan territorial waters."

"We understand the humanitarian goal of these organizations but we ask them to abide by international law. If they want to contact us, all the lines are open," Ayub Qassem, spokesman for the Libyan Navy in Tripoli, told POLITICO.

Other groups have reported similar incidents. In August 2016, an unidentified speedboat reportedly fired at the Bourbon Argos, a rescue boat chartered by [Doctors Without Borders](#), according to the organization's communication adviser Alessandro Siclari.

"After some meetings with the Libyan authorities we arrived at the conclusion that the incident was triggered by an initial problem in establishing correct communication lines between the two boats," Siclari said.

In December, a man who claimed to be a former security force member in the region of Zawiya said the local coast guard charged migrants a fee for every inflatable raft that crossed its territorial waters. He requested anonymity for fear of reprisal. Rafts that had not paid the coast guard's fees were intercepted by boats carrying local militias and taken back ashore, where the migrants were detained and not released until they paid a ransom, he said.



Six years after the uprising that ended Muammar Gaddafi's four-decade rule, Libya has no functioning national security services | Salah Malkawi/Getty Images

While such claims are difficult to corroborate independently, the [U.N. Support Mission in Libya's](#) most recent [findings](#) support witness accounts that local officials routinely extort and mistreat refugees, and have participated in human trafficking.

Part of the problem is the lack of a command structure in the Libyan coast guard that goes back years.

“It has always been like that. They have these units which operate mostly on their own,” said Antti Hartikainen, the director general of Finland's [National Board of Customs](#), who headed an EU mission in 2013 to help the Libyan authorities improve and develop border security.

According to Hartikainen, it is nearly impossible to identify and reprimand crew members on the boats as they don't wear uniforms or name tags, making it easier for corrupt crew to act with anonymity and impunity.

Operation Sophia's public reports don't outline how the EU training program coordinates with a Libyan fleet that lacks a central command.

"The economic situation has deteriorated dramatically over the last years. The government is not able to guarantee [their] salaries so the chances that members of the Libyan coast guard could be linked to mafias are greater," said Hartikainen.

Operation Sophia's [public reports](#) don't outline how the EU training program coordinates with a Libyan fleet that lacks a central command. Neither does it address any measures taken to avoid infiltration by individuals linked to the smuggling business.

Despite repeated requests, officials from Operation Sophia declined to comment on the Libyan coast guard's alleged breach of human rights, the obstacle posed by the lack of a central command in the Libyan Navy and corruption cases within its ranks.

However, a leaked internal Operation Sophia report seen by POLITICO notes that "migrant smuggling and human trafficking networks are well ingrained into local patterns of life, employing facilitators while paying off authorities and other militias."



La Repubblica, video: Migranti, racconto dell'inferno libico: venduti come schiavi, picchiati e poi costretti a imbarcarsi, 29 August 2017

<https://video.repubblica.it/dossier/immigrati-2015/migranti-racconto-dell-inferno-libico-venduti-come-schiavi-picchiati-e-poi-costretti-a-imbarcarsi/283447/284060>

la Repubblica

LO SPECIALE **Immigrati** (421 video)

Migranti, racconto dell'inferno libico: Venduti come schiavi, picchiati e poi costretti a imbarcarsi

Migranti, racconto dell'inferno libico: "Venduti come schiavi, picchiati e poi costretti a imbarcarsi"

Lunghe mesi di violenze e sequestri in una condizione di schiavitù senza alcun contatto con organismi internazionali fino alla partenza costata per le coste italiane, hanno questo in comune i racconti di tre africani approdati sulle coste italiane nei mesi precedenti all'estate e ora assediati all'interno del progetto Operazione di Oltim, Sorveglianza Sicilia e Diciema Valente. Uno degli intervistati ci racconta dell'assoluta indifferenza e poi i migranti "testi" sono sottoposti in Libia: "Ci battevano per fessare e mandare il video all'Unione Europea (ma è probabile che il ragazzo si confonda con UNHCR o altro organismo, ndr) per fargli credere che ci avevano soccorso in mare. E ci minacciavano che se provavamo a parlare a quelli dell'Unione Europea ci avrebbero ammazzati, e così è successo ad un ragazzo sudanese, picchiato a morte per aver osato parlare".

Video di Fabio Sestini e Filippo Maranconi

LASCIA UN COMMENTO

Testo



La Guardia costiera libica non esiste

www.ilpost.it

La forza di sicurezza che dovrebbe pattugliare 600 chilometri di costa libica e fermare i migranti è un'accozzaglia di milizie e personaggi ambigui, ed è un problema



(TAHA JAWASHI/AFP/Getty Images)

L'8 febbraio di quest'anno nel porto della Valletta, la capitale di Malta, c'era una certa agitazione. Su una delle banchine c'erano decine di persone in divisa. Per terra, risaltava un tappeto rosso: era stato steso per accogliere alcuni politici molto importanti, fra cui il primo ministro maltese Joseph Muscat, il ministro della Difesa italiano Roberta Pinotti e l'Alto commissario agli Affari Esteri dell'Unione Europea Federica Mogherini.

Tra gli eventi in programma c'era la consegna dei diplomi di fine corso a 78 agenti della Guardia costiera libica, addestrati per circa tre mesi nelle attività di pattugliamento e soccorso all'interno dell'operazione Sophia, la missione militare dell'Unione Europea per combattere il traffico di migranti nel Mediterraneo. Uno dei momenti più importanti della cerimonia è stato il discorso di Mogherini, che in quelle settimane - insieme al governo italiano - si stava dando molto da fare per legittimare il governo di unità nazionale libico, quello guidato dal primo ministro Fayeza al Serraj, l'unico riconosciuto dalla comunità internazionale che però ancora oggi fatica ad estendere il suo potere al di fuori di Tripoli: «Oggi voltiamo pagina, e accogliamo l'inizio di una nuova era dei rapporti fra l'Unione Europea e la Libia», ha detto Mogherini, partendo dall'idea che solo rafforzando il governo di Serraj e aiutando la Marina militare e la Guardia costiera libica sia possibile interrompere il flusso di migranti dal Nord Africa, che dal 2016 ad oggi ha causato l'arrivo di [quasi 300mila migranti](#) e la morte di molte migliaia nel tentativo di traversata.

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Sì, ma quando si parla di Guardia costiera libica, a cosa ci si riferisce?

Migrant crisis: How Italy is training Libyan coast guards



I giornali italiani e internazionali hanno raccontato in diverse occasioni di incidenti e violazioni di diritti umani da parte degli agenti libici; hanno raccontato di [speronamenti](#) e [colpi di armi da fuoco](#) verso le navi delle ONG che soccorrono i migranti, ma anche di maltrattamenti subiti dai migranti colpiti con [armi da fuoco](#), [fruste](#) e [bastoni](#). L'aggressività della Guardia costiera libica – che è stata anche [uno dei principali motivi](#) per cui molte delle ONG coinvolte nei soccorsi hanno sospeso le loro attività – non è comunque un fenomeno così recente.

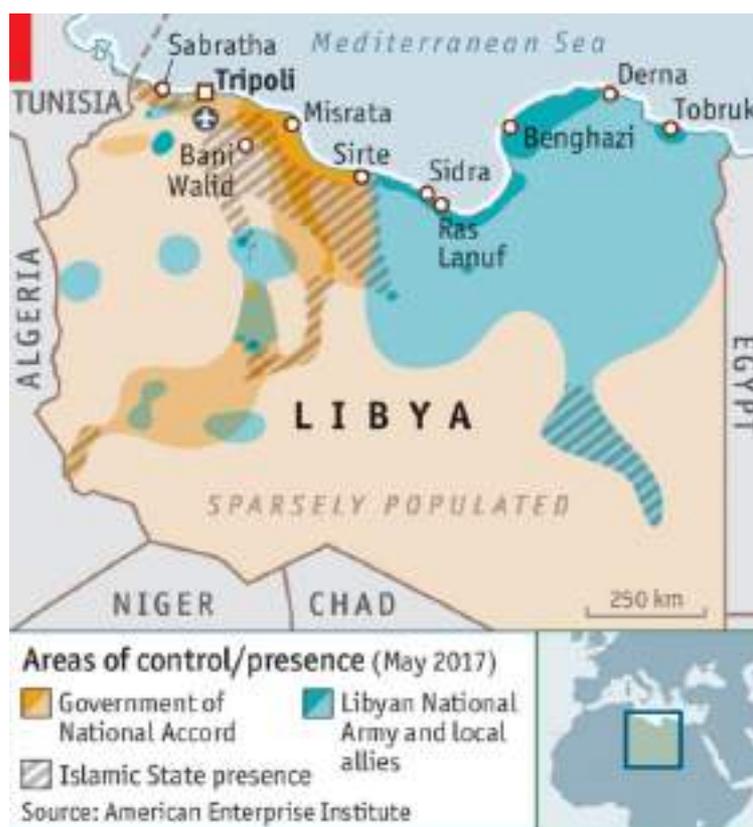
In un rapporto di inizio giugno commissionato dall'ONU e relativo alla transazione politica in Libia ([PDF](#)), si denuncia il fatto che la Guardia costiera libica «sia direttamente coinvolta in gravi violazioni dei diritti umani» dei migranti, insieme alle reti dei trafficanti e ai gestori dei centri di detenzione per migranti (dove i diritti umani vengono [sistematicamente violati](#)). Nei casi più gravi, le operazioni della Guardia costiera sembrano confondersi con quelle delle milizie armate, che [secondo Nancy Porsia](#), giornalista esperta di Libia, fanno parte di un sistema che «permea tutta la struttura della società» libica.

Il ruolo di queste milizie è diventato così rilevante che alcuni analisti ipotizzano persino che non esista un solo corpo di Guardia costiera,

ma due, tre, oppure tante quante sono le milizie che controllano le città costiere. Nessuna di loro, nemmeno quella più legata al governo di unità nazionale, controlla più di qualche decina di chilometri di costa. Quindi, quando si dice di addestrare la Guardia costiera libica, chi si sta addestrando esattamente?

Primo problema: quante sono le guardie costiere?

Buona parte delle navi e delle attrezzature di quella che era la Guardia costiera libica sono state distrutte durante la Guerra civile del 2011 che portò alla caduta del regime di Muammar Gheddafi. Da allora la Libia non si è più ripresa, in tutti i sensi: oggi il suo territorio è controllato da almeno due governi diversi – quello di Serraj, a ovest, e quello del generale Khalifa Haftar, ad est, appoggiato fra gli altri da Russia ed Egitto – e negli anni è stato infiltrato in più zone da [vari gruppi jihadisti](#), fra cui lo Stato Islamico e gruppi legati ad al Qaida.



Una mappa della situazione in Libia dell'*Economist*, aggiornata a maggio

Il problema più grave oggi è che manca un governo centrale che sia in grado di controllare il territorio libico: «A ricaduta, tutte le istituzioni risentono di questa decentralità del potere», ha spiegato al *Post* Gabriele Iacovino, capo degli analisti del Centro Studi Internazionali (CeSI) ed esperto di Libia. Iacovino ha aggiunto: «Per quanto riguarda poi le istituzioni che afferiscono all'ambito della difesa e della sicurezza, come anche la Guardia costiera, stiamo parlando di potentati locali: milizie più o meno organizzate che rispondono a poteri locali».

Per questo è difficile stimare oggi quante siano le forze di sicurezza libiche che si definiscono come “Guardia costiera”. Alcuni analisti stimano che fuori da Tripoli ce ne sia una per ogni città della costa. Mattia Toaldo, analista dell'European Council on Foreign Relations (ECFR) ed esperto di Libia, ne conta tre. Tutte queste analisi comunque concordano su una cosa: c'è un corpo centrale apparentemente controllato dal governo di Tripoli, quello di Serraj, a sua volta alleato ad una serie di milizie, fra cui quelle che controllano le vicine città di Zuwara o Sabratha, dove si sono concentrate molte delle partenze di migranti negli ultimi anni.

In una recente audizione alla Camera, Stefano Screpanti, generale della Guardia di Finanza, [ha detto](#) che le partenze dei barconi di migranti dalla Libia si concentrano tra Zuwara e Sabratha, due città costiere che distano fra loro circa 40 chilometri. Accanto a Sabratha c'è Zawiyah, un altro porto molto utilizzato dai trafficanti. Tutti questi territori si trovano a meno di due ore di auto da Tripoli, dove ha sede il governo di Serraj.



È per questo che, nonostante la confusione, il governo italiano e le autorità europee hanno scelto di collaborare con la Guardia costiera di Tripoli, di fatto legittimandola rispetto alle altre. Tutti gli agenti che hanno ricevuto l'addestramento nell'ambito dell'operazione Sophia sono stati infatti segnalati dal governo di Serraj.

L'Italia e la Guardia costiera di Tripoli

Fino a poco tempo fa, la Guardia costiera di Tripoli disponeva di pochissimi mezzi e competenze per fare il suo lavoro in maniera efficace. A marzo di quest'anno Rida Aysa – un uomo che si è identificato come il capo della Guardia costiera libica, ma che ai giornali italiani [risulta](#) comandare solo gli agenti che lavorano nei territori attorno a Tripoli – [ha riferito a Politico](#) alcune cose interessanti; per esempio ha detto che la “sua” Guardia costiera di fatto non esisteva: «non abbiamo risorse», ha raccontato, aggiungendo che tre navi di media grandezza e tre gommoni – cioè l'attrezzatura che aveva in dotazione in quel momento – non erano assolutamente sufficienti per fare il proprio lavoro.

Il governo di Serraj lo aveva fatto presente alle autorità italiane ed europee almeno un anno fa: da allora sono stati presi diversi provvedimenti per addestrare e fornire attrezzatura al corpo libico. Fra il 2016 e il 2017 si è tenuto il primo corso di addestramento, quello per gli 89 ufficiali e gestito dall'operazione europea Sophia. In aprile altri 39 militari fra Guardia costiera e Marina militare libica sono stati addestrati dalla Guardia di finanza italiana ad utilizzare dieci motovedette danneggiate durante la guerra civile, riparate in Italia e poi riportate in Libia nell'aprile 2017. Finora sembra ne siano state restituite quattro: non si sa se vengano effettivamente utilizzate né che fine abbiano fatto le altre sei. Il ministero degli Interni non ha risposto a una richiesta di chiarimento fatta dal *Post*.

In marzo si era parlato di [un piano da almeno 800 milioni di euro](#) per soddisfare le richieste del governo di Serraj. Per il momento siamo molto lontani da quelle cifre: a luglio la Commissione Europea [ha stanziato](#) 46 milioni di euro con l'obiettivo di «potenziare le attività della guardia di frontiera e della Guardia costiera libica», ma non è chiaro se questi soldi siano stati già spesi. Al momento sembra che l'Italia abbia scelto un'altra strada rispetto ai finanziamenti milionari, e

cioè quella della stretta collaborazione con la Guardia costiera legata al governo di Tripoli. Fra fine luglio e inizio agosto è stata approvata una nuova missione in Libia, che prevede soprattutto un appoggio alla Guardia costiera (quella di Tripoli, sembra). Materialmente, [si parla](#) dell'invio di una nave e di alcuni uomini, che dovrebbero poter intervenire solo durante le operazioni di soccorso: di fatto, secondo alcuni praticando dei respingimenti di persone, considerati illegali dal diritto internazionale.

Allo stesso tempo l'Italia sta provando a far diventare sempre più indipendente la Guardia costiera di Tripoli: c'è l'idea di realizzare a Tripoli due centri operativi per il soccorso in mare e il contrasto all'immigrazione, e la volontà di lasciare sempre più spesso il coordinamento dei soccorsi alle autorità locali. Il 17 agosto, [ha scritto](#) Annalisa Camilli di *Internazionale*, «la centrale operativa della Guardia costiera di Roma ha ordinato alla nave Phoenix del Moas di coordinarsi con la Guardia costiera di Tripoli, prima di intervenire in soccorso di due imbarcazioni in difficoltà con 235 persone a bordo. È stata la prima volta dall'inizio dei soccorsi in mare nel 2013 che la Libia ha assunto il comando delle operazioni».

Fuori da Tripoli

C'è poi un altro problema con le varie Guardie costiere libiche: il loro coinvolgimento in attività violente e illegali. Eugenio Cusumano, docente di Relazioni internazionali all'università di Leida (Pesi Bassi) ed esperto di ONG e soccorsi in mare, ha detto: «In Libia è difficile capire chi è chi». Una persona che appartiene a una milizia può occuparsi alternativamente di combattere i propri nemici, pattugliare il mare ed esercitare funzioni di polizia; oppure svolgere varie attività per arricchirsi, anche illegali. Il caso più significativo è quello di Abd al-Rahman Milad, 31 anni, capo della Guardia costiera di Zawiyah, citato in un rapporto consegnato al Consiglio di Sicurezza dell'ONU e al centro di [una lunga inchiesta di Nancy Porsia](#).

Nel 2011 al Milad – più noto col suo nome di guerra, al Bija – lasciò l'accademia navale per unirsi ai ribelli che volevano rovesciare il regime di Gheddafi. Durante la guerra, la tribù a cui appartiene riuscì ad impadronirsi dei pozzi di petrolio di Zawiyah e al Bija divenne capo della Guardia costiera locale e cominciò a collabo-

rare con i trafficanti locali di esseri umani. Ancora oggi tutti i trafficanti di Zawiyah sono tenuti a cedere ad al Bija una percentuale delle loro entrate: quelli che non pagano, racconta Porsia, «vengono intercettati dalla sua “guardia costiera”, che ruba loro i motori e lascia le barche piene di migranti in mezzo al mare, oppure li riporta nel centro di detenzione Al Nasser di Zawiyah, sempre di proprietà della tribù di al Bija».

Non sappiamo esattamente quali siano i rapporti fra al Bija e la Guardia costiera di Tripoli: Porsia dice che il comando centrale di Tripoli «non è riuscito a portare Zawiyah sotto la propria autorità», ma [parlando col Washington Post](#) un portavoce della Marina militare di Tripoli – che [a volte](#) viene citato anche come portavoce della Guardia costiera – ha difeso il lavoro di al Bija, spiegando che i suoi uomini sono fra i più attivi nelle “missioni di soccorso e di interruzione del flusso clandestino” e che per questo lo stesso al Bija “ha molti nemici”.

Quello di al Bija è l’unico caso noto di sovrapposizione di ruoli fra Guardia costiera, trafficanti e milizie armate, ma alcune informazioni fanno pensare che non sia il solo. [Un’inchiesta di Reuters](#) pubblicata il 21 agosto ha raccontato dell’esistenza nella città di Sabratha di un gruppo armato composto da centinaia di persone, fra cui poliziotti e gente armata, che stanno cercando di impedire le partenze dei barconi dal porto locale, e che riportano in porto i gommoni di migranti trovati in mare. Secondo una fonte di *Reuters*, questo gruppo sta cercando di legittimarsi e ottenere dei finanziamenti dal governo di Tripoli (forse nel tentativo di creare un ulteriore corpo simile alle varie altre Guardie costiere). Fra le altre cose, le sue attività potrebbero essere fra le ragioni della [diminuzione degli sbarchi dei migranti](#) delle ultime settimane.

Cusumano ipotizza che finora – o meglio, fino alla diminuzione degli sbarchi – alcune Guardie costiere venissero “sistematicamente pagate” dai trafficanti per chiudere un occhio sui loro traffici.

«Vanno puniti»

Il gruppo di al Bija non è famoso solamente per le sue varie attività, ma anche per la violenza con cui la sua Guardia costiera tratta i migranti che “soccorre”. Uno dei suoi agenti ha detto al *Washington*

Post che i migranti «vanno puniti, per farli calmare», perché altrimenti «possono ucciderci». Una fonte di Porsia ha riconosciuto lo stesso al Bija in [un video](#) pubblicato dal *Times* di Londra a febbraio di quest'anno, in cui si vede un agente della Guardia costiera di Zawiyah picchiare un migrante su un barcone appena “soccorso” con una grossa corda usata come frusta. Gli uomini di al Bija, comunque, non sono gli unici a praticare violenze del genere.



La stessa scena è presente nel documentario “[Libya’s Migrant Hell](#)”, andato in onda quest’anno sulla tv britannica *Sky 1*. Al Bija è l’uomo vestito con la tuta mimetica e il cappello, inginocchiato sul bordo del barcone

L’incidente più grave di cui viene accusata la “Guardia costiera libica” – o meglio di un gruppo che si definì come tale, senza però identificarsi in maniera più precisa – risale all’ottobre 2016, quando l’equipaggio di una nave libica attaccò dei migranti su un barcone, picchiandoli con dei bastoni: secondo l’ONG tedesca Sea-Watch, quattro migranti [morirono affogati](#). Le ONG raccontano spesso di violenze simili durante i loro incontri con persone che si identificano come “Guardia costiera”. In un rapporto ([PDF](#)) pubblicato della missione ONU in Libia a dicembre si leggeva:

I migranti, così come i rappresentanti delle ONG che compiono operazioni di soccorso, hanno raccontato di incontri pericolosi e potenzialmente mortali con uomini armati che si ipotizza lavorino per la Guardia costiera libica. Dopo essere stati fermati, i migranti vengono spesso picchiati, derubati e portati nei centri di detenzione o in case o fattorie private, dove sono soggetti a lavori forzati, stupri e altre violenze di natura sessuale.



Intervistato da France24 durante il corso tenuto nell'ambito dell'operazione Sophia, uno degli agenti ha detto: «La lezione sui diritti umani è stata molto interessante. Ci hanno spiegato delle cose che non sapevamo»

A inizio luglio *Avvenire* aveva scritto che la Guardia costiera che fa riferimento al governo di Tripoli era finita nell'indagine che la Corte Penale Internazionale sta conducendo dal 2011 sui crimini contro l'umanità compiuti in Libia dalla guerra civile in poi, ma la notizia non è stata confermata ufficialmente.

E le ONG?

L'aggressività e la violenza delle varie Guardie costiere si è concentrata di recente anche sulle ONG. A maggio, Sea-Watch ha raccontato che una sua nave è stata quasi speronata da un'imbarcazione di uffi-

ciali libici, prima che potesse raggiungere un'imbarcazione di migranti. L'8 agosto, l'ONG spagnola Proactiva Open Arms [ha raccontato di aver ricevuto](#) alcuni spari di avvertimento da parte di una nave delle autorità libiche.

Ad oggi sono pochissime le navi delle ONG rimaste a compiere operazioni di soccorso al largo della Libia: fra le più importanti, ci sono solo MOAS e Sos Méditerranée. «Quando sei in mare aperto sei assolutamente vulnerabile», spiega Cusumano: in caso di un attacco armato di uno dei corpi di Guardia costiera libici, gli equipaggi delle ONG non possono fare molto, dato che a bordo non ospitano persone armate. Il 17 agosto il ministero degli Interni italiano, cioè dello stesso paese che ha addestrato agenti della Marina libica e della Guardia costiera, ha avvertito del “possibile rischio” di sicurezza a lavorare nelle acque che il governo di Tripoli ha rivendicato, dato che “le autorità libiche hanno manifestato minacce nei confronti di tutte le unità ONG”.



Backed by Italy, Libya enlists militias to stop migrants

apnews.com



FILE - In this June 17, 2017 file photo, sub-Saharan migrants stand on the deck of the Golfo Azzurro rescue vessel. after being rescued by members of Proactive Open Arms, as they arrive at the port of Pozzallo, south of Sicily, Italy. Under a deal backed by Italy, Libya's struggling government in Tripoli has paid militias that were once involved in smuggling migrants to now prevent migrants from crossing the Mediterranean to Europe, one reason for a dramatic drop in the traffic, according to militia and security officials. (AP Photo/Emilio Morenatti, File)

CAIRO (AP) — Under a deal backed by Italy, Libya's struggling government in Tripoli has paid militias implicated in trafficking to now prevent migrants from crossing the Mediterranean to Europe, one reason for a dramatic drop in the traffic, militia and security officials told The Associated Press.

The policy has raised an outcry among some in the Libyan security forces and activists dealing with migrants, who warn that it enriches militias, enabling them to buy more weapons and become more powerful. In the country's chaos, the militias can at any time go back to trafficking or turn against the government, they say.

The deal further cements the real power of militias, which since the fall of dictator Moammar Gadhafi in 2011 have undermined Libya's successive governments, including the current one of Fayed Serraj, which is internationally recognized but weak.

European support for the deal would also be startling. The European Union has given tens of millions of euros to Serraj's government to help it stop migrants. Mainly, the money is earmarked for beefing up Libya's coast guard, reinforcing its southern border and improving conditions for migrants in detention centers. Funds can also be used to develop alternative employment for those involved in trafficking — though enlisting them against migrants would be a significant stretch of that mandate.

The past two months have seen an exponential drop in crossings, a welcome sign for EU leaders desperate to stem the flow of migrants. Arrivals in July were down by half from the previous year, while August so far has seen around 2,936 crossings compared to 21,294 in August 2016, an 86 percent drop. Rough summer seas and tougher Libyan coast guard patrols are believed to be in part the reason.

But the drop also appears to be in large part due to the deals struck with the two most powerful militias in the western Libyan city of Sabratha, the biggest launching point for the mainly African migrants making the dangerous voyage across the Mediterranean. The militias, one known as "Al-Ammu" and the other as Brigade 48, are headed by two brothers from the area's large al-Dabashi family.

At least five security officials and activists based in Sabratha said the militiamen were known to be behind smuggling of migrants. One security official called the brothers the "kings of trafficking" in Sabratha. In its latest report in June, the United Nations Panel of Experts on Libya identified al-Ammu as main facilitators of human trafficking.

Bashir Ibrahim, the spokesman for al-Ammu militia, said that a month ago the two forces reached a “verbal” agreement with the Italian government and Serraj’s government to combat trafficking. He said the al-Ammu militia, made up around 400 to 500 fighters, is affiliated with Serraj’s Defense Ministry while Brigade 48 falls under the Interior Ministry. Efforts to confirm his account with the Serraj government were not immediately successful.

Since then, the militias have stopped migrant boats from leaving the shores around Sabratha and have told smugglers to end their work. In return, the militias receive equipment, boats and salaries, Ibrahim said. The al-Ammu militia, which is officially called the Brigade of the Martyr Anas al-Dabashi, has also been paid since 2015 to guard the Mellitah oil complex west of Sabratha, site of a joint project between Libya and the Italian oil company Eni, he said.

Ibrahim called the situation a “truce,” dependent on continued flow of support to the militia. “If the support to the brigade of al-Dabashi stops, it won’t have the capacity to continue to do this job and trafficking will be back,” he said.

On its Facebook page, the militia said on Aug. 19 that it had coordinated between the Italian Embassy and Sabratha’s hospital for the delivery of three shipments of medical aid from the Italian government. It said the first shipment had arrived at the hospital.

The role of Italy in the policy was unclear. The Italian foreign ministry denied Rome struck any deal and said “the Italian government doesn’t negotiate with traffickers.”

However, the official integration of the two militias into Serraj’s security forces would allow Italy to work directly with the forces since they would not be considered militias or traffickers but part of the recognized government.

Such integration is likely to be little more than a veneer. The hundreds of militias holding sway across Libya have foiled efforts to build a central government. Militias often operate under the umbrella of security forces but remain independent, keep their loyalties to their own commanders, have their own funds and weapons and sometimes flip sides.

The security officials and activists in Sabratha interviewed by the AP said Italy struck the deal directly with the militias and that Italian officials had met with militia leaders.

Several weeks ago Italians met with members of the al-Ammu militia in Sabratha and came to a deal to stop smugglers, said Abdel-Salam Helal Mohammed, a general director of the Interior Ministry force tasked with combatting smuggling, known as the Department of Combating Illegal Migration. “Now there is no trafficking for the past 10 days,” he said.

A senior security official and a police officer, both in Sabratha, also said Italy directly set up the arrangement with the militias. The security official said Italian intelligence and leaders from the militias met and struck a deal with no government representation involved. The two spoke on condition of anonymity because they were not authorized to talk to the media.

“Yesterday’s traffickers are today’s anti-trafficking force,” said the security official, warning that the militias will build up their weaponry with the aid. “When the honeymoon is over between them and the Italians, we will be facing a more dangerous situation.”

He said regular security forces were too underfunded to deal with smugglers. “We are too short in resources and arms to enter a long battle with them,” he said.

An Italian government spokesman said Italy doesn’t comment on reports of intelligence activities.

Two activists also reported the deal and said the militias had taken over Sabratha’s prison to house migrants and was setting up a runway at the hospital to receive Italian aid.

“What Italians are doing in Sabratha is very wrong ... You are empowering the militias,” said one of the activists, Gamal al-Gharabili, head of the Association for Peace, Care and Relief, the main non-governmental organization dealing with migrants in Sabratha.

However, Essam Karrar, head of Civil Society Associations in Sabratha, praised the arrangement.

“This will stop the migrants and at the same time provide job opportunities to the people of Sabratha because many are part of the militia,” he said.

The migrant flow has long been a way for Libya to ensure aid from Europe. Until his ouster and death, Gadhafi struck deals with the Europeans for funding to crack down on trafficking.

At the same time, outsourcing enforcement on trafficking to Libya raises the danger of abuses of migrants: in past years, international agencies and rights groups have documented horrific treatment of migrants in detention in Libya, including torture, sexual abuse and outright enslavement.

With the militias clamping down around Sabratha, smugglers are simply moving further east along Libya’s coast, according to Mohammed of the anti-migration forces and two aid groups active in rescuing migrants, SOS Mediterranee and Spain’s Proactiva Open Arms.

UNHCR’s Sicily communications officer, Marco Rotunno, stressed that there are still hundreds of thousands of migrants in Libya desperate to get out.

Despite the drop in numbers for July and August, the overall 2017 arrivals to Italy are only 6.8 percent off the previous year: 98,145 so far this year compared to 105,357 for the same period last year.

“They’re just stuck there now and being abused,” Rotunno said. “If they don’t arrive today, they will eventually arrive unless they find another solution.”

—

Associated Press writer Nicole Winfield in Rome contributed to this report.





People for sale: Where lives are auctioned for \$400

edition.cnn.com

Chat with us in Facebook Messenger. Find out what's happening in the world as it unfolds.

Carrying concealed cameras into a property outside the capital of Tripoli last month, we witness a dozen people go "under the hammer" in the space of six or seven minutes.

"Does anybody need a digger? This is a digger, a big strong man, he'll dig," the salesman, dressed in camouflage gear, says. "What am I bid, what am I bid?"

Buyers raise their hands as the price rises, "500, 550, 600, 650 ..."
Within minutes it is all over and the men, utterly resigned to their fate, are being handed over to their new "masters."

After the auction, we met two of the men who had been sold. They were so traumatized by what they'd been through that they could not speak, and so scared that they were suspicious of everyone they met.

Crackdown on smugglers

Each year, tens of thousands of people pour across Libya's borders. They're refugees fleeing conflict or economic migrants in search of better opportunities in Europe.

Most have sold everything they own to finance the journey through Libya to the coast and the gateway to the Mediterranean.

But a recent clampdown by the Libyan coastguard means fewer boats are making it out to sea, leaving the smugglers with a backlog of would-be passengers on their hands.

So the smugglers become masters, the migrants and refugees become slaves.

[Watch full documentary: Libya's migrant slave trade](#)

Migrants rescued from the Mediterranean arrive at a naval base in Tripoli in October.

The evidence filmed by CNN has now been handed over to the Libyan authorities, who have promised to launch an investigation.

First Lieutenant Naser Hazam of the government's Anti-Illegal Immigration Agency in Tripoli told CNN that although he had not witnessed a slave auction, he acknowledged that organized gangs are operating smuggling rings in the country.

"They fill a boat with 100 people, those people may or may not make it," Hazam says. "(The smuggler) does not care as long as he gets the money, and the migrant may get to Europe or die at sea."



"The situation is dire," Mohammed Abdiker, the director of operation and emergencies for the International Organization for Migration, [said in a statement](#) after returning from Tripoli in April. "Some

reports are truly horrifying and the latest reports of 'slave markets' for migrants can be added to a long list of outrages."

The auctions take place in a seemingly normal town in Libya filled with people leading regular lives. Children play in the street; people go to work, talk to friends and cook dinners for their families.

But inside the slave auctions it's like we've stepped back in time. The only thing missing is the shackles around the migrants' wrists and ankles.

Deportation 'back to square one'

Anes Alazabi is a supervisor at [a detention center in Tripoli for migrants](#) that are due to be deported. He says he's heard "a lot of stories" about the abuse carried out by smugglers.

The Treeq Alsika Migrant Detention Center in Tripoli, where some migrants are held by Libyan authorities before they are repatriated. "I'm suffering for them. What I have seen here daily, believe me, it makes me feel pain for them," he says. "Every day I can hear a new story from people. You have to listen to all of them. It's their right to deliver their voices."

One of the detained migrants, a young man named Victory, says he was sold at a slave auction. Tired of the rampant corruption in Nigeria's Edo state, the 21-year-old fled home and spent a year and four months -- and his life savings -- trying to reach Europe.

He made it as far as Libya, where he says he and other would-be migrants were held in grim living conditions, deprived of food, abused and mistreated by their captors.

"If you look at most of the people here, if you check your bodies, you see the marks. They are beaten, mutilated."

When his funds ran out, Victory was sold as a day laborer by his smugglers, who told him that the profit made from the transactions would serve to reduce his debt. But after weeks of being forced to work, Victory was told the money he'd been bought for wasn't enough. He was returned to his smugglers, only to be re-sold several more times.

The smugglers also demanded ransom payments from Victory's family before eventually releasing him.





JUST WATCHED

Nigerian migrant: 'I was sold'

Replay

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"I spent a million-plus [Nigerian naira, or \$2,780]," he tells CNN from the detention center, where he is waiting to be sent back to Nigeria.

"My mother even went to a couple villages, borrowing money from different couriers to save my life."

As the route through north Africa becomes increasingly fraught, many migrants have relinquished their dreams of ever reaching European shores. This year, more than 8,800 individuals [have opted to voluntarily return home on repatriation flights organized by the IOM.](#)

[Opinion: Abuse of migrants in Libya is a blot on world's conscience](#)

While many of his friends from Nigeria have made it to Europe, Victory is resigned to returning home empty-handed.

"I could not make it, but I thank God for the life of those that make it," he says.

"I'm not happy," he adds. "I go back and start back from square one. It's very painful. Very painful."





The kingpin of Libya's human trafficking mafia

www.trtworld.com

Al Bija is the biggest player in the coast guard "mafia" that has established a stranglehold on the lucrative human trafficking business in Zawiya and the surrounding coastal region. Nancy Porsia has this exclusive investigation for TRT World.



In Libya, the line between "search and rescue" and the trade in human beings is increasingly non-existent. This detention centre for women refugees is in Surman, not far from Zawiya. (Image Source)

ZAWIYA, Libya — Kalashnikov shots rumble from the city's port as he meets with *TRT World* in a café near the coast of the city of Zawiya. The man is tense while he cautiously hunts for an isolated table.

"They attempted to take my life twice already because they want me shut up," he says in an anonymous interview. He works in the security services and he is here to speak out about his attempt to fight against the trafficking mafia.

The port of Zawiya is a fort on the southern Mediterranean coast, 45 kilometres west of Tripoli.

"At sunset the clans involved in the trafficking [of oil and humans] even drive tanks around the main roundabout of the city centre," says the man, who agreed to speak with *TRT World* on condition of anonymity out of fear for his life.

Zawiya's port has become the "headquarters" of human and oil trafficking on the western coast of Libya. In addition to the highly-ranked security officer, *TRT World* spoke with multiple sources over a period of several months during the course of this investigation.

It's no coincidence that the largest oil refinery in western Libya happens to be located here. The Tripoli-based National Oil Corporation (NOC), which officially controls the oil exports remittances to the Central Bank of Libya, has no access to the funds generated here, although they are officially supposed to oversee the management of the oil sector in Zawiya. Neither has the Central Command of the Libyan Coast Guard in the capital managed to bring Zawiya under its chain of command.

The collapse of the state

The Abu Hamyra tribe, which has amassed influence in this part of the country in the midst of the anarchic power vacuum created by the

country's three competing governments, is the only real manager on the ground. Abu Hamyra is one of the main tribes in Zawiya.

Six years have passed since the ouster of the former Libyan strongman Muammar Gaddafi. Following the initial enthusiasm for the transition to democracy, the country has virtually collapsed into a spiral of violence, becoming a breeding ground for crime and illicit traffic.



Human trafficking is a risky but lucrative business for those involved. Photo: Nighttime raid in a Tripoli suburb to arrest people smugglers and irregular migrants on April 29, 2016. (TRT World and Agencies)

The country marked the sixth anniversary of the Libyan Revolution last week, on February 17, yet Libya is tittering ever closer to bankruptcy, or even the prospect of the state splitting into multiple entities. Since the start of the civil war in mid-2014, various governments have been competing to establish control over the territory. None of them has been able to do this in any significant way.

The brigades that emerged to champion the 2011 revolution refused to give up their arms after Gaddafi's fall. They quickly devolved into competing militias, setting up various parallel security apparatus in the aftermath. With control of the security forces comes control of the increasingly fractured economy.

The militia-controlled trafficking of diesel and gasoline, worth ten million euros per month, is relatively safe – the European military forces deployed at sea within the EUNAVFOR Med (the European Union Naval Force Mediterranean) are largely turning a blind eye.

The business of human smuggling is much riskier for those involved, but remains highly attractive to entrepreneurial militia leaders such as Al Bija. It doesn't require major investment, and the profit margins are still very high.

"In the past two years, the militias have been infiltrating the administration of the refinery here, and of the coastal guard as well," the source says.

The human trafficking kingpin

Abdurahman Al Milad Aka Bija, who goes by Al Bija, is the new commander of the coast guard in Zawiya. At just 28 years old, he is also the kingpin of the local trade in human beings.

"Al Bija is the undisputed leader of the human traffic trade," the source says.

Al Bija works under the protection of Al Qasseb, *nom de guerre* of Mohamed Khushlaf, who is head of the security department of Zawiya's refinery. Backed by his cousin and lawyer Walid Khushlaf, Al Qasseb exercises total control over the refinery and the port of Zawiya. The Khushlaf cousins are part of the mighty Abu Hamyra tribe, as is Al Bija. Only in the last few months, militias from another local tribe, Ulad Saqqar, have started to challenge Al Bija and Al Qasseb for control of the port.

An amateur video published last week by the British daily *The Times* [shows him and other members of the Libyan Coast Guard beating up refugees](#) packed onto a rubber boat during a "rescue operation" at sea. The second man appearing in the video, a source in Zawiya confirmed to *TRT World* by phone, Al Bija is shown kneeling as they lash the cowering refugees with a rope, just a few kilometres away from the Libyan shore.

A man working at the local oil refinery confirmed to *TRT World* the leading role Al Bija and Al Qasseb play inside the human smuggling business. Our second source also did not want to disclose his identity, fearing retaliation.

"Al Bija's people store [sic] migrants in a camp somewhere inside the town," he says. "The [migrants] are forced to work and clean."

An open secret

Al Bija's stranglehold over human trafficking here is an open secret that international actors are almost certainly aware of, multiple sources confirm.

"The Europeans should have all these details after they have been gathering for months information at sea as part of Operation Sophia," the man explains, referring to EUNAVFOR Med's training programme for the Libyan Coast Guard and Navy.

Launched in 2015, EUNAVFOR Med was initially designed to dismantle the smuggling network in the central Mediterranean, but soon included search and rescue activities (SAR) for refugees at sea too. It is being run in coordination with Fayeza Mustafa al-Sarraj, who heads the UN-backed government in Tripoli.

Despite the deployment of scores of EU military boats, however, the flow of refugees' boats hailing from Libyan shores has continued unabated. Last year alone, 181,436 refugees made their way to Italy via the Mediterranean Sea. Some 5,096 others drowned a few kilometres off the Libyan shore, according to the United Nations High Commissioner for Refugees (UNHCR).



The waves of refugees attempting to reach Europe from Libya show no sign of ending soon. Photo: Aboard the boat "Astral" sent to rescue migrants off the coast of Libya by the Barcelona-based NGO Proactiva Open Arms. (TRT World and Agencies)

The majority of them left from the area surrounding Zawiya and the nearby port town of Sabratha, which is controlled by the same coastal guard network. A large proportion of the thousands of men, women and children who drowned came from western Libya too.

Most recently, the Libyan Red Crescent reported 74 bodies had washed ashore at Zawiya on Monday morning. Joel Millman, a spokesman for the International Organization for Migration (IOM), told Reuters that local staff had reported that "traffickers came and removed the engine from the boat and left the craft adrift." Millman described the incident as appearing to have been "either deliberate punishment or murder of migrants."

In early February, the EU approved a plan to add \$2.1 million to the \$1.9 billion "Trust Fund for Africa," which will be dedicated to financing the Libyan maritime forces; again, in coordination with Serraj's government.

Last September, the Italian and Dutch navies also started to train the Libyan coast guard for SAR missions as part of Operation Sophia. The training and equipment will likely enable Tripoli-allied Libyan forces to patrol the sea up to 130 kilometres offshore, and to bring refugees back to Libya.

Engines ripped off boats

Although this is coordinated with Tripoli, not Al Bija's rogue Zawiya coast guard, the nature of the growing EU-Libyan collaboration is nonetheless raising some eyebrows in Libya.

"This agreement between the European Union and the Libyan Coast Guard is ridiculous. They are calling for the smugglers themselves to stem the trafficking," *TRT World's* source says. "All smugglers [west of Tripoli] pay Al Bija his stake."

Smugglers who don't pay a cut of their earnings to Al Bija find their boats intercepted by his "coast guard," who either take their engines and leave the refugee-laden boats stranded at sea, or bring them back to the Al Nasser Detention Centre in Zawiya, which belongs to Al Bija's Abu Hamyra tribe.

"For anyone jailed at Al Nasser, the forced labour is the only way for the refugees to pay off their freedom," the source explains.

Smugglers often try to resist or to challenge Al Bija to protect their business.

Ahmed Dabbashi, who goes by the alias of *Al Ammu*, "The Uncle" in Arabic, is a 35-year-old man from the city of Sabrata. He became very popular for his heroic deeds during the fighting against Gaddafi forces in 2011, and is a competing human trafficking kingpin.

"A few weeks ago Al Ammu fired on Al Bija's men" says Mohamed, who volunteers for the government-run humanitarian organisation

the Libyan Red Crescent to recover refugees' bodies which have washed ashore after shipwrecks off Sabrata, 40 kilometres to the west of Zawiya.

Dabbashi later made a fortune out of smuggling refugees and built up the strongest militia, *Anas Dabbashi*, named after one of his cousins who died during the Revolution, in the town that once was famous for its Roman ruins.

"Anas Dabbashi militia runs even the external security of the Italian oil giant Eni's Mellitah Oil & Gas compound," explains Mohamed, while walking on the beach and pointing out trousers and shoes and coats left behind from refugees before the sea crossing.

Caught in the brutal power struggles are the refugees. Some are paying for it with their lives.

With sea salt marking his face, and wet clothes stuck to his body, Mohamed, a 22-year-old from Ghana, took shelter in the shadow of the port's wall in the town of Surman, 30 kilometres to the west of Zawiya.

"We left from Sabratha and four miles [6.5 kilometres] offshore, an armed group attacked us and ripped off our rubber boat's engine," said Mohamed, squeezing his drenched pants in the burning sun when TRT World encountered him at the port last September. "We [only] survived thanks to a fisherman who fetched us."

FOR MORE ON OUR LIBYA COVERAGE



(TRT World and Agencies)

[Hunting Daesh in Libya: There are no prisoners here, only corpses](#)

Story Description: In the rubble of what remains of Sirte, Libyan soldiers hunt down any Daesh militants still alive. They have toppled the so-called Caliphate, and now they want to eliminate the group once and for all. Nancy Porsia has this exclusive report. [READ MORE](#)



(TRT World and Agencies)

First enslaved by Daesh, now imprisoned by Libyan forces

Daesh has been eliminated from its Libyan stronghold of Sirte, but left behind are dozens of traumatised women, some of whom are pregnant. They are desperate to go home. [READ MORE](#)

Source: TRT World



La trattativa nascosta. Dalla Libia a Mineo, il negoziato tra l'Italia e il boss

Nello Scavo venerdì 4 ottobre 2019



Le foto dell'incontro nel 2017 tra il numero uno dei trafficanti di esseri umani, Bija, e delegati inviati dal governo.

www.avvenire.it



L'incontro di Mineo del maggio 2017 cui prese parte il trafficante libico Bija, l'unico con il volto non pixellato, a sinistra con la barba (foto Avvenire)

Quando il minibus coi vetri oscurati entra nel Cara di Mineo, solo in pochi conoscono la composizione della misteriosa delegazione da Tripoli. È l'11 maggio 2017. **L'Italia sta negoziando con le autorità libiche il blocco delle partenze di profughi e migranti.** Oggi sappiamo che quel giorno, senza lasciare traccia nei registri d'ingresso, **alla riunione partecipò anche Abd al-Rahman al-Milad, il famigerato Bija.** ([IL PROFILO](#))

Le numerose immagini ottenute da Avvenire attraverso una fonte ufficiale, documentano quella mattinata rimasta nel segreto. Accusato dall'Onu di essere uno dei più efferati trafficanti di uomini in Libia, padrone della vita e della morte nei campi di prigionia, autore di sparatorie in mare, sospettato di aver fatto affogare decine di persone, ritenuto a capo di una vera cupola mafiosa ramificata in ogni settore politico ed economico dell'area di Zawyah, aveva ottenuto un lasciapassare per entrare nel nostro Paese e venire accompagnato dalle autorità italiane a studiare «il modello Mineo», da dove in questi anni sono passati oltre 30mila migranti. Accordi indicibili che proseguono anche adesso, nonostante le reiterate denunce delle Nazioni Unite.

All'incontro, partecipavano anche delegati nordafricani di alcune agenzie umanitarie internazionali, probabilmente ignari di trovarsi seduti a fianco di un signore della guerra dedito alle peggiori violazioni dei diritti umani. Non deve essere un caso se, pochi giorni dopo, le Nazioni Unite in un durissimo rapporto del Consiglio di sicurezza denunciavano: «Abd al-Rahman Milad (alias Bija) e altri membri della Guardia costiera sono direttamente coinvolti nell'affondamento di imbarcazioni migranti utilizzando armi da fuoco». Si chiede il congelamento dei beni e il divieto di viaggio di Bija al di fuori della Libia. Nel dossier quel nome viene citato per sei

volte: «È il capo del ramo di Zawiyah della Guardia costiera. Ha ottenuto questa posizione grazie al supporto di Mohammad Koshlaf e Walid Koshlaf». Questi erano a capo della “Petroleum Facilities Guard”, controllavano la locale raffineria disponendo di una milizia di almeno duemila uomini.

Sembra impossibile che le autorità italiane non sapessero chi era l'uomo seduto al tavolo dello strano convegno.

Diversi mesi prima del suo arrivo in Italia, Bija era finito nel mirino di una raffica di inchieste giornalistiche e investigazioni internazionali. Il 14 febbraio 2017 *The Times* diffonde un video nel quale si vede un uomo in divisa mimetica picchiare selvaggiamente un gruppo di migranti su un gommone. Ripreso di spalle, il miliziano appare con una menomazione alla mano destra. Proprio come Bija, che durante i combattimenti anti Gheddafi del 2011 aveva perso alcune dita. Il 20 febbraio la giornalista italiana Nancy Porsia pubblica un approfondito reportage in inglese per *Trt World*, proseguendo un'inchiesta apparsa già il 6 gennaio in italiano su *The Post Internazionale*, nel quale spiega che «Bija lavora sotto la protezione di Al Qasseb, *nom de guerre* di Mohamed Khushlaf, che è a capo del dipartimento di sicurezza della raffineria di Zawiyah. Supportato da suo cugino e avvocato Walid Khushlaf, Al Qasseb esercita il controllo totale sulla raffineria e sul porto di Zawiyah. I cugini Khushlaf fanno parte della potente tribù Abu Hamyra, così come Al Bija». Poi arriveranno articoli pubblicati da *Il Messaggero*, *Il Mattino*, *la Repubblica* e *l'Espresso*. L'anno prima, siamo nel 2016, erano stati anche *Panorama* e *Il Giornale* a indicare Abdou Rahman quale uomo chiave del traffico di esseri umani. Numerose e ininterrotte da anni sono le inchieste di Francesca Mannocchi per *l'Espresso* e svariati altri media, di Sergio Scandura per *Radio Radicale*, oltre che di alcune tra le principali testate del mondo.





Il trafficante Bija (foto Avvenire)

Nonostante la grande mole di informazioni, Bija viene accompagnato in Italia e presentato come «uno dei comandanti della Guardia costiera della Libia», racconta una fonte ufficiale presente al meeting di Mineo. Quel giorno però accade un imprevisto. Un migrante libico ospitato nel Cara finisce per errore nei pressi del prefabbricato dove erano attesi Bija, alcuni delegati del premier Serraj e del Ministero dell'Interno tripolino. Quando dal minibus di una azienda di servizi turistici della provincia di Catania sbarcano i libici (almeno sei), l'immigrato si allontana spaventato: «Mafia Libia, Mafia Libia», dice in italiano.

Le immagini che oggi pubblichiamo parzialmente per proteggere l'identità di diversi funzionari italiani presenti a vario titolo, mostrano Abdou Rahman seduto accanto a due suoi connazionali, un uomo e una donna. Ascolta senza mai proferire parola. Prende nota e ogni tanto fa cenno all'emissario del ministro dell'Interno del governo riconosciuto di intervenire. I libici fanno domande precise: «Quanto vi paga il governo italiano per ospitare ogni migrante qui? Quanto costa annualmente il Cara di Mineo». Poi, racconta la fonte di *Avvenire*, in modo neanche troppo diplomatico «fanno capire che in fondo il “modello Mineo” si può esportare in Libia e che l'Italia potrebbe finanziare la realizzazione di strutture per migranti in tutto il Paese, risparmiandosi denaro e problemi». Da lì a poco parte l'assedio alle Ong e vengono annunciati interventi dell'Italia e dell'Europa per aprire campi di raccolta nel Paese nordafricano.

In realtà, ha spiegato l'inviato del Tg1 Amedeo Ricucci nel corso di uno speciale mandato in onda dopo essersi recato di persona a Zawyah per intervistare proprio Bija appena dopo il viaggio in Sicilia, «è come se giocassero a guardie e ladri, ma in salsa libica: con i ruoli degli uni e degli altri che si invertono di continuo a seconda delle convenienze».

La trattativa deve essere andata a vantaggio dei trafficanti, se Bija è ancora in servizio. E anche i governi che si sono susseguiti hanno

continuato a sostenere indirettamente ma consapevolmente le attività dei boss libici. Diversi testimoni in indagini penali «hanno dichiarato – si legge nei report dell’Onu – di essere stati prelevati in mare da uomini armati su una nave della Guardia costiera chiamata Tallil (usata da Bija, ndr) e portati al centro di detenzione di al-Nasr, dove secondo quanto riferito sarebbero stati detenuti in condizioni brutali e sottoposti a torture».

Queste informazioni hanno avuto un inatteso riscontro proprio nei giorni scorsi. **Mentre gli investigatori di Agrigento e Palermo indagavano** per arrestare i tre presunti torturatori camuffati tra i migranti dell’hotspot di Messina, **alcune delle vittime hanno raccontato** che a **decidere chi imbarcare sui gommoni** era «un uomo libico, forse di nome “Bingi” (fonetico), al quale mancavano due falangi della mano destra». Secondo un altro migrante l’uomo era soprannominato “Bengi”, e «si occupava di trasferire i migranti sulla spiaggia; era lui, che alla fine, decideva chi doveva imbarcarsi; egli era uno violento ed era armato; tutti avevamo timore di lui». Quando gli chiedono se qualche volta avesse sentito il suo vero nome, il migrante risponde con sicurezza: «Lo chiamavano Abdou Rahman». (1-Continua)



Una motovedetta del boss scafista mentre recupera un motore da un gommone in alto mare per riutilizzarlo nel traffico dei migranti



Inchiesta. «Violenze ai migranti, in Libia clima di impunità»

www.avvenire.it



Un centro di detenzione in Libia (Lapresse)

«**Preparativi per nuove richieste d'arresto**». Lo scrive la **Procura internazionale dell'Aja nel suo ultimo resoconto sulla Libia**. E per la prima volta un gruppo di investigatori si è potuto recare a Tripoli affrontando non pochi pericoli per documentare, fra le altre, le **gravi violazioni dei diritti umani sui migranti**, che sono alla base dell'**inchiesta che coinvolge anche appartenenti alla Guardia costiera libica**.

A fine marzo l'ufficio della procuratrice Fatou Bensouda aveva confermato ad *Avvenire* l'esistenza di una **inchiesta basata principalmente su prove fornite dall'Unsmil, la missione speciale della Nazioni Unite per Tripoli**. In quegli stessi giorni, era in corso una operazione coperta dal segreto. «Nonostante la continua insicurezza, una squadra dell'ufficio del procuratore è stata in grado di recarsi in Libia per svolgere attività investigative».

Nel fascicolo d'indagine sono confluite migliaia di segnalazioni. Il contenuto resta riservato, ma l'Aja nel suo ultimo rapporto (il quindicesimo dal 2011) lascia intendere di avere in mano molte nuove informazioni. «L'Ufficio del procuratore rimane preoccupato per le notizie secondo cui i **migranti sono sottoposti a detenzione arbitraria, torture, stupri e altre forme di violenza sessuale**», oltre che a «**estorsioni, rapimenti a scopo di estorsione, lavori forzati e uccisioni illegali**». Inoltre, «ci sono report riguardo le **aste degli schiavi**».

Non sarà facile arrivare in fondo, perché le **connessioni tra trafficanti di uomini, scafisti, esponenti delle forze dell'ordine ed emissari della politica locale** sono molto strette, tanto che «**in Libia prevale un clima di impunità**». Le violenze su cui è aperta l'inchiesta riguardano sia migranti che libici finiti nella morsa delle milizie, reati che «continuano ad essere ampiamente riportati, compresa l'esecuzione sommaria di persone detenute, rapimenti, detenzioni arbitrarie, torture, vari crimini commessi contro i migranti in transito».

Lo scorso aprile era stato il segretario generale delle Nazioni Unite, Antonio Guterres, ad affidare al consiglio di sicurezza un dossier nel quale veniva accusata di **violazioni dei diritti umani anche la Guardia costiera libica**. La relazione venne acquisita dall'Aja insieme ad alcuni reportage giornalistici, tra cui quelli di *Avvenire*. E nel giugno 2017 era stata la procuratrice Bensouda a denunciare ancora una volta davanti al Consiglio di sicurezza a New York, quali fossero le condizioni dei migranti rinchiusi nei lager degli scafisti e nelle prigioni clandestine. A distanza di tempo sono stati compiuti pochi passi avanti.

Un Paese, la Libia, con cui l'Italia ha stretto accordi, vale la pena ricordarlo, proprio con l'obiettivo di contenere i flussi migratori. Nel dossier Guterres scrive che la missione internazionale su mandato Onu (Unsimil) ha continuato a documentare «**la condotta spregiudicata e violenta da parte della Guardia costiera libica nel corso di salvataggi e/o intercettazioni in mare**».

La Libia non ha aderito alle convenzioni per la giurisdizione internazionale dell'Aja, ma la Corte penale può intervenire anche a carico di Paesi non membri se a richiederlo, come in questo caso, è il Consiglio di sicurezza delle Nazioni Unite che nel febbraio 2011 incaricò la magistratura dell'Aja a investigare. Da allora sono stati emessi cinque mandati di cattura, che le autorità di Tripoli non hanno ancora eseguito.

«L'Ufficio è preoccupato che l'attuale clima di impunità stia instaurando instabilità e insicurezza e ribadisce – si legge ancora nel rapporto della procura – il suo impegno a dare priorità alla situazione in Libia e destinare risorse alle sue indagini». Tuttavia, **segnala l'Aja, «l'ufficio del procuratore generale libico sta compiendo sforzi per combattere questa impunità e, secondo quanto riferito, ha emesso un numero significativo di mandati di arresto per crimini legati ai migranti»**. Molto dipenderà dalla comunità internazionale, che specie negli ultimi mesi starebbe facendo mancare anche il necessario sostegno economico alle investigazioni.

All'Aja è arrivato anche il dossier di Amnesty International, diffuso la

settimana scorsa. Nel mirino dell'organizzazione per i diritti umani ci sono soprattutto le politiche contro le ong portate avanti da Roma e La Valletta, ma con il placet dell'Ue, che nell'ultimo Consiglio ha stabilito il loro obbligo di non interferire con le attività in mare dei libici. Questa interdizione, secondo Amnesty, ha portato ad un «impoverimento di asset vitali dedicati al salvataggio», per privilegiare una politica di contenimento delle partenze. E quindi, la nuova ondata di vittime nel Mediterraneo «non può essere liquidata come una sfortuna inevitabile». Per i profughi che sopravvivono, c'è poi lo spettro dei maltrattamenti.

Proprio nei giorni scorsi **a Roma il parlamento ha sbloccato l'invio di nuove motovedette ai libici**. Il premier **Giuseppe Conte** ha rivendicato l'operato del governo, ricordando che gli sbarchi sono stati ridotti dell'85% e rilevando che questo dato equivale anche a «meno rischi» per coloro che attraversano il Mediterraneo. **Secondo Amnesty, al contrario, abbandonare i migranti nelle mani della Guardia Costiera di Tripoli equivale ad esporli a violenze e violazioni dei diritti umani**, una volta che vengono riportati a terra: **oltre diecimila persone sono rinchiusi in venti centri di detenzione in condizioni estreme**, tra cui il sovraffollamento e il caldo soffocante. Una cifra più che raddoppiata rispetto ai 4.400 registrati da marzo.

Una ipotesi, questa, che sembra trovare conferma nelle indagini del tribunale penale internazionale.

TRIPOLI: HAFTAR CHIEDE AIUTO A MOSCA. CASO DIPLOMATICO A MOSCA

La Libia rischia di precipitare in una nuova ondata di combattimenti. Nel Paese le battaglie, in verità, non sono mai state interrotte. Ma nei giorni scorsi, dopo che è stata data notizia dell'invio di 12 motovedette militari italiane alle forze navali alleate del governo riconosciuto del premier al-Serraj, il generale Haftar, che con il suo esercito controlla gran parte del Paese e si oppone a Serraj, ha chiesto ufficialmente un intervento armato della Russia. La notizia è stata

rilanciata con la consueta enfasi dai media fedeli al Cremlino. Nella scorsa primavera Haftar è stato curato d'urgenza in un ospedale militare di Parigi, corroborando ulteriormente l'asse con Macron. Le sorti, perciò, dipenderanno molto dalle mosse del presidente francese (fu Parigi a scatenare la guerra in Libia nel 2011) e da quelle di Putin. A complicare le cose ci si è messo un incidente diplomatico che ha coinvolto l'ambasciatore italiano a Tripoli. Alcuni giornali locali hanno riportato il testo di una intervista televisiva nella quale Giuseppe Perrone avrebbe sconsigliato di tenere le elezioni nazionali quest'anno, rimandandole a tempi migliori. La Commissione parlamentare per gli Affari esteri del Parlamento di Tobruk ha definito in una nota l'ambasciatore italiano «persona non grata», considerando le recenti dichiarazioni televisive come una «palese interferenza negli affari interni della Libia», una «violazione della sovranità nazionale, delle scelte e delle aspirazioni del popolo libico». La Commissione afferma di considerare le parole di Perrone come un «insulto che richiede delle scuse», avvertendo che un «simile comportamento» potrebbe avere un «impatto negativo sulle relazioni tra Italia e Libia, danneggiando gli interessi dell'Italia in Libia». Il parlamento di Tobruk non riconosce il governo di al-Serraj e nel 2015 aveva nominato Haftar capo di stato maggiore. L'ambasciata italiana nella serata di ieri ha diramato una nota distensiva, ribadendo che Perrone nel corso dell'intervista non ha proferito alcun richiamo riguardo alle elezioni la cui decisione appartiene «solo ai libici». (N.S.)



Returned to Libyan shores and held in detention centres: What are the practical alternatives?

[news.trust.org](https://www.news.trust.org)

A migrant from Sudan stands on board NGO Proactiva Open Arms rescue boat in central Mediterranean Sea, August 7, 2018.

REUTERS/Juan Medina



*** Any views expressed in this opinion piece are those of the author and not of Thomson Reuters Foundation.**

While Libya can contribute to the solution, the country cannot address these issues alone - it is a regional, if not global, responsibility

A few times a week, boats dangerously over packed with hundreds of scared but hopeful young people leave Libya for Europe. Some of these smuggler-run, barely sea-worthy vessels make it to their destination, predominantly Italy or Spain, where their passengers face uncertainty.

Others tragically succumb to the Mediterranean Sea due to the bad condition of both sea and boat. We have seen the Central Mediterranean route become more and more dangerous with a higher rate of people dying in proportion to those attempting the journey in 2018 compared with 2017. Saving lives must be at the core of any

policy related to migration through the Mediterranean and for us, operating on the ground in Libya, it is our top priority.

And then there are the boats that are intercepted or rescued by the Libyan Coast Guard, which returns them to Libyan shores.

Alerted by the Coast Guard, we immediately deploy a team to humanitarian assistance to the migrants. Our doctors regularly conduct health screenings and find many migrants require emergency medical care. We also often offer psychosocial first aid and help with family tracing at the disembarkation points.

The groups of returned migrants are taken by the Libyan Directorate for Combatting Illegal Migration (DCIM) to an official migrant detention centre as the country's policies currently criminalize irregular migration. IOM is one of a few humanitarian organizations providing aid inside the detention centres, as well as at the points of disembarkation. We also offer voluntary humanitarian return to and reintegration support in the migrants' countries of origin, helping thousands of people start a new life back home.

The practice of automatically taking people from the water to detention is unacceptable. IOM unequivocally does not agree with holding migrants in detention, especially women and children. No one should have their freedom and dignity taken from them. We constantly advocate with the Government of Libya for the closure of these centres and have been successful in helping some children and victims of trafficking be released to safe accommodation.

Alternatives to detention like safe spaces and open centres must be established and those, who perpetrate abuse against migrants in detention, must be held accountable.

There are four practical solutions we see, which could be implemented right away, to improve the situation for migrants returned to Libyan shore. This is, of course, not to say that there are not more.

The first is to improve the data collection capacity of the Libyan Coast Guard. We have supported the Coast Guard in establishing a registration unit within their directorate structure, which records

number of migrants, their nationalities, ages and health condition during return operations. This data is an essential prerequisite for protecting migrants against ill treatment, grave human rights violations, deportation and refoulment. It is a start but needs to be properly implemented at disembarkation points.

The second is to improve infrastructure for screening returned migrants, as well as migrant reception facilities along the coast to ensure that they get the assistance that they need.

The third is to allow the reopening of IOM's shelter for vulnerable migrants, which closed in 2011. This would be a step towards greater protection of migrants in Libya and similar open style shelters could be developed, while the migrant detention centres are phased out with children and victims of trafficking given priority.

We know that humanitarian aid will never solve migration challenges in Libya or on its coast. Emergency interventions must be coupled with sustainable projects, which include support to local Libyan communities. So the fourth suggested solution is that national migration management structures must be enhanced in a way that is beneficial to migrants and Libyans alike, while respecting human rights and dignity of all - this includes comprehensive legislation on counter trafficking. Unfortunately, globally, we continue to see migrants being criminalized and detained, while smugglers remain free.

These are not just suggestions for Libya, they are calls for states all along the route to provide more support. While Libya can contribute to the solution, the country cannot address these issues alone - it is a regional, if not global, responsibility.

By Othman Belbeisi, IOM Libya Chief of Mission.



Mediteraneo: tutti gli attacchi della Guardia costiera libica alle Ong

www.vita.it

L'organizzazione tedesca Sea Watch ha denunciato le minacce e la mancanza di collaborazione della Guardia costiera libica durante l'operazione di soccorso del 6 novembre, a 30 miglia dalla Libia, dove l'Ong ha recuperato dall'acqua 5 persone senza vita, tra cui un bambino piccolo. È l'ennesimo episodio di tensione estrema tra navi umanitarie e Guardia costiera. Abbiamo ripercorso gli attacchi più pesanti alle navi umanitarie da parte delle motovedette libiche da maggio ad oggi

Un'altra tragedia a **30 miglia** dalla **Libia**, in acque internazionali, dove almeno 20 persone sarebbero annegate e altre 5, tra cui un bambino di circa 4 anni, sono state recuperate senza vita

dall'imbarcazione dell'Ong Sea Watch che, il 6 novembre, nella stessa operazione, è riuscita a portare a bordo della sua nave **58 persone**. Una tragedia che ha segnato però anche l'ennesimo episodio di tensione estrema tra **navi umanitarie** e **Guardia costiera libica**.

Quella del **6 novembre** infatti è solo l'ultima denuncia lanciata da una **nave umanitaria** contro il **comportamento aggressivo** e poco collaborativo delle **motovedette libiche**. Il report commissionato dall'**ONU**, relativo alla transazione politica in **Libia**, ha dichiarato come la **Guardia costiera libica** «sia direttamente coinvolta in **gravi violazioni dei diritti umani**» dei **migranti**, insieme alle reti dei **trafficcanti** e ai gestori dei **centri di detenzione**.

Ecco cos'è successo negli ultimi mesi.

6 novembre 2017 – Sea Watch

A coordinare l'operazione è stato, come richiede la procedura di salvataggio, l'**IMRCC il Centro di Coordinamento della Guardia costiera** di Roma, che in soccorso aveva inviato anche una nave militare francese e un elicottero della marina italiana.

Sul posto anche un'imbarcazione della **Guardia Costiera libica** che, secondo i volontari, si è rifiutata di rispondere alle chiamate via radio di coordinamento, sia da parte di Sea Watch che da parte della nave francese e dell'elicottero italiano e avrebbe invece tenuto un comportamento «aggressivo e scordinato» che, secondo l'Ong «ha portato più caos e tensione che aiuti». Secondo Sea Watch, la Guardia Costiera libica ha iniziato addirittura a malmenare e a minacciare quelle persone che erano riusciti a portare a bordo, aggiungendo caos al caos, violenza a violenza e spingendo così chi era appena riuscito a mettersi in salvo, a cercare di ributtarsi in acqua.

Secondo i volontari di **Sea Watch**, la drammaticità della situazione era già chiara quando l'imbarcazione dell'Ong era arrivata in soccorso al gommone in difficoltà: diverse persone erano già in acqua, alcuni **corpi annegati**. Una **scena terribile raccontata su Vita dal volontario italiano a bordo della nave**, Gennaro Giudetti,

raggiunto al telefono, il giorno dopo l'operazione di salvataggio, ancora sotto shock.

«Invece di calmare la situazione, la **Guardia costiera libica** ha addirittura iniziato a lanciare patate e salvagenti addosso all'equipaggio di Sea Watch impegnato nel raccogliere le persone dall'acqua. In queste circostanze è fondamentale evitare ulteriore tensione e panico, invece la Guardia costiera libica ha fatto l'opposto. Il loro unico obiettivo rimane quello di riportare la maggior parte di persone possibili sulle coste libiche. È con questa intenzione che la loro **motovedetta** è ripartita a piena velocità, anche se una persona era ancora appesa a prua ed è stata trascinata nell'acqua», un fatto questo che è stato segnalato immediatamente attraverso il canale radio 16, quello utilizzato per le **emergenze**. Molto diversa la versione della **Marina libica**, secondo cui le persone si sarebbero buttate in mare per raggiungere l'Ong.

«Comprendiamo il ruolo della Guardia costiera libica durante le operazioni di soccorso ma il loro comportamento spericolato mentre cercano di “riportare indietro” il maggior numero di migranti possibile ha provocato più danni di quanto non sia stato d'aiuto. Inoltre le loro azioni – finanziate dall'Unione Europea – violando il diritto internazionale», ha dichiarato in una nota Sea Watch, «Chiediamo alla Guardia costiera libica di rispettare il diritto internazionale ed evitare di alimentare i livelli di caos nelle operazioni di salvataggio».

In queste circostanze è fondamentale evitare ulteriore tensione e panico, invece la Guardia costiera libica ha fatto l'opposto. Il loro unico obiettivo rimane quello di riportare la maggior parte di persone possibili sulle coste libiche”.

Sea Watch

27 settembre 2017 – Mission Lifeline

L' appello di **Sea Watch** arriva a poco più di un mese dall'**incidente sfiorato** che aveva visto protagonista **Mission Lifeline**, l'Ong tedesca che ha da poco iniziato ad essere operativa nel **Mediterraneo** e che ha dichiarato di essere stata attaccata proprio durante la sua la prima operazione di ricerca e soccorso, a 19 miglia dalla costa libica (in acque internazionali), dopo aver salvato **52 migranti**. «La Guardia costiera libica ha attaccato la nostra nave, sparando colpi di arma da fuoco e salendo a bordo senza il permesso del nostro capitano», aveva scritto l'Ong su Facebook, definendo un'azione "pirata" quella della motovedetta libica. «La **Guardia costiera** ha cercato di obbligarci a consegnare le persone che avevamo salvato, per riportarle in Libia, sostenendo che stessimo operando illegalmente in acque libiche, anche se non era vero».

Alle accuse di **Mission Lifeline** aveva replicato il portavoce della Marina libica, Ayub Kacem, riportando una versione dei fatti molto diversa, secondo cui l'**Ong** avrebbe cercato di fuggire, con a bordo uno dei membri della **Guardia costiera** e i colpi sarebbero stati sparati in aria, per fermare la nave. Kacem aveva rilasciato una dichiarazione che suonava come una versa e propria minaccia: «Questa volta abbiamo evitato un'escalation. In futuro sequestreremo le navi delle Ong che non rispettano la sovranità libica», sottolineando così, ancora una volta, l'intenzione della Libia di estendere la propria "sovranità" ben oltre il confine delle sue acque territoriali, a 12 miglia dalla costa, intenzione che era stata annunciata già lo scorso agosto, con la rivendicazione del controllo della zona Sar (search and rescue), in seguito alla quale tre Ong avevano sospeso le operazioni umanitarie nel **Mediterraneo**.

La Guardia costiera ha cercato di obbligarci a consegnare le persone che avevamo salvato, per riportarle in Libia, sostenendo che stessimo operando illegalmente in acque libiche, anche se non era vero".

Mission Lifeline

15 agosto 2017 - Proactiva Open Arms

Golfo Azzurro, la nave dell'Ong spagnola **Proactiva Open Arms**, viene sequestrata per due ore dai guardacoste libici a 20 miglia dalla Libia, quindi in acque internazionali e costretta, sotto la minaccia delle armi, a dirigersi in acque libiche.

7 agosto 2017 - Proactiva Open Arms

La **Guardia costiera libica** spara colpi di avvertimento ad un'imbarcazione di Open Arms, ancora una volta in acque internazionali, a denunciarlo la stessa Ong sui social: "Formati e finanziati dall'UE, minacciano e sparano verso Open Arms".

23 maggio 2017 - Medici Senza Frontiere/SOS Mediterranee

Un'altra tragedia sfiorata. La **Guardia costiera libica** spara colpi di Kalashnikov in aria, davanti all'Acquarius, la nave gestita dall'Ong SOS Mediterranee con a bordo un equipaggio di **Medici Senza Frontiere**, mettendo così a serio repentaglio un'operazione di soccorso. «Dopo che avevamo già iniziato l'operazione, è arrivata una motovedetta della Guardia Costiera Libica. Hanno sparato colpi di Kalashnikov in aria. Due ufficiali sono anche saliti su un gommone e ne hanno preso il comando portandolo verso sud, secondo alcune testimonianze chiedevano soldi ai migranti. Anche loro hanno sparato in aria, forse l'intenzione era quella di mantenere il controllo, l'esito però è stato l'opposto. Gli spari hanno creato il caos, le persone spaventate si sono buttate in acqua», [ci aveva raccontato Giorgia Linardi, responsabile Affari Umanitari di Medici Senza Frontiere \(MSF\)](#), a bordo dell'**Acquarius**. «Abbiamo provato a metterci in contatto con la motovedetta ma la comunicazione è stata difficile, la Guardia Costiera non ha assistito al recupero delle persone. In un caso specifico hanno cercato di recuperare una persona dal mare, ma l'hanno presa per il salvagente, questo gli si è sfilato ed ha rischiato di affogare. Non è questo il modo di condurre un'operazione, mi viene

da dire che si tratti quasi di omissione di soccorso. Dal canto nostro, noi ci siamo attenuti al solito modo di operare».

Le persone sono state costrette a salire a bordo della nave libica e, invece di essere portate nel porto sicuro più vicino, come richiede la legge, sono state riportate in Libia".

Sea Watch

10 maggio 2017 – Sea Watch

La prima grave denuncia di un'operazione a rischio della **Guardia costiera libica** arriva da **Sea Watch 2**, l'imbarcazione dell'omonima Ong tedesca, impegnata in una **missione di salvataggio**, a **20 miglia dalle coste libiche**. È subito dopo l'inizio della distribuzione dei giubbotti di salvataggio ai passeggeri della barca in difficoltà che avviene l'incontro con la **motovedetta libica**. «È arrivata ad enorme velocità, tagliando la strada della nostra barca, a prua, e dirigendosi verso l'imbarcazione di legno, piena di **migranti**. Il nostro capitano ha provato più volte a mettersi in contatto con la nave libica, per cercare, come facciamo sempre, di collaborare nell'operazione di soccorsi ma non abbiamo ricevuto alcuna risposta. Siamo poi stati informati che sarebbe stata la **Guardia costiera libica** a gestire l'operazione, e non abbiamo avuto altra scelta se non ritirarci», aveva raccontato a Vita Theresa Leisgang, responsabile comunicazione di Sea Watch che si trovava a bordo dell'imbarcazione dell'organizzazione tedesca.

«La nostra posizione esatta era a 20 miglia nautiche dalla costa, nella cosiddetta fascia contigua (tra le 12 e le 24 miglia n.d.r.), in questa zona, a differenza delle acque territoriali il cui confine termina a **12 miglia nautiche**, la **Libia** può esercitare un controllo doganale, a fini sanitari o sull'immigrazione. In realtà però nessun regolamento è

stato infranto, nemmeno quello relativo all'immigrazione, perché le persone stavano chiaramente abbandonando il Paese». Ad essere stato infranto invece, secondo **Sea Watch**, è il **diritto internazionale**. «Le persone sono state costrette a salire a bordo della nave libica e, invece di essere portate nel porto sicuro più vicino, come richiede la legge, sono state riportate in Libia» che di sicuro non ha nulla, come è stato dichiarato anche dalla **sentenza** della **Corte d'assise** di Milano dell'**11 ottobre scorso** che, come aveva sottolineato l'**Associazione per gli studi giuridici sull'immigrazione** (ASGI), «aveva giudicato attendibili e comprovate le testimonianze dei richiedenti asilo che, attraverso la loro presenza, hanno potuto dare un quadro di inaudita violenza delle torture subite: violenze sessuali ripetute, omicidi di coloro che non ricevono dai familiari il denaro richiesto dai trafficanti, torture, addirittura esposizione dei corpi dei soggetti morti dopo le torture per ottenere effetto deterrente) attraverso la loro presenza».

Secondo gli avvocati di ASGI, «La scelta dell'Italia e della Ue di esternalizzare la gestione delle **migrazioni** ed il **diritto d'asilo** le rende corresponsabili delle condizioni inumane e delle torture che avvengono in Libia».

*** Precisazione ***

I lettori ci segnalano inoltre altri **3 episodi registrati nel 2016**.

21 ottobre 2016 – Sea Watch

Una motoscafo della **Guardia costiera libica** interrompe **un'operazione di soccorso da parte di Sea-Watch**, effettuata a 14 miglia della coste libiche in coordinamento con la centrale operativa della guardia costiera italiana. Gli agenti libici sono saliti a bordo del gommone dove erano caricati 150 migranti e hanno iniziato a colpire violentemente le persone con i bastoni, provocando il panico. «Uno dei tubolari del gommone è collassato provocando la caduta in mare della maggior parte delle persone», riporta il comunicato della **Ong tedesca**. Inoltre, gli **equipaggi** delle due imbarcazioni di **Sea Watch** sono state violentemente minacciate impedendo ai volontari di fornire i giubbotti di salvataggio e l'assistenza medica immediata alle persone che ne avevano bisogno.

120 persone sono state **salvate**. Si stima che i **dispersi** fossero **circa 30**.

19 settembre 2016 – Sea Eye

Si trovavano su un **motoscafo** in acque internazionali a poco più di **12 miglia** dalla **costa libica** i due volontari dell’**Ong tedesca Sea Eye**, quando sono stati **fermati da una motovedetta della Guardia costiera libica** e arrestati con l’accusa di aver oltrepassato il confine, cosa sempre negata dai due che avevano però dichiarato di «Essere stati comunque trattati in modo molto gentile». «Non ero spaventato», ha dichiarato Dittmar Kania avvocato 68enne e volontario di **Sea Eye**, spiegando però l’assurdità della situazione, mentre non avevano modo di comunicare con nessuno in Germania, i due erano stati poi ospitati a casa di un comandante della guardia costiera e rilasciati dopo 4 giorni. «Non sapevamo se stavano bene. Dal nostro punto di vista la situazione sembrava molto più drammatica di quella che era in realtà», aveva dichiarato il fondatore di Sea Eye, Michael Buschheuer, che aveva poi lavorato con l’ambasciata tedesca a Tripoli per il rilasci dei due.

17 agosto 2016 – Medici Senza Frontiere

Un **motoscafo** non identificato attacca e spara contro la **Bourbon Argos**, una delle navi che **Medici Senza Frontiere (MSF)** utilizzava fino all’agosto di quest’anno per la sua attività di ricerca e soccorso nel **Mediterraneo**. L’episodio è avvenuto a **24 miglia nautiche dalla costa libica** è poi stato confermato, in una controversa dichiarazione, dal portavoce della marina di Tripoli, secondo cui il motoscafo era una motovedetta della Guardia costiera libica che avrebbe “sparato solo colpi di avvertimento”, dopo che la nave di MSF non aveva eseguito l’ordine di fermarsi, una versione che mai confermata da Medici Senza Frontiere.

Foto: Michelangelo Mignosa





Nearly There, but Never Further Away

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Story and Photography by Peter Tinti

Oct. 5, 2017

TRIPOLI, Libya — The guard forced the migrants to kneel and began barking orders in Arabic, a language that few of the once-hopeful souls who had traveled to Libya from sub-Saharan Africa spoke. A gaunt, elderly man in ripped jeans and a tattered T-shirt failed to comply. The guard, wearing a crisp new uniform emblazoned with the insignia of Libya's anti-illegal immigration police division, raised his wooden club and brought it down hard on the man's back, driving him face down into the ground with the first blow.

It was early May, three weeks after the staff at the Triq al-Sikka migrant detention center in the Libyan capital of Tripoli had received human rights training from the International Organization for Migration (IOM). The guard struck the elderly man again on the back and clubbed the back of his legs. Then he moved methodically down the line of kneeling migrants, beating each man as if he were responsible for his fellow prisoner's infraction. Cries of pain echoed through the barren, warehouse-like facility, where more than 100 half-starved migrants were locked away in crowded cells. Some had been there for months, enduring regular beatings and surviving on a few handfuls of macaroni and a single packet of juice each day. Others had recently been rounded up off the streets in raids targeting black African migrants.

ABOUT THIS SERIES

Europe's migration crisis isn't over — it's just beginning. With net immigration expected to exceed 1 million per year for the next five decades and xenophobia surging, European leaders are grasping for new ways to slow the influx. So far, their efforts have included tighter rules and enforcement at home, as well as multibillion-dollar development projects and support for local militaries and governments in Africa. Foreign Policy's special investigation looks at the impact of all this on the aspiring migrants, their homelands — and on Europe itself, where the desperate drive to preserve stability and fend off populism risks undermining long-cherished values like openness, tolerance, and respect for basic rights.

Reporting for this series was made possible in part by a grant from the Pulitzer Center on Crisis Reporting.

Soon after the beatings began, other guards at the facility noticed my presence and quickly ushered me into a waiting area outside the well-appointed office of Col. Mohamed Beshr, the urbane head of Libya's anti-illegal immigration police. Beshr is a key player in recent joint EU-Libyan efforts to halt migration to Europe, including intercepting migrants at sea and detaining them on land. He has welcomed high-level European diplomats and U.N. representatives to the Triq al-Sikka facility, and his office is filled with certificates from workshops run by IOM, the European Union, and Britain's development agency.

Yet Beshr seemed frustrated by my questions about the abuses openly taking place at the detention center he oversaw. To hear him tell it, his European partners cared about only one thing, even if they wouldn't say it: preventing migrants from showing up on Italy's shores. "Are they looking for a real solution to this humanitarian crisis?" Beshr asked, smirking and raising his eyebrows. "Or do they just want us to be the place where migrants are stopped?"

Eighteen months after the EU unveiled its controversial plan to curb illegal migration through Libya — now the primary point of departure for sub-Saharan Africans crossing the Mediterranean Sea to Europe — migrants have become a commodity to be captured, sold, traded, and leveraged. Regardless of their immigration status, they are hunted down by militias loyal to Libya's U.N.-backed government, caged in overcrowded prisons, and sold on open markets that human rights advocates have likened to slave auctions. They have been tortured, raped, and killed — abuses that are sometimes broadcast online by the abusers themselves as they attempt to extract ransoms from migrants' families.

Listen to this story from Foreign Policy's series, "Europe Slams Its Gates," and other FP content, as well as features from a range of top publications: Download the [AUDM](#) app for your iPhone.

The detention-industrial complex that has taken hold in war-torn Libya is not purely the result of a breakdown in order or the work of

militias run amok in a state of anarchy. Visits to five different detention centers and interviews with dozens of Libyan militia leaders, government officials, migrants, and local NGO officials indicate that it is the consequence of hundreds of millions of dollars in pledged and anticipated support from European nations as they try to stem the flow of unwanted migrants toward their shores.

The European Union has so far [pledged](#) roughly \$160 million for new detention facilities to warehouse migrants before they can be deported back to their home countries and to train and equip the Libyan coast guard so that it can intercept migrant boats at sea. Individual EU member states have earmarked tens of millions of dollars more as they consider a recent request, [reportedly](#) in the range of \$900 million, by Libya's U.N.-backed government in Tripoli for a list of equipment needed to combat migrant smuggling.

EU efforts in Libya are part of a broader plan to stem migration from Africa to Europe, which includes a multibillion-dollar EU Emergency Trust Fund for Africa that aims to address the “root causes” of migration and displacement. In the so-called “source” countries that large numbers of migrants are leaving, the EU is rolling out new development projects designed to persuade would-be migrants not to leave home in the first place. But in transit countries like Libya and its neighbors to the south, Niger and Sudan, the EU has focused on forcibly preventing migrants from reaching the Mediterranean by providing money for anti-smuggling operations, border patrols, and detention facilities.

Migrants whose boat was intercepted by the Libyan navy wait to be given shoes before they can be moved to a detention center in Tripoli.

In Libya, these policies have empowered militias and criminal syndicates that have allied themselves with the U.N.-backed government and lined up for European largesse. Some have rebranded themselves as official coast guard units in the expectation that they will receive training and equipment. Others are running detention centers where migrants are systematically mistreated but where the European Union and member states still offer support – including IOM funding to provide health care, psychosocial counseling, and essential items like hygiene kits to migrants. IOM, which is the main

implementing partner for EU-funded projects related to migration in Libya, has also helped renovate detention facilities and trained guards to staff them.

IOM claims that it has no choice but to work with whoever runs the facilities. “We are not the body that determines what is a detention center and what is not,” Ashraf Hassan, IOM’s operations officer for Libya, who is based out of neighboring Tunisia for security reasons, said in an email. “We focus on supporting vulnerable migrants in need of our assistance.”

For their part, EU officials deny any responsibility for rights abuses that occur in centers that have received EU funding or at the hands of coast guard and navy units that the EU has trained and equipped. “Respect of human rights and protection of the migrants is the priority of the European Union,” Catherine Ray, a spokeswoman for the EU, said in an email. “We are working to support and protect migrants in Libya with our international partners, such as UNHCR and IOM.”

Such claims are at odds with the troubling reality on the ground, where evidence abounds that European funds are fueling a brutal system of arbitrary imprisonment that denies migrants even their most basic human rights. But as pressure mounts on European leaders to slow the surge of migrants from Africa, they are doubling down on the fledgling partnership with Libya and holding it up as a model for future efforts to curb migration. Referring to Italy’s partnership with the Libyan coast guard, French President Emmanuel Macron [said](#) in August, “What has been done by Italy and Libya is a perfect example of what we are aiming for.”

Migrants from Bangladesh and Morocco disembark a warship operated by the Libyan navy after their boat was intercepted at sea.

Europe once had a reliable partner in combating illegal migration from Libya in Muammar al-Qaddafi, who ruled from 1969 to 2011. The North African country had long been a gateway to Europe for migrants and asylum-seekers, its shores just 200 miles across the Mediterranean from the Italian island of Lampedusa. Ever the extortionist, Qaddafi – who once [warned](#) that he was the only thing

preventing Europe from becoming “black” — struck a deal with Italy in 2008 to stem the flow of migrants as part of a \$5 billion reparations package meant to atone for three decades of brutal colonial occupation that ended in 1943.

Then the Arab Spring swept across North Africa. The chaos that followed Qaddafi’s demise proved an inviting climate for smugglers, and within a few years Libya had become an unsupervised highway for migrants and asylum-seekers headed to Europe. More than 500,000 migrants have reached Italy via what experts call the “Central Mediterranean route” from North Africa since 2014, the vast majority of whom embarked from Libya. Despite a mysterious lull in migrants taking this route since mid-July, [reportedly](#) because a new Libyan militia has begun stopping migrant boats west of Tripoli, nearly 100,000 people have [crossed](#) via the Central Mediterranean route in the first nine months of this year. Since 2014, almost 13,000 migrants have perished at sea along this route.

Nearly six years after Qaddafi’s death, Libya has two main rival governments — one in Tripoli and the other in the eastern city of Tobruk — and thousands of square miles of territory controlled by a mosaic of tribal factions, militias, armed groups, and the Islamic State. Even in the capital, where the U.N.-backed Government of National Accord is based, masked men in military fatigues, part of an ever-shifting array of alliances, guard checkpoints by day and exchange gunfire by night. Street-by-street gun battles and tit-for-tat kidnappings are the norm, often serving as proxy battles for larger power struggles that reverberate all the way back to tribal enclaves hundreds of miles away.

Abd al-Rahman Milad, more commonly known as “Bija,” discusses his improbable rise to Libyan coast guard commander at a cafe in the coastal city of Zawiya.

Unable to rely on a strongman like Qaddafi to keep migrants from departing Libyan shores, Europe has gone in search of new partners, including the ethnic and tribal militias that are now the de facto authorities in most of the country. Many of these militias are nominally allied with the U.N.-backed government led by Prime Minister Fayez al-Sarraj, whose control barely extends beyond the

parking lot of its headquarters in central Tripoli. Technically, these armed groups fall under the authority of the Interior Ministry, but in practice they answer to no one.

Some of these militias used to profit from the migrant trade, either by offering protection to smugglers or by smuggling migrants themselves. Now as they position themselves as potential partners to Europe in the fight against illegal migration, they have begun intercepting migrant boats at sea, raiding migrant safe houses, carrying out mass roundups in immigrant neighborhoods, and opening detention centers throughout the country. Many are still involved in other illegal activities such as fuel smuggling and trafficking arms, narcotics, and stolen goods, but EU-funded agencies continue to train their foot soldiers and offer them material assistance in the hope of building a professional coast guard that can clamp down on smugglers at sea.

One such character is Abd al-Rahman Milad, more commonly known as “Bija,” a powerful militia leader-turned-coast guard commander in the coastal town of Zawiya who has allegedly continued to profit from multiple smuggling operations even as he sells himself as a viable EU partner by intercepting migrants at sea. Over cups of coffee and Marlboro Reds at a local cafe in Zawiya, he told the story of his meteoric rise from a newly minted coast guard academy graduate in 2011, just before the revolution that overthrew Qaddafi, to the man who controls the seas outside the city’s strategic port and oil refinery. He had the right combination of tribal alliances and seafaring skills, he said. But Bija’s ascent also involved something common to many of Libya’s post-Qaddafi success stories: a willingness to simply seize what he wanted. “I took control of this port in Zawiya because at the time there was no one doing the job,” he said.

Libyan security forces prepare to process migrants who were intercepted by the Libyan navy.

Now that his militia has been recognized as a coast guard unit, Bija is an official agent of the U.N.-backed government in Tripoli. But a recent [report](#) by the U.N. Panel of Experts on Libya accuses Bija of working with migrant smugglers in the key smuggling hubs of Sabratha and Zuwara – intercepting only the smugglers backed by

rival militias. The human cargo his men corral is then delivered to the Nasr detention center in Zawiya, which is run by a militia he is allied with. The report also criticizes his tactics, which allegedly include “the sinking of migrant boats using firearms.”

Bija denies these allegations and claims they were invented by his rivals, including powerful officials in Tripoli, who fed the U.N. false information in an effort to discredit him. He tells the story of an incident in 2014, when he intercepted a Russian vessel smuggling fuel inside Libyan waters. According to Bija, navy officials in Tripoli ordered him to release the ship and its crew. He refused initially but relented after the officials implied they might back Bija’s local rivals in an effort to oust him. “I have had problems with them [the navy] since that day,” he told me. “But I have never stopped my work, and I am doing what I consider is correct and right.”

The fact that Bija is a controversial figure, however, has not stopped European countries from developing a relationship with him. In May, Bija traveled to Rome to participate in an EU-funded workshop hosted by IOM at the four-star Hotel Clodio, where he met with Italian officials as part of an effort to enhance cooperation on migration. More recently, he said, the Italian government provided him with a new boat to intercept migrants at sea, a picture of which he posted on Facebook with him aboard, smiling for the camera. According to Bija, the Italians have told him more boats are on the way.

Ray, the EU spokeswoman, said she was unaware of any evidence linking EU-trained coast guards to ongoing smuggling operations. “We take your allegations seriously,” she said in an email, adding that the “EU is providing the training because everything that happens within Libyan territorial waters is a Libyan responsibility, not a European one, but this does not mean that we turn a blind eye on it.”

Nigerian migrants inside a locked hangar at the Airport Road detention center in Tripoli, where they had been held for more than a month.

Traveling to Bija’s fiefdom in Zawiya, along the 30-mile stretch of coastal road that connects the city with Tripoli, requires passing through a half-dozen checkpoints, many of which are controlled by

militias whose loyalties and ideologies are as opaque as their motives. The road is often closed, and on days that it is open, one hopes not to attract the attention of bored young men with guns, many of whom are prone to kidnapping Libyans as well as foreigners.

The main road in Zawiya, like most urban centers along the Libyan coast, bears the scars of war. Control of this slice of western Libya — where fortunes are made smuggling fuel, weapons, narcotics, and people — can be extraordinarily lucrative, which explains why rival groups have reportedly put a bounty on Bija's head. One group that has been a steadfast ally of Bija is the Nasr Brigade, which has spent much of the last year fighting alongside Bija's coast guard to maintain control over Zawiya and its territorial waters. Led by Mohammad Koshlaf, the Nasr Brigade also controls the Nasr detention center, which is filled with the men, women, and children Bija's men have intercepted at sea.

Set among pockmarked facades and structures hollowed out by heavy artillery in Zawiya's industrial zone, the detention center is a sprawling concrete-and-sheet-metal monument to inhumanity. The main hanger is reserved for male inmates, who are packed inside windowless cells for all but a few minutes each day. The only view to the outside is through a single square-foot slot that guards slam shut at their whim. As I passed by, detained migrants reached their hands out and pleaded with me to contact their embassies and take down the numbers of loved ones back home.

The center's padlocked doors were decorated with stickers from IOM, the European Union, the U.N. refugee agency (UNHCR), and the International Medical Corps, a nonprofit that specializes in humanitarian relief. Representatives from all of these organizations have visited the center and, in the case of IOM and the International Medical Corps, provided hygiene kits and basic medical services with funding from European countries. The militiamen who run the center point to these decals not only as evidence of the quality of their work but of their burgeoning partnership with the EU and the broader international community.

A guard at the Nasr detention center in Zawiya opens a prison door that boasts a sticker from the European Union and IOM.

Detainees from West Africa peer out of their overcrowded cell in the Nasr detention center in Zawiya, where migrants intercepted by the coast guard are warehoused indefinitely.

Migrants who find themselves stuck in places like the Nasr detention center often languish there for months. One way out is through “assisted voluntary return and reintegration,” or AVRR, which European policymakers are eager to promote. Funded by the European Union and member states, and overseen by IOM, the program helps migrants return to their home countries on chartered flights. But to be eligible a migrant’s home country must confirm his or her identity, a complicated process made even more difficult by insecurity in Libya. As of the beginning of August, an overwhelmed IOM had repatriated just [4,346 migrants](#) from detention centers in 2017, a fraction of the estimated 400,000 migrants currently stranded in Libya. (The real number could be much higher, since new centers are sprouting up all the time and in parts of the country that are often impossible for aid workers to access.)

The Savior’s Dilemma

Are naval search-and-rescue operations saving migrants’ lives – or just encouraging them to take greater risks?

On its website, IOM [describes](#) AVRR as the “orderly and humane return and reintegration of migrants who are unable or unwilling to remain in host or transit countries and wish to return voluntarily to their countries of origin.” And while many of the detained migrants I spoke with in Libya expressed a desire to go home after months of suffering in decrepit facilities, it’s unclear whether their return could ever be considered voluntary. Treat anyone bad enough and they will beg to make it stop.

Wajdi Almontaser, the director of the Airport Road detention center in Tripoli, was frank about the poor choices facing migrants in centers like his. “They usually want to go home because they had a bad experience in Libya or because the detention is indefinite, so they use the IOM process to get repatriated and then try again to reach Europe,” he told me.

Mistreatment in these detention facilities doesn't only take the form of beatings and harassment. The militias also buy and sell their detainees or rent them out as day laborers, to the highest bidder, in a process rights groups have likened to the slave trade. Bambo Jaiteh, a 22-year-old from Gambia who was detained in the Il Khalah detention center outside Tripoli, told me that he had previously been detained in a "prison camp," where they were loaned out to business people and forced to do manual labor such as heavy debris removal, digging at construction sites, and cleaning. "They took you out to work, and we were only sometimes given food," he said.

Militias also profit by selling arrested African migrants to smugglers, who expect to collect fees from family members before placing them on boats to Italy. But the real prize is access to the hundreds of millions of dollars promised to underwrite the counter-migration machine.

Migrants from West Africa in their crowded living quarters in the Abu Salim detention center in Tripoli.

As soon as European leaders recalibrated their entire foreign policy toward Libya — and much of Africa — around the goal of stemming migration, many of the same militias once directly involved in migrant smuggling and human trafficking began to see migrant detention as a promising growth industry. Over the course of dozens of interviews in Libya, militia leaders, government officials, and representatives from local NGOs all used the word "business" — in English, rather than Arabic — to explain why so many militias are adding the arrest and detention of migrants to their portfolio of services.

Militias are now racing to outdo each other in the eyes of their European benefactors. Many of the men, women, and children caught up in the dragnet of Libya's migration crackdown had no intention of going to Europe in the first place. Some of them were even in the country legally. At the Abu Salim detention center in Tripoli, several migrants from Mali and Niger who were detained after a raid in a predominantly "black African" neighborhood told me that they had valid papers and had come to Libya for work. They may never have intended to go to Europe, but they are now caught up in the

detention-and-deportation machine designed to keep others from getting there.

According to Frederic Wehrey, a senior fellow at the Carnegie Endowment for International Peace who specializes in post-conflict transitions, the process unfolding around migration in Libya in many ways mirrors U.S. and European engagement with various Libyan actors to combat the Islamic State, also known as ISIS. “In the fight against ISIS, whatever militia was in proximity to an ISIS stronghold would come forward and present themselves as the best option for tackling ISIS,” he said. “These groups catch on very quickly that this is the way the game works,” he continued. “And they use this to outmaneuver their rivals and build up power.”

West African migrants rest in the Abu Salim detention center.

Foreign governments, along with aid and humanitarian organizations, can all claim they are partnering with groups and individuals who are technically registered as part of the government, but these arrangements are a “thin disguise,” according to Wehrey. “Just because someone is under the Ministry of Interior does not mean they are not acting autonomously and running their own show.”

The European Union’s willingness to partner with militias, however thinly disguised as government agents, has created a market for the detention, sale, and abuse of migrants. It also risks accelerating the fragmentation of the state, officials and outside experts warn. “There is one argument that you start local and build up, that maybe this local engagement is how you build things from the bottom up,” Wehrey said. “But my sense is that if you are creating warlords through this type of engagement, that is not a good thing.”

Authorities in Tripoli agree, arguing that a misalignment in priorities between Libya and the European Union risks undermining the larger goal of putting the Libyan state back together. “We have priorities, and they [the EU] have priorities, and each one is looking out for themselves,” said Anwar Sherif, who heads the special operation unit of the Libyan navy, which, like the coast guard, only has a few functioning boats. “They [the EU] say Libya is unstable and then also

say Libya refuses to stop illegal migration. This is stupid. The priority should be stability in Libya.”

One afternoon in the port of Tripoli, Sherif and I watched as Libyan authorities, with help from the UNHCR and IOM, processed 400 migrants they had recently intercepted at sea. As the dejected migrants prepared to board buses destined for detention centers, Sherif pointed across the dock to two merchant vessels moored off in the distance, one of them Ukrainian and the other Turkish. The Libyan navy had caught them both the week before, he said, carrying 132 million gallons of stolen fuel between them. It was a rare win for the navy, which had managed to outgun the two ships over the course of a two-hour firefight. Most of the time, Sherif and his colleagues told me, they are unable able to act on the dozens of reports they receive each day about smuggling ships that are thought to be siphoning off the country’s economic lifeline on an industrial scale.

Migrants from Senegal look out into the prison courtyard from their overcrowded jail cell in the Abu Salim detention center.

Given that oil revenues are considered crucial to stabilizing Libya, one would think that preventing fuel theft would be a mutual priority shared by Libya and the international community. Yet, according to Sherif, the only conversations his European counterparts are willing to have with him when it comes to training, funding, and equipment are about migrant smuggling. “We are open to improving ourselves, upgrading our knowledge, and bringing our skills up to international standards, but our job is to protect our nation’s sovereignty, not just focus on migrants in the sea.”

There is another problem as well: Many of the most prominent fuel smugglers along the Libyan coast are officially registered under the Interior Ministry, according to Sherif, and are the same coast guard units with which the EU is now partnering to combat migrant smuggling. Sherif won’t name anyone specifically – but he mentions a certain coast guard official who operates out of the port of Zawiyah and was recently in Rome meeting with European officials.

Yet according to navy officials like Sherif and his colleague, spokesman Abyoub Qassem, European powers are unwilling to look

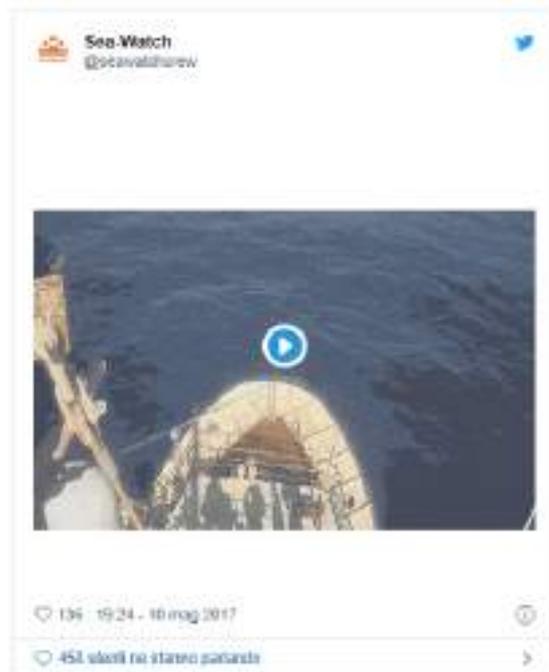
too closely at what unsavory partners like Bija are up to so long as they fight migration. “Europe wants to use Libya as its Berlin Wall to divide Africa from Europe,” said Qassem, adding that he objects to high-minded criticism from Europeans about human rights. “Europe wants to keep its human rights trademark and keep its own reputation clean.”



Duello in mare tra Ong e guardia costiera libica

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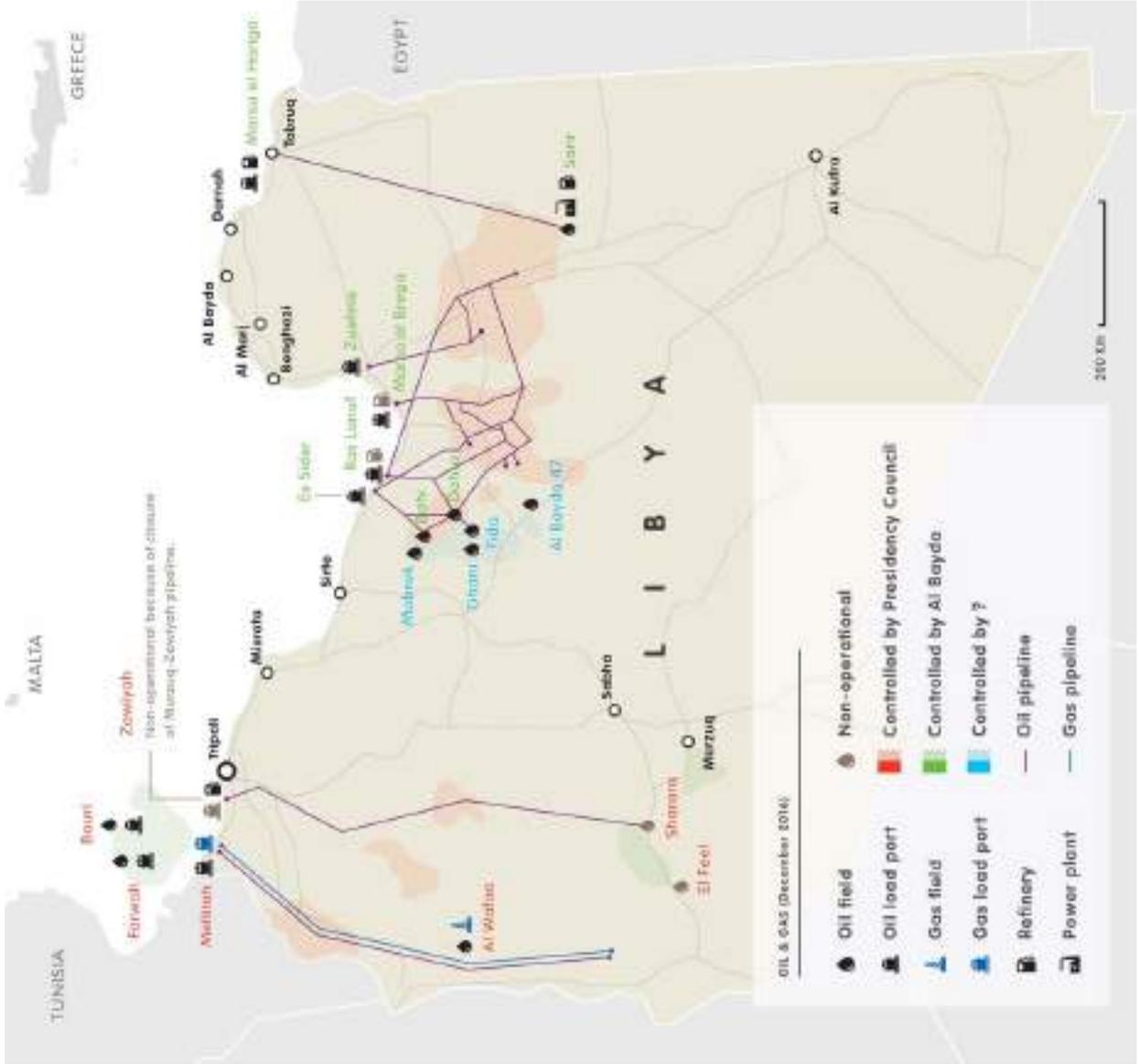
Entrambe le navi stavano cercando di raggiungere un'imbarcazione con a bordo 350 migranti diretti in Italia



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A QUICK GUIDE TO LIBYA'S MAIN PLAYERS

- Introduction
- Political Actors
- Armed Groups
- Jihadists



Introduction

In Libya there are very few truly national actors. The vast majority are local players, some of whom are relevant at the national level while representing the interests of their region, or in most cases, their city. Many important actors, particularly outside of the largest cities, also have tribal allegiances.

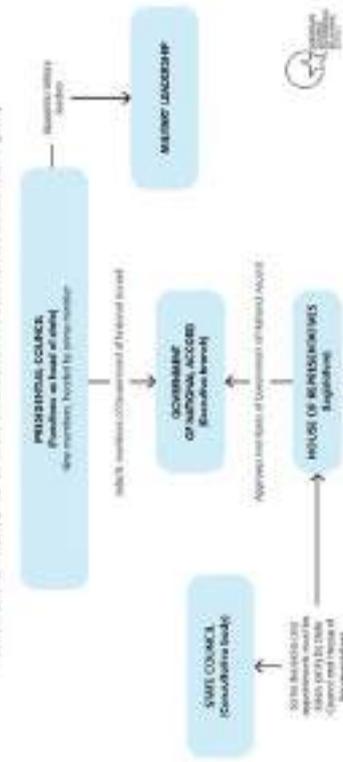
Since the summer of 2014, political power has been split between two rival governments in Tripoli and in Tobruk, with the latter having been recognised by the international community before the creation of the Presidential Council – the body that acts collectively as head of state and supreme commander of the armed forces – in December 2015. Several types of actors scramble for power in today's Libya: armed groups; "city-states", particularly in western and southern Libya; and tribes, which are particularly relevant in central and eastern Libya.



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LIBYA'S INSTITUTIONS UNDER THE LIBYAN POLITICAL AGREEMENT (LPA)



by Mattia Toaldo

ONE COUNTRY, THREE GOVERNMENTS

At the moment Libya has three centres of power. The first is the Presidential Council (PC), which has been located in the Abu Sifrah navy base, a stone's throw from central Tripoli, since 30 March 2016. The PC is headed by Fayed al-Sarraj – a former member of the Tobruk Parliament, where he represented a Tripoli constituency – and it was borne out of the signing of the UN-brokered Libyan Political Agreement (LPA) in December 2015. According to this agreement, the PC presides over the Government of National Accord (GNA), which is currently based in Tripoli. The GNA should be endorsed by the House of Representatives (HoR) which was previously based in Tobruk but could move elsewhere to guarantee the safety of its members some of whom have repeatedly reported being stopped from voting and threatened by members hostile to the GNA. For this reason, at the time of writing, the HoR has still not voted on the government, although on two occasions a majority of its members

Egyptian-aligned, self-described anti-Islamist general Khalifa Haftar, who leads the Libyan National Army (LNA). There is an ongoing movement among a large number of members of the HoR to change the location of the House to a more neutral place in Libya.

PRIME MINISTER AL-SARRAJ AND THE GOVERNMENT OF NATIONAL ACCORD

Prime Minister al-Sarraj is not a strong figure on his own, but some of the other eight members that make up his Presidential Council have close links to powerful stakeholders.

His deputy Ahmed Maiteeq, who served a short stint as prime minister of Libya before being hit by a court ruling,

represents the powerful city-state of Misrata, which is the biggest backer of the GNA from both a political and military standpoint. Misrata's militias were a crucial component in the downfall of Gaddafi and are still one of the two most relevant military forces in the country.

Another important deputy is Ali Faraj al-Qatrani who represents General Haftar who in turn heads the LNA – the other large military force. Al-Qatrani is currently boycotting the meetings of the PC on the grounds that it is not inclusive enough.

Al-Qatrani is a close ally of another member of the Presidential Council, Omar Ahmed al-Aswad who represents the city-state of Zintan in western Libya. Zintan played a very important role in the fall of Gaddafi-controlled Tripoli in 2011 and has good relations today with the UAE.

A third deputy is Abdessalam Kajman who aligned with the Justice and Construction Party of which the Muslim

Brotherhood is the largest component while Musa al-Kuni represents southern Libya.

Finally, Mohammed Ammari represents the pro-GNA faction within the GNC (the "Tripoli parliament"), and Fathi al-Majburi is an ally of the head of the Petroleum Facilities Guards (PFG) headed by Ibrahim Jathran.

Two very important steps in consolidating al-Sarraj's power base have been the pledge of loyalty by the two major Tripoli-based economic institutions (the Central Bank and the National Oil Corporation) and the statements of support by several municipalities in the West and South of the country.

In al-Sarraj's government, two ministers stand out for the role they can play or have already played. Firstly, the Minister of the Interior Al-Aref al-Khuja has a police background and is in close contact with Tripoli's militias. Secondly, the Minister of Defence Mahdi al-Barghathi, who is an army colonel from the same Libyan National Army of Haftar but politically distant enough from him to be accepted by other groups – and, in fact, rejected by Haftar himself.

Finally, within the power structure, a crucial role is played by the Temporary Security Committee (the TSC) which has conducted the security negotiations that allowed the PC to move peacefully to Tripoli on 30 March. Eventually, the TSC according to the LPA should be replaced by a proper National Security Council.

ABUSAHMAIN, GHWELL AND THE "TRIPOLI GOVERNMENT"

The speaker of the General National Congress Nouri Abusahmain and the prime minister of the "Government of

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National Salvation” Khalifa Ghwell come from the cities of Zwara and Misrata respectively. Their military support base is the Steadfastness Front (Jabhat al-Samud) of Salah Badi. While they have received some weapons from Turkey in the past, they were never controlled or influenced by Ankara in the slightest. Initially they represented the Libya Dawn coalition which involves Islamists, the city-state of Misrata, and several other western cities (including parts of the Amazigh minority). Both Ghwell and Abusahmain have been hostile to the GNA and have been subjected to sanctions by the EU because of this. Their support base has gradually shrunk although they still retain some capacity to disrupt al-Sarraj’s activities here and there, particularly if popular support for him decreases or if some of the militias now supporting him decide to switch sides.

HAFTAR, AGUILA SALEH, AND THE TOBRUK POWER CENTRE

The link between the head of the armed forces Khalifa Haftar and the Speaker of the Tobruk parliament Aguila Saleh Issa is very strong. Haftar rules from his headquarters in Marj (in eastern Libya) and has strong military control over both the al-Bayda government and the HoR in Tobruk. Also because of Haftar’s popular support in eastern Libya, very little happens in the HoR without his approval. Recently, Haftar’s forces made significant advances in Benghazi both against the Islamic State group (ISIS) and against the Islamist-dominated Benghazi Revolutionary Shura Council.

THE PETROLEUM FACILITIES GUARDS AND IBRAHIM JADHRAN

While al-Sarraj’s support base is now concentrated mostly in the West and

in the South of the country, his more powerful ally in the East is Ibrahim Jadhnan, the head of the PFG. A controversial figure, Jadhnan fought against the militias from the city of Misrata in the past and is criticised by many Libyans for instigating and upholding a blockade of oil fields between 2013 and 2014. He now supports the PC, mostly because of a personal disagreement with general Haftar that erupted early in 2015. It is unclear whether all of the PFG stands behind Jadhnan.

THE ISLAMIC STATE GROUP IN LIBYA

Also called Tandhim ad-Dawla (the Organisation of the State) by Libyans, ISIS now controls the central Mediterranean coast of Libya around the city of Sirte. It has carried out attacks in all major Libyan cities, including the capital Tripoli. ISIS also has a presence in other parts of Libya, such as Derna, Benghazi and Sabratha, although it has suffered significant setbacks in all three cities since the beginning of the year.

REGIONAL ACTORS

EGYPT

No other Arab country plays as powerful a role in Libya as Egypt. Testament to Egypt’s involvement in the region is the regular travel Libyan leaders make to Cairo. The relationship between Tobruk and Egypt is not just defined by significant arms deliveries but also by a shared political project: eradicating political Islam and enhancing the autonomy of eastern Libya. For Egypt, according to some authors, having Cyrenaica – the eastern region of Libya – under the role of a leader that is friendly to Egypt – Haftar for instance – would create a buffer zone with ISIS and a

territorial hinterland for any opposition to the regime in Cairo.

Nevertheless, over time Egypt has put out at least two statements that contradict this position. On the one hand, diplomats and the MFA have given assurances of their support to the UN-led political process; on the other, the security apparatus has supported Haftar even when it was clear that he was on a collision course with UN-backed unity efforts.

UNITED ARAB EMIRATES

Although sharing some of the same goals as Egypt, the UAE has a more nuanced position on the situation in Libya. Reportedly, it has been more supportive of UN negotiations and ultimately less engaged on Libya since its intervention in Yemen. Nevertheless, Emirati weapons are still delivered to both Haftar and the militias of the city-state of Zintan, according to a report from a UN panel of experts. Moreover, the UAE’s political influence should not be underestimated. The Libyan ambassador to Abu Dhabi, Aref al-Nayed, is ideologically one of the most important figures on the Tobruk side. He was even touted as potential prime minister at one point.

TURKEY AND QATAR

Neither Turkey nor Qatar have the same level of influence on the Government of National Salvation that Egypt and the UAE have on the Tobruk side, although they would like to think they do. Turkish companies have, according to the UN panel of experts, delivered weapons to one side (the defunct Libya Dawn coalition) and Qatar has links with one Libyan politician and former jihadist – Abdelhakim Belhadj. Yet none of the

major Libyan actors respond to input from Ankara or Doha the way that Tobruk aligns itself with Cairo’s policies.



Chaos in Libya: A Background

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After the fall of Muammar Qaddafi in 2011, many different actors – political and military; Islamist and not; tribal, local, domestic, foreign and transnational – are competing with one another for power and hegemony in Libya. What are the main forces at play today, and what are they trying to achieve? To tackle this issue and have a better understanding of the situation, we offer a brief guide to the major domestic players “on the ground”.

The Presidential Council and Libyan National Accord Government Headed by Fajez al-Serraj in Tripoli

Headquartered in Tripoli, the Libyan Presidential Council (PC) has nine members and carries out the functions of head of state and supreme commander of the armed forces. Its president Fajez al-Serraj is also Prime Minister of the Government of National Accord (GNA), based in Tripoli as well. Installed in March 2016 in the naval base of Abu Sittah, near Tripoli, the PC is a body formed under the terms of the UN-sponsored Libyan Political Agreement (LPA) which was signed on 17 December 2015. Currently, the Government of National Accord is the UN-backed and officially recognized government in Libya. The legislative body recognized by the international community and in charge of the democratic legitimation of the GNA is the House of Representatives (HoR), headquartered in Tobruk, in the Cyrenaica region in the eastern part of the country. Although the House of Representatives stated its support for the al-Serraj government in a number of written declarations, to date the official endorsement the GNA should receive from the HoR, as well as general relations between these two organizations, are stymied by the great influence exerted in the eastern part of the country – hence also in Tobruk – by General Khalifa Haftar, head of the Libyan National Army and hostile to the Tripoli-based al-Serraj government (see below). This situation is, at least in part, one of the reasons for the inefficiency of al-Serraj's government, leading to a growing discontent that – even at the international level – is rapidly eroding consensus for the GNA.

General Khalifa Haftar and the Libyan National Army (LNA)

The other major political-military actor on the Libyan scene is the powerful General Khalifa Belqasim Haftar, head of the so-called Libyan National Army (LNA). The LNA exerts a de facto control on Cyrenaica, in the eastern part of the country, where Haftar's general headquarters are located (in Marj). The Libyan National Army is the General's own ambitious definition of a broad but heterogeneous army comprised of soldiers, former police officers, special forces,

armed civilians, and brigades of militias (including, it seems, salafi militants) under his command. At first, Haftar formed the LNA to serve an anti-Islamist function – with the so-called “Operation Dignity” launched in 2014 against Islamist armed groups in Benghazi – but it evolved into an authentic tool of political power. Supported politically and militarily by nearby Egypt – in turn supported by the United Arab Emirates and interested in eradicating political Islam from Libya, but also in creating an autonomous buffer zone in eastern Libya governed by a leader close to Cairo – thanks to his military strength, Khalifa Haftar de facto controls the House of Representatives (HoR) in Tobruk, the “parliament” the UN recognizes, and is able to indefinitely postpone its approval of the GNA and al-Serraj’s Presidential Council in Tripoli. In 2014, the House of Representatives itself appointed Haftar head of the Libyan National Army and, in this context, the closeness to Haftar of the Tobruk parliament’s spokesman, Aguila Saleh Issa is worthy of note. The General’s aim is to broaden and extend his power, progressively undermining al-Serraj’s leadership and forcing the international community to assess alternative options (or at least officially include Haftar in the country’s transition process). This strategy seems to have produced initial results in that the European Union (but also other international actors including the United States) has officially asked al-Serraj to devise a more inclusive cabinet and evaluate the integration of Haftar’s forces into the future governmental structure.

Khalifa Ghwell’s National Salvation Government

In Tripoli, there is a second power center, the National Salvation Government (also known as the “Tripoli Parliament”), led by Prime Minister Khalifa Ghwell. This government, Islamist-leaning and hostile to al-Serraj’s GNA, bases its legitimacy on the authority of the General National Congress (GNC) – headed by Nouri Abusahmain and built on the remains of the original parliament elected in Libya in 2012 – but is recognized neither by al-Serraj’s GNA nor by the UN. Ghwell and Abusahmain’s hostility to the GNA has led to sanctions levied by the European Union. Today most of the members of the General National Congress belong to the State Council, a purely

consultative body created through the Libyan Political Accord (LPA) that meets in Tripoli. Although the popular consent on which, in recent years, both the National Salvation Government and the GNC founded their legitimacy is progressively eroding – it was concentrated mainly in the heterogeneous and now dissolved “Libya Dawn” coalition, which included Islamist factions, the city-state of Misrata (now pro-GNA) and various cities in western Libya – it is still able to undermine the efficiency of the GNA and al-Serraj by means of acts of sabotage, and to erode the latter’s already precarious legitimacy. On October 14, 2016, for example, Ghwell attempted a (failed) “coup d’état” against al-Serraj’s government.

The “Eastern” Government of Abdullah al-Thinni in al-Bayda

In eastern Libya, in the city of al-Bayda near Tobruk, there is a third center of power, consisting in a government led since March 2014 by Abdullah al-Thinni, who succeeded Ali Zeidan as Prime Minister. This government is heir to the ad interim transition government elected after the fall of Qaddafi and, officially, should transfer (or should have transferred) its powers to al-Serraj’s Government of National Accord, recognized by the international community and instituted in virtue of the Libyan Political Accord (LPA) in 2015. However, this transfer of powers has not yet occurred, officially because the Tripoli GNA has not been given a vote of confidence by the Tobruk House of Representatives, which for the time being seems to back precisely the government of the “Eastern Prime Minister” Abdullah al-Thinni in al-Bayda (who, it appears, has rejected the idea of a “unity” Government of National Accord in Tripoli because he was not anointed as Prime Minister). The key to understanding this situation can be seen in the almost complete control that General Haftar – contrary to ceding powers to the Tripoli GNA – exerts not only on the House of Representatives but also on the al-Bayda government. Both these bodies are frequently described as the “Tobruk authorities.” This situation has de facto produced the coexistence of two “competing” governments, splitting the country in two and creating a deep crisis of legitimacy of Libya’s political authorities.

The Islamic State in Libya

Originally installed in the eastern city of Derna in 2014, since 2015 IS consolidated its presence in Libya by taking control of the central coastal city of Sirte (Qaddafi's hometown, greatly emarginated after his fall) and in the surrounding region, launching military and terrorist attacks on other cities, including the capital. Sirte, where the group quickly installed a system of government based on fear and upheld its own radical interpretation of Islam, was an IS stronghold in Libya throughout 2015 and until spring 2016. Since March, the Misrata militias on the one hand and the militias of the Petroleum Facilities Guard (see below) on the other – both officially supporting al-Serraj's GNA and coordinated by it – in fact instigated a ferocious and successful military campaign against IS, culminating first in a long siege of the remaining IS troops gathered in the center of Sirte and then, thanks to air support from the United States Air Force (summoned by the GNA), in the near total liberation of the city beginning in August 2016. On 13 September 2016, Italy announced the opening of a hospital in Misrata to treat the injured troops fighting IS. Although the IS group is still present in Libya – especially in some parts of Sirte, Derna and the western city of Sabratha, as well as, in all likelihood, in the form of sleeper cells in other parts of the country – its offensive potential in Libya has now been drastically reduced.

The Islamist Groups in Benghazi

The main coalition of armed Islamist groups not belonging to the Islamic State operating in Libya is the Benghazi Revolutionaries Shura Council (BRSC), a military coalition composed of Islamist and jihadist militias created in 2014 in response to General Haftar's "Operation Dignity." As its name indicates, this coalition is headquartered in the central-eastern city of Benghazi, where, to date, clashes with Haftar's Libyan National Army have been particularly intense, and its groups together Ansar al-Sharia, Libya Shield 1, the February 17th Martyrs Brigade and several other Islamist militias. Among BRSC members, Ansar al-Sharia (formed in 2012 by militia members determined to

impose the Islamic law in Libya) is undoubtedly the most numerous and powerful. An ally of al-Qaida in the Islamic Maghreb AQIM and the Al-Mourabitoun group (both also operating in the southern part of the country), as well as Jihadist groups operating in Egypt such as the Mohammad Jamal Network, Ansar al-Sharia leaped to fame for the 2012 attack on the US Consulate in Benghazi and the killing of the American ambassador Christopher Stevens and three other American citizens. Following the fall of Qaddafi, Ansar al-Sharia organized training camps for foreign fighters, above all Tunisians, and worked hard to recruit youth radicalized by Haftar's military campaign. Although the appearance of IS in Libya led to quite a few defections from Ansar al-Sharia – and consequently from BRSC – the group is still able to withstand attacks from Haftar's LNA. And while relations with IS (or what remains of it) are tense because of the latter's attempts to co-opt militants from rival groups, in Benghazi, IS and BRSC have fought together against General Haftar's LNA on some occasions.

Ibrahim Jadhnan's Petroleum Facilities Guards

In the years following the ouster of Qaddafi, the so-called "Petroleum Facilities Guards" (PFG), a militia guided by revolutionary leader Ibrahim Jadhnan, was present in various parts of the country and officially tasked with protecting infrastructure, oil wells, and terminals in Libya. Today the PFG have practically disbanded, but the term is still used to designate the militias, operating mainly in eastern Libya, that are still faithful to Jadhnan. In 2013, the Petroleum Facilities Guard took control of a number of terminals for oil export in Eastern Libya with the purpose of selling crude. This takeover, which lasted nearly a year, is costing the country millions of dollars. On different occasions, the PFG repulsed IS attacks on oil infrastructure, and nowadays Jadhnan supports al-Serraj's Government of National Accord. In spring 2016, it took part with other militias in the GNA-led "liberation" of the town of Sirte from IS.

The Libyan Crisis – Chronology of main events

2011, February – Inspired by revolts in Tunisia and Egypt, protests erupt in Benghazi and spread to other cities. Clashes escalate between anti-Gaddafi rebels and security forces.

2011, March – UNSC authorizes no-fly zone over Libya and air strikes to protect civilians. NATO assumes command.

2011, July – The international Contact Group on Libya recognizes the main opposition group, the National Transitional Council (NTC), as the legitimate government in Libya.

2011, 20 October – Colonel Gaddafi is captured and killed by rebel forces in his hometown Sirte. Plan to hold elections within 8 months are announced by the NTC. In November, Gaddafi's son Saif al-Islam is captured.

2012, January – Clashes erupt between former rebel forces in Benghazi, unhappy with the nature of change under the governing NTC.

2012, 7 July – The General National Congress, a legislative authority, is elected by popular vote and takes power from the NTC on August 8. Tasked with transitioning Libya to a permanent democratic constitution, it is given an 18-month deadline to fulfil this goal. It is dominated by Islamist forces, notably by the Muslim Brotherhood's Libyan party, the Justice and Construction Party.

2012, March – From Benghazi, NTC officials in the oil-rich east launch a campaign to establish autonomy for the region, increasing tension with the central NTC in Tripoli.

2012, August – Transitional Government hands power to the General National Congress elected in July. Mohammed Magarief (liberal National Front Party) is its chairman and interim head of state.

2012, September – Islamist militants, including Ansar al-Sharia, storm the US consulate in Benghazi, killing US ambassador and three other Americans.

2012, October – General National Congress elects Ali Zeidan to the post of Prime Minister.

2013, May – General National Congress chairman Muhammad al-Magariief resigns in compliance with the new law banning Gaddafi-era officials from holding public office. The GNC elects independent MP Nuri Abu Sahmein, a Berber, as chairman.

2013, August – Petroleum Facility Guard militia blockades oil export terminals.

2014, February – General National Congress refuses to disband after its mandate expires. Protests erupt and general Khalifa Haftar appears in televised announcement declaring that the GNC had been dismantled, calling for a caretaker government to oversee new elections. His announcement is dismissed by acting Prime Minister Ali Zeidan, condemning it as a “coup attempt”.

2014, March – Prime Minister Ali Zeidan is sacked by the General National Congress after a tanker laden with oil from a rebel-held port breaks through a Libyan navy blockade. Businessman Ahmed Maiteg is elected Prime Minister.

2014, May – Petroleum Facility Guard militia lifts closure of two oil terminals.

2014, 16 May – Libyan National Army general Khalifa Haftar launches “Operation Dignity” offensive against the General National Congress. The LNA leads a military assault and airstrikes against Islamist militias in Benghazi and tries to seize the parliament building accusing PM Maiteg to be controlled by Islamist groups.

2014, June – PM Maiteg’s appointment is ruled illegal by the supreme court and he resigns. A new parliament is elected (25 June) with a low turn-out and Islamists suffer a heavy defeat. Clashes break out between the new parliament and forces loyal to the outgoing General National Congress.

2014, July – Security situation deteriorates as Tripoli’s islamists and Misratan militias launch “Operation Libya Dawn” to seize the Tripoli international airport, partially destroyed by fighting. UN staff and foreigners are evacuated, embassies shut. Islamist group Ansar al-Sharia seizes control of most of Benghazi.

2014, August – General National Congress, whose mandate has expired, is forced to hold elections to a new House of Representatives, which takes power and replaces it on 4 August. Islamist parties acting under the leadership of Nouri Abusahmain (formerly president of the GNC) use armed groups to take control of Tripoli and declare that the GNC is once again the national parliament, with Abusahmain its “president”.

2014, October – UN-brokered talks between the new parliament, the government based in Tobruk and Islamist Libya Dawn militias holding Tripoli are resumed with visit by UN Secretary-General Ban Ki-moon. Islamic State forces seize control of the port of Derna.

2015, January – UN-sponsored peace talks in Geneva start. Libyan army and the militia alliance in Tripoli declare partial ceasefire.

2015, February – IS releases a video showing the beheading of 21 Egyptian Christians. Egyptian jets bomb IS targets in Derna.

2015, March – IS establishes control over port-city of Sirte and surrounding region. On March 2, the internationally backed House of Representatives (HoR) based in Tobruk officially appoints general Khalifa Haftar commander of the “Libyan National Army”.

2015, 17 December – Both the House of Representatives and the General National Congress sign the UNSC-endorsed “Libyan Political Agreement” (LPA) or “Skhirat Agreement”. Under the terms of the agreement, a nine-member Presidency Council and a seventeen-member interim Government of National Accord would be formed, both headed by Fayez al-Serraj, with a view to holding new elections within two years. The House of Representatives would continue to exist as a legislature and an advisory body, to be known as the High Council of State, will be formed with members nominated by the New General National Congress.

2016, January – UN announces the new, Tunisia-based interim government. Neither Tobruk nor Tripoli parliaments agree to recognize it. IS attacks Ras Lanuf oil terminal.

2016, 30 March – The new, Un-sponsored, “unity” Government of National Accord arrives in Tripoli by boat because opposing forces block airspaces.

2016, April – UN staff returns to Tripoli.

2016, May – Unity government (GNA) leads military campaign to retake the town of Sirte seized by IS a year previously. Misrata militias constitute the majority of the military forces of the GNA in this operation.

2016, September – The Libyan National Army (LNA) led by General Khalifa Haftar seizes key oil export terminals in the east, taking control from the central region’s Petroleum Facilities Guards (PFG), headed by Ibrahim Jathran.

2016, September – Italy announces it will build a hospital in Misrata to support the GNA’s military campaign to retake the town of Sirte from IS. The hospital is operational in October, Italy’s Defense minister Roberta Pinotti announces.

2016, 14 October – A “coup d’état” attempt is conducted by the former head of the Government of National Salvation Khalifa al-Ghawil against the UN-backed Government of National Accord headed by Prime minister Fayez al-Sarraj. The attempted coup d’état failed.

2016, December – GNA authorities declare that IS group is defeated and drawn out from Sirte, its stronghold in Libya.

2017, 9 January – Italy announces re-opening of its embassy in Libya’s capital Tripoli as part of a broader effort to curb migration departures.

2017, 11 January - General Khalifa Haftar is given a tour of a Russian aircraft carrier in the Mediterranean. The event is understood as a show of Kremlin support for the faction leader who

opposes Libya's U.N.-backed Government of National Accord headed by Prime Minister Fayez al-Serraj.

2017, 2 February - GNA Prime Minister Fayez al-Serraj meets President of the European Council Donald Tusk in Brussels. On the same day, he meets High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission Federica Mogherini. Fayez al-Serraj and Italy's Prime Minister Paolo Gentiloni sign a "Memorandum" to "close" the Libya-Italy migration route.

2017, 3 February - Informal meeting in Malta of the EU heads of state to address the "external dimension of migration". Discussion focuses on the Central Mediterranean route and on Libya, in order to step up cooperation with the Libyan authorities to "stem migratory flows, break the business model of smugglers and save lives."

2017, 8 February - The Tobruk-based House of Representatives ("Tobruk parliament") issues a statement calling the recent Memorandum of Understanding signed between the Italian prime minister Paolo Gentiloni and Chairman of the Presidential Council of Libya Fayez Al-Serraj to be "null and void".

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Fighting at Tripoli's international airport was still under way when, in July 2014, the diplomatic missions of European countries, the United States and Canada were shut down. At that time Italy decided to maintain a pied-à-terre in place in order to preserve the precarious balance of its assets in the two-headed country, strengthening security at its local headquarters on Tripoli's seafont. On the one hand there was no forsaking the Mellitah Oil & Gas compound, controlled by Eni and based west of Tripoli. On the other, the Libyan coast also had to be protected to assist the Italian forces

deployed in Libyan waters and engaged in the Mare Nostrum operation to dismantle the human smuggling network between Libya and Italy, as per the official mandate. But the escalation of the civil war and the consequent deterioration of security conditions led Rome to leave as well, in February 2015.

While awaiting the US presidential elections, Europe and America watched but did not intervene, while Turkey, Qatar and Saudi Arabia armed the West, and across the barricades Egypt, UAE and Jordan backed Haftar. Only in Sirte, where the fight against Daesh is still in full swing, have the US, Britain and Italy provided their support to Western Libyan forces on the front line.

Legitimated by the war against Daesh's reign of terror, Italy returned to the forefront in Libya already last October, when it launched the Hippocrates operation to help the wounded in the city of Misrata. Here, many have voiced their objections against alleged “colonialist aspirations”, thus opposing Italy's boots-on-the-ground approach, but the controversy was limited to the popular level, with no political implications.

The decision to reopen the Italian Embassy in Tripoli was announced by the Italian Minister of the Interior Marco Minniti during his official trip to Tripoli on January 9th. Bringing Rome back to the forefront next to prime minister-designate Sarraj was a hasty move, especially in the wake of the election of Donald Trump as the new Republican President of the US - which offers Haftar room to maneuver for a rebound under Russia's protective wing. In the meantime, the RADA armed group – Salafist forces supporting Sarraj – has gathered evidence of a purported involvement of Haftar's men in the attack. But Rome knows that this is a trap and, in order to avoid a war declaration against Haftar, it has announced further investigation into the matter.

Today Libya is nearing collapse: the plunge of oil exports – owing to the fighting between local militias – has compounded the breakdown of the banking system due to corruption, thus giving rise to a serious liquidity crisis which in turn has led to galloping inflation on the currency black market. Public administration salaries are paid

intermittently because of the lack of liquidity and the tertiary sector – the second source of income for the country’s middle class – is strangled by the depreciation of the Libyan dinar. The main source of income in Libya today is illegal trafficking.

Rome is aware of the situation on the ground, but it is evidently unwilling to take a step back and share its leadership on the Libyan territory with other powers. This applies, first and foremost, to France which has never abandoned Haftar since the beginning of the Karama operation against fundamentalist groups in the eastern region of Cyrenaica.

During his visit to Tripoli, Minniti announced that Italy will revive the Friendship Treaty between Italy and Libya signed by Gaddafi and Berlusconi in 2008, which also entails the provision of patrol vessels to the Libyan Coast Guard. In short, Italy will return to Libya four ships that were given by former Interior Minister Roberto Maroni to Tripoli before the revolution, were damaged during fights in 2011, and have been lingering in Italy for repairs since 2012. Due to the political stalemate in Libya, Rome has not returned the ships yet, but Minniti gave assurances that they will soon be handed back to the Sarraj administration.

While Europe trains Libyan coastguardsmen, Italy provides them with the equipment they need. This decision derogates from the UN Security Council resolution that has been in force since 2011 imposing an arms embargo in Libya in the absence of a unity government. Technically, Sarraj’s Presidential Council represents a national unity body, but it lacks executive power because it has not received the Tobruq Parliament’s vote of confidence. But Italy carries on, worried about losing its assets, should its former “overseas backyard” definitely implode.

Rome is also aware of the level of endemic corruption present also within the Libyan Coast Guard. In the framework of Operation Eunavfor Med, sufficient information has been gathered concerning the role of the Coast Guard of Zawiya – a city 50 km west of Tripoli – in migrant smuggling. Abdurahman Milad Aka Al Bija, currently the captain of Zawiya’s Coast Guard, has been controlling

the migrant smuggling business from the West of Tripoli to the border with Tunisia since 2015. This is the stretch of coastline from where most of the over 172 thousand migrants who arrived to Italy in 2016 set out to cross the Mediterranean. Masoud Abdel Samad, Head of the International Cooperation Centre of the Libyan Coast Guard, has stated that soon Libyan coastguardsmen will be able to patrol Mediterranean waters up to 84 miles from the coast, very close to Italian shores, therefore carrying out search and rescue operations for migrants at sea. The issue that remains open is what will happen to the migrants once they are brought back to Libya, which is a transit country – not a country of origin – for migration flows.

Oblivious of the anarchy reigning in Libya today, during his official visit in Tunis at the end of January the Italian Minister of Foreign Affairs Angelino Alfano went even further, stating that Italy intends to sign an agreement with Libya soon, along the lines of the one signed between Europe and Turkey.

Those were incautious words, that immediately resulted in the bolstering of those militias interested in the business of cooperation with Europe on migration. In Tripoli, the armed groups that control detention centers for migrants, and in particular the Triq Siqqa Identification Center, have started to raid the city to gather and imprison migrants for the sole purpose of feeding to the international press and community impressive figures concerning cooperation.

But to Italy this is a minor detail. Clearly the ultimate goal is keeping a close eye on Tripolitania and resisting the shove that may be coming from France through the brand new Washington – Moscow axis. After all, the splitting of Libya is an option on the table, and Italy is aiming for Tripolitania.

Nancy Porsia, Freelance Journalist in Libya

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THE AMERICAN UNIVERSITY IN CAIRO

Forced Migration and Refugee Studies

**AFRICAN TRANSIT MIGRATION THROUGH
LIBYA TO EUROPE: THE HUMAN COST**



Sara Hamood

January 2006

AFRICAN TRANSIT MIGRATION THROUGH LIBYA TO EUROPE: THE HUMAN COST

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Cover painting by the Sudanese artist: *Nezar Mosa Noreen*

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He said that he was detained in *sijn al-tarhil fi-l-Jawazat*, the deportation prison in the Passport Office, along with hundreds of others from different African and Asian countries. An official from the Sudanese Embassy paid a visit to the prison in order to identify the Sudanese nationals, which would have put any Sudanese asylum-seekers at risk. He confirmed that although he did not need to claim asylum and could return safely to Sudan, he thought that there was no possibility of seeking asylum and no one raised this as an option. According to H.J.R., *“It doesn’t make a difference if you have the residence visa or not, since you are trying to leave Libya by boat to Italy, this is considered a reason to remove you from the country. I accept that this happened, because I broke the law.”*

Expulsion from Libya for those who consider themselves to be residing legally in the country appears not to be an isolated incident. O.I., a Sudanese national, described that in 2004 he entered Libya legally by airplane with his passport, which was stamped with an entry visa. When he returned to Sudan several months later, the Libyan authorities stamped his passport with an expulsion stamp. He said that no one explained to him why his voluntary exit from Libya was considered an expulsion by the authorities.

Those interviewed in the context of this study were unable to rationalize the procedure of how the decision to deport a particular person or group of people is taken. The interviews confirmed that there is no individual identification procedure beyond asking the person’s name, parents’ names and country of origin. The explanation of Sudanese national H.S., who spent nearly one year in Libya returning voluntarily in May 2005, reflects the descriptions given by several other interviewees: *“It all depends on the period of time you are there: sometimes it is easy to enter and people arriving by the desert trail, even those without proper documentation, enter from the bawaba (gate); at other times, you must bypass the bawaba and enter illegally. It is not clear what is needed in order to make your stay legal. One day the police will ask you for one particular document, like your passport, and the next day you’ll be asked for something else, say the health certificate. It’s hard to know which is necessary, for whom, when and why.”*

While the Libyan authorities have a legitimate right to deport those residing illegally in the country, it is clear that the current manner in which deportations are carried out fall short of the minimum necessary to ensure that *refoulements* do not occur. The two main deficiencies in the deportation procedure are the lack of a thorough individual assessment and the opportunity for the individual, regardless of his or her country of origin, to access the asylum procedure.

Racial discrimination and religious freedom

Migrants and refugees interviewed in this study articulated the root of many of their problems and their inability to address those problems less in terms of their irregular status but rather in relation to the high degree of racism in Libyan society. The majority of respondents made reference to racism in Libya as one of the aspects which made their life there particularly difficult, suffering bad treatment from members of society and from the security forces as a result.

M.O., a Sudanese asylum-seeker in Italy, explained: *“I was lucky enough to avoid any personal problems but I feared that something would happen to me, that the police would arrest me, since foreigners are blamed for everything.”*

When probed, respondents using the term ‘foreigners’ explained that they specifically meant ‘blacks’. Egyptian respondents also described feeling as though they were treated with contempt by Libyans but their testimonies bore witness to the greater severity of this problem for sub-Saharan Africans.

Typical examples of the problems mentioned by respondents from Sudan and the Horn of Africa are: Libyan youth throwing stones at them or hitting, spitting or insulting them, often shouting ‘*abeed/abd*’ (meaning ‘slave’ in Arabic). Both men and women described facing such harassment when walking in the street or taking public transport. Some respondents made a distinction between the treatment of sub-Saharan Africans by the older and younger generation of Libyans.

A.K., an Ethiopian refugee in Italy, said, *“The older generation are decent but the teenagers are problematic. They don’t let you pass by on the street. Each time you make any movement in your daily life, like going to a shop, you will face a problem.”*

As can be seen from this quote, for this refugee but also for many others, the harassment feels relentless. It also leads to a heightened sense of vulnerability, as expressed by M.A.A., a Somali man recognised as a refugee in Egypt: *“Because we are black we have no rights, anyone can do anything to you”*.

F.H., another Somali refugee in Egypt, said *“Libyans have a separate plate for their black servant and they refuse to eat from it after it has been used from them, they might even throw it away”*.

She had never worked in a Libyan home as a maid but the strength of her statement reveals the perception of many sub-Saharan Africans of the racism in the country. Unsurprisingly therefore, mixing between Libyans and sub-Saharan Africans seems to be minimal, at least in parts of the country (such as Tripoli).

The potential for this racism to have dangerous and even fatal consequences was borne out in 2000, when racist attacks against sub-Saharan Africans led to dozens of deaths and scores of injuries. Disturbances in Tripoli and neighbouring al-Zawiyah soon spread to other parts of the country. Many sub-Saharan Africans found themselves homeless after their homes were burned and looted, forcing them to move to camps, *“where on occasion members of the security forces failed to protect them from further attack. On at least one occasion, there were allegations of police involvement in the attacks”* (Amnesty International, 2001). The attacks were followed by a wave of large-scale repatriations. In 2001 two Libyans, a Ghanaian and four Nigerians were sentenced to death in connection with the attacks. Although these attacks took place in 2000, respondents interviewed in 2005, some five years later, continued to mention them, showing that they remain present in the minds of many sub-Saharan Africans who have since spent time in Libya.

In March 2004 the Committee on the Elimination of Racial Discrimination issued its concluding observations on Libya’s compliance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee expressed its deep concerns about the events in 2000 and called on the Libyan authorities to provide *“detailed information about the number of persons*

who died and their nationality, the results of the inquiry made by the authorities, the prosecution of persons in relation to these events, and sentences, if any, that were pronounced.” It also asked for information about measures previously announced by Libya in response to these events, “in particular the creation of a committee to look into the events and to study all manifestations of xenophobia, as well as measures for the regularization of undocumented migrants”. The Committee further noted the “absence of comprehensive legislation to prevent and prohibit racial discrimination” and the need for awareness raising among the general population and the police and judicial authorities on the issue of racism.

With regard to religious freedom, there is little information about the extent to which adherents to religions other than Islam are able to practise their religion in Libya. The majority of respondents interviewed in this study were Muslim with only a handful of Christians. It is perhaps significant to note that all the Christian respondents felt that they faced increased hostility on account of their religion. It is clear that churches, in which Christians are able to worship, can be found in some of the so-called “open camp-villages”, isolated areas inhabited solely by foreign nationals (European Commission, 2005: 32), in the two main cities of Tripoli and Benghazi and perhaps elsewhere. Nevertheless, there appears to be a sense among at least some Christians of the fragility of their situation. S.L., a southern Sudanese Christian granted humanitarian status in Italy described that “sometimes when you are coming out of the church locals throw stones at you”. An Egyptian Muslim migrant, A.A., said that he heard the Director of the prison in which he was held ordering the prison guards not to beat Egyptians while telling them that “they could do what they liked with Christians”.³⁵

Lack of state protection

A recurring theme which emerged in the majority of interviews was the lack of protection offered by the state to foreigners, regardless of one’s legal status in the country; naturally, those residing illegally are more vulnerable since they do not wish to expose themselves to the authorities. When relating the problems they faced from Libyan society, interviewees regularly described what they saw as a massive disparity between the treatment by police and other state officials of foreigners, particularly sub-Saharan Africans, and that of Libyan nationals. Those interviewed felt that they had no recourse to the police, who would never take action against a Libyan in the case of a dispute between a Libyan and a “black African”.

The two most common problems faced were related to thefts, especially by Libyan youth, and not being paid their salary after having completed their work. M.A.A., a Somali refugee in Egypt, said, “Somalis prefer not working in Libya because they know they will be beaten and humiliated”. M., a Darfurian asylum-seeker in Italy, elaborated further with a somewhat typical response, “Many people work and do not receive their salary at the end. If you ask for your money, they beat you and the police do nothing to help. The police are no better than the citizens, even those with papers receive the same treatment. They always want something from you. It is possible to

³⁵ No Egyptian Christians were interviewed during this study. However, it would be interesting to see whether they share similar feelings of discrimination on the grounds of their religion as those of sub-Saharan African Christians. Further research is required to fully ascertain the level and nature of religious discrimination.