



# **‘BETWEEN LIFE AND DEATH’**

REFUGEES AND MIGRANTS TRAPPED IN LIBYA’S CYCLE OF ABUSE

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**Cover photo:** The bodies of five refugees and migrants were recovered at sea after their boat sank off the coast of the Libyan city of al-Khums on 27 August 2019. Survivors were brought back to Libya by the Libyan Coast Guard to face indefinite and arbitrary detention. © MAHMUD TURKIA/AFP via Getty Images

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# GLOSSARY

<b>“CAMPO”</b>	<b>TERM USED BY REFUGEES AND MIGRANTS TO REFER TO PLACES OF CAPTIVITY MANAGED BY TRAFFICKERS OR SMUGGLERS</b>
<b>DCIM</b>	Libya’s Directorate for Combating Illegal Migration
<b>GACS</b>	Libya’s General Administration for Coastal Security
<b>GNA</b>	Libya’s Government of National Accord
<b>IOM</b>	International Organization for Migration
<b>LCG</b>	Libyan Coast Guard
<b>LNA</b>	Libyan National Army
<b>OHCHR</b>	Office of the UN High Commissioner for Human Rights
<b>UNHCR</b>	UN High Commissioner for Refugees, the UN Refugee Agency
<b>UNSMIL</b>	UN Support Mission in Libya

# 1. EXECUTIVE SUMMARY

**“One night at 3am, some criminals came in our home. They beat my wife. I fought back. They stabbed me in a leg and said, ‘If you move, we shoot her.’ They kidnapped us and took us to a hangar outside of Tripoli. They asked for \$20,000 per person. There were 16 or 17 people in the hangar – from Somalia, Eritrea, Ethiopia. We stayed about 15 days... They beat people. When you arrive, they put you naked, beat the men and rape the women. After two weeks, I took a chance and ran away.”**

“Ahmed”, who endured a litany of human rights abuses in Libya, where he lived between 2017 and 2019, after escaping as a boy from the al-Shabab armed group in Somalia.

Refugees and migrants in Libya are trapped in a cycle of serious human rights violations and abuses including prolonged arbitrary detention and other unlawful deprivation of liberty, torture and other ill-treatment, unlawful killings, rape and other sexual violence, forced labour and exploitation at the hands of state and non-state actors in a climate of near-total impunity.

These are not all new revelations. For years, refugees and migrants, Libyan human rights defenders and activists, journalists, UN bodies, and humanitarian and human rights organizations have been sounding the alarm on the horrific conditions refugees and migrants are forced to endure in Libya. Amnesty International’s previous research consistently showed the shocking range of human rights violations and abuses committed against refugees and migrants in Libya over the past decade. This report also details more recently emerged patterns of abuse, including the transfer of people disembarked in Libya to unofficial places of detention and their subsequent enforced disappearance, as well as the summary deportation of thousands of refugees and migrants from Libya’s eastern region.

The catalogue of cruelty meted out against refugees and migrants in Libya continues unabated, while their suffering has been compounded by movement restrictions imposed since March 2020 to contain the spread of COVID-19, stranding tens of thousands of men, women and children indefinitely in situations of unimaginable horrors.

To investigate the ongoing situation of refugees and migrants in Libya, Amnesty International conducted in-depth interviews with 43 individuals; reviewed official documents, statements and social media accounts managed by Libyan institutions and reports and data issued by UN bodies and national and international organizations; and examined and verified audiovisual material including videos, photographs and satellite

imagery. Amnesty International researchers did not request to visit Libya to carry out research for this report due to movement restrictions in the wake of COVID-19, and primarily carried out interviews between May and September 2020 through remote means. Those interviewed include 32 refugees and migrants who had lived in Libya or were living there at the time of writing, selected on the basis of their willingness to share their experiences. Amnesty International researchers also interviewed 11 others with direct knowledge of the situation of refugees and migrants in Libya and/or access to detention facilities, including staff in human rights and humanitarian organizations, local civil society activists, and journalists. The organization's findings also draw from its long-term monitoring and documentation of the situation of refugees and migrants in Libya. Findings and recommendations were sent to Fathi Baghasha, the Minister of Interior in the Government of National Accord (GNA), and the Permanent Mission of Libya in Geneva. No responses had been received by the time of publication.

The plight of refugees and migrants in Libya is taking place against the backdrop of ongoing armed conflict, insecurity and lawlessness. The struggle for legitimacy, governance and territorial control rages between the UN-backed GNA, in control of most of western Libya, and the self-proclaimed Libyan National Army (LNA), in control of most of eastern Libya – each side supported by a vast array of unaccountable militias and/or armed groups, and backed by foreign powers.

Despite this, the European Union (EU) and its member states continue to implement policies that trap refugees and migrants in Libya. In particular, in an effort to reduce the number of people irregularly arriving in Europe by sea, in recent years, Italy and other EU member states have provided speedboats, training and other assistance to the GNA to enable the Libyan Coast Guard (LCG) and the General Administration for Coastal Security (GACS) to intercept refugees and migrants at sea and then disembark them in Libya. Such support has never been conditioned upon the GNA adopting measures to ensure the respect of the rights of refugees and migrants, and in fact has resulted in the indefinite arbitrary detention of thousands of men, women and children in Libya following their interception at sea.

Between January and mid-September 2020, the LCG disembarked at least 8,435 people in Libya according to the International Organization for Migration. Many have been handed over to the Directorate for Combating Illegal Migration (DCIM), under the ministry of interior, which placed them in centres where they have been subjected to arbitrary and indefinite detention in inhumane conditions. Thousands more remain subjected to enforced disappearance, after their transfer to unofficial detention facilities including one in Tripoli known as the Tobacco Factory (a reference to its former function) controlled by the Public Security Agency, a GNA-affiliated militia under the command of **Emad al-Tarabulsi**, several “data collection and investigations facilities” in Tripoli and Zuwara, under the nominal control of the ministry of interior, and other undisclosed locations. More have been forcibly disappeared after being taken out of DCIM detention centres, where they were initially detained following disembarkation.

Refugees and migrants in Libya are at constant risk of arrest or abduction by security forces, members of militias and armed groups, traffickers, criminal gangs and others engaged in criminal activities. All 32 refugees and migrants interviewed in preparation for this report have been arrested or abducted at least once during their stay in Libya, and many have spent time behind bars in multiple detention facilities. None of the arrests documented by Amnesty International were based on judicial decisions, and those detained, including following disembarkation, had no possibility to challenge the legality of their detention. All 32 refugees and migrants interviewed for this report were also held for ransom at least once, and were tortured, raped or starved until their families secured funds.

**“Dawit”**, a refugee who escaped indefinite forced conscription in his country of origin and sought to reach Europe after suffering a catalogue of abuses in Libya since 2017, recounted his ordeal of being captured by a militia affiliated to the GNA in July 2020:

**“For 15 days, they beat us with iron rods, they beat us with hoses, they beat us with anything they have. They ask us to pay 6,000 Libyan dinars [around \$4,400 at the official rate or around \$940 at the market rate] for each, whether an adult or a baby.”**

Former detainees held in DCIM detention centres in western Libya whom Amnesty International interviewed spent between 15 days and nearly three years behind bars. The length of their detention generally depended on their ability to pay ransom or escape.

Amnesty International found that officials, members of militias and armed groups and traffickers systematically subjected refugees and migrants to inhumane conditions of detention, torture and other ill-treatment, forced labour and other acts of violence. Such crimes were documented at official DCIM detention centres, prisons, nominally under the ministries of justice or interior, and unofficial facilities controlled by militias or armed groups or run by traffickers. Most frequently reported methods of torture

included beatings with tubes, hoses and bars and the administration of electric shocks. Women and girls were at heightened risk of sexual violence and exploitation. Perpetrators, including DCIM officials, tortured and otherwise ill-treated those in their custody to punish and humiliate them or to extract ransom money. Former detainees told Amnesty International that DCIM guards would regularly beat them for complaining about their conditions, “talking back” or sometimes for no apparent reason at all.

“Ikenna”, who fled violence in Nigeria, told Amnesty International that guards at a DCIM centre broke his leg in March 2020 “just for fun”.

Migrants and refugees also told Amnesty International that they suffer from chronic food shortages both in official DCIM detention centres and in other places of captivity.

“Zahra”, a refugee who said she escaped forced labour and violence in her country of origin and reached Libya in 2018, told Amnesty International:

**“In Bani Walid, I was beaten, prevented from eating and drinking so frequently that I wasn’t able to walk and had problems in my kidney. I stayed in Bani Walid for five months. I became sick.”**

Amnesty International received reports of multiple deaths in custody at DCIM detention centres and other places of captivity, amid the failure of the authorities to investigate the circumstances and causes of deaths and bring those responsible to justice.

Seven refugees and migrants, held between 2017 and 2020 at DCIM detention centres, told Amnesty International they witnessed several deaths in custody of friends, family members or other detainees. Eight refugees and migrants interviewed by Amnesty International said they witnessed one or multiple deaths, while being held by traffickers between 2017 and 2020. Witnesses cited gun violence, torture, starvation, denial of medical care and generally poor conditions of detention as causes of death.

In a particularly egregious crime, on 27 May 2020, traffickers in the town of Mazda, 180km south of the capital Tripoli, shot at a group of about 200 refugees and migrants, killing 30 and injuring another 11. In another incident documented by Amnesty International, in July 2020 security forces in the city of al-Khums, 100km west of Tripoli, opened fire at a group of unarmed refugees and migrants attempting to flee detention, leading to three deaths and two injuries.

Refugees and migrants detained in eastern Libya face additional risks of forced returns to neighbouring countries without any due process or the possibility to seek international protection, with at least 5,065 people collectively expelled at land borders in 2020. Some have been left at borders with Sudan and Chad without any food or water.

Even when free from detention, refugees and migrants are also vulnerable to systemic abuse and exploitation by armed groups and militias, and others engaged in criminal activity. They are unable to seek protection from exploitation by unscrupulous employers, who frequently refuse to pay them wages or pay lower amounts than promised. Even when paid, they are vulnerable to being robbed by armed men in the street or at home. They live under constant threat of being forced to work, predominantly in cleaning and construction, for militias and armed groups for little or no money. Women and girls, in particular, are vulnerable to sexual violence from gangs, militias and armed groups, or private individuals, including in their places of employment.

“Zahra” told Amnesty International:

**“The women work as housekeepers, but they often leave work after few days due to the sexual harassment and rape. They are afraid of working in Libyan houses.”**

The economic impact of COVID-19 has dealt a severe blow to the livelihoods of refugees and migrants and their access to employment. Even before the pandemic, many refugees and migrants had limited or no access to adequate housing or health care. Despite their situation of vulnerability, the Libyan authorities and those in de facto control of territory made little effort to ensure their access to information and health care since the spread of COVID-19 in Libya. With the state playing a limited role in providing essential services, refugees and migrants are forced to rely on aid from diaspora communities and humanitarian organizations.

Refugees and migrants are also caught up in armed hostilities. Amnesty International has documented instances of fighters affiliated to both parties to the conflict forcing refugees and migrants to provide support to military operations including carrying weapons and cleaning military bases. “Tony”, a migrant worker from Niger, told Amnesty International that he was forced to carry weapons and equipment captured in Tarhouna by GNA-affiliated forces after the city came under their control on 5 June 2020.



The organization also examined and verified multiple videos that circulated online in 2020 showing fighters affiliated with both parties to the conflict parading, humiliating, beating, insulting and using racial slurs against captured foreign nationals they accused of fighting on behalf of their rivals. In one video that circulated online in May 2020, two fighters identifying themselves as part of the 646 Brigade of the LNA are seen beating and verbally abusing a captured Black man, who was tied up.

Refugees and migrants face rampant racism and xenophobia. Officials, members of militias and armed groups, and private individuals frequently use racist and derogatory language to refer to Black people. Foreign nationals, particularly from sub-Saharan Africa, are blamed for the rise in crime and the spread of diseases including COVID-19, amid the failure of the Libyan authorities to tackle intolerance and abuse. Senior officials are among those who have publicly used racist connotations. In a statement in December 2018, the current Minister of Interior of the GNA, Fathi Bashagha, described three attackers on the ministry of foreign affairs in Tripoli as “having African skin”. Forty-five Libyan NGOs denounced the comments as racist and discriminatory.

Amnesty International found that Libyan officials, members of armed groups and militias, traffickers and criminal gangs are unlawfully killing, torturing, raping and exploiting refugees and migrants with no fear of any consequences. Many of these outrageous crimes are taking place in the public eye, sometimes in broad daylight, showing the blatant disregard for the lives, wellbeing and human dignity of refugees and migrants in Libya. Despite periodic promises by Libyan authorities to address such crimes, most go uninvestigated and unpunished.

The prevailing climate of impunity in Libya is drawn into sharp focus by reports that two men under arrest warrant by the Libyan public prosecution and placed on the UN sanctions list for their alleged role in human trafficking retain official ties to the GNA. **Ahmed al-Dabbashi**, also known as “**al-Amu**”, was seen fighting alongside GNA forces in April 2020, while **Abdelrahman Milad**, also known as “**Bidja**”, worked as an LCG commander at the al-Zawiya oil refinery at the time of writing.

Refugees and migrants refrain from approaching the police or prosecution to lodge complaints or seek protection, fearing arrest, detention, deportation or revenge by perpetrators.

“**Ahmed**” told Amnesty International in July 2020 that going to the police was not an option:

**“If I walk to the [police] station, they tell me to show my passport. If I do not have a passport, they tell me I am an illegal migrant and will be taken to a detention centre... If you go to complain against someone in the police, maybe his cousin or brother is in an armed group and that is why you are afraid for your life and cannot go to the law.”**

All refugees and migrants interviewed by Amnesty International in preparation for this report have faced multiple harrowing violations and abuses throughout their journey and stay in Libya. Temporary border closures and movement restrictions imposed after the outbreak of COVID-19 have further limited their options of finding a safe way out of Libya given the temporary suspension of resettlement and repatriation programmes by UN agencies. But even before the imposition of movement restrictions due to COVID-19, existing evacuation and resettlement programmes were wholly insufficient in providing safe legal pathways out of Libya for the tens of thousands of women, men and children trapped there in horrid conditions. Since 2017, only 5,709 vulnerable refugees benefited from such programmes. This situation effectively means that desperate people have few realistic ways out of Libya but to seek to engage in the dangerous crossing of the central Mediterranean - a path that remains fraught with risks. One refugee who has been in Libya for four years told Amnesty International in August 2020:

**“Right now refugees [are] going to cross the sea... [There is] no evacuation and no resettlement... Refugees in Libya are at risk. [We are] between life and death.”**

Due to enhanced border control, encouraged and supported by EU member states and institutions, the total number of crossings from Libya has plummeted since mid-2017, and this has also resulted in lowering the absolute number of documented drownings – with 424 recorded in 2020 as of mid-September. However, the withdrawal of European rescue assets has led to an increase of the death rate in 2018 and 2019, and has increased the chances of “invisible shipwrecks” taking place and remaining unrecorded.

On 17 August 2020, at least 45 refugees and migrants including five children died in multiple shipwrecks off the coast of Zuwara, 100km west of Tripoli. In one incident, survivors said armed men fired shots at a boat carrying over 80 refugees and migrants, causing the engine to catch fire and the boat to capsize. Some of the refugees and migrants drowned, while others sustained burns. Before undertaking the journey, one refugee, who died in a shipwreck on 17 August 2020, according to his friends, wrote on his Facebook page:

**“We will escape from the homeland. We will run vigorously towards exile, but alienation is also cruel and unbearable. It will eventually suck the nectar of our life.”**

Despite the life-threatening risks, refugees and migrants who were still living in Libya when interviewed by Amnesty International between May and September 2020 said they had attempted crossing the Mediterranean on flimsy boats multiple times, driven by the horrifying human rights violations and abuses suffered in Libya and the shortage of alternative safer pathways out of the country. Each time, they were intercepted by the LCG and returned to Libyan shores to yet again face the same cycle of abuses.

To break this cycle of abuse, the Libyan authorities must end the arbitrary arrest and indefinite detention of migrants and refugees solely on the basis of their migration status, close the immigration detention centres and hold to account those responsible for horrific crimes regardless of their rank or affiliation. Refugees and migrants must be granted access to adequate health care without discrimination, especially during the ongoing pandemic. Parties to the conflict must protect migrants and refugees from torture and other ill-treatment, unlawful deprivation of liberty and other violations of international humanitarian law.

Given the prevalence of human rights violations and abuses against refugees and migrants in Libya in a climate of near absolute impunity, the EU and its member states must completely reconsider their co-operation with Libya on migration, focusing on protecting human rights rather than continuing policies resulting in the containment of people in situations of abuse. They must open safe and legal routes into Europe, including by offering a meaningful number of places for resettlement and alternative pathways to international protection. They must also ensure that refugees and migrants rescued at sea, including by the LCG and/or inside the Libyan Search and Rescue region, are disembarked in a place of safety, which cannot be in Libya, and co-operate with the Libyan authorities towards the prompt identification of suitable places of safety.

## 2. METHODOLOGY

This report is primarily based on research conducted by Amnesty International between May and September 2020. It also draws from the organization's long-term monitoring and documentation of the situation of refugees and migrants in Libya, including interviews carried out in February 2019, and builds upon research findings published in 11 previous Amnesty International reports, issued in 2019<sup>1</sup>, 2018<sup>2</sup>, 2017<sup>3</sup>, 2015<sup>4</sup>, 2013<sup>5</sup>, 2012<sup>6</sup>, 2011<sup>7</sup> and 2010.<sup>8</sup>

In preparation for this report, the organization conducted in-depth interviews with 43 individuals. Those interviewed include 32 refugees and migrants who had lived in Libya or were living there at the time of writing, selected on the basis of their willingness to share their experiences. The organization gathered the testimonies of one individual from Algeria, three from Bangladesh, two from Cameroon<sup>9</sup>, one from Chad, one from Côte d'Ivoire, two from Egypt, two from Ethiopia, five from Eritrea, one from the Gambia, one from Mauritania, one from Niger, two from Nigeria, six from Somalia and four from Sudan.<sup>10</sup> Of these 32 individuals, 27 were men and five were women. Women represented about 15% of refugees and migrants interviewed by Amnesty International. While only an estimated 11% of the overall refugee and migrant population in Libya are women, Amnesty International nonetheless considers that the prevalence of sexual violence against women and girl refugees and migrants in Libya, as previously consistently documented by Amnesty International, other non-governmental human rights and humanitarian organizations and UN bodies, as well as the particular trauma and stigma attached to such abuse, contributed to the challenges of identifying more women willing to be interviewed..<sup>11</sup>

Amnesty International researchers also interviewed 11 individuals with direct knowledge of the situation of refugees and migrants in Libya and/or access to detention facilities, including staff in human rights and humanitarian organizations, local civil society activists, and journalists.

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<sup>1</sup> Amnesty International, *Libya's relentless militia war: Civilians harmed in the Battle for Tripoli, April-August 2019* (Index: [MDE 19/1201/2019](#)), pp. 8-9.

<sup>2</sup> Amnesty International, *Between the devil and the deep blue sea: Europe fails refugees and migrants in the Central Mediterranean* (Index: [EUR 30/8906/2018](#)).

<sup>3</sup> Amnesty International, *Libya's dark web of collusion: Abuses against Europe-bound refugees and migrants* (Index: [MDE 19/7561/2017](#)).

<sup>4</sup> Amnesty International, *'Libya is full of cruelty': Stories of abduction, sexual violence and abuse from migrants and refugees* (Index: [MDE 19/1578/2015](#)).

<sup>5</sup> Amnesty International, *Scapegoats of fear: Rights of refugees, asylum-seekers and migrants abused in Libya* (Index: [MDE 19/007/2013](#)).

<sup>6</sup> Amnesty International, *'We are foreigners, we have no rights': The plight of refugees, asylum-seekers and migrants in Libya* (Index: [MDE 19/020/2012](#)); and Amnesty International, *Libya: Rule of law or rule of militias?* (Index: [MDE 19/012/2012](#)), pp. 35-45.

<sup>7</sup> Amnesty International, *Detention abuses staining new Libya* (Index: [MDE 19/036/2011](#)), pp. 8-11; and Amnesty International, *Battle for Libya: Killings, disappearances and torture* (Index: [MDE 19/025/2011](#)), pp. 79-90.

<sup>8</sup> Amnesty International, *Seeking safety, finding fear: Refugees, asylum-seekers and migrants in Libya and Malta* (Index: [REG 01/004/2010](#)); and Amnesty International, *'Libya of tomorrow': What hope for human rights?* (Index: [MDE 19/07/2010](#)), pp. 91-111.

<sup>9</sup> One person interviewed identified himself as being from "Ambazonia", in reference to the name given to two anglophone regions of Cameroon by separatists who have proclaimed them as an independent state.

<sup>10</sup> Some interviewed individuals identified themselves as being from Darfur rather than Sudan.

<sup>11</sup> See for instance Amnesty International, *'Libya is full of cruelty': Stories of abduction, sexual violence and abuse from refugees and migrants* (Index: [MDE 19/1578/2015](#)); Amnesty International, *Refugees and migrants fleeing sexual violence, abuse and exploitation in Libya*, (Press Release, 1 July 2016), [www.amnesty.org/en/latest/news/2016/07/refugees-and-migrants-fleeing-sexual-violence-abuse-and-exploitation-in-libya/](http://www.amnesty.org/en/latest/news/2016/07/refugees-and-migrants-fleeing-sexual-violence-abuse-and-exploitation-in-libya/); and United Nations Support Mission in Libya (UNSMIL) and Office of the UN High Commissioner for Human Rights (OHCHR), *Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya*, 20 December 2018, [www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf](http://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf); and UNSMIL and OHCHR, *Detained and dehumanised: Report on human rights abuses against migrants in Libya*, 13 December 2016, [www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised\\_en.pdf](http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf) and UNHCR and Mixed Migration Centre, *"On This Journey, No One Cares If You Live or Die": Abuse, protection, and Justice along Routes between East and West Africa and Africa's Mediterranean Coast*, 29 July 2020, [www.unhcr.org/uk/news/press/2020/7/5f1ee9314/thousands-refugees-migrants-suffer-extreme-rights-abuses-journeys-africas.html](http://www.unhcr.org/uk/news/press/2020/7/5f1ee9314/thousands-refugees-migrants-suffer-extreme-rights-abuses-journeys-africas.html)

A total of 43 individuals were interviewed. Interviews with 34 individuals based in Libya, Egypt, Algeria, the UK, Sweden, Malta or Italy were conducted between May and September 2020, over the phone, secure messaging applications and email. Interviews with nine other individuals were conducted in person in February 2019 at the Tunisian Red Crescent Centre in Medenine in the south of Tunisia. The interviews were carried out in Arabic, English and French. The majority of interviews were conducted without the help of interpreters.

All those interviewed for this report requested anonymity, out of concern for their security and/or privacy. As a result, Amnesty International has used pseudonyms for all cases documented in this report and omitted identifying details.

Amnesty International researchers reviewed official documents and statements issued by Libyan institutions, social media accounts managed by them and reports and data issued by UN bodies and national and international organizations. The report draws on data published by the International Organization for Migration (IOM) on mixed migratory flows to and within Libya and the humanitarian needs of refugees and migrants in the country. Amnesty International also examined and analysed audiovisual material including videos, photographs and satellite imagery pertaining to abuses against refugees and migrants.

Amnesty International did not request to visit Libya to conduct research for this report, in light of the border closures and movement restrictions imposed to mitigate the spread of COVID-19. Power cuts and irregular and poor internet connectivity in Libya, especially in the south of the country, limited Amnesty International's ability to conduct lengthy and detailed interviews, in some cases, and reach migrants and refugees in remote areas.

Amnesty International shared the organization's findings and recommendations in writing with Fathi Baghasha, the Minister of Interior in the Government of National Accord and the Permanent Mission of Libya in Geneva in mid-September 2020, requesting comments. No responses had been received by the time of publication.

Amnesty International wrote to the Prime Minister of Italy regarding the Italian authorities' responsibilities for violations in Libya. The response of the Italian Ministry of Foreign Affairs, in a letter dated 2 September 2020, is reflected in this report.<sup>12</sup>

Amnesty International would like to thank all those who contributed to the research, especially the brave women and men who have risked their lives and safety in search for a better future and agreed to share their experiences, as well as all the organizations, human rights defenders and activists who assisted in the research.

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<sup>12</sup> See chapter 4 for further information.

# 3. BACKGROUND

## 3.1 SITUATION IN LIBYA

Libya is fragmented between two entities competing for legitimacy, governance and territorial control: on the one hand, the UN-recognized Government of National Accord (GNA), in control of the capital and most of western Libya, and on the other, the Interim Government supported by the self-proclaimed Libyan National Army (LNA), in control of most of eastern Libya. Each entity is backed by a myriad of militias and/or armed groups, operating with varying degrees of independence and frequently their own command-and-control structures.<sup>13</sup> Both the GNA and LNA claim to rule over parts of southern Libya, while local armed groups exercise effective control on the ground.

In June 2020, the GNA and affiliated militias took control of most of western Libya, after some 14 months of fighting in and around Tripoli triggered by the LNA's military offensive on the capital in April 2019.<sup>14</sup> The LNA forces retreated toward Sirte, some 450km east of Tripoli. Even though both sides declared a ceasefire in August 2020, sporadic fighting continued in parts of western and southern Libya at the time of writing. International actors including Turkey, Russia, Egypt and the United Arab Emirates (UAE) have fuelled the conflict, by providing Libyan rivals with military, diplomatic and tactical support and in some instances supplying arms and other military equipment in breach of the UN arms embargo imposed on Libya since February 2011.<sup>15</sup> Parties on both sides of the conflict have also increasingly used foreign fighters, including mercenaries.<sup>16</sup>

Libya has been marred by conflict since 2011. The intensification of armed hostilities in 2019 and Libya's resulting descent into further chaos and lawlessness has deepened the human rights and humanitarian crisis. Thousands of civilians have been killed or maimed since then.<sup>17</sup> As of June 2020, at least 400,000 people were internally displaced, according to the IOM.<sup>18</sup> The collapse of the judiciary and other state institutions has facilitated the commission of crimes under international law and other serious human rights violations and abuses by state and non-state actors in a climate of total impunity. Throughout the months of August and September 2020, Libyans across the country took to the streets to protest deteriorating economic conditions and corruption.<sup>19</sup>

<sup>13</sup> In this report, the term "militia" is used to refer to an armed formation affiliated to the UN-recognized Government of National Accord (GNA), while "armed group" denotes a non-governmental armed entity that uses armed force to achieve political aims, such as the Libyan National Army (LNA) and its affiliated armed formations. It is difficult, in some cases, to clearly establish the ties of armed formations to the GNA given the frequency of alliance shifting in the Libyan armed conflict and the independence from any central control that some enjoy.

<sup>14</sup> See Amnesty International, *Libya: Retaliatory Attacks against Civilians Must be Halted and Investigated* (Press release, 5 June 2020), [www.amnesty.org/en/latest/news/2020/06/libya-retaliatory-attacks-against-civilians-must-be-halted-and-investigated/](https://www.amnesty.org/en/latest/news/2020/06/libya-retaliatory-attacks-against-civilians-must-be-halted-and-investigated/); Amnesty International, *Libya: Civilians Caught in the Crossfire as Militias Battle for Tripoli* (Press release, 22 October 2019), [www.amnesty.org/en/latest/news/2019/10/libya-civilians-caught-in-the-crossfire-as-militias-battle-for-tripoli/](https://www.amnesty.org/en/latest/news/2019/10/libya-civilians-caught-in-the-crossfire-as-militias-battle-for-tripoli/)

<sup>15</sup> The arms embargo, first established in February 2011 by UN Security Council Resolution 1970, has been repeatedly extended since then, most recently in June 2020.

<sup>16</sup> Amnesty International, *Libya Peace Summit: Berlin Talks must Prioritize Accountability for War Crimes* (Press release, 17 January 2020), [www.amnesty.org/en/latest/news/2020/01/libya-peace-summit-berlin-talks-must-prioritize-accountability-for-war-crimes/](https://www.amnesty.org/en/latest/news/2020/01/libya-peace-summit-berlin-talks-must-prioritize-accountability-for-war-crimes/)

<sup>17</sup> See civilian casualties reports released by UN Support Mission in Libya (UNSMIL), [unsmil.unmissions.org/human-rights-report-civilian-casualties-0](https://unsmil.unmissions.org/human-rights-report-civilian-casualties-0)

<sup>18</sup> International Organization for Migration (IOM), *Libya IDP and Returnee Report, March-April 2020*, 10 June 2020, [displacement.iom.int/system/tidf/reports/DTM\\_R30\\_IDPReturneeReport\\_Final.pdf?file=1&type=node&id=8890](https://displacement.iom.int/system/tidf/reports/DTM_R30_IDPReturneeReport_Final.pdf?file=1&type=node&id=8890)

<sup>19</sup> Amnesty International, *Libya: Heavy weaponry Used to Disperse Peaceful Protesters Demanding Economic Rights* (Press release, 26 August 2020), [www.amnesty.org/en/latest/news/2020/08/libya-heavy-weaponry-used-to-disperse-peaceful-protesters-demanding-economic-rights/](https://www.amnesty.org/en/latest/news/2020/08/libya-heavy-weaponry-used-to-disperse-peaceful-protesters-demanding-economic-rights/), and BBC, "Khalifa Haftar's Rival Libya Government Resigns after Benghazi Protests," 14 September 2020, [www.bbc.com/news/world-africa-54145499](https://www.bbc.com/news/world-africa-54145499)

## 3.2 REFUGEES AND MIGRANTS IN LIBYA

Despite the armed conflict and insecurity, Libya remains both a destination and transit country for foreign nationals fleeing conflict, persecution and poverty, and/or seeking better life opportunities.<sup>20</sup> According to data gathered by IOM's Displacement Tracking Matrix, between March and April 2020, some 600,000 refugees and migrants lived in Libya, mainly from Niger (21%), Egypt (16%), Chad (16%), Sudan (13%) and Nigeria (8%).<sup>21</sup> A total of 46,247 individuals were registered with the UN High Commissioner for Refugees (UNHCR), the UN Refugee Agency, as of September 2020.<sup>22</sup>

According to the Displacement Tracking Matrix data gathered between May and June 2020, adults represented a total of 93% of refugees and migrants in Libya, of whom 89% were men and 11% women. The data also indicated that 24% of refugee and migrant children in Libya were unaccompanied. Nearly half of the migrant and refugee population were concentrated in western Libya (49%), while 28% and 23% lived in eastern and southern Libya, respectively.

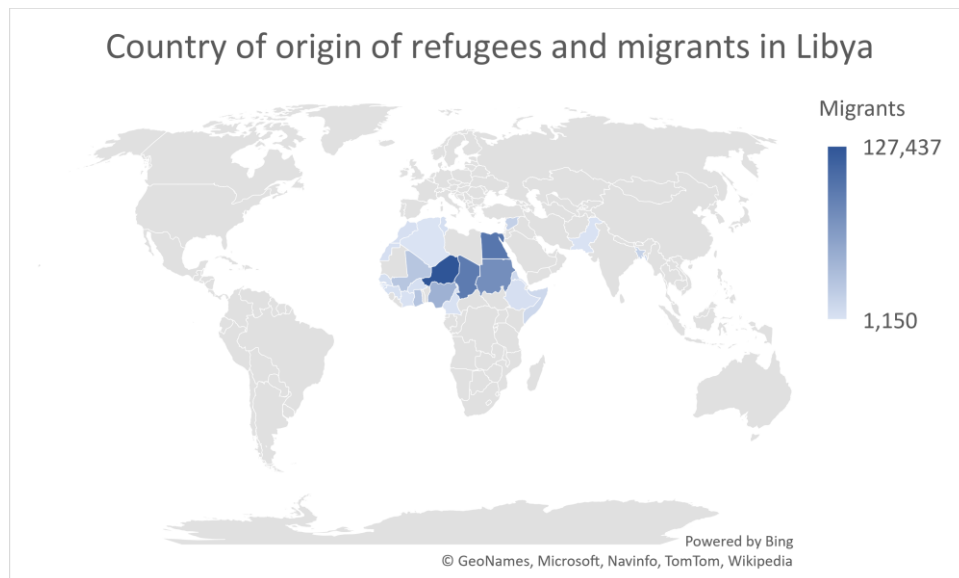


Figure 1: Estimated numbers of refugees and migrants in Libya by country of origin. Source: IOM Displacement Tracking Matrix [Libya - Migrants Baseline Assessment - Round 31]

<sup>20</sup> For more information on historical migration trends in Libya, see Amnesty International, *Libya's dark web of collusion: Abuses against Europe-bound refugees and migrants* (Index: [MDE 19/7561/2017](#)).

<sup>21</sup> The demographic data is based on surveys conducted by the IOM with "Key Informants" in each municipality (*baladiya*), composed of local crisis committee representatives or other representatives from municipality offices (social or submunicipality affairs bureaus). For more details on the methodology, see [displacement.iom.int/system/tmf/reports/Mobility%20Tracking%20Methodology%202017%20V.11%20-%20Mobility%20Tracking%20DTM%20Libya%20%28E....pdf?file=1&type=node&id=7602](https://displacement.iom.int/system/tmf/reports/Mobility%20Tracking%20Methodology%202017%20V.11%20-%20Mobility%20Tracking%20DTM%20Libya%20%28E....pdf?file=1&type=node&id=7602). To consult the data, see IOM, *Displacement tracking matrix | Libya key findings (round 31)*, <https://migration.iom.int/datasets/libya-migrants-baseline-assessment-round-31>.

<sup>22</sup> UN High Commissioner for Refugees (UNHCR), *Operational portal, Refugees situation, Libya*, [data2.unhcr.org/en/country/lby](https://data2.unhcr.org/en/country/lby). The portal also shows the breakdown of nationalities registered by UNHCR. To the best knowledge of Amnesty International, the Libyan authorities have allowed UNHCR to register nationals of Eritrea, Ethiopia, Iraq, the Occupied Palestinian Territories, Sudan, Somalia, Syria, Yemen and South Sudan.

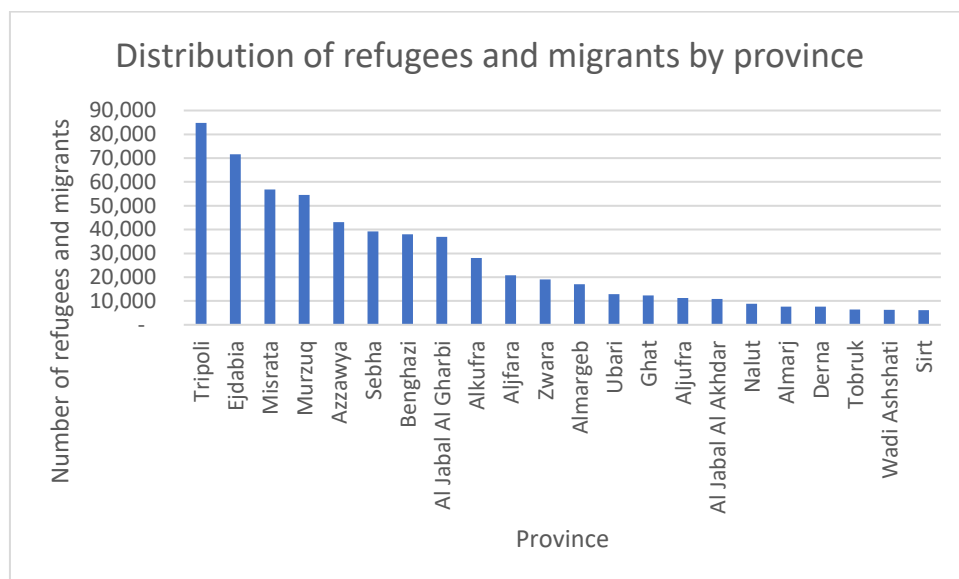


Figure 2: Number of refugees and migrants present in each of the 22 provinces of Libya as of June 2020. Source: IOM Displacement Tracking Matrix data [Libya - Migrants Baseline Assessment - Round 31]

# 4. ROLE OF EU STATES AND INSTITUTIONS

For about two decades, the European Union (EU) and its members states, in particular Italy, have pursued policies aimed at stopping the arrival of refugees and migrants on Europe's coasts. Since 2016, they have given new impetus to co-operation with Libya, to ensure that refugees and migrants are intercepted at sea by EU-supported Libyan authorities and disembarked in Libya. Such co-operation is pursued in a clear attempt to circumvent legal obligations forbidding any state to return people to any country where they are at risk of serious human rights violations, as is certainly the case in relation to foreign nationals returned to Libya.<sup>23</sup>

EU states and institutions have provided the Libyan Coast Guard (LCG) and the General Administration for Coastal Security<sup>24</sup> (GACS) with at least 16 speedboats<sup>25</sup> and with the training of at least 477 personnel,<sup>26</sup> mostly through EU naval operation EUNAVFOR MED Sophia.<sup>27</sup> They have assisted the GNA in the declaration of a Libyan Search and Rescue (SAR) region, which was completed in December 2017 and acknowledged by the International Maritime Organization in June 2018.<sup>28</sup> And they have deployed military and civilian personnel and assets in Libya to assist in the co-ordination of maritime operations.<sup>29</sup> The Italian government has been at the forefront of the implementation of these actions, enjoying the unwavering backing of other EU states and institutions<sup>30</sup> and conspicuous funding from the EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (EUTF).<sup>31</sup>

In parallel, Italy and other EU states have largely withdrawn their naval assets from the central Mediterranean,<sup>32</sup> in order to reduce the likelihood that such vessels would encounter refugee and migrant

<sup>23</sup> See UNHCR, *UNHCR Position on the Designations of Libya as a Safe Third Country and as a Place of Safety for the Purpose of Disembarkation Following Rescue at Sea*, September 2020, [www.refworld.org/docid/5f1edee24.html](http://www.refworld.org/docid/5f1edee24.html)

<sup>24</sup> A body under the ministry of interior responsible for monitoring Libyan coastal waters and maintaining security of movement on coastal areas.

<sup>25</sup> The Italian government delivered four speedboats to Libya in May 2017, and then authorized the provision of 12 more boats in July 2018. See Decreto Legge 10 luglio 2018, n. 84, Disposizioni urgenti per la cessione di unità navali italiane a supporto della Guardia costiera del Ministero della difesa e degli organi per la sicurezza costiera del Ministero dell'interno libici, 10 July 2018, <http://www.gazzettaufficiale.it/eli/id/2018/07/10/18G00111/sg> (in Italian).

<sup>26</sup> EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (EUTF), *Action Document: Support to Integrated border and migration management in Libya - Second phase* (T05-EUTF-NOA-LY-07), undated, [ec.europa.eu/trustfundforafrica/sites/eutf/files/t05-eutf-noa-ly-07.pdf](http://ec.europa.eu/trustfundforafrica/sites/eutf/files/t05-eutf-noa-ly-07.pdf), p. 4.

<sup>27</sup> EUNAVFOR MED Operation Sophia: mandate extended by one year, two new tasks added, 20 June 2016, [www.consilium.europa.eu/en/press/press-releases/2016/06/20/fac-eunavfor-med-sophia/](http://www.consilium.europa.eu/en/press/press-releases/2016/06/20/fac-eunavfor-med-sophia/)

<sup>28</sup> On the declaration of Libya's SAR region and its role in generating a series of "disembarkation crises" in the central Mediterranean, see Amnesty International, *Waves of impunity: Malta's human rights violations and Europe's responsibilities in the central Mediterranean* (Index: EUR 33/2967/2020), chapter 3.

<sup>29</sup> Italian Chamber of Deputies, *Deliberazione del consiglio dei ministri in merito alla partecipazione dell'Italia alla missione internazionale in supporto alla guardia costiera Libica*, 28 July 2017, [www.camera.it/\\_dati/leg17/lavori/documentiparlamentari/IndiceETesti/250/002/INTERO.pdf](http://www.camera.it/_dati/leg17/lavori/documentiparlamentari/IndiceETesti/250/002/INTERO.pdf) (in Italian).

<sup>30</sup> European Council, *Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route*, 3 February 2017, [www.consilium.europa.eu/en/press/press-releases/2017/02/03/malta-declaration/#](http://www.consilium.europa.eu/en/press/press-releases/2017/02/03/malta-declaration/#)

<sup>31</sup> European Commission, *EU Trust Fund for Africa adopts 46 million programme to support integrated migration and border management in Libya*, 28 July 2017, [www.europa.eu/rapid/press-release\\_IP-17-2187\\_en.htm](http://www.europa.eu/rapid/press-release_IP-17-2187_en.htm)

See also EUTF, *Support to Integrated border and migration management in Libya - Second phase*, 13 December 2018, [ec.europa.eu/trustfundforafrica/region/north-africa/libya/support-integrated-border-and-migration-management-libya-second-phase\\_en](http://ec.europa.eu/trustfundforafrica/region/north-africa/libya/support-integrated-border-and-migration-management-libya-second-phase_en)

<sup>32</sup> Of the 146 rescue operations conducted in the central Mediterranean between 1 September 2019 and 29 February 2020, only 25 were carried out by Italian or Maltese assets, while 69 were undertaken by the LCG, 51 by NGOs and one by a merchant vessel. UN Security Council, Report of the Secretary-General, UN Doc. S/2020/275, 6 April 2020, [www.reliefweb.int/sites/reliefweb.int/files/resources/S\\_2020\\_275\\_E\\_O.pdf](http://www.reliefweb.int/sites/reliefweb.int/files/resources/S_2020_275_E_O.pdf), para. 5 and footnote 2.



boats in distress at sea, which would compel them under international law not only to rescue them, but also to disembark them in a place of safety, usually in Europe.<sup>33</sup> EU naval operations EUNAVFOR MED Sophia and Irini,<sup>34</sup> as well as Joint Operations Triton and Themis by the European Border and Coast Guard Agency (Frontex),<sup>35</sup> which had previously played a significant role in rescuing refugees and migrants at sea, have refocused their activities and have either withdrawn their ships or placed them in areas where they are unlikely to be called to intervene. To circumvent the prohibition to instruct private vessels to disembark refugees and migrants in Libya, EU states receiving distress calls have increasingly deferred their co-ordination to the Libyan authorities – which, since the establishment of the Libyan SAR region, are competent to assume responsibility to co-ordinate operations in that area – in the full knowledge that these would instruct private vessels to proceed to Libya. In addition, to minimize disembarkations of people rescued from drowning by NGO ships, which rightfully refuse to return them to Libya, Italy and other EU states have publicly stigmatized their legitimate work and taken several actions, including boat seizures, criminal investigations and the imposition of burdensome administrative requirements, to hamper their capacity to carry it out.<sup>36</sup>

European support has boosted the capacity of Libyan border control agencies to patrol the central Mediterranean, intercept refugees and migrants attempting the sea crossing towards Europe, and bring them back to Libya to face arbitrary and indefinite detention and other violations and abuses. Between 1 January and 14 September 2020, the LCG intercepted at least 8,435 migrants and refugees at sea, returned them to Libyan shores and handed them over for detention.<sup>37</sup> This has brought the total of those captured while attempting to cross the Mediterranean to Europe's southern borders<sup>38</sup> since 2016, when EU support started, to over 60,000.<sup>39</sup> At the same time, the number of people reaching Italy and Malta by boat has dropped. It plummeted from 181,461 in 2016 to 14,877 in 2019.<sup>40</sup> While it has increased in 2020, reaching 23,182 as of 14 September,<sup>41</sup> this is largely due to an increase in departures from Tunisia in July, linked to the economic impact of the COVID-19 pandemic in the country; arrivals from Libya remained far below the numbers recorded between 2014 and 2017.<sup>42</sup>

European co-operation with Libya has therefore achieved, at least temporarily, the objective of drastically reducing the number of people attempting the crossing from Libya.

The drop in departures has contributed to a significant decrease in deaths at sea. Over the same period, recorded deaths at sea dropped, from 4,581 in 2016 to 1,262 in 2019, with 424 deaths recorded in 2020 as of 15 September.<sup>43</sup> However, it should be noted that the reduced presence of European rescue ships means that fatal shipwrecks are more likely not to be recorded, so numbers of deaths in recent years may not be as

<sup>33</sup> International Convention on Maritime Search and Rescue, 1979, Annex, para. 1.3.2, para. 3.1.6.4 and para. 3.1.9 (as amended); International Convention for the Safety of Life at Sea, 1974, Chapter V, Reg. 33, para. 1.1 (as amended). See also International Maritime Organization, Resolution MSC. 167(78), Guidelines on the Treatment of Persons Rescued at Sea, 20 May 2004.

<sup>34</sup> EU joint naval operation EUNAVFOR MED Sophia was left without ships for its last year of existence, between 2019 and early 2020. In March 2020, it was replaced with another naval operation, called EUNAVFOR MED Irini, with the primary task of monitoring the enforcement of the arms embargo on Libya and the additional tasks of preventing the illicit export of petroleum from Libya, training LCG personnel and tackling smuggling and trafficking in human beings. Irini's naval assets are deployed with the explicit provision that they will be withdrawn if their deployment "produces a pull effect on migration". Council of the European Union, Council Decision (CFSP) 2020/472 on a European Union military operation in the Mediterranean (EUNAVFOR MED IRINI), 31 March 2020, Article 8(3).

<sup>35</sup> Frontex Joint Operation Triton was launched in November 2014, coinciding with the end of Italy's Operation Mare Nostrum. In May 2015 its operational plan was amended, expanding its operational area and deploying additional personnel, vessels and aircrafts to respond to recent shipwrecks. Frontex, *Frontex expands its Joint Operation Triton*, 26 May 2015, [reliefweb.int/report/italy/frontex-expands-its-joint-operation-triton](https://reliefweb.int/report/italy/frontex-expands-its-joint-operation-triton).

Triton was then replaced by Joint Operation Themis in February 2018. Frontex, Main operations, Themis (Italy) [frontex.europa.eu/along-eu-borders/main-operations/operation-themis-italy/](https://frontex.europa.eu/along-eu-borders/main-operations/operation-themis-italy/) (accessed on 17 September 2020).

<sup>36</sup> Amnesty International, *Punishing compassion: Solidarity on trial in fortress Europe* (Index: [EUR 01/1828/2020](https://www.amnesty.org/en/documents/EUR01/1828/2020/)).

<sup>37</sup> IOM Libya, Twitter post, 14 September 2020, [twitter.com/IOM\\_Libya/status/1305536056733859841/photo/1](https://twitter.com/IOM_Libya/status/1305536056733859841/photo/1)

<sup>38</sup> For further information, see UNHCR, *Libya: Activities at Disembarkation, monthly update August 2020*, [reliefweb.int/sites/reliefweb.int/files/resources/2020\\_08\\_LBY\\_UNHCR\\_Disembarkation.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/2020_08_LBY_UNHCR_Disembarkation.pdf)

<sup>39</sup> According to UNHCR, the LCG intercepted a total of 14,332 people in 2016 ([reliefweb.int/report/libya/libya-rescue-sea-overview-2016](https://reliefweb.int/report/libya/libya-rescue-sea-overview-2016)), 15,358 people in 2017 ([data2.unhcr.org/en/documents/details/61535](https://data2.unhcr.org/en/documents/details/61535)), 15,235 people in 2018 ([data2.unhcr.org/en/documents/details/67499](https://data2.unhcr.org/en/documents/details/67499)), 9,035 in 2019 ([data2.unhcr.org/en/documents/details/73284](https://data2.unhcr.org/en/documents/details/73284)) and 7,825 in 2020 (as of 9 September, [reliefweb.int/report/libya/unhcr-update-libya-11-september-2020-enar](https://reliefweb.int/report/libya/unhcr-update-libya-11-september-2020-enar)).

<sup>40</sup> Amnesty International's evaluation of data from UNHCR, Operational portal, Mediterranean situation, [www.data2.unhcr.org/en/situations/mediterranean#](https://www.data2.unhcr.org/en/situations/mediterranean#) and [www.unhcr.org/mt/wp-content/uploads/sites/54/2020/05/Malta-Sea-Arrivals-and-AsylumStatistics\\_2019\\_UNHCRFactsheet\\_allyear.pdf](https://www.unhcr.org/mt/wp-content/uploads/sites/54/2020/05/Malta-Sea-Arrivals-and-AsylumStatistics_2019_UNHCRFactsheet_allyear.pdf)

Note that, while the majority of arrivals are from Libya, this total also includes arrivals from other countries, including Tunisia, Egypt and Algeria.

<sup>41</sup> Amnesty International's evaluation of data from UNHCR, Operational portal, Mediterranean situation, [data2.unhcr.org/en/situations/mediterranean](https://data2.unhcr.org/en/situations/mediterranean) (accessed on 15 September 2020).

<sup>42</sup> UNHCR, Operational portal, Mediterranean situation, [data2.unhcr.org/en/situations/mediterranean](https://data2.unhcr.org/en/situations/mediterranean) (accessed on 15 September 2020).

<sup>43</sup> IOM, Missing migrants portal, Central Mediterranean, Fatalities by month, [missingmigrants.iom.int/region/mediterranean?migrant\\_route%5B%5D=1376](https://missingmigrants.iom.int/region/mediterranean?migrant_route%5B%5D=1376) (accessed on 15 September 2020).

low as official figures indicate.<sup>44</sup> In addition, the withdrawal of European rescue ships has impacted the chances of survival of those attempting the crossing, contributing to an increase of the death rate in 2018 and 2019.<sup>45</sup>

What is more, the reduction in irregular crossings has been achieved at a high cost, paid by the tens of thousands of women, men and children intercepted at sea and disembarked in Libya. Indeed, the EU-sponsored containment of refugees and migrants in Libya has exposed them, and continues to expose them, to serious harm. As highlighted in the following chapters of this report, the disembarkation of foreign nationals in Libya continues to result in their arbitrary detention, in their torture or other ill-treatment, in their exploitation, and, in some more recent instances, even in their transfer to unofficial detention centres and subsequent enforced disappearance.<sup>46</sup>

EU states and institutions have continued to assist Libyan authorities, in ways that have enabled them to contain people in the country, while being fully aware of the continuing abuses perpetrated against refugees and migrants. The widespread and systematic nature of such violations and abuses – as well as the endemic collusion between state officials and members of militias and criminal gangs, so often resulting in the abuse of refugees and migrants – has been long documented by international organizations,<sup>47</sup> NGOs<sup>48</sup> and courts.<sup>49</sup> Even the Council of the European Union<sup>50</sup> found in September 2019:

**“The government has continued to arbitrarily detain migrants, many of whom are in a vulnerable position. The centres suffer from overcrowding and the conditions are poor... Severe human rights violations have been widely reported. Some of the detention centres are alleged of having links to human trafficking. There is no proper registration system for migrants. Serious cases of corruption and bribery in the centres have been detected. Another major issue is that of migrants and refugees rescued or intercepted at sea being transferred to detention centres and the lack of traceability, transparency and accountability. Limited registration is carried out by the LCG at disembarkation points but disappearances are regularly reported by humanitarian actors. The Libyan government has not taken steps to improve the situation in the centres. The government’s reluctance to address the problems raises the question of its own involvement.”<sup>51</sup>**

Albeit fully aware of the situation, EU states and institutions have continued to engage in this co-operation without conditioning their support upon the adoption by Libya of the radical measures needed to ensure that EU assistance would not facilitate further abuse, starting with the end of the policy of arbitrarily detain refugees and migrants. Indeed, reassured by their success in reducing departures from Libya, in 2020 Italy and other EU states and institutions have continued implementing the same policies of containment.

<sup>44</sup> IOM, *COVID-19 Control Measures, Gap in SaR Capacity Increases Concern About ‘Invisible Shipwrecks’* (Press release, 20 May 2020), [www.iom.int/news/covid-19-control-measures-gap-sar-capacity-increases-concern-about-invisible-shipwrecks](http://www.iom.int/news/covid-19-control-measures-gap-sar-capacity-increases-concern-about-invisible-shipwrecks)

<sup>45</sup> ISPI dataset, [www.docs.google.com/spreadsheets/d/1ncHx0Hlx4ptt4YFYXgGi9Tlbwd53HaR3oFbrfBm67ak4/edit#gid=0](https://www.docs.google.com/spreadsheets/d/1ncHx0Hlx4ptt4YFYXgGi9Tlbwd53HaR3oFbrfBm67ak4/edit#gid=0) (accessed on 15 September 2020).

<sup>46</sup> See section 5.1.

<sup>47</sup> See, among many others, UN, *Report of the Secretary-General António Guterres on the United Nations Support Mission in Libya*, 15 January 2020, [unsmlil.unmissions.org/sites/default/files/sg\\_report\\_to\\_sc\\_15\\_january\\_2020\\_eng.pdf](https://unsmlil.unmissions.org/sites/default/files/sg_report_to_sc_15_january_2020_eng.pdf); UN Security Council, *Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011)*, UN Doc. S/2017/466, 1 June 2017,

[www.un.org/ga/search/view\\_doc.asp?symbol=S/2017/466](http://www.un.org/ga/search/view_doc.asp?symbol=S/2017/466); UNSMIL and Office of the UN High Commissioner for Human Rights (OHCHR), *Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya*, 20 December 2018,

[www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf](http://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf); and UNSMIL and OHCHR, *Detained and dehumanised: Report on human rights abuses against migrants in Libya*, 13 December 2016,

[www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised\\_en.pdf](http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf)

<sup>48</sup> See, among many others, Amnesty International, *Libya’s dark web of collusion: Abuses against Europe-bound refugees and migrants*, December 2017, [www.amnesty.org/en/documents/mde19/7561/2017/en/](http://www.amnesty.org/en/documents/mde19/7561/2017/en/); Amnesty International, ‘Libya is full of cruelty’: Stories of abduction, sexual violence and abuse from refugees and migrants, 11 May 2015,

[www.amnesty.org/download/Documents/MDE1915782015ENGLISH.pdf](http://www.amnesty.org/download/Documents/MDE1915782015ENGLISH.pdf); Amnesty International, *Scapegoats of fear: Rights of refugees, asylum-seekers and migrants abused in Libya*, 20 June 2013, [www.amnesty.org/en/documents/MDE19/007/2013/en/](http://www.amnesty.org/en/documents/MDE19/007/2013/en/); Human Rights Watch, *No Escape from Hell: EU Policies Contribute to Abuse of Migrants in Libya*, January 2019, [www.hrw.org/report/2019/01/21/no-escape-hell/eu-policies-contribute-abuse-migrants-libya](http://www.hrw.org/report/2019/01/21/no-escape-hell/eu-policies-contribute-abuse-migrants-libya); and Médecins Sans Frontières, *Libya: Open letter – European governments are feeding the business of suffering*, 6 September 2017, [www.msf.org/en/article/libya-open-letter-european-governments-are-feeding-business-suffering](http://www.msf.org/en/article/libya-open-letter-european-governments-are-feeding-business-suffering)

<sup>49</sup> For example, in May 2020 a court in Messina, Italy, sentenced three men to 20 years’ imprisonment for torture and other serious crimes inflicted in Libya on refugees and migrants who subsequently managed to reach Italy and identified the three men during the journey. *Avvenire*, ‘Migranti: Condannati a Messina tre torturatori arruolati in Libia dagli uomini di Bija’, 28 May 2020,

<http://www.avvenire.it/attualita/pagine/condannati-a-messina-tre-torturatori-arruolati-in-libia-dagli-uomini-di-bija>

<sup>50</sup> The Council of the European Union is the EU institution representing the member states’ governments; it is where national ministers from each EU country meet to adopt laws and co-ordinate policies.

<sup>51</sup> Note from the Council Presidency to national delegations; *Libya and the surrounding area: current situation and need for immediate action*, (LIMIT doc no. 115381), 4 September 2019, [www.statewatch.org/media/documents/news/2019/sep/eu-council-libya-11538-19.pdf](http://www.statewatch.org/media/documents/news/2019/sep/eu-council-libya-11538-19.pdf)

In February 2020, the memorandum of understanding between Italy and Libya<sup>52</sup> underpinning the provision of support by Italy to Libyan maritime authorities stopping boats at sea and returning people to detention centres was extended for another three years.<sup>53</sup> Responding to criticism by civil society, the Italian government suggested that the memorandum of understanding might be modified to emphasize the need to improve human rights protection of refugees and migrants. While proposed amendments would ameliorate the original text, they still fall far short of what is necessary, particularly as they still assume that people intercepted at sea would continue to be disembarked in Libya and only aim at the gradual closure of detention centres in Libya, in an undetermined future. Once again, the proposed amendments fall short of conditioning any further co-operation upon the immediate closure of all detention centres and the release of all refugees and migrants held there arbitrarily. As a matter of fact, Italy did not even condition continuing co-operation upon Libya's acceptance of the proposed amendments. On the contrary, on 16 April 2020 the Italian Ministry of Interior ordered an Italian shipyard to build six small patrol vessels, at a cost of 1.6 million euros, to be donated to Libya, even though the Libyan authorities had not accepted the amendments to the memorandum.<sup>54</sup> In a letter to Amnesty International, the Italian Ministry of Foreign Affairs emphasized that "following Foreign Minister Di Maio's visit to Tripoli on the 24th June, Italy and Libya have undertaken a comprehensive review of their framework of collaboration. On July 2nd a meeting of the Italian-Libyan joint commission met in order to start the negotiation and to achieve a convergence between the two Countries' positions."<sup>55</sup> However, as of 17 September 2020 the two governments had not released any information on the outcome of these discussions. In any case, amendments proposed by Italy appear to be greatly insufficient, as they continue to focus on the "progressive closure of migrants centres" (emphasis added), as well as on the enhanced access and involvement of UNHCR and IOM in the management of refugees and migrants in Libya,<sup>56</sup> which again would be beneficial but remain largely tokenistic if systemic abuse is not halted and accounted for. Meanwhile, on 16 July 2020, the Italian Senate approved the extension for another year of military missions aiming at assisting Libyan border control authorities, including through the continuing deployment of Italian military and civilian personnel and assets in Libya. The same day, the Italian Minister of Interior, Luciana Lamorgese, visited Tripoli to donate vehicles to Libyan authorities and emphasize the need to accelerate co-operation on border control.<sup>57</sup>

Another EU country keen on co-operating with Libya to prevent arrivals by sea regardless of the human rights consequences is Malta. In the first half of 2020, Maltese authorities were implicated in multiple failures to respect and protect the rights of refugees and migrants at sea, in a clear attempt to further outsource control of the central Mediterranean to Libyan authorities. Under Maltese co-ordination, people were pushed back to Libya, left stranded at sea in danger of drowning, and unlawfully detained for weeks on board private vessels meant for brief pleasure cruises.<sup>58</sup> On 28 May 2020, the Maltese Prime Minister and the Prime Minister of the GNA signed a new memorandum of understanding between the two countries "in the field of combatting illegal immigration".<sup>59</sup> The scope of the document is fairly limited, as it only promises the setting up of two co-ordination centres in Valletta and Tripoli, which were inaugurated on 6 July. The centres are expected to "offer the necessary support relating to combatting illegal immigration in Libya and the Mediterranean region",<sup>60</sup> signalling a clear, albeit implicit, intention to enhance co-operation leading to disembarkation of refugees and migrants in Libya. Through the memorandum, Malta also commits to co-ordinating with the EU to "propose funding towards additional maritime assets necessary for the interception and follow up of human trafficking activities in the search and rescue region in the Mediterranean basin".<sup>61</sup>

<sup>52</sup> Memorandum of understanding on co-operation in the fields of development, the fight against illegal immigration, human trafficking and fuel smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic, 2 February 2017, [www.governo.it/sites/governoNEW.it/files/Libya.pdf](http://www.governo.it/sites/governoNEW.it/files/Libya.pdf) (in Italian); an unofficial translation in English is available at <http://www.statewatch.org/news/2017/oct/itmemorandum-of-understanding-libya-migration-deal.pdf>

<sup>53</sup> Camera dei Deputati, Resoconto stenografico dell'Assemblea, Seduta n. 249, 30 October 2019, [http://www.camera.it/leg18/410?idSeduta=0249&tipo=stenografico#sed0249\\_stenografico.tit00010.sub00020.int00040](http://www.camera.it/leg18/410?idSeduta=0249&tipo=stenografico#sed0249_stenografico.tit00010.sub00020.int00040) (in Italian). See also Amnesty International, *Libya: Renewal of migration deal confirms Italy's complicity in torture of migrants and refugees* (Press release, 30 January 2020), [www.amnesty.org/en/latest/news/2020/01/libya-renewal-of-migration-deal-confirms-italys-complicity-in-torture-of-migrants-and-refugees/](http://www.amnesty.org/en/latest/news/2020/01/libya-renewal-of-migration-deal-confirms-italys-complicity-in-torture-of-migrants-and-refugees/)

<sup>54</sup> Ministero dell'Interno, Direzione Centrale Immigrazione e Polizia delle Frontiere, Decreto del Direttore Centrale, 16 April 2020, <http://www.poliziadistato.it/statics/02/dm-aggiudicazione-prot.pdf> (in Italian).

<sup>55</sup> Italian Ministry of Foreign Affairs, Letter to Amnesty International from the Director General for Political and Security Affairs, 2 September 2020. See also Italian Ministry of Foreign Affairs, Riunione del Comitato misto italo-libico, 2 July 2020, [www.esteri.it/mae/it/sala\\_stampa/archivionotizie/comunicati/2020/07/riunione-del-comitato-misto-italolibico.html](http://www.esteri.it/mae/it/sala_stampa/archivionotizie/comunicati/2020/07/riunione-del-comitato-misto-italolibico.html) (in Italian).

<sup>56</sup> Italian Ministry of Foreign Affairs, Letter to Amnesty International from the Director General for Political and Security Affairs, 2 September 2020.

<sup>57</sup> Italian Ministry of Interior, Mission to Libya of Interior minister Luciana Lamorgese (*Missione in Libia del ministro dell'Interno Luciana Lamorgese*), 16 July 2020, [www.interno.gov.it/it/notizie/missione-libia-ministro-dell'interno-luciana-lamorgese](http://www.interno.gov.it/it/notizie/missione-libia-ministro-dell'interno-luciana-lamorgese) (in Italian).

<sup>58</sup> Amnesty International, *Waves of Impunity: Malta's human rights violations and Europe's responsibilities in the central Mediterranean*, 8 September 2020, [www.amnesty.org/download/Documents/EUR3329672020ENGLISH.PDF](http://www.amnesty.org/download/Documents/EUR3329672020ENGLISH.PDF)

<sup>59</sup> Memorandum of Understanding between the Government of National Accord of the State of Libya and the Government of the Republic of Malta in the field of combatting illegal immigration, signed in Tripoli on 28 May 2020, [www.independent.com.mt/file.aspx?f=206640](http://www.independent.com.mt/file.aspx?f=206640)

<sup>60</sup> Memorandum of Understanding Libya-Malta, Article 1.

<sup>61</sup> Memorandum of Understanding Libya-Malta, Article 5.

The document does not clarify what such “follow up” would consist of, nor to which “search and rescue region” it refers, and lacks virtually any reference to concrete guarantees to avoid human rights abuses.

EU institutions have played a key role in the definition and execution of this strategy. While significant resources have been invested in projects aimed at alleviating the suffering of refugees and migrants stranded in Libya, and remain central to EU public communications on the topic, other EU actions have nonetheless facilitated and perpetuated the described policy of containment. Many co-operation activities listed above as implemented by Italian authorities are in fact funded by the EU, through the EUTFA. In particular, through its project “Support to integrated border and migration management in Libya” (IBM project), launched in July 2017 with EUTFA funding totalling 91.3 million euros, the EU has concretely implemented this strategy.<sup>62</sup> In July 2020, the European Commission reallocated part of the funding previously earmarked for border control programmes. However, it also recommitted to continue implementing such programmes. In a new “action document”, it detailed how it would develop actions moving forward – supporting the LCG, providing boats and training, working to enhance Libya’s capability to maintain the speedboats, and assisting with the establishment of a “mobile” Libyan maritime rescue co-ordination centre – once again without conditioning such support upon enforceable human rights guarantees.<sup>63</sup> In addition, aerial assets operating on behalf of Frontex or EUNAVFOR MED Sophia and Irini have played an increasingly important role in monitoring the situation at sea, including well into the Libyan SAR region, and communicating the presence of refugee and migrant vessels at sea to the Libyan authorities; meanwhile the few remaining ships of European navies have been kept well away from areas where refugee and migrant boats often encounter problems. Frontex and EUNAVFOR MED’s activity has the evident aim of ensuring that the LCG can intercept people at sea and return them to Libya, notwithstanding the fact that Libya cannot be considered as a place of safety.<sup>64</sup> The European Commission and Frontex emphasize that communicating the position of boats in distress to the relevant maritime rescue co-ordination centres is a duty under international law to facilitate a prompt rescue.<sup>65</sup> While acknowledging such an obligation, Amnesty International considers that triggering interception operations that systematically result in the disembarkation in Libya of affected people and subsequently in their arbitrary detention and ill-treatment, while refraining from adopting measures to credibly mitigate such negative outcome, cannot be considered in line with other obligations binding on EU member states, in particular under human rights and refugee law. As stated by UNHCR in September 2020: “Where a State’s coordination or involvement in a SAR operation, in view of all the relevant facts, is likely to determine the course of events... the concerned State’s negative and positive obligations under applicable international refugee and human rights law, including non-refoulement, are likely to be engaged.”<sup>66</sup>

Amnesty International continues to hold that, in consciously co-operating with Libya in ways that result in trapping people in a situation of extreme danger, EU states and institutions are acting in violation of their own international obligations, including in particular the prohibition to assist another state in the commission of internationally wrongful acts.<sup>67</sup> Italy’s ongoing support to Libya, in particular, is instrumental in enabling and instigating horrific abuses by Libyan authorities against refugees and migrants upon return to Libya, detailed in the remainder of this report. Such involvement, although framed and realized in ways that clearly aim at circumventing international obligations, should not be without consequence.

<sup>62</sup> EUTFA, “Libya”, [ec.europa.eu/trustfundforafrica/region/north-africa/libya](https://ec.europa.eu/trustfundforafrica/region/north-africa/libya) (accessed on 15 September 2020). See also Amnesty International and others, *EU: Time to review and remedy cooperation policies facilitating abuse of refugees and migrants in Libya*, Joint statement, 27 April 2020, [www.amnesty.eu/wp-content/uploads/2020/04/EUR-01-2217-2020-Joint-statement-on-EU-financial-responsibility-24-4.pdf](https://www.amnesty.eu/wp-content/uploads/2020/04/EUR-01-2217-2020-Joint-statement-on-EU-financial-responsibility-24-4.pdf)

<sup>63</sup> EUTFA, *Action Document: Support to Integrated border and migration management in Libya - Second phase* (T05-EUTF-NOA-LY-07), [www.ec.europa.eu/trustfundforafrica/sites/euetfa/files/t05-eutf-noa-ly07.pdf](https://www.ec.europa.eu/trustfundforafrica/sites/euetfa/files/t05-eutf-noa-ly07.pdf)

<sup>64</sup> Amnesty International, *Waves of Impunity: Malta’s human rights violations and Europe’s responsibilities in the central Mediterranean*, 8 September 2020, [www.amnesty.org/download/Documents/EUR3329672020ENGLISH.PDF](https://www.amnesty.org/download/Documents/EUR3329672020ENGLISH.PDF)

<sup>65</sup> European Commission, Letter to Amnesty International by European Commissioner for Home Affairs, Ylva Johansson, 13 July 2020. In a letter by the then Director-General for migration and home affairs of the European Commission, Paraskevi Michou, leaked by media in early 2020, the notification of sightings to the Libyan authorities was presented as a duty under Article 4.3 of the SAR Convention: “Any search and rescue unit receiving information of a distress incident shall initially take immediate action if in the position to assist and shall, in any case without delay, notify the rescue coordination centre or rescue subcentre in whose area the incident has occurred.” *The Guardian*, “Revealed: The great European refugee scandal”, 12 March 2020, [www.theguardian.com/world/2020/mar/12/revealed-the-great-european-refugee-scandal](https://www.theguardian.com/world/2020/mar/12/revealed-the-great-european-refugee-scandal)

<sup>66</sup> UNHCR, *UNHCR Position on the Designations of Libya as a Safe Third Country and as a Place of Safety for the Purpose of Disembarkation Following Rescue at Sea*, September 2020, [www.refworld.org/docid/5f1edee24.html](https://www.refworld.org/docid/5f1edee24.html)

<sup>67</sup> Amnesty International and Human Rights Watch, *Italy: Submission to the European Court of Human Rights*, 13 November 2019, [www.amnesty.org/en/documents/eur30/1398/2019/en/](https://www.amnesty.org/en/documents/eur30/1398/2019/en/)



# 5. UNLAWFUL DEPRIVATION OF LIBERTY



Refugees and migrants returned to Libya on 18 February 2020 following interception at sea © MAHMUD TURKIA/AFP via Getty Images.

Refugees and migrants in Libya are at constant risk of arrest or abduction by security forces,<sup>68</sup> members of militias and armed groups, traffickers and others engaged in criminal activity. None of the arrests documented by Amnesty International were based on judicial decisions, and those detained had no opportunity to challenge the legality of their detention.

After being apprehended by security forces, members of militias and armed groups, traffickers or even private individuals, some refugees and migrants are taken to official places of detention under the control of the Directorate for Combating Illegal Migration (DCIM),<sup>69</sup> nominally under the authority of the ministry of interior,<sup>70</sup> or to prisons, under the authority of the ministry of justice or interior, where they are held arbitrarily and indefinitely without charge or trial. Others are arrested or abducted and held in unofficial detention facilities controlled by state-affiliated militias or armed groups or in places of captivity run by smugglers or traffickers; refugees and migrants, as well as some Libyans, often refer to the latter as “campos”.<sup>71</sup> Some of

<sup>68</sup> In this report, the term “security forces” refers to law enforcement and other state institutions responsible for maintaining security under the effective or nominal control of the GNA.

<sup>69</sup> The DCIM was established as a division of the ministry of interior in 2012 to tackle the migration flows into the country. For background, see Amnesty International, *Libya’s dark web of collusion: Abuses against Europe-bound refugees and migrants* (Index: [MDE 19/7561/2017](#)).

<sup>70</sup> In this report, unless otherwise stated, all references to ministries and other state institutions pertain to government entities operating under the GNA.

<sup>71</sup> According to the descriptions of interviewed refugees and migrants, “campos”, also referred to as “prisons”, are often warehouses, houses, hangars or farms.

those held in facilities controlled by state-affiliated militias and security forces are subjected to enforced disappearance.

## 5.1 ARBITRARY DETENTION AND ENFORCED DISAPPEARANCE AFTER DISEMBARKATION

Refugees and migrants are generally deprived of their liberty following interception or rescue at sea and disembarkation by the LCG in western Libya.<sup>72</sup> According to the IOM, from January to 14 September 2020, 8,435 refugees and migrants were returned to Libya following attempts to cross the Mediterranean.<sup>73</sup> Thousands have been transferred into the custody of the DCIM following disembarkation and placed in detention centres where they have been held indefinitely and arbitrarily, in violation of international law.

Thousands more remain unaccounted for amid fears for their lives and safety. Many have been subjected to enforced disappearance in unofficial places of detention by state-affiliated militias, who refuse to provide any information on their fate and whereabouts.

During 2020, the IOM has identified several instances of disembarked refugees and migrants being taken to undisclosed locations and subsequently going missing. For instance, in a statement issued in February 2020, the IOM noted that 600 out of 1,000 individuals disembarked in January were unaccounted for following detention in so-called “data collection and investigation facilities” under the ministry of interior.<sup>74</sup> In another statement issued on 17 April 2020, the IOM noted that hundreds of refugees and migrants were unaccounted for after being apprehended by the LCG in 2020 and handed over to unofficial places of detention.<sup>75</sup> In an interview with *The Wall Street Journal* on 13 July 2020, an IOM spokesperson again sounded the alarm, saying: “more than half of the over 6,200 people returned to Libya this year remain unaccounted for after being loaded onto buses and driven away from the disembarkation points on the coast”.<sup>76</sup> In an article published by the New Humanitarian, an independent non-profit news organization, on 5 August, the same IOM spokesperson was quoted as saying: “We have also been told – and are hearing reports from community leaders – that people are going missing... We feel the worst has happened, and that these locations [so-called “data collection and investigation facilities”] are being used to smuggle or traffic people.”<sup>77</sup> In its statement published in April 2020, IOM clarified that it did not have access to these so-called “data collection and investigation facilities”.<sup>78</sup>

According to information gathered by Amnesty International from individuals with direct knowledge of disembarkation in Tripoli,<sup>79</sup> in the course of 2020, the LCG has handed refugees and migrants to militias affiliated with the GNA including the Public Security Agency, a militia under the command of **Emad al-Tarabulsi**, which runs an unofficial detention facility in one of its bases known as the Tobacco Factory in Tripoli, in reference to its former function.

Other refugees and migrants have gone missing after being taken from DCIM detention centres, where they were detained following disembarkation. According to a detainee in the Suq al-Khamis DCIM detention centre in the city of al-Khums, in January 2020, 109 refugees and migrants were moved from the centre to an undisclosed location.<sup>80</sup> Their fate and whereabouts remain unknown.

### ENFORCED DISAPPEARANCES

The International Convention for the Protection of All Persons from Enforced Disappearance defines enforced disappearance as the “arrest, detention, abduction or any other form of deprivation of liberty carried out by agents of the state or by persons or groups of persons acting with the authorization, support or acquiescence of the state... followed either by a refusal to acknowledge the deprivation of liberty or by

<sup>72</sup> On rare occasions following the outbreak of COVID-19, those disembarked were not taken into detention. See, for instance, International Organization of Migration (IOM) Libya, Twitter post, 27 June 2020, [twitter.com/IOM\\_Libya/status/1276768980758380544](https://twitter.com/IOM_Libya/status/1276768980758380544)

<sup>73</sup> IOM Libya, Twitter post, 14 September 2020, [twitter.com/IOM\\_Libya/status/1305536056733859841/photo/1](https://twitter.com/IOM_Libya/status/1305536056733859841/photo/1)

<sup>74</sup> IOM Libya, Twitter post, 27 June 2020, [twitter.com/IOM\\_Libya/status/1276768980758380544](https://twitter.com/IOM_Libya/status/1276768980758380544)

<sup>75</sup> IOM, *Migrants Missing in Libya a Matter of Gravest Concern* (Press release, 17 April 2020), [www.iom.int/news/migrants-missing-libya-matter-gravest-concern](https://www.iom.int/news/migrants-missing-libya-matter-gravest-concern)

<sup>76</sup> Raja Abdulrahim, “Migrants in Libya Suffer Torture, Abuse in Off-the-Grid Detention, Aid Groups Say,” *The Wall Street Journal*, 13 July 2020, [www.wsj.com/articles/aid-groups-report-abuse-torture-in-libyas-off-the-grid-detention-centers-11594649292](https://www.wsj.com/articles/aid-groups-report-abuse-torture-in-libyas-off-the-grid-detention-centers-11594649292)

<sup>77</sup> Mat Nashed, “What Happens to Migrants Forcibly Returned to Libya?”, *The New Humanitarian*, 5 August 2020, [www.thenewhumanitarian.org/news-feature/2020/08/05/missing-migrants-Libya-forced-returns-Mediterranean](https://www.thenewhumanitarian.org/news-feature/2020/08/05/missing-migrants-Libya-forced-returns-Mediterranean)

<sup>78</sup> IOM, *Migrants Missing in Libya a Matter of Gravest Concern* (Press release, 17 April 2020), [www.iom.int/news/migrants-missing-libya-matter-gravest-concern](https://www.iom.int/news/migrants-missing-libya-matter-gravest-concern)

<sup>79</sup> Interviews on 13 April, 30 June, 1 July and 2 July 2020.

<sup>80</sup> Interview on 14 July 2020.

concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law”.

A 2017 report by the UN Working Group on Enforced or Involuntary Disappearances (WGEID) found:

**“Where the disappearances of migrants are carried out primarily by non-State actors but with the direct or indirect involvement of State authorities, those acts would clearly be characterized as enforced disappearances.”<sup>81</sup>**

The WGEID report considered the situation in Libya to be an example of “disappearances of migrants as a possible consequence of the criminal conduct of mainly non-State actors, notably smugglers and/or traffickers, which can constitute enforced disappearance owing to the involvement - direct or indirect - of official authorities”.<sup>82</sup>

Refugees and migrants in Libya deprived of their liberty by state agents or militias affiliated to the state or by non-state actors, including armed groups, traffickers and others engaged in criminal activities with the authorization, support or acquiescence of state agents, including members of the LCG or DCIM, are victims of enforced disappearance, as those responsible for their deprivation of liberty consistently refuse to reveal their fate or whereabouts and place them outside the protection of the law. Over the course of 2020, both the LCG and DCIM have been involved in the enforced disappearances of refugees and migrants by transferring them to unofficial places of detention, including the so-called “data collection and investigation facilities” and the Tobacco Factory, as well as other, undisclosed locations. As already stated, the Tobacco Factory is known to be controlled by a militia. The so-called “data collection and investigation facilities” are nominally under the authority of the ministry of interior.

## 5.2 ARRESTS AND ABDUCTIONS WITHIN LIBYA

Refugees and migrants in Libya live under constant risk of being rounded up from their homes, streets or at checkpoints by militias, armed groups and security forces, as well as traffickers and others engaged in criminal activities. Some are asked to pay ransoms to secure their release. All 32 refugees and migrants interviewed by Amnesty International in preparation for this report were arrested or abducted at least once during their stay in Libya, and many have been held in more than one detention facility. All those interviewed for the report were held for ransom at least once.

Refugees and migrants in an irregular situation, because they do not have valid visas or permits or, in some cases, any documentation at all, are at particular risk of arrest. The Libyan authorities and those in de facto control of territory do not make any distinction between migrants, individuals in need of international protection and survivors of trafficking. DCIM detention centres across Libya as well as GACS,<sup>83</sup> periodically announce the arrests of “illegal” migrants on their social media pages. For instance, the GACS announced on 21 July 2020 the arrest of 21 “illegal migrants preparing to migrate through the sea” following the interception of a vehicle near the town of Zliten, 150km east of Tripoli. The statement specified that the 21 individuals were subsequently handed over to the Zliten DCIM detention centre.

Other refugees and migrants are arrested from their homes or neighbourhoods where they live and work. Sources with direct knowledge of the incident told Amnesty International that in April 2020 security forces affiliated to the GNA rounded up dozens of Sudanese and Eritrean refugees and migrants from Gergaresh, a Tripoli municipality with a sizable refugee and migrant population, who had been released from the al-Sabaa DCIM detention centre about a month earlier.<sup>84</sup> The GNA-affiliated security forces then transferred them to the unofficial detention centre in the Tobacco Factory. Their fate remained unclear at the time of writing.

In another incident documented by Amnesty International, men in uniform, similar to that worn by the police, rounded up a group of 127 Ethiopian and Eritrean nationals, including 16 women and three babies, in mid-July 2020 from a house where they were being kept by smugglers in preparation for their journey to cross the Mediterranean. Amnesty International examined and verified photographs provided by a refugee who managed to escape.<sup>85</sup> One photograph showed a vehicle, which was purportedly used by the men who rounded up the group, with the logo of the al-Zawiya Support Forces – The First Division, a militia under the

<sup>81</sup> Report of the Working Group on Enforced or Involuntary Disappearances on Enforced Disappearances in the Context of Migration, UN Doc. A/HRC/36/39/Add.2, 28 July 2017, para. 82.

<sup>82</sup> Report of the Working Group on Enforced or Involuntary Disappearances on Enforced Disappearances in the Context of Migration, UN Doc. A/HRC/36/39/Add.2, 28 July 2017, paras 34 and 39.

<sup>83</sup> Law no. 145/2012 on the jurisdiction of the ministry of interior and organizing its administrative structure, Article 10.

<sup>84</sup> Interviews conducted on 13 April 2020.

<sup>85</sup> An analysis of the photographs revealed that they are authentic.

nominal command of the ministry of interior. The militia is headed by **Mohamed Bahron** (also known as al-Far), who has been at large despite being the subject of an arrest warrant issued by the public prosecution since 2017 in relation to investigations into individuals believed to be affiliated with the armed group calling itself the Islamic State. After obtaining screenshots from captives showing their live location on Google Maps,<sup>86</sup> Amnesty International examined satellite imagery of the GPS coordinates and identified a location in the city of al-Zawiya, 45km west of Tripoli, with a heavy presence of military vehicles. An informed independent source confirmed the location to be the headquarters of the al-Zawiya Support Forces – The First Division.<sup>87</sup> Amnesty International learned from two refugees who managed to escape that the captives were being held in horrific conditions without sufficient food or drinking water and regularly beaten, while their captors demanded that they pay ransoms of 6,000 Libyan dinars (around \$4,400 at the official rate or around \$940 at the market rate) to secure their release.<sup>88</sup>

**“Dawit”, a refugee who escaped indefinite forced conscription in his country of origin and was seeking to reach Europe after suffering a catalogue of abuses in Libya since 2017, told Amnesty International:**

**“For 15 days, they beat us with iron rods, they beat us with hoses, they beat us with anything they have. They ask us to pay 6,000 Libyan dinars [\$4,400 at the official rate or \$940 at the market rate] for each, whether an adult or a baby.”<sup>89</sup>**

Amnesty International learned that some captives were later transferred to the Abu Eissa DCIM detention centre in al-Zawiya, where they again reported facing extortion. A man who was freed after paying a ransom told Amnesty International:

**“The chief of Abu Eissa asked for \$1,000, so I can leave the prison.”<sup>90</sup>**

In another incident, **“Liban”**, a man who escaped conflict in his country of origin at the age of 16, told Amnesty International that he was abducted and held for ransom several times during his two-year stay in Libya. He recounted to Amnesty International the suffering he had endured with his family in December 2018:

“One night at 3am, some criminals came in our home. They beat my wife. I fought back. They stabbed me in a leg and said: ‘If you move, we shoot her.’ They kidnapped us and took us to a hangar outside of Tripoli. They asked for \$20,000 per person. There were 16 or 17 people in the hangar – from Somalia, Eritrea, Ethiopia. We stayed about 15 days... They beat people. When you arrive, they put you naked, beat the men and rape the women. After two weeks, I took a chance and ran away.”<sup>91</sup>

## 5.3 INDEFINITE DETENTION

To Amnesty International’s knowledge, there are 12 active DCIM detention centres<sup>92</sup> across the country, eight in western Libya and four in eastern Libya. Around 2,300-2,500 people were detained at the time of writing in DCIM detention centres in western Libya,<sup>93</sup> while there were no official statistics on the number of detainees in eastern Libya. Individual DCIM centres in eastern Libya occasionally provide information on their social media pages on the number of detained migrants. For instance, in March 2020, 92 foreign nationals were held at the Shahat detention centre and over 70 at the al-Kufra detention centre according to their social media pages.<sup>94</sup>

Detainee numbers regularly fluctuate, rising in summer months with the increase in sea crossings. The number of detainees reached its peak of around 20,000 in November 2017,<sup>95</sup> following armed clashes in the city of Sabratha, a smuggling hub, in October 2017 and the subsequent transfer of thousands of refugees and migrants, previously held in “campos” run by smugglers or traffickers, into the custody of the DCIM.

<sup>86</sup> The captives were allowed to keep their phones to enable them to call their relatives to ask for money to pay the ransom.

<sup>87</sup> Interview on 21 July 2020.

<sup>88</sup> Amnesty International used 15 September 2020 exchange rates to make relevant calculations throughout the document. The official exchange rate set-up by the Central Libyan Bank on 15 September 2020 put the US dollar at 1.35 Libyan dinars. However, the unofficial market exchange rate averaged around 6.39 dinars to the US dollar in Tripoli currency exchange shops.

<sup>89</sup> Interview on 28 July 2020.

<sup>90</sup> Interview on 4 August 2020.

<sup>91</sup> Interview on 14 February 2019.

<sup>92</sup> Not all 12 centres held detainees at the time of writing. For instance, no migrants or refugees were detained at the al-Hamra detention centre at the time of writing.

<sup>93</sup> Data received from two sources with access to DCIM data.

<sup>94</sup> DCIM Shahat branch, Facebook post, 16 March 2020, [bit.ly/3hIFiI7](https://bit.ly/3hIFiI7) (in Arabic).

<sup>95</sup> OHCHR, *UN human rights chief: Suffering of migrants in Libya outrage to conscience of humanity* (Press release, 14 November 2017), [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22393&LangID=E](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22393&LangID=E)



The number of detainees subsequently declined to around 6,800 in September 2018<sup>96</sup> and around 5,700 in July 2019.<sup>97</sup>

There has been a notable decline in the number of those held in DCIM centres in 2020 compared to previous years, despite the rise in the number of those disembarked from 6,382 between January and September 2019 to 8,435 between January and mid-September 2020. This decline cannot be explained by repatriations by the IOM or evacuations or resettlement activities by UNHCR, as these programmes were effectively suspended between March and August 2020 in light of COVID-19 movement restrictions and border closures.<sup>98</sup> There are concerns that the decline is due to the increased transfer of thousands of refugees and migrants to undisclosed places of detention, and their subsequent enforced disappearance.<sup>99</sup>

## WHO IS DETAINED IN DCIM CENTRES?

Amnesty International examined and analysed data on detainees in seven DCIM detention centres<sup>100</sup> in western Libya, which IOM's<sup>101</sup> Displacement Tracking Matrix made public in June 2020. These centres held around 79% of the total number of detained migrants and refugees in DCIM centres in western Libya at the end of May.<sup>102</sup> Amnesty International found that migrants from certain countries appeared to be disproportionately subjected to detention in DCIM centres. For example, Eritrean nationals represented 34% of the total number of detainees, while representing less than 14% of those disembarked in 2020 and less than 7%<sup>103</sup> of the estimated number of foreign nationals in Libya.

The same data set also provided a breakdown of those detained by sex and age. Men and boys represented respectively 85% and 12% of the total number of detainees,<sup>104</sup> while women and girls represented respectively 3% and under 1%. The figures also suggest that boys, who represented 3%<sup>105</sup> of those disembarked and less than 7%<sup>106</sup> of all refugees and migrants in Libya, were at disproportionate risk of detention in DCIM centres.

Refugees and migrants are also detained in prisons including for “offences” not related to migration, in some cases for months or years without trial or the ability to challenge the legality of their detention. For instance, according to a former detainee released in late 2019,<sup>107</sup> foreign nationals are held in Mitiga Prison in Tripoli under the Radaa Forces (the Special Deterrence Forces), a militia aligned to GNA and nominally under the oversight of its ministry of interior. According to information gathered by Amnesty International from sources with close knowledge of the circumstances of their detention, at least three detained Egyptians and a Sudanese national have never been brought in front of judicial authorities following their arrests in western Libya in 2016. In another case documented by Amnesty International, the Radaa Forces arrested a foreign national in April 2017 after he had landed at Mitiga airport, which is controlled by the Radaa Forces, and held him for several months without charge or trial. He was eventually handed over to the DCIM. Amnesty International also documented the arbitrary detention of a migrant from a North African country from January to April 2020 without any due process at a prison run by an armed group affiliated to the LNA.<sup>108</sup> He was released when the LNA-affiliated armed group lost control of the prison in April 2020.<sup>109</sup>

Most refugees and migrants are detained indefinitely, until they are repatriated through the IOM's return programme, evacuated or resettled by UNHCR,<sup>110</sup> or deported without due process by the DCIM in eastern Libya through land borders to neighbouring countries.<sup>111</sup> In some cases, documented by Amnesty International, refugees and migrants paid guards between 1,000-7,500 Libyan dinars (\$730-\$5,475 at the

<sup>96</sup> UNSMIL and OHCHR, *Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya*, 20 December 2018, [www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf](http://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf)

<sup>97</sup> IOM, *IOM Libya update 1-15 July 2019*, [www.iom.int/sites/default/files/situation\\_reports/file/iom\\_libya\\_update\\_-\\_01-15\\_july\\_2019.pdf](http://www.iom.int/sites/default/files/situation_reports/file/iom_libya_update_-_01-15_july_2019.pdf)

<sup>98</sup> Note that although UNHCR and the IOM resumed their evacuation and resettlement programmes in June, the first departure from Libya through the IOM's mechanisms took place in August. UNHCR had yet to resume departures at the time of writing.

<sup>99</sup> See section 5.1.

<sup>100</sup> The data provides information about eight DCIM detention centres, of which one held no detainees at the time of collection of the data.

<sup>101</sup> IOM, *Libya Detention Centre Profile Generator*, 13 July 2020, [displacement.iom.int/reports/libya-%E2%80%94-detention-centre-profile-generator-june-2020](https://displacement.iom.int/reports/libya-%E2%80%94-detention-centre-profile-generator-june-2020)

<sup>102</sup> UNHCR, *UNHCR Update: Libya*, 17 July 2020, [reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Libya%20Update%2017%20July%202020.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Libya%20Update%2017%20July%202020.pdf)

<sup>103</sup> IOM, *Displacement Tracking Matrix Libya Round 30*, [displacement.iom.int/system/tdf/reports/DTM\\_R30\\_Migrant\\_Report\\_KeyFindings.pdf?file=1&type=node&id=9068](https://displacement.iom.int/system/tdf/reports/DTM_R30_Migrant_Report_KeyFindings.pdf?file=1&type=node&id=9068)

<sup>104</sup> Most boys were held in Dhaher el-Jabl DCIM centre in Zintan, together with adults, in contravention of international standards.

<sup>105</sup> IOM Libya, Twitter post, 13 July 2020, [twitter.com/IOM\\_Libya/status/1282683226901938177](https://twitter.com/IOM_Libya/status/1282683226901938177)

<sup>106</sup> IOM, *Displacement Tracking Matrix Libya Round 30*, [displacement.iom.int/system/tdf/reports/DTM\\_R30\\_Migrant\\_Report\\_KeyFindings.pdf?file=1&type=node&id=9068](https://displacement.iom.int/system/tdf/reports/DTM_R30_Migrant_Report_KeyFindings.pdf?file=1&type=node&id=9068)

<sup>107</sup> Interview on 13 March 2020.

<sup>108</sup> Interviews on 4 March 2020.

<sup>109</sup> The man was released after the prison came under the control of GNA-affiliated militias in April 2020; they subsequently released all detainees.

<sup>110</sup> See chapter 12 for figures on UNHCR and IOM evacuations.

<sup>111</sup> See chapter 7 for further information.

official rate or \$160-\$1,200 at the market rate) to secure their freedom. In other cases, migrants and refugees sought to escape their indefinite and abusive detention, despite risks of being shot at during recapture attempts<sup>112</sup> and being beaten in case of apprehension.

Former detainees held in DCIM detention centres in western Libya whom Amnesty International interviewed for this report spent between 15 days and nearly three years behind bars. The length of their detention largely depended on their ability to gather ransom money from families or diaspora networks or escape.

**“Dawit”** told Amnesty International in July 2020:

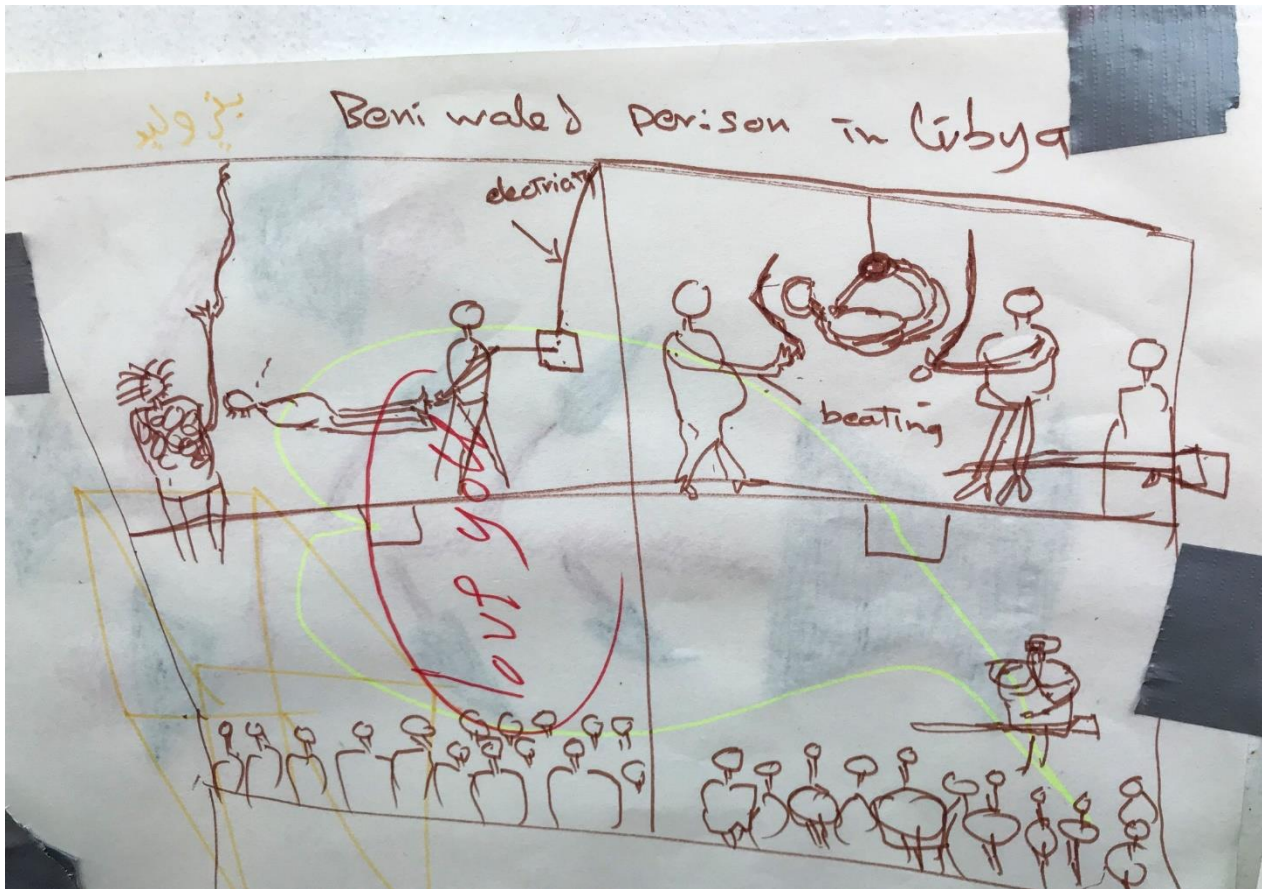
**“I ran away, but my wife – she is pregnant in her sixth month and is detained in Abu Eissa [DCIM detention centre]. I was detained before there. It is a horrible place. I am scared for them... You have to pay [a ransom] or you will die there.”<sup>113</sup>**

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<sup>112</sup> See chapter 6.6 for an example of the use of lethal force by security forces trying to thwart an escape attempt.

<sup>113</sup> Interview on 28 July 2020.

# 6. ABUSES IN DETENTION



A depiction of torture by traffickers in a “campo” in the Libyan city of Bani Walid drawn by a migrant onboard the Ocean Viking rescue ship, 17 August 2019 © ANNE CHAON/AFP via Getty Images.

Amnesty International found that DCIM officials, members of militias and armed groups, and traffickers systematically subject detained refugees and migrants to inhumane conditions of detention, torture and other ill-treatment, and forced labour. These findings are consistent with the organization’s previous research conducted between 2010 and 2019 into the horrific conditions facing refugees and migrants in detention,<sup>114</sup> showing that little, if any, progress has been made by the Libyan authorities and others in de facto control of territory to address long-standing concerns regarding the treatment of foreign nationals.

Between May and September 2020, Amnesty International gathered information on conditions of detention in at least 13 places of detention across Libya. Among them were six DCIM detention centres in western Libya, namely Suq al-Khamis in al-Khums, 100km east of Tripoli, Shohda al-Nasr and Abu Eissa in al-Zawiya, Abu Selim and Tariq al-Sikka in Tripoli, and Dhaher el-Jabl in al-Zintan, 140km south-west of Tripoli; at least five “campos” controlled by traffickers in Bani Walid, 180km south-west of Tripoli, Mazda, 180km south of Tripoli, Tobruk, 470km east of Benghazi, al-Zawiya and Sebha, 640km south of Tripoli;<sup>115</sup> one prison, nominally under the ministry of interior but under effective control of a militia affiliated to the GNA in Tripoli; and another prison in Surman, 60km from Tripoli, which is nominally under the ministry of justice of the GNA, but had been controlled by an armed group aligned to the LNA before it changed hands in April 2020.

<sup>114</sup> See chapter 2 for list of reports published by Amnesty International on the situation of refugees and migrants in Libya from 2010 to 2019.

<sup>115</sup> Amnesty International gathered information on “campos” in the five locations mentioned. However, given the existence of multiple places of captivity in each location and similar conditions, it was at times difficult to determine on the basis of the refugees’ and migrants’ testimonies whether they were describing the same place of captivity.

## 6.1 INHUMANE CONDITIONS

Despite the overall decrease in the numbers of detainees held in DCIM centres in 2020 compared to previous years,<sup>116</sup> Amnesty International found that overcrowding continues to be a major concern in some detention centres including the Shohda al-Nasr<sup>117</sup> and Dhafer el-Jabl DCIM centres, which together held an estimated 1,300 detainees at the time of writing.

Amnesty International examined and verified the authenticity of two photographs taken inside a DCIM detention centre in western Libya – one from May, the other from July 2020 – showing 24 and 30 men, respectively, crammed in a small space without room for them to sit or lie down.<sup>118</sup>

Most former detainees interviewed by Amnesty International also complained about poor ventilation in DCIM centres and lack of appropriate temperature controls. “Samuel”, who had been detained for more than 18 months, told Amnesty International in July 2020:

**“It is very hot now... Sometimes the ward would have 35 to 80 people in the same place and only one vent to bring in air.”<sup>119</sup>**

Refugees and migrants interviewed by Amnesty International also raised concerns about the lack of bedding, and described sleeping on the floor without cushioning or on filthy mattresses. A former detainee released in early 2020 told Amnesty International that mattresses were only cleaned roughly every three months.<sup>120</sup>

Overcrowding coupled with lack of regular access to sanitation facilities and clean water has facilitated the spread of contagious diseases and skin infections including scabies. Such conditions and the impossibility of physical distancing in most centres have heightened the risk to detainees of contracting COVID-19. According to information gathered by Amnesty International, since the outbreak of COVID-19 in Libya, the cleaning and disinfection of DCIM centres have taken place more regularly partly as a result of IOM’s assistance.<sup>121</sup>

## 6.2 INADEQUATE FOOD IN DCIM CENTRES

Detained refugees and migrants consistently raise concerns about the scarcity of potable water as well as the poor quality and meagre rations of food distributed in DCIM centres, leading in some cases to severe weight loss and malnutrition.

Migrants previously held in DCIM centres described their daily diets to Amnesty International as mainly consisting of carbohydrates with the occasional distribution of small amounts of cheese or yogurt. In one centre, detainees recounted having to survive on pasta alone. In the Suq al-Khamis DCIM centre, food has not been delivered by the contracted catering company since May 2019, according to former detainees and local human rights groups.<sup>122</sup> As a result, detainees have been relying on donations from individuals and charitable organizations and money transferred from families. Some detained migrants were also able to buy food from money earned working for locals, while others worked in exchange for food. “Samuel” told Amnesty International in July 2020:

**“They [DCIM] do not care about us. We do not have food. We do not have anything. We have to survive on whatever NGOs give to us.”<sup>123</sup>**

According to IOM’s Displacement Tracking Matrix data, Suq al-Khamis “does not provide food daily to detainees.”<sup>124</sup>

Few, if any, special provisions are made for pregnant women, nursing mothers, babies and children in

<sup>116</sup> See chapter 5 for further details.

<sup>117</sup> Amnesty International has previously documented serious human rights violations committed at Shoda al-Nasr detention centre. See Amnesty International, *Libya’s dark web of collusion: Abuses against Europe-bound refugees and migrants* (Index: [MDE 19/7561/2017](https://www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF)), [www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF](https://www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF)

<sup>118</sup> The photographs do not capture the entirety of the cell, suggesting that there might have been more detainees present than those counted in the photographs.

<sup>119</sup> Interview on 8 July 2020.

<sup>120</sup> Interview on 24 June 2020.

<sup>121</sup> Interview on 7 July 2020 and analysis of DCIM centres’ social media pages.

<sup>122</sup> Interviews on 25 March, 30 June and 2 July 2020.

<sup>123</sup> Interview on 8 July 2020.

<sup>124</sup> IOM, *Libya - Detention Centre Profile Generator* (June 2020), 13 July 2020, [dtm.iom.int/reports/libya-%E2%80%94detention-centre-profile-generator-june-2020](https://dtm.iom.int/reports/libya-%E2%80%94detention-centre-profile-generator-june-2020)

detention centres, which experience regular shortages of formula and milk. “Samuel” added:

**“We have very young children here and they never have milk or juice. They have to live off pasta.”**

## 6.3 TORTURE AND OTHER ILL-TREATMENT

Guards at DCIM centres, members of militias and armed groups and traffickers commit serious human rights violations and abuses against migrants and refugees deprived of their liberty including torture and other ill-treatment. Detainees recounted being beaten with water pipes (locally referred to as “PPR tubes”),<sup>125</sup> hoses and metal rods; given electric shocks; and forced to stay in direct sunlight for hours. Former detainees told Amnesty International that guards would regularly beat them for complaining about their conditions, “talking back” or for no apparent reason at all. In some cases, documented by Amnesty International, captors tortured detainees for failing to pay ransom money and to extort more money from their relatives.

“Ikenna”, who fled violence in Nigeria, told Amnesty International that guards at a DCIM centre broke his leg in March 2020 “for no apparent reason, but just for fun.”<sup>126</sup>

“Samuel” told Amnesty International that violence by DCIM guards was very common:

**“The guards beat you with metal pipes until you might get a concussion. It is not human.”<sup>127</sup>**

“Emmanuel”, a lawyer who fled fighting in his place of birth in 2017, told Amnesty International that he ended up in Libya after having agreed with smugglers to be taken to Algeria. He described his three-month detention at a DCIM centre in western Libya until his escape in 2018:

**“They beat me, put electricity on my body. Mostly at night and early morning, when office people [international organizations or DCIM administration] are not there. They asked for money, but I had none.”<sup>128</sup>**

Refugees and migrants held for ransom in captivity by traffickers in “campos” are kept in horrific conditions, where they are starved, deprived of sufficient water, and subjected to torture and other ill-treatment.

“Zahra”, a refugee who said she escaped forced labour and violence in her country of origin and reached Libya in 2018, told Amnesty International:

**“In Bani Walid, I was beaten, prevented from eating and drinking so frequently that I wasn’t able to walk and had problems in my kidney. I stayed in Bani Walid for five months. I became sick.”<sup>129</sup>**

Amnesty International’s findings on the systematic torture and other ill-treatment of refugees and migrants in Libya at official and unofficial detention facilities are in line with those of other international human rights organizations and humanitarian agencies.<sup>130</sup> Refugees and migrants held in prisons are also vulnerable to torture and other ill-treatment. For instance, “Kefelom”, who said he sought to join his mother in Germany after being arrested and harassed by the police in Ethiopia, was detained in Mitiga Prison between April and July 2017. He told Amnesty International:

**“They tortured me because I am Christian and don’t pray. Once they put a knife at my throat.”<sup>131</sup>**

Muslim detainees provided Amnesty International with similar accounts of being “punished” by guards through beatings with PPR tubes for failing to carry out daily prayers.<sup>132</sup> A UN report published in 2018<sup>133</sup> found torture and other ill-treatment to be systematically used by Radaa Forces against those detained in

<sup>125</sup> Plastic tubes used for plumbing and commonly used to beat detainees across Libyan prisons and detention centres.

<sup>126</sup> Interview on 1 July 2020.

<sup>127</sup> Interview on 8 July 2020.

<sup>128</sup> Interview on 15 February 2020.

<sup>129</sup> Interview on 24 July 2020.

<sup>130</sup> See, for instance, UNHCR and Mixed Migration Centre, “On This Journey, No One Cares If You Live or Die”: Abuse, protection, and Justice along Routes between East and West Africa and Africa’s Mediterranean Coast, 29 July 2020, [www.unhcr.org/uk/news/press/2020/7/5f1ee9314/thousands-refugees-migrants-suffer-extreme-rights-abuses-journeys-africas.html](http://www.unhcr.org/uk/news/press/2020/7/5f1ee9314/thousands-refugees-migrants-suffer-extreme-rights-abuses-journeys-africas.html); UNSMIL and OHCHR, *Desperate and Dangerous: Report on the Human Rights Situation of Migrants and Refugees in Libya*, 20 December 2018, [www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf](http://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf); and UNSMIL and OHCHR, “Detained and Dehumanised”, *Report on Human Rights Abuses against Migrants in Libya*, 13 December 2016, [www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised\\_en.pdf](http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf)

<sup>131</sup> Interview on 14 February 2019.

<sup>132</sup> Interviews on 5 and 25 March 2020.

<sup>133</sup> UNSMIL and OHCHR, *Abuse Behind Bars: Arbitrary and Unlawful Detention in Libya*, April 2018, [www.ohchr.org/Documents/Countries/LY/AbuseBehindBarsArbitraryUnlawful\\_EN.pdf](http://www.ohchr.org/Documents/Countries/LY/AbuseBehindBarsArbitraryUnlawful_EN.pdf)



Mitiga Prison including foreign nationals.<sup>134</sup>

Refugees and migrants are also at risk of abuse by members of militias and armed groups. A video circulated on social media in August 2020, which Amnesty International verified, shows a Libyan man in plain clothes yielding what appears to be a shotgun, repeatedly slapping, kicking and insulting a Black man handcuffed to another Black man, inside an empty indoor space. He can be heard insulting the captive in a western Libyan accent and attacking his personal conduct. At one point, the Libyan man points the weapon at one of the men and threatens to take him to the “battalion”, a word used to describe militias and armed groups in Libya.<sup>135</sup> Nothing further is known of the fate of the two captives.

## 6.4 SEXUAL VIOLENCE

Refugees and migrants deprived of their liberty, both in official and unofficial places of detention, are vulnerable to sexual and other gender-based violence. Women and girls are at particular risk. Most places of detention lack any female guards, increasing detainees’ vulnerability to sexual abuse and exploitation. Three refugee women fleeing conflict and insecurity told Amnesty International that traffickers raped them and forced them into prostitution during their months of captivity in “campos” located around Bani Walid in the course of 2018 and 2019. They were released once their families and friends sent ransom money to their captors.<sup>136</sup> Migrant men interviewed by Amnesty International recalled witnessing the rape of women by traffickers and smugglers on multiple occasions during their journey and stay in Libya in 2017 and 2018. Two said they were forced to watch their wives being raped or otherwise sexually abused by traffickers while held in “campos” near Bani Walid.<sup>137</sup>

Two refugee men detained since 2018 at a DCIM detention centre in western Libya told Amnesty International in July 2020 that they had regularly witnessed incidents of sexual violence against women in DCIM places of detention.<sup>138</sup> One of them told Amnesty International: “During the night... the guards go to the women’s ward and then I would hear the screaming... You know what happens there.”

When Amnesty International asked him to elaborate on what he meant, he clarified: “They [the women] told us... they beat and raped them.”<sup>139</sup>

Rape and sexual violence against migrants and refugees have been widely documented by non-governmental human rights and humanitarian organizations and UN bodies. A 2019 report by the Women’s Refugee Commission, which works on the rights of women, children and youth displaced in conflict, found that sexual violence was used against both women and men in DCIM detention centres.<sup>140</sup> A joint report on the situation of refugees and migrants in Libya by UNSMIL and the Office of the UN High Commissioner for Human Rights (OHCHR) issued in December 2018 found that the majority of women migrants interviewed for the report were raped or otherwise sexually abused by traffickers and smugglers during their journey and in captivity in Libya.<sup>141</sup> It also found that women and girls were raped and sexually abused in some DCIM centres with impunity.

## 6.5 FORCED LABOUR

Refugees and migrants held in both official and unofficial places of detention told Amnesty International that they were forced to work, including in construction, cleaning and maintenance, without remuneration. For example, “Yonas”, a refugee who said he fled forced conscription in his country of origin and was detained in Libya between mid-2019 and early 2020, told Amnesty International that he and other detainees were taken out of a DCIM detention centre in western Libya daily by guards for exhausting construction work.<sup>142</sup>

<sup>134</sup> Amnesty International, *Libya: Abducted Politician’s Fate Remains Unknown a Year on, amid Ongoing Disappearances* (Press release, 17 July 2020), [www.amnesty.org/en/latest/news/2020/07/libya-abducted-politicians-fate-remains-unknown-a-year-on-amid-ongoing-disappearances/](https://www.amnesty.org/en/latest/news/2020/07/libya-abducted-politicians-fate-remains-unknown-a-year-on-amid-ongoing-disappearances/)

<sup>135</sup> Abdallah al-Safi Facebook, Facebook video post, 27 August 2020, [www.facebook.com/100043731002632/videos/205909587543407](https://www.facebook.com/100043731002632/videos/205909587543407): “We Wish the Sudanese People Stand with the Youth in Libya”.

<sup>136</sup> Interviews on 24 June 2020.

<sup>137</sup> Interviews on 14 February 2019.

<sup>138</sup> Interviews on 7 and 21 July 2020.

<sup>139</sup> Interview on 7 July 2020.

<sup>140</sup> Women’s Refugee Commission, “*More Than One Million Pains*”: Sexual Violence Against Men and Boys on the Central Mediterranean Route to Italy, March 2019, [s33660.pcdn.co/wp-content/uploads/2020/04/Libya-Italy-Report-03-2019.pdf](https://s33660.pcdn.co/wp-content/uploads/2020/04/Libya-Italy-Report-03-2019.pdf)

<sup>141</sup> UNSMIL and OHCHR, *Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya*, 20 December 2018

<sup>142</sup> Interview on 24 June 2020.

He said that they were not paid and had no possibility to refuse work. A former Libyan detainee in Mitiga Prison, who was detained between 2015 and late 2019, told Amnesty International that he witnessed detained Egyptian and Sudanese migrants being forced to do construction work in the prison.<sup>143</sup>

## 6.6 DEATHS IN CUSTODY

Amnesty International received multiple reports of deaths in custody at official and unofficial places of detention from former and current detainees, human rights and humanitarian organizations, and journalists. To Amnesty International's knowledge, the causes and circumstances of such deaths in custody have not been independently investigated and those responsible have not been held to account.

Seven refugees and migrants, held between 2017 and 2020 at DCIM detention centres, told Amnesty International they witnessed deaths in custody of friends, family members or other detainees. Some witnessed multiple deaths during their detention. Four other refugees and migrants learned about the deaths of loved ones held at DCIM detention centres, including a man who lost his eight-month-old baby in late 2018. Most recently, Amnesty International learned of a migrant's death at a DCIM detention centre in July 2020, apparently as a result of malnutrition and lack of medical care.

Witnesses cited gun violence, torture, starvation, lack of medical care and generally poor conditions of detention as causes of death. For example, "Abdi", who lived in Libya between November 2017 and January 2019 after escaping Somalia, recounted to Amnesty International his experience in a DCIM detention centre in April 2018:

**"The police took us on buses to the prison, Tariq al-Sikka. I saw [about] 600 people there. There were so many [detainees] inside. The air was so bad it would make people sick.... We had problems with health and food. There was a doctor, but he would only give some tablets and then leave you. I was trying to help two men who had tuberculosis... Both died, while they were sleeping on my lap [on separate occasions]. I was looking after them in a separate room for the sick. We were friends; we were together on the boat."**<sup>144</sup>

Disembarkations can also turn deadly. Amnesty International has documented an incident of security forces in the city of al-Khums using unlawful lethal force against refugees and migrants posing no threat to the lives and safety of security forces or others. Two individuals with knowledge of the disembarkations in al-Khums told Amnesty International that on 27 July 2020 security forces shot at a group of around 70 disembarked refugees and migrants.<sup>145</sup> Survivors were taken to the Suq al-Khamis DCIM detention centre. According to the IOM, "local authorities" opened fire when those disembarked tried to escape, leading to three deaths, and two injuries.<sup>146</sup> Rida Eissa, the LCG commander of the central sector was quoted in the media as stating: "riots at a disembarkation point in al-Khums are what led to the shooting of three migrants from South Sudan by mistake."<sup>147</sup> He added that those disembarked attacked a base that housed LCG staff members and their families and that the "counter-terrorism unit" fired warning shots, which led to the killing of the three men "by mistake".<sup>148</sup> His claims were refuted by a statement by Médecins Sans Frontières, an international humanitarian organization, which said that the refugees and migrants were in fact attempting to escape arbitrary detention, noting that they were unarmed.<sup>149</sup>

The IOM and Médecins Sans Frontières also periodically report deaths in custody in DCIM centres.<sup>150</sup> For example, in March 2020, the IOM reported that a young man died in a fire in the Dhafer el-Jabl DCIM detention centre in Zintan.<sup>151</sup>

Refugees and migrants also lose their lives in "campos" as a result of violence or abysmal conditions according to testimonies collected by Amnesty International from witnesses as well as human rights and humanitarian workers. Eight refugees and migrants interviewed by Amnesty International said they witnessed one or more deaths while being held by traffickers between 2017 and 2020.

<sup>143</sup> Interview on 25 March 2020.

<sup>144</sup> Interview on 15 February 2019.

<sup>145</sup> Interviews on 28 July 2020.

<sup>146</sup> IOM, *IOM Deplores Killing of Two Migrants Returned from Sea to Libya* (Press release, 28 July 2020), [www.iom.int/news/iom-deplores-killing-two-migrants-returned-sea-libya](http://www.iom.int/news/iom-deplores-killing-two-migrants-returned-sea-libya)

<sup>147</sup> Libya 24, *Coast Guard: Riots in al-Khums City Led to the Death of Three Migrants*, 29 July 2020, [libya24.tv/news/317979](http://libya24.tv/news/317979) (in Arabic).

<sup>148</sup> Libya 24, *Coast Guard: Riots in Khums City Led to the Death of Three Migrants*, 29 July 2020, [libya24.tv/news/317979](http://libya24.tv/news/317979) (in Arabic).

<sup>149</sup> Médecins Sans Frontières, *Libya: "They were shot and killed as they fled arbitrary detention"* (Press release, 31 July 2020), [www.msf.org/people-shot-and-killed-libya-while-trying-flee-arbitrary-detention](http://www.msf.org/people-shot-and-killed-libya-while-trying-flee-arbitrary-detention)

<sup>150</sup> IOM Libya, Twitter post, 1 March 2020, [twitter.com/IOM\\_Libya/status/1234089637196574721](https://twitter.com/IOM_Libya/status/1234089637196574721)

<sup>151</sup> Médecins Sans Frontières, Twitter post, 3 March 2020, [twitter.com/MSF\\_Sea/status/1234734715762085888](https://twitter.com/MSF_Sea/status/1234734715762085888)

In a particularly egregious crime, on 27 May 2020, a group of armed men opened fire at around 200 refugees and migrants held in a “campo” run by traffickers near the town of Mazda.<sup>152</sup> At least 30 men, 26 from Bangladesh and four from sub-Saharan African countries, were killed and another 11 migrants injured. The others remain unaccounted for and are feared dead or abducted. Individuals who saw the bodies of some of the murdered men said they bore marks and bruises, suggesting that the victims might have been beaten and tortured while in captivity.<sup>153</sup>

The circumstances of the killings are unclear. Some sources, including the ministry of interior of the GNA, reported that the family of a trafficker who was allegedly killed by migrants carried them out in revenge. Others refute the migrants’ involvement in the trafficker’s death, claiming that the man was killed in an altercation with a relative and that the smugglers wrongly blamed refugees and migrants instead.<sup>154</sup>

Although the ministry of interior of the GNA ordered the security forces to undertake procedures to identify and prosecute those responsible, no investigation is known to have been conducted at the time of writing and no arrests have been made in relation to the atrocity.<sup>155</sup>

According to a UNHCR statement issued on 24 July 2020, a young Eritrean asylum-seeker died on 20 July 2020, the day he, and another Eritrean man, approached UNHCR in Tripoli for assistance.<sup>156</sup> Both were apparently held by traffickers in Bani Walid and appeared to be severely malnourished, according to the statement.

A 2018 joint report by UNSMIL and OHCHR documented several instances of deaths in custody both in DCIM detention centres and in places of captivity controlled by traffickers and smugglers. According to the report:

**“Countless migrants and refugees lost their lives during captivity by smugglers or traffickers after being shot, tortured to death, or simply left to die from starvation or medical neglect.”<sup>157</sup>**

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<sup>152</sup> Belady Organization for Human Rights, *Forty-Two Libyan Human Rights Organizations Call for an Investigation into the Crime of Mass Murder against Migrants in Mazda* (Press release, 3 June 2020), [bit.ly/3b8t1Ug](https://bit.ly/3b8t1Ug) (in Arabic).

<sup>153</sup> Interviews on 2 and 3 July 2020.

<sup>154</sup> Libyan Ministry of Interior, “Statement on the Crime of Murdering a Libyan Citizen and a Number of Illegal Migrants in Mazda”, Facebook post, 28 May 2020, [www.facebook.com/moi.gov.ly/photos/a.292113447552021/2976096699153669/?type=3](https://www.facebook.com/moi.gov.ly/photos/a.292113447552021/2976096699153669/?type=3) (in Arabic).

<sup>155</sup> Libyan Ministry of Interior, “Statement on the Crime of Murdering a Libyan Citizen and a Number of Illegal Migrants in Mazda”, Facebook post, 28 May 2020, [www.facebook.com/moi.gov.ly/photos/a.292113447552021/2976096699153669/?type=3](https://www.facebook.com/moi.gov.ly/photos/a.292113447552021/2976096699153669/?type=3) (in Arabic).

<sup>156</sup> UNHCR, *UNHCR Expresses Condolences over Tragic Death of Asylum-Seeker in Libya, Urges more Action against Criminal Smuggling and Trafficking* (Press release, 24 July 2020), [www.unhcr.org/uk/news/press/2020/7/5f1ad2404/unhcr-expresses-condolences-tragic-death-asylum-seeker-libya-urges-action.html](https://www.unhcr.org/uk/news/press/2020/7/5f1ad2404/unhcr-expresses-condolences-tragic-death-asylum-seeker-libya-urges-action.html)

<sup>157</sup> UNSMIL and OHCHR, *Desperate and Dangerous: Report on the Human Rights Situation of Migrants and Refugees in Libya*, 20 December 2018, [www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf](https://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf), p. 6.



# 7. EXPULSIONS

The LNA and affiliated armed groups have expelled over 5,000 refugees and migrants from eastern Libya in 2020 without any due process or the opportunity to challenge deportation decisions or seek international protection.

An examination of information published by DCIM centres in eastern Libya on their social media pages revealed that at least 5,065 foreign nationals were removed from Libyan territory between January and July in 2020. Among them were 2,672 Egyptian nationals expelled at the Mesaid land border with Egypt, and 2,393 nationals of Chad, Mali, Nigeria, Niger and Somalia deported from the south-eastern city of al-Kufra, 900km south of Benghazi, by land. The DCIM also announced the transfer of nationals of Ghana, Ethiopia, Sudan and Chad, “some of whom have contagious diseases”, from north-eastern Libya to al-Kufra in preparation for deportation, but it is unclear whether these have been carried out.<sup>158</sup>

The DCIM cited “security”, involvement in criminal offences and court convictions, irregular entry into Libya<sup>159</sup> and “contagious diseases”<sup>160</sup> as reasons for carrying out the deportations. In at least one case, the DCIM published the names of individuals it claimed had “contagious diseases” on social media.

Photographs of those being prepared for deportation, including children, also frequently appear on DCIM’s social media pages.<sup>161</sup>

Amnesty International learned that those expelled were arrested by armed groups allied to the LNA and kept in detention centres across eastern Libya, including Shahat and Ganfouda, before being taken to land borders with Egypt or to the al-Kufra DCIM detention centre. From al-Kufra, nationals of Sudan and Somalia, among other countries, were driven to the Sudanese border and nationals of Chad and Niger, among other countries, to the Chadian border and left to fend for themselves. NGO workers and migrants revealed that those deported did not undergo any judicial procedures and were not able to seek international protection prior to the mass expulsions.

Amnesty International verified the authenticity of photographs, after comparing it to photographs posted by the DCIM’s al-Kufra branch on social media, sent by an individual with direct knowledge of the functioning of the al-Kufra detention centre showing people sitting in the back of trucks. The DCIM’s al-Kufra branch has also repeatedly published similar photographs on its official social media page. According to two NGO workers, two residents of al-Kufra and a journalist with direct knowledge of deportations from the al-Kufra detention centre, all interviewed by Amnesty International, the migrants had to pay for their own food and water for the journey.

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<sup>158</sup> Data collected from several posts on the social media pages of the Ganfouda, Shahat and al-Kufra DCIM detention centres between January and July 2020.

<sup>159</sup> DCIM al-Kufra branch, Facebook page, [bit.ly/3b9R0IZ](https://bit.ly/3b9R0IZ) (in Arabic).

<sup>160</sup> DCIM al-Kufra branch, Facebook page, [bit.ly/3b9R0IZ](https://bit.ly/3b9R0IZ) (in Arabic).

<sup>161</sup> Amnesty International is not providing exact references to the posts in order to avoid reproducing the names and photographs of individuals without their consent.



Refugees and migrants expelled from al-Kufra DCIM detention centre, 15 May 2020. © Illegal Migration Detention and Expulsion Centre - al-Kufra<sup>162</sup>

Data collected by the IOM through its Emergency Tracking Tool and published in August 2020 offers an insight into the ordeals of some of those deported to Chad. It revealed that between 16 April and 26 July 2020 at least 636 individuals were deported to Chad from Libya.<sup>163</sup> While the majority of those returned stated they were nationals of Chad, others claimed to be nationals of Niger, Nigeria and Sudan. Those deported reported facing threats, abductions and arbitrary detention during their journey and stay in Libya.

Such expulsions carried out in the absence of any procedural guarantees violate Libya's *non-refoulement* obligations prohibiting the return of persons to places where they might face torture or other irreparable harm.

On 28 April 2020, OHCHR expressed similar concerns over the expulsion of at least 1,400 individuals since the beginning of the year "in violation of Libya's international human rights law obligations on non-refoulement and collective expulsions".<sup>164</sup>

<sup>162</sup> DCIM al-Kufra branch, Facebook post, 15 May 2020, [shorturl.at/gtyBU](https://www.facebook.com/DCIM.al-Kufra)

<sup>163</sup> IOM, *Chad Emergency Tracking Tool, Report 2*, 4 August 2020, [displacement.iom.int/system/tdf/reports/Finalv%20-%20Draft%20profil%20Unianga%20Kebir.pdf?file=1&type=node&id=9417](https://displacement.iom.int/system/tdf/reports/Finalv%20-%20Draft%20profil%20Unianga%20Kebir.pdf?file=1&type=node&id=9417)

<sup>164</sup> OHCHR, *Press briefing note on Libya*, 28 April 2020, [www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=25834&LangID=E](https://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=25834&LangID=E)

# 8. ABUSES OUTSIDE DETENTION

Even when free from detention, refugees and migrants frequently live in squalid conditions and face systemic abuse and exploitation by members of armed groups and militias, and others engaged in criminal activity. They are often exploited by employers or subjected to forced labour. Women and girls are at heightened risk of sexual violence. Refugees and migrants are at risk of robbery and face barriers to receiving adequate health care and other public services. The Libyan authorities and those in de facto control of territory are both unable and unwilling to provide protection and redress to migrants whose rights have been abused.

Analysis of IOM Displacement Tracking Matrix data<sup>165</sup> for March-April 2020 reveals that in 59% of municipalities,<sup>166</sup> refugees and migrants lacked access to electricity, water, sanitation, and other public services provided by the local authorities.<sup>167</sup>

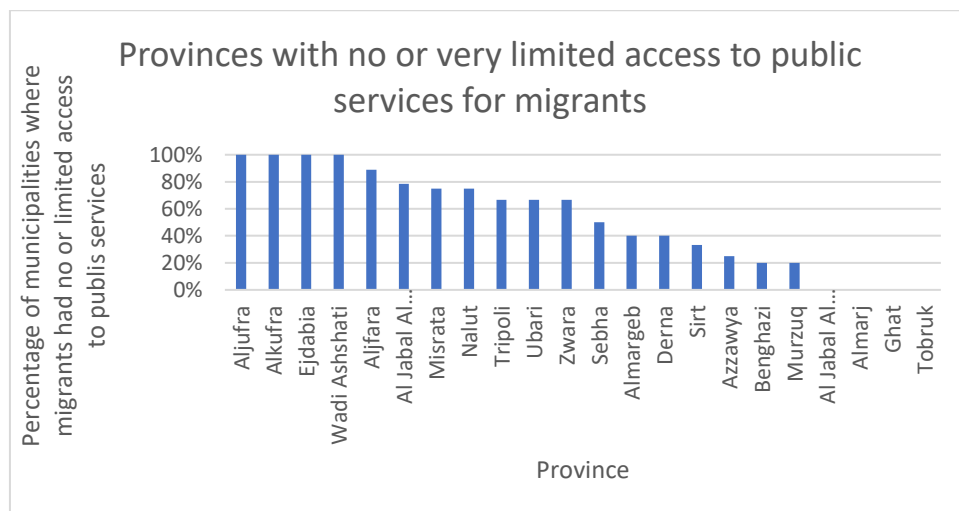


Figure 3: Percentage of municipalities per province lacking adequate access to public services in April 2020. Source: IOM Displacement Tracking Matrix data [Libya - Migrants Baseline Assessment - Round 31]

<sup>165</sup> The IOM collected the data through surveys of “Key Informants” in each municipality, including local crisis committee representatives and other representatives from municipality offices. For more information, see [displacement.iom.int/system/tmf/reports/Mobility%20Tracking%20Methodology%202017%20V.11%20-%20Mobility%20Tracking%20DTM%20Libya%20%28E...pdf?file=1&type=node&id=7602](https://displacement.iom.int/system/tmf/reports/Mobility%20Tracking%20Methodology%202017%20V.11%20-%20Mobility%20Tracking%20DTM%20Libya%20%28E...pdf?file=1&type=node&id=7602)

<sup>166</sup> Each province in Libya is composed of one or more municipalities (*baladiyat*). Tripoli province, for example, has six. Some smaller provinces, such as al-Jufra, have only one. In total, there are 101 municipalities across Libya. In turn, municipalities are divided into submunicipalities (*mahallat*); in total, there are 659 across Libya.

<sup>167</sup> The UN Office for the Coordination of Humanitarian Affairs (OCHA), *The Humanitarian Data Exchange - Libya Migration Data - [Migrants] - Baseline Assessment [IOM DTM]*, [data.humdata.org/dataset/libya-migration-data-migrants-baseline-assessment-iom-dtm](https://data.humdata.org/dataset/libya-migration-data-migrants-baseline-assessment-iom-dtm)

## 8.1 ECONOMIC HARDSHIP, EXPLOITATION AND ROBBERY

Many refugees and migrants living in urban areas rely on manual daily jobs without a written contract and therefore on the honesty of their employers for their wages and livelihoods. They are generally unable to seek state protection from exploitation and other abuse by unscrupulous employers. When paid, they are vulnerable to being robbed by armed men in the street or in their homes.

In some cases, employers provide migrants with lower amounts than agreed upon, or no remuneration at all. **“Ahmed”** a refugee, who lived in Tripoli at the time of writing, told Amnesty International that he was accustomed to being paid less than promised:

**“I would agree with someone to be paid 50 [Libyan] dinars [\$36 at the official rate, \$8 at the market rate], but then he would give me only 20 [\$15 at the official rate, \$3 at the market rate].”<sup>168</sup>**

He, like others in this situation, has no avenues to complain or seek redress.

Movement restrictions imposed across Libya from March 2020 to mitigate the spread of COVID-19 have reduced the overall demand for labour.<sup>169</sup> A survey conducted by IOM in May 2020 found that in all assessed locations migrants who relied on daily labour had been negatively impacted due to the slowdown in economic activity following the outbreak of COVID-19.<sup>170</sup> In the absence of unemployment benefits and job security, many migrants lost their livelihoods and saw their already difficult economic situation worsen. Refugees and migrants living in Tripoli and the south-western city of Sebha told Amnesty International that since the outbreak of COVID-19 they and others struggle to meet their most basic needs, and sometimes had to rely on rotten food from landfills.<sup>171</sup> Others relied on support from relatives and diaspora networks.

Due to their precarious economic situation, refugees and migrants in urban settings frequently live in overcrowded housing lacking basic sanitation requirements including clean water and washing and toilet facilities. Refugees and migrants described living in shacks, landfills or overcrowded accommodation in informal settlements and shared videos and photographs with Amnesty International of their living quarters in the capital and southern Libya corroborating their accounts. Such conditions represent a serious health risk, amid the spread of COVID-19 in Libya, with physical distancing and preventative hygienic measures impossible to follow.

IOM Displacement Tracking Matrix data reveals that nearly 30% of refugees and migrants do not live in formal housing. The situation varied depending on their location, with over two thirds living in informal settings in the provinces of Ghat, Ubari, Murzuq and al-Kufra, and less than 5% living in informal settings in al Jabal al-Gharbi/Jabal Nafoussa and Nalut. In terms of absolute numbers, IOM data estimates that Murzuq (44,719), Sebha (23,897) and al-Kufra (21,449) had the highest number of migrants and refugees living in informal settings. According to the data, in nearly half of the municipalities, shelter was identified as a priority need.

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<sup>168</sup> Interview on 6 July 2020.

<sup>169</sup> In March, the GNA and the LNA imposed curfews and lockdowns on areas under their control at regional levels, while different municipalities across Libya also imposed localized restrictions. Some of these remained in effect at the time of writing.

<sup>170</sup> Data based on findings in 42 municipalities out of a total of 101 municipalities. IOM, *DTM Libya Mobility Restrictions Dashboard #4 (07 - 31 MAY 2020)*, [migration.iom.int/system/tdf/reports/DTM%20Libya%20Mobility%20Restrictions%20Dashboard%20\\_4.pdf?file=1&type=node&id=8805](https://migration.iom.int/system/tdf/reports/DTM%20Libya%20Mobility%20Restrictions%20Dashboard%20_4.pdf?file=1&type=node&id=8805)

<sup>171</sup> Interview on 24 June 2020.

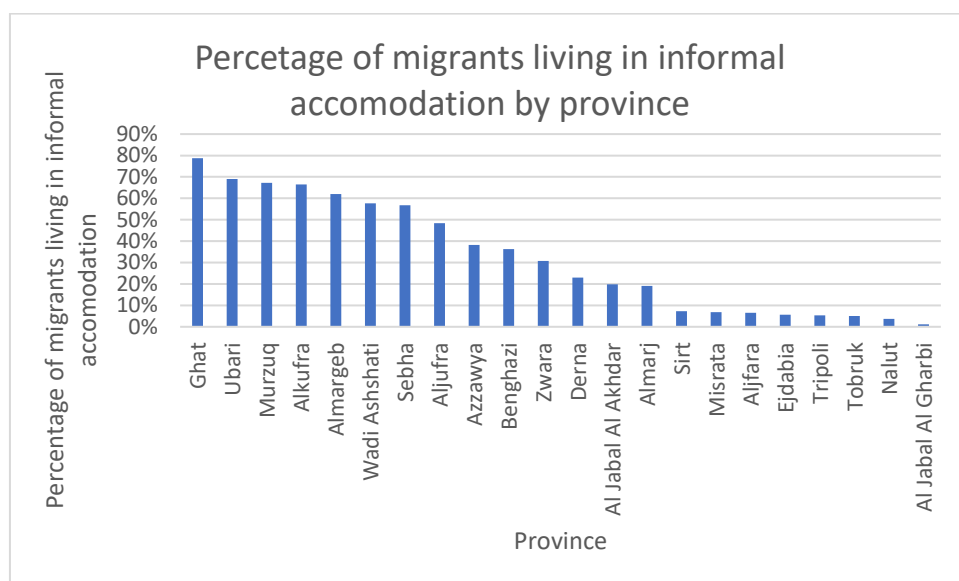


Figure 4: Percentages of migrants living in informal housing per province in April 2020. Source: IOM Displacement Tracking Matrix data [Libya - Migrants Baseline Assessment - Round 31]

Refugees' and migrants' hardship is compounded by the constant threat of robbery and theft by armed men. Foreign nationals living in urban areas told Amnesty International that armed men regularly mug them without fear of consequences. Attackers most frequently prey on refugees and migrants in the evenings upon their return home from work, when they are most likely to be in possession of their daily wages.

**"Teodros"**, a refugee who has been in Libya for three years after escaping violence from his country of origin, told Amnesty International:

**"I feel insecure, surrounded and targeted by militias who take migrants' phones and money."**<sup>172</sup>

**"Zahra"**, who has been living in Tripoli since 2018, told Amnesty International:

**"The militias rob us in the streets, they take our money, purses, phones. They also beat us with their weapons or use knives to threaten us. The landlord also comes at night to beat us and threatened us with a knife and took our money and phones."**<sup>173</sup>

## 8.2 FORCED LABOUR

Refugees and migrants outside of detention places are also at risk of being forced to work, predominantly in cleaning and construction, for militias and armed groups for little or no money through the threat of the use of force and other forms of coercion. For example, **"Ahmed"**, recounted to Amnesty International how a group of armed men took him and four others at gunpoint from their workplace in Tripoli in September 2019 and forced them to clean a militia camp. He told Amnesty International:

**"I was working... when an armed group came and took us threatening [to use] weapons and took us to the camp to clean it... They gave us 10 [Libyan] dinars [\$7 at the official rate, \$1.5 at the market rate] each, no food and no water from 8am until 7pm."**<sup>174</sup>

Militias and armed groups also force refugees and migrants to support their military operations, including in moving military equipment and ammunition.<sup>175</sup>

<sup>172</sup> Interview on 16 July 2020.

<sup>173</sup> Interview on 24 July 2020.

<sup>174</sup> Interview on 6 July 2020.

<sup>175</sup> See chapter 9 for further details.

## 8.3 BARRIERS TO ACCESSING HEALTH CARE

Libya's public health system has been undermined by years of armed conflict and insecurity including attacks on medical facilities, the exodus of qualified medical personnel and frequent militia interference in the provision of medical services, leading to civilians in general struggling to access adequate health care.<sup>176</sup> Refugees and migrants face additional barriers due to their migration status and discrimination. While refugees registered with UNHCR are able to seek medical care or referrals to hospitals through UNHCR, migrants and others not registered with UNHCR face more obstacles in accessing public healthcare, which is available free of charge for Libyan nationals. As they are mostly unable to pay for private health care services, they rely solely on aid by local and international organizations when available or go without medical care or treatment.<sup>177</sup>

Some local Libyan officials and residents go as far as to object to the provision of medical treatment by UN agencies and other humanitarian organizations to refugees and migrants. When UNHCR and the International Rescue Committee, a non-governmental humanitarian organization, assisted in the reopening of a primary healthcare centre in the Tripoli municipality of Gergaresh in August 2020, following its closure in March 2020 in light of the COVID-19 pandemic, and offered services to Libyans, migrants and refugees, the mayor of Hay al-Andalus, a municipality adjacent to Gergaresh, and other local Libyan residents gathered in front of the clinic to protest the provision of treatment to foreign nationals. Some of those who gathered took issue with bringing "illegal migrants" into their neighbourhood, while others appeared to be unaware that the services were also offered to Libyans.<sup>178</sup>

Some refugees and migrants told Amnesty International that they refrained from approaching hospitals fearing denial of treatment or even arrest if they were undocumented. Amnesty International learned that a Sudanese man died in Tripoli in December 2018 after suffering from chest pain and breathing difficulties. His friend told Amnesty International:

**"He tried several times to raise funds to get treatment or to get aid [from NGOs] to get treated...there is a hospital that treats people with respiratory diseases for free [for Libyans], but he could not go there because they treat foreigners very badly, so he died in the end."**<sup>179</sup>

Even those refugees who are able to obtain referrals to hospitals through UNHCR experience challenges in receiving treatment for life-threatening medical conditions or adequate specialist care. "Zahra" told Amnesty International:

**"When I went to... hospital, they didn't treat me and only provided me with painkillers."**

She told Amnesty International that her symptoms, including severe pain and bloody urine, were the result of torture while in captivity.<sup>180</sup>

Migrants and refugees are at heightened risk of COVID-19 due to their living conditions<sup>181</sup>. Despite their vulnerability, the authorities appear to have taken no measures to include refugees and migrants in prevention or awareness-raising efforts or ensure their access to testing and treatment. For example, in the south-western city of Sebha, awareness-raising efforts by local health officials were carried out primarily in Arabic, excluding English and French-speaking migrant communities, with local activists attempting to cover the gap.<sup>182</sup> Sebha has become a hotspot of the COVID-19 outbreak in Libya,<sup>183</sup> with health officials in the city sounding the alarm over lack of sufficient resources to contain the disease. Libyan NGOs have attempted to reach out to refugee and migrant communities in Tripoli and Misrata, when the local authorities failed to do so.<sup>184</sup>

"Filsan", a woman in her twenties who has been in Libya for more than three years, told Amnesty International that she was afraid of contracting COVID-19 in Libya as she suspected she would not be able to

<sup>176</sup> Amnesty International, *Libya: Historic Discrimination Threatens Right to Health of Minorities in the South amid COVID-19* (Press release, 20 April 2020), [www.amnesty.org/en/latest/news/2020/04/libya-historic-discrimination-threatens-right-to-health-of-minorities-in-the-south-amid-covid19/](https://www.amnesty.org/en/latest/news/2020/04/libya-historic-discrimination-threatens-right-to-health-of-minorities-in-the-south-amid-covid19/)

<sup>177</sup> The availability and accessibility to medical aid provided by local and international organizations varied widely depending on location.

<sup>178</sup> Gergaresh Official Page, Facebook post, 8 August 2020, [www.facebook.com/gergharsh/videos/3336051563082069](https://www.facebook.com/gergharsh/videos/3336051563082069) (in Arabic).

<sup>179</sup> Interview on 6 July 2020.

<sup>180</sup> See chapter 6.3 for Zahra's testimony of her treatment in captivity.

<sup>181</sup> See chapter 8.1.

<sup>182</sup> Interview on 24 June 2020.

<sup>183</sup> Reach, *COVID-19: Rapid Situation Analysis Sebha, South Libya*, July 2020, [www.impact-repository.org/document/reach/f8a726b7/REACH\\_LBY\\_Brief\\_Covid-19-Sebha\\_final.pdf](https://www.impact-repository.org/document/reach/f8a726b7/REACH_LBY_Brief_Covid-19-Sebha_final.pdf)

<sup>184</sup> Interview on 18 August 2020.

receive treatment free of charge.<sup>185</sup>

## 8.4 SEXUAL VIOLENCE

Migrant women and girls continue to face sexual and other gender-based violence including rape, sexual assault and forced prostitution by members of their own communities, criminal gangs, and other non-state actors.<sup>186</sup>

**“Zahra”** told Amnesty International that women refugees and migrants were vulnerable to sexual violence at their places of employment:

**“The women work as housekeepers, but they often leave work after few days due to the sexual harassment and rape. They are afraid of working in Libyan houses.”<sup>187</sup>**

Another woman refugee told Amnesty International that she was repeatedly raped by a Libyan man at whose property she was staying.<sup>188</sup>

Well-founded fears of being arrested due to their migration status deter survivors from reporting such crimes to the police and prosecution authorities. Survivors also told Amnesty International that they refrained from approaching officials, fearing their possible affiliation with perpetrators.<sup>189</sup> The criminalization of sexual relations outside wedlock in Libya erects additional barriers to reporting rape and other sexual violence.

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<sup>185</sup> Interview on 24 June 2020.

<sup>186</sup> For more information on sexual violence against migrants and refugees, see chapter 6.4.

<sup>187</sup> Interview on 24 July 2020.

<sup>188</sup> Interview on 6 July 2020.

<sup>189</sup> See chapter 11.



# 9. CAUGHT UP IN ARMED HOSTILITIES



Migrants and refugees outside the Tajoura DCIM detention centre following an air strike on a nearby building that left dozens killed the previous night, 3 July 2019 © MAHMUD TURKIA/AFP via Getty Images.

Amnesty International found that militias and armed groups have committed violations of international humanitarian law, including war crimes, against refugees and migrants including unlawful deprivation of liberty, torture and other ill-treatment and outrages on human dignity, as well as apparent indiscriminate attacks or attacks on civilian objects. They have also forced refugees and migrants to participate in military operations endangering their lives and safety.

An Egyptian migrant who left Libya in mid-2020 told Amnesty International that the situation had become dangerous for Egyptians in Tripoli and other areas under the control of militias affiliated with the GNA as a result of Egypt's declared support of the LNA.<sup>190</sup> In a video circulated on social media on 15 June 2020, which was examined and verified by Amnesty International, several armed men were shown parading 23 Egyptian migrant workers, insulting them and ordering them to insult Egyptian President Abdel Fattah al-Sisi and praise the city of Misrata, 190km east of Tripoli and known for its opposition to the LNA. According to the Egyptian government and the GNA ministry of interior, the 23 Egyptians were released and returned to Egypt.<sup>191</sup>

In another video sent to Amnesty International by a Libyan human rights defender in mid-June 2020, a group of self-identified GNA-affiliated fighters in Tarhouna are seen and heard ordering captured men, who appeared to be migrants, to praise the "Burkan forces".<sup>192</sup> Amnesty International was able to confirm the location as Tarhouna after identifying a key city landmark visible in the video. The video was shared with the

<sup>190</sup> Interview on 5 July 2020.

<sup>191</sup> CNN Arabic, *Egypt announces the return of 23 workers to its territory hours after the arrest of their captors in Libya*, 19 June 2020, [arabic.cnn.com/middle-east/article/2020/06/18/egyptian-workers-libya-government](https://arabic.cnn.com/middle-east/article/2020/06/18/egyptian-workers-libya-government) (in Arabic).

<sup>192</sup> "Burkan forces" is a reference to the GNA forces that carried out a military operation of the same name in western Libya in April 2020.



organization about 10 days after GNA-affiliated fighters captured the city from the LNA.

Amnesty International has examined and verified photographs and videos of militias and armed groups abusing or parading individuals who appear to be sub-Saharan Africans, claiming that they are fighters with opposing armed forces. In one such video that circulated in May 2020, two fighters identifying themselves as part of the 646 Brigade of the LNA are seen beating and using racial slurs against a Black man.<sup>193</sup> The man was sitting on the ground with his legs extended and tied together with a rope. The other end of the rope was tied around his neck. Another video that first surfaced online on 27 January 2020 showed several Libyan fighters insulting an injured man, who self-identified in the video as Sudanese, and accusing him of fighting with Khalifa Haftar, the commander of the LNA.<sup>194</sup> The fighters are likely to have been loyal to the GNA given the nature of accusations levelled against the captive, in particular that he supported the LNA. In yet another video that first circulated on 27 May 2020, a fighter is seen kicking the head of a Black man, who is tied up and lying on the ground in visible agony, and firing a bullet near his head while hurling insults and questions about the captive's affiliations.<sup>195</sup> The fighter did not declare his allegiance on camera, however, the video was widely circulated by pro-LNA social media users denouncing the captive as a "mercenary" for the GNA.

Militias and armed groups have also forced migrants to support their military operations. "Tony", a migrant worker from Niger, told Amnesty International that he was forced to carry weapons and equipment captured in Tarhouna by GNA-affiliated forces after the city came under their control on 5 June 2020 and LNA forces retreated. A video sent to Amnesty International by local activists on 5 June 2020 showed a man who appeared to be a sub-Saharan African migrant carrying combat boots in Tarhouna in the presence of GNA-affiliated fighters. "Ahmed" told Amnesty International that on one evening in May 2020 a militia affiliated with the GNA took him along with other migrants and refugees from a Tripoli DCIM detention centre, where they were all detained, and forced them to transport ammunition between two positions in Tripoli until the early hours of the following morning.<sup>196</sup> At that time, fighting was raging in Tripoli. Refugees and migrants are also routinely forced to clean militia bases and other military facilities without remuneration and the possibility to refuse work, including during times of active armed hostilities.<sup>197</sup> Holding refugees and migrants in military objects violates international humanitarian law.

Refugees and migrants have also been killed or injured in the ongoing armed conflict. Amnesty International has previously documented the LNA air strike on 2 July 2019 on a DCIM detention centre in Tajoura, on the eastern outskirts of Tripoli; the centre is located inside a large military base where various militias and security forces are also stationed. At the time of the strike, hundreds of migrants and refugees, most of them from sub-Saharan African countries, were held in disused warehouses. Shortly before the strike on the migrant detention facility, a militia's vehicle repair workshop, approximately 100m away across an empty space, was also bombed, apparently causing no casualties. The UN said that 53 migrants and refugees died including six children.<sup>198</sup> An Amnesty International investigation in 2019 found that, by holding detainees next to military objects, GNA forces violated their obligations under international humanitarian law. It also found that the LNA abjectly failed to take necessary precautions in the planning and execution of this attack.<sup>199</sup> On 7 May 2019, this same workshop was hit by an air strike, throwing a large piece of metal debris into the air which fell through the roof of the detention centre.<sup>200</sup>

In January 2020, UNHCR decided to suspend its operations at the Gathering and Departure Facility in Tripoli (GDF)<sup>201</sup> "fearing for the safety and protection of people at the facility, its staff and partners amid worsening conflict in Tripoli." Earlier in the same month, "three mortar shells fell close to the GDF and fragments landed near a warehouse inside the complex." The statement said:

<sup>193</sup> Libya Ahrar TV, Facebook video, "Watch Haftar Militias from Battalion 646 Torturing an African Migrant and Tie him with a Rope", 7 May 2020, [www.facebook.com/watch/?v=933706237071237](https://www.facebook.com/watch/?v=933706237071237) (in Arabic).

<sup>194</sup> Warfala al-Youn, Facebook video, "Sudanese Prisoner that the UAE Brought to Fight with Haftar", 27 January 2020, [www.facebook.com/ADMINIGR/videos/178060353444569/](https://www.facebook.com/ADMINIGR/videos/178060353444569/) (in Arabic).

<sup>195</sup> Libya, Facebook video, "Here is a Sudanese Mercenary Fighting for Al-Sarrag", 26 May 2020, [www.facebook.com/libya1.libya2/videos/925934904518564/](https://www.facebook.com/libya1.libya2/videos/925934904518564/) (in Arabic).

<sup>196</sup> Interview on 6 July 2020.

<sup>197</sup> Amnesty International, *Libya: Evidence of Possible War Crimes Underscores Need for International Investigation* (Press release, 16 May 2019), [www.amnesty.org/en/latest/news/2019/05/libya-evidence-of-possible-war-crimes-underscores-need-for-international-investigation/](https://www.amnesty.org/en/latest/news/2019/05/libya-evidence-of-possible-war-crimes-underscores-need-for-international-investigation/)

<sup>198</sup> UN News, "Six Children among 53 Confirmed Fatalities after Libya Detention Centre Airstrikes: Security Council Condemns Attack", 5 July 2019, [news.un.org/en/story/2019/07/1041911](https://news.un.org/en/story/2019/07/1041911)

<sup>199</sup> Amnesty International, *Libya's relentless militia war: Civilians harmed in the Battle for Tripoli, April-August 2019* (Index: [MDE 19/1201/2019](#)), pp. 8-9.

<sup>200</sup> Amnesty International, *Libya's relentless militia war: Civilians harmed in the Battle for Tripoli, April-August 2019* (Index: [MDE 19/1201/2019](#)), pp. 8-9.

<sup>201</sup> The Gathering and Departure Facility opened in December 2018 in Tripoli, for the purpose of "bring[ing] vulnerable refugees to a safe environment while solutions including refugee resettlement, family reunification, evacuation to emergency facilities in other countries, return to a country of previous asylum, and voluntary repatriation" are sought, according to UNHCR. Prior to its closure, the centre was managed by the ministry of interior, UNHCR and UNHCR's partner LibAid.

**“We fear that the entire area could become a military target, further endangering the lives of refugees, asylum seekers, and other civilians...”<sup>202</sup>**

The GDF remained closed at the time of writing.

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<sup>202</sup> UNHCR, *UNHCR to Suspend Operations at GDF in Tripoli amid Safety Concerns* (Press release, 30 January 2020), [www.unhcr.org/news/press/2020/1/5e32c2c04/unhcr-suspend-operations-gdf-tripoli-amid-safety-concerns.html](https://www.unhcr.org/news/press/2020/1/5e32c2c04/unhcr-suspend-operations-gdf-tripoli-amid-safety-concerns.html)

# 10. XENOPHOBIA AND RACISM

Human rights violations and abuses against refugees and migrants take place against the backdrop of rampant racism and xenophobia. Officials, members of armed groups and militias and private individuals use racist language to refer to Black people, whether they are refugees, migrants or members of Black Libyan communities.<sup>203</sup>

Officials regularly use racist and offensive language against refugees and migrants. Amnesty International examined content posted on the official social media pages of seven DCIM centres in eastern and western Libya and the main page of the GACS. It found that the DCIM's Shahat branch<sup>204</sup> and its Greater Benghazi branch,<sup>205</sup> in particular, regularly referred to arrested migrants as “beggars”<sup>206</sup> and “carriers of contagious diseases”.<sup>207</sup> Since the outbreak of COVID-19, staff at the Shahat branch have equated the fight against “illegal migration” with the fight against COVID-19, warning: “God forbid a migrant enters [Libya] with coronavirus and it becomes a big problem.”<sup>208</sup> In a statement posted on July 2020, the DCIM's Greater Benghazi branch expressed its mission as “reducing crime, smuggling, contagious diseases which result from foreigners’ illegal entry by land and naval borders.”<sup>209</sup> The social media pages of several DCIM branches in eastern Libya and the GACS in western Libya also regularly share photographs and video interrogations showing the faces of arrested adults and children, referring to them as “illegal migrants” and warning that they may be carriers of COVID-19. In several of these photographs, detainees are seen attempting to hide their faces.<sup>210</sup>

In another example, in a video that circulated online in February 2019 and was verified by Amnesty International, members of an armed group in Benghazi are seen dispersing a wedding in the Sudanese community, while shouting racist comments at shocked attendees.<sup>211</sup>

Senior officials are among those who have publicly used language with racist connotations. In a statement in December 2018, the current Minister of Interior of the GNA, Fathi Bashagha, described attackers on the ministry of foreign affairs in Tripoli in racialized terms. “There were three attackers with African skin,” he said.<sup>212</sup> Forty-five Libyan NGOs denounced the comments as racist and discriminatory.<sup>213</sup>

The portrayal of sub-Saharan Africans and Black Libyans in Libyan media often entrenches racist

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<sup>203</sup> The Arabic word *abid*, meaning slaves, is a common term used to refer to Black people in Libya. It dates from a time when slavery was common in Libya and most slaves were Black. Until today, the term is used so widely that some claim that it has no racist connotations.

<sup>204</sup> DCIM Shahat branch, Facebook page, [bit.ly/34NJIDE](https://bit.ly/34NJIDE) (in Arabic).

<sup>205</sup> DCIM Benghazi branch, Facebook page, [bit.ly/3hUW4Q1](https://bit.ly/3hUW4Q1) (in Arabic).

<sup>206</sup> DCIM Shahat branch, Facebook post, 19 July 2020, [www.facebook.com/619432161465512/photos/a.941335145941877/3935148546560507/?type=3&\\_tn=-R](https://www.facebook.com/619432161465512/photos/a.941335145941877/3935148546560507/?type=3&_tn=-R) (in Arabic).

<sup>207</sup> DCIM Shahat branch, Facebook post, 9 July 2020, [bit.ly/3glEwTw](https://bit.ly/3glEwTw) (in Arabic).

<sup>208</sup> DCIM Shahat branch, Facebook post, 4 April 2020, [www.facebook.com/permalink.php?story\\_fbid=3524481747627191&id=619432161465512](https://www.facebook.com/permalink.php?story_fbid=3524481747627191&id=619432161465512) (in Arabic).

<sup>209</sup> DCIM Benghazi branch, Facebook post, 20 July 2020, [www.facebook.com/permalink.php?story\\_fbid=2651160205138188&id=2259394174314795](https://www.facebook.com/permalink.php?story_fbid=2651160205138188&id=2259394174314795) (in Arabic).

<sup>210</sup> References to the photographs and videos are not included by Amnesty International to protect the individuals’ privacy.

<sup>211</sup> Libya in pictures and caricatures, Facebook video, 25 February 2019, [www.facebook.com/watch/?v=249456802627471](https://www.facebook.com/watch/?v=249456802627471) (in Arabic).

<sup>212</sup> The Libya Observer, YouTube video, “The Minister of Interior: The Security Measures were not Implemented and Investigations are Ongoing in the Ministry of Foreign Affairs Attack”, 26 December 2018, [www.youtube.com/watch?v=31AqZAH8q7w](https://www.youtube.com/watch?v=31AqZAH8q7w) (in Arabic).

<sup>213</sup> Al-Onwan, “Libyan organizations demanding Bashagha to apologize for racist expressions”, 28 December 2018, [www.addresslibya.co/ar/archives/50326](https://www.addresslibya.co/ar/archives/50326) (in Arabic).

stereotypes and fails to identify positive contributions by refugees and migrants. Amnesty International has examined several videos that have circulated on social media after being broadcast by Libyan media channels in recent years and contain racist views against migrants from sub-Saharan Africa, as well as Black Libyans.<sup>214</sup> The views were expressed either by anchors and guests in current affairs programmes or by actors in entertainment programmes, such as television series and comedy shows; in some of these Black people are depicted as animal-like, unintelligent, dirty and poor.<sup>215</sup> In May 2020, several Libyan NGOs condemned racism and racial stereotyping in Libyan media during Ramadan programming.<sup>216</sup>

Sub-Saharan African refugees and migrants told Amnesty International that they were subjected to racial insults and bullying on a daily basis by private individuals, officials, members of militias and armed groups and even staff members of international humanitarian organizations or their partners. One man who was waiting to see a doctor at an office run by international humanitarian organizations in Tripoli in December 2017 told Amnesty International that a staff member accused him of not waiting his turn and shouted at him: “Get back in the queue, you slave!” He said that, when he tried to complain, another staff member threatened him, saying: “You do not have papers. I can call the DCIM on you.”

Refugees and migrants told Amnesty International that, following the outbreak of the COVID-19 pandemic, the situation worsened, with some Libyans accusing them of “ruining Libya” and “bringing the pandemic”. In particular, refugees and migrants now live increasingly in fear of being evicted by landlords. In August 2020, a social media page managed by residents of the Tripoli municipality of Gergaresh, which has a sizable population of refugees and migrants, posted a warning message:

**“We, the youth and families of Gergaresh, alert landlords renting homes to illegal migrants to evict them from these locations within 10 days or we will be forced to take legal action and lodge complaints with the prosecution against the landlords. This is due to the harm caused by the presence of illegal migrants, who carry contagious diseases, and their non-compliance with the curfew established by the ministry of interior and the ministry of health’s guidelines on protective measures.”<sup>217</sup>**

Following the publication of this message, two refugees living in Gergaresh told Amnesty International that they lived in constant fear of being evicted and of being unable to find another place to rent.

Amnesty International documented an incident of discrimination against migrants in the context of fears over the spread of COVID-19. According to a witness interviewed by Amnesty International, in June 2020, the Sobl el-Salam Brigade, an armed group aligned with the LNA in al-Kufra, refused to allow a bus carrying passengers from Benghazi to al-Kufra to enter the city after a Chadian man died on the bus during the journey, unless three other migrants from Chad alighted in the desert outside the city. Members of the Sobl el-Salam Brigade requested that they be tested for COVID-19 before being allowed into the city. Amnesty International learned that all the remaining passengers, who were Libyans, were allowed to proceed without being tested for COVID-19 or undergoing any other checks.<sup>218</sup>

Refugees and migrants interviewed by Amnesty International also raised concerns about discrimination among migrant workers in wages for similar types of work on the basis of nationality. One Libyan resident of al-Kufra told Amnesty International:

**“People around here pay migrant workers based on their nationality: first the Sudanese, then the Egyptians and then [other sub-Saharan] Africans.”<sup>219</sup>**

Refugees and migrants, as well as other Libyans interviewed by Amnesty International said that discrimination in wages on the basis of nationality was common practice.

A report published by the UN in December 2018 accused the Libyan authorities of failing to address racism, racial discrimination and xenophobia.<sup>220</sup>

<sup>214</sup> See, for example, South Libyan channel on Facebook, Facebook video, 13 November 2017, [www.facebook.com/watch/?v=924619821027341](https://www.facebook.com/watch/?v=924619821027341) (in Arabic); Libya Al-Ahrar, YouTube video, 7 May 2019, [www.youtube.com/watch?v=aYoFT\\_Gzw&t=240s](https://www.youtube.com/watch?v=aYoFT_Gzw&t=240s) (in Arabic).

<sup>215</sup> See, for example, Tanweer Movement, Facebook post, 8 May 2019, [www.facebook.com/Libyatanweer/posts/2215747441873353](https://www.facebook.com/Libyatanweer/posts/2215747441873353) (in Arabic), and Libya Al-Ahrar, YouTube video, 7 May 2019, [www.youtube.com/watch?v=aYoFT\\_Gzw&t=240s](https://www.youtube.com/watch?v=aYoFT_Gzw&t=240s) (in Arabic).

<sup>216</sup> Tanweer Movement, Facebook post, 8 May 2020, [www.facebook.com/Libyatanweer/photos/pcb.3000126380102118/3000125890102167/?type=3&theater](https://www.facebook.com/Libyatanweer/photos/pcb.3000126380102118/3000125890102167/?type=3&theater) (in Arabic).

<sup>217</sup> Gergaresh Official Page, Facebook post, 9 August 2020, [www.facebook.com/gergharsh/posts/3336624676395765](https://www.facebook.com/gergharsh/posts/3336624676395765) (in Arabic).

<sup>218</sup> Interview on 24 June 2020.

<sup>219</sup> Interview on 30 June 2020.

<sup>220</sup> UNSMIL and OHCHR, *Desperate and Dangerous: Report on the Human Rights Situation of Migrants and Refugees in Libya*, 20 December 2018, [www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf](https://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf), pp. 10-11

# 11. IMPUNITY AND COMPLICITY

Officials, smugglers and traffickers, members of militias and armed groups and others responsible for violations and abuses against refugees and migrants enjoy near-total impunity. Although the Libyan authorities periodically announce investigations<sup>221</sup> into crimes against foreign nationals or arrests of smugglers and traffickers, such steps have yet to lead to impartial, independent and thorough investigations or to officials, members of militias or powerful traffickers being held to account. Instead, the GNA turns a blind eye to abuses committed against refugees and migrants by state officials or by members of affiliated militias, including in DCIM centres as well as in unofficial detention centres, such as the Tobacco Factory in Tripoli and the headquarters of al-Zawiya Support Forces – The First Division in al-Zawiya.<sup>222</sup>

While those committing shocking human rights violations and abuses against migrants enjoy near-total impunity, victims are left completely outside the protection of the law. With the near collapse of the rule of law in Libya, victims of human rights violations and crimes, including Libyans, have little possibility to seek legal remedy or redress.<sup>223</sup> Refugees and migrants, interviewed by Amnesty International, identified two main barriers preventing them from approaching the police or prosecutors to lodge complaints. Many were concerned that they lacked identification documents, making them vulnerable to arrest and indefinite detention. Many also expressed fears of retaliation by armed groups or militias affiliated to the person against whom they were considering lodging a complaint.

“Ahmed” told Amnesty International in July 2020:

**“If I walk to the [police] station, they tell me to show my passport. If I do not have a passport, they tell me I am an illegal migrant and will be taken to a detention centre... If you go to complain against someone in the police, maybe his cousin or brother is in an armed group and that is why you are afraid for your life and cannot go to the law.”<sup>224</sup>**

A 2018 joint report by UNSMIL and OHCHR identified the issue of impunity for crimes against migrants and refugees as a primary concern that Libyan authorities needed to tackle as a step towards ending the suffering of migrants and refugees and addressing the wider problem of rule of law across Libya:

**“Tackling impunity would not only end the suffering of tens of thousands of migrant and refugee women, men and children seeking a better life, but also undercut the parallel illicit economy built on the abuse and exploitation of migrants and refugees. Eradicating this predation on migrants and refugees would reduce a key source of income for criminal gangs and armed groups and help establish the rule of law and national institutions.”<sup>225</sup>**

<sup>221</sup> Libyan Ministry of Interior, Facebook post, “Statement on the Crime of Murdering a Libyan Citizen and a Number of Illegal Migrants in Mazda”, 28 May 2020, [www.facebook.com/moi.gov.ly/photos/a.292113447552021/2976096699153669/?type=3](https://www.facebook.com/moi.gov.ly/photos/a.292113447552021/2976096699153669/?type=3) (in Arabic).

<sup>222</sup> See chapter 5.2.

<sup>223</sup> For more on the criminal justice system in Libya, see International Commission of Jurists, *Accountability for Serious Crimes under International Law in Libya: An Assessment of the Criminal Justice System*, 31 July 2019, [www.icj.org/libya-addressing-accountability-for-serious-crimes-and-reform-of-the-criminal-justice-system-are-key-to-peace-stability-and-justice-icj-new-report/](https://www.icj.org/libya-addressing-accountability-for-serious-crimes-and-reform-of-the-criminal-justice-system-are-key-to-peace-stability-and-justice-icj-new-report/); and UNSMIL and OHCHR, *Desperate and Dangerous: Report on the Human Rights Situation of Migrants and Refugees in Libya*, 20 December 2018, [www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf](https://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf)

<sup>224</sup> Interview on 6 July 2020.

<sup>225</sup> UNSMIL and OHCHR, *Desperate and Dangerous: Report on the Human Rights Situation of Migrants and Refugees in Libya*, 20 December 2018, [www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf](https://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf)

Individuals against whom the public prosecution issued arrest warrants over their role in human trafficking have not only enjoyed impunity, but have retained official roles and have been seen fighting alongside the GNA in 2020. For example, Amnesty International examined and verified a video that circulated online in April 2020 confirming the presence of **Ahmad al-Dabbashi**, also known as **"al-Amu"** (the Uncle), fighting alongside GNA forces in Sabratha. In June 2018, the UN Security Council placed him on its sanctions list for his role in human trafficking in Libya.<sup>226</sup> Amnesty International learned as well that **Abdelrahman Milad**, also known as **"Bidja"**, who faces UN sanctions for his role in trafficking and is the subject of an arrest warrant issued by the public prosecution,<sup>227</sup> worked as an LCG commander at the al-Zawiya oil refinery at the time of writing, according to his own social media account<sup>228</sup> and an interview that he gave in July 2020.<sup>229</sup>

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<sup>226</sup> UN Security Council, "Ahmad Oumar al-Dabbashi", 7 June 2018, [www.un.org/securitycouncil/sanctions/1970/materials/summaries/individual/ahmad-oumar-al-dabbashi](http://www.un.org/securitycouncil/sanctions/1970/materials/summaries/individual/ahmad-oumar-al-dabbashi)

In previous outputs, predating the decision of the UN Security Council on 7 June 2018 to place Ahmad al-Dabbashi on the sanctions' list, Amnesty International spelt his name in English as Ahmed el-Debeshi. Since that decision, Amnesty International has chosen to use the same spelling as the UN Security Council.

<sup>227</sup> UN Security Council, "Abd Al Rahman Al-Milad", 7 June 2018, [www.un.org/securitycouncil/sanctions/1970/materials/summaries/individual/abd-al-rahman-al-milad](http://www.un.org/securitycouncil/sanctions/1970/materials/summaries/individual/abd-al-rahman-al-milad)

<sup>228</sup> Bidja Abdo, Facebook page, [www.facebook.com/bidja.abdo.5](http://www.facebook.com/bidja.abdo.5)

<sup>229</sup> Alwasat, "LCG Commander in Zawiya Refinery: Ready to Stand in Front of an International Investigation Committee", 5 July 2020, [alwasat.ly/news/libya/288183](http://alwasat.ly/news/libya/288183)



# 12. 'NO SAFE WAY OUT'



Members of the Libyan Red Crescent prepare to remove the washed-up body of a migrant on the beach in the city of al-Khums on 27 July 2019 © AFP via Getty Images.

Restrictions on movement and border closures introduced in Libya in March 2020 to mitigate the spread of COVID-19 have exacerbated the suffering of refugees and migrants in Libya. Libyan authorities in the areas under GNA control closed airports and land borders for passengers on 16 March 2020.<sup>230</sup> The LNA followed suit on 19 March 2020.<sup>231</sup> In March 2020, UNHCR suspended evacuations and resettlement<sup>232</sup> activities and the IOM suspended its return programme,<sup>233</sup> leaving refugees and migrants stranded in Libya without legal pathways to safety. Even though UNHCR and the IOM resumed their programmes in June 2020,<sup>234</sup> Libya only opened its airports for outgoing flights on 26 July 2020.<sup>235</sup>

The IOM's return programme to migrants' countries of origin resumed in August 2020.<sup>236</sup> By 15 September 2020, 118 migrants had been returned to Ghana<sup>237</sup> and 110 to Sudan<sup>238</sup> in two separate flights from Tripoli.

<sup>230</sup> Al-Hurra, "Because of Coronavirus, GNA Declares Emergency and Closes Borders", 15 March 2020, [shorturl.at/moBR7](https://www.alhurra.com/news/details/1627272) (in Arabic).

<sup>231</sup> Almasry Alyoum, "Libya Stops all Flights Starting from Monday because of Coronavirus", 15 March 2020, [www.almasyalyoum.com/news/details/1627272](https://www.almasyalyoum.com/news/details/1627272) (in Arabic).

<sup>232</sup> Since 2017, the UNHCR has been evacuating a number of vulnerable refugees and asylum-seekers from Libya through its Emergency Transit Mechanisms, predominantly to Niger and Rwanda, from where resettlement and other durable solutions have been sought.

<sup>233</sup> UNHCR, IOM, UNHCR announce temporary suspension of resettlement travel for refugees, (Press release, 17 March 2020), [www.unhcr.org/uk/news/press/2020/3/5e7103034/iom-unhcr-announce-temporary-suspension-resettlement-travel-refugees.html](https://www.unhcr.org/uk/news/press/2020/3/5e7103034/iom-unhcr-announce-temporary-suspension-resettlement-travel-refugees.html)

<sup>234</sup> UNCHR, Joint Statement: UN Refugee chief Grandi and IOM's Vitorino Announce Resumption of Resettlement Travel for Refugees (Press release, 28 June 2020), [www.unhcr.org/news/press/2020/6/5eeb85be4/joint-statement-un-refugee-chief-grandi-ioms-vitorino-announce-resumption.html](https://www.unhcr.org/news/press/2020/6/5eeb85be4/joint-statement-un-refugee-chief-grandi-ioms-vitorino-announce-resumption.html)

<sup>235</sup> Libya Herald, "Libya Wings Confirms Resumption of One-way Flights: Misrata-Istanbul as of 26 July", 24 July 2020, [www.libyaherald.com/2020/07/24/libya-wings-confirms-resumption-of-one-way-flights-misrata-istanbul-as-of-26-july/](https://www.libyaherald.com/2020/07/24/libya-wings-confirms-resumption-of-one-way-flights-misrata-istanbul-as-of-26-july/)

<sup>236</sup> IOM, First IOM Libya Voluntary Return Charter in Five Months Assists Over 100 Ghanaian Migrants (Press release, 21 August 2020), [www.iom.int/news/first-iom-libya-voluntary-return-charter-five-months-assists-over-100-ghanaian-migrants#:~:text=Tripoli%20%E2%80%93%20one%20hundred%20and%20eighteen,hold%20began%20five%20months%20ago](https://www.iom.int/news/first-iom-libya-voluntary-return-charter-five-months-assists-over-100-ghanaian-migrants#:~:text=Tripoli%20%E2%80%93%20one%20hundred%20and%20eighteen,hold%20began%20five%20months%20ago)

The IOM's return programme, the Voluntary Return and Reintegration Programme, provides a safe option for those migrants wishing to return home. Other migrants opt to partake in the programme when faced with the alternative prospect of indefinite detention in horrid conditions in DCIM centres.

<sup>237</sup> IOM, First IOM Libya Voluntary Return Charter in Five Months Assists Over 100 Ghanaian Migrants, 21 August 2020,

[www.iom.int/news/first-iom-libya-voluntary-return-charter-five-months-assists-over-100-ghanaian-migrants](https://www.iom.int/news/first-iom-libya-voluntary-return-charter-five-months-assists-over-100-ghanaian-migrants)

<sup>238</sup> IOM Libya, Twitter Post, 13 September 2020, [twitter.com/IOM\\_Libya/status/1305090471836950528](https://twitter.com/IOM_Libya/status/1305090471836950528)



Another 153 migrants were flown to Bangladesh from Benghazi in September through the IOM return programme.<sup>239</sup> Between January and March 2020, the IOM had repatriated a total of 1,466 individuals to their countries of origin.<sup>240</sup>

UNHCR, however, had, at the time of writing, not been able to resettle or evacuate refugees from Libya since March 2020. Before the closure of borders, only 297 vulnerable refugees were flown out of Libya by UNHCR in 2020. Of them 128 were evacuated, while 169 were resettled. But even before the imposition of movement restrictions due to COVID-19, existing evacuation and resettlement programmes were wholly insufficient in providing safe legal pathways out of Libya for the tens of thousands of women, men and children trapped there in horrid conditions. UNHCR has only facilitated the departure of a total of 5,709 individuals since 2017.<sup>241</sup> The small number of refugees able to benefit from these programmes reflects the modest number of resettlement pledges made by countries receiving refugees.<sup>242</sup>

This situation effectively means that desperate people suffering unimaginable horrors in Libya have few realistic options to leave Libya but to seek to engage in the dangerous crossing of the central Mediterranean. This path remains blocked as EU-supported Libyan maritime authorities, in particular the LCG, intercept refugees and migrants at sea and transfer them to places of detention where they are systematically subjected to arbitrary detention and exposed to the risk of torture and other ill-treatment and forced labour.

Migrants and refugees are also at risk of dying at sea in shipwrecks. Between January and mid-September 2020 alone, at least 424 died in shipwrecks in the central Mediterranean.<sup>243</sup>

At least 45 refugees and migrants, including five children, died on 17 August 2020, according to UNHCR, in separate shipwrecks of the coast of Zuwara.<sup>244</sup> According to three survivors of one deadly incident, a group of about 83 refugees and migrants from several countries including Chad, Egypt, Eritrea, Sudan and Syria took off in a boat from the Zuwara coast, 100km west of Tripoli, on 15 August.<sup>245</sup> Soon after, the boat's engine started failing and their GPS device stopped working. They said they attempted to call the Italian, Maltese and Spanish coastguard authorities for help. At around 2pm on 16 August, they saw a plane filming them and hoped in vain that rescuers would be on their way. Survivors told Amnesty International that, on the next day, a blue boat approached them. It was flying a Libyan flag and had "Captain Salam 181" written on its side in Arabic. There were at least five armed men onboard. Survivors believed that three of them were Egyptian nationals and two Libyan nationals on the basis of their accents. The armed men towed the boat back to Zuwara. On the way, they stopped the boat and took the migrants' and refugees' GPS device, mobile phones and money. The armed men insisted the refugees and migrants give them US dollars, which they said they did not have. After stealing their belongings, at around midday on 17 August, the armed men untied the migrant boat from their own and fired multiple shots at it, causing the engine to catch fire. Subsequently, they took off in their own boat, leaving the refugees and migrants in distress at sea. Some people drowned and others sustained burns. Some five hours later, after nightfall, a small fishing boat spotted the survivors and transported some of them to shore. Others managed to swim back.

"Jabril", an electrical engineer who became a refugee due to armed conflict in his country of origin and survived the incident, told Amnesty International:

**"We gave them [the armed men] our phones, our GPS and all the money we had, which was in dinars and euros. For three days people had nothing to eat and drink; some people drank their own urine. They [the attackers] kept saying, 'You have US dollars. If you don't give us the money, you will die.' We told them we did not have any US dollars and they could search us and search the boat once we were on land. They took us back away from the shore, then kept circling around, until they told us they were going to leave us far from the shore. They cut the rope and then one man fired shots from a Kalashnikov at our boat. The engine caught fire and some people died in the fire; others drowned. The survivors remained in the sea until a small fishing boat found us... Many of us**

<sup>239</sup> IOM Libya, Twitter Post, 10 September 2020, [twitter.com/IOM\\_Libya/status/1304002917305851906](https://twitter.com/IOM_Libya/status/1304002917305851906)

<sup>240</sup> See IOM monthly updates at IOM Libya, [libya.iom.int/](https://libya.iom.int/)

<sup>241</sup> UNHCR, *UNHCR Libya Update*, 11 September 2020, [data2.unhcr.org/en/documents/details/78917](https://data2.unhcr.org/en/documents/details/78917)

<sup>242</sup> According to UNHCR's latest resettlement update on the Libya-Niger situation, as of 11 November 2019, a total of 6,169 resettlement places had been pledged by 13 states: Belgium, Canada, Finland, France, Germany, Italy, Luxembourg, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom and the USA. See UNHCR, *Libya-Niger - Resettlement update 86*, 12 November 2019, [reliefweb.int/sites/reliefweb.int/files/resources/72298.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/72298.pdf)

<sup>243</sup> IOM, *Missing migrants*, [missingmigrants.iom.int/region/mediterranean?migrant\\_route%5B%5D=1376](https://missingmigrants.iom.int/region/mediterranean?migrant_route%5B%5D=1376). Amnesty International accessed the site on 16 September. Note that not all those who died on this route departed from Libya.

<sup>244</sup> UNHCR, IOM, *UNHCR Call for Urgent Action after 45 Die in Largest Recorded Shipwreck off Libya Coast in 2020* (Press release, 19 August 2020), [www.unhcr.org/uk/news/press/2020/8/5f3d3f2a4/iom-unhcr-call-urgent-action-45-die-largest-recorded-shipwreck-libya-coast.html](https://www.unhcr.org/uk/news/press/2020/8/5f3d3f2a4/iom-unhcr-call-urgent-action-45-die-largest-recorded-shipwreck-libya-coast.html)

<sup>245</sup> Interviews on 21 August 2020.

**have burn injuries... They shot at us and just left us there. What kind of a person does that? I am not going to forgive them.”**

A refugee who died in a shipwreck on 17 August, according to his friends, wrote on his social media page on 11 August:

**“We will escape from the homeland. We will run vigorously towards exile, but alienation is also cruel and unbearable. It will eventually suck the nectar of our life.”<sup>246</sup>**

Despite the life-threatening risks, refugees and migrants who were still living in Libya when interviewed by Amnesty International between May and September 2020 said they had attempted crossing the Mediterranean on flimsy boats multiple times, driven by the horrifying human rights violations and abuses suffered in Libya and the shortage of alternative safer pathways out of the country. Each time, they were intercepted by the LCG and returned to Libyan shores to yet again face the same cycle of abuses.

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<sup>246</sup> Abdelwahab Latanios, Facebook post, 11 August 2020, [www.facebook.com/permalink.php?story\\_fbid=2714196572170300&id=100007399512543](https://www.facebook.com/permalink.php?story_fbid=2714196572170300&id=100007399512543) (in Arabic).

# 13. LEGAL FRAMEWORK

## 13.1 LIBYA'S OBLIGATIONS UNDER INTERNATIONAL LAW AND STANDARDS

The use of prolonged administrative detention without the possibility of review is prohibited under international law. Migrants and asylum-seekers, like anyone else, must benefit from a legal presumption of liberty, and as a consequence, any deprivation of their liberty must be clearly prescribed by law, strictly justified, non-arbitrary and as minimally restrictive as possible. Detention should only be used as a last resort and while adhering to basic human rights standards. The right to liberty of person and prohibition of arbitrary detention is enshrined in Article 9 of the International Covenant on Civil and Political Rights (ICCPR), to which Libya is a state party, and is a rule of customary international humanitarian law.<sup>247</sup> Detained migrants and asylum-seekers have the right to be promptly brought before a judge or other officer authorized by law to exercise judicial power to review the lawfulness of the detention and its continued necessity and proportionality; and to order less coercive measures, if warranted, or unconditional release. No children should be detained for migration-related reasons under any circumstances.

Individuals subject to deportation are entitled to procedural safeguards, including the ability to challenge deportation decisions and access to interpretation and legal services. They also have the right to challenge the decision to deport them. Furthermore, Libya is obliged to respect the principle of non-refoulement and to identify, or permit UNHCR to identify, those in need of international protection.<sup>248</sup>

Under international law, torture and other cruel, inhuman or degrading treatment or punishment (other ill-treatment) are prohibited absolutely, in all circumstances and without exception. The prohibition of torture and other ill-treatment was recognized in 1948 in Article 5 of the Universal Declaration of Human Rights. The prohibition has been included in many subsequent human rights treaties, and other international and regional instruments to which Libya is a state party, including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the ICCPR (Article 7), and the African Charter on Human and Peoples' Rights (Article 5), and the Geneva Conventions and Protocols. Article 4 of the ICCPR provides that this prohibition is non-derogable, that is, it cannot be repealed or relaxed even in "times of emergency which threatens the life of the nation". The prohibition of torture and other ill-treatment is also a rule of customary international law, binding on all states whether or not they are parties to particular treaties which contain the prohibition. Indeed, the prohibition of torture is widely recognized as one of a relatively small number of particularly fundamental norms of general international law.<sup>249</sup> Torture is a crime under international law. When committed in the context of an armed conflict, cruel treatment, torture and humiliating or degrading treatment are war crimes.<sup>250</sup>

Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance of

<sup>247</sup> International Committee of the Red Cross (ICRC), Customary International Humanitarian Law (Vol1: Rules), Rule 99.

<sup>248</sup> For more information on international standards in relation to the situation of migrants and refugees in Libya, see Amnesty International, *Libya's dark web of collusion: Abuses against Europe-bound refugees and migrants* (Index: [MDE 19/7561/2017](https://www.amnesty.org/en/documents/MDE/19/7561/2017/)).

<sup>249</sup> See, for instance, International Court of Justice, Questions Relating to the Obligation to Prosecute or Extradite (*Belgium v. Senegal*), and Judgment, 20 July 2012, para. 99; International Court of Justice, Case Concerning Ahmadou Sadio Diallo (*Republic of Guinea v. Democratic Republic of the Congo*), Judgment, 30 November 2010, para. 87; UN General Assembly Resolution 66/150 (19 December 2011), third preambular paragraph; International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Furundzija*, no. IT-95-17/1, Trial Judgment, 10 December 1998, paras 137-146. The prohibition is also a rule of customary international humanitarian law, binding on all parties to armed conflicts regardless of what treaties they have ratified. See ICRC, Customary International Humanitarian Law (Vol 1: Rules), Rules 90 and 87.

<sup>250</sup> Rome Statute of the International Criminal Court, Article 8(2)(c)(i); ICRC, Customary International Humanitarian Law (Vol 1: Rules), Rule 156;

2006 contains the definitive definition of enforced disappearance: the “arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”. Article 5 notes that “The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law”. The prohibition of enforced disappearance in the convention confirmed existing prohibitions in various instruments including the 1978 General Assembly Resolution on Disappeared Persons, the 1992 Declaration on the Protection of all Persons from Enforced Disappearance, the 1994 Inter-American Convention on the Forced Disappearance of Persons and the Rome Statute of the International Criminal Court. Enforced disappearance is also prohibited under customary international humanitarian law.<sup>251</sup>

Every enforced disappearance violates a range of human rights, many of which are non-derogable. Treaty bodies, human rights courts and other human rights bodies have repeatedly found that enforced disappearances violate – including during armed conflicts – the right to liberty and security of person,<sup>252</sup> the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment,<sup>253</sup> the right to a remedy,<sup>254</sup> and the right to life.<sup>255</sup> Thus the fact that Libya is not a party to the International Convention for the Protection of All Persons from Enforced Disappearance does not release it from the obligation not to subject anyone to enforced disappearance. Because enforced disappearances can violate several human rights simultaneously, they are referred to as “multiple” or “cumulative” human rights violations. An enforced disappearance is also a “continuing crime”, which takes place so long as the disappeared person remains missing and information about his or her fate or whereabouts has not been provided by the state.

Under international human rights law, including the International Covenant on Social, Economic and Cultural Rights, to which Libya is a state party, the right to health includes the right to access health facilities, goods and services free from discrimination. According to the UN Committee on Economic, Social and Cultural Rights: “The ground of nationality should not bar access to Covenant rights... The Covenant rights apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation.”<sup>256</sup> It further clarifies that “States are under the obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees, minorities, asylum seekers and illegal immigrants, to preventive, curative and palliative health services”.<sup>257</sup> Article 28 of the International Convention on the Protection of the Rights of Migrant Workers’ and their Families, to which Libya is a state party, also provides that all migrant workers and members of their families have the right to receive urgent medical care.<sup>258</sup>

Libya is a party to the four Geneva Conventions of 1949 and to their Additional Protocols I and II. The rules on the conduct of hostilities apply in both international and non-international armed conflicts and are binding on all parties, state and non-state forces. International humanitarian law confers protection on migrants as civilians, irrespective of their migratory status, and they must not be subject to adverse distinction on the basis of that status. As civilians and “protected persons” where applicable, migrants and refugees are covered by the rules providing general protection to the civilian population in both international and non-international armed conflicts. Customary international humanitarian law specifies: “Uncompensated or abusive forced labour is prohibited.”<sup>259</sup>

<sup>251</sup> ICRC, Customary International Humanitarian Law (Vol 1: Rules), Rule 98.

<sup>252</sup> European Court of Human Rights (ECtHR), *Kurt v. Turkey*, Judgment, 25 May 1998; Inter-American Court of Human Rights (IACtHR), *Velasquez Rodriguez v. Honduras*, Judgment, 29 July 1988.

<sup>253</sup> African Commission on Human and Peoples Rights, *Amnesty International and others v. Sudan*, Communications 48/90, 50/91, 52/91 and 89/93, 15 November 1999; UN Human Rights Committee, *Mojica v. Dominican Republic*, Communication 449/1991, Views, 10 August 1994.

<sup>254</sup> ECtHR, *Blake v. Guatemala*, Judgment, 24 January 1998; ECtHR, *Tas v. Turkey*, Judgment, 14 November 2000.

<sup>255</sup> ECtHR, *Demiray v. Turkey*, Judgment, 21 November 2000; IACtHR, *Bamaca Velasquez v. Guatemala*, Judgment, 25 November 2000.

<sup>256</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 20: Non-discrimination in economic, social and cultural rights, UN Doc. E/C.12/GC/20.

<sup>257</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health, UN Doc. E/C.12/2000/4.

<sup>258</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, [www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx)

<sup>259</sup> ICRC, Customary International Humanitarian Law (Vol 1: Rules), Rule 95.

## 13.2 EUROPEAN STATES' OBLIGATIONS UNDER INTERNATIONAL LAW AND STANDARDS

All UN member states are bound by an obligation in Article 56 of the UN Charter “to take joint and separate action in co-operation with the Organization [the UN] for the achievement of the purposes set forth in Article 55”.<sup>260</sup> These purposes include “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”.<sup>261</sup> In addition, Article 28 of the Universal Declaration of Human Rights states that “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized”. Where there is a substantial risk that assistance in migration and border control is leading to torture, enforced disappearances or other violations of human rights, continuing to provide such assistance would be contrary to the supplying state's positive obligation to co-operate towards universal respect for human rights set out in the UN Charter and enshrined in the Universal Declaration of Human Rights. All states are also bound by the obligation to ensure respect for the international humanitarian law.<sup>262</sup> According to the International Committee of the Red Cross's authoritative Commentary on the Geneva Conventions: “This duty to ensure respect by others comprises both a negative and a positive obligation. Under the negative obligation, High Contracting Parties may neither encourage, nor aid or assist in violations of the Conventions by Parties to a conflict. Under the positive obligation, they must do everything reasonably in their power to prevent and bring such violations to an end.”<sup>263</sup>

States have obligations not to render assistance towards the commission of internationally wrongful acts, which includes torture, war crimes and crimes against humanity and other violations of peremptory norms of international law (*jus cogens*). In fact, they should prevent such crimes, and, when they are in a position to do so, stop co-operation and assistance which facilitate the commission of such crimes.<sup>264</sup> Based on principles of criminal responsibility under international criminal law, individuals can be held criminally responsible for providing necessary means (such as weapons, ammunition and financial support) for the commission of crimes under international law where their conduct amounts to aiding, assisting, abetting or otherwise facilitating those crimes.<sup>265</sup>

## 13.3 LIBYAN LEGISLATION

Libyan legislation related to migration falls short of international law and standards, which stipulate that irregular entry and stay should not constitute criminal offenses and consider automatic, mandatory and indefinite detention to control migration in itself arbitrary. For instance, the Special Rapporteur on the human rights of migrants noted:

**“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 criminals per se and should not be treated as such. The Working Group on Arbitrary Detention has held that ‘criminalizing illegal entry into a country exceeds the legitimate interest of States to control and regulate irregular immigration and leads to unnecessary detention...’”**<sup>266</sup>

Libyan law criminalizes irregular entry, stay and exit, which is punishable by a prison sentence, a fine and, ultimately, deportation. In 2010, Law no. 19 on Combating Illegal Migration was introduced, which sought to impose harsher punishment for smuggling. The law defines the act of “illegal” migration as covering anyone who entered the country “illegally”, without distinctions made for those seeking international protection and

<sup>260</sup> UN Charter, Article 56, [www.un.org/en/sections/un-charter/chapter-ix/index.htm](http://www.un.org/en/sections/un-charter/chapter-ix/index.htm)

<sup>261</sup> UN Charter, Article 55(c), [www.un.org/en/sections/un-charter/chapter-ix/index.html](http://www.un.org/en/sections/un-charter/chapter-ix/index.html)

<sup>262</sup> Geneva Conventions of August 12, 1949, Common Article 1: “The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances”.

<sup>263</sup> ICRC, Commentary on the First Geneva Convention, 2nd edition, 2016, para. 154.

<sup>264</sup> International Law Commission, Articles on State Responsibility for Internationally Wrongful Acts, Article 16, [egal.un.org/ilc/texts/instruments/english/draft\\_articles/9\\_6\\_2001.pdf](http://egal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf)

For information on EU states' knowledge of the violations being committed against migrants and refugees detained in Libya, see Amnesty International, *Libya's dark web of collusion: Abuses against Europe-bound refugees and migrants* (Index: [MDE/19/7561/2017](https://www.amnesty.org/en/documents/MDE/19/7561/2017/)), pp. 56-59.

<sup>265</sup> Rome Statute of the International Criminal Court, Article 25(3)(c); Special Court for Sierra Leone, *Prosecutor v. Charles Taylor*, Judgment, 18 May 2012; International Criminal Tribunal for the former Yugoslavia, *Prosecutor v. Momčilo Perisic*, Appeals Chamber, Judgment, 28 February 2013; International Criminal Tribunal for the former Yugoslavia, *Prosecutor v. Mile Mrksic et al*, Appeals Chamber, Judgment, 5 May 2009.

<sup>266</sup> Report of the Special Rapporteur on the human rights of migrants, François Crépeau, 2 April 2012, UN Doc. A/HRC/20/24, and Report of the Working Group on Arbitrary Detention, 10 January 2008, UN Doc. A/HRC/7/4.

victims of trafficking. The law penalizes irregular entry with a prison sentence of up to three years or a fine not exceeding 1,000 Libyan dinars (\$809 at the official rate) and eventually deportation once the sentence is complete.<sup>267</sup> The law does, however, require that the dignity, rights and property of an irregular migrant be protected.<sup>268</sup> Law no. 6 of 1987 on Organizing the Exit, Entry and Residence of Foreign Nationals in Libya criminalizes the “illegal” entry, stay or exit of foreign nationals. Article 17 of the law stipulates that any foreigner who has entered the country without a valid visa, or whose legal residency has expired, will be subject to deportation.<sup>269</sup> The law allows for those who are subject to deportation procedures to be detained until the deportation takes place.<sup>270</sup> It also provides for imprisonment for up to three years, along with a fine of 200 Libyan dinars (\$146), for anyone who has entered the country “illegally” and then remains or attempts to exit the country without a valid residency document or exit visa.<sup>271</sup> The law criminalizes not only the individual but also persons who have assisted or facilitated in their irregular entry, stay or exit.<sup>272</sup> Law no. 6 of 1987 was later amended by Law no. 2 of 2004, which punishes the act of “smuggling immigrants by any means” with at least one year’s imprisonment sentence and/or a fine of up to 1,000 Libyan dinars (\$809).<sup>273</sup>

In practice, the overwhelming majority of refugees and migrants held in migration-related detention in Libya are never charged or tried, and remain in indefinite detention without any possibility to challenge the legality of their detention.

Although Article 10 of the Constitutional Declaration of 2011 sets out the right to asylum, the country lacks asylum laws or procedures. Libya is party to the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, but is in violation of its obligations under the Convention by failing to recognize the right to asylum and extend protection to those fleeing persecution. Libya has consistently refused to sign the 1951 Convention relating to the Status of Refugees or its 1967 Protocol and formalize the presence of UNHCR in the country.

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<sup>267</sup> Law no. 19/2010 on Combating Illegal Migration, Article 6. [security-legislation.ly/ar/node/32174](https://security-legislation.ly/ar/node/32174) (Arabic)

<sup>268</sup> Law no. 19/2010 on Combating Illegal Migration, Article 10. [security-legislation.ly/ar/node/32174](https://security-legislation.ly/ar/node/32174) (Arabic)

<sup>269</sup> Law no. 6/1987 Organizing the Exit, Entry and Residence of Foreign Nationals in Libya, Article 17. [security-legislation.ly/ar/node/34591](https://security-legislation.ly/ar/node/34591) (Arabic)

<sup>270</sup> Law no. 6/1987 on Organizing the Exit, Entry and Residence of Foreign Nationals in Libya, Article 18. [security-legislation.ly/ar/node/34591](https://security-legislation.ly/ar/node/34591) (Arabic)

<sup>271</sup> Law no. 6/1987 on Organizing the Exit, Entry and Residence of Foreign Nationals in Libya, Article 19. [security-legislation.ly/ar/node/34591](https://security-legislation.ly/ar/node/34591) (Arabic)

<sup>272</sup> Law no. 6/1987 on Organizing the Exit, Entry and Residence of Foreign Nationals in Libya, Article 19. [security-legislation.ly/ar/node/34591](https://security-legislation.ly/ar/node/34591) (Arabic)

<sup>273</sup> Law no. 6/1987 on Organizing the Exit, Entry and Residence of Foreign Nationals in Libya, Articles 19 and 19bis. [security-legislation.ly/ar/node/33686](https://security-legislation.ly/ar/node/33686) (Arabic)



# 14. CONCLUSION AND RECOMMENDATIONS



Refugees and migrants hold a placard during the visit of United Nations Secretary-General Antonio Guterres to Ain Zara immigration detention centre in Tripoli on 4 April 2019 © MAHMUD TURKIA/AFP via Getty Images.

**“Right now refugees [are] going to cross the sea... [There is] no evacuation and no resettlement... Refugees in Libya are at risk. [We are] between life and death.”**

A refugee described to Amnesty International the precarious situation facing refugees and migrants in Libya, August 2020.

Libya remains an unsafe country for refugees and migrants, where their lives, liberty and physical security are at risk. Refugees’ and migrants’ vulnerabilities are compounded by the ongoing conflict, the breakdown of the rule of law and the authorities’ inability and unwillingness to address long-standing patterns of abuse against foreign nationals. Given the horrors suffered by migrants and refugees in Libya, those rescued or intercepted in the central Mediterranean should not be returned to Libya, but instead disembarked in a place of safety. This assessment is in line with UNCHR’s latest position on returns to Libya issued in September 2020:

**“In light of the volatile security situation in general and the particular protection risks for foreign nationals (including arbitrary and unlawful detention in substandard conditions in State-run detention centres, and reports of serious violations and abuses against asylum seekers, refugees and migrants by, among others, militias,**



**traffickers and smugglers), UNHCR 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.”<sup>274</sup>**

Despite the well-documented plight of refugees and migrants in Libya, EU member states and institutions continue to offer their support to the Libyan government and have never conditioned it upon Libyan authorities adopting the necessary measures to ensure the respect of the rights of refugees and migrants disembarked in Libya. International co-operation should focus on the human rights violations and abuses suffered by refugees and migrants stranded in the country, rather than on continuing policies leading to the containment of people in a situation of abuse.

Amnesty International is consequently making the following recommendations to:

## **ALL LIBYAN AUTHORITIES AND GROUPS WITH DE FACTO CONTROL OF TERRITORY**

- Promptly locate, register and release any foreign nationals arbitrarily held in DCIM detention centres and regular prisons or held captive by militias, armed groups and or criminal gangs and provide them with adequate assistance and access to rights, including the ability to seek international protection in countries other than Libya.
- Decriminalize irregular entry, stay and exit, and end the policy and practice of mandatory detention of refugees and migrants considered to be in an irregular situation. Amend Law no. 19 of 2010 on Combating Irregular Migration and Law no. 6 of 1987 to make irregular entry, stay and exit only an administrative offence. End the arbitrary arrest and detention of foreign nationals solely on the basis of their legal status and close all immigration detention centres including those run by the DCIM.
- Pending the release of all those detained arbitrarily and the closure of immigration detention centres, ensure that all those detained are provided with adequate food and access to healthcare and are protected from torture and other ill-treatment, sexual violence and exploitation and forced labour. Women should only be held in facilities with adequately trained women guards, while children should be held separately from unrelated adults.
- Allow humanitarian agencies unrestricted access to all places where refugees and migrants are being held or disembarked. Reveal the fate and whereabouts of refugees and migrants subjected to enforced disappearance following disembarkation or transfer from official DCIM detention centres.
- Ensure that anyone rescued at sea, including within the Libyan SAR region or by the LCG, is disembarked in a place of safety, which cannot be Libya.
- Initiate independent, impartial investigations into all allegations of torture and other ill-treatment, rape and other sexual violence, unlawful killings, enforced disappearance, forced labour and exploitation and other human rights violations and crimes carried out against refugees and migrants inside and outside the context of detention regardless of whether the alleged perpetrators were state actors, members of militias or armed groups, traffickers, or others with a view to bringing all those responsible to justice in fair trials.
- Enable foreign nationals to lodge complaints with police and prosecution authorities without fear of arrest, detention or deportation due to their immigration status.
- Ensure scrupulous respect for the principle of non-refoulement and ensure that anyone facing deportation has access to due process, legal assistance and the right to challenge the expulsion order in front of judicial authorities.
- Take measures to combat racism and xenophobia. Conduct awareness-raising campaigns. Address the use of racist language by officials including through disciplinary and penal measures. Integrate anti-racism programmes in the training of officials in institutions such as the DCIM and the LCG. Ensure that those individuals who suffer racist attacks are able to safely report them to the authorities regardless of their migration status.
- Instruct affiliated armed groups and militias not to subject migrants and refugees to forced labour, including in supporting military operations, and to immediately cease the unlawful deprivation of liberty, torture and other ill-treatment of migrants, and hold those responsible to account.
- End financial support to militias responsible for human rights violations and ensure that no militia or armed group is integrated into state institutions without vetting to remove those reasonably suspected of human rights violations or crimes under international law.
- Take action to ensure that migrants and refugees in Libya can access adequate health care, including emergency services, regardless of their migration status.

<sup>274</sup> UNHCR, *UNHCR Position on the Designations of Libya as a Safe Third Country and as a Place of Safety for the Purpose of Disembarkation Following Rescue at Sea*, 11 September 2020, [www.refworld.org/docid/5f1edee24.html](http://www.refworld.org/docid/5f1edee24.html).

## **LIBYA'S GOVERNMENT OF NATIONAL ACCORD**

- Sign and ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and formalize the presence of UNHCR.
- Sign and ratify the 2006 International Convention for the Protection of All Persons from Enforced Disappearance.

## **THE EU AND MEMBER STATES**

- Review and reform policies of co-operation with Libya on migration and border control, with a view to stopping any actions contributing to the containment of people in a country where they are in constant, grave danger. In particular, reset all co-operation with Libya on migration and border control – in the form of financial, institutional, material, policy and/or capacity support – focusing it on the priority of protecting the human rights of refugees and migrants in the country.
- Make any co-operation with Libya on migration and border control conditional on the adoption of concrete and verifiable measures by Libya to protect the rights of refugees and migrants in the country, including the closure of detention centres, the release of all those arbitrarily detained because of their migration status, disclosure of the fate or whereabouts of forcibly disappeared migrants and refugees, and the enactment of asylum laws by Libyan authorities.
- Open safe and legal routes into Europe, in particular by offering a meaningful number of places for resettlement and alternative pathways to protection to the thousands of people in need of protection who are stranded in Libya, and by reviewing migration policies with a view to facilitate regular pathways for would-be migrants.
- Adopt a predictable disembarkation mechanism addressing the specific situation in the Libyan SAR region, to ensure that any refugees and migrants rescued in the area are promptly disembarked in a place of safety, which cannot be in Libya.
- Demand that Libyan authorities ensure that refugees and migrants rescued under their co-ordination are disembarked in a place of safety, which cannot be in Libya, and co-operate with them towards the prompt identification of a suitable place of safety.
- Ensure that an adequate number of vessels with search and rescue as their primary purpose are deployed along the routes taken by boats carrying refugees and migrant, including near Libyan territorial waters, for as long as departures of refugees and migrants from Libyan shores continue.
- Refrain from obstructing and hampering the activities of rescue NGOs in the central Mediterranean.
- Establish monitoring and accountability mechanisms to address human rights violations at the external borders of the EU and deriving from co-operation on migration and border control with third countries.

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# **‘BETWEEN LIFE AND DEATH’**

## **REFUGEES AND MIGRANTS TRAPPED IN LIBYA’S CYCLE OF ABUSE**

Refugees and migrants in Libya are trapped in a cycle of serious human rights violations and abuses including prolonged arbitrary detention and other unlawful deprivation of liberty, torture and other ill-treatment, unlawful killings, rape and other sexual violence, forced labour and exploitation at the hands of state and non-state actors in a climate of near-total impunity.

Despite this, EU member states, led by Italy, have been collaborating with the Libyan authorities – providing speedboats, training and assistance in the co-ordination of operations at sea – to ensure people attempting to flee the country by boat are intercepted at sea and brought back to Libya.

Existing resettlement and evacuation programmes are insufficient for providing safe and legal pathways out of Libya for people in need. Border closures and movement restrictions imposed due to the COVID-19 pandemic have further exacerbated the situation, leaving desperate people with few realistic ways out of Libya other than seek to engage in the dangerous crossing of the central Mediterranean.

To break the cycle of abuse, the EU and its member states must reconsider their co-operation with Libya on migration, making any further support conditional on immediate action to stop horrific abuses against refugees and migrants.