Complex Persecution
Complemented system of oppression and exploitation of migrants and asylum seekers in Libya

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Contents

Introduction.............................................................................................................. 3

Methodology.......................................................................................................... 4

Migrants and asylum seekers’ rights in international law. .................................. 5

Restrictions on movement and travel ............................................................... 8

From the coasts of Libya to the coasts of Europe........................................... 14

European policies to limit migrants’ arrival from Libya.................................... 18

Prisons and migrant detention centers ............................................................. 23

Refoulement and the program of voluntary return........................................... 26

Libya’s neighboring countries’ dealing with the migration crisis.................. 30

Recommendations ............................................................................................. 30
Introduction

The basic rights of migrants and asylum seekers in Libya are gravely violated in a way that affects their lives and their physical and psychological integrity because of the practices of authorities both east and west of the country. Such practices include the Libyan Coast Guard’s (LCG) violent interception methods to return migrants and the inhumane detention conditions in prisons and detention centers run by the Directorate for Combating Illegal Migration.

Migrants face intolerable conditions that push them to escape their countries by any means, including paying large sums of money to brokers, smugglers, or gangs that constantly put their lives at risk. The lack of legal and safe routes and the complications surrounding seeking asylum in Europe and other countries encourage them to take these dangerous routes.

International laws and conventions related to the status of refugees consider migrants as vulnerable groups forced by unstable security and political or economic conditions to leave their country of origin to seek new refuge. Those agreements work to protect the rights of these groups on the humanitarian level in the first place, organize their conditions, guarantee their rights in a way that does not harm the host country, and ensure that the humanitarian standard is the main determinant of states’ dealing with migrants.

While the Libyan authorities respond violently to migrants, sometimes by ending their lives, the European Union continues to increase its support to the LCG to push migrants back despite being aware of all the Libyan authorities’ illegal practices. In addition, the countries from which migrants leave do not show effective and serious measures to protect their nationals detained in Libya or to monitor their legal status.
Methodology

The report reviews the violations against migrants and asylum seekers in Libya during the pushbacks and in prisons and detention centers. It is based on months of field documentation and interviews with migrants and their families. The researchers monitored the various Libyan agencies’ dealing with migrants, particularly the LCG, prison administrations, and security forces. The report reviews the various human smuggling methods and the neighboring countries’ responses regarding file of migration and asylum in Libya.

It compares the rights guaranteed to migrants in relevant international charters and agreements to their actual treatment on the ground. It also makes recommendations that – if adopted – will contribute to restoring human dignity and safeguarding the basic rights of migrants.

Euro-Med Monitor used reliable international bodies’ reports as secondary sources, including the Human Rights Council and the High Commissioner for Refugees in Libya, as well as statements issued by official Libyan bodies and relevant international organizations.
Legal background

The conditions of migrants in Libya have seen significant deterioration since the beginning of 2021, especially after the strict security measures taken by the LCG, prison administrations, and detention centers. Migrants’ rights derive their legitimacy from the supposed protection they should receive, as they are fragile, endangered, or exploited in their countries of origin, where local remedies are almost impossible. Hence, international law has taken particular care of these groups and assigned them special protection under several important covenants and agreements, including the Universal Declaration of Human Rights, and contractual agreements that regulate their status and protect their rights, such as the 1951 International Convention relating to the Status of Refugees, its 1967 Protocol, and the New York Declaration for Refugees and Migrants 2016.

Due to its maritime borders with Malta and Italy, Libya constituted a corridor for hundreds of thousands of migrants to cross to Europe. This explains the large number of migrants in Libya and the consequent deterioration of their humanitarian condition as the authorities fail to observe their rights.

International law guarantees a set of rights for migrants and obliges states to protect these rights, which are the very minimum to protect them as human beings. The International Covenant on Civil and Political Rights guarantees those rights regardless of nationality or statelessness. Article 2 states: “1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

The texts of international law paid special attention to protecting the right to life, which is the most important right on
Complex Persecution.. 
Complemented system of oppression and exploitation of migrants and asylum seekers in Libya

which the rest are based. No one may be arbitrarily deprived of life. Irregular migrants also have the right to liberty and security of person, and the Member States, in paragraph 10 of the New York Declaration, affirmed their determination to “save lives.”

Article 6 of the International Covenant on Civil and Political Rights states that the right to life is an inherent right of every human being, and this right is expressly stipulated in Article 16 of the Protocol Anti-Smuggling of Migrants. This not only includes intervening in cases where the lives of irregular migrants are threatened, but also proactively protecting and assisting them to ensure the positive enjoyment of their fundamental rights. Paragraph 11 of the New York Declaration on Refugees and Migrants of 2016 affirms migrants’ right to a dignified life. The article mentions the need for states
to fully respect the human rights and fundamental freedoms due to migrants and refugees, and stresses that they live their lives in safety and dignity.

According to Article 11 of the International Covenant on Economic, Social, and Cultural Rights of 1966, the states parties to the covenant agree to recognize the right of every person to an adequate standard of living that meets their needs of food, clothing, shelter, and continuous improvement of their living conditions.

In terms of the right to health care, paragraph 30 of the 2016 New York Declaration encourages states to meet the specific health care needs of migrants. The states parties to the International Covenant on Economic, Social, and Cultural Rights, in Article 12 thereof, recognize the right of every human being to the enjoyment of the highest attainable standard of physical and mental health. Migrants’ right to health is guaranteed by the principle of non-discrimination stipulated in the Universal Declaration of Human Rights of 1948, and Article 2 of the International Covenant on Economic, Social and Cultural Rights, among others. Furthermore, the UN Committee on Economic, Social, and Cultural Rights has clearly stated that states have an obligation to ensure that all persons, including migrants, have equal access to preventive and curative health services and housing regardless of the legal status and legal documents of the migrant.  

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1 Paragraph 30 of General Comment No. 20, Committee on Economic, Social and Cultural Rights.
From the coast of Libya to the coast of Europe

Libya is a transit stop for migrants trying to reach Europe since it has direct geographical and maritime contact with Italy through the Mediterranean. Although Libya suffers poor economic conditions, it has more than 575,874 migrants on its lands (as of February 2021) of different nationalities from Egypt, Niger, Sudan, Ethiopia, Nigeria, Chad, and the Maghreb countries. Most of them do not wish to settle in Libya, but to cross to the European coasts through sea smuggling operations. Organized smuggling networks transport migrants from Libya to the coasts of Malta and Italy. The migrants’ journey is divided into several stages, starting with the search for a smuggling broker who completes the agreement in return for a sum of money and ending with the dangerous sea journey heading to the shores of Europe.

2 Statistics from Libya Migrate Report February 2021 issued by the International Organization for Migration.
The smuggling process from Libya involves risks prior to the risks of their sea journey, including mistreatment by the smugglers, detention by the Libyan authorities in or while entering the country, kidnapping by gangs for ransom from their family, and being stuck in Libya without official residency papers or a job that provides them their daily bread. The smuggling process begins with influencing asylum seekers with propaganda promoted by smuggling networks inside or outside Libya, and then assembling them in warehouses spread in coastal cities such as Zuwara and Sabratha in the northwest, Sirte in the north-central region of the country, and Tobruk and Al-Bayda in the northeast. The sea journey then begins without observing the required safety conditions. According to testimonies, such sea journeys take place every day to Europe, transporting large groups of migrants on old and small boats that often carry double their capacity, which explains the many drowning accidents. Migrants board boats without being aware of the details of the journey, the itinerary, or the emergency safety precautions. In some cases, the sea smuggling process begins before the migrant arrives in Libya, when an agreement is made between the migrant and the smuggling broker or the smuggler himself in the migrant’s country of origin. In these cases, the smuggling process goes through two stages: land smuggling from the country neighboring Libya and the voyage from Libya to the coasts of Europe. The cost of this process ranges between 3,000 - 4,000 dollars, while it ranges between 1,500 - 4,000 dollars when the migrant is inside Libya. The amount may go up or down depending on the conditions or the circumstances and location of the migrant. The suffering of migrants begins before the migration journey even begins, as smugglers detain them for days or weeks in warehouses or agricultural lands and inhumane conditions, including torture and deprivation of food, drink, and health care.
M.M., a young Syrian man from the city of Daraa who tried to seek asylum in Europe by passing through Libya, said: “In June 2021, with the help of smugglers, some friends and I moved to Lebanon to escape the hell of war in Syria. We got official travel passports from the Syrian embassy in Lebanon, and we legally traveled to Libya through the J.S. travel office in order to reach the shores of Tripoli and embark on the smuggling adventure to the shores of Italy. When we landed at Benghazi airport, we were surprised to learn that going to Tripoli required a new smuggling operation. We proceeded in coordination with a smuggler called ‘A.J.,’ who pledged to deliver us to Europe safely, but he detained us before the journey for several days on a farm in Tripoli guarded by dozens of gunmen. We were given only one meal a day that was not enough to satisfy our hunger. We were beaten with iron rods and plastic hoses. We tried more than once to get out of the place and give up the money we paid, but he refused to even discuss the issue.

Sea smuggling networks use small, worn-out boats to transport large numbers of migrants, without regard to weather conditions and their impact on wind direction and sea currents. In addition, Article 31 of the Tunisian Constitution

“We were given only one meal a day that was not enough to satisfy our hunger. We were beaten with iron rods and plastic hoses.”
the Libyan, Italian, or Maltese coast guards chase the boats to return them to the Libyan mainland, which increases the chances of the exposure of the boat to damage or capsizing.

Hamza Balamouri, 24, a young Moroccan man who went through the various stages of the migration journey from Libya, told Euro-Med Monitor: «In June 2021, I went to the city of Oujda on the Algerian border, where two of my friends and I agreed with a Libyan smuggler to enter Algeria by land in return for an amount of 750 euros (about $840) per person. Indeed, we crossed the border and reached Algeria, and moved between the governorates until we crossed the Libyan border.

“When we arrived in the city of Zorah in western Libya, we met the main smuggler A.A., who charged each of us 3,500 euros (about $4,000) to take us by sea to the shores of Italy.

“We stayed for four whole weeks in a land belonging to the smuggler, where his family lived. We had two meals a day, made up of stale bread and a cup of tea. In July, we headed to Zuwarra beach with the smuggler at exactly 9 p.m. and boarded the boat at midnight. We were about 20 people in a boat whose capacity was no more than 10 people. It was driven by a young man of Egyptian nationality. After we sailed for about an hour in unstable sea conditions, we asked the captain to return to Libya due to the unstable weather conditions, but he refused and said that the Libyan smuggler would kill him if he returned. After only a few minutes, the boat capsized. I heard my friends and the other people on the boat screaming for rescue, but unfortunately, we did not have life jackets or rescue equipment. The communication between us was cut off, we lost all eye contact, and we did not know the fate of each other.

“Three of the passengers on the sinking boat - a Moroccan and two of African nationalities – and I managed to get together and use our good swimming skills. But we did not know the directions because of the darkness. After swimming
for three and a half hours, we saw one of the lit buildings in Zuwara that helped us swim to the beach. Around 5 a.m., we arrived at Zuwara beach and came across three people working with the Libyan Criminal Investigation Service. One of them immediately called the police, who arrived shortly after with seven armored cars, arrested me and the other three survivors, and took us to a prison inside the city. The police interrogated us for three hours after our arrival, without taking us to a doctor or checking on our health.

“The investigator began asking detailed questions about the smuggling journey, the name of the smuggler, and our destination. I learned that day that the smuggler was arrested on the same day.

Several hours later, I was summoned to the Zuwara morgue to identify some of the bodies of the migrants who were on the boat. There was the biggest tragedy for me when I found the bodies of my two friends, Hamza Ait Mohand, 25, and Hamza Qirshal, 23, among the bodies.

“I was transferred to Mellitah prison in the city of Zuwara, and there began a new conflict with the smuggler, who was in a nearby cell. He came to me on the first day of my detention and severely beat me inside the cell without any reaction
from the prison staff, and threatened me to change my statements or he would kill me in Libya. I was threatened daily by the smuggler himself or people working with him inside the prison, and I was threatened by the prison director, who was named Jalal. He asked me to change my statement and acquit the smuggler ‘for my own good,’ but I refused.

“I stayed in Mellitah prison for 67 days, during which I contracted the Coronavirus and suffered from its severe symptoms. And despite that, medical assistance was not provided nor was I referred to a doctor despite requesting that several times. After that, I was presented to the Al-Ajilat court, and I was ordered to pay a fine of 1,500 Libyan dinars (about $325), paid by my father through his friend who lives in the city of Zuwara, and I was released on 15 September 2021. After my release, I was afraid of the smuggler and the people working with him, so I resorted to a friendly family and stayed there for a month and a half until I was able to obtain my passport thanks to my father, who traveled to Tunisia and sent it to me through a person returning to Libya. “I have now returned to Morocco, but I have memories that I cannot forget. I faced death, lost my best friend in front of my eyes, and went through a harsh detention experience, during which I was beaten, insulted, and threatened with death.”
European policies aiming to limit migrants’ arrival from Libya

Over the past several years, the EU has adopted policies that have complicated the conditions of migrants and have legally restricted migration and asylum routes to Europe. This has contributed to the emergence of new illegal and dangerous paths.

Since 2015, the EU has provided about $525 million to Libya to protect its southern borders and limit the arrival of new migrants (3). It directed a large share of this support to strengthen LCG’s capabilities, modernize its equipment, and train its cadres to intercept migrants’ boats within the territorial waters and return them to the Libyan mainland before reaching international waters. The EU turns a blind eye to the exploitation of migrants and asylum seekers in Libya.

Complex Persecution...
Complemented system of oppression and exploitation of migrants and asylum seekers in Libya

eye to LCG’s abuses against migrants during the pushbacks, ranging from direct violence to damaging their boats and leaving those on them under the risk of drowning.

In 2021, the results of cooperation between the EU and Libya in returning migrants appeared clearly. International Organization for Migration (IOM) data show that more than 23,000 migrants were returned from the beginning of 2021 until September. This is double the total number of those intercepted throughout 2020, with most transferred to detention centers and prisons that did not meet minimum human standards for a decent living.

This bilateral cooperation between Libya and the EU became clear after the Italian Minister of the Interior, Luciana Lamorgese met the President of the Libyan Presidential Council, Mohamed Al-Manfi, on 19 April 2021. The Italian Ministry of the Interior’s press release after the meeting stated that “the migration file was at the top of the agenda” and that “the two countries will continue to cooperate to enhance the security situation in Libya and combat irregular migration.”

According to information collected by Euro-Med Monitor, European support is not limited to funding and training and may extend to field coordination between the LCG and Italian forces to intercept migrant boats and endanger their lives with the violent behavior of the LCG forces.

Hassan Zakaria Omar, 29, a Sudanese refugee in Libya who tried to migrate by sea from Libya to Italy multiple times, told Euro-Med Monitor: «One day in December 2019, I set out with a group of migrants at midnight from the coastal area of Qara Boli in the northwest of the country, heading to the European shores. We sailed for 16 continuous hours, and then a military (apparently
In 2020, I tried again to ride the sea and migrate to Europe. This time we set out from the coastal city of Khums in the northwest of the country. The boat moved at about 2:00 a.m., and we sailed for about 10 hours. The next day at 2:00 p.m., the boat engine

«The [LCG] left six people on the boat for no reason and without any means of livelihood. Most likely these six died slowly, as we have not heard from them since then.»

Omar, Sudanese refugee

The violations against migrants are not limited to chasing and seizing their boats on the shores of Libya or within its territorial waters. They extend to inhumane detention in areas called “migrant gathering points” in difficult humanitarian conditions that do not respect human dignity or health care. After that, migrants are placed in prisons, most of which are located on the western side of Tripoli, without judicial trials or presentation to the competent prosecution.

The LCG has been involved in serious violations during the process of returning migrants; some of them have gotten killed or gone missing.

Sudanese refugee Hassan Zakaria Omar told Euro-Med Monitor: “In 2020, I tried again to ride the sea and migrate to Europe. This time we set out from the coastal city of Khums in the northwest of the country. The boat moved at about 2:00 a.m., and we sailed for about 10 hours. The next day at 2:00 p.m., the boat engine
broke down, and we were stuck in the water. We had no choice but to contact the LCG to save us. Indeed, the LCG boats arrived and evacuated us from the boat. But the shocking thing was that they left six people on the boat for no reason and without any means of livelihood. Most likely, these six died slowly, as we have not heard any news from them since then.” Testimonies confirm that the LCG deliberately beats and insults migrants during pushbacks. Young Syrian man, M.M., confirmed that in his testimony to Euro-Med Monitor. He said: “We sailed in the dark on a dilapidated boat, and we were about 65 migrants. Most of us were of African nationalities. After about 15 hours, an LCG boat approached our boat and fired live bullets at it. The LCGs got on our boat, stopped it, arrested the captain, who was a young Egyptian, and severely beat him in front of us, and then isolated him from the rest of us. Then they started beating and insulting us with dirty words.” Although the EU is aware of the serious abuses faced by migrants in Libya and the fact that the country is not safe for migrants, the EU – especially Italy – continues to conclude agreements and deals with the authorities in Libya to limit the arrival of migrants to Europe. And in the absence of clear and effective mechanisms to monitor respect for migrant human rights in Libya, violations against migrants in prisons and detention centers have escalated.
Prisons and migrant detention centers

The prison administration in the Libyan capital, Tripoli, continues to detain thousands of migrants in several prisons, namely, Ghout al-Shaal prison, al-Zawiya prison, Ain Zara prison, Abu Salim prison, and al-Mabani center, in inhumane conditions, and without charges, trials, or natural justice.

Migrants are arrested while in the country or during their sea journey. Then they are taken to migrate detention centers, distributed to the aforementioned prisons, and held there for long periods without any communication with their family or lawyer to defend them. Identical testimonies indicated that detainees were subjected to torture, ill-treatment, and financial extortion over their freedom.

Euro-Med Monitor obtained special estimates from a Libyan government official indicating that the number of detained migrants in prisons and detention centers in Libya may reach 13,000, the majority of whom are in prisons in the west of the country.

In addition to depriving them of contact with their families or appointing a lawyer, prison administrations place migrants in overcrowded prisons without enough food, water, and hygiene products. They are also subjected to constant psychological and physical torture and denied health care. The authorities deliberately conceal the real numbers and data of detained migrants, which tells something about migrants’ conditions and the financial and administrative corruption they experience, as they are subjected to financial and human extortion.

Libyan officers and officials in prisons and detention centers were implicated in extortion operations, mostly financial. The detainees pay an amount ranging between 400 - 3,000 dollars for their freedom. The amount varies depending on the broker and the prison administration that holds the migrant.
M.M. told Euro-Med Monitor: “We were transferred to Al-Zawiya prison and put in small overcrowded cells with small ventilation holes not exceeding 20×20 cm. We lived in inhumane conditions there, where we had a meal every 20 hours, consisting only of a small loaf of bread with a small piece of cheese and a small amount of salty water. No health care was provided to people who had seasickness or people who were sick. The security personnel only poured water on people who passed out to wake them. “After several days, we were visited by people who offered to release us in exchange for sums of money that ranged between 800 - 2,500 dollars. Indeed, my family negotiated with one of these brokers, and they agreed on a sum of money that was paid for my release. After all that, they told me that I will be released on the condition that I do not try to migrate anymore.”

Despite the internal division between the authorities in the east and west of the country, they share the same discriminatory and inhumane policies against migrants. The prosecution, detention, and humiliation procedures in prisons and detention centers are similar in both the east and west of Libya.

G.F., a young Egyptian citizen residing in Benghazi, told Euro-Med Monitor team: “The forces of retired Major General Khalifa Haftar detain migrants in
Ganfouda prison in the city of Benghazi in inhumane conditions. I saw this when I was at the prison to negotiate the release of an Egyptian friend who tried to migrate, but he was arrested and financially blackmailed over his freedom. When I went there to pay the amount to get him out of prison, I saw the poor prison conditions in terms of food, hygiene, and other poor conditions of detention. Wardens tortured detainees with severe beatings and verbal humiliation.

«There are dozens of migrants who are still detained in Ganfouda prison since they cannot pay. Brokers communicate with the detainees’ families and offer to release them in return for sums ranging between 300 - 1,000 Libyan dinars (65 – 220 dollars). The amount varies depending on the broker and the nature of the negotiations between the parents and the broker.

In some cases, the price of freedom is services that detainees provide to Libyan officers, such as working in construction and cleaning, among others.

Sudanese refugee Hassan Zakaria Omar says: “After a week of detention in the Sikka prison in Tripoli, an officer came to the prison and searched for Sudanese among the detainees and chose me with seven others and told us that he wanted us to clean his house. He took us to his house, and we cleaned it completely. He gave us a choice to either take money for cleaning the house and go back to prison or not take the money and get released. Certainly, we all chose not to go back to prison.”

In October 2021, the Independent Fact-Finding Mission on Libya issued a report that discussed the conditions of prisons and detention centers in Tripoli and Benghazi, confirming that a large number of people are being held in prisons after being illegally kidnapped. And most charges, convictions, and sentences are not issued after a fair public hearing. The report said that many are held and not allowed to contact the outside world, and some of them are held in secret prisons that do not officially exist, sometimes for years without any prospect of getting released. Torture is a constant feature in
the prison system. There is not enough hygiene, food, or health care in detention, and there is no separation between minors and adults. The report documented some cases of summary executions, torture, starvation, unsanitary conditions, and denial of medical care. Sexual violence is widespread, particularly during interrogation, and takes various forms, including rape, threats of rape, or coercing prisoners to engage in sexual acts with each other. According to the report, women are particularly vulnerable to these acts, although men are not excluded.

Qerqarish security campaign... a model for systematic violations against migrants

At the beginning of October 2021, the Libyan security forces carried out a massive campaign in which they arrested thousands of migrants in the Qerqarish area of the capital, Tripoli. Within days, more than 5,000 migrants, including hundreds of women and children, were detained. The raids and arrests included grave violations, such as beatings, insults, and firing live bullets inside houses, which resulted in the death of a migrant. The authorities did not protect migrants' property after their arrest, as the houses in which they were staying were looted.

Mohammed Ahmed Al-Sarraj, 22, a Sudanese asylum seeker who was among those detained in the Qerqarish campaign, told Euro-Med Monitor: «During the arrest, I was beaten and humiliated. I also learned after the arrest that the house in which I was staying was looted. Most of the devices, equipment, and valuables I owned, that I worked for a long time until I raised enough money to acquire, were stolen.»

The authorities kettled thousands of detainees in the Qerqarish campaign inside multiple detention centers in the capital with extremely poor humanitarian conditions. A week later, the Al-Mabani
detention center witnessed a mass escape of thousands of migrants, and the security forces used lethal force to deal with the incident. Six were killed, and many of them were re-arrested.

At the time, the head of the IOM mission in Libya, Federico Soda, confirmed that what happened in the Qerqarish campaign was a “use of excessive force and violence often resulting in death and is a regular occurrence in Libyan detention centres.”

“Some of our staff who witnessed this incident describe injured migrants in a pool of blood lying on the ground,” she said.

In a related context, the arbitrary official dealings with migrants have encouraged some employers in Libya to exploit them. The testimonies revealed that migrants are often subjected to fraud by their employers, and they do not have access to legal remedies.

In his testimony, Sudanese asylum seeker Mohamed Ahmed Al-Sarraj told Euro-Med Monitor: “I worked for nine months with a Libyan, but he refused to give me my financial dues, and I did not find any legal way to force him to pay. The work environment here is very dangerous.

It might even come to the point that the employer kills the worker if the latter insists on claiming his financial rights. This is only possible because the employer is absolutely sure that no one will hold him accountable and that migrants are just numbers for the authorities.”
Refoulement and the program of voluntary return

The Libyan authorities forcibly deport migrants outside Libya in clear violation of international law and the provisions of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. The principle of non-refoulement is a basic principle in human rights law and international humanitarian law, and it constitutes a fundamental reference for refugee law, as one of the main pillars on which the idea of asylum is based. It is described as the cornerstone of the international legal system for the protection of refugee rights.

While there is no official data available on the number of forcibly deported people, their nationalities, or the mechanisms of their deportations, various reports estimate their numbers to be in the thousands. Deportations are mostly carried out in the eastern regions of the country, controlled by the forces of retired Major General Khalifa Haftar. And the destination of deportation is usually Sudan, Niger, Chad, or Somalia. In April 2020, a statement by the United Nations High Commissioner for Human Rights stated that Haftar’s forces had forcibly deported more than 1,400 migrants from areas they controlled in eastern Libya.

Refoulement in Libya means one of two things: the authorities either return migrants to the border of their country of origin or intercept them at sea and return them to the Libyan mainland to be detained in the notorious prisons and detention centers. In both cases, the Libyan authorities violate the rights of the migrants and force them to return to a place where they do not wish to be and where there is a danger to their lives.

The poor conditions experienced by thousands of migrants in Libyan prisons and detention centers forced them to request to return to their country in what was known as the “voluntary return program” run by the IOM. It helps migrants who decide to return voluntarily
to their countries of origin, as part of the organization’s efforts in cooperation with the European Union and a number of African countries, to return refugees from Libya to their countries of origin. Benefiting from the humanitarian voluntary return program requires the migrant to communicate with the IOM, which is responsible for organizing voluntary return trips. An appointment is scheduled with the UNHCR in Libya, either by phone or in person, to assist the migrant in their return procedures. The return is exclusively voluntary, with the UNHCR stipulating that the return of the migrant to his country of origin does not cause any danger to his life. IOM communicates with embassies and representatives of various groups in Libya and the country of origin of the migrant to facilitate his voluntary return. If the migrant is imprisoned, a request for voluntary return is requested from IOM’s teams that visit prisons periodically or by phone, if available. Since the voluntary return program began in Libya in 2015, more than 55,000 migrants have used it to return from Libya to African and Asian countries. UNHCR’s mandate is to provide protection and assistance for refugees and asylum seekers; while IOM deals with migrants and migration movements. For individuals originating from conflict areas who are interested in returning there, UNHCR Libya provides joint counselling sessions together with IOM. For asylum seekers/refugees registered with UNHCR who express an interest in returning to their countries of origin (and who do not originate from conflict areas), UNHCR’s Durable Solutions Unit provides individual return counselling. After providing consent to return, individuals are referred to IOM to facilitate the departure procedures. In 2020 alone, the Ministry of Interior of the Libyan government in Tripoli announced the deportation of 5,360 migrants in cooperation with the United Nations within humanitarian evacuation and
Complex Persecution...
Complemented system of oppression and exploitation of migrants and asylum seekers in Libya

resettlement programs and the voluntary return program that benefited most of the deportees.
The program was suspended for several months due to the security tensions in Libya and the outbreak of the Coronavirus. Recently, it was reactivated. The media office of the Tripoli Shelter Center of the Anti-Illlegal Migration Authority announced on 2 November 2021 the deportation of 163 Nigerian migrants, including women and children, to their country, through Maitika International Airport as part of the voluntary return procedures.

Given the large numbers of migrants in Libya and the humanitarian, political, and security conditions in the countries from which they left, the voluntary return program remains limited in its impact in light of this complex reality. Dealing with a crisis of this magnitude needs radical solutions in which all local and international parties participate within the framework of the commitment to implement the provisions of international law.

Solving this crisis needs a clear understanding of the international agreements related to the protection of the rights of migrants and the host country alike.
The number of migrants registered in the voluntary return program is steadily increasing, given the inhumane conditions they live in in the cities and prisons of Libya, and even their registration in this program does not mean that they will be freed from those conditions. Migrants who are waiting to benefit from voluntary return flights in the current stage exceed 1,000, and the numbers will continue to increase as the Libyan government and detention centers continue their violations against migrants.

Although forced deportation differs from voluntary return in the way the migrant is returned to his country of origin, the two share the same result, the same harsh conditions they went through in Libya, and the same circumstances that forced them to return to their country.
Libya’s neighboring countries’ dealing with the migrant crisis

The responsibility for the poor conditions of migrants in Libya is not only on the Libyan authorities, but countries of origin as well, who are responsible for protecting the rights of their citizens and taking care of their conditions wherever they are. However, in most cases, these countries do not take effective action with the Libyan authorities to protect the rights of their citizens, release them or even improve their detention conditions. Due to the chaos that Libya has witnessed since 2011, its ability to control its borders with neighboring countries is very limited, in light of the presence of smuggling networks that take mostly organized forms, in which official parties sometimes participate to achieve huge financial returns from the smuggling trade.

Libya shares a land border of 4,348 km, with six countries: Egypt, Sudan, Chad, Tunisia, Algeria, and Niger. Because of the chaos the country witnesses, controlling those borders is almost impossible. The matter is made even more difficult by the organized smuggling gangs and formations that take advantage of the complicity of some security personnel working on the borders to facilitate the task of crossing migrants in exchange for sums of money or utilitarian interests that are presented to them.

Migrant smuggling from Egypt to Libya

Highlighting the active migrant smuggling points on the borders of Libya, we find the city of Salloum on the border with Egypt is one of the most used entry points to Libya. Although the Salloum land port is the only land port between Egypt and Libya, testimonies show that migrants take alternative routes by moving from Egypt to Sudan and then Libya through the Fayoum Governorate,
whose borders extend to Libyan lands through the Gharbia desert, northwest of Egypt. Although these methods are more difficult and rugged, they are the safest from security pursuits.

Migrants also use another road to pass through the Aswan Governorate, and the common desert roads between Egypt and Sudan, which are the same ones that have become famous over the past few years for the passage of Syrian migrants from there to Sudan, and from Sudan into Libya through the Kufra desert.

In light of the intense security on the Libyan land ports, migrants arrange with smugglers and brokers to use other more rugged ways, where no security points are located. In these ways, cooperation takes place between Egyptian and Libyan elements who share money. Siwa Oasis is one of the most important ways for smugglers at the time.

Despite the presence of a large Egyptian community in Libya, estimated at more than 200,000, the land migration routes between the two countries are not only used to smuggle Egyptian citizens, but migrants of other nationalities who go to Egypt legally or illegally to reach those ports as well.

In light of the Libyan authorities’ crackdown on migrants, an unspecified number of Egyptian migrants are being held in prisons and detention centers in Libya. But official efforts to follow up on their conditions and release them are still modest, given the harsh conditions experienced by detainees in prisons, which require a more effective move to save them.

On 12 September 2021, the Egyptian Foreign Ministry announced the success of its efforts to return 53 citizens to Cairo after their release in Libya, who had been arrested for trying to migrate by sea. Although this is a positive step towards alleviating the suffering of Egyptian detainees inside Libyan prisons, it is not enough. Egypt must intensify its efforts to combat smuggling gangs in its lands,
and whose actions victimize many young people and families aspiring to migrate to Europe. It should also make greater efforts at the level of coordination with the Libyan authorities to follow up on the conditions of the Egyptian migrants detained there and legally support them, leading to their release and an end to their suffering.

**Migrant smuggling from Algeria to Libya**

The Algerian-Libyan border was and still is a major destination for entry into Libya through smuggling networks. Despite the political tension between the two countries, which caused the closure of the borders for long periods, this did not prevent smugglers from continuing to smuggle young men in a journey that starts from the city of Zuwara, which is famous as the largest smuggling corridor from Algeria to Libya across common borders.

The Libyan city of Ghadames, at the Algerian border, is the main port for migrants from the Maghreb countries, in particular, Algeria and Morocco. Thousands of Syrians have used it to escape the war in Syria, by flying to Algeria or Morocco and then heading overland to Algerian cities close to the Libyan border, where migrants look for brokers to get them to Libya through the city of Ghadames and from there to the coastal Libyan cities, and then the sea journey to Europe begins.

In recent months, the crisis of the detained hundreds of Moroccan youths in Libyan prisons, who crossed the border through that port in an effort to migrate to Europe, surfaced.

On 14 September 2021, the Libyan authorities detained hundreds of Moroccan migrants for months without legal justifications and in inhumane detention conditions. The information received by Euro-Med Monitor showed that the Moroccan migrants detained in Libya are distributed in several detention centers in the west of the country, including the Darj center near the Ghadames area.
and the Ain Zara and Ghout al-Shaal prisons in the western regions of Tripoli. Detainees there suffer from difficult health conditions, especially with a large number of detainees in Al-Daraj center infected with the Coronavirus amid a lack of health care. Despite the efforts announced by the Moroccan Ministry of Foreign Affairs to return detainees inside Libyan prisons, Euro-Med Monitor, in its follow-up with the detainees’ families, has learned that these efforts are very slow, as, until the date of writing this report, the Moroccan embassy in Libya had taken the fingerprints of a large number of the detainees inside Libyan prisons, and nothing happened after that in terms of returning them to Morocco.
Recommendations

Based on the above, Euro-Mediterranean Human Rights Monitor recommends:

The Libyan government and the forces of retired Major General Khalifa Haftar to:

1. Immediately release all migrants arbitrarily detained in Libyan detention centers and prisons.
2. Stop all LCG’s violent practices against migrants off the coast of Libya and forcible deportations and respect the provisions of international law in dealing with them.
3. Amend the national Libyan laws that criminalize illegal entry and stay in accordance with the provisions of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
4. Provide dignified conditions for detained migrants, protect them from violence and extortion, and stop all forms of physical and psychological violence against them.
5. Cease security campaigns against migrants in their areas of residence, especially in the capital, Tripoli.
6. Inform UNHCR, human rights organizations, and governments of detained migrants of detainees’ data; ensure that detention can be reviewed in accordance with the law, and allow them to appoint a defense lawyer and follow the legal procedures in the arrest trial.
7. Provide effective remedies to victims, including compensation for torture and legal violations; ensure that perpetrators of human rights violations in detention, shelters, and prisons are prosecuted; investigate financial extortion; and prosecute those involved from brokers to prison administrations.

- Take steps to ratify the International Convention for the Protection of All Persons from Enforced Disappearance,
the 1951 Refugee Convention, and the Rome Statute of the International Criminal Court; and ensure the harmonization of Libyan national legislation with the provisions of these international agreements.

• The European Union to:

1. The EU should establish monitoring mechanisms to ensure that the financial and logistical aid provided to the LCG is not used for human rights violations against migrants.

2. Establish a European-Libyan cooperation mechanism to deploy a sufficient number of maritime search and rescue boats along the sea routes, ensure humanitarian treatment of those rescued, and accommodate them in appropriate places.

3. Urge the countries of nationalities of detained migrants to undertake their natural role in providing the required protection for their nationals and to ensure the safety of their human conditions.
Complex Persecution. Complemented system of oppression and exploitation of migrants and asylum seekers in Libya