



‘NO ONE WILL LOOK FOR YOU’

FORCIBLY RETURNED FROM SEA TO ABUSIVE DETENTION IN LIBYA

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Cover photo: Illustration depicting the transfer of refugees and migrants to detention centres under Libya's Directorate for Combatting Illegal Migration (DCIM), based on publicly available photos of this practice.

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1. EXECUTIVE SUMMARY

“We suffered a lot in that prison... Three police officers [guards] proposed to me that they will sleep with me [and] after that they will free me. I said no... [The guard] used a gun to knock me back. He used a leather soldier’s shoe ... to [kick] me from my waist... Until today, I am having waist pain, a young girl like me... I don’t have freedom and I don’t have rest of mind... I wish this country were safe for us—I would be so grateful. But it’s not.”

24-year-old “Grace,” who was intercepted at sea in 2021 and transferred to arbitrary detention in the Shara’ al-Zawiya centre

Libya has long been unsafe for refugees and migrants. Both state and non-state actors subject them to a catalogue of human rights violations and abuses including unlawful killings, torture and other ill-treatment, rape and other sexual violence, indefinite arbitrary detention in cruel and inhuman conditions, and forced labour, among others. Despite well-documented patterns of horrific abuse committed with impunity for over a decade, European states and institutions continue to provide material support and pursue migration policies enabling Libyan coastguards to intercept men, women and children attempting to flee to safety by crossing the Mediterranean Sea and forcibly return them to Libya, where they are transferred to abusive detention and face renewed cycles of human rights violations.

In a grim illustration of prevailing impunity in Libya, Amnesty International’s new research reveals how since late 2020 Libyan authorities have legitimized informal places of captivity with unremedied histories of abuse against refugees and migrants by integrating them into the official migration detention infrastructure. In 2020, Amnesty International, among others, sounded the alarm on the enforced disappearances of thousands of refugees and migrants following their interceptions at sea by EU-backed Libyan coastguards, disembarkations in Libya and transfer to informal detention sites under the control of militias. Instead of carrying out effective investigations and revealing the fate and whereabouts of victims, Libyan authorities have rebranded two former sites of enforced disappearances into detention centres nominally under the control of the Directorate for Combatting Illegal Migration (DCIM) of the Ministry of Interior. Amnesty International’s research finds that thousands of disembarked refugees and migrants have been arbitrarily detained at these newly inaugurated DCIM centres in 2021 and subjected to torture, sexual violence and other abuse with impunity.

To investigate the experiences of men, women and children disembarked in Libya in 2020 and 2021, Amnesty International interviewed 53 refugees and migrants, 49 of whom had attempted to cross the central Mediterranean at least once before being returned to Libya, and all of whom had been detained in DCIM centres. The organization also spoke to 14 humanitarian workers, human rights defenders, activists and journalists with direct knowledge of the situation of refugees and migrants in Libya and reviewed official

documents, statements and social media accounts managed by Libyan institutions; reports and data from UN bodies and international and Libyan organizations; and audio-visual material including photographs, videos and satellite imagery. Findings and recommendations were shared with the Libyan authorities on 7 July 2021, but no response was received before publication.

Tens of thousands of refugees and migrants set off from Libya in the hope of reaching Europe in 2021 and 2020 and continue to be endangered at sea by the failure of Libyan and European authorities to fulfil their search and rescue responsibilities including the disembarkation of those rescued in a place of safety, which cannot be Libya. Refugees and migrants in overcrowded and flimsy boats or dinghies frequently reported observing aircraft overhead and noted ships nearby that did not offer assistance or take them to safe ports before the Libyan Coast Guard (LCG) or the General Administration for Coastal Security (GACS) (together referred to as Libyan coastguards) arrived to return them to Libya. Contradicting narratives that such interceptions constitute rescues, refugees and migrants consistently described negligent, reckless and unlawful conduct by Libyan coastguards, including by using firearms, deliberately damaging their boats or causing them to capsize. On two occasions in December 2019 and February 2021, this behaviour caused refugees and migrants to drown at sea, according to testimonies of survivors. Over 700 refugees and migrants drowned along this route in the first six months of 2021.

During the same period, Libyan coastguards intercepted at sea and returned to Libya an estimated 15,000 people, more than during all of 2020. Those disembarked in Libyan ports were allowed only brief access to humanitarian organizations in tense and chaotic circumstances uncondusive to assessments of their needs and vulnerabilities, let alone the identification of persons with international protection claims. While thousands of those disembarked ended up in DCIM detention, humanitarian actors have noted large discrepancies between the numbers of refugees and migrants disembarked in 2021 and those detained in DCIM centres, an estimated 6,100 people by the end of June 2021. No information is available of the location and fate of those unaccounted for, amid consistent reports of extortion by DCIM officials of ransoms to secure detainees' freedom; transfer between DCIM centres; deaths in custody due to unlawful use of force, denial of access to healthcare, torture or other suspicious circumstances; trafficking for forced labour; and escapes. The lack of a secure registration system in line with human rights standards hampers efforts to effectively investigate their whereabouts and hinders UN bodies' and other humanitarian and human rights actors' ability to trace the ultimate destination of those disembarked once they are funnelled into opaque arbitrary detention.

Unlike countless places of captivity across Libya in which traffickers, smugglers, militias or armed groups unlawfully deprive refugees and migrants of their liberty, DCIM centres are nominally under central oversight by the Ministry of Interior, and are, at least intermittently, accessible to the United Nations High Commissioner for Refugees (UNCHR) and other humanitarian and human rights actors. However, Amnesty International's research reveals that violations against refugees and migrants held in official DCIM centres continue unabated. Despite efforts and promises by the current DCIM director and his predecessor to centralize control and close individual DCIM centres particularly notorious for abuse, functioning DCIM centres, including those newly opened or re-opened since the end of 2020, are rife with familiar patterns of grave human rights violations. These findings underscore that the closures of individual centres or centralization of migration detention does little to tackle systematic abuse of refugees and migrants, highlighting the need to eradicate the abusive detention system as a whole.

In 2021, Libyan authorities transferred over 7,000 disembarked refugees and migrants to the newly opened Tripoli Gathering and Return Centre, informally called Al-Mabani ("the buildings" in Arabic). In 2020, at least hundreds of disembarked refugees and migrants who were subjected to enforced disappearance following their disembarkation were held in buildings at this same site, often referred to as the Tobacco Factory, which encompasses the headquarters of the Public Security Agency, a militia under the command of Emad al-Tarabulsi. The director and other DCIM staff in charge of Al-Mabani at the time of writing previously ran the now-closed Tajoura DCIM detention centre, which was notorious for torture and other ill-treatment, forced labour and exploitation, and deaths in custody in suspicious circumstances. Similar patterns have been documented in Al-Mabani, where detainees and others with direct knowledge consistently described torture and other ill-treatment, cruel and inhuman conditions of detention, extortion of ransom money, and forced labour. In one documented deadly incident on 8 April 2021, men in blue military uniforms and others in civilian dress resorted to unlawful lethal force by firing multiple shots into a cell where unarmed refugees and migrants were crammed, killing one migrant and injuring several others.

Libyan authorities also transferred over 250 refugees and migrants intercepted at sea in 2021 to Tripoli's Shara' al-Zawiya detention centre ("Zawiya street" in Arabic), which has been designated as a DCIM centre for vulnerable groups. In previous years, the site operated outside DCIM control as a "data collection and investigation" facility controlled by the Tripoli Revolutionaries Brigade, a militia with a long history of abuse,

which held refugees and migrants captive without access to the outside world for prolonged periods of time. Women disembarked and transferred to Shara' al-Zawiya in 2021 told Amnesty International that male guards subjected detainees to rape and other forms of sexual violence and torture, coercing them into sexual intercourse in exchange for food or their freedom and severely beating those who resisted. They also consistently described cruel and inhuman conditions of detention, including being confined in filthy overcrowded cells sometimes with no access to toilets. Three said that two babies disembarked and detained with their mothers had died in custody in late January or early February 2021, following guards' refusal to transfer them to hospitals for critical treatment.

Horrific human rights violations are not limited to these two centres. Amnesty International documented similar patterns across all seven DCIM centres in which interviewed refugees and migrants returned from sea had been arbitrarily detained in 2021. Former detainees frequently reported extortion and forced labour, cruel and inhuman detention conditions sometimes in themselves amounting to torture, severe beatings with various objects and sexual violence. In at least three centres, Amnesty International documented the unlawful use of lethal force, which led to fatalities and injuries among detainees. During escape attempts from the Abu Salim DCIM centre in Tripoli, guards and unidentified armed men killed at least two people and injured several others by shooting at detainees in late February 2021 and on 13 June 2021. Three witnesses to the earlier shooting reported the presence of militiamen linked to Abdel Ghani al-Kikli, a militia commander in control of the Abu Salim neighbourhood and appointed by the former Government of National Accord (GNA's) Presidential Council in January 2021 as head of the Security Support Authority, an entity with broad powers in law enforcement and national security. Witnesses told Amnesty International that guards then removed several wounded detainees to an "isolation" room with the apparent aim of concealing the crime and preventing them from accessing medical care or humanitarian assistance.

"Jamal," a 21-year-old refugee present during the deadly shooting in February 2021 in the Abu Salim DCIM centre, described the aftermath to Amnesty International:

"There was blood of the [dead and injured] people on the walls and the floor ... [but] it was as if nothing ever happened. They beat you and leave, and no one asks. Death in Libya, it's normal: no one will look for you, and no one will find you."

In the Burashada DCIM centre some 100km southwest of Tripoli, authorities also shot at individuals attempting to flee between March and April 2021 and struck one with a vehicle.

Increased restrictions in 2021 on access by UNHCR, other UN agencies and humanitarian organizations to detention centres have further facilitated abuse and fostered impunity. By the end of June 2021, UNHCR and implementing partners had conducted 63 visits to detention centres, far fewer proportionally than the 264 conducted in 2020 despite the outbreak of Covid-19 and the 1,351 visits conducted in 2019. Limited and inconsistent access by humanitarian organizations and other actors to DCIM centres not only obstructs detainees' ability to claim international protection and report human rights violations to independent bodies with the aim of receiving protection and remedy, but also limits their enjoyment of basic rights given Libyan authorities' failure to meet their obligations to provide those in their custody with adequate healthcare; accommodation; sufficient and nutritious food; and means to communicate with their families and the outside world, leaving humanitarian actors to attempt to fill this gap.

Rather than holding perpetrators accountable, successive Libyan governments have rewarded individuals reasonably suspected of committing crimes under international law and serious human rights violations against refugees and migrants with powerful positions within state institutions. Evidence of ongoing violations and the impunity enjoyed by DCIM officials and members of powerful militias belie any arguments that the formalization or centralization of detention in Libya is improving conditions for refugees and migrants trapped there or that Libyan authorities are able or willing to end the cycle of impunity. This cycle has continued under the Government of National Unity (GNU), formed in March 2021, which has taken no steps to address the systematic violations against detained refugees and migrants inside the country.

To protect the rights of refugees and migrants in Libya, authorities must close all migration detention facilities and stop detaining refugees and migrants solely based on their migration status, including immediately upon their disembarkation. Pending the release of all arbitrarily detained refugees and migrants and the closure of DCIM centres, authorities must develop a system enabling the tracing of refugees and migrants deprived of liberty in line with international standards and ensure that those still detained are protected from torture and other-ill treatment; held in safe and dignified conditions; granted regular access to adequate healthcare, UNHCR and other humanitarian and human rights organizations; and allowed regular contact with their

families. Authorities must hold accountable those responsible for human rights violations and abuses against refugees and migrants regardless of their rank or affiliation, and remove from positions of power DCIM staff, militiamen or other individuals reasonably suspected of having ordered, committed or acquiesced to violations, pending the outcome of investigations and proceedings meeting international fair trial standards.

The violations documented against refugees and migrants are not an accident but rather the clear and anticipated outcomes of an EU-supported system of interception, disembarkation and return to detention centres notorious for abuse, built with the aim of keeping refugees and migrants out of Europe at all costs. Yet its results are incompatible both with purported policy aims of ensuring safe migration and international legal obligations that individuals not be returned to countries where they face grave human rights violations.

The EU and Member States must suspend their cooperation with Libya on border and migration control pending the establishment of due-diligence, monitoring and accountability mechanisms to prevent future and address past and ongoing human rights violations at the EU's external borders resulting from such collaboration; the opening of additional urgently needed legal pathways into Europe for the thousands in need of protection and trapped in Libya; the deployment of an adequate number of vessels with search and rescue capacity along routes taken by refugees and migrants across the central Mediterranean; and a commitment that anyone rescued or intercepted at sea is disembarked in a place of safety, which cannot be Libya. Cooperation with Libya should also be suspended until Libyan authorities adopt concrete and verifiable measures to protect the rights of refugees and migrants, including by closing detention centres, releasing all those detained due to their migration status and formally recognizing UNHCR. UN agencies in Libya should ensure that any support provided for the LCG, DCIM or other Libyan entities involved in migration management reduces risk of human rights violations. All humanitarian actors in Libya should facilitate international cooperation to prioritize clarifying the fate of refugees and migrants who have been killed or gone missing during journeys in and from Libya, including through the recovery and identification of remains and notification of their families.

2. METHODOLOGY

This report investigates the experiences of refugees and migrants intercepted in the central Mediterranean and disembarked in western Libya - predominantly in and around Tripoli - primarily between January 2020 and June 2021 and builds upon Amnesty International's long-term monitoring and documentation of the human rights situation of refugees and migrants in Libya.¹

Research for this report was carried out between January and July 2021. Amnesty International conducted interviews with 53 refugees and migrants, aged between 14 and 50 years old. Those interviewed were nationals of Cote d'Ivoire, Eritrea, Nigeria, Somalia, South Sudan, Sudan and Syria. At the time of writing, 49 were in Libya, and four had lived there between 2016 and 2020 and were interviewed from their locations in Niger, France and Sweden. Those interviewed were selected based on their willingness to share their stories with Amnesty International and their ability to access telephones. All interviews were carried out by voice calls via secure messaging applications.

Amnesty International interviewed 45 men and 8 women. This ratio of women to men interviewed is higher than the estimated gender breakdown of refugees and migrants inside Libya, which puts women at around 10% of all migrants.² However, the stigma and trauma associated with discussing the sexual violence to which women and girls in Libya are particularly vulnerable means that they may have been more reluctant to share their experiences, making it more difficult for Amnesty International to reach additional women willing to be interviewed.³

The organization examined photos it received showing injuries as well as hospital records of refugees and migrants who had received treatment for injuries sustained or illnesses contracted in detention. The organization also reviewed Facebook pages of the Directorate for Combatting Illegal Migration (DCIM) centres, the Libyan Coast Guard (LCG) and the General Administration for Coastal Security (GACS), and official statements and decrees issued by the Libyan authorities.

Amnesty International also spoke to 14 humanitarian workers, human rights defenders, activists and journalists based in Libya at the time of writing or who had visited between 2018 and 2021, and who had

¹ For the purpose of this report, the term "refugee" encompasses refugees and registered asylum-seekers or individuals who seek to register with the United Nations High Commissioner for Refugees (UNHCR) in Libya. For examples of previous Amnesty International reports on the human rights situation of refugees and migrants see: Amnesty International, *'Between Life and Death': Refugees and Migrants Trapped in Libya's Cycle of Abuse* (Index: MDE 19/3084/2020), 21 September 2020, [amnesty.org/download/Documents/MDE1930842020ENGLISH.pdf](https://www.amnesty.org/download/Documents/MDE1930842020ENGLISH.pdf); Amnesty International, *Between the devil and the deep blue sea: Europe fails refugees and migrants in the Central Mediterranean* (Index: EUR 30/8906/2018), 8 August 2018, [amnesty.org/en/documents/eur30/8906/2018/en/](https://www.amnesty.org/en/documents/eur30/8906/2018/en/); Amnesty International, *Libya's dark web of collusion: Abuses against Europe-bound refugees and migrants* (Index: MDE 19/7561/2017), 11 December 2017, [amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF](https://www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF); Amnesty International, *Libya is Full of Cruelty: Stories of Abduction, Sexual Violence and Abuse from Migrants and Refugees* (Index: MDE 19/1578/2015), 11 May 2015, [amnesty.org/download/Documents/MDE1915782015ENGLISH.pdf](https://www.amnesty.org/download/Documents/MDE1915782015ENGLISH.pdf); Amnesty International, *Scapegoats of fear: Rights of refugees, asylum-seekers and migrants abused in Libya* (Index: MDE 19/007/2013), 20 June 2013, [amnesty.org/download/Documents/16000/mde190072013en.pdf](https://www.amnesty.org/download/Documents/16000/mde190072013en.pdf); Amnesty International, *'We are foreigners, we have no rights': The plight of refugees, asylum-seekers and migrants in Libya* (Index: MDE 19/020/2012), 13 November 2013, [amnesty.org/download/Documents/24000/mde190202012en.pdf](https://www.amnesty.org/download/Documents/24000/mde190202012en.pdf)

² IOM, *Libya's migrant report – Round 35, January-February 2021*, 19 April 2021, displacement.iom.int/system/tdf/reports/DTM_Libya_R35_Migrant_Report.pdf?file=1&type=node&id=11261

³ See, for example, Amnesty International, *'Libya is Full of Cruelty: Stories of Abduction, Sexual Violence and Abuse from Migrants and Refugees* (previously cited); Amnesty International, "Refugees and migrants fleeing sexual violence, abuse and exploitation in Libya", 1 July 2016, [amnesty.org/en/latest/news/2016/07/refugees-and-migrants-fleeing-sexual-violence-abuse-and-exploitation-in-libya/](https://www.amnesty.org/en/latest/news/2016/07/refugees-and-migrants-fleeing-sexual-violence-abuse-and-exploitation-in-libya/); 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, [ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf](https://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf); UNSMIL and OHCHR, *Detained and dehumanised: Report on human rights abuses against migrants in Libya*, 13 December 2016, [ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf](https://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf)

direct knowledge of the situation of refugees and migrants there. Ten of the 14 individuals had direct access to detention centres under the DCIM or disembarkation points. The report also reflects answers provided to Amnesty International by the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) on their activities at disembarkation points and in DCIM detention centres. In addition, this report draws on public reporting by UN agencies and other open-source information available on interceptions, disembarkations and detention in Libya.

Due to Covid-19 precautions and movement restrictions, Amnesty International did not request access to Libya to undertake research for this report. On 7 July, Amnesty International shared its findings and recommendations with the Government of National Unity (GNU).

Out of concern for their safety and privacy, Amnesty International has used pseudonyms for all individuals whose cases are featured in this report and omitted identifying details where appropriate. Amnesty International would like to thank all those who contributed to this report, especially the refugees and migrants who shared their stories and continue to speak out against the violations they face.

3. BACKGROUND



Refugees protest outside UNHCR's office in Tripoli, Libya, in April 2021, requesting protection, support and information about the status of their cases © Private

3.1 LIBYA'S HISTORIC APPROACH TO MIGRATION AND ROLE OF EUROPEAN ACTORS

Even before the 2011, armed conflict and despite years of insecurity since, Libya has been a country of destination and transit for refugees and migrants. After years of relaxed visa requirements for nationals from African countries, motivated in part by Libya's long-term former ruler's Mu'ammar al-Gaddafi's "pan-African" aspirations, in 2007 Libya began to impose visa regimes and rigorous procedures that made it difficult for refugees and migrant workers to regularize their status. This was part of a set of measures adopted to address Italy's growing concern over the then-emergent phenomenon of refugees and migrants reaching Italy by boat from Libya. Cooperation between the two countries was formalized through a 2007 bilateral protocol on border control and the 2008 Treaty of Friendship, which set out that Libya would contain refugees and migrants in the country while Italian authorities would return those attempting to cross the central Mediterranean there.⁴ In 2012, the European Court of Human Rights found that Italy's returns of refugees and migrants to Libya via this "pushback" policy breached its human rights obligations, including the prohibition of torture.⁵ However, the policy cemented Libya's use of detention as a central means of managing irregular migration.

With the support and funding of other EU member states and institutions, Italy has pursued cooperation with Libya to externalize EU borders even throughout years of conflict in Libya. In particular, the Memorandum of Understanding between Italy and Libya, signed on 2 February 2017 and renewed without modification three years later, extended Italian efforts to keep refugees and migrants from reaching its shores by focusing on

⁴ Amnesty International, *Libya's Dark Web of Collusion: Abuses against Europe-bound Refugees and Migrants* (previously cited), pp. 12-14

⁵ European Court of Human Rights (ECtHR), *Hirsi Jamaa and Others v. Italy*, Application 27765/09, European Court of Human Rights, Grand Chamber judgment, 23 February 2012, hudoc.echr.coe.int/spa?i=001-109231

reconstructing Libyan maritime forces to return people crossing the central Mediterranean to Libya.⁶ While enhancing Libyan coastguards' capacities, EU institutions and member states have concurrently worked to ensure that rescue obligations would not fall on their own actors, keeping their naval assets far from the central Mediterranean and targeting independent rescue NGOs with administrative obstacles and legal action, as documented by Amnesty International, UN agencies and other human rights and humanitarian organizations.⁷ Together, such efforts have reduced the number of refugees and migrants disembarked in Italy, but they have also led to a dramatic increase in the number of people intercepted at sea by Libyan coastguards and returned to face arbitrary detention and a host of other well-documented human rights violations and abuses in Libya.⁸

Despite full awareness of these horrific violations, EU institutions and member states continue to cooperate with Libyan authorities, particularly the LCG and GACS, to send fleeing men, women and children back to Libya, without conditioning support upon enforceable human rights guarantees and a due diligence framework. The Italian government has continued to provide assistance to Libyan border control authorities, including through the deployment of Italian military and civilian personnel and assets in Libya to ensure the maintenance of speedboats and to support Libyan authorities in coordinating maritime operations. As confirmed by the Italian Minister of Defence on 7 July 2021, an Italian navy ship docked since 2017 in Tripoli's Abu Sitta port provided not only maintenance and training for Libyan coastguards, but also equipment that until July 2020 had been used to coordinate interventions.⁹ The navy ship remains docked there, with coordination currently taking place from a port facility that the European Commission described in May 2021 as "very basic," and which it plans to replace with a "mobile" maritime rescue coordination centre designed by the Italian Ministry of Interior.¹⁰

In addition, Italian authorities have continued to provide Libyan authorities with resources instrumental to maritime interceptions. For example, in October 2020, Italy delivered two P-300 and P-301 patrol boats to GACS, which has used them in several interception operations in 2021.¹¹ According to credible media reports, between late 2020 and early 2021 the Italian Guardia di Finanza processed about 50 tenders, worth a total of about 7 million euros, for activities assisting the Libyan authorities.¹² Official documents examined by Amnesty International show that these include repairing two Libyan speedboats in the Italian port of Marina di Riposto, specifically chosen as suitable to "hide them from the sight of strangers" and approved with the "highest urgency" given the purported need to return the speedboats to sea to "realize police services aimed at combatting clandestine immigration perpetrated by sea against Italy and the European Union".¹³ Other recent tenders include the provision of engines and other parts to be installed on speedboats belonging to LCG and GACS, as well as their maintenance in 2021 and 2022.¹⁴

⁶ The Libyan Government of National Accord and the Italian government, 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, governo.it/sites/governoNEW.it/files/Libia.pdf (in Italian). An unofficial English translation is available at eumigrationlawblog.eu/wp-content/uploads/2017/10/MEMORANDUM_translation_finalversion.doc.pdf. For Amnesty International's analysis on its renewal, see Amnesty International, "Libya: Renewal of migration deal confirms Italy's complicity in torture of migrants and refugees", 30 January 2020, [amnesty.org/en/latest/news/2020/01/libya-renewal-of-migration-deal-confirms-italys-complicity-in-torture-of-migrants-and-refugees/](https://www.amnesty.org/en/latest/news/2020/01/libya-renewal-of-migration-deal-confirms-italys-complicity-in-torture-of-migrants-and-refugees/)

⁷ See, for example, Amnesty International, *Between the Devil and the Deep Blue Sea: Europe Fails Refugees and Migrants in the Central Mediterranean* (previously cited) [amnesty.org/download/Documents/EUR3089062018ENGLISH.pdf](https://www.amnesty.org/download/Documents/EUR3089062018ENGLISH.pdf); Amnesty International, *Punishing Compassion: Solidarity on Trial in Fortress Europe* (Index: EUR 01/1828/2020), 3 March 2020, [amnesty.org/download/Documents/EUR0118282020ENGLISH.PDF](https://www.amnesty.org/download/Documents/EUR0118282020ENGLISH.PDF); Amnesty International, *Waves of Impunity: Malta's Human Rights Violations and Europe's Responsibilities in the Central Mediterranean* (Index: EUR 33/2967/2020), 7 September 2020, [amnesty.org/download/Documents/EUR3329672020ENGLISH.PDF](https://www.amnesty.org/download/Documents/EUR3329672020ENGLISH.PDF); OHCHR, 'Lethal Disregard': Search and Rescue and the Protection of Migrants in the Central Mediterranean Sea, 25 May 2021, [ohchr.org/Documents/Issues/Migration/OHCHR-thematic-report-SAR-protection-at-sea.pdf](https://www.ohchr.org/Documents/Issues/Migration/OHCHR-thematic-report-SAR-protection-at-sea.pdf); Council of Europe Commissioner for Human Rights, *A distress call for human rights: the widening gap in migrant protection in the Mediterranean*, 9 March 2021, rm.coe.int/a-distress-call-for-human-rights-the-widening-gap-in-migrant-protection/1680a1abdc

⁸ See, for example, Amnesty International, *Libya's Dark Web of Collusion* (previously cited)

⁹ Italian Senate, Comunicazioni dei Ministri degli Affari esteri e della cooperazione internazionale, on. Luigi Di Maio, e della Difesa, on. Lorenzo Guerini, sulla partecipazione dell'Italia alle missioni internazionali, 7 July 2021, webtv.senato.it/4621?video_evento=218401 (in Italian)

¹⁰ European Parliament, Answer given by Mr Várhelyi on behalf of the European Commission, 27 May 2021, [europarl.europa.eu/RegData/questions/reponses_qe/2021/001268/P9_RE\(2021\)001268_EN.pdf](https://europarl.europa.eu/RegData/questions/reponses_qe/2021/001268/P9_RE(2021)001268_EN.pdf)

¹¹ See, for example, Libyan Ministry of Interior, Facebook post, 8 October 2020, [facebook.com/Ministry.of.Interior.Libya/posts/3362879630475372/](https://www.facebook.com/Ministry.of.Interior.Libya/posts/3362879630475372/); General Administration for Coastal Security (GACS), Facebook post, 17 May 2021, [facebook.com/GACS.LIBYA/posts/2998346363781052/](https://www.facebook.com/GACS.LIBYA/posts/2998346363781052/); GACS, Facebook post, 11 May 2021, [facebook.com/GACS.LIBYA/posts/2993050150977340/](https://www.facebook.com/GACS.LIBYA/posts/2993050150977340/); GACS, Facebook post, 31 March 2021, [facebook.com/GACS.LIBYA/posts/2962301027385586/](https://www.facebook.com/GACS.LIBYA/posts/2962301027385586/) (in Arabic)

¹² Duccio Facchini, "Nuove forniture alla Libia per i respingimenti. In Sicilia due navi in manutenzione 'da nascondere'", 6 April 2021, altreconomia.it/nuove-forniture-alla-libia-per-i-respingimenti-in-sicilia-due-navi-in-manutenzione-da-nascondere/ (in Italian)

¹³ Italian Guardia di Finanza, Centro Navale, Ufficio Amministrazione – Sezione Acquisti, Atto Autorizzativo Nr.233 in data 08/02/2021 (in Italian)

¹⁴ Italian Guardia di Finanza, Centro Navale, Ufficio Amministrazione – Sezione Acquisti, Atto Autorizzativo Nr.4968 in data 02/11/2020; Comando Generale Della Guardia di Finanza, Capitolato tecnico: Stipula di un atto negoziale finalizzato alla fornitura di N. 2 (due) motori

Relevant documentation from several tenders explicitly indicates that expenses for such activities are covered by the EU Trust Fund for Africa (EUTFA), in particular through its “Support to integrated border and migration management in Libya” project. Launched in July 2017 with EUTFA funding totalling 91.3 million euros, this project is implemented through a delegated agreement with the Italian Ministry of Interior and expected to run at least until the end of 2021. The project aims to support the LCG by providing three speedboats and training, enhancing Libya’s capacity to maintain the speedboats and assisting with the establishment of the above-mentioned “mobile” coordination centre.¹⁵

In April 2021, after visiting Tripoli to meet with his Libyan counterpart, then newly appointed Prime Minister of Italy Mario Draghi expressed “satisfaction” with Libya’s “rescues” and stated that Italy would continue to ensure humanitarian evacuations from Libya. In reality, Italy’s evacuation programmes from Libya benefited fewer than a thousand people between 2017 and 2018,¹⁶ and only about a hundred people subsequently, including 45 people transferred to Italy from Niger in June 2021.¹⁷ Amnesty International understands that another 625 refugees are expected to be evacuated in the remainder of 2021 and in 2022, in large part due to the support of religious institutions, under three separate programmes.¹⁸ A separate project supported by EU institutions aims to evacuate 130 people from Libya and neighbouring countries to seven EU member states between 2022 and 2024.¹⁹ However, the number of overall beneficiaries both past and planned remains extremely low, particularly when compared to overwhelming protection needs and the number of people intercepted at sea by EU-backed Libyan coastguards and returned to arbitrary detention, torture and other violations in Libya. Between 2017 and June 2021, only 6,388 refugees had been transferred to any other country from Libya overall.²⁰

Turkey, which has provided military and political backing to authorities in western Libya in recent years and signed a 2019 maritime accord with the GNU’s predecessor, the Government of National Accord (GNA), has also supported Libyan actors in migration management. In 2021, the Turkish Coast Guard has trained GACS members in Libya and Turkey.²¹ The Turkish Defence Ministry announced that on 28 January 2020, its frigate TCG Gaziantep, operating in support of NATO’s Sea Guardian operation, provided assistance and medical support to 30 irregular migrants at sea before turning them over to the LCG.²² On 13 May 2021, it reported that TCG Gaziantep and a military helicopter supported the LCG to return 97 migrants in a damaged dinghy to Libya and had supported the return of 123 others a few days prior.²³ Like the EU, Turkey framed its actions as saving lives at sea, yet its involvement facilitates the return of refugees and migrants directly to life-threatening detention rife with abuse.²⁴

“MAN” Mod. “D2676 LE425” e ricambi/attrezzature per motori tipo “MAN” Mod. “D2866 LE 405”, necessari alle unità navali classe “800” in dotazione al GACS (General Administration for Coastal Security), cedute al governo libico nell’ambito del protocollo di cooperazione Italia – Libia, 17 febbraio 2021; Guardia di Finanza, Centro Navale, Ufficio Amministrazione – Sezione Acquisti, Atto Autorizzativo Nr.988 in data 22/03/2021 (in Italian)

¹⁵ EU Trust Fund for Africa (EUTFA), “Action Document: Support to Integrated border and migration management in Libya - Second phase (T05-EUTF-NOA-LY-07)”, ec.europa.eu/trustfundforafrica/sites/euetfa/files/t05-eutf-noa-ly07.pdf

¹⁶ Claudio Cerasa, Sicurezza non vuol dire paura: Intervista al ministro Lamorgese, Il Foglio, 17 February 2020, interno.gov.it/it/stampa-e-comunicazione/interventi-e-interviste/sicurezza-non-vuol-dire-paura (in Italian)

¹⁷ Caritas Italiana, “23 giugno: nuovo corridoio umanitario, in arrivo 45 profughi dal Niger”, 21 June 2021, caritas.it/pls/caritasitaliana/V3_S2EW_CONSULTAZIONE.mostra_pagina?id_pagina=9535&rifi=guest&rifp=guest (in Italian)

¹⁸ These include about 100 refugees still to be transferred from Niger under a 2019 protocol between the Italian government and Caritas, about 500 others to be evacuated from Libya and neighbouring countries under a 2021 protocol between the Italian government, the Federation of Protestant Churches in Italy (FCEI), Tavola Valdese and Community of Sant’Egidio, and 25 unaccompanied minors to be transferred from Niger under a protocol between the Italian government, Caritas, the Italian Episcopal Conference and Intersos. Ministero dell’Interno, Il ministro Lamorgese all’incontro “Governare le migrazioni. La buona pratica dei corridoi umanitari”, 16 June 2021, interno.gov.it/it/notizie/ministro-lamorgese-allincontro-governare-migrazioni-buona-pratica-dei-corridoi-umanitari (in Italian); NEV, La buona pratica dei corridoi umanitari. L’annuncio del protocollo per la Libia, 17 June 2021, nev.it/nev/2021/06/17/governare-le-migrazioni-la-buona-pratica-dei-corridoi-umanitari-2 (in Italian)

¹⁹ Barbara Battaglia, Vie complementari per le migrazioni, la FCEI capofila, 18 June 2021, nev.it/nev/2021/06/18/vie-complementari-per-le-migrazioni-la-fcei-capofila-di-bando-fami/ (in Italian)

²⁰ UNHCR, *Libya Update*, 25 June 2021, data2.unhcr.org/en/documents/details/87428

²¹ GACS, Facebook post, 8 April 2021, facebook.com/GACS.LIBYA/posts/2969208713361484; GACS, Facebook post, 28 May 2021, facebook.com/GACS.LIBYA/posts/3006539352961753 (in Arabic)

²² Turkish Ministry of Defense, “Orta Akdeniz’de Tespit Edilen 30 Düzensiz Göçmen, Libya Sahil Güvenlik Komutanlığına Teslim Edildi”, 29 January 2020, msb.gov.tr/SlaytHaber/2912020-17154 (in Turkish)

²³ Turkish Ministry of Defense, “Libya Açıklarındaki TCG Gaziantep Fırkateynimizin Dikkati Büyük Bir Faciayı Önledi”, 14 May 2021, msb.gov.tr/SlaytHaber/1452021-23754 (in Turkish)

²⁴ In its press release, the Turkish Ministry of Defence wrote that it had supported a rescue operation by the Libyan Coast Guard (LCG) and thereby “prevented a large disaster.” Turkish Ministry of Defence, “Libya Açıklarındaki TCG Gaziantep Fırkateynimizin Dikkati Büyük Bir Faciayı Önledi” (previously cited)

3.2 SITUATION IN LIBYA

Since the end of Mu'ammarr al-Gaddafi's rule in 2011 and the conflict that followed, successive Libyan governments have been unable and at times unwilling to rein in powerful militias and armed groups.²⁵ They have also failed to hold members of those groups to account for their involvement in war crimes and serious human rights violations, instead exacerbating impunity by integrating them into national institutions, relying on them for law enforcement and security, and paying them salaries.²⁶ Throughout the armed conflict, members of militias and armed groups have been involved in abuses against refugees and migrants, including by unlawfully depriving them of their liberty; torturing and otherwise ill-treating them; subjecting them to forced labour, including transporting weapons and munitions; and sometimes cooperating with smugglers and traffickers.²⁷

On 6 February 2021, after years of political division and armed conflict, UN-sponsored talks led to the formation of the GNU, tasked with unifying the country's institutions and preparing the ground for national elections at the end of 2021. Yet since assuming its functions in March 2021, the GNU has struggled to exert its control over the entirety of Libyan territory, as rivalries between powerful militias and armed groups and fragmentation across the country persist.

The GNU has yet to prioritize long-standing concerns over the human rights situation of refugees and migrants inside Libya, which have continued unabated since its formation. In March 2021, the GNU's newly appointed Prime Minister, Adulhamid Debeibeh, stated that his government was unable to address the issue of migration alone and admitted that parts of Libyan territory were beyond its reach.²⁸ In Decision No. 42 of 2021, the GNU created a Supreme Committee to Combat Illegal Migration composed of leaders from the Border Guard, the DCIM, the Libyan Red Crescent, the Foreign Employment Administration, and the Administration for Migration and Expatriates, tasked with unifying and coordinating state efforts related to irregular migration, evaluating existing projects and decisions related to irregular migration, and briefing the Prime Minister on relevant international commitments.²⁹ In a press conference following a meeting with the foreign ministers of Italy and Malta as well as the European Commissioner for Neighbourhood and Enlargement, GNU Foreign Minister Najla al-Mangoush said they had agreed that securing Libya's southern borders was a priority and made no mention of steps to address the human rights situation of refugees and migrants in Libya.³⁰

Despite years of conflict and insecurity, 576,000 migrants of at least 41 nationalities were present in Libya according to IOM estimates from February 2021, with over 52% based in the west of the country, 30% present in the east and the remaining 18% in the south.³¹ As of 25 June 2021, there were nearly 43,000 refugees and asylum-seekers registered with UNHCR in Libya, but Libyan authorities have only allowed UNHCR to register nationals of nine countries at the exclusion of others with valid claims for international protection.³²

The outbreak of Covid-19 in March 2020 took a huge toll on refugees and migrants in the country, limiting their ability to work and provide for themselves, exacerbating xenophobia, and providing further justifications for their arbitrary arrests, detention and deportation without due process or the ability to seek international protection.³³ Resettlement and evacuation flights from Libya were suspended for seven months due to Covid-19 restrictions between March and October 2020, further limiting already slim opportunities for

²⁵ See, for example, Amnesty International, "Human Rights Agenda for the Government of National Unity" (Index: MDE/3927/2021), 6 May 2021, [amnesty.org/download/Documents/MDE1939272021ENGLISH.PDF](https://www.amnesty.org/download/Documents/MDE1939272021ENGLISH.PDF). In this report, the term "militia" is used to refer to an armed formation affiliated to the recognized government, currently the Government of National Unity (GNU), while "armed group" denotes a non-governmental armed entity that uses armed force to achieve political aims, such as the Libyan Arab Armed Forces (LAAF) and its affiliated armed formations. In some cases it is difficult to clearly establish the ties of armed formations to the GNU given the frequency of alliance shifting throughout the Libyan armed conflict and the independence that some enjoy from any central control.

²⁶ Amnesty International, "Libya: 10 years after uprising, abusive militias evade justice and instead reap awards", 17 February 2021, [amnesty.org/en/latest/news/2021/02/libya-ten-years-after-uprising-abusive-militias-evade-justice-and-instead-reap-rewards](https://www.amnesty.org/en/latest/news/2021/02/libya-ten-years-after-uprising-abusive-militias-evade-justice-and-instead-reap-rewards)

²⁷ Amnesty International, Libya's Dark Web of Collusion (previously cited); Amnesty International, 'Between Life and Death': Refugees and Migrants Trapped in Libya's Cycle of Abuse (previously cited)

²⁸ Alghad TV, "مؤتمر صحفي للإعلان عن تشكيل حكومة الوحدة الوطنية في ليبيا", Youtube video, 25 February 2021, youtube.com/watch?v=A6xukPCVWcg (in Arabic)

²⁹ Decision of the Prime Minister of the Government of National Unity No. 42/2021 on the Creation of a Supreme Council for Combatting Illegal Migration, 20 April 2021, available at hakomitna.ly/government-resolutions/bshan-anshaa-alljnh-alalya-lmkafhh-aljrh-ghyr-alshrayh (in Arabic)

³⁰ See Libya Cloud News Agency, Youtube video, "مؤتمر صحفي لوزيرة الخارجية الليبية ونظرائها في إيطاليا ومالطا ومفوض الاتحاد الأوروبي لسياسة الجوار", 29 May 2021, youtube.com/watch?v=WkBMd_vsHFA

³¹ IOM, Libya's migrant report – Round 35, January-February 2021 (previously cited)

³² UNHCR, *Operational Data Portal: Libya*, data2.unhcr.org/en/country/lby (accessed 25 June 2021). These are Syria, Iraq, Yemen, Palestine, Sudan, South Sudan, Eritrea, Ethiopia and Somalia.

³³ Amnesty International, 'Between Life and Death' (previously cited)

refugees to access lasting protection.³⁴ Although these restrictions were later lifted, Libyan authorities refused to authorize the departure of at least one desperately needed evacuation flight originally planned for 25 April 2021, without providing a public justification.³⁵

³⁴ UNHCR, “UNHCR’s life-saving flights from Libya resume after seven-month suspension”, 16 October 2020, [unhcr.org/news/briefing/2020/10/5f894f954/unhcrs-life-saving-flights-libya-resume-seven-month-suspension.html](https://www.unhcr.org/news/briefing/2020/10/5f894f954/unhcrs-life-saving-flights-libya-resume-seven-month-suspension.html)

³⁵ UNHCR Libya, Twitter post, 3 May 2021, twitter.com/UNHCRLibya/status/1389293298238566402

4. LEGITIMIZING ABUSE AND ENTRENCHING IMPUNITY IN MIGRATION DETENTION

Since the establishment of the DCIM under Libya's Ministry of Interior in 2012,³⁶ a range of DCIM detention centres have sprung up, closed and in some cases re-opened, with the precise number of operational centres at a given time historically difficult to track.³⁷ While DCIM detention centres are nominally under the control of the Ministry of Interior, local militias, some of whose members have been formally integrated into the DCIM, often effectively remain in charge of or retain influence over individual DCIM centres in the neighbourhoods that they control, with limited central oversight.³⁸ Since the DCIM's establishment, UN bodies, Amnesty International and other human rights and humanitarian organizations have consistently raised concerns about human rights violations committed against refugees and migrants detained in DCIM centres, including indefinite arbitrary detention in cruel and inhuman conditions, torture and other ill-treatment, unlawful use of lethal force and forced labour and exploitation.³⁹

In response to such criticism, the current DCIM director and his predecessor have vowed to close some of the most notorious detention centres, limit the number of functional centres to streamline assistance, and improve conditions in existing centres, including by providing for the needs of the most vulnerable groups. In September 2020, current DCIM Director Mabrouk Abdelhafid reported to the UN Panel of Experts on Libya that the DCIM was pursuing a "reorganizational policy" and had closed Tajoura, Misrata and Al-Khums centres.⁴⁰ Acknowledging the DCIM's struggle to exert full control over its own centres, he reported that the activities of Souq al-Khamis and Western Zawiya (more commonly called "Abu Issa") DCIM centres were "provisionally suspended" because "managers are suspected of corruption and under investigation," despite the fact that they continued to hold refugees and migrants.⁴¹ He also noted that the Tariq al-Sikka DCIM

³⁶ Cabinet Decree no. 145 of 2012 on adopting the organizational structure and powers of the Ministry of Interior and the organization of its administrative unit, 1 April 2012, [security-legislation.ly/node/32243](https://www.security-legislation.ly/node/32243). However, the establishment of the DCIM was not formalized by law until 2014, via Decree no. 386 on the establishment of an agency to combat illegal migration, 4 June 2014, [security-legislation.ly/node/34978](https://www.security-legislation.ly/node/34978). For the purposes of this report on disembarkations into detention, only concerns in DCIM centres in western Libya are included.

³⁷ See, for example, Amnesty International, *Libya's Dark Web of Collusion* (previously cited), p. 27, noting that the number of active DCIM centres at the end of 2017 had been reported by different parties as between 17 and 36.

³⁸ Amnesty International, *Libya's Dark Web of Collusion* (previously cited)

³⁹ Similar concerns in immigration detention predate the official establishment of the DCIM, and even the fall of Mu'ammar al-Gaddafi's government. See for instance, Amnesty International, 'Libya of tomorrow': *What hope for human rights?* (Index: MDE 19/07/2010), 23 June 2010, [amnesty.org/download/Documents/40000/mde190072010en.pdf](https://www.amnesty.org/download/Documents/40000/mde190072010en.pdf) pp. 91-111

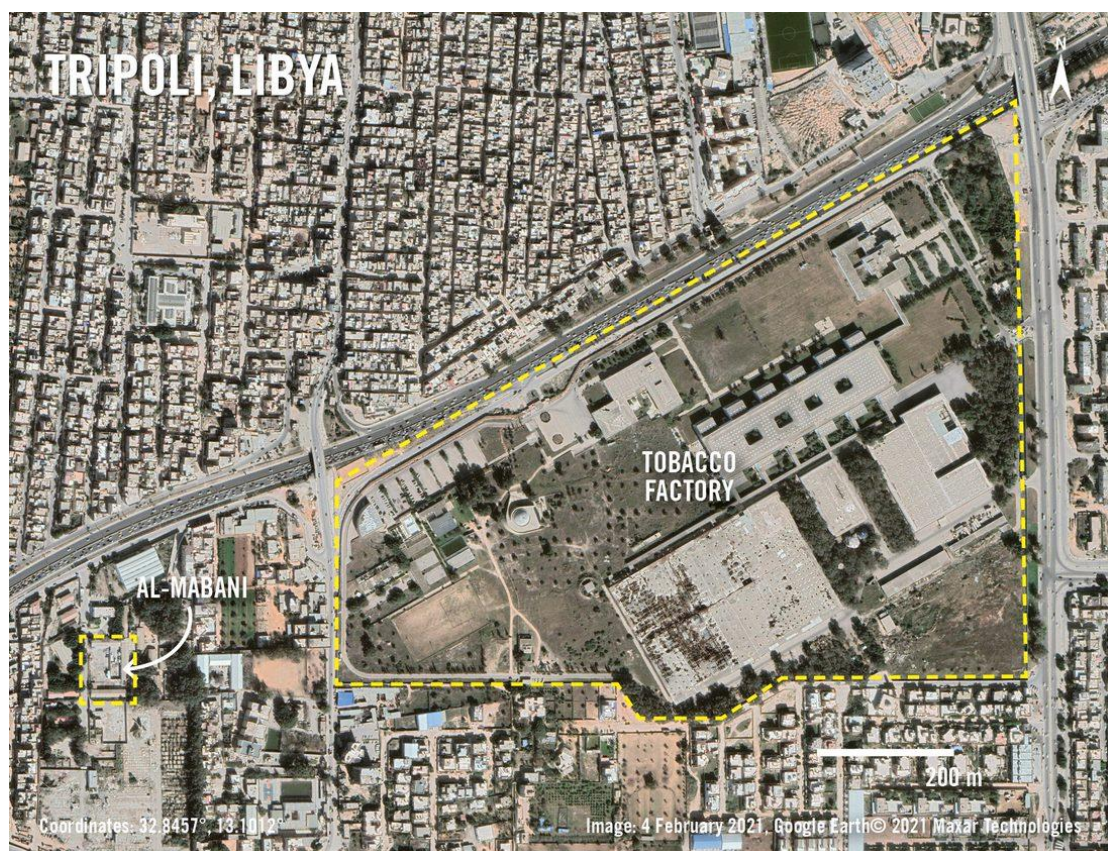
⁴⁰ UN Panel of Experts on Libya, Final report on the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011), UN. Doc. S/2021/229, 8 March 2021, para. 43 and annex 18

⁴¹ UN Panel of Experts on Libya, Final report on the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011), UN. Doc. S/2021/229, 8 March 2021, annex 18

centre in Tripoli, a centre long notorious for abuse⁴² and under the effective control of DCIM deputy head Mohammed al-Khoja, was “problematic.”⁴³ Abdelhafid’s predecessor, former DCIM director Mohamed Bishir, had in 2017 ordered the closure of a number of centres following outcries over abuse and sought to consolidate DCIM control over functioning ones. His efforts were similarly hampered by the militias and armed groups who exercised effective control in certain centres.⁴⁴

Closures of individual centres has done little to rein in impunity and human rights violations, particularly as they have not been accompanied by any efforts to investigate claims of serious human rights violations and hold perpetrators to account. Rather, similar patterns of abuse documented in closed DCIM centres have been reproduced in newly opened or re-opened ones, including sites formerly outside of the DCIM infrastructure that have been rebranded by the DCIM since late 2020, legitimatizing and perpetuating further abuse.

4.1 FORMER DISAPPEARANCE SITES REBRANDED AS DCIM CENTRES



Satellite imagery over southwest Tripoli shows the Al-Mabani facility approximately 350 metres west of the Tobacco Factory.

Between the end of 2020 and the beginning of 2021, the DCIM began operating two detention centres in Tripoli, the Tripoli Gathering and Return Centre (more commonly referred to as Al-Mabani or “the buildings” in Arabic), and the Centre for Vulnerable Groups (more commonly called Shara’ al-Zawiya, in reference to its location on Al-Zawiya street), both in sites to which refugees and migrants had been forcibly disappeared in previous years.

⁴² Global Initiative for Transnational Organized Crime (GITOC), *The Political Economy of Migrant Detention in Libya: Understanding the players and business models*, April 2019, p. 87, globalinitiative.net/wp-content/uploads/2019/11/Final-Report-Detention-Libya.pdf

⁴³ UN Panel of Experts on Libya, Final report on the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011), UN. Doc. S/2021/229, 8 March 2021, annex 18

⁴⁴ OHCHR/UNSMIL, *Desperate and Dangerous* (previously cited), p. 39

In January 2021, the DCIM opened the Tripoli Gathering and Return Centre in an area commonly referred to as the Tobacco Factory given the proximity of the now disused factory. The Tobacco Factory is located in Tripoli's Ghout al-Shaal neighbourhood and controlled by the Public Security Agency, a militia under the command of Emad al-Tarabulsi that was nominally allied to the UN-recognized GNA, the former government in control of western Libya. Throughout 2020, thousands of refugees and migrants disembarked in Libya following interception at sea were subjected to enforced disappearance or otherwise went missing after their transfer by Libyan coastguards to detention facilities controlled by militias and not under the DCIM. Amnesty International previously found that at least hundreds were taken to and forcibly disappeared at the site known as the Tobacco Factory.⁴⁵

In March 2020, 22-year-old "Nabil", a refugee, was among those forcibly disappeared following his disembarkation in Libya. He told Amnesty International that he was intercepted at sea by the LCG and returned to a Tripoli port, where humanitarian staff wearing vests with the IOM logo were present and provided the group with biscuits and water but did not speak with him. He said that individuals wearing black police uniforms, driving police cars and others with what he believed to be the insignia of the DCIM, loaded him and other returned refugees and migrants into closed vans and took them to a site he said was "called Al-Mabani now", but also colloquially referred to as the Tobacco Factory. On arrival, he said he saw men wearing green and brown patterned uniforms, blue camouflage uniforms, and others wearing black police uniforms. They searched the refugees and migrants and took their money, phones and other valuables, which were never returned. He was then detained for around 20 days in a hangar with around 125 other refugees and migrants, without access to humanitarian actors or anyone from the outside world before managing to escape. He said:

"They [armed men in control of the site] were isolating people, they weren't letting the organizations access us. [Inside], they beat you, they torture you, they don't treat you like you're human."⁴⁶

"Nabil" described witnessing other detainees being forced to work inside the compound, including on renovation and maintenance, and said that men in military uniforms instructed those held captive to call their relatives and friends outside of the centre to ask for ransom money to secure their release. He added that other refugees and migrants were kept locked up for multiple weeks before they were removed to what he believed were other detention centres; given his multiple previous experiences in detention in Libya, "Nabil" understood that those in charge "don't just let you leave."⁴⁷ Another source with direct knowledge of the facility during the same time period provided a consistent account of conditions and treatment inside.

Enforced disappearances

This unlawful deprivation of liberty of refugees and migrants with the involvement of the LCG or other actors acting with the acquiescence of the authorities, as described by "Nabil", constituted enforced disappearances as those responsible held them incommunicado outside the protection of the law, and concealed information about their fate and whereabouts. Enforced disappearances are a serious human rights violation and crime under international law, found to occur when state agents or others acting with their authorization, support or acquiescence arrest, detain, abduct or otherwise deprive an individual of liberty and subsequently refuse to acknowledge their deprivation of liberty or conceal their fate or whereabouts, placing them outside the protection of the law.⁴⁸ The fact that Libya is not a party to the Convention on Enforced Disappearances does not absolve it from the obligation not to subject anyone to enforced disappearance. Every enforced disappearance is a "continuing crime" that violates a range of other rights, including the right to liberty and security of person,⁴⁹ the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, the right to a remedy⁵⁰ and the right to life.⁵¹

⁴⁵ Amnesty International, 'Between Life and Death' (previously cited)

⁴⁶ Interview with "Nabil", 23 April 2021

⁴⁷ Interview with "Nabil", 23 April 2021

⁴⁸ International Convention for the Protection of All Persons from Enforced Disappearance, Article 2.

⁴⁹ European Court of Human Rights (ECtHR), *Kurt v. Turkey*, Application 24276/94, Judgment, 25 May 1998; Inter-American Court of Human Rights (IACtHR), *Velásquez Rodríguez v. Honduras*, Judgment, 29 July 1988

⁵⁰ 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

⁵¹ ACtHR, *Blake v. Guatemala*, Judgment, 24 January 1998; ECtHR, *Taş v. Turkey*, Judgment, 14 November 2000

At the time of writing, the headquarters of the Public Security Agency,⁵² a militia which assumes security and law enforcement functions in the neighbourhood, remained located in the Tobacco Factory area. It is unclear whether in 2021 refugees and migrants have been forcibly disappeared within the Tobacco Factory itself, as no independent organizations have access. Emad al-Tarabulsi was appointed as deputy head of the Libyan intelligence services by the GNA in September 2020.⁵³ His current standing with the GNU is unclear as the GNU appointed new leadership of Libyan intelligence on 5 May 2021, amid reports that Emad al-Tarabulsi refused to relinquish authority.⁵⁴

In 2021, Al-Mabani has become the largest functional DCIM centre holding disembarked refugees and migrants in western Libya. Over 7,000 individuals intercepted at sea and returned to Libya were transferred there in the first six months of 2021,⁵⁵ with at least 2,000 detainees held there in June.⁵⁶ Social media posts on the centre's Facebook page regularly advertise field visits to the centre by DCIM officials, including DCIM head Mabrouk Abdelhafid, noting conversations on "how to speed up the completion of the deportation process" of detainees, as well as visits by humanitarian organizations.⁵⁷

In late 2020, the DCIM also began operating a "Centre for Vulnerable Groups" following reports from DCIM head Abdelhafid that a facility, colloquially called Shara' al-Zawiya, had been designated as a DCIM centre reserved for "women, children, and the most vulnerable".⁵⁸ In previous years, Shara' al-Zawiya was the site of a so-called "data collection and investigation facility," which did not fall under DCIM control according to Abdelhafid,⁵⁹ and was used to unlawfully deprive refugees and migrants of their liberty by the Tripoli Revolutionaries Brigade (TRB), a militia that was headed by Haitham al-Tajouri, and formally under the Ministry of Interior, and which has been involved in arbitrary detention, enforced disappearance and torture.⁶⁰ In previous years, following transfer by the authorities from disembarkation points, refugees and migrants were held at the site with no access to the outside world for prolonged periods of time, amid their captors' failure to provide information about their fate and whereabouts. In 2021, Libyan coastguards have transferred over 250 disembarked refugees and migrants to the Shara' al-Zawiya DCIM centre.⁶¹

⁵² Public Security [Agency], Facebook post, 14 March 2021, facebook.com/alamnalawmarkozatalamnia/posts/237323634736053 (in Arabic)

⁵³ Libya Observer, Twitter post, 10 September 2020, twitter.com/observatory/status/1304057093897555970?lang=en

⁵⁴ Najwa Wheba, Twitter post, 6 May 2021, twitter.com/NajWheba/status/1390291470289092608/photo/1

⁵⁵ UNHCR, *UNHCR Libya Activities at Disembarkation – 2021* (accessed 25 June 2021), data2.unhcr.org/en/dataviz/177?sv=0&geo=666

⁵⁶ MSF, "Ongoing violence against detained migrants forces MSF to suspend Tripoli centre activities", 22 June 2021, msf.org/violence-against-migrants-forces-msf-suspend-centre-activities-libya

⁵⁷ Gathering and Return Centre – Tripoli, Facebook post, 20 January 2021, facebook.com/permalink.php?story_fbid=109110174482643&id=101591698567824; Gathering and Return Centre – Tripoli, Facebook post, 20 January 2021, facebook.com/permalink.php?story_fbid=109029884490672&id=101591698567824; Gathering and Return Centre – Tripoli, Facebook post, 14 February 2021, facebook.com/permalink.php?story_fbid=116006387126355&id=101591698567824 (in Arabic)

⁵⁸ Panel of Experts on Libya, Final report on the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011), UN. Doc. S/2021/229, 8 March 2021, annex 18

⁵⁹ Panel of Experts on Libya, Final report on the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (previously cited), para. 42

⁶⁰ Amnesty International, "Libya: 10 years after uprising, abusive militias evade justice and instead reap awards" (previously cited)

⁶¹ UNHCR, *UNHCR Libya Activities at Disembarkation – 2021* (previously cited). See Chapter 7 "Continued violations in detention" for treatment and conditions in the Al-Mabani and Shara' al-Zawiya DCIM centres.

4.2 ZERO ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS IN CLOSED DETENTION CENTRES



Refugees and migrants outside the former Tajoura DCIM centre following 2 July 2019 airstrikes on the site. © MAHMUD TURKIA/AFP via Getty Images

Exemplifying the prevailing climate of impunity in Libya, the Al-Mabani DCIM centre is managed and staffed by many of the same individuals who worked in the former Tajoura DCIM centre, closed ostensibly due to the rampant abuse committed inside.⁶² They include the director of Al-Mabani, Nouredin al-Qureitli, who as the former director of Tajoura detention centre knew or should have known that his subordinates were committing serious human rights violations against refugees and migrants yet did not take all necessary measures in his power to prevent or redress the crimes.

The Tajoura DCIM detention centre, located around 16km east of Tripoli in a military compound under the control of the Dhomaan militia, came under international spotlight on 2 July 2019, after deadly air strikes by forces affiliated with the Libyan Arab Armed Forces (LAAF) killed at least 53 detained refugees and migrants and injured scores of others⁶³ in what appeared to be a war crime.⁶⁴ Amnesty International's prior research had indicated that the compound also housed a warehouse containing weapons and had warned Libyan authorities that they were putting lives at risk by holding refugees and migrants close to military targets.⁶⁵ After the strike, the UN Panel of Experts on Libya concluded that the GNA's placement of a detention centre within a military compound violated international humanitarian law.⁶⁶

Conditions inside the Tajoura detention centre were abhorrent well before the airstrikes. Eleven refugees interviewed for this report, who had been detained in Tajoura between early 2018 and September 2019, shared horrific stories of torture and other ill-treatment, including frequent beatings, forced labour, solitary confinement and appalling detention conditions.⁶⁷ Several said they witnessed the deaths or disappearances

⁶² See, for instance, OHCHR/UNSMIL, *Desperate and Dangerous* (previously cited)

⁶³ UNSMIL/OHCHR, "Airstrikes on the Daman building complex, including the Tajoura Detention Centre", 2 July 2019, 27 January 2020, [ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25502&LangID=E](https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25502&LangID=E)

⁶⁴ Amnesty International, "Libya: Abhorrent attack on migrant detention centre must be investigated as a war crime", 3 July 2019, [amnesty.org/en/latest/news/2019/07/libya-investigate-abhorrent-attack-on-migrant-detention-centre](https://www.amnesty.org/en/latest/news/2019/07/libya-investigate-abhorrent-attack-on-migrant-detention-centre)

⁶⁵ Amnesty International, "Libya: Evidence of possible war crimes underscores need for international investigation", 16 May 2019, [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)

⁶⁶ UN Panel of Experts on Libya, Final report on the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011), UN. Doc. S/2019/914, 9 December 2019, Annex 15, para. 29(6)

⁶⁷ One individual noted to Amnesty International that humanitarians were allowed access to Tajoura DCIM to offer support, unlike detention centres where he had been detained in 2021. Interview, 26 April 2021.

of other detainees. “Mohamed,” a refugee detained there for more than one year until the July 2019 airstrikes, told Amnesty International: “Tajoura was harder than all the other prisons; you had absolutely no freedom... You didn’t have a voice.”⁶⁸

Five individuals described guards choosing certain detainees and forcing them to transport weaponry and clean buildings and homes.⁶⁹ “Zouma”, a 23-year-old Sudanese refugee, said he was placed in what he described as an “isolation room” for around one month for refusing orders to work. He said he witnessed another refugee being shot in the leg for not working on command and then denied adequate medical care, eventually requiring an amputation. “Zouma” also expressed fears about the fate of those taken outside the centre to unknown locations:

“Some refugees ... they took them outside and they didn’t come back again, we don’t have their names and we have no idea what happened to them. We have no news about them.”⁷⁰

Three former detainees held in the Tajoura DCIM centre described to Amnesty International acts of retaliation against individuals who shared stories about their abuse. One said that, around March 2019, DCIM guards tortured him through the administration of electric shocks after suspecting him of having shared information with individuals outside the centre.⁷¹ Another refugee reported witnessing centre staff severely beating individuals also suspected of speaking out about detention conditions to human rights defenders. He feared that two men had died as they appeared lifeless following the heavy beatings and removal from the cells to unknown locations.⁷²

Amnesty International’s findings regarding the horrific conditions, torture and other ill-treatment and deaths in custody in suspicious circumstances in the Tajoura DCIM centre are consistent with those of other organizations. In a joint report by the United Nations Support Mission in Libya (UNSMIL) and the UN Officer of the High Commissioner for Human Rights (OHCHR), UNSMIL collected accounts of refugees and migrants being subjected to forced labour, torture and other ill-treatment at the Tajoura DCIM detention centre.⁷³ The report included the testimony of a migrant who witnessed the death of a cellmate following beatings with water pipes.

After an international outcry in response to the July 2019 airstrikes, then-Minister of Interior Fathi Bashagha ordered the closure of Tajoura on 1 August 2019;⁷⁴ however, it continued to hold refugees and migrants for a number of months. “Ahmad,” who said he was detained there with around 70 others after being intercepted at sea around September 2019, reported being taken out of the compound by men in military uniform for forced labour.⁷⁵ The Panel of Experts on Libya had also received information that Tajoura DCIM continued to hold migrants as late as October 2019.⁷⁶

To date, no investigations have been conducted into any allegations of unlawful killings, torture and other ill-treatment, forced labour and other abuse in Tajoura. The former Tajoura DCIM centre director was promoted to colonel in February 2020⁷⁷ and was honoured by DCIM head Mabrouk Abdelhafid with a medal for “distinguished work” in March 2021.⁷⁸

⁶⁸ Interview with “Mohamed”, 14 April 2021

⁶⁹ Interviews, 12 March 2021; 14 April 2021; 16 April 2021; 26 April 2021; 10 June 2021

⁷⁰ Interview with “Zouma”, 12 March 2021

⁷¹ Interview, 9 April 2021

⁷² Interview, 6 May 2021

⁷³ OHCHR/UNSMIL, *Desperate and Dangerous* (previously cited)

⁷⁴ Decision of the Acting Minister of the Interior 1421/2019 on the closure of illegal migrant shelters, 1 August 2019

⁷⁵ Interview with “Ahmad”, 16 April 2021

⁷⁶ UN Panel of Experts on Libya, Final report on the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011), (previously cited), para. 56

⁷⁷ See, for example, al-Qureitli’s statement on the attack on Tajoura on 3 July 2019, [youtube.com/watch?v=nD87dteQ1yo](https://www.youtube.com/watch?v=nD87dteQ1yo) (in Arabic)

⁷⁸ Gathering and Return Centre – Tripoli, Facebook post, 17 March 2021, [facebook.com/101591698567824/posts/127826599277667](https://www.facebook.com/101591698567824/posts/127826599277667) (in Arabic)

5. INTERCEPTIONS OF REFUGEES AND MIGRANTS AT SEA AND RETURNS TO CYCLE OF ABUSE IN LIBYA

In the hopes of fleeing horrific abuses in Libya and reaching safety in Europe, refugees and migrants continue to attempt to cross the central Mediterranean, one of the deadliest migration routes in the world. By the end of June, IOM had recorded 741 deaths along this route, a sharp increase from the 249 deaths reported during the same period in 2020.⁷⁹ Between January and June 2021, IOM recorded around 33,000 attempted crossings to Europe via the central Mediterranean route, an over 100% increase as compared to the same period in 2020, although still much below the levels seen between 2014 and 2016.⁸⁰ According to UNHCR, 21% of those who reached Europe via the central Mediterranean between January and March 2021 were children, the majority of them unaccompanied. As in past years, many of those arriving reported being subjected to trafficking and/or gender-based violence in Libya.⁸¹

In tandem with increased departures, interceptions by Libyan authorities and disembarkations in Libya have also risen, from at least 9,225 returns in 2019, to at least 11,891 returns in 2020,⁸² to nearly 15,000 in the first six months of 2021 alone.⁸³

Forty-nine out of the 53 refugees and migrants interviewed for this report had attempted to cross the central Mediterranean by boat; at least 22 of them had attempted the journey more than once, some up to seven times despite knowing the risks. They consistently described receiving ineffective or no assistance by vessels and other actors aware of their distress at sea, often before experiencing reckless and sometimes unlawful behaviour, negligence and violence by Libyan coastguards during their interceptions at sea and forced returns to Libya.

⁷⁹ IOM, *Missing Migrants: Tracking Deaths Along Migratory Routes – Central Mediterranean Route*, missingmigrants.iom.int/region/mediterranean?migrant_route%5B%5D=1376

⁸⁰ IOM, *Missing Migrants: Tracking Deaths Along Migratory Routes* (previously cited)

⁸¹ UNHCR, *Arrivals to Europe from Libya – March 2021*, 12 May 2021, data2.unhcr.org/en/documents/details/86602

⁸² IOM Libya, Twitter post, 28 December 2021, twitter.com/IOM_Libya/status/1343527057976930304/photo/1

⁸³ IOM Libya, Twitter post, 28 June 2021, twitter.com/IOM_Libya/status/1409552970287661058

5.1 EUROPEAN SUPPORT OF INTERCEPTIONS AT SEA

Since 2017, as extensively documented by Amnesty International and others, EU states and institutions have increasingly pulled their naval assets from the central Mediterranean to decrease the likelihood of encountering boats in distress at sea, which would compel them under international law to rescue refugees and migrants and return them to a place of safety, which cannot be Libya.⁸⁴ Instead, and also in violation of international law and standards, European and Libyan authorities have continued to cooperate in operations that conclude with the disembarkation in Libya of those intercepted at sea in Libya.

Through its provision of assets, training and coordination assistance to Libyan authorities, the EU has enabled Libyan authorities to undertake a growing number of interceptions and resulting disembarkations of refugees and migrants in Libya.⁸⁵ This support is also bolstered by the EU's own aerial surveillance. Frontex, the European Border and Coast Guard agency, has continued to operate aerial assets over the central Mediterranean and well into the Libyan SAR region to identify refugee and migrant boats at sea and report their position to the Libyan authorities – and in May 2021 began operating an unmanned drone over the Mediterranean to assist in such surveillance.⁸⁶ Since at least 2018, Frontex notes its use of aircraft to provide “real-time surveillance service” with “full motion, real-time video” that it says “contribut[es] to the situational picture at the EU borders and in the pre-frontier areas.”⁸⁷ In February 2021, Italy also granted a tender worth 6.9 million euros to an Italian defence company, Leonardo SPA, for the lease of a drone to use in surveillance over the central Mediterranean.⁸⁸

Eight individuals told Amnesty International that they saw aircraft, likely to have been European aerial assets, flying over their boats before their interceptions and returns to Libya by Libyan authorities.⁸⁹ Such testimonies are consistent with findings recently published by OHCHR, which reported receiving information that “appears to confirm that coordination, cooperation and the sharing of intelligence between EU and Libya SAR authorities work to effectively “pull back” migrants to Libya from international waters, including from the Maltese SAR zone.”⁹⁰

“Zein,” a Sudanese refugee who attempted to cross by sea twice in 2019 after feeling that “a black person [in Libya] is a target”, noted a pattern that he and others who had attempted the journey numerous times had observed: “Usually they [the Libyan Coast Guard] come after the Europeans [by] four or five hours... After [we see] the helicopter, we expect that the Libyan Coast Guard comes.”⁹¹

“Emeka,” a 22-year-old Nigerian who attempted to cross the Mediterranean in February 2021, described his experience:

“We saw a jet or a helicopter overhead... It was going around our boat [and] it came down, we could see it with our own eyes... After a while, we [saw] a white ship from afar coming. The more it came at us, we saw it was a Libyan flag. Before they neared us, they were yelling at us, ‘Everyone sit down!’ Everyone started crying; they caught us.”⁹²

Testimonies by refugees and migrants about the presence of European reconnaissance aircraft over the Mediterranean Sea and at the site of pullbacks have been corroborated by direct observations by independent NGOs. Sea Watch International operates its own flights over the central Mediterranean to assist in its rescue operations and has documented several pullbacks during which European planes appeared over the site of ships in distress before the arrival of the LCG, including two instances from within the Maltese

⁸⁴ Amnesty International, *‘Between Life and Death’* (previously cited); Amnesty International, *Between the Devil and the Deep Blue Sea* (previously cited); Amnesty International, *Libya’s Dark Web of Collusion* (previously cited); Amnesty International, *A Perfect Storm: The Failure of European Policies in the Central Mediterranean* (Index: EUR03/6655/2017), 6 July 2017, www.amnesty.org/download/Documents/EUR0366552017ENGLISH.PDF; OHCHR, *‘Lethal Disregard’* (previously cited); OHCHR/UNSMIL, *Desperate and Dangerous* (previously cited).

⁸⁵ See, for example, IOM’s Maritime updates recording the numbers of refugees and migrants returned from sea to Libya in past years: IOM Libya, Twitter post, 28 December 2021, twitter.com/IOM_Libya/status/1343527057976930304/photo/1; IOM Libya, Twitter post, 21 June 2021, twitter.com/IOM_Libya/status/1407024276562194434/photo/1. For an overview of EU assistance to Libyan authorities, see Section 3.1 “Libya’s historic approach to migration and role of European actors”.

⁸⁶ See, for example, European Parliament, Question for written answer to the Commission: Surveillance sensor technology of Frontex drones in the Central Mediterranean, 7 May 2021, europarl.europa.eu/doceo/document/E-9-2021-002455_EN.html

⁸⁷ Frontex, *Frontex Situation Centre: Multipurpose Aerial Surveillance*, 23 February 2018, op.europa.eu/en/publication-detail/-/publication/b96286e0-1aa8-11e8-ac73-01aa75ed71a1

⁸⁸ Duccio Facchini, “Appalti sulle frontiere: Leonardo fornirà un drone al Viminale per sorvegliare il Mediterraneo”, 17 February 2021, altreconomia.it/appalti-sulle-frontiere-leonardo-fornira-un-drone-al-viminale-per-sorvegliare-il-mediterraneo/ (in Italian)

⁸⁹ Interviews, 8 April 2021; 22 April 2021; 26 April 2021; 3 May 2021; 9 May 2021; 18 May 2021; 7 June 2021; 18 June 2021

⁹⁰ OHCHR, *‘Lethal Disregard’* (previously cited)

⁹¹ Interview, 8 April 2021

⁹² Interview, 3 May 2021

SAR zone.⁹³ In one instance on 22 January 2021, Sea Watch's ground crew tracked the Frontex aircraft Osprey 3 orbit a migrant boat in distress, fly toward Tripoli, and then head back in the direction of the migrant boat before the LCG Fezzan arrived at the scene.⁹⁴ An April 2021 investigation by Der Spiegel, a German magazine, found the presence of Frontex planes near the boats of refugees and migrants attempting to reach Europe before the LCG intercepted and pulled them back to Libya in at least 20 instances since January 2020, and reported that Frontex staff at times sent GPS coordinates of these boats to LCG staff, including a captain, through Whatsapp messages.⁹⁵

Amnesty International has previously criticized the role played by Frontex in facilitating interceptions by the LCG. In particular, Amnesty International has stressed that its replacement of European ships with aerial assets deployed by Frontex under its Multipurpose Aerial Surveillance programme is patently designed to circumvent European legal obligations toward people in distress at sea. In response to this criticism, Frontex remarked that its notification to relevant Maritime Rescue Coordination Centres, including Libyan authorities, of the position of boats spotted in distress by its airplanes aims to ensure prompt rescues in line with maritime law.⁹⁶ However, Frontex has repeatedly failed to engage with Amnesty International's key concern regarding the agency's responsibility to uphold key principles of international law, notably the principle of non-refoulement, which prohibits the transfer of any persons to a country where they are at risk of serious human rights violations. Amnesty International considers that, in order to comply with relevant obligations, European governments and institutions participating in SAR operations in the central Mediterranean, including Frontex, must adopt specific measures to prevent disembarkations in Libya, including by defining a clear mechanism, consistent with international law and standards, determining in which places of safety rescue vessels shall promptly disembark any people rescued in the Libyan SAR region.⁹⁷

5.2 EUROPEAN AND OTHER ACTORS' FAILURE TO EFFECTIVELY RESCUE REFUGEES AND MIGRANTS IN DISTRESS



Refugees and migrants attempt to reach safety by swimming in the direction of the merchant ship Vos Triton on 14 June 2021. © Sea-Watch.org

⁹³ Sea Watch, *Crimes of the European Border and Coast Guard Agency Frontex in the Central Mediterranean Sea*, 12 May 2021, sea-watch.org/wp-content/uploads/2021/05/Frontex-Factsheet_Airborne_Sea-Watch_May-2021.pdf

⁹⁴ Sea Watch, *Crimes of the European Border and Coast Guard Agency Frontex* (previously cited)

⁹⁵ Der Spiegel, "How Frontex helps haul migrants back to Libyan torture camps", 29 April 2021, spiegel.de/international/europe/libya-how-frontex-helps-haul-migrants-back-to-libyan-torture-camps-a-d62c3960-ece2-499b-8a3f-1ede2aeafb83

⁹⁶ Frontex, Letter by Executive Director, Fabrice Leggeri, to Amnesty International, 13 October 2020, frontex.europa.eu/media-centre/news/news-release/frontex-responds-to-amnesty-international-organization-s-report-10nd3h

⁹⁷ Amnesty International, *Europe: Plan of Action - Twenty Steps to Protect People on the Move Along the Central Mediterranean Route* (Index: EUR/01/4289/2021), 16 June 2021, amnesty.org/download/Documents/EUR0142892021ENGLISH.PDF

In tandem with support of Libyan coastguards to return individuals to Libya, European actors and other vessels in close proximity to migrant boats have also failed in their search and rescue obligations, notably by either not providing required assistance or by not disembarking rescued individuals in a place of safety, which cannot be Libya.

Refugees and migrants reported not receiving prompt and effective assistance while in distress at sea, at times even when both Libyan and European authorities had been alerted about their circumstances. Four people told Amnesty International that ships present nearby failed to provide them with any or timely assistance before they were intercepted and returned to Libya. “Emeka”, for instance, described that during his early February 2021 attempt to cross, another ship in the distance had not offered his dinghy assistance shortly before the arrival of an aircraft overhead and, ultimately, the LCG. He said:

“We saw one ship, we thought it [would rescue us], so we were thinking, thank God. Everybody was happy and started standing up. But the ship passed by, it didn't stop, and it didn't do anything.”⁹⁸

In other instances, delays in receiving appropriate assistance cost lives. Amnesty International spoke to two survivors of the well-documented “Easter Monday” pushback of 15 April 2020, during which the Libyan-flagged fishing vessel *Dar al-Salam 1* returned a group of over 50 refugees and migrants from the Maltese SAR zone to Tripoli, six days after their dinghy had left the Libyan coast in the direction of Malta.⁹⁹ Maltese authorities had confirmed coordinating the operation in an official statement,¹⁰⁰ and in an ongoing case before the Maltese court over this pushback, the owner of the *Dar al-Salam 1* testified in May 2021 that the Maltese government had paid him on three or four occasions to return refugees and migrants in distress to Libya.¹⁰¹ Amnesty International has previously documented how Maltese authorities in the first half of 2020 had resorted to unlawful measures to circumvent responsibilities to rescue refugees and migrants in distress at sea and to avoid their disembarkation in the country.¹⁰²

According to two witnesses interviewed by Amnesty International and other survivors’ accounts, 12 people lost their lives during the “Easter Monday” pushback because of delays in receiving appropriate assistance.¹⁰³ Witnesses told Amnesty International that throughout their journey those on board the dinghy remained in touch with the hotline Alarm Phone, which first alerted the Libyan, Maltese, and Italian authorities about the boat’s location and condition on 10 April 2020.¹⁰⁴ Both witnesses also noticed aircraft overhead, and the Frontex Executive Director, Fabrice Leggeri, later stated that Frontex had “constantly monitor[ed]” migrant boats heading toward Italy or Malta between 10 and 15 April and communicated these sightings “in real time” to all relevant maritime rescue coordination centres that could have dispatched rescue vessels.¹⁰⁵ Despite this, Malta did not launch any rescue operations until the night between 13 and 14 April, when it dispatched the *Dar al-Salam 1* to their location.

Both witnesses stated that other ships in the vicinity had not offered them assistance despite their proximity to their dinghy before the *Dar al-Salam 1* had arrived. By that point, at least three individuals had jumped overboard and attempted in desperation to swim to another ship visible in the distance that would not come to their rescue. One survivor described that their bodies had vanished in the water and “their voices disappeared.”¹⁰⁶ According to the two witnesses, after the arrival of the *Dar al-Salam 1*, the crew took the remaining refugees and migrants on board and said that they would be taken to Italy or Malta. The two survivors told Amnesty International that others died on board the *Dar al-Salam 1* after their rescue, possibly due to dehydration and exhaustion after over five days at sea. All survivors, including children, were disembarked in Tripoli and taken to the Tariq al-Sikka DCIM detention centre, where they were held in

⁹⁸ Interview, 3 May 2021.

⁹⁹ Amnesty International, *Waves of Impunity* (previously cited)

¹⁰⁰ Government of Malta, “Statement by the Government of Malta”, 15 April 2020, gov.mt/en/Government/DOI/Press%20Releases/Pages/2020/April/15/pr200673en.aspx

¹⁰¹ Malta Today, “Malta government paid for Libya pushbacks ‘three to four’ times, shipper reveals”, 19 May 2021, maltatoday.com.mt/news/national/109738/malta-government-paid-for-libya-pushbacks-three-to-four-times-shipper-reveals

¹⁰² Amnesty International, *Waves of Impunity* (previously cited)

¹⁰³ Alarm Phone, *Twelve Deaths and a Secret Pushback to Libya*, 16 April 2020, alarmphone.org/en/2020/04/16/twelve-deaths-and-a-secret-push-back-to-libya/

¹⁰⁴ Amnesty International, *Waves of Impunity* (previously cited)

¹⁰⁵ See Frontex Executive Director statements at a 27 April 2020 hearing of the Civil Liberties, Justice and Home Affairs (LIBE) parliamentary committee: multimedia.europarl.europa.eu/en/libe-committee-meeting_20200427-1600-COMMITTEE-LIBE_vd. The Maltese government also stated that EU aircrafts flew over the area while the boat was in distress in Libya’s SAR region. Government of Malta, “Statement by the Government of Malta”, (previously cited)

¹⁰⁶ Interview, 18 May 2021

indefinite detention in inhuman conditions and some were subjected to forced labour. Returned refugees and migrants and the family members of those who died at sea have since filed a case in Malta against the Government of Malta for breaches of their human rights, asking to be allowed to seek asylum there. To date, the court has not heard the testimony of any of the survivors, who remain in life-threatening conditions in Libya.

The deadly impact of EU policies was yet again laid bare in a shipwreck in international waters on 22 April 2021, in which up to 130 men, women and children died. This is despite Italian, Maltese, and Libyan maritime authorities being first alerted about the migrant boat in distress and its location well over a full day earlier, according to Alarm Phone's documentation of its efforts to appeal for their rescue.¹⁰⁷ In the evening of 21 April, individuals on board the ship in distress reported to Alarm Phone that they could see an aircraft overhead. Around the time, Alarm Phone tracked an aerial operation by Frontex plane Osprey 1 in the vicinity. Over three hours later, according to Alarm Phone, a LCG officer said that the LCG was unable to search for the migrant boat in distress due to difficult weather conditions, information which the LCG repeated to Alarm Phone the following morning.¹⁰⁸ The NGO ship Ocean Viking, which was over 10 hours away from the coordinates of the boat in distress when first alerted to its location, had begun to search in collaboration with merchant vessels in the region. On the evening of 22 April, it spotted the wreckage of a rubber boat, in addition to 10 bodies, a scene that a crew member described as a "sea of corpses," and located no survivors.¹⁰⁹ All on board are presumed to have drowned.

The intervention of merchant ships close to migrant boats in distress has also not always resulted in the disembarkation of refugees and migrants in a place of safety, as required under maritime law. Between 14 and 15 June 2021, the Gibraltar-flagged merchant ship *Vos Triton* handed around 200 refugees and migrants to the LCG after having taken them on board in international waters.¹¹⁰ According to the documentation of Alarm Phone, which had been contacted by individuals on board the boat and first communicated its location to Italian, Maltese, Tunisian and Libyan authorities in the early morning hours of 14 June, no ships had been sent to its location for more than 10 hours.¹¹¹ The LCG then returned the refugees and migrants to the main Tripoli port and transferred them into detention, including to the Burashada DCIM centre in Gharyan, around 100km southwest of Tripoli, where days later an explosion in an adjacent building rocked the cells in which refugees and migrants were detained.¹¹²

5.3 RECKLESS, NEGLIGENT AND UNLAWFUL CONDUCT BY LIBYAN COASTGUARDS

"[It felt like] they were trying to kill us... [the Libyan officials] said they don't care if we live or die."

"Helen", a 24-year-old Nigerian woman, describing Libyan officials' reckless interception of her boat, which caused it to break and led individuals to fall overboard¹¹³

¹⁰⁷ Alarm Phone, *Coordinating a Maritime Disaster: Up to 130 People Drown Off Libya*, 22 April 2021, alarmphone.org/en/2021/04/22/coordinating-a-maritime-disaster-up-to-130-people-drown-off-libya/

¹⁰⁸ Alarm Phone, *Coordinating a Maritime Disaster* (previously cited)

¹⁰⁹ SOS Mediterranée, *Log Entry #91: 120 dead – or 130?*, 23 April 2021, sosmediterranee.com/log/log-entry-91-our-120-dead-or-130/; SOS Mediterranée, *Ocean Viking witnesses aftermath of deadly shipwreck off Libya*, 22 April 2021, sosmediterranee.com/press/statement-ocean-viking-witnesses-aftermath-of-deadly-shipwreck-off-libya/

¹¹⁰ IOM/UNHCR, "IOM and UNHCR Condemn the Return of Migrants and Refugees to Libya", 16 June 2021, iom.int/news/iom-and-unhcr-condemn-return-migrants-and-refugees-libya

¹¹¹ Mediterranean Saving Humans, Sea Watch, and Alarm Phone, "Shipping Company Vroon Complicit in Forced Return: the Vos Triton Returns 170 People To Libya In an Illegal Pushback by Proxy", 29 June 2021, alarmphone.org/en/2021/06/29/shipping-company-vroon-complicit-in-forced-return/

¹¹² See Section 7.4 "Cruel, inhuman and unsafe conditions of detention"

¹¹³ Interview with "Helen", 7 June 2021



LCG vessel *Ras Jadir* nearly rams into a migrant boat on 30 June 2021. © Sea-Watch.org

Refugees and migrants interviewed by Amnesty International noted reckless, negligent and unlawful behaviour by Libyan officials involved in interceptions at sea that put their lives at risk, rather than showing concern for their lives and safety. These findings are consistent with past documentation on LCG violent and reckless conduct towards refugees and migrants at sea by Amnesty International¹¹⁴ as well as other human rights bodies. In a report examining patterns of interceptions and rescues at sea between January 2019 and December 2020, OHCHR reported that interviewed refugees and migrants said the LCG had hit or shot at their boats and that they faced kicking, punching or other violence during such interceptions, behaviour that put their lives at risk.¹¹⁵ In a 2018 joint report, the OHCHR and UNSMIL also identified “a pattern of reckless and violent behaviour” by the LCG.¹¹⁶

Witnesses interviewed for this report consistently described how the Libyan coastguards approached migrants’ boats aggressively, at times threatening to shoot before violently transferring them on board while insulting them. Crew members of NGO boats involved in search and rescue operations also reported that Libyan officials threatened and intimidated them at sea.¹¹⁷ Some survivors also reported Libyan coastguards deliberately shooting at, puncturing or otherwise damaging their boats with the passengers still inside, leading to capsizing and loss of life at sea.

Three Nigerian women who were intercepted while trying to cross the sea together in late January 2021 described how refugees and migrants had to pull each other out of the water after falling overboard when a Libyan ship approached their dinghy at high speed and its crew threatened to shoot it, without regard for those on board, if they tried to continue onward. “Grace,” a 24-year-old who said she was trafficked into Libya and is fearful of returning to violence that killed members of her family in Nigeria, described clinging desperately to a rope thrown in their direction by the Libyan crew, after swallowing seawater and being unable to swim or pull herself up. She said officials on board did not offer her assistance despite her cries for

¹¹⁴ Amnesty International, *Libya’s Dark Web of Collusion* (previously cited)

¹¹⁵ OHCHR, *‘Lethal Disregard’* (previously cited)

¹¹⁶ UNSMIL/OHCHR, *Desperate and Dangerous* (previously cited)

¹¹⁷ See, for example, Médecins Sans Frontières (MSF), Twitter post, 10 June 2021, twitter.com/MSF_Sea/status/1403009288767954946; Sea Watch International, *Crimes of the European Border and Coast Guard Agency Frontex* (previously cited)

help, and that a migrant who was already on board helped her onto the ship instead: “He said to [the crew], ‘Do you want to kill this girl? Can’t you see she’s drinking water?’” Later, when “Grace” attempted to move to a different spot on the Libyan vessel, she said that one of its crew “just smacked me in the head.”¹¹⁸

In another interception in early February 2021, survivors described how Libyan authorities’ recklessness and disregard for the lives of refugees and migrants resulted in drownings. “Emeka” shared a photo of a LCG vessel with Amnesty International, noting it was the same type that intercepted and returned the group, and described witnessing continued operations after he was taken on board:

“They caught four other boats before they took us back [to Tripoli]. It was very tight, they put us all together and they wanted to catch more people... The last boat they rescued capsized. I was looking at the sea from inside the [Libyan] boat. People were dying, but instead of rescuing them, I was seeing the Coast Guard, they were just filming with their phones... The people on that boat told me that five people drowned because they weren’t rescued.”¹¹⁹

Survivors from the capsized boat told “Mary”, a 22-year-old Nigerian woman who was intercepted at sea in the same incident, that the Libyan coastguards had pierced their rubber boat with a gun as they tried to escape, leading some to fall overboard and drown. The corpse of a woman who had drowned was placed beside Mary on the Libyan rescue vessel, which she described as particularly traumatizing since her brother had drowned at sea earlier in 2020.¹²⁰ “Mary” also told described to Amnesty International how Libyan authorities caused individuals in her rubber boat to fall overboard by, upon approaching, “burst[ing] it [by firing a gun] immediately, with anger.” She described that the Libyan coastguards then violently “dragged everyone inside the rescue ship, even me, even though I was pregnant.”¹²¹

“Zein” also described a separate attempt to cross in December 2019, during which he said six individuals on his boat were not rescued but left to drown after authorities shot at the boat to deflate it and they had fallen overboard:

“[The Coast Guard] wanted to punish us. They came and made a circle around us and they took [us] one by one, and when they came to the [six others], they left them inside [the water], and started sailing back to Libya. One of them was holding a weapon – he said, ‘Next time we’ll leave all of you.’”¹²²

On 21 April 2021, Sea Watch International captured and published footage showing a man affiliated with the LCG approach a migrant dinghy in a speed boat and beat refugees and migrants on board.¹²³ On 30 June 2021, it captured other footage showing the LCG vessel *Ras Jadir*, which had been provided to the LCG by Italy in 2017,¹²⁴ dangerously manoeuvring around a migrant boat in the Maltese SAR zone, including by firing shots into the water, throwing objects at those on board and nearly causing collisions with the migrant boat twice.¹²⁵ On 1 July 2021, the spokesperson of Libyan navy issued a statement condemning the incident and vowed to investigate and take appropriate measures.¹²⁶

Despite this overwhelming evidence of reckless, violent and unlawful behaviour by Libyan coastguards and past reports of collusion of some of its officials with trafficking and smuggling rings, no effective investigations, let alone criminal prosecutions of those responsible, have taken place. The climate of blanket

¹¹⁸ Interview with “Grace”, 8 June 2021

¹¹⁹ Interview with “Emeka”, 3 May 2021

¹²⁰ Interview with “Mary”, 7 May 2021

¹²¹ Interview with “Mary”, 7 May 2021

¹²² Interview with “Zein”, 8 April 2021

¹²³ Sea Watch International, Twitter post, 30 April 2021, twitter.com/seawatch_intl/status/1388171810315902976

¹²⁴ See, for example, Amnesty International, *Libya’s Dark Web of Collusion* (previously cited), p. 36

¹²⁵ Sea-Watch International, Twitter post, 1 July 2021, twitter.com/seawatch_intl/status/1410584003065884677

¹²⁶ Official spokesperson of Libyan navy, Facebook post, 1 July 2021, [facebook.com/login/?next=https%3A%2F%2Fwww.facebook.com%2Flibyan.navy%2Fposts](https://www.facebook.com/2Flibyan.navy%2Fposts)

impunity was most recently demonstrated by the release of Abdelrahman Milad, commonly known as “al-Bidja,” a LCG commander in the western city of al-Zawiya who is under UN Security Council sanctions for his role in trafficking and subjecting refugees and migrants to other abuse, including during interceptions.¹²⁷ In October 2020, the GNA’s Ministry of Interior announced his arrest,¹²⁸ yet he was released in April 2021 after military prosecutors found a “lack of evidence” against him.¹²⁹ While Abdelrahman Milad was in detention, the GNA-allied Supreme Commander of the Armed Forces advanced his military rank in recognition for his involvement in deterring attacks by the GNA’s rivals, the self-declared LAAF, in the latter’s unsuccessful attempt to take control over Tripoli in April 2019 and the ensuing 16-month long armed conflict.¹³⁰ As recently as 6 June 2021, Abdelrahman Milad was pictured on social media accompanying an “inspection tour” of the al-Zawiya LCG to the Zuwara fishing port.¹³¹

¹²⁷ UN Security Council, “Abd al-Rahman al-Milad”, 7 June 2018,

un.org/securitycouncil/sanctions/1970/materials/summaries/individual/abd-al-rahman-al-milad

¹²⁸ AP News, “Libya says human trafficker sanctioned by UN arrested”, 15 October 2020, apnews.com/article/libya-smuggling-tripoli-arrests-khalifa-hifter-a5469ad047a4fa65640900e5354ef6a9

¹²⁹ The Guardian, “Libya releases man described as one of world’s most wanted human traffickers”, 13 April 2021, theguardian.com/world/2021/apr/13/libya-releases-most-wanted-human-trafficker-bija

¹³⁰ Zawiya Coast Guard, Facebook post, 18 March 2021, facebook.com/2020m202/posts/2540407339586221

¹³¹ Zawiya Coast Guard, Facebook post, 6 June 2021, facebook.com/2020m202/posts/2592969640996657

6. RIGHTS AND DIGNITY NOT PROTECTED AT DISEMBARKATION



Refugees and migrants intercepted at sea by the LCG are disembarked in the Tripoli naval base on 10 February 2021. © AFP via Getty Images

Libyan authorities fail to uphold the rights of disembarked refugees and migrants and hamper the ability of UNHCR and humanitarian actors to provide protection aimed at ensuring their human rights, including their right to claim international protection, their right to dignity and security of person, their right to be protected from torture and other ill-treatment and their right to health. Instead, disembarked refugees and migrants are rushed into abusive indefinite arbitrary detention with no possibility to challenge its lawfulness.

Refugees and migrants intercepted at sea in the first half of 2021 were disembarked in the Tripoli Naval Base (Abu Sitta); the Tripoli Commercial Port; Zuwara, 120km west of Tripoli; the al-Zawiya Oil Refinery Port, 60km west of Tripoli; Sabratha, around 75km west of Tripoli; Garabulli, around 70km east of Tripoli; and other unspecified locations, according to UNHCR, which notes that the agency is only able to collect data from accessed disembarkations. In 2021, an estimated 90% of intercepted refugees and migrants were disembarked in Tripoli.¹³²

¹³² UNHCR, *UNHCR Libya Activities at Disembarkation – 2021* (accessed 25 June 2021), data2.unhcr.org/en/dataviz/177?sv=0&geo=666

According to information gathered by Amnesty International, UNHCR, IOM and their implementing partners are usually present at disembarkation points, after being notified of incoming disembarkations by Libyan authorities.¹³³

Refugees and migrants who had been returned to Libya in 2021 following interception at sea and interviewed by Amnesty International had all been disembarked in the two Tripoli ports. They recounted facing ill-treatment by the Libyan authorities, having little if any opportunity to speak with humanitarian organizations present, and being provided with misleading or no information by Libyan officials about where they or their loved ones would be taken next. DCIM officials then boarded them on buses or other vehicles and transferred them directly to detention centres in all but four instances, in which refugees and migrants managed to avoid detention by escaping from the ports or en route to detention centres.

6.1 LIMITED OPPORTUNITIES FOR HUMAN RIGHTS PROTECTION

International organizations and humanitarian actors present at disembarkations provide critical humanitarian assistance to disembarked refugees and migrants but are largely unable to assess specific needs and vulnerabilities, monitor violations or record claims for international protection before DCIM officials funnel them into detention. The relatively quick process and chaotic nature of disembarking hundreds of individuals who are exhausted, traumatized and in some cases ill or injured following their experiences at sea, not to mention distraught about being returned to Libya and fearful about their fate, also severely hampers the ability of disembarked refugees and migrants to confidentially raise concerns, report abuse or seek protection.

UNHCR's operations in Libya have long been constrained by the refusal of Libyan authorities to recognize its mandate by the UN General Assembly to provide international protection and seek permanent solutions for refugees, sign a memorandum of understanding and accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and extend its authorization to register any individual with a protection claim regardless of country of origin.¹³⁴ UNHCR reports that it provides protection monitoring at disembarkation points, together with implementing partners, "to identify persons in need of international protection, as well as vulnerable individuals, such as unaccompanied and separated children, elderly, medical cases, women at risk or victims of trafficking".¹³⁵ In response to questions from Amnesty International, UNHCR reported in June 2021 that protection monitoring questions at disembarkation included individuals' date of first arrival in Libya; country of origin and reasons for leaving; and their reasons for attempting to leave Libya by sea. IOM also reports that its teams conduct protection monitoring at disembarkation points, and in response to questions by Amnesty International in June 2021 specified that screening questions included returned individuals' ages, genders, nationalities, medical needs, family linkages and "other key needs".

Both UNHCR and IOM acknowledged limitations in their ability to fully carry out protection screenings at disembarkation points. UNHCR reported that the increase in disembarkations and the "swift transfer" of those disembarked to detention centres leaves little time to ask questions and collect information.¹³⁶ IOM also noted insufficient time or privacy, describing that disembarked individuals are quickly taken to detention centres after the provision of emergency assistance.¹³⁷

Interviewed refugees and migrants who were disembarked in 2020 and 2021 commonly reported that due to the hasty nature of disembarkations and the presence of Libyan officials, they had no to little opportunity to speak directly to staff of humanitarian organizations present at port and were rarely asked for information other than their nationality. Two children interviewed said they were asked no questions at all. In part due to what they cited as limited interaction with humanitarian actors present, six refugees and migrants reported feeling as though humanitarians were present at disembarkations to photograph the provision of basic assistance, rather than to offer meaningful protection.¹³⁸

¹³³ IOM, email to Amnesty International, 29 June 2021, on file with Amnesty International; UNHCR Libya office, email to Amnesty International, 30 June 2021, on file with Amnesty International.

¹³⁴ See footnote 31 on the Libyan authorities limiting the possibility to register with UNHCR to nationals of nine countries.

¹³⁵ UNHCR, *Monthly Update on UNHCR's interventions at disembarkation points – April 2021*, 3 May 2021, reliefweb.int/sites/reliefweb.int/files/resources/2021_04_LBY_UNHCR_Disembarkation.pdf

¹³⁶ UNHCR Libya office, email to Amnesty International, 30 June 2021, on file with Amnesty International.

¹³⁷ IOM, email to Amnesty International, 29 June 2021, on file with Amnesty International.

¹³⁸ Interviews, 16 March 2021; 31 March 2021; 9 April 2021; 22 April 2021; 23 April 2021; 16 May 2021.

In addition to protection monitoring, IOM and UNHCR also provide urgent medical care and “core relief items” to disembarked individuals.¹³⁹ While some individuals are transferred to hospitals if considered to have life-threatening injuries,¹⁴⁰ others reported being left without adequate treatment or assistance. Nineteen-year-old “Hope” told Amnesty International that following her interception at sea while seven months pregnant, and suffering burns across her body caused by the mixing of fuel and salt water, she was only provided gel and unidentified pills before being taken directly to detention.¹⁴¹

Two individuals interviewed for this report said they saw no humanitarian actors present at port when they were returned from sea on separate occasions in September 2020, March 2021 and May 2021.¹⁴² The occasional absence of humanitarian organizations at disembarkation points was corroborated by other credible sources.

6.2 ILL-TREATMENT UPON DISEMBARKATION

Disembarked refugees and migrants told Amnesty International about being subjected to ill-treatment by Libyan actors at disembarkation points, including beatings and verbal insults, and described that they were treated with little respect for their human dignity after often harrowing journeys across the sea. While those disembarked frequently did not know the identity of men in military and civilian dress present at disembarkation points, they consistently described being transferred from ports to detention by DCIM officials in buses and other vehicles, sometimes with identifiable DCIM logos.

Five individuals disembarked in Tripoli in 2021, including two children, described beatings by Libyan authorities at disembarkation points,¹⁴³ with one refugee disembarked in June reporting that Libyan authorities also confiscated humanitarian aid from some migrants and refugees from Sub-Saharan Africa.¹⁴⁴ In line with previous findings regarding the unlawful use of lethal force by Libyan officials at disembarkation points against refugees and migrants not posing a threat to their lives or the lives of others, one person interviewed for the report reported Libyan officials firing in the direction of refugees and migrants attempting to escape.¹⁴⁵ “Sharaf” recounted witnessing officials subjecting refugees and migrants captured following an escape attempt to torture and other ill-treatment. He said that during the transfer of disembarked migrants from a Tripoli port to a detention centre on 26 June 2020, a number of refugees and migrants inside a bus managed to exit:

“People ran. But the police started shooting in the air, and I was caught and I was tortured by the police.¹⁴⁶ I could escape, but my friend who couldn’t escape, [men wearing civilian clothing who accompanied the transfer] hit him by the back of the gun, on his head, until he lost consciousness. Before they hit him with the back of the gun, they gave him electric shocks until it made a scar on his back.”¹⁴⁷

Others described total disregard by Libyan actors present at disembarkation for their wellbeing and needs following sometimes days-long journeys at sea. “Mary,” who was eight months pregnant at the time of her disembarkation, said that she and the other women and children waited for hours in the Tripoli port while wet and cold, without being provided with food, blankets or dry clothes before they were transferred to detention.¹⁴⁸

¹³⁹ See, for example, UNHCR, *Monthly Update on UNHCR’s interventions at disembarkation points – April 2021*, 3 May 2021, reliefweb.int/sites/reliefweb.int/files/resources/2021_04_LBY_UNHCR_Disembarkation.pdf; IOM, *IOM Libya Monthly Update – March 2021*, 31 March 2021, reliefweb.int/sites/reliefweb.int/files/resources/march_2021_monthly_update.pdf

¹⁴⁰ See, for example, UNHCR Libya, Twitter post, 27 May 2021, twitter.com/UNHCRLibya/status/1398039844857827332

¹⁴¹ Interview with “Hope”, 10 June 2021

¹⁴² Interviews, 13 May 2021; 23 June 2021

¹⁴³ Interviews, 21 April 2021; 23 April 2021; 16 May 2021; 2 June 2021; 22 June 2021

¹⁴⁴ Interview, 22 June 2021

¹⁴⁵ Amnesty International, *Between Life and Death* (previously cited), p. 31

¹⁴⁶ Refugees and migrants frequently refer to Libyan officials, including DCIM officers, as “police”. The interviewee said that the men who beat him were wearing what he described as police uniforms.

¹⁴⁷ Interview, 22 April 2021

6.3 ROUTINE TRANSFERS TO ARBITRARY DETENTION

INTERNATIONAL LEGAL STANDARDS ON DETENTION OF REFUGEES AND MIGRANTS

Under international law, refugees and migrants benefit from a presumption of liberty and their detention can only be justified in the most exceptional circumstances. Any deprivation of liberty must be clearly prescribed by law, strictly justified, non-arbitrary and as minimally restrictive as possible. The use of prolonged administrative detention without the possibility of review is prohibited under international law. In addition, international standards outline that vulnerable groups such as refugees, children, pregnant and nursing women, trafficking victims, survivors of violence and torture and elderly individuals or those with special physical or mental needs should not be subjected to detention.¹⁴⁹ During a global public health crisis, such as COVID-19, Amnesty International considers that detention solely for migration-related purposes is not a necessary or proportionate restriction on the right to liberty, especially when the right to health cannot be guaranteed. Libyan legislation falls short of international law and standards, which stipulate that irregular entry and stay should not constitute criminal offenses and find automatic, mandatory and indefinite detention solely to control migration arbitrary.¹⁵⁰ Libyan law, on the contrary, criminalizes “illegal” entry, stay or exit of foreign nationals, and subjects those who have entered without valid visas or stayed beyond the expiration of their residency to deportation.¹⁵¹ Law No 19 of 2010 on Combating Illegal Migration, which harshened penalties for immigration-related offenses, does not distinguish between those who have entered the country to seek international protection or as victims of trafficking, and punishes “illegal” entry, stay and exit with fines, a prison sentence with “hard labour” and deportation at the completion of this sentence.¹⁵² In practice, the vast majority of refugees and migrants held in DCIM centres across Libya are never charged or tried for these “crimes”; instead, they are detained indefinitely solely on the basis of their migration status and with neither case-by-case determinations of their vulnerabilities and needs nor the ability to challenge the legality of their detention.

Shortly after their disembarkation, Libyan authorities transfer men, women and children intercepted at sea into the custody of the DCIM. According to UNHCR data, only 702 people were released from disembarkation points in the first six months of 2021,¹⁵³ out of around 15,000 disembarked. While criteria for release is unclear, according to sources with access to disembarkation points, it appears that in practice Libyan authorities occasionally release Syrian and other Arab nationals. Neither UNHCR nor IOM are able to secure the releases of individuals returned to Libya at disembarkations points,¹⁵⁴ although both organizations stress their advocacy to release persons of concern or individuals with vulnerabilities from DCIM centres.

Although Libyan officials notify humanitarian bodies present at disembarkation points of the detention destinations of particular groups of disembarked refugees and migrants, no mechanism allows the tracing of their whereabouts. Libya has yet to implement a comprehensive registration system, in line with human rights principles, to account for refugees and migrants disembarked at sea and track their destination, any subsequent transfers between detention centres, fatalities in custody, escapes, transfers to hospitals or releases.¹⁵⁵ According to IOM data, few DCIM centres consistently maintain registration systems that gather and store information about the refugees and migrants they detain, a further barrier to full transparency

¹⁴⁹ International Detention Coalition, *Legal framework standards relating to the detention of refugees, asylum seekers and migrants*, 2011, idcoalition.org/wp-content/uploads/2011/07/IDC-Legal-Detention-Framework-Guide_Final.pdf

¹⁵⁰ See, for example, International Covenant on Civil and Political Rights (ICCPR), Article 9; Special Rapporteur on the human rights of migrants, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau to the UN Human Rights Council*, 2 April 2012, UN Doc. A/HRC/20/24; UN Working Group on Arbitrary Detention, *Report of the Working Group*, 10 January 2008, UN Doc. A/HRC/7/4

¹⁵¹ Law no. 6/1987 on Organizing the Exit, Entry and Residence of Foreign Nationals in Libya, Article 17, security-legislation.ly/ar/node/34591 (in Arabic)

¹⁵² Law no. 19/2010 on Combating Illegal Migration, Article 6, security-legislation.ly/ar/node/32174 (in Arabic)

¹⁵³ UNHCR, *UNHCR Libya Activities at Disembarkation – 2021* (accessed 25 June 2021), data2.unhcr.org/en/dataviz/177?sv=0&geo=666

¹⁵⁴ IOM, email to Amnesty International, 29 June 2021, on file with Amnesty International; UNHCR Libya office, email to Amnesty International, 30 June 2021, on file with Amnesty International

¹⁵⁵ UNHCR and Mixed Migration Centre (MMC), ‘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, p. 32, mixedmigration.org/wp-content/uploads/2020/07/127_UNHCR MMC_report-on-this-journey-no-one-cares-if-you-live-or-die.pdf

about the fate or whereabouts of those detained.¹⁵⁶ Describing the inability of the humanitarian community to track where disembarked individuals ultimately end up and their subsequent fate, a humanitarian worker told Amnesty International:

“It’s a big black hole as soon as they’re on that [DCIM] bus.”¹⁵⁷

Actors present at disembarkation sites and at detention centres have noted discrepancies between the number of individuals disembarked in Libya and the numbers held in DCIM centres in 2021. By the end of May, IOM spokesperson Safa Msehli wrote that while over 10,000 individuals had been intercepted by Libyan authorities and returned to detention, only half of them remained in DCIM centres, calling the system an “abomination.”¹⁵⁸ IOM reported to Amnesty International that as of 25 June 2021, 11,898 of a total 14,487 refugees and migrants disembarked in Libya had been transferred to DCIM centres, while 672 had been released. IOM noted that the discrepancy between the number of individuals detained and those transferred to detention following disembarkation “requir[ed] urgent investigation by the authorities.”¹⁵⁹

Libyan officials rarely provide disembarked individuals with information about where they would be taken from port. Most interviewed refugees and migrants reported receiving no information about their destinations, while four said they had received misleading information that they would be taken to “safe” locations or that they would be released.¹⁶⁰ One Ivorian migrant, who was taken to Al-Mabani upon disembarkation in February 2021, reported that his group was told that they would be taken to an unspecified location where they would be observed for 14 days, “but those 14 days transformed into two months and four days”¹⁶¹ of indefinite detention that ended only because he escaped. “Hazem,” a Sudanese refugee disembarked around July 2020 said: “They [humanitarians] told us because there is the outbreak of Corona, they [DCIM] would put us in a safe place.”¹⁶² “Hazem” was instead taken to Zintan, a former DCIM detention centre 135km southwest of the capital, that UNHCR was not able to access between February and October 2020 due to “security reasons”.¹⁶³ Médecins Sans Frontières (MSF), an international humanitarian NGO, reported that at least 22 refugees and migrants had died there due to a lack of medical care for treatable illnesses between September 2018 and May 2019.¹⁶⁴

Groups of refugees and migrants returned from sea together are frequently separated and taken to different detention centres based on their gender, without being provided with information about the destinations of their loved ones.¹⁶⁵ This practice of separating relatives and withholding information about their whereabouts caused additional anguish and distress, as described by “Mary”, who was pregnant and separated from the father of her child:

“When they [Libyan coastguards] brought us back to Tripoli, they took our men and they kept our women [separate]. They never told us where they were taking the men. We were [around] six or seven women who ... were married or [had] fiancés and were separated. We told them, but they never listened to us.”¹⁶⁶

Amnesty International maintains that refugees and migrants should neither be disembarked in Libya nor arbitrarily detained simply due to their migration status. Where such disembarkations and transfers to detention occur, the absence of a comprehensive registration system for returned refugees and migrants hampers efforts to reunite separated families and facilitates enforced disappearances, as well as other abuses including torture and other ill-treatment, unlawful killings and trafficking in a climate of impunity.

¹⁵⁶ See, for example, IOM, *Libya Detention Centre Profile Generator - January 2021*, 7 February 2021, dtm.iom.int/reports/libya-%E2%80%94detention-centre-profile-generator-january-2021 (indicating that both Shara’ al-Zawiya and Al-Mabani do have functional registration systems); IOM, *Libya Detention Centre Profile Generator – April 2021*, 16 May 2021, dtm.iom.int/reports/libya-%E2%80%94detention-centre-profile-generator-april-2021 (recording that registration systems were functional in the Abu Salim, Burashada, and Tariq al-Sikka centres, but not in Ain Zara and Shara’ al-Zawiya; data for Al-Mabani is unavailable)

¹⁵⁷ Discussion with humanitarian worker, 18 June 2021

¹⁵⁸ Safa Msehli, Twitter post, 28 May 2021, twitter.com/msehliSafa/status/1398245655789907972?s=20

¹⁵⁹ IOM, email to Amnesty International, 29 June 2021, on file with Amnesty International

¹⁶⁰ Interviews, 9 April 2021; 15 April 2021; 16 April 2021; 3 May 2021

¹⁶¹ Interview, 16 April 2021

¹⁶² Interview, 15 April 2021

¹⁶³ UNHCR Libya, Twitter post, 18 January 2021, twitter.com/UNHCRLibya/status/1351186543524904967/photo/1

¹⁶⁴ MSF, “Arbitrary detention in Libya must end as asylum seekers dies in detention centre fire”, 2 March 2020, msf.org/arbitrary-detention-libya-must-end-asylum-seeker-dies-detention-centre-fire

¹⁶⁵ Interviews, 3 May 2021; 7 May 2021; 16 May 2021; 2 June 2021; 7 June 2021

¹⁶⁶ Interview with “Mary”, 7 May 2021

7. ONGOING VIOLATIONS IN DETENTION



Detained migrants and refugees in a Tripoli detention centre on 8 June 2017. © Florian Gaertner/Photothek via Getty Images

Consistent with long documented patterns of abuse, in 2020 and 2021 the Libyan authorities held individuals returned from sea to arbitrary and indefinite detention in DCIM centres, and systematically subjected them to torture and other ill-treatment, frequently for the aim of extracting ransoms; sexual or gender-based violence; forced labour and other exploitation; and cruel and inhuman detention conditions that in themselves violate the absolute prohibition of torture and other ill-treatment. DCIM officials and other armed men in uniform or civilian dress present in detention centres routinely resorted to unlawful lethal force against detained refugees and migrants, sometimes leading to killings and injuries. Refugees and migrants also remained vulnerable to being forcibly disappeared from DCIM detention centres.

The number of individuals detained in DCIM centres has increased in 2021 compared to the end of 2020, when 2,000 refugees and migrants were detained in DCIM centres across Libya, according to the UNHCR.¹⁶⁷ By 27 June 2021, that number had risen to 6,176, of whom 1,068 were persons of concern to UNHCR.¹⁶⁸

Despite the closure of a number of DCIM centres since late 2020,¹⁶⁹ at least nine official facilities under the DCIM remained open in western Libya at the time of writing.¹⁷⁰ According to UNHCR data, the majority of refugees and migrants disembarked in the first six months of 2021 have been transferred to Al-Mabani (7,384), while 2,273 have been taken to Ain Zara, 1,694 to Abu Salim, 324 to Tarik al-Sikka, and 259 to

¹⁶⁷ UNHCR, *2021 Planning Summary*, 29 December 2020, reporting.unhcr.org/sites/default/files/pdfsummaries/GA2021-Libya-eng.pdf

¹⁶⁸ UNHCR, *Libya Update*, 2 July 2021, data2.unhcr.org/en/documents/details/87617

¹⁶⁹ See Chapter 4

¹⁷⁰ At the time of writing, these centres were Abu Salim, Abu Issa, Ain Zara, Al-Mabani, Baten al-Jabal, Derj, Gharyan Burashada, Shara' Al-Zawiya, and Tariq al-Sikka. Other DCIM centres functioning under separate management structures operate in Libya's east and are not covered in this report.

Shara' Al-Zawiya DCIM centres, all in Greater Tripoli, with an additional 71 people transferred to Abu Issa in al-Zawiya.¹⁷¹

All refugees and migrants interviewed for this report, including children, had been detained in DCIM centres. Most of those interviewed had been detained in multiple centres, either because they had been transferred between centres or because they were returned to Libya following interceptions at sea multiple times. Amnesty International collected testimonies on conditions inside eight DCIM detention centres in western Libya, namely: Abu Salim, Abu Issa, Ain Zara, Al-Mabani, Burashada, Shara' al-Zawiya, Tariq al-Sikka and Zintan. At the time of writing all remained operational, with the exception of Zintan, which closed in early 2021. Apart from extremely rare instances in which UNHCR and other humanitarian organizations were able to negotiate releases for urgent critical medical care or on international protection grounds,¹⁷² refugees and migrants were detained indefinitely unless they paid ransoms, escaped or accepted repatriation to home countries through IOM's Assisted Voluntary Return and Reintegration Programme.¹⁷³

7.1 EXTORTION AND FORCED LABOUR

Migrants and refugees interviewed for this report said that DCIM guards confiscated their phones, money and other valuables on arrival; beat them to extort money for ransoms; and subjected them to forced labour. They shared perceptions that throughout their detention they were viewed and treated merely as “material” commodities or “investments,” as articulated, respectively, by an Eritrean and Sudanese refugee asked to pay ransoms in 2021.¹⁷⁴

Immediately on arrival at DCIM centres, refugees and migrants are searched for valuables that are confiscated and never returned. “They took my money, my cell phone, my wedding ring,” said an Eritrean refugee detained for about six weeks in Tariq al-Sikka DCIM detention centre after being returned from sea in January 2021.¹⁷⁵ “Grace,” who was detained in Shara' al-Zawiya in February 2021, described that those detained found the confiscation of their phones particularly painful as DCIM officials fail to provide them with means to regularly communicate with their families and loved-ones.

Once detained, DCIM guards regularly extort ransoms for their release. Many of those interviewed reported that the amount requested by DCIM guards varied depending on individuals' nationalities and perceptions of wealth. Previous research has indicated that east Africans are perceived as being wealthier — via connection to diaspora networks — than those from west Africa, affecting rates of extortion.¹⁷⁶ An Eritrean who was held at Al-Mabani between March and April 2021 told Amnesty International: “If you are from Eritrea or Somalia, the police guards consider as if you have plenty of money, and they ask you to pay 5,000 [dinars]” (amounting to around 1,124 US dollars at the official rate, or 993 US dollars at the unofficial rate).¹⁷⁷ Guards ultimately accept whatever amounts they were able to extort. Two others told Amnesty International they were released from Al-Mabani after paying around 500 US dollars.¹⁷⁸

Those unable to pay were sometimes subjected to further torture and other ill-treatment in an attempt to extract any money from them, in a pattern long documented by Amnesty International.¹⁷⁹ “The money was the only solution,” said one refugee who remained detained between June and September 2020 in Abu Issa while struggling to identify a source of funds:

“Every single day they are beating people to give [them] the money, they give you small [amounts of] food, and then they will tell you to call your friend so they can hear you while you're crying.”¹⁸⁰

¹⁷¹ UNHCR, *UNHCR Libya Activities at Disembarkation - 2021* (accessed 25 June 2021), data2.unhcr.org/en/dataviz/177?sv=0&geo=666

¹⁷² See Chapters 6 and 8

¹⁷³ This programme, which facilitates the repatriation of migrants who wish to return to their countries of origin, constitutes a means out of detention. However, given the alternative of indefinite detention and exposure to human rights violations outlined in Chapter 7, the extent to which these returns are genuinely “voluntary”, and decisions are made by individuals free of pressure and coercion, is questionable.

¹⁷⁴ Interviews, 22 April 2021; 8 April 2021

¹⁷⁵ Interview, 13 May 2021

¹⁷⁶ Global Initiative for Transnational Organized Crime, *The Political Economy of Migrant Detention in Libya* (previously cited), p. 40

¹⁷⁷ Interview, 26 April 2021

¹⁷⁸ Interviews, 22 April 2021; 3 May 2021

¹⁷⁹ Amnesty International, *Libya's Dark Web of Collusion* (previously cited)

¹⁸⁰ Interview, 26 April 2021

Thirteen individuals interviewed for this report said that they were subjected to forced labour in DCIM detention centres, included cleaning or loading weaponry during active hostilities.¹⁸¹ Refugees and migrants as young as 14, detained in 2021, reported being forced to carry out construction or cleaning work in sites such as military encampments and farms. “Monzer,” a 27-year-old Sudanese refugee, reported being taken out of detention each day by men in beige military uniforms and civilian clothing, sometimes in cars with “police” written on them, and often made to clean what he believed to be state offices before being returned to detention in the evenings.¹⁸² Another man reported being taken to clean the private homes of militiamen, yet another example of how the arbitrary detention of refugees and migrants in Libya profits militias and authorities that facilitate their abuse.¹⁸³

7.2 TORTURE AND OTHER ILL-TREATMENT, EXCESSIVE USE OF FORCE AND UNLAWFUL KILLINGS

Guards in DCIM centres systematically subject detained refugees and migrants to torture and other ill-treatment. Former detainees held in 2020 and 2021 in all seven DCIM centres to which disembarked refugees and migrants were transferred recounted to Amnesty International how guards regularly beat them with a variety of hard objects, including batons and the backs of rifles, often as punishment for complaining about their conditions, refusing orders or attempting to escape—but sometimes, they said, simply to instil fear. Refugees and migrants also consistently described the unlawful use of lethal force both by DCIM guards and other unidentified men in military uniform or civilian dress who shot at individuals trying to flee, including in at least three incidents that resulted in the unlawful killing of detained refugees and migrants in the Al-Mabani and Abu Salim centres.

Humanitarian actors have also either witnessed beatings by guards or observed the consequences of violence against detainees. MSF, which provides medical services in several DCIM centres, reported that its medical staff in February 2021 had treated 36 detained refugees and migrants “for fractures, blunt trauma, abrasions, eye injuries, gunshot wounds and limb weaknesses in various detention centres”, all recent injuries “indicating that they had been sustained while inside.”¹⁸⁴

Five women detained in Shara’ al-Zawiya, the DCIM centre designated to house vulnerable populations, told Amnesty International about being beaten or witnessing the beatings of other women inside the centre.¹⁸⁵ One pregnant woman detained there in 2021 described that a DCIM guard beat her as punishment for going to the toilet without permission: “I told [the guard] I am pregnant, so I urinated in the back [outside the cell]. He used a big stick to break my leg, I couldn’t walk for one week. I was crying all the time.” The guard then moved her bed inside a room containing the communal toilet, where she was forced to eat and sleep alone for one week:

“He [the DCIM guard] just told me that if I did something he didn’t like, he would just kill me, and no one would ask.”¹⁸⁶

In Al-Mabani, guards regularly subject detainees to torture or other ill-treatment. “Osman,” a former detainee who fled conflict in Darfur, described:

“When they beat you, it’s to the level of death: you wish for death. They would come drunk in the nights and harass people until the morning.”¹⁸⁷

¹⁸¹ Interviews, 10 February 2021; 12 March 2021; 14 April 2021; 16 April 2021; 23 April 2021; 23 April 2021; 26 April 2021; 9 May 2021; 12 May 2021; 13 May 2021; 16 May 2021; 2 June 2021; 18 June 2021

¹⁸² Interview, 12 May 2021

¹⁸³ Interview, 13 May 2021

¹⁸⁴ MSF, “Libya: One dead and two injured following shooting in Tripoli detention centre”, 9 April 2021, [msf.org/people-dead-and-injured-following-libya-detention-centre-shooting](https://www.msf.org/people-dead-and-injured-following-libya-detention-centre-shooting)

¹⁸⁵ Interviews, 7 May 2021; 25 May 2021; 7 June 2021; 8 June 2021; 10 June 2021

¹⁸⁶ Interview, 7 May 2021

¹⁸⁷ Interview with “Osman”, 23 April 2021

Three other individuals noted guards' use of drugs and alcohol before they were beaten in Al-Mabani.¹⁸⁸ All nine men interviewed who had been detained there in 2021 painfully recalled beatings: "with a [water] pipe, they would beat everyone they touched",¹⁸⁹ "just to scare them, to terrorize them",¹⁹⁰ and "every meal was accompanied by a beating."¹⁹¹ MSF reported that during a single visit to Al-Mabani, its team "treated 19 patients suffering injuries caused by [a beating the night before], including fractures, cuts, abrasions, and blunt trauma," noting that one child had been left unable to walk. Its team also witnessed "the indiscriminate beating of people who attempted to leave their cells to be consulted by [their] doctors".¹⁹²

During an attempted escape in late February 2021, "Emeka," who spent around two months in Al-Mabani, described DCIM guards calling for "reinforcements". Shortly after, armed men in army-patterned uniforms arrived from outside the centre and started shooting at the concrete walls of the building where refugees and migrants were held. He described what happened next:

"[The guards] came [into the compound] and beat us mercilessly, they beat us with [backs of] guns. They nearly killed one guy because they shot at him, but luckily for him, the bullet missed him... Then they were ... using the back of the AK-47 to break the backs of their heads."¹⁹³

"Emeka" also described another incident in Al-Mabani:

"There was one guy in my ward that they [guards] beat with a gun on his head, until he fainted and started shaking. His whole body was shaking, and they didn't call an ambulance to come get him that night; they didn't take him out. That night he was still breathing, but he was not able to talk. But he was able to open his eyes because we [other detainees] were pouring water on him. He was not able to stand up, he was just lying there. In the morning, they [DCIM guards] took him out... I don't know what happened to him... I don't know what he had done."¹⁹⁴

"Emeka" hopes that he was removed to access medical treatment, but he did not have any information about his fate as the man did not return. "Tesfay", a 16-year-old Eritrean who managed to escape from Al-Mabani after three weeks, worried about countless other detainees he said had suffered injuries from frequent beatings but had been denied access to adequate medical care, fresh air, or sunlight. He said:

"I know a lot of people who are still there, but I don't know if they are alive or dead."¹⁹⁵

Those with severe injuries sustained from beatings at Al-Mabani were at times denied access to medical care and assistance during visits of humanitarian organizations to the centre.

During a fight that broke out between detained refugees and migrants inside Al-Mabani on 8 April 2021 over a failed escape attempt by some detainees, the unlawful use of force and firearms turned deadly. Amnesty International spoke to two witnesses who were present in a cell when individuals, some in plainclothes and others in blue military-style uniforms, shot at detainees, killing one and injuring several others, including children.¹⁹⁶ Two witnesses said the armed men fired multiple shots into their hangar in the direction of the fighting individuals, just "shooting, shooting, shooting".¹⁹⁷ Both described seeing one individual shot directly in the throat and observing his lifeless body after the events, as well as witnessing others hit by bullets in other parts of their bodies. "Tesfay" said he was beaten over the head by a DCIM guard in the aftermath of the events to the point of semi-consciousness.

¹⁸⁸ Interviews, 16 April 2021; 21 April 2021; 2 June 2021

¹⁸⁹ Interview, 3 May 2021

¹⁹⁰ Interview, 2 June 2021

¹⁹¹ Interview, 21 April 2021

¹⁹² MSF, "Violence against migrants forces MSF to suspend centre activities in Libya", 22 June 2021, [msf.org/violence-against-migrants-forces-msf-suspend-centre-activities-libya](https://www.msf.org/violence-against-migrants-forces-msf-suspend-centre-activities-libya)

¹⁹³ Interview with "Emeka", 3 May 2021

¹⁹⁴ Interview with "Emeka", 3 May 2021

¹⁹⁵ Interview with "Tesfay", 26 April 2021

¹⁹⁶ MSF, "Libya: One dead and two injured following shooting in Tripoli detention centre" (previously cited)

¹⁹⁷ Interview, 16 April 2021

Under international law and standards, law enforcement officers can only use lethal force as a measure of last resort and only when it is strictly necessary to protect themselves or others from an imminent threat of death or serious injury. Intentional lethal use of firearms is only justified when strictly unavoidable to protect life. According to information received by Amnesty International, none of the migrants or refugees were armed and posed a lethal threat to DCIM officials or others, and officials did not attempt to use any other means to defuse the situation before opening fire. Refugees and migrants were inside the hangar when guards opened fire.

The affiliation of men in military-style uniforms involved in the shooting is unclear, with sources indicating to Amnesty International the possibility that they were affiliated with the militia commanded by Emad al-Tarabulsi, given its control of the neighbourhood and the location of their headquarters near Al-Mabani.

Six former detainees in the Abu Salim detention centre consistently described a pattern of guards shooting at individuals who attempted to escape. Amnesty International also spoke with four individuals who described a late February 2021 shooting that killed at least two detainees and injured several others in the Abu Salim DCIM detention centre, where IOM recorded 348 detainees by the end of February 2021.¹⁹⁸ All four witnesses interviewed by Amnesty International, two of whom are children, had been taken to Abu Salim after being intercepted at sea and disembarked in Libya. They said that as detainees were attempting to escape the centre due to cruel and inhuman conditions inside, DCIM guards shot indiscriminately in their direction. Three witnesses said the guards were supported by militiamen believed to be affiliated to Abdel Ghani al-Kikli, also known as “Gheniwa”, a notorious militia leader in control of the Abu Salim neighbourhood. “Jamal,” a refugee who fled armed conflict in his home country but found “the same thing” in Libya, described:

“[Detainees] were knocking on the door, asking why they had been brought there, why they weren’t giving food. Some couldn’t handle the thirst... Then [guards] called the battalion - it’s the Gheniwa battalion there. They brought machine guns... They opened the door [to the centre] with gunshots. They besieged us in a corner. They were beating us with guns, and with [metal objects]. They hit me on my hands and on my legs. Some people couldn’t get up and walk... One of them was really young.”¹⁹⁹

Three witnesses also reported that individuals with severe injuries and some witnesses were removed to separate locations, including an “isolation” cell, ahead of visits by humanitarian organizations, in the apparent aim of concealing the crime.²⁰⁰ Despite blood stains still visible inside the building, “it was as if nothing ever happened,” said “Jamal”:

“Death in Libya, it’s normal: no one will look for you, and no one will find you.”²⁰¹

UNSMIL also reported two separate shooting incidents in the Abu Salim detention centre on 23 and 26 February, which it found killed at least five detainees and injured several others.²⁰²

Amnesty International and others have long documented war crimes and serious human rights violations by forces under the command of Abdel Ghani al-Kikli.²⁰³ Yet in January 2021, the Presidential Council of the GNA appointed him as head of the Stability Support Authority, which it granted broad authority in law enforcement, including arresting individuals suspected of “national security” breaches.²⁰⁴

Amnesty International also spoke with two witnesses taken to Abu Salim DCIM centre following their disembarkation who described that guards opened fire in the direction of refugees and migrants attempting to escape on 13 June 2021. Both described seeing at least five individuals struck directly by bullets and

¹⁹⁸ IOM, *Libya Detention Centre Profile Generator – February 2021*, 22 March 2021, dtm.iom.int/reports/libya-%E2%80%9494-detention-centre-profile-generator-february-2021

¹⁹⁹ Interview with “Jamal”, 16 May 2021

²⁰⁰ Interviews, 16 May 2021; 16 May 2021; 2 June 2021

²⁰¹ Interview with “Jamal”, 16 May 2021

²⁰² UN Secretary General, *United Nations Support Mission in Libya: Report of the Secretary-General*, 11 May 2021, UN Doc. S/2021/451, para. 52, reliefweb.int/sites/reliefweb.int/files/resources/S_2021_451_E.pdf

²⁰³ See, for example, Amnesty International, “Libyan militias fighting to hold on to their grip on power,” 30 April 2013, [amnesty.org/en/latest/campaigns/2013/04/libyan-militias-fighting-to-hold-on-to-their-grip-on-power/](https://www.amnesty.org/en/latest/campaigns/2013/04/libyan-militias-fighting-to-hold-on-to-their-grip-on-power/)

²⁰⁴ Amnesty International, “Libya: 10 years after uprising, abusive militias evade justice and instead reap awards” (previously cited)

falling to the ground. “Amin”, a 31-year-old refugee, described witnessing a guard beating a boy, who had attempted to escape and who he believed to be around 16, over the head with a baton until he collapsed and no longer moved. He said that after guards dragged his body out of the hangar, he did not return.²⁰⁵

Refugees and migrants also described the use of lethal force in response to escape attempts from the Burashada DCIM centre, to which interviewed refugees and migrants had been transferred from Al-Mabani in 2021 and where in May 2021 over a quarter of detainees were children below the age of 17 according to humanitarian actors. A 35-year-old said he witnessed many individuals “beaten and broken” inside while detained there in March and April 2021, including a 13-year-old boy whom he saw shot in the leg by guards during an attempted escape. On another occasion, he said he helped tend to the injuries and catheter of another refugee who had been returned to the cells after temporarily escaping, and who recounted that a police car had run over his lower body as he attempted to flee.²⁰⁶ DCIM guards at the Burashada centre again displayed a callous disregard for the lives of detainees in the aftermath of an explosion and fire in a building directly adjacent to cells holding refugees and migrants on 20 June 2021, as confirmed by satellite imagery reviewed by Amnesty International. A witness told Amnesty International that mattresses flew into the air from the power of the blast, and yet guards attempted to keep panicked detainees inside despite their proximity to the fire. It is unclear whether Libyan authorities opened effective investigations into the cause of the explosion and introduced precautions to protect the lives and safety of the estimated 600 detainees held in Burashada at the time. The director of centre was quoted in Italian media as attributing the explosion to a gas canister combustion, denying reports on any casualties.²⁰⁷

To Amnesty International’s knowledge, Libyan authorities have not carried out effective investigations into shootings in Al-Mabani, Abu Salim or Burashada DCIM centres or held those responsible fully accountable.

7.3 RAPE AND OTHER FORMS OF SEXUAL AND GENDER-BASED VIOLENCE

Refugees and migrants arbitrarily detained in DCIM centres following interception at sea face sexual and other gender-based violence, with women and girls at heightened risk. To Amnesty International’s knowledge, only Tariq al-Sikka DCIM detention centre employs female guards, who are not present around the clock. The absence of women guards only increases the exposure of women and girls to sexual violence.

Six women interviewed for this report described a disturbing pattern of sexual violence and harassment against women and girls detained in Shara’ al-Zawiya. The women, who were detained there between January and May 2021, reported that guards inside raped or coerced women to have sex with them in exchange for their release or other essentials such as clean water. “Helen” described:

“[A guard] would say, ‘maybe you want fresh water and beds’. But I would not let him touch me. He said... ‘let me have sex with you, so I can free you’.”²⁰⁸

“Grace” said she was heavily beaten and sustained a lasting, debilitating back injury for resisting such attempted rape:

“I told [the guard] no. He used a gun to knock me back. He used a leather soldier’s shoe... to [kick] me from my waist.”²⁰⁹

“Mary,” who was detained in Shara al-Zawiya in February 2021 while pregnant, reported that another detainee confided in her that she and other women had been raped and sexually harassed daily by guards, but that the woman was scared to reveal more. “Mary” also told Amnesty International that another friend

²⁰⁵ Interview with “Amin”, 22 June 2021

²⁰⁶ Interview, 24 June 2021

²⁰⁷ Domani, “Libia, l’esplosione nella prigione militare e la caccia ai migrant in fuga”, 1 July 2021, editorialedomani.it/fatti/libia-esplosione-prigione-militare-caccia-migranti-fuga-fa1962mr (in Italian)

²⁰⁸ Interview with “Helen”, 7 June 2021

²⁰⁹ Interview with “Grace”, 8 June 2021

detained at the same facility was trafficked into sex work and other exploitation when men wearing blue-coloured clothing resembling an army uniform removed her from the centre:

“They took her and she did not come back again... When I came out from prison, she used a friend’s number to call me, and she told me that they sold her”.²¹⁰

“Mary” had not heard from her friend since, raising concerns about her fate and whereabouts.

“Nadia,” an 18-year-old who attempted to flee Libya in 2021 after witnessing horrific sexual violence at the hands of traffickers, only to be trapped in indefinite detention in Shara’ al-Zawiya, said she felt like she was exposed to the same patterns of abuse. Describing the level of desperation of women trapped inside and facing continued sexual violence, she said: “We want to forget our past, but we can’t—how can we?”²¹¹

In May and June 2021, Libyan Crimes Watch, a Libyan NGO, reported the suicide attempts of two young Somali women detained in Shara’ al-Zawiya, noting torture, rape and other harassment inside the centre. The organization also reported that guards inside the centre “bartered” sex in exchange for allowing detainees to use the toilet or have meals.²¹² Amnesty International collected additional testimony of sexual harassment and beatings against young women and girls detained there consistent with this documentation. In June 2021, the OHCHR warned of “unconscionable” sexual violence against women and girls detained inside.²¹³

Sexual violence in DCIM detention centres is not limited to Shara’ al-Zawiya. One woman detained in the Abu Issa DCIM centre for six months while pregnant in 2020 reported that guards consistently raped her, particularly after they were intoxicated in the evenings.²¹⁴ A man detained there between 2020 and 2021 said that men were also regularly “forced to be naked except for our underwear”, ostensibly in an attempt to humiliate detainees.²¹⁵

Other men, women and boys also reported being subjected to sexual humiliation and abuse, including invasive and violent strip-searches on their reception to detention in Al-Mabani. Two women returned from sea to the detention centre in late January 2021 described having all of their clothing removed and being touched inappropriately by male guards who claimed to be searching for money and valuables. One described:

“[A policeman] will take you in a room and make you naked. He had a hand glove and he put his hand in my anus. He said I should open my private part. I said, ‘why would I do that?’ and he slapped me in the face.”²¹⁶

A Nigerian man described the reception for men:

“The guards lined us up by nationality and told us to come one by one. They would strip you naked: your clothes, jacket, everything. They took everything you have: your phone, your money. They were wearing hand gloves so they could search our bodies [and inside] our boxers, with force. They are shouting— you have to do what they say.”²¹⁷

²¹⁰ Interview with “Mary”, 7 May 2021

²¹¹ Interview with “Nadia”, 25 May 2021

²¹² Libyan Crimes Watch, Facebook post, 19 May 2021, [facebook.com/686463495136410/posts/1174467439669344/?d=n](https://www.facebook.com/686463495136410/posts/1174467439669344/?d=n); Libyan Crimes Watch, Facebook post, 1 June 2021, [facebook.com/686463495136410/posts/1183047985477956/?d=n](https://www.facebook.com/686463495136410/posts/1183047985477956/?d=n) (in Arabic)

²¹³ UN Human Rights (OHCHR), Twitter post, 8 June 2021, twitter.com/UNHumanRights/status/1402233213293150212

²¹⁴ Interview, 19 March 2021

²¹⁵ Interview, 11 May 2021

²¹⁶ Interview, 8 May 2021

²¹⁷ Interview, 3 May 2021

7.4 CRUEL AND INHUMAN CONDITIONS OF DETENTION

“I have been in Libya for three years, from prison to prison to prison, but I haven't seen anything like Abu Issa in my whole life... It's unforgettable... If you're sick, there's no hospital; if you're hungry, there's no food. There was no one helping us, after all that torture.”

- “Hana,” detained in Abu Issa DCIM centre for six months

Horrible conditions inside detention centres have long been documented by Amnesty International and others. Information gathered for this report from refugees and migrants detained in 2020 and 2021, as well as from others with direct knowledge of detention conditions, indicates that conditions in functional DCIM centres remain cruel and inhuman, in some cases amounting in themselves to torture. Refugees and migrants detained in these centres, as well as actors with direct knowledge of the conditions, reported catastrophic overcrowding and confinement of those held in dirty and unhygienic hangars or cells, with no or little access to the outdoors, fresh air and sunlight. Guards deprived detainees of sufficient drinking water and nutritious food, in some cases rising to the level of starvation. Apart from their limited and inconsistent access to humanitarian organizations, as well as phone calls for those who could request money from friends or family to pay ransoms,²¹⁸ detained refugees and migrants are otherwise cut off from the outside world, with no way of communicating their detention or conditions to loved ones, or challenging the lawfulness of their detention, further facilitating abuse without oversight or accountability.

Detainees consistently reported being held in overcrowded, poorly ventilated and unhygienic accommodation, with wholly inadequate access to washing and toilet facilities. In Al-Mabani, MSF reported witnessing up to three detainees per square metre.²¹⁹ Humanitarians reported being unable to step inside the buildings where individuals were detained due to lack of space. “Tesfay”, a 16-year-old who was detained in Al-Mabani together with unrelated adults in April 2021, described having difficulty breathing due to the poor ventilation and overcrowding.²²⁰ “Mebratu”, a 40-year-old Eritrean detained there around the same time, said: “There was no space to sit down or lie down; we were packed like sardines.”²²¹ Other individuals detained in Al-Mabani described between 80 to 200 detainees per toilet and having to queue up to 30 minutes to use it.²²²

While Al-Mabani stands out for its overcrowding in 2021, catastrophically overcrowded conditions are common across detention centres across Libya. Two refugees who had been detained in Tariq al-Sikka between 2018 and 2019 described having to share a single mattress between three to five people, taking shifts in order to have space to lie down, and having to wait up to three hours to use the toilet.²²³ An Eritrean detained in Tariq al-Sikka in early 2021 after being pulled back from sea reported it was so crowded that some detainees had to sleep in the bathrooms.²²⁴ In Shara’ al-Zawiya, former detainees described unbearable heat and a foul odour worsened by guards denying women, including those pregnant, access to the toilets, sometimes forcing them to urinate inside their cells.²²⁵

Overcrowding and poor sanitation in detention centres facilitate the spread of infectious diseases, including Covid-19, amid the failure of DCIM officials to take sufficient steps to mitigate the risks of outbreaks. “Sometimes IOM ... came to tell us about Coronavirus,” said “Emeka”, who was detained in Al-Mabani. “But we can't protect ourselves: we are eating and sleeping together. How can they ask us to put space between each other? For just two months, I had to wash and wear again the same clothes.”²²⁶ Despite some efforts by international organizations and the DCIM to prevent illness and curb the spread of tuberculosis (TB), in

²¹⁸ See Section 7.1 “Extortion and forced labour”

²¹⁹ MSF, “Libya: One dead and two injured following shooting in Tripoli detention centre” (previously cited)

²²⁰ Interview with “Tesfay”, 26 April 2021

²²¹ Interview with “Mebratu”, 22 April 2021

²²² Interviews, 16 April 2021; 22 April 2021; 26 April 2021; 3 May 2021

²²³ Interviews, 10 February 2021; 22 April 2021

²²⁴ Interview, 9 March 2021

²²⁵ Interviews, 7 June 2021; 7 June 2021; 8 June 2021

²²⁶ Interview with “Emeka”, 3 May 2021

particular through screenings for TB and occasional disinfection of centres, such measures are largely insufficient to mitigate the risks posed by conditions of detention themselves.²²⁷

Individuals detained between 2020 and 2021 reported not having access to adequate medical care, including for injuries sustained as a result of torture, infectious diseases prevalent in custodial settings in Libya such as scabies and TB, and reported the presence of individuals ill with symptoms resembling Covid-19, although the lack of testing inside centres made detection impossible.²²⁸ Inside DCIM centres, the only opportunity for individuals to access health care was during visits of humanitarian organizations with irregular access, and even then detained refugees and migrants often reported receiving only painkillers rather than lasting treatment or being denied access to visiting medical teams.²²⁹

As documented in the past, this denial of medical care, coupled with dangerous detention conditions, has led to preventable deaths in custody. Three women detained in Shara' al-Zawiya from late January 2021 told Amnesty International that two babies who appeared to be under the age of one and arrived at the centre with their mothers after being intercepted at sea, grew increasingly ill and died after guards provided all detainees little food and failed to transfer them to outside hospitals for medical treatment despite their mothers' desperate pleas. Two of the women who were detained in the same cell with the babies and their mothers reported that guards removed their babies' bodies from the cell while their despondent mothers were forced to remain inside.²³⁰

Consistent with past findings, refugees and migrants held in detention centres across Libya also regularly reported a lack of potable water and sufficient and nutritious food.²³¹ "Hazem," who was returned to the Zintan DCIM centre after three days at sea without food or water around July 2020, reported that on arrival the centre head told them that there was no budget to cover their meals.²³² In Tripoli-area centres they visited in 2021, MSF doctors observed individuals turning to medication simply to "manage their hunger" and reported that the lack of food "resulted in some women being unable to produce breastmilk to feed their babies".²³³

A lack of food has also at times been so severe that it led to preventable deaths. Four individuals detained in Abu Issa detention centre from April 2020 to early 2021 reported receiving meagre portions of around a small spoonful of macaroni as meals, leading to starvation.²³⁴ "Richard," a 24-year-old refugee from South Sudan detained there for around four months, said that guards tortured detainees through the deprivation of food for the purpose of extracting ransoms.²³⁵ "Some people were drinking shampoo in order to survive, they were so hungry," he said.²³⁶ Another refugee said he witnessed the death of a cellmate, which he attributed to starvation, near the end of 2020. He added that guards forced him to bury the deceased outside behind the centre.²³⁷

In rare cases, individuals in extremely poor health were released from Abu Issa so thin that they "were approaching death," in the words of a former detainee.²³⁸ "Isaias", a refugee detained in Abu Issa for nearly one year after being intercepted at sea, reported that he was released only because he was in critical condition after having lost half his body weight, weighing 35 kilograms at his transfer to a hospital.²³⁹ Amnesty International reviewed separate photographs of one emaciated man and five other extremely thin men released from Abu Issa on different occasions. "Richard" described the death of a friend shortly after his release after paying the required ransom due to what he attributed to as a "lack of strength" and hunger.²⁴⁰

²²⁷ Gathering and Return Centre – Tripoli, Facebook post, 9 March 2021, [facebook.com/permalink.php?story_fbid=122279976498996&id=101591698567824](https://www.facebook.com/permalink.php?story_fbid=122279976498996&id=101591698567824); DCIM – Tripoli Branch, Facebook post, 19 January 2021, [facebook.com/permalink.php?story_fbid=2911825292475422&id=1596449284013036](https://www.facebook.com/permalink.php?story_fbid=2911825292475422&id=1596449284013036); DCIM / Ain Zara centre, Facebook post, 31 March 2021, [facebook.com/permalink.php?story_fbid=2974989152720227&id=2144363185782832](https://www.facebook.com/permalink.php?story_fbid=2974989152720227&id=2144363185782832);

Gathering and Return Centre – Tripoli, Facebook post, 30 May 2021, [facebook.com/permalink.php?story_fbid=172031014857225&id=101591698567824](https://www.facebook.com/permalink.php?story_fbid=172031014857225&id=101591698567824) (in Arabic)

²²⁸ Interviews, 19 March 2021; 8 April 2021; 13 April 2021; 12 May 2021; 16 May 2021

²²⁹ Interviews, 11 May 2021; 12 May 2021; 16 May 2021; 7 June 2021

²³⁰ Interviews (names withheld for security); 7 June 2021; 7 June 2021; 8 June 2021

²³¹ Amnesty International, *'Between Life and Death'* (previously cited)

²³² Interview with "Hazem", 15 April 2021

²³³ MSF, "Ongoing violence against detained migrants forces MSF to suspend Tripoli detention centre activities", 22 June 2021, [msf.org/violence-against-migrants-forces-msf-suspend-centre-activities-libya](https://www.msf.org/violence-against-migrants-forces-msf-suspend-centre-activities-libya)

²³⁴ Interviews, 19 March 2021; 26 April 2021; 11 May 2021; 16 May 2021

²³⁵ See Section 7.1 "Extortion and forced labour"

²³⁶ Interview with "Richard", 26 April 2021

²³⁷ Interview, 16 May 2021

²³⁸ Interview, 19 March 2021

²³⁹ Interview with "Isaias", 11 May 2021

²⁴⁰ Interview with "Richard", 26 April 2021

8. LIMITED HUMANITARIAN ACCESS TO DETENTION CENTRES

Restrictions on consistent, predictable and unimpeded access to DCIM centres has limited UNHCR's ability to access and support persons of concern, as well as the ability of humanitarian organizations and other specialist bodies to monitor conditions of detention and treatment of detainees and to attempt to meet basic needs through the provision of direct humanitarian assistance. Given the Libyan authorities' abject failure to fulfil their obligations to provide for the most basic needs of those in their custody and uphold their rights, detained refugees and migrants in some cases rely entirely on humanitarian support for their access to healthcare, potable water, items to maintain personal hygiene and means of communication with the outside world.

Security concerns, lack of clear procedures and the effective control exercised by unaccountable militias and armed groups over entire neighbourhoods and DCIM detention facilities have for years complicated UNHCR's and other humanitarian and human rights actors' abilities to access detained refugees and migrants.

UNHCR reports that the refusal of Libyan authorities to recognize UNHCR's mandate²⁴¹ has "hamper[ed] the Office's operational capacity" including by occasionally limiting the number of its staff granted visas to enter the country.²⁴² UNHCR also faces obstacles to accessing or negotiating the release of persons of concern. For instance, one woman detained for three years in a Tripoli DCIM detention centre reported that its management frequently denied UNHCR access to see her, despite having been registered with the organization.²⁴³ In the first six months of 2021, UNHCR has been able to secure the release of 122 refugees from detention centres,²⁴⁴ 121 of whom were released during the closure of the Zintan DCIM centre in January,²⁴⁵ compared to 387 in 2020 and 1,780 in 2019.²⁴⁶

In 2021, the DCIM has erected additional barriers, in the form of "new distribution modalities", to the nature and conditions of access to humanitarian organizations, with UNHCR reporting "restricted access by UNHCR and other actors to detention centres" as a result.²⁴⁷ In response to questions by Amnesty International, UNHCR clarified that its access to detention centres in the Tripoli area was restricted initially from March and April 2021, but that it had gained direct access for the purpose of "protection monitoring and distribution of non-food items" at the beginning of June. UNHCR reported conducting 63 visits to detention centres across Libya by the end of June 2021,²⁴⁸ far fewer proportionally than the 264 conducted

²⁴¹ See Section 5.1 "Limited opportunities for human rights protection"

²⁴² UNHCR, *Reporting: Libya – Operational Context 2021*, reporting.unhcr.org/node/12003#_ga=2.191851562.1046203465.1622625784-638272716.1622625784

²⁴³ Interview, 6 May 2021

²⁴⁴ UNHCR, *UNHCR Libya Factsheet*, 25 June 2021, data2.unhcr.org/en/documents/details/87428

²⁴⁵ UNSMIL, "Acting Special Representative of the Secretary General for Libya Stephanie Williams Briefing to the Security Council", 28 January 2021, reliefweb.int/report/libya/acting-special-representative-secretary-general-libya-stephanie-williams-briefing

²⁴⁶ UNHCR, *UNHCR Libya Factsheet December 2020*, 15 December 2020, data2.unhcr.org/en/documents/details/83733

²⁴⁷ UNHCR, *UNHCR Libya Factsheet May 2021*, 28 May 2021, data2.unhcr.org/en/documents/details/86920

²⁴⁸ UNHCR Libya office, email to Amnesty International, 30 June 2021, on file with Amnesty International

in 2020 despite the outbreak of Covid-19 and the 1,351 visits it conducted in 2019.²⁴⁹ At the time of writing, UNHCR did not have access to DCIM centres in coastal cities west of Tripoli or to the Burashada DCIM centre. Three refugees detained in Burashada between March and June 2021 told Amnesty International that DCIM guards repeatedly promised them access to UNHCR.²⁵⁰ “Noor,” a 14-year-old refugee from Darfur registered with UNHCR and detained there in March 2021 after being intercepted at sea, said:

“[The guards] would say, tomorrow, tomorrow, tomorrow. We waited for [UNHCR], but they didn’t come.”²⁵¹

Concerns about increasingly restricted access to detention centres have been echoed by the IOM, which confirmed in written correspondence with Amnesty International that “access or full access to detention centres is often a challenge;” and that its ability to access centres to deliver assistance was “ad hoc” since March 2021.²⁵² On 26 April 2021, spokesperson Safa Msehli reported that IOM had not been able to gain access and speak to refugees and migrants in Al-Mabani following the shooting there on 8 April.²⁵³

In 2021, DCIM centre administrations have also refused access to medical teams on several occasions. MSF, for instance, reported that after the 13 June 2021 shooting in the Abu Salim DCIM centre its team had been denied access to the centre for seven days, “raising concerns about the repercussions of lack of treatment for those with potentially serious injuries and for the critically ill”.²⁵⁴ On 22 June, MSF announced that it would temporarily suspend its services in Tripoli-area centres due to repeated violence that not only harmed refugees and migrants but also put their staff at risk.²⁵⁵

All those interviewed for this report stressed insufficient access to healthcare and basic necessities, and most highlighted limited direct contact with UNHCR and other humanitarian actors once in detention, impeding their ability to ask for international protection or report abuse and seek remedy. Exacerbating limited interaction with UNHCR, IOM and humanitarian and human rights organizations is the fact that several DCIM centres, such as Al-Mabani, Shara’ al-Zawiya and Tariq al-Sikka, do not have private spaces that allow detained refugees and migrants to speak to organizations confidentially.²⁵⁶

Such concerns were highlighted in UN’s 2021 Humanitarian Needs Overview for Libya:

“Access to the centres is often permitted on an ad-hoc basis and routinely has been restricted to specific centres, regions or offered only to certain humanitarian actors. Conditions of access to detainees is also inadequate, with no guarantees of confidentiality and other conditions that allow for free and frank communications.”²⁵⁷

Concerns over access to protection and the effective provision of humanitarian assistance in DCIM centres have long been flagged, for instance in a 2019 overview of an EU-funded programme aiming to support the protection of refugees and migrants in Libya, in which the EUTF described “critical operational constraints” of humanitarian actors working in DCIM centres and a “coercive” environment that included “restriction on humanitarian access, pervasive human rights abuses against detainees and aid diversion”.²⁵⁸ Two former detainees held in Abu Salim and Ain Zara in 2021 raised continued concerns over aid diversion, reporting that guards confiscated or withheld aid distributed by humanitarian organizations after they left.²⁵⁹

²⁴⁹ UNHCR, *UNHCR Libya Factsheet February 2021*, 25 February 2021, data2.unhcr.org/en/documents/details/85108

²⁵⁰ Interviews, 9 May 2021; 14 May 2021; 25 June 2021

²⁵¹ Interview with “Noor”, 14 May 2021

²⁵² IOM, email to Amnesty International, 29 June 2021, on file with Amnesty International

²⁵³ UN, “New Mediterranean shipwreck reopens debate over tragic migrant journeys”, 26 April 2021, news.un.org/en/audio/2021/04/1090652?audio

²⁵⁴ MSF, “Violence against migrants forces MSF to suspend centre activities in Libya”, 22 June 2021, msf.org/violence-against-migrants-forces-msf-suspend-centre-activities-libya. See Section 7.2 “Torture and other ill treatment, excessive use of force and unlawful killings”

²⁵⁵ MSF, “Violence against migrants forces MSF to suspend centre activities in Libya” (previously cited)

²⁵⁶ IOM, *Libya Detention Centre Profile Generator – February 2021*, 22 March 2021, dtm.iom.int/reports/libya-%E2%80%9494-detention-centre-profile-generator-february-2021

²⁵⁷ UN Office for the Coordination of Humanitarian Affairs (OCHA), *Humanitarian Needs Overview: Libya*, December 2020, p. 18, reliefweb.int/sites/reliefweb.int/files/resources/hno_2021-final.pdf

²⁵⁸ EUTF, “Managing mixed migration flows (top-up): Enhancing protection and assistance for those in need in Libya (T-05-EUTF-NOA-LY-08)”, 2 July 2019, p. 10, ec.europa.eu/trustfundforafrica/sites/default/files/t05-eutf-noa-ly-08_tdxsin.pdf

²⁵⁹ Interviews, 12 May 2021; 2 June 2021

On the whole, restricted, inconsistent or monitored access by UNHCR and other humanitarian and human rights organizations and actors obstructs the ability to register claims for international protection, provide healthcare and other basic necessities, and identify human rights concerns. This situation also impedes their ability to monitor the human rights situation of the refugees and migrants, including the fate and whereabouts of individuals who vanish from official DCIM centres in the variety of ways described throughout this report: either, by escaping or paying ransoms; dying in custody due to unlawful use of lethal force, torture or denial of medical care; being trafficked into forced labour; or being transferring to other DCIM centres where they face similar cycles of abuse.

9. CONCLUSION AND RECOMMENDATIONS



Migrants and refugees look toward Italy after being rescued in the central Mediterranean by an NGO on 3 November 2017. © Samuel Nacar/SOPA Images/LightRocket via Getty Images

“The simplest human right in the world is to be able to hear the voice of your child or the voice of your mother, no? [DCIM guards] weren't even letting us speak to our families. [Only] every five months, when UNHCR came to the prison, I would be able to hear my mother's voice”

“Rifaie,” 23-year-old refugee detained for one year in a DCIM centre

After over a decade of consistent reporting on patterns of horrific violations and abuses against refugees and migrants in Libya, Libyan and European authorities cannot feign surprise at the key findings presented in this report: that refugees and migrants intercepted at sea and disembarked in Libya are forcibly returned to indefinite arbitrary detention, where they are systematically subjected to torture and other ill-treatment, sexual and other gender-based violence, forced labour and other exploitation in a climate of impunity that further fosters abuse and facilitates enforced disappearances. As recently as May 2021, OHCHR stressed

yet again that “migrants returned to Libya systematically and routinely face the risk of death, disappearance, arbitrary detention, torture, ill-treatment, gender-based violence, exploitation, and other human rights violations and abuses by both State and non-State actors.”²⁶⁰ OHCHR views the lack of human rights protection for refugees and migrants not as a “tragic anomaly, but rather a consequence of concrete policy decisions and practices by the Libyan authorities, European Union Member States and institutions, and other actors.”²⁶¹

These findings highlight predictable yet untenable outcomes of continued cooperation between EU members states and institutions with Libyan authorities to prevent refugees and migrants from reaching Europe. Enabling the forcible return of men, women and children to Libya, despite full awareness of unconscionable abuses that follow, is irreconcilable with policy justifications claiming to prioritize safe migration routes, as well as international legal obligations not to return individuals to countries where they are at real risk of grave human rights violations.

Instead of tackling patterns of violations against refugees and migrants unlawfully deprived of their liberty in informal sites, Libyan authorities have legitimized them through their integration into the DCIM while taking few if any measures to improve conditions, and without holding perpetrators of such abuses accountable. Such actions and ample evidence of ongoing violations demonstrate that the centralization of detention or the closure and opening of individual DCIM centres has done little to improve the treatment and conditions of refugees and migrants; that the DCIM detention infrastructure is beyond repair and must be dismantled; and that Libyan authorities are unable, and in some cases unwilling, to end the cycle of impunity for crimes under international law and serious human rights violations against refugees and migrants.

Amnesty International has long addressed comprehensive recommendations to both Libyan and EU authorities to improve the human rights situation of refugees and migrants.²⁶² Recommendations listed below are not exhaustive but rather targeted to address the specific patterns addressed by this report—namely, disembarkations leading to indefinite arbitrary detention in cruel and inhuman conditions; torture and other ill-treatment, including rape and other sexual violence; excessive use of force and unlawful killings; and conditions enabling enforced disappearances. In response to the findings of this report, Amnesty International is making the following recommendations:

To Libyan authorities and those in de facto control of territory:

- Close all migration detention facilities, including those run by the DCIM, decriminalize irregular migration, and stop detaining refugees and migrants solely on the basis of their legal status;
- Pending the release of all arbitrarily detained refugees and migrants and the closure of detention centres, ensure that those detained are protected from torture and other ill-treatment; held in safe and dignified conditions in line with international standards for the treatment of prisoners; granted access to adequate medical care; able to seek international protection; and allowed regular contact with family or loved ones;
- Implement a system enabling the tracing of refugees and migrants disembarked in Libya, transferred to detention or otherwise deprived of liberty, while keeping their privacy and data secure;
- Allow humanitarian agencies and independent monitors unrestricted and unconditioned access to all places where refugees and migrants are detained or disembarked. The Government of National Unity must also sign and ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and formalize the presence of UNHCR;
- Reveal the fate or whereabouts of individuals subjected to enforced disappearance in previous years following disembarkation or transfers from DCIM detention centres;
- Initiate effective, independent and impartial investigations into all allegations of unlawful killings, torture and other ill-treatment, including rape and sexual violence, and forced labour, and ensure that those reasonably suspected of ordering, committing or acquiescing to such acts are removed from positions where they can repeat these violations pending proceedings meeting international standards of fair trial; and

²⁶⁰ OHCHR, ‘*Lethal Disregard*’ (previously cited)

²⁶¹ OHCHR, ‘*Lethal Disregard*’ (previously cited)

²⁶² See, for example, Amnesty International, *Europe: Plan of Action - Twenty Steps to Protect People on the Move Along the Central Mediterranean Route* (previously cited); Amnesty International, ‘*Between Life and Death*’ (previously cited)

- Cooperate fully with third states and the Fact-Finding Mission on Libya established by the UN Human Rights Council in investigating, searching and identifying the fate or whereabouts of refugees and migrants who have gone missing in or after leaving Libya.

To the European Union and Member States:

- Suspend any co-operation with Libya on migration and border control, and in particular any assistance facilitating the containment of people in Libya, pending:
 - The establishment of a due diligence, monitoring and accountability mechanism to review existing programming focusing on migration and border control, and to prevent future and address past and ongoing human rights violations at EU external, including maritime, borders resulting from such collaboration;
 - The adoption of concrete and verifiable measures by Libyan authorities to protect the rights of refugees and migrants in the country, including through the closure of all migration detention centres; the release of all those arbitrarily detained due to their migration status; disclosure of the fate or whereabouts of refugees and migrants subjected to enforced disappearances following disembarkations or transfers from DCIM detention centres; and the ratification of 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the enactment of asylum laws and the formal recognition of UNHCR;
 - A commitment that anyone rescued or intercepted at sea is disembarked in a place of safety, which cannot be Libya, including by:
 - asking the LCG and GACS to limit their SAR activities to Libyan waters, except when their vessels are most quickly able to respond to a boat in distress in international waters, and to refrain from instructing any vessel to disembark rescued persons in Libya;
 - ensuring that civilian vessels, including boats operated by NGOs, are fully able to carry out their lifesaving SAR activities, without hindrance, including in Libya's SAR region;
 - working towards the definition of operating procedures for SAR operations within the Libyan SAR region, fully aligned with international law and standards, ensuring that shipmasters rescuing people in the Libyan SAR region are promptly assisted in the identification of a place of safety for disembarkation, which cannot be Libya;
- Deploy an adequate number of vessels by EU actors, some with search and rescue as their primary purpose, in addition to aerial assets, along the routes taken by boats carrying refugees and migrants; and
- Open additional safe and legal routes into Europe, through the offer of a meaningful number of places for resettlement and alternative pathways for protection for the thousands of people in need of protection stranded in Libya, and review migration policies with a view to facilitating regular pathways for migrants.
- Ensure accountability for any human rights violations they may have been responsible for through their actions and omissions at sea, or on land upon disembarkation, as well as their cooperation with Libyan authorities. This should be pursued through prompt, thorough and independent investigations and, in cases where there is enough admissible evidence, the initiation of criminal or civil legal proceedings, with a view to providing adequate and effective remedies to people who have suffered serious human rights violations, as well as through parliamentary inquiries.
- Review Frontex's Multipurpose Aerial Surveillance activities in the central Mediterranean, with a view to ensuring accountability for any actions that may have represented a breach of the agency's obligations under international and EU law.

To UN/IOM and other agencies working in Libya:

- Ensure that any support provided or considered for the LCG, GACS, the DCIM or other Libyan entities involved in the management of migration is fully in line with the UN's human rights due diligence policy and mitigating measures, to reduce the risk of human rights violations and to

exclude individuals or units reasonably suspected of committing violations of international human rights, humanitarian or refugee law.

To all humanitarian actors in Libya:

- Facilitate international cooperation to prioritize clarifying the fate of refugees and migrants who have been killed or gone missing on their journeys in and from Libya, including through the recovery and identification of remains and the notification of families.

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“NO ONE WILL LOOK FOR YOU”

REFUGEES AND MIGRANTS DISEMBARKED TO ABUSIVE DETENTION IN LIBYA

For over a decade, state and non-state actors in Libya have subjected refugees and migrants to a litany of horrors including indefinite arbitrary detention, unlawful killings, rape, torture and forced labour. Despite full awareness of such crimes, EU member states, led by Italy, continue to enable Libyan coastguards to intercept thousands of people in the Mediterranean and return them directly to arbitrary detention and other abuse in Libya.

Despite promises to improve conditions and treatment of refugees and migrants, the same patterns of horrific violations continue unabated in detention centres inaugurated since late 2020 by Libya's Department of Combatting Illegal Migration under the Ministry of Interior. Militiamen and other officials reasonably suspected of crimes under international law not only enjoy impunity but are also rewarded with positions of power.

To put an end to these unconscionable crimes, the EU and its members states must suspend their cooperation with the Libyan authorities on migration control until the latter take concrete steps to close migration detention centres and protect the rights of refugees and migrants. Additional legal pathways into Europe must be opened for the thousands of men, women and children in need of protection and trapped in Libya.