

Libya: The hounding of migrants must stop

- [english] - Region - North Africa & Middle East - Libya -



Publication date: Thursday 11 October 2012

Copyright © Worldwide Movement for Human Rights - All rights reserved

"It was difficult before the war and terrible during the war, but it's worse now"

Nigerian migrant who worked in Libya for 5 years and has been held in a detention camp since February 2012

FIDH, Migreurop and Justice Without Borders for Migrants (JSFM) release a [report](#) painting a devastating picture of the situation of migrants, refugees and asylum seekers in Libya. The report exposes widespread and serious violations of the human rights of immigrants, in particular from sub Saharan Africa, who find themselves hounded by uncontrolled militias.

The report also provides a critical analysis of the role of the European Union and its member states in the design and implementation of migration policy in Libya, as they negotiate new cooperation agreements in which security considerations continue to prevail over human rights.

The report draws on the findings of an investigation conducted in June 2012. The delegation visited 7 detention camps in Tripoli, Benghazi and the Nafoussa Mountain region.

A hub of intra-African migration

Before the conflict in Libya, migrant workers made up almost a third of the population. The conflict provoked a mass exodus of migrants, in conditions documented in a [previous FIDH report](#). Today, as the country begins to rebuild itself, it is once again attracting migrants seeking work.

"Only a small minority of migrants transit through Libya to try to reach Europe. And those that do are generally fleeing conflicts and persecution in the Horn of Africa. They are seeking the international protection to which they are legally entitled as refugees and which Libya cannot guarantee," stated Messaoud Romdhani, Vice President of the Ligue tunisienne des droits de l'Homme who took part in the investigation. Libya has not ratified the 1951 Geneva Convention and has no asylum system. The Libyan Coast guard's record of interceptions conducted in the Mediterranean confirmed this finding: almost all those intercepted were of Somalian or Eritrean origin.

Migrants in the hands of militias

For migrants from sub Saharan Africa who enter Libya from the South, the journey is particularly dangerous: they are often exploited by trafficking networks, victims of extortion and violence, abandoned in the desert or forcibly pushed back across the borders. On arrival in Libya, foreigners considered to be "illegal" risk being arrested at check points, in their homes or workplaces, by groups of former rebels (Katiba), operating outside of the control of central government authorities.

Sub Saharan African migrants are the principal targets of arrests, against a background of deeply entrenched racism. A leader of a Katiba calling itself "Free Libya" declared, "the priority today is to clean the country of foreigners and to end the practices of Gaddafi who let lots of Africans into this country. We don't want these people here anymore bringing crime and disease".

Arbitrary and indefinite detention

Thousands of migrants are today detained in improvised camps run by Katibas, without recourse and with no perspective of release.

"The conditions in these camps are inhuman and degrading. The cells are overcrowded, lack basic hygiene and detainees are rarely allowed out. They suffer physical and psychological abuse from camp guards," declared Sara Prestianni, member of Migreurop and JWBM.

The report documents the recruitment of migrants in detention camps by private employers, in conditions that can be qualified as forced labour. **"We witnessed employers coming to the camps, with the complicity of the camp guards, to select migrants to work on their farms or building sites. The migrants had no idea how long they would be required to work, nor whether they would be paid"**, added Geneviève Jacques, member of the FIDH International Board. When they are no longer required for work, migrants are often returned to the camps.

The responsibility of the European Union and Member States

Interviews with migrants who were detained following interception at sea indicate that practices of forced return to Libya continue, in violation of international law (as affirmed in a recent case before the European Court for Human Rights, *Hirsi v. Italy*, 23 February 2012).

As new cooperation agreements are being negotiated between Libya, the European Union and its member states, the report analyses the effects of European policies aimed at externalising border controls to prevent the arrival of migrants, refugees and asylum seekers on EU territory.

FIDH, Migreurop and JWBM underline the shared responsibility of Libya, the EU and its member states, as well as states of origin of migrants, and make the following recommendations:

To the Libyan authorities

- Put an immediate end to the practices of arbitrary arrest and detention perpetrated by former rebel groups and retake control of migration issues.
- Immediately close migrant detention camps, where living conditions violate human dignity.
- Regularise the administrative situation of detained migrants who seek work in Libya.
- Put an immediate end to practices of forced labour of detainees.
- Develop a migration policy within the framework of the rule of law and respect for international law and which marks a real break with the repressive, murderous and illegal policies of the previous era.

To the European Union and Member States

- Suspend all cooperation activities in the area of migration, in the absence of measures guaranteeing human rights protection in Libya.
- Renegotiate cooperation agreements in full respect of international and European human rights law, and make them public.
- Provide regular entry opportunities for asylum seekers located in Libya, where they do not benefit from the international protection for refugees to which they are legally entitled, in order to avoid the risk of desperate departures by sea and deaths in the Mediterranean.
- Put an end to the policy of externalising control of European borders in neighbouring countries, in particular in

Libya: The hounding of migrants must stop

Libya.

- Ensure that migration policies respect international human rights and European law.

To states of origin of migrants

- Monitor respect for the fundamental rights of their citizens in Libya, and ensure their defence and protection in cases where their rights are violated.
- Call on the Libyan authorities to immediately release of their nationals from detention camps in Libya where they suffer inhuman and degrading treatment and to condemn all xenophobic practices and attitudes that stigmatise citizens from sub Saharan Africa.