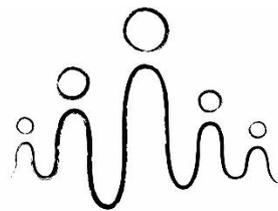


Universal Periodic Review – Libya
Written submission by: Refugee Rights Europe (RRE)

Refugee Rights Europe (RRE) is a non-governmental human rights organisation and UK registered charity (1168841). We advocate for the human rights of refugees and displaced people to be upheld by national governments and the European Union institutions. Our organisation is run by individuals spanning a broad range of sectors and backgrounds. We are independent of any political ideology or religion, united by our commitment to defend the human rights of some of the world's most vulnerable groups of people.

Refugee Rights Europe (RRE) was founded on 10 December 2015, and subsequently registered as a UK charity (1168841) with the Charity Commission on 19 August 2016.



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This report has the following structure:

- **Introduction**
- **Thematic areas**
 - The right to seek asylum
 - Torture and cruel, inhuman or degrading treatment
 - Arbitrary arrests, detention and deprivation of liberty
- **Conclusion**
 - Endnotes

Introduction

1. This submission evaluates the Libyan government's action relating to the rights of refugees and displaced people. Government policy is assessed with reference to relevant international standards.
2. This submission operates within certain parameters. The evidence submitted is mainly drawn from second-hand research, coupled with limited first-hand research conducted by Refugee Rights Europe, and relates to the situation of displaced individuals seeking to reach Europe via Libya.
3. RRE's interviews with individuals arriving in Italy from Libya conducted in August 2017, as well as its secondary source desk research, illustrate the wide-ranging gross human rights abuses unfolding on Libyan soil, and indicate that these violations are intrinsically connected with European policies of externalisation of migration and asylum.
4. A consistent theme, which runs through the results RRE obtained through its first-hand interviews and its desk research, is that the principle of universality as contained in the Universal Declaration of Human Rights is under severe threat. Displaced individuals in Libya, at Europe's doorstep, are facing extremely grave and gross violations of human rights.

Thematic Areas

The right to seek asylum

5. Numerous sources have outlined the violation of human rights experienced by prospective asylum seekers in Libya, both at sea at the hands of the Libyan Coastguards and on land within detention centers. Examples of violations by the Libyan Coastguards and their dereliction of duty include, ignoring basic

techniques for rescuing people at sea, posing obstacles to the rescue operation and in some cases beating displaced people once they have reached the ‘rescue boat.’ⁱ These rights violations moreover lead to an obstruction of access to existing and adequately functioning asylum systems in Europe.

6. The New York Times in conjunction with the research group, Forensic Architecture and Forensic Oceanography, reconstructed an individual intervention by the Libyan coastguards in November 2017 in which at least 20 people trying to reach Europe on a raft from Libya drowned.ⁱⁱ Not far from the scene was a ship, the Sea-Watch, belonging to a German humanitarian organization which had space to take on board the displaced people. The ship was fitted with nine cameras and documented the scene both in video and audio alongside filming carried out by several coastguards on their phones. The Libyan Coastguard, the authority tasked with implementing the border regime of the European community, are shown to blatantly violate the human rights of the individuals in need of rescue.
7. On the incident on the 6th November, despite 8 of the 13 crew members on the Libyan Coast Guard vessel having received EU naval training, Operation Sophia, the crew brought the larger vessels – the Raj Jadir - next to the displaced people’ raft rather than deploying a smaller craft to conduct the rescue. In the resulting carnage, the New York Times outline that at least five people died, and several individuals opted to jump back into the water in the hope of reaching the Sea-Watch after they had been brought onto the Libyan vessel. The Sea-Watch also received threats from the Libyan Coast Guard who hurled hard objects at the vessel to deter it. More than 15 individuals had already drowned in the water and the footage shows a man clinging to the side of the Raj Jadir, but with the coastguard refusing to bring him up until the intervention of an Italian army helicopter, where the man is eventually brought on board.
8. A 2018 report, published by the United Nations Support Mission in Libya (UNSMIL) in conjunction with the Office of the High Commission for Human Rights (OHCHR), further highlights abuses committed against refugees and displaced people who attempted the sea crossing on the 6th November.ⁱⁱⁱ They also outline other occasions and accounts of abuses committed by the Libyan Coastguard.
9. The UNSMIL/OHCHR paper documents the use of physical violence, threatening or racist language and the use of firearms by the Libyan coastguards during rescue operations. For example, the report includes accounts of an incident on the 10th May 2017. The accounts include reports from survivors and the rescue crew of the Sea-Watch, the same vessel witnessing the events on the 6th November.
10. The accounts indicate that Coastguard staff pointed weapons at displaced people, rammed into their wooden boat, and threatened them. Individuals were not given lifejackets and hundreds were left in the wooden vessel to be steered back to shore. Other reported incidents involve shots being fired in the air, and men being slapped and pushed by the Coastguards.

Torture and cruel, inhuman or degrading treatment

11. The aforementioned 2018 report by UNSMIL/OHCHR contains evidence regarding the human rights violations committed against refugees and displaced

people within Libya itself. These abuses are at the hands of State Officials, armed groups, smugglers and traffickers. They also indicate the failure of the Libyan authorities to prevent or address these violations. The report was based upon approximately 1,300 first-hand accounts and outlines,

‘Displaced people and refugees suffer unimaginable horrors during their transit through and stay in Libya. From the moment they step onto Libyan soil, they become vulnerable to unlawful killings, torture and other ill-treatment, arbitrary detention and unlawful deprivation of liberty, rape and other forms of sexual and gender-based violence, slavery and forced labour, extortion and exploitation by both State and non-State actors.’^{iv}

12. The evidence - collected between January 2017 and August 2018 - included regular monitoring visits to eleven immigration centers and interviews in Italy and Nigeria with displaced people who had left Libya or had been repatriated. They found that despite variations in detention centers, ‘they are generally inhuman, fall short of international standards and, in some cases, may amount to torture.’ For example, UNSMIL staff observed severe overcrowding, inadequate sanitation, lack of ventilation or lighting, continual confinement and malnutrition. Skin infections, respiratory tract-infections, acute diarrhoea are common yet medical treatment is non-existent or vastly inadequate.
13. Individuals are, ‘systematically held captive in abusive conditions, including starvation, severe beatings, burning with hot metals, electrocution, and sexual abuses of women and girls.’ Children are held in equally squalid conditions and UNSMIL has reported, ‘torture and other ill-treatment, forced labour, rape and other forms of sexual violence perpetrated by DCIM guards with impunity.’
14. The report indicates that forced manual labour is common and special needs are seldom met even for pregnant women. Instances of torture highlighted in the report include physical violence such as pulling nails, beatings, stabbings, electric shocks, the application of heated metal to skin, the pouring of boiling water, petrol or chemicals onto individuals, suspension from bars or shootings, especially to the legs.
15. These findings were mirrored in research conducted by Refugee Rights Europe (RRE) in Ventimiglia, Italy, in August 2017.^v In one interview a 24-year-old man from Chad reported illness due to being beaten across the spine with a Kalashnikov in a Libyan detention camp. This had resulted in back pain and internal problems. Various respondents reported experiencing or witnessing torture in Libya.
16. A 20-year old from Chad also reported being beaten in Libya and showed researchers his scars and a large open wound on his leg which was cut to the bone. One Sudanese minor reported being hung by his fingers by Libyan traffickers and he showed his disfigured fingers to the RRE research team.
17. Another Sudanese man recounted that he had lost his brother when their vessel sank and he witnessed an infant shot by the Libyans whilst still in his mother’s arms.
18. One man said he felt ill because he had bad memories of seeing hundreds of fellow refugees shot in Libya. He said that of the 450 refugees originally within his group, only 70 had survived.

19. Researchers for Human Right Watch (HRW) have also highlighted the inhumane treatment of asylum seekers in detention in Libya.^{vi} HRW visited four reception centres in July 2018 in Tripoli, Misrata and Zuwara, where they documented shockingly inhumane conditions. They reported mass overcrowding of cells, unsanitary conditions, a lack of adequate healthcare, poor quality food and water – which had led to malnutrition and disturbing reports of torture - including beatings, whippings and the administering of electric shocks.
20. They also found that these appalling conditions were not confined to adults, with children facing an equal risk of detention in Libya. HRW observed large numbers of children, including newborns in vastly unsuitable conditions. There were reports of inadequate food – including for breast feeding mothers - absent healthcare, no access to schooling, activities or play areas and alarmingly, allegations of rape and beatings by guards and smugglers. The findings of HRW within the Libyan detention centers highlight grave violations of international law.
21. Senior EU officials have highlighted their awareness of the conditions faced by displaced people detained in Libya. In 2017, the EU migration commission, Dimitri Avramopoulos stated, ‘we are all conscious of the appalling and degrading conditions in which some displaced people are held in Libya.’^{vii} Despite this awareness, HRW interviews with detainees, detention centre staff, humanitarian actors and Libyan officials highlighted that EU efforts have had a negligible impact on the detention conditions. HRW outlined that the EU approach had led to ‘outsourcing migration control.’
22. Further sources have mirrored the findings of HRW and the UNSMIL/OCHCR reports in regard to the inhumane conditions faced and the widespread use of torture. For example, the UK newspaper, the Independent, reported on an incident in which 144 refugees and displaced people were taken into a Libyan detention centre after being rescued at sea following the choice of several European countries to close their ports to migrant vessels.^{viii} The article mirrors the previous findings by outlining that detainees face appalling conditions, including squalid living conditions, severe malnutrition, rape, torture, overcrowding and violence.
23. In the Amnesty International 2017/18 report they also outline the human rights abuses committed against refugees, asylum seekers and displaced people in Libya. They outline the widespread nature of arbitrary arrest and unlawful detention, physical violence, sexual and gender-based violence (SGBV), extortion, and human trafficking. They also report the appalling living conditions in detention centres including torture, forced labour, ill treatment, verbal abuse, rape and prolonged captivity without judicial process.^{ix} These findings are also replicated in reporting by the Guardian, who outline the control that militias hold over detention centres in Libya. They also report that several detainees have been locked up for over two years without fair judicial process.^x
24. InfoDisplaced people further outline the insecurity faced by detainees and the disregard shown for their safety and wellbeing.^{xi} On the 2nd July 2019, the Tajourah detention centre was bombed and consequentially emptied of detainees. Yet humanitarian actors reported that the Libyan authorities continued to send displaced people to the Centre and Médecins Sans Frontières (MSF) believed that 200 displaced people were locked in the building, including several young children, despite the risks to their security.

25. MSF also outlined that on the night of the 9th of July 90 individuals intercepted at sea were sent back to Tajourah and 115 individuals on the 11th July. 70 of these were transferred from another Libyan detention centre, raising concerns that individuals who fled the centre during the bombing had then been sent back.
26. One Sudanese man, in contact with InfoDisplaced people, highlighted that he was sent back to Tajourah because he had tuberculosis and was not allowed to stay in the UNHCR centre. He was then locked in a cell and refused access to the NGO doctors.
27. A humanitarian source also informed InfoDisplaced people that the Libyan authorities would not allow individuals with contagious diseases into the UNHCR centre, therefore leaving them unable to claim relocation to a third country. This corroborates with the report of the Sudanese man of his own treatment.
28. Several humanitarian actors decried the detention of individuals in Tajourah particularly due to its proximity to the conflict zone and the dangers this pose. For example, a representative of MSF reported that women were confined to the room next door to one that was hit days earlier in an airstrike.

Arbitrary arrests, detention and deprivation of liberty

29. Alongside highlighting the physical abuses faced by displaced people and refugees in Libya, the 2018 report published by OHCHR and UNSMIL also highlights the widespread practice of arbitrary detention.^{xii} They outline that, ‘in practice, the overwhelming majority of displaced people and refugees are arbitrarily detained as they have never been charged or tried under Libya’s migration legislation.’ Therefore, often individuals remain indefinitely in detention until they are forcibly deported by the Libyan authorities, evacuated by UNHCR or returned via the International Organization for Migration’s (IOM) Voluntary Humanitarian Returns programme.
30. They indicate that displaced people and refugees are vulnerable to arbitrary arrest by armed groups loosely under the control of the Ministry of Interior on allegations related to drug offences, sex work, alcohol consumption, theft and terrorism. This is alongside the more regular detention on the grounds of breaking immigration legislation. Individuals are then often held for extended periods of time without charge or trials.
31. Other reports highlight instances of displaced people being expelled to the Libyan desert. One French news agency reported that refugees from the Ivory Coast had been sent to the desert, the majority without any phone battery remaining and therefore leaving them unable to communicate in order to get assistance.^{xiii} The action was qualified as a ‘grave violation of the human rights of displaced people’ by FTDES, the Tunisian Forum for Economic and Social Rights.

Conclusion

32. In sum, RRE's submission evaluated the Libyan government's action relating to the rights of refugees and displaced people on Libyan soil, assessing government policy with reference to relevant international standards and the implementation of previous recommendations.
33. The first- and second-hand evidence presented in this submission raises critical concerns that the principle of universality as contained in the Universal Declaration of Human Rights is being severely curtailed. The evidence indicates that refugees and displaced people on Libyan soil, attempting to reach Europe, including large numbers of women and children, are facing extremely grave and gross violations of human rights.

Endnotes

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- ^v Refugee Rights Europe. (2017) *In Dangerous Transit: Filling information gaps related to refugees and displaced people in Ventimiglia, Italy*. RRE: London (online) https://refugeerights.org.uk/wp-content/uploads/2018/08/RRE_InDangerousTransit.pdf (Accessed: 29th September 2019)
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- ^x Hayden, S. (2019) 'I saw hell': under fire inside Libya's refugee detention centres.' *The Guardian*, 10th July (online) <<https://www.theguardian.com/global-development/2019/jul/10/under-fire-libya-refugee-detention-centres>> (Accessed: 2nd October 2019).
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- ^{xii} UNSMIL/OHCHR (2018).
- ^{xiii} Chémali, A. (2019) 'Tunisie: le SOS de displaced people Ivoiriens expulsés vers le désert Libyen.' *France TV Info*, 5th August (online) <https://www.francetvinfo.fr/monde/europe/displaced-people/tunisie-le-sos-de-displaced-people-ivoiriens-expulses-vers-le-desert-libyen_3565559.html> (Accessed: 2nd October 2019).