



TRAPPED IN A CYCLE OF VIOLENCE

Transnational Human Trafficking and Smuggling of Refugees and Migrants in Libya



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ABBREVIATIONS AND ACRONYMS

DCIM	Directorate for Combating Illegal Migration
GNA	Government of National Accord
GNU	Government of National Unity
IDPs	Internally Displaced Persons
IOM	International Organization for Migration
IOM DTM	IOM's Displacement Tracking Matrix
LCG	Libyan Coast Guard
LNA/LAAF	Libyan National Army/Libyan Arab Armed Forces
MOI	Ministry of Interior
Nongovernmental Organizations	NGOs
SGBV	Sexual and gender-based violence
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNSMIL	United Nations Support Mission in Libya



GLOSSARY OF TERMS

TERM/PHRASE	DEFINITION
<i>Migrants and Refugees</i>	Please note that for the purpose of this work, the phrase “migrants and refugees” refers to all populations including migrants, refugees, asylum seekers, and other groups that move through Libya and along the routes discussed, unless noted.
<i>Directorate for Combating Illegal Migration (DCIM)</i>	Agency established by the Libyan government’s Department for Combating Illegal Migration; mandate includes combating illegal migration, organizing the deportation of irregular migrants, and managing detention centers.
<i>Gender-based violence</i> ¹	<p>“Gender-Based violence refers to harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms. ***</p> <p>This can take many forms such as intimate partner violence, sexual violence, child marriage, female genital mutilation and so-called ‘honour crimes.’”</p>
<i>Human trafficking</i> ²	<p>“The Trafficking Victims Protection Act of 2000...defines “severe forms of trafficking in persons” as:</p> <ul style="list-style-type: none"> • sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or • the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”
<i>Irregular migration</i> ³	“Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination.”
<i>Libyan National Army/Libyan Arab Armed Forces</i> ⁴	A self-styled conglomerate of armed forces made up of a mix of tribal militias, foreign mercenaries, extremist religious militias, and renegade Libyan military units commanded by Field Marshal Khalifa Haftar
<i>Migrant smuggling</i> ⁵	“[M]igrant smuggling is a crime that takes place only across borders. It consists in assisting migrants to enter or stay in a country illegally, for a financial or material gain. Smugglers make a profitable business out of migrants' need and/or desire to enter a country and the lack of legal documents to do so. International law requires governments to criminalize migrant smuggling, but not those who are smuggled. Since migrants give their consent to the smuggling venture, mostly due to the lack of regular ways to migrate, they are not considered victims in absolute terms.”
<i>Physical abuse</i> ⁶	The “different forms and degrees of physical harm including slapping, beating punching, whipping, burning, gunshot wounds, torture, verbal abuse,

¹ UNHCR, “Gender-based Violence”, updated 2021.

² Office to Monitor and Combat Trafficking in Persons, “[2021 Trafficking in Persons Report](#).” U.S. Department of State, June 2021.

³ International Organization for Migration, “[Key Migration Terms](#),” Updated 2021.

⁴ Lacher, Wolfram, “[A Most Irregular Army, the Rise of Khalifa Haftar’s Libyan Arab Armed Forces](#)”, *German Institute for International and Security Affairs*, November 2020.

⁵ The United Nations Office on Drugs and Crime, “[Human Trafficking and Migrant Smuggling](#),” Updated 2021.

⁶ 4Mi North Africa and 4Mi West Africa, “[Fraught with Risk: Protection concerns of people on the move across West Africa and Libya](#),” *Mixed Migration Center*, 2018.



Libyan American Alliance

	stone throwing, confinement, forced labour, sleep deprivation, denial of food and water.”
<i>Sexual abuse</i> ⁷	“verbal harassment of sexual nature, indecent touching and rape”
<i>Sexual and gender-based violence</i> ⁸	“Sexual and gender-based violence (SGBV) refers to any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships. It includes physical, emotional or psychological and sexual violence, and denial of resources or access to services.”

⁷ 4Mi North Africa and 4Mi West Africa, “[Fraught with Risk: Protection concerns of people on the move across West Africa and Libya](#),” *Mixed Migration Center*, 2018.

⁸ “[Sexual and gender based violence \(SGBV\) prevention and response](#),” *UNHCR*, Updated 2021.

EXECUTIVE SUMMARY

Encountering patterns of violations and systematic abuses, migrants and refugees in Libya have been subjected to, among others: unlawful killings and executions; arbitrary detention, abductions and disappearances; torture and other forms of ill-treatment; sexual and gender-based violence, predominately targeting women and children; violations of economic, social and cultural rights to include inadequate access to, or utter lack of, shelter, health care, education, food security, clean water, sanitation and hygiene; little to no legal recourse, in part based on a lack of documentation; as well as endemic racial inequity and other forms of discrimination.⁹ Through an analysis of the contemporary operating environment, this paper seeks to outline time-sensitive issues and special considerations that must be addressed by the United States' foreign policy-making apparatus in relation to the international actors and transnational criminal organizations exacerbating the refugee and migrant crisis in Libya.

BACKGROUND: SITUATION BREAKDOWN

Following the overthrow of Gaddafi's 40-year dictatorial regime in 2011, Libya has suffered from perpetual political uncertainty, insecurity and a cycle of violence as various actors vie for legitimacy, power, and control of the dwindling national resources, exacerbated by external powers and nonstate actors. Military action between forces loyal to the internationally recognized Government of National Unity (GNU) and the Libyan National Army/Libyan Arab Armed Forces (LNA/LAAF) under the command authority of Field Marshal Khalifa Haftar has continued to erode the prospects of a peace process, governance, and stability in Libya. Libya's descent into chaos—characterized as the collapse of law and order, hindered provision of public services, hampered governmental institutions, and corrupt, politicized justice system—has led to rampant human rights abuses and violent unrest from competition among militias fighting to secure power. While Libya was once a destination for those seeking work opportunities prior to the revolution, it has now become a transit point for those seeking Europe to flee

⁹ UN Human Rights Council, Report 2015, (2015).

persecution, conflict and violence in their home countries, including those who have lived in Libya for decades.¹⁰ The void left behind by the Gaddafi regime and a lack of alternative income-earning activities amid weak state infrastructure have encouraged militias to benefit from the illicit markets of human trafficking and smuggling as a form of income. This has resulted in the economic exploitation, forced labor and indentured servitude, abduction, and kidnapping, forced recruitment and prostitution, especially of women and children, and sex trafficking of migrants and refugees transiting through Libya onwards to Europe.¹¹ As a result, the human smuggling industry has profited from new refugee crises and waves of mass displacement as migrants and refugees are exploited as a commodity.¹²

Migrants and refugees are indefinitely detained in abominable and cruel conditions that violate international norms and laws. Before leaving office in early 2021, Libyan Prime Minister Fayez al Sarraj remarked that there could be an influx of another 800,000 migrants from Libya into Europe if this humanitarian crisis is not properly addressed. Furthermore, the COVID-19 pandemic stalled refugee resettlement departures and evacuations conducted by UNHCR and IOM, effectively leaving refugees and migrants trapped within closed borders of a hostile state, the only way out being the Mediterranean.¹³ Their choices are limited: arbitrarily held with no means of challenging the legality of their indefinite detention¹⁴; ransom payments; forced expulsion and deportation; “voluntary” returns; risk being shot while fleeing; or wait until their holding facility is bombed by armed forces.

Without an asylum process, a formal administrative procedure, or an official recognition of the UNHCR mandate relating to refugee status determination, refugees and migrants face an indefinite detention system, and remain trapped in a cruel cycle of abuse.¹⁵

¹⁰ UNHCR Canada, “[Libya in Turmoil - Crisis in Libya: Dying for a Chance to Live](#),” UNHCR Canada, 5 September 2021; Joint UNSMIL-OHCHR, “[Desperate and Dangerous](#),” 20 December 2018.

¹¹ Henrietta Fore, “[Libya: Tens of thousands of children at risk amidst violence and chaos of unrelenting conflict](#),” UNICEF, 17 January 2020; Laurence, Lee, “[Italy refugee crisis: Gangs running child prostitution rings](#),” Aljazeera, 1 June 2017; Office to Monitor and Combat Trafficking in Persons, “[2021 Trafficking in Persons Report](#),” U.S. Department of State, June 2021; Joint UNSMIL-OHCHR, “[Desperate and Dangerous](#),” 20 December 2018.

¹² Micallef, M., “[The Human Conveyor Belt: trends in human trafficking and smuggling in post-revolution Libya](#),” *Global Initiative Against Transnational Organized Crime*, 17 March 2017.

¹³ Global Detention Project, “[Immigration Detention in Libya: ‘A Human Rights Crisis’](#)” (August 2018).

¹⁴ Amnesty International Report 2013. [The State of the World's Human Rights](#)” (May 2013).

¹⁵ Amnesty International, “[Libya's Dark Web of Collusion: Abuses Against Europe-Bound Refugees and Migrants](#),” (11 December 2017).

LIBYA: NEXUS OF HUMAN SMUGGLING AND TRAFFICKING

Known for its vast oil wealth, Libya has been a destination for workers from primarily sub-Saharan and North-African migrants.¹⁶ According to the International Organization for Migration's (IOM) Displacement Tracking Matrix (DTM), 43 nationalities across 100 municipalities in Libya make up the migrant and refugee population. Over two-thirds of migrants and refugees residing in Libya are from neighboring countries, with 21 percent from Niger, 18 percent from Egypt, 16 percent from Sudan, and 14 percent from Chad.¹⁷ Overall, the majority of migrants and refugees are from Sub-Saharan Africa at 56 percent, 35 percent from North Africa, with a minority being from the Middle East and Asia.¹⁸ This migration pattern evolved as perpetual instability and ceaseless conflict endangered the lives of economic migrants and refugees residing within its borders, transforming Libya from a destination country to a "major smuggling hub and the main departure point for migrants trying to get to Europe via the Central Mediterranean route", as well as a disembarkation hub for those intercepted at sea.¹⁹

As a transit country and gateway to Europe, Libya is ripe for smuggling networks and the illicit trade of human beings, reinforced by the corrupt practices and tacit collusion of Libyan authorities as well as the blind eye of international donors facilitating such inhumane processes.²⁰ Without a functioning, unified national security apparatus, militias are relied upon to provide security.²¹ This in turn has forced tribes and local officials to seek out alternative sources of income, supplementing their income through illicit profits made from the human smuggling enterprise.²² For instance, migrants and refugees embarking

¹⁶ Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, "Concluding Observations on the Initial Report of Libya," *United Nations*, 8 May 2019.

¹⁷ International Organization for Migration, "[IOM Libya Migrant Report: March-April](#)", UN IOM (2021).

¹⁸ *Ibid.*

¹⁹ International Organization for Migration, "[UN World Migration Report 2020](#)", UN IOM (2020).

²⁰ Human Rights Watch, "Libya: Whipped, Beaten, and Hung from Trees," (22 June 2014); Micallef, M., "[The Human Conveyor Belt](#)," (2017); United Nations Office of the High Commissioner for Human Rights, "UN Human Rights Chief: Suffering of Migrants in Libya Outrage to Conscience of Humanity," (14 November 2017).

²¹ Micallef, M., "[The Human Conveyor Belt: trends in human trafficking and smuggling in post-revolution Libya](#)," Global Initiative Against Transnational Organized Crime, (17 March 2017).

²² Emadeddin Badi, "[General Hifter's southern strategy and the repercussions of the Fezzan campaign](#)," *Middle East Institute*, 7 March 2019; Kuschminder, Katie, "[Once a Destination for Migrants, Post-Gaddafi Libya Has Gone from Transit Route to Containment](#)," *Migration Policy*, 6 August 2020.

on the arduous journey across the Sahara — predominantly those from sub-Saharan Africa — may enlist the services of nomadic tribes to lead them through the desert to Libya’s borders.²³

Those fleeing for survival are targeted by those who benefit from the commodification of the vulnerable within the illicit trade and proliferation of human smuggling embedded in the Libyan economy. The plight of refugees and migrants is marred by endemic kidnappings conducted by criminal gangs and human traffickers, or arbitrary detention by militias and Libyan authorities.²⁴ Migrants who arrive in Libya and are subsequently kidnapped—either by their smuggler, a criminal gang, armed militias, or traffickers—and auctioned off as a day laborer to be re-sold multiple times and/or ransomed before being released to authorities, whereby they are held at detention centers until repatriated to the origin country.²⁵ Migrants and refugees are often sold between criminal gangs and are forced to pay several ransoms before being released or taken to the coast to cross.²⁶ Armed groups and criminal organizations operating holding facilities and detention centers have used these locations as nodes along human trafficking routes where migrants and refugees are further exploited financially as well as abused physically and psychologically.²⁷ Whether held in makeshift prisons or Directorate for Combating Illegal Migration (DCIM)-controlled detention centers, they often face kidnap- or detain-for-ransom schemes as part of an extortion economy.²⁸ The burgeoning slave markets, cycle of extortion and discrimination against migrants and refugees represent a sinister facet of the Libyan migration management system.²⁹ With the addition of the COVID-19 pandemic, the closure of borders in conjunction with the dire socioeconomic conditions and restricted access to basic services have made migrants and refugees increasingly prone to seeking the services of human smugglers.³⁰

²³ Reitano, Tuesday, and Samantha McCormack, Mark Micallef and Mark Shaw, “[Responding to the Human Trafficking— Migrant Smuggling Nexus: with a focus on the situation in Libya](#),” *The Global Initiative Against Organized Transnational Crime*, July 2018.

²⁴ Joint UNSMIL-OHCHR, “[Desperate and Dangerous](#),” (2018).

²⁵ Katie Kuschminder, “[Once a Destination for Migrants, Post-Gaddafi Libya Has Gone from Transit Route to Containment](#),” *Migration Policy Institute*, 6 August 2020; Nima Elbagir, Raja Razek, Alex Platt and Bryony Jones, “[People for sale: Where lives are auctioned for \\$400](#),” *CNN* (November 15, 2017).

²⁶ UNSMIL and OHCHR, *Id.*

²⁷ UNSC Report, “[OCHA. Humanitarian Update. Attack on Tajura detention centre. 3 July 2019](#),” (2019).

²⁸ UNSMIL and OHCHR, *Id.*

²⁹ Global Detention Project, “Libya Immigration Detention Profile” (updated August 2018).

³⁰ *Id.* UNSC, “[Smuggling of migrants and trafficking in persons in the Mediterranean Sea off the coast of Libya](#),” (2020).

MIGRATION ROUTE: DESERT CROSSINGS TO SEA ROUTES TO DETENTION

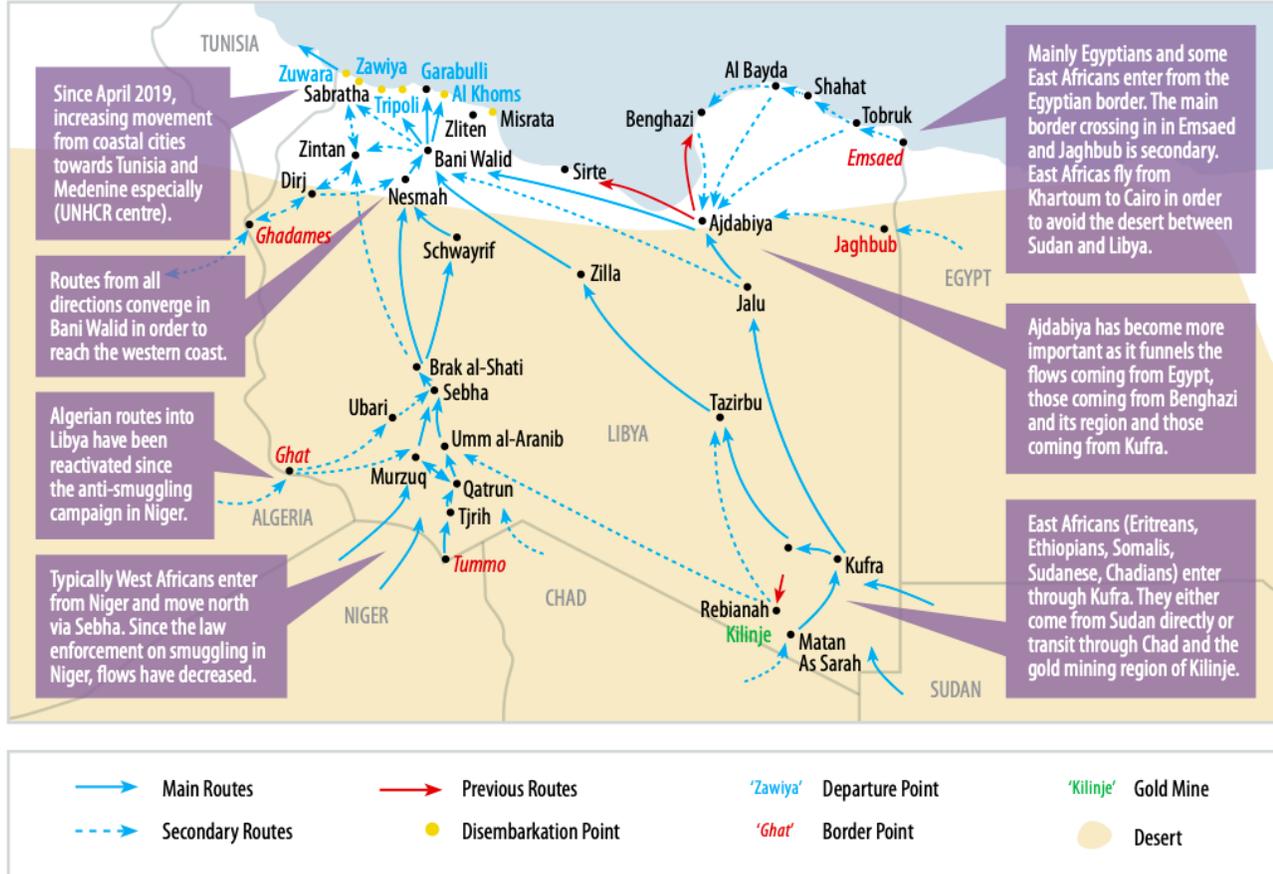
Since the onslaught of the Libyan civil war, whether with the intention of resettlement and integration or using Libya as a transit point, asylum-seekers and economic migrants from across the African continent and Arab world have made the trek to Libya.³¹ However, due to heightened security measures in Libya's neighboring states, Egypt and Tunisia, cross-border movements were severely limited, and as land routes became increasingly dangerous, refugees and asylum-seekers were left with only one viable option: the Central Mediterranean sea route.³² Closer cooperation between the EU and origin or transit countries, counter-smuggling efforts, and increased maritime security patrols off the Libyan coast have further complicated this journey.³³ Migrants and refugees are unwittingly subjecting themselves and their families to the countless and repeated, smuggling-trafficking risks associated with this journey where they will oftentimes encounter most if not all of the following malign actors and nodes along their route: go-betweens, smugglers, traffickers, transporters, hawaladar, credit houses, warehouses, handover points, holding facilities, detention centers, departure points, disembarkation points, corrupt officials, economic exploitation, and sexual abusers.

³¹ Al Jazeera, "[Libya: The Migrant Trap](#)," (8 May 2014).

³² UNHCR, "[UNHCR Position on Returns to Libya](#)," (12 November 2014).

³³ *Id.* IOM, "[UN World Migration Report 2020](#)," (2020).

By Land



Source: Malakooti, Arezo and Chiara Fall, "[Migration Trends Across the Mediterranean Piecing Together the Shifting Dynamics](#)," *Global Initiative Against Transnational Organized Crime*, February 2020.

Given its geographic location, vast coastline and relatively weak border management, Libya offers ample Europe-bound departure points for the migrants and refugees transiting its Southern, Eastern and Western borders. While migrants and refugees have been known to make their way to Libya from the Northeast through Egypt or the Southwest from Mali³⁴, the above map identifies the four main mixed migration routes into Libya used by refugees and migrants on their journey to Europe: (1) East African migrants from the east via Sudan; (2) West African migrants from the south via Niger; (3) Central African migrants from the south via Chad; and (4) West African migrants from the west via

³⁴ Malakooti, Arezo and Chiara Fall, "[Migration Trends Across the Mediterranean Piecing Together the Shifting Dynamics](#)," *Global Initiative Against Transnational Organized Crime*, February 2020; Micallef, M., "[The Human Conveyor Belt: trends in human trafficking and smuggling in post-revolution Libya](#)," *Global Initiative Against Transnational Organized Crime*, 17 March 2017.

Algeria.³⁵ Unfortunately, sub-Saharan migrants and refugees traveling from the South through Chad, Sudan and Niger are at an increased risk of being sexually exploited in brothels, particularly in the towns of Ubari, Sebha, and Murzuq in southern Libya.³⁶ According to the IOM and the U.S. Department of State, Nigerian women are among the most trafficked population in the world³⁷ and approximately 80 percent of girls and women arriving in Europe from Nigeria were likely victims of sex trafficking and sexual violence.³⁸

Reaching a seaside border town and boarding a vessel does not ensure safe passage to Europe; contrarily, if the vessel does not sink from overcrowding or insufficient fuel, migrants and refugees are increasingly intercepted by Libyan authorities,³⁹ as illustrated through the following quote:

“The journey continues with the perilous Mediterranean Sea crossings, increasingly ending in interception or rescue by the Libyan Coast Guard (LCG) and then transfer back to Libya where migrants face indefinite detention and frequent torture and other ill-treatment in centres unfit for human habitation.”⁴⁰

³⁵ Malakooti, A. et al, “[Migration Trends Across the Mediterranean Piecing Together the Shifting Dynamics](#),” *Global Initiative*, Feb. 2020.

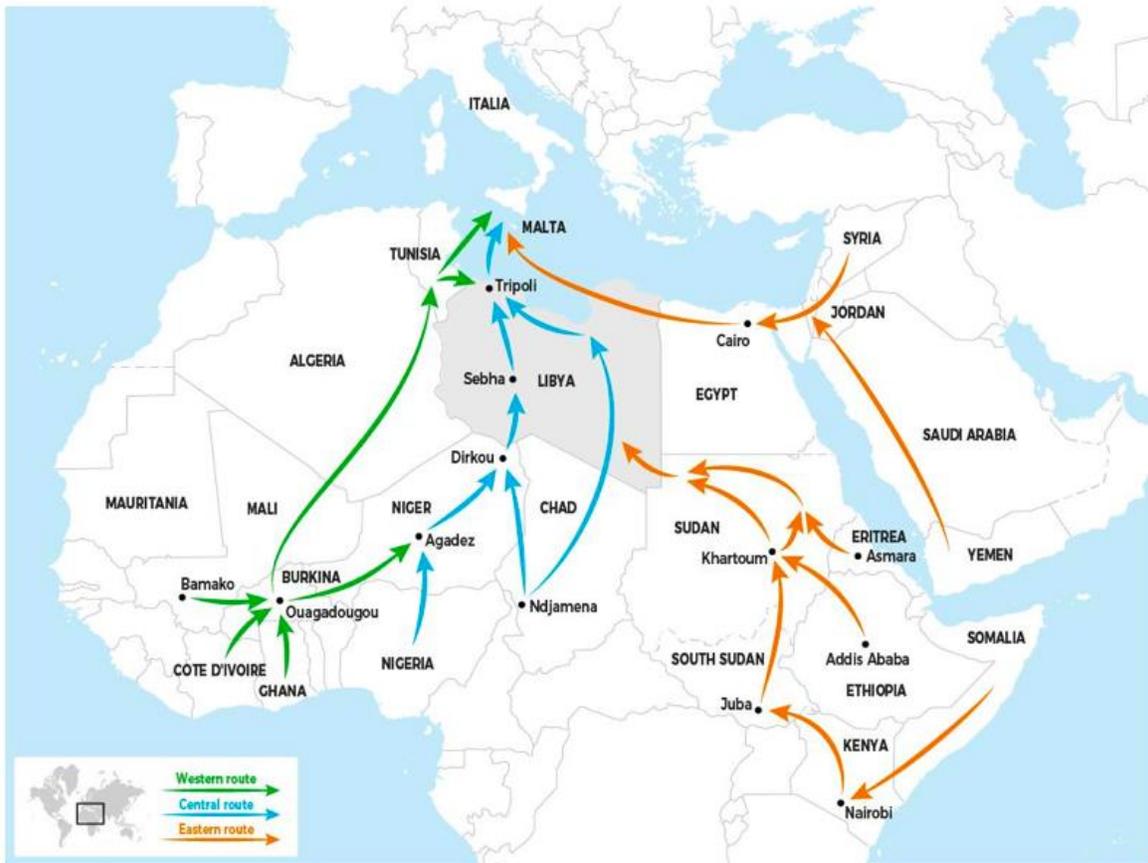
³⁶ Office to Monitor and Combat Trafficking in Persons, “[2020 Trafficking in Persons Report: Libya](#),” U.S. Department of State, (2021).

³⁷ Human Rights Watch, “[‘You Pray for Death’ Trafficking of Women and Girls in Nigeria](#),” (27 August 2019); Office to Monitor and Combat Trafficking in Persons, “[2020 Trafficking in Persons Report: Libya](#),” U.S. Department of State, (2021).

³⁸ Sara Creta. “[Abused in Libya and forced into prostitution back home: the nightmare of trying to reach Europe](#),” Euronews, (21 June 2020).

³⁹ Human Rights Watch, “[Libya: Whipped, Beaten, and Hung from Trees](#),” (22 June 2014).

⁴⁰ UNSMIL and OHCHR, *Id.*



Migration routes - a map showing the three main migration routes through different points in Africa, with all arriving in Libya where people attempt to cross the Mediterranean Sea.

Detention centers—where many migrants and refugees are placed following interception at sea or during disembarkment—are sites where the most abhorrent human rights violations are alleged to have occurred. Such centers have become an integral component of human trafficking and smuggling activities, facilitated by militia groups, and abetted by government officials. The precarious nature of these facilities place migrants and refugees at increased risk.

By Sea

The Central Mediterranean corridor⁴¹—a quasi-clandestine mixed migration route taken by irregular maritime migrants traveling from North African transit countries (mainly Libya and Tunisia)—

⁴¹ IOM, “UN World Migration Report 2020,” (2020).

accounts for 60% of arrivals to European countries. According to the Libya-focused human rights group and Libyan American Alliance partner Human Rights Solidarity: “Since 2014, the number of illegal migrants arriving at Europe’s southern shores, along the Central Mediterranean Route, has grown almost five folds. The influx of migrants since 2014 is due to the breakdown of security in Libya”. With aspirations of reaching Europe, migrants and refugees have utilized Libya’s ideal coastline and geographic location as a “springboard to Europe”, paying smugglers to facilitate the dangerous journey to Italy or Greece. Many die before reaching their final destination; others will be detained upon arrival and later deported to their countries of origin.⁴²

Smugglers—motivated by a constant demand of desperate people seeking passage—increasingly send multiple unseaworthy vessels at a time, stretching search-and-rescue operations and resources thin.⁴³ As a result, the Central Mediterranean “is the deadliest known migration route in the world” with over 17,000 deaths and disappearances recorded since 2014.⁴⁴ This outdated and conservative estimate does not represent 2021 statistics as migrants and refugees continue to make the trek across the Mediterranean; the number likely far exceeds this statistic.

INTERNATIONAL PRIORITY: STATE SECURITY OVER HUMAN BEINGS

The European response to waves of migrants and refugees crossing the Mediterranean Sea en route to mainland Europe has vacillated between a security-centric approach of border control and surveillance, implemented to restrict the influx of irregular migrants and refugees, to a reactionary humanitarian response following backlash after international media outlets released imagery of mass shipwrecks and civilian fatalities. Just as Gaddafi employed security-centered rhetoric to defend his harsh treatment of immigrants, the EU has utilized the protection of national security against ‘illegal migration’ to justify its exclusionary and restrictive policies against migrants and refugees. Moreover,

⁴² Al Jazeera, “[Libya: The Migrant Trap](#),” (8 May 2014).

⁴³ Missing Migrants Project, “[Central Mediterranean Route: Migrant Fatalities \(January 2014 - July 2017\)](#)”, IOM (2017).

⁴⁴ Black, J., “Maritime Migration to Europe: Focus on the Overseas Route to the Canary Islands”, IOM (Geneva, 2021); Missing Migrants Project, “[Central Mediterranean Route: Migrant Fatalities \(January 2014 - July 2017\)](#)”, IOM (2017).

whether willfully, with malign intent, or indifference, the lack of distinction between migrants and refugees, the unofficial operating status of the United Nations High Commissioner for Refugees (UNHCR) in Libya, and the politicization of the so-called “European migrant crisis” have ensured that no legal protections be afforded to these populations and no options for legal redress or appeals to forced expulsions, imposing undue harm and increased vulnerability.

EU member states, eager to reduce the number of arrivals to their southern borders, are complicit in assisting the humanitarian violations committed by the LCG and DCIM, evinced by the following quote: “While governments paid lip service to their commitment to human rights, they continued to use national security and concerns about public security to justify violating those rights.”⁴⁵ Specifically, following the *Hirsi Jamaa and Others v. Italy* (2012) European Court ruling⁴⁶ that found Italy had violated the internationally recognized norm of *nonrefoulement*⁴⁷—the customary international law principle to not “return refugees to places where they would be persecuted or to expose anyone to a real risk of torture, or cruel, inhuman or degrading treatment”—Italy found a loophole: by transferring responsibility to, and funding the capacity-building measures of, Libyan authorities, Italy prevented migration flows by means of “pushback” policies and outsourced border control. Furthermore, under international law—including international human rights law, international refugee law, and the law of the sea—Libya cannot be categorized as a safe point for the disembarkation of migrants and refugees given the high risk of violence, abuse and other hazardous acts imposed upon these vulnerable populations.⁴⁸

Drastic yet temporary policy changes occurred only in response to the widely publicized October 2013 Lampedusa capsizing⁴⁹ and the April 2015 tragedies.⁵⁰ In both instances, the pendulum shifted

⁴⁵ Amnesty International Report 2013. [The State of the World's Human Rights](#), (May 2013).

⁴⁶ Amnesty International, [“Italy: ‘Historic’ European Court judgment upholds migrants’ rights,”](#) (23 February 2012).

⁴⁷ Frelick, Bill, [“I Have No Idea Why They Sent Us Back: Jordanian Deportations and Expulsions of Syrian Refugees.”](#) *Human Rights Watch* (October 2, 2017).

⁴⁸ *Id.* UNSC, [“Smuggling of migrants and trafficking in persons in the Mediterranean Sea off the coast of Libya.”](#) (2020).

⁴⁹ Yardley, Jim and Elisabetta Povoledo, [“Migrants Die as Burning Boat Capsizes Off Italy,”](#) *New York Times* (3 October 2013); BBC, [“Italy boat sinking: Hundreds feared dead off Lampedusa,”](#) BBC (3 October 2013); Davies, Lizzie, [“Lampedusa boat tragedy is ‘slaughter of innocents’ says Italian president,”](#) *The Guardian* (3 October 2013).

⁵⁰ Yardley, Jim, [“Hundreds of Migrants Are Feared Dead as Ship Capsizes Off Libyan Coast,”](#) *New York Times* (19 April 2015); Bonomolo, Alessandra and Stephanie Kirchgassner, [“UN says 800 migrants dead in boat disaster as Italy launches rescue of two more vessels”](#) *The Guardian* (20 April 2015); Amnesty International, [“Europe’s response: ‘Face-saving not a life-saving operation!’”](#) (24 April 2015); Reuters Staff, [“Italy says up to 675 migrants died in April 2015 shipwreck,”](#) *Reuters* (14 July 2016); Micallef, M., [“The Human Conveyor Belt”](#) (2017).

from migration management and security in favor of search-and-rescue operations⁵¹, and back to preventative border patrol in Libya and origin countries⁵² after public pressure dissipated and public opinion fixated on xenophobic narratives and resentment to the influx of migrants and refugees.⁵³

CHALLENGES: CORRUPTION, COLLUSION & COMPLICIT ACTORS

Systemic abuse suffered at the hands of government officials, armed groups, smugglers, and traffickers has reinforced a pattern of impunity as Libyan authorities fail to address the rampant exploitation of refugees and migrants and provide redress to victims.⁵⁴

The Libyan Coast Guard and European Patronage

As previously noted, evidence exists of substantial human rights abuses committed by, and to the mutual financial benefit of Libyan officials, state-affiliated security forces, militia members and criminal gangs, reportedly cooperating and working in concomitance.⁵⁵

For example, an Amnesty International investigation identified collusion between the Libyan Coast Guard (LCG) and smuggling networks:

“It consists primarily in the LCG allowing boats to depart in exchange for a fee: the LCG may escort one or more boats leaving the coast; or they may let them pass, after intercepting them at sea, if marked with an agreed symbol indicating to the LCG that payment has been provided; or they may let them pass when those on board can confirm payment of the passage fee and the name of the smuggler who has arranged their journey.”⁵⁶

In addition, investigations have uncovered that huge sums of European funding for capacity-building have been diverted to intertwined networks of militiamen, traffickers, and coast guard members who exploit refugees and migrants. In some cases, U.N. officials were aware that militia networks were receiving these funds.⁵⁷

⁵¹ *Ibid.*

⁵² Tinti, P., “Nearly There, but Never Further Away”, in *Foreign Policy*, “[Europe Slams Its Gates: Imperling Africa - And Its Own Soul: A Foreign Policy Special Investigation](#)” (4 October 2017).

⁵³ *Ibid.*

⁵⁴ UNSMIL and OHCHR *Id.*

⁵⁵ *Id.* Amnesty International, “[Libya’s Dark Web of Collusion](#)” (2017).

⁵⁶ *Ibid.*

⁵⁷ Brito, Renata and Lori Hinnant and Maggie Michael, “[Making Misery Pay: Libya’s Militias Take EU Funds for Migrants](#),” *Associated Press News*, (31 December 2019).

Empowering the LCG through capacity-building⁵⁸—such as training, equipment, manpower by embedding advisors, and financial support—for increased “pullback” operations, has proven the inefficacy of restricting migration flows. For instance, based on recent data from the United Nations (UN) Security Council, the Central Mediterranean route represents 60 percent of refugee and migrant arrivals in Italy and Malta from Tunisia and Libya, and in one year, this route witnessed a 142 percent increase of recorded arrivals from those recorded in 2019.⁵⁹ Furthermore, major European investments in the LCG in addition to the Italian government’s June 2017 policy of preventing Nongovernmental organizations (NGOs) from operating rescue missions have resulted in an increase of interceptions at sea. Despite assertions to the contrary, European pushback policies have been ineffective, and at a great human cost. Therefore, European policy is culpable in the re-victimization and exposure of refugees and migrants to human rights violations, abuse, discrimination, and increased risk of mortality. To that end, the UN Human Rights Chief expressed the following:

“We cannot be a silent witness to modern day slavery, rape and other sexual violence, and unlawful killings in the name of managing migration and preventing desperate and traumatized people from reaching Europe’s shores.”⁶⁰

Due to the COVID-19 pandemic, the EU has reoriented its budget to further advance the Libyan Coast Guard. In April 2020, several EU foreign ministers held talks where they established an alleged budget breakdown of 100 million euros with 15 million allocated to the coast guard.⁶¹ The EU continues to discourage rescue activity from NGOs, military ships, and commercial vessels, putting migrants and refugees at increased risk.⁶² By continuing to incentivize transit countries to adopt strict migration management systems, and with no international pressure to build domestic capacity or ensure the protection and recognition of refugee and migrants rights in national legislation (See [Annex A](#)), the EU’s

⁵⁸ Human Rights Watch, “[Libya: Whipped, Beaten, and Hung from Trees](#),” (22 June 2014).

⁵⁹ *Id.* UNSC, “[Smuggling of migrants and trafficking in persons in the Mediterranean Sea off the coast of Libya](#),” (2020).

⁶⁰ United Nations Office of the High Commissioner for Human Rights, “[UN Human Rights Chief: Suffering of Migrants in Libya Outrage to Conscience of Humanity](#),” (14 November 2017).

⁶¹ Nielsen, Nikolaj, “[EU shores up Libyan coast guard amid Covid-19 scare](#),” EU Observer, (24 April 2020).

⁶² Human Rights Watch, “[EU/Italy/Libya: Disputes Over Rescues Put Lives at Risk](#),” (25 July 2018).

containment strategy and migration-control policies are facilitating abuses committed by the LCG and the DCIM.

DCIM Facilities and the Perpetuation of Violence

Libya's criminalization of irregular entry and the lack of asylum processing have institutionalized total impunity for perpetrators of systematic human rights abuses at DCIM detention centers and holding facilities. With the disintegration of public services and institutions, migrants and refugees are unable to possess residence permits or documentation, placing them at risk of arrest and detention at any given time. Many migrants and refugees are detained in facilities following arrests on smuggler camps, homes, and indiscriminate stops on the street.⁶³ Outside of official detention centers, migrants and refugees are also held in covert prisons and warehouse facilities.⁶⁴

It is estimated that 3,000 to 5,000 migrants and refugees are held arbitrarily in "official" detention centers nominally under the authority of the Libyan Government of National Accord's (GNA) Ministry of Interior and the DCIM; thousands more are held captive in unofficial detention facilities operated by militia groups.⁶⁵

The Role of Militias in the Circular Economy

The socioeconomic reality and persistent instability of Libya have led a myriad of armed militia groups to battle for influence and power and seek out alternative income-earning activities, such as the practices of trafficking and smuggling humans. The emerging circular economy in Libya has perpetuated a system of violence and corrosive political influence targeting citizens and migrants alike, either for extortion for protection or the smuggling and detention of migrants.

Militias have become critical interlocutors in transnational illicit human trafficking and smuggling operations, oftentimes removing the need for a middleman. Warehouses and covert prisons have been

⁶³ Judith Sunderland and Hanan Salah, "[No Escape From Hell: EU Policies Contribute to Abuse of Migrants in Libya](#)," *Human Rights Watch*, (January 2019).

⁶⁴ Medecins Sans Frontieres, "[Libya: Trading in Suffering: Detention, Exploitation and Abuse](#)," (26 December 2019).

⁶⁵ Global Detention Project, "[Libya Immigration Detention Profile](#)," (updated August 2018).

seized and utilized as detention centers by militias that engage in trafficking and smuggling activities.⁶⁶ The International Organization for Migration has estimated that since early 2020, over 3,000 migrants and refugees have been apprehended and placed in unofficial detention centers or have remained missing.⁶⁷

The GNA-aligned militias

In Northwest Libya, four armed groups affiliated with the GNA make up the security apparatus in the region: The Tripoli Revolutionaries Brigade, Al-Nawasi Brigade, Special Deterrence Forces, and Abu Salim Central Security Unit.⁶⁸ In the wake of the revolution, these groups capitalized on the collapse of the formal licit market in Libya, and soon began trading in the illicit, with migrants and refugees being the main commodity. However, attracted to the allure of foreign currency in the wake of the “European migrant crisis”, militias shifted roles and strategy, transforming from smugglers to counter-migration forces.⁶⁹ Through the establishment of detention centers, the militias embezzled funds earmarked for detention center improvements, extorted money from migrants, organized safe transport for transnational smugglers, and exploited migrants for forced labor.⁷⁰ The Special Deterrence Forces in charge of the Mitiga Detention Centre flouted the negligible legislation protecting migrants and refugees and confined detainees for two years with little outside contact and without judicial processes.⁷¹ An additional GNA-backed militia, the Al-Duman Brigade, ran the Tajoura Detention Center located in Tripoli, where interviewed migrants described being involved in fighting rings in exchange for special privileges or release from detention.⁷²

⁶⁶ Medecins Sans Frontieres, “[Libya: Trading in Suffering: Detention, Exploitation and Abuse](#),” (26 December 2019).

⁶⁷ Eaton, Tim, Abdul Rahman Alageli, Emadeddin Badi, Mohamed Eljarh and Valerie Stocker, “[The Development of Libyan Armed Groups Since 2014 Community Dynamics and Economic Interests](#),” Chatham House, March 2020; Global Detention Project, “[Libya Immigration Detention Profile](#),” (updated August 2018).

⁶⁸ Eaton, et al, “[The Development of Libyan Armed Groups Since 2014 Community Dynamics and Economic Interests](#),” Chatham House, March 2020; Global Detention Project, “[Libya Immigration Detention Profile](#),” updated August 2018; Lacher, Wolfram, “[Who is Fighting Whom in Tripoli? How the 2019 Civil War is Transforming Libya’s Military Landscape](#),” *Small Arms Survey*, (August 2019).

⁶⁹ Perroux, Jean-Louis Romanet, “[Human Trafficking, Smuggling and Governance in Libya: Implications for Stability and Programming](#),” USAID, (May 2020).

⁷⁰ *Ibid.*

⁷¹ Malakooti, Arezo, “[The Political Economy of Migrant Detention in Libya: Understanding the players and the business models](#),” *European Union and Global Initiative Against Transnational Organized Crime*, (April 2019).

⁷² Perroux, Jean-Louis Romanet, “[Human Trafficking, Smuggling and Governance in Libya: Implications for Stability and Programming](#),” USAID, (May 2020).

The LNA/LAAF Militias

Similar to groups in the west, militias aligned with the LNA/LAAF have expanded their reach and influence in communities where they run detention centers.⁷³ Yet, rather than relying on European financing, the LNA/LAAF has invested in commercial infrastructure by starting a scrap metal program in order to fund the LNA/LAAF, and militia's migrant-related activities.⁷⁴ Located in the southwestern region of Libya, the Subul Al-salan Brigade grew to prominence in Kufra, the smuggling-hub lying at the crossroads for migrants transiting from eastern Africa.⁷⁵

The Dehumanization Strategy: Blaming Migrants and Refugees

Along with the weaponization of migrants and refugees, Field Marshal Haftar and LNA/LAAF cronies have repeatedly framed the Libyan refugee crisis as “illegal migration”, a national security threat to the Libyan people and the state, rather than a humanitarian crisis. For example, the Director of the LNA/LAAF-aligned Al-Kufra detention center⁷⁶ is quoted describing the various migration routes in Al-Kufra as “a serious threat to the national security of Libya and the security of its neighboring States and Europe.”⁷⁷ Similarly, the LNA/LAAF's Subul al-Salam Battalion emphasized the need for “protecting the perimeter of the city of Kufrah” and “preventing the theft of the Libyan people's resources...” Through fear-mongering rhetoric, the plight of migrants and refugees is erased, and a threatening image is thereby constructed.

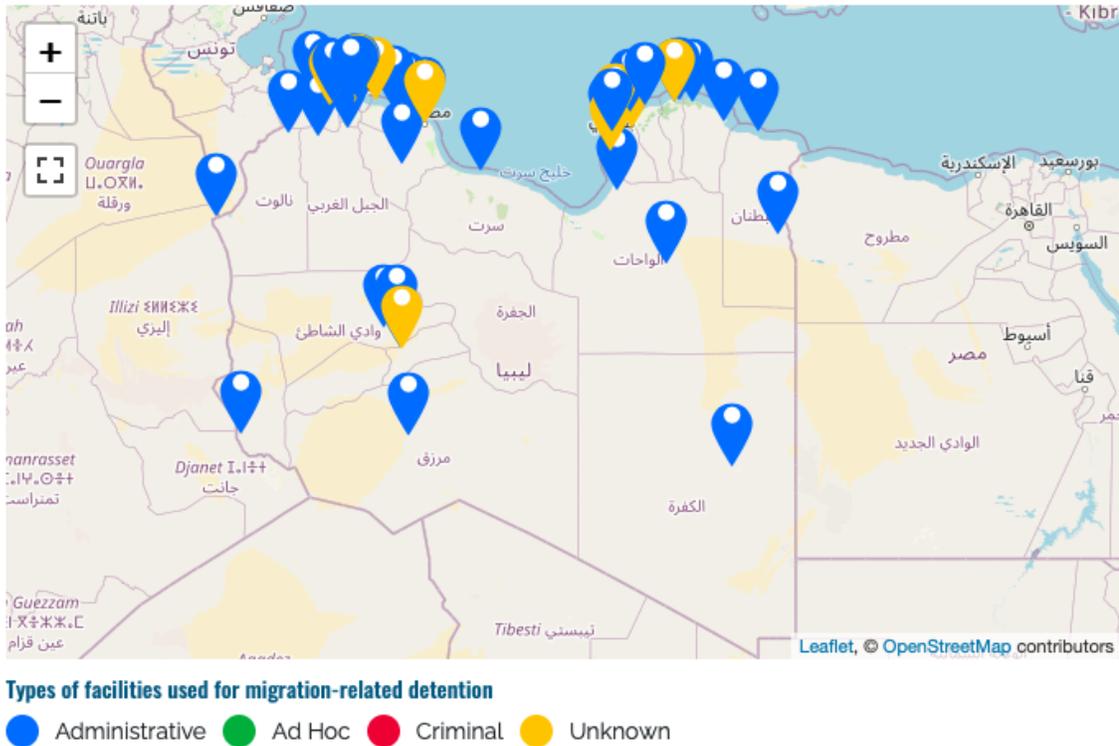
⁷³ Malakooti, “[The Political Economy of Migrant Detention in Libya: Understanding the players and the business models](#),” *European Union and Global Initiative Against Transnational Organized Crime*, (April 2019).

⁷⁴ Eaton, Tim, Abdul Rahman Alageli, Emadeddin Badi, Mohamed Eljarh and Valerie Stocker, “[The Development of Libyan Armed Groups Since 2014: Community Dynamics and Economic Interests](#),” *Chatham House*, (March 2020).

⁷⁵ Perroux, Jean-Louis Romanet, “[Human Trafficking, Smuggling and Governance in Libya: Implications for Stability and Programming](#),” *USAID*, (May 2020).

⁷⁶ Malakooti, Arezo, “[The Political Economy of Migrant Detention in Libya: Understanding the players and the business models](#),” *European Union and Global Initiative Against Transnational Organized Crime*, (April 2019).

⁷⁷Excerpt from a Human Rights Solidarity memorandum. Contact to request a copy.



Overview of Libyan detention centers (seen on Global Detention Project, "[Libya Immigration Detention Profile](#)")

WORSENING TO WORSE: CONDITIONS AT DCIM FACILITIES

The above-mentioned sections enumerate the sheer magnitude of migrants and refugees held in either “official” DCIM facilities or “informal” holding sites run by militias. International NGOs and civil society bodies are unable to access either types of facilities, inhibiting their ability to provide aid or investigate conditions.⁷⁸

⁷⁸ Cuttitta, Paolo, "[Libya's Figures About Detained Migrants and Detention Centres: Reasons for Recent Fluctuations](#)," *Border Criminologies*, University of Oxford, (3 March 2021).



Refugees and migrants at a detention centre in Zawiyah. Photograph: Taha Jawashi/AFP via Getty
Source: <https://www.theguardian.com/world/2020/mar/12/revealed-the-great-european-refugee-scandal>

Inhabitable Conditions

Along with ambiguous authority over detention centers, facilities seized by militia groups to facilitate illicit or transnational criminal activity expose migrants and refugees to unspeakable suffering and exploitation. Across Libya, men, women, and children as young as newborns are held in unsanitary detention centers which lack ventilation and light, and provide minimal to no access to critical necessities.⁷⁹ Facilities are severely overcrowded, and in some cases, detainees are forced to take turns sleeping.⁸⁰ Migrants and refugees also receive inadequate quantities of food with many being malnourished. While facing food cuts at times, detainees are given one to two small meals per day consisting of small portions of bread and cheese or a dish of pasta to share between several people.⁸¹ A Human Rights Watch investigation uncovered that due to the government's late payments to food contractors, detention center catering companies were spending 1,5 Libyan dinars (US \$1) per detainee rather than the allocated 10 LYD, omitting fresh produce and protein from detainee meals.⁸²

⁷⁹ Judith Sunderland and Hanan Salah, "[No Escape From Hell: EU Policies Contribute to Abuse of Migrants in Libya](#)," *Human Rights Watch*, (January 2019).

⁸⁰ Medecins Sans Frontieres, "[Libya: Recurring violence against migrants and refugees forces MSF to suspend activities in Tripoli detention centers](#)," (22 June 2021).

⁸¹ *Ibid.*

⁸² Judith Sunderland and Hanan Salah, "[No Escape From Hell: EU Policies Contribute to Abuse of Migrants in Libya](#)," *Human Rights Watch*, (January 2019).

Withheld Medical Treatment

Access to basic, prenatal, or reproductive health services, obtention of emergency care and adequate staffing of healthcare professionals has proved near absent in detention centers. For detainees who attempt suicide while held in detention centers, the staffing shortage of medical personnel translates into an unavailability of immediate medical attention or adequate life-saving emergency response mechanisms.⁸³ Thus, migrants and refugees are reliant upon NGOs, such as Médecins Sans Frontières (MSF), not only to provide essential health services, but also to observe and report on conditions in detention centers.⁸⁴ However, detention center authorities have often barred NGOs from entering and monitoring detainee health, hindering the ability of doctors to treat the wounded.⁸⁵ The government's failure to provide adequate medical care has facilitated the spread of diseases and has led to countless, preventable deaths.

Sustained Psychological Trauma and Physical Torture

Adults and children are indiscriminately subjected to several forms of abuse. Systematic torture and abuse are widespread, especially during early detention and interrogations, and detainees are often placed in solitary confinement for extended periods of time in standing room-only cells. Summarily detained, conditions at detention centers are dire and migrants and refugees are commonly subjected to "...sustained beatings with hoses, rifle butts, electric cables, water pipes or belts, often while suspended in contorted positions... tortured with electric shocks, burned with cigarettes or heated metal, scalded with boiling water, threatened with murder or rape and subjected to mock execution."⁸⁶ MSF has received information that migrants and refugees have been fired upon by automatic weapons and has treated migrants and refugees for guard-inflicted injuries such as cuts, fractures, and blunt force trauma.⁸⁷ One

⁸³ *Ibid.*

⁸⁴ Médecins Sans Frontières, "Libya: The Arbitrary and Inhumane Detention of Migrants, Refugees and Asylum Seekers," (December 2017).

⁸⁵ "[Aid group halts work in migrant detention centers in Libya](#)," *Associated Press*, 22 June 2021.

⁸⁶ Amnesty International, "Amnesty International Report 2013. [The State of the World's Human Rights](#)," (May 2013)

⁸⁷ "[Aid group halts work in migrant detention centers in Libya](#)," *Associated Press*, (22 June 2021).

migrant detained in a DCIM facility in al-Gwia' told UNSMIL staff: "Sometimes we are beaten for no reason, we don't know whether it's the effect of alcohol, drugs or they just do it for fun..."⁸⁸

Sexual and Gender-Based Violence

Sexual and gender-based violence (SGBV) is widespread in DCIM facilities with women being disproportionately affected. In contravention of international laws and norms, detained women are held in facilities with no female guards, placing them at increased risk of SGBV.⁸⁹ Rape and sexual violence in detention centers has been widely documented by NGOs and UN bodies,⁹⁰ with reports of women being impregnated by guards and forced to give birth during detention.⁹¹ Female migrants and refugees have reported understanding the SGBV risks associated with being smuggled across Libya, acknowledging that some had even been counseled to take a three-month contraception injection prior to entering Libya.⁹² In June of 2021, the *Associated Press* published an article that several underage migrant and refugee girls had come forward accusing DCIM guards of sexual assault.⁹³

Forced Labor and Indentured Servitude

Taken from detention centers by private employers and DCIM officials, many migrants and refugees are forced to work—often unpaid—as day laborers, domestic servants, construction workers, road paving, farmhands, and waste collectors.⁹⁴ Militias have utilized forced labor to “provide ancillary services to armed groups, such as offloading and transporting weapons, cooking food, cleaning, and clearing unexploded ordnance (UXO).”⁹⁵ Organized trafficking networks have confiscated migrant identity and travel documents, have withheld wages, used debt slavery, physical and sexual abuse, and

⁸⁸ Joint UNSMIL-OHCHR, “[Detained and Dehumanised: Report on Human Rights Abuses Against Migrants in Libya.](#)” *United Nations*, (13 December 2016).

⁸⁹ Judith Sunderland and Hanan Salah, “[No Escape From Hell: EU Policies Contribute to Abuse of Migrants in Libya.](#)” *Human Rights Watch*, (January 2019).

⁹⁰ Amnesty International, “[No one will look for you: Forcibly returned from sea to abusive detention in Libya.](#)” (2021).

⁹¹ Aljazeera, “[Minors accuse guards at Libya detention centre of sexual assault.](#)” 20 June 2021.

⁹² Joint UNSMIL-OHCHR, “[Detained and Dehumanised: Report on Human Rights Abuses Against Migrants in Libya.](#)” *United Nations*, (13 December 2016).

⁹³ Aljazeera, “[Minors accuse guards at Libya detention centre of sexual assault.](#)” (20 June 2021).

⁹⁴ Office to Monitor and Combat Trafficking in Persons, “[2020 Trafficking in Persons Report: Libya.](#)” U.S. Department of State, (2021).

⁹⁵ *Id.*

used other tactics as a means of coercing migrants to work.⁹⁶ The minority of migrants actually compensated for their labor attempt to save enough money in order to buy their own freedom.⁹⁷

Migrants and Refugees: Targets of War

Ongoing hostilities and indiscriminate shelling in residential neighborhoods have endangered civilians, and detention centers where refugees and migrants are held have been directly targeted, such as the Tajoura Detention Center airstrikes that occurred in July 2019 where 53 migrants and refugees were killed, and 87 injured.⁹⁸ Even before the intensification of conflict and renewed violence in Libya, conditions in detention centers were abysmal; however, they “have worsened further as a result of the fighting and the related breakdown in public services and scarcity of food, medicine and other basic items.”⁹⁹ Areas affected by fighting have limited safe movements and civilian evacuations, effectively trapping all individuals, no matter their circumstance, within Libya’s borders.

POLICY RECOMMENDATIONS

To mitigate the suffering and fatalities of migrants and refugees, it is imperative that the international community collectively refrain from facilitating the abuse or violations of universal human rights as well as pressure the Libyan government and the European Union to ensure their safety. The United States’ government should:

Short Term:

Support Libyan authorities in developing, implementing, and practicing a timely and transparent registration and reviewal process of detainee cases — of refugees and migrants intercepted at sea or arrested on land — facilitated by UN bodies, like the UNHCR or IOM. Those waiting to be processed are placed in detention centers for prolonged periods of time and are often indefinitely detained in these facilities. Those claiming asylum must be processed within 24 hours to protect them from abuses within detention centers.

Pressure Libyan authorities to allow access to independent human rights agencies and/or intergovernmental investigators to DCIM facilities to investigate, monitor and report on conditions. It

⁹⁶ *Id*; See also Sherlock, Ruth and Lama Al-Arian, “[Migrants Captured in Libya Say They End Up Sold As Slaves](#),” NPR, (21 March 2018).

⁹⁷ Sherlock and Al-Arian, “[Migrants Captured in Libya Say They End Up Sold As Slaves](#),” NPR, 21 March 2018;

Joint UNSMIL-OHCHR, “[Detained and Dehumanised: Report on Human Rights Abuses Against Migrants in Libya](#),” *United Nations*, (13 December 2016).

⁹⁸ Joint UNSMIL-OHCHR Report, “[The airstrikes on the Daman building complex, including the Tajoura Detention Centre, 2 July 2019](#),” (2020).

⁹⁹ UNHCR, “[UNHCR Position on Returns to Libya](#),” (12 November 2014).

is paramount that Libyan authorities abet and facilitate access to all DCIM facilities in Libya to allow for the continuous monitoring of conditions and investigation of human rights abuses by independent human rights bodies.

Call on Libyan authorities to immediately shut down all detention centers and commit to a transparent, thorough investigation of the location of unofficial detention centers. Detention centers have become an integral component of human trafficking and smuggling activities that militia groups and officials are facilitating and therefore must be immediately closed to put an end to human rights violations committed against migrants and refugees. This also includes an extensive investigation and identification of unofficial detention facilities that place migrants and refugees at even further risk due to their precarious status.

Long Term:

Support local NGOs whose mandates include monitoring and reporting efforts. The full scope of the migrant and refugee crisis in Libya is unknown and this is often due to financial and logistical constraints. Such NGOs include: Première Urgence Internationale, Danish Refugee Council, International Rescue Committee, Mercy Corps or Terre des Hommes, GVC Italia, InterSOS, CESVI, CEFA, and so on.

Support and facilitate a partnership between the Libyan government, local NGOs, and civil society bodies to build a national fact-based discourse campaign around perceptions of migrants and refugees. A collaborative multi sectoral campaign project can be supported to address public perceptions of migrants and refugees in Libya. Characterizations of migrants and refugees lead to challenges such as the inability to secure housing or employment. A critical part of this campaign should include the education of employers of labor standards and human rights.

Support the launch of a multisectoral, transnational and government-led, nationwide information campaigns targeting potential migrant and refugee populations in origin countries. It is vital to raise awareness of the risks and potential outcomes associated with the journey to Libya, the conditions faced by migrants and refugees in detention centres and outside, the dangers of trusting smugglers, the smuggling-trafficking nexus, departing from Libya along the Central Mediterranean route, and countless other risks associated with such a decision.

Place pressure on the EU to: (1) Immediately halt funding for capacity-building measures and provision of logistical support to both DCIM and the Libyan Coast Guard while re-evaluating the terms and intended outcomes of these agreements; and (2) Shift funding from DCIM detention centers and the Libyan Coast Guard to programs and initiatives that support migrants and refugees through consultation and collaboration with local NGOs, and organizations working with potential migrant and refugee populations. Funding of DCIM centres and the Libyan Coast Guard contributes to the abuse and exploitations faced by migrants and refugees.

Increase support for legislation such as the Libya Stabilization act to support leadership that upholds democracy and human rights in Libya. Advancing legislation that brings Libya toward democracy and the preservation of human rights offers a better chance at state reform that is necessary to sufficiently protect refugees and migrants.

Impose sanctions on those complicit in human trafficking and smuggling activities. Global human trafficking and smuggling networks exist within Libya but also globally. Several individuals have been

identified as being in collusion with these complex networks, including the following individuals categorized by key smuggling and trafficking hubs in Libya according to a 2020 USAID report¹⁰⁰:

- **Al-Khoms:**
 - Ali Bu Sittin, the criminal connection between the LCG, al-Khoms port security and the al-Khoms detention center officials;
 - Amir Bin Amir, also referred to as Karwana, who is the leader of the Karawana militia in charge of the smuggling operations out of al-Khoms port;
 - Mohamed Burifat, the head of the Investigation and Arrest Unit of DCIM in al-Khoms, who is allegedly also involved in the al-Khoms criminal enterprise;
- **Zawiya:** considered the central hub of migrant smuggling operations on the northern Libyan coastline
 - Mohammed Kachlaf, leader of the Shuhada al Nasr brigade. Al-Nasr brigade controls the Zawiya Refinery and the DCIM detention centers in Zawiya, including the DCIM “controlled” Nasr Detention Center. Kachlaf is one of the individuals who has been sanctioned by the [UN](#) (listed on 7 June 2018) and whose designation included “Commander of the Shuhada al-Nasr brigade” and “Head of the Petrol Refinery Guard of Zawiya’s refinery”;
 - Ali Busriba, professor at Zawiya University, member of the House of Representatives, and alleged leader of the powerful, mafia-like Awlad Buhmeira tribe which runs a network of illicit activities and enterprises out of Zawiya, including the migrant detention centers, Zawiya Refinery and oil complex, and Zawiya University. Ali Busriba has extensive links to the head of the local unit of the coast guard operating out of Zawiya--al-Rahman al-Milad--who is discussed below. Additionally, the USAID report alleges that Busriba has close ties to the UN-sanctioned Mohammed Kachlaf, leader of the al Nasr brigade;
 - Al-Rahman al-Milad is the former Commander of the local Zawiya-based Coast Guard whose unit intercepts boats of migrants operated by rival migrant smuggling networks. Al-Milad is among the [UN Security Council’s sanctioned individuals list](#), listed on 7 June 2018, and according to the US State Department, al-Milad “was sanctioned by the UN for perpetrating violence against migrants and the GNA subsequently suspended him from his duties as the LCG commander. Credible sources reported, however, that he continued to work on LCG missions in Zawiya port in 2019 and the GNA did not report investigating the official further”¹⁰¹; and
 - Osama Al-Kuni Ibrahim, manager of the Al-Nasr Detention Center, who has been listed by the UNSC for sanctions just yesterday on October 25, 2021.¹⁰²

ANNEX

Annex A - Libyan National Legislation and Institutions

NATIONAL LEGISLATION & INSTITUTIONS	DESCRIPTION OF RELEVANCE
Interim Constitution (2011)	Article 10 - right to asylum & protection of political refugees from forceful return;

¹⁰⁰ Jean-Louis Romanet Perroux, “[Human Trafficking, Smuggling and Governance in Libya: Implications for Stability and Programming](#)”, United States Agency for International Development (USAID), (May 2020).

¹⁰¹ Office to Monitor and Combat Trafficking in Persons, “[2020 Trafficking in Persons Report: Libya](#),” U.S. Department of State, (2021).

¹⁰² “[Security Council 1970 Committee Adds One Entry to Its Sanctions List](#),” *United Nations Security Council*, (25 October 2021).

	“prohibits the extradition of “political refugees” and guarantees the right of asylum” ¹⁰³
Law No. 6 (1987) - Organizing the Exit, Entry and Residence of Foreign Nationals in Libya	Criminalizes irregular entry, stay, and exit from the country: ¹⁰⁴ <ul style="list-style-type: none"> • Article 17 - stipulates that anyone who has entered Libya without a valid visa, or whose legal residency has expired, will be subject to deportation • Article 18 - allows for those who are subject to deportation procedures to be detained until the deportation takes place
Great Green Charter of Human Rights (1988)	Provides a series of general rights and freedoms such as those expounded in the international conventions, such as political, civil, economic and cultural rights
Act No. 20 (1991)	Articles dedicated to setting forth the guiding principles of international human rights and freedoms
Law No. 2 (2004)	Amended Law No. 6; tightened visa requirements, penalizes all forms of smuggling
The Judicial System Act of 2006	Provides series of legal principles, provisions and rules that are in conformity with internationally accepted standards for fair trials
National Commission of Human Rights (2008)	Operates in accordance with the Paris Principles; promote human rights and law enforcement with adequate transparency
Law No. 19 (2010) - Combating Illegal Migration	Defines “illegal” migration and criminalizes the transport, facilitation, or harboring of irregular migrants <ul style="list-style-type: none"> • Article 10 - “stipulates that migrants should be treated ‘in a humane manner, keeping their dignity and rights, without assault on their money or assets’”
Law No. 5 (2011) - National Council for Civil Liberties and Human Rights	“An independent institution whose mandate is to promote the protection of civil liberties and human rights, entrench the values, promote awareness of, contribute to ensuring the practice of and monitor and deter violations of civil liberties and human rights and encourage and support civil society organizations protecting these values.” ¹⁰⁵
Dept. for Combating Illegal Migration (DCIM) (2012)	Formalized in 2014 (Decree no. 386); est. an agency to combat illegal migration, organize the deportation of irregular migrants, manage detention centers
Law No. 10 (2013)	Criminalization of torture, enforced disappearances, forced abductions, discrimination

¹⁰³ National Council for Civil Liberties and Human Rights, “Universal Periodic Review Submission”, State of Libya, (2015).

¹⁰⁴ Global Detention Project’s Libya [report](#), (April/May 2020).

¹⁰⁵ [National Council for Civil Liberties and Human Rights](#), “Universal Periodic Review Submission State of Libya,” (2015).