For Immediate Release

European Union/Libya: Act Now to Save Lives
Release, Evacuate Detained Refugees and Migrants

(Brussels, July 12, 2019) – European Union foreign ministers gathering in Brussels on July 15, 2019, should issue a clear call to Libyan authorities to close their migrant detention centers, Human Rights Watch, Amnesty International, and the European Council on Refugees and Exiles (ECRE) said today. The EU ministers should make a commitment on behalf of EU states to facilitate the evacuation of detainees to safe places, including outside of Libya and to EU member states.

"Expressions of outrage over dire conditions and dangers to detainees amid fighting in Tripoli ring hollow without urgent life-saving measures to get people out of harm's way," said Judith Sunderland, associate Europe and Central Asia director at Human Rights Watch. "EU governments should offer concrete support to Libyan authorities to close all migrant detention centers and take immediate action to help evacuate those most vulnerable and at risk."

Libyan authorities have shown an openness to release people from official detention centers, in the wake of a deadly attack on the Tajoura detention center earlier in July. The outgoing EU high representative for foreign affairs, Federica Mogherini, said on July 10 that, *"Libya's current system of detaining migrants has to end."* Citing "ghastly conditions" in detention centers, on June 7, the United Nations high commissioner for human rights appealed to Libyan authorities and the international community to ensure that all migrants and asylum seekers detained in centers in Tripoli are "immediately released."

However, EU governments have never conditioned their support to Libyan authorities on closing the detention centers and releasing the thousands of people unlawfully detained. They have insisted instead that EU-funded humanitarian assistance would lead to improved living conditions in the detention centers, despite lack of evidence that it does. And they have continued to aid the Libyan Coast Guard to return people intercepted at sea to indefinite detention in Libya. In a new statement on July 11, the International Organization for Migration (IOM) and the UN High Commissioner for Refugees (UNHCR), called for all funding to be conditional on closure of the centers, with a range of proposals to allow immediate release of detainees.

Already appalling conditions in migrant detention centers under the nominal control of the UN-recognized Government of National Accord (GNA), based in Tripoli, have deteriorated since forces under General Khalifa Hiftar began their assault on Tripoli in early April. An airstrike on the Tajoura detention center, located inside a military compound southeast of Tripoli, on the night of July 2, killed 53 people and wounded at least 130. Two detainees of the same facility had been injured in a previous attack on May 7, when an airstrike hit just 100 meters from the center. On July 9, UNHCR announced that Libyan authorities had allowed survivors at Tajoura to leave the center, though it appears that they were not granted adequate assistance upon release, nor an opportunity to leave the country to reach safety elsewhere if they so wished. In late April, armed men had attacked detainees in the Qasr Ben Geshir detention center, about 24 kilometers south of Tripoli. Responsibility for both attacks remains unclear and should be established through credible and independent investigations.

In other centers in and around Tripoli, the fighting has interrupted food and water supplies

and worsened sanitary conditions, as well as limited access to detainees by humanitarian organizations and UN agencies providing vital care. As of the beginning of July, UNHCR has transferred 1,630 people out of detention centers on the front lines to its Gathering and Departure facility, also in Tripoli, but also to other Libyan detention centers in areas deemed safer. UNHCR estimates that 3,800 people are detained in migrant detention centers near conflict areas, while the total detainee population is estimated at 5,800 as of June 21. Under Libyan law, any undocumented migrant, asylum seeker, or refugee may be detained without an opportunity to challenge the lawfulness of the detention, making the detention arbitrary.

All people arbitrarily detained in GNA facilities should be released from detention and those centers closed, Human Rights Watch, Amnesty International and ECRE said. Given the risks facing foreigners in Libya, the GNA should work with international agencies and the EU to provide immediate humanitarian assistance to released detainees and establish humanitarian corridors to safety.

EU member states should ensure that those evacuated from detention centers are offered safe routes and regular pathways out of Libya, including by increasing resettlement pledges and expediting processes to allow UNHCR to ramp up evacuations to its transit center in Niger or directly to EU member states. Since the beginning of April, UNHCR has been able to evacuate only 289 people to Niger and 295 to Italy—the only EU country that has agreed so far to take asylum seekers directly from Libya. Non-EU countries should also support evacuation efforts and pledge resettlement.

"The horrific attack on the Tajoura detention center last week has once more showed the mortal danger that women, men and children locked up in Libya are exposed to," said Matteo de Bellis, researcher on migration and asylum at Amnesty International. "Rather than keeping their eyes closed in the face of the inhuman conditions, torture, rape and other abuse refugees and migrants face in Libya's detention centers, EU governments should urgently set up safe routes out of Libya for them, and ensure that people rescued in the central Mediterranean are not returned to Libya."

Outsourcing of migration controls to Libyan authorities by EU institutions and member states, and the EU's collective abdication of responsibility for rescue at sea have contributed to the dire situation, Human Rights Watch, Amnesty International, and ECRE said. According to IOM, by July 6, the EU-supported Libyan Coast Guard had intercepted and taken back to Libya 3,750 people since the beginning of the year. In that same period, 4,068 people had reached Italy and Malta, while 426 people died in the central Mediterranean.

With an estimated total of 667 dead across the Mediterranean in the first six months of 2019, UNHCR calculates that one out of every six persons died in the attempt to reach Europe, compared with one in 18 in the same period last year.

Despite broad international consensus that Libya cannot be considered a safe place for returns, many EU governments and institutions have supported a policy of enabling Libyan authorities to assert control over a vast search-and-rescue area, pulling European forces out of the central Mediterranean and engaging in or tacitly supporting efforts to obstruct or criminalize nongovernmental rescue organizations that have sought to take responsibility for rescue in the absence of an effective state response.

This policy puts any shipmasters rescuing people in the Mediterranean in an untenable situation, as they are directly or indirectly encouraged by European governments to disembark people in Libya even though that clearly constitutes a breach of international law.

Negotiations among EU member states to address this issue through an agreement to share responsibility for disembarking and relocating people rescued at sea have floundered, leading to ad hoc agreements to resolve stand-offs with nongovernmental rescue ships, and even coastguard and merchant vessels, amid Italy's increasingly harsh "closed ports" policy.

In March, Human Rights Watch and Amnesty International published a Plan of Action for a fair and predictable rescue system in the Mediterranean. The plan, which draws on recommendations by the European Council of Exiles and Refugees (ECRE), proposes a temporary system to ensure that people rescued at sea are promptly disembarked in keeping with international law as well as an equitable system of shared responsibilities through relocation.

"With international and EU agencies, cities and civil society ready to provide operational support, an agreement among European states is urgently needed, and feasible," said Catherine Woollard, Secretary General of ECRE. "The European Commission and the Finnish EU Presidency should focus on facilitating the agreement—not on peddling false solutions involving North African countries. The IOM, UNHCR, African Union and the shipping industry can all use their leverage to get European states on board. Taking the steps outlined would contribute to saving lives and improving the situation in Libya."

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