



Reference: B1945

Donald Tusk
President
European Council

7 May 2019

Dear President Tusk,

RE: EU LEADERS IN SIBIU SHOULD URGENTLY PRESS FOR RELEASE AND EVACUATION TO SAFETY FOR REFUGEES AND MIGRANTS IN LIBYA

We are writing to you to draw your attention to the dangers that the recent escalation of the armed conflict in Tripoli poses for refugees and migrants arbitrarily detained in Libya and to urge you to take swift action to ensure that they are given access to safety.

Heads of EU states and governments gathering in Sibiu on 9 May will be aware that, according to UN figures, the escalation of violence in and around Tripoli has caused the displacement of some 50,000 people since 4 April. It has also endangered the lives of thousands of refugees and migrants arbitrarily held in detention centres, particularly those detained in and around Tripoli. Amnesty International and Human Rights Watch have raised concerns that, since the start of the violence, migrants and refugees may have been forced to participate in military-related activities (such as cleaning and stockpiling weapons), forcibly held in proximity to stored weapons and munitions, have experienced severe shortages of food and drinking water and were the targets of at least one horrific attack that should be investigated as a possible war crime.¹ On 23 April armed men entered the Qasr Ben Ghashir detention centre, south of Tripoli, and shot at migrants and refugees being held there, according to witnesses after they refused to stop their prayer celebrating Easter. According to the UN Refugee Agency (UNHCR), at least 12 people were hospitalized as a result of their injuries.

As per the latest estimates by IOM and UNHCR, more than 3,300 refugees and migrants are currently trapped in detention centres in the vicinity of hostilities, which exposes them to the risk of indiscriminate fire or even targeting by parties to the conflict. Since the beginning of April, UNHCR has been able to move approximately 500 migrants and refugees to its Gathering and Departure Facility in Tripoli and evacuated some 163 refugees to Niger via its existing program and 146 refugees directly to Italy. According to UNHCR, since the evacuation to Italy, the Libyan Coast Guard has intercepted at least 257 individuals at sea and transferred them to indefinite detention without judicial review. There they face the serious risk of abuse, including torture and other ill-treatment, sexual violence and extortion.

Amnesty International and Human Rights Watch are also concerned about the diversion of Libyan SAR assets for military purposes. On 19 April, a pro-Government of National Accord Facebook account shared [images](#) of heavily armed men in tactical gear on an Italian-built Bigliana class patrol vessel, announcing that the Libyan Coast Guard was intensifying its presence in the Mediterranean Sea in view of a possible

¹ Amnesty International, Libya: [Horrific attack targeting refugees and migrants at detention centre must be investigated as a war crime](#); 24 April 2019; Human Rights Watch, Libya: [Detained Migrants at Risk in Tripoli Clashes](#), 25 April 2019.

Libyan National Army advance by sea. At least four vessels of this type were delivered to Libya by Italian authorities in 2017. Although the deck-mounted machine guns were removed when Italy handed over the boats to Libyan authorities, the published images show a mounted 12.7mm DShK heavy machine gun on what appears to be one of the vessels delivered by Italy, suggesting the diversion for military use and re-weaponizing of a vessel originally intended for civilian law enforcement purposes.

Whilst efforts are underway to ensure an immediate ceasefire and the resumption of political talks among Libya's rival parties, the European Union and its member states have failed to take the urgent steps needed to evacuate and protect the lives of refugees and migrants, and end the cycle of abuse and violence to which they are subject in Libya. Instead, Member States have been providing technical and material support, including vessels, to Libya, despite the lack of progress towards ending arbitrary detention and torture of people intercepted and taken back to Libya by the Libyan Coast Guard. Efforts by UNHCR and IOM to provide needed assistance, and even the opening of a Gathering and Departure Facility in Tripoli in December, have not resulted in systemic changes to the underlying level of abuses and violence. Both UNHCR and IOM have repeatedly reiterated that Libya is not safe, and that arbitrary detention must end.

Amnesty International and Human Rights Watch call on the EU and its Member States swiftly to:

- Act to secure the immediate release of all refugees and migrants held in arbitrary detention and facilitate their evacuation to safer areas, including to Europe;
- Make saving lives at sea a top priority by ensuring adequate search and rescue capacity in the Mediterranean Sea, and allowing the unhindered resumption of rescue efforts by NGOs;
- Agree on a temporary system for disembarkation in the EU of rescued persons and their relocation, in compliance with EU asylum standards;²
- Refrain from transferring military or other equipment, such as boats, to the Libyan authorities, which might facilitate the commission of human rights violations, trap people in unlawful detention where they are subjected to human rights abuses or be diverted to military purposes;
- Link continuing cooperation with the Libyan authorities to concrete and verifiable steps towards: the end of the system of automatic and indefinite detention; the creation of an asylum system in Libya; the establishment of independent, impartial, and transparent monitoring of human rights violations in Libya, including violations against refugees and migrants, with the aim to ensure accountability for state and non-state actors.³

Your sincerely,



Eve Geddie

Head of European Institutions Office
and Advocacy Director
Amnesty International



Lotte Leicht

Director, EU Advocacy
Human Rights Watch

² See recommendations made by the European Council for Refugees and Exiles (ECRE): [ECRE's Proposal for a predictable and fair relocation arrangement following disembarkation](#), January 2019.

³ See Amnesty International and Human Rights Watch, [Plan of Action: Twenty Steps for a Fair and Predictable Rescue System in the Mediterranean Sea](#), 6 March 2019