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Libya: Foreign nationals face abuse and exploitation

Undocumented foreign nationals in Libya are at risk of exploitation, arbitrary and indefinite detention, as well as beatings, sometimes amounting to torture, Amnesty International said in a new briefing today.

The briefing [“We are foreigners, we have no rights”](#) is based on fact-finding visits to Libya between May and September 2012, and examines the plight of refugees, asylum seekers and migrants in Libya.

During Colonel Mu’ammarr al-Gaddafi’s 42-year rule, foreign nationals –particularly those from Sub-Saharan Africa–lived with the uncertainty of shifting policies and fear of arbitrary arrest, indefinite detention, torture and other abuses.

Following the 2011 conflict, their situation has worsened amid the general climate of lawlessness, with powerful armed militias continuing to act outside the law, and the failure of the authorities to tackle racism and xenophobia, further fuelled by the widespread belief amongst Libyans that “African mercenaries” had been used by the ousted government to crush the 2011 uprising.

“It is shameful that Gaddafi-era abuses against foreigners, especially those from Sub-Saharan Africa, have not only continued but worsened. The Libyan authorities must acknowledge the extent of the abuse by militias and put in place measures to protect all foreign nationals from violence and abuse, regardless of their origin or immigration status,” said Hassiba Hadj Sahraoui, Deputy Middle East and North Africa Director at Amnesty International.

“Amnesty International has repeatedly and consistently warned the Libyan authorities of the threat posed by the militias in Libya. We again urge them to rein in these militias, and hold them accountable. The authorities must also take concrete measures to tackle racism and xenophobia head-on, especially considering how heavily Libya relies on migrant labour.”

Migrants, asylum-seekers and refugees in Libya are at risk of being arrested and detained in the streets, markets, checkpoints or their homes. Some are intercepted while trying to board boats to Europe or crossing the desert or sea.

Some foreign nationals are arrested by the Libyan police, but most are apprehended by armed militiamen. Militia members carrying out such arrests are sometimes violent, confiscating mobile phones, money and other valuables.

Foreign nationals are also vulnerable to financial extortion, exploitation and forced labour both inside and outside detention. Their fate is very dependent on luck and the goodwill of the Libyans they come across.

A range of detention facilities are used to hold foreign nationals – including official “holding” centres for irregular migrants, as well as makeshift detention centres like military camps or hangars.

Between May and September 2012, Amnesty International visited nine detention centres across Libya where, at the time of the visits some 2,700 foreign nationals, including pregnant women, women with young children, and unaccompanied children detained alongside adult strangers, were held for “migration-related offences”.

The detainees told Amnesty International that they had been subjected to torture and other ill-treatment, including beatings. Most frequently, detainees are beaten for prolonged periods with various objects such as metal wires, rubber hoses, sticks and water pipes. Many showed their scars or bruises corroborating their testimonies.

In September 2012, a group of Somalis failed in an attempt to escape from the Khoms detention centre. They told Amnesty International they were severely beaten by armed men in civilian clothing after being recaptured.

One of the Somalis, 19-year-old Mohamed Abdallah Mohamed described being kicked and dragged along the ground, punched in the eye and beaten with rifles and sticks. He sustained several injuries including to his left eye.

While there were fewer reports of severe beatings of women, some female detainees told Amnesty International that they were hit or slapped during their arrest. Others reported being subjected to torture or other ill-treatment in detention. Like men, they are punished for “disruptive behaviour”.

A Nigerian woman detained in Tweisha centre in Tripoli described being beaten and given electric shocks on 13 September. She continued: “The world needs to know what is happening to us [Sub-Saharan African nationals] in Libya. For Libyans, we are not even human. I did not do anything wrong. I just came here to work. Now I am locked up for months, and don’t know what will happen to me. There is nobody here to help me.”

Women are also vulnerable to sexual and gender-based violence in detention. None of the centres holding female detainees had female guards.

Despite the risks, foreign nationals from countries such as Chad, Ethiopia, Eritrea, Somalia and Sudan continue to enter Libya through its porous borders fleeing war or persecution or in search of better economic opportunities. Individuals entitled to international protection are caught-up in Libya’s mixed-migration flows.

The Libyan authorities and militias do not make a distinction between migrants, asylum seekers and refugees. Because of their irregular status, individuals in need of international protection are similarly at risk of arbitrary arrest, indefinite detention and torture or other ill-treatment. Asylum seekers and refugees in Libya remain in a state of legal limbo, as Libya lacks a functional asylum-system and refuses to sign a memorandum of understanding with the UN Refugee Agency, the UNHCR.

Libya is not a state party to the 1951 UN Convention relating to the Status of Refugees, and its 1967 Protocol.

For those held indefinitely for “migration offences” pending deportation, there is no possibility to challenge the legality of their detention and their forcible removal from the country. In some cases, those deported are required to pay their own travel expenses. Libyans officials told Amnesty International that some 4,000 foreign nationals have been deported between January and September 2012. Essential safeguards against refoulement are missing.

Despite well-documented abuses, the European Union (EU) has resumed dialogue with Libya on migration-related issues while Italy signed an agreement “to curtail the flow of migrants” with Libya in April 2012, seemingly oblivious to Libya’s human rights record.

