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Libya: Refugees, asylum-seekers and migrants held indefinitely in deplorable conditions

The Libyan authorities must act immediately to end the indefinite detention of refugees, asylum-seekers and migrants, including children, solely for immigration purposes, Amnesty International said in a new briefing published today, 20 June 2013, World Refugee Day.

The briefing, [Scapegoats of Fear: Rights of Refugees, Asylum-Seekers and Migrants Abused in Libya](#), highlights the unacceptable treatment of thousands of foreign nationals, many from sub-Saharan Africa, who are subjected to arbitrary arrests and held for long periods in deplorable conditions at immigration detention facilities described by the Libyan authorities as “holding centres”, with no immediate prospect of release or redress in sight.

Amnesty International visited seven “holding centres” in April and May this year and found evidence of ill-treatment, in some cases amounting to torture. Many detainees were also denied medical care and some were slated for deportation on medical grounds.

“The torture and ill-treatment we uncovered at ‘holding centres’ is unacceptable and is a stain on the record of post-Gaddafi Libya. Abuse of Sub-Saharan foreign nationals was a hallmark of al-Gaddafi’s rule and risks becoming a permanent feature of the country if the Libyan authorities don’t immediately reverse their policies,” said Hassiba Hadj Sahraoui, Deputy Programme Director of Middle East and North Africa.

Amnesty International documented several cases where detainees, including women, reported being subjected to brutal beatings with water pipes and electric cables. In at least two detention centres, the organization received testimonies from detainees being shot with live bullets during riots. One man who was shot in the foot was then tied to a bed and hit in the lower back with a rifle butt, leaving him unable to walk or stand up four months later.

Yet, the European Union (EU), this year’s Nobel Peace Prize recipient, and its member states have been assisting the Libyan authorities in tightening border security and developing “an integrated border management strategy” in order to curb “illegal migration” to Europe at the expense of human rights. Amnesty International has repeatedly urged the EU to fully respect the rights of refugees, asylum-seekers and migrants and to ensure that its drive to prevent people from reaching the EU does not contribute to or perpetuate human rights violations.

“EU funding should be used to promote and protect human rights in Libya, especially while the country is still recovering from a recent armed conflict and confronted with a legacy of abuse,” Hassiba Hadj Sahraoui said.

“It is deeply troubling that EU funds appear have been used to support detention centres where thousands of foreign nationals are unlawfully held. Asylum-seekers and refugees who are entitled to international protection and should only be detained because of their status in the most exceptional circumstances are among those routinely detained and abused in detention.”

Libya’s immigration detention practices not only violate the country’s international obligations under refugee and human rights law and standards, but they are also at odds with EU human rights obligations as well as EU standards concerning the detention and return of third country nationals.

“Libya’s Constitutional Declaration, adopted in 2011, declares that the “state shall guarantee the right of asylum by virtue of the law”. It is urgent the authorities translate this principle into real action and adopt legislation establishing a national asylum system”.

Amnesty International urges the EU, and member states, not to enter into further agreements on migration control with Libya until the government demonstrates that it respects and protects the human rights of refugees, asylum-seekers and migrants, and puts in place a satisfactory system for assessing and recognising claims for international protection

Migrants in Libya are often perceived to be a threat to national security. Since May 2012, the Libyan authorities have deported 25,000 persons, who allegedly entered Libya “irregularly”. Thousands were held in detention for months before their deportation, without access to a lawyer or the ability to challenge their forcible removal and/or detention.

“The Libyan authorities must amend their legislation by setting a maximum detention period pending deportation for migrants,” Hassiba Hadj Sahraoui said.

The organization also found evidence that the Libyan authorities have resumed deporting foreign nationals diagnosed with infections such as hepatitis or HIV after compulsory medical tests were reintroduced earlier this year.

“No individual should be deported on the grounds of their medical condition,” Hassiba Hadj Sahraoui said. “Reintroducing compulsory testing for foreign nationals and deportation on the ground of their health status amounts to scapegoating them and only proves how inadequate Libya’s public health policies are”.

At the time of Amnesty International’s visits a total of 5,000 refugees, asylum-seekers and migrants were held in 17 “holding centres” under the Ministry of Interior, in addition to an unknown number of detainees held by militias. The organization’s delegates also met a small number of unaccompanied children, sometimes as young as 10, who had been detained in at least three “holding centres” for months.

Many of the “holding centres” visited had extremely poor hygiene standards exposing those held there to the risk of disease, including chest infections and chronic diarrhoea.

At the “holding centre” in Sabha, where some 1,300 were being held last May, detainees were held in filthy, overcrowded rooms. The prison also lacked a functioning sewage system - and piles of garbage filled the corridors. Around 80 detainees – who complained of itchiness on their hands and genitals, suggesting a scabies infection – were held in a courtyard in the sun as treatment, but became dehydrated due to extended exposure to sun.

“Denying detainees proper medical care is simply inexcusable,” Hassiba Hadj Sahraoui said.

“Libya’s government must show the world it is serious about protecting the rights of all individuals in Libya, whatever their status and nationality.”

