

THE TORTURE FACTORY

Report on Human Rights Violations Against Migrants and Refugees in Libya (2014-2020)

March **2020**

Conclusions



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Issaa, a 14-year-old migrant from Niger, rests his hand on a gate inside one of the detention centres, Libya 2017

Conclusions

For the purpose of our investigation, it is possible to analyse the period from 2014 to today from two points of view: 1) the migratory flows reaching Italy from the Libyan coasts; 2) the system of abuse and exploitation that occurs in Libya against migrants and refugees. It is then useful to divide this whole period into two phases; the three years preceding the Italy-Libya deal on migrants (February 2014- January 2017) and the three years following the same agreement (February 2017-January 2020).

With regard to the first point, a drastic drop in migratory flows arriving in Italy, in 90% of cases departing from Libya, through the central Mediterranean route is evident. Indeed, in the three-year period 2014-2017 about 504,000 people disembarked while in the following three years only 153,000 landed on Italian shores, that means a reduction of about 70%. As for the gross human rights violations inside and outside the places of detention, it is not possible to obtain exact figures. It is difficult to establish the total number of migrants and refugees who were held in official detention centres during the first and second period and it is impossible to obtain the same data for the many unofficial detention places.

Although it is not possible to get reliable numerical data, over three thousand direct testimonies collected by MEDU over six years (2014-2020) describe the consistency and continuity between the two periods. The stories of the survivors describe in great detail (places, times, events, perpetrators) a country that has turned serious violence and abuse against migrants and refugees into one of its main sources of income; a country where crimes against humanity are committed systematically and on a large scale like few other in the contemporary era¹; a country that has become a place of death and torture for hundreds of thousands of men, women and children. Furthermore, the picture that emerges from the testimonies of this report is also confirmed by numerous reports of international agencies and human rights organizations and by rigorous journalistic investigations.

According to data collected by MEDU, in the period from 2014 to 2020, 85% of migrants and refugees who arrived from Libya suffered torture, violence and inhuman and degrading treatment in that country. Two thirds were detained, nearly half were kidnapped or in situations that put their lives at risk. Nine out of ten people said they saw someone die, be killed or tortured. A large number of witnesses reported they were subjected to forced labour or slavery for months or years. We believe that these data, concerning the sample of over three thousand people assisted by MEDU, represent a faithful picture of what happened, and what happens, to the majority of migrants and refugees who have passed through Libya in recent years, or who are there in this moment.

Among the migrants and refugees assisted by the teams of the medical-psychological rehabilitation projects for the victims of torture carried out by MEDU in Italy, 80% still had phys-

¹ According to article 7 of the Statute of the International Criminal Court, crimes against humanity are defined as, among others, the following acts, repeatedly noted in the testimonies provided by migrants: enslavement, imprisonment or other serious forms of deprivation of personal liberty in violation of fundamental rules of international law, torture, rape, sexual slavery, forced prostitution, forced pregnancy and other forms of sexual violence of similar gravity, other inhuman acts of a similar nature intended to intentionally cause great suffering or serious damage to physical integrity or to physical or mental health.

ical signs of the violence suffered on the migration route, particularly in Libya. Although the population of migrants and refugees demonstrates a remarkable, if not exceptional, capacity for resilience, the psychological and psycho-pathological consequences of intentional violence often occur in more insidious ways than physical sequelae. Many times, severe depression and post-traumatic stress disorders receive less attention than physical diseases as they are ignored or not promptly diagnosed, resulting in very negative consequences on the overall health and integration path of migrants and refugees.

It is also necessary to analyse the results achieved by the Italy-Libya agreement recently renewed for a further three years. If on the one hand the objective of curbing the migration flow from Libya to Italy and Europe has been temporarily and partially achieved, partly also thanks to this agreement, on the other hand the objective of improving respect for human rights and the living conditions of migrants and refugees in Libya has totally failed. In other words, it happened what MEDU and most of the human rights organizations feared when the Memorandum of understanding between Italy and the government of Al Sarraj was signed. It was in fact evident that the references to concrete acts to improve the conditions of human rights of migrants and refugees were so generic as to risk remaining a dead letter to the facts.

The presence in Libya of the United Nations agencies, IOM and UNHCR, made possible also by the agreement, represents a relevant aspect worthy of a specific analysis. Operators from both agencies have access to the main detention centres formally controlled by the Al-Sarraj government. From 2017 to today, their presence in the country has allowed UNHCR to evacuate over 4,000 people to Safe Third Countries and IOM to repatriate 48,000 migrants. These are not insignificant numbers but they are clearly below the actual needs if we consider that the currently registered asylum seekers and refugees (February 2020) are 48 thousand. On the other hand, it is evident from the testimonies of this report, as by the two agencies admission ^{2 3}, that the operational possibilities within the centres are extremely small as well as the possibility to offer effective protection to migrants and refugees on Libyan territory.

Thus, although the presence in Libya of United Nations agencies is certainly a positive development, there is a risk that their very presence can be exploited and used as a sort of “fig leaf” to maintain the *status quo* characterized by the systematic atrocities committed against migrants and refugees. In this regard, the words of the Syrian asylum seeker detained in Zawia mentioned in this report are illuminating: “You ask me if NGOs and human rights organizations could help us, but I can only tell you that whoever is in those circumstances, to get help and protection should turn to other stronger and more armed militias. Contacting humanitarian organizations would only get you in trouble.”

² OIM, Urgent Shift Needed in Approach to the Situation in Libya, November 2019 <https://www.iom.int/news/iom-urgent-shift-needed-approach-situation-libya>

³ OIM, February 2020 <https://www.iom.int/news/iom-calls-international-community-urgent-action-find-alternatives-disembarkation-libya>

It is quite probable, that the Memorandum amendments proposed recently by Italy, if they were to be accepted by the Al-Sarraj government, will not substantially change the framework characterized by ferocious exploitation and “unspeakable horrors”⁴ against migrants and refugees. The proposed changes concerning the protection of human rights remain too general and are not made mandatory by a verifiable implementation calendar. Italy will continue to support the activities of the Libyan Coast Guard, thus considering Libya a safe country where migrants and refugees can be returned. On the contrary, numerous testimonies of people returned by the Coast Guard to Libyan prisons, even in those where IOM and UNHCR staffs are present, show that migrants are exposed to severe torture and abuse and are even sold to traffickers and criminal organizations.

Even the language used in the Memorandum contrasts dramatically with the reality of the facts. In some passages, for example, the terrible Libyan detention centres are still defined as “reception centres.” All these aspects further increase the responsibility of the Italian government since, while on the occasion of the first signature of the agreement, it was still possible to believe that the situation regarding human rights abuses would improve, today, in the light of three years of implementation, its renewal without radical changes represents in fact an act of connivance with the atrocities that continue to be perpetuated.

With this as background, MEDU calls on the Italian government to suspend and fully review the Italy-Libya agreement. MEDU also appeals to the European Union and to the international community to act for the immediate closure of all official detention centres and for the urgent evacuation, under the auspices of the United Nations, of detained migrants and refugees to safe countries. MEDU also appeals to Italy, to the European Union and to the international community to take all possible initiatives to free the tens of thousands of migrants and refugees still kidnapped in informal detention sites. As MEDU has already had the opportunity to affirm in the conclusions of the previous report on the human rights violations of migrants and refugees in Libya (2017), the international community has the historical responsibility for not having tangibly reacted to a phenomenon of these proportions and today it is called, albeit in a very serious delay, to respond with the utmost energy and urgency.

⁴ On 21 March 2019, during an update at the UN headquarters in Geneva, the Deputy Secretary General for Human Rights, Andrew Gilmour, renewed the concern: “Migrants are subjected to unimaginable horrors from the moment they enter Libya”.
<https://www.avvenire.it/attualita/pagine/libia-onu-accusa-autorita-di-orrori-indicibili-sui-migranti>



The Torture Factory is based on over three thousand direct testimonies of migrants and refugees who have passed through Libya. The stories were collected by the operators of Medici per i Diritti Umani – MEDU (Doctors for Human Rights Italy) over six years (2014-2020). The stories of the survivors describe with dramatic precision the places, the perpetrators and the methods of violence that are systematically committed in Libyan territory, inside and outside the detention and kidnapping centres. The testimonies of this report recall also the serious responsibilities of Italy, the European Union and the entire international community. Indeed, they represent a harsh accusation on the tragedy that is taking place on the migratory routes that lead to Europe through Libya.