



Commissioner Cecilia Malmström
European Commissioner for
Home Affairs
European Commission

**AMNESTY
INTERNATIONAL**

European Institutions Office

Our Ref: B1463

Brussels, 20 June 2013

Dear Ms Malmström,

AMNESTY INTERNATIONAL BRIEFING: RIGHTS OF REFUGEES, ASYLUM-SEEKERS AND MIGRANTS ABUSED IN LIBYA

On World Refugee Day, we should like to draw your attention to our latest briefing *Scapegoats of Fear, Rights of Refugees, Asylum-Seekers and Migrant Abused in Libya*, launched today. Based on research conducted in the country in April-May this year, the briefing highlights the abuses suffered by refugees, asylum-seekers and migrants there. It illustrates the unacceptable treatment of thousands of foreign nationals, including children, who are held for long periods in appalling conditions at immigration detention facilities pending deportation, with no immediate prospect of release or redress. Amnesty International visited seven 'holding centres' in Libya and found evidence of torture and other ill-treatment. Asylum-seekers and refugees, who are entitled to international protection, are among those routinely detained and abused.

Despite well-documented violations, the EU continues to strengthen its cooperation with the Libyan Government on 'migration management', and EU funds appear to have been used to support detention centres where foreign nationals are unlawfully held. Libya's immigration detention practices violate the country's international obligations under refugee and human rights law, and are at odds with the EU's own human rights obligations and standards concerning the detention and return of third country nationals.

In light of this, we urge the EU to:

- Ensure that cooperation on migration with Libya fully respects the rights of asylum-seekers, refugees and migrants and put adequate monitoring mechanisms in place to ensure that these rights are observed in practice. Ensure that a human rights strategy is devised by the newly established EUBAM mission for any technical assistance provided to the Libyan authorities in building its capacity in border management. Ensure that a human rights impact assessment is carried out when devising policies and programmes prior to the implementation of any activities.
- Commit to only enter into further agreements on migration control with Libya once Libya has demonstrated that it respects and protects the human rights of refugees, asylum-seekers and migrants and has put in place a satisfactory system for assessing and recognising claims for international protection, in line with recommendations made by the European Parliament in its November 2012 resolution on the situation of migrants in Libya.
- Ensure that EU humanitarian assistance does not contribute to, or perpetuate human rights violations, including by adopting a human-rights based approach to any projects implemented in the context of the detention of foreign nationals. In particular, any health clinics funded by the EU in the context of detention should not be used for the screening of detainees with a view to deporting them on medical grounds.

We should naturally be happy to provide any further information you might require.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Nicolas J. Beger".

Dr Nicolas J Beger

Director

Enclosed: Amnesty International briefing [Scapegoats of fear: Rights of refugees, asylum-seekers and migrants abused in Libya](#) (20 June 2013)