

Cecilia Malmström  
Commissioner for Home Affairs  
European Commission

Brussels, 23 June 2010  
Our Ref: B976

Dear Commissioner Malmström,

**Amnesty International Report: 'Libya of Tomorrow: What hopes for human rights?'**

As announced in our meeting with you on 6 April, we would like to draw your attention to our new report on the human rights situation in Libya: "*Libya of Tomorrow: What hopes for human rights?*". The report documents how Libya's reintegration into the international community has not been accompanied by significant reforms or long-lasting improvements in the domestic human rights situation. The slow pace of domestic reform contrasts sharply with Libya's increased visibility on the international scene and prompts fears that rather than using the opportunity to encourage reforms, EU member states are turning a blind eye to the human rights situation in order to further their national interests. Such interests include cooperation in counter-terrorism, trade and other economic benefits, as well as the control of migration, particularly in response to pressure from members of the EU to cut the numbers of asylum seekers, refugees and migrants reaching Europe.

In attempts to control the flow of migrants to Europe, Member states and the EU have been actively seeking the collaboration of Libya. Libya has agreed to tighten control of its territorial waters and accept disembarkation on its soil of individuals intercepted at sea by Italian vessels as part of the Treaty of Friendship, Partnership and Cooperation Agreement signed in August 2008 with Italy, which includes provisions for bilateral efforts in combating "illegal migration". People intercepted include nationals from Eritrea, Somalia and other sub-Saharan African countries. They were returned without an assessment of whether they were in need of international protection or basic humanitarian assistance, and in the absence of any assurance that they may find effective protection in Libya.

The EU itself is negotiating a Framework Agreement with Libya which covers the control of migration amongst other issues, including potential readmission of third-country nationals who have transited through Libya on their way to Europe. Yet, as Amnesty International's recent report documents, refugees, asylum seekers and migrants live in constant fear of being arrested and held indefinitely in overcrowded detention centres, beaten and abused; and the fear of being forcibly returned to an uncertain future where they may face persecution and torture. Foreign nationals whose rights have been violated have no possibility of seeking protection or remedy through the justice system and those responsible for the perpetrated violations enjoy total impunity.

The much needed protection of refugees and asylum seekers is further hampered by the Libyan authorities' resistance to ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and by claims that there are no refugees in Libya, despite the fact that as of January 2010, almost 9,000 refugees

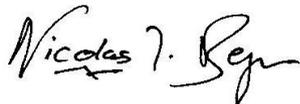
and more than 3,500 asylum seekers were registered with the UNHCR in Libya. Even with the presence of UNHCR, the situation of asylum seekers and refugees was precarious but its recent expulsion from Libya magnifies Amnesty International's concerns as the expulsion has left thousands of refugees and asylum seekers with no possibility of presenting their claims.

The EU and its Member States should not ignore human rights concerns in Libya because of their desire to reduce arrivals from Africa to Europe. The report calls on the EU and its Member States to ensure that any bilateral agreements with Libya in the area of migration and asylum, including the EU-Libya Framework Agreement currently being negotiated, are based on the full respect for the rights of asylum seekers, refugees and migrants and that adequate standards of protection are enshrined in such agreements. In seeking Libya's cooperation, the EU cannot ignore Libya's dire human rights record, the absence of a functioning asylum system, and persistent reports of abuse and ill-treatment of refugees, migrants and asylum seekers.

We further call on the EU to seriously consider the implications of allocating Libya funding or equipment for the surveillance of maritime and land borders. Amnesty International believes that such funding could constitute providing support to Libya in its infringement of its international legal obligations, given that under the prevailing human rights situation it is foreseeable to the EU and its member states that Libya does not meet the standards under international human rights law in the exercise of its activities related to migration control.

We thank you for your attention and look forward to your response. We remain at your disposal to discuss the report in greater detail.

Yours faithfully,

A handwritten signature in black ink that reads "Nicolas J. Beger". The signature is written in a cursive style with a large, stylized initial 'N'.

Nicolas J. Beger  
*Director*  
*Amnesty International EU Office*