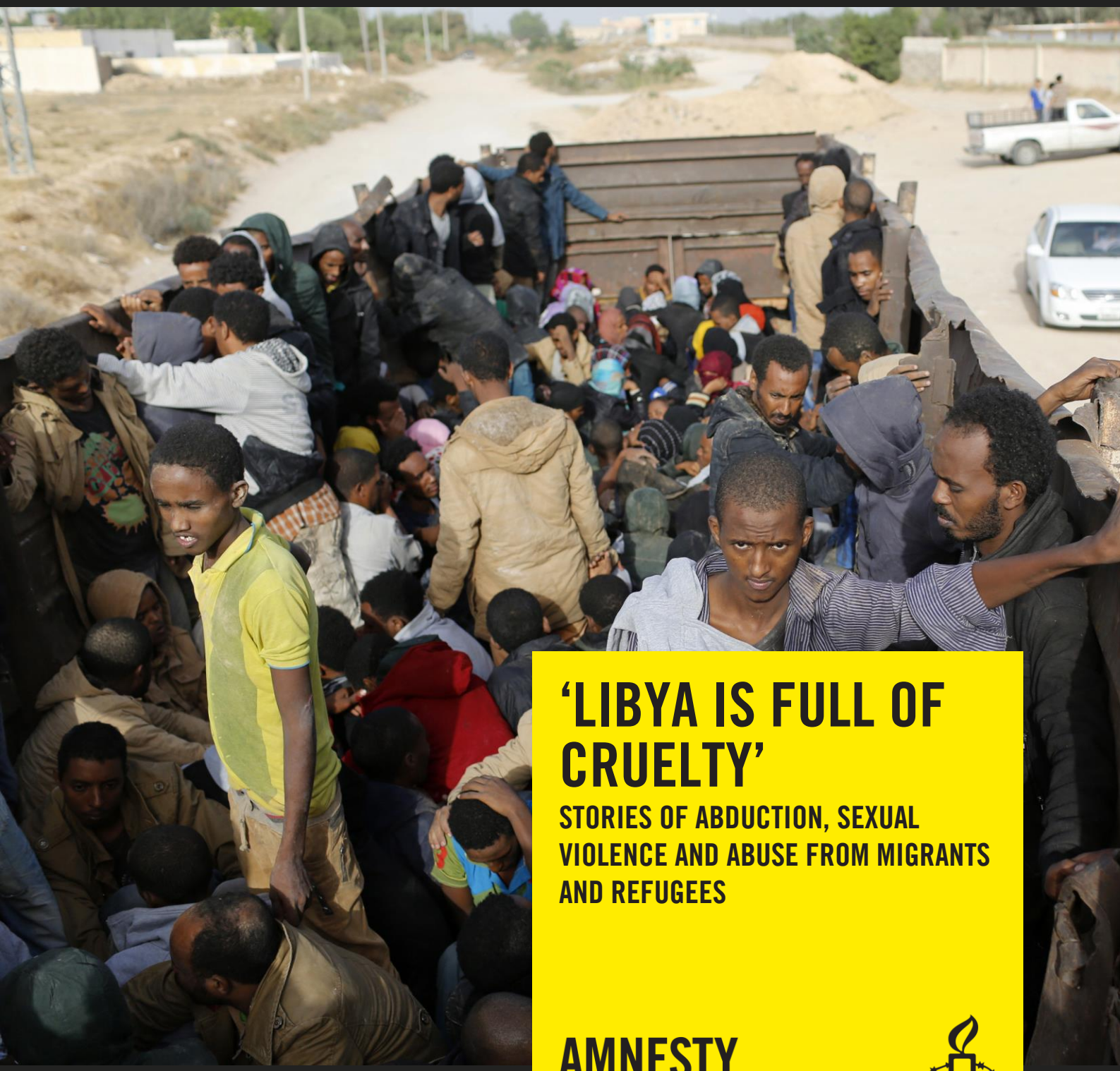

‘LIBYA IS FULL OF CRUELTY’

STORIES OF ABDUCTION, SEXUAL VIOLENCE AND ABUSE FROM MIGRANTS AND REFUGEES

AMNESTY INTERNATIONAL

Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

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Cover photo: African migrants are transferred to a detention centre after being detained in Zawiya, northern Libya, 1 June2014©Reuters

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CONTENTS

Summary 5

Methodology 8

Background 9

Abductions and extortions by smugglers, traffickers and criminal groups 11

Sexual violence along the smuggling route 15

Abuse and persecution on account of religion 17

Abuses in immigration detention centres 19

Racisim, criminality and exploitation 24

Abuses by smugglers prior to boat departures 26

Recommendations 28

SUMMARY

"There needs to be a solution for people who are in dangerous countries such as Libya and who don't have the option of going to an embassy or seeking other refuge. There are many people who have no options. We were facing death in Libya so we thought we might as well face death in trying to get to Italy."

Syrian family interviewed by Amnesty International, Augusta Port, Sicily, 6 August 2014

Widespread abuses by armed groups, smugglers, traffickers and organized criminal groups in Libya as well as systematic exploitation, lawlessness and armed conflicts are pushing hundreds of thousands of migrants, asylum-seekers and refugees to risk their lives by attempting to cross the Mediterranean Sea. Despite the continuing influx of refugees and migrants and the scale of abuses against foreign nationals in Libya, the European Union (EU) has failed for a long time to respond to a growing humanitarian crisis and provide the necessary resources to save lives at sea. In 2015 alone, over 1,700 persons died trying to cross the Mediterranean Sea.

According to 70 new testimonies collected by Amnesty International in Sicily and in Tunisia between August 2014 and March 2015, foreign nationals travelling irregularly to and from Libya face abuses, including abductions for ransom, torture and other ill-treatment, and in some cases rape and other forms of sexual violence at all stages of the smuggling routes running from west and east Africa towards the Libyan coast. Most often they are handed over to criminal groups upon entry to Libya at the country's southern borders or in major transit cities along the migration routes such as Ajdabya and Sabha. At times, the smugglers themselves hold the migrants and refugees in remote areas in the desert forcing them to call their families to pay a ransom.

Despite ongoing armed conflicts between various coalitions of armed groups, and the establishment of two parallel governments contending for power, the systematic detention of foreign nationals for migration-related offences has continued. Torture and other ill-treatment in immigration detention centres have remained widespread. In many cases, migrants and refugees attempting to cross the Mediterranean Sea have been subjected to prolonged beatings in such facilities following their interception and arrest by the Libyan coastguard or militias acting on their own initiative in the absence of strong state institutions. Women held in these facilities, which lack female guards, are vulnerable to sexual violence and harassment.

The recent videos showing the summary killings of at least 28 Ethiopian Christians claimed by the armed group calling itself the Islamic State (IS) in two separate locations has drawn

the world's attention to some of the serious human rights abuses and violations of the laws of war perpetrated with complete impunity in in the context of several interconnected armed conflicts. These deplorable murders follow the summary killing of a group of 21 Christian Copts, most of them Egyptians, which was claimed by the same armed group earlier this year.

Chaos and lawlessness appear to have sparked increased xenophobia against foreign nationals amongst some local communities who blame them for the rise of smuggling networks and criminality. Research conducted by Amnesty International reveals that migrants and refugees are increasingly exploited and forced to work without pay, physically assaulted and robbed in their homes or in the streets. Religious minorities, in particular Christian migrants and refugees, are at highest risk of abuses, including abductions, torture and other ill-treatment and unlawful killings, from armed groups that seek to enforce their own interpretation of Islamic law and have been responsible for serious human rights abuses. They also face widespread discrimination and persecution from their employers, criminal groups and in immigration detention centres. In some cases the detention and abuse of foreign nationals, in particular sub-Saharan Africans, have been motivated by a fear of illnesses, which was exacerbated by last year's outbreak of Ebola.

As violence continues in Libya, neighbouring countries, including Algeria, Tunisia and Egypt, have sealed off their borders and imposed more stringent entry requirements out of fear of the conflict spilling over. Migrants and refugees who cannot obtain valid visas who have had their passports stolen or confiscated from them by smugglers, criminal gangs or their Libyan employers often are effectively left with no viable alternative to embarking on the perilous sea route to Europe.

In light of the seriousness of the abuses faced by foreign nationals in Libya and in order to reduce deaths at sea, Amnesty International is calling on Tunisia and Egypt to keep their borders open to all those in need of international protection. Amnesty International is also calling on the international community to ensure the safety of migrants and refugees who are currently trapped in Libya.

The recent deaths of over 1,000 migrants and refugees off the coast of Libya in one week alone shocked the world and prompted the EU to finally act and adopt a set of measures to prevent deaths at sea, fight traffickers and prevent irregular migration flows. Extra resources for search and rescue were committed by EU leaders on 23 April 2015. In order to save lives, however, it is essential that such resources are delivered promptly and remain available for so long as high numbers of refugees and migrants continue to depart from Libya on unsafe boats. It is crucial that ships are deployed along the main migration routes and in the areas where most calls for assistance come from and a great number of shipwrecks occur, which is approximately 40 nautical miles from the Libyan coast.

While Amnesty International welcomes the EU's commitment to increase resources for search and rescue operations, it is also concerned that some of the proposed measures, in particular plans to "systematically identify, capture and destroy vessels before they are used by traffickers" would effectively contribute to migrants and refugees being trapped in Libya and expose them to a risk of serious human rights abuses. Amid lawlessness, the breakdown of state institutions and fighting, smugglers' networks in Libya are thriving and exposing persons in need of international protection to serious human rights abuses. However, focusing solely

on combating transnational organized crime and smuggling without allowing thousands of migrants and refugees to access a place of safety would be grossly inadequate.

As more people are drowning in the Mediterranean Sea, the priority for the international community must be to dramatically expand search and rescue operations and take effective steps to urgently address human rights abuses and serious violations of international humanitarian law in Libya. EU governments must also increase the number of resettlement places, humanitarian admissions and visas for people in need of international protection.

METHODOLOGY

This briefing is based on 70 interviews conducted with migrants and refugees who crossed or attempted to cross the Mediterranean Sea from Libya between August 2014 and March 2015. In August 2014, Amnesty International researchers conducted some 35 interviews with migrants and refugees hosted in four different reception centres in different cities in Sicily and upon disembarkation at the seaport in Augusta.

In March 2015, Amnesty International conducted another set of 35 interviews with migrants and refugees who were rescued by the Tunisian coastguard after their rubber boat started sinking off the Libyan coast. In April 2015, Amnesty International researchers returned to Sicily to collect new testimonies from migrants and refugees rescued at sea. Some of the gathered information has been included in this briefing.

This briefing also includes information gathered as part of Amnesty International's ongoing monitoring of the human rights situation in Libya, as well as visits to immigration detention centres across the country in 2013 and 2014.

Amnesty International has not sent researchers to Libya in 2015 due to heightened security concerns.

Full names and other identifying details of individuals whose cases are featured in this briefing have been withheld to protect people from further abuse and reprisals, or to respect their wishes. First names of individuals interviewed for the purpose of this briefing were included whenever Amnesty International researchers received their consent.

BACKGROUND

The scale and gravity of human rights abuses and violations of international humanitarian law perpetrated in Libya since mid-2014 in the context of interconnected armed conflicts is alarming. Months of fierce fighting, often in residential areas, have led to the collapse of basic services and the displacement of over 400,000 people across Libya, according to UNHCR. Several areas in the south, west and east of Libya are experiencing a shortage of medical supplies, fuel, electricity, water and food.

Warring parties on all sides have committed violations, which may amount to war crimes. Abductions of civilians, hostage-taking, torture and other ill-treatment and summary killings of captured fighters and abducted civilians are rife. All sides appear to have launched indiscriminate attacks from and into civilian areas, leading to the destruction and damage of civilian objects and infrastructure as well as the killing and injury of hundreds of civilians.

Despite the risks, refugees and migrants fleeing poverty, conflict or persecution in sub-Saharan Africa and the Middle East continue to enter Libya irregularly in the hope of reaching Europe. Without a social network to rely upon and often unable to seek assistance from local communities, which have also been affected by the violence, they are the most vulnerable to abuse. Worryingly, established communities of refugees and migrants who have been working and residing in Libya for several years have also started to leave by boat as their lives have increasingly been endangered by conflict.

Indeed, migrants and refugees have been amongst those killed by indiscriminate shelling in Benghazi and in Tripoli carried out by all parties to the conflicts. In one incident in July 2014, approximately 23 Egyptian migrants were killed after a rocket hit their house during the fighting over control for Tripoli's International Airport, according to Egyptian and Libyan press reports.[1] The following month, a group of Sudanese migrants were killed by indiscriminate shelling in Tripoli in at least two separate incidents.[2] Foreign nationals were also killed by aerial strikes conducted by Operation Dignity forces affiliated with the UN-recognized government. In one such example, at least five migrants were killed in an air strike conducted on a food warehouse in Zuwara on 2 December 2014.[3]

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[1] See Mada Masr, "Egyptians in Libya: A timeline", 18 February 2015, available at: http://www.madamasr.com/sections/politics/egyptians-libya-timeline

[2] According to the International Office of Migration (IOM), 10 Sudanese nationals were killed by a stray missile which hit a house in the Karmiya district of Tripoli on 22 August 2014. See IOM, *Deteriorating situation in Libya may result in more migrant boats,* 29 August 2014. On 6 August 2014, media quoted Sudanese government spokesman Omar Mohamed Saleh reporting the killing of 18 Sudanese nationals by a rocket in Tripoli. See Al Jazeera, "Sudanese nationals 'killed in Libya violence'", 6 August 2014, available at: http://www.aljazeera.com/news/middleeast/2014/08/sudanese-nationals-killed-libya-violence-2014869248189838.html

[3] See UNSMIL and OHCHR joint report, *Update on violations of international human rights and humanitarian law during the ongoing violence in Libya*, 23 December 2014, available at:

As violence continues in Libya, neighbouring countries have imposed more stringent entry requirements out of fear of the conflict spilling over. While the Tunisian border remains generally open to Libyans, other nationals – including migrants and refugees – must have valid documents to be able to enter, and must depart from Tunisia after a short transit stay. Egypt has effectively closed its border crossings to migrants and refugees, while allowing the entry of Libyan women and Libyan men aged under 15 and above 60. All other nationals, including Syrians, are required to have a valid travel document with a valid visa, which is almost impossible to obtain. Algeria closed its land border with Libya in May 2014 following the outbreak of violence in Benghazi and an attack against its embassy in the Libyan capital. Equally, the majority of foreign nationals are unable to leave Libya regularly through its southern borders as they do not have valid travel documents. Irregular routes are also inaccessible as all smuggling routes are designed to facilitate travel towards the north rather than southwards.

Migrants and refugees who cannot obtain valid visas for Egypt or Tunisia or who have had their passports stolen or confiscated from them by smugglers, criminal gangs or their Libyan employers often are effectively left with no viable alternative to embarking on the perilous sea route to Europe.[4]

In many cases foreign nationals unable to flee to neighbouring countries have sought protection from the violence in what they believed were safer areas in Libya. Instead, they have continued to face abuses, which are fuelled by the Libyan authorities' failure to combat longstanding racism and xenophobia.

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http://www.ohchr.org/Documents/Countries/LY/UNSMIL_OHCHRJointly_report_Libya_23.12.14.pdf

[4] With the departure of most embassies from Libya, the IOM has been facilitating some evacuations. By 31 March 2015, IOM had organized the evacuation of 788 stranded migrants in Libya including that of 401 Senegalese migrants from the Kararim immigration detention centre in Misratah in March 2015 via Tunisia. See *IOM Libya Situation Report* available at: http://reliefweb.int/report/libya/iom-libya-situation-report-31-march-2015

ABDUCTIONS AND EXTORTIONS BY SMUGGLERS, TRAFFICKERS AND CRIMINAL GROUPS

"It was not the police. Anyone is the police in Libya. They all have arms. They catch you and tell you that you have to pay money or else you will never get out."

Ibrahim, a Gambian man speaking to Amnesty International about his abduction by a criminal group in Sabha in 2014

"I arrived in Sabha from Niger on a Saturday. Before I knew it, the smugglers handed me over to someone else. They gave us food only once a day… Sometimes, we would stay for a full day without any food. Every day they [the guards] would come to beat you and say that you have to call your family and ask them to pay the ransom. I was detained for four months."

A Gambian man describing to Amnesty International how he was trafficked by smugglers upon arrival in Sabha in 2014

Since 2013 Amnesty International has received numerous reports of abductions for ransom of sub-Saharan migrants and refugees in Libya, notably along the different smuggling routes in the country. Such abductions appear to have been on the rise since 2014 as Libya has descended into further chaos and violence. Women and unaccompanied or separated children have been amongst those abducted. According to testimonies, ransoms asked by smugglers and criminal groups have ranged between 200 USD to approximately 8,000 USD.[5]

[5] Some of the abuses documented by Amnesty International against refugees and migrants travelling to and out of Libya irregularly amount to human trafficking. The UN Protocol to prevent, suppress and punish trafficking in persons, especially women and children define trafficking in persons as the "recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation", which also includes sexual exploitation and forced labour. Trafficking people constitutes a human rights abuse as well as a crime in most national criminal law systems. Its disruption and prosecution with the end of bringing perpetrators

Migrants and refugees are usually handed over or, in some cases, sold to a criminal group by their smugglers upon crossing the border or arrival at major transit hubs. Information gathered by Amnesty International indicates that they are then held captive in private houses and subjected to torture and other ill-treatment for the purpose of extortion. These criminal groups appear to be transnational and usually include nationals from sub-Saharan African countries in addition to Libyan nationals.

Amnesty International has documented such abuses in and around the south-western city of Sabha, the main transit point for people from West Africa entering Libya through Niger or Algeria, and in Ajdabya, the major arrival hub for individuals travelling via Sudan from Somalia, Sudan, Eritrea and Ethiopia. In some cases where families were unable to pay the ransom, migrants and refugees were held captive for up to six months. Individuals interviewed by Amnesty International reported being beaten with objects such as wooden sticks, hoses, rifle butts, and iron bars; being subjected to electric shocks; being deprived of access to washing and sanitary facilities; and being given insufficient quantities of food and water. In general, they also reported not being given access to a mattress or blanket.

In one case, an unaccompanied boy from Côte d'Ivoire who arrived in Sicily in June 2014, described to Amnesty International how he was held captive by a criminal group near Sabha upon entry into Libya in March 2014. He was 17 years old at the time. He said:

"*I arrived in Libya [and went] directly to Sabha. I didn't even have a chance to see the city before I found myself in prison. The smugglers basically handed us over to another group; these men were armed. The smugglers that took us from Agadez in Niger were Libyan Tebu, but those that held us captive were not. They were light-skinned. We arrived in Sabha in a 4x4 [car], but after the smugglers handed us over to the other group, we were transferred to the secret prison in a minivan. The driver told us to hide underneath the seats. I was kept there for four months in a three-storey house. There must have been around 40 persons held there. We were kept on the second floor of the house. The windows were sealed off with bricks and in other places covered with fabric so that no one would see us. They gave us food only once a day, and we were forced to drink water from the tap, which was salty. I ate only enough to survive. They tortured us to force us to call our relatives to extort money from them. If you don't pay, you don't go out. The next morning, the head of the prison came to speak to us telling us that our family members needed to wire the money immediately to his brother in Ghana. Once he received the money, we would be set free. I told him that I did not have any family members, that all of them had died. He answered: 'You will join them in death if you don't pay.' I started crying, and so they started beating me with a belt and a*

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to justice is an obligation under international human rights law. Boats are used by and large by smugglers paid by refugees and migrants who want to reach Europe and cannot access safer ways to do so. Some of the people on the boats from Libya towards Europe may be trafficked, but Amnesty International considers that the large majority of people using boats to reach Europe are smuggled. While smuggling can involve the commission of criminal offences, including in relation to the unseaworthiness of the boats and to placing people at risk of death, it is not in itself a human rights abuse. Both smuggling and trafficking are crimes and must be addressed through law enforcement measures, governed by human rights law and standards.

broomstick. Other detainees tried to intervene, but they were also beaten. The prison is run by Libyans but they have Ghanaians working for them."[6]

In another case, a Somali man who was smuggled into Libya via Sudan around November 2014 described to Amnesty International his treatment during captivity by a criminal group in Ajdabya. He reported being handed over to the criminal group by smugglers immediately upon arrival in Ajdabya. He said:

"*Around 55 people from different nationalities were held in the house including Somalis, Gambians, Nigerians and Eritreans. They gave us only a plate of pasta and a small bottle of water per day. We had to sleep on the floor without any blanket… the room didn't have any windows… There was no light. We were forced to use buckets because there was no toilet. I didn't shower for 18 days… Some of the guards treated us well, but others beat us with sticks or rifles. If you speak out, they will kill you so you keep silent. They told us that they would take us directly to Italy if our families paid the ransom. There were around 20 women detained in the house. The guards were using them for cleaning. They were not educated people and would treat us like animals.*"

The Somali man was eventually released after he paid 200 USD ransom. He explained:

"*At first they wanted my family to pay 4,000 or 5,000 USD but we simply did not have the money. They agreed to take much less, and I was released straight to another smuggler who took me to Abu Salim in Tripoli. I did not have enough money to pay him for the journey so I had to work to pay him off.*"[7]

Migrants and refugees are also held captive for ransom by the smugglers themselves, either in the desert near Libya's southern borders or along the smuggling route near the city of Sabha. According to testimonies, smugglers usually ask 4,000 to 5,000 USD ransom before agreeing to continue the journey, and subject migrants and refugees to beatings with sticks, stones, rifle butts and knives to coerce them and their families into paying the requested sum. In cases documented by Amnesty International, the captivity period in the desert ranged from several days to one month.

Those who are unable to pay are held for longer until they negotiate the fee down to what their families can afford. In one such example a Somali refugee interviewed by Amnesty International in Tunisia in March 2015 explained how in late 2014 smugglers held a group of 80 migrants and refugees travelling to Libya from Sudan captive for 21 days in the desert before allowing them to continue the journey. He said:

"*They asked me for 4,800 USD but I could not afford to pay this sum. They then asked for half, but it was still too much for my family to pay. Eventually we agreed on 1,700 USD and they allowed me to continue the journey. We were in the desert, near the Sudanese borders. The smugglers had a water truck, which would bring us water every day. They [the smugglers]*

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[6] Amnesty International interview, Scuola Verde reception centre for minors, Augusta, Sicily, 5 August 2014.

[7] Amnesty International interview, Medenine, Tunisia, 14 March 2015.

did not give us any blankets or mattresses and we were forced to sleep outside… I used my coat as a blanket and my shoes as a pillow. We were a group of 18 Somalis. After 21 days my family eventually sent the money to Khartoum. Once the smuggler's assistant called from Khartoum saying that the money had arrived, they let me go."[8]

Those who are unable to pay the ransoms face exploitation and are forced to work for free for the smugglers. Usually, they are forced to clean houses, wash cars or work on farms.

Amnesty International has also received reports that, in some cases, smugglers shot at migrants and refugees who tried to escape. Mohamed, a Somali refugee interviewed by Amnesty International in the Augusta seaport in Sicily on 25 April 2015, reported witnessing two killings while being held captive by smugglers in the Libyan desert in late 2014. He said:

"*I travelled from Somalia to Libya, through Ethiopia and Sudan. I entered Libya through the Sahara. It was very dangerous, many died. In the desert, Libyan men were forcing, torturing us, beating us with swords, guns, stones, Kalashnikovs. They would beat us every day. They broke my finger, a friend had broken arm. We couldn't escape. My friend Mohamed tried to escape and was shot dead. Another man was hit on the head with a stone and died. You didn't eat or drink. Only very little once per day… I stayed one month, then paid. My mother's brother is in Holland; he paid.*"

Abductions by criminal groups continue also once foreign nationals reach major cities located on the Libyan coast where they usually find better job opportunities. In one such example, Ibrahim, a 25-year-old Malian, was abducted following his arrival in Tripoli in September 2014. He was held for two months in a private house in the Gargaresh neighbourhood of the capital. He recounted his experience to Amnesty International:

"*The room where I was kept was very dirty. There was no bathroom so we had to use a bucket for our needs. The guards took away my money and my phone. We were 47 Africans held in the same room which was measuring only about 12 square metres. If you have 1,000 dinars, they let you out. If you don't, you stay. Often, the guards would come and slap you. I eventually had to pay to get out. It is effectively a business that they are running. They detain you so that you have to pay. They beat you if you don't understand what they are saying. They give you some dried bread at 10am, and then around 10pm you get some bread as well. They never open the door to let you use the bathroom. If you don't have the answer to their questions, they beat you… with rubber pipes. We didn't have any blankets or mattresses there. You can't sleep there even because there is too much crowding.*"

[8] Amnesty International interview, Medenine, Tunisia, 14 March 2015.

SEXUAL VIOLENCE ALONG THE SMUGGLING ROUTE

"We were held in the desert. There were many girls from Ethiopia, Eritrea, from Somalia. The smugglers were using them. The women were crying but I could not help them because I was a hostage myself. They treated me badly, they beat me. They beat other teenage boys as well."

A 17-year-old Somali boy interviewed by Amnesty International, Medenine, Tunisia, 14 March 2015

Amnesty International has received reports that women have been raped or sexually abused by smugglers or criminal groups along the migration routes. In some cases, women who are unable to pay the ransom have been coerced into sex in exchange for being released or allowed to continue the journey. Othman, a Somali refugee, explained the situation to Amnesty International:

"*The smuggler was nice to me but he liked to use women. I know that he used three Eritrean women. He raped them and they were crying. It happened at least twice. Some of the women don't have money to pay the ransom so they accept to sleep with the smugglers. We were held in the desert and the women were sleeping in a tent. The men were sleeping outside. At night, the smuggler would call the name of a woman he liked. If she refused to come out, he would force her and say, 'I want to help you. I want to give you the money. I will let you travel to Europe without paying anything.' After it happened a few times, we decided to protect the women. We wouldn't sleep at night because we were guarding the tent.*"

A Somali woman who travelled to Libya in June 2014 after her husband was killed by the Al-Shabab armed group explained that women who travel alone or without men able to protect them along a smuggling route face sexual abuse. She reported to Amnesty International that some women who travelled in her group were sexually abused at night. She explained:

"*If you're a woman and they see you have strong men around you and surround you and protect you, no one comes close to you. But if you're alone or the men with you are weak then you get into trouble.*"

In another case, a Nigerian woman who fled Libya in August 2014 described to Amnesty International how she was gang raped on the first day of her arrival in Sabha:

"*We arrived in Sabha, on 29 December 2012 around 8.30pm. We did not know where to go*

and we were waiting… to be picked up by our friend. Five Asma boys [gangs of young armed robbers] stopped in front of us and forced me and my husband into their car. They took us to a far place outside the city in the desert; tied my husband's hands and legs to a pole and gang-raped me in front of his eyes. There were 11 men in total– the five men who forced us into the car and another six who joined them later in the desert. Around 12:00 am, the men dropped us off at the same place they had kidnapped us. They stole our money. A kind Nigerian man saw us. He took us to his house and gave us a phone to call our friend who picked us up the next morning."

ABUSE AND PERSECUTION ON ACCOUNT OF RELIGION

"Libya is a country where Christians shouldn't come… If you say you are Christian, then you are in trouble."

A Nigerian man interviewed by Amnesty International, Medenine, Tunisia, 14 March 2015

The rise of armed groups which have pledged allegiance to the IS armed group has further exacerbated risks faced by religious minorities in Libya. Even before the recent summary killings of 51 Copts claimed by the IS armed group in three separate incidents in February and March 2015, Christian migrants and refugees from Nigeria, Eritrea, Ethiopia and Egypt faced widespread abuse, including unlawful killings, and harassment on account of their religion.[9] New evidence gathered by Amnesty International suggests that Christians in Libya are often subjected to abductions, torture, theft and physical assaults by criminal gangs and people smugglers, in addition to abuses perpetrated by armed groups such as IS and Ansar al-Shari'a. Those who are held in immigration detention centres under the control of the Department for Combating Irregular Migration of the Ministry of Interior or militias also continue to face torture and other ill-treatment on account of their religion.

Charles, a 30-year-old Nigerian, told Amnesty International that he decided to board a boat to Europe in early March 2015 after being abducted and physically assaulted a number of times by members of a criminal gang in the coastal city in Zuwara. Charles relocated to Zuwara from Tripoli in July 2014 in search of safety from indiscriminate shelling and fighting between armed groups in residential areas of the capital. Instead, he experienced abuse and persecution. He explained to Amnesty International:

"*In Zuwara, sometimes young men would come to our house to steal our money. They would come with guns. As a black man, I cannot go to complain to the police. I went to complain at the police station twice but they did not believe me. They refused to listen to me. They call us slaves. I am a Christian and that's why the men would always come to our house and attack us. We were three Christian Nigerians living in the same house. They would come,*

[9] See Amnesty International, *Libya: Cold-blooded murder of Copts in Libya a war crime*, 16 February 2015, (Index: MDE 19/0002/2015), available at: https://www.amnesty.org/en/documents/mde19/0002/2015/en/

steal our money and flog us. I can't complain to the police about the Christian issue because they don't like us. Even in the streets, armed men would ask me if I am a Christian. I cannot deny my religion. If you say that you are a Christian, they tell you to go to one side. If you are a Muslim, they allow you to continue and go. I have a cross tattoo on my arm but I used to hide it. In October 2014, four men kidnapped me. They were driving in their car. They kidnapped me because they saw that I was carrying a bible in my pocket. They took it from me; they also took my money and my telephone. They locked me in a house and wanted my family to send them money for my release. I was kidnapped there for two days. During those two days, they were torturing me, beating me. I managed to escape at night, through the window."

Another Nigerian migrant who also fled Tripoli around the same time spoke about the harassment he faced from criminal groups in Zuwara and discrimination on religious grounds:

"*Libya is full of cruelty. It is not hospitable to foreigners, especially to black men. They see us as slaves. I was living in Kremiya in Tripoli in July 2014. I saw a rocket, which exploded near me. Thank God I was not injured. Because of the fighting in Tripoli I came to Zuwara. I started to work in a car wash. Area boys would come to molest and harass me in my house. They used to beat me. Libya is a country where Christians shouldn't come. Any Libyan boss will ask you if you are Muslim or Christian. If you say you are Christian, then you are in trouble. He will not pay you. He will beat you more if you complain about anything.*"

Loveth, an 18-year-old Nigerian woman who was detained in an immigration detention centre in Sabratah between October and December 2014, told Amnesty International that guards ill-treated Christian migrants solely for practising their religion. She explained:

"*The guards, they are Muslim. We are Christian. Whenever we would start to pray, they would come to tell us that we should sleep… that we make too much noise. They would come with hoses and would threaten us with beatings if we don't stop praying. Sometimes they would beat us.*"

ABUSES IN IMMIGRATION DETENTION CENTRES

"They packed us in prisons saying that we are all contagious and have Ebola."

A Nigerian woman speaking to Amnesty International about her detention in the Sabratah immigration detention centre in late 2014, Medenine, Tunisia, 14 March 2015

The start of several interconnected conflicts across Libya in mid-2014 has led to the deterioration of conditions in already poorly resourced immigration detention centres. In 2014, a number of immigration detention centres opened their doors and released detainees as a result of the fighting which took place in and around Tripoli between July and September last year. Since then, however, some immigration detention centres have reopened and currently continue to detain migrants and refugees arrested or captured for irregular entry, stay or exit, a control measure which Amnesty International opposes and views as overly disproportionate.[10] According to UNHCR, the UN Refugee Agency, there are currently at least 2,663 migrants or asylum-seekers, including women, children and men, held in eight immigration detention centres under the control of the Department for Combating Irregular Migration.

In many cases foreign nationals are also detained following the interception of boats at sea by the Libyan coastguard or brought to the detention centres by their employers who wish to avoid paying their agreed upon salaries.[11] For years Amnesty International has campaigned against the systematic detention of foreign nationals found to be in Libya irregularly calling on the Libyan authorities to ensure that immigration detention is only used as a measure of last resort, and for the shortest possible period. The organization has also called on Libya to

[10] Libyan law criminalizes entering, staying in or leaving Libya irregularly, for example without the appropriate visa or through unofficial border posts. It criminalizes such actions without distinguishing between migrants and refugees, victims of trafficking or others in need of international protection. The 2010 Law on Combating Irregular Migration allows for the indefinite detention, followed by deportation, of those considered to be irregular migrants.

[11] Between mid-April and 28 April 2015, UNHCR has assisted some 1,242 migrants and refugees rescued or intercepted at sea by the Libyan coastguard and in most cases placed in immigration detention centres. See UNHCR, *UNHCR and partners help sea crossing survivors in Libya detention centres,* 28 April 2015, available at: http://www.unhcr.org/553f8b2e6.html

adopt national asylum legislation consistent with international refugee law and standards.[12]

Until mid-2014 there were 19 immigration detention centres under the authority of the Department for Combating Irregular Migration of the Ministry of Interior. However, it appears that only 10 centres currently recognize various degrees of the Department's authority. Amnesty International fears that the conditions in these centres, which were already overcrowded and lacked adequate ventilation as well as washing and sanitation facilities prior to the outbreak of conflicts in 2014, have deteriorated.[13] Directors of two such centres have reported to Amnesty International shortages in food and basic necessities, such as cleaning products, medicine and food. While deportation proceedings were already deficient both in their substance and procedure prior to the outbreak of the ongoing conflicts in the country, the evacuation of most foreign diplomatic missions from Libya has meant that, in most cases, deportations have been halted, effectively subjecting those held in these facilities to indefinite detention in conditions that fail to meet international standards.

The ability of international organizations, including human rights groups such as Amnesty International, to visit these detention centres and monitor treatment and conditions has been reduced due to the volatile security situation in Libya. Amnesty International also fears that the treatment in these facilities, where torture and other ill-treatment were already widespread,[14] is likely to have deteriorated further. New evidence gathered by the organization through interviews with migrants and refugees who departed from Libya by boats suggests that torture and other ill-treatment of both men and women continue.

In one case, Kawsu, a Gambian migrant aged 24 who worked as a bricklayer in Tripoli, described to Amnesty International his ill-treatment in the Sabratah immigration detention centre after his boat was intercepted by the Libyan coastguard off the coast of Zuwara in

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[12] For more details about Libya's policy of detaining irregular migrants, asylum-seekers and refugees, see Amnesty International, *Scapegoats of fear: Rights of refugees, asylum-seekers and migrants abused in Libya*, 20 June 2013 (Index: MDE 19/007/2013), available at: https://www.amnesty.org/en/documents/mde19/007/2013/en/

[13] For more details about conditions in immigration detention centres prior to the outbreak of violence in mid-2014, see Amnesty International, *Scapegoats of fear: Rights of refugees, asylum-seekers and migrants abused in Libya*, 20 June 2013 (Index: MDE 19/007/2013), available at: https://www.amnesty.org/en/documents/mde19/007/2013/en/

[14] In 2013, Amnesty International visited 11 immigration detention centres across Libya, some of which were under the authority of the Department for Combating Irregular Migration, while others were controlled by militias. At the time, the organization found evidence of widespread torture and other ill-treatment in some of these centres. Documented methods of torture and other ill-treatment included prolonged beatings with objects such as water pipes, electric wires, sticks, rifle butts and metal bars; the use of electric shocks; beatings on soles of feet, a practice commonly known as *falaqa*; subjection to stress positions; and firing gunshots in the limbs. Victims of torture and other ill-treatment were at times denied the right to medical treatment. See Amnesty International, *If an African dies here no one cares, Abuses of migrants and refugees in detention in Libya*, 18 December 2013, available at: https://www.amnesty.org/en/articles/blogs/2013/12/if-an-african-dies-here-no-one-cares-abuses-of-migrants-and-refugees-in-detention-in-libya/

February 2015:

"*We were about 100 people on the boat, both men and women. We were still in Libyan territorial waters when the Libyan coastguard intercepted our boat. They took us to a prison in Sabratah. There were so many people in the rooms that we could not lay down to sleep. We had to stand or crouch all the time. The guards would only give us bread and water. They would beat us with sticks each time they would come to the room.*"

Kawsu managed to escape from the detention centre after several days. He attempted to cross the Mediterranean again at the beginning of March 2015.

Migrant women and refugees held in immigration detention centres have reported sexual harassment and sexual violence, as well as other forms of torture and other ill-treatment. In particular, the complete absence of female guards in any of these facilities, in violation of the UN Standard Minimum Rules for the Treatment of Prisoners, exposes women to sexual and gender-based violence. Two Nigerian women released from a detention centre in Sabratah in December 2014 reported strip searches by male guards, rape and sexual assault and harassment. One of them described her experience:

"*I stayed in prison for two months. It was a women's prison but all the guards were male. There were women from Tunisia, Gambia, Ghana, Cameroon, Somalia and Nigeria. They used to beat us with pipes on the back of our thighs; they were even beating the pregnant women. At night, they would come to our rooms and tried to sleep with us. Some of the women were raped. One woman even got pregnant after she was raped. No one touched me because I was pregnant. This is why I decided to go to Europe. I suffered too much in prison. One of the pregnant women died there – they took away her body, but we don't know what exactly happened to her. They hit her on the stomach – she was seven to eight months pregnant and died. During the day, they would force us to come out of our rooms to clean or cook. They used to touch our breasts when we were working. They would beat us if we dared to shout*."

Three months after her release, she still had visible marks of torture on her right leg.

In a briefing published in June 2013, Amnesty International documented the detention and deportation of foreign nationals diagnosed with viral diseases such as HIV and hepatitis B or C following the reintroduction of compulsory medical tests.[15] New testimonies gathered by Amnesty International show that the policy of detaining foreign nationals on medical grounds continues. It appears that, with Libya's descent into lawlessness, foreign nationals have not only been detained after being diagnosed with viral diseases, but also merely on suspicion of having infections, especially around the time of the Ebola outbreak in 2014. While in detention, they have not been provided with any medical treatment. In some cases, foreign nationals were brought to detention centres by their employers who expressed fear of disease,

[15] See Amnesty International, *Scapegoats of fear: Rights of refugees, asylum-seekers and migrants abused in Libya*, 20 June 2013 (Index: MDE 19/007/2013), available at: https://www.amnesty.org/en/documents/mde19/007/2013/en/

while in other cases they were arrested in hospitals, where they had gone to seek medical care.

A Nigerian woman told Amnesty International how she was arrested in October 2014 after her employers refused to pay:

"*I was working for a Libyan woman as a housekeeper. We agreed that she would pay me monthly, but she didn't. After about three months, her husband told me that he wanted to take me out to buy me clothes… I was surprised to find myself in a police station. I worked for them for three months and instead of paying me, they told the police that I had a contagious disease. I stayed in prison for two months and two weeks. During this time I did not see a doctor, and was never taken to the hospital. One day the guards came to see me and asked me if I had a contagious disease. They took me to the hospital for some tests. They saw that the tests were negative and called my husband to come and pick me up. It was during the Ebola outbreak.*"

Samuel, a Nigerian migrant whom Amnesty International interviewed in Sicily last August, described how he was arrested in March 2014 from the hospital in Misallatah where he went to seek medicine. He came to Libya in search of job opportunities, having suffered from stigmatization and discrimination in his village in Ebonyi state, Nigeria, after news spread that he was HIV positive:

"*In December 2013, I went to donate blood in the hospital and I was tested HIV positive. People in my village found out, and my life changed from one day to the other. My life depends on my convenience shop, but people stopped coming. No one wanted to be associated with me; they stopped wanting to speak with me or to visit our home. People have very little awareness about HIV. It was horrible, I felt like I wanted to commit suicide. At the hospital, I was given medicine to last me for three months, but I could not stay in the village…. In Libya, I found a job as a welder in Misallatah. After my medicine ended – it was around March 2014 – I went to the hospital to ask them for more. I spoke with the doctor, who told me to wait. He never came back. Instead, the police showed up to arrest me. The police took me to a detention centre for irregular migrants. It was managed by the police, but there were armed men dressed in civilian clothes as well, and looked like they were a militia. I was placed there, but they told me that there was no money to organize my deportation. The doctor in the hospital never gave me any medicine, and I did not have access to any treatment during my time in prison.*"

Three months later Samuel escaped from the immigration detention centre after it was attacked by a militia.

Foreign nationals, particularly those from sub-Saharan countries, and including refugees and asylum-seekers, continue to be exploited by guards inside immigration detention centres. Several men interviewed between August 2014 and March 2015 told Amnesty International that they were made to work without pay at the facilities in exchange for their eventual release. Most often, they reported being asked to clean, build or renovate the immigration detention centres where they were held. Instead of being released, however, they continued to face abuses.

A 17-year-old Gambian boy who was detained in an immigration detention centre in Gharyan

between February and March 2014 described his experience to Amnesty International:

"*They beat us every day; sometimes they made us take our clothes of and sit in the sun for three hours. They made us work every day for no pay. We worked inside the centre painting and making blocks and digging foundations. Sometimes they took us to work in people's houses, but did not pay us. They would give us food, but sometimes it was rice with a lot of salt which made us thirsty… I only had one day off each week. They [the guards] promised us that we would be released in exchanged for the work but we weren't.*"

He escaped from the immigration detention centre in March 2014.[16]

In other cases, foreign nationals reported being forced to pay bribes in exchange for their release, having no means to challenge their unlawful detention. Two Somali women told Amnesty International how a group of approximately 100 Somali refugees were forced to raise 1,500 USD from their families to be released from an immigration detention centre in Gharyan. The group were arrested at a checkpoint near Tripoli in October 2014 while travelling in convoy. They were released a month later after paying the bribe.

[16] Amnesty International interview, Scuola Verde reception centre for minors, Augusta, Sicily, 5 August 2014.

RACISIM, CRIMINALITY AND EXPLOITATION

"You could be walking at night and criminal gangs would assault you and hold their guns to your head… They would shout 'you black, come here', and take all your money from you… People can ask you to work for free for them… If you complain to the police, they will lock you up."

A Gambian man interviewed by Amnesty International, Tunisia, 15 March 2015

Even before the start of the current conflicts, foreign nationals, particularly those from sub-Saharan Africa, were vulnerable to labour exploitation by their employers, who are aware that they are unable to complain or seek remedy. Their situation has become more difficult as Libya has descended into further chaos and lawlessness. Xenophobia and racism against migrants appears to be on the rise, especially in coastal areas, where foreign nationals are blamed for the rise of criminal groups and smuggling networks. All migrants and refugees interviewed by Amnesty International between August 2014 and March 2015 reported being forced to work without pay for periods ranging from days to several months. Women migrants working as housekeepers for Libyan families reported being beaten and threatened with guns by their employers each time they inquired about their salaries. In some cases, they were barred from communicating with their families by having their mobile phones confiscated and were prevented from leaving the homes in which they worked.

Men working on farms, constructions sites and car washes also reported not being paid for their work, being regularly beaten by their employers, being threatened with guns and in some cases being shot at. Amnesty International has also documented at least two cases where migrants in Tripoli and Zuwara were forced to provide support to armed groups involved in the current fighting by transporting ammunition and weapons to them. They told Amnesty International that the fear of being forcibly recruited by armed groups motivated them to leave Libya for Italy.

Most foreign nationals interviewed by Amnesty International reported being physically assaulted, threatened with knives and guns, or robbed of their possessions at least once during their stay in Libya. Such crimes appear to have increased with Libya's descent into chaos and conflict. Most commonly, migrants and refugees are robbed of their mobile phones, passports and money in the streets and in their homes.

Migrant and refugee women have been among those robbed and physically assaulted by

criminal groups. Some also reported sexual assault. A 21-year-old Nigerian woman who decided to embark on the dangerous journey to Europe in March 2015 was repeatedly assaulted and robbed during the two years she worked in Libya as a domestic worker. She explained:

"*It happened around January 2014. I was assaulted by a criminal gang. I was out in Gargaresh to buy clothes for my two-year old baby. A group of men came and told me that they wanted my phone. They broke my finger and took my money away. During my time in Libya, I was assaulted five or six times. Each time they stole my phone and touched my breasts. I was even robbed by a taxi driver once. He threatened me with a gun and forced me to give him all my money.*"

Several Syrian women interviewed by Amnesty International in 2013 and 2014 reported facing verbal sexual harassment by Libyan men, usually in the streets or in public places.

ABUSES BY SMUGGLERS PRIOR TO BOAT DEPARTURES

"They treated us like sheep, chicken. They locked us up, in a deserted area, under the heat and sun."

A Syrian man speaking to Amnesty International about the boat crossing from Zuwara on 2 August 2014, Catania, Sicily, 9 August 2014

Most of the boat departures from Libya towards Italy take place from the north-west of Libya, from the coastal cities of Zuwara, Sabratah, Garabulli, located east of Tripoli, and, to a lesser extent, from Misratah. Zuwara in particular is a large smuggling hub. Prior to departure, migrants and refugees are usually kept in partly constructed private houses for periods ranging from several days to two or three months while smugglers gather more passengers. At that point, they would have usually already paid the fees required for the crossing and have been unable to retract their decision to cross the Mediterranean even when they became more aware of the associated risks.

The treatment in these gathering points depends on the smugglers. While some migrants and refugees interviewed by Amnesty International did not appear to face any problems, others reported being given insufficient quantities of food and water, being insulted, beaten with sticks or having their possessions stolen by the smugglers.

Amnesty International has found that in most cases smugglers are reckless about exposing migrants and refugees to risk of death at sea by placing large numbers of people on unseaworthy fishing or rubber boats. In the vast majority of Amnesty International's interviews it also emerged that smugglers overload boats with people, do not provide safety equipment such as life jackets, and frequently load insufficient fuel onto the boat. In addition, in many cases no trained captain is put in charge of boats and summary instructions are given to a few of the passengers instead. Even in cases where smugglers acted as captains, they were generally not trained seafarers. At times, smugglers prevented passengers to take their own life jackets on board.

Amjad, a 19-year-old Syrian refugee interviewed by Amnesty International in Sicily in August 2014, described his experience prior to departing from Sabratah:

"*The treatment by the smugglers changed completely once we arrived on the beach. They started treating us like animals – they did not care that there were women and children*

amongst us. They were forcing us to get on the boat very quickly – there was not enough space for all of us, so we had to squat. We stayed in this position for the entire journey, and could not fall asleep. Once on the beach, they took away our bags. When arranging the crossing, the smugglers told us that everyone was allowed to take a small bag, but then they forced us to leave them on the beach. I lost 500 euros in mine. Now I have no money, it is all lost. I am not sure what I will do."

Several people interviewed by Amnesty International reported that armed smugglers threatened them and forced them to board boats when they wanted to change their mind having seen how small and unsafe the boats looked. A Syrian couple who also left from Sabratah in August 2014 said:

"*They [the smugglers] take people to… an unfinished house, with only walls surrounding it. People were sitting on the floor. They put up a tent there; there is no proper bathroom there and people are not able to shower. Some people stayed there for 10, 20 days before they were taken on board of the boat. We were lucky. We arrived on Sunday evening and were taken immediately on the boat. We stayed there maybe six hours. People are not allowed to leave from there. You have to keep quiet all the time. When they are trying to get you to give them money, they are nice and sweet, but once you are in their hands, their treatment changes completely. Once you are there, you cannot back away, and change your mind. The smugglers are armed; they carry Kalashnikov rifles and cables to scare us. One person tried to leave and he was beaten. He threatened to kill him. On the beach, they forced us to stand in line. They insult and yell at anyone who does not form the line. I saw some Africans being beaten when they did not form a perfect line… When we got to Sabratah, we could not believe that all these people would be coming with us. There were around 300 people on the boat. The smuggler lied to us. He said that only 150 people would be travelling… Then once we were by the sea, small rubber dinghies came… The smugglers were pushing us – they did not differentiate between men and women. They were insulting us and calling us animals. They placed us on the boat – each one of us had to squat and they were forming lines of people on the boat so that they would fit more. Each time, the Africans or Bangladeshis would try to come up to breathe from the engine room, they would beat them with whips. They would then tell us to make more space so that others would come. They would say, 'Don't let your Syrian brothers wait for the next trip.' They were laughing in our faces.*"[17]

A Syrian woman who travelled with her 10-year-old sister last summer to Italy described the conditions of transfer from the gathering point in Zuwara in western Libya to the beach:

"*On the day of the crossing, they took us to the beach in refrigerator trucks; they were taking us around 35 at a time so that no one would see us. There was not enough air or ventilation. Two children were starting to suffocate and stopped breathing. Their parents would slap them on their faces so that they would wake up. We were banging on the walls but the driver would not stop. Eventually, we reached the seashore, and the children were resuscitated. Thankfully, the drive was only 15 minutes.*"[18]

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[17] Amnesty International interview, Augusta Port, Sicily, 6 August 2014.

[18] Amnesty International interview, Augusta Port Sicily, Comiso Reception Centre, 7 August 2014.

RECOMMENDATIONS

"How come is Europe accepting us as refugees but does not care about how we get here? The United Nations, Europe - they should provide us safe routes."

A Syrian woman interviewed by Amnesty International, Comiso reception centre, Sicily, 7 August 2014

In light of the findings set out in this briefing, Amnesty International makes the following recommendations:

To European governments

- Urgently ensure the deployment of naval and aerial resources at a scale commensurate with foreseeable departure trends and which should patrol the high seas along the main migration routes. Whether such deployment occurs within the framework of Frontex Joint Operation Triton or through other agreements, it is crucial that ships and aircraft are delivered promptly and deployed in the area where most of calls for assistance come from and a great number of shipwrecks occurs.

- To reduce the numbers of those risking their lives at sea, increase the number of resettlement places, humanitarian admissions and visas for people in need of international protection and ensure that refugees have effective access to asylum at land borders.

- Ensure that any action against smugglers and traffickers is addressed through law enforcement measures, governed by human rights law and standards, and that it does not contribute to migrants and refugees being trapped in Libya without any means of escaping the violence.

- Ensure that human rights abuses and violations of international humanitarian law, including against migrants, asylum-seekers and refugees in Libya, are addressed as part of the political dialogue aimed at ending the ongoing conflicts, and that a mechanism is put in place to monitor the human rights situation on the ground following any subsequent settlement. EU governments must also insist that Libyan authorities, armed groups and militias end the systematic indefinite detention of migrants and refugees based on their immigration status; all refugees and asylum-seekers and migrants detained for immigration purposes must be released.

- Investigate and bring to justice in fair trials those involved in trafficking of persons.

To the governments of Tunisia, Egypt and Algeria:

- Keep the borders open to all individuals in need of international protection regardless of whether they have valid travel documents or meet visa requirements.

To governments along the smuggling route:

- Ensure that any regional co-operation aimed at addressing irregular migration and dismantle smuggling networks fully complies with international law and standards, and does not infringe upon the rights and safety of asylum-seekers and refugees, with particular regard to the right to freedom of movement, the right to asylum, and the absolute prohibition on *refoulement*.

To militias, armed groups and Libyan authorities:

- Release anyone detained solely on the basis of their immigration status, nationality, race, religion or ethnicity.

- Make clear to all those under your command that torture or other ill-treatment, rape and sexual assault will not be tolerated under any circumstances. Remove from the ranks anyone suspected of such abuses.

- Facilitate visits by independent organizations to immigration detention centres and other places of detention.

- Ensure that all those deprived of their liberty can communicate regularly with their families and have access to adequate medical care.

‘LIBYA IS FULL OF CRUELTY’

STORIES OF ABDUCTION, SEXUAL VIOLENCE AND ABUSE FROM MIGRANTS AND REFUGEES

Inside war-torn Libya, thousands of foreign nationals, including refugees and asylum-seekers, face abductions for ransom, torture and sexual violence by traffickers, smugglers and organized criminal groups. Many are systematically subjected to discrimination and exploitation by their employers or face indefinite detention in appalling conditions on account of their immigration status. Religious minorities, in particular Christian migrants and refugees, are persecuted and are at highest risk of abuse from armed groups that seek to enforce their own interpretation of Islamic law.

This briefing, based on research conducted by Amnesty International in Sicily and Tunisia between August 2014 and April 2015, shows that widespread abuses are increasingly pushing thousands of foreign nationals, including members of established communities, to risk their lives in treacherous sea crossings in a desperate attempt to reach safety in Europe.

As violence continues in Libya and ever more people drown in the Mediterranean Sea, Amnesty International calls on governments of neighbouring countries, which have imposed more stringent entry requirements out of fear that the conflicts in Libya will spill over into their territory, to keep their borders open to all individuals in need of international protection.

Amnesty International welcomes the commitment made by EU leaders to deploy more resources for search and rescue, but more people will drown in the Mediterranean Sea unless rescue vessels are delivered promptly, deployed in areas where they are needed most and remain available for as long as high numbers of refugees and migrants continue to depart from Libya. Amnesty International also calls on EU governments to increase the number of resettlement places, humanitarian admissions and visas for people in need of international protection.

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