



Libya: Head of Government recognizes inhumane detention conditions of migrants

Tunis, December 18, 2022 – On the occasion of International Migrants Day, the World Organisation Against Torture (OMCT) and the Libyan Anti-torture Network (LAN) present a number of recommendations following the [recent comments](#) made by the Head of the Government of National Unity in Tripoli, Mr Abdul Hamid al-Dbeibeh. During a speech delivered in his meeting with Libyan officials, Mr al-Dbeibeh recognised the gravity of the situation in the migrant detention centres in Libya, going as far as to equate these facilities with “hangars” and describing the living conditions as “unbearable”. Mr al-Dbeibeh also stressed the importance of a “real humanitarian action, given the religious obligation to respect the principles of Islam”.

This statement is an explicit recognition of the terrible conditions of migrants in Libya and the inhumane environment they are forced to live in. It could potentially be the starting point for improving living conditions in centres run by the Directorate for Combating Illegal Migration (DCIM) and, more generally, creating a better setting for migrants and asylum seekers in Libya. It is therefore essential to follow up with concrete actions and decisions. The OMCT and the LAN jointly call on the Libyan Government to take the following recommendations into consideration:

1. Migrants must be placed in appropriate shelters, where they should be treated humanely and with complete respect for their human dignity, while the specificities of each case should be taken into consideration. The Libyan Government and the DCIM management must pay attention to the protection of vulnerable groups such as children, women, elderly people, people with special needs and the sick, and specifically orient their attention to victims of psychological trauma. This could be achieved by effectively separating women and men in the shelters and by providing the necessary rehabilitation means as well as acceptable living conditions according to recommended common international standards.

In his speech, the Head of Government acknowledged the following: *“It is our role to feed them, give them enough water, protect them, and respect them. If a migrant returns to his homeland, this is good. And if a migrant travels to another country, it is totally his decision, but as long as the migrant is under our responsibility, we must do what God requires us to do, to protect them... The migrant must be protected because he/she is a human being; we must prevent their death at sea. They must eat well and have access to appropriate services and toilets”.*

2. Current national legislation concerned with the criminalisation of irregular migration, which is still in effect to this day, must be amended. These laws allow migrants to be treated as criminals, increase the possibility of arrests, and contribute to the prevalence of racism and discrimination. The Government should also seek to include clear provisions about humanitarian exemptions for migrants fleeing political persecution and intimidation in their home countries, as well as for those fleeing wars and other economic and humanitarian conditions in their homeland.

3. Libyan authorities must be aware that the status of asylum seekers is legally different from that of irregular migrants and other populations. While protection applies to both groups, it is not permissible to arrest and prosecute asylum seekers and to enforce regulations to restrain their freedom of movement in the country. Cardholders registered in asylum applications are granted this too, given their inability to return to their State of origin. Thus, they are entitled to enjoy public services and

have the right to work, enabling them to provide the basics of life for themselves and their families until they obtain asylum in a safe country.

4. More efforts should be put into facilitating cooperation with the United Nations High Commissioner for Refugees (UNHCR) so that it can carry out the examination and evaluation of asylum applications. The Government should also ensure the confidentiality of the information gathered by the UNHCR.

5. The Government must enable migrants and asylum seekers in detention centres to challenge their detention before the judiciary in a transparent, impartial, and independent manner as stipulated in the Libyan Constitutional Declaration, which states in Article 7 that *“Human rights and basic freedoms shall be respected by the State. The State shall commit itself to joining international and regional declarations and charters which protect such rights and freedoms. The State shall endeavour to promulgate new charters which shall honour the human being as God's creation on Earth”*. And in article 10 that *“The State shall guarantee the right of asylum by virtue of the law. The extradition of political refugees shall be prohibited”*. Therefore, recourse to the Libyan judiciary shall be available at any time to victims, in person or through their representatives.

6. Effective monitoring policies must be established immediately in all detention centres for migrants. This will not only allow for the documentation of gaps, needs and possibly violations but also reinforce transparency and governance the DCIM management and the Libyan Ministry of Interior.

7. The expenditures of the DCIM must be monitored and evaluated transparently, whether those funds are allocated directly by the Government or granted by some member States of the European Union for the purpose of improving services in detention facilities. This was highlighted by the Libyan Audit Bureau, which had reviewed the expenses of the DCIM. The [Audit Bureau's report](#) reads: *“DCIM did not commit to Article 10 of Decree No. 1949 of 2019 regarding the organisational structure of the DCIM and its jurisdiction in managing and coordinating operations and control, which includes follow-up to the daily presence of illegal migrants in rehabilitation centres, collecting information and investigating human trafficking and organised crime, and preparing a database in this regard... and further prepare periodic reports on the management's work”*.

8. There is an urgent need to open investigations into serious abuses, the most severe and widespread of which is the alleged involvement of guards and workers within DCIM in human trafficking and smuggling, enslavement, and enforced labour inside and outside places of detention. This should take place alongside the opening of urgent investigations into allegations of torture and unlawful and extrajudicial killings in and outside detention facilities.

9. The Libyan authorities should support and facilitate access for local and international organisations concerned with migration, be it to Libya or specifically to detention facilities, to provide medical services and technical assistance, to monitor the humanitarian situation, and to help reduce the suffering of these vulnerable groups.