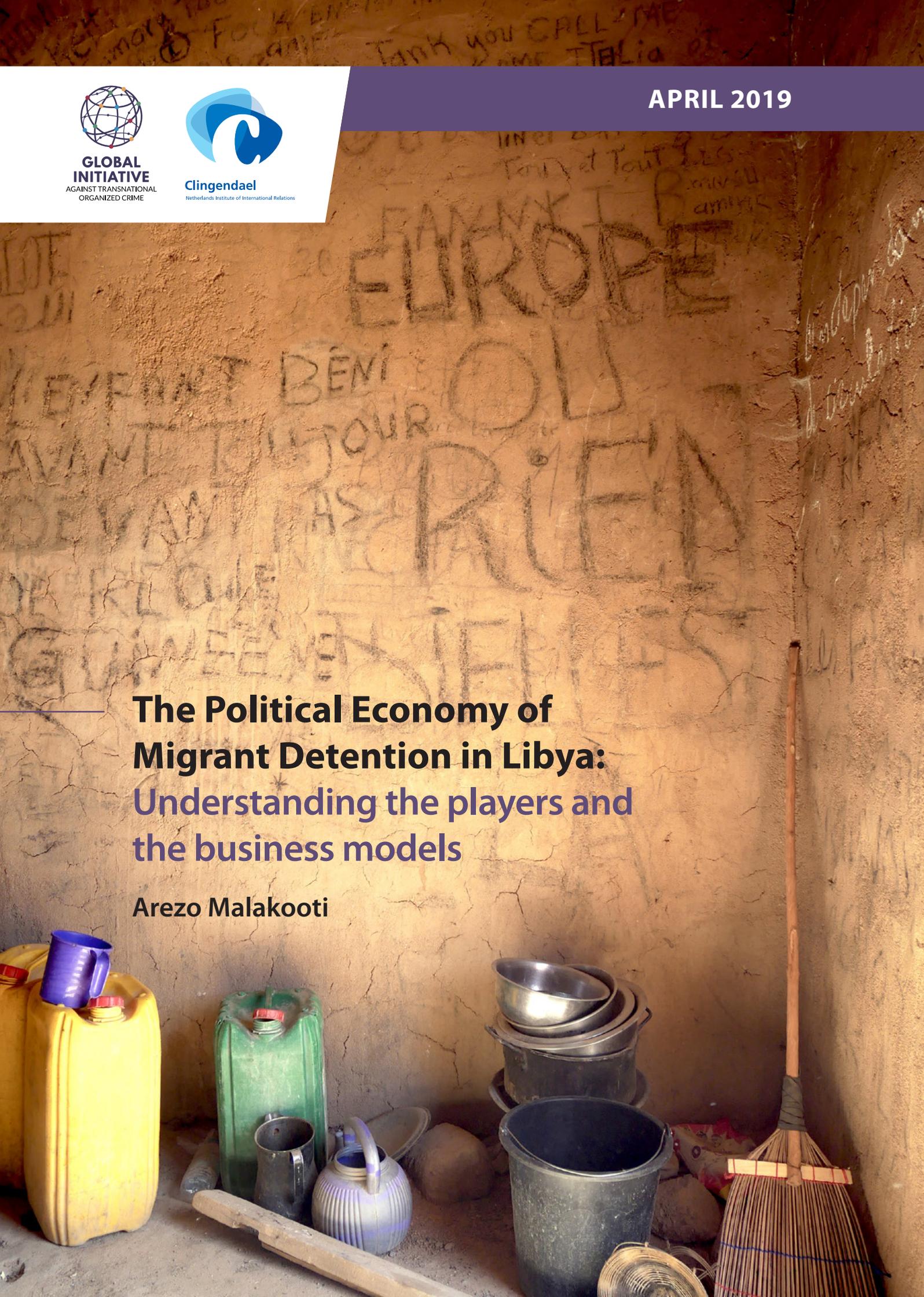**GLOBAL INITIATIVE**
AGAINST TRANSNATIONAL
ORGANIZED CRIME

**Clingendael**
Netherlands Institute of International Relations

# The Political Economy of Migrant Detention in Libya:
## Understanding the players and the business models

Arezo Malakooti

## DISCLAIMER

# ACKNOWLEDGEMENTS

# ABOUT THE PROJECT

'Monitoring the Political Economy of Human Smuggling in Libya and the Greater Sahara' is a project funded under the North Africa window of the EU Emergency Trust Fund for Africa. Its goals are to create an expansive research facility that provides the EU and its partners with up-to-date monitoring and analysis of migration patterns and human smuggling dynamics in Libya and the Sahel (Niger, Chad and Mali). This takes the form of monthly briefs and regular in-depth, longform research studies such as this one. The project is implemented by a consortium consisting of the Global Initiative and the Clingendael Institute.

# Contents

# ABBREVIATIONS AND ACRONYMS

| | |
|---|---|
| **AGO** | Attorney General's Office |
| **AVR** | assisted voluntary return |
| **CFA** | Communauté Financière Africaine |
| **CIR** | Italian Refugee Council |
| **CSDP** | common security and defence policy |
| **DC** | detention centre |
| **DCIM** | Directorate for Combating Illegal Migration |
| **DGPC** | Direction Générale de la Protection Civile (Niger) |
| **DRC** | Danish Refugee Council |
| **ENFM** | EUNAVFOR MED Operation Sophia |
| **ETM** | emergency transit mechanism |
| **EU** | European Union |
| **EUTF** | European Union Trust Fund for Africa |
| **GDF** | gathering and departure facility |
| **GNA** | Government of National Accord |
| **HI** | Humanity and Inclusion NGO |
| **HOR** | House of Representatives |
| **IDI** | in-depth interview |
| **IDP** | internally displaced person |
| **IMC** | International Medical Corps |
| **ISIL** | Islamic State of Iraq and the Levant |
| **IOM** | International Organization for Migration |
| **IOM DTM** | IOM's Displacement Tracking Matrix |
| **IRC** | International Rescue Committee |
| **KII** | key informant interview |
| **LCG** | Libyan Coast Guard |
| **LPA** | Libyan Political Agreement |
| **LNA** | Libyan National Army |
| **MoD** | Ministry of Defence |
| **MoI** | Ministry of the Interior |
| **MoJ** | Ministry of Justice |
| **MoL** | Ministry of Labour |
| **MOU** | memorandum of understanding |
| **MSF** | Médecins sans Frontières |
| **NGO** | non-governmental organization |
| **PUI** | Première Urgence Internationale NGO |
| **SAR** | search and rescue |
| **UN** | United Nations |
| **UAM** | unaccompanied minor |
| **UNHCR** | United Nations High Commissioner for Refugees |
| **UNSMIL** | United Nations Mission of Support in Libya |
| **VHR** | voluntary humanitarian return |

# DEFINITIONS

**Official detention centres**
Migrant detention centres that have been established or officialized by the authority for migrant detention centres in Libya, which is the Directorate for Combating Illegal Migration (DCIM) under the Ministry of the Interior (MoI).

**Non-official detention centres**
Migrant detention centres in Libya that were not established by the DCIM or officialized by this body. This type of centre is generally established and maintained by armed groups or smugglers.

**Holding locations**
Locations where smugglers gather migrants before undertaking a journey. Migrants are typically gathered in such locations when the smuggler wishes to get together larger numbers before starting a journey. They are also places where migrants rest between different legs of a journey.

**Handover points**
Locations where groups of migrants are handed from one smuggler to another. Typically, these are located at borders, where the migrants need to move into the hands of a smuggler who is local to the territory into which the migrants are crossing.

**Concentration points**
Holding locations where migrants are kept before they board boats to cross the Mediterranean. Concentration points are located along the coast, close to departure points.

**Departure points**
Locations along the coast from which migrants embark on their journeys across the Mediterranean.

**Disembarkation points**
Locations where migrants come ashore after being picked up at sea by a rescue ship or a coast guard.

**Armed groups**
Armed organizations that challenge the state's monopoly of legitimate coercive force. They include a variety of actors, including opposition and insurgent movements, pro-government militias and community-based vigilante groups.[1]

**Deportation**
The act of a state in the exercise of its sovereignty in removing an alien from its territory to a certain place after refusal of admission or termination of permission to remain.[2]

**Repatriation**
For refugees, asylum seekers and irregular migrants, repatriation can mean either voluntary return or deportation.

In the sections of this report that refer to a mixed migratory movement, the word 'migrant' is used broadly to refer to all people on the move. This includes refugees, asylum seekers, irregular migrants and involuntary migrants, unless a distinction is made.

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# CASE STUDIES

# PHOTOGRAPHS

# EXECUTIVE SUMMARY

The overall objective of this study is to understand the political economy of migrant detention in Libya, in both the official and non-official detention systems. The study was launched in October 2018 and the report was finalized in April 2019. The study was conducted by means of a qualitative approach, based on primary field research spanning four research modules: literature review, initial screening of detention centres in Libya, primary field interviews with migrants and with a variety of key informants (armed groups, authorities, smugglers, detention-centre staff, programme implementers). The methodology was route focused and, as such, involved interviews in four countries: Niger, Libya, Italy and Malta. A total of 85 key informant interviews were conducted and 75 in-depth interviews were conducted with migrants (160 in-depth interviews in total).

## Context

The detention and monetization of migrants began during the Qaddafi regime when migrants were detained and forced to pay a fine and the costs of their return journey home. In the aftermath of the Libyan revolution of 2011, former government-controlled migrant detention centres fell into the hands of militia groups and military councils. The Directorate for Combating Illegal Migration (DCIM) was created in 2012 under the Ministry of the Interior (MoI) to oversee detention centres in the county and also to integrate militia-run centres into the state system – an emergency measure, given that, under Libyan law, security bodies should be established by law, and not by decree and was given some of the same roles as the passport authority, thereby creating overlapping mandates (see Table 4 for details).

Migrant smuggling in Libya became more transnational in nature after the revolution. Between 2013 and 2015, the marketing of smuggling services increased, as different groups vied for the business of the Syrians, who had greater economic means than their sub-Saharan African counterparts. By 2015 Syrians had rerouted through the Eastern Mediterranean and revenues dropped, so the militias turned to the further establishment and maintenance of migrant detention centres for income generation.

In 2017 Italy and Libya signed a memorandum of understanding (MoU) relating to migration management. As a result, a code of conduct was introduced for non-governmental organization (NGO) search and rescue boats in the Mediterranean, and the Libyan Coast Guard (LCG)'s capacity was reinforced. The result was a dramatic drop in the number of migrant arrivals in Italy. The LCG's increased search and rescue activity at sea also led to an increase in the number of migrants in detention. Sensing an imminent end to the political status quo, militia leaders began trying to launder their reputations by accepting incentives to serve as law enforcement partners of third countries.

## The link between smuggling and detention

There is a clear link between smuggling dynamics in Libya and the system of migrant detention. Smuggling routes are controlled by different militias, generally on territorial lines. The type of detention centre in which migrants end up is therefore influenced by their nationality, the routes on which they are travelling and the smuggling ring with which they are moving.

Detention centres are generally located along the migratory trail and the nationalities detained within individual centres are influenced by the location of the centre, which ultimately affects the business model. For example, East African migrants are held in detention centres in the east of the country and, given that East Africans are regarded in Libya as wealthier than West Africans, the dynamics and rates of extortion are completely different from those in centres in the south. The increased risk of arbitrary detention has also led to the formation of more transnational networks, with migrants attempting to move from the Sahel to Italy within one network, as a way of avoiding detention in Libya.

Recent changes in smuggling routes through neighbouring countries have started to frustrate such plans, leading to greater risk for migrants. For example, since Niger introduced its anti-smuggling law 36 in 2015, the routes through that country have become fragmented and it has become more difficult to enter Libya through the Nigerien border. Journeys have also become more clandestine and, consequently, more expensive. Migrants run out of money because of multiple failed attempts to move from Niger to Libya and the increase in prices by smugglers who try to compensate for the increased controls.

This often means that migrants cannot afford to pay for a journey from Niger all the way to Italy and are more prone to detention in Libya. As a result of the increased difficulty in moving to Libya via Niger, some of the routes have been changed and now go via Algeria. Some smuggling rings organize journeys all the way to Italy from Algeria via Ghadames, offering migrants another way to address their vulnerability to detention in Libya.

Smuggling routes and dynamics in Libya have also shifted in recent years. As the number of boat arrivals in Italy dropped in 2018 in response to Libyan smugglers being co-opted into counter-smuggling, migrants have been at greater risk. For example, some armed groups create the illusion of counter-smuggling while stopping only the less valuable migrants and allowing the more valuable to continue. East Africans are generally perceived as more valuable because they are usually backed by a diaspora in the West that can afford higher ransom payments. Migrants who traverse long distances to reach Libya are also perceived to have greater economic means.

## General findings on migrant detention in Libya

- Given the power and influence of armed groups in Libya today, it is impossible for the detention centres, even the official ones, to operate effectively without the support or buy-in of armed groups.
- Sometimes the DCIM officializes non-official centres or decides to work with armed groups as a way of increasing its control over the non-official centres, but this creates situations where questionable actions are undertaken in official centres because the DCIM's control is often nominal at best.
- For some armed groups, control of a DCIM migrant detention centre is seen as a strategic asset because it allows them to place a good proportion of their men on the state payroll.

- Most of the DCIM-run or -accredited centres are in the north of the country, particularly in or around Tripoli and along the western and eastern coasts. Most of the centres in Tripoli and along the Western Coast are only nominally under the control of the DCIM, with actual control in the hands of local militias. In the east the DCIM has more control, but the centres are quite poorly maintained.

- In general terms, the centres in eastern Libya are used to create the illusion of counter-smuggling, whereas those in the west are at the core of the smuggling business, particularly since the collapse of the coastal smuggling systems. In Sabratha the competition between the brigades was never about the detention centres; rather, it was about controlling smuggling routes.

- In the south almost all the detained migrants are held in informal holding locations run by smugglers. In Sebha officials believe in the need for a detention centre but struggle with powerful armed groups and smugglers, and with their distance from the capital.

- The centres that function predominantly as deportation sites: The DCIM centre in Kufra, where Chadians and Sudanese are sent home over the border (informal deportations) and Eritreans, Ethiopians and Somalis are allowed to continue because they are perceived to be more valuable (able to pay more for extortion and journeys). The same applies in Ajdabiya and Benghazi, where Eritreans, Ethiopians and Somalis are allowed to continue while Sudanese and Chadians are sent back to Kufra for deportation.

- The centres that transfer migrants to other centres are generally the ones in the east, which fall under the leadership of the interim government, and the ones on the Western Coast, which is the coast from which most migrants disembark. Transfers from disembarkation sites are essentially a way of managing numbers and capacity issues at centres that receive high numbers of detainees. As there are currently no official deportations taking place at the central level, centres have few other ways of alleviating pressure when they are over capacity. Sometimes they will sell migrants to other centres or to smugglers.

- The interim government of al-Bayda has created its own DCIM, which provides support to some migrant detention centres in the country in order to increase its legitimacy in these areas.

- The majority of migrants who arrive at official detention centres today have been intercepted at sea. Other ways in which migrants enter detention centres is through raids on urban areas by security forces, being rounded up at checkpoints and being transferred from other prisons in Libya (that is, general prisons, not migrant detention centres).

- There are currently no regulations or guidelines that stipulate how long a migrant should be detained or how they can be released. Common forms of release include: (i) migrants being released to a Libyan sponsor who requires migrant labour; (ii) through the payment of a ransom; (iii) escape.

- The proportion of detainees who are asylum seekers has increased and, while the overall number of migrants has not changed much in recent years, the composition has, with an increase in those coming from neighbouring countries, a decrease in East Africans and an increase in West and North Africans. More and more East Africans are entering Libya via Niger instead of via Sudan or Chad.

- The business models vary slightly, but also overlap in official and non-official detention centres. In the unofficial centres these models consist of extortion, enforced labour, prostitution, selling migrants to Libyans who require labourers, selling migrants between centres, selling migrants to smugglers and armed groups using migrants in their own security or smuggling work.

- In some official centres, the management profits from the budget allocated for food and by selling non-food items provided for migrants on the local market. There are also instances of extortion.
- The DCIM is underresourced and underfinanced and this inevitably affects its ability to run detention centres, which explains why official centres are also involved in profit making and why the DCIM works with armed groups in certain locations and accepts funding from them.
- Extortion is almost systemic in unofficial centres. In most of the entry hubs in Libya, such as Sebha and Kufra, migrants report being detained on arrival and asked for a ransom payment in order to be released. The extortion rates vary according to nationality and (Libyan) geography. While most official centres do not have an official policy of systematic extortion, it is not uncommon for such practices to occur through individual staff members.
- There is an apparent link between forced labour and the devaluation of the Libyan currency. That is, in order to account for devaluation and to maintain the same level of earnings in their home currency, migrants are requesting higher salaries in Libyan dinars. This is leading to them effectively pricing themselves out of the market and creating a labour shortage. Buying migrants in order to exploit their labour, or making migrants work without payment is, therefore, one way in which employers fill this gap.
- Most female migrants in Libya are already being trafficked for sexual exploitation and it is not uncommon for them to be forced into prostitution by centre staff, particularly in unofficial centres where the traffickers and the centre staff may be part of the same network.
- Approximately 3 500 unaccompanied children, primarily from Tunisia, Eritrea and Guinea, arrived by sea in Italy in 2018 (making up about 15% of all arrivals). These children are not detained separately in Libya, nor are they excluded from the country's detention policy.

## Conclusion

While the ultimate objective is for the Libyan state to effectively manage the migration flows through the country, right now this is not possible, given the political instability and fragmentation in the country. Despite the good intentions of the international community, assistance to migrants in official detention centres (which are, in most cases, only nominally under the control of the DCIM) is being misappropriated, armed groups are attempting to benefit from the activities of international institutions and neither the Government of National Accord (GNA) nor the international community has real leverage over the situation. While the condition of migrants in Libya would be worse without the intervention of the international community, grave human rights abuses continue despite efforts to alleviate the situation.

Thus, while the focus should be on assisting the GNA to establish an effective Libyan state and integrate armed groups into the state apparatus, the situation of migrants cannot be ignored in the interim. Given the urgency of the situation, a series of interventions is needed in the short, mid and long term, including immediate efforts to find safe alternatives to detention pending more permanent solutions in the mid to long term. Europe can and should play a greater role in providing safe alternatives to detention, including by increasing evacuations from Libya to European member states.

# A. BACKGROUND AND METHODS

## 1. INTRODUCTION

Historically, Libya has been an attractive destination for sub-Saharan African migrants. It is a resource-rich country with one of the strongest gross domestic product rates per capita in Africa, but with a small population – roughly 6.4 million, with a population density rate of roughly 22 persons per square kilometre. As a result, under the previous regime certain industries suffered from a lack of labour, which increased the demand for foreign labour in the form of migrants, typically in the agricultural and construction sectors and for other low-skilled jobs.

Libya's geographic location made it a perfect platform for migrants aiming to reach Europe, particularly Italy and Malta, and its weak border management have made it a more ideal departure point than other possible locations, such as Morocco or Tunisia. Moreover, the combination of these factors and the employment opportunities that existed in the country, which allowed migrants to make money for their journey to Europe, historically made Libya the favoured departure point for Europe.[3]

Qaddafi's policy of pan-Africanism in the 1990s increased the numbers of sub-Saharan migrants in the country as it involved an open-door policy whereby African nationals were allowed to enter Libya without visas between 1998 and 2007. In 1998 Libya played an instrumental role in the establishment of the Community of Sahel-Saharan States, which brought together 28 African countries, promoting free movement of people within them and the freedom to live and work in any of them.[4] Despite these encouraging messages, however, migrants continued to be poorly treated.

> " Qaddafi's policy of pan-Africanism in the 1990s increased the numbers of sub-Saharan migrants in the country as it involved an open-door policy whereby African nationals were allowed to enter Libya without visas between 1998 and 2007. "

In 2004, when Libya signed the United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, the Qaddafi regime introduced a quota for migrants, setting it at 46 000 per year. Particular policies were developed for migrants from Niger and Chad.[5] In 2006 the Libyan government estimated the number of migrants in the country to be 1.5 million, 70% of whom were economic migrants.[6] As a result, in February 2007 Libya decided to reinstate visa requirements for all foreigners (excluding those from North Africa, with the exception of Egyptians), including Africans who had previously enjoyed free movement.[7]

The detention and monetization of migrants is a practice that began during the Qaddafi regime. Article 6 of Law No 19 (2010) states, 'The illegal migrant will be put in jail and condemned to forced labour in jail or a fine of 1,000 Libyan dollars … The person must be expelled from Libyan territory once he finishes his time in prison.' Under this system, migrants were forced not only to pay the fine but also the costs of their return journey. Fees for labour were retained by the prison service and the 'fine' was often paid to the prison or detention centre staff to secure the migrant's release. As Libya had not established any formal framework for the admission, protection or welfare of asylum seekers or refugees, asylum seekers who entered the country with the aid of smugglers were also detained.

After the revolution, the open-door policy for sub-Saharan Africans was not extended and migrants entered the country irregularly with the aid of smugglers. In the aftermath of the revolution, former government-controlled migrant detention centres fell into the hands of militia groups and military councils. Temporary centres were also established by independent militia groups, most likely to enable them to create a market for smuggling services.

The Libyan Civil War, which started in mid-2014, resulted in a number of changes to the environment for both migrants and asylum seekers. More detention centres were erected by militia groups and brigades, outside of the authority of the Libyan state. This has led to migrants being exposed to even greater levels of arbitrary arrest and detention, ill-treatment and harassment, and created a migratory pressure for those who had been living in Libya for some time to leave the country in order to escape the instability.

**Photo 1:** Somali asylum seeker in Tripoli



Source: Arezo Malakooti

The lack of options for leaving the country (with Egypt and Tunisia effectively closing their borders, and the difficulties in accessing the southern borders of Libya to return home) often meant that departing via the Mediterranean was the most viable solution. This also decreased the attractiveness of Libya as a destination country and encouraged migrants to transit through and move to Europe instead.

Currently, the DCIM has less and less control over detention centres, with most being funded by the directorate but run by armed groups, or run by armed groups and completely independent of the DCIM or any other state institution. In addition to the official and non-official detention centres, there is a plethora of holding locations run by smugglers in which migrants are also detained.

As most international partners operate only in official detention centres, little is known about the unofficial centres and holding locations, particularly how they function, why they are opened and what their business models are. This study has been conducted to help answer these questions, while also attempting to create an overview of all migrant detention centres that existed at the time of fieldwork.

# 2. METHODOLOGY

## 2.1 Objectives
The overall objective of this study is to understand the political economy of migrant detention in both the official and non-official detention systems in Libya.

The study addresses the following specific objectives:
- An overview of detention centres in Libya today;
- The political economy of the official and non-official detention systems, including local variations in their governance and financial flows;
- Current migratory routes to Libya, including entry points, routes through the country and departure points;
- The smuggling dynamics along the different routes; and
- The profiles and experiences of migrants with regard to detention along the different routes.

There is a clear link between smuggling dynamics in Libya and the system of migrant detention. Smuggling routes are controlled by various militia, generally on territorial lines. The type of detention centre that a migrant ends up in is thereby influenced by the routes on which they are travelling and the smuggling ring with which they are moving.

Collusion among state officials, militia groups and smugglers also means that migrants may either find themselves detained or released on the basis of relationships between smugglers and the militia running a detention centre. For this reason, it was decided that an assessment of the system of detention in Libya would not be complete without an ancillary analysis of smuggling routes and smuggling dynamics in the country.

## 2.2 Approach

The study was conducted by means of a qualitative approach based on primary field research that spanned four research modules. The methodology was route focused, involving interviews in four countries: Niger, Libya, Italy and Malta. The research modules entailed:

- Secondary research, encompassing all existing literature and data on the topic;
- Initial screening of detention centres by GI-TOC's local network in Libya;
- In-depth interviews with migrants; and
- Key informant interviews with authorities, smugglers, members of armed groups, detention centre staff and project implementers.

The purpose of the qualitative methodology was to identify the full spectrum of experiences and issues relevant to the topic. The methodology does not seek to rank the experiences in relation to their frequency, nor does it seek to quantify the dynamics in any way; rather it seeks to identify the full spectrum and thus contribute to an understanding of the way the system functions. For this reason, a qualitative methodology was favoured over a quantitative one.

In this vein, the sample was deliberately selected to reflect the full cross-section of migrants moving along the routes studied. It is by no means a representative sample. In addition to the fact that it is almost impossible to identify a representative sample when the total population of migrants along these routes is unknown, a representative sample would not necessarily allow the full spectrum of issues and experiences to be explored in depth, as it would lead to certain profiles of migrants being over-represented in relation to others.

## 2.3 Literature review

An exhaustive review of all existing literature and data on the topic was conducted at the start of the project and alongside the other modules, in order to help frame the primary research modules and ensure that the study complements existing research efforts. A full bibliography is presented at the end of the report.

## 2.4 Fieldwork

Fieldwork was conducted between November 2018 and February 2019, with a total of 160 in-depth interviews (IDIs) conducted across four countries, including 75 with migrants and 85 with key informants. The countries included were Niger, Libya, Italy and Malta, as shown in Map 1.

### 2.4.1 In-depth interviews with migrants

- In Italy and Malta, a total of 32 in-depth interviews were conducted with migrants who had arrived from Libya by boat.
- In Niger 19 interviews were conducted in Niamey and 24 in Agadez with migrants who had returned from Libya (including six asylum seekers who had been transferred through the Emergency Transit Mechanism).

**Map 1:** Fieldwork locations
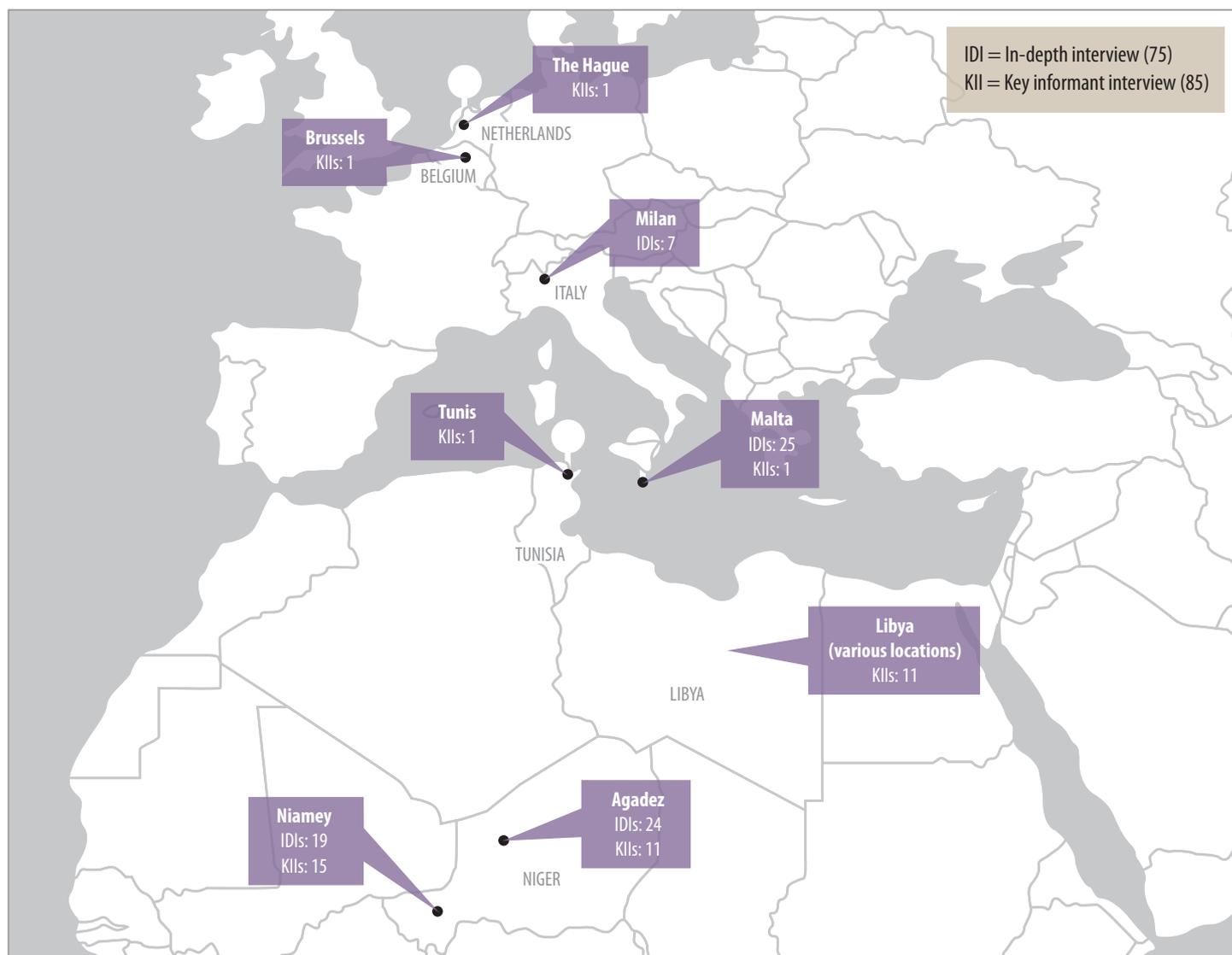


Migrants within Libya were not interviewed because it was felt that discussing detention conditions with those in detention or at risk of detention could create a level of risk or stress that would be unethical. Figure 1 shows the proportion of migrants represented by each country in which fieldwork was carried out. The sample is spread across three regions of origin, as shown in Figure 2.

The sample of migrants spans 23 nationalities across North, East and West Africa, thereby representing a good cross-section of those who move through Libya. The sample according to country of origin is presented in Figure 3.

The ages of the migrants in the sample range from 15 to 50, with a concentration between 15 and 35 (see Figure 5). In terms of gender distribution, 16 women (21%) were interviewed (see Figure 4).

**Figure 1:** Proportion of total sample of migrants represented by each fieldwork site



Milan 9%
Niamey 25%
Malta 34%
Agadez 32%
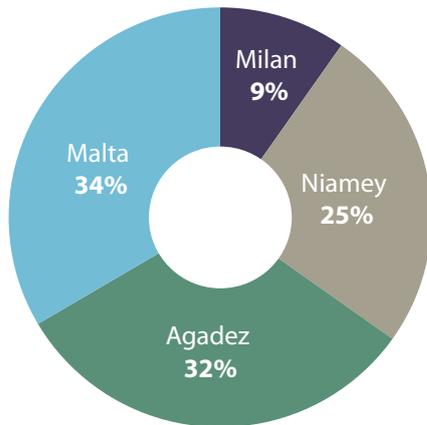
**Figure 2:** Proportion of total sample of migrants represented by each region of origin



North Africa 11%
East Africa 37%
West Africa 52%
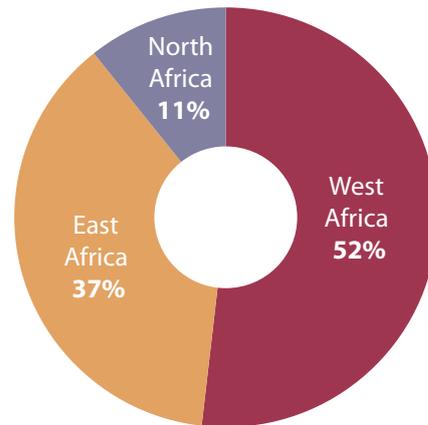
**Figure 3:** Sample of migrants according to country of origin



| Eritrea | 13 |
| Nigeria | 10 |
| Guinea | 5 |
| Sudan (Darfur) | 5 |
| Cameroon | 4 |
| Mali | 4 |
| Senegal | 4 |
| Sudan | 4 |
| Egypt | 4 |
| Burkina Faso | 3 |
| Ghana | 3 |
| Gambia | 2 |
| Guinea-Bissau | 2 |
| Somalia | 2 |
| Morocco | 2 |
| Côte d'Ivoire | 1 |
| Ethiopia | 1 |
| South Sudan | 1 |
| Kenya | 1 |
| Uganda | 1 |
| Algeria | 1 |
| Tunisia | 1 |
| Mauritania | 1 |
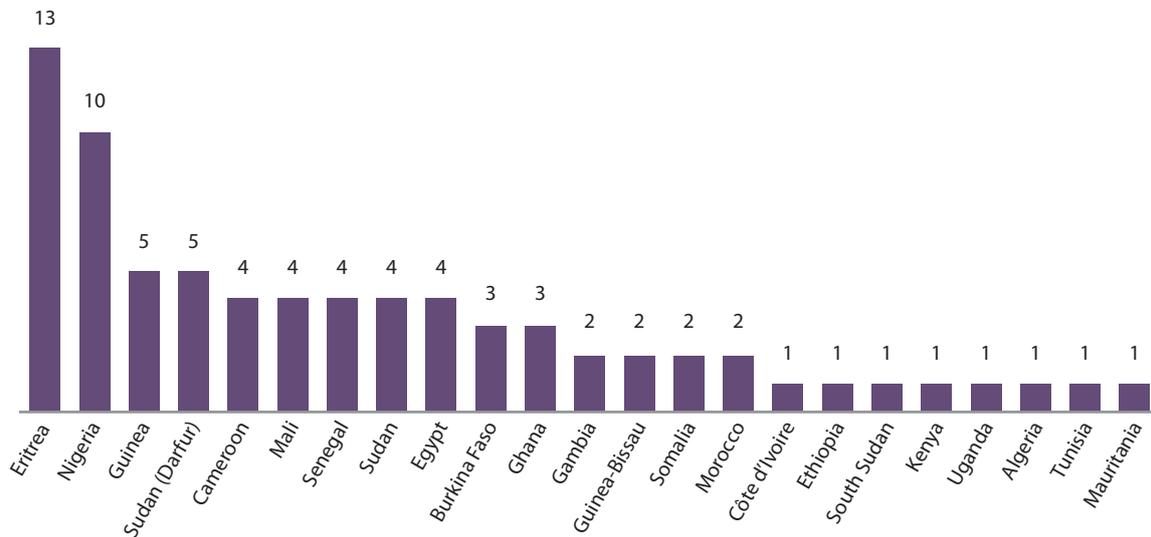
**Figure 4:** Gender distribution of migrants interviewed



Female 21%
Male 79%
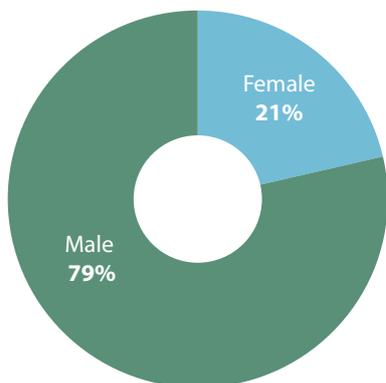
**Figure 5:** Age distribution of migrants interviewed



| 15–20 | 14 |
| 21–25 | 30 |
| 26–30 | 15 |
| 31–35 | 10 |
| 36–40 | 3 |
| 41–45 | 2 |
| 46–50 | 2 |
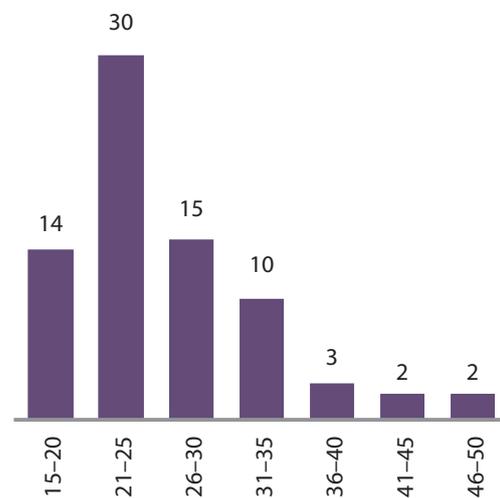
### 2.4.2 Key-informant interviews

A total of 85 key-informant interviews were conducted in four countries. These key informants included:

- Authorities;
- Detention centre staff in Libya;
- Smugglers;
- Armed groups;
- Border officials; and
- Implementers of programmes in the fields of assistance to migrants and to detention centres.

Given the sensitivity of the topic, the interviews were conducted with the promise of anonymity, so the majority of the key informants will remain unnamed. Table 1 sets out only the names of the programme implementers. In addition to the 36 individuals listed in Table 1, a further 49 individuals were interviewed.

**Table 1:** Programme implementers interviewed as key informants

| # | Location | Name | Organization | Title |
|---|----------|------|--------------|-------|
| **Niger** | | | | |
| 1 | Niger | Spreitzhofer, Gisela | EU Delegation to Niger | EUTF Programme Manager |
| 2 | Niger | Mattei, Riccardo | EU Delegation to Niger | Officer de liaison pour la Migration |
| 3 | Niger | Weinstein, Jeremy | Stanford University | Professor of Political Science |
| 4 | Niger | Christensen, Darin | University of California, Los Angeles | Assistant Professor of Public Policy |
| 5 | Niger | Barkat, Nawal | IOM | Programme Officer |
| 6 | Niger | Manente, Livia | IOM | Project Manager |
| 7 | Niger | Yuen, Lorelle | IOM | Information Manager Coordinator |
| 8 | Niger | Bernardeau, Guillaume | ACTED | Responsible Logistique et Sécurité Pays |
| 9 | Niger | Lankenau, Robert | Mercy Corps | Country Director |
| 10 | Niger | Jane-Lucas, Maggie | Mercy Corps | Deputy Country Director |
| 11 | Niger | Salah, Mahmoud | Tebu Leader | Tebu Leader |
| 12 | Niger | Moreno, Benoit | UNHCR | External Liaison Officer |
| 13 | Niger | Tervier, Eric | UNHCR | Senior Protection Officer |
| 14 | Niger | Raffaelli, Giulia | UNHCR | Assistant External Relations Officer |

| #  | Location | Name | Organization | Title |
|----|----------|------|--------------|-------|
| 16 | Niger | Gaingar, Lincoln | IOM | Agadez Transit Centre Manager |
| 23 | Niger | Abaliyi Sedike, Mahama | Cooperazione Internazionale (COOPI) | Social Worker, Centre for asylum seekers |
| 24 | Niger | Mega, Mahamado | Azhar Magazine | Editor in Chief |
| 26 | Niger | Anonymous | STM Buses | Manager |
| 27 | Niger | Anonymous | Rimbo Buses | Director of Operations |
| **Libya and Tunis** | | | | |
| 28 | Libya | Lucia Santuccione | EU Delegation to Libya | Programme Manager EU Trust Fund |
| 29 | Libya | Nille Gry Olesen | EU Delegation to Libya | Political Officer |
| 30 | Tunis | Cochetel, Vincent | UNHCR | Special Envoy for Central Mediterranean |
| 31 | Libya | Huber, Matt | IOM | Deputy Chief of Mission |
| 32 | Libya | Amanuel, Mehari | IOM | Mixed Migration Platform Coordinator, Libya |
| 33 | Libya | Syed, Arif Hussain | IOM | Health in Detention |
| 34 | Libya | Navqi, Ewa | IOM | Direct Assistance to Migrants |
| 35 | Libya | Teppert, Tassilo | IOM DTM | Programme Coordinator, DTM |
| 36 | Libya | Alhabahbeh, Urwah | UNSMIL | Corrections and Human Rights Officer |

# 3. HISTORICAL CONTEXT

## 3.1  Mediterranean migration flows

The Central Mediterranean route refers to the mixed migratory flow coming from northern Africa to Italy and Malta. Between 2012 and 2017, it was generally the most active of the three Mediterranean routes in terms of the number of arrivals in Europe (see Map 2), surpassed only by the Eastern Mediterranean route, in 2015. In 2018, however, arrivals in Italy dropped to 23 370 individuals, the lowest number since 2012. This figure also represented the lowest number of arrivals of all three Mediterranean routes for that year. The drop could be attributed to a number of factors described in further detail below. At the same time as movements through the Central Mediterranean have become more difficult, and have consequently decreased, movements along the other two Mediterranean routes have increased.

**Map 2:** The evolution of Mediterranean migration flows



**WESTERN MEDITERRANEAN ROUTE**
**2012:** 3 558 arrivals
**2013:** 2 609 arrivals
**2014:** 4 755 arrivals
**2015:** 3 592 arrivals
**2016:** 14 558 arrivals
**2017:** 28 707 arrivals
**2018:** 65 383 arrivals

**CENTRAL MEDITERRANEAN ROUTE**
**2012:** 15 151 arrivals
**2013:** 45 298 arrivals
**2014:** 170 664 arrivals
**2015:** 153 942 arrivals
**2016:** 181 436 arrivals
**2017:** 119 369 arrivals
**2018:** 23 370 arrivals

**EASTERN MEDITERRANEAN ROUTE**
**2012:** 4 370 arrivals
**2013:** 11 831 arrivals
**2014:** 44 057 arrivals
**2015:** 856 723 arrivals
**2016:** 173 561 arrivals
**2017:** 35 052 arrivals
**2018:** 50 511 arrivals

Sea routes to Europe
Both Sea and Land Routes
Old Routes

SPAIN · ITALY · ITALY · GREECE · ITALY, MALTA · ALGERIA · TURKEY · TUNISIA · MOROCCO · LIBYA · EGYPT

Figures refer to detected arrivals by sea only, compiled by respective national governments.

Libya has traditionally been the main departure point for those crossing the Mediterranean along the Central Mediterranean route. However, as movement through the country became more complicated in 2018, departures from other points along the North African coast, particularly Tunisia and Algeria, increased. Figure 6 charts boat arrivals in Italy according to country of departure, as a proportion of the total, for the years 2012 to 2018.

Between 2012 and 2017, the proportion of boats that arrived in Italy from the Libyan coast increased. In 2012 just under 40% of those who arrived in Italy departed from Libya and, while this was not the majority, they did represent the largest share. In 2013 this proportion increased to 63%, in 2014 to 83%, in 2015 to 89% and in 2017 to 91%. In 2018 the proportion dropped to 56%, while departures from Tunisia increased to 25% (compared to 4% in 2017 and 1% in 2016).

The 'other' category in 2018 includes departures to Italy from the Algerian coast and from Greece, among other countries. Thus far, migrants travelling to Italy from Tunisia and Algeria have been predominantly nationals of those countries; whether this will change in the coming months and years is yet to be seen.

**Figure 6:** Boat arrivals in Italy according to country of departure, as a proportion of the total, 2012–2018
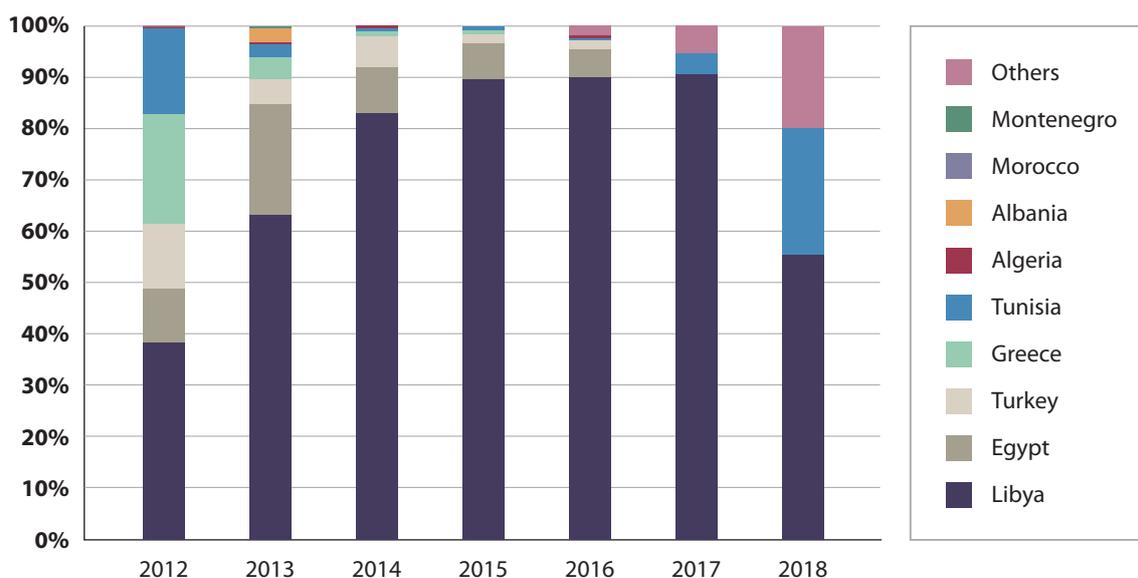


Source: Italian MoI

## 3.2 The development of smuggling dynamics in Libya since 2014

In the years immediately following the Libyan revolution, as political stability began to deteriorate, the smuggling landscape also started to shift. By the end of 2012, because movement to Europe had increased during the revolution, the smuggling networks became more transnational. Well-connected operators began to converge on the country, and Libyan coastal smugglers, who had been closely monitored and controlled by the regime, started to take part in better organized networks.[8]

The composition of migrants entering the country had also changed. Syrian refugees who had started to move into Libya by the end of 2011 began to move to Europe by boat for the first time in 2013. Prior to that, they had remained in countries that neighboured on Syria so that when the situation improved at home they would readily be able to move back. Once they realized the extent of the destruction in their country and that the situation was not going to improve in the near future, they started to board boats to Europe.[9]

This resulted in a large increase in flows across the Central Mediterranean (170 664 arrivals in Italy in 2014 compared to 45 298 in 2013) and a sudden increase in the number of migrants with greater economic means, as Syrians were generally in a more favourable financial situation than sub-Saharan Africans. Simultaneously, as the political situation in Libya deteriorated and more militia groups started to vie for control of territory, financial means became of increasing importance. Many militia groups turned to migrant smuggling as an income-generating activity and focused their attention on the Syrian community. The marketing of smuggling services emerged during this time, particularly on social media, offering 'safer' journeys in exchange for an increased passage price as a ploy to extract more money from the Syrians.

Increasing instability by 2015 resulted in scapegoating of Syrians. At the same time, there was an increase in movement along the Eastern Mediterranean route towards Germany, and Syrians in Libya, or those who might have travelled via Libya, started to reroute via Turkey and Greece. This not only led to a slight decrease in migrants moving through Libya (153 942 arrivals in Italy in 2015 compared to 170 664 in 2014) but also, more importantly, to a decrease in potential revenue from the migrants. Militia groups, needing to find new sources of revenue, turned to the establishment and maintenance of migrant detention centres, which allowed them to create the market for smuggling services. By gathering migrants in one space and sending in a smuggler to offer his services, they could effectively control the smuggling market, or, at the very least, receive a share of smuggling profits. With time, many of the groups started to cut out the middleman and engage directly in smuggling.

In the second half of 2017, at a time when boat crossings would usually be at their peak, there was a dramatic drop in the number of migrants crossing to Europe from Libya. This drop coincided with a number of factors, including the MoU that had been signed by Italy and Libya in February of that year. Italy's multi-dimensional strategy engaged both Libya's Government of National Accord and several municipalities and tribes in key locations along the smuggling route on the broad theme of 'development aid for migration control'.

Investments were also made in building the capacity of the LCG, including fast boats and surveillance equipment deployed to units operating along Libya's Western Coast. In addition, in June 2017 a code of conduct was introduced by the Italian government for non-governmental organizations (NGOs) providing migrant rescue functions in the Mediterranean. This led to the majority of NGOs operating in these waters having to shut down their operations, thereby resulting in most migrants being intercepted by the LCG instead. At the same time, Operation Sophia[10] contributed to building the capacity of the LCG through training programmes that aimed to promote lifesaving rescue at sea.[11]

While all these dynamics coincided, causality is difficult to prove. It should also be noted that in addition to the drop in the number of arrivals in Italy, these factors also coincided with an increased death rate at sea, with one death for every 38 arrivals in Europe from Libya being recorded in 2017, compared to one death for every 14 arrivals in 2018.

The increase in interceptions at sea by the LCG led to an increase in the number of migrants in detention in the country, as migrants were routinely sent to detention centres after disembarkation. There was also a decrease in migrant smuggling from Libya as militia leaders, sensing an imminent end to the political status quo, began to attempt to launder their reputations by accepting incentives to serve as law enforcement partners of international donors. As their revenues from migrant smuggling decreased, trafficking inside migrant detention centres increased, as an alternative source of income, and the number of centres in the country increased.

### 3.3 The policy of migrant detention in Libya

#### 3.3.1 Libyan law

In an attempt to absorb into the government the proliferation of militia groups and military councils that had been established during the revolution, the Department for Combating Illegal Migration was established within the Ministry of the Interior in May 2012 with a mandate to oversee detention centres in the country. It was also created for the purpose of integrating militia-run centres into the state system. In 2014 it was rebranded as the Directorate for Combating Illegal Migration and given a legal identity and financial independence.

The legal basis for detaining migrants is Law 19 of 2010, which gives a judge the authority to do whatever is deemed fit in the case of illegal migrants. This means that if a judge feels it is necessary, he or she may rule that a migrant be detained. However, this would have to be determined by a court decision where the migrant appears before a judge, which almost never happens in Libya today. The law also allows the detention of migrants through a substantiated decision of the Passport Authority.

Cabinet Decree (386) of 2014, which establishes the mandate of the DCIM, also gives the directorate the authority to detain migrants without a court decision, but only in the case of individuals awaiting deportation, which is also the only case in which the detention of a migrant is legal under international law. In sub-article 4 it is stated that the DCIM should 'apprehend illegal migrants in Libya and place them in shelters to monitor them and complete the procedures necessary for deporting them to their countries of origin in coordination with the relevant authorities' (see Table 2 for the DCIM's full mandate). As will be established in the following sections, there are currently almost no official deportations taking place in Libya.

> " Libya is not a signatory to the 1951 Refugee Convention nor its 1967 protocol and has not established any formal framework for the admission, protection or welfare of asylum seekers or refugees. "

There are currently no legal processes around migrant detention in Libya. Such processes would include:

- A court decision;
- An opportunity for the migrant to establish the legality of his or her migration;
- A process that separates the vulnerable, or those with special needs, from the general group;
- Allowing migrants the chance to apply for humanitarian protection;
- Clear guidelines stipulating the length of detention and ways in which migrants may end their detention; and
- Respect for the principle of non-refoulement when enacting deportations.

**Table 2:** Mandate of the DCIM

| Directorate for Combating Illegal Migration | |
|---|---|
| **The mandate of the DCIM is set out in article (3) of Cabinet Decree No. 386 of 2014:** | |
| 1. | Participate in preparing and implementing joint security plans to ensure maintenance of security and public order in the country. |
| 2. | Study and draft strategic plans to limit the phenomenon of illegal migration in Libya. |
| 3. | Prepare and implement security plans to combat crimes of smuggling persons and infiltration. |
| 4. | Apprehend illegal migrants in Libya and place them in shelters to monitor them and complete the procedures necessary for deporting them to their countries of origin in coordination with the relevant authorities. |
| 5. | Document records pertaining to apprehended infiltrators and smugglers and create a database in this regard. |
| 6. | Collect information and investigate, sort, and classify cases of human trafficking, organised crime, the smuggling of persons, and infiltration; coordinate with the relevant security agencies to prosecute the perpetrators and suspects. |
| 7. | Prepare studies and conduct research on the reasons behind the phenomena of illegal migration and trafficking; limit the same and propose the development of work methods; espouse advanced scientific technology to limit these criminal phenomena. |
| 8. | Tally and locate security centres; study the problems and difficulties they are facing and draft solutions to ensure that they are solved. |
| 9. | Directly supervise all branches, offices, shelters, departments, and centres affiliated therewith; coordinate their efforts and guide them in accomplishing the goals and duties assigned to the Agency. |
| 10. | Monitor desert stations and posts to manage motor patrols and combat illegal migration and smuggling in general along the second ring. |
| 11. | Perform all components of the Agency's daily administrative tasks; inspect and oversee persons affiliated therewith to verify that they are performing their duties and abiding by the laws, regulations, decrees, and systems in effect therein. |
| 12. | Work on providing all technical and advanced means and tools required by the Agency to implement the tasks assigned thereto. |
| 13. | Prepare a yearly plan to train persons affiliated therewith and improve the level of their security and professional performance through local and foreign courses. |
| 14. | Attend forums, seminars, and local, Arab, and international meetings related to combatting the phenomena of illegal migration, smuggling of persons, and border security. |
| 15. | Coordinate with the relevant regional security agencies and cooperate with equivalent Arab authorities, including Arab and international organisations, in order to make use of their experience and capabilities in the field of addressing and limiting the said criminal phenomena. |
| 16. | Any other tasks assigned thereto or in which the Agency is competent in accordance with the legislation in force. |

Libya is not a signatory to the 1951 Refugee Convention nor its 1967 protocol and has not established any formal framework for the admission, protection or welfare of asylum seekers or refugees. In 1969 it ratified the 1967 Amended Convention Governing the Specific Aspects of Refugee Problems in Africa of the Organization of African Unity and the African Charter on Human and Peoples' Rights, which recognizes the right to asylum, but has not established any appropriate national asylum system.

Libya is also a signatory to the 1985 Convention Against Torture, Article 3 of which upholds the principle of non-refoulement. According to the Ministry of Justice (MoJ), while Libya has not developed a framework for asylum, the state does provide some forms of protection for individuals who enter the country for humanitarian reasons. Specifically, those who do so irregularly will be fined and deported, but not detained. While this policy has the potential to ameliorate the suffering of such individuals, it does not guarantee the right to non-refoulement. Moreover, it means that a legal process that determines whether an irregular migrant needs humanitarian protection would need to be established.

There are currently no guidelines on detention that stipulate how long a migrant should be detained or how he or she may be released. The law currently provides for three ways in which a migrant can be released from detention: a court decision, an administrative decision (made by MoJ staff inside the detention centres) and voluntary return. As migrants are rarely taken before a court, the only official way out of detention is currently and effectively by means of voluntary return.

### 3.3.2  Alternatives to detention

The current discourse about alternatives to detention is limited, as the Libyan government has maintained a policy of detaining illegal[12] migrants in the country since 1987.[13] The authorities generally feel that it is within their rights to detain migrants, citing, particularly, concerns about national security, terrorism, the spread of disease and demographic shift.

In an effort to ameliorate the problem, international partners have attempted to create other options. Thus far, these have taken the form of voluntary humanitarian returns (VHRs) through the International Organization for Migration (IOM), and the Gathering and Departure Facility (GDF) by the United Nations High Commission for Refugees (UNHCR). The IOM's VHR programme, which has substantial support from the EU Trust Fund for Africa, aims to provide a safe option for migrants stranded in Libya and wishing to return to their country of origin.

At the time of writing, this programme was the only avenue through which migrants were able to return home, as no official deportations had been carried out by the Libyan authorities for more than a year. The GDF, funded also by the EU Trust Fund for Africa, intends to bring vulnerable refugees to a safe environment, while solutions – including refugee resettlement, family reunification, evacuation to emergency facilities in other countries, return to a country of previous asylum and voluntary repatriation – are sought. According to the UNHCR, with an estimated 4 900 refugees and migrants held in detention centres across Libya, including 3 600 in need of international protection, the centre is seen as a critical alternative to the detention of the most vulnerable.

It should also be noted that the Libyan Ministry of Labour (MoL) is working on alternatives to detention in the form of labour migration pathways. As of March 2018, the ministry had an office in every municipality in the country and is trying to create a mechanism whereby migrants can become regularized if they have a job. The only requirement is that the migrant must have a passport.

Each employer can apply for up to 20 migrant workers to be regularized at the local level – any more than that must be taken to the central level. This programme is supported by the IOM through funding from the European Union Trust Fund (EUTF). At the time of writing, there had not been many requests to the ministry for regularization, possibly because there are benefits for employers in keeping their employees undocumented, but it is likely also to be linked to a lack of awareness about the possibility of regularization.

The MoL is also in the process of creating labour agreements with other countries, among them the Philippines, with regard to labour for the oil and health sectors. The ministry has expressed an intention to do the same with sub-Saharan African countries, for the construction sector. Unfortunately, agreements with the Philippines were halted during the fighting in Tripoli that began in April 2019.

### Focus Box 1: Current political situation in Libya[14]

Since the overthrow of Colonel Qaddafi and his government in October 2011, successive transitional governance arrangements have failed to end the political impasse and resulting internal conflict. The UN-backed Libyan Political Agreement (LPA), signed on 17 December 2015, failed to unify the rival political and military authorities under a single administration. As a result, Libya currently has two ruling powers, one based in the capital, Tripoli, and one in the eastern cities of Tobruk and Al-Bayda. In Tripoli the Presidency Council, which was formed in terms of the LPA, is led by Prime Minister Fayez al-Sarraj, who carries out the functions of head of state and Supreme Commander of the Libyan Army. The Presidency Council presides over the GNA. The High Council of State, a consultative body established under the LPA, also operates from Tripoli and its elected head is Khaled Mishri. The second power centre is made up of the House of Representatives (HoR), based in Tobruk, which, under the LPA, would become the legitimate legislative authority; however, the HoR has to date not recognized the LPA and instead endorsed the rival interim government of Abdullah Al-Thinni, based in the eastern city of Al-Bayda. The Tobruk- and Al-Bayda-based authorities are aligned with and dominated by General Khalifa Haftar, who leads the Libyan National Army (LNA), a coalition of former army units and tribal or regional armed groups that control a large section of central and eastern Libya, and, since February 2019, parts of southern Libya too. The former Islamist-dominated Government of National Salvation, which was formed in 2014 and led by Khalifa Al-Ghwell, no longer controls any relevant institutions since Ghwell's forces were expelled from Tripoli in early 2017. The two rival governments compete over political legitimacy, control of territory, resources and infrastructure such as oil facilities and ports.

**Figure 7:** Resettlement of refugees from Niger, November 2017–December 2018
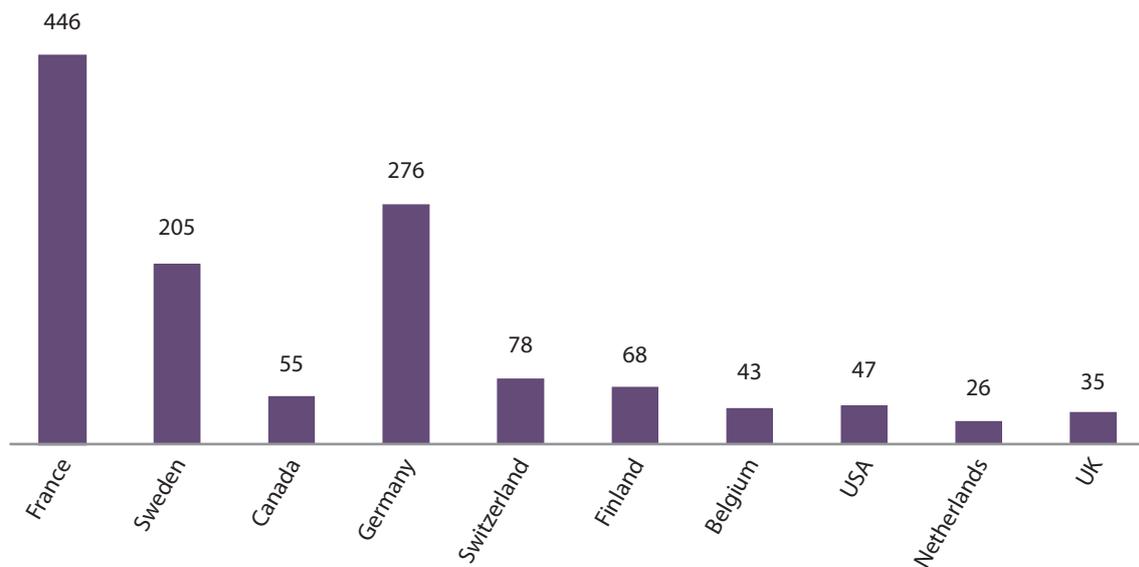


Source: IOM Niger Information Bulletin, www.nigermigrationresponse.org/
sites/default/files/IOM%20Niger%20-%20Reinstallation%20-%20Infosheet%20-%20December%202018%20-%20EN%20.pdf

**The Emergency Transit Mechanism**

The Emergency Transit and Evacuation Mechanism (ETM), supported by the EUTF for Africa, aims to evacuate vulnerable refugees and asylum seekers from Libya and transfer them to a safe environment (Niger) while durable solutions are identified for them, facilitated through an agreement between the UNHCR and the Nigerien government. Niger has thereby expanded the asylum space in Libya, bringing asylum seekers to a safe space to assess their situation.

The UNHCR identifies the most vulnerable asylum seekers and refugees in Libya and profiles them, either in official detention centres or at disembarkation points. The UNHCR has no access to unofficial centres, meaning it has no access to the south of the country at present. Once the asylum seekers arrive in Niger, the Nigerien government conducts a refugee status determination (RSD). For every refugee resettled to Europe from Niger through the ETM, the host country will receive €10 000 from the European Commission.

The criteria for selecting the most vulnerable are not nationality alone (i.e. those who come from countries of concern) – they also take into account people who may be in need of international protection in Libya because of abuse or torture suffered in that country. Such people will not be resettled from Niger, because they will not be in need of protection when they leave Niger, but will be evacuated from Libya. There are also cases of refugees who have gone on to Libya, from Sudan or Chad, for example. In such cases, the individuals will be returned to the country of first asylum, with the permission of that country. There are also exclusion triggers where anyone with a criminal record is not eligible for refugee status.

In December 2018, UNHCR, Libaid and the Libyan MoL opened the Gathering and Departure Facility (GDF) in Tripoli, also financed by the EUTF for Africa and another avenue through which the UNHCR can identify beneficiaries for the ETM. Between September 2017 and March 2019, 3 141 individuals were transferred through the ETM, all of whom were of Eritrean, Ethiopian, Sudanese or Somali origin. At the time of writing, 1 279 had been resettled from Niger (IOM Niger Information Bulletin, www.nigermigrationresponse.org/sites/default/files/IOM%20Niger%20-%20Reinstallation%20-%20Infosheet%20-%20December%202018%20-%20EN%20.pdf).

**Photo 2:** Agadez bus station



Photo: Jerome Veyret

# B. CROSS-ANALYSIS OF MIGRANT DETENTION

The analysis of the political economy of official and non-official detention centres in Libya is split into two parts. This first section presents the general findings obtained through a cross analysis of data coming from all centres. The second part goes into detail about individual centres and seeks to aid our understanding of the system by looking at specific examples and case studies in detail.

The purpose of this study was not to create an exhaustive list of detention centres in Libya today (mostly because such a list would change frequently and would quite possibly be outdated by the time it was completed). Rather, the purpose is to increase understanding of the political economy of migrant detention centres. In order to achieve that objective, a snapshot of the number and types of detention centres in the country was created, so that we can look at the spectrum at a particular point in time. However, the list is not exhaustive. Field teams identified a total of 31 detention centres during the fieldwork period (November 2018). These include official centres under the DCIM and unofficial centres that are either run by armed groups/militia or centres where the DCIM is nominally in charge but reliant on such groups because of a lack of legitimacy in the region, or for funding, security or other reasons. These centres are listed in the Appendix.

In addition to these centres there is a plethora of holding locations run by smugglers, which are not included in the table. These can range from extremely informal gatherings to more elaborate centres. In most parts of the country, the majority of migrants move through such holding locations. The locations are not included in the Appendix but are described in detail below.

## 1. OFFICIAL v NON-OFFICIAL DETENTION CENTRES

There are essentially three categories of armed groups in Libya today:
- Groups that align with the government, are fully integrated and are paid by the MoI and/or the Ministry of Defence (MoD);
- Groups that are officially aligned with the government but are not cooperative, meaning the government has little leverage over them; and
- Groups that are completely independent of the government and work for themselves.

The second type of armed group sometimes runs detention centres, requesting and receiving money from the government for the provision of services inside the centres.  As a result, it may call its centres official detention centres even if the MoI has no control over them or very little role to play other than providing financing. Sometimes the groups open detention centres that the DCIM later makes official.

The third kind of armed groups raise their finances through both non-official detention centres and through other types of activities. According to authorities, the migrants are only trafficked in the centres run by this third group. As the analysis in the following sections will outline, this claim is, for the most part, true. Even though the official detention centres have no official policy of extortion, this may still take place on an individual basis, with staff choosing to take advantage of their position (in other words, members of staff will tell individual migrants that if they pay them a particular sum of money they will ensure the migrant is released). The reality is that the vast majority of prison guards in the country belong to militia groups or are former militia who may have been involved in smuggling or forms of exploitation in the past. Trafficking in the form of labour exploitation has been seen in official centres too, where migrants are sent out to work without pay during the day and return to the centres to sleep in the evenings.

> " The reality is that the vast majority of prison guards in the country belong to militia groups or are former militia who may have been involved in smuggling or forms of exploitation in the past. "

The DCIM has tried and continues to try to increase its influence and oversight over the non-official centres in the country, but often with little success, because it has little leverage over the groups. Whereas most international aid organizations have only limited access to official detention centres under the control of the DCIM, they have absolutely no access to unofficial centres.

In 2017 the then director of the DCIM, Mohammed Bishr, tried to consolidate the DCIM's oversight of the detention system in the country by ordering the closure of problematic centres known for human rights violations or corruption, thereby decreasing the number of centres in the country and bringing the rest under DCIM control. However, when armed groups in charge of the centres were unwilling to comply or to hand over migrants who were detained in the centres, there was little the DCIM could do. For example, the al-Nasr Brigade kept its detention centre (Zawiya) open and operational even though the head of the DCIM had ordered its closure on 18 April 2018.[15] In Sebha the DCIM wanted to move the centre to the city centre in order to increase its control (as well as social control) over it, but the move was intercepted by smugglers who were afraid of the consequences of such a move for their business.

There have also been centres that were closed by government decree but then reopened. One example is the Bu-Issa centre in Zawiya, which was closed by the DCIM in early 2018 (following allegations by UNSMIL of sexual abuse) and then reopened by an armed group 24 hours later under a new name. These examples show that the DCIM's control over the non-official centres and over the armed groups is tenuous at best. When the DCIM officializes non-official centres or decides to work with armed groups as a way of increasing its control over the non-official centres, it creates complex dynamics in which it has no actual control over the groups or the centres and questionable activities take place in the now formalized centres.

High levels of corruption in the current power structures of Libya also affect these dynamics, with the amount of support a centre receives being linked to the relationship of the head of the centre with the central authorities. For example, the centre in Zuwara, the al-Nasr centre in Zawiya, the al-Krareem centre in Misrata and the Tripoli centre have been known to receive some of the greatest levels of support from Tripoli, thanks to individual connections. Moreover, the appointment of Mohammed Bishr, a native of Sebha, as the head of the DCIM at the central level, encouraged local authorities in Sebha to believe that more assistance would come their way. In Zintan, contracts for catering and the development of infrastructure were given to local organizations with connections to centre staff.

**Focus Box 2: UN Human Rights Due Diligence Policy**
The global United Nations Human Rights Due Diligence Policy, issued by the United Nations Secretary General in 2011, applies to the United Nations system in Libya, including in relation to migration-related programmes largely funded by the European Union. The policy aims at ensuring that the UN system does not provide any support to non-UN security forces where there are substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human-rights or refugee law. It also aims at ensuring that any support provided by the UN to such institutions contributes to strengthening the rule of law and respect for human rights in the country.[16]

International support for the DCIM has come under heavy scrutiny as a result of reports of its direct involvement in the abuse of migrants.[17] In August 2018 the UN in Libya conducted an assessment under the United Nations Human Rights Due Diligence Policy (see Focus Box 2) and concluded that any responsible, principled and transparent engagement with the DCIM, as well as any life-saving assistance to migrants and refugees in detention centres, should be offered in conjunction with a range of mitigating measures.

Such measures include high-level advocacy, the monitoring and reporting of human rights standards in detention centres and the exclusion of DCIM members from training and material support when they are found to be involved in human rights violations.[18] It should be noted that a similar assessment was made with regard to some members of the Libyan Coast Guard. Despite the challenging context, international donors in Libya, particularly the EU and its partners, continue their efforts to implement these mitigating measures to ensure that assistance to migrants and refugees complies with applicable international law.

## 2. THE ROLE OF ARMED GROUPS

Given the power and influence of armed groups in Libya, it is impossible for the migrant detention centres, even the official ones, to operate effectively without the support or buy-in of these groups. For example, local armed groups were not informed of the decision by the Taher al-Zawiya Charity Association and IOM (independently of the DCIM) to open a safe centre (alternative to detention) in Zawiya. As a result, the centre was attacked and the armed group responsible for the attack transferred the migrants to the al-Nasr centre, which it considered to be the legitimate centre in the area (officially, albeit nominally, under the DCIM). This indicates that the authority of the DCIM over a centre can protect it from attack by local groups because the DCIM makes arrangements with these groups. In the case of the detention centres in Kufra, the support of the armed groups, even if only by lip service, has kept them safe, with not a single attack being recorded since 2012.

Another example is the Gharyan detention centre, which was closed down because of the appalling conditions, then reopened in early 2019. The reopening led to clashes with the local militia, who man the checkpoints through which the migrant convoys pass, and to attacks on the centre itself. It seems safe to assume that these groups would have profited in some way from migrant convoys passing through their checkpoints, be it through bribes, kidnapping or the sale of migrants to non-official centres, and that the clashes were prompted by their loss of profits. At some point the DCIM wanted to move the Sebha migrant detention centre to downtown Sebha, realizing that a centre outside of the city is difficult to control. Local smugglers prevented the move, which would have diverted much of their business.

The experience of the DCIM along the Western Coast demonstrates that some groups believe control of a DCIM migrant detention centre is a strategic asset because it allows the groups to place a good proportion of their personnel on the state payroll. However, if a deal is made between the central government and a local group and the migratory inflows into the country continue unaffected, we have seen that other groups emerge to try and fill the gap. That is, they simply redirect the flows to other networks and create tension among groups that want to become the new heroes of counter-smuggling and those that continue their smuggling activities. In Sabratha, however, the experience has been different – the competition between the brigades was never about the detention centres. Rather, it was about controlling smuggling routes. All the main militias were making significant financial gains by extorting migrants in their own holding locations and through sea departures, so had little interest in detention centres.

## 3. CLASSIFICATION OF THE CENTRES

Most of the DCIM-run or -accredited centres are in the north of the country, particularly in or around Tripoli and along the Western and Eastern coasts. The only official centre in the south that is functional is the one in Kufra. The centres in Tripoli are only nominally under the control of the DCIM, with actual control in the hands of local militias (with the exception of that in Janzur). A classification of migrant detention centres in Libya is presented in Table 3.

**Table 3:** Classification of migrant detention centres in Libya

| Questionable centres | DCIM centres with limited numbers of detainees |
|---|---|
| 1. Tobruk<br>2. Ajdabiya<br>3. Bu-Issa (Zawiya)<br>4. Tajura (Tripoli)<br>5. Tarik al-Sika (Tripoli)<br>6. Salahuddin (Tripoli)<br>7. al-Krareem (Misrata)<br>8. Benghazi<br>9. al-Nasr (Zawiya)<br>10. Zintan<br>11. Souk al-Khamis<br>12. Gharyan | 1. Ganfuda<br>2. Shahat<br>3. Al-Bayda<br>4. Kufra<br>5. Ajdabiya<br>6. Ghat<br>7. Ubari<br>8. Sebha |
| **Non-functional centres** | **Centres aligned with the LNA (and DCIM)** |
| 1. Ghat<br>2. Ubari<br>3. al-Twisha<br>4. Jufra<br>5. Qatrun<br>6. Tarhouna | 1. Zintan<br>2. Kufra<br>3. Tobruk<br>4. Benghazi<br>5. Shahat<br>6. Ajdabiya<br>7. Sebha |
| **Non-official centres opened by a state institution other than the DCIM** | **Model centres** |
| 1. Kufra Municipal Council centre<br>2. Zuwara (Directorate for Passports, Nationality and Foreign Affairs of the MoI) | 1. Ganfuda (Benghazi)<br>2. Shahat<br>3. Ain Zara (Tripoli)<br>4. al-Khoms<br>5. Janzur |
| **Facade of counter-smuggling** | **Transfer centres** |
| 1. Kufra<br>2. Ajdabiya<br>3. Benghazi | 1. Al-Nasr (transferred to Tripoli)<br>2. Benghazi (transferred south)<br>3. All centres on the Western Coast |
| **Most informal holding locations** | **Deportation centres** |
| 1. Bani Walid<br>2. Sebha<br>3. Kufra<br>4. Ajdabiya | 1. Kufra (Sudanese and Chadians sent home)<br>2. Ajdabiya (sent back to Kufra)<br>3. Benghazi (sent back to Kufra)<br>4. Sebha (through Tamanhint airport, including VHR) |

In general terms, the centres in eastern Libya are used to create the illusion of counter-smuggling, where-as those in the west are at the core of the smuggling business, especially since the collapse of the coastal smuggling systems. This is particularly the case with centres on the Western Coast, such as Tajura, Tarik al-sika, al-Nasr, Gharyan and Sabratha. The numbers further confirm this: at the time of fieldwork, authorities and armed groups estimated that there were about 500 detainees in total across all the eastern centres, compared with 5 000 in centres in the western part of the country.

While the centres on the Western Coast officially fall under the DCIM, they do so only nominally – actual control is in the hands of local militia. In the east, the DCIM has more control over the centres, but they are quite poorly maintained. No catering companies provide food for detainees, who are sometimes asked to pay for their own food and even their repatriation. Extortion is also very common in the centres in the east. Some migrants are paying DCIM staff to be selected for repatriation, even in the case of assisted voluntary returns through IOM, this kind of corruption being another business model for centre staff. However, a new DCIM chief recently appointed in the east is a former police colonel who brings with him a renewed focus on counter-smuggling. His appointment indicates a new focus on counter-smuggling by the interim government, as the DCIM in the east is aligned with both governments.

In the south of the country there are also large numbers of migrants in detention, but almost all of them are held in non-official holding locations run by smugglers, with the centre in Sebha being practically non-functional, and the centres in Ghat and Ubari being completely non-functional. The south has also been seen as the site of deportations, with many centres in the west and east transferring migrants south so they can more easily be sent home. This has created a second stream of migrants moving into the area (the first being those who enter Libya through the southern border) and probably fuels the smuggling business. In fact, the purpose of the detention centre in Sebha has been precisely this – to conduct deportations. Nonetheless, only a few voluntary returns have actually been conducted from this centre as the majority of migrants who are transferred south are sent to the non-official centres where armed groups will pay for migrants sent to them.

Unlike the situation in the east and west, in Sebha officials believe in the need for a detention centre but struggle with powerful armed groups and smugglers and with their distance from the capital. Local officials believe that the detention of migrants in official centres is an important way to keep them safe from the smugglers. Officials reported that they arrest groups of migrants daily, but do not know what to do with them.

Among the centres in the country that function predominantly as deportation sites is the DCIM centre in Kufra, from which Sudanese and Chadian migrants are sent home almost immediately, and more 'valuable' East Africans (Eritreans, Ethiopians, Somalis) are allowed to continue on their way. A similar situation pertains in Ajdabiya and Benghazi. Some Egyptians, too, are deported directly over the border from the Eastern Coast. However, it should be noted that all these deportations are conducted informally, by deploying trucks that deliver migrants as far as the border, and are facilitated by agreements between local

authorities on both sides of the border. Virtually no official deportations have been conducted at the central level in Libya since 2018, and all assisted returns have been processed through IOM's humanitarian voluntary returns programme.

The centres that engage in transfers are generally those in the east, which fall under the leadership of the interim government, and those on the Western Coast, from which most disembarkations are conducted. When the LNA captured territory in Sebha in February 2019 one of the first things they did was to transfer migrants from the east to the south, perhaps to include in their broader plan to bring law and order the message that they wish to resolve the illegal migration issue.

Transfers from disembarkation sites are essentially a way of managing numbers and capacity issues. The main centres to which disembarked migrants are taken are al-Krareem in Misrata, al-Nasr in Zawiya, Souk al-Khamis in al-Khoms and the Zuwara centre. Figure 8 charts the disembarkation points in Libya of migrants intercepted at sea between 2017 and 2019. It shows that in 2017 the majority of migrants were disembarked at the Zawiya Oil Refinery, whereas in 2018 disembarkations shifted towards the Tajoura port. In the first months of 2019 disembarkations at the al-Khoms port dominate. In 2017 the Zawiya coast guard was requested by Dabbashi (see Focus Box 6) to intercept boats belonging to the smaller smugglers and send their clients back to Libya in order to disrupt their business models. In that year the Panel of Experts reported that the Zawiya Coast Guard was intercepting migrants at sea and sending them to the al-Nasr Detention Centre.[19]

The interim government of al-Bayda has created its own DCIM, which provides support to some migrant detention centres, presumably in order to increase its legitimacy in these areas. In the eastern part of the country (for example, centres in Kufra, Tobruk, Benghazi and Shahat), this seems logical, given that the interim government is the main power centre. In other areas, the LNA's General Haftar has tried to expand his influence by providing support to migrant detention centres in order to fill the gap created by the lack of support from DCIM Tripoli (e.g. Zintan). The LNA's recent victory in Sebha has led to it playing a greater role in the migrant detention system. This is an interesting development because the LNA had not previously been in control of sites along the migration trail.

The acquisitions of key locations like Sebha may encourage the LNA to develop a strategy for migration management, although it should be noted that since it turned its attention to the war in Tripoli in March 2019 it has had a weak presence in Sebha and the future of Sebha remains uncertain. In most of the locations listed, centre staff continue to receive salaries from Tripoli, while the interim government provides other types of support or funding, meaning that the centres are aligned with both governments.

Although the municipal councils have no direct mandate for migration management in Libya, in some areas they contribute to the detention of migrants. More specifically, sometimes the local municipality will equip the local DCIM with vehicles for interception and warehouses to convert into detention centres. In some cases the municipal council will even open its own detention centre (see section on detention centres in

**Figure 8:** Disembarkation of migrants intercepted at sea, by disembarkation point in Libya, 2017–2019
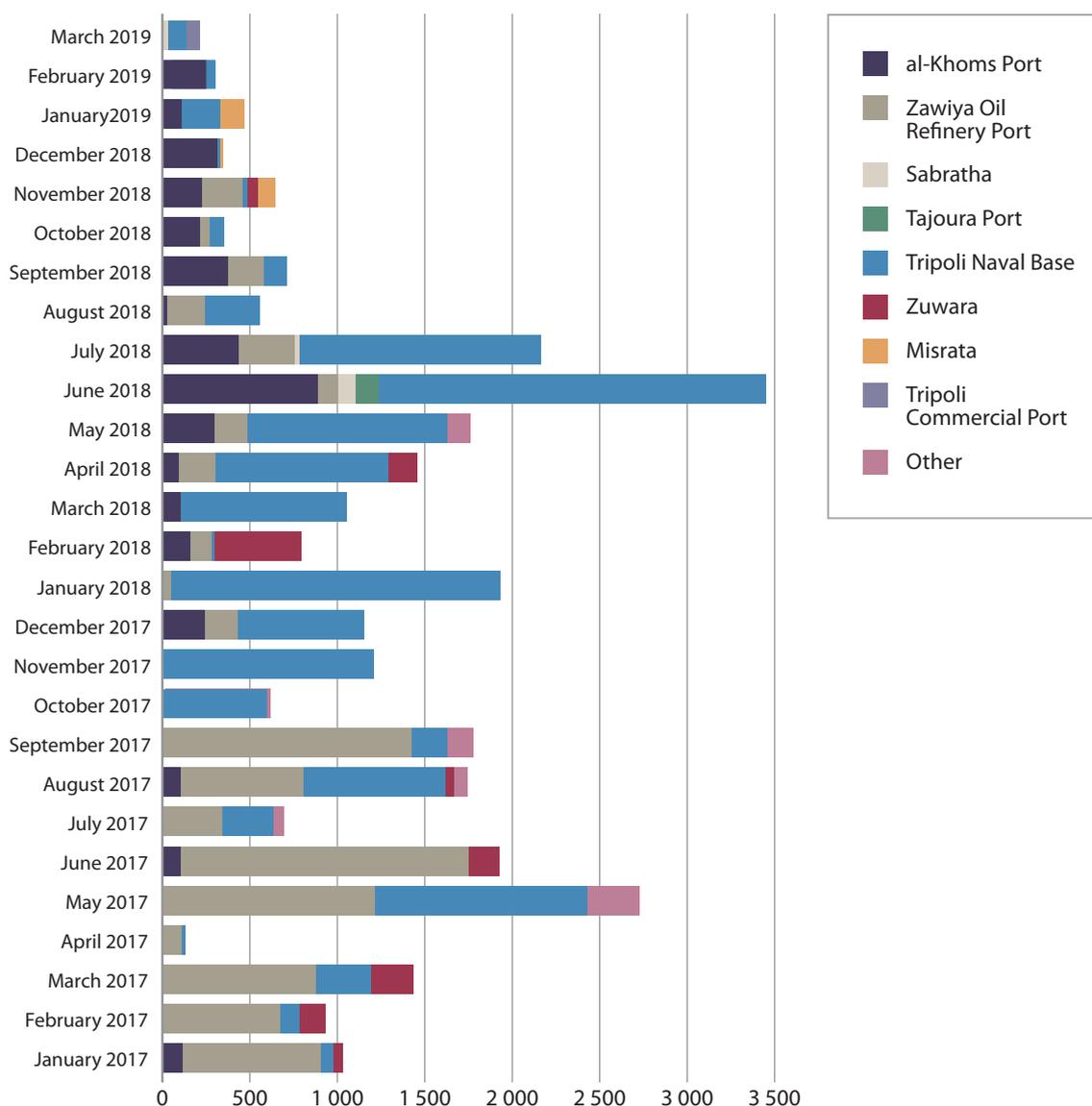


Source: UNHCR

Kufra). While the local DCIM will accept the contributions, MoI rarely acknowledges municipal council detention centres as official. The involvement of municipal councils is apparent in the east but not in the west. The areas that host the most informal holding locations run by smugglers are Bani Walid, Sebha, Kufra and Ajdabiya. This seems logical, given that these locations are all key hubs along the migration trail. Kufra is an unavoidable transit point for movements from Libya's south-eastern border (East African migrants entering from Sudan or Chad); Ajdabiya plays the same role for Egyptians and other East Africans who enter via Egypt, or East Africans who move from Kufra to Ajdabiya, in order to access the Western Coast; Sebha is a funnel for migrants who enter from the south-western borders (via Niger or via Algeria through Ghat) and wish to move towards the Northern Coast; and Bani Walid is a key transit location for migrants coming from many directions on their way towards the Western Coast.

# 4. ARRIVAL AND DEPARTURE FROM THE CENTRES

The majority of migrants who arrive in official detention centres have been intercepted at sea. When a boat is intercepted, the migrants on board are disembarked at one of the disembarkation points on the coast, then DCIM-contracted private bus companies transport them to detention centres. In most cases, the migrants are sent to detention centres located in the same territory as the militia that intercepted them. In some cases they are sent to centres that are already full – usually in cases in which the centre pays for the migrants. Typically, centres or smugglers buy migrants when they believe they will be able to make a profit through extortion or on-selling to other centres or smugglers.

**Figure 9:** Detention centres to which migrants were transferred, 2017–March 2019
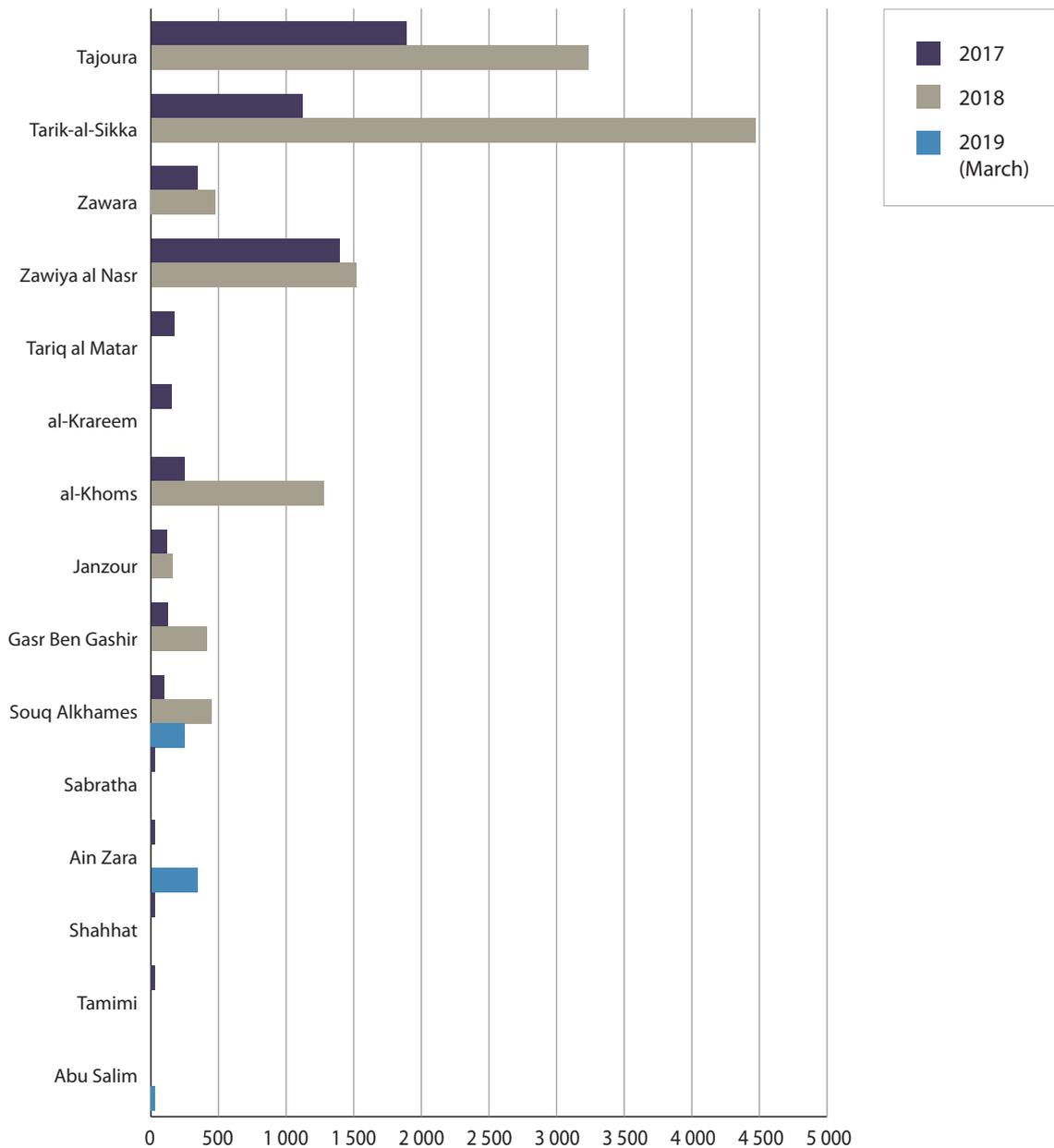


Source: UNHCR

In recent months, raids and subsequent arrests of migrants in urban centres have been on the increase, particularly in Tripoli and other major urban centres in the north. Patrols are carried out by security forces, who are often accompanied by militia (in some areas, the security forces are militias) and usually take place in neighbourhoods with high migrant concentrations. In Kufra, along the eastern border, patrols are also carried out in the desert by security forces accompanied by armed groups.

> " When a boat is intercepted, the migrants on board are disembarked at one of the disembarkation points on the coast, then DCIM-contracted private bus companies transport them to detention centres. "

Migrants are also rounded up at checkpoints and most know to avoid showing their faces. Smugglers will also tell migrants to hide when they come close to a checkpoint. In more isolated cases, migrants report being taken to a detention centre by private individuals. For example, some reported that taxi drivers had driven them directly to detention centres instead of to their desired destination.

In other cases, albeit less common, migrants are transferred to centres run by the DCIM from prisons under the MoI or the MoJ, where they may have been detained for theft, prostitution, terrorism, security-related charges, drug possession, and so on (these are standard prisons, unrelated to immigration crimes).

In these facilities the rights guaranteed by the law are flouted. For example, according to UNSMIL, the Mitiga detention facility, which is controlled by the Special Deterrence Force, which is nominally integrated into the MoI, has held migrants incommunicado for more than two years without referring them to judicial authorities.[20] One of the DCIM's justifications for the migrant detention centres is that if migrants were left at large on the streets they would most likely be accused of terrorism or other crimes, as listed above.

There are currently no guidelines stipulating for how long migrants may be detained or how they can be released. According to the law, there are three ways migrants can be released: by a court decision, by an administrative decision (made by MoJ staff inside the detention centres) and through voluntary return. As they are rarely brought before a court, the only legal way out of detention is currently and effectively through voluntary return.

There are also some informal means of release that are not guaranteed by law but take place in some places. For example, migrants are sometimes released from detention by a Libyan sponsor who requests labour from a centre and is granted the request on condition that the sponsor sends the migrant home when the job has been completed. The problem with this system is that the migrants have no employment rights and are vulnerable to exploitation. Moreover, the responsibility of the Libyan sponsor to ensure that the migrant returns home on completion of the job has sometimes led to situations of bonded labour.

In many centres the staff will hand migrants over in such circumstances only if the sponsor pays them. This 'hidden' cost has also led to situations of bonded labour in some instances, with the 'employer' feeling it is not necessary to pay a salary if he or she has paid for the migrant's release. This usually only happens in official centres. When migrants are sent out to work from non-official centres they work away during the day and return to sleep at the centre at night. This way, the centre staff can also profit from the migrants' work. It should be noted that Arab detainees are treated differently from other nationalities and are generally released simply through the intervention of a Libyan guarantor.

Currently the most common form of release is through payment of a ransom. As explained, most non-official centres and informal holding locations detain migrants primarily so they can extort them; migrants are beaten and tortured regularly and thereby intimidated into paying a ransom. In most regions, migrants who pay the ransom are released from detention, transported north and, usually, taken directly to the coast. Unfortunately, as a result of the high number of centres and the commodification of migrants, many are detained by another group after their release, leading to them having to make multiple ransom payments to different groups. Extortion can also happen in official centres, even when it is not official policy, as individual staff sometimes take advantage of their position and offer to release detainees in exchange for payment.

Migrants can pay the ransom in a number of ways. The first is by asking their family at home to send money. Centre staff give migrants telephones to make the calls. The payments are typically transferred through a third country, with the family given the details of an individual or a bank account in their own country through which to make the transfer. In some cases, migrants will call a contact in Tripoli (for example, a friend or family member, a smuggler, a friend of a friend, and so on), who will agree to make the payment. Since in such cases the money is handed over only once the migrants have reached Tripoli safely, the migrants are often hidden on the journey.

Migrants of all nationalities and in different centres told stories about West and East Africans coming to the centres to inquire whether migrants wanted to be released. In such cases, they are released after a payment has been made by the West/East African sponsor; the sponsors take the migrants home and they work off their debt by working for the sponsor. It appears that these sponsors are, themselves, smugglers.

Escape is another way in which migrants find their way out of detention. This may be from the centre itself at times when the guards are occupied – for example, during prayer times or meals. Migrants also escape from farms, to which they are taken to work for a Libyan sponsor.

# 5. PROFILES IN THE CENTRES

The proportion of asylum seekers in detention has increased in recent years. According to IOM and UNHCR, the official number of persons detained in Libya as at 10 April 2019 was 6 150. At the same time, there are 4 630 persons in the country under the mandate of UNHCR (mainly in need of international protection). This means that the vast majority of those in detention in Libya are asylum seekers, a shift that is probably explained by two factors.

Firstly, IOM's humanitarian returns have led to many labour migrants returning home. Secondly, as observed in the previous section, certain nationalities are perceived to be more valuable than others, usually because they are able to pay more for their journeys and are kept in the country so that exploiters can continue to make money out of them. Many of the nationals perceived to be valuable are those in need of international protection, such as Eritreans.

> " The overall number of migrants in Libya has not changed much in recent years, but the composition has. "

The overall number of migrants in Libya has not changed much in recent years (the fact that the number of arrivals in Italy has decreased does not mean the number of people on the move through the Sahel and Libya has fallen to the same extent), but the composition has. Figure 10 shows the composition of those who arrived in Italy from 2013 to 2018 in terms of country of origin. Over the years there has been a decrease in East Africans and an increase in West Africans and North Africans, with a sizeable proportion of migrants who arrived in Italy in 2018 coming from countries like Tunisia (22%), Algeria (5%) and Sudan (7%). A large number of migrants who do not board boats for Europe also come from neighbouring countries such as Chad and Niger. It should also be noted that approximately 3 500 unaccompanied children, primarily from Tunisia, Eritrea and Guinea, arrived by sea in Italy in 2018 (making up about 15% of all arrivals).

By contrast, Figure 11 lists the nationalities of migrants detected in Libya in December 2018 by IOM's DTM. It is notable that the top four nationalities (Nigeriens, Egyptians, Chadians and Sudanese) are from migrant communities that are rarely seen on boats to Europe and instead tend to move to Libya to work. This supports the argument that while the number of migrants arriving by boat in Italy has decreased since 2018, the number of migrants in Libya is likely to have remained fairly stable.

While East and West African migrants generally follow different routes and itineraries to reach Libya, more and more East Africans are travelling via Niger instead of entering through the eastern border via Sudan or Egypt. East and West Africans are held in different detention centres, typically separated because they are asked for different amounts of money when extorted, East Africans being charged far more. Hence, East and West Africans meet only in the official detention centres. Migrants reported that West Africans, particularly

**Figure 10:** Sea arrivals in Italy, according to nationality, 2013–2018

### 2013

- Syrian Arab Republic — 26%
- Eritrea — 23%
- Somalia — 8%
- Egypt — 6%
- Nigeria — 6%
- Gambia — 6%
- Pakistan — 4%
- Mali — 4%
- Senegal — 3%
- Palestine Territories — 3%
- Other — 11%

### 2014

- Syrian Arab Republic — 25%
- Eritrea — 20%
- Mali — 6%
- Nigeria — 5%
- Gambia — 5%
- Palestine Territories — 4%
- Somalia — 3%
- Senegal — 3%
- Bangladesh — 3%
- Egypt — 2%
- Other — 24%

### 2015

- Eritrea — 25%
- Nigeria — 14%
- Somalia — 8%
- Sudan — 6%
- Gambia — 6%
- Syrian Arab Republic — 5%
- Senegal — 4%
- Mali — 4%
- Bangladesh — 3%
- Morocco — 3%
- Other — 22%

### 2016

- Nigeria — 21%
- Eritrea — 11%
- Guinea — 7%
- Côte d'Ivoire — 7%
- Gambia — 7%
- Senegal — 6%
- Mali — 6%
- Sudan — 5%
- Bangladesh — 4%
- Somalia — 4%
- Other — 22%

### 2017

- Nigeria — 14%
- Bangladesh — 9%
- Guinea — 8%
- Côte d'Ivoire — 8%
- Gambia — 6%
- Senegal — 5%
- Mali — 5%
- Morocco — 5%
- Sudan — 4%
- Eritrea — 3%
- Other — 33%

### 2018

- Tunisia — 22%
- Eritrea — 14%
- Iraq — 7%
- Sudan — 7%
- Pakistan — 7%
- Nigeria — 5%
- Algeria — 5%
- Côte d'Ivoire — 5%
- Mali — 4%
- Guinea — 4%
- Other — 20%

Source: Italian Ministry of the Interior website

**Figure 11:** Migrants detected in Libya by IOM DTM, according to nationality, December 2018



| | |
|---|---|
| Niger | 20% |
| Egypt | 15% |
| Chad | 14% |
| Sudan | 12% |
| Nigeria | 10% |
| Ghana | 7% |
| Mali | 5% |
| Bangladesh | 4% |
| Somalia | 2% |
| Ethiopia | 1% |
| Other | 9% |
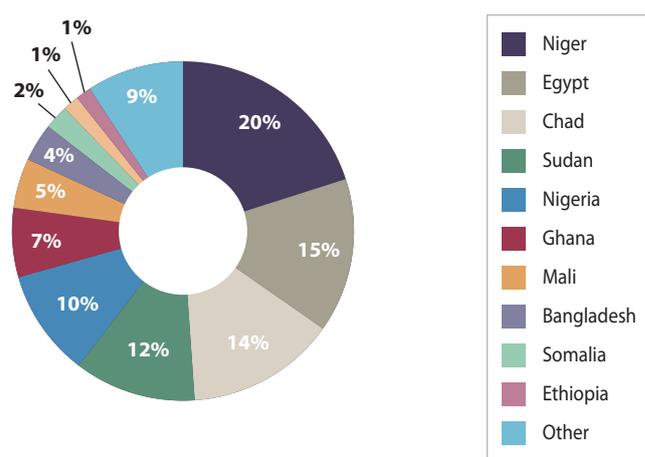
Source: IOM DTM Libya Migrant Report round 23

Ghanaians, Gambians and Nigerians, working as guards in detention centres in Tripoli and Zawiya, were forced to torture other migrants. They were not paid but enjoyed better living conditions. Eritreans and Somalis appear to be most vulnerable to prolonged captivity.

# 6. BUSINESS MODELS AND FINANCIAL FLOWS

The DCIM is under-resourced and underfinanced, which inevitably affects its ability to run the centres. For this reason, it is clear why official centres are involved in profit-making and why the DCIM works with armed groups in certain locations and accepts their funding. Migrant detention centres are rarely the sole source of business for the armed groups, most of which are engaged in other illicit activities that do not involve migrants.

The business models vary slightly, but also overlap across official and non-official detention centres. In the unofficial centres the models consist of extortion, enforced labour, prostitution, selling migrants to Libyans who require labourers, selling migrants between centres, and armed groups using migrants in their own security or smuggling work. In the official centres there are some instances where centre management profits from the budget allocated for food and the sale of non-food items – products that were originally provided for migrants – on the local market. There are also instances of extortion in official centres. In both official and non-official centres, smuggling is another business model.

## 6.1 Extortion

Extortion is almost routine in unofficial centres. In most of the entry hubs in Libya, such as Sebha (for migrants crossing the southern border from Niger and the western border from Algeria) and Kufra (for migrants crossing the eastern border from Sudan), migrants report being detained on arrival and asked for a ransom payment in order to be released.

As explained in more detail below, most migrants now try to move through Libya in a network that starts before they enter the country and extends all the way to Europe, as a way of making them less vulnerable to extortion and detention. However, this tactic does not always protect them. Firstly, even when they are moving through a network that has an incentive to protect them, there are still instances of kidnapping by other groups along the routes within Libya or at checkpoints. Secondly, migrants who travel within a network may still be detained along the way and asked for a ransom by the smuggling group they are travelling within. Migrants report that in some centres they are asked on arrival whether they have paid for their journey in advance or intend to pay on arrival at their destination. Those who have not yet paid are separated and charged a lower ransom rate. They need to arrive at destination in order for their smugglers to be paid, hence the lower ransom rate.

The extortion rates that migrants in our sample reported paying vary according to their nationality and the geography of Libya. The highest rates were always paid by East African migrants, such as Eritreans and Somalis, mainly because they are considered to be the most vulnerable, given that most of them are asylum seekers and thus desperate to move on to Europe. For many, going back home is not an option.

Smugglers and centre staff in our sample confirmed that Somalis are charged the highest rates of all East Africans, mainly because they travel the longest distance and it is assumed that they have greater financial means. Somalis in our sample paid between €5 000 and €9 000 in a single ransom payment, while Eritreans paid between €4 000 and €6 000. Asian migrants, such as Pakistanis and Bangladeshis, also pay as much as €9 000. This may be because they travel long distances to Libya and arrive by plane, thus giving the impression that they are well off. West African migrants are typically charged significantly less – between €300 and €1 000. Somalis, Eritreans and Asians are typically charged in US dollars, and Sudanese and Chadians, along with West Africans, in Libyan dinars. In terms of geography, the highest ransom rates were charged in detention centres along the Western Coast and also in eastern Libya, which is logical, given that this is where East Africans typically enter the country. However, extortion is not as profitable as it once was. Once migrants have paid a ransom two or three times it becomes very difficult for them to pay again, especially if they are charged thousands of euros each time, which necessitates other business models in parallel.

While most official centres do not have an official policy of systematically extorting migrants, it is not uncommon for such practices to occur. Staff in official centres may realize that they have an opportunity to make money if they offer migrants the chance to be released on payment of a fee. Even those in charge of official centres conceded that these practices are not official but do sometimes happen on an individual basis.

## 6.2 Food and infrastructure

One of the biggest business models in the official centres revolves around catering. Food for migrants is provided in three ways: food is sent directly to the centre by the central government or provided by local charity organizations or by catering companies contracted by the DCIM through funding provided by the MoI. The latter is the most common for centres close to Tripoli or in areas under GNA command.

In more remote centres, such as those in Kufra, no catering companies are involved. Instead, the central government in Tripoli sends food directly to the centres, although this does not happen regularly. In general, centres in the east, including along the Eastern Coast, which fall within LNA territory, are poorly maintained. Some centres in this region charge migrants for food by selling them food cards. Migrants in our sample reported that international groups visiting the centres provided blankets, buckets and other non-food items, but the centre staff took the goods and sold them on the local market.

In March 2019, Médecins sans Frontières (MSF) reported that the DCIM had not received any food supplies through the centrally managed service provider since October 2018. In November 2018, MSF had to provide two weeks' worth of food to the Sabaa centre in Tripoli. In the last weeks of February, MSF received reports from detainees in the same centre that they had received only one meal in several days and that new arrivals had to wait four days before receiving any food. They supplied another two weeks' worth of food as an emergency measure. MSF also identified the main medical issues in all official detention centres in which it operates as being related to poor nutrition.[21]

Even when food is supplied, catering companies often use only part of the budget provided, pocketing the rest. Sometimes the surplus is required for the payment of bribes and taxes to armed groups that control the roads used by the company's trucks. Most of the time, it is a profit-making exercise. For these reasons, all relevant international donors have agreed to provide food assistance in detention centres only in exceptional circumstances and in the form of short-term emergency interventions (not more than five days).

Preferential relationships with companies providing services or renovations is another business model. For example, in Zintan, the centre management requested a budget from MoI to build a fence and indicated that they had a company in mind. In most such cases the centre staff agree to convince MoI to accept their choice of provider in exchange for a kickback from the company involved.

## 6.3 Trafficking

A common practice in unofficial centres is forced labour, whereby migrants are sent out to work during the day and return to the centre at night. Often this happens when the group in charge of the centre needs labour for its own projects. Some migrants reported that when they arrived at a detention centre they were asked what skills they had, and were then taken to work at gunpoint. They were fed regularly while working but were not paid for their labour and, in the evenings, they returned to the centre to sleep. When the work was finished they were released. Migrants are sometimes also asked to work as staff at the centres: managing groups of detainees, assisting security forces and sometimes torturing others into 'obedience'. In such cases, the migrants are rarely paid for their work but are often 'remunerated' with better living conditions.

There are also situations where Libyans from the local area come to the centre to request labour. Usually the migrants are required to come back to the centre in the evenings to sleep, so the centre staff can receive a cut. There have also been cases, typically in official centres, where migrants are sold to Libyans, effectively

becoming their property. The Libyan purchaser is charged between US$200 and US$400, and payment is sometimes made in the form of food.

There is an apparent link between forced labour and the devaluation of the Libyan currency. Libya has relied on foreign labour in the form of migrants, typically from sub-Saharan Africa and North Africa, for a long time. However, with the devaluation of the Libyan dinar, migrants ask for 80 dinars per day, instead of 20, which is what they were previously paid. There is no monetary gain for the migrant in actual terms, when the payment is converted back into the currency in their country of origin. For Libyan employers, however, it makes a considerable difference and is leading to a shortage of foreign workers to supply the local labour market, despite the large numbers of migrants in the country. Buying migrants in order to exploit their labour, or making migrants work without payment, is therefore one way in which employers fill this gap.

> *A common practice in unofficial centres is forced labour, whereby migrants are sent out to work during the day and return to the centre at night.*

Most female migrants in Libya are trafficked for sexual exploitation and it is not uncommon for them to be forced into prostitution by centre staff, particularly in unofficial centres, where the traffickers and the centre staff may be part of the same network. There are cases, for example, in Zintan, in which centre staff force female migrants into sexual relationships with them.

There have also been cases of smugglers making double profits from boats sent across the Mediterranean to Europe by first charging the migrants for the journey to Europe and then doing business with pirates. They typically share the boat's coordinates with pirates, who then rob the migrants of money and water. In most cases, the migrants are killed during these attacks.

## 6.4 Kidnapping and exploitation

There are many opportunities for individuals within the protection units and service providers associated with a centre to exploit migrants for profit, especially as there are often a number of entities working within one centre, a number of entities involved in the transfer of migrants between ports and centres and between centres, and a number of individuals working within these entities. This means that even when centres are officialized and cleaned up, there is still room for individuals within such entities to exploit their position.

These entities can include:
- Protection units that guard the centres (whether DCIM or other);
- Local police units that monitor the roads used by trucks transferring migrants;
- Local militia groups that control specific territories;
- Militia groups that control the ports where migrants are disembarked;
- The Libyan Coast Guard, which intercepts migrant boats and brings migrants to shore; and
- Local bus companies contracted to conduct transfers between centres and cities.

If the group in charge of a centre also controls the road between two centres, it can keep migrants safe during transfers. If other groups control the road, migrants are at risk of being kidnapped. This necessitates the formation of relationships. Sometimes centre staff will pay armed groups for security during transfers as a way of alleviating risk. However, this also allows individuals within those groups to engage in illicit behaviour, even if the group itself is not doing so. For example, migrants in our sample who had been detained in the al-Nasr centre in Zawiya reported being treated reasonably well in the centre – they were not beaten up, they were not asked for money in return for their release and they were fed regularly. However, they reported being sold to/kidnapped by smugglers during transfers, with the smugglers taking them to other centres.

In the case of transfers between Kufra and the Eastern Coast, the road is divided into four areas of influence, each area under the command of a different armed group. Kufra and Ajdabiya are the main cities in this stretch of territory where the Zway are present and active, and the Zway in the two cities are linked. This facilitates the movement of migrants north to Ajdabiya from Kufra and allows those who are valuable to smugglers to be kept out of the official detention system.

> " If the group in charge of a centre also controls the road between two centres, it can keep migrants safe during transfers. If other groups control the road, migrants are at risk of being kidnapped. "

In some parts of the country, where multiple centres are linked, the space is created for more people to potentially profit from the suffering of migrants because more individuals are involved in the process. For example, in Kufra, a centre created by the municipal council will gather migrants and conduct initial identification before sending them to the DCIM centre. In Ajdabiya and Benghazi, intercepted and detained migrants are typically sent to the centre in Kufra for deportation. In Ajdabiya, there is a trend of migrants paying DCIM staff to be selected for repatriation, even in the case of assisted voluntary returns through IOM. This kind of corruption is another business model for centre staff.

## 6.5 Buying and selling of migrants between centres

Sometimes migrants are sold to other centres, often in order to manage numbers when a centre has reached its capacity. The receiving centre usually pays for the migrants (these transfers typically happen from east to south), intending to profit by extorting them or selling them on to other groups. In other instances, migrants are sold to centres further upstream if they have not been able to pay a ransom, even after continuous beating and torture. Again, the receiving centre will pay for the migrants because they believe they will be able to pressure them into paying the ransom.

Transfers are organized at the request of the heads of the centres, who contact the DCIM when they need to decrease their numbers. They are conducted by private bus companies contracted by the DCIM. Centres have no other way of decreasing the numbers of detainees, as there have been no official deportations from

Libya in the past two years. Currently, the central government relies entirely on IOM's VHR programme to send migrants home. The IOM does not have access to all centres in Libya and the returns are conducted on a voluntary basis and do not apply to all migrants.

In the case of the al-Nasr centre in Zawiya, buses belonging to private companies contracted by the DCIM were sent once or twice a week between 2015 and 2017 and a considerable number of transfers were made to centres in the south. While the armed groups and authorities explained that this was predominantly to manage the capacity of the centres and was not part of the smuggling business, the reality is that the heads of the centres in Ubari and Sebha paid between 50 and 300 dinars (between €20 and €120) per migrant transferred. The bus companies have also been implicated in the smuggling business; it is believed that they sell migrants during the transfers. Even official centres in the east are known sometimes to transfer migrants to unofficial centres in the south, for which they are paid. Receiving centres that pay to receive migrants do so on the assumption that they will later make money off them, through extortion, prostitution or forced labour.

## 6.6  Selling migrants to smugglers

Another way in which centres have been known to alleviate pressure when they are over capacity is by selling migrants to smugglers. Migrants who have been intercepted at sea are typically disembarked on the Western Coast, which means that centres there usually accommodate very large numbers and have become hotspots for smuggling.

There have also been cases of middlemen within the same network getting into disputes over payments, which ends in dire consequences for the migrants. For example, in one case, a Nigerian migrant explained that he had connected with a Nigerian smuggler in Nigeria who promised to take him all the way to Italy through one network in order to ensure his safety. The client paid the smuggler part of the agreed sum as an advance and, as a form of insurance, the rest was meant to be paid on arrival in Italy. The driver from Agadez took the migrant to the home of a Nigerian woman in Sebha who was meant to connect him with the next driver. The woman had not been paid by the original smuggler in Nigeria, so she did not pay the driver. This led to conflict between the smugglers and middlemen in the network. Eventually, the driver from Agadez took the migrant to a detention centre and sold him, in order to recoup his money.

In centres in Sebha, West African smugglers are known to pay the ransom for migrants who want to leave and send them to work in Tripoli to repay their debt. Some migrants report going to Tripoli, working, and paying off their debt in a matter of months. Others report being resold to armed groups, who detain them.

In Qatrun and Murzuq, there are credit houses where migrants who have not yet paid for their journey, or who cannot pay, can enter into an arrangement by which they pay the debt over time through labour. Sometimes when migrants don't pay their smugglers they are sold to these credit houses or to other smugglers, who will recoup their money (often with a profit) through indentured labour and/or by demanding a ransom.

# C. INDIVIDUAL CENTRES AND SMUGGLING DYNAMICS ACROSS LIBYA

This section explores specific centres in Libya and provides details of how they function. It is supported by an analysis of the smuggling routes and dynamics in each region, and is organized according to geography and follows the migration trail. That is, it starts with the eastern and southern regions, where migrants enter the country, then moves north towards the coastal regions. Map 3 charts all the current routes into Libya. Subsequent maps will focus on particular areas.

The smuggling networks in Libya are divided into four categories: those that control routes from Agadez to Sebha, those that control routes from Sebha north, those that control routes along the Western Coast (including departure and disembarkation) and those that control routes in the east of the country.

**Map 3:** All migratory routes to Libya
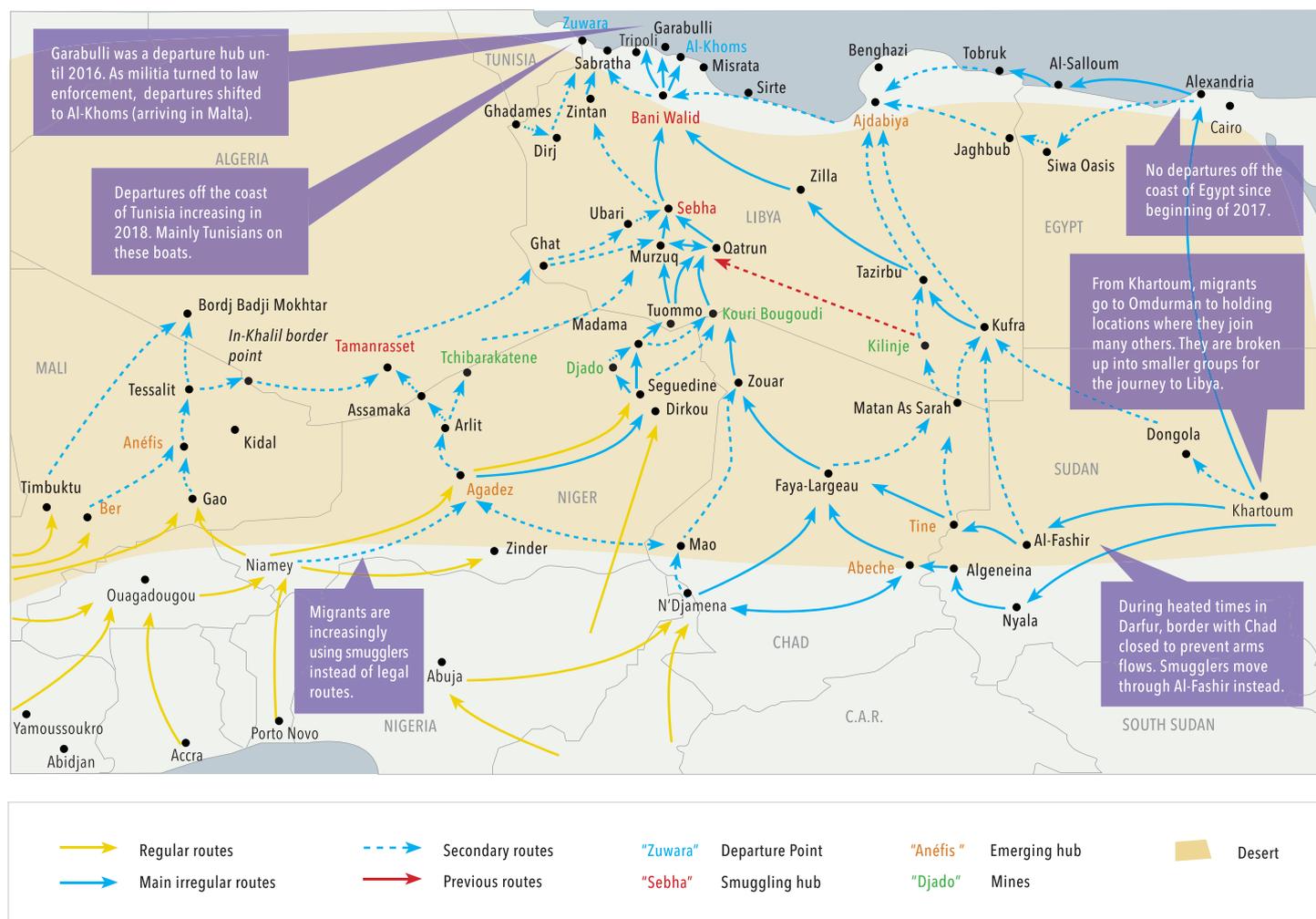
The routes that enter Libya via Algeria at Ghat or Ghadames join the other routes. Those in the east are controlled by armed groups affiliated with the LNA and are used by East African migrants. Routes on the Western Coast are controlled by armed groups in western Libya. Currently, all departures from Libya are from the Western Coast. The routes from Sebha to the north are controlled by local groups in Sebha, whose control extends to Bani Walid (Magarha groups control North Sebha/Brak al-Shati to Shwayrif. These groups then link up with the Werfalla and Awlad Buseif smugglers from Bani Walid for the stretch between Shwayrif and Bani Walid).

# 1. DETENTION CENTRES AND SMUGGLING DYNAMICS IN SOUTHERN LIBYA

There are two main routes through which migrants enter southern Libya: via northern Niger (crossing the south-western Libyan border) and via Algeria (crossing the western Libyan border at Ghat in the south or at Ghadames in the north).

## 1.1 Entering southern Libya from Niger

The routes through Niger, and from Niger to Libya, have changed significantly since the passing of the anti-smuggling law No 36 in 2015 (see Focus Box 3 for more information). The main change as a result of the law is that smuggling and trafficking in Niger have become far more organized, the routes have also become more fragmented (there are no clear exit points from Niger to Libya), the journeys have become clandestine again and there has been a decrease in arrivals at traditional hubs like Agadez and Seguedine in favour of more conspicuous routes and itineraries. In 2016 there were 350 arrivals per day in Agadez but this dropped to between 60 and 120 per week in 2018; Seguedine experienced 290 000 arrivals in 2016, which dropped to 33 000 in 2017.[22]

**Focus Box 3: Anti-smuggling law no. 36 (2015) in Niger**

In 2015 Niger passed the anti-smuggling law no. 36 in an effort to support European partners in their efforts to stop migratory movements to Europe. As most sub-Saharan migrants moved through Niger to get to Libya, from where they would board boats to Europe, it was decided to focus some of the anti-smuggling work here. Between mid-2016 and April 2018 more than 280 drivers, car owners, intermediaries and 'ghetto' owners housing migrants were arrested and 300 to 500 vehicles were confiscated by Niger's security forces. During the first half of 2017 almost 10 000 migrants were sent back to the border or expelled from Niger. The law has also resulted in a de facto ban on all travel north of Agadez, in violation of the freedom of movement of ECOWAS nationals.

Following a visit to Niger in October 2018, the Special Rapporteur on the Human Rights of Migrants expressed grave concerns about the 2015 law:

> Although the alleged objective of the law is to prevent and combat the smuggling of migrants and to protect the rights of migrants, the law allows the detention of migrants subject to illicit trafficking, without specifying the reasons for this detention, which is a serious concern. The EU and UN's role and support in the adoption and implementation of the law calls into question its do no harm principle given the human rights concerns related to the implementation and enforcement of the law.[23]

From a protection perspective, the implementation of this law is concerning because it has made the routes more clandestine and riskier. Moreover, from a legal perspective, there are concerns about the fact that the law criminalizes the exit from a country (which is not a crime in and of itself),[24] and that it allows authorities to arrest someone based on their intention to move to Europe even before the act has been committed (and when the intention may change later in the journey), neither of which has a basis in law.

Map 4 charts all the current routes through Niger. The new routes to Libya begin in Zinder and Tahoua, and, while there are routes to Agadez from both starting points, there are also routes that move north to Libya, avoiding Agadez altogether. The route from Zinder keeps close to the Chadian border as it moves north, and the route from Tahoua keeps close to the Algerian border.

There is also a route from Agadez to Termit, which allows migrants in Agadez to join migrants travelling north from Zinder. There are no clear crossing points over the Nigerien border into Libya, instead, smugglers try different points along the border to avoid being intercepted. Whether migrants move directly north from Zinder or still travel via Agadez, they tend to pass through Dirkou and Dao Timi before heading to the border. There is a secondary movement from Dao Timi that passes over the border into Chad and moves through the Tibesti before entering Libya via the north-western corner of the Chadian border.

Since the passing of the anti-smuggling law, many smugglers have been arrested, or their cars are confiscated, and migrant convoys are prevented from crossing into Libya.[25] The increased patrols, arrests and confiscations make the journey more expensive and migrants may have to make multiple attempts to leave Niger successfully. This leads to many migrants running out of money in northern Niger, which puts them in a precarious and vulnerable position, particularly because there are few avenues for income generation in that region. The increased costs also mean that migrants often cannot afford to pay for a journey from Niger all the way to Italy (one network from origin to destination), which is one of the ways in which they try to address their vulnerability to arbitrary detention within Libya.

Since 2016, the routes have become dispersed with no clear exit and entry points from Niger to Libya. Migrants have to make many attempts; if the smuggler is not arrested, he will try again for no extra cost.

This route along the Algerian border is controlled by Tuareg smugglers and the routes from Agadez through Dirkou are controlled by the Tebu.

Migrants moving from Agadez to Assamaka do not always use smugglers, some travel on their own.

There are movements from Assamaka back to Agadez of migrants who were pushed back from Algeria.

The routes from Zinder to Libya are a result of the counter-smuggling work that started in 2016. Migrants and smugglers are now increasingly avoiding passing through Agadez.

There was a government clampdown on the mine in Kouri Bougoudi at the end of 2018 that has somewhat affected the movements through this area.

Next to Dao Timi is an area laced with landmines from the rebellion of the 90's. Some smugglers drive through this area to avoid authorities.

Kouri Bougoudi

Tibesti

CHAD

Madama

Tchibarakatene

Seguedine

Dao Timi

Assamaka

Aïr

Djado

Dirkou

Arlit

Bilma

Puit de l'Espoir

Inghall

Dibella

Agadem

Agadez

NIGER

Termit

Tahoua

Aderbissinat

Niamey

Zinder

NIGERIA

N'Djamena

**Legend:**
- Main routes
- Regular routes
- New routes (since 2016)
- IOM information points
- IOM transit centres
- "Djado" Mines
- Mountains
- Desert
- Military and police checkpoints

## 1.2 Smuggling dynamics in southern Libya

The routes between Agadez and Sebha are controlled from Agadez. That is, Tebu and Tuareg smugglers in Niger who organize the crossing of the southern border into Libya have networks that extend all the way to Sebha. The Tebu control the routes via Qatrun and the Tuareg move migrants to Sebha from Ghat via Ubari. The Tuareg smugglers either move migrants from Ubari to Tayuri, a southern district of Sebha controlled by the Tuareg, or to Adiri, which is a small Tuareg territory to the west of Sebha. Migrants are gathered in holding locations in Qatrun, Ubari, Murzuq, Brak al-Shati, Um al-Aranib and Sebha, where they are asked for payment to continue their journeys north (extortion). These holding locations are managed by West Africans who are a part of the smuggling network. Most of them have been living in Libya for a long time. In Sebha the smuggling was controlled by members of the Awlad Suleiman tribe, who are members of the LNA alliance and who were an indispensable part of Haftar's strategy to take over the region in early 2019.

**Map 5:** Modes of transport along routes to Libya
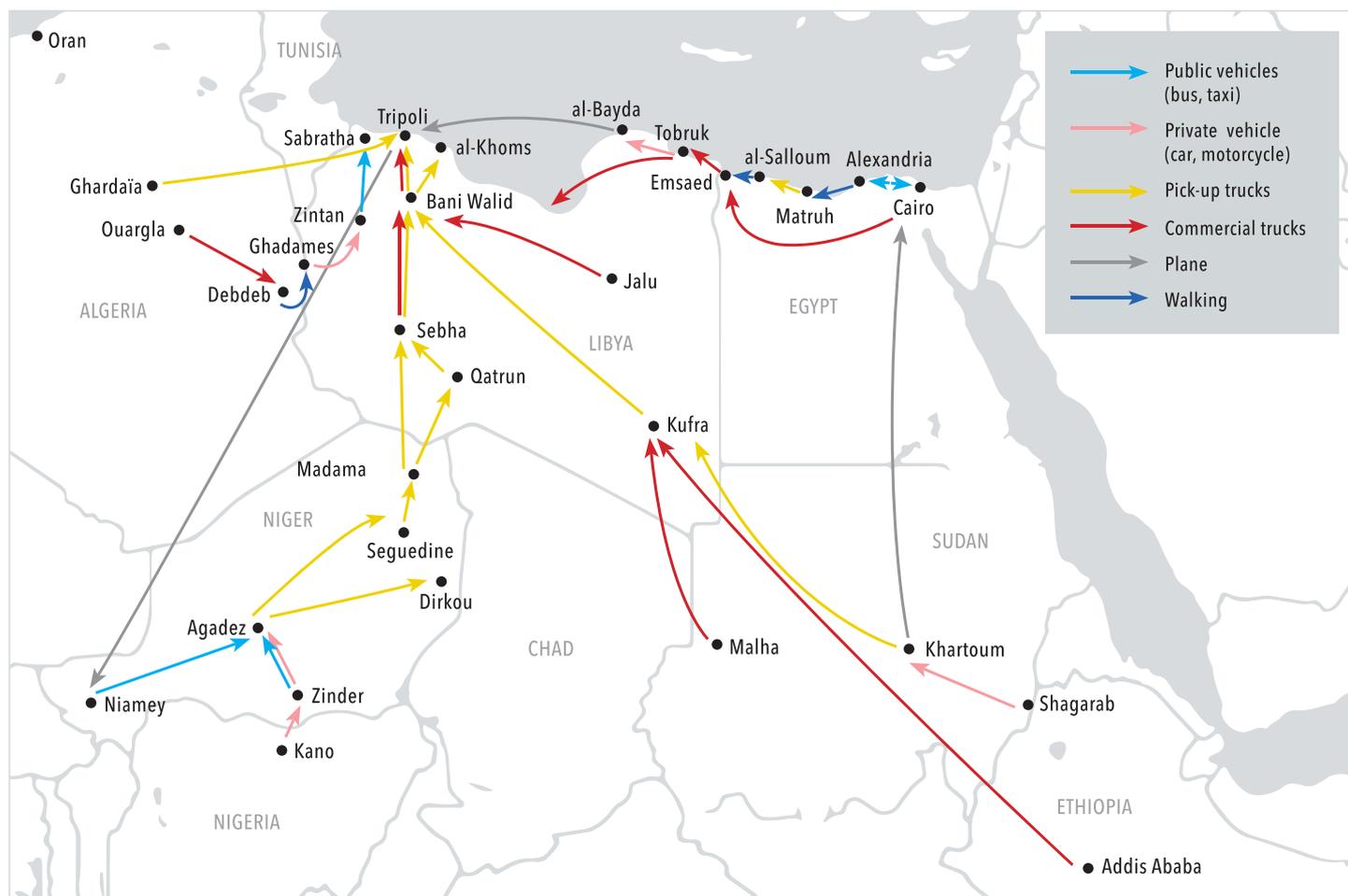


As a result of the extreme risk of arbitrary detention, kidnapping and extortion in Libya today, most migrants choose to travel from Niger to Italy through one network. That means that they make a deal with the original smuggler in Niger on a price for the entire journey, paying some in advance in Niger and committing to paying the rest on arrival in Italy. The original smuggler then connects with others along the route and when money is handed over by migrants at the end everyone is paid their share. In order for that to happen, migrants need to reach their destination. This becomes an incentive for the smugglers to keep the migrants safe from detention, which is why most migrants choose to move through Libya in this way. As there is a break in the control of networks in Sebha, this is where most migrants will change networks.

In some cases, smugglers who are joined in a transnational network fight amongst themselves, and the migrants bear the brunt. For example, there have been cases of drivers who have not been paid for taking migrants to Sebha, ostensibly to connect them with the next smuggler in the network, selling them to detention centres in order to recoup their losses. Migrants have reported that when they were taken to holding locations in Sebha, the staff separated those who had paid the smuggling fee in advance from those who had not yet paid the entire fee. The latter were asked for lower extortion prices because they needed to arrive at destination in order for their smugglers to be paid.

## Case study 1: Nigerien travelling to Libya via northern Niger (visual)

**6.** He worked in a supermarket and as a gardener for 3 months before he was taken to a detention centre by soldiers at a military checkpoint. It was an official centre and was home to more than 1,000 detainees from Sub-Saharan Africa. The guards asked the migrants for money to be released but they did this in secret and did not want their superiors to find out. Nigeriens had to pay a smaller ransom than the other Africans and were treated better. There were some Ghanaian inmates working with the centre staff. They did most of the torture of the other migrants. The Ghanaians were not paid for their work but they were given better conditions.

**7.** After 24 days at the centre, fighting broke out in Tripoli. It caused part of the centre to be destroyed. He escaped with other migrants and went back to his neighborhood in Tripoli.

**8.** He decided to go home and found a smuggler who was able to fly him back to Niger for 1,350 Libyan dinars (approx. 860 €). There were no controls at the airport so he boarded his plane without any problems.

**1.** Took a bus from Zinder to Agadez and found a smuggler in Agadez through a friend.

**2.** Waited 2 weeks in Agadez for enough migrants to amass. When there were 170 people, they left in a convoy of migrants from all over West Africa.

**5.** He found a smuggler through a friend and paid him 120,000 CFA (approx. 1,000 €) to get from Sebha to Tripoli. They left at night to avoid controls and travelled on a Hilux with 27 other Nigeriens. They passed Bani Walid and stopped at some villages nearby Tripoli. From there, the smuggler sent them into Tripoli one by one to avoid any attention.

**4.** He stayed in Sebha for 2 years, working and living a free life/ However, he decided to move to Tripoli because he heard there were better employment opportunities.

**3.** It took 9 days from Agadez to Sebha because they had to make detours to avoid checkpoints. They stopped in Tjrih (hometown of the driver) and changed drivers. All the drivers and smugglers were Tuareg. He had paid 110,000 CFA (approx. 170 €) to get to Sebha on departure but the driver asked for 78,000 CFA (approx. 650 €) more when they arrived because of the detours he had to make.

*Map labels:* TUNISIA, Tripoli, Bani Walid, 2 days, Sebha, LIBYA, EGYPT, Smuggled by plane to Niamey, 9 days, ALGERIA, Agadez, NIGER, CHAD, SUDAN, 3 hours, Niamey, Zinder, NIGERIA, C.A.R.

**Name:** Ahmad
**Age:** 24
**Gender:** Male

**Nationality:** Niger
**Date of departure:** 2016
**Date of return to Niger:** 24/11/2018

**Total cost:** $3,500
**Total duration:** Two years

**Outcome:** Flew back to Niger with the help of smuggler.

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### Focus Box 4: Current state of Libya's land borders

Libya has six neighbours: Egypt and Sudan to the east, Chad and Niger to the south and Algeria and Tunisia to the west. It shares two land borders with Algeria, two with Tunisia and one with each of the other four countries. At the time of the fieldwork, only the border with Egypt and the two borders with Tunisia were considered open. Sudan, Niger and Chad closed their borders in 2013 and converted them to military zones in an effort to prevent terrorist groups within their borders (Darfur's Harakat al-Adl wa'l-Musawah in Sudan and Boko Haram in Niger and Chad) from sending or receiving arms or other resources across the border. During the Sudanese protests that began in December 2018 and were ongoing at the time of writing, the Sudanese border was effectively open, as all border officials were occupied with internal security. The two Algerian borders were closed because of the Algerian government's concern that the conflict in Libya might spill over into that country. The Algerian government says it will reopen the borders when it is confirmed that border crossing points are controlled by Libyan government entities, and not armed groups.

The journey from Sebha to Bani Walid is sometimes made in trucks that are used to transport goods and vehicles and generally takes two days. Some migrants will wait in holding locations in Bani Walid until the smuggler has enough people to start the journey to Tripoli or al-Khoms, whereas others move straight through. When migrants get close to Tripoli they are taken to a village just outside the city and sent in small groups, or one-by-one, to avoid the attention of authorities or armed groups.

Migrants pay between €300 and €500 for the journey from Sebha to Tripoli. They reported that when they are stopped at checkpoints along the way (most drivers avoid the checkpoints but sometimes they don't manage to escape all of them), they are asked to provide the name and number of their smuggler. The men at the checkpoint will call the smuggler and some of the migrants will be released, presumably because the smuggler pays off the checkpoint staff.

**Case study 2: Gambian migrant travelling to Libya via Niger**

Eduardo, a 23-year-old migrant from The Gambia, left in 2012, travelling to Agadez by bus, passing through Senegal, Mali and Burkina Faso. His friend had given him the number of a smuggler in Agadez who took him to a house with more than 50 other migrants, fed him and explained the details of the journey. As he did not have enough money, he worked for the smuggler as a broker for three months. Every Monday a convoy left for Libya. When he had enough money he bought a cover for his face, glasses, gloves, water and biscuits, and joined a convoy, in a pickup truck with 35 people. He paid CFA150 000 to go from Agadez to Sebha, stopping in Qatrun. When the vehicle arrived in Sebha, the migrants were taken to the compound of another smuggler in the network. As he did not have enough money to continue to Tripoli, he decided to stay in Sebha and work there. He stayed for three years as a free man. When he heard that there were better employment opportunities in Tripoli, he decided to go there. He paid 2 000 dinars and travelled with 20 other people. They left at night and when they were about to reach Bani Walid, they were kidnapped at a petrol station and taken to a non-official detention centre. He believes the kidnappers were linked to his smuggler and their arrest had been arranged in advance. The centre was a big compound holding only West Africans. There were also West African smugglers working with the guards and beating other migrants. He stayed in the detention centre for six months, getting out after being very badly beaten. The guards told other migrants to take him to the desert and kill him, but instead they left him in the desert. He walked to the next town and met a Libyan man who took him to his house and treated his wounds. The Libyan man then paid a driver to take him back to Niger.

## 1.3 Detention in Sebha

There is one official centre in Sebha and a plethora of informal holding locations under the command of various smuggling groups in the area. The official centre was established in 2013 when there was a move to establish detention centres across the country. However, it was dysfunctional until late 2017. In 2017, some attempts were made to activate the centre, with little success. The centre has only occasionally hosted migrants and only for the purpose of repatriating them from the airbase at Tamanhint.

Since the beginning of 2018, four flights have departed from this airbase, three of them to Niger and one to Mali, to repatriate Nigeriens and Malians. They were operated in collaboration with (and financed by) IOM, and the Nigerien government financed the flights to Niger. Migrants are transported by bus to the airbase, with protection provided by the local police unit in Sebha. At the time of fieldwork no migrants were being accommodated in this centre.

The centre is located on the road between Sebha city and the Tamanhint airbase, 50 kilometres to the north-east of Sebha. In the most recent round of fighting in southern Libya, in January and February 2019, one of the local armed groups took control of the centre, but the LNA managed to remove the group from both the centre and from Sebha.  As the road the centre is on is the only road that links Sebha to the airbase, it is quite strategic and has been the scene of a great deal of fighting. There are many local groups along the road, including Chadian mercenaries, who are only a few kilometres away from the centre. The LNA's newfound hegemony over this area, which is a key location along the migratory trail, may force it to come up with a strategy for migration management. It should be noted, however, that since the LNA turned its attention to the war in Tripoli in March 2019 it has had a limited presence in Sebha and the future of the city remains uncertain.

At some point, the DCIM wanted to move the centre to downtown Sebha, making it easier to control and because there are people in the city who could help manage the centre, while also protecting it from attacks from both within (migrants trying to escape) and without. The suggestion received no support from the central government and local smugglers were also unhappy, believing that such a move would divert much of their business.

Two streams of migrants move into Sebha: those who enter the country via the southern border and those who are transferred to the south from detention centres in other parts of the country. The vast majority (if not all) of them move through non-official centres and informal holding locations. There are also a considerable number of transfers from centres in the east to Sebha, mainly because the non-official centres will pay between 50 and 300 dinars (between €20 and €120) per migrant, and the centres in the east see this as a way of managing numbers.[26]

Unlike in the east, where the official centre is a facade to create the illusion of counter-smuggling, in Sebha officials believe in the need for a detention centre but struggle with powerful armed groups and smugglers, and with their distance from the capital. Local officials believe that it is important to detain migrants in official centres to keep them safe from the smugglers. They cite specifically the increase in unaccompanied

minors on the streets of Sebha, who are vulnerable to organ trafficking, which is also on the rise. Officials reported that they are arresting groups of migrants daily, but do not know what to do with them. They explained that, for them, the biggest challenge is not the migrants who are transiting through Sebha on their way north but those who want to work in the city and then go home.

### 1.3.1   Role of central authorities

The level of support coming to Sebha from Tripoli has ebbed and flowed according to who has been at the helm of the DCIM both centrally and locally. The head of the DCIM in Sebha between 2013 and mid-2017 was an army colonel by the name of al-Azhari. He was not deployed in the field, but conducted his duties from Tripoli, which diminished his ability to make a positive impact. Eventually he was accused of misappropriation of funds (it was alleged that cars that were allocated to DCIM Sebha were instead kept by him and his family. He was replaced in mid-2017 by an army major by the name of Haddad.

Haddad invested himself in cleaning things up in Sebha at a time when the political landscape in Tripoli was changing, with Mohammed Bishr being appointed as the new DCIM head at the central level (May 2017). This gave impetus to Haddad's clean up, as Bishr is also from Sebha and the two men had a good relationship. However, in early 2018 Bishr fled Libya after similar allegations about the misappropriation of funds. This frustrated Haddad's work at the local level, as it was expected that with Bishr at the helm Sebha would receive more assistance from Tripoli. In January 2019, Haddad was also dismissed and replaced by Aiman Bakako.

In early 2018, the interim government appointed its own DCIM representative for Sebha (who is in addition to the GNA's DCIM representative). However, this appointment had no effect until the LNA took control of Sebha in early 2019. One of the first things the LNA did was reopen the official centre on the airport road two months after their victory. Today the centre is run jointly by the GNA's representative Bakako, his predecessor, Haddad, and the DCIM representative for the LNA.

Since the LNA takeover of the centre, only one flight has left Tamanhint airbase, its passengers a contingent of migrants transferred from Benghazi to Sebha for repatriation. This was part of a bigger plan by the LNA to create a narrative in the east that they are going south to take care of the 'illegal' migration issue (which is part of a bigger narrative that they will bring law and order to Libya). How all of this will affect the migratory flows through the south is yet to be seen. For now, migrants have started to avoid main roads and are travelling only along desert roads.  It is notable that other than the one flight, there have been no other repatriations by the Libyan authorities and no repatriations by truck since the beginning of 2018. This means that all returns to origin are now being conducted through IOM's voluntary humanitarian returns without any official state-sponsored deportations.

The Municipal Council in Sebha is not involved in the management of the centres as it considers migration management to be outside its mandate. While this may differ from the view of municipal councils in other areas, it is technically true because, under Libyan law the municipalities and the Ministry of Local Governance have no mandate for migration management. Any migration work done at the local level should be through

**Map 6:** Prices for journeys to Libya and Italy according to country of origin (in euros)
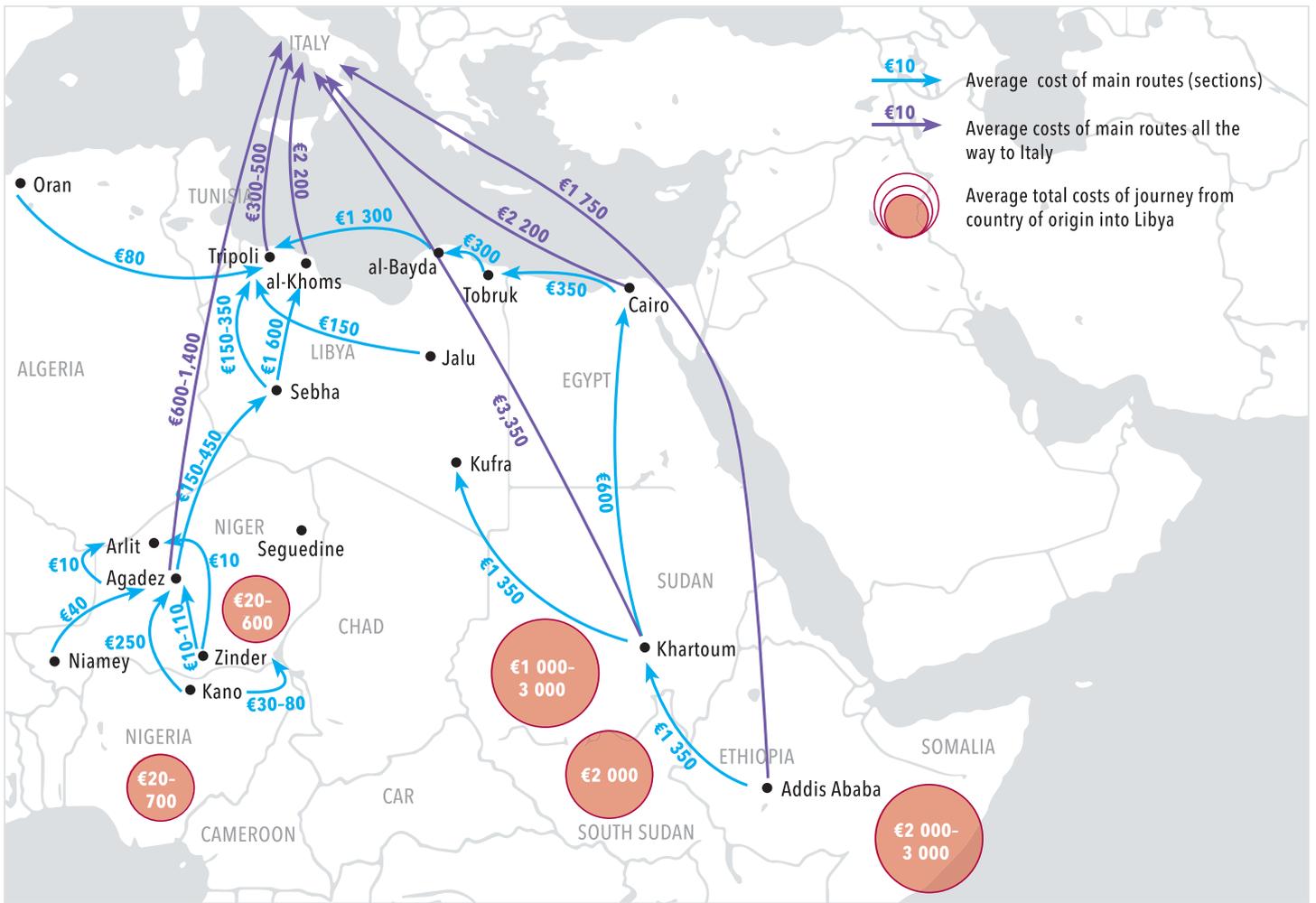


the representatives of other ministries, who sit in the municipality, rather than through the municipality itself (deconcentration rather than decentralization). For example, DCIM representatives at the local level may sit within the municipality but they are mandated to report to MoI at the central level.

### 1.3.2 Role of armed groups

Almost all migrants reported being detained in Sebha and asked to pay ransoms. These detentions clearly take place in non-official centres, most of which are more like simple holding locations erected by smugglers. Most are located around the border region, where local groups comprise Libyans and non-Libyans, and along the road from Sebha to Bani Walid.

When local authorities talk of non-Libyans in the south of the country, they generally mean Tebu who moved from neighbouring countries to join the Libyan Tebu community after the revolution in the hope that circumstances would improve for their people with the fall of Qaddafi. There are also West Africans in Sebha who are involved in the smuggling business, typically working within a transnational network, their role to work with migrants who are their compatriots.

Tebu-controlled warehouses (which are the most significant) are in the Nasrija area, a neighbourhood to the south-east of the city and to the south of the airbase. The Tuareg-dominated neighbourhood of Taiori also has some small holding locations, typically private homes or small farms. The other two important areas for holding locations that can be considered part of the Sebha system are Brak al-Shati and Adiri.

Maharga smugglers have several holding sites across Brak al-Shati, including at least one brothel, and Adiri, a small logistics centre west of Brak al-Shati, contains holding locations run principally by Tuareg smugglers. Migrants held in Adiri often end up passing through Brak al-Shati on their way north. Activity in Brak al-Shati spiked following the recent war in Ghaduwa and the establishment of the LNA in Murzuq and Ubari. However, this appears to have been a temporary phenomenon as few people are reported to be moving through warehouses in Brak al-Shati today.

Holding locations in Murzuq, Qatrun and Um al-Aranib are also connected to Sebha and Brak al-Shati. Recently there has been a decrease in both the movement of migrants through the towns and through the holding centres in all three locations. In Qatrun and Murzuq there are credit houses where migrants who have not paid for their journey or who are unable to pay can enter into an arrangement whereby they pay their debt over time through labour. Migrants who fail to pay their smugglers are sometimes sold to these credit houses or to other smugglers who will recoup their money (often with a profit) through indentured labour and/or ransoming.

For migrants who move to Sebha from Agadez, there is always a stop in Sebha to change smuggler and vehicle. Smugglers in Agadez only operate as far as Sebha, after which they connect with other smuggling rings in a transnational network in order to send the migrants further north. Previously, migrants would travel to Sebha with the smuggler from Agadez then find their own smuggler in Sebha to continue their journey. Given the huge risk of arbitrary detention in Libya today, most migrants choose to move within a network all the way from Agadez to Italy. In such cases, the driver who brings them from Agadez will hand them over to a new smuggler/driver in Sebha.

Migrants report that the staff they dealt with in the non-official centres in Sebha were predominantly West African (Ghanaians, Gambians and Nigerians), not Libyans. In the centres in Sebha there are also West African smugglers who buy the debt of the detained migrants and resell them. West African smugglers come to the centre and ask if anyone wants to leave. They then pay the ransom and send the migrants to work in Tripoli to repay their debt.

Some migrants report going to Tripoli, working, and paying off their debt in a matter of months, while others report being resold to armed groups, who further detain them. There are no clear reasons for this difference in experience other than that the migrants are connected to different smuggling groups. Migrants are typically hidden on the journey to Tripoli to avoid them being taken by other groups along the way because they must arrive in Tripoli in order for the sending party to be paid.

## 1.4 Entering Libya via Algeria

In February 2019, the IOM DTM found that the majority of movements through Madama on the Libyan border were inflows, whereas those through Arlit on the Algerian border were outflows.[27] This was verified by our own fieldwork, which found that the majority of migrants trying to move north to Libya were now attempting to do so via Algeria because of the increased difficulty in exiting from northern Niger. The inflows at Madama are migrants returning from Libya; in most cases, they are escaping.

As can be seen in Map 4, the routes to Algeria from Niger move via Arlit. That is, migrants move from Agadez to Arlit and then from Arlit to Assamakka. From Assamakka, they cross the border into Algeria. Some migrants travelling with a smuggler will negotiate a journey from Arlit to Tamanrasset, in Algeria. Others negotiate journeys from Arlit to the other side of the border. There are also migrants who make the journey without a smuggler and use public buses. Once migrants cross into Algeria they often end up needing to use smugglers to get to Tamanrasset because Algerian transport companies refuse to sell bus tickets to migrants without documents. Some end up having to work in small towns close to the border in order to make enough money to pay a smuggler to move them to Tamanrasset and onwards, not having been aware of the need to do so before their departure from Niger.

**Map 7:** Routes through Algeria
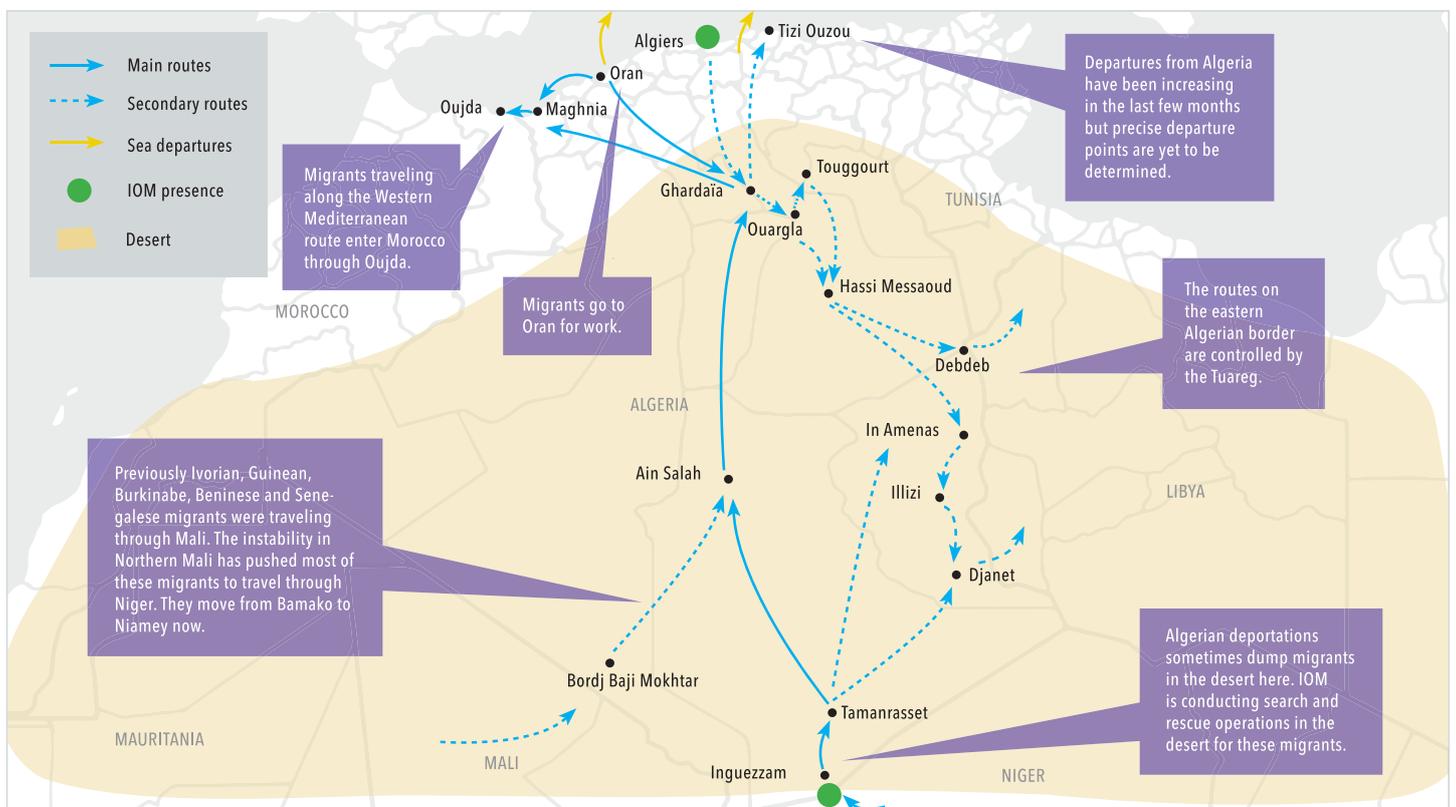
The journey from Arlit to Tamanrasset with a smuggler is made in pickup trucks. The route is dominated by Tuareg smugglers, as the south-western border region between Algeria and Niger is Tuareg territory on both sides. The Tuareg smugglers either take migrants to Tamanrasset or all the way into Libya. For the journeys to Libya smugglers move from Tamanrasset directly to the border, crossing at Djanet into Ghat (see Map 7). The journey from Arlit to Tamanrasset usually takes 15 to 20 hours and most of the drivers will do it in one go, avoiding all checkpoints along the way. They typically drop migrants off just before Tamanrasset and advise them to walk into the city, in order to avoid the authorities. The Nigerien Tuareg smuggler hands the migrants over to an Algerian Tuareg smuggler and a new driver in Din, a small village on the Algerian side of the border, from which they are transported into the country.

Migrants moving from Tamanrasset to the Libyan border also cross this border on foot. Smugglers do not cross the border by car because of the Tassili N'Ajjer Mountains and because there is only one border post, which is easy to control. Migrants are abandoned on the Algerian side of the border and cross through the mountains in the Wadi Tinakare to Barket in Libya. Some smugglers provide a Tuareg guide familiar with the desert to help the migrants find their way. A car waits for them on the Libyan side, facilitated by the Libyan network of Tuareg smugglers.

Another route to Libya starts in Debdeb, in the north, allowing the migrants to move directly to the coast once inside Libya and avoid too much exposure inside the country. While they are faced with a number of risks inside Algeria, as explained below, the situation within Libya is far worse. This journey typically starts in Ouargla in Algeria, as shown on Map 7. Smugglers take migrants to the border, where they wait in holding locations until there are enough of them, then a guide leads them over the border on foot. There is typically a car waiting for them on the Libyan side of the border that takes them to Zintan (See Map 8).

Before 2012, migrants also went from Mali to Algeria from Bamako, moving to Sevarré, Gao, Kidal and, finally, Tamanrasset. This route is less popular now because the road has deteriorated, resulting in a one-day journey

**Focus Box 5: IOM search-and-rescue operations in the desert**

Since October 2016, IOM, in collaboration with the Direction Générale de la Protection Civile, has undertaken search-and-rescue operations for migrants in distress in the Agadez region. These operations are performed both proactively and reactively in response to distress calls and once migrants are picked up they are taken to the nearest safe urban centre. The missions are undertaken around Agadez, Arlit, Assamakka and Dirkou. The migrants are often mentally and physically stressed, suffering from trauma, dehydration and/or physical injuries. In February 2019 IOM conducted eight operations that resulted in the rescue of 1 534 migrants. Of those, 1 308 were transported to Arlit. The rescued migrants represent a spectrum of nationalities: 30% from Mali, 27% from Niger, 19% from Guinea, 5% from Cameroon, 4% from Côte d'Ivoire and 2% each from Burkina Faso, Benin, Sierra Leone and Gambia.[28]

becoming more dangerous and now taking between five and seven days. There is, however, a route from Mali into Algeria via the In-Khalil border crossing point that moves up to Ain Salah (see Map 7), but this is a very minor route in terms of traffic and is mainly only used by Malians.

## 1.5 Centres in Ghat and Ubari

There are two official centres: in Ghat and Ubari. The number of migrants moving through this area has increased since the counter-smuggling programmes in northern Niger displaced the routes to Libya via Algeria. Migrants who enter Libya from Algeria through Ghat pass through either Ubari or Murzuq on their way to Sebha, where they remain to look for work or connect with smugglers to take them north (see Map 8). However, most of those moving through Algeria cross into Libya through Ghadames, which is further north and closer to the coast, thus decreasing the risks. In short, the number of migrants moving through Ghat and Ubari has increased in recent times but is still minimal.

Both centres were established prior to the revolution but were never equipped. There are no vehicles, no kitchen, no place for migrants to sleep and the personnel have not been trained. However, there are DCIM representatives in both places. A second centre was built in Ubari in 2016 with the intention of replacing the first, but it also remains unequipped. The centres in Ubari and Ghat were empty and non-functional at the time of the fieldwork. The authorities did not seem concerned about this, their rationale being that the number of migrants moving through the area is low and that migrants are only passing through. There is also a general apprehension about African communities being established in the south and outnumbering the local population.

**Photo 3:** Photograph of migrants, attached to the wall at Agadez bus station



Photo: Jerome Veyret

## 2. DETENTION CENTRES AND SMUGGLING DYNAMICS IN EASTERN LIBYA

There are three entry points in the east of Libya: one for those coming from Sudan to Kufra, one for arrivals from Chad into Kufra and one for migrants from Egypt into Tobruk.

### 2.1 Kufra

Kufra has traditionally been one of the main thoroughfares for East African migrants travelling to Libya via Sudan. The instability in the region sometimes affects the magnitude of the flows and, at times when fighting in the region has been heavy, smugglers and their migrant passengers have avoided the town altogether. Migrants who move through this region are largely Eritreans, Ethiopians, Somalis, Sudanese, Chadians and, sometimes, Egyptians. From Kufra, migrants are moved north to Bani Walid, either via Zillah or through Ajdabiya.
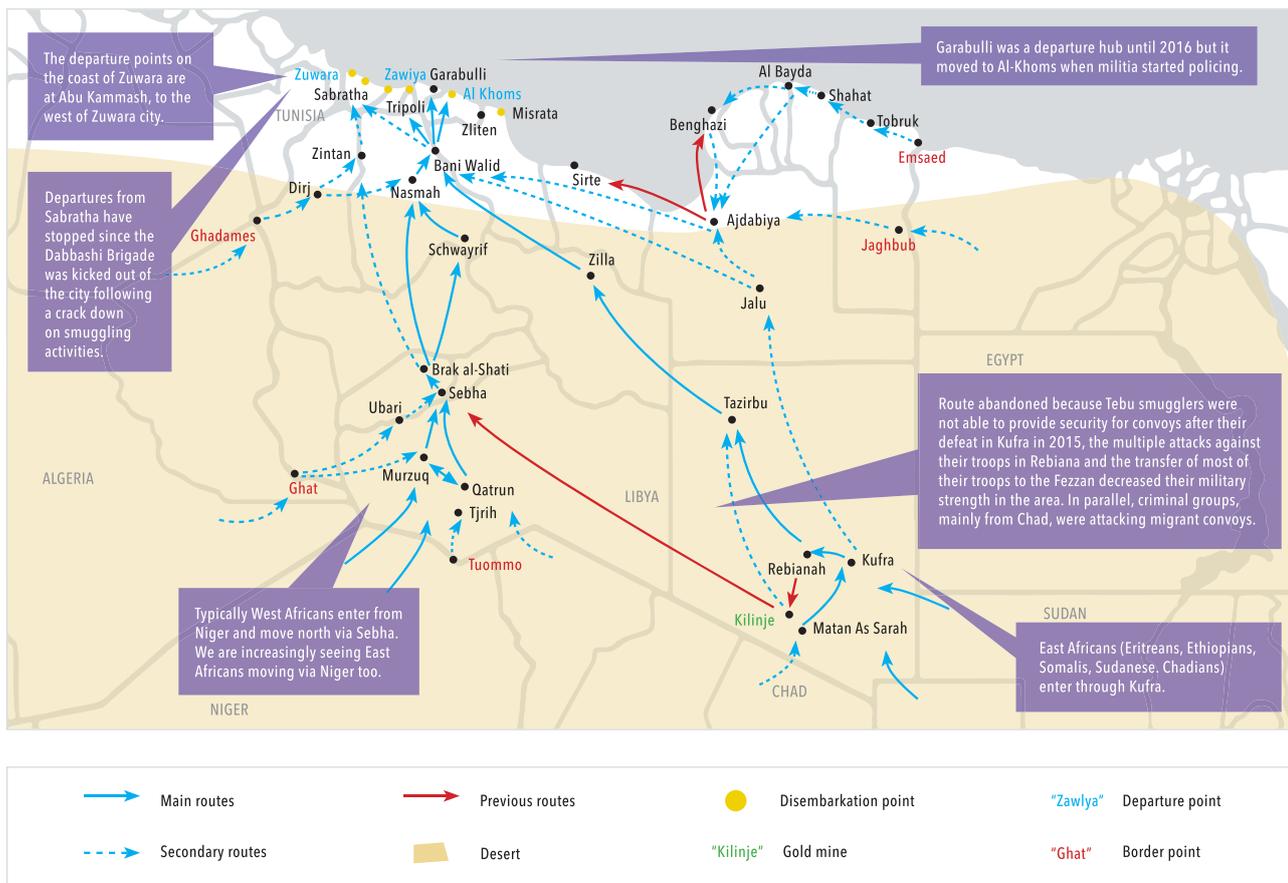
When migrants arrive in Kufra, they are typically transferred from the handover points (where the exchange is made between the Sudanese and Libyan smugglers at the border) to farms and warehouses in the industrial zone of Kufra and the Kufra Agricultural Project. After two to three days they are moved north either to Ajdabiya or to Zillah, from where they are eventually transferred to Bani Walid. Transfers north are conducted by land in trucks that can hold about 20 individuals.

Military protection on the road from Kufra to Ajdabiya is provided by armed groups who are paid for this service. According to the 2018 report of the Panel of Experts, the Subul al-Salam group charges 10 000 dinars per pickup to escort convoys of migrants travelling from Kufra to Ajdabiya, and the al-Zany Brigade provides protection for convoys travelling from Kufra to Bani Walid (through Jaghbub and Tazirbu) for 13 000 dinars per pickup.[29] The journey by truck takes about 10 days, while in a Hilux it takes three days. The smuggling business in Kufra is headed by armed groups affiliated with the LNA, particularly Subul al-Salam.

There is also a flow coming from Chad into south-eastern Libya, as shown on Map 8. There are two routes coming from Chad: the first, from Zouar, crosses through the Tibesti Mountains before entering Libya; the second moves from Assara into the Kufra region of Libya (see Map 3). Both these routes begin in Faya-Largeau (Chad) and are followed by Chadian migrants, who are sometimes joined by those from other West and East African countries.

Since the implementation of the 2015 law in Niger, which has made movement through that country more complicated, some migrants have started to move to Chad from Niger, while others travel through Nigeria or Cameroon directly into Chad to reach the Tibesti Mountains.[30] There is also a route from Dao Timi in northern Niger that enters Libya by crossing the same mountains (see Map 4). This is typically followed by migrants who wish to stop at the Kouri Bougoudi gold mine or smugglers who wish to avoid Nigerien authorities by giving them the impression that the migrants are moving towards the mine, and not to Libya.

Map 8: Routes through Libya

*(Map annotations)*

The departure points on the coast of Zuwara are at Abu Kammash, to the west of Zuwara city.

Garabulli was a departure hub until 2016 but it moved to Al-Khoms when militia started policing.

Departures from Sabratha have stopped since the Dabbashi Brigade was kicked out of the city following a crack down on smuggling activities.

Route abandoned because Tebu smugglers were not able to provide security for convoys after their defeat in Kufra in 2015, the multiple attacks against their troops in Rebiana and the transfer of most of their troops to the Fezzan decreased their military strength in the area. In parallel, criminal groups, mainly from Chad, were attacking migrant convoys.

Typically West Africans enter from Niger and move north via Sebha. We are increasingly seeing East Africans moving via Niger too.

East Africans (Eritreans, Ethiopians, Somalis, Sudanese, Chadians) enter through Kufra.

*Legend:*
- Main routes
- Secondary routes
- Previous routes
- Desert
- Disembarkation point
- "Kilinje" Gold mine
- "Zawlya" Departure point
- "Ghat" Border point

Migrants also move from Sudan into Libya via Chad (see Map 3). Initially, this movement was from Dongola (Sudan) into Kufra (Libya). However, as border security between the two countries increased, smugglers started to reroute and now the most frequently used route from Sudan into Libya starts in Darfur and moves via Chad. There are two routes from Darfur, one that passes through West Darfur, specifically the town of al-Junaynah, and one that moves through al-Fashir in North Darfur. Both these routes cross the border into Chad and migrants join Chadians and West Africans in Faya-Largeau.

There is joint military control along the Chadian/Sudanese border and when tensions increase in Darfur security is stepped up along the border in order to prevent the flow of arms. At such times smugglers avoid trying to cross the Chadian border and instead move migrants directly north into Kufra from al-Fashir, travelling along the Chadian border (see Map 3). While the route from Sudan into Libya via Darfur and Chad was the most important route in 2017, at the time of writing the ongoing political insecurity in Sudan had affected the situation at the borders, with most border officials being occupied with internal security. This has the potential to decrease the importance of the Sudan-Chad-Libya route.

### 2.1.1 Types of centres in Kufra

Fieldworkers identified three types of centres in Kufra – one run by the DCIM, one created and maintained by the municipal government and holding locations maintained by smugglers.

The centre run by the municipality and controlled by Sariya Al-Hudud, a border protection company, is where migrants are sent after they have been intercepted or picked up. Authorities have stated that those sent there are medically examined and provided with ID cards before being sent to the DCIM centre. The municipal council conducts patrols in the desert, through security personnel who are sometimes assisted by armed groups affiliated with the interim government, with the purpose of intercepting migrants and bringing them to the centre. Security patrols are accompanied by desert experts.

The DCIM centre in Kufra, to which migrants are transferred, is under the command of Muhammed El-Fadil. The DCIM conducts its own patrols to round up migrants and bring them to the centre. DCIM staff estimated that the centre accommodates between 200 and 400 migrants at any given time.

According to IOM's DTM data, an average of 700 to 1 200 migrants entered Libya via Kufra every month in 2018 (see Figure 13). The director of the centre believes that 800 to 1 000 migrants cross that border daily.[31] Regardless of which figure is more accurate, this means that a very small proportion of migrants who pass through the Kufra region move through the DCIM centre. In November 2018, our field teams counted 149 migrants in the DCIM centre, significantly fewer than the average number given by the centre's staff. Of the 149, 95 were Sudanese and 45 were Chadian; the remaining nine were Eritreans, Ethiopians and Somalis (see Figure 12 for a breakdown by nationality, as observed by the field teams). Nonetheless, centre staff said they had insufficient resources to enable them to address the needs of all migrants moving through the area because staff and resources have stayed the same despite the increasing number of migrants in the region. More specifically, they struggle to prevent migrants from escaping.

**Figure 12:** Nationalities of migrants at the Kufra DCIM detention centre, November 2018
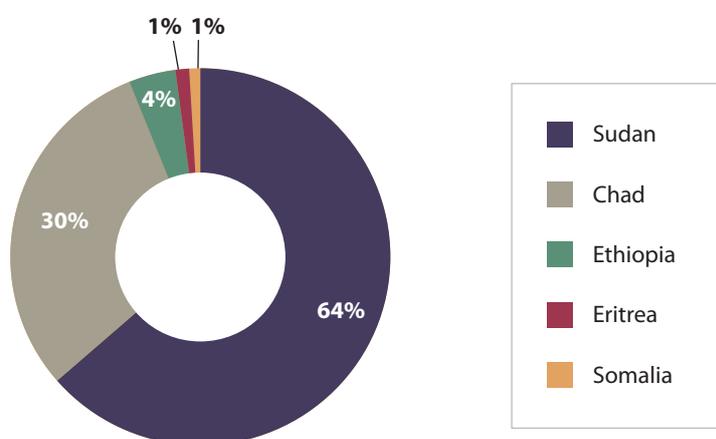
Most of the migrants move through the holding locations maintained by smugglers and armed groups rather than through the official detention centres. They are transferred from the handover points to farms and warehouses in the industrial zone of Kufra and the Kufra Agricultural Project. These holding locations can sometimes be very makeshift, with some migrants held under a tree out in the open, while others are housed in more formal structures. Different groups maintain their own centres. For example, Subul al-Salam runs the al-Himayya camp in Kufra and the LNA Brigade 432 runs the al-Qarryat camp. The Eritreans in our sample who had moved though these holding locations said they were told to hide when they were being transferred from the border to the holding location, presumably to avoid patrols that would take them to the DCIM or municipal centres.

### 2.1.2  Purpose of the centres

The centres in Kufra are essentially transit centres from which migrants are either sent north or returned home. Consequently, the numbers fluctuate greatly and quite regularly. Whether a migrant is moved north or sent home depends on his or her perceived value. Those who are deemed less valuable are returned home, the others are allowed to keep moving through Libya towards the Northern Coast, after paying a ransom.

Somalis, Eritreans and Ethiopians are considered to be more valuable than other migrants moving through this area because they generally pay higher prices for the same journeys; they are typically charged in US dollars (both for the journey and for the ransom) and because there is usually a diaspora supporting them, they are usually able to commit to, and pay for, an entire journey at once instead of the alternative pay-as-you-go system. When migrants agree to an entire journey from origin to destination with the one smuggling group, they are moved through a transnational network of smugglers who work together, with smugglers native to a particular country taking over in their territory.

The Sudanese and Chadians, on the other hand, mainly move through Libya paying as they go and are thus considered to be less valuable, as are Egyptians. Although Egyptians do not enter via Kufra for the most part, there are some in the centre who were intercepted in (or around) Ajdabiya and then sent to Kufra for repatriation.[32] Sudanese, Chadian and Egyptian migrants are more likely to be heading for Libya rather than Europe and tend to be seasonal workers engaged in circular migration. In 2018, only 7% of migrants who arrived in Italy by boat from Libya were Sudanese nationals (and only 5% in each of 2016 and 2017) and Chadians and Egyptians did not appear at all in the top 10 countries of origin – Chadians since records have been kept and Egyptians since 2014 (see Figure 10 for arrivals in Italy by nationality 2013–2018). They are charged less for their journeys and ransom payments, mainly because smugglers understand that they do not have the means to pay high prices. They are also charged in Libyan dinars, not US dollars. Given the perception of these migrants as less valuable, once they arrive in Libya they are rounded up in the centres and sent home quite quickly.

The return of migrants to their home countries is facilitated by local agreements between the relevant countries – that is, between the authorities or groups at the border, as opposed to formal agreements at national level. For example, in order to incentivize the Libyans to send Sudanese migrants home, border officials allow the trucks transporting them back to Sudan (specifically to Dongola) to return to Libya full of cattle, without being charged any taxes at the border.

**Figure 13:** IOM DTM, migrant crossings into Kufra, April 2016–February 2019 [33]
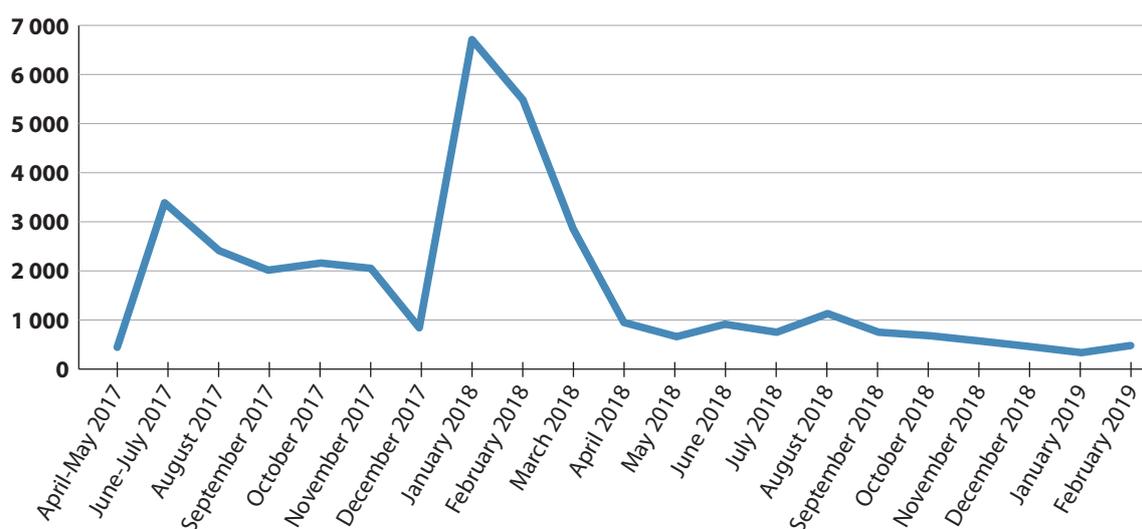


### 2.1.3   Role of the armed groups

The strategy of sending home less valuable migrants and allowing those considered more valuable to continue north maximizes profits, while also portraying the image of being invested in counter-smuggling, when the reality is that groups in this area are only countering smuggling where there is little opportunity cost. While all armed groups in the Kufra region position themselves as supporters of the fight against human smugglers, smuggling in the region continues. Nonetheless, the support of the armed groups for the centres, even if only by lip service, has kept the centres safe, with not a single attack being recorded against detention centres in Kufra since 2012.
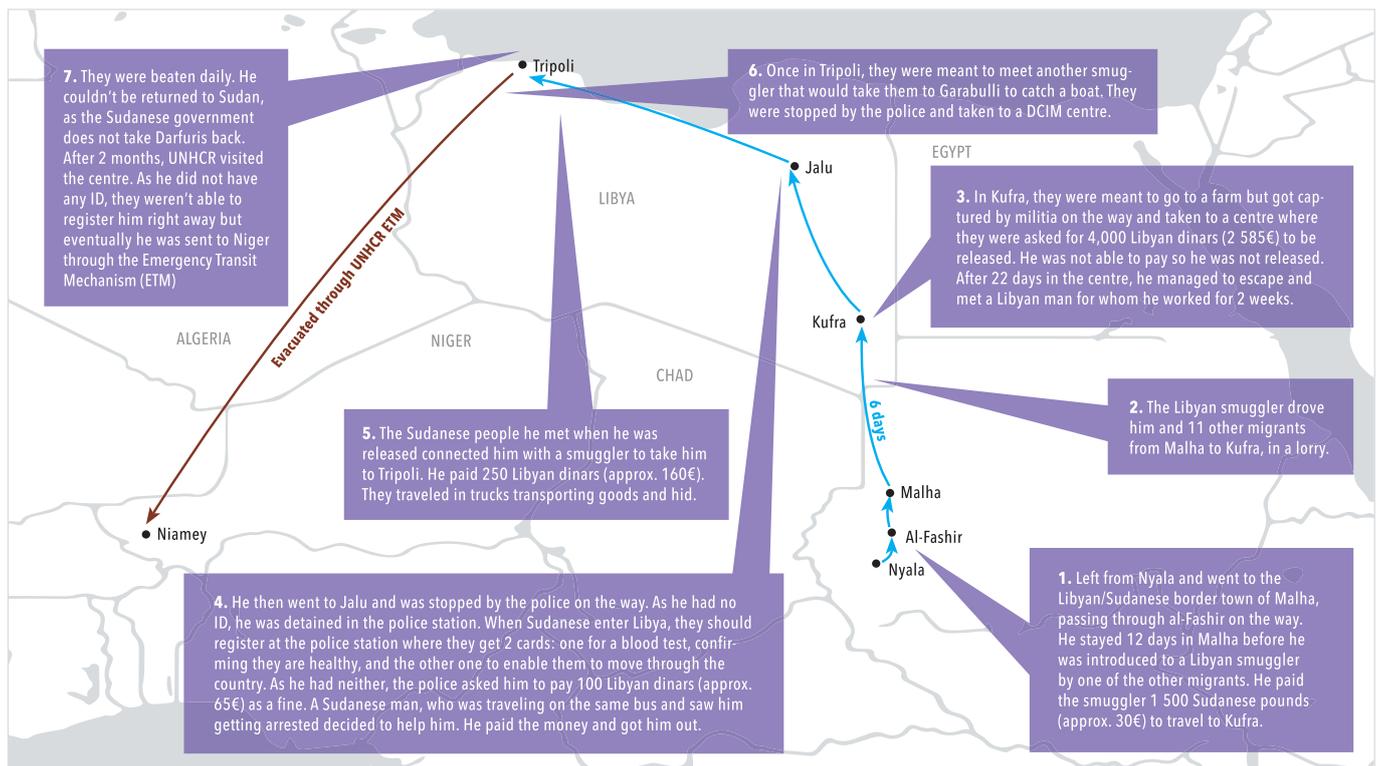
> " The strategy of sending home less valuable migrants and allowing those considered more valuable to continue north maximizes profits, while also portraying the image of [groups] being invested in counter-smuggling. "

Since the war in Kufra in 2015, during which the Zway imposed their full control over the area, the smuggling business in the town has been headed by armed groups affiliated to the LNA, particularly Subul al-Salam (Ways of Peace). This is despite the fact that Subul al-Salam is a brigade of the LNA formed in October 2015 to counter migrant and drug smuggling in Kufra and to protect the town from attack.

The business models have also become more structured and integrated. The armed groups pick up migrants at the handover points and transport them to the farms and warehouses on the southern outskirts of the city. After two or three days, they are moved north to either Ajdabiya or Zillah, from where they are eventually transferred to Bani Walid. There are also Tebu smugglers who operate on the route between Kufra and Ajdabiya and work alongside the armed groups, but they are a minority.

## Case study 3: Journey of a Darfuri through Libya via Sudan (visual)



**7.** They were beaten daily. He couldn't be returned to Sudan, as the Sudanese government does not take Darfuris back. After 2 months, UNHCR visited the centre. As he did not have any ID, they weren't able to register him right away but eventually he was sent to Niger through the Emergency Transit Mechanism (ETM)

**6.** Once in Tripoli, they were meant to meet another smuggler that would take them to Garabulli to catch a boat. They were stopped by the police and taken to a DCIM centre.

**3.** In Kufra, they were meant to go to a farm but got captured by militia on the way and taken to a centre where they were asked for 4,000 Libyan dinars (2 585€) to be released. He was not able to pay so he was not released. After 22 days in the centre, he managed to escape and met a Libyan man for whom he worked for 2 weeks.

**5.** The Sudanese people he met when he was released connected him with a smuggler to take him to Tripoli. He paid 250 Libyan dinars (approx. 160€). They traveled in trucks transporting goods and hid.

**2.** The Libyan smuggler drove him and 11 other migrants from Malha to Kufra, in a lorry.

**4.** He then went to Jalu and was stopped by the police on the way. As he had no ID, he was detained in the police station. When Sudanese enter Libya, they should register at the police station where they get 2 cards: one for a blood test, confirming they are healthy, and the other one to enable them to move through the country. As he had neither, the police asked him to pay 100 Libyan dinars (approx. 65€) as a fine. A Sudanese man, who was traveling on the same bus and saw him getting arrested decided to help him. He paid the money and got him out.

**1.** Left from Nyala and went to the Libyan/Sudanese border town of Malha, passing through al-Fashir on the way. He stayed 12 days in Malha before he was introduced to a Libyan smuggler by one of the other migrants. He paid the smuggler 1 500 Sudanese pounds (approx. 30€) to travel to Kufra.

| | | | |
|---|---|---|---|
| **Name:** Ameen | **Nationality:** Sudan (Darfur) | **Total cost:** 3 000€ | **Outcome:** He was transfered to Niger through UNHCR ETM. |
| **Age:** 21 | **Date of departure:** April 2017 | **Total duration:** 4 months | |
| **Gender:** Male | **Date of return to Niger:** July 2017 | | |

A small minority of migrants move directly to Ajdabiya from Kufra without ending up in detention. According to the 2018 report of the Panel of Experts, Subul al-Salam escorts convoys of migrants travelling from Kufra to Ajdabiya for 10 000 dinars per pickup, and the al-Zany Brigade provides protection for convoys travelling from Kufra to Bani Walid (through Jaghbub and Tazirbu) for 13 000 dinars per pickup.[34]

Transfers north are conducted by land, using trucks that hold about 20 people. Armed groups provide military protection on the road between Kufra and Ajdabiya and are paid for this service. This means that there is a significant likelihood of migrants being kidnapped, even during official transfers. The journey by truck takes about 10 days. When migrants are transferred by smugglers from the holding locations to the north, they are more commonly transferred by pickup trucks, and the journey takes only three days.

### 2.1.4  The role of central authorities

The DCIM centre in Kufra was officially established in 2012 by the Libyan government and while the staff continue to receive their salaries from Tripoli, they are now aligned with the MoI of the interim government in Al-Bayda as well as with the LNA.

The DCIM does not consider the municipal centre to be official even though it is run by a state institution, because the DCIM is the sole authority for the establishment and maintenance of migrant detention centres in the country. The municipalities, on the other hand, believe that they should be involved in migration management and the interception and detention of migrants because they consider it to be a security issue, which is within their mandate. The municipalities of Kufra and Ajdabiya believe that they play a coordination role, including with smugglers, to facilitate the work of the DCIM. In fact, the Municipal Council in Kufra was represented in a joint delegation with the DCIM that travelled to Tripoli to ask for greater support for the centres and for countering migration in the area.

Sometimes the local municipality will equip the DCIM with vehicles for interception and warehouses to convert into detention centres. While the local DCIM will accept the contributions, such centres are rarely acknowledged as official centres by MoI at the central level. The Municipal Council in Kufra says it has not received any support from the DCIM Tripoli since 2015, not even in the form of food provision or basic services.

### 2.1.5 Financial flows

The Eritreans, Ethiopians and Somalis who are moved to the holding locations on the outskirts of the city are extorted in Kufra and asked to make ransom payments in order to be released. Eritreans in the sample reported typically being charged somewhere close to €5 000. Somalis in the sample reported being charged closer to €7 000 euros (a marked increase from the €2 000–€3 000 they were charged in 2016/17). The Somalis and Eritreans also reported being separated in the holding locations so they could not interact.

Smugglers have wide networks for the transfer of money that span a large number of countries. This means migrants are given the details of someone in their home country to whom their families can give cash directly or to whom they can make a bank transfer.

Regardless of whether they can pay the ransom migrants are still transported north and are typically sold to the centres in the next location which effectively buy their debt and then try to extract the money from them. A 24-year-old Eritrean man who was interviewed in Niamey, stated: 'When I didn't pay in Kufra, they sent me to Bani Walid and sold me to the people in charge there. I know this because when we got to the prison in Bani Walid I met a smuggler from Eritrea who said to me: we bought you from Kufra, now you have to pay me $5 000.' Migrants were moved through the holding locations quite rapidly and almost never spent more than a few days there. This did not create enough time for other forms of trafficking in this area.

Instead of the DCIM contracting local catering companies to provide food for the centre in Kufra, the food is sent directly by the central government. However, only very small quantities have been sent. During the war in Kufra, the Tebu were besieged in the al-Shura neighbourhood and movements to and from al-Shura were controlled by the Zway. Thus, smugglers were needed to transport food to the besieged Tebu areas and locals experienced food shortages, as a result of which, very little food reached the migrants.

## 2.2 Ajdabiya

A smaller number of migrants move to Ajdabiya compared to the numbers who go to Kufra. They arrive from the Egyptian border and move via Tobruk and Shahat (see Case study 4 for a representation of the route). This route is followed by Egyptians, as well as East Africans, who travel to Khartoum, Cairo and then Libya in order to avoid the desert crossing between Sudan and Libya.

Migrants are typically dropped off just before the Salloum border crossing point in Egypt (Emsaeed on the Libyan side) and asked to walk into Libya, which takes about nine hours. Once they arrive a car is waiting to move them to Tobruk. It takes 10 days to move between the border and Bani Walid, passing through Shahat, al-Bayda and Benghazi on the way (see Map 8).

Ajdabiya was previously the main hub for migrants moving to the Eastern Coast of Libya. While the convoys previously moved directly to the coast they started to avoid the eastern coastline when Sirte was occupied by the Islamic State of Iraq and the Levant (ISIL) (and ISIL started kidnapping and executing migrants) and instead moved from Ajdabiya to Bani Walid in order to access the Western Coast. Currently, migrant convoys from Kufra continue to Bani Walid via Ajdabiya.

There is also a route from Kufra to Bani Walid via Zillah, which avoids Ajdabiya altogether and carries more traffic. This means a minimal number of migrants move through Ajdabiya from Kufra. However, a few – Egyptians, as well as East Africans who have travelled to Khartoum, Cairo and then Libya in order to avoid the desert crossing between Sudan and Libya – move to Ajdabiya from the Egyptian border via Tobruk and Shahat.

IOM DTM data estimates that there were no new migrant arrivals in Ajdabiya between September 2018 and February 2019 (see Figure 14). Our sources indicate that the movement of East Africans from Egypt to Libya via Emsaeed has halted since mid-2018 and only Egyptians now move through this area. The Egyptian government has recently moved to regularize this movement.

**Figure 14:** IOM DTM, migrant crossings into Ajdabiya, April 2017–February 2019
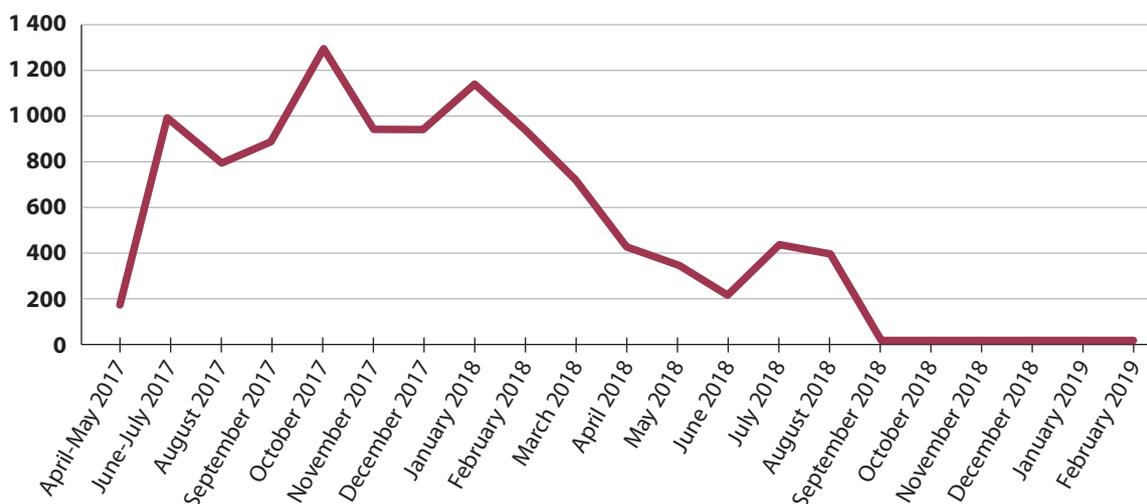
### 2.2.1  Types and functions of centres

There are two types of centres in Ajdabiya: a DCIM centre run by a militia group and holding locations run by smugglers.

The main function of the DCIM centre is to return East Africans to Kufra so they can be repatriated. As in Kufra, migrants in this centre are almost exclusively Chadian, Sudanese and Egyptian (i.e. those perceived to be less valuable) and it is they who are sent to Kufra for repatriation. The Eritreans, Ethiopians and Somalis are rarely seen in the DCIM detention centre in Ajdabiya because they tend to move through the holding locations maintained by smugglers and because they are perceived as too valuable to be prevented from moving on. The Egyptians tend to enter Libya from the Egyptian border at Emsaeed and travel along the coast to Ajdabiya, whereas the Sudanese and Chadians come from Kufra. While most of them do not make it to Ajdabiya because they are intercepted in, and repatriated from, Kufra, a small minority manage to avoid the DCIM centre in Kufra and make it to Ajdabiya, where they are eventually stopped. Until 2016 this centre was under the authority of the commander of the Petroleum Facilities Guard, Ibrahim Jadhran.

The DCIM facility has rarely been used for the sale or extortion of migrants; this is typically done in the holding locations maintained by smugglers. However, there have been some cases of migrants paying a ransom and being released as a result. Where this has occurred, it has been through individual centre staff exploiting an opportunity to make money rather than as part of a structured activity or network. According to the staff in the centre, women have been taken out of the centre on an ad hoc basis and forced into prostitution.

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**Case study 4: Eritrean migrant travelling to Libya via Egypt**

Yonas, a 21-year-old migrant from Eritrea, travelled to Khartoum for $1 500 and then to Cairo for $700. From Cairo, an Eritrean smuggler agreed to take him to Italy via Libya for $2 500, to be paid on arrival in Italy. He left Egypt on a truck with 90 people from Egypt, Sudan, Somalia and Eritrea. The driver dropped them in the desert just before the border and they had to walk for nine hours. Once they had crossed the border, there was another truck waiting for them that took them to Tobruk. From Tobruk, he went to Bani Walid through Al Bayda and Benghazi, which took 10 days. When the group arrived in Bani Walid, the driver dropped them in a non-official detention centre run by an Eritrean smuggler. He stayed there for three months and was released after his family paid the ransom ($2 500) in cash to a contact of the smuggler back in Eritrea. He was caught again while trying to find a smuggler to take him on a boat from Zawiya and was detained in a warehouse for a month. He was then bought by an Eritrean smuggler who took him to his jail in Sabratha, where he stayed for an additional three weeks. Once the war broke out in Sabratha, the centre was raided by police and the migrants were taken to a prison in Tripoli. He spent five months in the prison before being evacuated by the UNHCR.

However, the data reveals that the centre has accommodated only male detainees for some time, suggesting that these practices are more structured than the staff like to admit.

The holding locations run by smugglers are typically farms located to the south of Ajdabiya or agricultural facilities to the south of Brega (which lies to the north of Ajdabiya). Most migrants transit through these locations rather than through the DCIM centre, from where they are moved on to Bani Walid (See Map 8).

### 2.2.2  The role of armed groups and central authorities

The road between Kufra and the Eastern Coast (Ras Lanouf) is divided into four areas of influence, each being under the command of a different armed group. Kufra and Ajdabiya are the main cities in this stretch of territory where the Zway are present and active, and the Zway in the two cities are linked. This facilitates the movement of migrants north to Ajdabiya from Kufra and allows those who are valuable to smugglers to be kept out of the official detention system. As in Kufra, the DCIM in Ajdabiya is officially aligned with the MoI of the interim government in Al-Bayda.

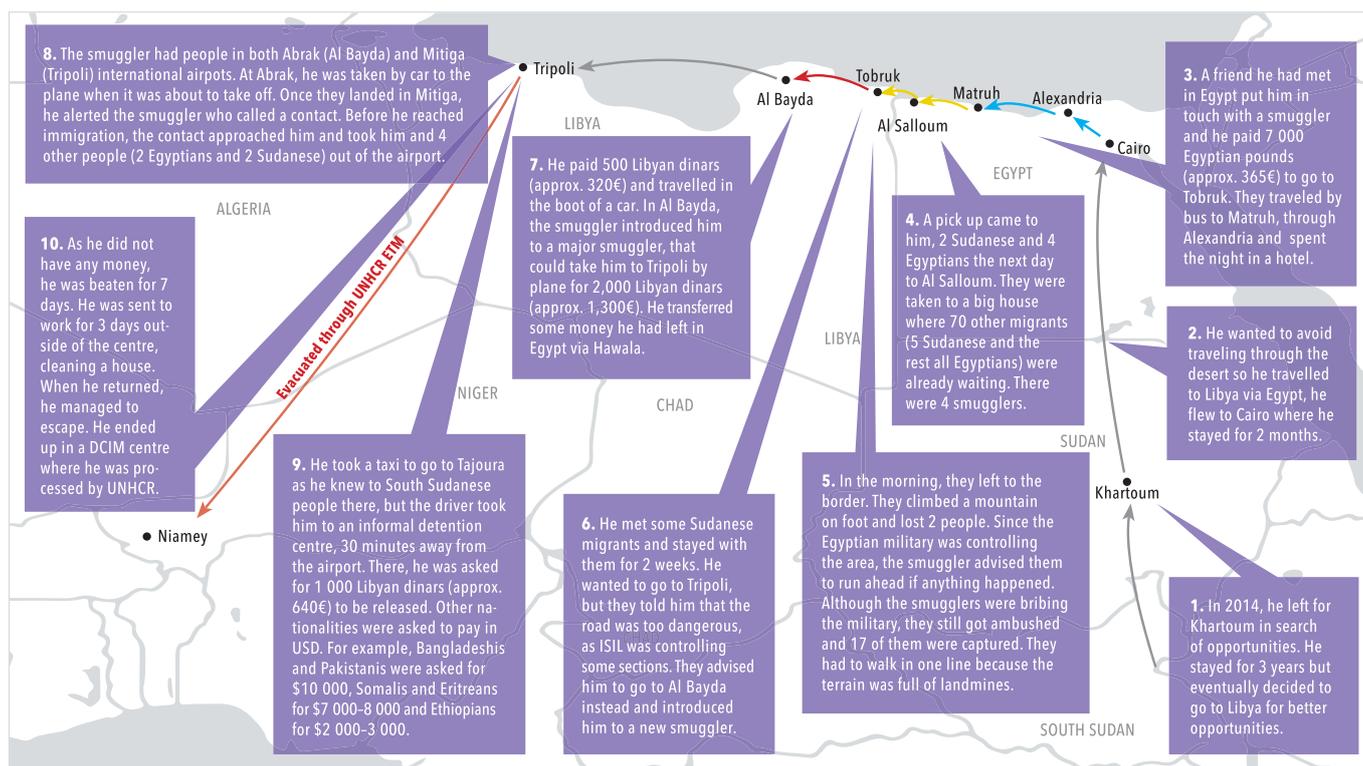# 3. DETENTION CENTRES AND SMUGGLING DYNAMICS ON THE EASTERN COAST

The new DCIM chief recently appointed in the east is a former police colonel who brings with him a renewed focus on counter-smuggling. His appointment indicates a new emphasis by the interim government on counter-smuggling, as the DCIM in the east is aligned with the interim government.

The centres on the Eastern Coast are quite poorly maintained. Not only are there no catering companies providing food for detainees, but migrants are asked to pay for their own food by purchasing food cards that cost 120 dinars per migrant. In Tobruk, even if the migrants pay for their food, locals complain that they are being given privileged treatment while Libyans are struggling.

Extortion is common in these centres and sometimes conditions are so difficult that migrants end up paying for their own repatriation, which effectively entails their being abandoned over the border. There are also instances of migrants paying DCIM staff to be selected for repatriation, even for assisted voluntary returns through IOM. This kind of corruption is another business model for centre staff.[35]

Migrants who end up in the centres on the Eastern Coast are largely Egyptians but there are also some Sudanese and East Africans who enter Libya via Egypt because the towns/centres on the Eastern Coast all fall along the route from the Egyptian border at Emsaeed. The route starts at Tobruk, then moves to Shahat, al-Bayda, and finally Benghazi, from where the migrants move to Bani Walid via Ajdabiya. Some migrant convoys are taken from al-Bayda to Ajdabiya directly, thereby bypassing Benghazi (see Map 8).

## Case study 5: Journey of a South Sudanese travelling to Libya via Egypt (visual)

**8.** The smuggler had people in both Abrak (Al Bayda) and Mitiga (Tripoli) international airports. At Abrak, he was taken by car to the plane when it was about to take off. Once they landed in Mitiga, he alerted the smuggler who called a contact. Before he reached immigration, the contact approached him and took him and 4 other people (2 Egyptians and 2 Sudanese) out of the airport.

**10.** As he did not have any money, he was beaten for 7 days. He was sent to work for 3 days outside of the centre, cleaning a house. When he returned, he managed to escape. He ended up in a DCIM centre where he was processed by UNHCR.

**9.** He took a taxi to go to Tajoura as he knew to South Sudanese people there, but the driver took him to an informal detention centre, 30 minutes away from the airport. There, he was asked for 1 000 Libyan dinars (approx. 640€) to be released. Other nationalities were asked to pay in USD. For example, Bangladeshis and Pakistanis were asked for $10 000, Somalis and Eritreans for $7 000–8 000 and Ethiopians for $2 000–3 000.

**7.** He paid 500 Libyan dinars (approx. 320€) and travelled in the boot of a car. In Al Bayda, the smuggler introduced him to a major smuggler, that could take him to Tripoli by plane for 2,000 Libyan dinars (approx. 1,300€). He transferred some money he had left in Egypt via Hawala.

**6.** He met some Sudanese migrants and stayed with them for 2 weeks. He wanted to go to Tripoli, but they told him that the road was too dangerous, as ISIL was controlling some sections. They advised him to go to Al Bayda instead and introduced him to a new smuggler.

**3.** A friend he had met in Egypt put him in touch with a smuggler and he paid 7 000 Egyptian pounds (approx. 365€) to go to Tobruk. They traveled by bus to Matruh, through Alexandria and spent the night in a hotel.

**4.** A pick up came to him, 2 Sudanese and 4 Egyptians the next day to Al Salloum. They were taken to a big house where 70 other migrants (5 Sudanese and the rest all Egyptians) were already waiting. There were 4 smugglers.

**2.** He wanted to avoid traveling through the desert so he travelled to Libya via Egypt, he flew to Cairo where he stayed for 2 months.

**5.** In the morning, they left to the border. They climbed a mountain on foot and lost 2 people. Since the Egyptian military was controlling the area, the smuggler advised them to run ahead if anything happened. Although the smugglers were bribing the military, they still got ambushed and 17 of them were captured. They had to walk in one line because the terrain was full of landmines.

**1.** In 2014, he left for Khartoum in search of opportunities. He stayed for 3 years but eventually decided to go to Libya for better opportunities.

*Evacuated through UNHCR ETM*

ALGERIA · NIGER · CHAD · LIBYA · EGYPT · SUDAN · SOUTH SUDAN

Tripoli · Al Bayda · Tobruk · Matruh · Alexandria · Al Salloum · Cairo · Khartoum · Niamey

| | | | |
|---|---|---|---|
| **Name:** Alek | **Nationality:** South Sudan | **Total cost:** 2 000€ | **Outcome:** He was transfered to Niger through UNHCR ETM. |
| **Age:** 26 | **Date of departure:** June 2017 | **Total duration:** 4 months | |
| **Gender:** Male | **Date of return to Niger:** November 2017 | | |

→ Bus  → Plane
→ Car  → 4x4

---

The two model centres on the eastern coast are Ganfuda, which is in the western suburbs of Benghazi, and Shahat, which is located in a coastal town of the same name. Ganfuda is under the command of Ahmed Alarefy and Shahat under the command of Ramzy Atia. Both are official DCIM centres housed in proper buildings belonging to the MoI. Women and men are accommodated in separate buildings. However, very little traffic moves through these centres.

At the time the fieldwork was conducted, there were fewer than 50 detainees in each centre. There is also an officially mandated centre in al-Bayda under the command of Rida Hareesh and one in Tobruk under the command of Atia al Abidy. Conditions in the official DCIM centre in Tobruk are the worst of all the centres in this area and it is completely unfit to host migrants. It was previously the headquarters of a local armed group.

The other detention centre in Benghazi follows the same logic as those in Kufra and Ajdabiya. That is, it is mainly used to gather and repatriate the less valuable East Africans who cross over from the Egyptian border trying to make their way to Benghazi. There are also transfers to centres in the south of Libya. This is an income-generating activity as the centres in the south pay for the migrants. The centre was created in 2015, when the DCIM in Benghazi officially took control of Bersus Prison, which was used to imprison Libyans who were alleged Islamists. Bersus Prison had come under scrutiny by the international community, which

prompted the Libyan authorities to close it down. The DCIM transformed the prison into a migrant detention centre in September 2015 at a ceremony during which the head of the militia officially transferred control to the DCIM. The Red Cross and IOM visited In October 2018, thereby further officializing the centre.

All the centres on the Eastern Coast have limited numbers of detainees. Authorities estimate that there are probably about 500 migrants in total detained in eastern Libya – a reflection of the relatively limited flow of migrants from the Egyptian border. Another reason is that the authorities tend to intercept migrants along the border and deport them immediately – unceremoniously dumping them over the border. Many East Africans who came to Libya via Egypt also talked of being taken directly from the border to a detention centre in Bani Walid, completely bypassing the centres on the coast.

# 4. DETENTION CENTRES AND SMUGGLING DYNAMICS ON THE WESTERN COAST

As Figure 15 shows, numbers of arrivals in Italy dropped significantly in 2018 – from 119 369 in 2017 to 23 370 in 2018. At the same time, the death rate at sea increased as the journey became more dangerous and deadly. As stated above, this drop in arrivals and increase in deaths at sea coincided with the increased search and rescue (SAR) capacity of the LCG, the decreased role of NGO SAR boats in the Mediterranean, the termination of Operation Sophia and the changing tactics of smugglers.

Smugglers on the Western Coast adapted to the new circumstances by various means – for example, switching from rubber boats to wooden boats to ensure that the boats can move into European waters.[36] There have also been reports of smugglers using larger vessels on departure, then moving migrants to smaller vessels once they have avoided the LCG. It should also be noted that while these dynamics coincided, causality is difficult to prove.

**Figure 15:** Sea arrivals in Italy, 1999–2018
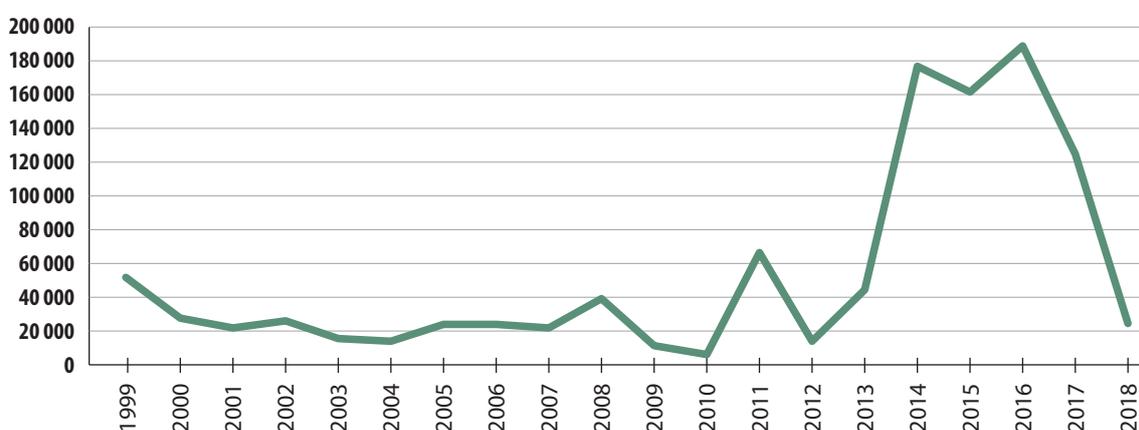


Source: Italian Mol

At the time of writing the departure points for Italy were all located on the Western Coast:

- Zuwara: The departure points on the coast of Zuwara are at Abu Kammash, to the west of Zuwara (close to the Tunisian border).

- Zawiya: Most dinghies now depart from al-Mutrad or al-Harsha, on the coast of Zawiya. There are no departures along the stretch of coast that extends from the Zawiya Oil Refinery to Jedayem (Zawiya proper).

- Al-Khoms: Departures shifted to al-Khoms when the Kaniyat started to police smuggling in Garabulli.

- Departures from Sabratha have stopped since the Ans al-Dabbashi Brigade was pushed out of the city. There are limited movements from Bani Walid to Sabratha today.

The LCG has been at the centre of much controversy. In 2016 an MSF SAR boat was attacked by a Libyan speedboat and two officers from the Dallah coastguard were involved.[37] In 2017 the Panel of Experts identified that the head of the Zawiya sector of the LCG and other members, using firearms, were directly involved in the sinking of migrant boats. This led to the Security Council applying sanctions against Abdal-Rahman Milad (alias Bija) in 2018, which included freezing his assets and imposing a travel ban. The coast guard in the west of the country continues to remain in militia hands. Figure 16 charts interceptions by the LCG from 2016 to March 2019.

Until early 2018, there were five migrant detention centres on the Western Coast of Libya:

- The Bu-Issa Centre in Zawiya
- The al-Nasr Centre in Zawiya
- The Tawila Centre in Sabratha
- The Surman Centre in Surman (between Sabratha and Zawiya)
- The Zuwara Centre in Zuwara

**Figure 16:** Interceptions by the LCG and other vessels, January 2016–March 2019
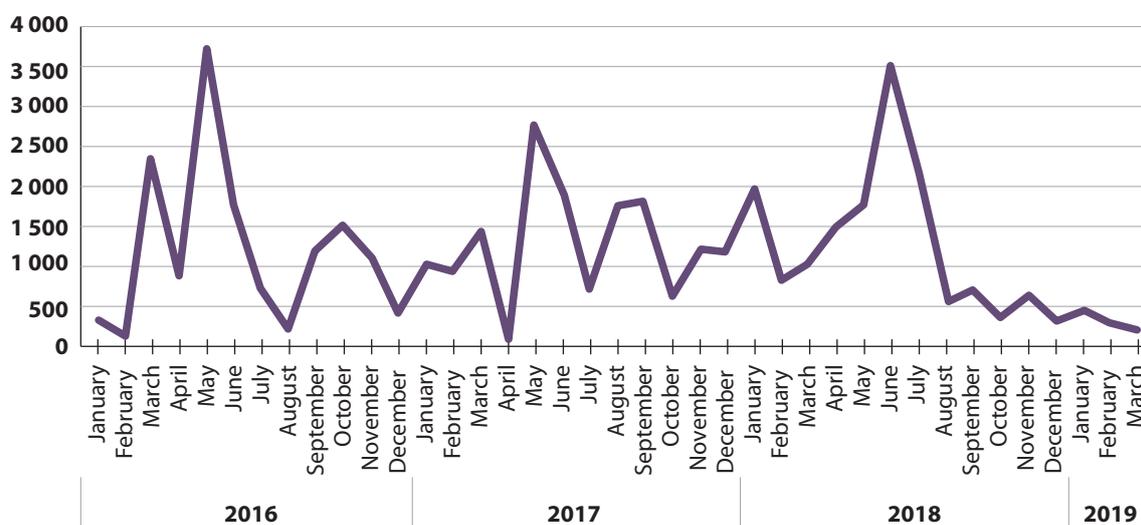


Source: UNHCR

In early 2018, the DCIM decided to centralize the centres in the west and three of the five centres listed above were shut down. Only the Zuwara and the al-Nasr centres remained open. There may be some migrants left in the centres that were closed and some local armed groups may be trying to use them as detention centres, but they were officially closed. In addition to Zuwara and al-Nasr, there are a number of non-official holding locations run by smugglers, particularly in Zuwara, Sabratha and Zawiya, and usually warehouses through which migrants move.

> " The decision in 2017 to close the Surman and Bu-Issa centres was taken after UNSMIL alleged that there had been serious sexual abuse in the centres. "

The decision in 2017 to close the Surman and Bu-Issa centres was taken after UNSMIL alleged that there had been serious sexual abuse in the centres. These allegations were followed up by the UN High Commissioner for Human Rights during his visit to Libya in October 2017. However, in the case of Bu-Issa, while the centre was officially closed it is still functioning, under a new name, under the control of Abud al-Fatah Barood. Currently only men are accommodated in the centre, a decision made at the central level in response to the appalling conditions there. Figure 17 charts the nationalities of migrants detained at Bu-Issa at the time of the fieldwork (November 2018). In the case of Surman, the centre was completely shut down in mid-2018 when all migrants were taken out and transferred to Tripoli.

In its efforts to centralize all the centres in the west, the DCIM felt that the only way it could convince Ahmed al-Dabbashi (see Focus Box 6) to start policing the smugglers was to open a centre in Sabratha and give him control. By doing so, the DCIM would effectively be putting a few hundred of Dabbashi's

**Figure 17:** Nationalities of migrants detained at the Bu-Issa centre
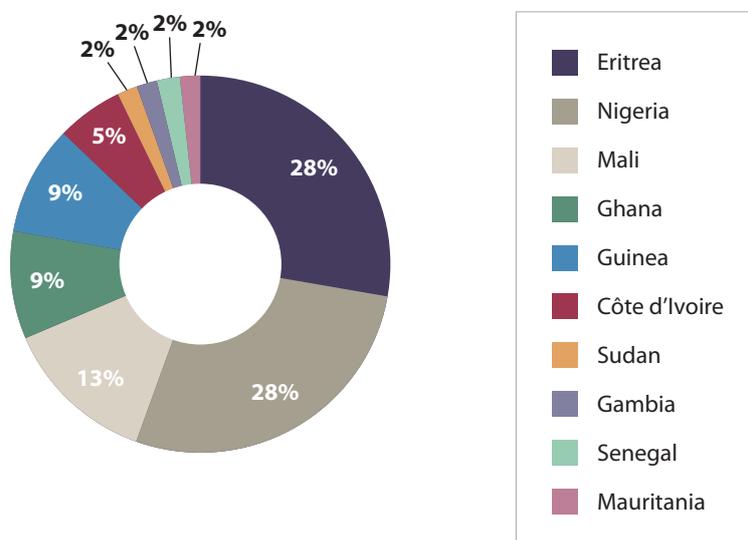
men on the state payroll, which is, presumably, the real benefit for Dabbashi, who continued detaining migrants in holding locations even after he had accepted the deal with the DCIM. Moreover, while Dabbashi had accepted the deal and agreed to cease his smuggling activities, his competitors who were not offered the same deal had no incentive to stop, so the other armed groups in the city started to fight him (principally the al-Wadi Battalion) and the deal was dead before it even came to fruition. The centre was built but never officially inaugurated. Today, it is in the hands of the Sabratha Security Room but there are no migrants inside. At one point, there had been an intention to hand the Tawila centre to Dabbashi. Tawila had been under the command of the Judicial Police but the intention was to turn it into a migrant detention centre and hand it to Dabbashi. However, this also never came to fruition. It should be noted that Dabbashi has since been placed under sanctions for his involvement in human smuggling activities (see Focus box 6).

Prior to the summer of 2017, Sabratha had been the main smuggling hotspot in western Libya, with many groups involved in smuggling and in competition for control of the smuggling routes and migrant detention centres. The principal competition was between the Anas al-Dabbashi Brigade and their allies and the al-Wadi Batallion and their allies, the two main smuggling groups in the area, which had previously been in competition.

In 2016, in response to a new ISIL presence in the city, Libyan authorities launched an offensive against ISIL, enlisting the armed groups in the area in the battle (thereby overlooking their involvement in migrant smuggling). The Anti-ISIL Operations Room, created in Sabratha in March 2016, involved all the brigades in the city, including the al-Dabbashi Brigade and the Al-Wadi Batallion.

> **Focus Box 6: Kushlav and Dabbashi**
>
> Ahmed al-Dabbashi (aka al-Amu) is the commander of the al-Dabbashi clan and the connected Anas al-Dabbashi militia, formerly operating in the coastal area between Sabratha and Melita. The al-Dabbashi militia has been involved in illicit activities related to trafficking of migrants since the civil war broke out. In October 2017, they became active around Zawiya after they were pushed out of Sabratha following violent clashes with other militias.
>
> Mohammed Kushlav, commander of the Al-Nasr Brigade, is also a major player in the smuggling and trafficking business in Libya. He is however more involved in fuel smuggling than human smuggling. He He also controls the al-Nasr centre in Zawiya.
>
> They were both targeted by UN sanctions on 7 June 2018 in the form of an asset freeze, travel ban and other punitive measures. These sanctions were an unprecedented step against six individuals involved in Libya's transnational human smuggling and trafficking business.[38]

The Operations Room, later renamed the Sabratha Security Room, is currently under the command of General Omar Abd al-Jalil. Once the threat of ISIL had disappeared, the brigades went back to fighting one another in competition for the smuggling routes. Authorities in the city explained that, in an effort to combat smuggling in the area, and specifically to eliminate some of the smaller smuggling groups, Dabbashi asked the coast guard to intercept the boats of the smaller smugglers and send their clients back to Libya. This significantly reduced the flow of migrants to and from Sabratha and most of the centres were closed, leaving only the Tawila centre by 2018. This demonstrates that in Sabratha the competition between the brigades was never about the detention centres but was about controlling smuggling routes. All the main militias were gaining significantly financially by extorting migrants in their own holding locations and through sea departures and so had little interest in detention centres.

## Case study 6: Journey of a Cameroonian to Libya via Algeria (visual)



**6.** There were more 700 people waiting in the holding location. They waited for 4 months and kept being told that the weather conditions were not good enough. Eventually, they realized they were stuck because of fights between militias. Then the war started and the guards told them to go away. For 3 weeks, there were fights and they were hiding in the holding location.

**5.** He then found a smuggler who would take him to Italy, through Libya, for 800 €. The smuggler took him to Debdeb and then to the Libyan border with more than 100 migrants in vehicles. There were many other migrants at the border connected to other smugglers. They crossed the border in small groups, on foot, moving through the barbed wire. On the other side, there were cars waiting that took them to Zintan and then to Sabratha by taxi in groups of 4 in order to avoid unwanted attention. They were taken directly to a holding location by the sea where they would wait for the boat departure.

**4.** An Algerian shepherd told them that there were police up ahead and called a taxi for them. The taxi driver took them to his house and asked them for 2 000 dinars (approx. 15 €) each to be released. They refused and after 3 days he released them but kept their luggage. He moved north to Oran.

**3.** They travelled in a convoy of 3 Hilux trucks with 25 West African migrants per vehicle, driven by Tuaregs. They were dropped off just outside Tamanrasset and were told to walk to the city.

**2.** In Arlit, he met a smuggler at the station that said: "you can't travel to Algeria without us, it's too dangerous". So he agreed to pay 60 000 CFA (approx. 500 €) to go to Tamanrasset.

**7.** One day, soldiers arrived and arrested all the migrants and took them to Bohiza jail in Sabratha. He stayed for 3 months along with 300 migrants. When he didn't pay the ransom, he was transferred to a deportation camp in Zawiya. He stayed one month along with other West Africans but also Moroccans and Tunisians, who were treated better.

**8.** He escaped and found a smuggler to take him back to Algeria. In Algeria, he found the original smuggler that had sent him to Libya. As Adam did not make it to Italy, as originally agreed, the smuggler transported him to Oran for free. Adam worked in Oran until he was arrested by Algerian authorities and sent back to Niger.

**1.** He entered Niger through Maradi. There he found a smuggler at the Syndicate of Transporters and paid 30 000 CFA (approx. 250 €) to go to Arlit.

**Name:** Adam
**Age:** 35
**Gender:** Male

**Nationality:** Cameroon
**Date of departure:** 2013
**Date of return to Niger:** September 2018

**Total cost:** 1 700 €
**Total duration:** Five years
**Outcome:** He was taken back

to Niger by the Algerian police. He wants to try Europe through Mauritania and Morocco.

| | | |
|---|---|---|
| Bus | | Closed pick-up |
| Taxi | | Pick-up |
| Truck | | Walking |

However, the experience of the DCIM along the Western Coast shows that some groups see control of a DCIM migrant detention centre as a strategic asset because it allows them to place a good proportion of their men on the state payroll. However, if a deal is made between the central government and a local group and the migratory inflows into the country continue unaffected, other groups emerge to try to fill the gap. Thus, such deals simply redirect the flows to other networks and creates tensions among groups who want to become the new heroes of counter-smuggling and those who continue their smuggling activities. Moreover, unlike in the east, the militia control the centres in the west, even when they are nominally controlled by the DCIM.

## 4.1 The al-Nasr centre, Zawiya

After the flow of migrants from and to Sabratha declined, the departure points moved along the coast and Zawiya increased in importance. At the time of writing, most migrant boats were departing from points between al-Matrad and al-Harsha, two small towns to the west of Zawiya, and migrants were gathered in farms in agricultural areas on the southern outskirts of the city. No boats were leaving the stretch of coast that extends from the Zawiya Oil Refinery to Jaddayem (see Map 8).

The al-Nasr centre, located in Zawiya, was opened by the al-Nasr Battalion in the autumn of 2015. The explanation for its opening was that the battalion had observed the arrival of 2 000 to 3 000 migrants on the shores of Zawiya in that period and there were no centres to accommodate them. The exact location of the centre is the Nasr area of Zawiya (after which the armed group was named) on the perimeter of the Zawiya Refinery and very close to the coast guard's Zawiya port.

Given the importance of Zawiya as a departure point and the strategic location of the centre, the al-Nasr centre was at the core of the smuggling business on the Western Coast, unlike those in eastern Libya, which were a mere facade to create the illusion of cooperation with the internationals.

Kushlav and Dabbashi joined forces in 2014 during the Libya Dawn and in the fighting in Sabratha in 2017. When Dabbashi was ousted from Sabratha he went to Zawiya, an area protected by Kushlav and the two have worked together, with Dabbashi buying migrants from the centre.

In April 2016 the DCIM officially brought the centre under its control, mandating the al-Nasr Battalion to provide security. In doing so, it effectively recognized a centre that had been illegally opened by an armed group, legitimating the armed group that opened it despite the fact that the centre and the battalion were known to be at the core of migrant smuggling. At the time of the fieldwork, the centre was under the command of Mohammed Rhoma.

### 4.1.1 Purpose of the centre

In 2018, wanting to centralize the centres in the west, the DCIM took over the security of the centre and converted it into an investigation and search unit with two missions:

- To receive migrants rescued and intercepted at sea, who transit through the centre before being transferred to detention centres in Tripoli.
- To search for and identify migrants present in the western region (the area from Tripoli to the Tunisian border).

Today, the al-Nasr Battalion is not involved in the management of the centre. It is, however, in charge of the port of Zawiya, where migrants disembark. Our sources also report that the battalion provides funding for the centre, which implies that the DCIM only has nominal authority there.

### 4.1.2 Entry and exit from the centre

The centre can accommodate 1 700 to 1 800 people but at peak times has hosted up to 2 400. At the time the fieldwork was conducted there were 1 066 detainees in the centre, from Eritrea, Ethiopia, Somalia, Sudan, Algeria, Bangladesh, Burkina Faso, Cameroon, Chad, Egypt, Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Liberia, Mali, Morocco, Niger, Nigeria, Pakistan, Senegal, Sierra Leone and Tunisia.

There are no separate sections for vulnerable groups, such as minors and women, and many of those who arrive at the centre have been intercepted at sea, while some Asians, among them Pakistanis and Bangladeshis, arrived by air (see Figure 18).

**Figure 18:** Nationalities observed at the al-Nasr detention centre, November 2018
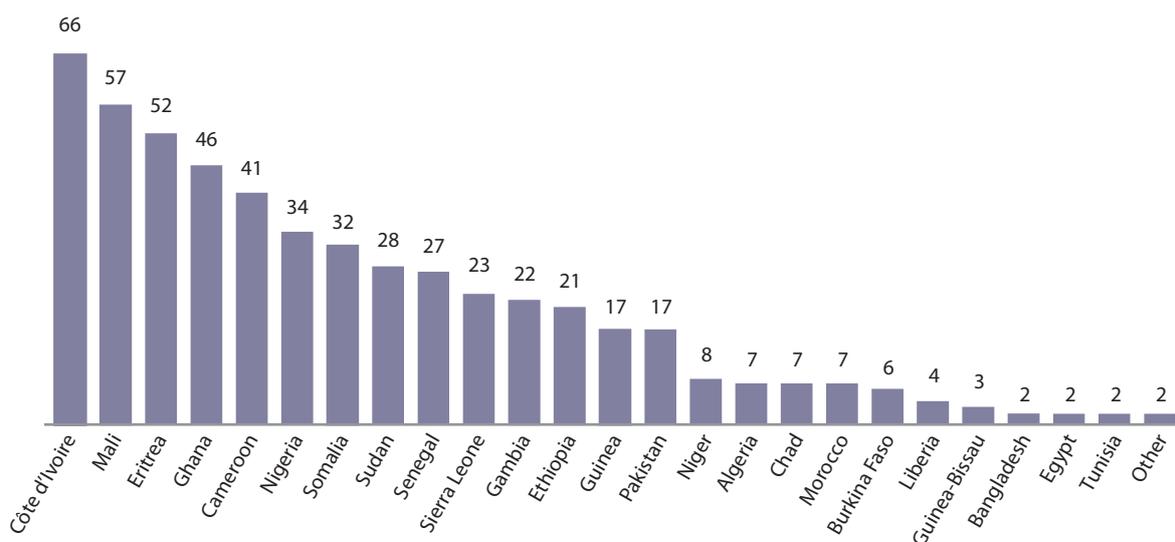
The Asians, who tend to be employed by public sanitation companies, are brought into the country illegally (without visas) and are later put on boats and pay up to 10 000 dinars (about €6 000) for the journey (a much higher price than the 2 000 dinars Africans are typically charged). There are also Libyans detained in the centre. Increasingly Libyans are trying to cross the Mediterranean and apply for asylum in Europe and many end up intercepted at sea and are put off boats in Zawiya and taken to the al-Nasr centre.

In terms of release from detention, Arab detainees are treated differently from the others. Tunisians and Libyans can be released with the intervention of a Libyan guarantor, but Moroccans require further guarantees, probably because there are more women among them who are suspected to be involved in sex work. Some Africans choose to return home through IOM because they cannot see any other way out of the system and IOM actively advertises its voluntary return programmes in the centre. Those who agree to return are transported to Mitiga or Misrata airports by private bus companies contracted by IOM.

Although there is no systematic extortion of migrants for release, some members of the protection force at the centre offer the families of the migrants the chance to liberate them by paying a fee. There are also still cases of migrants from this centre being sold on the Libyan migrant market for anywhere from 1 000 to 1 300 dinars (about €800).

Some migrants in our sample who had passed through Zawiya also reported being detained in non-official holding locations where they were asked to pay for their release. They described sub-Saharan Africans coming into the centre every day asking for money and reported being transferred to Sabratha when they managed to pay.

### 4.1.3 Transfers

One way to alleviate the pressure when centres reach full capacity is through transfers. These are organized at the request of the heads of the centres, who contact the DCIM when they need to decrease their numbers. This happened mainly under the former head of the DCIM. Between 2015 and 2017, buses were sent to al-Nasr once or twice a week to make transfers, many of them to centres in the south.

While the armed groups and authorities explained that the reason for the transfers was predominantly to manage the capacity of the centres and was not part of the smuggling business, the reality is that the heads of the centres in Ubari and Sebha paid between 50 and 300 dinars (between €20 and €200) per migrant transferred. They were willing to do so because they felt they could make money from them again through extortion or on-selling. The transfers were conducted by private bus companies contracted by the DCIM that have also been implicated in the smuggling business; it is believed that they sell migrants during the transfers.

Since the first round of fighting in Tripoli, there have been no transfers to the capital other than those facilitated by IOM for voluntary return to origin (also carried out by private bus companies). Security for migrant convoys is provided by the local police directorates in the four districts through which the convoys pass – Zawiya, Jafara, Janzur and Tripoli

### 4.1.4   Financial flows

There is plenty of opportunity for individuals within the protection units and service providers associated with the centre to exploit migrants for profit, especially as a number of entities are involved in the transfer of migrants from the port to the centre and between centres, as well as those working within the centres. This means that even when centres are officialized and cleaned up there is still room for individuals to continue with these practices. Examples of entities potentially involved in these practices are:

- The DCIM, which guards the centres;
- Local police units that protect the roads in the north;
- The al-Nasr Battalion, which controls the port in Zawiya and thus migrants who are intercepted at sea; and
- Local bus companies who transfer migrants to the south (it is suspected that the Al-subr Tawat bus company is involved in migrant smuggling).

Migrants in our sample who had been detained at al-Nasr reported being treated reasonably well in the centre – they were not beaten up, they were not asked for money in return for their release and they were fed regularly. However, they reported being sold to smugglers during transfers, who took them to other centres.

### 4.1.5   The role of the DCIM

In 2018, the Taher al-Zawiya Charity Association, a local organization that provides support to migrants in detention and conducts charity activities for Libyan communities, opened a centre in Zawiya, with the support of IOM, exclusively for vulnerable migrants. The centre, which was completely independent of the DCIM and directly managed by internationals, was located in the Zedayam area of Zawiya, a section of the coast that sees many departures. Shortly after it opened the centre was attacked by a local group. Twelve migrants were removed and sent to the al-Nasr centre, which the assailants considered to be the legitimate centre in Zawiya because of its affiliation with the DCIM. This incident implies that the authority of the DCIM over a centre can protect it from attack by local groups, probably because the DCIM makes arrangements with the groups. It also implies that it is difficult to ignore the armed groups in the current context of Libya and that, essentially, the authorities have to work with them. Authorities in the area said that the problem lay with the charitable organization, which had not notified the security services when they began their work, so the attackers had an official mandate to attack them and a member of the Attorney General's Office had accompanied the attackers, who were under Kushlav's command.

## 4.2 The Zuwara Centre

The centre in Zuwara is another example of one established by a state institution but not the DCIM. However, this centre was not established by the municipal council, as was the case in Kufra, but another department of the MoI, the General Criminal Investigation Department of the Directorate for Passports, Nationality and Foreign Affairs (known as the passport authority). The directorate is divided into two main departments:

- The Administrative and Financial Department, which issues passports and visas and checks them at border posts. If officials detect fraudulent documents they refer the matter to the criminal investigation department.

- The Criminal Investigation Department, which investigates suspected fraud, is permitted to detain the suspect in a normal prison for 72 hours until the investigation is completed, after which the suspect is sent to a special prosecutor/court.

The fact that the DCIM's mandate overlaps that of the passport authority (see Table 4) has limited the role of the passport authority. However, the overlap also helps to explain why a migrant detention centre run by the passport authority's criminal investigation department is accepted by the DCIM as an official centre while a centre established by the municipality is not. The Zuwara centre is also monitored regularly by the international community.

At the time of fieldwork, the centre was under the command of Anwar Bodeeb and was housed in a former military prison. There were just over 500 detainees accommodated there, from a range of countries, including countries of concern such as Syria and Yemen (see Figure 19). All the detainees had been there for longer than 72 hours without having appeared before a special prosecutor/court, as stipulated by law. Most migrants arrived at the centre after being intercepted at sea. Some migrants reported being asked for money to be released, usually 2 000 dinars (about 1 300 euros). However, this does not appear to be a systematic practice, but rather a practice that occurs on an individual basis through some of the centre staff.

**Figure 19:** Nationalities observed at the Zuwara detention centre, November 2018
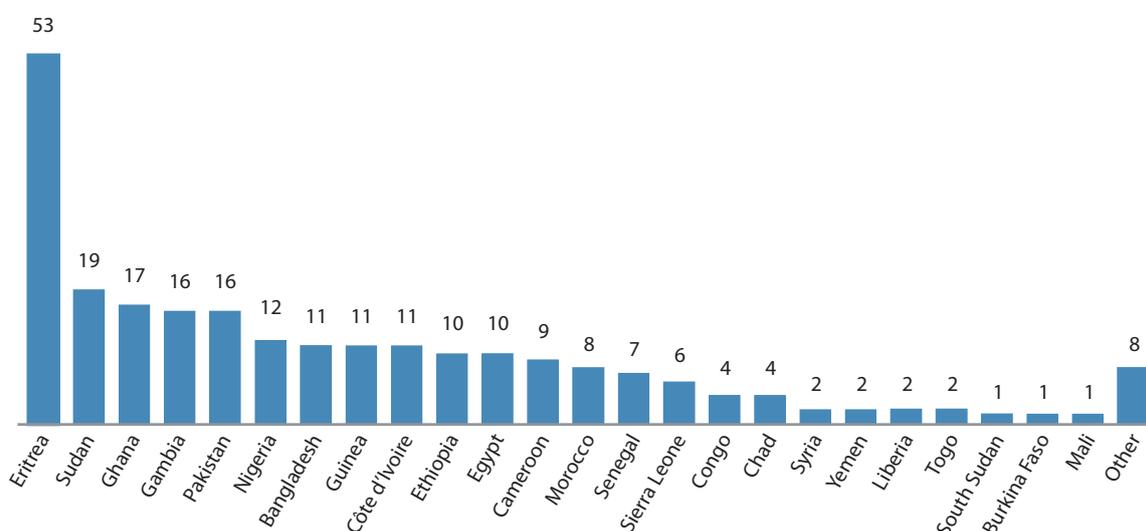
**Table 4:** The conflict between the DCIM and the passport authority

| Directorate for Combating Illegal Migration (DCIM) | Directorate for Passports, Nationality and Foreign Affairs (The Passport Authority) |
|---|---|
| **Legal Instrument for Establishment and Organizational Chart** | |
| Decree No (386) of 2014 established the DCIM. | Decree No (314) of 2008 established the Passport Authority. |
| No organizational chart | Decree No (17) of 1999 established the predecessor of this directorate, which was called the Directorate for Travel Documents, Nationality, and Foreign Affairs. |
| | Decree No (244) of 1999 (1427 AH) published the organizational chart of the Directorate for Travel Documents, Nationality, and Foreign Affairs. |
| | Decree No (145) of 2012 confirmed the establishment of the directorate, stating that it would adopt the organizational structure and powers of the Ministry of the Interior and organizing its administrative unit. |
| | The passport authority, however, still works with the organizational chart published in 1999 for the Directorate for Travel Documents, Nationality, and Foreign Affairs. Decree No (314) of 2008, which established the new directorate, does not mention the dissolution of the previous one. |
| **Mandate** | |
| 1. Participate in preparing and implementing joint security plans to ensure the maintenance of security and public order in the country. | 1. Take necessary measures to organize the receipt of notifications regarding the housing and registration of foreigners, and record their places of residence. |
| 2. Study and draft strategic plans to limit the phenomenon of illegal migration in Libya. | 2. Take necessary measures to grant foreigners permission to enter Libya. |
| 3. Prepare and implement security plans to combat crimes of human smuggling and infiltration. | 3. Perform the functions of issuing consular entry and transit visas to Libya in People's Bureaus abroad. |
| 4. Apprehend illegal migrants in Libya and place them in shelters to monitor them and complete the procedures necessary for deporting them to their countries of origin in coordination with the relevant authorities. | 4. Organize and disseminate instructions issued regarding the prescribed conditions and regulations for granting residency, entry, and exit visas. |
| 5. Document records pertaining to apprehended infiltrators and smugglers and create a database in this regard. | 5. Grant residency visas to the categories that have special instructions issued in their regard due to public interest requirements, in coordination with the Confidential Affairs office. |

| Directorate for Combating Illegal Migration (DCIM) | Directorate for Passports, Nationality and Foreign Affairs (The Passport Authority) |
|---|---|
| 6. Collect information and investigate, sort, and classify cases of human trafficking, organized crime, the smuggling of persons, and infiltration; coordinate with the relevant security agencies to prosecute the perpetrators and suspects. | 6. Organize necessary procedures for granting entry visas for the purpose of tourism to contribute to the success of encouraging investment in the field of tourism as instructed. |
| 7. Prepare studies and conduct research on the reasons behind the phenomena of illegal migration and trafficking; limit the same and propose the development of work methods; espouse advanced scientific technology to limit these criminal phenomena. | 7. Investigate and collect evidence in cases referred by the Authority head concerning those who violate the provisions of legislation organising nationality, travel documents, personal ID cards, and the entry and residence of foreigners, as well as refer cases to the judicial authorities. |
| 8. Tally and locate security centres; study the problems and difficulties they are facing and draft solutions to ensure that they are solved. | 8. Monitor the implementation of provisions and decrees related to deportation and extradition and take necessary procedures in that regard in accordance with legislation in force. |
| 9. Directly supervise all branches, offices, shelters, departments, and centres affiliated therewith; coordinate their efforts and guide them in accomplishing the goals and duties assigned to the agency. | 9. Investigate and inspect foreigners' places of work, monitor their movements to ensure the legality of their residence and implement legislation in force in their regard. |
| 10. Monitor desert stations and posts to manage motor patrols and combat illegal migration and smuggling in general along the second ring. | 10. Receive foreign company requests for registration, examine their applications to ensure the validity of their procedures and present them to the authority head, and implement his instructions in their regard. |
| 11. Perform all components of the agency's daily administrative tasks; inspect and oversee persons affiliated therewith to verify that they are performing their duties and abiding by the laws, regulations, decrees, and systems in effect therein. | 11. Archive and organize entries, records, and cards related to foreign companies, and regulate contact with them. |
| 12. Work on providing all technical and advanced means and tools required by the agency to implement the tasks assigned thereto. | |
| 13. Prepare a yearly plan to train persons affiliated therewith and improve the level of their security and professional performance through local and foreign courses. | |
| 14. Attend forums, seminars, and local, Arab, and international meetings related to combating the phenomena of illegal migration, smuggling of persons, and border security. | |

| Directorate for Combating Illegal Migration (DCIM) | Directorate for Passports, Nationality and Foreign Affairs (The Passport Authority) |
|---|---|
| 15. Coordinate with the relevant regional security agencies and cooperate with equivalent Arab authorities, including Arab and international organizations, in order to make use of their experience and capabilities in the field of addressing and limiting the said criminal phenomena. | |
| 16. Any other tasks assigned thereto or in which the Agency is competent in accordance with the legislation in force. | |

**Potential Conflict**

The Passport Authority is in charge of all matters concerning passports, nationality and foreign affairs. The conflict with the DCIM lies in the fact that the mandate of the passport authority also includes aspects related to illegal migrants; specifically, migrants who entered the country through fraudulent means. More specifically:

- Investigate and inspect foreigners' places of work, monitor their movements to ensure the legality of their residence and implement legislation in force in their regard.
- Investigate and collect evidence in cases referred by the Authority head concerning those who violate the provisions of legislation organising nationality, travel documents, personal ID cards, and the entry and residence of foreigners, as well as refer cases to the judicial authorities.

Article 20[39] of Law No 6 of 1987 on Organising the Entry, Residence, and Exit of Foreigners in Libya provides that:

> Public employees working in the Passport Authority selected by virtue of a decree issued by the General People's Committee *shall have the capacity of judicial officers* in matters concerning the implementation of the provisions of this Law and the regulations issued pursuant thereto.

The DCIM's mandate does not grant it this power; however, it is currently exercising the power.

The importance of article 20 of Law No 6 of 1987 also lies in the fact that the passport authority is referred to in a law and not merely in a decree.

Article 17 of the same law provides that:

> Foreigners shall be deported in the following cases: a) If the foreigner enters the country without a valid visa; b) If the foreigner refuses to leave the country despite the expiration of their legal residency period and the refusal of the competent authority to renew it; c) If the visa granted to him is revoked for one of the reasons specified in Article (16) of this Law; d) If a judicial order for deportation is issued in his regard. Deportation in cases (a, b, c) shall be by virtue of a substantiated decision issued by the director of the General Directorate of Passports and Nationality.

This creates a clear conflict with the fourth provision of the legal mandate of the DCIM (Article 3 of Cabinet Decree No (386) of 2014), which states: 'Apprehend illegal migrants in Libya and place them in shelters to monitor them and complete the procedures necessary for deporting them to their countries of origin in coordination with the relevant authorities.'

# 5. DETENTION CENTRES AND SMUGGLING DYNAMICS IN NORTHERN LIBYA

## 5.1 Bani Walid

Bani Walid is a significant transit point for migrants travelling to the Western Coast, which is where almost all departures now take place. Almost all migrants coming from the south (Sebha) and the east (Kufra) travel via Bani Walid to reach the coast. There are some less prominent routes from the south and the west (from Ghadames) that move through Sabratha to access the coast and avoid Bani Walid altogether. However, they are not major routes (see Map 8).

While there are no official detention centres in Bani Walid, almost all migrants who moved through the centre reported being detained and extorted in non-official centres. Migrant testimonies reveal that some of the worst centres in the country, in terms of human rights abuses, are in Bani Walid and that detention here is systematic. Even migrants arriving through Egypt/Emsaeed, Sudan/Kufra, or Niger/Sebha, who manage to avoid being intercepted and detained on arrival end up being detained once they arrive in Bani Walid.

The non-official centres in Bani Walid are typically farms located in the Tasni al-Harbi area just outside of Bani Walid. East and West African smugglers also maintain detention centres/holding locations in this area, alongside Libyans and East and West Africans who are working with Libyan smugglers. In the latest report of the Panel of Experts to the Security Council, one such farm is described as run by Mousa Adyab, who works with three Eritreans known as Walid, Kidani and Wedi Ishaq. The farm can hold up to 1 200 migrants with 70 armed staff watching over them. On 23 May 2018 a rebellion by 200 migrants resulted in numerous deaths. There was also a crash on the way to the coast in February 2018 in which several migrants died.[40]

## 5.2 Zintan

Zintan is home to an official detention centre that accommodates very large numbers of migrants. Our teams counted 2 104 detainees there from a number of countries. They included West and East Africans as well as some Asians (Pakistanis and Bangladeshis), but no Arabs or North Africans. As shown in Map 8, Zintan is an important hub for routes coming from Ghadames, Shwayrif and Bani Walid.

### 5.2.1 Purpose of the centre

The centre, which was established in 2013, was started unofficially by a group of local security officers in a building that had been created under the previous regime to be a migrant detention centre but was never occupied. The building is outside the city, on the territory of Dahar al-Shabal, 35 kilometres from Zintan in a remote village called al-Uweyna, which was deserted during the 2011 revolution and became a safe haven for smugglers.

Its location on the road from Shwayrif and the smuggling route to Tripoli, was the reason for its establishment. Eventually the centre came under the DCIM's control. The conditions are terrible: the facility comprises

warehouses in the high mountains where the temperature is quite cold and there is no heating, running water or electricity.

To understand why a centre was established in Zintan and then officialized by the MoI, it is necessary to understand the importance of Zintan to the current power structure in Libya. Zintan is one of the main towns in the western mountains, with a population of 40 000. It played a quite significant role during the revolution and it has important military power and some stake in the government in Tripoli. For example, the head of the DCIM for the western mountains comes from Zintan, as do Deputy Minister for Illegal Migration under the MoI of the GNA, Mohammed Shibani, and the director of the detention centre. This gives the Zintanis considerable power.

The company in charge of catering the detention centres in the western mountains is owned by a Zintani businessman with connections to the MoI and MoD, another reason why the Zintanis wanted a detention centre in their area. The local authorities intend to transform the local airport into an international airport and the presence of a centre in Zintan allows them to justify the decision in light of the need to repatriate migrants. Soon after Shibani was appointed, a repatriation flight was organized from Zintan.

### 5.2.2  Management of the centre

There are seven people responsible for the management of the centre, though none of them has any experience of managing such a centre. Given the personnel shortage, migrants are brought into managerial positions, each managing his or her own community. According to local authorities, the migrant managers are more skilled than the Libyan managers – and far more proactive.

**Figure 20:** Nationalities observed at the Zintan detention centre, November 2018



| Nationality | Count |
|-------------|-------|
| Other | 7 |
| Côte d'Ivoire | 1 |
| Pakistan | 1 |
| Nigeria | 1 |
| Guinea | 1 |
| Ghana | 1 |
| Chad | 2 |
| Mali | 4 |
| Bangladesh | 4 |
| Sudan | 4 |
| Gambia | 6 |
| Niger | 8 |
| Ethiopia | 72 |
| Somalia | 126 |
| Eritrea | 814 |
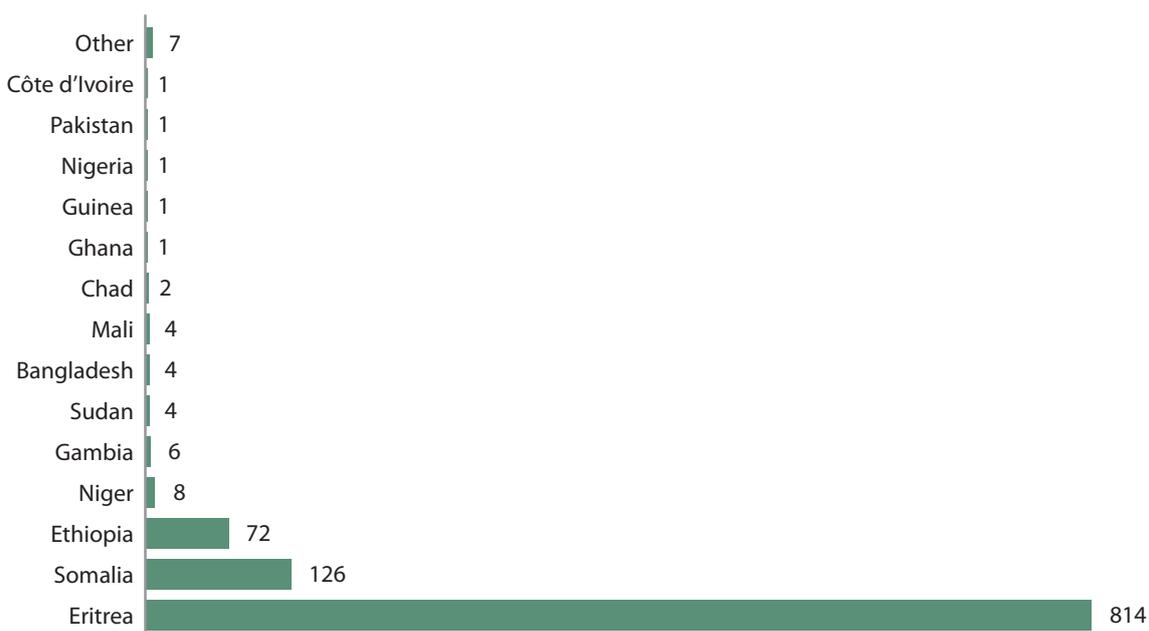
For example, the migrants created the database that tracks entries and exits from the centre and organize visits from the international community. Unlike other centres where migrants have been given managerial tasks, those at Zintan do not seem to be involved in the trafficking of other migrants. Nor are the Libyans in charge involved in trafficking or smuggling. They are linked to the government and have different business models from the armed groups and smugglers. This is confirmed by the fact that almost half the 2 000-plus detainees at the time of the fieldwork were Eritrean or Somali (see Figure 20 for all nationalities), meaning that unlike the centres in the east, where East Africans are allowed to proceed because of the smuggling profits that accrue from them, in this centre they are also detained. The armed groups also do not need to recoup migrants from this centre because they have their own holding locations in the western mountains, more specifically, in the towns of Nalut, Kabaw, Tiji and Jadu.

Women are relatively better off in Zintan than in most other centres in Libya. There is no systematic sexual exploitation, although there are isolated cases of harassment and assault. In fact, women who are considered to be 'attractive' are usually moved out of the centres in order to avoid relationships developing between them and the Libyan staff.

A local municipal council member recounted a story of a Libyan staff member falling in love with a migrant woman in the centre, who was suspected of being HIV-positive. He reportedly refused to use protection when sleeping with her and this generated outrage among the local community living around the centre, who complained that they were not safe from the diseases they believed were coming from migrants. At the time of fieldwork, of the 2 104 detainees only 101 were female. While the number of women passing through this centre was probably lower initially than the number of men, the number probably decreased further when women were moved out to avoid sexual encounters.

### 5.2.3  Business models

The catering company providing food to the centre was contracted directly by the MoI and, as stated above, is owned by an important Zintani businessman. The fact that he managed to continue operating even when the payments from the government were delayed, was a huge advantage because at other centres catering companies had had to discontinue their work, which led to months when no food was delivered.

Because the company does not make use of all the money allocated for the food in the centre, it profits from the contract. The budget allocated by the government is 20 dinars per migrant and the company spends about six to 10 dinars. The difference is used for incidental costs, such as paying bribes to use certain roads during delivery; the rest is profit. As a consequence, migrants eat very little and very poorly (usually three pieces of dry bread in the morning and plain pasta for lunch and dinner). According to Eritrean NGOs, three to four migrant deaths are reported each week as a result of malnutrition.

As stated above, preferential relationships with companies providing services or renovations are another business model.

### 5.2.4  The role of central authorities

Haftar has tried to expand his influence in this area by providing support for the centre. Even though it is considered by the MoI in Tripoli to be an official centre, little support has been provided, as is the case with most other centres in the country.  In an effort to expand Haftar's influence in the western cities of Libya, where Zintanis are divided between pro- and anti-Haftar factions, the interim government has tried to be more active and provide some financial support. The centre staff are strongly aligned with Haftar, which decreases their support from the GNA. Although they continue to take their salaries from the GNA, they take direction from the interim government, which, is sometimes a cause for confusion or uncertainty.

Unlike in the east, the municipal council is not involved in the centres, apart from some important people using their power to advocate for the release of migrants who are working with family members or personal contacts.

## 5.3  Gharyan

The Gharyan detention centre is located in the city of the same name, which is south of Tripoli. As the last city in the western mountains before migrants reach Tripoli, it is a strategic location along the migratory route. Dire conditions were reported in this centre, with several deaths recorded recently (all Eritrean asylum seekers). Malnutrition is a big issue, as migrants receive just one meal per day of plain pasta. Migrants have also been sold from this centre.

Given the appalling conditions, the centre was closed down in 2018 and only reopened in early 2019 but it seems that not much has changed. The reopening has led to clashes with local militia who man the checkpoints through which the migrant convoys pass. The clashes have included attacks on the centre itself. It seems safe to assume that these groups would have profited in some way from migrant convoys passing through their checkpoints, be it through bribes, kidnapping, or selling migrants to non-official centres, and that the clashes are prompted by a loss of profits. The centre falls under the DCIM and the al-Kwasim militia, under the overall control of Abid al-Hameed al-Tunisy.

## 5.4  Tripoli

Our field teams counted nine detention centres in Tripoli, all of which are official centres falling under the DCIM (see Table 5). There are also some official centres in Tripoli where the DCIM is in control but works with a local militia to provide security. The two problematic centres in this geography are Tajura and Tarik al-Sikka.

**Table 5:** Detention centres in Tripoli

| Detention Centres | Description |
|---|---|
| **Ain Zara** | Located in the baladiyah of the same name, this is reputed to be one of the better centres in terms of the treatment of migrants. It is housed in a building belonging to the Ministry of the Interior. However, at the time of the fieldwork, it was empty and there were no migrants inside. The centre, which is under the command of Tarik Baheej, falls under the DCIM, but security is provided by militia 42. |
| **Salahuddin** | Conditions in this centre, which is located in the baladiyah of the same name, are reputed to be appalling. For this reason, migrants were evacuated from the centre late last year and relocated to other centres. As noted above, relocations and transfers create the space for abuse because more individuals in the form of drivers, truck companies, checkpoint personnel and others, have direct contact with migrants and can kidnap and/or extort/sell them. The centre has never received any support from the MoI because it was only nominally under the DCIM. In actual reality, power rests in the hands of the TRB militia, under the command of Ahmed al-Warfli. |
| **Tajura and Tarik al-Sikka** | Tajura and Tarik al-Sikka are two problematic centres where conditions are reported to be appalling. The DCIM is only nominally in control, and both centres are managed by people close to Mohamed al-Khoja, deputy head of the DCIM, who has his own militia and is linked to migrant smuggling. There are reports of torture in both centres in the context of extortion and also reports of migrants beings sold to other centres. Control of the Tajura centre is in the hands of the al-Daman militia, under the direction of Noor al-Deen al-Gritly. The international community is not granted access, even though Tajura is an official centre. Fieldworkers found 800 migrants in the centre. In Tarik al-Sikka some access is granted to the international community, but the process is complicated because the centre is controlled by the al-Khoja militia, under the command of Naser Hazam. Located in the Baladiyah of Sahraa al-Zawiya, the centre is one of the bases of this militia. |
| **Janzur** | Janzur is currently being refurbished and, since most migrants were moved to other centres, there are currently fewer than 100 migrants there. The head of the centre, which falls exclusively under the auspices of the DCIM, is Siraj Ashour. |
| **Ghaser Ben Gashir** | Ghaser Ben Ghashir is under the control of the DCIM and a Tarhouna militia. The head of the centre is Abidal al-Bast Naas and there were 640 migrants accommodated there at the time of the fieldwork. |
| **Tarik al-Mattar** | Tarik al-Mattar is managed by the DCIM but is actually under the command of brigade 301 with Wajdey Almontaser in charge. There were 400 migrants hosted at the time of the fieldwork. |
| **Abu-Salim** | Abu-Salim is managed by the DCIM and the Abu-Salim Brigade, under the command of Fathi al-Kikly. All 560 migrants in the centre are East Africans, including Eritreans, Ethiopians, Somalis and Darfuris. |
| **Al-Sabaa** | The al-Sabaa detention centre is located in the baladiyah of the same name and also falls under the al-Khouja militia, which runs the Tarik al-sika centre. There are currently no migrants detained there. |

## 5.5 Misrata

Misrata is home to the al-Krareem detention centre, which has come under huge pressure because of the ill treatment of migrants. An official centre under the control of the DCIM and headed by Ismaeen Shneb. At the time of the fieldwork, it hosted about 440 migrants from Ethiopia, Sudan, Syria, Algeria, Bangladesh, Chad, Egypt, Ghana, Niger, Nigeria, Pakistan and Togo (see Figure 21). The inmates were intercepted in central regions, such as Al Jufra and Sirte. Migrants intercepted at sea who departed from the central coastal area of Libya are also detained here.

**Figure 21:** Nationalities observed at the al-Krareem detention centre
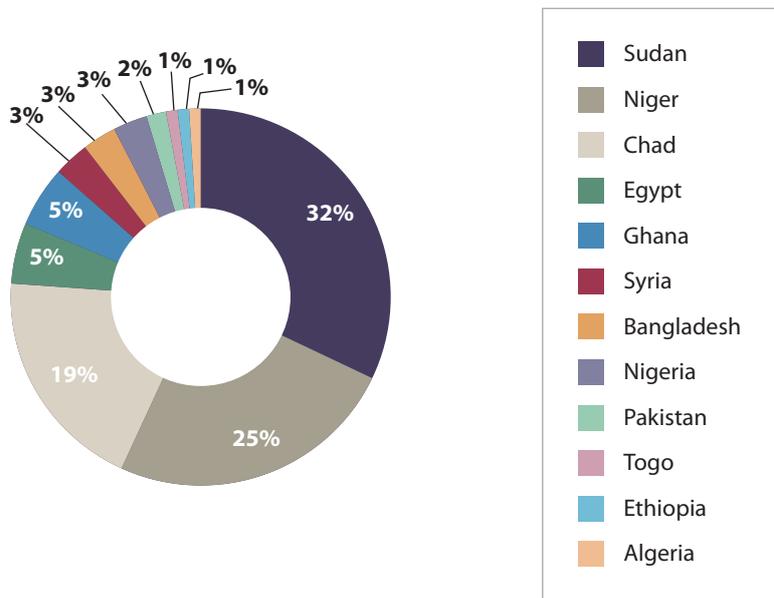
# D. CONCLUSION AND RECOMMENDATIONS

As this study was being finalized, in April 2019, Libya entered its fourth civil war, when General Khalifa Haftar, head of the LNA, ordered a surprise advance on Tripoli. This marked a new stage in the power struggle that has divided the country since the 2011 revolution. There are increasing signs of a protracted proxy war and the GNA hangs by a thread. Any analysis of migration management in the country needs to be understood against this backdrop of political instability and fragmentation, and the limited leverage of both the international community and the GNA itself in the face of powerful violent non-state actors and the absence of rule of law in parts of the country.

Departures from the Libyan coast continued their downward trend throughout 2018 and into the first months of 2019, with Italy seeing the lowest number of arrivals since 2012. At the same time, proportionally, the death rate at sea increased, meaning the journey became more dangerous and deadly. The effective curtailment of departures from Libya's coast and the absence of safe options force migrants into the abusive detention system.

> " In April 2019, Libya entered its fourth civil war, when General Khalifa Haftar, head of the LNA, ordered a surprise advance on Tripoli. This marked a new stage in the power struggle that has divided the country since the 2011 revolution. "

The decrease in departures was the result of or coincided with an array of factors, including the increased SAR capacity of the LCG, the decreased role of NGO SAR boats in the Mediterranean, the change of mandate of Operation Sophia and the changing tactics of smugglers in Libya. Some militia groups have seen the focus of Europe on stemming migration flows as an opportunity to recycle their reputations: portraying themselves as partners in counter-smuggling, while continuing their smuggling activities in secret. Greater pressure on the smugglers has led to smuggling becoming more clandestine, riskier and more expensive, giving rise to business models based on extortion and the trafficking of migrants.

Given the current situation in Libya, it is difficult to separate the policy of migrant detention from other issues, such as the lack of legitimacy of the central government, the devaluing currency, diminishing sources of revenue for the central government, the thriving illicit human smuggling industry and the large number of migrants coming into the country. All these factors combine to create an atmosphere in which the system of migrant detention thrives. By the same token, they work to complicate any efforts to dismantle the system.

Detaining migrants who enter the country irregularly is not, however, a new practice in Libya. The system was created by Qaddafi himself and enshrined in Law No 19, under which irregular migrants were detained, fined and subject to forced labour while in detention. Fees for labour were retained by the prison service, and the 'fine' was often paid to the prison or detention centre staff to secure the migrant's release. The historical roots of migrant detention in Libya help explain why the system functions as it does today, while also frustrating any attempts to reform it. This is compounded by the fact that Libyan authorities view irregular migration largely as a security issue and thus feel justified in detaining illegal aliens.

Some armed groups see control of a DCIM migrant detention centre as a strategic asset because it allows them to place a good proportion of their men on the state payroll. However, the evidence gathered in this report shows that if a deal is made between the central government and a local group, and the migratory inflows into the country continue unaffected, other groups emerge to try to fill the gap. That is, it simply redirects the flows to other networks and creates tensions among groups who want to become the new heroes of counter-smuggling and those who continue their smuggling activities.

The irony is that neither side will ever win the battle because the central government has an interest in the existence of armed groups. This leads to further fragmentation of the political landscape rather than to disarmament, demobilization, reintegration and peace. Moreover, even when groups decide to cease their smuggling and trafficking activities, individuals within the groups, who have learnt the business, continue to engage in these activities on an individual basis, thereby challenging any efforts to eradicate the problem.

> Attempts to disrupt the revenue streams of smuggling groups and to dismantle the migrant detention system, if not accompanied by a strategy for disarmament and integration of armed groups, will likely lead to a fight for control of other resources.

While the ultimate objective is for the Libyan state to manage the migration flows through its country in an effective way, right now this is not possible because of the political instability and fragmentation in the country. Despite the good intentions of the international community, assistance to migrants in official detention centres (which are, in most cases, only nominally under the control of the DCIM) is being misappropriated, and armed groups are attempting to benefit from the activities of international institutions. While the condition of migrants in Libya would be worse without the intervention of the international community, grave human rights abuses continue, despite efforts to alleviate the situation.

Attempts to disrupt the revenue streams of smuggling groups and to dismantle the migrant detention system, if not accompanied by a strategy for disarmament and integration of armed groups, will likely lead to a fight for control of other resources. For these reasons, the establishment of an effective Libyan state that commands a measure of control over its territory and integrates militias into state institutions is a fundamental prerequisite for any lasting intervention.

Given the urgency of the situation, a series of interventions is needed in the short, mid and long term. In the short term, the international community should pursue efforts to improve the situation of migrants in detention centres and at disembarkation points, while seeking safe alternatives to detention. Europe can and should play a greater role, including through increased direct evacuations from Libya to European member states.

In the interim, as political solutions are sought, concerted efforts should be made to dismantle the human smuggling and trafficking industries, which are entrenching criminal businesses and feeding the migrant detention system. In the mid to long term, once the country becomes more stable, the international community should aim to negotiate a migration management system with the Libyan authorities based on principles of transparency and accountability. The development of an asylum law and other relevant legislation and institutional arrangements will be essential to turn an arbitrary detention system into a reception system in line with international standards and based on respect for human rights.

# APPENDIX: DETENTION CENTRES IN LIBYA

| # | Name | Location | Group in charge | Head of centre | Physical structure | Total detainees at fieldwork |
|---|------|----------|-----------------|----------------|--------------------|------------------------------|
| **DCIM** | | | | | | |
| 1 | Bu-Issa | Zawiya | DCIM | Abid al-Fatah Barood | Warehouse | 54 |
| 2 | al-Bayda | al-Bayda | DCIM | Rida Hareesh | Building (MoI) | 18 |
| 3 | al-Khoms | al-Khoms | DCIM | Mahmud Barfaad | Building (MoI) | 216 |
| 4 | al-Krareem | Misrata | DCIM | Ismaeen Shnb | School | 440 |
| 5 | al-Kufra | Kufra | DCIM | Muhammed el-Fadil | | 149 |
| 6 | al-Twisha | Ghasr Ben Ghashir | DCIM | | Building (MoI) | Not functional |
| 7 | Benghazi | Benghazi | DCIM | | Bersus prison | |
| 8 | Ganfuda | Benghazi | DCIM | Ahmed Alarefy | Building (MoI) | 45 |
| 9 | Ghat | Ghat | DCIM | | Building (MoI) | Not functional |
| 10 | Janzour | Janzour | DCIM | Siraj Ashour | Building (MoI) | 100 |
| 11 | Jufra | Jufra | DCIM | Ali Sokni | | Not functional |
| 12 | Qatrun | Qatrun | DCIM | | | Not functional |
| 13 | Sebha | Sebha | DCIM | | Building (MoI) | Not functional |
| 14 | Shahat | Shahat | DCIM | Ramzy Atia | Building (MoI) | 42 |
| 15 | Souq al-khamis | al-Khoms | DCIM | Adil Nbaya | Building(MoI) | 49 |
| 16 | Tarhouna | Tarhouna | DCIM | | | Not functional |
| 17 | Tobruk | Tobruk | DCIM | Atia al-Abidy | Building (MoI) | 24 |
| 18 | Ubari | Ubari | DCIM | | | Not functional |
| 19 | Zintan | Zintan | DCIM | Naji al-Bajoush | Warehouse | 2 104 |
| 20 | Zliten | Zliten | DCIM | | | 30 |

| # | Name | Location | Group in charge | Head of centre | Physical structure | Total detainees at fieldwork |
|---|------|----------|-----------------|----------------|--------------------|------------------------------|
| **DCIM & Others (non-official)** | | | | | | |
| **21** | Abu Salim | Tripoli | DCIM, Abu Salim Battalion | Fathi al-Kikly | | 562 |
| **22** | Ain Zara | Tripoli | DCIM, Militia 42 | Tarik Baheej | Building (MoI) | 0 |
| **23** | Ajdabiya | Ajdabiya | militia | | Building (MoI) | 13 |
| **24** | al-Nasr | Zawiya | DCIM, al-Nasr Brigade | Mohamed Rhoma (DCIM) and Mohamed Kushlav (al-Nasr Brigade) | Warehouse | 533 |
| **25** | al-Sabaa | Tripoli | DCIM, al-Khouja militia | Imad Dozan | | 0 |
| **26** | Ghaser Ben Ghashir | Ghaser Ben Ghasir | DCIM, Tarhouna militia | Abid al-Bast Naas | Building (MoI) | 640 |
| **27** | Gharyan | Gharyan | DCIM, al-Kwasim militia | Abid al-Hameed al-Tunisy | Warehouses, containers | 0 |
| **28** | Kufra | Kufra | Municipal Council, Sariya al-Hudud | | | 100 |
| **29** | Tawila | Sabratha | DCIM, Sabratha Operational Room | Basim Ghrabliy | Building (MoI) | 0 |
| **30** | Salahuddin | Tripoli | DCIM, TRB militia | Ahmed al-Warfli | Building (MoI) | 0 |
| **31** | Tajura | Tripoli | DCIM, al-Daman militia | Noor al-Deen al-Gritly | Building (MoI) | 800-1000 |
| **32** | Tarik al-Mattar | Tripoli | DCIM, 301 Brigade | Wajdey al-Montaser | Building (MoI) | 400 |
| **33** | Tarik al-Sikka | Tripoli | DCIM, al-Khoja militia | Naser Hazam | Warehouses, old buildings, new containers | 100-650 |
| **34** | Zuwara | Zuwara | DCIM & General Criminal Investigation Department of MoI | Anwar Bodeeb | Former military prison | 500 |

Source: The information in this table was gathered by field teams and was current as at December 2018

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# The Political Economy of Migrant Detention in Libya:
## Understanding the players and the business models

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