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Michelle Bachelet  
United Nations High Commissioner for  
Human Rights  
OHCHR  
Palais des Nations  
CH-1211 Geneva 10

Geneva, 3 October 2019

**Re: Refugees and migrants stranded in Libya need your urgent intervention and European complicity for what is happening to them must be investigated.**

Dear High Commissioner,

We write this open letter to express our profound distress at the situation of our compatriots – Eritreans, Sudanese, Ethiopians, Somalis and others – who are stranded in Libya.

We who have found refuge in Europe, continue to receive news of incredible violence – including shocking images sent to us on social media – from our compatriots in Libya. These desperate messages show that they are struggling to survive often as captives in detention centres or in areas that are permanently insecure and where they are preyed upon with impunity by traffickers, militias, criminal gangs and even the Libyan authorities themselves. As you are aware, many people have disappeared after being intercepted at sea and forcibly returned to Libya.<sup>1</sup> According to the testimonies of our compatriots, even the few “reception centres” set up by international organisations are no longer safe.

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<sup>1</sup> Your communiqué of 2 June 2019 calling upon the Libyan Government of National Accord to immediately launch an independent investigation to locate hundreds of migrants intercepted by the Libyan Coast Guard and who disappeared while being transferred to detention centres.

The degree of misery, distress and violence to which these people – stranded at the gates of Europe – are being subjected, defies belief: death by starvation and illness, slave labour, rape, torture and murder take place every day. In a video clip we received this summer, a group of Eritrean women being held in a detention centre in Libya begged us: “Talk about us, tell the world! We are being tortured! We are being raped! We are your sisters and your daughters!”

This type of message causes us immeasurable pain.

Our compatriots talk about the corpses amongst which they are living: the bodies of people drowned while trying to cross the Mediterranean wash up on the Libyan shores where they lie and rot, unidentified and unburied. In camps and detention centres where there are no toilets, our compatriots are forced by their captors to relieve themselves on the beaches where they find the corpses of persons who have drowned while trying to cross the sea to safety. Our brothers and sisters are not even allowed to bury the bodies. Their words come to us over the telephone, in videos and text messages: “Save us! Don’t leave us here, amongst the corpses of our people!”

This unbearable situation leaves us full of questions: How can it be that in the 21<sup>st</sup> century people who are forced into exile are still subjected to systematic mistreatment, disappearance, torture and rape? How can we witness this and do nothing? How can we justify this to future generations? Have we failed to learn anything from European history?

The Libyan authorities have been directly implicated in the gross abuses of our compatriots. The U.N. Secretary-General Antonio Guterres himself said that Libyan authorities are known to be involved in human trafficking, disappearances and arbitrary deprivation of life (S/2019/682 at §§ 50 – 54).

While these abuses in Libya are now a matter of public record, European states continue to outsource their border control policies **for the specific purpose of preventing refugees and migrants from asserting their rights to international protection on European soil** where they would have to be

afforded due process of law and humane treatment. European states are therefore perpetuating a cycle of gross human rights violations. This has to stop.

As the United Nations and NGOs have established, European states individually and through EU mechanisms are providing direct support for the Libyan Coast Guard – logistical, material, training and intelligence sharing<sup>2</sup> – with the objective of intercepting and forcibly returning migrants and refugees to Libya. This support for the Libyan Coast Guard is a naked attempt to achieve the objective of *refouling* migrants to Libya without directly engaging their own jurisdictions. This situation raises serious questions regarding the complicity of European states in the commission of gross and systematic human rights violations, and these questions deserve to be investigated by your Office.

According to the official figures of the International Organization for Migration (IOM), 18'000 people have drowned since 2003 while attempting to cross the Mediterranean in search of safety, most of them – 70 percent – on the central Mediterranean route from Libya to Italy and Malta. On Tuesday this week, the United Nations High Commissioner for Refugees (UNHCR) announced that the migrant and refugee death toll in the Mediterranean already exceeds 1'000 persons for the sixth year in a row. The Mediterranean has thus become the biggest migrant graveyard in the world. It is no longer possible for us to remain silent in the face of this unfolding tragedy.

We believe that as the High Commissioner, you have a unique role to play in putting an end to this situation and establishing accountability for what has happened. We respectfully ask you to take all appropriate action, including to:

- 1) Call on European states and the EU to 1) **immediately reactivate search and rescue operations in the Mediterranean**; 2) cease obstructing aid groups' rescue efforts; 3) ensure swift and safe disembarkation and

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<sup>2</sup> See OHCHR and UNSMIL, *Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya*, 20 December 2018; Human Rights Watch, *No Escape from Hell: EU Policies Contribute to Abuse of Migrants in Libya*, 21 January 2019.



- 4) establish resettlement strategies capable of receiving refugees and migrants in secure and dignified conditions.<sup>3</sup>
- 2) Call on European states and EU organs to **immediately cease all cooperation with the Libyan Coast Guard** for purposes of interception and *refoulement* of migrants to Libya.
- 3) Use your position as High Commissioner to 1) bring the situation of migrants and refugees in Libya to the urgent attention of the Human Rights Council and 2) request the establishment of an appropriate mechanism to investigate the situation and propose urgent measures to resolve the crisis.
- 4) Support efforts to achieve international legal accountability for the crimes and human rights violations committed on migrants and refugees stranded in and/or *refouled* to Libya, including those efforts that have already been initiated before the International Criminal Court<sup>4</sup> and the European Court of Human Rights.<sup>5</sup>

We have organized a public demonstration which will take place tomorrow, Friday, 4 October 2019 from 12h00 – 16h00 at the Place des Nations to voice our concerns and to highlight the plight of our brothers and sisters in Libya. We respectfully invite you to join us in showing solidarity with our cause.

Yours sincerely,

Tewodros Eyasu  
For the Eritrean Movement of Geneva

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<sup>3</sup> See *inter alia*, recommendations of the Council of Europe Commissioner for Human Rights: *Lives saved. Rights protected. Bridging the protection gap for refugees and migrants in the Mediterranean*, CoE June 2019.

<sup>4</sup> Communication to the Office of the Prosecutor of the International Criminal Court, Pursuant to Article 15 of the Rome Statute, *EU Migration Policies in the Central Mediterranean* (2014 – 2019), available at: [http://www.statewatch.org/news/2019/jun/eu-icc-case-EU-Migration-Policies.pdf?utm\\_source=ECRE+Newsletters&utm\\_campaign=759d849ab4-EMAIL\\_CAMPAIGN\\_2019\\_06\\_07\\_11\\_13&utm\\_medium=email&utm\\_term=0\\_3ec9497afd-759d849ab4-420534049](http://www.statewatch.org/news/2019/jun/eu-icc-case-EU-Migration-Policies.pdf?utm_source=ECRE+Newsletters&utm_campaign=759d849ab4-EMAIL_CAMPAIGN_2019_06_07_11_13&utm_medium=email&utm_term=0_3ec9497afd-759d849ab4-420534049)

<sup>5</sup> *S.S. and Others v. Italy*, ECHR Application no. 21660/18;