

The Cost of EU-Libya Migration Cooperation:

Egregious Human Rights Violations against
Migrants, Refugees and Asylum Seekers



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June 2026

Table of abbreviations

ACHPR	African Charter on Human and Peoples' Rights
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
DCIM	Directorate for Combating Illegal Migration
ECtHR	European Court of Human Rights
EU	European Union
EUBAM	EU Border Assistance Mission in Libya
FFM	UN Independent Fact-Finding Mission on Libya
GNU	Government of National Unity
HRC	UN Human Rights Council
HRCComm	UN Human Rights Committee
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Commission of Jurists
ISA	Internal Security Agency
LCG	Libyan Coast Guard
LCW	Libya Crimes Watch
MoU	Memorandum of understanding
MSF	Médecins Sans Frontières–Doctors Without Borders
OHCHR	Office of the United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees–the UN Refugee Agency
UNSMIL	United Nations Support Mission in Libya

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Introduction

On 24 August 2025, the Libyan Coast Guard (LCG) opened fire against the Ocean Viking, a search and rescue (SAR) ship operated by the non-governmental organization (NGO) SOS *Méditerranée*, about 40 nautical miles north of the Libyan coast, in international waters in the central Mediterranean Sea. The night before, the Ocean Viking crew had rescued 87 people in distress and, upon authorization of the Italian Maritime Rescue Coordination Centre,¹ was actively searching for an additional vessel in distress in international waters. Nonetheless, the LCG approached the Ocean Viking and demanded its departure from the area before opening fire without any warning or ultimatum, and despite the fact that the Ocean Viking crew had indicated that they were leaving. The shooting lasted 20 minutes uninterruptedly and targeted the crew deliberately and directly. While no casualties were sustained, it caused significant damage to rescue equipment and to the ship itself and left the crew in fear for their lives.²

According to SOS *Méditerranée*, the LCG vessel had been donated by Italy to Libya in 2023 as part of the European Union's (EU) "Support to Integrated Border and Migration Management in Libya" programme.³ The Ocean Viking incident illustrates how Italy and the EU, as part of their policy of outsourcing migration control to the Libyan authorities, are deliberately financing and equipping them to intercept people at sea and prevent departures from Libya. This policy directly fuels serious human rights violations and abuses against migrants, refugees and asylum seekers, both at sea and in Libya. The EU's, Italy's and other EU Member States' reliance on the Libyan authorities has continued despite well-documented patterns of arbitrary detention, torture, and other abuses amounting to crimes against humanity. For example, the UN Human Rights Council-mandated Independent Fact-Finding Mission on Libya (FFM), which operated from June 2020 until March 2023, documented those egregious crimes.⁴

In this report, the International Commission of Jurists (ICJ) and Libya Crimes Watch (LCW) analyse:

- (1) Libya's extremely limited domestic legal framework guaranteeing the human rights of migrants, refugees and asylum seekers;
- (2) the human rights violations and abuses committed against migrants, refugees and asylum seekers in Libya; and
- (3) the European Union and its Member States' role in fuelling such violations and abuses.

The report concludes with a set of recommendations addressed to Libya, the EU and to its Member States about the immediate steps they need to take to meet their obligations under international law with respect to the human rights of migrants, refugees and asylum seekers.

Methodology

This report is based on open-source documentation from various sources, including UN and NGOs reports, as well as on LCW's documentation of relevant incidents between January 2024 and June 2025. Over that period, LCW documented 29 cases of human rights violations and abuses against migrants, refugees and asylum seekers. LCW conducted in-person and remote interviews; analysed pictures, videos, digital evidence and documents, including medical certificates and legal documents. The information collected has been triangulated to ensure its veracity. LCW conducted an initial legal analysis of the information and evidence collected to characterize the acts and identify patterns of crimes under international law across Libya.

1. The Italian Maritime Rescue Coordination Centre is the body in charge of promoting the efficient organization and coordination of SAR operations: see, Italian Coast Guard [website page on SAR](#).
2. SOS Méditerranée, [Ocean Viking under heavy fire by Libyan Coast Guard in unprecedented attack against survivors and humanitarian workers](#), 25 August 2025.
3. *Ibid.*
4. FFM, [Report of the Independent Fact-Finding Mission on Libya](#), UN Doc. A/HRC/52/83, 3 March 2023.

1. The Libyan legal framework on asylum and migration

1.1. Libya's legal obligations under international human rights and refugee law

Libya is not a party to the 1951 Convention Relating to the Status of Refugees⁵ or to its 1967 Protocol⁶ (hereinafter jointly referred to as the UN Refugee Convention), the cornerstone of refugee protection under international law, enshrining refugees' rights and States' obligations toward them. Nonetheless, Libya acceded to the 1969 Organization of African Unity's (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Refugee Convention"),⁷ which defines the term "refugee" more expansively than the UN Refugee Convention's refugee definition. The OAU Refugee Convention's protection extends to persons fleeing external aggression, occupation, or foreign domination or events seriously disturbing public order, and not solely in respect of a person with a well-founded fear of persecution.⁸

Additionally, Libya is bound to respect, protect and fulfil the human rights of migrants, refugees and asylum seekers guaranteed under other international instruments to which it is a party, including the International Covenant on Civil and Political Rights (ICCPR),⁹ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),¹⁰ the African Charter on Human and Peoples' Rights (ACHPR),¹¹ and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.¹² In light of its international human rights law obligations, Libya must guarantee, for instance, the rights to life,¹³ to be free from torture and other cruel, inhuman or degrading treatment or punishment,¹⁴ to liberty and security of person,¹⁵ and to be free from slavery, servitude or forced labour, to migrants, refugees and asylum seekers.¹⁶

Furthermore, under the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ("Palermo Protocol"),¹⁷ Libya must protect the human rights of victims of trafficking and must establish comprehensive policies, programmes and other measures to prevent and combat trafficking in persons.¹⁸

Under the Convention on the Rights of the Child,¹⁹ Libya is also obliged to guarantee the human rights of children (i.e., every person under 18 years of age) and take into primary consideration

5. [Convention Relating to the Status of Refugees](#), 28 July 1951.

6. [Protocol Relating to the Status of Refugees](#), 16 December 1966.

7. [OAU Convention Governing the Specific Aspects of Refugee Problems in Africa](#), 10 September 1969; Libya acceded to the OAU Refugee Convention on 17 July 1981.

8. OAU Refugee Convention, art. 1(2).

9. [International Covenant on Civil and Political Rights](#), 16 December 1966; Libya acceded to the ICCPR on 15 May 1970.

10. [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), 10 December 1984; Libya acceded to the CAT on 16 May 1989.

11. [African Charter on Human and Peoples' Rights](#), 27 June 1981; Libya ratified the ACHPR on 19 July 1986.

12. [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#), 18 December 1990; Libya acceded to the Migrant Workers Convention on 18 June 2004.

13. ICCPR, art. 6; ACHPR, art. 4; Migrant Workers Convention, art. 9. See also, regarding women migrant workers' rights, Committee on the Elimination of Discrimination against Women, [General recommendation No. 26 on women migrant workers](#), UN Doc. CEDAW/C/2009/WP.1/R, 5 December 2008, § 6; Libya acceded to the [Convention on the Elimination of All Forms of Discrimination against Women](#) of 18 December 1979 (CEDAW) on 16 May 1989.

14. ICCPR, art. 7; CAT, art. 2; ACHPR, art. 5; Migrant Workers Convention, art. 10. See also, regarding women migrant workers' rights, [General recommendation No. 26 on women migrant workers](#), op. cit. fn 13, § 6.

15. ICCPR, art. 9; ACHPR, art. 6; Migrant Workers Convention, art. 16. See also, regarding women migrant workers' rights, [General recommendation No. 26 on women migrant workers](#), op. cit. fn 13, § 6.

16. ICCPR, art. 8; ACHPR, art. 5; Migrant Workers Convention, art. 11.

17. [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000; Libya ratified the Palermo Protocol on 24 September 2004.

18. Palermo Protocol, preamble and art. 9(1)(a). See also, regarding the trafficking of women and girls, CEDAW, art. 6.

19. [Convention on the Rights of the Child](#), 20 November 1989; Libya acceded to the CRC on 15 April 1993.

the best interests of the child in all actions concerning them. Libya must additionally provide appropriate protection and humanitarian assistance to refugee, migrant, and stateless children and children seeking asylum, especially unaccompanied or separated children.²⁰

In addition, under the Convention on the Elimination of All Forms of Discrimination against Women,²¹ Libya must protect the human rights of women and girls throughout the migration cycle, including through measures to prevent gender-based violence and discrimination, ensure access to protection and remedies, hold perpetrators of serious violations and crimes accountable, and promote safe migration procedures.²²

Finally, Libya must respect the principle of *non-refoulement* – the cornerstone of asylum and international refugee law.²³ The OAU Refugee Convention expressly prohibits “measures such as rejection at the frontier, return or expulsion, which would compel [the person] to return to or remain in a territory where his life, physical integrity or liberty would be threatened for [reasons of race; religion; nationality; membership of a particular social group, political opinion; external aggression; occupation; foreign domination; or events seriously disturbing public order in either part or the whole of his country of origin or nationality]”.²⁴

Article 3 of the CAT further provides that States Parties cannot return (*refouler*) a person to a State where there are substantial grounds for believing that they would be in danger of being subjected to torture.²⁵ The Human Rights Committee (HRC) has similarly considered that article 7 of the ICCPR, which enshrines the prohibition of torture or other ill-treatment, entails, in turn, a prohibition against States exposing individuals to a real risk of torture or other cruel, inhuman or degrading treatment or punishment by removing them from their jurisdiction, directly or indirectly, in violation of the *non-refoulement* principle.²⁶

In addition to the legal obligations enshrined in the international human rights instruments by which Libya is bound,²⁷ the principle of *non-refoulement* is a norm of customary international law binding all States.²⁸ Accordingly, the fact that Libya is not a party to the UN Refugee Convention does not relieve it from its legal obligation under international human rights law to guarantee protection, including from *refoulement*, to migrants, refugees and asylum seekers.

1.2. Libya’s domestic legal framework

Article 10 of Libya’s 2011 Constitutional Declaration, which is supposed to remain in force until a permanent Constitution is adopted, explicitly recognizes the “right to asylum by virtue of the

20. CRC, arts 3(1) and 22(1).

21. CEDAW, op. cit. fn 13.

22. *General recommendation No. 26 on women migrant workers*, op. cit. fn 13, §§ 3 and 25-26.

23. The core principle of the UN Refugee Convention is *non-refoulement*, which asserts that a refugee should not be returned (“*refouler*”) to a country where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion: see, [UN Refugee Convention](#), art. 33.

24. OAU Refugee Convention, art. 2(3).

25. See also, Committee against Torture, [General Comment No. 4 \(2017\) on the implementation of article 3 of the Convention in the context of article 22](#), UN Doc. CAT/C/GC/4, 4 September 2018.

26. HRC, [General Comment No. 20: Article 7 \(Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment\)](#), 10 March 1992, § 9. See also, on the right to life, HRC, [General Comment No. 36: Article 6 \(Right to life\)](#), UN Doc. CCPR/C/GC/36, 3 September 2019, § 31.

27. See CEDAW, art 2(d) as interpreted in, Committee on the Elimination of Discrimination against Women, [General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women](#), UN Doc. CEDAW/C/GC/32, 14 November 2014, §§ 21-23; CRC, arts 6 and 37-38 as interpreted in, Committee on the Rights of the Child, [General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin](#), UN Doc. CRC/GC/2005/6, 1 September 2005, §§ 27-28.

28. UNHCR, [The Principle of Non-Refoulement as a Norm of Customary International Law: Response to the Questions Posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in Cases 2 BvR 1938/93, 2 BvR 1953/93, 2 BvR 1954/93](#), 31 January 1994; UNHCR, [Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol](#), 26 January 2007, § 15.

law”.²⁹ It provides that the extradition of political refugees is prohibited,³⁰ giving effect to the principle of *non-refoulement*, albeit only for a certain category of refugees.

The constitutional recognition of the right to asylum, however, has had a limited effect in practice, as the Libyan authorities have thus far failed to enact primary legislation or regulations establishing asylum procedures or institutions mandated to examine international protection claims. Instead, Law No. 19 of 2010 “on Combating Illegal Immigration” criminalizes “entering” and “residing” in Libya “without permission or authorization from the competent bodies,” making them crimes punishable by expulsion in all cases, as well as imprisonment with hard labour or a fine not exceeding 1,000 LYD (approximately 185 USD).³¹ In practice, as detailed below, all foreigners entering or staying in Libya without authorization are treated as “illegal immigrants” – irrespective of whether they are stateless persons, refugees, asylum seekers or individuals otherwise in need of international protection, or victims/survivors of trafficking in persons – and are subjected to arbitrary detention or deportation without consideration for their human rights.³²

In addition, Libyan law does not provide any safeguards for migrants, refugees and asylum seekers who are at an enhanced risk of human rights violations or abuses, such as victims of trafficking and children, including unaccompanied or separated children.

It is thus clear that the Libyan legal framework on asylum and migration, and its criminalization of “illegal immigration”, fails to comply with the country’s obligations under international law and standards, which require that “irregular migration status” should not be criminally sanctioned, and that any deprivation of liberty on immigration-related grounds be exceptional, prescribed by law, necessary, proportionate and subject to prompt judicial review.³³

1.3. The UN Refugee Agency’s role in Libya

In the absence of a national asylum law or an official refugee status determination authority in Libya, the UN High Commissioner for Refugees (UNHCR), the UN Refugee Agency, is the sole body undertaking refugee status determination in the country. However, its role remains extremely limited, as UNHCR is only allowed to register refugees and asylum seekers of nine nationalities³⁴ and, in practice, has limited refugee status determination to individuals already identified as in urgent need of a durable solution, such as resettlement to a third country.³⁵ As a result, UNHCR’s current operations in the country do not cater for the vast majority of asylum seekers present in Libya, leaving scores without proper assessment, let alone effective protection. In addition, Libya’s limited official recognition of UNHCR’s mandate and role in the country means that refugee status recognition by UNHCR is not legally binding in the eyes of the Libyan authorities and does not entitle its beneficiaries to legal stay in Libya, thereby failing to protect them against arbitrary arrest, detention and, ultimately, *refoulement*.³⁶

29. [Constitutional Declaration of Libya](#), 3 August 2011, art. 10 (unofficial translation from DCAF).

30. Ibid.

31. [Law No. 19 of 2010 on Combating Illegal Migration](#), 28 January 2010, arts 1 and 6 (unofficial translation from DCAF).

32. See Section 2. Egregious human rights violations and abuses against migrants, refugees and asylum seekers.

33. See, for example, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, [General comment No. 5 \(2021\) on migrants’ rights to liberty and freedom from arbitrary detention and their connection with other human rights](#), UN Doc. CMW/C/GC/5, 21 July 2022, §§ 1-4, 17-25 and 61, and [General comment No. 6 \(2024\) on the convergent protection of the rights of migrant workers and members of their families through the Convention and the Global Compact for Safe, Orderly and Regular Migration](#), UN Doc. CMW/C/GC/6, 2 January 2025, § 50. See also, HRCComm, [General Comment No. 35: Article 9 \(Liberty and security of persons\)](#), UN Doc. CCPR/C/GC/35, 16 December 2014, § 18; UN Working Group on Arbitrary Detention, [Report](#), UN Doc. A/HRC/13/30, 18 January 2010, § 58.

34. Eritrea, Ethiopia, Iraq, Palestine, Somalia, South Sudan, Sudan, Syria and Yemen.

35. UNHCR, [Annual Results Report 2024 Libya](#), 28 May 2025, pp. 8 and 11.

36. See, European Court of Human Rights (ECtHR), Grand Chamber, [Hirsi Jamaa and Others v. Italy](#), Application No. 27765/09, [Judgment](#), 23 February 2012, §§ 130 and 153, noting that the activity of the UNHCR office in Tripoli “was never recognised in any way by the Libyan government” and that “the refugee status granted by UNHCR did not guarantee the persons concerned any kind of protection in Libya”.

Additionally, UNHCR's operational capacity in Libya is severely restricted by political and security constraints. UNHCR can register refugees and asylum seekers only in its western office, in Tripoli, Libya's capital.³⁷ Despite the South of Libya being the main arrival point of Sudanese nationals fleeing their country following the beginning of the Sudanese civil war in April 2023, UNHCR's staff were granted access to the South of Libya only in the latter part of 2024.³⁸

As far back as 2012, the European Court of Human Rights (ECtHR), having noted reports of "forced returns of irregular migrants, including asylum-seekers and refugees, to high-risk countries" in Libya, found that, "there were insufficient guarantees protecting the parties concerned from the risk of being arbitrarily returned to their countries of origin, having regard in particular to the lack of any asylum procedure and the impossibility of making the Libyan authorities recognise the refugee status granted by UNHCR".³⁹

Moreover, in April 2025, the Tripoli-based Internal Security Agency (ISA)⁴⁰ announced the "closure of the headquarters" of 10 international NGOs assisting migrants, refugees and asylum seekers, citing their alleged involvement in "hostile activities" and accusing them of conspiring to "settle illegal migrants of African origin in Libya". The ISA also claimed that the UNHCR was "implicated in these crimes" and announced it would take "deterrent measures" against it.⁴¹ In the end, it took no action against UNHCR, and most of the NGOs were allowed to resume their operations at least in part in October/November 2025. However, in October 2025, the Government of National Unity's (GNU)⁴² Ministry of Foreign Affairs ordered Doctors Without Borders (*Médecins Sans Frontières*, MSF), one of the NGOs suspended in March 2025, to leave Libya by 9 November 2025.⁴³

Since May 2026, hate speech and incitement to violence on social media have again targeted the UNCHR, driven by misinformation accusing the agency of facilitating "irregular migration", as well as the "resettlement of refugees or migrants to Libya" and of undermining national security, and culminating in a demonstration on 4 June blockading the UN Refugee Agency's offices.⁴⁴ This coincided with an "escalation of serious violations, hate speech, and incitement to violence targeting migrants, refugees, asylum seekers, and foreign workers in Libya".⁴⁵

37. UNHCR, [Annual Results Report 2024 Libya](#), 28 May 2025, p. 8.

38. Ibid, p. 29; UNHCR, [Annual Results Report 2023 Libya](#), 30 May 2024, p. 9.

39. ECtHR, *Hirsi Jamaa and Others v. Italy*, op. cit. fn 36, §§ 154 and 156.

40. The ISA is a militia that operates in the whole country but aligns itself with the Libyan Presidential Council for its operations in the West, while being loyal to the eastern authorities for its operations in the East. The Presidential Council is a three-member council that shares the executive authority in the West of Libya with the Government of National Unity (GNU), the internationally-recognized government.

41. ISA, [Facebook post of 2 April 2025](#) (in Arabic only). For more on the crackdown against NGOs supporting migrants, refugees and asylum seekers, see ICJ, [Libya: One year after resolution 56/16, the human rights situation remains dire and domestic accountability efforts inadequate, September 2025](#), p. 5; Libya Observer, [EU Observer: European Commission holds talks with Tripoli after halting work of MSF](#), 4 November 2025.

42. The GNU is the internationally-recognized government of Libya based in the capital Tripoli, in the West of the country.

43. MSF, [MSF ordered to leave Libya within a month](#), 31 October 2025.

44. See, [UNSMIL refutes allegations of migrant resettlement to Libya](#), 4 June 2026; [UNSMIL reiterates facts amid continued misinformation on migration issues](#), 9 June 2026.

45. LCW, [Statement: escalating violations and hate speech against migrants in Libya](#), 4 June 2026.

2. Egregious human rights violations and abuses against migrants, refugees and asylum seekers

For years, UN human rights bodies, Libyan and international human rights NGOs, activists and journalists have been sounding the alarm about the grave human rights violations and abuses against migrants, refugees and asylum seekers in Libya.⁴⁶ The FFM found there were reasonable grounds to believe that State and non-State actors committed the crimes against humanity of murder, enslavement, torture, imprisonment, rape, sexual slavery, persecution and other inhumane acts against migrants, refugees and asylum seekers in Libya in the period from 2016 until the issuance of its final report in March 2023.⁴⁷

The FFM also found patterns of “violent or reckless” interceptions at sea by the LCG “to ensure disembarkation takes place in Libya”, “resulting at times in death”; those forcible interceptions at sea and disembarkations on Libyan mainland were routinely followed by arbitrary detentions in intolerable conditions and exposure to serious human rights violations and abuses.⁴⁸ The FFM further found that migrants, refugees and asylum seekers held in official detention facilities, such as those under the authority of the Directorate for Combating Illegal Migration (DCIM),⁴⁹ or in unofficial detention centres, had been subjected to torture, including rape and other forms of sexual assault, electric shocks, burns, beatings and psychological torture, such as witnessing the rape or execution of other detainees.⁵⁰ Women, girls, men and boys were raped and subjected to other forms of sexual violence.⁵¹ The FFM also found that migrants, refugees and asylum seekers had been subjected to enslavement, including sexual slavery, noting that captors treated them as commodities, forcing them to work often without adequate food or water.⁵² It noted that the intolerable conditions faced by migrants, refugees and asylum seekers deprived of liberty in DCIM detention centres were calculated to “cause suffering and the desire to utilize any means of escape, including by paying large sums of money to militias, criminal gangs, traffickers and smugglers who have links to the State and profit from this practice.”⁵³

These patterns of violations and abuses have continued to be documented since the end of the FFM’s mandate. Regarding violence and other unlawful acts committed during interceptions or SAR operations,⁵⁴ MSF recorded that in 2024, LCG vessels donated by Italy assaulted humanitarian SAR vessels, carrying out unsafe and threatening manoeuvres seven times, twice

46. See, for example, Office of the High Commissioner for Human Rights (OHCHR), *Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya: detailed findings*, UN Doc. A/HRC/31/CRP.3, 23 February 2016, §§ 246 and ff; Amnesty International, *‘Between Life and Death’: Refugees and Migrants Trapped in Libya’s Cycle of Abuse*, 24 September 2020; Lawyers for Justice in Libya (LFJL) and the European Center for Constitutional and Human Rights (ECCHR), *No Way Out: Migrants and Refugees Trapped in Libya Face Crimes Against Humanity*, 2021.

47. FFM, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/48/83, 29 November 2021, § 61; FFM, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/50/63, 27 June 2022, §§ 70 and 75; FFM, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/52/83, 3 March 2023, § 41.

48. FFM, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/48/83, 29 November 2021, §§ 57-60.

49. The DCIM was a militia under the Ministry of Interior of the GNU. In May 2025, the GNU Prime Minister dissolved the DCIM: see, GNU, *Decree No. 227 of 2025 amending the structure of the Ministry of Interior*, 13 May 2025 (in Arabic only).

50. FFM, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/50/63, 27 June 2022, § 76. See also, FFM, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/52/83, 3 March 2023, §§ 48-49.

51. FFM, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/50/63, 27 June 2022, § 76; FFM, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/49/4, 18 August 2022, § 51; FFM, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/52/83, 3 March 2023, §§ 50-51.

52. FFM, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/50/63, 27 June 2022, § 77; FFM, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/52/83, 3 March 2023, § 52.

53. FFM, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/48/83, 29 November 2021, § 57.

54. For a list of violent incidents at sea involving Libyan actors since 2016, see Justice Fleet, *Violent Incidents with Libyan Militias*. See also, OHCHR / UNSMIL, *Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum Seekers and Refugees in Libya*, February 2026, pp. 12-14.

using firearms. MSF considered that the LCG were incapable of providing effective assistance at sea.⁵⁵ Similarly, LCW documented that, between January 2024 and June 2025, the LCG routinely conducted violent interceptions of boats, including by shooting at or ramming them, and forced migrants, refugees and asylum seekers to return to Libya. In November 2025, the Justice Fleet, an alliance of 13 SAR organizations, announced it would not cooperate with the Libyan Rescue Coordination Centre, the body purportedly in charge of promoting the efficient organization and coordination of SAR operations,⁵⁶ as the latter could not be regarded as the competent authority. The Justice Fleet declared that it would classify the LCG as an illegitimate actor at sea.⁵⁷

LCW also documented grave human rights violations and abuses committed during the same period (*i.e.*, January 2024 to June 2025) in areas of the Libyan territory with known land migration routes, including through the use of dangerous and degrading transportation methods resulting in injuries and sometimes deaths, due to suffocation, car accidents, or as a result of deliberately abandoning migrants, refugees and asylum seekers in the desert.⁵⁸

Furthermore, over the same period, LCW documented similar patterns of arbitrary arrest and detention and serious physical and sexual abuse comparable to those previously documented by the FFM. It found that migrants, refugees and asylum seekers, including children, had been systematically subjected to arbitrary arrest during interceptions at sea as well as during raids targeting the neighbourhoods where they lived. In most cases, the individuals concerned were not informed of the reason for their arrest, were denied access to a lawyer and their family, and were not brought before a prosecutor or a judge. In some instances, those detentions amounted to enforced disappearances; for example, LCW recorded six cases of enforced disappearances between January 2024 and June 2025.⁵⁹

Moreover, over the abovementioned period, LCW found that, while detained – whether in official or unofficial detention centres, such as “human warehouses”⁶⁰ – migrants, refugees and asylum seekers had been tortured and subjected to other cruel, inhuman or degrading treatment or punishment.⁶¹ LCW documented instances in which torture was filmed and afterwards the footage sent to the victim’s family to extort a ransom for their release.⁶² Black, non-Muslim women and girls – particularly from Nigeria, according to LCW – were raped and subjected to other forms of sexual violence, including sexual slavery.⁶³

In addition, diseases, such as tuberculosis, hepatitis and scabies, were widespread in detention places because of poor hygiene, inadequate ventilation, overcrowding, lack of food and clean water, and absence of healthcare.⁶⁴

55. Doctors Without Borders (MSF), *Deadly Manoeuvres: Obstruction and Violence in the Central Mediterranean*, 12 June 2025, pp. 8-9 and 11. See also, for a more recent incident, Arab News, *Libyan coast guard chase in the Mediterranean leaves 1 migrant dead, says NGO*, 30 September 2025.

56. As per *International Convention on Maritime Search and Rescue*, 1979, Annex, art. 1.3.5.

57. Sea Watch, *Search and Rescue Organisations Suspend Communication with Libyan Rescue Coordination Centre*, 5 November 2025.

58. See also, OHCHR / UNSMIL, *Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum Seekers and Refugees in Libya*, February 2026, pp. 21-23.

59. See also, OHCHR / UNSMIL, *Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum Seekers and Refugees in Libya*, February 2026, pp. 15-16.

60. See OHCHR, “*Detained and dehumanized*”, *Report on human rights abuses against migrants in Libya*, 13 December 2016, documenting the use of warehouses and other informal sites as detention facilities for migrants and asylum seekers in Libya at p. 15. See also, OHCHR / UNSMIL, *Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum Seekers and Refugees in Libya*, February 2026, p. 15.

61. See also, OHCHR / UNSMIL, *Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum Seekers and Refugees in Libya*, February 2026, pp. 35-36.

62. See, for example, InfoMigrants, *En Libye, une jeune Éthiopienne et des dizaines d’autres migrants enlevés avec demande de rançon*, 9 January 2025 (only in French). The FFM also briefly mentioned the extortion of migrants, refugees and asylum seekers’ families, FFM, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/50/63, 27 June 2022, § 55; FFM, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/52/83, 3 March 2023, § 44.

63. See also, OHCHR / UNSMIL, *Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum Seekers and Refugees in Libya*, February 2026, pp. 27-30.

64. See also, OHCHR / UNSMIL, *Business as Usual: Human Rights Violations and Abuses Against Migrants,*

Additionally, LCW found that migrants, refugees and asylum seekers were sold and forced into labour, particularly as construction workers or guards, either under coercion or in exchange for minor privileges, such as better food, access to a fan, or limited movement within the detention centre.

Over the years, the Libyan authorities have also been implicated in collective expulsions in violation of their international law obligations. For example, in a September 2020 report, Amnesty International recorded collective expulsions from Libya that may also have amounted to violations of the *non-refoulement* principle in respect of some individuals.⁶⁵ Such collective expulsions have continued since then.⁶⁶ The authorities deported at least 870 Sudanese in July⁶⁷ and 460 Egyptians in August 2025.⁶⁸

The Office of the UN High Commissioner for Human Rights (OHCHR) and the UN Support Mission in Libya (UNSMIL) documented, throughout 2024 and 2025, similar patterns of egregious human rights violations and abuses against migrants, refugees and asylum seekers in Libya to those documented by LCW over the same period. Their recent joint report found that,

“[a]cross the country, migrants, asylum-seekers and refugees are forcibly rounded up, abducted, separated from their families, arbitrarily arrested and detained, and transferred without due process – often at gunpoint – to official, unofficial, or illegal detention facilities. There, they endure prolonged detention and are coerced through torture and inhumane treatment into paying for their release. Trafficking networks, often with ties to State actors, further prey on these vulnerabilities for profit through practices, including forced labour, sexual exploitation, ransom and extortion, the sale and transfer of migrants, asylum seekers and refugees between traffickers, and the confiscation and resale of personal belongings and identification documents. Thousands are intercepted at sea through dangerous methods and forcibly disembarked and returned to Libya, which is considered by United Nations entities and the authorities of various third States as unsafe for disembarkation, perpetuating the exploitative cycle of human rights violations and abuses. Mass graves containing the bodies of migrants have been discovered in the south, east and west of Libya, with indications that more remain undiscovered.”⁶⁹

[Asylum Seekers and Refugees in Libya](#), February 2026, pp. 36.

65. Amnesty International, [‘Between Life and Death’: Refugees and Migrants Trapped in Libya’s Cycle of Abuse](#), 24 September 2020, pp. 33-34.

66. See e.g., OHCHR / UNSMIL, [Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum Seekers and Refugees in Libya](#), February 2026, pp. 21-23.

67. InfoMigrants, [Libya: Eastern authorities deport 700 Sudanese migrants](#), 21 July 2025; Libyan News Agency, [172 Sudanese migrants deported from Kufra](#), 6 July 2025.

68. Libyan News Agency, [Deportation of \(462\) illegal Egyptian migrants](#), 10 August 2025. UNHCR also noted the large-scale refoulement of migrants, refugees and asylum seekers in 2024: see, UNHCR, [Annual Results Report 2024 Libya](#), 28 May 2025, p. 8.

69. OHCHR / UNSMIL, [Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum Seekers and Refugees in Libya](#), February 2026, p. 4.

Testimony from Youssef, a 27-year-old Moroccan

I arrived in Libya via Mitiga Airport [Tripoli's airport] looking for work in the fish market. After the 2019 attack on Tripoli [by the Libyan National Army⁷⁰], I lost my job, and since then, my situation has been unstable, as I have no residence permit.

In 2024, I decided to try reaching Europe by sea. I contacted a smuggler from Zawiya [North-West of Libya], and we agreed on a fee. Two days after our agreement, some people and I set out on a boat at night from a small port near Zawiya. After about six hours, we saw a large ship that looked to me like a rescue ship or one belonging to a European coast guard. We called for help, but while remaining nearby, it did not approach. After about two hours, a Libyan Coast Guard boat approached us. Armed men began shooting directly to force us to stop. The boat was white, mounted with machine guns, and on board were more than 10 men wearing black uniforms. They stopped us, took us all to their boat, set our boat on fire, and returned us to the shores of Zawiya, where they handed us over to members of the Stabilization Support Apparatus [a militia aligned with the Presidential Council⁷¹] at the port. I was taken with others to a detention centre, where I saw things that I have still not been able to get over.

Inside, the air felt heavier than my chest. The place was so crowded that you felt like you were walking on sleeping bodies. I estimated that there were about 1,700 people there, including many children. The women were in a separate section I knew nothing about. We slept on the floor without mattresses or blankets. The cold made me shiver all night, and sleeping was difficult. Food was a piece of bread and a bottle of water per person per day. Sometimes we got a jar of jam during the day, and some other times we were given pasta. There were five bathrooms for the large crowd, and the children used them along with adults.

Beatings were daily, especially when guards demanded we lined up to count us or when waking us up, sometimes for no apparent reason, just to remind us that we had no voice. I saw a group of migrants tasked with monitoring us, distributing food, and torturing us in exchange for privileges like better food or being allowed to use a phone.

I saw death up close more than once. Seven men, including Moroccans, Egyptians and Sudanese, died within a short period of time. One of them was sick for days and received no treatment. We prayed for him inside the room, then he was taken out, and we don't know where he went but heard he had died. Another never woke up from his sleep one night. A third was beaten, and we found him motionless in the morning. I saw a Sudanese man being hit with an iron pipe on his leg, then receiving a blow to the head from one of the guards and falling to the ground. After he was taken out, and we were told he had died.

Skin diseases were eating away our bodies. Scabies was rampant. There was no doctor. An ambulance occasionally stopped in front of the building to release patients close to death [so that they would not die while in custody of the detention centre], but it carried only painkillers. There were no toiletries or clean clothes. Showering was forbidden during the almost entire detention period. Nevertheless, coastguards irregularly came, bringing mattresses and food and lending us their phones for short calls. They intervened more than once to release patients. When I developed a fever after months of detention, they intervened to free me.

I got out but the horrors I saw still haunt me.

70. The Libyan National Army (LNA) is a coalition of militias led by Field Marshall Khalifa Haftar, the *de facto* leader of the East of Libya, and is affiliated with the House of Representatives, the legislative body elected in 2014 and based in the East. In the context of a significant split with the rival administration of the internationally recognized Government of National Accord based in the West of the country, that led to a prolonged armed conflict which intensified in 2014, Khalifa Haftar's LNA attempted to march on Tripoli in 2019 and was pushed back. The LNA was renamed as the Libyan Arab Armed Forces (LAAF) on 21 February 2022. This rebranding was part of a broader attempt to present a more unified and legitimate military structure under the command of Khalifa Haftar who now has military control over most of the East and South of Libya.

71. See *supra* fn 40.

These serious crimes under international law have been committed in Libya with impunity. Accordingly, international crimes against migrants constitute a line of inquiry as part of the International Criminal Court (ICC) Prosecutor's investigation in the situation of Libya, and the Prosecutor has charged Khaled Mohamed Ali El Hishri, a "senior official in [the Special Deterrence Forces (SDF/RADA)]", an "armed paramilitary organisation supporting the [Government of National Accord]",⁷² with such crimes committed in the context of detention at Mitiga prison, in the capital Tripoli, western Libya, between 2014 and 2020.⁷³ Yet, Libya is failing to cooperate with the ICC,⁷⁴ including by refusing to surrender the other ICC-wanted suspect in the case of Mitiga prison, Osama Elmesri Njeem. Njeem was initially arrested in Italy, an ICC State Party; however, Italy failed to surrender him to the Court and, instead, transferred him to Libya, in violation of its obligation to cooperate with the ICC.⁷⁵ Libya indicated it would not surrender Njeem to the Court.⁷⁶ According to information available to LCW and ICJ, Njeem officially remains in Libya's custody although his whereabouts and the status of the domestic proceedings against him, if any, are unclear.

72. ICC, Pre-Trial Chamber I, [Warrant of Arrest for Mr Khaled Mohamed Ali El Hishri](#), ICC-01/11-188-US-Exp, 10 July 2025.

73. ICC, OTP, *The Prosecutor v. Khaled Mohamed Ali El Hishri*, [Document Containing the Charges](#), ICC-01/11-01/25-92, 26 March 2026. For more details, see ICJ, [The International Criminal Court's Khaled El Hishri Arrest Warrant: Charges and Limitations, Questions & Answers](#), May 2026.

74. See, ICC, [Statement of Deputy Prosecutor Nazhat Shameem Khan to the United Nations Security Council on the Situation in Libya, pursuant to Resolution 1970 \(2011\)](#), 22 May 2026.

75. See, ICC, [Referral by the Presidency of the International Criminal Court of Italy's non-compliance to the Assembly of States Parties](#), 2 April 2026.

76. [X post](#) of Alwasat Libya, 13 July 2025. See also, ICJ, [Libya's acceptance of the International Criminal Court's jurisdiction: stakes and implications, Questions & Answers](#), August 2025, p. 8.

3. The European Union and its Member States' role in fuelling human rights violations and abuses against migrants, refugees and asylum seekers in Libya

3.1. European Union's cooperation with and support to the Libyan authorities

3.1.1. The European Union and its Member States' memoranda of understanding and projects supporting the Libyan authorities

In May 2013, following an invitation from Libya, the Council of the EU established the EU Border Assistance Mission in Libya (EUBAM), a civilian Mission under the Common Security and Defence Policy, to support the Libyan authorities in improving and enhancing the security of the country's land, sea and air borders. The EUBAM's stated aims are to: (1) enhance the capacity of the Libyan authorities to manage borders; (2) support the Libyan authorities in combating cross-border crime, including human trafficking and migrant smuggling, and countering terrorism; and (3) deliver *ad hoc* technical advice, capacity-building and specialized training to the Libyan authorities responsible for border management and law enforcement.⁷⁷ EUBAM's activities include, for example, training the LCG to efficiently manage maritime boarders, with a purported focus on "best maritime practices for the safe escort and transfer of people in distress and emergency medical evacuation".⁷⁸

In October 2023, EUBAM and the Libyan Ministry of Foreign Affairs and International Cooperation signed a Memorandum of Understanding (MoU) with the stated aim of strengthening cooperation in managing and securing Libyan borders.⁷⁹

Previously, on 2 February 2017, Libya and Italy signed a "Memorandum of understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking [...] and on reinforcing the security of borders" ("Libya-Italy MoU"). Under the MoU, Italy commits to cooperating with Libya to "support [...] security and military institutions in order to stem the illegal migrants' fluxes", and to "provide technical and technologic support to the Libyan institutions in charge of the fight against illegal immigration".⁸⁰

The initial MoU lasted three years and has been tacitly renewed twice since.⁸¹ Ahead of the first renewal in 2020, Italy announced it was negotiating amendments to include actions "to improve detention conditions" and for the release of migrants "in situation of vulnerability".⁸² Notwithstanding its failure to secure these amendments, Italy still renewed its cooperation with Libya under the MoU.⁸³ Because by 2 November 2025 neither Italy nor Libya had given notice of an intention not to tacitly renew the MoU,⁸⁴ it was renewed automatically for an additional three years on 2 February 2026.

On 28 May 2020, Libya and Malta signed a "Memorandum of understanding in the field of combatting illegal immigration" ("Libya-Malta MoU").⁸⁵ The MoU provides for the establishment

77. EUBAM, [Mission Factsheet](#).

78. See, for example, EUBAM, [Empowering the Libyan Coast Guard and Advancing Libya's Maritime Security](#), 17 April 2025. See also, EEAS, [European Union Common Security and Defence Policy: Missions and Operations](#), 2023, pp. 29-30.

79. EUBAM, [Signing Memorandum of Understanding between EUBAM Libya and the Ministry of Foreign Affairs and International Cooperation](#), 9 October 2023.

80. [Memorandum of understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking and fuel smuggling and on reinforcing the security of borders](#), 2 February 2017, arts 1(A) and 1(C).

81. Libya-Italy MoU, art. 8.

82. Permanent Representative of Italy to the Council of Europe, [Letter to the Commissioner for Human Rights](#), 20 February 2020.

83. Amnesty International, [Libya: Renewal of migration deal confirms Italy's complicity in torture of migrants and refugees](#), 30 January 2020.

84. The MoU was expressly renewed by the Italian Parliament ahead of the 2 November 2025 deadline. Libya Observer, [Italian Parliament votes to renew immigration agreement with Libya](#), 16 October 2025.

85. [Memorandum of understanding in the field of combatting illegal immigration](#) ("Libya-Malta MoU"), 28 May 2020.

of two coordination centres, one in Valletta and one in Tripoli, to liaise between the two governments and provide support “relating to combatting illegal immigration in Libya and the wider Mediterranean region”.⁸⁶ The MoU also provides for Malta to “propose to the European Commission and European member states the increase in financial support in order to help the Government of National Accord in securing the southern borders of Libya, and the provision of the necessary technologies for border control and protection, as well as in the dismantling and follow up of human trafficking networks, and curtailing the operations of organized crime” and to “propose [in coordination with the European Union] funding towards additional maritime assets necessary for the interception and follow-up of human trafficking activities in the search and rescue region in the Mediterranean basin”.⁸⁷ The initial MoU lasted for three years, has since been tacitly renewed once and was again renewed in July 2024.⁸⁸

Unlike with other countries such as Tunisia,⁸⁹ the EU, as a political entity, does not have a memorandum of understanding with Libya directly, but it endorsed the Libya-Italy MoU. Indeed, in the *Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route*⁹⁰ (the “Malta Declaration”) – a declaration adopted on 3 February 2017 by leaders of the European Union in Malta, which at the time held the EU’s presidency – focusing on measures to stem the flow of immigration from Libya to Italy and the EU, the European Council welcomed the said MoU and declared its readiness to “support Italy in its implementation”.⁹¹

In implementing the Malta Declaration, the EU has funded projects supporting Libya, in particular through the Emergency Trust Fund for Africa.⁹² One project’s objective was to “strengthen the LCGPS [Libyan Coast Guard and Portal Security] to increase its capacity for search and rescue activities and the fight against trafficking in human beings and the smuggling of migrants”.⁹³ The project’s activities included, for example, procuring Libya with SAR vessels, and operationalizing cooperation on SAR operations between Libya and the EU and its Member States.⁹⁴

Currently, the EU supports the Libyan authorities through the *Neighbourhood, Development and International Cooperation Instrument – Global Europe*, which is the main EU financial tool used to fund development, governance, security and migration-related programmes in partner countries.⁹⁵ The ICJ and LCW could not find detailed information about the ongoing projects nor how the instrument interacts with EUBAM.

In addition to providing material and financial support to the LCG, EU Member States and EU entities, including Frontex, the European Border and Coast Guard Agency, engage in operational coordination and information-sharing with the LCG in the context of maritime migration control or so-called SAR operations, despite longstanding and well-documented evidence that persons intercepted by the LCG are systematically returned to Libya where they are subjected to arbitrary detention and other serious abuses and exposed to a risk on onward *refoulement*, including in situations where humanitarian SAR vessels are present and capable of disembarking rescued persons in a place of safety.⁹⁶

86. Libya-Malta MoU, art. 1.

87. Libya-Malta MoU, art. 5.

88. Libya-Malta MoU, art. 9; see also, Middle East Monitor, [Libya, Malta renew deal to combat irregular migration](#), 17 July 2024.

89. For an analysis of the Tunisia-EU MoU’s impact on the human rights of migrants, refugees and asylum seekers, see ICJ, [The Price of Complicity: Tunisia-EU Partnership Agreement fuels egregious human rights abuses against refugees, asylum-seekers and migrants](#), December 2024.

90. European Council, [Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route](#), 3 February 2017.

91. *Idem*.

92. The EU Emergency Trust Fund for Africa was created to “address the root causes of instability, forced displacement and irregular migration and to contribute to better migration management.” See EU, [Emergency Trust Fund for Africa](#).

93. EU Emergency Trust Fund for Africa, [Action document: The European Union Emergency Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa](#), p. 3.

94. See, EU Emergency Trust Fund for Africa, [Action document: The European Union Emergency Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa](#), p. 14.

95. EU, [Enlargement and Eastern Neighbourhood: Libya](#).

96. In 2012, the Grand Chamber of the ECtHR, in *Hirsi Jamaa and Others v. Italy* – a case arising from the

In a 2022 report, Human Rights Watch found that Frontex planes and drones would alert the LCG when they spotted boats carrying migrants, refugees and asylum seekers at sea.⁹⁷ The statistics published in the Frontex Consultative Forum on Fundamental Rights' annual report that year confirmed Human Rights Watch's findings, as 50 per cent of Frontex sightings in the Central Mediterranean triggered an intervention by the LCG.⁹⁸ Subsequent annual reports did not include such statistics, but LCW has continued to document how EU Member States and Frontex coordinated forcible returns to Libya of migrants, refugees and asylum seekers intercepted at sea with the LCG throughout 2024 and the first half of 2025, despite knowledge of the foreseeable consequences for intercepted individuals.⁹⁹ In April 2025, Frontex's Executive Director, Hans Leijten, confirmed Frontex was still coordinating with the LCG.¹⁰⁰

Moreover, in December 2023, a joint journalistic investigation reported that EU Member States, especially Malta, and Frontex were seemingly sending GPS coordinates of people in distress to the Tariq Ben Zeyad brigade,¹⁰¹ an eastern-based militia part of the Libyan Arab Armed Forces,¹⁰² infamous for reportedly committing widespread and systematic crimes under international law, including murder, torture and rape.¹⁰³

The EU has recently been negotiating further cooperation on "migration and border control" with the Libyan authorities. During the summer of 2025, the EU Commissioner for migration, Magnus Brunner, as well as Greek, Italian and Maltese officials, travelled to Libya to encourage the country to take measures to reduce the number of migrants, refugees and asylum seekers crossing the Mediterranean Sea in their attempts to reach Europe.¹⁰⁴ Following further meetings between the Libyan western authorities and the EU, in September and October 2025,¹⁰⁵ the EU ambassador to Libya announced that both sides had agreed, in October 2025, to "intensify efforts to return irregular migrants to their home countries and to strengthen border management across Libya",¹⁰⁶ and eventually, in December 2025, a new, cross-country EU-funded programme on "rights-based migration and border management".¹⁰⁷ Since the end of 2025, the EU has increasingly engaged with the Libyan eastern *de facto* authorities on border and migration management issues and, in May 2026, the EU ambassador to Libya announced that they had agreed to advance the operationalization of dialogue in key areas including: "Support for land border management and security; Search and rescue to save lives at sea and

interception by three ships from the Italian Revenue Police and Coastguard on the high seas, within the Maltese Search and Rescue Region of responsibility, of foreign nationals sailing from Libya to Italy, who had then been forcibly returned to Libya, purportedly pursuant to bilateral agreements – found that the Italian authorities knew or should have known that returning intercepted persons to Libya exposed them to a real risk of torture or other inhuman or degrading treatment in Libya and to a risk of arbitrary repatriation to their countries of origin, contrary to the *non-refoulement* principle. See, ECtHR, *Hirsi Jamaa and Others v. Italy*, op. cit. fn 36, §§ 122-138 and 146-158.

97. Human Rights Watch, [Airborne Complicity: Frontex Aerial Surveillance Enables Abuse](#), 8 December 2022.

98. Frontex Consultative Forum on Fundamental Rights, [Tenth Annual Report](#), 2022, p. 73.

99. See also OHCHR / UNSMIL, [Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum Seekers and Refugees in Libya](#), February 2026, pp. 17-18.

100. Euronews, [I wish I didn't have to send people back to Libya, Frontex chief tells Euronews](#), 25 April 2025.

101. Al Jazeera, [European powers allow shadowy Libyan group to return refugees](#), 11 December 2023

102. See *supra* fn 70.

103. FFM, [Report of the Independent Fact-Finding Mission on Libya](#), UN Doc. A/HRC/50/63, 27 June 2022, § 40. See also, Amnesty International, ["We are your masters": Rampant crimes by the Tariq Ben Zeyad armed group](#), 19 December 2022.

104. InfoMigrants, [EU Commissioner visits Libya in search of stronger migration controls](#), 8 July 2025. The European delegation met with the Libyan western authorities, but was denied access to the East: see, InfoMigrants, [EU delegation forced to leave eastern Libya](#), 10 July 2025. OHCHR reported that in response to this incident, "on 9 July 2025, Greece announced a suspension of asylum registration for sea arrivals from North Africa, including Libya, for a period of three months [and that] there has been no public confirmation, at the time of writing, that access to the right to apply for asylum had been fully restored": see OHCHR / UNSMIL, [Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum Seekers and Refugees in Libya](#), February 2026, p. 19.

105. Nicola Orlando, [Tweet of 17 September 2025](#); Alwasat Libya, [Tweet of 16 October 2025](#).

106. Libya Observer, [Libya, EU agree to step up migrant returns and border management](#), 18 October 2025.

107. Libya Observer, [EU funds new program to support Libyan border management](#), 2 December 2025.

in the desert, including by establishing a Maritime Rescue Coordination Centre in Benghazi; Enhanced dialogue on combating transnational human smuggling and trafficking networks; Voluntary humanitarian returns; and Humanitarian protection of migrants and refugees.”¹⁰⁸

3.1.2. Impact of the European Union and its Member States’ support to Libya on the human rights of migrants, refugees and asylum seekers

Neither the Libya-Italy MoU nor the Libya-Malta MoU includes substantive human rights safeguards or monitoring requirements for the protection of human rights as part of their implementation. Article 5 of the Libya-Italy MoU merely provides that Italy and Libya “commit to interpret and apply the present Memorandum in respect of the international obligations and the human rights agreements to which the two Countries are parties”.

In February 2020, the then Council of Europe Commissioner for Human Rights, Dunja Mijatović, called on Italy to amend the MoU to include effective guarantees for the respect of the human rights of migrants, refugees and asylum seekers. She recommended that any activity be preceded by a thorough human rights risk assessment – such as of the impact cooperation may have on the right to life, freedom from torture or other inhuman or degrading treatment, protection from *refoulement*, and the rights to liberty and private and family life – and that appropriate risk mitigation strategies be developed.¹⁰⁹

The Libya-Malta MoU does not even mention human rights.

EU-funded projects supporting the Libyan authorities on migration management and border control have been found to similarly lack safeguards and effective monitoring requirements. The EU Court of Auditors, which audited the EU Emergency Trust Fund for Africa in July 2024, found that:

- The design of multiple Libya-based activities, including those aimed at enhancing maritime or land border surveillance, reducing deaths at sea or improving conditions in detention centres for migrants, did not take into account potential risks such as that:
 - o Libyan staff trained under these projects would not be committed to the do-no harm principle;
 - o disembarkation points equipped under these projects would be used by “unofficial actors”¹¹⁰ and for “unintended purposes”;
 - o detention centres supported under these projects would not be regularly accessible to humanitarian actors.¹¹¹
- With regard to the implementation of a border management project in Libya, there was insufficient evidence that:
 - o the Italian law enforcement officers: (1) did monitor the proper use of sea and land-based equipment provided under the project; and (2) had put in place strict criteria for the selection and vetting of the Libyan beneficiaries;
 - o international maritime and human rights law training modules were delivered as planned in terms of scope, content and time. In this connection, the EU Court of Auditors recorded that they had been “sent one 30-minute presentation on the drafting of standard operational search-and-rescue procedures with legal implications for human rights. This was organised in Rome in March 2023 for six high-level Libyan officials.”¹¹²
- Despite the European Commission establishing a human rights monitoring system for EU-

108. Nicola Orlando, [Tweet of 22 May 2026](#); see also, Nova News, [Libya-EU: Eighth meeting of the European technical mission on migration and borders in Benghazi](#), 22 May 2026.

109. Council of Europe, Commissioner for Human Rights, [Letter to Mr Luigi Di Maio](#), 13 February 2020. For an analysis of the MoU’s compliance with international human rights law and standards, see StraLi and UpRights, [Navigating Troubled Waters: Italy’s Human Rights Dilemma in the Mediterranean](#), February 2024.

110. In Libya, some armed groups or militias operating outside formal State control are in a position to exercise control over borders and law enforcement facilities and are involved in smuggling and trafficking activities.

111. EU Court of Auditors, [The EU trust fund for Africa: Despite new approaches, support remained](#), Special report, July 2024, p. 30.

112. *Ibid.*, p. 31.

funded projects in Libya in 2019, the Commission did not set up a process to follow up on the information included in the monitoring reports.¹¹³

This led the Court of Auditors to conclude that the “sustainability” of all the migration-related projects audited was “unsatisfactory”,¹¹⁴ that is, “most sampled activities [were] not sustainable at the time of visit”,¹¹⁵ essentially due to insufficient data on their impact, and that, “[t]here is still insufficient data to demonstrate how sustainably the EUTF [EU Emergency Trust Fund for Africa] is addressing the root causes of irregular migration and forced displacements”.¹¹⁶ The Court recommended that the Commission “strengthen the identification of human rights risks and take mitigating action”, including by “analy[sing] information related to human rights risks [and] maintain[ing] a record of all actions taken in response and the reasons for deciding to continue or suspend EU support”.¹¹⁷ The European Commission accepted the recommendation and pledged to implement it by the end of 2025.¹¹⁸

Already in 2023, the FFM had found that the EU and its Member States had “directly or indirectly, provided monetary and technical support and equipment, such as boats, to the LCG and the DCIM that was used in the context of interception and detention of migrants”.¹¹⁹ At that time, the FFM reminded Libya and EU Member States that immigration control must be exercised in compliance with international law, especially the principle of *non-refoulement*.¹²⁰ In January this year, UN experts expressed concern that, in March 2019, the European Union’s naval operation in the Mediterranean had coordinated with the oil tanker *El Hiblu 1* and the Libyan authorities “in an attempt to facilitate the *refoulement* of migrants to Libya”, noting that, “[t]here is broad international agreement that Libya cannot be regarded as a ‘place of safety’ where refugees and migrants rescued at sea can be disembarked under the international law of the sea [and that t]he forcible return of migrants to Libya would violate the core legal obligation of non-refoulement.”¹²¹ OHCHR and UNSMIL recently expressed similar concern that Frontex’s cooperation with the LCG was enabling interceptions and pullbacks to Libya where returnees face egregious human rights violations and abuses, highlighting that Libya is “considered by United Nations entities and the authorities of various third States as unsafe for disembarkation”,¹²² and calling on EU and its Member States to establish a moratorium on all interceptions and returns to Libya until adequate human rights safeguards are ensured.¹²³

Several international and Libyan NGOs have submitted communications to the Prosecutor of the ICC, pursuant to article 15 of the Rome Statute,¹²⁴ regarding crimes committed against migrants, refugees and asylum seekers in Libya.¹²⁵ Notably, in January 2022, Adala for All,

113. Ibid, pp. 33-34.

114. Ibid, p. 58.

115. Ibid, p. 59.

116. Ibid, p. 40.

117. Ibid, p. 51.

118. EU Commission, [Replies of the European Commission to the European Court of Auditors’ Special Report](#), p. 8.

119. FFM, [Report of the Independent Fact-Finding Mission on Libya](#), UN Doc. A/HRC/52/83, 3 March 2023, § 46.

120. Ibid, § 47.

121. [UN experts urge Malta to drop charges against El Hiblu 3 and uphold migrants’ rights](#), 23 January 2026. See also, OHCHR, [Press briefing note on Malta](#), 7 May 2019.

122. See, Report of the Secretary-General, [Smuggling of migrants and trafficking in persons in the Mediterranean Sea off the coast of Libya](#), S/2024/642, 30 August 2024, § 15; see also, Report of the Secretary-General, [Implementation of resolution 2491 \(2019\)](#), S/2020/275, 2 September 2020, §10: “Libya cannot be considered a place of safety for the disembarkation of refugees and migrants under international law, including international human rights law, international refugee law and the law of the sea.”

123. OHCHR / UNSMIL, [Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum Seekers and Refugees in Libya](#), February 2026, pp. 4, 12, 18 and 46.

124. Pursuant to article 15 of the [Rome Statute of the International Criminal Court](#) of 17 July 1998, any individual, State, UN entity or intergovernmental or non-governmental organization may provide information to the ICC’s Office of the Prosecutor on alleged crimes within the jurisdiction of the Court. After having analysed the seriousness of the information received, the Prosecutor can initiate investigations *proprio motu*, subject to authorization by the Pre-Trial Chamber.

125. International Federation for Human Rights, ECCHR and LFJL, [Article 15 Communication to the Office of the Prosecutor of the International Criminal Court regarding the Situation in Libya – Crimes against](#)

StraLi, and UpRights submitted an article 15 communication on war crimes and crimes against humanity. The communication addressed the criminal responsibility not only of Libyan actors but also of Italian and Maltese officials, noting their “crucial support to the LCG to intercept migrants at sea and return them to the DCIM Detention Centres, which included provision of assets, equipment, maintenance and trainings”.¹²⁶ Similarly, the European Center for Constitutional and Human Rights submitted an article 15 communication in November 2022 focusing on the interception, return and systematic detention of migrants, refugees and asylum seekers in Libya as amounting to the crime against humanity of imprisonment or other severe deprivation of physical liberty.¹²⁷ The communication documented, among others, the roles of Maltese, Italian and EU officials, including from Frontex.¹²⁸

Financial and operational support to Libya by the EU and its Member States engages their own obligations under international human rights law and refugee law.¹²⁹ EU Member States’ obligations – including under the European Convention on Human Rights (ECHR)¹³⁰ and the Charter of Fundamental Rights of the European Union¹³¹ – and EU entities’ obligations under the Charter of Fundamental Rights¹³² apply to persons affected by such cooperation with Libya, including persons on board vessels under EU flags or under their direct control of operations at sea. Notably, EU Member States and entities must guarantee migrants, refugees and asylum seekers’ right to protection against *refoulement*.¹³³

More specifically, EU Member States bear direct responsibility under international human rights law where the persons affected are under their jurisdiction for the purposes of international law.¹³⁴ In 2012, the Grand Chamber of the ECtHR, in its *Hirsi Jamaa and Others v. Italy* judgment, already found that Italy had violated the European Convention on Human Rights when it had returned people intercepted at sea to Libya despite the fact that the Italian authorities knew or should have known that in so doing they would expose the concerned individuals to a real risk of torture or other inhuman or degrading treatment in Libya and, once there, to a real risk of onward *refoulement* to their countries of origin.¹³⁵

In 2021 – in a case relating to a boat capsizing in the Mediterranean Sea on 11 October 2013 resulting in the deaths of over 200 migrants, refugees and asylum seekers, the HRCComm found that Italy’s failure to promptly respond to the ship’s distress call was a violation of the right to life under article 6 of the ICCPR. The Committee noted that despite the ship not being in

[Migrants and Refugees in Libya](#), 19 November 2021; InfoMigrants, [Lawyers report EU officials to ICC for ‘crimes against migrants’](#), 22 October 2025.

126. Adala for All, StraLi and UpRights, [Article 15 Communication on War Crimes and Crimes Against Humanity Committed Against Migrants and Asylum Seekers in Libya](#), 17 January 2022, § 19.

127. Rome Statute, art. 7(1)(e).

128. ECCHR, [Article 15 Communication to the Office of the Prosecutor of the International Criminal Court regarding the Situation in Libya – Commission of crimes Against Migrants and Refugees: Interceptions at Sea as Crimes Against Humanity](#), 29 November 2022.

129. Article 18 of the [Charter of Fundamental Rights of the European Union](#) of 7 December 2000, which is binding on all EU entities as per article 6 of the Treaty of Lisbon, provides that the right to asylum shall be guaranteed with due respect for the rules of the UN Refugee Convention and in accordance with the Treaty on European Union and the Treaty on the Functioning of the European Union.

130. Greece, Italy, and Malta ratified the [European Convention on Human Rights](#) (ECHR) of 4 November 1950 on 28 March 1953, 26 October 1955, and 23 January 1967, respectively.

131. The Charter is binding on all EU Member States as per article 6 of the Treaty of Lisbon.

132. The EU has not yet acceded to the ECHR.

133. ECHR, e.g., arts 2, 3, 4, 5; Charter of Fundamental Rights, e.g., arts 2, 4, 5, 6, 18 and 19. See also, UN Refugee Convention, art. 33 (Greece, Italy, and Malta ratified/acceded to the UN Refugee Convention on 5 April 1960, 15 November 1954, and 17 June 1971, respectively); ICCPR, art. 7, as interpreted in HRCComm, [General Comment No. 20: Article 7 \(Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment\)](#), 10 March 1992, § 9 (Greece, Italy, and Malta ratified/acceded to the ICCPR on 5 May 1997, 15 September 1978, and 13 September 1990, respectively); CAT, art. 3 (Greece, Italy, and Malta ratified/acceded to the CAT on 6 October 1988, 12 January 1989, and 13 September 1990, respectively). See also, Committee against Torture, *Adel Trebourski v. France*, Application No. 300/2006, [Decision](#), UN Doc. CAT/C/38/D/300/2006, 11 May 2007, §§ 8.2-8.3; ECtHR, Grand Chamber, *Saadi v. Italy*, Application No. 37201/06, [Judgment](#), 28 February 2008, § 127; Court of Justice of the EU, *Abubacarr Jawo v. Germany*, C-163/17, [Judgment](#), 19 March 2019, § 85.

134. ECHR, art. 1.

135. See, ECtHR, *Hirsi Jamaa and Others v. Italy*, op. cit. fn 36.

Italy's SAR zone, a "special relationship of dependency" had been established. This relationship was based on factual elements – namely, the contact between the people in distress and the Italian authorities, the close proximity of an Italian naval ship, and the ongoing involvement of the Italian Maritime Rescue Coordination Centre – and Italy's legal obligations under the international law of the sea.¹³⁶ Such a "special relationship of dependency" attests to the exercise of effective control over the fate of persons in distress at sea.¹³⁷

The patterns of arbitrary detention, torture, sexual violence, enslavement and the absence of guarantees protecting migrants, refugees and asylum seekers against onward *refoulement* to high-risk countries, including in the context of collective expulsions, documented in Section 2, establish, as a matter of foreseeable risk, that the return of any person to Libya, or the facilitation of such return, is contrary to the principle of *non-refoulement* as provided, *inter alia*, pursuant to article 2(3) of the OAU Refugee Convention, article 3 of the CAT, article 7 of the ICCPR, article 33 of the UN Refugee Convention, article 19 of the EU Charter of Fundamental Rights, article 3 of the ECHR and the corresponding rule of customary international law.¹³⁸

Additionally, by financing the Libyan authorities, the EU does not only fuel violations and abuses against migrants, refugees and asylum seekers, but it also enables what it vows to combat, namely, human trafficking as well as smuggling of migrants towards Europe through the Mediterranean Sea. Indeed, the FFM found that the LCG and the DCIM were cooperating with smugglers and traffickers. It noted the example of a migrant who recognized the coastguards who intercepted them at sea as the smugglers who had put them on a boat.¹³⁹

In addition, since the end of the FFM's mandate, LCW has also documented the LCG cooperation with smugglers and human traffickers, especially at the departure points of Zawiya and Sabratah, in the North-West of the country.¹⁴⁰ For instance, LCW has documented that migrants, refugees and asylum seekers often depart from the fishing port of Zawiya, which suggests, at least, the authorities' implicit acceptance that the port be used as a departure point.¹⁴¹ LCW also recorded that officers at checkpoints let vehicles transporting migrants through, in exchange for a bribe, often having previously negotiated safe passage terms with smugglers or traffickers. In September 2025, video and photographic footage taken from a humanitarian SAR vessel appeared to show a militia affiliated with the GNU Deputy Defence Minister throwing Iraqi-Kurdish people in the sea from their boat before turning around and leaving them in distress in the water.¹⁴² These actions, if the link to Libya through its agents' conduct is confirmed, would constitute a violation of the right to life under article 6 of the ICCPR and article 4 of the ACHPR.

3.2. Obstruction of humanitarian rescues

3.2.1. The European Union and its Member States' obstruction of humanitarian rescues

Over the last 10 years, EU Member States have reduced their SAR operations in the Mediterranean Sea,¹⁴³ prompting humanitarian NGOs to mount search and rescue operations to save the lives of migrants, refugees and asylum seekers in distress at sea.¹⁴⁴ In addition to reducing their SAR

136. HRCComm, *A.S., D.I., O.I. and G.D. v. Italy*, [Views](#), UN Doc. CCPR/C/130/D/3042/2017, 28 April 2021, §§ 7.7-7.8 and 8.5.

137. HRCComm, [General Comment No. 36, Article 6: Right to life](#), op. cit. fn 26, §§ 22 and 63; HRCComm, *A.S., D.I., O.I. and G.D. v. Italy*, op. cit. fn 136, §§7.5 and 8.5; HRCComm, *A.S., D.I., O.I. and G.D. v. Malta*, [Decision](#), UN Doc. CCPR/C/128/D/3043/2017, 28 April 2021.

138. See above, Section 1.1. Libya's legal obligations under international human rights and refugee law.

139. FFM, [Report of the Independent Fact-Finding Mission on Libya](#), UN Doc. A/HRC/50/63, 27 June 2022, §§ 72-73.

140. See also, OHCHR / UNSMIL, [Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum Seekers and Refugees in Libya](#), February 2026, p. 25.

141. See OHCHR / UNSMIL, [Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum Seekers and Refugees in Libya](#), February 2026, p. 26.

142. The Guardian, [Videos appear to show people smuggling by state-linked Libyan militia in Mediterranean](#), 18 September 2025.

143. MSF, [Deadly Manoeuvres: Obstruction and Violence in the Central Mediterranean](#), March 2025, p. 2; EU Agency for Fundamental Rights, [Search and rescue operations in the Mediterranean and fundamental rights](#), June 2025, p. 7.

144. See also, OHCHR / UNSMIL, [Business as Usual: Human Rights Violations and Abuses Against Migrants](#),

activities, EU Member States have continuously impeded humanitarian NGOs from conducting SAR operations by criminalizing and obstructing sea rescues.¹⁴⁵

In Italy, since January 2023, in application of the “Piantedosi Decree”¹⁴⁶ and later the “Flussi Decree”,¹⁴⁷ SAR vessels: (1) must head to port after each rescue; and (2) can receive a fine ranging from 2.000 € to 10.000 € and a 20–day administrative seizure of the vessel for failing to comply with the instructions of the national SAR authorities, i.e., the LCG in the Libya context.¹⁴⁸ The Italian authorities often designate a port far away from the vessel, extending their travel time. From February 2023 to July 2025, NGOs’ vessels operating in the Mediterranean Sea were subjected to 700 days of seizure and had to spend an additional 822 days to reach the port designated by the Italian authorities while closer ports were available.¹⁴⁹

Meanwhile, under Greek law, in application of Law No. 4825, NGOs can only conduct SAR operations in the Greek SAR region with authorization from the Greek authorities.¹⁵⁰ Although it is unclear to the ICJ and LCW whether NGOs still operate in the Greek SAR zone since the adoption of the law, because they do not request authorization or because the Greek authorities do not grant such authorizations, Law No. 4825 has had the effect of completely eliminating humanitarian SAR operations in Greece’s SAR zone.¹⁵¹

3.2.2. Impact of the European Union and its Member States’ obstruction of humanitarian rescues on the human rights of migrants, refugees and asylum seekers

Under the International Convention on Maritime Search and Rescue, southern EU Member States where migrants, refugees and asylum seekers departing from Libya by boat disembark, such as Greece and Italy, have an obligation to render assistance to people in distress at sea and deliver them to a “place of safety”.¹⁵² The Guidelines on the Treatment of Persons Rescued at Sea define a “place of safety” as “a place where the survivors’ safety of life is no longer threatened and where their basic human needs (such as food, shelter and medical needs) can be met.”¹⁵³

Although Malta is not a party to the International Convention on Maritime Search and Rescue, it is still bound by an obligation to render assistance to people in distress at sea and deliver them to a “place of safety” under the United Nations Convention on the Law of the Sea (UNCLOS)

[Asylum Seekers and Refugees in Libya](#), February 2026, p. 18.

145. For examples of administrative and criminal proceedings against vessels and crew members engaged in SAR activities, and against the provision of support to migrants, refugees and asylum seekers, see ICJ, [Criminalization of humanitarian and other support and assistance to migrants and the defence of their human rights in the EU](#), 22 April 2022, pp. 3 and ff.
146. Italian Council of Ministers, [Decree-law No. 1 of 2023](#), 2 January 2023 (only in Italian, “Piantedosi decree”, named after Matteo Piantedosi, the Italian Minister of Interior). The decree-law became law with [Law No. 15](#), 24 February 2024 (only in Italian).
147. Italian Council of Ministers, [Decree-law No. 145](#), 11 October 2024 (only in Italian, “Flussi decree”). The decree-law became law with [Law No. 187](#), 9 December 2024 (only in Italian).
148. Piantedosi decree, arts 1(2bis)(d) and 1(2sexies) (only in Italian). For an analysis of the Italian legal framework on humanitarian rescue at sea and its impact on humanitarian NGOs, see MSF, [Deadly Manoeuvres: Obstruction and Violence in the Central Mediterranean](#), March 2025.
149. SOS Méditerranée et al., [The obstruction of SAR vessels causes hundreds of deaths at sea](#), 17 July 2025.
150. [Law No. 4825](#), 4 September 2021, art. 40(1)(b) (only in Greek).
151. EU Agency for Fundamental Rights, [Search and rescue operations in the Mediterranean and fundamental rights](#), June 2025, p. 11.
152. [International Convention on Maritime Search and Rescue](#), 1979, Annex, arts 2.1.1, 2.1.9 and 2.1.10. States shall “take urgent steps to ensure that the necessary assistance is provided” upon receiving information that people are in distress at sea. When they accepted responsibility to provide SAR services for a specified area (i.e. their SAR zone), they shall use SAR units to assist people in distress. They shall conduct SAR operations irrespective of national, status, or circumstances in which the people were found. Greece ratified on 4 September 1989, Italy acceded on 2 June 1989. Malta is not a party.
153. International Maritime Organization, [Guidelines on the Treatment of Persons Rescued at Sea](#), IMO Doc. MSC 78/26/Add.2, 20 May 2004, art. 6.12. See also, ICJ, [Criminalization of humanitarian and other support and assistance to migrants and the defence of their human rights in the EU](#), 22 April 2022, pp. 11-12.

and the International Convention for the Safety of Life at Sea (SOLAS), to which it is a party.¹⁵⁴ Further, Malta is obliged under international human rights law and standards to respect, protect and fulfil the right to life.¹⁵⁵

Therefore, by reducing their SAR presence in the Mediterranean Sea, and obstructing humanitarian SAR actors, EU Member States have let people in distress either perish at sea or be picked up by the Libyan authorities and returned to Libya, in violation of their obligations under maritime, human rights and refugee law.

On 4 March 2025, the HRCComm requested Malta to urgently “take all measures necessary to coordinate a SAR operation to rescue the 35 [people] in distress, [and] to ensure that they are not disembarked in a place where they will be at risk of torture and other forms of ill-treatment or risk to their life”.¹⁵⁶ In the case at hand, on 1 March 2025, 32 migrants, refugees or asylum seekers had attempted to cross the Mediterranean Sea but had got stranded on the Miskar gas platform, where the Maltese and Tunisian SAR zones overlap. Despite the emergency hotline relaying their numerous distress calls to the Maltese authorities, the latter did not respond for three days, prompting a request for interim measures to be submitted by NGOs to the HRCComm on their behalf. A humanitarian SAR vessel eventually rescued those in distress.¹⁵⁷

On 3 September 2025, the HRCComm similarly requested Malta and Italy to coordinate a rescue operation and allowed 41 people in distress to disembark in a place of safety.¹⁵⁸ On 14 March 2026, the Committee asked Malta, yet again, to conduct a SAR operation for 118 people in distress.¹⁵⁹

Regarding the criminalization and obstruction of humanitarian rescues, on 26 January 2023, the then Council of Europe’s Commissioner for Human Rights, Dunja Mijatović, called on Italy to withdraw the Piantedosi Decree. She noted that the decree “will have the foreseeable consequence of depriving the deadliest migration route of the life-saving assistance provided by NGOs”.¹⁶⁰

At the domestic level, in June 2024, when determining the lawfulness of the administrative seizure of a humanitarian vessel by the Italian authorities for not having complied with instructions from the LCG, the civil section of the Tribunal of Crotona found that the LCG and the Libyan Rescue Coordination Centre could not be considered legitimate SAR actors. It thus ruled that the seizure of the vessel had been unlawful.¹⁶¹ Indeed, as seen above,¹⁶² the LCG is incapable of providing effective assistance at sea as their interceptions at sea are often violent and reckless.¹⁶³ In July 2025, the Italian Constitutional Court upheld the Piantedosi Decree but

154. [United Nations Convention on the Law of the Sea \(UNCLOS\)](#), 10 December 1982; [International Convention for the Safety of Life at Sea \(SOLAS\)](#), 1 Novembre 1974, chapter V, art. 33. Malta ratified UNCLOS on 20 May 1993 and acceded to SOLAS on 8 August 1986. Greece and Italy ratified UNCLOS on 21 July 1995 and 13 January 1995, respectively, and acceded to SOLAS on 12 May 1990 and 11 June 1980, respectively.

155. HRCComm, [General Comment No. 36, Article 6: Right to life](#), op. cit. fn 26, § 7. See also, OHCHR, [“Lethal Disregard” Search and rescue and the protection of migrants in the central Mediterranean Sea](#), May 2021, p. 7.

156. Serena Zanirato and Valérie Gabard, [Migrants and Refugees in Distress at Sea on the Central Mediterranean Route Malta: You Have to Pick Up the Phone!](#), 27 June 2025.

157. Ibid.

158. Sea Watch, [UN Human Rights Committee rules against Malta’s and Italy’s non-assistance](#), 8 September 2025.

159. UpRights, [UN Human Rights Committee Again Orders Malta to Rescue more than 100 People Stranded on the Miskar Platform – The Third Time in One Year](#), 20 March 2026.

160. Council of Europe, Commissioner for Human Rights, [Letter to Mr Matteo Piantedosi](#), 26 January 2023. See also, Italy’s response: Permanent Representative of Italy to the Council of Europe, [Letter to the Commissioner for Human Rights](#), 1 February 2023.

161. SOS Humanity, [Final court decision: Detention of Humanity 1 was unlawful!](#), 27 June 2024. See also, OHCHR / UNSMIL, [Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum Seekers and Refugees in Libya](#), February 2026, p. 12.

162. See Section 2. Egregious human rights violations and abuses against migrants, refugees and asylum seekers.

163. FFM, [Report of the Independent Fact-Finding Mission on Libya](#), UN Doc. A/HRC/48/83, 29 November 2021, § 58; MSF, [Deadly Manoeuvres: Obstruction and Violence in the Central Mediterranean](#), 12 June

found that, “an order that leads to a violation of the primary obligation to save human life and is likely to endanger it is not binding, and failure to comply with it cannot be sanctioned”, thereby, effectively authorizing humanitarian vessels to disregard unlawful LCG instructions.¹⁶⁴

2025, pp. 8-9 and 11; Sea Watch, [Search and Rescue Organisations Suspend Communication with Libyan Rescue Coordination Centre](#), 5 November 2025.

164. Italian Constitutional Court, [Case No. 101](#), 8 July 2025 (only in Italian), § 26, unofficial translation by the ICJ.

4. Conclusions and recommendations

Egregious human rights violations and abuses against migrants, refugees and asylum seekers in Libya are widespread and systematic and amount to serious crimes under international law. The LCG and the Libyan Rescue Coordination Centre have been deemed not to be legitimate SAR actors. LCG has been responsible for carrying out violent and reckless interceptions at sea, and credible reports have pointed to its involvement in the commissions of egregious human rights violations, including acts amounting to crimes under international law. The Libyan authorities carry out collective expulsions, including with respect to individuals whose removal would be contrary to the *non-refoulement* principle, and the Libyan legal framework does not provide any guarantee against *refoulement* to high-risk countries. Militias affiliated with the Libyan authorities are involved in the smuggling and trafficking of people across the Mediterranean Sea. Yet, and in full awareness of these human rights violations and abuses, the EU and its Member States continue to fund and support these actors.

In light of the findings outlined above, the ICJ and LCW call on Libya, the EU and its Member States to comply with their obligations under international refugee and human rights law, as well as the Law of the Sea, as detailed below.

Recommendations to Libya:

- **Stop detaining migrants, asylum seekers and refugees solely for the purposes of immigration control and release all those arbitrarily detained;**
- **Close all unofficial detention centres and migrants' detention facilities where abuses have been credibly documented;**
- **Ensure detained migrants, refugees and asylum seekers' prompt and effective access to a lawyer and a judge;**
- **Repeal all laws and provisions in laws criminalizing "irregular entry, stay and exit";**
- **Accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;**
- **Enact an asylum law consistent with international refugee law and establish a just, fair and effective national refugee status determination procedure consistent with international human rights and refugee law obligations;**
- **Cease arbitrary detention, torture, sexual violence or other ill-treatment, collective expulsions, removals in violation of the *non-refoulement* principle and other abuses against migrants, refugees and asylum seekers, including by ensuring judicial oversight over migration detention facilities and deportation/removal procedures;**
- **Cease violent or reckless interceptions at sea;**
- **Investigate, prosecute and punish those responsible for gross human rights violations and abuses against migrants, refugees and asylum seekers, including, first and foremost, any acts amounting to crimes under international law;**
- **Cooperate with the ICC, including by surrendering Osama Elmesry Njeem to the Court;**
- **Ensure the protection of migrants, asylum seekers and refugees, including victims of trafficking and children, in particular unaccompanied or separated children;**
- **Combat racial discrimination, violence, hate speech and misinformation about migrants, refugees and asylum seekers;**
- **Ensure that human rights and humanitarian organizations providing critical assistance to migrants, asylum seekers and refugees be able to carry out their work freely and without fear of reprisal, intimidation or harassment.**

Recommendations to the EU and its Member States, in particular Italy and Malta:

- **Suspend funding and support to Libyan authorities implicated in serious human rights violations;**
- **Suspend Frontex cooperation with the Libyan Coast Guard for so long as the documented patterns of serious human rights violations persist, as per article 46(4) of Regulation 2019/1896 on the European Border and Coast Guard and repealing Regulations;**
- **Denounce the Libya-Italy Memorandum of Understanding of 2 February 2017 and the Libya-Malta Memorandum of Understanding of 28 May 2020, and refrain from**

- concluding any further bilateral or EU-level agreement with Libya on migration that does not contain enforceable human rights safeguards and independent monitoring;**
- **Ensure that any future cooperation with Libya on “migration and border control”, including policies and funding, be centred on human rights, fully safeguard the human rights of refugees, asylum-seekers and migrants, and provide a roadmap for reform with clear indicators for Libya on how to meet its human rights obligations and benchmarks for the suspension of funding;**
 - **Ensure safe and legal routes for those trying to cross borders, rather than outsourcing bordercontrol;**
 - **Cease all attempts to externalize and circumvent international human rights and refugee law obligations to guarantee the human rights of migrants, refugees and asylum seekers;**
 - **Conduct timely SAR operations to assist people in distress at sea in SAR zones, refrain from designating Libya as a place of safety and from supporting SAR operations that result in forcible returns to Libya, and refrain from criminalizing or obstructing humanitarian SAR actors;**
 - **Urge and support Libya to investigate, prosecute and punish those responsible for gross human rights violations and abuses arising in the context of migration-related policies; and**
 - **Cooperate with the ICC.**

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About Libya Crimes Watch

Libya Crimes Watch (LCW) is a survivor-led Libyan human rights organisation founded in 2019 and based in the United Kingdom. LCW specialises in monitoring, documenting, and reporting on serious human rights violations and international crimes in Libya through a network of field researchers and trusted local sources.

Through a victim-centred approach, LCW works to advance justice, accountability, and respect for human rights and the rule of law. Its evidence-based documentation underpins its research, advocacy, victim support, engagement with national and international accountability mechanisms, and efforts to combat impunity.

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