

Human Smuggling from Libya Across the Sea over 2015-2016

External report authored by Nancy Porsia, Freelance investigative journalist, May 2017

This report is based on my work as freelance journalist in Libya since 2013, during which I have often focused on the phenomena of migration across the sea and smuggling networks, and conducted extensive interviews with all actors involved – migrants, smugglers, state officials and militias. As I have written an extensive report covering the background of human smuggling in Libya and the situation up to mid-2015 included in annex of Forensic Oceanography’s “Death by Rescue” report in March 2016,¹ I focus here only on the evolutions over 2015-2016. I trace the main evolutions of the dynamics migration, EU policies and the practices of Libyan smugglers and state actors.

At the end of Mare Nostrum Operation in November 2014, Libya was suffering the peak of the civil war between Fajr Libya and Karama forces. Without legitimate interlocutor in the country with whom the international community could cooperate to counter smuggling networks, Libyan efforts to stem the phenomenon were temporarily stalled.

The anarchy in Libya and the smuggling industrial network across the region pulled a higher number of migrants heading to Europe into the Libyan route. Although the Syrian flow moved to the Eastern Mediterranean route thanks to the opening of the Balkans’ gate, the transit of persons fleeing the dictatorships in the Horn of Africa remained stable, while migrants coming from Sub-Saharan and Western African countries even increased throughout all 2015.

As the Central Mediterranean corridor is frequently crossed by merchant and military vessels alike – all obliged to conduct rescue missions based on the legal duty to assist people in distress at sea, commercial shipping companies were seriously worried as they were often called to assist search and rescue operations in the absence of humanitarian missions at sea, in spite of the high number of migrants attempting the crossing towards Europe.

Only the vessel of Migrant Offshore Aid Station (MOAS), launched in 2014 by private philanthropists Regina and Christopher Catrambone, had SAR as their primary mission. As soon as the departure season started in 2015, 1,208 persons lost their life in the central Mediterranean route in two shipwrecks in April 2015, the deadliest toll ever recorded at sea.

Only as a consequence of the April 2015 Libya migrant shipwrecks, the EU launched a military operation known as European Union Naval Force Mediterranean (EUNAVFOR MED), soon renamed Sophia after a baby was born aboard of one of the vessels after a rescue. EUNAVFOR MED was still focused on the border control and security in the Mediterranean but not on SAR activities.

During the Spring of 2015 Brussels and Barcelona branches of MSF developed their own SAR capabilities using their own vessels, the Bourbon Argos and Dignity I. German NGO Sea-Watch also purchased a vessel to search for migrant boats in distress in 2015.

¹ Charles Heller and Lorenzo Pezzani, “Death by Rescue: The Lethal Effects of the EU’s Policies of Non-Assistance”, 18 April 2016, deathbyrescue.org (last accessed 12 April 2016).

The EU's move to the second phase of the EUNAVFOR MED mandate which entails boarding, search, seizure and diversion, on the high seas of vessels suspected of human smuggling or trafficking, led the smugglers to lower the standards of the sea crossing. Smugglers no longer provided escort to the dinghies packed with migrants up to the international waters in order to avoid controls and arrests. In fact on June 2015 smugglers in Zuwara often declined to meet journalists fearing eventual identification by the European authorities. Meanwhile, they started to put at sea as many people as they could before the eventual end of the humanitarian missions.

Meanwhile, the presence of European boats rescuing migrants off the Libyan coast were sold by migrants' recruiters in Sudan and in Niger as well as by Libyans smugglers. Pictures of SAR boats were shown in Khartoum as in Agadez for advertising the trip to the migrants who sought to reach Zuwara only to embark for Europe. Along the Libyan coastline smugglers showed the migrants the locations of the humanitarian missions' boats on the Marine Traffic webpage and gave them the phone numbers of European associations' members, who voluntarily used to pass the coordinates from the migrants at sea to the Italian Coast Guard, as reported by migrants still in Libya waiting to embark for Europe.

Furthermore, the smugglers established a sophisticated system for payment such as the hawala. The word hawala literally means "trust" in Hindi, and it is an unofficial money exchange system enabling the transfer of funds without their actual physical move. This system is based on a worldwide network of brokers, trade points and money dealers, bypassing the bank system. Hawala is the system used by the migrant smugglers, enabling them to structure a transnational network of the illicit business. Starting from 2015, smugglers in Sabrata established a fast track connection with migrant smuggling brokers in Niger as well as in Sudan, who recruited people with no financial means for the perilous journey to Europe. This phenomenon prompted a higher number of migrants into Libya.

The massive shipwrecks which occurred on 2015 pushed out of the business some smugglers who preferred to switch their business into the oil traffic as the latter was not targeted by European military personnel at sea. The first arrests of Ethiopian brokers and Libyan smugglers carried out by the Italian prosecutors in 2015 also convinced some smugglers to step back from the market. Whoever continues smuggling migrants today has a crime-orientated personality as they are willing to challenge the European law and military forces.

It is worth recalling here the case of Zuwara: in the Amazigh town, until summer 2015 the main hub of migrant smuggling across the sea, civil society protested against the so called "vampires" as local people called the smugglers following the big numbers of corpses washed back on the shore after the shipwrecks, and the local security forces cracked down on the local market. The Syrian families among the victims had played a significant role to raise awareness about the inhumanity of the business. Whereas Africans have dark skin and do not speak Arabic, Syrians spoke the smugglers' language and they were considered brothers-in-arm by Libyans due to the shared principles guiding the population to rise up against the dictator in 2011.

The diplomacy of frontiers in the new Libya

Following the failure of UN led national dialogue by the end of 2014 and the dispute over the

legitimacy between the Libyan political counterparts, Tripoli-based institutions adopted a new approach to cooperation concerning migration, resuming the so called “Diplomacy of Frontiers” once implemented by Gaddafi’s regime. Some brigades operating slightly out of DCIM control launched a massive raid on the ground as well as at sea only to prove their commitment to counter the phenomenon of irregular migration and call for EU funds. Starting from 2015 a significant number of Western African citizens interviewed inside DCIM centres were caught and arrested at night in their houses and transferred to DCIM facilities on suspicion of irregular entry into Libya. However some of them claimed to even have work residency in Libya. The prisons were overcrowded, and DCIM launched a program for the deportation of migrants to their countries of origin. Due to lack of diplomatic missions on the ground, only a few deportations were accomplished. Groups of Senegalese were handed over to Tunisia-based authorities at the border with Tunisia. However, for the thousands of Eritreans and Somalis held in the Libyan DCIM centres across the Libyan western coastline, deportation was not possible. So the payment of a ransom to the corrupted guards was the only option to get released. On the other side of the fault-line, a number of local militias open up new detention facilities for migrants aiming to be soon enlisted among the centres entitled to receive European funds.

While in the central coast of Libya, stretching from Zliten to Misrata, the Coast Guard started to focus only on the threat of the Islamic State, headquartered in Sirte after taking over the city in February 2015. However, even on that stretch of the coastline the number of migrants embarking to Europe dropped. By the end of 2015, 152.864 migrants reached Italian shores through the central Mediterranean, while 2.892 lost their life at sea.

By the end of 2015 the wooden vessels commonly used by smugglers for the journey across the Mediterranean were scarce, following the destruction of the vessels carried out by EUNAVFOR MED operation throughout 2015, as stated by the security forces in Zuwara. Smugglers increasingly used inflatable rubber boats imported from China and assembled in Libya. Wooden flat sticks were put as the only support at the bottom of the dinghy, carrying often over 120 people. The low cost business model for the crossing spread over all the embarkation points, including among the major smuggling players.

Political vacuum and local mafia

The chaos in Libya and the rampant corruption inside the institutions left the national borders open to migrants heading to Europe for the fourth consecutive year in early 2016. In a context of deepening economic crisis heightened by - and in turn leading to - smuggling of many sorts of goods, militias pressured the authorities to pay them as security personnel to guard foreign assets. In the coastal town of Sabrata, 70 km west of the capital, the militia Anas Dabbashi run by one of the major migrant smugglers, Ahmed Dabbashi, was assigned by the National Oil Company (NOC) to maintain the external security of the Italian oil firm Eni’s compound in Mellitah. The assignment was authorised by the NOC’s Head Sanallah on August 2015. The relationship between Ahmed Dabbashi and his cousin Abdallah Dabbashi, head of ISIS sleeping cells in Sabrata were never clarified in terms of a criminal business partnership. However, the struggle for power in Sabrata soon led to a sophisticated organisation of the smuggling business in the hands of a handful of key players. Major traffickers engaged with the Sudanese network with the ability to broker the fuelling of migrants from the Sahel region up to the Libyan coastline. Operating within the Sudanese network, Ethiopian, Eritrean and Nigerian brokers recruited

people along the transit routes as in Kharthoum or Agadez. Nigerian men have been reported to guard the connection houses where migrants are held before the sea crossing even in Libya, according to security forces from Sabrata. Nigerian women have been recruited directly from their villages of origin and too often end up in slavery. Some Nigerian women who leave only to search a better life in Europe are familiar with prostitution in their daily life in Nigeria. Others, strangers to sex work, are promised a lawful job in Europe but are soon enslaved on their route in Niger and in Libya, and eventually in Italy.

Within this transitional framework, Libyan major smugglers set up a new system to pull ever higher numbers of people through the route. In the *connection houses* where smugglers hold migrants before pushing them for the next leg of the journey, over three hundred men, women and children were held at the same time, instead of a few dozen in the past, a trend described by security sources from Sabrata. The recent industrial take of the smuggling business prompted multiple simultaneous departures of rubber boats from the main smuggling hubs along the Libyan coastline.

Meanwhile local militias making up the regular national security apparatus reinforced their cooperation with smugglers. As a consequence, the local smugglers enjoy widening impunity as well as the transitional criminal networks that have switched from human smuggling to human trafficking inside the Libyan territory. In fact migrants who have voluntarily left to seek better futures in Europe, are taken hostage by militias which sell them to smugglers from one leg to the other across the journey. If arrested by DCIM's officers at sea or in night raids in Tripoli, migrants are often asked for bribes in order to be released, as the alternative would be forced labour. Corrupted guards give migrants away for days or weeks to local residents demanding a labour force for their private businesses such as construction. Once the guards have been paid for the work done by the migrants, the later are freed.

The political and security vacuum was soon exploited even by the Libyan Coast Guard. On the coast, members of certain sections of the Libyan Coast Guard (LCG) which had been accused of receiving bribes to turn eye blind, now even started to participate the human smuggling business. This has for example been the case for the CG of the city of Zawiya. As the only branch equipped with speed boats in the west of Tripoli, the CG unit in the city of Zawiya was the sole maritime force with a mandate from Tripoli commanders to carry out sea patrols in the west of Tripoli. However, as of early 2015, officials of Zawiya's GC began exploiting the political and security vacuum and started to impose a toll on migrant smugglers operating in the area, as a local security services' member said on condition of anonymity after two failed attempts on his life. In the last two years, human smugglers have been paying off the Coast Guard in Zawiya in order to get their dinghies through, otherwise migrant vessels sent by them would be stopped and brought to the detention centre Al Nasser in Zawiya.² Further more, several cases of armed men removing the engine from migrants' dinghies and letting them drift away have been recorded, which, according to local security sources, might be the practice of militiamen working under the protection of the Coast Guard. Smugglers dealing with Sub Saharan and Western African migrants who pay cash before embarking, are often careless in their response to the request of

² Al Nasser was opened in March 2016 by a militia linked to the local powerful Al Nasser centre, who likely hoped to join the DCIM and eventually receive funds from international community as well as the EU. In Al Nasser detention centre terrible conditions of exploitation of labour have been reported from local security sources and migrants who safely reached Italy.

LCG unit of Zawiya to pay a toll, while key smugglers running the business in joint venture with Sudanese brokers regularly pay in order to get migrants' passed the risk of being intercepted upon departure.

NGO rescue actors struggling with criminal networks off the Libyan coast

Given the frequent shipwrecks occurring at sea, other NGOs joined the Search and Rescue operations off the Libyan coast in early 2016. There however have been several violent encounters with Libyan actors.

On 17 August 2016, staff aboard the Médecins Sans Frontières (MSF) ship Bourbon Argos witnessed unidentified gunmen first shooting at their vessel from sea and then boarding it. In the shootout the humanitarian aid vessel Bourbon Argos was damaged by shots but reported no casualties. The armed group was lately identified as the Zawiya Coast Guard, as the spokesperson of the Libyan Maritime forces Ayoob Qassem confirmed in an interview. Qassem said "It was an accident caused from both sides. Due to the diesel smuggling off shore in Libya, the Coast Guard in Zawiya was sent by the oil refinery located in Zawiya's port to patrol at sea. Once the CG unit spotted the vessel, the military personnel first thought it was an oil tanker. But we spoke and solved the misunderstanding". Speaking with regards to the incident at sea which involved the MSF vessel, Colonel Reda Essa, head of the Libyan Coast Guard of the Central sector in charge of the territorial waters stretching from Sirte to Garabulli, stressed that at the time of the accident the CG patrolling unit did not have any information about the maritime traffic and that such incidents could be avoided with a more sophisticated protocol of communication. On 6 September 2016, the rescue boat of German charity Sea-Watch was confiscated and the German volunteers on board detained. The CG unit of Zawiya carried out the operation, as confirmed by the spokesperson of the Libyan Maritime forces Ayoob Qassem in an interview. Qassem said that "the German NGO Sea Eye boat was caught 6 miles within Libyan territorial waters by the CG unit from Zawiya. The military personnel stopped them because they did not have documents for entering Libyan waters. However our Government asked us to release them and we did it".

On 21 October 2016, a Libyan CG unit attacked a dinghy carrying about 150 migrants while the NGO Sea-Watch boat was rescuing them. The unit of the Libyan Coast guard involved in the attack was later identified as the one from Zawiya CG as shown in the photos taken by Sea-Watch crew members on board. The commander of the International Coordination Center (ICC), Colonel Masoud Abdul Samad, commented on the incident during an interview stating that "the corruption has widely spread across the country and its institutions, reaching even the CG. And we have no means so far to counter it". The aggressive approach of corrupt units of the Libyan CG thus partly reflects the lack of control by Libyan authorities over their territory and military personnel.

Increasing collaboration between the EU and the Libyan Coast Guard

Libyan authorities have been accused in the past years of not sufficiently countering irregular migration through their territory. However several post Gaddafi governments have blamed Europe for not providing them with financial means, training and equipment to stem the phenomenon, stressing the security threat that migration poses to the war torn country. According to the Libyan Coast Guard, the total number of migrants rescued at sea by the national maritime forces in 2016 is 18.557. Nevertheless, 181.436 migrants reached Europe from the Libyan shores

in 2016. Most of them embarked along the coastline stretching from Mutrud to Sabrata where Zawiya's CG unit is in charge for patrolling the sea.

Meanwhile Europeans started to train the Libyan Coast Guard for SAR - as provided by the Memorandum of Understanding between the EU and Tripoli— likely aimed at enabling Libyan forces to patrol the sea up to 80 miles off shore and consequently to bring migrants back to Libya. Colonel Masoud Abdul Samad, who attended the ceremony of the signature of the Memorandum of Understanding (MoU) in Rome, and the commander of the Central Sector of the Libyan CG, General Reda Essa, both confirmed in separate interviews that the MoU is mainly designed to enable the Libyan Coast Guard to stem migration flows.

However Libya is a country in a state of civil war and the jurisdiction over the territory is in dispute between the three governments still claiming authority. This is reflected in the Coast Guard in Libya. The Libyan Coast Guard is technically constituted by three sectors: Western, Central and Eastern, while the national command is located in the capital of Tripoli. The GC Western sector's authority stretches from the town Garabulli, 30 km East of Tripoli, to the Western border, the Central sector from Al Khums to Es Sidra, and the Eastern sector from Ajdabiya to the Eastern border. According to the preamble of the MoU between EUNAVFOR MED and the Libyan Coast Guard³, only forces which recognise the Presidential Council of the Prime Minister Fayeze Al Serraj as the sole legitimate Libyan national unity authority, are entitled to engage with European forces during the training. This criteria excludes from the European cooperation the units operating under the Command of the Libyan CG Eastern sector as they report to the Parliament based in Tobruq, which has not recognised the legitimacy of the Serraj establishment. However, Colonel Massoud announced that the central command of the Libyan Coast Guard launched a round of meetings in June 2016 with the Eastern sector, in order to negotiate their cooperation over the patrolling of the sea, in spite of the enduring political crisis paralysing the Governmental bodies.

As a further step in the intensification of the collaboration between the EU and Libya, in February 2017 Italy reactivated the Italian - Libyan Treaty of Friendship, signed in 2008, in order to return to Tripoli the speed boats given from the then PM Berlusconi and sent back to Italy in 2012 for maintenance. Furthermore, the EU approved a plan to add 200 million euros to the 1.8 billion EU Trust Fund for Africa. Even so, the designed prime minister Fayeze Al Serraj does not control the entire Libyan territory, nor Libyan territorial waters, and the port of Zawiya remains a black hole to international authorities as well as to the Central Command of the Libyan Coast Guard. As long as Libya suffers from instability, migrants will take the Libyan route and try their luck though the Central Mediterranean crossing. Spreading funds across local tribal powers through cooperation agreements in the context of a war torn country may prove detrimental to the aim of stability. In this context, rather than functioning as a “pull factor”, the international NGOs committed to SAR activities offshore from Libya offer an emergency response to a humanitarian catastrophe in the Central Mediterranean.

³ Memorandum of Understanding between Eunavfor Med and Libyan Coast Guard regarding Training of the Libyan Navy and Coast guard Personnel by Eunavfor Med Operation Sophia : Preamble « Recalling United Nation Security Council Resolution n. 2259 adopted on 23rd December 2015 and particularly its paragraph 15 which urges Member States to cooperate with the Government of National Accord (...).