EUROPEAN PARLIAMENT

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION
HUMAN RIGHTS UNIT

Ref. D(2006)8684

Mr Jean-Marie Cavada
Chairman
Committee on Civil Liberties, Justice and Home Affairs

302201 21.02.2006

Dear Colleague,

Please find enclosed the final report of the *ad hoc* delegation to Tripoli, Libya, on 4 to 6 December 2005, which I had the honour to chair.

The mission of the delegation was to evaluate the problem of illegal immigration. The delegation was composed by members from the Foreign Affairs Committee, the Civil Liberties Committee, the Development Committee, the Sub-Committee on Human Rights as well as the Maghreb Delegation, as indicated by the Conference of Presidents in its decision on the setting up of this *ad hoc* delegation.

I would like to draw particular attention to the main findings and conclusions on page 12 of the report, and more specifically to point 19, requesting a discussion on the report in the Civil Liberties Committee as well as in Sub-Committee on Human Rights, with the participation of the members of the *ad hoc* delegation.

According to Annex VI of the Rules of Procedure of the European Parliament, these issues will fall within the responsibilities of your committee. I therefore hope that you will have the possibility to include this item on the agenda for one of your forthcoming meetings.

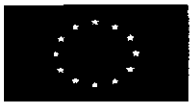
Yours sincerely,

Simon Busuttil

encl. : final report of the ad hoc delegation to Tripoli, Libya, on 4 to 6 December 2005

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EUROPEAN PARLIAMENT



DIRECTORATE GENERAL - EXTERNAL POLICIES
HUMAN RIGHTS UNIT

Report

on the visit of an ad hoc delegation

to Tripoli, Libya

on 4 to 6 December 2005

07.02.2006

Report on the visit

The origin of the ad hoc delegation was the parliamentary resolution on Lampedusa, adopted on 14 April 2005, where paragraph 9 of this resolution called "for a delegation of members of the relevant committees to be sent to the Lampedusa refugee centre and to Libya to assess the magnitude of the problem and to verify the legitimacy of the actions of the Italian and Libyan authorities". The resolution itself dealt with the issue of migrants expelled by Italian authorities from the island of Lampedusa to Libya, between October 2004 and March 2005. The visit to Lampedusa took place on September 15 and 16.

The delegation nominated via the political groups was composed of six members from the committees of Civil Liberties, Justice and Home Affaires, Foreign Affairs, Development, Human Rights and the Maghreb-delegation (see attached participants list). At its meeting on 17/11/05, Mr. Busuttil (EPP-Malta) was elected as chairman. Three of the members had also participated in the visit to Libya in April 2005 in the framework of the EP's delegation for relations with Maghreb countries.

The ad hoc delegation had high level meetings with ministers, including the minister of Interior, the Secretary for International Cooperation, the Secretary for Foreign Affairs at the General People's Congress and the Minister of Foreign Affairs. A detailed discussion session was also held with technical experts responsible for different departments dealing with immigration.

As requested by the EP delegation, two field visits took place, the first to a detention centre in Tripoli centre, and a second one to the sea border at the port of al Khums, about 120 kilometres east of Tripoli. A visit was also made to a meeting of the Basic People's Congress in the eastern part of Tripoli.

The delegation also had the opportunity to meet with Mr. Mohamed ALWASH, representative of the UNHCR in Libya. Due to the absence of the person in question it was not possible to meet with the person representing the International Organisation of Immigration in Tripoli.

In general, the delegation was well received with the possibility for open and frank discussions. Emphasis was made by the delegation on the need for co-operation on a common problem, a message that was well received. Libya seems now to be more favourably disposed to co-operating with Europe on the issue of illegal immigration, with a marked difference in approach as compared to visit in April. The relations between the Libyan authorities and the UNHCR also seem to be improving and the delegation was informed that a law on asylum is currently being drafted. However, the lack of organisational capacity and managements skills to deal with the problems caused by the immigration was evident on the Libyan side.

Monday, 5 December 2005

Briefing with the EU Ambassadors

The work of the delegation commenced with a briefing session with the EU Presidency and ambassadors from EU Member States. The briefing was given by the EU Presidency, the British ambassador Anthony Layden, accompanied by the Italian ambassador, Mr. Francesco Trupiano, who explained the current political situation in the country and more specifically the prospects for cooperation on migration. According to Ambassador Layden it was a good moment for the delegation to visit the country, as regarding international cooperation, progress is evident but fragile. He confirmed that migration has been high on the agenda of EU-Libya relations in recent years, and that the attitude at the Libyan authorities has changed since Khadaffi's message to the summit in Seville in 2002, with an increased emphasis on cooperation. Uncontrolled immigration (around more than one million out of a population of six million, according to the Libyan authorities), was putting a serious strain on society. It is now also clear that traffickers have established themselves in the country. Currently, around 7,000 people are repatriated from Libya every month, most of them of Sub-Saharan origin, but also with a large number of Egyptians and even South-East Asians, from Pakistan and Bangladesh.

The Ambassador also said that tension is certainly created in a number of incidents when the migrants are returned, notably in Egypt.

With regards to bilateral agreements, the Ambassador said that some are oral agreements, others are written.
Finally, the Ambassador suggested that the approach should be that we ask to use Libya as a corridor for humanitarian aid for Africa.

Ambassador Trupiano reported on a negative, or increasing trend, as regards immigrants to Italy transiting through Libya, with almost 19.000 arrivals during the first ten months this year, compared to 11,000 during the whole year of 2004. In spite of the bilateral agreement two years ago, and the fact that Italy has provided Libya with equipment for border surveillance, Ambassador Trupiano regarded the cooperation as not being sufficient, comparing the situation with previous experience of Italy with Albania.

Meeting with Minister of Interior and Public Security, Mr. Nasr Mabrouk Abdullah

The minister underlined that migration is not a new issue, but the result of social and economic phenomena, and can therefore not be dealt with just from a security point of view. 97 % of those entering Libya are estimated to come for economic reasons. Libyans do not emigrate, but they do suffer from this great influx and the consequences it has on the labour market, and, the looking after of all these people requires a great economic effort. The root causes of migration must be addressed, and

a more balanced development in Sub-Saharan Africa is required. Libya is calling for an international summit on illegal immigration, to examine how to regulate and on how to find solutions to current problems.

An illegal immigrant in Libya, the minister stressed, is defined internationally as one who has not entered through a recognised check-point and does not have a residence permit i.e., is not legally in the country. Those leaving the country can be divided into two groups; people entering Libya legally, i.e. from countries which do not require visas, such as Egypt or Morocco, or people working for international companies, and then leaving the country illegally. Libya recognises its responsibilities for this group and takes these people back. The second group consists of people entering the country illegally, with the help sometimes of traffickers. Traffickers are estimated to make a turnover of 4 billion euros in Libya. If detected, these people are identified and then sent back to their countries of origin.

The proposals for cooperation received from the Commission were deemed to be insufficient. An interest was expressed in humanitarian aid assistance, helicopters in order to rescue people in the desert, or even in the constructions of roads in the South, as a mean to facilitate the control of entry into the country. According to the minister, the boats provided by the Italians are now in use, but they cannot patrol the high sea.

Meeting with Mohammed Tahir Siala, Secretary for International Co-operation

The discussion focused mostly on Libya's international relations and relations with international organizations. The minister stressed the importance of cooperation on immigration within the framework of "5+5" (Western Mediterranean Cooperation Process: Algeria, Spain, France, Italy, Libya, Malta, Morocco, Mauritania, Portugal, and Tunisia). Asked about relations with neighbouring countries, the deputy minister admitted that expulsions of Egyptian citizens are sometimes the source of certain tensions, but this should not be given too much importance, as those returned are people who have not acted according to the law. Without entering into details, it was recognized that some agreements on repatriation to source countries are in force and regular meetings held with their missions. The Minister said that Libya does not take responsibility for what happens to those repatriated once they have left Libya, it only assumes responsibility in its own territory.

He also said that immigrants are given humanitarian treatment, that is food, health care until they are in Libyan territory. Libya does not return those persons who have found a job (this was later contradicted at the detention centre by a number of detainees who said that they were employed but got detained anyhow). Overall, agreements with the EU on this issue were however perceived to be helpful.

On relations with Europe, it was recognized that there is a written agreement with Italy, and very advanced negotiations also with France for a similar agreement. No formal contacts have yet been taken with the new government in Germany, but a positive new way was expressed of relations with the previous one. However, the minister also stated that a European agreement would be of very much help, admitting that not being a member of the Barcelona process was a difficulty in this context.

Libya's role within the Barcelona process is under consideration, but "the Leader's" question about what Libya stands to by joining the process remains unanswered.

The Minister said that cooperation and relations with IOM are very good, and the situation regarding UNHCR is under discussion. For Libya this is a delicate issue, which requires that relations with other international organisations are taken into consideration as well. The Libyan corridor could be used for humanitarian aid, but a protocol still needs to be signed.

Meeting with the representative of UNHCR, Mr. Mohammed Alwash

Mr. Alwash had only taken up this post recently - in September 2005. He had previously worked for UNHCR in Libya during the 1990s, a period during which Palestinian refugees were the major concern. As Libya is not a signatory state to the Geneva Convention, UNHCR is not officially recognized and currently works within the office of UNDP. In 2003 UNHCR proposed a memorandum of understanding, for which the government has shown very little interest. However, lately there have been some positive signs and possibly the government is considering to sign a Memorandum of Understanding in the near future. There is also another MoU awaiting approval of the authorities, on humanitarian assistance to Darfur through the port of Benghazi.

Mr. Alwash gave a number of basic facts:

1. In Libya, there are currently around 10,000 to 11,000 refugees representing 16-17 different nationalities. However, it was stated that only 20% of the above mentioned figure are to be considered active refugees while the remaining have no regular contacts with UNHCR office in Tripoli.
2. The majority are Palestinians and therefore fall under the mandate of the UNHCR. There are also a substantial number of Somalis, refugees from sub-Saharan Africa, Nigeria, and Sudan.

UNHCR provides assistance, medicine, accommodation, education, special needs for vulnerable groups of refugees such as women and children and capacity building. UNHCR in Libya liaises actively with a number of local NGOs such as Ghaddafi Foundation, Al-Wafa, WICS and recently started a cooperation programme with Watismu (newly established NGO focusing on women and human right situation in Libya).

The task of UNHCR is to help refugees and asylum seekers, not migrants at large, but in order to determine the status, UNHCR needs to have access to people who are detained. This access was denied, in Lampedusa as well as in Libya, with changes during the last months, which have permitted entrance to the centre in Lampedusa and lately even in Tripoli. Mr. Alwash has been carrying out three visits to the centre in Tripoli, the only one known to be run by the Passport department in the Ministry of Interior. This is the first time an international organisation has been given access. So far, he has been able to carry out individual status determination for 5 cases in detention.

The proportion of immigrants falling under the mandate of UNHCR is small, estimated to around 1-2 out of 1,000 or 12,000 people altogether, but the fate for these people, if returned, is of course of major concern. The phenomenon is new to Libya, which needs help with capacity building for administrative structures in this area.

Asked what happens to migrants who get sent back from Italy to Libya, Mr. Alwash said that they are first placed in a detention centre and then returned to their countries of origin. The biggest problem that Libya faces at that point is identifying the nationality. He ascertained that there are refugees and asylum seekers amongst those people who are sent back from Europe.

Mr. Alwash stated that the MEP delegation could play a great role in convincing the Libyan authorities to accept and recognise the work of UNHCR. The biggest problem UNHCR faces in Libya is the lack of formal cooperation and operational framework with the authorities and that the MOU proposed by UNHCR may represent the corner stone for such cooperation. He explained how UNHCR could not only help in identifying the asylum seekers from the economic migrants, but could also help out in their repatriation and even with resettlement and as such UNHCR presence in Tripoli can be part of the solution and not the problem. In particular, Mr. Alwash stated that UNHCR is ready to organise workshops for the training of Libyan officials and NGOs in this matter but that it needs additional funding to do so.

Visit to the Basic People's Congress

During the week the delegation visited Libya, the Basic People's Congress was taking place, and the delegation was brought to a district in the eastern parts of Tripoli. On the agenda was a debate on culture and media, and the delegation had the opportunity to listen to some of the interventions, before Mr. Busuttil addressed the audience on behalf of the delegation.

Visit to a detention centre

The delegation had the possibility to visit a detention center in Tripoli, in the El Fatah street, actually the same that was visited during the Maghreb delegation visit in April. The delegation was received by Mr. Brigadier Ali U Sa'id, the Director of Immigration Intelligence, and not by the director of the centre. Around 360 people were at the centre at that moment, awaiting identification, issuing of papers from their embassies and then eventual repatriation. Some had been detained the previous day, from a boat intercepted in Soara, to the West of Tripoli, close to Italy and Tunisia, which was said to be the main city from which the smuggling of people is organised. Most detainees stayed in this centre for a short period, a question of weeks, but if the procedure of identification of nationality proved to be cumbersome, it could be for much longer.

Repatriation to Egypt could be done almost in a day or two, while to other countries this could take much more time. Morocco and Tunisia were mentioned as cases where cooperation with the embassies facilitates the identification procedure, while Somalia and Eritrea could be examples of this being more complicated.

It was stated that none of the persons present in this centre came from Lampedusa, presumably because according to the agreement concluded with the Italian authorities, people expelled from Lampedusa are directly taken near the Egyptian border (1.500 km from Tripoli).

After this introduction, the delegation was taken up to the roof of the centre, looking out at the courtyard, where some of the detainees were walking around, others even praying. The doors to the male sections were open, and we were told around 50-60 people slept in each of the big halls. The women were in a different section, but could be seen from the roof through closed doors.

As the presence of the delegation was noticed, curiosity was raised among the detainees, who rapidly filled up the courtyard. The Libyan hosts allowed Mr. Busuttil choose the people with whom the delegation requested to talk, and these were then brought to the office where the initial conversations had taken place.

Upon the request of the delegation, the Libyan officials left the room, and a free conversation took place with the six immigrants selected. Among those interviewed, there was one Nigerian, two Ethiopians, one Eritrean, one Algerian and two Egyptians. Some of these had been on the boat captured the previous day, and one of them still had his damp clothes on. Most of them had been in Libya for a couple of months. The Ethiopians and the Eritrean had entered the country through the desert with the help of smugglers, travelling on foot, car or even camels. Before the transport to the boat, they were regrouped with other people in a farm, in the countryside. The price for the crossing to Europe varied between USD300 and USD1,000, one of the Egyptians paying USD1,900 for the whole trip from Egypt to Europe. One of the interviewees explained that the price depended on where you left off from. All confirmed that the immigrants at this centre do not stay there for longer than two months at the most. Some however voiced concern at being repatriated or being sent to an apparently well-known detention centre in the South close to the desert border where conditions were described as frightening.

The Nigerian person repeated over and over again that his intention had never been to get to Europe. He had only arrived in Libya to make some money and then go back. He claimed that he was working legally before he was simply rounded up by the Libyan police and thrown in the detention centre.

The Eritrean person who was interviewed was in the army while in Eritrea: he lived for one and half years in Sudan, travelled for 14 days in the desert by car. He paid USD1,000 for the boat trip to Italy. Prior to the attempted trip he was first housed on a farm in Libya and then caught a boat manned by an Egyptian.

The Algerian was caught trading in drugs. He also informed the delegation that there were 8 Algerians in custody.

Both Ethiopians referred to the difficult political situation in their home country as the reason for leaving, one of them being a policeman who had refused to carry out repressive actions, and therefore very much fearing political persecution upon repatriation. When asked by Mrs Flautre if they had met with UNHCR and if they had asked for asylum, they seemed not to be aware of these possibilities. A request for these people to meet UNHCR was then made.

Questioned specifically by members of the delegation on how they were treated in the detention centre, none of those interviewed expressly complained. One of the Egyptians had also been to Lampedusa last year, but didn't complain about his treatment there either. He specified it was the second time he tried to cross over to Europe; and that he would try again, as he really wanted to live there.

The last persons brought in to the delegation were the two Egyptians. One of them had driven the boat that was intercepted the previous day. He related that they were around 106 persons in a 16-metre boat. Upon boarding the boat, he was appointed mechanic and to man the boat and was promised payment for this but he never received the money. As the boat was leaking, they did not get far before they had to return, and were then caught by police. He informed the delegation that, in all, 45 Egyptians were currently in custody.
The other Egyptian was the only one to say that the only reason he was in Libya was the gateway it offered to Europe. This was in fact his second attempt to cross over, having been turned back from Lampedusa the first time round. He managed to get funding for the trip through a loan through a bank,[1] together with smaller sums given to him by relatives and friends.

Tuesday, 6 December 2005

Meeting with officials responsible for migration issues

After a short welcome of Mr. Sulaiman Shahoumi at a hotel, where the delegation and the purposes of the visit were presented, the delegation left for an intensive session at the Ministry for Foreign Affairs, with a large representation of officials responsible for different areas. Those represented included:

1. **Ramadan A Barg** - Director of European Department, Foreign Liaison Bureau (= Ministry for Foreign Affairs),
2. Tahar Dabash - Deputy director of European Department,
3. **Brigadier Mohammed al-Rimali** - Director of Passports and Nationality, Public Security (= Interior Ministry),
4. **Brigadier Ali U Sa'id** - Director of Immigration Intelligence, Public Security,
5. **Sulaiman M Kamkoom** - Acting Director in International Organisations Dept, FLB,
6. **Salim al-Darrat**, Deputy Director of Consular Affairs, FLB,
7. **Salim A al-Fiqhi** - Libyan Human Rights Association,

[1] The "bank loan" could be one area that needs looking into in more detail.

8. **Mohammed K al-Sul** - Provisional General Committee for Defence,
9. **Mohammed A Salih** - Head of Sections, Multilateral Organisations, European Dept,
10. **Ibrahim Uraibi** - Multilateral Organisations, European Dept,
11. **Naji Adb al-Salam Burgan** - idem,
12. **Idris Ali al-Hijazi** - External Security Organisation,
13. **Fudail A Mas'oud** - Consular Department, FLB, and
14. **Husniya Markus** - International Affairs Dept, FLB.

In his introduction, Mr. Busuttil proposed that the session concentrate on discussion of solutions rather than on problems, focussing on cooperation at three levels: between Libya and EU, with the countries of origin and at regional level.

On his part, Mr. Shahoumi introduced the meeting by saying that this is a meeting that should be given importance by both. Illegal immigration and human rights need common values we can refer to each time and dialogue is the only way to reach agreement upon those common values. The meeting should also remove psychological barriers and pre-set ideas Europeans and Libyans have about each other. In his intervention, Mr. Shahoumi was very critical on the resolution adopted in the European Parliament, claiming it had been adopted without verifying facts, and that a written reply to this resolution has been provided. He expressed resentment over being forced in two directions: EU member states criticising Libya for being too soft on the immigrants, and the European Parliament on the other side stating that the immigrants are not well treated. He stressed that Libya cannot put a total end to this immigration. What can be done is provide these people with projects in their own country to encourage them to stay in their country of origin.

The majority of the EP delegation underlined that the resolution also criticised the behaviour of the Italian government and certainly not just the Libyan authorities. However, the Libyans' criticism of the resolution was supported by Mr. Speroni.

Brigadier Mohammed al-Rimali (Director of Passports and Nationality, Public Security), said the main problems with immigration started five years ago, and he estimated the costs for repatriation to 110 million Libyan dinars, without counting oil and food. So far, 40,000 had been repatriated since the beginning of 2005, from 37 different countries. In 2004, Libya sent back to their home lands not less then 75000 persons. He was prepared to give more details on those repatriated, orally giving the following figures:

Niger:	17.000
Ghana:	10.566
Nigeria:	7.398
Egypt:	5.300
Sudan:	2.917

Two new institutional bodies have been created during the last year: the passport and control department and the coastguard's service.

A new law on trafficking has been adopted, with penalties of up to one year in prison.

A new law on asylum is also under preparation, and there was some confusion as to when it would be ready for submission to the congress (apparently during 2006). A written copy was requested by the delegation. At the same time, different interventions denied any existence of asylum seekers in Libya. "Many of those repatriated, come back after two months with new passports, and are therefore not persecuted", claimed **Mr. Brigadier Ali U Sa'id** (Director of Immigration Intelligence, Public Security). Mr. Sonik, MEP, pointed out that he himself had been a political refugee in France for seven years, and asked for the recognition of political refugees and the full cooperation with UNHCR.

It was underlined that some people went voluntarily to the reception centres, notably, those who want to return to their country of origin. In general, it was pointed out that there are three categories of immigrants:

1) regular
2) irregular and forced to return
3) irregular and voluntary return

The feedback from the Libyan experts was that out of the majority of persons who are caught in illegal stay, only a few need protection. Many simply come to Libya to make some money to then move on. They identified Eritrea, Jordan, Sudan, Congo, Niger, Pakistan, Bangladesh, Thailand, Togo, Tunisia, Algeria, Rumania, amongst the majority of originating countries.

In reply to a request by the EP delegation, **Sulaiman M Kamkoom** (Acting Director in International Organisations Dept) was not as positive as the Secretary for International Cooperation had been the previous day, but referred to the agreement signed with IOM in August 2005, allowing an office to be opened in Tripoli. With regards to UNHCR, he replied that there is no such office in Tripoli. Libya is not party to the Convention of Geneva, there is no MOU and therefore for all intents and purposes the UNHCR office did not exist. He added that Libya cooperates with UNHCR under the umbrella of UNDP and that civil society organisations are encouraged nonetheless.

Asked about the proposed action plan from the European Commission, there was some confusion regarding which document the question referred to, as if it was not known by those present. The Libyans also said they were awaiting an answer to the document they had presented. The Libyans complained that when they were last in Brussels they thought they would be tackling the issue of immigration, but instead the meeting focused on search and rescue in general which meant that the persons responsible for this job in particular were not there.

On cooperation with Italy, the Libyan experts recognised that Italy is now helping with the construction of new purpose-built detention centres. This information was confirmed later by the Italian ambassador. Existing centres are normally buildings originally built for other purposes such as barns.

Once more the 5+5 talks seemed to be given great priority by the Libyan government. Last meeting in June in Malta, a joint statement on this issue was agreed upon within the framework of the 5+5.

Another issue raised was the international conference or summit. "We now see that the EU opinion is agreeing with what our "Leader" first proposed in 2002", Mr. **Ramadan A Barg**, Director of European Department, said, declaring that Libya is prepared to host the announced EU-Africa meeting.

During the session, an offer was made to arrange a visit to the South the following day, an offer that was immediately accepted but later withdrawn by the Libyans. However, later in the evening during an official dinner, Mr. Shahoumi promised that he would send a written invitation to the European Parliament in order to examine, on the spot, the situation at the southern borders of Libya. This invitation was welcomed by the delegation.

Meeting with Minister of Foreign Affairs, Abdurrahman Shalgam

The Foreign Minister started his address by saying that there is an urgent need for a solution, especially when one considers that 20% of the Libyan population are immigrants which totals around 1,000.000 immigrants, although occasionally higher figures are mentioned. Fear of drug traffickers and terrorists among these immigrants is increasing. He said that Italy has helped in terms of provision of boats, equipment and even in the payment of repatriation flights. The Minister expressed deep concern for the problems caused by immigration, referring also to the security situation and the fact that criminals profit from the weakness of neighbouring state, such as Mali and the difficulties in surveying the desert borders. Apparently, a person called "the Bin Laden of Sahara" had recently been arrested in the south.

The existence of criminal networks dealing with trafficking was recognized, and recently, 30 Libyan officials had been arrested, accused of participation in these networks.

According to the Minister, Libyans arrested for smuggling people had their belongings confiscated and were then prosecuted. Repatriated people had the right to keep the money they have earned, and were given USD100 at the moment of repatriation.

On immigrants leaving Libya by sea, the Minister acknowledged that in making these crossing these immigrants would be taking a sixty per cent risk of not making it alive and a forty per cent chance of making the crossing successfully.

The Minister had attended the Barcelona summit, where he had the possibility to discuss these issues at length, and praised the ideas presented by President Chirac on a fund for projects in the countries of origin.

Visit to the port of al Khoms

Despite having a coastline of just under 2,000 km, Libya's recently-established coastguard only has two patrol boats - donated by Italy - to patrol Libya's maritime border. As the patrol boat in Soara was not functioning, the delegation was taken to the port of al Khomes, 120 kilometres east of Tripoli, where the second boat provided by Italy is stationed. There was a possibility for an informal discussion with members of the newly created coast guard, a body of around 100 officers, out of which around 35 are based in Khoms. One of them had been trained in Italy for a couple of months, but said more training was badly needed. They referred to the difficulties and insufficient means to carry out real surveillance and to intervene once a boat had been able to leave the shore. The delegation also met an Italian police officer in charge of training and assisting the Libyan coastguard.

The responsibility to patrol the coast belonged to the Libyan Navy until the Coast Guard Department was recently set up as a department in its own right. As mentioned earlier on, the Department has only two boats to carry out its mammoth task of patrolling the Libyan seas and is evidently not very effective in blocking boats leaving the costs. In fact, the Libyan officers themselves admitted that the two boats served more as a deterrent than anything else. Furthermore, because of the shortage of boats, this means that that only one part of the coast was patrolled. All in all the officers confirmed that when the Libyan authorities spoke of the numbers of immigrants that were being stopped from entering Europe, these were the immigrants that were caught **before** actually boarding the boat, i.e. rounded up at farms or at the most, at the coast before boarding. This means that once at sea, a boat is relatively free to sail on to Europe with little or no hindrance from Libyan patrols. The Libyan officers also stated that many of the traffickers were Egyptian fishermen who would have normally entered Libya legally (no visa is required for Egyptian nationals entering Libya) as fishermen and then use those same fishing boats to smuggle people across to Europe.

* * *

The following may be summarised as the main findings of the delegation:

1. Libya is itself facing a massive influx of immigrants (North African, Sub-Saharan) and this is leading to economic, political and social difficulties. 20% of its population is said to consist of immigrants.
2. Libya has no specific procedure for asylum seekers. It has not ratified the Geneva convention on refugees status and has no cooperation protocol with the local office of the UNHCR
3. Italy sends back to Libya migrants who might need protection and who in turn are then deported to their country of origin.
4. The distinction between legal and illegal migration is not clear.

5. Libya sends back tens of thousands of "illegal migrants" to their countries of origin.
6. Libya has camps also at its southern border.
7. Libya has concluded agreements with EU member states only on a bilateral basis.
8. Libya lacks the organisational capacity and management skills to deal effectively with the immigrants. Co-operation is therefore imperative and of interest to Libya as well.
9. There was a marked difference in the approach of the Libyan authorities to the issue of illegal immigration (in contrast to previous EP Delegation visit in April 2005).
10. There is a clear realisation on both sides that this is a common problem that requires a clear political commitment to co-operate in order to find a common solution.

The following points are submitted for further discussion and consideration within the relevant bodies of the European Parliament:

11. EU-Libya co-operation on the issue of immigration is imperative. The opportunity should be seized now as Libya seems to be more favourably disposed to co-operate with Europe at present.

12. Full co-operation with UNHCR is of outmost importance and must be closely followed, notably in view of the role of UNHCR in identifying asylum seekers in detention centres. The drafting of the new law on asylum is another issue to be monitored and the Libyan authorities should be asked to forward a copy to the relevant EU institutions.

13. The European Union and its Member States should strive for greater coherence on the immigration issue at EU level. The lack of a coherent policy only increases the confusing messages sent to the Libyan government, being told to restrain immigration to the EU on the one hand and criticised for the detention and repatriation of immigrants and violating migrants and asylum seekers' rights on the other.

14. The European Parliament should actively monitor developments on the proposed Action Plan for EU-Libya co-operation and engage the Council and the Commission in this regard.

15. Libya should be further encouraged to join the Barcelona Process, because this would give a better framework for EU-Libya relations to develop and also in order for Libya to receive aid via the MEDA programme rather than merely through *ad hoc* financial instruments which may be more difficult to achieve.

16. LIBE and DROI should cooperate more closely on this issue to ensure that a balance is struck between the need for controlling migration whilst fully respecting human rights.

17. The invitation for a second visit, to the southern border should be received positively. The European Union needs to show more understanding for the serious concern the Libyans have for the difficult situation in the desert, where many lives are at risk and the conditions in the centres are reportedly very harsh. The Conference of Presidents of the European Parliament should therefore consider extending the mandate of the *ad hoc* delegation, in its current composition, so that this second visit can be completed.

18. This report shall be sent to the President of the European Parliament as well as to the Foreign Affairs Committee, the Civil Liberties Committee, the Development Committee, the Sub-Committee on Human Rights as well as the Maghreb Delegation indicated by the Conference of Presidents in its decision on the setting up of this *ad hoc* delegation, for their perusal as they may deem fit.

19. A request shall be made to discuss this report in LIBE and DROI with the participation of the members of the *ad hoc* delegation.

20. A request shall be made to follow up this report with a debate in plenary on the state of co-operation between Libya and the EU in the area of immigration, involving the European Commission and the Council, if necessary, with a motion for resolution. Such debate would prepare and promote the Euro-African conference which is to be organised on the same topic.

EUROPEAN PARLIAMENT

AD HOC DELEGATION TO LIBYA

4-7 December 2005

Tripoli

Final Programme

Sunday 4 December 2005 individual arrival of members and transfer to Corinthia Bab Africa Hotel, Tripoli

Monday, 5 December	
8:45	Briefing with the EU Ambassadors at Presidency/British Ambassador's Residence
11:00	Meeting with Nasr Mabrouk Abdullah, Minister of Interior and Public Security
12:30	Meeting with Mohammed Tahir Siala, Secretary for International Co-operation
LUNCH	
15:30	Meeting with Mr. Alwash, representative of UNHCR
17:00	Visit to Basic People's Congress
18:00	Field visit to detention centre
20:30	Dinner hosted by the EU Presidency
Tuesday, 6 December	
0930	Meeting with Mr. Sulaiman Shahoumi (Secretary for Foreign Affairs at the GPC)
10:00-13:00	Meeting with officials responsible for migration issues *(chaired initially by Sulaiman Shahoumi, and later by Ramadan Barg, Director of European Department at the FLB)*
13:00	Meeting with Minister of Foreign Affairs, Abdurrahman Shalgam
13:45	Lunch hosted by the Maltese Ambassador
16:00	Field visit to the sea border (al Khums)
20:00	Dinner hosted by Mr. Shahumi

EUROPEAN PARLIAMENT

Visit of a ad hoc Delegation to Libya

4-6 December 2005

List of Participants

Members (6)	**Group/Country**	**Committee/Delegation**
Mr. Simon Busuttil **CHAIRMAN**	PPE-DE, Malta	- Vice-president Delegation for relations with the Maghreb countries and the Arab Maghreb Union (including Libya) - Delegation to the Euro-Mediterranean Parliamentary Assembly
Mr. Bogusław Sonik	PPE-DE, Poland	- Delegation for relations with the Maghreb countries and the Arab Maghreb Union (including Libya) - substitute Committee on Civil Liberties, Justice and Home Affairs
Mr.s Pasqualina Napoletano	PSE, Italy	- Committee on Foreign Affairs - Subcommittee on Human Rights - Delegation for relations with the Maghreb countries and the Arab Maghreb Union (including Libya) - Delegation to the Euro-Mediterranean Parliamentary Assembly
Mr. Wolfgang Kreissl-Dörfler	PSE	- Committee on Development - Committee on Civil Liberties, Justice and Home Affairs
Mr.s Helene Flautre	Verts/ALE, France	- Chairwomen Subcommittee on Human Rights - Delegation for relations with the Maghreb countries and the Arab Maghreb Union (including Libya) - Delegation to the Euro-Mediterranean Parliamentary Assembly
Mr. Francesco Enrico Speroni	IND/DEM, Italy	- Subcommittee on Human Rights - Delegation to the ACP-EU Joint Parliamentary Assembly -substitute Committee on Foreign Affairs -substitute Delegation to the Euro-Mediterranean Parliamentary Assembly

PPE-DE	European People's Party (Christian Democrats) and EU Democrats
PSE	Socialist Group in the European Parliament
ALDE	Group of the Alliance of Liberals and Democrats for Europe
IND/DEM	Independence/Democracy Group

Secretariat of the Delegation - DG3 staff (3)

Mr. Geoffrey HARRIS	Head of Human Rights Unit
Mrs Helena HALLDORF-ROMERO	Administrator
Ms Germana CARNAZZA	Administrative Assistant

Political group staff (1)	
Ms Maria MUNIZ de URQUIZA	PSE

DG4 (1)	
ANDRES Maria	Press Officer

Interpreters (4)

Mr. Laurent BERNHARD	***Team leader***, staff interpreter
Mrs Melpomeni KONSTANTINIDI,	staff interpreter,
Mrs. Maria FITZGIBBON,	freelance interpreter
Ms Rania ABDALLAH	freelance interpreter

Parliamentary Assistants (1)

Elaine CORDINA — Assistant of the Chairperson of the ad-hoc Delegation