A Critical Analysis of Government-funded Projects by Italian NGOs in Libyan Detention Centres
Authors:
Diletta Agresta
Cristina Laura Cecchini
Giulia Crescini
Salvatore Fachile
Alberto Pasquero

Turin/Rome, July 2020

The research and drafting of this report were carried out as part of the Sciabaca&Oruka project
sciabacaoruka.asgi.it
Index

INDEX ........................................................................................................................................... 3
GLOSSARY ..................................................................................................................................... 4

1. INTRODUCTION AND MAIN FINDINGS ............................................................................. 5

2. DESCRIPTION OF THE ACTIVITIES .................................................................................. 9

  2.1. The ‘AFRICA Fund’ ........................................................................................................... 9
  2.2. The AICS Calls .................................................................................................................. 10
      2.2.1. The funding and the conditions .................................................................................. 10
      2.2.2. The NGOs involved .................................................................................................. 11
      2.2.3. The detention centres involved ............................................................................... 11
  2.3. PROJECTS AND ACTIVITIES ....................................................................................... 14
      2.3.1. The guidelines contained in the AICS Calls .............................................................. 14
      2.3.2. Failure to disclose project proposals ........................................................................ 15
      2.3.3. Reports and other documents that were provided ................................................... 16
      2.3.4. Activities carried out .................................................................................................. 16

3. LEGAL ANALYSIS OF THE CALLS ..................................................................................... 18

  3.1. The critical conditions of the detention centres ................................................................. 18
  3.2. The Libyan government’s responsibility for the critical issues identified by the Calls ....... 20
      3.2.1. Resources to meet the needs of detainees .................................................................. 20
      3.2.2. The facilities used to detain migrants ......................................................................... 21
      3.2.3. The number of people detained .................................................................................. 21
      3.2.4. The detention of vulnerable categories such as women and children ....................... 21
      3.2.5. Lack of control over the legality of detention ............................................................ 22
      3.2.6. The lack of mechanisms to prevent abuse in the centres ........................................ 22
      3.2.7. Conclusions ............................................................................................................... 23
  3.3. The lack of conditionality in the projects ........................................................................ 24

4. LEGAL ANALYSIS OF THE PROJECTS ............................................................................ 26

  4.1. Materials available and the aim of the analysis ................................................................. 26
  4.2. Activities in Tarek al Sikka, Tarek al Matar and Tajoura .................................................. 27
      4.2.1. Detention conditions and violence in the three centres .............................................. 27
      4.2.2. Calls and projects relating to the three centres .......................................................... 29
      4.2.3. Structural support to the daily functioning of the three centres ................................ 29
      4.2.4. The implementation of non-essential, structural activities ........................................ 30
      4.2.5. Conclusions ............................................................................................................... 32
  4.3. Activities in the Khoms/Souq Al Khamis and Sabaa/Al Judeida Centres ......................... 33
      4.3.1. The centres involved and the detention conditions ...................................................... 33
      4.3.2. Helpcode’s activity in the two centres ....................................................................... 35
      4.3.3. Conclusions ............................................................................................................... 36
  4.4. Lack of controls on the implementation of the activities and their actual beneficiaries .... 37
      4.4.1. The absence of Italian personnel on the ground and the limits of Libyan implementing partners ........................................................................................................................................ 38
      4.4.2. Helpcode’s remote control tools .................................................................................. 39
      4.4.3. NGO access to the centres and the relationship with the centre managers (DCIM or militias) ........................................................................................................................................ 39
      4.4.4. Lack of transparency in NGO financial statements ...................................................... 41
      4.4.5. Concluding remarks ................................................................................................... 42

5. ITALIAN PROJECTS IN LIBYAN CENTRES AND EXTERNALISATION ............................ 43

  TABLES SUMMARISING THE ACTIVITIES CARRIED OUT IN THE DETENTION CENTRES ... 46
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AICS</td>
<td>Italian Agency for Development Cooperation</td>
</tr>
<tr>
<td>CIR</td>
<td>Italian Refugee Council</td>
</tr>
<tr>
<td>DCIM</td>
<td>Directorate for Combatting Illegal Migration (part of the Libyan Ministry of Interior)</td>
</tr>
<tr>
<td>FADV</td>
<td>Fondazione Albero della Vita</td>
</tr>
<tr>
<td>FSD</td>
<td>Fondation Suisse de Deminage</td>
</tr>
<tr>
<td>LCG</td>
<td>Libyan Coast Guard</td>
</tr>
<tr>
<td>HRW</td>
<td>Human Rights Watch</td>
</tr>
<tr>
<td>ICU</td>
<td>Institute for University Cooperation</td>
</tr>
<tr>
<td>MFA</td>
<td>Italian Ministry of Foreign Affairs and International Cooperation</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>MSF</td>
<td>Doctors Without Borders</td>
</tr>
<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
</tr>
<tr>
<td>OHCHR</td>
<td>Office of the United Nations High Commissioner for Human Rights</td>
</tr>
<tr>
<td>NGO/CSO</td>
<td>Non-Governmental Organisation/Civil Society Organisation</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
</tr>
</tbody>
</table>
1. Introduction and main findings

The Italian Agency for Development Cooperation’s (AICS) appeal to Italian non-governmental organisations (NGOs) to develop humanitarian activities in Libya has caused an uproar in public opinion since its first adoption in October 2017. The Italian public was in fact immediately polarised between those who considered Italian intervention fundamental to improving the catastrophic conditions within Libyan detention centres, and those who considered it as a structural support to the functioning of the centres, as well as to Libyan authorities, already known for committing terrible crimes within those same centres.

Rather revealing is the fact that the Calls for Proposal by AICS were published just months after the Italy-Libya agreements of February 2017, which opened an era of economic, political and operational support to Libyan authorities, tasked with limiting the influx of migrants into Europe. This means that AICS activities in Libyan detention centres must be considered within the context of a wider project to ‘externalise’ borders and the right to asylum. The system of Libyan detention centres is closely linked to the improved operational capacity of the Libyan Coast Guard (LCG), whose creation was strongly advocated for and facilitated by European countries and primarily by Italy, which has provided and still provides crucial economic, political and operational support to it.

Indeed, the detention centres are also intended to host migrants intercepted at sea by the LCG. These migrants are disembarked in Libyan ports such as Tripoli and Khoms, before being transferred to centres managed, at least nominally, by the Libyan Ministry of Interior’s Directorate for Combatting Illegal Migration (DCIM). Some of the people detained in the centres may be eligible for inclusion in programs such as the IOM’s voluntary repatriation scheme or UNHCR’s resettlement. However, admission to these programs is on a discretionary basis; moreover, they are not applied according to

---


formal procedures, which means that those who are excluded from them or who have had their rights violated cannot resort to any legal remedy.

For all other migrants detained in the centres, the prospect is arbitrary detention for an indefinite time.

Almost all Libyan centres are in conditions that a multitude of international observers and the AICS Calls for Proposals themselves define as ‘dramatic’; authorities that manage them are notoriously involved in violence and torture. In the words of the then-Deputy Minister of Foreign Affairs, Mario Giro, in an interview to the Vita magazine on 7 December 2017, “In August, once the Italy-Libya agreement was signed, we realised that every alibi had to be dropped: something had to be done to make a situation we knew to be dramatic a little more sustainable.”

These words shed light on the logic behind the intervention devised by AICS: “improving” (this is the term used by AICS in the Calls) the conditions of foreigners detained and awaiting repatriation, but without any ambition to fix their ‘dramatic’ situation, bound to remain irreparably inhumane.

The present report therefore intends to explore the legality of the activities implemented by some Italian NGOs in Libyan detention centres using public funds allocated by the Italian MFA and managed by AICS. In particular, the report will fathom whether the activities not only risk conferring a strong external legitimacy to the very existence of the centres and to the known dynamics of abuse and exploitation perpetrated within them, but also risk making a material contribution to the existence of this system, or even to the abuses committed in the centres.

The report therefore contains a legal analysis of the activities conceived by AICS and implemented by Italian NGOs and some arguments about their possible legal consequences.

Chapter 2 of the report describes the activities devised in the AICS Calls and the NGO projects approved, including the centres where activities were actually carried out and the NGOs involved. As will be shown, the centres that benefit the most from the activities are those near Tripoli, namely Tarek al Sikka, Tarek al Matar and Tajoura, which often host migrants intercepted at sea by the LCG. Other centres involved include Khoms, one of the main reception centres for foreigners intercepted at sea, as well as the Al Nasr centre in Zawiya, run by the clan of notorious trafficker Bija, and theatre of grave violence (as recently established by a judgement of the Court of Messina).

Chapter 3 contains a legal analysis of the AICS Calls and the activities they devised. It will show that, to a large extent, the inhumane conditions of the centres, which the AICS Calls aim to partly improve, are not determined by a temporary situation of need but rather by precise decisions by the government in Tripoli (extremely repressive illegal immigration policies, absence of controls, lack of public spending, etc.). Furthermore, many of the centres’ deficiencies are systemic in nature and require long-lasting responses; on the other hand, the AICS Calls do not provide for any sustainability mechanism, nor do they condition the delivery of the services to any commitment by the Libyan government to improve the conditions in the centres. The activities are therefore implemented for the benefit of the Libyan detention system “as-is”, and for a limited period of time; they are therefore doomed to have no substantive impact on detention conditions, which remain inhumane.

---

Chapter 4 analyses the projects implemented by the selected NGOs. Main findings include the following:

- In the three centres near Tripoli the NGO activities are structural and cover also day-to-day needs that should normally be a responsibility of the Libyan government.
- Furthermore, some activities are not for the benefit of the detainees but rather of the detention facilities (preserving their structural solidity and their ability to continue hosting new detainees, also in the future).
- In two less-known centres, Al-Khoms/Souq al Khamis and Al-Judeida/Sabaa, NGO activities included renovating and securing gates, roofs and fences. Such activities are at the very least ambiguous from a legal point of view, as they may have contributed to keeping detainees at the disposal of authorities known for being involved in serious violations of fundamental rights, including in those two very centres. Therefore, the actions by NGO staff could have contributed to the detention of people within the centres, in the knowledge that doing so could have led to serious crimes being committed against them.
- The volatile security situation in Libya, the absence of Italian personnel on the field, and the fact that the centres are largely managed by militias, prevent effective control over the destination of goods purchased with public money. Furthermore, as AICS itself acknowledges, the Libyan government exercises direct control only over a few of the centres included in Italian projects: many others are, in fact, managed by armed militias. This, coupled with the instability and violence that characterise the situation in Libya, diminishes the possibility of properly monitoring the effectiveness of projects, thereby increasing the risk that activities are implemented only partially and goods/services fail to reach their beneficiaries. Some financial reports of some AICS-funded NGOs, which detail the costs they have incurred, are approximate to say the least, and corroborate the hypothesis that NGOs cannot verify how their implementing partners on the ground have spent project funds. Therefore, these reports are insufficient to exclude the possibility that centre managers – i.e. those militias that in some cases participate in the armed conflict in Libya and perpetrate atrocities against detainees – benefited at least in part from the funds.

Finally, Chapter 5 contains some concluding remarks on the relationship between the activities foreseen in the Calls and the broader externalisation policies of the Italian government. It shows that the activities by NGOs are part of a complex and multifaceted support package offered by the Italian government to Libya in order to curb migration flows - a system in which the detention and repatriation centres play a crucial part. This is confirmed by the fact that activities contained in one of the three AICS Calls include referral mechanisms of detainees to IOM for repatriation, something that has nothing to do with AICS' declared aim of improving conditions inside the detention centres.

Italy essentially pursues a strategy that supports – in each and every phase – externalisation mechanisms, summarised in the following diagram \(\text{an example of how the Italian government has materially contributed to each activity is provided in brackets}\).
The AICS Calls are therefore a crucial component of the complex strategy for curbing flows of migrants through their interception, transfer back to Libya, detention, and subsequent removal from Libya through repatriation to their country of origin or resettlement in third countries.

The report therefore concludes that the AICS Calls make a limited and temporary contribution to the functioning of Libyan detention centres, with the ultimate aim of preventing illegal entry of migrants into Europe, but without attempting to sustainably eradicate the root cause of the structural deficiencies that make detention within them irreparably inhumane.
2. Description of the activities

2.1. The ‘Africa Fund’

With the well-known Italy-Libya Memorandum of February 2017, the Italian government undertook precise commitments towards the Government in Tripoli related to managing migration flows. The Memorandum contains specific provisions on “reception centres” for “illegal migrants”: Italy expressly undertakes to “adapt and finance” such centres, and train the Libyan personnel who work there.

The funds necessary to implement the activities that are the object of the present report had been allocated just a few weeks before the Memorandum was signed. With the 2016 Budget Law the Italian Parliament had created for the first time, for the year 2017, a fund of 200 million Euros (so-called ‘Africa Fund’) for activities benefiting countries most affected by migratory phenomena, with the aim of ensuring full cooperation by countries of both origin and transit. The Africa Fund, entrusted to the Ministry of Foreign Affairs and International Cooperation (MFA), has been renewed

---

5 Memorandum of understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking, smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic, http://www.governo.it/sites/governo.it/files/Libia.pdf.

6 “Article 2: The Parties commit to undertake actions in the following sectors: [...] 2) adaptation and financing of the above mentioned reception centres already active compliance with the relevant provisions, making recourse to funds made available by Italy and the European Union. The Italian party contributes, through the delivery of medicines and medical equipment, to the improvement of the illegal immigrants’ medical needs in the centres, in the treatment of communicable and serious chronic diseases. 3) training of the Libyan personnel within the above mentioned reception centres to face the illegal immigrants’ conditions, supporting the Libyan research centres operating in this field so that they can contribute to the identification of the most adequate methods to face the clandestine immigration phenomenon and human trafficking.”


8 Article 1 of the MFA guideline decree of 1 February 2017. In its article 3 it indicates which activities can be financed by the Africa Fund, which is managed by MFA. The programs that are relevant to the purposes of this analysis are those for the reception and assistance of migrants and refugees that are implemented, on the basis of Article 4, by the European Union, the IOM, UNHCR, other international organisations and AICS. For all approved projects, see https://www.esteri.it/mae/it/trasparenza_comunicazioni_legali/provvedimenti/accordi-stipulati-dall-amministrazione.html.
every year since 2016⁹. Libya, Niger and Tunisia are countries of strategic priority¹⁰. Between 2017 and the present day more than 60 million Euros have been allocated to activities in Libya alone¹¹.

The AICS office in Tunis, responsible for projects in Libya, published a number of Calls for proposals in order to select NGO projects to be funded¹². This constitutes an implementation of the Italian Cooperation Programming and Policy Planning Document for 2015-2017¹³, which foresaw among its activities assistance to victims of humanitarian crises, with the aim of protecting life, alleviating or preventing suffering and safeguarding the dignity of people.

The activities envisaged by the AICS Calls in question are therefore part of a broader framework of MFA activities in Libya, which fall into two main categories: emergency/humanitarian aid projects and activities for stabilisation, renewal, and reconstruction. The total funding AICS allocated in 2017 in response to the Libyan crisis, across the emergency and resilience/stabilisation channels and for both bilateral and multilateral activities, was approximately 11 million Euros, through which the MFA:

- Finances directly programs by international organisations, including UNHCR, the IOM and the WHO, with tens of millions of Euros (for more information see the dedicated factsheet)¹⁴.
- Through AICS, a series of activities in local Libyan communities and detention centres for migrants and refugees.

This report focuses exclusively on the latter activities.

### 2.2 The AICS Calls

#### 2.2.1. The funding and the conditions

In 2017, AICS allocated 6 million Euros for Italian NGO activities in detention centres in Libya. This budget was contracted through three different Calls (AID 11273; AID 11242 and AID 11242/2)¹⁵. All the information is publicly available on the AICS website¹⁶. Table 1 of this report summarises some basic information about the Calls, including the centres where the activities actually took place¹⁷.

---

⁹ The ‘Africa Fund’ was refinanced in 2018 with 30 million Euros and in 2019 with 50 million Euros. The 2019 Budget Law partially modified the scope of the Fund, providing in Article 101 that the Fund could also intervene in non-African countries, with an endowment of 30 million Euros for 2020, 30 million for 2021 and 40 million for 2022.

¹⁰ The countries eligible for activities are Burkina Faso, Chad, Ivory Coast, Egypt, Eritrea, Ethiopia, Guinea, Libya, Mauritania, Niger, Nigeria, Senegal, Somalia, Sudan and Tunisia.

¹¹ The Agency was established with the Italian law on international development cooperation (L. 125/2014) and has the purpose of developing professional and innovative forms of cooperation. It has over 20 overseas offices for monitoring, implementing and analysing development needs. To learn more, see [https://www.aics.gov.it/home-ita/agenzia/profilo/](https://www.aics.gov.it/home-ita/agenzia/profilo/).


¹⁵ By the deadline of the second Call (AID 11242), AICS had received an insufficient number of project proposals to use all of the allocated funding, meaning that it subsequently had to be re-published as a standalone Call (AID 11242/2).


¹⁷ The Calls stipulated that each potential project must allocate funding to activities relating to both people detained in official detention centres managed by the Libyan Ministry of Interior (80% of the costs) and to local communities (a
The Calls allowed NGO to submit a project proposal as a single NGO or as part of a Temporary consortium with other NGOs. The maximum project budget that could be financed depended on whether the applicant was a single NGO or a consortium. The maximum project budgets (initially set at 666,550 Euros, then increased to 1,000,000 Euros) are shown in Table 2.

The Calls also stipulated that Italian NGOs must work alongside local partners on the ground to implement the projects, since the security situation in Libya did not allow for Italian staff on the field 18. However, possibility of Italian personnel traveling to Libya could be assessed on a case by case basis according to developments in the situation.

2.2.2. The NGOs involved

The funds allocated by the three Calls were divided amongst nine projects in total. Five of the nine projects involved NGOs participating as consortia. The lead NGOs of the approved projects are:

- Emergenza Sorrisi Calls AID 11273 AID 11242 AID 11272/2
- Helpcode (formerly CCS) Calls AID 11273 AID 11242
- CEFA Calls AID 11242 AID 11272/2
- CESVI Call AID 11242
- Terre des Hommes Italia Call AID 11273

The other NGOs involved in the projects implementation, as partners of the lead NGOs, are Fondation Suisse de Deminage, GVC (formerly We World), Istituto di Cooperazione Universitaria, Italian Refugee Council (CIR) and Fondazione Albero della Vita. Please refer to Tables 3, 4 and 5 of this report for further information.

Each NGO also entered into a series of MOUs with Libyan partners in order to implement the activities on the ground, given the aforementioned ban on Italian personnel working in the field for safety reasons.

2.2.3. The detention centres involved

Each Call invited interested NGOs to submit proposals for projects to be implemented within detention centres specified in the Calls.

The first Call (AID 11273) was wholly dedicated to three centres in the vicinity of Tripoli, Tarek Al Sikka, Tarek Al Matar and Tajoura, as summarised in the following table. Please refer to Table 3 of this report for further information.

maximum of 20% of the costs). As previously mentioned, this report focuses exclusively on activities that fall within the first category (i.e. projects within migrant and refugee centres).

18 Call AID 11273, Call AID 11242 (page 9) and Call AID 11242/2 (page 12) specify that the involvement and presence of Italian personnel are not foreseen "on a permanent basis".
The second Call (AID 11242) initially identified further centres where projects could be implemented, but these centres subsequently underwent numerous changes as a result of the changing security situation on the ground. Some of them closed after the Call was published or even after the projects were approved, and were therefore replaced with others, including Tarek Al Sikka, Tarek Al Matar and Tajoura (already the subjects of Call AID 11273). Please refer to Table 4 of this report for further information.

The third Call (AID 11242/2) again focussed on Tarek al Sikka, as well as Sabratha and Zuwara. Please refer to Table 5 of this report for further information.
This map shows the location of the migrant detention centres where AICS-funded Italian NGOs implemented project activities. Green indicates a centre still in operation. Yellow indicates a centre that was officially closed but that is in fact still functioning. A red cross indicates a centre that was in operation but is now closed.

Table 9 of this report contains basic information about the centres involved in the projects, the names of the NGOs implementing projects in the centres and the reference numbers of the related Call/s. The information contained in the table shows that:

- The Tarek al Sikka, Tarek al Matar and Tajoura centres are involved in all three AICS Calls and are the beneficiaries of the vast majority of the projects (Tajoura: four projects; the other two centres: five projects each). Four different Italian NGOs operate in each of the three centres.
- Helpcode is the most involved NGO in the three centres: it implemented two projects in Tarek al Sikka, two in Tarek al Matar, and one in Tajoura.
- Seven other Libyan centres are the beneficiaries of only one project by a single NGO, with the exception of Sabratha (two projects).
- Among the centres involved is the Al Nasr centre in Zawiya, which is managed by the clan of well-known trafficker Abdurahman al Milad, also known as Bija. It is also the theatre of serious

---

19 Information updated in October 2019.
20 It should be remembered that, as previously highlighted (Table 4), many of the activities funded through the second Call (AID 11242) were initially planned for other detention centres; however, following the closure of these centres, the activities were reprogrammed for the Tarek al Sikka, Tarek al Matar and Tajoura centres.
violence, as recently established by a judgement of the criminal Court of Messina.\textsuperscript{22}

It is also worth noting that the Tarek al Matar and Tajoura centres are currently closed, after having being partly destroyed by military hostilities. Nevertheless, it seems that detainees are still present there, as the NGO Helpcode reported distributing goods in Tarek al Matar in December 2019\textsuperscript{23}.

\section*{2.3. Projects and activities}

\subsection*{2.3.1. The guidelines contained in the AICS Calls}

The AICS Calls set out guidelines on the types of activities to be implemented in the detention centres:

- a) medical care and essential medicines;
- b) water and hygiene;
- c) support and psychosocial counselling;
- d) food and basic necessities; and
- e) identification and protection (only Calls AID 11242 and AID 11242/2)\textsuperscript{24}.

Each Call provides a series of more precise guidelines for the activities that can be carried out under each heading.

- **Example:** Call AID 11273 provides for “Strengthening hygiene and sanitation services and the distribution of food at migrant and refugee centres”, indicating the following as possible activities:
  - **Health**
    - a) Renovation of outpatient clinics/pharmacies in the centres, through small activities and the supply of medical and health equipment.
    - b) Provision of mobile clinics with medical and health personnel for the provision of basic health services.
    - c) Strengthening systems for referring the most vulnerable cases or those in need of specialised care (maternal and child health or mental health) to primary healthcare providers in urban areas near the centres.
  - **Wash**
    - d) Distribution of hygiene kits.
    - e) Activities for the construction of mobile latrines and/or construction and maintenance of wells for water and water purification systems.
  - **Emergency relief - distribution of basic necessities**
    - f) Distribution of food and basic necessities including winterisation items.
  - **Protection**
    - g) Psychosocial counselling services, psychological first aid and monitoring and strengthening of international protection.


\textsuperscript{24} This is an area of intervention that, as will be seen in chapter 5, is closely linked to repatriation by IOM and resettlement by UNHCR, activities that form part of Italy's broader strategy of externalization, and which were also promoted by the Calls and the projects in question.
Clearly, the Calls foresee a broad spectrum of actions, potentially covering all daily needs of people detained in the centres.

**2.3.2. Failure to disclose project proposals**

In order to understand in detail the nature and typology of the activities carried out, ASGI submitted a series Freedom of Information requests to obtain copies of the most relevant project documents, and in particular the approved project proposals. **Tables 7, 8 and 9** of this report summarise the information that was requested and the information that was obtained.

As shown by the tables, **AICS denied the right of access to all successful project proposals**. The reason given for the denial was “to concretely protect the public interest inherent in international relations and the safety of the operators of the Italian CSOs implementing the projects in Libyan territory, which is currently undergoing an armed conflict.”

ASGI has submitted a number of re-examination requests to the competent second instance Authorities within the MFA and AICS, asking again for the relevant project documents (even after a redaction of the information deemed as sensitive) or, alternatively, for a clear explanation of the reasons why disclosing the projects could compromise “international relations” and / or the “operators’ safety”. However, the second instance Authorities’ decisions have always confirmed those of AICS, by providing apodictic statements but no substantial clarification of the potential prejudice deriving from the disclosure of the requested information.

**Example:** Under the project ‘Towards a sustainable migration: emergency humanitarian aid for the resident and migrant population in the Tripoli area’ (Call AID 11242), the NGO Helpcode indicates a budget of 70,000 Euros for Activity A.3 ‘Activities to ‘renovate basic infrastructure (ventilation, fencing, roofing, gates), materials and labour, in Khoms and Al Judeida’, without however specifying what the related activities are and in which of the two centres they were implemented. Without the approved project proposals, it is not possible to answer these questions.

AICS failed to provide any further explanation as to how and why disclosing this project information, even after redacting sensitive information, could cause the adverse consequences feared by the administration, thus contravening its obligation to provide adequate reasons to support their refusal.

---

25 Call AID 11273, pp. 11-12.
26 In some cases, AICS has supplied the framework agreement between itself and the NGO (the so-called ‘terms of engagement’): this is a standard agreement that governs the relationship between the two parties without, however, making any specific reference to any activities, which can only be known through the project descriptions for the successful proposals, which AICS has always refused to share.
27 Authority responsible for the prevention of corruption and the transparency of MFA and AICS.
28 Article 5, paragraph 4 of Italian Legislative Decree 33/2013 provides that where the limits referred to in paragraph 1 concern only some data or parts of the requested document, access to the other data or to the other parts must be allowed.
29 For an analysis of this activity based on the available documentation, see below section 4.3.
decision. Failure to grant access to the requested project documentation therefore appears to be a violation of the general principle of transparency in the operation of the public administration. A recent judgement by the Italian Council of State regarding civic access to IOM reports fully confirms ASGI’s position: the judgement stated that protection of international relations cannot constitute a valid ground to deny access to documents, where these are not protected by a State secret.  

2.3.3 Reports and other documents that were provided

While it refused to provide the project proposals, AICS nevertheless shared some documents relating to the activities carried out by NGOs in the Libyan detention centres. Among these, the Memorandums of Understanding (MOU) with Libyan partners and the financial statements provided by the NGOs to AICS are particularly important. In the latter, some data was redacted due to its alleged ‘sensitivity’ (again, protection of international relations and safety of operators) including the names of Libyan partners and the amount budgeted for some expenses, including staff salaries.

However, some of the redacted information had nothing to do with security on the ground or international relations – it rather related to financial data or even the objectives of the project.

Example 1: In an interim report by the NGO Helpcode, AICS redacted data including the name of the application used for remote monitoring, the number of training days carried out during the project, the fees paid to experts or project staff, and expenses for airline tickets.

Example 2: In the MOU between Terre des Hommes Italia and a Libyan partner (name withheld), AICS completely redacted the parts containing the objectives of the project, as well as all the planned activities.

This is obviously information that is in no way ‘sensitive’ or even secret – so much so that some of this information has been published by NGOs on their respective websites. AICS’ failure to disclose this information seems therefore to be an unjustified violation of the principle of transparency.

2.3.4. Activities carried out

Despite the failure to disclose the documents indicated above, first and foremost the full project proposals, it is still possible to infer the activities carried out by the NGOs based on the statements of expenses and the financial reports by the NGOs themselves, which AICS has provided to ASGI. These reports indicate the expenses related to each activity carried out as part of the project: each


31 See the letter signed by AICS director Luca Maestripieri of 4.12.2019, relating to the civic access request for information and administrative documents relating to the project ‘Towards a sustainable migration’ implemented by Helpcode/FSD, and the letter of 3 June 2020 signed by Leone Gianturco, who is responsible for transparency and corruption prevention at AICS.


33 This is the project ‘Emergency intervention to improve healthcare and hygiene conditions in the migrant and refugee centre in Gharyan and for host Libyan communities’: see https://www.asgi.it/wp-content/uploads/2019/06/2.-TdH_Intesa1.pdf.
of these indicates at least the activity title, from which it is often possible to infer with sufficient precision the type of activity carried out.

The information obtained from these reports was supplemented with information publicly available on the websites of the NGOs involved, which in some cases reported in detail the activities implemented within each project.

All the information described above has been systematized in Tables 3, 4 and 5 of this report, which indicate, for each Call and each project, which activities were carried out in which detention centre. The legal relevance of such activities will be analysed in chapter 4 of this report.
3. Legal analysis of the Calls

To analyse the legal implications of the AICS-funded activities in Libyan detention centres, it is necessary to make some observations about how decisions to allocate funds for these types of activities are made.

In evaluating the Calls, as for all humanitarian activities, it is first of all necessary to verify compliance with the ‘do not harm’ principle; it is therefore important to assess whether the Calls themselves, even with their commendable intention to improve the conditions of migrants detained in Libyan centres, may have had an adverse impact on detainees, providing support to the detention system itself and thus perpetuating the existence of a system of detention centres incompatible with respect for the rights of the beneficiaries themselves.

To dispel any doubt, it is thus crucial to verify whether the prerequisites for an intervention capable of achieving the set objective (such as the possibility of having a significant influence on the conditions of the centres, the willingness of the Libyan government to remedy certain violations and efforts by the Italian government to apply pressure to this end) are met. Absent these prerequisites, one should assess whether the activities conceived by the Calls contribute to a long-lasting and sustainable remedy to the serious human rights violations in these centres or risk supporting the Tripoli government’s policies to detain migrants, and the very existence of a detention system that inevitably leads to conditions wholly incompatible with fundamental rights.

3.1. The critical conditions of the detention centres

The three Calls do not hesitate to acknowledge the “dramatic living conditions” in the centres where the activities are implemented. Indeed, the Calls make indirect reference to a report by Doctors Without Borders (MSF), according to which detention centres for migrants in Libya are in “inhumane” conditions and create a “harmful and exploitative” system.

The dramatic condition of the centres is determined, according to what each Call expressly indicates, by “recurring criticalities”, including “overcrowding; the scarcity of food and drinking water; limited

---

35 See Calls AID11273, p. 5; AID 11242, p. 4; AID 11242/2, p. 6.
or non-existent access to health services [...], the complete absence of any psychosocial assistance service; unhygienic conditions absolutely insufficient to guarantee decent living conditions.”

Calls AID 11242 and AID 1142/2\(^{38}\) further specify these needs, identifying some “needs common to all centres”, which are reported in full below.

<table>
<thead>
<tr>
<th>a) Housing facilities and common areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Many Centres are dangerously overcrowded, with little natural light and ventilation. They are structures unsuitable for accommodating people, often former factories or warehouses, former prisons or barracks completely devoid of private spaces and inadequate for accommodating a large number of people for medium-long periods of time. There are no adequate recreational spaces in these structures (e.g. courtyards and recreational areas) for migrants and refugees, who are forced to spend most of their time in cramped and overcrowded places.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b) Medical assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Migrants and refugees held in the centres cannot be guaranteed safe access to health services. The Libyan authorities in charge of managing the centres have scant financial resources and are unable to meet the enormous needs of the large number of people who have particularly acute necessities. Medical care is provided by the few humanitarian organisations present, with limited and inconsistent services.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c) Limited access to food</th>
</tr>
</thead>
<tbody>
<tr>
<td>According to the DCIM, the Centres should provide, through external companies, three meals a day. However, the food provided is poor and devoid of basic nutrients, usually composed of: bread, a little butter, tuna, rice and pasta for lunch and dinner, but in decidedly insufficient quantities. Per capita expenses for food rations range from 5 to 10 LYD per day per person (0.5 - 1 Euro). Due to missed or late payments, this service, already insufficient in itself, is often interrupted and refugees and migrants remain without food for days at a time.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>d) Maternal and child care</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pregnant women, women who have recently given birth, and infants are kept in separate areas in the centres. Detainment of these extremely vulnerable people has a negative impact on their physical and psychosocial health and on their chances of survival, especially newborns. Specialised maternal and child health services, especially those for the protection and support of the most vulnerable, are completely absent. Pregnant women give birth without medical assistance. There is no emergency medical assistance, other than that offered by humanitarian organisations, often on an irregular basis.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>e) Mental health</th>
</tr>
</thead>
<tbody>
<tr>
<td>The forced sharing of limited spaces, the absolute absence of private moments, as well as lack of contact with the outside world, cause very serious psychological problems that add to those already caused by the long and difficult journey that preceded the detainees’ arrival in Libya. Based on reports confirmed by DCIM staff, many people show clear symptoms of post-traumatic stress disorder and suffer from panic attacks, depression, and anxiety. There is no psychological support service.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>f) Poor access to drinking water and toilets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to toilets is very scarce. There are few latrines and showers available, and those available are totally inadequate. The number of sanitation facilities per capita is far below minimum standards. Poor hygiene causes high rates of infectious diseases, especially skin infections, lice, scabies, and fleas. Drinking water is also scarce, and often inadequate to meet detainees’ daily needs. This means that digging wells and adapting water purification equipment, or other special measures on a case by case basis, are advisable(^{39}).</td>
</tr>
</tbody>
</table>

\(^{37}\) Call AID 11273, pp. 9 and 10; Call AID 11242, p. 10; Call AID 11242/2, p. 13.  
\(^{38}\) These were the second and third Calls to be published, in chronological order.  
\(^{39}\) Call AID 11242, pp. 10-11; Call AID 11242/2, pp. 13-14.
3.2. The Libyan government’s responsibility for the critical issues identified by the Calls

The three Calls state that the activities to be implemented with AICS funds

“should not be a substitute for the responsibility of the [Libyan] Government to protect its own population, but rather an additional resource capable of supporting a Government in difficulty to provide assistance to save the lives of the most vulnerable people by tackling their most pressing needs.”

However, as will be seen in the following paragraphs, the great majority of the aforementioned needs identified by AICS in the detention centres do not seem due to a situation of transitory crisis, unavailability of government funds or factors beyond the control of the Libyan government, but rather to precise political decisions of the Libyan government itself.

3.2.1. Resources to meet the needs of detainees

The Calls note that “Libya is not a priority country in the region and, as a result of the OECD Recommendation of January 2000, was excluded from the list of countries able to benefit from public development aid due to its average per capita income,” which, according to the World Bank in 2019, was more than 7,000 dollars per person per year.

According to the same Call, the Libyan government’s public spending “on food rations per capita ranges between 5 and 10 LYD per day per person (0.5 - 1 Euro)”.

The consequences, in the words of an NGO involved in the implementation of one of the projects in the Tarek al Matar centre, are the following:

“Detainees receive three meals a day, provided by an external company. This is not nutritious food, and it fails to meet the detainees’ calories requirements. Moreover, due to overcrowding, rations are very scarce and there is not enough tableware.”

The NGO’s statement clearly shows that the resources allocated by the Libyan government to provide for the current needs of the centre populations are insufficient and well below the country’s public spending capacity. The inadequacy of the resources allocated to the centres does not appear attributable to an objective impossibility of the Libyan government supplying them, but rather to its political decisions.

To remedy the problem of insufficient spending to meet the detainees’ needs, the Calls propose temporary measures (providing food, medicines and other essential goods) but do not foresee any sustainability mechanism (after the project is completed, the criticality goes back to its initial situation).

---

40 P. 7, Call AID 11273; p. 8, Call AID 11242, p. 10, Call AID 11242/2.
41 See, for example, Call AID 11273, p. 5.
43 Furthermore, for unspecified reasons, “this service, which is in itself insufficient, is often interrupted and refugees and migrants go without food for days”. See Call AID 11242, pp. 10-11; Call AID 11242/2, pp. 13-14.
3.2.2. The facilities used to detain migrants

Likewise, it appears solely attributable to a decision by the Libyan government that detainees are placed in centres that the Calls describe as “dangerously overcrowded, with little natural light and ventilation”, “unsuitable for accommodating people”, with detainees “forced to spend most of their time in cramped and overcrowded places.”

In the wording of the Calls, detention centres are located in “former factories or warehouses, former prisons or barracks completely devoid of private spaces and inadequate for accommodating a large number of people for medium-long term periods of time”.

These are, by the admission of the Calls themselves, intrinsically and structurally inadequate facilities. The Calls did not propose any remedy to this need.

3.2.3. The number of people detained

The number of persons to be detained in the centres is also a decision by the Libyan government.

It is worth recalling that illegal entry into Libya is in itself a crime punishable with imprisonment\(^{45}\), meaning that all migrants illegally present in Libya could receive a prison sentence. However, out of 679,000 people whose presence is documented in Libya (unofficial estimates are as high as one million people), just about 8,000 were detained in ‘official’ centres as of September 2018\(^{46}\)- just over 1% of the total number of migrants facing imprisonment. It is therefore clear that the number of migrants effectively deprived of liberty depends exclusively on a discretionary choice of the Libyan government.

It follows that if the Libyan government does not allocate sufficient financial resources to provide for the most fundamental needs of that 1% of migrants detained, so that the conditions of their detention violate their human rights to life and personal integrity, the government should first and foremost reduce the detainee population to make it compatible with the amount of money it is able or willing to spend. To reason otherwise leads to the conclusion that the Tripoli government could give precedence to the need to repress the crime of illegal immigration prevail over the need to respect fundamental rights, in clear violation of its obligations under customary international law and international treaty law.

Again it is clear that the root cause of the violations suffered by migrants in the centres are not the ‘difficulties’ of the Libyan government, as alleged by the Calls, but rather the political decisions of the government itself.

The Calls do not foresee any actions aimed at reducing overcrowding in the centres.

3.2.4. The detention of vulnerable categories such as women and children

Similar considerations apply to the detention of particularly vulnerable persons, such as women and children, in the centres. Such people require greater attention, care, and resources than the majority of those detained in the centres. In the words of an Italian NGO involved in implementing one of the


\(^{46}\) Ibid.
AICS projects in the Tarek al Matar centre, “The situation is particularly difficult for mothers with infants. Newborns and children of up to two years of age need powdered milk, as many women cannot produce enough milk because they are malnourished.”

To remedy the need described above, the Calls propose temporary material assistance to provide for the urgent and essential needs of women and children (distribution of food, medicines and hygiene kits), as well as services that are neither urgent nor essential (such as the creation of playgrounds for children).

The Calls do not include any measures to try and eliminate, or at least reduce, the detention of women and children, whose presence in the centres is dictated solely by decisions of the Libyan government.

### 3.2.5. Lack of control over the legality of detention

In Libya detention of foreigners in the centres is ordered by a government authority (the Ministry of Interior). This ministerial decision is not subject to any type of judicial review.

Detention is imposed for an indefinite duration and can include “forced labour”.

Furthermore, the Libyan authorities, with limited exceptions for some nationalities, do not distinguish between irregular migrants and persons in need of international protection, in violation of the internationally recognised right of those fleeing persecution in their own country to seek asylum. As a consequence, persons that could be recognized as refugees in other states including, notably, European states, are also detained in Libyan centres.

In addition, there are no mechanisms in place to periodically verify the legality of the detention or the conditions thereof. According to UNHCR, “there is no possibility of release, except in the context of repatriation, evacuation or resettlement to third countries.” This conduct constitutes a serious and obvious violation of numerous non-derogable rights sanctioned in the International Covenant on Civil and Political Rights, of which both Italy and Libya are signatories.

The Calls do not explicitly address the issue of the unlawful and arbitrary detention of the project beneficiaries, nor do they provide for any actions to remedy it.

### 3.2.6. The lack of mechanisms to prevent abuse in the centres

Lastly, the Calls recognise the government in Tripoli’s lack of effective control over many centres where project activities were proposed. In fact, the Calls state that:

“In practice, the Tripoli DCIM appears to have only nominal control over many of the centres. Some are managed by local militias and the effective surveillance capacity of the DCIM in many

---

48 UNHCR, ‘Position on returns to Libya (Update II)’, cited on pp. 10 and 12.
49 Ibid. p. 12.
50 Ibid.
51 See, for example, Article 9, 10 and 14 of the Covenant. Furthermore, through the repatriation of refugees considered illegal migrants, Libya, which has never ratified the Geneva Convention of 1951, exposes them to violations *par ricochet* of Articles 6 and 7 of the Covenant.
First of all, it should be noted that these statements clearly contradict the logic behind AICS’ intervention, which, as already mentioned, is “supporting a government in difficulty”. On the other hand, the Calls themselves recognise that it is not the government in Tripoli but local armed militias that manage “many of the centres”.

This is inextricably linked to the additional problem of widespread violence and abuse within the centres. The previously cited MSF article, also referenced by the Calls, reports “a disturbing lack of oversight and regulation” in the migrant detention centres:

“basic legal and procedural safeguards to prevent torture and ill-treatment are not respected”,

so much so that the medical teams of MSF “treat trauma-related injuries on a weekly basis and have treated detainees with broken legs and gunshot wounds”.

The Calls do not foresee any tool to monitor, mitigate or let alone eliminate the risk that project beneficiaries will be subjected to violence and abuse by the staff who manage the centres.

3.2.7. Conclusions

The above shows that the dramatic situation in the Libyan centres does not seem to be at all determined by the temporary impossibility of “a government in difficulty providing assistance to save the lives of the most vulnerable people”, as stated by the Calls. In fact, the conditions in which thousands of foreign citizens are detained in Libya do not seem to be due to external circumstances independent of the Libyan government’s will, but rather to its precise choices, including:

- failure to provide basic services (food, medicines, etc.), against a non-negligible public spending capacity;
- detention of a number of people that exceeds the capacity of the detention facilities;
- setting up detention centres in intrinsically inadequate facilities;
- detention of vulnerable people such as women and children, without any guarantees or specific services dedicated to them;
- arbitrary detention of persons (for an indefinite duration, without any legal procedure, judicial review, formal registration or access to a lawyer);
- purely formal management of many centres by the Libyan Ministry of Interior, with some centres de facto managed by militias; and
- absence of mechanisms to prevent or control abuses in the centres.

These decisions are in clear contrast to Libya’s international obligations to protect the fundamental rights (life, dignity, personal integrity) of the individuals under its custody, as set out by the Office of

---


53 Call AID 11273, p. 5, Call AID 11242, p. 5, Call AID 11242/2, p. 6.
the United Nations High Commissioner for Human Rights (OHCHR)54 and as stated by ASGI in its joint request to the African Commission on Human and Peoples’ Rights55.

3.3. The lack of conditionality in the projects

Based on the information set out in the previous section, it is clear that many of the critical issues identified by the Calls can only be resolved through a change in the Libyan government’s policies (fewer detainees; exclusion of women, children and other vulnerable categories of people; judicial control over detention; mechanisms to prevent abuse of detainees).

It is equally clear that, vice versa, without a policy change, the actions provided for by the Calls cannot have a meaningful and lasting effect on the conditions in which foreign citizens are detained in Libya: these conditions that are bound to remain inhumane and in violation of international obligations for the respect of the most basic human rights.

In fact, on 13 December 2016 the Office of the UN High Commissioner for Human Rights (OHCHR) launched an appeal to end arbitrary detention of all migrants and close all Libyan detention centres, because of the conditions within the centres; the Commissioner also made an urgent request for the immediate release of women, children, the sick, vulnerable and refugees, as well as the closure of centres not directly managed by DCIM56.

On 14 November 2017, the day before the publication of the first AICS Call, a new press release by OHCHR itself stated that:

“The detention system for migrants in Libya is broken beyond repair. Only alternatives to detention can save migrants’ lives and physical security, preserve their dignity and protect them from further atrocities.”57

According to the UN High Commissioner, therefore, only political decisions of the government in Tripoli could have put an end to the most blatant violations of the rights of detainees.

Nevertheless, the Calls do not make the disbursement of the funds for the activities in the Libyan centres contingent on any conditions on the Libyan government. AICS’ intervention could have been conditioned, for example, to a commitment to greater expenditure for the detainees’ needs, creating additional living space in detention facilities, stricter controls to prevent physical abuse, ending the detention of women and children, or at least setting a maximum duration of imprisonment.

Even on the political-diplomatic level, the Italian government has never made any requests or exerted any pressure in return for the activities funded through AICS. The Calls essentially propose disbursing Italian public funds on the basis of the Libyan system of detention of foreigners “as-is”.

It follows that Italy’s intervention in no way aims to have a meaningful impact on the root causes for detention of foreign citizens in Libya, or on the structurally inadequate conditions of such detention.

---

55 https://sciabacaoruka.aspi.it/associazioni-ong-commissione-africana-violenze-migranti-libia/.
This is confirmed by the fact that the declared objective of the Calls is not to fix once and for all the serious criticalities identified in the centres, but simply to “improve” health, nutritional and hygienic conditions, without pursuing a solution that is either long-lasting (as the duration of the projects is limited) or radical\textsuperscript{58}.

And indeed, even after the activities provided for by the Calls (discussed in chapter 4) were implemented, the conditions in the centres continued to be inhumane. For example, the centre in Tarek al Sikka was a beneficiary of five projects financed by the Calls; in November 2019 an article published in the Guardian reported the absence of medical and hygiene facilities in the centre (items supposedly provided through five AICS projects, as will be shown in the next chapter):

“Triq-al-Sikka is home to 300 men penned into nightmare conditions. Several who are sick lie motionless on dirty mattresses in the yard, left to die or recover in their own time.” \textsuperscript{59}

Moreover, according to an Amnesty International report of 7 March 2019:

“This weekend fresh accounts emerged of people being tortured in Tripoli’s Triq al-Sikka detention centre. According to reports, over 20 refugees and migrants, including children, were brought to an underground cell and then tortured at turns, one-by-one, for days, in punishment for protesting against their arbitrary detention in squalid conditions and the lack of solutions.” \textsuperscript{60}

In other words, the absence of conditions attached to the funding, or at the very least requests for commitments by the Libyan government to improve the conditions of the centres, has led to activities which, predictably, failed to produce a substantive change in the situation of detainees; these people continue to suffer serious and systematic fundamental rights abuses, in clear violation of the international provisions by which both Italy and Libya are bound.

All these considerations raise serious doubts about the possible implicit support to the political choices of the Libyan government, which made it at all possible to detain individuals in such conditions.

From a political point of view, the activities envisaged by the Calls run the obvious risk of legitimising the current system of detaining foreigners in Libya. Moreover, as will be seen in Chapter 5, the AICS activities are part of a wider framework of activities by the Italian government in Libya, including multi-faceted support for the LCG, which increases the number of migrants intercepted at sea and then transferred to detention centres.

The following chapter will explore from a legal point of view the potential consequences, in terms of responsibility, of Italian NGO activities in the centres.

\textsuperscript{58} Call AID 11273, p. 11. As already noted, the Calls also include another objective, focused not on detention centres, to which 80% of the budget of each project must be allocated, but on local Libyan communities (20% of the budget). In the formulation of Call AID 11273, this objective is “2) Strengthen access to basic medical care in host communities through improved access to health services”. Calls AID 11242 and AID 11242/2, albeit with different formulations, have objectives analogous to those of AID 11273: “1) improve health conditions in the centres and strengthen access to care for the host communities of those same centres; 2) improve nutritional and hygienic conditions, as well as humanitarian protection for migrants and refugees in the centres […]” (AID 11242, p. 12, and AID 11242/2, p. 15).


4. Legal analysis of the projects

4.1. Materials available and the aim of the analysis

As previously mentioned\textsuperscript{61}, AICS refused to provide ASGI with the text of the projects implemented by Italian NGOs in Libyan detention centres.

However, a lot of information about the activities carried out can be deduced from other documents that AICS has shared – first and foremost, the financial reports submitted by the NGOs to AICS. These reports indicate the (sometimes very specific) name of each activity carried out, alongside the related expenses. From this data, in most cases it is possible to infer with sufficient precision the nature of the activity out and the related cost\textsuperscript{62}.

The data extracted from the reports was supplemented with information publicly available on the websites of the NGOs involved, which in some cases reported in detail the activities carried out within the projects.

On the basis of this information, ASGI will conduct an initial legal analysis of the activities, to try and establish whether and under what conditions the projects carried out by Italian NGOs risk contributing to the system of generalised detention of foreigners in Libya, and to the serious violations that take place in such system.

To this end, the report will focus on the complex set of activities carried out in the three centres near Tripoli (Tarek al Sikka, Tarek al Matar and Tajoura), recipients of the majority of the AICS funds and beneficiaries of the majority of the projects (see paragraph 4.2).

Some of the specific activities carried out in the Khoms/Souq al Khamis and Al-Judeida/Sabaa centres (see paragraph 4.3) will then be analysed.

\textsuperscript{61} See above, section 2.3.2.

\textsuperscript{62} The principal limitation on this is where the intervention concerns more than one detention centre or a single statement item contains several activities: in these cases, the financial report does not allow precise identification of which activities have actually been implemented and in which centres.
4.2. Activities in Tarek al Sikka, Tarek al Matar and Tajoura

4.2.1. Detention conditions and violence in the three centres

First of all it should be noted that, prior to the publication of the Calls and the implementation of the projects, the inhumane conditions in the Tarek al Sikka, Tarek al Matar and Tajoura centres and the abuses perpetrated there, which continue to this day, were already well-known internationally.

Firstly, as already noted in Chapter 3, the conditions in the majority of Libyan detention centres were notoriously inhumane - a fact recognised by the AICS Calls themselves.

Secondly, it was a well-known fact that foreign detainees were subjected to violence in Libyan detention centres. For this and for further bibliographic and website references, see the 2015 UNHCR Position on Returns to Libya, according to which:

“Detention conditions, a long-standing concern, fail to meet international standards and are said to have deteriorated further as a result of the conflict and the related breakdown in public services, with scarcity of food, medicines and other basic items reported [...] Asylum-seekers, refugees, and migrants to are reportedly routinely subjected to torture or ill-treatment, including on account of their religion, in detention facilities run by the government or armed groups”.

Thirdly, specific information on abuses committed within the Tarek al Matar, Tarek al Sikka and Tajoura centres was publicly available prior to the publication of the Calls.

For example, before 15 November 2017 (publication date of the first Call, AID 11273), the following reports were already public:

- 6 July 2016: a report by Human Rights Watch describes the conditions in detention centres in Tripoli as “terrible”: former detainees speak of abuse including killings, beatings, forced labour, and sexual violence against men and women. The report also denounces repeated sexual violence against female detainees in the Tajoura centre.

- 13 December 2016: an OHCHR report mentions that migrants detained in Tajoura were forced to collect from the beach the bodies of migrants who had drowned during a failed attempt to cross the sea.

---


• 14 November 2017: a CNN article reports that migrants detained in Tarek al Sikka (“Treeq Alsika”) are kept in inhumane conditions, that some of them are beaten and some have not seen sunlight for days66.

Prior to the publication of Call AID 11242/2 (22 August 2018), a number of additional reports were available, including the following:

• July 2018: an article by an Italian NGO reports that 20 foreigners have disappeared from the Tarek al Matar centre and that three young detainees have died within three weeks. The same article reports the inhumane conditions in the Tarek al Matar and Tarek al Sikka centres (despite the first activities by the Italian NGOs having already been implemented).67

• 8 August 2018: the newspaper Avvenire confirms the “recent disappearance of 20 detainees, as well as 65 women with children” from the centre in Tarek al Matar. In the same month, there was an uprising by detainees protesting against the inhumane conditions at the centre, during which “in the hot, filthy rooms packed like chicken coops, tear gas was fired and the guards beat the detainees with rifles to restore calm.”68

While some projects were under implementation, further worrying information emerged about the three centres: the detention conditions remained inhumane, and the detainees continued to be subjected to serious abuse:

• 20 December 2018: according to the OHCHR, the United Nations have collected reports of torture and ill-treatment committed in 2017 and 2018 in “Tarik al-Matar, Tajoura, Tarik al-Tikka”.69

• April 2019: according to a Global Initiative Against Transnational Organized Crime report, “Tajura and Tarik al-Sikka are two problematic centres where conditions are reported to be appalling. [...] There are reports of torture in both centres in the context of extortion and also reports of migrants being sold to other centres.”70

• April 2019: the testimonies of some migrants detained in Tarek al Sikka and Tarek al Matar were broadcast during the TV Show Le lene. Among other things, the migrants speak about tortures perpetrated by the staff in both centres71.

---

67 “they are overcrowded to the point that it is impossible to move and sometimes even to lie down in the prison-sheds; the food is terrible and very scarce; the toilets are almost nonexistent and unusable; there is no medical assistance; even the drinking water is hard to come by and of very bad quality. In a word, a hell in which the day is marked by terrible torments and death is frequent: from sickness, from malnutrition, from exhaustion. In Tarek al Matar, for example, at least three young people, an Eritrean and two Ethiopians, have died in less than three weeks, potentially from tuberculosis.” Emilio Drudi, '20 Refugees disappeared in Tarek al Matar. Their companions say: “We fear that they will be sold to traffickers”‘, in Tempi Moderni, 7 August 2018, http://www.tempi-moderni.net/2018/08/07/spariti-20-profughi-a-tarek-al-matar-i-compagni-temiamo-che-li-vendano-ai-trafficanti/.
In light of the abundance and specificity of the information available, the possibility that those implementing the activities in the three centres were unaware of the violations happening within them can be ruled out. Moreover, Fondazione Albero della Vita itself, one of the NGOs implementing a project in Tarek al Matar alongside CEFA and CIR, notes:

“The centre has been active since August 2016 and is managed by the Department for Combating Illegal Migration (DCIM) […] which, however, has little authority or control over the centres, leaving plenty of room for human rights abuses and violations.”

It is therefore necessary to explore the legal consequences that might derive from planning and implementing these activities.

4.2.2. Calls and projects relating to the three centres

As already noted (see Table 6 of this report), the centres of Tarek al Sikka, Tarek al Matar and Tajoura were involved in all three Calls. As shown in more detail in tables 2, 3 and 4, the three centres were included in:

- the whole of Call AID 11273 (1,953,353 Euros, four projects);
- part of Call AID 11242 (almost all of a project of 978,202 Euros and part of a project of 399,530.21 Euros)\(^{73}\); and
- part of Call AID 11242/2 (part of a project of 996,794 Euros).\(^{74}\)

There are five projects at both the Tarek al Matar and the Tarek al Sikka centres. There are four projects at the centre in Tajoura.

No other centre in Libya receives such a comprehensive and structural support from AICS.

4.2.3. Structural support to the daily functioning of the three centres

The projects implemented in Tajoura, Tarek al Sikka and Tarek al Matar aim to address a series of primary and secondary needs of people detained in the centres. Table 10 summarises the activities carried out in the Tarek al Matar centre, beneficiary of five projects, one of which is entirely dedicated to it (number 4, for an amount equal to 665,721.00 Euros). The Tarek al Sikka and Tajoura centres were beneficiaries of activities as comprehensive as those implemented in Tarek al Matar.

---


\(^{73}\) Due to the related project descriptions not being shared, ASGI is unable to reconstruct what percentage of each project was intended for the three centres in question.

\(^{74}\) Due to the related project descriptions not being shared, ASGI is unable to reconstruct what percentage of each project was intended for the three centres in question.
Table 10 first and foremost illustrates how the NGOs’ activities, considered as a whole, are coordinated and complementary to one another, meeting a wide range of needs, including day-to-day ones, of the centres themselves, so as to meet all the primary detainees’ necessities: food, clothing, access to water, medical care, hygiene. Clearly, supplying these goods and services would be the responsibility of the Libyan government as the authority that has voluntarily taken the detainees under its own custody and which is required to guarantee their right to life and personal integrity.

The cumulative effect of the projects carried out in the three centres seems to be a (temporary) replacement of the authority of the Libyan Ministry of Interior in providing for all the main daily needs of the detainees.

The question is then what are the legal implications of activities which are so structural that they replace the basic responsibilities of the local government.

As a first approximation, it can be argued that these activities, taken as a whole, could constitute a systemic and structured contribution to the functioning of the three centres, within which - as already mentioned - repeated and serious violations of fundamental human rights are committed.

### 4.2.4. The implementation of non-essential, structural activities

The present paragraph analyses the nature of some specific activities carried out by the Italian NGOs in the three centres. First of all, NGO activities can be separated into two broad categories:

---

75 Sources: reports shared by AICS; the FADV website; the CEFA website; the Helpcode website.
- activities that meet primary/essential needs of detainees (e.g. food, clothing, medicines); that is, essential activities aimed at directly or indirectly protecting people from an imminent threat to their life or integrity, which are therefore always justified.
- activities that also meet non-primary/non-essential needs of detainees (e.g. staff training, installation of hot water boilers, creation of recreational spaces or distribution of play/sports equipment); that is, non-urgent activities for the wellbeing of detainees, that bring merely marginal improvements to their detention conditions.

Alternatively, the activities (both essential and non-essential) can be further divided into two different categories:

- temporary activities for the benefit of detainees (e.g. food, medicines, recreational activities for children, psychological support); that is, activities aiming to provide a temporary solution to the contingent needs of detainees. As they are directly aimed at the wellbeing of the detained population, these activities can at most be criticised from the point of view of sustainability, since at the end of the project there is no takeover by the Libyan government or other actors that can continue to provide the same services (see above, section 3.2).
- long-lasting activities for the benefit of the detention facility and its staff (e.g. building toilets, repairing water systems, creating recreational spaces, training staff). These are activities that do not target the detained population, but the detention facility and the Libyan staff that manage it.\(^{76}\)

The above considerations are summarised in Table 11, which categorizes all the activities carried out by the Italian NGOs within the Tarek al Matar centre (similar considerations can be made regarding the activities in the Tarek al Sikka and Tajoura centres).

<table>
<thead>
<tr>
<th>TABLE 11 – TYPE OF ACTIVITY CARRIED OUT BY ITALIAN NGOS IN THE TAREK AL MATAR CENTRE</th>
<th>Goods and services essential for the survival and wellbeing of detainees</th>
<th>Goods and services not essential for the survival and wellbeing of detainees</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Temporary activities aimed at detainees</strong></td>
<td>Supply of food products</td>
<td>Activities and workshops for children</td>
</tr>
<tr>
<td></td>
<td>Supply of clothing, blankets</td>
<td>Supply of mattresses</td>
</tr>
<tr>
<td></td>
<td>Supply of hygiene products</td>
<td>Referral to IOM and UNHCR for repatriation or resettlement</td>
</tr>
<tr>
<td></td>
<td>Supply of medicines</td>
<td></td>
</tr>
<tr>
<td><strong>Long-lasting activities aimed at the detention facility and its operators</strong></td>
<td>Creation of a medical unit</td>
<td>Creation of play space for children (rebuilding walls and floors)</td>
</tr>
<tr>
<td></td>
<td>Creation of a new toilet</td>
<td>Hot water boiler installation</td>
</tr>
<tr>
<td></td>
<td>Restoration of existing toilets</td>
<td>Supply of play/recreational material</td>
</tr>
<tr>
<td></td>
<td>Improvements to water systems</td>
<td>Psychological support for centre staff</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^{76}\) Other centres have been the subject of similar activities, albeit extemporaneously and not as part of an equally organic complex of activities. Amongst these is the Terre des Hommes project ‘Emergency intervention for the improvement of healthcare and hygiene conditions in the Gharyan centre for migrants and refugees and its host Libyan community’, which was subsequently actually implemented in the Tajoura and Qasr bin Ghasheer centres. It provided for the “Creation of a protected and equipped space (curtains or containers or local renovation) in one of the centres” (Activity A.2.c.) and “Purchase of 2 generators (1 per centre and one for an urban location)” (Activity A.2.i.).
The legal relevance of long-lasting and non-essential activities to detention facilities (bottom right cell of Table 11) will now be explored.

The logic of these activities is diametrically opposed to that of essential, temporary activities aimed at detainees (top left cell): they do not meet any essential needs of the detainees, and also have an impact on the structural ability of the centre to host new detainees in the future.

As already mentioned, the centres are located in structures that are inherently inadequate for housing a large number of detainees. Absent a change in the policies of the Libyan government (not required by the Calls as a condition for activities – see Chapter 3), the Italian NGOs activities are insufficient to bring detention within the centres in line with human dignity.

But there is more. The structural activities actually involve maintenance or improvements to the detention facilities, thus ensuring their functionality and durability.

In other words, the structural improvements to the three detention centres in question (a) are not justified by the need to prevent or limit violations of the psychophysical integrity of the detainees; (b) are insufficient to make the conditions of detention in the three centres humane; and (c) allow the centres to continue to operate and host new detainees in the future.

It seems therefore reasonable to wonder whether this material contribution, combined with the awareness of the serious violations of human rights systematically committed within the centres, has enabled these structures to continue being used to host new detainees in inhumane conditions and exposed to the risk of abuse and violence by the detention centers’ staff.

4.2.5. Conclusions

ASGI believes that the Italian NGOs, through the projects financed by the AICS Calls, provided structural support to the functioning of the Tarek al Sikka, Tarek al Matar and Tajoura detention centres, despite the knowledge of the conditions of detention therein.

From a political point of view, it is clear that the activities have provided (at least partial) legitimacy to the existence of such centres and to a system that detains migrants in Libya in inhumane conditions.

From a more strictly legal point of view, in view of the fact that

(i) in Libya, the detention of migrants in these centres is always illegal (since it is imposed in an arbitrary way, for an indefinite duration and without any judicial control);

(ii) the detention facilities are intrinsically incompatible with human dignity;

(iii) the lack of oversight by the Libyan Ministry of Interior on the conduct of officials and militias in charge of the centres creates the preconditions for serious abuse to occur, as widely documented by a series of international observers;

it can be argued that at least some of the activities implemented by Italian NGOs could facilitate the operability of the Tarek al Sikka, Tarek al Matar and Tajoura centres, thus providing a causal contribution to illegal actions which are directly attributable to the Libyan government or otherwise to the managers of the centres.
4.3. Activities in the Khoms/Souq al Khamis and Sabaa/Al Judeida centres

A further situation to analyse concerns in particular an activity carried out from June 2018 within the Khoms/Souq al Khamis and Sabaa/Al Judeida detention centres by the NGOs Helpcode and Fondation Suisse de Deminage.

The activity in question is mentioned in the related financial report under the heading “A.3 - Renovation of basic infrastructure (ventilation, fences, roof, gates), materials and labour for 2 centres, Khoms and Al Judeida”. The activity is part of the project “Towards a sustainable migration: emergency humanitarian aid for the resident and migrant population in the Tripoli area”, financed through Call AID 11242.

4.3.1. The centres involved and the detention conditions

First of all, it is necessary to precisely identify the detention centres involved in the aforementioned activity.

**Al Judeida.** Helpcode reports carrying out some activities in the ‘Al Judeida’ centre. Publicly available sources indicate that this is the name of a neighbourhood in Tripoli where there is a detention centre known as ‘Sabaa’77. The centre is supposedly managed directly by the DCIM. As of March 2019, about 300 people were detained in the centre, including about 100 minors, all in “terrible” living conditions, with inconsistent supplies of poor-quality food, resulting in a quarter of the detained population being underweight78.

**Khoms.** Helpcode reports carrying out other activities in a centre in Khoms, a port city about 100 kilometres east of Tripoli. It appears that there are two detention centres in the city, **Al-Khoms and Souq al Khamis**79, both used for transferring migrants after disembarkation following interception at sea80. It is not currently possible to determine which of the two centres is involved in the Helpcode project; in any case, the conditions at both centres appear to be inhumane.

- According to a 2019 report by the UN Secretary General, both centres in Khoms are in “appalling” conditions and have become “**havens for illicit trafficking in persons, smuggling of migrants and possible enforced disappearance**”81.

---


80 An article by the Libra Observer of July 2018 clarifies that the migrants intercepted near the city of Khoms were brought to the nearby centre of Souq al Khamis, [https://www.libraobserver.ly/inbrief/coast-guard-saves-270-migrants-khoms-city](https://www.libraobserver.ly/inbrief/coast-guard-saves-270-migrants-khoms-city).

- With regards to the Al-Khoms centre in particular, in December 2018 an article by Sally Hayden in Al Jazeera had already reported that the centre was known for the buying and selling of migrants. According to the OHCHR, between April and June 2019 the LCG took hundreds of migrants intercepted at sea to the Al-Khoms centre, but shortly afterwards there were only 30 people left in the centre. According to Euronews, up to 100 people a week have disappeared from the Al-Khoms centre, where people “were tortured, sold and released after paying money. The management and the militia in al-Khoms act independently from the government”. Euronews confirmed that the Al-Khoms centre was supposed to be officially closed, but that “the militia there do whatever they want and they don’t respect the orders given by the Ministry of Interior”.

- With regards to the Souq al Khamis centre in particular, a recent article by Nancy Porsia reports that “Nobody knows what happens to migrants there. One thing is for sure, though: the Government has no control whatsoever”. According to an article by Euronews, “In December 2018, migrants and refugees detained in Khoms Suq al-Khamis started a hunger strike to persuade UNHCR to visit the centre and register them in the hope that this might stop them from being sold and disappeared.” According to another source, the Souq al Khamis centre was closed in 2018 “for violations”. However, a recent MSF article shows that the centre is still operational and attests to its current conditions. In a recent article by Associated Press, a former guard at the centre reports that he never managed to stop abuses against migrants by his colleagues, nor kidnappings by traffickers, concluding “I don’t want to remember what happened”.

---


83 “So far this year, a total of more than 2,300 people have been picked up off the coast of Libya and put in detention facilities. And the Libyan Coast Guard reports that since 30 April, it has delivered hundreds of people to a facility in Al-Khoms, which is under the oversight of the Department for Combatting Illegal Migration (DCIM). This includes 203 people who were delivered there on 23 May. However, the Al-Khoms facility reports that there are currently only 30 migrants present. This is particularly worrying given reports that migrants are being sold for forced labour or to smugglers promising transit to Europe.” OHCHR, ‘Press briefing note on Libya’, 7 June 2019, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24681&LangID=E.

84 Euronews, ‘UNHCR in Libya Part 4: The detention centres – the maps and the stories’, as above.

85 Ibid.

86 The article also states that “hundreds of migrants intercepted at sea have been transferred to Al Khoms, about 100 km east of Tripoli, in the Souq al Khamis jail. This is one of the three DCIM centres that were officially closed by the Minister of the Interior Fathi Bashaga after the bombing by Haftar’s troops on Tajoura’s migrant detention centre last July, when around 50 inmates died.” Nancy Porsia for Openmigration, ‘Migrants in Libya, trapped between war and Covid-19’, 5 May 2020, https://openmigration.org/en/analyses/migrants-in-libya-trapped-between-war-and-covid-19/.


It can therefore be concluded that all three centres where Helpcode’s activities may have taken place are in inhumane conditions. Serious violations of fundamental human rights by centre staff have also been documented in the two centres in Khoms.

4.3.2. Helpcode’s activity in the two centres

The activity in question, as already mentioned, involves “Renovation of basic infrastructure (ventilation, fences, roof, gates)”. For this activity, the project foresees a budget of 75,000.00 Euros, split into two units each costing 37,500 Euros (presumably one for each centre). From the interim report provided by AICS91, as of 18 March 2019 only 10,695.18 Euros had been spent.

AICS stated that these are the most up-to-date financial statements available. At the moment it is not possible to establish the progress of the works, nor is it possible to determine with certainty which of the four “basic infrastructures” listed in the title of the activity have been “renovated”. It is not even possible to establish whether the activities were carried out in one or more of the centres involved92. Furthermore, in the absence of the approved project description, which AICS has always refused to share, the intended purpose of the intervention is not known.

The term “renovation” suggests that the activity involves restoration or improvement of pre-existing structures, in order to improve their functionality and/or effectiveness. Some additional information about the nature of the intervention is provided by the NGO Helpcode on its own website, where the activities in question are described as: “Improving ventilation systems and securing external fences, roofs and gates.”93

The intervention in question therefore consists of improvements to various types of infrastructure, only one of which (ventilation system) seems unequivocally aimed at pursuing the objectives of the Calls, i.e. improving the living conditions of the detainees. The other infrastructural activities (roofs, fences and gates) are instead of an ambivalent nature, since they perform a function that is both protective and restrictive, i.e. aimed at limiting the freedom of the people detained within the structure.

The idea that these activities also have a restraining nature is supported by statements by the director of a Libyan NGO, according to whom the migrants detained in the Sabaa centre were even “forced to build yet another wing funded by the Italian government.”94

Based on the foregoing, the following observations can be made.

AP that migrants often were seized in large numbers by men armed with anti-aircraft guns and RPGs. He said he couldn’t keep his colleagues from abusing the migrants or traffickers from taking them out of the centre. ‘I don’t want to remember what happened,’ he said.”

92 On 28 January 2020, ASGI sent AICS a new civic access request for the final report, to assess whether the activity had been implemented in its entirety.
94 See Associated Press, ‘Making misery pay: Libya militias take EU funds for migrants’, 31 December 2019, https://apnews.com/9d9e8d668ae4b73a336a636a86bd2f7f; “Despite the corruption, the detention system in Libya is still expanding in places, with money from Europe. At a detention centre in Sabaa where migrants are already going hungry, they were forced to build yet another wing funded by the Italian government, said Lamloum, the Libyan aid worker.”
First, the “renovation” of containment structures such as fences and gates is similar to the long-lasting and non-essential activities aimed at detention facilities themselves, discussed in section 4.2 above in relation to the centres in the Tripoli area. Again, this is an activity benefiting the detention facility - not the detainees.

Secondly, the term “renovation” suggests that the intervention consists of the restoration or improvement of pre-existing structures, in order to improve their functionality and/or effectiveness. This interpretation is supported by the aforementioned statements by the director of the Libyan NGO. Similarly to those discussed in Section 4.2.5, also these activities appear to aim at upkeeping or even expanding the detention facility, thus contributing to the (illegal) detention of people in inhumane conditions.

Third, this intervention in effect strengthens structures such as gates and fences, the sole purpose of which is to control, limit or prevent entry and exit from the centre or from areas within the centre itself. It follows that the “renovation” works implemented by Helpcode in the two centres could have the effect of preventing (or in any case making it less easy) for detainees to escape from the centres in question and on the contrary contributing to keeping them in inhumane conditions and at the disposal of the authorities that manage the centre itself.

4.3.3. Conclusions

If Helpcode’s activities effectively consist of securing roofs, fences, and gates in the Khoms/Souq al Khamis and Al Judeida/Sabaa detention centres, places where detainees are subjected to serious and systematic violations of their fundamental rights, their legal implications can be questioned. Conducts such as those described above could make a wilful and causally relevant contribution to the detention of people within the centres and to their consequent abuse by third parties. More specifically:

- With regards to the material element, this could be regarded as a causal contribution to depriving detainees of their liberty and subjecting them to the abuses that are perpetrated in both centres.

- With regards to the psychological element, the extensive information available, including public information, about the conditions in the centres, leads to believe that all those involved in the project knew, or should have known, about the serious crimes perpetrated within the centres by its staff. One might therefore expect that those who created the projects accepted the risk that, following the implementation of the project and therefore the strengthening of the containment structures, it would have been more difficult for some detainees to escape the centre’s inhumane conditions and the serious crimes committed within it.

From the point of view of criminal law, such conduct could be seen as an external aid to crimes committed by others against migrants detained in the centres.

From the point of view of civil law, such conduct could make both the planners and the implementers of the activities liable for damages suffered by migrants detained in the centres.
4.4. Lack of controls on the implementation of the activities and their actual beneficiaries

A last criticality of the Calls and the related NGO projects has to do with the mechanisms for controlling and verifying the actual distribution of goods and provision of services to the beneficiaries.

The problem is particularly acute considering the limited ability of key institutions (the Libyan government and in particular the DCIM) to control what actually happens inside the centres. As already mentioned, the Calls explicitly acknowledge that

“In practice, the Tripoli DCIM appears to have only nominal control over many of the centres. Some are managed by local militias and the effective surveillance capacity of the DCIM in many cases is limited.”

A report by Global Initiative in April 2019 confirms that the Tarek al Sikka, Tajoura and Tarek al Matar centres, where most of the Italian NGO activities took place, continue to be only nominally under the control of the DCIM and are in reality managed by local militias linked to DCIM officials who are sometimes also involved in the trafficking of migrants.

Particularly worrying is the situation in Tajoura and Tarik al Sikka, both under the control of militias connected to Mohamed al-Khoja, deputy head of DCIM, who has his own militia and is linked to migrant smuggling. A recent investigation by Associated Press confirmed that the Tarek al Sikka centre is managed by militias connected to al-Khoja, who is under investigation by three Libyan government agencies for the disappearance of large sums of money allocated by the Tripoli government for procuring food supplies for the centres.

According to the same report, international organisations operating in Libya are well aware of the possibility of embezzlement and diversion of humanitarian aid: an internal UN communication

---


96 In particular, according to the report “Tarik al-Mattar is managed by the DCIM but is actually under the command of brigade 301 with Wajdey Almontaser in charge. […] Control of the Tajura centre is in the hands of the al-Daman militia, under the direction of Noor al-Deen al-Gritly. […] In Tarik al-Sikka some access is granted to the international community, but the process is complicated because the centre is controlled by the al-Khoja militia, under the command of Naser Hazam.” (see Global Initiative Against Transnational Organized Crime, ‘The Political Economy of Migrant Detention in Libya: Understanding the players and the business models’, https://globalinitiative.net/wp-content/uploads/2019/11/Final-Report-Detention-Libya.pdf, p. 31).

97 Ibid., p. 87.

reported a “high risk” that food destined for the UNHCR’s GDF was actually confiscated by armed groups. The same source also reported that in the Zawiya centre, managed by the clan of well-known trafficker Abdul Rhaman Milad (known as ‘Bija’) and theatre of the single most substantial project implemented with AICS funds (one million Euros), humanitarian aid ends up “half for the prisoners, half for the workers” and many goods are then resold on the black market.

According to an IOM source, in Libya “aid diversion is a reality”.

In light of this information, it is necessary to analyse how Italian NGOs can ensure that public money is spent correctly, especially considering that they do not have personnel on the ground and must avail themselves of Libyan implementing partners. A particularly important point is whether NGOs can avert the danger that project activities directly benefit the managers of the centres who, as mentioned several times, are responsible not only for inhumane detention conditions but also for the numerous abuses committed against detainees.

### 4.4.1. The absence of Italian personnel on the ground and the limits of Libyan implementing partners

First and foremost, it should be remembered that the Calls do not provide for, and indeed expressly prohibit, the presence of Italian personnel in Libya to implement the activities. All three Calls state that “[...] given the current conditions and the difficult security situation, the involvement and presence of Italian personnel in the intervention areas is not envisaged. The proposals must provide for on-site activities implemented exclusively through local staff employed by the CSOs”.

The Calls add that even the activities by local staff in some areas “will be strictly tied to the ability to access the areas with an adequate level of safety, a condition that non-profit subjects applying for funding must describe in detail”. To this end, “an analysis and assessment of the risks (based on the specific area of intervention) should form part of the project proposals, and will be verified alongside the related mitigation strategy.”

Since ASGI did not receive the approved projects proposals, it cannot assess the risk mitigation strategies related to the Libyan implementing partners and, in particular, whether or not the latter are allowed to further outsource the distribution of goods and services within the centres.

---

99 *Ibid.*: “An internal UN communication from early 2019 shows it was aware of the problem. The note found a high risk that food for the UN center was being diverted to militias, given the amount budgeted compared to the amount migrants were eating.”

100 *Ibid.*: “At the Zawiya center, emergency goods delivered by UN agencies ended up redistributed “half for the prisoners, half for the workers,” said Oroboza Bright, a Nigerian who endured three stints there for a total of 11 months. Many of the goods end up on Libya’s black market as well, Libyan officials and international aid workers say.”

101 *Ibid.*. “IOM’s spokeswoman said “aid diversion is a reality” in Libya and beyond, and that the agency does its best.”

102 Above, section 2.2.1.

103 Call AID 11273, Call AID11242 (p. 9) and Call AID11242/2 (p. 12) specify that the involvement and presence of Italian personnel are not foreseen “on a permanent basis”. The Calls allow for the possibility that “Should the security situation change during the implementation phase of the project, the involvement and presence of Italian personnel in the intervention areas may be re-assessed, in agreement with AICS headquarters in Tunis and according to the recommendations of the Italian Embassy in Tripoli.” *(ibid.)*

4.4.2. Helpcode’s remote control tools

Helpcode is the only NGO to have set up a remote surveillance system for the distribution of goods and services.

As part of the first project it implemented, Helpcode incurred expenses of over 22,000 Euros for these monitoring activities. As already mentioned (section 2.3.3.), the name of the app used for remote monitoring was redacted by AICS in the reports it disclosed, for unknown reasons. Helpcode’s website itself reveals the name of the app used (‘GINA’) and explains in detail the functioning of the remote-control mechanism for the distribution of goods: it is a system that provides satellite images of the vehicles transporting the goods to the centres and traces their movements to ensure that they arrive at their destination. The same app also allows operators on the ground to send real-time updates on when distribution starts and how it progresses. The app does not allow the distributions themselves to be viewed remotely; these are instead documented by Libyan implementation partners through photographs.

No other project of any other NGO provides budget lines for supervising the distribution of goods and services, although all NGOs carry out largely similar activities within the same detention centres as Helpcode.

It can be argued that either it is unnecessary to verify the actual destination of goods and services (and therefore that Helpcode’s expenditure of over 22,000 Euros is a waste of public money) or this oversight, although necessary, has not been implemented in many cases (and therefore that all NGOs except Helpcode did not meet their obligation to verify that goods and services are actually delivered to the beneficiaries).

4.4.3. NGO access to the centres and the relationship with the centre managers (DCIM or militias)

Since the detention centres are formally managed by the Libyan Ministry of Interior, it is clear that any activity within them (whether it is aimed at detainees or the detention facility) must be agreed with the centre management. This is directly confirmed by some NGOs:

> On its website, Emergenza Sorrisi reports “the creation of medical centres within the Tarek Al Sika, Tarek al Matar and Tajoura migrant centres”, which were then “handed over to the directors of the Detention Centres, implemented in the three centres of Tarek al Sikka, Tarek al Matar and Tajoura”. As already mentioned, the three centres are de facto directly managed by armed...

---

105 This is Activity a.1.b.1.4.a of the project ‘Emergency relief intervention using innovative technology to improve health and hygiene conditions in migrant and refugee centres in Tripoli’, funded through Call AID11273. More precisely, Helpcode reported the following activities as part of project “A.1.a.1. – Purchase of tablets and other technological support necessary for initial kit data collection and monitoring – EUR 11,791.51; A.1.c.1. – Rental of equipment for remote sensing and remote control during distribution, purchase of satellite images – EUR 10,732.46; A.1.c.2. – Local partner training on monitoring with innovative / satellite technologies – (amount redacted)”.


107 http://www.emergenzasorrisi.it/archivio-delle-missioni/progetto-libia/. This is activity B1a of the project ‘Health assistance for migrants and the Libyan population’ (Call AID 11273).

108 Above, section 4.2.1.
militias, as the Calls themselves recognise. This raises serious questions about the possibility of verifying the effective distribution of goods, for a total value of 150,000.00 Euros, to the beneficiaries.

On its website, Helpcode reports that the audio-visual material of the Tarek al Sikka centre was “collected on behalf of DCIM, for general use and not limited to TAS [Tarek Al Sikka]”, thus casting doubt on who the users of the purchased goods, worth 1,856.00 Euros, actually are.

Furthermore, publicly available sources report the centres managers’ lack of transparency about their work within the centres, work which in some cases seems to result in a concealment of criminal activities. For example, Al Jazeera reports that, according to detainees in the Tarek al Sikka centre (beneficiary of five Italian NGO projects),

“When foreign visitors come to Sikka, detainees said injured or tortured people are hidden at the back of the hall, put sitting between buses, or locked in the guards' toilets. Three former detainees said that UN staff always call before they arrive, and guards warn detainees “if you say something negative about us, we will torture you”.”

During the TV show Presa Diretta on 23 September 2019, numerous people interviewed by journalist Giulia Bosetti (migrants detained in the centres and lawyers who have collected further testimonies from former detainees) confirmed that goods are sometimes distributed in the centres and then withdrawn immediately afterwards.

During the TV show Le Iene, broadcast on 28 April 2019, journalist Gaetano Pecoraro reported claims by migrant detainees that they did not benefit from the aid supplied by the NGOs operating in the centres. Sometimes goods such as clothes were distributed on the occasion of official visits by international personnel, for promotional purposes, but were then withdrawn immediately afterwards. During the same programme, the then-president of the Italian NGO Association, Francesco Petrelli, expressly stated that the vast majority of Italian NGOs refused to participate in the Calls precisely because “it was impossible to have any kind of direct control” over who would actually receive the goods.


110 “Three former detainees said they would never ask guards to contact the family of someone who died, for fear of being brought to to small room and beaten with metals or sticks, or deprived of food. When foreign visitors come to Sikka, detainees said injured or tortured people are hidden at the back of the hall, put sitting between buses, or locked in the guards’ toilets. Three former detainees said that UN staff always call before they arrive, and guards warn detainees “if you say something negative about us we will torture you”. A foreign journalist who visited Triq Al Sikka last year confirmed he witnessed beatings there, and that it “seemed to be a punishment”. Libyan guards do not care about these people at all. That was clear to me across every place I visited. They really did seem to consider these people like animals,” he said”. From Al Jazeera, ‘Inside Libyan detention ‘hell’ where refugee burned himself alive’, 12 November 2018, https://www.aljazeera.com/news/2018/11/libyan-detention-hell-refugee-burned-alive-181110102329706.html.

111 https://www.youtube.com/watch?v=3_XZYQKbGQ.


4.4.4. Lack of transparency in NGO financial statements

Doubts about the actual supply of goods and services within the centres are corroborated by the lack of transparency in the financial statements of the NGOs implementing the projects. Indeed, the financial statements provided by some NGOs to AICS seem to include some anomalies.

The NGO CEFA, in its final report on the project ‘Support for migrants in the Tarek al Matar centre and its host community’, implemented in consortium with CIR and FADV (Call AID 11273) with a budget of 665,721.00 Euros, includes some expenses that have clearly been approximated.

- Within Activity A.1.2.a (Distribution of hygiene kits), the NGO reports providing 17 units costing 4,841,18 Euros each, for a total of 82,300,00 Euros. It is unclear how the value of the individual units was calculated and what was included within each of the kits. The same goes for Activities A.1.2.b (Distribution of food items) and A.1.2.c (Distribution of non-food items).

- Likewise, the financial statement for Activity A.2.1.a (Supply of medicines) also appears approximate, with the NGO reporting 1 unit worth 35,000 Euros, with no further specification. This is also the case for Activity A.2.1.b (Supply of medical devices), with the NGO reporting 1 unit worth 40,000 Euros, with no further specification.

Although the narrative part of the report provides some additional information about the content of the individual units (e.g. which foods or types of medicines were purchased), there is no precise list of expense items, so it is impossible to understand how the unit value of each activity or the number of units distributed were calculated.

The NGO Helpcode, in its final report on the project ‘Emergency relief intervention using innovative technology to improve health and hygiene conditions in migrant and refugee centres in Tripoli’, implemented in consortium with the NGO FSD (Call AID 11273) with a budget of 662,108.00 Euros, reports for Activity A.2.b.1 (repairs to water systems) three units (presumably one for each centre involved in the project) of suspiciously identical unit cost (16,000 Euros). In the narrative of the report, the NGO limits itself to reiterating the activity name, without adding any additional description of the activities actually carried out. It seems absurd to imagine that water system repairs (consisting of materials and labour) had an identical cost for each of the three centres (moreover, a cost equal to exactly 16,000 Euros each). It is also perplexing that Helpcode claims on its website that it uses “cryptocurrencies with cash-transfer technology for remote management and monitoring in areas not accessible to foreign aid workers for security reasons.”

The NGO Emergenza Sorrisi, in its interim report on the project ‘Health assistance for migrants and the Libyan population’ (Call AID 11273), with a budget of 329,480.00 Euros, reports some expenses of a clearly approximate amount, such as three below-listed activities, part of Activity B1a:

- “setting up specialised medical centres”: 3 units with a unit cost of 50,000,00 Euros;
- “medical service”: “15 x 4” (= 60) units with a unit cost of 500,00 Euros; and
- “supply of medicines and nutritional kits”: 1 unit costing 38,000,00 Euros.

114 It is also worth noting that CEFA’s NGO partner for this project, FADV, states that “25 hygiene and food kits were distributed” (See https://www.alberodellavita.org/progetto/sostegno-migranti-tarek-al-matar-libia/), casting further doubt on the number of kits distributed and on the reporting methods used.
Clearly, Emergenza Sorrisi’s reporting raises the same doubts as the previously examined cases.

All the approximations listed above suggest a lack of transparency about the use of public funds and prevent any verification that they have not been used to benefit subjects other than those envisaged by the project.

**4.4.5. Concluding remarks**

The foregoing shows the impossibility of verifying the actual allocation of the project funds to their intended beneficiaries.

**The chain of control over the supply of the goods and services envisaged by the projects is in fact abnormally long and indirect.**

- On the Libyan side, as has been said several times, the government exercises through the DCIM, part of the Ministry of Interior, a purely formal control over many of the centres, which are in fact managed by armed militias.
- On the Italian side, the MFA exercises, through AICS, an even more indirect control over the actual destination of goods and services: these are formally provided by contracting NGOs but in reality are provided by Libyan implementing partners. Furthermore, no NGO (with the exception of Helpcode) has provided any effective mechanism for controlling the work of the latter.

Therefore, the expenses reported by each NGO and approved by AICS correspond in fact to expenses incurred by Libyan subjects outside the effective control of the Italian government, in Libyan centres managed by armed militias outside the effective control of the Libyan government.

Doubts about whether the public money allocated for the projects in question was correctly spent are supported by the lack of transparency in the reports the NGOs submitted to AICS, which contain generic, approximate expenses that sometimes include identical and rounded amounts, which prevent a clear and transparent verification of the actual expenses incurred.

This means that further checks are required to dispel these potential doubts about the effective use of public money for the purposes for which it was allocated, namely to improve the living conditions of detainees in Libyan detention centres.

Currently, the lack of transparency in how the resources are managed, the difficulty in accessing the detention centres and the total unpredictability of the authorities that manage them mean that there is a real possibility that these resources are being used for ends other than humanitarian aid.

Hence, the risk arises that public money ends up financing clans that directly contribute to the hostilities in Libya, feeding the conflict dynamics and/or aggravating the conditions in which migrants are detained.
5. Italian projects in Libyan centres and externalisation

The Italian NGO projects discussed in the previous chapters are small tiles in the complex mosaic of the new era in bilateral relations between Italy and Libya, which started with the well-known memorandum of February 2017.

The memorandum established a close pact between the two countries, aiming to limit the irregular influx of migrants from Libyan territory into Italy. Over time, it gave rise to a broad range of activities whose purpose is to block the transit of migrants, or to return them to Libya and detain them pending humanitarian evacuation, resettlement to third countries such as Niger or Rwanda, or repatriation to their countries of origin. This is the reason why detention centres for foreign citizens exist in Libya, and why Italy is involved in supporting such centres.

It has long been known that the detention of migrants in the centres is instrumental to their repatriation. In two articles which appeared on 14 November 2017, the day before the publication of the first AICS Call, the CNN reported that detainees in Tarek al Sikka were in the centre awaiting repatriation and that some families detained there had been separated because some family members had received the necessary documents for repatriation while others had not.

On the other hand, it is also known that the centres are often used to host migrants intercepted at sea by the LCG, in order to prevent them from reaching the European coast. In August 2018, an article reported that some migrants disappeared from the Tarek al Matar and Tarek al Sikka centres “after 101 migrants (including 5 children and 5 pregnant women) were forcibly returned by the Italian ship Asso 28”, and later transferred to detention centres in the area. As seen in Chapter 4, similar events occur in centres near the port city of Khoms.

The Calls and projects are thus instrumental to Italy’s broader policy of externalising its borders, as shown by the fact that the second and third Calls (AID 11242 and AID11242/2) foresee as an instrument...


\[118\] CNN, “‘They don’t know my name’ – What it’s like to be trapped inside Libya’s government detention centers”, as above.


\[120\] Emilio Drudi, ’20 Refugees Disappeared in Tarek al Matar. Their companions say: “We fear that they will be sold to traffickers”’, as above.

\[121\] Al Jazeera, ‘Libya migrants scribble on prison wall: “People were sold here”’, 22 December 2018, as above.
additional objective “access to and profiling of refugees and migrants, and possible referral to agencies that organise assisted voluntary repatriation (IOM) and resettlement of persons eligible for international protection (UNHCR).”

This objective appears to go beyond the objective of the three Calls, i.e. improving the conditions in the detention centres. In fact, referral mechanisms do not aim at improving the conditions of detained migrants at all, but rather at removing them from the centres themselves. This component of the projects is therefore telling of the continuity between the AICS Calls and Italy’s so-called strategy of ‘externalising’ its borders towards Libya. This strategy consists of a complex chain of activities, portrayed in the following diagram (examples of how the Italian government has materially contributed to each activity are provided in brackets).

The AICS Calls are therefore an integral part of the strategy to contain irregular flows of immigrants through their interception, transfer to Libya, detention and subsequent removal from Libya through repatriation or resettlement in third countries.

In the already-referenced words of the then Deputy Minister of Foreign Affairs, Mario Giro,

"In August [2017], once the Italy-Libya agreement was signed, we realised that every alibi had to be dropped: however, something had to be done to make a situation we knew to be dramatic a little more sustainable."

The purpose of the Calls is therefore to make humane (rather: less inhumane) the conditions of the detention centres in Libya: these are the same centres that host migrants intercepted at sea by the

---

122 Page 14 (Call 11242) and page 17 (call11242/2).
123 Calls AID 11242 and 11242/2 explicitly mention (page 5) coordination with the activities of UN agencies: “the present Call for Proposals represents another step towards improving the humanitarian conditions in some centres, while at the same time identifying persons subject to international protection and therefore eligible for voluntary repatriation or resettlement to third countries through potential agreements with the relevant UN agencies [...] in accordance with what UNHCR is enacting through the Emergency Transit Mechanism in Niger and the opening of the first Transit centre in Tripoli, anticipated for the first quarter of 2018.”
124 See https://www.asgi.it/notizie/fondo-africa-sotto-esame-al-consiglio-di-stato/.
125 See https://sciabacaoruka.asgi.it/scheda-attivita-organizzazioni-internazionali-in-libia-fondi-italiani/.
126 ‘Mario Giro: “The urgencies? Emptying Libyan detention centres and guaranteeing legal routes towards Europe”’, as above.
LCG thanks to means and technology provided by Italy, and where migrants await repatriation or evacuation through programmes run by international organisations funded by Italy.

However, unlike the activities supporting the LCG, those implemented in the detention centres do not appear sustainable over time: they do not aim for a lasting improvement in the conditions in the centres, nor to a commitment by the Libyan government to ensure that such detention respects the fundamental rights of detainees.

Moreover, the lack of any strategy within the Calls for eliminating or at least reducing the number of serious violations intentionally inflicted by the centre staff on the projects’ beneficiaries (i.e. the migrant detainees) irreparably undermines the sustainability of the activities proposed by those Calls.

**The objective of the Calls is therefore to provide a limited and temporary contribution to the functioning of Libyan detention centres, without any attempt to sustainably eliminate the root causes of the structural deficiencies that make detainment within them irredeemably inhumane.**

It must be concluded that the Calls, devised in the full knowledge of the serious and widespread violations committed in the centres, and with the objective of reducing them without eliminating them completely, have created the conditions for the implementation of projects whose effect, at least on the political level, is to perpetuate the existence of a system of detainment of foreign citizens in inhumane conditions within detention centres in Libya, in order to prevent them reaching Europe and exercising their right to apply for international protection.
## Tables summarising the activities carried out in the detention centres

**TABLE 1 - PUBLICLY AVAILABLE INFORMATION ON THE AICS CALLS**

<table>
<thead>
<tr>
<th>Call code</th>
<th>Call title</th>
<th>Publication date</th>
<th>Number of projects Approved</th>
<th>Centres where projects were carried out</th>
<th>Allocated funds (Euro)</th>
<th>Total amount of approved project funding (Euro)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AID 11273</td>
<td>Emergency relief initiative to support the populations of the migrant and refugee centres in Tarek al Sika, Tarek al Matar and Tajoura in Libya</td>
<td>15 November 2017</td>
<td>4 (list)</td>
<td>Tarek al Sikka, Tarek al Matar, Tajoura</td>
<td>2,000,000</td>
<td>1,953,353.00</td>
</tr>
<tr>
<td>AID 11242</td>
<td>Emergency initiative for humanitarian activities in the migrant and refugee centres of Gharyan, Sabratha, Zbara, Khoms, Janzour and their host Libyan communities</td>
<td>17 January 2018</td>
<td>3 (list)</td>
<td>Tarek al Sikka, Tarek al Matar, Tajoura, Al Sabbaa (Al Joudeida), Al Zawya al Nasr, Qasr bin Ghasheer, Khoms, Sabratah, Zintan</td>
<td>4,200,000</td>
<td>2,377,732.21</td>
</tr>
<tr>
<td>AID 11242/2</td>
<td>Emergency initiative for humanitarian activities in the migrant and refugee centres of Gharyan, Sabratha, Zbara, Khoms, Janzour and their host Libyan communities</td>
<td>22 August 2018</td>
<td>2 (list)</td>
<td>Sabratah, Tarek al Sikka, Zbara</td>
<td>1,622,267.79</td>
<td>1,619,061.79</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td>9</td>
<td></td>
<td><strong>5,950,147.00</strong></td>
<td></td>
</tr>
</tbody>
</table>
**TABLE 2: MAXIMUM PROJECT FUNDING AVAILABLE FOR EACH CALL**

<table>
<thead>
<tr>
<th>CALL</th>
<th>MAXIMUM FUNDING FOR A PROJECT PROPOSAL BY A SINGLE NGO (EURO)</th>
<th>MAXIMUM FUNDING FOR A PROJECT PROPOSAL BY A CONSORTIUM OF NGOs (EURO)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AID 11273</td>
<td>330,000.00</td>
<td>666,550.00</td>
</tr>
<tr>
<td>AID 11242</td>
<td>400,000.00</td>
<td>1,000,000.00</td>
</tr>
<tr>
<td>AID 11242/2</td>
<td>622,267.79</td>
<td>1,000,000.00</td>
</tr>
<tr>
<td>Implementing parties</td>
<td>Project amount</td>
<td>Project title</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------</td>
<td>---------------</td>
</tr>
<tr>
<td><strong>CEFA</strong></td>
<td>665,721.00</td>
<td>Support for migrants in the Tarek al Matar centre and its host community</td>
</tr>
<tr>
<td><strong>CIR (Italian Refugee Council)</strong></td>
<td>662,108.00</td>
<td>Emergency relief intervention using innovative technology to improve health and hygiene conditions in migrant and refugee centres in Tripoli</td>
</tr>
<tr>
<td><strong>FADV (Fondazione Albero della Vita)</strong></td>
<td>296,044.00</td>
<td>Identification of and support to detained migrants and asylum seekers, Tariq al Matar, Tariq al Seqa, Tajoura</td>
</tr>
<tr>
<td><strong>CESVI</strong></td>
<td>329,480.00</td>
<td>Health assistance for migrants and the Libyan population</td>
</tr>
</tbody>
</table>

---

127 Following the aforementioned amendments, which were made to the Calls after their publication.
<table>
<thead>
<tr>
<th>Implementing parties</th>
<th>Project amount</th>
<th>Project title</th>
<th>Centres involved&lt;sup&gt;128&lt;/sup&gt;</th>
<th>Summary of activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helpcode (formerly CCS)</td>
<td>978,202.00</td>
<td>Towards a sustainable migration: emergency humanitarian aid for the resident and migrant population in the Tripoli area</td>
<td>Khoms&lt;br&gt;Gharyan and Sabratha, replaced with Tajoura&lt;br&gt;Tarek al Sikka&lt;br&gt;Tarek al Matar&lt;br&gt;Al Sabaa</td>
<td>_Distribution of basic items in the 5 centres&lt;br&gt;_Protection (registration of vulnerable people and referral to IOM and UNHCR) &lt;br&gt;_Structural activities, such as repairs to the water system and bathrooms (in the Khoms and Al-Joudeida/Al Sabaa centres)&lt;br&gt;_Structural activities such as repairing gates, roofs, ventilation systems (in the Khoms and Al-Joudeida/Al Sabaa centres)</td>
</tr>
<tr>
<td>FSD (Fondation Suisse de Deminage)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergenza Sorrisi</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>We World (formerly GVC)</td>
<td>1,000,000.00</td>
<td>Emergency support for migrants and host communities in the areas of Janzour and Gharyan</td>
<td>Gharyan and Janzour, replaced with Zawya al Nasr&lt;br&gt;Dar el Jabal/Zintan</td>
<td>_Creation of 2 medical facilities equipped for maternal and child health within the centres&lt;br&gt;_Healthcare for migrants&lt;br&gt;_Training of 15 local doctors and provision of medical services</td>
</tr>
<tr>
<td>ICU (Institute for University Cooperation)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Terre des Hommes Italia</td>
<td>399,530.21</td>
<td>Emergency intervention to improve healthcare and hygiene conditions in the migrant and refugee centre in Gharyan and for host Libyan communities</td>
<td>Gharyan, replaced with Qasr bin Ghasheer&lt;br&gt;Tajoura&lt;br&gt;Alfaiilah camp for internally displaced persons</td>
<td>_Opening of two safe spaces for children in a centre selected from amongst those in Qasr bin Ghasheer and Tajoura and one at the Alfaiilah camp for internally displaced persons&lt;br&gt;_Installation of a power generator&lt;br&gt;_Distribution of hygiene kits within the centres and to Libyan families</td>
</tr>
</tbody>
</table>

<sup>128</sup> Following the aforementioned amendments, which were made to the Calls after their publication.
<table>
<thead>
<tr>
<th>Implementing parties</th>
<th>Project amount</th>
<th>Project title</th>
<th>Centres concerned</th>
<th>Summary of activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEFA</td>
<td>996,794.00</td>
<td>Support for migrants in the Tarek el Sikka and Zware migrant centres and their host communities</td>
<td>Tarek al Sikka Zuwara</td>
<td>HEALTH, PROTECTION, FIRST AID / DISTRIBUTION</td>
</tr>
<tr>
<td>We World (formerly GVC)</td>
<td>622,267.79</td>
<td>Welcome and smiles in Libya</td>
<td>Sabratha</td>
<td>HEALTH</td>
</tr>
<tr>
<td>No.</td>
<td>Centre name</td>
<td>Information and notes</td>
<td>NGOs present (Call reference code for the project)</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Tarek al Sikka</td>
<td>Centre located in central Tripoli, in front of the UNHCR gathering and departure facility. Capacity of approximately 1,000 people. Centre managed directly by DCIM, which can be visited by journalists and where other 'official' visits are carried out.</td>
<td>__Helpcode/FSD (11273) __Helpcode/FSD (11242) __CESVI (11273) __Emergenza Sorrisi (11273) __CEFA (11242/2)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Tarek al Matar</td>
<td>Former military facility. Officially closed in September 2018 but specifically kept in the Call by AICS. Helpcode reported activities in the adjacent centre of Abu Salim in November 2019.</td>
<td>__Helpcode/FSD (11273) __Helpcode/FSD (11242) __CESVI (11273) __Emergenza Sorrisi (11273) __CEFA/CIR/FADV (11273)</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Tajoura</td>
<td>Estimated population of between 700 and 1,000 people. Officially closed in August 2019 after bombing, but in fact seems to remain operational.</td>
<td>__Helpcode/FSD (11273) __CESVI (11273) __Emergenza Sorrisi (11273) __Terre des Hommes (11242)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Qasr bin Gashir</td>
<td>Replaced Gharyan</td>
<td>__Terre des hommes (11242)</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>El Nasser (Zawiya)</td>
<td>Replaced Gharyan</td>
<td>__Emergenza sorrisi/GVC/ICU (11242)</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Khoms</td>
<td>Officially closed on 2 July 2019; still appears to be active129</td>
<td>__Helpcode/FSD (11242)</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Al-Sabaa</td>
<td>Centre for migrants called ‘Al-Joudeida’ by Helpcode (which in fact turned out to be a Libyan government prison, located nearby)</td>
<td>__Helpcode/FSD (11242)</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Dar el Jabal (Zintan)</td>
<td>Replaces Janzour (closed), which replaced Garabulli (closed)</td>
<td>__Emergenza sorrisi/GVC/ICU (11242)</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Sabratha</td>
<td>Replaced with Zawya</td>
<td>__Helpcode/FSD (11242) __Emergenza sorrisi (11242/2)</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Zwara/Zuwara</td>
<td></td>
<td>__CEFA (11242-2)</td>
<td></td>
</tr>
</tbody>
</table>

129 [https://openmigration.org/analisi/migranti-nella-trappola-libica-tra-guerra-e-covid-19/?fbclid=IwAR0HjHZbpHvQUNlIdA6Wsv01T65iUGOet7YVCh-3VBYarqrsrVZumcs8Cic](https://openmigration.org/analisi/migranti-nella-trappola-libica-tra-guerra-e-covid-19/?fbclid=IwAR0HjHZbpHvQUNlIdA6Wsv01T65iUGOet7YVCh-3VBYarqrsrVZumcs8Cic)
**TABLE 7: DOCUMENTS PERTAINING TO CALL AID 11273, OBTAINED FOLLOWING A FREEDOM OF INFORMATION REQUEST**

<table>
<thead>
<tr>
<th>Implementing parties</th>
<th>Project title</th>
<th>Project description</th>
<th>Financial report</th>
<th>Accounting report</th>
<th>MOU with implementing partners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helpcode/FSD</td>
<td>Emergency relief intervention using innovative technology to improve health and hygiene conditions in migrant and refugee centres in Tripoli</td>
<td>NO</td>
<td>YES</td>
<td>YES (interim and final)</td>
<td>2 (with names redacted)</td>
</tr>
<tr>
<td>CEFA/CIR/FADV</td>
<td>Support for migrants in the Tarek al Matar centre and its host community</td>
<td>NO</td>
<td>YES</td>
<td>YES (interim and final)</td>
<td>1 (with names redacted) plus two extensions of the same</td>
</tr>
<tr>
<td>CESVI</td>
<td>Identification of and support to detained migrants and asylum seekers, Tariq al Matar, Tariq al Seqa, Tajoura</td>
<td>NO</td>
<td>YES</td>
<td>YES (interim and final)</td>
<td>NO (CESVI has communicated that it has not made any)</td>
</tr>
<tr>
<td>Emergenza Sorrisi</td>
<td>Health assistance for migrants and the Libyan population</td>
<td>NO</td>
<td>YES</td>
<td>YES (interim and final)</td>
<td>2 (with names redacted)</td>
</tr>
</tbody>
</table>
### TABLE 8: DOCUMENTS PERTAINING TO CALL AID 11242, OBTAINED FOLLOWING A CIVIC ACCESS REQUEST

<table>
<thead>
<tr>
<th>Implementing parties</th>
<th>Project title</th>
<th>Project description</th>
<th>Financial report</th>
<th>Accounting report</th>
<th>MOU with implementing partners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helpcode/FSD</td>
<td>Towards a sustainable migration: emergency humanitarian aid for the resident and migrant population in the Tripoli area</td>
<td>NO</td>
<td>YES (only interim)</td>
<td>YES (only interim)</td>
<td>0</td>
</tr>
<tr>
<td>Emergency Sorrisi/WE World/ICU</td>
<td>Emergency support for migrants and host communities in the areas of Janzour and Gharyan</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>2 (with names redacted)</td>
</tr>
<tr>
<td>Terre des Hommes Italy</td>
<td>Emergency intervention to improve healthcare and hygiene conditions in the migrant and refugee centre in Gharyan and for host Libyan communities</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>2 (with names redacted)</td>
</tr>
</tbody>
</table>

130 At the time of AICS’ last response, the project was still ongoing.

131 On the date of the access request, the project was not active yet.
**TABLE 9: DOCUMENTS PERTAINING TO CALL AID 11242/2, OBTAINED FOLLOWING A CIVIC ACCESS REQUEST**

<table>
<thead>
<tr>
<th>Implementing parties</th>
<th>Project title</th>
<th>Project description</th>
<th>Financial report</th>
<th>Accounting report</th>
<th>MOU with implementing partners</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEFA / We world</td>
<td>Support for migrants in the Tarek el Sikka and Zwar migrant centres and their host communities</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>3</td>
</tr>
<tr>
<td>Emergenza Sorrisi</td>
<td>Welcome and smiles in Libya</td>
<td>NO</td>
<td>YES (interim)</td>
<td>YES (interim)</td>
<td>3</td>
</tr>
<tr>
<td>NGO</td>
<td>Call</td>
<td>Activities noted in the reports</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 1 Helpcode/FSD      | AID 11273 | • Distribution of emergency kits (mattresses, insulation, towels, bathing soap, laundry soap, shoes, clothes, blankets)  
|                     |           | • Repair of emergency water systems                                                             |
| 2 Emergenza Sorrisi | AID 11273 | • Setting up a specialised medical centre within the centre  
|                     |           | • Training for the centre director                                                             |
| 3 CESVI             | AID 11273 | • Distribution of nutritional kits  
|                     |           | • Distribution of toys, televisions, sports equipment, board games  
|                     |           | • Psychosocial support  
|                     |           | • Workshop on psychosocial support for detention centre staff                                   |
| 4 CEFA/CIR/FADV     | AID 11273 | • Distribution of medicines, food, blankets  
|                     |           | • Repair and sanitation of existing bathrooms  
|                     |           | • Construction of an additional bathroom  
|                     |           | • Purchase of a water boiler  
|                     |           | • Creation of a playground (rebuilding walls and floors)  
|                     |           | • Activities and workshops for children  
|                     |           | • Donation of a mobile first aid unit  
|                     |           | • Human rights and conflict resolution training for centre staff                              |
| 5 Helpcode/FSD      | AID 11273 | • Distribution of basic items  
|                     |           | • Registration of vulnerable people and referral to IOM and UNHCR                             |

Sources: reports shared by AICS; the FADV website; the CEFA website; the Helpcode website.
<table>
<thead>
<tr>
<th>Temporary activities aimed at detainees</th>
<th>Goods and services <strong>essential</strong> for the survival and wellbeing of detainees</th>
<th>Goods and services <strong>not essential</strong> for the survival and wellbeing of detainees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supply of food products</td>
<td>Activities and workshops for children</td>
<td></td>
</tr>
<tr>
<td>Supply of clothing, blankets</td>
<td>Supply of mattresses</td>
<td></td>
</tr>
<tr>
<td>Supply of hygiene products</td>
<td>Referral to IOM and UNHCR for repatriation or resettlement</td>
<td></td>
</tr>
<tr>
<td>Supply of medicines</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Long-lasting activities aimed at the detention facility and its operators</th>
<th>Creation of a medical unit</th>
<th>Creation of a new toilet</th>
<th>Restoration of existing toilets</th>
<th>Improvements to water systems</th>
<th>Creation of a playground for children (rebuilding walls and floors)</th>
<th>Hot water boiler installation</th>
<th>Supply of sports/recreational equipment</th>
<th>Psychological support for centre staff</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>