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Mrs. Ursula von der Leyen
President of the European Commission

Mr. Olivér Várhelyi
Commissioner for Neighbourhood and Enlargement

Rue de la Loi 200
1049 Brussels

Brussels, 03.07.2024

EU-Engagement with Libya on migration

Dear Commission President Von der Leyen,
Dear Commissioner Várhelyi,

There is years of correspondence and communication between members of the European Parliament and the European Commission to discuss the horrible situation of migrants and refugees in Libya and the concerns of EU and Member State funding flowing into the country. This letter once again highlights the intransparent manner the Commission has been handling its relationship with Libya, and calls for information as well as consequences in light of, among others, the most recent case from the Court of Crotone¹ describing the Libyan Coast Guard as unfit to perform search and rescue operations as well as the Tripoli MRCC unable to coordinate rescue missions.

We have been informed by the press² about a mission from the European Union to Libya starting on June 29, 2024, focusing on migration and border management. The mission is supposed to travel to Tripoli as well as Benghazi under the coordination of Saddam Haftar. This follows a meeting of Acting Foreign Minister Taher Al-Baour and EU Ambassador to Libya Nicola Orlando “to discuss the activation of memorandums of understanding and agreements on combating illegal migration”³ and a recent visit of the ambassador to Benghazi to discuss

¹https://sos-humanity.org/wp-content/uploads/2024/04/Tribunale-Crotone_Conferma-decisione-cautelare.pdf?fbclid=IwZXh0bgNhZW0CMTAAAR1EsYN6jOR1OPlkT3aMXjmVjnjtRE_4Uf3qu921OW8fl7WLaTGNVsHmYQ4_aem_zITiHIXYemcHDznmhxZ7OQ

²<https://www.agenzianova.com/en/news/EU-mission-in-Tripoli-and-for-the-first-time-in-Benghazi-focus-on-migration-and-border-management/>

³ <https://libyaobserver.ly/inbrief/gnu-foreign-ministry-eu-mission-plan-migration-conference-tripoli>

migration issues. There is also news about an international conference on irregular migration and border security organised by the Government of National Unity (GNU) with EU involvement which shall be held on July 17, 2024.

We, incoming and outgoing Members of the European Parliament, appreciate recent efforts of European Commission president Von der Leyen to engage with Prime Minister Dbeibeh for improvement in the protection of refugees and migrants in Libya and to find alternatives to detention for women and children.

Nevertheless, we have repeatedly expressed our concerns about the human rights implications of intensified cooperation in border management with the authorities of Libya. Although cooperation is framed under the goals of combating smugglers, saving lives, and strengthening search and rescue capacities, there is a well-documented record of grave and systematic human rights violations by Libyan authorities.

We highlight once again the UN report of the Independent Fact Finding Mission on Libya⁴ that found “that crimes against humanity were committed against migrants in places of detention under the actual or nominal control of Libya’s Directorate for Combating Illegal Migration, the Libyan Coast Guard and the Stability Support Apparatus”.

There is a considerable danger of EU funding supporting actors or equipment complicit in these violations, thereby contravening EU treaties. In addition to human rights violations there are numerous reports that there is a cooperation between the Libyan coast guards and militias who are involved in smuggling and human trafficking.⁵

We are especially concerned about a possible engagement with the LNA under Khalifa Haftar whose son’s militia is supported by the Wagner group and equally linked to human trafficking, war crimes, and smuggling. UN staff has informed EU diplomats in the beginning of the year that boat departures represent a “lucrative source of income for the eastern Libyan rulers involved.” There are further serious allegations against Khalifa Haftar, especially on his role in the Adriana shipwreck tragedy.⁶

The European Parliament has been consistently sidelined regarding recent “migration agreements” with third countries in the Southern neighborhood and linked financing decisions. As the budgetary authority and the institution responsible for democratic scrutiny, this significantly hampers our work.

We are looking for more information on the current mission to Libya as well as on the planned migration conference.

⁴https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fhrbodies%2Fhrcouncil%2Fsessions-regular%2Fsession50%2FA_HRC_52_83_AdvanceEditedVersion-EN.docx&wdOrigin=BROWSELINK

⁵<https://apnews.com/article/united-nations-tripoli-ap-top-news-international-news-immigration-9d9e8d668ae4b73a336a636a86bdf27f>

⁶<https://www.spiegel.de/international/a-warlord-and-his-smugglers-khalifa-haftar-and-his-role-in-the-deadly-shipwreck-off-greece-a-b90baaac-a6f2-48ce-bcdd-3cfb45fb6f56>

Moreover, we also ask for information on any plans for a “Memorandum of Understanding” with Libya on migration, in which the European Parliament needs to be involved.

How does the European Commission want to make sure that future EU funding directed to Libya will not (indirectly) support smugglers, human traffickers or their networks and supporters?

There are also questions regarding any cooperation regarding border management on Libya's southern border where refugees from Sudan arrive and their potential reception.

We reiterate our call of March 2022 and hope that the new Commission is willing to systematically improve the information position of the European Parliament, as is our right according to the treaties. We also call on the Commission again to call for clear human rights safeguards and monitoring in case of any EU funding, in line with our values and obligations.

Yours sincerely,

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