

June 2023 - November 2024

STATE trafficking

Expulsion and sale of migrants from Tunisia to Libya

30 TESTIMONIES FROM AN EXTERNAL EU BORDER

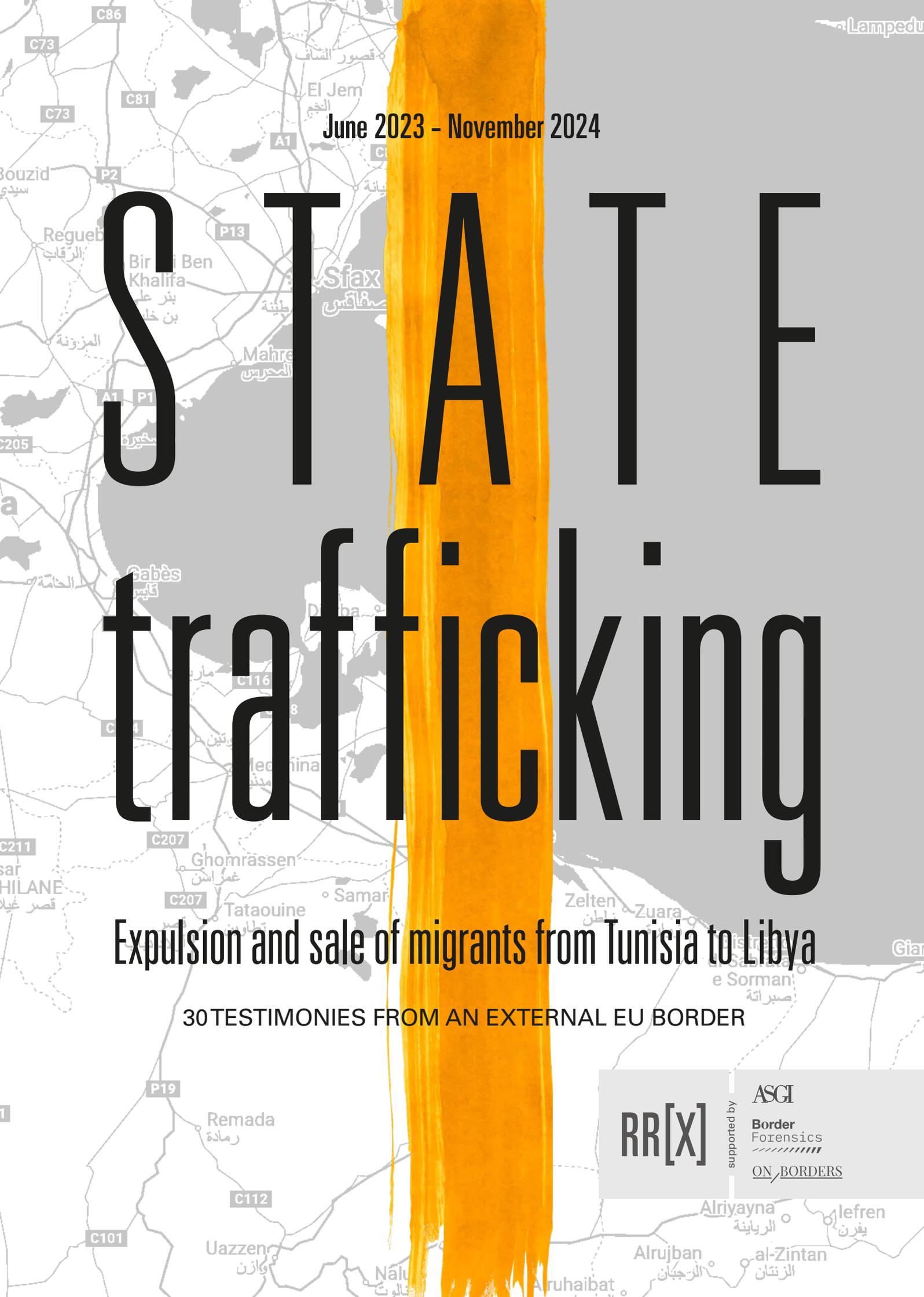
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A report by:

RR[X]

Researchers X is an international research group that has decided to remain anonymous and go by a collective pseudonym. This choice is dictated by the need to protect their safety while allowing them to continue their work on a topic that cannot be researched freely in Tunisia without being subjected to radical repression. The group planned the research, collected and analysed the materials, as well as supervising the entire research process.

With the legal, mapping and scientific support by:

ASGI

Asgi is an association focused on promoting social justice, which was founded in 1990 by a group of lawyers, jurists, and scholars working on immigration, asylum, and citizenship. They develop advocacy actions to change discriminatory laws which are in conflict with the Italian Constitution and the International Conventions Italy has signed. In addition, they denounce and oppose rights violations through strategic litigation. [www.asgi.it]

Border Forensics

Border Forensics is an agency which uses innovative methods involving spatial and visual analysis to research practices of border violence, wherever it might take place. By working collaboratively with migrant communities and non-governmental groups, they aim to promote and defend the dignity and rights of migrants and foster mobility justice.

[www.borderforensics.org]

ON / BORDERS

On Borders is a plural and multidisciplinary space to observe, research, and analyse borders, margins, and transcendences. This project is the result of twenty years of collaboration between historians, sociologists, anthropologists, and visual arts specialists, between academia and civil society, involving research and civic engagement. On Borders aims to refine observation, research and social analysis methodologies and techniques, sharing materials and comparative analyses. [onborders.altervista.org]

Press Office: info@asgi.it

Contents Info: statetrafficking@onenetbeyond.org

The document was finalised in December 2024.

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Warning

Over the past two years, the Tunisian regime has repeatedly used the following regulations to criminalise all forms of protest.

Decree-Law No. 54 of 13 September 2022

Combats offences related to information and communication systems.

Art.24 punishes anyone who intentionally uses communication systems to spread "false news"; misleading data or "rumours" with the aim of harming the rights of others, compromising public or national security or "spreading terror among the population" with five years' imprisonment.

State Security (Book II, Title I, Chapters 1 and 2), articles on:

- Conspiracy against internal and external state security.
- Exchange of information with agents whose purpose is to damage Tunisia's diplomatic situation.
- Offences against the President of the Republic.

Article 72 of the Penal Code

- Offences relating to the will to change the form of government.

Article 128 of the Penal Code

- Public denunciation of illegal acts attributed to a public official without evidence.

The statements in the report as well as the documentation of places, routes, and actors responsible for violent conduct and human rights violations, are entirely based on the testimonies provided by the victims. The texts introducing the testimonies are descriptive summaries of what emerges from the interviews. This report is intended as an archive available for any subsequent investigations, trials, and restorative justice.

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*“I treat policemen and soldiers injured in the line of duty.
We often talk about migrants. There’s one thing they always tell me:
we are officers, we obey our superiors’ orders”*

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Summary

The report includes **30 testimonies from migrants who were expelled from Tunisia to Libya** between June 2023 and November 2024, highlighting a salient feature which appears in their accounts: **the sale of human beings at the border by Tunisian police and military apparatuses, as well as the interconnection between the infrastructure behind expulsions and the kidnapping industry in Libyan prisons.** In this sense, the report documents events and situations which in the social sciences and international law are classified as 'state crimes'.

Through the victims' accounts, the report explores **the 5 stages of a logistical chain which have been integrated and refined, also as a result of the agreements between the EU and Tunisia:** 1) the arrest of migrants; 2) their transportation to the Tunisian-Libyan border; 3) the role of the detention camps run by the Tunisian military corps; 4) the forced movement and sale of migrants to Libyan armed forces and militias; 5) the detention of migrants in Libyan prisons until a ransom is paid and their release. Although their memories regarding details and spatio-temporal coordinates is made difficult by the traumatic and violent experiences to which they are associated, numerous testimonies have been checked through geolocation.

By identifying a detailed list of human rights violations occurring during expulsions and trafficking operations, this report aims to reopen the debate on the responsibilities of the EU and single member states in putting people on the move at risk of dying or being enslaved as well as **on the status of 'safe country' attributed to Tunisia and its role as a partner in the management of the EU's external borders, with the financial benefits this involves.** If we consider them from a legal perspective, the testimonies presented here highlight the following violations of international law: 1) Crimes against humanity; 2) Arbitrary detention; 3) Racial discrimination and incitement to racial hatred; 4) Collective refoulement; 5) Enslavement; 6) Enforced disappearance; 7) Torture and inhuman and degrading treatment; 8) Trafficking and gender-based violence.

The international research team that designed the methodological approach, collected the testimonies, and contributed to their analysis have decided to remain anonymous to protect their safety while continuing to carry out their research work.

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Introduction and context

This report makes available – to the general public, experts, decision-makers, legal practitioners, media, and scholars – **the testimonies of people on the move who have been the victims of expulsions towards Libya carried out by the police and military apparatus of the Tunisian state between June 2023 and November 2024.** These operations, which have been funded with EU and Member States' resources⁽¹⁾, have become crucial in border externalisation processes since July 2023 following the agreement between the EU and Tunisia.

State Trafficking allows us to not only describe the operational phases and methods, but also unveil a salient feature of this expulsion apparatus: **the sale of human beings at the border by the Tunisian police and military apparatuses as well as the interconnection between the infrastructure of expulsion and the economy of kidnapping and ransoms in Libyan prisons.** In this sense, the report makes it possible to identify and document events and situations which in the social sciences and international law are classified as 'state crimes'.

The drastic reduction in arrivals by sea from Tunisia to Italy since October 2023 is directly attributable to the violence and intensity of operations in which migrants are intercepted at sea. According to the FTDES⁽²⁾, since 2023 Tunisia intercepted more than 100,000 people fleeing the country, of whom more than 80% were from Sub-Saharan Africa. A significant part of these 80,000 people has been expelled from Tunisia to Algeria and Libya. The characteristics of and logic behind these expulsions often remain invisible, because they are concealed and carried out in military areas which are inaccessible to the media. **This report breaks this silence through the accounts, sound materials, and images** collected during fieldwork which has been carried out since October 2023.

A number of journalistic enquiries have already brought to light the complex social organisation of departures from the coast of Sfax, the violent interceptions at sea by the Garde Nationale Tunisienne⁽³⁾, the structural anti-Black racism and forms of resistance to it as well as the practice of abandoning migrants in the desert near Libya and Algeria⁽⁴⁾ and the general use of torture and violence, both physical and sexual, perpetrated by the military and police apparatuses⁽⁵⁾ against black people in Tunisia. This report adds a disturbing element to what we already know: **the responsibilities of Tunisian state apparatuses in human trafficking at the Libyan border.**

⁽¹⁾ Vedi: <https://www.statewatch.org/media/4205/eu-council-mocadem-action-file-16821-23.pdf>

⁽²⁾ Vedi: <https://ftdes.net/statistiques-les-migrants-interceptes-sur-les-cotes-tunisiennes/>

⁽³⁾ Vedi: <https://alarmphone.org/en/2024/06/20/interrupted-sea/>

⁽⁴⁾ Vedi: <https://www.lighthousereports.com/investigation/desert-dumps/>

⁽⁵⁾ Vedi: <https://omct-tunisie.org/wp-content/uploads/2024/05/Migration-et-torture-Pages-EN-OMCT.pdf>
<https://www.theguardian.com/global-development/2024/sep/19/italy-migrant-reduction-investigation-rape-killing-tunisia-eu-money-keir-starmer-security-forces-smugglers>

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The increasingly serious violations of the human rights of migrants and refugees in Tunisia go hand in hand with the authoritarian turn imposed by President Kais Saied, which has deprived judiciary institutions of their autonomy, leading to the arrest of political dissidents and the restriction of freedom of expression, press, and organisation within civil society⁽⁶⁾. **This context of institutional violence has also affected the world of research and knowledge production.**

After describing the research methodology, the report focuses on the victims' accounts to explore **the different stages linking the refoulement of migrants from Tunisia to the detention and kidnapping industry in Libya:** 1) the arrest of migrants; 2) their transportation to the Tunisian-Libyan border; 3) the role of the detention camps on the Tunisian side of the border; 4) the forced movement and sale of migrants to Libyan armed forces and militias; 5) the detention of migrants in Libyan prisons until a ransom is paid and their release. In addition, to provide a better understanding of the context, the report includes an interview with a woman who was deported to Algeria (Int. 22 - TA) and an interview with the leader of a migrants' association (Int. 5 - FR).

Although the information gathered here documents serious human rights violations by state apparatuses, it also testifies to the strength and collective ability of the victims to make their voices heard, survive and resist through mutual aid and multiple forms of solidarity against the extra-legal violence inflicted on them, and finally generate collective action that deserves our attention.

By shedding light on the systematic practices of expelling, selling, and trafficking human beings at the Tunisian-Libyan border, which have developed as a consequence of the EU-Tunisia agreements, this report aims to amplify the testimonies which were shared with us, while also calling for action on this issue, reopening the debate on the role of the EU and single member states in putting people on the move at risk of dying or being enslaved, as well as **on the 'safe country' status attributed to Tunisia, its role as a partner in the management of the EU's external borders** through EU funding and the creation of a Tunisian SAR zone in June 2024.

The final section of **RR[X]** report, is **a detailed list of the violations and responsibilities** produced by **ASGI** in which the testimonies are analysed from the point of view of European and international law, highlighting the role of EU policies and funding. **Border Forensics** was responsible for geolocation of interviews and **On Borders** contributed to the scientific analysis of the testimonies.

⁽⁶⁾ Vedi: <https://inkyfada.com/fr/2024/07/25/trois-ans-arrestations-politiques-repression-chiffres-webdoc/>
<https://www.amnesty.org/en/latest/news/2024/07/tunisia-amnesty-secretary-general-denounces-rollback-human-rights/>



"Look at the bullets they use
against us in the camps"
(Int. 1 - WI)

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Research Methodology

Researchers started gathering information in 2023. Since then, the research team has been interacting **with a network of migrant correspondents living in the informal camps** north of Sfax, from where the journey to Lampedusa starts. This network is still active and provides access to detailed information on living conditions, the work carried out by the police, and the migration routes and biographical trajectories of individuals.

The research was supported through in-person relationships with witnesses who had reached Europe as well as regular conversations and remote interactions with people who were still in transit. The data presented in this report focuses on a specific aspect of the body of material collected: **expulsions from Tunisia and the detention and kidnapping industry in Libya**. The Tunisian military and police corps mentioned in the testimonies, report to the Ministry of the Interior and the Ministry of Defence. On the Libyan side, in addition to unidentifiable militias and groups, the official armed forces report to the Ministry of the Interior of the Tripoli government.

Since the start of research activities, **all the correspondents have been victims of the aforementioned expulsion operations from Tunisia**; most of them were imprisoned in Libya, others managed to escape while being transported to the border on buses or while they were being sold.

In December 2023, while the research team were trying to better understand the lives of people in the camps and the social organisation of their journeys, we first came across the terms 'sale' or 'exchange'. These words, which were often accompanied by the **metaphorical expression "Black Gold"**, were used by interviewees to describe the object of transactions between the Tunisian military apparatus and the Libyan armed forces at the border as well as the condition of black migrants as an economic resource from which value was extracted.

From then on, the team proceeded to verify the information regarding the events which were mentioned, multiplying and diversifying their sources, and researching the spatio-temporal details of the events in greater depth. **The 30 testimonies collected came from multiple, unrelated chains of contacts**: 1) people who had turned to a social media platform used by migrants in Tunisia; 2) the initial network of migrant correspondents who, at the time of writing, were scattered across different countries including Italy, Belgium, France, Tunisia, Cameroon, Ghana, Senegal, and Libya; 3) people who had managed to cross the Mediterranean and, at the time of writing, were staying in reception centres in Europe.

The interviews consisted of two phases. In the first phase, the project was explained, consent was obtained, and the characteristics and congruity of the accounts were verified. In the second phase, recordings were made. **Some interviews were conducted face-to-face**, while visiting and spending a long time with witnesses; **others were conducted remotely** through voice messages or video-recorded conversations in cases in which contextual conditions would have put interviewees or interviewers at risk. The interviews were conducted in French and Arabic.

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The interviews, which lasted an average of about 1 hour, were structured in a standard way along the chronological turning points of the expulsion operations. The interviews were conducted by a mixed team including **colleagues with a migration background who had lived in or transited through Tunisia and Libya in previous years.**

The interviewees often defined themselves and their accounts using the following pair of terms: **witness/testimony.** Although this report does not claim to constitute legal truth, for the people involved in this research project their collaboration and participation in the making of this report has meaning insofar as it is part of a call for justice in response to the institutional violence they suffered. With this in mind, the interviews are accompanied by references to the places of detention, uniforms, and dates of the events which are as precise as possible. Such detailed documentation of the events is obviously made difficult by the constant violence which characterises expulsion operations, the physical suffering and weakness of the victims, and the systematic practice of seizing and destroying mobile phones, as the police and military consider them weapons which can be used to expose their extra-legal actions. However, in many cases, the wealth of details and memories shared by the witnesses allowed researchers to carry out **subsequent work to locate the places where detention and sale took place on either** side of the Tunisian-Libyan border. The images of the geographical locations were then shown to our interlocutors for confirmation or recognition.

The experiences of the interviewees were always **in collective situations involving groups of varying sizes (from 40 to 150 people),** including women, men, children, and minors. In this sense, the individual testimonies shed light not only on single cases, but also more generally on the expulsion and sale operation of which each case was part.

The archive includes all the testimonies in anonymised form. Specific excerpts from the testimonies are quoted in this report. At the time of writing (December 2024), the research team was still in contact with all the witnesses.

Finally, we would like to add a note **on the emotional side of the interview setting and the pain suffered by the interviewees.** The accounts which were recorded are re-enactments of violence, torture, and suffering inflicted on defenceless subjects and detainees without any legal guarantee. The events are often recent, their bodies bear the traces of the violence inflicted on them. Although they decided to make their experience of violence public (also in an attempt to reclaim dignity, achieve justice, and seek reparation), recordings were often interrupted. Indeed, on several occasions, the subjects involved preferred to avoid **'live' interviews and autonomously record audio tracks instead,** when they felt it was more appropriate or when they felt safe. Thus, they came up with a method to control their pain while letting their testimonies emerge. When asked to reflect on whether or not they wanted to keep testifying, one of the most recurrent responses was 'we have to do it, to prevent it from happening to others, from happening again'. This report aims to contribute to this outcome, bringing to light a hidden truth spoken by the hitherto unheard voices of migrants through a professional and rigorous research process.

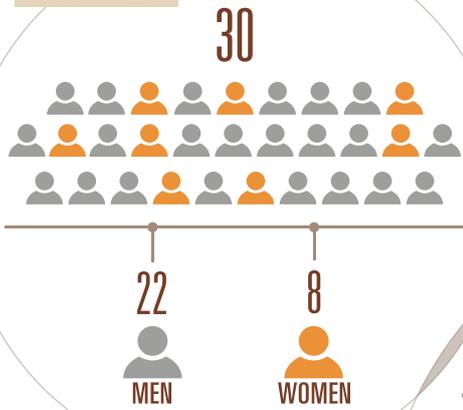
To conclude, there is a colour line which must always be born in mind: all the violence and events referred to in this report concern **the black migrant population in Tunisia.**



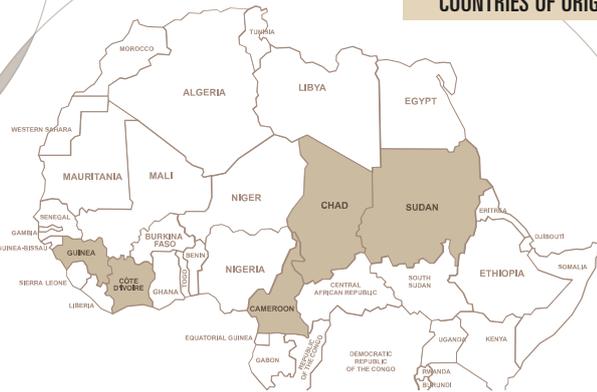
An iron boat graveyard north of Sfax.

Who are the witnesses?

INTERVIEWEES

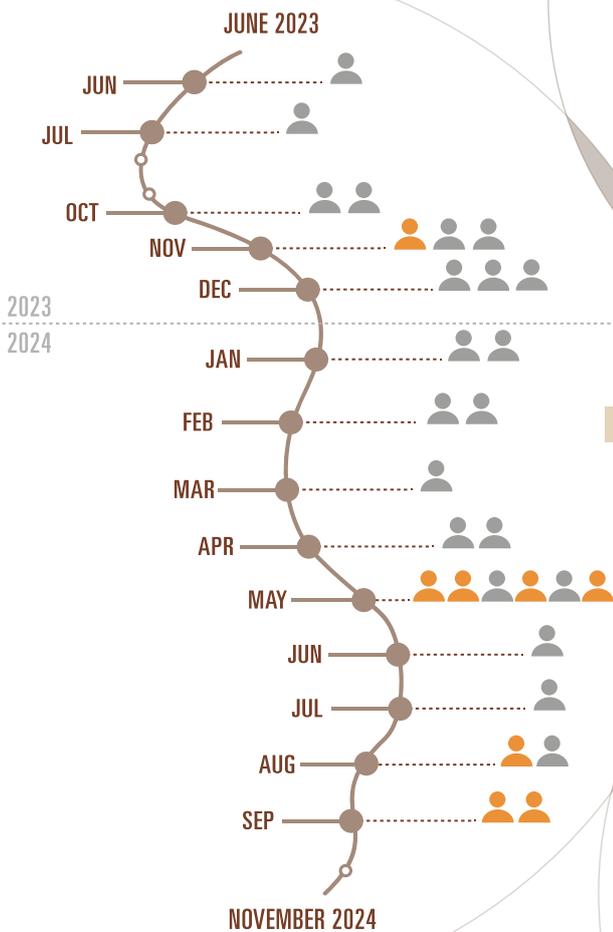


COUNTRIES OF ORIGIN



16 CAMEROON 1 CHAD 6 CÔTE D'IVOIRE 6 GUINEA 1 SUDAN

MONTH OF EXPULSIONS



PLACE at time of interview



1 ALGERIA 1 BELGIUM 1 CAMEROON 1 FRANCE 2 ITALY 12 LIBYA 12 TUNISIA

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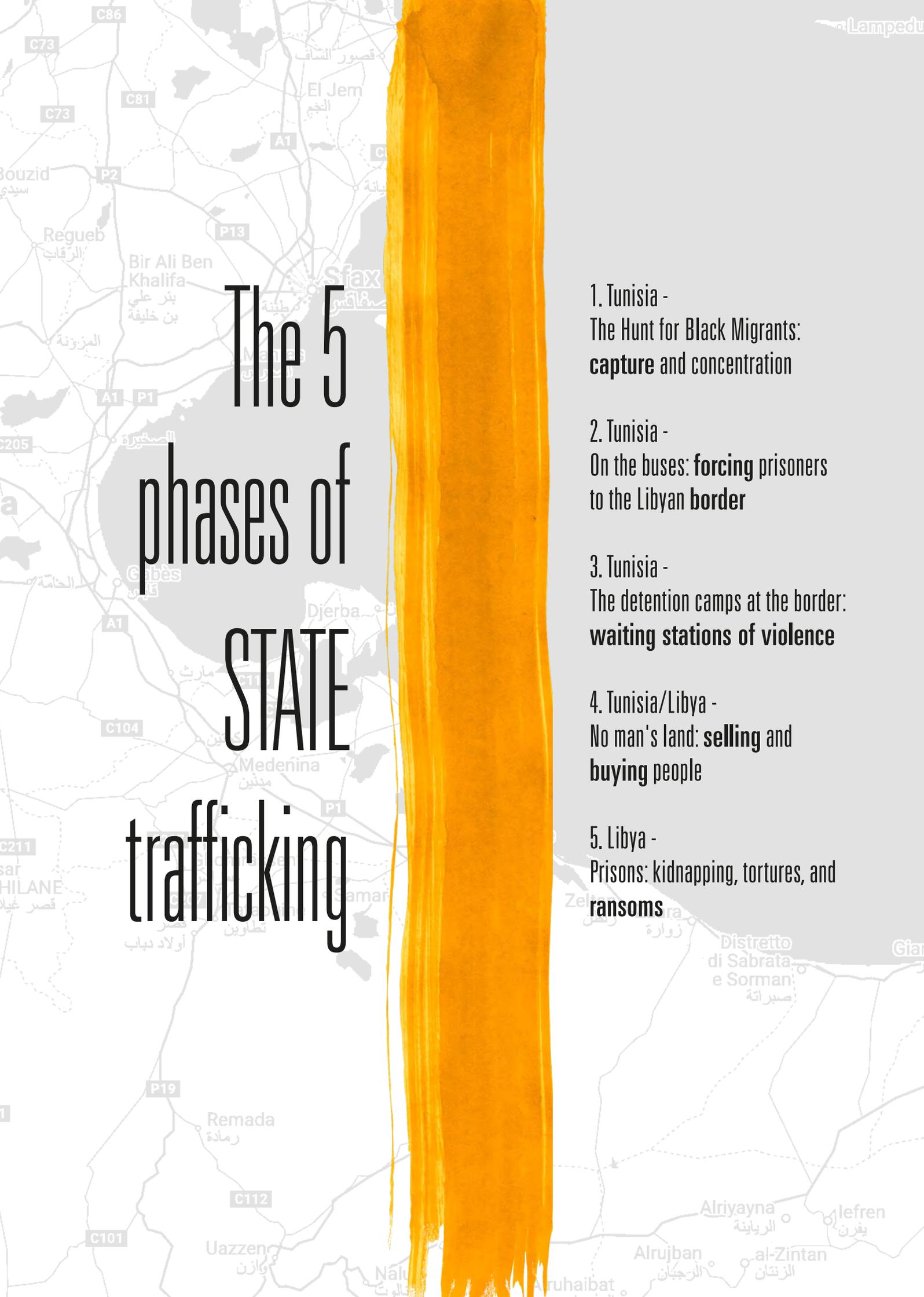
Who are the witnesses?

INT.	NAME	AGE	SEX	COUNTRIES OF ORIGIN	EXPULSION	PLACE OF ARREST	PLACE at time of interview
1	WI	25	M	Cameroon	11/2023	Sousse (olive groves)	Tunisia
2	PO	26	F	Cameroon	11/2023	Sousse (olive groves)	Tunisia
3	CA	30	M	Cameroon	12/2023	Sfax (prison)	Libya - Belgium
4	JO	28	M	Cameroon	02/2024	Sfax (prison)	Tunisia
5	FR	33	M	Cameroon	-	-	France
6	TL	29	M	Cameroon	05/2024	At sea	Libya - Tunisia
7	LA	26	M	Cameroon	10/2023	Sfax (raids on camps)	Libya
8	ST	30	M	Cameroon	07/2023	Djerba (while at work)	Libya
9	EV	21	M	Cameroon	11/2023	Sfax (raids on camps)	Italy
10	WA	23	M	Cameroon	10/2023	At sea	Libya
11	SJ	27	M	Guinea	12/2023	Jbiniana (nearby a bank office)	Libya
12	SY	25	M	Guinea	07/2024	At sea	Libya
13	IB	18	M	Côte d'Ivoire	06/2024	At sea	Libya
14	MO	29	M	Cameroon	06/2023	At sea	Italy
15	BA	41	M	Côte d'Ivoire	01/2024	Jbiniana (at work)	Libya
16	SL	27	M	Cameroon	04/2024	At sea	Tunisia
17	BL	39	F	Cameroon	08/2024	Sfax (on leaving work)	Tunisia
18	MU	22	M	Côte d'Ivoire	04/2024	At sea	Tunisia
19	KA	29	M	Guinea	12/2023	At sea	Tunisia
20	BR	26	M	Cameroon	03/2024	At sea	Tunisia
21	MA	29	F	Guinea	09/2024	At sea	Tunisia
22	TA	24	F	Côte d'Ivoire	09/2024	At sea	Tunisia
23	YA	28	M	Sudan	01/2024	At sea	Italy
24	AL	30	F	Côte d'Ivoire	05/2024	El Jem (at home)	Libya
25	DA	38	M	Cameroon	02/2024	Jbiniana (at the café)	Cameroon
26	IP	32	F	Côte d'Ivoire	05/2024	Tunisi (at the market)	Libya
27	MH	25	M	Guinea	08/2024	At sea	Algeria
28	AN	26	F	Chad	05/2024	At sea	Tunisia
29	AC	24	F	Guinea	05/2024	El Jem (at home)	Libya
30	BO	24	M	Cameroon	05/2024	El Jem (at home)	Libya



Daily life in the olive groves
around Sfax.

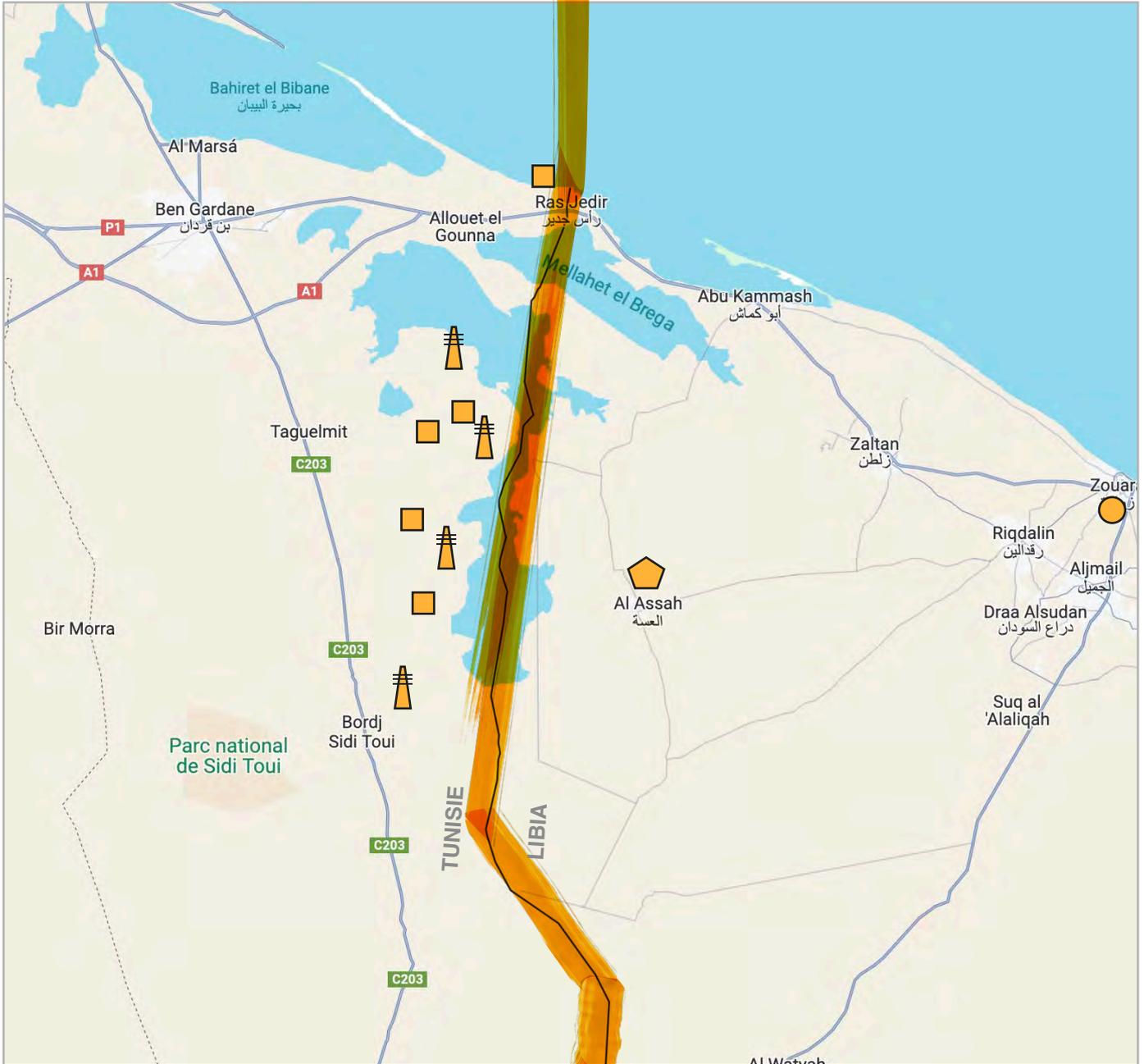
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The 5 phases of STATE trafficking

1. Tunisia -
The Hunt for Black Migrants:
capture and concentration
2. Tunisia -
On the buses: **forcing** prisoners
to the Libyan **border**
3. Tunisia -
The detention camps at the border:
waiting stations of violence
4. Tunisia/Libya -
No man's land: **selling** and
buying people
5. Libya -
Prisons: kidnapping, tortures, and
ransoms

Where are we? Places mentioned by most of the witnesses.



LEGEND

-  Towers and antennas
-  Border posts and camps
-  Al Assah "desert prison" and LBG (Libyan Border Guard) headquarters
-  Zwara: prisoner release site
-  Roads of expulsion (buses): A1 and P1
-  Roads of expulsion (buses): C203

1. Tunisia - The Hunt for Black Migrants: capture and concentration

The arrest of individuals or groups by the Tunisian Garde Nationale is the initial moment of any collective expulsion process. From a logistical point of view, it is a way of gathering people in a place to then be able to take them to the border. These should actually be defined as capture operations, as no legal procedures are followed, and captives are not registered in any way that allows for their individual circumstances to be taken into consideration. They take place in a range of contexts: **at sea, in the workplace, in front of banks and money transfer agencies, in the streets, at people's houses, within the prison grounds, and during raids** aimed at destroying informal departure camps in the area north of Sfax.

The people who are captured during these operations – men, women, children, and minors – are in **different conditions** and have **different legal statuses**. They include students, workers with residence documents, people with Tunisian passports and entry stamps, people with documents issued by UNHCR or the relevant consulate, and people without any documents.

In the testimonies we collected, certain elements recurred in people's accounts of capture operations:

- a) The application of **racial profiling**: black people of all nationalities are the main target.
- b) **Misleading communication** to prevent resistance or escape attempts (detainees are often told that what is happening is just a routine check, that they will be released or that they will have access to voluntary return programmes through the IOM).
- c) The systematic removal of money and personal belongings by uniformed personnel, without any records of what is being seized. The **predatory aim of police operations** is also confirmed by the types of subjects who are captured, locations where capture operations are carried out, and their timing: workers leaving construction sites and fields, women working in domestic service, the time when people are leaving work or their weekly paydays, people near banks or post offices where they have withdrawn cash.
- d) The impossibility to speak to a legal practitioner and the lack of any legal documentation concerning their deprivation of freedom. **Prisoners do not enjoy legal existence as individuals**, they are part of a more or less numerous mass that had to be removed.
- e) In the case of interceptions at sea, **some shipwrecks are caused** by Tunisian Coast Guard boats in order to block boats carrying migrants.

The 5 phases of STATE TRAFFICKING

- f) **The seizure of personal identity documents** and/or their destruction. In the case of detainees leaving the Sfax prison (Tina), end-of-sentence documents are either not provided or destroyed afterwards. People are re-captured in the prison yard and put on the path to expulsion.
- g) In the places where prisoners are assembled, **violence by uniformed personnel is structural** and it is inflicted in the following ways: repeated physical beatings⁽¹⁾, lack of adequate medical care (for those who are injured or sick and for pregnant women), or lack of access to food, water, and clothing.
- h) In the areas where prisoners are assembled, **searches are carried out routinely**. Uniformed personnel search for telephones, tools which detainees could use to document the violence inflicted on them and contact people in the outside world. For women, searches often turn into **sexual harassment** by uniformed officers.
- i) Once they have been transported to the port of Sfax, those who were intercepted at sea do not have access to first aid facilities; the IOM is sometimes present, trying to make sure that people can choose voluntary return as an alternative to expulsion to Libya and/or Algeria by negotiating with uniformed personnel.
- l) Before being loaded onto buses, men and women have their hands and sometimes their feet **tied with zip ties**. Women with small children are not tied.

The testimonies we collected have revealed that there are four main concentration centres from which buses leave to reach the border with Libya and Algeria: the port of Sfax, the Sfax prison, the Garde Nationale facilities in El Amra (the epicentre of the network of travellers' encampments), and the central commissariat of the Garde Nationale in Sfax. These four centres are interconnected, based on the logistical requirements related to filling up the buses.

⁽¹⁾ In some testimonies, the nickname *Barabà* appears to designate a uniformed officer inflicting and inciting violence on women, pregnant women, and children at the port of Sfax.

1
Capture

(Int. 14 – MO)

“The day of the arrest was Eid 2023. (The Garde Nationale) took the engine (of our boat) and took us to the port of Sfax. At the port, there were Garde Nationale vehicles, they looked like riot control vehicles. With those they took us to a closed place where they let us in, sat us down, and took all our phones. They told us 'There's no problem. We brought you here to keep you safe because there are problems with the population in Sfax'. We trusted them, as they are the competent authorities. They put all our phones in a box and took the money we had. It was around 9pm. They finished searching us, took our passports, and put us on the buses. If we had known, we could have resisted. There were also two students with us who had entered Tunisia legally”

(Int. 15 – BA)

“It was Thursday 18 January 2024 in Jbiniana, it was about 1pm. The Garde Nationale was patrolling on four Toyota vehicles. They caught me while I was working in a garage, at the Palestine intersection, at the exit of the village. (...) They caught four or five more people in addition to me, and there were other people already in the Toyota. They took us to the police station in El Amra, they had us believe it was for identification and that they'd release us after that. Then, around 2pm, they took us to the central police station in the city of Sfax. There were people inside, there were all sorts of people they had arrested before us. (...) There were also students from Cameroon, there was an Ivorian girl called Melanie who had just arrived from Abidjan and had everything in order, her passport and all the other documents. They had arrested her in a taxi and added her to us. At around 6 or 7pm, they took us towards the border. (...) There were about 150 people, with women and children”

(Int. 2 – PO)

“We were in Sousse for the olive harvest in November 2023; they found us in the fields, they asked for our documents, which we didn't have. They arrested us, but they didn't tell us they were going to deport us. All they told us was that they were taking us to a police station. That's where we realised that we were going to the port of Sfax to be rounded up with other people they had arrested while patrolling the sea or caught in the town or villages between km 19 and km 35 north of Sfax.”

(Int. 13 – IB)

“(The Garde Nationale) asked us to turn off the engine. They said 'if you don't turn off the engine, we'll make waves and you'll capsize'. Since there were women and children there, we turned off the engine. They asked us to give them the engine. We asked them to tow us ashore. They said 'no' and started making waves. The child's mother started crying, crying and asking for forgiveness. At that point we gave them the motor and (after we got on their boat) they counted us, asked for our phones and the money we had on us. When we arrived at the port, they handcuffed us and, while they were doing that, they beat us. They handcuff you, beat you and make you sit down. There were more than 70 people at the port, in addition us. They tortured us like that, beating us, without water, without food, no NGOs, only the police. Then the buses arrived and they searched us one by one, put us in rows; they take your phones, your money, they beat you, torture you, and put you on the bus. There were mothers, children, they searched the children too, they took everything we had”

1
Capture

(Int. 12 – SY)

“It was 29 July 2024. There were 47 of us. We were out at sea for several days. Some fishermen came and gave us a bit of water. On 3 August, the Garde Nationale caught us. They behaved atrociously, they even tried to capsize our boat. Then they took us to the port of Sfax. (...) There we found about fifty more people. They beat up those who weren't wounded and gave those who were wounded minimal assistance. They took those who were seriously wounded away. We remained under the sun, on the tarmac, until night came. Then they loaded us onto buses...”.

(Int. 7 – LA)

“I was 19 km north of Sfax. The police started destroying the places where black people slept in the olive groves and started hunting people down. (...) They gassed us, arrested us, put us on a bus, and took us to a big camp in Sfax. There were many of us, of all nationalities, Cameroonians, Sudanese, Guineans, Ivorians, many women, many children. That's where it all started. It was 17 October 2023. The chiefs came, they were all in uniform, and they gave directions that the buses had to follow, because not all the buses went down the same roads. They didn't tell us anything about where we were going.”

(Int. 10 – WA)

“They caught us at sea. When we reached the shore, they searched us, they took our phones and other important things. We saw a policeman beating a woman and we wanted to react; she was pregnant. They started throwing tear gas into our eyes, then they handcuffed us and loaded us into vehicles”.

(Int. 17 – BL)

“They arrested me on 20 August 2024 in Sfax, on the road to Mahdia. I was leaving work and going home. I was waiting for a bus. A Garde Nationale vehicle came by and they picked me up without asking for my papers or anything else. I had a consular card from Cameroon, but they tore it up and violently loaded me into the van where there were seven other women who told me that they had also been brutalised, and that their phones and money had been stolen. They put their hands in my pockets. I had 150 dinars, which they took from me along with my phone. It was 1pm. They took us to the police station on Rue Mahdia, km 6. I worked for an Arab woman. There were a lot of people at the police station, about 20 women and 40 men. All the women were brutalised and had their belongings violently taken from them. There were women who didn't want to be searched, so they were beaten. There was even a policewoman who was sitting there watching us. The men were beating us with a truncheon. (...) They even looked in our bums to see if there was any money or our phones. There were women of all nationalities”.

(Int. 3 – CA)

“I was released from Sfax prison on 23 December 2023. With my prison release papers, they took me to the port of Sfax, where there were Africans of all nationalities they had arrested at sea. (...) There they destroyed my release papers signed by the prison director. (...) They took me to the Tunisian-Libyan border. (...) I'm not the only one, I'm here (in Zwara, Libya) with some brothers who were in prison with me in Sfax”.

1
Capture

(Int. 16 – SL)

“It was 31 April 2024, (...) the Garde Nationale took us to the port of Sfax. We slept there that night, in the cold. (...) In the morning we saw the authorities with ranks on their uniforms, counting us. They searched us, took our phones and put them in a sack. Then they put us on buses, destination unknown. On the boat, there were two- or three-year-old children. I was there with my wife who was three months pregnant. At the port, the Garde Nationale started threatening us, beating us, and they took the money we had changed into euros. There were no doctors, no lawyers, only the authorities. They gave us a bottle of water and a piece of bread for two people. There was an ambulance that took two women away. But after an hour they brought them back to put them on the buses with us. On our boat, there were 52 people, but including the other travellers there must have been 700 people at the port. There were many women and children of different nationalities. They also took our documents, everything.”

(Int. 6 – TL)

“It was May 2024. When we arrived at the port, we found at least 500 people sitting on the ground. They asked us to stay on the ground. If you want to use the toilet, they say no. When you get off the boat, you get searched, they ask you to strip naked. They don't want you to take pictures, because they know that what they are doing to us is not normal work, they check us. They take phones, they take money, they take valuables. (...) they make people sit in lines. You wait, they don't tell you anything about what's going to happen. Buses arrive from the city and they tie up our hands and feet. Women, with children, too. There was a bus for couples and a bus for men. When I arrived, I saw at least six buses leave, then it was our turn.”

(Int. 18 – MU)

“It was 7 April 2024. We had almost reached the limit of national waters. There were seven boats. The Tunisian Navy formed a barricade at sea with their boats to prevent us from getting through. They had small boats and their grand bateau. Then, to try to stop us, they started to go around us fast, making waves. Our boat capsized. Two small children drowned and so did a woman. The inner tubes (our life jackets) were punctured by the sheet metal of the boat. The Tunisian soldiers told us that Italians are racists, that we must not leave, that they cannot leave either, that the sea is closed. They wait for you on the threshold of international waters. They do it on purpose to shipwreck you. Because they know we won't stop. Everyone prays on the boat, Christians and Muslims. It was night, there was no light. People were scrambling to get on the Tunisians' boat. We were all wet throughout the night. The grand bateau brought back many tobas (migrant boats) that night. There were 45 people on our toba. When we arrived at the port there were many of us, at least 300 people. The IOM was there, with vests. Then I saw them talking to a general, who said 'these are going to the desert'. The IOM left. They gave us no food, no drinks, no doctors, no clothes. We kept what we had on at sea. Once the fast of Ramadan was over, policemen started beating us while we were sitting there. They asked questions we didn't understand and beat us. Then they put us on two buses and we left for Libya. The Garde Nationale stole everything we had and destroyed our phones.”

(Int. 19 – KA)

“December 2023, (from the sea) they took us to the port of Sfax, where we remained for about two or three hours. The handcuffs were very tight and they threatened us verbally, they beat us, they hit us with sticks. Children cried, there were no lawyers, no assistance, no doctors. (...) The women were pregnant. They behaved as if we weren't human beings.”



"Our everyday life in the camps"
(Int. 18 - MU)

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2. Tunisia - On the buses: forcing prisoners to the Libyan border

Prisoners are mostly transported at night and ordered to lower their heads when the convoy of buses and cars drives through neighbourhoods and populated areas. In many cases, the officers in the vehicles wear **balaclavas so as not to be recognised**.

In addition to drivers, uniformed **National Guard** personnel are present on the buses; the vehicles of other police corps escort the convoy at the front and at the back.

On these large buses, which are commonly used for urban or suburban transport, **physical and moral violence start to become more intense**. People are immobilised and have no information about their fate. Any requests for food, care, or physiological needs are met with beatings.

Exemplary punishment on selected individuals (those who ask questions or make requests) is used to **instil terror and prevent forms of resistance**. The intensification of institutional violence while prisoners are being transported to the border is **a response to past attempts to escape and start revolts** as well as to people trying to document and denounce what is happening. Injured people receive no treatment; one witness said that one person died as a result of the violence they had suffered, and they saw their body being dumped out of the bus in the desert near the Libyan border.

One testimony mentioned the use of psychopharmacological drugs mixed with food to deter physical resistance. Other testimonies revealed that violence is used to quell collective protests which arise when searches turn into **sexual harassment**. On some buses single men are kept separate from couples and children; in most cases, passenger groups are mixed.

Prisoners become aware that they are heading towards Libya by looking at road signs. The main route for expulsions at the Libyan border is the A1, a major motorway connecting Sfax with Ben Guerdane and Ras Agedir. There are other minor routes which have been mentioned in two testimonies: the first one deviates from the A1 at Medenine, taking P19 and then C112 at the Dehiba/Uazzen junction; 2) the second one reaches C211 from P19 to arrive at Borj el-Khadra, in the area of the three borders between Tunisia, Algeria, and Libya.

This phase of the expulsion operations is managed by the **Garde Nationale** and, in most of the accounts, it ends with prisoners being handed over to **Tunisian military corps**, that manage bases and vehicles in the border area near Libya.

Forcing to the border

(Int. 1 – WI)

"They put us on the buses, they didn't tell us we were going to Libya. We travelled all night long. They gave us food with medicines in it. You're dead tired, you can't do anything. You're like a clown. We woke up in the morning and we saw signs: Libya 150 km' 'Ben Guerdane' 'Ras Agedir' 'Welcome to Libya'":

(Int. 7 – LA)

"They put us on two buses. They told us they would take us 100 km out (of town) and that then they would release us. (...) We started seeing Libyan registration plates. It's a motorway. You see the signs, Benghazi, Tripoli, the distance in kilometres. On the bus we protested, shouting 'Not Libya, not Libya!'. The men in uniform told us to shut up. We had been handcuffed since we left Sfax, they didn't give us any food, they didn't give us any water. We continued to protest. The bus stopped and they called for reinforcements. They got on the bus and started beating people, walking all over us. The bus was overloaded, many were sitting on the ground, others on the seats. There were more than 110 people".

(Int. 10 – WA)

"On the bus, they took us to another Garde Nationale camp. We spent two days there. We barely ate, we barely drank. (...) On the buses to Libya, they told us they were taking us to the IOM, that we shouldn't worry. They said that they'd give documents to those who wanted to stay in Tunisia, let those who wanted to go back to their country do so, and give work contracts to those who wanted to work. We calmed down. But that's not what happened. The bus went on the big motorway":

(Int. 9 – EV)

"There were a lot of people on the bus, at least 100. We were all men. Along the way, two people asked the policemen where we were going, 'we don't want to go to Libya'. They stopped the bus and the policemen went around looking for them. They took them outside and put them on the ground. There were soldiers there, too, it was like an escort, front and back. How they beat those two people! In front of everyone. No one had the courage to ask where we were going anymore (...) We felt that we no longer had any rights, no rights to anything. At the port of Sfax, they told us they'd take us far away to fingerprint us and that then they'd let us go free. But that's not what happened. (...) We travelled along the motorway that links Tunisia and Libya":

(Int. 24 – AL)

"There were three buses, we were caught in hour homes at El Jem. The children didn't even get water. We, the women, were all tied up (...) like animals. Many of us were injured, we were beaten. There was one death on the bus, a man, they beat him until he died. They took him out at the border, I don't know what they did with the body...":

Forcing to the border

(Int. 22 – TA)

“On the buses, the Garde Nationale search our children and women, they touch women. They touch our private parts, they rape women in front of men on the buses. In front of our husbands, they don't care. They broke the heads of many men (because they were protesting), they mistreated us as if we were animals...”

(Int. 16 – SL)

“On the buses, they searched us again to see if anyone had hidden a phone. They touched the women's breasts and buttocks to search them. There was also a scuffle on the bus, but we were tied up. Only the children weren't tied up. Those who revolted got beaten. We were escorted by other cars. There were at least three buses. We heard the soldiers say we were in Ben Guerdane, at the Tunisian-Libyan border”.

(Int. 15 – BA)

“On 18 January 2024, around 6pm, they took us to the border with Libya. On the buses, they tortured us, they beat us. We had no right to speak or ask for anything.

If you are thirsty and ask (for water), they beat you. They tie you up tightly with zip ties and your blood no longer circulates. They also tie up your feet. You can't breathe properly. Nothing to drink or eat since the arrest. You can't even piss.

Some people pissed themselves. Then, the bus arrived at a military camp on the paved road”.

(Int. 17 – BL)

“On the bus there were about 30 men and 30 women, there were pregnant women and children. I am also pregnant. On the bus, they were beating us, we were asking to have our handcuffs taken off. We wanted water, we wanted to pee... nothing. The women were pissing themselves. I still have the marks of the handcuffs on my hands. They treated us like dogs. They were beating us with sticks. A woman who was seven months pregnant and a man fainted. We saw the road signs on the motorway. We passed through a neighbourhood in a town and the Arabs (on the streets) could see police cars and buses driving by. The policemen were shouting at us to put our heads down so we wouldn't be seen. We were treated like dogs, like animals...”

(Int. 14 – MO)

“We travelled all night, from 9 pm until morning. They filled up three small riot control vans. There were three members of the Garde Nationale in each van. They were wearing balaclavas. We were sitting uncomfortably, with their guns pointed at us; they were telling us not to move. We weren't handcuffed and there were two pick-up trucks, in front of us and behind us, acting as escorts. (...) There was no chance to escape. In the morning, we realised we were going towards Libya. Ben Guerdane, that was the area. We could see registration plates and road signs for Libyan towns”.

(Int. 21 – MA)

“(On the buses) those of us who had to breastfeed weren't tied up like the other ones”.



On the bus to Libya.

Image shared by several witnesses.

3. Tunisia - The detention camps at the border: waiting stations of violence

Many witnesses told us that they were handed over to soldiers and military personnel. However, in several cases, it is the Garde Nationale that take prisoners directly to the Libyan border and negotiate the deal.

One of the specific duties of the Tunisian Garde Nationale is border control. Some of their military-type uniforms are similar to those of elite or assault troops, which means they are easily confused with those of the army. The Garde Nationale manage numerous bases and border posts in the area. Since July 2024, the Garde Nationale's land border headquarters have been moved to Ben Guerdane (in the Zokra area), from where all border posts in the Governorate of Medenine are managed and coordinated. Although witnesses often speak of being handed over to 'soldiers', it is not possible to accurately establish whether they are part of the Tunisian Army or of the Garde Nationale. In any case, since 2015 the Tunisian-Libyan border has undergone a process of militarisation to deal with terrorist and security threats. As a result, the Tunisian Army is a key actor operating in the area⁽¹⁾. Given the presence of bases, personnel, and infrastructure of the two main armed forces in the area (the Tunisian Army and the Garde Nationale), it is likely that forms of coordination are in place to carry out expulsions, detain migrants, and hand them over to Libyan militias and military corps.

Witnesses said that they went through a network of detention camps (of different sizes and with different equipment), step by step and more or less quickly, getting progressively closer to the Libyan border. **The camps are interconnected and, like in a logistical chain, they allow military personnel to handle high numbers, detaining and moving prisoners** based on the timeframe dictated by exchange agreements with Libyan buyers on the other side of the border. One testimony mentioned the use of prisoners for forced labour at Tunisian military facilities. Detention times vary in the testimonies we collected, ranging from less than a day to a maximum of 30 days.

In these camps, violence and torture are systematic, generalised and repeated; they are inflicted on groups and individuals by uniformed personnel with uncovered faces. Interviews reported the use of **iron bars, batons, taser guns, dogs to threaten prisoners, and bullets fired into the air**. Violence is aimed at men and women, who in some cases share the same spaces while in other cases are held in separate places.

At each camp, prisoners are subjected **to the same rituals involving searches, violence, and humiliation**. Searches are meant to not only ensure that no one can communicate with the outside world using mobile phones, but also to rob prisoners of any remaining personal belongings they may have hidden.

⁽¹⁾ <https://www.undp.org/sites/g/files/zskgke326/files/2022-08/Enjeux%20de%20développement%20et%20sécurité%20à%20la%20frontière%20Sud-Est%20de%20la%20Tunisie.pdf>

The 5 phases of STATE TRAFFICKING

Identity documents and telephones are collected in cardboard boxes or plastic bags.

Among the prisoners, there are always people with multiple legal statuses – students and workers who entered Tunisia legally as well as undocumented migrants.

Violence and torture also act as an **extreme deterrent to the possibility of returning to Tunisia**. They may be accompanied by moral judgements, insults, and demands to swear that they will not return. The lack of food and care is almost total. Prisoners are no longer human beings with rights; they have lost their right to protection and legal existence.

In several testimonies, witnesses mentioned situations in which **prisoners die as a result of the violence inflicted on them and due to lack of care**. In these cases, the bodies are transported to unknown locations after being loaded onto pick-up trucks or other army vehicles. In other testimonies, witnesses mention that individuals in their group disappeared while they were being beaten and tortured. In one testimony, a witness indirectly reports **the presence of mass graves** around the military camps.

Many witnesses said that the last place where they were held in Tunisia was a "cage" (or *grillage*) close to and/or under an antenna located a few hundred metres from the Libyan border. **The presence of antennas and water in ponds** (*sebkhet*) which can get flooded in winter were also mentioned. Thanks to these details, we were able to locate the relative position of a military detention camp. Subsequently, a satellite image was shown to the interviewees who had been detained in the cage and they immediately recognised it. The antenna also appears in a video which was posted on the X profile of Human Rights Foundation (see: <https://x.com/hrf/status/1790508236405186979?s=12&t=0VHaqagdzlJoz8LWQVKUA>)

Cages are commonly reserved for men, **while women and children are held in the adjacent facility inside the camp**. In a limited number of testimonies, witnesses said that cages are used for the detention of mixed-gender groups.

The fence of the first detention and torture camps, where buses arrive, is located along P1, the road from Ben Guerdane and Ras Agedir, where there are numerous army barracks. Smaller camps are likely to be in the following locations:

- a) on the left side of P1 heading towards Libya, the side near the sea (just before Ras Agedir, see Interview No. 14);
- b) in the area bounded by P1 (Ben Guerdane – Ras Agedir), the border with Libya, and C203.

In many testimonies, witnesses mentioned the water in the different ponds (*sebkhet*) marking the Libyan-Tunisian border in that area as well as a long sand wall.

In the final days of their detention, before being handed over to the Libyans, prisoners are sometimes deceived by promises that they will be handed over to the IOM and repatriated.

The following testimony (n.14 - MO), from one of the first expulsion and sale operations (late June/early July 2023), exemplifies the violence inflicted on prisoners.

“They took us towards the border to a first military camp. The Garde Nationale left. They left the boxes with our documents and all the rest with the soldiers. They searched us again, because there were people who had managed to hide phones and some money. We had changed some money in euros for the crossing. They also searched women, they had put money in their breasts or in other parts. They touched them. They take you out of the line, if they find your phone, they take you away, and it's torture. Then they took us to another section of the camp, high surveillance. There were dogs, desert motorbikes, 4x4s. That's where hell began. There was a whole arsenal. You understand that nothing can save you there. I don't know if you understand the fear that was already inside us. They interrogated us, asking us where we were from. They made us sit in rows next to each other. It was no longer the Garde Nationale, at that point we were in the hands of the military. They beat us with very hard objects, iron bars; they hit us on the most sensitive parts, on our shins, on our knees, on our shoulders. They beat us like beasts, like beasts. They made us swear never to return to Tunisia, because they have our photos, our names, and if they see us again in Tunisia they will shoot us. And no one will ever know what happened. They said: ‘we treat you like this so that, even if you have the strength of a lion, you will never be able to come back to Tunisia’. There was an area with big bags full of sand, a bit like a protection zone; they made us go in there and they started torturing us... (...) the torture they did to us is not something you do to a man, you don't do that to a person who has a heart and blood running through their veins. They beat us like dogs, and you can't run away because there are dogs around. There were women and minors in the group of people who were tortured. Then they took us to a new camp. In the second camp, it was the same treatment for those who still resisted, who were a little stronger. Those who were still able to stand on their feet, they kept beating them, torturing them, making them swear that they would never return to Tunisia. That camp was just for torture. They took you out of the 4x4 one by one and you heard your mate scream. Only when it's your turn you understand what they're going to do to you. At that point, they were torturing us one by one, one by one. (...) I can explain what I went through. When I heard them scream, I wanted to die. They made me sit down on a stool. They tied my feet and beat me with an iron bar on my shinbone (he shows us his scars...). Then I walked on my knees, I couldn't do it on my feet, I walked on my knees on the hot desert sand. I don't know if you can understand. In our group there were about 40 people, in the second camp there were 20 people who could still stand. The others were carried away like corpses and thrown onto military trucks. They were thrown onto 4x4s holding them by their feet and hands. As we went further, from one camp to the next, it was as if the soldiers wanted to kill us, because we were no longer human. They beat you on the head with iron bars, you try to escape in all directions, but they surround you, they trip you up... oh Lord, oh Lord. Nobody could stand up anymore, we lay down. And you'd better do that... because if you stand, they see that you're strong and they beat you again. Then they took us to the third camp. I can explain it well, because it's a recognisable geographical area. It was by the sea. We were on a beach. We could hear the sound of the sea (...) it was a buffer zone; on one side Tunisia and on the other Libya, in the middle a virgin area with sand and soil. They beat us again. We spent an hour at the water's edge. They left us in a place where they could keep us under control, there were lookout posts, some radars. There was the Libyan lookout post. And then a big protective strip of soil, mountains of soil, like a wall of soil on the Tunisian side, which might have gone on almost indefinitely. My field of vision was very limited. I was focusing on surviving. If you are being beaten, you can't look away, you try to look at your attackers. (...) I can't understand how I'm still alive.”

Waiting stations of violence

(Int. 9 – EV)

“At some point, we got off (the motorway) and there was a Tunisian military camp where border soldiers were waiting for us. The Garde Nationale handed us over to the border soldiers who were wearing green uniforms. They got us off the bus, one by one. There were policemen and soldiers everywhere. Some had sticks, some had iron bars. As you walk between them, they hit you however they want, wherever they want, without exceptions. To enter the camp, you have to go through there. (...) That's why many people got injured there, they broke their arms, they had big wounds because they were hitting them with pieces of wood and iron. It's not normal to treat human beings like that. After you enter, they search you. They take everything from you. They took everything from us and made us strip naked. They searched everyone violently, took everything we had, money, documents, and phones. They left us like that, without the possibility of calling anyone, without food. There are no lawyers, no doctors. Then they put you in the *cage*. It's the size of an open room, with an antenna built in the middle of it, and you stay inside this antenna enclosure for the whole day. We did 48 hours with those who were there before and those who came after us. We found some women there. During those days you don't eat or drink. You ask and they beat you, you complain and they beat you. There was a lot of violence, physical, moral. You mustn't ask for anything. On the third day, they loaded us onto their military vehicles and pick-up trucks and took us closer to the Libyan border”

(Int. 21 – MA)

They took us to a camp. We stayed there for three days. I was terrified, my two children were with me, I didn't look the soldiers in the eye. I didn't understand anything, I was watching my children. They kept us there without giving us any food. Only water. I was with a woman who was eight months pregnant. We were separated from the men. (...) In the camp, we found a woman who was dying. Then she died. We didn't see what they did with her body”

(Int. 3 – CA)

“They loaded up two buses that day. There were at least 80 people to take towards Libya. The soldiers who took us off the buses started beating us and searching us. They beat everyone, men as well as women, pregnant women, those who had passports and said they had entered Tunisia legally. They took their passports away and told them they no longer wanted them in Tunisia. (...) Judging by the way they beat you, it looks like you wanted to organise a coup. We did at least three days at the camp. We were in the *cage* with many black brothers. Some had been arrested out at sea, others in the towns. We were left there without food for two days, I can assure you. On the third day they took us to the border”

(Int. 4 – JO)

“(…) in a camp at the border, on the road to Libya, they searched us, took our phones, our money, everything... We stayed in that camp for two days. All they gave us to eat was a piece of bread and some water. There were about 100-110 people. On the third day, they told us we'd see the IOM, but it wasn't true. They took us close to the Libyan border. The Tunisians have a small base there. That's where all the hatred in the world was unleashed. They beat us, they gave us electric shocks. They hit us with tasers. We slept, thrown on the ground, and it rained, it rained a lot. One girl told us that a group had managed to escape the sale and had seen a big pit in which they had thrown bodies of sub-Saharan migrants, left uncovered. That doesn't surprise me, because the way they beat you when you get to the border, it's not human, it's inhuman... you die and they throw you in there”

Waiting stations of violence

(Int. 13 – IB)

“When we arrived, we realised we were between Tunisia and Libya. There, soldiers were waiting for us at the border in the first camp. They made us stand in line. They take off your handcuffs, hit you with sticks, and make you go into the camp. There are more soldiers who beat you there too. When they were done beating us, they searched us again. They took our phones. There was no food, no water. We were in the middle of the desert. We spent a night there with the soldiers. At 7am, they put us on some trucks to take us to another camp closer to Libya. It was a few kilometres from Libya. When you get out of the truck, they let you into the camp and you get beaten, tortured again, and searched again. In the evening, they let us out and put us in a cage in the desert. There were more than a hundred of us. They locked us in and we did at least five days in the cage. Without food, they made us drink the salt water from the toilets they gave us. If we said we wanted to eat, they beat us and tortured us. They shot bullets in the air to get us to calm down. The women were kept in the camp. They said the Tunisian soldiers were raping them. In the last camp they tortured us, they used tasers. They were shooting with the taser as if they were at the cinema. Then, on the fifth day, they took us away. We lost two brothers who died of hunger and thirst. The Tunisian soldiers loaded them up and I don't know where they took them”.

(Int. 11 – SJ)

“We were made to board (a vehicle heading) towards a military base towards the border. It was the evening. Then, on the second day, they sent us to another base in Ras Agedir, on the Tunisian side. It was a big camp. There were 46-47 of us. They were also taking people who were getting out of Libya and entering Tunisia. We stayed there for eight, nine days. There were Sudanese people with us. We stayed in the “cage” because the load wasn't complete. When the load was ready, with about 83, 84 people, they took us to Libya”.

(Int. 7 – LA)

“At some point, (the buses) got to a desert and they put us in a camp and in a cage, not far from the Libyan border, two hundred metres from the border. There was a Tunisian army lookout post. When we arrived at the camp, there was no one else there, just the soldiers waiting for us. They unloaded us, then the beating started, the torture. I'm telling you, the way they beat us was atrocious, they poured water on us, hurt us, made us strip naked, and stole everything we had. We spent a night there”.

(Int. 16 – SL)

“They put the women and children to one side and beat us, all night long. They searched us again, to find phones and passports, money. From there, they moved us to a smaller camp. When we arrived at this small base, they searched us again, they pointed a gun at my head and told me I had to give them everything I had. He looked like the leader of this small camp. (...) They put us in a cage. In the cage where they put us there was an electric pylon. I sent the video that a friend managed to film. There was barbed wire around the cage. We were of all nationalities, people kept coming. They treated us like animals. In the cage there were no women or children, they had remained in the small camp. The cages were close to the small camp. They watched us all night, they were afraid we might escape. My brothers from the boat and I stayed there for a month. Every morning, they let us out and beat us. They gave us one loaf of bread for every four people and a bottle of salt water they took from their toilets. (...) They tortured us, we were so tired. After one month, they pretended to take our names, took a few photos of us, and told us they were going to send us to Tunisia to the IOM, to send us back to our countries with the women”.

Waiting stations of violence

(Int. 1 and 2 – WI and PO)

“When you arrive at the border, soldiers take over from the Garde Nationale. (...) At the border, we passed through seven military bases and in each one of them we were beaten, searched, tortured, like slaves, like animals. It's Tunisian soldiers, they beat people, they take phones, they break them, they steal money. When we arrived, there were two people who died from the blows they received.

We're the ones who loaded the bodies onto the soldiers' vehicles. At this point, we don't know where they go with the bodies, if they traffic them or what (...)

After the seven military bases, they took us to the border. We suffered three refoulements. The first one was in June, we were the first group to be deported to Libya, I have the videos with me. It

was thanks to the pressure we were able to build through the media that we got out of that situation. (...) After that, it was impossible because they took our phones away. (...) They beat everyone, men and women, they only spared the children”

(Int. 15 – BA)

“The bus arrived at a military camp via the paved road. (...) We spent all of Friday in the camp and then, around 5pm, they took us even closer to the border. I've never seen people like that in all my life.

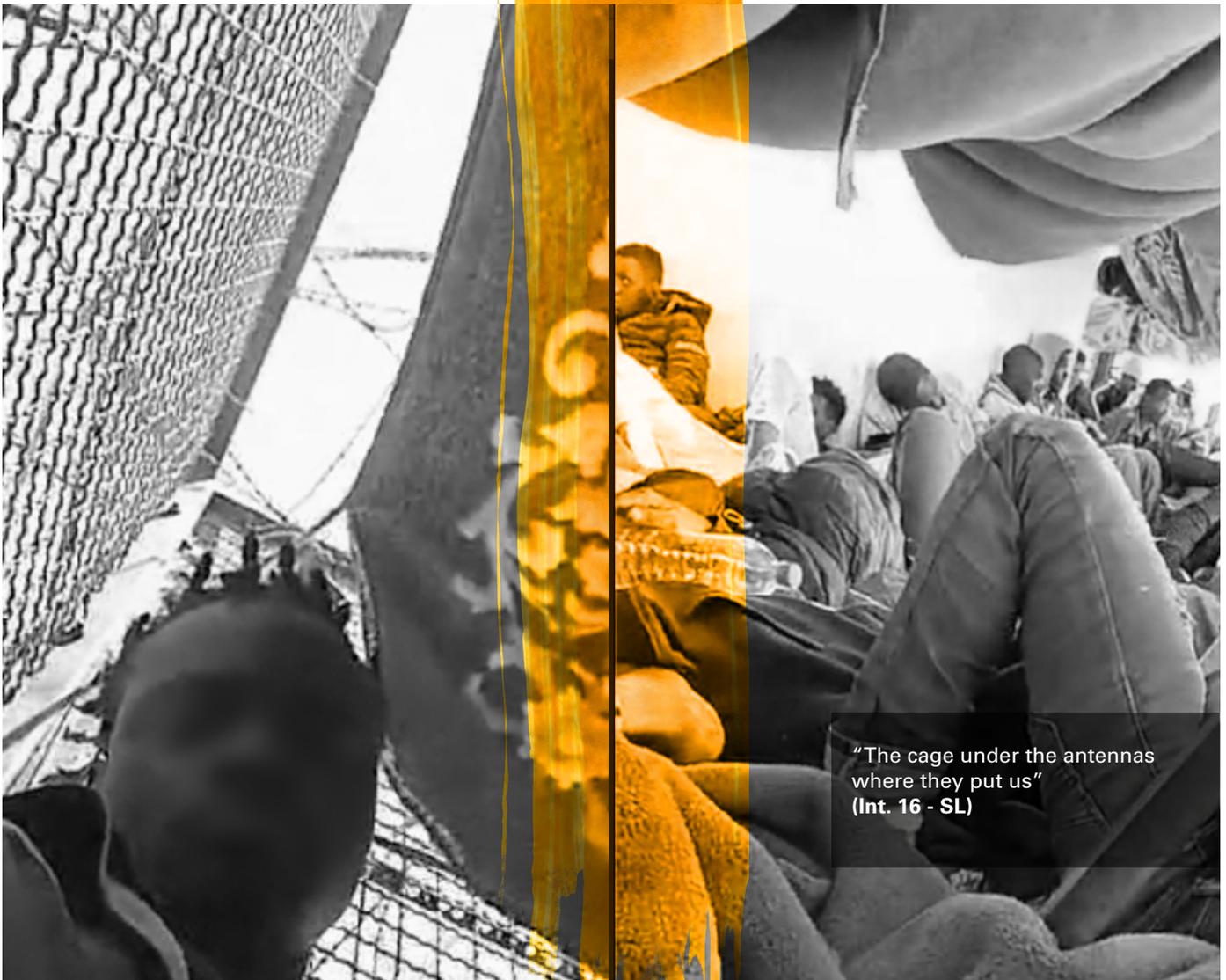
(...) They beat you like an animal, with iron bars, they made us strip naked to search us (...) they took us there where the antenna is, it was cold, we had no blankets or anything. The antenna is surrounded by barbed wire. We were all under the antenna, men, women, and children. There were some Sudanese people. There were some students. It was total suffering. They (the soldiers) were very strict. You had no right to ask. There were about 150 of us, plus six people we found there. There were some wounded among us, from the beatings. I was one of them, because I told them that what they were doing wasn't normal. Then they took us to the Libyans”

(Int. 12 – SY)

“They took us to a prison in the middle of the desert, in the “cage” between Tunisia and Libya. There we found other men armed to the teeth, with dogs, truncheons, and Kalashnikovs. As soon as we got off the bus, they started abusing us. As soon as you get off, they beat you, they make you suffer everything. They put us in the “cage”, you couldn't even stand up. The “cage” is so dangerous, I don't know how to explain it. You can't move that much in there, you risk hurting your head. When they clean the toilets, the black water runs through the “cage”. You stay there and do everything in there. You drink the animals' water, they beat you and, if you ask for anything, they hit you with a truncheon. You can't talk, you can't ask. You only have the right to sleep. You close your eyes under the sun. You have no blankets. You have no mattress. We were there for a week or so. (...) They have camps hidden in the desert. The “cage” is hell. I'm sorry, I'm starting to shake because what happened there is atrocious. We didn't find any people there. It was just us. It was hell. In the morning, we went out and they sent us to their area in the camp. They made us all lie down, on hot tiles, and forced us to sleep. When you say you want to pray, they beat you, they beat you to death. They have dogs, they threaten you with dogs, with whips (...) it's hard to explain all this. They beat us with their weapons, the Kalas, they threatened to kill us, they insulted us in all sorts of ways. We stayed there for a week. Every day it was the same thing: they'd make us go out, they'd make us drink the camels' water. They'd take some of us and escort us to the well to get the camels' water, which we then distributed to everyone to drink. The way they beat me, I'd never seen anything like that. That's where they broke my leg. They beat you until you stop moving, until you faint. (...) We had diarrhoea, many of us got sick. They didn't care and when they realised we'd become very weak, they sold us”



The camp and the cage.



"The cage under the antennas
where they put us"
(Int. 16 - SL)

4. Tunisia/Libya - No man's land: selling and buying people

The term **sale**, which is used to designate this phase of the expulsion, is common among witnesses. Another term they use is **exchange**.

From the topographic details in the testimonies, we were able to identify two places where transactions with Libyans take place:

- 1) the first one is located near the coast along the border between Tunisia and Libya;
- 2) the second one, which is mentioned in most accounts, is located along the border further south, at the same latitude as the village of Al Assah on the Libyan side.

Groups of prisoners are exchanged for **money, hashish, and fuel**; payments may also involve a combination of these. A constant **presence on the Tunisian side are uniformed personnel. The types of buyers on the Libyan side vary**, with witnesses reporting the presence of groups entirely made up of uniformed personnel with official vehicles, mixed groups (uniformed personnel and armed personnel in plain clothes), and members of militias without uniforms.

The two main approaches to selling people which are mentioned in the testimonies are:

- 1) delayed sales to Libyan militias/border police after prisoners are moved and kept waiting within the network of camps in the Tunisian desert;
- 2) direct sales in which prisoners are handed over to the Libyan militias/police right after they arrive from Sfax on buses. Among our witnesses, three were able to escape and avoid being sold.

Not all witnesses saw money or other means of payment first-hand: this is due to the violent context and because transactions can take place at night. However, the mixed composition of the groups of prisoners means that **information regarding the translation of conversations** between buyers (the Libyans) and sellers (the Tunisian) **does circulate**. The most common selling prices **range between 40 Tunisian dinars and 300 Tunisian dinars (12 to 90 euros) per person**. The price is based on the final value which the person being sold can generate through their ransom, the overall size of the group and its composition.

In the operations documented in this report, the prisoners who were sold were **men, women (some of whom were pregnant), couples, children, and minors**. Women had a higher market value. **Groups ranging from 40/50 people to 150 people** were dealt with in each transaction. Negotiations to agree on a price are carried out on the phone as well as by Libyan personnel visiting the Tunisian army facilities near the border.

Often, as part of the exchange, **Tunisian uniformed personnel hand over a cardboard box or black plastic bags containing the prisoners' phones, cards, and documents**, which are useful to handle transactions and ransoms in Libyan prisons. In most cases, money or drugs are delivered in envelopes or black plastic binbags.

The 5 phases of STATE TRAFFICKING

Below is the full transcript of Interview **16 - SV** spent a month in the “cage” under the antenna in May 2024 and, at the time of writing, he was back in Tunisia where he was interviewed in October 2024. Following their interview, SV recognised the satellite photos of the last detention camp on the Tunisian side.

SV: (...) Instead they sold us to the Libyans. And it happened before our eyes, there were Libyans in front of us.

RR[X]: When you say ‘sale’, what do you mean? Can you explain this in more detail?

SV: When I say ‘sale’, I really mean buying and selling, like for objects, they sold us like slaves. If we raised our heads, they’d beat us. We didn’t understand, because they spoke Arabic, but there were Sudanese people in the group who translated: they sold the men for 100 dinars and the women for 300 dinars, they were exchanging money. They were armed.

RR[X]: Were the Tunisians wearing uniforms?

SV: They were wearing military uniforms with military shirts, some were wearing Lacoste jumpers or t-shirts, so they weren’t wearing a full uniform.

RR[X]: Did they have military cars? With state symbols?

SV: Yes, they were military cars. The leader of the smaller camp had a big white dog with him.

RR[X]: Do you remember the name of the leader of this smaller camp?

SV: No, I can’t remember, because we were being beaten and tortured all the time. He spent more time on the women’s side, they were sleeping near the *mirador*. They made it clear that, if we had tried to escape, we would have found ourselves in the desert, that they would have shot us for sure, that they wouldn’t have spared anyone.

RR[X]: When you talk about the *mirador*, what are you referring to?

SV: The *mirador* is the soldier on lookout duty who is high up and keeps guard, like surveillance.

RR[X]: Could you provide a description of the place where you were? What was around there? Were there any buildings? Was there an administrative office? What clues can you provide?

SV: From a geographical point of view, what I was able to understand is that there was a customs office nearby, because I heard them talking about it; they said there was a customs office on the border and a small camp on the other side. There are many similar small camps in the surrounding area, but the area is so remote and deserted that there is no way of escaping.

RR[X]: You said that Sudanese people translated their conversations. Did you also see money or other things changing hands between Tunisians and Libyans?

SV: Yes, we did, we saw money changing hands. That’s why they yelled at us to keep our heads down and beat us all the time, they beat us to keep our heads down, but we saw money and fuel changing hands, we saw everything.

The 5 phases of STATE TRAFFICKING

RR[X]: How was the money delivered?

SV: The money was in cash, it was being passed by hand. They said 'men 100 dinars, women 300 dinars' and they put the money in their hands, and they passed them barrels of fuel, that's how it happened (...)

RR[X]: Did other people arrive while you were in the "cage"? New deportees?

SV: Yes, new people arrived and we wondered why new people were arriving while we were still there. There were Ivorians, Sudanese, Congolese, Guineans, people of different nationalities were arriving. Many trafficked women. But since there are many camps, first they put us together and then some people were transferred to work in other small camps (...)

RR[X]: Were there women in the other groups that were sold?

SV: Yes, there are always women and children in the groups, some men with their wives. There was even a woman who was sold and had given birth three or four months before, she had her baby with her and wanted to reach Italy.

RR[X]: Did they sell everyone, men, women, and children?

SV: Men, women, and children, everyone. One of my brothers was sold before my eyes, he and his family, with his one-year-old son (...)

RR[X]: When the Tunisians sold you to the Libyans, did the Libyans have military cars? Were they wearing uniforms? Were they in plain clothes? Could you describe this moment?

SV: It wasn't easy to see. We got into a military truck; I think it was a military truck. We were really close to the border, we got out, they handed us over to the Libyans, and the Libyans loaded us into a military truck. We didn't know where we were going, we found ourselves in prison, they separated men and women.

RR[X]: Was the Libyan military truck driving on tarmac or in the desert?

SV: In the desert, there was no tarmac.

RR[X]: How many of you were there in the group that was sold?

SV: I couldn't tell, there were so many of us. I only recognised the brothers who were in the same *convoi* (sea departure group) as us. When we arrived at the prison (in Libya) there were even more people. There were so many of us. It was stifling hot, it was awful, there were so many of us, and more and more people kept coming, all the time...

RR[X]: How many of you were there on the day you were sold by the Tunisians, on the exact day you were handed over to the Libyans?

SV: To be precise, on that day there were about 30 of us. They sold us gradually, not all at once, in groups of 25 to 30 people. As some people were being sold, others arrived.

Selling and Buying

(Int. 1 – WI)

“They took us to the border. (...) on the Libyan side, there are soldiers who are there to purchase. (...) before we crossed, the Tunisians already called the Libyan soldiers and the *coxeurs* (intermediaries). When you arrive, they split you into groups of 10. (...) the Libyans pay the Tunisians in front of us. (...) I don't know why they decided to sell us, maybe for the money. I don't know if the President is aware of this, but it's real. We saw the money; they count it in front of you and give it to them in front of you. Women cost more, because in Libya women are considered sex objects. I don't know exactly how much the Libyans give the Tunisians”

(Int. 6 – TL)

“When we arrived at border, the Tunisian army had already called their contacts on the Libyan side, in Uazzen. The Libyan army came to the border and parked their cars. We were sitting on the ground. We got up one by one and they took everything we still had (money, documents, necklaces). We stood in line and got in on the Libyan side. The Libyans picked us up and put us in their cars to drive us towards Tripoli, to a desert prison. From the two sides (of the border), they make arrangements, because within three days (of our arrest) we were in prison in Libya. From the border, they called the Garde Nationale at the port of Sfax, told them to leave and, as soon as they arrived, they left us in the hands of the (Tunisian) soldiers. Then they took us in their cars and sold us to the Libyans. They bought us, I don't know if they did it with money, but in the dark I saw a tanker truck. The Libyans gave the fuel (to the Tunisian soldiers). There were people of all nationalities, Sudanese, Cameroonians, Ivorians, Guineans, Malians, Chadians”

(Int. 4 – JO)

“They took us (from the small camp) and put us into cars to take us to the Libyan border. They lined us up, they had weapons. We walked and arrived at the border. There's some water there, a small stream, a puddle, it's what separates Tunisia from Libya. On the other side, there were Libyan cars, Libyan police cars, even the small ones that go in the desert. They were armed. The Tunisians line us up, then they call the Libyans, the Libyan police, who come over and argue with the Tunisians. The Libyans start counting us. They sell us. The men for 50 Tunisian dinars and the women for 250 Tunisian dinars. And what struck us was that the Libyans said they'd give part of the sum in money and part in drugs, hashish. When the Libyans were done (paying), they drove us into Libyan territory and loaded us into their cars”

(Int. 21 – MA)

“On the third day, (the soldiers) let us out of the camp and we walked in the night. They had torches. Then some masked men stopped us. Some people managed to escape, but not those of us who had children. It's the sale. Those who were behind (in the line) said they saw the soldiers exchanging something they had in their hands (with the masked men). They said 'yalla, yalla', some of us looked behind to see what was going on. When they put you in line, women and children are first. Men are behind. There were many of us, more than 100. The ones who caught us were wearing uniforms and black balaclavas over their faces. They were armed. They made us march. Sometimes they were tired, they stopped and smoked, then they made us march again”

Selling and Buying

(Int. 8 – ST)

“In the Tunisian military camp at the Libyan border, there were about 50 of us. At night, they called the Libyans and talked for a long time (...) then they took us right to the border. They made an exchange, they sold us. I saw the money that the Libyans gave to the Tunisians and the Tunisians handed us over to them. There were women, there were children. They sell everyone, there’s no distinction. We don’t know the exact amount, but we think it’s about 200 dinars each. We saw the Libyans give an envelope with money in it to the Tunisian soldiers.”

(Int. 11 – SJ)

“We arrived at the desert prison near Zwara on 24 December (2023). They made an exchange, that’s for sure. With some it’s done through drugs, with us it was money. We saw them put the money (in a bag). Among us, there were Sudanese and Nigerians who understood Arabic. They were the ones who told us it was 100 dinars per person. There’s a crossing point between Tunisia and Libya, there’s a small sea there. We were knee-deep in water and, on the other side, the Libyans were waiting for us with their pick-up trucks, eight or nine pick-up trucks. The convoy wasn’t ready. Before they took us to Ras Agedir, we did eight days in the desert “cage”. There were 83, 84 of us, they gave us to the Libyans, but not all of them were in uniform, just a few of them, while the Tunisian soldiers were all in uniform. They loaded 10 of us into each pick-up truck. We saw them. The Libyans handed some sacks to the Tunisian soldiers. One person for 100 Tunisian dinars. But our brothers who were sold earlier told us they were exchanged for drugs, hashish.”

(Int. 7 – LA)

“At 11 am, the exchange took place. We are the exchange. They kept the good phones for themselves, they gave the damaged ones to the Libyans in a plastic bag, and the Libyans gave them some money. I was a witness. When we arrived at the border, they lined us up, the Tunisian military chief came closer and walked towards the Libyan military chief. Then, after the exchange, the Libyans loaded us into their cars. The Tunisian soldiers gave our phones to the Libyan soldiers who were also wearing uniforms, even though there were some armed rebels. There was a Libyan pick-up truck with a machine gun. I don’t know if they were from the state or something else. After the exchange, a Libyan soldier came up to us and spoke to us in English; he told us that there were no problems and that the IOM was there, that they’d take us to a camp, we’d eat, wash... There were about 150 of us, different nationalities. There were two Sudanese women, no children, but there were 3 or 4 minors who were alone after being separated from their families in the olive groves in Sfax during the arrests. You can’t see the exact sum they give the Tunisians (...) I don’t know how much they pay per head. The Tunisian soldier looked inside the package, then he went into the car to count. This system is a business, there isn’t much to add. (...) For example, if they have ten buses, they send five to Libya. It’s a business they have with the Libyans. (...) It’s about selling human beings, trafficking niggers... it’s shameful.”

(Int. 17 – BL)

“They left us in the desert. The Libyans came with a package containing money that they handed to the Tunisians. We were like goods. They sold us, we saw it. Because we were on the bus and the Tunisian soldiers were wearing uniforms (there were more than seven of them), they told us to put our heads down. There were about 80 of us. They (the Libyans) were on pick-up trucks. Then they took us to prison in Libya.”

Selling and Buying

(Int. 24 – AL)

“We arrived at the border on the Garde Nationale bus and the Libyans were there. They sold us to the Libyans. The Tunisians made us get off and kneel down, they started counting us, then they sold us.

It was night. They waited for nightfall because they didn't want to be seen. If you raise your head, they beat you. The bus drove on tarmac for a bit, then I could feel it was no longer driving on tarmac.

The exchange took place in the desert. There were pregnant women and children.

We arrived at the Libyan prison first, then the brothers who were on the other buses arrived. Why do I say I was sold? They counted us and, while they were counting,

the Libyans were giving something to the Tunisians. They counted the money, then they gave you to the Libyans, and they put you in the minicars. Yes, I saw the money,

they sold us. Because they counted us and gave them the money. The Libyans were armed and in army fatigues.”

(Int. 14 – MO)

“There were a long wall, a small trail with barbed wire, and a passageway into a buffer zone (between the two states). It was through that small passage that they let us in. Then, as soon as we entered (Libya), we saw a kind of cement factory;

there were trucks and people loading cement, and the trucks had trailers. The Libyans who took us were not normal soldiers, unlike the Tunisians who were army soldiers. I don't know what group of traffickers the Libyans were part of.

They spent at least 45 minutes, perhaps an hour, talking to the Tunisians. We were inside a completely closed military vehicle in the middle of the desert. Can you imagine the heat? (...) Later on, they made the transaction and (the Libyans) came with their pick-up trucks to collect us. My feet didn't touch the ground, I went from one vehicle to the other and ended up in jail. The Tunisians gave our phones to the Libyans (...) because if you said you didn't have anyone to call (to be released), they'd look on your sim card for the names of your mum, dad, brother (...) We were all injured.”

(Int. 13 – IB)

“On the fifth day (we spent in the cage), the Tunisian Garde Nationale trucks arrived and took us to the border. When we arrived at the border, we waited an hour for the police and the Libyan mafia to arrive. (...) There were brothers crying from hunger and thirst. The Tunisian soldiers told us to cross the border in groups of 10, while the police and the Libyan mafia counted us. We saw that they were exchanging black plastic bags, I don't know what was in them, whether it was money or drugs. At that point the Libyan police took us to a prison.”

(Int. 12 – SY)

“The Garde Nationale handed us over (to the Libyans) to sell us. They took us to the desert in their trucks. They were armed to the teeth. They waited for the Libyans, who were also armed to the teeth; some of them were wearing uniforms, others weren't. They were shooting in the air. (...) They made their exchange with some drums of petrol they had on their pick-up trucks (about 50) and a black sack containing drugs. The Tunisian Garde Nationale and the Libyan army made this deal in front of us. Then the Libyan soldiers picked us up and we left.”

(Int. 3 – CA)

“It was the Tunisian soldiers who sold us to the Libyans. (...) I don't know the sum, but in prison (in Tunisia) they told us that they'd sell us for 200 dinars per person. I can't confirm this because I haven't seen the amount of money. The Libyan soldiers or rebels arrived in 4x4s, there were about 130 of us, a mix of men, women, and children. The leader of the Tunisian soldiers accompanied us across a small stream, went to the Libyans, gave them a sack in which there were phones and passports, and took the money in exchange.”

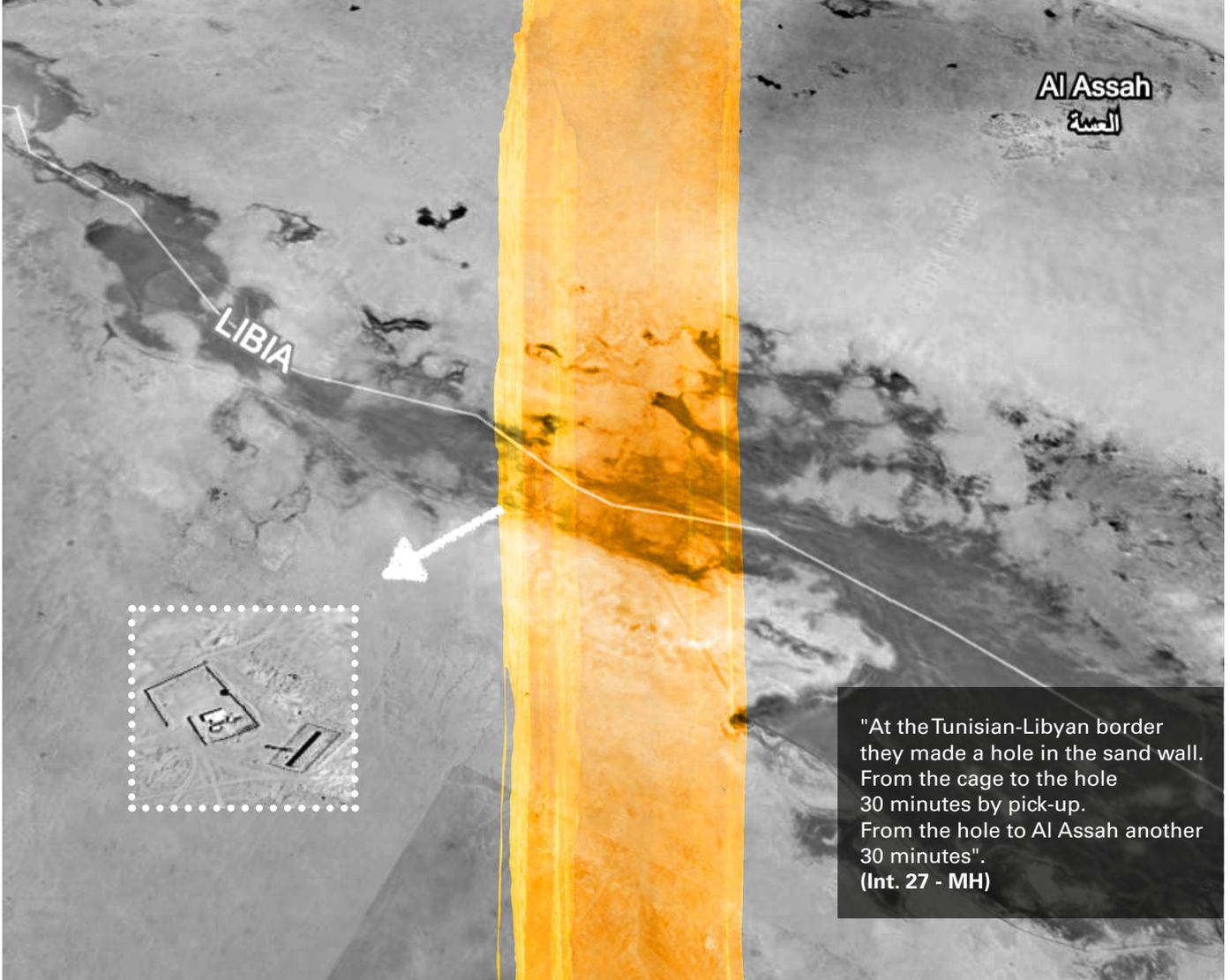
Selling and Buying

(Int. 15 – BA)

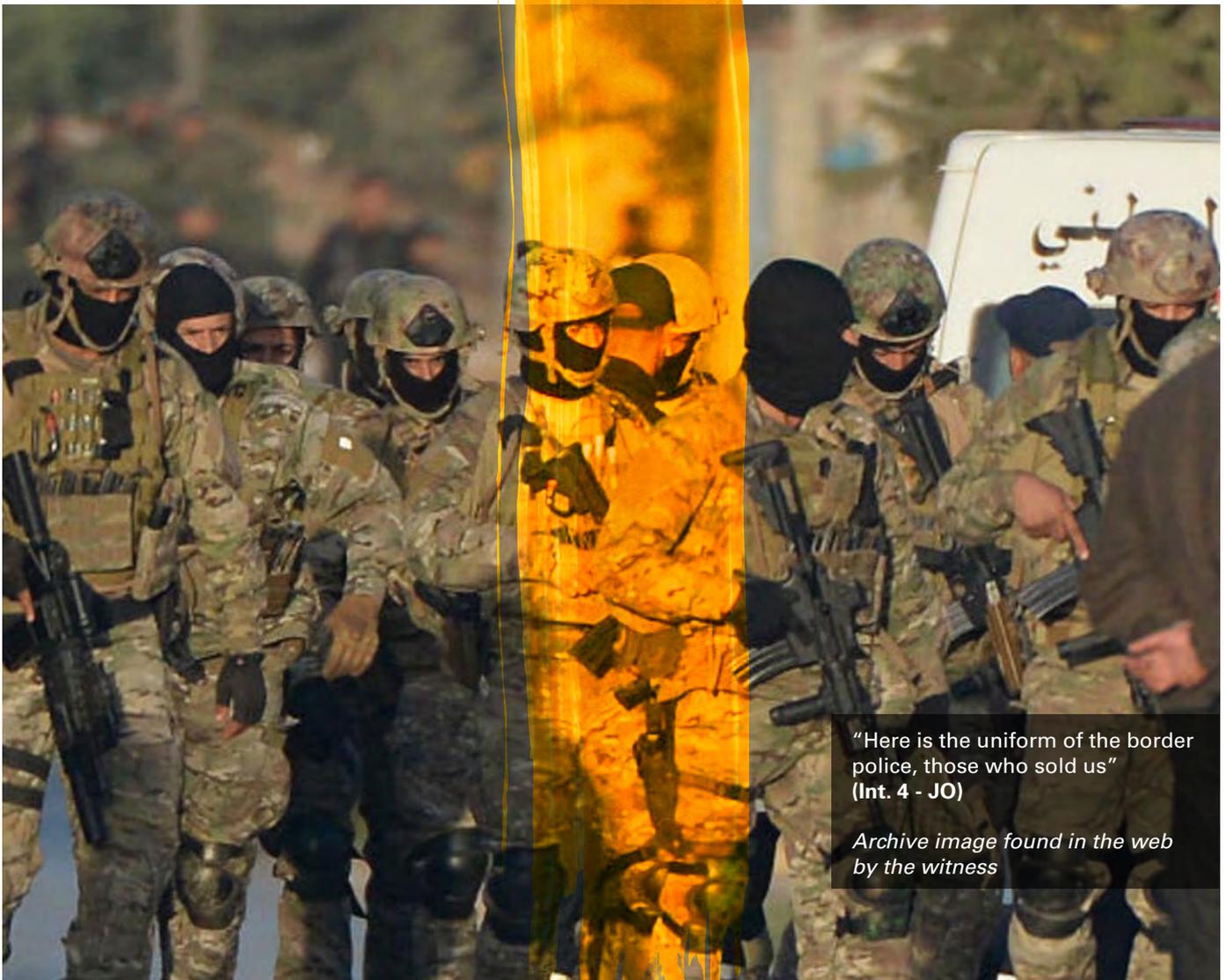
“On Friday night, (the Tunisian soldiers) called the Libyans and two Libyans in civilian clothes came to the camp. We thought it was to take us away at that moment. They talked between them (...) and we could hear the conversation: (speaking in Arabic) one of them said ‘it’s 40 dinars per head’. The others (the Libyans) didn’t have enough cash and asked if they could supplement with hashish. Then they (the Libyans) left. The money was not enough, you know. The following day was 19 January 2024, around 10 am. They put us in their pick-up trucks. They took us there, where the pools of water are (in the pictures you sent us). They made us sit down for 15 minutes. Then the Libyans arrived. On one side, there are sand barricades and there is a gate where they put a Libyan flag. They pointed their guns at us. You can’t escape, because they (the Tunisians) can shoot you. Some people told me that that’s where they shot and killed many people who were trying to escape. The Tunisians made us walk towards that place, the Libyans came with 10 to 15 pick-up trucks, and they loaded us onto them like sheep. They came in uniform. But first the exchange took place. They carried our phones and documents in a package and took it to the Libyan side, they handed it to the rebels, and they gave them the money wrapped in paper along with some hashish. A Tunisian soldier sniffed it (...) ‘Yes it’s good’ he said ‘OK’, and at that point they took us to the other side. They lined us up and made us cross the pool of water. (...) They loaded us onto pick-up trucks. At the border crossing there’s always a first checkpoint. When we got there, there was a Libyan soldier in full khaki uniform who was filming us from a distance. Among the Libyan rebels, there was a tall black man with a beard who stopped the convoy and went up to the soldier, asking why he was filming. They started arguing, then they fired shots on the ground, and finally the black man took the soldier’s phone, destroyed it, and then we were on our way again. There were also peasants in the corn fields who were filming (...) again, the rebels stopped, took their phones and destroyed them. Then they took us to their bases”

(Int. 9 – EV)

“The Tunisian soldiers got ready (for the day of the exchange). The chief was there, well dressed in his uniform. They were armed. They parked the pick-up trucks and the bigger trucks, and they loaded us into them. They beat us even to get us into those cars. They drove back out on the tarmac, kept going for 7 or 8 km, and reached the desert again. After less than an hour we arrived somewhere, and their leader came out and started talking on the phone. A few minutes later, we saw a Libyan pick-up truck appear on the other side. There was a little mountain on the other side. We were at the bottom. When the Libyan pick-up truck arrived, the Tunisian leader went back to his soldiers and started talking. They got us out of the cars and lined us up. At that point, there were Libyan cars coming out of every corner. They parked not far from us. The Libyan leader came over to our side and started talking to the Tunisian leader. They talked and talked. Then (the Tunisian leader) called a soldier who brought a box with documents, phones, and passports. The Libyan leader handed over a package he had in a bag. The Tunisian leader looked at what was inside, they greeted each other. They were selling us like goods. The Tunisian soldiers told us to cross over and go to the Libyan pick-up trucks. We got into their cars and they told us they’d treat us well, that they’d give us food. But we still didn’t know where they’d take us. And that’s how they sent us straight to the prison in Libya (...) a sort of ‘an abandoned military camp with a Libyan flag”



"At the Tunisian-Libyan border they made a hole in the sand wall. From the cage to the hole 30 minutes by pick-up. From the hole to Al Assah another 30 minutes".
(Int. 27 - MH)



"Here is the uniform of the border police, those who sold us"
(Int. 4 - JO)

Archive image found in the web
by the witness

5. Libya - Prisons: kidnapping, tortures, and ransoms

The systematic violation of the human rights of migrants and refugees in Libya is widely known and has been documented in multiple reports by the most authoritative international agencies⁽¹⁾. In July 2024, **the UN High Commissioner for Human Rights announced that it had launched an investigation into the presence of mass graves in the desert at the Tunisian-Libyan border**⁽²⁾. This is not surprising given the level of institutional violence on both sides of the border against defenceless people deprived of all care. Indeed, in many of the testimonies quoted in this report, witnesses mentioned bodies and corpses being taken into the desert to other unknown locations.

Based on the information we gathered and the geolocation work we carried out, **the main place where migrants are first taken when they are trafficked appears to be the Al Assah prison, which is controlled by the Libyan Border Guard and the DCIM Department of Combating Settlement and Illegal Immigration, a division of the Ministry of the Interior in Tripoli**. The prison was already mentioned in the UN Human Rights Council report of June 2024⁽³⁾ as one of the epicentres of human rights violations. The headquarters of the LBG (Libyan Border Guard), which is one of the beneficiaries of the **European Union Border Management Assistance and Training (EUBAM) programme**, are located in the village of Al Assah, not far from the prison⁽⁴⁾.

The prison, which is about 11 km from the border, is also the closest point to the last military detention facility in Tunisia, the so-called *cage (or grillage)* in the words of the witnesses). In interviews, Al Assah is commonly referred to as *the desert prison* due to its location or, alternatively, *ashra ashra* (ten in Arabic) due to the fact that detainees are usually divided into groups of 10 for their main routines such as feeding, which happens once a day. The prison consists of two main hangars. Women are confined in specific spaces, while prisoners are divided by nationality.

Al Assah is **the first node in a network of prisons in Libya within which “insolvent” prisoners are transferred and resold** by a varied and complex system of state and non-state actors. Witnesses reported that in the prisons there were armed militias without uniforms, mixed groups of personnel with and without uniforms, and groups entirely made up of uniformed personnel. The kidnapping industry operates within a non-monopolistic market in which groups of civilians organise to hold and collect ransom money from migrants and refugees, either directly managing the business or reselling prisoners to the police or to other state and non-state actors. One prison to which people are transferred from Al Assah is that of Bir Ghanem.

⁽¹⁾ Vedi: <https://www.ohchr.org/en/countries/libya>

⁽²⁾ Vedi: <https://www.reuters.com/world/africa/un-rights-chief-says-investigating-mass-grave-libya-tunisia-border-2024-07-09>

⁽³⁾ Vedi: <https://documents.un.org/doc/undoc/gen/g24/084/26/pdf/g2408426.pdf> (Si veda pag. 10)

⁽⁴⁾ Vedi: https://www.eas.europa.eu/eubam-libya/libya-enhances-border-security-through-eubam-training_en?s=327

Alessio Zuccarini is the Head of Operations at EUBAM. General Mohamed Al-Marhani, head of the LBG, meets on 27/10/24 with the EU Ambassador, Italian Nicola Orlando: <https://alwasat.ly/news/libya/455746>

The Italian Embassy in Tripoli and IOM visit the LBG headquarters in Al Assah on 17/11/24:

<https://x.com/rgowans/status/1858227815050596625?s=46>

The 5 phases of STATE TRAFFICKING

Given the proximity to the border and the importance of Al Assah as the destination for people trafficked by Tunisian military corps, **the main actor operating in the area appears to be the LBG**. Based on the testimonies which were collected, the pick-up trucks into which people were loaded once the exchange had taken place often had state symbols, as did the cars and other vehicles in the Al Assah prison.

Once people are dumped in the prison courtyard, the first routine involves a first **triage** to separate those who are able to pay immediately from those who must be subjected to torture, threats, and violence of varying intensity. The former are freed **upon payment of a sum of around 1,000 euros, while for the latter the payment required is between 400 and 700 euros** (ransoms paid for women are in the upper range). The second triage is based on nationality and skin colour, and the potential economic value of prisoners is always taken into account.

Many – because they are unable to pay – are held for long periods of time and/or moved on to other prisons; they are the rejects of the kidnapping industry and some of them become part of the activities that revolve around the management of the prisons or the release of the prisoners. Many witnesses mentioned the presence of black ex-prisoners of different nationalities within the surveillance apparatus who are also useful as linguistic intermediaries.

From the point of view of *value production* in the human trafficking industry, **the “cargo” of men, women, minors, and children sold** – at a price ranging between 12 and 90 euros per person on the Tunisian side – **is not immediately and entirely profitable**, as it involves management costs and losses (deaths, breakouts, illness, and insolvency) at the various nodes in the network of kidnapping operations and detention facilities

Like other prisons in Libya, Al Assah also functions as a **forced labour market**. Prisoners are sold to local people and businesses to do little daytime jobs. Forced labour is seen as a great opportunity by the prisoners themselves, because of the various possibilities it offers, such as access to better quality food and water, and a chance to leave behind the violence and unhealthy life they experienced while being detained, potentially escape, and build relationships with people outside the world of detention.

The institutional character of Al Assah is confirmed by a recurring element in the testimonies: **the presence of the IOM (whose base in the region is Zwara) as an occasional provider of medicines food, and other material goods**. People who arrive in these prisons injured, sick, and malnourished as a result of the violence they suffered during the phases described above, do not receive adequate medical care. Violence and torture form part of the detainees' daily routine. Prisoners are forced to inflict violence on other detainees; **other witnesses mentioned that some prisoners died and that there are mass graves where bodies are buried by the prisoners themselves**.

There are two further elements which suggest that Al Assah is linked to trafficking and expulsions carried out by the National Guard and the Tunisian army.

The 5 phases of STATE TRAFFICKING

Firstly, **the telephones and identity documents** which, according to many testimonies, are part of the exchange operations at the border, are key elements for the safety of the telephone rooms where prisoners have to contact their families in order to obtain their ransom money. The kidnapping industry must be protected using 'clean' telephone numbers and 'identity documents' which cannot be traced back to the organisers of this business.

Secondly, many witnesses mentioned **fixed days linked to the arrival of new groups from Tunisia**, which highlights the functioning of a coordinated cross-border logistical apparatus.

Releases from Al Assah almost always happen at night and **the destination is the nearby town of Zwara**. Here, freed prisoners still risk falling further into the apparatus of the kidnapping and detention industry.

This is what BA (Int.15) who had been sold in January 2024 and had ended up in Al Assah prison, told us from Zwara, Libya:

“Two days without eating, all the way to Libya. They don't even give you water. There are *coxeurs* (intermediaries) who sleep in the prison with the Libyans. As soon as you arrive and they lock you up, they go to visit the newcomers who have the means to get out (...) they have telephones, they write down your name, then they come look for you if you're ready to call someone who can free you, they line you up, get you out of the main cell, and send you to a room. There's a phone for every 5 or 10 people, each person has 10-20 minutes to call their family. You have to pay even if you are sick, you have to pay even if you are dying. They won't release you for any reason. If you die, they put you in the desert. If you try to escape, they shoot you. They beat you even if you are sick (...) it's terrible. I called my parents, they paid 350,000 CFA, some pay more. (...) My father paid on Tuesday and they let us out on Wednesday. They sent us to another place along the road, because there were checks. They hid us in front of the other military authorities so that they wouldn't be able to see what was going on, they put us in a camp for one night. We slept there, then on Thursday evening at 6pm they took us to the town where we are now, Zwara. There is a big mosque, they left us there in the black neighbourhood. It's an old, dirty neighbourhood, it's not safe there either, the Libyans attack people, they break down house doors, they can do anything (...) and if you end up in prison, they do the same thing I told you about. If they catch you then and you don't have 3,000 or 4,000 dinars to pay them, they hand you over to the regular army, then they move you to Niger to live in misery. (...) this what will happen here, until God opens the doors of Europe for us so we can get in. The police cars here in Zwara or Tripoli are the same ones you see in the prison. It was a desert prison, near a small town. From the desert prison to Zwara it's about a two-hour drive. From the “cage” in Tunisia to the prison, it takes about 30 minutes by pick-up truck. In prison they make you work. I remember one day they let us go out and play football, and on that day the Grand Chef in uniform came. His name is Mohammed, he's the head of the desert prison. When they get out, all the prisoners are forced to live in this neighbourhood in Zwara called Biahassa, all the black people seek refuge here. After we got out, more people arrived from Tunisia. When I arrived at the desert prison, there were about 200 people (...) there were 156 of us coming in”.

5
Ransoms

(Int. 9 – EV)

“In that camp there were Libyan flags, Libyan cars; we were locked in a big hall with more than 500 people. Arriving in Libya was our ordeal. During the exchange, the Libyans told us to keep calm, ‘we’ll feed you, we’ll take care of you’. There were many people who were injured, their feet were broken due to the beating we got from the Tunisian soldiers. (...) But when we arrived, we realised that it wasn’t true. We call the prison ashara, ashara, because they always divide you into groups of 10, they put pasta on the plate with nothing else for 10 people.

(...) They don’t give you mattresses, blankets, they don’t register you at the entrance. You can do a year or two there, and it’s as if you arrived yesterday (...) I was there for a month and three weeks; people were so sick, we lost a brother there. They don’t care if you’re well or not (...) what you have to do is fight to call your family and pay the ransom. In the prison there were people who controlled (us) and among them there were black guys; these black guys were stuck in the prison for so long and they didn’t have anybody who could pay their ransom, so they chose them as cooks (...) To get out of there, they (the Libyans) have telephones, they have people who speak many languages (...) in the morning, there are 4 or 5 people who get you out of the prison; they put you in some kind of waiting room, then you look for the number of someone who can help you. The phone is only for asking for money.

They had accounts where they could send money to all the countries. The passports they got (from the Tunisians) are used for all this trafficking. They use them to collect money. (...) The Libyans need labour, for small jobs, unpaid labour (...) they take you in the morning and bring you back in the evening. There were people going out every day, even to do house moves. There was a town very close by that was inhabited, it’s not Zwara, it’s a small town. It was people from this town who came to the prison to ask for labourers. When I got out, they took us to the centre of Zwara. First, they took us to an abandoned house at night, then at 5am some taxis came from Zwara to pick us up before the townspeople started to wake up and leave their houses (...) In Zwara the police always went into the houses where black people lived to pick you up and take you to prison (...) and pay the ransom. It’s a mafia, it’s the police, it’s the state, they patrol the neighbourhood and catch you. Even an ordinary Libyan will get three or four people together, come to get you in your house, kidnap you, and ask for a ransom”

(Int. 1 – WI)

“When the Libyan soldiers buy us, they then sell us back to the *coxeurs* (intermediaries). The Libyan *coxeurs* in turn sell us back to the prisons and keep us there. (In Libyan prisons) those who have families are forced to call them to pay and be released. Those who don’t have families stay there. There are many people who are missing, they’re said to be dead (...) they are in prison in Libya. They don’t have the money to be released; many fall into depression, others die. The prisons are terrible, there are fleas, you’re cramped, you sleep on top of each other”

(Int. 6 – TL)

“The Libyans picked us up and took us to the desert prison towards Tripoli. Libyan military buses picked us up at the border, the windows were tinted. In the prison, we found other Africans and they were the ones who gave us the information, you have to pay 350,000 to 400,000 CFA to get out of prison. I spent at least one month in prison. The place where they put men is like a barbecue, an iron cage with only one door to get out. Many got out of there with diseases, some tried to escape, some were hit by bullets, some were clubbed. There are black people who work with the Libyans and live with them in the prison. On the prison walls, you can find the contacts of the correspondents (...), when you pay your ransom, you call your contact person and go to him. For example, I’m with a brother at his *campò* in Zaouia, he’s the one who got me out of prison. He told us to avoid walking around, even if it’s to look for work, because you’re not sure you’ll come back at night. Every day, every day there are Africans who are kidnapped, they go out for example in groups of 10 to look for work and maybe 5 or 8 of them come back every day”

5
Ransoms

(Int. 8 - ST)

“They loaded us onto cars and took us to a prison in the desert. Prison in Libya is hell, it's hell. You have to be really strong. In the morning, they beat you and give you phones to call your parents. The water to drink is salty. There are no toilets. You eat in the same place where you shit. Once a day at 6pm you eat macaroni. They beat you in the morning, they beat you at night. The Libyan soldiers who bought us were wearing uniforms. In the prison, the IOM always came. They knew what was going on in the prison. They knew about all the trafficking. But there's nothing they can do. They brought some biscuits. (...) Every week, at least 120 people arrived at the prison from Tunisia. The Libyan prison is at the border, we call it Al Assah. Those who can't pay to get out of that prison, after a month or two months, get transferred to another prison”

(Int. 11 - SJ)

“It was more than an ordeal. They took us and we did 40 minutes in the desert before we were in Al Assah, the name of the prison in the desert, near Zwara. We black people call this prison ashra ashra, because they always divide us into groups of 10, but the Arabs call it Al Assah. Our family was very worried because they didn't know anything about us. Our family paid 550 euro, some 600. We did 4 days, the convoy (of free people) was ready and there were no checks in the desert. Because sometimes if Tripoli (the army) is in the desert, they don't let prisoners out. It's a mafia. Most of the soldiers who are there are not wearing uniforms, only a few of them are in uniform. We went in on 24 December and got out on 27 December (2023). There were 40 of us. We were in two 4x4s escorted by a police car, they take you to a ghetto and you spend the night there. Then, in the morning, taxis come and find you and take you to the city. Then I stayed in Zwara for four months. Now I'm in Zaouia”

(Int. 3 - CA)

“I'm currently in the Libyan city of Zwara and I came here because the Tunisian military sold us to the Libyans. In prison in Libya they bring you spaghetti every day, they make you eat in groups of 10 and, after eating, they beat you. You eat once a day and there's no drinking water. Every day there's a black guy who comes looking for you to call your family. Every night they shoot in the air, they beat you. It's an ordeal, I don't have the words to tell you what I experienced. I can't even call it a prison, it was a kidnapping. Everyone knows about it. My family, by the grace of God, did what they could to free me. I was very thin, I had scabies all over me, it was enough to show them my picture. Where I'm now, I still risk going to prison, because whenever I walk down the street, I'm not safe. Some people can grab you and take you to the police. You get kidnapped again and you have to pay a ransom. I don't understand why the Tunisian state did this to us. It would have been better to deport us to our countries. (...) everyone who came through there knows that. The prison in Libya (...) just talking about it is an emotional shock. What I experienced in Libya is disgusting. I saw the Libyans shooting black brothers in front of me at eye level, others getting beaten, having their feet broken, (...) I saw the Libyans coming to pick us up to ask us what jobs we could do, who was a mechanic, who was a bricklayer (...) and for us who were in prison this was a privilege. You get up and say 'I can do this'. When you go to do forced labour, at least you have the privilege of seeing the world outside and breathing a bit of fresh air, because the air we breathed in prison was nauseating, we slept on our own excrement, we pooped and peed nearby, and we slept there. Going to prison in Libya is something I wouldn't wish on anyone, not even on my worst enemy. Maybe if you go to work outside you can drink water, you can eat something nice. Just for this privilege people didn't hesitate to say 'I can do this'. You volunteer to do forced labour because you want to breathe. (...) I didn't think that in this day and age, in the 21st century, human beings were still being treated like that. Real trafficking is what happens in there. My release was the same as it was for everyone else. They usually release you at night, they take you on pick-up trucks that are well loaded, with tinted windows, they get you out of the desert at the border and unload you in Zwara. The black *coxeurs*, who acted as intermediaries between the Libyans and the prisoners to pay your ransom, have houses, ghettos they are renting and they put you in there”

5
Ransoms

(Int. 4 – JO)

“They loaded us into Libyan police cars and took us to another prison, some kind of private prison that looked like a warehouse. There were more than 400 people there, all in a big room. We suffered a lot. They only feed you once at 5pm, white macaroni, one small tray for every ten people and water every three days. You have to pay quickly to get out. (...) everything is a well-organised business. The correspondent got us out and they took us to Zwara to a small house”

(Int. 21 – MA)

“The people who ran the prison were black. They worked with the Libyans, but they were the ones guarding the prison. The Arabs were not in uniform. For us women, if you're obedient, they don't brutalise you too much. My mouth was shut, because I had my children. But the other (prisoners) insulted the black people who ran the prison; it was called Bun Gané, some name like that. I paid a ransom of 1,000 euros with the children. There was a metal fence surrounding the prison. When you pay, the Arab man comes and lets you out. I followed the brothers and we started walking”

(Int. 12 – SY)

“They took us to Al Assah, to a prison. (...) they beat you with Kalashnikovs, they break all your body parts, I was scared, I was not used to these kind of atrocities, I called my family. I did a week there. I paid 700 euros, they let us out and gave us to a civilian with a taxi who took us to Zwara. They collaborate, it's a chain, a business; they exchange you at every step. In Zwara my foot started to swell from the atrocities I suffered in Tunisia. In Zwara there are always arrests, I can't run to escape with my foot (in this state). That's why I came here to Misrata. Now I'm here immobilised, I can't walk”

(Int. 7 – LA)

“They put us on pick-up trucks, there were seven pick-up trucks, (...) they took us to a camp, they told us it was the IOM camp, but it wasn't. We saw men in uniform, masked, they made us strip naked to take what the Tunisians couldn't take. They took us into a big cell. They wear police uniforms, but they're rebels, it's Libya. They had grey outfits. There are many black men among them, it has to be said. There are Chadians and Sudanese who are prison guards, they have weapons, they watch us, they sleep there, they mix with the Libyans. There were no state symbols or flags in the camp. It's a prison that those who took us from the Tunisians have built themselves. The camp is at most one hour away from the border. I did three and a half months there. It was atrocious. I thank God for getting me out of there. There was nothing to eat or drink. Only once a day at 5 pm and water every four days. It was torture, because we had to call our parents for money, and if they don't send the money we'll die there, it was atrocious. There was a town very close by, 5 minutes by car (...) those who were trading goods in the prison went there, bought cigarettes and biscuits, then sold them at such high prices (...) sometimes local people came to take black people out to work, then they came back in the evening. There were so many of us, so many, we slept on the floor next to the toilets, it was all so dirty, there were more than 450 of us when I arrived. New people arrived twice a week or once a week, it's a business. Convoys arrived on Wednesdays and on Saturdays or Sundays, it was frequent. It's genocide, it goes on, there are so many brothers now in prison. It has to stop for all our brothers who are in the desert”

5
Ransoms

(Int. 14 – MO)

“What lawyers? My lawyers were luck and money. For me on the Libyan side it was a little quieter, (...) How I heard the people scream when tortured! If you say you want to find the solution, they take you to a quieter place, different from where the others are, because you have money to pay. You tell them ‘please don’t torture me’ and ‘let’s find a common ground’. I paid a ransom of 1,000 euros to get out. My mother paid this money by using an Orange number. But those who weren’t able to pay, I don’t know where they ended up. Out of 30 people, I can tell you where 5 or 6 people ended up. The rest I don’t know. The entrance to the prison was like a field and inside there were various separate buildings.

When you enter, first they put you in a big space with everyone, then that’s where they do triage. If you pay, you go to one side; if you don’t pay, you go to another section. Newly arrived people have to be tortured. You see on the first day the way they torture people who don’t pay (...) The people in the prison are in uniform and I was surprised that there were black people there, black people torturing black people, it hurt me a lot (...) The Libyans don’t have guns, only big weapons; they use them to beat you on the head, you start to bleed and they find this natural, for them there’s nothing wrong with that, nothing at all (...) they speak to you in Arabic and if you don’t understand they hit you.

There were many of us, more than a hundred, hundreds, they kept arriving all the time and where were they coming from? Tunisia. (...) They arrest you on the water in Tunisia, but you end up in Libya. Everyone they caught on the water they took to Libya to sell them. I met people who were on their third prison, that means they have to pay a ransom, then another one, and another one. I only did it once.”

(Int. 19 – KA)

“In prison in Libya, without mattresses or beds, thrown on the floor, there are no bathrooms, you shit where you sleep, we are thirsty and hungry. The night we arrived they gave us phones to call our families for money, otherwise we would have died there. ‘Not even God can save you’. That’s how they threatened us. Then, in the evening, they gave us macaroni with some medicines in it to weaken us. And that’s how it was every day from then on. Every day there were new migrants arriving. I spent three days there. On the fourth day, I managed to reach my uncle to get the sum of money they were asking for, 650 euros. Then they released me. 600 for the ransom and 50 for the mafia taxis that take you away from the prison, and they left me in Tripoli.”

(Int. 13 – IB)

“When we arrived at the prison, the IOM was there. There were more than a hundred of us arriving, they counted us and gave us some medicines. Then the Libyans loaded us (onto vehicles) and took us to a bigger prison. When we arrived at the big prison, hell began. Every day there were dead people, sick people, the IOM was always there, but they didn’t react, there was nothing to eat or drink. You had to fight to drink water. Every morning, they opened the prison to beat us, torture us, force us to call our parents. It’s 500 euros. If your family doesn’t respond, they take you to a cage to torture you, to film you, and they send it to your parents so that they pay the 500-euro ransom. Thank God my parents paid and I did one more month before I got out. They took me on small trucks and left me in the desert. I saw a distant light and walked 30 kilometres, and that’s how I arrived in a town called Zwara. I have many friends who are still in prison because their parents are poor and can’t pay.”

5
Ransoms

(Int. 17 – BL)

“We travelled all night long and were taken to prison in Libya. In Libya they moved us around to five different prisons. They asked women to pay 600 euros and men 400, after mistreating us and beating us. There were pregnant women, a woman who was 7 months pregnant fainted. I was one of the pregnant women, they didn't give us any food. NGOs came, we told them we were sick, but they didn't give us anything, only some medicine. They told us they couldn't get us out of prison. But we don't have families who have these sums of money, we came to Tunisia to work. They beat the women as well as the men, they poured water on them. I got out of there traumatised. I want to testify, I want the prisons in Libya to be destroyed. I was in the desert prison, I was in the Bouslim prison, I was in the Charascia prison, in the Zaouia prison, I was in different ones because they moved us from prison to prison. There are so many people in prison, so many sick people. (...) We were like dogs in prison. It's God who allowed my family to send the money to release me. I don't understand how the Tunisians can sell us to the Libyans as if we were goods. If you don't pay, you can't get out. You only eat once at 5pm with a bottle of water, water from a well that's not even clean. We don't understand what the NGOs are doing there, what use they are when they come to prison. Some people have done one year in prison, some two, some seven months (...) My head is not calm, I've only been back in Tunisia for a week.”

(Int. 22 – TA)

“They drove us to Al Assah; the journey took about half an hour, although the pickup trucks were going very fast. In Al Assah, they locked us up in containers that were used as prisons, keeping the Sudanese separate from other Africans, because the money the militias earned depended on the nationality of the detainees. There were other people inside the containers. We were beaten with sticks, both children and adults. People with lighter complexions were separated from the others. Both those who were caught at sea in Tunisia and those who were caught in Libya were brought to Al Assah. In that area, there's also another prison called Al Zwaya whose owner is called Oussama. In this prison, people are subjected to torture. During the first three days in Al Assah prison, we weren't given any food and the water they offered us was salty. On the fourth day, we were served hard rice with salty water in a very large dish and they beat us so that we'd eat it. That food was practically inedible: either you ate it so you wouldn't die, or you had to pay to be released. We were beaten every day and the dirty food made us sick. If we hadn't eaten immediately, we would have been trampled on. There were no toilets, which is why the Libyan guards, fearing infections, had other detained migrants beat us with sticks, avoiding direct contact with us. Some people suffered broken arms and legs, while others were killed after about a month. We were asked to take the bodies of the dead to the desert and bury them. It wasn't the Libyans who beat us, but other African detainees from other containers who were forced to do this under the supervision of the Libyans, who observed, wearing masks and gloves for fear of bacteria. If you tried to speak, you got beaten and sometimes the blows were so violent that they caused death. In our container, during the 14 days I spent there, I saw at least four people die, due to a mix of hunger and violence. If the African prisoner didn't beat people hard enough, he was killed. We then had to bury the dead while the Libyan guards were watching us. I had to pay 3,000 Libyan liras to be released. If you remain there for more than two months without paying, they transfer you to another prison called Bir Ghanam.”



The Al Assah camp.

"IOM often comes to Al Assah bringing gifts. When OIM comes, the Libyans guards treat us as if we were not prisoners. I spent two months and two weeks there, I was compelled to forced labour. Many groups of prisoners arrived from Tunisia while I was in Al Assah (from September until mid-November 24). All were sold like me".
(Int. 27 - MH)



"Here is the Libyan police uniform, those who bought us"
(Int. 4 - JO)

*Archive image found in the web
by the witness*

LEGAL INDEX of human rights violations

(ed. ASGI)

If we consider them
from a legal perspective,
the testimonies presented here
highlight the following violations
of international law:

1. Crimes against humanity
2. Arbitrary detention
3. Racial discrimination
and incitement to racial hatred
4. Collective expulsions
5. Enslavement
6. Forced disappearances
7. Torture and inhuman
and degrading treatment
8. Human trafficking
and gender-based violence

1. Crimes against humanity

According to the Statute of the International Criminal Court, a crime against humanity means one or more acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. These acts include:

- Enslavement
- Deportation or forcible transfer of population
- Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law
- Torture
- Rape, sexual slavery, enforced prostitution, or any other form of sexual violence of comparable gravity
- Persecution against any identifiable group on political, racial, national, ethnic, cultural, religious, gender grounds or other grounds universally recognized as impermissible under international law
- Enforced disappearance of persons

On September 24, 2024, the International Criminal Court was again called to investigate crimes against humanity committed in Tunisia. The appeal was filed by lawyers representing the families of Tunisian opposition politicians Rached Ghannouchi, Said Ferjani, Ghazi Chaouachi, Chaima Issa, Nouredine Bhiri, and Ridha Belhaj (killed during a protest). The appeals request the International Criminal Court to investigate attacks against Black African migrants in Tunisia and the repression of the democratic opposition movement to Kais Saied's regime. Tunisia is a State Party to the ICC and the Court has jurisdiction over alleged crimes perpetrated by the current regime.

2. Arbitrary detention

Article 3 of the Universal Declaration of Human Rights states that "Everyone has the right to life, liberty and security of person." According to Article 9: "No one shall be subjected to arbitrary arrest, detention or exile".

The right to personal liberty and prohibition of arbitrary detention is also recognized by the International Covenant on Civil and Political Rights. Article 9 of the Covenant states that "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of their liberty except on such grounds and in accordance with such procedure as are established by law." The same article provides procedural guarantees in case of detention. In any case, "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person" (Article 10 International Covenant on Civil and Political Rights).

The African Charter on Human and Peoples' Rights (ACHPR) also prohibits arbitrary deprivation of liberty. Article 6 of the Charter states that "every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained." Based on Article 7, which is rather general ("Every individual shall have the right to have his cause heard"), the African Commission has also established procedural requirements to be observed in cases of deprivation of liberty. Article 31 of the Geneva Convention relating to the Status of Refugees provides that detention may only be used when it is proven that other less restrictive measures would be inadequate in the particular circumstances of the case. In any case, it cannot be automatic and cannot be used as a punitive measure.

STATE TRAFFICKING

Legal index of human rights violations

The UN Human Rights Committee in its General Comment on Article 9 of the International Covenant on Civil and Political Rights⁽¹⁾ clarified that "an arrest or detention may be authorised by national law and yet be arbitrary. The concept of arbitrariness does not entail being 'against the law', but should be more broadly interpreted to encompass elements of inappropriateness, injustice, lack of foreseeability and due process of law, as well as elements of adequacy, necessity and proportionality". In the same Comment, the Committee also stated that 'Detention during immigration control procedures is not arbitrary per se, but detention must be justified as reasonable, necessary and proportionate in light of the circumstances and reassessed as it extends over time (...) Decisions regarding the detention of migrants must also take into account the effect of detention on their physical or mental health. (...) The inability of a State member to carry out the deportation of an individual because of statelessness or other impediments does not justify indefinite detention".

In a document signed in August 2023 by several UN Special Rapporteurs and Working Groups⁽²⁾, and addressed to the Permanent Delegation of the European Union, serious violations of the rights of migrants in Tunisia are denounced.

These include arbitrary detention and de facto detention of migrants expelled and detained by the Tunisian authorities at the Tunisian-Libyan border, who are taken to 'detention facilities that do not meet any international legal standards, in overcrowded conditions, without access to water, food and restrooms..."

Tunisian national law does not expressly provide for or regulate administrative detention; the access into detention centres by human rights associations, journalists or lawyers is severely restricted and subjected to the authorisation of the Ministry of the Interior.

The conditions existing within centres such as El Wardiya and Ben Guerden in Médenine, closed in 2019 and then reopened, have been object of several complaints by Tunisian and international organisations⁽³⁾.

3. Racial discrimination and incitement to racial hatred

The International Covenant on Civil and Political Rights (ICCPR) requires signatory States to prohibit hate speech. In this context, Article 20, paragraph 2, states: "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law." Although the African Charter on Human and Peoples' Rights (ACHPR) does not contain provisions comparable to Article 20 of the ICCPR, it still provides for non-discrimination in the exercise of rights, among others, in Articles 2, 19, and 28. Article 28, for example, states: "Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance."

More specifically, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) defines racial discrimination as "any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

According to this Convention, States Parties "condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one color or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination."

The climate of hatred existing in Tunisia against migrants from other African countries has been repeatedly denounced. In particular, in July 2023, a group of UN⁽⁴⁾ experts expressed their concerns about violations of migrants' rights in Tunisia and reports of racist hate speech in the country that constitute incitement to discrimination and have real consequences, including

violence. The experts also called on the Tunisian government to take immediate action to end racist hate speech in the country, protect sub-Saharan migrants from violence, investigate reported acts of violence, and ensure access to justice and remedies for victims, as also recommended by the Committee on the Elimination of Racial Discrimination⁽⁵⁾.

According to the Committee on the Elimination of Racial Discrimination, the speeches by Tunisian President Kais Saied, who evoked the existence of a "criminal plan to transform Tunisia into an African country," are at the origin of unacceptable violence and crimes and go against the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination. In particular, the Committee refers to Article 2 of the Convention, under which States Parties undertake not to engage in any act of racial discrimination and commit to not sponsor, defend or support racial discrimination, and Article 4, which commits States Parties not to permit public authorities to promote or incite racial discrimination.

4. Collective expulsions

The African Charter on Human and Peoples' Rights (ACHPR) is fairly unique among similar international human rights treaties in that it prohibits collective expulsions. Article 12(5) of the ACHPR prohibits "mass expulsion of non-nationals" based on national, racial, ethnic, or religious grounds.

A similar rule regarding collective expulsion is found in the European human rights system (Article 4 of Protocol No. 4 to the European Convention on Human Rights (ECHR)). The concept of collective expulsion refers specifically to the act of expelling or pushing back a group of people without an individual assessment of their personal circumstances and therefore, unlike the ACHPR, is not tied to specific criteria.

Most other international human rights conventions generally refer to the prohibition (as individual legal protection) of refoulement of certain persons.

The 1951 Geneva Convention relating to the Status of Refugees, in Article 33, establishes, for example, the principle of non-refoulement, which prohibits the return of refugees to territories where their life or freedom would be threatened. This principle is further strengthened by the UN Convention against Torture, which prohibits the transfer of persons to countries where they risk being subjected to torture. Furthermore, the International Covenant on Civil and Political Rights (ICCPR), in Article 7, prohibits the refoulement of individuals to countries where they might be subjected to torture or inhuman or degrading treatment.

The United Nations, through the High Commissioner for Refugees (UNHCR), is required to monitor and report cases of collective expulsion, as well as provide guidelines to Member States to ensure that asylum practices respect human rights and the principle of non-refoulement. Additionally, the Committee against Torture and the UN Human Rights Committee play a crucial role in monitoring compliance with international conventions and providing recommendations to States through periodic reviews resulting in reports addressed to Member States.

In Europe, the jurisprudence of the European Court of Human Rights (ECHR) has played a fundamental role in defining and applying the prohibition of collective expulsions. In cases such as *Hirsi Jamaa and Others v. Italy*, the Court found that Italy had violated the prohibition of collective expulsions by pushing back migrants to Libya without an individual assessment of their asylum claims. The Court reiterated that each individual has the right to a fair and individual assessment of their case, and that collective expulsions are unacceptable. Other significant cases include *Sharifi and Others v. Italy and Greece*, where the Court condemned collective expulsion practices carried out without adequate procedural guarantees. The Court emphasized that border control measures must not compromise people's fundamental rights, including the right to an effective remedy and the right not to be subjected to inhuman or degrading treatment. Furthermore, in a recent decision, the European Court of Human Rights (ECHR) in the case of *J.A. and Others v. Italy*, in condemning Italy for violating the prohibition of collective

expulsion to Tunisia, also refers to the risk of indirect refoulement from Tunisia. The Court found that pushing back migrants to the African country without an individual assessment of their personal circumstances would involve a significant risk that they could be further transferred to countries where they might face persecution or inhuman and degrading treatment.

The situation of collective expulsions in Tunisia is concerning and has been the subject of numerous complaints from non-governmental organizations (NGOs) and UN bodies. According to various reports, Tunisian authorities have intensified maritime interceptions and mass expulsions at borders with Algeria and Libya. These operations often occur without an individual assessment of migrants' personal circumstances, thus violating the principle of non-refoulement and other fundamental human rights.

NGOs⁽⁶⁾, including Amnesty International and Human Rights Watch⁽⁷⁾, have documented numerous cases of collective expulsions and other human rights violations. In particular, a joint statement by 62 NGOs emphasized that Tunisia is not a safe place for the disembarkation of people intercepted or rescued at sea. The NGOs denounce that cooperation between the European Union and Tunisia on migration control contributes to human rights violations, exposing migrants to risks of collective expulsion to countries like Libya and Algeria, where they might face persecution or inhuman treatment⁽⁸⁾.

United Nations bodies, such as the United Nations High Commissioner for Refugees (UNHCR), closely monitor the situation and have expressed concern about such practices in Tunisia. The UN Human Rights Council has been urged to address the deteriorating human rights situation in Tunisia, including collective expulsions⁽⁹⁾.

5. Enslavement

Enslavement represents one of the most serious violations of fundamental human rights in contemporary international law. From a technical-legal perspective, its primary definition is found in the 1926 Slavery Convention, which characterizes it as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." This basic definition has been subsequently integrated and developed through multiple international normative instruments. The normative evolution has seen fundamental milestones in the adoption of the 1948 Universal Declaration of Human Rights, which in Article 4 establishes the absolute prohibition of slavery and the slave trade in all their forms. This principle was further strengthened by the 1966 International Covenant on Civil and Political Rights, which in Article 8 establishes the non-derogable nature of the prohibition of slavery, elevating it to a jus cogens norm of international law. Today, the prohibition of slavery and all related practices is also found in all regional human rights instruments, such as Article 4 of the European Convention on Human Rights, Article 5 of the African Charter on Human and Peoples' Rights, and Article 6 of the American Convention on Human Rights.

The jurisprudence of international courts has played a crucial role in interpreting and applying these principles. In particular, the International Criminal Tribunal for the former Yugoslavia, in the paradigmatic case "Prosecutor v. Kunarac," developed a series of identifying criteria for enslavement⁽¹⁰⁾. These include control over a person's movement, control over the physical environment, psychological control, measures taken to prevent or deter escape, use of force or threat of force, duration of the period of subjugation, and assertion of exclusivity. Within the framework of United Nations mechanisms, a central role is played by the Special Rapporteur on Slavery, whose mandate includes global monitoring of slavery practices, collecting information from governments and non-governmental organizations, and formulating recommendations for the elimination of the phenomenon.

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Similarly, the Working Group on Contemporary Forms of Slavery deals with identifying modern forms of servitude and analyzing the structural causes that favor its persistence. New forms of slavery that affect the ontological condition of migrant vulnerability are gaining great relevance in the international context.

These practices are characterized by common elements such as the exercise of control over the victim, economic exploitation, and limitation of personal freedom. Protection and prevention mechanisms operate on multiple levels.

The situation of migrant enslavement in Tunisia represents an emblematic case of contemporary forms of exploitation in the Mediterranean. The phenomenon is part of the broader context of migration routes from sub-Saharan Africa to Europe, where Tunisia serves as a transit country and, increasingly often, a place of forced stay. Sub-Saharan migrants in Tunisia are particularly vulnerable to exploitative practices that constitute modern forms of enslavement. This phenomenon manifests primarily through:

- a** Forced labor that characterizes the condition of many migrants, forced to work under conditions of severe exploitation, mainly in the agricultural, construction, domestic, and informal sectors;
- b** Conditions of servitude characterized by confiscation of identity documents, non-payment of wages, exhausting working hours, degrading living conditions, and social isolation and movement control.

The situation has been further aggravated by recent political and social developments in the country, with an increase in xenophobic attitudes that have made migrants even more vulnerable to exploitation⁽¹¹⁾, with victims often finding themselves unable to report abuses for fear of retaliation, precarious residence status, and lack of protection entities to access. The Tunisian legal framework, despite formally providing protection instruments, shows significant gaps in practical implementation. Law 2016-61 against human trafficking, while representing an important step forward, fails to ensure effective protection⁽¹²⁾. International organizations, particularly IOM and UNHCR, have documented numerous cases of practices amounting to enslavement, highlighting how the phenomenon is systemic rather than episodic. Victims often find themselves trapped in a cycle of exploitation that begins in their countries of origin and continues during transit and stay in Tunisia.

6. Forced disappearances

The United Nations Committee on Enforced Disappearances (CED) defines enforced disappearance as a human rights violation that includes an arrest, detention, or abduction carried out by State agents, or by third parties acting with the authorization, support, or acquiescence of the State, followed by the agent's refusal to acknowledge the fact or silence about this event. The International Convention for the Protection of All Persons from Enforced Disappearance, adopted in 2006, represents the main legal instrument to address this crime. Enforced disappearances differ from other human rights violations, such as torture or arbitrary detention, in that they create an information void for both victims and their families, seriously compromising the right to truth. This information void not only affects the psychological well-being of families but also impedes the process of justice and accountability.

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The international human rights system within the UN has established two specific bodies dealing with this violation:

1 The Committee on Enforced Disappearances (CED⁽¹³⁾) is composed of independent experts who examine the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance by States Parties, monitoring compliance with international human rights obligations;

2 The Working Group on Enforced or Involuntary Disappearances (WGEID⁽¹⁴⁾) has a complementary role, working to assist victims' families and promote state accountability. The WGEID also deals with specific cases of enforced disappearances, examining and following up on complaints received, and collaborating with governments to obtain truth and justice.

The recommendations made by the CED and WGEID include the adoption of specific legislation, the creation of independent bodies to investigate disappearances, and the implementation of protection mechanisms for witnesses. Specific country observations highlight gaps in the protection of victims' rights and the need to improve transparency policies and access to justice.

In this context, it is also useful to refer to the Guidelines on the Protection of All Persons from Enforced Disappearances in Africa, adopted by the African Commission on Human and Peoples' Rights (ACHPR) during its 71st ordinary session from April 21 to May 13, 2022. The Guidelines aim to strengthen these international treaties and instruments and encourage African Union member states to ratify them as a positive measure to prevent enforced disappearances on the continent⁽¹⁵⁾.

The issue of enforced disappearance has been significantly explored in the geographical context of Latin America. In this sense, a major role has been played by the Inter-American Court of Human Rights (IACHR⁽¹⁶⁾), which has helped define state responsibilities related to enforced disappearances.

Internationally, the International Criminal Court (ICC) has also ruled on the issue and plays a crucial role in prosecuting serious human rights violations, including enforced disappearances, framing them as crimes against humanity. Article 7 of the Rome Statute defines enforced disappearances as a crime against humanity, establishing that they must be perpetrated as part of a widespread or systematic attack against a civilian population. This legal qualification has important implications, as it allows the ICC to exercise jurisdiction over such crimes, reinforcing the idea that enforced disappearances are not just a matter of domestic law, but an issue of international law.

Regarding Tunisia, its history of human rights violations has been the subject of attention by international mechanisms, including the CED and WGEID, also for its policies and practices regarding enforced disappearances. CED reports have frequently highlighted the need for effective measures to prevent enforced disappearances in Tunisia, recommending⁽¹⁷⁾ in particular:

a Strengthening legislation with the invitation to ratify and implement specific laws against enforced disappearances, ensuring that such crimes are criminally prosecuted and that victims receive justice..

b Conducting effective investigations, highlighting the importance of conducting impartial and thorough investigations into all cases of enforced disappearance, so that families can know the truth and obtain justice.

c Creating protection mechanisms, including the need to establish independent bodies to protect victims and witnesses and to monitor investigations into enforced disappearances.

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Regarding the fight against enforced disappearances, after the 2011 revolution, Tunisia initiated a reform process that led to the adoption of laws relating to human rights protection. However, despite the reforms, some significant challenges⁽¹⁸⁾ remain, further exacerbated by the new political season under Kais El Saied's leadership.

Another area in which Tunisia could incur significant responsibilities regarding enforced disappearances is that relating to the disappearances of migrants on Tunisian territory and in the Mediterranean during the crossing of the Sicily Channel. The Mediterranean is indeed a geographical area characterized by significant migratory movements, often associated with serious human rights violations, including enforced disappearances. In both geographical contexts, people on the move can become particularly vulnerable to such crimes due to their uncertain legal status and lack of adequate protections. People attempting to cross the sea often face violence and abuse from both state authorities and non-state groups. This context has led to an increase in enforced disappearances among migrants, highlighting the need for protection mechanisms.

UN committees and the Council of Europe⁽¹⁹⁾ have formulated a series of recommendations to address the phenomenon of enforced disappearances in the migration context, including:

- a** The creation of international databases to register missing migrants, facilitating investigations and tracing of people.
- b** The intensification of greater cooperation between States and international agencies to ensure that investigations into enforced disappearances are conducted effectively and timely.
- c** Training and awareness: Competent authorities must receive specific training on migrants' rights and methods to prevent disappearances.

7. Torture and inhuman and degrading treatment

The international normative framework, through the interpretation provided by the United Nations Committee for the Prevention of Torture, outlines a hierarchy of violations of a person's psycho-physical integrity, where torture and inhuman/degrading treatments represent different degrees of severity⁽²⁰⁾.

Torture, codified in the 1984 UN Convention, is configured as the intentional infliction of acute physical or mental suffering, characterized by a specific intent (extortion of confessions, punishment, intimidation, or discrimination) and by the systematic nature of the harmful action. The methodologies encountered range from falanga to waterboarding, from electric shocks to sensory deprivation, including forms of psychological torture such as prolonged isolation or simulated executions.

Inhuman and degrading treatments, while not reaching the intensity of torture, must exceed a minimum threshold of severity evaluated according to parameters such as duration, physical/mental effects, and victim vulnerability. They typically manifest through inadequate detention conditions, unjustified isolation, disproportionate restraint, or lack of medical assistance. The qualifying elements include deliberate infliction of suffering, dignity-damaging humiliation, and creation of a state of anguish and inferiority. Minimum procedural guarantees include access to legal defense, the right to inform third parties, and independent medical examination. Both types constitute non-derogable violations of fundamental rights, as reiterated in General Recommendation No.2 of the CPT.

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Prevention requires:

- Specialized staff training;
- Stringent operational protocols;
- Effective complaint mechanisms;
- Detailed documentation;
- Independent supervision.

Protection against such abuses is absolute and includes the prohibition of using extorted evidence, the obligation of effective investigation, criminal liability of perpetrators, and victims' right to compensation, without possibility of derogation even in emergency situations.

Finally, it is important to emphasize that the African Charter on Human and Peoples' Rights (ACHPR) also provides similar rights and requires States to guarantee, for example, respect for human dignity (Article 5) and protection from torture and cruel, inhuman, or degrading treatment or punishment (Article 5) for all persons.

Despite this, the implementation of the prohibition of inhuman and degrading treatment in the Tunisian legal system presents significant criticalities from both substantive and procedural perspectives, despite the regulatory apparatus established by national legislators in implementation of assumed international obligations. The normative architecture is based on Article 23 of the 2014 Constitution, which enshrines the non-derogable nature of the prohibition of torture and inhuman treatment, corroborated by the provisions of the modified penal code that incorporate the definition of torture from Article 1 of the UN Convention against Torture. This framework is further strengthened by the ratification of the Optional Protocol to the Convention (OPCAT), which led to the establishment of the Instance Nationale pour la Prévention de la torture (INPT) as a national prevention mechanism. However, empirical analysis of the application of this regulatory framework reveals relevant systemic failures. Preventive detention procedures, governed by Articles 13-bis et seq. of the Code of Criminal Procedure, show criticalities in implementing procedural guarantees, particularly regarding the effectiveness of the right to technical defense and medical assistance in the first 48 hours of custody. The procedural documentation of detention conditions, although formally prescribed by prison regulations, shows significant gaps in practical application.

The preventive monitoring system presents structural dysfunctions. The INPT encounters operational obstacles in exercising inspection powers, particularly regarding unannounced access to detention facilities and acquisition of relevant documentation. Periodic visits, scheduled quarterly, undergo frequent delays, compromising the effectiveness of preventive action.

Detention conditions present profiles of incompatibility with international standards: structural deficiencies in penitentiary institutions compromise the effectiveness of procedural guarantees regarding separation between detainees awaiting trial and final convicts. Particular criticism emerges in protecting vulnerable categories. The operational protocol for identifying torture victims among asylum seekers, formally adopted in 2021, shows application gaps in the initial screening phase. The referral procedure to specialist services, provided for by the protocol, undergoes frequent interruptions due to lack of qualified personnel. The internal supervision mechanism of law enforcement shows structural criticalities.

Cooperation with international monitoring mechanisms has undergone significant deterioration. The visits of the UN Subcommittee on Prevention of Torture, scheduled for 2023, have undergone repeated postponements. Implementation of recommendations made during the last UPR (Universal Periodic Review) cycle shows a very low implementation rate, with particular delay in adopting structural measures.

8. Human trafficking and gender-based violence

Human trafficking and gender-based violence are serious human rights violations, recognized internationally through an articulated regulatory framework. The United Nations Convention against Transnational Organized Crime (Palermo Convention) of 2000 and its Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, define trafficking as the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, for the purpose of exploitation, which can include exploitation of prostitution or other forms of sexual exploitation, forced labor or services, slavery or similar practices, servitude or organ removal. Although Tunisia is not a member state of the Council of Europe, it is relevant to cite the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) adopted in 2011, which defines gender-based violence as a human rights violation and a form of discrimination against women, comprising acts that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

In the African context, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol⁽²¹⁾) is particularly noteworthy. Article 4 of the Protocol provides for African women's right to live their lives free from all forms of violence. This right is expressed in the context of three fundamental rights: the right to life, the right to integrity and security of person, and the right to be free from all forms of exploitation, cruel, inhuman and degrading treatment.

Compared to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 4 represents a step forward in terms of normative standards, as it establishes binding obligations for the State to eliminate violence against women. Except for Article 6 of CEDAW, which obliges States Parties to combat all forms of trafficking in women, CEDAW does not contain specific provisions on trafficking in women. To remedy this situation, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee) has issued several general recommendations.

UN mechanisms, such as the Committee on the Elimination of Discrimination against Women (CEDAW Committee) and the Special Rapporteur on trafficking in persons, especially women and children, have issued recommendations to States to strengthen legislative measures, policies, and services to protect vulnerable persons. In particular, the CEDAW Committee in its recommendations to States has highlighted the need to adopt comprehensive legislation that criminalizes all forms of trafficking and violence, ensure access to justice and services for victims, develop targeted prevention policies and programs, adequately train operators, collect disaggregated data, and strengthen international cooperation. The Committee also emphasizes the importance of addressing root causes, such as gender inequalities and discrimination, to effectively prevent and combat such serious human rights violations.

The main monitoring mechanisms and UN committees have formulated a series of articulated recommendations to Tunisia to more effectively address the serious problem of trafficking in migrant women. In particular, the CEDAW Committee has emphasized the need to strengthen the national legislative framework to comprehensively criminalize all aspects of the crime of trafficking, including recruitment, transportation, transfer, harboring, and exploitation of victims. It has also recommended intensifying efforts to identify trafficking victims promptly, providing them with adequate assistance and protection services, as well as ensuring their effective access to justice and full compensation for damages suffered⁽²²⁾. Similarly, the UN Special Rapporteur on trafficking in persons⁽²³⁾, especially women and children, has urged Tunisian authorities to improve training and awareness of law enforcement and judicial system operators to promote better identification and assistance of trafficking victims. The Special Rapporteur has also emphasized the importance of addressing the socio-economic causes underlying the phenomenon, such as gender inequalities, poverty, and lack of opportunities for migrant women.

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NOTE

- [¹] OHCHR General comment No. 35 on Article 9, Liberty and security of person
<https://www.ohchr.org/en/calls-for-input/general-comment-no-35-article-9-liberty-and-security-person>
- [²] Strategic and Comprehensive Partnership Framework between the Government of Tunisia and the European Union
<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28292>
- [³] FTDES Report Migrants placed in the Wardia centre: detained and deported or forcibly returned
<https://ftdes.net/ar/migrants-placed-in-the-wardia-centre-detained-then-deported-or-forcibly-returned/>
<https://www.ohchr.org/en/press-releases/2024/10/tunisia-un-expert-alarmed-arrests-and-smear-campaigns-against-migrant-rights>
- [⁴] <https://www.ohchr.org/en/press-releases/2023/07/un-experts-urge-tunisia-act-swiftly-uphold-migrants-rights>
- [⁵] https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2F5WA%2FTUN%2F9716&Lang=en
- [⁶] <https://www.globaldetentionproject.org/tunisia-detention-and-desert-dumping-of-sub-saharan-refugees>
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- [⁸] <https://www.amnesty.org/en/latest/news/2024/10/joint-statement-tunisia-is-not-a-place-of-safety-for-people-rescued-at-sea/>
- [⁹] <https://www.ohchr.org/en/press-releases/2024/10/tunisia-un-experts-concerned-over-safety-migrants-refugees-and-victims>
- [¹⁰] <https://www.icty.org/x/cases/kunarac/acjug/en/>
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- [¹²] <https://www.coe.int/fr/web/tunis/inltp>
- [¹³] <https://www.ohchr.org/en/treaty-bodies/ced>
- [¹⁴] <https://www.ohchr.org/en/special-procedures/wg-disappearances/about-enforced-disappearance>
- [¹⁵] <https://achpr.au.int/index.php/en/documents/2022-10-25/guidelines-protection-persons-enforced-disappearances-africa>
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- [¹⁷] <https://www.ohchr.org/en/press-releases/2016/03/committee-enforced-disappearances-reviews-report-tunisia>
- [¹⁸] <https://www.amnesty.org/en/documents/mde19/3084/2020/en/>
- [¹⁹] <https://rm.coe.int/vite-salvate-diritti-protetti-colmare-le-lacune-in-materia-di-protezio/168095eed7>
- [²⁰] <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>
- [²¹] <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-establishment-african-court-human-and>
- [²²] <https://www.ohchr.org/en/documents/concluding-observations/cedawctunco7-concluding-observations-seventh-periodic-report>
- [²³] <https://www.ohchr.org/en/press-releases/2024/10/tunisia-un-experts-concerned-over-safety-migrants-refugees-and-victims>

“European governments are complicit in the violence and torture inflicted on tens of thousands of refugees and migrants in Tunisia. Not only are European governments aware of what’s happening, but they also actively contribute by providing resources to stop crossings and block migrants in Tunisia. That’s why they are complicit in these crimes.

I wanted to mention that, since 2016, EU member states, particularly Italy, have adopted a number of measures with the aim of blocking migrant routes via Libya and the central Mediterranean without worrying about the consequences for people. Their cooperation with the Libyan authorities revolves around three elements. Firstly, they have provided support and technical assistance to the fight against illegal migration by funding centres where migrants and refugees are illegally and arbitrarily detained for indefinite amounts of time as well as exposed to serious human rights violations, in particular torture. Secondly, they have allowed the Libyan coast guard to intercept migrants at sea, providing them with information, equipment, boats, and technical assistance. Thirdly, they have made agreements with local authorities, tribal leaders, and armed groups to put an end to human trafficking and reinforce checks in the south of the country. This is why the European Union is aware of everything that is happening with regard to migration in the Maghreb countries, particularly Libya and Tunisia. And it is precisely the European Union that has just funded the Tunisian authorities to stop migrants. So, I’m not telling you anything new, because Europeans know more than we do. Thank you for your understanding”.

(Int.19 - KA)



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Behind the scenes - Who funds expulsions?

(ed. ASGI)

"The Prime Minister, Giorgia Meloni, had a telephone conversation today with the President of the Republic of Tunisia, Kais Saied. The conversation, which took place the day after President Saied's swearing-in ceremony for his new mandate as the leader of Tunisia, provided an opportunity to reaffirm the common will to strengthen the partnership between Rome and Tunis, as well as with the European Union. In this context, the two leaders discussed concrete projects identified within the framework of the Mattei Plan for Africa and migration cooperation, confirming their common will to proceed with organising the second conference of the Rome Process in Tunisia next year."⁽¹⁾

22 October 2024

Saied took an authoritarian turn in his government starting in July 2021. On 21 February 2023, he spoke of a "criminal plan hatched at the dawn of this century to change the demographic composition of Tunisia", aiming to transform it into an "African-only" country and blur its "Arab-Muslim" character, and he called for "urgent measures" to stop the arrival of migrants and prosecute their crimes⁽²⁾. Following this speech, there were raids, arbitrary arrests, violence, evictions and dismissals. Over the months, practices of arbitrary deportation, forced relocations, arrests and concentrations for the purpose of deportation were implemented⁽³⁾.

These practices have not in the least altered the Italian and European commitment to cooperation with Tunisia in order to reduce the number of people reaching Italy from its shores. On the contrary, Italy's and the EU's material and diplomatic support play a fundamental role in the development of these policies.

It may be useful to briefly recapitulate Italy's investment in policies to curb migration from and through Tunisia. Since 2017, Italy has spent almost **€75 million** on equipping and training Tunisian border guards, first through the so-called Migration Fund, then through the Reward Fund for Return Policies⁽⁴⁾.

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Projects and funding to strengthen the border control apparatus by equipping and training security forces. 2017 - 2026

YEARS	AMOUNT €	PROJECT ⁽⁵⁾	IMPLEMENTING PARTY
2017 - 2019	12 milion	Technical Support of the Italian Ministry of the Interior to the competent Tunisian Authorities to improve border and migration management, including the fight against migrant smuggling and search and rescue activities. Migration Fund (previous Africa Fund) from the Ministry of Foreign Affairs and International Cooperation (MAECI)	State Police
2017-2019	75.000	Training courses for Tunisian customs, border, immigration, and port and airport security police agencies. Migration Fund	Guardia di Finanza
2018-2020	20 milion	Italian Initiative on Maritime Surveillance Integrated Sea Border Surveillance System in Tunisia. European Trust Fund for Africa (EUTF)	Italian Ministry of Interior
2020-2025	27 milion	Support to Tunisia's border control and management of migration flows. Reward Fund	UNOPS
2022 - 2026	10.850 milion	Enhancing Capacities to Better Manage Movements at Borders Along the Central Mediterranean Route. Reward Fund	OIM
2023	4,8 milion	The provision of equipment, fittings, and maintenance of six vessels for coastal patrolling. Funds of Italian Ministry of Interior ⁽⁶⁾	Guardia di Finanza
2023	9 milion	Fuel to be used for patrolling and search and rescue activities at sea. Funds of Italian Ministry of Interior ⁽⁷⁾	Direct transfer from the Ministry of Interior to the Tunisian Garde Nationale.

STATE TRAFFICKING

Between 2017 and 2024, Italy funded the United Nations High Commissioner for Refugee (UNHCR) and the International Organisation for Migration (IOM) to implement programmes for the protection of asylum seekers and refugees and to support the Tunisian authorities in the management of migration, for a total amount of approximately €18 million. These projects aim to provide direct support to vulnerable migrants stranded in Tunisia, implemented by IOM, which, however, has increasingly focused resources on so-called voluntary return programmes⁽⁸⁾.

Projects aim to provide direct support to vulnerable migrants stranded in Tunisia. 2017 - 2025

YEARS	AMOUNT €	PROJECT ⁽⁹⁾	IMPLEMENTING PARTY
2019 - 2021	3 million	Enhancing protection of Vulnerable Migrants in Tunisia through Emergency Assistance and Support to Health Surveillance and Service Providers. Migration Fund	OIM
2020 - 2021	1 million	Enhancing Access of Stranded Migrants in Tunisia to protection and Assisted Voluntary Return and Reintegration. Migration Fund	OIM
2022 - 2025	6 million	Enhancing Response Mechanisms and Assistance of Vulnerable Migrants in Tunisia. Reward Fund	OIM
2022 - 2025	3 million	Strengthening Inclusive Health System in Tunisia. Reward Fund	OIM
2023 - 2024	1 million	Supporting a human rights-based response to cross-border movements to Libya (focus on the Tunisia/Libya border situation ⁽¹⁰⁾). Reward Fund	OIM

Other projects are dedicated to ensuring protection and access to basic services for asylum seekers and refugees, implemented by UNHCR, such as the projects *Improving Access to Basic Services and Rights for Refugees and Asylum-Seekers in Tunisia*, financed with €2 million between 2022 and 2023, and *Improving Reception Conditions for Refugees and Asylum Seekers in the Context of Mixed Migration Flows*, financed with €2 million between 2019 and 2020.

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Approximately €16 million were then used in projects managed by NGOs or UN agencies with the aim of 'combating the root causes of migration, through actions to support access to employment and business creation; reintegration programmes for returned migrants; economic and social inclusion of young people and women⁽¹¹⁾.

In the current Tunisian situation, the impact of these projects is extremely limited: for several months now, the UNHCR offices partly due to the government's persecution of Tunisian partners implementing its activities, have been unable to guarantee the registration of asylum applications. Moreover, the protection provided by the High Commissioner, which should guarantee asylum seekers from the risk of deportation, is proving to be severely ineffective in the face of abuses by the authorities. All this in the context of a country that has never had an internal asylum system.

In addition to the direct support of the Tunisian authorities, Italy plays a fundamental role in mediating with European institutions: the negotiations leading to the signing of the well-known Memorandum between the EU and Tunisia⁽¹²⁾ were largely guided by the Italian government and resulted in the transfer of €150 million from the Union, a substantial part of which is to be used in strengthening border management and preventing departures.

The Action file on Tunisia⁽¹³⁾, drafted in the framework of the Operational Coordination of the External Dimension of Migration (MOCADDEM⁽¹⁴⁾) in December 2023, refers to the Memorandum as a framework agreement within which to develop cooperation actions on various axes: measures addressed to Tunisian people, such as projects managed by Frontex for return and reintegration and the *Mobility Partnership* to promote legal migration; measures addressed to non-Tunisian people, which include cooperation in border management, including search and rescue actions, anti-trafficking measures, return and reintegration in countries of origin, international protection.

Regarding the second set of measures, the EU is committed to financing a project, implemented and managed by the International Centre for Migration Policy Development (ICMPD⁽¹⁵⁾). This project involves the structuring of training courses aimed at adapting the skills of the Garde Nationale Maritime, which envisages the creation of real academies where European border and police authorities train the Garde Nationale in *border management* activities, with further training envisaged within the framework of the joint Frontex-Italy operation Themis. Additionally, the transfer of vessels, equipment and fuel and the creation of a command centre for the Tunisian National Guard at the border with Libya are established to strengthen cross-border cooperation between the two countries⁽¹⁶⁾.

The programmes have been fundamentally financed through the European Trust Fund for Africa (EUTF-A), which, since 2015, has supported border management projects such as the "Border Management Programme for the Maghreb Region" (BMP Maghreb⁽¹⁷⁾) and the "Programme of Support to the Tunisian Government in the Field of Integrated Border Management" (IBM Tunisia⁽¹⁸⁾). Within this framework the "Support Programme for the Integrated Coastal Surveillance System of the Maritime National Guard" (ISMariS) was designed and implemented, centralising information from different assets, thus making the coordination of interception activities at sea possible⁽¹⁹⁾.

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The resources of the EUTF, as clearly shown in the 2023 report by ARCI and Profundo, are distributed as follows: "the majority (44%, or €38 million) has been allocated to integrated border management. 23% (€20 million) is dedicated to assisted voluntary returns and migration management, 18% (€16 million) to community protection and stabilisation, and 15% (€13 million) to labour migration⁽²⁰⁾".

Starting in 2021, with programming until 2027, cooperation programmes have been financed through the Neighbourhood, Development and International Cooperation Instrument (NDICI) as follows: Supporting the Training of the Tunisian Coast Guard (€13.5 million); Completing the Integrated Coastal Surveillance System (€5 million); Supporting the establishment of a MRCC (€16.5 million)⁽²¹⁾.

This set of measures has allowed the Tunisian authorities to declare their own search and rescue zone and thus extend interception operations beyond territorial waters.

The testimonies collected within this report describe a strategy - already widely used in Libya - of blockade, redirecting, and discouraging mobility. Although the two countries are affected by profoundly different dynamics, the Italian and European strategy seems to be the same: finance the blockade, discursively justify the containment measures with the need to "manage the flows" and combat trafficking, and set up weak humanitarian protection measures, which have extremely limited effectiveness. Tunisia has made it clear on several occasions that it has no intention of becoming a *hub* for migration to Europe. This is also why it has not equipped itself with a domestic asylum system. While transit to Europe is blocked by increasingly effective interception by border guards, the government's stance makes it clear that it has no intention of becoming a destination country, with violent material and symbolic expulsion mechanisms.

NOTE

- [1] <https://www.governo.it/it/articolo/conversazione-telefonica-meloni-saied/26898>
- [2] See Ansa news:
https://www.ansa.it/ansamed/it/notizie/rubriche/politica/2023/02/22/tunisia-annuncia-misure-contro-immigrazione-sub-sahariana_f89bcaa3-d888-4ef6-906b-8ae18fb90bdd.html
- [3] For a timeline of the evolution of persecution practices against migrants, see the OMCT Report, *Le routes de la torture*, available at the following link: <https://omct-tunisie.org/2023/12/18/les-routes-de-la-torture/>
- [4] The repatriation policy reward fund is established in the estimates of the Ministry of Foreign Affairs and International Cooperation by Article 12 of Law 53/2019. The provision provides for an initial endowment, for 2019, of €2 million for the financing of 'cooperation interventions through general or sectoral budget support or bilateral agreements, however denominated, with rewarding purposes for the special cooperation in the field of readmission of irregular subjects present on the national territory and coming from non-EU States'. The fund is financed through savings resulting from the process of revising and rationalising expenditure for the management of immigration centres as a result of the contraction of migration flows.
- [5] The documents relating to the projects mentioned are available in full on The Big Wall page:
<https://www.thebigwall.org/risultati-ricerca/?provenienza=false&paese=Tunisia&ambito=false&attuatore=false&inizio=false&fine=false>
- [6] See the documents published on the State Police website:
<https://www.poliziadistato.it/articolo/25865a0fe1f681e3127185762>
<https://www.poliziadistato.it/articolo/25865801cc3c9356725814416>
- [7] See the documents published on the State Police website:
<https://www.poliziadistato.it/articolo/25865a0fe1f681e3127185762>
<https://www.poliziadistato.it/articolo/25865801cc3c9356725814416>
- [8] For more information on the critical issues, especially in terms of violation of the principle of non-refoulement of such programmes see: <https://www.asgi.it/sciabaca-oruka/rimpatri-volontari-dalla-tunisia-i-finanziamenti-italiani/>
- [9] The documents relating to the projects mentioned are available in full on The Big Wall page:
<https://www.thebigwall.org/risultati-ricerca/?provenienza=false&paese=Tunisia&ambito=false&attuatore=false&inizio=false&fine=false>
- [10] See the project proposal submitted by IOM:
https://www.asgi.it/wp-content/uploads/2024/11/Project-proposal_Annex-A-IOM-Libya_omissis.docx.pdf
finalizzata a sostenere le autorità di Libia e Tunisia a far fronte alla drammatica situazione al confine tra i due paesi e presentata a ottobre del 2023.
- [11] The documents relating to these projects are available on The Big Wall page
- [12] https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3887
- [13] <https://www.statewatch.org/media/4205/eu-council-mocadem-action-file-16821-23.pdf>
- [14] See Council Decision 2022/60:
<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A32022D0060>
- [15] The project description is available on the ICMPD website:
<https://www.icmpd.org/our-work/projects/strengthening-the-tunisian-coast-guard-training-pillar>
Further information was published by FragdenStaat:
https://fragdenstaat.de/dokumente/237850-bpol_presentation_action_maghreb_jan_2020/
For a brief examination of the critical issues of the research centre see the article published on info.migrants:
<https://www.infomigrants.net/en/post/49086/investigation-reveals-how-littleknown-organization-supports-controversial-libyan-and-tunisia-coast-guards>
the analyses by IrpiMedia <https://irpimedia.irpi.eu/thebigwall-icmpd-tunisia/>
and FragdenStaat: <https://fragdenstaat.de/en/articles/exclusive/2023/05/the-migration-managers/>
- [16] <https://www.statewatch.org/media/4205/eu-council-mocadem-action-file-16821-23.pdf>
- [17] <https://www.icmpd.org/our-work/projects/border-management-programme-for-the-maghreb-region-bmp-maghreb>
https://trust-fund-for-africa.europa.eu/our-programmes/border-management-programme-maghreb-region-bmp-maghreb_en
https://neighbourhood-enlargement.ec.europa.eu/system/files/2021-02/modification_border_management_programme_for_the_maghreb_region.pdf
- [18] <https://www.icmpd.org/our-work/projects/support-programme-for-the-tunisian-government-in-the-field-of-integrated-border-management-ibm-tunisia-phase-iii>
https://fragdenstaat.de/dokumente/237854-dossier_integrated_coastal_surveillance_system_mng_tunisia_nov_2019/?page=21
- [19] For more details see:
<https://civilmrc.eu/from-libya-to-tunisia-how-the-eu-is-extending-the-push-back-regime-by-proxy-in-the-central-mediterranean/>
- [20] Estela Casajuana and Giorgia Jana Pintus, *Beyond borders, beyond limits*, Critical analysis of EU financial support for border control in Tunisia and Libya. The report is available online:
<https://drive.google.com/file/d/1EYMCXOSLj2PyLkwZ4aParlUQzKICJaMa/view> mediterranean/
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Press Office: info@asgi.it

Contents Info: statetrafficking@onenetbeyond.org

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*Our time as victim is over
We will no longer ask for justice
Instead we will take our retribution*

(Kamasi Washington 2018)