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afgazad@gmail.com

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Between Libya and the Deep Blue Sea

Posted By Simba Rousseau

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RAS AJDIR, Tunisia — NATO's five-month bombing campaign in Libya, run under the guise of protecting civilians, is also killing victims fleeing the conflict, directly and indirectly.

Since the start of Libya's Arab Spring and the North Atlantic Treaty Organization (NATO) air campaign against Muammar Gadhafi's regime, more than 1,800 men, women, and children have reportedly drowned trying to cross the Mediterranean Sea in heavily overcrowded, unseaworthy boats.

The Italian coastguard recovered 25 bodies of sub-Saharan African refugees Monday, who choked to death in the engine room of a boat crammed with nearly 300 people. The boat was trying to reach Italy's southern holiday resort island of Lampedusa.

A major shift in Libya's immigration policies, prompted by Gadhafi's pan-African stance in the 1990s, opened the country's borders to a flood of sub-Saharan economic migrants, refugees, and asylum seekers from Sudan, Chad, Somalia, and Niger. Many came to Libya in search of work or to flee political violence or were passing through in hopes of reaching Malta or Lampedusa, which were seen as major gateways into Europe.

Before the war, Eritreans willing to pay for the chance for a better life turned, for instance, to 30-year-old Eritrean Yonas.

“I was seeing so many people dying while trying to cross the Mediterranean Sea in really bad boats and I wanted to decrease this, so when I was approached by a Libyan guy called Abu Nasser in 2007 who owned several big boats, I started convincing people that this was a safer way to travel,” Yonas told IPS.

“I was only smuggling Eritreans, and with the deal I made with Abu Nasser to allow three or four non-paying customers to travel for every 10 that paid we were able to assist more than 1,000 people within one year,” Yonas said. During that period no one was dying trying to make the journey, he claims.

Earlier this year, the Italian coast guard and NATO came under fire for failing to assist a small vessel carrying 47 Ethiopians, seven Nigerians, six Ghanaians, and five Sudanese migrants and political refugees after their cries for help were ignored. Dozens died.

In a recent Médecins Sans Frontières (MSF) report titled “[Trapped in Transit: The Neglected Victims of the War in Libya](#),” aid workers contend that instead of providing safety and protection, European Union (EU) member states are denying refugees and asylum seekers access by closing borders in the name of fighting illegal immigration.

“We question the double standards on the part of the international community, because let’s remember, NATO decided to intervene in Libya to protect civilians,” MSF field coordinator for the Shousha camp in Tunisia, Sasha Matthews, told IPS. “At the European level, the response is not to close borders. They should actually open the borders and consider these people as victims of a conflict and accept them.”

Libya, which is not a party to the United Nations Refugee Convention and has no asylum system in place, became a key EU partner in the fight to stem migration flows across the Mediterranean after sanctions were lifted in 2004.

In 2008, Gadhafi and Italian Prime Minister Silvio Berlusconi signed an accord known as the “Friendship Treaty,” which allowed for the repatriation of migrants into Libya.

“These are illegal operations, and in a few months there should be a ruling by the European Court of Human Rights, which is currently reviewing a 2009 case against the Italian government for pushing back refugees into Libya,” Gabriele Del Grande, coordinator of the blog Fortress Europe, told IPS.

“These policies are against international maritime laws, Article 14 of the Universal Declaration of Human Rights that grants the right of asylum, and Article 3 of the European Convention on Human Rights, which forbids sending third-country nationals back to places where they face inhumane or degrading treatment,” Del Grande said.

Although Italian authorities claimed that the agreement led to a 94 percent reduction in undocumented immigrants, human rights advocates say that interdicted migrants were denied proper assessments of their protection needs or asylum claims. Once these migrants were sent back to Libya, they were subjected to indefinite detention.

“In June of this year the Italian government re-signed the same agreement with the Benghazi-based Libyan National Transitional Council (NTC) — so we are very concerned because we don’t know if these people who are leaving the Shousha camp and going back to Libya to try and get a boat to Europe make it to Italy, or if they are being detained in Libya,” said Matthews. “We know that in these detention centers the conditions were extremely difficult with a lot of violence and abuse.”

“We were caught by Gadhafi’s soldiers and taken to Jawazat,” said 30-year-old Sudanese asylum seeker Omar in an interview with IPS. “Once we arrived at the prison they started to punch and kick us. After several hours of being investigated they took us to another detention facility.

“For two months my hands were left tied behind my back while they physically tortured us. Basically they did everything except kill us. ... During the three months we were given small quantities of food and were not allowed to use the bathrooms.”

Just last month a Spanish NATO vessel rescued over 100 African refugees who had escaped Libya. Among the group were 17 women — four of them pregnant — and eight children. They were denied entry and shelter by Italy and Malta.

Italian officials said that they had no room in their already overcrowded centers, while Malta claimed that the problem was NATO’s to deal with.

“Finally, after one week at sea, they were granted entry to the Shousha camp in Tunisia,” said Del Grande. “But this sets a dangerous precedent because next time maybe NATO will not assist, knowing that they could lose a week in the process.”