



April 25, 2018

The Honorable Dana Rohrabacher
Chairman

The Honorable Gregory Meeks
Ranking Member

House Committee on Foreign Affairs
Subcommittee on Europe, Eurasia and Emerging Threats
2170 Rayburn House Office Building
Washington, DC 20515

Re: April 26, 2018 hearing on the “Mass Migration in Europe: Assimilation, Integration, and Security”

Dear Chairman Rohrabacher, Ranking Member Meeks, and Members of the Subcommittee:

On behalf of Amnesty International (“Amnesty”) and our more than seven million members and supporters worldwide, we hereby submit this statement for the record.

This statement [draws](#) on [numerous reports](#) by [Amnesty’s researchers](#) in Europe, Libya, Turkey, and around the world to detail how the European Union (EU) and its member states’ policies towards refugees and asylum seekers have exposed those in most need of protection to ill-treatment, torture, and other abuses.

The 2011 outbreaks of civil war in Libya and Syria, and the ongoing conflicts in Iraq and Afghanistan have precipitated a mass migration of people from conflict-affected areas to Europe. According to [the U.N. Refugee Agency \(“UNHCR”\)](#), over 1,700,000 people have arrived in Europe by sea since 2014. Nearly 16,000 have perished in the attempted crossings.

Since 2016, European governments implemented a series of measures designed to shut down the Mediterranean Sea routes used by refugees and asylum seekers, and to outsource their security concerns to neighboring countries, most notably Turkey and Libya. European Union (“EU”) officials argue that their approach has led to a significant decrease in irregular migration. Yet rather than alleviate human suffering, these measures merely invented an alibi for EU states eager to push destitute asylum-seekers out of sight.

Moreover, these measures have directly resulted in a veritable cascade of human misery. Amnesty documented how refugees in Turkey live in legal limbo, fearing forced deportations to warzones and barely managing to eke out a living. They have no prospects for securing permanent or a durable resolution to their plight. In Libya, EU’s policies have contributed to horrific abuses. Refugees are held in modern-day dungeons, brutally tortured, extorted, raped, and openly sold in slave markets.



They retain few legal avenues to secure the rights afforded to them under international treaties including the 1951 Refugee Convention, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention Against Torture.

I. The EU-Turkey Deal: A Fictitious Safety and Security

On March 20, 2016, the 28 member states of the European Union (“EU”) and Turkey began implementation of an agreement designed to address the large numbers of refugees and migrants seeking asylum in Europe. Under [the terms of the deal](#), all migrants making irregular crossings from Turkey to Greek islands – including asylum seekers – would be returned to Turkey. In exchange, the EU would resettle one Syrian refugee from Turkey for each Syrian refugee returned from Greece to Turkey, and provide the Turkish government with a sum of \$5.7 billion dollars in refugee assistance funding to be paid in multiple tranches. The second tranche, constituting \$3.7 billion dollars, was unlocked just last month.

Signatories to the so-called “refugee deal” included repeated commitments in its text to implement all provisions in accordance with international law and non-refoulement – the international principle that prohibits the return of refugees or asylum seekers to a country where they are likely to face persecution. Indeed, the justification for the EU-Turkey deal is the assumption that Turkey is a safe place to which asylum-seekers and refugees can be returned.

Despite these stated intentions, Amnesty’s June 2016 report, [No Safe Refuge: Asylum-Seekers and Refugees Denied Effective Protection in Turkey](#), exposed the myth that Turkey can respect the rights and meet the needs of over three million refugees.

A country can be understood as “safe” for refugees and asylum-seekers in two ways. First, it must fulfill its non-refoulement obligation - prohibiting the transfer of individuals to countries where they face a risk of serious human rights violations. Second, it must provide refugees with a durable solution – [defined by UNHCR](#) as either voluntary repatriation to the country of origin, local integration in the country of asylum, or resettlement to a third country. Contrary to the narrative underpinning the EU-Turkey deal, Turkey fails to meet either criterion:

A. Turkey flouts international law by deporting refugees and asylum-seekers to Syria

Amnesty’s research has shown that as recently as 2016, asylum-seekers and refugees in Turkey were forcibly deported back to Afghanistan, Iraq and Syria under absurd legal pretexts and in spite of tremendous risk to their safety. Amnesty’s researchers gathered [multiple testimonies](#) of large-scale returns from Turkey’s Hatay province, confirming a practice that is an open secret in



the region. Over the course of at least four months, Turkish authorities have orchestrated the forced return of up to 100 Syrians, including women and children, per day.

In recent months, Turkey has engaged in a [spree of forcible repatriations](#) of Afghan asylum seekers. In April 2018, Turkish officials have detained and forcibly returned at least 7,100 Afghan asylum-seekers. In a pattern that has become familiar, Afghan detainees told Amnesty that Turkish authorities forced them to sign “voluntary” repatriation forms in the Turkish language without translation. One Afghan told Amnesty that he refused to sign the repatriation form after informing Turkish authorities he could not understand it. He and his family were deported anyway. At least 2,000 Afghans who fled conflict and the worst excesses of the Taliban are currently in detention and at imminent risk of being forced back to danger.

[In one 2016 case](#), Turkish police detained a family of five (including three children under the age of 12) in a public park in the Turkish city of Antakya. The family was driven to the Syrian border in a convoy of seven buses, with each bus containing approximately 30 people, where they were subsequently delivered into the hands of an armed Syrian group. [In an earlier case from 2015](#), Turkish authorities coerced dozens of Syrians, including a woman with four children aged 12, 10, 8 and 3, into signing Turkish-language “voluntary repatriation forms”. As previously, authorities did not provide these individuals with an Arabic-language translation of the document and refused the individuals’ repeated requests for a copy of the document.

B. By refusing to grant refugee status, Turkey obstructs durable solutions for asylum seekers

The “safety” of a country for the purposes of lawfully returning refugees must also be examined with respect to its ability to provide refugees with durable solutions: voluntary repatriation, integration, or resettlement. To date, returnees under the EU-Turkey deal, along with other asylum seekers currently in Turkey, cannot be safely repatriated to Syria, Iraq, or Afghanistan due to those countries’ ongoing conflicts. Therefore, integration or resettlement are the only theoretical options. However, given the Turkish government’s unwillingness to recognize these individuals as refugees, they are similarly denied solutions through integration and resettlement.

Turkey is party to the [1951 Refugee Convention](#) which grants protection only to refugees from Europe immediately after World War II. The [1967 Protocol Relating to the Status of Refugees](#) removed these geographic and temporal restrictions but Turkey, despite having acceded to the Protocol in 1968, [retains](#) the geographic restriction. As a result, the government of Turkey denies full refugee status to individuals from non-European countries even though virtually all of Turkey’s three million refugees are of a non-European background. To address the resulting gap in its legal framework, the Turkish government has designated two separate categories for its asylum-seeking population. Refugees from Syria are granted “Temporary Protection Status,”



while those from other non-European countries (including Afghanistan and Iraq) must apply for “Conditional Refugee Status,” which permits them to wait in Turkey for their transfer to another country.

Because Turkish law prevents refugees from Syria, Afghanistan, and Iraq from acquiring full refugee status, the Turkish Government does not consider them candidates for eventual integration into Turkish society. Similarly, refugees and asylum-seekers in Turkey are functionally precluded from being resettled. Most European and other developed countries have been unwilling to absorb additional refugees. [Less than one percent](#) of the refugee population in Turkey is submitted for resettlement every year.

The majority of asylum-seekers who remain in Turkey endure lives of privation. Because they are not classified as refugees, Syrian, Iraqi, Afghan, and other non-European asylum seekers are not guaranteed a minimum level of financial assistance and must rely on limited funding provided by local Turkish authorities and supplemented by charities and religious organizations. The majority of asylum-seekers are denied the legal right to work in Turkey. According to Turkish authorities, a total of 3,822 Syrian refugees received the legal right to work in the country in 2015. This represents just over one tenth of one percent of Turkey’s current Syrian population. Most asylum-seekers are working in the underground economy where they are at risk of exploitative labor practices and conditions.

C. In the wake of the EU-Turkey deal, asylum-seekers languish in legal limbo on Greek islands

The EU-Turkey agreement has proved to be similarly catastrophic for thousands of refugees stuck in transit on Mediterranean island camps when the deal came into effect. With the signing of the agreement, asylum seekers found themselves in legal limbo, unable to access Europe but unwilling to be deported to Turkey. In March 2018, Amnesty [spoke with numerous women](#) in camps on the Greek islands of Lesbos and Samos. Conditions on the camps are disgraceful and asylum seekers, especially women, live with constant fear and uncertainty. Women living in the island camps are forced to share sleeping and showering facilities with men they don’t know. Both the Lesbos and the Samos camps lack effective police protection. When women do approach camp police for help after experiencing physical or verbal harassment, their complaints aren’t taken seriously. Asylum seekers on the camps have received no indication of when their cases will be resolved and what they can do to expedite the process.

II. EU and Libya: Complicit in the Abuse of Migrants

In the last few years, over a million asylum seekers and migrants have braved the journey from all parts of Sub-Saharan Africa to Libya. These individuals arrive from countries as disparate as



Cameroon, Côte d'Ivoire, Eritrea, Gambia, Ghana, Nigeria, and others. Nearly half a million of them have made the dangerous sea crossing to Europe in the last three years; over 10,000 have died in the attempt. At least an additional half million are currently stranded in Libya.

In a December 2017 report, entitled [Libya's Dark Web of Collusion](#), Amnesty documented the horrific abuses they face such as vicious beatings, rape, torture, and enslavement. The plight of migrants detained in Libya first caught the world's attention when, in December 2017, [CNN](#) aired a video of smugglers holding a slave auction. In the seven minute video, the auctioneers hawk dozens of human beings to the highest bidder, pointing out those best suited for farm work. Amnesty's research found that, far from being an aberration, this human market was but one example of the many cruelties visited on Libya's migrant population.

In an effort to stymie the numbers of Africans reaching Europe's southern shores, EU member states - most notably Italy - have struck a series of agreements with Libyan authorities, including the Libyan Coast Guard, and the Ministry of Interior. The number of arrivals in Italy has fallen by 67% between July and November 2017, compared with the same period in the previous year. Yet these dividends have exacted a terrible toll paid by refugees and denominated in human suffering. Far from alleviating misery, they merely pushed it out of view.

A. Smugglers operate with impunity and assistance from the EU-funded Libyan Coast Guard

Asylum seekers and migrants in Libya are exposed to horrendous human rights violations in a country where institutions have been weakened by years of conflict and political division. The scope of the problem is enormous. The International Organization on Migration has calculated that there were 416,556 migrants in Libya by the end of September 2017. The actual number is likely to be far higher.

Libyan state institutions ceased functioning in the aftermath of the uprising that toppled Muammar Ghadafi in 2011. Numerous militias - some independent and some allied with government ministries or officials - sprang up to fill the vacuum created by the central government's collapse. In a country where lawlessness, violence, and corruption are rife, the smuggling and enslavement of people has thrived as an industry. The result: tens of thousands of people are held in detention by government authorities and criminal gangs and subject to torture, sexual violence, and extortion.

Libyan smugglers operate in the open, claiming vast swathes of shoreline to maintain their operations. The smuggling networks are complex, well-resourced, extensively staffed, and highly organized. The largest ones are protected by millions of dollars, small and medium caliber weapons, and tight-knit relationships with government officials.



Yet despite these networks' highly bureaucratized operations, they have become notorious for drowning their passengers. On August 17, 2015, a boat with some 500 asylum seekers and migrants capsized just off the shore of the Libyan town of Zuwara. Over the next two weeks, Zuwara's residents collected 183 bodies from their coastline. The smugglers moved to the neighboring town of Sabratha and, on September 21, 2017, a shipwreck on the outskirts of Zuwara left 90 people dead.

Departures occur throughout the day from well-known smuggling hubs. Given their prominence, it is impossible for them to operate without coordination and support from the Libyan Coast Guard ("LCG"), which receives direct funding and technical support from the EU. Indeed, Amnesty's documentation reveals that some members of the LCG collude with smugglers by providing safe passage in return for payment. Of the 72 individuals interviewed by Amnesty in 2017, seven confirmed that they had been stopped by the LCG while at sea and were allowed through after their smuggler was identified as someone who had paid for safe passage of his boats.

B. "Libya is Hell": asylum seekers and migrants in Libya suffer horrific mistreatment

Asylum seekers and migrants unable to secure passage on the smugglers' vessels endure horrific treatment and routine abuse while detained in Libya's prisons. Men, women, and children are subjected to systematic torture including rape and beatings. Many are held in overcrowded cells and denied food and water. Multiple refugees asked by Amnesty to describe their experiences in Libya responded with the expression: "Libya is hell." Interviewees described being beaten by metal rods, wires, fire hoses, and the flat side of a machete. Interviews conducted by Amnesty in 2016 and 2017 consistently described how, in order to extort a ransom from the relatives of detained refugees and migrants, guards forced them to listen to the screams of their loved ones, tortured while on the phone.

C. EU complicity feeds and empowers human rights violations

EU complicity feeds and empowers these grotesque human rights violations. With the increasing number of asylum seekers and migrants crossing into Europe, governments began prioritizing counter-smuggling operations to rescue efforts. As part of this new approach, the EU moved to externalize and outsource its border controls to Libya. They achieved this through a three-pronged strategy.

First, the EU began providing technical support for Libyan authorities running detention centers. One representative example involved Italy striking a deal with the authorities and militias that control the Libyan town of Sabratha. At a meeting in Sabratha, the militias committed to preventing migrants from attempting the crossing while the Italian authorities committed to



provide them with equipment, boats and salaries channeled through the Government. Amnesty is concerned that assistance to non-state actors renders the pursuit of accountability for those abuses almost impossible, while increasing the risk of destabilizing the country and empowering human rights violators.

Second, the EU focused on training the LCG to intercept migrants' boats, despite the LCG's reputation for collaborating with smugglers. Amnesty documented numerous incidents of the Italian navy receiving distress signals from smuggler boats and relaying that information to LCG vessels to intercept the boat. Foreign nationals intercepted at sea by the LCG are disembarked in Libya and transferred to detention centers where they are subjected to human rights abuses.

Finally, the EU has launched a concerted effort to obstruct the work of non-governmental organizations ("NGOs") conducting rescue operations in the Mediterranean. International NGOs operating at sea have been prevented by the Italian government from providing assistance to distressed vessels. In July 2017, the Italian Ministry of Interior drafted a code of conduct restricting when and how assistance can be provided and requested that these NGOs sign and abide by it. Numerous NGOs have received instructions from the Italian Maritime Rescue Coordination Centre to desist from conducting rescue operations pending the arrival of the Libyan Coast Guard.

III. Recommendations to Congress

A. Lessen the pressure on European allies by admitting at least 75,000 refugees in 2018

President Trump has slashed the number of refugee admissions to the U.S. to an all-time historical low number of 45,000. This is a devastating betrayal of a longstanding American tradition of helping people who have escaped war and horrific violence, and puts thousands of refugees' lives at risk.

The U.S. refugee program has long enjoyed bipartisan support. Yet, at current levels, the U.S. is unlikely to reach even this historically low target. Indeed, in Fiscal Year ("FY") 2018 the U.S. has admitted only 10,549 refugees including just [11 Syrian refugees](#) as of April 2018. This represents a massive decrease from the 29,098 refugees resettled in the first half of the 2017 fiscal year.

The administration's refusal to do its part signals to European allies that the U.S. is completely abandoning refugee resettlement at a time of unprecedented movement of displaced peoples. As in all matters, the EU closely watches what the U.S. does. Amnesty urges Congress to press the White House to admit at least 75,000 refugees in FY19, and reach the admissions goal of 45,000 refugees in FY18.



B. End the Muslim Ban

In January 2017, President Trump signed an executive order banning people from seven Muslim-majority countries from entering the United States and temporarily banning all refugees. That order was subjected to extensive legal challenges and superseded by two subsequent iterations, the most recent of which remains in effect. The executive order is a blatant attempt to smuggle anti-Muslim discrimination into the U.S. legal system. By shuttering admission predominantly to people fleeing violence and persecution in Muslim-majority countries, including Syria, Yemen, Libya, and Somalia, the ban tears apart families, demonizes whole countries, and closes America's doors to the most vulnerable. The Trump Administration has contended that the most recent version of the order is not designed to directly target Muslim immigration. Their arguments are belied by the fact that admissions of Muslims are down by over 90% compared to the first half of FY2017. Congress should press the White House to repeal the ban.

C. Maintain humanitarian assistance to organizations supporting refugees and displaced peoples

During his September 19, 2017 remarks before the United Nations General Assembly, President Trump said, *"The United States is a compassionate nation and has spent billions and billions of dollars in helping to support this effort [to assist refugees] ... For the cost of resettling one refugee in the United States, we can assist more than 10 in their home region."* Yet despite this claim of magnanimity, the White House has repeatedly requested less and less money to support humanitarian organizations that assist refugees and other displaced people abroad.

The U.S. has long been the single largest donor of international humanitarian aid. Amnesty urges Congress to continue providing humanitarian assistance in line with FY17 appropriations. Specifically, Amnesty urges Congress to appropriate in line with current funding levels:

- \$3.604 billion for the Migration and Refugee Assistance ("MRA") Account;
- \$4.427 billion for the International Disaster Assistance ("IDA") Account; and
- \$50 million for the Emergency Refugee and Migration Assistance ("ERMA") Account

For more information, please contact Daniel Balson at dbalson@aiusa.org or (202) 509-8132.

Respectfully,

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