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# The Changing Dynamics of Cross-border Human Smuggling and Trafficking in the Mediterranean

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*Report by  
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THE CHANGING DYNAMICS OF CROSS-BORDER HUMAN SMUGGLING AND  
TRAFFICKING IN THE MEDITERRANEAN

## PREFACE

This report was written in the framework of *New-Med* and was generously funded by the Italian Ministry of Foreign Affairs and International Cooperation through a dedicated extra-budgetary OSCE project. Established in June 2014, *New-Med* is a research network of Mediterranean experts and policy analysts with a special interest in the complex social, political, cultural and security-related dynamics that are unfolding in the Mediterranean region. The network is developed by the Istituto Affari Internazionali (IAI) of Rome, in cooperation with the OSCE Secretariat in Vienna, the Italian Ministry of Foreign Affairs and International Cooperation, the Compagnia di San Paolo of Turin and the German Marshall Fund (GMF).

At the core of the *New-Med* activities stands the need to rethink the role of multilateral, regional and sub-regional organisations to make them better equipped to respond to fast-changing local and global conditions and to address the pressing demands coming from Mediterranean societies all around the basin. A priority of the network is to promote a non-Eurocentric vision of the region, featuring as much as possible views from the South and from other regions. The network also seeks to provide a platform by which emerging researchers can put forward new perspectives about regional cooperation. By undertaking research and outreach activities, this “track II” initiative aims to foster the scholarly reflection on the changing scenarios in and around the Mediterranean and provide key inputs to the political dialogue taking place in policy fora, including in the context of the Organisation for Security and Co-operation (OSCE) Mediterranean Partnership.

One of the key topics addressed by the network during its first year was migration across the Mediterranean. The ongoing flows of refugees and migrants from Syria, Libya and other countries in neighbouring regions are posing unprecedented challenges to European countries, highlighting their limited capacity to respond in a coordinated and effective manner. In this respect, the migration and asylum “crisis” unfolding at Europe’s doorstep represents a test for the EU and other regional organizations that have committed to cooperation with Mediterranean countries. To address these issues, the *New-Med* network organised two events in Spring 2015 in Tunis and London aimed at fostering the scholarly reflection on changing migration patterns in the Mediterranean region, with particular attention to the Libyan conflict as one of the main regional push factors.

This report, written by Nourhan Abdel Aziz, Paola Monzini and Ferruccio Pastore, is another contribution in this direction. Moving from the understanding of the two phenomena of human smuggling and trafficking, which are close to one another but conceptually different, the report discusses the extent to which old and new realities in the Mediterranean region have an impact on regional and cross-regional migration flows, with special attention devoted to the analysis of new trends in the smuggling market along two routes, namely the Central Mediterranean route from Libya to Italy and the Eastern Mediterranean one. This overview of the main dynamics and practices concerning “mixed migration flows” in the Mediterranean region is compounded by an original perspective that sheds light on some judiciary inquiries and proceedings that have been able to reconstruct not only the final segments of the smuggling circuit from Libya to Italy but also its overall structure, including its complex transnational connections. The report concludes with a policy section highlighting the potentialities and limits of international cooperation. Further research on what the OSCE can contribute to the international response to the migration and asylum “crisis” is being conducted with a view to fostering the on-going trend towards a sharper awareness of the complexity of these issues within the OSCE.

Ettore Greco  
Director, IAI



## ABBREVIATIONS

AIS	Automatic Identification System
DDA	Direzione Distrettuale Antimafia
DNA	Direzione Nazionale Antimafia
ECOWAS	Economic Community of West African States
EMN	European Migration Network
EU	European Union
FRA	European Union Agency for Fundamental Rights
ILO	International Labour Organisation
IOM	International Organisation for Migration
MENA	Middle East and North Africa
MME	Mobility and Employment Partnership
MTM	Mediterranean Transit Migration
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental Organisation
OSCE	Organisation for Security and Co-operation in Europe
RMMS	Regional Mixed Migration Secretariat
UASC	Unaccompanied and Separated Children
UN	United Nations
UNHCR	United National High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
US	United States



## INTRODUCTION

The spread of conflict in a wide range of countries in Sub-Saharan Africa, as well as in the Middle East and neighbouring countries, is producing an increase of mixed migration flows, which in turn affects the stability of the overall Mediterranean region. Often defined as one of the major causes of the growing trend of irregular migration, smuggling of migrants is increasingly singled out by international institutions and states as one of the main problems and a key policy priority for the whole region.

This paper adopts a transnational and macro-regional approach to reconstructing recent developments in migrant smuggling involving Mediterranean MENA countries,<sup>1</sup> with particular regard to cross-Mediterranean smuggling circuits. It explores the main dynamics of routes through and into the area, mainly originating in the Middle East or in West and East African countries. The paper provides an insight into the transnational mechanisms and key trends of this activity, taking into account the broader geo-political scenario, and with a specific focus on the Central and Eastern Mediterranean routes, highlighting the prevalent confinement of the flows in the region and the increasingly blurring lines between smuggling and trafficking practices.

The paper consists of three sections. The first introduces the concepts of smuggling of migrants and trafficking in human beings, illustrating the changing geopolitical context where migratory movements take place and addressing the functioning of the industry of irregular migration in some of its fundamental features. The second and third sections focus on the making of the two main routes ending with a crossing of the Mediterranean Sea: the *Central Mediterranean route* passing through Libya to Italy (and to a lesser extent Malta), and the *Eastern Mediterranean routes* (the plural is justified by the more articulated geographical structure of this complex smuggling corridor), departing from or crossing Egypt.

Dynamics at play in Libya and Egypt are most attentively considered, as the two countries are main hubs inside the Mediterranean region for smuggling practices often morphing into trafficking activities. Smuggling practices along these two corridors present specific features worth investigating in order to understand the evolving nexus between these two types of criminal behaviour. To this end, Section

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<sup>1</sup> In this paper Mediterranean MENA countries are considered the North African and Middle East countries with an access to the Mediterranean sea: i.e., Algeria, Egypt, Israel, Lebanon, Libya, Morocco, Palestine, Syria, Tunisia, Turkey.

2 of the paper specifically illustrates the main features and evolutionary trends of the smuggling route into and through Libya since its activation in the early 2000s, focusing on the making of the route as well as the recent increase of vulnerability of migrants in a situation of war. Section 3 presents the progressive geographical articulation of the main routes crossing, ending in, and departing from Egypt, and in part from Turkey, with a main focus on the prevalence of trafficking practices among smuggling networks directed through Egypt, especially in the Sinai peninsula. Finally, some concluding remarks are presented with specific regard to policy implications at different levels, including for international organisations, among them OSCE.

# 1. THE IMPACT OF INSTABILITY ON INTRA-REGIONAL AND CROSS-REGIONAL MIGRATION FLOWS

## 1.1 Smuggling of migrants and trafficking: phenomena and their definition

After the drug trade, smuggling of migrants and trafficking in human beings are two of the fastest growing transnational organised crimes and most lucrative illegal businesses worldwide.<sup>2</sup> Smugglers and traffickers make profit from thousands of migrants, refugees, and asylum-seekers trying to find better opportunities, higher living standards, and/or protection in countries other than their own. These types of crimes are complex and are constantly evolving in diverse forms in different parts of the world.<sup>3</sup> Smugglers and traffickers have become increasingly organised and have created sophisticated transnational networks in order to effectively control every part of the smuggling and trafficking processes. Because of their transnational presence, mechanisms, and strategies, these criminal groups are very difficult to dismantle.

It is hard to provide an accurate estimate of smuggled and trafficked individuals due to lack of research and the paucity of available data. It is estimated that 80 percent of the mixed migration cases crossing the Mediterranean are “facilitated” by migrant smugglers and criminal groups.<sup>4</sup> Their services include transportation, temporary accommodation, providing forged identification documents, bribing border officials, together with several other auxiliary activities depending on specific local and temporal circumstances. Smugglers in transit countries may coordinate with their counterparts in the countries of origin and destination in order to facilitate the smuggling process across borders. Although some of the smuggling networks are organised criminal structures, many are simply made of

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<sup>2</sup> UNODC, *UN World Drug Report 2007*, June 2007, <http://www.unodc.org/unodc/en/data-and-analysis/WDR-2007.html>.

<sup>3</sup> Marika McAdam, “Smuggling of migrants by sea”, in *UNODC Issue Papers*, December 2011, [https://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/Issue\\_Paper\\_-\\_Smuggling\\_of\\_Migrants\\_by\\_Sea.pdf](https://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/Issue_Paper_-_Smuggling_of_Migrants_by_Sea.pdf).

<sup>4</sup> Tuesday Reitano, Laura Adal and Mark Shaw, *Smuggled Futures: The Dangerous Path of the Migrant from Africa to Europe*, Geneva, The Global Initiative against Transnational Organized Crime, May 2014, <http://www.globalinitiative.net/?p=10200>.

individuals from a particular community who form a loose chain that facilitates irregular mobility across borders.

As regards trafficking, comprehensive and updated estimates on the overall size of the phenomenon in the Mediterranean MENA countries are lacking. However in 2005 the International Labour Organisation (ILO) reported at least 2,450,000 persons to be exploited as victims of trafficking in human beings worldwide.<sup>5</sup> According to another study, it is estimated that the global economic costs suffered by all victims of forced labour amounted to 21 billion dollars in 2009.<sup>6</sup> The total illicit profits produced in one year by trafficked forced labourers were estimated at about 32 billion dollars in 2005.<sup>7</sup> The data are rough estimates and actual numbers can be significantly higher than those presented by the ILO; however, these global tentative estimates are significant in portraying the profitability and scale of the phenomenon.

In the context of cross-Mediterranean mixed migration flows, migrants are particularly vulnerable to both smuggling of migrants and trafficking of human beings. One of the specific reasons pointed out by the literature is that emigration choices are made under particularly strong pressure and this often pushes migrants to leave without notifying their families and personal networks of their intentions and without informing them of the different migratory steps. Such lower reliance on family and community safety nets is certainly a relevant factor in raising migrants' vulnerability to even extreme exploitation.<sup>8</sup>

Smuggling of migrants and trafficking in human beings are often confused as analogous or even identical phenomena. There are certainly overlappings and contiguities: smuggling networks do often function also as trafficking networks and vice versa; they can both involve organised criminal networks and they are both highly profitable businesses. At the regional level, some blurring of the boundaries between smuggling and trafficking has been highlighted in, for instance, the progress report of the United Nations High Commissioner for Refugees (UNHCR) on its strategy, as well as its Regional Plan of Action on Smuggling and Trafficking from the East and Horn of Africa, which states that

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<sup>5</sup> ILO, *A Global Alliance Against Forced Labour*, March 2005, [http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS\\_081882/lang-en](http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_081882/lang-en).

<sup>6</sup> ILO, *The Cost of Coercion*, May 2009, p. 32, [http://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_106268/lang-en](http://www.ilo.org/global/topics/forced-labour/publications/WCMS_106268/lang-en).

<sup>7</sup> *Ibid.*, p. 1.

<sup>8</sup> Tuesday Reitano, Laura Adal and Mark Shaw, *Smuggled Futures...*, cit.

“[r]isks of human trafficking, abduction and abuse are widely reported along the routes taken by refugees and migrants alike.”<sup>9</sup>

However, from an international law point of view at least, there are critical differences between smuggling of migrants and trafficking in human beings. Without dwelling here on detailed legal analyses, it is sufficient to focus on some essential distinctive features: in the case of smuggling, one individual pays another in order to facilitate his/her illegal travel from one country to another. Once the country of destination is reached, the relationship between the smuggled migrant and the smuggler ends with the payment for the service provided. Thus, an essential feature for smuggling is the consent of the migrant to the migration process. The relationship between the smuggled person and the smuggler is consensual and it ends once the journey is completed. It is best characterised as a business deal in which the smuggler offers a variety of more or less coordinated facilitating services and the migrant agrees to and pays for such services.

In the case of trafficking, there is either no consent or consent is obtained through coercion, deception, threat, or use of force. In some instances, the individual initially consents to certain conditions but he/she ends up experiencing some form of exploitation (which is in fact a key dimension for defining trafficking). The most widespread forms of exploitation include prostitution, sexual servitude, forced labour, removal of organs, slavery, and similar practices.

While smuggling requires the illegal crossing of an international border, trafficking does not necessarily have to be transnational. Furthermore, in those cases in which an international border is actually crossed by a victim of trafficking, the crossing does not necessarily have to take place illegally. In fact, victims of transnational trafficking often cross borders legally (e.g., with tourist entry visas) but end up as undocumented migrants by overstaying their maximum visa duration.

Due to these respective essential features, the most fundamental difference between smuggling and trafficking is the fact that trafficking is classified as a crime against the individual whereas smuggling is a crime against the state.

The United Nations has developed and adopted a legislative framework to provide a comprehensive strategy for dealing with transnational organised crime and in particular with human smuggling and trafficking. Two *ad hoc* protocols were adopted for each crime in the year 2000 to supplement the UN Convention against

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<sup>9</sup> UNHCR, *Smuggling and Trafficking from the East and Horn of Africa. Progress Report*, October 2014, p. 2, <http://www.refworld.org/docid/5437a14d4.html>.

Transnational Organised Crime (the “Palermo Convention”).<sup>10</sup> The adoption of these protocols reflects “the international understanding that human smuggling and trafficking are part of organized crimes.”<sup>11</sup>

Without going into depth on the legal details, for the purposes of this report it is nonetheless useful to recall some key definitions. The Convention defines an offence as transnational in nature if: “(a) It is committed in more than one State; (b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State; (c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or (d) It is committed in one State but has substantial effects in another State.”<sup>12</sup> The Convention also lays down the definition for an organized criminal group as a “group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.”<sup>13</sup>

As for the crime of trafficking in persons, the relevant Protocol identifies it as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”<sup>14</sup>

As for the “Palermo Protocol” on smuggling, it defines smuggling as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.”<sup>15</sup> The same protocol defines illegal entry as “crossing borders without complying with the necessary requirements for legal entry into the receiving State.”<sup>16</sup>

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<sup>10</sup> Texts are available in the UNODC website:

<http://www.unodc.org/unodc/treaties/CTOC/#Fulltext>.

<sup>11</sup> Louise Shelley, “Human Smuggling and Trafficking into Europe: A Comparative Perspective”, in *MPI Reports*, February 2014, p. 3, <http://www.migrationpolicy.org/node/5174>.

<sup>12</sup> Article 3(2) of the Convention.

<sup>13</sup> Article 2(a) of the Convention.

<sup>14</sup> Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

<sup>15</sup> Article 3(a) of the Protocol Against the Smuggling of Migrants by Land, Sea and Air.

<sup>16</sup> Article 3(b).



Although human smuggling and trafficking have clearly distinct legal definitions and are addressed in different legal instruments, in practice the line separating these crimes is becoming increasingly blurred. As we will illustrate in greater detail below, this is particularly evident in the case of the current forced migration flows taking place in and across the Mediterranean basin.

## 1.2 Regional instability and the increasing relevance of smuggling networks

In the last few years, increasing political instability has been affecting a wide geographical area stretching across the Middle East and the Mashreq, the Horn of Africa, and parts of the Sahel and of Sub-Saharan Western Africa. The production of displaced populations as an effect of widespread violence is imposing new priorities and challenges to the international community. Migration trends, already marked by an increase in South-South and economic/voluntary migration, in a context characterised by a shrinking of legal migration channels, include consistent flows composed of fleeing populations.

Interdependencies among neighbouring countries and at the sub-regional level for these movements are on the rise, and the Mediterranean area, including Southern and Northern rims, is playing a relevant role in this context. Due to its geographical position, and because of the migration stocks already living in the region,<sup>17</sup> Mediterranean countries have increasingly become a crossroads for new or expanding forced migratory routes stemming from or moving across Sub-Saharan Africa and the Middle East, including – although to a lesser extent – those aiming for Europe. States in the region and in neighbouring areas, as well as international organisations, are facing very serious and growing difficulties in meeting the challenge associated with managing these 'mixed migration flows'.

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<sup>17</sup> Monica Altieri, Carla Collicelli and Maurizio Mastrolembo Ventura, "Migratory Trends in the Mediterranean. Socio-Economic Challenges and Pressure on Italy and Europe", in *Europa-Bottom-Up*, No. 4/2013 (October 2013), [http://www.maecenata.eu/images/documents/mst/EBU/2013\\_EBU\\_04.pdf](http://www.maecenata.eu/images/documents/mst/EBU/2013_EBU_04.pdf).

**Box 1** | The concept of “mixed migration flows”

A mixed migration flow has been defined as “a movement in which a number of persons are travelling together, *generally in an irregular manner*, using the same routes and means of transport, but for different reasons. Persons travelling as part of mixed movements have varying needs and profiles and may include asylum-seekers, refugees, trafficked persons, unaccompanied/separated children, and migrants in an irregular situation.”<sup>18</sup>

Such coexistence (along the same routes and within the same means of transportation) of migrants with different profiles and motivations has become increasingly characteristic of migration flows in the wider Mediterranean region.<sup>19</sup> From the point of view of receiving state authorities in the EU, mixed flows generate specific and complex challenges, deriving from the need to treat each category of migrants differently and appropriately, by discriminating among them rapidly and effectively on an individual basis.

Migrants intercepted while entering an EU country by irregular means (unauthorised border crossing) are scrutinised and if they are not entitled to enter they are turned back at borders, expelled, or voluntarily repatriated. A human rights approach instead prevails on these general law enforcement provisions when protective measures have to be adopted, i.e., in essentially four cases:

- a) when irregular migrants are able to claim asylum (asylum-seekers);
- b) when irregular migrants cannot be repatriated or expelled according to the non-refoulement clause of the Geneva Convention, because of the danger to which they would be exposed in returning to their origin country: in this case they usually receive some kind of temporary permit for humanitarian reasons;
- c) when irregular migrants (in most cases, but not necessarily, women) are recognised as victims of trafficking and are therefore granted a temporary permit on this particular ground; and
- d) when irregular migrants are identified as unaccompanied children, therefore not subject to forcible repatriation and entitled to some form of authorisation to enter the country and/or reside there until they become of age.

The European Union is highly concerned by the growing relevance of the mixed migration flows attempting to cross its border by sea, especially through Italy and

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<sup>18</sup> UNHCR, *Refugee Protection and Mixed Migration: the 10-Point Plan in Action*, December 2012, p. 291 (Glossary, emphasis added, <http://www.unhcr.org/50ab86d09.html>).

<sup>19</sup> Emanuela Roman, “Mediterranean Flows into Europe: Refugees or Migrants?”, in *IEMed Mediterranean Yearbook 2015*, forthcoming 2015, <http://www.iemed.org/actualitat-es/noticies/fluxos-migratoris-a-la-mediterrania-refugiats-o-migrants>.

Greece, as well as its eastern land frontiers, mainly via Bulgaria and Hungary.<sup>20</sup> The number of fatalities on the maritime routes is currently on the increase: in 2014, the estimated number of migrants dead at sea or reported missing in the Mediterranean was 3,500, compared to 600 in 2013. In 2015, as of 5 October, the number recorded is 2,987.<sup>21</sup> According to the most recent figures reported by IOM, the total number of refugees and migrants crossing the Mediterranean in 2015, as of 5 October, is as high as 557,899, including 421,341 to Greece, approximately 133,451 to Italy, 3,007 to Spain, and 100 to Malta.<sup>22</sup>

If compared to the recent past, sea crossings are featured by a growing share of asylum-seekers and other vulnerable migrants. Recent research collecting evidence about the driving factors behind the mixed migration flows in the region has singled out how push factors that cause migrants to depart from their homes are currently growing more significantly than pull factors attracting migrants to some specific areas. Protection is often found as the most relevant motive for migration to the EU: “the most significant push factor is the need to flee from instability.”<sup>23</sup>

**Box 2 |** Definitions of different categories of migrants in the mixed migration flows

Smuggled persons as such are usually not entitled to any form of protection from transit and destination states, except for emergency assistance, identification, and the issuing of travel documents. If they are not asylum-seekers, or if they cannot benefit from a temporary humanitarian permit, they are not allowed to stay on the territory and they are repatriated, or sent back to the transit/origin countries. Ascertaining the smuggled migrants’ belonging to one or another of these categories is therefore an absolutely central and very sensitive essential aspect of the regulation of mixed flows (see above, Box 1) and of any anti-smuggling policy (also because the prospect of forcible repatriation or expulsion risks may hamper

<sup>20</sup> According to UNHCR, five EU countries received almost 70 percent of all asylum applications in 2014: Germany (173,100), Sweden (75,100), Italy (63,100), France (59,000), and Hungary (41,400). The largest number (120,600) came from Syrian nationals, who accounted for 22 percent of all new applications in the European Union; the next most frequent countries of origin were Afghanistan (38,100) and Eritrea (36,300). See UNHCR, *Global Report 2014*, June 2015, p. 202, <http://www.unhcr.org/gr14/index.xml>.

<sup>21</sup> IOM, *IOM Monitors Latest Migrant Arrivals, Deaths in Mediterranean*, 6 October 2015, <http://www.iom.int/news/iom-monitors-latest-migrant-arrivals-deaths-mediterranean>. See also the IOM Missing Migrants Project’s infographic *Mediterranean Update*.

<sup>22</sup> Ibid.

<sup>23</sup> Arezo Malakooti, *Migration Trends Across the Mediterranean: Connecting the Dots*, Altai Consulting for IOM MENA Regional Office, June 2015, p. 5, [http://publications.iom.int/bookstore/free/Altai\\_Migration\\_trends\\_across\\_the\\_Mediterranean.pdf](http://publications.iom.int/bookstore/free/Altai_Migration_trends_across_the_Mediterranean.pdf)

the cooperation of smuggled persons with the authorities of destination countries, which is often essential for effectively countering smuggling networks).

Official categorisation of migrants (forced vs. voluntary; political vs. economic; etc.) is currently the object of hot debates due to its contested adequacy to sociological realities and contemporary policy challenges. Knowing this, it is however useful here to recall briefly some key definitions. According to the European Migration Network's (EMN) *Asylum and Migration Glossary*,<sup>24</sup> the current, broadly agreed legal definitions for the main categories of migrants are the following:

- *Economic migrant*: A person who leaves his/her country of origin purely for economic reasons that are not in any way related to the refugee definition, in order to seek material improvements in his/her livelihood.
- *Asylum-seeker*: In the global context, a person who seeks safety from persecution or serious harm in a country other than his/her own and awaits a decision on the application for refugee status under relevant international and national instruments. In the EU context, a person who has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken.
- *Refugee*: In the global context, either a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion, or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail him/herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it. In the EU context, either a third-country national who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion, or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Art. 12 (Exclusion) of Directive 2011/95/EU (and subsequent relevant provisions) does not apply.

European countries adopt specific policies directed to identify, within mixed migration flows, the migrants who are eligible to receive international protection. According to current procedures, asylum-seekers and vulnerable migrants are

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<sup>24</sup> The EMN was established in 2008 by the European Council to provide up-to-date, objective, reliable, and comparable information on migration and asylum. See EMN, *Asylum and Migration Glossary 3.0*, October 2014, <http://www.emn.at/en/publikationen/glossar>.

allowed to enter irregularly into the EU, and have the right to receive assistance.<sup>25</sup> The number of asylum applications received in 2014 in the European Union member states had risen by 25 percent compared to the same period in 2013, with a quarter of the applicants being of Afghan, Eritrean, or Syrian origin, and a similar proportion being under 18 years of age.<sup>26</sup> In the first three months of 2015, EU countries received a record number of 181,569 asylum applications. Two-thirds of the applications were received in the top three countries: Germany, Hungary, and Italy.<sup>27</sup>

Currently the major migratory routes crossing the Mediterranean Sea from Africa and Asia to Europe are the Western Mediterranean route (from Morocco to Spain), the Central Mediterranean route (from Tunisia and Libya to Malta and Italy), and the Eastern Mediterranean route (from Egypt and Turkey to Italy and Greece). Table 1 provides essential figures on the magnitude of the two main routes ending in the EU countries in 2013-2014. As already anticipated, so far in 2015 the main route has become the Eastern Mediterranean route, with almost 350,000 arrivals in Greece only.

**Table 1 | Irregular border-crossings along Central and Eastern Mediterranean routes**

	2013	2014
Central Mediterranean Route	45,298	170,816
Eastern Mediterranean Route	23,299	50,561

Source: European Commission.<sup>28</sup>

As regards arrivals by sea, since the mid-2000s European Mediterranean countries have devoted growing resources to increase patrolling at sea and the interception of migrants. Practices and procedures set up by national maritime authorities and by the EU agency for border control, Frontex, have led to the apprehension of almost all migrants travelling by sea to the EU. Patrolling activities have

<sup>25</sup> An in-depth analysis of the treatment of third-country nationals at the EU's maritime borders has been provided by the European Union Agency for Fundamental Rights (FRA): *Fundamental rights at Europe's southern sea borders*, March 2013, <http://dx.doi.org/10.2811/26971>. See also Philippe De Bruycker, Anna Di Bartolomeo, Philippe Fargues, "Migrants smuggled by sea to the EU: facts, laws and policy options", in *MPC Research Reports*, No. 2013/09 (November 2013), <http://hdl.handle.net/1814/29459>.

<sup>26</sup> UNHCR, *Subregional operations profile - Northern, Western, Central and Southern Europe: Italy*, updated 7 November 2014, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48e996>

<sup>27</sup> Frontex, *Risk Analysis Network Quarterly Report, January-March 2015*, July 2015, p. 14, [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Fran\\_Q1\\_2015.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/Fran_Q1_2015.pdf).

<sup>28</sup> European Commission, *Questions and Answers: Smuggling of Migrants in Europe and the EU response*, 13 January 2015, [http://europa.eu/rapid/press-release\\_MEMO-15-3261\\_en.htm](http://europa.eu/rapid/press-release_MEMO-15-3261_en.htm).

progressively reduced migrant access to EU shores without detection by the authorities; almost all migrants coming by sea are currently apprehended and their cases are processed by national agencies according to the established legal procedures. Due to their reinforced presence at sea, at present data collected by these authorities more precisely reflect the actual magnitude and composition of irregular crossings. According to statistics published by Frontex, a large proportion of the apprehended migrants have passed through EU's maritime borders; as shown below in Table 2, in 2014, out of a total of 283,532 irregular entries into the EU, 220,194 were officially recorded at sea borders.<sup>29</sup> It has been calculated that at least 80 percent of these migrants arrived with the assistance of facilitators.<sup>30</sup> Moreover, according to official data, the main flows of migrants smuggled by sea originate in countries at war or where basic human rights are denied on a mass scale. Table 2 shows also that the ten main national contingents of landed migrants stem from the Middle East and from Sub-Saharan African states.

**Table 2** | Irregular border crossings by sea to the EU (2011-2014)

	2011	2012	2013	2014	Var. % 2013-14
Syria	362	1,487	16,945	66,698	294
Eritrea	680	1,942	10,953	34,323	213
Unspecified Sub-Saharan nationals	n.a.	n.a.	n.a.	26,341	n.a.
Afghanistan	2,598	3,331	5,102	12,687	149
Mali	2,484	422	2,236	9,789	338
Gambia	511	514	2,772	8,642	217
Nigeria	6,380	575	2,870	8,490	196
Somalia	1,513	3,480	5,054	7,440	47
Palestine	251	448	1,351	6,418	375
Senegal	453	145	1,391	4,769	243
Others	55,940	10,910	11,549	34,597	200
Total sea borders	71,172	23,254	60,173	220,194	266
Total land/sea borders	141,051	72,437	107,365	283,532	164

Source: Frontex.<sup>31</sup>

Among the ten first nationalities, the absence of North Africans is remarkable. This trend in the composition of flows confirms that smuggling services by sea, which represent the cheapest but most dangerous segment of the market for illegal

<sup>29</sup> Frontex, *Annual Risk Analysis 2015*, April 2015, p. 57,

[http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annual\\_Risk\\_Analysis\\_2015.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf).

<sup>30</sup> Tuesday Reitano, "A Perilous but Profitable Crossing: The Changing Nature of Migrant Smuggling through sub-Saharan Africa to Europe and EU Migration Policy (2012-2015)", in *The European Review of Organised Crime*, Vol. 2, No. 1 (2015), p. 2, [http://sgocnet.org/site/wp-content/uploads/2014/06/1\\_Tuesday-Reitano\\_pp1-23.pdf](http://sgocnet.org/site/wp-content/uploads/2014/06/1_Tuesday-Reitano_pp1-23.pdf).

<sup>31</sup> Frontex, *Annual Risk Analysis 2015*, April 2015, p. 57.

immigration towards Europe, currently satisfy the demand coming from the countries where the urgency to flee is highest.<sup>32</sup>

In spite of the tragic salience of maritime routes, some land routes to the EU and neighbouring countries are under pressure with an even higher, although apparently less deadly burden. Information on these routes is scattered: the extent of South-South migration, and the issues surrounding it, remain poorly understood. As stated by the European Agency for Fundamental Rights (FRA), in North and West Africa refugee protection systems “are non-existent or remain undeveloped.”<sup>33</sup>

Over the last decade, North African and other Mediterranean MENA countries have increasingly become both destination and transit areas for mixed migration flows, becoming a connecting region for flows originating in the MENA Mediterranean area and those stemming from Sub-Saharan Africa and the Middle East.<sup>34</sup>

It is clear that internally displaced persons and forced migrants are increasingly fuelling South-South migration movements. According to available data recently presented by UNHCR, concerning the stocks of people in search of international protection, their numbers are very significant. According to UNHCR (and based on its official terminology), Turkey is currently the country hosting the largest contingent of refugees worldwide: as of August 2015, it had registered over 1.9 million Syrian refugees.<sup>35</sup> As of March 2015, Turkey had also received around 87,800 non-Syrian asylum-seekers, most of them from Iraq.<sup>36</sup> Lebanon is the

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<sup>32</sup> Paola Monzini, “Migrant smuggling via maritime routes”, in *CeSPI Working Papers*, 2004, <http://www.cespi.it/cnr/Monzini-ing.pdf>.

<sup>33</sup> FRA, *Fundamental rights at Europe's southern sea borders*, cit., p. 9.

<sup>34</sup> Hein de Haas, *The Myth of Invasion. Irregular migration from West Africa to the Maghreb and the European Union*, Oxford, International Migration Institute, October 2007, <http://www.imi.ox.ac.uk/pdfs/reports/irregular-migration-west-africa.pdf>; Franck Düvell, “Transit migration: A blurred and politicised concept”, in *Population, Space and Place*, Vol. 18, No. 4 (July/August 2012), p. 415-427; Monica Altieri, Carla Collicelli and Maurizio Mastrolembo Ventura, “Migratory Trends in the Mediterranean...”, cit.

<sup>35</sup> UNHCR, *Greater support in countries of first asylum needed to stem refugee outflows*, 26 August 2015, <http://www.refworld.org/docid/55dedb804.html>. See also UNHCR, “Syrian Refugees in Turkey”, in *Syria Regional Refugee Response*, updated 25 August 2015, <http://data.unhcr.org/syrianrefugees/country.php?id=224>.

<sup>36</sup> UNHCR, *Asylum Trends 2014*, March 2015, <http://www.unhcr.org/551128679.html>. The definition of “refugees” and “asylum-seekers” are used here in conformity with international standards. However, it should be reminded that Turkey is not a signatory of the 1967 Protocol (the New York Protocol) and in this country, since the new Law on Foreigners and International Protection came into force in April 2013, the Directorate General of Migration Management has become the sole institution responsible for asylum matters. While Turkey still maintains the geographical limitation to the 1951 Convention, the law provides protection and assistance for asylum-seekers and refugees, regardless of their country of origin. An English translation of the

country with the highest citizens-refugees ratio worldwide<sup>37</sup>: in this case, the main refugee groups are Syrians, Palestinians, and Iraqis. In Egypt, the UNHCR has so far registered 133,862 Syrian refugees,<sup>38</sup> but the Government of Egypt estimates that the number of Syrians is higher and ranges between 250,000 to 300,000 people.<sup>39</sup> The number of internally displaced persons in Libya was estimated to have been as high as 400,000 by the end of 2014.<sup>40</sup>

Another relevant share of asylum-seekers arriving to some extent in Europe and mainly in Mediterranean MENA countries comes from the Horn of Africa (Ethiopia, Somalia, Eritrea) and Sudan. Migration flows from the Horn of Africa are on the increase, and because of the unrest in South Sudan, the number of refugees who fled to Ethiopia, Kenya, Sudan, and Uganda in 2014 was estimated to be as high as 488,000.<sup>41</sup>

Besides Middle Easterners and East Africans, migration from Nigeria and other West African countries is worth mentioning as a growing component in mixed flows to and through the region. This particular migration stream includes a high percentage of trafficked persons, and specifically of trafficked Nigerian women directed to the sex markets of North African and European countries. Also, with the situation in north-eastern Nigeria deteriorating and attacks on civilians becoming more frequent and violent, more than a million Nigerians were internally displaced, and more than 54,000 refugees were assisted in Cameroon, Chad, and Niger.<sup>42</sup> High numbers of West African nationals attempt to cross the Sahara desert to Libya and eventually to European shores looking for international protection. Violence and insecurity continue also in northern Mali, where a worsening humanitarian situation is pushing more and more people to flee. Some 143,000 Malian people in search of international protection were registered in 2014 in Burkina Faso, Mauritania, and Niger, but according to UNHCR, the numbers of those attempting to find refuge outside the region are even more significant.<sup>43</sup>

Routes are thus increasingly diversified and spread across the region. As regards magnitude, flows of smuggled people travelling by land and directed in and through the MENA Mediterranean region are not precisely recorded or calculated.

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Law No. 6458 of 4 April 2013 is available in the website of the Turkish Ministry of Interior:  
[http://www.goc.gov.tr/files/files/eng\\_minikanun\\_5\\_son.pdf](http://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf).

<sup>37</sup> UNHCR, *Syrian refugees in Lebanon surpass one million*, 3 April 2014,  
<http://www.unhcr.org/533c15179.html>.

<sup>38</sup> UNHCR, *Global Report 2014*, cit., p. 182.

<sup>39</sup> UNHCR, *2014 Syria Regional Response Plan: Egypt*, December 2013, p. 2,  
<http://www.unhcr.org/syriarrp6/docs/syria-rrp6-egypt-response-plan.pdf>.

<sup>40</sup> UNHCR, *Global Report 2014*, cit., p. 175.

<sup>41</sup> UNHCR, *Global Report 2014*, cit., p. 160.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.



Although quantitative data on the phenomenon are scarce, some estimates have recently been provided for some routes, for example those departing from the Horn of Africa.<sup>44</sup>

For South-South migration flows directed to the Mediterranean MENA countries, boundaries between states are now much more marked and difficult to cross than they used to be a decade ago. Restrictive migration policies have been introduced also as a result of the EU strategies of externalisation of border controls. Reforms of the rules of entry and reinforced border controls have been adopted in almost all countries in the region,<sup>45</sup> and policy responses by transit states have also been upgraded in the attempt to manage migration movements induced by escalating political instability at a regional level. The border control systems are evolving fast because, due to the instability of some countries such as Libya or Syria, their neighbouring countries (Egypt, Tunisia, Lebanon) have increasingly closed their borders, introducing new visa requirements or enhanced border surveillance. At the same time, the ability of state authorities to control some boundaries has decreased as a result of conflicts, institutional mismanagement, and corruption.

At the domestic level, it is also relevant to highlight how new legislative provisions on smuggling have been introduced in the late 2000s in most MENA Mediterranean countries.<sup>46</sup> In addition, ad hoc anti-trafficking laws have widely been adopted, even if in some cases trafficking is still addressed through general tools of criminal law and other domains of law (i.e., labour law, administrative law, human rights law, and the laws on the status of foreign nationals). As stressed also by UNODC, data on trafficking from North Africa are extremely scarce, and the information on trafficking flows in the sub-region of Middle East and North Africa mostly refers to the Middle East.<sup>47</sup> Nevertheless, significant improvements have been made in this sub-region over the past decade: by the year 2012 the majority of the countries had legislation in line with international standards. Countries such as Tunisia and Egypt are in the process of adopting or discussing new ad hoc legislation to combat trafficking, including trafficking for forced labour practices, and to protect victims. These countries are also preparing national Action Plans against trafficking in

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<sup>44</sup> RMMS, "Going West: contemporary mixed migration trends from the Horn of Africa to Libya & Europe", in *RMMS Mixed Migration Research Series*, No. 5 (June 2014), [http://www.regionalmms.org/fileadmin/content/rmms\\_publications/Going\\_West\\_migration\\_trends\\_Libya\\_\\_Europe\\_final.pdf](http://www.regionalmms.org/fileadmin/content/rmms_publications/Going_West_migration_trends_Libya__Europe_final.pdf).

<sup>45</sup> Lorenzo Coslovi e Paola Monzini, "Le migrazioni transmediterranee: fattore di contrapposizione o di convergenza strategica?", in Roberto Gualtieri and José Luis Rhi-Sausi (eds.), *Hub globale, trincea o pantano? Il futuro del Mediterraneo e il ruolo dell'Europa. Rapporto 2010 sull'integrazione europea*, Bologna, Il Mulino, 2012, p. 129-148.

<sup>46</sup> OSCE, *Enhancing Co-operation to Prevent Trafficking in Human Beings in the Mediterranean Region*, November 2013, <http://www.osce.org/secretariat/108481>.

<sup>47</sup> UNODC, *Global Report on Trafficking in Persons 2014*, November 2014, p. 41, <https://www.unodc.org/unodc/en/data-and-analysis/glotip.html>.

human beings and are beginning to organise services for individuals who have been trafficked.

Finally, it is relevant to mention the trend towards the establishment at regional and inter-regional levels of specialised fora devoted to information exchange and policy cooperation on migration issues. As for Mediterranean MENA countries in particular, the majority of them do in fact participate in one or more migration dialogues, such as the Africa-EU Migration, Mobility and Employment Partnership (MME), the Rabat Process, the Dialogue on Mediterranean Transit Migration (MTM), and the recently launched Khartoum Process.

### 1.3 Smuggling networks in the Mediterranean region: some general features

A complex system of routes and connections of smuggling networks has formed in the last twenty years within the Mediterranean region. It is a web in constant evolution and the geographical areas where smuggling networks operate have enormously widened over time. Each trajectory results from specific formation processes of illicit markets for irregular facilitation, which are set up and managed in the long run by local networks of smugglers. It should also be stressed that the shape of the regional market also changes as a direct consequence of the reactive responses of the smuggling networks to the reactions of states: in other words, the increasing complexity of the smuggling networks is also a direct consequence of the states' responses.<sup>48</sup>

Smuggling activities at regional and local levels have been partially analysed since the mid-2000s in most countries in the region, as reconstructed in 2010 by the author of this section in a detailed literature review.<sup>49</sup> According to the results of this review, and as confirmed by subsequent studies, this is a highly segmented market, offering different packages to different target clients. Small and ephemeral groups participate in the business as well as large and highly professionalised networks.<sup>50</sup>

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<sup>48</sup> Paola Monzini, "Migrant smuggling via maritime routes", cit.; Paola Monzini, "Sea-Border Crossings: The Organization of Irregular Migration to Italy", in *Mediterranean Politics*, Vol. 12, No. 2 (July 2007), p. 163-184.

<sup>49</sup> Paola Monzini, *Smuggling of migrants into, through and from North Africa. A Thematic Review and Annotated Bibliography of Recent Publications*, Vienna, UNODC, May 2010, <https://www.unodc.org/unodc/en/human-trafficking/2010/smuggling-of-migrants-into-through-and-from-north-africa.html>.

<sup>50</sup> Anna Triandafyllidou and Thanos Maroukis, *Migrant Smuggling. Irregular Migration from Asia and Africa to Europe*, Basingstoke and New York, Palgrave Macmillan, 2012; Derek Lutterbeck, "From Mogadishu to Malta: Travel Experiences of Somali Migrants", in Peter G. Xuereb (ed.),

The players in the smuggling market can be organised in a large variety of ways, from structured criminal groups to individual occasional smugglers. These different figures can and do frequently cooperate, whenever this is deemed to be in their best financial interest.<sup>51</sup>

In general, however, the backbone of the smuggling industry does not seem to be based on highly structured and hierarchical organisations, but rather on flexible coalitions managed through *ad hoc* contractual agreements and repeated interactions among different local and transnational networks. These organisational characteristics facilitate easy geographical shifts when institutional countermeasures are adopted and, on the other side, allow cyclical resurgences of the clandestine markets to respond to sudden increases in demand.<sup>52</sup>

Even judicial proceedings, up to now, have not found any solid and systematic evidence of organisational structures in the smuggling business, with precise internal divisions of labour. According to recent investigations, as we will see in greater detail in Section 2 with particular regard to the Central Mediterranean route, networks are task-oriented. Intermediaries working in one country often have contacts with agents in other countries, but they do not form a unique organisation or a unique network, and business alliances may easily change.

In the Mediterranean region and beyond, business alliances among different networks allow the provision of complex smuggling services such as all-inclusive international trips crossing more than one border. Migrants may also receive assistance in continuing their travel across the European Union. This kind of trip is the most expensive on the smuggling market and research has found that initial negotiations between migrants and smugglers in these cases are made directly in the origin country or in major migration hubs. Currently this “integrated system” has been found to be more frequently used by Syrian<sup>53</sup> and Eritrean asylum-

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*Migration and Asylum in Malta and the European Union: Rights and Realities, 2002 to 2011*, Msida, Malta University Press, 2012, p. 61-79; Louise Shelley, “Human Smuggling and Trafficking into Europe...”, cit.

<sup>51</sup> Institute for International Research on Criminal Policy (IRCP), “Organized crime involvement in trafficking in persons and smuggling of migrants”, in *UNODC Issue Papers*, May 2010, [https://www.unodc.org/documents/human-trafficking/FINAL\\_REPORT\\_06052010\\_1.pdf](https://www.unodc.org/documents/human-trafficking/FINAL_REPORT_06052010_1.pdf).

<sup>52</sup> Ahmet İçduygu and Sule Toktas, “How do Smuggling and Trafficking Operate via Irregular Border Crossings in the Middle East? Evidence from Fieldwork in Turkey”, in *International Migration*, Vol. 40, No. 6 (December 2002), p. 25-54; Paola Monzini, “Migrant smuggling via maritime routes”, cit.; Ferruccio Pastore, Paola Monzini and Giuseppe Sciortino, “Schengen’s soft underbelly? Irregular Migration and human smuggling across land and sea borders to Italy”, in *International Migration*, Vol. 44, No. 4 (October 2006), p. 95-119; Paola Monzini, “Sea-Border Crossings...”, cit.; Paola Monzini, *Smuggling of migrants into, through and from North Africa*, cit.

<sup>53</sup> See Tuesday Reitano, “A Perilous but Profitable Crossing...”, cit.

seekers,<sup>54</sup> who can afford to pay higher fees. For long journeys, payment is made to smugglers in advance, step by step, through the Hawala or Western Union methods of payment. For other routes, especially coming from West Africa, one-shot and one-border smuggling services are usually purchased at the border with Libya; it is worth recalling here that few smuggling networks operate within West Africa as cross-border circulation is officially permitted for citizens of ECOWAS countries. According to recent research, it is not difficult for migrants to find agents as soon as they need them: intermediaries may be spotted along the way, and generally share ethno-linguistic ties with migrants. Agents speaking the migrant's language are more likely to gain their trust and they are able to better sell them the services on offer.<sup>55</sup>

In the MENA Mediterranean region routes are run by “constellations” of organisations, each of them developing the specific know-how required in its own geographical territory. Such constellations are formed basically of two different kinds of network: a) networks of operators/agents who recruit and move the migrants *by land*, for short or long journeys including only one border or more borders, and covering even trips from remote areas; and b) different organisations set up for *sea crossings*, often the most important stretch of the trip, for migrants willing to enter Europe.

Specifically, research and judiciary inquiries reveal that specialised groups are managing only departures by sea, and that the organisational capacities of these sea-based smuggling organisations, and their interconnections with other in-land smuggling networks, have recently increased. On one side, on the Eastern Mediterranean routes, according to the most recent investigations, Turkish and Egyptian groups cooperate and are very skilled at changing routes and using the most up-to-date communications technology at sea. Egyptian smugglers are currently involved in international joint ventures, also taking part in journeys originating in other countries, such as Turkey and Greece. Libyan smugglers, also, are part of wide transnational networks.<sup>56</sup>

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<sup>54</sup> Recent investigations in Italy have dismantled a network which operated from Sudan to Italy, passing through Libya. See Tribunale di Palermo, Direzione Distrettuale Antimafia (DDA), *Dispositivo di fermo disposto dal P.M. a carico di Mered Medhanie +23*, 10 April 2015.

<sup>55</sup> UNODC, *Global Report on Trafficking in Persons 2014*, cit., p. 26-27; Derek Lutterbeck, “From Mogadishu to Malta...”, cit.

<sup>56</sup> Giovanni Salvi, *From refoulement to Mare Nostrum. The fight against the smuggling of migrants by sea: legal problems and practical solutions*, paper presented at the 8th Meeting of the Consultative Forum of Prosecutors General and Directors of Public Prosecutors of the Member States of the European Union, The Hague, 12 December 2014, [http://www.magistraturademocratica.it/mdem/upy/farticolo/2.%20INDAGINI%20DDA%20-%20DNA%20TRAFFICO%20MIGRANTI%20L'Aia%202014\\_1\\_.pdf](http://www.magistraturademocratica.it/mdem/upy/farticolo/2.%20INDAGINI%20DDA%20-%20DNA%20TRAFFICO%20MIGRANTI%20L'Aia%202014_1_.pdf).

On the other side, the organisations specialising in sea crossings are increasingly connected with the more articulated land networks, which are in turn able to get in contact with potential customers in origin or transit countries, shifting them across more than one country. These groups tend to establish stable relationships with the networks specialised in the organisation of maritime crossings to the EU. The basic dynamics of these alliances were already pointed out a decade ago.<sup>57</sup> Professional agents and smugglers who control the clientele and make a profit from organising their journey by land develop the necessary credentials to establish contacts with the sea smugglers and supply them with clients. The alliances are formed because the volume of traffic guaranteed by the former favours the professionalisation of the latter, while the know-how of the latter increases the reputation among the clientele of the former, providing a guarantee for the successful outcome of the journey and eventual arrival in a European country.<sup>58</sup>

Last but not least, corruption seems to be one of the key mechanisms, perhaps even the main one, along all the smuggling routes. The little existing research has suggested that corrupt officials – even high-level border officials, police, soldiers, and employees of embassies – can participate in the smuggling of migrants; they are also involved as organisers or facilitators.<sup>59</sup> However, hardly any hard public evidence has been made available so far on the prevailing relationships between smugglers and corrupt officials.

## 1.4 Smuggled asylum-seekers: key features of the Syrian and Eritrean cases

In MENA countries bordering the Mediterranean, flows of fleeing people are increasingly exposed to various forms of exploitation, including trafficking practices. The impact of political instability and conflict is devastating: in the case of Syrians, for example, the growing obstacles to escape conflict zones and the harshening of residency and entry restrictions in neighbouring countries have represented an enormous boost to smuggling practices throughout the region.

With an estimated 3.7 million refugees in the Middle East and North Africa region at the end of 2014,<sup>60</sup> Syrians have become the largest refugee population

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<sup>57</sup> Ferruccio Pastore, Paola Monzini and Giuseppe Sciortino, “Schengen’s soft underbelly?”, cit.

<sup>58</sup> Ibid.

<sup>59</sup> UNODC, *International Framework for Action to Implement the Smuggling of Migrants Protocol*, December 2011, [http://www.unodc.org/unodc/en/human-trafficking/publications.html?ref=menuaside#SOM\\_IFA](http://www.unodc.org/unodc/en/human-trafficking/publications.html?ref=menuaside#SOM_IFA).

<sup>60</sup> UNHCR, *Global Report 2014*, cit., p. 174.

worldwide. Main host countries for refugees are currently Egypt, Iraq, Jordan, Lebanon, and Turkey. However, over the last few years, most of Syria's neighbouring countries have enforced border controls and introduced entry and residency policies for Syrian nationals: stricter regulations for granting visas to Syrians have been introduced for example in Egypt in July 2013 and in Lebanon in 2015, resulting in an increase of smuggling services.<sup>61</sup> Large numbers of Syrians already settled in these countries resorted to smuggling networks to continue their travels. The same trend has been recorded in Libya since 2013, when the security situation worsened and thousands of Syrians already established in that country had to pay smuggling networks to embark on the dangerous journey across the Mediterranean towards Europe.<sup>62</sup> According to UNHCR, in 2014 Syrians were the top nationality reaching Europe by sea, with 42,323 migrants arriving by boat to Italy mainly from Libya.<sup>63</sup> Currently they still constitute the majority in the flow passing irregularly through Greece: in 2015 the Eastern Mediterranean route has been growing in importance, in part due to the increasing difficulties met by the Syrian population hosted in Turkey, with most departures taking place from Istanbul, Izmir, Edirne, and Ankara to Greek islands.<sup>64</sup> It may also be hypothesised (although direct evidence is missing) that, due to the increasing dangers along the Libyan route, there was a deliberate reorientation of smugglers' activities and consequently of Syrian refugees' trajectories towards Turkey and the Eastern Mediterranean route.

Prices paid to smugglers by middle-class families escaping the Syrian war are usually higher than those paid by other asylum-seekers coming from poorer regions of the Horn of Africa, other African states, or Afghanistan and Iraq. Reacting to the increasing incidence of border controls among countries, and the availability of increasing flows of money, smuggling networks are changing their modus operandi and routes (for more details see the next sections).

The growth in the number of migrants who can afford to pay high prices for their travels is a decisive factor boosting the smuggling networks. Also in the case of Eritrean migrants the availability of monetary resources propels changes in the smuggling dynamics, making them increasingly exploitative. According to recent research, the vast majority of migrants fleeing from Eritrea are confined in neighbouring countries and only a small minority succeed in reaching the EU's

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<sup>61</sup> For a discussion on visas' regulations see Marion Couldrey and Maurice Herson (eds.), "The Syria crisis, displacement and protection", special issue of *Forced Migration Review*, No. 47 (September 2014), <http://www.fmreview.org/syria/contents>.

<sup>62</sup> Tuesday Reitano, Laura Adal and Mark Shaw, *Smuggled Futures...*, cit.

<sup>63</sup> UNHCR, *Syrians in Southern Europe*. UNHCR regional update, June 2015, 15 June 2015, p. 2, <http://data.unhcr.org/mediterranean/download.php?id=9>.

<sup>64</sup> See the Frontex webpage: *Western Balkan Route*, <http://frontex.europa.eu/trends-and-routes/western-balkan-route>.

territory.<sup>65</sup> Due to the existence of a large diaspora, the expenses for longer travels, including smuggling costs, are usually covered by relatives living abroad, in Europe, the US, or Israel. Due to this form of family support, Eritrean flows moving onward with the services of smuggling networks are increasingly and specifically being targeted for new forms of trafficking practices in Sudan, Egypt, and Libya. As we will see in greater detail in Sections 2 and 3, practices of kidnapping have been documented initially in the Sinai Desert and more recently in Libya and Sudan.<sup>66</sup> Hundreds (at least) of individuals of Eritrean origin were kidnapped, tortured, and held hostage by smuggling networks extorting from their relatives ransom payments amounting to several thousands of euros for their release.<sup>67</sup>

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<sup>65</sup> RMMS, “Going West...”, cit.; RMMS, *Mixed migration in Horn of Africa and Yemen*, Monthly RMMS Dashboard Maps, May 2015, <http://www.regionalmms.org/index.php?id=31>

<sup>66</sup> Mirjam van Reisen and Conny Rijken “Sinai Trafficking: Origin and Definition of a New Form of Human Trafficking”, in *Social Inclusion*, Vol. 3, No. 1 (2015), p. 113-124, <http://dx.doi.org/10.17645/si.v3i1.180>.

<sup>67</sup> Europol, “Irregular migrants from the Horn of Africa with European sponsors kidnapped for ransom and held in the Sinai”, in *Scan Policy Briefs*, March 2014, [https://www.europol.europa.eu/sites/default/files/publications/sinai\\_scan\\_policy\\_brief\\_public.pdf](https://www.europol.europa.eu/sites/default/files/publications/sinai_scan_policy_brief_public.pdf)

## 2. THE EVOLUTION OF THE CENTRAL MEDITERRANEAN SMUGGLING ROUTE FROM LIBYA TO ITALY

More than 170,000 migrants arrived irregularly through the Central Mediterranean routes in 2014, 60 percent of all detections recorded in Europe.<sup>68</sup> In that year the sea border was, as it had been in 2013 and in 2011, the main method for illegal border-crossings into the European Union, with a high proportion of fatalities. As of 6 October, 133,451 arrivals have been recorded in 2015,<sup>69</sup> with some significant qualitative changes: according to Frontex, in the three first months of 2015 a change in the composition of migrants leaving from Libya was recorded, resulting in an increase in migrants from Western Africa and the Horn of Africa and a decrease in the share of Syrians.<sup>70</sup>

Recently international organisations and NGOs have published a number of overview reports, mainly focusing on the changing migration patterns and risks taken by migrants on this route.<sup>71</sup> Based on empirical research through interviews with migrants who were able to cross the sea, the goal of these reports is to collect information on the current trends of exploitation and human rights abuses and to present qualitative data on the current patterns in the organisation of irregular migration. One of the main findings is that the deterioration of the political and security situation in Libya disproportionately affects migrants. Serious abuse of transit migrants is reported in the totally ungoverned areas to the South and East of the country.<sup>72</sup> Consequently, labour migrants who have been resident in Libya for many years are currently paying smugglers in ever-growing numbers to cross the Mediterranean. Also migrants who were kept in detention centres are reported

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<sup>68</sup> Frontex, *Annual Risk Analysis 2015*, cit., p. 18.

<sup>69</sup> IOM, *IOM Monitors Latest Migrant Arrivals, Deaths in Mediterranean*, 6 October 2015, <http://www.iom.int/news/iom-monitors-latest-migrant-arrivals-deaths-mediterranean>. See also the IOM Missing Migrants Project's infographic *Mediterranean Update*.

<sup>70</sup> Frontex, *Risk Analysis Network Quarterly Report, January-March 2015*, cit., p. 11.

<sup>71</sup> Arezo Malakooti, *Migration Trends Across the Mediterranean...*, cit.; Amnesty International, *The Human Cost of Fortress Europe. Human Rights Violations Against Migrants and Refugees at Europe's Borders*, July 2014, <https://www.amnesty.org/en/documents/EUR05/001/2014/en>; Amnesty International, *Lives adrift. Refugees and migrants in peril in the Central Mediterranean*, September 2014, <https://www.amnesty.org/en/documents/EUR05/006/2014/en>; Amnesty International, *'Libya is full of cruelty'. Stories of abductions, sexual violence and abductions from migrants and refugees*, May 2015, <https://www.amnesty.org/en/documents/mde19/1578/2015/en>.

<sup>72</sup> Arezo Malakooti, *Migration Trends Across the Mediterranean...*, cit., p. 61-65.



to have sometimes been obliged to board overcrowded boats without paying a fee. According to media reports, some from journalists based in Libya, smuggling is flourishing primarily because of the varying but generally low or non-existent capacity and engagement of officials in border controls, with widespread corruption at all levels.<sup>73</sup>

Particularly since the tragic loss of at least 800 migrants on 19 April 2015, a huge quantity of media reports have addressed the impressive growth of mixed migration flows departing by sea from Libya, describing the difficult situations endured by migrants and sometimes also the organisational set-ups of smugglers. However, even if smugglers have been targeted at the international level as one – and sometimes the most relevant – actor in this critical situation in the Mediterranean, there is still a lack of specific knowledge on the concrete dynamics of smuggling activities along this route. The multitude of reports by media and by international organisations present a paucity of data on how, effectively, the smuggling practices are performed, and how recent changes in Libya and at the international level have affected the smuggling networks. As remarked by Townsend and Oomen, smuggling methods and migrant flows have changed year by year, but the complex cause-effect dynamics linking smugglers' practices, policy responses, and migrants' decisions are seldom investigated.<sup>74</sup>

In Libya, the active presence of smuggling networks is not a novelty: they have progressively developed their business strategies since the early 2000s. In the next pages, we build on existing diachronic knowledge about smuggling activities and on the analytical tools developed over the years, even at a local level, with a view to providing an updated reconstruction of the origin of the route and its current state. The origin, functioning, and evolution of the main routes into, through, and from Libya are illustrated to add information to the current debate on smuggling networks. The analysis is based on recent academic literature, reports by international organisations and NGOs, official data, and other secondary sources such as judicial proceedings and press articles. Of course, smuggling is a criminal activity, and like all other illegal activities one of its main features concerns its secrecy, depending on the obvious need for smugglers to keep their sensitive information safe and inaccessible to outsiders.

Due to the difficulties in finding reliable information, most of the information used was provided by authorities involved in the control of illegal immigration in Italy. Since 2004 and up to now, most of the evidence has been collected from telephone

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<sup>73</sup> See Patrick Kingsley, "Risking death in the Mediterranean. The least bad option for so many migrants", in *The Guardian*, 17 April 2015, <http://gu.com/p/47tjx/stw>.

<sup>74</sup> Jacob Townsend and Christel Oomen, "Before the Boat: Understanding the Migrant Journey", in *MPI Reports*, May 2015, p. 13, <http://www.migrationpolicy.org/node/15288>.

interceptions, interrogation reports, statements from collaborators, and police and judicial reporting.<sup>75</sup>

Sub-section 2.1 focuses on the evolution and organisational patterns of smuggling from Libya, including results of empirical research carried out since 2004 by the author of this section. Sub-section 2.2 addresses current trends at play, including recent changes in the environment where smugglers operate, and their effect on the making of the routes and the vulnerability of migrants.

## 2.1 Trends, routes, and smuggling practices

### 2.1.1 *The origins of the route from Libya to Italy*

The smuggling of migrants to, through, and from Libya, by land and sea, has loomed large since the first years of this century when, due to specific circumstances, the business of migrant shipping to Italy became very profitable. At this time, Libya was only a destination, not a transit country for migrants; it was one of the most attractive countries in the region for intra-regional labour migration, and an internal demand for smuggling activities did not exist. The business of smuggling in Libya initially was propped up by foreign brokers as an illicit market for foreign clients, with decisive support provided by corrupt security officials.

The emergence of the route has been interpreted since its beginning as the effect of a structural change in the smuggling market occurring at a higher level, on a Mediterranean scale.<sup>76</sup> From the early 1990s until 2002, most of the smuggling routes through the Mediterranean Sea originated in Albania, Turkey, Tunisia, or took place across the Suez Canal. All of these routes were directed to Italy, except the one connecting Morocco to Spain. During that decade, all these former sea routes were gradually subjected to ever more stringent controls and drastically reduced, by introducing legislative provisions to counter irregular migration and smuggling, with bilateral agreements with transit countries, and the introduction of specific procedures for the management of irregular migration in Europe,

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<sup>75</sup> We have made use of such sources on previous occasions, as documented in Paola Monzini, "Migrant smuggling via maritime routes", cit.; Paola Monzini, "Sea-Border Crossings...", cit.; Paola Monzini, "Il traffico di migranti per mare verso l'Italia. Sviluppi recenti (2004-2008)", in *CeSPI Working Papers*, No. 43 (September 2008), <http://www.cespi.it/WP/WP43-Traffico-Monzini.pdf>; Ferruccio Pastore, Paola Monzini and Giuseppe Sciortino, "Schengen's soft underbelly?...", cit.

<sup>76</sup> Paola Monzini, "Migrant smuggling via maritime routes", cit.; Paola Monzini, "Sea-Border Crossings...", cit.

including repatriation procedures.<sup>77</sup> Specifically in 2002 concerted actions, increasing diplomatic relationships, seizures of the boats, and military actions led to a reduction of the three main routes from Albania and Tunisia to Italy, and from Morocco to Spain.<sup>78</sup>

The withdrawal of the former routes led to a process of reorientation of mixed migration flows by sea, and smuggling activities, to a new geographical area. The functional specialisation of smugglers in the field of illegal maritime crossings in Libya became evident in 2002, when the irregular migration flow to Sicily coming from North Africa, composed of 5,504 intercepted migrants in 2001, increased to 18,225 migrants (78 percent of the total in Italy) and Sicily became for the first time the Italian region with the largest inflow of irregular migrants by sea.<sup>79</sup> Opened up as a result of the stricter border management rules and police countermeasures developed in the above-mentioned transit Mediterranean countries, the Libyan route ended in the small islands of the Sicily Channel, primarily Lampedusa (but sometimes diverted to Malta).

Specifically, the “de-structuring” and contraction of the market in Tunisia corresponded to an opposite trend leading to the build-up of the Libyan route. As a business sector, smuggling has its own peculiarities: it is an illegal market, and it can flourish only when specific market conditions are met. When costs in Tunisia became too high, because of the institutional countermeasures, the weakest link in the chain of control policies was identified in neighbouring Libya, and sites of embarkation were moved there.<sup>80</sup> Also irregular flows previously passing through Turkey and the Suez Canal, after 2002 were redirected through Libya to avoid reinforced policing by Turkey and Egypt along routes transiting these countries.

Since the beginning, the mixed composition of the migratory flows directed to Italy from Libya indicates that behind them lie forms of “business cooperation” among experienced Tunisian, Egyptian, and Turkish smugglers looking for new outlets, who found alliances with Libyan groups able to clandestinely control maritime assets and departure points. Over the course of a few years, subsequent connections with other potentially transnational African organisations, specifically Sudanese, Eritrean, and Somali networks, allowed a widening in the range of nationalities of migrants transported by the Libyan maritime organisers.

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<sup>77</sup> Paola Monzini, “Migrant smuggling via maritime routes”, cit.; Paola Monzini, “Sea-Border Crossings...”, cit.; Ferruccio Pastore, Paola Monzini and Giuseppe Sciortino, “Schengen’s soft underbelly?...”, cit.

<sup>78</sup> Paola Monzini, “Il traffico di migranti per mare verso l’Italia...”, cit.

<sup>79</sup> Paola Monzini, “Migrant smuggling via maritime routes”, cit.

<sup>80</sup> Paola Monzini, “Sea-Border Crossings...”, cit.

On the supply side of the illegal market, at the international level, political instability in certain geographical areas became a main engine for “production” of the mixed migration flows by sea passing through Libya. The recruitment basin of the migrants arriving in Sicily from North Africa, namely from Libya, widened also due to a changed political scenario. Fleeing populations with origin in Iraq, Palestine, Liberia, and Somalia, escaping from wars and political instability, were among the best clients of the smuggling networks in the mid 2000s. Their presence on the boats joined the initially predominant North African migration flows.

Similarly, the part of mixed migration flows coming from West Africa, and directed to Europe, which had previously crossed Morocco to eventually reach Spain, due to growing preventive and repressive measures in Morocco met difficulties in crossing the Straits of Gibraltar and subsequently attaining the Canary Islands. These flows increasingly used passage through Mali, Niger, and the deserts of Libya to reach the shores of Libya as embarkation area for Europe.<sup>81</sup>

In the global scenario the Libyan crossings filled a gap generated by the suppression of other Mediterranean routes, providing a protected access to Europe for pre-existing and new networks of smugglers. With this “second stage” in the evolution of migratory geopolitics, from 2002 on, the Mediterranean sea has become an integrated space for smuggling by sea. Three interdependent variables shape it: the migratory pressures which create the demand (and adapt their trajectories to the availability of opportunities and crossable routes), the border control policies carried out by the authorities (still not able to reach Libya), and the actions of the smuggling organisations.<sup>82</sup>

### ***2.1.2 The internal structure of smuggling networks***

For crossings from Libya, departure points were first organised in Zuwarah, a small city 56 kilometres from the Tunisian border, and easily accessed from Tripoli. This is still the most important base for smuggling in Libya.<sup>83</sup>

Initially, Libyan smugglers operated as organisers of crossings in cooperation with Tunisian smugglers, owners of boats, and seamen with the required know-how, who were also able to mobilise migrants from North African countries. As mentioned above, connections with smugglers of different nationalities supplied Libyan organisers with clients: Sudanese and Egyptian smugglers moved migrants by land from Egypt, Somalia, and Eritrea, passing through Sudan,<sup>84</sup> and Turkish

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<sup>81</sup> Lorenzo Coslovi e Paola Monzini, “Le migrazioni transmediterranee...”, cit.

<sup>82</sup> Paola Monzini, “Sea-Border Crossings...”, cit.

<sup>83</sup> Paola Monzini, “Il traffico di migranti per mare verso l’Italia...”, cit.

<sup>84</sup> Ibid.

smugglers transporting Kurdish asylum-seekers also connected to these networks, to attain access to the sea. In Tripoli and at the departure points a multi-ethnic underworld was easily formed, favoured by a high degree of corruption: as the business was lucrative and not (or, later on, mostly symbolically) repressed by local authorities, the networks of agents working with the Libyan organisers expanded.<sup>85</sup> According to researchers, in the mid 2000s, agents of various nationalities selling passage were most frequently found at the market, and in certain bars and hotels in Tripoli. Agents of the same ethnic group as the migrants, with origins in Morocco, Egypt, Sudan, and Eritrea, started also to sell passage to migrants coming to Libya on their own.<sup>86</sup>

Fuelled by different transnational networks, demand for crossings remained high over the years, and the new illegal market expanded in Libya, with Libyan smugglers acting as service providers for networks of various nationalities. In 2005 and 2006 Libyan shores were by far the main transit area for smuggling by sea to Europe.

A valuable – because reliable and relatively detailed – picture of the Libyan smuggling milieu emerges vividly from a series of high-level investigations carried out by Italian prosecutors and judicial offices in the second half of the 2000s. The archives of these inquiries still represent a major source of knowledge on the structure of the smuggling business. Although current evidence on the internal structure of the smuggling groups is scarce, it does show that some fundamental features have mainly remained the same over the years, in spite of the major ruptures in Libyan society following the fall of the Gaddafi regime in 2011.

In Tripoli and surrounding areas, Libyan groups capable of mobilising vessels and nautical capacity, and of controlling embarkation points, were initially described as large families or clans formed of brothers, sons, and other relatives.<sup>87</sup> In 2005, facilitators of Egyptian and Tunisian nationality, apprehended at sea by Italian authorities, provided detailed descriptions of these Tripoli- and Zuwarah-based networks to the Italian investigators.<sup>88</sup> According to these reports, several actors, always connected to the clan by family or friendship relations, are mobilised to manage the smuggling activities. The heads of the networks are men of varied

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<sup>85</sup> Sara Hamood, *African Transit Migration through Libya to Europe: The Human Cost*, Cairo, The American University in Cairo, January 2006, p. 63-64, [http://www.aucegypt.edu/GAPP/cmrs/reports/Documents/African\\_Transit\\_Migration\\_through\\_Libya\\_-\\_Jan\\_2006\\_000.pdf](http://www.aucegypt.edu/GAPP/cmrs/reports/Documents/African_Transit_Migration_through_Libya_-_Jan_2006_000.pdf)

<sup>86</sup> *Ibid.*, p. 50 ss.; Stefano Liberti, *A Sud di Lampedusa. Cinque anni di viaggi sulle rotte dei migranti*, Roma, Minimum Fax, 2008.

<sup>87</sup> Paola Monzini, "Il traffico di migranti per mare verso l'Italia...", *cit.*, p. 22.

<sup>88</sup> Tribunale di Catanzaro, *Procedura penale n. 2369/2005 R.G.N.R., Fermo di indiziati di delitto*, 23 January 2006, p. 24.

socio-economic backgrounds: some are described as former agents of the secret services or police forces, while others are shop owners or traders in fruits, jewellery, or household appliances. Generally, they belong to Libyan families with assets such as villas and lands, and have at their disposal places like hangars or rural farms (the “safe houses”) to hide the migrants awaiting embarkation. The smuggling market is described as not linked to other illicit markets in the region.<sup>89</sup>

According to investigations, in the mid-2000s at least five large networks operated in Zuwarah, with connections in Tripoli and also with strong links with local police officials. Some of them had a good reputation while others were not considered reliable, mainly due to a higher frequency of shipwrecks. According to the same sources, several actors participate in the business with different roles:

- skilled intermediaries able to collect clients directly in origin countries;
- local intermediaries who maintain connections with migrants of their own nationality in Libya (in some prominent cases, these have emerged to be foreign wives or partners of Libyan smugglers);
- persons in charge of the management of migrants during the waiting time before embarkation, in garages or private country farms, who organise control, food, and accommodation;
- intermediaries in charge of finding the boats (small boats, fishing boats, or rubber dinghies) mainly in Egypt and Tunisia;
- experts for the maritime passage, in charge of the fuelling and loading operations of the boats; and
- transporters collecting and moving the migrants through Libya and to the embarkation points.

Libyan nationals monopolise all of the key roles listed, with the exception of the international intermediaries, and the boat captains and crews, who are always foreigners. It seems that Libyan smugglers manage their business maintaining their local profile, facilitated by wide connections abroad.<sup>90</sup>

Migrants – most of them from North Africa, the Middle East, and Sub-Saharan Africa – are “stored” in houses in the countryside for days or weeks, with armed guards to keep them under control until the moment of embarkation. After being closed up for weeks, they are taken to the coast at night using small buses that are completely stripped of seats, enabling them to carry up to 50-60 persons at a time. The passengers are then loaded onto small boats or lifeboats and transferred to fishing boats waiting at anchor, or are taken directly on board in small ports. In general, migrants do not know the name of the place they leave from. After sailing for some time along the western Libyan and then eastern Tunisian coast, the

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<sup>89</sup> Ibid., p. 578 ss.

<sup>90</sup> Paola Monzini, “Il traffico di migranti per mare verso l’Italia...”, cit.

fishing boats put out to sea, across the Sicily channel. Payment for travel is requested up front, and guarantees do not exist: a migrant's vulnerability is therefore always very high.<sup>91</sup> The system has worked successfully for the smugglers, despite the efforts of the Italian authorities – and, according to recent investigations, its basic structure is still currently reproduced in Libya without relevant changes.

### **2.1.3 The land routes to Libya**

Since the early 2000s, a number of routes have successfully been used to transport migrants from various regions across Libya's vast territory to the coastal embarkation areas. Two principal land routes in the desert leading to Libya were gradually established in the course of the first decade of the new century and are still active today: they respectively cross Sudan and Niger. The first route channels migrants from the various countries of East Africa, especially the Horn of Africa, and Sudan, onto desert trails passing through Khartoum in Sudan. The second collects movement from all West African countries, the various countries of the Gulf of Guinea and also Central Africa, and crosses Niger through Agadez, directly up to Libya, or less frequently to Algeria first and from there into Libya.<sup>92</sup> The rich smuggling markets along these cross-Saharan routes have been described since the mid-2000s.<sup>93</sup> Smuggling practices are articulated with various prices corresponding to different services, according to the type of vehicle used, associated corruption costs, and the risk of being intercepted by the police. From the point of view of African migrants, as soon as they enter Libya, not only the geographical environment but also the social one changes dramatically: in the desert they have to deal with an underworld of drivers and smugglers belonging to desert tribes, and often with Arab people who do not speak their language.<sup>94</sup> Travel is organised in pick-ups transporting 30 people at a time, or on large trucks jointly carrying animals, merchandise, and people and moving along in long columns. Usually, but not always, drivers are supplied with good equipment, satellite telephones, and adequate tools for the desert crossing: however, falls from trucks, deception, thirst and hunger, deaths, and beatings have been commonly reported by migrants since the mid-2000s,<sup>95</sup> and they are still frequent but under-reported even today. The nomadic clans of the Sahara play a role in facilitating the

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<sup>91</sup> Ibid.

<sup>92</sup> Hein de Haas, *The Myth of Invasion*, cit.; David van Moppes, *The African Migration Movement: Routes to Europe*, Nijmegen, Research Group Migration and Development Radboud University, 2006; Sara Hamood, *African Transit Migration through Libya to Europe...*, cit.

<sup>93</sup> Sara Hamood, *African Transit Migration through Libya to Europe...*, cit.

<sup>94</sup> Stefano Liberti, *A Sud di Lampedusa*, cit.

<sup>95</sup> Paola Monzini, *Smuggling of migrants into, through and from North Africa*, cit.; Salvatore Coluccello and Simon Massey, "Out of Africa: The human trade between Libya and Lampedusa", in *Trends in Organized Crime*, Vol. 10, No. 4 (December 2007), p. 77-90.

transport of migrants, and in particular the Tebu, an African clan present in Northern Niger and Southern Libya, have become dominant in the migrant smuggling trade.<sup>96</sup> The basic structure of these smuggling routes to Libya has remained the same throughout the decade.

#### ***2.1.4 The temporary reduction of the Libyan route and its effects***

After years of negotiations and diplomatic pressure on the part of the Italian government and the European Union to push the Libyan government to counter the smuggling market, a change did result. After lighter interventions by Libyan authorities, leading to a reduction of the market starting in 2007, remarkably in 2009 the “rejection” policy adopted by Gaddafi as a result of bilateral cooperation between Italian and Libyan authorities significantly reduced the maritime flows: in that year, an 80 percent reduction was recorded.<sup>97</sup> Specifically, due to *refoulements* at high sea, the flow along the Libyan route was sharply but temporarily reduced. Moreover, following the implementation of the agreements, most of the irregular migrants at the southern Libyan borders were stopped, rejected, and mostly deported back to their country of origin, such as Sudan, Niger, or Nigeria, or to transit countries such as Algeria.<sup>98</sup> This policy was adopted prior to Gaddafi’s fall in 2011 and then continued by the Transitional Council, until the relapse of the country into civil war in 2013-14, with a parenthesis in 2011<sup>99</sup>: in that year, 60,000 people illegally entered Italy through the Central Mediterranean route, while the 2010 flow consisted of 4,400 migrants.<sup>100</sup>

The pushbacks to Libya, carried out for a short period in Spring 2009, became for a while a prominent human rights and political issue in the European debate on

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<sup>96</sup> Tuesday Reitano, Laura Adal and Mark Shaw, *Smuggled Futures...*, cit.

<sup>97</sup> Frontex, *Annual Risk Analysis 2010*, March 2010, p. 18, [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annual\\_Risk\\_Analysis\\_2010.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2010.pdf).

<sup>98</sup> Paolo Cutitta, *Readmission and Forcibly Return in the Relations between Italy and North African Mediterranean Countries*, paper presented at the Ninth Mediterranean Research Meeting, Florence-Montecatini Terme, 12-15 March 2008, <http://www.altrodiritto.unifi.it/frontier/storia/cuttitta.pdf>; Emanuela Paoletti and Ferruccio Pastore, “Sharing the dirty job on the southern front? Italian-Libyan relations on migration and their impact on the European Union”, in *IMI Working Papers*, No. 29 (December 2010), <http://www.imi.ox.ac.uk/publications/wp-29-10>; Human Rights Watch, Chapter XII: “Linkages between Smugglers and Security and Law Enforcement Officials”, in *Pushed Back, Pushed Around: Italy’s Forced Return of Boat Migrants and Asylum Seekers, Libya’s Mistreatment of Migrants and Asylum Seekers*, September 2009, <http://www.hrw.org/en/node/85585>

<sup>99</sup> Frontex, *Risk Analysis Network Quarterly Report, January-March 2015*, cit.

<sup>100</sup> Philippe De Bruycker, Anna Di Bartolomeo, Philippe Fargues, “Migrants smuggled by sea to the EU...”, cit., p. 15.



irregular migration management, leading to a decision of the European Court that formally condemned this practice.<sup>101</sup>

In the short run, the significant reduction of flow from Libya started a domino effect in the Mediterranean area and beyond, and part of the flow was temporarily redirected to other Mediterranean routes. A part of the flow coming from Sudan and the Horn of Africa was diverted to Egypt (see Section 3). The country, crossed by various land routes, developed its role as an important variant for migration from Sub-Saharan to North Africa, thereby decisively increasing its role as regional migration hub. Sea routes from Egypt, with landings in Sicily (Italy) and in Crete (Greece), were carrying mainly Egyptian and Eritrean nationals. Moreover, as explained in greater detail by Nourhan Abdelaziz in Section 3, part of the flow of Eritrean nationals arriving from Sudan was also directed, inside Egypt, into the Sinai desert, to reach Israel, which has gradually emerged as an alternative destination to Europe. In this border region area a specific system of abuse of migrants was set up by Bedouin clans, a form of exploitation defined as a new form of trafficking: “trafficking for the payment of ransom.”<sup>102</sup> This system has been attentively analysed by two researchers, who describe how in Sinai smuggling practices are transformed into a form of trafficking.<sup>103</sup>

The temporary curtailing of the maritime routes from Libya in the final years of the Gaddafi regime and in the early phase of the transition led also to a third change in the geography of cross-Mediterranean migration, namely an increase in movements through Greece. In fact, in 2009, of the total of irregular immigration coming into Europe, a 75 percent share was detected in Greece. The role of routes arriving in Greece at the turn of the decade increased as a result of growing flows departing from Turkey: irregular entries took place via the islands of the Eastern Aegean and mainly Lesbos and Chios, and by land, crossing the Evros river. They included migration flow from Afghanistan, but also from Sub-Saharan Africa and the Horn of Africa (mainly Somali and Eritrean nationals).

To sum up, institutional efforts of European countries achieved the objective of a general reduction in the number of irregular movements directed to Europe by sea in 2009 and 2010, and again in 2012; however they had as a side-effect the development of new Eastern Mediterranean routes – departing from Egypt and Turkey – and also the establishment of new land routes, including the increasing specialisation in smuggling activities by Bedouin tribes in Sinai, often ending in trafficking practices. The reduction of the role of Libya as a departure country for

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<sup>101</sup> Romina Amicolo, *The case of Hirsi Jamaa et al. v. Italy. The trend of Irregular Immigration taking place in the Mediterranean Sea*, Saarbrücken, Lap Lambert Academic Publishing, 2013.

<sup>102</sup> Mirjam van Reisen and Conny Rijken “Sinai Trafficking...”, cit., p. 122.

<sup>103</sup> Ibid.

Mediterranean crossings coincided with (although it is impossible to establish direct and clear-cut causal relations) an enlargement of the geographical web of routes: the topography of departure places changed, and smuggling flows at the turn of the decade saw Turkey, together with Egypt, as the main departing areas toward Europe.

Nevertheless, relevant political changes, and specifically local and regional crises, had a sudden impact on the effectiveness and feasibility of the European policies of border control over the Mediterranean area. In 2011 all main efforts conducted at the multilateral and bilateral levels with Egypt, Libya, and Tunisia vanished. The Arab uprisings, and in particular the civil war in Libya, followed by NATO intervention and the fall of the Gaddafi regime, resulted in difficulties in bilateral and multilateral cooperation with the EU and its member states on matters of migration control.

Moreover, a steep rise in smuggling and mixed migration flows directed to Europe has been seen, especially since 2013: while cooperation with Tunisia and Egypt has been reinforced, it is evident that the war in Libya and its aftermath have changed the overall migratory context allowing facilitation networks that already had strong organisational and logistical capacities to re-affirm their presence in smuggling activities.<sup>104</sup>

## 2.2 Current *modus operandi* of criminal networks and facilitators

### 2.2.1 *The geographical evolution of the routes*

In 2013, and remarkably in 2014, smuggler activities loomed large in the Central Mediterranean and the smuggling business flourished at unprecedented levels: new routes emerged and prevailing nationalities of transported migrants changed. The Mediterranean Sea border between North Africa and the EU officially became the most dangerous border region worldwide outside of war zones.<sup>105</sup>

However, as shown in Table 3, if the Libyan route has increased disproportionately since 2014, during the same year an even stronger growth (almost ten times the numbers of 2013) was recorded for the Turkish routes directed to Italy (partly through the use of “ghost ships,” i.e., large ships, usually in very poor shape, which

<sup>104</sup> Frontex, *Annual Risk Analysis 2015*, cit., p. 6.

<sup>105</sup> Philippe Fargues and Sara Bonfanti, “When the best option is a leaky boat: why migrants risk their lives crossing the Mediterranean and what Europe is doing about it”, in *MPC Policy Briefs*, No. 2014/05 (2014), <http://cadmus.eui.eu/handle/1814/33271>.

are abandoned in the proximity of Italian territorial waters). The number of crossings from Egypt to Italy also increased in 2014.<sup>106</sup>

**Table 3 |** Departure countries for migrants landing on Italian shores (2013-2014)

	Libya	Turkey	Greece	Tunisia	Egypt	Algeria	Others
<b>2013</b>	27,233	1,975	1,943	871	9,190	24	1,689
<b>2014</b>	141,293	10,371	1,508	1,215	15,413	155	86

Source: Italian Coast Guard.

The key countries for entry into Europe have become two: Libya and Turkey. Currently, in 2015, the increasingly dangerous route from Libya is mainly used by West African nationals, while the route to Greece is most used by Syrians and increasingly also by Eritreans, Afghans, Iraqis, and also African nationals, and is expanding fast. Such unprecedented growth demonstrates on one side the persistence of high demand for crossings, and on the other side the capacity of international smuggling networks to widen their scope in order to meet this demand.

Specifically, in post-Gaddafi Libya, and especially since the new outburst of civil war in 2014, the preconditions for the re-emergence of a complex system of irregular migration routes, and smuggling networks, together with a whole economy based on the exploitation of migrants, have grown. Migrants travelling into, through, or from Libya may live for months or even years in a condition of complete social isolation and at the mercy of smugglers and other exploiters, as they live with a permanent fear of being beaten, arrested, and detained by the authorities or militia groups.<sup>107</sup> In 2013 several smuggled migrants testified in Lampedusa that in Libya they were abused, tortured, and raped.<sup>108</sup> Specifically, evidence of blurring lines between smuggling of migrants and trafficking in persons in the case of Libya, in absence of any “rule of law,” is strong.

There are still two main routes into the country through the desert: a persistent movement from West Africa, passing through Agadez (Niger); and a well-established route from Sudan, specifically fed by departures from refugee camps in Ethiopia and Sudan.<sup>109</sup> Part of the flow of Syrian nationals is also still entering Libya mainly through Sudan, one of the few remaining countries allowing them visa-free access. The post-2011 flows of economic migrants seeking a job in Libya

<sup>106</sup> Frontex, *Annual Risk Analysis 2015*, cit., p. 19.

<sup>107</sup> Amnesty International, *‘Libya is full of cruelty’*, cit.

<sup>108</sup> Philippe De Bruycker, Anna Di Bartolomeo, Philippe Fargues, “Migrants smuggled by sea to the EU...”, cit.; Amnesty International, *‘Libya is full of cruelty’*, cit.

<sup>109</sup> Arezo Malakooti, *Migration Trends Across the Mediterranean...*, cit., p. 84.

also remain active despite the instability of the country,<sup>110</sup> and evidence has been collected about smugglers encouraging migration into the country, both for settlement purposes and for transit to Italy.<sup>111</sup>

A growing population of stranded migrants in distress, unable to exit Libya due to local conflict situations and to reinforced controls and visa requirements by neighbouring countries (Egypt, Tunisia, and Algeria), contribute to boosting the demand for smuggling services as the only way to escape the country.<sup>112</sup>

### ***2.2.2 Smugglers and other exploiters of migrants***

According to fieldwork in Italy not only numbers, but also modalities have recently changed dramatically in the smuggling of migrants in Libya. The resurgence of smuggling routes through and from Libya in a situation of civil war increases the vulnerability of migrants. Collected evidence shows migrants exploited in various ways and forms of smuggling ending in trafficking practices through deprivation of their liberty and capacity of choice.

Firstly, the treatment of migrants at sea has acutely worsened, and quite commonly violence is used before their departure to force them to leave. They may be forced to get into the boats, or forced to change boats during the navigation, even in very dangerous situations.<sup>113</sup> In these cases, the boundary between smuggling and trafficking is not clear: initially negotiated conditions change during the trip, and the original consent loses its validity.<sup>114</sup> Once on board, forced migrants are effectively treated like goods. They may be locked in the hold of the ship; food and water are often distributed in insufficient quantities; and, as in the “safe houses,” poor hygiene and lack of space create conditions of terrible hardship, favouring the spread of disease. Often toilettes do not exist on board. Crossings are performed even in winter, when navigation without reliable boats is dangerous. Furthermore, migrants are often deliberately endangered to attract rescue operations, and the modus operandi of smugglers may foresee the abandonment of the boat or ship at sea without crew.

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<sup>110</sup> Regional Mixed Migration Secretariat (RMMS), “Going West...”, cit.

<sup>111</sup> Arezo Malakooti, *Migration Trends Across the Mediterranean...*, cit.

<sup>112</sup> *Ibid.*, p. 61-64.

<sup>113</sup> Giovanni Salvi, *From refoulement to Mare Nostrum*, cit.

<sup>114</sup> Tribunale di Palermo, Direzione Distrettuale Antimafia (DDA), *Dispositivo di fermo disposto dal P.M. a carico di Mered Medhanie +23*, 10 April 2015, p. 18-19.

**Box 3** | Deception and robbery of smuggled migrants at sea

Several Syrian nationals testified to their experiences with smugglers with narratives of theft and deception, demonstrating the similar treatment they received in different places along the Libyan coast and during the crossings. According to one migrant's narrative, he departed from Libya after having been settled there for years. After lengthy research on the best smugglers, and following difficult negotiations, he was swindled and subjected to different kinds of violence and theft during the crossing. He declared to the prosecutors in the Palermo Tribunal that, after having negotiated a price for the crossing, about 1,600 US dollars, he was transported by car to the beach for departure. He and three other persons, male, were hosted in small houses in front of the sea, in order to wait for the right moment to leave by boat. At this point they lost control over their lives, as in these small houses they were effectively secluded. They were at the mercy of armed men outside the door. During the waiting period, they did not receive enough food; for two or three days they were made to stay inside the small houses. Always under the menace of arms, they were moved to another beach by car and were made to stay in line, before getting into the water at night. On the beach hundreds of persons were managed by armed men. They were all pushed in groups of 30 onto a small boat, in order to reach the bigger boat prepared at high sea for the crossing. All migrants were obliged to leave behind all luggage before embarkation, and to bring with them only their phone, documents, and money. However, before they were moved onboard the bigger boat, they were deprived of all their goods.

Analogous experiences were reported by other migrants testifying in the Palermo Tribunal. All of them were robbed of all their belongings before departure, and boats were described as old and extremely crowded. During the trip nobody could move; they were so tight pressed that the space around them "was just enough for breathing." They could not use the WC for one or two days and almost no food or water was available. The journey was also very difficult because children were crying the whole time and pregnant women were treated very badly. The armed men who were on the boat initially decided how the migrants should be arranged, and then went away.<sup>115</sup>

Smuggled migrants who become prone to forms of exploitation are not controlled by the same criminal network from the first stages of recruitment and travel to the last stage of exploitation. In their extreme vulnerability, migrants crossing Libya are the target of a wide range of potential abusers and exploiters. The boundary between smuggling and trafficking practices tends to blur and migrants turn from

<sup>115</sup> Tribunale di Palermo, *Sentenza contro I. H. Attour Abdalmenem*, 2 April 2014.

“voluntary clients” into victims. This typically happens in four situations: a) when migrants are kept by smugglers in “safe houses” or obliged to get into the boat against their will; b) when they are arrested by some more-or-less official (although this is hard to assess in the current situation) police force and kept in one of the 18 detention centres active all over the country until they have paid a certain amount of money; c) when they are kept prisoner by militia or bandit groups, in unofficial detention centres, and a ransom is asked of their families abroad; and d) when they are obliged to work for free for local entrepreneurs or families.<sup>116</sup>

The imprisonment by police forces, in particular, often leads to forced labour situations. Migrants arrested by the police during their permanence in Libya or during their transit in the country are held in the centres for months and almost always are obliged to perform forced labour for the police officials or other local entrepreneurs, if they are not able to pay for their release. Migrants held in detention are commonly contracted out as informal workers, receiving no compensation and being secluded in bond labour practices.<sup>117</sup> When trapped in such situations, according to recent research, they have only three ways out: to pay the requested ransoms; to be recruited by local entrepreneurs to be exploited in forced labour practices; or to escape.<sup>118</sup> Therefore such illegal forms of arrest often result in enduring debt-bondage relationships, because the recruiters pay in advance to corrupt police or to militia groups an amount of money for each enslaved migrant, which is then due back in order to be released. Migrants, lacking other alternatives, adapt to forced work conditions and become victims of trafficking because they are socially excluded in the host country.

Moreover, kidnapping and imprisoning migrants in order to extort money from their families has become a ready source of income not only for police officials but also for militia groups.<sup>119</sup> Abduction for ransom is on the increase and increasingly since 2014 it is quite common for groups of migrants to be kidnapped and held captive in the desert, so that a ransom can be obtained before allowing them to continue the journey. In these cases, torture and sexual violence against women are frequently reported. This extortion system is applied in unofficial, additional detention centres managed by local militias or bandits, especially in the desert

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<sup>116</sup> Arezo Malakooti, *Migration Trends Across the Mediterranean...*, cit.; Amnesty International, *Libya is full of cruelty*, cit.

<sup>117</sup> Tuesday Reitano, “A Perilous but Profitable Crossing...”, cit., p. 10.

<sup>118</sup> Asmita Naik, *Detained Youth. The Fate of Young Migrants, Asylum Seekers and Refugees in Libya Today*, London, Mixed Migration Hub, July 2015, [http://www.mixedmigrationhub.org/?attachment\\_id=427](http://www.mixedmigrationhub.org/?attachment_id=427).

<sup>119</sup> Arezo Malakooti, *Migration Trends Across the Mediterranean...*, cit.; Amnesty International, *Libya is full of cruelty*, cit.; Asmita Naik, *Detained Youth*, cit.

close to Sebha (on the route from West Africa) and Ajdabya (on the route from Sudan).<sup>120</sup>

**Box 4 |** Judicial proceedings in Italy

The history of structured police investigations and judicial proceedings on migrant smuggling activities in Italy dates back to the 1990s, when important inquiries were carried out especially on the route leading from Albania to Apulia. More recently, some of the most relevant judiciary proceedings resulted from investigations led under the coordination of Prosecutor's Offices in Palermo, Catania, and Siracusa. Among these, it is worth mentioning the operations "Glauco I" and "Glauco II," launched by the Procura in Palermo after the shipwreck in Lampedusa on the 3 October 2013 and continuing until April 2015. In this time span the investigations have produced an impressive volume of documentation, including testimonies and translations of tape-recorded phone conversations that we were in part able to access for research purposes. Recently great efforts have been made at the judiciary and police levels, to be able to apply Italian law to seize ships and capture the crew even when the smugglers' vessel is outside territorial waters. The Procura Nazionale Antimafia (DNA, Italy's national Anti-Mafia Prosecutor's Office) in 2014 issued an important directive to the DDAs ("Direzione Distrettuale Antimafia," the decentralised branches of DNA) aimed at harmonising local approaches. With the same purpose, similar directives have been also issued to police forces and to the Navy.<sup>121</sup> Italian authorities are also currently engaged at the international level in order to promote a more consistent application of existing international legal instruments.<sup>122</sup>

The Glauco II investigations carried out in Italy revealed the existence in Libya of a system similar to that adopted in the Sinai Peninsula (see Section 3 below), with kidnapping for ransom, killings, and violence against women, particularly in the area of Sabha.<sup>123</sup> According to the rich evidence collected during these judiciary proceedings, kidnapping for a ransom was perpetrated by armed groups, in this case of Somali and Sudanese origin, in the border area between Chad, Libya, and Sudan. By menacing the migrants imprisoned in the Libyan city of Sabha, and with the use of torture, the groups were able to obtain an average of 3,300 dollars from

<sup>120</sup> Arezo Malakooti, *Migration Trends Across the Mediterranean...*, cit.

<sup>121</sup> Giovanni Salvi, *From refoulement to Mare Nostrum*, cit., p. 6.

<sup>122</sup> DNA, Linee guida per il contrasto delle "associazioni per delinquere dedite al favoreggiamento dell'immigrazione clandestina...", January 2014, <http://www.penalecontemporaneo.it/upload/1391190394LINEE%20GUIDA%20ALTO%20MARE%20PDF.pdf>.

<sup>123</sup> Tribunale di Palermo, DDA, *Dispositivo di fermo disposto dal P.M. a carico di Mered Medhanie +23*, 10 April 2015.

each prisoner, held captive for up to 30 days, from their family abroad. The armed groups operating in Sabha were tightly connected with smugglers based in Tripoli, who finally received the migrants after they had paid the ransom, and asked 1,600 dollars more to reach the shore of Italy.<sup>124</sup>

Forced labour is also reported for most of the young men coming from West Africa, via Agadez, who are routinely robbed of all their goods and money during the desert journey. Arriving in Libya with smugglers, they are directly recruited by intermediaries for forced labour activities. The intermediaries can be Libyan or of the same nationality as the migrants, speaking the same language, and well connected with local employers/exploiters.<sup>125</sup>

In all the cases described above, boundaries between smuggling and trafficking become faint: because of the vulnerability of migrants, they become disposable people during their travels.

### ***2.2.3 A changing environment for the smugglers***

Italian police and judiciary recently dismantled a network led by an Ethiopian man, responsible for the transit of hundreds of migrants from Sudan to Libya, including their crossing to Italy and eventually the continuation of their transit to other EU countries. The key results of this particular investigation are worth illustrating here, because this represents one of the few instances in which police and judiciary activities have been able to shed light not only on the final segments of the smuggling circuit but also on its overall structure, including its complex transnational connections. It is not possible to assess to what extent the network described here is representative of the fundamental features of the Libyan smuggling market more generally. However, it can be safely stated that this particular organisation was for many years (and we are referring to crucial years for the development of the Central Mediterranean route) an important player in charge of one of the most significant articulations of this complex business sector.

Some of the leading figures of the network have been active since 2006. The network operated essentially by buying “packages” of migrants, mainly Eritreans, entering into Libya, from Sudanese smugglers, and moving them through Libya and across Sicily and the Italian territory, eventually to Sweden or the United Kingdom. The network was (and to some extent probably still is) based on strong business connections in Sudan (Khartoum), Libya (out of Tripoli), and Italy (Sicily, Rome, and Milan), as well as in other European countries and Israel.

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<sup>124</sup> Ibid.

<sup>125</sup> Tuesday Reitano, “A Perilous but Profitable Crossing...”, cit.



Phone intercepts clearly demonstrate the functioning of the network.<sup>126</sup> On one side, it relies on long-lasting relationships between smugglers groups of Sudanese, Eritrean, and Ethiopian origin, a web of relationships built over the years on reciprocal trust and specialised in migrant smuggling as the core activity. On the other side, strong alliances are formed with armed forces who have control of the territory and can thus organise checkpoints along roads throughout Libya. This is done mainly in cooperation with militia groups active in the border area between Sudan and Libya, and with police personnel managing detention centres close to the Libyan coast. The details of the *modus operandi* in Libya are not well known, but it is certain that the “controllers” (i.e., militias and police forces) get a portion of the illegal earnings originated by the smuggling activities. According to a journalistic account, a 100 dollars bribe is due at each land militia checkpoint, for the transport of migrants by truck, and a huge part of the earnings of smugglers is due to the militias who can provide a secure departure point.<sup>127</sup>

Interestingly, in the changing environment they have to cope with, the smugglers encounter certain difficulties. According to the phone intercepts, for example, they often clash with a rival group of Sudanese smugglers – who are supported by Sudanese troops – who rob them of their money or cargo of migrants. In June 2014 the conflict with this group became unbearable to the point that, over the phone, they discussed suspending the transport operations in Sudan for a month.<sup>128</sup>

The routes used are fluid and they are arranged for “packages” of migrants (up to 150 persons), but individuals or smaller groups of migrants who have so far been moving on their own, may at some point join a convoy when this is already on the move in Libya. More often, travels of migrants start in Khartoum, where the service is sold as a “full package solution”: each participating migrant has to pay 2,400 dollars in advance to reach the Libyan coast by car. The journey should take four to five days.

One task for the head of the network and his assistants is to provide the relatives with updated information about the advancing of the migrant’s journey. A direct contact is always open with the family, which is usually responsible for the business transaction through the *Awala* system or Western Union. In order to prevent mistakes, migrants are assigned a sequential number that facilitates the process of identification all along the route, as the smugglers have to deal with hundreds of migrants at a time.

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<sup>126</sup> Tribunale di Palermo, Sentenza contro I. H. Attour Abdalmenem, 2 April 2014; Tribunale di Palermo, DDA, *Dispositivo di fermo disposto dal P.M. a carico di Mered Medhanie +23*, 10 April 2015.

<sup>127</sup> David D. Kirkpatrick, “Before Dangers at Sea, migrants face perils of a Lawless Libya”, in *The New York Times*, 27 April 2015, <http://nyti.ms/1JL8AHM>.

<sup>128</sup> Tribunale di Palermo, DDA, *Dispositivo di fermo disposto dal P.M. a carico di Mered Medhanie +23*, 10 April 2015.

The organisation of land passages involves a group of transporters with cars and trucks, who are disseminated all over Libya. The migrants can be shifted from one vehicle to another several times (up to nine times according to the testimonies of the migrants) as they cross Libya. Evidence collected by prosecutors in Palermo suggests that transporters are previously selected by smugglers in order to be able to move their “migrant cargo” without excessive risk into each of the territories to be crossed; they need to have good social connections in the transit areas, and specific competences for dealing with local militia groups, police, or any other armed group (e.g., ordinary bandits) which could kidnap and detain the migrants on the road. Smugglers appear able to protect their cargos by payment of bribes, but only if they are supported by good social connections in the local area: local drivers seem key to neutralising – by means of corruption – dangers arising at checkpoints. Cargos of transported migrants travelling through Libya are precious goods for the groups of armed men, as they eventually may ransom and extort money from them.<sup>129</sup>

For the maritime passage, the network needs to rely on Libyan organisers who are also transporting passengers on their boats on behalf of other smuggling groups. Specific negotiations with these local transporters are also undertaken each time in order to organise safe trips.

A final task for the smugglers is, both in Sudan and Libya, to select “fixers” to arrange for the release of migrants who have been arrested by police or militia. If migrants are kept by militia groups, it seems that ransoms are directly extorted by these groups from families abroad. In the case of police, often smugglers ask migrants’ families abroad for the money needed to bribe the guards to obtain release. This endeavour can be a very demanding one: in Tripoli, for example, the head of the smuggling network, in speaking to his assistants, makes mention of needing to spend a few days to find out where certain migrants who had been captured by police were being kept. Once located, the migrants were finally released and made ready to leave only after his intervention: he collected the money from the families abroad and paid the police on their behalf.

According to the evidence collected, then, it would appear that smugglers are faced with certain difficulties: as the business of moving migrants and extorting money from them has proven successful, other social actors are moving in to share the profits. Consequently, one of the main tasks in running the smuggling business “safely” is dealing with the other actors interested in the exploitation of migrants. To this end, negotiations are conducted and business connections are made.

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<sup>129</sup> Ibid.

Another aspect worth mentioning is that the insecurity and lack of centralised state control in Libya have left the smugglers organising departures by sea at the mercy of “unfair” competitors. According to journalistic accounts based on interviews with smugglers,<sup>130</sup> which are confirmed by the opinion of Italian investigators, smuggling activities are currently seen as an easy investment with high revenues, and therefore performed not only by the established smuggling networks, but also by occasional newcomers. Due to the high demand for crossings, and the lack of central state control onshore, in some geographical areas for the business is readily accessed by locals who have the right connections and are willing to enter the market. Fishermen and owners of small boats, if they are backed by a militia or police group, may decide to make easy money by preparing the field for the departure of groups of migrants. Among the effects of this proliferation of actors involved in the organisation of sea travel are an increasing number of crossings, and a degree of market saturation revealed by the lowering of prices from 2014 on.

Price for the crossing is currently variable, and mainly depends on the background and profile of the migrants, the kind of boat, and each migrant’s specific position in the boat. For large boats, a fee of 800 dollars is common for a Sub-Saharan migrant willing to sit in the most dangerous below-deck positions; while 2,500 dollars or more can be paid on the same boat by wealthier Syrians who can buy the better places.<sup>131</sup>

Another effect of the changing context is that conditions of travel by sea have enormously worsened compared to few years ago. Frequency and scale of landings have grown to unprecedented levels, with an intensification of departures mainly originating in Zuwarah and Zliten. Crossings may be made with small boats expressly bought for this service, especially very low (close to sea-level) inflatable rubber dinghies that are extremely dangerous at sea and loaded far beyond their maximum capacity. A hundred men, women and children, often babies, are packed into an inflatable boat of less than 40 feet. Ships transporting hundreds of migrants are also used. The smugglers rely on the fact that the Italian authorities will tow these vessels into safe harbour, however the risk of shipwreck is very high.<sup>132</sup>

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<sup>130</sup> Patrick Kingsley, “Libya’s people smugglers: inside the trade that sells refugees hopes of a better life”, in *The Guardian*, 24 April 2015, <http://gu.com/p/47z97/stw>; Patrick Kingsley, “Ending migrant rescue missions has not curbed demand, say smugglers”, in *The Guardian*, 19 April 2015, <http://gu.com/p/47jmk/stw>.

<sup>131</sup> Tribunale di Palermo, DDA, *Dispositivo di fermo disposto dal P.M. a carico di Mered Medhanie +23*, 10 April 2015.

<sup>132</sup> Giovanni Salvi, *From refoulement to Mare Nostrum*, cit.

To sum up, after the relapse of Libya into civil war in 2014, the modus operandi of smugglers has changed, other actors have entered the exploitation business, and the vulnerability of migrants has increased.

### 3. EASTERN MEDITERRANEAN SMUGGLING ROUTES AND EGYPT AS A HUB

As illustrated in the introduction, the Eastern Mediterranean has also seen a dramatic increase in irregular migration in 2015. Within the area, Egypt stands out as a country of origin, transit, and destination for smuggling and trafficking, with several networks active across the country.<sup>133</sup> Egypt has witnessed a significant increase in smuggling and trafficking in the past decade. Migrants, asylum-seekers, and refugees, attracted primarily by work opportunities and in some cases by welfare benefits, seek to go to Egypt as a transit country to facilitate their entry to Europe or Israel. Others are faced with extreme insecurity and vulnerability in their country of origin and seek to go to Egypt for safety even if not with the initial intention to cross over to a third country. Options for legal entry into Egypt, Europe, Israel, and other states are limited. Due to restrictive migration policies, migrants resort to smuggling as their only available method for relocation. Due to insecurity, vulnerability, and poverty, migrants can get caught up in the worst forms of exploitation.

According to the most recent estimates of the UNHCR, 25,000-30,000 people were victims of trafficking in the Eastern Mediterranean region between 2009 and 2013. It is also estimated that the Sinai trafficking industry generated around 622 million dollars in ransoms during this period.<sup>134</sup> According to Human Rights Watch, 5,000-10,000 trafficking victims lost their lives between 2009 and 2013. Thousands of people are believed to have been kidnapped in eastern Sudan, Ethiopia, and Eritrea and taken to Egypt, where they are tortured in the Sinai. It is estimated that approximately 4,000 have died since 2008, with around 1,000 African refugees still in captivity.<sup>135</sup>

Combating transnational criminal groups that facilitate the smuggling and trafficking of human beings has become a high priority for Egypt. Egyptian policymakers are making efforts to restrict irregular migration and prevent trafficking in persons. Egypt is party to the UN Convention Against Transnational

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<sup>133</sup> Tarek Badawy, "Irregular Migration. The Case of Egypt", in *CARIM Analytic and Synthetic Notes*, No. 2008/58, <http://hdl.handle.net/1814/10103>.

<sup>134</sup> UNHCR, *Smuggling and Trafficking from the East and Horn of Africa*, cit.

<sup>135</sup> *Ibid.*

Organised Crimes and its Protocols. However, to effectively address smuggling and trafficking in and through Egypt, the dynamics of the region must be adequately analysed. As a result, a significant part of the analysis below will include an examination of smuggling and trafficking in the Horn of Africa and the influence of policies of Israel and the Gulf in the increased interest in departure to Europe.

Turkey has also recently become a major hub for human smuggling. According to the most recent estimates of the Government of Turkey and the UNHCR, the number of Syrian refugees in Turkey currently stands at 1,938,999.<sup>136</sup> Statistics regarding the number of Syrian refugees employed in Turkey are minimal; however, reports on the situation of Syrians in Turkey confirm that many Syrian refugees are compelled to work in the informal sector.<sup>137</sup> This informality denies them benefits and is generally characterised as exploitative employment conditions. As a result, an increasing number of Syrian refugees are seeking immigration to Europe. Due to the difficulty of obtaining legal channels many resort to smuggling as a way of overcoming hardship in Turkey.

## 3.1 Trends, routes, and smuggling practices

### 3.1.1 From the Horn of Africa to Egypt

Egypt's unique geographic location on the Mediterranean and the fact that it links the African continent with Asia and Europe makes it an integral part of the trafficking process that takes place through both regions. There are limited statistics to accurately portray the magnitude of human trafficking and smuggling in Egypt. In particular, available statistics do not differentiate between national and transnational trafficking. However, even though statistics are not available, "since around 2006, the Sinai Peninsula in eastern Egypt, bordering Israel, has been the site of what the UN has referred to as one of the most unreported humanitarian crises in the world."<sup>138</sup> Many of the trafficking victims of the criminal networks operating in the Sinai Peninsula and Sudan are refugees from Eritrea, Ethiopia, Sudan, and Somalia; these same refugees in fact constitute a significant number of those smuggled into Egypt. The process initially begins as human smuggling where the refugees pay smugglers to get to Egypt but as soon as they

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<sup>136</sup> UNHCR, *Greater support in countries of first asylum needed to stem refugee outflows*, 26 August 2015, <http://www.refworld.org/docid/55dedb804.html>. See also UNHCR, "Syrian Refugees in Turkey", in *Syria Regional Refugee Response*, updated 25 August 2015, <http://data.unhcr.org/syrianrefugees/country.php?id=224>.

<sup>137</sup> Şenay Özden, "Syrian Refugees in Turkey", in *MPC Research Reports*, No. 2013/05 (2013), <http://hdl.handle.net/1814/29455>.

<sup>138</sup> Yohannes Woldemariam, "Human Trafficking in Sinai", in *ThinkAfricaPress*, 18 April 2013, <http://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=52fc6fbd5&id=5170e8395>.

arrive in Sudan the process transforms into human trafficking where they are sold to Bedouins in Sinai.<sup>139</sup> In other instances, refugees are kidnapped from refugee camps in Sudan and Ethiopia and are transported by Sudanese tribes to Sinai where they are sold and then extorted for ransom. These refugees are often kidnapped, tortured, raped, and held captive until they, their families, or members and organisations of their diaspora are able to pay the ransom demanded by the traffickers. There were also many reported cases of death and deliberate murder of victims of trafficking.

Information regarding the form and scope of trafficking of African victims into Egypt are available through human rights agencies and international organisations such as UNHCR and IOM. The cases vary but the processes are similar. Available research provides in-depth explanation of the process by which criminal groups smuggle and exploit Eritrean, Ethiopian, and Sudanese refugees and asylum-seekers.<sup>140</sup> The available literature focuses on the kidnapping of refugees in East Sudan and in particular from the Shagarab refugee camp by the Rashaida and Hidarib tribes.<sup>141</sup> In 2013, the UNHCR stated that “Over the last two years we have seen people disappearing from the Shagarab camps – some of them kidnapped, and others believed paying to be smuggled elsewhere. Those who are kidnapped are often held for ransom or trafficked onwards for the purpose of forced marriage, sexual exploitation or bonded labour.”<sup>142</sup>

The routes of traffickers and smugglers are often the same. Also migrants who willingly seek the help of smugglers often come from the same locations from which refugees and asylum-seekers are kidnapped and abducted: not only in the Shagarab camps, but also within or around refugee camps in the eastern region of Sudan. Even in Eritrea refugees are abducted from Teseney, Golij, and Sawa military camps, and from Asmara. Others are kidnapped from the Mai Ayni camp in the Tigray region in Ethiopia. From Eritrea and Ethiopia, refugees end up in eastern Sudan.

While held hostage in Sinai, the victims are repeatedly violated until their relatives or diaspora organisations pay the ransom. The kidnappers force the refugees to speak to their family, relatives, and friends by phone as they are being tortured.

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<sup>139</sup> UNHCR, *Refugee Protection and Mixed Migration: the 10-Point Plan in Action*, cit.

<sup>140</sup> Kidnappings of refugees and asylum-seekers have been reported since 2011. UNHCR has verified 396 cases of kidnapping in 2011-12.

<sup>141</sup> Mirjam van Reisen, Meron Estefanos and Conny Rijken, *The Human Trafficking Cycle: Sinai and Beyond*, Oisterwijk, Wolf Legal Publishers, 2014, [https://www.tilburguniversity.edu/upload/2b1beb81-1ff3-47d8-8916-d10cb12df311\\_HumanTraffickingCycle.pdf](https://www.tilburguniversity.edu/upload/2b1beb81-1ff3-47d8-8916-d10cb12df311_HumanTraffickingCycle.pdf).

<sup>142</sup> UNHCR, *UNHCR concern at refugee kidnappings, disappearances in eastern Sudan*, 25 January 2013, <http://www.unhcr.org/510275a19.html>.

The ransom is often paid through transfer facilities such as Western Union and MoneyGram. It is also paid through individuals who act as intermediaries.<sup>143</sup> Studies that research the experiences of those kidnapped in Sinai have provided information on the involvement of Eritrean migrants in the collection of ransoms in Saudi Arabia, Israel, the United States, and several European countries.<sup>144</sup>

Once refugees are abducted from and/or to eastern Sudan, they are placed in warehouses where they can stay for weeks until it is time for them to be transported to Egypt.<sup>145</sup> From Sudan they are driven upwards along the Nile until they reach the southern border of Egypt. In Egypt, there are three major routes for trafficking and smuggling: the Martyr Ahmed Hamdi Tunnel, the Al-Salam Bridge, and the Suez Canal. They cross the Suez canal in boats and once on the other side of the canal they are brought by car, usually through Arish (the capital of Sinai), to Sheikh Zuweid, and then Almahdia. From Almahdia, they are transported to Rafah which is on the border with Gaza and Israel. The majority of the torture camps are located in this area. Even though 2013 saw a significant decrease in the Sinai trafficking due to the Egyptian military operations in the region, it is believed that the numbers are beginning to increase again.<sup>146</sup>

Migrants and refugees from the Horn of Africa constitute the majority of persons smuggled into Egypt. The flows are generally characterised as mixed migration. Economic migrants, refugees, and asylum-seekers are also among those who are smuggled and trafficked into and through Egypt. They are often within the same flows and are difficult to categorise definitively.

Approximately 95 percent of victims who are trafficked into Egypt are Eritreans.<sup>147</sup> Reports of the UN Monitoring Group on Eritrea and Somalia in 2011, 2012, and 2013 confirm the predominance of Eritreans among the number of trafficked victims in the Sinai.<sup>148</sup> The rest are mainly Ethiopians, Somalis, or Sudanese, with slightly more men than women. The average age of victims is 22; however, victims also include many unaccompanied and separated children (UASC) who suffer significant human rights abuses as a result of being smuggled and/or trafficked.<sup>149</sup> UASC are more vulnerable to falling victim to trafficking and compose a significant percentage of Eritreans trying to flee their country. Youth and minors flee due to the indefinite military service in Eritrea; military conscription is not only

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<sup>143</sup> Mirjam van Reizen, Meron Estefanos and Conny Rijken, *The Human Trafficking Cycle...*, cit., p. 24.

<sup>144</sup> Ibid., p. 24 and 83.

<sup>145</sup> Ibid., p. 44.

<sup>146</sup> Tuesday Reitano, Laura Adal and Mark Shaw, *Smuggled Futures...*, cit.

<sup>147</sup> Mirjam van Reizen, Meron Estefanos and Conny Rijken, *The Human Trafficking Cycle...*, cit., p. 55.

<sup>148</sup> Ibid.

<sup>149</sup> UNHCR, *Refugee Protection and Mixed Migration: the 10-Point Plan in Action*, cit.



indefinite, it also includes forced labour as well as sexual servitude and exploitation.

It is believed that Eritreans are particularly targeted because the conflict in Eritrea is the oldest in the Horn of Africa and thus the chances for victims to have resettled family and relatives in North America, Europe, and Australia are higher. By establishing links to these families and relatives, the traffickers are able to guarantee that they will receive the full ransom or at least a significant amount. According to Reisen, Estefanos and Rijken, during the early years of this kind of trafficking, the ransom was set equally for all refugees; however, as the criminal networks developed their operations they realised that Eritreans are more successful in collecting the ransom and thus the price for freeing Eritrean refugees increased.<sup>150</sup>

To sum up, the research attributes the prevalence of Eritrean refugees to the following factors: a) a significantly large Eritrean diaspora with close family ties and community structures that facilitate the collection of ransom; b) a relatively large number of Eritrean refugees in refugee camps in Sudan with little alternative to emigration at whatever cost; c) the involvement of Eritrean migrants in the trafficking networks as translators and ransom collectors; and d) the corruption of high-level Eritrean government officials and military personnel and in some cases their direct involvement in the criminal organisations. As a result, “[t]he demand for hostages with relatives or contacts in the West may have influenced the pattern of abduction in refugee camps and elsewhere, as it would appear that some hostages are selected and abducted for their potential high value because of their contacts in the West”.<sup>151</sup>

Experiences from the Sinai region in Egypt are significant in pointing out the evolution of smuggling and trafficking as somehow converging and sometimes overlapping processes. From an international legal perspective, the fact that trafficking and smuggling are addressed in two separate protocols attached to the 2000 Palermo Convention suggests a rigid distinction between the two crimes. However, as shown above, the experiences of migrants suggest a converging evolutionary trend. In many cases – and those that involve African migrants, refugees, and asylum-seekers from the Horn of Africa in particular – the journey begins as smuggling but transforms into trafficking towards the end of the process.<sup>152</sup> In fact, the African migrants, refugees, and asylum-seekers detected entering Egypt to go to Israel in 2006 were mostly characterised as cases of

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<sup>150</sup> Mirjam van Reisen, Meron Estefanos and Conny Rijken, *The Human Trafficking Cycle...*, cit., p. 25.

<sup>151</sup> *Ibid.*, p. 70.

<sup>152</sup> Amnesty International, *Egypt/Sudan. Refugees Face Kidnapping for Ransom, Brutal Treatment, and Trafficking*, April 2013, p. 10, <http://www.amnesty.org/en/documents/AFR04/001/2013/en>.

smuggling. The available literature suggests that in certain cases the migrants smuggled into Egypt were not able to pay for the service and thus the smugglers developed strategies to obtain payment. Smugglers resorted to torture and other forms of extortion to receive payment from the migrants' families. The smugglers noticed that African migrants and refugees seeking to go to Europe or Israel tended to have family members living abroad who were willing to help them through the process. They assumed that these family members would be able to pay more than the smuggled migrants themselves could offer. Therefore, as anticipated above, they agreed to smuggle the individual for a particular fee but once having reached the Sinai the migrants were held in captivity until their families could pay the demanded ransom. According to Amnesty International, smugglers receive 1,000-5,000 dollars per individual; however, the ransom received for trafficked victims can go up to 50,000 dollars. Upon realising the success of this strategy, these criminal networks focused on trafficking to increase their profit. While this is clear in the case of African migrants, preliminary evidence about the treatment of Syrian refugees who are smuggled to Europe suggests that some of them are also caught in the trafficking cycle.

### ***3.1.2 From Egypt to Europe***

Egypt has been a primary transit country for many African migrants, refugees, and asylum-seekers who hope to cross over to Europe or Israel. Recently, some Syrian refugees in Egypt have resorted to similar smuggling services in hopes of crossing the Mediterranean into Europe. The people-smuggling business in Egypt has gained significant momentum due to the influx of Syrian refugees.<sup>153</sup> Refugees cannot work in Egypt formally; as a result, they resort to the informal economy or try to migrate to Europe in search of better living conditions.

The newcomers to the smuggling trade in Egypt are mostly Syrian smuggling networks insofar as they are led by Syrians and focus on smuggling Syrian refugees from Egypt to Europe. According to the kingpin of the Syrian smuggling networks in Egypt, he facilitated the smuggling of approximately 10,000 Syrian refugees from Egypt to Italy in 2014. During the last six months of 2014 alone, he generated 2,200,000 dollars in profit from his smuggling business. He calculates a weekly average of 91,400 dollars, for arranging on average two trips a week.<sup>154</sup>

The smuggling process begins when refugees are approached by brokers in their neighbourhood with the proposition of smuggling them to Italy for an average fee of 1,900 dollars per person. The actual numbers fluctuate and range from 1,500 to

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<sup>153</sup> Patrick Kingsley, "Trading in Souls: Inside the World of the People Smugglers", in *The Guardian*, 7 January 2015, <http://gu.com/p/44jgd/stw>.

<sup>154</sup> Ibid.

3,500 dollars. The higher the cost the sooner the refugee gets a place on the boat. The money is paid to a third party who is trusted by both the refugee and the smuggler and who will forward the smuggler the money if the trip is successful. If the ship sinks or goes to Greece instead of Italy, the smuggler does not receive the payment.<sup>155</sup>

Even though this is not the main focus of our study, it is worth complementing the analysis carried out so far by briefly recalling some fundamental features of the route from Turkey to the European Union. As a matter of fact, Turkey has become a major hub for smuggling Syrian refugees to Europe since the escalation of the Syrian refugee crisis. Smuggling networks, however, were operating in Turkey long before the influx of Syrian refugees. Afghans, Somalis, and others have for many years been arriving in Turkey in the hope of being smuggled to Europe via Greece and Bulgaria. According to Frontex, since 2008 the Eastern Mediterranean route used by migrants and refugees from Turkey to the EU has become the second biggest migratory corridor, in absolute terms.<sup>156</sup> While smuggling networks in Egypt promise Italy and Greece as destination countries, networks in Turkey can deliver their clients to European capitals such as Vienna, Paris, Amsterdam, Stockholm, and others. In fact, they also offer to smuggle refugees to Canada.<sup>157</sup>

These networks are mainly active in Istanbul, Izmir, Edirne, and Ankara, all places with significant concentrations of Syrian refugees. There are various networks that compete for clients and refugees based on price and route.<sup>158</sup> Similarly to the routes taken by Syrian refugees departing from Egypt, Syrians in Turkey depart from the ports of Mersin, Izmir, or Enez to nearby remote coastal areas. From there they take small boats to reach the bigger cargo ship which will eventually take them to either Greece or Italy. From these two countries migrants can then make their way to other capitals in Europe. Initially, refugees were transported to nearby Greek islands such as Lesbos, Chios, and Samos where they applied to the Greek authorities for asylum. These routes were the most popular and the cheapest for migrants and refugees until 2014.<sup>159</sup> However, due to Frontex operations along those borders, smuggling techniques have changed to adapt to the increasing crackdown on smugglers. As a result, there has been a growing interest in the Bosphorus route since 2014. This route is “an international waterway running

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<sup>155</sup> Ibid.

<sup>156</sup> See the Frontex webpage: *Eastern Mediterranean Route*, <http://frontex.europa.eu/trends-and-routes/eastern-mediterranean-route>.

<sup>157</sup> Ruth Sherlock, “The International Smuggling Ring Paying off Western Border Officials to Bring Refugees into Europe”, in *The Telegraph*, 19 December 2014, <http://t.co/bNNfJSCRbz>.

<sup>158</sup> Ruth Sherlock, “The International Smuggling Ring Paying off Western Border Officials...”, cit.

<sup>159</sup> Jamie Dettmer, “Turkey Cracks Down on Migrant Smugglers”, in *VOA News*, 20 March 2015, <http://www.voanews.com/content/turkey-cracks-down-migrant-smugglers-business-booms/2688377.html>.

straight through the heart of Istanbul, offers a unique challenge to authorities and provides an opportunity for smugglers.”<sup>160</sup> The situation, though, is constantly and rapidly evolving: in the summer of 2015, direct arrivals by light (and fragile, therefore highly exposed to risk of capsizing) boats on the most Eastern Greek islands have constituted a major new surge. Once again, these developments show the intensity of interdependencies among different routes: when security tightens on a particular route and/or in a particular area, migrants look for new ways and smugglers develop their own strategies to overcome these obstacles and capitalise on other routes and destinations.

## 3.2 Modus operandi of criminal networks and facilitators along different routes

Based on these general figures and information on the main trends and routes, we can now move on to provide more specific details on the organisation of smuggling along these different routes.

### 3.2.1 From the Horn of Africa to Egypt

The main actors responsible for smuggling and human trafficking from Sudan into Egypt are local tribesmen from Sudan and the Sinai. According to the available literature, the smuggling, abduction, and transportation of migrants and refugees from Sudan, Eritrea, and Ethiopia to Egypt is carried out by Eritrean and Sudanese nationals, especially members of the Rashaida and Hidarib tribes.<sup>161</sup> In the case of smuggling, after leaving Eritrea, smuggled migrants and refugees are handed over to Rashaida smugglers in Sudan who charge an average fee of 3,000 dollars for space on trucks heading to Egypt. In Egypt, the Rashaida smugglers hand over these travellers to Bedouin traffickers who then transport them to the torture houses. The Rashaida, the Bedouins, and the Hidarib are all related in terms of dialect and ethnography and originate around the Red Sea.

According to the UN Monitoring Group on Somalia and Eritrea, the trafficking networks in the region include high-ranking Eritrean and Sudanese officials.<sup>162</sup> The Eritrean Border Surveillance Unit is specifically mentioned as a critical agency in facilitating the smuggling and trafficking of Eritreans to Sudan and on to Egypt. This agency controls the prisons as well as the military camps in Eritrea. Due to

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<sup>160</sup> Dorian Jones, “Turkey Becoming Major Hub for Human Smuggling”, in *VOA News*, 9 January 2015, <http://www.voanews.com/content/turkey-becoming-major-hub-for-human-smuggling/2591811.html>.

<sup>161</sup> Mirjam van Reisen, Meron Estefanos and Conny Rijken, *The Human Trafficking Cycle...*, cit., p. 50.

<sup>162</sup> *Ibid.*

extremely restrictive passport and exit visa issuance as well as checkpoints around the country, it is very difficult, if not impossible, for Eritreans to leave their country without the involvement of the Border Surveillance Unit. Teseny and Golij, where Eritreans are often abducted, are “defence farms” run by the military. The Sawa military camp in Eritrea is also a major hub for trafficking of Eritreans and yet it is operated by the military. Sudanese police, intelligence, and security officials are also said to be involved in the smuggling and trafficking processes. Their involvement takes different forms: from taking a bribe to look the other way, to actively engaging in the smuggling and trafficking operation.<sup>163</sup>

### ***3.2.2 From Egypt to Europe***

Criminal networks involved in the smuggling and trafficking of refugees and migrants from Egypt to Europe often involve members of the migrant community; currently they are mostly Syrian nationals, as well as Egyptian brokers who are in control of the ships.<sup>164</sup> Community members are often responsible for approaching aspiring migrants, collecting the fees, and transporting the migrants to the location where they are handed over to Egyptian counterparts, who then take them to the Mediterranean coast and onward.

With regard to the subsequent phase of transportation by sea, a recent operational development used by smuggling networks operating between Egypt and Europe is referred to as the “ghost-ship” strategy; according to this *modus operandi* smugglers leave the ships as they approach the territorial waters of Italy or Greece, and the ships are either operated by inexperienced migrants or are manually set to a particular direction until intercepted by border patrol.<sup>165</sup> The increased focus on the criminalisation and punishment of smugglers and traffickers has led criminal networks to develop this strategy as a way of escaping prosecution. Similarly, when networks recognised that once their boats are seized by border guards they remain seized, they began using old, disposable ships in order to avoid the seizure of good quality vessels.

### ***3.2.3 From Turkey to Europe***

Dynamics of smuggling by sea along this particular route since 2013 have changed significantly due to the increasing presence of Syrian asylum-seekers. As in Egypt, Syrian refugees are currently major contributors to the smuggling networks in Turkey. Individuals higher up in the smuggling chain are responsible for dealing

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<sup>163</sup> Ibid.

<sup>164</sup> Patrick Kingsley, “Trading in Souls...”, cit.

<sup>165</sup> European Council on Refugees and Exiles (ECRE), *New tactic of smuggling refugees on cargo ships from Turkey & abandoning them at sea endangers lives*, 9 January 2015, <http://ecre.org/component/content/article/70-weekly-bulletin-articles/934>.

with authorities in Turkey who can turn a blind eye to the smuggling of Syrians out of Turkey and into Europe, thereby facilitating the smuggling process. These networks also depend on brokers who are responsible for approaching aspiring refugees and negotiating the terms of the agreement as well as managing all parts of the transaction between the refugee and the network. Even though they are referred to as criminal networks, for refugees who are trying to get to Europe they are seen as helpers and as trustworthy.

The ghost-ship strategy has been used by Turkish-based as well as Egyptian smuggling networks. UNHCR, IOM, and Frontex have all expressed serious concerns regarding this strategy,<sup>166</sup> which entails the use of old, unsafe, and poorly equipped large cargo ships. Their engines are unreliable and this puts the smuggled migrants and refugees at high risk when smugglers switch off the ship's Automatic Identification System (AIS) thus making the boat electronically invisible to the patrolling authorities. Smugglers turn off the AIS in order to increase their escape time, to avoid arrest and detention.

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<sup>166</sup> Ibid.

## CONCLUDING REMARKS

The changing geopolitical environment is affecting irregular migration and smuggling dynamics in complex and multidimensional ways. The paper has illustrated how in Libya and in Sinai the increase in smuggling activities in contexts characterised by major gaps in – or total collapse of – centralised State control has led to blurred lines between smuggling and trafficking practices. Armed groups such as militias or bandits, or violent groups belonging to tribal systems, have capitalised their capacity of using violence in order to exploit migrants in transit. Migrants travelling with smugglers in these regions have proven to be particularly vulnerable to extreme forms of exploitation, often leading to trafficking practices.

In a broader perspective, the analysis of these patterns and of the main trends in smuggling activities in the MENA Mediterranean countries has revealed how regional political instability and conflicts can be factors of transformation in the smuggling market and in the conditions of smuggled migrants in various ways at the following levels:

- a) **Instability boosts demand for smuggling services.** Such demand has particularly strong impact on the smuggling market when it comes from groups that can mobilise significant resources from pre-war savings or from the sale of real estate (as is often the case for Syrians) or from family and community networks already abroad (as frequently in the case of Eritreans).
- b) The expansion of the market also brings **increasing geographical complexity of smuggling routes** and the progressive enlargement of the region involved in smuggling activities. In the last few years, in the Mediterranean, this dynamic has led to increasing relevance of alternative Eastern Mediterranean routes due to the growth of risk along the Central Mediterranean route.
- c) In the meantime, the escalation in levels of political instability creates specific difficulties also for the smugglers. In Libya, for example, the widespread rule of violence and lack of established authority has certainly created a facilitated environment for the flourishing of the industry, but it has also **intensified competition, with a growing number of actors** willing to share the benefits coming from the exploitation of vulnerable migrants.
- d) The strengthening of border controls and the upgrade of international cooperation to counter smuggling activities lead to increases in the risks, and therefore costs, faced both by smuggling networks and by migrants. While

necessary and inevitable, this dynamic can generate **unintended (and even reverse) effects**, and it needs therefore to be carefully analysed and monitored. For instance, strengthened law enforcement responses can promote the **reorientation of flows and the diversion of some routes**. This may in turn **increase risks for and vulnerability of migrants** (for instance, if the new routes are longer and more difficult) and/or it may generate **unforeseen difficulties for unprepared authorities in previously unaffected areas**. Furthermore, enhanced policy responses can **promote professionalisation and growing transnational interconnections among illegal actors** as seems to be happening across the Mediterranean and Sahel regions.

e) As a result, and crucially, in the region the specific factors singled out above have produced a **dramatic increase of the levels of vulnerability of migrants and refugees**. This dramatic feature is made evident by the systematic emergence (along both the Central Mediterranean and Eastern Mediterranean routes) of situations in which *en route* migrants turn from customers of smugglers into victims of traffickers and/or local exploiters who take advantage of the total lack of protection and of the desperate need of the migrant to accumulate the resources needed to pay for the next migratory step. Such **blurring in everyday migration realities of the officially defined legal boundaries between smuggling of migrants and trafficking in human beings** as criminal behaviours is a key evolutionary trend which raises major challenges at the operational, political, and legal levels.

f) The evolving reality of smuggling in the Mediterranean, as described and analysed throughout this paper, implies **new challenges for international organisations**. Such challenges are indeed unprecedented not only from a quantitative but also a qualitative point of view. In order to face these challenges effectively, the specific expertise of each international organisation needs to be mobilised in innovative and coordinated ways. The OSCE, building on its longstanding experience in anti-trafficking activities, could contribute by promoting the **development of partnerships and the exchange of good practices with the Southern Mediterranean countries**. More specifically, it could promote the development of a common platform with Mediterranean partners to identify common actions and effective measures to curb the phenomenon (in the areas corresponding to the 4 “Ps” of prevention, prosecution, protection of victims, and partnership), with the goal of supporting and enhancing existing anti-trafficking efforts.

g) The OSCE could also be particularly suitable as an organisation to address new needs in the areas of **police and judiciary cooperation, and anti-corruption activities**, within the framework of a coordinated international strategy against



the smuggling and trafficking of migrants and refugees in the Mediterranean region.

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Moving from the understanding of the two phenomena of human smuggling and trafficking, which are close to one another but conceptually different, this report discusses the extent to which old and new realities in the Mediterranean region have an impact on regional and cross-regional migration flows, with special attention devoted to the analysis of new trends in the smuggling market along two routes, namely the Central Mediterranean route from Libya to Italy and the Eastern Mediterranean one. This overview of the main dynamics and practices concerning “mixed migration flows” in the Mediterranean region is compounded by an original perspective that sheds light on some judiciary inquiries and proceedings that have been able to reconstruct the overall structure of the smuggling circuit.

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