

COUNTRY INFORMATION AND POLICY UNIT

ASYLUM AND APPEALS POLICY DIRECTORATE

LIBYA BULLETIN 1/2002 (7 October 2002)

1. Scope of Document

1.1. This bulletin provides caseworkers with guidance on dealing with Libyan asylum claims in the light of the announcement made by the Home Secretary on 7 October 2002 regarding, *inter alia*, the use of Exceptional Leave to Remain in connection with unsuccessful asylum applications. This bulletin is publicly disclosable.

2. Change in ELR policy

2.1. In the past country specific ELR policies have been introduced where the general humanitarian situation would normally preclude removal. What this has meant in practice is that where asylum is refused, ELR has been granted routinely (subject to security/criminal considerations) without the particular circumstances of the individual's case being examined. The Home Secretary has announced an end to these country specific ELR policies and that in future all cases will be decided on an entirely individual basis.

2.2. Libya has been the subject of a country specific ELR policy that was introduced in April 2001 based on concerns about the safety of returning failed asylum seekers. In the light of the Home Secretary's announcement, that policy has now ended.

2.3. In future asylum caseworkers should - as with all other nationalities - consider in all Libyan cases where refugee status is refused whether it is appropriate in the individual circumstances of the case to grant exceptional leave either as a result of our obligations under the ECHR or as a result of other compelling, compassionate or humanitarian reasons.

2.4. If the circumstances of an individual case justify it, exceptional leave to remain should be granted. In cases where asylum has been refused, and exceptional leave has not been granted, appropriate enforcement action will be considered.

2.5. The latest available country of origin information on Libya is contained in Libya Bulletin 1/2001 issued on 11 May 2001. CIPU are in the process of preparing updated country of origin information and this will be issued shortly. In the meantime caseworkers and presenting officers will wish to have the two documents attached to this Bulletin:

Annex A: a letter from FCO dated 15 April 2002 which addresses the issue of the treatment of returnees to Libya

Annex B: a report of a Swedish Migration Board fact-finding mission to Libya conducted in May/June 2002

**Country Information and Policy Unit
Asylum & Appeals policy Directorate**

7 October 2002

ANNEX A

**Near East and North Africa Dept. King Charles Street
London
SW1 2AH**

**Tel:
Fax:
E-mail**

Country Information & Policy Unit

Home Office

POTENTIAL RETURN OF FAILED ASYLUM SEEKERS TO LIBYA

1. You requested a general assessment of the current situation in Libya and the authorities' likely attitude towards Libyan nationals deported from the United Kingdom. I received a preliminary reply to this question in November last year, the gist of which being that returnees would not face serious difficulties in Libya, provided they had not been involved in anti-regime activities.
2. The Libyan authorities appear to take a slightly more relaxed view than they have done previously. HMA Tripoli had the opportunity to raise this issue in January with a senior member of the Libyan Government. He read to him the standard list of assurances that the Home Office might seek from the receiving country. The Ambassador was informed that economic migrants and those that had committed crimes were unlikely to be people of any significance to the Libyan security authorities. On that basis, they would not face difficulties. Indeed, they might not even be questioned on their return.
3. These comments are consistent with the information Tripoli has obtained from their Legal Adviser. It is impossible to be one hundred per cent confident of the assurances we need, given the presence in Libya of numerous security agencies. Once a Libyan is returned following deportation, we lose any ability to protect them. Travel documents might well highlight them for special attention by the Internal Security Authorities. Moreover, there may be something in their record that turns up when they research the names of deportees.
4. That apart, HMA Tripoli has confidence in his contact's judgement. On balance, therefore, he believes it should be possible to return certain categories of migrant without a breach of the European Convention.

Near East and North Africa Department

ANNEX B

SWEDISH MIGRATION BOARD

10 July 2002

**Jan Larsheim
Per Lilja
Magnus Lindstén**

LIBYA

Impressions from a fact-finding trip to Libya and Malta

31 May - 11 June 2002

INTRODUCTION

In this report, we have chosen to minimise the inclusion of general information on Libya and its history, to avoid making the report unnecessarily long. Readers requiring such information are advised to search for relevant articles on the Internet. Basic facts are readily available in the Libya section of the Country Guide (Landguide) of the Swedish Institute of International Affairs (Utrikespolitiska Institutet).

Since the autumn of 2001, there has been a sharp increase in Libyans seeking asylum in Sweden, almost all of them young men between 20-25 years of age. In previous years, Sweden has had just under 20 Libyan asylum seekers per year. Approximately 300 Libyans are expected to seek asylum in Sweden in 2002, three times more than in 2001.

Sweden lacks a clear asylum policy for Libyans since the number of asylum seekers has been so low. The Swedish Migration Board (*Migrationsverket*) has sought information through other European reports on conditions in Libya. However, such material is very limited and frequently out of date. Neither has the Board been able to find satisfactory information from other sources, such as

university contacts.

Consequently, the Board decided to organise a study/ fact-finding trip to Libya to gain broader and more detailed insight into the country. Gaining a comprehensive and up-to-date picture of conditions in Libya was considered necessary as a basis for assessments and decisions regarding asylum and visas, and regarding returns/deportations. On our return journey to Sweden, we also visited Malta, since this island has long-standing relations with Libya, and is often used by Libyans as a transit country to the rest of Europe.

The Board was represented by Jan Larshem from our main office in Norrköping and Per Lilja and Magnus Lindstén from Asylum Unit 1 in Solna. The trip ran from 31 May to 11 June 2002. The Board visited Benghazi and Tripoli in Libya and Valetta in Malta. Besides the Swedish ambassador to Libya and the Swedish consulates in both Benghazi and Tripoli, our staff met Italian, Dutch, German, Austrian, Danish and Finnish diplomatic representatives in Libya. They also met lawyers, representatives of the UNHCR and many Libyan civilians. Our staff also spoke to Libyan officials and various expatriates living in Libya. Our staff stayed at the consulate in Benghazi, which is represented by staff linked to Condrill, a family company. Condrill drills for water in the Libyan desert, and its staff work in many places throughout the country. In Tripoli, the consulate is represented by staff of Ericsson, which has a large facility where we also stayed. In Malta, we visited representatives of the police unit that deals with illegal immigration, and the Maltese migration authority.

The purpose of the report is to provide information to aid asylum/visa-related assessment and decisions. For this reason, rather than being descriptive, the report focuses on points that may be of direct practical use in the processing of cases.

The Board warmly thanks the Swedish diplomatic offices in Cairo, Benghazi, Tripoli and Rome for their excellent planning and preparation of the Board's visits.

The Board would especially like to express personal thanks to Swedish ambassador *Bengt Sparre* and Swedish consuls *Anders Nilsson and Lennart Aldestam*. Their commitment, knowledge and generosity made the trip a success beyond every expectation, in terms of both gaining information and hearing personal views. These special thanks also include the staff at the consulates and the other people we had the privilege of meeting on the trip.

The Board stresses that the impressions and conclusions presented in the report are entirely our own, and may not necessarily be shared by the diplomatic representatives we spoke to.

SUMMARY OF IMPRESSIONS

General information

Since the 1969 revolution, Libya has firmly governed by the revolution's leader, Muammar Gaddafi. His rather unique views on direct democracy are based on ideas expressed in his *Green Book*. However, vision and reality have not always proved compatible, resulting in a complicated, closed and bureaucratic societal system and many unexpected changes of direction in the country's policies. Libya's vast income from oil production has been used to conduct major schemes, including sophisticated road and telecommunication networks and a large-scale fresh water supply project (the Great Man-Made River Project). Major social and educational initiatives have also been prioritised. Gaddafi has long favoured a strong pan-Arabic approach in his foreign policy, although this has recently given way to a more African focus. In this context, Libya, and Gaddafi personally, would like to be seen as the main representative of a unified Africa. About a year ago, Libya hosted a human rights convention. It was mainly attended by representatives of African states, and the event was viewed by experts as one of several initiatives by Gaddafi to promote his African ambitions. Gaddafi has consistently taken a strongly negative view of Israel on the Palestine issue.

Many experts consider Gaddafi's political position to be highly stable. Visitors to Libya cannot fail to notice the ubiquitous large portraits of the leader on buildings, in squares etc., both in cities and the rural areas.

Gaddafi became Libya's leader figure at an early age. In Libya, there is speculation as to who should succeed Gaddafi. Gaddafi is claimed to have eight children, but none of them can currently be distinguished as an obvious successor. Several of Gaddafi's children have been assigned increasingly important positions in the country's administration, and some are currently ministers.

Intelligence services

To ensure both the country's and Gaddafi's security, Libya has a highly active intelligence service that operates both in and outside the country. Libya's intelligence service comprises several (seven?) individually independent agencies, which also monitor each other. It is claimed that many Libyans constantly feel that they may be under surveillance, which causes a certain amount of fear and

caution. The intelligence services' procedures are not known, but probably take a wide variety of forms, e.g. physical surveillance, compulsory reporting for the various officials, monitoring through communication technology, mass media monitoring etc. It is well known that civil servants are constantly shifted within the administrations and executive departments where they work, to prevent strong, opposing alliances from forming that could threaten the regime. According to experts, this reshuffling of staff strongly contributes to bureaucracy and administrative inefficiency.

Evidence strongly suggests a recent restructuring of the intelligence services' methods. They now seem to be less generalised, instead focusing more directly on clearly defined opposition groups and individuals. This change may be a result of the regime wishing to project a more open and less repressive image, or possibly feeling less under threat at present.

Opposition

Many people feel that the internal opposition, both secular and religious, is very weak. Gaddafi has long taken a consistently harsh view of religious fundamentalism, and there are no reports of this attitude changing. There is apparently some political tension between the western and eastern regions of the country, probably partly because fundamentalism is stronger in the east of the country. Developments since 11 September last year and the widespread international attack on terrorism have probably contributed to a marginalisation of fundamentalist tendencies in Libya.

Certain opposition against Gaddafi and his regime exists outside Libya, primarily in Egypt and the UK. Most experts do not consider this opposition very strong, and certainly not active and cohesive. The regime is not thought to see it as an actual threat at present.

Many of those consulted feel the U.S. State Department Country Report on Human

Rights Practices regarding Libya does not provide a wholly accurate and up-to-date picture of current conditions in Libya in all respects.

Lockerbie/sanctions

Since Libya handed over the two suspects of the Lockerbie bombing, the UN has suspended its sanctions against Libya. The economic sanctions imposed by the United States are still in place, however, and were recently even extended. Consequently, the embargo against Libya still remains on certain fronts, and subject to the current negotiations regarding the issues of guilt and compensation to the victims of the catastrophe. Libya has also been listed among the countries that are considered as promoting terrorism. Libya is making definite attempts towards reconciliation with the EU and the United States and to generally improve its international image. It has applied for WTO membership and is making efforts to attract foreign investment. It is crucial for the country to modernise its technology in the oil industry. The expertise of the United States is of particular interest to Libya in this context.

Visa issues

Libyans need a visa to travel to EU countries. A large number of Schengen visas are granted to Libyan citizens. When speaking to the diplomatic offices of various EU countries in Libya, certain differences were noted in visa-related routines and assessment procedures. These differences have not escaped the attention of the Libyan authorities, who feel that they create problems, such as longer processing times. Generally speaking, Southern Europe EU countries appear to have significantly more relaxed visa procedures than, for instance, the Nordic countries. Libyan citizens can gain visas to both EU and non-EU countries through the diplomatic offices in Libya and in, for instance, Malta, where they can enter without a visa. The number of national visa arrangements appears limited. Italy and Libya have a special visa agreement (Memorandum).

Libya has recently declared itself prepared to invest in tourism. Although there is undoubtedly potential for expanded tourism, the services currently available are not thought to be of a sufficient standard to allow more than very limited tourism. Many would-be visitors complain of excessive bureaucracy in Libyan visa procedures, for instance the need for a letter of invitation or proof of sponsorship. Consequently, very few tourists currently visit Libya.

Libyan asylum seekers

According to IGC statistics, the total number of Libyans seeking asylum in EU countries has remained fairly constant in recent years, at around 500-600 per year. However, some redistribution occurred in 2001. While the number of Libyan asylum seekers has dropped somewhat in Germany, The Netherlands, Ireland and the UK (and in Switzerland) there has been a relative increase in, for instance, Sweden, and this trend appears to be continuing. The reason for the increased number of asylum seekers in Sweden and also certain other Nordic countries is not yet clear. Evidence strongly suggests that the trend is Schengen-related, i.e. that Libyans travel to Sweden on a visa granted by, and granting entry to, another European country. The staff at several of the consulates and embassies we contacted in Libya were unaware that the number of Libyan asylum seekers had increased in the Nordic countries. Many of them

mentioned the often very inadequate information on migration issues supplied by the authorities in their home countries.

Pressure to emigrate

It is generally thought that many Libyans feel they are under strong pressure to emigrate, a tendency that has increased in recent years. Although basic social and economic security is probably higher than many other countries in the region (there are very few street beggars in either Benghazi and Tripoli, and those that exist appear to be immigrants), foreign countries, particularly the nearby EU countries, hold a strong attraction.

There are several possible reasons for the wish to emigrate. Unemployment and underemployment figures are high in Libya, approximately 30 percent according to many experts. Wages have remained fairly constant in Libya for a long time although the cost of living has increased.

The regime's efforts to promote a high standard of education have not brought a corresponding increase in opportunities for qualified jobs and good wages. Many Libyans feel compelled to take two jobs in order to maintain a decent standard of living. Young people in particular take a bleak view of the future, and feel locked in a sort of ideological fanaticism that has lasted for over 30 years. Although deregulation and privatisation have increased, many feel this development to be far too slow. Entrepreneurs tend to be cautious, and frequently lack venture capital. The situation is aggravated by a sharp population increase with high birth rates. Many people compare their situation to that in other, similar countries with high income from oil production, and are beginning to wonder whether Libya may have fallen behind.

Libyans' opportunities to travel abroad have significantly improved since the abolition of exit visas.

Many airlines fly to Libya now that the air embargo has been lifted. Ferry traffic between Libya and Malta closed down about a year ago (April/ May 2001), reportedly having lost the contest to air travel.

Experts unanimously emphasised Libyans' strong national identity and tribal and family ties. Even if Libyans move abroad, either for a long or short period, they "all come back" sooner or later.

Control routines on departure and arrival

Judging from the evidence available, there are very strict control routines for travellers exiting Libya. This appears to apply to all travellers, although particularly Libyans. According to the Board's own experience, passengers travelling out from Tripoli are subjected to between four and five checks. Passports are also checked on actually boarding the plane. Control routines appear to be at least partly computer-aided.

Fairly strict checks are also performed on individual travellers arriving in Libya. The control routines do not appear to be related to the duration and purpose of the visit abroad (at least not at present). We were told that a blacklist is kept. Although it is difficult for outsiders to judge whether this is true, the possibility cannot be ruled out.

Passports

All our sources reported that it has recently become much easier for Libyans, including young people, to obtain passports. The cost of passports is said to be very reasonable, and the waiting period to obtain a passport is between one and two months. Many Libyans frequently travel to and from Libya, and often extend their passport's validity in connection with their trips.

Libyans seeking asylum in Sweden usually claim to lack a passport, for various alleged reasons. However, Libyan asylum seekers usually show their passports in certain other EU countries.

A general view is that Libyan asylum seekers probably choose not to show their passports to the migration authorities so as to strengthen the grounds for asylum, conceal their travel routes and possible Schengen visas and obstruct or delay possible deportation.

Return, deportation, identification

The Libyan authorities can issue documents to facilitate onward travel or return to Libya. For instance, it is known that Libyan authorities on Malta provides Libyans with at least provisional travel documents to facilitate their journey. It is not known whether the Libyan authorities have special criteria for travel documents in order for Libyans to be allowed to enter or return to their native country. It is less likely that the possibility of deportation depends on the possession of certain documents. If a Libyan returns without any documents whatsoever, it is natural that the Libyan authorities should want to question him to find out the reason for this, and

especially to ascertain whether he is actually a Libyan citizen.

It is widely known that people of other nationalities, perhaps primarily Tunisians, claim to be Libyans to gain benefits in the asylum process. Language tests ought to be a fairly simple way of determining an individual's true nationality in most cases: true Libyans are said to have an accent that is clearly distinguishable from those of the residents of neighbouring countries. If the language test were supplemented with a test on knowledge of general facts, and possibly also a text analysis, this should increase the chances of distinguishing Libyans from non-Libyans.

When return or deportation is necessary in a particular case, the Libyan should preferably be given the opportunity to contact the Libyan authorities to gain the necessary documents for re-entry to Libya. Failing this, deportation without documents should also be an option.

There is strong evidence that almost all Libyans have passports and other documents, and voluntarily show them "in a tight position" (this has been noted both by the Swedish Migration Board and in certain other countries in several cases where deportation was necessary). In the case of deportation, escorting deportees all the way to Libyan territory should be avoided as far as possible, and the Libyan should thus normally make the final part of the journey alone.

Courts, legal system, etc

The Libyan judicial system typically has three levels of courts: a Public Court, an Appeals

Court and a High Court. There are also specialised courts for specific areas of law. In recent years, there have been major changes to the judicial system that have had significant practical consequences. According to several experts, the regime appears eager to try to "clear up" cases that had previously been allowed to lapse. In the past, many people have remained in prison or detention without their cases being brought to trial.

This applies to both ordinary criminals and people accused of political and dissident activities. Suspects, including those held for political offences, are now given a court trial with the right to appeal, and are also entitled to legal assistance. Lawyers see this extended right to appeal and obtain legal assistance as a significant improvement of legal rights and an important step towards a country "ruled by law". Court determinations are issued in writing to the parties concerned and entered in a "book". Now, proceedings can be brought for past confiscation of individual property by the authorities, and there are several known cases where confiscated property has been restored as a result of such proceedings, although the injured parties reportedly "have to fight for it". Private law practice has been allowed in practical terms since the early 1990s. There is a very large proportion of female judges and lawyers, and women reportedly represent a predominant share of law students.

It is hard to estimate the exact number of completely new politically related cases (the older cases are starting to be retried), but well-informed experts feel that there such cases are very rare, probably only a few per year. "The ordinary Libyan simply does not get involved in dissident activities. This would be completely alien to him".

Political cases are dealt with by a special court, but with the right to appeal and obtain legal assistance. Special prisons reportedly exist for people sentenced for crimes considered to be political.

Libyan law clearly states that a person who has been found guilty and served a sentence abroad for a crime committed there cannot be sentenced for the same crime in Libya. Neither does there appear to be a risk of double punishment for serious crimes such as drug-related offences.

Collective punishment, such as the punishment of family members in connection with political crimes, is no longer practised. These days, the Libyan authorities focus more on the individual than on those around him.

Libyan individuals involved in opposition activity outside Libya may be arrested and brought to trial on their return. Although new cases are reportedly very rare, this type of case most recently occurred in May 2002 regarding an individual returning from the UK. The Libyan authorities considered this a case of serious crime since it allegedly also included possession of arms etc. The offender was given a long prison sentence, which has apparently since been appealed.

It is hard to estimate how many people are currently in prison or detention for political crimes, but several sources say possibly a few hundred. Previously, the figure was probably several thousand. The modified legal procedures introduced a few years ago have brought a progressive reduction in the number of political prisoners and, as previously mentioned, new cases are thought to be very rare.

Organised torture of arrested or convicted individuals is reportedly rare these days.

Drug related crime in Libya is said to have increased sharply in recent years and is a relatively new phenomenon, and the Libyan authorities take a harsh view of it.

Corruption

The frequency of actual corruption in Libya is not known. Estimates vary widely and are sometimes pure speculation. Many people feel that there are elements of corruption in the country's administration, although considerably less than in other countries in the region. However, "solutions and short cuts" can certainly be arrived at through good contacts. This particularly applies to those who are fortunate to come from the right family or tribe. All our sources felt that the family safety and contact network often plays a crucial role in most respects.

Women

Some of Gaddafi's biggest initiatives and priorities are in the area of women's rights. The 1969 revolution brought a dramatic improvement in women's status and opportunities for development. This applies in principle, but also in practice in many respects. However, cultural and traditional male values have stopped the process from happening as fast as it could have done.

Women are beginning to establish themselves in both the industrial and administrative sectors, and particularly in the educational sector. Gaddafi does not require women to wear headscarves. Women are widely seen driving cars and appearing in public places with their hair uncovered. The few fully veiled women that can be seen apparently belong to immigrant groups.

Gaddafi's attitude to women may also be related to his choice of bodyguards: many of them are reported to be women.

For several years, women have been allowed to leave Libya without the authorisation of a spouse, father or brother.

Women are also free to choose or approve their future husband. The legal age for marriage is 20, but women may marry at a younger age, following consideration and approval. Strong requirements for evidence exist, and are applied, in connection with claims of adultery against women.

Military service

Men are expected to do at least two years of military service. However, recent developments have resulted in a more relaxed attitude to military service. In practice, many men do only three months of military service, supplemented with refresher courses. The government has adopted an increasingly lenient attitude to the deferment of military service on the grounds of work, studies, special projects etc. Those who attempt to avoid military service without permission do not, in practice, risk a "long" prison sentence, but are obliged to complete their term of service. Deserters risk punishment, although in practice receive no more than a 2-3 year prison sentence.

The regime's attitude towards military service is thought to be affected by the fact that Libya is not under military threat and no longer has any active combat units in or outside the country.

Third country citizens

Libya has among its population a very large number of foreign citizens. Although the exact number is hard to define, non-Libyans are estimated to constitute up to a third of the population. Egyptians are by far the largest single group (perhaps a million?). Palestinians and Iraqis are special groups that are not very large in number (between one and a few thousand?). Gaddafi's new political focus on Africa has dramatically increased the number of "Africans" in Libya in a short space of time. Large groups come from West African countries, such as, Sierra Leone, Ghana and Nigeria. There are also many people from Sudan, Somalia and Niger, as well as more nearby Arabic countries such as Tunisia and Algeria.

Some immigrants, for instance many Egyptians, come to Libya on a seasonal basis, while others appear to remain more permanently. Many Libyans are critical of Gaddafi's new openness towards Africa, feeling that it has brought a dramatic increase of previously non-existent or marginal crime such as drug dealing, prostitution and theft. The immigration from African countries has also increased the competition for jobs, since fellow Africans now have the right to work in Libya.

In the autumn of 2000, conflicts between Africans and Libyans got out of hand. Riots and fighting broke out, resulting in damage, violence and several deaths. A crowd attacked the Nigerian embassy in Tripoli. The regime's role during these riots remains unclear, but Gaddafi initially blamed the Africans for the trouble. A large number of Africans were rounded up in camps and reportedly deported to their native countries, although many are now rumoured to have returned to Libya. Both Libyans and Africans were brought to trial and punished.

Libya has recently become a transit country to the west for third country citizens. This applies to Palestinians, Iraqis and particularly "Africans". The foreign consulates and embassies in Libya see these third country citizens as a risk group with regard to visas. Generally, visa policies are very restrictive for this group.

Malta

Many Libyans travel to Malta each year. The number of travellers has dropped somewhat in recent years, amounting to just over 30,000 in 2001. During the air embargo, the ferry services between Tripoli and Valetta were the primary and most important means of transport for Libyans. Malta also served as a springboard for journeys further afield. The ferries have now been closed since April/May 2001. Libyans no longer need Malta as a transit country either: they can now fly directly from Libya to the West.

There are two direct flights daily between Libya and Malta. Libyans can enter Malta without a visa, and can easily obtain Schengen visas in Malta. Libyans may remain in Malta without a visa for three months. In practice, however, they can extend their stay virtually infinitely by making short trips out of Malta, since this three-month period is renewed after each exit from Malta.

There are long-standing historic, cultural and trade connections between Libya and Malta. The Libyan regime has invested large amounts of money in Malta for a long time, primarily in the form of joint ventures. Some people in Libya even claim that Libya "owns half of Malta". There is a group of established Libyans in Malta who primarily work as businessmen. They practise their religion freely and have built a mosque there.

Malta has only a handful of Libyan asylum-seekers each year, and it is not considered "natural" for a Libyan to seek asylum in Malta. The possible reasons for this include the fact that Malta and Libya have good relations, that Malta is a small country with less to offer than the larger western countries, and that Libyans seeking asylum in Malta expose themselves too much in relation to the established group of Libyans in Malta. It is widely felt that Libyan citizens lack a reason to come to Malta illegally or use Malta as a springboard for illegally travelling on to the West. After all, Libyans can obtain passports quickly and easily and also gain visas or Schengen visas to third countries with relative ease. For this reason, there should be no demand for human smuggling of Libyans. Libyan asylum seekers occasionally have their asylum applications rejected by the Maltese migration authorities, and are sometimes also deported back to Libya, even if they have spent a long time outside Libya. Malta and Libya have an agreement regulating the venue of sentences. Libyans sentenced for offences committed in Malta have the right to serve their sentence in their native country if they prefer. However, Libyans rarely choose this option.

There has recently been an upsurge of illegal entry to Malta, particularly by Africans, such as Ethiopians, Eritreans, Egyptians, Sudanese, Tunisians and West Africans. These people are smuggled into Malta by boat (often speed boats) from the smaller ports in western and eastern Libya. Many of the smugglers are Libyans, Maltese and Egyptians. Malta is not the end destination for the smugglers and passengers. After a brief stay in Malta, the people are transported on to EU countries, primarily the coastal stretches of southern Sicily and the "heel" of Italy. Two particularly publicised cases of human smuggling in Malta occurred in 2001-2002. In one of these cases, a boat arrived carrying 208 people, mainly from African countries. In the other case, a boat landed carrying 57 people of primarily Sudanese origin. All of these people sought asylum in Malta and most of their cases are currently being processed. The Maltese authorities are familiar with human trafficking and have attempted to employ preventative measures. It is reported that the authorities now have better control of the situation, and that the number of smuggled individuals has dropped.

Asylum applications in Malta were previously dealt with through the UNHCR, but are now processed by the Maltese Refugee Commission. Asylum seekers have a right to appeal. In 2001,

Malta processed applications from 103 asylum seekers of 24 different nationalities. 84 applications were rejected, while 13 people gained recognised status. Between January and May 2002, 145 (processed) asylum seekers of 15 different nationalities were registered. Asylum applications are assessed according to the 1951 Geneva Convention. Temporary residence permits may also be granted on humanitarian grounds.

Since Malta signed the 1967 Protocol in December 2001, the previous geographic limitations of the convention have been abolished.

General information on political development in recent years

In the past four to five years, tentative but discernible changes have been noted in Libyan policy. These changes have not come as major general reforms, but as many small measures that, in combination, have contributed to an opening of societal development in Libya, and of the country's international relations.

Libya's foreign policy has been affected by three main issues: the Lockerbie case, the events of the September 11 in the United States, and the country's African policy. Gaddafi now clearly wishes to change Libya's international image as a country that supports terrorism, and is aiming to establish normal relations with other countries, not least in the West. To achieve this, he is attempting to

find a solution to the Lockerbie issue and has offered large sums of money in compensation to the survivors of the catastrophe. However, this offer comes with certain conditions, including the lifting of the sanctions against Libya. The offer of compensation, and the key issue of guilt, are currently being discussed between the United States, the UK and Libyan representatives. Gaddafi is also focusing politically on countries further south in Africa, with whom he is seeking close alliances. However, the sharp increase in immigration to Libya from various "African" countries, in response to direct invitation from Gaddafi, has brought its share of problems to Libya.

On the home front, there has been a gradual softening of societal conditions, not least with regard to the authorities' attitudes towards citizens. For instance, efforts have been made to simplify and liberalise opportunities for travelling out of the country. A trend towards deregulation and privatisation has encouraged creativity among local businessmen. Investment has increased and many new enterprises have been started. The range of goods in the shops has also increased significantly, and most goods are now on sale. Another sign of greater openness to the outside world is the lifting of a ban on satellite reception, meaning that satellite dishes can now be seen on virtually every roof. The establishment of Internet cafés in several locations has also made it easier for Libyans to communicate with the outside world. English language newspapers are now being distributed, and the international airport in Tripoli has been expanded with tax-free shops etc. Plans are also in progress for the construction of the first international luxury hotel in the capital.

CONCLUSIONS IN BRIEF

The following conclusions can be drawn on the basis of the collective information gained through the trip to Libya:

There has been a noticeable liberalisation and softening of Libyan society in the last three to four years, and this trend is still in progress. Possible contributing factors include Libya's strong desire to resolve the Lockerbie issue and the related sanction policies, and the events of September 11 in the United States.

It has become significantly easier for Libyans to travel abroad. It is now much easier to obtain passports, and exit permits are no longer required. Many EU countries appear to have very generous visa policies with regard to Libyans.

The Libyan authorities' attitude and procedures do not appear to be linked to the duration or purpose of the stay abroad.

The control procedures on entry/ exit for individual travellers remain strict.

An application for asylum abroad will not, in itself, put a Libyan at risk on returning to Libya.

Libya has a sophisticated and active intelligence service, both inside and outside the country.

The government is vigilant towards opposition against the regime, and particularly towards Muslim fundamentalism. The intelligence services are increasingly favouring an individual rather than a general approach to political security issues.

Political opposition and Islamic fundamentalism appear not to exist in Libya, or are at least marginalized. There are several minor opposition groups outside Libya, particularly in the UK and Egypt. However, this opposition is divided, and does not currently appear to pose a threat to the regime.

The position of women is far stronger in Libya than in most other Arab countries, and is a priority issue for the regime. However, women's opportunities for development are still impeded somewhat by cultural and traditional male values.

The government's attitude towards military service appears to have relaxed considerably. In practice, citizens are now only required to do three months' military service and refresher courses, and there are lenient policies with regard to deferment etc.

There has been a significant population increase in recent years. Young people constitute a large proportion of the population, and they tend to take a bleak view of the future. Unemployment, under-employment and low wages are real problems in Libya. Opportunities for personal development, as well as for entertainment and leisure activities, appear very limited. Many feel that the progress towards a more open society is too slow. For this reason, many Libyans feel an urge to move abroad, particularly young males.

A large number of third country citizens, primarily "Africans", live in Libya. Some of these people use Libya as a transit country towards the EU. People are smuggled by boat to southern Europe, primarily Italy.

Appendix - Notes of conversations

The appendix is CONFIDENTIAL according to § 2:1 of the Swedish Official Secrets Act (*Sekretesslagen*).