

His Excellency Donald Tusk, President of the European Council
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By email: ec.president@consilium.europa.eu

Cc:

President of the European Commission, Mr. Jean-Claude Juncker

President of the European Parliament, Antonio Tajani

High Representative of the European Union, Federica Mogherini

Concerning: Appeal for an EU external policy framework based on European values

Brussels, 18 June 2019

Dear Mr. President,

We write to convey our congratulations to your contribution to the European project, as Europeans at heart and African people of goodwill, deeply committed to the brotherhood and long history between our two continents.

During your term as President of the European Council, the European Union and its member states have externalised migration policy through direct and indirect cooperation with regimes and militia forces that are entirely unaccountable. Processes such as the EU-Horn of Africa Migration Route Initiative established in 2014, better known as the Khartoum Process, have provided the framework for such cooperation. Since the start of the Khartoum Process, organisations have therefore [raised concerns](#) about this policy and the European Union's complicity with systematic and severe human rights abuses conducted by such 'partners', the lack of transparency of the cooperation agreements and the lack of civil society participation in the projects and dialogues.

As part of this policy, both the European Union and individual member states have indirectly [relied on external security forces](#) and funded initiatives to [train border guards](#), among others in [Sudan](#) and indirectly strengthened capacities to fulfil this role. The European Union has hidden behind the execution of such programmes by third parties. These policies have directly benefitted and emboldened militia [such as Sudan's Rapid Support Forces \(RSF\)](#), the former Janjaweed, by their own admission, whilst the RSF [continues to commit war crimes in Darfur](#). This has not been without further consequence. The RSF have allegedly [raped and murdered hundreds of protesters](#) in recent months. Last week alone, protest crackdowns led to [over a hundred deaths](#) at the hands of the RSF as part of the Militia Council. The collaboration with various militia in Libya to block migrants crossing the Mediterranean Sea has similarly emboldened the exploitation and extortion of refugees, undermining their protection. The support to the Eritrean regime to building roads with forced labour, as informed by the European Commission in its 'Action Fiche', is a flagrant violation of basic human rights. Increasing numbers of youth refugees have [continued to flee the country trying to escape the indefinite national service built on cruelty and inhumane treatment](#). By entering into a partnership with third parties and regimes that have been found to commit

crimes against humanity and who hold no regards to good governance, the rule of law and respect for human rights, the EU is violating its basic legal requirements, and it is undermining its basic values whilst undermining international law.

The approach of the European Union's external policy on migration push-back through the Khartoum Process has led to a slew of legal cases which hold that the policy actions are in violation of the laws and regulations of the European Union, its constitutional values and rights, and its international obligations. These include the disregard for the obligation to protect. These include legal actions against:

- 1) [Funding of the notorious Libyan Detention Centres](#);
- 2) [Support to Libyan Coast Guards](#);
- 3) [Blocking of rescue efforts in the Mediterranean Sea](#);
- 4) [Funding of a project using Forced Labour in Eritrea](#) under the EU Emergency Trust Fund for Africa; and
- 5) [General crimes committed by the EU as part of its migration pushback](#).

The legal initiatives demonstrate a widespread and deep concern that the EU has itself become complicit with the alleged crimes committed by third parties, as a result of the policies supported by the Khartoum process. This is counterproductive in so many ways, and most importantly, it is undermining safety and contributing to the flow of refugees and migrants that are seeking protection. Larger numbers of people, including many minors, are now fleeing persecution and inhumane treatment in countries such as [Eritrea and Sudan](#) and these [refugees and migrants are tortured](#), exploited and extorted after having been pushed back to Libya from the Mediterranean Sea.

Through instruments such as the EU Emergency Trust Fund for Africa, development aid has been [shifted](#) for the purpose of migration control with little regard for the dynamics at play within the countries concerned. The Khartoum Process has failed in strengthening European values abroad, and, instead, has strengthened unaccountable militias and regimes, whilst seriously undermining rule of law, good governance, respect for human rights and the role of civil society. Moreover, the instrument lacks parliamentary oversight and scrutiny. The European Parliament has remarked that its limited role in oversight over the use of this financial assistance has left Europe with a ["democratic deficit"](#).

Article 21(1) of the Treaties of the European Union state that all international action of the EU will be based on the EU's core principles, *"democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law"*. These constitutional values must be at the core of a renewed effort of the EU to play its international role.

The people of Sudan have demonstrated that civil society is capable of pursuing peaceful processes for transition into democratic governance. This requires support from the European Union to finish the transformation aimed at establishing a democratic civil government that can serve its people. The people in Eritrea are making strides with the movement ["Enough is enough"](#), demanding the end of indefinite national service, which captures people in unending forced labour and [slavery](#). The European Union should support this objective, as it will solve the root cause of why young minors are leaving Eritrea. International and humanitarian organisations are working diligently to end the plight of people captured by militias and criminal human trafficking that have been emboldened over the past few years to extort and exploit

refugees who are seeking safety. The European Union should support these actions that further the values it holds dear and stop push back to Libya given that the conditions for protection are not available.

The Khartoum process was established to address the root causes of migration. The reality has emboldened the criminal exploitation and extortion of refugees and migrants, increased the capacities of unaccountable militia to act with impunity and give increased legitimacy to governments who repress their people and drive them out of their countries. This does not provide a basis for an external policy that strengthens European values, and it will lead to increase the problems in the region and beyond, including those of human trafficking, migration and refugees.

In planning the direction of the European Union in the next period, we urge that you respond to the serious concerns expressed over the impact of ongoing actions of the EU and its member states to fund and cooperate with external actors accused of systematic and severe human rights violations. Failure to do so will not only undermine the fundamental principles and values of the Union, but fail to achieve the intended objectives. We therefore ask that the EU retracts the activities under the Khartoum Process and its Trust Fund, established under a seriously flawed policy.

On behalf of all of the undersigned organisations,

Fr. Mussie Zerai
Nobel-prize Nominee
Chair Agenzia
Habeshia

Prof. Dr. Mirjam van Reisen
Tilburg University
Leiden University
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Reem Abbas
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Koert Debeuf
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Signed by:

Majid Maali, exiled Sudanese human rights lawyer

[Act for Sudan](#)

[Al-Khatim Adlan Center for Enlightenment \(KACE\)](#)

[Christian Solidarity Worldwide \(CSW\)](#)

[Connection e.V.](#)

[Darfur Bar Association](#)

[Eritrea Democratica](#)

[Eritrean Diaspora in East Africa \(EDEA\)](#)

[Eritrean Movement for Democracy and Human Rights \(EMDHR\)](#)

[Europe External Programme with Africa](#)

[Foundation Human Rights for Eritreans](#)

[Horn of Africa Civil Society Forum \(HoACS\)](#)

[Human Rights Concern - Eritrea \(HRCE\)](#)

[Ibn Rushd Fund e.V.](#)

[Investors Against Genocide](#)

[Massachusetts Coalition to Save Darfur](#)

[Regional Centre for Training and Development of Civil Society \(RCDCS\)](#)

[Skills for Nuba MOUNTAINS](#)

[Stop Genocide Now \(SGN\)](#)

[Sudanese Community and Information Centre - London](#)

[Sudan Democracy First Group \(SDFG\)](#)

[Sudan Revolution Support Network - Sweden](#)