



Rome/Tunis, 24 July 2020

PRESS RELEASE

Complaint to the UN Human Rights Committee over the role of Italy, Malta, and Libya in violating the right to leave Libya, resulting in denial of the rights of asylum seekers

The Association for Juridical Studies on Migration (ASGI) and the Cairo Institute for Human Rights Studies (CIHRS) filed a complaint against Italy, Malta and Libya with the UN Human Rights Committee on behalf of two individuals whose right to leave war-torn Libya was violated by the interception and pull-back carried out by the Libyan Coast Guard with the cooperation of Italian and Maltese authorities.

On Friday 18 October 2019, in the early afternoon, Alarm Phone was contacted by an overcrowded boat in distress, carrying approximately 50 migrants. They had fled from Libya and were in the Maltese Search and Rescue (SAR) zone, very close to Lampedusa. The Maltese and Italian authorities were immediately informed of the SAR event. However, despite the dangerous situation, Malta and Italy did not activate any search and rescue operation to save the life of the shipwrecked and decided to wait for the arrival of the Libyan Coast Guard. After many terrifying hours at sea, the Libyan patrol boat *Fezzan* – supplied by Italy in the framework of Italian/Libyan cooperation – intercepted the migrants on the leaking boat. Italy and Malta failed to take urgent measures to ensure the necessary assistance and disembark the survivors in a “*place of safety*” – which Libya undoubtedly is not. As a consequence of such a lack of intervention, the survivors, including the complainants, were pulled-back to Libya and beaten up to force them to disembark in a country they had desperately strived to flee from. Indeed, in [Libya](#), migrants are notoriously exploited, abused, traded, ransomed, or deported illegally. Reports of migrants and refugees attempting to leave Libya who are knowingly left to die at sea, starving or [drowning](#), detained on boats for days in [unbearable conditions](#), or [pushed back](#) illegally, continue to emerge repeatedly.

The complaint argues that Italy, Malta, and Libya are breaching their obligations under international law – in violation of Article 6 (Right to Life), Article 7 (The Prohibition of Torture, Inhuman and Degrading Treatment), Article 9(1): Right to liberty, including the prohibition of arbitrary or unlawful arrest or detention), and Article 12.2 (Right to leave any country) of the International Covenant on Civil and Political Rights – as they were subjected to arbitrary and unlimited detention as well as repeated interceptions and pull-backs conducted by Libyan authorities. Italy and Malta contributed to the violation by means of the comprehensive technical, economic, logistical, and political support given to Libya to make it the principal outpost for the containment of migratory flows to Europe, and through their role in delegating the rescue operation of 18 October 2019 to Libyan authorities – an operation that ended with the pull-back of the claimants to Libya.

The legal arguments presented in the complaint were developed and drafted with the cooperation of the *Strategic Litigation: International Human Rights Legal Clinic* of the Law Department of the University of Turin.

The legal submission made use of a [report](#) compiled by Alarm Phone that, thanks to their work, documented the event.

"The appeal is the result of the activities carried out by ASGI in the framework of the Sciabaca & Oruka project aimed at monitoring and contrasting the policies of externalisation of the European borders, and it would not have been possible without the creation of a close collaboration between the two shores of the Mediterranean with the Cairo Institute for Human Rights Studies and the Libya Platform Coalition." **Lorenzo Trucco, president of ASGI ***

"For the first time a complaint submitted to an international body calls into question the violation of the right to leave any country as the right leading to the depletion of other fundamental rights – especially the right to asylum of the complainants who find no form of protection in Libya – to be read in the broader border externalization's framework, structured through cooperation between the European authorities and Libya." **Cristina Laura Cecchini, ASGI – scientific project manager of Sciabaca & Oruka***

"In light of this alarming context, this complaint should serve as a timely reminder for both European and Libyan authorities of their obligations under international law. Forced returns and pullbacks to Libya, implemented through the political and material support to the Libyan Coast Guard and the Directorate for Combating Illegal Migration (DCIM) - against which there are very [serious allegations](#) of links with human traffickers and involvement in grave human rights violations such as torture, forced labour, and sexual abuse– trap migrants where they are subjected to appalling abuse. Such practices need to be put to an end." **Neil Hicks, Senior Advocacy Director of CIHRS***

"These pull-backs of migrants and refugees are increasingly performed within a framework of subtle international cooperation, which sees the so-called Libyan Coastguard invited and left to do what Italian and Maltese authorities should not do by themselves. We trust the Committee will contribute to make justice for all those migrants who strive to reach Europe and end up being victims of unspeakable abuses and violence." **Mariagiulia Giuffré, ASGI, Edge Hill University***

"It is by no means acceptable to approve of the persistent disregard coming from the European decision-makers regarding the unjust return of people fleeing the hell of detention, humiliation and trafficking that they were surrounded by in Libya. When they found the opportunity to survive and save their children they were trapped by European ships and planes forcing them to return to where they came from," **Tareq Lamloum, President Biladi Foundation for Human Rights (Sabratha, Libya)**



Press Conference¹: Time: 3:30pm CEST, July 28th, 2020

Location: Zoom (here the [registration form](#)) and live on [ASGI's Facebook page](#).

The complaint with UN Human Rights Committee:

Lorenzo Trucco – ASGI; Mariagiulia Giuffré – Edge Hill University, UK; Andrea Spagnolo – University of Turin; Karim Salem – CIHRS, Libyan Platform Coalition.

The context of the violations: the situation in the Mediterranean and Libya

Tarek Lamloum – Biladi Foundation for Human Rights; Britta Rabe – Alarm Phone; Lucia Gennari – Mediterranea; Bérenice Gaudin – Sea Watch.

Moderated by: Cristina Laura Cecchini – ASGI Sciabaca&Oruka.

For questions and further information

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¹ The press conference will be held in English. There will be possibility of Arabic translation for the participants in the meeting on Zoom. The live will be available in English.