



Thursday 25th April 2019

France delivers boats to Libya: NGOs demand justice!

Today our eight organisations invoke justice and denounce France's complicity in violations of human rights in Libya. At the Administrative Tribunal in Paris we demand the suspension of a delivery of boats planned by the Armed Forces Ministry destined for Libyan coastguards, on account of serious doubts about its legality.

Last February, Florence, Parly, France's armed Forces minister, announced the purchase of six high-speed boats destined for Libyan coastguards in order to deal with 'the problem of illegal immigration'. For the first time, France publicly announced direct and concrete bilateral collaboration with the Libyan coastguards. In buying these six boats for their use, France is participating in the cycle of violations of human rights committed in Libya in relation to refugees and migrants, by providing the logistics to intensify such measures.

France is also contravening its international undertakings under the Treaty on Arms Trade and also Common understanding 2008/944/PESC of the European Union forbidding it from transferring military material to a country where it risks being used to commit or facilitate violations of human rights.

Libyan coastguards have on several occasions deliberately endangered the life of refugees and migrants whom they should protect - in pushing back to sea people in distress, menacing them with weapons, and shooting. Cases of theft from migrants have been reported, and even threats delivered to the crews of NGO ships engaged in lifesaving operations.

In delivering these boats to the Libyan coastguards, France's responsibility is all the greater in that most people held in detention centres in Libya have been intercepted at sea by Libyan coastguards. Refugees and migrants are systematically transferred to detention centres where they are maintained in inhuman conditions. Rapes, torture, extrajudicial killings, forced labour and slavery are among the extreme violence to which refugees and migrants are subject in Libya.

France cannot ignore conditions prevailing in Libya and the consequences of this delivery for the life and safety of individuals. France is officially complicit in the attacks to which they are subject.

These boats are the symbol of the European policy of externalisation of immigration controls towards Libya. For some years our organisations and international bodies have regularly drawn attention to the consequences of this collaboration for the rights of refugees and migrants who are trapped in this hell. In recent years European financial and material support for the Libyan coastguards has increased, in exchange for their cooperation in stopping refugees and migrants from reaching European shores.

Additional information

The deposition before the Administrative Court

The eight organisations demand the suspension of the decision to deliver boats to the Libyan navy given serious doubts concerning the legality of the decision announced by the army minister. This suspension is demanded in awaiting a definitive decision by the administrative judge on this question. Then eight organisations are represented by Master Crusoé.

They stress:

- 1) the violation of UN and EU embargoes on the delivery of military material to Libya;
- 2) Rules relating to the transfer of military equipment, foremost among them the Treaty on the Arms Trade which imposes on France a duty not to proceed with the delivery of military material which could result in breaches of international law;
- 3) France's responsibility for an act that is internationally illegal in international law in that foreseeable consequences of the delivery of six boats for the human rights of migrants intercepted at sea then landed on Libyan soil.

The boats as military equipment

The Army minister on 21 February 2019 publicly stated that this was about delivery of semi-rigid speed craft made by the French company Sillinger. According to available information in the public domain, these vessels are 12 metres long, and are not provided with weaponry or weapon mounts. In French law only vessels which are 'specifically conceived or modified for military use are considered vessels of war, whatever their state of maintenance, whether or not they include weapons launching systems or armour plating'. Since these vessels are considered to be vessels of war, they are subject to the regime of authorisation for the export of war material, even if as in this case it concerns a free delivery. An evaluation of the risk entailed in the export of these six vessels should have been carried out, based on the Arms Trade Treaty and on Common understanding 2008/944/PESC of the European Union, which defines shared rules concerning the control of export of military technology and equipment. Today, the lack of transparency over the export of military material is such that it is impossible to verify whether France is compliant with its international obligations.

The situation of refugees and migrants in Libya

More than 6,500 refugees and migrants are currently arbitrarily detained in some 15 detention centres in Libya, officially under the authority of the Libyan interior minister. Among those detained, some 3,000 are in zones where military combat has been under way since 4 April or thereabouts. Blockaded, exposed to crossfire, and with even less access to vital resources than usual, they must be evacuated from Libya as a matter of urgency.