

Statement Concerning the Removal of Migrants to Libya

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Forcibly returning people to a country where they may face ill-treatment and be pushed back into the arms of their persecutors, without an assessment of their need for protection, violates international law.

On May 7, local and international press carried reports that 238 migrants rescued off Lampedusa were returned to Tripoli in Italian coastguard vessels. According to the same reports Italian Home Affairs Minister Roberto Maroni expressed the hope that from now on all migrants leaving from Libya could be returned there if intercepted.

Hailed as a historic development in the fight against irregular immigration, this decision totally ignores the fact that many people making the crossing are in fact in need of international protection.

In both Malta and Italy the majority of those who applied for asylum were granted some form of protection. This means that they will face serious harm if they are returned to their country.

As EU policy further restricts the channels of legal migration, asylum seekers use an irregular route because it is impossible for them to reach a place of safety in any other way. More often than not, it is very difficult for asylum seekers to obtain effective protection in the countries through which they transit on the way to Europe, as they do not have effective systems in place to determine applications for asylum and provide protection to those who need it.

In Libya, persons found to be in need of protection are often detained and deported back to their country because of their illegal entry or presence. Migrants arriving in Malta repeatedly describe how they were detained for months in Libya, in terrible conditions, and severely ill-treated for breaching immigration regulations. Their testimonies are supported by reports from several credible sources.

European states are bound by human rights law not to send people to countries where there is a real risk that they may face torture or cruel, inhuman and degrading treatment or punishment. They are also obliged to ensure that all within their effective jurisdiction who request protection are allowed to access a procedure to assess their need for protection.

It is clear that states have a right and duty to control their borders, but any measures implemented must be in line with human rights law, which forbids the return of people to countries where they may face serious harm.

The states of the European Union have repeatedly stressed their commitment to uphold the right to asylum, enshrined in Article 18 of the Charter of Fundamental Rights of the European Union. Actions such as those of Italy yesterday undermine the core values of the entire European Union.

We the undersigned concerned individuals and NGOs call upon the authorities of all European countries to respect their freely-assumed legal obligations in terms of human rights and refugee law, to ensure that:

- asylum seekers within their effective jurisdiction are allowed access to a territory where they can seek asylum, so all in need of protection can be identified and granted the protection they need; and
- no one is sent to a country where they may face serious violations of their human rights.

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