

# ECHOES #12 – LIBERATION DAY!

May 2024

The man on the picture liberated himself when he jumped from a so-called Libyan Coast Guards ship into the sea and escaped an intended pushback to Libya. A few days after, the IUVENTA crew liberated themselves from a seven-year long odyssey of criminalization, after the court finally had to drop all charges. Celebrated as a public holiday in Italy, the 25th of April marks the day in 1945 when a call was launched on nationwide radio broadcast for a popular uprising and general strike against the Nazi occupation and Fascist regime in Italy.

At the same time, still and again, rescue ships continue to be detained and blocked by the Italian post-fascist government, while the EU strives to tighten the externalization of its brutal border regime. During the last weeks, billion euro deals with Egypt and with Lebanon have been initiated to control and to deter migration movements... For liberation of all, the struggles continue!

Since the beginning of the year 2024:

- **16,065** people have arrived to **Italy** and **68** to **Malta** by sea (UNHCR figures as of April 28), most of them autonomously
- **2,701** people were **rescued by the civil fleet** by more than 45 boats in distress (CMRCC figures until April 30)
- **474** people are reported **dead or missing** on the Central Mediterranean Route (UNHCR figures as of May 2)
- **4,492** people were intercepted and **returned to Libya** by the EU-supported so-called Libyan Coast Guard (IOM figures as of April 27)

## Latest political developments

Against all odds: European states pursue border outsourcing policies in a Tunisia in crisis

*By Alarm phone Tunis*

In Tunisia, the European Union and its member states continue to deepen their policies of outsourcing maritime controls, pursuing the dangerous and illusory goal of preventing arrivals on Italian shores at all costs. On April 17, the head of the Italian government, Giorgia Meloni, made her fourth visit to Tunisia in less than a year. While discussions revolved around strengthening cooperation between the two countries, the topic of combating so-called "irregular" immigration was once again the ultimate focus of these exchanges, particularly following the increased number of people crossing to Italy by boat in March 2024 after a brief decrease over the winter.

On the occasion of this visit, activists gathered at the initiative of the Tunisian Forum for Economic and Social Rights (FTDES) in front of the Italian embassy in Tunis to protest against the murderous migration policies implemented by the two governments.

Shortly before this visit, on the night of Monday to Tuesday April 15, President Kaïs Saïed reaffirmed in a video that his country would neither agree to be used as a transit or destination land for migrants, nor to become the European Union's border guard. But while these kinds of declarations are repeated over and over again, behind this sovereignty rhetoric, the Tunisian President continues to allow European outsourcing policies to gain ground.

For its part, the European Union is also continuing to strengthen the Tunisian authorities' maritime control capacities, with the provision of patrol boats and drones to monitor coastal surveillance.

As the Civil MRCC has already shown, in an attempt to reproduce in Tunisia the regime of "refoulement by proxy" set up in Libya a few years earlier, the EU is relying on 4 pillars: strengthening the capacities of the Tunisian coastguard (equipment and training), setting up a coastal surveillance system, creating an official MRCC (National Maritime Search and Rescue Coordination Center) and declaring a search and rescue zone (SAR zone) in Tunisia.

A few weeks ago, a new step was taken with the adoption of decree no. 2024-181 of April 5, 2024, which organizes maritime search and rescue in Tunisia. It provides for the creation of a "National Maritime Search and Rescue Coordination Center" within the "National Maritime Surveillance Service", a structure that already exists but is not active. Within this MRCC, a "national coordination unit" is created, responsible for drawing up a national maritime

search and rescue plan, including the delimitation of the Tunisian area of responsibility. In this way, more and more ingredients were brought together for the systematization of maritime refoulements to Tunisia.

Furthermore, the adoption of the "New Pact on Migration and Asylum" by the European Parliament on April 10, 2024, has raised fears of the outsourcing of European asylum policies to Tunisia. The extension of the "safe third country" principle, enshrined in the pact, means that asylum applications from people arriving in Europe can be declared "inadmissible" if they have transited through a so-called "safe third country" where they could have applied for asylum. Although Tunisia still has no national asylum framework, and various civil society organizations have repeatedly highlighted the serious violations of rights suffered by asylum seekers and recognized refugees, Tunisia remains one of the favored countries for applying this concept, along the lines of the EU-Turkey agreement.

Migration cooperation between the EU and Tunisia is intensifying, despite the brutal violence committed against exiles on Tunisian territory. As various Tunisian and transnational civil society organizations pointed out in a joint statement published at the beginning of April, *"more than a year after the communiqué issued by the Presidency of the Tunisian Republic at the end of the National Security Council meeting, which linked the presence of migrants 'to a plot to alter the demographic composition of Tunisia', systematic violations and racist and xenophobic campaigns targeting sub-Saharan migrants in Tunisia continue, and remain unpunished to this day."* Among other things, the organizations denounce the practices of refoulements at the Libyan and Algerian borders, forced population displacements, violent interceptions of boats attempting to flee the country, and the criminalization of solidarity on the part of those who try to help them.

At the beginning of May, a new wave of repression was unleashed against people on the move. During a Security Council meeting, the Tunisian President welcomed the fact that 400 people had been deported to Algeria. The repression extended to civil society organizations working in solidarity with migrants. Several NGO representatives were arrested for different charges which are still unclear.

It is in this context of serious rights violations and violence against people on the move that European states continue their race to outsource border control to Tunisia. Although the voices attempting to denounce these outrageous policies remain largely unheard, on April 12, 2024, the European Ombudsman underlined his concern regarding the lack of any prior assessment of the impact on human rights, particularly with regard to the "Migration and Mobility" pillar of the Memorandum of Understanding signed between Tunisia and the European Union, and asked the Commission to *"answer a series of questions on how it intends to monitor the human rights impact of the actions provided for in the Memorandum of Understanding and what measures it has envisaged, including with regard to the possible suspension of EU funding, if identified."*

Little hope for the people on the move, who in the meantime continue to exercise their right to freedom of movement and to brave this inhumane border regime. On the first weekend in April, over 1,500 people disembarked on the island of Lampedusa. In mid-April, a health worker in the coastal region of Sfax reported that almost 100 bodies of migrants who had died in shipwrecks were waiting to be buried in the morgue. Another proof that these policies are only making crossings more dangerous...

## **SOVEREIGNS ON THE SEA AT GUNPOINT**

### **What does the violent escalation of the so-called Libyan coastguard mean?**

***Mediterranea Saving Humans***

The armed attack by the Libyan patrol vessel Fezzan against the shipwrecked people and the rescuers of the MARE JONIO on April 4th is only the latest episode of the violent escalation of the so-called Libyan coast guard that has marked the last few months in the Central Mediterranean.

Among others, incidents in the last year include:

25th March 2023, when the Libyan authorities intervened during a rescue of the OCEAN VIKING and fired on the crew while they clubbed the shipwrecked people; 10th July, when the Libyan authorities intervened again against the OCEAN VIKING by firing on the people awaiting rescue, an event which also roused the attention of the European

Commission which then asked for explanations and raised the alarm; 1st October, when Sea-Watch's SEABIRD accused the Libyan Coast Guard of causing the sinking of a boat with 50 people on board, which capsized due to dangerous maneuvers; 27th October, when the SEA-EYE-4 ship carried out a rescue operation while the Libyan authorities intervened firing, causing people to fall into the water and endangering the lives of shipwrecked people including infants and pregnant women; 7th March 2024, when the ship SEA-EYE-4 was again seriously endangered while it carried out a rescue operation in which the Libyan authorities intervened with dangerous maneuvers and threats made with rifles.

"The policies of the Italian governments and European institutions have turned the central Mediterranean into a war zone," remarked Denny Castiglione, Head of Mission of Mediterranea Saving Humans on board the ship MARE JONIO about the events of last April 4th. "It is extremely serious that the militias of the so-called Libyan coast guard have fired gunshots directly at the shipwrecked people in the water and the rescuers. These are true criminals against humanity," he continued.

On Friday, April 5<sup>th</sup>, 2024 the MARE JONIO (MJ) landed in the port of Pozzallo (Ragusa), assigned by the Italian Authorities for the disembarkation of the 56 people rescued the day before in international waters, and who were the target, together with the ship's crew, of the violent intervention of a Libyan patrol boat around 17:00 on April 4th. Paradoxically – and without taking into consideration the testimonies of the Master and Head of Mission, nor the extensive photo, video and audio documentation – the ship was sanctioned for the violation of Decree Law Piantedosi with the usual 20 days of administrative detention and a fine of up to 10,000 euro. A choice that the same Minister of the Interior openly vindicated before Parliament, fully espousing the version of facts communicated in poorly written email from the self-styled "Libyan authorities."

But let us go to the precise reconstruction of the facts.

The MJ departed from the port of Siracusa on Wednesday evening, April 3rd, for its sixteenth observation and rescue mission in the central Mediterranean, setting course in the early hours of dawn on Thursday, April 4th towards the SAR zone where the so-called "Libyan authorities" operate. At 13:45 and 15:16 she received by e-mail a notice from ALARM PHONE reporting a boat in distress with engine failure and about fifty people on board, adrift in international waters, 90 miles south of the island of Malta and 95 miles north of the Libyan town of Al-Khoms.

At 15:57 MJ listened to radio communications on VHF channel 16 from an air asset, later identified by us as aircraft AS1227 BE20 Icao: 4D206A of the Armed Forces of Malta (AFM), which launched may-day-relays of at least three cases, providing updated coordinates of the vessel in distress in position 34°18 N - 014°09 E. Despite repeated attempts to make contact, the aircraft did not respond to the MJ calls.

At 16:26 the MJ informed the Italian Maritime Rescue Coordination Centre (IT MRCC in Rome) that she would be heading to the indicated position to verify the situation of the vessel in distress.

At 16:35 MJ spotted the boat in distress through binoculars and approached to check the situation. It was a fiberglass boat, overcrowded with people without any personal safety equipment, adrift with a broken-down engine and at imminent risk of sinking. The rescue team therefore proceeded to distribute life vests to each person on board.

During these initial assistance activities, however, a Libyan patrol boat arrived at high speed. It was the 658 'Fezzan', one of the Corrubia class, formerly assets of the Guardia di Finanza, donated by the Italian government to the Libyan militia in Tripoli in 2018. The patrol boat already had several dozen people on deck presumably captured in previous interception operations at sea. The Libyan militiamen radioed the MJ and threatened to leave the boat. In the meantime, they began to perform dangerous maneuvers around the boat in distress. MJ replied by radio that, in compliance with the 1979 Hamburg SAR Convention, she was at that moment OSC (On-scene Coordinator) and was already proceeding to the rescue.

At this point the militiamen on deck brandished machine guns and began firing volleys into the air, causing panic among the people on the boat in distress and also among those on the patrol boat itself. The Libyan militiamen beat the people on board with whips and sticks, some threw themselves into the water and others were pushed out. Terrified by the scene, the people on board the fiberglass boat also threw themselves into the water. Within minutes there were dozens of people in the water. The crew of MJ RHIB Rescue Boat ABBA1 began the rescue of the castaways at sea. At this point the Libyan militiamen exploded several gunshots and machine-gun fire at MJ second RHIB Rescue Boat ABBA2, shots which fell in some cases less than a meter from the tubes. The Libyan patrol vessel did not respond to any admonition to respect the maritime law and to the repeated calls from MJ ship's command to cease its highly dangerous behavior.

MJ crew, keeping calm, managed to complete the recovery of all people visible in the water and their safe transfer aboard the MARE JONIO at 17:25, including more than ten who managed to gain their freedom by jumping into the water from the deck of the Libyan patrol vessel and others who escaped capture by the militia tender.

On board MJ ship, the crew gave first aid to the rescued people: all were terrified and in shock at what had happened, many with hypothermia, vomiting, in some cases from salt water ingested at sea, nausea, clear signs of torture suffered during their detention in Libya, abrasions and lacerated wounds from beatings suffered by some on board the Fezzan.

The people rescued on board MJ eventually turned out to be 56 (fifty-six), of which 45 (forty-five) came from the fiberglass boat linked to the case reported by ALARM PHONE (two people remained on board and were subsequently captured by Libyan militiamen) and 11 (eleven) managed to escape from the Libyan patrol vessel.

From the testimonies collected among the shipwrecked persons, it would appear that the so-called Libyan coast guard carried out, before arriving at the scene of our rescue, two operations of interception and capture, respectively, of approximately 85 and 15 persons from 2 other boats in distress that were in the area, all fleeing from Libya, for an estimated total of approximately one hundred persons. All 3 operations appear to have been guided from above by the aircraft of the Armed Forces of Malta, thus complicit in the deportation of these people.

"We are shocked by the level of violence meted out by the so-called Libyan coast guard. But at the same time proud to have saved at least 56 people from capture and deportation to the hell of Libya from which they were fleeing. We hold the Italian government and the European institutions directly responsible for what is happening at sea: the deadly collaboration with the Libyan militias must stop immediately. The ships of a European search and rescue mission must return to the sea and all the people trapped in Libya by Italian and European policies must be evacuated to Europe," concludes Laura Marmorale, president of Mediterranea Saving Humans.

A few days later, the hyper-active ambassador of Italy and the EU in Tripoli Nicola Orlando met with Commander of the so-called Libyan coast guard Admiral Reda Issa, with the aim of *"improving Libya's management of its borders"*, by *"building capacity and human rights-compliance."* *"Recalling recent episodes – declares Mr. Orlando – I emphasized the imperative of complying with international law, proportionality and human rights requirements in the conduct of SAR operations at sea."* According to the Italian and EU ambassador, Adm. Issa *"agreed and called for improved coordination with all actors to prevent incidents."*

In the same days, there was the important decision of the Court of Crotona that confirmed the illegitimacy of the administrative detention of HUMANITY 1, with a very strong motivation: the activities of the so-called Libyan coast guard cannot be considered rescue operations safeguarding human lives, but rather interventions to capture and push people back to Libya. Never before had an Italian court ruled with such clarity.

It is precisely for this reason that the motivations of the violent Libyan escalation, and the substantial political cover offered to them by the Italian government and the European institutions, cannot be underestimated and seem rather to be of a strategic nature: not only the brutality of militias that need to be "civilized" by their partners in the externalization of borders; not only the effects of a general climate of "war on humans" at sea. But also, and above all, the contention to assert a sort of "armed sovereignty" over international waters: the Libyan message, supported by the Italian government, is an attempt to take a further step in the dismantling of international law, as if to say "over these waters we rule," an attempt that must be challenged and stopped by every means available.

The desire for freedom of those who jumped into the water demands it!

30<sup>th</sup> April 2024

## From the SAR to the "law enforcement" logic

## How the "political level" has stifled human rights and the laws of the sea.

**Luca Casarini – Mediterranea Saving Humans**

An internal Italian Coast Guard email leaked few weeks ago to the press thanks to Marco Damilano's public TV broadcast "Il Cavallo e la Torre" (The Horse and the Tower), leaves no doubt as to how much in recent years "the political level," as it is written, has in fact prevented our sea from becoming safer for a certain type of human being. Yet the e-mail with which Capt. Gianluca D'Agostino, at time Head of IT MRCC Rome, in a missive directed to all departments on 27 June 2022, introduced the arguments, is very clear: *"following the inter-ministerial tables, some tactical dispositions for the GdF [Guardia di Finanza – Italian financial police] have been given by the political level, which in fact in part impose some reflections on our modus operandi."*

Captain D'Agostino's email drew the attention of his colleagues to make precise procedural modalities to be scrupulously adhered to, from decisions at the political level, stated in the following sentence: *"In view of this, as of the present date, the intervention activities of the Coast Guard's naval units, in the case of events connected with the migration phenomenon, must be developed in compliance with the following parameters."* And there follows three points of precise, dry operational indications. They confirm what was already known: between rescue and police control, i.e. so-called "law enforcement", the latter comes first. Within 12 miles, it is the Aeronaval Operations Department (ROAN) of the Guardia di Finanza that takes over the coordination of operations.

If a boat full of migrants moves on its own, it has to be escorted until inside the 12 miles, and then everything passes to the GdF. To be clear: only if it is full of migrant women, men and children. If they were tourists on a sailing boat, the Coast Guard would coordinate as always. That explicitly refers to *"events related to the migration phenomenon"*, which specifies when those procedures are to be applied. With the exception of migrants, for everything else in the world, the obligations and standard SAR procedures laid down in an inescapable and direct way by the Hamburg Convention apply: save, save and save again before anything else. No subordination by the Coast Guard to any political level or other force in the field.

But migrants, or rather (to stay with the dehumanizing language) the "migratory phenomenon", are treated differently. They have it on land, and also at sea. The 1979 Hamburg SAR Convention, with its imperative obligations, and the mission of the Italian Coast Guard, its history, its nature, in the face of the political demands of "migration management" must take a step backwards. In favor of what? The activity of policing, of control, of repulsion, of deportation, summarized since the early 2000s in official documents as "law enforcement activity." So, beyond any attempt at denial later made by the official Coast Guard spokesman, that email speaks only the truth, but in a less disguised manner than usual. The indecipherability inherent in bureaucratic language, which has always also been an effective "shield" to cover up vicious political choices, is rendered transparent, for once, by the very email of an operative.

One would think that Captain D'Agostino wanted to leave a trace, writing in plain language, of something, a sort of tumor, that threatens the root of non-negotiable principles and values, such as the protection of lives at sea. This long-serving officer, whether he was aware of it or not, should be thanked for that email. It is the real world, far more difficult and uncomfortable for a military man to show everyone: D'Agostino wrote what we all know by our own experience at sea, there was no need to tell us that "we misunderstood."

These directives from the "political level" are not new in 2022 but have a longer history behind them. If one reads, for example, materials such as the "Quaderno della Scuola di perfezionamento per le Forze di Polizia" (II/2020), an internal educational tool for the training of officers of the various Italian police forces, valuable in its own way, and in particular an interesting paper by Colonel Stefano Bastoni of the GdF, one can fully understand how the obligation to respect human rights and the necessity of police actions to counter migrants' arrivals have for at least twenty years been the testing ground not so much of a balance, but of the possible dissimulation of the objective predominance of the second aspect over the first.

The GdF Colonel describes well the process that in the course of these last two decades – during which the Central Mediterranean has become the largest mass grave on the planet – has built, step by step, government after government, the possibility, theoretically forbidden by both international and national law and by the Constitution, of doing "border surveillance" on the maritime boundaries. This is something different, as we read, from the activity of "border sniffers" exercised at the crossings by the land border police offices and prevails over search and rescue activities at sea, inside and outside the Italian SAR zone. Laws, directives, circulars, built at least since 30th July 2002, the predominance of police functions over everything else. It was on that date that Italian Law 189 was promulgated, which centralized every activity, including rescue operations, in the Ministry of the Interior. It is the Viminale, through the establishment of a centralized "control room" called the NCC (National Coordination Centre) and an integrated telecommunications system with all the corps, including the Coast Guard, which acts as tactical and strategic direction for "contrast of illegal immigration at sea." The NCC, a super operations center, "acquires and analyzes all the information on the scenario at sea received from all the commands involved, i.e. the Carabinieri, the Guardia di Finanza, the Navy, the Corpo delle Capitanerie di Porto - Coastguards." But even more significant is the passage where it is explained that this structure "ensures the strategic tactical link in the contrast activity at sea." Just imagine if there would be a similar structure, with air and naval means, that would bring everyone together "in the strategic tactical activity of preventing migrants from dying at sea for lack of rescue."

The police super central was formally established as NCC/ Eurosur – previously it was just "Central Directorate" – by decree, signed by the then Chief of Police General Director of Public Security, on 20th January 2012, and acquired its current name in 2015, in compliance with European Regulation No.1052 of 2013. To testify that everything, but really

everything, follows the European institutional line in the regulatory framework of Schengen/Dublin/Frontex and that all governments, one after the other, have conformed to it. All this dense web of decrees, later transformed into laws, circulars, regulations, procedural directions and so on and so forth, has only one purpose in reality: to justify what one could not.

Safeguarding life at sea cannot depend on the status of the persons in danger. And instead, precisely by virtue of a change of status, from “shipwrecked people” to “illegal migrants” the Hamburg Convention on Sea Rescue and the Geneva Convention on the Prohibition of Refoulement for Refugees and Asylum Seekers have been stifled in recent years by the police logic. Returning to D'Agostino's “scandalous” email, if one continues to read, the operational rules “imparted by the political level” are nothing more than a reminder, which becomes more or less pressing depending on the moment, of a veritable “handbook” built up over time and designed to obviate the impediments posed by the democratic Constitutions. The moments in which we access this bureaucratic paraphernalia, which allows us to do legally what in theory would not be legal, change depending on the case: an increase in the flow of people attempting to arrive on our shores, or an impending election, or a government in office with an identity flag of opposing migrants.

Using the term “clandestine immigrants” is ridiculous, not only in itself, but also if we remember that those people did not even have another way to enter Italian or EU borders, because they were killed first, at sea, or deported, through the use of militias paid for this purpose. Looking back over these two decades, therefore, one has a clear picture of a real “bureaucratic-administrative infrastructure” that has made it possible for the violation of human rights and the laws of the sea to reach this point, which then has the coordinates of Cutro and of all the avoidable massacres that instead continue.

An infrastructure that has been seeded by the “political level” as D'Agostino says in the incriminated email, and which the political level has then made grow, and which it uses to varying degrees, against innocent people.

## It makes a difference!

### A Diary of Rescue Coordination by Civil Actors in the Central Mediterranean Sea

The following section provides an overview of the level and impact of rescue coordination by civil actors in the Central Mediterranean Sea, using brief reports and X extracts.

#### March 2024

**March 2** **Humanity 1** rescues 77 people from three boats spotted by **Seabird**. During the rescue, the Libyan CG violently intervened, firing live ammunition into the water near people, some of whom jumped into the water, and threatening the crew of the **Humanity 1**. One person tragically drowned, while several others were forcefully taken into the Libyan CG patrol boat and pulled back(1).

**March 3** **Sea-Watch 5** rescues 70 people in two separate operations. 4-meter waves prevent SW5 from going to POS Reggio Calabria, which seeks shelter in LMP instead.

**March 4** After disembarking the 77 survivors, **Humanity 1** is detained by Italian authorities.

**March 7** **Geo Barents** rescues 261 people from two very overcrowded wooden boats. **Sea-Eye 4** rescues 84 people who had first contacted **AlarmPhone**. During the rescue, crew reported once again that the Libyan CG had aggressively intervened, endangering the rescue operation.

**March 8** **AlarmPhone** is contacted by around 50 people in distress in the Maltese SAR. **Sea-Eye 4** responds to help stabilize, while the rescue is finished by Italian CG. A few hours later, AlarmPhone alerts another case, which Sea-Eye 4 is able to locate, bringing an additional 61 people on board and continuing to Ancona.

**March 9** **Sea-Watch 5** is detained for 20 days. Italian authorities cite refusal to cooperate with Libyan authorities during the March 3 rescue as the reason for the detention. Meanwhile, Italian, Maltese and Tunisian authorities had refused to comply with the medical evacuation of a 17-year-old boy, leading to his death (2). After responding to a Frontex mayday relay, **Life Support** finds around 40 people stranded on a Tunisian gas platform in Maltese SAR. MISKAR, operator of the platform, denied Life Support the ability to conduct the rescue, requiring that the survivors be transferred to the Tunisian CG. Life Support refused and despite attempts to coordinate with MISKAR, the Maltese and the Italian authorities, was unable to complete the rescue operation. The fate of the survivors is unknown.

- March 11** After an **AlarmPhone** alert, **Life Support** rescues 52 people from a wooden boat in the Libyan SAR zone. **Sea-Eye 4** is detained by Italian authorities for 60 days under the Piantedosi Decree. This marks the third vessel under detention in a little more than a week **(3)**.
- March 13** **Ocean Viking** rescues the 25 remaining survivors of a group lost at sea for a week. The boat departed Libya with around 75 onboard and initially contacted **AlarmPhone**, which then lost contact with the group. 5 days after the initial alert, OV spots the rubber boat via binoculars **(4)**. **Trotamar III** finds and stabilizes a group of 100 people with life jackets, who are then taken aboard the **Ocean Viking**.
- March 14** **AlarmPhone** receives a call from a group of 56 people in distress in the Maltese SAR zone. **Trotamar III** responds and helps to stabilize the situation before the rescue is completed by Italian authorities. **Ocean Viking** rescues 135 people in Maltese SAR from an overcrowded, double-decker boat. Ancona is assigned as POS.
- March 16** **Geo Barents** rescues 171 people from 2 separate boats. During one rescue, while **Seabird** is monitoring, the Libyan CG attempted to intervene by performing dangerous maneuvers near one of GB's RHIBs. Thankfully the rescue operation could be carried out successfully and all survivors brought safely aboard **(5)**. **Geo Barents** rescues 75 people in a difficult operation during which 45 people fell overboard as GB arrived. The group had initially reached out to **AlarmPhone**. **Life Support** responds to an **AlarmPhone** alert and rescues 71 people from an overcrowded wooden boat. Distant port of Ravenna is assigned as POS.
- March 18** Detention lifted from **Humanity 1** by civil court in Crotone, citing “apparent injustice of the measure issued.”
- March 20** **Geo Barents** is placed in 20-day administrative detention for failing to comply with the Libyan CG during a rescue on March 16.
- March 22** **Mare\*Go** assists a group of 110 people that had initially contacted **AlarmPhone**.
- March 23** **Mare Jonio** performs two rescue operations with the help of **AlarmPhone** and **Seabird**. The first is of 55 people from an overcrowded wooden boat followed by another 59 from an iron boat.
- March 28** **Trotamar III** responds to a distress case and rescues 31 people from the water near a capsized metal boat. The Italian retrieve an additional 11 people, but tragically 3 remain missing **(6)**. **Sea-Watch 5**'s detention is suspended by Italian court in Ragusa.

## April 2024

- April 4** While **Mare Jonio** is conducting a rescue of a case alerted by **AlarmPhone** the Libyan Coast Guard violently intervenes, maneuvering recklessly near the operation, firing shots first into the air, then near one of MJ's RHIBs. 56 people were rescued, many of whom had jumped into the water to try and escape the Libyan Coast Guard **(1)**.
- April 6** **Mare Jonio** is placed in administrative detention and given a fine of 10,000 euro for violating the Piantedosi decree.
- April 7** **Ocean Viking** rescues 55 people from a wooden boat in the Libyan SAR. They had initially reached out to **AlarmPhone** **(2)**.
- April 19** Detention of **Humanity 1** is lifted, the court having found that rescue operations were conducted in accordance with the applicable law.
- April 20** Brindisi court lifts detention of **Ocean Viking**.
- April 26** **Sea Watch 5** rescues 47 people from an unstable dinghy. **AlarmPhone** provided the initial alert **(3)**.

# Comment

## The phenomenon of run-away-boats and the demand for safe(r) passages

*Central Mediterranean group of Alarm Phone*

For several months now, the subject of so-called “run-away-boats” has animated the world of sea rescue NGOs and beyond. These boats, which carry migrants trying to escape Libya, have characteristics that make them particularly controversial: often of relatively good quality (e.g. fiberglass-boats with several engines), they approach civil rescue ships then, once the rescue is over, the driver goes back to Libya. In recent months, there has been a growing number of cases of migrant boats approaching sea rescue NGOs in this way. SOS Méditerranée reported this new challenge on its website at the end of January 2024: “...after evacuating 33 people from an unseaworthy, overcrowded boat in distress, the last remaining person onboard the makeshift boat suddenly started the engine and left the scene...”.

### New pretext for denunciation and criminalisation?

Having the survivors handed out and the boat then leaving might put those involved in solidarity at sea in an awkward position. Although there is obviously no coordination between these “run-away boats” and the rescue ships, the fear of being associated, in the imagination, with a network of smugglers affects crews. And rightly so: for several years, it has been the policy of European governments to criminalize the civilian fleet by accusing them of colluding with the scarecrow figure that is the smuggler? Right wing newspapers in Italy have already started to publish about the new phenomenon, picking and warming up the old, false rumor of sea rescue as taxi service for smugglers.

### The probable logic behind the “run-away-boats”

It is not so difficult to assume the background of this new method. People on the move, who try to escape and depart from Libya in hopes of reaching Italy or Malta are confronted with a highly armed EU-Libyan pull- and push-back regime: surveillance by Frontex drones and airplanes spot the boats, complicity with Libyan militias in communication and coordination, and, last but not least, more modern patrol boats delivered by Italian government and backed by EU. Since last year it has become even more difficult for boats to get through the interception-net of the so-called Libyan coastguards. The modern equipment enables them to intercept many boats even at night. Such well-equipped run-away-boats are a logical response of smugglers to counter an increasing interception-rate.

Very often during the last years we could follow a kind of race between NGO-ships and the so-called Libyan Coastguards to reach first the overloaded boats in distress, already drifting or still moving. If Libyan forces reached them first or if they arrived on scene, when the rescue operation by NGOs had already started, they would act with brutal violence against the people on the move and sometimes also with threats and shootings against the civil fleet. People on the boats are at risk to be rammed, to be beaten and mistreated and to be sent back into hellish camps and detention centers in Libya. It is then not a surprise that people on the move try to rely on quicker embarkations to avoid a refolement to Libya.

### No Frontex, no smugglers!

The civil fleet shares the common demand of safe passage. Sea crossings are not only dangerous because of weather and waves, but additionally through the operations by so-called Libyan coastguards. The militias – paid, equipped and kept informed by the EU and Frontex – are the true reason for the permanent human rights violations at sea. To repeat it: no Frontex, no smugglers. No violent EU border regime, no market for business.

For example, let’s remember the summer of migration in 2015 in the Balkan Route: the smuggling market collapsed as soon as people on the move could travel with buses and trains. Or refugees from Ukraine in 2022: no smuggling networks appeared as Ukrainian refugees were free to move and even free to choose where they wanted to live.

Safe passage is not a utopia, it is simply a political decision. We understand that tomorrow all the smuggling and even the death at sea could become history if the border and visa regime were to be abolished and all people given freedom of movement.

### Quicker means safer passages



It is not the civil fleet's intention to be involved in a race with militias to reach a boat in distress first. It is not the choice of people on the move – searching for protection and a safe place – to be pushed back by so-called Libyan coastguards and to be detained again in inhumane camps. Many people, who finally reached Europe, were sometimes three, five times (or more) the victims of the pull- and push-back regime at sea. How can we condemn new methods of smugglers to create quicker and thus safer passages for the people on the move against this background? We know that governments – and not only the Italian one – will try to exploit the consequences of an unbearable situation, which they deliberately have created as an element of their own deterrence policy.

An escalated push- and pull-back regime is and remains an ongoing illegal practice: it is an injustice against the right to escape and to move. Based on this assumption there is no reason to be defensive or to be afraid of another possible attempt of criminalization through the phenomenon of run-away-boats. We know from the last ten years of civil sea rescue, that governments anyway continuously try to invent and to test new options to block rescue ships.

## Forced to disappear

Research and Identification between sea and shore: the Mem.Med experience

From the sea to Italy

*Interview by Filippo Furri with Silvia Di Meo (Mem.Med)*

**1. For more than 10 years now, the issue of research for families of missing persons in migration and identification procedures has been the subject of discussion. In Italy it was thought, after the 2013 and 2015 shipwrecks, that it was possible to standardize practices and organize a centralized device capable of managing requests from families and accompanying them. The Cutro case has shown us the opposite. Can you tell us how the system “should work” or could work, and what actually happens?**

Ten years later, despite the succession of deaths and disappearances in the Mediterranean, the absence of standardized procedures and coordination between the actors involved prevents the implementation of effective search and identification procedures for border victims. In Italy, the Cutro case (February 2023) has shown what we also experience in cases of so-called “minor shipwrecks,” lethal events – which silently and periodically occur in the Mediterranean with almost no media and political attention – in which dozens of people lose their lives: the right to identity and the right to know for families are systematically denied. We also witness that families are more and more demanding of truth and justice about these massacres, appealing to several international and governmental institutions who mostly ignore their demands. Mem.Med was created precisely to respond to these appeals, supporting families and communities in accessing truth and justice through legal, logistical and psychological support.

On the subject of missing migrants, many issues are mishandled: the search for missing persons, identification procedures (collection of DNA and ante- and post-mortem data), information provided to family members, repatriation of bodies to countries of origin and the related costs, reconstruction of events and access to justice.

Often these requests are not even considered if there are no requests from family members or civil society associations. Others are handled by different actors without any kind of coordination, with decisions taken almost extemporaneously from time to time without family members and survivors being informed or fully involved in the process, fueling a great sense of distrust and despondency.

Everything moves with great variability and depends on the competent authority that intervenes, the type of procedure for that specific case, and the regional and provincial practices of the territory where the shipwreck occurred.

For example, we have found that in Sicily some Public Prosecutor's Offices require that a biological sample be taken from the body when the cause of death is ascertained, but not all Public Prosecutors' Offices work in this way. And in any case, this practice does not imply the immediate activation of an identification procedure, even when families – by turning to local associations – report the disappearance of their loved ones and request the identification of a body. Bodies are buried within a short time, often even when families have claimed ownership of the body, as happened recently in the case of Marinella di Selinunte (October 2023) where six young Tunisians lost their lives. This issue – combined with the absence of a single database through which to store all the information on the victims and their families – hinders the posthumous identification of bodies and condemns thousands of people to oblivion, who remain nameless.

The tasks to be performed would be simple. The coroner would be required to compile a post-mortem form containing all the information about the body, special marks found, personal effects, and clothing. These forms should be uploaded onto public registers accessible to anyone so as to facilitate search operations. In Italy, there is already a national register of unidentified corpses set up by the Extraordinary Commissioner for Missing Persons, but for this tool to be really effective, the communication of post-mortem files to the Commissioner by all the forensic doctors in charge of ascertaining the cause of death must be compulsory. In addition, DNA samples from unnamed bodies and also from family members looking for missing persons should always be collected so that comparisons can be made at any time.

At the national level, there is also the national DNA database, which is supposed to collect DNA profiles of missing persons or their relatives, of unidentified corpses and cadaveric remains, and to compare DNA profiles for identification purposes. But it is not known how this institution operates and how many comparisons are made.

It would be important to have a synergy between the public prosecutor's offices, whose task it is to ascertain the cause of death in order to assess the possible existence of crimes, and the national DNA database, in order to improve procedures and provide more effective answers, overcoming the obstacles created by the legal vacuum. It would mean to establish that, when the cause of death is unclear, the forensic scientist collects the DNA sample and transmits it to the national database for storage and subsequent, possible, comparison. Furthermore, memoranda of understanding with foreign authorities would be needed to facilitate the collection of missing person reports and biological samples also from abroad.

**2. The key points are always on the one hand the search for families, the difficulties they encounter especially when they are at a distance, and on the other hand the fact that identifications not being “standardized” everything remains at the discretion of the authorities, and it becomes difficult to give families instructions on what they should do. Direct, constant, case-by-case accompaniment is needed. Tell us about how Mem-Med is operating?**

The Mem.Med Memoria Mediterranea project was born on the occasion of the visit of a delegation of Tunisian mothers and sisters who, in October 2021, came to Sicily to search for their missing loved ones and denounce the migration policies that restrict freedom of movement, militarize the sea and cause the death of those who cross it. In the city of Palermo, Tunisian women drew up precise demands around which the newborn project sought to articulate a series of concrete actions, in dialogue with the experiences of a number of local and national activists and associations.

Born in 2021 and existing informally for some years, Mem.Med has three specific objectives.

The first activity concerns legal support in the search and identification of migrants who have died/missing at sea or in other border areas, by facilitating access to procedures useful for this purpose. It is the most complex activity, precisely because it responds to a systemic lack that has been ignored for decades: the absence of a single and effective search and identification system – at national and international level – for people who have died in border areas. For families, the non-recognition of the loss by states has resulted in a lack of information, answers, and legitimacy.

The right to know and access to justice are not guaranteed and the families' struggle is therefore first and foremost a struggle for truth and justice.

On behalf of the families, our team – consisting of lawyers, mediator, researcher and psychologists – initiates the search within detention facilities (hotspots, CPR [deportation centers], similar facilities) where people on the move often find themselves imprisoned; facilitates the activation of procedures to identify the bodies of persons who have died in border contexts (shipwrecks, violent deaths in detention facilities or border areas), also through the comparison of the DNA of the bodies with that of the relatives; when possible, mobilizes for the retrieval of files relating to investigations, causes of death, death certificates and all the documentation that serves to give evidence, testimony and value to these violent deaths.

Whenever possible, Mem.Med is also active in the procedures for repatriating bodies to their countries of origin, which for the families involves not only a long bureaucratic process but also enormous efforts from an economic point of view. This procedure is not implemented so frequently both for the above-mentioned reasons and because very often the bodies of missing persons are not recovered and remain at sea.

A second activity carried out by Mem.Med is psychosocial support to the families of migrants and the communities they belong to. Left for years without answers and without truth about the disappearance of their loved ones and friends, these people are confronted with the pain and anger caused by the non-recognition of their bereavement. In this sense, Mem.Med has developed community-based psychological support strategies with the aim of fostering collective paths of self-determination and emancipation for survivors, families, and communities.

The third activity, at the heart of the project, is the desire to build, together with the people who cross, survive or witness these Mediterranean border areas, a collective and active memory. To do this, Mem.Med monitors violence and violations on land and at sea, documenting and denouncing what happens to the people who challenge the borders and the mechanisms of confinement, detention and violence underlying them. As well as collecting stories, signs and experiences of those who fought the border and lost their lives: their absence, violently determined by the border regime, continues to be for us the driving force behind a collective presence that makes memory an instrument of public claim. From this, Mem.Med promotes advocacy and awareness-raising actions by supporting the claims of the families of the missing, migrants and their communities in their demands for truth and justice.

### **3. The cases of bodies recovered and landed in Italy have significantly decreased. What is this situation due to?**

Fortress Europe's policies are increasingly aggressive and repressive, due to agreements with countries like Libya and Tunisia, which carry out interceptions and pushbacks at sea, through their national Coast Guards and also because of the involvement of the European agency Frontex. Because of border externalization policies and the criminalisation of the activities of the NGO ships, many people silently disappear along the migration routes. Returned to the Libyan or Tunisian prisons or abandoned in the desert at the Libyan or Algerian border, these people are left to die at sea or on land without a trace.

For the independent and supportive actors who monitor these practices and especially for the families in search of their loved ones, it is becoming increasingly difficult to know with certainty the fate of people who dreamed of arriving in Europe and instead are turned away or left to die. We believe that so-called invisible shipwrecks and silent forced disappearances have increased, that many people attempting the crossing are left to die at sea without any recovery: boats without people on board are frequently found without any information provided by authorities. Some witnesses of this violence speak of long days spent at sea, lost in the Mediterranean, without orientation, other people die of starvation and end up at sea; even when activists alert about distress cases no rescue operations are carried out and people are left to die at sea. Some bodies return to our shores unrecognizable, others lie in the abyss and we irretrievably lose memory of them...

### **4. In your opinion, how could NGOs be more involved at sea? What synergies could be developed or strengthened, starting from what we have been trying to do in recent years?**

We are well aware that, although bodies are identified at sea during SAR operations, it is not automatic that rescuers from NGO vessels can proceed to their recovery, transport and/or storage on board, often due to the already extreme complexity of rescuing people who are still alive, as well as the lack of adequate equipment on board (such as cold rooms).

However, if this was possible, rescue ships could play a decisive role in the tracking and identification of bodies by following a series of simple procedures.

It would be important to always collect a series of data including photographs of the recovered body, physical description and special marks, clothing worn, personal items. In addition, it would be important to reconstruct any links with other rescued persons who could provide more details about the identity of the deceased. It would be relevant to record and document what kind of procedures are implemented when the body is disembarked and which authorities are involved in the management of the body.

If, at the time of disembarkation, national authorities would be designated to fulfill the duty of the custody and identification of the bodies, this does not always happen or is done in a way that is inaccessible to the families of the people involved or to the civil society actors that support them and monitor their practices.

In this sense, the exchange of information between ship crews and civil society actors supporting families locally, such as Mem.Med, is essential to facilitate their access to the search and identification procedures for their loved ones.

These solidarity connections on land and at sea can be extremely valuable - as in the recent case of the young Bangladeshi boy, Rahman Farazi, who died on the Sea Watch ship in March, after a rescue carried out by the NGO and later identified on land. Thanks to such joint work, Mem.Med and the other actors involved can make effective the accompaniment of families in their access to truth and justice, guaranteeing not only the possibility of restoring identity and memory to border victims but also of continuing to denounce the crimes that the European border system perpetuates with impunity.

**Mem.Med – Mediterranean Memory ETS** works to support families and communities in the search and identification of missing or deceased migrants in the Mediterranean Sea through legal and psychosocial support.

## Interview

### Moctar Dan Yaye, Alarme Phone Sahara (APS)

#### **1. In what context was the APS project launched? What are its main objectives?**

The APS project was initiated at a time when Niger became Europe's southernmost border. After the so-called migration crisis of 2015, the externalization of European borders spread to Africa, and it was in Niger that the EU decided to set up border controls to hinder northbound migratory movements, with the idea that migrants are potential candidates for crossing the Mediterranean.

As human rights defenders, we could not remain silent in the face of the walls being erected in the middle of Niger, obstructing the traditional ECOWAS area (Economic Community of West African States) which, since 1979, has guaranteed freedom of movement for its citizens. It was in this context that Alarme Phone Sahara was born, with three main objectives:

- documenting the various abuses and violations of the rights of people on the move, as well as deaths and disappearances in the desert
- raising national and international awareness about border externalisation policies in Niger
- rescuing people in distress in the Sahara desert. Inspired by Watch the Med Alarm Phone, APS has set up a free phone number so that people in distress can alert us

#### **2. What are the main routes across the Sahara? What are the main destinations for these people?**

here are two main routes across the Sahara: the Assamaka route to Algeria and the Kaouar route to Libya. However, these routes were used long before the European migration crisis. Before people started crossing the Mediterranean to Europe, these routes were used by Nigeriens who regularly travelled to the Maghreb countries.

This was also the case for other West Africans, who left for Libya or Algeria as part of a circular migration: people leave, work for a few months and then return to their country. For example, many go to Algeria for domestic work and come back. What is more recent are the people who take these routes with a view to crossing the Mediterranean.

#### **3. According to the IOM, crossing the desert is just as deadly, if not more so, than crossing the Mediterranean. What are your findings?**

Yes, it's not for nothing that we call the desert the open tomb for migrants. Since 2015, because of the obstacles to the mobility of people moving towards the North, the number of disappearances and deaths has drastically increased in the Sahara. I remember when we launched APS, at the time, these tragedies were completely unknown to the general public. But over the years, with the denunciations and documentation work, it has been recognized at an international level that the desert is as deadly as the sea.

It's difficult to estimate the number of deaths. Unlike the sea, the desert does not "vomit." It doesn't bring out its victims, but tends to swallow them up. When someone dies, it only takes 24 or 48 hours for the body to disappear under the sand. Also, the geographical location of the Sahara and the dangerous nature of the environment make it impossible to carry out advanced searches for missing persons. What is certain is that this is a very dangerous road, and every death is one too many.

#### **4. How does the APS network help people in distress in the desert?**

Unfortunately, our ability to organise help is limited. The first difficulty is locating the person in distress. There is a toll-free number that people can call, but telephone coverage is limited. We also rely on "whistle-blowers," people who know the desert and the various villages well and who travel the roads on their daily journeys. These people try to organize first aid. For example, in the event of a car breakdown they point out places where people can refuel. Depending on the situation, a mission by car can also be sent out to look for people. We also alert the local authorities so that they too can organize rescue operations. Situations are always very diverse, and there are 1,000 ways of responding to a case of distress.

## **5. What responsibility do European states bear for the dramatic situation in which migrants trying to cross the desert find themselves?**

The responsibility of the European states is clear. The European Union is using its influence on the countries of the South, which are poor or less powerful countries such as Niger, to force them to act as border guards and to put in place measures that endanger the lives of people crossing the desert. The EU is convinced that all those who cross the desert are candidates for immigration to Europe and that everything must be done to block them or prevent them from crossing the desert.

Niger has been one of the main targets of the European Union's externalization policies since the Valletta Summit in 2015. Since then, colossal sums have been paid to the Niger authorities to play this role of Europe's policeman. We must not forget the responsibility of the local authorities who are complicit in these European policies, even if it is true that there is a balance of power that does not always allow the countries of the South to refuse this "cooperation." As we know, Europe makes development aid and humanitarian aid conditional on the introduction of policies to control mobility.

## **6. Has the coup d'état changed the situation of migrants in Niger?**

Since 26 July 2023, we have been living in a new era in Niger, with the arrival of the military in power following the coup d'état. The situation has also changed for migrants. On 27 November 2023, just a few months after coming to power, the military took the decision to repeal law 2015-36, the law that we had decried and denounced in front of the ECOWAS court! This law, which hindered people's mobility and criminalized transporters, was put in place in Niger with the technical and financial support of the EU, to the detriment of the national interest and the lives of migrants.

The repeal of the law has changed the situation of migrants by giving them the opportunity to continue their journey northwards once they arrive in Niger. That said, the passage remains difficult and we must continue to fight to ensure that the right to mobility is respected for all.

## **7. You are closely monitoring the situation on the border between Algeria and Niger. Can you tell us more about what is happening at this border and the role of APS?**

At this border, people are expelled by the Algerian authorities in the middle of the desert, at what is known as "point zero," some fifteen kilometers from the first village in Niger that can be reached, named Assamaka. What we're trying to do is first document the number of people being turned back. We also have motorbike tricycles that enable us to patrol between ground zero and the village to rescue people who are unable to walk. They are often women, the elderly, children, or sick people. We transport them to Assamaka where they can access healthcare. We also support the re-establishment of family links by providing an internet connection and a telephone in our small office.

## **8. For several months now, the Tunisian authorities have been stepping up expulsions of migrants at the borders with Algeria and Libya. Could it be said that Tunisia is in some way copying the Algerian model?**

Yes, among the people who are turned back at the Algerian border, we often find people who say they were previously expelled from Tunisia. And indeed, the Tunisian authorities have stepped up their expulsions of migrants at the borders with Algeria and Libya. However, I wouldn't say that they are copying the Algerian model, but rather that they are implementing their own model and their own war on migrants and black people. The situation is different in Morocco, Algeria and Libya. Each country wages war on migrants in its own way, according to its own objectives and interests.

## **9. How do you see freedom of movement in the Sahel region developing over the next ten years?**

The future of freedom of movement depends on many factors. Over and above migration policies, there is the question of insecurity in the Sahel. The situation is highly volatile and it is very difficult to know what the next ten years will look like. Given that certain states have recently withdrawn from the Sahel region, everything has to be remodeled and reinvented. For the time being, the political and social situation in the Sahel region remains very complex. However, I am an optimist, and I am convinced that it is hope that keeps us going and enables us to continue the fight. As defenders of the right to freedom of movement, we will continue to fight to ensure that this fundamental right is enjoyed by everyone in the Sahel region.

**Thanks Moctar for this interview!**

APS Website: <https://alarmephonesahara.info>

# Report

## Inside Egypt's secret scheme to detain and deport thousands of Sudanese refugees

*An investigation by Sara Creta and Nour Khalil prepared and published in collaboration between the Refugees Platform in Egypt (RPE) & The New Humanitarian (25 April, 2024)*

“Thousands of Sudanese refugees who escaped to neighbouring Egypt have been detained by Egyptian authorities in a network of secret military bases, and then deported back to their war-torn country often without the chance to claim asylum, an investigation by The New Humanitarian and the Refugees Platform in Egypt has found.

The pushbacks uncovered by reporters contravene refugee conventions that Egypt has ratified, and are being carried out as the EU has pledged billions of dollars to Cairo in exchange for the government curtailing migration to Europe, a deal that critics say could make European countries complicit in the abuses taking place.

The pushbacks are also being enforced amid a worsening of the year-long war between the Sudanese army and its former ally, the powerful paramilitary Rapid Support Forces (RSF). The fighting is expanding into new parts of the country, leaving tens of thousands of people dead, and triggering warnings of a looming famine.

### Egyptian abuses against Sudanese refugees

- **Egyptian authorities are conducting mass deportations of Sudanese refugees fleeing a war zone and one of the world's worst humanitarian emergencies.**
- **Children, elderly people, and refugees who suffered serious injuries during their journeys into Egypt are among those deported.**
- **Some refugees said they had been shot at by Egyptian border guards and that their smugglers had been tortured.**
- **Refugees detained in military-controlled areas are being rapidly deported by border guard forces without any legal process. Other refugees are being arrested and accused of spurious offences, including smuggling.**
- **Refugees are being kept in a network of secret military bases that lawyers said have no legal mandate to detain people.**
- **Refugees said they face dire humanitarian conditions inside the military bases, and have no access to lawyers or UNHCR workers.”**

Read the full report: <https://rpegy.org/en/editions/exclusive-inside-egypts-secret-scheme-to-detain-and-deport-thousands-of-sudanese-refugees/>

## Amplifying voices

Human Rights Defenders Award for El Hiblu 3

Thank you, Abdalla, Amara and Kader!

***By El Hiblu 3 coalition***

On the 13th of April 2024, the Coalition for the El Hiblu 3 presented Abdalla Bari, Amara Kromah, and Abdul Kader with the Human Rights Defenders Award in Valletta, Malta. The three, known as the El Hiblu 3, received this award for the bravery and solidarity they showed when facing the threat of a pushback to Libya in 2019.

Before an audience of a hundred invited guests at the University of Malta, ten representatives of Maltese and international human rights organizations gave short speeches in which they celebrated the El Hiblu 3 and highlighted why their actions were so important.

***A composite photo showing a satellite image of a military camp where refugees are being detained, and a smuggling vehicle (obtained from social media but with credit removed for security reasons) used by refugees crossing the desert (RPE)***

***The next hearing will be on Thursday, 30 May 2024, at 9:00am in the courtroom in Valletta. The judge has to decide about the main argument by the lawyers, that all the accused offenses took place outside of the territorial waters of Malta and thus happened outside Maltese jurisdiction. We invite you to join us for the hearing in support of Amara and Abdalla!***

In her speech, Katrine Camilleri, Lawyer and Director of JRS Malta noted that “were it not for the actions of individuals like Amara, Abdalla, and Kader, human rights law would be worth little more than the paper it is written on.” Sharing his own personal experiences of surviving the horrible reality in Libya, David Yambio from Refugees in Libya called on the Maltese authorities to demonstrate respect for human rights by immediately ending their political trial.

Karl Kopp of Pro Asyl Germany pointed to the case of the Asso 28, where in Italy, a captain of a merchant vessel was convicted for his role in handing refugees over to the Libyan coastguard. The court established that this constituted a crime. Kopp called on Malta to not only end this legal farce but also requested compensation for the suffering they had to endure over the past five years.

The award ceremony was accompanied by music of Nick Morales and Dario Vella of the band ManaTapu and poetry by Gabriel Schembri. In his poem, he wrote:

*The bill of indictment is out.  
They face a life locked up.  
Oh how I wish the state shows some compassion,  
and stops going after the small and distraught.  
Attorney General,  
In your hands is the life of the three.  
Go now, drop the charges.  
And set our friends free.*

Translation and Excerpt of “Il-Ballata tal-El Hiblu Tlieta”

At the end of the ceremony, Marie-Louise Coleiro Preca, the former President of Malta, handed the awards to Amara and Abdalla and apologized to them, stating, “I should have done more...Thank you, Abdalla, Amara and Kader for being such a huge inspiration. For your resilience, your bravery, your courage. I, we, will stand by you, until justice prevails and you are free. This is what I promise. I will be there.”

The ceremony was concluded by Amara: “I am profoundly honored and humbled to accept the Human Rights Defender Award. First and foremost, I extend my heartfelt gratitude to the organizers of this prestigious event for recognizing the importance of championing human rights, especially in a world where such values are often under threat. I also want to express my gratitude to all who have supported me during these difficult moments of my life. This award is not just a recognition of our efforts but also a testament to our collective commitment toward a more just and equitable society.”

Amara ended his speech by noting: “I accept this award not only on my behalf but also on behalf of all those who continue to fight for human rights around the world courageously. Let us seize this moment as a reminder of the power of collective action and the possibility of a brighter future for generations to come.”

Contact: <https://twitter.com/FreeTheEH3>

Wednesday, April 10th - Favaloro Pier at 9 p.m. - shipwreck, 22 survivors, 9 bodies and 15 missing.

### ***Testimony from a Maldusa activist***

That evening, in many parts of the world Eid, the end of Ramadan, was being celebrated. Even in Lampedusa, among those who are not Muslims, there was a sense of celebration and carefreeness. Meanwhile, the island was starting to wake up from its winter slumber, with the last songs of the Sanremo festival resonating from all the bars and restaurants, spreading to every corner of the island.

A message arrives: at 8:30 p.m., disembarkation at the Pier, there's a shipwreck, there is also the body of a little girl.

Another arrival, another shipwreck.

In the previous days, I had never been able to attend any arrival, so although my plans were to celebrate Eid, I offered my availability and quickly got ready to go to the Pier. As actors of the civil society present at the Dock during disembarkations, we met there in front of the gates, at the beginning of the military area. For none of us was the first landing nor even the first shipwreck. With a sort of naive protective lightness, we approached the landing point. We saw the lights of the patrol boat of the Italian Coast Guard still far away in the darkness of the sky merging with that of the sea. These lights contrasted with those of the mainland, coming from the houses of the village or from Via Roma, the main street of the island, from which only distant echoes of sounds and voices could be heard.

As the patrol boat got closer and closer, we began to see ambulances arriving. Not one as usual, but at least two or three that stopped at the beginning of the pier. The air started to weigh heavily, people with worried faces running around and exchanging quick communications. We understood that the situation was different and the tension rose.

The Italian Coast Guard patrol boat approached the Pier and began to moor. Usually, we cannot get close to the disembarkation area, so with our necks stretched out, we remained distant, ready with glasses of hot tea and rescue blankets in our hands. As always, all the authorities were present, each in their own uniforms: State Police, Frontex, Red Cross, UNHCR (United Nations High Commissioner for Refugees), and EUAA (European Union Agency for Asylum). In addition to the medical staff from Usmaf (Maritime, air and border health offices) and ASP (provincial health company) of Palermo.

They asked us for thermal blankets and some of us walked over to that part of the pier, right next to the now moored patrol boat. My memories at this point are a bit blurry. I remember people running with battered stretchers toward that area, usually inaccessible to us, as if another imaginary but tangible border had been created, inserted within a place, the Pier of Lampedusa, deliberately marginalized and invisibilized.

The disembarked people did not arrive, the usual orderly queues were not formed, as it happens with every arrival. Our companions didn't return to us, so we decided to approach.

Among the glaring lights of the patrol boat, on one side, I saw people trying to lift the only stretcher with wheels. Lying on it, a man was seized by convulsions, his body moving uncontrollably without them being able to hold him still to run toward the ambulances. Beyond some Red Cross workers, an expanse of bodies appeared. Bodies on the ground, motionless, wrapped in gray fleece blankets and rescue blankets.

There was disorganization, astonished people, authorities immobilized in front of this terrible scene, and people trying to do something. I got closer to a heap of blankets, the faces of these people were barely visible. Many of them laid there, abandoned to themselves. The ground medic told me: "We need to make sure they stay with us, shake the bodies, try to create warmth and make sure they keep their eyes open". Time stood still, the emotional part of the brain stopped functioning, and the practical one kicked in.

I approached a pile of blankets and saw that there was a body underneath, cold and immobile. I uncovered his face and began to talk to him. His gaze was completely absent. He looked at me but it was as if he didn't see me, didn't see anything. He didn't speak and didn't move. I started doing as the doctor said while communicating to him that we were here, we were together and "s'il vous plaît, mon ami, les yeux ouverts." (please, my friend, your eyes open). From the blankets, I felt the chill coming from his body, completely wet and with soaked clothes smelling of gasoline. He couldn't, his eyes kept closing and at one point they rolled backwards.

At that moment, two people arrived with a wheelchair. The goal was to take all these defenseless people to the medical station recently set up on the other side of the pier. It was warm there, with heating, and people could shelter from the strong wind of that evening and the cold of the night.

With extreme effort and the help of others, after a couple of attempts, we managed to lift the heavy and exhausted body of this person and put him on the wheelchair. He was really young. His feet kept slipping to the ground and his body kept falling to one side. Two of us began pushing the wheelchair. The floor of the Favalaro Pier is full of holes to avoid and cables to provide electricity to the moored Guardia di Finanza boats, so it was necessary to lift the wheelchair to prevent it from tipping over.

We reached the small station room, in a hurry to bring him to an enclosed place as soon as possible, but with the slowness due to his situation and the precarious condition of the pier. Inside the room, there was a guy left alone sitting on the bench, with his torso and head forward. He was in a semi-conscious state, but at one point, he whispered "eau" (water). The person I was with rushed to the beginning of the pier to get a bottle of water. They were all in a state of dehydration.

Meanwhile, it was necessary to move the guy from the wheelchair to the bench. There were only two wheelchairs available, so it was necessary to free it as soon as possible to transport other people.

It was all surreal and this situation is unacceptable.

Even if I don't have any medical competence, I remained alone with the two guys, lying on themselves. In the meantime, I understood that some people were being transported by an ambulance to the Territorial Emergency Point (PTE), or outpatient clinic, managed by the ASP of Palermo. There is no real hospital in Lampedusa, but these people, who in total will be six, were in an even more critical condition than all the others lying on the ground.



This running from one side of the pier to the other was a dynamic repeated several times over the following hours. Unconscious bodies, agonizing bodies, also carried by weight by the people there. In addition to the one stretcher with wheels, there were two more that had to be raised and carried by weight. In the chaos of disorganization, amidst shouts and races against time, scenes appear in my memories where the wheelchairs almost tip forward because of the electrical cables or holes in the floor, people bustling around like crazed pawns trying to cope with an undefeatable situation, physical efforts in an attempt to move these heavy bodies.

My will was not to stop, I felt that in the moment I did, a sense of despair and absolute powerlessness would overwhelm me. Sitting next to these bodies, sometimes I looked around, and for a handful of seconds, any noise disappeared, without me being able to conceive what was happening.

Despondency turned into anger the moment these raw images, reappearing in my mind, were rationally inserted into the broader picture of which they are part of.

That same evening, from behind the central body of the moored patrol boat, a voice was suddenly heard addressing those on land: "Could someone help me? Among these bodies, maybe there is someone still alive." Later, reconstructing the facts, it was discovered that, during the journey of the patrol boat CP308 towards the shores of Lampedusa, seven people rescued from the sea had died of hypothermia. All were very young guys and a six-year-old girl who died of drowning.

Among the lifeless bodies, there were a few conscious people in a clear state of shock and hypothermia.

In the face of such a rough scenario that even many professionals are now "accustomed" to the banality of evil at the Lampedusa's pier, the Frontex staff still intended to show their indifference towards the people they were dealing with, demonstrating how border control and surveillance can only turn into monstrous practices – albeit all too human. With a questionnaire in hand, an employee of the European Agency approached the few people who could barely stand on their own.

"Where did you depart from? How many of you? How much did you pay? How much fuel did you have on board? Who was driving the boat?"

The questions cut through the heavy air of the pier.

Such pre-investigative practices by Frontex personnel are routine but completely illegitimate. First and foremost, in terms of timing. Whether or not a monitoring officer is present, they interrogate people as soon as they disembark, without specifying what authority they represent and the reasons and purposes of the questions asked. They subject them to questioning at a moment of confusion and vulnerability like a disembarkation, even before they have received basic necessities and legal information about the Italian international protection system. In fact, gathering information about the crossing is outside any legal safeguards for those interrogated, even though the answers may serve as evidentiary proof and may be directly linked to subsequent police operations.

The search for scapegoats for the deadly policies for which European authorities are responsible, in this context, has proven even more aberrant and dehumanizing. Protests from some of us only elicited the robotic and arrogant response from the person in charge at the time, "What my colleague is doing is much more useful and important than anything the rest of you are doing on the pier."

Meanwhile, more and more people had reached the other side of the pier. Most of them were unable to speak and could not move their bodies independently.

Another surreal situation had arisen: the medical room was small, no more than 10 square meters, and all these people would not fit. That's why I was suggested to make a guy sit on the floor next to the entrance door, who, in addition to being hypothermic and in a visible state of shock, had burns on his legs. Inside the room, there were six people sitting on the floor or on the bench. In the middle of the room, there were four doctors focused on the body of a guy, probably in his twenties, who was not breathing. He was unconscious. They performed cardiopulmonary resuscitation maneuvers, but he did not respond. So they started with the defibrillator. They tried to resuscitate him for almost an hour, only to confirm his death afterward.

Meanwhile, on the bench, there were two women who had been stripped to wear the white overalls. They were shivering so much from the cold that they couldn't hold a glass of hot tea. One of them was asking anyone passing by where her daughter was, she didn't know where she was and wanted to find her. In this scenario, these two women started asking each other how many children they had and whether they knew where they were. The other woman said she had seen her daughter drowning, but didn't know anything about the other two.

That night no children arrived at the Favalaro Pier. There will be 9 coffins in the Lampedusa cemetery. All very young people, including a small white coffin of the 6-year-old girl.

More defenseless people kept arriving, but there was no more space in the medical room. So they were laid on the cold concrete in front of the room, waiting to be taken to the Red Cross bus with destination Hotspot.

22 survivors, 9 bodies and 15 missing.

Since Sunday evening, these people had been at sea, embarked on an iron boat and arrived at the Favalaro Pier on Wednesday evening. They had departed from Tunisia, near Sfax. They came from Mali, Burkina Faso, Guinea Conakry and the Ivory Coast.

A woman survived two shipwrecks during the same crossing. She was rescued at sea by the people on the iron boat before it sank too. She had been at sea for hours and was the sole survivor of her boat. Another 45 people are missing from the first boat.

What happened that evening was violence, the result of an institutional will that, with different nuances and dynamics, repeats itself every day for years. This lack of preparedness is the final equilibrium of a systemic operation intended to prioritize the construction of confinement spaces rather than implementing tools and infrastructure to provide a worthy and adequate response to the phenomenon of migration.

It is the political will to maintain the management of arrivals in Europe as an emergency.

It is unacceptable that these shipwrecks continue to occur, that surveillance tools are implemented to prevent people from reaching Europe, and yet, a boat like this one remains adrift for almost four days in Maltese search and rescue waters at the mercy of the waves and bad weather. Italian governments continue undeterred to strengthen collaborations and donate patrol boats to the so-called Coast Guards of North African coastal countries, which carry out continuous pullbacks and deportations while shipwrecks, more or less visible and caused by this militarization of the sea, continue to return lifeless bodies.

It is not an emergency. It is the choice of an emergency response by Italy and the European Union. After all these years of media and government narratives, of law enforcement implementation and militarization, we cannot continue to witness these massacres.

In a border management system where everything is confined to certain places and spaces, where everything is planned mechanically like an assembly line, it is essential to provide an adequate response to events like this. The Favalaro Pier is the first example of a long list of conscious neglect and intentional unpreparedness towards people who want to reach Europe. The insufficient presence of medical and psychological personnel, the inadequate structural condition of the pier, and the lack of tools and infrastructure are evidence of a clear underlying political choice.

Website - <https://www.maldusa.org/en/>

## Criminalisation

### Charges dropped against all defendants in iuventa trial!

*By iuventa crew*

After a seven-year odyssey, the longest, most expensive and most extensive criminal proceedings against sea rescue organizations falls. April 19, 2024: after two years of preliminary proceedings with over 40 hearings, the judge came to the conclusion that, "the facts do not constitute a crime."

In other words: everyone did what they were supposed to do: the IMRCC coordinated, IUVENTA rescued, VOS HESTIA and VOS PRUDENCE brought people to an Italian POS. Finito la Musica!

The authorities' attempt to interject "crimes" between the individual steps of our rescue operations, or even to presuppose a cross-organisational "conspiracy to commit criminal acts," failed.

Thanks to our exceptional legal team, we were able to meticulously reconstruct the events, leaving no room for speculation or spurious allegations. Conversely, the prosecutor's effort to build the case on flawed, if not manipulated, investigation files and completely unreliable witnesses failed.

**What remains**, after such a trial? Above all, the rage and sorrow surrounding the seizure of the IUVENTA. This was not only a paradigm shift that led to an even tougher crackdown on civilian sea rescue. It had dire and deadly consequences for the thousands of people on the move whose right to be rescued and access to a safe port were denied. We refuse to forgive or forget!

Indeed, the extensive investigation, which far exceeds the limits of reasonableness, if not legality, is now cast in a damning light. But it has been of great service to Fortress Europe for years. For almost all the protagonists of this operation, there are no consequences, only lucrative positions. This lack of accountability is unacceptable and falls far short of justice.

**Yes!** We are truly relieved by the outcome and the conclusion of the trial! The decision allows us to redirect our efforts towards addressing pressing issues!

We were deeply touched by the numerous heartfelt messages and expressions of solidarity that we received in recent days. Our sincere gratitude goes out to everyone who stood by our side! We are grateful that the dedication, passion, and immense effort of our wonderful comrades, who stood with us defendants throughout the trial, have borne some positive and hopefully beneficial results. Their contributions have been invaluable, and we appreciate their unwavering support. In addition to the huge amount of care work that is too often invisible and yet so fundamentally important, their knowledge and expertise have helped us to do things right.

**But!** We continue to share with all of you the rage and sorrow about the conditions and realities along the European borders! The trial against Homayoun Sabetara in Thessaloniki served as a stark reminder of these harsh truths, coming just three days after our own acquittal. Every time you look beyond your own (operational) horizons, the chilling reality of EUropean neo-fascism hits you. The authoritarian shaping of society, fueled by violence at the borders, continues to advance. It's hardly possible to celebrate these days anyway. Because the universal application of human rights for all, the inalienable right of every person to have rights - which unites us in our fights and forms the core of our sea rescue mission - is being shattered and bulldozed to an unbearable extent - from Gaza to Sudan to Rojava.

**But Yes!** And perhaps especially in such gruesome times of further and further shrinking spaces for solidarity – winning a little space can not only bring some hope, but also be sand in the gears. We therefore gladly join the line-up of legal successes of recent times – from Brindisi to Catania – with the conviction that we will not be the last, that we can build on the successes of others, that we can learn from each other, that we will not be intimidated despite the machinery of repression and that we can fight back!

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It is still too early for an adequate analysis of our trial. The reasoning for the verdict is still pending and the prosecutor could still appeal. However, a few points can already be made:

The story of the IUVENTA is the story of a moment in the political history of the border. And from a legal perspective, the 'Trapani file' is an important historical document for reconstructing the change in Italian migration policy that took place between 2016 and 2017, the effects of which continue to this day.

Along the history of IUVENTA, it is also possible to trace the years-long campaign of denunciation against the civil fleet and other solidarity networks with people on the move. It can be revealed that this campaign was fed by the investigating authorities and anti-mafia-prosecutors themselves, who wanted to show off their success story in the fight against "cross-border crime" by any means necessary. It can be shown how politicians of all shades shamelessly exploited this opportunity by fueling racist propaganda and seeing people risking and losing their lives at sea as necessary bargaining chips for their votes. And the sensationalist media also played its necessary part by hunting for spectacular images and supposed "true-crime stories," which were worth more to them than serious reporting, fact-checking and true-life-stories.

And the story of IUVENTA provides a concrete illustration of the concerted efforts by European state authorities to criminalize migration at large. One of the biggest challenges for us as defendants was to keep up with this! We were proficient at utilizing the class and cultural capital within our group. But we were often not adept enough at resisting the "bleeding heart" sentiments and "white savior" narratives routinely deployed by the mainstream media. The argument that "we saved lives" was scripted into our case and overshadowed the issue that had driven us to take action in the first place: supporting the political power and agency of people on the move – not to become complicit in negating it.

**But we have all learned something and things are moving in the right direction!** Thanks to the tireless work of groups like *borderline-europe* and *Porco Rosso*, *Maldusa*, *Human Rights Legal Project*, *Legal Centre Lesvos* and some others, who have built an incredibly valuable common ground over the past years! With their help, knowledge and expertise we have often been able to surpass the arguments that were deemed to be most palatable to the court and the public, and therefore most likely to lead to our acquittal. Their supportive and critical discussions always reminded us to never lose sight of the fact that many people on the move face conviction on the same charges.

Therefore, IUVENTA's story sheds light on the systemic challenges and injustices faced by migrating people and those who facilitate their movement. It underlines the need to abolish the European "Facilitators Package" and the national legislation for its implementation, which enable and promote the criminalisation of solidarity among and towards people on the move.

**What does it take** to move on in this direction? How to prevent the history of IUVENTA from repeating itself? How can we use the "win" in the IUVENTA trial to win (back) more spaces? What have we learned from the trial? What have "the others" learned from it? How do we "manage" and use the history of IUVENTA? ...and what do we do with the IUVENTA ship – this rusty and demolished beauty?

As you can see, we have more questions than answers ... the task of the coming weeks and months will be to explore this. Since we can't answer this alone, we invite you to share your ideas, thoughts and analysis, your memories, and experiences with us.

Contact: [iuventa@solidarity-at-sea.org](mailto:iuventa@solidarity-at-sea.org)

## Solidarity And Resistance!

## Mobilisations

### News and updates from the alliance with refugees in libya

**By RiL and ARiL**

During last few weeks, Refugees in Libya (RiL) and the supporting alliance (ARiL) became operational with its common project of a new hotline. Collective responsibility was formed with the goal of providing support to refugees and migrants who find themselves in precarious situations in Libya, and to document more systematically the human rights violations which people on the move are facing every day in Libya. More concrete: a daily shift plan with committed activists from various cities in Europe as well as the technical system with a WhatsApp number were created, while alarm plans were drafted including important information and contacts to be able to respond to requests.

Simultaneously the evacuation campaign for human rights defenders was further developed with meetings in municipalities, which are interested to join a transnational city alliance to receive and to welcome refugees from Libya. Another two-day event for the 31st of May and 1st of June 2024 is in preparation in Rome, while informal talks with more mayors and institutional actors in Italy, Spain and Germany have started.

During an antiracist conference in Frankfurt at the end of April 2024 the Mobile Exhibition from Refugees in Libya had its premiere. "Evacuate Human Rights Defender from Libya!" is the title of an impressive collage to amplify their voices and stories.

"They wanted to silence us. But [...] we do not want to be silent. We keep fighting and defending our rights and the rights of others until we will be in a safe place."

Three Human Rights Defenders from Refugees in Libya tell about their activism in one of the world's most dangerous countries: they describe the organization of the 100-day protests in Tripoli, the violent crackdown by EU-supported militias, the 18 months of imprisonment and forced labor, the violent repression and their resistance to it. They talk about hunger strikes, poisoning, loyalty, hidden documentation, mutual support and their current situation in Libya. They are united by their collective struggle for protection and freedom, but also by the severe reprisals they face for their human rights activism, which also seems to exclude them from current evacuation processes. This exposition is part of the Human Rights Defenders Evacuation campaign. It aims to contribute to the visibility of their legitimate human rights work and invites you to get involved.

The exhibition can be lent out for information events.

**Contacts:** [refugeesinlibya@gmail.com](mailto:refugeesinlibya@gmail.com) / [aril@riseup.net](mailto:aril@riseup.net)

**Fabrice Leggeri, former director of Frontex, prosecuted for complicity in crimes against humanity and torture**

**Press release, April 23** - The LDH (Ligue des droits de l'Homme) and Utopia 56 are pressing charges against Fabrice Leggeri, former director of Frontex and now candidate for the French Rassemblement National party (RN) in the European elections, for complicity in crimes against humanity and torture.

*"In recent years, the central Mediterranean has become the world's deadliest migration route, with nearly 16,272 migrants dead or missing between January 2015 and April 2022. All too often, these deaths are not the result of chance or accidents. They are, in part, crimes committed in the context of exactions perpetrated methodically and systematically in flagrant violation of maritime law, the Geneva Convention and the European Convention on Human Rights - whether by the incessant refoulement of the Hellenic authorities or the interception of boats by the Libyan coastguard. Homicide, intentional violence, deliberate endangerment, hindering the arrival of help, failure to provide assistance... These practices constitute crimes against humanity.*

*Now, it turns out that the European border and coast guard agency, known as Frontex, has played a key role in enabling these crimes to be committed, and has done so since Fabrice Leggeri was appointed executive director. Between January 1, 2015 and April 28, 2022, when Fabrice Leggeri had complete control over Frontex's decision-making power and was the only person within the agency to confer with member states, he radically and permanently changed his role within the European Union (EU), at the risk of becoming an active accomplice in crimes against humanity and crimes of torture committed by the Libyan and Greek authorities.*

*Under the impetus of this new director, the agency's missions have not only been expanded in leaps and bounds, but also distorted in the worst possible way: from a support and back-up role, the agency has gradually replaced member states in the management of their borders. To assert the agency's policing role, its director opted for a policy aimed at preventing migrants from entering the EU, whatever the cost - in human lives in particular -.*

*And while the EU has given Frontex the role of ensuring integrated European management of external borders, this mission should not be at the expense of respect for people's fundamental rights, let alone their lives, as has in fact been the case. According to several journalistic sources, Frontex's involvement can be traced back to nearly 222 dramatic incidents involving 8,355 people between March 2020 and September 2021, whether by failing to oppose the authorities concerned when it was its duty to do so, by concealing evidence of these crimes, or even sometimes by providing logistical and financial support to carry them out. For example, not only did the agency refuse to issue alerts when it was aware of boats in distress, but it also materially facilitated the interception of migrant boats by informing the Greek coastguard or financing, at the very least, an asset involved in an interception. It also deliberately concealed the seriousness of the incidents and the abuses committed by the Greek coastguard. Finally, it used its aerial surveillance to help Libyan forces intercept boats, rather than to rescue the people on board, despite the long-established fact that migrants in Libya are victims of murder, human trafficking, physical and sexual violence, arbitrary detention and torture.*

*Numerous messages and e-mails indicate that Fabrice Leggeri was aware of these criminal acts, and yet allowed them to continue. He had a duty to put a stop to these practices, but chose to shirk his obligations. In view of his recent statements announcing his candidacy as number three on the Rassemblement National (RN) list for the European elections, it appears that Fabrice Leggeri has misused his duties within Frontex to serve his personal opinions, in complete opposition to the missions entrusted to him, and to the detriment of the lives of thousands of people. In view of the charges brought against him, the LDH and Utopia 56 are concerned about the message and the danger that such a candidacy could represent for Europe.*

*Following the publication of the European Anti-Fraud Office (OLAF) investigation report on April 15, 2022, Fabrice Leggeri was forced to resign.*

*As a result, the LDH and Utopia 56 have decided to bring a civil action against Fabrice Leggeri for complicity in crimes against humanity and torture before the Paris judicial court. Through this action, our organizations are not only asking the courts to prosecute Mr. Leggeri, but also hope that it will lead to a radical change in practices within the Frontex agency."*

**Source:** <https://utopia56.org>

## 4.8 million euros to stop migrants from tunisia: italian civil society appeals!

**Press release, April 17** - ASGI, ARCI, ActionAid, Mediterranea Saving Humans, Circular Spaces and Le Carbet challenge the funding for the refitting and transfer to Tunisia of 6 patrol boats. The hearing at the Lazio Regional Administrative Court set for April 30.

PM Meloni's visit to Tunis today confirms the strengthening of bilateral relations between the two countries, despite the Tunisian government's repressive policy against migrants.

Over the past year, Italy has played a leading role in the negotiations for the signing of the Memorandum between the European Union and Tunisia and has largely financed policies to block migration. This morning's official visit of PM Meloni to Tunis is a confirmation of the strengthening of bilateral relations between the two countries, despite the authoritarian drift of the Tunisian government, which since February 2023 has pursued an openly racist and repressive policy against migrant people.

As part of this collaboration, in December 2023 the Italian Ministry of the Interior allocated 4,800,000 euros for the refurbishment and transfer of 6 patrol boats to the Tunisian Garde Nationale (G.N.), replicating a model already adopted in Libya. This funding has been challenged by ASGI, ARCI, ActionAid, Mediterranea Saving Humans, Circular Spaces, and Le Carbet, who have challenged it with a precautionary petition before the Lazio Regional Administrative Court. The hearing is set for next April 30.

Indeed, the plaintiff associations believe that the support to the Tunisian G.N. increases the risk of violation of fundamental rights and the obligation of "non-refoulement" of migrants and is illegitimate in several respects. In particular, the funding would violate national legislation prohibiting the funding and transfer of arms to third countries responsible for serious violations of international human rights conventions. The very transfer of the patrol boats is decreed without any involvement of the Ministry of Foreign Affairs and the Ministry of Defense and the multiple advisory and control bodies that play a key role in the complex procedural mechanisms of planning, verification and authorization established by l. 185/1990 with the purpose of monitoring the flow of movement of armament materials in and out of the EU.

In addition, the Tunisian G.N. was found to be responsible for documented human rights violations during violent interceptions at sea and after landing in Tunisia, a country that therefore cannot be considered a "safe country" by the parameters of the SAR convention. The abuses committed by Tunisian authorities against migrant persons are widely documented by various international organizations and the United Nations itself. Numerous testimonies and reports denounce the violent methods of intervention at sea by the Tunisian G.N.: dangerous maneuvers aimed at blocking boats that on some occasions have resulted in shipwrecks and even the death of migrant people, use of guns and sticks to threaten people on board, theft of boat engines that are then left adrift, and other extremely dangerous practices. On many occasions, people intercepted at sea and brought back ashore were directly and illegally deported to areas bordering Libya and Algeria, where dozens lost their lives after being abandoned in the desert.

It is thus apparent that the means provided to the Tunisian authorities are constantly being used in acts that blatantly violate the human rights of migrants at sea, rather than contributing to humanitarian initiatives. Therefore, the appeal - filed by a pool of lawyers composed of Luce Bonzano, Maria Teresa Brocchetto, Giulia Crescini, Giulia Vicini, Carmela Maria Cordaro, Cristina Laura Cecchini, Lucia Gennari, Loredana Leo, Nicola Datena, Maria Pia Cecere, and Miriam Fagnani - calls for the immediate suspension of the agreement pending consideration of the case.