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Italy must sink agreements with Libya on migration control

Despite substantial public evidence that migrants, refugees and asylum-seekers are still subjected to serious abuses in Libya, on 3 April Italy signed a new agreement with Libya on migration control. Amnesty International repeatedly requested the Italian authorities to make the content of the agreement public but these requests were never met. The text of the agreement has now leaked.

The provisions in the agreement confirm Amnesty International's concerns: the Italian authorities seek support by Libya in stemming migration flows, while turning a blind eye to the fact that migrants, refugees and asylum-seekers risk serious human rights abuses there. Through the agreement, Libya commits to strengthen its borders in order to prevent departures of migrants from its territory, and Italy commits to provide training and equipment in order to enhance border surveillance. But effective human rights safeguards are completely absent. Nowhere in the agreement is a mechanism envisaged to deal with those who have international protection needs. Libyan authorities still do not recognize the right to seek or enjoy asylum, have not signed the UN Convention on Refugees, and to date no official agreement with UNHCR is in place.

Since 2007, Italy has concluded a number of agreements with the Libyan authorities which include direct references to migration control, but no effective human rights safeguards. Italy also provided financial and technical assistance for migration control activities, and agreed that people attempting the sea crossing to Europe could be returned to Libya. Hundreds were intercepted by Italian patrol boats and returned to Libya, where many were detained and mistreated.

Research by Amnesty International has exposed widespread abuses against refugees, asylum-seekers and migrants in Libya not only during Colonel Gaddafi's rule, but also during and following the conflict that deposed him. Documented abuses include indefinite detention in extremely poor conditions, beatings and other ill-treatment, in some cases amounting to torture. The agreement refers to the construction of new "reception centres" and European support to re-establish the existing ones. These are in reality detention centres, which remain largely outside government control.

In February 2012, the policy of push-backs was condemned by the European Court of Human Rights in the case of *Hirsi Jamaa and Others v. Italy*. The Italian government publicly committed to implement the judgement. However, only a few weeks later, on 3 April 2012, Italy and Libya agreed to start again their collaboration on migration control. The new agreement signed with Libya includes planning of sea operations, under the terms of the bilateral agreements on migration control, implementation of which led to the finding of violations by the European Court of Human Rights. The content of this agreement confirms Amnesty International's longstanding concerns: the Italian authorities are again wilfully ignoring that any agreements with Libya on migration control, in the situation currently prevailing in the country, risks exposing migrants, refugees and asylum-seekers to serious human rights abuses.

Amnesty International urges the Italian government to make sure that Italy's migration control policies and practices do not cause, contribute to, or benefit from human rights violations.

The organization calls on the Italian government to immediately:

- set aside any existing migration control agreements with Libya;
- make public all migration control agreements negotiated with Libya or any other countries;
- disclose details of past and current cooperation projects with Libya, including those funded by the EU, as well as information on provision of official resources, personnel and equipment;

- commit to enter into further agreements on migration control with Libya only after Libya demonstrates that it respects and protects the human rights of refugees, asylum-seekers and migrants and puts in place a satisfactory system for assessing and recognizing claims for international protection.