

Italy assists in illegal mass repatriation of refugees to Libya

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On July 30, 108 refugees rescued at sea by an Italian merchant vessel were returned to Libya in a flagrant violation of international law. According to multiple media reports, the Italian maritime rescue centre in Rome, the Libyan Coast Guard—dominated by militias—and representatives of Eni, the Italian oil and gas company operating off the Libyan coast, collaborated in this illegal mass repatriation.

The United Nations refugee agency UNHCR posted on Twitter that details relating to the case were being examined. “Libya is not a safe harbour and this action could have violated international law,” wrote the UNHCR. A mass repatriation of refugees without prior examination of their right to asylum is also a violation of international law.

On July 30, the Italian tugboat Asso 28 brought 108 refugees on board, including children and pregnant women, whose inflatable raft was in distress some 60 nautical miles off the Libyan coast, near the offshore platform “Sabratha.” The platform belonged to the Mellitah Oil & Gas joint venture, in which the Italian company Eni as well as the Libyan National Oil Corporation (NOC) are participants.

According to information provided by the Eni corporation, a representative of the Libyan Coast Guard stationed on the platform boarded Asso 28 and led the rescue operation. Later, a boat from the Libyan Coast Guard led Asso 28 to port in Tripoli, where the refugees were brought ashore.

In the course of these activities, the Italian captain not only repeatedly violated international law, apparently in coordination with the Italian maritime rescue centre, he also set a precedent for further illegal mass repatriations.

The Italian Coast Guard claims the rescue “was coordinated by the Libyan Coast Guard, which also led the entire operation.” This raises the question, however: Who informed the Libyan Coast Guard about a refugee

boat in distress in international waters? Refugees are generally found to have satellite phones on board in which the number of the Italian maritime rescue centre is already saved.

Riccardo Gatti, who heads the operations of the private rescue ship Proactiva Open Arms, said the first report about the raft in distress came from the Italian rescue centre. The Proactiva Open Arms set course for the raft, but the Italian Coast Guard refused every attempt to contact it. Through its inaction, the Italian coast guard is complicit in this illegal mass repulsion of refugees.

It remains unclear who instructed the captain of Asso 28 to bring the refugees to Libya. The Libyan Coast Guard has no authority over an Italian ship in international waters. Gatti claims to have intercepted a radio message saying Asso 28 had to follow the “instructions of the platform.” If that is the case, it would mean that the Eni corporation ultimately ordered the mass repatriation.

Eni has since 2015 worked closely with militia leader Ahmed Dabbashi in the Melittah gas field off the Libyan coast. The United Nations is taking action against Dabbashi for severe human rights violations against refugees. One year ago, several media outlets reported that the then-government in Rome had agreed to pay Dabbashi millions to keep refugees from the Libyan port city of Sabratha from reaching Italy and detaining them in Libyan internment camps.

One can assume that the current illegal repatriation of refugees is a direct consequence of this dirty arrangement.

Libya is not a signatory to the Geneva Refugee Convention and is therefore not considered a safe harbour for refugees. In returning the refugees in question, the captain of Asso 28 has made himself liable for prosecution under international law.

The refugees aboard Asso 28 should not have been denied the right to apply for asylum. As Marina Castellaneta, professor for international law at the

University of Bari, explained to *Spiegel Online*: according to all international conventions, states must grant everyone the opportunity to request asylum and protect these persons for as long as asylum proceedings are underway. The state has the obligation to prevent ships operating under its flag from simply repatriating such people.

In 2012, the European Court of Human Rights condemned Italy for its illegal repatriation of refugees to Libya. Now the European Union and the United Nations are themselves involved in these inhumane and illegal actions.

In a hypocritical press release, the EU Commission condemned the mass repatriation. Libya has not met “international standards for taking in refugees,” explained commission spokesperson Natasha Bertaud last Tuesday. In fact, the EU has in recent months supported the large-scale repatriation of refugees to Libya and backed the Italian and Maltese governments in their effort to block access to their ports for refugees stranded at sea.

As part of the “Operation Sophia” initiative in the Mediterranean, the EU trained the Libyan Coast Guard and provided it with 16 ships. At the end of June, Libyan authorities, with the support of the EU, established their own search-and-rescue zone, which extends far beyond 12 nautical miles from shore, the internationally recognized distance at which territorial waters end and international waters begin. This search-and-rescue zone has been recognized by the International Maritime Organization, an agency of the United Nations, although the Libyan control centre is not staffed 24 hours a day and not all of its staff speak English.

The Libyan Coast Guard has access to satellite data for the tracking of refugee boats, while the Moonbird plane operating out of Malta by the private relief organization Sea-Watch is no longer permitted to search for people in distress.

In the haphazard search-and-rescue zone, the Libyan Coast Guard regularly demands the handing over of rescued refugees. It does not shrink from the use of firearms to enforce this demand. Despite this, the Libyan government receives backing from Italian prosecuting authorities. They seized the rescue ship Proactiva Open Arms because it refused to hand over refugees to the Libyan Coast Guard.

One year ago, more than a dozen private rescue ships still operated on the central Mediterranean route and saved tens of thousands of refugees from drowning. Now most of them are docked, having been seized by Italian

and Maltese authorities. Their operational possibilities have been drastically limited by the Italian government.

This has resulted in a humanitarian disaster. In July of this year, only 1,972 refugees made it to Italy. In the same month the previous year, there were 23,552—more than ten times the current number. The number of casualties on this route stood at 68 in July of last year. It more than doubled to 157 by July of this year.

To this must be added an untold number of drowned refugees, whose calls for help no one could hear. More than 12,000 refugees have been taken back to Libya, where “Hell” awaits, as Jean-Claude Juncker, president of the European Commission, has himself been compelled to admit.

In the Libyan ports, refugees are generally received by UN representatives who then pass them on to the authorities. They are then brought for an indefinite period of time to internment camps where inhumane conditions prevail.

Hanan Salah of Human Rights Watch reported on the conditions at one such camp following an inspection visit:

“As we opened the gate to a corridor in one prison, we almost stumbled over several people who sat pressed against one another on the floor. They had come out of their cells to get some air in the hallway, but even there they sat packed side by side. There must have been hundreds of them. Many gasped for air because it was so suffocating.

“Many of the toilets and showers are broken. It is very hot and there are no fans. The people there have no freedom of movement. They spend almost the entire day in their cells. Even the many children are not allowed to go out. Even more disturbing was the terrible abuse of the immigrants and refugees by the guards. We observed that some immigrants are sold off from one trader to another and are forced to work without pay for smugglers, militias or private business people. They beat people, imprison them and treat many immigrants like slaves.”



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