

International Criminal Court filing on refugee policy charges EU with crimes against humanity

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On June 3, a group of human rights attorneys filed a request with the Office of the Prosecutor at the International Criminal Court (ICC) to charge the European Union (EU) with crimes against humanity for its refugee policies.

The 244-page document details how European officials consciously implemented policies that led to more than 14,000 refugee deaths in the Mediterranean in the past three years. Based on publicly available information, the report makes clear that the EU is overseeing a policy of mass murder.

In 2014, Italy ended its operation Mare Nostrum border protection program, under which, despite the program's generally repressive character, Italian vessels had rescued approximately 150,000 refugees in the Mediterranean from October 2013 to October 2014. Politicians across Europe demanded an end to the rescue operations, with the British Foreign Ministry declaring that it would create a "pull factor" encouraging migration to Europe, while Italy declared it would no longer fund the €9 million required for rescues.

The new policy, Operation Triton, is not tasked with rescuing asylum seekers, but with securing borders against "illegal" immigration and the entry of refugees.

The report states: "EU and [Member State] officials and agents carefully designed and meticulously implemented a highly coordinated naval border control operation, with full awareness of the lethal consequences of their conduct."

Under Triton, the EU "essentially carved the entire southern part of what was previously covered by Mare Nostrum out of its operational scope," the report states, "leaving around 40 nautical miles of key distress area"

off the Libyan coast "uncovered."

The filing details how EU governments then persecuted non-government organizations (NGOs) that increased rescue operations in the Mediterranean in response to the change in policy. "EU and Italian actors launched a broad political persecution against rescue NGOs, which includes intimidation, defamation, harassment, and formal criminalization."

The Italian government of far-right Interior Minister Matteo Salvini, and Greece's pseudo-left Syriza government, seized vessels used to make rescue missions or brought criminal prosecutions against NGOs. The Aquarius ship, maintained by the NGOs SOS Mediterranee and Doctors without Borders (Medecins Sans Frontieres), was seized by Italian prosecutors, while all EU states, including France's Macron government and Spain's Socialist Party government, refused to provide it with a license to sail. Medecins Sans Frontieres, The Migrant Offshore Aid Station, Germany's Sea Eye, and Save the Children all ceased rescue operations in 2017 as a result.

From 2015 on, the EU has provided funding, training and information to the Libyan Coast Guard, encouraging Libyan officials to apprehend refugees and return them to the country they were fleeing, in violation of international law. Through this policy, as the filing notes, the EU has sent refugees back to Libya to be held in "concentration camp-like facilities" where "murder, sexual assault, torture and other crimes were known by the European Union agents and officials to be common."

The report makes clear that the aim of these policies was to kill a large number of refugees in order to terrorize all others from attempting to cross the

Mediterranean and exercise their democratic and legal right to seek asylum in Europe.

The EU's policies are doubly murderous. The refugees seeking to cross the Mediterranean are fleeing conditions caused by the policies of European and US imperialism, including the 2011 neo-colonial war in Libya, French and German imperialism's war throughout the Sahel, and the longstanding economic pillaging of the continent.

The ICC filing provides clear evidence that that EU politicians knew their policies would cause deaths. For example, it cites an internal report produced by Frontex, the notorious EU border control agency, noting that the switch to operation Triton "would likely result in a higher number of fatalities."

Juan Branco, one of the lawyers involved in the legal filing, told the Associated Press, "[EU politicians] pretended that this was a tragedy that nothing could be done against, that they had no role in it. And we demonstrate very carefully that, on the contrary, they triggered this so-called tragedy."

The European Commission and several European countries have predictably rejected the ICC filing's accusations and claim that the EU's policies have saved lives and are legal. A statement from French government authorities called the request "senseless," and Spanish Foreign Minister Josep Borrell baldly insisted that that Libyan concentration camps for refugees "cannot be referred to as torture detention centres."

This only underscores the utter criminality of the European imperialist powers, and the role of the EU as a tool for the brutal killing and persecution of refugees and immigrants. It also highlights the fact that in their support for the persecution of refugees, far-right forces such as the Alternative for Germany (AfD), Interior Minister Matteo Salvini of Italy, and the National Rally of France are no different from ostensibly "center" or social democratic governments.

The legal filing will in no way alter the policies of the EU powers. It is unlikely that charges will even be laid by the ICC, whose basic modus operandi is to judge heads of state of Balkan or African countries who have fallen afoul of NATO foreign policy.

The fact that the devastating report was compiled only from publicly available information reveals the corrupt and criminal role of the corporate media in

supporting the crimes of the EU. Juan Branco, one of the lead attorneys in the filing, is a well-known legal figure, having worked for the ICC itself.

Since it was lodged, however, the major media outlets have been largely silent, publishing only brief or general reports without any condemnation of EU policy. One can imagine the 24-hour media blitz and the howls of editorial indignation that would ensue if a similarly devastating filing charged the governments of Russia, China, Iran, North Korea or another target of US and European imperialism with the deaths of thousands and crimes against humanity.



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