

PRESS RELEASE

COMMIT TO ENSURING RESPECT FOR HUMAN LIFE

Returning forced migrants to Libya or failing to rescue them from sinking boats would put them at serious risk of inhuman and degrading treatment and could threaten their very lives.

Last week, the Court of Appeal ruled that the forced return of two Somali nationals to Libya in 2004 violated their human rights. The ruling underscores the unacceptable nature of the government's declaration that Malta does not exclude returning migrants to Libya when it is tragically clear from countless reports that they will be in serious danger if returned.

Several migrants who arrived in Malta on 4 July 2013 described the suffering they faced in Libya. Many were detained for a long time in very harsh conditions and faced severe abuse. At least one migrant was shot in detention. They said sub-Saharan African migrants are still targeted for abuse in a scenario of rampant violence and insecurity in many Libyan towns and villages, where firearms and other weapons are readily available.

Their accounts are confirmed by credible reports by human rights agencies, which document several instances of deportation, torture and ill treatment of migrants held indefinitely in Libyan detention centres. Little more than a week ago, Amnesty International reported that on their visit to detention centres in Libya they met many migrants, including women, who had been brutally beaten with water pipes and electric cables. Some were left permanently disabled by their injuries.

The appeal court judgement, like the *Hirsi v Italy* judgement of the European Court of Human Rights before it, stresses that governments cannot send people to a country where there is a real risk that they will face serious harm and claim they were ignorant of the dangers, when these were so well documented by credible international organisations.

As the court makes clear, every single person, whether or not she enters the country legally, must be protected from cruel, inhuman and degrading treatment, for the simple reason that she is a human being and has fundamental rights that cannot be denied.

The judgment illustrates that failure to offer this protection can have devastating consequences: of the six migrants returned to Libya in 2004 only two made it back to Malta. The rest died in the desert when they were deported to the Libyan border after months of imprisonment in terrible conditions.

While we support Malta's calls for increased responsibility sharing in migration issues, we, the undersigned NGOs, call on the Maltese government to publicly commit to ensuring full respect for the life of each and every migrant who needs protection and for Malta's international obligations.

July 5, 2013





This statement is being issued by the following organizations:

aditus foundation, Jesuit Refugee Service (Malta), Migrant's Network for Equality, SOS Malta, Malta Emigrants' Commission, KOPIN, Integra Foundation, Foundation for Shelter and Support of Migrants, Organisation for Friendship in Diversity.



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Background information:

Amnesty International Report cited in the press release is available at :

<http://amnesty.org/en/news/libya-refugees-asylum-seekers-and-migrants-held-indefinitely-deplorable-conditions-2013-06-20>



On the conditions of migrants in Libya you may also read the FIDH report available at :

<http://www.fidh.org/Libya-The-hounding-of-migrants-12255>



The European Court of Human Rights judgment in the case of *Hirsi v Italy*, decided on 23/02/2012, is available here:

[http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-109231#{"itemid":\["001-109231"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-109231#{)

The Court of Appeal judgment of 28/05/2013 in the case of Hassan Abdulle Abdul Hakim et vs Ministru tal-Gustizzja u Intern et may be obtained at:

<http://www.justiceservices.gov.mt/courtservices/Judgements/>

