

Request for a United Nations Inquiry into Italy's Role in the Systematic Torture of Migrants Pulled Back to Libya

Press Release

(Geneva – 26 June 2020) The UN Committee against Torture should launch a formal inquiry under Article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment concerning Italy's conduct in the Central Mediterranean which is leading to the mass torture, rape and forced labour of thousands of refugees and migrants pulled back to Libya.

In our submission we argue that Italy's strategy of externalizing border control to the Libyan Coast Guard (LCG) breaches Italy's commitments under the Convention against Torture.

For many years, there have been reliable reports of gross human rights abuses of migrants detained in Libya. These reports emanate from United Nations bodies and are echoed by NGOs active in the field of human rights. The Committee against Torture has itself found that Italy's co-operation with Libya facilitates the torture of migrants by Libyan actors. Both Italian and other European government officials have publicly acknowledged that this is happening. Several international bodies including the UNHCR and the IOM, have called for an immediate stop to the disembarkation of rescued migrants in Libya.

In our submission, we demonstrate that by pulling back migrants, the LCG is acting on Italy's behalf. Specifically, it is operating due to Italy's comprehensive material and logistical support which includes funds, ships, training, and command and control structures. Real-time naval and aerial surveillance in the Central Mediterranean is provided by Italy directly and through EU programmes in which it participates. Cooperation between Italy and Libya is governed by a Memorandum of Understanding, a bilateral treaty signed in 2017, whose stated purpose is to "stem illegal migration" through the provision of Italian resources to "the Libyan institutions in charge of the fight against illegal immigration" such as the "coast guard" (MoU Article 1).

Without these resources, the LCG would not be able or willing to intercept migrant boats, or even to locate them in its own SAR zone. By means of this cooperation, Italy has entirely externalized its border control to Libya. This has led to the interception and forced return of an estimated 50'000 persons to Libyan torture camps since the cooperation began.

The shift from “push-backs” – involving Italy’s own navy and which were declared illegal by the ECtHR in the *Hirsi Jamaa* judgment – to “pull-backs”, where Italy outsources the very same activity to the Libyans, constitutes a naked attempt to avoid accountability under human rights law.

However, as we demonstrate in our submission, Italy’s involvement with the LCG is so comprehensive, that Italy has itself become responsible for the LCG’s conduct under applicable principles of international law. Because of Italy’s decisive role over all aspects of Libya’s interdiction programme, Italy is exercising *de facto* control over migrants in the Central Mediterranean and its actions therefore come within the jurisdictional scope of the Convention against Torture to which Italy is a party.

The Committee against Torture is charged with supervising state compliance with the Convention against Torture including by opening a formal inquiry procedure under Article 20 concerning situations which reveal a systematic practice of torture by a state party. In light of the information submitted, we urge the Committee to start an investigation that will establish the facts and the legal responsibilities of Italy, and recommend the immediate cessation of all collaboration with Libyan migration authorities implicated in abuses of refugees and migrants.

Boris Wijkström, Director: *“The outsourcing of coercive migration control to third countries is an increasingly common approach taken by states around the world. The Committee’s inquiry into this matter would set an important precedent clarifying for states that they cannot circumvent international law by farming out human rights abuses to others – even under the guise of cooperative migration management agreements – and that they can and will be held accountable for their actions. Our hope is that our detailed request for a formal investigation will contribute to bringing to an end a practice which results in horrific and needless suffering.”* **Contact:** +41 (0)22 807 07 14 / bwijkstroem@centre-csdm.org

Ousman Noor, Lawyer: *“The deliberate and systematic abuse of vast numbers of vulnerable people at the borders of Europe is a stain on our collective conscience and grossly inconsistent with international efforts to end torture. Through its funding and collaboration with violent, unaccountable and dangerous militias such as the LCG, Italy has facilitated the unspeakable abuse of thousands of people seeking safety and refuge. The evidence is now overwhelming and the Committee against Torture must undertake an inquiry to help put an end to this brutal state of affairs.”* **Contact:** +41 (0)22 807 07 14 / onoor@centre-csdm.org

The *Centre Suisse pour la Défense des Droits des Migrants (CSDM)* is a non-profit organization founded in 2014 and based in Geneva, Switzerland. Our mandate is to promote respect for the fundamental rights of refugees and migrants through strategic advocacy before international human rights bodies, in particular the UN Treaty Bodies and the European Court of Human Rights.