

## Press Conference: Private Companies and Italian Government Sued for Refoulements in Libya

12 February 2021, 12pm

# Facts and circumstances of the case

The legal case concerns the refoulement of about 150 people to Libya on 2 July 2018, whose pushback operation was performed by the vessel “Asso 29” owned by the private company Augusta Offshore and coordinated by the Italian authorities at the base of Tripoli.

Among those pushed-back, there are the applicants: two men and a couple with their two-year old child. At the time of the push-back, the woman was in her eighth month of pregnancy.

On 30 June 2018, during the night, the five applicants tried to flee Libya, where they had suffered severe abuses and human rights violations. They left Al Khums on board of a rubber dinghy together with other 150 people, mainly coming from Eritrea, Ethiopia and Sudan. Among them, there was also a woman with children.

After a few hours at sea, the situation became extremely serious: the dinghy's base was compromised, and the shipwreck seemed to be forth coming. Thereby, they sent a distress call to the Italian Authorities together with the position of the dinghy.

At 7 p.m., the Libyan patrol boat Zwara, which was already carrying previously rescued migrants, reached the dinghy and took the passengers on board.

After a short time, because the weather conditions deteriorated, it became clear that the patrol boat was unfit for sailing as it has taken too many people onboard.

According to the applicants' lawyers, who base their claim on official sources and on the ships' sea route tracking, the Italian Navy Authorities based in Tripoli reacted by ordering the vessel Asso Ventinove of the Augusta Offshore Fleet to reach the Libyan patrol boat. At that moment, the private vessel was on its route from Tripoli to the oil platform Bouri Field, one of the largest oil platforms in the Mediterranean.

The Asso Ventinove reached the Libyan patrol boat in Tripoli, where one of the Italian Navy ships, the Duilio, was already following the instructions of the Italian Navy. The Duilio ordered the Captain of the Asso Ventinove to comply with the requests from the Zwara patrol boat. The passengers were thus transferred on board of the private ship. Once the once the transfer operation had been completed, the Asso Ventinove headed back to Tripoli, towing the Libyan patrol boat.

A Libyan officer boarded the Asso Ventinove who, in the presence of the Captain, informed the rescued migrants that if they had not protested, they would have been taken to Italy. During the crossing, the Libyan officer took care of the rescue migrants' permanence on the boat.

On the 2<sup>nd</sup> of July, the ship reached the Tripoli harbour without docking: the rescued people were transferred to smaller boats and taken ashore.

Upon completion of the transfer operation, the Asso Ventinove resumed its original sea route.

When the lawyers asked the Rome Maritime Rescue Coordination Centre (MRCC) for an assisted negotiation, the MRCC denied the reconstruction of the events advanced by the lawyers.

What happened to the rescued migrants brought back to Libya?

After the disembarkation, the five applicants of this case were all arbitrarily detained in different centers: Tarik Al Sikka, Zintan, Tarik Al Matar, Gharyan.

They were all subjected to atrocious living conditions: overcrowding, insufficient food and water, extremely poor hygienic conditions, and very little chance to be outside and breath fresh air. In these circumstances, they were mistreated and abused, they became victims of extortion and they witnessed murders and torture. One of them fell ill with tuberculosis. Despite her advanced pregnancy, the woman, S., was taken to hospital only for childbirth and then put in detention again with her baby, without any access to medical assistance.

Currently, they are all in Europe. Some benefited from resettlement programmes or humanitarian corridors while other rebarked in an unsafe journey across the Mediterranean.

They were granted international protection, a right that the push-back operation had denied them. Only one person is still awaiting the outcome of the asylum procedure.