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Italy/Malta: Don't play with human lives

By failing to protect the rights of migrants and asylum-seekers rescued at sea, the Italian and Maltese governments have breached their international obligations, Amnesty International said today.

“The lives and safety of migrants and asylum-seekers have been placed at risk first by a squabble between the Italian and Maltese authorities over their obligations to respond to maritime distress calls, and then by the Italian government’s unprecedented decision to send them to the Libyan capital Tripoli, without assessing their protection needs,” said Nicola Duckworth, Europe and Central Asia Programme Director.

On the morning of 6 May 2009 three vessels with an estimated 227 people on board sent out a distress call while passing about 50 miles south of the Italian island of Lampedusa.

A dispute between the Maltese and Italian government over who had responsibility may have delayed rescue operations eventually undertaken by two Italian coastguard vessels. They took the migrants to Tripoli, without stopping in an Italian port.

The Italian Minister of the Interior Roberto Maroni was reported to have said that this is “an historical achievement after one year of bilateral negotiations with Libya”. Libya and Italy have signed a Friendship Treaty and related agreements that include provisions on combating irregular migration, including through joint patrolling of seas.

“Disputes over jurisdiction or responsibility should neither prevent nor delay the rescue and assistance of people who are at risk of drowning. States must ensure that any international cooperation or assistance efforts, including border controls or immigration policies, do not result in human rights abuses,” Nicola Duckworth said.

Amnesty International calls on Italy and Malta to respect the fundamental rights of asylum-seekers, migrants and refugees. It also calls on the Libyan authorities to introduce procedures to allow asylum seekers to apply for refugee status and give all those potentially in need of international protection access to the UNHCR in Libya.

The organization urges all governments to cooperate closely in order to ensure that those rescued at sea are immediately brought to a place of safety, while fully respecting the principle of non-refoulement – not sending them to countries where they may be at risk of torture or other ill-treatment or where access to a fair and satisfactory asylum procedure is limited. Furthermore all states must uphold their obligations under international refugee and human rights law, as well as maritime law.