

Pullback complicity

How EU, Italy and Libya undermine international law in the Mediterranean



Image: Frontex

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Non-refoulement principle

Geneva Refugee Convention

Convention against Torture

Prohibition of expulsion, extradition or deportation of persons if there is reason to believe that they are at risk of torture, inhuman treatment or serious human rights violations in the destination country

Place of Safety after Sea Rescue

International Convention for the Safety of Life at Sea (SOLAS) in 1974

International Convention on Maritime Search and Rescue (SAR Convention) in 1979

UN Convention on the Law of the Sea (UNCLOS) in 1982

Amendments to SAR Convention adopted by International Maritime Organisation (IMO) in 2004

Place of Safety after Sea Rescue

IMO Guidelines on the treatment of persons rescued at sea: A „place of safety“ is „a place where the survivors' safety is no longer threatened [...]. Disembarkation where the lives of refugees and asylum seekers could be at risk of persecution, torture or other serious harm must thus be avoided“

Reaffirmed in 2018 by UN Global Compact for Safe, Orderly and Regular Migration and 2022 by Joint Statement on Place of Safety by UN entities

Place of Safety after Sea Rescue

Libya is not a safe harbour for refugees

Applies also to merchant ships (Italy:
captain sentenced for pushback)

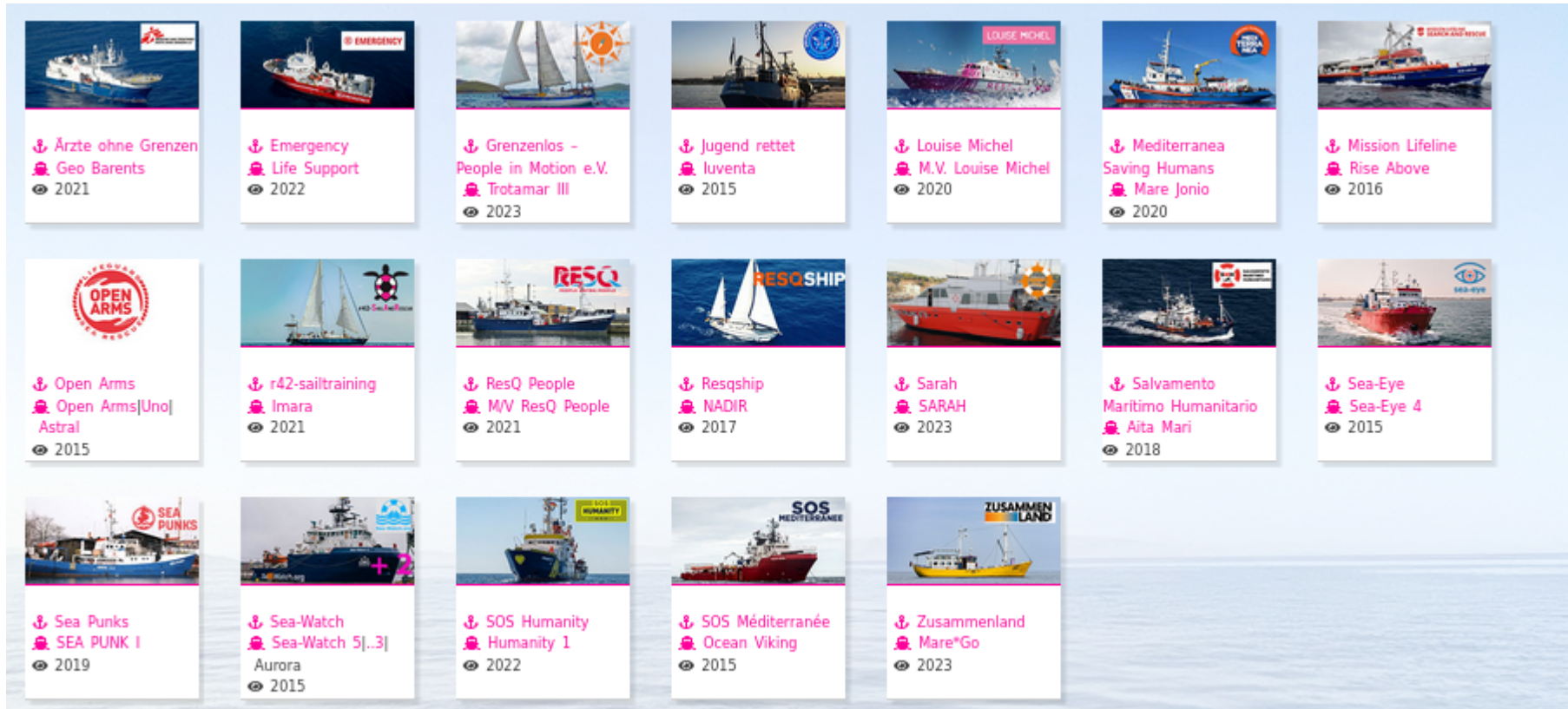
Germany: Criminal law prohibits
„abandonment“ of people seeking
protection under section 221



Image: UNICEF/Alessio Romenzi



Place of Safety after Sea Rescue



Place of Safety after Sea Rescue

EU Commission established a „European Contact Group on Search and Rescue“ with EU and Schengen States to „discuss“ legal framework and practice of SAR in the Central Med

„Technical study“ by EMSA on „main safety aspects relevant for SAR operations“

„Discussions“ with IMO about regulation

Civil SAR fleet should cooperate with port authorities, police

EU capacity building for „Libyan Coast Guard“

Since 2017 „Support to Integrated Border Management and Migration Management“ to build up „Coast Guard“ in Libya

€42 million (phase 1), €15 million (phase 2)

Implemented by Italian Ministry of Interior
(all details secret)

Notyfing of Libyan SAR Zone 2018



Image: Government of Italy



EU capacity building for „Libyan Coast Guard“

EU installation of Joint Rescue Coordination Centre (JRCC) in Tripolis for „Coast Guard“ (military) and „Coastal Security“ (police)

Surveillance equipment, ships, boats, rigid hull boats, training (500 officials yet)



Image: Sara Creta

Completed

- 5 vessels were delivered to the Libya Coast Guard by the end of the summer under the EUR 59 million EUTF programme “*Support for Integrated Border and Migration Management in Libya (SIBMMIL)*”, implemented by the Italian Ministry of Interior.
- [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]

EU capacity building for „Libyan Coast Guard“

After all EU funding there is still no functioning Libyan MRCC or JRCC according to international standards

„The Commission is not able to provide information on the location of the MRCC of the Libyan Joint Rescue Coordination Centre“

„The Council has not received any further information about the Libyan Joint Rescue Coordination Centre (JRCC) and is not in a position to provide further details“

EU capacity building for „Libyan Coast Guard“

In 2021 „Mobile MRCC“ by ELMAN (ITA);
equipment from GEM elettronica (ITA),
Rohde & Schwarz (GER), Inmarsat (UK)

*„Where ist the ‚Mobile MRCC‘ located and
which militas are using it?“*

EU Commission: *„Discussions with Libyan
authorities to identify most suitable
location“*



Image: Elman

EU capacity building for „Libyan Coast Guard“

EU mission „EUBAM Libya“ produced
„Handbook for Operations of the Libyan
Coast Guard and Port Security“

Handover in a ceremony in May 2023

EU bodies keep it secret, as disclosure
„would undermine public security and
international relations“

Anfrage abgelehnt 

[✎ Status ändern](#)

Datum
15. September 2023

Frist 
9. Oktober 2023 [✎](#)

MANY REPORTS AND DIFFICULTIES IN CORRELATING INFORMATIONS



WATCH THE MED **ALARM PHONE**



EU backdoor in international law

New regulation from 2016 allows Frontex to acquire own equipment „Frontex Aerial Surveillance“ (FAS) since 2017 over Central Med
€300 million for chartered flights with planes, drones
Withdrawal of naval assets



Image: Dutch airport

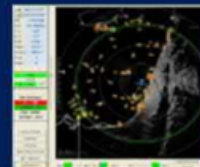
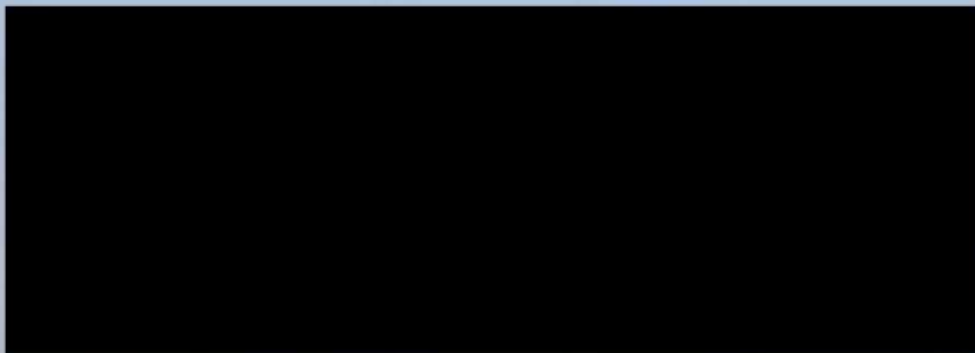
EU backdoor in international law

Surveillance with maritime radar, EO/IR sensors, AIS

Frontex: *„Neither satellite nor GSM phone location equipment is being used for the ongoing surveillance activities“*

Airbus: *„Reconfigurable to maritime payload right for Frontex“ including „COMINT sensors“*

Choosing the right platform for the customer



DETECTION

- Maritime patrol radar
- COMINT sensors



CLASSIFICATION

- Inverse SAR
- Classification library



IDENTIFICATION

- Electro-Optical
- Infrared/Lowlight cam



2020+

Why Heron 1:

- Operational in demanding environments
- Reconfigurable to maritime payload right for Frontex

AIRBUS

EU backdoor in international law

„[Frontex] is following the internationally recognized legal framework, communicates all available and relevant information without delay to Rescue Coordinating Centres active in the region“

According to SOLAS, this applies to MRCCs in Italy, Malta, Tunis

After EU efforts since 2018 also Libya

EU backdoor in international law

Direct pullback channel via WhatsApp to „Libyan Coast Guard“

„To what extent do Frontex, or the agency's contracted service providers still communicate via WhatsApp or similar non-official channels?“

„As a general rule, mobile applications are not used due to internal security policy. In emergency situations [...], email, phone (land line) or radio communication directly from the aerial assets are used“

[30/05/2021, Text Removed - Sensitive Operational Information] Text Removed - Personal Data: Messages and calls are end-to-end encrypted. No one outside of this chat, not even WhatsApp, can read or listen to them.

[30/05/2021, Text Removed - Sensitive Operational Information] Text Removed - Personal Data: Hi

[30/05/2021, Text Removed - Sensitive Operational Information] Text Removed - Personal Data: This message was deleted.

[30/05/2021, Text Removed - Sensitive Operational Information] Text Removed - Personal Data: Hello how are you

[30/05/2021, Text Removed - Sensitive Operational Information] Text Removed - Personal Data: I am the captain
Text Removed - Personal Data

[30/05/2021, Text Removed - Sensitive Operational Information] Text Removed - Personal Data: Libyan Coast Guard

[31/05/2021, Text Removed - Sensitive Operational Information] Text Removed - Personal Data: good morning

[31/05/2021, Text Removed - Sensitive Operational Information] Text Removed - Personal Data: Do you have anything about immigrants who need help?

[14/06/2021, Text Removed - Sensitive Operational Information] Text Removed - Reporting Tools: Good morning sir. We have a boat adrift pos Text Removed - Sensitive Operational Information. Boat adrift. People poring water. Please acknowledge this message.



Collaboration in the dark

„Which third parties are monitoring respect for human rights in the implementation of EU projects in Libya?“ (June)

„A third-party monitoring system has been in place, including through inputs from independent third-party experts in the country. The Commission also conducts ad-hoc evaluation and monitoring missions“ (September)

Collaboration in the dark

„Will the Commission share the third-party monitoring results with Parliament, if necessary confidentially?“ (June)

„A third-party monitoring system is in place...“ (December)

„What have the mechanisms found so far? (September)

„A third-party monitoring system is in place...“ (December)

What we know: EU Commission considers cooperation with „Libyan Coast Guard“ successful. Contract for the „third-party monitoring system“ with secret operator was just renewed

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