



Scirocco
borderline-europe, Sicily –
Part 1/2022
Palermo, 31.01.2022



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Scirocco [ʃiˈrɒkko-Schirokko] is a south-easterly, hot strong wind that carries dust and sand across the Mediterranean to Sicily and Italy's north for often only a few hours. This short info in the age of the pandemic will be published from March 2021 in an approx. bi-weekly rhythm. The Scirocco replaces the Corona Update Italy.

Political and Social Situation

Three years ago, a group of refugees was picked up by the supply ship Vos Thalassa when they were in distress at sea. Two persons resisted against the [involuntary return to Libya](#) and were charged for it in Italy. Now, in a historic ruling, **the two men have been acquitted by the Italian Supreme Court**: Migrants have the right to resist an unlawful return to Libya and to claim the right of non-refoulement, according to the ruling.



The Vos Thalassa upon arrival in Palermo in May 2017.

Italy and Malta have been charged with war crimes at the International Criminal Court in The Hague by an investigative team of lawyers from the non-governmental organizations [UpRights \(Netherlands\)](#), [Adala for All \(France\)](#) and [StraLi \(Italy\)](#). The two states are accused of coordinating support for the so-called Libyan coast guard and

therefore are guilty of a **"form of complicity in crimes against migrants"** that gives rise to "international criminal liability". The investigating team now calls for these crimes to be judged as a [matter of international criminal law](#) rather than human rights and international refugee law. Through the extensive examination of official sources such as audio recordings, expert opinions and journalistic reports, the team of lawyers could prove the UN investigations as well as the Italian judiciary the reality of torture in Libyan state-run detention centers in four cases.

The Libyan government has appointed the [pro-Turkish militia leader Mohammed Al-Khoja](#) to lead the Department for Combating Illegal Immigration (DCIM). Al-Khoja is accused of being involved in **human trafficking** by international organizations as well as the UN and he is head of the notorious Tarik al-Sikka detention center for refugees, which falls under the DCIM. He cooperates closely with Alex Dalli – another former prison director whose violent crimes against refugees were published by [News-book magazine](#). The fact that **recipients of European funds and militias involved in human trafficking are often one and the same**, as Joe Galvin of the international journalistic network [The Outlaw Ocean Project](#) notes, is certainly known to the EU. Therefore, the EU had proposed to **equip the ships of the so-called Libyan coast guard with video cameras**. This, according to EU Foreign Minister Federica Mogherini, has already been carried out. However, the existence of these cameras could not be confirmed so far, as the Left and Socialist Group in the EU Parliament learned. Mogherini explained this with the insipid reason of the lack of a stable Internet connection: the video cameras existed, but the recordings could not be sent.

However, the European side is not skimping on better equipping the Libyan military: [far from the public eye](#), Italy has supplied Libya with new technology and further surveillance material for setting up a **mobile Maritime Rescue Coordination Centre (MRCC)**. These deliveries were financed by the EU, which has already supported the Libyan military with around 51 million euros from [development cooperation funds](#). The contract was awarded to private military and tech companies from Italy, Germany, and the UK, while the training of Libyan personnel is the responsibility of the Italian Ministry of the Interior. With the delivery, the EU also wants to send a signal to Turkey and **secure its own political power in Libya** – thereby confirming once again its co-responsibility for the atrocious crimes in Northern Africa.

Despite the knowledge of a [multitude of human rights crimes](#), **the EU's cooperation with Libya was reaffirmed** once again. On February 2, Italy celebrates the fifth anniversary of the [Memorandum of Understanding](#). A [confidential EU military report](#) leaked to the Associated Press reveals that the EU wants to further expand Libya's military infrastructure in order to control migration to Europe more effectively and push its own borders further into the African continent.

The report, written by Stefano Turchetto (head of Operation Irini), already refers to the "excessive force" Libyan authorities apply to migrants and refugees. Furthermore, the report admits that Libyan authorities have already stopped to fully adhere to the European training program. However, the EU remains committed to train and support the so-called Libyan coast guard. Both the European Commission as well as the EU's External Action Service declined to comment on the leaking of this internal military

document. Asylum law expert Fulvio Vassallo Paleologo has summarized well [how states cooperate with each other](#) to intercept people at sea, but fail to do so when it comes to rescues.



Bloody hands. Action against the refoulement to Libya on April 25, 2021, in Palermo. Photo by A. Luparello.

Alongside Libya, **Tunisia is also considered a popular cooperation partner for the EU**. In this sense, Italy and Tunisia want to cooperate even more closely in the [fight against human trafficking](#) as well as in the area of [migration control](#). As a consequence of previous agreements between the two states, there was a **dramatic increase in deportations from Italy to Tunisia in 2021**. The current [rejection rate of asylum applications by Tunisian asylum seekers in Italy is 92%](#), even though the Maghreb state is still struggling with many cases of serious human rights violations. The high deportation rates – 1,872 people last year alone – can be partly traced back to the fact that Tunisia has been listed a so-called "safe country of origin" by Italy since 2019.

This categorization is currently being challenged by an [alliance of Tunisian activists and lawyers](#) who see the definition of a "safe country of origin" as a blueprint for unlawful refoulement of migrants and an **undermining of the right to international protection**. In addition to torture and the inhumane and degrading treatment of migrants, various deaths in detention and

the restriction of freedom of the press, freedom of expression and freedom of assembly, the alliance also cites growing intolerance against opposition groups, discrimination against queer people and gender-based violence as **dramatic social and political risks in Tunisia**.

About Rescue at Sea

According to the [International Organization for Migration \(IOM\)](#), the **frequency of unlawful interceptions and the number of pullbacks to Libya continues to increase due to the Italian funding of the so-called Libyan Coast Guard**. With that, the number of refugees and migrants detained in Libyan camps increases as well. They face severe human rights violations, arbitrary arrests, disappearances, human trafficking, sexual violence, torture, and ill-treatment.

In early January, the civil rescue boat **Louise Michel** observed how refugees rescued themselves from a small boat onto the Shell oil platform Miskar. This is located in a ["black hole of responsibilities"](#) within international waters between the Libyan, Tunisian and Maltese SAR zones. Subsequently, the Louise Michel was told to refrain from rescuing castaways by Maltese authorities as well as to leave further action to the Tunisian authorities.



The Louise Michel. Photo by Louise Michel.

Unfortunately, this behavior is not surprising as **Malta's policy of systemic failure to**

provide assistance in its own SAR zone is now well documented. Italy also failed to act despite the presence of an Italian ship. These non-actions allowed another **illegal repatriation of refugees and migrants to Tunisia** – one more case among thousands in which European states fail to fulfill their responsibilities at sea and knowingly allow the illegal repatriation of refugees and migrants to Tunisia and Libya.

The number of **maritime arrivals in Italy has increased tremendously in the first month of 2022**: according to the [Italian Ministry of the Interior](#), between January 1 and January 24, 2022, 1,751 people reached Italy, while in the same period of the previous year there were 'only' 379 people. At the same time, 439 refugees and migrants waited on board the [Geo Barents](#) for nine days to be assigned to a safe port, among them about 100 minors.

[Seven migrants from an overcrowded boat froze to death](#) on the central Mediterranean route between Libya and Lampedusa. The 280 survivors reached the Pelagic Island and were taken to safety. The prosecutor's office has now started the investigation against unknown 'scafisti' (drivers of the boat), who are accused of aiding and abetting illegal immigration and manslaughter. **According to the organization Alarm Phone, the deaths were avoidable** as the emergency phone had asked the authorities for [immediate help](#) for a boat with 280 people on board that was in distress at sea. But it took another six hours before the Italian Coast Guard arrived on the scene and began rescuing the survivors. "Again such a tragedy, again we have to mourn innocent victims," said the [mayor of Lampedusa Totò Martello](#) and called on the European Union to take more action in the Mediterranean. This tragedy also leaves [many unanswered](#)

[questions](#) regarding the responsibilities of European states within their SAR zones and the late intervention of the Italian Coast Guard. Moreover, it is unclear why the civilian observation ship Aita Mari, which was on the scene, was sent away.



Let's end the dying in the Mediterranean Sea! Antoracist Forum Palermo in April 2021. Photo by A.Luparello.

Once again, the [Ocean Viking of the organization SOS Méditerranée](#) was detained by Italian authorities in the port of Trapani. This is already the **sixth comprehensive inspection of the Ocean Viking**, explains the head of operations Frédéric Penard. Like other civilian rescue ships, the Ocean Viking is exposed to the arbitrariness of European states and was temporarily unable to conduct rescue missions until its [unexpected release](#) by Italian authorities.

Fortunately, the **legal case against Captain Carola Rackete has been permanently closed**: Agrigento Court Judge [Micaela Raimondo](#) ruled that Carola Rackete had acted in accordance with the national and international duty to rescue at sea when she entered the port of Lampedusa with the Sea Watch 3 two years ago despite an official ban in order to save the lives of the people on board the civilian rescue ship.

The hearings in the Open Arms trial of [former Italian Interior Minister Matteo Salvini](#), who is charged with kidnapping and denial of official acts, have been adjourned until March of this

year. You will find more information on this case [here](#).

Situation of refugees in Italy

[Migrants who have completed their quarantine on a quarantine ship](#) are particularly affected by the current hygienic exclusion mechanisms of the pandemic: without accommodation but with a request to leave the country, they cannot legally move due to the lack of a GreenPass (proof of vaccination or recovery). Since both, transportation by public transport and access to institutions, are forbidden without a GreenPass, **migrants are forced into illegality**. They must survive on the streets until they are either vaccinated or, with the help of activists, reach shelters in private vehicles. Therefore, the [NGO Borderline Sicilia](#) strongly criticizes this measure: affected persons are denied the possibility to apply for protection before the quarantine begins, so that they only have seven days to leave the country after the quarantine. In addition, people are denied access to the health care system and the new pandemic regulations create a **bureaucratic dilemma**: In the [province of Syracuse](#) (to name just one example) at least a dozen people are on the street right now. They have a rejection notice but are deprived of the possibility to either move 'legally' or receive institutional support for housing. Therefore, they are dependent on the luck of finding civil solidarity networks.

The [Italian Coalition for Liberties and Civil Rights \(CILD\)](#) has launched a website called ["Buchi neri" \(Black Holes\)](#), which aims to monitor the administrative detention of foreigners and their abuse in Italy and Europe, as well as to inform the public. **CILD denounces the systematic abuse of return centers and questions the legality of detention without a crime**. Originally, administrative detention was solely intended

as a last resort against the absconding of a deported person. However, numerous exceptions now allow for the [detention](#) of asylum seekers as well as of vulnerable persons and people with serious illnesses. According to the CILD, a widespread and abusive use of administrative detention can now be observed throughout Europe.



The Detention of Deportees of Caltanissetta. Photo by hurriya.noblogs.org.

According to the [annual report of the Police Presidium of Trieste](#), in 2021, the exhausting Balkan route ended in the Italian border city for at least **5,181 migrants**. Migrants who do make it past the border to reach Austria, are increasingly falling into the hands of smuggling networks. They have an easy game there, since the [Brenner route is heavily frequented and used especially by heavy vehicle traffic](#): “The militarization of the border and the capillary control of every passenger train in transit have forced migrants to choose other routes or to take more dangerous paths to avoid the obstacles,” emphasize activists of the Melting Pot project.

After [months of protests](#), the local police of Tripoli **violently dissolved two autonomous refugee camps**. Previously, hundreds of migrants managed to organize a [collective resistance](#) against Libya’s brutal and inhumane migration policy and the collaboration of the EU. The raid on the camps came shortly after the [publication of a manifesto](#) clearly stating the personal and collective reasons for resistance, exploitation

as migrant workers, and their demands to the states. **Activists on the ground face acute danger to their lives** if they are found by the Libyan police. This is the case for [David Olaver and Hassan Azakaria](#), two activists who have become targets of Libyan authorities since the raid. As recently as mid-January, more than 600 refugees and asylum seekers were forcibly dispersed, detained, and their temporary tent shelters burned down (which had been next to the UNHCR center in Tripoli since October). The arrested were taken directly to the [detention camp near the city of Ain Zara](#), where migrants brought back from the Mediterranean by the so-called Libyan Coast Guard are taken as well. The location of the camp was not chosen by chance: the protests in Tripoli were also directed at the UNHCR, which does not support migrants despite massive human rights violations.

Migrant self-organized resistance and protest against the European border regime and the conditions of survival in transit countries [can also be found](#) in the Balkans, on the Polish-Belarusian border, on the French-British border of the English Channel and in the cities of the EU.

For more information on the situation in Italy, see our Streiflicht Italy and the previous issues of the ‘Scirocco’ on our homepage.

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