



BAIL REQUEST FOR “EL HIBLU THREE” APPROVED BY COURT. TRIAL PROCEEDINGS STILL DELAYED FOR TEENAGE REFUGEES

The lawyers of three teenagers (the “El Hiblu Three”) have requested their release on bail, precisely seven months after the first unsuccessful request, with Judge Aaron Bugeja finally granting the request on November 15.

On March 26, the three young men had been rescued from a rubber boat in distress in the central Mediterranean by the commercial tanker *El Hiblu 1* in international waters off Malta.

After the 108 passengers of the rubber boat, spotted by an *EUNAVFOR MED* aircraft, had been recovered safely and embarked onto the tanker, panic arose among the rescues when they realized the vessel was steering towards Libya. Some even threatened to jump overboard in desperate attempts to avoid being taken back to the war torn country they had escaped from. The crew of the *El Hiblu 1*, complying with international law, eventually changed course towards Malta as the nearest place of safety.

Upon reaching Maltese territorial waters on March 27, 2019 the *El Hiblu 1* was stormed by a Special Operations Unit of the Armed Forces of Malta. Subsequently, the three minors, aged 15, 16 and 19 at the time, were arrested and charged with several major crimes, including piracy and terrorism.

The ‘crime’ these young men are accused of comes down to this: saving their own lives and those of 105 other passengers from illegal pushbacks to the same Libyan torture camps they had escaped from. Their trial comes at a time when government sources have eventually confirmed what we have been witnessing for weeks: a dirty deal between Malta and Libya in place to block refugees from ever reaching European shores.

This deal is part of the criminal EU policy of collaboration with the so-called Libyan authorities, which results in their capacity to perform systematic and illegal pull-backs of people escaping from Libya thus forcing them to go back to detention and to the continuous violation of their fundamental rights. Making deals with the so-called Libyan authorities in this moment means being complicit with these crimes.

The “El Hiblu 3” have been in prison for more than seven months now. The 15 and 16-year old were taken to a facility for minors following an initial age assessment by the *Agency for the Welfare of Asylum Seekers (AWAS)*. Regardless, Magistrate Nadia Lia requested a second, purely medical, age assessment, which to date awaits presentation, resulting in continuous delays of the trial’s proceedings. Within the recent three weeks, several hearings have been adjourned.

The three young men, who have not been convicted, are allowed to go free now: under a variety of severe restrictions. Nevertheless they still face the risk of a long sentence in prison if they are found guilty.

As signing organisations *WatchTheMed Alarm Phone, Sea-Watch, Mediterranea, ProAsyl, iuventa10, African Media Association Malta, Integra Foundation, Borderline Europe, Kopin, Sea-Eye, Resqship, Mission Lifeline, Jugend Rettet, Isles of the Left, Moviment Graffitti, SOS Malta* and *Seebrücke* demand the Maltese courts to end the proceedings immediately and respect the inalienable human right to seek protection from persecution and the principle of non-refoulement as anchored in the Geneva Refugee Convention and the European Convention for Human Rights.

We demand freedom and protection for the three young people that have not only saved themselves but also prevented 105 fellow humans from a horrible fate in illegal and inhumane Libyan detention camps.¹

¹ Article 5 of the European Convention of Human Rights – The Right to liberty and security

Art. 5 of the European Convention of Human Rights defines the right to liberty and security.

Therefore it is fundamental to restrict freedom only if it is absolutely necessary because of great danger for other people or the high possibility of an escape. Furthermore, a court of law must confirm such a decision as soon as possible.

To imply, that three teenagers who saved over a hundred people from torture camps in Libya mean a threat to other people or would escape from an Island in the Middle of the Mediterranean is absurd.

