

ICJ urges Maltese Government not to expel Somali nationals to Libya

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The International Commission of Jurists (ICJ) today called on the Government of Malta to refrain from forcibly transferring a number of Somali nationals to Libya, where they are alleged to be at real risk of human rights violations and further transfer to Somalia.

According to media reports, the persons at risk of transfer are part of a group of some 102 persons, including 41 women and two babies, who arrived in Malta this morning.

The ICJ expresses its grave concern at the possibility that Somali nationals, who are alleged to be considered at risk of being subject to ill-treatment or persecution if sent back to Somalia, would first be sent back to Libya. According to the office of the United Nations High Commissioner for Refugees, in Libya, migrants face a "constant risk of exploitation, arrest and indefinite detention".

The ICJ stresses that the European Court of Human Rights has ruled, in the judgment *Hirsi Jamaa and others v. Italy*, that sending back potential asylum seekers, including of Somali origin, to Libya, without individual assessment of their situation and access to asylum procedures, violates the European Convention on Human Rights, in particular the principle of *non-refoulement*, the prohibition of collective expulsion and the right to an effective remedy for violations of human rights.

The ICJ therefore calls on the Maltese Government to refrain from expelling or otherwise transferring to Libya any of the Somali citizens who arrived on Maltese shores today. The migrants must be fully informed of their right to apply for international or humanitarian protection under EU and Maltese law; and each of their cases must be examined on its individual merits.

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