



SCUDI



**SEA RESCUE  
LEGAL KNOWLEDGE  
SHARING NETWORK**

Datasheet on International Cases  
and Good Practices on Sea Rescue



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Datasheet on International Cases  
and Good Practices on Sea Rescue

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# Introduction

**The SCUDI project (SCuola di Diritti umani: Strategic Litigation for Migrant Rights) was launched in March 2024 as a collaboration between CILD and Cittadinanzattiva, funded by the European Commission through the Citizens, Equality, Rights and Values (CERV-LITI-2023) Programme. Its primary goal is to enhance the knowledge and skills of civil society organisations, human rights advocates, and legal practitioners, who are the direct beneficiaries of the project. This support aims to empower them to engage in strategic litigation that effectively protects rights by applying EU law, including the Charter of Fundamental Rights of the European Union.**

**As part of this initiative, CILD established the SCUDI Sea Rescue Legal Knowledge Sharing Network, comprising 10 organisations from Spain, Italy, Malta, Greece, and Germany, all focused on sea rescue and migrant rights. The network held its first meeting on June 11, 2024, followed by a second meeting in Rome on October 1 and 2, 2024. These gatherings provided a platform for participants to share best practices and discuss strategic cases, both past and possibly to come.**



# Notable International cases on Sea Rescue



# Open Arms: Blockade and Migrant Kidnapping Charges Against Italy's Deputy PM

## BACKGROUND

The case centres on Italy's Deputy Prime Minister, Matteo Salvini, who faces charges of kidnapping and refusal to perform official duties while serving as Interior Minister in 2019. The decisions he made relevant to the case concerned the blockade of a rescue ship of NGO Open Arms, which had rescued over 150 migrants in the Mediterranean and at the relevant time was in dire sanitary condition.

In August 2019, the vessel, operated by Spanish NGO Open Arms, was stranded off the Italian coast for 19 days with migrants onboard seeking asylum. Despite requests for permission to dock and disembark the rescued individuals, Salvini denied the ship entry, and also denied it the right to transit, citing security concerns and a need to maintain strict immigration controls. His refusal to allow disembarkation has been characterised as a violation of the migrants' rights, effectively detaining them on the ship against their will. Salvini prevented the ship, holding 147 migrants on board including unaccompanied minors, from docking for almost three weeks. His decision was overturned after a prosecutor in Agrigento, Sicily, issued a directive that the boat be sequestered, thus allowing it to reach port and disembark. Open Arms was then able to dock on the island of Lampedusa, and by that time, six EU countries had said they would be willing to allow disembarkation on their soil, making Salvini's refusal to allow this even more baffling a situation. Salvini was then charged with kidnapping and dereliction of duty, and at present faces penalties including up to 6 years of prison time (that the prosecutors in the case have called for).

The trial commenced in October 2021, highlighting the broader implications of Salvini's policies on

migration and humanitarian responses at sea. Prosecutors argue that his actions were not just politically motivated but also constituted a legal offence against individuals seeking refuge.

## RESULT, SIGNIFICANCE AND IMPLICATIONS

The case has sparked widespread debate in Italy regarding immigration policy, humanitarian responsibilities, and political accountability. Supporters of Salvini view his actions as necessary for national security, while critics argue they undermine human rights and humanitarian norms. This trial reflects ongoing tensions in Italy and across Europe regarding immigration policy and the treatment of migrants, as well as the legal responsibilities of government officials in such matters. The outcome may influence future policies and the approach to rescue operations in the Mediterranean.

The case is awaiting sentence and has not yet been concluded. The final result of the trial is expected to be known in the coming months. If convicted, Salvini will not only potentially face a jail term, but will also be banned from holding government office. [Read more](#) here.

# Sea Watch eV v. Ministero delle Infrastrutture e dei Trasporti, Capitaneria di Porto di Palermo, and Capitaneria di Porto di Porto Empedocle

## BACKGROUND

In 2020, two of Sea Watch eV's vessels, Sea Watch 3 and Sea Watch 4, both flagged to Germany, carried out rescue operations and disembarked persons rescued at sea at the ports of Palermo and Porto Empedocle in Italy. The vessels were then subject to inspections by the harbour master's offices because they were not certified in respect of search and rescue activities at sea and had taken persons on board in much greater numbers than they are supposed to do.

Sea Watch eV subsequently filed two lawsuits to annul these measures in the Regional Administrative Court of Sicily (Italy). The organisation argued that the harbour master's offices had overstepped the authority granted to port State authorities under EU Directive 2009/16. In response, the Regional Administrative Court of Sicily referred questions to the Court for a preliminary ruling to clarify the extent of the port State's powers regarding the control and detention of vessels operated by humanitarian organisations.

## RESULT, SIGNIFICANCE AND IMPLICATIONS

On 1 August 2022, the Court of Justice [delivered a ruling in Joined Cases C-14/21 and C-15/21](#) concerning the conduct of Italian authorities over Sea Watch vessels that had disembarked rescued persons in Italian ports in 2020. In its ruling, the Court interpreted EU Directive 2009/16 alongside relevant international maritime law. It determined that this Directive applies to ships tasked with search and rescue (SAR) operations in the Mediterranean Sea. The Court found that having

more people on board than allowed or being classified as a "cargo ship" by Germany cannot alone justify incarcerating the vessel. However, after a ship has finished disembarking rescued individuals, the port State can inspect it to ensure it meets safety regulations. For such inspections, the port State must provide clear evidence of serious health, safety, working conditions, or environmental risks. If risks are identified, the port State can take necessary measures, but these must be appropriate, necessary, and proportionate.

The judgment, which dismissed all arguments from the Italian authorities, raises important questions about the powers of EU coastal States regarding NGO rescue vessels at their ports. It contributes to ongoing public and legal discussions on this issue. Advocate General Rantos noted a key challenge: there is no international or European law specifically regulating the involvement of private entities in maritime search and rescue, even as these activities have increased due to the lack of effective action by states and international organisations in addressing the growing dangers faced by individuals crossing the Mediterranean on makeshift boats.

# S.S. and Others v. Italy

## BACKGROUND

[S.S. and Others v. Italy](#) concerned a search and rescue operation on November 6, 2017, when the so-called Libyan Coast Guard's patrol vessel Ras Jadir and NGO vessel Sea Watch 3 responded to a distress call by the Italian Maritime Rescue Coordination Centre. The call had come from a sinking migrant dinghy carrying approximately 150 passengers. In May 2018, GLAN and ASGI, supported by ARCI and Allard K. Lowenstein International Human Rights Clinic at Yale Law School, filed an application before the ECtHR arguing that Italy had breached Article 3 of the European Convention on Human Rights (ECHR) when it assisted the so-called Libyan Coast Guard to intercept and pull back migrants to Libya. On November 11, 2019, Amnesty International and Human Rights Watch submitted a joint third-party intervention, followed by the same coming from the International Commission of Jurists (ICJ), the AIRE Centre, the European Council on Refugees and exiles (ECRE), and the Dutch Refugee Council (DCR).

According to the applicants, the so-called Libyan Coast Guard's arrival caused a strong water movement which led to the death of at least 20 people who had fallen from the boat, and the so-called coast guard also obstructed Sea Watch's rescue operations by throwing objects, as well as hitting and threatening the migrants with ropes and weapons, without providing life jackets to those who were in the water. Sea Watch was eventually able to rescue, and bring to safety in Italy, 59 passengers. 47 migrants were ultimately returned to Libya, where several of them faced serious human rights violations, including being detained in inhumane conditions, beaten, and sold to a captor who tortured them.

Before reaching the scene, the so-called Libyan Coast Guard communicated with the MRCC in Rome, which informed it of the location of the boat in distress. The patrol vessel used by the so-called coast guard was also one of four patrol boats that had been donated by Italy to the so-called Libyan Coast Guard on May 15, 2017. Finally, an Italian navy helicopter was present during the incident.

In this regard, the applicants argued that Italy should be responsible for human rights violations against migrants, as it facilitated the so-called Libyan Coast Guard in conducting the interception measures that led to the human rights violations (including Article 3 of the European Convention on Human Rights (ECHR)). The case is particularly important for the scope of the application of the ECHR beyond each European State's territory and to determine whether the extraterritorial application of the European Convention on Human Rights could - under certain circumstances - be extended to incidents involving potential violations of the ECHR taking place on the high seas.

## RESULT, SIGNIFICANCE AND IMPLICATIONS

Result as yet unknown.



# SOS Humanity and the Final Court Decision regarding vessel Humanity 1

## BACKGROUND

The vessel Humanity 1, operated by NGO SOS Humanity dedicated to rescuing migrants in the Mediterranean Sea, was detained in Italy on 4 March 2024. In March 2024, a rescue operation by the vessel had been interrupted by the so-called Libyan Coast Guard, who used a dangerous manoeuvre in doing so. The Humanity 1 was then detained by the Italian authorities on the grounds that the crew had not followed the instructions of the Libyan authorities.

The case brought by SOS Humanity argued that the detention was unlawful and that the Libyan Rescue Coordination Centre and the so-called Libyan Coast Guard could not be considered legitimate search and rescue actors in the Mediterranean, and thus the impetus to follow their instructions was ill-founded. This case was emblematic of the legal, administrative, and financial challenges faced by search and rescue NGOs trying to conduct rescue operations of migrants and asylum seekers in the Mediterranean.

## RESULT, SIGNIFICANCE AND IMPLICATIONS

On 18 March 2024, the judge at the civil court in Crotona, Italy, ruled in favour of SOS Humanity's fast-track proceedings. According to his preliminary judgement, the detention of the rescue ship Humanity 1 was not lawful and the ship was immediately released for its search and rescue mission. The detention of Humanity 1 in March 2024 was then in a final decision ruled unlawful by the civil court in Crotona on 27 June 2024. In the final ruling, the judge found that the Libyan Rescue Coordination Centre and the so-

called Libyan Coast Guard cannot be considered legitimate SAR actors - a very important decision not only for this individual case but for all SAR operations in the central Mediterranean and for all detention cases in Italy. Even though the judges of the Italian courts can decide independently in each individual case of a detention, the court ruling of Crotona is relevant beyond this individual case. Many of the detentions of NGO rescue vessels in Italy are based on letter (f) of the Piantedosi Law after an encounter with the so-called Libyan Coast Guard at sea. However, following the instructions of the Libyan authorities and thus enabling people being returned to Libya is illegal according to this judgement. For more information see the [press release](#) of SOS Humanity on the matter.

# Asso 28 and the Italy's Court of Cassation Ruling on Illegal Migrant Returns to Libya

## BACKGROUND

On 30 July 2018, the captain of Italian private vessel Asso 28 rescued 101 individuals in the central Mediterranean, took the migrants to the port of Tripoli and handed them over to the so-called Libyan coast guard, to be returned to Libya. Although the rescue took place on an Italian-flagged ship and thus under Italian jurisdiction, the crew of the ship, including the captain, did not alert Italy's Maritime Rescue Coordination Center. In 2021, an Italian court [sentenced the captain to a year in prison](#) for handing migrants that his crew had rescued over to the so-called Libyan coast guard, but acquitted both the captain and a representative of the shipping company of charges of abuse of office. At the time it was reportedly the first time a commercial vessel captain had been sentenced in this type of case.

## RESULT, SIGNIFICANCE AND IMPLICATIONS

In a landmark ruling, Italy's Court of Cassation on 17 February 2024, declared the practice of handing over migrants to the so-called Libyan coast guard illegal, ruling that Libya does not represent a safe port. The decision also upheld the conviction of the captain of the Italian private vessel Asso 28, which, on July 30, 2018, [rescued 101 individuals in the central Mediterranean and then handed them over to the so-called Libyan coast guards to be returned to Libya](#). The Supreme Court judges determined in sentence number 4557 that aiding the interception of migrants and refugees by the so-called Libyan coast guards met the requirements of the crime of "abandonment in a state of danger of minors or incapacitated individuals and arbitrary disembarkation and abandonment of people." This

ruling categorised what happened in 2018 in this matter as an incident of collective refoulement to a country deemed unsafe, which violated the European Convention on Human Rights. This decision came amid ongoing concerns about the treatment of migrants in Libya and the country's capability to provide safe conditions. The ruling sets a significant legal precedent that challenges existing Italy-Libya cooperation regarding border control and migration management. It underscores the obligation of Italy and European countries to uphold international human rights norms, especially concerning the treatment of asylum seekers. Human rights advocates and NGOs welcomed the ruling as a victory for migrant rights, reinforcing the accountability of states for their actions regarding migration policies, and the decision has sparked renewed debate about Italy's immigration strategies and the broader European approach to managing migrant arrivals. For more information see [here](#).

# Court Victory for Migrant Rescue Organisations Sea-Eye in Italy

## BACKGROUND

On 7 March 2024, Sea-Eye's vessel, Sea-Eye 4, was impounded after a rescue in the Libyan Search and Rescue (SAR) zone – but in international waters – on March 7. The rescue involved 84 migrants, including several children, whose boat had experienced difficulty after departing from Libya. A dispute ensued between the authorities and the crew of the rescue ship, with Italian authorities accusing the crew of [not following the orders of the Libyan authorities, who were responsible for coordinating rescues in that zone](#). The vessel was seized under the Piantedosi Decree, that prohibits NGOs from carrying out several rescues in succession without first returning to port for disembarkation.

Sea-Eye argued that they had not only repeatedly contacted the Libyan authorities but had also been in touch with Italian and Maltese authorities to try to establish whether they could conduct the rescue. The NGO provided copies of emails as evidence of such, as well as an audio file of a conversation between the captain of Sea-Eye 4 and the so-called Libyan coast guard in which the captain can be heard confirming: “[We] will follow your [the so-called Libyan coast guard] instructions.”

## RESULT, SIGNIFICANCE AND IMPLICATIONS

On 5 June 2024 Sea-Eye won the case in a court in Reggio Calabria, with the judge noting that no objections to the actions of Sea-Eye had been raised by the so-called Libyan coast guard at the time of the rescue. The Court nullified the authorities' 60-day administrative seizure of the ship, describing it as “illegitimate” and “invalid”. Gordon Isler, the director of Sea-Eye, described

the judgement as “a meaningful victory for us, and for all other sea rescue organisations”. He also said that it showed that the detention of civil rescue ships was “an abuse of state power”. Following Sea-Eye's victory, the court ordered the Italian authorities to pay € 10,860 in compensation and costs. For more, see [here](#).

# The Carola Rackete case: the Court of Cassation's sentence overturned the criminal charges

## BACKGROUND

On June 12 2019, Sea Watch's vessel Sea-Watch 3, flagged to the Netherlands, preempted the rescue of 42 people in Libyan SAR zone, despite the so-called "Libyan coast guard" being in charge of the coordination of the sea rescue operation. Tripoli was assigned as a port of safety (POS). Nevertheless, the vessel's captain, Carola Rackete, had responded that Libya could not be considered a safe port and requested an alternative POS. In the meantime, she headed north towards the nearest safe ports, namely those in Italy and Malta, reiterating her request to dock. The Italian Minister of Interior denied access to Sea-Watch 3 into territorial waters, under Law Decree No. 53/2019.

In the following days, while the ship was just outside Italian territorial waters, reiterating its request for a port to dock, the authorities evacuated some individuals needing medical attention to land. On June 26, Sea-Watch 3 entered Italian waters and headed toward Lampedusa, disregarding the halt ordered by the Guardia di Finanza patrol boats and invoking a state of necessity; it then stopped near the port, awaiting instructions. On the night of June 29 – noting that a political solution was delayed, that appeals filed with the Administrative Court of Lazio and the European Court of Human Rights had been unsuccessful, and that one of the doctors on board had stated that people's reactions were becoming unpredictable – the captain started the engines and headed toward the commercial dock of the port of Lampedusa, where it finally docked, colliding with a Guardia di Finanza patrol boat in the process.

Due to these actions, Captain Rackete was arrested on charges of resisting a public official (Article 337 of the Criminal Code) and resisting

and committing violence against a warship (Article 1100 of the Navigation Code).

## RESULT, SIGNIFICANCE AND IMPLICATIONS

The Judge for Preliminary Investigations (GIP) in Agrigento [rejected](#) the Prosecutor's requests to validate the arrest and to apply a precautionary measure prohibiting Rackete from residing in the province. Regarding the offence of resistance and violence against a warship (Article 1100 of the Navigation Code), the GIP referenced Constitutional Court ruling no. 35/2000, which states that Guardia di Finanza naval units can only be considered such when they operate outside territorial waters or in foreign ports where no consular authority is present; circumstances not applicable in this case, as the patrol boat was operating in the port of Lampedusa. Regarding the offence of resisting a public official (Article 337 of the Criminal Code), the GIP deemed the defendant's actions justified by the duty to provide rescue at sea (Article 51 of the Criminal Code).

The Public Prosecutor requested for the annulment of the GIP's ruling. However, the Court of Cassation rejected this appeal ([Cass. N. 6626/2020](#)), referring to the same instruments of international law cited by the GIP as the basis for justification, all of which have been ratified by Italy and are therefore fully effective in our legal system. For more, [see here](#).



## Pending matters

- NGO **Mediterranea Saving Humans** is appealing against the administrative detention of its ship, **Mare Jonio**, in **Porto Empedocle**, Sicily, on **October 15** following the disembarkation of **58 migrants**. It is the third time the vessel has been targeted by rules under the **Piantodosi Decree**. A few weeks before the same vessel had been placed in administrative detention in the Sicilian port of **Trapani**.
- NGO **MSF** says it will appeal against the Italian authorities' decision to detain its migrant rescue ship, of its search and rescue vessel, the **Geo Barents**, with two detention orders on **September 19 and 23**, after it arrived in **Genoa** with **206 migrants** rescued in the **Central Mediterranean** on board. It is being detained for **60 days**. These detentions were also made possible by the **Piantodosi Decree**.
- On **14 May**, **Greece** issued an arrest for Norwegian human rights defender **Tommy Olsen**, who is the founder and CEO of NGO **Aegean Boat Report (ABR)** that monitors and shares data relating to migrants' movements in the **Aegean Sea**. The case is significant as, as yet, "No court [in Greece] has convicted any humanitarian," Olsen's lawyer, **Zacharias Kesses**, told **EUobserver**, and this case could commence a very concerning trend of criminally convicting human rights workers who work in the area of sea rescue. **United Nations Special Rapporteur Mary Lawlor** said on **X** that Olsen "is being targeted in what appears to be an arbitrary investigation criminalising his work in defence of the rights of migrants."



# Good Practices



# 1

## Collective campaigning - alike the #DontLetThemDrown campaign

In the field of sea rescue there have been some successes in the area of collective campaigning. One example of such was the #DontLetThemDrown campaign participated in by the Aditus Foundation, Integra and JRS in Malta, alongside the Faculty for Social Wellbeing of the University of Malta, triggered by Malta joining Italy in closing all ports and refusing entry to all migrant vessels in 2020. A group of human rights NGOs launched a social media campaign [asking the government to reverse its decision to close its ports to migrants](#) by urging ministers to not let people drown. During the campaign, supporters were urged to take a selfie holding the slogans '#DontLetThemDrown' and '#AllLivesMatter', post it on social media and tag Prime Minister Robert Abela and Home Affairs Minister Byron Camilleri. Eventually more than 30 organisations were involved in the campaign, which was helpful for added visibility. Collective campaigning and visible campaigns also assist to debunk propaganda about immigration and combat disinformation spread by the government and other stakeholders.

# 2

## Release of special purpose reports, which then assist in advancing advocacy

On February 2nd, 2024, UpRights and StraLi released the report [Navigating Troubled Waters: Italy's Human Rights Dilemma in the Mediterranean](#). The report provides a comprehensive legal analysis of the human rights implications arising from the Memorandum of Understanding (MoU) between Italy and Libya, signed on February 2, 2017. The MoU, which seeks to curb illegal immigration and human trafficking, binds Italy to provide the Libyan authorities, notably the so-called Libyan Coast Guard (LCG), with logistical and financial support, provision of equipment, and coordination in intercepting migrants attempting to cross the Mediterranean. The report's primary purpose is to evaluate the potential legal responsibility Italy incurs under international law by enabling the so-called LCG's operations, which have directly led to human rights abuses. While Libyan authorities are directly responsible for the violations committed against migrants, Italy's logistical support provided on the basis of the MoU may be considered instrumental in facilitating these abuses. This support potentially engages Italy's international responsibility for aiding or assisting in wrongful acts, with possible consequences extending to the criminal responsibility of individuals involved. The rationale underpinning this report is to press for immediate legal reforms to bring Italy into compliance with its human rights obligations and to ensure accountability for complicity in international crimes, drawing attention to the broader implications for state and individual responsibility.

The report presents detailed legal recommendations to ensure Italy's compliance with international human rights law:

- **Amend the MoU:** Incorporate a binding human rights clause that makes respect for international human rights and humanitarian law an essential element of the treaty.
- **Terminate or Suspend the MoU:** Should amendments that align with human rights principles be unfeasible, Italy must terminate or suspend the MoU. The ongoing abuses, including torture and human trafficking facilitated by Libyan authorities, constitute material breaches under Article 60 of the Vienna Convention on the Law of Treaties.

The report is situated within broader advocacy efforts for accountability for crimes committed against migrants and asylum seekers. It serves not only as documentation of rights violations but also as a resource for stakeholders who may influence change, such as policymakers and legal advocates. Following the release of the report, StraLi and UpRights undertook efforts to build a social media advocacy campaign tailored to civil society actors and the wider population in Italy, with a view to informing the target audiences of the scope of the violations being committed every day in the Mediterranean. By providing a reliable, well-documented analysis, the report equips advocates with a persuasive, legally grounded tool to engage policymakers and other influential figures. This facilitates more effective dialogues aimed at policy reform and underscores the urgency of realigning migration agreements with international human rights standards rather than using the MoU as a template. It ultimately bolsters calls for action, emphasising the necessity of informed, evidence-based decision-making to uphold human dignity and accountability in the Mediterranean migration context.

### 3

## Possibility of submitting a request for interim measures to the Human Rights Committee

StraLi, UpRights and SOS Humanity are exploring the possibility of submitting a request for interim measures to the Human Rights Committee due to potential violations of Articles 6 (the right to life) and 7 (the prohibition of torture or other cruel, inhuman or degrading treatment) of the International Covenant on Civil and Political Rights (ICCPR) in the context of the failure to provide assistance in SAR zones of States Parties to the Covenant. Interim measures allow the Committee to urgently request a State Party to implement interim measures to prevent possible irreparable damage to victims of alleged human rights violations.

By exploring the possible use of interim measures in the context of interceptions and pull-back operations, advocates can provide a structured, legally sound approach to protecting the rights of migrants and asylum seekers at sea. This strategy not only raises awareness of States' obligations under the ICCPR but also pressures governments to uphold their human rights commitments and reconsider harmful practices in migration control.

### 4

## Communication with those on the ground and strong networks

A key source of strength and effectiveness for CSOs in this area has certainly been accumulating and communicating with other CSOs involved in sea rescue and migration as relevant, across neighbouring jurisdictions as well as within each country's context. This close communication and collaboration assists CSOs to arrange assistance for migrants who may be in a differing jurisdiction from theirs, or to maintain contact with a migrant who has been moved by authorities to another jurisdiction, which often means they have been moved away from those who can help them. The maintenance of contacts on the group makes it possible to locate and get in touch with those migrants who have slipped out of communication, and maintain the critical communication needed to progress legal action. Authorities, being aware that this contact is needed often take actions which separate migrants from their support and help sources and thus the relationships of CSOs are often the only way to restore that link.



# 5

## Use of diverse legal mechanisms

It has been critical for CSOs from all jurisdictions to use a multitude of legal strategies, often either simultaneously or sequentially. This is useful as it brings visibility to precarious cases, but also because some measures can provide quick and also at times life-saving assistance (where the assistance is effective, which is not all of the time), like Rule 39 interim measures, while other measures can provide more lasting relief and compensation, like measures available through national jurisdictions, like constitutional and national human rights appeals, and lawsuits seeking compensation and visas. Use of measures like complaints to international bodies can also raise visibility of an issue that is occurring often and across jurisdictions but is being well hidden by governments or authorities. This can elevate the issue to the international stage if the issue reaches sympathetic ears. Filing many interim measure applications, can, too, trigger media and press coverage.

As part of these efforts, in 2022, UpRights, StraLi, and Adala for All filed a communication to the International Criminal Court, highlighting the grave international crimes committed in Libya against migrants and asylum seekers between 2017 and 2021 and requesting the ICC to investigate a range of abuses that may amount to war crimes and crimes against humanity, targeting not only Libyan actors but also implicating Italian and Maltese authorities for their roles in facilitating these violations.

The communication asserted that the abuses sustained by migrants and asylum seekers in the context of Libya's ongoing armed conflict could constitute war crimes and crimes against humanity under article 7 and 8 of the ICC Statute, arguing that European authorities, particularly Italian and Maltese officials, could have played a pivotal role in facilitating these abuses, that could trigger international criminal responsibility under the ICC Statute.

Relying on communications filed, the Prosecutor of the International Criminal Court explicitly stated that crimes committed against migrants in Libya may amount to crimes against humanity and war crimes and fall within the ICC jurisdiction. While there have not been any public indictments related to the situation of migrants in Libya so far, the qualification of the situation of migrants intercepted at sea and returned to Libya as war crimes and crimes against humanity can assist other litigation and accountability efforts.

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