

To the kind attention of:

Mr Angelino Alfano
Italian Interior Minister

Mr Paolo Gentiloni
Italian Minister of Foreign Affairs and International Cooperation

Mr Franco Gabrielli
Head of the Italian State Police, Director General of Public Security

c.c.:

Mr Filippo Grandi
United Nations High Commissioner for Refugees (UNHCR)

Mr William Lacy Swing
Director General of the International Organization for Migration (IOM)

Nils Muižnieks
Council of Europe Commissioner for Human Rights

Fabian Lutz
European Commission, Unit C1 – Irregular Migration and Return Policy

Ms Simona Spinelli and Ms Cinthia Petralito,
Italian Ministry of Interior

Bruxelles, 26 October 2016

Dear Mr Angelino Alfano, Dear Mr Paolo Gentiloni, Dear Mr Franco Gabrielli,

We are contacting you with reference to the forced return of 40 Sudanese asylum-seekers, which took place on the 24th of August 2016. They were arrested in and around Ventimiglia and then brought to the airport of Torino-Caselle where they were boarded on a charter flight to Khartoum.

This collective expulsion, whose legitimacy has been criticised by several NGOs and Members of the Italian Parliament, revealed the existence of a Memorandum of Understanding with Sudan¹, signed on the 3rd of August 2016 in Rome by the Head of the Italian State Police, Mr

¹ http://www.asgi.it/wp-content/uploads/2016/10/accordo-polizia-Italia-Sudan_rev.pdf,
<http://www.onuitalia.com/eng/2016/08/07/italy-sudan-memorandum-understanding-migration-signed-rome/>.

Franco Gabrielli, and by his Sudanese counterpart, General Hashim Osman Al Hussein, in the presence of Interior Ministry officials and the Ministry of Foreign Affairs and International Cooperation. This agreement, which was kept secret for long time and has never been discussed or ratified by the Italian Parliament, provides for collaboration between the two Countries in the fight against crime and in particular the management of migratory effects and borders. The public statement issued by the Italian Embassy in Khartoum specifies that the agreement: «falls within the broader framework of cooperation between Sudan and the European Union on migration issues, in particular the “Khartoum Process (launched in Italy in the autumn of 2014) and the “EU Emergency Trust Fund to tackle root causes of irregular migration in Africa Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa” (launched in November 2015 at the Summit of La Valletta)².

In exchange of 1,8 billion euros provided by EU Emergency Trust Fund for Africa (EUTF), dictatorships such the one in Sudan will become partner of the European Union in the process of outsourcing borders management.

We remind that the International criminal court issued in 2009 a warrant for arrest for the Sudanese President Omar al-Bashir for war crimes and crimes against humanity.

Italy contributes to the EUTF with 10 million euros, ranking between the first two contributing countries.

The EU Emergency Trust Fund should provide Sudan with an overall of 173 million euros for the development and management of migrants. In this way, it risks to mix up development aid with repressive measure, which would likely be adopted against migrants.

The Memorandum of Understanding with Sudan is a precedent. Prefect Gabrielli, answering to questions posed by associations, journalist and Members of the Italian Parliament, also approved the choice of avoiding any Parliamentary scrutiny on that document. He said (*non-official translation*): «it represents an instrument of police cooperation and it does not require a Parliamentary exam³». During a following interview, he added (*non-official translation*): «Regarding the alleged illegality of the agreement whereby migrants have been repatriated, it is worth to remember that it has been signed with a Country that enjoys full international recognition by our State⁴».

A full recognition that has been granted to a State of which, in 2015, asylum-seekers obtained humanitarian protection in Italy in the 60% of all cases.

According to several sources, among the beneficiaries of the European Funds for the management of migratory flows, there will be the *Janjaweed* militia or Rapid Support Forces (RSF), who is well known for the ethnic cleansing perpetrated in Darfur. There is the risk and

² “Stranieri in Italia”, 5 August 2016, <http://www.stranieriinitalia.it/attualita/attualita/attualita-sp-754/firmato-memorandum-di-intesa-tra-italia-e-sudan-su-migrazione.html>.

³ “L’Avvenire”, 28 September 2016. <http://www.avvenire.it/Cronaca/Pagine/migranti-rimpatriati-in-sudan-gabrielli.aspx>.

⁴ “Libero”, 6 September 2016, <http://www.liberoquotidiano.it/news/ultim-ora/11960544/migranti-dipartimento-ps-regolare-rimpatrio-40-sudanesi.html>.

the fear that this kind of agreements, coupled with the support given to this militia, essentially aim to impede Eritrean, Ethiopian and Sudanese asylum-seekers from reaching Libya and then crossing the Mediterranean Sea.

On 30 August 2016, during a press conference held at the Sudanese Ministry of Defence, Mr Mohamed Hamdan Daglo (known as Hametti), Head of the RSF, declared that Sudan is fighting illegal migration on behalf of Europe and alluded that if the Union will not increase its - already considerable - economic support, his forces could abandon its sites on the order and the desert and allow illegal migrants to cross to Europe⁵. This militia has been deployed at the northern borders of Libya since May: in three months, during several operations, it has intercepted at least 800 migrants, mostly Eritreans, who were immediately repatriated. The EU delegation in Khartoum has denied that all of this actually occurred⁶. Yasser Arman, Secretary General of the Sudan People's Liberation Movement-North (SPLM-N) - i.e. the armed opposition movement which is fighting against the Government of Khartoum in the South Kordofan and in the Blue Nile - asserted to have the proof regarding the plan of the Sudanese Government to strengthen the RSF through the European funds, entrusting them with border control. He appealed to the European Union asking it to avoid any measures that could prolong the open conflicts in Sudan⁷.

In the light of above, we ask what role has the Italian Government in this plan, having regard also to the accusations made by Yasser Arman (*non-official translation*): «we have clear information about the existence of a plan elaborated by the European Union to finance the RSF. Germany, in particular, would make available the necessary financial resources while Italy would be entrusted with the logistic support⁸». This accusation, which, according to the news correspondent of the “African Express”⁹, has been confirmed by diplomatic sources of the UN in Khartoum, has been reiterated by Mr Ignazio Corrao, Member of the European Parliament, according to whom (*non-official translation*): «Italy would be responsible for providing logistic support to the Janjaweed militia¹⁰».

We notice that the Memorandum of Understanding represents a political act, which falls within the framework of the cooperation between Sudan and the European Union in the field of migration. Its alleged nature of simple internal and administrative act is denied by the Preamble

⁵ *Sudan says it is combating illegal migration 'on behalf of Europe'*, “Sudan Tribune”, 30 August 2016, <http://www.sudantribune.com/spip.php?article60087>.

⁶ *Sudan. L'UE smentisce che fondi europei finanzino i Janjawid*, “Nigrizia”, 7 September 2016, <http://www.nigrizia.it/notizia/sudan-lue-smentisce-che-fondi-europei-finanzino-i-janjaweed>.

⁷ *Khartoum non si accontenta*, “Nigrizia”, 5 September 2016, <http://www.nigrizia.it/notizia/khartoum-non-si-accontenta>.

⁸ <http://www.africa-express.info/2016/09/05/sudan-nella-guerra-contro-i-migranti-litalia-finanzia-e-aiuta-i-janjaweed/>.

⁹ *ibid.*

¹⁰ <http://www.ignaziocorrao.it/laiuto-italiano-europeo-alle-milizie-janjaweed/>.

itself¹¹. For this reason, we consider that the lack of Parliamentary scrutiny represents a violation of article 80 of the Italian Constitution¹².

We call also on the Italian authorities to explain the forced return of 40 Sudanese asylum-seekers, which took place the last August.

Finally, we demand to clarify the legal nature of the agreements, including financial ones, signed with Sudan. In this regard, we recall that the EU Emergency Trust Fund for Africa is financed mostly with development aid funds and that the allocation of these funds shall not be made contingent upon the adoption of policies aimed at controlling and discouraging migratory flows.

Looking forward to Your kind reply

Kind regards,

Barbara SPINELLI – *GUE/NGL Group*
Marie-Christine VERGIAT - *GUE/NGL Group*
Maite PAGAZAURTUNDÚA RUIZ - *ALDE Group*
Ana GOMES - *S&D Group*
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¹¹ «Le Parti intendono promuovere e sviluppare la collaborazione di polizia per la prevenzione e il contrasto alla criminalità nelle sue varie forme, con particolare riferimento [...] a tratta di persone e traffico di migranti, immigrazione irregolare, [...] gestione delle frontiere e dei flussi migratori e in materia di rimpatrio, nonché della prevenzione e contrasto del terrorismo internazionale».

¹² *Costituzione della Repubblica Italiana*, Parte II, Titolo I, Sezione II: «Le Camere autorizzano con legge la ratifica dei trattati internazionali [cfr. art. 87 c. 8] che sono di natura politica, o prevedono arbitrati o regolamenti giudiziari, o importano variazioni del territorio od oneri alle finanze o modificazioni di leggi [cfr. artt. 72 c. 4, 75 c. 2, V]».

Bart STAES - *Greens/EFA Group*

Patrick LE HYARIC - *GUE/NGL Group*

João PIMENTA LOPES - *GUE/NGL Group*