

Herman Van Rompuy
President
European Council

**AMNESTY
INTERNATIONAL**



European Institutions Office

17 October 2013

Dear President Van Rompuy,

Ref: B 1487

EUROPE MUST ACT NOW TO SAVE LIVES OF MIGRANTS AND REFUGEES

Further to our statement to the Justice and Home Affairs Council on 8 October in the wake of the shipwreck off the coast of Lampedusa which cost the lives of 360 people, we are reiterating our concerns on European migration policy to heads of state and governments meeting at the European Council on 24-25 October.

Amnesty International has today released '*We cannot live here anymore: Refugees from Syria in Egypt*', a report documenting a pattern of human rights violations against refugees from Syria in Egypt, including arbitrary arrests, unlawful detention and refoulement to Syria. The report shows that refugees from Syria are trying to reach Europe to flee from discrimination and human rights violations in Egypt. Many are attempting to escape Egypt by taking boats to Italy.

Amnesty International received reports of boats sinking off the Egyptian coast, as well as interception of boats by the Egyptian navy. People intercepted, including children, face prolonged and unlawful detention or deportation. Amnesty International's research found that during an interception operation on 17 September shots were fired into the hull of the boat, resulting in the death of two refugees. Media also report that another boat, which left Libya, was fired upon shortly after beginning its journey. The boat, crowded with migrants, took on water through the bullet holes and capsized in the Mediterranean on 11 October, leading to the death of at least 27 persons.

These tragic events illustrate the need for European states to protect people's lives and rights whenever they help or engage the cooperation of third countries in developing surveillance and interception capabilities. Migration policies that turn a blind eye on serious human rights violations and abuses and focus solely on preventing arrivals to Europe do not stop people, who are desperate to escape, from trying to reach Europe. They are only putting the lives of people in danger.

The situation requires an immediate and fundamental change in the European refugee and migration policy. The 24 and 25 October Council will be a key opportunity to address the serious issue of third country cooperation on migration control and the broader issue of migration policy reform necessary to prevent further loss of life.

We urge the European leaders to initiate discussion at the Council and subsequently work to ensure:

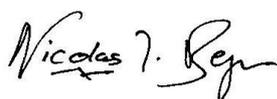
- **A significant expansion of rescue capacity in the Mediterranean.** Enhancing border surveillance through the implementation of EUROSUR or increased funding to the EU Border Agency (Frontex) will in itself not save more lives. European states must stop shirking their responsibility for migrants and refugees in search and rescue operations with their inconsistent interpretation of obligations under international maritime law. Cooperation by European states on search and rescue operations must be enhanced with: (a) clear definitions of the notions of 'distress' and 'place of safety', in accordance with the proposed Regulation on interception rules for Frontex-coordinated operations at sea, currently under discussion in the Council and the European Parliament; and (b) the implementation of effective arrangements for the disembarkation of rescued people, in line with international human rights and refugee law.

European states must also **repeal laws that criminalise irregular migrants and those 'aiding and abetting' irregular migration**, which often have the effect of deterring private vessels from rescuing migrants.

- **An end to cooperation on migration control with third countries where migrants, asylum seekers and refugees are subject to serious human rights violations or abuses and where there is no access to protection.** Human rights must be the cornerstone of any migration control cooperation with third countries; agreements must be transparent, enshrine adequate protection standards, and fully respect the rights of asylum-seekers, refugees and migrants.
- **Safe routes for refugees to Europe.** Refugees must not be forced to take dangerous sea journeys. The European states should make a firm commitment to international solidarity by significantly increasing resettlement quotas, and ensuring generous humanitarian admission programmes and the facilitating visas.

We strongly urge you to raise our concerns and support these measures during your discussions at the Council and in further work. Now is the time for action.

Yours sincerely,



Dr. Nicolas J. Beger
Director
Amnesty International European Institutions Office