



**Herman Van Rompuy**  
President of the European Council

Brussels, 7 March 2011  
Our Ref.: B1045

Dear President Van Rompuy,

The Extraordinary European Council on 11 March, and the following Gymnich on 12-13 March, present a significant, timely opportunity for the EU to fundamentally reassess its flawed overall policy towards the Southern Mediterranean, and to provide its specific response to the unfolding human rights and humanitarian emergency in and around Libya.

#### **Revision of overall policy towards the Southern Mediterranean**

Coming exactly one month after President Mubarak's enforced resignation, the European Council must use this occasion to examine and acknowledge lessons to be learned from past policy failures and to agree main messages for a rejuvenated policy towards Southern neighbours in the future. In particular, Amnesty International urges members of the European Council to consider the following issues:

- **Past 'support' to repressive regimes.** The EU should recognize that a key reason for its own diminishing credibility in the region has been its long-standing willingness to associate with and support repressive governments, such as those in Egypt, Tunisia and Libya, that lack a credible democratic mandate. Based on notions of 'stability' and European 'interests', including 'migration control', that events have now so demonstrably proven to be misguided, mistakes of past policy must be clearly and publicly recognized if the EU is to reconnect and restore its credibility with people across the region. Recognition of these mistakes should also lead to an urgent reassessment of how the EU is still, directly and indirectly, supporting repressive governments in various parts of the world.
- **Human rights at the centre of cooperation.** The EU should also recognize that its policy priorities towards the region in the past have not corresponded to the priorities and aspirations of the people of the region. This has been made clear on the streets of Tunisia and Egypt. Serious attention to human rights concerns has been notably absent in the EU's bilateral relations with these and other Southern states and the failed attempts at multilateral cooperation, in particular the Union for the Mediterranean. The protection and promotion of universal human rights now must be placed at the centre of the EU's priorities, in practical and policy terms, not simply as words. The EU should ensure that clear human rights benchmarks, including for the full realization of economic, social and cultural rights, form the basis of the EU's response to the region and the packages that the EU agrees with partner governments.
- **Enhanced contact with local HRDs and Civil Society.** The EU has been overly reliant on governmental contact to the detriment of contact with local Human Rights Defenders, Civil Society Organisations and independent parliamentarians. As a result, the EU has lost touch with the aspirations and needs of the people of the region and has neglected to adequately recognize or engage with the potential of non-state actors for effecting human rights change. To address this, the EU must listen much more and be prepared to act on what it hears from these quarters. Rather than fig-leaf consultations or forums, the EU must have meaningful engagement with local stakeholders at all levels. Such contact should have a direct impact on the EU's priorities in terms of support and action. This also includes encouraging and taking practical steps to promote genuine multilateral civil society cooperation across the region, and speaking out consistently against state crackdowns on local HRDs and civil society.

Further details of immediate human rights priorities in Tunisia and Egypt can be found in the attached 'agendas for change' as well as Amnesty International's recent report, *Tunisia in revolt: State violence during anti-government protests*. Evidence from the ground shows that the machinery of repression still operates in both Tunisia and Egypt despite the changes at the top in these two countries, violations continue and accountability for past violations is not yet assured. The EU should now use its contact with transitional authorities and other stakeholders to obtain guarantees that these priorities are addressed and ensure that reform processes have a broad base of participation, including by women, women's groups and minorities.

With torture and other ill-treatment still widely reported across the region, Amnesty International also reiterates its long-standing demand that EU member states immediately rescind so-called 'diplomatic assurances' negotiated with Libya and other countries. Diplomatic assurances are not an effective guarantee against torture and other ill-treatment and violate the global ban on torture. For further information please see the 2010 Amnesty International report, *Dangerous Deals: Europe's reliance on 'diplomatic assurances' against torture*.

### **Response to the human rights and humanitarian emergency in and around Libya**

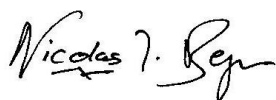
Given its proximity to the affected region and its wealth of resources, the EU and EU member states should take a leading role in responding to the unfolding humanitarian emergency, heeding the call by UN Secretary-General Ban Ki-moon for a coordinated approach. Amnesty International considers that the EU bears a heavy responsibility for the way in which in recent years it has ignored Libya's dire human rights record on the one hand while actively seeking the Libyan government's collaboration to stem the flow of people arriving in Europe from Africa, on the other. The EU should recognize that the now clearly discredited Libyan government's 'assistance' to the EU and its Member States has resulted in serious violations of the human rights of refugees, asylum-seekers and migrants.

In light of this, the EU and its member states should step up their cooperation with and assistance to those countries that are witnessing large numbers of arrivals. In particular, consistent with the principles at the core of the international protection system and in line with obligations under international human rights and refugee law, Amnesty International calls on members of the European Council to agree to:

- ensure that anyone fleeing Libya is allowed immediate access at the border - be it a land or sea border - of whichever country they are able to reach, without discrimination and irrespective of their background;
- provide any necessary assistance to ensure that anyone who has fled Libya is identified and thoroughly screened with a view to identifying people who have protection needs as well as those for whom there are grounds for exclusion;
- continue to coordinate and assist in the evacuation in safety and dignity of non-Libyan nationals who have fled Libya and wish to return to their country of origin;
- establish a humanitarian corridor to assist the flight of refugees, asylum-seekers and others currently stranded in Libya, including Sub-Saharan Africans, such as Somalis, Ethiopians, and Eritreans, who are reportedly facing considerable danger and most of whom cannot be expected to return to countries where they would face a real risk of persecution or serious harm;
- support member states confronted with people arriving from Libya and neighbouring countries in providing adequate reception and assistance and meeting the most immediate protection needs;
- suspend any enforced removals to Libya and suspend any enforced removals to Tunisia and Egypt when such removals would jeopardize current humanitarian efforts.

We look forward to hearing from you as to the outcome of the Council meeting, and remain at your disposal to discuss these issues further.

Yours sincerely,



Dr. Nicolas J. Beger  
Director