

ASGI'S CASE AGAINST ITALIAN GOVERNMENT FOR SUPPORTING THE LIBYAN COASTGUARD THROUGH MISUSE OF "AFRICA FUND" MONEY GOES ON APPEAL

Today, the Italian Supreme Administrative Court held the first hearing in the case initiated by the Association for Legal Studies on Migration (ASGI) against the Italian Government for allegedly misusing money to provide operational support to the Libyan authorities, in a bid to stem the flow of migrants trying to reach Italian shores.

ASGI claims that 2,5 out of the 200 million Euros allocated to the 2016 "Africa Fund", whose purpose was to enhance dialogue and cooperation with key African partners, were used to improve the Libyan authorities' capacity to carry out sea border control activities instead, including through restoration of patrol vessels training of their crew.

The Italian Government admits that the 2,5 million were used to restore four Libyan patrol vessels, purchasing spare parts, and training staff, but claims that this is in line with the "Africa Fund" purpose and with Italy's obligations under international law.

In addition to being a misuse of funds, in ASGI's view, enhancing the Libyan authorities' operational capability to pull back migrants into Libya, where they are systematically detained and tortured in centers ran by the Libyan Ministry of Interior, also contributes directly to gross human rights violations, in violation of the Italian Constitution and Italy's obligations under the ECHR and international customary law. Since the patrol vessels can also be employed in military operations, Italy's actions also violate a 2016 EU Council regulation banning the provision of equipment that can be used to fuel the Libyan conflict, ASGI claims.

On 30 October 2017 ASGI submitted a lawsuit against the Italian Government, moving the Regional Administrative Court in Rome to declare the ministerial decree authorizing the 2,5 million disbursement as null and void. Amnesty International, ECRE and the International Commission of Jurists intervened in the proceedings, endorsing ASGI's claims that the Italian Government's actions violate international law.

On 7 January 2019, the Court handed down its judgment rejecting ASGI's claims. On 10 May, ASGI lodged an appeal with the Italian Supreme Administrative Court in a bid to overturn the first instance judgment. The main trial, which started today, is expected to last a few months. The Supreme Administrative Court's judgments are final.