

Sabir Festival – Oct. 3rd and 4th, 2014 – Lampedusa, Italy
Workshop “Migrate to survive, stop the massacre!”
*Truth and justice for migrants who perished or disappeared
in their journey toward Europe*

Recommendations and Conclusions

Today, throughout the world, many States are waging a true war on migrants. This battle has already cost the lives of thousands of people, who have lived and continue to live human dramas at national borders, in host societies and in transit communities. These massacres are largely attributed to the inhumane strategies put forth by States against migrants and migration phenomena in general. The magnitude and intensity of the loss of life have increased in recent decades with the process of globalization and, more recently, as a consequence of the Arab Springs events in the south-Mediterranean countries. What current migration policies spell out for the migrant population is exclusion, death, detention, and denial of fundamental human rights.

The Mediterranean serves as an example: from “Heart of the Old World” and ancient cultural crossroad, it has become a marine graveyard. The official number of victims along the borders of the European continent, for the last 25 years, is 21,344. Of this total, 2,352 are the victims in 2011, at least 590 in 2012, 801 in 2013, and already more than 3,000 in the first nine months of 2014.

The shipwreck of so-called “carrette del mare” has become a normal occurrence, right under the nose of military ships in the region, of the patrols involved in FRONTEX operations, the European agency for border control.

The Mediterranean has become not just an open-air cemetery, but also a sea in which thousands of people disappear, leaving their loved ones filled with the anxiety of uncertainty. Nevertheless, European states and institutions barely recognize the gravity of this situation with official statements.

It seems that migrants have no rights not just when they are alive, but even when they disappear or perish. However, international conventions (such as the International Human Rights laws, specifically those relating to war, maritime law, asylum law, etc.) clearly define the duties to which all nations are called.

Therefore, here are our recommendations for all European member-states and European institutions:

- **The right to know**

We claim the right of all families to **know** what became of their loved ones.

The European Court of Human Rights found that the silence of a government concerning the fate of the Missing “in the face of the real concerns of the relatives [of the missing], attained a level of severity which could only be categorized as inhuman treatment”, as per Art.3 of the European Convention on Human Rights (ECHR) which states that “No one shall be subjected to torture and inhuman or degrading treatment or punishment”, without exception. This is an explicit articulation of the obligations of any State, given the suffering of the families of those unaccounted for. According to precedents in the Court's jurisprudence, the mere lack of thorough investigation of all possible violations of Art.3 constitutes in itself, regardless of the existence of any proof, a procedural violation of the same article of the Convention.

- **We claim the right to freedom of movement for everyone.** To begin with, we claim everyone's right to move within the European zone, and therefore, the abrogation of the Dublin III Regulation.

- **We demand a complete revision of FRONTEX, and specifically the agency's existence, missions, and its function.**
- We demand the establishment of:
 - **A Committee of Inquiry within the European Parliament** focused on migrants who perished or disappeared at sea;
 - **Specific Committees of Inquiry between EU Member States and non-EU States** (for example, between Italy and Tunisia for the dead and missing in 2011 and 2012, or between Italy and Malta for the shipwreck of Oct. 11th, 2013).

These Committees of Inquiry shall include representatives of the States involved, the families of the dead or missing migrants, and representatives of social society.

The objectives of the Committees of Inquiry shall be:

- To shed light on the events and on the fate of missing or dead migrants;
 - To establish responsibility. To that goal, we demand access to the data-banks of FRONTEX and of military forces;
 - To do justice and compensate the victims.
- **We ask that the European Parliament and civil society may access the data collected by FRONTEX** (fingerprints, operations, locations, vessels, facts, etc.) to shed light on the fate of migrants who died or are missing at sea. We therefore demand greater transparency from the agency regarding all its activities, its actions, and its operations.
- **For the identification of migrants' corpses:**
 - **We demand that the States commit to making every effort toward the identification of the migrants' bodies as they are recovered**, including through the collection of post-mortem data and the creation of a centralized European data-bank which will allow them to connect the bodies to the specific shipwreck that resulted in each migrant's death.
The data collection must be systematic and according to international standards. It must include details on the filing of any document, as well as details on any identification marks, photos, clothing and other items found with or on the corps. Furthermore, it should include DNA data, so that they may be compared with those of the relatives of the deceased for conclusive identification.
- **We ask that the EU establish a fund specifically for the identification of bodies**, for the post-mortem data collection and to give a dignified burial to the deceased or the repatriation of the corps if the relatives so desire. Such fund should also be used for the ante-mortem collection of data from the relatives located in the migrant's country of origin. This procedure is not currently practiced.
- **Regarding rescues at sea :**
 - We demand total adherence to the "SAR" convention on search and rescue.
 - We demand the continuation of the rescue operations at sea, such as operation "Mare Nostrum", which for the first time, despite its limits, has saved the life of many people and has allowed many more to obtain the help they needed.
 - **What Italy has done, must be done by the European Union!**

Conclusions:

Among the participants to the workshop there were associations of relatives of migrants who perished or disappeared during their journey toward Europe, as well as associations and organizations who support them and share their pleas.

The group has decided to establish an informal network in order to promote the exchange of information about the organizations' and associations' work around this issue. The objective is to link and coordinate all work and activities more effectively, so that our pleas will gain strength.

To this end, we developed a worksheet listing all actions undertaken by the associations and organizations around this issue, whether the initiatives were completed or in progress. This worksheet is undoubtedly incomplete, and we therefore decided to add regular updates.

A mailing list will be set up in order to facilitate communication, and we will work to establish a common agenda.

The network should work on two approaches:

- A legal approach, toward political action and mobilization;
- A narrative approach (story telling).

Legal approach

The workshop underscored the necessity to develop opportunities for training and exchange of information on the specific issue of migrants who perished or are missing, in order to better coordinate and articulate the various lawsuits being filed in several States, and particularly in Italy, France, Algeria, and Tunisia.

The purpose of these training exchanges should be not only to sharpen the legal competence on the issue of migrants and to coordinate lawsuits in different States, but also to raise the status of migrants' death and disappearances. We intend to present this case to the European courts of justice and human rights and to international institutions in order to obtain the recognition of the death and disappearance of migrants during their journey toward Europe as a crime against humanity.

Narrative approach

The goal is to put a face on the people who perish or disappear, through stories told by their relatives. Stories that tell who these people were in life could serve to raise awareness in the population of both shores of the Mediterranean about the tragedy taking place.

For this purpose, we proposed the creation of a page on "WatchTheMed.net" where these stories could be collected.

The workshop also underscored the importance of having an exchange between civil society and European as well as national members of parliament. All officials need to be apprised of the activities of each member. To this end, we decided to include members of parliament in the mailing list for information exchange and coordination, and to establish an ongoing dialogue.

AGENDA

The workshop resolved to schedule future meetings for continued exchange and to improve collaboration.

- A meeting on legal training organized by Boat4People, date and time to be confirmed.
- A meeting on legal training organized by the Forum Tunisien des Droits Economiques et Sociaux, date and time to be confirmed.
- Planning of a specific workshop focused on legal aspects, within the Human Rights Forum that will take place in Marrakesh, Morocco at the end of November.

- Participation to the ongoing activities in Italy geared toward the establishment of a session of the International Tribunal of Peoples.
- Planning of a meeting within the World Migration Forum to be held in Johannesburg, South Africa, on December 5th through 8th, 2014, in order to link the experience of this Mediterranean network to the existing Central American network of families of missing migrants.
- To dedicate the Day of Global Action on December 18, 2014, to the issue of deceased or missing migrants.
- To organize workshops within the next World Social Forum, which will take place in Tunis, Tunisia, in 2015. The workshops will focus on the different aspects of this issue.

The workshop reiterated that the death and disappearance of thousands of people in the Mediterranean can no longer be considered accidents or tragedies: these events are a direct result of policies of rejection and obstruction perpetrated by “fortress” Europe, with the complicity of southern States. These States, on both shores of the Mediterranean, hope that the migrants' relatives and the associations who support them simply give up. The workshop reiterated that we are not willing to forget, and so we take up the slogan of the Argentine *Madres y Abuelas de Plaza de Mayo*: **NO OLVIDAMOS**.

Because as long as there's a dead or missing migrant, there is a father, a mother, a brother, a sister, a friend, a fellow human being who will demand truth and justice!