



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



CommDH(2009)41

Ref: CommHR/SM/sf 095-2009

Mr. Carmelo Mifsud BONNICI

Minister for Justice and Home Affairs of the Republic of Malta

Strasbourg, 26 August 2009

Dear Minister Bonnici,

I am writing to express my concern about the recent incident involving a boat which set off from Libya and was adrift for some twenty days, apparently without any help from several passing vessels. Only five of more than 70 people - mainly Eritreans – survived, reaching the coasts of Italy. This incident is but the latest of many similar tragedies in the Mediterranean.

Reportedly, a Maltese military patrol boat did not rescue them, though offered food, water and fuel. As different versions exist on this incident, it is of crucial importance to clarify the facts and ascertain possible responsibilities. Has an official inquiry been initiated by the Maltese authorities or are they cooperating with the one initiated by Italy?

One element is already evident: the people on the ill-fated boat have not benefited from international humanitarian protection. In particular, the responsibility to rescue persons at sea appears to have been neglected. What happened? Is the cooperation with the Coast Guards of other countries not functioning properly, thereby preventing boats in distress from being spotted and rescued?

Migratory flows present major challenges to many European countries. A common European approach is therefore needed to meet those challenges. I have raised the issue with the Swedish Presidency of the European Union. There is a need for responsibility-sharing, where every country is ready to contribute in a spirit of solidarity, not only with regard to the reception capacities of other countries, but also *vis-à-vis* migrants themselves.

Many migrants are human beings in dire circumstances who deserve our attention and respect. A substantial number of them are fleeing persecution or violence and deserve international protection.

I hope that the Maltese government will take all necessary measures for such tragedies to be avoided in the future. A constructive cooperation with the authorities in Italy, to develop sea patrolling which is duly respectful of human rights and humanitarian principles, would be highly beneficial. I hope it will be possible to address these crucial issues with a cooperative approach, guided by human rights norms.

I stand ready to contribute to all the efforts which will be undertaken in this direction.

Yours sincerely,

Thomas Hammarberg