



*Il Rappresentante Permanente d'Italia
presso le Organizzazioni Internazionali
Ginevra*

0343

Geneva, 21st February 2017

Yon Exallennis,

I have the honor to refer to your kind letter of 2 February 2017 in which you conveyed the concerns of the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the human rights of migrants, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, about possible human right implications of the measures that could be taken in the implementation of the Memorandum of Understanding on cooperation in the area of development, the prevention of illegal immigration, human trafficking and smuggling, and on strengthening border security between the State of Libya and the Italian Republic, signed in Rome by President Gentiloni and President Serraj on 2 February.

Please be informed that the text of the Memorandum of Understanding has been released to the general public the same day of its signature and can be downloaded (in Italian) at the official web page of the Presidency of the Council of Ministers: <http://www.governo.it/sites/governo.it/files/Libia.pdf>.

The Italian Government is fully committed to all its obligations under international law and standards, including the principle of non-refoulement. Human rights obligations have been granted a specific attention in the course of the negotiations of the above mentioned Memorandum. Its text explicitly recalls “the obligations under customary international law and the agreements binding the Parties, including Italy’s membership of the European Union” and, in Art. 5, states that “the Parties pledge to interpret and apply this Memorandum with due regard for the international obligations and agreements on human rights to which both countries are party”. Among the set of provisions regulating the treatment of migrants, the Memorandum includes the obligations of the Parties to support the international organisations present in Libya for migratory issues. Art. 3 foresees the setting up of a joint committee carrying out and monitoring the undertakings of the Memorandum.

Mr. José Antonio GUEVARA BERMUDEZ

Vice Chair of the Working Group on Arbitrary Detention

Mrs Houria ES-SLAMI

Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Mr. François CREPEAU

Special Rapporteur on the human rights of migrants

Mrs Urmila BHOOLA

Special rapporteur on contemporary forms of slavery, including its causes and consequences

Mr. Nils MELZER

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

The signing of the Memorandum of Understanding has been widely praised as a landmark moment in the endeavor of confronting the smuggling of human beings. Allow me here to quote what has been stated by the Members of the European Council in the “Malta Declaration on the external aspects of migration: addressing the Central Mediterranean route”, adopted in La Valletta on 3 February: “the EU welcomes and is ready to support Italy in its implementation of the Memorandum of Understanding signed on 2 February 2017 by the Italian Authorities and Chairman of the Presidential Council al-Serraj”.


I wish to reiterate our grave concern for the smuggling of migrants and human trafficking that continue to endanger the lives of thousands of people in the Mediterranean Sea. In its constant efforts to combine security and solidarity, Italy remains committed to rescuing distressed people at sea and helping the thousands migrants who reach our shores. To this end, specific training modules on International humanitarian Law and Human Rights are part of the curricula of the officers of the Libyan Coast Guard currently trained by the European Mission “Sophia”.

Italy is equally committed to ensuring that adequate individual assessments are carried out, in order to identify particular vulnerabilities and support needs, including in the health care. At the same time, a common effort is needed to enhance, in full conformity with international commitments including in human rights issues, the capacity of the Libyan authorities to disrupt criminal networks that exploit illegal migration flows.

Excellencies, Italy’s firm commitment to its obligations under international law remains undisputed. Italy is working toward the goal of building an effective and credible partnership with the Libyan authorities to jointly address this common challenge, responding to it in a multidimensional manner. The MoU signed in Rome a few days ago is a key step toward better management of migration flows through a global approach, which will also sustain the stability of Libya and the Mediterranean. The Italian Government is committed to its obligations States towards all migrants and refugees at all stages of their migration. Together with Libya, we can build on this agreement to pin down a comprehensive, effective response, working together on security, on the humanitarian level, on human rights and on the issue of empowering local communities. The full commitment of the whole international community is key in this respect.

The Italian Governments confirms its fullest cooperation with the Special Procedures of the Human Rights Council and stands ready to share all the relevant information on the implementation of the above mentioned Memorandum.

Yours sincerely,


Amb. Maurizio Enrico Serra