

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of migrants and the Special Rapporteur on trafficking in persons, especially women and children

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(Please use this reference in your reply)

15 October 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human rights of migrants and Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolutions 52/4, 52/20 and 53/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the gunfire attack on the Ocean Viking search and rescue vessel by the Libyan Coast Guard, on 24 August 2025.**

The **Ocean Viking** is a search and rescue vessel operated by the French organisation **SOS Méditerranée**. SOS Méditerranée has been operating search and rescue vessels in the Central Mediterranean since 2016, and the Ocean Viking since 2019.

Since 2014, and as of the time of writing, the International Organization for Migration (IOM), through its "Missing Migrant" project, has recorded the deaths and disappearances of 25,459 migrants along the Central Mediterranean route. The data on deaths and disappearances collected through the project likely represents a significant undercount. IOM highlights "gaps in search-and-rescue capacity and restrictions on the life-saving work of NGOs" as one of the factors contributing to making the route the world's deadliest for migrants.

According to the information received:

In 2017, Libya and Italy agreed a Memorandum of Understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking, fuel smuggling and reinforcing the security of borders between the State of Libya and the Italian Republic.

At 2.09 a.m. on 24 August 2025, the Ocean Viking rescued 47 persons in distress in international waters in the Libyan Search and Rescue Region of the Central Mediterranean. The rescue was reportedly carried out keeping all relevant maritime authorities informed of each step of the operation. The Italian Maritime Rescue Coordination Centre (ITMRCC) subsequently assigned Marina di Carrara as a place of safety for disembarkation of the rescued persons, approximately 1,300 km and three and a half days sailing from the ship's

Permanent Delegation of the European Union
to the United Nations Office and other international organizations in Geneva

location at the time. The Italian authorities thereafter authorized the Ocean Viking to deviate from its course to the assigned place of safety in order to carry out a second rescue operation on the same day, during which 40 persons in distress at sea were rescued, and again in order to search for a third boat in distress in international waters in the Central Mediterranean.

At 2.45 p.m. on the same day, the Ocean Viking crew spotted a boat on the horizon approaching the ship at sea. At 2.58 p.m., the Ocean Viking made radio contact with this boat – a Libyan Coast Guard Corrubia-class patrol vessel, *Houn 664*, donated by Italy to the Libyan authorities in 2023 as part of the European Union’s Support to Integrated Border and Migration Management in Libya (SIBMMIL) program, for which the Italian Ministry of Interior is the partner. The Libyan Coast Guard reportedly shouted at the Ocean Viking crew via the radio, telling them to “go north”. In response, the Ocean Viking crew explained that they were conducting a rescue mission in coordination with the ITMRCC and the Joint Rescue Coordination Centre in Tripoli.

At 3.02 p.m., they had a similar exchange, with the same message communicated by the Ocean Viking in Arabic. However, the ship subsequently informed the Libyan Coast Guard that they had changed course and were heading north. Immediately after having shared this information, gunshots were fired from the Libyan Coast Guard boat at the Ocean Viking, with reportedly no warning given. The Ocean Viking continued to change its course to head north.

At 3.05 p.m., while informing the ITMRCC of the shooting and asking them to intervene with the authorities in Tripoli, the Ocean Viking was shot at again from the Libyan Coast Guard boat. At this point, while speaking with the ITMRCC, the Search and Rescue Coordinator aboard the Ocean Viking issued a mayday call and informed the IMRCC that the windows on the bridge of the Ocean Viking have been shattered by the gunfire. At 3.08 p.m., as the Libyan Coast Guard continued to shoot at the Ocean Viking, the ship issued another mayday call.

At 3.09 p.m., the Ocean Viking asked the Libyan Coast Guard boat to stop shooting and told them that they were leaving the area. The shooting nonetheless continued, and the Libyan Coast Guard threatened to increase their fire. At 3.12 p.m., the Ocean Viking repeated its message to the Libyan Coast Guard both in Arabic and English. The Libyan Coast Guard responded by continuing to shoot and threatening the Arabic-speaking member of the Ocean Viking crew.

At 3.14 p.m., the Ocean Viking contacted the ITMRCC, who informed the Ocean Viking that they were not in contact with the authorities in Tripoli, and told the crew to contact their flag state. While this conversation was happening, the Libyan Coast Guard continued to shoot at the Ocean Viking. At 3.15 p.m., the captain of the Ocean Viking was threatened by the Libyan Coast Guard after speaking with them in English. They insulted him, calling him a “dog” and an “animal”, and warned that they would shoot him unless he spoke in Arabic. The Libyan Coast Guard then ordered the Ocean Viking to stop their engine, and threatened the ship, saying they would return in an hour and sink them. By 3.24 p.m., the Libyan Coast Guard boat had left the area, heading south.

As a result of the gunfire from the Libyan Coast Guard boat, four windows on the bridge of the Ocean Viking were shattered, four of the ship's rescue boats (RHIBs) destroyed, and communication, navigation and search and rescue equipment damaged. The ship itself was left with more than 100 bullet holes, including form shots fired at head height and aimed directly at the bridge.

Following the attack, the Ocean Viking informed the ITMRCC that the Libyan Coast Guard boat had left and that they intended to proceed towards the port of Marina di Carrara. They subsequently informed NATO Operation Sea Guardian of the incident and requested an escort for the safety of the ship and those onboard. They were advised by the NATO crew to contact the Italian Navy, which they reportedly attempted to do four times without success. At 4.52 p.m., the Ocean Viking made three attempts to contact the European Union Naval Force Mediterranean Operation Iriini (EUNAVFOR MED) via satellite phone, to ask for an escort, but could not make contact with them.

At 4.56 p.m., the Ocean Viking contacted the ITMRCC and asked them to contact the Italian Navy to organise an escort for the Ocean Viking. In response, the ITMRCC told the Ocean Viking that they should contact the ship's flag State. At 5.32 p.m., the Ocean Viking contacted the ITMRCC, the flag State, the Malta Rescue Coordination Centre, the Italian Navy, NATO and Frontex by email, informing them of the damage sustained to the ship as a result of the shooting by the Libyan Coast Guard and requesting a closer place of safety for disembarkation of the rescued people on board.

At 11.50 p.m., the Ocean Viking followed up on its initial email with photographic evidence of the damage sustained in the shooting by the Libyan Coast Guard. The ITMRCC subsequently confirmed Siracusa as a place of safety for disembarkation. This was subsequently changed to the port of Augusta, where disembarkation took place on the evening of 25 August 2025.

This incident is allegedly not the first attack of the Libyan Coast Guard on the Ocean Viking. In July 2023, a similar attack occurred, when a Libyan Coast Guard boat, donated through the EU's SIBMMIL programme and formerly used by the Italian Guardia di Finanza, fired gunshots in the vicinity of two of the Ocean Viking's RHIBs during a rescue operation.

We express our grave concern at the alleged attack on the Ocean Viking, noting that the above-detailed allegations are supported by video, audio and photograph evidence, and underline our serious fear that the attack, which appears to have put the Ocean Viking crew members – who are human rights defenders – and the 87 persons on-board who were rescued at sea in extreme jeopardy, may have been a deliberate attempt to prevent the life-saving work of the Ocean Viking and be directly connected to gross human rights violations committed by the Libyan authorities, including the Libyan Coast Guard, against migrants, refugees and asylum seekers.

We note that the Libyan Coast Guard ship involved in the above-outlined attack, along with the alleged attack in July 2023, was provided to the Libyan authorities by the EU, through its SIBMMIL programme, one of a number of vehicles for EU support

for Libya, in particular in the field of migration.

Grave concerns as to a pattern of gross human rights violations committed against migrants and involving the Libyan Coast Guard through interceptions at sea were included in reports from November 2021 (A/HRC/48/83) and August 2022 (A/HRC/49/4) by the Human Rights Council-mandated Independent Fact-Finding Mission on Libya (FFM). Concerns about human rights violations committed against migrants, refugees and asylum seekers by multiple parties in Libya have since been reiterated in reports of the Office of the United Nations High Commissioner for Human Rights dated 3 June 2024 (A/HRC/56/70) and 23 July 2025 (A/HRC/60/82), recommending to “review and, if necessary, suspend cooperation with the Libyan authorities involved in gross human rights violations, including against migrants and refugees”. Concerns were also raised by the UN Secretary-General in his report (S/2024/642) on Implementation of Security Council resolution 2698 (2023), highlighting that “During the reporting period, according to several United Nations entities, Libya remained unsafe for the disembarkation of migrants and refugees intercepted or rescued at sea. Based on interviews with survivors, IOM, OHCHR, UNHCR and UNSMIL indicated that, once intercepted and returned, migrants and refugees were transferred to official detention centres and unofficial detention facilities, where they faced a high risk of exploitation and other situations of vulnerability, including risks of death, disappearance, arbitrary detention, torture, ill-treatment, gender-based violence, trafficking, excessive use of force and other human rights violations and abuses by both State and non-State actors” (para. 15).

In its 2021 report (A/HRC/48/83), the FFM found that “Since the inception of boat pullbacks in the Mediterranean Sea, Libyan authorities have been on notice regarding the widespread and systematic nature of the reckless interceptions at sea and the abuses within the centres. Rather than investigating incidents and reforming practices, the Libyan authorities have continued with interception and detention of migrants. The absence of accountability for abuses against migrants evidences a State policy encouraging the deterrence of sea crossings, extortion against migrants in detention, and subjection to violence and discrimination. Militias (some of which manage detention centres), criminal networks, traffickers and smugglers contribute to the implementation of this policy.” (para. 60). The FFM considered at the time that this provided “reasonable grounds to believe that acts of murder, enslavement, torture, imprisonment, rape, persecution and other inhumane acts committed against migrants form[ed] part of a systematic and widespread attack directed at this population, in furtherance of a State policy” and that as such, “these acts may amount to crimes against humanity.” (para. 61).

In another report (A/HRC/50/63) from June 2022, the FFM stated its continued investigations “provided a strong basis to confirm that acts of murder, enslavement, torture, imprisonment, rape, and other inhumane acts are committed against migrants” and “that little has been done by Libyan authorities to reform their practices and address these crimes, or by their international partners, including Italy and Malta who have cooperation agreements with Libya in the field of migration control.” (para. 70).

In a third report (A/HRC/49/4) from August 2022, the FFM found that, in spite of the Mission’s published findings, the Libyan authorities had continued to detain migrants, including those intercepted at sea, and that “European States continued to

cooperate with the Libyan authorities, including the Libyan Coastguard.” (para 46).

In its final report (A/HRC/52/83) from March 2023, the FFM found reasonable grounds to believe that high-ranking staff of the Libyan Coast Guard colluded with traffickers and smugglers, reportedly connected to militia groups, in the context of the interception of migrants and their deprivation of liberty (para. 44). The FFM further found Libyan authorities, including the Libyan Coast Guard, as well as third States, had been on notice as to the widespread human rights violations and possible crimes against humanity being committed against migrants in Libya, but that “Nonetheless, in accordance with memorandums of understanding between Libya and third States, the Libyan authorities have continued their policy of intercepting and returning migrants to Libya, where their mistreatment resumes. Based on the substantial evidence and reports before it, the Mission has grounds to believe that the European Union and its member States, directly or indirectly, provided monetary and technical support and equipment, such as boats, to the Libyan Coast Guard...” (para. 46). The FFM recommended that third States “cease all direct and indirect support to Libyan actors involved in crimes against humanity and gross human rights violations against migrants, such as the Directorate for Combating Illegal Migration, the Stability Support Apparatus and the Libyan Coast Guard.” (para. 103, g).

In connection to the support to the Libyan Coast Guard, both regarding donation of boats and other activities to enhance operational capacity of the competent Libyan authorities in maritime surveillance, tackling irregular border crossings, including the strengthening of SAR operations and related coast guard tasks, as per the objectives of the SIBMMIL project, funded by the European Union through the Emergency Trust Fund for Africa, we would also like to recall concerns regarding monitoring of risks of human rights violations in connection to projects funded under the European Union Emergency Trust Fund (EUTF) in Libya. We recall the analysis by the European Court of Auditors (ECA), in particular concerns raised in the Special report 17/2024 “The EU trust fund for Africa – Despite new approaches, support remained unfocused”. In their report, the ECA observed that “The risks are naturally higher where actions are implemented in extremely volatile areas and entail border management or security activities” and that “At the level of implementation, we found that activities insufficiently addressed risks to the do-no-harm principle”. Regarding in particular the situation in Libya, the ECA concluded that “the monitoring of human rights risks in Libya is new, but follow-up was not demonstrated”, they also concluded that “Commission staff with no in-depth knowledge of the activities funded by the EUTF in Libya, in particular their location, cannot link the highlighted risks to EUTF projects and cannot assess whether-EU funded equipment is being used as intended and in line with the do-no-harm principle”. Regarding formal procedures of monitoring and triggering suspension of funding, the ECA also found that “no clear or documented examples, nor practical guidance, on what actions may trigger an EU decision to suspend an activity. The Commission has stated that it would suspend support in the event of a direct link between EU spending and an allegation of human rights violations, based on an individual assessment of necessity and proportionality, also taking into account the country context. Despite the existence of allegations of such violations, the Commission could not provide examples of any such formal assessments being made in connection with EUTF activities. The Commission has described to us examples of situations that would result in the suspension of certain activities in Libya. While we found clear indications that one of these situations had occurred, the Commission has

so far not suspended any EUTF activities in Libya, considering that support must continue to preserve life and alleviate migrants' suffering". While we acknowledge the Commission's acceptance of recommendations made in the report, we would also like to recall the Commission's reaction to above-mentioned allegation and their commitment to "In the context of the EU cooperation in Libya, any situation such as the one described in observation 58 of the special report, requires a careful assessment of the do no harm principle".

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to measures taken by the European Union, through its relevant institutions and services, to support human rights defenders in the Central Mediterranean in light of the above-detailed attack on the Ocean Viking. If no measures have been taken, please provide reasons for this.
3. Please provide information on the measures, including monitoring and accountability mechanisms that are in place to ensure that cooperation of EU States in the context of bilateral agreements such as the 2017 Memorandum of Understanding between Italy and Libya, ensure the protection of migrants, refugees and asylum seekers.
4. Kindly also indicate how human rights due diligence assessment is conducted for the cooperation of the EU with Libyan authorities, under the EUTF and in particular considering findings and European Commission's commitments to the European Court of Auditors, relation to financial assistance, capacity-building, training, equipment, and other forms of operational support.
5. Please provide information as to the steps taken by the European Commission to implement the recommendations of the FFM concerning third party support for its institutions and authorities in light of the findings of crimes against humanity and gross human rights violations. If no such steps have been taken, please provide reasons for this.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please be informed that a letter on this subject matter has also been sent to Italy and Libya.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Gehad Madi
Special Rapporteur on the human rights of migrants

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the provisions of the International Covenant on Civil and Political Rights (ICCPR).

With regards to the situation of migrants in distress in the Central Mediterranean, we take the opportunity to refer to article 6(1) of the ICCPR, which provides that every human being has the inherent right to life and that no one shall be arbitrarily deprived of one's life. The right is also guaranteed in article 2 of the European Convention on Human Rights.

The Human Rights Committee, in its general comment No. 36 (CCPR/C/GC/36), confirmed that the right to life has crucial importance both for individuals and for society as a whole and that article 6 guarantees this right for all human beings, without distinction of any kind. The right is not to be narrowly interpreted and includes acts and omissions that would cause any unnatural or premature death. Its protection thus requires that the State adopt positive measures, which are only discharged if individuals are protected by the State against violations of its own agents, and private persons and entities alike. The Committee has made this clear, stating that the State duty to respect the right to life includes an obligation to take action in the case of foreseeable threats to the right to life and in life-threatening situations, even where those threats and situations are not caused directly by the State. Permitting or failing to take appropriate action to exercise due diligence to prevent the death of any individual on its territory or under its jurisdiction will result in a violation by the State party of the ICCPR and give rise to State responsibility. The obligations borne by State Parties under article 6 may be broader than the scope of the principle of non-refoulement under international refugee law, as it may also require the protection of aliens not entitled to refugee status. States parties must allow all asylum seekers claiming a real risk of a violation of their right to life in the State of origin access to refugee or other individualized or group status determination procedures that could offer them protection against refoulement.

We also wish to underline the relevance of article 6(1) of the ICCPR in the context of this specific alleged attack, and the threat posed to the lives of the members of the Ocean Viking crew – human rights defenders – and the persons rescued by them at sea. In this sense, we wish to make reference to paragraph 23 of the Human Rights Committee's general comment No. 36, in which it states: “The duty to protect the right to life requires States parties to take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence. Such persons include human rights defenders...”. Moreover, the Human Rights Committee's general comment No. 36 (para. 27) underlines that an important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents, including incidents involving allegations of excessive use of force with lethal consequences, and that the duty to investigate also arises in circumstances in which a serious risk of deprivation of life was

caused by the use of potentially lethal force, even if the risk did not materialize.

We would also like to refer your attention to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would further like to bring your attention article 12 of the Declaration, and in particular paragraphs 2 and 3, which provide that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Further, in relation to the situation of the human rights defenders, we would like to make reference to the recommendations made in the report of the Special Rapporteur on the situation of human rights defenders to the UN General Assembly (A/77/178), on the situation of defenders of the rights of refugees, migrants and asylum seekers. In particular, we wish to underline her key recommendation that States publicly promote the lifesaving work of defenders working on these issues; intervene to stop them from being attacked; desist from targeting them; and provide a safe, accessible and supportive environment for their work, both in law and in practice.