



# **COURT OF CRIMINAL APPEALS REJECTS EL HIBLU 3 JURISDICTION APPEAL.**

**press requests to:**

Free El Hiblu 3 campaign

mail@elhiblu3.info

**Today, the decision on the appeal to the Bill of Indictment on the question of jurisdiction in the case of Malta against the El Hiblu 3 took place. The court dismissed the appeal to challenge Malta's jurisdiction for all the nine standing charges. Abdalla, Amara and Kader, the El Hiblu 3, have been wrongfully charged with alleged terrorist activities, hijacking a ship, threatening a crew and several other serious offences. At least four out of a total of nine charges carry life sentences. The case is presided over by Judge Consuelo Scerri Herrera.**

After almost five years of legal and emotional limbo a Bill of Indictment was filed in November 2023. The defence's plea challenging Malta's jurisdiction was presented in March 2024. The court's decision to dismiss this plea in May 2024 led us to the Court of Criminal Appeals to review the decision on the subject of Malta's jurisdiction over events that allegedly took place on the El Hiblu 1 in March 2019. Dismissing the appeal, the Court of Criminal Appeals confirmed the decision of the Maltese criminal court.

*"I am shattered. The past five years, I had a very messy and complicated life and I don't know when this ordeal will finally stop. But one thing is clear, I have faith in God that all this will end one day, because we are innocent."*

Abdalla, defendant of the El Hiblu 3

*"I am devastated and angry. When we finally had the opportunity to escape the inhumane treatments in Libya, we couldn't afford to be returned to a place where our freedoms and safety were not guaranteed anymore and coming to Malta was the only option we had to save our lives."*

Amara, defendant of the El Hiblu 3

From all we heard in witness and expert testimonies over the past five years, a non-violent protest by the rescued migrants took place on the 27th of March off the Libyan coast resulting in the prevention of their illegal push-back to Libya and the vessel changing course towards Europe. Malta's Armed Forces stormed the ship soon after it entered Malta's territorial waters in the morning of the 28th and declared to have found no violence going on. It is evident that the Maltese state seeks to make an example of the three young black men in order to deter others from defending their basic human rights and righteously resisting push-backs to Libya. These forced returns are a clear violation of international law, constituting a threat to returnees' lives and well-being.

The El Hiblu 3's imprisonment and prosecution constitutes a grave injustice. Their lives have been put on hold for acting as translators and mediators on the tanker El Hiblu 1. Instead of prosecuting them, the three young men should be celebrated for their actions in preventing the forceful and illegal return of 100 lives to unsafe and war-torn Libya. After almost six years of emotional, psychological gruelling procedure, Malta missed yet another chance in the appeal hearing to do right by Abdalla, Amara and Kader, who have already been stripped of their youth by the trial before they get retraumatized by being sent to prison. We urge the Maltese state to reconsider allowing this gruesome trial to continue. The serious allegations made by Malta's Office of the Attorney General must now be dismissed entirely. We reiterate our demand to dismiss all the charges! It is not too late to rectify this grave injustice.

Dismiss the trial! Resisting illegal push-backs to Libya is not a crime! Free the El Hiblu

## ENDORSEMENTS

Free the El Hiblu 3 campaign

African Media Malta Association

Blue Door Education

borderline-europe

Border Forensics

Captain Support

Collective Aid

CompassCollective

Dance Beyond Borders

De:criminalize

#FreeHomayoun

Iuventa-crew

Kopin

medico international

Mediterranea Saving Humans

Mission Lifeline International

Moviment Graffiti

MV Louise Michel project

LeaveNoOneBehind

Refugees in Libya

Repubblika

Resqship

SARAH Seenotrettung

Sea Punks

Sea-Eye e. V.

Sea-Watch e.V.

Searchwing

Seebrücke

SMH (Aita Mari)

SOS Humanity

Top Manta

United4Rescue

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## CONTEXT: THE STORY OF THE EL HIBLU 3

*On 26 of March 2019, the El Hiblu 3 and around 100 other people were rescued from a rubber boat in distress. They were 15, 16 and 19 years old at that time. The boat had departed from Libya heading for Europe. Co-ordinated by an aeroplane of the European Union's EUNAVFOR Med operation, the people in distress were rescued by the commercial tanker El Hiblu 1. and reassured by the vessels' crew that they would be brought to a port of safety in Europe. Yet, following the order by European authorities, the crew tried to return them to Libya – a place from which they had just escaped.*

*When the rescued passengers had realised they were being returned to Libya, they protested the attempted push-back. It was thanks to Amara's, Abdalla's and Kader's translation and mediation between the frightened crew members and the equally terrified rescuees that had prevented an escalation of the situation. Subsequently, the ship had re-directed its course and steered north towards Malta. Upon arrival, Abdalla, Amara and Kader were arrested and accused of a multiplicity of serious crimes, including acts of terrorism. The three teenagers were immediately detained in a high security wing in Malta's adult prison before being transferred to age-appropriate youth correctional facilities. The three were imprisoned for almost eight months before being finally released on bail in November 2019. Since then, numerous Maltese and international organisations, activists, academics including reputable legal scholars, and public figures joined forces in campaigning for the trial to be dismissed.*

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