Press Statement: Does Malta have jurisdiction? The chance to dismiss the El Hiblu 3 trial today.

Today, in the pre-trial hearings of the Criminal Court against the El Hiblu 3, we await a decision on Malta's jurisdiction over the alleged criminal acts.

The question of jurisdiction was introduced by the defence team as one of the main arguments appealing the Bill of Indictment against Abdalla, Amara and Kader – the El Hiblu 3. The three young men were accused of terrorist activities, hijacking a ship, threatening a crew and several other serious offences when they were still teenagers in 2019. The Bill of Indictment confirmed the alleged crimes on 8 November 2023, including all nine charges. At least four of these carry life sentences.

Around 100 people – including the El Hiblu 3 – were rescued in international waters from a boat in distress by the commercial tanker *El Hiblu 1* on 26 March 2019 – more than five years ago. The three accused were 15, 16 and 19 years old at the time. The three teenagers mediated and translated between a scared crew and equally terrified survivors as they understood that the ship was attempting – illegally – to take them back to Libya. The commercial tanker eventually changed its course, heading for Malta. The three teenagers were arrested on arrival and detained for almost eight months. Since their arrival – and for most of their youth – they have been caught in a legal and emotional limbo, characterised by delays and translation issues.

It is clear that the Maltese state is seeking to make an example of the three accused for their audacity in resisting a push-back to Libya – a manoeuvre that Malta actively supports with its material and economic resources, even while forced returns of this kind are in clear violation of international law and the principle of non-refoulement, and constitute a threat to returnees' lives and well-being.

Recent milestone decisions in the Pylos9 and Iuventa trials provide examples of what we need to see in the El Hiblu trial as well. In the Greek trial against the Pylos9, nine defendants – who survived a shipwreck in which over 500 people died off the coast of Greece – were acquitted. The verdict was based on the fact that the alleged offences took place in international waters, and therefore outside of Greek territory and jurisdiction. Similarly, at the end of April, all of the defendants in the preliminary hearings against the *Iuventa* crew and other NGOs were acquitted in Italy for lack of evidence.

Today, we hope the court will conclude with the only logical answer – to dismiss the trial!

The El Hiblu 3's prosecution constitutes a grave injustice.
We demand yet again: Dismiss the trial! Free the El Hiblu 3!

SIGNATURES:

ADPD – Maltas Green Party
African Media Association Malta
Border Forensics
borderline-europe
Captain Support Network
CPT – Aegean Migrant Solidarity
Cyrus Engerer, MEP
Dance Beyond Borders
de:border // migration justice collective
Democratic Lawyers Switzerland
European Association of Lawyers for Democracy & World Human Rights (ELDH)
European Center for Constitutional and Human Rights (ECCHR)
European Council on Refugees and Exiles (ECRE)
#FreePylos9 Campaign
Human Rights Legal Project
Iuventa crew
KOPIN
LeaveNoOneBehind
Legal Centre Lesvos
Moviment Graffitti
MV Louise Michel project
r42-SailAndRescue
ResqShip e.V.
Salvamento Marítimo Humanitario
Sea Punks e.V.
Sea-Watch e.V.
SOS Humanity e.V.
You can’t evict Solidarity!
XENION e.V.