



Freedom Commission calls on Malta to dismiss the trial of the ElHiblu3

Today, the ElHiblu3 Freedom Commission is launched! It calls on Malta to immediately dismiss the proceedings against three young men – the ElHiblu3. Two-and-a-half years after the merchant vessel *El Hiblu 1* arrived in Malta with 108 rescued people on board, the prosecution hasn't formulated an official charge. Upon arrival, the three African teenagers were arrested and accused of a multiplicity of crimes, including acts of terrorism and the hijacking of the vessel. Until today, Malta has denied them a fair trial and has violated their basic human rights.

In March 2019, some 100 migrants had left Libya in a rubber boat, seeking to escape to Europe. 108 people were rescued from distress by the merchant vessel *El Hiblu 1*, whose captain was instructed to do so by an aircraft of the operation EUNAVFOR Med. Some of the migrants remained on the rubber boat, fearing to be pushed back to Libya – they disappeared and are presumed to have died.

Though rescued by the *El Hiblu 1*, the 108 people were not safe. When realising that the merchant vessel moved back toward Libya, the group protested and eventually convinced the crew to steer north. Three of them (15, 16 and 19 years of age at the time) – who we collectively refer to as the *ElHiblu3* – acted as translators and mediators between the captain and survivors. Although nobody was injured, the three were immediately arrested upon arrival in Malta and accused of having committed multiple crimes, including acts of terrorism.

The *ElHiblu3* were imprisoned for seven months before being released on bail in November 2019. Since then, they have to register every day at the police station and attend monthly hearings during which the prosecution seeks to establish the potential charges to be brought forward. If found guilty by a jury in Malta, the three could face a lifetime in prison.

While members of the Maltese police and crew members of the merchant vessel were heard promptly after the landing of the *El Hiblu 1*, it took the Maltese prosecution two years to ask the survivors to testify. So far, six survivors have testified, just one of them in their mother tongue. For them it is clear that the *ElHiblu3* are innocent. More than that, they are described as heroes who prevented over 100 people from being forced back to Libya, a place where human rights are systematically violated, and people on the move are routinely subjected to torture, rape, incarceration, and extortion.

Founded in October 2021, the ElHiblu3 Freedom Commission is a newly formed and independent alliance of human rights advocates demanding freedom for the ElHiblu3.

Members:

Achille Mbembe

Professor at University of the Witwatersrand, South Africa

Aminata Dramane Traoré

Coordinator of Forum pour l'autre Mali

Anton D'Amato

Archbishop's Delegate for Migrants in Malta

Berenice Böhlo

President of the European Democratic Lawyers

Carola Rackete

Environmental and sea rescue activist

Charles Heller / Lorenzo Pezzani

Co-directors of Border Forensics

Enrica Rigo

Professor at University of Roma Tre, Italy

Francesca Cancellaro

Lawyer at Gamberini Ass. Prof., partner lawyer of ECCHR, Italy

Jean Ziegler

former vice-president of the Advisory Committee to the United Nations Human Rights Council



Libya is not a safe place for disembarking people rescued at sea. Returning the 108 survivors to Libya would have been unlawful.

The unacceptable injustice that the ElHiblu3 continue to face in Malta prompted many human rights networks and engaged individuals to condemn the trial of the three. The newly formed *ElHiblu3 Freedom Commission*, an independent and diverse alliance of human rights advocates, scholars, religious leaders, and politicians urges the Government and the Office of the Attorney General to drop the case against the ElHiblu3 and to immediately dismiss their trial.

The criminalisation of the *ElHiblu3* in Malta is yet another puzzle piece in a systematic attempt to oppress acts of solidarity and dissent at Europe's borders. While we witness how EU member states and institutions continue to break international law through violent push-backs as well as forms of non-assistance and abandonment, migrants trying to escape from inhumane conditions become criminalised.

Instead of being prosecuted, the *ElHiblu3* should be celebrated for their actions in preventing the return of 108 precarious lives to Libya. Their imprisonment and prosecution constitutes a deep injustice.

**Resisting illegal push-backs to Libya is not a crime.
Dismiss the trial in Malta immediately! Free the ElHiblu3!**

Judith Sunderland

Associate Europe and Central Asia
Director at Human Rights Watch

Karl Kopp

Director of European Affairs at Pro Asyl

Maria Pisani

Founder of Integra Foundation Malta,
Academic at University of Malta

Mussie Zerai

Eritrean Catholic Priest, Rome,
Chairman of Habeshia Agency

Nils Muižnieks

Director of Amnesty International
Europe Regional Office

Ramona Lenz

Spokesperson of Medico
International Foundation

Regine Psaila

Director of African Media
Association Malta

Sarah Mardini

Search-and-rescue swimmer,
Human Rights Activist

Sandro Mezzadra

Professor at University of
Bologna, Italy

Torsten Moritz

General Secretary of the Churches'
Commission for Migrants in Europe

Wolfgang Kaleck

General secretary of the European Center
for Constitutional and Human Rights