



Brussels, 1 August 2018

President of the European Council Mr Donald Tusk

Dear President Tusk,

The recent tragic developments in the Central Mediterranean show how now more than ever, the EU needs a successful and sustainable strategy on migration and asylum, based on the Member States' clear pledge to pursue the principle of common European responsibility and solidarity.

We are particularly concerned about the direct push-back of 108 migrants rescued by the Italian vessel *Asso Ventotto* on 30 July 2018 and immediately returned to Libya under the coordination of the Italian Coast Guard. We recall that this conduct blatantly violates the principle of non-refoulement and the prohibition of collective expulsions stemming from international and EU law.

This has been reaffirmed by the European Court of Human Rights in its landmark judgment of 23 February 2012 in the case of *Hirsi Jamaa et al. v. Italy*. The Court ruled on the extraterritorial application of the non-refoulement principle and found that Italy also violated the prohibition of collective expulsion when disembarking migrants to Libya without any form of examination of each applicant's individual circumstances.

As of today, 40 potential refugees stranded at sea for two weeks on board of the *SAROST 5* are most probably about to be disembarked to Tunisia. We urge the European Council to take a resolute stand regarding past and future blockades of vessels at the Central Mediterranean and to insist on disembarkation to a place where people's dignity and protection can be fully guaranteed.

We call on you to take action on these latest developments, and to urge Member States to stop illegal push-backs of migrants, to adopt joint solutions for a proper and dignified management of Search and Rescue in line with international and human rights law and to cooperate in line with the principles of solidarity and responsibility sharing.

Against this background, we also urge you to progress at Council level on the reform of the Dublin system along the lines of the position adopted by the European Parliament on 16 November 2017, in order to formalise the principle according to which those who disembark in a Member State disembark in Europe, and accompany it with a permanent and automatic mechanism of allocation among all Member States based on a fair allocation key.

Yours sincerely,

Ska Keller

Philippe Lamberts

Co-Presidents
Greens/EFA Group in the European Parliament