



End EU Crimes with Impunity and Build a Global Pact of Solidarity

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The Public Forum (online) in Berlin, on December 16th 2020, marked a milestone in the journey of relentless accumulation of European crimes with impunity perpetrated against migrant and refugee peoples on the move. This journey started in Barcelona in 2017, travelled for three years through Palermo, Paris, Barcelona, London, Brussels and Berlin in a series of Public Hearings - the 45th Session of the Permanent Peoples Tribunal (PPT).

The unique and expert witness and voice of those who survived the crimes (captured in verbal, audio and photographic evidence) has risen above the deafening silence of the mass media and the policy spin doctors. These voices have been amplified by other expert witnesses – from international human rights defenders - daring sea-rescue crews, ships’ captains, doctors, farmers, women and youth, neighbours and citizens who have rejected the criminalisation of mobility and solidarity. But this is only the middle stage of a journey for the affected peoples that began in Syria, Senegal, Eritrea, Pakistan or Afghanistan or other parts of the global south – and has ended in Moria in Lesbos, or in the hundreds of ‘hot-spot’ detention camps dotting the sometimes isolated countryside of Europe or sometimes in high security facilities at airports more convenient for deportation.

Systemic Crime and continuing genocide

What has emerged across the journeys and chronicles was already underlined in 2017 in Palermo as “systemic crime”: a juridical category which is included in the statute of the PPT as an indicator of higher criminal severity. The PPT submits to the attention of the civil society, as well as to the representatives of national and international law, that what happens is the product of a necropolitics. In addition, there is the gravity of a lack of instruments to address the criminal accountability of these policies as well as to address the impunity for a crime which is truly an ongoing genocide. This reality is visible, explicitly planned and confirmed, as it has become, incredibly very clear in the September 2020 EU Pact on Migration and Asylum which is specifically and extensively taken into consideration in the Judgment of the Berlin Hearing.

The Berlin Judgement, and the other judgements of the PPT are conceived as instruments of conscience and struggle for all those peoples, movements, and organisations who are fully and intensely aware that all humans are, by definition, subjects of the human right to move, and to be citizen of all places where the right to life and dignity is respected.

The Public Hearings along the journeys, have ensured that many have become aware of the *acceleration* of the structural, systematic and repeated crimes against migrant and refugee peoples, on externalized and internal EU borders, as the Balkan case is blatantly demonstrating with push-backs and the practice of torture in the heart of Europe. The evidence gathered in the 45th Session has fully established the lethal combination of the deliberate policies *not to save lives or to prevent them from being saved*. European authorities have also used the Covid-19 pandemic to further justify and expand the already existing border policies by the withdrawal of European States’ rescue assets, practice of non-assistance

at sea, mass detention, and forced return of survivors back to unsafe third countries, such as Libya - a place of war, torture, and rape.

This grounded and unique documentation and evidence strongly establishes and makes visible the practices and impacts of the crimes of impunity of the European Commission and the Member States of the EU, and exposes the cynical positioning of the EU Pact in its attempts to legitimize and normalise the practice of necropolitics.

A Global Pact of Solidarity for the Rights of Migrant and Refugee Peoples

However, the journeys of this 45th Session of the PPT have also resulted in a strong rejection of the EU Pact of necropolitics and has led to a Call to build a Global Pact of Solidarity. New practices of solidarity are being intensified - between migrant and refugee peoples and together with citizens. Indeed the Global Pact of Solidarity has been forged from common struggles: as “essential workers” daily subjected to inhuman working conditions additionally aggravated with the devastating impacts of COVID-19; community based struggles against racism and islamophobia; resistance to the privileged corporate interests above the human need for universal access to health care and medicines; a shared analysis of the continuing impoverishment and extractivism of strategic resources from the global south, war and the threat of climate and planetary collapse.

The Global Pact of Solidarity for the Rights of Migrant and Refugee Peoples is therefore presented as the beginning of a new journey – to defend and reclaim our common humanity – that to be a human being is to be able to live a life distinguished by human rights.

The building of the Global Pact of Solidarity is also a challenge to:

- defend the primacy of human rights over the interests of states and the profits of TNCs, in order to promote public policies that defend the right to migrate as enshrined in Article 13 of the UN Declaration and the political, economic, social and cultural rights of migrants and refugees, recognised in other international instruments, countering the attack that the 2018 (Marrakesh) Global Compacts on Migrants and Refugees and the New EU Compact represent.
- promote the broad dissemination of the challenges of the Global Pact of Solidarity raising awareness and mobilization and achieving advances in gaining the rights of people. And for this we need to build unity of action, in a convergence of struggles, which integrates our diversity of organizations, specific goals, and strategies.
- advance with our proposal for a Global Compact of Solidarity at the international level (UN, FAO, WHO, IMO, etc.), at the regional level (EU, OAS, AU, etc.) and at the territorial, state, and the municipal as well as to use it as an instrument of organization and struggle in our daily actions. To do so, we need to specify the principles of the Pact in specific proposals in the face of concrete situations.
- continue in Europe in 2021 with the PPT process (working now in the contexts in the Maghreb and Africa), the dissemination of demands and support for concrete struggles: close the Camps, achieve Papers for all, open the Borders; engage in the European Social Forum/Migration in Lisbon and in the Asia Europe People’s Forum (AEPF), participate in the Caravan(s) Opening Borders, and in the Platform for Exchange between trade unions, peasant organizations, consumers , environment, migrant and refugee, women and youth organisations.

To Migrate and to Seek Refugee is not a Crime! It is a Human Right!

Working Group/Mobilisation - the 45th Session of the PPT