

# Cour Internationale de Justice (Preuves)

## Proof 1: Externalisation of Immigration Management through Agreements with Third Countries

Type of proof: Agreements with third countries

The European Union makes agreements with transit and origin countries to manage migration flows before migrants reach EU territory. More precisely, this strategy aims at preventing the departure of migrants toward the EU, stopping migrants in transit countries, and facilitating returns and readmissions. In this way, the EU shifts aspects of migration control beyond its own borders by cooperating with non-EU countries, which may not be signatories to the 1951 Geneva Convention. For instance, in the Italo-Libyan agreements case, the European Court of Human Rights ruled that Italy violated the principle of non-refoulement by funding and equipping the Libyan Coast Guard to intercept migrants at sea and return them to Libya without assessing their asylum claims individually. This can be considered collective expulsion (i.e., when groups are returned without individual assessment), which is prohibited by international law and the European Convention on Human Rights. Moreover, the right to seek asylum is not respected either, as externalisation prevents migrants from even reaching EU territory, meaning they cannot lodge asylum applications.

The issue here is that, by doing this, the EU attempts to relieve itself of responsibility and endangers migrants and asylum seekers by devolving their protection into the hands of countries that often do not guarantee or respect it. Indeed, this strategy is highly hypocritical, as it allows the EU and its Member States to formally comply with the Geneva Convention and the European Convention on Human Rights while funding and equipping third-country forces that physically carry out interceptions, thereby creating accountability gaps. Can a state avoid its human rights obligations by preventing migrants from ever reaching its territory? Furthermore, if they are returned to a place where they face persecution, torture, or other serious human rights violations, wouldn't that mean that the principle of non-refoulement is not being respected? In particular, we are referring to risks such as arbitrary detention, torture, sexual violence, enslavement, and extortion. Nigeria stands firmly with Senegal and Gambia in their decision to report this clear misconduct by the EU.

Source: NGO CN.CD-11.11.11 and Council of Europe (Commissioner for Human Rights)

## Proof 2: The Hotspots Approach Can Lead to Violations of Refugee and Migrant Rights

Type of proof: Report on the hotspots approach

The "hotspot approach" was introduced by the European Commission in 2015 to support frontline EU countries facing high arrivals. Designed for the rapid identification, registration, and fingerprinting of new arrivals, these centers (mainly in Italy and Greece) serve as initial reception facilities to manage migration flows from the Mediterranean. Europe's Dublin Regulation, under which countries can return asylum seekers to the first EU country they entered, relies on fingerprinting to identify who arrived where. Prior to mid-2015, Italy had limited success in obtaining fingerprints from people who refused because they wanted to claim asylum in other countries. Therefore, the EU implemented a new approach and imposed a 100% fingerprinting target, including recommending the use of force where necessary to obtain them. Meeting this target has pushed Italian authorities beyond the limits of what is permissible under international human rights law. Amnesty International has received consistent accounts of violent methods used by the Italian police to obtain fingerprints, including allegations of beatings, electric shocks, and sexual humiliation. Furthermore, migrant hotspots face issues such as overcrowding, inadequate sanitation, and poor living conditions, frequently violating fundamental rights. These sites often trap individuals in inhumane and dangerous environments for months, leading to mental health crises, violence, and limited access to asylum procedures.

This proof is directly linked to the case, as immigration hotspots are part of the European Union's migration and asylum management system. While their goal is to quickly register individuals, assess their situation, and decide the next legal step, they can sometimes, in practice, be compared to detention centers, especially due to restrictions on movement. Finally, in addition to the deprivation of liberty, individuals are subjected to poor or even inhumane living conditions due to overcrowding.

Source: Amnesty International

### Proof 3: Greece's Systematic Pushback Practice

Type of proof: Report on migrant pushbacks by Greek Coast Guards

By analysing hundreds of photos and videos, ARTE has gathered sufficient evidence regarding pushbacks in the Aegean Sea. Indeed, they reveal that migrants arriving on European soil were turned away in large numbers by Greece (including women and children). This practice is forbidden and endangers migrants and potential asylum seekers. It is crucial to remember that every person arriving on European soil has the right to apply for asylum. However, they are not given the opportunity to do so. This research focuses on a particular case: migrants who arrived on the Greek island of Farmakonisi, where Greek coast guards appeared to come to their rescue. Instead, they were found a few hours later in Turkish waters, where they had originally come from, by the Turkish coast guard. They were victims of a pushback. In fact, the Turkish coast guard claims that there have been more than one hundred pushbacks since 2020.

This evidence is related to the case in that, although the pushback practice violates European law — which guarantees the right to asylum and prohibits collective expulsions — it is clearly an ongoing practice in reality. It is unacceptable to allow systematic pushbacks to continue, as they result in people being returned to places where they may be at risk of serious human rights abuses. Authorities must ensure that individuals are only returned after a proper assessment of the risks they would face, and that no one is sent back to a place where they could face persecution, torture, or other serious human rights violations.

Source: ARTE

### Proof 4: Aggressive Digital Deterrence Campaigns

Type of proof: Migration deterrence campaigns

The Belgian Minister of Asylum and Migration, Anneleen Van Bossuyt, launched dissuasion campaigns in March 2025 that directly disseminate deterrence messages to discourage potential asylum seekers. By setting up a new WhatsApp channel called "Belgian Migration Office," the Immigration Office provided information about "the strictest asylum and migration policy ever" and targeted deterrent messages. In addition, the first YouTube campaigns have also been launched, targeting both transit countries and countries of origin with the message that Belgium's reception system is full.

This proof is directly linked to the case, as it illustrates an EU Member State's aim to discourage people from exercising their legal right to apply for protection, potentially violating the 1951 United Nations Refugee Convention and Article 18 of the EU Charter of Fundamental Rights, which states that everyone has the right to seek asylum.